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SENATE—*Monday, December 28, 1970*

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, as the shepherds of old returned from the manger-crib and the star-guided night "glorifying and praising God for all the things that they had seen and heard," so may we return to our tasks with lives illumined by the poetry, the mystery, and the wisdom of Christmas. Spare us from life on the lower levels, but keep our focus upon the things above. When the road is hard and the sky is starless, still lead us by a heavenly illumination.

Deliver us, O Lord, from the temptation to self-will when we need to discover Thy will. Emancipate us now from any sense of frustration, futility, or impotence. In the spirit of the reconciling Lord of Life, enable Thy servants here to complete their labors for the welfare of the people and the advancement of Thy kingdom.

May the spirit of Him who was born to be king of the moral and spiritual realm reign in this Chamber and rule over the Nation.

We pray in His name. Amen.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of December 22, 1970, the Secretary of the Senate, on December 23, 1970, received the following message from the House of Representatives:

That the House had passed, without amendment, the bill (S. 2984) to permit certain Federal employment to be counted toward retirement.

That the House had severally agreed to the amendment of the Senate to the following bills of the House:

H.R. 4605. An act to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception;

H.R. 7311. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes; and

H.R. 10517. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes.

That the House had agreed to the amendments of the Senate to the bill (H.R. 16745) to exempt shrimp vessels from the duty imposed on repairs made to, and repair parts and equipment purchased for, U.S. vessels in foreign countries, and for other purposes.

That the House had agreed to the amendment of the Senate to the bill (H.R. 17068) to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond, with an amendment, in which it requested the concurrence of the Senate; and that the House had concurred in the amendment of the Senate to the title of the bill.

That the House insisted on its disagreement to the amendments of the Senate to the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes; that the House insisted on its amendments to the amendments of the Senate numbered 6, 17, and 24 to the bill; agreed to the further conference asked by the Senate, and that Mr. PASSMAN, Mr. NATCHER, Mrs. HANSEN of Washington, Mr. COHELAN, Mr. LONG of Maryland, Mr. MCFALL, Mr. MAHON, Mr. SHRIVER, Mr. CONTE, Mrs. REID of Illinois, Mr. RIEGLE, and Mr. BOW were appointed managers on the part of the House at the further conference.

That the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes.

That the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes.

That the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 6, 7, 9, 10, 12, 13, 18, 27, 34, 45, 48, 50, 52, 59, 60, 61, and 81 to the bill, and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 8, 11, 16, 22, 29, 44, 53, 58, 62, 71, and 84 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate; and that the Houses insisted on its disagreement to the amendment of the Senate numbered 15 to the bill.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, on December 23, 1970, and they were signed by the Vice President on December 24, 1970:

S. 11. An act to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government and State and local governments, and for other purposes;

S. 2984. An act to permit certain Federal employment to be counted toward retirement;

H.R. 7311. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes;

H.R. 14645. An act to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President, and to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes;

H.R. 17473. An act to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, and for other purposes;

H.R. 17901. An act to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit;

H.R. 18306. An act to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes;

H.R. 19333. An act to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges;

H.R. 19857. An act to name certain Federal buildings;

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H.R. 19885. An act to provide additional revenue for the District of Columbia, and for other purposes;

H.R. 19911. An act to provide additional foreign assistance authorizations, and for other purposes; and

H.J. Res. 1420. Joint resolution authorizing the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives, to accept and wear the Cavaliere di Gran Croce, of the Order Al Merito della Repubblica, an award conferred by the Government of the Republic of Italy.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On December 22, 1970:

S. 3431. An act to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors.

On December 24, 1970:

S. 368. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes;

S. 528. An act to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservoir;

S. 1079. An act consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party, making certain reservations on behalf of the United States, and for related purposes;

S. 1100. An act to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program;

S. 1499. An act to name the authorized lock and dam number 17 on the Verdigris River in Oklahoma for the Chouteau family;

S. 1500. An act to name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham;

S. 2108. An act to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes;

S. 2336. An act relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia;

S. 3070. An act to encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest;

S. 3192. An act to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock;

S. 3479. An act to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands;

S. 3785. An act to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power; and to further amend certain educational sections of title 38, United States Code;

S. 4083. An act to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes;

S. 4557. An act to amend Public Law 91–273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

S.J. Res. 236. Joint resolution authorizing the preparation and printing of a revised edition of the Constitution of the United States of America—analysis and interpretation, of decennial revised editions thereof, and of biennial cumulative supplements to such revised editions.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, December 22, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the call of the legislative calendar, under the rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the conclusion of the period set aside for paying tributes to the distinguished Senator from Ohio (Mr. YOUNG), there be a brief period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ASSISTANCE TO SCHOOL DISTRICTS

Mr. KENNEDY. Mr. President, I ask unanimous consent for the second reading of H.R. 19446.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate H.R. 19446, which the clerk will read the second time.

The ASSISTANT LEGISLATIVE CLERK. H.R. 19446, to assist school districts to meet special problems incident to desegregration, and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes.

Mr. SCOTT. Mr. President, I object to any further consideration after the second reading of this bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MONDALE. Mr. President, will the Senator from Pennsylvania yield?

Mr. ALLEN. Mr. President, I object.

Mr. SCOTT. Mr. President, I reserve the right to object.

The ACTING PRESIDENT pro tempore. Under rule XIV, objection having been heard to further proceedings on the bill at this time, the bill will be placed on the Calendar.

Mr. MONDALE. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. MONDALE. Mr. President, permit me to say to the distinguished minority leader that I believe a faster and more responsible action could be taken on this measure, and might even present a hope for its adoption, if it could be referred to the Committee on Labor and Public Welfare at this time.

It was received by the Senate last Tuesday. We had scheduled a meeting of the full committee to act upon the recommendations of the Education Subcommittee that afternoon. Because of the objection, that meeting was canceled. I wish the minority leader to know that the Education Subcommittee, under the chairmanship of the Senator from Rhode Island (Mr. PELL), held extensive hearings on this proposal, and the Equal Education Committee, which I am privileged to chair, also held wide and broad hearings on the proposal. The Education Subcommittee has spent considerable time marking up the measure. It has recommended a specific measure which is now before the full committee.

It would seem to me that the most responsible way to handle this matter and the one way which seemed to me would offer hope for this measure in this session, would be to refer it to the Committee on Labor and Public Welfare which is anxious to deal with it.

I wish the minority leader to know, and the administration to know, that I have cooperated fully and intend to cooperate fully in that effort. I find that there are many aspects of the House bill that I cannot agree with and which are in conflict with the measure reported by the Senate Education Subcommittee. It would seem to me that a quick referral to the Committee on Labor and Public Welfare might be the most hopeful way to proceed.

Mr. SCOTT. I thank the distinguished Senator from Minnesota. I am sure he knows that he and I share precisely the same objectives in this matter; namely, to provide funds for the desegregation of the schools. Our views on this subject have been many times similarly expressed. But this motion, at this time,

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is made for various considerations—some of them technical and parliamentary. I would hope that the Senator from Minnesota and I and others could discuss it, to see whether action would be better expedited by referring it to the committee, or whether I would have to maintain the same position I have taken here.

The bill from the other body is, in my opinion, in many ways an imperfect piece of legislation. I am not sure what will come out of the Senate committee but I would presume something like the Senate version of the bill. I would rather get three-fourths of a loaf of bread here than no bread at all. But certainly we should try to find a way to come to an accord on it.

Mr. MONDALE. If the Senator will yield further, the distinguished chairman of the Education Subcommittee, the Senator from Texas (Mr. YARBOROUGH), is in the Chamber and has tried very hard to accommodate the administration to get this measure passed at this session of Congress. We have held several intensive executive sessions by the subcommittee in order to be prepared, in the event the House adopted the measure. The subcommittee of the Senate made its recommendations of a full proposal which is before the full committee and I know the chairman of the subcommittee and the chairman of the full committee are very anxious to act on this and report it back to the committee. Unfortunately, as long as it remains blocked at the desk in line with existing differences, I think that the strategy imperils any action on that measure in this session.

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Mr. SCOTT. I hope that this is not the case because the great objective is to get the funds to the schools. Therefore, I would be delighted to discuss it further with the Senator and others to see whether my obligation to the Senate could be met in the way it has been suggested. At the moment, I am obliged to do this. I am sure that the Senator knows why I have to do it. Let us hope that we can achieve what we are trying to get at, which is to get money to the schools, which the President is very anxious to have done.

Mr. KENNEDY. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. KENNEDY. I would like to associate myself with the remarks of the distinguished Senator from Minnesota. As a member of the Education Subcommittee I participated in its deliberations. A great deal of time has been given to many of these needs. I see the distinguished Senator from New York (Mr. JAVITS) in the Chamber, who has also been extremely active on this subject.

Mr. President, the Senator from Minnesota has borne a very heavy responsibility in chairing extensive hearings on this whole matter, and he considers this obligation seriously. He has taken a very responsible and thoughtful attitude on the matter. As a member of the committee with legislative jurisdiction, and knowing the frequent meetings and deliberations that have been held, I must say that I agree with the Senator from Minnesota, and I want to identify myself with his reasoning and logic as the best way to proceed to consider the legislation.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, I think that in the last days of the session, the minority leader has tried the only thing which could possibly raise the issue. I appreciate the solicitude of the White House about the matter. It is one of the really fine initiatives of the President. It is rather sad that it has come to this pass.

It is a fact that we should try to build upon the House's approval of the bill. It is a fact that our subcommittee—and I associate myself solidly with this work—has come up with a bill which has somewhat of a different concept in part and in part goes very much with the House bill. The other concept is the concept of excellence in schools as being a way out of the dilemma.

I would like to submit this suggestion publicly to the minority leader because I think it is important. In view of the fact that we wanted the best bill we could secure, and in view of the complaints made in open hearings about how some of the money we appropriated was spent—and it was I who fought for this money along with the Senator from Minnesota, and the House and Senate went along—we thought that further interim financing with very careful administration in consulation with the chairman of the subcommittee, the Senator from Massachusetts, and the chairman of the full committee, the Senator from Texas, would be the best plan.

I thought it had a certain appeal to the White House.

I would like publicly—because it is something we want everyone to know about—to suggest that the way to resolve this dilemma would be by having a provision for $100 million to take us into the first couple of months of next year, knowing that a better job of administration will be done than has been done.

This should be a matter of deep concern to those Members who are interested in the basic proposal.

I hope that a better job can be done on this very profound and substantive question involving the best way in which to use the $1.5 billion provided by this bill.

We should wrestle with this matter. We might succeed in affecting some compromise so that this initiative and ingenuity will not be suffocated. This matter is important. I submit this possibility to the Senator.

Mr. SCOTT. Mr. President, I appreciate the very helpful suggestion of the distinguished senior Senator from New York. The reason for the present action is primarily the concern that an entirely different measure might be considered. If this bill were to be sent to committee, an entirely different measure might emerge. That would make it extremely difficult for any action in this session.

I want action and I want action on part of this if we cannot get it all. It may be that such perfecting language could be worked out on top of the House bill that we could possibly come to some solution which is agreeable to the administration. And here I speak for the administration.

I would like very much to see this done, because they want the funds and they want the funds under adequate provision to enable them properly to implement the funds.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. ALLEN. Mr. President, I would like to ask the distinguished Senator from Pennsylvania if it will not be possible for the Senate committee to use the same bill that it has within its breast as a vehicle for holding hearings and coming up with the suggestions that they wish to make and then possibly offering that bill as a substitute to the House bill when it comes up.

As I understand the action that the Senator from Pennsylvania has taken in objecting to further proceedings on the bill, the bill would automatically go to the calendar. Could hearings not be held on the Senate bill and thereby no time be lost?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. JAVITS. Mr. President, the difficulty with that situation is that hearings have been held on the Senate bill. The Senate bill has been reported from the subcommittee to the full committee. It could be reported from the full committee. It could indeed be made a substitute.

We are concerned that in the last days of the session we will have another welfare bill, another trade bill, another medicare bill on the calendar.

This is a very critically important and very complex subject. If we add this matter we might as well forget about any action in this session.

I, therefore, suggest this further possibility as an alternative. Personally, I think that the Senator from Pennsylvania has chosen the right way to raise this issue to try to reach some constructive solution to the problem in the next few days by putting this bill on the calendar.

We have our bill in the committee. Then we can confer in the hope of getting somewhere.

The Senator's suggestion is a proper one. That could be done. The committee could report the whole bill or part of it and that bill could be offered as a substitute.

The other suggestion is the possibility of reporting the measure with a short limitation, as little as 24 hours. That I believe is also possible under the rule.

UNANIMOUS-CONSENT AGREEMENT

Mr. KENNEDY. Mr. President, under the previous order, the period of 1 hour was allocated to the paying of tributes to the distinguished Senator from Ohio.

I ask unanimous consent that 10 additional minutes be provided for the discussion of this matter and that at the end of that time the Senator proceed in accordance with the previous order and that none of this time be charged against the time allocated for paying tributes to the Senator from Ohio.

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The **ACTING PRESIDENT** pro tempore. The Senator will state it.

Mr. ALLEN. Mr. President, as I understand the situation, objection has been made to the further consideration of the bill at this time and the Chair has ordered the bill to be placed on the calendar.

The **ACTING PRESIDENT** pro tempore. The Senator is correct.

Mr. ALLEN. The colloquy taking place will not in any sense affect the status of the bill, it having already gone to the calendar.

The **ACTING PRESIDENT** pro tempore. The Senator is correct.

Is there objection to the unanimous-consent request of the Senator from Massachusetts?

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The **ACTING PRESIDENT** pro tempore. The Senator will state it.

Mr. YARBOROUGH. Mr. President, what was the unanimous-consent request?

The **ACTING PRESIDENT** pro tempore. The unanimous-consent request was that there be an additional 10 minutes of discussion of this matter and that then the Senator turn to the special order for 1 hour in which to pay tributes to the Senator from Ohio, and that the time not be charged against the time for tributes to the Senator from Ohio.

Is there objection to the unanimous consent request?

The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, we have the House bill before us. If this went to committee, all we would get out of it is the Senate bill. By this particular move, we may get a compromise, and that is the reason for my action.

I yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, the Senator from Pennsylvania indicated he might be willing to make a motion to refer the matter to the Committee on Labor and Public Welfare with instructions to report it back within 24 hours. He does not need to give instructions for our committee to act.

Our committee has laid on the desks of Senators the great manpower training bill, which was vetoed by the President, and the occupational health and safety bill, which was designed to protect 80 million workers in America. That bill is languishing at the White House. Hopefully there will be a signature on that bill shortly. We also reported the family practice of medicine bill to meet the shortage of 50,000 doctors. That bill has been given a pocket veto.

Our committee does not need a time limitation because we could have a bill back here, Mr. President, before you had time to comb your hair. I am also a member of the subcommittee which is involved. We act expeditiously and I say again we do not need a time limitation.

In the manpower training bill, day after day I went to committee meetings as the chairman, but I could not get a quorum. For 2 days I sat there from 10 a.m. until 11:45 a.m., but we could not get a quorum. Finally, we were able to get the legislation out and most of it is on the books. There have been 14 medical bills to help the American people, including the one where we had to override a presidential veto on the $2.75 billion hospital bill.

Mr. President, give us a chance, and we will get action.

Mr. SCOTT. All I could say nunc pro tunc is that this could have been done months ago. Mr. President, I will suggest to the Office of Health, Education, and Welfare that they consult with interested members of the Committee on Labor and Public Welfare and perhaps some adjustment may come out of this matter.

I yield the floor.

DEATH OF REPRESENTATIVE L. MENDEL RIVERS

Mr. THURMOND. Mr. President, I deeply regret to announce to the Senate the passing of the distinguished chairman of the House Armed Services Committee, the Honorable L. MENDEL RIVERS of the First District of South Carolina.

Upon hearing of his death this morning, I issued the following statement:

> The passing today of Congressman L. Mendel Rivers is a national tragedy. The whole Nation mourns his death. The people of South Carolina, and especially those in his district, have suffered a great loss.
>
> No man in America, including our Presidents, has done more for our national defense than Mendel Rivers. He has stood watch for these past three decades at the frontiers of our national security. His accomplishments were great, and our Nation is poorer by reason of his death.
>
> Mendel and I were close friends, and I feel a deep personal loss in his passing. He was a devoted husband and worthy father, and his beloved wife and children have my heartfelt sympathy.

Mr. President, in a day when our Defense Establishment is under attack from all sides, we desperately need more men of the caliber, dedication, and determination of MENDEL RIVERS. He was a leader and a fighter. He was a champion of the man in uniform. The soldier, sailor, and airman knew they had a friend in the Congress who would see that they received the best this country could provide. He was truly the minuteman of the 20th century. He was the Mark Twain of the Congress, the Paul Revere of our Defense Establishment, and the John Paul Jones of our 20th-century Navy. He died without satisfying one of his fiercest convictions—that of modernizing the American Navy. I hope and pray that the Congress, as a memorial to this truly unique man, will build a modern navy in the decade of the seventies. This was his goal; let us make it our goal.

Mr. President, he faithfully followed the challenge laid down for us all by Daniel Webster who said:

> Let our object be our country, our whole country and nothing but our country.

His life style, his flamboyance, his wit, his intelligence, his personality were to be greatly admired. One of the rarest things a man ever does is do the best he can. MENDEL RIVERS always met that test.

Mr. President, I ask unanimous consent to have printed in the RECORD remarks that I made before the Capital chapter of the Air Force Association honoring L. MENDEL RIVERS at the Washington Hilton Hotel on August 12, 1970, the Vice President's speech at the Air Force Association luncheon, and a document entitled "Nixon Tribute," which was a tribute by President Nixon to Representative L. MENDEL RIVERS on that occasion.

There being no objection, the material was ordered to be printed in the RECORD as follows:

REMARKS BY SENATOR STROM THURMOND

Mr. Vice President, Chairman Rivers, President Schissell of the District Air Force Association, Members of the Senate and House Armed Services Committees, Distinguished Guests, Ladies and Gentlemen.

This is "Speedy" Strom, and I have come to hail *"Caesar."*

That is what my colleague, Senator Bill Fulbright, calls our distinguished guest of honor, and I kind of like it. What this country needs is more Caesars and fewer Chamberlains.

Last Monday when I thought I might need a lawyer to help with a traffic ticket, the first name that crossed my mind was Mendel Rivers—*symbol of power.*

Back during the first decade of this century in a community called Gumvil, South Carolina, situated in an area also known as Hell Hole Swamp, the man being honored here today began the great adventure called life.

It was not an easy life, for at the age of eight, his father passed away and responsibilities far beyond his years were thrust upon his shoulders. Before attending school each day he milked cows and delivered newspapers. This habit of being an early riser has carried over to his work in the Congress today.

This restlessness to get with the work at hand and get things done personally—has characterized a life of public service. He was elected to the House of Representatives of South Carolina in 1932, the same year I was elected a State Senator in that Body. This state-wide public service first brought us together and we have been good friends since that time.

One of the first impressions I received of our honored guest back in those early days was that he possessed a deep sense of loyalty. He was not only loyal to his friends but to any organization to which he belonged.

I recall an incident during our first year in the State Legislature. The City of Columbia, our capital city, gave a barbecue for the lawmakers, and the legislator with whom Mendel was rooming ate too much hash on this occasion. During the night he began to have nightmares and awoke shouting, "There are Robbers in the House. There are Robbers in the House!" Hardly awake, but preserving that keen sense of loyalty I have just mentioned, Mendel turned over and said, "Oh, no, there may be Robbers in the Senate, but not in the House."

It was in these early days in the South Carolina House of Representatives that Mendel first exhibited that immensity of energy, devotion to a cause, scorn for those who despaired, and an abiding faith in America—those qualities that have made Mendel's name a beacon of strength in these troubled times.

During that time, and to this day, he has been an admirer of another great South Carolinian, John C. Calhoun. He has lived by Calhoun's admonition: "The very essence of a free government consists of considering public office as a public trust, bestowed for the good of the country and not for the benefit of an individual."

He has also faithfully followed the challenge laid down for us all by Daniel Webster who said: "Let our object be our country, our whole country, and nothing but our country."

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Over the years I have worked with Mendel on many matters. During this time he has been a source of inspiration, of wisdom, and above all, of faith that right and justice firmly maintained will triumph. His life style, his flamboyance, his wit, his intelligence, his personality are all unique in the annals of American politics.

One of the rarest things a man ever does is to do the best he can. Chairman Rivers has always met that test. In my studied opinion, I can say that no man in America, including our Presidents, has done more for our national defense than L. Mendel Rivers.

This man has ably applied his qualities of leadership and determination to his role as Chairman of the Armed Services Committee of the U.S. House of Representatives. In this role, and before as a Committee member under the Chairmanship of Carl Vinson, he has clearly left his mark on our defense establishment. He has fought long for a modern Navy; he is the father of the unchallenged airlift capability of our Air Force; he has fought harder for increased pay of our servicemen than any previous Chairman; and he is a strong advocate of providing the most modern tools for our foot soldiers.

Many defense programs which have become reality were brought to fruition under his leadership. He championed the nuclear submarine when the Navy itself was full of doubters; he pushed forward with the C–130, the C–141 and the C–5A when the need for these aircraft was not recognized by many. He dedicated himself to a tremendous increase in the nation's military airlift capability; and today men and equipment can be quickly deployed anywhere in the world to aid our allies and preserve our national security.

The B–1 bomber, the Navy's all purpose F–14, the Air Force's F–15 superiority fighter, and the Marine's vertical takeoff fighter, the Harrier, have all received his special attention.

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All of these accomplishments, and many more, were possible because L. Mendel Rivers is a man of exceptional personal qualities. He is a man of courage, a man of action, and a true espouser of Americanism.

Mendel is also a devoted family man. His wife, Margaret, a dedicated and intelligent lady, who understands Communism even better than her husband, has shared with him the demands of high office. They have reared three handsome children: Two daughters, Margaret Middleton Eastman, the mother of their two grandchildren; Lois Marion Rivers, a ladies' fashion designer in London; and a son, L. Mendel Rivers, Jr., a Phi Beta Kappa student, who is now working on his law degree at Georgetown University.

I am pleased that the Capital Air Force Association has seen fit to recognize Mendel Rivers on this occasion. It is rare that a man is properly recognized in his own time. The accomplishments of my distinguished colleague from South Carolina are such that his name has already been inscribed across the nation and the world. His portrait hangs in the House Armed Services Committee Room, a rare tribute for a man who still sits in the Chairman's seat. A bronze bust has been erected in his honor by his hometown of Charleston. In North Charleston there is a Rivers Avenue and the Rivers Postal Annex. A high school in Altus, Oklahoma bears his name. In Vietnam there is Rivers Boulevard. There is also a Rivers Gate, Men-Rivers Park, and so-on.

A distinguished colleague, Rep. Philip J. Philbin of Massachusetts, has described Mendel Rivers as one who "never falters, never hesitates, never draws back, once he is sure he is right." It is that sense of duty—duty understood and faithfully discharged—which our Nation urgently needs in these tension filled times.

Some years ago, the title of a popular play summoned men to "Watch on the Rhine." It has been the singular achievement of L. Mendel Rivers to summon his fellow citizens for the past three decades to stand watch at the frontiers of national security on the land, on the sea, and in the air. The American people have reason to be grateful for his steadfast leadership.

America draws its real strength from men such as Mendel Rivers. The Poet Laureate of South Carolina, Archibald Rutledge, wrote a poem entitled "Our Land" which makes this point. He penned these words:

"We do not love our land because,
  Her might can mold all human fate.
Her power has its source in us.
  It is our love that makes her great."

The life of Chairman Rivers has been guided by a deep and abiding love for his country. His life brings to mind the words of the great Winston Churchill as recited recently by the Rev. Dr. Billy Graham: "Never give in!" But Dr. Graham did not complete the statement made by that wise, old British Statesman, and I offer it to you now, as it expresses better than I can, the philosophy of L. Mendel Rivers:

"Never give in! Never give in! Never, Never, Never, Never—in nothing great or small, large or petty. Never give in except to convictions of honor and good sense."

Ladies and gentlemen, that is the philosophy of a fighter. That is the philosophy of L. Mendel Rivers.

[From the Congressional Record, Aug. 12, 1970]

The Vice President's Speech at the Air Force Association Luncheon—Remarks by the Vice President

I am proud and honored to take part today in this salute to the distinguished and incomparable Chairman of the House Armed Services Committee, L. Mendel Rivers. From personal observation, I can say that he is hardly effete.

I commend all of you who have come here today to honor Chairman Rivers. I don't know how they got a hall big enough for the occasion, because if they just invited one representative of all of the organizations of which he is an honorary member, we could fill the biggest hotel in town. He is the only man I know who has an honorary degree from the International College of Dentistry.

I told him one time, "You're never going to practice dentisty on me."

And he replied, "That's all right. I'm never going to play golf with you."

But the Chairman and I do have a common interest in the press. In fact, we both have to stay in public office for the sake of the national economy. The country could not afford the unemployment that would result among columnists and editorial writers if Mr. Rivers and I both left Washington.

Before proceeding any further, I would like to lay to rest the ugly, vicious, dastardly rumor that he is trying to move the Pentagon piecemeal to South Carolina. I have been to Charleston several times, and I have had it clearly explained to me that the military facilities so evident in that area are a testament of Mendel Rivers' unselfish willingness to allow his own First District of South Carolina to accept in the national interest military installations which just had to be put someplace. If there are any parochial interests involved, at least they do not encourage the North Vietnamese to continue their fruitless aggression.

When the Navy was desperate to find some place to put a Polaris repair facility, I am told, Mendel Rivers stepped forth and graciously volunteered Charleston, South Carolina.

When the Air Force simply had to find a place to put some of its C–141 airlift airplanes, Mendel Rivers again volunteered his home area.

When a home port was needed for the Atlantic Mine Force, again he came forward. While other Congressmen were fighting behind the scenes to prevent Congressional committees from cluttering up their districts with military installations, Mendel Rivers refused to lift a finger to block the construction of additional facilities in Charleston.

Even when it looked like Charleston might sink into the sea from the burden, Mendel Rivers' patriotic response was: "I regret that I have but one Congressional district to give my country to—I mean to give to my country."

Now who can ask more of a Congressman than that?

On the serious side, the Chairman has even been credited by some commentators with getting the Navy shipyard established at Charleston and with having the Marine Corps Recruit Depot placed at Parris Island, South Carolina. I'm sure this doesn't bother him—especially around election time—but historically accuracy requires us to note that the Navy Shipyard was established in 1901, four years before Mendel Rivers was born. Parris Island was established in 1891, 14 years before he burst upon the southern scene. I have great faith in the Navy and the Marine Corps, but I don't think they were clairvoyant about the birth of the future Chairman of the House Armed Services Committee.

And in fairness to the Chairman, who has heard many jokes about his alleged aggressive attention to his home district, a check of the records will reveal that there are other congressional districts in the U.S. with more and larger facilities. The stories just read better when they're about a chairman. It is of such stuff that myths are made.

What is not a myth about this man we are honoring today is his deep sense of patriotism his sincere dedication to the national defense of this country. I know of no one who stands more firmly behind the need for a strong American defense establishment or who is more determined to see that the guard we now maintain will not be dropped.

This is particularly important at a time when we are disengaging from a war in Southeast Asia and attempting to adjust our defense budget to a peacetime economy without sacrificing the ability to meet our worldwide obligations. We *must* strike a reasonable balance of requirements for our national security, pressing domestic needs, and the tolerance of our taxpayers in shouldering both burdens The assistance of Mendel Rivers and those who follow his leadership in the Congress, is essential to the solution of this delicate problem.

Although the non-defense growth of our budget for the current fiscal year amounts to a 55 per cent increase since 1964—compared with a mere 7 per cent growth in the defense budget over 1964—there are sizeable and influential elements in both houses of Congress who feel we have not gone far enough in reordering priorities. Fortunately, we have leaders like Mendel Rivers in the House and John Stennis in the Senate who will stand with the Administration and declare, "That's as far as we go. America's security demands we do no less."

Mendel Rivers has worked tirelessly, since coming to the Congress in 1940 to make the world a more peaceful place. For example, he has supported every effort to get Communism out of Southeast Asia, to get Russia out of the Middle East, and to get Senator Fulbright out of Washington. Many of the defense problems his committee copes with result from policies that came out of the Senate Foreign Relations Committee.

Chairman Rivers is accused of being a hawk on Vietnam and he doesn't deny it. He is always referred to as the "powerful" chairman of the House Armed Services Committee. It's not an inappropriate adjective, but his committee members say he runs a democratic organization—with a small "d" of course.

Mr. Rivers is one who invariably watches the sunrise from his desk in the Rayburn Building, and, by the time he gets home in the evening, the lights are on.

As a committee chairman, he sometimes drives aircraft technicians crazy. Airplanes are his hobby and when the Chairman starts talking about engine designations, thrust, aerodynamics, ranges, speed, lift capability, and drag effects, the witnesses who appear before his committee quickly realize they had better know the facts. The air mobility of our Armed Forces today is a living memorial to the efforts of Mendel Rivers.

Mendel Rivers knows that legislation is the art of compromise, and we in the Nixon Administration have sometimes felt the pressure of his bargaining. He has been well trained. He traces his training to three great universities—the College of Charleston, the University of South Carolina, and Vinson College. He served on the House Armed Services Committee with the late Carl Vinson, along with a number of others who later achieved varying degrees of national prominence.

One of the names I recall is Lyndon Johnson, who was elected to a high office. At least, I think he was elected to high office. If I read a few more memoirs of Kennedy aides, I may find out he never existed at all.

One of the things that I admire so much about Mendel Rivers is his willingness to go to bat for the so-called Military-Industrial Complex. He has always had the courage to remind people that defense-oriented industry helped win World War II and that without it we would be in a real pickle today.

No man in Congress has done more to improve the Defense establishment and the people in it. Improved food, pay, clothing, shelter, medical care, promotions, equipment and bases have all received his personal attention. Every man in the armed forces is obligated to him for the automatic pay raises he receives.

Undoubtedly, of all the titles and honors he has received in a distinguished career, the one of which he is most proud is "Champion of the GI." And the GI's know he deserves it.

I will close with a true story that illustrates the point. Some of the troops returning from Vietnam recently under the Nixon Administration's withdrawal program were being interviewed.

"What did you pray for most when you were in Vietnam?" a young man was asked.

"I prayed that Mendel Rivers would live to be 150 years old because he is the one who really cares about us," said the GI.

Chairman Rivers, it sort of sums up a feeling of the 2,000 of us in this room. We salute you, Sir.

NIXON TRIBUTE

The Distinguished American Award presented to the Honorable L. Mendel Rivers by the National Capital Chapter of the Air Force Association of the United States represents a salute to a great American. By every word, deed and action Congressman Rivers has supported those protectors of America's traditions and freedom, the men of the Armed Services. Believing that the men and women of our military forces should be first class citizens, he has continually sponsored and supported legislation to improve their status as Americans. Extremely knowledgeable and continually interested in the importance of "balance of power" he has concerned himself foremost with the essential provisions of the Congress to continually enforce a constructive, modern Army, Navy and Air Force.

He has served more than 30 years on United States House of Representatives' Armed Services Committee, the last 6 years as its Chairman. Representing the First District, South Carolina since the 77th Congress (1940), he has continually taken a positive stand on the need for a strong defense for world freedom. It is fitting that the Honorable L. Mendel Rivers be honored with this first Distinguished American Award.

Mr. COOPER. Mr. President, I heard with sorrow the remarks of the distinguished Senator from South Carolina (Mr. THURMOND) announcing the death of Representative L. MENDEL RIVERS of South Carolina. I have known Representative RIVERS as a fellow member of the American delegation to the North Atlantic Treaty Parliamentarians Organization, now called the Atlantic Assembly. We served together on the Military Committee, he as vice chairman, and I as reporter, for 3 years. He rendered a great service to the committee.

The resolution adopted by the Atlantic Assembly this year calling upon European members to make larger contributions to NATO was drawn by Representative RIVERS. In past years, many similar resolutions had been adopted but Congressman RIVER's resolution was unique because it provided for a number of ways in which NATO countries could meet their obligations to NATO—by force increases, by contributions to infrastructure, and financial contributions.

Those meetings lasted from 1 week to 10 days. Congressman MENDEL RIVERS gave to those meetings the full scope of his powers, and he was uniformly helpful and curteous to all members of the delegation and to the members of the military committee from other countries. He was always thoughtful and considerate of his staff.

Congressman RIVERS was a fine Representative of South Carolina and of our country. He was a patriot who loved our country.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, on the passing of Representative L. MENDEL RIVERS, I wish to say I served with him in the House for years. I knew him very well. He was one of the delegates on a number of occasions to the North Atlantic Assembly, where I am chairman of the political committee.

He was a remarkable man; he was very much more conservative in his views than I am in mine, but he always had a lively and interesting mind.

I wish to join the Senator from South Carolina (Mr. THURMOND) and the Senator from Kentucky (Mr. COOPER) in extending my profound sympathy. He died at a young age, as things are today. His passing is a matter of sorrow to me, and I hope the things we say in this Chamber today and which will be said in the other Chamber will bring some solace to his family. He was a man who had much understanding and he had a warm personality.

Mr. SCOTT. Mr. President, I wish to join in these tributes. I shall say more later.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6742. An act to amend the Internal Revenue Code of 1954 to provide a longer period of time for disposition of certain assets in the case of regulated investment companies furnishing capital to development companies;

H.R. 7626. An act to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes;

H.R. 10875. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty;

H.R. 14995. An act to provide for the free entry of a carillon for the use of the University of California at Santa Barbara;

H.R. 17658. An act to provide floor stock refunds in the case of cement mixers;

H.R. 17917. An act to amend the Tax Reform Act of 1969;

H.R. 17984. An act to amend section 905 of the Tax Reform Act of 1969;

H.R. 18251. An act to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber;

H.R. 18693. An act to amend section 165 (i) of the Internal Revenue Code of 1954;

H.R. 19113. An act to provide for the free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind.;

H.R. 19242. An act to amend section 278 of the Internal Revenue Code of 1954 to extend its applications from citrus groves to almond groves;

H.R. 19369. An act to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities;

H.R. 19391. An act to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs recisions;

H.R. 19470. An act to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic insofar as they apply to smaller institutions;

H.R. 19526. An act to eliminate the duty on natural rubber containing fillers, extenders, pigments, or rubber-processing chemicals;

H.R. 19562. An act to amend the Internal Revenue Code of 1954 with respect to certain statutory mergers;

H.R. 19566. An act relating to the interest rate under the Renegotiation Act of 1951;

H.R. 19670. An act to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973;

H.R. 19686. An act to amend section 367 of the Internal Revenue Code of 1954;

H.R. 19774. An act to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return;

H.R. 19881. An act, consolidated returns of life insurance companies;

H.R. 19915. An act to make permanent the existing temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance; and

H.R. 19953. An act to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

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The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 797) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4605, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 6742. An act to amend the Internal Revenue Code of 1954 to provide a longer period of time for disposition of certain assets in the case of regulated investment companies furnishing capital to development companies;

H.R. 7626. An act to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes;

H.R. 10875. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty;

H.R. 14995. An act to provide for the free entry of a carillon for the use of the University of California at Santa Barbara;

H.R. 17658. An act to provide floor stock refunds in the case of cement mixers;

H.R. 17917. An act to amend the Tax Reform Act of 1969;

H.R. 17984. An act to amend section 905 of the Tax Reform Act of 1969;

H.R. 18251. An act to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber;

H.R. 18693. An act to amend section 165 (i) of the Internal Revenue Code of 1954;

H.R. 19113. An act to provide for the free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind.;

H.R. 19242. An act to amend section 278 of the Internal Revenue Code of 1954 to extend its applications from citrus groves to almond groves;

H.R. 19369. An act to amend section 165 (g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities;

H.R. 19391. An act to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions;

H.R. 19470. An act to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic insofar as they apply to smaller institutions;

H.R. 19526. An act to eliminate the duty on natural rubber containing fillers, extenders, pigments, or rubber-processing chemicals;

H.R. 19562. An act to amend the Internal Revenue Code of 1954 with respect to certain statutory mergers;

H.R. 19566. An act relating to the interest rate under the Renegotiation Act of 1951;

H.R. 19670. An act to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973;

H.R. 19686. An act to amend section 367 of the Internal Revenue Code of 1954;

H.R. 19774. An act to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return; and

H.R. 19881. An act, consolidated returns of life insurance companies; and

H.R. 19915. An act to make permanent the existing temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance; to the Committee on Finance.

H.R. 19953. An act to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes; placed on the calendar.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, 1 hour is set aside for tributes to the Senator from Ohio (Mr. YOUNG).

TRIBUTES TO SENATOR YOUNG OF OHIO

Mr. KENNEDY. Mr. President, this day marks the beginning of the last week of service to the U.S. Senate of STEPHEN YOUNG. When this man from Ohio leaves the Senate floor, we will lose a free spirit, a voice of total independence, a man who said the things that had to be said. He spoke not when the time was expedient, not when the theme would be most acceptable, but in the tradition of men from Ohio, he spoke when it was right.

It has often been observed that the history of the strength of this Nation consists partly in our good fortune in having the right men in the right place at the right time. STEPHEN YOUNG came to the Senate shortly before the beginning of a most tumultuous decade. It was during the 1960's that we came close to a great division among our people—division among the races, but especially division among men of good will over an ill-fated war. During the years of that decade, not many men spoke out, a few perhaps because they lacked courage, but most because they failed to foresee the tragic end results of our policies.

This cannot be said of STEPHEN YOUNG. For sometime, his was a lone voice in this Chamber speaking against the war. Along with his beloved colleague, Wayne Morse, he spoke day in and day out to bring the folly of the action in Southeast Asia to our attention and to the attention of the country.

Now most men agree with STEPHEN YOUNG, now most say the things he long said about the war, about the priorities of our Nation, about equity and justice for all. We are indebted to STEPHEN YOUNG for that—and he should leave this Chamber with that knowledge.

When John Kennedy campaigned for the Presidency in Ohio with STEPHEN YOUNG at his side, he said:

> You cannot be a citizen of Ohio, you cannot be a citizen of the United States, without realizing that this state and this country is going to have to do better.

Our colleague, STEPHEN YOUNG lived with that realization—it was the motivating force in his public life. That force, that dedication, the strength of that voice will be missed in the U.S. Senate.

Mr. CANNON. Mr. President, I rise at this time to pay tribute to one of my closest friends in the Senate, the senior Senator from Ohio, STEPHEN M. YOUNG. It has been my privilege to be intimately associated with the Senator from Ohio for some 12 years here in the Senate. We were both elected to the Senate in 1958 and entered the Senate together, and my respect and admiration have grown steadily since that time. Having served with Senator YOUNG on the Armed Services Committee and the Aeronautical and Space Sciences Committee, I know first hand of his hard work and great dedication to committee assignments.

Senator YOUNG has worked long hours in the Senate, often taking home a bulging briefcase. He has always been involved in the issues that are of vital concern to the people of Ohio and the country. Be it the war in Vietnam or campus violence in Ohio, Senator YOUNG has always taken an active and effective part in debate and legislative proposals. The Senator's conception of what is best for our country has changed throughout his 20 years of service in the Congress. I know that he feels change is essential and would be the first to admit that some of his earlier opinions do not stand up today. This kind of flexibility, often in the face of conflicting pressures from his Ohio constituency, has been respected by all, for no one has ever doubted his devotion and love to this country.

We have certainly disagreed, but we have never been disagreeable to each other. The Senator's delightful and lively wit will certainly be missed here. In a personal sense, his retirement will be a great loss to me. I shall miss him very much on the Senate floor and in our committee deliberations. As life goes on and we grow older, we develop a keener sense of friends whom we trust and love. STEPHEN YOUNG is such a friend. I want to wish the Senator and his wife, Rachel, and their charming daughter, Soon-Hie, continued success and happiness as they embark upon another new and rewarding experience.

I ask unanimous consent that an article by Frank Kane of the Blade Washington bureau be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Blade, Dec. 6, 1970]

POSTSCRIPT FOR SENATOR YOUNG—PEPPERY OHIOAN PRODUCED A PICTURESQUE CAREER

(By Frank Kane)

WASHINGTON.—"I said to myself that I'm going to walk out of here with my regimentals still on, my back straight, and my head up. I've seen too many of them go out of here defeated."

Stephen M. Young of Ohio, with 20 years of service in Congress, including 12 in the U.S. Senate, plans to do just that in a few weeks—leave the Senate undefeated, with his head high.

There is no doubt that Ohio and the Senate will miss him, for this peppery little man has never been afraid to take a stand and announce it loudly, sometimes in blistering language. On the eve of his retirement from the Senate, at age 81, he is still perennially young at heart.

The other day, Mr. Young, sitting in his fourth-floor office in the old Senate Office Building, reminisced about his political career with this reporter. He also talked about his future.

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"My way of life has been to work, so I'm going to practice law in Washington. I may have a desk in Cleveland (his home town) but I'll live in Washington and do most of my work here."

Recalling his younger days as a successful trial lawyer, much of it handling criminal cases, he mentioned that a Cuyahoga County common pleas judge already has offered to name him as defense counsel in the next first-degree murder case that comes his way.

"But trying criminal cases is hard work and I try my cases to the hilt. If my defendant was convicted on a murder charge, I'd want to appeal it all the way. So I turned him down."

But he did indicate that if something exceptional came along in the criminal field—"like defending Kent State students"—he'd probably take it.

He is proud of his role in the controversy over the May 4 shootings at Kent State University.

"Right from the start, I was on the side of the kids, and it had me coming out smelling like a rose." (Others, who take the position that the Ohio National Guard was justified in the action taken at Kent State, disagree vehemently.)

The senator related that he was invited to speak last summer at Marietta College of Ohio and that supporters of Howard Metzenbaum, the long-time friend he was backing to succeed him in the Senate, urged him not to mention Kent State because it might hurt the Metzenbaum campaign.

"I said it was impossible not to mention Kent State. I talked about Kent at Marietta, and I never got such an ovation in my life as I did from those 2,000 kids down there."

He went on to accuse Governor Rhodes of having made an "abominable blunder" by sending "that tired-out guard unit" to Kent State, but the senator added that the students who burned down the ROTC building at Kent "should be punished" even though the mayor of Kent himself had said that the building was an eyesore.

Discussing his own upset victory over incumbent John Bricker in 1958, which first brought him to the Senate, Mr. Young recalled how former President Truman volunteered to campaign for him in Ohio.

"I went right over to Ray Miller (then the powerful Democratic boss in Cleveland) and said this would be a wonderful thing. No one else thinks I can be elected. I guess you don't either, Ray. He just looked at me and didn't say anything.

"Anyway, I proposed to Ray that we hold a $100 a plate dinner, with Truman speaking, and split the profits 50–50 between my campaign and Ray's county Democratic organization. Ray said, 'not on your life; and funds raised in this country go strictly to the organization.'

"So I went to Akron in the next county and rented a hall myself. We jammed them in with 3,000 people yelling, 'Give 'em hell, Harry,' and he did.

"After I was elected, the first request for a federal judgeship came from Ray Miller, who wanted one for his brother. Ray Miller's brother is still not a federal judge in Cleveland."

After Mr. Truman had made five speeches for him in Ohio, Mr. Young took him to the airport where the former president spotted a plane "with a number something like 90,000 on it and said, 'Steve, that's how much you're going to win by.' On election night I called him and said, 'You underrated me—I won by 150,000.' "

Then there was 1964, when he beat Robert Taft, Jr., by a very narrow margin, and a Cincinnati political columnist wrote that God must be Steve Young's precinct worker.

"I said that I've done a lot of fantastic bragging in my life but I never went that far."

Speaking of those past elections, Senator Young reached in his desk and pulled out a little rhyme that he had penned for a party given recently by Sen. Edmund Muskie of Maine for Mr. Young and the other Democratic senators who were first elected in 1958. Here's one stanza:

"The economy had grown sour
But them were the days of Eisenhower.
They did what they could to patch the
crack
And everybody waited for Joe's son, Jack.
That class of '58."

He also found a file of those famous letters to constituents that he has written over the years. He laughed over some of them.

For example, there was a postcard from a Lima man who said that "Only a low-down, destructive pro-commie skunk like you would call the Chicago police 'Fascists' for trying to maintain law and order during the Chicago convention."

In typical Young style, the senator replied, "If you really wrote that insulting postcard signed with your name and address, I denounce you as a skunk and a liar." Then he added a typical postscript, "It may be that some stupid crackbrain wrote this postcard and used your name and address. If so, you'll probably wish to take action to protect your name."

And there was the letter from a Cleveland suburbanite complaining that Jacqueline Kennedy's horse had been given free transportation from overseas by the Army and asking if he could get the same free transportation if he purchased a horse abroad.

Senator Young replied: "Acknowledging your letter wherein you insult the wife of our president, I am wondering why you need a horse when there is already one jackass at your address." This brought him a telephone call from President Kennedy, who said that his wife had "got a big kick out of what you wrote."

Senator Young got a call from another president, Dwight Eisenhower, shortly after the Ohioan arrived in Washington in 1959.

"He got on the line and he started talking very fast about some farm project in North Dakota that he was sure we could reach agreement on.

"I finally managed to break in, and I told him that he wasn't talking to Sen. Milton Young (North Dakota Republican) but Sen. Stephen Young of Ohio.

"There was a silence and then he said, 'God damn.'

"That was the only time President Eisenhower ever talked with me."

Switching to a more serious topic, he discussed his career in the Senate.

He has never faced what he regards as a really tough vote, although his was the deciding one in some close and important ones, because "I vote in accord with my conscience and my judgment. I don't count to see if there is a majority in favor or against when they come to my name."

He reiterated his belief that the most important vote he ever cast in the Senate was in favor of the U.S.-USSR nuclear test ban treaty because it was "the first step on the long journey toward peace."

He takes pride in his service on the Aeronautical and Space Sciences and the Armed Services committees, although for years, he has been a minority voice on the Armed Services Committee because of his intense opposition to the Vietnam war.

One thing that came out of the space committee work was an accord with the Soviet Union for joint scientific work in Antarctica, and he hopes that this principle can be applied to joint exploration of outer space, with American and the Soviet Union sharing costs. This would greatly reduce the financial burden on American taxpayers, Senator Young adds.

He feels that he saved the taxpayers a lot of money also through his battle against civil defense.

Mr. Young was one of the first senators to oppose the Vietnam war "after having been a little hawkish on it." He did so, he said, because he believed that President Johnson had "changed the character of the war by putting American combat troops into a situation where his predecessors had been employing U.S. military men only as advisers."

How has Senator Young labeled himself in his years in the Senate?

"Every now and then I'm referred to as a liberal. That doesn't give me high blood pressure."

"But I'm simply an unhyphenated Democrat, without prefix or suffix."

Mr. SPARKMAN. Mr. President, I have known STEVE YOUNG for a good, long time. In fact, when I entered Congress in January 1937, I found STEVE YOUNG here. I do not know how long he had been here before that, but he was here.

The first campaign speech I ever made in behalf of the national ticket was in 1938. I went out to Ohio, and STEVE YOUNG was one of the candidates on his own ticket. I enjoyed very much my first experience. I may say, as he probably remembers, that we had a dinner in a hotel and then went next door to a moving picture house and had the meeting and had the speeches. I felt rather good and felt important, being sent there by the National Democratic Committee in a national campaign.

A rule was set up that the local candidates would have 3 minutes and then the others would be heard from. Well, you know what happened. Finally, when they got around to me, I pulled out my watch and I said, "I have to catch a train" 30 or 40 miles away; I do not remember exactly where it was—"to be back in Washington overnight and I have to leave here around 11:15 in order to make that train. So I have 12 minutes to talk."

I thought it was a terrible thing to have only 12 minutes, even though in the House I was accustomed to 5-minute speeches. But I talked and then left immediately. I felt rather bad going all the way from Washington to Ohio and then having only 12 minutes. But then I had this thought, and I have felt that way ever since—that it was not my talk that was important for the Democrats running in Ohio, but it was the fact that the National Democratic Committee had enough interest in them that they would send someone out there to represent them at that meeting. Ever since then it has been a great help to me, because, regardless of which meeting it is, whenever they ask me how much time I want, I always say, "You set the time and I will stay within it."

STEVE was a Congressman at Large. Every few years, it would swing back and forth, but STEVE came back when his time came, just like the pendulum of a clock. So he has had a long and varied service in both Houses of Congress, and I have known him well and favorably all that time. I have never had the pleasure of serving on a committee with STEVE, but I have watched his work, and it has been dedicated. He is a man of great conviction, great integrity, and wonderful expressiveness. As a matter of fact, I

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understand Steve has a book coming out—I do not believe it has come off the press yet—on how Senators should answer letters. I know we all look forward to the opportunity of reading that book.

I want to say to Steve that I hate to see him leave the Senate. I know that he decided to do so on his own.

There is one other experience that I am sure all of us know about, but it might be well to recall it at the present time. Six years ago Steve thought he was defeated, and he wrote out a telegram congratulating his opponent upon winning the election. He left his home early. The Western Union office was not open, and he thought he would send the telegram at a station a little way down the road. He had the telegram with him. He heard over the radio that, although he had been trailing by a big vote the night before, that deficit had been cut down considerably. So he did not send that telegram at the first station. He went on to the next station. The deficit in the meantime had been cut down appreciably. So he still did not send it. Of course, Steve won that election.

I asked him recently if he still had that telegram, and he said he did.

We are all going to miss Steve here in the Senate. Mrs. Sparkman and I both wish for him and his charming wife and daughter great happiness over a long period of years in his retirement.

Mr. HOLLAND. Mr. President, I want to pay my tribute to Senator Steve Young, who has been one of my dear friends in the Senate for 12 years, and whose voting record is about as different from mine as I think can be found in the Senate. I know that our long friendship has been a warm one, and I think that friendship that does exist and will ever exist between Senator Young and myself is but an illustration of the fact that it is not upon party lines or philosophical lines or ideological lines that we base our close friendships in the Senate. Steve and I, I am happy and proud to say, are warm friends.

Steve is not one to talk much about his past, but I want the Record to show that he is the only Member of the Senate who served in the active military forces of the Nation in both World War I and World War II, which I think is a notable part of his record. He was in combat in World War II on two or more fronts. He served, after the armistice, as military governor of an Italian Province, and he endeared himself to the people there. Among the many decorations he received, including those from his own Government for bravery, are decorations from the Italian Government for the kind and useful service which he rendered as military governor of the Province over which he presided.

It is hard to describe Steve Young. One has to look back at his earlier record, I think, to understand more completely about him.

For a long time, he was a prosecutor in the courts of Cuyahoga County, Ohio, the county in which Cleveland is located, where he lived so long. I think that in coming to the House of Representatives for his many years of service there, and in coming to the Senate for these 12 years of fine service here, he brought with him some of the feeling that when things went wrong, in his opinion, it was his duty to explore them and expose them, just as he had as prosecuting attorney learned to expose wrongdoing in the criminal courts of his county and State. Yet, he did it in a way never bitter, and always with a bit of humor, never with any undercurrent of resentment against Senators who might take a different position.

I remember, for instance, that Steve and I have always been on opposite sides of the question of the value of the civil defense activities of our Nation. Maybe he was right, and maybe he was not; but as a former Governor who had seen civil defense in my own State do an enormous service for our State and the Nation during World War II, I felt one way about the matter, and he obviously felt very differently about it.

With all of our differences in that long combat—because that is what it was—there was never a bitter nor a mean word spoken by Steve Young about any of us who differed with him, and who, I am happy to say, proved to be a majority, though a lessening majority as time went along, because Steve's eloquence, or maybe that merits of the program as he saw them, or its demerits, brought about an ever-lessening majority in support of the civil defense effort.

I cite that only as one illustration. I have listened to him with great pleasure—sometimes with amusement and sometimes with extreme disagreement, but always with pleasure, because there is no Senator who has had a finer command of the English language, particularly in the employment of adjectives to describe activities which to him were not to be admired, but instead condemned. In my opinion, no Senator since I have been here, in these 24 years plus, has enjoyed a better command of the language which we all speak in varying ways than has Steve Young.

During his political career, he not only was Representative at Large from Ohio for several terms, but he became twice a giant-killer in connection with his coming to the Senate; and I wish to pay him tribute on that account. Senator Bricker was a great Senator and a great Governor of his State. He was Governor of his State when I served as Governor of Florida. My warm friendship with Senator Bricker began then, and still exists. Yet, Steve Young disposed politically of John Bricker, who had served his State and his Nation so well. Then in his next race for the Senate, he prevailed over the younger Bob Taft. So I know of no Senator, in my experience in the Senate, who better deserves the description "giant killer," unless it was Olin Johnston, of South Carolina, about whom I have spoken in the past.

Steve Young is a Senator the like of whom has not been seen here in the Senate, either before his coming or since, and who I know will be missed greatly. I am sorry I shall not be here to miss him, but the years have caught up with both Steve and me, and so we leave the Senate at the same time. I am happy to say that he comes to Florida frequently, and I hope he will come more frequently now that he will have the opportunity. He is even a taxpayer in my State, and we welcome Senators and everyone else in that capacity.

Steve is a Senator whom everyone can admire and respect and have affection for, even when we do not agree with him; and I have no warmer friend in the Senate than good old Steve.

So I wanted to say this word of appreciation of Steve, pay my tribute to him, and wish him and his lovely wife every possible happiness in life, some of which happiness I hope will come to him in my State, and some of which I hope will come to him in his own great State of Ohio.

Steve Young, as I say, will be greatly missed in the Senate. I am glad that our friendship does not end here, but will continue so long as we both shall live.

Mr. RANDOLPH. Mr. President, our beloved colleague who has just spoken, the senior Senator from Florida, has inadvertently made a remark about which I know he will not feel I am disagreeing with him. He mentioned that age had caught up with him and with Steve Young. I would not say that this is a fact. It was all right for him to say it, perhaps, but I subscribe more to the words of Longfellow, who wrote:

> Age is opportunity no less
> Than youth itself, though in another dress.

I could not even say that Steve has slowed down from the pace that he used 10, 20, or 30 years ago in walking, because he moves with alertness and alacrity; and those are characteristics not only of his body, but also of his mind.

If we may indulge in nostalgia—which I shall do very briefly, though I hesitate to do it—I remind Steve that we stood with raised hands in the House of Representatives on March 4, 1933, and were sworn in as Members of that body. He, of course, had been elected by the people of the State of Ohio, because he came as the Representative at Large of that State. He was to serve two terms in that capacity, and then he was to serve, after a lapse of time, other district terms in the House, accounting for a total of 8 years on the other side of the Capitol. Those were challenging years, with pressing problems at the legislative doorstep. But President Franklin Roosevelt had helping hands in Congress, and Steve Young was on the job.

Now he has served in this forum for 12 years—years also filled with new challenges and many problems, and he was again on the job.

Someone might remark, "Why, he is the person in the Senate who gives the most cryptic reply to a letter," or "He is the person who has the most prickly answer for a constituent."

I would only say that whatever a letter written by Steve Young to a constituent has contained, it has been what he thought, as of the moment, its receiver at the other end of the mail route should have.

Men on the Hill have developed certain traits of temperament. I think the real spirit of spontaneity which has characterized Steve Young for many, many

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years of productive public life has been refreshing.

I tell my colleagues in the Senate of the service—a service not flamboyant in nature; it does not receive headlines of any of the media—but the very important service which STEVE YOUNG gave to his constituents in the State of Ohio generally and in the districts he has served in that State, not only in the House of Representatives, but particularly the service here, with which I am intimately familiar, as chairman of the Public Works Committee.

STEVE YOUNG is the ranking majority member of our committee. Ofttimes there are those who dig in, who sit patiently for long, long hours in subcommittee hearings, and who make the record, who document the projects that are later to have the approval of, in this instance, the full Public Works Committee and, hopefully, the Senate and the other body and be signed into law by the President of the United States.

STEVE YOUNG became a member of the Senate Public Works Committee in 1959. He has served with diligence and devotion on two of our subcommittees that are of significant importance to the country. We may not hear about their value, day by day, but they are important to States and communities and to millions and millions of people. I speak of his service on our Public Buildings and Grounds Subcommittee. He became the chairman of that subcommittee in 1963. In 1967, he became the chairman of the Subcommittee on Rivers and Harbors and Flood Control.

I have a working knowledge of the labors of STEVE YOUNG on the two subcommittees. During the time that he has been the chairman of the Subcommittee on Rivers and Harbors and Flood Control, he has brought to the Senate more than 100 projects that deal with water resource development of one type or another, improved navigation, and the protection of lives and property. We will not forget these efforts that people ofttimes overlook. He has given many contributions to this body and to his State and to the Republic.

We realize the growing awareness of our water resources. I have read, not in a cursory fashion but very carefully, the essay which STEVE YOUNG published in 1969 entitled "A Water Development Program for America's Future." A water program for America's future—a developmental program. Yes, STEVE was again thinking of the future, rather than the past or even the present.

STEVE's life has been one of action on developmental projects, projects that were to benefit millions of persons and thousands of communities, in a type of legislative endeavor that at times people might call routine and drab but which has to be done in this body; and it has been done very, very well by STEVE.

And now STEVE, I want you and Rachel to understand that before I left my residence this morning to come to the Hill, Mrs. Randolph knew that I was going to have the privilege of making these remarks of tribute to you. She said, "You know, I don't think it is best to include the wife in Senate comment, but break over today and say that Mary joins in the feeling of friendship" for you and your lovely wife, Rachel. So I am doing that on this occasion and we both mean our words.

I think of these lines in tribute to you, STEVE:

From quiet homes and first beginnings
  Out to the undiscovered ends,
There is nothing worth the wear of winning
  But loyalty and the love of friends.

Your loyalty to this Senate is known by your colleagues, on both sides of the aisle. We have been benefited by your life. Personal good wishes to you in the days and months and years ahead. Happy contentment, and yet a continuing busy life, will be the blessing I cherish for you as you depart this Senate.

Mr. YARBOROUGH. Mr. President, it is an honor to participate in paying tribute today to one of America's truly great individualists and individuals, Senator STEPHEN M. YOUNG. Not only do I admire STEPHEN YOUNG as a Senator, but also, I cherish him as a dear friend, and a Senate neighbor on the fourth floor of the Old Senate Office Building. Throughout the 12 years that STEPHEN YOUNG and I have served together in the Senate, he and his lovely wife, Rachel, have rejoiced with my family and me in our moments of victory, and stood by us in times of defeat. Words are inadequate to describe how I feel about this man.

STEPHEN YOUNG is, however, more than just a great legislator; he is a model of individual courage and conviction. He began his lifelong fight for justice as a trial lawyer in Cleveland, Ohio. He served the people of that area as chief criminal prosecutor, and as a member of the Ohio Assembly for two terms. Cuyahoga County, however, could not hold STEPHEN YOUNG for long. He was soon called to serve all the people of Ohio, first as Congressman at Large for four terms, and finally as U.S. Senator for 12 years.

STEPHEN YOUNG's devotion to the ideals of democracy led him twice to put on the uniform of his country and defend those ideals in both World War I and World War II. His personal bravery won for him the Bronze Star and the Order of the Crown of Italy, among other decorations and commendations. I believe that those decorations and commendations include four that are not decorations but are indicia of what one has done—four battle stars in four combat periods. The courage STEPHEN YOUNG demonstrated on the battlefield was carried forward into his service in the Senate.

In the Senate, STEPHEN YOUNG has served with great distinction as a member of the Armed Services Committee, the Public Works Committee, the Aeronautical and Space Sciences Committee, and the Special Committee on Aging, on which I have the privilege of serving with him. As chairman of the Subcommittee on Rivers and Harbors, STEPHEN YOUNG was especially helpful to the people of Texas through his work in establishing flood control and watershed projects. On behalf of the people who have benefited from your diligent work, Senator STEPHEN YOUNG, I thank you for the consideration you gave to our 11 million people and their problems with severe floods and long droughts.

The approach that STEPHEN YOUNG has taken in representing the people of Ohio and the Nation can best be described in the words of Edmund Burke, who, in discussing the duties of an elected representative, said:

> Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

STEVE YOUNG has not sacrificed his judgment. He has given the people of Ohio and this Nation his industry and his judgment, and the Nation benefited from them.

STEPHEN YOUNG, as a member of the Armed Services Committee, was one of the first to see the tragic mistake our Nation was making in Southeast Asia, when it tried to obliterate people until they are subservient to our ideals. He spoke out in clear and firm voice against this cruel and senseless conflict. He did so at a time when it was unpopular to do so, but that did not deter him from saying what was right. While others took the cautious and careful path, STEPHEN YOUNG took a firm stand, and history has proved that he was and is right.

At the end of this session, STEPHEN YOUNG will physically leave the U.S. Senate, but the spirit of courage and public service which have characterized his career will endure as a model for others who come after him. I know that he has no intention of retiring to a rocking chair at the end of his term. I know that he does not plan to enter a comfortable retirement. Although he is 80 years old, he will not be tied to a chair, he will be on the road between Ohio and Washington, still full of life, and I am confident that he will continue to fight for a better America as a private citizen. I pledge to him my help in this fight.

On behalf of my wife, Opal, and all the members of my family, I wish STEPHEN YOUNG and his family every success in life. He has already had two or three lives of success, as a Congressman at large, and as the well-known giant killer, and his service in the Senate.

History will never forget you, STEPHEN YOUNG.

Let me mention one incident, if I may be pardoned a personal note. In 1964, a national survey printed in the press anticipated that STEPHEN YOUNG and I would both be defeated for reelection and that we would not be back here after the 1964 race. Well, of course, each of us won and the next morning, a voice came along the long distance telephone to me, not so strong a voice as normally, but it was from Harry Truman, calling from Independence, Mo., who was recuperating from a very bad accident when he had slipped in the bathtub and broken some ribs and was in the hospital. He said:

> This accident has got me all taped up and the doctor told me that I could not make any long distance calls. I asked for only two. I called you and STEPHEN YOUNG, just to say congratulations on winning.

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I might add, Harry Truman called STEPHEN YOUNG first.

Congratulations, STEPHEN, on a wonderful record in the Senate.

Mr. PROXMIRE. Mr. President, the distinguished Senator from Ohio (Mr. YOUNG) has a number of endearing characteristics but the one most significant is his dedication to the truth—the blunt, bare, and brutal truth.

All of us are familiar with his responses to abusive constituents. We all have envied his courage and honesty when he writes back to that kind of constituent, telling them in no uncertain words what he thinks of them. That is an amusing aspect of STEPHEN YOUNG'S handling of the truth; but we are also very much impressed by his willingness to puncture the phony superpatriotism of those who, in many cases hypocritically and in most cases without regard for the full consequences of the real meaning of patriotism, attack or demean the patriotism of others.

We are familiar with the crusade of Senator YOUNG against the corruption of the Saigon government in Vietnam, his crusade against the Vietnam war, and his compassionate concern for the poor, the hungry, and the ill.

Many Senators have remarked on the unusual, youthful zest of Senator YOUNG. He came to this body when he was nearly 70 years old, but throughout his career in the Senate his attitude and demeanor have always been characterized by extraordinarily youthful zest.

We all know STEVE YOUNG as the political giant killer of this body, that he has taken on and trounced the biggest names in his State when necessary, as well as names that were big names nationally. Senator John Bricker was considered as unbeatable as a Senator ever gets, yet STEVE beat him. The name of Taft is as powerful a political name as anyone can have and in Ohio it is particularly potent, but young BOB TAFT was defeated by STEVE YOUNG.

In addition to his youthfulness and his remarkable commitment to the truth, his continuing concern for the unfortunate who need help, STEVE has been a good and dear friend of mine, and I know of many other Senators.

We will miss STEVE YOUNG, but are most encouraged by the fact that he will continue to live in Washington as well as in Ohio. We expect to see him often.

Mr. FULBRIGHT. Mr. President, it is with a special sadness that I join my colleagues today in bidding farewell to STEVE YOUNG, for at the end of the session the Senate and the Nation will lose an advocate in the finest and most spirited sense of that word. He has been ever vigilant in fighting for the causes he believed to be right—and equally as active in protesting the injustices in our society.

In his 12 years in this body STEVE YOUNG never approached an issue in terms of its popularity. His concern was rather directed to the deeper meaning of the issue and how its resolution would affect our people. He has never lost sight of the fact that democracy is one of the most difficult forms of government to keep viable. Accordingly, he never resorted to appealing or simplistic answers to the complex problems which confront us in the Senate. This required an uncommon courage, a quality for which he was never wanting. I believe that STEVE YOUNG has shown in public life an unerring eye for what our Constitution really means and the role that it must play during this, perhaps the most critical time in our Republic's history. As a Senator, he has taken the long view and for this we are all beneficiaries.

Mr. President, I would be remiss if I failed to mention the important role STEVE YOUNG has played in awakening our Nation to the tragic course we have pursued in Southeast Asia. He was among the earliest to recognize our mistaken policy about this war, and he was most vigorous in his efforts to do something about it. STEVE YOUNG was one of the first to recognize that this war was weakening our country and endangering our security, rather than strengthening as its propenents alleged. I shall always remember the inspiration he gave those of us who shared the unpopular view that we should speak out against our military involvement in Asia—an involvement we believed to be not in the best interest of the United States.

I wish STEVE YOUNG and his family a very happy and active return to private life. His courage, his dedication, and his foresight will be sorely missed.

Mr. JAVITS. Mr. President, I join my colleagues in saying "au revoir" but not goodbye to STEPHEN YOUNG. I hope very much that we shall see him often as he continues to keep offices in Washington and Ohio.

The fact that so many have referred to his sprightly life is just the kind of tribute which is most richly deserved by him. He has never allowed us for one moment to doubt his willingness to be judged with all the rest of us, without any indulgence for the fact that he has lived a life longer than most of us, which is so typical of him.

I have also appreciated his deeply held liberal views: that the Government is the instrument of the people, to provide them with greater security, and greater economic and social justice as well as peace and tranquility; that the public servant who is doing what he thinks is right is doing so only because that is his duty. That is one reason STEVE YOUNG has been able to tell unruly constituents of his where to get off when that became necessary.

Senator YOUNG has displayed a real depth of conscience where the people are concerned. He has been especially sprightly in both physically and in ideas, which have been an inspiration to those of us here in the Senate as well as in the rest of the country.

I also admire him for the toughness of his ideas, for his convictions which are deeply and profoundly held. I shall never forget the constancy of his ideas—although I did not agree with him on many of those occasions, especially the one he pursued on the civil defense issue, which he said was a boondoggle and a waste. But I feel that his very persistency, and the profundity of his convictions, had a material effect in rationalizing that policy. He has lived to see the day when it is more rationalized than when he first took up the matter.

Similarly, as the Senator from Arkansas has said with relation to the war in Vietnam, he first conceived the truth of this matter and pursued it indefatigably, knowing its effect upon his fellow countrymen.

I join with the other Senators in wishing Senator YOUNG continued health and a sprightly, long, and happy life.

Mr. MONDALE. Mr. President, I am pleased to join with many of my colleagues in honoring one of America's greatest, STEVE YOUNG of Ohio.

Although I came to the Senate long after STEVE YOUNG, I have considered it an enormous privilege to have been permitted to serve with him and to watch this man of uncommon courage serve in the Senate. I think more than any other word, courage best exemplifies his magnificent service to the American people.

STEVE YOUNG has often stood for unpopular causes, whether he was ahead of his time in proposing social and economic legislation or whether he was one of the first to speak out against the tragic war in Vietnam.

Many have commented about his many years of service in the Congress, he initially having become a Member of Congress in 1933. To those of us who are somewhat younger in years, it is also true that he has remained young in mind and young in spirit, and not just "Young" in name. He has always been a friend and supporter of each of us as we seek to establish our identity in Congress.

None of us can help feeling richer because of his friendship and counsel. Carl Sandburg once said of Lincoln that—

> You couldn't quite tell where the people left off and where Abe Lincoln began.

STEVE YOUNG in the same sense is one and inseparable with the people of his State and with the people of his country.

I am grateful and proud to have served with him.

Mr. WILLIAMS of New Jersey. Mr. President, tolerance is, I am sure, one of the hallmarks of politicians. We had better have it because we live in a life of slings and arrows and outrageous charges and an abundance of distortion.

We are, most of us, content to reply to these only when they become unbearably unjust and most egregious. Following periods of intense campaigns, we tend to have short memories. I suppose that one of the reasons for that is that we hope to have long lives as politicians.

It impresses me that STEVE YOUNG'S tolerance factor is lower than that possessed by most of us. I submit to the Senate that this, we have discovered, is all to the good. I think that the Nation has discovered it, too.

It is to STEVE YOUNG'S credit that he is intolerant of some of the shabbiest factors in life. Certainly he is intolerant of hypocrisy. Some of his expressions concerning his intolerance will go down as classics in senatorial history. Many of them have been referred to already this afternoon.

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Certainly, he is intolerant of anything that is shoddy, pompous, or unjust. That is, in my judgment, a mark of greatness.

We all ponder what is described as the gulf between the young and the old these days. I imagine this is true for most of us. It impresses me that, if anything will fill the gulf between those of later years and those of younger years, Steve Young's kind of intolerance of hypocrisy will do it.

Mr. President, frequently, it is my pleasure to join with the Senator from Ohio as the hour gets close to 6 or 6:30 p.m. in an informal caucus in a place that is shrouded in some mystery, the Senate baths. After Steve Young has finished hitting a tennis ball against the wall, he joins us in our less ambitious endeavor in the steamroom. There I have had the pleasure of sitting and absorbing his wise counsel.

With our knowledge that Senator Young is not leaving Washington, it is indeed reassuring to know that that counsel will continue when the hour reaches 6:30 in the evening and we have a moment of rest from our arduous duties here on the floor or in the office.

Steve Young has honored this Chamber by his presence and the people of Ohio by his representation. I wish him well in retirement and I hope that we will continue to hear his voice on important issues.

The Senator from Ohio retires, in the judgment of all of us and of the Nation, as the undefeated champ.

Mr. COOPER. Mr. President, as a Member of the Senate I shall miss Steve Young very much. It has been my privilege to serve with him for about 10 years on the Senate Public Works Committee. His contributions to the matters which are under the jurisdiction of that committee have been great. I refer to programs involving the Federal highway system, rivers and harbors, and lately practically all of the environmental issues.

Steve Young's influence in the Senate and in the country goes far beyond the specific work of any committee.

His speeches in the Senate are unique. They are erudite, possess humor, and have style. They have been devastating against humbug. I think he hates humbug more than anything else. He speaks with passion against injustice and for peace.

It is a great loss for Steve Young to leave the Senate. It is a great loss for the country.

We all hold toward him a special affection which he deserves because he is warm and kind and a noble human being. We pay our respects also to his great wife and helpmate.

Mr. ALLEN. Mr. President, it is a real pleasure, an honor, and a privilege to participate in this tribute which the Senate is paying to the distinguished senior Senator from Ohio (Mr. Young), who was not a candidate for reelection to the 92d Congress and who will not be with us at that time.

I have not known the distinguished Senator from Ohio (Mr. Young) as long as those of my colleagues who have spoken, because it was only when I came to the Senate in January of last year that I had the privilege of meeting this distinguished Member of this body. That does not mean that I admire him any less, or that I respect him any less, or love him any less than my colleagues. I have had the privilege of presiding over this body for more than 200 hours since coming to the Senate. On many occasions while I have been presiding over the Senate the distinguished Senator from Ohio has addressed the Senate and I have had the pleasure of hearing his expressions of his views on the great issues that face our Nation and on the current events in this world upon which he wished to comment.

Far from the popular conception of an officeholder who does not wish to take a stand, or a public official who wants to straddle the fence and not make his views known, Senator Young, has been exactly the opposite of this popular conception of the attitude of a public official. There is never any doubt about where Steve Young stands on any public issue. He speaks out in unmistakable language where his meaning could not possibly be misinterpreted. I have admired him, although I have not always agreed with his expressions. I have admired the courage he has displayed, his sincerity, and his dedication. There is not a more dedicated Member of the Senate than Steve Young from Ohio.

Since he made his declaration that he was not going to seek reelection to the Senate, far from slowing down as a Member of the Senate he has redoubled his efforts. This trait is most admirable.

He has tirelessly dedicated himself to service to our Nation and to the State of Ohio, as a soldier in two great world wars, as a prosecuting attorney in Ohio, and as a Member of both Chambers of the Congress of the United States. In each facet of his public life Steve Young has been dedicated, devoted, and courageous.

In the Senate he has always deemed it his duty to represent the people of Ohio as vigorously as he could and many times I have marveled at his seemingly endless energy in expounding his views on the important and critical issues of the day. Some of his political positions were unpopular, but Steve Young advanced them because he honestly and sincerely believed that they were right.

Steve Young's political career, and he has had several careers, should be an inspiration to all who wish to seek public elective office. At the time he ran for the Senate the first time in 1958 he had reached an age at which many men are looking around for a place to retire, not to start a brandnew public career. But it is a great tribute to Senator Young that he sought election to the Senate, defeating in the election in 1958 an outstanding Senator, nationally known. He worked against overwhelming odds and surprised many citizens in Ohio and throughout the country by his victory.

His reelection in 1964 was against almost insurmountable odds, and these two victories rank among the most remarkable political victories of recent times. Those elections show what a man with courage, forthrightness, and dogged determination can do if he sets his mind to it.

Although my views and those of Steve Young on general political philosophy differ considerably, I have always enjoyed a very warm personal friendship with him. It was Ralph Waldo Emerson who wrote that "a friend is the masterpiece of nature." Such has been the quality of the friendship which Steve Young has given me—friendship flowing pure and sweet from the wellsprings of his joyful mind, his bright spirit, and his warm heart.

If a man could be said to be as young as he feels or as young as he acts, by either criterion Steve Young is yet a young man. He departs the Senate at the height of his usefulness, at the height of his influence, and at the height of his career.

I think it is another tribute to Steve Young that he had the wisdom and the judgment voluntarily to retire from the Senate when he was and is at the very height of his career.

No one will miss Steve Young more than I. Mrs. Allen and I wish for him and Mrs. Young many years of good health and continued happiness.

It is an honor to salute you, Senator Young.

Mr. BAYH. Mr. President, in a few days one of our most distinguished colleagues will take his leave of us, retiring after a public career that spans nearly 60 years of service. I speak of the senior Senator from Ohio, Senator Stephen Young, whose leaving will be a great loss for the Senate, for Ohio, and for the Nation. We have come to appreciate his sharp wit and outspoken candor, as well as his commitment to individual rights, his defense of often unpopular causes, and his efforts to extend the American dream to all Americans.

As one who has worked with Steve Young in the Senate for 8 years, I shall miss his uncanny ability to cut through the rhetoric surrounding an issue and get right to the heart of the matter. He has never minced words, and the Senate will be the poorer for the loss of his plain speaking. Like the late Adlai Stevenson, Steve Young has been guided in his public life by "talking sense to the American people."

The country as a whole will be the poorer, too, for his leaving the Senate. Steve Young has been an outstanding public servant for over half a century. As a Representative in four Congresses and a Senator in six, and before that a member of the Ohio General Assembly, the chief criminal prosecuting attorney of his home county, and a highly decorated member of the Armed Forces during both World Wars, Steve Young has given more of himself to his country than we have a right to ask of anyone. A man who has consistently done what he believed right, rather than what was politically expedient, Senator Young has, indeed, served the public interest well. I am sure I speak for other Members of this body in expressing the hope Steve Young will continue to speak out on the issues facing our Nation in the days ahead.

Mr. BOGGS. Mr. President, it is my great pleasure to join with my colleagues today in paying tribute to the retiring senior Senator from Ohio (Mr. Young) and to congratulate him on his many years of outstanding service to the Senate.

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In the 12 years that Senator YOUNG has served in this body he has left his mark on all who have known him and all who have sought his wise counsel. I have come to know and respect him personally for our work together on the Public Works Committee.

Senator YOUNG's retirement from the Senate caps the long and distinguished career of an American who has devoted his life to the service of his country—as a soldier in World War I, as a war hero in World War II, as a member of the Ohio General Assembly, and as U.S. Senator.

It has been my pleasure to be associated with Senator YOUNG. I wish him every happiness in his retirement.

Mr. JORDAN of North Carolina. Mr. President, there will be some longtime friends and colleagues absent from this Chamber when the next Senate term begins next month.

And one of the familiar faces that I personally am going to greatly miss is that of STEVE YOUNG.

It has been my pleasure to serve with him throughout all but a few months of the time I have been in the Senate and to work closely with him during most of those years as a fellow member of the Public Works Committee.

I have enjoyed that relationship immensely and have come to admire STEVE for what he is—a determined, independent-thinking man always ready to defend his convictions and to fight for the causes in which he believes, regardless of the odds or consequences.

Those things have made STEVE something of a Senate legend in his own time and he is going to be long remembered for them by those of us who have shared his Washington years with him.

We are going to miss his wide range of legislative experience, his knowledge of law, and his grasp of world affairs.

He will be missed for his traits as an individual, too, as well as a lawmaker, and I, for one, hope that even in his retirement he will come back to spend some time with us when the chance presents itself.

Mr. SAXBE. Mr. President, I took the floor last week to pay tribute to the senior Senator from Ohio. Briefly, I should like at this time to repeat the remarks I made then. We are going to miss my colleague, in many ways. He has certainly been a tower of strength to me; he has helped me in every way that he could. We have not always agreed, but we have agreed to the point where it is sometimes a bit embarrassing—since the distinguished senior Senator sits on the opposite side of the aisle. So be it.

I wish to say that my first contact with Senator YOUNG was when we were opponents in a statewide race—my first statewide race—in 1956. Our contact then was pleasant, and it has continued that way to this time, and I know it will continue for a long time.

So as a tribute to Senator YOUNG, I want to say that my whole family and I appreciate his help in getting me started here. I also want to say that Senator YOUNG's friendship is valued and I hope it will continue. I submit that the Senate of the United States has benefited from his having passed this way. May he return to visit us, so that we all may share in his wisdom and counsel.

Mr. PEARSON. Mr. President, I am pleased to join my colleagues in expressing my regard for the most distinguished senior Senator from Ohio, STEPHEN YOUNG.

Mr. President, STEPHEN YOUNG has long been one of the most outspoken Members of the Senate. He has been a vigorous and unflagging champion of numerous unpopular causes. He has spoken out when others have remained silent—even when it was politically hazardous to do so. A thoroughly democratic and properly irreverent man he has deflated inflated egos and ridiculed the pompous posturing of high public officials.

I have not always agreed with STEPHEN YOUNG, but I have never doubted his sincerity, honesty, and dedication. He has been a tenacious and formidable opponent at times; a trusted and valuable ally at others.

Senator STEPHEN YOUNG has charted his own course and in so doing he has served Ohio well. He has served his country well. His presence in the Senate will be missed. His unique contribution is not likely to be duplicated. He leaves this institution knowing that he has made a lasting imprint.

Mr. President, I wish him nothing but success in the years to come.

Mr. McGOVERN. Mr. President, it is a high privilege to join my colleagues in the Senate in paying tribute to a great U.S. Senator—STEVE YOUNG of Ohio. His decision to retire from the Senate deprives us of the most colorful and, indeed, one of the strongest individuals in the Senate.

He is a unique, marvelous human being who has never permitted political considerations to mar his dignity, his integrity, and his absolute intellectual honesty. I shall especially miss his salty, blunt indictments of hypocritical individuals and foolish public policies.

In recent months, he has especially placed the Nation in his debt by his scorching and forthright revelations of the Kent State tragedy. In earlier years, he exposed much of the sham in an ill-conceived civil defense program. But most of all, I admire his frankness in helping to spotlight the folly of our Vietnam venture.

I salute the senior Senator from Ohio as a warm friend, an admired colleague, and an indomitable American. I wish him and his lovely wife many happy years together.

Mr. HUGHES. Mr. President, one of the great privileges of my first 2 years in the Senate has been to serve with Senator STEPHEN YOUNG of Ohio to whom we pay tribute today on the eve of his retirement.

To borrow the phrase from Stevenson's "Kidnaped," we will always remember STEVE YOUNG as a "bonnie fighter." In the course of his Senate career, many found it possible to disagree with the doughty Ohioan. I doubt if anyone found it possible to doubt his courage or the strength of his conviction.

As you measure his career, you will find also that he generally fought for the right causes, the good causes, the people causes. Frequently, these were unpopular issues from a political standpoint, but I doubt if anyone ever gave this consideration less concern than Senator YOUNG.

In his own special way, STEVE YOUNG has been a healthy and constructive influence on the course of public affairs in this country.

No one who has ever known him or heard him speak is likely to forget his rapier wit. It is the kind of wit that instantly cuts down pretentiousness and deflates pomposity. It is the kind of wit that will never cease to be needed in this democratic society.

For a sense of humor denotes a sense of proportion, the ability to tell the difference between the important and the trivial, the true and the false, and to see ourselves as others see us. If we were ever to lose this kind of humor, our freedoms would not be far behind.

The retiring Senator from Ohio has been in public life for a long time, but he is young in heart as well as YOUNG in name. He is one of the unconquerables—a unique American who will be long remembered and esteemed.

Mr. MANSFIELD. Mr. President, as the next session of the Senate convenes, the senior Senator from Ohio (Mr. YOUNG) will not be returning to take the seat he has occupied with such distinction for the past 12 years. Without STEVE YOUNG, may I say, the Senate will be without one of its most diligent and able Members. His fine example of hard work and dedication to public service have been an inspiration for us all. At all times has he adhered to the highest principles while laboring in behalf of just causes. He has spoken with fervor, with effectiveness, and with the deepest sincerity on the important issues facing this Nation today; issues of excess spending, excessive military influence and national priorities.

We shall miss STEVE YOUNG. We shall miss him deeply. We shall miss his fine work within the committees he has served so well. It was there, for example, that he demonstrated the outstanding expertise in such varied areas as Aeronautical and Space Sciences, Armed Services, and Public Works that could only be obtained by one who had been an indefatigable investigator and prosecutor—which STEVE YOUNG had been.

It was STEVE YOUNG's own decision to retire from the Senate and the people of Ohio will sorely miss him just as deeply as will the Senate. He has been called the "giant killer" and the name fits. He has courage; he has enthusiasm, stamina, and interest. We all envy these qualities. We will miss them as he has applied them in this Chamber.

As for the future, we know that STEVE YOUNG will continue his interest in and love for his country. It will never diminish. He will continue also to make great contributions to this land in the years ahead; and may I say with confidence, they will be many.

Mr. PELL. Mr. President, I shall deeply regret the departure from our midst of the senior Senator from Ohio (Mr. YOUNG). His freshness, vitality, frankness, and bulldog tenacity are all qualities that have marked him through life. These are qualities that have enlightened and added to our body's deliberations. I wish he had not decided to retire. But,

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since he has, I wish him and Mrs. Young a full and happy life.

TO SENATOR YOUNG

Mr. MILLER. Mr. President:

Steve Young, a fighter he;
Always—so kind to me.
Young in name and young at heart;
I feel a loss as we part.

Mr. METCALF subsequently said: Mr. President, it was my opportunity and privilege to be presiding over the Senate when my colleagues were paying tribute to Steve Young. It was a moving and inspirational occasion to see and hear men of all sides stand up and testify to their friendship and accord with Senator Young.

I was a Member of the House of Representatives when I attended a small gathering in honor of Senator Young at the Cosmos Club sponsored by Jim Patton, then president of the Farmers Union. Mrs. Metcalf and I both commented on our way home that here was a Senator that was forthright, informed, and dedicated.

Senator Young and I share several common interests. We were both Members of the House of Representatives before we came to the Senate; we both served on the Public Works Committee of the Senate; we were both officers in military government in World War II, he in Italy, I in Germany. We are both inclined to give short shrift to those who ask stupid questions. He has a better command of invective than I; his responses are better phrased and more biting than those I can conjure.

But Senator Young has been a spokesman for the people who seldom have had one speaking for them. He was an early advocate for the withdrawal from Vietnam. He was then speaking for the GI in combat there. He has spoken out for the poor, the disadvantaged, the unfortunate. He spoke for them as forthrightly as he did against the uninformed people who criticize him.

His political career is remarkable. I think of his campaigns in the context of a cartoon of Senator Young, very small, leading two elephants labeled Bricker and Taft, the mahout that beat both of these giants.

I have voted with Senator Young a majority of the time. Some of the times that I have voted in opposition to his vote I have regretted it as the history of legislation swept by. He has been right more than I. I shall miss his frankness, his integrity, his honesty. Mrs. Metcalf and I shall miss Steve and Rachel as colleagues and friends.

Mr. MOSS. Mr. President, I rise in the Senate today to pay the warmest of tributes to my good friend, Senator Stephen M. Young.

Steve Young and I came to the Senate 12 years ago as Members of the class of 1958. That class has remained largely intact, and it is with a tug at the heart that I watch some of its Members now departing from the Senate. From the very beginning of our Senate service, Steve Young and I have been devoted friends.

Steve was one of the oldest Members of the class of 1958, but none of us have ever outdone him in peppery vigor, firm resolution or constant ebullience. He has been fearless in speaking out, and working for, the things he felt should be done.

He called events and issues as he saw them. We all will miss his pungent observations on the Senate floor and in his newsletter to his constituents. We will miss, also, the occasional examples he shares with us of derogatory letters he receives from his constituents, and of his unrestrained replies to them.

I have served with Senator Young on two committees—Public Works and Aging. His contributions to the work of both have been substantial. On these committees he will be missed.

Steve Young leaves many good friends and a legacy of good legislation behind him in the U.S. Senate. We shall miss him on the floor in the years ahead, but I rejoice to know that he and his lovely wife Rachel will be here in Washington where we hope to see them often. They are choice people.

So much could be said of Steve and Rachel. I wish that I could do them justice.

Mr. YOUNG of Ohio. Mr. President, the 12 years I have served as a U.S. Senator have been golden years. They have formed a moving and thrilling chapter in my life.

I shall take with me into the future and into private life pleasant thoughts and recollections of these satisfying and happy years that shall never fade and cannot be destroyed. The reality of age and nothing else caused me to announce my retirement from the Senate.

Representing a State in the U.S. Senate as its public servant is a priceless experience enjoyed by comparatively few men. In this rather small rectangular room, which is the hall of the States, though usually referred to as the Senate Chamber, are the desks of 100 Senators, and it is here that each Senator strives to represent his State and his Nation with fidelity, zeal, and to the best of his ability.

I am very grateful to Ohio citizens, who have been good and generous to me. They gave me the opportunity to serve for 12 years as one of 100 Senators who make the laws of our country.

I think I am a better American and a better person in every respect due to the friendship of my colleagues on both sides of the aisle and to what I have learned while serving with them. Throughout 12 years my Senate colleagues have been generous, friendly and helpful to me. I held all of them in the highest admiration.

I recall, Mr. President, when Harold Macmillan, Prime Minister of the United Kingdom, was in Washington as a guest of President Kennedy some 10 years back. In an address in this Chamber he said that his mother told him to regard a Senator of the United States as having achieved the highest possible point in human achievement and dignity. The then Prime Minister said that as a young man he was uncertain that his mother's view was correct, but that by the time of this his second visit, as Prime Minister, with U.S. Senators, he had concluded that his mother was wise and correct in her statement regarding the U.S. Senate.

Now, may I thank my colleagues—thank you very much. Also may I tell you again I am retiring from the Senate, but, hopefully, for some years to come, not from the activities and joys of life. I cherish the friendship of my colleagues. It was with a feeling of sadness that I made my decision many months ago not to seek reelection to a third term. I look forward with pleasure to talking with you my colleagues personally in future years or writing you as one of your millions of constituents.

Godspeed and happy landings to all of you.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Record remain open and that Senators who were unable to participate in these tributes have an opportunity to file statements and that those statements be printed in the Record as if delivered; that the Record remain open until the end of the the congressional session; and, furthermore, that the speeches be printed as a separate Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I make the same request with regard to the distinguished Senator from Florida (Mr. Holland); that the same privileges be available for Senators who wish to pay tribute to the Senator from Florida; and that they be printed as a separate Senate document as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I understand that we are now in the period of the morning hour. Is that correct?

The PRESIDING OFFICER. The Senate is now in the period for the transaction of routine morning business.

PRESIDENT NIXON'S VETO OF THE FAMILY PRACTICE OF MEDICINE ACT

Mr. KENNEDY. Mr. President, President Nixon's veto of the Family Practice of Medicine Act shows a shocking disregard for the serious health needs faced by millions of Americans in all sections of the Nation. Because of the veto, hundreds of thousands of families in the United States over the next few years will be denied access to general practitioners. A constructive solution to one of our most pressing health needs—the shortage of family doctors—will be postponed.

President Nixon has now vetoed nine bills passed by Congress since he took office 23 months ago. Tragically, most of the bills vetoed by the President have been in areas of the greatest social and domestic need—health, education, urban renewal, and manpower training and job development.

The American people have a right to know where the obstruction lies to the solution of many of these domestic problems. Congress has acted time and again. The President—and the President alone—has thwarted the will of Congress and vetoed many of the necessary programs.

The family practice bill which he vetoed over the weekend authorized $225 million over the next 3 years for special grants to hospitals and medical schools to train general practitioners and help ease the family doctor shortage.

The need is overwhelming. There is an estimated shortage of 50,000 doctors in the United States today—and the problem is getting worse.

As almost any family knows from personal experience, the most serious health manpower shortage is the shortage of family doctors. In 1931, three of every four doctors were general practitioners. Today, the figure is only one in five.

On the average, there is only one family doctor in the United States for every 3,000 persons in the population. We rank far behind many European and other countries in this regard—and in the quality of health care generally.

Despite the shortage of doctors—and especially family doctors—the President has vetoed the bill as being "unnecessary." Doctors, health and medical care experts, spokesmen for the American Medical Association and others who strongly supported the bill certainly thought it was necessary. The Senate, which passed the bill by a vote of 64 to 1, certainly thought it was necessary. The House of Representatives, which passed the bill by a vote of 346 to 2, certainly thought it was necessary.

Yet the President has taken a "wait 'til next year" attitude on the problem of family doctors—just as he has taken a "wait 'til next year" attitude for almost 2 years now on the overwhelming health needs which this Nation so desperately faces. It is regrettable indeed that the administration has not only failed to take any initiative on health problems, but has also vetoed the will of Congress when Congress has taken the initiative in moving to alleviate the crisis.

I have already stated some of the reasons why I consider the President's action on this legislation to be tragic and unjustified. But the importance of his action extends far beyond the need for family doctors. By choosing to pocket veto this legislation, rather than to return it to the Senate with his objections, the President has attempted to employ the pocket veto in a manner that the Constitution clearly does not intend, even if—as the President is apparently arguing — the Constitution permits it. This effort by the President to stretch the pocket veto to its constitutional limit has grave implications for the balance of power between the legislative and executive branches of our Government.

The sole purpose of the pocket veto provision in the Constitution is to cover the situation in which an adjournment of Congress makes it impossible for the President to return vetoed bills to Congress for reconsideration. Clearly in the case of the family practice bill, nothing prevents the President from returning the vetoed bill to Congress for reconsideration in the closing days of this session. If the family practice bill had been held at the desk of the Senate for a longer period before it was sent to the President, instead of being sent to him when it was, the President could not have pocket vetoed the bill, since the 10th day of the constitutional period would have fallen on a day when Congress was in session.

Thus, the President's attempt to use the pocket veto during the short recess at Christmas introduces an arbitrary element into the legislative process—an element never contemplated when the pocket veto provision was written into the Constitution by the Founding Fathers. The President's action is a clear challenge to the prerogatives of Congress under the Constitution. No Member of the Senate, whatever his views on the merit of the bill in question, can fail to be concerned about this latest effort by the President to undermine congressional power.

The promiscuous use of the pocket veto in this situation was obviously designed to avoid an embarrassing vote in Congress on a veto that would surely have been overridden. The President's action raises the possibility of similar arbitrary vetoes every time Congress takes a brief recess. The pocket veto authority of the President should have been clarified long ago, even if a constitutional amendment is required. I hope that every Member of Congress will give a serious consideration to the important principle that is at stake. The clarification of the pocket veto provision should be one of the first priorities of the 92d Congress.

Mr. YARBOROUGH subsequently said: Mr. President, the Presidential veto of the meritorious family practice of medicine bill (S. 3418) is very disconcerting for two reasons: First, this administration's apparent disregard for the state of health care in this country is deplorable, and second, the use of the pocket veto under questionable authority to thwart the intent of Congress is deserving only of reproach.

While Congress has demonstrated extreme concern over the present state of health care and the need for future improvement of health care by exercising its legislative authority, the executive branch of this country has responded with promises and obstruction.

Last year in a press conference President Richard Nixon said:

> We face a massive crisis in this area [health care] and unless action is taken both administratively and legislatively to meet that crisis within the next two or three years, we will have a breakdown in our medical care system which could have consequences affecting millions of people throughout the country.

Armed with this knowledge, the President vetoed the Hill-Burton hospital construction bill and Congress overrode the veto by an overwhelming majority. Armed with the same knowledge of a health care crisis, the President has now vetoed the family practice of medicine bill which would have created more general practitioners of medicine in the face of this country's tremendous shortage of doctors.

Yet, what justifications are used? The administration says that next year, probably in February, they are going to send to Congress a health message, accompanied by proposed legislation.

Mr. President, I fail to comprehend the reasoning behind a policy that says we are facing a health crisis, that something must be done within 2 years, and then over a year goes by before attention is even focused on the problem. Even if Congress receives a health message early next year, the lapsed time before enactment and appropriation will most likely approximate another year.

I deeply regret that the President did not find the fortitude to veto this bill with a message to Congress, so we would have the opportunity to override the veto. I think all of the people who have suffered from ill health while this administration gave promises of "next year we will do something" deserve to have their views felt through their elected representatives.

Despite the shortage of 50,000 doctors; despite the fact that in 1931 we had 1 family doctor for every 1,000 persons, and now it is one for every 3,000; despite the fact that this bill would have remedied this situation, the President vetoed the bill and again gave promises of next year.

It should be made clear that the stakes in this delay of health care are very high—we are dealing with the lives and the health of American people. While we cannot estimate the lives lost, or the preventable severe illnesses that may be caused by the constant obstacles and vetoes of health measures by this administration, I do not believe that the American people will tolerate disregard for their health care.

The family practice of medicine bill would have authorized $225 million over the next 3 years to create separate departments of family medicine in our medical schools so that we might give emphasis and prestige to the general practice of medicine, where we face a grave shortage of doctors. This was a needed measure of which the American people are now deprived.

It is also very disappointing that the President chose to pocket veto this bill while Congress was in a 4-day congressional recess for Christmas—a device which I consider an obvious abuse of the pocket veto.

The President's response to the health care crisis in this country is to veto two health bills and hide behind the pocket veto—a lack of leadership which our country cannot afford.

Even the procedure used—the pocket veto—is questionable. The question involves a construction of article I, section 7, clause 2, of the Constitution, which provides:

> Every Bill which shall have passed the House of Representatives and the Senate shall, before it becomes a Law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. * * * If any Bill shall not be returned by the President within ten days (Sunday excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had

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> signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

The last sentence of this provision is the determinative language in considering whether or not President Nixon had the constitutional authority to pocket veto the Family Practice of Medicine Act during the adjournment, in accordance with Senate Concurrent Resolution 87, from the close of business on Tuesday, December 22, 1970, until 12 o'clock noon on Monday, December 28, 1970.

Since the bill was sent and received by the President on December 14, 1970, the 10 days provided for in the Constitution would have ended on December 25, 1970. The question then arises as to whether the act became law on that date, as if the President had signed it, or whether it was pocket vetoed because Congress by their adjournment prevented its return.

In the Pocket Veto case (1929), 279 U.S. 655, the Supreme Court ruled that an interim adjournment of a Congress at the end of a session operated to prevent the return of a bill. In the first session of the 69th Congress, the House had adjourned sine die and the Senate, by terms of the joint resolution authorizing the adjournment, had adjourned until a definite date prior to the commencement of the second session to sit as a court of impeachment. The Supreme Court treated the adjournment as occurring at the end of the first session of Congress. A bill which originated in the Senate was presented to the President shortly before the adjournment which he did not sign nor return it with his objections. Petitioners argued that only a final adjournment of Congress terminating its existence would prevent the return of the bill. The Court rejected this argument and by dictum stated that adjournment as used in the Constitution was not limited to a final adjournment. The Court intimated that in the absence of Congress the resident could not veto a bill by affirmative action since Congress, by its adjournment, had prevented the return of the vetoed bill.

In the course of its opinion, the Court referred to a memorandum prepared in the Office of the Attorney General, dated October 10, 1928, analyzing all bills which had not been returned by the various Presidents during adjournments of Congress (H. Doc. No. 493, 70th Cong., 2d sess.). Many of these bills had been retained after final adjournment, a large number after adjournment at the end of a session, and a few after adjournment within a session. While the Court drew no distinction between the various kinds of adjournments, the issue at hand was the adjournment at the end of a session and it did not dwell on the specifics of an adjournment within a session.

The Court did state that the Constitution, in giving the President veto authority, imposes upon him not only the obligation to sign bills that he approves but also to return bills that he disapproves, with his objections, in order that they may be reconsidered by Congress.

It is disappointing in the case of the family practice of medicine bill that the President did not see fit to fulfill his Constitutional obligation to return this bill with his objections, since the distinguished majority leader (Mr. MANSFIELD) and also the junior Senator from Maine (Mr. MUSKIE) secured unanimous consent that the Secretary of the Senate receive messages from the President of the United States during the adjournment. This sets our situation apart from the pocket veto case in which the President was prevented from such action. In our case, I would contend that the President was not prevented from returning the bill and his refusal to do so may very well have caused the family practice bill to become law.

In La Abra Silver Mining Co. against United States, Congress presented a bill to the President on December 20, 1892, and 2 days later took a recess until January 4, 1893. The bill was signed by the President on December 28, 1892. The case held that the exercise of the President's authority was not restricted by the days that Congress was in session, and that the President could sign bills when Congress has adourned for a short recess. *Edwards* v. *United States* (1932) 286 U.S. 482 held similarly that the President could sign a bill into law after final adjournment.

In *Wright* v. *United States* (1938), 302 U.S. 583, a bill which had originated in the Senate was vetoed by the President and returned with his objections to the Senate during a 3-day adjournment of that body. The House of Representatives was in session at the time. The bill with the President's message was received by the Secretary of the Senate, and submitted by him to the Senate when it reconvened. The issue presented was whether the veto was effective in view of the fact that the President's objection had not been received within the 10-day period by the originating House while in session. The Court held that an adjournment of the Congress prevents a return of the bill by the President within the period of 10 days allowed for that purpose; but that since the Senate alone had adjourned, the constitutional provision did not apply and the veto was effective.

In the opinion, Wright against United States, the pocket veto case, supra, was considerably limited and its dictim moderated. The Court states that the view of the pocket veto case that the House to which the bill is to be returned "is the House in session" cannot be considered narrowly and is not applicable during a temporary recess as opposed to the end of a session. The Court further states, in apposition to the pocket veto case that the officers and agents of the Houses of Congress have great power and responsibilities and that they can be utilized to receive returned bills from the President.

The opinion gives great attention to the need to consider the realities and practicalities of returning bills, rather than relying on wholly unnecessary technicalities. The criteria are first, that the President shall have suitable opportunity to consider the bills presented to him, and second, that the Congress shall have suitable opportunity to consider his objections to bills and on such consideration to pass them over his veto provided there are requisite votes.

In the case before us of the family practice bill, the President had ample time to consider his objections to the bill, yet the congressional opportunity to override his veto was frustrated, even though Congress authorized a representative to receive his veto message.

If we follow the Court's view to not ignore the plainest practical considerations and that we not require an artificial formality to erect a barrier to the exercise of a constitutional right, then we must take note that the President knew that Congress would be in session today, that we could consider his message, and that there was someone authorized to receive the message.

Mr. President, apart from the merits of this bill affecting the health care of Americans, and, therefore, the health of our Nation, I think an effective case can be made for the obvious abuse of the veto authority by the President, which deprived Congress of its constitutional right to reconsider this bill.

ACTIONS BY THE SOVIET UNION AGAINST JEWISH CITIZENS

Mr. RIBICOFF. Mr. President, the world was shocked on Christmas Eve to learn that the Soviet Union plans to execute two Jewish citizens who were allegedly trying to escape to Israel. These severe sentences were handed down after a trial kept secret from the outside world as well as from those within the Soviet Union. One can only speculate about the evidence produced against these defendants, but the continued secrecy imposed by the Soviet Union together with the absence of any actual hijacking, make it clear that execution by firing squad is unjustified.

Outrage is spreading around the world in response to this action. The Soviet Union has rejected these protests as "another fit of anti-Soviet hysteria" and Zionist interference in Soviet judicial procedure. But what is anti-Soviet about the objections coming from the French and British Communist parties? And how Zionist are the pleas made by the governments of Belgium, Australia, and the leaders of Switzerland?

We have come too far toward insuring minimal human decency in the world community to allow any nation to claim that gross injustices are no one else's business. The history of Soviet persecution of its Jewish citizens and its prohibition against their emigration made these entire proceedings suspect.

The world community, as well as the Soviet Union, will be shamed if a man is allowed to be executed when his alleged crime, in his own words, was that "I only wanted to live in Israel."

Moreover, it is apparent that the trial in Leningrad is the forerunner of a series of trials in which the dominant note is to be the further prosecution of Soviet Jewry. American and world opinion must not only seek justice for those involved in the Leningrad trial, but must also endeavor to forestall persecution of scores of additional Soviet Jews.

Last week, on December 23, 1970, I joined 23 other Senators appealing to the President to express our deep concern to the Soviet Union over these trials. For

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myself, I think it is even more imperative now for the President to take action. I am also today urging U Thant, in his role as Secretary General of the United Nations, to use all the powers of force and persuasion at his disposal to bring an end to the inhuman actions of the Soviet Union toward its Jewish citizens.

I ask unanimous consent to include at this point in the Record the text of the letter of December 23 to the President, the New York Times editorial of December 26, the Washington Post editorial of December 27, and my telegram today to Secretary General Thant.

There being no objection, the material was ordered to be printed in the Record, as follows:

December 23, 1970.

The President,
The White House,
Washington, D.C.

Dear Mr. President: We, members of the Senate of the United States, are deeply disturbed over the proceedings instituted in the Soviet Union against Jewish citizens charged with alleged acts of treason. Since June, 1970, thirty-five Jews have reportedly been arrested under this charge which carries very heavy penalties. The first trial, involving eleven accused, most of whom are believed to be Jews, began in Leningrad on December 15, and is closed to the public and to the foreign press. Distinguished American lawyers who sought to attend the trials have been denied the opportunity.

The treatment of Jews in the Soviet Union in recent years leads us to believe that the arrested are being victimized as part of a politically motivated campaign to intimidate those who persist in pressing their right for religious self-expression, and their right to leave the Soviet Union.

We are shocked at the prospect of a return to the discredited and repudiated policies of Stalinism in which show trials were an accepted practice and in which Jews were often used as scapegoats.

We request the President of the United States to express to the Government of the Soviet Union our deep concern over these trials, and other acts of persecution against Soviet Jewry. The continued mistreatment of Soviet Jews can only impair the development of better relations between our two peoples and our Governments. Putting an end to such secret trials and discriminatory practices would be a welcome contribution to better understanding and goodwill.

Birch Bayh, Adlai E. Stevenson, Alan Cranston, Richard S. Schweiker, Hugh Scott, George McGovern, Robert W. Packwood, Jacob K. Javits, William B. Saxbe, Abe Ribicoff, Clifford P. Case, Philip A. Hart, Edward W. Brooke, William Proxmire, Gale W. McGee, Gaylord Nelson, Charles McC. Mathias, Jr., Charles H. Percy, Claiborne Pell, Vance Hartke, Walter F. Mondale.

Stalinism in Leningrad

Incredulity and indignation have been justifiably and widely aroused by the Leningrad court that handed down death sentences against two of eleven defendants found guilty of having plotted to hijack a Soviet plane. The senseless brutality of this verdict is apparent from the fact that no hijacking actually took place, and the alleged conspirators were arrested before they ever boarded the plane. Moreover the information of the Soviet secret police about the whole matter was so complete that the suspicion must arise that the supposed hijacking plot was a provocation arranged by a government agent.

This trial would not have received world attention nor would it have ended with death sentences if it were simply an ordinary criminal proceeding. On the contrary, this was one of the most important political trials held in the Soviet Union since World War II. The real defendants in the court were not the handful of accused, but the tens of thousands of Soviet Jews who have courageously demanded the right to emigrate to Israel. The real purposes of the death sentences is not to punish individual criminals, but to terrorize Soviet Jews. This is an even more brutal technique than that Stalin used successfully to quell the upsurge of Zionist feeling among Soviet Jews immediately after Israel was born.

But Moscow may have miscalculated. In 1949, at the height of the dark night of Stalinist terror for all Soviet citizens, Soviet Jews were cowed by a ferocious newspaper campaign against "rootless cosmopolitans," a code term for Soviet Jews sympathetic to Israel. But this is 1970; Stalin has been dead for many years and since his passing numerous peoples have won freedom or alleviation of their plight by courageous struggle. Less than a week ago the Polish working class overthrew Wladyslaw Gomulka when he overstepped the bounds of dictatorial insensitivity to a people's wishes.

In the new atmosphere of the 1970's, the barbarous, Stalinist verdict in Leningrad—especially if the executions are carried out—will almost certainly react against the Kremlin. Inside the Soviet Union it will inflame many Jews and members of other non-Russian minorities as well. In the free world, it will deal a further blow to those who have argued that Russia has changed since Stalin.

The new distrust of the Soviet Union that this and other recent repressive measures has aroused is well reflected in the "grave concern" over Soviet justice that this city's five district attorneys have expressed in requesting permission to attend the trials of 20 other Jews arrested in connection with the alleged hijacking plot. Moscow, in short, would be far wiser if it opened the "seven locks," of which Nikita S. Khrushchev spoke in his memoirs and permitted free migration for all its citizens, Jews and non-Jews alike.

Murder

One word—murder—characterizes the Soviet government's ordering of two of its citizens to death for allegedly preparing to hijack an airplane in Leningrad last summer and fly abroad; nine others with them were sentenced to labor camp for four to 15 years. For the central fact of their trial—and the Kremlin confirms this—is that no hijacking took place. The 11, and another man whose case is pending, were arrested walking out on the tarmac for a domestic flight. The accusations of hijacking, and the "confessions," came later. Is there another country in the world that would kill its citizens for a crime which it acknowledges they did not commit, which at most they only intended to commit, and which in any event is a serious offense but not a capital one?

Why was this group convicted, and why are 20-odd other Soviets reportedly awaiting trial on related charges? Soviet officials contend the reason is to deter hijackings. Others suspect a provocation hatched by one or another KGB or Kremlin faction for its own ends. Most of the world believes, however, that the Leningrad case is a pure and simple exercise in official anti-Semitism. Of the first 11, nine—including the two due to face a firing squad—are Jews who had been trying to emigrate to Israel. The context and the known facts make it transparently plain that the nine had no other purpose on their minds. No civilized government would prevent individuals from leaving if they chose; no sensible government would want to. Yet the Soviet government has kept these and other Jews—and not only Jews—from emigrating abroad. And now it has grimly set out to kill and imprison them for only making the try.

The circumstances of this case have made it a major international scandal which has brought great and still-gathering shame on the Soviet government. The Kremlin has, however, a way to restore itself at least partially in the eyes of those countless people in Russia and elsewhere who condemn barbarism wherever it is found. That way is to bestow clemency on the convicted and to allow them and others so minded to depart the land which is for them a prison.

To His Excellency U Thant, Secretary General of the United Nations, United Nations Plaza, New York, N.Y.

Dear Mr. Secretary General: I join the millions throughout the world who are shocked at the death sentences handed down Christmas eve in the Soviet Union to Jews allegedly attempting to escape to Israel. The Universal Declaration of Human Rights specifically recognizes the right of all men to leave any country. To execute men for exercising that right is an outrage and a rejection of the basic principles of the United Nations.

I urge you, therefore, to use all the powers of force and persuasion available to you to obtain relief from these sentences and to end the continued use of these trials as a means of oppressing Jews throughout the Soviet Union.

Sincerely,

Abe Ribicoff,
U.S. Senate.

Mr. KENNEDY. Mr. President, I want to commend the distinguished senior Senator from Connecticut for his comments today, and to join him in expressing deep concern over recent developments involving Soviet Jewry.

In part, at least, these developments reflect the growing difficulties facing citizens of the Soviet Union who are simply trying to leave their country—usually to join close relatives overseas.

For many months, there has been a growing demand among Soviet citizens for the right of free emigration. Many thousands of Jews, especially, have legally petitioned their government for exit permits. And a few—in their frustration and desperation—have tried to flee.

The plight of those who are seeking to avail themselves of a right taken for granted in so many countries, has justly caused much concern in our own country and elsewhere. This is particularly true, I feel, because in past years the Soviet Government has often said that it would permit free emigration in the interest of family unity, and, in fact, each year a trickle of Soviet citizens—including Jews—are issued the necessary documents to leave.

For humanitarian reasons alone, I feel the time is long overdue to further encourage this movement—especially at this time. And for this reason, on November 24 I strongly urged the Intergovernmental Committee for European Migration—ICEM—in Geneva to approach the Soviet Government on this issue, and to offer its services for facilitating the free emigration of Soviet citizens to Israel and other countries.

Over the last month, I and members of my staff have pursued this matter with a number of persons—including Mr. John Thomas, director of ICEM. Nearly all expressed a deep and sincere humanitarian concern and interest, and a willingness to do what they can to support an international displomatic initiative through ICEM. ICEM itself, however, can only act after the request of one of its 30-member governments. In a letter to Secretary of State Rogers, I am urging initiatives by our own Government to formally bring the question of Soviet emigration before the ICEM administration. Perhaps the Senator from Connecticut and others will join me in this effort.

Mr. BAYH. Mr. President, I should like to add my words of commendation for the distinguished Senator from Connecticut. His thoughtful remarks to the Senate were to the point, as were those of our colleague from Massachusetts. I think the trial and subsequent sentencing of Jewish citizens of the Soviet Union has really shocked the conscience of the entire world, and I am hopeful that the President will listen to the petitions that have been made by the Senator from Connecticut, the Senator from Massachusetts, and others. Some 24 of us have joined in sending a special letter to the President, asking that he petition personally on behalf of our Government to the Soviets, asking them to put an end to this type of persecution.

It seems to me that when the British Government, the French Government and, I am advised today, the Vatican, as well as the governments mentioned by the Senator from Connecticut, have directly intervened with the Soviet Union, the least our Government can do is protest in the most direct terms this terrible persecution of Soviet Jews. I am hopeful that the Secretary of State and the President will, before too much time passes, take advantage of this expression of Senate support to again show the entire world that the United States is going to speak out whenever religious persecution occurs, anywhere in the world.

DANGERS OF RENEWED SOVIET ANTI-SEMITISM

Mr. JAVITS. Mr. President, first I wish to join with other Senators, I understand, in addition to the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Massachusetts (Mr. KENNEDY), who have already spoken, in respect to a protest of these so-called trials for thinking about or planning hijacking, with such barbaric sentences. Second, Mr. President, I have urged the Secretary of State and the President over the weekend by telegram, and have followed up personally, to issue a protest in the name of the millions in the United States who feel very deeply about these persecutions, because they raise the grave specter, Mr. President, of show trials, and effectively illustrate the anti-Semitism practiced in the Soviet Union.

The harsh sentences—including two death sentences—imposed upon 11 citizens of the Soviet Union last week, nine of them of the Jewish faith, on charges of planning an airplane hijacking have aroused a broad spectrum of world protest and concern, including a most important protest from the Vatican and even from some European Communist Parties. The events of last week—and the prospect of a further trial—one to have started tomorrow but postponed to January 6, of nine defendants who sought permission to emigrate to Israel, are seen by world opinion as much more than a domestic criminal trial in the U.S.S.R. Rather, these events are viewed as an intensification to a more active level of a Soviet campaign of thinly veiled anti-Semitism that has been building over recent years.

These events raise a specter of the past—the widely publicized conspiracy charges, the detailed "confessions" and the subsequent harsh sentences, all part of the panoply employed by the Soviets to score propaganda points for either home or foreign consumption. They raise the shades of the purges of the 1930's and of the infamous "doctors plot" of the Stalin era.

Suspicions that these are no ordinary criminal trials are further aroused by the pattern of arrests and searches throughout the U.S.S.R. which came immediately after the arrest of the 11 on charges of hijacking as they were about to board a plane at Leningrad's Smolny Airport last June. Unlike other criminal actions in the U.S.S.R. the arrests were given wide publicity throughout the nation. The pattern is all too familiar. Only the victims of the tragedy are new.

Many in the Soviet Union and abroad have been encouraged by recent indications of some enjoyment of new personal freedoms by Soviet citizens. However, this trial, the cruel sentences imposed and the prospect of more trials to follow, represent not only a time of judgment for the defendants, but also for the Soviet Union itself. Is the present regime so unsure of itself that it must resurrect the terror of Stalin's time to intimidate and cow its people?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I ask for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. It has long been the policy and tradition of the United States to protest—both alone and in concert with other nations—the persecution of oppressed minorities by foreign governments. We have lodged these protests and registered our disapproval in a variety of ways—through direct communication with the government concerned, by recalling U.S. diplomatic representatives for consultation, by direct references in the President's annual message to the Congress, by the termination of a commercial treaty and by congressional action.

The last of these protests on behalf of those of the Jewish faith is long and honorable, including a condemnation of persecutions in Damascus in 1840, actions on behalf of Romanian Jews by President Grant following the Civil War, termination of a treaty of commerce with czarist Russia by President Taft in 1911, and more recently the inclusion by the Congress of the following language in the Foreign Assistance Act of 1964:

> It is the sense of the Congress that the United States deeply believes in the freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world. The Congress condemns the persecution of any persons because of their religion. It is further the sense of Congress that all persons should be permitted the free exercise of religion and the pursuit of their culture.

The time has come once again for our Nation to voice its concern in the strongest terms and to join in the protest against this new danger of Soviet anti-Semitism—a protest that is already being sounded throughout the world. To fail to do so would be to fail to honor a fine American tradition of more than a century's standing.

Over the Christmas recess, I sent a telegram to Secretary of State Rogers, urging a formal protest to the Soviet Union. I ask unanimous consent that the text of that telegram be inserted in the RECORD at the conclusion of my remarks.

The world will be watching closely the unfolding of events in the U.S.S.R. A ruthless rerun of past scripts will assuredly be interpreted as a sign of Soviet weakness and the inability of the present regime to chart a new and more humane direction for the Soviet Union in the eyes of the civilized communities of the world.

The cynicism of the Soviet Union in this matter is clearly demonstrated in the attempt of Soviet spokesmen to explain away the mass protests in the United States and elsewhere in the world by calling them "manipulations" staged by Israel. This characterization is a callous indignity to the millions of Americans of all faiths who abhor tyranny with the implications of religious persecution as practiced by the Soviet Union in these latest show trials. But more serious than the indignity is the dangerous insensitivity displayed by the Soviet Government in its reaction to the worldwide outpouring of revulsion and protest. A government so immune to true human feelings and aspirations, and which is so cynical in its approach to public opinion, is a government which can miscalculate the effective reach of its own policies in world affairs. The U.S.S.R. cannot afford to allow the United States or the world to draw the conclusion that its insensitivity or callous disregard of the opinion of mankind is so great. For if the United States and the world reach that conclusion, the consequences for world peace and tranquillity could be far greater than would naturally flow from these events.

Anti-Semitism is the last refuge of the politically bankrupt. Events will soon reveal whether it is our fears or our hopes which are without foundation in the U.S.S.R.

The following is the text of my telegram to Secretary of State Rogers to which I referred:

Hon. WILLIAM P. ROGERS,
Secretary of State, State Department, Washington, D.C.:

I believe that the United States, in accord with its tradition of regarding discrimination anywhere as being a universal issue, should protest to the government of the Soviet Union against the reported barbaric sentences imposed on Jews for the alleged attempt at airplane hijacking. Such a protest is the most impressive possible response to worldwide consternation and indignation on this outrage. It is well known that a show-trial atmosphere and a history of anti-Semitic agitation lends credence to the unusual and discriminatory sentencing in these cases. I

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hope very much that you will respond affirmatively to this request.

JACOB K. JAVITS,
U.S. Senator.

I respectfully submit to the Soviet Union that it cannot allow the United States or the world to draw the conclusion that its insensitivity or callous disregard of the opinion of mankind is as great as it seems to be; for if the United States and the world ever reached that conclusion, the consequences for world peace and tranquility could be far greater even than will flow from these dreadful events.

So I again urge the President and the Secretary of State to protest in the name of the American people against this kind of barbaric sentence and this kind of "show trial," with its clear implications of antisemitism. I believe that such protests will be effective, as I do not believe that the Soviet Union realizes how much it is flying in the face of decent and humane mankind.

Mr. DOLE. Mr. President, I share the views just expressed by the distinguished Senator from New York and associate myself with his remarks.

Mr. PELL. Mr. President, mankind is appalled at the latest act of inhumanity against the Jews of Russia because of the unusually severe and cruel punishment handed out involving an alleged attempt to hijack a Soviet plane.

I believe the moral leadership of the world and of our own country must condemn these sentences of death and heavy prison terms and demand clemency for the defendants.

Although it is impossible to know the facts involved in the incident and subsequent trial, because Russia continues to be enveloped in a shroud of secrecy, it is not difficult to understand and sympathize with those who in seeking a new life are forced when denied such liberty to resort to unusual efforts.

For many years, I have been concerned with the treatment of minority groups, and in the Soviet Union the Jews are the worst treated minority group. In the past, I have served as a vice president of the International Rescue Committee and more recently expressed our Nation's views on the issues of prisoners of war, refugees, and asylum as a U.S. delegate to the United Nations.

I urge that our Nation, through its people, its Congress, and its President, plead with the Soviet Government on behalf of the condemned and sentenced men to seek some mitigation of their fate.

THE TV INTERVIEW OF AMERICAN PRISONERS OF WAR

Mr. DOLE. Mr. President, I viewed with mixed emotions last evening—as did millions of other Americans—the interview of Comdr. Walter E. Wilber and Comdr. Robert J. Schweitzer, imprisoned by the North Vietnamese somewhere in North Vietnam. There is no doubt in my mind that this was a propaganda effort by the enemy. At the same time, I recognize that, as least to the immediate families of Commander Wilber and Commander Schweitzer and the other five Americans who were identified on this special program, it meant great hope and some possibility of being reunited with their husbands and sons some time in the future.

Mr. President, I ask these questions: Why does the enemy continue to ignore the Geneva accords? Why does the enemy refuse repatriation of the wounded? Why does the enemy limit communications with members of the family?

Nothing was said in the special TV interview about medical care or about the hundreds and hundreds of prisoners of whom we have no knowledge.

There have been a number of propaganda efforts by the North Vietnamese in the past few days. Some were fruitless; some bear some hope. But the Senator from Kansas, who has been associated rather closely with efforts by the families of American prisoners of war, by Members of this body, and by people outside the Government to learn more about the plight of American prisoners is at least hopeful that this may be the first step, that perhaps the permission to interview two Americans—even though it was on a Canadian TV station—might be a hopeful step.

Perhaps the next step will be visitation by some International Red Cross official, an opportunity to inspect all the prison camps in which Americans may be held. Perhaps a further step, and a more important step, is, through negotiations, the immediate return of American prisoners in exchange for 10 times that many prisoners held by the South Vietnamese.

Mr. President, I believe most Americans recognize the effort for what it was—propaganda. Most Americans recognize that propaganda does play a role in any war—on our side or the other side. But most Americans are hopeful that this may be the beginning, that this may be a recognition by the North Vietnamese that American public opinion and world public opinion demand some compliance with the Geneva accords insofar as treatment of American prisoners is concerned.

I hope that Members of this body and people throughout America continue their efforts, whether it be through speeches, whether it be through letters to Hanoi, whether it be through contacts with the wives, the children, the mothers, and the fathers and American prisoners of war, whether it be to assist the efforts of those such as H. Ross Perot, the pioneer in efforts to call American public attention to the plight of the American prisoners of war. But there is no question in my mind that within the past 9 months there has been a complete reversal with respect to public attention, concern of the media, and concern of people around the world with reference to American prisoners and the plight of the prisoners and those Americans missing in action.

Mr. President, I would point out that, in addition to American prisoners in North Vietnam, unquestionably Americans are imprisoned in Laos, perhaps in Cambodia, and South Vietnam; and those of us in this body cannot rest until some arrangement has been made—hopefully, through negotiations—to return the American prisoners to their families.

OUR SOILED CITIES

Mr. BAKER. Mr. President, I invite the attention of Senators to a remarkable article that was recently unearthed by a public-spirited citizen who was cleaning out her garage. Published in the January 27, 1934, issue of Collier's magazine, the article is entitled "Our Soiled Cities."

Perspective is a very rare characteristic and difficult to establish. Perhaps in some ways life would be less exciting if people generally realized that most things have happened before. In political life we quickly become inured to the sweeping hyperbole of public declamation. We are "shocked," "appalled," and "outraged" at virtually every turn, when, in fact, we have come to expect most of it.

I do not mean to belittle in any way the seriousness of our environmental problems or to imply that the magnitude has not grown greatly in recent years. But this article is a refreshing reminder that the problem is not a sudden invention of the 1960's. At a time when so many are warning of the apocalypse, we could do worse than to recall other times of stress and difficulty.

I wish there was a way to reproduce the advertisements that appear on these pages of Collier's, whose readers learned that a pouch of Union Leader pipe tobacco could be had for one dime and a Christy safety razor with three blades for 25 cents.

I commend this article to the attention of my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR SOILED CITIES

(By W. B. Courtney)

It's time we dropped the notion that smoke means prosperity. It means, in the first instance, waste of fuel; and after that it means expense to you, whoever you are and wherever you live, and immediate danger to your health and spirits. It's an overhead sewer—as harmful as contaminated water. You'll be doing yourself a good turn if you help clean your city's face. And that's a chore that begins at home.

Fogs are not rare in the valley of the Meuse; but within memory there had never been another like this one. Day after day it made this dour corner of Belgium a land of ghostly shapes and unreal silence; it seemed that the world had been trapped in a nightmare from which it could not awaken. And yet, when old man Laille sickened, no one would have associated it with the fog except for the little red spots that glowed on his skin and except for the frank bewilderment of the village doctor.

Soon others took the illness—with the little red spots and the quick sufferings; and the doctor suddenly remembered it had been thus with poison gas in the great war. Panic ran through the Meuse Valley. Peasants told one another it was the work of evil spirits; ignorant workers trembled at sensational tales of attack by undeclared enemies. Refugee scenes of 1914 were repeated when many tried to flee the fog pall. It was a nine-day mystery for the whole civilized world.

Then a fresh wind swept the mist out of the valley, and the plague with it; and medi-

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cal and chemical science caught up with the matter. The red spots were acid burns; the sickness was a poisoning from an unusually heavy concentration of one of the common products of combustion, and its source was traced to the smokestacks of a fertilizer plant.

This is how it had all come about: first, there were thick mists and oppressive humidity; then a complete absence of wind. Into this stagnant air poured a dense smoke discharge, which was held by the fog as by the low ceiling of a tightly closed room, so that it pressed down upon all living things.

THIS COULD HAPPEN TO YOU

True, the combination of atmospheric and smoke conditions that made such a disaster possible was rare; and yet the mayor of any one of scores of American cities might look in the direction of Belgium and whisper to himself, "There, but for the grace of the wind and the weather, lies my town!"

For what happened in the Meuse Valley might as easily happen under present smoke conditions, wherever industry waves its black plumes above the roof-tops. There were no elements in that Belgian poison smog which are not present in some degree in the smoke, visible or invisible, that is discharged from most of the busy stacks in our land. Chemists will list them for you quickly; ammonia compounds, tar, sulphuric acid, fly-ash- carbon particles. Compounds hurtful to human life which, in one degree or another, are common products of combustion as it occurs not only in our factories but in the furnaces of our homes and places of small business.

Hundreds of thousands of tons of obnoxious soot rain upon each state in the Union every year—from one to more than two thousand tons upon each square mile, according to its situation with relation to industrial concentrations. Millions of cubic inches of poison gas are set free annually in the air above our heads. Between them, gas and soot, they steal precious weeks of greenness from our gardens, and prematurely brown our trees; they smear and destroy the goods within our homes, and corrode our outdoor possessions; they render ugly our public buildings, and thus make depressing the faces of whole cities; and, worse, they affect our national psychology, sow broadcast diseases new and old, screen away from our children the precious sun rays that produce Vitamin D, keeps sinus trouble as fashionable as appendicitis used to be, turn our lungs into a couple of waterproof socks, and cause blackheads on Aunt Julie's lovely nose.

There is a doctor in St. Louis who, upon stepping from his breakfast table to his office on a given morning, can tell you exactly what the weather is like without so much as a peek through the window or a glance at the morning paper. No invocation of devils here. Simply a hasty count of noses in the waiting-room and a momentary cocking of the medical ear. Only two or three "chronics"—and it's a grand, sunny day out of doors. But if standing room is at a premium, and there is much stepping on toes and pushing forward and snarls and coughs, it's another of those St. Louis blues—a day when it is night all day because smoke from the river boats, the networks of railroad yards and the factories on both sides of the river is imprisoned by the low-hanging valley mists and drawn over the city like a dark, threadbare sheet.

So much has been taught about the value of sunlight to health that within the past few years we have developed a national suncult. In consequence there appeared on public beaches last summer a new wrinkle in parasols—a covering of colorless, transparent paper. The notion was to let through the light, but not the heat. Whether this fashion has in it anything of scientific merit or practicality is beside our point. An idea is indicated, however, which might well be turned to civic account.

When you fly across the United States do not think that you will see only fair and smiling land, with towns along the route marked by white houses and cheery roofs and steeples bright in the sun. Indeed, a day of wide visibility even over open country—even when skies are clear overhead—is so rare that pilots talk about it. Usually there is a "false" horizon ten degrees or so above the true horizon. It is the rim of the dust and smoke blanket which circulating air spreads over the country. Usually, too, there is a haze which blurs everything at a distance of several miles from your cockpit into a vague bowl that flies along with you.

OUR STRANGLED CITIES

Always there is a chain of dark smudges on the skyline, like blots from a cosmic thumb. Those are the cities. Veteran pilots will in daytime name them for you without consulting maps, or referring to remembered topographical features; identifying each simply by the size of the black umbrella that hangs in the sky above it. Sometimes the larger cities raise smoke umbrellas with two hundred square miles of spread.

From thirty miles away, and a mile up over Long Island, I have seen the spires of New York's tallest buildings rising clear of a single giant puff of jet-black smog which had settled down and blotted the whole city and its environs from view. Touched by the blatant colors of a wintry sunset these few turrets were like candles burning on a funeral bier.

And I have looked at Chicago and at Kansas City, among other places, on equally clear days and from similar vantage points, and have seen nothing—nothing but a dreary, shabby pall. The disturbing thought is that millions of people are living, sleeping, working, seeking health and fortune and happiness, under those vast black umbrellas; that millions of children are fighting thereunder for the chance to grow up into sound maturity and optimistic citizenhood.

"If we are to avoid in this country serious hindrances to industrial and commercial economies, grave consequences to public health, American cities must pull down and discard those old black umbrellas; and, taking cues from the young folks at the seashore, run up in their stead transparent ones that will let through the sunshine," H. B. Meller told me in Pittsburgh, recently. He is the head of the Air Pollution Investigation, Mellon Institute of Industrial Research; and, in addition, Chief of the Bureau of Smoke Regulation of the city's Department of Public Health. Formerly he was Dean of the School of Mines, University of Pittsburgh. His work has not been without political and industrial opposition.

But today everything in Pittsburgh is clean—relatively clean. A recent nation-wide survey, indeed, places it halfway down the list of cities in the order of their offenses against clean air. When you consider that no city more fairly earned its original nickname, and that the conditions which make for smoke and grime have been multiplied during his tenure of office, the achievements of Meller and his associates take on notable importance; and this, coupled with the breadth and variety of his researches and experiences, makes him the foremost authority on air pollution. Better pay attention, then, while he wags his finger at you and warns:

"Industry cannot go ahead without a certain amount of smoke. Mankind cannot get along without some dust. If there were no dust particles in the air to play their part in the condensation of moisture and its intermittent precipitation to earth as rain, we should have a constant drip-drip that would be even more demoralizing to our spirits than the smogs of today. The effort, therefore, must be toward keeping dust within reasonable check and toward finding a safe minimum for smoke, or rather for the discharge into the air of the products of combustion.

TWO FALLACIOUS BELIEFS

"From many cities word comes, pathetically, that the authorities would be glad to see 'the blackest, densest smoke' issuing from their idle stacks. This illustrates two widespread American fallacious beliefs. The first, perhaps, was among the factors that led us into four years of cold grates and stark chimneys—it is the notion that bigger and better smoke coils writhing from mill stacks are flags of prosperity; whereas they are warning signals that good fuel is going up the chimney, indicating wasteful operation.

"The second erroneous idea is that only visible smoke is obnoxious; yet chimneys with scarcely visible emissions, well inside the average city ordinance as to degree of opaqueness, may be belching out coke particles, cinders, ash high in silica, unburned oil and sulphurous gases with sinister generosity. In plain truth as matters stand now, due to changing fuels and to lax or conscienceless or perhaps mererly ignorant methods of combustion, in homes as well as industries, we are feeding a sewer over our heads which is every bit as real as the sewers under our feet, and far more dangerous because not impounded.

"Now the danger line is at hand. It lies in the prospect of the general reawakening of industry under the stimulation of the national recovery plans. In many cities, despite well-meaning but inadequate ordinances based on the old-fashioned belief that smoke is all right if you can't see it, the safe minimum of air pollution will be left behind. If it is, there isn't one of you, man or woman, who can escape damage in the two vital places where you can least afford to be damaged—your health and your pocketbook.

HOW TO PREVENT NEW SLUMS

"'Wipe out the slums!' is the cry in every large city; a clamor of civic pride so eloquent that it has won major emphasis in the National Recovery Act as reflected in the public works program. But, unless smoke is abated and air pollution decreased, the Public Works Housing Corporation is likely to find that it has merely built new slums for old. New York is a case in point. Mayor LaGuardia, with admirable zeal and sincerity and humaneness, won for his city allotments for rebuilding that will abolish whole sleazy neighborhoods and give employment to many thousands. But New York must not lose sight of the fact that slum eradication is sociological and psychological and educational, as well as architectural.

"If you don't improve the slum dweller's chances for good health of mind and of body you haven't done much for him, because a man can be poisoned in the parlor as easily as in the kitchen. Researches definitely show that the unnecessary smoke deluge and preventable air pollution are worst in slum neighborhoods. Consequently a greater prevalence of pneumonia and certain other diseases is found therein; and the morale of slum-dwellers and their interests in their own lives and welfare and in civic matters are low. Smog is the friend of futility, of the 'blues.' If you don't clean up New York's air, as part of the rehousing scheme, its slums will never stay cleaned up."

Time was, not more years ago than you can remember, when you could excite no more than a benign chuckle from your Park Avenue uncle by flaying the morals of his adopted city; but if you dared insinuate that its air was less than crystal pure he would scratch your name from his will. New Yorkers were envied by provincials for their ability to wear shirts or shirtwaists three days and celluloid collars or muslin guimpes a whole fortnight. Alas, came the dark; the great anthracite strike of early ante-bellum days, bringing a winter in which New Yorkers burned in their furnaces everything and anything from old love letters to broken phonograph records in an effort to keep warm. Phoebe Snow's famous coal was scarce.

It was then New York home and apartment owners learned they could burn soft coal—and live. Then, also, the first of the doofunnies for converting your coal furnace into an oil burner appeared; say what you please, the first types of conversion burners were not efficient and half your oil went up the chimney to come down in your neighbor's hair. The latest types—those are a different story, but everybody does not own one of the latest types. Anyhow, very soon it got so you could not tell where Harlem left off and the Bronx began. Recently the American Society for Testing Materials solemnly labeled New York's present air "industrial" in type, as corrosive and blighting as that of any steel or mining town.

New York is not alone in its predicament. The overhead sewer is spreading rapidly to many centers historically clear. The government has had to increase by threes and sixes the appropriations for cleaning the Capitol in Washington; even so, the huge dome usually wears a skullcap of tarry grime and irreverent tourists have been overheard comparing it to a paunchy monk drowsing beside a kraut vat.

PITTSBURGH LOSES FIRST PLACE

Three years ago the average deposit of solid products of combustion upon Pittsburgh was nearly a thousand tons per square mile; in the Woods Run district of the city it tallied 2,319 tons. Yet Pittsburgh, mind you, is not first on the list of our soiled towns; Kansas City and others outsoot it. Most of us who grew up in other parts of the United States may have had, before we reached the second grade, an imperfect idea of Pittsburgh's geographical relationships. But "Smokey City" meant things to us. It meant, besides Honus Wagner, a place where every prospect pleased fast-ball pitchers; a park where you did not have to smack the apple over the fence to make a home run, but just tap a high fly and they'd lose it in the murk, just as players on fairer greens lost them in the sun, and when it came down they couldn't tell it, anyway, from the chunks of coal lying around the outfield.

Practically all of our American cities pay more for smoke than for political incubi; the latter vary in pocket-picking talents and in daring, but these qualities in smoke are universally high. "Studies made in Pittsburgh some years ago," Mr. Meller told me, "convinced us that we were safe in estimating the cost to each man, woman and child in the city at about fifteen dollars each year. Later investigations, soundly made, in other places—among them, New York, Chicago, Cincinnati, Salt Lake City, Boston, and Baltimore—varied from ten to thirty dollars per capita. Cleveland estimated a loss ranging as high as eighty dollars to each family living therein, and the compiler added that if his figures were to be multiplied by two they might strike nearer to the truth. And we have just received, here at Mellon Institute, a private communication from a national business research association expressing the opinion that all the foregoing approximations, old and recent, are far too low."

A HUNDRED MILLION A YEAR

Give your attention now to Dr. Thomas Darlington, who for nearly thirty years has been fighting the good fight against air pollution and smoke in New York City.

"One hundred million dollars a year!" Doctor Darlington told me. "That is how much smoke costs the city of New York. In addition, it has virtually enslaved our women. That heavy layer of soot on your windowsills every morning represents for the poor housewives, longer hours at the washtubs; more time at the washbasins with the children. For the housewives in moderate circumstances—who formerly could afford a maid but because of the depression have to do their own work now—it means less time for cultural opportunities. It means a greater part of the budget going for cleaning and repairing; less with which to keep themselves attractive, It means tired bodies and jagged nerves when husbands come home at night; and thus more nervous diseases, domestic maladjustments, divorces."

Except for aggregate costs, all these items are as true of Covington, Virginia, and of Milwaukee, Wisconsin, and Omaha, Nebraska, as they are of New York. And the fighting doctor did not take enough time to give you half the picture. There is, for example, the cost, to home owner and industrialist alike, of fuel wastage due to careless methods of fire-making and, consequently, incomplete combustion. Analyses of sootfall made by Mellon Institute revealed thirty-two percent of combustible matter; pointedly, a large preventable loss. Someone has figured that in England two million tons of fuel are lost annually through escape in smoke. Your shopping costs you more because of the expense to which stores, large and small, are put to protect and to clean their stocks. Despite the universal store custom of drawing sheets over counters at night, the loss to retailers in New York's mid-town averages nearly $50,000 a year; to great department stores it is, of course, vastly larger.

If you own your own home you are smoke's favorite sucker. Not only because of the corrosive effects of the sulphur acids in soot upon metal roofs, caves-troughs and stone work, not only because of their quick destruction of paint—the reputations of more than one sterling manufacturer of honest paints have been foundered in recent years by the soot barrage—but chiefly because of its swift depreciation of your property's value. In Philadelphia, some years ago, assessors marked down hundreds of parcels of property in the 24th and 44th wards as much as two thousand dollars each, because of the smoke nuisance.

Study the flowers in your window-boxes, the shrubs in your back yard, if you want to determine whether the air of your city is polluted. Plants are the guinea pigs of atmospheric hygiene. Tar in soot draws a waterproof, airproof and lightproof film over the leaves so that the plants choke to death; and, if that isn't enough, sulphuric acid poisons them.

All buildings of stone are disfigured and begrimed by smoke, giving their city a dirty face, and making necessary frequent, costly and injurious cleaning. The majority of office buildings are of limestone, and the effect of polluted air thereon is more severe. Look at the office building in which you work; if it has been up any length of time you will undoubtedly see pockmarks, chunks gone, especially at the corners, as though someone made free with a hammer. Living stone has "sap"—water, which rises to the surfaces and evaporates after the stone is quarried or "killed." The dried-out stone will shrink if left to stand: if placed on the job while green, this shrinking helps to distend the interspaces.

CONSIDER WHAT YOU BREATHE

The "sap," passing from the interior of the rock to the surface, carries with it all the mineral substances that the stone contains. These, when the water reaches the air and evaporates, are left behind on the surface of the stone where they form a hard coating or outer shell. Sand-blasting or any other form of abrasive cleansing removes this surface and exposes the comparatively soft inside to weather; it is as though your dentist were to grind the enamel from your teeth, leaving only the pulp to withstand the effects of mastication.

"Throughout the nation we regulate and closely supervise food and water supplies," Doctor Darlington remarked. "There is no treasure in the world more zealously guarded than the purity of the milk supply of New York—and of other communities. Then why should not the forces of law and of public opinion compel expert supervision of the air supply—a staple fully as concrete as food or water?

"We take care that contaminated food must not reach our mouths. But contaminated air enters it readily and continually. About fifty varieties of disease-producing microorganisms may find snug harbor in your mouth. These germs do not float or fly or move through the air by means of self-locomotion. They ride. Each microbe is a pilot, each dust mote is a plane. Uncountable legions fly in a cubic foot of smoke. The smoke and fumes and dust irritate the nose and throat and sinuses, and then the germs take hold.

The products of combustion also irritate the eyes and ears, the respiratory tract, the bronchial tubes, the gastrointestinal area. In the lungs the carbon particles become imbedded and in time the lungs change from natural pink to black. I could give you an impressive list of health disturbances in which the influence of polluted air is known or at least suspected."

It is in pneumonia that smoke's influence falls most disastrously. Pneumonia ranks first, in the industrial United States, in the list of acute communicable diseases as a cause of death. It takes vigorous men and women in the most useful and productive years of their lives. There is a striking parallel between smokiness of cities and higher pneumonia mortality. Having coated the lungs, soot obstructs their natural drainage processes, which are essential for victory in a patient's fight against pneumonia. "Some day," warns the Department of Public Health of Pittsburgh, "we shall all realize that polluted air is as great a health menace as polluted water."

Cleaning the air of the United States might do as much to reduce pneumonia as cleaning the water did practically to banish typhoid. Moreover, it would let through more sunlight, one of the most valiant of the microbe fighters. Lack of a natural quota of sunlight favors rickets. Government tests made in downtown New York showed that the average percentage over a year of loss of light due to smoke haze in the atmosphere was 26.2 on clear days and 38.2 on cloudy days. This screening away from us of healthful rays does things to your naturally sweet disposition, too.

Researches in this country show that employees are less efficient in murky weather by ten per cent and upward. In London the Bank of England has a regulation that its folks must work at less intricate and important problems when the fog comes.

"There is not in the United States a city, large or small," Mr. Meller told me, "in which the air cannot be cleansed. The trouble—as I have observed it in many visits to many communities—is that citizens, distracted by the grime and the petty ruination in their own homes and by the sight of their beautiful public buildings growing dirtier day by day, want a single prescription that will wipe out the soot and banish the smoke clouds miraculously overnight."

"Anyone who is patient can start a fire without smoke by using first a little paper, well pulled apart," Dr. Darlington says, "plus kindling. Then a heavier kindling. In each step make sure that combustion of the last fuel is well under way—flaming briskly, *hot*—before you put on new. Make sure that there is a good draft. Thus you build up heat, the most important thing to quick and smokeless combustion, and when you put on the coal it is quickly ignited. If you have an oil burner, it should provide *for preheating of the fuel*. Feeding cold oil to your burner blows dollars up your chimney.

"Our chief difficulty is the lack of conscience among people who should know better. Owners, for instance, of large apartments

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who, to save a little money and to get along with fewer employees, throw into their incinerators all the solid rubbish that should be collected for carting to the municipal disposal plants. They know old rubbers and carpets and such trash make illegal smoke, so they wait until dark nights to burn it, knowing our inspectors cannot see the smoke. It's on your windowsills and bed linens in the morning. Our smoke bureau inspectors work early, 5 a.m. onward; and late, 5 p.m. onward, for these are the hours of greatest violation."

THE WORST OFFENDERS

Because of Doctor Darlington's point that air pollution must interest and affect you, wherever you live, it is doubly interesting to return to Pittsburgh now for Mr. Meller's ideas on what can be done to correct this. "In the past generation," he says, "anti-smoke ordinances of one sort or another have been passed in about 125 cities, in this country, of 30,000 or more population. Conditions generally, in those communities, have improved as regards visible smoke. The electrification of railroads has aided, too. Unfortunately most existing ordinances are restrictive—disciplining those who produce smoke—rather than preventive, educating people how to avoid making smoke. Another drawback is that most city ordinances specifically exempt the small-home owner from their provisions.

"To frame ordinances seeking control of city air pollution but not to require the individual home owner to live up to them is just about as sensible as telling unarmed natives that now the jungle is safe—we've killed the elephants—saying nothing about the tigers and cobras. A chemist who has studied the air over a certain metropolis for five years insists that most of its pollution is from small buildings and private homes.

"My own experience shows that large fuel consumers are by no means the worst offenders; their engineers have a clear picture of the wastage involved and work for efficient, which is smokeless, combustion. Such firms know that the expenditures necessary to accomplish their purpose will be returned with good interest, in lowered fuel cost. Here in Pittsburgh is one corporation that spent more than a million dollars to conform with the anti-smoke ordinance in its local plants and was completely satisfied with the results in improved combustion; and that is only one of many instances that might be cited. In Detroit complaint was made to the city smoke bureau that ashes and partly burned fuel from a factory were clogging all the eaves-troughs in the vicinity. The smoke bureau showed the factory owner how he could stop this by the use of automatic stokers and a screening device; he did so, at a cost of $48,000, which he soon got back in fuel economy plus good will.

"I'd like to emphasize that, while new ordinances should be drafted to take advantage of the practical possibilities that have been developed in recent years through scientific research, great immediate improvement in present conditions can be achieved by education, without undue expense. The small-home owner should know what fuel to use and how to make and take care of his fire. The industrialist who does not have returns that he believes will justify outlay at once for needed new equipment should be sure that he is using a fuel that will not cause his stacks to soot up the neighborhood, and that his firemen are schooled in the best methods of firing. Under present-day methods of financing such installations, automatic fuel-feed devices to provide for efficient combustion, and means to separate the solids from the escaping gases, can be installed and, in most cases, paid for out of savings. The expanding use of electrical precipitation or mechanical collection of stack dust has introduced into industrial science a new waste product to be utilized. A rubber concern is now experimenting with the use in automobile tires of the solid particles screened from the products of combustion of pulverized coal; others are at work to find commercial uses for the anticipated large tonnage of material that now is permitted to pollute the air.

CONTROL FROM THE START

"Here is a program that in my judgment will enable any city to clean up its air: The community publicly shall register a clear-cut intent to attain hygienically pure air and win majority support for a graduated approach to this objective. Ordinance provisions permitting dense smoke and exempting private dwellings from regulation shall be canceled. The work divides itself into two parts, emergency and longterm. The former, being immediate, will encourage the use of electricity or fuels most easily burned without smoke. At the same time, expert advice on firing technique will be made available to all who are under economic compulsion to use fuels which now are not being burned smokelessly. Thus control will exist from the start and faulty combinations of fuel and equipment will be remedied.

"The permanent program picks up all the value gained in the emergency step and carries it further with scientific accuracy. It includes a survey of all fuel-burning equipment in the community, and is supported by a flexible ordinance that makes approval of heating and power equipment a part of the building permits, and which empowers the proper city department to be staffed and instrumented for measurements of community-wide or sectional smoke, dust and deleterious gases. Such factual information will be used in applying the 'rule of reason' to air pollution abatement regulations.

"A thorough clean-up of an entire smoke-producing district requires uniformity of action regardless of city or even state lines. City bureaus of smoke regulation will become bureaus of air hygiene. Such bureau should be in charge of one who is experienced in the various phases of the control of air pollution from the combustion of fuel, and he must be let severely alone by politics. Above all, the ordinance must be practical—you cannot force things down American throats—but should be sufficiently flexible so that advantage can be taken of the advances that will be made from time to time in the design of fuel-burning equipment, the processing of fuels, and the separation of dust.

A LOOK AT THE FUTURE

"The 'White City' is inevitable. Changes in architectural design plainly indicate this. The development of air conditioning is another index. Right now, the outdoor air pollution is creating complications for the manufacturers of air conditioning devices. They have to make the filter parts of their installations oversize to take care of smoke-fog conditions and the excessively gummy chimney emissions in many residential districts. Gases from incomplete combustion act corrosively on metal connected with air conditioning systems. As the outdoor air pollution is lessened and more and more air conditioning plants are installed, a new body of converts to pure air will become vocal. Having learned the advantages of conditioned air in their homes and work places, having enjoyed treated indoor air not conducive to colds and other discomforts caused by smoke irritation, people will demand an equally safe and healthful atmosphere on their streets and in their parks. They will bring irresistible pressure to bear upon the authorities.

"Other things will happen. Anthracite—contrary to anything you may have been told, there is an abundant supply of anthracite, or hard coal, which burns clear and hot and throws off no smoke and a minimum of particles—and other solid fuels will be pulverized or gasified at some mines and forced through pipe lines to cities, just as natural gas is today. At other mines, which have adequate water supplies nearby, electricity can be generated and transmitted hundreds of miles to run subway lines and to light cities. But right now, today, with the facilities and the knowledge we have, without overburdening private dwellings, trade or industry, the atmospheric sewer over our heads can be cleaned up. Public interest, cooperation of the medical and engineering professions, good will of industrialists and the sincerity of municipal authorities are needed; and, I believe, available and waiting only to be rallied. Then we shall achieve clean air in our American cities, and it will be one of our greatest national assets."

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT ON APPROVAL OF LOAN TO EASTERN IOWA LIGHT AND POWER COOPERATIVE, WILTON JUNCTION, IOWA

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Eastern Iowa Light and Power Cooperative, of Wilton Junction, Iowa, for the financing of certain new transmission and generation facilities (with an accompanying paper); to the Committee on Appropriations.

REPORT ON CERTAIN FACILITIES PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE AIR NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on certain facilities projects proposed to be undertaken for the Air National Guard (with an accompanying paper); to the Committee on Armed Services.

REPORT ON FOREIGN EXCESS PROPERTY DISPOSED OF BY THE FEDERAL AVIATION ADMINISTRATION

A letter from the Assistant Secretary for Administration, Office of the Secretary of Transportation, reporting, pursuant to law, on foreign excess property disposed of by the Federal Aviation Administration; to the Committee on Government Operations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting pursuant to law, a report that U.S. participation in the International Labor Organization is not effectively managed, Department of State, Department of Labor, Department of Commerce, dated December 22, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting pursuant to law, a report on the examination of financial statements of Disabled American Veterans—National Headquarters for year ended December 31, 1969—Life Membership Fund for year ended June 30, 1970—Service Foundation for 6 months ended December 31, 1969, dated December 22, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on improvement needed in administration of the Federal Program of Aid to Educationally Deprived Children in Ohio, Office of Education, Department of Health, Education, and Welfare, dated December 28, 1970 (with an accompanying report); to the Committee on Government Operations.

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REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H. Con. Res. 771. Concurrent resolution for the printing of environmental report (Rept. No. 91-1516); and

H. Con. Res. 790. Concurrent resolution to provide for the printing of 5,000 additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor entitled "Discrimination Against Women" (Rept. No. 91-1518).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

H. Con. Res. 785. Concurrent resolution authorizing the printing as a House document the book entitled "Our American Government and How It Works: 1001 Questions and Answers." (Rept. No. 91-1517).

A BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MONDALE:

S. 4603. A bill for the relief of Pyung Yank Park; to the Committee on the Judiciary.

ADDITIONAL COSPONSOR OF A BILL

S. 3183

At the request of the Senator from Delaware (Mr. BOGGS), the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 3183, to amend the Federal Water Pollution Control Act to provide for the establishment of a national policy and comprehensive national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's estuarine and costal zone.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 24, 1970, he presented to the President of the United States the following enrolled bills:

S. 11. An act to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes; and

S. 2984. An act to permit certain Federal employment to be counted toward retirement.

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENTS 1109 AND 1110 TO H.R. 17550

At the request of the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. Moss) was added as a cosponsor of H.R. 17550, the Social Security Amendments of 1970.

NOTICE OF HEARINGS ON GOVERNMENT PROCUREMENT OF DRUGS

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Select Committee on Small Business will meet on January 18 and 19, and February 1, 2, and 3 to resume hearings on Government procurement of drugs.

The hearings will begin each day at 10 a.m. in room 1318 of the New Senate Office Building.

ANNOUNCEMENT OF HEARINGS ON OEO NOMINATION

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Employment, Manpower, and Poverty will hold hearings at 9 a.m. Wednesday, December 30 on the nomination of Frank C. Carlucci to be Director of the Office of Economic Opportunity. The hearings will be in room 4232 of the New Senate Office Building.

At the same time the subcommittee will also consider the nominations of Mr. Carol Khosrovi to be Director of the Volunteers in Service to America—VISTA—program, and Mr. John Wilson to be Assistant Director of the Office of Economic Opportunity for Planning, Research, and Evaluation.

ADDITIONAL STATEMENTS OF SENATORS

TERMINATION COSTS OF THE SST PROGRAM

Mr. DOLE. Mr. President, last Tuesday the distinguished Senator from Arkansas (Mr. FULBRIGHT) and I engaged in a coloquy concerning the supersonic transport funding provisions of the conference report on the Department of Transportation appropriations bill. During that colloquy, the Senator from Kansas had occasion to remark on the expense which would be incurred by the United States if the SST program were terminated as the Senator from Arkansas proposes. The sum of $160 million was quoted by the Senator from Kansas, but a further investigation into the matter disclosed that amount is out of date and inaccurate in the context of current debate. The $160 million figure was computed in August of this year and was accurate at that time, but since then the figure has risen considerably and now stands at $278 million.

In fact, as the President pointed out on December 5, it would cost nearly as much to extinguish the program now as it would to carry it through to completion of the research and development—prototype—phase. The administration estimates that completion of the prototype program, with an investment through fiscal year 1970 of $708 million, would require another $344 million. It sought $290 million of that amount for fiscal year 1971, and the conference report on the bill recommends $210 million.

The $278 million for termination includes $105 million which will already be expended by the end of this month for fiscal year 1970 under the continuing resolution passed by Congress some time ago. It includes $12 million estimated to be the cost of office work which would be incurred in the closingout process. It includes $80 million put into the program by the contractors involved under a cost-sharing arrangement; the government is contractually bound to refund that money if the program is canceled at the government's initiative. The termination figure also includes $22 million in deposits placed by the airlines to hold delivery positions for the SST. The airlines have also put $59 million into the program as risk capital; if the program were to fail on its own merits this money would be lost to the airlines, but an obligation to refund the money would likely arise were the program to be terminated at the government's convenience. Thus, the total termination costs would be approximately $270 million.

Mr. President, it is not difficult to see the illogic of a position urging termination of this program for unproven reasons at nearly the same cost as continuation to a point where real answers to many valid and substantial questions can be obtained. It is difficult, however, to understand how such a position can be seriously maintained.

Granted, the SST may prove to be an ecological, economic, and human fiasco, but on the other hand it may very well prove to be ecologically benign and a tremendously important and valuable element in this country's economy and transportation system. I believe the SST deserves a chance to prove itself by thorough testing and evaluation of prototype models, just as the DOT conference report deserves to prove itself in an open vote on the Senate floor. Neither the plane nor the bill deserve to be filibustered into oblivion.

TRIBUTE TO SENATOR WILLIAMS OF DELAWARE

Mr. TALMADGE. Mr. President, the senior Senator from Georgia was not present last week when the Senate honored the retiring Senator from Delaware, JOHN WILLIAMS. He has provided me with a statement and has asked me to insert it in the RECORD.

I ask unanimous consent that the statement of the senior Senator from Georgia be printed in the RECORD and appear as if he delivered it.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR RUSSELL

Mr. RUSSELL. Mr. President, when the Senate returns for the convening of the 92d Congress next month, we will be without the services of one of the great legislators of this era, the distinguished senior Senator from Delaware.

I daresay there is not a single Member of this body who is more entitled to the pleasures of retirement as a result of hard work than JOHN WILLIAMS, but likewise it is highly unlikely that any Senator would leave a more profound void in departure.

Much could be said about his service in the Senate. He studies the issues and he always places the public interest first. When he is an active participant in the deliberations of this body on any given measure, it is a source of comfort for me and countless other Americans.

He understands the rules of the Senate and lets them govern his legislative activities. He is diligent and conscientious about attendance and the business of the Senate receives his unrelenting attention.

But, Mr. President, the quality that stands out most when surveying the character and service of JOHN WILLIAMS is his transparent integrity. In an era when the people have unfortunately become somewhat cynical about public officials and politicians, his courage and honesty have shown through. He is living evidence that solid virtues still pay dividends and he has set an example for young men and women who aspire for public office to emulate.

He has never sought public acclaim, but he is known in practically every household in America by such titles as "watchdog of the Government, conscience of the Senate, Honest JOHN and fiscal bloodhound" and he has earned them all.

Moreover, Mr. President, those of us who have had the privilege of working daily with him over the past quarter of a century have known him as a man whose word is his bond and who would not depart from his honest convictions under pressure from any source.

When JOHN WILLIAMS takes leave and returns to Delaware, he is entitled to carry with him the knowledge that he has earned the gratitude and respect of the American people and the good wishes and abiding affection of his friends.

HANOI HEADLINE HUNTING

Mr. BENNETT. Mr. President, over the Christmas weekend, more peculiar games were played by Hanoi with American prisoners of war. More lists of names were given to various individuals, or groups. Very little new information was provided, and most of the names had been on earlier lists from the same source.

It seemed to be almost entirely a headline-grabbing effort by Hanoi public-relation experts. Certainly this was a contemptible effort, since once more the hopes of the wives, the children, the parents of these American prisoners were raised, only to be dashed to the ground when the new lists were compared with the old.

Christmas for the prisoners was certainly not pleasant. But it was made doubly bitter for the families at home, once more victimized by Hanoi.

FORCED RETIREMENT AT 65—A MORAL WRONG

Mr. YOUNG of Ohio. Mr. President, a widely held misconception in our youth-oriented society is the notion that once past middle age a person's ability and creativity are ended. This unfounded attitude is responsible for one of the most painful ironies of American life—forced retirement.

Compulsory retirement programs were originally conceived as a reward for years of toil. However, the fact is they have forged an iron collar for many American men and women who are willing, able, and eager to work beyond the arbitrary age limit, usually 65 years of age.

That was the age arbitrarily fixed by Otto von Bismarck, Chancellor of the German Empire, in 1889 as the retirement age when he promulgated the first social security system in the world. This age is still adhered to for retirement in our social security system and in many private retirement programs. This, despite the fact that the life expectancy of men and women has doubled during the past 80 years.

Medical science and other factors have vastly increased the life expectancy of every man, woman, and child. With the advance of medical science and techniques, men and women are no longer old at 65. In fact, today they are not as old at 65 in thought, action, and physical and mental ability as men and women of Germany and the United States were at the age of 40 back in the 1880's. Nevertheless, we Americans have adhered to Bismarck's view of 65 being the proper age for retirement notwithstanding the fact that this concept is as outmoded as flintlock muskets, candle dips, bustles, and the muzzle-loading cannon used in the Franco-Prussian War of 1870.

Today, our over-65 population is growing at the rate of more than 1,000 a day. Since the turn of the century, the number of Americans over 65 years of age has grown 2½ times faster than the population as a whole. More than 20 million of our citizens are now 65 or older. I assert that we willfully and knowingly waste their resources, their skills, and their experience.

What a loss our country would suffer if everyone were forced to the sidelines of life after reaching 65. In the past men of stature in all fields of human endeavor made some of their greatest contributions long after their 65th year. John Adams and Michelangelo strode into their nineties with their intellectual vigor unimpaired. George Bernard Shaw in his midnineties was still bowling over false idols with the sharpest wit of his time. Prime Minister Gladstone at the age of 83 rendered magnificent service to the British Empire. Supreme Court Justice Oliver Wendell Holmes was blazing legal trails when he was well into his eighties. In our own time, who can deny the historical roles of Pope John XXIII who did not assume the Papacy until near his eightieth year, or of Winston Churchill who did not assume wartime leadership until past 65 years of age.

The old concept of 65 as the ideal retirement age has no validity whatever in the final third of the 20th century. With each generation, 65 grows younger. In early Rome, the average age at death was 22. In New England of the mid-18th century, a man of 34 was considered to be an elderly person. For a man in the 19th century, to attain the age of 65 was somewhat of a rarity.

Today, a baby born in the United States or in most of Europe has a life expectancy of beyond 70 years. The life expectancy of a 70-year-old man today is for at least another 13 years; for a woman, 16 years. Recent dramatic scientific reports of a life potential of 125 years indicate that the 65-year-old of the foreseeable future may be, in fact, in the prime of life.

Our concepts must change as the facts around us change. The facts today are indisputable; many persons over 65 have years of active service left in them. Many prefer employment to idleness.

I long have felt it is a tragedy to strip productive men and women of their skills, cheating them of the dignity of continued self-support. These are the consequences of forced retirement at the age of 65. It squeezes useful, healthy people out of the mainstream of society into a drab tributary on its fringe. For many to whom work is life—and whose way of life, like mine, has been work—this is exile into a limbo of boredom and inactivity.

The tragedy and waste go beyond the scope of those Americans directly affected. Even our affluent society can ill afford to isolate a huge, productive segment of the population without paying the penalty.

One answer is that employers everywhere must take a long look at their forced retirement policies with a view toward tossing them out. Make retirement after a certain age, say 65, voluntary with the understanding that those who choose to keep on working must be capable of pulling their weight. Industry, business and government might well set up tapering-off programs. Skilled workers are too valuable to discard abruptly upon reaching age 65. If they were permitted to work 3 days a week, or 20 to 30 hours, perhaps, spread over a 5-day week, everybody concerned would benefit.

While I firmly believe that a man or woman of 65 should have the right to retire in comfort and free of insecurity, I am convinced that no arbitrary retirement age should be applied. Who can answer for one and all: "How old is old?"

A workingman full of vitality, vigorous and strong; an executive, imaginative and decisive; a secretary, quick and alert—are they useful and productive members of society 1 day shy of 65 and worthless, excess baggage 24 hours later? Must they immediately be cast loose from gainful employment, in many cases from jobs to which they have devoted decades? Are they suddenly old overnight?

The fact is that youth is not merely a time of life or lack of age. Rather, it is a state of mind. We do not grow old merely by living a number of years. People grow old by losing their enthusiasm, deserting their ideals, abandoning their joy for life, and no longer looking forward to the challenges of adventure and change. The desire for a vigorous, active life and the wish and ability to work hard and view the future with hope instead of fear often exists in men and women of 70, 80, or more. Unfortunately, sometimes these qualities are altogether lacking in men and women in their thirties or forties. Men and women are as young as their

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faith, their self-confidence, and their willingness to look ahead and work hard for a better future, not for themselves alone, but for those of generations to come. People are only as old as their doubts, their lack of confidence, their fears and despair.

I urge that chairmen of boards and presidents of industrial corporations give thought to adopting a new and progressive policy when plant superintendents, executives, and other highly satisfactory employees attain the age of 65. Why should they not follow the policy adopted by the Veterans' Administration in determining the extent of disability of veterans? Have two physicians and surgeons make a physical examination to be repeated at 2- or 3-year intervals and, if the examiners find the employee, or executive, to be alert and in sound health, permit him to continue in employment for the succeeding 2 or 3 years.

Over the years I have received many letters expressing dissatisfaction with the strict rule of compulsory retirement at 65. An example: A man in Sandusky, who occupied an important position in his company as a plant superintendent, as I recall, was discharged with great reluctance on the part of officials simply because it was the policy to retire all officials and employees at 65. He wrote that his position was of increasing importance that he had occupied it for more than 10 years and officials without exception attested to his capabilities. Yet he said "a fat slob," 56 years old, who was ignorant of the workings of his position supplanted him. He said he could outdo this "fat slob" in every respect mentally and physically and his employers agreed with his protests and admitted what he said was true, but could do nothing about it as he was the victim of a fixed rule adopted some years back by the board of directors.

XUM

Mr. President, in this space age of change and challenge, we must adjust our ideas to the facts of our time. Every 65-year-old man or woman who wants to remain gainfully employed and is capable of doing so should have that right. Involuntary unemployment, in a great and rich Nation like ours, is a moral wrong which should not be tolerated.

THE PROCEDURAL AND SUBSTANTIVE ISSUES FACING THE SENATE AT THIS TIME

Mr. FULBRIGHT. Mr. President, on December 25, there appeared in the Washington Post an unusually well-written and thoughtful article by Spencer Rich. The procedural and substantive issues which face the Senate are extremely complicated and controversial, and therefore quite difficult to describe in a simple and uncomplicated manner. As a result many people seem to think the Senate is either confused or being irresponsibly stubborn or both.

Mr. Rich clarifies the situation in an admirable manner worthy of the attention of all who are interested in the preservation and strengthening of our constitutional system. I ask unanimous consent to insert it in the Record as part of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Critics Irked as Senate Asserts Rights

(By Spencer Rich)

Tied up in an agonizing procedural knot for the past few weeks, the U.S. Senate, which bills itself as "the world's greatest deliberative body," has been battered by a massive wave of public criticism.

Newspaper editorials accuse it of becoming so ingrown, so cluby, so out of touch that it is unable to conduct the public business. Minority Leader Hugh Scott (R-Pa.) says it has "dwadled, postured, delayed." President Nixon, impatient with delays on his legislative program, has suggested that failure to complete action might demonstrate the Senate's indifference or impotence.

Critics have pictured it as an archaic body, so bottled up by the filibuster rule that it has not been able to get to a final vote on such vital legislation as funds for the supersonic transport, Cambodia aid, defense and foreign aid appropriations and the administration's Family Assistance Plan designed to reform the welfare system.

Many senators—probably a majority—believe that substantial revisions are needed in the filibuster rule, committee procedures, procedures for House-Senate conferences, the scheduling of appropriations bills and the handling of major presidential requests.

Nevertheless, on many of the issues for which the Senate is now being criticized, a strong counter-case is being made sharply by Foreign Relations Committee Chairman J. W. Fulbright (D-Ark.) and others—and in a quieter way by Majority Leader Mike Mansfield (D-Mont.)—that some of what has been going on this year is the Senate's glory, not its shame; and that the current impasse, far from being frivolous, involves fundamental policy issues.

In Fulbrights' view, the trouble proceeds from the fact that the Senate, for the first time in decades, is attempting to exercise truly independent critical judgment on defense and foreign policy matters, instead of rubber stamping, everything the Pentagon and the President demand with merely cosmetic changes.

In past years, the argument runs, Congress has acceded with monotonous and probably disgraceful regularity to Pentagon and/or presidential requests for larger weapons systems, more weapons, more presidential authority and freedom for military ventures overseas.

In many cases, the only changes made by Congress have been to back the Pentagon in disputes where the Budget Bureau or the President was trying to clamp down on expansion. Frequently, few senators really examined the weapons and authorities that were being granted.

VIEW CORROBORATED

A look at the debate records corroborates this view, at least in part. Year after year, until recently, tremendous military spending bills—$40 billion, $50 billion—have passed both chambers with a single day of debate, sometimes without a single floor amendment. The 1964 Gulf of Tonkin Resolution—for which Fulbright himself, as he now concedes, bears considerable responsibility as floor manager—was rushed through committee and both chambers of Congress in two days, Aug. 6 and 7. A 1962 "sense of Congress resolution" on Berlin—approving any presidential action including use of arms to prevent Soviet violation of allied rights in Berlin—cleared the Senate with only five members on the floor.

But in the last three years, this situation has changed because of dissatisfaction with the Vietnam War. Weapons system proposals such as the antiballistic missile, have been examined with considerable care not just by the Armed Services Committees but by a widening group of senators.

Pentagon claims on the need for new weapons and on the reasons for cost escalation have received careful attention from senators like Stuart Symington (D-Mo.) and William Proxmire (D-Wisc.), whose findings on C5A military transport plane cost overruns have startled many.

Symington has delved deeply into the extent of covert U.S. commitments to defend nations elsewhere with whom the United States has no binding treaties. And Fulbright and Mansfield, along with many others, have led a move to restrict the President's power to widen the Indochina war, or to take steps that might inadvertently do so. A massive challenge to construction of the antiballistic missile has been made for three years running.

Rightly or wrongly, attempts to kill weapons proposals or restrict the President have been pressed with increasing vigor over the past three years by a big bloc of Senate doves.

This, in turn, has been met with a sharp counterattack by both the Johnson and Nixon administrations and by military hardliners in both chambers.

Now, in the waning days of this session—when every day used up can be of vital importance—critics of the SST and of the administration's Indochina policy have been using the filibuster and other procedural delays to block both the SST funds and a series of Cambodia and Indochina provisions which they fear could involve the United States in the gravest mistakes and dangers.

Much of the criticism being launched at the Senate, Fulbright said on the floor in a swipe at the administration and at this newspaper, stems from the Senate's new desire to assert its constitutional duties to evaluate policy.

"Even the administration and its editorial camp followers on The Washington Post approve of criticism," he said, "provided it is harmless and ineffectual. 'Responsible criticism" as the term is commonly used is an activity of amiable 'gadflies' who get it all out of their system and then obey orders. 'Irresponsible criticism' is something else again. It sometimes results in bills being defeated or significantly altered. It often takes the form of extended debate which might, God forbid, give senators a chance to think about legislation before it is enacted."

Aside from the substantive issues, Fulbright does not hesitate to defend the Senate's filibuster rule, which allows unlimited debate (should a senator wish to air an issue or tie up business) unless the Senate cuts it off by a two-thirds vote. The Arkansas Democrat and others have described it as a major device to prevent a tyrannous majority from taking hasty action without really thinking of what it is doing.

Others call it an important constitutional protection for minority points of view. Where a small group can tie up the Senate endlessly, the majority, to avert this, must bend a little and compromise. All sections of the country, all points of view are thereby served, everybody gets something, no one is entirely shut out. The Senate thus becomes an exquisitely civilized place, where people must treat with one another and not trample on them, unlike the executive branch where the President's word is final. Insulated by this device and by the six-year terms of office, senators are protected from complete domination by the President.

And in true national crises—not the kind that orators routinely trumpet every day, but real ones—a two-thirds vote is almost always obtainable as a remedy, the argument runs.

Southern Senators, who have long sheltered behind the filibuster rule to defeat civil rights legislation, have frequently made this argument:

Anything that is so obnoxious to large sections of the country that more than one-third of the Senate refuses to let it come to a vote is probably bad.

An aide to one of them made this challenge to reporters recently: "Would the nation really have been better off had the filibusters against Abe Fortas as Chief Justice and G. Harrold Carswell as Associate Justice failed, and the two been confirmed?"

On substantive grounds, many senators involved in the current talkathons in the SST and Cambodia disputes argue that the filibusters are justified; that they were undertaken only because of intransigence and procedural skulduggery on the other side; that they will force a solution on a fairer basis by Jan. 3, and that the republic will not fall if some of the appropriatoins are held up till then, or placed on an emergency basis until the deeper policy disputes are settled.

On the SST, for example, the Senate, acting specifically on the issue of whether to provide $290 million in funding, voted 52 to 41 to kill the plans a few weeks ago. The Transportation Department appropriations bill in which the SST funds had been contained then went to a House-Senate conference in which, anti-SST leader Proxmire contends, most of the Senate conferees were pro-SST.

After a day of negotiation, the Senate conferees agreed to take $210 million for the SST, and it was then that Proxmire began his filibuster, arguing that the conferees had simply caved in. This is indignantly denied by John Stennis (D-Miss.) and Alan Bible (D-Nev.), the two chief conferees, who have repeatedly said that the House conferees were "adament" in insisting on keeping the plane.

PROXMIRE VIEW

Proxmire does not insist on killing the funds altogether at present. He is willing to let the rest of the Transportation funds go through and fund the SST through January or February, with a separate vote at that time on whether to kill the plane. Henry M. Jackson (D-Wash.) and Warren G. Magnuson (D-Wash.), from the state where Boeing makes the SST, have not agreed to this so far. Jackson wants the whole Transportation bill treated as one package, which would give SST a better chance to ride to victory on the back of other appropriations not in dispute.

Who is right in this dispute is not clear, but it can be said that the use of the filibuster tactic where Proxmire feels the Senate position has been surrendered too easily in conference is at least understandable.

Proxmire contends, further, that the real filibuster was by pro-SST senators who held up the initial Senate vote in committee for months on the theory that the plane would have a better chance to win in the Senate after the November election.

Similar suspicions of skulduggery and sell-out motivated filibuster threats against four major bills dealing with Cambodia and Indochina. Fulbright has been at the very center of this dispute, which has pitted Senate doves not only against the administration but against their more hawkish colleagues in the Senate and House.

The controversy goes back to last spring and the U.S. military incursion into Cambodia. At that time, the administration was seeking extension of the Foreign Military Sales Act, under which the President can provide arms credits to selected overseas nations. Fulbright's committee, which has jurisdiction over the legislation, decided to use it as a vehicle for restrictions on the President's right to widen the Indochina war by moving into another country without getting the advance approval of Congress. The members feared the same type of deepening involvement in Cambodia—first arms aid, then "advisers," then ground combat troops—as drew this nation step by step into Vietnam, and they were not satisfied with oral assurances from the President.

They also wanted to establish the principle that except in an emergency requiring immediate response—a real emergency, that is, and not simply a forensic one—the President should not involve the United States in overseas combat or commitments without congressional approval.

THE 7-WEEK FIGHT

The floor fight over the Cooper-Church amendment to the Foreign Military Sales Act lasted seven weeks. Administration forces conducted an all-out filibuster to delay a vote until the President had fulfilled his pledge to remove U.S. ground forces from Cambodia. Otherwise, the provisions forbidding further incursions might seem to be a direct Senate repudiation of his Cambodia venture. (Fulbright and others are fond of pointing out, when taxed with delays now, that it was the administration who held up the Senate for seven weeks then.)

The Cooper-Church amendment was ultimately passed by the Senate and the President immediately predicted that it would be softened in conference with the House, so as not to tie his hands in emergencies. Conferees, however, never agreed and the legislation simply has been lying dormant for months.

This has led, in turn, to a series of new disputes and administration or hawk attempts to bypass Fulbright's committee and obtain military sales credit or arms aid authority by other means—sometimes in contravention of normal Senate rules, which require authorizing legislation to be approved by Fulbright's committee before money can be appropriated for these purposes.

The first step was insertion in the Defense Department procurement authorization bill of authority for arms credits to Israel, on the initiative of Washington state's Jackson.

Fulbright protested that this bypassed his committee, which normally would have jurisdiction over such credits, but he was snowed under by the pro-Israel block when the issue came to the Senate floor.

In the past few weeks, a new series of end runs has sought to bypass Fulbright's committee.

The administration sought $255 million authority for arms aid to Cambodia and $295 million for various other countries.

Fulbright, Mansfield and several other members of Fulbright's committee (which has jurisdiction) were known to oppose such aid at present for fear it would amount to a deeper U.S. involvement and perhaps a commitment to defend the government to defend the government of Cambodia.

CURB ASKED

Others on Fulbright's committee didn't object to the $255 million authority provided it was accompanied by a prohibition against introduction of U.S. ground forces or military advisers into Cambodia, a statement that the United States wasn't making any commitment to defend Cambodia, and a public statement by the Nixon administration that it would adhere to the proposed prohibitions.

Before this issue had been resolved in Fulbright's committee, the House Appropriations Committee simply wrote into the general supplemental appropriations bill authority for the $255 million for Cambodia, plus most of the $295 million, even though no authorizing legislation had been approved.

The threat was clear: if Fulbright's committee didn't okay the money, it would simply be jammed through as an appropiration. (Under certain conditions, appropriations can be enacted without requiring final passage of authorizing legislation). A similar series of end runs then emerged.

Fulbright's committee did eventually report out authorizing legislation (which he personally opposed, but did not block) for the $255 million, with a provision barring introduction of ground troops or military advisers into Cambodia. But House-Senate conferees on the big $66.6 billion Defense appropriations bill promptly wrote legislative language into it which Sens. John Sherman Cooper (R-Ky.), Frank Church (D-Idaho), Fulbright, Mansfield, George D. Aiken (R-Vt.) and others said would simply nullify the prohibitions attached to the $255 million authorization and allow the President to do almost anything he liked.

At the same time, $200 million in foreign military sales credit authority was agreed to in a House-Senate conference on the regular foreign aid appropriations bill, even though authorizing legislation was still dormant in conference.

Sen. Gale W. McGee (D-Wyo.), who headed the Senate appropriations conferees that accepted this provision is also on Foreign Relations but he is the only true non-dove there and has repeatedly disagreed with the rest of the committee.

It was in the light of these attempts to bypass his Foreign Relations Committee that Fulbright and his allies threatened to tie up all the bills involved until some compromise could be reached. Even some hawkish Senate elders who disagree completely with Fulbright on substantive matters were disturbed by the bypassing of his committee.

ROGERS AGREES

The administration told Fulbright it had no intention of sending ground combat troops to Cambodia, but at first it was reluctant to endorse any binding language to this effect, on the "don't tie our hands" theory. But finally, Secretary of State William P. Rogers, at the insistence of Cooper and Church, wrote letters to both men agreeing to adhere to the prohibitions against use of U.S. ground troops and advisers in Cambodia.

These prohibitions, Church concedes, are not absolute; in a real military emergency to protect U.S. forces in Vietnam, the President could move troops into Cambodia, but it would have to be an emergency, not just a convenience and certainly not a long-term, full-scale military campaign like the one in Vietnam.

McGee agreed to go back to conference on the foreign aid funds bill and seek a provision making the $200 million foreign military sales credit spendable only if some future authorizing legislation were enacted. And Sen. Allen J. Ellender (D-La.) reportedly agreed to go back to conference and seek deletion from the $66.6 billion defense funds bill of the language nullifying the Cooper-Church amendment.

The House Appropriations Committee, however, may well refuse to do this. Then things will settle down to a game of "chicken" between Fulbright with his allies in the Senate and the much more hawkish House as to which will give in and let the funds bills go through.

The first steps in resolving the impasse have already been taken: the $255 million authorizing legislation, with the new Cooper-Church language intact, has now gone through both chambers and the supplemental funds bill with the actual cash in it will, too. But the question of the nullifying language in the $66.6 billion defense measure remains.

The third major procedural dispute before the Senate involves the Social Security, welfare and trade proposals. All three bills have long since been passed by the House, but the Senate Finance Committee put them all in one package and didn't report them out until a few weeks ago. The committee delay was occasioned largely by John J. Williams (R-Del.) who repeatedly asked for restudy of various aspects of FAP, which he opposes.

XUM

The administration is seeking to offer it as a floor amendment.

When the bill reached the floor, Williams began a lengthy discussion of FAP and free-trade senators threatened to filibuster against the omnibus bill unless trade provisions were severed. The package is so massive that there is general agreement it cannot be finished by adjournment, but the bill is still on the floor.

With all the merits of the case for the filibuster, and with all the evidence that current disputes in the Senate proceeded from deep policy differences and not merely frivolous objections, there is something to be said for the contentions of Minority Leader Scott and the White House that somehow, the Senate has tied itself up in an awful knot; and that there is something wrong when the FAP legislation—which Mr. Nixon has called his single most important domestic proposal and which passed the House months ago—cannot even obtain a vote on the Senate floor.

And it is certainly a bad state of affairs when meaningful business cannot be done sometimes on Mondays or Fridays because senators are out of town.

There comes a time when—due consideration having been given to avoiding undue haste, and due time having been given to minorities to present their cases and drag their heels—the will of the majority simply must be made known even if it results in what many consider to be wrong decisions.

The current session has been a big year for filibusters: the proposal to elect the President by direct propular vote was killed by one; the original Cooper-Church amendment was held up for nearly two months by one; and now we have a new series.

In all likelihood, several of the current disputes will be resolved when Congress returns next week. But a proposal to ease the filibuster rule somewnat—perhaps by reducmitting a simple majority of 51 to invoke ing the cloture vote requirement to three-fifths rather than two-thirds, or by percloture after, say, three weeks of filibuster—will be made at the start of the next session.

Other rules changes may also be in the wings, so that, for example, it won't be possible to delay so long on a huge package like Social Security-trade-welfare and then send it to the floor just a few weeks before adjournment.

But some of the basic conflicts between the administration and its critics will remain. No procedural changes are going to end them. Mr. Nixon will not get the Senate to accept policies it thinks are wrong just by claiming that failure to pass his program represents "indifference or impotence."

And no amount of finger-pointing will get the Senate to reduce itself, in Mansfield's words, to nothing more than a House of Lords.

EDITORS OF LOOK MAGAZINE WRITE OF PEACE AND VIETNAM

Mr. McGOVERN. Mr. President, recently the editor of Look magazine, William B. Arthur, and the foreign affairs editor of that magazine, Robert Moskin, completed a remarkable visit to Hanoi. Mr. Moskin had earlier visited South Vietnam and urged following this trip that U.S. forces be withdrawn from Vietnam. He now repeats that admonition following an 8-day visit to North Vietnam. I fully subscribe to Mr. Moskin's analysis.

I was also deeply moved by Mr. Arthur's personal reflection on man's elusive quest for peace. His article, "Whatever Happened to Mankind's Dream of Peace?", is one of the most lucid and perceptive statements of the yearning for peace that I have ever read.

I ask unanimous consent that the articles by Mr. Arthur and Mr. Moskin be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Whatever Happened to Mankind's Dream of Peace?

(By William B. Arthur)

It is a beautiful dream: "On earth peace, goodwill toward men."

Whatever happened to it?

I thought about this as I was flying toward Hanoi a few weeks ago. In hours, I would be among the enemy.

The old dream took hold of me, the hope of peace, my dream and mankind's. It sent me reeling from wistful reverie to reality.

I was a child again, awed by the strident whistles and clanging bells that brought word of the Armistice to my hometown, Louisville, Kentucky, in 1918. But now, in 1970, I was a middle-aged journalist yearning to harangue the powers that be, yearning for some sanity in a civilization that too often seems bent on suicide.

Why, in the name of God, do we go on killing? Why, in the name of God, do we not move as boldly for peace as for war?

Far below, Mother Earth looked so gentle, so like that garden of our fables, as I viewed it from the Soviet turboprop plane moving across Laos toward Hanoi.

I suppose my destination alone gave me cause to brood on peace, a cause apart from the fact that my own son stood as one of America's soldiers in South Vietnam, not many miles southward beyond the rolling hills and mountains below, beyond the demilitarized zone.

I thought of the words he had written in his latest letter: "This war," he said, "is strangling our nation . . . a spiritual starvation grows daily to the point that our cynicism and distrust are universal. The war may already have lasted too long ever to have this reversed for my generation."

I remembered those Armistice bells in Louisville; I remembered more. I remembered the chronology of later wars and the interminable lists of earlier ones. I remembered that whole fantastic chronicle of battles and conquests that spans the centuries, back into the darkness of time, to the beginning of history. We reek of blood, I thought, staring down at the earth below. Why can't this dream of peace become a reality?

It's a lovely dream, one I heard first, I suppose, in the Christmas story—"On earth peace." We'd recite it, and it sounded so possible to a child. Yet here we are once again at Christmastide, the season of joy, and the blood flows still in Vietnam. Along the Suez, missiles stand at the ready, and soldiers patrol the little town of Bethlehem.

I remembered the Armistice bells in Louisville and remembered my mother's misting eyes as she told me what it all meant. The war to end wars had ended.

"The exultation, the jubilation, the glory of it!" the *Courier-Journal* rejoiced when the Armistice came. "The pandemonium of laughter and shout, of blast and bugle, of klaxon and kazoo, of drum and bell! Is it possible to think sanely, to speak calmly in the din of it? And if it were, who of us, even among the staidest sober-sides, would care to deny himself his share in the shouting . . .?"

I remember the shouting, remember that out of the holocaust, men moved—some of them did—to end wars forever. Here came a League of Nations that promised to fulfill the old dream. How soon it seemed doomed, doomed despite President Wilson's frantic efforts to build it and make it work. Thirty speeches in 20 days he made, hoping to whip up enough enthusiasm among the people to assure Senate ratification of the League Covenant. In his last speech in Pueblo, Colo., he sounded quite desperate, acknowledging the weaknesses of the League, but asking: "Do you want nothing? Do you want not only no probability that war will not recur, but the probability that it will recur?"

Peace-loving America did not ratify and never joined the League. It failed, of course, for reasons beyond our disdain. Britain and France, in spite of their membership, wavered from their obligation to stand against aggression.

Oh, everybody renounced war. There was the Kellogg-Briand Pact, its name honoring U.S. Secretary of State Frank B. Kellogg and French Foreign Secretary Aristide Briand, and by July, 1929, nearly every sovereign state agreed to it. Much fanfare accompanied its signing in Paris in 1928. "For the first time in the history of international diplomacy," the New York *Times* reported, "every word, every sound, in fact every scratch of the famous gold pen, will be recorded when the representatives of fifteen nations sign the treaty in renunciation of war. . . ." A new sound motion picture recorded the historic event. Negatives were rushed to New York aboard the liner *Ile de France*, "thus permitting the American people to 'sit in' upon the most important international gathering since the conference of Versailles in 1919, a little more than a week after it happens."

Many of us thought the Pact really had something to do with peace. I entered an essay contest in Louisville about that time and wrote that as a result of Kellogg-Briand, "War has been outlawed from the face of the earth. The attitude of a world has changed toward this barbaric means of settling national controversies." As a teen-ager, I dreamed of peace, and continued to do so even after the Pact promptly failed—being invoked unsuccessfully in 1931 when Japan invaded Manchuria and in 1935 when Italy invaded Ethiopia.

That time came back to mind on the flight to Hanoi. I remembered the razor-sharp scene at the end of *All Quiet on the Western Front*, released in 1930, when Lew Ayres reached over the top of a trench to capture a butterfly and, with the sudden vicious whistle of a bullet, fell dead.

That, of course, was part of a rejected past, a past that did not sink forcefully into my consciousness until the time of my honeymoon. My bride and I had gone to see *The American Way*, starring Fredric March at the Center Theatre in New York. As we left the theater, newshawks on the corner were shouting, "Nazis invade Poland!" Close by, an accordionist was playing *America the Beautiful*. It was September 1, 1939, and we were again embarked on what Winston Churchill was to call "the most unnecessary war in history." As he later wrote: "This war could easily have been prevented if the League of Nations had been upheld with courage and resolution by its members."

Who was seeking after the old dream? I confess I didn't even wonder when Pearl Harbor came along, but later, after V-E Day, when President Truman said things like "We must work to bind up the wounds of a suffering world, to build an abiding peace . . ."—then I wondered. Surely, now, the dream of peace would become a reality.

Who among us can forget the joy of V-E Day, May 8, 1945, the scene in Times Square, when that decisive phase of the great war ended? Who among us can forget the hope of peace, when a new organization, this time called the United Nations, was founded "to save succeeding generations from the scourage of war"? I shared, we all shared, the feeling that the New York Times gave voice to:

"From every land that has felt the curse of this war, from every land which escaped this time but may not escape if another war takes place, prayers must be going up today

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that June 26, 1945, will actually represent a turning point in human history. . . ."

The *Times* explained why the UN might promise so much more than the League had accomplished:

"The League required absolute unity among all member nations, which was impossible. It did not provide force. Under the Charter we shall see the world controlled by the Great Powers, but subject to numerous self-denying ordinances and subject also to world opinion which can be marshaled in an Assembly where each nation, big or little, has one vote. Big Power control is not new. It is the restrictions upon such control that are new and that constitute the gains made under the Charter."

It was on July 16, 1945, less than a month after the founding of the UN. On Pentagon night duty as an officer in the Press Branch of the War Department's Bureau of Public Relations, I received a call from the Associated Press:

"One of our Southwest bureaus has a story about an explosion of some kind that occurred today at Alamagordo Army Air Force Base. It rattled windows in Santa Fe. Can you tell me what it was and may we put the story on the national wire?"

Several hours and countless phone calls later, I was authorized to inform the AP they could put the following on the national wire:

"An explosion, followed by fire, occurred today at an ammunition dump at Alamogordo Army Air Force Base. It was brought quickly under control, with no casualties."

I did not know it, but the age of nuclear weapons had begun. Hiroshima and Nagasaki and V–J Day followed, and suddenly every premise of the past seemed obsolete. Now, only the dream of peace seemed vital, indispensable.

The Aeroflot airliner roared on toward Hanoi. I thought of the cold war, the Berlin Airlift, the Middle East in conflict—1948, 1956, 1967—and of 1970's uneasy truce. I thought of Korea and of the Berlin Wall, Hungary, Czechoslovakia, the Dominican Republic, the Congo and Biafra. Cyprus, Dien Bien Phu, the Cuban missile crisis. I remembered that Easter in 1968, shortly after the Tet offensive, when I stood on top of a mountain called Monkey near Danang in South Vietnam. There, beneath a makeshift cross, barely visible, through an early morning mist, a chaplain was saying:

"As you sit here, men, with the fog descending upon us, a fog that clouds our vision, clouds our hopes, clouds our sense of purpose, you must know that it will lift, that the sun will break through that peace must come."

And in the distance, jets roared on takeoff as they headed up and away toward the DMZ, Khesanh, the 19th parallel.

And now, Hanoi, 1970.

"I am Mr. Pham," a smiling young man said. "Call me Pham. I will be your interpreter while you are among us. This is Mr. Truc and Mr. Lam and Mr. Phung. Mr. Truc is here representing the Vietnam Journalists' Association. Please follow me."

They served us hot tea around a table in the airport terminal. Pham said: "We know you are tired after your long journey, so we'll take you immediately to your hotel, the Thong Nhat, which means 'Reunification,' where you can rest before we go into your schedule."

Hanoi, North Vietnam, capital of a nation at war with us, whose leaders, without exception, told us they would fight on to victory. "And what is victory?" you ask. And they answer: "A reunified Vietnam, reunified on our terms as a Socialist State."

It's a nation of peasants rising early and working until dusk to take mere subsistence from the soil. Each morning, I was awakened by the crowing of a rooster, first one, then another, and then a hoarse symphony. In the street below, there was quietness, only a steady stream of bicycles, interrupted occasionally by the honking of a horn as a Soviet-made, usually ancient, car sped through. And children—hundreds of them. They would gather around, looking up into your strange white Western face. And when you smiled, they smiled back and giggled and laughed. Too young, yet, to fight, but suddenly this war seemed so far away.

I stayed in Hanoi eight days, talking, listening, seeing. (Look's Foreign Editor, J. Robert Moskin, reports about that in the article which follows.) And as our plane sped away toward Vientiane and Calcutta, my thoughts were dark. I could not be hopeful for peace. Again, I asked, must the dream of peace always be out there somewhere, beyond reach, with men and nations doomed forever to fight each other, to kill?

The war in Vietnam, Cambodia and Laos goes forward, while the on-and-off peace talks in Paris seem aimless with no real promise of a solution. War threatens the Middle East, and a wall still stands in Berlin. Strategic-arms-limitation talks drag on and on as though time were suspended in a race to Armageddon.

My flight soared on, too, and my thoughts, and at last I came again to the question that nagged me at the outset. Has peace eluded mankind? I sensed that the answer is this: No, mankind has eluded peace. I think mankind flees it still. But why? Perhaps the answer becomes plain if we can lift the curtain of our vanity.

Man flees peace, I suspect, because it threatens his identity, threatens to undermine what he believes himself to be. He believes he is strong, just and powerful and must prevail over those who oppose him, over those who are wrong. Such is his self-image, and he fatally acts it out.

Who would deny this? Who would say: "No, we are peaceful." Such a one must speak from vain illusion. But this illusion prevails, of course, around the world. As an American will say, "*We* are peaceful, *they* are warlike," so will a Russian. So will we all in our national roles. "Others are bestial, I am the exception."

This is more, in the last analysis, than vain illusion. It is fatal delusion, with bloody consequences. One consequence is that it lends to the warriors of all nations the fury of self-righteousness. A consequence more broad and more tragic is that our illusion entraps us in a paradox that must thwart all efforts toward peace.

A nation hungry for peace must fear war from others. So it arms, and appears belligerent, menacing; and so the others, though knowing kindred hunger, arm themselves out of kindred fear. The cycle is self-feeding. With the vain illusion of pacific righteousness prevailing everywhere in mankind's little neighborhoods, mankind goes on and on, trying to vindicate its vision of itself, fulfilling its own bloody prophecy, war after war after war.

How do we turn about? How do we stop fleeing from peace and pursue it instead? I would not presume to know for sure. I suspect, however, that mankind must somehow escape its ancient self-image; and nations, their self-righteous illusions. This must come slowly, I know, slowly when time is so short. If it comes at all, I suspect it must come from mere men, individuals, members of mankind, those who through an act of conscience and consciousness will lead the rest of us to self-realization, and through that knowledge, to peace.

Only when men turn about will governments follow suit. Perhaps we stand now at a moment for turning, knowing—as individuals—that the fate of mankind hangs in that grisly nuclear balance. Perhaps, indeed, such a turnabout has already begun with this new generation of young people, who reject crusades and glory and conquest, who search for justice and for peace, who are sick of being asked to die, who would rather live to make men free.

There is, in Hanoi, what must have once been one of the loveliest of Christmas trees. It stands on a shelf in a corner of the lobby of a hotel. It is artificial, about 18 inches high, dusty, moth-eaten. Long ago, its ornaments lost their luster. It simply has been forgotten. No one bothers to put it away, not in June, or July, or December. As woebegone as it is, it seems still to me to be a symbol, a symbol of joy, of life, of love, which is, of course, what the dream is all about.

"On earth peace. . . . "

THE HARD-LINE DEMAND: VICTORY

(By J. Robert Moskin)

They are tough, arrogant, fanatical.

They see the world in simple, belligerent black-and-whites. They feel raped—and triumphant. Le Duc Tho, a ranking member of the North Vietnamese Politburo, told us: "This is the war in which the United States suffered its greatest defeat in its history. . . . We have had the honor of defeating two big imperialisms—the French and the American."

They demand to be believed when they quote the late Ho Chi Minh: "As long as one aggressor stays in our country, we must continue the fight to chase him out." Deputy Prime Minister and Foreign Minister Nguyen Duy Trinh echoes Ho: "So long as the aggression continues, we will fight on. No brute force can subdue the Vietnamese people in their struggle for independence and freedom."

All their lives, the leaders in Hanoi have been killing, scheming for two objectives: to rid Vietnam of foreigners and to make it Communist. They feel they are now on the brink of winning. They refuse to tire. They demand not peace but victory.

During the entire eight days Look's Editor William B. Arthur and I spent in North Vietnam, we were not once treated to the slightest hint—not allowed even the slightest illusion—that compromise with the men in Hanoi is possible. If they mean what they say, it can still be a very long war.

American experts caution that you can be sure only that this hard line is the North Vietnamese position right now; the men in Hanoi can flip-flop whenever it suits their purposes. That's certainly true. They are pragmatic. They can always switch plays at the line of scrimmage.

My impression is that even if they bend in tactics, they are pretty damn rigid on goals.

In all their conversations with us, there was a large dose of holier-than-thou righteousness: We Americans are the aggressors. We Americans poured destruction on their land. We stand for evil; they, for good. Never a word about the Vietnamese they have killed in terrorism and in battle.

I felt my gall rising and found my sympathy for a hardworking primitive people—napalmed and bombed to death—drowning under a wave of reaction to their hard-hat arrogance. How can they claim they have already defeated America? How can they demand that we just get out and let them overrun the South?

And I felt: The reason they can talk with such arrogance is that we have refused to use our whole arsenal; we have stopped bombing their factories, bridges, supply lines; we haven't closed their harbors or wiped out their rice or leveled their capital—all of which we have the technical capacity to do. So where do they come off crowing victory?

But then, back lying under the mosquito netting in my hotel room, with the big ceiling fan turning slowly, I feel my anger subsiding. I look at my room key. It says I am in the Metropole Hotel, Room 335. On its back, it says the key was made in Paris.

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But the big oblong-shaped chunk of bronze attached to the key declares that this is the Thong Nhat Hotel in Hanoi. That really sums up a lot of what this situation, this tragedy, is all about.

I thought that the people in Hanoi see themselves as people with their fingers in the dike. (Since I have returned home, I have discovered that President Kennedy once used the same figure of speech to justify our presence in force in Indochina—we stuck our "finger in the dike" against Communist expansion.) The North Vietnamese paraded before us a 2,500-year history of fighting foreign aggressors: Mongols, Chinese, Japanese, French, Americans. (Our interpreter's brother was tortured and beaten to death by the Japanese when he was 19.)

"If Nixon refuses to stop the war, we can continue our fight for five years or ten years. It makes no difference," said Luu Quy Ky, secretary general of the Vietnam Journalists' Association and our official host during our visit to Hanoi. "We are like a walker who has walked 2,500 miles; the last five or ten make no difference."

It is a strange feeling to be an American in the enemy capital in time of war. It seems unreal; you wonder about hostility. It never comes. Everyone smiles and is polite. When they vent their hatred, and they do constantly, it is never personal.

We walked the streets freely, but we always felt we were controlled. Our program was planned and fed to us day by day. The controls were there even before we arrived. The cable from Paris, informing us that our months of effort had been successful and we could come to Hanoi, told us precisely what day to arrive, what route to take and how long we could stay. No options.

We knew why we wanted to go—to shed a bit more light on the thinking in Hanoi, how the conflict looks to the leaders there. But on the long Aeroflot flight to Hanoi from Moscow, where we had to pick up our Democratic Republic of Vietnam visas, we puzzled over why they had finally decided to let us in. And later, flying home, we figured the answer was really very simple. They are aware of American public opinion and interested in shaping. it. The reason they had invited us seemed to be to try to lay their views before the American people through a major, widely circulated magazine like LOOK.

One very basic impression: So often, the answers we got to our questions were a complex interplay of pragmatism and moralistic preaching. A man we were interviewing would talk hardheadedly about the impossibility of conducting fair elections in South Vietnam under President Thieu's police and "American bayonets." And the next moment, he would lecture us on the immorality of this "war of aggression" and who was the aggressor and who the victim. Everything was either good or evil.

It is too easy to say this was cynicism, that they resorted to moralistic arguments when they had no practical answers. I was impressed that they truly feel they are morally right and we are morally wrong. They were not at all modest about their purity of purpose. They regard themselves as nationalists, fighting for the freedom of the Vietnamese people and as Marxists, fighting for the people's economic well-being. Anyone who opposes them is immoral. And if he is an outsider, a stranger, an aggressor, he can do nothing but go away immediately. There is nothing to talk about.

We met universal rejection of President Nixon's October 7 speech, offering a plan for peace. Foreign Minister Trinh accused Nixon of "new tricks" and said "we totally reject" his five points. Said Luu Quy Ky, "We want to know only one thing from him: whether we can have our independence and freedom. I can feel easily a bomb under the olive branch." Truong Cong Dong, acting head of the Special Mission of the Provisional Revolutionary Government of South Vietnam (which includes the National Front for Liberation), said, "We see no goodwill for peace in that speech. As a result, there is no possibility of settling the problem in the near future."

I asked Hoang Tung, the editor of Nhan Dan, the party's newspaper, and the country's largest, about the relationship between the two aspects of the Vietnamese revolution: nationalism and Communism. He said countries fighting against colonial enslavement start with nationalism and add a Communist ideology in revolt against the landlord class that exploited them. He said he had been a revolutionary for 34 years and spent nearly five years in French jails in Vietnam because of articles he had written as a young man. He explained his view: "It starts with patriotism and leads easily to Marxism. That was true in my case and in many others. Oppression by a big country of a small one is always coupled with the oppression of landlords and capitalism."

For 40 years, the Vietnamese revolution has been a shifting mix between nationalism and international Communism. Today in Hanoi you hear mostly about their nationalism, though they never deny their Communist faith.

Mr. Tung also claimed that the United States has already been defeated. He said calmly that the sooner we accept our defeat, the better off we will be. He saw no reason, after Presidents Kennedy and Johnson had failed to win the war with more men, to expect President Nixon to win it with smaller forces, while Mr. Tung's side was better prepared than ever.

He added with a smile, "The Nixon Doctrine says there must be an American presence in the Western Pacific. Now I'll put forth a Hoang Tung Doctrine, that the Vietnamese people must have a presence in the Eastern Pacific, in Honolulu and San Francisco. How does the United States have a right to have its presence in the Western Pacific and the Vietnamese people not have a presence in the Eastern Pacific?" He said the only difference was power, the ability to maintain such a presence by force. He obviously did not feel that might makes right in this case. He asserted that the people of Southeast Asia are the poorest in the world and no threat to other nations. He said only their oppression is a threat to peace and freedom.

Never during our stay in North Vietnam did such discussions descend into personal abuse against us or the American people. The North Vietnamese leaders express admiration for our democratic traditions. Ho Chi Minh lived briefly in the United States as a young man wandering the earth, and he began the Vietnamese declaration of independence in 1945 by quoting ours: "All men are created equal. . . ."

Things went sour 20 years ago when President Truman started supporting the French militarily against the Vietminh in 1950. Communist China, newly installed in Peking and facing American anti-Communism in both Korea and Indochina, then helped the Vietminh. U.S. aid grew enormously in the Eisenhower-Dulles days, especially when we finally assumed the Frenchman's burden after the fall of Dien Bien Phu in 1954. Since then, we have been the enemy, the invader, the neo-colonialist. We are part of a continuity of conquest; though, unlike the French, we will not stay there for 80 years. The North Vietnamese are determined of that.

This is a puritan-minded, Confucian-rooted society. One night, riding in the car the government rented to us, a Russian-made Volga with Cambodian-made tires, our interpreter, Mr. Pham, a married man of 30, gave us a lecture on Socialist morality. He said fervently that Socialism requires individuals to conduct themselves morally. That's the trouble with Thieu and Ky, he said; they are not moral men by Socialist standards. He then described the North Vietnamese policy of raising the standard of women, and added seriously, since there is a new law on women's rights in marriage, married couples in North Vietnam don't quarrel any more.

Later, we talked with selected youth leaders and Vu Quang, first secretary of the central committee of the Ho Chi Minh Labor Youth Union. He said. "As we come out of feudal society, we must do away with feudal concepts. Women are considered lower than men. They were always shy. With the guidance of the party, the role of women becomes more and more important in our society—not only in the family but in fighting and production. They have an equal place with men."

In answer to our questions about personal morality, he said divorce is allowed "if it helps to liberate women." He said the state gives guidance on birth control and permits abortion to protect the health of mothers with five or ten children. Unmarried women can also get abortions. Asked about premarital sex relations, he seemed embarrassed but then said, "It is their obligation to society. It is not merely an amusement for a moment. If they act too freely on this subject before marriage, they will have less happiness in marriage."

We asked to see how this Socialist system worked by visiting an agricultural collective. We were taken to the remote, predominantly Catholic village of Nghia Phu, 140 kilometers south of Hanoi in rich rice land near the Gulf of Tonkin. We were the first Westerners to show our faces in Nghia Phu since the French left, and we were welcomed cordially and with great curiosity, followed by crowds of people as we visited the rice paddies, the piggery, the school. Pictures of Ho Chi Minh hung everywhere, and I saw some of Marx and Lenin and even Stalin.

The land in Nghia Phu was taken from the landowners and distributed to the peasants, who had later, we were told, "freely decided" to collectivize their holdings. Each family kept a small plot for itself. In this carefully selected village, everyone seemed well fed and cheerful. We were there just before the rice harvest began. In the old days, this was a time of famine before the rice ripened, and after the peasants' supply had run out. Now, with two harvests a year, there are apparently no famines. The rice goes first of all to the villagers, not to landlords, and the surplus is sold to the state at fixed prices. They told us proudly that they are raising six tons of rice per hectrae, against a national average of five tons, and have 900 hectares in production. The surplus rice they sell amounts to 30 percent of the crop.

Still, the 7,000 villagers do everything in the most primitive way. The village has no electricity, no motorized vehicles. In its own self-sufficient way, this is a desperately poor country.

Nghia Phu had been bombed seven times; a little damage had been done, two people were killed, they reported.

I asked the chairman of the village's administrative committee, Pham Van Cham, who had lost his left hand fighting the French years ago, whether there were many young men from the village in the army. He said, "Many families here send their boys to the army to help the struggle." About 100 are in the army now and several have been killed, but he claimed he did not know exactly how many.

In Hanoi, too, no one seemed to go hungry, no one wore rags. But the contrast with war-throbbing, American-inflated Saigon is startling. In Saigon, there is a bedlam of noisy motorbikes and military vehicles and frenetic bustle. Hanoi is quiet, slow-paced. It is a city of bicycles; they move along the wide boulevards, silently, slowly, almost grandly. Hanoi feels like a small town. (As

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Prof. Ta Quang Buu, the minister of higher education, told us, in the French days, all manufactured goods had to be imported from France, and North Vietnam has still not gone through the industrial revolution.) It must have been a beautiful city, but it is decaying now. Although the one-man bomb shelters are still everywhere, most are now filled with dirt or lidded. No one seems nervous about a rocket attack on Hanoi.

As poor as it is, North Vietnam is not isolated. It has many friends in the "Socialist world" and, as we were told, "they are rich friends"—relatively at least. We found we could buy Russian mineral water and a very good Bulgarian brandy and Chinese cigarette lighters. The North Vietnamese have gotten rice from China and wheat from the Soviet Union and Bulgaria, and we were told that they have built modern Chinese-supplied factories. We met East Germans in Hanoi to sell 300 construction vehicles, a deal that East Germany will finance. And we heard that Sweden is supplying North Vietnam with $45 million worth of goods, starting with medical supplies now and moving into other equipment later. The North Vietnamese already seem to be planning for their postwar period.

In Hanoi, officials talk incessantly about the period when we bombed their country in earnest and did severe damage. They talk of the "air war of destruction" as a time of heroic resistance by their people. It has become a legend in the land, a thing of pride. Whenever possible, we were shown bomb damage, and one day we were driven two hours to the provincial capital of Nam Dinh to see the damaged Roman Catholic cathedral and leveled homes, in which, the North Vietnamese said, 49 people died back in 1966, and to meet some of the surviving victims of the bombing.

Nguyen Van Long, a gaunt, old Catholic man, a teacher of typewriting, told us, "We Catholics hate those who came and hit our cathedral. It could not be a mistake. The cathedral was hit three times. We could not find any reason for their attacks, no military targets. This is the middle of the city, surrounded by houses. Every time we look at the cathedral, we feel hate for those who come and destroy and kill the priest, the father of our soul."

One afternoon in Hanoi, we were taken, without any request on our part, to talk with members of the Commission to Investigate War Crimes in Vietnam. Ambassador Ha Van Lau, a member of the commission, treated us to three hours of statistics and accusations. He recited a catalogue of villages bombed (3,200), towns damaged (26), hospitals hit (100), schools destroyed (1,589), churches attacked (475) and priests and nuns killed (59).

At the end of the statistics, we were introduced to three civilians who had been badly wounded by American bombings. Two of them had supposedly been hit since the bombing officially ceased. We had to be touched by the human tragedies of this war, and I was reminded of the night in 1967 that I spent in a hospital near Danang and watched U.S. Navy doctors try to save the life of a small Vietnamese boy who had been severely wounded by a Vietcong booby trap.

On Sunday morning, we were driven to the outskirts of Hanoi where a giant exhibition has been set up in the buildings of a former French military air base. Featured there were huge dioramas demonstrating the heroic defense of the Vietnamese people against the "air pirates." Tens of thousands came that day to hear an army commentator tell of American efforts to destroy the Ham Rong bridge, south of Hanoi, during which, he claimed, 99 U.S. planes were shot down, in the exhibit, miniature planes on wires would approach the target and burst into flames and crash and toy pilots would parachute to the ground where tiny guerrilla fighters surrounded them. It is probably the best show in town. The Vietnamese seemed to think so.

Even since President Johnson stopped the bombing in 1968, there has been a continuing air war in North Vietnam, with major air raids last spring and this fall. And apparently Americans are still being shot down and imprisoned. According to American authorities, the bombing now is mainly in reaction to attacks on unarmed American reconnaissance planes. To suppress such attacks, recon planes are now escorted, and the escorts are instructed to counterattack if they or their charges are fired upon. But for the most part the skies have been quiet over North Vietnam these days.

Luu Quy Ky said, "We do not consider North Vietnam is living in peace. We must be vigilant against new adventures by Mr. Nixon. These adventures might be a resumption of the bombing or even invasion. We are prepared."

In Hanoi, we must have asked 20 times to see the American prisoners of war being held in North Vietnam. We asked for lists of the names of the pilots and air crewmen. We urged that a substantial number of them be released for Thanksgiving and Christmas. We got absolutely nowhere.

Even before last month's unsuccessful POW-rescue raid, the position in Hanoi on the prisoners was rock-hard. As of this writing, it has been a year and a half since any have been released. The North Vietnamese leaders are well-informed about the attention focused on the prisoners in the States. One even charged that 347 letters brought back from the prisoners by a peace-movement leader had been "confiscated" at John F. Kennedy Airport in September. (On my return, I checked and was told that some foolish Customs official had indeed seized the letters, but had released them the next day for distribution to the families.)

The North Vietnamese are convinced that the Nixon Administration is manipulating the prisoner issue to harden public opinion on the war. We denied the accusation of manipulation; we said the concern for the pilots is real, but we agreed that the prisoner issue was having its effect on public opinion, even among Americans vigorously opposed to the war. We urged them to counter this effect by releasing more of the men. They listened but they have not acted—so far.

They repeatedly went to pains to assure us that the prisoners are being "humanely" cared for. They said the American prisoners' standard of living is above that of the average North Vietnamese and the same as that of Vietnamese officials. (Which says something about the equality of all men in this Communist society.)

Politburo member Le Duc Tho said, "I can assure you that there is no problem with their living conditions. Our country has been devastated by the war, and the standard of living of our people is low, and it is a very big effort and out of a feeling of humanity that we give them such care. They can read papers and go to church. All their living conditions have been assured. All of them have been permitted to write their families. They have received the parcels from their families and for Christmas will have a turkey dinner as is the custom in the United States."

(Americans concerned with the prisoners say they know men are being held who have not communicated with their families. And some, they say, have written home without indicating that they have received either mail or packages that were sent to them.)

Ngo Dien, the chief of the press office of the Foreign Ministry, said, "The families who do not hear from their missing pilots must ask Mr. Nixon and the Pentagon."

And Mr. Ky, the head of the Journalists' Association, said to us on our last day in Hanoi: "Mary McCarthy told me the pilots only pushed the button to release the bombs, but for us it is not so abstract. The Vietnamese women who lost their husbands and children should be allowed to go to the United States and ask for their husbands and children back. We only ask the American women to be calm about their husbands. The best way is to urge for an immediate end to the war in Vietnam. There are no reasons why people keep on dying. Those who did such crimes of destruction are being well-treated."

Clearly, the prisoners are hostages to be used by the North Vietnamese when it suits their purposes. The fact that we were not allowed to visit and talk with any of them certainly damaged the Vietnamese' claims that they are being adequately cared for. They must have something to hide.

We also asked repeatedly about the fear of a "bloodbath" if the Communists should win in South Vietnam. Said Mr. Ky, "Once the war is over, we will behave to the Americans and those who helped the Americans with all humanity. We only want the war to be over so we can rebuild our land. We, too, have our dream."

Le Duc Tho was tougher: "We think these fears are unfounded, and the National Front for Liberation has made a specific statement that after the war there would be no reprisals. We act in conformity with our word. There is no ground for fears of a bloodbath on our part. There must be fear of a bloodbath on the part of the Americans and their lackeys. Even now, Thieu has given orders to do away with all Vietcong and Vietcong sympathizers. Even now, such reports are carried by Saigon newspapers. This is a preparation for bloodbaths after the restoration of peace."

The North Vietnamese illustrate their assurances with the story of Phan Ke Toai, who is now vice premier of North Vietnam and was the puppet viceroy of the French and Japanese in Hanoi when the viceroy's palace was attacked in 1945, igniting the revolution. The Communists forgave him. (And presumably he was pretty flexible himself.)

But these are not the central issues between Washington and Hanoi. The crucial issues boil down to two questions: How will the fighting end, and how will a more truly representative government be established in South Vietnam?

On the military question, I said to the North Vietnamese leaders we met: You know we Americans want to get out of Vietnam, even Mr. Nixon wants to get out, and you certainly want to get us out. We seem to agree on the objective. Isn't the problem just to find the way to do it? Isn't there common ground here for talking and negotiating?

It all seemed—to me at least—so reasonable and so possible.

The answer was always a diatribe: We the aggressors have to get out unconditionally. There is no common ground, nothing to talk about. They do not believe President Nixon wants to withdraw American forces totally from South Vietnam. He wants, they said over and over again, to continue the war, to turn over the fighting to the South Vietnamese, to "Vietnamize" the war, to prolong it by "changing the color of the dead."

There was an element of truth in what they said. American policy is not simply to walk to the transports and sail away. The promise of Mrs. Nguyen Thi Binh, foreign minister of the PRG, that the Vietcong will not shoot at us when we leave is regarded as an insult, not an invitation. American policy is to get out if the North Vietnamese will also remove their forces from South Vietnam. Mutual withdrawal—in a year perhaps. Or if the enemy will not make some agreement, we will push ahead with the Vietnamization program and get out unilaterally when we feel the South Vietnamese Army can carry the burden of the war alone.

Both options infuriate the leaders in Hanoi.

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Le Duc Tho said, "We have proposed the time limit for June 31, 1971, but Mr. Nixon has proposed no time limit. First, Mr. Nixon has to set a time limit and then the two sides can discuss. If he sets a time limit before our time limit, he will be welcome, but we have no illusion. We have no illusion about Mr. Nixon." Tho made it clear that he is talking only about a timetable for unilateral U.S. withdrawal. He said, "It is not possible to broach a mutual withdrawal. It is immoral."

American policy seems to be based on the hope that the South Vietnamese Army, the ARVN, will be capable of taking care of all the combat by perhaps the end of 1971. This deadline would pacify U.S. anti-war opinion and turn down the political heat well before the 1972 presidential elections.

If this prospect frightens the North Vietnamese, you might expect them, despite their moralizing, to negotiate a mutual withdrawal, under some guise. If they are not frightened by Vietnamization, you might expect them to refuse to negotiate in the hope of crushing the ARVN after we have gone. Although they can certainly switch tactics overnight, they now still insist on our total and unconditional unilateral withdrawal.

Le Duc Tho told us, "It is true. We call for our victory. We will never be defeated. We have never been defeated. We must win victory. Otherwise, this means enslavement and death for our people. . . . I can only say that we are prepared to fight on as long as Mr. Nixon really wants to prolong it. If Mr. Nixon really wants to end the war, we are prepared to end it today or tomorrow. . . . This war is a tragic mistake for the United States. I think the American people want to pull out of the war—in honor. We also want to end this war and allow the United States to pull out in honor. But how to pull out? That is the problem. There are many ways to pull out. The ruling circles want to pull out in a certain way. The people in a different way. I think the American people want a time limit to be set for total withdrawal. This is an honorable way to pull out."

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If the North Vietnamese and the Provisional Revolutionary Government of South Vietnam will not negotiate a military settlement, we must bank totally on Vietnamization. But what happens if the ARVN is still not ready to meet the challenge? Do we come back in force? Do we again bomb the North? (In Hanoi, that was regarded as a distinct possibility.) Or do we just get out and save our faces as best we can?

When I visited South Vietnam last year, I concluded that it is not a reasonable expectation for the ARVN to be able to defend itself in anything like a reasonable time. I don't know how long the American people will be willing to lose drafted young men in such an enterprise, even if the death toll is down from 100 GI's a week to 30 or 40.

The other central issue is political: the nature of the future government in Saigon. In Hanoi, I would say, with naivete, to North Vietnamese officials: Your government and the PRG say they want free, general elections that will establish a truly representative government in South Vietnam. The United States agrees to the principle of free, general elections and says it will recognize any government that results from them. Can't everyone sit down, find some common ground and work out the method by which such elections can be conducted?

Over and over again, the men we talked with in Hanoi were adamant. First, they said, we must get rid of President Thieu, Vice President Ky and Premier Khiem. The North Vietnamese insist they will not do business with the top leadership in Saigon. Why not? Not because they fought for the French. The leaders must go, we were told until the phrase rang in our ears, because they are not for "freedom, independence and neutrality." They are American puppets.

If you are so sure that the South Vietnamese people support the PRG and dislike the Saigon leaders, I asked, why do you want the Americans to get rid of them? If you really believe in self-determination, why not let the Vietnamese people themselves decide whom they want to have govern in Saigon and whether they want to get rid of Thieu, Ky and Khiem?

Mostly, the answer came back in invective. You Americans created the Thieu-Ky-Khiem government; *you* get rid of it. We can't expect to hold free, honest elections, we were constantly told, under the guns of Thieu's police and American soldiers. (The American position, of course, has been that the Communists can only get rid of Thieu-Ky-Khiem if the U.S. does the job for them, and if this government falls, there would be chaos in Saigon.)

Before an election, the North Vietnamese and the PRG demand a provisional coalition government be created, giving the PRG, the Saigon government and "other elements" each one-third of the executive branch. This government would both organize the elections and run the country until then.

At the end of World War II, Ho Chi Minh also based his first provisional government on a broad coalition. Only later, after the declaration of independence, was a narrower and more effectively Marxist government established. The American proposal for a representative election commission, including the PRG, is, so far, regarded as not good enough. Said Politburo-member Le Duc Tho, "If Mr. Nixon sustains Thieu-Ky-Kheim in power, no peaceful solution is possible."

Both sides fear they cannot get a fair shake. There is no trust. If the Communist camel gets his nose in the preelection tent of government, we fear he will run wild. If we Americans and Theiu-Ky-Khiem police the voting, the other side believes it will be swindled.

Still, there would seem to be "common ground" somewhere, if there were a will to search it out. In Hanoi, we found no such will.

Where does all this leave us now?

We Americans clearly want out, but in a way that will leave the South Vietnamese able to take care of themselves. We haven't changed that goal since the days when Dean Rusk used to say: All we want is for the North Vietnamese to leave the South alone. We are now willing to see the PRG earn a place in the Saigon government, but we still insist that this place be won democratically, not in battle or as a gift.

We came away from Hanoi believing that the North Vietnamese are holding fast to their original objectives: to force out the American invaders and to gain a dominant role for their allies in the government in the South.

Their vision is of a Socialist South Vietnam that can, in time, be reunited with the Marxist regime in Hanoi. And then, together, they expect to lead a militant effort to "liberate" the other nations of Southeast Asia from American domination and from capitalism.

Foreign Minister Trinh told us: "One thing is certain. The entire Vietnamese people who cherish their independence and freedom will try their best to solidify their relations with the U.S.S.R. and the Peoples Republic of China and support the national liberation movement and cause of peace throughout the world. . . . The Vietnamese people will do their best to unite with their neighbors and support them in their fight against the intervention of imperialist countries."

The Communists have found themselves unable to win their victory on the battlefield as long as American forces are present. The unanswered question is whether they will be satisfied to pursue their victory after we have left or whether they will persist in demanding that it be guaranteed before we get out.

They seem convinced in Hanoi that if they wait *long enough, and continue to fight us,* this victory will be theirs. Unless we decide that to prevent such a victory is worth the additional American deaths and casualties it will cost to Vietnamize the war effectively—if this can ever be done—it seems likely that the vision in Hanoi will become reality.

One has to be a determined optimist to believe we can bolster the Saigon government and army so they can stand on their own after we've gone. If we cannot, then watch the wars of national liberation spread. Laos and Cambodia cannot be viable non-Communist states if all Vietnam is Marxist. And Thailand will be severely threatened. Much of Southeast Asia can then go Communist. This does not necessarily mean that these small nations will be willing pawns of Communist China; these people are apparently real nationalists. But they will find it torturous to stand up to pressure from the big power to the north.

If the North Vietnamese continue to refuse to search out a negotiated solution, and if my appraisal of the dim prospects for representative government and an effective army in South Vietnam are anywhere near accurate, I have to be very pessimistic about our hopes for a free and peaceful Southeast Asia, despite the tragic—pointless—cost in lives. Then I must repeat what I concluded after my last visit to Saigon: We ought to get out sooner not later, in fact, get out now. I found nothing to change that view in Hanoi.

DR. MOYNIHAN'S FAREWELL ADDRESS

Mr. GURNEY. Mr. President, I ask unanimous consent to include in today's RECORD an extraordinary document printed in today's Washington Post.

It consists of portions of an address given at the White House last week to an audience of Cabinet members and Presidential advisers and assistants by Dr. Daniel Patrick Moynihan. The occasion was Dr. Moynihan's departure from the White House on his way back to academia.

As is the usual case with Dr. Moynihan's utterances, this piece shows the mark of a gifted writer, a man who likes words and turns a neat phrase. But more than that, more than the style, the content is arresting. In an age of gloom, it is optimistic. At a time when it is commonplace for departing officials to sound bitter and resentful, Dr. Moynihan is neither. Instead, he is full of praise for his Chief and his accomplishments. The piece is also full of commonsense and uncommon wisdom. It is clearly the work of a good man who has served the country well.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"AMERICA IS THE HOPE OF THE WORLD": MOYNIHAN SUMS UP 2 YEARS WITH ADMINISTRATION

. . . as the President has said, we are now in the middle of the journey. Where it will end we do not know. It is no longer even clear where it began, our senses having long since been dulled by the relentless excess of stimulus which is the lot of any who involve themselves in American government.

It may be of some use, then, to try to reconstruct the circumstances in which the President was elected, and formed his Administration, just two years ago.

It seemed the worst of times. It was the habit then to speak of the nation as divided, and to assert that the situation was grave beyond anything since the Civil War itself. This was misleading. The country was not so much divided as fragmented; it was coming apart. The war in Asia, undeclared and unwanted, misunderstood or not understood at all, pursued by decent men for decent purposes but by means and with consequences, that could only in the end be heartbreaking, had brought on an agony of the spirit that had had no counterpart in our national experience.

The agony was elemental, irresolvable, and nigh to universal. No matter what one's view of the nation might be, events in Vietnam contradicted that view. Not long before the war in Asia began a French Dominican priest wrote that "Either America is the hope of the world, or it is nothing." An astonishingly large cohort of Americans concluded, in the course of the 1960's that it was nothing.

The agony of war was compounded by and interacted with the great travail of race which, once again, not so much divided as fractured the society. Racial bondage and oppression had been the one huge wrong of American history, and when at last the nation moved to right that wrong the damage that had been done proved greater than anyone had grasped.

An ominous new racial division made its appearance, and with it also a new sectional division, unattended and underappreciated, but not less threatening.

The economic vitality of the nation was imperiled. The war disrupted the economy and then dictated that the onset of peace would do so as well.

In such circumstances, confidence in American government eroded. Government was not to be believed, nor was much to be expected of it. Save fear. Government had begun to do utterly unacceptable things, such as sending spies to the party conventions in 1968.

It all comes together in the story of the man who says, "They told me if I voted for Goldwater there would be half a million troops in Vietnam within the year. I voted for him, and by God they were right."

How then could it have been otherwise than that the election of 1968 would begin in violence and end in ambiguity. It was clear enough who had won, albeit barely, but not at all certain what had won.

Then came the President's inaugural address with its great theme of reconciliation, and restraint, and—in the face of so much about which we comprehend so little—reserve. "Few ideas are correct ones," wrote Disraeli, "and what are correct no one can ascertain; but with words we govern men."

Those words of January 20, 1969, were and remain the most commanding call to governance that the nation has heard in the long travail that is not yet ended.

How, by that standard, would one measure the two years now past. Not I think, unkindly. To the contrary, the achievement has been considerable, even remarkable.

In foreign affairs the nation has asserted the limits of its power and its purpose. We have begun to dismantle the elaborate construct of myth and reality associated with the Cold War. The war in Asia has receded, the prospect of arms limitation has gradually impressed itself on our consciousness, the possibility of containing the endless ethnic, racial, and religious conflicts that may now become more believable as here and there things have got better, not worse. The prospect of a generation of peace has convincingly emerged.

In domestic matters events have been similarly reassuring. Far from seeking a restoration of outmoded principles and practices with respect to issues of social justice and social order, the President, on taking office, moved swiftly to endorse the profoundly important but fundamentally unfulfilled commitments, especially to the poor and oppressed, which the nation had made in the 1960's.

He then moved on to new commitments to groups and to purposes that had been too much ignored during that period, and beyond that to offer a critique of government the like of which has not been heard in Washington since Woodrow Wilson.

In one message after another to the Congress, the fundaments of governmental reform were set forth. More was required of government, the President said, than simply to make promises. It had to fulfill them. It was on this bedrock of reality that trust in government must rest. The restoration of trust would depend on this.

Since that time, mass urban violence has all but disappeared. Civil disobedience and protest have receded. Racial rhetoric has calmed. The great symbol of racial subjugation, the dual school system of the South, virtually intact two years ago, has quietly and finally been dismantled.

All in all, a record of some good fortune and much genuine achievement.

And yet how little the administration seems to be credited with what it has achieved. To the contrary, it is as if the disquiet and distrust in the nation as a whole has been eased by being focused on the government in Washington. One thinks of President Kennedy's summation: life is not fair. But there is something more at work than the mere perversity of things.

In a curious, persistent way our problem as a nation arises from a surplus of moral energy. Few people have displayed so intense a determination to define the most mundane affairs in terms of the most exalted principles, to see in any difficulty an ethical failing, to deem any success a form of temptation, and as if to ensure the perpetuation of the impulse, to take a painful pleasure in it all.

Our great weakness is the habit of reducing the most complex issues to the most simplistic moralisms. About Communism. About Capitalism. About Crime. About Corruption. About Likker. About Pot. About Race Horses. About the SST. Name it.

This is hardly a new condition. Tocqueville noted it a century and a half ago. "No men are fonder of their own condition. Life would have no relish for them if they were delivered from the anxieties which harass them, and they show more attachment to their cares than aristocratic nations to their pleasures."

But in the interval this old disposition has had new consequences. What was once primarily a disdain for government has developed into a genuine distrust. It has made it difficult for Americans to think honestly and to some purpose about themselves and their problems. Moralism drives out thought.

The result has been a set of myths and counter myths about ourselves and the world that create expectations which cannot be satisfied, and which lead to a rhetoric of crisis and conflict that constantly, in effect, declares the government in power disqualified for the serious tasks at hand.

The style which the British call "muddling through" is not for us. It concedes too much to the probity of those who are trying to cope, and the probable intransigency of the problems they are trying to cope with. In any event, in so intensifing private a society it is hard to get attention to one's own concern save through a rhetoric of crisis.

As a result, we have acquired bad habits of speech and worse patterns of behavior, lurching from crisis to crisis with the attention span of a five-year old. We have never learned to be sufficiently thoughtful about the tasks of running a complex society.

The political process reinforces, and to a degree rewards, the moralistic style. Elections are rarely our finest hours. This is when we tend to be most hysterical, most abusive, least thoughtful about problems, and least respectful of complexity.

Of late these qualities have begun to tell on the institution of the Presidency itself. A very little time is allowed the President during which he can speak for all the nation, and address himself to realities in terms of the possible. Too soon the struggle recommences.

This has now happened for us. We might have had a bit more time, but no matter. The issue is how henceforth to conduct ourselves.

As I am now leaving, it may seem to come with little grace to prescribe for those who must stand and fight. I would plead only that I have been sparing of such counsel in the past. Therefore, three exhortations, and the rest will be silence.

The first is to be of good cheer and good conscience. Depressing, even frightening things are being said about the administration. They are not true. This has been a company of honorable and able men, led by a President of singular courage and compassion in the face of a sometimes awful knowledge of the problems and the probabilities that confront him.

The second thing is to resist the temptation to respond in kind to the untruths and half truths that begin to fill the air. A century ago the Swiss historian Jacob Burckhardt foresaw that ours would be the age of "the great simplifiers," and that the essence of tyranny was the denial of complexity. He was right. This is the single great temptation of the time. It is the great corruptor, and must be resisted with purpose and with energy.

What we need are great complexifiers, men who will not only seek to understand what it is they are about, but who will also dare to share that understanding with those for whom they act.

And, lastly, I would propose that if either of the foregoing is to be possible, it is necessary for members of the Administration, the men in this room, to be far more attentive to what it is the President has said, and proposed. Time and again, the President has said things of startling insight, taken positions of great political courage and intellectual daring, only to be greeted with silence or incomprehension.

The prime consequence of all this is that the people in the nation who take these matters seriously have never been required to take us seriously. It was hardly in their interest to do so. Time and again the President would put forth an oftentimes devastating critique precisely of their performance. But his initial thrusts were rarely followed up with a sustained, reasoned, reliable second and third order of advocacy.

Deliberately or not, the impression was allowed to arise with respect to the widest range of Presidential initiatives that the President wasn't really behind them. It was a devastating critique.

The thrust of the President's program was turned against—him! For how else to interpret an attempt to deal with such serious matters in so innovative a way, if in fact the effort was not serious.

It comes to this. The Presidency requires much of those who will serve it, and first of all it requires comprehension. A large vision of America has been put forth. It can only be furthered by men who share it.

It is not enough to know one subject, one department. The President's men must know them all, must understand how one thing relates to another, must find in the words the spirit that animates them, must divine in the blade of grass the whole of life that is indeed contained there, for so much is at issue.

I am of those who believe that America is the hope of the world, and that for that time given him the President is the hope of America. Serve him well. Pray for his success. Understand how much depends on you. Try to understand what he had given of himself.

This is something those of us who have worked in this building with him know in a way that perhaps only that experience can teach. To have seen him late into the night and through the night and into the morning, struggling with the most awful complexities, the most demanding and irresolvable conflicts, doing so because he cared, trying to comprehend what is right, and trying to make other men see it, above all, caring, working, hoping for this country that he has made greater already and which he will make greater still . . .

SOVIET SUPERSONIC AIRCRAFT

Mr. JACKSON. Mr. President, if there has been any doubt concerning the seriousness of the Soviet Union to acquire a large share of the American dominated commercial aircraft business, the latest edition of Aviation Week puts it to rest.

In the December 28, 1970, edition, Aviaexport, the Russian aviation export sales organization headquartered in Moscow, has purchased a two-page advertisement displaying a whole family of aircraft products led by the supersonic TU–144 airliner.

Earlier this month, Mr. President, the British-French advertised their SST, the Concorde, in the same publication.

For some time, I have been explaining in the Senate that the debate cannot dwell on whether or not there will be an SST. There is an SST. There are three versions of them already flying, the British, the French, and the Russian version. The Senate debate has only related to whether or not the United States should share in this market.

The Aviaexport ad clearly offers the TU–144 for sale in the international market along with a wide variety of other Soviet designed and manufactured aircraft, engines, and radar.

Some of the language of this advertisement is revealing. It states:

> Aviaexport with its wide range of aerospace products can meet buyer's needs in any part of the world.
>
> Aviaexport sells quality and economy in its products and services.
>
> Aviaexport is the national organization for export of the entire range of Soviet-made commercial airplanes, helicopters, engines, avionics instruments, airport and ground handling equipment.
>
> Aviaexport is also responsible for the supply of spare parts, maintenance, overhaul and repair service as well as for the training of specialized personnel.

It is apparent, Mr. President, that the Russian supersonic is the crown jewel in the array of products it is offering world aircraft purchasers. The TU–144 is most prominently pictured in a page displaying products of Soviet aircraft industry.

Also shown are the tri-jet TU–154 airbus, the short-to-medium-range AN–26 Airfreighter, the all-field YAK–40 jet Aircraft and the Amphibian Air-Sled. Passenger helicopters are also pictured along with the Soviet NK–8 turbofan jet engine and sophisticated radar equipment.

Besides the SST, the aircraft compete directly with such U.S. commercial versions as the Douglas DC–9, Boeing 727, Fairchild F–27, Learjet, Grumman Jetstream, and Northrup Sabreliner as well as helicopters by Sikorsky, Vertol, and Bell. The Soviet NK–8 turbofan jet engine is in competition with domestic versions offered by General Electric and Pratt & Whitney.

The Soviet ad points out that this family of products will be on display for potential purchasers at the 29th Paris Air Show at Le Bourget next May 27 through June 6.

Mr. President, I do not believe that the American aerospace industry wants to run from foreign competition. I believe the industry would be willing to meet head on a rising interest of foreign manufacturers in this multibillion-dollar market.

There is no protectionist effort being made here.

Instead, I believe that America needs to continue to produce for the world market a full range of products—long since determined to be the finest in quality.

American airlines have been holding off on their purchases of foreign supersonic transports, but they will begin negotiations with the British-French or Russians if the bigger, superior U.S. version does not go forward. Both Aviaexport and the Concorde representatives will be taking orders when aviation leaders meet in Paris this spring.

Air space rights, including flight over the Soviet Union's vast territory, is expected to be a bonus incentive offered Tu–144 purchasers.

Mr. President, the Soviet Union is looking at the U.S. market hopefully as it presents its SST and other products in a leading American aircraft journal. It is seeking the market that has supported hundreds of thousands of American jobs in most of our States. The intensity of their interest is indicated in the Aviation Week advertisement.

They are banking on congressional rejection of their American competitor and the consequent export of these many jobs to Europe and the Soviet Union.

INDIVIDUAL VIEWS OF SENATOR JAVITS IN FAVOR OF RATIFICATON OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, recently the Senate Foreign Relations Committee reported the Genocide Convention to the floor of the Senate by an overwhelming 10 to 2 vote. Included in the report on this convention issued by Senator CHURCH for the Committee on Foreign Relations is an excellent statement favoring ratification of the Genocide Convention by Senator JAVITS.

Mr. President, I believe the statement of the distinguished senior Senator from New York, is worthy of consideration by the entire Senate. I therefore ask unanimous consent that the "Individual Views of Senator Javits on Ratification of the Genocide Convention" be printed in the RECORD.

There being no objection, the individual views were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF SENATOR JAVITS ON RATIFICATION OF THE GENOCIDE CONVENTION

I join with my colleagues on the Special Subcommittee of the Senate Foreign Relations Committee in urging ratification by the Senate of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. After 20 years of regrettable delay, the opportunity is now at hand to take this historic step.

This report contains an accurate and impressive summary of the arguments which have been made for and against ratification during these 20 years. I associate myself fully with the case for ratification presented in this report. Because of its preoccupation with answering the arguments that have been offered in the past to such ratification, however, the report takes on a defensive character. In these individual views, I wish to stress the positive case for ratification.

Final Senate approval will constitute much more than a "modest" step. In the crucial arena of world public opinion, such action should at long last fully refute the charge that the United States had defaulted on its commitments for in 1948 we were the prime mover within the United Nations for such a convention.

As President Nixon reminded the Senate when he urged ratification on February 9, 1970:

"Some of our detractors have sought to exploit our failure to ratify this convention to question our sincerity. I believe we should delay no longer in taking the final convincing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever."

Those who would minimize the importance of the convention because it does not offer immediate and total assurance that the crime of genocide will never again be perpetrated overlook the nature of the process by which basic international law is developed, or how higher standards of international morality are nurtured. While it is a painstakingly slow and difficult process, the fundamental base for the process is world opinion.

As our Ambassador to the United Nations, the Honorable Charles Yost, told the committee, this convention has attained "a position of unique symbolic importance as an act of worldwide condemnation of what is perhaps the most dreadful crime men can commit." It stands, he told us, for the fundamental principle that "whatever evils befall any group or nation or people are a matter of concern not just for that group but for the entire human family." Like other Ambassadors to the U.N. before him, he reported that "no question that has ever been asked me about the policy of my country has been more difficult to answer than questions about American inaction on this convention."

Standing by itself, none of the great documents of human civilization can be credited with "instant morality"—not even Magna Carta or England's Bill of Rights or France's Declaration of the Rights of Man or the Bill of Rights (the first 10 amendments) of our Constitution. But each of these has added mightily to man's commitment to individual rights and human dignity.

The Genocide Convention is in that great tradition. As the Section of Individual Rights and Responsibilities of the American Bar Association reported earlier this year, the convention "is an international commitment to decency and morality consistent with the American tradition." The immediate and overriding incentive for action by the United Nations in 1948 was the painful and gruesome memory of Hitler's extermination of six million Jews. This makes all the more appropriate the conclusion of the American Bar Association's section:

"The United States, which was founded on the basis of protests against governmental excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed peoples everywhere, should be in the lead in joining in the declaration of the revulsion at the organized effort to eliminate a whole people during World War II and of determination that such an effort shall not be undertaken ever again."

Twenty years ago, President Harry Truman requested Senate ratification. President Richard M. Nixon now requests that it no longer be delayed. A bipartisan group of Senators in this subcommittee now recommends ratification by the Senate. A significant and beneficent step in mankind's long tortured and bloody history is about to be taken.

THAT MILITARY-INDUSTRIAL COMPLEX

Mr. YOUNG of Ohio. Mr. President, America has become a militaristic nation involved in a vast, expensive, and burgeoning military-industrial-political combine or complex which dominates the country and affects the daily lives of millions of Americans, our economy, our international status, and our foreign policy. Through most of our history, the United States has traditionally rejected militarism except under the pressures of a nationally declared general war. Now, however, there is impressive evidence that our Nation is moving inexorably toward a society increasingly influenced by the Military-Industrial Establishment. Moreover, this is occurring not as a result of any deliberate choice by the American people, but as a result of an accumulation of military decisions, commitments, and actions beyond the control of present democratic processes.

Officials of the Department of Defense have indicated that even if the Vietnam war effort were eliminated, the momentum of various weapons systems already approved or in advance planning, plus existing commitments and other rising costs, would largely consume not only savings from the decline of hostilities in Vietnam, but most of the increases in the gross national product during the coming years, leaving little to provide for the huge and incessant demands of the other pressing domestic problems and urgent needs of millions of men, women and children which should have priority.

It is noteworthy that although President Nixon and other top officials in the Pentagon are prone to point out that approximately 175,000 or more troops have been withdrawn from Vietnam, not one headquarters unit has been pulled out. I believe there are approximately six divisions of our troops in Vietnam so the general commanding a corps headquarters in that area must be commanding but one division or perhaps no division whatever. This is the same type of organization set up that we unfortunately continued to tolerate in Europe.

Recently when I was in Berlin I learned that although tensions have greatly lessened and there is an absence of any threat of aggression against Berlin, and those Senators who had previously in years past been in Berlin, as I had been, noted the change for the better from 1963 to the present time. Yet, in Berlin we have more men in our Armed Forces than before. The total is 7,500 officers and men. This included many, many generals. Of this 7,500 approximately only 2,000 could be termed combat troops to whom would be assigned the mission of firing at the enemy in event of attack.

It is noteworthy, also, that the armed forces of the United Kingdom and of France, in Berlin as long as our forces have been, are greatly reduced, the total being approximately 2,000 for the forces of the United Kingdom and 1,500 for France.

THE STRATEGIC ARMS LIMITATION TALKS

Mr. GURNEY. Mr. President, I ask unanimous consent to include in today's RECORD, an article which appears in the December 29, 1970, issue of National Review. The author is the distinguished American patriot and statesman, Adm. Lewis L. Strauss. Admiral Strauss offers some very probing comments on the Helsinki SALT talks and recommends in our negotiations with the Soviet Union on the whole disarmament question that we insist on the principle of verification.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THOUGHTS ON HELSINKI

(By Lewis L. Strauss)

For the past 22 years—ever since we discovered that the Russians had developed the atomic bomb—we have lived in its shadow. Like inhabitants of cities on the flank of a dormant volcano, we have grown so accustomed to muted rumblings that they seldom alarm us. Yet, though our fears may be dormant, the threat most certainly is not. Over the years, science has steadily enlarged it.

Our other important concerns—over-population, pollution of the environment, increasing drug abuse etc.—are more claimant because more visible, but the menace of nuclear war is so great that negotiation for arms limitation and control is the most crucial enterprise in which our government is engaged.

Under five Presidents and both political parties, our negotiators have been conscientious men. The voluminous record evidences their dedication in the face of heartbreaking frustrations. For, in agreements between nations as between individuals, there must be either dependable guarantees or confidence based on mutual trust. Our delegations have had to negotiate without the benefit of either. Confidence is ordinarily established upon long-time observance of good faith as a consistent policy, and guarantees in the form of inspection or other dependable verification have been adamantly opposed by the Soviet negotiators.

General limitation of armaments has been a goal of statesmen time out of mind and there have been many attempts at it in the past half century, but armaments continued to increase, openly or clandestinely, and new wars canceled out all proposals, agreements and understandings. There is an important difference, however, between past negotiations and those now going forward. In the pre-nuclear era, the incentive of disarmament was for the sweet sake of peace. Since Hiroshima, the incentive has become more personal—disarmament for the sake of survival. Also, it is safe to assume that today those on both sides of the negotiating table are familiar with the consequences of continuing failure.

The nature of atomic warfare also imposes a new sense of urgency for the negotiators. In this era of nuclear weapons plus rocketry, surprise attack is possible in a manner that would make Pearl Harbor look like an event in slow motion. Furthermore, the increasing dependence upon automated response introduces danger of war by accident.

In a report to the Congress on foreign policy, the President named certain "clear principles" which the Administration thenceforth would observe in negotiations with the Communist states. These, he pointed out, were the result of lessons learned in postwar negotiations with them. Not included at that point was a principle which had been basic to our position until we agreed to the misnamed Nuclear Test Ban Treaty in 1963. That principle was emphasized by President Eisenhower when he said:

"The United States has made proposal after proposal, each in good faith, in an effort to reduce tensions of the world and to lessen the economic burden of armaments. Moreover, we are prepared always to consider any reasonable proposal made by others. But on one point we must never waver—*and that is our insistence that agreements toward disarmament be accompanied by sound methods of inspection and control*. The absolute necessity of this caution is readily understood when one recalls that the government with which we must deal in these matters has, since 1945, broken an uncounted number of solemn agreements made with us and other nations. . . ."*

Adlai Stevenson, representing the Kennedy Administration, told the General Assembly of the United Nations that "where national security is concerned, an open society cannot undertake with a closed society an arrangement which cannot be verified." Yet the Test Ban Treaty, which President Kennedy recommended and our Senate ratified the following year, lacked that safeguard. The history of that negotiation includes a "lesson" for, in its course, the principle of verification finally disappeared under repeated concessions by us. We began by insisting upon unlimited mutual inspection and then yielded step by step to the point where the principle of verification was abandoned.

Only two years earlier and after lengthy, secret preparations, the Soviets had violated a moratorium on testing which, on our part, had been scrupulously observed. In a gigantic test operation, the Soviets undoubtedly gained a decided advantage in the knowledge of extremely large explosions and of significant related effects.

Many will remember the jubilation with which ratification of the Test Ban Treaty was hailed. President Kennedy expressed his pleasure and confidence that the Treaty would "slow down the nuclear arms race." There is no perceptible evidence that this has happened. On the contrary, since the ratification of the Treaty in September of 1963, there have been a great many subterranean nuclear tests by the Soviets and ourselves, and new systems have evolved for the delivery of nuclear weapons on distant targets. The euphoria was hollow and deceptive.

The Strategic Arms Limitation Talks with the Soviet Union are now reconvened in Helsinki. A reasonableness which we may prayerfully hope was more than a change of tone is reported to have been evidenced in the prior rounds of talks. If so, the principle

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*The number of violated agreements between the Soviet government and the United States has been tabulated by the Department of State. They include the Lend-Lease Agreement; the Understandings reached at Yalta, Teheran and Potsdam; the Charter of the United Nations; the Convention relative to the treatment of prisoners of war; the Constitution of the United Nations' Educational, Scientific and Cultural Organization; the Quadripartite (Berlin Blockade) Agreement; and many others.

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of verification, which we imprudently abandoned in 1963, ought to be revived and insisted upon. President Nixon once stated that we would not delude ourselves "that a change of tone represents a change of policy" and that "an agreement to limit strategic arms can be lasting only if it enhances a sense of security of both sides."

This is an important rule for if, as it is sometimes stated, the Russians are as distrustful of us as we are of them, then mutual verification would do more to allay mutual suspicion than any other provision of an arms limitation and control agreement, however solemnly it may be covenanted.

JEWS IN THE SOVIET UNION

Mr. MONDALE. Mr. President, the recent trials of Jews in the Soviet Union are singularly cruel travesties—even for a country where cruelty and travesty of justice have so long been commonplace.

Like all senseless tragedies, these trials are damned most by the ironies they hold.

That the Russians who fought Nazism and who were themselves branded for ethnic extinction should practice a persecution equally insane.

That a nation which prides itself on progress should sink back to the lowest depths of tsarist racism.

That a regime which expects trust and respect from the world community should continue to encase its own citizens in barbaric isolation.

Once more it is the Jewish people who bear the crushing burden of this incredible backwardness—and of the relative indifference of a world benumbed by so many murders and so much guilt of the past. But let no one believe that this, or what has gone before, or what will surely come next, are somehow only "Jewish" tragedies.

The whole world is nearer disaster when the government of a great power is shown no less venal and unenlightened than its medieval predecessors. Every people in the world is threatened when yet another man dies for the accident of his birth.

I call upon our Government to make clear to the U.S.S.R. in every forum, from the United Nations to bilateral negotiations, that America deplores racism wherever it exists—whether in our own society, in Southern Africa, or the Soviet Union.

HOBART ROWEN COMMENTARY: THE TRILLION-DOLLAR CLOCK

Mr. McGOVERN. Mr. President, Hobart Rowen, the brilliant business and financial editor of the Washington Post, has written a most perceptive commentary on the folly of equating gross national product with national well-being. Mr. Rowen takes special exception to the recent administration publicity gimmick designed to spotlight the point at which the Nation's gross national product exceeded a trillion dollars.

I ask unanimous consent that the full text of Mr. Rowen's piece as printed in the Sunday Washington Post, December 27, 1970, be printed at this point in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRILLION-DOLLAR CLOCK AN ILL-TIMED GIMMICK

(By Hobart Rowen)

There may have been more foolish public relations stunts than to set up a "Trillion-Dollar Clock" to measure the national output in the middle of a recession. But if so, no one around town can remember it.

To be sure, when New York business adviser Pierre Rinfret first suggested it to members of the White House staff, he could not have known that the economy would fall out of bed. Rinfret, in fact, scoffed at the possibility of recession this year.

But once the project got under way, there was no stopping what turned out to be a gauche effort to record advances in the Gross National Product. Although all of the economists in the Nixon administration knew that the "clock" would instead measure the extent of inflation, Secretary of Commerce Maurice Stans insisted on going ahead with it.

To top off the comedy of errors, the administration chose, in a priceless example of bad timing, to unveil the "clock" on December 15, which turned out to be the very date that the Federal Reserve Board would announce that industrial production had slipped again, to the lowest level in 16 months.

And just this week, the administration was forced to admit that the "real" GNP—stripping inflation out of the total—would show a decline for the first time in 12 years.

Thus, although the word is verboten in the Nixon administration, a recession in the economy is indeed taking place—and it's the longest (out of five) in the post-World War II period.

Says a Federal Reserve official: "Here they are, playing games while we have a recession. And what's more, recovery from it at this point is only a hope and not a reality."

As for the trillion dollars, Brookings Institution President Kermit Gordon (a former Budget Bureau director) observed tongue-in-cheek that "the hero of the day turns out to be a restaurateur in Klamath Falls, Ore., who, precisely at 9:00 a.m. local time, or noon Eastern time, raised the price of ham and eggs from $1.25 to $1.50."

He added: "I hope this never happens, but the time may come when the GNP clock may have to run backwards for a time. Is the mechanism reversible? With hundreds of tourists streaming through the (Commerce Department) lobby every day, will any administration be willing to show them a clock running backwards?

But the GNP clock exposes a national compulsion more serious than the mere tallying of our output in inflated dollars. It shows how entranced we are with the meaningless magnitudes of economic growth. It's growth for growth's sake, no matter what's involved.

For example, the Nixon-Stans magic trillion worth of stuff (at the annual rate thereof in inflated dollars, that is) includes billions of dollars of weapons and arms that we may some day shoot away. We may even destroy much of it ourselves, as the Army now plans to do with $726 million worth of germ warfare weapons. (The cost of the destruction job will be $12.2 million, which will give the GNP an additional fillip.)

Similar landmarks on the way to the inflated trillion include the over-runs on the Lockheed C-5A, where Uncle Sam is now on the hook for $4.6 billion (81 planes) instead of only $3.4 billion (an original 120 planes). Clearly, that is a more expansionist program.

Help for the Nixon-Stans-Rinfret timepiece is also coming from an unlikely source, the nation's failing railroads, who have the tin cup out for a couple of hundred million, beginning with $125 million of bail-out money for Penn Central.

Knowing whereof he speaks, Sen. Philip Hart (D-Mich.) observes that "the first bundle of money is not the last."

Another big pile of public greenery that can only swell the GNP in the 1970s will go for the Super Sonic Transport, despite Sen. William Proxmire's gallant fight against it, and even though all acknowledge that the SST (if it flies) will pollute the atmosphere. But pollution is one of today's big GNP boosters.

There's not much new to the idea that we've made a fetish, in this century and especially in this country, of indiscriminate economic growth. E. J. Mishan, especially, has been the pioneer in the study of the real costs to the public for the thoughtless expansion of the private sector.

The notion has also been popularized by John Kenneth Galbraith in his "Affluent Society," and more recently in Charles Reich's exposition of "Consciousness III."

On the practical level, economists like Walter W. Heller and Robert Lekachman have suggested that the GNP be adjusted by an index-to-amenities, which would show the deterioration of the quality of life. This would be a companion to the GNP "price deflator" (ignored by the GNP clock) that records the impact of inflation.

What is most disappointing is that the Nixon administration has been suckered into a graceless display of a meaningless big number when it should be paying attention to curbing inflation, reducing unemployment, limiting pollution, and redirecting a real expansion of the nation's resources into more rewarding end-uses.

Mr. Nixon and his aides seem to have forgotten that earlier this year, during hearings on the Employment Act, they promised to give consideration to something beyond mechanical rejoicing over meaningless new GNP records.

"Simply producing more . . . if it means putting more smoke in the atmosphere . . ." is not an adequate goal. Economic Council Chairman Paul W. McCracken acknowledged. Federal Reserve Chairman Arthur F. Burns suggested that government statistics might take into account depreciation of the environment, as it does erosion of the value of machines.

Not enough has been done to control pollution, let alone suggest how much of the GNP can be attributed to it. But we *do* know how much high prices contribute: if the GNP clock were based on the *real* value of production, adjusted for inflation, the clock would have run backward for some part of this year; indeed, it would be running backward at this very time.

The average citizen, who may not be as gullible as some in this administration seem to think, isn't going to be fooled by a toy clock—not when actual production is going down and unemployment is going up.

AN ANALYSIS OF VOTING PATTERNS

Mr. METCALF. Mr. President, the University of South Dakota has a program whereby the votes of every Senator are compared with the votes of his colleagues. This analysis of voting patterns has been provided for 1967, 1968, and 1969. Each time the Senator with whom I voted most often was Senator YARBOROUGH. Here was a Senator that had seniority, was chairman of a great committee, was from a so-called conservative State and at the same time agreed with my votes on more issues than any other Member of the Senate.

Over the years Senator YARBOROUGH has been the advocate for the deprived, the youth, the underprivileged. In his advocacy of a better America he has been fortified by his knowledge of history. There is no Senator—and few professors—that has a greater familiarity with American history than has Senator YARBOROUGH.

I have had the privilege and the opportunity to serve for a brief time on the Labor and Public Welfare Committee with Senator YARBOROUGH. I respected him as a colleague. When he went on to assume the chairmanship of that committee I rejoiced that he was the chairman. Others have enumerated the accomplishments of Senator YARBOROUGH during his career. Suffice to say that he has consistently voted for the needy, the children, and the sick. Under his service as chairman of the Labor and Public Welfare Committee landmark legislation has been enacted. He has been the catalyst for the enactment of these laws.

RALPH YARBOROUGH will be missed in the Senate. But he will be missed more by the sick who looked to him for remedial legislation. He will be missed by millions of boys and girls who looked to him for educational assistance, he will be missed by millions of laborers who relied on his integrity.

After all this the Senate will miss him, miss his eloquence, his sincerity, and his integrity.

Donna and I will miss having Opal and RALPH as friends and colleagues.

All good wishes to both.

CORRECTIONAL REFORM

Mr. MATHIAS. Mr. President, I have spoken before on the need for a probing look into correctional reform. We must find more productive ways to prepare the criminal for his re-entry into society, because we cannot afford to permanently warehouse everyone who has collided with the law and equally cannot afford to return criminals to the streets in the same or worse condition than they left them. Today I want to bring to the attention of the Senate another innovative project which is responding to this urgent need. This program, as others, will not provide the ultimate answer, but it is a start in the long hard road of necessary research, experimentation and creativity. The road unfortunately will have fiscal and emotional roadblocks. But the end will soon be in sight. We must continue our search.

Today the youth crime project of the District of Columbia's Department of Corrections opened its doors at 1719 13th Street. It is an unusual program. It merits our attention and our evaluation in the search for law and order.

Its mission is to rehabilitate its residents—the staff calls them "students"—in the community, rather than in prison. It is based upon the philosophy that the offenders are members of the community and to be rehabilitated they must receive the help and understanding of the community from which they came.

Mayor Walter Washington addressed those who attended the opening of this innovative program. His remarks both explain the program and demonstrate governmental support needed for such a program. The mayor is to be commended for his leadership and insight.

I ask unamious permission, Mr. President, to insert into the RECORD a copy of the mayor's remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MAYOR WALTER E. WASHINGTON

My fellow citizens. It is a great pleasure for me to be here today to inaugurate a unique program that could markedly change the treatment of youthful offenders by our society.

We hear more and more frequently these days that prisons teach the criminal to refine his illegal techniques instead of rehabilitating him and returning him to society as a useful, productive citizen. The program we are launching today—the Youth Crime Control Project—is an answer to that problem.

This project will require more of the young convict than any prison does, but it will also offer him more than he could find in the most advanced institution.

Under this program, a young person from 18 to 26 years old who has been convicted of a felony under the Youth Corrections Act will not be sentenced to prison. He will be "sentenced" to this center. Here he will live and work with about 50 other young people like himself and a staff of 25 professionals, ex-offenders, employment specialists, secretarial personnel and a cook. The interracial staff with female employees at all levels was chosen to approximate the makeup of the community.

In order to give him more personal attention, the staff is divided into four teams. Each youth is assigned to one of the teams and will remain with it throughout his stay here.

When he first comes to the project house a youth will be involved in strictly in-house counseling, tutoring, recreation and an assessment of his vocational skills.

When he demonstrates that he is ready for advancement, he will be permitted to leave the house during the day to work, go to school or receive vocational training. In the third stage, he will continue his activities outside the center, but also will be given weekend pass privileges to allow him more extended participation in community affairs.

In the final phase, the youth will be allowed to move from the center to live in the community. He then will be on the same basis as any parolled prisoner. If this proves successful he may be given a conditional release from supervision followed by a recommendation that the sentence be set aside in accordance with the provisions of the Federal Youth Corrections Act.

While there is no timetable for progress of a youth through the four steps, corrections officials envision that he will move through the program and be discharged by the third year following commitment.

Since it is the first program of its kind in the nation, the Youth Crime Control Project House will of course be closely monitored. Built into it is its own research unit to observe, record and interpret all data. Those young people sent to jails under the Youth Act will act as a large control group for comparison.

There are other objectives in undertaking this program beside cutting down on the number of new crimes committed by youthful ex-offenders. We hope to directly involve the community in the process of rehabilitating and treating its young people who have broken the law and to reduce the cost of correctional treatment.

By undertaking the program we feel we are acting in accordance with the will of Congress when it passed the Federal Youth Corrections Act. The act was a reflection of the feeling by Congress that not all young adult offenders have turned into professional criminals and that a short period of incarceration coupled with intensive treatment and training geared to their age level would be the proper rehabilitation method.

I would note that this program, with its emphasis on community involvement, will supplement the City's effort of attacking problems in this field by mobilizing and coordinating all elements of the criminal justice system.

With this program we have gone beyond the work-release program, where those convicted of crimes may spend the last portion of their sentences at half-way houses. There will be no institutionalization for those who qualify and who want to take part in this plan. We hope and expect that this approach will go all the way in bringing back our young offenders and will help them find a useful, productive place in society.

TRIBUTE TO SENATOR McCARTHY

Mr. MOSS. Mr. President EUGENE MCCARTHY has never been a conventional Member of the Senate, just as he was never a conventional Member of the House of Representatives. His remarkable intelligence and understanding, his compassion, his charm, his incisive wit have always lifted him well above most of his colleagues in each of the 22 years he has served in Washington.

But in 1968 he did two things which will claim for him a firm place in history.

First, he put into perspective for the people of America the war in Vietnam. He sensed the frustration many felt, and expressed it in terms they could accept. He showed that we were clinging with pride to an unworthy course. In so doing, he did more than anyone else to start us toward disengagement.

Second, he brought young people into active participation of politics as never before—and they have stayed there.

He will go down in history as a true man of peace—one of the greatest of our generation. Through his courage and his vision he has served his country well.

GENE MCCARTHY will also be remembered because he has his name on almost every piece of legislation passed during the time he has been here which provides better living and greater opportunity to all. He is a man of the people as well as a man of peace.

Although we are saying goodby to him as a colleague here today, he has by no means completed his service to his country. He is moving to broader fields where he will continue to give the benefits of his gifted mind and his sensitivity to the problems of the Nation.

We will miss him—I will miss him personally and deeply as a Member of the class of 1958—but fortunately, we will still have his leadership to look to and turn to. We will watch with interest as he charts his course for the future.

TRIBUTE TO SENATOR YARBOROUGH

Mr. MOSS. Mr. President, after 13 years in the U.S. Senate, RALPH YARBOROUGH is returning to the State whose rugged independence he has reflected so well in the Senate. Both the Senate and the country are far richer because of the work he has done here.

First as a member and later on as chairman of the Senate Committee on Labor and Public Welfare, RALPH YAR-

BOROUGH dedicated himself to making new opportunities for better jobs, better education, and better health. And he has left a profound and salutary legacy.

Because of his efforts, more people get an education under the GI bill of rights, more people recover from crippling disease, more Mexican Americans receive bilingual educations, more migrant workers have better housing and more opportunity, and there is less ignorance and poverty and misery in America, generally.

His defeat in the Texas Democratic primaries last summer did not slacken his efforts in the least. Some Members in his circumstances might have felt that their work in the Senate was mostly done—but not RALPH YARBOROUGH. He has pursued his goals with tremendous energy week in and week out, right to the very end of the session, motivated by unselfish and higher instincts.

I shall miss RALPH YARBOROUGH when he leaves, as we all shall. We shall miss his warm friendship, his tolerance, and his legislative skills. RALPH and I have been close friends since we served together in World War II.

He is still a comparatively young man, I know that he will continue to be of service to the poor and the underprivileged and others whose causes he had championed. I know that would give this honorable and decent man the greatest satisfaction.

THE CHRISTMAS SEASON

Mr. HARTKE. Mr. President, in the intervening years since December 1620, when the Pilgrims debarked from the Mayflower at Plymouth Rock, the month of December has marked many great and laudable occasions in the building of the land of the free and the establishment of the principle of brotherhood among men.

In December 1791, the Bill of Rights became the basic definitive document of our freedom. In December 1816, my own State of Indiana joined in brotherhood with the Union to become the 19th State.

For the past 1,970 years, December has marked the day of days in the Christian world, the day for rejoicing in hope, and compassion, and understanding among men.

Mr. President, as we near the end of this December 1970, let us pause in our deliberations for a moment to reflect on the Christmas and New Year season, and savor the meaning it holds for all of us in America.

This is the season of giving. This is the season too for remembering the good of the past and for resolutions to pattern future acts on the Golden Rule. This is the season of rededication to one another and for one another.

But as we give, within the limits of our capacity and within the bounds of our hearts, we must not lose sight of the real meaning of the Christmas season. We must not miss this opportunity to convey to our children the true relevance of this brotherhood of man with God.

For a moment in this joyous and festive holiday let us remind not just the children, but all the grownups as well, that here in America, we enjoy above all else, the right to express without fear of retribution, the most precious of all gifts—"that almighty God hath created the mind free."

Of all the concepts of freedom we in America enjoy—and too often take for granted—the greatest is our freedom to think, evaluate, pick, and choose our individual opinions, values, and faiths. Nothing in man's history on earth can recall a more significant hallmark in the progress of civilization.

The Founding Fathers of our New World knew all too well the Bill of Rights would serve as an inviolate guarantee against subversion of this shingle, most vital precept in establishing the security of future generations.

Today, in this holiday season, after almost 200 years, the guardianship of this wonderful gift remains the most sacred trust of the American way of life. Against storms of bigots, fanatics, and hatemongers, we must resolve this year that for every future year this one beautiful thought, voiced by Thomas Jefferson, remain America's most cherished gift—the gift of our Creator—the mind free.

Christmas 1970 is more than a time for gift giving and late-night shopping. It is a time to rejoice and a time to renew our dedication to the noble goals of "peace on earth" and "good will toward men." If there were ever a time in our national life when this dream needed reaffirmation and to be reproclaimed it is now.

Sometimes I think that too many of us have come to react like venerable old Scrooge of Dickens' Christmas Carol. All too often the very mention of "peace" or "good will" elicits the cynical reaction, "Bah—humbug."

The problems loom so great, and the divisions between us grow to deep that many good Americans simply lose sight of the real goals ahead and begin to underestimate their ability to reach out with their hearts to find the path to a bright tomorrow.

But this is the Christmastime and the season for infusing light and warmth into the toughest old "Scrooges." These are the days of our time to give of ourselves to one another, and to refocus on the good things in life we can achieve with our God-given talents. This Christmas I hope all Americans will reavow a pledge to seek and find the way to peace, and to foster the spread of good will through our national life as well as with friends and community.

With the coming of 1971, I hope each of us will keep a sincere resolution to remind ourself and our neighbor of the simple fact of life that everyone is part of the brotherhood of man.

SOCIAL SECURITY AMENDMENTS OF 1970

The PRESIDING OFFICER (Mr. BOGGS). The hour of 2 o'clock having arrived, the Chair now lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 17550, to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and material and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. LONG. Mr. President, it is clear to me, and I believe by now to a majority of the Senate, that if we are to pass a bill to provide for increases in social security payments even to offset the increases in the cost of living that have occurred during the past year, it cannot be accompanied by amendments relating to trade and to the family assistance program. Therefore, in order that 26 million social security beneficiaries who would be benefited by this piece of legislation not be denied those benefits, and in order that the least controversial provisions of this measure might be considered by the Senate and become law, which I believe is the minimum the public has a right to expect of us in Congress, I am going to make a motion to recommit and report back.

Mr. President, I move that H.R. 17550, the Social Security Amendments of 1970, be recommitted to the Committee on Finance with instructions to report it forthwith, after making the following modifications:

On page 319, strike line 11 and all that follows through page 404, line 25. (This is Title III, the Trade Act of 1970, and Title IV, the Catastrophic Health Insurance Program.) On page 482, strike out line 12 and all that follows through page 483, line 16. (This deletes the prohibition against use of Federal funds to undermine programs under the Social Security Act.) On page 488, strike out line 1 and all that follows through page 499, line 10. (This deletes sections 561 and 562 of Title V, relating to tests of welfare and workfare plans.) On page 514, strike line 8 and all that follows through page 519, line 7. (This is a veterans pension increase, already enacted in a separate bill.)

Delete all pending floor amendments, as follows:

No. 1169 (Ribicoff and Bennett), as modified (prior to printing).

No. 1168 Scott.

No. 1158 (Williams of Delaware and others).

The PRESIDING OFFICER. If the Senator will send the motion to the desk the clerk will report it.

The assistant legislative clerk read as follows:

Mr. LONG. I move that H.R. 17550, the Social Security Amendments of 1970, be recommitted to the Committee on Finance with instructions as set forth by me.

Mr. LONG. Mr. President, I make this motion on behalf of myself and the Senator from Delaware (Mr. WILLIAMS) with whom I have discussed this matter and with whom I find myself in agreement. A motion of this sort is necessary in order to expedite the action of this Congress.

Mr. WILLIAMS of Delaware. I am glad to join the Senator from Louisiana, chairman of the committee, as a cosponsor. To make the record clear, this motion would strike out titles III and IV, the trade amendments and the catastrophic health insurance part. It would also strike out those sections of title V which the Senator has enumerated and also the pending floor amendments, which are the Ribicoff-Bennett and the Scott amendments, and the amendment that was offered by the Senator from Georgia and myself dealing with trade amendments, and require the Finance Committee to report back sections 1 and 2 as the committee originally reported them to the Senate but with the modification as outlined for title 5. Am I correct in that understanding?

Mr. LONG. That is correct. I personally very much dislike to move to strike some parts from the bill after having voted for them. I would like to see them a part of the bill. Likewise, in committee I voted to add the amendment known as the Ribicoff-Bennett amendment. But this also provides to strike the catastrophic health insurance part, which is my own handiwork, and which I hope I may be permitted to say with some pride of authorship is perhaps the best thing in the bill. It was agreed on in the committee by a vote of 13 to 2. But, Mr. President, these are matters which in all probability the House would not accept in conference even if they did pass the Senate. I have been led to believe that would be the case if we went to conference.

I would not want the responsibility of the Congress adjourning without having a minimum achieved that can be achieved so far as social security benefits are concerned. The minimum would be the 5-percent across-the-board increase provided by the House bill although the cost of living has already gone up more than 5 percent this year. So I would think, in conference between the Senate and the House, that the House would agree to as much of a social security increase as would represent an increase in the cost of living, and perhaps they might agree to go somewhat further than that. I am confident the Senate will send back to the conference what it voted on before, when it voted the $100 minimum for social security and the necessary financing to pay for it. That would be in conference and I am confident the House would be willing to consider it, along with the Senate and House cost-of-living proposal, and the reforms in medicaid and medicare.

If my motion is not agreed to it would mean 26 million beneficiaries under social security will have been denied justice by the Senate and the House. I do not think the Senate wants that to happen. I do not. On that basis, I feel it is my duty to make this motion. We have had a test vote on the family assistance plan.

I know that there are enough votes to pass the trade package, if we could get to a vote. I know that we cannot get that to a vote, so it is not likely to happen. When I made the motion to table the family assistance amendment, only a few Senators voted to table it. If the motion were to be made again, I know there would be more, but it would serve no purpose to continue debate over that. I would hope that the trade advocates as well as the family assistance advocates would be willing to agree, quite apart from those two measures, to consider the good that is in the bill and that it deserves passage by the Senate and action by Congress before we go home.

Mr. President, I would therefore hope that the Senate would see fit to agree to the motion.

Mr. RIBICOFF. Mr. President, I oppose the motion of our distinguished chairman.

This, to me, is the tragic end to a noble cause. It is a noble cause that the President of the United States has advocated since he became President of our great Nation.

Frankly, I was surprised to see this proposal come from the Nixon administration. I applauded the President for his imagination and dedication when he pinpointed the family assistance proposal as the most meaningful vehicle with which to start the United States on the road to eliminating poverty.

I am at a loss to understand how anyone in an affluent nation such as ours could even question the objective of a powerful and rich nation to see to it that a family of four would have a minimum income of $1,600. I for one, believe that $1,600 for a family of four is the very barest minimum.

The President's proposal has been before Congress for some 16 months. It has been before the Senate for 8 months, having passed the House of Representatives in April.

The Ribicoff-Bennett amendment has been the pending business before the Senate for more than a week.

This proposal has been endorsed by six former Secretaries of HEW, as well as many public and private groups.

It has the support of the Democratic and Republican Governors across the Nation who have to live with the problem of welfare on a day-to-day and a year-to-year basis.

The proposal provides a new framework to replace the present disastrous welfare system. It provides a means for dealing with children, the aged, blind, and disabled. It is coupled with strong work requirements. It provides for fiscal assistance to the States.

One of the proposals in the amendment—which was a late starter, it is true—is a proposal that I thought was important, and the administration has agreed with me, that the time has come to give a sense of certainty to every State in the Nation.

Every State in the Nation is on the verge of bankruptcy. Their budgets show red ink year in and year out. There is not a Governor who knows from year to year what his budget requirements will be.

We have finally assured, in this proposal, each and every State that the amounts the States would be required to pay for welfare would never exceed 90 percent of their expenditures in 1971, adjusted for the cost-of-living increases.

Here is a measure that has been debated. It has been in the public press and in the public eye.

The Senate Finance Committee held days upon days of hearings. We spent days upon days in executive session. I cannot understand how we in the Senate can go home by noon of January 3d without giving the Senate an opportunity to vote yes or no on family assistance.

The least we could do, it would seem to me, would be to vote upon the matter and show our constituents and the country how the Senate is divided on family assistance. Are we for it or against it?

I appreciate the objective—and it is a most worthy one—of the chairman, to at least pass the increases in social security by January 1. But in any event, the beneficiaries under social security will not receive their payments on January 1. They will not start receiving their payments until April 1 retroactive to January 1.

Representative MILLS, chairman of the Ways and Means Committee, and the ranking minority member, Representative BYRNES, have said publicly that any social security bill passed after January 3, 1971, would be retroactive to January 1, 1971.

The President of the United States has also made the statement and the commitment to the 26 million people who are under social security that if Congress passes a social security bill in 1971, he will advocate that it be retroactive to January 1, 1971. Consequently, not one single person of the 26 million beneficiaries will lose a penny by our delaying the passage of the social security proposals until early in February or March instead of at the present time. This matter is too important to be sloughed aside.

I disagree with the President of the United States on many of his proposals. I disagree with the President of the United States on many of his vetoes. But I am completely in accord with him on his concept that the time has come to reform welfare. The President of the United States has come up with one of the most imaginative programs in the entire social field. It is a matter that we must address ourselves to during the next decade. It would be tragic if we were to go home without voting up or down the family assistance program.

I for one would hope that the motion to recommit would fail.

Mr. MILLER. Mr. President, I am going to support the motion. I do so with mixed emotions.

I must say to my friend, the Senator from Connecticut, that I do not believe he has properly stated the case because the case is not merely one of voting up or down the family assistance plan.

The case is a matter of voting up or down an amendment that is far more than just a simple $1,600 family assistance proposition. It is a tremendously long package of legislative language which has been massaged and remassaged for weeks before the Senate Finance Committee. It does not even contain all of the provisions which many of us in the Finance Committee wanted to see in the measure. It is almost in the same form that was discussed by the Governors' conference when we had five Governors representing the Governors' conference before the committee. The consensus of those Governors was that they did not want this bill. What they wanted to have was this bill with modifications. Unfortunately, we do not have the bill with modifications—at least, not

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the modifications some of them were talking about.

We just have a long, well-intentioned amendment which is now locked in so that amendments cannot be offered to it. When I raised the point with the Senator from Connecticut the other day about opening this up to amendment, I was told that we did not dare do so because there would be many amendments and we would never get the amendments taken care of.

I do not know why we did not try it that way first instead of using a parliamentary tactic which now puts this matter before the Senate in such a position that those who would like to see something done about the miserable welfare situation cannot in good conscience vote for the measure because it is overloaded.

The Senator from Delaware, the Senator from Nebraska, and I have pointed out some of the serious defects that exist in the measure as it is now pending before the Senate.

I might say furthermore that I do not think it is calling a spade a spade to talk about no one being able to live on $1,600 a year. That is not the proposition before the Senate at all. What we are considering is a total welfare package which amounts to perhaps up to $3,500 to $4,000 a year.

Mr. KENNEDY. Mr. President, may we have order?

The **PRESIDING OFFICER** (Mr. Boggs). The Senator will suspend for a moment. The Senator from Massachusetts is correct. The Chamber is not in order.

The Senator may proceed.

Mr. MILLER. What we are talking about is a total welfare package of which $1,600 is merely a part. If one wishes to be realistic about it, we are talking about a package consisting of $1,600 for a family of four, plus food stamps, plus State supplements, plus medicare, and in many cases, plus public housing with a total welfare package coming to $3,500 to $4,000 a year for a family of four. So let us not talk about nobody being able to live on $1,600 a year, because nobody is being asked to live on $1,600 a year.

I deeply regret that a parliamentary maneuver was entered into by the proponents of the pending amendment which has placed it before the Senate without the Senate having an opportunity to offer a single amendment to it, to modify it so that some of those serious deficiencies which have been pointed out, and which Senators can read about in the Record, could be removed from the pending amendment.

I think the record will bear out that I was one of the members of the Committee on Finance who worked day in and day out to try to give this measure a chance, to try to perfect it, and to put in modifications of the kind the Governors' conference wanted. Unfortunately we were on the losing side when we sought to add the measure as an amendment to the pending bill.

I might say further that at the time the vote was taken in committee the understanding was that, if it were added to the pending bill, the committee during the next several days would have an opportunity to go over it paragraph by paragraph and to work some modifications into it. We never had that chance. So when this amendment was being talked about as prospective legislation to the social security bill during debate before the full Senate a good many of us hoped it would be offered in a manner which would enable us to offer modifications to it by way of amendment. But those who promoted this amendment saw fit, for their own best reasons, not to put it before the Senate that way and to use a parliamentary device, legitimate though it may be, under which the Senate cannot do a thing about it except vote it up or down.

Mr. President, this is too important a measure to be put before the Senate on such a simplistic basis. The Senate is far more sophisticated than that. Welfare recipients are deserving of far better treatment than that. Those paying the bill, the taxpayers, are deserving of far better treatment than that.

I think the chairman has well gaged the temper of the Senate by stating that if this is going to be the way it will be handled, we are not going to get a vote on it, so let us get on about our business and preserve what can be preserved, and then we will hope we can do something about the welfare package next year.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. LONG. Mr. President, I am sure the Senator heard the statement made by the able Senator from Connecticut, as I did, that the President, the chairman of the Committee on Ways and Means in the House, and the ranking member, have indicated that if this bill dies, they would send us early next year a social security bill seeking to make payments retroactive to January 1.

It is well to point out that if this bill should pass, even this will be retroactive, because beneficiaries would get their increases on April 1.

If the Senate does not pass this bill and the House sends us a new bill next year, there is no reason why Senators who are trying to do something about jobs in their States would not offer a trade amendment on that bill, or why that bill might not become involved in a controversial family assistance plan, again modified, and by the time that battle is finished in the Halls of Congress it might be August before those people get checks, retroactive though they may be. They would be another 5 or 6 months waiting for something to which they are rightfully entitled.

Furthermore, some of those people will die between January and August, with the result that those people never would get the increase to which they are entitled.

So I would say to the Senator that when one looks at the facts of life that exist today, what is practical and can be done, if the Senate insists on continuing to tie up this bill with trade legislation and a family assistance plan, a social security bill will not become law this year. If Senators are determined to have their way about family assistance and trade legislation, there is no reason to think the same determination will not prevail in the next Congress, with the result that Senators could be equally as adamant, so the bill might not become law next year.

Mr. MILLER. Mr. President, the Senator made a very valid point. He might have gone further and pointed out, apart from the things he has been discussing, that the Committee on Finance, after many long days, made some real and constructive improvements in the medicare and medicaid provisions and old-age assistance provisions; and if these are scuttled they will not take effect for some time. These are the kinds of changes that should take effect "yesterday." That will be delayed also.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. LONG. Is it not true that the Ribicoff-Bennett amendment, pending at the desk, does not go into effect as far as any beneficiary is concerned, until January 1972, anyway; and as far as the 14 million people it would add to the welfare rolls, they do not start getting those benefits until July of 1972; and there is nothing to keep Congress from passing it during the 18 months between now and the time the beneficiaries would get those checks?

Mr. MILLER. The Senator is correct, but in fairness I should respond by pointing out we all know it will take probably 1 year for the department to crank up the machinery necessary to put a far-reaching welfare reform plan into effect. In fact, this is one reason why the Senator from Connecticut was very adamant about a pilot testing program, because such a program could isolate some defects, not only in administration, but also defects, perhaps, in the law, which would enable us to take some action on this before it went into effect finally.

I think the Senator's real point is that there is more of an immediacy problem in social security, medicare, medicaid, and old age assistance than a welfare reform program which will not take effect until January 1, 1972, at the earliest.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. MILLER. I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I asked the Senator to yield so I could reply to our distinguished chairman instead of a point raised by my distinguished colleague from Iowa.

The chairman is correct that there is nothing to prevent those interested in trade legislation from placing an amendment in the social security bill or the family assistance program.

I am deeply bothered that we have tied together so many programs in one bill. In all candor, there is not a single program in this huge bill that legitimately does not deserve extensive debate that would extend over 2, 3, or 4 weeks, because they are all complex matters.

But the family assistance program was before us for 16 months; it passed the House, as the trade bill passed the House, but we had full hearings on family assistance before the Committee on Finance. When it came to trade we had hearings that lasted 2 days. Trade is a

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very important factor in our Nation. I believe those interested in trade legislation should have a full set of hearings. A trade bill legitimately should come from the Committee on Finance, standing by itself. It should be given early priority, just as the family assistance program should be given early priority.

And I wonder if the time has not come to consider the rule of germaneness, instead of making it possible to put every possible amendment onto every piece of legislation.

One of the great tragedies that has taken place in the last few weeks in this body is that we as a body have shown our complete impotence to take care of problems that a democracy must deal with. Here we are as a legislative body going toward the 21st century with the rules and regulations and procedures of the 19th century. We are acting in the Senate today as if this were the age of Daniel Webster, at a time when problems keep pushing against us for solution and every institution in the world is under attack and every institution is being pushed for change. Whether such institutions live or die depends on whether those in charge of the institutions have the intelligence and foresight to understand the changes that they themselves must put into effect to assure that our institutions live. At a time when our institutions, when our Government, when corporations, when labor unions, when universities are being pushed for changes, there is no reason for us to sit here in our smugness and think that, because we have done things a certain way for 150 years, that is good enough for the future.

There is much soul-searching to be done by us. This is an institution which has proven its value, but if this body of 100 men and women are unable to understand each other and the great changes being faced by the United States and the world, we are dealing a blow to our precious heritage of free government. The Senate is a great institution. But it will not stay great and it will not be great if we continue to do in the future as we have done in the past month.

Mr. MILLER. Mr. President, I might add just a footnote to what the Senator from Connecticut has so eloquently said, and that is that if we are going to make a change in the rules, one of them should be in a rule which prohibits a major piece of legislation, such as the one we are now considering, from having one single amendment filed to it. I would suggest there are those who might refrain from following that rule, but if it were a rule, it would be a rule which was legal, and I would like to see the present rule changed. So if we are going to make some changes, let us make changes across the board, instead of making one change here or there.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. MILLER. I promised to yield to the Senator from Vermont (Mr. Aiken). I will yield to the Senator from Connecticut later.

Mr. AIKEN. Mr. President, I would like to see most of the Senate version of H.R. 17550 enacted into law, and I would vote for most of it. I would vote for the Ribicoff-Bennett amendment if I had had the chance and felt that by approving those provisions we were not killing the whole bill.

However, I believe that if we undertook to act on the whole bill now we would not accomplish any of it. There is no possibility of its becoming law, and every one of us here knows that. I do not want to go home and face the people, many of whom depend almost wholly upon their social security checks. I do not want to go home and face those people who are so dependent and so helped by the medicare law, or would be helped by the medicare amendment proposed, and tell them that I voted to kill their social security increase and their increased benefits from medicare because I could not get everything I wanted. I think that would be a pretty shameful thing to do.

So I am going to vote for the Long motion, although, as I have said, I would like other parts of the bill. We are coming back into a new session some time next month and will have a chance to act on these other sections of the bill then. But I certainly hope we do not have to go home now and tell these people who are dependent upon social security and medicare that we turned our backs on them because we could not be big shots and get everything we wanted at this session.

Mr. MILLER. Mr. President, I yield to the Senator from New York (Mr. Javits).

Mr. JAVITS. Mr. President, I appreciate the sincerity and the truth of what the Senator from Connecticut (Mr. Ribicoff) said to the Senate a few minutes ago, but I do think a few points should be touched on as to what faces us, and one is the key place of the so-called rule XXII controversy, which will break out again in January, and, second, the key place of the administration in everything that is happening here.

On the first, with respect to rule XXII, I agree with the Senator from Connecticut that if rule XXII is not changed, we are governed by a two-thirds vote, and not by a majority vote, and until we are governed by majority vote, with reasonable opportunity for debate, we will run into these roadblocks. Not very often, but on occasion I have used the provisions of rule XXII. That is symptomatic and characteristic of the fact that the reform will have to be a basic reform, a reform of the rules which we will all accept. With others, I will be one of the prime movers in January to reform rule XXII. I rose only to emphasize the key part of the rule. We modified it once. Obviously it was not enough. It was one of the reasons why I joined others in this procedure, although I began to doubt whether we should keep on the same old track, in the plan to challenge the existing rule XXII, which we will again try to change in January.

As to the administration, I hope very much the administration will play its part in the next few days. We need to know whether the administration will accept an assurance that FAP will be one of the first matters considered in the next session. We need to know whether the administration agrees with me, with the Senator from Connecticut (Mr. Ribicoff), and others, that it is a great mistake to discuss this trade issue, on which people like myself may well get licked. I give the Senate my assurance that in the new session we will make no effort such as we are making now with respect to the consideration of the bill. If the country, after an opportunity to talk it out and hear it out in terms of hearings, wants quotas, then I certainly will not be so un-American as to put myself in the position of thwarting its will, although I think my country would be making a great mistake.

So I hope we can come to an accommodation, not only on our part, but on the part of the President who has a very important part to play here.

If the Senator from Iowa (Mr. Miller) will indulge me 1 minute further, I call my colleagues' attention to the fact that the New York Times, which has not been overly kind to the Republican administration, as we all know, nevertheless wrote an editorial the other day pointing out that the lameduck session, much to its surprise, and to mine, had accomplished some good, such as enactment of the broker-dealer bill which is critically important to the security of our country.

I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Lively Duck

The unusual post-election session of Congress was expected to be a lame duck, but it has proved much more lively than lame. The productivity of both houses has been obscured by the spectacular impasse which the Senate Finance Committee created when it merged several unrelated bills into one huge unmanageable package.

In the last month, Congress has enacted or reached virtually final action on nearly a dozen significant measures. The Housing bill is considerably more ambitious than the Nixon Administration desired this year and its new provisions for the financing of new towns may have considerable impact on this nation's future urban growth.

The Occupational Health and Safety Bill is an unexpected triumph for the House-Senate conference committee system which has been the subject of much justifiable criticism of late. Only the sunniest optimists really expected a bill to pass this year. But after several arduous sessions with Administration, trade union and industry lobbyists hovering about, the conferees reached compromises on several bitterly contested issues. For the first time, workers can now look forward to effective, federally enforced safety and health standards where they work.

The manpower bill which President Nixon unwisely vetoed is another significant accomplishment. As almost any Mayor could tell the President, there is no alternative to federally financed public service jobs to meet the double crunch of rising unemployment and unbalanced municipal budgets. It is difficult to reconcile Mr. Nixon's veto attack on dead-end WPA-type jobs with his solicitude for the survival of financially shaky aerospace companies. Apparently, one man's Lockheed is another man's leaf-raking.

The House and Senate also reached agreement last week on the Air Pollution Bill with its stringent requirement of a pollution-free automobile by 1975 and its tough standards for new power plants and manufacturing plants.

Until recently, Congress's recent approval of a sizable Federal program to assist family

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planning would have been regarded as a breathtaking accomplishment. It is highly significant that population control has now ceased to be politically controversial. Congress in the last several days has also completed action on bills to insure the brokerage accounts of small investors, extend aid to the bankrupt Penn Central Raillroad, improve the law-enforcement assistance provisions of the Crime Control Act of 1968, and amend the food stamp plan.

Only the food stamp bill remains in doubt. Representative Poage, Texas Democrat, and his conservative colleagues on the House Agriculture Committee finally made some substantial concessions on their atrocious bill, although it remains inferior to the compassionate, constructive bill put through the Senate by Senator McGovern. Forty years after the Great Depression began, the most durable illusion in Congress is that poverty is due to an individual's moral failings. No amount of government coercion or food stamp blackmail can make men work who either cannot or will not work.

Yet if this lame-duck session has stepped lively and accomplished more than might have been predicted six weeks ago, the failure of the Senate to overcome the irresponsibility of its Finance Committee casts a dark shadow over the session and, indeed, over the good repute of representative government in this country. Whatever the fate next week of the welfare reform or the import quota bill, the Senate leadership in the new Congress has to look squarely at this problem and seek effective answers, whether they be revised procedures in the Senate or new members on the Finance Committee or both.

Mr. JAVITS. Mr. President, other things can happen, as the Senator from Vermont pointed out, if we give them a chance. So, in spite of my deep feeling for FAP, I, too, am beginning to have the feeling that I shall vote for the motion in order to do something instead of accepting the certainty that we can do nothing. But, in order to do it and make it successful and make it whole to the American people, I feel the administration must play a part, and I hope very much it will.

I thank my colleagues very much.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MILLER. Mr. President, may I just make a comment to the Senator from New York?

Mr. JAVITS. I yield to the Senator from Iowa.

Mr. MILLER. I know that the Senator from New York feels very strongly about rule XXII and the need for a change. Perhaps I did not quite accurately hear what he said, but I gained the impression that he might be suggesting that rule XXII is un-American.

There are a good many Members of the Senate who feel very strongly about rule XXII, who also feel very strongly about majority rule. Of course, we all know that a mere simple majority of 51 Senators here in the U.S. Senate may well not reflect more than about a third of the people of this country—perhaps only 25 percent. If we are really interested in the most important majority, which perhaps is the majority of the people of this country, we might find 18 Senators who could stand here and represent the majority of the people of the United States; but I do not think most of us would want them to decide issues in the Senate.

It seems to me that rule XXII has weathered the storms over the years. I know when I first came to the Senate, and we invoked cloture, I think it was in 1961, that was the first time in about 35 years that the Senate had invoked cloture. But in the last 10 years we have invoked cloture nine or 10 times. So that shows that when there are really important measures, and especially if they have bipartisan support, we can get the job done when the time comes.

The Senator from New York well knows that every time he files an amendment to rule XXII, he always finds an amendment to his amendment filed by the Senator from Iowa, agreeing to a change to three-fifths of the Senators, provided that a majority of the Members on both sides of the aisle have joined in it. The reason, of course, is so that a ruthless majority will not be able to choke off debate by the minority.

I would like to see a change in the cloture rule, but it would have to be coupled with that proviso. I would suggest to my friend from New York that, strongly though he may feel about a change and the need for a change in rule XXII, we have some colleagues who do not want any change at all, and I do not think we should attribute to them any less love of the Senate and love of our country than we ourselves share.

Mr. JAVITS. Mr. President, will the Senator yield for a clarification?

Mr. MILLER. I yield.

Mr. JAVITS. I did not apply the word "un-American" to rule XXII, or to anyone who believes in it, which I do not. The proper word is really "irrelevant." I happened to apply it in terms of my own feeling that to block arbitrarily a vote, even on trade quotas, which I think would be a disaster to our country, would in my judgment be against the national interest in trying to get things done.

What is relevant to rule XXII is that no proposal that I know of, including the one which, with the Senator from Michigan (Mr. HART), I espouse, the so-called Douglas clinch, does not have a provision that before cloture on anything there be a minimum of 4 weeks' debate, and up to 6 weeks' debate.

It seems to me that if we want to get things done, ultimately, after debate, elucidation, education, and public discussion, we must come to a vote. That is the rule that is hamstringing us in terms of getting the public business done. That is all I said.

Certainly no Senator has a right to make a moral judgment as to whether this or that is un-American. Calhoun felt that the idea of a concurrent majority was essential to the future of our country, and had I been in the Senate then, I would not have considered him un-American. This was his considered best judgment as to what was in the highest and best interests of our land. I grant him or any other Senator full moral equality with myself as to judging what is best for our land.

I do not feel that any Senator who favors the filibuster rule is un-American or against American tradition, or anything like that.

Mr. MILLER. I appreciate the clarification. I ask the Senator, is not what he is really saying this: That with the short time remaining for the Senate between now and the last day of this Congress, it would be, to use his language, against the best interest of the country to be arbitrary?

Mr. JAVITS. That is correct.

Mr. MILLER. And he indicated that after we had time, which we will have early next year, to debate this matter at great length and analyze it forward and backward, then, but not until then, we would be able to say we had not acted arbitrarily?

Mr. JAVITS. That is exactly right. And, for example, to add just one word, Brimmer of the Federal Reserve gives us figures as to what it will cost the consumers of this country to put quotas on foods and textiles. No one here has been able to test those figures either up, down, or sideways, except in the most cursory and on-the-surface manner, because we simply have not had the time and opportunity to do it in depth.

Mr. HOLLAND. Mr. President, will the Senator yield to me?

Mr. MILLER. I yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator, and compliment him as well as the Senator from New York, because I, too, agree that what we have to consider now, with the very short time remaining, is how to get worthwhile things done; and that is what should occupy the attention and time of the Senate during the few days and hours remaining.

I am not going to talk about rule XXII. I think the Senate knows how I feel about it, and yet I doubt if many Senators remember that a number of years ago I suggested on this floor that rule XXII not be applied to defense measures, and that a simple majority be permitted to bring debate to a close with reference to matters vital to the Nation's defense.

But, Mr. President, to come back to the motion of the junior Senator from Louisiana, the Senator will remember, though I cannot go into the details of our closed session of some 2 or 3 weeks ago, that the Senator from Florida then made substantially the same suggestion as has now been made by the Senator from Louisiana. Of course, I agree with him, and, of course, I shall vote with him. I think that the thing we should do is recommit this overburdened legislation—overburdened by amendments—back to his committee, with adequate instructions to report it, so that an immediate conference can be held with the House of Representatives, and particularly so that the much-needed increases to the recipients of social security can speedily go into effect.

I am told there are something like 26 million recipients of social security. Some Senators spoke of the need of doing something for all the States. I cannot think of anything which would help the people in every State—thousands and thousands of them, even in our smaller States—to a greater degree than to help them out somewhat through the improvement of their social security payments.

So I commend the Senator from Louisiana, and I shall support his motion.

Mr. President, while not saying anything adverse about the amendment of

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the Senator from Connecticut, I call attention to the fact that it is 139 pages long, and I call attention also to the fact that the distinguished senior Senator from Delaware has pointed out obvious defects in it, which cannot be reached under the parliamentary situation.

I was an original sponsor of the trade amendment in the form of a separate bill, offered by the Senator from South Carolina (Mr. HOLLINGS) and others. I am interested in that amendment. But I think that, putting first things first, the motion of the Senator from Louisiana for recommittal with instructions should be agreed to, and I think that the record ought to be perfectly clear now as to who it is, if anyone, that will hold up payments to the recipients of social security in the increased amounts that the social security portion of this bill provides.

It will not be the Senator from Louisiana. It will not be those who support his motion. It will not be those who want to support his motion if no vote is permitted because of lengthy discussion. It will be those who, by one means or another, oppose the motion of the Senator from Louisiana. The Senator from Florida stands ready to support it and then to support the shortened bill when it comes back, so that it can go to an immediate conference, and he hopes that the Senate will do just that. It is the only way we are going to get something done which is of immense importance to 26 million American citizens, many of whom are living under circumstances in which they need more money simply to live, simply to exist.

The Senator from Florida commends his distinguished friend, the Senator from Louisiana, on his motion, and hopes that Senators will permit it to be voted upon shortly, and that we shall then move ahead along the course suggested by the Senator from Louisiana.

I thank the distinguished Senator for yielding. I simply wanted to support him in his position and also to support that part of the statement made by the Senator from New York in which he made it clear that if we are to get anything done, that is the only way we are going to get it done.

I thank the Senator for yielding.

Mr. MILLER. I appreciate the comments of the distinguished Senator from Florida. As usual, he has cut to the heart of the problem and has done his level best to get on with the business of the Senate. Had it not been for him, I am afraid we would not have gotten to the business of the Senate on a great many previous occasions.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I have been listening to the debate for the last hour or so, and I still find that those who are expressing sympathy for the proposal that has been put forth by the distinguished Senator from Delaware and the distinguished Senator from Louisiana, in terms of effectively stripping all the provisions of this bill, with the exception of social security, are singularly unconvincing.

I think the arguments of the distinguished Senator from Connecticut still remain. It is a fine hour, when everyone stands up here and talks about the importance of increasing social security. There is not a Member of the Senate who has not understood that for the last year or the last 2 years. Suddenly, in the final few hours of this Congress, they say, "We know what has to be done; we have to take care of the social security recipients," and therefore try to say, "If you don't vote for this, you're really against those who need social security." In effect, that is what is attempted to be done.

The Senator from Connecticut has pointed out—and I must say it has been interesting, because with the exception of himself, and sometimes the participation of the Senator from Utah (Mr. BENNETT) and the distinguished Senator from Oklahoma (Mr. HARRIS), only a few voices have been raised by the President's own party in defense of this proposal. I might add that the President deserves credit for that proposal because there is a great need for it.

We perpetrate a fraud upon the American people by suggesting that we will not act and act responsibly to increase social security, or that we cannot do so or will not do so in the next session of Congress. The fact remains that I think we have a responsibility and an obligation to act on the President's program on family assistance. I do not think it is persuasive to say, "We are not really getting into the question of whether it will become law. We do not have to take statements made by the members of the opposite party that suggest we are not going to act." This body has a responsibility to act on this matter. We can wrestle around here all hours of the day and night listening to the parliamentary gymnastics of our good friend, the Senator from Delaware, and other different proposals, always expounding the thesis that they are ready to vote; but as we know, the fact remains that they are not ready to vote. It is an obstructionist tactic, and we are denying our responsibility to the American people in not being able to act.

It is as clear and precise as that, Mr. President; and I think the Senator from Connecticut has pointed this up very well, not only in his comments this afternoon but throughout the debate on this issue over the past weeks.

I would hope that those who are in the White House, who have threatened to call Congress back on January 4, would instead use their influence to try to marshal the kind of support for the votes to see whether we can find some way to meet our responsibility to the millions of Americans who are living in the most destitute conditions and are crying out for some kind of help and assistance.

I ask the distinguished Senator from Connecticut, is it not true that, in effect, if this family assistance program is killed, under the amendments that have been taken by the Finance Committee, we will be thrown back to some punitive and degrading features in the welfare system—for example, the residency requirement, and the man-in-the-house rule?

Mr. RIBICOFF. The Senator is correct. I was under the impression that the chairman struck out those provisions of the bill that had to do completely with welfare, but this is not so.

Mr. LONG. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. LONG. This motion does not strike what the committee proposed to do with regard to residency requirements.

The committee proposal with regard to the residency requirement would say that the State from which the welfare recipient is receiving welfare benefits would continue to pay him for 1 year after he leaves that State, during which time he would acquire residency to have benefits paid by the subsequent State.

The Senator will note that the number of people receiving AFDC assistance increased sharply after the Supreme Court decision on residency and the man-in-the-house rule. I suspect that the Senator will find that a great many of those people are on the welfare rolls twice—once in one State and once in another.

Mr. KENNEDY. Mr. President, as I understand——

Mr. RIBICOFF. The Senator is correct. I was under the impression that what the Senator was doing was striking out all but the social security provisions, and the argument was that we were going to make sure that 26 million Americans were going to get the social security provisions. But, apparently, the Senator has not done this. He is putting up to a vote, eventually, the most retrogressive, the most reactionary, the most punitive type of welfare legislation in the entire history of the country, and it is a disservice to the U.S. Senate; because I think most of us, including myself—and I thank the Senator for bringing it to our attention—were under the impression that what was being done was merely giving us an opportunity to vote on social security, which apparently is not the case.

Mr. KENNEDY. Furthermore, would the Senator from Connecticut enlighten me on this: Are not these the provisions about which the Supreme Court has expressed an opinion in terms of their constitutionality or their basis in law?

Mr. RIBICOFF. Certainly.

Mr. KENNEDY. So, in effect, we not only are stripping away all these other provisions, but also, we would be getting the reprehensible features which the Senator from Connecticut has just identified.

Mr. RIBICOFF. The Senator is correct. The Supreme Court of the United States struck down both the man-in-the-house rule and the residency requirements. By some legerdemain, the Finance Committee wrote in, by a change of language, restrictions trying to avoid the Supreme Court decisions. I would be shocked and surprised if the Supreme Court would sustain the action of the Finance Committee, which, in my opinion, is just as wrong as the provisions stricken down by the Supreme Court of the United States.

Mr. KENNEDY. Will the Senator agree with me that if we were to vote for the proposal to strip these other provisions from the bill, in effect, we would be taking some kind of action that would show almost tacit approval?

Mr. RIBICOFF. Without question. But, in fact, I believe that a majority of

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the Senate is filled with compassion. I believe that a majority of the Senate wants justice to be done to the poor of our Nation. What we would be doing under the guise of helping people on social security would be to punish millions of Americans without their knowledge. That is what we would be doing by this action.

Mr. KENNEDY. It would certainly appear to me that by this action the entire membership of our party should have a fair knowledge in their own minds of what we are doing. As I mentioned before, I do not think we have to hear time and time again about the need for social security. Everyone knows there is a great need for it and we should act on it. We are willing to, and we must act on it. But also, as the distinguished Senator from Connecticut has pointed out, we would be instituting the kinds of adjustments and changes which I think are unconstitutional and which I feel are reprehensible and which I think would be doing a great disservice and complicating further the already terribly complicated welfare program.

Mr. LONG. Mr. President, I suggest that the Senator consult the Parliamentarian about the motion to recommit. Everything that is germane to that part of the bill would remain subject to amendment. Any Senator can make his motion to strike out or to amend anything that remains in the bill. The motion to recommit was made in order to put the bill in such a shape that it could be passed. If the Senator does not like a provision, such as the residency requirement provision, all he has to do is move to strike or to amend it.

But now we have been debating for days on the trade amendment, and on the family assistance amendment. We are still debating an amendment to the first amendment which is an amendment to the trade amendment and we will never conclude debate. We will reach adjournment without any action. This is the 28th day of December, and 1 day between now and the time we adjourn is Sunday, which means that we have only 5 days during which the Senate can act, and that is assuming we can arrive at an agreement between House and Senate, and then agree to what the conferees have done.

It would be my hope that if this motion is agreed to we could get a time limitation on the various amendments. We could get a limitation of 1 hour to be equally divided, perhaps, or if a Senator wants to pick out some particular amendment he does not like, we could make it 1 or 2 hours, and provide time on each amendment and vote on them and bring the matter to a conclusion.

I am satisfied that positions on the trade amendment are such that we will not reach a vote on the trade bill, nor on the family assistance program. Therefore, we should try to see that as much as we can be done is done to provide these benefits for the people.

The Senator mentions that we did not strip this bill to titles 1 and 2. I would hope that we would not want to take out all the good that is in the other titles of the bill, all that we provide for little children, such as the increased matching for day care purposes from 80 to 90 percent. I would hope that we would not strike out what the bill provides for the aged, such as the minimum of a $130 income for the aged on public welfare, if they have no other resources. I hope the Senator is not against that, or what we provide for with regard to migrant workers, the bill requires States to have a program with 75-percent Federal matching for the expenses of caring for migrant families with children. I hope he is not against that. I am sure that he would be for it.

There are many other things which are good in this bill and they should be voted on. There are some things we should do to tighten up on the welfare mess. For that is what it is, a welfare mess. A majority of people who talk about welfare call it that. Among other things the mess means that we have millions of people on welfare who do not belong there.

A woman in Louisiana was recently arrested. She was on the welfare rolls four times and was applying a fifth time when she was arrested. There was a young girl in California, who was a member of what is called "Cheaters, Incorporated," I believe, and she had gotten on the welfare rolls 10 times in Alameda just to show how easy it was, and she was not eligible at all. These kinds of things should be corrected somehow. Some effort was made by this committee to try to do something about these things.

The Senator says the residency requirement is vicious. Well, whatever the Senate wants to do is all right with me. What we said on the committee was that it was all right to be on the rolls just one time, and in one State, but if they leave from one State and go to another, then the State from whence they came would pay for another year until they had achieved a residency requirement in the other State.

The General Accounting Office took a sample of 600 cases in New York and some 14 percent of these were totally unqualified. Even New York itself agreed that 11 percent were not qualified, and that they should be looked into. That is what, from the viewpoint of a lot of people, is meant by the welfare mess. There are millions on the welfare rolls who do not belong there and the only way to correct it is to put only those on who belong there.

I hope that we can do all the things the bill seeks to accomplish; that is, to help the 26 million people who need social security, and to provide for migrant workers, and to provide for children and day care centers, and to help the old people of this country. All these things should be done.

I am frank to say that I do not think any responsible committee looking at the welfare mess would fail to note that there are many people on welfare who have no real claim, title, or justification for being there. Nor do I think a responsible committee would want fathers who desert their children to be free from supporting their children.

As to the Federal court decisions, one decision says that we cannot even insist that the mother tell us who is the father of her child.

Mr. TALMADGE. If the Senator will let me interject there, there is another court decision where the welfare investigator cannot even go into the home to investigate the family status.

Mr. LONG. That is correct. Imagine that. Here is the court telling us that Uncle Sam has to support the child, yet the mother can refuse even to tell us who she thinks the father of the child might be.

I believe that, as a part of correcting this welfare mess, we should tighten up on the loose ends and perhaps loosen up on the tight ends. We can do a lot better by putting people on the rolls who belong there and taking those people off who do not belong there.

In any event, if there is anything the Senate does not like about this bill, they can vote on it, and that will be that.

Mr. SCOTT. If the Senator would yield me a moment, because I have not taken my share of this debate yet, and some Senators have been overburdened with the responsibility, I would like to say in response to my friend, the assistant majority leader, that I would not worry about the blame for the delays. There is plenty of blame to go around for everyone. Everyone can dip in and have some, because the reason we have taken so long and the reason we have not been able to act is due to a multiplicity of fears and the many concerns among various Senators, some so-called free trade Senators who are determined not to let this matter get to a vote for fear some trade legislation will get in it.

Other Senators have an interest in textiles, but not in shoes, or in shoes but not in textiles. Some do not care whether they wear anything or walk in anything whatsoever.

There are some that do not want the family assistance program. There are others who do.

Some Senators want social security in its pristine and virginal form as it left the committee—if that was a virginal form, which I must doubt. Other Senators wish to make certain amendments.

The Senator from Massachusetts and I, I believe, will vote the same way on this amendment. We will vote against recommittal to strip the family assistance program from the bill.

I would like to see it there.

We are confronted with a condition and not a theory. The condition is that we are not getting anywhere. The theory is that we wish we would, but we have 100 different opinions on the matter.

We are worse off than the character described by the late Stephen Leacock who got on his horse and galloped off in seven different directions.

I think it is not necessary to say that one Senator is holding up the bill. In my judgment, everyone is holding everyone else up.

The Senate, instead of increasing the level of its edifice in the public regard, is engaged in holding up each other and mysteriously—perhaps not so mysteriously—lowering its edifice in the public mind.

The Senate is in a mess. It is about to vote on a motion to recommit which probably will pass. When it does, we will

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go on to the matter of social security and decide whether we will accept that measure or not.

Mr. President, I hope that, should this come down to a point where we can discuss only social security and its amendments, we will adopt and accept it and send to the other body—if we can find them—a workable bill. I think that we shall have to hurry because the stories are that the other body is in a mood to be rather peripatetic by tomorrow night. While they cannot adjourn without us, they can leave without us. We are having trouble getting a quorum, or will have. Therefore, I would hope that the motion to recommit would not pass. My own judgment tells me that it probably will. If it does, let us at least get as much business done as we can. But, more important than anything else, let us have, before we drop this bill, an assurance from the chairman and the ranking minority member of the Ways and Means Committee of the other body that they will bring it up promptly in the beginning of the next session and act promptly on it and send it over here.

I would then hope that the majority leader and I could deliver certain assurances to this body which I have not had a chance as yet to discuss with him. However, he is on his horse and will be here in a few minutes. I hear the gallop of approaching hooves at the moment. I think that we will be able to make some statement about the matter.

Mr. President, last year, on the floor of this Senate, I had the privilege of introducing the Family Assistance Act of 1969 (S. 2986). At the time, I noted that "This bill constitutes one of the most important domestic initiatives which the Nixon administration will undertake," and that it was vitally essential to the successful implementation of the President's stated goal, to "assist millions of Americans out of poverty and into productivity."

Nothing that has happened during the intervening 14 months—none of the testimony offered during committee hearings or the seemingly endless spate of words that have been written about this legislation—has caused me to alter my position. On the contrary, I am more convinced than ever that a complete overhaul of our welfare system is long overdue.

The family assistance plan is the vehicle through which this can be accomplished. It represents an idea whose time has come.

Our present welfare system is collapsing of its own weight. Only within the past decade, the cost of the program of aid to families with dependent children—AFDC—has tripled while the number of recipients has doubled. And yet, in spite of our largess, there is no end in sight.

In my own State of Pennsylvania, in the 1-year period from April 1969 to April 1970, there was a 23.7 percent increase in the number of AFDC recipients and a 51.9 percent increase in the amount of payments. Where will it all end?

Worse, still, inequities built into the system continue unabated. How can we justify a program in which the State of residence is a more important criterion than the state of need in determining the level of benefits?

What we have today is a program impossible to administer equitably, which imposes an increasingly heavy financial burden upon the taxpayer, and which does not do the job it was designed to do in the first place.

We have long since passed the time when anyone would suggest that a solution to the welfare problem lies in making assistance difficult to get and unpleasant to take. But it appears that unconsciously, at least, this is exactly what we are doing. Unlike the quality of mercy that blesses both the one who gives and the one who receives, public welfare today demeans both.

The present welfare system, designed as a temporary expedient, emerged from the depression of the thirties to cope with the problems of the thirties. It is an anachronism that should long since have been laid to rest.

It was established as an optional State program to provide assistance to specific categories of the financially indigent—the blind, the disabled, the aged, and dependent children and their guardians. Initially, able-bodied male workers were not eligible for assistance.

Despite the fact that large-scale unemployment, such as was witnessed in the thirties, is not an issue today, the poor are still with us. Moreover, notwithstanding our substantial economic growth, we now accept the fact that there will always be poverty and unemployment even in the midst of plenty. Even in 1968, a good year in terms of employment opportunities, monthly unemployment averaged 2.8 million workers.

The program of aid to families with dependent children, to which I previously referred, was designed primarily for families in which the father was absent or incapacitated. It has since been amended to provide, at the State's option, assistance to families with unemployed fathers. However, only half the States have exercised this option. The result is that some families receive more from AFDC benefits than families headed by employable men receive from earnings.

The net effect has been to encourage the breakup of families in order that they might qualify for public assistance. If ever a program ran counter to the intent of those who enacted it as well as those charged with administering it, this is it. It is completely indefensible.

What we have created, in effect, is a two-headed monster which, on the one hand, encourages family breakup and, on the other, penalizes those who work. I have yet to hear a satisfactory explanation of why income from employment and receipt of public assistance should be mutually exclusive.

Our present hodgepodge of welfare systems also suffers from a lack of uniformity. Welfare programs are actually State programs that receive Federal matching funds and operate within loose Federal guidelines. The not surprising result is that systems differ from State to State in such essential features as coverage, benefits, and administrative practices.

With all of these negative features, it is a wonder that the program has survived this long. But there have been two factors working in favor of the status quo—inertia and the lack of innovative, viable alternative which goes to the heart of the problem instead of treating the symptoms.

We now have for our consideration what has aptly been termed the most innovative social legislation of the past 30 years. All we have left to contend with is our inertia.

Some may justifiably argue that change is not necessarily progress—and with that philosophy I must agree. But let us look at what the legislation does contain.

The family assistance plan now before the Senate calls for payments to all families with children having incomes below stipulated amounts. At the same time, it encourages employment by requiring registration for work or training, while permitting recipients who are employed to retain a portion of their earnings. These features, together with the establishment of national eligibility standards and some measure of Federal administration, make this legislation more than change just for the sake of change.

I am particularly pleased that the Governor of Pennsylvania, the Honorable Raymond P. Shafer, and the Governor-elect, Milton Shapp, have given their wholehearted endorsement to the Family Assistance Act of 1970.

While much of the discussion concerning this legislation has focused on its impact on families with children, we should not lose sight of title XVI which provides for grants to States for aid to the aged, the blind, and the disabled. One of its provisions calls for cash assistance in an amount which would guarantee an income of $110 per month per recipient. In addition, the earnings exemption for the disabled has been liberalized, making it consistent with that already in effect for the blind.

There is only one aspect of this bill in which it is vulnerable—it is not perfect. I submit, however, that if we wait for perfection, we will be discussing these same issues next year, and the year after that, and the year after that, ad infinitum, while welfare costs and human misery grow apace. And, even then, we would only be postponing the inevitable.

While perfection is an ideal toward which we must always strive, it is not a realistic goal in terms of any legislation, and certainly not in terms of an undertaking as massive as this.

I suggest, therefore, that the question should not be: "Is it perfect?" but rather: "What is the alternative?"

With whatever imperfections it contains, the family assistance plan does provide fiscal relief for financially hard-pressed States; it does raise benefit levels for recipients in areas where they are the lowest; it does combine work requirements with work incentives; it does reduce inequities inherent in our present welfare system; and it does establish a national minimum payment, national eligibility standards, and national meth-

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ods of administration. This is no mean achievement.

For the first time, all States will be governed by the same set of rules, and each will have the option of contracting for Federal administration of both the supplementary payments and the adult category programs. In addition, the Federal Government would reimburse States for any costs resulting from this legislation in excess of 90 percent of their actual expenditures for calendar year 1971, plus a factor for cost-of-living increases.

What is the alternative? If there is one, why has it not been produced since the President introduced FAP in August 1969?

There is one additional aspect of welfare reform that has not been emphasized sufficiently. Ordinarily, when we speak of the failure of the welfare system, we buttress our remarks with statistics which show the astronomical increase over the years in caseloads and cost. But there is a conspicuous lack of statistics reflecting the failure of welfare in terms of the waste in human resources.

When the President addressed the Nation in August 1969 on the need for welfare reform, he noted that "poverty is not only a state of income. It is also a state of mind and a state of health." It is this state of mind and state of health to which I want to address myself briefly.

Recently we have witnessed a crescendo of concern regarding our natural resources, and certainly no one would dispute the importance of this precious heritage. But what more important resource than its children does any nation possess? And how would one weigh our efforts in preserving this resource in terms of its collective state of mind and state of health?

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In a statement last April, the President remarked:

> We all know how the present welfare system breaks up families, demeans human dignity, and condemns poor people to a lifetime on the dole.

We know that it is not unusual for succeeding generations of the same family to become so enmeshed in the welfare morass that it becomes increasingly difficult to escape. Is this to be the birthright we bequeath to children born into poverty?

As we contemplate the cost of implementing this program, may I suggest that we also consider the cost of rejecting it. The legislation before us provides both the obligation and the opportunity for meaningful welfare reform.

It has been written that "the fathers have eaten sour grapes and the children's teeth are set on edge." How many children born into poverty during the past 35 years have been reared in an atmosphere of bitterness and despair? I venture to say it is more than any one of us would venture to admit. This is a burden that no child should be asked to bear, a legacy no parent should be forced to bestow. It is our responsibility to provide a better heritage for future generations.

One year ago, I introduced the Family Assistance Act of 1969. In reviewing my remarks of that time, I am impressed by the similarity with the situation today. Only one element has changed significantly in the past 14 months—the urgency of the occasion. If we do not act quickly, we will not have the opportunity to act at all in this Congress.

We are told that there is a time to keep, and a time to cast away—a time to keep silent, and a time to speak. May I also suggest that there is a time to discuss and a time to act.

And the time to act is now.

Mr. JAVITS. Mr. President, there has been some comment about the support for the President's initiative in respect to the family assistance program from the Republican side. In my judgment, there are a number of us who are deeply convinced that this is a very essential reform and that it represents a really historic first by the President and a breakthrough equivalent to his espousal of dealing with hunger in this country, or even superior to that.

We have all been distracted, I by my deep feelings about the trade bill and others by other matters. That has not been made clear. There is, in my judgment, a vast amount of support on the Republican side for the President's initiative.

I hope that that matter will not be lost on those who write and on those who speak, because it is a fact. The tumult which has been created has been such as to make it almost impossible to voice that in a deliberate way, even by one so convinced as I am.

So, before we lock this up, I think it is very important to make that clear.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RIBICOFF. Mr. President, I think the Senator from New York is wrong. I think that the press is exactly right. The Republicans have not given the President of the United States support on this program. Let us not have ourselves misunderstood. What support the President has had in the Finance Committee and what support he has had on the floor of the Senate has been on this side of the aisle. I do not want to stand here and say that I am the only one fighting for the program. I have been out here naked fighting for the program. There has been no help or succor from the Republicans or from the administration. We now have this motion to recommit which is altogether different from the motion that we thought was going to be made, without casting any reflection on anyone.

We now have a motion to recommit. I am curious how the Senators on the other side will vote on that motion to recommit.

The President of the United States and the Vice President went up and down this country asking for men to be elected that would support and help him. I would like to see the Members of the Senate support and help him.

Support for the President's program has come from this side of the aisle. The job that the President has to do is with the Members on the other side of the aisle, instead of beating the Members on this side of the aisle over the head.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCOTT. Mr. President, I had agreed to yield to the Senator from Colorado first. However, I will yield to the Senator from New York.

Mr. JAVITS. Mr. President, I do not think that what the Senator from Connecticut has said in any way changes the matter and makes me wrong. The fact is that I said that in the tumult of this debate such support as there is over here has not been evidenced. There is support, in my judgment, for the family assistance plan. That plan has an excellent chance to win a majority of the membership of this side of the aisle.

It happens that only the Senator from Utah (Mr. BENNETT)—out of great loyalty, fine and noble gentleman that he is—felt that he could support this plan in the committee. However, I do not think that is evidence of the degree of support over here.

Second, I point out to my friend, the Senator from Connecticut, that this motion is amendable. If he does not like what is in it and if I do not like what is in it, we can amend it. There is no cloture on time. It is completely amendable and debatable.

I hope very much that we will join together to amend it so as to deal with the things that we consider to be unfair, so that we will be able to resurrect something from this bill other than just the social security aspects of the matter.

Mr. RIBICOFF. Mr. President, I give great credit to the President of the United States for proposing the program. In all candor, I do not know of any Democrat who, if he had been elected President, would have proposed it. It took a lot of courage and foresight for President Nixon to propose this program. He is subject to a lot of criticism by people who will say that these people do not deserve help.

The President had the courage and foresight to see that any society that has a trillion dollar gross national product has a certain overhead that it pays for any failures. And when we consider the 14 million people who would be helped under this program, we realize that the President was right. There are those who say that no family of four ought to have less than $1,600 a year.

I wonder if any Senator would stand up and say that no family of four is entitled to $1,600 a year.

I believe in what the President of the United States was trying to do. I do not support him because he is a Democrat or a Republican. I happen to believe in this program. I believe that the President was on the right track in proposing this most imaginative program in which he showed great compassion, a program which is likely to start us on the road toward eliminating poverty. I think it deserves more help and support from the members of his own party.

What is so ironic to me is that in the closing days we want to expedite the business of the Senate and it could be expedited by saying that what we will do is to vote on social security, because the leadership in the other body has said they will not address itself to anything but social security. What our chairman has done by his motion has been to bring this matter completely back into controversy, in which we forget the progressive parts of the President's program and substitute the most reactionary element in the last 30 years in social services in this Nation.

So now we start all over again in a vast debate in which Members on this side of the aisle have undone what they supposedly have tried to do to simplify the work of the Senate so we can go home.

Several Senators addressed the Chair.

Mr. SCOTT. Mr. President, I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, the RECORD should be clear that the Senator from Iowa joined the Senator from Connecticut in his motion to get his amendment attached to the social security bill. I think the Senator from New York should understand that. There were two of us, at least, and there might have been a third. So the Republican side has not been wanting.

But the matter is not as simple as the Senator from Connecticut puts it.

He is suggesting, "Here is an amendment. Vote it up or down." But it is filled with defects. It is a disservice to the Senate to put it up to the Senate in that way. We should have a chance to work our will on amendments to the bill.

The Senator from Connecticut, by his parliamentary maneuver, in putting the matter before us in that shape, is not being helpful to the President.

Mr. RIBICOFF. Mr. President, may I say to the distinguished Senator from Iowa, if I may reply, the only reason it is in that shape is that the Senate refused to accede to the requests of the Senator from Delaware to enable the Ribicoff-Bennett proposal, to be put in the first degree. I said I would accede to this arrangement after discussion with the Senator from Delaware; and we mentioned the reason we wanted it opened up was to give the Senator from Iowa and the Senator from Oklahoma an opportunity to introduce between them, 10 to 12 amendments which they had. When this request was refused we had no alternative and this was the only way to get the family assistance program before the Senate. It was not what we wanted. We had no alternative, after consultation among the minority leader, the Senator from Utah (Mr. BENNETT) and me.

Mr. MILLER. Mr. President, had it not been for the Senator from Connecticut offering the amendment in the second degree, in the first place, the efforts of the Senator from Delaware would not have been necessary at all. So the foundation for our trouble was laid when this amendment was placed at the desk in the second degree, and the Senator from Connecticut was the one who did that.

Mr. RIBICOFF. The foundation for the trouble was when the trade amendment was placed before the family assistance amendment, and when it became subject to filibuster, and the only way we could remove the filibuster and get the President's family assistance program considered, was to use a parliamentary procedure.

Mr. SCOTT. Mr. President, I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I thank the Senator for yielding. I would like to say two or three words.

First of all, I think this proves conclusively not only that coming back here after the election was a mistake, but that coming back here at this time was a horrible mistake. Many of the things that have been discussed here are really superficial. They do not get down to the basic things that are wrong here, and wrong in Congress.

There is no need and there is no reason, save and except the family assistance plan that we should have been in session after Labor Day of this year. If we would not sit around blindly and accept the "stuff" that is dished out to us, not only by word of mouth, the press, radio, and so forth, that Congress is just getting so complicated we have to be here all year, and if we would start using our heads, we would not accept such a mess of potage as that kind of statement.

We lost our chance to get out of here in a reasonable time. We would have performed one of the greatest services to this country if we could get our business done at an early time in the year and not accept blindly the statement that we are supposed to stay here all year, and if we would reassert what I think is one of the greatest aspects of this Government, and that is the right of the people at home to see their Senators and Congressmen in their own communities, to get their interpretations of what has happened, and to subject them to questions in their own communities during the fall. That cannot be done so long as we operate on the absurd basis we have.

This surpasses rule XXI. I am never going to vote for anything below 60 percent, and anyone in a smaller populated State who does is foolish for the simple reason that anyone who subjects himself to cloture based on majority rule is having a blind faith in human nature which this Senator certainly does not enjoy. So I do not think we should.

Now, here we are at this hour. No one can fault the President's courage in attempting to get out the family assistance plan. While we have been flagellated and somewhat castigated by the Senator from Connecticut, I think the Senator from Iowa has adequately answered that.

By the same token, those Senators on the committee, whether they were on the Democratic side or on the Republican side, would have been fulfilling less than their duties of office, and they would have been doing less than they swore to do when they stood at the desk of the President of the Senate if they had not devoted their best ability to working out a bill which was a workable bill, in fact.

We know that there are many bad things in the present welfare system. Glen Billings, a county commissioner in one of our large counties, which adjoins Senator HANSEN's wonderful State told me in my office 1 week before Christmas that if the present welfare load increased in his county at the rate it increased the last 3 years, it would equal the total county budget. It is a challenge to all of us.

Here we are 3 days, 4 days, 5 days, perhaps, to adjournment. I know the Senator from Connecticut feels strongly about his position. But there are others of us in the Chamber who have worked for things for many, many years in the Senate, who are being thwarted this minute by a filibuster in this Chamber, which I think is to the detriment of the people of this country, which will destroy one entire industry in this country, and which will destroy a whole area of scientific and technological advancement. We have feelings, too. We feel as strongly about this as the Senator from Connecticut feels, but we have to face the facts. We have a troika here. I would like to see a family assistance plan worked out. I am convinced, and I say this frankly, that the bill that has been reported to us does not contain many things, because questions have been raised here again and again to which there has not been provided full answers.

I would have been happy to have seen a pilot plan reported so that we could try it out in some section or area and find out what it is going to cost and whether this Government can sustain it, and whether out of this multiplicity of welfare plans and "do good" programs which we have passed, overlapping, overlapping, and overlapping again in this country, we could bring some sense and order in one family assistance program. This is what I would dearly hope the Senate could do. But I am a practical man, too.

In these last few 4 or 5 days, I know we are not going to resolve the free trade measure, in which the Senator from New York is so interested. I know we are not going to resolve the family assistance plan. I do think we have some commitments—at least some of us—with respect to social security which we could fulfill.

Therefore, I expect, whether there is a rollcall or not, to vote for the motion to recommit, with the assurance and understanding which I understand the Senator from Louisiana has given, or is willing to give, that as soon as this matter may properly be brought before his committee, they will attack it again.

My personal feeling is that we owe every member of that Finance Committee a debt of gratitude. I do not care whether they supported the plan or whether they were against certain phases of it, no committee has applied itself so diligently to a given portion of legislation as that committee has in these last 4 months. I may be off a month, but it does not matter. They have met night and day, they have met morning and afternoon, and if we do not get the family assistance plan this year, if we do not work it out in a form which is acceptable to the Senate as a whole, we still owe the members of that committee a debt of gratitude. The members of that committee, with every bit of power they had, and consistent with the very multitudinous questions, technical questions, and legal questions involved in it, have done a job for all of us upon which we can build in the coming year.

I hope we are able to do this. I hope we are able to resolve it. At least if we

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take action which we can take, we can expect to do it.

When we get to rule XXII, we will talk about that in January.

I say again that every one of the members of the Finance Committee—I do not care whether they were for it or against it—who attended the meetings and heard the 350 or 400 witnesses, deserve the thanks of the Senate, whether we are able to resolve it at this moment or not.

Mr. President, I told the majority leader that I thought when we came back we should have a quorum call some time during the day, and I would hope to have an opportunity at a later time to suggest the absence of a quorum in order to find out who is present for business.

Mr. SCOTT. Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator. Mr. President, the Senator from Florida is not in politics. Six days from now he leaves the floor of the Senate. He is not interested in any political implications in connection with any of the several issues bound together in this bill.

The Senator from Florida cannot be charged with opposing the President, because no less an authority than the Congressional Quarterly has said that the Senator from Florida has supported the President more than any other Senator on this side of the aisle since the President has presided as such. The Senator from Florida has no apology to make for that. He has voted with the President when he has thought he was right.

The Senator from Florida has not only great respect, but deep affection, for the Senator from Connecticut, and I think the Senator from Connecticut knows that. But after looking at the charts presented by my distinguished friend, the senior Senator from our oldest State, Delaware, the other day—charts prepared not by him but by the statistical staff of the Health, Education, and Welfare Department—the Senator from Florida knows perfectly well that there are provisions in this 139-page amendment offered by the Senator from Connecticut which need to be corrected and which cannot be corrected under the parliamentary situation now prevailing.

The Senator from Florida has not participated in either of the filibusters that have been going on, on either the trade bill, which he supports, or the family assistance plan, which he would like to support if it were a more perfect measure. But the Senator from Florida, trying to be realistic and hoping the Senate will do something in support of its own reputation, suggests there is one chance for us to get something done in connection with the package and that is to support the motion made by his distinguished friend from Louisiana, and that is that the bill be recommitted with instructions to report it back with only certain titles remaining, let the Senate pass on that measure, and send it to conference.

What does it mean? It means that over 26 million citizens who are now existing, many of them, on pitiful social security payments, will be recognized by the Senate as having a need to have sympathetic care shown for their condition.

If more were possible, if we had time, it would be a different situation, but we do not have the time. We have 5 days for the passage of a bill, for the conference, and then for the passage of that conference report if one ensues.

The Senator from Florida, being one who has supported the President in larger measure than any other Democrat in the Senate, simply says that he could not vote for the measure now offered by the Senator from Connecticut, much as he is in support of many of its provisions, because of the difficulties so clearly shown by the charts which the Senate saw the other day, which make it so clear that the measure has to be changed, has to be modified, has to be amended before he expects the rule of reason to be applicable to the poor people of our Nation.

So, Mr. President, the Senator from Florida hopes, speaking as a realist only, without reflection on anyone, that the Senate decides to be realistic, decides to vote to return this measure to committee with instructions which have been mentioned, so the Senate may quickly, as I believe it will quickly, work its will for the modification of the bill.

The Senator from Florida praises highly the Senator from Louisiana, because it was not an easy thing for him, with very great interest in some of the measures in the bill which will have to be eliminated under this motion, having reported the bill in a much different condition, to make this motion. I think he knows what I think every other Senator on the floor who is a realist knows, and that is that the only way open to us whereby we can get something done is to follow that course.

One more word. I was a little amused to hear some of my friends say we are trying to put the blame on somebody. I am not trying to put the blame on anybody. I am just putting it where it belongs. If the course offered by the distinguished Senator from Louisiana does not prevail and if nothing is done on the bill, it will simply mean that the 26 million people who are recipients of social security will know they were unheeded and unattended to and will believe that the Senate has gone home, at a time when we should be saying Happy New Year, offering them a stone instead of the bread they have asked for.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Louisiana.

Mr. LONG. It was suggested by the Senator from Massachusetts and also by the Senator from Connecticut that there was something antipoor or at least something unworthy in leaving in portions of title V. These sections of title 5 which I seek to save are worth $1 billion to the poor of this country. That is why I did not move to strike these sections.

As a matter of fact, after the Senator from Delaware (Mr. WILLIAMS) proposed that we limit this measure to titles I and II, I urged him to join with me in saving certain parts of title V. Those provisions include $300 million in higher welfare payments for the aged; $500 million in additional Federal funds for child care, increased matching for family planning, funds for migratory workers, and for persons training under the work incentive program; and $200 million to encourage the provision of jobs for welfare recipients.

Mr. President, here is a provision of the bill calling for additional help for poor people, for children, the disabled, the blind, the aged, and for aiding persons who hope to better themselves through employment to bring them better income.

But the fact is that in several instances the court incorrectly construed the statutory language we ourselves wrote, along with the Committee on Ways and Means, and we have sought to set straight in precise terms what Congress meant. I would hope that this would not prevent the Senate from voting for the motion, because everything that would remain in the bill would be subject to amendment, and if the Senate does not want any part of it, the Senate would be at liberty to strike it out.

Mr. SCOTT. Mr. President, I yield to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I sought the floor in my own right.

Mr. SCOTT. Very well; I yield to the Senator from Kentucky.

Mr. HARRIS. Does the Senator intend to hold the floor for some time?

Mr. SCOTT. No; after yielding to the distinguished Senator from Kentucky, I was about to suggest the absence of a quorum. I was trying to get to a vote.

Mr. HARRIS. Mr. President, I have an amendment.

Mr. SCOTT. So, if I may yield first to the Senator from Kentucky, then I shall yield the floor.

Mr. COOPER. Mr. President, as was stated a moment ago, we face a condition, not a theory. Does the Senator from Pennsylvania consider that there is no possibility of our being able to vote "yea" or "nay" on the family assistance plan during this week?

Mr. SCOTT. My answer to that is that, acting for the administration and out of my own desire as a Senator as well, I have been doing everything in my power to bring about a vote up or down on the family assistance plan. I am for it. I am sure it is imperfect, as is most of our major legislation, but I would like to see it enacted.

I think we have exhausted, in this Chamber, every possible means known to me. If it were possible to get cloture, I would have done that. I am convinced it is not only impossible to get cloture, but it is difficult, at this late date, to get 16 Senators willing to even sign a motion for cloture.

I regret very much that, as I see it, we are not going to be able to get a vote up or down on this plan. I think we should have it.

Mr. COOPER. I think so, too. I must say, after sitting here for the last 2 weeks, not taking any part in the debate on this particular measure, that it has become apparent to me, as I think to everyone, that we cannot get cloture on any part of the bill, and we cannot get a vote up or down except on the motion to recommit, and then a vote upon the

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social security part of the bill if it is reported.

I doubt that a single Senator would vote against the social security measure. Certainly I shall vote for social security. But if the question is raised as to whether a vote for recommitment is an indication of opposition to the family assistance plan, then I intend to vote against the motion to recommit. Of course, I am for social security, like everyone else in the Senate, but I wish to make it clear that I am also for the family assistance plan.

I speak with some feeling about this matter for it is a subject of long concern to me. I do not intend to bore the Senate, but in 1930, I was elected as county judge of my rural county in Kentucky, chiefly an administrative position. I was 28 years of age and found myself the head of my county in a depression. For 8 years I served, and there poured into my office people, hungry and sick, as in every other area of this country, with no hope, no source of help except their government.

Whatever has been said about the WPA program of that time, it was a great program. It gave work and sustenance and hope to people. It did a great deal of constructive work. I have traveled through every section of my State since that time—once or twice a year—and particularly in the section which has become familiar to everyone as "Appalachia." I have seen, since 1938, program after program, proposed to lift up the poor on welfare. They have been good programs, as far as food is concerned—school lunches, milk, surplus commodities, and finally the food stamp plan.

However, with all of these programs, and the costly poverty program, the people have not broken out of the awful and ugly cycle of welfare without work or purpose. It involves a deterioration of the human spirit and mind. There is forming in my State, as I am sure is true in the great cities of other States a class of our people who are separated and alienated from the rest of society.

I do not know what is wrong with the family assistance plan bill. I am sure it can be improved. I am sure it ought to be corrected. But I know when corrected, it ought to be passed, to turn away from the present system of goods, food and clothing, necessary, as they are, and turn on people in the direction of training, education, work and self-sufficiency.

I believe it is going to be terribly difficult for them to break out of the cycle. We will find many cannot learn because of their long disassociation from education. Many of them cannot eat properly, because there is no one to tell them how to use nutritious foods. It will be hard for many to get work, because they are not trained and educated to perform useful work in our technical society. But the change from welfare to training, education, and work must be made.

From the moment I heard President Nixon make his speech on television over a year ago, I must say my heart and my spirits lifted up. I thought I saw at last something in the making to help our people in our own country.

If we cannot help people in our own country, we cannot expect to help others anywhere in the world. So I hope very much that this plan will be corrected properly and will be enacted. It will not be enacted this session, but early next year. I hope that the plan or the test plan of the Senator from Connecticut, will be enacted.

Mr. President, to indicate that I am for the family assistance, I shall vote against the motion to recommit.

Mr. SCOTT. Mr. President, the Senator from Kentucky pretty much expresses my opinion.

Mr. CASE. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. CASE. I commend the Senator from Kentucky, who needs no commendation from the Senator from New Jersey or anyone else, but I do. As the Senator from Pennsylvania has said about himself, he expresses my views to a "T," and my answer will follow his on this motion.

Mr. SCOTT. Mr. President, I am about to address a question to the distinguished majority leader.

I would like to say that had we had an opportunity to vote on this matter up or down, I am as convinced as I can be, based on the length of my experience in this body, that a majority of Senators on both sides would have supported the family assistance plan.

I ask the distinguished majority leader, as I said I would do when he was on his way to the Chamber, I have expressed the opinion that if this bill does not pass in this session, that as soon as it comes over from the other body next year we in this body would seek to refer it to the Finance Committee, and that we would, following proper and complete hearings, do all within our power as the joint leadership to expedite action by the Senate on this family assistance measure. I would appreciate the comments of the distinguished majority leader on this point.

Mr. MANSFIELD. Mr. President, in response to the statement just made by the distinguished minority leader, first let me say that it is my intention to vote against the motion to recommit. Second, let me say that the President has placed great stress on this particular domestic program. There is a need for much to be done. I have some grave questions about it in my mind, but I am willing to resolve my doubts in favor of what the President seems to be so personally and intensely interested in achieving.

It has been pointed out that the welfare rates are skyrocketing, and that the number of people on welfare is increasing at a tremendous rate.

If the motion to recommit carries, I wish to give the distinguished minority leader and the Senate my assurance that I shall do all I can as a Senator to bring the matter up for debate and consideration once it is reported out of the Finance Committee and placed on the calendar. It is my understanding that the distinguished chairman of that committee has indicated an interest in taking the matter up if the House acts and after it has acted. That is within the purview of the committee. I do not think it is something which, if gone into, should be gone into hastily, even though there have been extensive hearings this year.

So I am assured by what the distinguished Senator from Louisiana has told me—I hope I am free to state this—that after a bill is reported by the committee and passed by the House, hearings would be held here as expeditiously as possible. When a bill is reported by the Finance Committee, I assure the Senate that I will be glad to join with the Senator from Pennsylvania in doing all I can to expedite debate, consideration, and disposal.

I reiterate that I think the President deserves this much courtesy and this much in the way of consideration.

Mr. SCOTT. I thank the distinguished majority leader.

I yield the floor.

Mr. HARRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. PEARSON). The Senator will state it.

Mr. HARRIS. Is the pending motion subject to amendment?

The PRESIDING OFFICER. The instructions are subject to amendment.

Mr. HARRIS. Mr. President, a further separate parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARRIS. If the motion of the Senator from Louisiana is adopted, would the bill thereafter reported to the Senate be subject to amendment by the Senate?

The PRESIDING OFFICER. That is correct.

Mr. HARRIS. Would the bill be subject to an amendment in the form of a modified version of the Ribicoff-Bennett amendment?

The PRESIDING OFFICER. That is correct.

Mr. HARRIS. Mr. President, first, let me say that I do not in any case intend to support the motion of the Senator from Louisiana. I believe that the Senate ought to act on both social security and welfare reform. I am hopeful yet that we can, if this motion is rejected, get a vote on the Ribicoff-Bennett amendment. It is an improved version of an amendment which was rejected in the Senate Finance Committee—improved, I think, because of determined opposition. It has not been improved enough. If it were adopted by the Senate, it would be my hope to amend it, either through later motions to strike and insert or by other means, to improve it further still. I think it needs to be acted upon. The time is at hand for real welfare reform. I hope, therefore, that this motion will not be agreed to.

The thing that has us in so much trouble is the trade section of this bill, which I vigorously oppose. I oppose it both on the substance of the issues involved and on the procedural question involved. This section is totally nongermane to the principal issues involved in this bill—social security and welfare—and I would hope that the Senate would at last decide to put aside this nongermane section, the trade section. It is much too late in this session, with only two days of hearings in the Finance Committee, to try to write this kind of

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major trade legislation, the most important trade legislation we have seen proposed in this country since 1962.

So I would hope that that section could be dropped, and the Senate could proceed to consider social security benefits and welfare reform. I twice moved in the committee to strike the trade section from this bill, and I hope that that may yet be done by the Senate; and then the Senate, with proper deliberation, with proper hearings, could take up the whole matter, the very complicated matter, of trade early next year and act upon it.

I think that those who support the general provisions of the trade portion of this bill can be reassured by the statement of the distinguished Senator from New York—which I would echo—that there would not be an attempt to delay, through a filibuster or by extended debate, final consideration of some trade bill during the early part of next session, after the proper consideration had been given in the committee and on the floor.

Furthermore, I think Senators should be aware that, as has just been stated by the Presiding Officer, the adoption of the pending motion would be a nullity; because if the motion to recommit is agreed to by the Senate and the bill comes back here as a social security bill, it is then subject to an amendment which, as a matter of fact, I already have had printed, which is an improved version of the Ribicoff-Bennett amendment—improved by amendments which I feel need to be made to it. So we would be doing nothing at all. It is time for the Senate to get down to business on this issue and to make its decisions and adopt real welfare reform in this session. I do not believe we will save any time by proceeding with the motion to recommit with instructions.

Furthermore, as has been pointed out by the distinguished Senator from Massachusetts and the distinguished Senator from Connecticut, the motion of the distinguished Senator from Louisiana does not just strip this bill down to social security, medicare, and medicaid. The bill, as would be reported back to the Senate if this motion is successful, would still include welfare provisions. But those welfare provisions would not be the kind of innovative welfare reform, the kind of progressive welfare changes, that many of us feel are desperately needed. Instead, they would be the kind of regressive and punitive welfare amendments which the Senate on occasion in the past has rejected because they tend to demean those who receive welfare, making it much more likely that they will continue in the cycle of dependency by making them at least second-class citizens and attempting to punish them for their poverty, rather than offering the kind of helping hand we should offer.

So, Mr. President, I now move to amend the motion of the Senator from Louisiana by adding to the instructions a provision that title V also be stricken, and I should like to be heard on the motion.

Mr. LONG. I ask for the yeas and nays, Mr. President.

Mr. HARRIS. Mr. President, I should like to be heard on my motion.

The PRESIDING OFFICER. The Chair inquires of the Senator from Louisiana whether he is asking for the yeas and nays on the amendment.

Mr. LONG. I am asking for the yeas and nays on the Senator's amendment to the motion.

The yeas and nays were ordered.

Mr. HARRIS. Mr. President, I send to the desk the modified version.

The PRESIDING OFFICER. The clerk will state the modified amendment.

The assistant legislative clerk read as follows:

> On page 405 strike lines 1 through 25 and strike all on pages 406 through pages 498 and on page 499 strike lines 1 through 17.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HARRIS. May I first say what the amendment is, and then I will be pleased to yield to the distinguished Senator from New York.

This amendment would add to the instructions under the Long amendment the instruction that the entire title V of the reported bill be stricken as well as the other provisions which he would strike under his proposed instructions.

I reiterate that I do not in any case intend to support the motion to recommit, but these are issues we will have to face in the Senate at one time or another if the motion to recommit is successful. These issues will have to be faced then; and if the motion to recommit is adopted, I would hope it would be adopted in its best form.

This amendment would strike the committee provision which would institute a type of 1-year residency requirement in the face of the Supreme Court opinion to the contrary, would strike that provision of the committee bill which would resurrect the onerous man-in-the-house rule, would strike from the bill the provision which would require a return of the amount paid to the welfare recipient who does not prevail in hearings, a provision which would certainly deter challenges of illegal regulations by recipients and others, would strike the committee provision which would overturn another Federal case having to do with adding eligibility requirements wholly unrelated to the needs of poor children, would strike the committee provision which would tend to abrogate the right of privacy guaranteed to citizens under the Constitution as it relates to welfare recipients; and would strike the committee provision which would do away with the present system which allows the declaration method for determining eligibility, with spot checks.

I will go into any of these provisions which Senators may want to discuss. I had hoped that the distinguished chairman of the committee would agree to this amendment. The amendment which I have offered would do another thing: it would strike from title 5 also the provision which was added in committee on the motion of the distinguished chairman, the Senator from Louisiana (Mr. LONG), setting up a Federal Child Care Corporation. I opposed that proposal in committee. I do not believe it is a good proposal from the standpoint of the children involved. It would set up a Federal corporation to provide child care or day care for children, including the children of welfare families. It would leave out, in my judgment, two basic fundamental requirements of any proper child care program; that is, parental involvement and community control. The day has long since passed when poor people or black people or other minorities will be willing to allow a private business corporation made up of outsiders to come into the neighborhood and take over child care or day care for their children. I am desperately afraid that is what could happen under a private enterprise franchise system which is permissible under this child care corporation proposal.

Therefore, I think the thing to do, if the motion to recommit is adopted, is to strike all of title V and then take up the issue later on, if the motion to recommit is adopted. As I said before, I certainly hope it will not be, but if it is, then I want it to be in its best form.

I now yield to the Senator from New York (Mr. JAVITS), without losing my right to the floor.

Mr. JAVITS. Mr. President, I wish to express my satisfaction at the Senator's amendment. That is what I indicated in debate before to our colleague from Connecticut, who has taken such a laudable and fine lead in respect of the President's plan for family assistance. I think, if we are not going to be back exactly where we started, the confluence of two things is necessary; first, another controversial provision—to wit, title I—should remain in the bill if we are going to try to avoid the height of controversy; and some accommodation satisfactory to the President and satisfactory to Senators RIBICOFF and BENNETT and others who are also interested in family assistance. Otherwise, no matter what we do on a motion to recommit, we will be back exactly where we started, and we will only have demeaned ourselves by marching up the hill and marching right down again.

I shall support the Senator's amendment.

Mr. HARRIS. I thank the Senator from New York for his comments.

I now yield to the Senator from Connecticut without losing my right to the floor.

Mr. RIBICOFF. Mr. President, I want to commend the Senator from Oklahoma. I shall vote against the Long proposal to recommit. I shall definitely vote for the amendment of the Senator from Oklahoma to the motion of the Senator from Louisiana. The Senator from Oklahoma is absolutely correct, if we are not going to vote on the family assistance and have another look next year at the welfare reform, what the Senate certainly does not want to do is to adopt some welfare changes which do not go forward as the President desires, but go backward against the recommendations of every student in the field of welfare, and every former Secretary of Health, Education, and Welfare, Democratic or Republican.

So I hope that this body will vote for the motion of the Senator from Okla-

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homa and will vote against the proposal of the Senator from Louisiana.

Mr. CURTIS. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. HARRIS. I yield.

Mr. CURTIS. Did I correctly understand the distinguished Senator from Oklahoma to say that, should the Senate by a majority vote recommit the bill to eliminate family assistance and trade that, notwithstanding that majority expression on the part of the Senate, he would instigate another motion and the Senate would be back debating family assistance?

Mr. HARRIS. No, the Senator does not understand me correctly. What I did was to inquire of the Chair whether, if the Long motion were to be adopted, a modified version of the Bennett-Ribicoff amendment might thereafter be offered to the newly reported bill, and the answer of the Chair was in the affirmative. So I said to the Senate that that is one reason why we should get down to business on the pending bill, rather than go through the process of a motion to reconsider, because what will be done could be, in my opinion, a nullity, based upon what the Chair has said.

Mr. CURTIS. I understood what the Chair said was that the Senator would have the right to offer an amendment. There is no question about that. But if the Senate, by majority vote, expresses itself in favor of eliminating these controversial sections, would the Senator from Oklahoma, in the face of that vote, offer another amendment on family assistance should the Long amendment prevail?

Mr. HARRIS. Does the Senator from Nebraska think that a motion to reconsider which strikes trade and many other provisions of the bill and the pending amendment relating to welfare reform is exactly the same question, yes or no, as voting on a modified version of the Ribicoff-Bennett amendment, yes or no? It would not be.

Mr. CURTIS. It has this difference, that the Senate would, by majority vote, direct a certain course, to wit, that a portion of the bill go forward. My question merely amounts to this: Would the Senator from Oklahoma feel that he would be bound by a majority vote of the Senate if they so voted?

Mr. HARRIS. I would be bound in every respect by what the Chair holds is binding as a result of what the Senate had done. Senators can interpret whatever the Senate does in the way they want to interpret it. I may interpret it my way, but the one interpretation that really means anything is what the Chair says, and he has just ruled that a modified version of the Ribicoff-Bennett proposal would thereafter be in order. And I say to the Senate, therefore, that there is no use going through this process, that we should get down to business on the pending bill.

Mr. CURTIS. I do not think the Chair would compel the Senator to offer the amendment. My question was, Would the Senator offer it in the face of a majority vote of the Senate?

Mr. RIBICOFF. If he did not, I would. Let me make it perfectly clear that I had discussions on this proposal with the Senator from Delaware and I was under the definite impression, after my discussion with him, that we were going to strike out titles III, IV, and V. I was shocked to learn that that was not the case, that a portion of title V was retained, so that under the circumstances I do not think any such agreement would be binding. If the motion were defeated by the Senate and another proposal was adopted, I would feel honor bound, therefore, to reintroduce this amendment, the family assistance program, the Ribicoff-Bennett amendment.

Mr. CURTIS. That answers my question.

Mr. HARRIS. Mr. President, let me wind up briefly. I would be glad to agree to a time limitation on the consideration of my amendment if there is any desire that that be done. Someone may want to propose that at some later time. I do not want to hold up the Senate very long. However, I want to say a word in support of my amendemnt.

The amendment I have offered would take out those provisions which seek to go backward, insofar as the rights of welfare recipients are concerned.

I want to address myself briefly to the regressive welfare provisions of the committee bill which the motion I have offered would strike. I opposed these provisions very strongly in the committee, as did other members of the committee.

I will only mention two or three of them.

First of all, there is the provision in the committee bill which would reverse the progress recently made concerning the declaration method of determining eligibility. Mr. President, when Mitchell Ginsburg some time ago became head of the welfare program in the city of New York, he began to acquaint himself with what one might call the eccentricities of the welfare laws in that city and State, and elsewhere around the country. He found, for example, that there was a very detailed investigation that went on in regard to whether or not a welfare applicant had told the truth as to whether he had any insurance with some cash value.

The city of New York had a very detailed and complex system of following up that declaration that the welfare applicant had made, that he had no insurance with a cash value, by a series of letters and other checks with insurance companies around the country.

Dr. Ginsburg asked those on the welfare staff of the city of New York what that elaborate system of checking the declaration on the welfare application cost.

He was told that that system of checking and investigating prior to the time the welfare applicant was able to receive assistance, during the past year, had cost the city of New York some $125,000, as I recall it.

He then asked how much money the city of New York had gained as a result of the elaborate investigation system.

The answer was that the city had gained $7,500, as I remember it.

Dr. Ginsburg said to cut it out. He said, in effect, "Let us not continue this investigative program."

Someone asked, "What about the cheats?"

Dr. Ginsburg said, in effect, "We cannot continue to spend $125,000 a year in order to pick up $7,500 of net revenue."

Mr. President, that kind of case can be duplicated all around the country. Welfare caseworkers over the years have become almost a hated enemy of a lot of welfare recipients around the country. It is not right that they should be, but they have been made investigators and law enforcement police and almost everything else. In addition to being social workers and trying to help people get a chance to get out of poverty and to get off welfare and to be self-sustaining and to get a job, instead of rendering the kind of social services that case workers mostly would like to do and are trained to do, they have for so many years been engaged in trying to enforce the law against those whom they are supposed to serve.

The declaration method of determining eligibility was instituted during the past administration in HEW and has been carried on during this administration. The tests of that system have shown that only 1.8 percent of such applicants were found to be ineligible. Maybe there is less chiseling and cheating by those who apply for welfare than by those of us who fill out income tax returns. Why would not the same system of checking be done in each case? Why would not that apply in both cases?

I will mention only two other provisions that my amendment would strike from the committee bill if it were adopted by the Senate.

One is the so-called man-in-the-house rule. The Supreme Court of the United States in the cases of King against Smith, Lewis against Martin, and Shapiro against Solomon struck down those rules which would base eligibility, not on actual resources available to the children or to a family, but on an imagined income from people not legally obligated to support the children involved.

The clear import of those old rules was that a welfare recipient was a second-class citizen who did not have the same rights as other citizens.

We support a welfare system—and many of us support a reformed welfare system—not only because of the morality involved, because we want to do what is right insofar as we can toward a lot of people who are less fortunate than ourselves, but also because it is in our own self-interest to do so. Mr. President, if we do not help provide a decent standard of health and a decent standard of life and enough to eat for the little children in this country, for all the little children in this country, we pay for it many times over in increased welfare, in the continuation of the welfare cycle, in remedial education and training, in narcotic addiction, and in prisons.

Mr. President, the costs of prisons and of crimes are far more than it would cost us to do the right thing in the initial instance and provide for a decent standard of living for every child, which

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I think, is the right of every child in America. If I am correct in feeling that it is in our own self-interest to provide for a decent standard of living for every child in our country, then we would be defeating our State purposes, if, by our rules and our laws, we demean those who receive welfare assistance, if we degrade them and hold them up to public shame and ridicule, as was true under some of these old rules and laws that the Supreme Court has now stricken down.

We would now go back to those old rules, those old, degrading, and demeaning rules which in many instances make second-class citizens out of welfare recipients, that tend to take away from them rights that other American citizens enjoy. That is why the amendment I have offered to the motion of the Senator from Louisiana would strike out those regressive portions of the bill.

It would strike out that portion of the measure which attempts to get around the opinion of the Supreme Court in the case of Shapiro against Thompson, which knocked down the 1-year residency requirement for people in need of public assistance.

America is one country where whether a little child is born in Mississippi, Oklahoma, or New York decides if that little child, that American child, is entitled to the same kind of chance for a decent life and the same chance for decent health, and the right against hunger, and the right to live in a decent home and to go to a decent school.

XUM

Mr. President, years ago there were some who said that if Oklahoma or Mississippi had an inferior system of education or, if Oklahoma or Mississippi discriminated against little black children in their school systems, "That is the business of Mississippi," or "That is Oklahoma's business." There were some who said, "That is not our business in the Senate or at the Federal level."

In my view, that was wrong on moral grounds, but it has proved to be wrong on practical grounds, as well, because that child born in Mississippi or born in Oklahoma did not necessarily stay in Oklahoma or Mississippi. That child may move to Detroit, to New York, or to Chicago, and if he goes there scarred by ravages of a segregated and discriminatory educational system or if he goes there with the handicap of an inferior education, that has been shown to become the concern of every one of us, as a practical matter, and we pay double for it. Those of us who live in other States, other than those States where that inferior education or discriminatory education was first provided, pay our part.

The Supreme Court said that everyone in this country is a citizen of this country and they said that every citizen of this country is entitled to the same kind of equal treatment under the law, and they said that residency requirements of 1 year cannot be set up, as has been done in many State welfare systems. They said that is unconstitutional.

The welfare system in New York City, for example, is held up as one that is supposed to draw people into that State. There is a myth that people go from place to place, across State lines, in order to get into a State with a more generous welfare system. That is a myth, and the facts show that it is a myth. People do not move from State to State because of the difference in welfare laws or the difference in welfare programs. In New York, a check showed that less than 3 percent of those who applied for welfare had lived in the State for less than 1 year.

People move from one place to another hoping for a better job. So often, especially now when fewer jobs are available, with a needlessly slack economy, with job lines needlessly long, they find that chance is not there for one reason or another, and many of them apply for welfare. Only about one-third of those eligible for welfare have applied in the past but many of them are becoming more pinched as the economy becomes tighter and tighter.

With a 1-year residency requirement there was case after case of a young mother with children in whose home the gas had been turned off, the electricity had been turned off, the children did not have shoes or clothing to go to school. They had applied for welfare but were told that the residency requirement prevented them from being eligible, other forms of relief had run out, and here were little children who were desperately in need but who were not eligible as welfare recipients because of the residency law.

The Supreme Court said that is not constitutional. I agree with the Supreme Court as a matter of law and as a matter of substance.

Now, the Committee on Finance, over my objection, comes in with a modification of that rule and says that these people can stay under the old State's system for 1 year and then be eligible under the new State's system. That is an attempt to get around what the Supreme Court said is illegal, and if it is agreed to there will be a snarl and mess about whose checks go where and who the recipients are.

I hope the Senate will agree to the amendment I have offered to the Long motion and not agree to the Long motion, but get down to the business of welfare reform and social security.

I made the motion in committee to increase to 10 percent the 5-percent benefit increase which had been voted in the social security bill by the House. I joined vigorously in the motion of the chairman to raise the minimum benefit to $100. Those two provisions in that bill should be agreed to and there are other very good provisions in that bill which should be agreed to. I believe they will be agreed to by the Senate.

I hope we will have real welfare reform. The welfare restrictions contained in title V are not real welfare reform; they are totally inconsistent with welfare reform. It would be a step backward to adopt them. The other provisions we would strike in title V can be put back in by amendment to the bill if it comes back in amended form, or, as I would prefer, by adoption of an improved version of the Ribicoff-Bennett amendment.

Mr. LONG. Mr. President, every provision the Senator seeks to strike would be subject to amendment if the motion to recommit carries. The Senator is saying he is not going to vote for the motion to recommit and he would have no obligation to go along with anything the motions suggests or provides, if it carries. He has already said he is going to vote against it, even if he gets his way, so what is the use of trying to humor the Senator.

On the other hand, I believe it would be well to point out with respect to those who might be inclined to vote for the motion that the whole purpose of the motion is to dispose of these two issues which are keeping us from voting on the bill. One is the family assistance plan and the other is the trade bill.

When one votes for the motion there is an implied understanding that, having done that, if we want to pass the bill we will proceed to table further versions of family assistance and the Trade Act, to keep those off the bill in the event it is so reduced.

If the motion were agreed to the Senator could move to strike any part of that which remained in the bill, and that would be entirely in order. The motion would suggest that anyone could amend or strike from the bill something he did not like.

Unfortunately, the Senator will not let us get to that point. Now, he is filibustering the bill.

Mr. HARRIS. In what way? I believe I offered to have a time limitation on the amendment.

Mr. LONG. The Senator keeps talking about the matter. The Senator made a long speech.

Mr. HARRIS. I will ask a question now, if the Senator will yield for that purpose.

Mr. LONG. I yield.

Mr. HARRIS. Mr. President, I ask unanimous consent that further debate on the pending amendment to the Long motion be limited to 30 minutes, equally divided between the Senator from Louisiana and me.

Mr. LONG. May I suggest it be 10 minutes equally divided.

Mr. HARRIS. I am pleased to agree to that.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. LONG. Mr. President, let me just make it clear that the Senator in his motion——

The PRESIDING OFFICER. Who yields time?

Mr. LONG. I yield myself 5 minutes.

The Senator in his motion would strike out every single provision that helps the people who need it most. For example, if his motion passed, under the provision for 10 percent social security increases and a $100 minimum, States would be required to consider every item of income that would go to a needy person. So when social security beneficiaries received a $10 or $20 or $30 increase in their social security checks, as the case might be, the States would be required to proceed to cut their welfare checks by the same amount that the social security checks had been increased.

I am sure the Senator would not like that to happen, but that is what would happen if the Senate agreed to his amendment.

We have provided that there will be a $130 minimum for people who are not even drawing social security, if they have no other income. That provision would be stricken out by the Senator's amendment.

There are other provisions relating to migrant families with children. I have seen the Senator vote to help migrant families, but his amendment would strike the provision wherein the Government would put up 75 percent of the cost of helping migrant families.

There is provision for 90 percent rather than 80 percent matching funds for training people and providing them with work under the work incentive program. That provision would be striken out.

There is a provision for more generous matching funds for child care. That provision would be stricken out. The matching formula for child care would be moved up from 75 percent to 90 percent. That provision would be stricken.

There is provision for tax credit for those who hire people who are on the work incentive program, which is designed to train people and get them jobs. That provision would be stricken.

Altogether, there are benefits amounting to $1 billion for people who need it most.

If the Senator wants to propose amendments to strike what remains in the bill point by point, I think we ought to do that when we get around to voting on recommitting the bill, which he is against. If we do not do that, it will not be possible for the Senate to make any kind of decision with regard to the people who the Senate believes should not be on the rolls and whom the Senate believes would be benefited by an erroneous court decision. That is something which should be decided, but it will not be decided in the event the amendment carries, because we will never get around to voting on it.

I reserve the remainder of my time.

The **PRESIDING OFFICER**. Who yields time?

Mr. **HARRIS**. Mr. President, I yield myself 2 minutes.

The Senator wants to make things go faster, and the best way to do that is to take out these provisions which I have listed. The other questions which are raised by the distinguished Senator from Louisiana are irrelevant because I have already asked the Chair about it, and the Chair has responded that if the Long motion is agreed to and the bill is reported back to the Senate, it will be amendable. We could then take up in an affirmative way, as I think we should, the items the Senator has set forth.

I do not think the committee went as far as it could with regard to migrant workers. I think that issue should be brought up as an affirmative matter.

I do not think the committee did the right thing in relation to child care, as I said earlier. I would rather strike that provision from the bill and take it up in an affirmative way, if the motion is going to be agreed to, by later amendment. The other provisions which have been mentioned obviously are provisions which can be offered, if the motion is agreed to, by amendment; and I say now they will be.

We ought not, on the one hand, say we are not going to have any welfare reform, which is the import of the motion of the Senator from Louisiana, and then turn back again and say, not only are we not going to have any welfare reform, but we are going to go backward. My motion would prevent us from doing that.

Mr. **LONG**. Mr. President, I yield 1 minute to the Senator from Utah (Mr. BENNETT).

Mr. **BENNETT**. Mr. President, it seems to me that if we are ever going to get this matter handled, it would be better to clear the decks. I have been opposed to the motion to recommit, but I realize that, because of the lateness of the hour, because we have to go to conference with the House on this and on several other bills, we should not continue this futile exercise. I would have to oppose the amendment of the Senator from Oklahoma, because it just confuses the issue. It divides those who might have supported the action of the Senate Finance Committee. It is an overkill because, obviously, he is taking out some provisions which he would not want to be taken out.

Reluctantly, I am going to vote for the proposal of the Senator from Louisiana, even though my name is on the other amendment, because I realize we have reached the time and place now where, if we are going to be able to salvage anything, we had better proceed in the way he has indicated.

I have been assured, as have other members of the Senate Finance Committee, that when we meet again in the new session, if we can quickly get a bill over here from the House, we will have a much better opportunity than we have had in the closing weeks of this session to consider the whole problem more carefully.

So I hope the Senate will reject the amendment of the Senator from Oklahoma.

The **PRESIDING OFFICER**. Who yields time?

Mr. **LONG**. Mr. President, I yield back the remainder of my time.

Mr. **HARRIS**. Mr. President, I yield back the remainder of my time.

The **PRESIDING OFFICER**. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Oklahoma to the motion of the Senator from Louisiana.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. **KENNEDY**. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea."

Mr. **GRIFFIN**. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Oregon would vote "yea" and the Senator from South Dakota would vote "nay."

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 27, nays 42, as follows:

[No. 445 Leg.]

YEAS—27

Bayh
Brooke
Case
Goodell
Griffin
Harris
Hartke
Hughes
Jackson
Javits
Kennedy
Mathias
McGovern
McIntyre
Metcalf
Mondale
Moss
Nelson
Pell
Proxmire
Ribicoff
Schweiker
Scott
Stevenson
Tydings
Williams, N.J.
Young, Ohio

NAYS—42

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cooper
Curtis
Dole
Ellender
Ervin
Fannin
Fulbright
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
Miller
Packwood
Pearson
Prouty
Randolph
Saxbe
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—31

Anderson
Burdick
Church
Cotton
Cranston
Dodd
Dominick
Eagleton
Eastland
Fong
Goldwater
Gore
Gravel
Hart
Hatfield
Hollings
Inouye
Magnuson
McCarthy
McClellan
McGee
Montoya
Mundt
Murphy
Muskie
Pastore
Percy
Russell
Stevens
Symington
Tower

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So Mr. HARRIS' amendment was rejected.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ALLOTT TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from Colorado (Mr. ALLOTT) be recognized tomorrow, after the approval of the Journal, for a period of not to exceed 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME TO BE SET ASIDE TOMORROW FOR TRIBUTES TO SENATOR TYDINGS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the speech of the distinguished Senator from Colorado (Mr. ALLOTT) tomorrow, an hour be set aside for the Senate to pay its tributes to a departing colleague, the Senator from Maryland (Mr. TYDINGS).

The PRESIDING OFFICER. Without objection, it is so ordered.

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SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Mr. HARRIS. Mr. President, I send to the desk an amendment to the pending motion of the distinguished Senator from Louisiana and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 467 strike lines 7 through 25.
On page 468 strike lines 1 through 25.
On page 469 strike lines 1 through 25.
On page 470 strike lines 1 through 25.
On page 471 strike lines 1 through 25.
On page 472 strike lines 1 through 25.
On page 473 strike lines 1 through 25.
On page 474 strike lines 1 through 25.
On page 475 strike lines 1 through 25.
On page 476 strike lines 1 through 25.
On page 477 strike lines 1 through 25.
On page 478 strike lines 1 through 25.
On page 479 strike lines 1 through 25.
On page 480 strike lines 1 through 25.
On page 482 strike lines 1 through 11.
On page 483 strike lines 17 through 25.
On page 484 strike lines 1 through 25.
On page 485 strike lines 1 through 40.

Mr. HARRIS. Mr. President, I would hope that the distinguished Senator from Louisiana could accept this amendment to his motion. It does not deal with anything other than the modifications in the present law, some of which previously have been acted upon by the Supreme Court, that the Finance Committee decided to agree to in regard to welfare restrictions. This amendment does not strike the entire title V as the previous amendment would have done. Therefore, it is not subject to the objections which the distinguished Senator from Louisiana voiced in regard to striking the more wholesome, in my view, provisions of title V. It relates only to those welfare restrictions.

I would just say, in support of the amendment, that if it is the hope of the distinguished Senator from Louisiana that the adoption of his motion to recommit with instructions would shorten things down and the Senate could decide upon social security, medicare, and medicaid alone in this session, the Senator would be defeating his purpose if, having foreclosed, as as practical matter, a vote on welfare reform, he nevertheless proposes to the Senate very serious, very complicated, and highly controversial welfare restrictions, as his motion, unamended, would presently do.

So I would hope that perhaps the Senator could take this amendment; and that would have the effect, should the Senator's motion be adopted, of at least limiting the debate or tending to limit the debate to the items the Senator had in mind.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. LONG. If the Senator would refer to page 546, the table of contents of the bill, would he designate the sections to which his amendment makes reference? For example, is he referring to section 540 or 541?

Mr. HARRIS. I could give the Senator a list of these items, but I do not have it from the table of contents. I will just hand it to him.

May I say, while the Senator is looking at it, that the amendment would not relate to the child care provisions of the bill nor to the other provisions of the bill to which the Senator voiced his objections earlier, concerning the other amendment. This amendment would relate only to those restrictions on the present welfare law, the restrictions which the distinguished Senator from Connecticut and I and others objected to very strenuously in committee—to refresh the Senator's memory—and the provisions to which the Senator from Massachusetts strongly objected on the floor of the Senate today.

Mr. LONG. Mr. President, section 546, to which the Senator made reference, is one that would be deleted by the motion I have at the desk, which is pending.

I wonder whether the Senator really feels, from his point of view, that it is regressive to have a definition of employment, for example, as exists in section 551 of this bill, which I understand is one he would strike.

Mr. HARRIS. Mr. President, there is no use in us playing games of any kind. My intent is clear. If the Senator agrees with my intent, we can rapidly work out the matter if there is any defect in this amendment, which was drawn rather hurriedly.

May I say, in my own defense, that I had known that the Senator from Louisiana was going to make a motion to recommit with instructions, but it had been my understanding—and I did not get that understanding from the Senator from Louisiana, I hasten to say—that his motion to recommit with instructions to strike certain portions of this bill would also strike the restrictive welfare provisions of the bill, to which I strongly object, as the Senator knows.

Coming to the Senate floor and finding that that was not the case, I had to draw an amendment hurriedly. I drew one earlier—because of the problem in quickly trying to write out each page number and section—to strike the entire title V. The Senator objected to that. So now I have tried to make the amendment more specific, to strike only those welfare restrictions to which I have referred.

If the amendment is not precise enough, that can be worked out quickly, if the Senator feels he can agree to it.

Mr. LONG. I have felt that the Senate could vote on these various provisions that the Senator finds objectionable. It had seemed to me that the way to do it would be to recommit the bill with instructions to report back. The Senator apparently is not willing to let us vote in that fashion; but it seems to me if it would be well for the Senate to vote on these measures. I believe it is possible to ask for a division, since the Senate would vote on the individual issues anyway, and that way we could see what the sentiment of the Senate is with regard to the matters that the Senator would like to strike.

I would like to ask the present occupant of the chair if it is not correct that a Senator may insist on a division, in which case we would vote separately on each proposition that is offered.

The PRESIDING OFFICER (Mr. SPONG). The Senator is correct in that the Senator may demand a division of an amendment to the extent that the amendment is susceptible to division.

Mr. LONG. For example, sections 540 through 551, I would take it, would be subject to a division which would permit us to vote on each one of those sections in turn.

The PRESIDING OFFICER. Would the Senator give the Chair the page numbers?

Mr. LONG. Each one is a separate amendment. For example, the first one is numbered amendment 275 and I would like to ask that there be a vote on committee amendment 275 first. I would like to ask, Mr. President, that we vote individually on section 540 and then on sections 541, 542, 543, 544, 545, 550, and 551. These are all separate provisions.

Mr. HARRIS. Mr. President, will the Senator from Louisiana yield?

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. LONG. I will yield, but I would like to have the response of the Chair first; then I shall be happy to yield.

The **PRESIDING OFFICER**. The Chair has previously ruled to the Senator that he has a right to ask for a division in these instances. Now the Chair has not as yet gone over these to say that all of them are susceptible to division, but in the interests of time we are doing that here and now. The Senator from Oklahoma has asked the Senator from Louisiana to yield and the Chair asks the Senator from Louisiana if he does.

Mr. LONG. I would like to ask that the Senate proceed to vote on the first amendment, committee amendment No. 275, section 540 of the bill.

The **PRESIDING OFFICER** (Mr. SPONG). The Chair rules—is that on page 467?

Mr. LONG. On page 467.

The **PRESIDING OFFICER**. The Chair for the moment holds that is susceptible of division.

Mr. HARRIS. Mr. President, I take it that the distinguished Senator from Louisiana made his original motion to reconsider with the idea that it might shorten the Senate's consideration of these matters. I do not see how that is consistent with his present request that we divide up the amendment which I have offered to his motion and vote on it as many separate times as we possibly can. His own motion to reconsider with instructions is subject to exactly the same kind of request for a division, Mr. President, and I feel rather strongly that the Senator from Louisiana should not decide what package the Senate will vote upon. He should not be able to put together a package and say, "Let us vote 'yes' or 'no' on his whole package."

The Senator from Louisiana says he does not want the Senate to vote on welfare reform because that would take too much time, but instead he is going to hold us several votes on welfare restrictions. I say that will take too much time, Mr. President.

I now yield to the distinguished Senator from Connecticut without losing my right to the floor.

Mr. LONG. Mr. President, I object.

Mr. BENNETT. Mr. President, who has the floor?

The **PRESIDING OFFICER**. The Senator from Louisiana has the floor.

Mr. HARRIS. I thought I had the floor in my own right. I did not ask the Senator to yield to me.

The **PRESIDING OFFICER**. The Chair asked whether the Senator from Louisiana yielded to the Senator from Oklahoma. The Chair asked him that in his ruling.

Mr. HARRIS. I always appreciate the Chair's help, but not particularly in this instance.

[Laughter.]

Mr. RIBICOFF. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I will yield to the Senator in a moment, but it seems to me that we have an important issue here. The Senate should vote on it. It is one thing for a Senator to say that these are restrictive provisions or backward steps. But it is another thing to start out by putting people on welfare when they do not belong there, and then, when we find they do not belong there, we have to put everyone else on welfare to be equitable. If we are considering taking that approach to welfare legislation, that is not a very logical situation. Another Senator might say that he does not like the 1-year residency requirement, or this and that other committee provision. The committee worked many long months on this subject trying to bring to the Senate a responsible bill.

The first amendment I seek to deal with relates to men who desert their families. The Secretary of Health, Education, and Welfare said that this should be a crime and the committee amendment says it is a misdemeanor for a man intentionally to cross a State boundary for purposes of denying his family support, when desertion occurs, we have to tax taxpayers who are working to support their own families so that they will have to pay not only to support their own families but also to support through taxes the family of the man who deliberately and intentionally crosses the State boundary to avoid discharging his obligations to his family, I do not think we should permit a father to avoid his responsibilities with regard to his family by crossing a State boundary, and thus impose on the taxpayers the duty of supporting his child.

The Secretary of Health, Education, and Welfare is not regarded as a flaming conservative. However, with regard to this issue, his attitude was that we should do something about fathers who impose such heavy burdens on the taxpayers by crossing State boundaries in the way I have described. Does the Senator not think that this should be a misdemeanor? Does the Senator not think we should call upon the Federal Government to sue the man and collect what the Government had to pay because the man crossed the State boundary to avoid his obligations to his family—knowingly and with the intention of doing so?

It is my understanding that about 16 percent of the families receiving welfare are cases where the father deserted the family.

If the father crosses a State boundary to get beyond the reach of that State law, why should it not be a misdemeanor? Why should he not be sued for support of his family? Why should we not vote on it? Let Senators decide what they want to do about a father who deliberately abandons his children and refuses to support them with the result that the Federal Government and the State have to combine their resources to support that family. If Senators think that we should not do anything about it, let them so vote.

Secretary Richardson said he would support such legislation.

He said:

> We would support legislation which made it a Federal crime to cross State lines for the purpose of evading parental responsibility.

The answer is not to put a lot more people on welfare, but to put somebody in jail or at least to try to prosecute him for deliberately abandoning his family. Why can we not vote on it?

Mr. RIBICOFF. Mr. President, how ironic the situation is to have the chairman of the committee pleading for a vote on these amendments which have had limited discussion and practically no debate. I believe that we should vote on practically every measure before the Senate without a filibuster.

The family assistance program is the No. 1 issue in the President's program. We have been debating it for 1 week and the opportunity for a vote has been denied to us.

I am for granting a vote on every measure of the Senator from Louisiana up or down. But if the Senate is willing to vote on the proposal for welfare restrictions being suggested by the chairman of the committee, I think there is also the obligation to have an opportunity to vote on the family assistance program.

I am going to give the Senate that opportunity, because if the motion to recommit and report back is adopted, I will then reintroduce the family assistance program as a substitute for title V. I hope that those Senators who have been calling for a vote on restrictions will then be willing to have a vote on the family assistance program and give the President and the Senate a chance to vote up or down on the family assistance program.

I am all for voting on the amendments of the Senator from Louisiana. But I hope that the Senator will accord the Senate and the President of the United States the same courtesy and will give the Senate an opportunity to vote on the family assistance program shortly.

Mr. LONG. Mr. President, I have not made a speech on either the family assistance program or on the trade bill.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. MILLER. Mr. President, will the Senator from Connecticut tell us that if he does intend to offer his amendment on the family assistance plan in such a way that the Senate can work its will on modifications to clean out the deficiencies that have been pointed out on the floor of the Senate?

Mr. RIBICOFF. Mr. President, I will offer the family assistance plan that was originally the Ribicoff-Bennett proposal, but will now be the Ribicoff proposal, as a substitute to title V.

That will be an amendment in the first degree. It will be subject to amendment, unless the Parliamentarian rules otherwise.

So, may I say to the Senator that if a Senator thinks that by adopting a proposal of the Senator from Louisiana, he is just going to have a clear-cut vote for social security, he could not be more wrong. What the Senator from Louisiana did, instead of giving us an oportunity to vote on social security—and I was willing to abide by it—was to go back to title V with restrictive amendments. Then, out of a sense of fair play, we should give the Senate a chance to vote on welfare reform.

Mr. LONG. Mr. President, permit me to explain, with reference to what the Senator has said, that the Senator discussed this matter with another Senator and not with the Senator from Louisiana

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the possibility of a motion to recommit and report back. The Senator from Connecticut was of the impression that a motion to recommit and report back would eliminate title V.

I had no knowledge of that. I am sure the Senator will affirm the fact that so far as he knows, I had no knowledge of a plan that a motion to recommit was intended to eliminate title V.

When I heard the suggested motion, my first thought was, "Goodness, you would not want to eliminate title V from this bill. You would be striking out $1 billion of help for the poorest people in the country, those who need it the most."

I would be willing to agree, in the spirit of compromise and would go along with this amendment to strike out all these sections that the Senator from Oklahoma would like to strike, but only if we are not confronted with an effort to add family assistance and the other programs to the bill.

Mr. RIBICOFF. Mr. President, the Senator from Delaware is present. I want to explain the chronology. The Senator from Delaware has been opposed to family assistance, and I have been for it. But we have been living for 8 years in that committee in a complete sense of comity.

I have the highest respect for the Senator from Delaware, and I trust that he has the same respect for the Senator from Connecticut.

During all of these weeks, we have been trying to arrive at some way in which we could resolve the differences that confront the Senate, and especially with respect to the family assistance program.

The other day the Senator from Delaware told me that he intended to make a motion to recommit—I think that was on Tuesday, or the day before we adjourned—and report back, striking out titles III, IV, and V.

In a subsequent conversation with the Senator from Delaware, he said to me that he was under the impression that the Senator from Louisiana was going to join with him on his motion to recommit. I therefore took it to mean just that.

The chairman of the House Ways and Means Committee and the ranking minority member have said publicly a number of times—and it has come back to me from others in authority—that under no circumstances would they go to conference on the trade bill, the family assistance, or catastrophic illness.

I do not believe in doing useless things. I recognize that we ought to wind up the Senate's business and we ought to come back to the family assistance and family welfare next year, and that in the interim we should pass the social security bill and amendments to clarify the medicare and medicaid measures, with which the Senator from Delaware and I have been laboring for the past 2 years, which are noncontroversial and the chances are that the House would go along with them in the social security conference.

I was nonplused to find that when the motion to recommit was submitted, we were again on title 5 and the welfare restrictions.

I am willing to forego voting on amendments and on the family assistance program and come back next year.

But I cannot see why we are here now on other welfare restrictions.

This is the same matter that the Senate refused us a vote on with respect to the President's program. If we are on welfare, then we have no alternative. If the Senator wants to vote item by item on the welfare restrictions, the Senator should be willing to give us the courtesy of an opportunity to vote on family assistance, because if the House refuses to go into conference on welfare reform, the President's program, the same conferees will refuse to go into conference on the welfare restrictions now advanced by the Senator from Louisiana.

I want to make the situation clear to the Senate because instead of shortening the session and taking our differences and cutting the Gordian knot, we are back where we started and nothing has been achieved. I was under the impression, after talking to the Senator from Delaware, that we were finally working out of the situation in which we had been.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. WILLIAMS of Delaware. The Senator from Connecticut pointed out last Tuesday that after proposing a series of unanimous-consent requests which were objected to, I stated that I was ready to make a proposal to recommit the bill and to strike all of sections 3, 4, and 5. Section 6 already had been disposed of otherwise. That section referred to veterans' benefits. I tried to get a vote on that motion last Tuesday. I was asked not to press the matter to a vote until the chairman came, back since due to weather he could not be here. I believe the Senator from Connecticut asked that that matter not be voted on at that time, and I accordingly withheld my motion.

Mr. RIBICOFF. The Senator is correct. That was out of courtesy to the chairman who was delayed in New York because of a snowstorm.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. RIBICOFF. I said to the Senator, because he had not been in communication with him, that I thought it was not proper for the Senate to take up a motion to recommit because of the absence of the chairman who could not get back to Washington. So I asked that the matter be held up. Otherwise I would not have held up a vote on the motion of the Senator from Delaware.

Mr. WILLIAMS of Delaware. Then this morning the Senator from Louisiana, as he had a right to do, presented his motion which would keep part of title V. Section 5 represented committee amendments, and I can see his logic there. They represent major reforms of the existing welfare program, and I had hoped they could be retained.

I wonder, in the spirit of getting on with this bill, whether we could not work out some kind of an agreement with the Senator from Louisiana and the Senator from Connecticut—and this is just a suggestion—to strike those three sections without prejudice, and if Senators wanted votes on those amendments, up or down, we could proceed to their consideration. I would like to see this matter closed out and the social security bill passed and sent to conference. It does not appear that we shall get legislation here to increase social security benefits unless we take this step.

I make that suggestion as one who supported a good many amendments of the Senator from Louisiana and some I voted against. I also supported some amendments of the Senator from Connecticut, but we are confronted here with a problem of getting a vote. We had one case pointed out where one person would get three or four different checks from different welfare agencies. I suggested a simplified system to guard against this abuse whereby every welfare recipient would use his social security number. In that way there would be a check against these duplications. That is an amendment which would be most constructive, and I do not think there would be any controversy on its adoption. There could be others, but they could not be offered in their own right and voted on up or down. I would like to see some agreement worked out which would untangle us from this dilemma.

Mr. LONG. Mr. President, in view of the conversations I have heard from other Senators in the Chamber, I modify my motion to include the amendments of the Senator from Oklahoma.

Mr. RIBICOFF. Mr. President, will the Senator yield so that I may suggest the absence of a quorum.

Mr. LONG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, as I said before suggesting the absence of a quorum, I modify my amendment to accept the amendment the Senator from Oklahoma has offered.

The PRESIDING OFFICER (Mr. SPONG). If the Senator from Louisiana will suspend for a moment, the Chair for the record would like to refine its earlier ruling on the inquiries made by the Senator from Louisiana. The Chair stated at that time that the amendment by the Senator from Oklahoma could be divided to the extent that it was susceptible to division. Upon examining the amendment of the Senator from Oklahoma, the Chair has noted that the amendment, rather than written by section, is written by page; and so, if the Senator from Louisiana were to pursue his earlier course of action, it would be susceptible to division only in three instances.

The parliamentary situation, as the Chair now understands it, is that the Senator from Louisiana wishes to accept the amendment of the Senator from Ok-

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lahoma. We would say that to accomplish what the Senator from Oklahoma initially sought, whether there is to be any division or not, it is necessary for him to modify his amendment as originally submitted to the desk to include all of page 481.

Mr. HARRIS. Mr. President, I do so modify it.

The PRESIIDING OFFICER. The amendment is so modified.

The Chair now understands that the Senator from Louisiana now accepts the Harris amendment as modified, as a modification of his instructions.

Mr. LONG. Mr. President, I would like to explain that, based upon the colloquy we had on the floor, there was something of a gentlemen's understanding between two of my fellow Senators, of which I was not aware, involving these particular sections. I discussed the matter with the Senator from Delaware when he mentioned that he felt the motion should be made, and that the Senate should agree to it, including the motion to strike title V. I pointed out that I believed it would be a very grave mistake. I felt that while our liberal friends might desire to strike some part of it, certainly if we were to strike sections 501 through 530, there was involved in those provisions assistance amounting to almost $1 billion to the poor who needed it the most and that that part should not be stricken. It was my feeling that the other sections should be voted on on their merits.

I subsequently learned, partly from the colloquy and partly during the quorum call we had thereafter, that it was the understanding of the Senator from Connecticut that those sections would not be in the bill.

The Senator from Connecticut, who has been one of the champions of the poor and the downtrodden in this country, himself would be the last to strike certain provisions in the beginning of that section which would be highly beneficial to the poor.

So I believe in this fashion we should be able, and I hope we would be able, to agree to the motion to recommit, and that would still leave to Senators the privilege of moving to strike or to amend certain sections, as an amendment to the bill, or to offer something relevant, which was not objectionable, or even to offer something that was not relevant; but it does involve a determination on the part of the Senate to pass on such of that as remains.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. RIBICOFF. Mr. President, I think the statement of the chairman puts an entirely different light on the entire problem, because he is correct that, sections 501 to 530 are basic improvements, in which substantial benefits are given to the aged, the blind, and the disabled, as well as many people on welfare. The other sections that were suggested to be stricken by the Senator from Oklahoma were restrictive. That is why I was at a loss to understand why we would not vote on welfare reform but would on welfare restrictions. There is a difference, and I am glad the chairman has agreed to accept the modification of the amendment of the Senator from Oklahoma.

May I say this in conclusion? As far as I am concerned, I am going to vote "no" to the motion of the Senator because I still think that the Senate should have the opportunity to vote on family assistance. I recognize the realities of the situation. As long as the restrictions are removed, if the Senator from Louisiana should prevail, then I would not consider the family assistance plan at this time, because to do so would amount to going down to defeat on the social security benefits for 26 million Americans and $1 billion worth of increased welfare payments to the people who are at the bottom of the economic and social scale in this country. In addition, the resulting filibuster would render the Senate useless to perform its tasks. But again I am encouraged by my conversations with the Senator from Louisiana and the Senator from Utah, who next year will be the ranking minority member on the Finance Committee, that they will do everything possible to expedite the hearings on the family assistance plan, and I hope on trade as well, because each is important.

I would hope that we on the Finance Committee will recognize our obligation and will not tie social security and catastrophic illness and trade and welfare to one bill. I would hope that we would have the responsibility by leaders in Congress to see that there will be full and separate hearings and markups on each bill, bring them to the floor, and have them debated to the fullest extent possible. I will say to each and every Senator know that the family assistance plan is complex and complicated and a real change in the philosophy of this country and that it deserves long and careful debate. That also goes with respect to trade.

Since I have assurance from the Senator from Montana, the majority leader, the Senator from Pennsylvania, the minority leader, the ranking minority member of the Finance Committee, and the chairman of the committee, I think we can get along with the business of the Senate.

Mr. BENNETT. Mr. President, will the Senator from Louisiana yield so I may respond?

Mr. LONG. I yield.

Mr. BENNETT. Mr. President, to the extent that my efforts will be useful to the processes, I will do everything I can in all three of those areas. I am interested in seeing a correction of our trade situation. I am very interested in following through with the President's proposal to improve our welfare program. I am not sure that this social security bill as we pass it will be the final one. We probably will have more social security amendments.

What gives me hope is the fact that next time we should avoid the time pattern that brought us to this impasse. It is my understanding that we have assurances from the chairman and the minority leader of the House Ways and Means Committee that they will get the legislation over to us early so that we will not be caught at the end of the session, and we should have time in 2 years of the next Congress to give ample time to all three of these matters and I hope make very substantial contributions to their improvement.

To the extent that I can make any contribution to that, I shall be very happy to do so.

Mr. LONG. Mr. President, I yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, we have only 5 days remaining in this session of Congress before we are required to adjourn by the Constitution. It was obvious some days ago that at the rate we were moving, we were spinning our wheels, we were going to wind up getting nowhere, the 26 million retired Americans on social security would be denied their raises, and the 3 million people drawing public assistance—the needy blind, the aged, and the totally and permanently disabled—would be denied the benefits which this bill would give them.

It seems to me that now the Senate is beginning to make progress. But we can only make progress if we recognize the realities of what is possible this late in the legislative session.

Each of us is interested in practically every provision of this bill. I have the honor to represent a State that is heavily dependent upon textiles. Some 250,000 Georgians make their living either in the garment industry, or in textile mills, or in producing the cotton that is sold to the textile mills. There are 2,400,000 Americans similarly situated throughout the country. They are losing their jobs at the rate of 100,000 a year.

The Senate, by overwhelming votes in 1948, in 1968, again in 1969, and again in 1970, has attempted to take corrective action in that regard. The House of Representatives heretofore has refused to accept our efforts in conference. This year the other body sent us a bill of its own. There was substantial opposition in the Senate to the House-passed bill, but the Senate Finance Committee, once by a vote of 9 to 3 and again by a vote of 11 to 6, has determined that these people ought to have some relief and some protection. The Senate, by a vote of 55 to 31 on a motion to lay on the table, also indicated its desire to take affirmative action.

Knowing the realities of the situation, I do not think it is possible at this time to get a trade bill, and for that reason I shall reluctantly vote for the motion of my distinguished chairman, the Senator from Louisiana. I am happy to see the spirit of compromise on the part of the distinguished Senator from Connecticut and others who recognize that at this late date in the session, the Senate is not going to take action to add another 14 million people to the welfare rolls of this country without giving the matter adequate and thorough consideration.

I think, therefore, Mr. President, that in this spirit of compromise, even at this late date, it will still be possible for the Senate to approve a bill to benefit those millions of elderly Americans who are in need and in dire straits. Some of them go hungry most of the time, because they cannot make ends meet on the mere pittance they receive on public assistance

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or the small social security benefits that they get at the present time.

For that reason, and only for that reason, I shall support the motion of my distinguished chairman. I ask him now if it will be possible for the Senate Finance Committee early in the 92d Congress, to take action on trade legislation in order that we can do something to correct our hemorrhage of dollars and gold, our unfavorable balance of payments, and the loss of the business that we are exporting to foreigners throughout the world. It seems to be the policy of many Senators to export all of our jobs and put all our people on welfare. But if we are going to export our jobs, it simply will not be possible to put our people on welfare, because we will not have the tax resources to support the welfare program.

Will my chairman hold hearings on it next year, so we can get early action on the trade bill?

Mr. LONG. Mr. President, I discussed this matter previously with the Senator from Georgia as well as the Senator from Connecticut. Both of them have made the point that we should hold hearings at the earliest possible date consistent with our other duties, because of the pressing need to act in this area.

I can assure the Senator that we will hold hearings at the earliest practicable time, to begin to develop answers to this vexing problem.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. LONG. I yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I support the position taken by the chairman of the Finance Committee. What the distinguished Senator from Louisiana is attempting to do is to bring some order out of chaos. He is attempting to strip from the social security bill all of the nongermane amendments.

If we are going to have a social security bill, we can only have that bill, as I see it, at this late stage in the session, if we take off all of these other amendments and strip it down to the social security bill, in order to give the social security recipients an increase in their benefits.

Many of the amendments that will be stricken off of the bill if this recommital motion is carried will be amendments which I have supported. Others will be amendments which I have opposed. But be that as it may, if we are going to bring a social security bill out of this Congress, if the Senate is to have an opportunity to pass a social security benefit bill, then it seems to me to be necessary to follow the recommendation of the chairman of the Committee on Finance to recommit this bill, strip it of its nongermane amendments, and bring back a social security bill, which up to this point has been held hostage by other amendments, and then give the Senate an opportunity to vote for an increase in social security benefits, which benefits, it seems to me, the people so badly need in this time of inflation—and contrary to what many say, I do not think inflation is getting better; indeed, it may be getting worse.

I think the social security recipients are entitled to this increase in their benefits, and I think the Senator from Louisiana has indicated a way by which the Senate can pass this social security bill at this session and provide those benefits.

Mr. LONG. Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. LONG. I yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I associate myself with the remarks made by the Senator from Georgia. I, too, shall support the chairman of our Committee on Finance. I think the reasons for my decision have been adequately set forth by the remarks made by the distinguished Senator from Georgia.

I think there is great need to enact some legislation which will protect this country against the loss of dollars, the loss of jobs, and the outflow of industries that we have been experiencing. But for the time being, I think the actions of the chairman have been courageous, honest, and forthright, and I shall give him my support.

Mr. LONG. I thank the Senator. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I wish to join my colleagues, first, in praising the statesmanship exhibited by the Senator from Louisiana (Mr. LONG), the Senator from Oklahoma (Mr. HARRIS), the Senator from Connecticut (Mr. RIBICOFF), and the leadership of the Senate in bringing this matter to some kind of finality. I think whatever we do now is bound to bring honor to the Senate, and I shall loyally cooperate.

I appreciate very much the statesmanlike attitude of the Senator from Georgia (Mr. TALMADGE), with whom I thoroughly disagree on his statements as to the merits of trade quotas, but I certainly laud his desire to get something done on what we can get done; and I certainly join on that wholeheartedly.

I rise only to make this point: I realize that everything must be the result of accommodation between men. It is a fact that the Senator from Oklahoma (Mr. HARRIS) and the chairman have concerted in eliminating many, if not most, of the objectionable major changes in social philosophy in the welfare plan, by eliminating sections 540 through 551, inclusive, from the bill. There still remains the whole question of Federal child care, and a number of bills have been introduced on that issue, representing an enormous amount of creative thinking. The Senator from Oklahoma has introduced one, the Senator from Indiana (Mr. BAYH) has introduced one, I have introduced one, and there has been a White House conference on the subject.

I really think, with all respect—and that is my reason, of course, for rising—that, if that, too, could be taken out of this consideration, it would be most helpful.

I only appeal to the chairman. I realize that many things have to be put together which lean on each other, and if the chairman of the Finance Committee feels insistent on it, I certainly would not wish to cross him at this late date by offering another amendment. But I do submit to him, with all respect, that the deliberation in which he is now joining—for trade, for the family assistance plan, and for catastrophic health insurance—is equally deserved by the child care provisions of this bill. His own stature and importance in respect of the committee which he heads is so great that I submit to him, as a matter of statesmanship and policy, whether all of us might not be better served if that, too, should be the subject of really profound deliberation and creative enterprise by him and the others.

Mr. LONG. Mr. President, I would hope the Senator would reserve that issue and let the Senate decide it after we have concluded this phase, because some of the most concerned people in the country in this area believe that what we have done with regard to child care is one of the best things that could be done. The AFL–CIO thinks so, and many of the child care experts think so. Some very fine people do not agree and take the view that the Senator from New York takes.

I would urge the Senator to let that be in the same category as an amendment that has to do with peer review under medicare where the majority on the committee agreed with the distinguished Senator from Utah, but the distinguished Senator from Nebraska does not. He is going to submit that issue to the Senate. I wish the Senator from New York would raise the child care question after our motion is agreed to, because it is one about which the best intentioned people differ.

I would hope that the Senator would let us agree to this motion and then raise the child care question and lay out both sides of the argument and let the Senate decide it.

Mr. JAVITS. Mr. President, I am going to comply with what the Senator from Louisiana asks me to do. I think it is in the highest interest of the Senate's action. I did not wish, by remaining silent, to fail to point out the seriousness of this issue, that many of us consider it to be equal in weight with what is going out of the bill right now under this motion and gentlemen's agreement. I did wish to have the Senator informed that this would not be a filibuster or extended debate but a determined fight, because it deserves it.

Mr. McINTYRE. Mr. President, the proposed action by the Senator from Louisiana (Mr. LONG) and the Senator from Delaware (Mr. WILLIAMS) would have the effect of killing the possibilities of providing protection for American shoe and textile workers during this Congress.

There was an attempt to drop protection of the shoe workers in the Finance Committee. That failed.

There was a further attempt to, in effect, kill shoe and textile quotas on December 18. This was defeated by a vote of 31 to 58.

These two recent actions convince me that the sense of the Senate supports the contention that our shoe and textile industries need some form of qualified protection if they are to survive and maintain sorely need payrolls.

These actions confirm my belief that this body is acutely aware of the plight

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of the shoe and textile industries and is reluctant to turn its back on them.

I am certain that many Members feel precisely as I do about this issue. We believe in free competition. We are not protectionists as such. But we refuse to stand idly by when unfair overseas competition results in the shutting down of our factories and the unemployment of our workers.

This is painfully true in the case of the shoe industry in my State of New Hampshire and the rest of the Nation, just as it is true in the case of the textile industry throughout the country.

Two years ago the shoe and leather industry was the single largest manufacturing employer in New Hampshire, having a total work force of 20,536 people. By 1969, employment had dropped to 18,466 and the industry had lost its leading role.

In the past 2 years, almost 10 percent of the shoe factories in New Hampshire close down, severely affecting the economy of the communities in which they were located, and by July of 1970, Mr. President, the shoe and leather work force had shrunk to only 16,400.

Now there are those, including the present administration, who apparently view the demise of the domestic shoe industry as unavoidable, inevitable, and, indeed, necessary to preserve our present foreign trade policy.

I strongly disagree with that thesis, and I deeply resent having the economic backbone of my State and this industry severed on the sacrificial block of totally unrestricted free trade.

For the crucial fact remains, Mr. President, that in almost every single case in New Hampshire, the major reason for the shutting down of shoe plants and the resulting loss of jobs can be directly attributed to competition from cheaply made foreign shoes.

Let me repeat once again. I believe in free competition when that competition is fair competition. Our shoe and textile industries are the victims of unfair competition and this is why I continue to urge the enactment of quotas which will restore fairness and, in the long run, strengthen free competition.

Mr. President, I want to join the Senator from Georgia in expressing the hard facts of the situation before us. Within the time constraints facing us at this late hour of the 91st Congress a trade bill is an impossibility. It is also certain that a social security bill is vital to the needs of millions of our elderly citizens. There is solid agreement that social security and medicare amendments can pass. With the promise for early trade legislation consideration in 1971 I will vote to recommit.

The PRESIDING OFFICER. The question is on agreeing to the motion, as modified, of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

On this vote, the Senator from North Dakota (Mr. BURDICK) is paired with the Senator from Rhode Island (Mr. PASTORE). If present and voting, the Senator from North Dakota would vote "yea," and the Senator from Rhode Island would vote "nay."

Mr. GRIFFIN. I announce the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 49, nays 21, as follows:

[No. 446 Leg.]

YEAS—49

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Curtis
Dole
Ellender
Ervin
Fannin
Fulbright
Gurney
Hansen
Holland
Hruska
Hughes
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McIntyre
Metcalf
Miller
Moss
Nelson
Packwood
Pearson
Prouty
Proxmire
Randolph
Sparkman
Spong
Stennis
Stevenson
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—21

Bayh
Brooke
Case
Cook
Cooper
Goodell
Griffin
Harris
Hartke
Javits
Kennedy
Mansfield
Mathias
McGovern
Mondale
Pell
Ribicoff
Saxbe
Schweiker
Scott
Smith

NOT VOTING—30

Anderson
Burdick
Church
Cotton
Cranston
Dodd
Dominick
Eagleton
Eastland
Fong
Goldwater
Gore
Gravel
Hart
Hatfield
Hollings
Inouye
McCarthy
McClellan
McGee
Montoya
Mundt
Murphy
Muskie
Pastore
Percy
Russell
Stevens
Symington
Tower

So Mr. LONG's motion was agreed to.

Mr. LONG. Mr. President, on behalf of the Committee on Finance I report herewith H.R. 17550, the Social Security Amendments of 1970 modified in accordance with the instructions of the Senate.

The PRESIDING OFFICER (Mr. MOSS). The bill will be stated by title.

The legislative clerk read as follows:

> H.R. 17550, to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The PRESIDING OFFICER. The clerk will report the first committee amendment.

Mr. LONG. Mr. President, I ask unanimous consent that the Senate agree to the committee amendments en bloc and regard them as original text, preserving the right of Senators to offer amendments thereto.

Mr. JAVITS. Mr. President, on previous occasions I have objected to this because of the inclusion in the bill of the material which, in my judgment, and the judgment of many others here, has weighted down and presented an invitation to disaster for our country. But, Mr. President, it is still possible for any Senator to add on any of these amendments. I join with all my colleagues in the hope that this will not be done. In order to show good faith and to honor the efforts of the Senate to disentangle itself, I shall not object.

The PRESIDING OFFICER. Is there objection to the consideration of the amendments en bloc and that the amendments be agreed to en bloc and that the bill as amended be treated as original text for purposes of further amendment?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Mr. President, if the unanimous-consent request is granted, as is indicated, the amendments may then lie in two degrees, as an original amendment and as amendments or substitutes to that amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct. They will be amendable in two degrees, after the unanimous-consent request is granted.

Is there objection to the request of the Senator from Louisiana?

The Chair hears none, and it is so ordered.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MOSS). Without objection, it is so ordered.

The Senator from Nebraska is recognized.

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AMENDMENT NO. 1122

Mr. CURTIS. Mr. President, I call up amendment No. 1122.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

> The Senator from Nebraska (Mr. CURTIS) proposes amendment No. 1122, as follows:
>
> Strike out from page 232, line 11 through line 15, page 269.

UNANIMOUS-CONSENT AGREEMENT

Mr. LONG. Mr. President, is the Senator willing to enter into a time limitation on the consideration of his amendment?

Mr. CURTIS. Mr. President, I would be willing to a time limitation of 15 minutes to the side.

Mr. LONG. Mr. President, I ask unanimous consent that the debate on the amendment be limited to one-half hour, the time to be equally divided between the sponsor of the amendment and the Senator from Utah (Mr. BENNETT).

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. CURTIS. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. We are on limited time, and we should give our full attention to the debate.

The Senator from Nebraska may proceed.

Mr. CURTIS. Mr. President, I shall try to state my case concisely. I hope that the Senators present will follow it.

The amendment would strike from the bill that section which has been called "peer review." The problem is how we define peer review.

In administering medicare certain abuses have sprung up. Our staff has done some fine work on this matter. In their report they concluded with the recommendation that the medical profession ought to police the medical profession. With that statement I concur.

The committee had before it many problems, as the debate over the last 2 weeks has shown. There was testimony taken on this matter. However, the testimony is far conclusive as to a proper method of peer review.

Mr. President, we ended up with 39 pages or thereabouts on peer review which really has not had the attention that it ought to have. I am not opposing peer review as such. I oppose the language used. And I suggest that in the closing days of Congress, it ought to go out and we should have another look at it next year.

If we wish to examine some of the language, if we turn to page 234 in the bill, it will be seen that this peer review organization will have a lot of authority to police the practice of medicine insofar as these Government programs are concerned.

On page 234, lines 10 through 11 are in line with the idea that the medical profession should police the medical profession. But if we look at lines 20 through 24, we see who else would police the medical profession.

I read what it says:

> Such other public, nonprofit private, or other agency or organization, which the Secretary determines, in accordance with criteria prescribed by him in regulations, to be of professional competence and otherwise suitable; . . .

It gives to the Secretary the power to select any organization he wants to tell the doctors how to practice, when a person should go to the hospital, when the facilities are adequate and many other far-reaching questions.

I contend that would enable the Secretary to turn to an organization of some crusader, such as Ralph Nader, or anyone else, to police the medical profession.

I call attention to some other language on pages 237 and 238. There is some very deceptive language there. It reads:

> No Professional Standards Review Organization shall utilize the services of any individual who is not a physician to make final determinations with respect to the professional conduct of any physician, or any act performed by any physician in the exercise of his profession.

The catchword there is "final." We could have an organization with thousands of clerks who could take a blue pencil and direct the practice of medicine, if we had one doctor at the top. That doctor would not have to be a practicing physician if he has been to medical school and has a license. He puts his initials on the final paper and that will determine how the medical profession shall treat the patients.

Such language should not be agreed to in the closing days of this Congress. Surely, we should have peer review, but not that kind.

Mr. STENNIS. Mr. President, will the Chair maintain order?

The PRESIDING OFFICER. The Chair admonishes the Senate to be in order. The Senator from Nebraska may continue.

Mr CURTIS. Mr. President, among other things, a peer review organization will have authority to require a doctor treating patients to get permission before what they have what is called elective surgery. Who would be the members of the review organization? Nobody knows because there is a blank check of authority to select any group which the Secretary chooses.

This has the real possibility that the bureaus can police the medical profession. I am not here pleading a case for the doctors. By and large they are well educated people who take care of themselves. I am concerned about the patients.

When medicare was adopted, the people were promised over and over again there would be no interference with the doctor-patient relationship; that they would not be treated in groups but that every individual would have free access to his doctor, unhampered by rules and regulations that told the doctor what decisions to make, when to operate, what medicines to prescribe, and so forth.

I believe this language is too broad. I believe we should have something like this, but certainly not the language that is in the bill. Through the fault of no one, this provision did not get the attention it should have.

My plea is that the matter not be included in this bill and that it be considered in the subsequent bill.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. ALLOTT. Mr. President, will the Senator state again what his amendment would do?

Mr. CURTIS. The amendment would strike out the language on page 232 beginning at line 11 through line 15 on page 269.

Mr. ALLOTT. The Senator would strike out all of the language dealing with professional review?

Mr. CURTIS. The Senator is correct.

Mr. ALLOTT. There have been many of these situations which have gotten much public attention. It seems to me we are taking an erroneous step by including the language on page 234 in paragraph (b) and also including subparagraph (e), page 237, which, as the Senator has mentioned, contains the word "final."

The effect is that there could be an unqualified group doing this sort of work and a doctor or a group of doctors could be totally tarred with a brush and after they had had their reputations and perhaps their livelihoods imperiled, the only thing they would have would be on final review they would have a group of doctors to say whether they did or not.

Mr. CURTIS. I thank the Senator. I am on limited time. I do agree with the Senator.

Mr. ALLOTT. I did not realize the Senator was on limited time.

Mr. HARRIS. Mr. President, will the Senator yield to me for 2 minutes?

Mr. CURTIS. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. CURTIS. I yield 1 minute to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I support the amendment of the distinguished Senator from Nebraska, as I did in committee.

I ask unanimous consent to have printed in the RECORD a portion of the separate views I have filed to the report of the committee concerning this matter.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The committee adopted a proposal to establish professional standards review organizations at local and State levels throughout the country to review such functions as examination of patient and practitioner profiles; independent medical audits; on-site audits; and the development and application of norms of care and treatment.
>
> The Secretary of Health, Education, and Welfare would be required to enter into agreements with qualified professional standards review organizations, principally local medical societies, to review the totality of care rendered or ordered by physicians for medicare and medicaid patients. Where medical societies are unable or unwilling to undertake the responsibility, the Secretary could contract with States or local health departments or other suitable organizations.

> This provision has a laudable purpose: to insure quality care and to hold down unnecessary costs.
>
> However, the proposal contains many unknown and unpredictable factors. Further, there are serious objections that it grants organized medicine too much control over utilization of facilities and payments of claims.
>
> The proposal should be tested before Congress puts it into effect on a total basis as the committee bill would do. I am not satisfied that this proposal will result in the savings which have been claimed by its proponents, nor am I satisfied that the review procedure is the best and most workable which can be devised.
>
> The House provisions on peer review should be strengthened, and the Senate committee provisions should be stricken.

Mr. HARRIS. Mr. President, I particularly point out, as I said in those separate views that—

> The proposal contains many unknown and unpredictable factors. Further, there are serious objections that it grants organized medicine too much control over utilization of facilities and payments of claims.

Mr. President, I support the amendment of the Senator from Nebraska.

Mr. BENNETT. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, medicare's hospital insurance plan has a deficit over 1967 projections officially estimated at $216 billion over the next 25 years, if we go on as we are going. On the other hand, applying cost projections of the American Hospital Association, that deficit is estimated at $370 billion. Any figure, or any figure between those figures is intolerable.

The committee overwhelmingly voted approval of the professional standards review amendment as the basic approach to bringing about effective medical—and not governmental control of medicare and medicaid. Our present medicare and medicaid utilization review is fragmented, piecemeal, and ineffective. The basic approach developed and sponsored by Senator BENNETT was modified by the committee in response to the constructive comments of organized medicine and hospitals.

The amendment is designed to assure comprehensive and ongoing review of care provided under medicaid and medicare by physicians at local levels—usually in minimum groupings of 300 practicing doctors. The amendment includes every conceivable safeguard against pro forma or token assumption of responsibilities by doctors. It includes every conceivable safeguard to protect the public interest.

The Professional Standards Review Organization amendment is a responsible answer developed after long and hard work, to bringing medicare and medicaid under effective and professional control. We just cannot permit medicare and medicaid to continue as they have. Congress has a responsibility to act.

The alternative to use of professional standards review organizations is beefed-up review by governmental employees and insurance company personnel. That is an alternative which holds little appeal to us or the doctors.

The plan, which has been entitled PSRO—the Professional Standards Review Organization—has been worked on for months by the staff of the committee, by the staff of HEW, and through consultation with many scores of doctors and professional organizations.

I would say that so far as most medical organizations are concerned, the last remaining disagreement is over how this organization shall be constituted. For obvious reasons there are many people in the American Medical Association who feel that the power should be lodged with the State medical society. I have opposed that because I do not believe it proper for any private organization supported by private funds, open to membership, whose membership would be controlled by private rules, to administer such a law. Therefore, a program was established under which groups of local physicians in an area supporting 300 or more physicians would be invited to offer their services to the Secretary to carry out this review process.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. LONG. Is it not true that in the years we spent studying these matters we found situations such as that in a particular area where there would be one doctor performing five times as many tonsillectomies as the average doctor would be performing? When we looked into it, we found that he should not have been performing five times as many procedures. He should have been performing the same number as the others. Then we would find a doctor giving five times as many injections as other doctors and bringing patients in for unnecessary numbers of office calls, when it would be cheaper to give them packages of pills to take.

Is it not true that we found a multitude of ways in which doctors, hospitals, and nursing homes, particularly those who might not have as many patients as others, performed many unnecessary services thereby running up the costs of the program in ways that everybody agreed should not have happened?

If we do not have the Senator's amendment—and as one on the committee I think he modified it to meet every reasonable objection of medical associations—then we would not have any mechanism to do anything about the abuses by doctors and other providers of care other than the inadequate mechanism we already have.

Mr. BENNETT. I am grateful for the Senator's contribution. Some language was read as to what power goes to the Secretary. It should be pointed out that that is a residual power. He should use first the peer group system of review, and, if it is not available, in the end there should be some type of review by the Federal Government. The priority goes to local peer review groups, and the Secretary cannot act until he has to act.

The point was made that under the language of the bill doctors would have to give permission to take patients into the hospital for elective surgery or elective treatment. Actually, we are concerned with problems that exist under our present system, in which the doctor can take the patient into the hospital and then, after the patient has been there for a long time, the service decides it was improper and refuses to pay for it.

Our problem here is to set up a system by which we can make reasonably sure that the surgery or the other treatment will fall within the medicare rules and be paid for.

The amendment has been drawn so that the peer review organizations will see to it that a man whose patients are properly handled can be given blanket permission to take his patients in for treatment, and they will concern themselves only with the problems.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. TALMADGE. Can we not say that the position of the Senate Finance Committee on this amendment is that we want to return the ball game to the players?

Mr. BENNETT. That is right. That is exactly right, but we have to have an umpire in the ultimate sense.

Mr. TALMADGE. Either the doctors police their own profession or it will be policed in Washington by HEW?

Mr. BENNETT. That is right. We want to offer the doctors the first opportunity. We want to give the local doctors, who are aware of the limitations and problems of their colleagues, a chance to pass on that.

The point was made here that all kinds of decisions can be made along the road and that the doctor only will make the final decision. That was put in there to make it possible for the doctor to use registered nurses or use paramedical people to handle the minutia that go into loading a doctor down with all the paperwork and with all the comparatively unimportant decisions. These people would be employees selected by the doctors to represent them.

If this provision is knocked out of the bill, we are left with the House language, and the House language gives the Secretary full power to do anything he pleases. The doctors will have no opportunity to review their own professional activity. The purpose of peer review is not to review the claims situation; it is concerned only with medical necessity, with professional standards, and with the possibility of finding less costly ways of treating patients.

If ever a proposal has been worked over and carefully adjusted to every practical suggestion that has been made by the members of the medical profession, this proposal has been so treated, and I think it would be tragic if we knocked this provision out of the Senate bill and, therefore, had no chance in conference to do anything except take the House language and thus mandated the Secretary of Health, Education, and Welfare to set up a process by which he would review and enforce conditions of medicare.

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There must be review. The situations, the difficulties that have been developed, demonstrate that. The doctors want a chance to review themselves. I think this provision gives them that chance without passing it automatically to a private group such as a State medical society.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. LONG. Is the language not directed to abuses such as are shown on page 664 of the hearings? Here were two doctors practicing in a ghetto area of a larger city and they were performing, even though they were general practitioners, more tonsillectomies than all of the ear, nose, and throat specialists put together. A man might come into the doctor's office with a headache. The doctor would say, "It looks like you have a headache. Here is an aspirin. Meanwhile, you also ought to have your tonsils taken out." So out would come the tonsils.

Such practices contribute directly to the provision of unnecessary medical services and that is one of the reasons why medicare has cost twice as much as it should and why we have found some doctors making fantastic amounts of money under medicare.

This provision would simply enable the doctors to establish a review organization and continually review the medical care in their community or area. It is only in the event that the doctors declined to do the job right that the Department of Health, Education, and Welfare would get into the picture.

Mr. CURTIS. Does the Senator point out that out in the——

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Mr. BENNETT. Mr. President, I have the floor. This is on my time.

Mr. CURTIS. Will the Senator yield?

Mr. BENNETT. Mr. President, how much time do I have left?

The PRESIDING OFFICER. About 2½ to 3 minutes.

Mr. BENNETT. I shall be happy to reserve the remainder of my time so the Senator from Nebraska can ask questions.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. CURTIS. Mr. President, there is no effort on the part of the Senator from Nebraska to defend abuses. They should be stopped, and they are being stopped. The Senator from Georgia said this was an amendment to turn the ball game back to the players.

No one can read lines 20 through 24 on page 234 and say that is to turn it over to the players. It turns the review powers over to any organization which the Secretary determines.

What do they have power to do? Here is what they have power to do: They are to ascertain whether or not such services were medically necessary, and to ascertain concerning the cost of such services, as to whether they meet certain professional standards; they have authority to determine in advance any elective admission to the hospital or to the care facility, or any other care service which consists of an extended or costly course of treatment.

Mr. President, I point the finger at no one, and make no criticism of our committee. We had too much work to do at one time. But I submit that this amendment, consisting of 39 pages, was never read in the committee, it was never read by a staff member to the committee, there was no time after it was printed that a staff member was turned to and asked to go over it section by section. It has language in it that will do things other than that which the proponents would like to have done.

Many of these abuses that are mentioned will be taken care of by Government audit. Many of them will be taken care of by the voluntary committees in the medical association, and, given a little more time, we can write a better peer review.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Utah has 2 minutes remaining.

Mr. BENNETT. Mr. President, I should like to read briefly from page 155 of the committee report:

> Priority in designation as a PSRO would be given to organizations established at local levels representing substantial numbers of practicing physicians who are willing and believed capable of progressively assuming responsibility for overall continuing review of institutional and outpatient care and services. Local sponsorship and operation should help engender confidence in the familiarity of the review group with norms of medical practice in the area as well as in their knowledge of available health care resources and facilities. Furthermore, to the extent that review is employed today, it is usually at the local level. To be approved, a PSRO applicant must provide for the broadest possible involvement, as reviewers on a rotating basis, of physicians engaged in all types of practice in an area such as solo, group, hospital, medical school, and so forth.

Going back to the charge that it would prevent or interfere with elective admissions to hospitals, let me say again that the doctor has all the power in the world to take his patient to the hospital. The thing that must be reviewed is whether that patient is properly covered by medicare, and whether medicare will pay for the services. That is the name of the game. That is the problem that we face.

Mr. President, the following State medical societies have supported the committee's program: Georgia, Mississippi, Pennsylvania, Hawaii, and New Mexico. Many county societies also support it.

I think that the medical profession was disappointed that they did not get the right to conduct these reviews through their private State societies. They want the system. I hope the Senate will support it and give it to them.

The PRESIDING OFFICER (Mr. MOSS). All time having expired, the question is on agreeing to the amendment of the Senator from Nebraska (Mr. CURTIS). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. YARBOROUGH) would vote "nay."

On this vote, the Senator from Rhode Island (Mr. PASTORE) is paired with the Senator from Louisiana (Mr. ELLENDER). If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Texas would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 18, nays 48, as follows:

[No. 447 Leg.]

YEAS—18

Allott
Bayh
Bellmon
Cook
Cooper
Curtis
Dole
Fannin
Griffin
Gurney
Hansen
Harris
Hruska
Jordan, N.C.
Packwood
Pell
Proxmire
Ribicoff

NAYS—48

Aiken
Allen
Baker
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Ervin
Fulbright
Hartke
Holland
Hughes
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Miller
Mondale
Moss
Nelson

Pearson
Percy
Prouty
Randolph
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevenson
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—34

Anderson
Burdick
Church
Cotton
Cranston
Dodd
Dominick
Eagleton
Eastland
Ellender
Fong
Goldwater
Goodell
Gore
Gravel
Hart
Hatfield
Hollings
Inouye
McCarthy
McClellan
McGee
McGovern
Montoya
Mundt
Murphy
Muskie
Pastore
Russell
Stevens
Symington
Tower
Tydings
Yarborough

So Mr. CURTIS' amendment (No. 1122) was rejected.

AMENDMENT NO. 1163

Mr. CURTIS. Mr. President, I call up my amendment No. 1163.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CURTIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 145, between lines 14 and 15, insert the following:

(d) In the case of a health care facility providing health care services as of December 18, 1970, which on such date is committed to a formal plan of expansion or replacement, the amendments made by the preceding provisions of this section shall not apply with respect to such expenditures as may be made or obligations incurred for capital items included in such plan where preliminary expenditures toward the plan of expansion or replacement (including payments for studies, surveys, designs, plans, working drawings, specifications, and site acquisition, essential to the acquisition, improvement, expansion, or replacement of the health care facility or equipment concerned) of $100,000 or more, had been made during the three-year period ended December 17, 1970.

Mr. CURTIS. Mr. President, this is a corrective and clarifying amendment. I have submitted it to the chairman of the committee, and I think that he might accept it. I yield to him for such comment as he should like to make.

Mr. LONG. Mr. President, it is my understanding that this amendment is sort of a grandfather provision, involving a clarification of intent as the Senator has stated. It was not considered by the committee, but I see no reason why we could not agree to it.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. JAVITS. Should we know something about it?

Mr. CURTIS. The bill provides that hereafter, in determining reimbursement to a hospital for medicare services, they shall disregard any allowances for capital improvements that have been rejected by a State planning agency.

In many States, the State planning agencies are just now being brought into existence. Some of the staff were of the opinion that this amendment was not necessary, but it provides that any care facility which on December 18, 1970, was committed to a formal plan of expansion or replacement, the amendment shall not affect. Such a beginning includes such preliminary expenditures toward expansion or replacement, including payments for studies, surveys, design plans, drawing specifications, site acquisition, improvements and expansion and replacement. In other words, if a hospital has plans underway on December 18, 1970, this new rule that would exclude from consideration their capital cost of facilities, would not apply.

Mr. JAVITS. Is the department saying this is a big problem involved, millions of dollars, or is it a modest problem? I gather it affects particularly the Senator's State?

Mr. CURTIS. In this particular case, it involves the Immanuel Hospital Medical Center in Omaha.

Mr. JAVITS. I have no objection. It is a matter of a modest expansion.

Mr. CURTIS. They have spent millions of dollars on an expansion which is just now getting underway. This hospital is faced with a technical ruling of the Hill-Burton board, made some years ago, entirely outside the purview of what this language contemplates, which might create problems if this amendment is not agreed to.

Mr. JAVITS. I meant universally for the country, is there a problem?

Mr. CURTIS. I think not.

Mr. JAVITS. On that basis, I have no objection.

Mr. CURTIS. Mr. President, I ask for a vote on my amendment.

The PRESIDING OFFICER (Mr. Moss). The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

AMENDMENT NO. 1106

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator have a further amendment?

Mr. CURTIS. I do. I call up my amendment No. 1106 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

Beginning on page 213, line 17, strike out "PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS" and all of section 239 through page 225, line 23.

Beginning on page 401, line 21, strike out all through page 402, line 11.

Mr. CURTIS. Mr. President, I am willing to agree to a limitation of time.

Mr. LONG. Mr. President, I ask unanimous consent that, if the Senator is willing, the time on this amendment be limited to one-half hour, the time to be equally divided, 15 minutes to a side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Who yields time?

Mr. CURTIS. Mr. President, I yield myself such time as I shall require.

Mr. President, this late in the year and this late at night, it is difficult to make decisions on any bill. Here is what is involved in the amendment: The bill carries provisions for what I term group practice of medicine. This would make it possible for an arrangement to be entered into whereby the recipients of medical care and medicaid to be treated as a group. In other words, instead of that individual doctor-patient relationship, they can join an organization and, by contract with the Government, for a flat fee, they take care of all the group's medical needs.

I want to be fair about this, that it does not force group practice of medicine on the people generally. I do not contend that. All I contend is that this is the beginning of a move toward group practice of medicine.

As I said a bit ago, when these programs were inaugurated we were told over and over again that they would always be administered so as not to interfere with the individual doctor-patient relationship.

Now the costs have gone up; part of it is due to inflation and part to other causes—60 percent to 70 percent of the cost of the problem is in labor—but in grasping for some way to cut down the costs of Government medical programs the provision is advanced.

I have a fear that if we make this start in group practice, it will be enlarged and, little by little, it will become compulsory and we will be sacrificing quality for price. Patients will be treated as groups; not as individuals.

Well, Mr. President, I am concerned about the patients. I think that anyone who is ill, particularly those who do not have the resources to pay their own medical bills, should be treated as an individual, that they should consult with a doctor, with a free exchange of questions and answers, and the doctor should advise the patient of the treatment, hospitalization, operation, or whatnot that he should have.

This will make it possible, however, to contract with groups and have a stated fee that will take care of all their ills.

Some Senators have information about company doctors, whether it is a doctor provided by a railroad company, a mining company, or other company. It has never been as satisfactory as the individual selection of a doctor and the strict maintenance of that individual doctor-patient relationship. This beginning of the group practice is in here, not for the purpose of improving the health care of the people of the country, but it is here to lower the cost.

I am for lowering the cost anywhere it can reasonably be done, but never by sacrificing the quality of care.

I do not believe that if someone joins an organization and that organization contracts with the Government and, for a stated fee, everything is taken care of, that that is as conducive to quality health care as the individual practice of medicine.

Again, Mr. President, I want to make it abundantly clear that I do not contend

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that this bill forces group practice on anyone. But it is the beginning.

Now there are other things we can do to cut down the cost. Personally, I never did favor medicare for the extremely wealthy, but that is water over the dam.

Instead of dealing directly with costs, such as doing something that will bring more labor-saving devices into the hospitals, we are turning to a cheaper practice of medicine. We are laying the foundation which could well lead to a sacrifice of quality practice.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. COOPER. Mr. President, can the Senator give an example of the way this works?

Mr. CURTIS. An organization is created, which enters into a contract with a doctor or doctors. I do not know on what basis of the contract, but they contract to take care of the ills of their members for a stated fee.

I have the feeling that it will result in a group practice that would be very much like being treated by a company doctor. We have heard much complaint about that. It is a beginning which I believe is a mistake.

Mr. LONG. Mr. President, the part of the bill that the Senator from Nebraska seeks to strike was enthusiastically recommended by President Nixon, which was approved by the House Ways and Means Committee, agreed to by the House of Representatives and which the Senate Finance Committee also agreed to.

Mr. President, this committee approved President Nixon's recommendation, with the exception that it did put on some necessary limitations to tighten it up to prevent abuse.

We are talking about people who could sign a contract with a group known as a health maintenance organization. We could name many such groups. The Kaiser Health Foundation on the west coast, for example, is a type of health maintenance plan. They could, for example, possibly sign some sort of an agreement with the Ochsner Foundation in New Orleans if the doctors want to provide such services. Or they could go to the Mayo Clinic in Minnesota if they wanted to form a health maintenance organization with doctors of all specialties capable of providing any medical service one might want. They would provide the medical services, and the Government would pay 95 percent of what it would cost on a per capita basis to provide this individual with his medicare benefits using present payment mechanisms.

It is anticipated that these health maintenance organizations could save money. In some cases, they would find ways to be more efficient. In other cases, they might use fewer hospital days because they would be able to do better if the patient came for outpatient treatment rather than hospital treatment. By providing more efficient services, they would hope to save some money in their operation and to provide either more or better medical care to the people who are members of the health maintenance organization.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. SAXBE. Mr. President, is not the main thrust of this provision to keep people out of the hospital rather than to put them in $80- and $100-a-day hospital beds?

At the present time under medicare, an old person who is sick is almost forced to go to the hospital to get adequate attention. So we have them under those circumstances in a $75-a-day hospital bed.

Almost anyone subject to medicare has one or more chronic conditions—heart, arthritis, kidney, liver, stomach—something that he is going to have for the rest of his life. He needs maintenance. He needs attention. He needs this on a regular basis in order to keep out of the hospital and to keep him doing something, to keep him active, to keep him in with people.

I believe the concept of this is so that they can band together to get this attention without having to go to a hospital and without having to let this chronic condition develop to the point where it is serious.

This is an effort to try to have plans of the type that have been adopted and which, I am sure, the HEW is contracting for so that they can make a contract with the doctors. It is voluntary. They do not have to do it. They can say, "Will you give me the medical attention I need, not when I am sick, but when I am well so that you can keep me well and keep me out of that high-priced hospital bed?"

I think it is a good thing. I am glad to see it included in the bill.

Mr. LONG. Mr. President, the Senator is correct.

As the Senator from Ohio has pointed out so ably, this offers the health maintenance organization an opportunity to say to people who would be eligible for medicare, "We think we can offer you something better than medicare." If the Government agrees that this may be better for the patient and if they see no possibility of abuse in it, then they would pay 95 percent of what they would pay per capita at the present time to provide this care.

The administration thinks that this is a way to provide better care.

Obviously the people who have been working in this area believe they have something better to offer.

As the Senator mentions, there are several organizations already providing this care. The State of Ohio has a very fine organization in Cleveland that provides health care of this sort.

The administration feels that this type of thing will grow as people find ways to provide more efficient and hopefully better service on a voluntary basis, and at a savings for the most part, with the intent of providing better and more services to the people who participate in this organization.

If we are in error, then a lot of good people have made the same mistake. The House of Representatives thought this was wise. We have drawn our provision even tighter than theirs.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. RANDOLPH. Mr. President, the distinguished manager of the bill and the Senator from Ohio have already given the reasons for the committee provision which includes possibilities for increased emphasis and utilization of outpatient care and facilities.

I wonder if under the proposal in the bill as brought to the floor there is a strict procedure for Federal approval of a program or programs.

Mr. LONG. Yes. There is provision in this bill requiring Federal approval. And the purpose, of course, is to be very careful to make sure the beneficiaries would receive high-quality care.

Mr. HARRIS. Mr. President, will the Senator yield me 2 minutes?

Mr. LONG. Mr. President, I yield to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I rise to oppose the pending amendment. I support the statements made by the distinguished chairman of the committee.

One of the mistakes made when medicare and medicaid were originally enacted into law was that we thereby massively increased the demand for health care but did not concurrently increase the supply of health personnel and health facilities. Because of that massive increase in demand without a concurrent increase of supply, we virtually ruptured the system.

That is one of the reasons why the costs of health care have continued to go up at a very alarming rate. There is presently a shortage of 50,000 doctors in America and a shortage of nurses that is greater than that.

We cannot, with the present financial difficulties of medical schools and health-related schools, see where the increased personnel will come from. We have to increase medical and paramedical personnel in this country. We must increase the facilities available. But we can also do much better with the present medical personnel and paramedical personnel, and we can do much better in the use of present facilities than we are doing. We must do both. We must not only increase the supply but we must also have more efficient use of present personnel and facilities. We cannot do that unless we are willing to go into prepaid and preventive medical care. The provision in this bill starts us in that direction. It is a good provision and I hope the pending amendment is rejected and that we will not require that a doctor be paid on the basis of a fee, but that payment be on a per capita basis. Then, we can move toward prepayment and preventive medicine and toward encouraging group practice on a voluntary basis.

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. CURTIS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Nebraska.

(Putting the question.)

The amendment was rejected.

AMENDMENT NO. 1115

Mr. HARRIS. Mr. President, I call up my amendment No. 1115 which is at the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARRIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

The title of section 131 of the bill is amended by striking out "TAX RATES".

SEC. 2. The amendments made by subsection (b) of section 131 of the bill shall be deleted and the following shall be inserted in lieu thereof:

"(b) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"'AUTOMATIC ADJUSTMENT OF THE CONTRIBUTION AND BENEFIT BASE

"'SEC. 230. (a) On or before August 15 of 1972 and each year thereafter, the Secretary shall determine and publish in the Federal Register the contribution and benefit base (as defined in subsection (b)) for the first calendar year following the year in which the determination is made.

"'(b) The contribution and benefit base for a particular calendar year shall be whichever of the following is the larger:

"'(1) the product of $9,000 and the ratio of (A) the average taxable wages of all persons for whom taxable wages were reported to the Secretary for the first calendar quarter of the calendar year immediately preceding the year in which a determination under subsection (a) is made for such particular calendar year to (B) the average of the taxable wages of all persons for whom taxable wages were reported to the Secretary for the first calendar quarter of 1970, with such product, if not a multiple of $300, being rounded to the next higher multiple of $300 where such product is a multiple of $150 but not of $300 and to the nearest multiple of $300 in any other case; or

"'(2) the contribution and benefit base for the calendar year preceding such particular calendar year.

"'(c) Notwithstanding the provisions of subsections (a) and (b), the contribution and benefit base provided by such subsections with respect to a particular calendar year shall not be effective as provided in such subsections—

"'(1) if in the calendar year in which the determination (required by subsection (a)) is made a law has been enacted which provides for (i) a general increase in the primary insurance amounts of all individuals entitled to benefits under this title, or (ii) a change in the rate of tax on wages and self-employment income under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance, or (iii) an increase in the amount of earnings of individuals that may be counted for benefits under this title and that may be taxed under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance, or

"'(2) unless a benefit increase, as provided in section 215(i) of such Act, is also to be effective for such year'.".

SEC. 3. Section 131 of the bill is further amended by adding at the end thereof the following:

"(d) In each year in which the Secretary determines—

"(1) under section 215(i)(2)(A) of the Social Security Act, that a cost-of-living benefit increase is required, effective for the following January, or

"(2) under subsections (a) and (b) of section 230 of such Act, the amount of the contribution and benefit base, effective for the following year,

he shall, on or before August 15 of the year in which such determination is made, report to the Congress the amounts so determined. Such report shall include information which according to the actuarial estimates published in the annual report of the Board of Trustees on the preceding March 1, specifies the extent to which the long-range cost of the automatic increase in benefits is covered (or exceeded) by the contribution and benefit base that will be effective for the year in which the benefit increase is effective."

Mr. HARRIS. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HARRIS. Mr. President, I ask unanimous consent that debate on the pending amendment be limited to 30 minutes, equally divided between the Senator from Louisiana and me.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. HARRIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. HARRIS. Mr. President, I call the attention of Senators to a memorandum in support of my amendment No. 1115, which has been placed on the desks of the Senators. I will briefly state the purpose of the amendment. This is a very fundamental and important amendment.

Basically the amendment would finance the automatic increases in social security benefits by increasing the taxable wage base, as the House did, to finance the automatic cost-of-living increases provided in the bill—rather than the position of the Committee on Finance which would, unless this amendment is agreed to, finance the automatic cost-of-living increases one-half by raising the taxable wage base and one-half by raising the tax rate.

This is a fundamental and important amendment because if the Senate agrees to the Senate committee and rejects the pending amendment, the automatic cost-of-living increases in social security benefits would not be financed on a progressive basis, that is, by raising the wage base upon which social security benefits are based. That would be entirely consistent with the determination to raise the benefits at all, because wages generally would have gone up by reason of inflation. Otherwise, the Secretary would have to make all sorts of detailed calculations and finance cost-of-living increases under social security by both tax rate increases and an increase in the wage base.

The social security tax system is a regressive system and it gets tougher and tougher for wage earners to bear. That is why in committee I supported an amendment which would begin now to pay a portion of increased social security benefits out of general revenues. That amendment was not agreed to, but I think eventually it will be agreed to, and it will have to be agreed to because I think we have reached the saturation point in the social security tax rate. The burden has become too great for the working man. Feeling that way, I offered an amendment which would have financed a portion of the benefit increase in the bill by raising the wage base to $12,000. Presently the taxable wage base under the committee bill would stop at $9,000. Anyone making more than $9,000 a year would not pay any more than those who make $9,000 a year and under.

Furthermore, the social security tax rate is a regressive rate because it is a flat rate and not based on graduated income, even up to the committee $9,000 wage base figure.

Every time we can we should try to make that tax rate more progressive and make that burden more evenly distributed on the basis of ability to pay, as we envisioned generally the income tax system would do. That is what this amendment would do.

The amendment does not get into the question of whether social security would be financed from general revenues, and it does not get into the question of presently raising the taxable wage base. It does provide that when cost of living increases go into effect automatically under this bill, as they would do here under either the bill adopted by the Senate committee or by the House, that increase which comes about by reason of the fact that wages have gone up and the cost of living has gone up, would be financed by raising the taxable wage base, and then, the Committee on Finance, and the Ways and Means Committee, of the Senate and the House, could, if they wanted, recommend changes in the law with respect to tax rates, wage bases, increased benefits, or whatever. But the automatic cost of living increases, unless Congress did something to the contrary, by raising the wage base and not the rate, would take a step forward toward making the social security tax system more progressive than it is.

Mr. President, I think this provision is desperately needed.

Mr. MILLER. Mr. President, will the Senator yield to me?

Mr. LONG. Mr. President, I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, I should point out that the Senator from Oklahoma in so many words has suggested that we do away with the fundamental concept of social security and social insurance, and make it into a welfare plan. This regressive feature of social security is something that has existed ever since social security went on the books, and properly so. Regardless of income, people put in a certain amount of tax money each year, and the employer matches it each year. As a result, contributors can look forward to the day when they will receive, under insurance annuity type tables, a series of benefits.

If the Senate wants to do away with the concept of social insurance and make social security a welfare program, it might as well do away with all social security taxes and make everything subject to the general fund in the Treasury. That argument has been made through the years and it has been consistently rejected through the years.

The Committee on Finance was very much aware of this problem. We found, upon advice from the Commissioner of Social Security, that just because there is inflation which might increase the cost of living which would warrant increases in social security benefits, it did not necessarily mean that there would have to be an increase in either the wage base or the tax rates because it has been shown that during inflationary periods the general level of wages rises somewhat faster than prices and the revenue increases resulting from the increased wage rates might pay for the increased cost under the automatic increase provision.

The Finance Committee reached a compromise. The compromise reached was to let the financing come half from an increase in wage rates and half from an increase in tax rates. A good argument could be made for having the entire amount come from wage rate increases.

The committee arrived at a reasonable solution. It was a compromise solution. I would like to see it stay the way it is.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, I yield myself 2 additional minutes.

This amendment does not involve anything more than trying to make the automatic cost-of-living increase reflect in its financing, as the House-passed bill would do, the inflation in wages and in other costs, simply by raising the taxable wage base, which, under the Senate version, would be $9,000, each time it was necessary to do so in order to pay for the cost-of-living increase.

The committee proposal would raise the social security tax rates even though that was unnecessary, and even though that would, as generally would be the case, overfinance the cost-of-living increases. Normally, as the Commissioner of Social Security would testify, the normal cost-of-living increase under the bill would be paid for by the same kind of increase in the taxable wage base. It would not be necessary to increase the tax rates, which are already regressive. The taxation is already too burdensome on the ordinary taxpayer. We would not have to do that. That would overfinance it by and large. All that would be necessary to pay the cost of living would be to increase the taxable wage base. That is what the House bill would do. That is what my amendment, if adopted, would do.

Mr. LONG. Mr. President, I yield myself 2 minutes.

The Senator's amendment is based on the assumption that wages will rise twice as fast as the cost of living. That assumption might be correct, and then again it might not. If the assumption does not prove out, then there would not be adequate financing to carry these cost-of-living increases.

Furthermore, one could make the argument that under the social security program, the people who pay the least receive by far the most. For example, in the very bill we have before us, the minimum social security benefit would be $100 a month. Of course, it stands to reason that in the future we will further increase the minimum social security benefit even more than we raise the average benefit for others. So the person at the lower average income level does get a far better buy for the money than the person in the upper brackets.

The Senator's proposal provides that these increases would not mean any tax increase for anybody except those in the higher wage brackets. They would be paying all the taxes to pay for the automatic increases in benefit levels necessary because of increases in the cost of living.

It could well be argued as being a case of bearing down altogether too hard on the relatively few who are paying at the top rate for social security for the benefit of those who are paying at the lowest rate.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. LONG. I yield myself 1 minute more.

It was the view of the committee that we should not permit the Secretary of Health, Education, and Welfare, without the consent of Congress, to use the surpluses that would otherwise flow into the fund; we did not wish him to have the leverage to change his actuarial assumptions and provide additional benefits which might not be financed. It is our judgment that, under the Senator's amendment, that could happen and that is one of the things we wish to protect ourselves against.

It was the judgment of the committee that we should have an increase in the income from the social security tax to finance exactly the increased benefits that would be paid out, reserving to Congress the right, if it chose to do so, to pass additional benefits, or further liberalize the program in other ways after the committee has had the opportunity to consider the problems presented and to have the House and Senate vote on its recommendations.

Just one additional word. It was the thought of those of us on the committee that, although there would be automatic benefit increases as envisioned by the bill—and as we support it in our bill—we do not feel these should be all the increases or all the additional benefits that will be voted in the future. In fact, it is our thought that, in all probability for the foreseeable future, we may still wish to pass a social security bill at least once every Congress to take care of the various needs that arise in addition to taking care of the cost of living, and we may wish to consider the various problems, recommendations and suggestions that can be brought to our attention by Members in both parties.

Mr. HARRIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 7 minutes remaining.

Mr. HARRIS. I yield myself 2 minutes.

First of all, let me just say again that I think the cost of living provisions adopted by the Senate Finance Committee were generally good. I think the additions the committee made with respect to keeping within its own jurisdiction the question of whether the committee would want from time to time to go further than the automatic cost-of-living increases would go are good. But I do not believe the automatic method of financing the automatic cost-of-living increases is in the spirit of progressive taxation.

I think, furthermore, as I said earlier, it should be pointed out that the Senate committee provision would require an automatic increase in tax rates, thereby overfinancing the cost-of-living increases, and overfinancing the bill, obviously, therefore unnecessarily.

There is one other aspect which should be here. My amendment would provide, on an automatic basis, what has been pretty much the ad hoc action of the Congress from time to time in raising the wage base. We started with a wage base back in 1951 of $3,600. That base has been raised from time to time, as wages have gone up and the cost of living has gone up, to $7,800, and under the present bill the taxable wage base would be raised to $9,000.

That is important not only to try to get more progressiveness in the social security tax system, which, as I said, is desperately needed, but raising the taxable wage base from time to time to reflect the rise in wages is important to keep from having a deterioration in the coverage.

As wages have gone up since the wage base was fixed at $3,600, and, as the Senate and the Congress from time to time have increased the wage base to $7,800, and now it is proposed to raise it up to $9,000, if we had kept the wage base to where it was fixed originally at $3,600, beneficiaries would not really have had the kind of coverage and benefits they ought to have had and there would have been a deterioration in the coverage and in the value of the benefits. In other words, the benefits would not really have increased to the degree they should have in order for the person receiving them to stay where they had become accustomed to, according to the cost of living and the rise in wages.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. HARRIS. I am glad to yield.

Mr. MILLER. The Senator has said at least twice that what the bill provides for is potential overfinancing. It was my clear understanding during the deliberations of the committee, coupled with the advice from Mr. Ball, the Commissioner of Social Security, that there is discretion provided in the bill for the Social Security Administrator to increase the wage base and the tax rate only so much as is necessary to finance the increased benefits, and that if we did not put that discretion in there, then there could be over-financing. So that was a bridge that we reached in the committee that Mr. Ball advised us not to cross, and the Finance Committee went along with him.

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So I believe the Senator from Oklahoma has misinterpreted the committee's action on this point. I was very much concerned that we not overfinance and not overtax, and I believe the bill reads that way.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRIS. I yield myself an additional minute.

I respectfully disagree with the Senator from Iowa. I refer him to the Commissioner of Social Security. The present tax system in this bill for financing automatic cost-of-living increases from increases in the pay ratio will greatly overfinance it over the actuarial long run. The question is whether it finances the first year the exact amount necessary, and that is the problem, because over the long term, then, it will overburden and overtax the working men and women of this country, who are already paying much more than their fair share of taxation, both under the income tax system and under the social security tax rate.

The tax under social security must be made more progressive. It must keep up with the cost of living and with rising wages, and that is why the Senate and Congress, from time to time, have raised the taxable wage base. That is why, in my opinion, Mr. President, the House of Representatives was quite right in saying that the automatic cost-of-living increases should be automatically financed by raising the wage base, not by increasing the tax rate, which is already regressive and too burdensome.

The PRESIDING OFFICER. Who yields time?

Mr. MILLER. Will the Senator from Louisiana yield me a minute?

Mr. LONG. I yield the Senator from Iowa 1 minute.

Mr. MILLER. I still believe there is a basic difference of opinion here, and that is that the Senator from Oklahoma claims this is going to overfinance and overtax, and I repeat that the Finance Committee had the clear understanding that it would not do so. As a matter of fact, this was a point I raised in the committee, because I did not want overfinancing and overtaxing.

Mr. Ball told the committee we ought to have a provision in here which would permit a discretionary amount, and that if there was an increase in benefits, that would not necessarily mean an increase in tax rates.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. MILLER. And the Social Security Administration can compute all of that out. So I think we are clear on that point.

Mr. HARRIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 2 minutes remaining.

Mr. HARRIS. I reserve that.

Mr. LONG. How much time remains to the opponents?

The PRESIDING OFFICER. Six minutes.

Mr. LONG. I yield 2 minutes to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I hope the committee position will be sustained and the amendment of the Senator from Oklahoma rejected. The committee worked out what we considered to be a very fair method of raising taxes to provide for these future increases. The raising of taxes is never popular, but if we must have them—and we must have them here—we can only try to make them as equitable as possible.

The committee felt it would be better to put half of this prospective increase on the wage base and half of it on the rates. I think that would be much fairer for all taxpayers concerned, and I certainly hope that the amendment of the Senator from Oklahoma, with all due respect to him, will be rejected. If it is adopted it will create an inequity and put all the tax burden on one group of taxpayers rather than spreading it across the board.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, I yield myself the remainder of my time.

The PRESIDING OFFICER. Two minutes.

Mr. HARRIS. Mr. President, I would simply refer Senators to the social security Commissioner and the actuaries there. The facts are that if the taxable wage base is kept up to date with rising wage levels, there will be little if any need for an increase in the tax rate to cover the cost of the automatic cost-of-living increases. I believe that, therefore, the House provision is a fairer one, more equitable for the working men and women of this country, and I hope my amendment will be agreed to.

Mr. SCOTT. Mr. President, in September 1969 the President sent to the Congress a message on social security. Among his recommendations for improvements in the program were an increase in social security benefits and automatic adjustment of the benefits thereafter to increases in the cost of living. I strongly support these recommendations.

H.R. 17550, now before us, is the culmination of long and careful consideration of the administration's important and far-reaching proposals. One of the most important of the provisions in the bill is the automatic adjustment of social security benefits to insure that the purchasing power of those benefits will be maintained. As the President has said, the automatic adjustment provision "will install new security in social security." It will provide peace of mind to the nearly 26 million beneficiaries on the rolls and to those who come on in the future by assuring them that the benefits on which the vast majority of beneficiaries depend for their day-to-day needs will be kept up to date with rises in the cost of living.

We have already provided for automatic adjustment in annuities for the civil service and the military, and I have been looking forward to seeing the same automatic adjustments for our social security beneficiaries. The Committee on Finance has, however, made major changes in the automatic adjustment provisions that were proposed by the President and passed by the House of Representatives. Two of these changes would, in my opinion, negate the effect of the provision.

First, the committee bill would require the Secretary of Health, Education, and Welfare to promulgate increases in both social security tax rates and the contribution and benefit base in order to finance the automatic increases in benefits, even though such increases in social security tax rates would be unnecessary. The reason why such increases would not be necessary is that the cost of the automatic benefit increases can be met from additional income that results from rising earnings levels without increasing the tax rates, provided the contribution and benefit base is increased from time to time. In fact it is estimated that under the committee bill the social security system will be increasingly overfinanced as we move into the future. A responsible Congress could not permit a situation to continue under which the long-range surplus of the social security trust funds which develops from rising wage levels would grow larger each year and at the same time the contribution and benefit base and the tax rates would be increased by the Secretary to meet the cost of the automatic benefit increases that would occur over the years. The Congress unquestionably would act to take care of the surplus—either by stopping the increase in the contribution and benefit base or the tax rates, or both, or by increasing benefit levels over and above the increase provided under the automatic provisions, or by otherwise improving the program to use up or reduce the surplus. In fact, the Secretary of Health, Education, and Welfare might well be promulgating a tax increase while the administration was recommending a cut in social security taxes—a ridiculous situation, as I am sure my colleagues will agree.

Second, the provision for automatic increases in the contribution and benefit base to take account of increases in wages as proposed by the administration would not delegate to the executive branch authority to levy taxes, as has been alleged. The increases in the base would be automatic, and the determination of the amount of the increase would be routine on the basis of wages credited to social security wage records. The committee bill, on the other hand, would delegate authority to levy taxes. It requires that the Secretary of Health, Education, and Welfare determine the cost of each automatic benefit increase in order to determine what increase in the base would be needed. If that determination involved not only the short-range cost but also the long-range cost, many factors involving discretionary selection of assumptions would be required, including assumptions about long-range future mortality rates, fertility rates, the proportion of total population in employment covered by social security, the size of taxable payroll, the size of the population insured for benefits under the program, the proportion of the population that is married, the proportion of eligible people who are beneficiaries, the rate of labor force participation by wom-

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en, administrative expenses, and interest rates. Under the committee provision, not only would the Secretary and his staff be making estimates involving judgment in each one of the areas mentioned, as must be done for the purpose of making cost estimates, but he would be setting the tax rates for the social security program based on these judgments. We would in effect be turning over to the Secretary of Health, Education, and Welfare the tax-setting function of the Congress.

The provision for automatic increases in the contribution and benefit base recommended by the President and approved by the House would merely carry out automatically the policy which the Congress has been following on an ad hoc basis since 1950—that is, periodically increasing the social security contribution and benefit base so as to cover the same proportion of total payroll as had been covered earlier, when wage levels were lower. As wages have risen, the $3,600 base that became effective in 1951 has been changed by the Congress, in steps, to $7,800—more or less as it would have been under the automatic provisions.

I should mention that the base must be increased to keep up to date with rising wages not only from the standpoint of the income of the program, but to prevent a deterioration in the earnings covered by the program. For example, a job which paid $3,600 in 1950 pays around $9,000 today. If the base had not been increased over the years the benefits payable to a man in such a job would provide a much smaller proportion of wage replacement than was provided when social security benefits first became payable and there would have been a major deterioration in the protection afforded by the program.

In the past, average wages have increased about twice as fast as the consumer price index. If the base is kept up to date with rising wage levels, as in the administration's proposal, there is no need for any increase in the tax rates to cover the cost of the automatic cost-of-living increases.

I, therefore, wish to urge that amendment No. 1115, offered by Senator HARRIS, be adopted. This amendment would bring the committee bill back in line with the President's proposal for automatic adjustment of benefits and the contribution and benefit base. Under the Harris amendment, as under the administration's proposal, the contribution and benefit base would rise automatically as wages rise. In each year in which the Secretary determines that a cost-of-living benefit increase or an increase in the contribution and benefit base is to be effective for the following year, the Secretary would be required on or before August 15 of the year in which the determination is made to report to the Congress the amounts so determined. He would also indicate whether, according to the actuarial estimates published in the annual report of the board of trustees on the previous March 1, the proposed increase in the base would be sufficient, or more or less than sufficient, to cover the long-range cost of the automatic increase in the benefits. He would have no authority to promulgate any increase other than that dictated by the increase in wages.

The Harris amendment would not change the provision in the committee bill under which the automatic provisions would not take effect if in the year before the year in which the increases were to be effective a bill had been enacted that would either increase social security benefit levels or revise the schedule of social security tax rates or the contribution and benefit base. The automatic adjustment provision, then, takes nothing from the power of the Congress. It does serve as a backup to assure that social security beneficiaries will be protected from the ravages of inflation when the Congress does not act. And with the notification by the Secretary being required by August 15, the Congress would have ample time to intervene if, for example, a promulgated increase in the base was higher than necessary to cover the cost-of-living increase in the benefits, or if the Congress wished to provide a benefit increase that was higher than that provided under the automatic provision. Under such a provision there would be no delegation of function from the Congress to the executive branch.

I urge all of you to join me in supporting this amendment, an amendment that will insure effective implementation of the automatic adjustment provisions in H.R. 17550.

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. HARRIS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. MOSS). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Oklahoma (Mr. HARRIS). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS) and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from New York would vote "yea" and the Senator from South Dakota would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 28, nays 39, as follows:

[No. 448 Leg.]

YEAS—28

Baker
Bayh
Brooke
Case
Harris
Hartke
Hughes
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Moss
Nelson
Pell
Prouty
Proxmire
Ribicoff
Schweiker
Scott
Stevenson
Williams, N.J.
Yarborough

NAYS—39

Aiken
Allen
Allott
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cooper
Curtis
Dole
Ellender
Ervin
Fannin
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Miller
Packwood
Pearson
Percy
Randolph
Saxbe
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—33

Anderson
Burdick
Church
Cotton
Cranston
Dodd
Dominick
Eagleton
Eastland
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Hart
Hatfield
Hollings
Inouye
McCarthy
McClellan
McGee
Montoya
Mundt
Murphy
Muskie
Pastore
Russell
Stevens
Symington
Tower
Tydings
Young, Ohio

So Mr. HARRIS' amendment was rejected.

Mr. PROUTY obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. JAVITS. Mr. President, how late will we stay tonight?

Mr. MANSFIELD. Quite late.

Could the leadership have some idea as to how many amendments are still to be offered?

XUM

Mr. President, it looks to me as though we have approximately 11 amendments still to be considered. I understand that all Senators who are offering amendments are very considerate as to the idea of a limitation of time. I would suggest that, in view of the fact that we have only 4 or 5 days left before we adjourn sine die, we get as many of these amendments out of the way tonight as possible and, hopefully, reach a point where we can consider final passage of the bill. So I would say that we will be here until 11 or 12 o'clock.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. May I suggest, with respect to time limitation, that we might even contract the time on some of these amendments?

Mr. MANSFIELD. I have made some inquiries, and it appears that the best way to do it would be to take up each one individually.

Mr. PROUTY. Mr. President, on behalf of myself and the distinguished junior Senator from Ohio (Mr. SAXBE), I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. PACKWOOD). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROUTY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. PACKWOOD). Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

At the end of the bill, insert the following new title:

"TITLE XX—ASSURED MINIMUM ANNUAL INCOME BENEFITS FOR THE AGED

"ELIGIBILITY FOR BENEFITS

"SEC. 2001. Every individual who—

"(1) has attained age 65,

"(2) is a resident of the United States (as defined in section 2009),

"(3) has an annual income (as determined pursuant to section 2004) of less than $2,400 in the case of an individual who is married and living with his spouse, or $1,800 in the case of any other individual,

"(4) has filed application for benefits under this title, shall (subject to the succeeding provisions of this title) be entitled to assured minimum annual income benefits for the aged.

"PAYMENT OF BENEFITS

"SEC. 2002. (a) Benefits under this title shall be paid on a monthly basis, except that, if the benefit payable to an individual for any month is less than $5, such benefit may be paid on such other basis (but not less often than semiannually) as the Secretary shall by regulations provide.

"(b) Benefits under this title shall be payable to any individual only for months (i) after the month in which his entitlement thereto is established pursuant to an application therefor filed under section 2001, and (ii) prior to the month in which such individual dies.

"(c) No married individual who is living with his spouse for any month shall be entitled to a payment under this title for such month if the spouse of such individual receives such a payment for such month.

"AMOUNT OF BENEFITS

"SEC. 2003. The amount of the monthly benefit of any individual under this title shall be equal to one-twelfth of the amount by which $2,400 (in the case of a married individual living with his spouse), or $1,800 (in the case of any other individual), exceeds the amount of such individual's annual income (as determined under section 2004) for such year.

"DETERMINATION OF ANNUAL INCOME

"SEC. 2004. (a) For the purposes of this title, the term 'annual income' means, in the case of an individual, the total amount of income (other than income derived by reason of benefit payments under this title) from all sources received in the calendar year with respect to which a determination of annual income of any individual who, during the calendar year, engaged in any trade or business, there shall be deducted any expenses incurred in carrying on such trade or business, and except that, income derived from the sale or exchange of property shall be taken into account only to the extent of the gain derived therefrom.

"(b) In determining the amount of annual income, for purposes of this title, of any individual who is married and living with his spouse, the annual income of such individual shall be regarded as the sum of the annual income of such individual and of the spouse of such individual.

"REPORT OF INCOME TO SECRETARY

"SEC. 2005. (a) Any individual applying for benefits under this title shall submit with his application for such benefits and thereafter reports to the Secretary of his income and of any other matter which is relevant to his entitlement to receive, or the amount of, any benefit payable under this title. Such reports shall be filed at such time, in such form, and shall contain such information as the Secretary shall by regulations prescribe.

"(b) Benefits otherwise payable to an individual for any month shall be suspended until such time as any report required pursuant to subsection (a) to be filed prior to such month shall have been received and evaluated by the Secretary.

"SUSPENSION OF BENEFITS FOR MONTHS WHEN INDIVIDUAL IS ABSENT FROM THE UNITED STATES

"SEC. 2006. Any benefit otherwise payable to an individual under this title for any month shall not be paid if such individual is physically absent from the United States (as defined in section 2009) during all of such month, or if such individual is not, during all of such month, a resident of the United States (as so defined).

"OVERPAYMENTS AND UNDERPAYMENTS

"SEC. 2007. Whenever the Secretary finds that more or less than the correct amount of payment has been made to any individual under this title, proper adjustment or recovery shall be made in accordance with regulations of the Secretary patterned so as to conform, to the maximum extent feasible, to the provisions of section 204 (relating to overpayments and underpayments of benefits under title II).

"ADMINISTRATION

"SEC. 2008. This title shall be administered by the Secretary and through (to the extent feasible) the organization and personnel engaged in the administration of title II.

"DEFINITION OF UNITED STATES

"SEC. 2009. For purposes of this title, the term 'United States' means the fifty States and the District of Columbia.

"APPROPRIATION

"SEC. 2010. There are hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title.

"SHORT TITLE

"SEC. 2011. This Act may be cited as 'The Older Americans Income Assurance Act of 1970'.

"TAX SURCHARGE

"SEC. 2012. (a) Section 51 (a) of the Internal Revenue Code of 1954 (relating to imposition of tax surcharge) is amended to read as follows:

"(a) Imposition of Tax.—

"(1) In general.—In addition to the other taxes imposed by this chapter, there is hereby imposed on the income of every person a tax equal to 3 percent of such person's adjusted tax (as defined in subsection (b)) for the taxable year.

"(2) Limitation.—In case of—

"(A) a husband and wife (or surviving spouse) who file a joint return under section 6013 and whose adjusted tax for the taxable year is less than $580,

"(B) an individual who is a head of a household to whom section 1(b) applies and whose adjusted tax for the taxable year is less than $440, and

"(C) any other individual (other than an estate or trust) whose adjusted tax for the taxable year is less than $290,

the tax imposed by paragraph (1) shall not be greater than an amount equal to twice the tax which would be imposed by paragraph (1) if the tax were imposed on the amount by which the adjusted tax exceeds $290, $220, or $145, respectively."

(b) The amendment made by subsection (a) shall apply to taxable years ending after December 31, 1970. For purposes of section 21 of the Internal Revenue Code of 1954 (relating to effect of changes in rates), the amendment made by subsection (a) shall be treated as changing a rate of tax.

(c) Effective with respect to wages paid after December 31, 1970, the Secretary of the Treasury or his delegate shall prescribe tables for purposes of section 3402(a) of the Internal Revenue Code of 1954 (relating to requirement of withholding) which—

(1) shall be in lieu of the tables contained in paragraphs (3), (4), and (5) of such section, and

(2) shall correspond in form to the tables contained in such paragraph but shall reflect the tax imposed by section 51 (as amended by subsection (a)).

Mr. MANSFIELD. Mr. President, I would like to propound a unanimous-consent request, that there be a 20-minute time limitation on the pending amendment to be equally divided between the author of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. PROUTY. Mr. President, on June 18, 1968, I introduced S. 3654, a bill referred to the Senate Finance Committee, an early version of the Older Americans Income Assurance Act.

On March 6, 1970, I reintroduced the bill, S. 3554.

Briefly, the measure simply assures a minimum income to individuals age 65 or over of $150 per month—$200 for aged couples. Payment would be administered as part of the social security system and financed out of general revenues.

Mr. President, a 3-percent income tax surcharge is provided to raise the additional necessary revenue.

Under this proposal, more than $650 million would be gained in revenue for the States. So, in effect, this is a revenue-sharing plan as well as a guaranteed income plan for our elder citizens.

XUM

Mr. President, I think it is significant that nearly every one of our 50 States is facing a serious financial crisis. President Nixon sent us a revenue sharing proposal over a year ago. That proposal is among the unfinished business of this Congress. It is interesting to note that adoption of my Older Americans Income Assurance Act would entail a revenue gain for each State so as to help meet the financial crisis affecting all States.

Mr. President, between 6½ and 7 million people age 65 or over would receive payments under this proposal. Upon enactment an immediate result would be that over 20 percent of those now living in poverty would be moved out of poverty as a result of payments bringing their income up to a nonpoverty level.

In addition, over 2.1 million older Americans receiving old-age assistance under welfare would in effect be taken off the welfare rolls and receive greater benefits under this proposal. For those 2.1 million senior citizens, the average individual cash gain would be $76.32 per month.

Mr. President, let me point out that an explanation of this amendment with various charts and tables has been distributed and is on the desks of all Senators at the present time.

I ask unanimous consent to have them printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROUTY. The Older Americans Income Assurance Act will cost approximately $4½ billion a year. It is estimated that the 3 percent income tax surcharge will cover the cost of the amendment.

Mr. President, this proposal is a fair application of an income maintenance system administered by the Federal Government.

Both earned and unearned cash income received by an individual would be subtracted from $150 per month, or $1,800 per year, and the difference would be paid under the Older Americans Income Assurance Act.

Let me cite some examples:

An unmarried individual age 65 or over receives a minimum social security benefit of $64 a month. He also receives $16 a month interest on his savings in the bank. His total income is $80 a month.

Under the Older Americans Income Assurance Act he would also receive $70 a month to bring his income up to $150 a month or $1,800 a year.

Mr. President, let us examine the case of an aged couple who have a combined income of $100 a month from a private pension. That is their only income but they own their own house.

Under the Older Americans Income Assurance Act, since the couple's home would not count as income because it is a non-income-producing asset, they would be entitled to $100 a month in order to bring their annual income up to $2,400 a year.

Carrying that example one step further, suppose the couple sell their house in 1972 for $10,000. In such a situation they would be ineligible for benefits in 1972, but they could receive benefits in 1973 assuming that their income was less than $2,400 that year.

In other words, the effect of my proposal would be to guarantee every older American a reasonable level of cash income.

I think this is extremely important, Mr. President, because for older Americans the solution to poverty is not job training or more education. The solution is simply cash income.

To date we have not solved the problems of poverty for older Americans.

On December 16, the U.S. Department of Commerce released a report based on the recent census concerning consumer income. Among other things that report showed that in the past decade we have reduced the number living in poverty by nearly 15.2 million. However, Mr. President the reduction in the number of those living in poverty came entirely from those under age 65.

For those over age 65 the number living in poverty has actually increased. Over 55 percent of the single individuals trapped by poverty are over age 65. In total between 6½ and 7 million people age 65 or over have cash incomes below the poverty threshold.

The Department of Commerce used a poverty threshold which took into account increased cost of living. For single individual age 65 or over the threshold income was $1,749. For an aged couple the threshold income was $2,194.

Under my Older Americans Income Assurance Act single individuals age 65 or over would have their cash income brought up to $1,800 a year thereby removing all of them from the abject poverty category and aged couples would also be removed from poverty by bringing their income up to $2,400 a year.

On September 22, I testified before the Finance Committee urging adoption of a number of amendments. I am pleased to note that the committee saw fit to adopt my amendment calling for a $100 minimum monthly payment and a 10-percent benefit increase.

I regret that the committee did not grant the same 10-percent benefit increase to beneficiaries receiving the so-called Prouty payment. As you know, Mr. President, there are approximately 640,000 individuals, now age 75 or older, receiving special benefits as a result of my amendment to the Tax Adjustment Act of 1966. That amendment provided a special payment of $35 per month for individuals not otherwise eligible for social security and who were age 72 by 1968. More than 1.5 million individuals have received that benefit which under present law is $46 per month. The other body gave the Prouty beneficiaries the same 5-percent benefit increase given regular social sercurity recipients. Unfortunately the Finance Committee retained that 5-percent increase even though other social security recipients were given a 10-percent increase.

Since I do not want to now delay passage of this bill I shall make equal treatment for Prouty payment beneficiaries my first task in the 92d Congress.

Finally, I am pleased to see that this bill liberalized the earnings limitation on the so-called retirement test. I had hoped that the Finance Committee would have gone along with my amendment No. 698 in fixing the earned limitation at $2,400. However, the committee's action increased this to $2,000 which is a step forward. I know that several colleagues have introduced amendments identical to my amendment No. 698. I want to assure those Senators that I will give my full support to any amendment increasing the earnings limitation to $2,400 a year. After all, this body has twice before passed amendments going to that figure.

Finally, I want to congratulate the committee on increasing widow's benefits from 82½ to 100 percent of the husband's benefits. This is a reform I have been proposing for nearly 10 years. Its adoption by both the House and the Senate is long overdue.

EXPLANATION OF PROUTY AMENDMENT TO ASSURE A MINIMUM CASH INCOME FOR OLDER AMERICANS

BACKGROUND

On June 18, 1968, Senator Prouty introduced S. 3654, a bill referred to the Senate Finance Committee, an early version of the Older Americans Income Assurance Act.

On March 6, 1970, Prouty re-introduced his measure (S. 3554).

PROVISIONS

The measure simply assures a minimum income to individuals age sixty-five or over of $150 per month ($200 for aged couples). Payments would be administered as part of the Social Security System and financed out of general revenues. A 3 percent income tax surcharge is included to raise the necessary additional revenue.

ADVANTAGES

More than $650 million would be gained revenue for the state. (See charts E and F).

Between 6½ and 7 million people age sixty-five or over would receive payments under the Prouty proposal.

Over 20% of those now living in poverty would be moved out of poverty as a result of payments under the Prouty Proposal.

Over 2.1 million older Americans receiving old age assistance under welfare would in effect be taken off the welfare rolls and receive the greater benefits under the Prouty Proposal.

Nationwide, the average individual cash gain for those now on welfare would be $76.32 per month. (See chart C).

HOW IT WORKS

Both earned and unearned cash income received by an individual would be subtracted from $150 per month, or $1,800 per year, and the difference would be paid under the Older Americans Income Assurance Act.

EXAMPLES

1. Mary Jones who is unmarried receives a minimum Social Security benefit of $64 a month. She also receives interest on her savings in the bank, $16 a month. Her total income is $80 a month.

Under the Prouty Proposal she would also receive $70 a month to bring her income up to $150 a month or $1,800 a year.

2. John Smith and his wife, Mary, have a combined income of $100 a month from a private pension. That is their only income but they own their own house.

Under the Prouty Proposal Mr. and Mrs. Smith's home would not count as income since it is a non-income producing asset, however, they would be entitled to $100 a month under the Prouty Proposal in order to bring their annual income up to $2,400 a year.

3. If Mr. and Mrs. Smith sell their house in 1972 for $10,000 they would be ineligible

for benefits that year but the next year they could receive benefits assuming that their income was less than $2,400 a year.

CHART A.—*Older Americans Income Assurance Act*

[Number of individuals receiving old-age assistance under welfare by year]

Year:	*Number*
1961	2, 229, 000
1962	2, 183, 000
1963	2, 152, 000
1964	2, 120, 000
1965	2, 087, 000
1966	2, 073, 000
1967	2, 073, 000
1968	2, 055, 000
1969	2, 027, 000
1970	2, 047, 635

CHART B.—*Older Americans Income Assurance Act*

[Total amount spent for old-age assistance under welfare by year]

Year:	*Amount*
1961	$1, 568, 985, 000
1962	1, 566, 121, 000
1963	1, 610, 310, 000
1964	1, 606, 429, 000
1965	1, 594, 183, 000
1966	1, 633, 675, 000
1967	1, 679, 199, 000
1968	1, 699, 984, 000
1969	1, 694, 175, 000
1970	1, 817, 642, 000

CHART C.—*Older Americans Income Assurance Act*

[Average monthly payment for old-age assistance under welfare by year]

Year:	*Average monthly payment*
1961	$59. 60
1962	61. 55
1963	62. 80
1964	63. 65
1965	63. 10
1966	68. 05
1967	67. 50
1968	68. 95
1969	69. 65
1970	73. 68

CHART D.—*Older Americans Income Assurance Act*

(1) Federal, State, and local shares for payments under old-age assistance, calendar year 1969:

Federal share (65.6 percent)	$1, 213, 490, 000
State share (29.9 percent)	553, 536, 000
Local share (4.5 percent)	83, 254, 000
Total (100 percent)	1, 850, 280, 000

(2) Federal, State, and local shares for payments under old-age assistance (excluding Guam, Puerto Rico, and the Virgin Islands), calendar year 1969:

Federal Share (65.6 percent)	$1, 209, 832, 000
State share (29.9 percent)	551, 788, 000
Local share (4.5 percent)	83, 254, 000
Total (100 percent)	1, 844, 784, 000

(3) Federal, and State/local (combined) shares for payments under old-age assistance (excluding Guam, Puerto Rico, and the Virgin Islands), calendar year 1969:

Federal share (65.6 percent)	$1, 209, 832, 000
State and local share (34.4 percent)	634, 952, 000
Total (100 percent)	1, 844, 784, 000

CHART E.—*Older Americans Income Assurance Act*

[Between by State between Federal and State shares ot payments under old age assistance, calendar year 1969]

State	Federal share	State share
Alabama	$106, 595, 000	[1] $25, 417, 000
Alaska	2, 363, 000	1, 329, 000
Arizona	10, 659, 000	2, 386, 000
Arkansas	52, 342, 000	9, 687, 000
California	395, 538, 000	[1] 198, 230, 000
Colorado	31, 679, 000	10, 827, 000
Connecticut	8, 638, 000	4, 402, 000
Delaware	1, 528, 000	477, 000
District of Columbia	2, 291, 000	900, 000
Florida	62, 549, 000	16, 944, 000
Georgia	55, 443, 000	[1] 7, 698, 000
Hawaii	2, 229, 000	1, 138, 000
Idaho	2, 606, 000	823, 000
Illinois	31, 125, 000	8, 866, 000
Indiana	27, 655, 000	[1] 14, 749, 000
Iowa	30, 453, 000	12, 980, 000
Kansas	13, 248, 000	[1] 5, 610, 000
Kentucky	41, 244, 000	7, 466, 000
Louisiana	99, 963, 000	24, 975, 000
Maine	7, 358, 000	1, 258, 000
Maryland	6, 878, 000	[1] 1, 821, 000
Massachusetts	53, 601, 000	[1] 27, 219, 000
Michigan	31, 917, 000	13, 198, 000
Minnesota	18, 218, 000	[1] 7, 716, 000
Mississippi	40, 017, 000	7, 245, 000
Missouri	81, 084, 000	25, 490, 000
Montana	2, 817, 000	[1] 804, 000
Nebraska	5, 460, 000	1, 208, 000
Nevada	2, 462, 000	829, 000
New Hampshire	5, 694, 000	[1] 2, 297, 000
New Jersey	16, 516, 000	[1] 6, 006, 000
New Mexico	6, 151, 000	861, 000
New York	101, 688, 000	[1] 50, 597, 000
North Carolina	35, 589, 000	[1] 9, 086, 000
North Dakota	3, 765, 000	[1] 1, 121, 000
Ohio	40, 990, 000	[1] 9, 086, 000
Oklahoma	63, 693, 000	13, 092, 000
Oregon	5, 432, 000	[1] 1, 942, 000
Pennsylvania	46, 747, 000	21, 182, 000
Rhode Island	2, 237, 000	205, 000
South Carolina	10, 621, 000	2, 068, 000
South Dakota	3, 348, 000	974, 000
Tennessee	42, 052, 000	9, 350, 000
Texas	167, 050, 000	40, 573, 000
Utah	2, 291, 000	552, 000
Vermont	3, 730, 000	1, 234, 000
Virginia	12, 287, 000	[1] 4, 573, 000
Washington	18, 275, 000	6, 283, 000
West Virginia	9, 768, 000	2, 472, 000
Wisconsin	19, 181, 000	[1] 8, 559, 000
Wyoming	1, 567, 000	[1] 503, 000

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[1] Indicates that "State share" includes some local government funds.

CHART F.—*Older Americans Income Assurance Act*

[Direct revenue savings accruing to States under Older Americans Income Assurance Act]

[State and revenue gain per State[1]]

Alabama	$25, 417, 000
Alaska	1, 329, 000
Arizona	2, 386, 000
Arkansas	9, 687, 000
California	198, 230, 000
Colorado	10, 827, 000
Connecticut	4, 402, 000
Delaware	477, 000
District of Columbia	900, 000
Florida	16, 944, 000
Georgia	7, 698, 000
Hawaii	1, 138, 000
Idaho	823, 000
Illinois	8, 866, 000
Indiana	14, 749, 000
Iowa	12, 980, 000
Kansas	5, 610, 000
Kentucky	7, 466, 000
Louisiana	24, 975, 000
Maine	1, 258, 000
Maryland	1, 821, 000
Massachusetts	27, 219, 000
Michigan	13, 198, 000
Minnesota	7, 716, 000
Mississippi	7, 245, 000
Missouri	$25, 490, 000
Montana	804, 000
Nebraska	1, 208, 000
Nevada	829, 000
New Hampshire	2, 297, 000
New Jersey	6, 066, 000
New Mexico	861, 000
New York	50, 597, 000
North Carolina	9, 086, 000
North Dakota	1, 121, 000
Ohio	9, 086, 000
Oklahoma	13, 092, 000
Oregon	1, 942, 000
Pennsylvania	21, 182, 000
Rhode Island	205, 000
South Carolina	2, 068, 000
South Dakota	974, 000
Tennessee	9, 350, 000
Texas	40, 573, 000
Utah	552, 000
Vermont	1, 234, 000
Virginia	4, 573, 000
Washington	6, 283, 000
West Virginia	2, 472, 000
Wisconsin	8, 559, 000
Wyoming	503, 000
Total	634, 952, 000

[1] Under Prouty proposal, states would no longer have to pay for old age assistance under welfare. Figures represent 1969 state payments for Old Age Assistance.

CHART G—OLDER AMERICANS INCOME ASSURANCE ACT

[Comparison between Prouty monthly minimum payment and present average State monthly payments from old age assistance under welfare]

State	Minimum monthly cash income assured under Prouty proposal	Present average OAA monthly cash payments	Individual cash gain under Prouty proposal
Alabama	$150	$66. 10	$83. 90
Alaska	150	96. 45	53. 55
Arizona	150	72. 20	77. 80
Arkansas	150	59. 35	90. 65
California	150	109. 85	40. 15
Colorado	150	76. 40	73. 60
Connecticut	150	90. 30	59. 70
Delaware	150	73. 80	76. 20
District ot Columbia	150	89. 35	60. 65
Florida	150	51. 85	98. 15
Georgia	150	52. 70	97. 30
Hawaii	150	89. 75	60. 25
Idaho	150	63. 30	86. 70
Illinois	150	73. 65	76. 35
Indiana	150	55. 15	94. 85
Iowa	150	112. 70	37. 30
Kansas	150	78. 35	71. 65
Kentucky	150	54. 50	95. 50
Louisiana	150	67. 40	82. 60
Maine	150	61. 25	88. 75
Maryland	150	58. 60	91. 40
Massachusetts	150	99. 20	50. 80
Michigan	150	75. 70	74. 30
Minnesota	150	72. 65	77. 35
Mississippi	150	50. 40	99. 60
Missouri	150	75. 95	74. 05
Montana	150	58. 20	91. 80
Nebraska	150	59. 20	90. 80
Nevada	150	64. 50	85. 50
New Hampshire	150	122. 90	27. 10
New Jersey	150	75. 20	74. 80
New Mexico	150	57. 95	92. 05
New York	150	102. 00	48. 00
North Carolina	150	64. 85	84. 15
North Dakota	150	64. 80	85. 20
Ohio	150	60. 70	89. 30
Oklahoma	150	69. 60	80. 40
Oregon	150	63. 55	86. 45
Pennsylvania	150	101. 75	48. 25
Rhode Island	150	54. 25	95. 75
South Carolina	150	48. 70	101. 30
South Dakota	150	59. 55	90. 45
Tennessee	150	50. 40	99. 60
Texas	150	62. 65	87. 35
Utah	150	52. 95	97. 05
Vermont	150	72. 90	77. 10
Virginia	150	61. 90	88. 10
Washington	150	66. 65	83. 35
West Virginia	150	70. 55	79. 45
Wisconsin	150	99. 20	50. 80
Wyoming	150	60. 95	89. 05
Nationwide	150	73. 68	76. 32

Mr. President, I am happy, now, to yield to my distinguished colleague from Ohio (Mr. SAXBE).

Mr. SAXBE. Mr. President, the sharp cutting edge of inflation has hit the senior citizens of this country who are presumed to be living in their golden age. They bought protection through social security at the time they were members in the 1930's. The small amount they paid into social security from their pay checks was a large amount in those days. The payrolls of that time averaged from $15 to $75 a week. Today these people who are collecting social security, if they have no other means of support, are public charges.

This amendment attempts to live up to the promise we made to these people when social security became a part of our law in 1935. What the amendment would do would be to say to them that there is a minimum wage for older people over 65 and that they will receive $2,400 as a couple, or $1,800 as an individual.

This is a floor. If they receive money from pension funds or from other retirement programs, of course it will be stricken, because this is the floor. It will help substantially the States that are now in dire financial circumstances.

The PRESIDING OFFICER. All time of the Senator from Vermont has expired.

Mr. SAXBE. Mr. President, how much time was there?

The PRESIDING OFFICER. There was 10 minutes. The Senator from Louisiana has control of the time.

Mr. PROUTY. Mr. President, will the Senator yield us 5 minutes?

XUM

Mr. LONG. Mr. President, I yield to the Senator from Vermont.

Mr. PROUTY. Mr. President, I yield to the Senator from Ohio.

Mr. SAXBE. Mr. President, the total amount involved is such that it would aid the States that are now in dire financial circumstances. It is for that reason that I joined in this amendment rather than offer the one that I have at the desk which I do not intend to call up, which would provide $155 a month to these people.

I feel that we have an obligation to see that those people who paid their social security get the insurance which they thought they were getting at the time social security became a law and before inflation took a great deal of it out from under them.

I admit that this is an advanced program, and one that I wish had more time for consideration.

I believe that it is an attempt to live up to our promises to these people and is a genuine attempt to relieve the States of the great financial burdens they find themselves under which, under the original concept of social security, was never contemplated.

I believe that by adjusting this program to the other benefits which they have coming in, we will in the long run help to pay off our obligations and at the same time not send that money into those hands where it is not needed.

A $2,400 payment per couple today is a bare minimum for existence. I have been in the homes of those people who are trying to live on this money. Those people thought at one time that they were secure with a small amount of savings and perhaps a home that was paid for, feeling that social security would take care of them.

They now find it slipping away day by day, month by month, and year by year until they reach the point where they are a public charge.

I think they are entitled to something better. Therefore I feel that this program as contained in this amendment is an obligation that we should try to live up to.

Mr. METCALF. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. PACKWOOD). The Senate will be in order. Let there be order in the Chamber, so that the Senator from Ohio may be heard.

Mr. PROUTY. Mr. President, I invite the attention of the chairman of the Finance Committee, Mr. LONG. I realize that at this late hour, even if the Senate were to approve my amendment, the House conferees would be very reluctant to consider a program of this magnitude. I have discussed this matter with my distinguished colleague, the Senator from Ohio, and we feel that under the present circumstances we perhaps should withdraw the amendment. However, before we do so, we would like to have the assurances of the distinguished chairman of the Finance Committee that next year when this bill is reintroduced, it will be given very serious consideration by the distinguished chairman and other members of the Finance Committee.

Mr. LONG. Mr. President, I yield myself 2 minutes.

Mr. President, the Senator has long had a great interest in older Americans. I very much appreciate his interest in this matter.

I think his statement is correct, and that at this late hour in this Congress, there would be no hope of persuading the House to agree. I think that the committee would certainly like to consider the cost as well as some of the other features of the measure to see the extent to which we could agree to it. I do not think that we could agree to all of it. However, if the Senator would like to have hearings on the matter next year, I would be glad to accommodate him.

Mr. PROUTY. Mr. President, I appreciate the Senator's willingness to give attention to the matter.

I might point out to the Senator that under this proposal the State of Louisiana would in effect receive $24,975,000 because it would not have to expend that amount under the old-age assistance program. This is a revenue-sharing measure as well as a provision to guarantee income for older Americans.

I think our proposal merits careful and serious consideration. I will be glad to appear before the Finance Committee next year and hopefully persuade my colleagues on that committee to report the Older Americans Income Assurance Act.

Mr. President, with the agreement of the distinguished Senator from Ohio, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 1150

Mr. PERCY. Mr. President, I call up amendment No. 1150.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 46, line 10, strike out "$166.66⅔" and insert in lieu thereof "$200".

On page 46, line 14, strike out "$166.66⅔" and insert in lieu thereof "$200".

On page 46, line 21, strike out "$166.66⅔" and insert in lieu thereof "200".

On page 121, line 21, strike out "166.66⅔" and insert in lieu thereof "200".

UNANIMOUS-CONSENT AGREEMENT

Mr. KENNEDY. Mr. President, would the Senator from Illinois be willing to have a time limitation on the amendment?

Mr. PERCY. Mr. President, I would be very happy to have 10 minutes to the side.

Mr. KENNEDY. Mr. President, I ask unanimous consent that there be a time limitation of not to exceed 20 minutes, the time to be equally divided between the Senator from Illinois and the distinguished Senator from Utah.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PERCY. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, I should first like to commend the Finance Committee and its able chairman as well as the distinguished ranking minority member for taking a good hard look at the problem involved in people working while they are drawing social security and having a disincentive to continue to work because of an arbitrary limitation that has been placed on them.

I commend the committee on increasing the limitation. However, I think we must be realistic and say that the limitation is still much too low.

The amendment I have proposed would increase the current annual earnings limitation from $2,000, which is provided for in the committee bill, to $2,400 and would do so immediately. The provision I had in my original amendment that I discussed with the committee and which I testified about would have increased it substantially and would at the same time have phased it out over a period of 7 years.

I recognize that the cost involved in phasing out the earnings limitation might be exorbitant, though I think that we should do it sometime. I will continue to work toward this.

I hope that the committee will do likewise.

The amendment I originally offered was partially accepted by the House of Representatives and by the Senate Finance Committee. By raising the earnings limitation to $2,000, with a $1 for $2 reduction in earnings above $2,000, and by eliminating the former $1 for $1 reduction in earnings once a person began making $2,880. the House and Senate committees moved in the right direction. I commend them for this. I feel we can and should go further, however, by raising the limitation to $2,400.

Since the social security program was originally devised to provide a floor of protection against the loss of earnings caused by a worker's retirement, death, or disability, the so-called retirement test was established to assure that a worker had, in fact, retired. Since social security was also never intended to provide much more than a modest standard of living, an individual was expected to supplement social security with individual savings or a private pension plan. A person is allowed to keep full social security benefits no matter how much he gets in dividends and interest from investments or savings; but he cannot keep all of his earnings once he makes more than $1,680.

All this is well and good, except that even if a person does as he should and invests in a private pension plan or in savings, this does not assure him an income. There is a certain amount of truth in a remark made by Thomas R. Donahue, an Assistant Secretary of Labor during the Johnson administration, who told the Senate Labor Committee:

> In all too many cases the pension promised shrinks to this: "If you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there's enough money in the fund, and that money has been prudently managed, you will get a pension."

One private study of pension plans revealed that less than 10 percent of 60,000 low-paid workers would ever receive a pension benefit.

What does a person do if all his savings have been eaten away by inflation and his pension plan has collapsed or otherwise failed to provide his needs? All he can do is try to supplement his income by working, yet under present law, he is penalized for doing so.

I now propose in this amendment to increase the earnings limitation immediately to $2,400. While I would like to see a total elimination of the retirement test, I think we must be realistic in recognizing that this would be extremely costly if done now. It is my understanding that an immediate elimination of the "test" would cost between $2.25 and $2.50 billion in the first year, which we all recognize we could not absorb.

The idea of removing the earnings limitation completely—which I feel has considerable merit—should be studied further by the Committee on Finance in 1971.

The cost of my amendment above the committee bill would be $280 million in the first year, and the "level-cost" would be .08 percent of the taxable payroll.

But because my amendment might also preclude the necessity for some aged persons to go on welfare, its additional cost over the committee bill would be offset to a certain extent.

A full one-third of all social security recipients live at or near the poverty level. By raising the earnings limitation to $2,400 instead of $2,000, I think we could prevent some of these people from having to go on welfare, and allow them to maintain their sense of dignity and independence—so important to all of us.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. JAVITS. Mr. President, I wish to support the Senator's amendment. The Senator has had enormous experience in industrial management. We have been aspiring to do this for a long time. The entire movement to longevity, we understand in geriatrics, is to keep people working. This is the greatest inducement in the world.

As the Senator has stated, the cost of his amendment would be $280 million in the first year, but the people involved will be encouraged to work which may well cancel out what it will cost strictly on an actuarial basis in social security benefits.

Mr. PERCY. Mr. President, I thank my distinguished colleague. Not only will the Government get some of this money back in taxes, but the Federal Government and State and local governments will benefit by not having some of these people go on welfare, and it is much more dignified to receive increases in social security and to receive adjusted earnings, rather than have the humiliating experience of accepting welfare which, many times, is beyond the control of the recipient who thought he would have adequate income to meet his needs. I do not think this is a costly amendment. I think it is a humanitarian amendment.

I commend the committee for moving in this direction. I ask that we move a little further by raising the earnings limitation to $2,400. If a person received the maximum social security and earned the minimum amount, he would still be at the poverty level.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. HARTKE. Mr. President, I commend the Senator from Illinois. This is a step forward that needs to be taken. I have an amendment at the desk which would provide for a complete elimination of the earnings limitation. Even though we did increase the amount to $2,000, we did accept an amendment which I put before the committee to eliminate the provision for keeping 50 cents of each dollar, which is currently limited to $2,700.

I commend the Senator from Illinois and I hope the Senate agrees to the amendment.

Mr. JAVITS. Mr. President, will the Senator yield to me briefly?

Mr. PERCY. I yield.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that John Scales, of the staff of the Committee on Labor and Public Welfare, who is familiar with child care matters, be permitted in the Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. All time of the Senator from Illinois has expired.

Mr. LONG. Mr. President, this proposal and a number of other meritorious proposals were considered by the committee. It was felt that rather than have a number of modifications of the law, each of which would cost a substantial amount, but not as much as the measure voted in committee, it would be best to vote for an across-the-board 10-percent increase, something that could benefit every social security beneficiary. In addition, we voted for the minimum increase that the Senate voted earlier this year.

These are matters that I would like to vote for as I did for a number of other popular suggestions. The only problem is they all cost a lot of money and we must choose which ones would be the best way to benefit the most people involved. All factors considered, it is the judgment of the committee that the 10-percent across-the-board increase and the $100 minimum would be more meaningful to more people than the increase in earnings base that would be permissible without any reduction in social security benefits.

I regret I cannot support the proposal. The committee went about as far as we could in this area. The committee raised the limitation to $2,000 and eliminated the $1,200 limit on the $1 for $2 reduction, so that the person loses $1 for every $2 he earns until he phases out his benefit. But he would never get to the point where he loses $1 for $1 earnings. Furthermore, the bill provides for an automatic increase in the $2,000 exemption. The committee did consider this general problem to meet the need of these people.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I recognize there is much merit to the amendment of the Senator from Illinois. However, the committee was faced with the problem of how far we should go in liberalizing the social security benefits. The bill now pending before the Senate already increased the benefits for social security by around $3.25 billion more than the House bill provided. The bill did that by raising the benefits from 5 to 10 percent and, as the Senator from Louisiana pointed out, by putting in the amendment providing for a $100 minimum and raising the earnings limitation to $2,000.

There is a limitation as to how far we can go without additional financing. For that reason I hope the committee position will be sustained and that the amendment will be rejected. Perhaps it can be considered at a later time when we have more money. Right now we would have to have a substantial increase in the tax rate over and above what the bill now provides.

Mr. LONG. I yield back the remainder of my time.

XUM

Mr. PERCY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Illinois (Mr. Percy). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from North Dakota (Mr. Burdick), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Connecticut (Mr. Dodd), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pastore), the Senator from Georgia (Mr. Russell), the Senator from Missouri (Mr. Symington), the Senator from Maryland (Mr. Tydings), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. Cranston), the Senator from Rhode Island (Mr. Pastore), the Senator from New Hampshire (Mr. McIntyre), and the Senator from North Dakota (Mr. Burdick) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. Cotton), the Senator from Hawaii (Mr. Fong), the Senator from New York (Mr. Goodell), the Senator from Oregon (Mr. Hatfield), the Senator from California (Mr. Murphy), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Arizona (Mr. Goldwater) is absent on official business.

The Senator from Utah (Mr. Bennett), the Senator from Ohio (Mr. Saxbe), and the Senator from North Dakota (Mr. Young) are necessarily absent.

If present and voting, the Senator from Hawaii (Mr. Fong), the Senator from New York (Mr. Goodell), the Senator from Oregon (Mr. Hatfield), the Senator from South Dakota (Mr. Mundt), and the Senator from Texas (Mr. Tower) would each vote "yea."

XUM

The result was announced—yeas 52, nays 9, as follows:

[No. 449 Leg.]

YEAS—52

Aiken
Allen
Baker
Bayh
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Cooper
Dole
Ellender
Ervin
Griffin
Gurney
Harris
Hartke
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
Metcalf
Mondale
Moss
Nelson
Packwood
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevenson
Talmadge
Thurmond
Williams, N.J.

NAYS—9

Allott
Bellmon
Curtis
Fannin
Hansen
Holland
Long
Miller
Williams, Del.

NOT VOTING—39

Anderson
Bennett
Burdick
Church
Cotton
Cranston
Dodd
Dominick
Eagleton
Eastland
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Hart
Hatfield
Hollings
Inouye
McCarthy
McClellan
McGee
McGovern
McIntyre
Montoya
Mundt
Murphy
Muskie
Pastore
Russell
Saxbe
Stevens
Symington
Tower
Tydings
Yarborough
Young, N. Dak.
Young, Ohio

So Mr. Percy's amendment (No. 1150) was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1151

Mr. PERCY. Mr. President, I call up my amendment No. 1151, and I would be willing to have a 5-minute limitation on the side.

The PRESIDING OFFICER. Does the Senator from New York yield for that purpose?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, I have discussed this matter with the chairman of the committee and the ranking minority member, as well as the author of the amendment. He has two amendments on which I understand a 10-minute limitation on each will be perfectly acceptable, and I ask unanimous consent that that be agreed to under the usual conditions.

Mr. JAVITS. Mr. President, I having been recognized, will the Senator agree that I may follow Senator Percy?

Mr. MANSFIELD. It is perfectly all right with me.

Mr. JAVITS. I am perfectly happy to yield to him now, but I wish to follow him.

Mr. CANNON. Well, now, Mr. President——

Mr. MANSFIELD. The Senator from New York was recognized.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 499, between lines 17 and 18, insert the following:

DISREGARDING OF FINANCIAL RESPONSIBILITY OF OTHER PERSONS IN DETERMINING ELIGIBILITY OF BLIND INDIVIDUALS FOR AID OR MEDICAL ASSISTANCE

Sec. 571. (a) Section 1002(a)(8) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (B); and

(2) by inserting immediately before the semicolon at the end thereof the following: ", and (D) shall not take into account the financial responsibility of any other natural person for such individual unless such individual is such person's spouse or such person's child who is under age 21."

(b) Section 1602(a)(14)(A) of such Act is amended—

(1) by striking out "and" at the end of clause (i); and

(2) by inserting after clause (ii) the following: "and (iii) shall not take into account the financial responsibility of any other natural person for such individual unless such individual is such person's spouse or such person's child who is under age 21,".

(c) Section 1902(a)(17)(D) of such Act is amended by striking out "or is blind or permanently and totally disabled".

(d) The amendments made by the preceding subsections of this section shall take effect on January 1, 1971.

The PRESIDING OFFICER. Is there objection to a time limitation of 5 minutes for each side?

Mr. JAVITS. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. JAVITS. No, Mr. President, I wish to accommodate——

Mr. MANSFIELD. That is all right, but we have to get on, and I do not want to argue, so I withdraw the request.

Mr. JAVITS. May I suggest to the leader that I yield to the Senator from Illinois without losing my right to the floor, which I will be glad to do.

Mr. President, I ask unanimous consent that I may yield to the Senator from Illinois (Mr. Percy) without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Senator from New York asks that he be recognized after the amendment of the Senator from Illinois.

Mr. PERCY. Mr. President, reserving the right to object, does this cover both amendments?

Mr. JAVITS. Yes; that is satisfactory.

Mr. PERCY. Five minutes a side on each amendment?

Mr. CANNON. Mr. President, I object. I ask for the regular order.

The PRESIDING OFFICER. Objection is heard.

The Senate will be in order. The pending business is the amendment of the Senator from Illinois. The Senator from New York yielded to the Senator from Illinois to offer his amendment and that amendment has been read. There was objection to the unanimous consent request. The Senator from Illinois may withdraw his amendment, but it is the pending business.

Mr. LONG. Mr. President, will the Senator from Illinois yield to me for a question?

Mr. PERCY. I am happy to yield.

Mr. LONG. I would like to ask if the Senator is offering his amendment that has to do with relative responsibility for blind persons, because if it does, we are willing to accept the amendment.

Mr. PERCY. Yes, that is the first amendment, and I am gratified at the indication that the committee chairman is accepting it.

RELATIVE RESPONSIBILITY

Mr. President, I would like to call up my amendment No. 1151 to H.R. 17550 which removes discriminatory provisions of the Social Security Act applying to blind and permanently and totally disabled persons.

At present, title **XIX** of the Social Security Act—medicaid—in determining eligibility for the extent of medical assistance to be available to individuals, states that "the financial responsibility of any individual for any applicant or recipient of assistance under the act should not be considered unless such applicant or recipient is such individual's spouse or such individual's child who is under age 21; or is blind or permanently disabled.

Titles X and XVI—grants to States for Aid to the Blind; and Grants to States for Aid to the Aged, Blind or Disabled, respectively—also have the effect of allowing States the latitude to set up "relative responsibility" regulations. In other words, blind or permanently and totally disabled persons over age 21 must, in many cases, undergo the humiliating, degrading experience of proving to the State that their parents lack the financial means, or the willingness, to meet their medical—or other—needs.

Nondisabled, needy adults are not subjected to this humiliating experience. Only the blind and otherwise disabled—of whom there are about 82,000 and 600,000, respectively, in the United States—are singled out and expected to bankrupt their parents.

In most cases, when the parents or relatives of adult blind or disabled children are able to offer assistance, they do so willingly. When the parents are not in a position to offer assistance, what is the point of allowing States to say to a blind or disabled individual: "Your parents are responsible for your needs, but since they will not provide them, we will not either." This makes no sense at all in my opinion.

When one considers the hardships caused by blindness, and other disabilities, and the courage and self-confidence necessary to overcome handicaps so as to function in a dynamic society, it seems even more unfortunate that we ask these people to face a humiliating, painful, and unnecessary experience before qualifying for assistance they might need. The sense of independence and self-respect that a blind adult can acquire by knowing he is no longer a burden to his family may make a significant impact on his level of aspiration and ability to move forward into real independence.

The ability to perform successfully and to be a contributing member of society is a necessary foundation for the self-respect of a young blind or disabled adult. As he becomes no longer a burden to his family, the improved attitudes and the more wholesome relationship between him and his parents can be expected to result in increased support and encouragement from them. We thus will have provided the conditions under which a seriously handicapped person can aspire to freedom and achievement and can move forward into real independence.

I, therefore, urge support for this amendment so that we can do away with this glaring inequity and discrimination against blind and disabled citizens within our society.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment (No. 1151) of the Senator from Illinois.

The amendment was agreed to.

AMENDMENT NO. 1166

Mr. **PERCY**. Mr. President, I call up my amendment No. 1166.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. **PERCY**. I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. PERCY's amendment (No. 1166) is as follows:

On page 70, line 24, strike out "(D)" and insert in lieu thereof "(E)".

On page 70, insert the following between lines 23 and 24:

"(D) is the grandchild or stepgrandchild of such individual who (i) was living in such individual's household at the time application for child's insurance benefits was filed on behalf of such child, (ii) was legally adopted by such individual in an adoption decreed by a court of competent jurisdiction within the United States, and (iii) had not attained the age of 18 before he began living with such individual, or".

On page 123, after line 24, insert the following:

"BENEFITS FOR A CHILD ON EARNINGS RECORD OF A GRANDPARENT

"SEC. 134. (a) The first sentence of section 216(e) of the Social Security Act is amended by—

"(1) striking out 'and' at the end of clause (1) thereof, and

"(2) inserting immediately before the period at the end thereof the following: ', and (3) a person who is the grandchild or stepgrandchild of an individual, but only if (A) such person was living in such individual's household and receiving at least one-half of his support from such individual, at the time application for child's insurance benefits was filed on behalf of such person as the child of such individual, or at the time such individual died, and (B) such person began living in such individual's household before such person attained age 18'.

"(b) Section 202(d) of such Act is amended by adding at the end thereof the following new paragraph:

"'(9) A child who is a child of an individual under clause (3) of the first sentence of section 216(e) and is not a child of such individual under clause (1) or (2) of such first sentence shall be deemed to be dependent on such individual at the time specified in subparagraph (1)(C) of this subsection, unless at the time specified in clause (3) of such first sentence such child was receiving regular contributions from—

"'(A) his natural or adopting parent, or his stepparent, or

"'(B) a public or private welfare organization which had placed such child in such individual's household under a foster-care program.'

"(c) The first sentence of section 203(c) of such Act is amended—

"(1) by striking out the period at the end thereof and inserting in lieu of such period '; or'; and

"(2) by adding after and below clause (4) thereof the following new clause:

"'(5) in which such individual, if a child who is entitled to child's insurance benefits on the basis of the wages and self-employment income of a person (but would not be so entitled except for application of clause (3) of the first sentence of section 216(e)), is not in the care of such person or the spouse of such person, except that the provisions of this clause shall not apply if such person has died.'

"(e) The amendments made by this section shall apply with respect to monthly benefits payable under title II of the Social Security Act for months after December 1970, but only on the basis of applications filed after the date of enactment of this Act."

GRANDCHILDREN—BENEFITS FOR UNADOPTED GRANDCHILDREN

Mr. PERCY. Mr. President, at this time I would like to call up my amendment No. 1166 to provide benefits for grandchildren dependent upon their grandparents. Under the present social security law, some children who are dependent on their grandparents cannot obtain benefits based on their grandparents' earnings. A grandchild must be adopted by his grandparents before he qualified for a child's social security benefits. This is most unfortunate, as there are cases in which the grandparents, for valid reasons, are either unable to or do not wish to adopt the child, yet still maintain a quasi-parental relationship.

The purpose of social security is to provide the family with a continuing source of income when the family income stops because of the death, retirement, or disability of a worker. Following this, social security benefits are paid to children whose parents have died, retired, or become disabled on the theory that children are generally dependent on their parents and suffer a loss of support when the parents' income stops. However, if that parent is a grandparent the child suffers in being denied a social security benefit. Benefits are extended to grandchildren only when they are legally adopted.

This distinction which prohibits the unadopted child living with and supported by his grandparents from receiving the same benefits he would receive if he were adopted is grossly unfair. A child dependent on his grandparents is as deserving of social security benefits as is a child who is dependent on his parents—perhaps even more deserving as grandparents very possibly would have less income. The payment of these benefits should be based on the realities of the situation.

I, therefore, urge favorable action on my amendment to permit the payment of social security benefits to the dependent grandchildren of disabled, retired, or deceased workers when it can be shown that the child is actually dependent for support upon the grandparents.

My amendment redefines the term "child" so that benefits would be pro-

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vided for a grandchild if, at the time the grandparents died or became entitled to benefits, he had been living with the grandparents at least 1 full year—except in the case of death or disability of the grandparent, within the same year as the loss of support from the parents. In addition, it would have to be shown that the grandparents actually furnished at least one-half of the child's support during this time.

Adoption of this measure would correct an anomaly in the social security program. It would make actual dependency the criterion for payments to a grandchild.

Although this is not a major change when measured in terms of the number of people affected, it is nonetheless a major change when measured by the effect it will have on the incomes of those individuals who will qualify for benefits. Moreover, the social security actuaries inform me that because only a relatively few people could be expected to qualify for benefits, adoption of the proposal would have no significant effect on the total cost of the social security program. The "level-cost" would be .01 percent of the taxable payroll. Passage of the bill would eliminate the need for taking action on about 300 private bills annually.

Mr. LONG. Mr. President, if the Senator will yield, the Senator submitted to us an amendment of which this was a part, and we agreed to part of his amendment. Apparently the Senator feels that a problem still remains.

As far as I am concerned, I am willing to take the amendment to conference, and if the conferees will accept it, we are willing to agree to it.

Mr. PERCY. I am deeply gratified at this indication by the committee chairman.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1166) of the Senator from Illinois.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 1117

Mr. JAVITS. Mr. President, I call up my amendment No. 1117.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

Mr. JAVITS' amendment (No. 1117) is as follows:

PRIVATE PENSION BENEFITS THAT DECREASE BY REASON OF SOCIAL SECURITY INCREASES

SEC. 614. (a) Section 404 of the Internal Revenue Code of 1954 (relating to deduction for contributions of an employer to an employee's trust or annuity plan, etc.) is amended by adding at the end thereof the following new subsection:

"(g) PENSION, ETC., PLANS CORRELATED WITH OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS.—If contributions are paid by an employer to a stock bonus, pension, profit-sharing or annuity plan designed to provide benefits upon retirement, and, the amount of the benefit payment or payments to an individual who is entitled to such benefit payment or payments under the plan for any period after December 31, 1970, is reduced, in whole or in part, by reason of an increase in the amount of the monthly insurance benefits which are payable to such individual for such period under title II of the Social Security Act, then the total amount deductible under this section with respect to contributions made by the employer to the plan for the taxable year in which occurs the period described in this section shall, under regulations of the Secretary or his delegate, be reduced by an amount (which shall not be in excess of the total of the amount otherwise so deductible) equal to the net decrease in payments to all individuals under the plan by reason of such increase during such taxable year."

(b) The amendment made by this section shall apply with respect to taxable years of employers contributing to such stock bonus, pension, profit-sharing or annuity plans beginning on or after the date of enactment of this Act.

Mr. JAVITS. I wish to inform the majority leader that I would be willing to debate this amendment for, say, 20 minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be equally divided between the Senator from New York——

Mr. JAVITS. Mr. President, I need 20 minutes. I do not know how much time Senator LONG needs.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 40 minutes on the pending amendment, the time to be equally divided between the Senator from New York and the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I can dispose of this amendment quite quickly.

The purpose of this amendment is to prevent private pension plans which are correlated with social security benefits, from charging the beneficiaries with the increased social security benefit which they are going to receive in this and in succeeding increases by watering down the private pension benefits which they are entitled to receive.

Last week, I had word from the Treasury Department by letter dated December 16, which I read to the Senate, that it appreciated the equity of this amendment and that under its own regulations it was going to do exactly what this amendment calls for. They end their letter, which is in the RECORD of December 22, and signed by John S. Nolan, a Deputy Assistant Secretary, with this statement:

> In light of the foregoing, I believe that the amendment you have proposed to the pending Social Security bill is unnecessary. As you may have been informed, we have submitted to the Office of Management and Budget a proposed report opposing the amendment.

Moreover, they stated in this letter that they have changed their position from the position taken on this matter on April 28, 1967, in a letter which they addressed to Senator RANDOLPH, who was then chairman of the Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on the Aged.

This was the record until late last week when I read in the press that in a statement made to a newspaper reporter, they qualified their position by saying they were going to defer the application of their ruling until December 31, 1971.

We checked back with the Treasury Department and found that what appeared in the newspaper article was so, that they really had made that representation, although they had written me about a week before that my amendment was unnecessary because they were going to do this themselves.

Mr. President, I ask unanimous consent that the Treasury Department letter of December 16 and the newspaper article I had referred to, be inserted in the RECORD at this point.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 16, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in reply to the request of Mr. Gordon of your office for the present position of the Treasury Department concerning the effect of increases in Social Security benefits upon benefits paid to retired employees under so-called offset plans.

Revenue Rulings 69–4 and 69–5, copies of which are attached, provide specific rules for determining whether a pension, annuity, profit-sharing or stock bonus plan is properly integrated with Social Security benefits. Section 7 of Revenue Ruling 69–4 provides that an offset plan (i.e., a plan under which an employee's retirement benefit is reduced by a stated percentage of his Social Security benefit) is properly integrated only if the rate at which the offset is computed does not exceed (1) 83⅓ percent, if the offset is computed on the basis of the benefit to which the employee would be entitled under the Social Security Act as in effect in 1968, or (2) 75 percent, if the offset is computed on the basis of the benefit to which the employee is or would upon application be entitled under the Social Security Act as in effect at the time at which the offset is first applied. Thus, increases in Social Security benefits cannot result in an increase of the amount of the Social Security offset. This represents a change from the position in former Assistant Secretary Surrey's letter of April 28, 1967, to the Honorable Jennings Randolph, Chairman of the Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on Aging.

In light of the foregoing, I believe that the amendment you have proposed to the pending Social Security bill is unnecessary. As you may have been informed, we have submitted to the Office of Management and Budget a proposed report opposing the amendment.

Sincerely yours,
JOHN S. NOLAN,
Deputy Assistant Secretary.

[From the Washington Post, Dec. 23, 1970]

PENSION PLAN RULES REVISED TO PROHIBIT BENEFIT REDUCTIONS

The Treasury Department has revised its rules in order to prohibit private pension plans from reducing benefits when Social Security payments go up.

The change came to light after Sen. Jacob K. Javits (R-N.Y.) introduced an amend-

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ment to the pending Social Security bill to stop the practice.

Javits said he was troubled by complaints after last year's substantial Social Security increases that private pension plan benefits were being watered down as a result.

But Javits took to the floor yesterday to read a Treasury letter indicating the department has already barred the practice. Consequently, he is withdrawing his amendment, Javits said.

The prohibition applies strictly, however, to those workers who retire after Dec. 31, 1971, according to a Treasury source. He said it is "conceivable" that some persons already retired might find their pension benefits reduced by Social Security increases. But this practice is far less common today than formerly, he added.

The big push in corporate employee pension funds came after World War II and largely on the bargaining initiative of labor unions, notably the United Automobile Workers under the late Walter P. Reuther.

Most of these operated under a formula in which the employer made up the difference between Social Security payments and a stated sum. Thus, if a union had negotiated a $100 a month pension benefit and a retiree drew $40 a month in Social Security, the company paid him $60.

Any increase in Social Security reduced the employer's liability proportionately.

The National Association of Manufacturers and other business groups, which had fought establishment of Social Security in the mid-1930s, suddenly became its partisans when the first big improvements were voted in the early 1950s.

As late as 1967 the offset practice was still permitted by Treasury, which has limited authority to regulate private pension funds through its power to certify favorable tax treatment for qualified plans.

Javits said yesterday in his floor speech, "It was appalling to me that in these inflationary times, the result of voting Social Security increases was to deprive the retiree, by reduction of his other pension income—of the very money he needed to cope with the rising cost of living."

In a letter to Javits, John S. Nolan, deputy assistant Treasury secretary for tax policy, advised that the regulations had been revised to limit such offsets to amounts based on 1968 Social Security rates or those in effect at the time the reduction is first applied.

"Thus, increases in Social Security benefits cannot result in an increase of the amount of the Social Security offset," Nolan wrote.

Mr. JAVITS. This indicates that we cannot rely upon the Treasury Department's regulations or its interpretations of its regulations; but if we wish to act on this matter—and they, themselves, have admitted its equity—we have to act on it by legislation.

It seems to me, in all honesty and under the conditions we face, that we are in this situation: I am compelled, by the fact that we are driving through to the conclusion of this bill, to bring up this amendment even though I have not been able to get an answer in writing from the Treasury Department as to the reasons for this change in the position they previously related to me. I have had to depend upon a phone call.

I would hope very much that, under the circumstances, the chairman could see his way clear to take the amendment to conference and unravel it there. The best we have been able to get from the Treasury Department, is that they have not adequately expressed their view or that they have found something in their regulations that causes them to change their view.

There is no question about the equity involved—that, insofar as the pensioner in this type of pension plan is concerned, if an increase in social security will leave him no better off, because his private pension income will be correspondingly reduced. We give it to him with one hand, and private pension plans take it away with the other.

The Treasury Department has the ability, under the tax law, to deal with this, because they determine what is deductible for income tax purposes so far as pension contributions are concerned.

So I think that the fair thing to do would be to take this amendment to conference and unravel the situation. The Treasury said on December 16, 1970, that it is the right thing to do, that they are going to do it, and that my amendment is unnecessary. Within a week, they backtrack to reduce the force of their own letter by approximately three-quarters. That is our own estimate. That is what it results in.

I believe, therefore, that since this is a very equitable matter—as they, themselves, have recognized—we should, at long last, enact into law the substance of the Treasury Department position as originally expressed, and have our own conferees—who I am sure will feel as solicitous as I do about retirees who have both forms of coverage, both private and public, in social security—work it out in a way which would be equitable and fair, especially in view of the fact that the Treasury Department itself has conceded the main point.

I reserve the remainder of my time.

Mr. LONG. I yield myself 3 minutes.

Mr. President, if the amendment is such that the Treasury Department was willing to agree to it, but then reneged on it after the Senator withdrew his amendment, it presents some problems. Unfortunately for those of us on the committee, we were aware of the fact that the Senator had offered the proposal and also that he had withdrawn it, and therefore our staff, being busy with other matters involving this bill, simply studied it no further.

If the Senate wishes to do so, it would be all right with the Senator from Louisiana to take the matter to conference. I am frank to tell the Senator that this may prove to be one of those complicated areas in which the clock will run out on us even in conference and where the answer may not come easily. It would be all right with the Senator from Louisiana to agree to it, but I must say that we do not understand it well enough to advise the Senate how it should vote on the amendment.

Mr. JAVITS. Standing on the threshold of adjournment, and the fact that the Treasury Department agreed only a week ago and now is only backtracking, it seems to me that it could be resolved, and I would be willing to run that risk.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. WILLIAMS of Delaware. I would not want this amendment to go to conference under any illusions that some of us think we would bring it back as written.

I recognize the points that the Senator makes, but if we accept this amendment there is a question as to whether we are changing rules for a thousand private pension plans without those companies having a chance to be heard.

Many of the private pension plans are on the basis that they will give their employees, for example, x amount, or the difference between whatever the social security is and the agreed figure.

A great deal of argument can be made for the position of the Senator from New York, but he is changing the rules after these pension plans have been approved by the Treasury Department. This could be done prospectively, but I question the wisdom of doing it retroactively.

I do not understand the confusion existing in the Treasury Department, because it would be my opinion that they would have no right under existing law to do this by regulation. It would take legislation.

I would be willing to go along with the chairman that we take it to conference; but in all fairness I would only state that in working it out, I can see problems developing here in which we may not be able to do it without coming back and giving those who have these pension plans an opportunity to be heard. With that understanding I would agree to take it to conference, but I do not want the Senator to think we are accepting this amendment and that it can be worked out that easily.

Mr. JAVITS. If the Senator will check back on my presentation of the matter first, which I did on December 1, in putting the amendment into the committee, I made it very clear that not many plans were involved. See CONGRESSIONAL RECORD, December 1, 1970, at 39250. We have the hearings of the Subcommittee on Fiscal Policy of the Joint Economic Committee on that subject. So it is not a very dense problem in terms of the number of plans involved.

The other point, which is critically important, is this: Nobody has a right, in any pension plan, to figure on social security increases to the retiree.

Mr. COOK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOK. For the life of me, I cannot see why this should be very difficult, even in conference. I do not see how in the world a corporation can build into a pension plan the actuarial science of contemplating what social security increases will be in the future and say to an employee who pays into a pension program for 30 years, "You will receive $200 a month based on the fact that you will receive $150 in social security. Then, when your social security goes up to $170, your pension goes down to $180 a month." There is not an actuarial expert in the country that could figure that out. But now what they are doing is building into a program benefits for the corporation or the insurance company, so that at no time will we receive over x dollars between pension and social security.

Mr. JAVITS. It is nothing but a windfall proposition. The Treasury recognizes that, but first they told us it was being stopped right away and then they decided that they could not go that far.

Mr. WILLIAMS of Delaware. I am not prejudging the Senator's position, but I

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point out some of the problems that can arise. I call attention to the fact that Congress in its wisdom—and Congress is always wise—passed such a provision in the Railroad Retirement Act where this very same formula prevails. I do not know what this would do to the Railroad Retirement Act because the railroad pension is based on the premise that the employee will get *x* amount made up by the railroads over and beyond social security. We are locked in on that pension plan by law.

This law can be changed, but it does take legislation.

I say again that I am not prejudging this, but I would foresee that there can be problems. Congress itself recognized that principle in the Railroad Retirement Act, and I do not know what effect this would have on that plan. This proposal was not considered by the committee. I am willing to go along with the chairman and take it to conference and not prejudge it, but I do say that we may not be able to work it out. I can foresee problems which may require holding it over for a little more careful study. I would have no objection to taking it to conference with that condition in mind with the thought that we are not dumping it or prejudging it.

Mr. JAVITS. The Railroad Retirement Act is not a Government program like social security. I am dealing only with a private pension fund and not at all with the Railroad Retirement Act. It will have no effect on railroad retirement.

Mr. WILLIAMS of Delaware. Except that the railroad retirement is not a Government insurance plan; the Government is only the trustee. The plan is financed in its entirety by millions of railroad workers, with the railroad paying as the employer and payments being made by the employee. The employee gets *x* number of dollars in the pension, of which social security is a part. That is the theory of the Railroad Retirement Act.

Mr. JAVITS. The distinguished Senator must know that it does not qualify under the terms of my amendment as a private pension plan. That is all I am arguing. I do not want to get it confused with railroad retirement to which my amendment does not apply. That is admitted, the fact that my amendment covers only private pension plans and does not affect railroad retirement at all. That is all I argue.

Mr. WILLIAMS of Delaware. The precedent we establish would apply to the Railroad Retirement Act. I have heretofore argued this position from the point of view of the Railroad Retirement Act, unsuccessfully, I might say, in the committee, but I know that when we open this up we will be opening up Pandora's box, with a great many problems involving numerous private pension plans.

Mr. JAVITS. The Senator is stretching the rubber band a long way when he says it will be a precedent. I am confining this amendment to private pension plans. Private pension planners should not have the benefit of this windfall. That is all I argue.

Mr. COOK. Is it conceivable, if social security goes high enough, that an individual could pay into a private pension plan for the entire years of his employment and conceivably receive nothing out of it, if in fact this type of downward escalation were to continue to prevail?

Mr. JAVITS. Without any question, that is exactly what could happen; and that is exactly what we are trying to forestall.

Mr. President, I know that a rollcall vote could be had on this amendment, but I am sure of the good faith on the part of the chairman and the conferees as to what will happen and so I am willing to have the amendment subjected to a voice vote.

Mr. LONG. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

The **PRESIDING OFFICER** (Mr. PACKWOOD). The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

AMENDMENT NO. 1155

Mr. HARTKE. Mr. President, I call up my amendment No. 1155 and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

Strike out the table which appears on pages 7 and 8 of the bill, and insert in lieu thereof the following new table:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)		(Primary insurance amount under 1967 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203 (a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$24.20	$82.30 or less	------------	$101	$100.00	$150.00
$24.21	24.60	83.50	$102	102	100.20	150.30
24.61	25.00	84.90	103	104	101.90	152.90
25.01	25.48	86.40	105	106	103.70	155.60
25.49	25.92	87.80	107	107	105.40	158 10
25.93	26.40	89.20	108	109	107.10	160.70
26.41	26.94	90.60	110	113	108.80	163.20
26.95	27.46	91.90	114	118	110.30	165.50
27.47	28.00	93.30	119	122	112.00	168.00
28.01	28.68	94.70	123	127	113.70	170.60
28.69	29.25	96.20	128	132	115.50	173.30
29.26	29.68	97.50	133	136	117.00	175.50
29.69	30.36	98.80	137	141	118.60	177.90
30.37	30.92	100.30	142	146	120.40	180.60
30.93	31.36	101.70	147	150	122.10	183.20
31.37	32.00	103.00	151	155	123.60	185.40
32.01	32.60	104.50	156	160	125.40	188.10
32.61	33.20	105.80	161	164	127.00	190.50
33.21	33.88	107.20	165	169	128.70	193.10
33.89	34.50	108.60	170	174	130.40	195.60
34.51	35.00	110.00	175	178	132.00	198.00
35.01	35.80	111.40	179	183	133.70	200.60
35.81	36.40	112.70	184	188	135.30	203.00
36.41	37.08	114.20	189	193	137.10	205.70
37.09	37.60	115.60	194	197	138.80	208.20
37.61	38.20	116.90	198	202	140.30	210.50
38.21	39.12	118.40	203	207	142.10	213.20
39.13	39.68	119.80	208	211	143.80	215.70
$39.69	$40.33	$121.00	$212	$216	$145.20	$217.80
40.34	41.12	122.50	217	221	147.00	220.50
41.13	41.76	123.90	222	225	148.70	223.10
41.77	42.44	125.30	226	230	150.40	225.60
42.45	43.20	126.70	231	235	152.10	228.20
43.21	43.76	128.20	236	239	153.90	230.90
43.77	44.44	129.50	240	244	155.40	234.30
44.45	44.88	130.80	245	249	157.00	239.10
44.89	45.60	132.30	250	253	158.80	242.90
		133.70	254	258	160.50	247.70
		134.90	259	263	161.90	252.50
		136.40	264	267	163.70	256.40
		137.80	268	272	165.40	261.20
		139.20	273	277	167.10	266.00
		140.60	278	281	168.80	269.80
		142.00	282	286	170.40	274.60
		143.50	287	291	172.20	279.40
		144.70	292	295	173.70	283.20
		146.20	296	300	175.50	288 00
		147.60	301	305	177.20	292.80
		148.90	306	309	178.70	296.70
		150.40	310	314	180.50	301.50
		151.70	315	319	182.10	306.30
		153.00	320	323	183.60	310.10
		154.50	324	328	185.40	314.90
		155.90	329	333	187.10	319.70
		157.40	334	337	188.90	323.60
		158.60	338	342	190.40	328.40
		160.00	343	347	192.00	333.20

"I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified)		(Primary insurance amount under 1967 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203 (a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$161.50	$348	$351	$193.80	$337.00
		162.80	352	356	195.40	341.80
		164.30	357	361	197.20	346.60
		165.60	362	365	198.80	350.40
		166.90	366	370	200.30	355.20
		168.40	371	375	202.10	360.00
		169.80	376	379	203.80	363.90
		171.30	380	384	205.60	368.70
		172.50	385	389	207.00	373.50
		173.90	390	393	208.70	377.30
		175.40	394	398	210.50	382.10
		176.70	399	403	212.10	386.90
		178.20	404	407	213.90	390.80
		179.40	408	412	215.30	395.60
		180.70	413	417	216.90	400.40
		182.00	418	421	218.40	404.20
		183.40	422	426	220.10	409.00
		184.60	427	431	221.60	413.80
		185.90	432	436	223.10	418.60
		187.30	437	440	224.80	420.50
		188.50	441	445	226.20	422.90
		189.80	446	450	227.80	425.30
		191.20	451	454	229.50	427.20
		192.40	455	459	230.90	429.60
		193.70	460	464	232.50	432.00
		195.00	465	468	234.00	434.00
		196.40	469	473	235.70	436.40
		197.60	474	478	237.20	438.80
		198.90	479	482	238.70	440.70
		200.30	483	487	240.40	443.10
		201.50	488	492	241.80	445.50
		202.80	493	496	243.40	447.40
		204.20	497	501	245.10	449.80
		205.40	502	506	246.50	452.20
		206.70	507	510	248.10	454.10
		208.00	511	515	249.60	456.50
		209.30	516	520	251.20	458.90
		210.60	521	524	252.80	460.80
		211.90	525	529	254.30	463.20
		213.30	530	534	256.00	465.60
		214.50	535	538	257.40	467.60
		215.80	539	543	259.00	470.00
		217.20	544	548	260.70	472.40
		218.40	549	553	262.10	474.80
		219.70	554	556	263.70	476.20
		220.80	557	560	265.00	478.10
		222.00	561	563	266.40	479.60
		223.10	564	567	267.80	481.50
		224.30	568	570	269.20	482.90
		225.40	571	574	270.50	484.80
		226.60	575	577	272.00	486.30
		227.70	578	581	273.30	488.20
		228.90	582	584	274.70	489.60
		230.00	585	588	276.00	491.60
		231.20	589	591	277.50	493.00
		232.30	592	595	278.80	494.90
		233.50	596	598	280.20	496.40
		234.60	599	602	281.60	498.30
		235.80	603	605	283.00	499.70
		236.90	606	609	284.30	501.60
		238.10	610	612	285.80	503.10
		239.20	613	616	287.10	505.00
		240.40	617	620	288.50	506.90
		241.50	621	623	289.80	508.40
		242.70	624	627	291.30	510.30
		243.80	628	630	292.60	512.10
		245.00	631	634	294.00	514.50
		246.10	635	637	295.40	517.00
		247.30	638	641	296.80	519.40
		248.40	642	644	298.10	521.70
		249.60	645	648	299.60	524.30
		$250.70	$649	$650	$300.90	$526.60
			651	655	301.90	528.40
			656	660	302.90	530.10
			661	665	303.90	531.90
			666	670	304.90	533.60
			671	675	305.90	535.40
			676	680	306.90	537.10
			681	685	307.90	538.90
			686	690	308.90	540.60
			691	695	309.90	542.40
			696	700	310.90	544.10
			701	705	311.90	545.90
			706	710	312.90	547.60
			711	715	313.90	549.40
			716	720	314.90	551.10
			721	725	315.90	552.90
			726	730	316.90	554.60
			731	735	317.90	556.40
			736	740	318.90	558.10
			741	745	319.90	559.90
			746	750	320.90	561.60
			751	755	321.90	563.40
			756	760	322.90	565.10
			761	765	323.90	566.90
			766	770	324.90	568.60
			771	775	325.90	570.40
			776	780	326.90	572.10
			781	785	327.90	573.90
			786	790	328.90	575.60
			791	795	329.90	577.40
			796	800	330.90	579.10
			801	805	331.90	580.90
			806	810	332.90	582.60
			811	815	333.90	584.40
			816	820	334.90	586.10
			821	825	335.90	587.90
			826	830	336.90	589.60
			831	835	337.90	591.40
			836	840	338.90	593.10
			841	845	339.90	594.90
			846	850	340.90	596.60
			851	855	341.90	598.40
			856	860	342.90	600.10
			861	865	343.90	601.90
			866	870	344.90	603.60
			871	875	345.90	605.40
			876	880	346.90	607.10
			881	885	347.90	608.90
			886	890	348.90	610.60
			891	895	349.90	612.40
			896	900	350.90	614.10
			901	905	351.90	615.90
			906	910	352.90	617.60
			911	915	353.90	619.40
			916	920	354.90	621.10
			921	925	355.90	622.90
			926	930	356.90	624.60
			931	935	357.90	626.40
			936	940	358.90	628.10
			941	945	359.90	629.90
			946	950	360.90	631.60
			951	955	361.90	633.40
			956	960	362.90	635.10
			961	965	363.90	636.90
			966	970	364.90	638.60
			971	975	365.90	640.40
			976	980	366.90	642.10
			981	985	367.90	643.90
			986	990	368.90	645.60
			991	995	369.90	647.40
			996	1000	370.90	946.10"

On page 9, line 23, strike out "110 percent" and insert in lieu thereof "120 percent".

On page 72, line 24, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 73, line 19, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 74, line 6, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 74, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 75, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 2, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 5, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 17, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 23, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 77, line 1, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 77, line 12, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 77, line 19, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 78, line 6, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 78, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 78, line 17, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 84, line 2, strike out "5.0 percent" and insert in lieu thereof "5.35 percent".

On page 84, line 5, strike out "5.5" and insert "5.85".

On page 84, line 7, strike out "6.1" and insert "6.45".

On page 84, line 23, strike out "5.0" and insert "5.35".

XUM

On page 84, line 25, strike out "5.5" and insert "5.85".

On page 85, line 2, strike out "6.1" and insert "6.45".

Mr. HARTKE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. LONG. Mr. President, would the distinguished Senator agree to a time limitation on his amendment?

Mr. HARTKE. Yes. How much time?

Mr. LONG. Would the Senator agree to 10 minutes to a side?

Mr. HARTKE. I think 15 minutes to a side would be better.

Mr. LONG. Mr. President, I ask unanimous consent that time on the pending amendment be limited to one-half hour to be equally divided between the author of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. HARTKE. Mr. President, I rise in support of H.R. 17550. I support wholeheartedly the many much-needed improvements contained in this bill—in particular, the $100 minimum benefit and the provision calling for automatic increases in social security benefits as the cost of living goes up. The provision to adjust social security benefits automatically will make certain that retired workers, disabled workers, and their dependents and survivors will never again bear the brunt of inflation. But adjusting benefits automatically to take account of increases in the cost of living is small comfort to the people dependent on social security if benefits are inadequate to start with. The provision in the bill that would increase benefit amounts for 1971 by 10 percent is a step in the right direction—but only a step. A 10-percent increase is not enough. We must do more. We have an obligation to make benefit amounts provide true economic security for all beneficiaries.

XUM

I, therefore, propose that we revise the bill so as to increase social security cash benefits, not by 10 percent, but by 20 percent.

The need to substantially raise the general level of social security benefits becomes very clear to anyone who looks at the benefit amounts that would be provided under the committee bill and considers the fact that most social security beneficiaries have very little in the way of continuing income other than their social security. For almost all beneficiaries, social security is the main source of continuing income and for about half the beneficiaries social security is virtually the only source of continuing income.

Monthly benefits for retired workers now on the social security rolls who began to draw benefits at age 65 or later average $118; with the 10-percent increase, together with the other benefit improvements provided in the bill, the average would be $136—$4.50 per day. With a 20-percent benefit increase alone—taking no account of the other improvements—the average monthly benefit for retired workers be raised to $141.60. With a 20-percent benefit increase, the benefit amount payable to workers with average monthly earnings of $650, the highest possible under present law, would be increased from $250.70 to $300.90. For a survivor family consisting of a widow and two or more children getting benefits on the basis of $650 of average monthly earnings, total monthly benefits of $526.60 would be payable instead of the $434.40 payable under present law.

With the 10-percent increase and the $100 minimum recommended by the committee, 1.2 million aged beneficiaries would be moved out of poverty. With the 20-percent increase and $100 minimum that I am recommending, this number would increase to 1.6 million. Thus the increase in benefits provided by my amendment will increase the number of people lifted above the poverty level of 400,000. Surely a 20-percent benefit increase is the least we can do.

Frankly, we can do this, and the record shows that I at least am one Senator who pointed this out in 1967 when we made such a gross error as to overcharge the people $500 million on an annual level sufficient to provide for a 15-percent increase the next year without an additional penny to pay for that.

And we can do it without any additional financing in the next several years beyond what the bill now provides. All too often in the past when the Congress has made benefit improvements it has also increased the near-term social security tax rates in order to finance those benefit improvements. In my judgment it is preferable to increase the tax rates 10 or 15 years from now rather than to increase the near-term rates. Because the near-term rates have been increased by congressional action, the assets of the social security cash benefit trust funds now amount to $38 billion and under present law, the assets will increase by more than $7 billion in 1972 and by more than $12 billion in 1973. Even under the financing provided under the committee bill, the size of the funds would increase substantially in future years. I do not believe that there should continue to be unnecessary, large-scale growth in the size of these funds. In fact, I consider it imperative that we discontinue this practice of building up large trust funds. We are taking money from the working poor through a regressive tax that is not needed for benefit payments. This money is then loaned to the Federal Government to finance its general operations at extremely low interest rates. The Government should find other ways to meet its general expenses than to force those who can afford it the least to contribute through a regressive social security tax to meet the cost of operating the Government. Unlike an increase in the contribution and benefit base, which increases social security contributions only for high earners, an increase in contribution rates imposes an additional tax burden on the poor as well as on those better off. The imposition of taxes which serve only to increase the size of trust funds is unfair and unjust and unnecessary.

I am pleased that the Committee on Finance has seen fit to use part of the trust fund assets to pay the cost of the benefit improvements the Committee has recommended. I think we can and should use these assets to finance the additional increase I am recommending.

If we are honest, we will admit that we do not need all the money we have in the trust funds now. The money in the trust funds can be used to pay the cost in the next few years of the additional benefits I am recommending. Rising wages over the years should bring enough money into the social security system in later years to finance the cost of the additional benefits payable then.

Of course, I am basing my conviction that no additional financing is needed for a 20-percent-benefit increase instead of a 10-percent increase on the assumption that wages will continue to rise in the future as they have in the past. I think it is only realistic and reasonable to assume so. It is my belief that we have seriously burdened our citizens with high social security taxes in order to build up large trust funds simply because we have used a level-wage assumption to figure social security costs expressed as a percent of payroll.

If, however, my distinguished fellow colleagues cannot be convinced to move away from this extremely conservative tradition, if they cannot be convinced that it is safe and sound to use a rising-wage assumption to figure social security costs, then general revenues should be used to finance the cost of the additional increase. I am strongly in favor of the idea of the Government's sharing in the cost of the social security program. This idea has been advanced many times before. For example, it was advanced by the Committee on Economic Security in 1935, when the social security program was being conceived. And it was again advanced both by 1938 and 1948 Advisory Councils on Social Security. A majority of foreign social security programs have provisions for Government contributions to their social insurance programs. The United States has delayed too long in financing its social security program in ways which reflect the social characteristics of the protection provided.

The Congress has already provided for general revenue financing of certain special aspects of the program. I am referring to hospital insurance for uninsured people already over age 65 in the early years of the program and to the special payments that the Congress has provided for people age 72 and over who are not eligible for regular cash benefits.

General revenue sharing of part of the cost of the social security program would make an improved program possible without increases in the social security tax burden of those who can afford it the least. The program would continue to be contributory, with benefits related to earnings and conditioned on a specific period of past work under the system. Yet, with provision for a general revenue contribution the cost of the program could be more equitably distributed.

I do not anticipate the need for a Government contribution until further improvements in the social security program are proposed in the future. But if it is the opinion of the Senate that additional financing is needed for my proposed benefit increase I strongly prefer a general revenue contribution to any other method of additional financing. I am conceding on this matter of financing because I am so strongly convinced that a 10-percent increase in benefits is totally inadequate. Because I am not willing to sacrifice a 20-percent increase on a financial point, I will modify my amendment to include provision for additional financing from general revenues.

If I can secure approval of my proposal for a 20-percent increase in no other way than to provide additional financing, and if we cannot agree to allocate general revenues for that purpose, then I suggest we raise the contribution base to $12,000.

Mr. President, may I point out that when the social security system was originally enacted, the base was $3,000, which covered 90 percent of the working force. To achieve the same percentage today, the program would not be for a limitation of $9,000 or $12,000, but $17,000.

As I have indicated, raising the base increases social security contributions only for high earners and is thus the less regressive alternative. I am told that adequate financing on the same basis we have used in the past would be forthcoming with a $12,000 base and a combined employee-employer contribution rate for cash benefits of 9.2 percent for 1971–74, 11 percent for 1975–79, and 12.5 percent for 1980 and thereafter. These rates are no higher than they would be under present law until 1975.

In conclusion, I want to repeat my conviction that this is a good bill, and one that deserves the support of all of us. With my amendment, however, it could be a truly significant bill—one that would have a substantial impact on the lives of 26 million Americans. I trust that we will not fail our social security beneficiaries when they need our help.

Mr. President, I ask unanimous consent to have printed in the RECORD letters endorsing this proposal from the American Association of Retired Persons, National Retired Teachers Association, the National Farmers Union, and the National Council of Senior Citizens, Inc.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF RETIRED PERSONS, NATIONAL RETIRED TEACHERS ASSOCIATION.
Washington, D.C., December 17, 1970.

Hon. VANCE HARTKE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARTKE: On behalf of the more than 2,500,000 members of the National Retired Teachers Association and the American Association of Retired Persons I commend you for your efforts to provide a meaningful across-the-board increase in Social Security benefits. Your Amendment to H.R. 17550 providing for a 20% increase in Social Security benefits effective January, 1971, recognizes the immediate financial needs of over 20 million older Americans.

While we welcome the action taken by the House of Representatives in the area of Social Security reform, the 5% across-the-board increase authorized by the House is far from adequate.

We were pleased to note that the Senate Finance Committee recommended in its report to the Senate that this benefit raise be increased by an additional 5%, providing for a 10% overall increase in benefit levels. However, this benefit increase would not take effect until some months after January, 1971, and with our rapidly rising cost-of-living even the 10% raise would be too little, too late.

This period of spiraling inflation, at an astounding rate of 6% to 7% annually, has a greater and more profound effect on persons living on limited fixed incomes. It is our older and retired citizens who bear the largest share of the burden during such a period of rapid inflation.

The plain truth is that nearly one-third of the more than 20 million Americans 65 years of age and older are now living at or below the poverty level. An even more shocking fact is that many of these people did not become poor until they became old. While possession of monetary resources does not necessarily guarantee happiness, the absence of such resources can prevent people, at any age level, from leading a life of dignity, happiness and usefulness.

We feel that fundamental to creating a meaningful life in old age is insuring sufficient economic resources to these millions of older retired workers who helped build this country and make it great.

Your Amendment to provide a 20% across-the-board increase in Social Security benefits, effective January, 1971, would do much to prevent elderly persons from losing this desperate race with inflation and assure them that their financial situation will, at least, remain relative to today's economy.

Sincerely yours,
CYRIL F. BRICKFIELD,
Legislative Representative.

NATIONAL FARMERS UNION,
Washington, D.C., December 17, 1970.

Hon. VANCE HARTKE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR HARTKE: I wish to express our appreciation for your amendment to increase social security benefits by an additional ten percent above the amount approved by the Senate Finance Committee. The National Farmers Union is strongly in favor of increased payments under social security, and we pledge our full support for your efforts to achieve this through a Senate floor amendment.

Thanks again for your important initiative.

Sincerely,
DR. WELDON V. BARTON,
Assistant Director of Legislative Services.

NATIONAL COUNCIL OF SENIOR CITIZENS, INC.,
Washington, D.C., December 16, 1970.

Hon. VANCE HARTKE,
Old Senate Office Building,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: We are informed that you are planning to introduce from the floor of the Senate an amendment to H.R. 17550 (Social Security Amendments of 1970) which would provide an additional ten percent across-the-board increase in the cash benefits of the Social Security program.

We in the National Council of Senior Citizens are delighted that you are considering such an amendment and we urge you to go forward with your plans. In my letter of December 14 I cited again some of the well-known facts about the desperate plight of the great majority of elderly citizens in this country who depend, for the most part, on Social Security benefits for their livelihood. As I indicated then, the ten percent increase in benefits contemplated in the Finance Committee bill would not anywhere nearly meet the needs of these older people, nor, indeed, of the widows and other survivors in families whose breadwinners have died. Obviously the five percent increase—without any additional increase in the minimum benefit—as provided in the House-passed bill, would fall even shorter as would any compromise between the two figures which might emerge from conference if the Senate approved only the proposed ten percent increase.

It is our understanding also that you are developing proposals for financing these increases in benefits that would maintain the actuarial integrity of the Social Security System. We believe this is a responsible position and we support you in these efforts. We in the National Council believe strongly that the most equitable method of financing such improved benefits is to make a substantial increase in the contribution and benefit base. Financing by this method avoids placing the additional burden on the younger workers in the lower and middle-wage brackets and places it where it ought to be, on those receiving higher incomes—in short, makes the Social Security tax less regressive and more progressive. In this connection, it is interesting to recall that when the Social Security Act was first passed, the tax base of $3,000 covered the entire wage income of about 96% of all the covered workers. To keep pace with this standard, we would today have a contribution and benefit base approaching $17,000. In the light of the history of the Social Security tax base therefore, the $9,000 base contemplated both in the House-passed bill and the Senate Committee bill continue to lag far behind. Even a $12,000 limit on the taxable wages or a $15,000 one are modest compared to the coverage of wages under the provisions of the original act.

With all good wishes—
Sincerely yours,
NELSON H. CRUIKSHANK,
President.

Mr. LONG. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG. Mr. President, the committee had the proposal before it. I believe the Senator outlined the cost. It would be about $3.3 million a year in excess of the $5 billion in additional social security benefits which the committee voted.

I really do not think that we can afford to go beyond this point. I believe that the tax which the Senate would have to put on to help pay for this extra benefit would be extremely unpopular.

I think that if the Senate were to agree to this amendment, the elderly people of the country would be in for a big disappointment when reading on one day that the Senate voted for a 20-percent increase in social security benefits and then reading 2 or 3 days later that in conference the Senate conferees were only able to sustain an increase of 6 or 7 percent, which is about where the cost of living has gone, and perhaps a little beyond.

Mr. President, we will have enough difficulty working out a bill with the House conferees the way it is now, since there has been some talk of the House conferees not even conferring with us on this matter. I believe it would make it much more difficult to reach an agreement and, as a practical matter, I do not think it is possible to persuade the House to go along to afford the 10-percent increase we have already voted.

I would submit at this time, along with the many other things that have been done in the bill to help the poor, that the committee has done about as much as we could afford to do at this time. I do not think Senators would care to vote the large tax increases inherent in this amendment.

Does any Senator wish me to yield to him?

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I join the Senator from Louisiana in expressing the hope the Senate rejects the amendment. This could be the amendment that would sink the ship.

Congress raised social security benefits 15 percent about a year ago. The House bill provided for a 5-percent increase, and this bill as reported by the committee carries a 10-percent increase with a $100 minimum. If that amount is doubled again we could end up with no bill at all.

I hope the amendment is rejected.

Mr. HARTKE. Mr. President, I yield myself an additional 2 minutes.

I would like to point out that this same argument was made in 1967. At that time I thought we would accumulate $3 billion. I was wrong. It has been $7 billion. We will spend more money but even if we did not change the base, by 1975 we will accumulate $4,000,700,000 in the trust fund, which will take us to a $30-billion surplus in the trust fund.

If Senators have really been in the field as I have been, talking to the poor people and understanding their problems, they know that two million poor people are eligible for welfare and they do not know how to apply for welfare, and they are not getting social security. If Senators wish to eliminate welfare they should put it on a social security basis. This is about one-fifth of the poor people of America.

XUM

I agree with the Senator from Louisiana that if we are going to concede to the House before we start to fight, I imagine we will not do very well. If we put in the 20-percent increase we will be in a better position to hold something in conference than if we started at 10 percent.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. I yield back the remainder of my time.

Mr. HARTKE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (No. 1155) of the Senator from Indiana (Mr. HARTKE). On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. McCARTHY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay.'

Mr. GRIFFIN. I announce the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from Utah (Mr. BENNETT), the Senator from Ohio (Mr. SAXBE), and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Oregon (Mr. HATFIELD), would vote "nay."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from New York would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 24, nays 40, as follows:

[No. 450 Leg.]

YEAS—24

Bayh
Brooke
Byrd, W. Va.
Case
Cranston
Harris
Hartke
Hughes
Jackson
Javits
Kennedy
Magnuson
McIntyre
Metcalf
Mondale
Moss
Nelson
Pell
Prouty
Proxmire
Schweiker
Stevenson
Symington
Williams, N.J.

NAYS—40

Aiken
Allen
Allott
Baker
Bellmon
Bible
Boggs
Byrd, Va.
Cannon
Cook
Cooper
Curtis
Dole
Ellender
Ervin
Fannin
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
Mathias
Miller
Packwood
Pearson
Percy
Randolph
Ribicoff
Scott
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Williams, Del.

NOT VOTING—36

Anderson
Bennett
Burdick
Church
Cotton
Dodd
Dominick
Eagleton
Eastland
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Hart
Hatfield
Hollings
Inouye
McCarthy
McClellan
McGee
McGovern
Montoya
Mundt
Murphy
Muskie
Pastore
Russell
Saxbe
Stevens
Tower
Tydings
Yarborough
Young, N. Dak.
Young, Ohio

So the amendment (No. 1155) was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. METCALF. Mr. President, I send to the desk amendment No. 1110, as modified to conform with the new bill.

The PRESIDING OFFICER. The amendment offered by the Senator from Montana will be read.

The legislative clerk proceeded to read the amendment.

Mr. METCALF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 418, between lines 19 and 20, insert the following:

(c) The Secretary shall pay to each State which has a plan approved under title I, X, XIV, XVI, or XIX, or part A of title IV, of the Social Security Act, for each quarter beginning after March 1971, an amount equal to the excess of—

(1) the total expenditures, under the State plan approved under such title or part, as aid or assistance with respect to Indians, Aleuts, Eskimos, or other aboriginal persons, over

(2) the amounts otherwise payable to such State under such title or part and under section 9 of the Act of April 19, 1950 as the Federal share of such aid or assistance to such persons.

Mr. METCALF. Mr. President, this amendment would provide full Federal payments for welfare for all Indian people in all categories that under existing law are provided at 80 percent for the Navajo and Hopi in three categories. The amendment was originally offered as S. 2265, with 14 cosigners, then was revised and introduced as amendment 1110 with the cosponsorship of Senators MANSFIELD, GOLDWATER, GRAVEL, HARRIS, McCARTHY, MONDALE, MOSS, STEVENS, YARBOROUGH, and ANDERSON.

Our amendment would extend to all States 100 percent Federal payments for expenditures by the States under public assistance programs for aid to all Indians, Aleuts, Eskimos, or other aboriginal persons. Existing law provides a special Federal payment of 80 percent for expenditures by the States in behalf of the Navajo and Hopi receiving old age assistance, aid to dependent children, or aid to the needy blind. Our amendment would provide Federal payments for these three categories and aid to the disabled and medicaid.

In April 1950, the distinguished ranking member of the Senate Finance Committee, Senator CLINTON ANDERSON, with Senators Hayden, O'Mahoney, Chavez, and McFarland succeeded in amending the Social Security Act to increase the Federal share of assistance to the Navajo and Hopi from 75 to 95 percent in some cases and from 60 percent to 92 percent in others.

Mr. President, the American Indian is a Federal responsibility.

In his major policy statement this summer, President Nixon reminded us of this fact. He said:

> The special relationship between Indians and the Federal government is the result . . . of solemn obligations which have been en-

> tered into by the United States government . . . the Indians have often surrendered claims to vast tracts of land and have accepted life on government reservations. In exchange, the government has agreed to provide community services such as health, education . . . services which would presumably allow Indian communities to enjoy a standard of living comparable to that of other Americans.

The message went on to say:

> Because of the high rate of unemployment and underemployment among Indians, there is probably no other group in the country that would be helped as directly and as substantially by programs such as the new Family Assistance Plan and the proposed Family Health Insurance Plan. It is estimated, for example, that more than half of all Indian families would be eligible for Family Assistance benefits and the enactment of this legislation is therefore of critical importance to the American Indian.

Probably it is true that half of all Indian families would be eligible for benefits, but my amendment, incorporating much of the administration's Family Assistance Act, repeals Public Law 474 effective January 1, 1972, and makes no substitute provision so that not even the special payments for the Navajo and the Hopi will be made as before.

It was estimated in 1966 that three-quarters of the Indian families living on reservations earn less than $3,000 annually, and while the off-reservation Indian may earn higher wages because he does not receive the free medical care and other benefits that are available to the reservation Indian, his real income is reduced accordingly. In States in whose boundaries there are large tracts of land set aside as reservations for Indian people, there is an overriding Federal responsibility because the States derive no revenue from these lands.

Deprived of that source of revenue, and realizing precious little in income taxes from a people who earn too little to pay them, the State of Montana and others with large Indian populations are simply not able to handle the burden of welfare assistance.

The Montana Department of Public Welfare has advised me that it is costing $1.1 million in the biennium to provide assistance to Indians in State-approved plans for old age assistance, aid to dependent children, aid to the needy blind, and medicaid, as well as aid to the disabled.

Mr. President, I ask the Department of Health, Education, and Welfare to prepare a projection of the additional Federal cost if our amendment were to be adopted.

Summarized, the additional cost to the Federal Government would be $45 million annually under existing law and $70 million annually with enactment of the family assistance substitute.

Mr. President, I have one final plea. There are many, many hopeful signs on Indian reservations and among Indian people today. In Montana there are several economic development programs that are changing life on the reservations from one of hopelessness and joblessness to one of hope and industry and employment and education.

There are motels, recreation complexes, et cetera. The Fort Peck Indians, for example, were successful in securing a contract to repair rifles. The enterprise has employed 120 people and has brought a payroll to the reservation that has in turn brought pride and stability. I am convinced that we are on the right track. I am convinced that the Senate, with approval of the Alaska Native claims bill, has prepared the way for Alaska Natives to participate fully in the benefits of economic development in that great State. In Rough Rock, Ariz., a demonstration school among the Navajo Indians has achieved national recognition.

I believe if we continued this momentum, the American Indian in a generation could so significantly improve his condition that the cost of public assistance would drop sharply.

In the meantime, public assistance is a vital support that will assure the success of the education and economic development programs which are bringing opportunity to the American Indian.

Mr. President, I ask unanimous consent that several pertinent documents be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks. They include a history of Public Law 474 prepared by the Honorable Wilbur J. Cohen, cost estimates of my amendment prepared by the Social and Rehabilitation Service of the National Center for Social Statistics, a letter from the administrator of the Montana Department of Public Welfare and another from the claims attorney for that department.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Public Assistance Provisions for Navajo and Hopi Indians: Public Law 474

(By Wilbur J. Cohen)

On April 19, President Truman approved Public Law 474, providing for the rehabilitation of Navajo and Hopi Indians. Section 9 of this law provides for increasing the Federal share of public assistance payments for needy Indians of these tribes who reside on reservations or on allotted or trust lands and who are recipients of old-age assistance, aid to dependent children, or aid to the blind. The new law becomes effective July 1, 1950. It provides that with respect to assistance payments for these Indians the Federal Government will pay, in addition to its regular share under titles I, IV, and X of the Social Security Act, 80 percent of the State's regular share. The maximums for individual payments specified in the Act apply to these payments.

Thus, in a payment of $20 to a needy individual, the regular State share is $5 and the Federal share is $15. For Navajo and Hopi Indians the Federal Government will pay $4 additional (80 percent of the $5 State share) or a total of $19 out of the $20 payment. The Federal share in such a payment would thus be increased from 75 percent to 95 percent. In a $50 payment the Federal share would be increased from $30 to $46, or from 60 percent to 90 percent.[1] The accompanying table illustrates the effect of section 9 on public assistance payments to Navajo and Hopi Indians.

LEGISLATIVE HISTORY

The first form (S. 1407) of the legislation that became Public Law 474 was introduced on March 25, 1949, by Senators O'Mahoney, Hayden, Chavez, McFarland, and Anderson. Companion bills, H.R. 3476 and H.R. 3489, were introduced in the House of Representatives.[2] S. 1407 passed the Senate on July 6, 1949, with amendments, and passed the House with some further amendments on July 14, 1949.[3] In the Conference Committee a new provision dealing with increased Federal grants to the States for public assistance to Navajo and Hopi Indians was included in section 9. The Conference Report was accepted in both the House and the Senate on October 3, and the bill was then sent to the President. The President vetoed the bill on October 17, 1949,[4] but his veto message did not contain any objection to the public assistance provisions of the bill.

The Senate deleted the provisions of the bill to which the President objected and passed a new bill, S. 2734, on October 18, the day after the veto was received. Immediate consideration of the bill in the House on October 19 was objected to by Representative Kean, a member of the House Committee on Ways and Means.[5]

With the adjournment of Congress, S. 2734 went over the second session in 1950. The House passed the bill on February 21, 1950, with several amendments, one of which changed the method of determining the Federal share of public assistance payments to the two tribes. However, this amendment was based upon an erroneous interpretation of section 9 and in effect made the entire public assistance provision inoperative.[6] The Conference Committee therefore deleted certain language from the amended section 9 and thus restored the section's effectiveness.[7] The Conference Report was adopted by the House on April 6, 1950, and by the Senate on April 10. The President signed the bill on April 19, 1950.

The basic issue as to whether Indians should be given public assistance entirely at Federal expense or on the same basis as other individuals has been the subject of lengthy debate. When the House added the provision to S. 1407 to make all Indians within the Navajo and Hopi reservations subject to the laws of the State in which they live, it became necessary to consider whether this same principle should be applied to public assistance recipients or whether it should be modified in some way. The following quotation from the Conference Committee Report describes the difference of opinion between the two houses:

> The House conferees insisted upon section 9, but the Senate conferees wanted it eliminated for the reason that the extension of State laws would obligate the States to make available the benefits of the State social security laws to reservation Indians, an obligation which has not been assumed by New Mexico and Arizona for two reasons: First, they have not admitted their liability, claiming that under the enabling acts and Federal laws the Indian was an obligation of the Federal Government. Second, because of the large Indian population, the States strenuously urged their financial inability to meet this obligation.

The Conference Report also explains the justification for the "80-percent formula": Less than 20 percent of the Navajo and Hopi Indians speak the English language. The States have indicated their willingness to assume the burden of administering the social security laws on the reservations with this additional help. The Conference Committee was of the opinion that this was a fair arrangement particularly in view of the large area of tax-free land and the difficulty in the administration of the law to non-English-speaking people, sparsely settled in places where there are not adequate roads; and that it would be of particular advantage to the Indians themselves. This arrangement can and no doubt will be changed as soon as the Indians are rehabilitated. Both States assume full responsibility for nonreservation Indians at the present time.

The percentage to be paid by the States under this section, other than the cost of

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Footnotes at end of article.

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administration, is the same as was worked out in a conference at Sante Fe, New Mexico, between representatives of the Federal Security Agency, Bureau of Indian Affairs, the offices of the Attorney General of the States of Arizona and New Mexico, and the State Department of Welfare of the States of Arizona and New Mexico, on April 28 and 29, 1949. At this conference, it was agreed that the net cost to the State would not exceed 10 percent of the total cost incurred by the Federal and State Governments in aid to needy Indians (aged, blind, and dependent children). This is the agreement under which the States are now operating. However, it is the opinion of the Conference Committee that the Indians would be greatly benefited by the States' assuming full responsibility for the administering of this law, and it would assure a continued assistance which would not be dependent upon appropriations through the Bureau of Indian Affairs from year to year.

Before the passage of the Social Security Act, the Federal Government assumed full responsibility for needy reservation Indians, and there is strong argument that the Federal Government still has full responsibility for their care. The additional cost of the extension of social security benefits not heretofore assumed by New Mexico and Arizona is only part of the cost of the extension of State laws to the reservations. Therefore, the Conference Committee is of the opinion that the amendment which was adopted is a fair and equitable division of the expense.

The 80-percent formula embodied in Public Law 474 is based upon a formula proposed in bills S. 691 and H.R. 1921, introduced in both houses on January 27, 1949, for all Indian "wards" in any State. Testimony was given before the House Committee on Ways and Means in favor of H.R. 1921,[10] but the Committee did not report that bill out nor did it include any special provision for Indians in the social security bill, H.R. 6000, reported out by the Committee.

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HISTORICAL BACKGROUND

On several occasions Congress has given consideration to legislation affecting Indians receiving public assistance under the Social Security Act. In 1935 when the original social security bill was being considered in the Senate, a provision for payment by the Federal Government of the full cost of Indian pensions was passed by the Senate as an amendment to the pending bill. The proposed amendment provided for a new title in the Social Security Act making payments to Indians "a pension from the United States in the sum of $30 per month." [11] This amendment was sponsored by Senator Norbeck of South Dakota. It was dropped, however, by the Conference Committee and was not included in the final law.

In a special report of the Social Security Board on proposed changes in the Social Security Act, which President Roosevelt submitted to the Congress in January 1939, the Board stated as follows:

> A number of States have a considerable Indian population, some of whom are still wards of the Federal Government. The Board believes that, with regard to certain Indians for whom the Federal Government is assuming responsibility in other respects, and who are in need of old-age assistance, aid to the blind, or aid to dependent children the Federal Government should pay the entire cost. If this provision is made, the Board should be authorized to negotiate cooperative agreements with the proper State agencies so that aid to these Indians may be given in the same manner as to other persons in the State, the only difference being in the amount of the Federal contribution. The Board believes that it should also be given authority to grant funds to the Office of Indian Affairs for this purpose, if that appears more desirable in certain circumstances.[12]

The House Committee on Ways and Means, however, did not include any provision concerning Indians in the 1939 social security bill. The Senate Committee on Finance considered an amendment affecting Indians but did not report it out. On the floor of the Senate, an amendment was offered which provided that "notwithstanding any other provisions of law, the Social Security Board shall not disapprove any State plan under titles I, IV and X of this act because such plan does not apply to or include Indians." [13] This amendment passed the Senate but was deleted by the Conference Committee and was not included in the final 1939 law.

The Social Security Administration has consistently interpreted the Social Security Act to mean that a State public assistance plan could not legally be approved if that plan discriminated against any citizen of the United States on account of race. Twenty-four of the 26 States in which there are Indians residing on reservations provide public assistance under the Social Security Act to these individuals. In Arizona and New Mexico, however, questions have been raised over the years by both State agencies as to whether reservation Indians were to be included in the public assistance programs under the Social Security Act.

The immediate factors that led to the inclusion of the public assistance provisions in section 9 of Public Law 474 first made themselves felt on April 17, 1947. On that date the State Board of Public Welfare of New Mexico refused the application of a Navajo Indian for old-age assistance on the grounds that reservation Indians were not a responsibility of the State Welfare Department "just as long as they are under the complete jurisdiction of the Indian service and insofar as the expenditure of State money for their welfare is concerned." At about the same time the Arizona State Department of Public Welfare also took a position that it would not make payments to reservation Indians.

The Social Security Administration discussed the subject with the State agencies in an effort to resolve the conflict between the position they had assumed and the requirement of the Social Security Act that assistance must be available to all eligible persons within the State. Discussions continued over a period of time, and the States were informed that the continued receipt of Federal funds for their public assistance programs was dependent on whether the State programs were operating in conformity with the principle that applications are to be accepted from all who apply and assistance granted to all eligible persons. During the same period the Bureau of Indian Affairs made some payments, as their funds permitted, to needy Indians in the two States.

Finally, after all efforts to bring the States into conformity with the requirements of the Social Security Act had failed, the Commissioner for Social Security, after due notice, held hearings to determine whether there was a failure by New Mexico and Arizona to operate their plans in accordance with sections 4, 404, and 1004 of the Social Security Act. A hearing on New Mexico was held on February 8, 1949, and on Arizona on February 15, 1949. Before findings or determination based upon these hearings were made, the arrangements described in the quotations from the Conference Report on S. 1407 were completed at Santa Fe, New Mexico, on April 28 and 29, 1949, and assistance was provided for reservation Indians in these two States. It was the purpose of Public Law 474 to solve, by congressional action, the problems raised in the hearings before the Social Security Commissioner.[14] As stated in the Conference Report on the bill, the Committee felt that efficient operation could be more definitely assured if the State were to administer the entire program for needy Indians rather than share the responsibility with the Bureau of Indian Affairs.

FOOTNOTES

*Technical Adviser to the Commissioner for Social Security.

[1] The above figures and those in the table are used only as general illustrations of the amount of Federal participation. They are based on hypothetical individual payments, whereas actually, under the basic formula of the Social Security Act, the Federal percentages are not applied to individual payments but rather to the average payments of a State under each title. That part of any payment for a month in excess of $50 to an aged or blind recipient and in excess of $27 with respect to one dependent child in a home and $18 with respect to each of the other dependent children in a home is not counted in computing the averages.

[2] For the history of legislative proposals before 1949 see *Hearings Before a Senate Subcommittee of the Committee on Interior and Insular Affairs on S. 1407* (81st Cong., 1st sess.), pp. 3–7. Hearings were also held on H.R. 3476 by the House Committee on Public Lands.

[3] For proceedings in the House see *Congressional Record* (daily edition), July 14, 1949, pp. 9682–92.

[4] Ibid., Oct. 17, 1949, pp. 15119–20.

[5] Ibid., Oct. 19, 1949, pp. 15243–46.

[6] Ibid., Feb. 21, 1950, p. 2129.

[7] See Conference Report on S. 2734, *Congressional Record* (daily edition), Apr. 5, 1950, p. 4835.

[8] House Report 1338 to accompany S. 1407, Sept. 22, 1949, p. 7.

[9] Ibid., pp. 7–8.

[10] *Hearings before the House Committee on Ways and Means on H.R. 2892* (81st Cong., 1st sess.), pp. 791–801.

[11] *Congressional Record,* June 18, 1935, p. 9540; see also letter from the Commissioner of Indian Affairs stating that he was "in sympathy with this proposal," pp. 9540–41.

[12] *Hearings Relative to the Social Security Act Amendments of 1939 Before the House Committee on Ways and Means* (76th Cong., 1st sess.), February 1939, p. 15. The Secretary of the Interior also urged that "social security benefits for Indians be administered as a part of the general plan for the citizens of the United States" (*Hearings Before the Senate Committee on Finance on H.R. 6635,* 76th Cong., 1st sess., June 1939, p. 272).

[13] *Congressional Record,* July 13, 1939, pp. 9027–28.

[14] On December 27, 1949, the Arizona State Board of Public Welfare adopted a resolution stating that it would not discontinue its policy of excluding crippled reservation Indian children in the provision of treatment services. The Commissioner of the State department in transmitting the Board's resolution to the Chief of the Children's Bureau of the Social Security Administration stated that it was "necessary to sever our connections." No Federal funds have been paid to Arizona under part 2 of title V of the Social Security Act since December 22, 1949.

COST ESTIMATE: SENATOR METCALF'S PROPOSAL

Method for estimating number of Indian recipients and additional Federal cost.

A. Number of Indian recipients.

1. Obtained the recipient rate for Indians by eligibility factor for most recent period for which such data were available (number of Indians obtained from most recent characteristics studies of OAA, AB, APTD, and AFDC recipients.

2. Compared the recipient rates for *all* recipients by eligibility factor for the period corresponding to study year with rate for *all* public assistance recipients as of December 1969.

3. Estimated rate for Indians as of December 1969 by keeping the same relationships between the recipient rates for Indians and

all recipients for the earlier period and the rates for both groups for December 1969.[1]

4. The estimate for the "projected" number of recipients was obtained by increasing the "current" estimated number in 3) above by 50 percent. Adjusted figure used for AFDC and APTD.

B. Costs for maintenance assistance.

1. For the adult categories, we used the estimated U.S. State share of the average payment under HR 16311 times 12 times the estimated number of adult Indian recipients.

2. For the AFDC supplementary payment, we used estimated State share of average monthly supplementary payment for the U.S. (amount obtained from ASPE) times the number of AFDC recipients.

C. Costs for medicaid.

1. Computed a cost per case month amount by eligibility factor for the U.S. which was multiplied by the estimated number of Indian recipients.

2. Inflated amount in 1) above by 8 percent to give effect to the costs for "other" medicaid recipients, i.e., individuals age 21–64 not categorically related and other children under 21.

3. The State share was estimated at 49.2 percent (non-Federal share of total payments in fiscal year 1969) of the total payments for the money payment recipients, categorically related recipients, and other children under 21 plus the total cost for individuals age 21–64 which represented the additional Federal cost under the proposal.

State of Montana,
Department of Public Welfare,
Helena, Mont., April 29, 1970.

Hon. Lee Metcalf,
Senator from Montana, U.S. Senate, Washington, D.C.

Dear Senator Metcalf: Because of your interest in legislation relating to special federal matching for assistance to Indians, I am bringing to your attention the fact that Section 401 of H.R. 16311 (The Family Assistance Plan) would repeal Section 9 of the Act of April 1950 (25 U.S.C. 639) providing for special federal matching for assistance to Navajo-Hopi Indians.

Your bill, S. 2265, which you introduced on May 27, 1969, would extend this special matching for all categories of federally-aided assistance to all Indian tribes in all states. The enactment of this legislation and the resulting additional federal funding would enable Montana to consider options and alternatives for program expansion that are not now available because of the limitation of funds. I am sure there would be similar impact in other states with substantial numbers of Indians.

In view of this, we would strongly urge the inclusion of some form of special assistance for "Indian" states for the programs included under H.R. 16311 as well as for Title XIX of the Social Security Act. Furthermore, pending the implementation of the provisions of H.R. 16311 on July 1, 1971, the provisions of your bill (S. 2265) should be enacted for the interim period and for permanent effect if H.R. 16311 fails of enactment.

We greatly appreciate your efforts in behalf of the public welfare programs and this department. If there is any information you will need from us, please let me know.

With kindest personal regards, I am,
Sincerely yours,
Theodore Carkulis,
Administrator.

Mahan-Strope,
Helena, Mont., January 15, 1969.

Hon. Lee Metcalf,
U.S. Senator from Montana, Senate Office Building, Washington, D.C.

Dear Senator Metcalf: The State Department of Public Welfare of the State of Montana has caused to be introduced in the Senate and House of Representatives of the State of Montana during their current Legislation Session, a Joint Resolution urging that the President and Congress expand the aid now given by the Federal Government to the Navajo and Hopi Indians, under Public Law 474, 81st Congress (64 Stat. 47; 25 U.S.C. 639).

This legislation authorized eighty percent (80%) contribution by the Federal Government in addition to all other amounts prescribed, toward expenditures during the preceding quarter by the State under the State plans approved by the Social Security Act for Old Age Assistance, Aid to Dependent Children and Aid to the Needy Blind, to these two Indian Tribes.

The State Department believes that if this aid was expanded to include the Indian Tribes in Montana, and also expanded to not only include the three Welfare categories above mentioned, but all categories of Welfare, including Medical Assistance, there would be a saving of State funds of 1.1 million dollars for the two-year biennium.

We feel that the Indians in Montana deserve equal treatment with the Navajo and Hopi Indians. We feel that they are somewhat similarly situated in that Montana is a sparsely settled state and subject to severe weather conditions and the Indians often find themselves under great hardships. If Congress finds it inadvisable to extend this aid to all Indian Tribes then we would specifically ask that it be extended to those Indian Tribes similarly situated to the Navajo and Hopi Indians, such as the Rocky Boy Reservation Indians in Montana and the other Indians on reservations in the Montana area.

Any consideration you could give to change the present law to extend this aid to the Montana Indians and to increase it to include all categories of Welfare Assistance would be sincerely appreciated.

With kindest regards.
Yours very truly,
Thomas H. Mahan,
Claims Attorney for the State Department of Public Welfare.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. METCALF. I am delighted to yield.

Mr. MONDALE. I was privileged to join with the Senator from Montana in cosponsoring this proposal.

Is it not a fact that many of the same counties in which Indian reservations and large Indian populations are found, are very often, from a real estate standpoint of financing, burdened in the financing of the local share of these welfare costs? Thus, in addition to everything else, without full Federal support for the welfare costs, they are burdened with constantly rising local welfare charges consisting of local shares of the welfare costs. I know that in the State of Minnesota in some cases these costs have risen to the point where there is literally a destruction of the local real estate tax structure.

Therefore, this amendment, if adopted, would go a long way toward relieving them of what is an unfair and disproportionate imposition. Is that correct?

Mr. METCALF. The Senator is correct. The fact is that in many counties a substantial amount of the land owned by Indians is in a trust status, and therefore is not taxable either for State or county purposes.

Second, if we adopt this amendment, we will have recognized that we have a Federal responsibility for the Indians, and, therefore, the State responsibility will be taken over.

Some of the discrimination among Indians—and we have discrimination all over the Western United States—will be alleviated. The second thing, of course, is that we will have Indians who are on the reservation and have low income, and have no opportunities for employment, given a chance to have a substantial welfare payment.

Mr. MONDALE. Would the Senator yield further?

Mr. METCALF. Certainly.

Mr. MONDALE. Is it not the case that a few of the Indian reservations now enjoy the 100-percent feature?

Mr. METCALF. The Navajos and the Hopis.

Mr. MONDALE. So that what the Senator's amendment would do is simply apply to all Indians similarly situated the same treatment?

Mr. METCALF. All over America.

Mr. MONDALE. I am proud to join in cosponsoring the amendment, and I hope it will be adopted.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. METCALF. I am glad to yield.

Mr. HARRIS. Mr. President, I am very pleased to be a cosponsor of the amendment now offered by the distinguished Senator from Montana. He has done a great service in suggesting this amendment. I think it gets at a problem which, as has been rightly pointed out, is a tremendous problem, and one which the Senate ought to meet. I hope the amendment will be adopted.

Mr. RIBICOFF. Mr. President, will the Senator yield for a question?

Mr. METCALF. I yield.

Mr. RIBICOFF. I wonder if the Senator could generally enlighten the Senate as to how many beneficiaries would be affected, as of now, if the Senator's amendment were adopted.

Mr. METCALF. I have talked about Indians. The Interior Committee's definition of an Indian is a person with one-fourth Indian blood. I do not know how many Indians in that category there are in America. In Montana there are 27,000 Indians in that category, but only about 4,000 of those 27,000 are eligible to have relief or welfare programs.

Mr. RIBICOFF. I mean, does not the Department of the Interior or Health, Education, and Welfare know at the present time how many Indians are covered? Because if the Federal Government picks up 80 percent of the cost, they must know what the numbers are.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order, please.

Mr. METCALF. The Federal Government picks up 80 percent of the cost of welfare for only the Navajos and the Hopis. The Federal Government does not pick up any of the cost of welfare for the Blackfeet, the Crows, the Papagoes, the Sioux, and all those other Indian tribes that are all over the Western United States.

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[1] Numbers receiving AFDC also were estimated by applying 1.3 percent (percent Indians in 1969 study) to total child recipients, which yielded a lower figure. The lower figure was used as the "current" number and APTD number also was adjusted downward using AFDC as a model.

Mr. RIBICOFF. I mean, historically, does the Senator know why the Federal Government picked up the costs for two tribes, and not the others?

Mr. METCALF. Because of the great ability of the distinguished Senators from New Mexico, Mr. Anderson and Mr. Chavez, who got this special treatment for Indians in their area.

Mr. RIBICOFF. Those two Indian tribes are in New Mexico only?

Mr. METCALF. That is right. But my amendment would not only provide that 80 percent would be given, but would provide that 100 percent of the contribution be given to all Indian tribes all over the United States, the Western United States.

Mr. RIBICOFF. But the Senator does know the number involved, or the total cost?

Mr. METCALF. What?

Mr. RIBICOFF. The Senator does not know the number involved, or the total cost?

Mr. METCALF. I do not know the number involved, and I have not been able to ascertain the number from either the Department of Health, Education, and Welfare or the Department of the Interior. But it is a matter of common justice that every Indian on welfare should have this contribution from the Federal Government.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. FANNIN. I think there are approximately 600,000 Indians in the United States. Is that not the figure?

Mr. METCALF. But the 600,000 Indians are not all on welfare.

Mr. FANNIN. No; I understand. But when we are talking about numbers, is it not true that what we are talking about, mostly, is the reservation Indians, as far as the Western United States is concerned?

Mr. METCALF. That is what I am talking about.

Mr. FANNIN. So we really have more tribes than the Navajo and the Hopi involved, and more than the State of New Mexico, because a large part of the Navajo Reservation is in Arizona, as well as the Hopi Reservation.

Mr. METCALF. The Navajos and the Hopis are already taken care of.

Mr. FANNIN. I understand; but among the Papagoes and all these other tribes, there are approximately 60 to 90 reservations in the State of Arizona, depending on how you count reservations, and I ask the Senator how those reservations are covered.

Mr. METCALF. The only reservations covered are the Navajo and the Hopi reservations. They get payment of their welfare costs from the Federal Government. My amendment would provide that all of the costs of welfare for all of the Indians in all of the reservations all over the United States would be paid, 100 percent.

Mr. RIBICOFF. If the Senator is correct——

Mr. FANNIN. I was just trying to help the Senator understand.

Mr. RIBICOFF. Yes. I appreciate that very much, because I think we have a basic problem. I appreciate what the Senator is trying to do, but I think we should have the facts before us. However, we do not have the facts. Between the Interior Department and HEW, we ought to have those figures. The Senator's amendment, as I understand it, covers all Indians all over the United States, regardless of whether or not they are on reservations.

Mr. METCALF. That is correct. If they are Indians and on welfare, they are going to be compensated 100 percent.

Mr. RIBICOFF. So if an Indian lived in Washington, or in the State of Connecticut, and could be so identified, then the cost to the State of Connecticut or the District of Columbia, the entire cost, would be chargeable to the Federal Government?

Mr. METCALF. That is correct.

Mr. RIBICOFF. I think it is unfortunate that we do not have the figures. I am very sympathetic with what the Senator is trying to do. I would hope that if the amendment is adopted and goes to conference, by the next time around, between the departments, they could enlighten the Senator as to the number of people involved.

Mr. METCALF. I would be delighted if they could enlighten me. But it is a matter of justice that an Indian who is on welfare should be compensated by the Federal Government instead of by the State government.

Mr. RIBICOFF. But if an Indian lives in the State of Connecticut and receives welfare——

Mr. METCALF. And is on welfare.

Mr. RIBICOFF. He would be receiving welfare on the same basis as any other resident of the State of Connecticut, and the State of Connecticut would contribute its 50 percent and the Federal Government its 50 percent. What happens in the State of Montana? Do not the State of Montana, the State of Arizona, the State of Washington, and the State of Utah treat the Indians the same as they do every other person who may be indigent and on welfare in their respective States?

Mr. METCALF. Except for the Navahos and the Hopis.

Mr. FANNIN. If the Senator will yield, I am very concerned about the welfare of the Indian and would like to clarify the difference in these programs. From the standpoint of the reservation Indian, we have a different program than we have as far as the nonreservation Indian is concerned. The nonreservation Indian is treated the same as any other citizen, whereas the reservation Indian comes under a different program, administered by the BIA.

It would be very difficult to administer this program other than in the areas where they have the tribes. If we start saying an Indian in Chicago or in New York or Illinois is entitled to such treatment, how do you make that determination, or how do you find that Indian and give him that treatment?

Mr. METCALF. Many Indians, of course, from Montana are in Chicago.

Mr. FANNIN. Yes; I realize that. I am interested in this proposal and would like to find how it would work.

Mr. METCALF. Because of the unfortunate relocation program that a former Secretary of the Interior put into effect, we have reservation Indians from Montana and Arizona in Los Angeles who are on welfare. And, since we have a Federal responsibility for Indians, why should the State of California have to take care of those Indians that we have moved to Los Angeles, or the State of Illinois take care of those Indians that we have moved to Chicago, when we have a responsibility to take care of these welfare Indians, on the reservation or off the reservation?

I can remember a generation ago, in 1937, when I was in the Legislature of the State of Montana, we had the Indians coming down to us from so-called Hill 57, asking for welfare. They asked for appropriations and they asked for help. We failed to do that, and a whole generation has gone by. We have failed to take care of the welfare and we have failed to provide opportunities for these Indians. So we have the same problem over again, a generation later.

This is what I am trying to do: I am trying to say that the Federal Government should assume its responsibility for its Indian wards, and that if they are on welfare, wherever they are, we will pay the welfare.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. MANSFIELD. May I say, in support of the amendment offered by my distinguished colleague, of which I am a cosponsor, that when he used the word "ward," I think he told the whole story. The Indians do occupy a peculiar position in American society. They are a minority group about which we have forgotten a great deal, from whom we have taken a great deal, who are the subjects of dire poverty on their reservations as well as in the large cities.

I think that this is doing no more than what is just for these people, from whom we took this country, who have received so little consideration, and who should be given a good deal more in the way of compensation than they have received up to this time. I think we can forget the sympathy and the figures and the numbers and recognize a reality and face up to it.

Mr. RIBICOFF. There is no question that what the majority leader says is true, that of all the minority groups, the Indians are lowest in the scale, whether it is poverty, social, economic condition——

Mr. METCALF. Income.

Mr. RIBICOFF. Lower than the blacks, the Mexicans, the Spanish-speaking, any group in American society that we can name. Their poverty is the direst of all and deserves consideration. I am very sympathetic. I am going to support the Senator's amendment.

I do not know what will happen to it in conference, but I would hope that the next time we have a social security bill, between the Interior Department and Health, Education, and Welfare, they would supply some information so we

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can address ourselves in a little more depth and a little more understanding of the nature of this problem.

Mr. LONG. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. LONG. As the Senators have pointed out, a problem of discrimination is involved here, and I would be willing to agree to the amendment and see whether we can work it out with the House in conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 1128

Mr. CANNON. Mr. President, I call up my amendment No. 1128.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 46, line 10, strike out "$166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 46, line 14, strike out "$166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 46, line 21, strike out "$166.66⅔" and insert in lieu thereof "$208.33⅓".

On page 121, line 21, strike out "$166.66⅔" and insert in lieu thereof "$208.33⅓".

Mr. CANNON. Mr. President, this amendment is very simple. It is one that I had printed and ready to offer prior to the submission of amendment No. 1150 by Senator Percy, which the Senate adopted by an overwhelming vote of 52 to 9. Senator Percy's amendment proposed a work exemption of $2,400 prior to the loss of social security benefits. My amendment No. 1128 proposes an exemption of $2,500 prior to loss of benefits under the social security provisions. It means that a person could earn $8.33⅓ more per month before losing social security benefits than he would under the amendment offered by Senator Percy.

I am sure that in view of the overwhelming vote of 52 to 9 that occurred on the Percy amendment——

The PRESIDING OFFICER. The Chair interrupts the Senator to state that the amendment is not in order.

Mr. CANNON. The amendment is not in order?

The PRESIDING OFFICER. It is not in order. That part of the bill already has been amended.

Mr. CANNON. I was going to withdraw it, anyway, in view of the fact that the amendment had been adopted. But I did want to comment on it, because I am sorry that the time limitation on the previous amendment had not been used up, and this amendment therefore occurred at an earlier time than was intended. Otherwise, I would have proposed mine as a substitute.

However, I am sure that the Senate would not want to begrudge the recipients of social security the opportunity to earn another $100 per year before losing their social security benefits. I regret that it is not possible to give them the opportunity to earn $2,500 per year before losing the social security benefits, in view of the high cost of living and the increasing cost, due to the inflation that has been taking place in this country during the past 2 years.

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Hartke). The Senator will state it.

Mr. COOK. If the Senator were to submit this amendment as an amendment to another section of the bill, other than the section which has already been amended, would the amendment then be in order?

The PRESIDING OFFICER. If the amendment amends a part of the bill which has not previously been amended, then the amendment would be in order.

Mr. COOK. I thank the Chair.

Mr. CANNON. I thank the Senator. I will see if I can find a spot for it.

AMENDMENT NO. 1130

Mr. CANNON. Mr. President, I call up my amendment No. 1130.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

Beginning on page 408, line 13, strike out all through page 408, line 20.

On page 522, between lines 21 and 22, insert the following:

"(c) Notwithstanding the provisions of section 2(a)(10), 1002(a)(8), 1402(a)(8), and 1602(a) (13) and (14) of the Social Security Act, each State, in determining need for aid or assistance under a State plan approved under title I, X, XIV, or XVI of such Act, shall disregard (and the plan shall be deemed to require the State to disregard), in addition to any other amounts which the State is required or permitted to disregard in determining such need, any amount (or any portion thereof) paid to an individual under title II of such Act (or under the Railroad Retirement Act of 1937 by reason of the first proviso in section 3(e) thereof) if—

"(1) for the month preceding the first month that monthly insurance benefits payable under title II of the Social Security Act are increased by reason of the enactment of section 101 of this Act—

(A) such individual received aid or assistance under such State plan;

(B) such individual was entitled (on the basis of an application filed in or before such month) to monthly insurance benefits under section 202 or section 223 of the Social Security Act; and

(2) such amount (or portion thereof) is attributable to the increase, in monthly insurance benefits payable under title II of the Social Security Act, resulting from the enactment of section 101 of this Act.

On page 522, line 22, strike out "(c)" and insert in lieu thereof "(d)".

Mr. CANNON. Mr. President, this amendment would prohibit the States from reducing the amount of welfare payments to recipients by the amount of increase those recipients would receive as a result of the passage of the social security amendments to increase the benefits.

In the proposed act, as it now reads, is an exemption to the extent of $10 a month. However, a number of recipients would receive more than an increase of $10 a month under the social security amendments. I think it is indeed unfortunate that States in the past, in many instances, when Congress has enacted a social security increase, have reduced the amount of the welfare payments from the State by the amount that was passed as an increase under the Social Security Act.

Plainly and simply, this amendment would prohibit the States from making a corresponding reduction in the amount of welfare payments to the social security recipients as a result of the increases in the act.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LONG. Mr. President, when we raise social security benefits, we correspondingly reduce the need of individuals for welfare assistance. Down through the years, some of us—I have been one offering amendments from time to time—have offered amendments to require that the States not reduce welfare payments when social security payments are increased. One thing we do hope to achieve over a period of time is, by raising the minimum payments under social security and by increasing social security benefits, that gradually we will reduce the number of people drawing public assistance. Over a period of time we hope that the relatively small number of our aged who are now required to seek public assistance will be further reduced, because our social security program is intended ultimately to eliminate that need.

The committee bill we have here has more or less split the difference. The States would have some saving against their welfare budgets in the adult categories. But at the same time, they would be required to pass along, in terms of welfare benefits, the large portion of that which has been voted by the committee for social security increases. So if a person receives a social security increase, let us say, of $15 or $20, he would be able to keep most of it, although there may be some reduction in his welfare payments.

The Senator would try to see that there would be no reduction in the welfare payments. If we are going to do that, it would result in the situation that, by raising social security payments, we would never be taking people off the welfare rolls. They would just stay there receiving the same amount of welfare, no matter how much we raised social security payments.

In that regard, I think the amendment would create an even greater problem, because we would be committed in the future to the proposition that when we voted social security increases the welfare payments people were receiving would not be reduced.

To do so would mean that even if we would provide enough social security benefits so that recipients really did not need welfare any further, we would still be paying it.

I think the Senator's amendment goes too far. The committee has gone about as far as it could towards achieving the objective the Senator has in mind and, therefore, I would hope that the amendment would not be agreed to.

However, I applaud the Senator for his interest in these people.

Mr. CANNON. Mr. President, I believe that the increases in social security benefits being proposed by the Senate are not intended to take people off welfare. They are intended to help get people in a position to maintain a standard of living that they cannot maintain today under the present social security benefits. It is indeed, unfortunate that many people on welfare are those who are drawing a minimum of the amount of social security benefits who, unfortunately, in the past, have received some small increases and, in turn, have had that taken away by the States.

In this case, here we are providing some increases to those people. I think that they are entitled to those increases, even though they may be entitled to a subsistence amount from the welfare system of the State, because of the inadequate amount they are now receiving to maintain a standard of living and that, therefore, these people should not be penalized simply because they are drawing welfare compared to other people who are drawing social security.

I hope that the Senate will support the amendment. I am prepared to vote.

The PRESIDING OFFICER (Mr. HARTKE). The question is on agreeing to the amendment of the Senator from Nevada.

The amendment was rejected.

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AMENDMENT NO. 1129

Mr. CANNON. Mr. President, I call up my amendment No. 1129 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

CHANGE IN TAX ON NON-TURBINE-POWERED AIRCRAFT

SEC. 614. (a) Section 4491(a)(2) of the Internal Revenue Code of 1954 (relating to tax on use of civil aircraft) is amended by striking out clause (A) and inserting in lieu thereof "(A) in the case of an aircraft (other than a turbine-engine-powered aircraft), 2 cents a pound of each pound of the maximum certificated takeoff weight in excess of 2,500 pounds, or".

(b) The amendment made by subsection (a) shall take effect on July 1, 1971.

Mr. CANNON. Mr. President, earlier in the year, when Congress adopted a comprehensive Airport and Airways Act, there was a provision for the licensing of aircraft which provided that there would be a registration fee of $25 per aircraft, on general aviation type aircraft, on aircraft weighing 2,500 pounds or less, and on aircraft over and above that weight there would be a poundage fee applied of 2 cents per pound.

Congress passed the act, and in implementing the provisions of the act it developed that a person who had an aircraft, for example, that weighed 2,600 pounds, would pay the initial $25 registration fee and then would pay the poundage fee on the entire 2,600 pounds, not on the excess poundage over and above 2,500 pounds weight.

All this made a very inequitable situation to the many general aviation aircraft owners throughout the country who are, indeed, having a difficult time of it today, because of the increases that were added in the aviation fuel tax to pay for the airport and airways bill. So that we hit them with the added fuel tax on the one hand and the registration fee on the other. But, in addition, we doubled the application of the registration fee for those general aviation aircraft owners who had aircraft that weighed more than 2,500 pounds.

I submit that this is clearly an inequitable situation, that it was not the intent of Congress at the time—it was certainly not my intent at the time and I served on the committee that helped to draft the bill, and I served on the conference committee. It certainly was not my intention that these aircraft owners be taxed twice on the weight of their aircraft.

Therefore, the amendment I have proposed here would say that a man would pay a $25 registration fee on an aircraft weighing less than 2,500 pounds, and would pay the poundage on the aircraft weight only on the weight in excess of 2,500 pounds, and would not be paying twice on that weight from zero up to 2,500 pounds.

I hope that the Senate will help to correct this inequity.

Mr. RANDOLPH. Mr. President, will my colleague from Nevada yield?

Mr. CANNON. I yield.

Mr. RANDOLPH. The category of aircraft operations for which the able Senator speaks is, of course, general aviation. In these days general aviation is not an operation using the single-engined aircraft of 20 years ago. General aviation now includes many sophisticated twin-engine planes. These newer aircraft have brought increased safety and greater comfort for passengers who are flying. It is necessary, I believe, to promote and support air taxi services in the United States—services which connect with local carriers and trunk lines throughout the country. These operators, persons often with little financial strength, are giving real service to the mobility of the American people. They need the aid which is proposed in the amendment offered by the Senator from Nevada.

I remember very well working with him at the time we were active in the Federal airports and airways bill in reference to a better break for general aviation in the taxes he pays. If agreeable with him, I would like to ask that he include me as a cosponsor of his amendment.

Mr. CANNON. I am delighted to have the Senator's support as a cosponsor of my amendment.

Mr. LONG. Mr. President, would the Senator from Nevada yield?

Mr. CANNON. I yield.

Mr. LONG. We do not have any other revenue provisions on this bill that are not related to the problems of the aged or to medicare and I would, therefore, hope that the Senator might offer his amendment on some other revenue measure. For example, we have this excise tax bill which will have to be passed before we are through.

We have a number of other measures that have been brought to us in the last day or so. I have no strong objection to the Senator's amendment. However, I hope that he would not open the door to amendments that are completely nongermane to social security, public welfare, and retirement income, because to do that opens the door to Senators going to the desk and picking up bills that come over here by the dozens these days from the House. They ought to be at least considered and have the benefit of a committee recommendation.

I would hope that the Senator would be willing to offer the amendment on some other measure, such as the excise tax bill or some other bill that we will have an occasion to consider between now and the time we adjourn.

I am sure that the Senator knows the amendment is not germane to the bill. We managed, by a motion to recommit, to limit ourselves to the subject matter we are working on in the bill.

Mr. CANNON. Mr. President, if I withdraw the amendment and offer this to the excise tax bill, would I receive the support of the Senator from Louisiana?

Mr. LONG. Mr. President, I would cooperate with the Senator if he were to offer it to another bill so that we could then go with that to the House.

Mr. CANNON. Mr. President, based on that assurance, I propose to withdraw the amendment, because I for one do not want to see the social security bill get loaded down with a lot of nongermane items that might conceivably delay its passage. That is one of the reasons that I voted earlier to recommit the bill and have it reported back without some of the other provisions in it.

Mr. President, based on the statement of the Senator from Louisiana, I withdraw my amendment No. 1129, and I will offer it at the appropriate time.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment.

AMENDMENT NO. 1140

Mr. PELL. Mr. President, I call up amendment No. 1140.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PELL. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 123, after line 24, insert the following new section:

ELECTIVE COVERAGE FOR MINISTERS AS EMPLOYEES

SEC. 134. (a) Section 210 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(p)(1) Service performed in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under section 501(a) of such Code, by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry shall constitute employment under this section beginning with the first day of the calendar quarter in which coverage under section 3121(r)(3) of such Code becomes effective with respect to such service.

"(2) Service performed in the employ of an American employer as defined in subsection (e) (3), (4), (5), or (6), other than an employer specified in paragraph (1) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, shall constitute employment under this subsection for any calendar quarter in which an election under such section 3121(r)(2)(A) is effective for him.".

(b) Section 210(a)(8)(A) of such Act is amended by striking out "Service" and inserting in lieu thereof the following: "Except as provided in subsection (p), service".

(c) Section 211(c) of such Act is amended by inserting before the period at the end of the sentence following paragraph (6) thereof the following: "or, in the case of paragraph (4), unless the service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry constitutes employment under subsection (p) of section 210".

(d) Section 3121 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"(r) MINISTERS.—(1) Service performed in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) which is exempt from income tax under section 501(a), by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry shall constitute employment under this section if—

"(A) an exemption under section 1402(e) is not effective with respect to him;

"(B) he has elected to have such service covered as employment under this section; and

"(C) the organization has elected to have such service covered as employment under this section.

"(2)(A) Any minister who makes an election under paragraph (1) shall file a certificate of such election in such form and manner, and with such official as the Secretary or his delegate shall by regulations prescribe. Such certificate shall specify the date on which the minister wishes such election to become effective for him, but in no case shall such election become effective (i) prior to January 1, 1971, or the first day of the calendar quarter which begins no earlier than the first day of the sixth calendar month before the month in which such minister files such certificate, whichever is later, or (ii) after the first day of the quarter following the quarter in which such minister files such certificate

"(B) Any organization which makes an election under paragraph (1) shall file a certificate of such election and a waiver of exemption from taxes imposed by section 3111 in such form and manner, and with such official as the Secretary or his delegate shall by regulations prescribe. Such certificate shall specify the date on which the organization wishes such election to become effective for such organization, but in no case shall such election become effective (i) prior to January 1, 1971, or the first day of the calendar quarter which begins no earlier than the first day of the sixth calendar month before the month in which such organization files such certificate of such election, whichever is later or (ii) after the first day of the quarter following the quarter in which such organization files such certificate.

"(3) Coverage shall become effective with respect to service specified in paragraph (1) on the first day of the first quarter for which both an election by the minister is effective under paragraph (2)(A) and an election by the organization is effective under paragraph (2)(B). Such service shall constitute employment under this subsection beginning with the first day of the calendar quarter in which coverage is effective with respect to such service.

"(4) Any election under this subsection shall be irrevocable. An election made under this subsection by a minister shall apply with respect to any service performed by such minister in the exercise of his ministry in the employ of any organization which has made an election under this subsection or in the employ of any employer specified in paragraph (6); an election made under this subsection by an organization shall apply with respect to any such service performed in the employ of such organization by a minister who has made an election under this subsection.

"(5) An organization which has made an election under this subsection or an employer specified in paragraph (6) shall not, for purposes of sections 3102 and 3111, be considered to be the employer of any minister who has not made an election under this subsection.

"(6) Service performed in the employ of an American employer as defined in subsection (h) (2), (3), (4), or (5) by such a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry shall constitute employment under this subsection for any calendar quarter in which an election under paragraph (2)(A) is effective for him.".

(e) Section 3121(b)(8)(A) of such Code is amended by inserting before "service" the following: "except as provided in subsection (r),".

(f)(1) Section 1402(c) of such Code is amended by inserting before the period at the end of the sentence following paragraph (6) thereof the following: "or, in the case of paragraph (4), unless the service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry constitutes employment under such subsection (r) of section 3121".

(2) The last sentence of paragraph (1) of section 1402(e) is amended by inserting before the period at the end thereof the following: "or if he has made an election under section 3121(r)".

Mr. PELL. Mr. President, what this amendment does is to provide for clergymen the right either to be considered self-employed or to be considered as employed by a church or vestry in which case, they would be required to contribute a smaller amount than if they were self-employed, but that amount would be matched by the employer. This would mean that the clergymen would not be faced with the problem they are faced with today where they do not receive the same benefits at the end of their service as they would if they had been considered as normal employees.

The amendment is not mandatory in force, but is optional. I think that in general it justifies some support.

I am very conscious of the fact that the chairman has pointed out to me that this was not introduced in time to secure hearings. I would hope that if I do withdraw the amendment now that he would be kind enough to let me have a hearing at the first opportunity.

Mr. LONG. Mr. President, the problem of social security protection for clergymen has been very difficult to deal with because of the different problems facing different religious groups. We tried to work out the best compromise between the various religious groups we could in previous legislation. We thought that we had, to about the greatest extent practicable, resolved these conflicts and different points of view consistent with the actuarial problems presented by the administration. It would seem to me that it would be appropriate to raise this matter next year in connection with the social security bill that the House intends to send to us.

I hope that the Senator will raise the question at that time and that we could have hearings so that those who might oppose the amendment could be heard as well as those who favor it.

I do welcome the opportunity to look at the matter and see if we can work it out in a fashion that would be agreeable to all.

Mr. PELL. Mr. President, I thank the junior Senator from Louisiana.

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 1116

Mr. HARRIS. Mr. President, on behalf of myself and the distinguished Senator from West Virginia (Mr. RANDOLPH) I call up amendment No. 1116 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

WORKMEN'S COMPENSATION OFFSET FOR DISABILITY INSURANCE BENEFICIARIES

SEC. 134. (a) Section 224(a)(5) of the Social Security Act is amended by striking out "80 per centum of".

(b) The amendment made by subsection (a) shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1970.

Mr. HARRIS. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, would the Senator be willing to consider a time limitation on the amendment?

Mr. HARRIS. I would be willing to have a 10-minute limitation to the side.

Mr. RANDOLPH. I suggest 15 minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 25 minutes, with 15 minutes to the distinguished Senator from Oklahoma and 10 minutes to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRIS. Mr. President, I yield 5 minutes to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 5 minutes.

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COMBINED WORKMEN'S COMPENSATION AND SOCIAL SECURITY DISABILITY PAYMENTS MUST BE RAISED TO 100 PERCENT TO AVOID FAMILY HARDSHIPS

Mr. RANDOLPH. Mr. President, I cosponsor the amendment of the able Senator from Oklahoma (Mr. HARRIS).

Earlier this year I introduced legislation—S. 1781—to amend title II of the Social Security Act to eliminate completely the reduction of disability insurance benefits. Under present law, the "offset" reduction is required for an individual who qualifies for both workmen's compensation and social security benefits. The disabled worker and family breadwinner finds that the social security benefits payable to him and his family are reduced by the amount, if any, that the total monthly benefits payable under the two programs exceed 80 percent of his average current earnings before he was disabled. This provision has created injustice among those several thousand disabled workers who know that the social security insurance they have contributed to over the years has been cut, because of receipt of workmen's compensation benefits to which they are entitled. There are innumerable individual hardships created by this arbitrary law.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a memorandum which I was privileged to present to the chairman of the Senate Finance Committee and the members of that committee in connection with my prior legislative effort to amend title II of the Social Security Act.

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There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: Members of the Senate Finance Committee.

From: Senator Randolph.

Subject: S. 1781, "a bill to amend title II of the Social Security Act to eliminate the reduction in disability insurance benefits which is presently required in the case of an individual receiving workmen's compensation benefits.

S. 1781 would amend Title II of the Social Security Act by repealing Section 224 which provides for reduction in disability insurance benefits in the case of an individual who is receiving workmen's compensation.

Under present law, when a disabled worker under age 62 qualifies for both workmen's compensation periodic payments and social security disability benefits, the social security benefits payable to him and his family are reduced. The reduction is calculated on the basis that total payments under the two systems cannot exceed 80 percent of his "average current earnings" before he became disabled.

The net result is that the combined benefits equaling 80 percent of a disabled worker's average earnings are usually less than 80 percent of his level of earnings achieved at the time of disablement (average about 72 percent) even though his normal expenses continue at the pre-disablement level in addition to expenses caused by his disability not covered by workmen's compensation. The unfairness of this provision is further compounded by its application only to those persons who become eligible for disability insurance benefits after December 31, 1969. It does not apply to those who were already receiving these benefits.

An example: Father of four, age 35, disabled on the job in 1967, received a lump sum compensation award of $8,700. He paid off debts, made down payment on small home. His claim for social security disability insurance benefits was denied, but two years later on appeal, denial was reversed by district court. His social security payments were drastically reduced because workmen's compensation was pro-rated over five-year period at $151.60 a month. Thus, the disabled father's earned social security payments were cut from $262.50 a month to $110.80 a month—even though he already had spent the workmen's compensation award for debts, house payment and living expenses over prior two years before court decision. As a result, the father who previously had earned $328 monthly average before disablement had to apply for public welfare.

Another example: An unskilled worker in the oil industry suffered a work-related accident in 1966. The worker (father of three minor children) was totally disabled and workmen's compensation pays him $35 a week. Over the years, his earnings had varied, but had reached a monthly average of $291 in 1965. After application of the offset provisions, his monthly social security benefits ($106) were totally withheld. His monthly income of $151.60 (from workmen's compensation) amounts to 52 percent of his monthly earnings during the year prior to his disabling injury.

Approximately 18,900 disabled worker beneficiaries (about 1 percent of the 1.4 million disabled workers on social security rolls) were affected by the reduction provision (Sec. 224) which was added to the Social Security Amendments of 1965. At that time, the Senate Committee on Finance report stated: "It is desirable as a matter of sound principle to prevent the payment of excessive combined benefits."

Although most persons generally would agree with that statement, its application to disabled persons and families creates severe hardship and burdens. There are many injustices and inequities in our system of laws. Very often legislative action favors certain classes of persons or areas. But it is my belief that full payment of combined benefits to the disabled workers and their families would not be challenged on this basis.

Particularly important justification for repealing Sec. 224 is the concept of the programs involved—workmen's compensation is private insurance, while social security is compulsory public insurance.

The Social Security Administration states that the total number of disabled beneficiaries (workers and dependents) whose benefits were withheld or reduced was about 61,100—out of a total of 2.5 million on the rolls. That is 2.5 percent of the total of social security beneficiaries. The higher proportion of disabled beneficiaries affected results from a requirement of the law that any necessary reduction be applied first to dependents' benefits.

S. 1781 would eliminate the economic inequities created by Sec. 224 by allowing full payment of combined benefits to a disabled worker and his family. If the change is enacted, 55,000 beneficiaries would have their social security benefits increased and 5,000 persons who presently receive no benefits would receive some benefits at once.

It is my genuine hope that S. 1781 will be included in the Social Security Act Amendments of 1970.

Mr. RANDOLPH. Mr. President, we have heard testimony in various committees—for example, the Subcommittee on Labor of the Committee on Labor and Public Welfare—that seldom do disabled workers receive the full benefit of compensation awards. In Charleston, W. Va., recently, the Subcommittee on Labor heard witnesses testify that, although compensation cases nominally do not require the services of an attorney, in actual practices those appealing such cases must share their compensation awards with lawyers.

Under the social security offset provision, a worker's average current earnings for the purpose of establishing benefits are computed on the basis of: First, the average monthly earnings used for computing his social security benefits, or second, his average monthly earnings in employment or self-employment covered by social security during the 5 consecutive years of highest covered earnings after 1950, computed without regard to the limitations which specify a maximum amount of earnings creditable and taxable under social security.

Mr. President, the objective of these provisions is to avoid the payment of combined amounts of social security benefits and workmen's compensation payments that would be excessive in comparison to the beneficiary's earnings before he became disabled.

I point out that the matter of a sum of money is not the total consideration here. The man who has an injured spine or the man who has twisted limbs for all intents and purposes is totally disabled. It should not be necessary for me to impress upon Senators the financial hardship to a worker and his family when the worker's combined social security disability benefits and workmen's compensation payments amount to less than he earned at the time he became disabled.

We must recognize, however, that workmen's compensation is not solely a replacement of lost earnings but is, in part, compensation for pain and loss of function for which the disabled worker might otherwise secure recompense through legal action against his employers. The present provisions are unduly restrictive and result in severe hardships for disabled workers and their families.

A worker's total disability will usually give rise to substantial expenses in addition to the family's continuing regular expenses, particularly in health care and medical expenses. Limiting the combined benefits that are payable to 80 percent of the average current earnings has in many instances caused a significant reduction in the family's living standard. The family's long-term commitments, such as mortgages and time purchases, cannot be reduced accordingly, and in some cases, long-time plans for college educations for children evaporate.

A worker's average current earnings are calculated for purposes of the existing provision on the basis of his earnings over a protracted period, rather than his earnings just before disablement. There are documented cases in which a worker received substantial increases in wages or earnings in the year prior to his disability, and accordingly increased his standard of living. Families often suffer a sharp drop in income upon disablement of the breadwinner which is significantly below 80 percent of the worker's latest earnings.

To correct these inequities, the House committee decided that the allowable amount of combined workmen's compensation and social security disability benefits should be increased. The House amendment would raise the combined payments allowable to 100 percent of the worker's average current earnings.

This provision was deleted by the Senate Finance Committee in its consideration of the social security bill because, as I stated, members of the committee felt the combined benefits to which the disabled worker is justly entitled might be an excessive reward for his disablement, or might somehow discourage him from entering a rehabilitation program.

Mr. President, I believe there is no certain sum of money that can adequately compensate for a broken spine, twisted or missing limbs. I believe that no workingman who is a productive member of our society would trade places with his disabled brother who, along with his family, must face the future with something less than pride of achievement and promising outlook.

The human spirit, I submit, can be as sorely wounded as the human body.

I strongly support our amendment which would provide that, in a case in which workmen's compensation is payable, social security disability benefits will be reduced only by the amount by which the combined payments exceed 100 percent of the worker's average earnings before he became disabled. I remind Senators—and I emphasize this point—that such a formula will not necessarily bring a worker up to his level of earnings just prior to disability. I urge the Members of the Senate to join in assuring that disabled workers receive fair and equitable treatment under the laws governing disability payments.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, in this bill we have liberalized the definition of disability for welfare purposes to provide that the person is regarded as disabled if he is unable to work at gainful employment for 1 year because of illness or disability. In the years when we first started working on disability, I was one of those Senators seeking to provide assistance to disabled persons. I joined as a cosponsor in the amendment to insure people under social security for disability. But we have two kinds of situations that develop. We have situations where people are disabled for 1 year or a year and a half and after a while they overcome that disability and they are able to go to work, and we hope they do go to work.

If they are to receive as much money in social security plus workmen's compensation as they would receive if they went to work, where is the incentive to go to work? They would lose those benefits if they went back to work, so the incentive would be not to go to work.

The Senator pointed to a situation where the person is truly totally disabled. Let us assume the person had a back injury and is never able to work again. It can well be argued in that case we should let him have 100 percent of what he would make if he went to work. That would be a reasonable compromise between the Senate provision and the House provision because the House would do that which the Senator seeks and say the person can have 100 percent in social security and disability of what he earned prior to being disabled.

However, if the Senator's amendment prevails, we could have only the House position in conference, and even though a person would have a disability that lasted only a year or a year and a few months, the incentive would be not to go to work because that person would get as much money by not working as he would for working. In that case it would make good logic, as in the Senate provision, and as the committee sought to do, that he get only 80 percent as much in social security and disability insurance and in disability benefits under workmen's compensation as 80 percent of what his pay would be, hoping that the other 20-percent advantage would entice him to go to work.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CURTIS. Will the distinguished chairman tell me what the tax consequences are of disability benefits and workmen's compensation?

Mr. LONG. It is tax exempt; so as a practical matter, this amendment would mean, when taxes are taken into consideration, the person who is disabled would actually be better off in terms of money if we take the 100 percent amendment because he would pay no taxes on his social security disability benefits while his earnings would be taxed if he went to work.

Mr. CURTIS. What would be the situation with reference to expenses of employment, the expenses of going to and from employment, lunch away from home, and that sort of thing? Those would be expenses that would fall on the individual who was employed, would they not?

Mr. LONG. Well, presumably, it costs him money to go to work. Those are expenses a man would incur going to work so that would come out of his wages. I had not made that argument, but if that were taken into consideration, he would be worse off if he goes back to work.

If one were to take taxes into consideration and expenses in going to work, a person would be better off to continue to draw social security benefits and workmen's compensation benefits than to go to work, so if there is to be any incentive to get him back to work, the Senate will have to do at least part of what the Committee on Finance did, in trying to place the emphasis on work, hoping the person would go to work and make more and improve his ability to do a better job rather than draw the social security and disability insurance, and decline to go to work.

Mr. HARRIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. HARRIS. Mr. President, I think the colloquy we just heard between the Senator from Nebraska and the Senator from Louisiana, with all due respect, does not take into account the real situation of the man who receives benefits because he is totally disabled and is receiving what he paid for. That is the insurance he paid for. This is not some welfare program we are giving him out of the goodness of our hearts. He paid for that and he is entitled to it.

Furthermore, it leaves out the consideration that a man who has been injured on the job and has been adjudicated to be entitled to workmen's compensation because of the fact he has been injured is not better off if he gets the same amount of money. That argument does not take into account that the man has been injured. He had pain and suffering in addition to the loss of his wages. Therefore, it is not correct to say just because he gets what is coming to him, and what he has paid for under the Social Security System, and just because he is receiving what he is entitled to under the law—workmen's compensation, not only for loss of wages but pain and suffering—that he should be held to 80 percent of what he made before. That does not make him whole. He is entitled to 100 percent and that is what the House said in their bill.

Mr. President, this amendment would restore the House-passed provision relating to the reduction of social security benefits when workmen's compensation is also payable.

Under present law, social security benefits are required to be reduced when workmen's compensation is also payable and when the combined payments exceed 80 percent of average current earnings before disablement.

The House amended this provision. The House bill called for a reduction in benefits by the amount by which the combined payments under both programs exceed 100 percent of average current earnings before disability.

This amendment applies to only about 60,000 persons and would cost only about $7 million annually.

I believe a strong case can be made to restore the House language.

A convincing argument for the House provision is made in the report of the Committee on Ways and Means, wherein it is stated:

> Workmen's compensation is not solely a replacement of lost earnings but is, in part, compensation for pain and loss of function for which the disabled worker might otherwise secure recompense through legal action against his employer. It should, therefore, not be necessary to limit a worker's combined social security disability benefits and workmen's compensation payments to less than he earned before becoming disabled . . . Limiting the combined benefits that are payable to 80 percent of average current earnings has in many instances caused a significant reduction in the family's standard of living in comparison with the level attained by the worker at the time of disablement.

XUM

The argument is sometimes made that raising the ceiling for combined workmen's compensation and social security disability benefits to 100 percent of the worker's average earnings—during the 5 years of highest earnings—may in some cases result in combined benefits that are larger than the worker's earnings before his disablement.

However, we know that as a rule a worker's wage increases year by year, and over a 5-year period the earnings at the end of the 5-year period are almost always higher than the average for the 5 years.

The argument is also made that since current earnings of a worker are taxable, and social security benefits and workmen's compensation benefits are not, that a 100-percent ceiling on combined benefits could exceed the worker's predisability take-home pay and thereby reduce the incentive of the worker to attempt to become rehabilitated for gainful employment.

There is no merit in this argument. Most of the workers affected by this amendment are workers in the lower income brackets and the taxes involved are relatively small. But, more importantly, a disabled worker's motivation for vocational rehabilitation is strong and would not be influenced by a small amount of additional money that might be received by a worker by reason of not having to pay taxes.

As a matter of basic fairness, a disabled worker should be entitled to 100 percent of average earnings before social security benefits to such worker also receiving workmen's compensation would be reduced.

XUM

I yield 1 minute to the Senator from West Virginia.

Mr. RANDOLPH. For the purpose of a question.

Mr. HARRIS. I yield.

Mr. RANDOLPH. It is correct that the worker has been injured and that is why he receives workmen's compensation. Is that correct?

Mr. HARRIS. The Senator is absolutely correct.

Mr. RANDOLPH. He was not on welfare. He was not a drag upon society. He was the breadwinner. He was the head of the family, and the injury which came to him in discharge of his honest labor brought to him a total disability which makes it impossible for him to return to his employment. Is that not correct?

Mr. HARRIS. That is absolutely correct.

Mr. RANDOLPH. Certainly in this amendment we are not seeking to bring an incentive to loaf. Rather, we are asking only equity for a worker who became disabled while engaged in gainful employment.

As some Senators have stated, the combined payments for a limited number of workers will exceed the amount of money such workers were earning at the time of disability. But in most situations this will not be true because of the average earnings formula.

Mr. HARRIS. The Senator is quite correct, and I say, in closing, I am very grateful that the distinguished Senator from West Virginia brought this matter so forcefully to the attention of the Senate Finance Committee. I am pleased to join with him now in bringing it to the attention of the Senate.

I urge the adoption of the amendment.

I am prepared to yield back my time.

Mr. LONG. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from North Dakota (Mr. Burdick), the Senator from Idaho (Mr. Church), the Senator from Connecticut (Mr. Dodd), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pastore), the Senator from Georgia (Mr. Russell), the Senator from Maryland (Mr. Tydings), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pastore) would vote "yea."

Mr. GRIFFIN. I announce the Senator from New Hampshire (Mr. Cotton), the Senator from Hawaii (Mr. Fong), the Senator from New York (Mr. Goodell), the Senator from Oregon (Mr. Hatfield), the Senator from California (Mr. Murphy), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Arizona (Mr. Goldwater) is absent on official business.

The Senator from Utah (Mr. Bennett), the Senator from Colorado (Mr. Saxbe) and the Senator from North Dakota (Mr. Young) are detained on official business.

On this vote, the Senator from New York (Mr. Goodell) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from New York would vote "yea" and the Senator from South Dakota would vote "nay."

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 46, nays 20, as follows:

[No. 451 Leg.]

YEAS—46

Allen
Baker
Bayh
Bible
Boggs
Brooke
Byrd, W. Va.
Cannon
Case
Cook
Cooper
Cranston
Ellender
Ervin
Harris
Hartke
Holland
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Moss
Nelson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Sparkman
Spong
Stevenson
Symington
Talmadge
Williams, N.J.
Yarborough

NAYS—20

Aiken
Allott
Bellmon
Byrd, Va.
Curtis
Dole
Fannin
Griffin
Gurney
Hansen
Hruska
Long
Miller
Packwood
Pearson
Prouty
Smith
Stennis
Thurmond
Williams, Del.

NOT VOTING—34

Anderson
Bennett
Burdick
Church
Cotton
Dodd
Dominick
Eagleton
Eastland
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Hart
Hatfield
Hollings
Inouye
McCarthy
McClellan
McGee
Montoya
Mundt
Murphy
Muskie
Pastore
Russell
Saxbe
Stevens
Tower
Tydings
Young, N. Dak.
Young, Ohio

So Mr. Harris' amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I think we should point out to the Senate just what has been done by this last rollcall vote. Congress has just made it possible for a man who is drawing social security and unemployment combined to equal 100 percent of what he would make if he were working full time, his total wages. That sounds nice; but the fact is that if he works his earnings are taxable, and the social security and the unemployment insurance are not taxable. The net effect of what we have just done here is that a man who does not work gets about 30 percent more than if he goes back on the payroll. So we would be paying him a 30-percent premium not to go back on the payroll.

Unfortunately, this is not in conference; this is now in both bills. I just cannot understand the Senate's taking this position.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment, the question is on the engrossment of the amendments and the third reading of the bill.

AMENDMENT NO. 1114

Mr. HARRIS. Mr. President, I call up my amendment No. 1114 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Strike out the table which appears on pages 7 and 8 of the bill, and insert in lieu thereof the following new table:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I		II	III		IV	V
(Primary insurance benefits under 1939 act, as modified)		(Primary insurance amount under 1969 act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
	$26.94	$90.60 or less	------------	$113	$100.00	$150.00
$26.95	27.46	91.90	$114	118	101.10	151.70
27.47	28.00	93.30	119	122	102.70	154.10
28.01	28.68	94.70	123	127	104.20	156.30
28.69	29.25	96.20	128	132	105.90	158.90
29.26	29.68	97.50	133	136	107.30	161.00
29.69	30.36	98.80	137	141	108.70	163.10
30.37	30.92	100.30	142	146	110.40	165.60
30.93	31.36	101.70	147	150	111.90	167.90
31.37	32.00	103.00	151	155	113.30	170.00
32.01	32.60	104.50	156	160	115.00	172.50
32.61	33.20	105.80	161	164	116.40	174.60
33.21	33.88	107.20	165	169	118.00	177.00
33.89	34.50	108.60	170	174	119.50	179.30
34.51	35.00	110.00	175	178	121.00	181.50
35.01	35.80	111.40	179	183	122.60	183.90
35.81	36.40	112.70	184	188	124.00	186.00
36.41	37.08	114.20	189	193	125.70	188.60
37.09	37.60	115.60	194	197	127.20	190.80
37.61	38.20	116.90	198	202	128.60	192.90
38.21	39.12	118.40	203	207	130.30	195.50
39.13	39.68	119.80	208	211	131.80	197.70
39.69	40.33	121.00	212	216	133.10	199.70
40.34	41.12	122.50	217	221	134.80	202.20
41.13	41.76	123.90	222	225	136.30	204.50
41.77	42.44	125.30	226	230	137.90	206.90
42.45	43.20	126.70	231	235	139.40	209.10
43.21	43.76	128.20	236	239	141.10	211.70
43.77	44.44	129.50	240	244	142.50	214.80
44.45	44.88	130.80	245	249	143.90	219.20
44.89	45.60	132.30	250	253	145.60	222.70
		133.70	254	258	147.10	227.10
		134.90	259	263	148.40	231.50
		136.40	264	267	150.10	235.00
		137.80	268	272	151.60	239.40
		139.20	273	277	153.20	243.80
		140.60	278	281	154.70	247.30
		142.00	282	286	156.20	251.70
		143.50	287	291	157.90	256.10
		144.70	292	295	159.20	259.60
		146.20	296	300	160.90	264.00
		147.60	301	305	162.40	268.40
		148.90	306	309	163.80	272.00
		150.40	310	314	165.50	276.40
		151.70	315	319	166.90	280.80
		153.00	320	323	168.30	284.30
		154.50	324	328	170.00	288.70
		155.90	329	333	171.50	293.20
		157.40	334	337	173.10	296.60
		158.60	338	342	174.50	301.00
		160.00	343	347	176.00	305.40
		161.50	348	351	177.70	308.90
		162.80	352	356	179.10	313.30
		164.30	357	361	180.80	317.70
		165.60	362	365	182.20	321.20
		166.90	366	370	183.60	325.60
		168.40	371	375	185.30	330.00
		169.80	376	379	186.80	333.60
		171.30	380	384	188.50	338.00
		172.50	385	389	189.80	342.40
		173.90	390	393	191.30	345.90
		175.40	394	398	193.00	350.30
		176.70	399	403	194.40	354.70
		178.20	404	407	196.10	358.20
		179.40	408	412	197.40	362.60
		180.70	413	417	198.80	367.00
		182.00	418	421	200.20	370.50
		183.40	422	426	201.80	374.90
		184.60	427	431	203.10	379.30
		185.90	432	436	204.50	383.70
		$187.30	$437	$440	$206.10	$385.50
		188.50	441	445	207.40	387.70
		189.80	446	450	208.80	389.90
		191.20	451	454	210.40	391.60
		192.40	455	459	211.70	393.80
		193.70	460	464	213.10	396.00
		195.00	465	468	214.50	397.80
		196.40	469	473	216.10	400.00
		197.60	474	478	217.40	402.20
		198.90	479	482	218.80	404.00
		200.30	483	487	220.40	406.20
		201.50	488	492	221.70	408.40
		202.80	493	496	223.10	410.10
		204.20	497	501	224.70	412.30
		205.40	502	506	226.00	414.50
		206.70	507	510	227.40	416.30
		208.00	511	515	228.80	418.50
		209.30	516	520	230.30	420.70
		210.60	521	524	231.70	422.40
		211.90	525	529	233.10	424.60
		213.30	530	534	234.70	426.80
		214.50	535	538	236.00	428.60
		215.80	539	513	237.40	430.80
		217.20	544	548	239.00	433.00
		218.40	549	553	240.30	435.20
		219.70	554	556	241.70	536.50
		220.80	557	560	242.90	438.30
		222.00	561	563	244.20	539.60
		223.10	564	567	245.50	441.40
		224.30	568	570	246.80	442.70
		225.40	571	574	248.00	444.40
		226.60	575	577	249.30	445.80
		227.70	578	581	250.50	447.50
		228.90	582	584	251.80	448.80
		230.00	585	588	253.00	450.60
		231.20	589	591	254.40	451.90
		232.30	592	595	255.60	453.70
		233.50	596	598	256.90	455.00
		234.60	599	602	258.10	456.80
		235.80	603	605	259.40	458.10
		236.90	606	609	260.60	459.80
		238.10	610	612	262.00	461.20
		239.20	613	616	263.20	462.90
		240.40	617	620	264.50	464.70
		241.50	621	623	265.70	466.00
		242.70	624	627	267.00	467.80
		243.80	628	630	268.20	469.40
		245.00	631	634	269.50	471.70
		246.10	635	637	270.80	473.90
		247.30	638	641	272.10	476.20
		248.40	642	644	273.30	478.30
		249.60	645	648	274.60	480.60
		250.70	649	650	275.80	482.70
			651	655	276.80	484.40
			656	660	277.80	486.20
			661	665	278.80	487.90
			666	670	279.80	489.70
			931	935	332.80	582.40
			936	940	333.80	584.20
			941	945	334.80	585.90
			946	950	335.80	587.70
			951	955	336.80	589.40
			956	960	337.80	591.20
			961	965	338.80	592.90
			966	970	339.80	594.70
			971	975	340.80	596.40
			976	980	341.80	598.20
			981	985	342.80	599.90
			986	990	343.80	601.70
			991	995	344.80	603.40
			996	1,000	345.80	605.20".

On page 72, line 24, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 73, line 19, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 74, line 6, strike out "$9,000" and insert in lieu thereof "$12,000".

One page 74, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 74, line 24, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 75, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 2, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 5, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 17, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 76, line 23, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 77, line 1, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 77, line 12, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 77, line 19, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 78, line 6, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 78, line 14, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 78, line 17, strike out "$9,000" and insert in lieu thereof "$12,000".

On page 83, line 5, strike out "6.6" and insert in lieu thereof "6.15".

On page 83, line 23, strike out "4.4" and insert in lieu thereof "4.1".

On page 84, line 4, strike out "1984, and 1985," and insert in lieu thereof "and 1984,".

On page 84, line 7, strike out "1985" and insert in lieu thereof "1984".

On page 84, line 7, strike out "6.1" and insert in lieu thereof "S. 85".

On page 84, line 20, strike out "4.4" and insert in lieu thereof "4.1".

On page 84, line 25, strike out "1984, and 1985," and insert in lieu thereof "and 1984,".

One page 85, line 2, strike out "1985" and insert in lieu thereof "1984".

On page 85, line 2, strike out "6.1" and insert in lieu thereof "5.85".

On page 85, line 17, strike out "1973" and insert in lieu thereof "1972".

On page 85, line 18, strike out "0.8" and insert in lieu thereof "0.7".

On page 85, line 22, strike out "1972" and insert in lieu thereof "1971".

On page 85, line 23, strike out "0.9" and insert in lieu thereof "0.8".

On page 86, line 2, strike out "1.0" and insert in lieu thereof "0.9".

On page 86, line 5, strike out "1.1" and insert in lieu thereof "1.0".

On page 86, line 21, strike out "years 1971 and 1972" and insert in lieu thereof "year 1971".

On page 86, line 21, strike out "0.8" and insert in lieu thereof "0.7".

On page 86, line 23, strike out "1973" and insert in lieu thereof "1972, 1973,".

On page 86, line 23, strike out "0.9" and insert in lieu thereof "0.8".

On page 87, line 2, strike out "1.0" and insert in lieu thereof "0.9".

On page 87, line 4, strike out "1.1" and insert in lieu thereof "1.0".

On page 87, line 18, strike out "years 1971 and 1972" and insert in lieu thereof "year 1971".

On page 87, line 18, strike out "0.8" and insert in lieu thereof "0.7".

On page 87, line 20, strike out "1973" and insert in lieu thereof "1972, 1973".

On page 87, line 20, strike out "0.9" and insert in lieu thereof "0.8".

On page 87, line 23, strike out "1.0" and insert in lieu thereof "0.9".

On page 88, line 2, strike out "1.1" and insert in lieu thereof "1.0".

Mr. HARRIS. Mr. President, this amendment has to do with the financing of the——

Mr. MANSFIELD. Mr. President, will the Senator agree to a time limitation on this one?

Mr. HARRIS. Mr. President, may I say in response that as far as I am concerned, on this amendment, which has to do with the financing of social security benefits, which I shall offer, and then for myself and Senators JAVITS and McGOVERN on my amendment No. 1172, which has to do with the elimination of the present law requiring maintenance of effort by a State in regard to medicaid, and then on two amendments which I shall offer together with the distinguished Senator from New York (Mr. JAVITS) on child care, I do not see how we could get to the two child care amendments tonight, that being a matter of such great importance that I do not see how now, at 15 minutes until 11, we could get into that, or that we could agree to a time limitation.

What I think would be a better procedure—and I would propose it to the majority leader—considering that we have moved along rather rapidly on what is a terribly complicated bill, and according to the last vote, I believe we are now down to about 66 Members of the Senate out of 100, if we might agree that these are the only four amendments remaining, we could perhaps agree to a time limitation on the first two and put all of them over until tomorrow, or, failing that, perhaps agree to a time limitation on the first two tonight, though it is awfully late, and then agree that the two amendments on child care which Senator JAVITS and I shall offer would be the only two remaining amendments before third reading and that they would come up tomorrow. But at this time we would not be in a position—and I think I speak for the distinguished Senator from New York as well as myself—to agree to a time limitation on those latter two.

I yield to the Senator from New York so that he may comment on this last point, Mr. President.

Mr. JAVITS. I think the Senate should be advised on this matter, so that it will not appear that the Senator from Oklahoma and I are failing to cooperate with the majority leader with respect to a limitation.

The fact is that here we are dealing with a new child care corporation with a $50 million initial capital and in the context of the following additional factors:

First, the corporation would be moving into a field in which we now spend somewhere around $500 million a year;

Second, we have just had the White House Conference on Children, with the objective of providing for the educational and other development of youth; and

Third, we have very comprehensive bills by a number of Senators on the entire matter of child care.

The question which faces us is, Will the establishment of the child care corporation preempt or conflict with these additional factors?

Nonetheless, I have agreed with Senator HARRIS that we will go through with it and do our utmost to inform the Senate, and let the Senate exercise its will. It will require a matter of a few hours, probably, in order to really begin to deal with the subject. I hope Senators will understand that with all the good will in the world, to expedite it every way in the world, we simply cannot deal so rapidly with a subject of that size.

Senators will remember that I raised this question when the motion to recommit was made. It is in the bill; the Senator from Louisiana felt strongly that he wanted it in the bill. That is all right, however, we also have some rights as to advise the Senate to what we who have been working on it for months think ought to be done about it.

Mr. MANSFIELD. Would the Senator suggest a time for the two amendments which he mentioned would be amenable to such a proposal?

Mr. HARRIS. As far as I am concerned, on the first two amendments which I have listed, I would be glad to agree to a 30-minute time limitation, 15 minutes to a side. But I would prefer—it seems to me that would not hold the Senate up unduly—that they be the first order of business tomorrow, rather than go on late tonight. As I have said, there are only 66 Senators here, and I think it would be better to start on this tomorrow. I would agree to a total of an hour on both amendments, equally divided. Then we could go to the child care amendments and perhaps agree tonight that they would be the last amendments tomorrow prior to third reading.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Would the Senator agree on a 30-minute limitation on the two amendments tonight? The Senator has mentioned the number 66 several times. The highest number of Senators we have had has been 69. So that indicates that the Senators are sticking around pretty closely.

I would suggest most respectfully to the Senator from Oklahoma that as long as we have gone this far, we ought to at least take up the next two amendments and then see whether we can come to an agreement on the other two for tomorrow, if not tonight.

Mr. HARRIS. Mr. President, I want to be as agreeable as possible, and I think I have been earlier today with respect to the other amendments that have been involved. Many amendments are not being offered by myself and others because of the press of time, although they are almost of equal importance to those which have been offered.

Perhaps we could make it part of one total agreement that we would finish up these two amendments tonight with 30 minutes each, the time to be equally divided—that is, a total of an hour tonight—and I would hope that we would not use all that time; then the only remaining amendments would be the two child care amendments, which could be taken up tomorrow prior to third reading. Perhaps we could make that one package and thereby shorten the work of the Senate.

Mr. MANSFIELD. Would the Senator agree—as I assume he will—that there be a 30-minute limitation, the time to be equally divided, under the usual procedure, for tonight, and that at the conclusion, with no time limitation interspersed on the two remaining amendments, the Senate go to third reading on the bills, and that at that time there be an hour on the bill itself?

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, let us understand this. I do not quite get it. Could we have the unanimous-consent request repeated?

The PRESIDING OFFICER. The understanding is that the unanimous-consent request is that on the two amendments tonight there be a half hour, equally divided between the proponents and the opponents; that two amendments would be offered tomorrow upon which no time limit would apply; and that there would be 1 hour after the third reading of the bill, a 1-hour limit on the debate, to be equally divided.

Mr. SCOTT. Mr. President, reserving the right to object, may I inquire why no time limit would apply?

Mr. MANSFIELD. The distinguished Senator from New York indicated that he would have a great deal of explaining to do because it covers such a wide and extensive area.

Mr. **SCOTT**. Let us fix the time.

Mr. **HOLLAND**. Mr. President, will the Senator yield?

Mr. **HARRIS**. I yield.

Mr. **HOLLAND**. In the proposed unanimous-consent request, is there also wording limiting the remaining amendments to the four about which we are talking?

Mr. **MANSFIELD**. Yes, indeed.

Mr. **HOLLAND**. I did not hear that statement.

The **PRESIDING OFFICER**. The unanimous-consent request is that no further amendments would be in order other than the four amendments, two to be disposed of tonight, and two to be disposed of tomorrow.

Mr. **MATHIAS**. Mr. President, reserving the right to object——

Mr. **MILLER**. Mr. President, may I understand the Senator? I feel confident that I know what he is trying to do. Can we agree that the two amendments that we are talking about for tomorrow be the amendments relating to the child care provisions in the bill?

Mr. **MANSFIELD**. That is my understanding.

Mr. **HARRIS**. That is correct.

Mr. **LONG**. Further, can we agree that this does not bar technical amendments which must be offered on behalf of the committee?

Mr. **MANSFIELD**. That is perfectly acceptable.

The **PRESIDING OFFICER**. Technical amendments will be excluded.

Mr. **MATHIAS**. Mr. President, reserving the right to object, would the distinguished majority leader amend his unanimous consent request to include one amendment which has been printed, which I have offered?

Mr. **MANSFIELD**. Would the Senator agree to a time limitation?

Mr. **MATHIAS**. Yes.

Mr. **MANSFIELD**. How much?

Mr. **MATHIAS**. Half an hour.

Mr. **MANSFIELD**. And a half hour on the amendment to be offered by the distinguished Senator from Maryland (Mr. MATHIAS).

Mr. **MATHIAS**. This is the amendment which involves the State taxation of interstate commerce.

Mr. **MANSFIELD**. The time to be equally divided, under the usual procedure.

The **PRESIDING OFFICER**. The agreement would also include one amendment to be offered by the Senator from Maryland (Mr. MATHIAS), a time limitation of one-half hour, 15 minutes to each side.

Mr. **HARRIS**. Reserving the right to object, would that amendment come up tonight?

Mr. **MANSFIELD**. We hope so.

Mr. **GRIFFIN**. Mr. President, further reserving the right to object, can we have the two amendments on which there is no time allotted identified by number?

Mr. **HARRIS**. Not at the present time, but I can show them to the Senator. We are in the process of getting the exact language on one. Both relate to child care, and they will be offered jointly by the distinguished Senator from New York and myself. We can give the Senator a copy of it in just a moment.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

The unanimous consent agreement later prepared in statement form reads as follows:

> Ordered, That, effective on Tuesday, December 29, 1970, during the further consideration of H.R. 17550, an Act to amend the Social Security Act, etc., the only amendments, except technical amendments to be offered by the manager of the bill (Mr. Long), that will be in order will be two amendments relating to child-care to be offered jointly by the Senators from Oklahoma and New York (Mr. Harris and Mr. Javits). Third reading of the bill will immediately follow disposition of any technical amendments and the two child-care amendments.
>
> Ordered further, That on the question of the final passage of the said bill, debate shall be limited to one hour, to be equally divided and controlled, respectively, by the majority and minority leaders, or their designees.

Mr. **YARBOROUGH**. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER** (Mr. HARTKE). The Senator will state it.

Mr. **YARBOROUGH**. If we take the two or three amendments tomorrow, whichever it is, with the time limitation for debate on the bill, at what hour would the final vote on the bill take place?

Mr. **MANSFIELD**. It is difficult to say, because we do not know how much time will be consumed on the two child care amendments.

Mr. **HOLLAND**. Mr. President, reserving the right to object—and I shall not object—I did not understand the request of the Senator from Maryland. Is his amendment germane to the social security bill?

Mr. **MATHIAS**. The amendment is to add a new section dealing with limiting the State taxation of interstate commerce.

Mr. **HOLLAND**. Mr. President, I thought the Senate had committed itself to consideration only of social security matters.

The **PRESIDING OFFICER**. The time is now under control, under the unanimous-consent agreement.

Who yields time?

Mr. **HARRIS**. I yield myself 5 minutes.

Mr. President, the amendment which is presently before the Senate has to do with the financing of the social security benefits which, in effect, are now a part of the bill which will be adopted. Under the committee provision, the increased social security benefits—that is, primarily the increase of 10 percent in social security benefits and the $100 minimum and the other improved benefits in the bill—would be financed by raising the taxable wage base to $9,000 and then by making certain increases in the tax rate itself. The amendment I offer would raise the taxable wage base to $12,000 instead of the $9,000 which the committee recommends.

It would make certain adjustments in the tax rate over time, but it has this one other counter cyclical economic aspect: There is presently a tax rate increase written into the law, whether this bill is passed or not, which would go into effect on January 1, 1971, raising the tax rate by 0.4 percent. The amendment I offer would increase the taxable wage base to $12,000. It would put off for 1 year the 0.4 percent tax rate increase now in the law, and then it would make certain other adjustments in the tax rate over term.

Mr. President, I think it is important to do this for two very basic reasons. One, as I have indicated earlier, I am firmly convinced that the social security tax rate represents presently a regressive tax system. It is a flat rate. It is not graduated on the basis of income. Furthermore, it is limited in the total amount of salary upon which the tax is levied.

Under the Senate bill, that would be $9,000, and therefore the average lower and middle income wage earner is overburdened, and overtaxed, paying more than his fair share of social security taxes as, unfortunately, is also true under our present income tax system.

The wage base in 1951, as I said earlier today in connection with another amendment, was $3,600. From time to time, Congress has increased that wage base until its present level is $7,800. That $7,800, by and large, represents an adjustment for increases in wages and increases in the cost of living since the original wage base was set.

To raise the taxable wage base not only makes the social security tax system more progressive; that is, based more on the ability to pay, but also widens the coverage so that those who would receive benefits under the social security system would more nearly receive benefits on their retirement or disability which are in accordance with the wages they had received while earning wages.

Second, the amendment which I offer would have another important aspect and that is the economic effect of avoiding too immediate increase in the tax rate, deferring for 1 year the effective date of present law, raising tax rates by four-tenths of 1 percent.

Mr. President, this country is in a serious recession. There are millions of people who are needlessly out of work because of the mistaken and misguided fiscal and monetary policies which have consciously been made effective during this administration by its policies.

What we need to do now is to stimulate consumer demand and spur the economy of the country; otherwise, I sadly fear that unemployment which now stands at 5.8 percent is going to get worse, and we will continue with a needlessly slack economy, with jobless lines needlessly long. If on the 1st of January, at a time when we are in a recession, when the economy is down and unemployment is up, we put into effect an increase in the social security tax rate, taking out of the private economy additional millions of dollars, we will add to the recession and the slump in the economy.

What we should be doing is spurring consumer demand. What we will do, unless this amendment is enacted, will be to add to the recession and take more out of the consumers' hands and more money out of the private economy. What I propose to do is to make the social security tax system more progressive by

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increasing the wage base taxable up to $12,000 rather than $9,000. I would postpone the four-tenths of 1 percent tax rate increase that would otherwise go into effect under present law except for this amendment and increase the tax rate over time after that. By this amendment, there would continue to be a cash surplus in the social security accounts. There would not be a deficit in any year. And over term, as the actuaries for social security have made clear, the fund would continue to be actuarially sound.

Mr. MILLER. Mr. President, will the Senator from Louisiana yield me 2 minutes?

Mr. LONG. I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. The argument advanced by the Senator from Oklahoma on his pending amendment is about the same as those advanced by him in connection with an earlier amendment, which was substantially defeated by the Senate. He keeps insisting that social security taxes are regressive.

As I said earlier, everyone knows that. It has always been that way. As long as we adhere to the concept of social insurance, it always will be that way.

Now, if the Senator from Oklahoma does not want to have regressive taxation, he does not want to have social insurance, he wants to have welfare.

We might as well throw out the whole social security tax system, legislate the benefits, and take it all out of the general fund of the Treasury; and we can make an argument for that, too.

As a matter of fact, the Senator from Iowa believes that, in connection with benefits relating to the $100 minimum, there will be hundreds of millions of dollars of unfunded liability connected with such a provision. Many of these people will receive $100 minimum even though they have only paid a fraction in taxes necessary to support that $100 minimum. So that if we do not take the money needed to pay for it out of the general fund of the Treasury, we will take it out of the hides of the workers and especially the ones I am concerned about, the lower paid workers trying to maintain their families and getting caught with social security taxes needed to underwrite this $100 minimum. That, to me, is not fair.

I think the way to handle this would be to take the money out of the general fund of the Treasury into which taxes are generally paid according to relative ability to pay.

If the Senator from Oklahoma wants to do that, I would join him in that; but that only. Because it relates to benefits that have not been funded by the social security taxes paid by the recipients. That is a unique aspect of social security which is not social insurance. It is welfare. But if we are going to adhere to the concept of social security as being social insurance, then I think we had better understand that we are going to have to pay taxes in proportion to the benefits each of us will be entitled to. This is a regressive approach, but it is the necessary approach if we are going to stick with the concept of social insurance.

People do not go out and buy insurance policies and pay different premiums according to their relative income. Relative income is beside the point. This is a regressive approach. But that is the way to pay for insurance. I think that we should be pretty chary about changing the concept of social insurance. And that is what we will be doing if the Senator from Oklahoma's amendment is adopted.

Mr. HANSEN. Mr. President, will the Senator from Louisiana yield me 2 minutes?

Mr. LONG. I yield 2 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I too rise to express my opposition to the amendment proposed by the Senator from Oklahoma.

The amendment would revise the financing of the committee bill by increasing the tax base—$7,800 under present law and $9,000 under the committee bill—to $12,000 a year and by revising the schedule of taxes.

Under the committee bill, employer and employee taxes are each scheduled to increase from 5.2 percent next year—this is also the rate under present law—to 5.5 percent in 1972 and rising in a number of steps until they reach 7.6 percent for 1986 and after.

Under this schedule, a person earning $9,000 or more will pay social security taxes of $495 in 1972 and $684 in 1986 and after.

Under amendment No. 1114, the tax rates under the committee bill would be reduced so that in 1972 the rate would be 5.2 percent and rising in a number of steps to 7.25 percent in 1985 and after.

Under this schedule, a person earning $12,000 or more will pay social security taxes of $624 in 1972 and $870 in 1986 and after.

The amendment fails to take into account the need to revise the proportion of social security taxes allocated to the disability insurance trust fund which arises when the tax base and schedule of tax rates is revised.

I would point out that the amendment was offered in the committee and was voted down. I think it is unfair to impose these rates on higher incomes and thus make this, as has been pointed out by the distinguished Senator from Iowa (Mr. MILLER), a welfare bill instead of a social security bill.

I hope that the Senate will reject the amendment.

Mr. HARRIS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 2 additional minutes.

Mr. HARRIS. Mr. President, I point out in closing that this amendment postpones for an additional year the increase in the tax rate from 4.8 to 5.2 percent which is otherwise scheduled to go into effect in January 1971, under present law. Instead of the increase in the wage base from $7,800 to $9,000, the amendment would increase the wage base to $12,000.

The amendment provides for actuarial soundness, with less of an increase in the tax rate over a period of years than recommended by the Senate committee.

The amendment is important because the committee bill and the House bill do not properly take into account the economic impact of the financing provisions in the proposals and do not take into account the presently regressive nature of the social security tax system.

Unless the rate increase is postponed, it will have a seriously dampening effect on consumer demand at a time when the economy is much too sluggish and unemployment too high. Stimulation of consumer demand through postponement of the presently scheduled tax rate increase and through increased benefits would not be inflationary in my view and in the view of eminent economists such as Arthur Okun, Chairman of the Economic Advisers, and others, by serving to cause expanded production volume, allowing some reduction in unit cost.

By increasing the wage base, rather than the tax rate, the social security tax system would be made more progressive.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. LONG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The yeas and nays were not ordered.

Mr. HARRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), and the

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Senator from Ohio (Mr. YOUNG) are necessarily absent.

On this vote, the Senator from Rhode Island (Mr. PASTORE) is paired with the Senator from North Carolina (Mr. ERVIN).

If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from North Carolina would vote "nay."

Mr. GRIFFIN. I announce the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from Utah (Mr. BENNETT), the Senator from Ohio (Mr. SAXBE), and the Senator from North Dakota (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from South Dakota (Mr. MUNDT) would each vote "nay."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from New York would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 24, nays 40, as follows:

[No. 452 Leg.]

YEAS—24

Bayh
Brooke
Byrd, W. Va.
Case
Cranston
Harris
Hartke
Hughes
Jackson
Javits
Kennedy
Magnuson
Mansfield
McGovern
Metcalf
Mondale
Moss
Pell
Proxmire
Randolph
Ribicoff
Stevenson
Williams, N.J.
Yarborough

NAYS—40

Aiken
Allen
Allott
Baker
Bellmon
Bible
Boggs
Byrd, Va.
Cannon
Cook
Cooper
Curtis
Dole
Ellender
Fannin
Griffin
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Mathias
McIntyre
Miller
Nelson
Packwood
Pearson
Percy
Prouty
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Williams, Del.

NOT VOTING—36

Anderson
Bennett
Burdick
Church
Cotton
Dodd
Dominick
Eagleton
Eastland
Ervin
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Gurney
Hart
Hatfield
Hollings
Inouye
McCarthy
McClellan
McGee
Montoya
Mundt
Murphy
Muskie
Pastore
Russell
Saxbe
Stevens
Tower
Tydings
Young, N. Dak.
Young, Ohio

So Mr. HARRIS' amendment No. 1114 was rejected.

The PRESIDING OFFICER. Under the unanimous-consent agreement the Senator from Maryland (Mr. MATHIAS) is recognized to call up his amendment.

Mr. MATHIAS. Mr. President, I call up my amendment No. 1112.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 540, after line 7, add the following:

"TITLE VII—TAXATION OF INTERSTATE COMMERCE

"SEC. 701. This title may be cited as the 'Interstate Taxation Act'.

"TABLE OF CONTENTS

"PART A. JURISDICTION TO TAX

"Sec. 702. Uniform jurisdictional standard.

"PART B. MAXIMUM PERCENTAGE OF INCOME OR CAPITAL ATTRIBUTABLE TO TAXING JURISDICTION

"Sec. 711. Optional two-factor formula.
"Sec. 712. Property factor.
"Sec. 713. Payroll factor.
"Sec. 714. Zero denominators.
"Sec. 715. Capital account taxes on domestic corporations.
"Sec. 716. Local taxes.

"PART C. SALES AND USE TAXES

"Sec. 721. Reduction of multiple taxation.
"Sec. 722. Exemption for household goods, including motor vehicles, in the case of persons who establish residence.
"Sec. 723. Treatment of freight charges with respect to interstate sales.
"Sec. 724. Liability of sellers on sales to business buyers.
"Sec. 725. Local sales taxes.

"PART D. EVALUATION OF STATE PROGRESS

"Sec. 731. Congressional committees.

"PART E. DEINITIONS AND MISCELLANEOUS PROVISIONS

"Subpart I. Definitions

"Sec. 741. Net income tax.
"Sec. 742. Capital stock tax; capital account tax.
"Sec. 743. Sales tax.
"Sec. 744. Use tax.
"Sec. 745. Gross receipts tax.
"Sec. 746. Excluded corporation.
"Sec. 747. Average annual income.
"Sec. 748. Sale; sales price.
"Sec. 749. Interstate sale.
"Sec. 750. Origin.
"Sec. 751. Destination.
"Sec. 752. Business location.
"Sec. 753. Location of property.
"Sec. 754. Location of employee.
"Sec. 755. Household deliveries.
"Sec. 756. State.
"Sec. 757. State law.
"Sec. 758. Taxable year.
"Sec. 759. Valuation date.
"Sec. 761. Permissible Franchise taxes.
"Sec. 762. Prohibition against geographical discrimination.
"Sec. 763. Applicability of Act.
"Sec. 764. Prohibition against out-of-State audit charges.
"Sec. 765. Liability with respect to unassessed taxes.
"Sec. 766. Effective dates.

"PART A—JURISDICTION TO TAX

"SEC. 702. UNIFORM JURISDICTIONAL STANDARD.

"No State or political subdivision thereof shall have power—

"(1) to impose a net income tax or capital stock tax on a corporation other than an excluded corporation unless the corporation has a business location in the State during the taxable year;

"(2) to require a person to collect a sales or use tax with respect to a sale of tangible personal property unless the person has a business location in the State or regularly makes household deliveries in the State; or

"(3) to impose a gross receipts tax with respect to a sale of tangible personal property unless the seller has a business location in the State.

A State or political subdivision shall have power to impose a corporate net income tax or capital stock tax, or a gross receipts tax with respect to a sale of tangible personal property, or to require seller collection of a sales or use tax with respect to a sale of tangible personal property, if it is not denied power to do so under the preceding sentence.

"PART B—MAXIMUM PERCENTAGE OF INCOME OR CAPITAL ATTRIBUTABLE TO TAXING JURISDICTION

"SEC. 711. OPTIONAL TWO-FACTOR FORMULA.

"A State or a political subdivision thereof may not impose on a corporation with a business location in more than one State, other than an excluded corporation or a corporation which has an average annual income in excess of $1,000,000, a net income tax (or capital stock tax) measured by an amount of net income (or capital) in excess of the amount determined by multiplying the corporation's base by an apportionment fraction which is the average of the corporation's property factor and the corporation's payroll factor for the State for the taxable year. For this purpose the base to which the apportionment fraction is applied shall be the corporation's entire taxable income as determined under State law for that taxable year (or its entire capital as determined under State law for the valuation date at or after the close of that taxable year).

"SEC. 712. PROPERTY FACTOR.

"(a) IN GENERAL.—A corporation's property factor for any State is a fraction, the numerator of which is the average value of the corporation's property located in that State and the denominator of which is the average value of all of the corporation's property located in any State.

"(b) PROPERTY INCLUDED.—The corporation's property factor shall include all the real and tangible personal property which is owned by or leased to the corporation during the taxable year, except—

"(1) property which has been permanently retired from use, and

"(2) tangible personal property rented out by the corporation to another person for a term of one year or more.

"(c) EXCLUSION OF PERSONALITY FROM DENOMINATOR.—The denominator of the corporation's property factor for all States and political subdivisions shall not include the value of any property located in a State in which the corporation has no business location.

"(d) STANDARDS FOR VALUING PROPERTY IN PROPERTY FACTORS.—

"(1) OWNED PROPERTY.—Property owned by the corporation shall be valued at its original cost.

"(2) LEASED PROPERTY.—Property leased to the corporation shall be valued at eight times the gross rents payable by the corporation during the taxable year without any deduction for amounts received by the corporation from subrentals.

"(e) AVERAGING OF PROPERTY VALUES.—The average value of the corporation's property shall be determined by averaging values at the beginning and ending of the taxable year; except that values shall be averaged on a semiannual, quarterly, or monthly basis if reasonably required to reflect properly the location of the corporation's property during the taxable year.

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"Sec. 713. Payroll Factor.

"(a) In General.—A corporation's payroll factor for any State is a fraction, the numerator of which is the amount of wages paid by the corporation to employees located in that State and the denominator of which is the total amount of wages paid by the corporation to all employees located in any State.

"(b) Payroll Included.—The corporation's payroll factor shall include all wages paid by the corporation during the taxable year to its employees, except that there shall be excluded from the factor any amount of wages paid to a retired employee.

"(c) Employees Not Located in Any State.—If an employee is not located in any State, the wages paid to that employee shall not be included in either the numerator or the denominator of the corporation's payroll factor for any State or political subdivision.

"(d) Definitions of Wages.—The term 'wages' means wages as defined for purposes of Federal income tax withholding in section 3401(a) of the Internal Revenue Code of 1954, but without regard to paragraph (2) thereof.

"Sec. 714. Zero Denominators.

"If the denominator of either the property factor or the payroll factor is zero, then the other factor shall be used as the apportionment fraction for each State and political subdivision. If the denominators of both the property factor and the payroll factor are zero, then the apportionment fraction for the State where the corporation has its business location shall be 100 percent.

"Sec. 715. Capital Account Taxes on Domestic Corporations.

"The State in which a corporation is incorporated may impose a capital account tax on that corporation without division of capital, notwithstanding the jurisdictional standard and limitation on attribution otherwise imposed by this title.

"Sec. 716. Local Taxes.

"The maximum percentage of net income (or capital) of a corporation attributable to a political subdivision for tax purposes shall be determined under this part in the same manner as though the political subdivision were a State; except that the denominators of the corporation's property factor and payroll factor shall be the denominators applicable to all States and political subdivisions. For this purpose the numerators of the corporation's property factor and payroll factor shall be determined by treating every reference to location in a State, except the references in sections 712(c) and 713(c), as a reference to location in the political subdivision.

"Part C—Sales and Use Taxes

"Sec. 721. Reduction of Multiple Taxation.

"(a) Local of Sales.—A State or political subdivision thereof may impose a sales tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

"(1) in that State, or

"(2) in a State or political subdivision for which the tax is required to be collected.

"(b) Imposition of Use Tax.—A State or political subdivision thereof may not impose a use tax with respect to tangible personal property of a person without a business location in the State or an individual without a dwelling place in the State; but nothing in this subsection shall affect the power of a State or political subdivision to impose a use tax if the destination of the sale is in the State and the seller has a business location in the State or regularly makes household deliveries in the State.

"(c) Credit for Prior Taxes.—The amount of any use tax imposed with respect to tangible personal property shall be reduced by the amount of any sales or use tax previously paid by the taxpayer with respect to the property on account of liability to another State or political subdivision thereof.

"(d) Refund.—A person who pays a use tax imposed with respect to tangible personal property shall be entitled to a refund from the State or political subdivision thereof imposing the tax, up to the amount of the tax so paid, for any sales or use tax subsequently paid to the seller with respect to the property on account of liability to another State or political subdivision thereof.

(e) Motor Vehicles and Motor Fuels.—

"(1) Vehicles.—Nothing in subsection (a) or (b) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor vehicles that are registered in the State.

"(2) Fuels.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

"Sec. 722. Exemption for Household Goods, Including Motor Vehicles, in the Case of Persons Who Establish Residence.

"No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, including motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired by that person thirty days or more before he establishes such residence.

"Sec. 723. Treatment of Freight Charges With Respect to Interstate Sales.

"Where the freight charges or other charges for transporting tangible personal property to the purchaser incidental to an interstate sale are not included in the price but are separately stated by the seller, no State or political subdivision may include such charges in the measure of a sales or use tax imposed with rsepect to the sale or use of the property.

"Sec. 724. Liability of Sellers on Sales to Business Buyers.

"No seller shall be liable for the collection or payment of a sales or use tax with respect to an interstate sale of tangible personal property if the purchaser of such property furnishes or has furnished to the seller—

"(1) a registration number or other form of identification indicating that the purchaser is registered with the jurisdiction imposing the tax to collect or pay a sales or use tax imposed by that jurisdiction, or

"(2) a certificate or other written form of evidence indicating the basis for exemption or the reason the seller is not required to pay or collect the tax.

"Sec. 725. Local Sales Taxes.

"No seller shall be required by a State or political subdivision thereof to classify interstate sales for sales tax accounting purposes according to geographic areas of the State in any manner other than to account for interstate sales with destinations in political subdivisions in which the seller has a business location or regularly makes household deliveries. Where in all geographic areas of a State sales taxes are imposed at the same rate on the same transactions, are administered by the State, and are otherwise applied uniformly so that a seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales taxes whether imposed by the State or by political subdivisions shall be treated as State taxes for purposes of this title.

"Part D—Evaluation of State Progress

"Sec. 731. Congressional Committees.

"The Committee on the Judiciary of the House of Representatives and the Committee on Finance of the United States Senate, acting separately or jointly, or both, or any duly authorized subcommittees thereof, shall for four years following the enactment of this title evaluate the progress which the several States and their political subdivisions are making in resolving the problems arising from State taxation of interstate commerce and if, after four years from the enactment of this title, the States and their political subdivisions have not made substantial progress in resolving any such problem, shall propose such measures as are determined to be in the national interest.

"Part E—Definitions and Miscellaneous Provisions

'Subpart I—Definitions

"Sec. 741. Net Income Tax.

"A 'net income tax' is a tax which is imposed on or measured by net income, including any tax which is imposed on or measured by an amount arrived at by deducting from gross income expenses one or more forms of which are not specifically and directly related to particular transactions.

"Sec. 742. Capital Stock Tax; Capital Account Tax.

"(a) Capital Stock Tax.—A 'capital stock tax' is any tax measured in any way by the capital of a corporation considered in its entirety.

"(b) Capital Account Tax.—A 'capital account tax' is any capital stock tax measured by number of shares, par or nominal value of shares, paid-in capital, or the like, not including any tax the measure of which includes any element of earned surplus.

"Sec. 743. Sales Tax.

"A 'sales tax' is any tax imposed with respect to retail sales, and measured by the sales price of goods or services sold, which is required by State law to be stated separately from the sales price by the seller, or which is customarily stated separately from the sales price.

"Sec. 744. Use Tax.

"A 'use tax' is any nonrecurring tax, other than a sales tax, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership of that property or the leasing of that property from another, including any consumption, keeping, retention, or other use of tangible personal property.

"Sec. 745. Gross Receipts Tax.

"A 'gross receipts tax' is any tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax a net income tax.

"Sec. 746. Excluded Corporation.

"(a) In General.—An 'excluded corporation' is any corporation—

"(1) more than 50 percent of the ordinary gross income of which for the taxable year—

"(A) is derived from regularly carrying on any one or more of the following business activities:

"(i) the transportation for hire of property or passengers, including the rendering by the transporter of services incidental to such transportation;

"(ii) the furnishing of—

"(I) telephone service or public telegraph service, or

"(II) other communications service if the corporation is substantially engaged in furnishing a service described in subdivision (I);

"(iii) the sale of electrical energy, gas, or water;

"(iv) the issuing of insurance or annuity contracts or reinsurance; or

"(v) banking, the lending of money, or the extending of credit;

"(B) is received in the form of one or more of the following:

"(i) dividends;

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"(ii) interest; or

"(iii) royalties from patents, copyrights, trademarks, or other intangible property and mineral, oil, or gas royalties (but not payments of the type described in section 543 (a) (5) (B) of the Internal Revenue Code of 1954); or

"(C) consists of ordinary gross income described in subparagraph (A) and other ordinary gross income described in subparagraph (B);

"(2) which is a 'personal holding company' as defined in section 542 of the Internal Revenue Code of 1954 or a 'foreign personal holding company' as defined in section 552 of such Code;

"(b) ORDINARY GROSS INCOME.—The term 'ordinary gross income' means gross income as determined for the taxable year under the applicable provisions of the Internal Revenue Code of 1954, except that there shall be excluded therefrom—

"(1) all gains and losses from the sale or other disposition of capital assets, and

"(2) all gains and losses from the sale or other disposition of property of a character described in section 1231(b) of the Internal Revenue Code of 1954 (determined without regard to holding period).

"SEC. 747. AVERAGE ANNUAL INCOME.

"(a) A corporation's 'average annual income' with respect to any taxable year (in this subsection referred to as the 'computation year') shall be determined as follows:

"(1) The period to be used in making the determination (in this subsection referred to as the 'averaging period') shall first be established. Such period shall consist of the 5 consecutive taxable years ending with the close of the computation year; except that if the corporation was not required to file a Federal income tax return for 5 consecutive taxable years ending with the close of the computation year, its averaging period shall consist of the 1 or more consecutive taxable years, ending with the close of that year, for which it was required to file such a return.

"(2)(A) The amount of the corporation's Federal taxable income for each of the taxable years in its averaging period shall then be determined. Such amount for any year shall be the corporation's taxable income for such year for purposes of the Internal Revenue Code of 1954 (determined without regard to any net operating loss carryback from a taxable year after the computation year), except as otherwise provided in subparagraphs (B) and (C).

"(B) If for any portion of its averaging period the corporation's income was included in a consolidated return filed under the Internal Revenue Code of 1954, the corporation's Federal taxable income for that portion of such period shall be considered to be the total consolidated Federal taxable income included in such return (and the corporation's Federal taxable income for any portions of its averaging period to which this subparagraph does not apply shall be determined under the other provisions of this paragraph as though the corporation had no income for any portion of such period to which this subparagraph applies).

"(C) If any taxable year in the corporation's averaging period is a period of less than 12 calendar months (and its taxable income for such year is not otherwise annualized for purposes of the Internal Revenue Code of 1954), the corporation's Federal taxable income for such taxable year shall be placed on an annual basis for purposes of this subsection by multiplying such income by 12 and dividing the result by the number of months in such year.

"(3) The amounts determined under paragraph (2) for the taxable years in the corporation's averaging period shall be added together, and the total shall be divided by the number of such years. The resulting sum is the corporation's average annual income with respect to the computation year, unless paragraph (4) applies.

"(4)(A) If the corporation is affiliated at any time during the computation year with one or more other corporations, its average annual income with respect to the computation year shall be the total of its own average annual income and the average annual income of each of the corporations with which it is so affiliated, as determined under paragraph (3) (with respect to such year) subject to subparagraph (B) of this paragraph.

"(B) If two or more of the corporations to which subparagraph (A) applies with respect to any computation year included their income in the same consolidated return filed under the Internal Revenue Code of 1954 for any portion of the applicable averaging period, the total consolidated Federal taxable income included in such return shall be deemed to be their aggregate Federal taxable income for that portion of such period for purposes of subparagraph (A), and paragraph (2)(B) shall be disregarded to the extent that its application would result in a larger aggregate Federal taxable income.

"(b) AFFILIATED CORPORATIONS.—For purposes of subsection (a), two or more corporations are 'affiliated' if they are members of the same group comprised of one or more corporate members connected through stock ownership with a common owner, which may be either corporate or noncorporate, in the following manner:

"(1) more than 50 percent of the voting stock of each member other than the common owner is owned directly by one or more of the other members; and

"(2) more than 50 percent of the voting stock of at least one of the members other than the common owner is owned directly by the common owner.

The fact that a corporation is an 'excluded corporation' shall not be taken into account in determining whether two or more other corporations are 'affiliated'.

"SEC. 748. SALE; SALES PRICE.

"The terms 'sale' and 'sales price' shall be deemed to include leases and rental payments under leases.

"SEC. 749. INTERSTATE SALE.

"An 'interstate sale' is a sale with either its origin or its destination in a State, but not both in the same State.

"SEC. 750. ORIGIN.

"The origin of a sale is—

"(1) in the State or political subdivision in which the seller owns or leases premises at which the property was last located prior to delivery or shipment of the property by the seller to the purchaser or to a designee of the purchaser, or

"(2) if the property was never located at premises owned or leased by the seller, in the State or political subdivision in which a business location of the seller is located and in or from which the sale was chiefly negotiated.

"SEC. 751. DESTINATION.

'The destination of a sale is in the State or political subdivision where the property is delivered or shipped to the purchaser, regardless of the f.o.b. point or other conditions of the sale.

"SEC. 752. BUSINESS LOCATION.

"(a) GENERAL RULE.—A person shall be considered to have a business location within a State only if that person—

"(1) owns or leases real property within the State,

"(2) has one or more employees located in the State, or

"(3) regularly maintains a stock of tangible personal property in the State for sale in the ordinary course of its business.

For the purpose of paragraph (3), property which is on consignment in the hands of a consignee, and which is offered for sale by the consignee on his own account, shall not be considered as stock maintained by the consignor; and property which is in the hands of a purchaser under a sale or return arrangement shall not be considered as stock maintained by the seller.

"(b) EXCEPTION.—If a corporation's only activities within a State consist of the maintenance of an office for gathering news the corporation shall not be considered to have a business location in that State for purposes of paragraph (1) of section 702, to own or lease real property within that State for purposes of section 712, or to have an employee located in the State for purposes of section 713.

"(c) BUSINESS LOCATION IN SPECIAL CASES.—If a person does not own or lease real property within any State or have an employee located in any State or regularly maintain a stock of tangible personal property in any State for sale in the ordinary course of its business (or in a case described in the last sentence of section 714), that person shall be considered to have a business location only—

"(1) in the State in which the principal place from which its trade or business is conducted is located, or

"(2) if the principal place from which its trade or business is conducted is not located in any State, in the State of its legal domicile.

"(d) COMBINATION OR CONSOLIDATION OF INCOME.—A State or political subdivision thereof may not require a corporation with a business location in the State to combine or consolidate its income for income tax purposes with any other corporation which does not have a business location within that State. However, if a corporation with a business location in the State has entered into any non-arm's-length transactions with a corporation which does not have a business location in that State, nothing in the preceding sentence shall prohibit the taxing State from requiring that adjustments be made with respect to such transactions so as clearly to reflect the income which would have been earned by the corporation with a business location in the taxing State had such transactions been conducted at arm's length.

"SEC. 753. LOCATION OF PROPERTY.

"(a) GENERAL RULE.—Except as otherwise provided in this section, property shall be considered to be located in a State if it is physically present in that State.

"(b) RENTED-OUT PERSONALITY.—Personal property which is rented out by a corporation to another person shall be considered to be located in a State if the last base of operations at or from which the property was delivered to a lessee is in that State. If there is no base of operations in any State at which the corporation regularly maintains property of the same general kind for rental purposes, such personal property shall not be considered to be located in any State.

"(c) MOVING PROPERTY WHICH IS NOT RENTED OUT.—Personal property which is not rented out and which is characteristically moving property, such as motor vehicles, rolling stock, aircraft, vessels, mobile equipment, and the like, shall be considered to be located in a State if—

"(1) the operation of the property is localized in that State, or

"(2) the operation of the property is not localized in any State but the principal base of operations from which the property is regularly sent out is in that State.

If the operation of the property is not localized in any State and there is no principal base of operations in any State from which the property is regularly sent out, the property shall not be considered to be located in any State.

"(d) MEANING OF TERMS.—

"(1) LOCALIZATION OF OPERATION.—The operation of property shall be considered to be localized in a State if during the taxable

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year it is operated entirely within that State, or it is operated both within and without that State but the operation without the State is—

"(A) occasional, or

"(B) incidental to its use in the transportation of property or passengers from points within the State to other points within the State, or

"(C) incidental to its use in the production, construction, or maintenance of other property located within the State.

"(2) BASE OF OPERATIONS.—The term 'base of operations', with respect to a corporation's rented-out property or moving property which is not rented out, means the premises at which any such property is regularly maintained by the corporation when—

"(A) in the case of rented-out property, it is not in the possession of a lessee, or

"(B) in the case of moving property which is not rented out, it is not in operation, regardless of whether such premises are maintained by the corporation or by some other person; except that if the premises are maintained by an employee of the corporation primarily as a dwelling place they shall not be considered to constitute a base of operations.

"SEC. 754. LOCATION OF EMPLOYEE.

"(a) GENERAL RULE.—An employee shall be considered to be located in a State if—

"(1) the employee's service is localized in that State, or

"(2) the employee's service is not localized in any State but some of the service is performed in that State and the employee's base of operations is in that State.

"(b) LOCALIZATION OF EMPLOYEE'S SERVICE.—Service of any employee shall be considered to be localized in a State if—

"(1) the service is performed entirely within that State, or

"(2) the service is performed both within and without that State, but the service performed without the State is incidental to service performed within the State.

"(c) EMPLOYEE'S BASE OF OPERATIONS.—The term 'base of operations', with respect to an employee, means a single place of business with a permanent location which is maintained by the employer and from which the employees regularly commences his activities and to which he regularly returns in order to perform the functions necessary to the exercise of his trade or profession.

"(d) CONTINUATION OF MINIMUM JURISDICTIONAL STANDARD.—An employee shall not be considered to be located in a State if his only business activities within such State on behalf of his employer are either or both of the following:

"(1) The solicitation of orders, for sales of tangible personal property, which are sent outside the State for approval or rejection and (if approved) are filled by shipment or delivery from a point outside the State.

"(2) The solicitation of orders in the name of or for the benefit of a prospective customer of his employer, if orders by such customer to such employer to enable such customer to fill orders resulting from such solicitation are orders described in paragraph (1).

This subsection shall not apply with respect to business activities carried on by one or more employees within a State if the employer (without regard to those employees) has a business location in such State.

"(e) EMPLOYEES OF CONTRACTORS AND EXTRACTORS.—If the employer is engaged in the performance of a contract for the construction of improvements on or to real property in the State or of a contract for the extraction of natural resources located in the State, an employee whose services in the State are related primarily to the performance of the contract shall be presumed to be located in the State. This subsection shall not apply with respect to services performed in installing or repairing tangible property which is the subject of interstate sale by the employer, if such installing or repairing is incidental to the sale.

"(f) The term 'employee' has the same meaning as it has for purposes of Federal income tax withholding under chapter 24 of the Internal Revenue Code of 1954.

"SEC. 755. HOUSEHOLD DELIVERIES.

"A seller makes household deliveries in a State or political subdivision if he delivers goods, otherwise than by mail or by a common carrier, to the dwelling places of his purchasers located in that State or subdivision

"SEC. 756. STATE.

"The term 'State' means the several States of the United States and the District of Columbia.

"SEC. 757. STATE LAW.

"Reference in this title to 'State law', 'the laws of the State', and the like shall be deemed to include a State constitution, and to include the statutes and other legislative acts, judicial decisions, and administrative regulations and rulings of a State and of any political subdivision.

"SEC. 758. TAXABLE YEAR.

"A corporation's 'taxable year' is the calendar year, fiscal year, or other period upon the basis of which its taxable income is computed for purposes of the Federal income tax.

"SEC. 759. VALUATION DATE.

"The 'valuation date', with respect to a capital stock tax, is the date as of which capital is measured.

"Subpart II—Miscellaneous Provisions

"SEC. 761. PERMISSIBLE FRANCHISE TAXES.

"The fact that a tax to which this title applies is imposed by a State or political subdivision thereof in the form of a franchise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the State; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

"SEC. 762. PROHIBITION AGAINST GEOGRAPHICAL DISCRIMINATION.

"(a) IN GENERAL.—No provision of State law shall make any person liable for a greater amount of sales or use tax with respect to tangible personal property, or gross receipts tax with respect to tangible personal property, by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State (subject to section 763). For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer or of a person (including an agency of a State or local government) receiving payments from or making payments to the taxpayer.

"(b) COMPUTATION OF TAX LIABILITY UNDER DISCRIMINATORY LAWS.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would be provided under State law if the occurrence in question were within the taxing State.

"SEC. 763. APPLICABILITY OF ACT.

"Nothing in section 702 or in any other provision of this title shall be considered—

"(1) to repeal Public Law 86-272 with respect to any person;

"(2) to increase, decrease, or otherwise affect the power of any State or political subdivision to impose or assess a net income or capital stock tax with respect to an excluded corporation; or

"(3) to give any State or political subdivision the power to impose a gross receipts tax with respect to a sale of tangible personal property if the seller would not be subject to the imposition of such a gross receipts tax without regard to the provisions of this title.

"SEC. 764. PROHIBITION AGAINST OUT-OF-STATE AUDIT CHARGES.

"No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State an audit for a tax to which this title applies, including a net income or capital stock tax imposed on an excluded corporation.

"SEC. 765. LIABILITY WITH RESPECT TO UNASSESSED TAXES.

"(a) PERIODS ENDING PRIOR TO ENACTMENT DATE.—No State or political subdivision thereof shall have the power, after the date of the enactment of this title, to assess against any person for any period ending on or before such date in or for which that person became liable for the tax involved—

"(1) a corporate net income tax, capital stock tax (other than a capital account tax imposed on corporations incorporated in the State), or gross receipts tax with respect to tangible personal property, if during such period that person did not have a business location in the State; or

"(2) a sales or use tax with respect to tangible personal property, if during such period that person was not registered in the State for the purpose of collecting tax, had no business location in the State, and did not regularly make household deliveries in the State.

"(b) CERTAIN PRIOR ASSESSMENTS AND COLLECTIONS.—The provisions of subsection (a) shall not be construed—

"(1) to invalidate the collection of a tax prior to the time assessment became barred under subsection (a), or

"(2) to prohibit the collection of a tax at or after the time assessment became barred under subsection (a), if the tax was assessed prior to such time.

"SEC. 766. EFFECTIVE DATES.

"(a) CORPORATE NET INCOME TAXES AND CAPITAL STOCK TAXES.—Part B of this title, and the provisions of section 702 and this part (except section 765) insofar as they relate to corporate net income taxes or capital stock taxes, shall apply in the case of corporate net income taxes only with respect to taxable years ending after the date of the enactment of this title, and in the case of capital stock taxes only with respect to taxes for which the valuation date is later than the close of the first taxable year ending after the date of the enactment of this title. Any corporation shall be permitted to adjust its reporting period for net income tax purposes to the extent necessary to comply with this title, effective for the first taxable year to which part B applies.

"(b) OTHER PROVISIONS.—The remaining provisions of this title shall take effect on the date of the enactment of this Act."

On page 546, after the item relating to section 613, add the following:

"TITLE VII—TAXATION OF INTERSTATE COMMERCE

"Sec. 701. Short title.

"PART A. JURISDICTION TO TAX

"Sec. 702. Uniform jurisdictional standard.

"PART B. MAXIMUM PERCENTAGE OF INCOME OR CAPITAL ATTRIBUTABLE TO TAXING JURISDICTION

"Sec. 711. Optional two-factor formula.
"Sec. 712. Property factor.
"Sec. 713. Payroll factor.
"Sec. 714. Zero denominators.
"Sec. 715. Capital account taxes on domestic corporations.
"Sec. 716. Local taxes.

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"PART C. SALES AND USE TAXES

"Sec. 721. Reduction of multiple taxation.
"Sec. 722. Exemption for household goods, including motor vehicles, in the case of persons who establish residence.
"Sec. 723. Treatment of freight charges with respect to interstate sales.
"Sec. 724. Liability of sellers on sales to business buyers.
"Sec. 725. Local sales taxes.

"PART D. EVALUATION OF STATE PROGRESS

"Sec. 731. Congressional committees.

"PART E. DEFINITIONS AND MISCELLANEOUS PROVISIONS

"Subpart I. Definitions

"Sec. 741. Net income tax.
"Sec. 742. Capital stock tax; capital account tax.
"Sec. 743. Sales tax.
"Sec. 744. Use tax.
"Sec. 745. Gross receipts tax.
"Sec. 746. Excluded corporation.
"Sec. 747. Average annual income.
"Sec. 748. Sale; sales price.
"Sec. 749. Interstate sale.
"Sec. 750. Origin.
"Sec. 751. Destination.
"Sec. 752. Business location.
"Sec. 753. Location of property.
"Sec. 754. Location of employee.
"Sec. 755. Household deliveries.
"Sec. 756. State.
"Sec. 757. State law.
"Sec. 758. Taxable year.
"Sec. 759. Valuation date.

"Subpart II. Miscellaneous Provisions

"Sec 761. Permissible franchise taxes.
"Sec 762. Prohibition against geographical discrimination.
"Sec. 763. Applicability of Act.
"Sec. 764. Prohibition against out-of-State audit charges.
"Sec. 765. Liability with respect to unassessed taxes.
"Sec. 766. Effective dates."

Mr. MATHIAS. Mr. President, this amendment proposes an additional section to the bill to relieve the duplication in taxation of interstate commerce by States and subdivisions of States. This is a bill which had its origin in a select committee, a joint committee, which originally was established by the very distinguished late Senator from Virginia, the father of the present Senator from Virginia.

This is a measure for which American business has been crying for many years. It is a bill which has been carefully winnowed out by the special committee. It is a bill which has been passed overwhelmingly in the other body and a bill that I think demands the early attention of the Senate.

I discussed this matter earlier in the evening with the distinguished chairman of the committee and he has expressed to me his feeling on whether or not we should go forward tonight. He has expressed the sense that it is an inappropriate addition to the bill, and, in view of the pressures of the Committee on Finance this year, the committee has not been able to move on it.

I wonder if the distinguished chairman could give us some assurance of how the committee might act in this matter in the new year.

Mr. LONG. Mr. President, I regret very much that the committee has not been able to conduct hearings on this measure which the Senator is proposing. It had been my intention that we would hold hearings on it. Unfortunately, the drive for tax reform last year required us to amend virtually every section of the Internal Revenue Code, of which the Senate is well aware because of the great amount of time that was consumed in the Senate.

This year the consideration of the welfare and social security measures was such that it occupied so many hours we could not find the time to conduct hearings on this subject. It is my hope we will be able to schedule hearings on this matter. I am positive we can do it next year and that we will be able to see what the record develops.

I know the business people of the country generally favor the Senator's amendment. I am sure the Senator is aware of the fact that the States oppose it. Some take the view that they object to the limitation of the taxing powers of States, and some say it denies them revenue they sorely need.

However, I see no reason why we should not be able to hold hearings on this matter next year, come to a conclusion, and recommend legislation one way or the other.

Unfortunately, with as many contending views as there are, this is not something that could be agreed to easily and I believe it is a matter with respect to which we should permit the opponents to have their say before we vote on it.

Therefore, I hope a vote will not be insisted upon at this time, with the understanding that we will seek to accord the subject consideration next year.

Mr. MATHIAS. I appreciate the distinguished chairman's assurance that we can look forward to some progress in this area in the new Congress. There is hardly a business which does business beyond the jurisdiction in which it is physically located which does not have some kind of harassment from taxing authorities, which does not have assessments filed away that are time bombs, that can explode at any time. That makes it an extremely difficult business climate in which to operate. But, on the chairman's assurance——

Mr. CASE. Mr. President, before the Senator makes his request, I want to join him in expressing my interest in the serious consideration of this matter. Beyond the question of the revenue loss is the question of what the Senator has referred to as harassment and unnecessary annoyance and trouble. I think business is entitled to the serious consideration of such problems. I join with the Senator in gratification that the chairman of the committee has given assurance that this matter will be fully considered.

Mr. MATHIAS. I thank the Senator.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENTS NO. 1172

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read the amendments, as follows:

On page 181, strike lines 1 through 5.

On page 301, strike lines 10 and 11.

Mr. HARRIS. Mr. President, this is the last amendment for the night, as I understand it. I yield myself 5 minutes.

I refer Senators to the separate views which I filed with committee report on this bill. Under present law States are required to maintain their present financial efforts in support of medicaid and are required to build toward comprehensive medicaid programs by 1977.

The State of Missouri asked the Senate Finance Committee to pass legislation giving it a special one-time exemption from the maintenance of effort requirement under medicaid. The committee granted that special request, and my amendment would not have anything to do with that special request of the State of Missouri for the one-time provision exempting Missouri from the maintenance of effort requirement; that special provision would still remain in the bill.

But the Senate Finance Committee went far beyond the special request of the State of Missouri and simply repealed the maintenance of effort provision altogether.

The committee recommended repeal of the entire section 1902(d) of the present law, under which States are required to maintain their financial efforts under medicaid. The House of Representatives had previously stricken section 1903(e), which requires States to enact comprehensive medicaid programs by 1977.

The recommended repeal of these two provisions will become law unless the amendment which I have now offered is adopted. That would be most unfortunate. The poor people who are covered by medicaid are entitled to better medical attention and care—not less.

What we would do, unless the amendment is adopted, is to say to the States, "You do not have to build up a better and more comprehensive medicaid program by 1977, as the present law requires; you do not even have to maintain your present efforts, as the present law requires. Those requirements are stricken from the law."

What we ought to be doing here is providing better medical attention for poor people, not less. We ought not to be reducing the requirements.

If we do that, it seems to me there will be less demand for a comprehensive national health insurance program, which we should have, and for a massive increase in funds for health personnel and facilities which is desperately needed. We are going to allow health care, which is provided for in the law and is already inadequate to deteriorate further.

It just seems a shame that a matter as serious as this should come up at 11:30 at night, with not the amount of time that ought to be provided for its consideration. This is a backward step so far as health care is concerned, and I hope the Senate will not agree to it.

Mr. LONG. Mr. President, I yield myself 5 minutes.

The Senate Committee on Finance considered this measure before, in 1969, and we recommended that something be done about the fantastic increase and enormous waste in the medicaid program. This was a program which was

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originally estimated to cost about $230 million more than existing expenditure levels when put into effect. It is costing about 10 times that much. Some of us have been complaining that, in the first years of experience under medicare, it cost twice as much as estimated. This one is costing 10 times as much. Why is it costing so much?

We in Louisiana had the most liberal, free medical program in the United States prior to medicare. With that program we provided for all who needed medical care. On the most liberal basis, we provided medical aid to those who needed it.

Then the Federal Government provided 70 percent of the matching funds, so the Federal Government would put up $7 out of every $10, meaning that we would be required to provide 200 percent of the needs in Louisiana. The Governor of Louisiana pleaded to be permitted to save money under the program, because he was being required to provide far more medical care than anybody could justify. He wanted to do that to save the State some money. Every time the State would save $1, the Federal Government would save $3. He could not do it, because it would be against the law to save 5 cents under the program.

I helped write the law, and I apologize for it. Listen to what it says:

> Section 1903(e) of the Medicaid statute requires that each State make "a satisfactory showing that it is making efforts in the direction of broadening the scope of the care and services made available under the plan and in the direction of liberalizing the eligibility requirements for medical assistance."

What does that mean? Even if a State meets all the medical requirements of all the poor people of that State, it is still required to go upward and onward, broader and greater, just up and out, just keep moving to make it bigger and more expensive, and it cannot save anything.

So here comes the Senator from Missouri (Mr. EAGLETON), former Lieutenant Governor of his State, to plead for Missouri, which, together with other economies, was trying to get cutbacks to save the State from fiscal disaster. He said "Will you please let us make reductions in this program to meet a very desperate situation in the fiscal affairs of the State of Missouri?" The State passed a constitutional amendment to try to raise taxes to pay for this program, but the people voted it down.

So at the same time the State is saving money, it will save money for the Federal Government. Here is California with the same problem. Texas has a parallel problem. There are problems to a lesser degree in other States.

Does it make sense to say that we have all the wisdom here in Washington? If the States are doing as much as they can and in so doing the program costs 10 times what it was estimated to cost, and they would like to make some reductions, should not the Governors be able to do so, since they have to account to their people? Should not the State Representatives, who have to run even oftener than U.S. Senators, be able to fix the requirements for the services? There are six basic services involved—in-patient hospital services, out-patient hospital services, other laboratory and X-ray services, skilled home nursing services and others, also visits whether secured in office or hospital and home health visits.

So they have to furnish all those basic services. If they do make a saving, they have to account to their people.

Mr. HARRIS. Mr. President, if the Senator will yield, the State does not have to provide any particular level, but just some.

Mr. LONG. I agree. Admittedly, it would be conceivable that a State could drastically reduce what it is doing to provide medical care for its aged or poor people in that State. Admittedly, that could happen.

The committee proceeded on the assumption that the State should have some power to make a mistake toward economy rather than the other way.

What is the alternative offered by the Senator from Oklahoma? Ever upward and outward. Ever onward. Ever more expensive, even though there is being spent 10 times what it was estimated to cost and in some respects it is virtually impossible for the States to meet their budgetary requirements.

Why should not a State be permitted to have some discretion about this matter? Why not let the States use a little of their discretion, and see if they can find where some money could be saved? Mr. President, I do not know of any reason for a requirement that they should be required to spend ever more, ever upward, for ever broader services. The House of Representatives has tried to provide some relief in this area. The Senate has tried to provide some relief. It seems to me that at least at some point, we ought to respect the States and those who represent the people there, and let them be accountable to their people.

One more minute.

Mr. President, I was the original sponsor of these maintenance-of-effort proposals. I used to sponsor those proposals at times when I was personally offering amendments to try to get Grandpa $5 or $10 extra in his welfare check, and some Governor or some legislature would not pass it through, or would delay it a year or so, and cut it in half, and then say, "Look what we did for you." I wanted to see if, by increasing it, maybe the people would get a little extra in their checks.

But at some point, we ought to let the States have some responsibility in this area. Mr. President, in this medicare and medicaid program, we have worked mightily, and so has the House of Representatives, to try to reduce waste and eliminate a lot of extravagant expenses and costs. But I know of no way in which economy could be more effectively achieved than to stop implementing a law requiring States to continue to broaden their programs and continue to spend more money, even though they, in their best judgments, are spending all they think they ought to spend on this.

Mr. HARRIS. Mr. President, I yield myself 2 minutes.

Mr. President, this is no way to legislate. The President of the United States has stated that he will recommend to Congress next year some kind of health insurance program. I support another. All Senators are aware of the tremendous cost of the medicaid program and the welfare programs that States have to bear. It is much more than they ought to bear. That is precisely what the Senate will go into next year, when we bring up the President's welfare reform bill and related amendments.

All Senators are aware of the alarmingly increasing costs of medical care. That is precisely what we will go into next year, Mr. President, in considering the President's proposals on national health insurance, and other health insurance proposals which are pending before the Senate.

But this is no way to legislate. We are taking care, in this bill, of the special case of Missouri, on a one-time basis. That is the only State that came before us and made a special presentation for relief. I do not think we have handled that exactly right, but it is in the bill, and I do not now quarrel with it, and would not try to take it out or amend it out now. But, Mr. President, next year we can take up these other things.

The Senator's position and the committee position does nothing at all about rising costs.

I yield myself 1 additional minute.

It does nothing at all about the shortage of medical personnel, which is one reason why costs have gone up. It does nothing about trying to hold down unnecessary costs. It simply says to the States, "You can reduce care, reduce expenditures, do anything you please."

Mr. President, it is aimed only toward reducing costs, and it leaves out the real solutions to these problems. It leaves out the real health needs of the poor people of this country, the old people and other welfare recipients in this country. It does nothing at all except back away from the problem. It just says, "Do anything you please to reduce costs, and that will be all right with us."

I yield myself 1 additional minute.

I say that is not the way to legislate. Let us adopt this amendment, strike this provision of the bill that no one is pushing us for, and all these matters will be before us later. I plead with Senators not to take this backward step to reduce the quality of medical care, which is already insufficient, at this late date in this session of Congress.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. I yield the Senator from Delaware 2 minutes.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Oklahoma points out that all Senators are concerned about the rising costs of medicaid.

I say to Senators that if you are concerned and want to do anything about rising medicaid costs, you had better reject the amendment offered by the Senator from Oklahoma, because if his amendment carries, there will be no reduction whatsoever in the medicaid program for this year, next year, or thereafter.

Under the law, we would then be in a position where whatever a State was

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spending last year would be a plateau. That would be the spending floor, and all they could do would be increase expenditures each year thereafter.

The committee went into this matter in detail and held hearings for several months before this bill even came over from the House. We have done a lot of work on the rising cost of the medicaid program. But with the adoption of the amendment of the Senator from Oklahoma, there would be no reduction whatsoever in these costs. The only chance that we can achieve a reduction is by maintaining the committee position. As the Senator from Louisiana points out, the medicaid program is costing now about 10 tmes what we were told it would cost. Let us either vote for economy or else stop talking about our concern.

Mr. HARRIS. Mr. President, I yield myself 1 additional minute.

Mr. President, we would not have any cost at all under medicaid if we just did away with it altogether. What the committee position asks us to do is something like that. It says, "Do away with part of it until the States reduce what they spend, and that will cut down the costs."

Mr. President, that does not get at the rising costs of medicaid. It does not get at the need for better and increased care for old people and other covered by medicaid. All it does is back away from the problem, saying it is costing too much, rather than doing something about such problems as the need for additional medical personnel and the shortage of medical facilities in the country now. It merely provides that we will say to the States, "Reduce, if you want to, what you spend for medicaid, and that will reduce the cost."

I say that is not the way to go about the matter now, when all these matters will be before us again this very next month.

Mr. LONG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Louisiana has 7 minutes.

Mr. LONG. I yield myself 3 minutes.

Mr. President, the Senator from Oklahoma has completely incorrectly stated what the amendment would do. He says this amendment tells the States they must cut. It does not tell them anything of the sort.

Mr. HARRIS. If the Senator will yield, I do not believe I said that. I said that is the way it is suggested to reduce expenditures, by the States reducing what they are doing.

Mr. LONG. I understood the Senator to say that this amendment tells the States they ought to cut their programs. It does not say any such thing as that.

Mr. HARRIS. Well, I do not believe I said that.

The PRESIDING OFFICER. The Senate will be in order.

Mr. LONG. What the amendment does, Mr. President, is to permit the States to either spend more or spend less. The way the law reads now, the State has only one choice—to spend more, more, more. Even a State like Louisiana, in which the Federal Government puts up 70 cents every time Louisiana puts up 30 cents, may be required to provide somewhere between 250 percent and 300 percent of the medical needs of people who are regarded as being indigent. You still have to broaden more. Where are you going to broaden to? Just tax your imagination.

That is the way existing law reads. How that got in there I cannot imagine, because I was manager of that bill. That was the language that came to us in the House bill. I do not think the House Ways and Means Committee could have been quite that foolish; that provision had to be drafted by the Department and sent up here.

It says no matter how much you are doing, that is not enough, next year you have to spend more and next year you have to spend still more, and that no matter how broad your program is, next year it must be broader, ad infinitum.

So then they start saying, "Why does not somebody save some money on the program?"

The answer to that is easy: We have made it against the law. So Louisiana could still spend another $3 million, and the Federal Government would have to match that with $7 million more. That is still permissible; and if any State wants to spend more, they will get at least 50 percent matching funds.

But if a State decides, "If we do that, we are already spending more than we ought to spend for this purpose; we ought to be able to make some savings on the program," that is, against present law.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. LONG. I yield to the Senator from Georgia.

Mr. TALMADGE. Does the Senator feel that the Senate has greater knowledge and wisdom concerning the needs of the States than the combined wisdom of the 50 State legislative bodies and the 50 Governors of those States?

Mr. LONG. I do not think so, and I would challenge anyone to go out and tell his State legislature that—and we are often called upon to address our legislatures—that we have all knowledge here, and that no matter how desperate they might be, they just do not have enough legislative wisdom to match the legislative wisdom of this body.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I yield myself 1 additional minute.

Mr. TALMADGE. Does the Senator feel that this Senate should put the combined legislatures of 50 States and 50 Governors in a straitjacket as to how they shall levy and spend their tax money?

Mr. LONG. I do not think we should.

Mr. President, there may be Senators here—I am sure some of the former Governors—who know more about the problems in the States and the relative demands upon the State budgets than do the Governors and the legislatures of their States. But having done this kind of thing to the point of being ridiculous and having a program that exceeds estimates by 10 to 1, one would think that in some area a State would be permitted to have some discretion, and I hope that would be true in this instance. This is not the first time the committee felt something should be done about this matter. We tried to do something about it last year, and we did, but we did not go far enough. We ought to at least give the States this small amount of discretion.

Mr. HARRIS. Mr. President, how much time do I have remaining

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. HARRIS. I yield myself 1 minute.

Mr. President, there are very obvious ways by which we can and should relieve the States of their increasing and difficult burdens with regard to welfare and medicaid. Some, including the President of the United States, have said we should do it through revenue sharing. Some, including the President of the United States, have said that we should do it through welfare reform which takes part of the welfare burden off the States. I agree with that principle. There are ways we can can do something about the health costs. Some, including the President of the United States, have said we ought to have some kind of national health insurance program. I agree with that, but I do not think his plan goes far enough.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARRIS. I yield myself 1 additional minute.

All these things are going to be before the Senate Finance Committee, and the Senate will have before it such matters as increasing medical personnel and getting at other shortages which have helped to make costs of medical care skyrocket.

The question before us is, will we, in those ways, in a reasonable manner, deliberately go about trying to solve these problems, or will we simply say, "Reduce the cost of medicaid by permitting the reduction in medical services for those who need it most"? That is the question.

SEVERAL SENATORS: Vote! Vote!

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. LONG. I yield back the remainder of my time.

Mr. HARRIS. I yield back the remainder of my time.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma. On this questions the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), the Senator from Mississippi (Mr. Eastland), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Rhode Islands (Mr. Pastore), the Senator from Georgia (Mr. Russell), the Senator from Mississippi (Mr. Stennis), the Senator from Maryland (Mr. Tydings), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. Ervin), and the Senator from Rhode Island (Mr. Pastore) would each vote "nay."

Mr. GRIFFIN. I announce the Senator from New Hampshire (Mr. Cotton), the Senator from Hawaii (Mr. Fong), the Senator from New York (Mr. Goodell), the Senator from Florida (Mr. Gurney), the Senator from Oregon (Mr. Hatfield), the Senator from California (Mr. Murphy), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Arizona (Mr. Goldwater) is absent on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield), the Senator from South Dakota (Mr. Mundt), and the Senator from Texas (Mr. Tower) would each vote "nay."

The Senator from Utah (Mr. Bennett), the Senator from Ohio (Mr. Saxbe), and the Senator from North Dakota (Mr. Young) are detained on official business.

The result was announced—yeas 18, nays 44, as follows:

[No. 453 Leg.]

YEAS—18

Bayh
Brooke
Case
Cranston
Harris
Hartke
Hughes
Jackson
Javits
Kennedy
Mathias
McGovern
Mondale
Moss
Ribicoff
Schweiker
Scott
Williams, N.J.

NAYS—44

Aiken
Allen
Allott
Baker
Bellmon
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cooper
Curtis
Dole
Ellender
Fannin
Griffin
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McIntyre
Metcalf
Miller
Nelson
Packwood
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Smith
Sparkman
Spong
Stevenson
Symington
Talmadge
Thurmond
Williams, Del.

NOT VOTING—38

Anderson
Bennett
Burdick
Church
Cotton
Dodd
Dominick
Eagleton
Eastland
Ervin
Fong
Fulbright
Goldwater
Goodell
Gore
Gravel
Gurney
Hart
Hatfield
Hollings
Inouye
McCarthy
McClellan
McGee
Montoya
Mundt
Murphy
Muskie
Pastore
Russell
Saxbe
Stennis
Stevens
Tower
Tydings
Yarborough
Young, N. Dak.
Young, Ohio

So Mr. Harris' amendment was rejected.

AMENDMENT NO. 1181

Mr. PROUTY (for himself and Mr. Saxbe) proposed an amendment to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which was ordered to be printed.

A MAN FOR OUR TIME

Mr. BYRD of West Virginia. Mr. President, the great English statesman Edmund Burke stated succinctly the duty of the legislator:

> Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving, you if he sacrifices it to your opinion.

The same estimate was recently drawn regarding the responsibility of a U.S. Senator, and it was expressed by a Senator who, in the judgment of many of his peers, may be destined to leave an indelible mark upon our Nation's history. The Senator of whom I speak is Harold Hughes.

Senator Hughes, according to an interesting Washington Post story on Sunday, December 20, 1970, does not see himself as "a mirror or reflecting pool for what people think in my State or country. It is my job to inform, to help change opinions when they need changing, to reflect on what is right and do something about it."

The statement epitomizes the man, as others see him in his daily work as a Senator. He is an informed Senator and a thinker; he is persuasive and highly articulate; he speaks and stands for what he thinks is right, and he does not stop there—he does something about it. In short, his is a most refreshing and inspiring presence—not only in the Senate, in spite of his juniority from the standpoint of length of service, but also on the national political scene.

In my 24 years of public service, very few men in politics have so impressed me with their ability, their honesty, their sincerity, their utter frankness and openness as has this man.

The Post article, written by Myra MacPherson, caught this same sure glimpse of character and expressed it well. There are many other fascinating things about the man and his life—his humble origin; his foibles and his struggle to overcome them; his midwestern simplicity; his contempt of the "Ivy League syndrome;" his love for hunting; his affection for his family; his desire for a quiet, private life; his steady faith in God and his impassioned humanitarianism. All of these qualities and attributes depict a man of earthiness—and potential greatness.

Mr. President, it has been said that character is that which draws a man to God and which draws other men to him. I would add that character is that quality which, perhaps, more than any other, is most to be desired—and admired—in a leader, whether he be a general or politician. It is not something which may be acquired or bought. It comes from within, and it is either there or it is not. And in either case, one's friends and daily associates will know.

Those of us who serve here know that Senator Hughes is a man of individual honor and personal character and of absolute independence—the kind of Senator about whom Webster wrote, "who knows no master and acknowledges no dictator."

He is a remarkable man and his is a remarkable story of struggle and accomplishment. It is a story, many of the best chapters of which I predict remain to be written.

I ask unanimous consent to insert the Post article "The Rise and Rise of Harold Hughes"—in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE RISE AND RISE OF HAROLD HUGHES

(By Myra MacPherson)

When the talk gets around to Harold Hughes as a presidential candidate, two points come up.

The first is, what can you do about a man who is often confused, as one farmer said, "with that feller who has all that money and runs Las Vegas?" Hughes says, "Even my best friends sometimes call me 'Howard.'"

The second is, what about an ex-drunk running the United States? Hughes, himself, in that blunt, honest fashion of his, doesn't even bother with the "ex." Although he hasn't had as much as a shot glass of liquor in 16 years, Hughes, who will be 49 in February, says, "I am an alcoholic."

The present tense is pure Alcoholics Anonymous. An ardent AA member, Hughes feels alcoholism is a disease related to a chemical imbalance, not a moral problem. Therefore, no one "reforms," they "recover"—and only by never touching alcohol again. Hughes lives each day with the knowledge that one drink might do him in.

Hughes feels being a recovered alcoholic "shouldn't have any effect on someone's presidential ambitions." The fact that someone had the strength to stop "could be considered an asset," he says. "In a critical situation, it would be a much safer country with a president who doesn't ever take a drink than someone who even occasionally drinks."

What is there about this one-time drunk, college dropout and former truck driver who became a governor and then a senator that makes people talk of the presidency?

Hughes' devotees feel he is a man "larger than life"—someone who can bind up the wounds in a divided country, speak to and for the dispossessed, a man who can preach peace to the hard hats and the Bible to the kids—and get away with it.

He has much of the evangelical fervor of the reformer and says, with ease, such admittedly corny things as "politics is my ministry."

Sophisticates call Hughes, a Methodist lay preacher, "the liberal Democrats' answer to Billy Graham." To that, Hughes replies, "I'm used to being called corny. But I'm not going to hesitate to speak of God as I believe in Him."

There are other skeptics who feel Hughes possesses one of the worst attributes a politician could have—sincerity. Impassioned sincerity at that. He is obsessed with helping "mankind."

But many others feel such qualities as dedication, sincerity and humanitarianism are needed in today's troubled society and that Hughes could play the lightning rod role.

Eli Segal, a 27-year-old Eastern lawyer who chose to work for Hughes over another presidential hopeful, George McGovern, said, "I remember Hughes speaking in 1969 to the New Democratic Coalition—a slick, bright, committed group. McGovern and Ted Kennedy spoke also, but Hughes was the only one to get a standing ovation. He spoke of 'love' and 'God' and 'healing up the wounds.' "

In a speech this fall, he faced an opposite group—and brought tears to the eyes of a tough labor audience when he spoke of a "longing in men's hearts to love each other."

None of this is an act. Those who know him well say that what saves him from being merely a preacher is that underneath the religiousness is a tough, shrewd, realistic politician.

His style, of course, is aided by his looks. Hughes is massive, virile, handsome, 6 feet 3, 230 pounds.

His deep brown eyes stare through you. His voice is deep, resonant. He's not a man Vice President Agnew would ever call an "effete, intellectual snob."

The word "charisma," on the shelf since the days of Robert and John Kennedy, is being dusted off again for Hughes. Women move in to touch him after speeches. He is no backslapper, and a man of almost no small talk. One observer said, "When he walks into a room, he doesn't make you feel comfortable—like 'here's a pal'—he makes you feel there is a very special presence in that room."

Hughes has been called a man of balanced contradictions. "He's a man of God, but boy, does he have a sewer mouth," said a man who's worked with him.

For all his massive maleness, there is none of the he-man bravado. He is unabashedly sensitive, uses "gentle" as an accolade for men he likes. Although he is obsessed with the idea of helping "humanity," he can be distant in personal relationships and a very private man.

"He's a hard man to get to know, to get close to," said a friend who has known him for years.

And yet, this same man said, "I know instinctively that if I had any problems, he'd be the first person to go to."

Hughes is complex, moody, quick tempered, stubborn, dead honest, bright.

A dove on the war, Hughes nominated Eugene McCarthy in the 1968 Democratic Convention, and became a fierce advocate of party reform long before it was fashionable.

Yet he attends Senate prayer breakfasts with the senators from the Southern Bible Belt, generally regarded as "the Neanderthals" by those who embrace New Politics. Hughes says of his prayer meeting colleagues, "It's not my role to judge men. There's too much bitterness already. I don't have to hate a man to differ with him."

Hughes' deep-lined face does not move easily into smiles. He has been criticized for not "knowing how to laugh and relax" although close friends say he's more relaxed with intimates. He is not known as a wit but his comments sometimes have a dry, caustic touch.

The other day, commenting on the controversial appointment of conservative Democrat John Connally as Secretary of the Treasury, Hughes said drily, "That will serve to unite the liberal forces in both parties more than anything else the President has done."

Probably more than anyone on the Hill, Hughes is a man who reduces issues to human terms.

Last summer during a subcommittee conference on a manpower bill, several senators were discussing a project that would involve spending federal money to employ the unemployed. Some of the senators raised the question of whether this might not be construed as "make work" in the old WPA image. Hughes got up and gave an impassioned speech. A senator's aide who was present said "Hughes said something like this—'Supposing there is a 45-year-old laborer who has no work and the only job he could get is public employment? What if it is raking leaves or digging holes? That's useful, conservationist work.' "

The aide said, "Such expression of compassion is rare in a committee hearing. It's damn refreshing to find a man who doesn't think of everything in terms of political compromise."

Early in the first of Hughes' three terms as governor, in 1963, Hughes astounded President John F. Kennedy with a long distance phone call. Hughes had never met Kennedy but he was calling to try to get Kennedy to pardon a man scheduled to be executed for a brutal kidnap-murder. Kennedy told Hughes he had already reviewed the case and turned it down.

Kennedy later questioned a friend of Hughes about the governor. Where was his political sensitivity, sense of orderly process, decorum, understanding of the President's problems, Kennedy wondered. But Hughes thought of none of these things; he had reacted to a personal appeal from a lawyer to save a man's life. Hughes spent a lot of time in prisons talking to inmates. He pushed for penal reform and succeeded in getting capital punishment abolished in Iowa. Hughes goes to great lengths to help alcoholics—and that goes from other senators to skid-row bums. Recently, Hughes was giving a speech in New York and got a call from a friend about a man in Harlem who was in serious drinking trouble.

After the speech, Hughes extracted himself from the gathering, sought the stranger out in Harlem and sat up with him through the night.

Hughes' wife, Eva, whom he married when they were teen-agers in Ida Grove, Iowa, says Hughes has trouble forgetting the one time he didn't answer such a call when he was governor.

"Harold had had a rough week and was tired. A man called two weeks before Christmas and said he'd lost his job. Harold talked a little rough to the man, said 'It's late, I'll talk to you Monday.' The man committed suicide two hours after he hung up the phone."

The Hugheses live a quiet, private life and do almost no entertaining in their McLean, Va. home and none of a political nature. Their close friends are, like them, transplanted Iowans.

The "bull in a china shop" cliche fits the image of Hughes at a Georgetown party. He is contemptuous of the Ivy League syndrome. "The idea that all the brains are located at Harvard is ridiculous. I'm tired of people saying 'Where is Iowa?' " He admires what he calls a basic Midwestern simplicity. "They're willing to reach for the stars but their feet are planted firmly in the soil."

Eva Hughes is a dark-haired, pretty, warm woman who seems to have conquered bouts of shyness she had as a governor's wife. The other day she bustled around the house, wrapping Christmas presents, among them photo albums. They contained pictures taken over the year of herself, Hughes and the only one of there daughters unmarried. Phyllis, who just graduated from high school last year. Also prominent in the picture was their Irish setter, Mike, who is so fiercely loyal to Mrs. Hughes that when the senator kisses his wife goodbye he has to put the dog on the sun deck for fear the dog will attack. "He seems to just go after men," Mrs. Hughes said.

The home was furnished when the Hugheses moved in at the start of his term in 1969. "We had little of our own, moving from the governor's mansion," Mrs. Hughes said. It is now personalized chiefly by their books, and family pictures. Reading is their number-one hobby—both lean toward philosophy, religion, mysticism and metaphysics. Asked if he believed in ESP and psychic powers, the senator said "sure do." Mrs. Hughes catalogs books by subject and authors—and some other books spill over in piles on the floor.

In one group was Walt Whitman's "Leaves of Grass," a book on Ghandi, one on Irish setters and the "Poisons in Your Food."

Phyllis, an artist, is a vegetarian and objects to her father's number one hobby, hunting. Hughes himself can tell sorrowfully the story of a friend who shipped her pet dogs across country by jet, and found them dead on arrival. He is also an advocate of gun control; and yet he heatedly defends the hunter.

"I fail to understand people who will bite into a rare and dripping steak but criticize the hunter." The conscientious hunter, who bags only the limit, helps control the animal population, Hughes feels.

Mrs. Hughes says she and her husband "come to the parting of ways" over television. She watches news and some sports programs; he watches late movies—"especially if it's a good Western, like 'High Noon.' " Their musical tastes lean toward hymns and she says, "I'm a Les Elgart fan."

A man of humble beginnings, Hughes grew to like the appurtenances of the governorship—a Lincoln Continental, a private plane. He is no gourmet but a meat and potatoes man, constantly uses a sauna in the home. He is fond of gold jewelry; and wears a wide gold wedding band, another jeweled ring, cuff links. A chain smoker, he lights his constant cigarette with a gold cigarette lighter.

Mrs. Hughes says her husband's quick temper is his one fault, but adds, "His judgment and first impressions are fantastic. He's a rather psychic person." As for running the house, she said, "Oh, he barks orders, but I don't always jump."

She speaks quietly of the days when he was drinking. There were emotional trials, but, she says, "Unlike the wives of most alcoholics, I didn't have any really rough periods. We never went without food, he was always able to work."

"In those days we lived on a day-to-day basis." She said she never considered breaking up the family, " I suppose if the children had been grown I might have thought of it."

From the time he was 16 until he was 32, drinking was the most important thing in his life, Hughes has said. He recalls his first drink was in high school, "some bathtub juice called Cream of Kentucky."

Hughes was a prairie boy in the Depression days. "Until I was 13, I never lived in a house with water or electricity." His father had been a farmer and a florist. Hughes became a star athlete. He also played the tuba. He became known as "Pack," short for "pachyderm." He moved into the University of Iowa on a football scholarship, quit school when he was 19 to get married.

During college, then after—during World War II—he became what he calls a periodic drunk. War was a real agony to him; as the largest man in his infantry squad he carried the Browning Automatic Rifle. He saw heavy combat, and many friends killed. He remembers once in Sicily yelling to his ammo carrier to get down when the Germans came through. "They cut him right in two as he rose up beside me."

After the war, he once told a friend, I seemed to feel that if I wanted to drink myself to death, I'd earned the right to do it." He recalled another veteran who drank and was laughed at by the people of Ida Grove. "I figured if he wanted to get drunk and lie down in the streets, those people ought to get a pillow and some blankets and cover him up."

Another personal tragedy was the death of his older brother, Jesse, who was killed in an automobile accident.

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Hughes was a drifting truck driver when he started to do something about his problem. He thought AA was "for bums." slipped on and off the wagon for a time, then when he was 32 he went to AA and stopped.

His move into politics came when he saw what he felt were injustices in the state against small trucking firms he was representing at the time. Someone challenged him to run for the commerce commission. He did in 1958 and won. From there he moved steadily into politics, winning the governorship in 1962, then going on for an unprecedented two more terms.

A friend said, "He has a quick, incisive mind and his capacity to learn is enormous. I've heard him listen to college professors where one might suppose he'd be over his head, and then sum up everything getting right to the heart of the matter."

He doesn't see himself as "a mirror or reflecting pool for what people think in my state or country. It is my job to inform, to help change opinions when they need changing, to reflect on what is right and do something about it." Iowans seem to like that. One said, "You don't always agree with him but we like the way Hughes gets up and says what he damn well thinks."

In addition to his strong stand against the war and for party reform, Hughes has been known chiefly as a senator who battles for alcohol and drug-abuse legislation. He considers alcohol a far more serious problem than other drugs, says he would not advocate legalizing marijuana until more is known of it. "Why legalize something that could be a plague, just as alcohol is."

Asked if he felt he was grounded enough in foreign affairs to be a President, Hughes said, "Who is ever grounded in foreign policy? Who is qualified to be a President, other than a past-President?" He said gruffly that he felt President Nixon should be more grounded in domestic issues. "The neglect in this country is going to be our destruction far faster than external threats."

As for the presidency, Hughes said he is undecided. There are those "urging and exhorting, pushing, sometimes shouting. I'm not trying to stop it; a lot of what I do will depend on if there is enough activity to encourage me to make the try.

"Neither Eva nor I has ever liked the public adulation, the rudeness, the lack of privacy and so forth of public office, but we have a love of people and want to do what we can to help."

The preacher in him comes out as Hughes said that, at the moment, "I will not let the glamor of the stars so attract me as to drive me off my course. If the time comes for me, it comes—and there'll be no other way."

A friend said, "Hughes is a fine, fine man—honest and open about everything but his own ambition. I often wonder if he knows himself what he wants."

Another friend said, "Even if he had the normal ambitions of a politician, he wouldn't admit it to himself. The only way he can sustain himself is to feel he is fulfilling a mission."

WASHED UP AT 40?

Mr. WILLIAMS of New Jersey. Mr. President, from January 1969 to November 1970 the unemployment rate has jumped sharply from 3.4 to 5.8 percent, adding nearly 2.2 million to the jobless rolls.

This now represents the highest rate in nearly 7½ years.

All Americans have been affected in one way or another by the economic slowdown, whether it is in the form of steadily mounting unemployment, mass layoffs, shorter workweeks, smaller paychecks, unchecked inflation, or just plain slow business.

American workers have awaited patiently for an upturn in the employment picture this past year. But despite optimistic prophesies by administration spokesmen, millions of Americans still expect continued hard times for themselves, their families and their friends.

All age groups have been hard pressed by widespread joblessness. But older workers and their families have been especially hard hit.

Today more than 1 million persons 45 and older have lost their jobs, approximately a 71-percent increase in less than 2 years.

Many are discovering that they have lost more than their jobs. Thousands have also lost their pension coverage, although they have attempted to provide a little "nest egg" for retirement.

AGE DISCRIMINATION IN EMPLOYMENT ACT

To make matters worse, age discrimination in employment still exists—even though a law was passed 3 years ago to prohibit such practices.

As chairman of the Senate Committee on Aging and a sponsor of the age discrimination law, I can well appreciate the need for adequate funding to carry out the intent of Congress.

Enforcement of the act is the responsibility of the Wage and Hour and Public Contracts Divisions in the Department of Labor. But these units also implement the Fair Labor Standards Act, the Walsh-Healey Public Contracts Act, the Davis-Bacon Act, and several other related statutes.

At the Committee on Aging's hearings last December on the "Employment Aspects of the Economics of Aging," we were told that these divisions employ slightly fewer than 1,000 investigators in the field. But less than 10 percent of their time is devoted to age discrimination activities.

A prompt increase in staff is urgently needed now to enforce the age discrimination law more adequately.

A step forward was made in the Labor-HEW appropriations bill, H.R. 18515, which provided an additional $50,000 for enforcement of that law.

A recent article in Machine Design also documents in compelling language the need for more stringent enforcement of the act. Mr. President, I commend this article to my colleagues and ask unanimous consent that it be printed in the RECORD following the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

VETO OF MANPOWER BILL

Mr. WILLIAMS of New Jersey. However, employment opportunities for older workers cannot be increased solely by measures eliminating discrimination.

Today many middle-aged and older persons are also without jobs because they lack training to move into gainful employment; they are seeking the work of a bygone era; or they live in areas where there are no jobs.

In recognition of this crucial need, House and Senate conferees adopted my middle-aged and older workers employment amendment to the Employment and Training Act, S. 3867.

This measure would have authorized a midcareer development service program in the Department of Labor to provide training, counseling, and special supportive services directed at the unique and growing problems of persons 45 and older.

Yet, despite the grim unemployment situation and the need for far-reaching action, the employment and manpower bill was vetoed.

In his veto message, the President raised strong objections to the public service features in the conference bill. But, leading experts have estimated that there are more than 5 million badly needed jobs in public services.

In addition, the President was critical of the increase in the number of categorical programs, although these disadvantaged groups have been grossly underrepresented in our manpower programs. In his veto message, he said:

> These narrow categorical programs would continue to hamstring the efforts of communities to adjust to change in their local needs. In dealing with manpower problems, the Federal Government should help, but it should not always prescribe.

But without specific statutory authorization, the employment outlook for persons 45 and older would be bleak. One reason for this belief is that the United States now lacks a clearcut, effective policy for maximum utilization of persons regarded as older workers.

Once unemployed, they run the greatest risk of being without jobs for long periods of time. They now comprise about 43 percent of the very long-term unemployed—27 weeks or longer. Yet, they represent less than 10 percent of all enrollees under present manpower programs.

Much can be gained through a national effort to raise our productive capacity and to provide new employment opportunities—as well as related manpower services—for middle-aged and older workers.

For these reasons, I also wish to express my strong opposition again to the ill-advised veto of the Employment and Manpower Act, S. 3867.

EXHIBIT 1

WASHED UP AT 40?

(By Francis J. Lavoie)

Richard C., erstwhile senior design engineer, is worried. Two months ago, he lost his $16,000-a-year job with a major aerospace company. Now, at age 50, he is beginning to wonder if he'll find another job.

Mr. C. is a member of the over-40 group of engineers whose services suddenly don't seem to be much in demand. To compound the problem, Mr. C. is in an unaccustomed position. Because this has never happened to him before, he doesn't really know how to go about looking for a job. He's ashamed, and unsure of himself. He feels useless.

Mr. C.'s case isn't unique. Despite the fact that age discrimination in employment practices is illegal, evidence is mounting that engineers are the victims of a pernicious kind of age bias that threatens to reduce their careers to about the same length as a baseball player's.

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DISCRIMINATION: REAL OR IMAGINED?

For the record, employers stoutly maintain that age is not a factor in their employment practices. Skill is what counts, they say.

Engineers see it differently, and they have considerable evidence to back them up. A report published in 1966, and summarizing the experiences of some 1,200 aerospace engineers laid off during the slow 1963–1965 period, is revealing. According to the report (put together by Dr. R. J. Loomba of San Jose State College) age was the only significant difference between working and laid-off engineers. According to Dr. Loomba, the same pattern holds true today as when he made his original study.

The Loomba report also painted a bleak picture for re-employment. Length of unemployment was directly related to age, concludes the report. For example, 56% of those 56 or older were unemployed for 18 weeks or longer. Only 26% of those under 35 remained unemployed as long. A recent survey by the Engineers Joint Council's Engineering Manpower Commission comes to the same conclusion. Older engineers, like older employees in general, will have greater than usual trouble in finding new work, because industry clearly is putting its hiring emphasis on new graduates.

Another recent survey bears out these grim statistics. The survey, conducted in November 1969, among engineers laid off from four West Coast aerospace companies, indicated that 50% of those laid off were over 40. Of the remainder, 30% were over 30. A number of similar studies have been undertaken in various parts of the country in the last few years. Invariably, they indicate that the older engineers do have more trouble finding a job, especially during slack times.

Aside from these reports, which consider primarily the aerospace industry, little documentation exists to prove age bias on the part of companies. Still, circumstantial evidence indicates at least a de facto discrimination. A recent survey conducted by Deutsch, Shea, & Evans Inc., a New York agency specializing in manpower advertising, indicates most companies currently advertising for engineering help want people with no more than five years' experience, and willing to work for salaries ranging up to $14,000 per year. The survey considers only the help-wanted advertising placed in newspapers and magazines, and might be claimed to be unrepresentative of a company's actual hiring practices. But it nonetheless underscores the emphasis most companies are placing on youth.

Although declining to be quoted, several personnel managers contacted recently admitted candidly that at present the over-40 engineer "probably does" have more trouble getting a job than the younger man. But they ascribe these added difficulties to factors other than age—obsolescense, temporarily unmarketable specialties, and high salary demands. The term most often heard by older engineers is "overqualified." Many of the "overqualified," however, feel that this is simply a fancy word for "too old."

Employment agencies too are not eager to go on record as stating that age discrimination exists. But spokesmen for several representative agencies agree privately that bias exists, especially where there is a surplus of available talent.

But the clinching evidence comes from discussions with over-40 engineers who've already been through the mill. Over and over again, the comments indicate that being 40 and an aerospace alumnus are severe hurdles to overcome. "Aerospace can't use us, and non-aerospace doesn't want us," says one engineer. "They tell us we're too expensive, too specialized, too used to the glamor of aerospace. They're afraid we'll go back to it as soon as things pick up again."

Another laid-off engineer—50 years old—claims that his company told him his job was being liquidated. Yet he says that within a few weeks a younger man was doing exactly the same work.

A check of representative companies indicates that seniority is seldom used as the basis for terminating engineers. In most cases, the employer simply decides whom he can do without, and lets him go.

Many companies do have machinery set up to protect the engineers against arbitrary termination. One typical giant aerospace manufacturer, for example, uses a series of reviews to determine who will finally be terminated. The first-level supervisor decides whom he can do without; a list of those chosen passes through several management levels and is checked against overall company needs before the final list is determined.

Yet the fact remains: the engineer is not protected by seniority against job termination. Nor, according to knowledgeable observers, is he ever likely to be. The nature of his work is such that chances are he won't have the necessary skills to take over another project which in many cases is itself highly specialized.

THE ACCENT ON YOUTH

The "youth movement" evident in the hiring policies of many companies is causing increasing bitterness among older engineers. A recent informal MD survey confirmed the fact that most large companies are actively recruiting new graduates, while many of them are at the same time terminating established engineers.

This trend has been evident for some time. A survey by the EJC indicates that only 3% of the nation's 1970 engineering college graduates had received no offers at graduation time. According to college placement directors, the choice wasn't as good as it once was, but there still were enough jobs to go around. Only marginal students were having trouble finding work. And, says the EJC, the future graduate need have no fear that his services won't be in demand when he graduates.

Companies defend this practice by pointing out that they must build for the future, no matter how grim the present may be.

IS OBSOLESCENCE THE REAL CULPRIT?

The most common reason given by companies for laying off older engineers is that these engineers are often highly specialized individuals whose specialties are no longer needed. Many of these engineers haven't kept pace with changing technologies, and are not economically retrainable, say the companies.

Engineers counter with the accusation that this is just a convenient excuse for getting rid of senior men in favor of younger engineers who will work for less.

The truth seems to lie on both sides. Older engineers have indeed become victims of overspecialization. And many of them are doing little to broaden their talents. But a surprising number are devoting considerable time to keeping up. In a recent MACHINE DESIGN survey, 60% of respondents claimed to have set aside two to five hours per week for study, while 33% said they spent over five hours per week. The same study indicated that only 5% of respondents had enrolled in degree programs, with 25% saying they planned to.

Does such study help? Not when the job market is tight, as it is now in the aerospace industry. In most cases, the man with the specific skills needed by the company is kept on. According to the Loomba study, such continuing education had no noticeable effect on who was or wasn't laid off.

But even when obsolescence isn't the problem, the engineer often seems to do all the wrong things, say the experts. His job-hunting activities are often limited to scanning the want ads. When he does apply for job, his resume is unprofessional and unimpressive. In many cases, he refuses to relocate.

ARE OLDER ENGINEERS MORE EXPENSIVE?

There are a number of reasons why companies have strong incentives to avoid the older engineer—and most of them are money-related. Probably the factor most often mentioned by outside observers is the pension. One knowledgeable observer recently stated that engineers close to achieving a vested interest in company pension plans seem to be laid off at a rate out of all proportion to their number.

Why should companies with pension plans be so interested in reducing the number of employees over 40? For a 30-year-old worker, the company's contribution to his pension is generally put, actuarily, at about twice that of the worker himself. But for a man over 50, the ratio changes to about 8:1. Such considerations can have a serious negative effect on an older engineer's chances of being hired.

Another factor works to the engineer's disadvantage at layoff time. When a man is terminated, the money already paid into his pension fund doesn't revert back to the company. But it can be used to reduce future payments, assuming, of course, that the worker doesn't have vested rights.

The cost of other benefits, such as health care, often rises significantly if a company hires older workers. For a company employing thousands of workers, a one-year rise in the average employee age can mean a substantial rate increase.

Companies themselves don't deny that the older engineer is often a liability. But, they point out, it isn't the companies' fault. A highly specialized, high-priced engineer isn't worth much to a company which has no need for his specialty. It isn't that the older man can't do the job; it's simply that he's too expensive.

But for all the talk about high-priced older engineers, salary surveys consistently indicate that the average engineer, enjoying a median income, can expect his salary curve to start flattening noticeably at about age 45. He'll fare somewhat better if he's among the top half in salary level. Below the median, the curve tops out at about age 45, then begins a slow downtrend.

The trick is to become a supervisor. Engineering supervisors in the top half of the salary range for industry can expect their income to climb steadily, albeit less quickly as they age, until they are well along toward retirement age.

But salary statistics don't really tell the whole story. Many a laid-off engineer—whether manager or not—has been forced to take a substantial cut in pay to get another job. This is most likely to happen to aerospace engineers transferring to a non-aerospace job.

IS ANYTHING BEING DONE?

Federal legislation against age bias in employment practices has helped. But most of the real progress has been achieved by the efforts of the over-40 engineers themselves and by the much-maligned companies who are generally felt to be responsible for the whole mess in the first place.

The most publicized organization devoted exclusively in helping older workers is Forty Plus, with offices in major cities. Forty Plus is a nonprofit association of executive, technical, and professional men, all of whom share one thing in common: they are looking for a job.

Not unaware of the growing problems of the older engineer, companies themselves are setting up special services to place their superfluous employees. If no position can be found in the company, it tries to place the

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employee with another company, either directly or by helping him prepare resumes and deciding where to apply.

Some professional societies have set up employment services for their members. The American Institute of Aeronautics and Astronautics, for example, has sponsored job-hunting workshops in cities with high engineering unemployment. There is no charge, and the AIAA reportedly has just received a grant from the Department of Labor.

The Federal Government, finally reacting to demands that something be done about the growing unemployment problem in engineering, has established a nationwide jobs registry. According to Secretary of Labor James D. Hodgson, the new service, which became effective November 1, is similar to services currently available to unemployed philosophers, economists, librarians, and statisticians. A central office in Sacramento, California, will maintain a file of engineers and their qualifications and will match applicants with potential job openings across the country.

Unions are doing what they can to help, although no special consideration is given to age. The Seattle Professional Engineering Employees Association has for some time been running an employment bureau for laid-off members. Job openings are posted, and resumes are filed for use by prospective employers. SPEEA also runs advertisements announcing the availability—current or impending—of its members. The organization claims to have found jobs for some 2,000 engineers laid off in the last couple of years.

Individual over-40 job-seekers have come up with ingenious approaches to stand out in the crowd of applicants flooding the market. One man reportedly mails his job applications with the latest commemorative stamps; he has heard that some stamp-collector executives have all such mail routed directly to them. Another job-seeker periodically resubmits his resume to companies that have rejected him; he feels that most resumes not of immediate interest go into the wastebasket. Many applicants simply don't give any information that might reveal their age until they have to; they feel this gives them more time to sell themselves. Still others try to bypass the personnel department entirely, feeling that they will stand a much better chance with a higher placed executive.

Some engineers aren't waiting for the job market to open up. Some months ago, a group of engineers, laid off from McDonnell Douglas in Long Beach, Calif., decided to go into business for themselves, offering job-shop engineering services. Custom Engineering Services Corp. of America now numbers nearly 100 engineers in its talent pool. Most of them are in their 40s. Although CESCA isn't a full-time job yet for most of its staffers, it's helping to keep the wolf from the door, say spokesmen.

Of course, not everyone prefers the younger engineer. Many companies, for example, prefer experienced advanced-degree holders to recent graduate-school alumni. They feel that an experienced Ph.D., for example, becomes productive more quickly. This is especially true in research projects with specific objectives.

In the non-aerospace field, a number of employment agencies report that the market for experienced engineers is excellent. As a matter of fact they say that this market is much stronger than is the "volume" market—the $10,000–$12,000 group.

Are private employment agencies painting an over-optimistic picture? To some extent, it would seem so. According to a recent survey, the demand for engineering executives is down by 38%.

The seeming discrepancy can be accounted for by several factors. Most important, of course, is which sector—aerospace or civilian—one talks about. There is certainly a glut of middle-management engineers in the aerospace industry, just as there is a surplus of highly specialized "working" engineers. In the civilian sector, the situation is somewhat different. The help-wanted section of any large newspaper bears out conversations with employment-agency personnel: jobs are available for chief engineers, for example, with experience in special areas. So the anomalous situation exists, with specialization being the bane of the aerospace engineer and the salvation of the non-aerospace engineer.

The eventual salvation of the older engineer can come, say the experts, only when another shortage develops. This isn't to say that the aerospace industry must come back. In fact, many knowledgeable observers feel that it won't—that other technologies must take up the slack. Add to this the fact that our colleges are graduating fewer and fewer engineers—one reason being that prospective engineering students don't want to risk being in the same boat as today's older engineers—and it becomes obvious that things must eventually improve.

When can we look for some improvement? Not for a couple of years, say those willing to hazard a guess—nothing will be likely to break during 1971.

Many feel that unions offer the only long-term answer. And indeed the trend to unionism is becoming more pronounced. The argument that unionism and professionalism are mutually exclusive has been weakened by harsh economic reality. So far, most union activity has been in the aerospace sector. If things continue to deteriorate, observers feel that the non-aerospace sector could find unionism increasingly attractive.

FIFTEEN AGED HELP BEAUTIFY COUNTY

Mr. WILLIAMS of New Jersey. Mr. President, a news article in the November 28 Atlantic City Press entitled "Fifteen Aged Helped Beautify County" has reminded me once again of the fine service performed by elderly Green Thumb workers throughout the Nation—and perhaps more important, the benefits of the program to those older persons participating.

The Green Thumb program, sponsored by the National Farmers Union under a grant by the U.S. Department of Labor, employs older people, primarily in rural areas. The average age is 69, but the oldest Green Thumber is 93. Thus, the $1,500 a year they may earn from Green Thumb projects can make the world of difference in the well-being of these older Americans. Physicians have reported that the health of the older workers improves after working for Green Thumb, and the workers themselves have reported that they feel better, needed, and worthwhile once again.

Green Thumb projects are not make-work jobs, but useful and necessary: beautifying parks, constructing trails, clearing roadsides for safety and beauty, and other jobs too numerous to mention.

The Green Thumbers referred to in the news article have been beautifying parks and other areas around public buildings in Atlantic County, N.J. They have been pruning trees, planting shrubbery, painting picnic tables, and repairing fireplaces. In the words of one elderly gentleman, who was the first to sign up with the program when it started 3 years ago, "We are jacks-of-all-trades." He is 83 years old and he made that remark with obvious pride. These men put something special into their work because many believed life to be over before joining Green Thumb.

This is important work, worthy of our close attention—and these are important people. Therefore, I ask unanimous consent that the article entitled "Fifteen Aged Help Beautify County," by Florence Bradley, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIFTEEN AGED HELP BEAUTIFY COUNTY

(By Florence Bradley)

People have been noticing that places like Birch Grove Park and other areas around public buildings throughout the county have taken on a newer look.

"Many of them don't realize it, but it's the work of 15 elderly but energetic men who are responsible. They belong to the Green Thumb project in Atlantic County," said Lorenzo Luccinardi of the Shade Tree Commission.

The men, mostly retired farmers and all on Social Security, supplement their income and improve their environment at the same time through this federally funded program, Luccinardi explained.

"I used to be a farmer and I still like working outdoors," 83-year-old Otto Geyer of Dorothy said. He was the first man to sign up when the project started about three years ago.

"We work about four days a week, planting trees and shrubs, and cleaning up an area," Geyer said.

It gives them something to do with their time. All active men, they're anxious to help out and to feel needed.

Crew foreman Joseph Szigethy of Dorothy said the men had recently finished fixing the fireplaces at Weymouth Park and were currently completing a project at Birch Grove Park in Northfield.

"By the time we're done, new shrubbery will be planted, the picnic tables repaired and repainted, the grounds cleaned up and everything ready for next season's group of campers," Szigethy said.

BUSY PRUNING

The men work all year except from December to March, and in June and July. Jerry Barner of Egg Habor City, who was busy pruning a tree while Szigethy talked, is 84 and the oldest worker in the Green Thumb Project.

The men go about their chores quietly, intent on their work and not speaking to each other very much, perhaps because some of them are hard of hearing.

"I like doing any kind of light work, especially if it's outside," said Angelo Nicolosi of Estelle Manor, who didn't stop painting his picnic table while he talked.

This is his third year with the Green Thumb Project and Nicolosi said he knows how to do just about everything. As Geyer put it with a grin, "We're jacks-of-all-trades."

Public buildings anywhere in the county are eligible to be worked on by this young-at-heart group of men.

More information can be gotten by contacting the Shade Tree Commission, Luccinardi said.

Watching the men having their pictures taken as they worked, he added, "They do a darned good job. It's good to see them getting some publicity for a change. They're usually just in the background while everyone else gets the credit."

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SOVIET ANTI-SEMITISM: CULTURAL GENOCIDE

Mr. MATHIAS. Mr. President, if America is to keep its promise to posterity it cannot ignore the cause of liberty wherever it is challenged. To raise a high standard for all the world is to impose a special discipline upon ourselves. That we sometimes have to admit failure in reaching our own goals is no reason to lower that standard.

The fact that applying such a standard is sometimes uncomfortable is no excuse for not seeing the world as it is. The probability, that deserting that standard will be dangerous, is confirmed by the experience of the decade of the 1930's.

And so we must look at the plight of Soviet Jewry today.

The phenomenon of anti-Semitism in Russia is, of course, not new. Unhappily, it is deeply woven into the fabric of Russian history going back centuries and continuing to this day. This fact is generally known. What may not be so well known, however, is the long history of American intercession on behalf of victimized Jews in Russia. In 1881, Secretary of State Frelinghuysen directed a strong protest to the czarist court regarding pogroms inflicted on Jews in Warsaw. Again in 1903 President Theodore Roosevelt forwarded to the czar a petition signed by thousands of American citizens of all religions protesting the Kishinev massacre. In 1906, the Senate and House of Representatives passed a joint resolution condemning the continued mistreatment of Jews in Russia. As this proved unavailing, the House of Representatives in December 1911, voted to terminate the treaty of 1832, which had governed trade and commerce with czarist Russia for almost a century

My view of anti-Semitism in the U.S.S.R. has just been made all the more graphic by the report of George Moore, a member of my staff, who has just returned from the Soviet Union where he had sought to observe the trial of 40 Soviet Jews and other Russians accused of conspiracy to flee by plane to Finland, and thence to Israel.

At the last moment the trial was postponed to December 15 and has now resulted in the death penalty for two of the defendants. Despite the postponement, George Moore's visit did induce significant conclusions. In short, it appears that Soviet policy is bent on a kind of religious and cultural genocide—annihilation of Judaism as a faith and the Jewish people as an ethnic entity within the borders of the Soviet Union.

In contrast to the peaceful celebration of Hanukkah, now being observed in much of the civilized world, for example, the Soviet authorities appear to have started systematically disrupting special religious services for the Jewish youth. Several weeks ago, I understand, police burst into the Leningrad synagogue during the traditional Simchas Torah, the final day of the Succos celebration, grinding cameras and shouting into megaphones, "It's all over. Go home."

Even in Russia this raises a serious question as to the credibility of article 124 of the Soviet Constitution which purports to guarantee "freedom of religious worship."

Reports that anti-Israeli propaganda is reverberating not only against Russian Zionists, but increasingly against every Jew in the Soviet Union are a sombre note at the year's end. For, inevitably, when the Soviet press says "Zionist," most Russians read "Jew." When the newspapers attacked Western demonstrations in support of Soviet Jews, George Moore witnessed antiSemitic abuse, directed at random against unsuspecting Jews in the streets of Moscow.

At the same time, in one important sense, the Soviet repression has backfired. I am encouraged to hear that Soviet Jewry appears to be undergoing a resurgence of spirit, particularly among the youth. The unprecedented barrage of propaganda following the 6-day war has produced an unexpected result—that of arousing, often intensely, many a dormant Jewish consciousness.

Young Jews have recently taken to celebrating Jewish holidays publicly, in front of the few remaining synagogues—despite the ominous clicking of KGB cameras. Jewish students say they are loath to change their names. Young half-Jews speak militantly of changing from "Russian" to "Jewish" the nationality their parents had registered for their passports. In a popular Leningrad restaurant my aide observed a large group of young Jews vigorously and repeatedly—he says defiantly—singing "Hava Nagila" and other Israeli songs.

Israel seems to have provided a great stimulus, with its image of the wiry Israeli soldier standing up and fighting it out in the Middle East. For the first time in decades, it seems the resolve of Soviet Jews is waxing, and not waning. This increase in Jewish identity, this revival of Jewish consciousness is encouraging and gives hope that the long drive to eliminate Jewishness in the Soviet Union may at last encounter significant resistance.

Recently, I was moved, as I think were many Americans, to see photographs of Chancellor Willy Brandt of West Germany, kneeling at the monument to the Polish Jews who perished at Nazi hands in the Warsaw ghetto. At the same time I was stirred by this reminder that the Polish Government, which has given support to anti-Semitism, has itself memorialized these tragic victims by erecting an imposing monument.

What makes these remembrances all the more poignant, though, and why I mention them now, is the striking contrast afforded by the Soviet Union. At Babi Yar, near Kiev in the Ukraine, some 35,000 to 100,000 Jews were brutally massacred in 2 days by the Nazis. And yet there, at that unfortunate site, there stands no monument, there stands no memorial—only emptiness and desolation.

This is not for lack of Jewish interest. Nor is it because the Soviets are averse to commemorating the war dead. Kiev itself, Moscow, Leningrad—indeed all Soviet cities—abound with war memorials. Even outside the U.S.S.R., most notably in Berlin and Vienna, the Russians have left imposing monuments to those of their number who encountered the Nazi menace.

Yet Babi Yar stands barren—by Soviet Government dictate. Not only is that a tragedy to every Jew, it is an affront to all humanity. Unfortunately, it is characteristic of the Soviet treatment of Jews.

Joel Cang, an American writer, has posed a telling question: If the Jewish murdered are obscured, how do the living fare?

History may have its cycles, affording people breathers, but for the Russian Jew there has been scant respite. Czarist Russia oppressed these people, but Jewish life survived. During three centuries of Romanov rule, two sets of antisemitic laws were issued, containing over 500 restrictions.

Earlier, during the 16th century, Ivan the Terrible ordered the drowning of many Jews who refused to renounce their faith. Even the pogroms, evidence suggests, were instigated by the czarist rulers.

But, despite this, Jewish organizations and newspapers were commonplace. Up to 1914, in fact, one-fourth of all the books published in Hebrew had been published in Russia.

By sharp contrast, however, what Russian Jewry managed to preserve under tne czars has been persistently eroded under communism. Stalin, we know, pushed anti-Semitism to new heights. With one hand purging all his real and suspected enemies, many of them Jews, Stalin with the other snuffed out Jewish cultural institutions—newspapers, theaters, colleges. Between 1934 and 1939, he closed 750 schools teaching in Yiddish, attended at one time by over half the Jewish children in the Soviet Union.

Within several years after the establishment of Israel, the campaign against Soviet Jewry intensified. Each day new attacks unfolded in the press. As never before, the Jew was singled out and stigmatized as an alien, a stranger with no attachment to his native land. Culminating this treacherous drive was the arrest, in 1948, of leading Jewish personalities—artists, musicians, government and party officials, and over 200 writers and poets. Almost all perished in concentration camps. Among those executed were 26 of the most prominent writers, who have been described as "the cream of secular Yiddish culture."

Soon thereafter, in 1953, Stalin unveiled the "Doctors' Plot" which set off a program of mass deportation to Siberia of Soviet Jews.

Yet Stalin's demise did not herald an end to Soviet anti-Semitism. It merely transformed its character. The Russian Jew remains the object of measures aimed at his debasement, his humiliation, his banishment—what Sartre, in his "Portrait of the Anti-Semite," describes as "symbolic murder." More subtly, but no less effectively, all that is Jewish is still being driven to extinction. Cultural genocide of Soviet Jewry continues unabated.

The attack on Jewish religious life has been particularly severe. At the time of Stalin's death there were still 500 syna-

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gogues in the U.S.S.R. Under Khrushchev the number was slashed to less that 100. Now they number barely 60. And this is with a Jewish population of some 3 million. It is in contrast, for example, with the nation's 540,000 Baptists with their 5,500 churches. In Moscow there is only one synagogue and two prayer rooms for 400,000 Jews.

For over 5 years the Soviet Union has been without any yeshiva for the training of rabbis. One was opened in Moscow in 1957, but the youngest student at any time was 40, and at no point were there more than 13 students. In 1962, it was reduced to four students and subsequently closed. With Soviet rabbis averaging 70 years of age, the implications should be clear.

Publication of religious material is severely restricted. The few Jewish prayer books allegedly printed a few years ago apparently were shipped abroad as "proof" that Jewish prayer books are indeed published in the Soviet Union. Whereas other faiths have had Bibles printed, the Jews have had none.

The baking of matzoh, the unleavened bread used in the observance of Passover, has been forbidden. Restrictions have even been imposed on Jewish burial traditions.

Anti-Semitic propaganda consistently portrays religious Jews, rabbis, and lay leaders as money worshippers. Judaism is constantly denigrated, its rites mocked, its essential tenets ridiculed. Allegations of drunkenness in the synagogue is a favorite theme, and fighting is said to occur frequently, usually over the illicit profits from black market and religious "speculations."

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Each of the remaining synagogues in the Soviet Union stands alone. While other faiths have a central organization and interchange among their congregations, the Jews are permitted none.

Secularly, Soviet Jews are further isolated by very limited means of communication. Compared with the 80 Jewish newspapers and periodicals published during the first decade after the revolution, the only present outlets are a monthly published in Moscow and a two-page Yiddish paper issued in Birobidzhan, the so-called Jewish Autonomous Region. But, even in Birobidzhan, the schools do not teach Yiddish. Nor do the Jews have other cultural facilities, such as schools, libraries, and social organizations. Reporting on his journey there in 1959, Max Frankel of the New York Times referred to the "shack that serves as a synagogue" where Sabbath services were conducted without a rabbi. Birobidzhan is but a Soviet fiction, a faded showcase of the 1920's.

Soviet Jews are treated on a level with the smallest ethnic groups which until the revolution were still leading a nomadic life and had no alphabet. Among the other groups with only one newspaper or journal in their native language are the Nenets with a population of 25,000, and the Chuckchi with a population of 12,000.

As compared with the 3 million Jews, the 50,000 Kurds have three newspapers, the 100,000 Tuvinians 10, and the 200,000 Kara-Kalpakinas 12—all in their native language.

With books on recent Jewish history nonexistent in the Soviet Union, there has sprung up an "underground" press which translates, types, and distributes the works of current Israeli writers as well as early Russian Zionists.

On another cultural front, Yiddish theater has dissolved in over 40 Soviet cities and is now reduced to infrequent troupe appearances which concentrate most, it is said, on ridiculing the Jewish religion and its customs.

Clearly, then, the object of Soviet policy is, as Moshe Decter says:

> To intimidate and atomize Soviet Jewry, to isolate it both from its past and from its brethren . . ., to destroy its Jewish spirit.

The Soviet Union demands that every Jew become an alien to his heritage, that he "assimilate." He must disappear into the scene.

But even here there are enormous contradictions. Soviet Jews have virtually disappeared from high positions of political importance—in the party, in the government, in the military. Since Khrushchev the Higher Party School has been closed to Jews. No longer are they admitted into the Russian diplomatic service.

It is getting much tougher for a Jew to get a job, to hold onto it, to advance in it. Since the 1960's, Jewish numbers at the universities have become restricted, often rigidly so, especially at Moscow and Leningrad.

Thus, while Soviet Jews are resisting their total assimilation, so, too, is the Soviet Government. The official push and pull moves on to exact its toll: Neither Jew nor Russian, but second-class citizen, 3 million of them.

The long tradition of American sympathy for the plight of Russian Jews, extending over a century of Russian-American relations, now demands new proof of our commitment to this aspect of the fight for human dignity and individual liberty.

DELMARVA POULTRY

Mr. MATHIAS. Mr. President, the production of broiler chickens on the Delmarva Peninsula, which includes the Eastern Shore of Maryland, as well as parts of Delaware and Virginia, accounted for one-tenth of the Nation's output in 1970.

The industry on the peninsula began in 1923 and, as it has grown in production, so have associated activities relating to the raising and feeding of the chickens. With the aid of scientists and technicians, the time it takes to ready the birds for commercial use has been cut in half.

This year, this business, like so many others, has been affected by the slump in the economy. It is a source of concern to Marylanders and all Americans alike that the year has been an unsteady one for these producers, for this industry is truly a major part of our Nation's agriculture. We can all be assured, however, that the contributions toward efficiency and the production achievements made by those on the Delmarva Peninsula will help to bring this necessary operation through the difficulty it now is suffering.

I am pleased to ask unanimous consent to have printed in the RECORD the article from the Evening Star of Sunday, December 20, 1970, elaborating on the fine work done by this industry.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHICKENS A BIG BUT TROUBLED DELMARVA BUSINESS

(By Woody West)

EASTON, MD.—The production of broiler chickens on the Delmarva Peninsula is an industry regulated by scientists, technicians and computers. But, despite all the impersonal modern trappings, it is suffering from an old scourge, an economic slump.

The industry constitutes over 25 percent of total farm sales in Maryland and nearly 60 percent in neighboring Delaware. The Delmarva chicken payroll is over $66 million a year.

Last year some 32 million broiler chickens—the bird that supplies both the housewife and Col. Whatshisname—went to market from the Delmarva Peninsula, accounting for about one tenth of the nation's production.

For the broiler industry, like other segments of the economy, 1970 has been a rough year so far.

PROFITS HAVE VANISHED

"There's no profit in it right now and hasn't been for some time," says Frank Gordy, executive director of the industry association.

"We used to think that chickens, being such a good buy, would actually benefit from a depressed market. But it hasn't been so this year."

High production of pork in recent months has been one reason for the lag in broiler prices, according to industry officials.

"We've been through this before and survived and we'll survive again," Gordy says. "It's a sound industry and it's going to continue to be a major phase of our nation's agriculture."

It all started in 1923 in Sussex County, Del. According to the Delmarva Poultry Industry, Inc. Mrs. Wilmer Steele of Ocean View, Del., was the pioneer with her first 50-bird flock.

Commercial broiler-fryers before that were raised as part of the traditional diversified farming operation. Usually young roosters were removed from laying flocks and sent on to market.

The association points out that per capita consumption of broiler chickens has increased from 2 pounds in 1940 to more than 30 pounds now. Early commercial flocks took 16 weeks to grow to a marketable 2¼ pounds; today it takes only 9 weeks to raise a 4-pound bird.

As commercial growing spread on the peninsula, related activities grew up—hatcheries to supply baby chicks; feed mills to supply the grain; increasing acreage put into corn and soybeans to supply the mills; processing plants to kill and dress the birds for market.

The basic structure of the Delmarva broiler industry today is that of an integrated operation, with a company controlling all phases of production, processing, marketing; owning or controlling its own hatchery, feed mills, grain storage, breeders, broiler and processing plants.

CHICKS FARMED-OUT

After the chicks are hatched under stringently regulated conditions, they are put out on contract to growers, frequenlty a husband-wife team raising a flock of up to 25,000 birds at a time.

The grower supplies the brood house, equipment, and labor. The "integrator" provides the chicks, feed, fuel, medication, and supervision.

Bayshore Foods in Easton is typical.

The firm places 600,000 chicks a week with growers, says Bob Blades, a 38-year-old vice president.

The chicken cycle begins with the eggs, obviously. Only about 25 percent of the hatcheries' requirements, however, are produced on the Eastern Shore.

The eggs are sorted, graded, and slid into the setters. For 18 days, the oblong trays of eggs remain in the mechanical mother, with temperature and humidity constantly monitored.

Once an hour for 18 days, each egg is automatically turned to prevent the developing embryo from adhering to the shell's membrane.

After the 19-day incubation, the trays of eggs are transferred to the hatchers. These machines, like the setters, are monitored 24 hours a day and protected by an auxiliary power system.

Three days later, nature intrudes into the mechanically controlled process and the small blips of yellow fuzz chip their way out of the eggs and into a starkly predestined existence.

Within a matter of hours, the chicks have been graded and are on their way to the contract growers.

The chicks, during their 9 weeks with the grower, are checked weekly by Bayshore supervisors. Bayshore, like most integrators, has its own pathologist and also maintains an experimental chicken house.

Soon enough, it is time for market. The chickens—a hybrid breed almost all white and developed over the years—are "live hauled" to the processing plant.

Bayshore has its own plant in Delaware. The Esskay Plant at Cordova near Easton, however, is also fairly typical of this end of the operation.

At a rate of 200,000 to 250,000 a week, the birds are processed at the Cordova plant. In an average time of one hour, a feathered flurry at the unloading dock is transformed by mechanical pluckers, hot and cold baths, singeing, and eviscerating operations, into a dressed whole chicken, or parts and is on its way to market.

STEWARDSHIP REPORT OF SENATOR BYRD OF WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, from time to time during the 18 years I have served in the two Houses of Congress, I have reported to my constituents in West Virginia my voting position on the principal and more meaningful issues, together with my rollcall attendance record. I, therefore, take this opportunity to place into the CONGRESSIONAL RECORD some of the more important votes to date which I have cast during the first and second sessions of the 91st Congress. Before doing so, however, I shall state my rollcall attendance record covering the 24 consecutive years I have served in public office. During my 6 years in the West Virginia House and Senate, and my 6 years in the U.S. House of Representatives, I attended 2,425 out of 2,563 roll and quorum calls, an attendance record of 94.6 percent. My attendance record during my 12 years in the U.S. Senate, up to October 2, 1970, is as follows:

Year	Number of rollcalls	Rollcalls missed	Percentage of attendance
1959	216	5	97.6
1960	207	16	92.3
1961	206	3	98.5
1962	227	7	96.9
1963	229	20	92.0
1964	312	27	91.3
1965	259	20	92.3
1966	238	18	92.4
1967	315	2	99.4
1968	280	10	96.4
1969	245	7	97.2
1970 (to Oct. 2)	322	6	98.1

Now, with respect to positions on the issues, there appears to be an unfortunate tendency on the part of special interest groups to attempt to categorize or label Members of the Senate or the House as either liberals or conservatives, on the basis of one's votes on a pure selective issue of special interest to the particular group. The longer I serve in the Congress, the more I object to these superficial terms and the frequently distorted images which they project.

The great English statesman Edmund Burke was, as he said, "a conservative to preserve all that is good in our Constitution and a radical to remove all that is bad." Burke's statement pretty well reflects my own viewpoint regarding the responsibility of an elected representative of the people. As a Senator, I believe that my stand upon the issues should not be based upon mere political partisanship or a mutually exclusive conservative or liberal philosophy. It should be based, instead, upon what I believe to be in the best interests of the people of West Virginia and the country as a whole.

Generally speaking, in my 24 years of service in the two houses of the West Virginia Legislature and both Houses of the Congress, I have supported certain measures and legislative actions which have been considered conservative, and I have supported other measures and actions which have been considered liberal. The poet said that "beauty is in the eye of the beholder." Whether one is a liberal or a conservative oftentimes lies in the "eye of the beholder." For example, some people have judged me to be a conservative while others have judged me to be a liberal—and, undoubtedly, both of these diversive viewpoints can be substantiated in the "eye of the beholder" by a look at the record. Inasmuch as I have had to live with my legislative record, I view it however, as largely a middle of the road philosophy, veering toward the conservative on some issues and toward the liberal on other issues. For instance, my voting record will show that I have followed the so-called liberal position on legislation dealing with social security programs, urban renewal, consumer protections, public housing, aid to education, minimum wage, unemployment compensation, veterans, mass transportation, air and water pollution, highways, public works, food stamp programs, health and safety, medicare, hospital construction, and so on. On the conservative side, I have voted against foreign aid in recent years, I have supported the ABM, I have been a strong exponent of law and order, I have spoken out against violence on the campuses and in the streets of America, and I have opposed a change in Senate rule XXII to permit the invoking of cloture with less than a two-thirds vote of those Senators present, although in recent days I have concluded that a limited modification of the rule may be justified, as I shall discuss at another time.

Also on the conservative side of the ledger, I have supported the nominations of Messrs. Burger, Haynsworth, Carswell, and Blackmun to the Supreme Court of the United States. The record must also show, however, that I supported the nominations of Abe Fortas and Arthur Goldberg to the position of Associate Justice of the United States. I opposed the proposed elevation of Mr. Fortas to the office of Chief Justice of the United States.

Rightly or wrongly—and I think wrongly—the conservative label is most usually applied in the context of the race issue. For example, if one votes against civil rights legislation, this fact alone automatically dooms the individual to eternal punishment in the "conservative" salt mine in the minds of a lot of people and in the eyes of much of the liberal press—regardless of how consistently one may have voted in support of other so-called liberal legislative measures. During the 18 years I have served in the Congress—6 years in the House of Representatives and 12 years in the Senate—six sweeping civil rights acts have been placed on the Federal statute books. I voted for four of these—the 1957, the 1960, the 1962, and the 1968 Civil Rights Acts—but this fact is overlooked by those who remember only that I voted against the 1964 and 1965 so-called Civil Rights Acts. We all know, too, that amendments, bearing a civil rights label, are offered from time to time for partisan political reasons, to appropriation bills and other bills, and I have noted that even those Senators universally recognized as liberals often find themselves opposed to such amendments because they are purely political in nature and not considered to be appropriate and justifiable at the time.

So a Senator's whole record should be taken into consideration before any attempt is made to label him as belonging exclusively to any particular group, or as espousing any particular philosophy.

My point here is that it is all too easy to distort the record by omission of certain items, inclusion of others, and by under- or over-emphasis.

In the following summation of significant and meaningful rollcall votes taken during the 91st Congress, I have endeavored to present a carefully documented statement which, together with the foregoing, will, I believe, give a balanced picture and provide the basis upon which an objective evaluation of my record in the Senate can be made.

I would interject only this final observation for emphasis: Obviously, the following do not constitute all of the rollcalls, but they do represent those which are more easily understood and which are, as I say, more meaningful to the average citizen. For the most part, they are the issues which have been

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brought to the attention of the reading public by press and television.

My votes are as follows:

YEAR 1969 VOTES

Rollcall No. 16, for treaty on nonproliferation of nuclear weapons, March 13, 1969.

Rollcall No. 17, for bill to increase public debt.

Rollcall No. 27, for nomination of Warren E. Burger to be Chief Justice.

Rollcall No. 36, for increasing funds for Neighborhood Youth Corps program.

Rollcall No. 42, for national commitments resolution.

Rollcall No. 52, against surtax extension.

Rollcall No. 66, for Emergency Insured Student Loan Act of 1969.

Rollcall No. 67, for Fulbright amendment to reduce authorization for research by $45 million and prohibiting funds for any research project not having a direct military function.

Rollcall No. 69, for Proxmire amendment to cut $533 million from procurement of C-5A aircraft.

Rollcall No. 74, for McGovern amendment to cut $80 million from Air Force research and to limit to $20 million funds for AMSA—advanced manned strategic aircraft.

Rollcall No. 76, for Cooper amendment to limit support to Laos and Thailand to the providing of supplies, et cetera, except where protection of U.S. personnel is directly concerned.

Rollcall No. 77, from Proxmire amendment authorizing Comptroller General to conduct a study and review of profits made by defense contractors on negotiated contracts.

Rollcall No. 78, for Cook amendment to set troop level of Armed Forces at 3,461,000 and to reduce that level by same number of troops withdrawn from Vietnam on or after July 1, 1969.

Rollcall No. 84, for McGovern amendment to expand food stamp program.

Rollcall No. 86, for food stamp program revision and expansion.

Rollcall No. 87, for resolution expressing sense of the Senate that U.S. recognition of a foreign government does not of itself imply that United States approves of the form, ideology, or policy of that foreign government.

Rollcall No. 91, for Federal Coal Mine Health and Safety Act.

Rollcall No. 96, for Muskie amendment to establish in the Executive Office of the President an Office of Environmental Quality.

Rollcall No. 98, for bill to establish an Office of Environmental Quality.

Rollcall No. 102, for Murphy amendment to provide State Governors with line-item veto over projects in OEO legal services plans.

Rollcall No. 106, for bill authorizing funds for programs under Economic Opportunity Act and establishing two new programs "Alcoholic Counseling and Recovery" and "Drug Rehabilitation."

Rollcall No. 115, for Veterans Education and Training Assistant Amendments Act of 1969.

Rollcall No. 125, for Proxmire amendment to reduce appropriations for NASA by $100 million.

Rollcall No. 126, for Hart amendment to increase appropriations for HUD urban renewal programs by $587.5 million, from $250 million to $837.5 million. $650 million for regular urban renewal programs and $187.5 million for model cities urban renewal programs.

Rollcall No. 138, for Allen amendment to raise personal income tax exemption from $600 to $1,700.

Rollcall No. 139, paired for Hartke amendment to strike provision extending surtax at 5 percent rate from Jan. 1 to June 30, 1970.

Rollcall No. 142, for Williams of Delaware amendment to reduce depletion allowance for oil and gas wells to 20 percent.

Rollcall No. 146, for Gore amendment to increase personal income tax exemption of $600 to $800 in 1971 and provide a $1,000 low-income allowance after 1972.

Rollcall No. 147, for Hartke amendment to exempt investments of up to $20,000 per year from committee bill's investment tax credit repeal provisions.

Rollcall No. 156, for Byrd of West Virginia-Mansfield amendment to provide for a social security minimum payment of $100.

Rollcall No. 157, for Harris amendment to liberalize welfare benefits paid by States to aged, blind, or disabled.

Rollcall No. 158, for Long amendment to increase social security benefits by 15 percent.

Rollcall No. 159, for Ribicoff amendment to allow a tax credit of $325 per student for expenses of higher education.

Rollcall No. 174, for Byrd of West Virginia amendment to lower social security age from 62 to 60—for individuals who voluntarily retire.

Rollcall No. 178, for Cotton amendment to authorize President to impose restrictions on imports when injury is caused to U.S. industries, firms, or workers.

1970 VOTES

Rollcall No. 28, for Cranston amendment to raise from $3.1 billion to $10 billion the amount authorized to be available for urban mass transportation through 1975.

Rollcall No. 31, for Urban Mass Transportation Assistance Act of 1969.

Rollcall No. 36, for resolution to extend the Senate Select Committee on Nutrition and Human Needs through January 31, 1971.

Rollcall 42, for resolution to create a Select Committee on Equal Educational Opportunity.

Rollcall 53, for school lunch and child nutrition amendments to improve and strengthen food service programs provided for children.

Rollcall No. 62, for Airport and Airways Development Act.

Rollcall No. 82, for conference report on Cigarette Smoking Act prohibiting all broadcast advertising of cigarettes after January 1, 1971, and so forth.

Rollcall No. 91, for Mansfield amendment to reduce voting age to 18.

Rollcall No. 97, against Voting Rights Act Amendments 1970.

Rollcall No. 106, for hospital and medical facilities construction and modernization amendments.

Rollcall No. 111, for employment security amendments of 1970 extending coverage of unemployment compensation program, establishing a permanent program of extended benefits for people who exhaust their regular State benefits during periods of high unemployment, and making other changes to strengthen the unemployment compensation system.

Rollcall No. 112, for Carswell nomination.

Rollcall No. 117, for Federal Employees Salary Act of 1970.

Rollcall No. 122, for Political Broadcasting bill to limit charges for use of broadcasting by candidates for public office and fixing prescribed amounts which candidates for Federal elective office may spend for radio or TV broadcasting in a general election.

Rollcall No. 126, for bill authorizing appropriation of $17.5 million for operations of the Arms Control and Disarmament Agency during fiscal years 1971 and 1972.

Rollcall No. 127 for Emergency Home Finance Act of 1970 to increase availability of mortgage credit for financing of urgently needed housing.

Rollcall No. 129 for Rail Passenger Service Act of 1970 providing financial assistance for modernization of railroad passenger equipment and establishing a national rail passenger system.

Rollcall No. 132 for Nomination of Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States.

Rollcall No. 147, for Byrd-Griffin-Spong amendment to Cooper-Church amendment re limitations on U.S. involvement in Cambodia.

Rollcall No. 149, for Pastore amendment adding $587.5 million for urban renewal programs.

Rollcall No. 152, for Javits amendment adding $50 million for summer youth programs.

Rollcall No. 162, for Nelson amendment to add $10 million for the Teacher Corps.

Rollcall No. 172, for Goldwater-Fannin amendment to eliminate mailing of unsolicited and sexually-oriented advertisements.

Rollcall No. 183, for overriding Presidential veto of Medical Facilities Construction and Modernization Amendments of 1970.

Rollcall No. 184, for Cook amendment to grant to Postal Service employees equal employment opportunities provided by title VII of the Civil Rights Act of 1964.

Rollcall No. 192, for Javits amendment to provide that the 8-percent pay increase for postal employees be made retroactive to the first pay period beginning on or after April 16, 1970, rather than take effect on the date of enactment of the postal reorganization legislation.

Rollcall No. 193, for passage of Postal Reorganization Act establishing a U.S.

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Postal Service under the direction of a 15-member Board of Governors and vesting ratemaking and mail classification authority in a Postal Rate Commission.

Rollcall No. 201, for Goodell amendment to add $300 million for grants for water and sewer facilities in metropolitan areas.

Rollcall No. 202, for Hart amendment to add $987.5 million for urban renewal programs.

Rollcall No. 205, for Fulbright amendment to cut NASA appropriation by $300 million—or approximately 10 percent.

Rollcall No. 207, for Smith of Illinois-Williams of Delaware amendment to limit to $20,000 per producer per year payments under farm price support program.

Rollcall No. 210, for Goodell amendment to add $40 million for Farmers Home Administration direct real estate loans for rural water and sewage facilities.

Rollcall No. 211, for McGovern amendment to increase funds for food stamp program by $500 million.

Rollcall No. 213, for Holland amendment to add $3 million for salaries and expenses of the Farmers Home Administration.

Rollcall No. 223, for resolution terminating Gulf of Tonkin resolution, effective upon approval of both Houses of Congress.

Rollcall No. 224, against resolution authorizing $20 million appropriation for expansion of U.N. Headquarters in New York City.

Rollcall No. 232, for conference report on District of Columbia Court Reform and Criminal Procedure Act of 1970.

Rollcall No. 239, against Cooper-Hart amendment to strike $322 million for proposed deployment of additional Safeguard ABM sites.

Rollcall No. 244, against McCarthy-Young of Ohio amendment providing that no live ammunition may be used by State National Guard against civilian population of any State.

Rollcall No. 248, against Proxmire amendment to strike appropriation for Subversive Activities Control Board.

Rollcall No. 253, against Nelson-Goodell amendment to prohibit the expenditure of funds for military application of antiplant chemicals in Vietnam.

Rollcall No. 255, for Nelson-Goodell amendment to prohibit military use of antiplant chemical weapons for purpose of crop destruction in Vietnam.

Rollcall No. 256, for Percy amendment prohibiting disposition of any chemical or biological warfare agent within or outside the United States unless such agent has been detoxified or made harmless to man and his environment.

Rollcall No. 257, for Proxmire amendment to place ceiling of $66 billion on fiscal year 1971 spending for military functions.

Rollcall No. 267, for Disaster Assistance Act of 1970.

Rollcall No. 268, for Full Opportunity and National Goals and Priorities Act establishing full social opportunity as a national goal.

Rollcall No. 271, for Family Practice Medicine Act of 1970.

Rollcall No. 273, for Smith of Illinois amendment to limit to $20,000 crop subsidy payments which may be made to any one producer under the 1971–73 wheat, feed grain, and cotton programs.

Rollcall No. 287, for Employment and Training Opportunities Act of 1970.

Rollcall No. 291, for Small Business Amendments Act of 1970.

Rollcall No. 293, for Library Services and Construction Amendments of 1970.

Rollcall No. 294, for Environmental Quality Education Act.

Rollcall No. 295, for Health Service Corps.

Rollcall No. 299, for air quality standards.

Rollcall No. 300, for bill to protect privacy of the home from unsolicited pornography delivered through mails.

Rollcall No. 301, for conference report on political broadcasting.

Rollcall No. 308, for Housing and Urban Development Act of 1970.

Rollcall No. 309, for second motion under Senate rule XXII to invoke cloture on electoral reform amendment.

Rollcall No. 320, for Equal Employment Opportunities Enforcement Act.

Rollcall No. 321, for conference report on Communicable Disease Control Amendments of 1970.

Rollcall No. 324, for Federal-Aid Highway Act of 1970.

Rollcall No. 334, for proposed Legislative Reorganization Act of 1970.

Rollcall No. 336, for Hughes amendment dealing with the prevention, treatment, and rehabilitation aspects of the drug problem.

Rollcall No. 339, for Eagleton amendment to tighten controls on the drugs commonly known as "pep pills" and "speed."

Rollcall No. 340, for Comprehensive Drug Abuse Prevention and Control Act of 1970.

Rollcall No. 341, against Hart amendment to eliminate the death penalty for persons found guilty of a crime involving explosives which results in a fatality.

Rollcall No. 342, for bill to strengthen the laws concerning illegal use, transportation, or possession of explosives.

Rollcall No. 344, for Hart amendment increasing funds for law enforcement assistance in each of the fiscal years 1971, 1972, and 1973.

Rollcall No. 346, for proposed amendments to the Omnibus Crime Control and Safe Streets Act.

Rollcall No. 350, for Baker amendment to provide for the right of persons lawfully assembled in any public building to participate in nondenominational prayer.

Rollcall No. 355, for bill to establish comprehensive safety and health standards for the American worker.

Rollcall No. 360, for Cranston amendment to increase funds for Project Headstart by $59 million.

Rollcall No. 361 for Javits amendment to increase funds for manpower training by $41.9 million.

Rollcall No. 364, for override of Presidential veto of political broadcasting bill.

Rollcall No. 365, for S. 3562, to provide comprehensive Federal program for prevention and treatment of drug abuse and drug dependence.

Rollcall No. 370, against foreign aid appropriation bill, 1971.

Rollcall No. 375, for Consumer Protection Organization Act.

Rollcall No. 376, For—paired—committee amendment to Taos Indian Land Act. The amendment provided that 48,000 acres of federally owned land within the Carson National Forest would continue to be national forest land but would be administered by Secretary of Agriculture for exclusive use and benefit of the Pueblo de Taos Indians.

Rollcall No. 378, for bill prohibiting supersonic flights of civil aircraft over land of the United States and providing that SST contracts will not be completed until contractors demonstrate that all production models of the prototype SST can comply with FAA regulations restricting noise created by new subsonic aircraft.

Rollcall No. 379 against amendment to strike from transportation appropriation bill the moneys appropriated for civil supersonic aircraft—SST—development.

Rollcall No. 384, for Fulbright amendment to provide that no more than $20 million of the funds appropriated in Defense Department appropriation bill may be expended for public relations activities, public affairs, and so forth.

Rollcall No. 401, for motion to invoke cloture on transportation appropriations conference report.

Rollcall No. 403, for override of Presidential veto of Employment and Manpower Act.

Rollcall No. 404, for motion to invoke cloture on transportation appropriations conference report.

Rollcall No. 405, against foreign assistance supplemental appropriations conference report.

GULF ISLANDS NATIONAL SEASHORE

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1523, H.R. 10874.

The PRESIDING OFFICER (Mr. SYMINGTON). The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 10874) to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort

Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 4, after the word "numbered", strike out "NS GI 7100II, and dated July 1970:" and insert "NS–GI–7100J, and dated December 1970:".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1514), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 10874 is to establish a new national seashore on the Gulf of Mexico to be known as the Gulf Islands National Seashore.

DESCRIPTION OF THE AREAS INVOLVED

The Gulf Islands National Seashore, as proposed in H.R. 10874, represents an outstanding blend of recreational, historical, and natural values of national significance. Within its proposed boundaries are located some of the world's finest white sand beaches which offer some splendid recreational opportunities associated with the sea, the sand, and the surf. The area is also rich in history. Here the influence of many of the colonial powers merged and the struggles of the Nation can be told by the military installations which still exist. In addition, the broad expanse of land and water involved in the proposals contains significant natural and scenic fish and wildlife values.

A. The Mississippi section of the seashore

The combination of recreational, natural, and scenic values in the Mississippi section of the seashore makes it exceptionally suitable for inclusion in the national park system. As recommended by the committee, this portion of the seashore will contain approximately 7,737 acres of land. Most of the land area is comprised of the gulf coast islands known as Petit Bois (1,684 acres), Horn (4,539 acres), and Ship (1,382 acres), but some 130 acres will be located on the mainland. Of the lands involved, over half are presently in public ownership and, of these, approximately 3,980 are already federally owned.

1. Ship Island.—Of all the islands in the Mississippi end of the seashore, Ship Island is the most significant historically. The French first fortified the island around 1700 to protect the flow of commerce into its Louisiana Colony. Eventually, Great Britain gained control of the island, only to have it captured by the Spanish in 1779. It was not until 1810 that the United States asserted claim to it on the grounds that it was part of the Louisiana Purchase.

Around 1860, the United States began the construction of what was one of the very last stone and brick forts to be built in the country. Not long after construction started, it was seized by an armed group and controlled by Confederate forces from about January 1861, until it was retaken on September 20 of that year by the naval forces of the steamer *Massachusetts*.

The old stone and brick fort, referred to in military records simply as "The Fort on Ship Island," but commonly known as Fort Massachusetts—probably named after the steamer *Massachusetts*—still stands in remarkably good condition. It, along with practically all of the privately owned land on Ship Island, is presently owned by the Joe Graham Post 119 of the American Legion and will be made available for the seashore at a nominal cost.

Development of the historical values of the island, plus utilization of its 7.6 miles of shoreline should make Ship Island a highly attractive recreation spot. Already, with the modest facilities available, the rate of visitation on the island numbers roughly 60,000 per year.

2. Horn and Petit Bois Islands.—The portions of Horn and Petit Bois Islands presently in Federal ownership are currently administered as a part of the National Wildlife Refuge System. Located, as they are, at the bottom of the famed Mississippi flyway, the brackish inlands ponds, lagoons, and marshes constitute a rich habitat for various species of migratory waterfowl including scalp and redhead ducks. On Horn Island, the committee was told, 178 species of birds and 204 species of plants have been recorded and it is said to support the largest nesting population of ospreys on the gulf coast. In addition, it provides a home for a considerable alligator population.

Petit Bois is equally attractive as a wildlife sanctuary. If H.R. 10874 is enacted, it is expected that neither of these islands will be highly developed; however, boat docks and primitive beach and camping facilities are anticipated on Horn Island where greater visitor use is expected. Development of these areas, for the most part, will be limited to facilities necessary for the safety and comfort of the visitors and, at the same time, to facilities which will create a minimum disturbance of the wildlife values.

3. *The mainland site.*—Access to the islands will be by water; therefore, H.R. 10874, as recommended, provides for the acquisition of a suitable mainland site for a vistor orientation center, marina, and related public use facilities. It is anticipated that these administrative facilities will be located on not more than 135 acres on Davis Bayou in a portion of Magnolia State Park. These lands, together with other State-owned lands located within the seashore boundaries, are to be acquired by donation.

B. The Florida section of the seashore

1. Santa Rosa Island.—Santa Rosa Island, which is a rather narrow finger of snow white sand stretching nearly 50 miles in front of the Florida Panhandle, offers an outstanding opportunity for intensive recreation development. At the present time, a large portion of the land to be used for the seashore is already in public ownership. Public officials have already indicated that the State-owned land in the Fort Pickens State Park, as well as undeveloped lands held by Escambia County, will be donated to the Federal Government for the seashore. Eglin Air Force Base also occupies a substantial portion of the island. While the military use of these lands is presently required, they remain virtually free of adverse development and they are included in the boundaries of the seashore so that they can can be wholly or partially transferred to the Department of the Interior when they become excess to the needs of the Air Force.

Recreation use of Santa Rosa Island is expected to be heavy. Not only does it offer fine sand beaches suitable for swimming, sunbathing, beachcombing, and fishing, but it is easily accessible from the mainland. Added to these active outdoor opportunities, part of the island contains some very interesting remnants of our military history which should be fully explored for potential development and interpretation for the edification of the public. Here, in what is presently known as Fort Pickens State Park, is an opportunity to display and interpret practically every phase of development of American coastal fortifications. Not only is much of the original Fort Pickens, construction of which was begun in 1828, still intact and available for interpretive purposes, but coastal defense structures of subsequent periods are also located nearby. At this location, with proper study, the National Park Service could display the changes from the period of the very early British fort on the island (known as Fort St. Rose) through the development of the modern harbor defense sites of World War II.

2. Perdido Key.—Because of the intensive development of the western portion of Perdido Key in Alabama and Florida, the Department recommended its deletion from the seashore boundaries, but about 6½ miles of the eastern portion were retained because, like Santa Rosa Island, it offers a picturesque setting with significant recreation potential. Most of the lands involved are federally owned, and the acquisition of only 525 acres of private land will be required.

3. The Naval Live Oaks Reservation.—In 1828, President John Quincy Adams set aside the lands presently known as the Naval Live Oaks Reservation. His action—generally considered to be the first Federal venture in conservation—hinged on the need of the Navy for a timber supply for the construction of sailing vessels. With the passage of time, the need disappeared and Federal use of the reservation ceased, but title to the land did not change until the 1930's or 1940's when the property was conveyed to the State of Florida, with the stipulation that it was to be used for public park purposes or revert to the United States. Since the lands have not been used as required, the Federal Government has initiated proceedings to activate the reverted and it is contemplated that most of these lands will be administered as a part of the seashore when the issue is resolved. These lands are strategically located on the peninsula between Pensacola Bay and Santa Rosa Sound and will be exceptionally valuable as the site for the visitor center, boat docking, and other public use facilities for the Florida end of the seashore.

4. The forts and lighthouse located on the Pensacola Naval Air Station.—Adding to the historic fortifications available on Santa Rosa Island are three other fortifications located within the Pensacola Naval Air Station. Of these, the oldest is Fort San Carlos de Barrancas (known as Fort San Carlos) which was established (perhaps as early as the late 17th century) by the Spanish—long before any other presently existing fortification in the vicinity. Later, the Spanish modified its fortification and subsequently American additions were made. First, in 1838 or 1839, the four-sided, wedge-shaped fort (known now as Fort Barrancas) was begun immediately behind the old semicircular Spanish fort. Then, probably in the 1850's construction of the redoubt commenced. This structure, now commonly called Fort Redoubt was built to defend the coastal installation from infantry attacks from the rear. Taken altogether, the Pensacola forts and the Santa Rosa forts offer a truly outstanding opportunity to display a historic panorama of coastal defenses from colonial times through World War II.

Because of the picturesque qualities of, and the general public interest in, light-

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houses the recommended seashore complex will also include the existing Coast Guard lighthouse and station, which is no longer in active use.

NEED

The proposed Gulf Islands National Seashore will be a prime recreational resource for a seven-State region (Mississippi, Florida, Louisiana, Alabama, Georgia, Arkansas, and Tennessee) where some 23 million people live. Ten million of these people live within 250 miles of the opportunties which it will offer and many others, interested in various aspects of the outdoor program, are expected to come from other regions of the country. Within 5 years after establishment, it is anticipated that the rate of visitation will exceed 3½ million and, in the future, visits at the seashore may reach as many as 10 million annually.

The Congress has been very attentive to the national need for increased recreation opportunities. Whereas only one national seashore—Cape Hatteras—existed a decade ago, today there are seven (Cape Cod National Seashore, Mass.; Fire Island National Seashore, N.Y.; Assateague Island National Seashore, Md. and Va.; Cape Lookout National Seashore, N.C.; Cape Hatteras National Seashore, N.C.; Padre Island National Seashore, Tex.; and Point Reyes National Seashore, Calif.). Each of these units represents a significant contribution to the Nation's inventory of outdoor recreation resources, but none standing alone, can fully satisfy the national need.

COMMITTEE AMENDMENT

The Senate committee concurs in the amendments to H.R. 10874, which were adopted by the House of Representatives. The Senate committee has made a further amendment to clarify the boundaries of the proposed national seashore.

COST

H.R. 10874 authorizes the appropriation of $3,120,000 for the acquisition of lands and interests in lands and $14,799,000 for the development of the seashore.

LT. COL. ROBERT L. POEHLEIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1123, H.R. 13810.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 13810, for the relief of Lt. Col. Robert L. Poehlein.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment on page 2, after line 23, insert a new section, as follows:

SEC. 3. That section 371(b) of title 28, United States Code, is amended by inserting immediately before the period at the end of the first sentence the following: ", or after attaining the age of sixty years and after serving at least twenty years continuously or otherwise."

(b) The first paragraph of section 373 of title 28, United States Code, is amended by inserting immediately after the last comma therein the following: "or after attaining the age of sixty years and after serving at least twenty years continuously or otherwise,".

Mr. ALLEN. Mr. President, reserving the right to object on the consideration of the bill, as I understand it, the majority leader is going to ask that the committee amendment be rejected.

Mr. MANSFIELD. Yes.

Mr. ALLEN. Leaving only the relief bill of some $4,000.

Mr. MANSFIELD. Mr. President, I move that the Senate disagree to the committee amendment.

The committee amendment was rejected.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1116), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENT

The purpose of the amendment is to provide retirement benefits to Federal judges and justices after attaining the age of 60 years and after serving at least 20 years.

PURPOSE OF THE BILL AS AMENDED

The purpose of the proposed legislation, as amended, is to relieve Lt. Col. Robert L. Poehlein, U.S. Air Force, of liability to the United States in the amount of $4,852.70 based upon per diem payments made in October and November of 1962 as the accounting and finance officer of Ellsworth Air Force Base, S. Dak.; and to provide retirement benefits to Federal justices and judges after attaining the age of 60 years and after serving at least 20 years.

STATEMENT

The Committee on the Judiciary of the House of Representatives in its favorable report set forth the facts of the case as follows:

"The Department of the Air Force in its report to the committee on the bill stated the indebtedness resulted from payments to Air Force members in accordance with Air Force policy, subsequently questioned by the Comptroller General, and recommended favorable consideration of the bill with the amendment added by the committee.

"Lieutenant Colonel Poehlein served as the accounting and finance officer at the base from March 1960 to February 1963. A change of the joint travel regulations in 1962 provided that per diem allowance would not be payable for duty performed by a member of the unit when the unit was ordered to a temporary duty station where Government quarters and messing facilities were available. The Strategic Air Command informed its units that 'movement of units during runway repairs' would not be considered group travel movement and in most instances the members would be entitled to per diem allowances. Subsequently, runway repairs at Ellsworth Air Force Base required that crews be ordered on temporary duty status to Fairchild Air Force Base, Wash.

"Lieutenant Colonel Poehlein requested clarification of the August message as to whether these personnel would be entitled to per diem allowances. Headquarters 15th Air Force advised that they would be entitled to per diem allowances 'while on alert duty in a reflex alert facility.' The orders were amended to delete the reference to 'group travel movement' and 'unit movement.' Subsequently, the General Accounting Office questioned the per diem allowances finding that the original orders governed the intent and purpose, and issued 517 exceptions against the disbursing officer's account for a total of $30,761.50. The $4,843.70 represents payments to 93 individuals which has not been collected. The officer was denied relief since he had relied on the advice of his superiors instead of submitting the claims of payment of the per diem based on the amended orders through channels to the General Accounting Office for approval prior to payment. The Comptroller General held that this was the proper procedure under applicable Air Force regulations and that in his view the officer had not exercised 'due care.'

"The Air Force recommended to the Comptroller General that Lieutenant Colonel Poehlein be relieved of liability and accountability for the uncollected payments which are the subject of this bill. The Comptroller General found no indication of a lack of good faith on the part of Lieutenant Colonel Poehlein. However, as has been noted, relief was denied by the Comptroller General because of his determination that, notwithstanding approval by the superior Air Force authorities, the officer should have submitted the claims to the General Accounting Office for payment. The Air Force specifically recognized the fact that it is questionable whether an officer in Lieutenant Colonel Poehlein's capacity would have acted otherwise when he had been assured by knowledgeable and responsible Air Force officers that the payments were proper. The committee agrees that this officer exercised a sufficient degree of care to justify relief when it is considered that he followed the advice of his Air Force superiors in making the payments here concerned. The committee further agrees that it is proper for the Air Force to continue its procedures for collection of the amounts which created the deficiency in Lieutenant Colonel Poehlein's disbursing account. It has therefore approved the amendment recommended by the Air Force providing authority for continued collection efforts. Accordingly, it is recommended that the bill with that amendment be favorably considered."

SUPPLEMENTAL APPROPRIATION BILL, 1971—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19928) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CRANSTON). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 22, 1970, p. 43382, CONGRESSIONAL RECORD.)

Mr. BYRD of West Virginia. Mr. President, in the interest of saving the time of the Senate, I ask unanimous consent to have printed in the RECORD a tabulation which gives the full details on the conference report.

There being no objection, the tabulation was ordered to be printed in the RECORD.

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SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 19928)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	CHAPTER I				
	DEPARTMENT OF AGRICULTURE				
	Agricultural Stabilization and Conservation Service				
	Indemnity payments to dairy farmers		$300,000	$300,000	$300,000
	Total, chapter I, new budget (obligational) authority		300,000	300,000	300,000
	CHAPTER II				
	DEPARTMENT OF DEFENSE				
91-241	Research, development, test, and evaluation, Navy	($10,000,000)		10,000,000	3,000,000
	Total, chapter II, new budget (obligational) authority	(10,000,000)		10,000,000	3,000,000
	CHAPTER III				
	DISTRICT OF COLUMBIA				
	Federal Funds				
91-406	Federal payment to the District of Columbia	17,571,000	11,794,000	11,794,000	11,794,000
91-406	Loans to the District of Columbia for capital outlay	34,178,000		34,178,000	
	Total, Federal funds	51,749,000	11,794,000	45,972,000	11,794,000
	District of Columbia Funds				
91-406	General operating expenses	(895,000)	(776,000)	(776,000)	(776,000)
91-406	Public safety:				
	1971	(12,938,000)	(12,902,000)	(12,902,000)	(12,902,000)
	1970	(9,861,000)	(9,861,000)	(9,861,000)	(9,861,000)
91-406	Education:				
	1971	(15,370,000)	(10,425,000)	(10,425,000)	(10,425,000)
	1970	(9,772,000)	(9,772,000)	(9,772,000)	(9,772,000)
91-406	Highways and traffic	(89,000)	(56,000)	(56,000)	(56,000)
91-406	Sanitary engineering	(540,000)	(503,000)	(503,000)	(503,000)
91-406	Settlement of claims and suits	(7,225)	(7,225)	(7,225)	(7,225)
91-406	Capital outlay	(46,655,000)	(10,612,000)	(44,790,000)	(10,612,000)
	Total, District of Columbia funds	(96,127,225)	(54,914,225)	(89,092,225)	(54,914,225)
	RELATED AGENCY				
	Commission on the Organization of the Government of the District of Columbia				
91-404	Salaries and expenses	325,000	325,000	325,000	325,000
	Total, chapter III, new budget (obligational) authority (Federal funds)	52,074,000	12,119,000	46,297,000	12,119,000
	CHAPTER IV				
	FOREIGN OPERATIONS				
	Funds Appropriated to the President				
	Foreign Assistance				
91-418	Military credit sales to Israel	500,000,000	500,000,000	500,000,000	500,000,000
91-418	Military assistance	340,000,000	340,000,000	340,000,000	340,000,000
	Economic Assistance				
91-418	Supporting assistance	195,000,000	150,000,000	195,000,000	155,000,000
	Contingency fund			15,000,000	7,500,000
	Total, foreign assistance	1,035,000,000	990,000,000	1,050,000,000	1,002,500,000
	Export-Import Bank of the United States				
S. Doc. 91-114	Limitation on administrative expenses	(8,000)		(8,000)	(8,000)
	Total, chapter IV:				
	New budget (obligational) authority	1,035,000,000	990,000,000	1,050,000,000	1,002,500,000
	Limitation	(8,000)		(8,000)	(8,000)
	CHAPTER V				
	INDEPENDENT OFFICES				
	Civil Service Commission				
91-404	Salaries and expenses	Language	Language	Language	Language
91-382	(By transfer)	(685,000)	(485,000)	(485,000)	(485,000)
91-382	Payment to civil service retirement and disability fund	157,816,600	157,816,600	157,816,600	157,816,600
	Federal Trade Commission				
91-382	Salaries and expenses	500,000	250,000	500,000	250,000
	General Services Administration				
S. Doc. 91-114	Operating expenses, Public Buildings service	11,350,000		11,350,000	8,000,000
91-382	Automatic data processing fund	20,000,000	20,000,000	20,000,000	20,000,000
91-382	Additional court facilities	34,150,000	14,150,000	34,150,000	19,150,000
91-382	Sites and expenses, public buildings projects	2,452,000		2,452,000	2,452,000
	Salaries and expenses, Office of Administrator	205,000		205,000	
S. Doc. 91-114	Total, General Services Administration	68,157,000	34,150,000	68,157,000	49,602,000
	Total, Independent Offices:				
	New budget (obligational) authority	226,473,600	192,216,600	226,473,600	207,668,600
	By transfer	(685,000)	(485,000)	(485,000)	(485,000)

SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 19928)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	CHAPTER V—Continued				
	EXECUTIVE OFFICE OF THE PRESIDENT				
	Council on Environmental Quality and Office of Environmental Quality				
S. Doc. 91-114	Salaries and expenses	$500,000		$500,000	$500,000
	Funds Appropriated to the President				
	Appalachian regional development program			8,500,000	8,500,000
	DEPARTMENT OF DEFENSE				
	Office of Civil Defense				
91-404	Construction of facilities, civil defense	496,000	$496,000	496,000	496,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
	Urban research and technology		5,000,000	25,000,000	15,000,000
	Total, chapter V:				
	New budget (obligational) authority	227,469,600	197,712,600	260,969,600	232,164,600
	By transfer	(685,000)	(485,000)	(485,000)	(485,000)
	CHAPTER VI				
	DEPARTMENT OF THE INTERIOR				
	Bureau of Land Management				
91-382	Management of lands and resources	1,050,000	500,000	1,050,000	500,000
	Bureau of Indian Affairs				
91-404	Education and welfare services	17,000,000	16,925,000	16,925,000	16,925,000
	Resources management			50,000	50,000
S. Doc. 91-114	Payment to the Ute Tribe of the Uintah and Ouray Reservation	3,561,700		3,561,700	3,561,700
	Total, Bureau of Indian Affairs	20,561,700	16,925,000	20,536,700	20,536,700
	Bureau of Mines				
91-382	Health and safety	1,400,000	1,400,000	1,400,000	1,400,000
91-382	Helium fund (borrowing authority)	56,100,000	50,000,000	56,100,000	50,000,000
	Total, Bureau of Mines	57,500,000	51,400,000	57,500,000	51,400,000
	Bureau of Sport Fisheries and Wildlife				
91-382	Construction	161,000	161,000	161,000	161,000
	National Park Service				
91-382	Management and protection	2,585,000	2,125,000	1,855,000	2,155,000
91-382	Construction	2,420,000	2,420,000	2,420,000	2,420,000
	Total, National Park Service	5,005,000	4,545,000	4,275,000	4,575,000
	Total, Department of the Interior	84,277,700	73,531,000	83,522,700	77,172,700
	RELATED AGENCIES				
	DEPARTMENT OF AGRICULTURE				
	Forest Service				
	Forest protection and utilization:				
	Forest land management			300,000	150,000
	Research			108,000	108,000
	Construction			198,000	198,000
	Total, Forest Service			606,000	456,000
	Smithsonian Institution				
S. Doc. 91-114	Restoration and renovation of buildings	775,000		775,000	775,000
	EXECUTIVE OFFICE OF THE PRESIDENT				
	National Council on Marine Resources and Engineering Development				
91-382	Salaries and expenses	600,000	250,000	600,000	400,000
	Youth Conservation Corps				
	Salaries and expenses			2,500,000	2,500,000
	Total, related agencies	1,375,000	250,000	4,481,000	4,131,000
	Total, chapter VI, new budget (obligational) authority	85,652,700	73,781,000	88,003,700	81,303,700
	CHAPTER VII				
	DEPARTMENT OF LABOR				
	Manpower Administration				
91-404	Manpower development and training activities	5,000,000	5,000,000	49,230,000	17,500,000
91-404	Unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities	67,050,000	66,650,000	66,650,000	66,650,000
91-404	Limitation on grants to States for unemployment compensation and employment service administration (trust fund)	(25,500,000)	(25,500,000)	(25,500,000)	(25,500,000)
91-404	Limitation on unemployment insurance service, salaries and expenses (trust fund)	(1,100,000)	(1,000,000)	(1,000,000)	(1,000,000)
	Wage and Labor Standards Administration				
91-404	Wage and labor standards, salaries and expenses	250,000	250,000	250,000	250,000

XUM

SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 19928)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	CHAPTER VII—Continued				
	DEPARTMENT OF LABOR—Continued				
	Bureau of Labor Statistics				
91-404	Salaries and expenses	$500,000	$500,000	$500,000	$500,000
	Total, Department of Labor	72,800,000	72,400,000	116,630,000	84,900,000
	Limitations (trust fund)	(26,600,000)	(26,500,000)	(26,500,000)	(26,500,000)
	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
	Health Services and Mental Health Administration				
	Mental health			43,000,000	6,500,000
	Maternal and child health			12,000,000	
	Total. Health Services and Mental Health Administration			55,000,000	6,500,000
	National Institutes of Health				
	National Institute of Child Health and Human Development			5,000,000	
	Office of Education				
	Research and training			8,000,000	8,000,000
	Departmental Management				
S. Doc.	Office of Child Development	1,900,000		1,900,000	1,900,000
91-114	Total, Department of Health, Education and Welfare	1,900,000		69,900,000	16,400,000
	RELATED AGENCIES				
91-382	Cabinet Committee on Opportunities for Spanish-Speaking People: Salaries and expenses	50,000	50,000	50,000	50,000
91-404	Commission on Railroad Retirement: Salaries and expenses	300,000	300,000	300,000	300,000
91-404	Railroad Retirement Board: Limitation on salaries and expenses (trust fund)	(1,200,000)	(1,200,000)	(2,000,000)	(1,200,000)
	Total, related agencies	350,000	350,000	350,000	350,000
	Limitation (trust fund)	(1,200,000)	(1,200,000)	(1,200,000)	(1,200,000)
	Total, chapter VII:				
	New budget (obligational) authority	[1] 75,050,000	72,750,000	186,880,000	101,650,000
	Limitations (trust fund)	(27,800,000)	(27,700,000)	(27,700,000)	(27,700,000)
	CHAPTER VIII				
	LEGISLATIVE BRANCH				
	Salaries, Officers and Employees				
S. Doc. 91-114	Salaries, officers and employees	871,624		878,352	878,352
	Contingent Expenses of the Senate				
S. Doc. 91-114	Senate Policy Committees	5,000		5,000	5,000
S. Doc. 91-114	Inquiries and investigations	2,185,020		2,185,020	2,185,020
S. Doc. 91-114	Miscellaneous items	27,510		27,510	27,510
S. Doc. 91-114	Stationery (revolving fund)	150		150	150
	Total, Senate	3,089,304		3,096,032	3,096,032
	House of Representatives				
	Gratuities to widows of deceased Members		85,000	85,000	85,000
	Salaries, Officers and Employees				
91-420	Committee employees	625,000	550,000	550,000	550,000
91-420	Office of the Legislative Counsel	45,000	45,000	45,000	45,000
	Contingent Expenses of the House				
91-420	Miscellaneous items	680,000	500,000	500,000	500,000
	Total, House of Representatives	1,350,000	1,180,000	1,180,000	1,180,000
	Joint Items				
	Contingent Expenses of the Senate				
S. Doc. 91-114	Joint Economic Committee	3,750		3,750	3,750
S. Doc. 91-114	Joint Committee on Atomic Energy	5,000		5,000	5,000
S. Doc. 91-114	Joint Committee on Printing	2,500	9,200	11,700	11,700
	Total, joint items	11,250	9,200	20,450	20,450
	Architect of the Capitol				
	Capitol Buildings and Grounds				
	Capitol buildings		30,000	30,000	30,000
S. Doc. 91-114	Restoration of old Senate Chamber and old Supreme Court Chamber in the Capitol	1,209,000		1,209,000	
S. Doc. 91-114	Senate office buildings	189,500		189,500	189,500
91-404	Acquisition of property, construction and equipment, additional House office building (liquidation of contract authorization)	(1,250,000)			
91-404	John W. McCormack Residential Page School	50,000	50,000	50,000	50,000
	Total, Architect of the Capitol	1,448,500	80,000	1,478,500	269,500
	Appropriation to liquidate contract authorization	(1,250,000)			

See footnotes at end of table.

SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 19928)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	CHAPTER VIII—Continued				
	LEGISLATIVE BRANCH—Continued				
	Government Printing Office				
	Office of the Superintendent of Documents				
91-420	Salaries and expenses	$265,000	$265,000	$265,000	$265,000
	Cost-Accounting Standards Board				
91-382	Salaries and expenses	1,100,000	820,000	820,000	820,000
	Total, chapter VIII, new budget (obligational) authority	7,264,054	2,354,200	6,859,982	5,650,982
	Appropriation to liquidate contract authorization	(1,250,000)			
	CHAPTER IX				
	PUBLIC WORKS				
	Atomic Energy Commission				
91-382	Plant and capital equipment	25,500,000	(2)	25,500,000	25,500,000
	DEPARTMENT OF DEFENSE—CIVIL				
	Department of the Army				
	Corps of Engineers—Civil				
	General investigations			300,000	300,000
	Operation and maintenance, general			2,000,000	1,000,000
	Total, Corps of Engineers—Civil			2,300,000	1,300,000
	INDEPENDENT OFFICES				
	Environmental Protection Agency				
	Federal Water Quality Administration				
91-382	Pollution control operations and research	20,400,000	20,400,000	23,400,000	21,400,000
	Total, chapter IX, new budget (obligational) authority	45,900,000	20,400,000	51,200,000	48,200,000
	CHAPTER X				
	DEPARTMENT OF STATE				
	Administration of Foreign Affairs				
91-382	Payment to Foreign Service retirement and disability fund	2,000,000	2,000,000	2,000,000	2,000,000
	International Organizations and Conferences				
S. Doc. 91-114	International conferences and contingencies	318,000	200,000	300,000	280,000
91-382	Special contribution to the United Nations	20,000,000			
	Total, International organizations and conferences	20,318,000	200,000	300,000	280,000
	Total, Department of State	22,318,000	2,200,000	2,300,000	2,280,000
	DEPARTMENT OF JUSTICE				
	Legal Activities and General Administration				
91-382 and S. Doc. 91-114	Salaries and expenses, U.S. attorneys and marshals	14,057,000	5,928,000	12,928,000	9,428,000
	Federal Bureau of Investigation				
91-389	Salaries and expenses	14,150,000	14,150,000	14,150,000	14,150,000
	Federal Prison System				
S. Doc. 91-141	Support of U.S prisoners: Fiscal year 1970 (by transfer)	(489,000)		(489,000)	(489,000)
	Bureau of Narcotics and Dangerous Drugs				
S. Doc. 91-114	Salaries and expenses	7,609,000		7,000,000	7,000,000
	Federal Prison Industries, Incorporated				
91-382	Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated	(75,000)	(75,000)	(75,000)	(75,000)
	Total, Department of Justice	35,816,000	20,078,000	34,078,000	30,578,000
	Fiscal year 1970 (by transfer)	(489,000)		(489,000)	(489,000)
	Limitation	(75,000)	(75,000)	(75,000)	(75,000)
	DEPARTMENT OF COMMERCE				
	Office of Telecommunications				
S. Doc. 91-114	Research, engineering, analysis, and technical services	1,000,000		1,000,000	700,000
	Maritime Administration				
91-404	State marine schools (liquidation of contract authorization)	(105,000)	(105,000)	(105,000)	(105,000)
	Total, Department of Commerce	1,000,000		1,000,000	700,000
	Liquidation of contract authorization	(105,000)	(105,000)	(105,000)	(105,000)

See footnotes at end of table.

SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 19928)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	CHAPTER X—Continued				
	THE JUDICIARY				
	Supreme Court of the United States				
S. Doc. 91-114	Salaries	$54,000		$54,000	$54,000
91-114	Printing and binding Supreme Court reports:				
	Fiscal year 1970	20,000		20,000	20,000
	Fiscal year 1971	63,000		63,000	63,000
S. Doc. 91-114	Care of the buildings and grounds	25,000		25,000	25,000
	Total Supreme Court of the United States:				
	Fiscal year 1970	20,000		20,000	20,000
	Fiscal year 1971	142,000		142,000	142,000
	Total	162,000		162,000	162,000
	Court of Claims				
91-382	Salaries and expenses	12,000			
	Courts of Appeals, District Courts, and Other Judicial Services				
91-382	Salaries of judges	1,910,000	$1,400,000	1,400,000	1,400,000
91-382	Salaries of supporting personnel	2,700,000	1,900,000	1,900,000	1,900,000
91-420	Fees and expenses of court-appointed counsel	6,700,000	5,700,000	5,700,000	5,700,000
91-382	Fees of jurors	1,400,000	1,000,000	1,000,000	1,000,000
91-382	Travel and miscellaneous expenses	1,560,000	1,360,000	1,360,000	1,360,000
91-382 and 91-420	Administrative Office of the U.S. Courts	202,400	70,000	70,000	70,000
	Total, courts of appeals, district courts, and other judicial services	14,472,400	11,430,000	11,430,000	11,430,000
	Commission on Bankruptcy Laws of the United States				
91-420	Salaries and expenses	600,000	400,000	600,000	400,000
	Total, the judiciary:				
	Fiscal year 1970	20,000		20,000	20,000
	Fiscal year 1971	15,226,400	11,830,000	12,172,000	11,972,000
	Total	15,246,400	11,830,000	12,192,000	11,992,000
	RELATED AGENCIES				
	Equal Employment Opportunity Commission				
S. Doc. 91-114	Salaries and expenses	850,000		850,000	
	Foreign Claims Settlement Commission				
91-382	Payment of Vietnam and U.S.S. "Pueblo" prisoner of war claims	265,000	265,000	265,000	265,000
	National Commission on Fire Prevention and Control				
91-404	Expenses	500,000		143,000	
	Small Business Administration				
S. Doc. 91-114	Salaries and expenses (by transfer)	(5,000,000)		(5,000,000)	(3,000,000)
S. Doc. 91-114	Disaster loan fund	100,000,000		100,000,000	100,000,000
	Tariff Commission				
91-382	Salaries and expenses	450,000	350,000	450,000	350,000
	Total, related agencies	102,065,000	615,000	101,708,000	100,615,000
	By transfer	(5,000,000)		(5,000,000)	(5,000,000)
	Total, chapter X, new budget (obligational) authority:				
	Fiscal year 1970	20,000		20,000	20,000
	Fiscal year 1971	176,425,400	34,723,000	151,258,000	146,1450,00
	Total	176,445,400	34,723,000	151,278,000	146,165,000
	By transfer:				
	Fiscal year 1970	(489,000)		(489,000)	(489,000)
	Fiscal year 1971	(5,000,000)		(5,000,000)	(3,000,000)
	Total	(5,489,000)		(5,489,000)	(3,489,000)
	Appropriation to liquidate contract authorization	(105,000)	(105,000)	(105,000)	(105,000)
	Limitation	(75,000)	(75,000)	(75,000)	(75,000)
	CHAPTER XI				
	DEPARTMENT OF TRANSPORTATION				
	Federal Aviation Administration				
91-408	Operations (airport and airway trust fund)	8,963,000	6,000,000		6,000,000
	Operations			6,000,000	
91-408	Facilities and equipment (airport and airway trust fund)	[1] 36,000,000	36,000,000	60,000,000	48,000,000
91-408	Research and development (airport and airway trust fund)	[1] 33,000,000	24,000,000	24,000,000	24,000,000
91-408	Grants-in-aid for airports (airport and airway trust fund):				
	Planning grants	10,000,000	10,000,000	15,000,000	10,000,000
	Development grants (appropriation to liquidate contract authorization)	(40,000,000)	(40,000,000)	(100,000,000)	(60,000,000)
91-408	Payment to the airport and airway trust fund (intragovernmental transaction)	(576,989,000)			
91-408	Safety regulation	3,537,000	1,000,000	1,000,000	1,000,000
	Total, Federal Aviation Administration	91,500,000	77,000,000	106,000,000	89,000,000
	Consisting of:				
	Trust funds	87,963,000	76,000,000	99,000,000	88,000,000
	Federal funds	3,537,000	1,000,900	7,000,000	1,000,000
	Federal Railroad Administration				
S. Doc. 91-114	Federal grants to the National Railroad Passenger Corporation	40,000,000		40,000,000	40,000,000

See footnotes at end of table.

SUPPLEMENTAL APPROPRIATION BILL, 1971 (H.R. 19928)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	CHAPTER XI—Continued				
	RELATED AGENCIES				
	Interstate Commerce Commission				
S. Doc. 91-114	Payment ot loan guaranties	$40,685,000		$40,685,000	$40,685,000
	Total, chapter XI, new budget (obligational) authority	172,185,000	$77,000,000	186,685,000	169,685,000
	Appropriation to liquidate contract authorization	(40,000,000)	(40,000,000)	(100,000,000)	(60,000,000)
	Intragovernmental transaction (Federal funds payment to trust fund)	(576,989,000)			
	CHAPTER XII				
	TREASURY DEPARTMENT				
	Bureau ot Customs				
91-382	Salaries and expenses	500,000	500,000	500,000	500,000
	Bureau of the Mint				
91-382	Salaries and expenses	(language)	(language)	(language)	(language)
	Internal Revenue Service				
91-382	Revenue accounting and processing	118,000	118,000	118,000	118,000
S. Doc. 91-114	Compliance	6,200,000	750,000	5,026,000	5,026,000
	Total, Treasury Department	6,818,000	1,368,000	5,644,000	5,644,000
	EXECUTIVE OFFICE OF THE PRESIDENT				
	Domestic Council				
91-382	Salaries and expenses	960,000	210,000	960,000	960,000
	Office of Management and Budget				
91-382	Salaries and expenses	1,036,000	900,000	900,000	900,000
	Total, Executive Office of the President	1,996,000	1,110,000	1,860,000	1,860,000
	Total, chapter XII, new budget (obligational) authority	8,814,000	2,478,000	7,504,000	7,504,000
	CHAPTER XIII				
	Claims and Judgments				
91-420 and S. Do. 91-c117	Claims and judgments	43,130,510	41,747,738	43,130,510	43,130,510
	Total, new budget (obligational) authority:				
	Fiscal year 1970	20,000		20,000	20,000
	Fiscal year 1971	1,928,965,264	1,525,365,538	2,089,087,792	1,853,352,792
	Grand total	1,928,985,264	1,525,365,538	2,089,107,792	1,853,372,792
	Limitations	(27,883,000)	(27,775,000)	(27,783,000)	(27,783,000)
	By transfer:				
	Fiscal year 1970	(489,000)		(489,000)	(489,000)
	Fiscal year 1971	(5,685,000)	(485,000)	(5,485,000)	(3,485,000)
	Total, transfers	(6,174,000)	(485,000)	(5,974,000)	(3,974,000)
	Appropriations to liquidate contract authorization	(41,355,000)	(40,105,000)	(100,105,000)	(60,105,000)

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[1] Excludes $22,500,000 for payment to the Corporation for Public Broadcasting (H. Doc. 91-404) not considered in connection with this bill.

[2] Deferred pending authorization.

[3] Budget proposed consolidating "facilities and equipment" and "research and development" into a single appropriation, "airways system investment and development."

Mr. BYRD of West Virginia. Mr. President, in the interest of saving the time of the Senate, I intend to confine my remarks to the major items in conference between the two bodies, but will be glad to respond to any questions any Senator may have on these or other items in the report.

Department of Defense: The Senate added $10,000,000 for the Navy to continue research in the surface effects ship program, which is facing termination this month with the exhaustion of available funds. The conferees agreed to an amount of $3,000,000. The Senate conferees requested report language that directs the Navy to seek further funding required in fiscal year 1971 through the congressional reprograming process. The House conferees approved this action, and the conference agreement will thus permit continuation of this Navy research program.

Foreign Operations: Among others, the conference report placed in disagreement amendments numbered 6, 7, 9, 10, 11, and 13. Amendments numbered 6, 7, 9, and 10 dealt with provisos inserted by the Senate relating to authorizing legislation. In part, amendments numbered 11 and 13 dealt with the same subject. The Senate will recall that Senator HRUSKA and I assured the Members that we would not yield on these amendments since the appropriation bill was preceding the authorization bill through the Senate. As Members know, the House has adopted the conference report on the supplemental bill, and the effect of the House motions retains the Senate language in the bill.

To recapitulate the amounts involved in these line items, the military assistance allowance by both bodies, and, therefore, not before the conference committee, was $340,000,000. For supporting assistance, a compromise figure of $155,000,000 was reached. The House had inserted $150,000,000 and the Senate had provided the full budget estimate of $195,000,000. In lieu of the $15,000,000 for the contingency fund, which was added on the floor of the Senate, a compromise figure for Pakistan disaster relief of $7,500,000 was settled on. In addition, the Senate amendment providing for the use of Pakistani rupees has since been authorized, and was agreed to in the conference.

Under the independent offices chapter, several major appropriation items were in conference.

General Services Administration: The conferees reduced the Senate figure of $11,350,000 to $8,000,000 for operating expenses of the Public Building Service, in the belief that the funds provided will permit the level of protection of court facilities and other public buildings requested by the administration.

For additional court facilities under the GSA, $19,150,000 was agreed to as reasonable for the balance of this fiscal year.

XUM

For Council on Environmental Quality and Office of Environmental Quality, the House receded to the Senate allowance of $500,000, and under the Appalachian regional development program, the House receded to the Senate figure of $8,500,000, together with report language directing that the entire sum of $8,500,000 be used only for airport projects.

For urban research and technology under the Department of Housing and Urban Development, a compromise figure of $15,000,000 was reached. Senators will recall that the House bill had originally provided $5,000,000 and the Senate amendment was in the amount of $25,000,000.

Department of the Interior: The conferees agreed to accept the House figure of $500,000 for the management of lands and resources; the Senate figure of $50,000 for resources management; and the House figure of $50,000,000 for the helium fund.

For the National Park Service, the conferees restored the Senate reduction of $270,000 and included $30,000, implementing Public Law 91-462, concerning establishment of a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading. As a result of the conferees' action, $300,000 was added to the Senate figure, for a total of $2,155,000.

For forest protection and utilization under the Forest Service, the conference committee compromised on $150,000, in lieu of the $300,000 inserted by the Senate, for the intensification of environmental protection associated with mineral development and production on national forest lands. The funds inserted by the Senate for forest research—$108,000—and construction—$198,000—were agreed to in the conference.

XUM

The compromise sum of $400,000—House, $250,000; Senate, $600,000—was agreed to for the National Council on Marine Resources and Engineering Development, and the full amount of the Senate allowance for the Youth Conservation Corps, $2,500,000, was accepted.

Department of Labor: The conference agreement reached for manpower training activities was $17,500,000, a reduction of $31,730,000 under the Senate amount, but $12,500,000 over the House allowance, which will be available for summer programs of the Neighborhood Youth Corps type.

Department of Health, Education, and Welfare: In lieu of the $43,000,000 provided in the Senate bill, the conferees compromised as follows: $5,000,000 for grants for special community projects as authorized by section 1(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and $1,500,000 for grants and contracts for education projects authorized by section 1(c) of the same act. This provides a total of $6,500,000 for the appropriation item, "Mental health." The Senate conferees receded on the $30,000,000 proposed for grant and contract programs for alcoholism prevention, treatment and rehabilitation, inasmuch as the authorization for these programs has not yet completed the legislative process and the House conferees were adamant that this request could await funding in the regular bill next year.

Similarly, it was felt that the $12,000,000 for family planning services and $5,000,000 for family planning and population research grants and contracts could await action in the regular appropriation bill.

The House conferees concurred in the Senate amendment No. 42 in the amount of $8,000,000 for research and training, Office of Education, to carry out drug abuse education and community education projects and to fund the Environmental Education Act—$6,000,000 for the former and $2,000,000 for the latter. Likewise, the House conferees agreed to the Senate amendment for the Office of Child Development, appropriating $1,900,000 for the White House Conference on Children and Youth.

Under the legislative branch chapter, Architect of the Capitol, the House conferees were adamant that this was not the time to proceed with the restoration of the Old Senate Chamber and Old Supreme Court Chamber in the Capitol; thus, the $1,209,000 provided in the Senate bill is not included in the conference agreement.

Public works chapter: For the Atomic Energy Commission, the funds inserted by the Senate, $25,500,000, were agreed to, contingent upon enactment into law of S. 4557, 91st Congress.

Under Corps of Engineers, general investigations, the conferees agreed to the Senate amendment in the amount of $300,000, of which $100,000 is for the initiation of a comprehensive 3-year study of the Long Island Sound and $200,000 is for preliminary investigation and design necessary to correct seepage and drainage problems in the vicinity of Gavins Point Dam and Clark Lake project located in Nebraska and South Dakota.

Under operation and maintenance, general, to implement the revised permit requirements under the Refuse Act of 1899, which include all industrial discharges into navigable waters and their tributaries, the conferees compromised on $1,000,000 in new obligational authority as being sufficient for the balance of the fiscal year. In addition, the conferees directed in the report that another $1,000,000 may be allocated from available funds, thus providing a total of $2,000,000 for the current fiscal year.

For the pollution control operations and research activity under the Environmental Protection Agency, an appropriation of $21,400,000 was settled on, which will provide funds to carry out the new and expanded responsibilities imposed within the agency, in the amount of $20,400,000, and, in addition, $1,000,000 was provided for a study to explore the economic development potential for the Monongahela River Basin, resulting from abatement of acid mine wastes.

Department of Justice chapter: To provide additional positions and related costs to service the new district judgeships authorized by Public Laws 91-272 and 91-358, to allow additional staff to cope with the increased litigative workload in the offices of the U.S. attorneys, and to fund an effective courtroom security program embracing all of the facilities utilized by the Federal court system, the conferees agreed to an appropriation of $9,428,000 in lieu of the House allowance of $5,928,000 and the Senate figure of $12,928,000.

For the Bureau of Narcotics and Dangerous Drugs, the Senate allowance of $7,000,000 was concurred in by the House conferees.

For the Office of Telecommunications, Department of Commerce, the conference allowance was $700,000, a reduction of $300,000 under the Senate amendment.

For the Commission on Bankruptcy Laws of the United States, House conferees were adamant that $400,000 would be sufficient for the remainder of the fiscal year, and that is the figure included in the conference agreement. The House conferees were equally as adamant that the $850,000 provided in the Senate bill for the Equal Employment Opportunity Commission was not required at this time, and the Senate conferees found it necessary to recede.

For the Small Business Administration, salaries and expenses item, $3,000,000 was accepted as the compromise figure, in substitution for the $5,000,000 inserted by the Senate. The House receded on the Senate amendment including $100,000,000 for the disaster loan fund item.

Department of Transportation: The agreement reached in the conference on the funding provided for the Federal Aviation Administration was $6,000,000 for operations, to be derived from the airport and airway trust fund; $48,000,000 for facilities and equipment, to be derived from the trust fund—House allowance, $36,000,000; Senate allowance, $60,000,000—$24,000,000 from the trust fund for research and development, which was not an item in conference; and $70,000,000 for grants-in-aid for airports—trust fund—of which $10,000,000 shall be for airport planning grants.

The House receded on the Federal grants to the National Railroad Passenger Corporation—$40,000,000—and on the payment of loan guarantees, Interstate Commerce Commission—$40,685,000—which were items inserted in the Senate committee, requested in budget documents to the Senate.

Department of the Treasury: For the compliance items, the conferees agreed on the Senate figure of $5,026,000, in lieu of the $750,000 included in the House bill. And for the final item of major interest, the Senate recommendation of $960,000 for the Domestic Council was agreed to.

In summary, Mr. President, the total funds agreed to by the committee of conference amounted to $1,853,372,792. This amount is $75,612,472 under the budget estimates of $1,928,985,264, $328,007,254 over the House version of the bill, and $235,735,000 under the Senate bill. I believe I have called attention to all the major items contained in this bill which were in conference, but if there are any questions, I shall be happy to answer them at this time.

Mr. JAVITS. Mr. President, I ask the Senator, so that it will be clear of record, regarding certain problems in connection with this matter which were raised in respect of this, which dealt with the appropriation of $200 million allegedly not authorized. I gather that is out of this matter now; is that correct?

Mr. BYRD of West Virginia. The Senator is thinking of foreign aid.

Mr. JAVITS. Does this continue the provision with respect to implementing the bill regarding Israel?

Mr. BYRD of West Virginia. It contains all the provisos, the House having receded from the Senate's position.

Mr. JAVITS. It does not complicate it with regard to Cambodia.

Mr. BYRD of West Virginia. No; it does not.

Mr. JAVITS. I thank my colleague. I am not challenging this. These were so hotly contested matters before. I accept absolutely the Senator's assurance; nonetheless, I believe that we should ask any question that should be in anyone's mind.

Mr. BYRD of West Virginia. Of course, I may say for the record that the Senator from Arkansas (Mr. FULBRIGHT) has been kept fully apprised of developments in connection with this conference report, and he is fully agreeable with the results.

Mr. JAVITS. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I move adoption of the conference report.

The motion was agreed to.

The PRESIDING OFFICER. The amendments in disagreement will be stated.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 8 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$155,000,000"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 11 to the aforesaid bill, and concur therein with an amendment as follows:

"CONTINGENCY FUND

"For the additional amount for 'Contingency funds', $7,500,000: Provided, That this appropriation shall be available only upon enactment into law of authorizing legislation."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$8,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 22 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert the following:

"FUNDS APPROPRIATED TO THE PRESIDENT

"APPALACHIAN REGIONAL DEVELOPMENT PROGRAM

"For an additional amount for 'Appalachian Regional Development Program', $8,500,000, to remain available until expended."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 29 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the amount stricken and inserted by said amendment, insert "$2,155,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 44 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by the Senate amendment, insert the following:

"VIII

"LEGISLATIVE BRANCH

"HOUSE OF REPRESENTATIVES

"The provisions relating to the Speaker of the House of Representatives carried in House Resolution 1238, Ninety-first Congress, shall be the permanent law with respect thereto."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 53 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$1,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$1,610,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 62 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert: "$700,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 71 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert: "$3,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 84 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert: "including the purchase of one hundred and fifty passenger motor vehicles for police-type use, in addition to these heretofore authorized, without regard to the general purchase price limitation for the current fiscal year, $5,025,000.".

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 8, 11, 16, 22, 29, 44, 53, 58, 62, 71, and 84.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. BYRD of West Virginia. I move that the Senate recede from its amendment No. 15.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

PROVIDING FOR THE DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF THE MISSISSIPPI SIOUX INDIANS

Mr. McGOVERN. Mr. President, in accordance with rule XIII of the Senate, I enter a motion that the Senate reconsider the vote on December 22 by which it receded from its amendment to H.R. 14984, to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, and 359–363, and for other purposes.

The PRESIDING OFICER. The motion will be entered.

Mr. JORDAN of North Carolina. May I ask what this is?

Mr. McGOVERN. It is a judgment claim with reference to the Sioux Indians in South Dakota, North Dakota, and Montana. There was a difference between the House and Senate versions of the bill. I moved on last Tuesday that the Senate recede from its position and now, in consultation with other Senators who are interested in the bill, I am asking that we go back to the original position and request that the bill be returned from the House.

This has been discussed with the leadership on both sides. I checked with Senators SCOTT, ALLOTT, and FANNIN, and with Senators on the majority side.

Mr. JORDAN of North Carolina. I shall not object.

Mr. McGOVERN. Mr. President, I move further that the Senate request return of the papers from the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota.

The motion was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1971—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CRANSTON). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 15, 1970, pages 41571–41573, CONGRESSIONAL RECORD.)

Mr. ELLENDER. Mr. President, the proposal I am about to make has been discussed by me with the majority and minority leaders. The bill continues two sections, with language that is now in the law, but in conference the House insisted that that language be modified and its modification is not acceptable to quite a few Senators on the floor. So what I propose to do is to ask that the conference report be tabled and that we appoint conferees so as to go back into conference and see if we cannot iron out our differences and have the bill enacted, instead of having a continuing resolution.

Mr. SCOTT. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. SCOTT. The Senator has discussed this with me and on our side here we would normally prefer a record vote on this. I understand what the situation is now. I have been under considerable pressure to insist on a record vote but I think it would be probably unfair to the Senate that this take place at this late hour.

Therefore, I will not press the point, but it is with considerable reluctance because I am told that the Members of the House would have preferred that the Senate have a record vote. I thought I had better make it a matter of record here.

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Has the distinguished Senator from Louisiana discussed this question of a record vote with the House conferees?

Mr. ELLENDER. The Senator is correct. I have. I am very hopeful that we will get some conclusion of the matter early tomorrow.

Mr. SCOTT. On which we might have to have a record vote.

Mr. ELLENDER. The Senator is correct.

Mr. President, I move that the conference report be tabled.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendments and ask a further conference with the House and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Senators ELLENDER, RUSSELL, MCCLELLAN, STENNIS, SYMINGTON, YOUNG of North Dakota, SMITH, and ALLOTT conferees on the part of the Senate.

RECESS UNTIL 9 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess, in accordance with the previous order.

The motion was agreed to; and (at 12 o'clock and 10 minutes a.m. today, Tuesday, December 29, 1970), the Senate recessed until 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 28, 1970:

IN THE DIPLOMATIC AND FOREIGN SERVICE

Kenneth Franzheim II, of Texas, now Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

NATIONAL TRANSPORTATION SAFETY BOARD

John H. Reed, of Maine, to be a member of the National Transportation Safety Board for the term expiring December 31, 1975 (reappointment).

U.S. PATENT OFFICE

Rene Desloge Tegtmeyer, of Virginia, to be an Assistant Commissioner of Patents, vice John Henry Schneider.

EXTENSIONS OF REMARKS

THE UNIVERSITY AND THE CORPORATION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, December 28, 1970

Mr. METCALF. Mr. President, public policy is determined in the private as well as the public sector. The private sector is especially powerful in formulation of public policy regarding environmental protection, health and safety, equal employment opportunity, economic concentration, and the pricing of goods and services by oligopolies.

This power in determination of public policy by private corporations is held through four principal methods:

First. Cumbersome administrative procedures, which effectively insulate corporate management from stockholders who wish to influence corporate policy;

Second. The withholding, by the corporation, of information which Government enforcement officials need to administer public laws;

Third. The compromise of public officials, through retainers, job offers, campaign contributions, and constant cultivation at advisory committee meetings, association gathering and social events; and

Fourth. The pervasive permeation of the press and the public generally by elaborate, subliminal advertising programs, carefully calculated to induce complaisance and reduce inquisitive reporting. Thus it remains for the educational television network to do the documentaries on banks, utilities and company towns, for Scanlan's to tell how advertising has enveloped environmentalism and for the student and underground press to detail the corporate interlocks and actions which influence important areas of public policy a good deal more, I must say, than the actions of the U.S. Senate.

Mr. President, I wish to discuss today the method by which change can be made, within the system, in this crucially important matter of public decisionmaking by private corporations. An appropriate text is found in John Kenneth Galbraith's, "The New Industrial State" where he says, on page 373:

> If individual university disciplines are directly subsidized by the state or the business enterprise and continue to have and expand contractual relationships with these sources of funds, the result is nearly certain. Not only will the subjects so favored have a distorted growth in response to the needs of the system but those involved will tend to identify themselves increasingly with the goals of the contracting agencies and enterprises. They will not be immune to tendencies here analyzed; they will come more or less fully into the orbit of the industrial system. The university will become a shell with which they have only a residential association.
>
> If, however, universities can regain and retain power in the distribution of their resources not only is there chance that these will be allocated in accordance with humane and intellectual, as opposed to industrial, need, but moreover the identification of the constituent members will be with the corporate entity of the university and with its goals.

The universities—as institutions rather than as groups of student and faculty—are very much a part of the corporate orbit today. True enough, a few universities deviated, under pressure from students and the project on corporate responsibility, in the General Motors episode last year. Unease, reevaluation, and studied concern are reported among university financial managers. But they remain part of the corporate hierarchy. They sit on the boards of major corporations. They consult for industry. They cast the universities considerable votes in corporate elections for the policies and personnel of corporate management. Faculty and students are not a part of the decisionmaking process. Indeed, some students have reported considerable difficulty in even determining where their university invests its money.

UNIVERSITY VOTING STRENGTH UNKNOWN

Mr. President, no one has ever even determined the potential which universities have for influencing corporate policy through the voting of common stock they hold in major corporations. That absence of basic information itself speaks volumes about the lack of attention paid by the academic community and others to corporate decisionmaking.

This year, in order to begin the collection of what is an elemental part of the voting process, I ask some 60 universities to send me their investment portfolios. The response of a few universities bore out Professor Galbraith's remarks about tendencies of universities to identify themselves with the corporations in which they invest. These universities, alas, rather than letting their finances be known, in the spirit that befits any free and open university, asked that their stockholdings not be published. In that category was my own university, Stanford, along with Rice. In addition, the University of Missouri and the University of Chicago declined to provide the requested information. I have come to expect corporations to be secretive about their ownership. I did not expect, and was saddened to know, that some universities are secretive about their investments.

I have respected the wishes of those universities which asked that the contents of their investment portfolios not be published. And I am pleased to report that most of the universities promptly and fully provided the information requested.

A portion of the material submitted by the universities has now been tabulated and summarized by members of my staff and interns. Because of the limitation of time, my office analyzed university holdings of common stock in only one field, that of energy—the electric, gas, and oil companies.

The energy field was selected because that is where the action is, or should be. Energy companies employ all four methods described at the outset of my remarks to frustrate attempts to influence their practices and policies. And it is the practices and policies of energy companies, more than any other segment of our society, which lead to the concern over environmental protection, health and safety, equal employment opportunity, economic concentrations, and overpricing.

Mr. President, this study of the investments of a few universities in one area shows that a mere 53 universities hold 10,963,272 shares of common stock, valued, as of December 5, at $321,590,645.68, in 85 electric utilities.

They hold 1,805,683 shares of common stock, valued as of December 5, at $57,204,062.73 in 32 gas utilities.

They hold 11,487,949 shares of common stock, valued as of December 5, at $526,773,290.16 in 44 oil companies.

In total, the 53 universities held 24,256,904 shares of stock valued at $905,567,998.57 in 161 energy companies.

The common stock holdings of these university portfolios amount, in many cases, to from 1 to 3 percent of the shares voted at a company's annual meeting last year. That is enough stock to have an impact on policy and the public, as witness the General Motors annual meeting controversy last spring, where the project for corporate responsibility assembled only 2.73 percent of the votes cast.

In addition, in several instances a university is among the 10 largest stockholders in a company. It has a sufficient investment portfolio to warrant representation on the board of directors of various corporations.

THE HARVARD EXAMPLE

Consider, for example, Harvard:

Harvard's investment portfolio of common stocks was valued, as of June 30, 1970 at $548,844,966. It held 7,251,413 shares of stock in the energy corporations. Harvard's treasurer, George Bennett, handles investments for Harvard-Yenching Institute, of which he is deputy treasurer, and for State Street Investment Corp., of which he is president. State Street handles investments for Harvard but State Street's 2,062,718 shares in energy corporations valued at $62,996,775—as of December 31, 1969—are not included in the Harvard and university totals above. Bennett is also president of the Federal Street Fund, Inc., and of the Second Federal Street Fund, Inc. He is a director of Hewlett-Packard Co., the John Hancock Mutual Life Insurance Co. and the United States and Foreign Securities Corp. In the energy field he is a director of the Commonwealth Oil Refining Co., New England Electric Co., Niagara Mohawk Power Corp. and Middle South Utilities, the New York holding company which controls Arkansas Power & Light, Louisiana Power & Light, Mississippi Power & Light, and New Orleans Public Service.

It was in this capacity as a director of Middle South that Mr. Bennett came to Washington and persuaded the Securities and Exchange Commission to overrule its staff and grant stock options to Middle South executives. Bennett testified that:

> The president of Middle South would do everything he is doing in a more extraordinary way . . . scan the operating expenses more carefully . . . sharpen his pencil a little sharper on construction programs . . . make his people who are negotiating with labor a little tougher, and be certain his company was earning a full return, if only he could have some stock options, which he got.

Harvard is the largest stockholder in Middle South and Harvard's State Street is the second largest stockholder. Twenty-four universities and Harvard's State Street together hold 1,467,826 shares in Middle South, more than 4 percent of the stock voted at the annual meeting last year. Certainly it is a sufficient holding to warrant consideration, at annual meetings and before Federal and State regulatory commissions as well, of questions that need answering today, such as:

First. How many nonwhites are employed in a professional capacity by each of your operating companies?

Second. What is the daily contribution of each generating plant to air and water pollution?

Third. Why do the companies continue to oversell their product, which is in short supply, through advertising?

Fourth. Why not put the money that has been going into advertising into research and development?

Fifth. Why do not the companies, in view of the President's pleas for voluntary actions to reduce inflation, forgo the rate increase which the regulatory commission could be persuaded to approve, and settle for a nice, solid annual return of 10 percent on our common stock?

Sixth. Why do the operating companies not return to their customers the millions of dollars of advance deposits that have been collected, or at least pay the going rate of interest?

Seventh. Which public officials are on the payroll of or retained by Middle South and its subsidiaries?

Substantive questions, including but not limited to those listed above, need to be asked at stockholder meetings and before regulatory commissions regarding a number of electric utilities. They range from American Electric Power—the New York holding company which is attempting throughout its vast territory to take over the locally managed, city-owned power systems—to Virginia Electric & Power, whose discrimination against blacks has caused the Justice Department to take action against it, a type of action which needs to be broadened in view of the finding by the Equal Employment Opportunity Commission that the electric utilities industry discriminate more in employment than does any other major industry.

Mr. President, it is noteworthy that the investments of a few universities gravitate toward those electric utilities whose pricing, hiring, environmental or monopoly practices are not in what many of us, off or on campus, believe to be the public interest. The universities which, as the following tables will show, follow this investment pattern, include the following 18:

Harvard; University of Texas; Cornell University; Northwestern University; University of North Carolina; and University of Virginia;

University of Illinois; University of Michigan; Columbia University; Rutgers University; University of California; and Williams College;

University of Rochester; University of Kansas; Macalester College; University of Oregon; Massachusetts Institute of Technology; and Princeton.

Yale University does not invest in electric utilities.

The 27 companies which especially attract those universities' investments and which sorely need some attention from independent scholars are:

American Electric Power, the New York holding company which controls Appalachian Power, Virginia, Indiana & Michigan Electric, Indiana, Kentucky Power, Kingsport Power, Tennessee, Ohio Power & Wheeling Electric.

Baltimore Gas & Electric.

Carolina Power & Light.

Central and Southwest, the Delaware holding company which from a Chicago office controls Central Power & Light—Texas, Public Service Company of Oklahoma, Southwestern Electric Power—Louisiana, and West Texas Utilities:

Cincinnati Gas & Electric; Cleveland Electric Illuminating; Columbus & Southern Ohio; Commonwealth Edison—Illinois; Consumers Power—Michigan; Florida Power Corp.; Florida Power & Light; Gulf States Utilities—Texas; Houston Lighting & Power; Illinois Power; Indianapolis Power & Light; Middle South Utilities.

New England electric system, the Boston holding company which controls Granite State Electric, New Hampshire, Massachusetts Electric, Massachusetts, Narragansett Electric, Rhode Island and New England Power, Massachusetts:

Niagara Mohawk, New York; Ohio Edison, which controls Pennsylvania Power; Oklahoma Gas & Electric; Pacific Gas & Electric, California; and Public Service of Indiana; South Carolina Electric & Gas; and Southern California Edison.

Southern, the Atlanta holding company which controls Alabama Power, Georgia Power, Gulf Power, Florida, and Mississippi Power:

Texas Utilities and, just across the Potomac, Virginia Electric & Power.

UNIVERSITY OIL HOLDINGS

The 53 universities surveyed have substantial common stock holdings, as the tables below show, in principal oil companies. Here are some of the leading oil company investments by the universities:

Company	Number of shares	Value as of Dec. 5, 1970
Standard of New Jersey	1,774,130	$129,245,370
Texaco	2,033,971	71,697,477
Gulf	2,319,802	69,872,436
Mobil	773,060	44,528,256
Standard of California	705,244	36,052,073
Standard of Indiana	661,888	34,980,780
Louisiana Land & Exploration	406,936	24,253,385
Atlantic Richfield	308,472	20,050,680

Mr. President, the stultifying effect of close financial ties with oil companies and other energy corporations is a subject of which the Senate has considerable knowledge. There is, however, no great body of literature published re-

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garding the relationships between these corporations and the universities.

It is sufficient here, I believe, to remember the difficulty which California and Federal officials had in obtaining university experts in the wake of the oil leak off Santa Barbara early last year. Some university experts did not want to endanger their consulting arrangements and industry grants.

The University of California at Berkeley has lost millions of dollars because of its obeisance—along with Government officials at all levels—to Pacific Gas & Electric, which flouts the Raker Act and refuses to transmit to Berkeley the Federal power to which the city is entitled.

The University of Pennsylvania is wiser—and $3 million poorer—since some of its funds were involved in an effort to keep the late Penn Central from bankruptcy. I have seen a pointed series of articles by J. A. Livingston, the financial writer, and in the Wall Street Journal regarding the Penn U-Penn Central episode. But the University of Pennsylvania, to the best of my knowledge, is not raising any of the hard questions that should be asked about an arrangement under which the chairman of the university trustees' investment committee is the senior partner in a leading Philadelphia brokerage concern, Butcher & Sherrerd, and who also held a substantial number of shares in Penn Central himself.

My point here is that universities and faculty members who are too closely tied to corporations tend to behave like public servants who get into that kind of a box. They do not ask and answer the questions that need frank and full replies.

THE CHALLENGE PROCEDURE

Mr. President, it is not easy for stockholder groups, such as universities, to obtain consideration of proposed policy changes, to get the answers to questions which the corporation would rather not answer and to get onto the boards of directors persons who are not nominated by management. But it is possible.

The following is a rough outline of the steps that must be taken in any stockholder-initiated challenge of corporate behavior. This is by no means a complete or conclusive presentation. But it provides an idea of the legal hurdles that must be crossed.

There are two basic strategies available, which can be used simultaneously or independently:

First, the election of a director, or a slate of directors;

Second, the adoption of stockholders'-initiated proposals, either by the board or by the stockholders, at the annual meeting. Though special meetings of stockholders may, under certain circumstances, be called to achieve either or both of these objectives, the more practical and less complicated forum is the annual stockholders' meeting.

Neither the election of directors nor the adoption of stockholder resolutions necessarily involves a proxy contest. At least in theory, a board may be persuaded to fill a vacancy with an outside director or to sponsor a charter amendment to create a place for such a director. Some boards have the power to expand their number without charter amendment. Similarly, a shareholder proposal may be included on the management proxy under certain circumstances as provided by SEC rule 14a–8 discussed below.

Three separate though interrelated bodies of law apply to shareholder challenges:

First, the "law of the corporation"—that is, its articles of incorporation or charter and its bylaws;

Second, the law of the state of incorporation; and

Third, the Federal securities laws administered by the Securities and Exchange Commission, including the Securities Act of 1933, the Securities and Exchange Act of 1934, and rules and regulations promulgated by the SEC.

It is important to understand that there is no general Federal corporation law. The SEC, strictly speaking, administers securities laws and not incorporation laws, but State incorporation law determines many of the questions brought before the SEC. Needless to say, shareholder challenge without the aid of a competent attorney would be difficult, though the services of a securities law specialist are not necessary.

Except as directly related to SEC requirements, State law and the "law of the corporation" will not be treated here.

Section 14(a) of the Securities Exchange Act of 1934 as amended in 1964 and as augmented by current SEC proxy rules—often referred to as rule 14 and formally cited as 17 Code of Federal Regulations 240.14—applies to the election of directors and presentation of stockholder proposals by means of proxy solicitations, whether by management or by shareholders. The section and the rules apply only to corporations registered under the act—that is, companies listed on the exchanges or companies having more than 500 shareholders and $1 million assets. Through similar provisions in the Public Utility Holding Company Act of 1935, the proxy rules also apply to companies registered under that act.

RULE 14A–8: PROPOSALS OF SECURITY HOLDERS TO BE INCLUDED ON MANAGEMENT PROXIES

If the dissident group elects to submit a proposal at the annual meeting and whether or not it elects to solicit proxies on its own behalf, rule 14a–8 applies, as follows:

First, the proposal or proposals, accompanied by a notice of the group's intention to submit the proposal at the meeting, must be submitted to the management prior to the meeting.

Second, the management is then required: (a) to include the posposal(s) in its proxy statement and (b) to provide a means by which other shareholders can approve or disapprove of the proposals(s), and, if the election of directors is also involved, provide a means by which shareholders can vote on the proposal(s) while withholding support for management's slate of directors.

Third. Deadlines: However, the management need not include the proposals in its proxy unless the shareholder group submits its proposal(s) to management 60 days prior to a day in the current year corresponding to the first date on which the management's proxy soliciting material was released to shareholders in connection with the last annual meeting. For example, suppose the current annual meeting is scheduled for May 15, 1971, and last year's was held April 15, 1970. If in connection with the April 15, 1970 meeting, management released its proxy materials on March 15, 1970, then, the dissident shareholders would have to submit their proposal to management not less than 60 days prior to March 15, 1971. Note that the 60-day rule does not apply to elections or to counter proposals to matters submitted by management.

Fourth. If the management opposes the proposal(s), it must include in its proxy statement a statement in support of the proposal(s) provided by the dissident shareholders. This statement, which is limited to 100 words for each proposal, must be furnished to the management at the same time that the proposal itself is presented to them—that is, the 60-day rule applies.

Fifth. Management may omit a proposal from its proxy statement, a, if the proposal is not a proper subject for action by shareholders under the laws of the State of incorporation or, b, if the primary purpose of the proposal is either to redress a personal grievance or to promote general economic, political, racial, religious, social or similar causes, or, c, if the management has previously included a proposal in its proxy at the shareholder's request and the shareholder failed to present the proposal at the meeting, or d, if the proposal relates to the ordinary business operations of the corporation, or e, if substantially the same proposal received less than 3 percent of the total number of votes cast at a meeting held within the last 3 years—6 percent and 10 percent if submitted twice and three times respectively within the last 5 years.

DISCUSSION OF RULE 14A–8

If the management asserts that it may omit a proposal for any of the reasons stated above, it must present its assertion to the SEC for determination and notify the shareholder of its assertion.

The personal and general causes limitation is frequently the most difficult to overcome. A most helpful discussion of this limitation is discussed in *Medical Committee* v. *SEC*, No. 23,105 (D.C. Cir., July 8, 1970) reproduced below.

Strategic planning should take into consideration the 3–6–10-percent requirement. It may, for instance, be inadvisable for a group to present all of its proposals in the first year unless there is a reasonable chance of obtaining more than 3 percent of the votes on each proposition.

THE SOLICITATION OF PROXIES EITHER FOR THE ELECTION OF DIRECTORS OR TO BE VOTED IN FAVOR OF SHAREHOLDER PROPOSALS OR BOTH

The various rules relating to the solicitation of proxies apply to any party or group, including management, which seeks to obtain through proxies the voting rights of more than 10 shareholders of registered companies.

A proxy solicitation is not limited to requests for proxies accompanied by or

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included in a proxy form. Solicitation also includes any request to execute or not to execute, or to revoke, a proxy and the furnishing of a form of proxy or other communication to security holders under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy. Rule 14a–1(f).

The SEC's role in proxy solicitations consists of assuring that the disclosure requirements of federal securities laws and the SEC rules promulgated thereunder are complied with. For this purpose, certain materials must be prepared and submitted in advance of the solicitation to the SEC for approval; other materials—that is, press handouts, speeches, and radio and TV scripts—must be filed simultaneously with their utilization; and certain newspaper ads—under Rule 14a–2(g)—need not be submitted at all.

PROXY STATEMENT—RULE 14a–3

Each person solicited must be furnished a proxy statement which discloses, among other things, the matter to be acted on at the meeting, the shareholder's rights, the identity of the parties making the solicitation and their interest in the matters to be passed on and the identity, affiliations and financial interest of any director-nominees. All the requirements are spelled out in SEC Schedule 14A.

Form of Proxy—Rule 14a–4. The proxy itself, in addition to meeting State law requirements, must indicate whether or not it is solicited on behalf of management and identify clearly each matter intended to be acted upon, whether proposed by management or by a shareholder. The proxy should be drafted so as to allow the solicited party to approve or disapprove of each matter and, if the election of directors is also involved, to withhold all authority to vote for directors. Certain limited discretionary authority may also be included—see paragraph (c) of rule 14a–4.

Written instructions. If the shareholder group intends to solicit proxies in person—that is, from foundations, universities or other large shareholders—copies of the written instructions furnished to individuals making the actual solicitations must also be filed with the SEC.

All of the above, including the proxy statement, the proxy form, and written instructions, must be filed in accordance with rule 14a–6 at least 10 days before any distribution or person-to-person solicitation, though the SEC rules recommend submission at the earliest practicable date.

Mailing Communications—Rule 14a–7. Under rule 14a–7, management must mail the shareholder group's proxy materials to other shareholders designated by the group. However, the group must reimburse management for expenses incurred in connection with the mailing. In addition, management must provide an estimate of the cost of such mailing if requested to do so by the group. Alternatively, the management may, at its option, provide a reasonably current list of the names and addresses of shareholders.

Election of Directors—"Schedule 14B". Rule 14a–11 provides for one additional filing to be made at least 5 days prior to the commencement of solicitation where opposing groups are competing for the election of directors. These filings, the details of which are specified in SEC schedule 14B, include personal and financial information and extend to director-nominees; persons, committees, or groups which solicit proxies; and persons who finance the solicitation—except those contributing not more than $500—and/or the purchase of shares made in connection with the contest. Of course, where proxies are being solicited only for the purpose of voting on shareholder proposals this step is omitted.

Mr. President, it is my firm belief that the faculties, students, administration and alumni of our great universities could perform monumental service to their country at a critical point in its history by redirection of the voting power of university stock in energy corporations. University leadership in this area could encourage other institutions and groups to examine more closely the behavior of corporations in which they own stock. Such leadership would tend to free the university community from the extraordinary influence of corporations described by James Ridgeway in "The Closed Corporation." And perhaps most importantly of all, it could well lead to some changes in public policy which are beyond the reach of public officials.

It is my hope that this fragmentary report on university voting potential will encourage the university community itself to undertake the collection and distribution of a full report in this area. This information could be used by the universities to strengthen themselves and the society of which they are a part. It would help them achieve the needed independence noted by Professor Galbraith, help them to regain and retain power in the distribution of their resources, and enhance the chance that these—resources—will be allocated in accordance with humane and intellectual, as opposed to industrial, need.

This academic exercise would also be invaluable in impressing upon those who undertook it the fact that no one knows who owns America, and that corporate reporting requirements are grossly inadequate. Our highly computerized society applies primitive methods in a field where the public interest cries for modern information storage and retrieval systems, filled with the information upon which public policy and law enforce should be based.

In conclusion, I ask unanimous consent to insert at this point in the RECORD the case to which I made previous reference, Medical Committee against SEC; the December 25 article in the Washington Post regarding administration efforts to overturn the ruling in the above case; the names of the 53 universities and the company-by-company list of their investments in electric, gas, and oil companies.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[U.S. Court of Appeals for the District of Columbia Circuit, No. 23,105]

MEDICAL COMMITTEE FOR HUMAN RIGHTS, PETITIONER *v.* SECURITIES AND EXCHANGE COMMISSION, RESPONDENT—PETITION FOR REVIEW OF AN ORDER OF THE SECURITIES AND EXCHANGE COMMISSION

[Decided July 8, 1970]

Mr. Roberts B. Owen, with whom *Messrs. Edwin M. Zimmerman, Richard B. Herzog* and *Paul S. Hoff* were on the brief, for petitioner.

Mr. Richard E. Nathan, Special Counsel, Securities and Exchange Commission, of the bar of the Court of Appeals of New York, *pro hac vice,* by special leave of court, with whom *Messrs. Philip A. Loomis, Jr.,* General Counsel, and *David Ferber,* Solicitor, Securities and Exchange Commission, were on the brief, for respondent.

Before MCGOWAN, TAMM, and ROBINSON, *Circuit Judges.*

TAMM, *Circuit Judge:* The instant petition presents novel and significant questions concerning implementation of the concepts of corporate democracy embodied in section 14 of the Securities Exchange Act of 1934, and of the power of this court to review determinations of the Securities and Exchange Commission made pursuant to its proxy rules. For reasons to be stated more fully below, we hold that the Commission's action in the present case is reviewable, and that the cause must be remanded for further administrative proceedings.

1. PROCEDURAL HISTORY OF THE CASE

On March 11, 1968, Dr. Quentin D. Young, National Chairman of the Medical Committee for Human Rights, wrote to the Secretary of the Dow Chemical Company, stating that the Medical Committee had obtained by gift several shares of Dow stock and expressing concern regarding the company's manufacture of the chemical substance napalm.[1] In part, Dr. Young's letter said:

"After consultation with the executive body of the Medical Committee, I have been instructed to request an amendment to the charter of our company, Dow Chemical. We have learned that we are technically late in asking for an amendment at this date, but we wish to observe that it is a matter of such great urgency that we think it is imperative not to delay until the shareholders' meeting next year. . . .

"We respectfully propose the following wording to be sent to the shareholders:

" 'Resolved, that the shareholders of the Dow Chemical Company request the Board of Directors, in accordance with the laws of the State of Delaware, and the Composite Certificate of Incorporation of the Dow Chemical Company, to adopt a resolution setting forth an amendment to the Composite Certificate of Incorporation of the Dow Chemical Company that napalm shall not be sold to any buyer unless that buyer gives reasonable assurance that the substance will not be used on or against human beings.' "

(App. 1a–2a.) The letter concluded with the following statement:

"Finally, we wish to note that our objections to the sale of this product [are] primarily based on the concerns for human life inherent in our organization's credo. However, we are further informed by our investment advisers that this product is also bad for our company's business as it is being used in the Vietnamese War. It is now clear from company statements and press reports that it is increasingly hard to recruit the highly intelligent, well-motivated, young college men so important for company growth. There is, as well, an adverse impact on our global business, which our advisers indicate, suffers as a result of the public reaction to this product."

Footnotes at end of article.

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(App. 2a.) Copies of this letter were forwarded to the President and the General Counsel of Dow Chemical Company, and to the Securities and Exchange Commission. (App. 3a.)

By letter dated March 21, 1968, the General Counsel of Dow Chemical replied to the Medical Committee's letter, stating that the proposal had arrived too late for inclusion in the 1968 proxy statement, but promising that the company would "study the matter and . . . communicate with you later this year" regarding inclusion of the resolution in proxy materials circulated by management in 1969. (App. 4a.) Copies of this letter, and of all subsequent correspondence, were duly filed with the Commission.

The next significant item of record is a letter dated January 6, 1969, noting that the Medical Committee was "distressed that 1968 has passed without our having received a single word from you on this important matter," and again requesting that the resolution be included in management's 1969 proxy materials. (App. 7a–8a.) The Secretary of Dow Chemical replied to this letter on January 17, informing the Medical Committee that Dow intended to omit the resolution from its proxy statement and enclosing an opinion memorandum from Dow's General Counsel, the contents of which will be discussed in detail in part III, *infra*. (App. 9a–12a.) On February 3 the Medical Committee responded to Dow's General Counsel, asserting that he had misconstrued the nature of their proposal in his opinion memorandum, and averring that the Medical Committee would not "presume to serve as draftsmen for an amendment to the corporate charter." (App. 15a.) The letter continued:

"We are willing to bend . . . to your belief that the management should be allowed to decide to whom and under what circumstances it will sell its products. Nevertheless, we are certain that you would agree that the company's owners have not only the legal power but also the historic and economic obligation to determine what products their company will manufacture. Therefore, [we submit] . . . our revised proposal . . . requesting the Directors to consider the advisability of adopting an amendment to the corporate charter, forbidding the company to make napalm (any such amendment would, of course, be subject to the requirements of the "Defense Production Act of 1950," as are the corporate charters and management decisions of all United States Corporations), [and] we request that the following resolution be included in this year's proxy statement:

"'Resolved, that the shareholders of the Dow Chemical Company request that the Board of Directors, in accordance with the laws [*sic*] of the Dow Chemical Company, consider the advisability of adopting a resolution setting forth an amendment to the composite certificate of incorporation of the Dow Chemical Company that the company shall not make napalm.'"

(App. 16a.) On the same date, a letter was sent to the Securities and Exchange Commission, requesting a staff review of Dow's decision if it still intended to omit the proposal, and requesting oral argument before the Commission if the staff agreed with Dow. (App. 17a.)

On February 7, 1969, Dow transmitted to the Medical Committee and to the Commission a letter and memorandum opinion of counsel, which in essence reiterated the previous arguments against inclusion of the proposal and stated the company's intention to omit it from the proxy statement. (App. 18a–19a.) Shortly thereafter, on February 18, 1969, the Commission's Chief Counsel of the Division of Corporation Finance sent a letter to Dow, with copies to the Medical Committee, concluding that "[f]or reasons stated in your letter and the accompanying opinion of counsel, both dated January 17, 1969, this Division will not recommend any action . . . if this proposal is omitted from the management's proxy material. . . ." (App. 20a.) In a letter dated February 28—which contains the first indications of record that petitioners had retained counsel—the Medical Committee again renewed its request for a Commission review of the Division's decision. (App. 24a.) On the same day, the Medical Committee filed with the Commission a memorandum of legal arguments in support of its resolution, urging numerous errors of law in the Division's decision. (App. 26a–32a.) Several other documents were filed by both the company and the Medical Committee; finally, on April 2, 1969, both parties were informed that "[t]he Commission has approved the recommendation of the Division of Corporation Finance that no objection be raised if the Company omits the proposals from its proxy statements for the forthcoming meeting of shareholders." (App. 44a–45a.) The petitioners thereupon instituted the present action, and on July 10, 1969 the Commission moved to dismiss the petition for lack of jurisdiction. On October 13 we denied the motion "without prejudice to renewal thereof in the briefs and at the argument on the merits."

In its briefs and oral argument, the Commission has consistently and vigorously urged, to the exclusion of all other contentions, that this court is without jurisdiction to review its action. We find this argument unpersuasive.

II. JURISDICTION TO REVIEW

a. timeliness

The Commission's first argument on the jurisdictional point is that the instant petition was untimely filed, thereby depriving this court of power to adjudicate the controversy. This argument is based upon the provision of section 25(a) of the Securities Act, 15 U.S.C. § 78y(a) (1964), which requires that a petition for review must be filed "within sixty days after the entry" of a Commission order.

In the instant case the Commission's minutes reflect that the decision which was reached after reviewing the petitioner's proxy claim was made on March 24, 1969 (App. 46a), whereas the petition to review in this court was not filed until May 29, 1969—some 66 days thereafter. It also appears uncontroverted that the Commission gave the Medical Committee some notification by telephone on March 24, that a decision had been reached, although the substance of this conversation is not reproduced in the briefs or record. (*Cf.* Supp. App. 3.) However, as we noted in the preceding section, petitioners did not receive any written information concerning the Commission's decision until a letter was mailed to them on April 2; in addition, the Medical Committee has asserted, without contradiction, that the Commission temporized for approximately four weeks after the petitioner requested a formal copy of the minutes of the decision, before making this important information available. (Reply Brief for Petitioner at 14 n.2 and accompanying text.)

It must be noted that the Commission is itself rather untimely in making this assertion of untimeliness, for in its July 10 Motion to Dismiss it explicitly disclaimed any intention to press upon us an argument relating to the time of filing the instant petition.[2] This resolve apparently fell by the wayside, however, and the timeliness argument appeared in full dress in the Commission's responsive brief on the merits, thereby helping to trigger further rounds of briefing by both sides. We need not elevate the Commission's vacillation to the status of a waiver, however, because we have concluded that its timeliness argument must fall on the merits.

The Commission relies primarily upon section 22(k) of its Rules of Practice, 17 C.F.R. § 201.22(k) (1970), which provides:

"In computing any period of time involving the date of the entry of an order by the Commission, the date of entry shall be (1) the date of the adoption of the order by the Commission . . . or (2) in the case of orders reflecting action taken pursuant to delegated authority, the date when such action is taken. . . . *The order shall be available for inspection by the public from and after the date of entry, unless it is a non-public order. A non-public order shall be available for inspection from and after the date of entry by any person entitled to inspect it.*" (Emphasis added.)

In essence, the Commission has taken the position that the date of decision, March 24, must be deemed the date of "entry" within the meaning of Rule 22(k), notwithstanding the language of the rule italicized above, and notwithstanding the fact that no written information regarding the basis of the decision was available until a substantial time after March 24.

None of the cases cited by the parties offers much guidance in resolving the particular timeliness question now before us;[3] however, we think it clear that Rule 22(k), together with the 60-day statutory period for filing petitions for review, evidences an attempt by Congress and the Commission to strike a balance between the need to have Commission orders operate with finality, and the aggrieved party's need to have both adequate notice of the substance of the decision, and sufficient time to prepare his petition.[4] To hold that the running of the 60-day period can be initiated by a mere telephone call, as the Commission urges, would create risk of inequity and hardship to aggrieved parties and defeat the goal of orderly and open administrative procedures embodied in the italicized portions of Rule 22(k) quoted above. Therefore, we conclude that the instant petition for review is not barred for reasons of untimeliness.

B. The existence of a reviewable order

The most difficult problems presented by this case arise from a congeries of related arguments supporting the general assertion that the Commission's decision regarding the Medical Committee's proxy proposal is not a reviewable order within the relevant jurisdictional statute. That statute is section 25(a) of the Securities Exchange Act of 1934, 15 U.S.C. § 78y(a) (1964), which in pertinent part states:

"Any person aggrieved by an order issued by the Commission in a proceeding under this chapter to which such person is a party may obtain a review of such order . . . in the United States Court of Appeals for the District of Columbia [Circuit], by filing in such court, within sixty days after the entry of such order, a written petition praying that the order of the Commission be modified or set aside in whole or in part."

Neither precedent[5] nor the legislative history of the Securities Act[6] offers an unambiguous answer to the question of whether decisions of the kind presently before us should be categorized as reviewable orders under this provision; thus, we must resort to general principles and analogies in determining whether we have jurisdiction to adjudicate this controversy.

Bypassing for the moment the question of whether deference to administrative discretion should compel us to foreclose review of this petition,[7] we begin by restating the well-established principle that there is a strong presumption in favor of the courts' power to review administrative action. As the Supreme Court concluded in ***Abbott Laboratories v. Gardner***, 387 U.S. 136, 140 (1967), "[A] survey of our cases shows that judicial review of a final agency action by an aggrieved person will not be cut off unless there is persuasive reason to believe that such was the purpose of Congress." This

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Footnotes at end of article.

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theme has been developed at greater length by Professor Jaffe in his study of the law of reviewability:

> "Congress, barring constitutional impediments, may indeed exclude judicial review. But judicial review is the rule. . . . It is a basic right; it is a traditional power and the intention to exclude it must be made specifically manifest. . . .
>
> The mere fact that some acts are made reviewable should not suffice to support an implication of exclusion as to others. The right to review is too important to be excluded on such slender and indeterminate evidence of legislative intent. (L. Jaffe, Judicial Control of Administrative Action 346, 357 (1965) [hereinafter "L. Jaffe"]. *See also Environmental Defense Fund, Inc. v. Hardin,* No. 23,813 (D.C. Cir. May 28, 1970) (slip op. at 7); *Scanwell Laboratories, Inc. v. Thomas,* No. 22,863 (D.C. Cir. Feb. 13, 1970); 4 K. Davis, Administrative Law Treatise 1-32 (1958).)

Several other general observations which we have gleaned from our perusal of numerous cases and commentaries on reviewability must serve as prolegomena to our discussion of that issue in the present case. It appears that the factors most often relied upon in determining whether a particular administrative action is a reviewable order can be subdivided into two general categories. The first of these basic areas of concern involves consideration of whether the administrative action operates with final effect upon a particular individual, entity, or group.[8] *See, e.g., Abbott Laboratories v. Gardner,* 387 U.S. 136, 149 (1967); *Isbrandtsen Co. v United States,* 93 U.S. App. D.C. 293, 298, 211 F.2d 51, 55, *cert. denied,* 347 U.S. 990 (1954); L. Jaffe, 358, 403—404. The second line of analysis looks to the formalities preceding and attending the administrative action, for, as one commentator has stated, "the notion of an 'order' implies some formal characteristics." L. Jaffe 419; *cf. Helco Products Co. v. McNutt,* 78 U.S. App. D.C. 71, 137 F.2d 681 (1943); *American Sumatra Tobacco Corp v. SEC,* 68 App. D.C. 77, 93 F.2d 236 (1937).

Finally, the cases in the area seem virtually unanimous in proclaiming that pragmatic considerations, particularly those relating to the institutional relationships between the courts and the administrative agencies, must prevail over purely doctrinal arguments for or against reviewability. *See, e.g., Abbott Laboratories, supra* 387 U.S. at 149; *American Federation of Labor v. NLRB,* 308 U.S. 401, 408 (1940): *Cities Service Gas Co. v. FPC,* 255 F.2d 860, 862 (10th Cir.), *cert. denied,* 358 U.S. 837 (1958); *Isbrandtsen Co., supra,* 93 U.S.App.D.C. at 297, 211, F.2d at 55.

While the problem of whether there is sufficient formality is admittedly difficult in the present case, we need not pause long over the question of the decision's final effect upon petitioner. Here the administrative process had run its course with respect to petitioner's proxy proposal, and there can be no basis for any fear that review of the decision would cause the courts "to interfere in matters yet within the consideration of the Commission." *Cities Service Gas Co., supra,* 255 F.2d at 862. Here, also, we are dealing with a limited and easily identifiable class of individuals—shareholders of a regulated corporation—whom Congress sought to protect in section 14 of the Act, and who claim that they are wrongfully being denied fair corporate suffrage by the Commission's approval of Dow's decision to omit their proposal. *Cf.* Jaffe. *The Individual Rights to Initiate Administrative Process,* 25 Iowa L.Rev. 485, 528 (1940). In this regard we cannot see any merit in the Commission's contention that the petitioner has not suffered any "aggrievement" under the jurisdictional statute because it may still have relief through a private action against the company in a district court.

The relevance of a possible private action will be examined more fully later in this portion of our opinion. For present purposes, it is sufficient to note that the Medical Committee has been forced to undergo a two-stage administrative proceeding, compelled by the risk that failure to do so would preclude any judicial relief by virtue of the exhaustion doctrine;[9] its recourse to an authoritative judicial determination of the merits of its proxy proposal has been substantially delayed because of the administrative proceeding, whereas time is clearly of the essence in proxy contests; and not only has the Medical Committee lost the potential benefit of the Commission's resources and expertise as an ally in compliance litigation against the company, it has also had imposed upon it the added burden in a private action of overcoming an adverse Commission determination in face of the principle that the agency is entitled to judicial deference in the construction of its proxy rules, *See, e.g., Union Pacific R. Co.* v. *Chicago & N.W. Ry. Co.,* 226 F.Supp. 400, 408 (N.D.Ill. 1964). Moreover, we believe that there is a substantial public interest in having important questions of corporate democracy raised before the Commission and the courts by interested, responsible private parties. *Cf. Scanwell Laboratories, Inc.* v. *Thomas,* No. 22,863 (D.C. Cir. Feb. 13, 1970) (slip op. at 8-10); *Environmental Defense Fund, Inc.* v. *Hardin,* No. 23,813, (D.C. Cir. May 28, 1970) (slip op. at 5-7). Thus, we conclude that the Medical Committee is "aggrieved" for purposes of section 25(a) of the Act.

Finally, in the context of assessing the reviewability of the Commission's decision—as distinguished from our later inquiry into the scope of administrative discretion—it is clear that no significance whatsoever inheres in the fact that the administrative determination is couched in terms of a "no action" decision rather than in the form of a decree binding a party to perform or refrain from some particular act. This much has been clear ever since the Supreme Court interred the discredited "negative order doctrine" in *Rochester Telephone Corp.* v. *United States.*[10] That case, like the present controversy, involved a petitioner's attempt to obtain judicial review of "action by the Commission which affects the complainant because it does not forbid or compel conduct with reference to him by a third person." (307 U.S. at 135.) The Court pointed out that "[n]egative has really been an obfuscating adjective" because it failed to illuminate "the real considerations on which rest . . . the reviewability of Commission orders within the framework of its discretionary authority and within the general criteria of justiciability." (307 U.S. at 141.) The Court then concluded:

> "An order of the Commission dismissing a complaint on the merits and maintaining the *status quo* is an exercise of administrative function, no more and no less, than an order directing some change in status. . . . Refusal to change an existing situation may, of course, itself be a factor in the Commission's allowable exercise of discretion. . . . But this bears on the disposition of a case and should not control jurisdiction." (307 U.S. at 142.)

Similarly, section 10(e) of the Administrative Procedure Act provides judicial relief for "agency action unlawfully withheld or unreasonably delayed" (5 U.S.C. § 706(1) (Supp. V 1965-69)), and the courts have had little difficulty in determining when an administrative failure to act presents an appropriate occasion for judicial scrutiny. *Compare Environmental Defense Fund v. Hardin, supra, with International Ass'n of Machinists v. NMB,* No. 23,409 (D.C. Cir. Jan. 30, 1970); *see Generally* Goldman, *Administrative Delay and Judicial Relief,* 66 Mich. L. Rev. 1423 (1968). Thus, there can be little doubt that the Commissions' decision operates with sufficient particularity and finality to warrant judicial review.

The question of whether the procedures attending the Commission's decision in this case are sufficiently formal to make the determination a reviewable order under section 25(a) is admittedly a close one, but we believe that the considerations militating in favor of reviewability must prevail. At the outset, we note that the decided cases make it clear beyond doubt that the absence of a formal evidentiary hearing does not compel the conclusion that an administrative decision is unreviewable. *See, e.g., Cities Service Gas Co.* v. *FPC,* 225 F. 2d 860, 862-63 (10th Cir.), *cert. denied,* 358 U.S. 837 (1958); *Phillips Petroleum Co.* v. *FPC,* 227 F. 2d 470, 475 (10th Cir. 1955), *cert. denied,* 350 U.S. 1005 (1956); *Isbrandtsen Co. v. United States,* 93 U.S. App. D.C. 293, 297, 211, F. 2d 51, 55, *cert. denied,* 347 U.S. 990 (1954).

This is a sound and necessary doctrine because agencies frequently are confronted with situations in which substantial questions of fact, law, or policy may be properly resolved through information-gathering mechanisms less cumbersome than a trial-type hearing. This court has consistently recognized that this kind of flexibility in procedures is a desirable attribute of the administrative process, regardless of whether the power was explicitly provided by statute or rule, or was evolved on an ad hoc basis by implication from a broad statutory grant. However, our deference to the efficient deployment of administrative resources has not been—and logically could not be—considered a matter which touches upon the courts' jurisdiction to review the action in question, in the absence of a clear indication that Congress intended such a result. *See generally National Air Carrier Ass'n v. CAB,* No. 23,012 (D.C. Cir. May 28, 1970); *H & B Communications Corp v. FCC,* No. 22,685 (D.C. Cir. Nov. 13, 1969); *Marine Space Enclosures, Inc. v. FMC,* ——— U.S. App. D.C. ———, 420 F. 2d 577 (1969). Thus, we must look to the Commission's rules and to the attributes of the proceeding here in issue in order to determine whether this is an appropriate occasion for review.

Although the line is not drawn with complete clarity, the Commission's Rules of Practice distinguish between "formal" and "informal" proceedings. Procedures denominated "informal" by the Commission generally involve negotiation between the Commission and one private party, and normally culminate in a letter of advice to the party from Commission staff member.[11] Here, however, there is an important difference which the Commission readily concedes:

> "The difference is that in the normal no-action situation, there is only one interested private party and accordingly the Commission has not found it necessary to prescribe any rules dealing with the situation. The private party simply writes a letter which is answered."
>
> "In the case of stockholder proposals, there are two interested private parties: the management and the shareholder. Consequently, Rule 14a-8(d) provides a procedure by which the position of both may be brought to the Commission's attention." (Supplementary Memorandum of Respondent at 10.)

Thus, the Commission's procedural regulations governing proxy proposals incorporate the basic theory of an adversary encounter, and a detailed perusal of Rule 14a-8 and its history reinforces this impression.

For the shareholder who wishes to have his proposal included in management's proxy statement, Rule 14a-8, 17 C.F.R. § 240.14a-8 (1970), is the touchstone of procedural and substantive rights. Rule 14a-8(a) describes the initiation of this process by providing that the security holder "shall submit to the management of the issuer, within the time hereinafter specified, a proposal which is accompanied by notice of his intention to present the proposal for action at the meeting."

Footnotes at end of article.

The basic time period established in this section is 60 days, subject to certain qualifications. Subsection (b) then provides that if management opposes the shareholder's proposal, it must include in its proxy materials a 100-word statement by the proponent of the proposal. The substantive exceptions to the general rule of inclusion are then set forth in subsection (c), and several of these grounds for omitting a shareholders proposal will be discussed at length in part III, *infra*. The following provision, subsection (d), contains the procedural steps which are immediately relevant; it describes the course of proceedings which comes into play whenever management believes that it is entitled under the substantive criteria of the preceding section to omit a shareholder proposal.

Subsection (d) is phrased wholly in mandatory rather than permissive language. It requires management to "file with the Commission . . . a copy of the proposal and any statement in support thereof as received from the security holder, together with a statement of the reasons why the management deems such omission to be proper in the particular case, and, where such reasons are based on matters of law, a supporting opinion of counsel." At the same time, management must "notify the security holder submitting the proposal of its intention to omit the proposal" and "forward to him a copy of the statement of the reasons why the management deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel." This filing and forwarding must be completed "not later than 20 days prior to the date the preliminary copies of the proxy statement are filed pursuant to § 240.14a-6(a)"; this requirement was promulgated "[s]o that the Commission will have more time to consider the problems involved in such cases and the security holder will have an opportunity to consider the management's position and take such action as may be appropriate." 19 Fed. Reg. 246 (1954). Presumably this "other appropriate action" by the shareholder encompasses the possibility of filing with the Commission detailed legal arguments in favor of requiring the company to include the proposal, similar to the one which the Medical Committee filed with the Commission in the present case after the Division of Corporation Finance had made its recommendation, and which the Commission accepted without comment or objection. (App. 26a-32a; *see also id.* at 28a-39a.) Finally, the history of the rule explicitly states that it "places the burden of proof upon the management to show that a particular security holder's proposal is not a proper one for inclusion in management's proxy material." (19 Fed. Reg. 246 (1954).)

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We think that these provisions contain persuasive indicia that the Commission's proxy procedures are possessed of sufficient "adversariness" and "formality" to render its final proxy determinations amenable to judicial review, although the scope and content of that review must yet be investigated. This conclusion is inferentially supported by cases dealing with private actions to enforce the proxy rules, in which shareholders have been required to exhaust the administrative remedies provided by the foregoing sections. *Peck* v. *Greyhound Corp.*, 97 F. Supp. 679 (S.D.N.Y. 1951); *cf. Dyer* v. *SEC*, 291 F. 2d 774, 778 (8th Cir. 1961). However, the Commission urges that the structure of section 14 of the Act gives rise to a doctrinal anomaly if administrative decisions like the present one are held reviewable. This difficulty arises from the fact that even when the Commission moves against recalcitrant management under section 14 of the Act to terminate or prevent violations of the proxy rules, there is never a traditional trial-type hearing followed by a conventional mandatory order. Professor Loss has catalogued the Commission's enforcement alternatives under section 14 as follows:

> [W]hen management or a security holder is adamant in refusing to comply with the rules as the Commission construes them, there is no administrative procedure comparable to the stop-order proceeding under the 1933 act. The commission may investigate. It may use its statutory power to "publish information concerning . . . violations," as it did in two early instances. It may institute appropriate administrative proceedings of a disciplinary nature under the 1934 act when the offender happens to be a registered broker-dealer or an exchange member, as it may when some other statutory provision or Commission rule has been violated. It may even use a violation of section 14(a) as a basis for delisting the security. And it may ask the Attorney General to prosecute willful violations. But the principal sanction—and the only practicable way of forcing compliance—is the statutory action for injunction." (Loss, *The SEC Proxy Rules in the Courts*, 73 Harv. L. Rev. 1041, 1043-44 (1960); *See also* Aranow & Einhorn, *Corporate Proxy Contests: Enforcement of SEC Proxy Rules by the Commission and Private Parties*, 31 N.Y.U. L. Rev. 875, 886, 866-87 n.50 (1956).)

We see little force in this anomaly—if, indeed, it is in fact an anomaly. Through section 14 of the Act Congress has invested the Securities and Exchange Commission with sweeping authority to regulate the solicitation of corporate proxies; the few words employed by Congress in subsection (a) of this provision confer upon the Commission much power, but little guidance or limitation:

> "It shall be unlawful for any person, by the use of the mails or by any means or instrumentality of interstate commerce . . . or otherwise, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, to solicit or to permit the use of his name to solicit any proxy . . . in respect of any security (other than an exempted security) registered pursuant to . . . this title." (15 U.S.C. § 78n(a) (1964).)

Pursuant to this broad mandate, the Commission has established elaborate procedures which are of unquestioned validity for present purposes and which, as we have indicated above, otherwise possess sufficient attributes of finality and formality to warrant judicial review. Viewing the proxy rules in this light, we see no substantial reason why the absence of formal adjudicatory hearings in the regulatory scheme should render Commission decisions, however capricious or erroneous, utterly immune to direct judicial review or redress. Indeed, it seems doubtful that there is any meaningful distinction between review in this situation and review in the commonly accepted context of judicial assessment of final agency determinations made well in advance of, or in collateral proceedings relating to, a statutorily prescribed trial-type hearing. *See, e.g., Phillips Petroleum Co.* v. *FPC, supra*, 227 F.2d at 475; *Isbrandtsen Co.* v. *United States, supra*, 93 U.S. App.D.C. at 297, 211 F.2d at 55.

On the other hand, we do see significant problems and anomalies which would result from accepting the Commission's restrictive interpretation of the jurisdictional statute. There is no doubt that the Medical Committee could obtain a judicial determination of the legitimacy of its claim through a private action against Dow Chemical in the district court; the Supreme Court held that such a remedy is implicit in section 14(a) in *J. I. Case.* v. *Borak*, 377 U.S. 426 (1964). The essential question, then, is whether the district court is a more appropriate forum for adjudication of petitioner's claim than this court. We believe that every substantial consideration in this case leads to precisely the opposite conclusion.

Here the Medical Committee does not seek to contest any matters of fact which would require a trial de novo; rather, petitioner seeks only to have its proposal assessed by the Commission under a proper interpretation of the governing statutes and rules. The petitioner does not seek any relief which is peculiarly within the competence of the district court; instead, it seeks merely to have the cause remanded so that the Commission, in accord with proper standards, can make an enlightened determination of whether enforcement action would be appropriate. Thus we see no practical or theoretical virtues in commanding a course of action which "would result in equal inconvenience" to the petitioner, the Commission, and the overcrowded courts, and "would constitute circuitous routes for the determination of issues easily and directly determinable by review in this court." *American Sumatra Tobacco Corp.* v. *SEC*, 68 App. D.C. 77, 82, 93 F.2d 236, 241 (1937). *See also Gardner v. Toilet Goods Ass'n, Inc.*, 387 U.S. 167, 191-93 (1967) (Justice Fortas concurring and dissenting); *Environmental Defense Fund, Inc. v. Hardin, supra*, (slip op. at 9); L. Jaffe 358.

There is also, it seems to us, an independent public interest in having the controversy decided in its present posture rather than in the context of a private action against the company. The primary and explicit purpose of section 14(a) is "the protection of investors," and the primary method of implementing this goal is through Commission regulation of proxy statements, not through private actions by individual security holders. For the small investor, personal recourse to the Commission's proxy procedures without benefit of counsel may well be the only practicable method of contesting a management decision to exclude his proxy proposal.[12] In this situation, as our recent decisions make clear, it is particularly important that the Commission look carefully at the merits of the shareholder's proposal, and that it do so pursuant to an accurate perception of the Congressional intent underlying the proxy statute. *See generally Hale* v. *FCC*, No. 22,751 (D.C. Cir. Feb. 16, 1970) slip op, at 15-17; concurring opinion); *Office of Communication of the United Church of Christ* v. *FCC*, No. 19,409 (D.C. Cir. June 20, 1969). Direct judicial review of Commission proxy decisions is unquestionably the most logical and efficient means of achieving this objective.

Thus, we hold that the Commission's decision in this case is presently reviewable, and turn our attention to an investigation of the proper scope of this review.

C. Scope of review and administrative discretion

Many of the Commission's most forceful arguments are addressed to the proposition that the action which the Medical Committee now asks us to review falls within the purview of administrative discretion and therefore is protected from judicial inquiry or interference by section 10 of the Administrative Procedure Act, 5 U.S.C. § 701(a)(2) (Supp. V. 1965-69). In large measure, this line of defense reflects the misconstruction of section 10 that Professor Davis has called an "all or none fallacy" which ignores the language and intent of this provision.[13] The more accurate interpretation of the statute holds that assertions of discretion inevitably raise questions of degree which must be appraised in the context of the relevant provisions of law and the nature of the particular action sought to be reviewed: "[T]he question is not *whether* agency action is by law committed to agency discretion but *to what extent* agency action is so committed." 4 K. Davis, Administrative Law Treatise 33 (1958) (emphasis added); *see also Scanwell Laboratories, Inc. v. Thomas*, No. 22,863 (D.C. Cir. Feb. 13, 1970) (slip op. at 28-29). Our decisions also make clear that in analyzing issues of administrative discretion, as in dealing with general questions of reviewability, we must be fully cognizant of the strong presumption in favor of judicial review. *Environmental Defense Fund, Inc. v. Hardin,*

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No. 28,813 (D.C. Cir. May 28, 1970) (slip op. at 7–8).

The Commission asserts that its enforcement activities pursuant to the proxy rules are entitled to particular deference because they partake of the nature of the prosecutorial functions, which has traditionally been considered immune to judicial review.[14] This contention is meritorious, as will be seen below, but only in a limited sense; and the decisions of this court have never allowed the phrase "prosecutorial discretion" to be treated as a marginal incantation which automatically provides a shield for arbitrariness. Indeed, we have explicitly alluded to the prosecutorial function in compelling an administrative agency to deal openly and fairly with public interest in intervenors in licensing proceedings:

"[A] 'Public Intervenor' . . . is, in this context, more nearly like a complaining witness who presents evidence to the police or a prosecutor whose duty it is to conduct an affirmative and objective investigation of all the facts and to pursue his prosecutorial or regulatory function if there is probable cause to believe a violation has occurred.

"It was not the correct role of the Examiner or the Commission to sit back and simply provide a forum for the intervenors; the Commission's duties did not end by allowing Appellants to intervene; its duties began at that stage." (*Office of Communication of the United Church of Christ v. FCC*, No. 19,409 (D.C. Cr. June 20, 1969) (slip op. at 6).)

There is some reason to believe that similar judicial supervision of the administrative process is needed in circumstances like the present one, in order to assure that the investing public can obtain vigorous, efficient, and evenhanded implementation of the concepts of corporate democracy embodied in the proxy rules. One published study has accused the Commission of a variety of procedural sins in its regulation of proxies, most of which could be curtailed or eliminated through judicial review. Specifically, the Commission has been charged with repeatedly violating its own established procedural principles, particularly those relating to management's burden of proof in justifying the omission of proposals; of allowing non-lawyers to decide complex legal problems raised in proxy disputes; and of affording inconsistent treatment to similar factual situations for no apparent reason.[15] Perhaps the most serious charge against the Commission's secretive decision-making, however, is all too clearly illustrated by the record in the present case; the lack of articulated bases for past decisions encourages management to file shotgun objections to a shareholder proposal, urging every mildly plausible legal argument that inventive counsel can contrive, in the hope that the Commission will accept one of them.[16] If the Commission does agree with one of management's arguments, or if it determines not to act against the company for other reasons, the shareholder often has no idea why his proposal was deemed unworthy or what he can do to cure its defects for subsequent proxy solicitations. Viewed in this light, "discretion" can be merely another manifestation of the venerable bureaucratic technique of exclusion by attrition, of disposing of controversies through calculated nondecisions that will eventually cause eager supplicants to give up in frustration and stop "bothering" the agency.

Nevertheless, we recognize that there is a legitimate domain of administrative discretion in the proxy area, albeit not quite so broad as the Commission urges. As the Supreme Court has recognized, the Securities and Exchange Commission must process a formidable number of proxy statements in limited time and with insufficient manpower.[17] Obviously not all proxy proposals can or should be given detailed consideration by the full Commission, and even the boldest advocates of judicial review recognize that the agencies' internal mangement decisions and allocations of priorities are not a proper subject of inquiry by the courts.[18] However, that is definitely not what is at issue in the present case: here, the full Commission has exercised its discretion to review this controversy, and, as will be seen below, it has ostensibly acted in accord with a very dubious legal theory. The Medical Committee asks us merely to examine this allegedly erroneous legal premise and return the controversy to the Commission so that it may properly exercise its further discretion regarding the propriety and desirability of enforcement activity.[19]

Limited and partial review to examine the legal framework within which administrative discretion must be exercised is scarcely a doctrinal innovation; it has been repeatedly sustained by the Supreme Court. *See, e.g., McGrath v. Kristensen*, 340 U.S. 162, 169 (1950); (*Perkins v. Elg*, 307 U.S. 325, 349–50 (1939). We think that Justice Frankfurter's incisive observations in *Rochester Telephone Corp. v. United States*, 307 U.S. 125, 136 (1939), are equally appropriate here:

"Judicial relief would be precisely the same as in the recognized instances of review by courts of Commission action; if the legal principles on which the Commission acted were not erroneous, the bill would be ordered dismissed; if the Commission was found to have proceeded on erroneous legal principles, the Commission would be ordered to proceed within the framework of its own discretionary authority on the indicated correct principles."

We foresee scant possibility that such sharply circumscribed review, which depends upon the Commission's initial determination to review the staff decision, will cause the destruction of informal advisory and supervisory functions which the Commission now fears. The courts, we think, are abundantly capable of distinguishing between situations in which an agency gives informal advice and situations in which it formally decides among conflicting adversary claims premised on detailed legal arguments. Moreover, experience indicates that the grim forebodings which are frequently expressed in this court regarding the possibility that a particular decision will cause irreparable disruption of the administrative process only rarely, if ever, come to pass.[20]

On the other hand, if we are to foreclose review as the Commission urges, we would surely be condoning a frustration of congressional intent; for here the petitioner asserts that the Commission is failing to correct abuses which Congress sought to end by enacting the statute, and that it is a member of the class which Congress endeavored to protect in the Securities Act. In such situations, as a leading commentator has phrased it, "[i]nterests intended as the beneficiaries of legislative munificence will have cold comfort from embracing the dry, unmoving skeleton of the statute." [21] Review limited to the task of correcting such legal defects is consistent with the Supreme Court's interpretation of the Securities Act in *J. I. Case Co. v. Borak*, 377 U.S. 426, 432 (1964): "[A]mong [the] chief purposes [of section 14(a)] is 'the protection of investors,' which certainly implies the availability of judicial relief where necessary to achieve that result." Therefore, we conclude that partial review of the merits of this controversy will not project us into an area which is committed by law to agency discretion.

III. THE MERITS OF PETITIONER'S PROPOSAL

The Medical Committee's sole substantive contention in this petition is that its proposed resolution could not, consistently with the Congressional intent underlying section 14(a), be properly deemed a proposal which is either motivated by *general* political and moral concerns, or related to the conduct of Dow's ordinary business operations. These criteria are two of the established exceptions to the general rule that management must include all properly submitted shareholder proposals in its proxy materials. They are contained in Rule 14a–8(c), 17 C.F.R. § 240.14 a–8(c), (1970), which provides in relevant part:

"[M]anagement may omit a proposal . . . from its proxy statement and form of proxy under any of the following circumstances: . . .

"(2) If it clearly appears that the proposal is submitted by the security holder . . . primarily for the purpose of promoting general economic, political, racial, religious, social or similar causes; or . . .

"(5) If the proposal consists of a recommendation or request that the management take action with respect to a matter relating to the conduct of the ordinary business operations of the issuer."

Despite the fact that our October 13 order in this case deferred resolution of the jurisdictional issue pending full argument on the merits (*see* part I, *supra*), the Commission has not deigned to address itself to any possible grounds for allowing management to exclude this proposal from its proxy statement. We confess to a similar puzzlement as to how the Commission reached the result which it did, and thus we are forced to remand the controversy for a more illuminating consideration and decision. *Cf. Environmental Defense Fund, Inc.* v. *Hardin, supra.* In aid of this consideration on remand, we feel constrained to explain our difficulties with the position taken by the company and endorsed by the Commission.

It is obvious to the point of banality to restate the proposition that Congress intended by its enactment of section 14 of the Securities Exchange Act of 1934 to give true vitality to the concept of corporate democracy. The depth of this commitment is reflected in the strong language employed in the legislative history:

"Even those who in former days managed great corporations were by reason of their personal contacts with their shareholders constantly aware of their responsibilities. But as management became divorced from ownership and came under the control of banking groups, men forgot that they were dealing with the savings of men and the making of profits became an impersonal thing. When men do not know the victims of their aggression they are not always conscious of their wrongs. . . .

"Fair corporate suffrage is an important right that should attach to every equity security bought on a public exchange. Managements of properties owned by the investing public should not be permitted to perpetuate themselves by the misuse of corporate proxies." (H.R. Rep. No. 1383, 73d Cong., 2d Sess. 5, 13 (1934). *See also SEC v. Transamerica Corp.*, 163-F.2d 511, 517, 518 (3d Cir. 1947), *cert denied,* 332 U.S. 847 1948).)

In striving to implement this open-ended mandate, the Commission has gradually evolved its present proxy rules. Early exercises of the rule-making power were directed primarily toward the achievement of full and fair corporate disclosure regarding management proxy materials (*see, e.g.*, 3 Fed. Reg. 1991 (1938); 5 Fed. Reg. 174 (1940)); the rationale underlying this development was the Commission's belief that the corporate practice of circulating proxy materials which failed to make reference to the fact that a shareholder intended to present a proposal at the annual meeting rendered the solicitation inherently misleading. *See Hearings on Security and Exchange Commission Proxy Rules Before the House Comm. on Interstate and Foreign Commerce*, 78th Cong., 1st Sess., pt. 1, at 169–70 (1943) [hereinafter "House Hearings"].

From this position, it was only a short step to a formal rule requiring management to include in its proxy statement any shareholder proposal which was "a proper subject for action by the security holders." 7

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Fed. Reg. 10,659 (1942). It eventually became clear that the question of what constituted a "proper subject" for shareholder action was to be resolved by recourse to the law of the state in which the company had been incorporated; however, the paucity of applicable state law giving content to the concept of "proper subject" led the Commission to seek guidance from precedent existing in jurisdictions which had a highly developed commercial and corporate law, and to develop its own "common law" relating to proper subjects for shareholder action. *See generally II L.Loss, Securities Regulation* 905–06 (1961); *Hearings on SEC Enforcement Problems Before a Subcom. of the Senate Comm. on Banking and Currency*, 85th Cong., 1st Sess., pt. 1, at 118 (1957) [hereinafter "Senate Hearings"].

Further areas of difficulty became apparent as experience was gained in administering the "proper subject" test, and these conflicts provided the Commission with opportunities to put a detailed gloss upon the general phraseology of its rules. Thus, in 1945 the Commission issued a release containing an opinion of the Director of the Division of Corporation Finance that was rendered in response to a management request to omit shareholder resolutions which bore little or no relationship to the company's affairs; for example, these shareholder resolutions included proposals "that the anti-trust laws and the enforcement thereof be revised," and "that all Federal legislation hereafter enacted providing for workers and farmers to be represented should be made to apply to investors."[22] The Commission's release endorsed the Director's conclusion that "proposals which deal with general political, social or economic matters are not, within the meaning of the rule, 'proper subjects for action by security holders.' "[23] The reason for this conclusion was summarized as follows in the Director's opinion:

"Speaking generally, it is the purpose of Rule X–14A–7 to place stockholders in a *position to bring before their fellow stockholders matters of concern to them as stockholders in such corporation;* that is, such matters relating to the affairs of the company concerned as are proper subjects for stockholders' action under the laws of the state under which it was organized. It was not the intent of Rule X–14A–7 to permit stockholders to obtain the consensus of other stockholders with respect to matters which are of a general political, social or economic nature. *Other forums exist for the presentation of such views.*"[24]

Several years after the Commission issued this release, it was confronted with the same kind of problem when the management of a national bus company sought to omit a shareholder proposal phrased as "A Recommendation that Management Consider the Advisability of Abolishing the Segregated Seating System in the South"—a proposal which, on its face, was ambiguous with respect to whether it was limited solely to company policy rather than attacking all segregated seating, and which quite likely would have brought the company into violation of state laws then assumed to be valid.[25] The Commission staff approved management's decision to omit the proposal, and the shareholder then sought a temporary injunction against the company's solicitation in a federal district court. The injuction was denied because the plaintiff had failed to exhaust his administrative remedies or to show that he would be irreparably harmed by refusal to grant the requested relief. *Peck v. Greyhound Corp.*, 97 F. Supp. 679 (S.D.N.Y. 1951). The Commission amended its rules the following year to encompass the above-quoted exception for situations in which "it clearly appears that the proposal is submitted by the security holder . . . primarily for the purpose of promoting general economic, political, racial, religious, social or similar causes." 17 Fed. Reg. 11,433 (1952); *see also id.* at 11, 431. So far as we have been able to determine, the Commission's interpretation or application of this rule has not been considered by the courts.

The origins and genesis of the exception for proposals "relating to the conduct of the ordinary business operations of the issuer" are somewhat more obscure. This provision was introduced into the proxy rules in 1954, as part of amendments which were made to clarify the general proposition that the primary source of authority for determining whether a proposal is a proper subject for shareholder action in state law. *See* 19 Fed. Reg. 246 (1954). Shortly after the rule was adopted, the Commission explained its purpose to Congress in the following terms:

"The policy motivating the Commission in adopting the rule . . . is basically the same as the underlying policy of most State corporation laws to confine the solution or ordinary business problems to the board of directors and place such problems beyond the competence and direction of the shareholders. The basic reason for this policy is that it is manifestly impracticable in most cases for stockholders to decide management problems at corporate meetings. . . .

"While rule X–14A–S does not require that the ordinary business operations be determined on the basis of State law, the premise of rule X–14A–S is that the propriety of . . . proposals for inclusion in the proxy statements is to be determined in general by the law of the State of incorporation. . . . Consistency with this premise requires that the phrase 'ordinary business operations' in rule X–14A–S have the meaning attributed to it under applicable State law. To hold otherwise would be to introduce into the rule the possibility of endless and narrow interpretations based on no ascertainable standards." (Senate Hearings at 118.)

It also appears that no administrative interpretation of this exception has yet been scrutinized by the courts.

These two exceptions are, on their face, consistent with the legislatve purpose underlying section 14; for it seems fair to infer that Congress desired to make proxy solicitations a vehicle for *corporate* democracy rather than an all-purpose forum for malcontented shareholders to vent their spleen about irrelevant matters,[26] and also realized that management cannot exercise its specialized talents effectively if corporate investors assert the power to dictate the minutiae of daily business decisions. However, it is also apparent that the two exceptions which these rules carve out of the general requirement of inclusion can be construed so as to permit the exclusion of practically any shareholder proposal on the grounds that it is either "too general" or "too specific." Indeed, in the present case Dow Chemical Company attempted to impale the Medical Committee's proposal on both horns of this dilemma: in its memorandum of counsel, it argued that the Medical Committee's proposal was a matter of ordinary business operations properly within the sphere of management expertise and, at the same time, that the proposal clearly had been submitted primarily for the purpose of promoting general political or social causes. (App. 9a–10a; *see also id.* at 19a). As noted above, the Division of Corporation Finance made no attempt to choose between these potentially conflicting arguments, but rather merely accepted Dow Chemical's decision to omit the proposal "[f]or reasons stated in [the company's] letter and the accompanying opinion of counsel, both dated January 17, 1969;[27] this determination was then adopted by the full Commission. Close examination of the company's arguments only increases doubt as to the reasoning processes which led the Commission to this result.

In contending that the Medical Committee's proposal was properly excludable under Rule 14a–8(c)(5), Dow's counsel asserted:

"It is my opinion that *the determination of the products which the company shall manufacture*, the customers to which it shall sell the products, and the conditions under which it shall make such sales are related to the conduct of the ordinary business operations of the Company and that any attempt to amend the Certificate of Incorporation to define the circumstances under which the management of the Company shall make such determinations is contrary to the concept of corporate management, which is inherent in the Delaware General Corporation Act under which the Company is organized.[28]

In the first place, it seems extremely dubious that this superficial analysis complies with the Commission's longstanding requirements that management must sustain the burden of proof when asserting that a shareholder proposal may properly be omitted from the proxy statement, and that "[w]here management contends that a proposal may be omitted because it is not proper under State law, it will be incumbent upon management to refer to the applicable statute or case law." 19 Fed. Reg. 246 (1954. As noted above, the Commission has formally represented to Congress that Rule 14a–8(c)(5) is intended to make state law the governing authority in determining what matters are ordinary business operations immune from shareholder control; yet, the Delaware General Corporation law provides that a company's Certificate of Incorporation may be amended to "change, substitute, enlarge or diminish the nature of [the company's] business."[29] If there are valid reasons why the Medical Committee's proposal does not fit within the language and spirit of this provision, they certainly do not appear in the record.

The possibility that the Medical Committee's proposal could properly be omitted under Rule 14a–8(c)(2) appears somewhat more substantial in the circumstances of the instant case, although once again it may fairly be asked how Dow Chemical's arguments on this point could be deemed a rational basis for such a result: the paragraph in the company's memorandum of counsel purporting to deal with this issue, which is set forth in the margin,[30] consists entirely of a fundamentally irrelevant recitation of some of the political protests which had been directed at the company because of its manufacture of napalm, followed by the abrupt conclusion that management is therefore entitled to exclude the Medical Committee's proposal from its proxy statement. Our own examination of the issue raises substantial questions as to whether an interpretation of Rule 14a–8(c)(2) which permitted omission of this proposal as one motivated primarily by *general* political or social concerns would conflict with its congressional intent underlying section 14(a) of the Act.

As our earlier discussion indicates, the clear import of the language, legislative history, and record of administration of section 14(a) is that its overriding purpose is to assure to corporate shareholders the ability to exercise their right—some would say their duty[31]—to control the important decisions which affect them in their capacity as stockholders and owners of the corporation. Thus, the Third Circuit has cogently summarized the philosophy of section 14(a) in the statement that "[a] corporation is run for the benefit of its stockholders and not for that of its managers." *SEC* v. *Transamerica Corp.*, 163 F. 2d 511, 517 (3d Cir. 1947), *cert. denied*, 332 U.S. 847 (1948).

Here, in contrast to the situations detailed above which led to the promulgation of Rule 14a–8(c)(2), the proposal relates solely to a matter that is completely within the accepted sphere of corporate activity and control. No reason has been advanced in the present proceedings which leads to the conclusion that management may properly place obstacles in the path of shareholders who

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wish to present to their co-owners, in accord with applicable state law, the question of whether they wish to have their assets used in a manner which they believe to be more socially responsible but possibly less profitable than that which is dictated by present company policy. Thus, even accepting Dow's characterization of the purpose and intent of the Medical Committee's proposal, there is a strong argument that permitting the company to exclude it would contravene the purpose of section 14(a).

However, the record in this case contains indications that we are confronted with quite a different situation. The management of Dow Chemical Company is repeatedly quoted in sources which include the company's own publications as proclaiming that the decision to continue manufacturing and marketing napalm was made not *because* of business considerations, but *in spite of* them; that management in essence decided to pursue a course of activity which generated little profit for the shareholders and actively impaired the company's public relations and recruitment activities because management considered this action morally and politically desirable. (App. 40a–43a; *see also id. at* 33.) The proper political and social role of modern corporations is, of course, a matter of philosophical argument extending far beyond the scope of our present concern; the substantive wisdom or propriety of particular corporate political decisions is also completely irrelevant to the resolution of the present controversy. What *is* of immediate concern, however, is the question of whether the corporate proxy rules can be employed as a shield to isolate such managerial decisions from shareholder control.[32] After all, it must be remembered that "[t]he control of great corporations by a very few persons was the abuse at which Congress struck in enacting Section 14(a)." *SEC* v. *Transamerica Corp., supra,* 163 F. 2d at 518.

We think that there is a clear and compelling distinction between management's legitimate need for freedom to apply its expertise in matters of day-to-day business judgment, and management's patently illegitimate claim of power to treat modern corporations with their vast resources as personal satrapies implementing personal political or moral predilections. It could scarcely be argued that management is more qualified or more entitled to make these kinds of decisions than the shareholders who are the true beneficial owners of the corporation; and it seems equally implausible than an application of the proxy rules which permitted such a result could be harmonized with the philosophy of corporate democracy which Congress embodied in section 14(a) of the Securities Exchange Act of 1934.

In light of these considerations, therefore, the cause must be remanded to the Commission so that it may reconsider petitioner's claim within the proper limits of its discretionary authority as set forth above, and so that "the basis for [its] decision [may] appear clearly on the record, not inconclusory terms but in sufficient detail to permit prompt and effective review."[33]

Remanded for further proceedings consistent with this opinion.

FOOTNOTES

[1] Napalm is described as follows in 15 Encyclopaedia Britannica 1170 (1968):

"[T]he aluminum soap of naphthenic and palmitic acids which, when mixed with gasoline, forms a sticky sirup used in chemical warfare.

"In World War I both Germany and the Allies used raw gasoline in flame throwers . . . but it burned too quickly to be fully effective. What was needed was a thickener that would slow down the rate of burning and increase the range of the weapon. Napalm did this, and it also greatly raised the temperature at which the fuel burned. Harvard University scientists, in cooperation with the U.S. army chemical warfare service, developed the substance in 1942."

[2] Memorandum in Support of Respondent's Motion to Dismiss Petition for Review at 5 n.2:

"This court may, alternatively, be without jurisdiction based upon the Medical Committee's failure to file its May 29 petition to review 'within sixty days after the entry of' the alleged order. . . . *We do not urge the point, however, since the Commission's staff did not advise the Medical Committee of the Commission's March 24 decision . . . until April 2. . . .*" [Emphasis added.]

[3] Lile v. SEC, 324 F.2d 772 (9th Cir. 1963), which seems mostly directly apposite to the facts of the instant case, was decided prior to the adoption of the present version of Rule 22(k). *See* 29 Fed. Reg. 3424 (1964). Moreover, the discussion of the timeliness problem in *Lile* appears to be dictum, since the case was decided on the ground of exhaustion of administrative remedies. However, to the extent that the discussion in *Lile* is useful to elucidate the present inquiry, it militates against the Commission's argument: the text of that opinion clearly reflects the court's concern that orders which assertedly had the effect of starting the running of the 60-day review period were not readily available for public inspection. *See* 324 F.2d at 773.

Mr. G. Davis & Co. v. Cohen, 256 F.Supp. 128 (S.D.N.Y.), *aff'd,* 369 F.2d 360 (2d Cir. 1966), which the Commission relies upon, is distinguishable in that it involved a different provision of the Rules of Practice which governed the issuance of orders initiating administrative proceedings and which did not include language comparable to that contained in Rule 22(k) relating to the parties' immediate right to inspect orders affecting them.

[4] For a discussion of an analogous problem of computation arising under the Federal Rules of Civil Procedure, *see* 4 C. Wright & A. Miller, Federal Practice and Procedure 632–42 (1969).

[5] Dicta in a few cases and remarks by some scholarly commentators tend to indicate that it has generally been assumed that proxy decisions like the present one are not reviewable by the courts. *See, e.g.,* Klastorin v. Roth, 353 F.2d, 183 n.2 2d Cir. (1965); Clusserath, *The Amended Stockholder Proposal Rule: A Decade Later,* 40 N.D. Lawyer 13, 17 (1964). However, we have found no holding that proxy decisions like the present one are unreviewable, and no adequate analysis of the myriad arguments bearing on the jurisdictional question.

[6] The absence of any indication in the legislative history that Congress intended to preclude review serves to distinguish the instant controversy from Schilling v. Rogers, 363 U.S. 666 (1960) which the Commission heavily relies upon, *See, e.g.,* 363 U.S. at 671:

"The only express provision in the Trading with the Enemy Act for recourse to the courts by those claiming the return of property vested during World War II is that contained in § 9(a). That section, however, is applicable only to persons not enemies or allies of enemies as defined in the relevant statutes, and hence is not available to this petitioner, an enemy national. . . .

"The question then is whether a right to such relief can fairly be implied. . . . The terms of § 32 and its legislative history speak strongly against any such implication."

Cf. Heikkila v. Barber, 345 U.S. 229, 233 (1953): "Each statute in question must be examined individually; its purpose and history as well as its text are to be considered in deciding whether the courts were intended to provide relief for those aggrieved by administrative action. Mere failure to provide for judicial intervention is not conclusive; neither is the presence of language which appears to bar it."

The *Schilling* case is further distinguishable because the administrative action therein issue was found to be wholly within the province of administrative discretion; *see* 363 U.S. at 674. As will be developed more fully below, we do not find the discretionary aspects of the Commission's action preclusive of review in the present controversy. Finally, it must be noted that the subject matter of the regulatory scheme in *Schilling* was permeated with overtones of foreign affairs and national defense policy—considerations which have always made the courts reluctant to review administrative action, and which obviously are totally lacking here. *See e.g.,* Curran v. Laird, —— U.S. App. D.C. ——, 420 F. 2d 122 (1969) (*en banc*).

[7] *See* part II C, *infra.* Schilling v. Rogers, 363 U.S. 666 (1960), which is discussed in the preceding footnote, clearly indicates that the issue of whether particular administrative action is rendered unreviewable by implication of a statute or by pragmatic concerns should be considered a different inquiry from the question of whether agency discretion precludes review.

[8] Frequently these considerations are analyzed under one or more of the related doctrines of ripeness, finality, and exhaustion of administrative remedies; however, it is not uncommon to find these factors treated under the more general rubric of reviewability.

[9] *See* Peck v. Greyhound Corp., 97 F. Supp. 679 (S.D.N.Y. 1951).

[10] 307 U.S. 125 (1939). *See generally* 4 K. Davis, Administrative Law Treatise 87–93 (1958).

[11] 17 C.F.R. § 202.1 (1970) provides:

"The statutes administered by the Commission provide generally (1) for the filing with it of certain statements, such as . . . proxy solicitation material . . .: (2) for Commission determination through formal procedures of matters initiated by private parties or by the Commission; (3) for investigation and examination of persons and records where necessary to carry out the purposes of the statutes. . . .

"(c) *The statutes and the published rules, regulations and forms thereunder prescribe the course and method of formal procedures to be followed in Commission proceedings.* These are supplemented where feasible by certain informal procedures designed to aid the public and facilitate the execution of the Commission's functions. . . .

"(d) The informal procedures of the Commission are largely concerned with the rendering of advice and assistance by the Commission's staff to members of the public dealing with the Commission." [Emphasis added.]

Informal negotiation also plays a large role in Commission hearings which are indubitably formal in nature; *see e.g.,* 17 C.F.R. § 202.4 (1970):

"(a) Applications, declarations, and other requests involving formal Commission action after opportunity for hearing are scrutinuized by the appropriate division for conformance with applicable statutory standards and Commission rules and generally the filing party is advised of deficiencies. . . .

"(b) After the staff has had an opportunity to study an application or declaration, interested persons may informally discuss the problems therein raised to the extent that time and the nature of the case permit. . . .

"(c) During the course of the hearings, the staff is generally available for informal discussions to reconcile bona fide divergent views not only between itself and other persons interested in the proceedings, but [also] among all interested persons; and, when circumstances permit, an attempt is made to narrow, if possible, the issues to be considered at the formal hearing."

[12] This contention was recently presented to the Commission in a proxy contest involv-

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ing the General Motors Corporation. *See* Cong. Rec. p. 7769 (daily ed., March 17, 1970):

It must be recognized that Management's proxy statement is the only effective vehicle through which all of the shareholders can have an opportunity to express themselves, and even to hear any arguments on the question involved. . . . [T]he cost [of conducting a competing solicitation] is virtually prohibitive except to extremely well heeled shareholders. . . . This is no ordinary dispute with Management; it is not an effort by insurgent shareholders to seize control of the corporation. If it were so, one could justify large expenditures because the individual rewards are great and because, if successful, the insurgents could obtain reimbursement of their expenses from the company. The issues here lack that personal pecuniary bias. Denial of access to the shareholders through management's proxy solicitation, practically speaking, is total denial."

[13] 4 K. Davis, Administrative Law Treatise 33 (1958). We note that Professor Davis espouses a more restrictive role of the court in reviewing the discretionary acts of administrative agencies than that which is urged by other scholarly commentators. *See, e.g.,* Berger, *Administrative Arbitrariness: A Synthesis,* 78 Yale L.J. 965 (1969), and authorities cited *id.* at 966 n.9.

[14] *But cf.* K. Davis, Discretionary Justice 225–26, 229 (1969):

"In the regulatory agencies, abuse of the power to prosecute or not to prosecute may be ten times as frequent as abuse of the power of formal adjudication and therefore may be ten times as damaging to justice. . . .

"The prosecuting power everywhere, whether exercised by police, by prosecutors, by regulatory agencies, or by other administrators, can and should be highly structured by both rules and precedents. . . .

"The American assumption that prosecutors' discretion should not be judicially reviewable developed when executive functions were generally unreviewable. The assumption is in need of reexamination in light of the twentieth-century discovery that courts can review executive action to protect against abuses while at the same time avoiding judicial assumtpion of the executive power."

[15] Clusserath, *The Amended Stockholder Proposal Rule: A Decade Later,* 40 N.D. Lawyer 13 (1964).

[16] *See id.* at 43.

[17] *Cf.* J. I. Case Co. v. Borak, 377 U.S. 426, 432 (1964):

"The Commission advises that it examines over 2,000 proxy statements annually and each of them must necessarily be expedited. Time does not permit an independent examination of the facts set out in the proxy material and this results in the Commission's acceptance of the representations contained therein at their face value, unless contrary to other material on file with it."

[18] *Cf.* Environmental Defense Fund, Inc. v. Hardin, *supra,* slip. op at 10; Goldman, *Administrative Delay and Judicial Relief,* 66 Mich. L. Rev. 1423, 1426–31 (1968).

[19] Were we to compel the Commission either to entertain administrative review of a staff decision in the first instance, or to undertake particular enforcement activity upon remand, our decision might well conflict with the precedents which the Commission has cited involving petitioners' attempts to have courts order the Commission to initiate investigations pursuant to different sections of the Act. *See* Dyer v. SEC, 291 F.2d 774 (8th Cir. 1961); Leighton v. SEC, 95 U.S.App.D.C. 217, 221 F.2d 91, *cert. denied,* 350 U.S. 825 (1955). We note, however, that other circuits in dealing with action by other agencies have occasionally circumscribed administrative discretion to undertake investigatory activities. *See e.g.,* Trailways of New England Inc. v. CAB, 412 F.2d 926, 931–33 (1st Cir. 1969).

[20] *Cf.* Goodman v. United States, No. 22,521 (D.C. Cir. Jan. 30, 1970) (slip op. at 9): "Words like 'chaos' and 'impossible situation' fall readily from bureaucratic lips when confronted with the prospect of doing something not absolutely required by the book." *See also* Scanwell Laboratories, Inc. v. Thomas, No. 22,863 (D.C. Cir. Feb. 13, 1970) (slip op. at 25–26).

[21] Jaffe, *The Individual Right to Initiate Administrative Process,* 25 Iowa L. Rev. 485 (1940).

[22] Securities Exchange Act Release No. 3638 (Jan. 3, 1945), Brief for Petitioner at Addendum p. 2–3.

[23] *Id.* at Addendum p. 2.

[24] *Id.* at Addendum p. 3 (emphasis added).

[25] *See* Emerson & Latcham, *The SEC Proxy Proposal Rule: The Corporate Gadfly,* 19 U. Chi. L. Rev. 807, 833 (1952); Cong. Rec. p. 7771 (daily ed. March 17, 1970).

[26] *See, e.g.,* the following colloquy, which appears in House Hearings at 162–63:

"Mr. Boren. So one man, if he owned one share in A.T. & T. . . . and another share in R.C.A. . . . if he decided deliberately . . . to become a professional stockholder in each one of the companies—he could have a hundred-word propaganda statement prepared and he could put it in every one of these proxy statements. Suppose he were a Communist.

"Commissioner Purcell. That is possible. We have never seen such a case.

"Mr. Boren. Suppose a man were a Communist and he wanted to send to all of the stockholders of all of these firms, a philosophic statement of 100 words in length, or a propaganda statement. . . . He could by the mere device of buying one share of stock . . . have available to him the mailing list of all the stockholders in the Radio Corporation of America. . . .

"Commissioner Purcell. Of course, we have never seen such a case; and if such a case came before us, then we would have to deal with it and make such appropriate changes as might seem necessary."

[27] App. 20a. The letter referred to by the Division merely contains a citation to the proxy rules and a reference to the opinion of counsel (see App. 12a); thus, for present purposes the only relevant argument is that contained in the memorandum of counsel.

[28] App. 9a (emphasis added). The remainder of the company's argument under Rule 14a–8(c)(5) reads as follows, in its entirety:

"Moreover, there is considerable doubt as to the efficacy of the proposed limitation in the context of the ability of the Government of the United States to issue a directive that the Company manufacture napalm. Therefore, the proposed limitation could conceivably be contrary to the requirements of the Defense Production Act of 1950." (App. 9a–10a.)

In response to this contention, the Medical Committee pointed out that "any such amendment would, of course, be subject to the requirements of the 'Defense Production Act of 1950' as are the corporate charters and management decisions of all United States Corporations." (App. 16a.) No rebuttal by Dow was forthcoming.

[29] Chapter 1, Title 8 Delaware Code §§ 242 (a)(2), 242(d) (19—). *Cf.* II L. Loss, Securities Regulation 906 (1961): "Inevitably the Commission, while purporting to find and apply a generally nonexistent state law, has been building up a 'common law' of its own as to what constitutes a 'proper subject' for shareholder action. It is a 'common law' which undoubtedly would yield, as it should, to a contrary decision of the particular state court."

[30] App. 10a:

"It is a well-known fact that the Company has been the target of protests and demonstrations for the past few years at its office and plant locations, and on the occasion of recruiting on college and university campuses, as well as at its annual meeting of stockholders held May 8, 1968. The various protests and demonstrations are a reflection of opposition on the part of certain segments of the population against the policy of the United States Government in waging the war in Viet Nam. Although the Dow Chemical Company was not among the 100 largest prime contractors with the Department of Defense during the 1967–68 Government fiscal year and was only 75th on the list in the 1966–67 fiscal year, it appears to have been singled out symbolically by the protesters. Under all of these circumstances it is my opinion that it clearly appears that the proposal is primarily for the purpose of promoting a general political, social or similar cause."

[31] *See* Bayne, *The Basic Rationale of Proper Subject,* 34 U. Det. L.J. 575, 579 (1957):

"In so far as the shareholder has contributed an asset of value to the corporate venture, in so far as he has handed over his goods and property and money for use and increase, he has not only the clear right, but more to the point, perhaps, he has the stringent duty to exercise control over that asset for which he must keep care, guard, guide, and in general be held seriously responsible. . . .

"As much as one may surrender the immediate disposition of [his] goods, he can never shirk a supervisory and secondary duty (not just a right) to make sure these goods are used justly, morally and beneficially.

[32] *Cf.* Note, *Corporate Political Affairs Programs,* 70 Yale L.J. 821, 846–47 (1961).

[33] Environmental Defense Fund, Inc. v. Hardin, No. 23,813 (D.C. Cir. May 28, 1970) (slip op. at 11).

[From the Washington (D.C.) Post,
Dec. 25, 1970]

U.S. Appeals Ruling in Dow Proxy Case

(By John P. MacKenzie)

Last July, government regulators were told to explain why they declined to move against the Dow Chemical Co. for refusing to let shareholders vote on the manufacture of napalm.

Yesterday, the Justice Department asked the Supreme Court to overturn the ruling.

Joining with the Securities and Exchange Commission, Solicitor General Erwin N. Griswold said the government can't enforce "corporate democracy" principles in proxy fights if the courts keep saddling the Securities and Exchange Commission with new formal duties.

In the dispute between Dow management and stockholders belonging to the antiwar Medical Committee on Human Rights, the SEC is required to provide a written decision, supported by reasons and subject to court scrutiny, explaining the commissions inaction after Dow offered a shareholder report that excluded the Medical Committee's bid for a vote.

Dow contended last spring that the proposal was a political propaganda move that invaded time-honored management prerogatives. The SEC, without explanation, rejected the Medical Committee arguments but the court of appeals ordered the agency to spell out its reasons.

The Supreme Court is not obliged to review the case but Griswold said the justices should set the guidelines for disputes over the contents of proxy statements submitted to shareholders. No high court action—either rejecting the government petition or setting the case down for full argument is expected before February.

The court of appeals decision was part of a judicial trend of making courts and regulatory agencies more accessible to citizens questioning official policy in government or private enterprise.

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It was written by Circuit Judge Edward A. Tamm, usually rated a conservative jurist, with Judges Carl McGowan and Spottswood W. Robinson III concurring.

Judge Tamm said the SEC's murky nondecision left him uncertain whether the regulators considered the napalm issue beyond the concern of stockholders, either as an ethical or a business proposition. Then he added:

"We think there is a clear and compelling distinction between management's legitimate need of freedom to apply its expertise in matters of day-to-day business judgment, and management's patently illegitimate claim of power to treat modern corporations with their vast resources as personal satrapies implementing personal political or moral predilections."

Last spring General Motors reluctantly yielded to an SEC opinion, which the commission could not have enforced without going to court, that environmental issues offered by Ralph Nader's "Campaign GM" be placed on the corporation's ballot for voting at the annual meeting. The campaign issues were voted down overwhelmingly.

In his petition, Griswold said an SEC decision not to take a corporation to court over its proxy statement is not the kind of action the circuit court should review.

Noting that the SEC must look at 5,300 proxy statements a year and decide quickly whether they are lawful, Griswold said a burdensome court ruling might compel the agency to "eliminate security holder participation" from the review process altogether.

The 53 Colleges and Universities Whose Common Stock Holdings in Energy Corporations Are Tabulated Below

Bowdoin College.
Brown University.
California Institute of Technology.
University of California.
Catholic University.
Claremont University Center.
Clark University.
University of Colorado.
Columbia University.
Cornell University.
Dartmouth College.
Duke University.
Emory University.
Harvard College.
University of Illinois.
Indiana University.
University of Iowa.
Iowa State University.
University of Kansas.
Lehigh University.
Macalester College.
Massachusetts Institute of Technology.
University of Maryland.
Michigan University.
University of Minnesota.
University of Montana.
Mount Holyoke.
University of North Carolina.
Northwestern University.
Notre Dame University.
Oberlin College.
Oregon University.
University of Pennsylvania.
University of Pittsburgh.
Pomona College.
Princeton Univeristy.
Purdue University.
Rensselaer University.
Rochester Institute of Technology.
Rockefeller University.
Rutgers University.
Smith College.
Swarthmore College.
Syracuse University.
University of Texas.
Tulane University.
Vanderbilt University.
Vassar College.
University of Virginia.
Case Western Reserve University.
Western Reserve University.
Williams College.
University of Wisconsin.
Yale University.

Electric Utilities

ALLEGHENY POWER SYSTEM

A. Shares of common stock voted at last annual meeting, 20,792,362.

B. Total held by universities listed below, 127,957.

C. Market value per share of common stock,[1] $22.88.

D. Total market value of stock held by universities listed,[1] $2,927,656.16.

Name of School, date of report, number of shares

Bowdoin College, July 21, 1970, 13,407.

Calif. Institute of Technology, December 31, 1969, 8,700.

University of Colorado, March 31, 1970, 3,500.

University of Iowa, June 30, 1970, 580.

Macalester College, May 19,1970, 10,000.

University of Oregon, June 30, 1969, 320.

University of Pennsylvania, June 30, 1970, 40,000.

Pomona College, June 30, 1970, 3,898.

Pomona College (Future Projects Fund), June 30, 1970, 11,000.

Purdue University, June 30, 1970, 64.

University of Virginia, June 30, 1969, 11,488.

Case Western Reserve Univ.[2], June 30, 1970, 25,000.

AMERICAN ELECTRIC POWER CO.

A. Shares of common stock voted at last annual meeting, 50,000,000.

B. Total held by universities listed below, 347,686.

C. Market value per share of common stock,[1] $28.75.

D. Total market value of stock held by universities listed,[1] $9,995,972.50.

Name of school, date of report, number of shares [1]

Catholic University,[3] May 27, 1970, 18,290.

Clark University, June 30, 1970, 5,000.

Columbia University, March 31, 1969, 22,733.

Cornell University,[3] March 31, 1970, 28,853.

Harvard College, June 30, 1970, 76,510.

University of Kansas, April 30, 1970, 422.

Massachusetts Institute of Technology (MIT), September, 1969, 24,030.

University of Montana, December 31, 1969, 926.

University of North Carolina, May 29, 1970, 4,012.

Princeton University, June 30, 1969, 66,627.

Rensselaer Polytechnic Inst., June 30, 1970, 3,000.

Rochester Institute of Technology, June 30, 1970, 8,000.

Rutgers University, June 30, 1969, 6,829.

University of Texas,[3] August 31, 1969, 62,875.

University of Virginia,[3] June 30, 1969, 7,730.

Case Western Reserve University,[2] June 30, 1970, 4,100.

Williams College, June 30, 1969, 2,001.

University of Wisconsin, June 30, 1969, 5,748.

ARIZONA PUBLIC SERVICE CO.

A. Shares of common stock voted at last annual meeting, 9,874,199.

B. Total held by universities listed below, 1,370.

C. Market value per share of common stock:[1], $23.00.

D. Total market value of stock held by universities listed:[1], $31,510.00.

Name of school, date of report, number of shares [1]

Cornell University, March 31, 1970, 800.

University of Kansas, April 30, 1970, 250.

University of Oregon, June 30, 1969, 320.

ARKANSAS-MISSOURI POWER CO.

A. Shares of common stock voted at last annual meeting, 1,921,627.

B. Total held by universities listed below: 50,000.

C. Market value per share of common stock:[1], $12.75.

D. Total market value of stock held by universities listed:[1] $637,500.00.

Harvard, June 30, 1970, 50,000.

ATLANTIC CITY ELECTRIC

A. Shares of common stock voted at last annual meeting, 6,920,000.

B. Total held by universities listed below, 40,593.

C. Market value per share of common stock,[1] $22.60.

D. Total market value of stock held by universities listed,[1] $917,401.80.

Name of school, date of report, number of shares

Princeton University, June 30, 1969, 40,580.

Purdue University, June 30, 1970, 13.

BALTIMORE GAS & ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 12,769,692.

B. Total held by universities listed below, 181,009.

C. Market value per share of common stock,[1] $30.25.

D. Total market value of stock held by universities listed,[1] $5,465,522.25.

Name of school, date of report, number of shares

Cal. Tech., December 31, 1969, 25,000.

University of California,[3] June 30, 1969, 63,014.

Duke University,[3] May 31, 1970, 8,000.

Emory University, May 29, 1970, 10,168.

Rutgers University, June 30, 1969, 10,623.

Syracuse University, April 30, 1970, 2,500.

University of Texas, August 31, 1969, 61,050.

University of Virginia, June 30, 1969, 654.

BOSTON EDISON CO.

A. Shares of common stock voted at last annual meeting, ———

B. Total held by universities listed below, 35,038.

C. Market value per share of common stock,[1] $37.00.

D. Total market value of stock held by universities listed,[1] $1,465,522.25.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 34,488.

University of Michigan, June 30, 1970, 550.

CAROLINA POWER AND LIGHT CO.

A. Shares of common stock voted at last annual meeting, 13,250,230.

B. Total held by universities listed below, 317,264.

C. Market value per share of common stock,[1] $26.25.

D. Total market value of stock held by universities listed,[1] $8,328,180.00.

Name of school, date of report, number of shares

Columbia University, March 31, 1969, 12,610.

Cornell University, March 31, 1970, 50,000.

Duke University, May 31, 1970, 3,000.

Emory University, May 29, 1970, 6,770.

Harvard College, June 30, 1970, 88,338.

University of Michigan, June 30, 1970, 12,400.

Univ. of Mich. (Retirement Fund, June 30, 1970, 10,800.

University of North Carolina, May 29, 1970, 22,116.

University of Pittsburgh, June 30, 1970, 1,600.

Princeton University, June 30, 1969, 40,464.

University of Texas,[3] August 31, 1969, 41,600.

Footnotes at end of article.

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Vanderbilt University, June 30, 1969, 13,566.

University of Virginia, June 30, 1969, 1,400.

Williams College, June 30, 1969, 12,600.

CENTRAL HUDSON GAS AND ELECTRIC CORP.

A. Shares of common stocks voted at last annual meeting, 2,777,421.

B. Total held by universities listed below, 10,900.

C. Market value per share of common stock,[1] $21.75.

D. Total market value of stock held by universities listed,[1] $237,070.00.

Name of school, date of report, number of shares

Clark University, June 30, 1970, 3,000.
Vassar College, June 30, 1970, 7,900.

CENTRAL ILLINOIS LIGHT CO.

A. Shares of common stock voted at last annual meeting, 5,336,818.

B. Total held by universities listed below: 23,200.

C. Market value per share of common stock: [1] $26.00.

D. Total market value of stock held by universities listed: [1] $603,200.

Name of school, date of report, number of shares

University of Iowa, June 30, 1970, 200.
Rutgers University, June 30, 1969, 10,000.
Swarthmore College, June 30, 1969, 13,000.

CENTRAL ILLINOIS PUBLIC SERVICE

A. Shares of common stock voted at last annual meeting, 9,075,197.

B. Total held by universities listed below: 19,592.

C. Market value per share of common stock:[1] $20.00.

D. Total market value of stock held by universities listed:[1] $791,840.

Name of school, date of report, number of shares

Columbia University, March 31, 1969, 7,020.
Cornell University, March 31, 1970, 600.
University of Illinois, May 31, 1970, 1,000.
Northwestern University, May 31, 1970, 27,116.
Pomona College (future projects fund), June 30, 1970, 3,700.
University of Texas, August 31, 1969, 156.

CENTRAL LOUISIANA ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 6,529,882.

B. Total held by universities listed below: 164,320.

C. Market value per share of common stock,[1] $23.25.

D. Total market value of stock held by universities listed,[1] $3,820,440.00.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 151,320.
Tulane University, June 30, 1970, 13,000.

CENTRAL MAINE POWER CO.

A. Shares of common stock voted at last annual meeting, 547,895.6.

B. Total held by universities listed below: 19,622.

C. Market value per share of common stock,[1] $17.85.

D. Total market value of stock held by universities listed,[1] $350,252.70.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 19,622.

CENTRAL AND SOUTHWEST CORP.

A. Shares of common stock voted at last annual meeting, 21,351,598.

B. Total held by universities listed below: 199,857.

C. Market value per share of common stock,[1] $47.60.

D. Total market value of stock held by universities listed,[1] $9,513,193.20.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 3,500.
Catholic University [3], May 27, 1970, 3,600.
Columbia University, March 31, 1969, 8,783.
Cornell University [3], March 31, 1970, 776.
Emory University, May 29, 1970, 8,000.
University of Illinois, May 31, 1970, 1,400.
Univ. of Ill. Foundation, May 31, 1970, 400.
University of Kansas, March 31, 1970, 1,138.
University of Michigan (End.), June 31, 1970, 9,970.
University of North Carolina, May 29, 1970, 2,300.
Northwestern University, May 31, 1970, 17,805.
University of Oregon, June 30, 1969, 200.
Pomona College (Future Projects Fund), June 30, 1970, 8,000.
Princeton University, June 30, 1969, 40,676.
Swarthmore College, June 30, 1969, 8,000.
University of Texas [3], August 31, 1969, 58,000.
Vanderbilt University, June 30, 1969, 12,700.
Williams College, June 30, 1969, 9,609.
University of Wisconsin, June 30, 1969, 5,000.

CENTRAL VERMONT PUBLIC SERVICE

A. Shares of common stock voted at last annual meeting, 1,562,868.

B. Total held by universities listed below, 7,400.

C. Market value per share of common stock,[1] $17.25.

D. Total market value of stock held by universities listed,[1] $127,642.00.

Name of school, date of report, number of shares

Syracuse University, April 30, 1970, 7,400.

CINCINNATI GAS AND ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 15,501,846.

B. Total held by universities listed below, 376,063.

C. Market value per share of common stock,[1] $27.55.

D. Total market value of stock held by universities listed,[1] $10,473,354.55.

Name of school, date of report, number of shares

University of California,[3] June 30, 1969, 125,790.
Columbia University, March 31, 1970, 2,200.
Cornell,[3] March 31, 1970, 1,410.
Duke University,[3] May 31, 1970, 24,600.
Harvard College, June 30, 1970, 116,230.
University of Iowa, June 30, 1970, 592.
Lehigh University, June 30, 1970, 10,000.
University of Michigan (End.), June 30, 1970, 912.
Northwestern University, May 31, 1970, 28,961.
Oberlin College, June 30, 1969, 22,522.
University of Pennsylvania, June 30, 1970, 26,000.
Vanderbilt University, June 30, 1969, 16,546.
University of Virginia, June 30, 1969, 300.

CLEVELAND ELECTRIC ILLUMINATING CO.

A. Shares of common stock voted at last annual meeting, 13,486,399.

B. Total held by universities listed below, 130,950.

C. Market value per share of common stock,[1] $39.00.

D. Total market value of stock held by universities listed,[1] $5,107,050.

Name of school, date of report, number of shares

University of California,[3] June 30, 1969, 65,140.
Dartmouth College, March 31, 1970, 100.
University of North Carolina, May 29, 1970, 500.
Northwestern University, May 31, 1970, 21,346.
Case Western Reserve University,[2] June 30, 1970, 7,420.
Western Reserve University, June 30, 1970, 21,944.
Williams College, June 30, 1969, 14,500.

COLORADO INTERSTATE CORP.

A. Shares of common stock voted at last annual meeting, 3,463,011.

B. Total held by universities listed below, 62,880.

C. Market value per share of common stock,[1] $32.75.

D. Total market value of stock held by universities listed,[1] $2,059,582.

Name of school, date of report, number of shares

University of California, June 30, 1969, 17,880.
Cal Tech, December 31, 1969, 20,000.
Cornell University, March 31, 1969, 25,000.

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 5,600,000.

B. Total held by universities listed below, 62,473.

C. Market value per share of common stock.[1] $28.00.

D. Total market value of stock held by universities listed,[1] $1,749,224.00.

Name of school, date of report, number of shares

Claremont University Center, June 30, 1969, 5,000.
Harvard College, June 30, 1970, 23,773.
University of Kansas, March 31, 1970, 200.
Massachusetts Institute of Technology. September, 1969, 18,000.
Northwestern University, May 31, 1970, 10,500.
Case Western Reserve Univ.,[2] June 30, 1970, 5,000.

COMMONWEALTH EDISON CO.

A. Shares of common stock voted at last annual meeting, 46,487,874.

B. Total held by universities listed below, 362,105.

C. Market value per share of common stock.[1] $36.60.

D. Total market value of stock held by universities listed,[1] $13,253,043.00.

Name of school, date of report, number of shares

University of California.[3] June 30, 1969, 87,902.
Calif. Institute of Technology, December 31, 1969, 39.
Harvard College, June 30, 1970, 63,984.
University of Illinois,[3] May 31, 1970, 3,979.
Univ. of Ill. Foundation,[3] May 31, 1970, 1,204.
University of Iowa,[3] June 30, 1970, 2,945.
University of Kansas, June 30, 1970, 264.
Mass. Institute of Technology, September, 1969, 16,534.
University of Michigan (End.), June 30, 1970, 4,093.
University of Montana,[3] December 31, 1969, 159.
University of North Carolina, May 29, 1970, 731.
Northwestern University, May 31, 1970, 68,014.
University of Oregon, June 30, 1969, 344.
Pomona College, June 30, 1970, 8,359.
Rochester Institute of Technology, June 30, 1970, 7,500.
Rutgers University, June 30, 1969, 11,314.
University of Texas,[3] August 31, 1969, 62,370.
University of Virginia,[3] June 30, 1969, 8,057.
Williams College, June 30, 1969, 8,201.
University of Wisconsin, June 30, 1969, 6,112.

CONSOLIDATED EDISON OF NEW YORK

A. Shares of common stock voted at last annual meeting, 41,077,093.

Footnotes at end of article.

XUM

B. Total held by universities listed below, 1,547.

C. Market value per share of common stock,[1] $24.75.

D. Total market value of stock held by universities listed,[1] $38,288.25.

Name of school, date of report, number of shares

Cornell University,[3] March 31, 1970, 670.
University of Kansas, March 31, 1970, 53.
University of Michigan (End.), June 30, 1970, 500.
Northwestern University, May 31, 1970, 324.

CONSUMERS POWER CO.

A. Shares of common stock voted at last annual meeting, 23,560,238.

B. Total held by universities listed below, 256,849.

C. Market value per share of common stock,[1] $34.25.

D. Total market value of stock held by universities listed,[1] $8,797,078.25.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 4,708.
Clark University, June 30, 1970, 2,372.
Columbia University, March 31, 1969, 34,787.
Harvard College, June 30, 1970, 159,609.
University of Iowa, June 30, 1970, 366.
University of Kansas, March 31, 1970, 217.
University of Michigan (End.), June 30, 1970, 12,644.
Univ. of Mich. (Retirement), June 30, 1970, 9,941.
University of North Carolina, May 29, 1970, 524.
Syracuse University, April 30, 1970, 691.
University of Texas,[3] August 31, 1969, 30,990.

DAYTON POWER AND LIGHT

A. Shares of common stock voted at last annual meeting, 8,189,502.

B. Total held by universities listed below, 47,200.

C. Market value per share of common stock,[1] $24.50.

D. Total market value of stock held by universities listed,[1] $1,156,400.00.

Name of school, date of report, number of shares

Mass. Institute of Technology, September 1969, 15,000.
Northwestern University, May 31, 1970, 17,700.
Rutgers University, June 30, 1969, 13,500.
University of Virginia, June 30, 1969, 1,000.

DELMARVA POWER AND LIGHT CO.

A. Shares of common stock voted at last annual meeting, 420,000.

B. Total held by universities listed below, 25,400.

C. Market value per share of common stock,[1] $18.00.

D. Total market value of stock held by universities listed,[1] $457,200.

Name of school, date of report, number of shares

Lehigh University, June 30, 1970, 5,800.
Vanderbilt University, June 30, 1969, 19,600.

DETROIT EDISON CO.

A. Shares of common stock voted at last annual meeting, 28,853,711.

B. Total held by universities listed below: 89,090.

C. Market value per share of common stock,[1] $20.20.

D. Total market value of stock held by universities listed,[1] $1,804,072.50.

Name of school, date of report, number of shares

Cornell University,[3] March 31, 1970, 1,270.
Harvard College, June 30, 1970, 32,632.
University of Kansas, March 31, 1970, 150.
University of Michigan (End.), June 30, 1970, 8,920.
Pomona College, June 30, 1970, 4,618.
University of Texas,[3] August 31, 1969, 41,500.

DUKE POWER CORP.

A. Shares of common stock voted at last annual meeting, 23,230,139.

B. Total held by universities listed below, 169,958.

C. Market value per share of common stock,[1] $24.60.

D. Total market value of stock held by universities listed,[1] $4,180,966.80.

Name of school, date of report, number of shares

Duke University,[3] May 31, 1970, 155,000.
University of North Carolina, May 29, 1970, 14,958.

DUQUESNE LIGHT CO.

A. Shares of common stock voted at last annual meeting, 10,436,855.

B. Total held by universities listed below, 11,100.

D. Market value per share of common stock,[1] $23.

E. Total market value of stock held by universities listed,[1] $255,300.

Name of school, date of report, number of shares

Rutgers University, June 30, 1969, 8,000.
Vassar College, June 30, 1969, 3,100.

FLORIDA POWER CORPORATION

A. Shares of common stock voted at last annual meeting, 9,602,610.

B. Total held by universities listed below: 203,460.

C. Market value per share of common stock,[1] $53.00.

D. Total market value of stock held by universities listed,[1] $10,783,380.00.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 137,769.
University of Iowa, June 30, 1970, 300.
University of Michigan (End.) June 30, 1970, 7,505.
Univ. of Mich. (Retirement), June 30, 1970, 5,580.
Pomona College (Future Projects Fund), June 30, 1970, 5,000.
Princeton University, June 30, 1969, 35,081.
University of Virginia,[3] June 30, 1969, 7,225.
Williams College, June 30, 1969, 5,000.

FLORIDA POWER AND LIGHT CO.

A. Shares of common stock voted at last annual meeting, 13,900,000.

B. Total held by universities listed below, 217,279.

C. Market value per share of common stock,[1] $72.25.

D. Total market value of stock held by universities listed,[1] $15,698,307.75.

Name of school, date of report, number of shares

Clark University, June 30, 1970, 1,500.
Columbia University, March 31, 1969, 3,500.
Cornell University, March 31, 1970, 152.
Emory University, May 29, 1970, 3,600.
Harvard College, June 30, 1970, 105,209.
University of Illinois, May 31, 1970, 700.
Macalester College, May 29, 1970, 4,500.
University of Minnesota, June 30, 1970, 3,600.
University of Montana,[3] December 31, 1969, 130.
University of North Carolina, May 29, 1970, 2,768.
Northwestern University, May 31, 1970, 120.
University of Pittsburgh, June 30, 1970, 2,600.
Princeton University, June 30, 1969, 20,000.
Rensselaer Polytechnic Inst., June 30, 1970, 2,000.
Rockefeller University, June 30, 1970, 16,000.
Rutgers University, June 30, 1969, 1,000.
Smith College, June 30, 1970, 10,000.
University of Texas,[3] August 31, 1969, 39,900.

FLORIDA PUBLIC UTILITIES

A. Shares of common stock voted at last annual meeting, 12,525,053.

B. Total held by universities listed below: 61.

C. Market value per share of common stock,[1] $22.

D. Total market value of stock held by universities listed,[1] $1,342.

Name of school, date of report, number of shares

University of Kansas, March 31, 1970, 61.

GENERAL PUBLIC UTILITIES

A. Shares of common stock voted at last annual meeting, 27,402,729.

B. Total held by universities listed below, 338,090.

C. Market value per share of common stock,[1] $21.50.

D. Total market value of stock held by universities listed,[1] $7,268,935.

Name of school, date of report, number of shares

Calif. Institute of Technology, December 31, 1969, 84,930.
Clark University, June 30, 1970, 3,120.
University of Colorado, March 31, 1970, 3,441.
Cornell University,[3] March 31, 1970, 176.
Harvard University, June 30, 1970, 117,375.
Lehigh University, June 30, 1970, 17,199.
University of Montana,[3] December 31, 1969, 320.
Northwestern University, May 31, 1970, 22.
Oberlin College, June 30, 1969, 18,620.
University of Pennsylvania, June 30, 1970, 65,678.
Pomona College, June 30, 1970, 5,572.
University of Virginia, June 30, 1969, 1,272.
Case Western Reserve Univ.,[2] June 30, 1970, 11,700.
University of Wisconsin, June 30, 1969, 7,665.

GULF STATES UTILITIES

A. Shares of common stock voted at last annual meeting, 22,147,328.

B. Total held by universities listed below: 436,085.

C. Market value per share of common stock:[1] $23.85.

D. Total market value of stock held by universities listed,[4] $10,400,627.75.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 9,600.
University of California, June 30, 1969, 53,350.
Clark University, June 30, 1970, 4,000.
Cornell University,[3] March 31, 1970, 51,250.
University of Illinois, May 31, 1970, 3,000.
Lehigh University, June 30, 1970, 10,000.
University of Michigan (End.), June 30, 1970, 18,200.
University of North Carolina, May 29, 1970, 7,365.
Northwestern University, May 31, 1970, 13,400.
Oberlin College, June 30, 1969, 12,160.
University of Pittsburgh, June 30, 1970, 500.
Pomona College, June 30, 1970, 8,460.
Ponoma College (Future Projects Fund), June 30, 1970, 13,300.
Princeton University, June 30, 1969, 60,000.
Rutgers University, June 30, 1970, 18,000.
Smith College, June 30, 1970, 15,000.
University of Texas,[3] August 31, 1969, 99,000.
Vanderbilt University, June 30, 1969, 38,000.
University of Virginia, June 30, 1969, 1,500.

HOUSTON LIGHTNING AND POWER CO.

A. Shares of common stock voted at last annual meeting, 17,937,980.

Footnotes at end of article.

B. Total held by universities listed below: 144,246.

C. Market value per share of common stock,[1] $45.12.

D. Total market value of stock held by universities listed,[1] $6,508,379.52.

Name of school, date of report, number of shares

University of California, June 30, 1969, 13,933.

Cornell University, March 31, 1970 1003.

Harvard College June 30, 1970, 40,807.

University of Illinois [3] May 31, 1970, 3,651.

Macalester College, May 29, 1970, 6,854.

University of Michigan (End.), June 30, 1970, 8,727.

Univ. of Mich. (Retirement), June 30, 1970, 5,200.

University of Montana, December 31, 1969, 100.

Northwestern University, May 31, 1970, 236.

University of Oregon, June 30, 1969, 700.

Swarthmore College June 30, 1969, 7,735.

University of Texas,[3] August 31, 1969, 55,300.

IDAHO POWER

A. Shares of common stock voted at last annual meeting, 9,031,736.

B. Total held by universities listed below: 94,890.

C. Market value per share of common stock: [1] $33.75.

D. Total market value of stock held by universities listed,[1] $3,202,537.50.

Name of school, date of report, Number of shares

Cornell University,[3] March 31, 1970, 990.

Harvard College, June 30, 1970, 70,400.

Indiana University, August, 1970, 400.

Northwestern University, May 31, 1970, 15,200.

University of Notre Dame, June 30, 1970, 7,900.

ILLINOIS POWER CO.

A. Shares of common stock voted at last annual meeting, 14,320,000.

B. Total held by universities listed below: 294,044.

C. Market value per share of common stock:[1] $39.75.

D. Total market value of stock held by universities listed,[1] $11,688,249.00.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 3,620.

University of California,[3] June 30, 1969, 69,800.

Claremont University Center, June 30, 1969, 2,140.

Harvard College, June 30, 1970, 109,762.

University of Illinois, May 31, 1970, 2,850.

University of Iowa, June 30, 1970, 475.

Massachusetts Institute of Technology, September 1969, 18,685.

University of Michigan (End.), June 30, 1970, 13,175.

University of Michigan (Retirement), June 30, 1970, 9,400.

University of Oregon, June 30, 1969, 600.

University of Oregon (Development Fund), June 30, 1970, 200.

Princeton University, June 30, 1969, 30,237.

Rutgers University, June 30, 1969, 8,000.

Tulane University, June 30, 1970, 8,000.

Vanderbilt University, June 30, 1969, 17,100.

INDIANAPOLIS POWER & LIGHT CO.

A. Shares of common stock voted at last annual meeting, 7,616,333.

B. Total held by universities listed below, 152,202.

C. Market value per share of common stock,[1] $26.75.

D. Total market value of stock held by universities listed,[1] $4,071,403.50.

Name of school, date of report, number of shares

University of California,[3] June 30, 1969, 68,416.

Harvard College, June 30, 1970, 68,232.

Indiana University, August 1970, 2,654.

Vanderbilt University, June 30, 1969, 12,900.

INTERNATIONAL UTILITIES CORP.

A. Shares of common stock voted at last annual meeting. Not available.

B. Total held by universities listed below: 72,908.

C. Market value per share of common stock: [1] $35.

D. Total market value of stock held by universities listed,[1] $2,551,780.00.

Name of school, date of report, number of shares

University of Pennsylvania, June 30, 1970, 72,908.

IOWA ELECTRIC LIGHT AND POWER

A. Shares of common stock voted at last annual meeting, 3,526,740.

B. Total held by universities listed below, 188.

C. Market value per share of common stock,[1] $20.36.

D. Total market value of stock held by universities listed,[1] $3,827.68.

Name of school, date of report, number of shares

University of Iowa,[3] June 30, 1970, 188.

IOWA POWER AND LIGHT

A. Shares of common stock voted at last annual meeting, 3,428,380.

B. Total held by universities listed below, 171.

C. Market value per share of common stock,[1] $23.50.

D. Total market value of stock held by universities listed,[1] $4,018.50.

Name of school, date of report, number of shares

University of Iowa, June 30, 1970, 171.

IOWA PUBLIC SERVICE

A. Shares of common stock at last annual meeting, 3,121,573.

B. Total held by universities listed below, 509.

C. Market value per share of common stock,[1] $20.36.

D. Total market value of stock held by universities listed, [1] $10,363.24.

Name of school, date of report, number of shares

University of Kansas, March 31, 1970, 509.

IOWA ILLINOIS GAS AND ELECTRIC

A. Shares of common stock voted at last annual meeting, 5,299,992.

B. Total held by universities listed below, 45,950.

C. Market value per share of common stock, [1] $22.

D. Total market value of stock held by universities listed, [1] $1,010,900.

Name of school, date of report, number of shares

University of Iowa, June 30, 1970, 82.

Macalester College, May 29, 1970, 10,000.

University of North Carolina, May 29, 1970, 300.

Pomona College, June 30, 1970, 10,678.

Pomona College (Future Projects Fund), June 30, 1970, 11,000.

Vassar College, June 30, 1970, 13,890.

KANSAS CITY POWER & LIGHT CO.

A. Shares of common stock voted at last annual meeting, 5,447,092.

B. Total held by universities listed below, 31,508.

C. Market value per share of common stock,[1] $33.75.

D. Total market value of stock held by universities listed,[1] $1,063,395.

Name of school, date of report, number of shares

Columbia University, March 31, 1969, 7,800.

Duke University,[3] May 31, 1970, 15,000.

University of Illinois, May 31, 1970, 1,320.

University of Kansas, March 31, 1970, 388.

Williams College, June 30, 1969, 7,000.

KANSAS GAS AND ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 4,903,786.

B. Total held by universities listed below, 131,715.

C. Market value per share of common stock,[1] $24.75.

D. Total market value of stock held by universities listed,[1] $3,259,946.25.

Name of school, date of report, number of shares

Columbia University, March 31, 1969, 800.

Harvard College, June 30, 1970, 60,065.

University of Kansas, March 31, 1970, 600.

Mass. Institute of Technology, September 1969, 12,450.

Oberlin College, June 30, 1969, 15,800.

Vanderbilt University, June 30, 1969, 10,800.

Case Western Reserve University,[2] June 30, 1970, 9,200.

Western Reserve University,[2] June 30, 1970, 22,000.

KANSAS POWER AND LIGHT CO.

A. Shares of common stock voted at last annual meeting, 6,638,971.

B. Total held by universities listed below, 189,867.

C. Market value per share of common stock,[1] $24.50.

D. Total market value of stock held by universities listed,[1] $4,651,741.50.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 300.

Harvard College, June 30, 1970, 100,270.

University of Kansas, March 31, 1970, 10,799.

Oberlin College, June 30, 1969, 16,598.

University of Pennsylvania, June 30, 1970, 55,000.

University of Pittsburgh, June 30, 1970, 800.

Case Western Reserve University,[3] June 30, 1970, 6,100.

LOUISVILLE GAS AND ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 8,232,382.

Total held by universities listed below, 37,998.

C. Market value per share of common stock,[1] $38.00.

D. Total market value of stock held by universities listed,[1] $1,443,938.

Name of school, date of report, number of shares

Northwestern University, May 31, 1970, 6,000.

Oberlin College, June 30, 1969, 16,598.

Vanderbilt University, June 30, 1969, 15,400.

MIDDLE SOUTH UTILITIES

A. Shares of common stock voted at last annual meeting, 35,356,634.

B. Total held by universities listed below, 975,830.

C. Market value per share of common stock,[1] $26.25.

D. Total market value of stock held by universities listed,[1] $25,615,537.50.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 5,200.

Clark University, June 30, 1970, 4,000.

Columbia University, March 31, 1970, 25,508.

Cornell University, March 31, 1970, 40,000.

Emory University, May 29, 1970, 20,000.

Harvard College, June 30, 1970, 544,351.

University of Illinois, May 31, 1970, 5,000.

Lehigh University, June 30, 1970, 11,000.

Footnotes at end of article.

University of Michigan (End), June 30, 1970, 21,002.

University of Michigan (Retirement), June 30, 1970, 18,600.

University of North Carolina, May 29, 1970, 468.

Northwestern University, May 31, 1970, 50,994.

University of Pennsylvania, June 30, 1970, 1,600.

Pomona College (Future Projects Fund), June 30, 1970, 15,000.

Princeton University, June 30, 1969, 111,916.

Rochester Institute of Technology, June 30, 1970, 10,000.

Swarthmore College, June 30, 1969, 17,142.

Syracuse University, April 20, 1970, 800.

Tulane University, June 30, 1970, 13,500.

Vanderbilt University,[3] June 30, 1969, 24,000.

University of Virginia,[3] June 30, 1969, 9,936.

Williams College, June 30, 1969, 17,413.

University of Wisconsin, June 30, 1969, 8,400.

MISSOURI PUBLIC SERVICE CO.

A. Shares of common stock voted at last annual meeting, 2,770,343.

B. Total held by universities listed below, 60,511.

C. Market value per share of common stock,[1] $18.36.

D. Total market value of stock held by universities listed,[1] $1,110,981.96.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 60,511.

MONTANA DAKOTA UTILITIES

A. Shares of common stock voted at last annual meeting, 1,889,815.

B. Total held by universities listed below, 2,000.

C. Market value per share of common stock,[1] $33.60.

D. Total market value of stock held by universities listed,[1] $67,200.00.

Name of school, date of report, number of shares

University of Notre Dame, June 30, 1970, 2,000.

MONTANA POWER CO.

A. Shares of common stock voted at last annual meeting, 7,730,711.

B. Total held by universities listed below, 2,540.

C. Market value per share of common stock,[1] $33.75.

D. Total market value of stock held by universities listed,[1] $85,725.00.

Name of school, date of report, number of shares

Northwestern, May 31, 1970, 100.

University of Colorado, March 31, 1970, 1,500.

University of Montana,[3] December 31, 1969, 940.

NEW ENGLAND ELECTRIC SYSTEM

A. Shares of common stock voted at last annual meeting, 14,662,755.

B. Total held by universities listed below, 214,272.

C. Market value per share of common stock,[1] $22.00.

D. Total market value of stock held by universities listed,[1] $4,713,984.00.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 161,239.

Massachusetts Institute of Technology, September, 1969, 10,175.

Syracuse University,[3] April 30, 1970, 2,043.

University of Pennsylvania, June 30, 1970, 40,815.

NEW YORK STATE ELECTRIC AND GAS

A. Shares of common stock voted at last annual meeting, 8,242,895.

B. Total held by universities listed below, 19,436.

C. Market value per share of common stock,[1] $30.85.

D. Total market value of stock held by universities listed,[1] $599,600.60.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 578.

University of Virginia, June 30, 1969, 2,500.

Vanderbilt University, June 30, 1970, 3,158.

Case Western Reserve University,[2] June 30, 1970, 13,200.

NIAGARA MOHAWK POWER CORP.

A. Shares of common stock voted at last annual meeting, 28,864,680.

B. Total held by universities listed below, 264,634.

C. Market value per share of common stock,[1] $15.85.

D. Total market value of stock held by universities listed,[1] $4,194,448.90.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 250,728.

University of Iowa, June 30, 1970, 300.

University of Kansas, March 30, 1970, 400.

University of Michigan (end.), June 30, 1970, 664.

University of Montana, December 31, 1969, 200.

Syracuse University,[3] April 30, 1970, 10,742.

Vanderbilt University, June 30, 1970, 1,600.

NORTHEAST UTILITIES

A. Shares of common stock voted at last annual meeting, 35,376,693.

B. Total held by universities listed below, 17,885.

C. Market value per share of common stock,[1] $13.50.

D. Total market value of stock held by universities listed,[1] $241,447.50.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 17,885.

NORTHERN INDIANA PUBLIC SERVICE

A. Shares of common stock voted at last annual meeting, 18,727,477.

B. Total held by universities listed below, 55,316.

C. Market value per share of common stock,[1] $29.50.

D. Total market value of stock held by universities listed,[1] $1,631,822.00.

Name of school, date of report, number of shares

University of Iowa, June 30, 1970, 522.

University of Indiana, August, 1970, 2,460.

Macalester College, May 29, 1970, 9,000.

University of North Carolina, May 29, 1970, 1,534.

Northwestern University, May 31, 1970, 41,800.

NORTHERN STATES POWER

A. Shares of common stock voted at last annual meeting, 15,321,199.

B. Total held by universities listed below, 34,565.

C. Market value per share of common stock,[1] $26.00.

D. Total market value of stock held by universities listed,[1] $898,690.00.

Name of school, date of report, number of shares

Claremont University Center, June 30, 1969, 2,800.

Clark University, June 30, 1970, 3,352.

Cornell University, March 31, 1970, 280.

Macalester College, May 29, 1970, 10,076.

University of Montana, December 31, 1969, 170.

Northwestern University, May 31, 1970, 77.

Rutgers University, June 30, 1970, 10,000.

Vassar College, June 30, 1970, 6,810.

University of Virginia, June 30, 1969, 1,000.

OHIO EDISON CO.

A. Shares of common stock voted at last annual meeting, 25,695,069.

B. Total held by universities listed below, 383,166.

C. Market value per share of common stock,[1] $25.00.

D. Total market value of stock held by universities listed [1] $9,579,150.00.

Name of school, date of report, number of shares

Columbia University, March 31, 1969, 64,117.

Duke University,[3] May 31, 1970, 22,800.

Emory University, May 29, 1970, 19,000.

Harvard College, June 30, 1970, 91,784.

University of Michigan (End), June 30, 1970, 7,904.

Northwestern University, May 31, 1970, 71.

Oberlin College, June 30, 1969, 35,156.

University of Oregon, June 30, 1969, 712.

University of Pennsylvania, June 30, 1970, 19,100.

Pomona College (Future Projects Fund), June 30, 1970, 4,300.

Rutgers University, June 30, 1969, 16,800.

Syracuse University, April 30, 1970, 436.

University of Texas,[3] August 31, 1969, 58,600.

Tulane University, June 30, 1969, 10,000.

Vanderbilt University, June 30, 1969, 12,236.

Western Reserve University, June 30, 1970, 20,150.

OKLAHOMA GAS AND ELECTRIC

A. Shares of common stock voted at last annual meeting, 16,689,724.

B. Total held by universities listed below, 389,505.

C. Market value per share of common stock,[1] $27.12.

D. Total market value of stock held by universities listed,[1] $10,563,375.60.

Name of school, date of report, number of shares

Columbia University, March 31, 1970, 36,862.

Harvard College, June 30, 1970, 118,899.

University of Illinois,[3] May 31, 1970, 4,408.

Lehigh University, June 30, 1970, 8,568.

Northwestern University, May 31, 1970, 31,037.

Oberlin College, June 30, 1969, 28,825.

University of Texas, August 31, 1969, 140,311.

Western Reserve University,[2] June 30, 1970, 7,100.

Williams College, June 30, 1969, 13,495.

PACIFIC GAS AND ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 72,746,653.

B. Total held by universities listed below, 187,179.

C. Market value per share of common stock,[1] $32.

D. Total market value of stock held by universities listed,[1] $5,989,728.00.

Name of school, date of report, number of shares

California Institute of Technology, December 31, 1969, 756.

University of California,[3] June 30, 1969, 134,795.

Claremont University Center, June 30, 1969, 4,100.

Duke University, May 31, 1970, 10,000.

University of Illinois,[3] May 31, 1970, 3,355.

Univ. of Ill. Foundation, May 31, 1970, 1,124.

University of Iowa, June 30, 1970, 66.

University of Kansas, March 31, 1970, 104.

University of Montana,[3] December 31, 1969, 2,410.

Northwestern University, May 31, 1970, 337.

Footnotes at end of article.

XUM

University of North Carolina, May 29, 1970, 157.

University of Oregon, June 30, 1969, 450.

Pomona College, June 30, 1970, 4,374.

Pomona College (Future Projects Funds), June 30, 1970, 4,300.

Swarthmore College, June 30, 1969, 12,071.

University of Texas, August 31, 1969, 2,361.

Williams College, June 30, 1969, 219.

University of Wisconsin, June 30, 1969, 6,200.

PACIFIC POWER AND LIGHT

A. Shares of common stock voted at last annual meeting, 14,320,657.

B. Total held by universities listed below, 2,207.

C. Market value per share of common stock,[1] $19.50.

D. Total market value of stock held by universities listed,[1] $43,036.50.

Name of school, date of report, number of shares

University of Oregon, June 30, 1969, 2,115.

University of Texas, August 31, 1969, 92.

PENNSYLVANIA POWER AND LIGHT

A. Shares of common stock voted at last annual meeting, 14,910,341.

B. Total held by universities listed below, 54,174.

C. Market value per share of common stock,[1] $23.00.

D. Total market value of stock held by universities listed,[1] $1,246,002.00.

Name of school, date of report, number of shares

Lehigh University, June 30, 1970, 8,800.

University of Montana, December 31, 1969, 349.

University of Pennsylvania, June 30, 1970, 45,025.

PHILADELPHIA ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 31,935,111.

B. Total held by universities listed below, 130,859.

C. Market value per share of common stock,[1] $21.12.

D. Total market value of stock held by universities listed,[1] $2,763,742.08.

Name of school, date of report, number of shares

University of Pennsylvania, June 30, 1970, 117,867.

Rutgers University, June 30, 1969, 5,292.

University of Virginia, June 30, 1969, 1,200.

University of Wisconsin, June 30, 1969, 6,500.

PORTLAND GENERAL ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 7,900,000.

B. Total held by universities listed below, 2,680.

C. Market value per share of common stock,[1] $20.25.

D. Total market value of stock held by universities listed,[1] $54,270.00.

Name of school, date of report, number of shares

University of Oregon, June 30, 1969, 2,600.

University of Texas, August 31, 1969, 80.

POTOMAC ELECTRIC POWER CO.

A. Shares of common stock voted at last annual meeting, 14,743,944.

B. Total held by universities listed below, 167.

C. Market value per share of common stock,[1] $14.00.

D. Total market value of stock held by universities listed,[1] $2,338.00.

Name of school, date of report, number of shares

Pomona College, June 30, 1970, 167.

Footnotes at end of article.

PUBLIC SERVICE COMPANY OF COLORADO

A. Shares of common stock voted at last annual meeting, 14,447,700.

B. Total held by universities listed below, 2,430.

C. Market value per share of common stock,[1] $24.50.

D. Total market value of stock held by universities listed,[1] $59,535.00.

Name of school, date of report, number of shares

University of Colorado, March 31, 1970, 1,180.

Cornell University, March 31, 1970, 600.

Indiana University, August, 1970, 650.

PUBLIC SERVICE CO. OF INDIANA

A. Shares of common stock voted at last annual meeting, 11,422,936.

B. Total held by universities listed below, 218,117.

C. Market value per share of common stock,[1] $44.85.

D. Total market value of stock held by universities listed,[1] $9,782,547.45.

Name of school, date of report, number of shares

Columbia University, March 31, 1970, 2,200.

Cornell University, March 31, 1970, 500.

Harvard College, June 30, 1970, 122,004.

Indiana University, August, 1970, 2,260.

University of Montana, December 31, 1969, 764.

University of North Carolina, May 29, 1970, 7,335.

University of Oregon, June 30, 1969, 250.

Pomona College, June 30, 1970, 3,336.

Pomona College (Future Projects Fund), June 30, 1970, 3,400.

Syracuse University, April 30, 1970, 3,500.

University of Texas,[3] August 31, 1969, 65,364.

Vanderbilt University, June 30, 1969, 7,204.

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

A. Shares of common stock voted at last annual meeting, 2,678,067.

B. Total held by universities listed below, 10,000.

C. Market value per share of common stock,[1] $25.85.

D. Total market value of stock held by universities listed,[1] $258,500.00.

Name of school, date of report, number of shares

Smith College, June 30, 1970, 10,000.

PUBLIC SERVICE CO. OF NEW MEXICO

A. Shares of common stock voted at last annual meeting, 3,551,869.

B. Total held by universities listed below, 10,000.

C. Market value per share of common stock,[1] $19.85.

D. Total market value of stock held by universities listed,[1] $198,500.00.

Name of school, date of report, number of shares

Duke University,[2] May 31, 1970, 10,000.

PUBLIC SERVICE ELECTRIC AND GAS

A. Shares of common stock voted at last annual meeting, 35,392,214.

B. Total held by universities listed below, 152,334.

C. Market value per share of common stock,[1] $26.25.

D. Total market value of stock held by universities listed,[1] $3,998,767.50.

Name of school, date of report, number of shares

Clark University, June 30, 1970, 4,500.

Cornell University, March 31, 1970, 500.

University of Iowa, June 30, 1970, 200.

Lehigh University, June 30, 1970, 10,000.

University of Pennsylvania, June 30, 1970, 40,314.

Rockefeller University, June 30, 1969, 30,000.

University of Texas,[3] August 31, 1969, 59,050.

Vassar College, June 30, 1970, 7,770.

ROCHESTER GAS AND ELECTRIC

A. Shares of common stock voted at last annual meeting, 6,541,529.

B. Total held by universities listed below, 14,846.

C. Market value per share of common stock,[1] $26.

D. Total market value of stock held by universities listed,[1] $3,859.96.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 502.

Northwestern University, May 31, 1970, 140.

Pomona College, June 30, 1970, 3,719.

Pomona College (Future Projects Fund), June 30, 1970, 10,485.

SAN DIEGO GAS AND ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 12,750,000.

B. Total held by universities listed below, 7,830.

C. Market value per share of common stock,[1] $21.75.

D. Total market value of stock held by universities listed,[1] $170,302.50.

Name of school, date of report, number of shares

California Institute of Technology, December 31, 1969, 3,422.

Claremont University Center, June 30, 1969, 4,000.

University of Iowa, June 30, 1970, 8.

University of Texas, August 1, 1969, 400.

SOUTH CAROLINA ELECTRIC AND GAS CO.

A. Shares of common stock voted at last annual meeting, 8,649,392.

B. Total held by universities listed below, 156,321.

C. Market value per share of common stock,[1] $28.00.

D. Total market value of stock held by universities listed,[1] $4,376,988.00.

Name of school, date of report, number of shares

Catholic University, May 27, 1970, 1,360.

Cornell University, March 31, 1970, 400.

Dartmouth College, April 30, 1970, 2,000.

Harvard College, June 30, 1970, 118,899.

Rutgers University, June 30, 1969, 14,000.

Vanderbilt University, June 30, 1969, 18,612.

University of Virginia, June 30, 1969, 1,050.

SOUTHERN CALIFORNIA EDISON

A. Shares of common stock voted at last annual meeting, 66,013,444.

B. Total held by universities listed below, 439,926.

C. Market value per share of common stock,[1] $30.75.

D. Total market value of stock held by universities listed,[1] $13,527,724.50.

Name of school, date of report, number of shares

California Institute of Technology, December 31, 1969, 31,496.

University of California,[3] 102,200.

Claremont University Center, June 30, 1969, 5,985.

Clark University, June 30, 1970, 3,120.

University of Colorado, March 31, 1970, 2,400.

Harvard College, June 30, 1970, 127,472.

University of Illinois, May 31, 1970, 2,672.

University of Illinois Foundation, May 31, 1970, 824.

Indiana University, August 1970, 300.

University of Iowa, June 30, 1970, 83.

University of Kansas, March 30, 1970, 2,481.

University of Minnesota, June 30, 1970, 4,000.

University of Montana, March 31, 1970, 200.

Northwestern University, May 31, 1970, 900.

University of Oregon, June 30, 1969, 851.

XUM

University of Oregon (Development Fund), March 31, 1970, 200.

Pomona College, June 30, 1970, 3,600.

Pomona College (Future Projects Fund), June 30, 1970, 3,500.

Rochester Institute of Technology, June 30, 1970, 10,000.

Rockefeller University, June 30, 1970, 30,000.

Rutgers University, June 30, 1969, 17,220.

University of Texas[3] August 31, 1969, 71,742.

University of Virginia, June 30, 1969, 500.

Williams College, June 30, 1969, 12,580.

University of Wisconsin, June 30, 1970, 5,600.

SOUTHERN CO.

A. Shares of common stock voted at last annual meeting, 51,649,500.

B. Total held by universities listed below, 302,059.

C. Market value per share of common stock,[1] $24.12.

D. Total market value of stock held by universities listed,[1] $7,285, 663.08.

Name of school, date of report, number of shares

Columbia University, March 31, 1969, 10,100.

Cornell University, March 31, 1970, 1,245.

Duke University, May 31, 1970, 6,400.

Emory University, May 29, 1970, 30,000.

University of Iowa,[3] June 30, 1970, 1,600.

Lehigh University, June 30, 1970, 10,000.

Macalester College, May 29, 1970, 11,500.

Mass. Institute of Technology, September, 1969, 37,876.

University of Michigan (End), June 30, 1970, 400.

Univ. of North Carolina, May 29, 1970, 910.

Rochester Institute of Technology, June 30, 1970, 10,000.

Rutgers University, June 30, 1969, 10,000.

University of Texas,[3] August 31, 1969, 121,700.

Vanderbilt University,[3] June 30, 1969, 26,810.

University of Virginia,[3] June 30, 1969, 7,518.

Williams College, June 30, 1969, 17,000.

SOUTHWESTERN PUBLIC SERVICE COMPANY

A. Shares of common stock voted at last annual meeting, 18,733,208.

B. Total held by universities listed below, 970.

C. Market value per share of common stock,[1] $13.00.

D. Total market value of stock held by universities listed,[1] $12,610.00.

Name of school, date of report, number of shares

University of Kansas, March 31, 1970, 520.

University of Texas, August 31, 1969, 450.

TAMPA ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 10,677,747.

B. Total held by universities listed below, 27,635.

C. Market value per share of common stock,[1] $25.25.

D. Total market value of stock held by universities listed,[1] $697,783.75.

Name of school, date of report, number of shares

University of Illinois, May 31, 1970, 1,500.

Massachusetts Institute of Technology, September 1969, 25,000.

University of North Carolina, May 29, 1970, 335.

University of Oregon, June 30, 1969, 800.

TEXAS UTILITIES CO.

A. Shares of common stock voted at last annual meeting, 21,588,000.

B. Total held by universities listed below, 159,232.

C. Market value per share of common stock,[1] $59.36.

D. Total market value of stock held by universities listed,[1] $9,452,011.52.

Name of school, date of report, number of shares

Clark University, June 30, 1970, 3,500.

Cornell University,[3] March 31, 1970, 692.

Emory University, May 29, 1970, 10,000.

Harvard College, June 30, 1970, 18,802.

University of Illinois, May 31, 1970, 400.

University of Kansas, March 31, 1970, 100.

Macalester College, May 29, 1970, 4,500.

University of Michigan (End), June 30, 1970, 6,170.

University of Michigan (Retirement), June 30, 1970, 5,100.

University of Minnesota, June 30, 1970, 3,400.

University of Montana, March 31, 1970, 160.

University of Oregon, June 30, 1969, 642.

Princeton University, June 30, 1969, 24,064.

Rochester Institute of Technology, June 30, 1970, 4,000.

Rockefeller University, June 30, 1969, 40,000.

Syracuse University, April 30, 1970, 200.

University of Texas, August 31, 1969, 5,170.

Tulane University, June 30, 1970, 5,000.

Vanderbilt University, June 30, 1969, 13,000.

Vassar College, June 30, 1970, 7,000.

University of Virginia,[3] June 30, 1969, 7,332.

TUCSON GAS AND ELECTRIC

A. Shares of common stock voted at last annual meeting, 5,365,146.

B. Total held by universities listed below, 100,000.

C. Market value per share of common stock,[1] $17.00.

D. Total market value of stock held by universities listed,[1] $1,700,000.

Name of school, date of report, number of shares

Pomona College, June 30, 1970, 20,000.

Princeton University, June 30, 1969, 80,000.

UNION ELECTRIC CO.

A. Shares of common stock voted at last annual meeting, 23,918,214.

B. Total held by universities listed below, 260,839.

C. Market value per share of common stock,[1] $20.12.

D. Total market value of stock held by universities listed,[1] $5,248,080.68.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 260,585.

University of Kansas, March 31, 1970, 254.

UNITED ILLUMINATING

A. Shares of common stock voted at last annual meeting, 2,349,349.

B. Total held by universities listed below, 5,700.

C. Market value per share of common stock,[1] $29.25.

D. Total market value of stock held by universities listed,[1] $166,725.00.

Name of school, date of report, number of shares

University of Notre Dame, June 30, 1970, 5,700.

UNITED UTILITIES CO.

A. Shares of common stock voted at last annual meeting, Not available.

B. Total held by universities listed below, 28,060.

C. Market value per share of common stock,[1] $19.85.

D. Total market value of stock held by universities listed,[1] $556,991.00.

Name of school, date of report, number of shares

University of Illinois, May 31, 1970, 3,000.

University of Kansas, March 31, 1970, 210.

University of North Carolina, May 29, 1970, 7,090.

University of Oregon, June 30, 1969, 6,960.

Rutgers University, June 30, 1969, 10,000.

University of Virginia, June 30, 1969, 800.

UTAH POWER AND LIGHT CO.

A. Shares of common stock voted at last annual meeting, 4,896,240.

B. Total held by universities listed below, 3,066.

C. Market value per share of common stock,[1] $31.85.

D. Total market value of stock held by universities listed,[1] $97,652.10.

Name of school, date of report, number of shares

Pomona College, June 30, 1970, 3,066.

VIRGINIA ELECTRIC AND POWER CO.

A. Shares of common stock voted at last annual meeting, 28,349,543.

B. Total held by universities listed below, 369,180.

C. Market value per share of common stock,[1] $23.12.

D. Total market value of stock held by universities listed,[1] $8,535,441.60.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 7,921.

California Institute of Technology, December 31, 1969, 7,600.

Cornell University, March 31, 1970, 700.

Emory University, May 29, 1970, 20,000.

Harvard College, June 30, 1970, 36,501.

University of Illinois, May 31, 1970, 833.

Massachusetts Institute of Technology, September 1969, 47,216.

University of Michigan (End), June 30, 1970, 16,254.

University of Michigan (Retirement), June 30, 1970, 11,200.

University of Minnesota, June 30, 1970, 7,700.

University of North Carolina, May 29, 1970, 18,588.

University of Pittsburgh, June 30, 1970, 7,599.

Princeton University, June 30, 1969, 60,120.

Rutgers University, June 30, 1969, 1,354.

University of Texas,[3] August 31, 1969, 98,515.

Vanderbilt University, June 30, 1969, 17,333.

University of Virginia,[3] June 30, 1969, 9,746.

WISCONSIN ELECTRIC POWER CO.

A. Shares of common stock voted at last annual meeting, 15,238,461.

B. Total held by universities listed below, 330,426.

C. Market value per share of common stock,[1] $23.00.

D. Total market value of stock held by unversities listed,[1] $7,599,798.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 20,000.

California Institute of Technology, December 31, 1969, 1,500.

Harvard College, June 30, 1970, 252,201.

Pomona College, June 30, 1970, 4,056.

Princeton University, June 30, 1969, 42,592.

University of Virginia, June 30, 1969, 770.

University of Wisconsin, June 30, 1969, 9,307.

WISCONSIN POWER AND LIGHT

A. Shares of common stock voted at last annual meeting, 6,599,549.

B. Total held by universities listed below, 10,900.

C. Market value per share of common stock,[4] $21.00.

D. Total market value of stock held by universities listed,[4] $228,900.

Name of school, date of report, number of shares

University of Wisconsin, June 30, 1969, 10,900.

WISCONSIN PUBLIC SERVICE

A. Shares of common stock voted at last annual meeting, 5,589,734.

B. Total held by universities listed below, 3,800.

Footnotes at end of article.

XUM

C. Market value per share of common stock,[1] $16.75.

D. Total market value of stock held by universities listed,[1] $63,650.

Name of school, date of report, number of shares

Syracuse University, April 30, 1970, 3,800.

FOOTNOTES

[1] Computed as of December 5, 1970.

[2] Case Western Reserve University and Western Reserve University now combined. The investment portfolios, however, are kept separate and are so treated here.

[3] Combined total of common stock held in separately listed funds controlled by the college or university.

[4] Computed as of December 10, 1970.

[5] Number of outstanding shares of common stock—number voted at last annual meeting unavailable.

[6] Amerada Petroleum merged with Amerada Hess Corporation on June 20, 1969.

[7] Computed as of December 14, 1970.

GAS UTILITIES

AMERICAN NATURAL GAS

A. Shares of common stock voted at last annual meeting, 15,532,532.

B. Total held by universities listed below, 99,306.

C. Market value per share of common stock,[1] $43.12.

D. Total market value of stock held by universities listed,[1] $4,282,074.72.

Name of school, date of report, number of shares

University of Colorado, March 31, 1970, 2,000.

Columbia University, March 31, 1969, 20,008.

Emory University, May 29, 1970, 12,100.

Macalester College, May 29, 1970, 7,500.

Mount Holyoke, December 31, 1969, 5,012.

Oberlin College, June 30, 1969, 9,200.

Princeton University, June 30, 1969, 23,321.

Vassar College, June 30, 1970, 3,000.

University of Virginia, June 30, 1969, 8,455.

Western Reserve University, June 30, 1970, 8,710.

ARKANSAS LOUISIANA GAS

A. Shares of common stock voted at last annual meeting, 8,270,821.

B. Total held by universities listed below, 96,408.

C. Market value per share of common stock,[1] $25.00.

D. Total market value of stock held by universities listed,[1] $2,410,200.

Name of school, date of report, number of shares

Columbia University, March 31, 1969, 23,508.

Cornell University,[3] March 31, 1970, 47,500.

Macalester College, May 29, 1970, 9,000.

Northwestern University, May 31, 1970, 100.

Oberlin College, June 30, 1969, 8,000.

Syracuse University, April 30, 1970, 2,500.

University of Virginia, June 30, 1969, 5,800.

BROOKLYN UNION GAS CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 550.

C. Market value per share of common stock,[1] $24.60.

D. Total market value of stock held by universities listed,[1] $13,530.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 550.

CASCADE NATURAL GAS CO.

A. Shares of common stock voted at last annual meeting, 1,208,193.

B. Total held by universities listed below, 300.

C. Market value per share of common stock,[1] $9.75.

D. Total market value of stock held by universities listed,[1] $2,925.

Name of school, date of report, number of shares

University of Oregon, June 30, 1969, 300.

COASTAL STATES GAS PRODUCING CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 54,400.

C. Market value per share of common stock,[1] $46.50.

D. Total market value of stock held by universities listed,[1] $2,529,600.

Name of school, date of report, number of shares

Pomona College, June 30, 1970, 3,400.

Smith College, June 30, 1970, 18,000.

Tulane University, June 30, 1970, 33,000.

COLUMBIA GAS SYSTEM

A. Shares of common stock voted at last annual meeting, 31,030,612.

B. Total held by universities listed below, 45,547.

C. Market value per share of common stock,[1] $33.75.

D. Total market value of stock held by universities listed,[1] $1,537,211.25.

Name of school, date of report, number of shares

Claremont University Center, June 30, 1969, 4,500.

Cornell University, March 31, 1970, 648.

University of Kansas, March 31, 1970, 200.

University of Pennsylvania, June 30, 1970, 25,034.

University of Texas, August 31, 1969, 265.

Vanderbilt University, June 30, 1969, 600.

Case Western Reserve University,[3] June 30, 1970, 2,300.

Western Reserve University,[2] June 30, 1970, 12,000.

COMMONWEALTH NATURAL GAS

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 7,455.

C. Market value per share of common stock,[1] $27.

D. Total market value of stock held by universities listed,[1] $201,285.

Name of school, date of report, number of shares

University of Virginia,[3] June 30, 1969, 7,455.

CONSOLIDATED NATURAL GAS

A. Shares of common stock voted at last annual meeting, 18,911,762.

B. Total held by universities listed below, 127,254.

C. Market value per share of common stock, [1] $29.12.

D. Total market value of stock held by universities listed, [1] $3,705,636.48.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 400.

Emory University, May 29, 1970, 9,860.

University of Notre Dame, June 30, 1970, 8,300.

University of Oregon, June 30, 1969, 70.

Princeton University, June 30, 1969, 33,904.

Rockefeller University, June 30, 1969, 50,000.

University of Virginia, June 30, 1969, 56.

Case Western Reserve Univ. [3], June 30, 1970, 1,600.

Western Reserve University [3], June 30, 1970, 23,064.

EASTERN GAS AND FUEL ASSOCIATION

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 49,397.

C. Market value per share of common stock, [1] $37.

D. Total market value of stock held by universities listed, [1] $1,827,689.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 13,397.

Western Reserve University, [3] June 30, 1970, 36,000.

EL PASO NATURAL GAS

A. Shares of common stock voted at last annual meetings, 21,424,621.

B. Total held by universities listed below, 522.

C. Market value per share of common stock,[1] $17.50.

D. Total market value of stock held by universities listed,[1] $9,135.

Name of school, date of report, number of shares

University of Iowa, June 30, 1970, 22.

University of Kansas, March 31, 1970, 400.

Northwestern University, May 31, 1970, 100.

EMPIRE GAS

A. Shares of common stock voted at last annual meetings, not available.

B. Total held by universities listed below, 17,000.

C. Market value per share of common stock,[1] $16.75.

D. Total market value of stock held by universities listed, $284,750.

Name of school, date of report, number of shares

Northwestern, May 31, 1970, 17,000.

FLORIDA GAS CO.

A. Shares of common stock voted at last annual meeting, 252,571.

B. Total held by universities listed below, 35,000.

C. Market value per share of common stock,[1] $23.25.

D. Total market value of stock held by universities listed,[1] $813,750.

Name of school, date of report, number of shares

Swarthmore College, June 30, 1969, 35,000.

HOUSTON NATURAL GAS CORP.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 14,160.

C. Market value per share of common stock,[1] $51.12.

D. Total market value of stock held by universities listed,[1] $723,859.20.

Name of school, date of report, number of shares

Swarthmore College, June 30, 1969, 14,160.

INDIANA GAS CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 76,253.

C. Market value per share of common stock,[1] $28.75.

D. Total market value of stock held by universities listed,[1] $2,192,273.75.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 73,253.

University of Notre Dame, June 30, 1970, 3,000.

KANEB PIPE LINE CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 67,778.

C. Market value per share of common stock,[1] $24.12.

D. Total market value of stock held by universities listed,[1] $1,574,805.36.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 67,778.

Footnotes at end of article.

LACLEDE GAS CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 550.

C. Market value per share of common stock,[1] $25.

D. Total market value of stock held by universities listed,[1] $13,750.

Name of school, date of report, number of shares

Cornell, March 31, 1970, 550.

NEW ENGLAND GAS & ELECTRIC ASSOCIATION

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 65,701.

C. Market value per share of common stock,[1] $16.75.

D. Total market value of stock held by universities listed,[1] $1,100,491.75.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 65,701.

NEW JERSEY NATURAL GAS

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 1,183.

C. Market value per share of common stock,[1] $19.

D. Total market value of stock held by universities listed,[1] $22,477.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 1,183.

NORTHERN ILLINOIS GAS

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 111,694.

C. Market value per share of common stock,[1] $35.60.

D. Total market value of stock held by universities listed,[1] $3,976,306.40.

Name of school, date of report, number of shares

University of Illinois,[3] May 31, 1970, 1,550.

University of Iowa,[3] June 30, 1970, 456.

University of Kansas. March 31, 1970, 45.

Northwestern University, May 31, 1970, 20,218.

NORTHERN NATURAL GAS CO.

A. Shares of common stock voted at last annual meeting, 60,978,808.

B. Total held by universities listed below, 60,292.

C. Market value per share of common stock,[1] $50.36.

D. Total market value of stock held by universities listed,[1] $3,035,305.12.

Name of school, date of report, number of shares

University of Colorado, March 31, 1970, 1,000.

Columbia University, March 31, 1969, 17,293.

University of Illinois,[3] May 31, 1970, 3,496.

Lehigh University, 1970, 5,000.

Mount Holyoke College, December 31, 1969, 4,500.

Princeton University, June 30, 1969, 29,003.

OKLAHOMA NATURAL GAS

A. Shares of common stock voted at last annual meeting, 31,010.

B. Total held by universities listed below, 1,200.

C. Market value per share of common stock,[1] $22.25.

D. Total market value of stock held by universities listed,[1] $26,700.

Name of school, date of report, number of shares

University of Virginia, June 30, 1969, 1.200.

PACIFIC LIGHTING CORP.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 16,820.

C. Market value per share of common stock,[1] $24.60.

D. Total market value of stock held by universities listed,[1] $413,772.

Name of school, date of report, number of shares

University of California, June 30, 1969, 16,120.

University of Montana,[3] June 30, 1970, 700.

PANHANDLE EASTERN PIPELINE

A. Share of common stock voted at last annual meeting, 11,083,380.

B. Total held by universities listed below, 70,268.

C. Market value per share of common stock,[1] $41.50.

D. Total market value of stock held by universities listed,[1] $2,916,122.

Name of school, date of report, number of shares

Columbia University, March 31, 1970, 32,760.

University of Iowa, June 30, 1970, 100.

Oberlin College, June 30, 1969, 10,504.

Princeton University, June 30, 1969, 26,334.

University of Texas, August 31, 1969, 570.

PEOPLES GAS CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 350,496.

C. Market value per share of common stock,[1] $38.60.

D. Total market value of stock held by universities listed,[1] $13,529,145.60.

Name of school, date of report, number of shares

Calif. Institute of Technology, December 31, 1969 60,350.

University of California, June 30, 1969, 20,600.

Claremont University Center, June 30, 1969, 5,000.

Harvard College, June 30, 1969, 144,673.

University of Illinois,[3] May 31, 1970, 3,280.

University of Iowa, June 30, 1970 197.

University of Kansas, March 30, 1970, 480.

Mount Holyoke, June 30, 1969, 6,230.

Northwestern University, May 31, 1970. 5,530.

Oberlin College, June 30, 1969, 7,521.

Princeton University, June 30, 1969, 43,635.

Swarthmore College, June 30, 1969, 12,000.

Vanderbilt University, June 30, 1969. 14,000.

Case Western Reserve Univ.,[2] June 30, 1970, 7,000.

Western Reserve University,[2] June 30, 1970. 20,000.

PHILADELPHIA SUBURBAN CORP.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 100,000.

C. Market value per share of common stock,[1] $19.36.

D. Total market value of stock held by universities listed,[1] $1,936,000.

Name of school, date of report, number of shares

University of Pennsylvania, June 30. 1970, 100,000.

PIONEER NATURAL GAS CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 60,550.

C. Market value per share of common stock,[1] $15.60.

D. Total market value of stock held by universities listed,[1] $944,580.

Name of school, date of report, number of shares

Cornell University, March 31, 1970. 49,300.

Oberlin College, June 30, 1969, 11,000.

University of Oregon (Development Fund), March 31, 1970, 250.

SOUTHERN NATURAL GAS CO.

A. Shares of common stock voted at last annual meeting, 7,874,856.

B. Total held by universities listed below, 37,358.

C. Market value per share of common stock,[1] $58.

D. Total market value of stock held by universities listed,[1] $2,166,764.

Name of school, date of report, number of shares

University of Kansas, March 30, 1970, 400.

Princeton University, June 30, 1969, 36,658.

University of Virginia, June 30, 1969, 300.

TEXAS EASTERN TRANSMISSION CORP.

A. Shares of common stock voted at last annual meeting, 17,096,656.

B. Total held by universities listed below, 4,926.

C. Market value per share of common stock,[1] $39.85.

D. Total market value of stock held by universities listed,[1] $196,301.10.

Name of school, date of report, number of shares

Cornell University, March 31, 1970, 200.

University of Iowa, June 30, 1970, 200.

University of Kansas, March 31, 1970, 4,405.

Vanderbilt University, June 30, 1969, 121.

TEXAS GAS TRANSMISSION

A. Shares of common stock voted at last annual meeting, 6,186,363.

B. Total held by universities listed below, 705.

C. Market value per share of common stock,[1] $39.12.

D. Total market value of stock held by universities listed,[1] $27,579.60.

Name of school, date of report, number of shares

Calif. Institute of Technology, December 31, 1969, 63.

University of Oregon, June 30, 1969, 642.

TRANSCONTINENTAL GAS PIPELINE

A. Shares of common stock voted at last annual meeting, 19,807,486.

B. Total held by universities listed below, 167,349.

C. Market value per share of common stock,[1] $18.85.

D. Total market value of stock held by universities listed,[1] $3,154,528.65.

Name of school, date of report, number of shares

University of California, June 30, 1969, 17,063.

Mass. Institute of Technology, September, 1969, 62,884.

Mt. Holyoke, June 30, 1969, 8,402.

University of Pennsylvania, June 30, 1970, 40,000.

Western Reserve University,[2] June 30, 1970, 39,000.

VALLEY GAS CO.

A. Shares of common stock voted at last annual meeting, 301,223.

B. Total held by universities listed below, 300.

C. Market value per share of common stock,[1] $9.75.

D. Total market value of stock held by universities listed,[1] $2,925.

Name of school, date of report, number of shares

University of Oregon, June 30, 1969, 300.

WASHINGTON GAS LIGHT CO.

A. Shares of common stock voted at last annual meeting, 2,935,313.

Footnotes at end of article.

B. Total held by universities listed below, 64,961.

C. Market value per share of common stock,[1] $29.75.

D. Total market value of stock held by universities listed,[1] $1,632,589.75.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 58,000.
University of Illinois, May 31, 1970, 761.
Vassar College, June 30, 1970, 6,200.

FOOTNOTES

[1] Computed as of December 5, 1970.

[2] Case Western Reserve University and Western Reserve University now combined. The investment portfolios, however, and kept separate and are so treated here.

[3] Combined total of common stock held in separately listed funds controlled by the college or university.

[4] Computed as of December 10, 1970.

[5] Number of outstanding shares of common stock—number voted at last annual meeting unavailable.

[6] Amerada Petroleum merged with Amerada Hess Corporation on June 20, 1969.

[7] Computed as of December 14, 1970.

OIL COMPANIES

AMERADA HESS CORP.

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 31,550.

C. Market value per share of common stock,[1] $45.12.

D. Total market value of stock held by universities listed,[1] $1,423,536.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 2,000.
Princeton University, June 30, 1969, 22,551.
Syracuse University, April 30, 1970, 7,000.

AMERADA PETROLEUM CORP.[6]

Name of school, date of report, number of shares

University of Maryland, June 30, 1969, 11,250.
University of Virginia, June 30, 1969, 1,200.

ASHLAND OIL, INC.

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 10,266.

C. Market value per share of common stock,[1] $24.36.

D. Total market value of stock held by universities listed,[1] $250,079.76.

Name of school, date of report number of shares

Cornell University, March 31, 1970, 10,000.
Northwestern University, May 31, 1970, 266.

ATLANTIC RICHFIELD CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 308,472.

C. Market value per share of common stock,[1] $65.

D. Total market value of stock held by universities listed,[1] $20,050,680.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 3,000.
Brown University, December 31, 1969, 3,680.
University of California,[3] June 30, 1969, 66,995.
Columbia University, March 31, 1970, 2,500.
Dartmouth College, April 30, 1970, 12,000.
Duke University, May 31, 1970, 300.
Emory University, May 29, 1970, 4,000.
Harvard College, June 30, 1970, 3,800.
University of Illinois, May 31, 1970, 920.
Univ. of Illinois Foundation, May 31, 1970, 850.
Macalester College, May 29, 1960, 4,724.
Mass. Institute of Technology,[3] June 30, 1969, 29,002.
University of Montana,[3] December 31, 1969, 96.
University of North Carolina, May 29, 1970, 4,355.
University of Pittsburgh, June 30, 1970, 6,000.
Pomona College, June 30, 1970, 250.
Princeton University, June 30, 1969, 21,566.
University of Rochester, December 31, 1969, 40,000.
Vassar College, June 30, 1970, 8,000.
University of Virginia, June 30, 1969, 1,724.
Williams College, June 30, 1969, 6,610.
Yale University, November 1, 1969, 88,100.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 32.

C. Market value per share of common stock,[1] $41.75.

D. Total market value of stock held by universities listed,[1] $1,336.

Name of school, date of report, number of shares

Brown University, Dec. 31, 1969, 32.

CLARK OIL CO.

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 100.

C. Market value per share of common stock,[1] $20.

D. Total market value of stock held by universities listed,[1] $2,000.

Name of school, date of report, number of shares

California Institute of Technology, Dec. 31, 1969, 100.

COMMONWEALTH OIL REFINING CO., INC.

A. Shares of common stock voted at last annual meeting, 7,891,000.

B. Total held by universities listed below, 206,827.

C. Market value per share of common stock,[1] $15.25.

D. Total market value of stock held by universities listed,[1] $3,154,111.75.

Name of school, date of report, number of shares

Dartmouth College, April 31, 1970, 20,000.
Harvard College, June 30, 1970, 151,635.
Mass. Institute of Technology, June 30, 1969, 10,192.
Yale University, November 1, 1969, 25,000.

CONTINENTAL OIL

A. Shares of common stock voted at last annual meeting, 43,927,000.

B. Total held by universities listed below, 456,093.

C. Market value per share of common stock,[1] $31.75.

D. Total market value of stock held by universities listed,[1] $14,480,952.75.

Name of school, date of report, number of shares

California Institute of Technology, December 31, 1969, 1,657.
Harvard College, June 30, 1970, 220,356.
University of Illinois, May 31, 1970, 12.
Indiana University, August, 1970, 2,000.
University of Kansas, April 30, 1970, 2,032.
Mount Holyoke, June 30, 1969, 13,338.
University of Notre Dame, June 30, 1970, 18,000.
University of Oregon, June 30, 1969, 300.
University of Pittsburgh,[3] June 30, 1970, 14,410.
Pomona College, June 30, 1970, 1,552.
Princeton University, June 30, 1969, 46,822.
Swarthmore College, June 30, 1969, 11,138.
University of Texas, August 31, 1969, 88,576.
Vanderbilt University, June 30, 1969, 12,800.
Vassar College, June 30, 1970, 13,450.
Williams College, June 30, 1969, 9,650.

CREOLE PETROLEUM CORP.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 19,000.

C. Market value per share of common stock,[1] $29.60.

D. Total market value of stock held by universities listed,[1] $562,400.

Name of school, date of report, number of shares

Case Western Reserve Univ.,[2] June 30, 1970, 19,000.

DOME PETROLEUM, LTD.

A. Shares of common stock voted at last annual meeting, 2,138,000.

B. Total held by universities listed below, 81,062.

C. Market value per share of common stock,[1] $74.60.

D. Total market value of stock held by universities listed,[1] $6,047,225.20.

Name of school, date of report, number of shares

Columbia University, March 31, 1970, 2,600.
Harvard College, June 30, 1970, 78,462.

GENERAL AMERICAN OIL CO. OF TEXAS

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 52,540.

C. Market value per share of common stock,[1] $35.

D. Total market value of stock held by universities listed,[1] $262,700.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 52.540

GETTY OIL CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 108,000.

C. Market value per share of common stock,[1] $74.36.

D. Total market value of stock held by universities listed,[1] $8,030,880.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 107,000.
University of Kansas, April 30, 1970, 1,000.

GREAT PLAINS DEVELOPMENT

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 1,000.

C. Market value per share of common stock,[7] $31.

D. Total market value of stock held by universities listed,[7] $31,000.

Name of school, date of report, number of shares

Brown University, Dec. 31, 1969, 1,000.

GULF OIL CORP.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 2,319,802.

C. Market value per share of common stock,[1] $30.12.

D. Total market value of stock held by universities listed,[1] $69,872,436.24.

Name of school, date of report, number of shares

California Institute of Technology, December 31, 1969, 39,384.
University of California,[3] June 30, 1969, 75,000.
Clark University, June 30, 1970, 4,000.
Columbia University, March 31, 1970, 66,841.
Cornell University, March 31, 1970, 94,993.
Dartmouth College, April 30, 1970, 49,534.
Duke University,[3] May 31, 1970, 11,073.
Emory University, May 29, 1970, 30,880.
Harvard College, June 30, 1970, 671.187.

Footnotes at end of article.

University of Illinois,[3] May 31, 1970, 1,758.

University of Illinois Foundation,[3] May 31, 1970, 2,234.

Indiana University, August, 1970, 474.

University of Iowa, June 30, 1970, 5.

University of Kansas, April 30, 1970, 3,727.

Lehigh University, August, 1970, 25,004.

Macalester College, May 29, 1970, 7,726.

University of Maryland, June 30, 1969, 2,320.

Massachusetts Institute of Technology,[3] June 30, 1969, 96,056.

University of Michigan (End), June 30, 1970, 21,240.

University of Michigan (Retirement), 10,288.

University of Montana, December 31, 1969, 40.

Mount Holyoke, June 30, 1969, 14,942.

University of North Carolina, May 29, 1970, 7,889.

Northwestern University, May 31, 1970, 107,567.

University of Notre Dame, June 30, 1970, 37,266.

Oberlin College, June 30, 1969, 28,912.

University of Pennsylvania, June 30, 1970, 47,749.

University of Pittsburgh, June 30, 1970, 279,116.

Pomona College, June 30, 1970, 5,908.

Princeton University, June 30, 1969, 271,856.

Rennselaer Polytechnic Institute,[3] June 30, 1970, 74,457.

Smith College, June 30, 1970, 28,404.

Swarthmore College, June 30, 1969, 10,306.

Syracuse University, April 30, 1970, 3,000.

University of Texas, August 31, 1969, 118,436.

Tulane University, June 30, 1970, 20,640.

Vanderbilt University, June 30, 1969, 19,190.

University of Virginia,[2] June 30, 1969, 14,400.

Case Western Reserve University,[2] June 30, 1970, 12,000.

University of Wisconsin, June 30, 1969, 4,000.

HALLIBURTON CO.

A. Shares of common stock voted at last annual meeting, 7,054,000.

B. Total held by universities listed below, 8,540.

C. Market value per share of common stock,[1] $46.25.

D. Total market value of stock held by universities listed,[1] $394,975.

Name of school, date of report, number of shares

Emory University, May 29, 1970, 8,540.

HOME OIL CO., LTD., CLASS A

A. Shares of common stock voted at last annual meeting, 1,655,000.

B. Total held by universities listed below, 34,400.

C. Market value per share of common stock,[1] $25.85.

D. Total market value of stock held by universities listed,[1] $1,018,490.

Name of school, date of report, number of shares

Dartmouth College, April 30, 1970, 27,400.

Mass. Institute of Technology, June 30, 1969, 12,000.

HUDSON'S BAY OIL & GAS CO., LTD.

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 9,281.

C. Market value per share of common stock,[1] $36.

D. Total market value of stock held by universities listed,[1] $334,080.

Name of school, date of report, number of shares

Harvard College, June 30, 1970, 9,281.

IMPERIAL OIL CO., LTD.

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 100.

C. Market value per share of common stock,[1] $19.25.

D. Total market value of stock held by universities listed,[1] $1,925.

Name of school, date of report, number of shares

University of Kansas, April 30, 1970, 100.

KERR-M'GEE OIL INDUSTRIES

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, $2,324.

C. Market value per share of common stock,[1] $110.

D. Total market value of stock held by universities listed,[1] $255,640.

Name of school, date of report, number of shares

Northwestern University, May 31, 1970, 100.

University of Notre Dame, June 30, 1970, 1,224.

Rutgers University, June 30, 1969, 1,000.

LOUISIANA LAND AND EXPLORATION CO.

A. Shares of common stock voted at last annual meeting, 16,473,000.

B. Total held by universities listed below, 406,936.

C. Market value per share of common stock,[1] $59.60.

D. Total market value of stock held by universities listed,[1] $24,253,385.60.

Name of school, date of report, number of shares

California Institute of Technology, December 31, 1969, 17,500.

Columbia University, March 31, 1970, 18,902.

Dartmouth College, April 30, 1970, 20,000.

Duke University, May 31, 1970, 15,800.

Harvard College, June 30, 1970, 16,822.

Northwestern University, May 31, 1970, 300.

University of Notre Dame, June 30, 1970, 17,870.

Princeton University, June 30, 1969, 162,282.

University of Rochester, December 31, 1969. 80.000.

Swarthmore College, June 30, 1969, 8,000.

Tulane University, June 30, 1970, 14,160.

University of Texas, August 31, 1969, 35,300

MARATHON OIL CO.

A. Shares of common stock voted at last annual meeting, 25,787,000.

B. Total held by universities listed below, 394,039.

C. Market value per share of common stock,[1] $37.

D. Total market value of stock held by universities listed,[1] $14,579,443.

Name of school, date of report, number of shares

Columbia University, March 31, 1970, 32,010.

Duke University. May 31, 1970, 8,000.

University of Illinois (End), May 31, 1970, 1,248.

Indiana University, August 1970, 132.

Lehigh University, August 1970, 5,000.

Massachusetts Institute of Technology, June 30, 1969, 13,722.

University of Michigan (End), June 30, 1970, 16,642.

University of Michigan (Retirement), June 30, 1970, 7,400.

University of North Carolina, May 29, 1970, 6,110.

Northwestern University, May 31, 1970, 17,402.

Pomona College, June 30, 1970, 3,518.

Pomona College (Future Projects Fund), June 30, 1970, 3,500.

Princeton University, June 30, 1969, 71,015.

Rockefeller University, June 30, 1969, 175,000.

Swarthmore College, June 30, 1969, 10,000.

Syracuse University, April 30, 1970, 4,000.

Tulane University, June 30, 1970, 9,340.

Vanderbilt University, June 30, 1969, 10,000.

M'CULLOCH OIL CORP.

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 7,000.

C. Market value per share of common stock,[1] $35.12.

D. Total market value of stock held by universities listed,[1] $245,840.

Name of school, date of report, number of shares

Duke University, May 31, 1970, 7,000.

MIDWEST OIL COMPANY

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 200.

C. Market value per share of common stock,[1] $90.75.

D. Total market value of stock held by universities listed,[1] $18,150.

Name of school, date of report, number of shares

University of Illinois, May 31, 1970, 200.

MOBIL OIL CORP.

A. Shares of common stock voted at last annual meeting, 85,150,000.

B. Total held by universities listed below, 773,060.

C. Market value per share of common stock,[1] $57.60.

D. Total market value of stock held by universities listed,[1] $44,528,256.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 13,200.

California Institute of Technology, December 31, 1969, 53,349.

Clark University, June 30, 1970, 4,200.

Columbia University, March 31, 1970, 83,633.

Cornell University, March 31, 1970, 25,920.

Dartmouth College, April 30, 1970, 26,599.

Duke University, May 31, 1970, 10,846.

Emory University, May 29, 1970, 9,460.

Harvard College, June 30, 1970, 242,010.

University of Illinois, May 31, 1970, 500.

University of Illinois Foundation, May 31, 1970, 1,100.

Indiana University, August 1970, 1,000.

University of Iowa, June 30, 1970, 536.

University of Kansas, April 30, 1970, 400.

Lehigh University, August 1970, 5,750.

Massachusetts Institute of Technology, June 30, 1969, 49,352.

University of Michigan (End), June 30, 1970, 12,711.

University of Michigan (Retirement), June 30, 1970, 7,030.

University of Minnesota, June 30, 1970, 4,400.

Mount Holyoke, June 30, 1969, 8,716.

University of Montana,[3] December 31, 1969, 410.

University of North Carolina, May 29, 1970, 3,680.

Northwestern University, May 31, 1970, 34,800.

Oberlin College, June 30, 1969, 17,630.

University of Oregon,[3] June 30, 1969, 870.

University of Pennsylvania, June 30, 1970, 2,029.

University of Pittsburgh, June 30, 1970, 20,000.

Pomona College, June 30, 1970, 5,887.

Pomona College (Future Propects Fund), June 30, 1970, 5,700.

Rutgers University, June 30, 1969, 10,000.

Syracuse University,[3] April 30, 1970, 9,480.

University of Texas, August 31, 1969, 29,700.

Footnotes at end of article.

University of Virginia,[3] June 30, 1969, 9,082.

Williams College, June 30, 1969, 230.

University of Wisconsin, June 30, 1969, 4,850.

Yale University, November 1, 1969, 58,000.

NYVATEX OIL CORP.

A. Shares of common stock voted at last annual meeting, none

B. Total held by universities listed below, 42,850.

C. Market value per share of common stock,[4] $1.

D. Total market value of stock held by universities listed,[4] $42,850.

Name of school, date of report, number of shares

Williams College, June 30, 1969, 42,850.

OCCIDENTAL PETROLEUM

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 4,066.

C. Market value per share of common stock,[1] $19.25.

D. Total market value of stock held by universities listed,[1] $78,270.50.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 61.

Columbia University, March 31, 1970, 4,000.

Vanderbilt University, June 30, 1969, 5.

PAN OCEAN OIL

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 3,200.

C. Market value per share of common stock,[1] $15.75.

D. Total market value of stock held by universities listed,[1] $50,400.

Name of school, date of report, number of shares

California Institute of Technology, Dec. 31, 1969, 3,200.

PARKER DRILLING

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 8,000.

C. Market value per share of common stock,[1] $7.50.

D. Total market value of stock held by universities listed,[1] $60,000.

Name of school, date of report, number of shares

Brown University, Dec. 31, 1969, 8,000.

PHILLIPS PETROLEUM CO.

A. Shares of common stock voted at last annual meeting, 36,705,000.[5]

B. Total held by universities listed below, 229,094.

C. Market value per share of common stock,[1] $29.85.

D. Total market value of stock held by universities listed,[1] $6,838,455.90.

Name of School, date of report, number of shares

Columbia University, March 31, 1970, 45,000.

Emory University, May 29, 1970, 11,600.

University of Illinois, May 31, 1970, 1,640.

University of Iowa, June 30, 1970, 1,670.

Mass. Institute of Technology,[3] June 30, 1969, 40,000.

University of Maryland, June 30, 1969, 600.

University of Michigan (End.), June 30, 1970, 8,680.

Univ. of Mich. (Retirement), June 30, 1970, 10,200.

University of Minnesota, June 30, 1970, 10,800.

University of Montana, December 31, 1969, 200.

University of North Carolina, May 29, 1970, 654.

University of Notre Dame, June 30, 1970, 21,574.

University of Oregon, June 30, 1969, 800.

University of Pennsylvania, June 30, 1970, 612.

Pomona College, June 30, 1970, 3,664.

Rutgers University, June 30, 1969, 20,000.

Syracuse University,[3] April 30, 1970, 8,600.

University of Texas, August 31, 1969, 36,600.

University of Virginia,[3] June 30, 1969, 6,200.

ROYAL DUTCH PETROLEUM

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 297,827.

C. Market value per share of common stock,[1] $45.12.

D. Total market value of stock held by universities listed,[1] $13,437,954.24.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 16,666.

Columbia University, March 31, 1970, 40,358.

Harvard College, June 30, 1970, 113,217.

University of Illinois, May 31, 1970, 1,873.

Lehigh University, August 1970, 16,500.

Massachusetts Institute of Technology, June 30, 1969, 814.

University of Michigan, June 30, 1969, 74.

Mount Holyoke, June 30, 1969, 13,007.

Princeton University, June 30, 1969, 45,697.

Swarthmore College, June 30, 1969, 11,880.

Syracuse University, April 30, 1970, 11,112.

Tulane University, June 30, 1970, 7,500.

Vanderbilt University, June 30, 1969, 19,129.

SCHLUMBERGER, LTD.

A. Shares of common stock voted at last annual meeting, 11,573,000.[5]

B. Total held by universities listed below, 8,800.

C. Market value per share of common stock,[1] $87.75.

D. Total market value of stock held by universities listed,[1] $772,200.

Name of school, date of report, number of shares

Yale, November 1, 1969, 8,800.

SHELL OIL CO.

A. Shares of common stock voted at last annual meeting, 64,285,095.

B. Total held by universities listed below, 186,463.

C. Market value per share of common stock,[1] $48.50.

D. Total market value of stock held by universities listed,[1] $9,043,455.50.

Name of College, date of report, number of shares

Bowdoin College, July 21, 1970, 9,500.

University of California, June 30, 1969, 19,132.

Dartmouth College, April 30, 1970, 22,606.

Emory University, May 29, 1970, 3,100.

Lehigh University, August 1970, 10,328.

Mass. Institute of Technology, June 30, 1969, 222.

University of Michigan (End), June 30, 1970, 8,288.

University of North Carolina, May 29, 1970, 2,206.

Oberlin College, June 30, 1969, 8,800.

University of Oregon, June 30, 1969, 150.

Pomona College, June 30, 1970, 1,443.

Princeton University, June 30, 1969, 24,171.

Swarthmore College, June 30, 1969, 4,917.

University of Texas,[3] August 31, 1969, 71,600.

SCURRY RAINBOW OIL, LTD.

A. Shares of common stock voted at last annual meeting, 1,686,888.

B. Total held by universities listed below, 40,000.

C. Market value per share of common stock,[1] $22.36.

D. Total market value of stock held by universities listed,[1] $894,400.

Name of school, date of report, number of shares

Dartmouth College, April 30, 1970, 40,000

SIGNAL COMPANIES, INC.

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 42,585.

C. Market value per share of common stock,[1] $13.25.

D. Total market value of stock held by universities listed,[1] $564,251.25.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 6,925.

University of California,[3] June 30, 1969, 35,660.

SKELLY OIL CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 1,500.

D. Market value per share of common stock,[1] $46.

E. Total market value of stock held by universities listed,[1] $69,000.

Name of school, date of report, number of shares.

Northwestern, May 31, 1970, 1,500.

STANDARD OIL CO. OF CALIFORNIA

A. Shares of common stock voted at last annual meeting, 65,867,000.

B. Total held by universities listed below, 705,244.

C. Market value per share of common stock,[1] $51.12.

D. Total market value of stock held by universities listed,[1] $36,052,073.28.

Name of school, date of report, number of shares

Calif. Institute of Technology, December 31, 1969, 2,105.

University of California,[3] June 30, 1969, 75,918.

University of Colorado, March 31, 1969, 2,226.

Columbia University, March 31, 1970, 39,214.

Dartmouth College, April 30, 1970, 20,238.

Emory University, May 29, 1970, 5,804.

Harvard College, June 30, 1970, 190,380.

University of Illinois, May 31, 1970, 365.

University of Iowa, June 30, 1970, 87.

Iowa State University, June 30, 1969, 96.

University of Kansas, April 30, 1970, 219.

Lehigh University, August 1970, 6,850.

Massachusetts Institute of Technology,[3] June 30, 1969, 54,425.

University of Michigan (End), June 30, 1970, 5,669.

University of Montana,[3] December 31, 1969, 156.

Mount Holyoke, June 30, 1969, 883.

Oberlin College, June 30, 1969, 10,784.55.

University of Oregon, June 30, 1969, 1,927.

University of Pittsburgh, June 30, 1970, 5,000.

Pomona College, June 30, 1970, 7,147.

Pomona College (Future Projects Fund), June 30, 1970, 7,035.

Princeton University, June 30, 1969, 66,369.

Rockefeller University, June 30, 1969, 140,001.

Rutgers University, June 30, 1970, 1,157.

Smith College, June 30, 1970, 19,176.

University of Texas, August 31, 1969, 27,780.

Tulane University, March 25, 1970, 10,062.

University of Virginia, June 30, 1969, 4,171.

STANDARD OIL CO. OF INDIANA

A. Shares of common stock voted at last annual meeting, 57,560,000.

B. Total held by universities listed below, 661,888.

C. Market value per share of common stock,[1] $52.85.

Footnotes at end of article.

D. Total market value of stock held by universities listed,[1] $34,980,780.80.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 4,000.

Columbia University, March 31, 1970, 27,630.

Cornell University, March 31, 1970, 29,000.

Dartmouth College, April 30, 1970, 23,936.

Harvard College, June 30, 1970, 86,638.

University of Illinois,[3] May 31, 1970, 3,506.

Indiana University, August 1970, 3,551.

University of Iowa,[3] June 30, 1970, 829.

University of Kansas, April 30, 1970, 1,513.

Macalester College, May 29, 1970, 5,536.

Mass Institute of Technology, June 30, 1969, 39,280.

University of Maryland, June 30, 1969, 652.

University of Michigan (End), June 30, 1970, 13,156.

Univ. of Mich (Retirement) June 30, 1970, 6,448.

University of North Carolina, May 29, 1970, 2,294.

Northwestern University, May 31, 1970, 72,078.

Oberlin College,[3] June 30, 1969, 31,360.

Pomona College, June 30, 1970, 4,875.

Pomona College (Future Projects Fund), June 30, 1970, 4,900.

Rockfeller University, June 30, 1969, 175,000.

Vanderbilt University, June 30, 1969, 150.

University of Virginia, June 30, 1969, 3,200.

Case Western Reserve University,[2] June 30, 1970, 20,000.

University of Wisconsin, June 30, 1969, 2,356.

Yale University, November 1, 1969, 100,000.

STANDARD OIL OF NEW JERSEY

A. Shares of common stock voted at last annual meeting, 171,840,000.

B. Total held by universities listed below, 1,774,130.

C. Market value per share of common stock,[1] $72.75.

D. Total market value of stock held by universities listed,[1] $129,245,370.50.

Name of school, date of report, number of shares

Bowdoin College, July 21, 1970, 6,007.

Brown University, December 31, 1969, 20,375.

California Institute of Technology, December 31, 1969, 2,932.

University of California,[3] June 30, 1969, 66,686.

Catholic University of America,[3] May 27, 1970, 11,120.

Clark University, June 30, 1970, 2,080.

University of Colorado, March 31, 1970, 4,247.

Columbia University, March 31, 1970, 39,223.

Cornell University, March 31, 1970, 66,793.

Dartmouth College, April 30, 1970, 19,336.

Duke University,[3] May 31, 1970, 18,989.

Emory University, May 29, 1970, 15,659.

Harvard College, June 30, 1970, 245,914.

University of Illinois,[3] May 31, 1970, 3,243.

Indiana University, August 1970, 1,337.

University of Iowa,[3] June 30, 1970, 585.

Iowa State University, June 30, 1969, 80.

University of Kansas, April 30, 1970, 5,013.

Lehigh University, August 1970, 33,369.

Macalaster College, May 29, 1970, 2,908.

Massachusetts Institute of Technology, June 30, 1969, 143,592.

University of Maryland, June 30, 1969, 2,639.

University of Michigan (End), June 30, 1970, 13,559.

University of Michigan (Retirement), June 30, 1970, 5,523.

University of Montana,[3] December 31, 1969, 936.

Mount Holyoke, June 30, 1969, 6,366.

University of North Carolina, May 29, 1970, 4,101.

Northwestern University, May 31, 1970, 41,521.

University of Notre Dame, June 30, 1970, 3,240.

Oberlin College,[3] June 30, 1969, 13,644.

University of Oregon, June 30, 1969, 794.

University of Pennsylvania, June 30, 1970, 3,960.

University of Pittsburgh,[3] June 30, 1970, 55,187.

Pomona College, June 30, 1970, 5,975.

Pomona College (Future Projects Fund), June 30, 1970, 5,824.

Princeton University, June 30, 1969, 107,584.

Rennselaer Polytechnic Institute, June 30, 1970, 30,075.

Rochester Institute of Technology, June 30, 1970, 10,000.

Rockefeller University, June 30, 1969, 425,000.

Rutgers University,[3] June 30, 1969, 8,250.

Smith College, June 30, 1970, 14,826.

Swarthmore College, June 30, 1969, 5,808.

Syracuse University,[3] April 30, 1970, 20,140.

University of Texas, August 31, 1969, 23,353.

Vanderbilt University,[3] June 30, 1969, 20,150.

Vassar College,[3] June 30, 1970, 5,713.

University of Virginia,[3] June 30, 1969, 20,562.

Case Western Reserve University,[2,3] June 30, 1970, 32,827.

Williams College, June 30, 1969, 21,536.

University of Wisconsin, June 30, 1969, 7,140.

Yale University, November 1, 1969, 148,409.

STANDARD OIL OF OHIO

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 13,934.

C. Market value per share of common stock,[1] $76.12.

D. Total market value of stock held by universities listed,[1] $1,060,656.08.

Name of school, date of report, number of shares

Indiana University, August 1970, 952.

University of Iowa, June 30, 1970, 83.

Iowa State University, June 30, 1969, 88.

University of Kansas, April 30, 1970, 683.

University of Minnesota, June 30, 1970, 2,000.

University of Montana, December 31, 1969, 128.

Rensselaer University, June 30, 1970, 10,000.

SUN OIL CO.

A. Shares of common stock voted at last annual meeting, 22,343,000.

B. Total held by universities listed below 66,088.

C. Market value per share of common stock,[1] $45.12.

D. Total market value of stock held by universities listed,[1] $2,981,890.56.

Name of school, date of report, number of shares

Northwestern University, May 31, 1970, 19,000.

University of Notre Dame, June 30, 1970, 2,247.

University of Pennsylvania, June 30, 1970, 4,841.

Princeton University, June 30, 1969, 40,000.

SUPERIOR OIL CO.

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 32,696.

C. Market value per share of common stock,[1] $178.75.

D. Total market value of stock held by universities listed,[1] $5,844,410.

Name of school, date of report, number of shares

California Institute of Technology, December 31, 1969, 1,950.

Harvard College, June 30, 1970, 22,446.

Massachusetts Institute of Technology, June 30, 1969, 2,000.

University of Notre Dame, June 30, 1970, 6,000.

Pomona College, June 30, 1970, 300.

TEXACO, INC.

A. Shares of common stock voted at annual meeting, not available.

B. Total held by universities listed below, 2,033,971.

C. Market value per share of common stock, [1] $35.25.

D. Total market value of stock held by universities listed,[1] $71,697,477.75.

Name of school, date of report, number of shares

Brown University, December 31, 1969, 1.

California Institute of Technology,[3] December 31, 1969, 71,322.

University of California,[3] June 30, 1969, 92,303.

Clark University, June 30, 1970, 4,200.

Columbia University, March 31, 1970, 88,846.

Cornell University, March 31, 1970, 46,169.

Dartmouth College, April 30, 1970, 46,398.

Duke University,[3] May 31, 1970, 55,608.

Emory University, May 29, 1970, 20,000.

Harvard University, June 30, 1970, 770,259.

University of Illinois,[3] May 31, 1970, 4,390.

University of Illinois Foundation, May 31, 1970, 1,592.

Indiana University, August 1970, 676.

University of Iowa,[3] June 30, 1970, 1,686.

Iowa State University, June 30, 1969, 264.

Lehigh University, August 1970, 33,050.

Macalester College, May 29, 1970, 9,600.

Massachusetts Institute of Technology,[3] June 30, 1969, 43,346.

University of Maryland, June 30, 1969, 3,054.

University of Michigan (End), June 30, 1970, 24,735.

University of Michigan (Retirement), June 30, 1970, 15,222.

University of Minnesota, June 30, 1970, 9,200.

University of Montana, December 31, 1969, 2,000.

Mount Holyoke, June 30, 1969, 12,700.

University of North Carolina,[3] May 29, 1970, 20,521.

Northwestern University, May 31, 1970, 126,754.

Oberlin College,[3] June 30, 1969, 10,914.

University of Oregon,[3] June 30, 1970, 268.

University of Pennsylvania, June 30, 1970, 30,072.

University of Pittsburgh, June 30, 1970, 10,000.

Pomona College, June 30, 1970, 10,782.

Pomona College (Future Projects Fund), June 30, 1970, 13,000.

Princeton University, June 30, 1969, 170,910.

Rochester Institute of Technology, June 30, 1970, 20,000.

Rutgers University, June 30, 1969, 5,463.

Swarthmore College, June 30, 1969, 16,730.

University of Texas, August 31, 1969, 120,572.

Tulane University, June 30, 1970, 32,088.

Vanderbilt University,[3] June 30, 1969, 12,819.

University of Virginia,[3] June 30, 1969, 11,533.

Williams College, June 30, 1969, 20,040.

University of Wisconsin, June 30, 1969, 4,800.

Yale University, November 1, 1969, 40,084.

TEXAS OIL AND GAS

A. Shares of common stock voted at last annual meeting, none.

B. Total held by universities listed below, 10,900.

C. Market value per share of common stock,[1] $57.50.

D. Total market value of stock held by universities,[1] $626,750.

Footnotes at end of article.

Name of school, date of report, number of shares

Pomona College (Future Projects Fund), June 30, 1970, 4,000.

Vassar College, June 30, 1970, 6,900.

TRANSOCEAN OIL, INC.

A. Shares of common stock voted at last annual meeting, 5,899,896.

B. Total held by universities listed below, 17,568.

C. Market value per share of common stock,[1] $13.50.

D. Total market value of stock held by universities listed,[1] $237,168.

Name of school, date of report, number of shares

Dartmouth College, April 30, 1970, 17,568.

UNION OIL OF CALIFORNIA

A. Shares of common stock voted at last annual meeting, not available.

B. Total held by universities listed below, 71,521.

C. Market value per share of common stock,[1] $33.50.

D. Total market value of stock held by universities listed,[1] $2,395,953.50.

Name of school, date of report, number of shares

University of California, June 30, 1969, 15,082.

Dartmouth College, April 30, 1970, 18,000.

University of Kansas, April 30, 1970, 1,000.

Northwestern University, May 31, 1970, 29,095.

University of Oregon, June 30, 1969, 512.

University of Pennsylvania, June 30, 1970, 1,000.

Pomona College, June 30, 1970, 432.

Rutgers University,[3] June 30, 1969, 6,400.

FOOTNOTES

[1] Computed as of December 5, 1970.

[2] Case Western Reserve University and Western Reserve University now combined. The investment portfolios, however, are kept separate and are so treated here.

[3] Combined total of common stock held in separately listed funds controlled by the college or university.

[4] Computed as of December 10, 1970.

[5] Number of outstanding shares of common stock—number voted at last annual meeting unavailable.

[6] Amerada Petroleum merged with Amerada Hess Corporation on June 20, 1969.

[7] Computed as of December 14, 1970.

Mr. PELL. Mr. President, I wish to congratulate the distinguished Senator from Montana (Mr. METCALF), for his probing research into the portfolios of some of the major universities of our country.

By bringing to the attention of the members of the university community the fact that 53 universities control almost a billion dollars worth of voting stock in the Nation's oil, gas, and electric companies, the Senator from Montana is providing the university community with a unique opportunity to fight pollution and overpricing through the corporate ballot box. The Senator from Montana is to be praised by those who are concerned with the extent of Government regulation needed to stop pollution, for what the distinguished Senator is suggesting is truly a private enterprise solution to pollution control. He is not suggesting more Government regulation, he simply is pointing out the opportunity for stockholders, as voting owners of the major polluters, to utilize their voting powers to elect directors who wish to eliminate pollution and to vote for antipollution policies presented at shareholder meetings.

XUM

HISTORIC COURTHOUSE DESTROYED BY FIRE

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, December 28, 1970

Mr. SPONG. Mr. President, 10 days before Christmas, the historic Botetourt County courthouse in Fincastle, Va., was gutted by fire. Fortunately, all of the permanent records, including those from the days when the court at Fincastle served the vast territory west to the Mississippi, were saved.

It occurred to me that Senators, especially those from the States of West Virginia, Kentucky, Ohio, Indiana, Illinois, and Wisconsin would be interested in knowing of the fire and of the preservation of the old records. I ask unanimous consent to have printed in the RECORD, an article from the Fincastle Herald, which gives an interesting account of the background of the 200-year-old Botetourt County courthouse.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRESENT COURTHOUSE, THIRD ON SITE, WAS BASED ON EARLIER JEFFERSON PLANS

One of the first concerns expressed by Botetourt County residents, both at the scene of the Courthouse fire early Tuesday morning and in the dreary hours after it was over, was for the status of the priceless historical documents which reflect the county's 200-year history.

The fire occurred during the year of the county's Bicentennial Celebration.

Most of the documents are believed to have been saved. The Board of Supervisors in an emergency meeting Tuesday afternoon, authorized Circuit Clerk George E. Holt, Jr., to engage paper experts from the W. J. Barrow Research Laboratory in Richmond to survey any damage in his office.

Holt has said that as soon as electricity is available in the vault building he will have dehumidifiers installed.

The Courthouse was a focal point of the Bicentennial Celebration. In its vault are such documents as a 1780 land grant signed by Thomas Jefferson, then governor of Virginia; a colonial grant signed by Governor Dunmore in 1772; minutes of a meeting of field officers in the American Revolution in 1782; maps of prison bounds in Fincastle in the late 1700's, and the marriage bond of William Clark, of the Lewis and Clark expedition, and Judith Hancock.

On file are the wills of such colonial leaders as General Andrew Lewis, Colonel William Fleming, General James Breckinridge, and Colonel Henry Bowyer.

Land records include Israel Christian's original transfer of land for Fincastle and other points in the vast county area which extended west to the Mississippi River.

Copies of land grants from King George III to Thomas Jefferson for Natural Bridge in a tract on Cedar Creek and to George Washington for 7,276 acres of land in what is now Kentucky are on file here.

The first court house on this site was built in 1770. It was of log construction. In the space around it were stocks and a ducking stool.

The second court house was started in 1818. It was made of brick with a dome in the center and chimneys on the east and west ends. The plans for this building were drawn by Thomas Jefferson. His letter to General James Breckinridge transmitting these plans read in part: Monticello, Oct. 6–18. "You have had a right to suppose me very unmindful of my promise to furnish you with drawings for your court house, yet the fact is not so. A few days after I parted with you, the use of the waters of the Warm Spring began to affect me unfavorably. These sufferings, aggravated by the torment of the journey home over the rocks and mountains I had to pass had reduced me to the lowest state of exhaustion by the time I had got back. I have been on the recovery some time and still am so but not yet able to sit erect for writing. By working at your drawings a little everyday, I have been able to compleat and now to forward them by mail, with the explanations accompanying them. I hope your workman will sufficiently understand them. I send also some seed of the succory (chicory) which I think I promised you. I shall not despair, in my annual rambles to the Natural Bridge of being able at some time to extend them to Fincastle."

The present Court House was erected in 1947–48 and was copied from the Jefferson Court House of 1818.

The edicts issued from this building were law within its territory, which extended to the Mississippi River and contained all or parts of the states of West Virginia, Kentucky, Ohio, Indiana, Illinois and Wisconsin.

At the rear of this court building were brick houses containing offices for the local attorneys, and housing some of the county officials. Among these buildings, one is yet standing which was the office of Andrew Hamilton who was using it as his law office in 1812.

This is now being restored for use as a museum for the collection and exhibition of old items indigenous to Botetourt County or of particular interest to its citizens.

SOME SPECIFIC SUGGESTIONS TO BETTER COPE WITH LABOR-MANAGEMENT DISPUTES

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. FISHER. Mr. Speaker, evidences of inflation have been dramatically illustrated during the past year. These symptoms are reflected in food prices and also in general price increases.

A second and quite significant indicator is found in wage raises, including some that have been exorbitant. Availing themselves of raw economic power, some labor unions have been able to ignore reality and any semblance of production capacity in imposing virtual blackmail upon employers.

Among some unions, monopoly has been the watchword. It has been demonstrated in the automobile industry, transportation, and others. Total direct and indirect costs of the General Motors strike are estimated at $7 billion.

It has been a dueling process of settling wage-price quarrels, with the public—which pays the bill—looking on helplessly.

It is understandable that labor is sensitive to rising living costs. But many of these wage hikes are unrelated to the cost-of-living index. Too often strikes are an exercise in unrestrained economic power, unrelated to legitimate contentions. Too often industry is forced to yield and compensate by simply adding the increase in cost to the prices that are charged for what they produce.

EXORBITANT WAGE INCREASES IN CONSTRUCTION INDUSTRY

Mr. Speaker, I recently received a letter from Mr. Joseph Rich, president of the National Association of Plumbing-Heating-Cooling Contractors, which contains some interesting statistics on the effect inflationary wage increases are having on the construction industry.

The letter and an enclosure follow:

NOVEMBER 23, 1970.

Hon. O. C. FISHER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FISHER: While we are certain that you are generally aware of the exorbitant wage settlements that have been inflicted on the construction industry and the public in recent months, we wish to bring to your attention some *factual* details which bring into focus the enormity and real impact of this condition.

Some glaring examples in our industry are listed below:

CITY AND HOURLY INCREASE

Los Angeles, Orange County, California, $5.00 over 3 years.
Miami, Florida, $5.00 over 30 months.
Cleveland, Ohio, $4.50 over 3 years.
Baltimore, Maryland, $4.38 over 3 years.
New Britain, Connecticut, $4.06 over 2 years.
Providence, Rhode Island, $4.10 over 3 years.
Buffalo, New York, $3.90 over 3 years.
Evansville, Indiana, $3.80 over 37 months.
Memphis, Tennessee, $3.40 over 3 years.
Rochester, New York, $3.00 over 2 years.
Wilmington, Delaware, $3.00 over 21 months.

(Further information on building trades shown on attached sheet.)

To date, in 1970, there have been 420 strikes in the construction industry as compared to 205 during the calendar year 1969.

We all believe that the American working man should be entitled to a fair wage. However, it is obvious that this condition is completely one-sided and is *fueling* runaway inflation. Even the Federal Government in its contracting, purchasing, and financing activities is having its programs blunted. A four billion dollar federal pollution control shrinks to three billion before the project is off the drawing board.

We would appreciate any suggestions or comments you might offer which will bring some manner of relief.

Sincerely,

JOSEPH RICH,
President.

SETTLEMENTS OF VARIOUS BUILDING TRADES

City and State	Occupation	Days on strike	Current rate	Increase	Final rate	Annual percent increase
Los Angeles, Calif	Sheet metal workers	17	$7.06	$5 per 3 years	$12.06	23.7
Northern Illinois	Operating engineers (heavy, highway)	75	6.03	4.75 per 32 months	11.05	25.1
Las Vegas, Nev	Operating engineers	9	7.07	3.96 per 4 years	11.03	14.0
Norwich, Conn	Bricklayers	28	6.07	4.03 per 3 years	10.10	22.0
New Britain, Conn	Plumbers, steamfitters		6.31	4.06 per 2 years	10.37	32.1
Connecticut statewide	Carpenters		6.59	4.69 per 39 months	10.35	25.2
Waterbury, Conn	Electricians		5.95	6 per 3 years	11.95	33.6
Miami, Fla	Pipefitters	55	6.76	3.50 per 27 months	10.26	22.8
Miami, Fla	Plumbers	50		5 per 30 months		
Hartford, Conn	Electricians	28	6.75	5.75 per 3 years	12.50	28.2
Chicago, Ill	Operating engineers		6.55	4.50 per 4 months	11.05	28.8
Wichita, Kans	do	48	5.40	5.10 per 3 years	10.50	31.4
Baltimore, Md	Bricklayers	47	6.21	4.36 per 3 years	10.57	23.3
Do	Plumbers	47	5.68	4.38 per 3 years	10.06	25.7
Missouri area W-1	Laborers (heavy, highway)	10	3.925	2.85 per 13 months	6.775	66.9
Columbus, Ohio	Plumbers		8.205	3.565 per 3 years	11.77	14.4
Providence, R.I	do			4.10 per 3 years		
South Bend, Ind	Carpenters		6.605	3.85 per 3 years	10.455	19.4
Detroit, Mich	Sprinkler fitters		7.80	3.20 per 3 years	11.00	14.9
New York, Albany-Troy, Schenectady	Sheet metal workers	91	5.85	4.43 per 3 years	10.28	25.3
Louisville, Ky	Iron workers	10	7.29	3.15 per 3 years	10.44	14.4
Niagara Falls, N.Y	Plumbers		8.55	2.85 per 2 years	11.40	16.6
Kansas City, Mo	Bricklayers			4.50 per 4 years		
Memphis, Tenn	Ironworkers			4 per 4 years		
New Jersey, statewide	Operating engineers (heavy, highway)			5.10 per 3 years		

HIGHLIGHTS

Cleveland, Ohio, pipefitters ended a five month strike with a settlement that provided a $3.15 hourly wage increase over three years which means a 1972 base rate of $10.96 an hour.

Boston Area Plumbers and Gasfitters held a four week strike and won a three year settlement of $3.90 hourly increase, and 60% increase in fringe benefits. 1972 will give them a base rate of $10.60 hourly.

On June 16, 1970, the Wilmington, Delaware pipefitters began a strike demanding $3.00 for 21 months. Their current rate was $6.77. They settled for $2.85 for two years which will, in mid-1971, bring their base pay to $10.38.

Suffolk County, New York, plumbers agreed, without a strike, to an increase of $4.00 for three years, retroactive to July 1, 1970.

LEGISLATION IS IMPERATIVE

Mr. Speaker, the Congress must face up to this intolerable situation. Present laws to protect the public are obviously inadequate. This Nation, advanced as it is in so many ways, can ill afford the luxury of such antiquated, haphazard, raw power, methods of settling labor-industrial disputes.

The administration has proposed amendments to the Railway Labor Act, designed to better deal with that problem. The President has said the Taft-Hartley Act should be updated to better cope with today's issues. All seem to agree that something should be done. What is needed is an overhaul of present laws. Piecemeal legislation will not suffice.

With this in mind, I have introduced some bills, one of which would make labor unions subject to the antitrust laws. Unions have opposed this approach as being "antilabor." Actually it is not. It is a means of equalizing bargaining power of two powerful contesting forces.

Unions were exempted from antitrust long ago, at a time when they were relatively weak. Now they have grown up. Instead of being weaklings, unions are now big business. No longer do they need to be wetnursed and coddled because of alleged relative weakness. They should recognize that fact.

WHAT ABOUT A LABOR COURT?

In addition, I have offered a bill which would abolish the National Labor Relations Board, and create a 15-member labor court, with authority to resolve labor-management disputes without resorting to the arbitrant featuring a clash of economic power. It would for the first time provide a means whereby the public would have a voice in achieving a judicial determination of the issues.

While this method has the markings of compulsory arbitration, it incorporates a judicial approach where both sides—and the public—would have a hand. The labor court approach has been used quite successfully in Australia. While admittedly it provides no ideal solution, unless and until something better is offered, then the proposal deserves serious consideration.

If this approach is discounted, and if nothing better is offered, then consideration should be given to the creation of a commission, to include labor, management, the public, and representatives of the Congress. This commission would be charged with responsibility to make an in-depth investigation of the adequacy of present laws, and recommend specific proposals.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE RETIREMENT OF DANIEL PATRICK MOYNIHAN

HON. JOHN SHERMAN COOPER

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Monday, December 28, 1970

Mr. COOPER. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks in the Record excerpts from a statement made by Dr. Daniel Patrick Moynihan at the White House on the conclusion of his tenure of service to President Nixon, as published in today's Washington Post.

This statement speaks for itself. It is good to have a judgment of the first 2 years of President Nixon's administration by Dr. Moynihan, a man who speaks as a nonpartisan, of intellectual quality and attainments, and has been intimately associated with President Nixon. I hope it will be widely read by the American people. I hope also that the family assistance plan which was conceived by Dr. Moynihan will be enacted, and that he will render further service to this country during President Nixon's administration.

There being no objection, the article was ordered to be printed in the Record, as follows:

"America Is the Hope of the World": Moynihan Sums Up 2 Years With Administration

As the President has said, we are now in the middle of the journey. Where it will end we do not know. It is no longer even clear where it began, our senses having long since been dulled by the relentless excess of stimulus which is the lot of any who involve themselves in American government.

It may be of some use, then, to try to reconstruct the circumstances in which the President was elected, and formed his Administration, just two years ago.

It seemed the worst of times. It was the habit then to speak of the nation as divided, and to assert that the situation was grave beyond anything since the Civil War itself. This was misleading. The country was not so much divided as fragmented; it was coming apart. The war in Asia, undeclared and unwanted, misunderstood or not understood at all, pursued by decent men for decent purposes but by means, and with consequences, that could only in the end be heartbreaking, had brought on an agony of the spirit that had had no counterpart in our national experience.

The agony was elemental, irresolvable, and nigh to universal. No matter what one's view of the nation might be, events in Vietnam contradicted that view. Not long before the war in Asia began a French Dominican priest wrote that "Either America is the hope of the world, or it is nothing." An astonishingly large cohort of Americans concluded in the course of the 1960's that it was nothing.

The agony of war was compounded by and interacted with the great travail of race which, once again, not so much divided as fractured the society. Racial bondage and oppression had been the one huge wrong of American history, and when at last the nation moved to right that wrong the damage that had been done proved greater than anyone had grasped.

An ominous new racial division made its appearance, and with it also a new sectional division, unattended and underappreciated, but not less threatening.

The economic vitality of the nation was imperiled. The war disrupted the economy and then dictated that the onset of peace would do so as well.

In such circumstances, confidence in American government eroded. Government was not to be believed, nor was much to be expected of it. Save fear, Government had begun to do utterly unacceptable things, such as sending spies to the party conventions in 1968.

It all comes together in the story of the man who says, "They told me if I voted for Goldwater there would be half a million troops in Vietnam within the year. I voted for him, and by God they were right."

How then could it have been otherwise than that the election of 1968 would begin in violence and end in ambiguity. It was clear enough who had won, albeit barely, but not at all certain what had won.

Then came the President's inaugural address with its great theme of reconciliation, and restraint, and—in the face of so much about which we comprehend so little—reserve. "Few ideas are correct ones," wrote Disraeli, "and what are correct no one can ascertain; but with words we govern men."

Those words of January 20, 1969, were and remain the most commanding call to governance that the nation has heard in the long travail that is not yet ended.

How, by that standard, would one measure the two years now past. Not, I think, unkindly. To the contrary, the achievement has been considerable, even remarkable.

In foreign affairs the nation has asserted the limits of its power and its purpose. We have begun to dismantle the elaborate construct of myth and reality associated with the Cold War. The war in Asia has receded, the prospect of arms limitation has gradually impressed itself on our consciousness, the possibility of containing the endless ethnic, racial, and religious conflicts that may now become the major threat to world order has become more believable as here and there things have got better, not worse. The prospect of a generation of peace has convincingly emerged.

In domestic matters events have been similarly reassuring. Far from seeking a restoration of outmoded principles and practices with respect to issues of social justice and social order, the President, on taking office, moved swiftly to endorse the profoundly important but fundamentally unfulfilled commitments, especially to the poor and oppressed, which the nation had made in the 1960's.

He then moved on to new commitments to groups and to purposes that had been to much ignored during that period, and beyond that to offer a critique of government the like of which has not been heard in Washington since Woodrow Wilson.

In one message after another to the Congress, the fundaments of governmental reform were set forth. More was required of government, the President said, than simply to make promises. It had to fulfill them. It was on this bedrock of reality that trust in government must rest. The restoration of trust would depend on this.

Since that time, mass urban violence has all but disappeared. Civil disobedience and protest have receded. Racial rhetoric has calmed. The great symbol of racial subjugation, the dual school system of the South, virtually intact two years ago, has quietly and finally been dismantled.

All in all, a record of some good fortune and much genuine achievement.

And yet how little the administration seems to be credited with what it has achieved. To the contrary, it is as if the disquiet and distrust in the nation as a whole has been eased by being focused on the government in Washington. One thinks of President Kennedy's summation: life is not fair. But there is something more at work than the mere perversity of things.

In a curious, persistent way our problem as a nation arises from a surplus of moral energy. Few peoples have displayed so intense a determination to define the most mundane affairs in terms of the most exalted principles to see in any difficulty an ethical failing, to deem any success a form of temptation, and as if to ensure the perpetuation of the impulse, to take a painful pleasure in it all.

Our great weakness is the habit of reducing the most complex issues to the most simplistic moralisms. About Communism. About Capitalism. About Crime. About Corruption. About Likker. About Pot. About Race Horses. About the SST. Name it.

This is hardly a new condition. Tocqueville noted it a century and a half ago. "No men are fonder of their own condition. Life would have no relish for them if they were delivered from the anxieties which harass them, and they show more attachment to their cares than aristocratic nations to their pleasures."

But in the interval this old disposition has had new consequences. What was once primarily a disdain for government has developed into a genuine distrust. It has made it difficult for Americans to think honestly and to some purpose about themselves and their problems. Moralism drives out thought.

The result has been a set of myths and counter myths about ourselves and the world that create expectations which cannot be satisfied, and which lead to a rhetoric of crisis and conflict that constantly, in effect, declares the government in power disqualified for the serious tasks at hand.

The style which the British call "muddling through" is not for us. It concedes too much to the probity of those who are trying to cope, and the probable intransigency of the problems they are trying to cope with. In any event, in so intensely private a society it is hard to get attention to one's own concern save through a rhetoric of crisis.

As a result, we have acquired bad habits of speech and worse patterns of behavior, lurching from crisis to crisis with the attention span of a five-year old. We have never learned to be sufficiently thoughtful about the tasks of running a complex society.

The political process reinforces, and to a degree rewards, the moralistic style. Elections are rarely our finest hours. This is when we tend to be most hysterical, most abusive, least thoughtful about problems, and least respectful of complexity.

Of late these qualities have begun to tell on the institution of the Presidency itself. A very little time is allowed the President during which he can speak for all the nation, and address himself to realities in terms of the possible. Too soon the struggle recommences.

This has now happened for us. We might have had a bit more time, but no matter. The issue is how henceforth to conduct ourselves.

As I am now leaving, it may seem to come with little grace to prescribe for those who must stand and fight. I would plead only that I have been sparing of such counsel in the past. Therefore, three exhortations, and the rest will be silence.

The first is to be of good cheer and good conscience. Depressing, even frightening things are being said about the administration. They are not true. This has been a company of honorable and able men, led by a President of singular courage and compassion in the face of a sometimes awful knowledge of the problems and the probabilities that confront him.

The second thing is to resist the temptation to respond in kind to the untruths and half truths that begin to fill the air. A cen-

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tury ago the Swiss historian Jacob Burckhardt foresaw that ours would be the age of "the great simplifiers," and that the essence of tyranny was the denial of complexity. He was right. This is the single great temptation of the time. It is the great corruptor, and must be resisted with purpose and with energy.

What we need are great complexifiers, men who will not only seek to understand what it is they are about, but who will also dare to share that understanding with those for whom they act.

And, lastly, I would propose that if either of the foregoing is to be possible, it is necessary for members of the Administration, the men in this room, to be far more attentive to what it is the President has said, and proposed. Time and again, the President has said things of startling insight, taken positions of great political courage and intellectual daring, only to be greeted with silence or incomprehension.

The prime consequence of all this is that the people in the nation who take these matters seriously have never been required to take us seriously. It was hardly in their interest to do so. Time and again the President would put forth an oftentimes devastating critique precisely of their performance. But his initial thrusts were rarely followed up with a sustained, reasoned, reliable second and third order of advocacy.

Deliberately or not, the impression was allowed to arise with respect to the widest range of Presidential initiatives that the President wasn't really behind them. It was a devastating critique.

The thrust of the President's program was turned against—him! For how else to interpret an attempt to deal with such serious matters in so innovative a way, if in fact the effort was not serious.

It comes to this. The Presidency requires much of those who will serve it, and first of all it requires comprehension. A large vision of America has been put forth. It can only be furthered by men who share it.

It is not enough to know one subject, one department. The President's men must know them all, must understand how one thing relates to another, must find in the words the spirit that animates them, must divine in the blade of grass the whole of life that is indeed contained there, for so much is at issue.

I am of those who believe that America is the hope of the world, and that for that time given him the President is the hope of America. Serve him well. Pray for his success. Understand how much depends on you. Try to understand what he had given of himself.

This is something those of us who have worked in this building with him know in a way that perhaps only that experience can teach. To have seen him late into the night and through the night and into the morning, struggling with the most awful complexities, the most demanding and irresolvable conflicts, doing so because he cared, trying to comprehend what is right, and trying to make other men see it, above all, caring, working, hoping for this country that he has made greater already and which he will make greater still . . .

RECOMMENDATIONS BY THE LUBAVITCH MOVEMENT DURING THE WHITE HOUSE CONFERENCE ON CHILDREN

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 22, 1970

Mr. GIAIMO. Mr. Speaker, overlooked amid the arguments and heated rhetoric of the recent White House Conference on Children were the observations and recommendations of many noted educators and other experts who came to the conference with a view toward improving the quality of public education in the United States. Among these experts were delegates from the Lubavitch Movement, an internationally recognized Jewish organization which operates schools and maintains youth activities and summer camps in the United States, Canada, Europe, North Africa, Israel, Australia, and South America.

Since I believe that the observations of the Lubavitch delegates will be of interest to my colleagues, I wish to insert them in the RECORD at the conclusion of my remarks. I also wish to include a most interesting analysis of the effect of communal living on children and the family presented at the conference by Rosabeth Moss Kanter, assistant professor of sociology at Brandeis University.

[From the Lubavitch News Service, Dec. 17, 1970]

WHITE HOUSE CONFERENCE ON CHILDREN

The delegation of the Chabad (Lubavitch) Movement, with Headquarters at 770 Eastern Parkway, Brooklyn, N.Y., consisting of representatives from the Movement's regional operations in various parts of the country, issued the following statement:

CONFIDENCE RESTORED

"After an initial period of frustrations, the Lubavitch delegation have found that their respective Forums have settled down to a more businesslike atmosphere," declared Dr. Nissan Mindel, head of the delegation, at a Press Conference, Tuesday night.

"We have come to the White House Conference on Children with a series of practical recommendations with a view to improving the quality of public school education," he continued. "We are gratified that most of them have been well received, and many have been adopted in the workshops. Our confidence in the Conference has been largely restored."

NATIONWIDE AND WORLDWIDE EXPERIENCE

The Lubavitch delegation, comprising ten energetic Rabbis from various sectors of the country from coast to coast, and two ladies representing the Women's Division of the Movement, bring with them the experience of a Movement which operates schools for boys and girls (non-coed) and maintains youth activities and summer camps in various parts of the country, as well as in Canada and many other countries in Europe, North Africa, Israel, Australia, and South America. The Movement's educational arm, the Central Organization for Jewish Education, also publishes educational textbooks and literature and a monthly magazine for children and youth, *Talks and Tales*, appearing in eight languages, for the benefit of Jewish children in various parts of the world, where the Lubavitch Movement maintains educational facilities.

ACCENT ON MORAL VALUES

The Lubavitch delegates focused attention, among other things, on the need to foster moral, ethical, and spiritual values in child education. An educational system must have a soul. Children are not computers to be fed a mass of informational data, without regard for their human needs for higher goals and ideals in life. This is a basic tenet of the Lubavitch education philosophy, which has been highly successful in their worldwide experience with children and youth.

CHILDREN'S RIGHTS AND WRONGS

Among the values suggested by the Lubavitch delegates as important to the child's development, the following were proposed, and most of them adopted:

Reaffirmation of faith in American democracy; loyalty to God, family and country; commitment to the highest ethical, cultural and spiritual values in the daily life; dedication to the principles of morality, and faith in a Supreme Being.

Children must be taught that their rights must not infringe upon the rights and prerogatives of parents, other members of the family, and of other children and adults. (Forum 22–J, Rabbi Abraham B. Hecht, Sephardic Community of Brooklyn; civic leader).

A child has a right not to be burdened by decision-making in areas requiring mature judgment. (Forum 14–A, Rabbi David Hollander, former Pres. Rabbinical Council of America, Professor of Sociology, New York City).

A child has a right to be born into a family of maximum parental devotion and security on an *enduring* basis. This calls for the strengthening of the time-honored family institution, to the exclusion of such deviations as "group marriages," and the like, which negate the specific father-and-mother foundation of the family.

A child's personality should include the virtues of honesty, fairness, compassion, understanding, and respect in all inter-human relationships. (Forum 18–F, Rabbi Noach Bernstein, Spiritual leader of Cong. Adas Israel, Duluth, Minn., social worker).

PARENT'S RIGHTS

Parents have a right to determine the kind of outlook and way of life they wish their children to follow. (FORUM 22–J).

ADULT EDUCATION

Massive Federal aid for a broadened program of adult education on the local community level, with emphasis on those values which would make adults better models for children. (FORUM 4–D, Rabbi Jacob J. Hecht, National Committee for Furtherance of Jewish Education, Brooklyn, N.Y.).

EXTRA-CURRICULAR EDUCATION

Affirmation of the voluntary released time program for religious education outside the school, and the need to expand it. (FORUM 4–B, Director of Publications, Central Organ. for Jewish Ed., editor, author, translator).

To institute a program—"Search For Values"—to operate along the lines of the released time program for religious education. (FORUM 4–D).

TEACHER'S QUALIFICATIONS

A child has a right to be taught by teachers who are qualified not merely professionally, but also by their personal moral and ethical attitudes and behavior. (FORUM 14–D).

MASS MEDIA

Condemn X-rated films and other vehicles of obscenity in mass media accessible to children. (FORUM 4–D).

RELIGIOUS INSTITUTIONS

Recognition of the positive role of religious institutions in the development of a better society. (FORUM 4–B, Mrs. Nettie Mindel, High School teacher, Long Beach, N.Y.)

Other members of the Lubavitch delegation are: Rabbi Maurice Hecht, Headmaster of Hebrew Day School, New Haven, Conn.; Rabbi Moshe Feller, Minneapolis, Minn., director of the Movement's Midwestern office; Rabbi Abraham B. Shemtov, director of the office in Philadelphia, Pa.; Rabbi Shlomo Cunin, director of the office in Los Angeles, Cal., Rabbi Zalman Posner, Nashville, Tenn., and Mrs. Ruth Hecht, New Haven, Conn.

INFORMATION ON COMMUNES

(By Rosabeth Moss Kanter)

Communes have always existed in America starting as early as 1680, predating many other kinds of settlements. During the 1840's several national associations existed for the purpose of founding communities, and many prominent Americans befriended this life style, including Nathaniel Hawthorne, Ralph Waldo Emerson, and Henry David Thoreau, all of whom either lived or spent considerable time at Brook Farm. The communal tradition thus has old and respectable roots in America. (Even the Pilgrims came here to establish a communal society.)

Today I would estimate that at least 100,000 people live in some form of commune with 5 to 10 times that number considering it. (This is an informed guess for purposes of our discussion; don't quote me on it.)

Groups labelled communes vary enormously in size, family style, child-rearing patterns, economic base, and stability. (Some really are total communities.) To make any statements about communes *must take this diversity into account.*)

Communes range from 5 people sharing living space to several hundred.

There is a wide variety of family style in communes, including: 1. monogamous couples who share a dwelling unit (either a separate house or rooms in a common house) along with their children. Also single people in their own rooms. 2. Monogamous couples sharing a room, children living together in children's quarters, single people in their own rooms. 3. All adults and children in separate rooms, some couples (married or unmarried) forming though not living together, liberal sexual norms, no clear pattern. 4. Group marriage, couples, and all adults engaging in sexual relations with all others. No exclusive attachments to adults or children. 5. Celibacy (a rare form today, more common in the last century) no sexual contact. Children if present either born before their parents entered the community or adopted.

Structures for child-rearing vary along the following dimensions:

1. From children living with their parents to children living together in children's quarters.

2. From parents having primary responsibility for their own children to the community as a whole sharing responsibility for all children and making policy with respect to them, sometimes delegating this to "house parents" for the children's quarters.

3. From the commune forming its own school and teaching children internally to the commune sending children to school on the outside.

Economic base of communes similarly varies. Some form a production unit and support themselves by working together on a community enterprise, whether a farm or a business. Some of these enterprises are very successful. (Where members work internally on community businesses children often work side-by-side with adults part-time.) Other communes send some adults to outside jobs.

Communes also differ in stability. Some have only existed for a few years and have a high turnover of members. Others, however, have existed for long periods (some well over a hundred years) with a stable group of members.

Examples of advantages of communes. (I welcome your comments or additions—this is only a partial list.)

1. Strong sense of caring and belonging.

2. Multiplicity of role models for children—get to know many adults and many adults tastes.

3. If the group has its own enterprise, then work and family life are well integrated. Children can see their own parents and other adults at work and often work side-by-side.

4. Children can be a vital part of the life of the group, rather than a separate category of person to be isolated and ignored. They are often given the opportunity to make a real contribution to commune life, with their own work to do, developing their sense of responsibility easier transition to adult status.

5. Cooperation an important part of day-to-day life and training in cooperation this is a natural result of living.

6. Reduction of dependency on just two adults. If one or more of the parents is absent the child and the remaining adult still have a number of other strong, caring relationships with adults.

7. If the commune runs its own schools, then all parents and other adults can more easily participate in the life of children and children in the life of adults.

8. Creation of strong peer groups for children. Sexual learning more natural.

9. Where the commune has a strong set of values and beliefs, both children and adults gain a sense of identity, and purpose.

10. Training in interpersonal competence. Given the close set of relationships in a commune children learn more effectively a basic set of skills in human relations.

11. In many communes children have more rights as well as responsibilities.

(Some of these are advantages of any strong family form.)

Examples of problems of communes:

1. Difficult problem of establishing a viable way to organize; therefore many communes find it hard to survive.

2. Creation of strong "in-group" feeling sometimes isolates members from the outside. It is sometimes difficult for a commune to incorporate change.

3. Emphasis on strong ties to the group means that individuals often must be willing to give a measure of privacy and autonomy.

4. Dynamic in stable communes as they develop toward concentrating all energy and loyalty within the commune.

(I'm stopping here because of time and space constraints but there is a great deal more to be said. Let's discuss it further.)

Legislaiton currently existing in the following areas has discriminatory implications for communes: income tax, adoption laws, housing laws. Communes are also subject to much official harrassments.

Since communes are organized around principles of mutual support, self-help, and joint responsibility by all members for all others, they may potentially relieve society of some social burdens rather than adding to them. Therefore this potential should be actively encouraged, and programs built with this in mind. (I would be interested in discussing this further.)

HOUSE OF REPRESENTATIVES—*Tuesday, December 29, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

So, my brothers, do stand firmly in the Lord.—Philippians 4: 1.

Our Father God, who reveals Thyself in all that is good and true and beautiful, help us to make our hearts receptive to Thee, and our minds responsive to the leading of Thy Spirit, as we face the tasks of the last days of the old year. Now and always may we keep alive our faith in values that live forever and in virtues that never die. No matter what may be our lot in life—joy or sorrow, victory or defeat—may we be strengthened by Thy presence and sustained by Thy power as we labor for the good of our country and as we work for a better world in which men can live together with justice and in peace.

We mourn the passing of our beloved colleague, L. Mendel Rivers, "who more than self his country loved." For his devotion to our country, particularly our Armed Forces, we thank Thee. For the love in his home, the warmth of his friendship, the greatness of his heart, we are grateful. The passing of this highly trusted and great-spirited public servant reminds us again that in the midst of life we are in death. Bless his family with the comfort of Thy presence and strengthen them for the days ahead.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Tuesday, December 22, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 13810. An act for the relief of Lt. Col. Robert L. Poehlein.

The message also announced that the Senate had passed with amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10874. An act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes.

The message also announced that the Senate had tabled the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19590) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes."

And that the Senate disagrees to the amendments of the House to Senate amendments numbered 14, 26, 31, 49, and 53 to the above-entitled bill.

And that the Senate further insists upon its amendments to the above-entitled bill, disagreed to by the House, and requests a further conference with the House on the disagreeing votes of the two Houses thereon.

And appoints Mr. Ellender, Mr. Russel, Mr. McClellan, Mr. Stennis, Mr. Symington, Mr. Young of North Dakota, Mrs. Smith, and Mr. Allott to be the conferees on the part of the Senate.

The message also announced that the Secretary be directed to request the House of Representatives to return to the Senate the bill (H.R. 14984) entitled "An act to provide for the disposition of

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funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142, 359-363, and for other purposes," together with all accompanying papers.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19928) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate agrees to House amendments numbered 8, 11, 16, 22, 29, 44, 53, 58, 62, 71, and 84 and that the Senate recedes from its amendment numbered 15, to the foregoing bill.

THE LATE HONORABLE L. MENDEL RIVERS

The **SPEAKER.** The gentleman from South Carolina (Mr. McMillan) is recognized.

Mr. McMILLAN. Mr. Speaker, we were all saddened to learn of the passing of our colleague, and my good friend, Congressman Lucius Mendel Rivers last Monday morning, December 28, 1970, at 1:40 a.m. The State of South Carolina, the Nation, and the entire world has lost a great leader.

It is not easy for me to speak about the passing of Congressman Rivers, since we have been just about as close as any two Members could be during the past 30 years. We represented adjoining districts which cover the entire coastal area of South Carolina where we were confronted with similar problems at all times.

Congressman Rivers was always one of the first people I saw on arrival at the House Office Building between 7 and 8 a.m. Our parking spaces were adjoining in the House garage and I have never heard Mendel complain concerning his strenuous 12-hour schedule each day or his health.

Mr. Rivers' record will stand and be well remembered for its forceful brilliance and integrity. He was a true statesman, an American who gave of himself to uphold the ideals upon which this country of ours is founded. He had a strength of character that could not be swayed by vigorous attempts to alter his ideals. And he answered his challengers with oratory, the likes of which few men today can muster.

On December 7, the anniversary of Pearl Harbor, Mendel Rivers handled what was to be his last piece of legislation on the floor, the resolution in support for efforts to rescue American prisoners of war in North Vietnam. He took a strong position, urging that the United States be resolute in protecting its military men and its heritage. In his closing remarks that day, he said, among other things:

> Mr. Speaker, I want the world to know that I would tell that crowd in Hanoi, you will either treat them with human dignity or some of you will not be here tomorrow . . . So far as I am concerned, Mr. Speaker, if I were the President of the United States, I would deliver an ultimatum to this crowd and let them guess where the next blow is coming from.

That was the kind of man he was. He believed in determining what was the right thing, and then standing up firmly for it.

My heartfelt sympathies go out to his lovely wife and children. He was a devoted family man and I know what a void his passing will leave in their lives. I trust that they will be sustained by their fine memories of him as one of our greatest statesmen and patriots.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the distinguished Speaker of the House.

Mr. McCORMACK. Mr. Speaker, the death of our dear colleague, L. Mendel Rivers, of South Carolina, takes from our midst a valued friend, an outstanding legislator, and one who loved our country with a devotion and intensity which was always evidenced as a Member of this House and particularly as chairman of the House Armed Services Committee.

Mendel Rivers was a man of strong convictions, particularly in the field of national defense, and of a firm foreign policy. Mendel Rivers knew that a strong national defense was a powerful instrument and so necessary in adopting and carrying out the foreign policy of our country, particularly a firm foreign policy.

While everyone did not agree with him on a powerful national defense—and a clear majority of the Members of the House, including myself, did—but those who did not respected Mendel Rivers because they knew he was intellectually honest and believed in the policies of national defense and foreign policy he so ardently and strongly and courageously advocated.

In the history of our country there are few Members of the Congress who have contributed more to a strong national defense than Mendel Rivers. He realized in the troubled world of today, with the challenge that faces free governments everywhere, that if he were going to err in judgment, it was better if he erred on the side of strength than on the side of weakness in connection with our national defense. He also was aware of the meaning and significance of what is an indisputable fact today, which some persons overlook, that the Atlantic Ocean is no longer our first line of defense.

He knew, as all Americans should now know, that we must be prepared before the fact and not after the fact, and that World War II was the last time that our great country, our beloved country, would ever have an opportunity to prepare itself after the fact. In this opinion of our dear friend, I looked "eye to eye" with him.

Mendel Rivers represented strength and security, not gambling with weakness and appeasement.

While Mendel Rivers was a man of strong convictions, he possessed an understanding mind and a kind heart toward his fellow human beings. There are countless thousands of persons who are the beneficiaries of his good deeds.

A fighter in committee and in debate in the House for what he stood for, he did not harbor any ill feelings toward anyone. A strong character, yes; but a kind gentleman, yes.

So we pause today, my dear colleagues, with deep sorrow to eulogize and pay tribute to Mendel Rivers, a great man and a good man, who has left his strong and favorable impressions upon the pages of American history.

For my colleagues in the House and myself and Mrs. McCormack, I extend our deep sympathy to Mrs. Rivers and her daughters and her son in their great loss and sorrow.

Mr. McMILLAN. I thank the distinguished Speaker.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield?

Mr. McMILLAN. I yield to the distinguished majority leader.

Mr. ALBERT. I thank the gentleman for yielding.

Mr. Speaker, I join the distinguished dean of the delegation from South Carolina and all my colleagues from the State in which my wife was born in their expression of sorrow over the death of the Honorable L. Mendel Rivers.

I join the great Speaker of the House in the stirring tribute which he has made.

The passing of our late colleague struck down one of the strongest public figures of the Nation and one of the ablest legislators of our time. Seldom has the House seen in one person a combination of so much resolution, so much devotion to his ideals, and such varied talents as was possessed by our late colleague. He was the No. 1 public official of the Nation in the area of insisting on a strong national defense. He was known throughout the Armed Forces as one of the finest friends our fighting men have ever had. He was a finished student of the subject matter with which his committee dealt. Few Members have ever known their area of operations in the House as he knew his.

He was strong. He was confident. He was able. He was one of the masters of debate of this generation. I am convinced that every Member of the House, whether he agreed with him or was hostile to his point of view on any issue, would concede that on the floor or on the rostrum he was peerless in debate, eloquent, fluent, witty, intelligent, and always in command of every situation.

I have had several occasions to visit Charleston, S.C., with Mendel Rivers. No Member of this House was ever held in higher esteem by his constituents. They loved him. They have lost their greatest public servant. The Nation has lost an outstanding legislator, and the House has lost one of its most competent and colorful Members. I have lost a devoted friend.

Mrs. Albert and I extend to Mrs. Rivers and their children our deepest personal sympathy in their bereavement.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I am glad to yield to the distinguished gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, this House has lost one of its most eminent and distinguished Members in the passing of L. Mendel Rivers, late the chairman of the House Armed Services Committee.

His long career was marked by a ceaseless devotion to a strong defense force

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for the United States. His expertise on matters relating to the military was legendary, as was his prodigious capacity for hard work. He was ever the loyal son of his native State of South Carolina and devoted in his allegiance and loyalty to the United States.

A man of great personal charm and strong opinions, he will be sorely missed by all of his colleagues.

I join other Members in extending sincere condolences to the Rivers family on their immeasurable loss.

Mr. McMILLAN. I thank the distinguished gentleman from Illinois for his kind remarks.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the distinguished gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I would like to join with my colleagues, including the distinguished Speaker, the distinguished majority leader, and the distinguished Republican leader, in expressing the sentiment which I know is felt throughout this body at the loss of one of the great Members of the House of Representatives.

Mr. Speaker, I feel this loss particularly, because 30 years ago I came to this House of Representatives with MENDEL RIVERS.

I look about me now, and as far as I know, the only Members left in that group are my good friend and distinguished gentleman from Louisiana, the successor to the late MENDEL RIVERS as chairman of the Committee on Armed Services, the able gentleman from Louisiana (Mr. HÉBERT), and the distinguished gentleman from Florida (Mr. SIKES.)

Throughout the years during which I knew MENDEL RIVERS he not only distinguished himself as a great leader of this country but also as a friend of the Members of this body.

Mr. Speaker, MENDEL RIVERS was a man of his word. He was a man of great honor. He was a hard worker. My office happens to be just one or two doors from the office which he occupied. Frankly, I can state that I never arrived earlier at my office than did MENDEL RIVERS.

Mr. Speaker, seldom do we know what is happening to one of our dear ones. It was just a few weeks ago that MENDEL, despite his dedication to the armed services of this country, talked to me about a matter entirely separate from matters involving the armed services but about a matter with reference to the University of South Carolina. Just before he left I had a long talk with him about some of our problems and at no time had I ever heard him complain in any way. But on that day he said to me that he had been having a little trouble with his heart. However, I came to know that he had had a great deal of difficulty with his heart extending back for many years, but little did I realize how sedious it was.

I join with the distinguished Speaker and others in extending my deepest sympathy and condolences to his lovely wife and his three children.

Mr. McMILLAN. I thank the distinguished majority whip for his kind remarks.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from South Carolina.

Mr. DORN. Mr. Speaker, I want to thank my distinguished colleague, the dean of the South Carolina delegation, for yielding to me at this time.

All South Carolinians, all patriotic Americans, and lovers of freedom throughout the world mourn with us today over the passing of one of the great leaders of our time, a South Carolinian who now takes his place in history along with Calhoun, Hampton, Andrew Jackson, and other great leaders of our State.

MENDEL RIVERS was no stranger to poverty or to hard work. His life was in the classic Horatio Alger tradition. His father, a member of a patriotic old family that had been in America since before the Revolution, raised cotton and ran a turpentine mill near the Hell Hole Swamp around Gumville, S.C. The elder Rivers died when MENDEL was quite young, forcing him to take on more of the farm chores. Later, while a high school student, he would arise at 4 a.m., milk cows, deliver newspapers, and then catch the trolley into Charleston. Throughout these early years of adversity he showed the energy and tenacity that were to characterize his public service, while experiencing the hardships that were to give him such a keen insight into the problems of poverty. Not many of my colleagues are aware of the fact, but MENDEL RIVERS' voting record in the House of Representatives was among the most progressive of all his colleagues from the Deep South. He supported much legislation to help the underprivileged, to help them up the ladder of life. And more important was his leadership in bringing well-paying, industrial jobs to all the people of his district and State. Here was a man who did something tangible about economic distress, and we all know of his pride in the positive economic effect of these great installations and industries on some of the previously most deprived and disadvantaged of our citizens.

Of course MENDEL RIVERS advocated military strength. He advocated military strength through necessarily vast expenditures for national defense because he was a lover of peace. He believed that the only way to have peace was to be strong enough to withstand and forestall aggression.

MENDEL RIVERS believed that weakness invites disaster and invites war, and that strength promotes peace—this MENDEL RIVERS believed. As a former GI myself, I can testify to the universal admiration the average GI held for MENDEL RIVERS. He was their champion. They believed in him.

Though, as we now know, he was then seriously ill, MENDEL RIVERS recently spoke out vigorously in the well of the House, citing the essential role the American textile industry plays in our national defense. And we well remember his recent speech at the keel-laying ceremonies for the nuclear frigate *South Carolina* where he pledged to fight for a U.S. Navy that is once again second to none. We remember too his gallant speech, but a few days before he entered the hospital, in behalf of our POW's.

I would like to tell you something else about MENDEL RIVERS, about the personal problems which he courageously overcame. For many years he vanquished the heart trouble that only some few of us knew about. We are aware of another personal problem over which he had been totally and courageously victorious. He was successful over this personal problem through the same tenacity and perseverance with which he led his great committee. His victorious battle over this problem is an inspiration to all of us.

In spite of his tremendously heavy workload, which often required him to be in his office before dawn, MENDEL RIVERS developed a closely knit family which he dearly loved. He was devoted to his mother, who was a great influence on his life and a great lady in the tradition of the old South. He was devoted to his two sisters. Always a source of strength to MENDEL RIVERS were his children and his lovely wife, Margaret, the former Margaret Simons Middleton, a daughter of one of our State's most distinguished and illustrious families.

On his last visit to my home, a little over 2 months ago, MENDEL RIVERS made a speech from my front porch and he spoke for 45 minutes. When lunch was served many of the rest of us stayed inside and had something brought in to us, but MENDEL RIVERS requested to go out and meet the people out in the pasture where a barbecue was being served. He wanted to mingle with them. He shook hands with at least 2,000 of the many thousands gathered there, and was so surrounded by wellwishers that he scarcely was able to eat.

He asked to walk up the main street of my hometown and go in some little stores, just meeting people on the street and in the stores. This is one indication of the real character of MENDEL RIVERS, and the secret of his fantastic political success. He was a warm and colorful man loved and admired by people from all walks of life. He was loved and admired by the people of South Carolina as perhaps no other individual of our time.

I remember every time—and I did not always go—but every time, Mr. Speaker, that I went to our congressional prayer breakfasts, MENDEL RIVERS was there. He believed fervently and devotedly in an all-powerful, omnipotent Heavenly Father. And I agree with Dr. Billy Graham upon learning of the sad news yesterday when he said that we are—and I believe this—going to meet MENDEL RIVERS in Heaven.

Do you know what my two little boys said yesterday? They said, "Daddy, this is awful news." They loved MENDEL RIVERS, my children did. And you know, I remember asking them one time not so long ago whom they would like to see the next time as President of the United States, and I named several individuals. Without a moment's hesitation they said, "MENDEL RIVERS of Charleston, S.C." Not just my children, but a great many youngsters were attracted to him. They loved his colorful and unique manner, a public style which, of course, can never be duplicated. But perhaps more important, they believed in his genuineness, his straightforward manner, his utter lack of hypocrisy and duplicity. He always spoke and acted according to his beliefs.

Mr. Speaker, my wife Millie, who admired the chairman so much, and each of my children join me in extending to Mendel Rivers' family our deepest sympathy, to his lovely wife and daughters and to his son Lucius Mendel Rivers, Jr. In large measure their private loss is also our public loss. May we all derive strength and sustenance from his memory.

Mr. McMILLAN. Mr. Speaker, I am pleased now to yield to the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, the death of Mendel Rivers will be mourned by a great many people. They include servicemen and their families who benefited greatly from his work. No man in our time contributed more to give them the same standard of living which they are called upon to defend. They include that great majority of American citizens who still understand the essentiality of a strong defense and who know he was one of the foremost champions of a strong defense for our country. He was firmly convinced, and properly so, that relaxing our defense efforts would represent a clear invitation to the Communist world that America no longer presents a threat to their plans for world domination. Those who mourn him include also the people who appreciate a fearless fighter for the ideals of America. He understood those ideals, and believed in them. They include in particular the State of South Carolina and his constituents who had great faith in him and benefited so richly from his 30 years of devoted stewardship and sound representation in Congress. And they include his colleagues, who can best measure the ability of the men and women with whom they associate and who know that here was a man who stood tall among our Nation's leaders.

Mendel Rivers has built a monument of good works, and he leaves friends and loved ones who know he will not be replaced. I knew him well, better than most. He and I came to Congress together in 1941, a long time ago. During these past 30 years we have shared a close and warm association and I counted him one of my dearest friends. I watched him grow in greatness and applauded his work for America. We have lost a champion among Congressmen. America has lost a great son—a man respected, honored, and beloved.

To Margaret, his beloved wife, to his daughters Margaret—Mrs. Robert G.—Eastman and Lois Marion, and to his son, Lucius Mendel, Jr., Mrs. Sikes and I extend our deep and earnest sympathies. We, too, have lost someone we loved and we understand, at least in part, the measure of their bereavement. This is a sad day for all of us and for America—a very sad day.

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Illinois (Mr. Arends), the distinguished minority leader.

Mr. ARENDS. Mr. Speaker, it is difficult for me, almost impossible to express the great loss I feel with the passing of my good friend and colleague, Mendel Rivers. For many years I sat next to him on our Committee on Armed Services, he as chairman and I as ranking minority member. In all our committee proceedings he was fair and just, giving every member full opportunity to state his views.

Our committee has a reputation of being nonpartisan. There is nothing partisan about our defense posture. And, as chairman, Mendel Rivers made certain that partisan considerations did not enter into our deliberations. He was not arbitrary. He never made a major decision without consulting the minority.

He is said to have been controversial, but not insofar as I am concerned. He was controversial because he stood firm on what he believed. He stood firm on making certain that our country had a national defense second to none. He stood firm on the premise that the American people must at all times be secure. He stood firm on the principle that our best assurance for peace is to be prepared.

Mendel Rivers is no longer with us, but he will live on in the mind and heart of all of us who knew him. To know him was to love and respect him.

With the passing of Mendel Rivers this Congress has suffered a great loss. Our country has suffered a great loss, South Carolina has suffered a great loss, for no one could be more dedicated to his country than he. And I, Mr. Speaker, have suffered a loss, much greater than I can possibly say. God bless his fine family at this time in their bereavement.

Mr. McMILLAN. Mr. Speaker, I yield to the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, I am deeply grateful that the dean of the South Carolina delegation has yielded to me on this sad occasion. I can vividly recall my first impression of Mendel Rivers on the floor of the House. He was an active, vigorous participant in the business of the House of Representatives on a most important legislative matter. He was a most impressive debater, an individual who had a personality that was different from that of any one of us. Because of his great ability and his personality I was tremendously impressed with this Member that I had never met. On a number of occasions I had the opportunity to be with him on issues, and on a very few occasions to differ with him. Mendel Rivers was the best whether he was with you or against you.

I can say without any hesitation or qualification that Mendel Rivers was one of the most dedicated Americans that I have ever known to serve in the House of Representatives. He never ducked an issue, and when he felt that the views in which he believed should be expressed, he spoke them strongly, clearly, and was willing to stand on his record in defense of those views which, in almost every case, were on behalf of a strong America in a difficult world.

It was a shock to me, in the first instance, several weeks ago when I learned that he had a medical problem that eventually led to his passing. But I think the fact that he never told many that he had this illness was typical of Mendel Rivers. He had such strength of character and such dedication to doing the job that his own personal ill health was secondary to the job that he had to do.

We in the Congress have lost a dear friend. We in the Congress have lost a man who was a leader for what was good for America. It will be most difficult to replace him. His record has been indelibly written over the long years he served.

I join the others in extending to his wonderful family the very deepest condolences from Mrs. Ford and myself, and extend to them our best wishes in this hour of difficulty.

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. Philbin).

Mr. PHILBIN. Mr. Speaker, like the other Members of the House, I am deeply saddened by the passing of my dear and esteemed friend, Chairman Mendel Rivers. I served with Mendel Rivers for many years on the House Armed Services Committee and was in a position to know from close, almost daily contacts, his great talents, his irreconcilable commitment to country and the cause of human freedom. He was a great patriot and a great American.

He was supremely dedicated to his work as has been so well observed here by the distinguished majority and minority leaders, and other distinguished colleagues who have spoken.

He was knowledgeable to an amazing extent that is difficult to describe, because his knowledge was so all-embracing and his grasp of the affairs of the armed services was profound and relevant to virtually every facet of our far-flung defense system. His expertise in military and related matters was truly prodigious and covered the entire field.

He was powerful of advocacy, strong of conviction, and vigorous and courageous in his approach to vital defense questions and their appropriate settlement.

He knew what his goals were at all times, and he had the ability, the experience, the determination, and the strength of character combined with high resolve and patriotism, to perform his duties as he saw fit in the best interest, as he honestly conceived it, of building the strength of this Nation and protecting and defending its security and its posture in the world.

It would be impossible for me in these brief remarks to measure either the quality or the extent of the tremendous contributions that Mendel Rivers has made to this Nation during the time he has been chairman of our House Armed Services Committee, and during the entire period of his service in this great House which comprised many years.

It goes without saying, Mr. Speaker, that the record he made here is so memorable and outstanding in its import and impact upon the national safety and interest that it will long remain as an inspiration to all who follow him in the Armed Services Committee and in this House.

His sincerity of purpose, the spirit of dedication, the high motivation he reflected, to keep our country safe and secure against its enemies, foreign and domestic—these indeed will be high goals for anyone to follow, let alone to reach, because Mendel Rivers has left a legacy here to the Members of the House and to our committee that will always remain in this body, and will constitute an imperishable memory as well as an example for many generations of Americans, who will be, not only impressed, but also greatly inspired, by the splendid outstanding services and contributions our dear friend, Mendel Rivers, made to our country and to its safety, its security and its well-being.

To touch another point which Chairman Rivers always stressed in his brilliant service, he was greatly concerned about the well-being, health care, and welfare of the officers, men and women who serve in the armed services, and he gave a great deal of his time, effort, and attention unselfishly to make sure they had better compensation, conditions of work, so far as possible under the circumstances under which they serve, as well as entitlements and rights to generous health, hospital, and medical care, which were the best that could be provided by this Congress in the light of their specialized service.

The members of the armed services generally recognize the great, unpayable debt to this great leader, just as this Nation and this Congress does, for his tremendous, truly invaluable contributions to our country in building up military power and strength we need in this country in these dangerous times, to preserve and protect our free institutions against every threat and jeopardy, and to keep our country the great shrine of freedom, liberty, and justice it has always been, and that it must continue to be, in order to grow in strength, in greatness, and in the luster, freedom, and ways of peace because there can be no peace in this country, in this world without the powerful intent and resolution on the part of free men, here in this Nation and elsewhere, to defend their blessed heritage in every way that may be necessary.

It is difficult indeed for me at this time when my heart is so filled with deep sorrow and grief at the passing of my dearly beloved friend, comrade, and leader, to utter the words that I would like most of all to utter at this time regarding the enduring value of the great contributions of our beloved friend Mendel Rivers for many years of his busy life.

I extend to his sorely bereaved, loving, and devoted wife Margaret and wonderful family my prayers and deepest sympathy and my expressions of profound sorrow and to join with them in mourning their illustrious husband and father.

May the good Lord bring the dear ones he loved, and loved him, the strength and courage to bear their irreparable loss with true spiritual resignation and bless them with His spirit of reconciliation and peace.

The Nation has lost a great patriot, his district a great public servant, and the House a great leader. May our dear friend Mendel find eternal rest and peace in his heavenly home.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished dean of the South Carolina delegation taking this time—and certainly appreciate his yielding to me—so that I may speak as one of the members of the Committee on Armed Services about our late departed colleague, L. Mendel Rivers.

Not too long ago, a young constituent of mine, stationed at the Patuxent Naval Station, stopped by the office to visit with his Congressman.

While he waited in the reception room prior to our meeting, he chatted with a member of my staff. An unforgettable part of the conversation went something like this: "Congressman Hall is a member of the Committee on Armed Services, isn't he?" asked the young man.

My staff member replied in the affirmative.

"Mendel Rivers is the chairman of that committee, isn't he?" said the young sailor.

"He is," replied the staff member.

"You know," said the young seaman, "if he was to ever run for President, I know a heck of a lot of servicemen who would vote for him."

That young man probably spoke more truth than fiction, for one of the outstanding attributes of L. Mendel Rivers, was his deep concern for the men in uniform. Their well-being was first and foremost in his mind.

He wanted them to be well paid and constantly sought to increase their remuneration. He insisted on comparability with commercial enterprise.

He wanted them to have the best of health care and gave his personal approval to my proposal, now law, for the appointment of an Assistant Secretary of Defense of Health Affairs.

He wanted them to have the finest equipment possible and became an aggressive proponent for improved weaponry, and the necessary research and development funds to keep it the finest.

He loved his nation dearly and feared for her well-being; thus he became an eloquent spokesman for a strong defensive posture so as to keep us always prepared for whatever challange needed to be met. Truly he, more than self, his country loved.

L. Mendel Rivers was many things to many people. To me he was more than a colleague in the Congress. We developed a camaraderie that existed outside the confines of the committee room, and had more the connotation of brothers than of friends. Perhaps this relationship plus me being a physician gave me a little better insight into the man, than the many who have written reams about him yet have never been successful in penetrating the surface to find the real character deep inside.

I was with Mendel for a considerable time the weekend before and for a few cloistered moments on the floor of the House prior to his entering the hospital. I knew what was at stake, as did he. I took comfort in the fact that he faced his most serious challenge as he had all the others, "Head on." He felt his responsibility to the Nation and thought the odds made the gamble a must. He had all the qualities of properly defined leadership.

To some, it may come as a surprise that L. Mendel Rivers was a deeply religious man and spoke often of the God who made us all. One could always find him at the House prayer breakfast each Thursday morning.

He was a proud man. Proud of his country, his State, his home, and of the accomplishments of the committee he chaired.

He was a controversial man, and knew it, yet he was always willing to "let the chips fall where they may."

He was a good Congressman, and represented his constituents as well as any man in the House of Representatives.

He was a prideful and devoted family man with joy in his lady and their children.

It will be a long time before such a man as he will again walk in the Chambers of the House. Maybe never.

It is tribute enough to say that L. Mendel Rivers will be missed, however, there is little doubt that his presence will be felt for many years to come.

In the final analysis, the real and lasting eulogies to Congressman Rivers will not be written in words, but in deeds. In the ships of the fleet, the planes of the Air Force, and the men of the U.S. armed services who have always been the recipients of his untiring efforts.

Bettie and I join all in heartfelt sympathy, prayers, and love to Margaret and the family.

Mr. McMILLAN. I thank the gentleman from Missouri.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. Hébert).

Mr. HÉBERT. I thank the dean of the South Carolina delegation.

Mr. Speaker, I find myself in a very delicate position today.

The Nation has lost a great American and I have lost a great friend.

As my colleague from New Orleans indicated, Mendel came here 30 years ago with us and Bob Sikes, and we stood in this House and took the oath of office. The ranks have been thinned since then, and today, as we read the roster of the House, we find only nine names on that roster of 435 who were on the list at the time we took the oath. Nine remain.

So many things have been said of Mendel Rivers, so many things have been said that would have been better not to have been said. But in the saying of those things that should not have been said we must realize that they were said without knowledge, in ignorance, and unknowing.

Mr. Speaker, I had the great privilege of knowing Mendel Rivers. There was a mutual affection between us which I think has been shared by very, very few people. I shared a trust of confidence in him that was continually reflected in the assignments he gave me to carry out on the Committee on Armed Services.

From the day he became the chairman of the House Armed Services Committee there was scarcely a single matter of high priority, of national import, or importance that he did not assign me to chair a special committee and report back to him.

Mr. Speaker, I walked in the shadow of his confidence and never betrayed it. I cherished it. If I could only impart to the Members of this body the man that I knew, I would be so happy.

Before he came to Congress, Mendel lived in New Orleans for 2 years. That was 2 years before I came here. The development of that friendship is one which so few of us have an opportunity to experience. His abilities, his humor, his fairness in debate all were so composite in him that it made him a most outstanding and unusual man. I think this was reflected in the relationship which existed between MENDEL RIVERS and the great Speaker of the House of Representatives, the gentleman from Massachusetts (Mr. MCCORMACK). MENDEL was attracted to and loved by our beloved Speaker. Of course, as all of us know, MENDEL's philosophy and my philosophy were pretty much the same. They were kin to each other. His greatest thoughts were pretty much his own philosophy in that he termed himself a "McCormackcrat." He claimed there was a new party in the House and that was the "McCormackcrat Party" of which he was a member. I tried to join, but MENDEL told me it was impossible to do so. He would deliberately tell everyone about his close association with the Speaker of the House.

Mr. Speaker, MENDEL and I learned about the handling of legislation at the feet of the great Carl Vinson. He often referred to our attending the "Vinson College," from which college no one ever graduated. In Mr. Vinson's own words, MENDEL and I were "Peck's bad boys," because in our mutual like for each other and sometimes the likeness of our dispositions and expressions he used this reference. But we loved him, and I know he loved us. He trained us in the art of legislation.

Mr. Speaker, we hear the hollow phrases that he gave his life to his country, that he was a dedicated man, that he believed in this and that he believed in that. Far too seldom do we get down to specifics. In this particular case of MENDEL RIVERS we are fortunate to be able to come down to specifics. As Dr. HALL has stated, he was one of the few men who knew MENDEL's condition. He never complained. Three weeks ago plus 1 day he stood in the well of this House and held the same mike that I now hold and fought for a resolution in which he believed with the fierce advocacy that he believed in the things he thought were right.

Those who disagreed with him, within their right, were attempting every parliamentary maneuver there was to change that resolution. The Speaker in his wisdom counseled with MENDEL and he held his ground. On that day when he was here exposing himself to this turmoil and to those turbulent arguments, he should have been in the hospital in Birmingham being operated on, and yet he was 6 months late getting there. If MENDELL RIVERS had listened to the advice of his doctors he would have been in the hospital 6 months ago, and his chances of recovery would have been 80 percent. But yet he saw in his work here the call to a duty that he could not reject. Yes, he did stay on the firing line, and yes, he did fight for that which he believed in.

I must tell you and share this with you: that I think I am the only Member who saw him in the hospital 2 weeks ago Wednesday, and I must also tell you that the MENDELL RIVERS I talked to in that hospital bed was the same MENDELL RIVERS that you knew on the floor of this House, passionately dedicated to that in which he believed, and barking instructions to me on what to do from that hospital bed.

I returned with those instructions, and carried the message to his most devoted friend, the gentleman from Massachusetts (Mr. PHILBIN) who now becomes the chairman of the Committee on Armed Services, and told him what MENDEL had told me. I delivered the same message to the Speaker. We were in disagreement with MENDEL's position, but not one of us refused to recognize the fact that MENDEL wanted it that way, and he went to his grave with it being that way.

So the accolades we pay today, and the moments we pause to pay tribute to him are but sands upon the beach that can well be washed away in time, but there are things that can never be washed away. There are things that never can be forgotten, those memorable days of MENDEL RIVERS standing in the well of this House and leading a fight in which he believed; of not silencing the voice to sponsor that to which he was dedicated. Those things will never die, those things will never go away.

It was my privilege on Christmas morning to talk with his wife, Margaret, at Birmingham. Mrs. Hébert and myself had quite a long conversation with her, and we were feeling very optimistic, and I just could not make myself believe that this great heart had ever stopped beating, but it did, yes, MENDEL RIVERS is dead but the memories of MENDEL RIVERS will never die.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. MCMILLAN. I yield to our distinguished colleague, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, I feel ill-prepared to express adequately my deep emotions and sentiments in regard to our late colleague MENDEL RIVERS. He was always tolerant in his dealings with his fellow committee chairmen. His utter and complete devotion to the Nation's welfare was always evident in our relations through the years.

The memory of his warm and abiding friendship will linger with me as long as I live.

I should like to join in all the tributes that have been paid, and that will be paid, to this remarkable man from South Carolina. He made a tremendous imprint in the House of Representatives and in the Nation. He was among the foremost in seeking to preserve this country by providing adequate defense, military and otherwise. He never faltered in his efforts to promote the Nation's security.

Mr. Speaker, a great and courageous spirit has left us. But the things for which he fought—a strong defense, the ideals that have helped make this country great—must be carried on by those of us who remain behind.

My sympathy is extended to Mrs. Rivers and all the family.

Mr. MCMILLAN. Mr. Speaker, I yield to the gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Speaker, it is with a sad and heavy heart that I join today with the dean of the South Carolina delegation (Mr. MCMILLAN) and with the Speaker of the House of Representatives and our other colleagues, in paying tribute to the life and memory of L. MENDEL RIVERS, late a Representative of the State of South Carolina.

The State of South Carolina has indeed lost one of its greatest sons. The United States of America has lost one of its most able and articulate patriots. During his service in the House of Representatives, no one of our colleagues ever believed more in a strong United States of America than did MENDEL RIVERS. Yes, Mr. Speaker, MENDEL RIVERS believed that a strong United States of America—strong militarily, strong industrially, and strong spiritually was the greatest and most effective bulwark of peace in a free world.

MENDEL RIVERS was subjected to as many and perhaps more groundless and unfair attacks from many sources than any Member of the House of Representatives or of the Congress of the United States. Yet, as these attacks came his way, they were blunted by the armor of his conscience and by the armor of the knowledge that he was right in seeking to make America a stronger America than it was yesterday.

He seemed to take new courage from the very fact that his enemies attacked him in the way they did.

Mr. Speaker, I knew MENDEL RIVERS first—certainly, before I was elected to the Congress, and even before he was elected to the Congress. In the late 1930's MENDEL RIVERS was a special attorney in the Department of Defense and later he was a special assistant to the Attorney General of the United States. During a part of that same time, I served as an assistant U.S. attorney for the northern district of Georgia. All of us in the district attorney's office and in Atlanta knew and liked MENDEL RIVERS. We were told, and we believed, that MENDEL RIVERS was known in nearly every other U.S. attorney's office just as he was in ours because on many occasions when he was a lawyer for the Department of Justice, he would be sent out as a special representative of the Attorney General to counsel with various U.S. attorneys' offices.

Mr. Speaker, it is quite possible that more U.S. attorneys in the late 1930's and in 1940 knew MENDEL RIVERS than knew the man who was Attorney General during that same period of time.

In 1940 MENDEL was elected to the Congress of the United States, where he served from January 3, 1941, until his untimely death during the early morning hours of yesterday.

Mr. Speaker, a few weeks ago, in meeting with a group of servicemen of the armed services of the United States, MENDEL RIVERS, addressing them, said:

> I don't owe you anything—anything except having saved me and having saved our country in four different wars during our lifetime.

And he reminded them that they had enemies not only in Hanoi but in the United States, including Washington, as well.

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MENDEL RIVERS was the servicemen's champion. He was champion of the soldiers, the sailors, the airmen, the marines, the men who daily defend America and things that the United States of America stands for. The military posture of the United States today is stronger because of the influence and effectiveness of MENDEL RIVERS.

All of us know the effective manner in which he presented bills out of the great Committee on Armed Services to this body, not only during his tenure as chairman of that committee, but in the years preceding his accession to the chairmanship as well.

Mr. Speaker, Mrs. Flynt and our children join me in extending our condolences, and our heartfelt sympathy to Mrs. Rivers, their two daughters, and his son and namesake. May God bless them and watch over them in this their hour of sorrow.

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, given MENDEL RIVERS' nature and my own, it was almost inevitable that we would tangle in debate not long after I came here. Out of that encounter grew a friendship that got deeper and firmer over the years, and lasted for more than 20 years.

I read in the newspapers that MENDEL RIVERS was considered autocratic. He served on the U.S. delegation to the North Atlantic Assembly, NATO, of which I have been Chairman since its inception, for about 10 years. When he came on the delegation I do not mind saying that having a man with his seniority and his position as chairman of the Armed Services Committee later, I thought I might be a little uneasy. On the contrary, he was never autocratic. He always consulted with me and with the members of the committee before he projected any move in that assembly. He fought hard in this last session when he probably, as I look back upon it, should not have been there, to get the other parliamentarians from the other 14 countries to accept a theory, a thesis, a slogan, if you will, a projection of "5 percent for freedom"—5 percent of the gross national product of those nations for defense.

He tried to get those who were able and wealthy these many years after World War II to contribute to our common defense so that we, who are contributing the most, could reduce our contribution in line with each nation's ability to pay.

And he got it through. It was accepted and it became a resolution which passed unanimously. He made a great contribution.

He was vice chairman of the Military Committee of the North Atlantic Assembly. He was respected because he knew what he was talking about, and he presented the position not only of America but of the free world in a style in which only he could present it.

I remember an incident some years ago which illustrates what I am trying to say. When we were getting ready to leave for one of the meetings overseas, probably Brussels or Paris—I do not remember where the headquarters were then—when I came on board the big jet, the military aide introduced me to the crew and said, "This is the chairman." And the colonel who was the pilot of the plane said, "The chairman is already on board." Well, obviously to any military man the chairman was MENDEL RIVERS, and I did not disabuse the colonel. MENDEL RIVERS straightened him out. He said, "I am the chairman most of the time, but on this trip and on this mission, Mr. HAYS is the chairman, and I am just one of the soldiers in the ranks." That was the spirit in which he participated.

So when some newspaperman talks about MENDEL RIVERS being autocratic, it does not square with the man I knew. I knew him as a patriot and as a man who had passionate beliefs and who would argue passionately for what he believed. I can understand a man like that, because I, too, have passionate beliefs, and I sometimes argue passionately for them.

Everything that can be said about MENDEL RIVERS probably has been said about him, about his State losing a great man and about the country losing a great man, but I suppose the people that have lost the most in the untimely passing of MENDEL RIVERS are the young men, as they were known in World War II, the GI Joes, because repeatedly when we were overseas, there would come a lull when there would not be any committee meetings or a day when nothing important was scheduled, and MENDEL would say to me, "Do you mind if I go off some place or other where I have heard the things are not going too well at the camp for the boys, and I want to take a look at it for myself."

Then he would go off to some camp in Europe I never heard of to see whether conditions were the way they ought to be. So they are the ones, as well as the people who believe in keeping America a safe place to live—all of us have lost something in the passing of MENDEL RIVERS.

We did not have to agree with him to say that this is a great American who has gone from our midst.

My family and I express to his family, especially to his wife and also to his daughter Marion, whom we knew intimately and personally, our deepest sympathy and our prayers that they will find strength to bear this great loss.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Speaker—

One told me, Heraclitus, of thy fate;
He brought me tears, he brought me memories;
Alas, my Carian friend, how oft, how late,
We twain have talked the sun adown the skies,
And somewhere thou art dust without a date!
But of thy deeds death maketh not his prize,
In death's despite, that stealeth all, they wait,
The new year's nightingale that never dies!

With MENDEL RIVERS' passing, one of the strongest, unfaltering arms ever to uphold the shield of the American Republic is gone, and will be lifted no more. Although he never wore the uniform of his country, he was second to none in his love for it, and he was second to none when it came to insuring its safety against all foes.

It was not necessary for MENDEL RIVERS to have worn a uniform for him to have become one of the stoutest defenders and strongest supporters of the men and women who do. MENDEL knew that upon the shoulders of the men who wear this uniform rests the heavy burden of the continuance of our Republic, and the safety of its people.

There will be mourning on every spot on the globe where there are American servicemen. The American in uniform never had a truer friend than MENDEL RIVERS. Today there is a void in the hearts, hopes, and aspirations of our fighting men. We must see that that void does not go unfilled.

As the Republic is poorer for his passing, it is also stronger because he lived. Let not those who would come against us take heart because he is gone, for what he did, and the example he set, will give renewed courage and determination to those who follow him in his footsteps. He had faith in his country, belief in its destiny and greatness, compassion for his fellow man, devotion to the House of Representatives, and a determination to so order his life and his deeds to leave his country stronger and safer than he found it. His epitaph could be taken from Shakespeare's Henry VIII; inasmuch as any man could have a personal code, this was MENDEL RIVERS:

> Be just and fear not. Let all the ends thou aim'st at be thy country's, thy god's and truth's.

And also, Mr. Speaker, as my personal tribute to this man I quote:

> The record of a generous life runs like a vine around the memory of our dead, and every sweet, unselfish act is now a perfumed flower.
>
> Speech cannot contain our love. There was, there is, no gentler, stronger, manlier man.

Mr. LANDGREBE. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Indiana.

Mr. LANDGREBE. Mr. Speaker, one of the most distasteful pieces of American news coverage, in my opinion, was the report on the WRC–NBC 11 o'clock news last evening, December 28, in regard to the death of Representative MENDEL RIVERS. I was shocked to see that WRC–NBC chose this occasion to lambast the seniority system in the U.S. Congress, setting it out as perhaps the most repulsive and unsavory system known to man. A lifelike painting of our departed colleague was shown on a screen during a good part of the discussion, very effectively connecting Mr. RIVERS' name with this "undesirable" system.

No doubt, the seniority system in government is not perfect and the results may in some instances leave something to be desired. But I ask you was the 11 p.m. news the proper time and place to discuss its shortcomings?

Suggesting the abandonment of seniority is comparable to suggesting the abandonment of the gold standard—great idea but what shall be its substitute?

Our Government is big and complex—the wisdom, experience, and dedication

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of statesmen like MENDEL RIVERS must always be given high priority if we are to remain a great nation. In addition to those three, Mr. RIVERS had one more attribute that far overshadowed the other three. That was his love; his unquenchable love for his country, his God and his fellowmen.

Yes; he loved America. He worshipped God and loved all men of every creed, color, race, and religion. While he admitted that he could not always understand their actions he placed the greatest charity even upon his enemies. Only a few weeks before his death I heard him comment that he just could not understand why so many reporters seemed to delight in condemning him, even though he was giving his all to his country.

Now MENDEL RIVERS is dead. What emphasis the historians will place upon his life remains to be seen. For myself, regardless of comments from WRC-NBC or others, MENDEL RIVERS will be remembered as a friend, a gentleman, a great patriotic American, and a humble servant of God.

Mr. McMILLAN. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Speaker, in the life of a great leader, such as now has passed from us, there are many spectacular things which come to our minds today as to his achievements. These are great monuments to him, the things he has done to make our country strong and therefore to protect the world against wars that might have occurred. All of these are great and impressive things.

Many times people do not realize, however, the basis upon which these things are founded. One of the things, of course, is the excellent character of the man we talk about today, our departed and beloved Member, MENDEL RIVERS.

Another is something I have not heard much discussed here on the floor. As a member of the committee he chaired, I certainly am impressed by it; that is, his dedication to doing his homework.

MENDEL RIVERS was a real student, a real scholar, a hard worker early in the morning and late at night. He knew what he was talking about. For about two decades, for 20 years, I sat with him there on that committee, and in this period of time I do not remember ever hearing a military man who came before that committee—for instance, in the field of airpower, types of airplanes or things of that kind—who knew anywhere near as much as the chairman of the committee knew about these highly technical matters.

Now, MENDEL did not get this information by just listening to other people who knew less than he. He got it by studying, by working, by burning the midnight oil. He knew what he was talking about. So he brought to his work as a Congressman not only the spectacular things such as being able to speak well on the floor of the House and to be courageous about issues which came before it, but also the ability to do the mundane, the hard workaday things a Member of Congress must do if he is going to be the chairman of an important committee such as the House Armed Services Committee.

There are many great things MENDEL leaves this country, and he leaves them in a living manner, because they will go on after he is dead, and his presence will be felt, as Dr. HALL said, for years and years to come in the strength of our country.

Most of us here on the floor have the privilege of belonging to a group of men who know each other quite intimately. We know each other in the debates on the floor, and in the cloakrooms, and we know each other in the efforts we share together, perhaps fishing or things of that type.

I knew MENDEL RIVERS in all these things, and also in the Thursday morning prayer group, and in the intimate little things in our lives. I do not believe I ever saw MENDEL, when he was in a relaxed mood, when he did not ask me about my children. I was a bachelor for a long time, and have a young family for my years, and he particularly encouraged me to take time off and to share interests with my children, and he said that I should do these things, because "They will go before you know it."

So as I conclude my remarks today I think not only of a great American passing from the scene, but I think also of a beloved friend.

And I must say this, MENDEL has left an impact upon my life. He has taught me a great deal during my association with him: to study and to do my homework, and also to give of my devotion to my family responsibilities. There was above it all his great devotion to God and country which made him the great man he was. Yes, above all of this there is woven the fabric of his being a great gentleman of God and of his fellow man.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, one does not have to be a so-called hawk to mourn the death of MENDEL RIVERS. MENDEL RIVERS served his country and his constituents for 30 years with devotion and energy. He was a foremost advocate of the maintenance of the U.S. military superiority as being the surest way under the circumstances of maintaining world peace. How many doves—and I have many "dovish" moments myself—say for sure that they know otherwise.

MENDEL RIVERS made a lasting contribution to the military strength of our Nation and particularly toward keeping America first on the seas and maintaining the morale of our fighting men.

In my first years in Congress, as a member of the House Armed Services Committee, I knew MENDEL RIVERS as courteous, good humored, fair, and characterized by a total lack of vindictiveness.

Mr. Speaker, I share with the other Members of this body and his family the loss of a great leader and friend.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, we Members have all liked MENDEL RIVERS, on both sides of the House, regardless of party. MENDEL RIVERS was one of the best liked Members who have served in the House in many years. MENDEL RIVERS has shown high competence, leadership, and dedication as chairman of the important House Committee on Armed Services. Handling authorizations for military expenditures of approximately $80 billion annually to provide for 3 million members of the U.S. armed services around the world, U.S. military installations, ships, and planes is a most heavy responsibility which MENDEL RIVERS, as chairman of the Armed Services Committee, has assumed and performed with efficiency and the respect of the House.

Mr. Speaker, serving as the ranking member of the House Committee on Science and Astronautics, I have known MENDEL RIVERS very well because of our discussions of mutual problems with reference to research and development both in air and in space. MENDEL RIVERS' knowledge and broad experience in these fields have made working with him rewarding and effective.

On a scientific and medical research basis, I would like to make a few points with reference to the cause of the loss of this fine Member through heart complications following a mechanical valve emplacement. We on the Committee on Science and Astronautics have been working to obtain authorization for adequate funds with which to do basic heart research. I have been specially interested in this matter of rejection. There is a serious situation and problem in procedures to prevent body rejection of transplanted human organs, as well as rejection of artificial devices that are placed in the human body for the purpose of assisting the heart or any other organ of the body.

Dr. Barnard, the famous heart specialist from South Africa, has stated that through research the problem of human organ rejection on transplanting of human organs, and the problem of inert mechanical, or artificial appliance rejection in the human body in his studied opinion, can be overcome. Probably nobody can definitely say at this point of time, and state of research, as to the cause of death of MENDEL RIVERS, through heart trouble, whether it was heart fibrillation or heart failure due to rejection of the mechanical valve. The state of the medical art on transplants of human organs, implantation of mechanical devices, and causes of body rejection, is at present deplorable, with the medical patient submitting to unknown risks, with the odds stacked against the patient, and the doctor and surgeon operating and working on the unpredictable edge of the unknown, with a confidence based on slim hope and ignorance. The only justification for action is that there is a chance that the future will be better than the present. Why has no definite procedure been researched and determined to know, in advance, the tolerance of the patient, and the probability or degree of rejection, prior, and I emphasize prior, to the surgery?

As a member of the Science and Astronautics Committee, I look at the unfortunate passing of MENDEL RIVERS as an ex-

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ample where there is a crying need to go ahead with basic heart and organ transplant research, because in Mendel's case his heart, after the operation, had come back, responding three times, and grew stronger with accompanying amelioration of body functions.

In my opinion, as the heart became stronger each time, then likewise the body rejection process came back stronger, and though the rejection process developed, and continued and grew more powerful, until the heart was overpowered, and body processes likewise deteriorated.

To have as fine a person as Mendel Rivers pass away because scientific research and surgical procedures have not yet reached the level of competence we need to reach I believe is a caution to the House. The U.S. Congress should emphasize basic research and applied research in these life sciences we have already learned so much about in space.

The National Aeronautics and Space Administration, National Science Foundation, and the National Institute of Health, as well as educational and foundation laboratories must be organized into national teamwork for developing these necessary and attainable techniques that will save many lives in the future.

I firmly believe that acceptance or rejection, and acceptance or incompatibility of the human body with transplanted living organs, from human or animal sources, or with artificial, manufactured or mechanical organs, vessels, valves, or working functional parts, constitute one of the major problems facing us in this generation. I urge that Congress act to provide adequate authority to solve these heart and transplant problems so that we will have people like our good distinguished friend, Mendel Rivers, with us for many more years.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the distinguished gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, with the passing of Mendel Rivers the Nation has lost a great and dedicated patriot, and his district an energetic and faithful servant. The American GI has lost his alltime favorite and generous champion; his enemies a determined and honorable opponent; his friends, a loyal and powerful ally; his family, a loving, kind, dedicated husband and father. And my wife and I have lost a very close and dear friend.

I extend our deepest sympathies to his wife, Margaret, his son, Lucius, and his two daughters in this hour of their bereavement.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the distinguished gentleman from New York (Mr. Stratton).

Mr. STRATTON. Mr. Speaker, I appreciate the gentleman from South Carolina yielding to me, and I want to join in paying these few small tributes to a great leader, a great colleague of ours, with whom we had the privilege of serving, L. Mendel Rivers. I think we who have worked with him have perhaps realized these past few years that there probably has never been a man in the Congress who was more severely attacked by outsiders, most of whom really did not understand him, or not quite the kind of man they were attacking.

This body of Congress is made up of many different kinds of people, and there were several things that stood out that made Mendel Rivers unique. For one thing, you never had any doubt where he stood. There was never any equivocation, never any trying to straddle or duck an issue; he made it clear where he stood.

As has already been said on many occasions, he was not only dedicated to a strong and adequate defense, but he made his views clear at a time when they were not particularly popular, but at a time when that point of view has never needed more to be eloquently expounded.

He was also a true friend of every man and woman in uniform. His most recent contribution was of course the arrangements that he was very largely responsible for, it making it possible for our servicemen to come back home from Vietnam at a greatly reduced fare over this Christmas holiday season.

We hear a lot these days too, about civilian control over the military, and about the responsibility of Congress for making a difference in the operations of the executive department. Well, here was a man who really did make a difference. Admiral Rickover, perhaps more than anyone else, knows that if it had not been for Mendel Rivers and for the support of the Committee on Armed Services, our nuclear power program would be a lot weaker than it is today, and our nuclear submarines would be a lot fewer than they are.

There have been many other criticisms that were wide of the mark. For example, when he became the chairman of the Committee on Armed Services he not only worked very, very hard, as the gentleman from Florida (Mr. Bennett), has so well pointed out, but he made a special effort to make sure that all of the other members of the committee knew what was going on, so that information made available to the committee was not put in the hands of just a few members, but was made available to all the members. And although there were members with whom he differed, and whose views he did not agree with—and upon occasion I was included in that number—he still made it possible for committee members with whom he did not agree to assume responsibility in the committee, nevertheless, and he made a special point of recognizing the contributions that they had made.

Although his views were very strong and very strongly stated, he nevertheless recognized that other members of the committee could hold differing views from his, and that perhaps they might have arrived at a clearer interpretation of the facts. Probably the most notable recent example of that attribute is the report published by the subcommittee under the chairmanship of the gentleman from Louisiana (Mr. Hébert), on the Mylai incident.

Mr. Rivers' publicly expressed views on Mylai were not the same as those reflected in the subcommittee's detailed report. But he had designated an outstanding member of the committee to chair that investigation. The investigation had followed the facts where they led, and so Chairman Rivers gave his imprimatur to that report, recognizing that the subcommittee had researched the subject more fully than he had done himself.

So, Mr. Speaker, we rise today to pay tribute to Mendel Rivers, a man who really was a fighter, a gallant soldier for what he believed in, who died certainly with his boots on, and a man who in spite of all the physical difficulties he faced, nevertheless made a tremendous fight to cling to life and to try to continue in his job.

So, as the gentleman from Louisiana (Mr. Hébert) has already suggested, we in this House will do well to carry on what Mendel Rivers stood for because we are going to have to maintain a strong defense for our country in a world where the enemies of our country give no signs of relaxing their pressures against us. If we can pick up some inspiration for that important task from our association with our friend, Mendel Rivers, then his spirit will indeed live on here in this Chamber.

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Oklahoma (Mr. Steed).

Mr. STEED. Mr. Speaker, I join my colleagues today in paying these tributes to the memory of L. Mendel Rivers who stood so tall among us for so long. While we dwell upon the achievements of this great man, there is one additional point that I would like to include here in our deliberations and that is that just a very few weeks ago he stood here in this Chamber and on this floor and delivered a full dress speech on what he considered to be the needs of this country and the dangers that confront us and what this Nation needs to do to protect its future security and to be a free nation.

So I commend again this man's accumulated great knowledge that he gave us in that speech to all my colleagues for our benefit and guidance in our deliberations henceforth.

Mr. Speaker, I had not been here very long before I had occasion to become involved in a matter with Mendel Rivers in which we shared a personal interest. That was the beginning of a friendship that grew through the years.

I probably have received more help and more benefit from his warm friendship than almost any Member of this House. He visited my district three times last year. He has many, many friends among my constituents. I doubt if there is any place on earth, except his home district and State, where he is admired and respected more than in my congressional district.

Not long ago the citizens of Altus, Okla., to show their appreciation for him named one of their public schools the L. Mendel Rivers School.

During the time he was in the hospital, the fifth and sixth graders of this school on their own initiative signed a get-well card and sent it to him.

I am happy to know that one of the things that cheered him during the days

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that he was fighting for his life in the hospital was to have received this message from those children who thought so much of him.

Mr. Speaker, my wife and my family and my constituents who knew him join with me in extending to Mrs. Rivers and the family our deepest condolence and sympathy.

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Speaker, all of us live our lives at many different levels and in many different rooms. I cannot claim to have had the complete confidence always of MENDEL RIVERS, nor to have been one of his closest friends—and this I regret, because I had the greatest respect for the man for many different reasons, and I think he was aware of this.

I respected him most because he was not born the chairman of the Armed Services Committee, and he became the chairman of the Armed Services Committee not because anyone ever handed it to him on a silver platter, but because through his own efforts and determination and stamina he made himself the chairman of the Armed Services Committee. He stepped into tremendously large shoes to fill when he replaced Carl Vinson, but he did the job, and he did it through tremendously hard work, and for this I respected him.

The fact that he arrived at his office in the dark and had finished several hours of work by the time the cafeteria opened every morning was known to his colleagues, but not necessarily known to the people at large, who got a very limited view of the man.

He had facets which were not known to the general public which read the general periodicals. He had a love of poetry, and he liked to recite poetry. He knew poetry more than almost any Member in this Chamber.

He had a magnificent sense of humor, and while he could use it devastatingly in debate, and frequently used it against me, he could also laugh at himself. This is a tremendous virtue in anyone in a place of as great responsibility as he was. He loved nature, flowers in particular. He was an avid gardener and did so many things which are so completely out of the context of the caricature which was sometimes made of the man.

His judgments were not always my judgments, and his priorities were not always mine. I frequently questioned his judgments and his priorities. But I have never ever questioned his motives, and I believe with all my heart that MENDEL RIVERS did, from the day he came here until the day he left here, do those things which he believed in his deepest conscience were best for America. His loyalties were absolutely the greatest loyalties—to his Nation and to his responsibilities. His efforts on behalf of the military, from the richest defense corporation to the poorest private, were the strongest and the most effective efforts which anyone made on their behalf.

I found that my own judgments caused me to question him many times, but I never beat him, ever. I have never seen him lose a battle until this week, when he lost the battle which all of us are going to lose, and I believe that he did it, as always, with gallantry and with as hard a fight as a man could make.

For the military of America I feel most sympathetic, for they have lost their greatest champion.

To his devoted wife, to his daughters, and to his son, I offer my sincerest condolences.

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. Mr. Speaker, I am deeply saddened by the sudden passing of our colleague, MENDEL RIVERS. This is a great loss to our Nation—a loss that will continue to be felt in the future as well as in these early hours of grief and mourning.

The people of South Carolina have lost a strong and articulate spokesman who for 30 years served them with dedication in the tradition of Calhoun.

The Congress has lost one of its most able and effective leaders.

The Nation has lost a devoted and proud public servant, an unapologetic patriot deeply dedicated to his responsibilities as chairman of the Armed Services Committee. For several years it was my privilege to serve with him on this committee and later under his chairmanship. To know MENDEL RIVERS as I have known him, I regard as one of the great intangible rewards of my service in the Congress. He was kind. He was good. He was warm. He was honorable. He was sincere. He was a real friend. But above all, he always had a deep and abiding concern for our country's security and the individual welfare of all our service men and women wherever they were throughout the world. Although he had no personal military background, MENDEL RIVERS became the special representative and the advocate of all of those wearing the U.S. uniform.

Words or monuments could never express the love, the affection, and the devotion that our service people have so justly felt for this great American leader. This is the greatest tribute any man could have.

I extend to Mrs. Rivers and each of the members of the family my deep and sincere sympathy and want them to know that I, too, share their loss.

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Speaker, I, of course, share with my colleagues the sadness of this occasion. Anyone who has known MENDEL RIVERS as long as I have, and as long as many of you have, could talk at great length about his achievements. We could talk equally as long about MENDEL RIVERS—the man. Indeed, he had few equals in his time.

We often think of MENDEL in terms of military, because he was one of the Nation's leaders on that subject. Aside from that, let us not forget for 1 minute the fact that this great American was, above all, a patriot. He believed in his country, its institutions, its heritage, and its destiny. Every minute of his life was dedicated to the preservation of those concepts.

I have never known a more energetic person. Every minute of the day was put to useful purposes. So far as I know he eschewed many of the pastimes, the card games, the fishing, and other time-consuming activities, in order to devote those moments to his goals—always overshadowed by his love of country and the maintenance of its security.

MENDEL RIVERS was one of the Nation's top authorities on all things military. He was probably one of the world's leading authorities on aircraft. He knew intimately the make, the history, the configuration, of practically every airplane ever built, whether in this country or abroad.

As a committee chairman he was superb. His knowledge knew no bounds, and his foresight was uncanny. I recall how he argued with much vigor in favor of bombing of Haiphong and the nearby petroleum supplies at a time when the SAM sites were nonexistent. At that time the damage to the targets would have been awesome, and our losses would have been minimal. But to no avail. Then, 2 or 3 years later the decision was made to do what MENDEL had so strongly advocated—to strike out at targets adjacent to Haiphong and to knock out the petroleum drums. But by that time the SAM missiles were there, and much of the gasoline had been concealed or moved away. Our losses were quite heavy.

I mention this as but one example of the soundness of MENDEL's judgment.

Mr. Speaker, our departed friend was one of the most colorful and most effective Members of this body. The hour was never too late, nor the distance too far, for him to do a favor for a friend. His personal friends were numbered in the thousands, throughout the Nation. He was one of the most sought after speakers in Washington, and probably considering all the exertion involved, he accepted too many of those invitations. But that was the life he loved—standing before a multitude and expounding his views about America and how important it was for us to take those steps necessary to defend and preserve it.

In the death of MENDEL RIVERS I have lost a close personal friend. The Nation has lost a great advocate of every good cause. His own district has lost one of the most able and effective representatives who has served here in my time. He was in deed and in truth a great American.

To Margaret and other members of the family I extend my deepest sympathy in their bereavement.

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Virginia (Mr. DANIEL).

Mr. DANIEL of Virginia. Mr. Speaker, I thank the gentleman from South Carolina for yielding.

Mr. Speaker, the Nation mourns. Flags in the Capital city of Washington fly at half-mast. A State stands still in reverence and pays tribute to the memory of a beloved son.

There is a pall of sadness enveloping those whose lives were touched by the late L. MENDEL RIVERS, distinguished U.S. Representative from South Carolina. Surely, this human reaction is understandable, natural and expected, even though it is admittedly selfish. But such

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a dynamic personality as this prominent man does not lead a life of illustrious public service without commanding widespread respect, admiration, and attention.

Citizens and public officials are grieved because this loss is a tragedy for our Nation. America has lost a patriot whose every fiber bristled at schemes by enemies of this country and their American sympathizers to overthrow the freest form of government in the world. In the passing of L. Mendel Rivers, the United States has lost a champion of a free enterprise system which has provided for its people the highest standard of living in the known world. Mendel Rivers loved his country with an old-fashioned kind of pride that is seldom found in our modern world of sophisticated theories and technology. Indeed, he devoted his entire being to insuring the security of this nation and toward alerting the public to the dangers that imperil us both from without and within. He stressed the importance of foresight in preparations for our national defense, and he worked diligently for the modernization of our aging Navy. The importance of control of the seas was a history lesson he knew well, and one which he constantly repeated to those demanding "rock-bottom" defense programs. Even from his hospital room in Alabama during the last few weeks of his life, he turned to his work and expended life-giving energy to direct certain matters which he considered urgent.

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The American serviceman has lost his most persuasive and effective proponent. From the enlisted men to the highest ranking officers, servicemen knew that they had no better friend and supporter than Congressman Rivers. They loved him and knew he was behind them every step of the way as they defended our country. Just prior to Chairman Rivers' entrance to the Alabama hospital, a large group of soldiers in Vietnam forwarded to him a symbolic token of their love and appreciation for his unflagging efforts on their behalf. It was a standard baseball cap which bore the affectionate inscription, "The Big Boss." What more appropriate recognition could he have had as his life's work unknowingly neared an end?

The forceful Congressman withstood constant attacks of the most vitriolic kind on his personal and professional competence. Yet, he was unscarred by these attackers, for he was bigger than such petty prejudices. He never stooped to accommodate the originators of such biased accusations. Through his ability to ignore and withstand such false and emotionally motivated taunts, the character of this man was evident. He was his own man—independent and strong within himself. Such absurdities could not shake him nor weaken a position once taken, for he was firm in his convictions and unwavering in his efforts. He fought doggedly for that which he believed to be in the best interests of our country, regardless of the verbal assaults launched by his opponents.

As a 30-year veteran of the Congress, Mendel Rivers witnessed a world of changing priorities. Yet, never did he sway from his opinion that the single most important issue before our Nation was the defense of this country. In his mind, the preservation of our free system was the key to the existence of freedom throughout the entire world.

I have lost a dear personal friend. While serving as a member of the House Armed Services Committee, I was honored to be associated with this great American. His beliefs, stamina, and persuasiveness gained my unqualified respect and his firmly avowed love of country, dedication, and motivation inspired me to work to the best of my ability. His assistance and friendship enriched my service here, as it did all those who knew him.

As the freshman member of the Armed Services Committee, I desire not only to pay tribute to our departed and revered leader, but also to refute another baseless charge which has been made by the press with respect to the chairman's treatment of junior members of his committee. I know all of the Members have read, as have I, the press' characterization of Mr. Rivers as a dictatorial leader who rode roughshod over the freshmen members of that committee.

It has been my experience, Mr. Speaker, to serve under committee chairmen in the General Assembly of Virginia and in other bodies. I have never served with one who was more considerate of freshmen members or who was more fair in his treatment of his junior associates.

The American people owe a great debt to this noble man. Let us mourn his passing in the appropriate way. Then let us rise above the human condition of grief and remember him in a way that would do credit to his outstanding character and career. Let us maintain a strong defense and revitalize those parts of it which have degenerated. This would be a fitting monument to the late Congressman L. Mendel Rivers.

His family has my sincerest and most heartfelt sympathy. It is my prayer that God will grant him the peace and the rest that He has reserved for those who serve Him well.

Mr. McMILLAN. I thank the gentleman from Virginia.

I yield to the gentleman from Alabama (Mr. Nichols).

Mr. NICHOLS. Mr. Speaker, Mendel Rivers was indeed a legend in his time and, although the proud Southern State of South Carolina claimed Mendel, he did not belong exclusively to that State. The people of my own State of Alabama loved Mendel Rivers, and in memory's eye, I go back several years ago when Chairman Rivers, along with his close friend and our colleague, the Honorable Edward Hébert, came to Montgomery to attend the funeral of our own Governor, the late and beloved Lurleen Wallace. He came on other occasions as well—once to pay his last respects to our late colleague, the Honorable Frank Boykin; as the commissioner of the National Association of Stock Car Auto Racing, he was a frequent visitor to our Alabama International Motor Speedway in Talladega, Ala. Although South Carolina's love for this great American surpassed that of most States, our esteemed chairman belonged to the Nation and the Nation has sustained a very deep loss.

Those of us privileged to serve on his committee know and appreciate the great service which Chairman Rivers performed in his untiring efforts in behalf of maintaining a strong America. Certainly, history will record that Congress—through the initiative and leadership of Chairman Rivers—had the foresight and wisdom and courage to strengthen the defense of this Nation.

Although I did not have the good fortune as many in this chamber to know Mendel Rivers for many years, nevertheless, his dedication, duty and leadership have been an inspiration to me and I shall always be indebted to him for the sound advice he gave me as a new member of the Congress.

I shall miss him in so many ways: his friendship; his great sense of humor, both in the cloakroom and in the committee itself when he used to say, "That's off the record." I shall miss his place at the Thursday morning prayer breakfast and the contributions he made to that very intimate group of colleagues. In times like these, it is difficult to understand why leaders like Congressman Rivers are called and I heard this expression on many occasions both at the Washington level and following the services in Charleston, "The only explanation which I can suggest is that perhaps God needs men like Mendel even more than we might need him in these dangerous and troublesome times." Mendel gave so generously and so tirelessly of his time and energy and his passing is an extremely personal loss to me as well as a loss to our country.

I like to think of a poem which I once heard which we could well dedicate to the life and memory of this great American. I believe it fits his own outlook on life.

I have to live with myself, and so
I want to be fit for myself to know
I want to look myself in the eye
I do not want to stand with the setting sun
And hate myself for the things I have done
I want to go with my head erect
I want to deserve every man's respect.

Mr. McMILLAN. I thank the gentleman from Alabama.

Mr. Speaker, I yield to the gentleman from California (Mr. Leggett).

Mr. LEGGETT. Mr. Speaker, few men could storm in and out of St. Peter's pearly gates as did Mendel Rivers in his waning weeks of life and death. Few men will ever achieve the stature of this Charleston leader. Whatever Rivers did, he did emphatically and with the strongest of emotion. He was a man who did not care a little—he cared a lot—whether the issue was shipbuilding, servicemen's pay, the C–5A, the intermediate manned interceptor or the antiballistics-missile system.

That Rivers could build the reputation he did as chairman of the most powerful committee in the House of Representatives in but 5 years is testament to his charismatic leadership and power.

The chairman knew the rules of the House and of his committee. He knew his staff, his subcommittee chairmen and the members of his committee. He was a tireless worker in molding the structure and entities of the House into a strong national defense policy.

If the chairman believed in the efficacy of the SALT talks he revealed this fact to no man. Not to admire the capability of Chairman Rivers as he molded defense policy or mocked an ill-considered Pentagon policy is to be insensitive to greatness.

In spite of that greatness I participated as strongly as any of his House colleagues in challenging some of his conclusions on missile or war policy. In spite of those differences I cannot recall any favor or request of mine that he ever denied unless it was for more time in cross examination.

Rivers was a skilled gladiator, a strong exponent of States rights, the southern way and military might—no subtle diplomacy his. He was a man who helped lead the survival of the United States through World War II—his reallocation of national priorities was to reemphasize the power of the nuclear deterrent.

Perhaps the best I can say of Chairman Rivers is that if my country was ever under attack from a foreign aggressor, it would be most assuring to know that the stern leadership of L. Mendel Rivers of South Carolina controlled defense policy.

To his wife, Margaret, and family I extend my most sincere condolences.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, it is very appropriate on a day such as this when many of us feel great sadness because of the death of Mendel Rivers that some of us who may have from time to time disagreed with him on certain policy issues speak out and say how very fond we were of him.

Many people do not know this, Mr. Speaker, but he helped me before I arrived in this Congress. I knew of Mendel Rivers when I was first campaigning for Congress. Many times during the past few years he has helped all of us in many kinds of ways.

I think I would like to remember him best when he would look at me with a twinkle in his eyes and say "I helped you today, did I not?" And he did.

Mr. Speaker, I want to echo the remarks of the gentleman from California to the effect that Mendel Rivers never refused to listen. He never refused to try to help.

I think probably the greatest compliment that I could pay to him is that I believe this was a man who was competent and he always stated his cause very well. He handled his committee well. I know that I as a Member of this body shall miss him very much. I will miss hearing his strong voice on many issues of the day.

My wife Betty and I and the rest of our family extend to his family our deepest condolences. I think the country has lost, as has been well stated, a great patriot.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, the United States of America has lost a great patriot, the House of Representatives has lost a great Member, and the great State of South Carolina has lost a great son in the passing of my very good friend, Mendel Rivers.

It was a great shock to all of us who knew him, because his heart certainly epitomized the strength of this man. He had plenty of heart, figuratively speaking, but his physical heart stopped beating. He was called to his Maker. This House will miss him and the country will miss him, because he was a man who had the strength of his convictions and the courage and ability to fight for those convictions.

Mr. Speaker, the country is better because of the fact that Mendel Rivers fought for those convictions, because they were not only right for him, but they were also right for the country.

In carrying on the work of the Congress and of the country after the passing of Mendel Rivers, I suggest that it may be easier for those of us who remain than it would otherwise be, because his life and his work in this body can serve as a beacon for our future aims and purposes, for our activities and actions.

We could not take a better model, a better beacon for our work, the work which must keep this country the greatest country on earth, than to reflect on and emulate the things which Mendel Rivers did, the causes for which he stood, and the great fights which he made on this floor.

Mr. Speaker, Mrs. Rhodes joins me in sending our deepest sympathy and condolences to Mendel Rivers' family.

Mr. WOLFF. Mr. Speaker, it is with sorrow that I join my colleagues in mourning the death of the distinguished chairman of the Armed Services Committee, our late colleague, L. Mendel Rivers.

Here was a man who personified the fabled "southern gentleman" of literature. Here was a man with whom one could have honest differences, as he and I certainly did; and yet maintain mutual respect, something that I believe Chairman Rivers and I also had. It is important that Members of this body with differing philosophies be able to debate and discuss those differences with their colleagues. And I always found Chairman Rivers willing to talk with me about those issues on which we differed.

Only recently I was able to work with the chairman on something about which none of us will disagree. This is "Operation Reunion," the program whereby our men in Vietnam are able to secure 14-day home leaves to visit with their families in the midst of tours of duty in the war zone. "Operation Reunion" came about, in large measure, through the work of Chairman Rivers who cared so very deeply about our servicemen.

Having worked on this program with the chairman, I met the first flight of "Operation Reunion" when it came to New York several weeks ago and then while in Vietnam worked to have the program expanded and made more efficient. I spoke with many GI's who were able to participate in this program and know what an important morale booster it has been to them and their families. The success of "Operation Reunion" is a fitting tribute to the memory of a patriotic American. We all mourn the passing of Chairman Rivers.

Mr. ROGERS of Florida. Mr. Speaker, I join with my colleagues in expressing my sorrow at the death of L. Mendel Rivers.

The gentleman from the First District of South Carolina served the Nation long, but more importantly, he served his Nation well.

While many were satisfied to take the defense of our Nation as a prime concern during emergencies, the gentleman from South Carolina had the defense of our Nation foremost in his mind at all times.

As chairman of the Armed Services Committee, he was responsive to the inquiries of his colleagues. I know that I had the occasion twice to inquire about military matters, once when a Russian Mig flew into Florida, and another time when Russian trawlers were spotted in our waters. Both times he carried out investigations into the matters in question.

I would also add that he helped to maintain the right of the House of Representatives and the Congress to raise and maintain armies according to the provisions of the Constitution.

I know that we will all miss the leadership and courage of Mr. Rivers. My wife, Becky, joins with me in extending our condolences to his wife, Margaret, his two daughters, Margaret and Lois, and his son, L. Mendel, Jr.

Mr. UDALL. Mr. Speaker, this House as it meets today is a far different place with the unfortunate departure of Mendel Rivers. He was colorful, he was forthright, he was strong in his views and in the love of his country. One could differ with him, as I frequently did, but one could not dislike or disrespect him.

I was privileged to know this remarkable man and to be his friend. He had his strong opinions, but he never shunned inquiry into controversy. Mendel Rivers' views on what occurred in the Vietnam village of Mylai were not the same as mine. But there is a strong possibility that the tragedy would not have come to light but for his intercession. When I received a letter from a returned Vietnam war veteran, Ron Ridenhour of Phoenix, claiming some terrible slaughter of civilians may have taken place in Mylai, I naturally asked Defense authorities to look into the allegations. But I also asked the help of Mendel Rivers and he, too, contacted the Pentagon and asked for the facts. I am convinced the military responded much more diligently because of his request and without his help the full extent of Mylai might have remained in obscurity. He was never too busy to listen to my requests or my problems.

Mendel Rivers was a man of the House. Too frequently some of the brightest and most promising Members leave this body after a short time to seek service in the Senate or at our State capitols. No doubt Mendel Rivers could have had any position within the power of the people of his beloved South Carolina to bestow. Yet he chose to begin and end his major political career in the House he loved. He was a student of the House, he loved the House. He left his mark on the House and the country.

In a position which influenced the spending of hundreds of billions of dollars, MENDEL RIVERS was a tower of personal integrity. No one in this place, where rumors are easy to start, ever heard a whisper against his personal integrity. He lived modestly and sought success in his career, not private wealth.

Now he is gone, but he will not be forgotten. I extend my sympathy to his widow and children, and join with all his colleagues in mourning the passing of a giant.

Mr. ABERNETHY. Mr. Speaker, this is a sad day for our country. It is a sad day for the House of Representatives. And, Mr. Speaker, it is particularly a sad day for me.

Only a few short days ago when several of us were having breakfast in the Longworth Cafeteria, as we often did, with our departed friend, MENDEL RIVERS, one would have never thought he would lie at this hour with his voice hushed, his body still, and his soul taken flight to a heavenly reward.

Mr. Speaker, in my 28 years as a Member of this body I have seen hundreds of Members come and go. Many of them were great. Many were hard workers. Many rendered fine service to this Nation. But none were greater than our departed friend, MENDEL RIVERS. None worked more energetically or harder. And, indeed, none rendered greater service to this Nation.

MENDEL RIVERS opened his office many mornings long before the sun had dispersed the darkness that enshrouded our beautiful Capitol. Day after day he put in long hours in the service of his people. On morning after morning at or before the hour of 8 a.m. Pentagon automobiles could be seen parking at the east entrance of the Rayburn Building. Alighting therefrom were the Nation's highest military leaders who had been called to attend a committee hearing of the powerful Committee on Armed Services which MENDEL RIVERS so ably served as chairman. MENDEL would call them out early and have them stay late. He kept himself and his committee informed through lengthy and meticulous briefings and conferences with the military. His desire was to get the best information, to get it from the right source and to get its as quickly as possible. He never loitered or loafed. He was dedicated to maintaining a strong defense establishment and he saw to it that such was maintained. For his service, a service so important to this Nation existing as it is in a troubled world, we owe him, yes, the Nation owes MENDEL RIVERS, a deep debt of gratitude.

MENDEL RIVERS was a most intelligent person. He had a keen and powerful mind. He was a good student. And with all of this he was also a great speaker and a great debater. He never came to this Chamber half prepared. When he rose to speak he had studied his lessons. He knew what he wanted to say and said it effectively.

Holding a position of tremendous power in this House, he never abused that power. Yes, sometimes he was tough. One has to be and ought to be tough when dealing with military matters and the defense of this great Nation. But he was always fair.

Also, Mr. Speaker, our late friend was a tender person. He sympathized with the downtrodden. He opened his heart to help them. One of his greatest and most interesting traits was his tremendous sense of humor. He could coin a humorous phrase in a second and draw a quick laugh or a chuckle from his listeners with the greatest of ease.

Finally, Mr. Speaker, in MENDEL's passing I feel a deep personal loss. He was my warm personal friend. On morning after morning over a long period of years he gathered with a group of us for breakfast in the Longworth Cafeteria. There we would cut and jibe at one another, all in fun, for 20 minutes or so before we started the daily routine in our respective offices. We enjoyed this association with MENDEL. This was a real "fun" hour. Now it can never be the same.

I shall miss him, Mr. Speaker. So will this House of Representatives. So will his district, State, and Nation. He served them so well.

I deeply sympathize with his fine family and extend to each member my deepest sympathy. They have lost a fine husband and a loving father. I have lost a close and personal friend. And our country has lost a great and dedicated public servant.

Mr. PRICE of Illinois. Mr. Speaker, I join my colleagues in the House in their expression of grief and sadness in the passing of one of America's finest political figures, the Honorable MENDEL RIVERS of South Carolina.

It was my good fortune to have been closely associated with MENDEL RIVERS for 24 of my 26 years of service in this body. I have worked with him in many of his favorite fields of interest—military airlift, research and development, nuclear propulsion for our naval vessels, and in his fight to make certain the United States was not caught short in the development of the next generation of manned bombers.

There has never been a more stanch and sincere friend of the men in uniform—those who devote their lives to the service of their country—than MENDEL RIVERS. They have lost—as we have lost—a real friend.

He was one of the most vigorous champions of adequate national defense. He wanted to make certain that America's military power was sufficient to serve as a deterrent to aggression from any source. He felt that such a deterrent was the best assurance that world peace would sometime be attainable. He sincerely believed that America's military strength was the only bulwark against another world war.

In fighting for recognition and better compensation for enlisted men from the time he first became head of the Armed Services Committee 6 years ago, he was striving to promote an interest in the military service which would attract career servicemen to devote their lives to their country's national security. He sponsored scores of acts to help the GI and their families. He was ever mindful of their interest.

He worked at his job early and late. Committee business drew his first attention. Like the good Congressman that he was, he never forgot the people back home. And their appreciation was shown in the great admiration and love they frequently expressed for him. I was privileged on several occasions to witness that deep respect in testimonials to him in his beloved Charleston.

I have lost a good friend. While our political philosophy on domestic matters was in conflict, he respected my views and I respected his. I know this is true with all other Members of the House—many of whom have frequently expressed to me their personal fondness for MENDEL RIVERS—despite conflicting views.

He was a great American. In his passing Congress loses one of its most effective advocates of national defense, at a time when the Nation's military arm is in acute danger of being crippled and ignored through the emotional clamor of some who question the need of such strength.

Mrs. Price and I extend deepest sympathy to his wife, Margaret; his son, Lucius Mendel, and his daughters, Lois and Mrs. Robert C. Eastman.

Mr. MORGAN. Mr. Speaker, the passing of our distinguished colleague, MENDEL RIVERS, was a sad blow to me personally, but even more important, I recognize the loss that has been sustained by our country. I believe that all of us recognize that our national defense is of primary importance and that while we may become preoccupied from time to time with other matters and focus our attention on various problems which appear to be acute, we all count on our defense establishment being there when needed and we expect it to be organized and equipped to deal with any emergency.

MENDEL RIVERS dedicated his life to doing the job which I believe it is absolutely essential that the Armed Services Committee of the House of Representatives must do in order to assure that our defenses will be adequate.

I valued MENDEL RIVERS' services as a leader and a counselor in dealing with important foreign policy issues. He kept himself well informed with background of important world problems and played an active part in promoting an understanding of the issues which confronted us and in seeking the best way to deal with them.

I always regarded MENDEL RIVERS as a sincere patriot who was interested primarily in the security of his country. He worked hard at his job, he knew what was going on and felt that he had an obligation to take the initiative with respect to matters of national defense. Our Armed Forces are better organized, better equipped and better manned today because of his action and his influence.

It is hard for us to realize that he is no longer with us and all of us will find it difficult to adjust to the fact that he is not on hand filling the place we are accustomed to having him fill.

I want to express my sympathy to Mrs. Rivers and to his children in their bereavement, but I am sure their grief will be lightened by the fact that their

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husband and father had rendered such distinguished service to his country.

Mr. NATCHER. Mr. Speaker, the House of Representatives has indeed lost a great Member in the sudden and untimely passing on December 28 of the Honorable L. MENDEL RIVERS of South Carolina.

Throughout his long and outstanding congressional career, MENDEL RIVERS served his district and his country with a deep sense of patriotism and courage. He was a man who always believed that every Member of the House should be an active committee member and at all times should do his homework. No Member who has served in the House of Representatives during the 20th century has worked more diligently to know and understand the many problems confronting the Armed Services Committee than my friend, MENDEL RIVERS, and in his capacity as chairman he gave tirelessly of his time and efforts in behalf of the individual serviceman as well as our overall Armed Forces.

MENDEL RIVERS will be greatly missed and I extend to Mrs. Rivers and other members of the family my deepest sympathy in their bereavement.

Mr. WYMAN. Mr. Speaker, I want to join my colleagues in paying tribute to the late, great MENDEL RIVERS. There was no more respected Member and no better friend to every colleague than the distinguished gentleman from South Carolina. He was kind to junior Members, gracious to his adversaries and extraordinarily vigilant for his country. MENDEL RIVERS typified the finest traditions and example of this great body.

I like to think of our dear departed friend as a man of granite, high on a windy hill, standing firm for a strong America against all comers. My native State of New Hampshire is known as "the Granite State." It would have been honored to have been able to claim MENDEL RIVERS as a native son. Since it cannot, it is fitting that I extend to his memory the greatest compliment to come from a sister State to South Carolina, the attribution of that quality of strength of character symbolized by our State motto in an accolade to an outstanding citizen of South Carolina.

Storms might come and go across the land. Storms from the right or the left, from those who sought to lessen our defense capabilities for more money for domestic priorities from any direction, but come hades or high water, our good friend and stalwart protector of defense MENDEL RIVERS stood like granite for America high on that windy hill.

His untimely passing comes at a perilous time and leaves a void in the House that will be well-nigh impossible to fill. Because he was a man who recognized that this Nation cannot make social progress if we do not first retain the basic freedom to pursue it, he became one of the strongest defenders the cause of an adequate national defense has ever had. As chairman of the House Armed Services Committee, his was a clear voice insisting America not be lulled into a false sense of security. Running counter to the sweeping tide pressing for the enactment of far-reaching domestic programs at the cost of dangerously reduced defense outlays, MENDEL RIVERS correctly and passionately pointed out that all the improvements in the world could be wiped away in a few brief moments if America were not strong enough to guarantee the precious freedoms for which this Nation stands.

Those who labored with him to preserve our national security for the perilous times that lay ahead knew well that he had shouldered no easy task. When he accepted the call to a position of great power in the Congress, he did so only after first being prepared to assume great responsibility. MENDEL RIVERS never allowed great odds to deter him from taking unpopular stands dictated by his devotion to his country and her needs.

During his three decades in the Congress, MENDEL RIVERS' efforts in providing our Nation with adequate security have involved major reforms and improvements in the Defense Establishment. It has been through his efforts that this year has seen the beginnings of a long-overdue program to revitalize and modernize our aging naval forces. At the same time he has earned the reputation of being the strongest advocate the American soldier, sailor, and airman had in Government. Not only did he press continuously for improved equipment and support to enable our men in the field to perform the difficult and frequently dangerous task their country asked them to perform, but he led the fight for a series of pay increases and other improvements that have helped make and keep the American fighting man the best in the world.

All Americans, whatever their political beliefs, mourn the loss of this great man. MENDEL RIVERS was an outstanding man whose wisdom and farsighted devotion to his country will not be easily replaced. The voice he raised in his Nation's cause earned him the unwavering support of his constituents, the respect and admiration of his colleagues, and the loyalty and devotion of all Americans. His efforts were an inspiration to all who served with him.

Mr. Speaker, we have suffered a profound loss. A voice is stilled and we mourn the silence. Virginia and I extend our deepest sympathy and heartfelt regret to his lovely wife, Margaret, and his fine family.

May God grant this great American eternal peace.

Mr. FOREMAN. Mr. Speaker, our country has lost a great statesman, the American servicemen have lost a close friend, the House of Representatives has lost an outstanding Member, and the State of South Carolina has lost a devoted servant with the untimely departure of L. MENDEL RIVERS.

As chairman of the House Armed Services Committee, the Congressman from South Carolina was a hero to our military forces everywhere. His support of our Armed Forces is well known. He fought for all the military, from private to general—and has been praised by Presidents, generals, privates, Congressmen, and just about every military and patriotic group in the country.

One of his most prized possessions, was a field cap with six stars presented to him by a group of enlisted GI's he assisted in getting home for Christmas—one of his last official acts.

I am pleased and proud to have served on the House Armed Services Committee under the leadership of this great American. The Halls of Congress will not be the same without L. MENDEL RIVERS of South Carolina. The death of MENDEL RIVERS is a serious, far-reaching loss to the United States of America.

Mr. PELLY. Mr. Speaker, America has lost a courageous leader with the death of Representative L. MENDEL RIVERS. But, his contributions to the defense of the land he loved will long be remembered.

In my 18 years in Congress, I have always been fortunate enough to have an office within a few doors of the gentleman from South Carolina. He always was a good friend and neighbor.

Particularly during the last few years, we shared thoughts on many issues of mutual concern. The two of us fought hard for a strong merchant marine, and he was stanch backer of the supersonic transport program.

His eloquent words from the floor of the House will long ring in my ears. Always his great concern was for a strong nation. He truly was a pillar of strength in the defense of his country.

Mr. Speaker, I join my colleagues in paying respects to L. MENDEL RIVERS. His leadership will be missed.

Mr. KUYKENDALL. Mr. Speaker, America has lost one of its most dedicated citizens and one of its outstanding leaders. MENDEL RIVERS has left a mark upon this Congress that will long remain unequaled. His devotion to patriotism, his performance of his duty, is an inspiration to all who serve in public life. I will miss him as a personal friend and as a loyal colleague who was always most helpful to me when I came here as a freshman Congressman. America will miss the zeal he displayed in protecting the strength and defense of this country. Freedom is more secure because MENDEL RIVERS served in the Congress. I want to take this opportunity to extend my deep sympathy to the members of his family and to say a fond farewell to one of the most devoted Members of this body.

Mr. GIAIMO. Mr. Speaker, we mourn today the loss of a beloved and respected colleague, the gentleman from South Carolina (Mr. RIVERS), who brought to this Chamber a sense of dedication and patriotism that time cannot erase. He will be missed by all of us.

Mr. Speaker, I always admired and respected MENDEL for his efforts in behalf of his constituency and his Nation. He believed, as I do, that the safety and security of all Americans must always be our first priority. In this time of turmoil, his counsel will be missed.

Perhaps the loss of L. MENDEL RIVERS will be most deeply felt by the millions of American servicemen at home and abroad, for he was their champion. He knew that our soldiers, sailors, marines, and airmen are not merely cogs in a war machine. He knew that they richly deserve all the benefits and protection that this Nation can provide. He dedicated his life to the fulfillment of their needs. For this he shall never be forgotten.

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As we mourn our loss, it would do us well to remember the words of Ovid: "It is not wealth, nor ancestry, but honorable conduct and a noble disposition that make men great." By this measure, L. Mendel Rivers was a great American. His passing leaves a void that can never be filled.

I extend my deepest sympathy to his wife Margaret and his familly.

Mr. FOUNTAIN. Mr. Speaker, I want to associate myself with the remarks of my colleagues in their tributes to our late friend, L. Mendel Rivers.

For almost half of his allotted span of years in this world—30 years, Mendel Rivers walked the Halls of Congress, devoting himself to labor without ceasing on behalf of sound and sensible legislation. Especially did he labor for proper legislative attention to anything affecting the security of the land he loved with a fierce and unwavering devotion.

We will miss his astonishingly wise and sagacious counsel. We will miss his outstanding leadership. We will miss his courageous spirit of honesty and determination.

Mendel Rivers will be sorely missed in the Congress of the United States. He will be missed in the First District of South Carolina, which he served so ably and so long.

But, his loss will be keenly felt by a vastly wider constituency, a constituency comprising men and women from all walks of life and from all parts of our country—the members of the Armed Forces of the United States of America.

Wherever they may be—on battlefield, on training ground, on garrison duty, on board ship, or in the air, countless men and women of our Armed Forces will mourn his passing.

For Mendel Rivers was not only the staunch and brilliantly articulate defend of a strong America, he was also the champion of those Americans in the ranks who may be called upon at any time to lay down their lives in defense of our freedom and safety and cherished independence.

He did this at a time when it has become increasingly popular to be critical of the men and women who stand ready to defend our national interests with military strength whenever the absolute need to do so arises.

Mendel Rivers of South Carolina was a great and patriotic South Carolinian, whose name will never be forgotten so long as the name of South Carolina is remembered in the annals of American history.

But, in addition to that I do not hesitate to say that Mendel Rivers was a great American.

And that is, perhaps, the greatest single tribute that can be paid his memory.

May I conclude by extending my deepest sympathy to Mrs. Rivers and the entire Rivers family.

Mr. BUSH. Mr. Speaker, it seems odd that there can be two completely different views of the same person.

But really there was not in fact two Mendel Rivers—there was only one.

We, here, knew Mendel Rivers. We knew him as a friend; we knew him as a strong man and yet as a kind and courteous man.

Some, in the press, felt so strongly in opposition to his views on the military that they let their fundamental difference distort the image of the man himself.

Today, we pay respect to Mendel Rivers the man.

As a relatively new member of this body, I will always remember his kindness to me; I will always respect his courage.

Mendel Rivers fought for his district, his State, and for his country. And through it all, he had time to care about his friends and colleagues.

We shall miss him.

Mr. MONAGAN. Mr. Speaker, I rise to add my words of regret, to those of others who have spoken, on the passing of our colleague from South Carolina, L. Mendel Rivers.

Mendel Rivers was a strong man and an able man. He was a master of the parliamentary procedure of the House. He was a skillful debater and an articulate and resourceful speaker above all, he was a master of the material which he handled and his knowledge of his subject was deep and extensive.

Although others have suggested a hardness and insensitivity about him, those who knew him knew also of his warmth and his interest in human beings of all segments of society. They were all alike to him in his interest and affection. Most illustrative of the capacity of his personality to break down preconceptions was the recent Life magazine article on Mendel Rivers in which the author began his story with a rather obvious and hostile bias, but gradually as he progressed with its writing succumbed to the charm of Mendel, and his essential humility. This article ended by being a subtle laudation of our late friend rather than a destructive effort.

We shall certainly miss Mendel Rivers in the difficult days ahead and I sincerely hope that the example of his patriotism and his hard work and his devotion to what he considered his duty will long be before us as we meet great problems without his help.

Mr. JOHNSON of California. Mr. Speaker, our friend and colleague, L. Mendel Rivers, has returned to his beloved home, St. Stephen, S.C. for the last time, and tomorrow he will be buried near his parents.

It is with a great deal of sadness that I join in bidding this distinguished legislator farewell. We will miss Mendel's flowing white hair, his tart tongue, and his devotion to his constituents, his State, and his country.

Since the 77th Congress he has served his constituents and the Nation in a dedicated way. In addition no one questions the fact that he was indeed the champion of our GI's. He won many awards throughout his career of public service but I think he was most proud of the gift cap which the GI's gave him at Christmas time, inscribed to "the big boss."

It has been a pleasure for me to work with Mendel since I was elected to serve in the House of Representatives in the 86th Congress. He was never too busy to lend a helping hand to a colleague.

His gaiety and wit brightened many hours of our lives, but his stature as a person will be long remembered. He stood for a strong national defense and a firm foreign policy and his passing is mourned by those who have been privileged to know and work with him.

Mrs. Johnson joins me in extending deepest sympathy to his beloved wife, Margaret, his two daughters, and his son.

Mr. SCHMITZ. Mr. Speaker, not only Congress but the entire Nation has suffered an irreparable loss in the death of our colleague Mendel Rivers of South Carolina, who served with such ability and distinction as chairman of the House Armed Services Committee.

Mendel Rivers was a great American and a true patriot, who did not shrink from calling attention in the most forceful manner to the deadly peril in which we have placed ourselves by continuing cutbacks in national defense. No accusation or calumny could deter him from performing this great service for his country.

Mendel Rivers knew that if we reduce our military strength much more, we can forget all about our other "good causes," because we will no longer exist as a free nation to implement them. His speech on the House floor at the end of September, demonstrating this grim truth unmistakably, was one of the greatest ever delivered in the House of Representatives, and should be a landmark in its history.

Now he is dead, leaving none of comparable stature and experience to continue to sound the warning. I hope every good American will honor the memory of Mendel Rivers and speak out, as he did, for the sake of our national survival. That is the best tribute we could pay to his memory—and it is, I am sure, what he would want us to do.

Mrs. HANSEN of Washington. Mr. Speaker, I join my distinguished colleagues this morning to pay tribute to our beloved colleague, the late L. Mendel Rivers, and to extend to his family my deepest and sincerest sympathy.

Congressman Rivers has been not only a dedicated Member of this House and a tremendously loyal American, but he been one of the "kind" people in this House. Whenever there was a problem involving any serviceman I found Congressman Rivers and his staff sympathetic, considerate, and understanding. His committee staff has been extremely able and courteous.

Congressman Rivers was ever a gentleman, and ever thoughtful of individuals regardless of viewpoint.

This House will miss him. The Nation will miss him. And to his family, again, may I extend my deepest and sincerest sympathy in their sorrow.

Mr. STAFFORD. Mr. Speaker, during the past 10 years, it has been my privilege to serve as a member of the Committee on Armed Services and to become acquainted with the late, distinguished chairman of the committee, L. Mendel Rivers, both as a senior member of the committee while Carl Vinson was its chairman, and later during the 6 years

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Mendel Rivers chaired the committee himself.

Although very frankly, in most recent years, there were occasions on which I disagreed with the chairman, they were not many in comparison with all of the issues that have been dealt with by the committee in recent times.

I have always been deeply impressed by Mr. Rivers' dedication to his responsibilities and the exceptionally long hours and hard work which he devoted to the job of chairman. I have been equally impressed by his sincerity in all that he has done. Even on those occasions when I disagreed with the chairman, I never doubted his complete sincerity in the position he occupied.

His was a long and distinguished career in the service of his country, one in which his family, as well as all who knew him can take great pride. We will all remember his dedication to the principle that this country should remain militarily strong not only for the security of the United States, but also in order to be an effective force for peace throughout the world.

The men and women of the armed services of the United States will remember Chairman Rivers as their champion for better pay, better living conditions, more adequate transportation during periods of leave, and a great many other things which made life in the military service more pleasant.

Mendel Rivers was without doubt a great man. This Nation will miss him, as indeed will I.

Mr. CABELL. Mr. Speaker, I would like to express my deep sense of personal loss at news of the passing of our distinguished colleague, the Honorable Mendel Rivers, a loss I know is felt by many other Members of this body as well as by his entire State.

No Member of this august body has been so conversant with matters pertaining to the defense of this country, and while we pay tribute to his many accomplishments, our sadness is tinged with the knowledge that at no time in our history is such knowledge and ability so greatly needed as now, when the very concept of our national defense is under such heavy attack from within our Nation.

Congressman Rivers was aware of this unfortunate trend in our national thought and gave much of his time and thought in an effort to counterbalance it with positive evidence of support for our essential military structure. His strength cannot be replaced. But his example can serve as inspiration for all of us who love this great Nation as he did to step into the fight and make certain the efforts he has contributed will not have been in vain.

Mr. WHITE. Mr. Speaker, while Chairman Mendel Rivers was fighting for his life in Alabama after his surgery, I sent him a telegram of well wishes, and called him "the unsinkable Mendel Rivers" for this is how I regarded him. His demise was a shock and a tragedy to all America.

Prior to securing a seat on the Armed Services Committee, I came to regard Chairman L. Mendel Rivers as my friend. For the 4 years I was looking in on the committee, with various critical military matters for the west Texas district I represent, Chairman Rivers treated me with great civility and understanding of our problem. So it was that I was pleased to have been named in 1969 to this great committee to serve under his leadership.

During these past 2 years of membership on the Armed Service Committee I came to appreciate his firm but fair directorship as chairman. He was a totally patriotic and dedicated American who had amassed an amazing amount of information and balance in knowledge of the defense needs and posture of the country. There is no doubt that our state of readiness can be attributed to him as he fought inch by inch for an adequate defense system.

He helped America, he helped the servman, he helped this Congress, and he certainly helped me innumerable times.

I regard him as one of the outstanding, memorable, and colorful figures that have served in Congress. None has ever been more dedicated in the preservation of this Nation.

I know the people of his district are proud of this tall-standing product of a proud, historic area. I am sure that his family are proud of this now legendary personality, and can take comfort in the undying memory of a great American. Gone but never forgotten.

Mr. CHARLES H. WILSON. Mr. Speaker, today it is my sad duty, along with my distinguished colleagues in the House, to bid farewell to one of the great leaders of our time. I bid farewell to L. Mendel Rivers as a colleague, as a member of the committee which he chaired and, especially, as a friend. I shall always remember the kindnesses which Chairman Rivers showed to me and his willingness to go out of his way to provide whatever assistance he could to me in my efforts to represent the people of my district. The news of his death comes with suddenness and leaves a feeling of emptiness.

I remember last October when Chairman Rivers was kind enough to come and visit my district personally, in order to visit with many of my constituents in southern California. He commented to me that he had not been feeling well and was somewhat concerned about some reports he had had recently about the condition of his heart. I expressed concern and we discussed the situation and his feelings for a short time. Now, looking back, I realize that it seemed inconceivable to me then that a man of such dynamism and strength would so soon be lost to us. His was a friendship that I feel grateful to have experienced.

Perhaps Chairman Rivers' greatest characteristic was that, as a man who was in a position for which leadership was the primary requisite, he had the courage to lead. For this reason he was often viewed as a controversial figure, for he was never afraid to use his considerable abilities and energies in order to reach the goal which he felt were essential to preserve the strength and security of the United States. In an age where we hear to many calls for leadership, it is reassuring that we can today praise a man who never lost the fortitude to lead effectively and persuasively.

Although the chairman did not serve as an active member of the U.S. military, no military man ever had a better or more loyal friend than L. Mendel Rivers. From buck private to five-star general, from the Air Force to the Coast Guard, the chairman saw to it that the American military man never had to take a back seat to any other individual in our society or any other. He understood above all that serving and defending one's country is a task and a profession to be admired and to be rewarded. As long as he was in charge there was never any doubt that this proper attitude would be the basic guideline by which important decisions affecting thousands of our men and women in uniform would be made. In this, he made a significant contribution toward insuring human dignity for a segment of our population which certainly has a priority claim to it.

I know also that Chairman Rivers was a devoted father and a conscientious family man who cared very deeply about his wife and children. Being the father of four myself, we discussed, from time to time, some of the different situations that arise in a busy and active family. I learned firsthand of the love and respect which he always gave to those closest to him. To Mrs. Rivers and her family, Mrs. Wilson and I extend our deepest sympathy at the loss of our good friend from South Carolina.

Mr. BETTS. Mr. Speaker, the sad news which conveyed the information of Mendel Rivers' death was most distressing to me. Although his condition was constantly reported as serious, I was hopeful that he would survive his operation and I am sure that I was not alone in this hope. The fact that he is no longer with us is difficult to believe but it is one of those realities that we must prepare to face.

I learned to know him when I first came to Congress and our mutual friendship over the years has been a source of great pride to me personally. I admired him because there was no equivocation or hiding of his position. Everyone knew how he stood on every issue and he was always prepared to defend it.

Mendel Rivers was a dedicated American who believed in his country and gave his energy and talent to see that it was always protected from its enemies. His passing is a real loss not only to the Nation and the district he served for 30 years but also to his family and his many friends.

Much will be said about him and many will praise him now—but the record of his work and devoted service here in the House of Representatives will live on.

Mrs. Betts and I extend or sincere sympathy to Mrs. Rivers and her family at this time.

Mr. FEIGHAN. Mr. Speaker, it was with deep regret that I learned of the passing of my dear friend, our colleague Mendel Rivers. It was my privilege to know Mendel well since I came to Congress in 1943. Since that time I have en-

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joyed his friendship and assistance so readily given.

Mendel was truly a patriot. He worked untiringly to protect and to expand the general welfare of his fellow citizens and our Nation.

He was a good student of history. He knew well that in unity there is strength and that strength will protect and keep our Nation free.

Mendel was very personable with a keen sense of humor. It was always pleasant being in his company. He was a thorough gentleman, with a strong character and firm determination.

To his lovely wife and family I extend my sincere sympathy.

Mr. KYROS. Mr. Speaker, it is with sadness and profound respect that I join my colleagues today in tribute to a man who was so unquestionably devoted to our Nation, and to the security of our people.

Throughout my own service in this body I have learned to appreciate the many and varied persuasions and points of view held by my colleagues and I have especially come to appreciate those who represent their standpoint effectively and with dedication. The gentleman from South Carolina epitomizes this dedication and this effectiveness. We have lost a distinguished leader from our midst.

The passing of our colleague grieves me not only out of a sense of loss to our Nation, but also as a loss of a personal friend. Perhaps as a result of my previous service as a naval officer stationed in Charleston, S.C., Chairman Rivers and I enjoyed a warm sincere friendship. He often found time to discuss with me matters of mutual concern and interest; as representatives of maritime districts, we often discussed the need for maintaining our Nation's seafaring traditions and naval strength. While we did not necessarily agree upon all matters, I found the chairman considerate, gracious, and always a true gentleman in every sense.

I think it was always apparent to all of us that L. Mendel Rivers was a devoted and sincere patriot; he was always unflinchingly devoted to the preservation of our national security. He lived by biblical warning "if the trumpet give an uncertain sound, who shall prepare himself for battle?" L. Mendel Rivers was never an uncertain trumpet in his country's cause. Our Nation's men in uniform knew the gentleman from South Carolina as a man who shared their own dedication and who understood their views. As long as our Nation is rivaled by those who would use military force to seek their goals, we must have men such as Mendel Rivers in our Congress.

I mourn the passing of our colleague and my wife, Alice, joins me in extending our deepest sympathy to his beloved family at this time of deep grief.

Mr. ANNUNZIO. Mr. Speaker, the Congress of the United States has lost one of its most able and influential leaders—Hon. L. Mendel Rivers of South Carolina—and it is with a heavy heart that I join my colleagues in expressing my sorrow and condolences to the family of my good friend, who passed away yesterday.

As chairman of the powerful House Armed Services Committee, he stood stanchly for superior American military strength as our best means of maintaining a peaceful future. He was an outstanding citizen and a great patriot, and his family and friends are justifiably proud of his distinguished record of public service.

He first ran for Congress in 1940 when he won the South Carolina First District seat he has held ever since. For 30 years he served his constituents and his country with dedication and devotion. He had an unequaled understanding of the operations of the Defense Department and did all that he could to guarantee the security of our Nation through its military strength. Nothing could deter him from the course he deemed right for America, and his critics as well as his ardent supporters had the highest admiration for his steadfastness of purpose.

Chairman Rivers was born in Gumville, S.C., and moved to North Charleston at an early age. As he grew up, he was determined to become a lawyer, and he worked hard to achieve his purpose. He attended the College of Charleston and law school at the University of South Carolina, passing the bar examination in 1932. After two terms in the State legislature, he came to Washington as a special attorney for the Justice Department.

Shortly thereafter, L. Mendel Rivers ran for Congress, and embarked on the active and very successful political career which has been cut short by his untimely death. His skill in the legislative field, and his keen insight and sensitivity to the needs and wants of the American people will be missed not only by his colleagues but also by his constituents whom he served so well from the 77th through the 91st Congresses.

Mr. Speaker, it was a privilege for me to have served in the Congress of the United States with Chairman L. Mendel Rivers. He earned our respect, our admiration, and a lasting place in the pages of American history.

Mrs. Annunzio joins me in extending to his widow, Mrs. Margaret Rivers, and to his two daughters and son, our personal and deepest sympathies on the loss of their beloved husband and father.

Mr. BOLAND. Mr. Speaker, the passing of Hon. Mendel Rivers takes from our midst a man of unforgettable character and enduring influence. Firm and unwavering in his conviction that the surest guarantee of peace is to be found in armed strength, he gave tirelessly of himself to upbuild American security at home and abroad. He was friend and advocate for American servicemen everywhere.

His leadership in Congress placed him among the most powerful champions of freedom in the world. He saw the international situation as one not only of grave concern but of dire peril, and in that light he labored to keep his beloved America strong. He won the respect even of those who differed with him.

L. Mendel Rivers came to this House as a young man of 35. In this year 1970, he had completed 30 continuous years of service. Through all his career he cherished the example of South Carolina's great leader, John C. Calhoun. And, indeed, he himself came to embody many of the virtues associated with Calhoun: Eloquence in oratory, vigorous convictions powerfully expressed, and deep, passionate loyalty. A man with cherished roots, loving his home, his State and its people, he was able to extend that concern to the whole Nation.

We shall not soon see another of his stature. We share the sorrow felt in his passing by his dear wife, his daughters, and his son, even as we also share the consoling pride which is theirs in the memory of his life and work. From that memory may we, his colleagues, take continued inspiration in these times.

Mr. STUBBLEFIELD. Mr. Speaker, Members of the House—individually and as a whole—feel it when we lose a colleague of great dedication; and, certainly, a great loss was felt yesterday when we sorrowfully learned that we had lost our dear friend and late colleague, L. Mendel Rivers.

Mendel Rivers was certainly senior to me as he had been serving in Congress almost 20 years before I was elected; but from my first days here, I learned from the counsel of this hardworking, conscientious man. Having Fort Campbell, Ky., in my congressonal district, and being a relative newcomer to Congress, too, meant that I constantly sought advice and help from Chairman Rivers. I found him unselfish and always willing to go out of his way to help make the task easier for a fellow Member who needed his assistance in either a small or large way.

Mendel Rivers was without fail the "soldier's friend;" and since his passing, I have heard from many active and reserve servicemen in my district who have expressed their deep sorrow over his untimely passing and said many personal things about this dedicated man. such as "I considered Mendel Rivers the next closest thing to my Kentucky citizenship." Remarks of this nature spell out the special love that our patriotic, fighting men had for this dear man; they considered him their protector and compatriot. I am sure that the servicemen of all 435 congressional districts, as well as their families, feel the same about Mendel Rivers. They shall miss him as we shall in the House, but can greater honor be paid to anyone than to have been regarded by so many as "protector and compatriot"?

Mr. ADDABBO. Mr. Speaker, the death of our colleague, the Honorable L. Mendel Rivers, marked the passing of a legend. As chairman of the House Armed Services Committee, Congressman Rivers proved to be a powerful and consistent spokesman for a strong military and an unbending national defense posture.

In addition to his well publicized and sometimes controversial actions as a committee chairman, Congressman Rivers represented his South Carolina constituency for 30 years. He was a Representative in the true sense of that word, concerned about the problems of his

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people and determined to stand up for their beliefs in the Congress.

When a legendary figure is taken from a nation, there is a loss which cannot be filled. We have lost a legendary colleague but history has recorded the details of his career for future generations to remember.

I join with my colleagues in extending sympathy to the members of the Rivers family.

Mr. WHITEHURST. Mr. Speaker, I have listened to the eloquent statements made by my colleagues on behalf of our beloved late chairman, L. MENDEL RIVERS. My own words can only echo their reflections on this remarkable man, who served his country so long and faithfully. My acquaintanceship with MENDEL RIVERS was brief, extending just across my first term here in the 91st Congress; but during this period I came to recognize those same virtues which my colleagues saw evidence of over many years—his courage, his fighting spirit, his uncompromising determination to provide for the defense of our republic, and his great love of America.

On a more personal note, I will always remember his courtesy toward me as a freshman member of his committee. Countless times he went out of his way to be helpful to me and to honor my requests, whatever they were. He told me on our first day that the Armed Services Committee had no place for politics. He was as true as his word, never manifesting the slightest degree of partisanship in conducting committee business. His single concern was our national security. Individual members might have taken issue with him on specific points, but at no time did this influence his personal relationship with them. This is a mark of manliness, and I have never seen it displayed by anyone else in such a grand manner.

That he was a friend of the serviceman was made clear to me wherever I traveled among military personnel. From admiral to seaman, from private to general, I heard nothing but praise for the chairman's efforts to improve the condition of our career military personnel. His tireless efforts on their behalf will not soon be forgotten.

Mr. Speaker, I regard his passing with the very keenest regret. A part of America has died, and it shall not be soon replaced. I join with my distinguished colleagues of this body and with millions of Americans in mourning his passing.

Mr. FRIEDEL. Mr. Speaker, the holiday season and the closing days of the 91st Congress were tragically saddened by the untimely passing of our great friend and colleague, L. MENDEL RIVERS of Charleston, S.C.

All of us in the House of Representatives who were fortunate enough over the years to enjoy the example of our dear friend MENDEL's great work, wit, and gentlemanly southern charm, have suffered a great personal loss.

Of greater significance, however, is the loss to the Nation of Mr. RIVERS as chairman of the Armed Services Committee of the House. L. MENDEL RIVERS from this all-important post that he occupied with such great competence and diligence, will be sorely missed. The Nation's valiant armed services throughout the world have truly lost one of their greatest champions.

MENDEL RIVERS' great city of Charleston and the State of South Carolina have now been deprived of their strongest advocate. His dedication and devotion to his constituency are legend and I am sure that this outstanding accomplishments will long be remembered by his beloved city and State who benefited from his faithful service.

Mrs. Friedel and I extend to his family our deepest sympathy at this sad time.

Mr. BROOKS. Mr. Speaker, I rise to join my colleagues in paying tribute to the late gentleman from South Carolina.

Chairman RIVERS was a powerful man—not only in the power inherent in his committee position, but in the power of his beliefs, of his dedication, of his devotion to his country. He had this power and he used it. In doing so, he frequently met disagreements with many of his colleagues—and when he did, he was a formidable adversary. Even though there was disagreement at times, no one ever questioned that he was fighting for principles in which he believed and principles which he sincerely believed were in the best interest of our Nation.

With the passing of L. MENDEL RIVERS, an era ends, but he has left his work and the future generations of Americans will profit from the work and determination of this man from South Carolina.

I extend my condolences to his lovely wife, Margaret, and their two daughters and son in this time of bereavement. I know they will be comforted in their loss by the knowledge of his many great accomplishments over the years.

Mr. LANDRUM. Mr. Speaker, I join with the Members of the South Carolina delegation, the Speaker of the House and others in expressing my sorrow and paying my respects and tribute to the late Honorable LUCIUS MENDEL RIVERS of South Carolina.

It seems as if it were only yesterday when I first came to know Mr. RIVERS. In 1953 when I entered this body MENDEL was already a veteran of 12 years, service. He was extremely cordial and helpful to me as a new Member. From the very first we developed an affectionate friendship which continued until his untimely death on yesterday. His death is a deep personal loss to me and creates a void which will be difficult to fill. Our offices were always located close to each other, both in the Old Cannon Building and since 1965 in the new Rayburn House Office Building. He was a source of good advice, of wise counsel, and of help and assistance when either was needed.

Mr. Speaker, a large measure of the close association with MENDEL RIVERS derived from the close association between him and Carl Vinson who was dean of our Georgia delegation during the entire time of my service in Congress until Mr. Vinson retired at the end of the 88th Congress. Mr. Vinson reposed great trust and confidence in MENDEL RIVERS, and when he retired from Congress and from the chairmanship of the Committee on Armed Services, he did so knowing that he relinquished the chairmanship into the hands of a capable successor. If he had felt otherwise, I dare say he would never have voluntarily left the Congress.

Congressman RIVERS was knowledgeable and effectively knowledgeable on all matters within the jurisdiction of the committee which he chaired. Originally a member of the Committee on Naval Affairs, he was originally known and referred to as the champion of the Navy, but I have never known him to show any partiality among any of the armed services of the United States. He did much to subdue interservice rivalries and to create a balanced force with each service complementing the other two. He encouraged teamwork and played a major role in the development of that teamwork.

When the House considered and passed H.R. 18970, the Trade Act of 1970, MENDEL RIVERS made an impassioned speech in behalf of this legislation. He addressed his remarks largely to the textile import quota title of that bill and spoke as knowledgeably for the need for that legislation as if lived in a heavy textile producing district. He spoke eloquently of the great importance of a strong textile industry to an adequate national defense and documented his assertions with carefully researched and factual data. I believe that his speech was one of the more effective speeches during debate on this important legislation.

Mr. Speaker, as I stated earlier, I have lost a warm and devoted personal friend. His family has lost a devoted husband and father. His district has lost a masterful Representative, his State a great and noble son, and the United States of America has lost one of its greatest patriots. We shall all miss him, but at the same time, we are all grateful to have known him and we in the Congress to have served with him as a friend and colleague.

Mrs. Landrum joins me in extending our sympathy to Mrs. Rivers and their three children.

Mr. CRANE. Mr. Speaker, it is with a deep sense of grief that I join my colleagues in mourning the passing of a giant among us. The late gentleman from the First Congressional District of South Carolina represented the people of his district for more than 30 years in the House of Representatives.

MENDEL RIVERS was widely known as "the serviceman's best friend" and the "serviceman's Congressman" because of his kindnesses and consideration for our men in uniform.

His appraisal of the world situation closely paralleled my own. He knew that the best road to peace is a strong defense. For many years he criticized those who would make "cost effectiveness" the sole criterion for our military expenditures. Recent reports would indicate that he was much closer in his analysis than were his adversaries.

Mr. Speaker, the distinguished chairman of the House Armed Services Committee will be missed by us all, and to Mrs. Rivers, his children, and all of those who knew him, I extend my heartfelt sympathy.

Mr. BROYHILL of Virginia. Mr. Speaker, patriotism and Americanism may, among some elements of our population, be words of waning importance.

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However, when applied to our late colleague whose death has saddened us all, they glow with the full and enduring character, since he lived them in their fullest meaning throughout his life.

We can thank him, my friends, for his singleness of purpose and determination that time and again saved this Nation from dismantling its defenses.

We can thank him for his understanding, his grasp of our military needs, and for his unstinting service—service that wore out a strong heart and eventually took him from us.

He was a man for his times. He was an American to the fullest sense of the word, for his people and his country. He was a patriot—a patriot whose depth of character and loyalty paralleled the lives of those men who first dreamed and then made America work from the beginning.

He was my friend and I shall miss him. He was our colleague and we needed him. He goes from among us with my full prayers, into a peace he so well earned while among us.

Mr. MORTON. Mr. Speaker, the House of Representatives and the Nation have suffered a great loss in the passing of the Honorable L. Mendel Rivers. As a great American he loved his country and demonstrated his loyalty throughout his life.

As chairman of the House Armed Services Committee, he stood firmly for the rights of every man who served in the military. He held an unyielding position in his belief in the defense of this Nation. He was a courageous and dynamic leader whose voice will be missed in the Congress of the United States.

Mr. WHALEN. Mr. Speaker, I was deeply shocked to learn of the death of Congressman L. Mendel Rivers, chairman of the House Armed Services Committee.

As a member of the committee, I came to know Chairman Rivers well. Although he and I frequently disagreed it was always on a philosophical, not on a personal basis. In fact, he took pains at times to provide those of us who differed with him with additional opportunities to be heard.

Mendel Rivers was a dedicated public servant. Many of the improvements in the military services that have come about in the last several years are directly attributable to his leadership. He was a stanch patriot whose intense love of country was the driving force in meeting his responsibilities as a Member of Congress. There is no accolade that he would have preferred more than that of patriot. I have no doubt that he always will be remembered in this vein.

My wife and I extend to the Rivers family our deepest sympathy over their great loss. May God comfort them in their grief.

Mr. CORMAN. Mr. Speaker, I wish to associate myself with my colleagues in this eulogy to Mendel Rivers and to express my deep sorrow at his death.

The 30 years that Mendel Rivers spent in Congress were dedicated to his belief that America's freedom was solidly tied to its military might, and he never swerved from his commitment to this belief. He knew criticism and opposition, but he remained firm in his conviction that America must above all else remain militarily strong. His efforts to benefit the enlisted soldier were undeniable. Their gratitude, which many of them publicly avowed, must have been a great source of satisfaction to him.

As chairman of the Armed Services Committee, Mendel Rivers had assumed a high place in the House hierarchy, and in this post he served his country with the same sense of devotion with which he served the people of his own State and of his congressional district.

Chairman Rivers was a familiar figure in the halls of Congress. Probably one of the busiest Members, he always took time to stop—in the corridors—in the dining room—on the floor—to chat for a few moments. A friendly and cheerful man, with a fine sense of humor, and with a particular life-style of his own that openly reflected his boundless patriotism to his country, his death is a loss to us all.

Mrs. Corman and I extend our deepest sympathy to Mrs. Rivers and the family.

Mr. MILLER of Ohio. Mr. Speaker, this past Monday, our country lost a great patriot and we in Congress a great friend.

L. Mendel Rivers was the personification of the high ideals for which this body stands. A stalwart supporter of our country's security, his far-sighted and untiring efforts in behalf of our Nation's defenses knew no bounds.

As a chairman he conducted the affairs of the Armed Services Committee in a most efficient and responsible manner. Always on the alert, his constant attention to the strategic needs of our defensive systems is a contribution for which he will long be remembered.

It is with deep sorrow that I join my colleagues today in paying tribute to this great American. I extend my heartfelt sympathy to his family and his many friends.

Mr. DERWINSKI. Mr. Speaker, I join my colleagues in expressing sorrow at the loss of our colleague Representative L. Mendel Rivers. He could truly be described as one of the key Members of the House; as a Member who very effectively fulfilled the role of leadership which he had attained.

He was dedicated to the strength of this Nation, to its national security and defense preparedness. He properly respected the role of the military in defending the freedoms which we too often take for granted. He also properly respected the role of our military in defense of the free world. He recognized the continued danger to the United States and its allies, of the ever-continuing Communist aggression.

Mendel Rivers was also dedicated to the House of Representatives, to its Members and the constituents that they represented. He was a patriot in the finest sense of the word, and also a keen student of government and a master tactician in the legislative branch.

We will certainly miss him in his role of chairman of the House Armed Services Committee. We will also miss him as a respected colleague and a warm, and always friendly associate. He served his country with rare devotion, and this service will long be remembered by those of us who were privileged to serve with him.

Mrs. Derwinski joins me in extending sympathy to his family.

Mr. MONTGOMERY. Mr. Speaker, the country has lost a great patriot and an outstanding statesman and I have lost a friend. My personal grief and sorrow at the death of Mendel Rivers is great but it is overwhelmed at the sense of loss that I feel for our Nation. Those of us who knew him on a personal basis, especially the members of the congressional prayer breakfast group, will mourn his death and pray for renewed strength to continue in his absence.

Mr. PHILBIN. Mr. Speaker, Mendel Rivers was a religious, God-fearing man. He was devoted to his church and a believer in the American principle of free religion, which has played a major part in the development of this Nation.

He was a man of deep, spiritual faith and when I traveled with him on various occasions, I noted that on Sundays, he always attended church without fail, even in instances when he might have to go far out of his way to do so.

He was also broad and tolerant in his views toward all religions, and I have known him to attend religious ceremonies in churches other than his own.

He had respect for other beliefs, and the religious views of other people and devoutly believed in the Lord.

At times he was maligned and many lies were circulated about him that were without foundation. In public life, he was often the victim of gross misrepresentations, but it never shook his faith in his public calling, and it never caused him to lose his faith in the people whom he loved with all his heart. He was a great and good man.

Mr. COLLINS of Texas. Mr. Speaker, it is a sad day for Congress as we all join together to pay our respects to Mendel Rivers. For 15 terms he has served his country with distinction and honor as a Representative from South Carolina.

As chairman of the Armed Services Committee, he carried forward progressively a balanced defense program for America. His committee was recognized for the efficient way it evaluated and expedited all of its business.

But I will always remember Mendel best as the friendly southern gentleman that he was. Two weeks ago I was sitting in the gallery with some folks from home. Mendel walked across the floor and they all immediately wanted to know who he was. When I said Rivers, they all knew him by reputation. They knew of all his active commitments. The impressive thing to them was that he looked like the man they visualized him to be.

Mendel Rivers looked like a southern colonel. He had a strong carriage. His white solid hair gave him depth. His glasses reflected his intellectual capacity. His friendly smiling face with his twinkling eyes was his great strength. You could see in Mendel a warm man who loved his friends and respected his adversaries.

Mendel Rivers was a great man. He was a wonderful friend and a great national leader. To his family, I extend my heartfelt sympathy. Your loss is shared by the South and the entire Nation.

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Mr. MATSUNAGA. Mr. Speaker, it is with deep personal sorrow that I join my colleagues in this tribute to the late L. Mendel Rivers.

To have had Mendel Rivers as a personal friend was a gainful experience for me, indeed. Although I disagreed with him on many of his statements and positions, I am convinced that he was a deeply sincere man with an unshakable dedication to serve the people of South Carolina and this Nation in his own way, to the best of his ability. A loyal patriot, devoted to the preservation of America's greatness, he believed that without military superiority, real greatness could not be achieved in the light of competing ideologies. History may someday construe his position as one which helped to preserve what we Americans hold so dear—a free and independent nation among free peoples everywhere. Only time will tell.

During his rise from a boyhood spent in relative poverty to a position of power in Congress, Mendel Rivers showed himself to be a man of considerable personal integrity and courage who was always true to himself. There was truly only one of his kind and we shall sorely miss his strong leadership.

To Mrs. Rivers and her family, I extend deepest sympathy and heartfelt condolences. May the blessings of the Almighty be upon them in this hour of bereavement.

Mr. GONZALEZ. Mr. Speaker, we live in a time when many profess that they know the absolute truth. But this is also a time when it is hard to find many who will stand by their statements, people who really have faith in their convictions, people who are unashamed to take a stand. Mendel Rivers was a man who had faith. He had beliefs, he said what he believed, and felt no necessity to apologize for it.

Of him it can be said, as Paul said of himself:

> I have fought a good fight, I have finished my course, I have kept the faith.

There are many who did not agree with Mendel Rivers, but no one ever accused him of avarice. No one ever accused him of making empty gestures. No one ever had any doubt about where he stood. He believed passionately in the things he defended, and his faith was not doubted by any man, even his most ardent enemies.

Now Mendel Rivers is gone. We will miss him, as any ship's captain would miss a familiar landmark. Some would say he was a rock, a shoal endangering the Nation; but others would say that if he was a rock he was one the Nation could stand on.

Now he is gone, dead as all men must be one day.

I hope that this House will see more men of such faith, for we need them. The business of the Nation is too pressing for us to be surrounded by men of shallow gestures and shallow deeds. We need men who have the courage of their convictions, as this man did.

If we would remember Mendel Rivers, let it be as keepers of the faith.

Mr. VANIK. Mr. Speaker, I want to join with my colleagus in paying tribute to one of our most distinguished colleagues, L. Mendel Rivers. He was a patriot, he was courageous, he was outspoken for his country.

There were times in which I disagreed with Chairman Rivers and his appeal for what I thought was an excessive military might which burdened the Nation and which crushed other human needs. We had differences—but seldom did we have different goals. He fought for the Military Establishment better than any admiral or general—they fought for power and inner rivalries. He fought for all branches of the service. He fought for strength beyond any challenge—the greatest strength of all.

It was my privilege to know Mendel Rivers and his family. Mrs. Vanik and I were guests at his home. He and Margaret were gracious, kind, and warm. They provided an almost forgotten kind of hospitality and gentility.

Mrs. Vanik and I express deep regret to Margaret Rivers on the untimely passing of this distinguished American.

Mr. McKNEALLY. Mr. Speaker, yesterday I sent the following telegram to the widow of Mendel Rivers:

December 28, 1970.

Mrs. L. Mendel Rivers,
Charleston, S.C.:

My profoundest regrets with the passing of your husband, a patriot in the most exalted tradition. He stood up strong and brave against inexorable enemies for what was best for America. Make no mistake, his enemies though they be alive will not triumph. It is not in the economy of the Lord. As time goes on the place in history of Mendel Rivers will stand supreme, the equivalent of America's greatest contributors. The hound dogs of malice in the press can have their mean and evil and salivating satisfaction. No American, repeat American, with any appreciation of America's responsibilities, its essential nature, and the direction of history, can fail to revile his enemies in the same measure that they mourn his loss. My deepest sympathy and affection.

Martin B. McKneally,
Member of Congress.

Mr. BUCHANAN. Mr. Speaker, the death of our distinguished colleague from South Carolina has left those of us who were privileged to serve with him in the House of Representatives with a deep sense of sorrow and loss.

I shall always count my association with Chairman Rivers as one of the richest treasures afforded me by my service in the Congress. His friendship was greatly valued, as was the example of leadership which he provided all of us in the House of Representatives.

The parting of this outstanding American is not merely a personal loss to those of us fortunate enough to have served with him in the Congress, however. His death represents a great loss to the U.S. Government, and most especially the legislative branch in which he served for 30 years; to the House Armed Services Committee, which he has so ably led as its chairman; to the citizens of South Carolina's First Congressional District, whom he has served so well for so long; and to our beloved Nation, whose security has been maintained to a very great extent through Chairman Rivers' untiring efforts toward an adequate defense posture.

Mendel Rivers shall be missed greatly. This great American shall long be remembered, as will his distinguished record of service to his country.

Mr. WYLIE. Mr. Speaker, Sunday, December 27, 1970, was a day marked by sadness and reflection on the passing of our distinguished colleague, the Honorable L. Mendel Rivers. The Nation, his home State of South Carolina, and free men everywhere have lost a courageous leader.

I feel somewhat presumptuous in extolling this great man since my only close contact with him was through the House prayer group and so many persons, who had known him longer and more intimately than I, have expressed themselves.

In 4 years, I came to know Mr. Rivers as a very religious man. He came every Thursday morning to the meeting of the House prayer group. On Thursday before his operation, he told the prayer group about it, about the fact that he had a leaky heart valve—as he put it—and about the fact that if it had not been repaired, he would have been an invalid. He said the one thing he would never be was an invalid. But, he assured us that he had a great surgeon; that he would be back soon. And then he added: "Boys, pray for me."

Mendel Rivers was a classic example of an Horatio Alger in our time—a man who rose from a humble beginning to become a Congressman and a national figure as the powerful chairman of the House Committee on Armed Services. In that position, he used his great power with courage and wisdom. He knew that we live in a dangerous world, and the special responsibilities imposed on the United States for maintaining world peace required a posture of military strength. The political fads that from time to time called for a downgrading of military preparedness never caused Chairman Rivers to deviate from his view that American security was dependent on military strength.

The Republic has lost a great legislator, respected by all, because he dared to take a stand, stick to his guns, and proceed on a course which he felt was proper. This is why L. Mendel Rivers will go down in history as one of the great men of the House of Representatives.

Marjorie and I extend our deepest sympathy and heartfelt regret to his wife, Margaret, and his fine family.

Mr. SISK. Mr. Speaker, I should like to join my colleagues in mourning the passing of a great American, the late L. Mendel Rivers of South Carolina. He was one of our Nation's top leaders in the fields of national defense and security. He was an ardent patriot who worked tirelessly to assure the military superiority of this country.

His strong support of the military and its programs earned him the loyalty and respect of servicemen everywhere, especially the men in the ranks whose lot in life he worked to improve, especially in the area of adequate salary and compensatory benefits. He believed in rewarding these persons who were fighting for all Americans.

South Carolina and the Nation will miss him also for his skill in all facets of the legislative endeavor. In addition he was the very model of a southern gentleman, courtly, courteous, and generous to a fault.

Mrs. Sisk and I join in expressing our sympathy and sorrow to Mrs. Rivers and their children.

Mr. DOWNING. Mr. Speaker, this is the day that those of us who have concerned ourselves with the national defense of the United States of America have feared, the day when our beloved L. MENDEL RIVERS would no longer be among us. I could not let this day pass without providing for the benefit of our colleagues the remarks he made on his last appearance in my district. The occasion was the keel-laying of the U.S.S. *South Carolina*, a nuclear-powered guided-missile frigate at our great shipyard in Newport News.

Chairman RIVERS was indeed at his best. He was driving yet another nail in the great bastion of our defense which he championed during his entire career of service with us. As a tribute to him and to the things for which he stood, I include his remarks in the RECORD for today, the day on which he is being laid to rest:

TRANSCRIPT OF REMARKS BY HON. L. MENDEL RIVERS, U.S.S. "SOUTH CAROLINA" KEEL LAYING, DECEMBER 1, 1970

Secretary Chafee, Admiral Zumwalt, distinguished platform guests, my own colleagues from the Congress, my fellow South Carolinians, distinguished guests, ladies and gentlemen:

I don't know what I can say. I think the best thing to say is "Let's eat!"

To date, my wife has already made the best speech.

Admiral Rickover started off on my side and when he finished, I don't know whose side he was on! He fixed the politicians forever.

And my dear friend, Senator Thurmond, whom I love, and all of South Carolina knows this, with that wonderful speech he gave to all of you, and the history contained therein, there's very little for me to say.

But I want to pay my respects to this great shipyard. No shipyard in America or anywhere has done more for its country than has this one. Its ships in all the wars in which we have been engaged have been first class. The only shipyard in America that can build a carrier—the only one. And now it's taking on the line of the nuclear frigates—the largest surface ships we are building outside of the carrier.

Then to come to the District of my dear friend, Tom Downing. When Tom Downing wants something, he gets it. He hangs around us like Grant around Richmond, but he gets what he wants. He thinks all ship construction should begin and end in Newport News and that the rest of the shipyards should be nothing more than satellites. And it's a real pleasure to be in your District, Tom, and see your wonderful people, and these great workers, and this great corporation which has done so much for America.

Then to have so many of my own South Carolinians here, and members of my staff, and of my office. This is a great day for South Carolina . . . the year in which we celebrate our 300th anniversary.

Then we have the greatest coach on earth, Paul Dietzel, of our great football team. Paul Dietzel is here. Paul, are you still here? Stand up. Where are you? There you are! He even came for the occasion. A great ambassador is Paul Dietzel.

Then there's another man here whom every sailor man knows. The greatest civilian back of our United States Navy, Frank Jameson, president of the Ryan Aeronautical Company in San Diego, California. Where are you, Frank? Frank is Mr. Navy League. He runs the Navy League; he owns the Navy League; he makes the Navy League do everything for the United States Navy, and he came all the way from California to be here and, Frank, we appreciate it.

And then, my very dear friend, Chet Holifield—Mr. Atomic Energy—the one man in the Congress, the one man in the Congress, who has done more than all of us combined to see that your Navy had nuclear power. And his lovely wife. Chet, you all are so good to come.

I don't need to tell you about Admiral Rickover, because he's already told you. But this man represents his country always. He never, ever, ever shirks from responsibility and, if there is a person on earth who comes before a Congressional committee and tells it like it is, that's one Hyman Rickover, and this is kind of refreshing in Washington—and we need more like him. I just told him that I was going to introduce a bill next week making him Admiral in Perpetuity. I think that would be a good title.

And I want to say something I've written here. If I read it, it will be the first speech I've read in 65 years, but I want to say one or two things that are in my heart about this nuclear frigate.

This thing was born in controversy. Born in controversy, because this ship (and its sister ship) was a real confrontation between your Congress and your President. We had to live with a man by the name of Robert Strange McNamara, and he was determined to give America obsolescent ships from the very beginning, and the John F. Kennedy is one of those. The John F. Kennedy was born in obsolescence. That should have been a nuclear powered carrier (and, Bill Martin, you know this). And he was determined not to build this ship. He was determined not to build the California. And your Congress, which started the nuclear program against the Executive Branch of the government, gave you the nuclear submarines, and your Congress alone did it. And we were equally determined that you'd get nuclear frigates. We put in a provision—I happen to be the author of it—that the President of the United States should order these ships built unless he wrote the Congress that it was not in the national interest. McNamara went to one Lyndon Johnson and asked him to write a letter saying it was not in the national interest, and Lyndon Johnson had sense enough not to do it. And that's why we have the DLGN–36 and the DLGN–37, and we'll get others. Out of that confrontation came a new Secretary of Defense by the name of Clark Clifford, and he ordered these ships to go forward and his successors have carried on—to their great credit.

And so, all I want to say, and I have finished, is that this ship began in a stormy sea, and, if you can find any stormier sea than the Congress of the United States, I'd like to know what the name of it is. But, as Chairman of your Committee on Armed Services, I plan to give your Congress the opportunity to try to catch the Russians in the days that I have, because today I'm not sure we're ahead of the Russians; I'm not sure we could beat them if we met them on the high seas, and my authority for that is one Hyman Rickover. A lot of our battle wagons would take off for the battle, but they wouldn't get there, because 80 percent of your Navy is old and 80 percent of their Navy is new. And come January, your Congress is going to have the opportunity to try to begin the catch-up, and already we've started . . . I have my Acting Chief Counsel here with me today . . . and our bill is well on its way to being prepared for introduction.

I am determined, as is your great Committee on Armed Services, that in your lifetime your Navy will not melt away, or as Kipling said in his famous lines:

"Far-called our navies melt away;
On dune and headland sinks afire:
Lo, all our pomp of yesterday
Is one with Nineveh and Tyre."

And Lord God—Lord God, be with us—lest we forget this commitment with our destiny which I plan to keep, so help me God.

I'm glad to be here today. Mrs. Rivers and I are honored beyond expression that we could participate in the program for this ship which bears the name of our great state. It's a humbling experience—one I shan't forget. And to receive the hospitality of these warm Virginians, these great Americans, together with the presence of my own people, this is something I shall remember as long as I live.

Thank you very much.

Mr. PIRNIE. Mr. Speaker, it is with deepest sorrow that we note the passing of our beloved colleague, L. MENDEL RIVERS. As a member of the Armed Services Committee which he has led with such vigor and objectivity, I am aware of his great contributions to the security of this country and the welfare of those who wear its uniform. He was dedicated to this task and gave to it all his strength and courage. He was widely respected by those with whom he served and in the ranks of the services he had a warm spot in every heart. They knew MENDEL cared and was their friend. He strengthened their morale.

During the past year there have been occasions of recognition and appreciation at which our chairman heard and knew the gratitude we all have felt. These are precious memories for it would haunt us if these sentiments had not been expressed. Now that his work is ended, we will bless these memories and trust they will ease the sorrow of his beloved family to whom we extend our heartfelt sympathy.

With majestic courage and sincerity of purpose he served his country well. With affectionate pride we recall his achievements and his kindly acts. He was a great chairman, a fine Congressman, and a loyal friend. We will long remember him.

Mr. ROSTENKOWSKI. Mr. Speaker, with the passing of L. MENDEL RIVERS, the Nation has lost one of its most outspoken patriots, the State of South Carolina has lost its most distinguished statesman, and I have lost one of my closest friends.

The death of our great chairman last Monday leaves this body with a vacuum that will be very hard to fill. Many tributes have already been paid to this great man, as I am sure, many more will be in the weeks ahead. But, the greatest memorial to this man is the record that he compiled during his many years in the Congress. It is a memorial that will stand long and proud in honor of a man who was dedicated to the security and defense of his country. As a Member of Congress for the last 12 years, I have had the honor and privilege of sitting with him during many memorable sessions. I am especially thankful for having had the opportunity to Chair the debate of many of Mr. RIVERS' bills. His knowledge of military matters, his parliamentary expertise, coupled with his extraordinary wit, made these sessions most rewarding.

I could go on to list almost endless awards and citations Chairman RIVERS

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has received, but these, I am sure, are already known to all of us. I would, instead, like to insert the tribute paid to Mr. RIVERS in the Chicago Tribune, a paper which has been one of his strongest supporters and has always admired him for his courage, determination, and fierce belief in the causes which he championed.

An article follows:

L. MENDEL RIVERS

Leading the nation in mourning for L. Mendel Rivers, chairman of the House Armed Services Committee, President Nixon called the South Carolina Democrat a patriot who held "unswervingly to the belief that the freedom that exists in the modern world is inextricably tied to the military strength of the United States." He was a friend, said Mr. Nixon, upon whom he could always rely "in times of great difficulty."

These were no routine words of acknowledgement for a departed member of Congress. The Republican President had no more fervent supporter of his policies in Viet Nam than the powerful committee chairman who died Monday of a heart attack. Nor did the military establishment have any greater admirer in the House.

From the moment he entered Congress, in 1941, Rivers fought for American supremacy in arms. He fought as hard for nuclear submarines and aircraft carriers for the Navy—his favorite service—as he did for modern weapons systems for the Army and Air Force. His was the voice heard most clearly in support of America's Safeguard antiballistic missile system.

If the United States has fallen behind the Soviet Union in the nuclear arms race, as many military experts argue, it is not thru any lack of effort by Rep. Rivers. In fact, he more than any other single member of Congress is generally credited with giving the United States as much defense as it now has.

As President Nixon phrased it, Rivers was important to the security of this nation because he believed freedom was inextricably tied to American military strength. Fortunately for the interests of national defense, Rivers' committee mantle is expected to fall on the next senior Democratic member, F. Edward Hébert, of Louisiana, an equally strong supporter of the military and American servicemen.

Mr. DELANEY. Mr. Speaker, I was shocked and deeply saddened to learn of the death of our beloved colleague, the Honorable L. MENDEL RIVERS.

My friendship with MENDEL began on the first or second day of my congressional service. He was a man with a deep sense of honor, and was always a man of his word. He had a great personal charm, and was the personification of the legendary southern gentleman.

MENDEL was a most effective and impressive debater. He pursued his arguments with force and vigor, and frequently disarmed his adversaries with sparkling humor and lines of poetry.

Chairman RIVERS was an outstanding patriot, and was passionately devoted to assuring that America's military posture was second to none. He was also deeply concerned for the welfare of our men and women in the armed services, and fought continually to improve their pay and living conditions.

MENDEL gave unstintingly to his constituency and to his Nation. He regularly went to work near dawn and stayed late at night to give his people and his country the fullest measure of his devotion, and the broadest range of his uncommon talents.

In the words of Edwin Markham:

Here was a man to hold against the world;
a man to match the mountains and the seas.

To his wife and his children, Mrs. Delaney and I extend our deepest sympathy.

Mr. GRIFFIN. Mr. Speaker, the untimely passing of our beloved colleague leaves us all with a full measure of grief and sadness. Yet, on reflection, we can take solace in the fact that America is stronger because he lived, and we are all richer because of his service in the House.

MENDEL RIVERS loved his country beyond description, and he held dear the glorious traditions of his native State—South Carolina and her people. He was fierce in debate but delighted in helping a fellow Member of Congress. As few men do, MENDEL RIVERS became a legend in his own lifetime.

The death of this great man is a severe loss to his district and the Nation. He will be long remembered in this body and his contributions to our national security will always be appreciated by those who love liberty and who are willing to make sacrifices for freedom.

There is a lonesome place against the sky—for a giant has fallen.

Mr. BERRY. Mr. Speaker, with the untimely passing of L. MENDEL RIVERS, we have lost one of the grandest men who ever graced the Halls of Congress.

With his stately manner, judgment, and ability, he has earned a place in history that only a few can enjoy. He not only was a student of government and military affairs, but was a deeply religious man. He was as handsome inside as he was handsome in his personal appearance.

His passing is a great loss to the Congress of the United States and the people of the Nation.

Mr. MANN. Mr. Speaker, in my State of South Carolina, the name of Mendel Rivers has a very special meaning. To me, as well as to a host of Americans, the name of MENDEL RIVERS has a very special meaning. Although my home district is in the Piedmont region of the State of South Carolina, my constituency has always held the gentleman from the low country in high regard. He has always had our respect and admiration. Thus it was that in my initial campaign for Congress in 1968, the endorsement, assistance, and personal appearance of MENDEL RIVERS were significant in my election. It has been a high privilege to serve with him in this House and to observe the efforts that he has exerted on behalf of our beloved Nation. His passing is a particularly sad occasion for the people in South Carolina, not simply because he will no longer be there to pursue ably the interests of the State, but because all South Carolinians identified with him in his national role, and were proud to identify him as a South Carolinian.

It is well, when thinking of LUCIUS MENDEL RIVERS in retrospect, to recall him through the lines of that immortal poem which he so eloquently used last year to eulogize the late Congressman Bill Bates. Not only do these lines attest to the great oratorical ability of MENDEL RIVERS, but they apply as well, albeit all too soon, to his life and leaving:

He went down
As when a lordly cedar, green with boughs,
Goes down with a great shout upon the hills,
And leaves a lonesome place against the sky.

Recent newspaper and magazine articles have attempted to catch the essence of MENDEL RIVERS, the man who so enormously influenced this House and the armed services of this country. None of them are adequate. With his frost-white hair and tall bearing, Mendel Rivers was, indeed, a walking recollection of that earlier Carolina statesman, John C. Calhoun. But here the identification ended, for MENDEL RIVERS was no latter-day embodiment of a dead plantation aristocracy. Although he did portray some of the best qualities of that bygone society, his sense of aristocracy was more in the vein of the Jeffersonian concept of a natural aristocracy. It sprang from an inner excellence, not from a social label. His rise out of poverty onto the plateau of great national power was the result of enormous determination, native intelligence, hard work and cool tenaciousness.

But the great success which he achieved never alienated him from his people. There is a sign outside a small town in his district which reads "We appreciate MENDEL RIVERS." There are no military installations in that town. The sign with its simple message tells more about this man of the people than anything else which has ever been written. It tells about a man who genuinely cared for the individuals whom he served. It tells about farmers and mechanics and grocery clerks who always found the busy man willing to listen and to help whenever he could. It tells about a Congressman who would go to bat for a constituent when everyone else had turned a deaf ear. He has been heard to say, "In life, it's the small things that count." Believing this, RIVERS' heart was never very far from the plain, ordinary people whom he served.

Yes, MENDEL RIVERS was loved in his district. The lack of political opposition in his district has become a part of the Rivers legend. Part of that can be attributed to the truth in his boast:

If we don't have opportunity in Charleston, there ain't no cows in Texas. We got opportunity for about anybody who's got a pulse.

He was a man of his word, and the people knew it. His scrupulous honesty and integrity went unquestioned even by his severest critics. His hands remained as clean as his district became prosperous. In 1968, when he ran against a black opponent in the Democratic primary, MENDEL RIVERS picked up approximately half of the black vote, an astounding achievement for one who was supposed by so many to be a reactionary on matters of race. He was not reactionary in the least, of course, and the distinction of race was, for him, no distinction at all.

His faith and belief in the American soldier was another part of the RIVERS legend. The American fighting man has never had a better friend than LUCIUS

XUM

Mendel Rivers. He insisted that they have the best in the way of facilities and protection. There was no surer way to get his dander up than to disparage the honor of those men and women who wear our Nation's military uniforms. And they returned his admiration and respect. Recently, when he managed to obtain a substantial fare reduction for service personnel flying home for Christmas, they responded by sending him a cap with six general's stars. One can say with some validity that Mendel Rivers had two constituencies, one, his congressional district, and the other, the entire military, which revered him as—one might as well say it—a Caesar, born to conquer the true enemies of the Republic.

Over the years there have been many tributes made to Mendel Rivers. I cannot exceed their eloquence or praise. I can only say that I deeply admired and respected him. He never wavered in his duty to his country. History will have to judge the rightness of his decisions, but, for my part, I feel that time will deal with him kindly. I am sure that his memory will live in the minds and hearts of a grateful posterity, and this, most assuredly, is the greatest tribute that can be afforded any man. I sincerely hope that his wife and family will find some measure of comfort in the admiration that so many of us feel for this truly great American. His memory will stand as a monument, symbolizing an incredible steadfastness toward achieving for America not only those things which are best, but those things which are necessary for the preservation of her freedom. If those of us who remain can emulate that same steadfastness, then that monument will help to fill the "lonesome place against the sky."

XUM

Mr. DANIELS of New Jersey. Mr. Speaker, it was with a great personal sadness that I learned of the death of our distinguished colleague from South Carolina, the Honorable Mendel Rivers. His loss will not only be felt in his congressional district or home State, but throughout the entire country.

The late chairman of the Armed Services Committee was truly an American, a patriot dedicated to his country, and an outstanding statesman. For the past 30 years, Mendel Rivers has guided this country's national security with a determination and loyalty unsurpassed by few men in the history of America. In Chairman Rivers, every soldier, sailor, and airman found a friend and champion. He has consistently led the fight in support of our men in the armed services and has never let them down.

Mr. Speaker, these past few years have been troublesome times. We have heard our military force and national defense goals challenged and criticized mercilessly and continuously. Throughout all of the turmoil Mendel Rivers stood strong and unswerving in his principles and would not be swayed by the attacks against his beliefs. To paraphrase the words of the great Winston Churchill, Mendel Rivers would not give in, except to convictions of honor and good sense.

I will miss the wit and unique personality of Chairman Rivers, as will all of us in the House of Representatives. We have lost an extremely remarkable and capable man.

Mr. KLUCZYNSKI. Mr. Speaker, I join my colleagues in expressing grief at the passing of my friend, the Honorable Mendel Rivers, a committee chairman respected by his fellow Members of this House, esteemed by his constituents, and beloved by those on active duty in our military services, who called him "the big boss" as a title of affection.

His constituents' esteem for him was based partly on his solid achievements in their behalf. He saw to it that his First Congressional District of South Carolina had defense production payrolls for its people and defense installations within its boundaries. Some of these were the Charleston Army Depot, the Charleston Naval Station, the Charleston Shipyard, the Charleston Naval Hospital, the Beaufort Naval Hospital, the Charleston Naval Supply Center, the Charleston Naval Weapons Station, the Charleston Fleet Ballistic Missile Submarine Training Center, the Charleston Polaris Missile Facility—Atlantic—the Marine Air Station at Beaufort, the Marine Corps Recruit Depot at Parris Island, the Charleston Air Force Base, and the Headquarters of the 6th Naval District.

The men and women of our Armed Forces, who regarded him as their special protector, did not base their loyalty on mere hearsay. They knew directly that it was he who had sought pay raises for them at the times they were left out while sizable increases were being voted for bureaucrats busily keeping the home fires burning. Chairman Rivers once added a billion-dollar authorization to the budget for a military pay raise. He believed that it was not possible to do enough for those who serve in the Armed Forces. Those who serve in the Armed Forces thus had good grounds for the friendship that they felt for him.

He was on a first-name basis with most of the people in his congressional district. They were his pals long before he could do anything about getting defense payrolls into his district. They will remember him fondly and so will we. Mrs. Kluczynski joins me in extending deepest sympathy to his beloved wife, and her family at this time.

Mr. Speaker, I include in the Extensions of Remarks an editorial which appeared in the Chicago Tribune of December 30, 1970, entitled L. Mendel Rivers:

L. Mendel Rivers

Leading the nation in mourning for L. Mendel Rivers, chairman of the House Armed Services Committee, President Nixon called the South Carolina Democrat a patriot who held "unswervingly to the belief that the freedom that exists in the modern world is inextricably tied to the military strength of the United States." He was a friend, said Mr. Nixon, upon whom he could always rely in "times of great difficulty."

These were no routine words of acknowledgment for a departed member of Congress. The Republican President had no more fervent supporter of his policies in Viet Nam than the powerful committee chairman who died Monday of a heart attack. Nor did the military establishment have any greater admirer in the House.

From the moment he entered Congress, in 1941, Rivers fought for American supremacy in arms. He fought as hard for nuclear submarines and aircraft carriers for the Navy—his favorite service—as he did for modern weapons systems for the Army and Air Force. His was the voice heard most clearly in support of America's Safeguard antiballistic missile system.

If the United States has fallen behind the Soviet Union in the nuclear arms race, as many military experts argue, it is not thru any lack of effort by Rep. Rivers. In fact, he more than any other single member of Congress is generally credited with giving the United States as much defense as it now has.

As President Nixon phrased it, Rivers was important to the security of this nation because he believed freedom was inextricably tied to American military strenth. Fortunately for the interests of national defense, Rivers' committee mantle is expected to fall on the next senior Democratic member, F. Edward Hebert, of Louisiana, an equally strong supporter of the military and American servicemen.

Mr. BOB WILSON. Mr. Speaker, I join my colleagues in paying tribute today to a departed friend who can never be replaced.

While I mourn the passing of a dear and admired friend, Mendel Rivers' death is more than a personal loss. His leadership touched the hearts of hundreds of thousands of individuals in and out of the military service. This is truly a national loss of the foremost champion of a vigorous armed services and a strong America. Mendel Rivers was one of the most devoted advocates of the philosophy expressed by George Washington.

> If we are to have peace, it must be known that we are always prepared for war.

Mendel Rivers has been called a superhawk—but I would rather see him classified as an eagle, perhaps a supereagle. His vision was better than ours; his vantage point as chairman gave him the ability to see through the smoke screens and false maneuvers of those who would tear down our military strength.

He was truly a great patriot and a warm and understanding individual. My life is better for having been close to Mendel. My deepest affection and condolences are offered today to Mendel's beloved wife Margaret and their family.

Mr. STEPHENS. Mr. Speaker, Mendel Rivers was my friend. I always believed he liked me and I have been deeply appreciative of this because it is a source of confidence to have some one you admire and respect to show they like you.

Mendel was a Southerner with all the pride and love of that heritage. Even so, his first concern was the United States of America. He was a stanch patriot and advocate of a powerful America. The carping and criticism of lesser people left him unshaken in his advocacy of peace through the power of a strong Christian nation. But even with all his responsibilities for the defense of America, he was ever a willing servant of his colleagues in the House who, like me, went to him for help.

For 10 years I watched him and I listened to him. I observed him on the floor in debate, in the cloak room in conversation, at social engagements, at the weekly House prayer breakfasts, on veterans programs, at political gatherings, at the Navy Supply Corps School in my district, at Fort Gordon in my district, at the Georgia Veterans Nursing Home in my district, at the dedication of his Veterans' Administration hospital in Charleston, at the Masters Tournament in my district, at the home of his predecessor and preceptor, Congressman Carl Vinson, and at a dinner in my behalf where he was the featured speaker.

At no time under any of these many circumstances did MENDEL ever fail to show his great intellectual abilities, his knowledge, wisdom, courage, humor, and genuine kindness for his fellowman.

Some one will take his place but no one will replace him. I mourn for my friend MENDEL RIVERS.

Mr. ANDREWS of Alabama. Mr. Speaker, I was deeply saddened to learn of the death of my long-time colleague and dear friend, LUCIUS MENDEL RIVERS.

He battled a failing heart as he had battled in this very Chamber time and time again for a strong national defense. While he lost this final battle with heart disease, he seldom lost in Congress.

MENDEL was one of the first people I met when I came to Washington in 1944. It was the beginning of a long friendship, filled with mutual admiration and respect.

The people of South Carolina's First Congressional District had the wisdom to send MENDEL RIVERS to Washington for 15 consecutive terms. For that we who were his colleagues and all Americans can be truly thankful.

For here was a giant of a man, if ever one sat in the House of Representatives. He was a skillful legislator, a powerful chairman of the Armed Services Committee, a tireless worker who put in long workdays, and an orator with few equals.

MENDEL RIVERS was dedicated to keeping the United States strong militarily so that we would always act from a position of strength in time of war or during periods of negotiation. Every sailor, soldier, and airman knew they would be heard, and most eloquently, in the House of Representatives through the distinguished South Carolinian and great American we mourn today.

MENDEL RIVERS talked tough to Hanoi, and he was right. He believed that our very survival depends on maintaining a strong national defense posture—and he was right. He was a man of fearless conviction and unquestioned integrity. He fought for what he believed in and retreated from nothing and no one.

Yes, surely this body and this Nation has lost a great man. We cannot replace a MENDEL RIVERS. We can only carry on the spirit of dedicated patriotism that he exhibited throughout his long and very distinguished career.

While MENDEL was sometimes tough, he was also a kind and gentle person. His compassion was well known to those who knew him, and particularly to those South Carolinians whom he represented for 30 years.

I shall miss MENDEL RIVERS, and greatly so. It is hard for me to imagine beginning the 92d Congress without him. It is hard to imagine the House of Representatives without him. His loss will be sorely felt by all.

Mrs. Andrews and I extend our deepest and most heartfelt sympathies to his sweet wife, Margaret, and his three fine children.

Mr. BEVILL. Mr. Speaker, on Monday, December 28, 1970, death claimed one of the great American patriots of all time. L. MENDEL RIVERS fervently believed that no price was too great to pay for the protection of the United States.

Military preparedness was his watchword, the Armed Forces his life. He was often considered the best friend of the Armed Forces on Capitol Hill and he did nothing to refute this charge.

L. MENDEL RIVERS was a controversial man. The feelings of his colleagues in the House of Representatives ran the gamut of emotions; but no one ever questioned the sincerity of his beliefs, nor his dedication to his country.

L. MENDEL RIVERS will be sorely missed in the House of Representatives in his role as leading advocate for military preparedness for the United States. His greatest legacy to his country was his dedication to the principle that America must remain a free and democratic nation.

I extend my deepest sympathy to Mrs. Rivers and the family.

Mr. GALIFIANAKIS. Mr. Speaker, I wish to add my tribute to those of others who have taken this week to mourn the death of our esteemed colleague, Chairman L. MENDEL RIVERS of South Carolina.

The House of Representatives is diminished as an institution by the death of Chairman RIVERS. I am sure that it will never be the same again. Chairman RIVERS brought with him a fire, a sense of authority to debate which few others are capable of achieving.

Whether or not you agreed with the chairman on a particular question, it was always a lesson and a pleasure to hear him in this Chamber. For me, some of the most instructive hours of the past 4 years were spent in listening to Chairman RIVERS on the House floor.

There can be no doubt about the spirit and the confidence of MENDEL RIVERS. It began when he was young. I remember an occasion last fall, shortly before Thanksgiving, when he told me about a decision he once made to change jobs. It happened several years before his election to Congress.

Young MENDEL asked his employer—the one he had decided to leave—whether he would write a letter of recommendation for him. And to his surprise, as the chairman described the scene to me, his boss told him to draft the letter himself and that he would sign whatever young MENDEL thought was appropriate.

Well, the chairman said he labored over that letter for nearly a day. He polished it. And he included every conceivable detail about his work for the company—apparently all of it favorable.

When the employer read the letter before signing it, he told the chairman, "I can't let you leave. I never realized before how valuable you are to this company." And as an inducement to stay, he offered the chairman a large raise.

That was the spirit of MENDEL RIVERS. He had the confidence which comes from total dedication to a job. It could never be said that the chairman was unprepared for debate. Nor could anyone say that he gave less than a full effort on the House floor in fighting for defense legislation.

MENDEL RIVERS was as ready to take up the cause of a buck private as of an admiral. If a serviceman had a grievance, no matter what his rank, he had an audience in the Committee on Armed Services.

There was another side to the chairman, a side which tends to be overlooked because of his stature in the area of national defense. Chairman RIVERS had interests and concerns which ranged far beyond the military. In this session alone, he had introduced a compassionate bill to increase disability benefits for the blind. He had sponsored a bill to establish a national student congress as a forum for the young in America. He had lent weight to the bill to reform the postal service. And he introduced a bill to protect animals from inhumane treatment in interstate commerce.

I hope these bills will be regarded as his successes along with his enduring work in national defense.

The dedication and the fervor of MENDEL RIVERS should be a model for the House of Representatives. His partiotism, his desire to keep America preeminent in world affairs, and his concern for the members of the Armed Services are worthy of study by us all.

I deeply regret the death of Chairman RIVERS. To his wife and children, I extend all sympathy. It was an honor to have known him.

Mr. WRIGHT. Mr. Speaker, with the passing of L. MENDEL RIVERS, America loses one of its foremost patriots, civil government loses one of its most distinguished public servants, this House loses one of its most beloved Members, and the millions of anonymous young men who make up the armed services of our Nation lose one of the best and most devoted friends a serviceman ever had.

For 16 years of my service here in Congress, MENDEL RIVERS has been a truly towering figure. His courtly manner, his natural and unselfconscious flamboyance, his impelling oratory and his genuine gifts for friendship seemed almost as much a part of these Halls as the mace, the microphones, and the Speaker's dais.

For all of his often brilliant and sometimes impassioned advocacy, MENDEL RIVERS was at heart a man of reason. His keen and incisive mind often burned through the dross of peripheral argumentation to lay bare the essential heart of the matter. Frequently in our debates he lighted the torch which showed the way to a reasoned solution.

Yet he had the capacity to believe, and this is a precious ingredient in an age of cynicism. He will be missed sorely. But as long as Congress is served by men who served with MENDEL RIVERS, his spirit still will live among us. Like many in this Chamber, I have lost a friend. But enduring are the lessons that I learned from him. And all those who knew him and loved him can take comfort in the knowledge that his memory will endure.

Mr. BRINKLEY. Mr. Speaker, I wish to join my friend from South Carolina (Mr. MCMILLAN) in lamenting the sad loss of our colleague, L. MENDEL RIVERS. The love for him was never so evident as at the pre-Christmas prayer meeting held for him in the Chapel here at the Capitol. The respect for him and for his ability was never more evident than has been shown here today in these stirring addresses in this hallowed House Chamber.

Mr. Speaker, in behalf of my mother, a native South Carolinian, and in behalf of all of my family, I express sincere and genuine sympathy to Mrs. Rivers and the children. May they know that our thoughts and prayers are with them and may they know that all of us deeply share their sense of loss for truly this is a national mourning.

Mr. STEIGER of Wisconsin. Mr. Speaker, I was saddened by news of the death of Chairman Rivers.

Surely no Member of this body can but pause today and join with the many who are paying tribute to a distinguished and able colleague. Mendel Rivers served this Nation and defended the Armed Forces. He led when it was needed. He fought his battles with wit and vigor and he worked tirelessly on behalf of his constituents.

Congress has lost a man of stature and grace. Mrs. Steiger joins me in extending our sympathy to Mrs. Rivers and her family.

Mr. HÉBERT. Mr. Speaker, in the wake of the loss of my dear, personal friend L. Mendel Rivers, I recall the words spoken by Vice Adm. H. G. Rickover at the keel laying of the nuclear-powered guided missile frigate *South Carolina* at Newport News on December 1 of this year.

I want to insert these words in the Record at one point to demonstrate the feeling and admiration one great American had for another. Mendel Rivers will never be forgotten by those of us who knew him and loved him and by the countless thousands he helped through the years.

Admiral Rickover's remarks follow:

It is an ungrateful task to try to sum up a man's character in a few words, but in the case of Mendel Rivers much will have been said when I have stated that he is an American and a patriot, because he is one as much as the other, and he is both intensely.

I find it hard to put into words all that I have learned to admire in him. Many men have entered our Congress. The conventional descriptions—ambition, public service, chance, social ardor, eagerness for power—none of these seem satisfactorily applicable to Mendel Rivers.

There is no use trying to explain him by reducing a versatile man to one or two main talents. He cannot be judged in the way some people judge an eagle by noting how he walks on the ground. An eagle must be judged by its majestic flight into the sky.

He has been obliged to make his own way by his own abilities and enterprise, but the advantages in intelligence and ambition were given him by his parents. He has used these well and has augmented them by his own ability and ambition. No smooth path of wealth or patronage was offered to him. Whatever power he has acquired has been grudgingly given. He has had to fight every mile of his road through life; nothing came easily to him, not even oratory in which he excels.

He is one of the great men of our Congress. He is dedicated to peace, but aware of the awesome responsibility our Nation bears in defense of our freedom. Where our national security is involved he is brave, resolute, stubborn. His legislative acts are heroic; they speak of struggle and triumph; they reflect his pragmatic ability.

No man possesses in so high a degree as he the peculiar awareness of military realities. His efforts in behalf of American security are tireless. He has a marvelous gift for stepping beyond the appearance of things, going beyond it, and penetrating to the very essence of the matter.

He speaks as a man of the people—a man for whom the deepest spiritual truth is approachable only through the heart and can be grasped only when embodied in the realities of this world. He does not believe that being serious means going about with a long face. He has always held calmness to be a form of virtue; it is in many cases an extremely difficult form of courage.

He is one of the most unintimidatable men in the United States. He knows that a good leader is doing his job when half the people are following him and half are chasing him.

He has an old-fashioned and unqualified love for the United States. This has given him a sense of dedication, responsibility, and purpose. He has the fortitude to stand up to the illegitimate and illegal activity of a tiny minority bent on tearing down every institution we have built and which we cherish.

He believes in fulfilling what you are able to fulfill, rather than running after what you will never achieve; in striving to be as complete human beings as possible. That will give us trouble enough.

He believes in the God-given genius of certain individuals, and he values a society that makes their existence possible. He understands the chasm between men with knowledge who lack power and men with power who lack knowledge; men who are instructed but not educated; assimilative, but incapable of real thought; men who do not want to confuse the ideal with the real; and intelligent idlers who always set their sights high in order to alibi their idleness and demonstrate their intelligence.

He does not agree with many of the pseudo-intellectuals who are drowning in their own words and suffocating in their own documents. Many of them are as ignorant as swans. He knows that we must abandon the prevalent belief in the superior wisdom of the ignorant.

He knows that some students of society and politics among our intellectuals have little contact with life as it is actually lived by most men; that they are more lucid as critics of existing society than as visionaries of a better one; that some of them seem to experience a vicarious pleasure in discrediting everything American; that in their seclusion they are constantly tempted to devise political constructions rooted firmly in mid-air—in which governments and political authority are replaced by communes of free and equal individuals; in which society exists without repression, and domestic policies require no sanctions; a society in which diplomats always tell the truth and a foreign policy is pursued in which the wolf lies down with the lamb, and the leopard with the kid.

Mendel Rivers is aware that without a knowledge of history, we are left with nothing but baseless abstractions with which to compare ourselves; that we then judge the present by the standards of a mythical trouble-free dream world where all mankind is at peace. He believes that in spite of the recent triumphs of science, men haven't changed much, and in consequence we must still try to learn from history.

He knows that a person who is often praised must set stricter standards on himself. He holds a number of beliefs that have been repudiated by the liveliest intellects of our time. He believes that order is better than chaos, creation better than destruction. He prefers gentleness to violence, forgiveness to vengeance. He believes in courtesy, the ritual by which we avoid hurting other people's feelings. He thinks that knowledge is preferable to ignorance; human sympathy more valuable than ideology.

His effort is sincere and profoundly human, it shatters old servitudes, overthrows prejudices and idols, and rises little by little toward the light. He lacks any capacity for intrigue; he is innocent and straightforward.

He knows that no country has departed from its basic principles so much, in so short a time and without realizing it, as has the United States; that what we need is simplicity and what we can do without is romanticism.

He understands that if what is needful is to be done, we cannot depend on illusions, especially of an impossible good. A calamity can be brought about by persons of great good will. Too many such persons have set themselves up in the "grievance business." Their job is to find things that are wrong; then attempt to right them. If their efforts only make matters worse, they find something else wrong.

Mr. Rivers knows that the last war has been forgotten, erased from the collective American memory—the most devastating commentary history can render is to be forgotten because no one wants to remember.

He has named, numbered, and made perceptible, even to those who disagree with him, all the national verities that animate and sustain us, and that breathe in our blood.

He does his duty as if he were going to live forever, and casts his plans way ahead. He feels responsible without time limitation; the consideration whether he may or may not be around to see the results never enters his thoughts.

The day will come when this man, one of our great legislators and a prophetic thinker, will be recognized at his true value.

Mr. GOODLING. Mr. Speaker, the passing of our colleague, L. Mendel Rivers, creates a great vacuum in this Chamber, for he was that type of legislator who gave himself vitally and totally to the legislative proceedings of the House of Representatives.

As he was a competent legislator, so was he a remarkable personality, gaining the respect of all with whom he associated.

I shall feel his absence in a dual capacity, not only in this Chamber but at our Thursday morning prayer breakfasts. He was a regular attendant at these meetings.

Mendel had a deep love for his country, and everyone would quickly agree that the term "patriot" had accurate application to him.

He also had deep convictions, and while an individual might not always have agreed with his view on things, he never had any doubts as to where he stood.

His congressional district has lost an able Representative, this House of Representatives has lost a diligent legislator, and this country has lost a real patriot. But while he is gone from our midst, he leaves us with the memory of his ardent sincerity, his deep devotion to duty, and his great love of America.

Mr. MURPHY of New York. Mr. Speaker, during 30 years in Congress, the last 5 as chairman of the House Armed Services Committee, my friend and colleague L. Mendel Rivers rightly earned the title of patriot on whom the Nation could always depend. His death was greeted with sorrow by the powerful and the poor, by friend and foe alike. He ran the powerful Armed Services Committee the way a general runs his command—as a fearless advocate of a strong America. Despite what some called his shot-from-the-hip rhetoric, he was, in fact, a gentleman, loquacious, and quick to smile. He was a friend to me and a helpful colleague whose kindnesses I shall never forget. William Greider, in the Washington Post, captures the flavor of this colorful and controversial man who became the champion of our GI's. Under the leave to extend my remarks in the RECORD, I, therefore, include Mr. Greider's tribute to our departed colleague:

L. MENDEL RIVERS DIES: CHAMPION OF MILITARY

(By William Greider)

Lucius Mendel Rivers, congressional godfather to the military, died early yesterday, the flamboyant champion of the lowliest GIs and of the mightiest defense contractors.

His body was flown in an Air Force jet from Birmingham, Ala., to Charleston, S.C., where his funeral will be held at 1 p.m., Wednesday at Grace Episcopal Church. He will be buried at St. Stephen, S.C., near the graves of his parents.

Rep. Rivers was 65 years old and at the pinnacle of his authority as chairman of the House Armed Services Committee, where he stood for superior military strength as America's best security for a peaceful future.

Yet, in the midst of a troubling war and deep domestic strife, the South Carolina congressman also came to be a living symbol of "the military-industrial complex"—that mixture of patriotism and pork-barrel politics which seems ever in quest of larger defense budgets.

He will be best remembered, probably, as a congressional figure with his own flavorful style, the flowing white hair, the tart tongue, the occasional demands for a warrior's vengeance, the single-mindedness which seemed courageous to his friends, dictatorial and dangerous to his opponents.

"You are the only crowd who must die," Rivers told an audience of soldiers once. "You haven't done a thing for me but save me in four world wars . . . Of course, you have enemies—not just in Hanoi, you got enemies in Washington."

President Nixon led the national tributes to the congressman, who died 17 days after undergoing open-heart surgery at the University of Alabama hospital.

"I have lost a friend upon whom I could rely in times of great difficulty," the President said. "South Carolina has lost one of the most distinguished men in her history and America has lost a patriot."

Three months ago, when he was shepherding the massive military-procurement bill through the House, Rivers gravely warned his colleagues again of the Soviet threat and his fear that the U.S. "seems hell-bent on national suicide" with its failure to develop new armaments.

Yet the powerful Congressman pleaded also with his critics not to dismiss his warning "as the shrill cries of a hawk who is suffering the agonies of reduced expenditures".

USED TO BEING HEEDED

In Congress, despite the wave of anti-Pentagon sentiment in the last three years, Rivers was used to being heeded during his career, whether he was pushing pay raises for the troops for a new cargo transport for the Air Force or a vast shipbuilding program for the Navy or a government subsidy to help a private company sell jet planes to other nations.

In the military, he was continuously applauded and honored. Just a few weeks before his death, grateful GIs in Vietnam sent him a hat with six stars on it, inscribed in gold to "the big boss." They were thanking Rivers for his success in engineering special reduced air fares so many of them could fly home for Christmas.

The armed services thanked him, also, by delivering to his congressional district and his hometown of Charleston, S.C., a remarkable array of defense installations—air bases, supply depots, hospitals, shipyards, missile facilities and others, not to mention the defense contractors who opened plants there.

HONORS IN CHARLESTON

In Charleston, they dedicated a bust of the congressman on Rivers Avenue and named a suburban subdivision "MenRiv Park." In Vietnam, the main thoroughfare at the Army base outside Pleiku is Mendel Rivers Parkway.

To Rivers' critics, his nine-county First District was one of the grossest examples of how politicians and Pentagon planners scratch one another's backs—more ships, more planes, more contracts and, in return, more goodies for the folks back home.

To friends and admirers, Rivers' fortification of Charleston was a subject for public banter. When the D.C. chapter of the Air Force Association honored the congressman at an award luncheon this year, Vice President Spiro Agnew offered this tongue-in-cheek appraisal:

"I would like to lay to rest the ugly, vicious, dastardly rumor that he is trying to move the Pentagon piecemeal to South Carolina . . . I have had it clearly explained to me that the military facilities so evident in that area are a testament of Mendel Rivers' unselfish willingness to allow his own First District of South Carolina to accept, in the national interest, military installations which just had to be put someplace . . .

"Even when it looked like Charleston might sink into the sea from the burden, Mendel Rivers' patriotic response was, 'I regret that I have but one congressional district to give my country to—I mean to give to my country.' "

WIT UNMATCHABLE

But no one could match the congressman's own pungent wit, when he twitted opponents in public oratory. During the 1960s, when Rivers held running skirmishes with the civilian managers at the Pentagon, he broke up military audiences with this description of McNamara's "whiz kids":

"The only powder those people have ever smelled is talcum powder. The only war they have been in is the BOOD-war."

But sometimes the humor was replaced by a martial note of vengeance. Rivers proposed a nuclear ultimatum to North Korea two years ago unless the adversary promptly returned the USS Pueblo and her crew. "I'd make positive that at least one of her cities would disappear from the face of the earth," he said.

ONLY ONE ANSWER

His strategy for Vietnam was equally blunt. "Words are fruitless, diplomatic notes are useless," he thundered on one occasion. "There can be only one answer for America—retaliation, retaliation, retaliation. They say 'Quit the bombing.' I say: 'Bomb.' "

Rivers never served in uniform himself, but he looked the part of the elder warrior. On the House floor or presiding on the dais of his committee chamber, he was ramrod erect with a flowing crown of snow-white hair. When a Senate critic referred to him as "Julius Caesar," Rivers seemed flattered by the comparison.

In his manner of speaking, Rivers displayed that special blend peculiar to the best politicians of the South—a graceful command of the language, but punctuated with crude thunder, like the warm flavor of good bourbon going down, followed by the husky kick.

He was chairman of the House committee for six years and he drew his power from serving the vast array of people and interests who depend upon its legislative products—the soldiers, the contractors, the Pentagon strategists.

But Rivers reached his position of power simply by staying in Congress—surviving faithfully for 25 years until his chairman, former Rep. Carl Vinson, of Georgia, decided to retire in 1964 at the age of 81.

Rivers was born in Gumville, S.C., near a place called Hell Hole Swamp, in the low country of the Palmetto State's coastal plain. His father farmed and ran a turpentine-still and died when Mendel was eight years old. His mother lost the family place and moved her six children to North Charleston where she took in boarders.

Rivers grew up, determined by the experience, to be a lawyer. He worked in a grocery store, delivered newspapers by pony-back, played outfield for a semi-pro team.

TO JUSTICE DEPARTMENT

He attended the College of Charleston and law school at the University of South Carolina just long enough to pass the bar exam in 1932. After two terms in the South Carolina legislature, he came to Washington for four years as a special attorney in the Justice Department.

When he married Charleston debutante Margaret Middleton, she noted immediately that he was destined for a political future.

At the wedding, she recalled years later, Rivers turned from the altar and worked his way up the church aisle, shaking hands and greeting folks.

FEW OPPONENTS

In 1940, against the advice of older, more influential politicians, Rivers ran for Congress. His campaign was styled against the "the Charleston crowd" and won with the heavy support from the rural counties in the district. He never had serious opposition after that. In all but two or three elections, he didn't even have opponents.

When Rivers entered the 77th Congress as a freshman, he was appointed to the Naval Affairs Committee. Vinson of Georgia was chairman. At war's end, the defense realignment made it the Armed Services Committee and through the years, Rivers moved gradually up the seniority ladder without any spectacular events along the way.

WON A NICKNAME

Indeed, in his early congressional days, Rivers won the nickname of "Oleo" Rivers for his colorful and successful campaign to repeal the federal tax on oleomargarine (a product manufactured from cottonseed and soybean oils native to his district).

"Butter will kill you deader than Job's turkey," Rivers once warned his fellow congressmen, "but eat a little margarine and you will look like a million dollars."

When Vinson retired and Rivers became chairman in 1965, he introduced a more combative style to the committee's disputes with the Pentagon—particularly the management of Defense Secretary Robert S. McNamara. Rivers used to remind audiences that McNamara's middle name is "Strange."

The congressman listened to the generals and admirals who found their counsel unheeded by their Pentagon boss and he fought many of their battles for them, legislating new weaponry which McNamara didn't want or refused to employ.

On his committee dais, surrounded by flags and battle ribbons, Rivers had the constitutional language inscribed on a walnut plaque:

"The Congress shall have power . . . To raise and support Armies . . . provide and maintain a Navy . . . and make rules for the government and regulation of the land and naval forces."

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CARBINE OVER DOOR

The chairman frequently reminded the executive branch of that congressional mandate. Indeed, he was accorded the trappings of a military leader, the award plaques and pictures of admirals and generals on his office walls, his frequent inspection junkets to overseas bases, the AK-47 carbine over his door, captured from the Communists in Vietnam.

Each year, his Capitol Hill luncheon, featuring Carolina quail and Charleston she-crab soup, brought together the diverse elements of the "military-industrial complex" from the Joint Chiefs of Staff to contractors to fellow defense-minded congressmen.

Over the years, he pushed very hard to double presidential proposals for military pay raises, usually successfully. He also tried to enact a congressional veto over military base-closings—and failed.

SOUGHT FLEET OVERHAUL

He was in the forefront of the congressional pressure to get the Navy into nuclear-powered vessels, particularly submarines. At his death, his current crusade was a campaign to overhaul the entire fleet—most of which, he insisted, was dangerously obsolete or in disrepair.

In the air, he fought through the 1960s for the air transport capability of the C-141s and, more recently, the controversial C-5-A.

His most remarkable personal victory, in recent years, was his lobbying to sell Congress—and the Air Force—on a government subsidy to help produce an international fighter plane made by American industry which could be given or sold to U.S. allies. This session, he won, and the first contracts have been awarded on the $1.1 billion program.

LITTLE DISSENT

In all of this, the chairman found little dissent among his committee members, partly because he dealt swiftly with those junior members who strayed from his line of priorities. One New York congressman found himself passed over a subcommittee chairmanship because he was a member of the "fearless five" which often opposed Rivers in committee sessions.

Rivers himself once summed up the congenial atmosphere over which he presided: "We get along just fine. There aren't more than five or six troublesome fellows on a committee of 40. I call that a pretty good average. If I can't meet that, God help Mendel Rivers."

Mr. RODINO. Mr. Speaker, I join with my colleagues in mourning the passing of the Honorable L. MENDEL RIVERS.

He was a man of deep conviction and unswerving loyalty to country. His zealous commitment to cause endeared him to his constituents whom he served devotedly for three decades.

Even those who may have disagreed with him admired MENDEL for his courage and strength of convictions and he undoubtedly has left a distinguished mark in the annals of our Nation's history.

While there is little that one can say to ease his family's sorrow, I know that they can take consolation in his unstinting dedication as a public servant.

I knew MENDEL as a warm friend and I extend to his widow and family my deepest sympathy, and I hope that my prayers will in some way help them bear the heavy burden of their loss.

Mr. HUNT. Mr. Speaker, the untimely demise of the Honorable L. MENDEL RIVERS of South Carolina has left this body in a state of shock. It should likewise be noted that perhaps the greatest impact of all was upon his family, to whom I now offer my sincere condolences and sympathy. MENDEL RIVERS was truly the epitome of a good husband, excellent statesman, and an overall man of good will. His courage in defense of this great Nation shall long be remembered for in my humble estimation it has no parallel.

As chairman of the House of Representatives Armed Services Committee MENDEL RIVERS gave an outstanding performance of his love for the serviceman. Today it is quite fashionable in many quarters to defile the character and lives of men and women in our armed services because they forget that without a good defense every nation will fall. MENDEL RIVERS made sure during his occupancy of the chairman's seat that this could never happen. His defense of the serviceman was consistent and without equivocation. He shall be missed by all the men and women who wear a uniform in defense of this country.

He was my friend and I shall truly miss him. I know that God will be merciful and he will look down upon us from his new home.

Mr. TAYLOR. Mr. Speaker, I share the sorrow occasioned by the death of our colleague, MENDEL RIVERS. Our Nation has lost a great citizen. American servicemen lost their No. 1 supporter, and I have lost a valuable friend.

The word most frequently used in referring to MENDEL RIVERS has been the word "patriot." He was patriotic and held a deep concern for our country's security and for the welfare of each individual wearing this country's uniform. He was firm in his determination that the military posture of the United States should never be compromised. So often we heard MENDEL RIVERS join Speaker JOHN MCCORMACK in expressing love for this country and its institutions and faith in its future. He was proud to be an American citizen and to use his great influence and committee chairmanship to keep America strong.

MENDEL RIVERS said what he thought, and he believed what he said. He was as intellectually honest as any person that I have ever known. He held strong convictions and had the courage to tell all people where he stood on issues.

MENDEL RIVERS was colorful and controversial, but those who knew him personally and worked with him on day-by-day tasks know that he was sincere and dedicated and kind and warm and considerate.

He took problems seriously and was always willing to go out of his way to do a favor for a congressional colleague, for a friend, for a constituent, for a fellow citizen.

The people of South Carolina and the Nation have suffered a great loss. I share their grief.

Mr. ZABLOCKI. Mr. Speaker, I wish to add my voice to those who have spoken so eloquently and so well on our colleague, the Honorable L. MENDEL RIVERS, of South Carolina, whose recent, unfortunate passing has been such a sorrow to us all.

Although I did not always agree with Chairman RIVERS, I never ceased to respect his courage, his determination, and his dedicated services to principles he believed were right.

No better gage of this outstanding Member of the House of Representatives could be found than his deep and sincere concern over the plight of our American prisoners of war in Southeast Asia.

Last April, Chairman RIVERS testified before the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, of which I am chairman, during hearings on the POW issue.

At that time he expressed the belief that no problem facing the United States was greater than that of obtaining humane treatment and ultimate release of U.S. prisoners of war in Southeast Asia.

In his testimony he said:

> These men have earned the full sympathy, understanding and support of every man, woman and child in this country and, for that matter, in every free country in the world. Their plight and the plight of their families will be resolved only if we in the Congress continue to call the attention of the world to the outrageous and inhumane treatment these men are receiving.

This testimony by Chairman RIVERS and his subsequent statements on the subject did much to keep the problems of our prisoners squarely before the Congress, the people of our Nation and the world.

Moreover, as one of the last official acts he performed in this body, Chairman RIVERS sponsored and guided through the House a resolution calling for renewed attention to the POW problem.

With the death of Chairman RIVERS, the American prisoners of war and their loved ones here at home have lost a powerful champion. I am confident, however, that he has left a spiritual legacy of that deep concern for the POW's which will cause us, his colleagues, to rededicate ourselves to that cause—a cause to which he gave so much.

Although MENDEL RIVERS will not be among us on that joyful day when the last of our American prisoners is released from captivity and reunited with their families, we will know that his efforts, his dedication, helped bring that day closer.

To his beloved wife, Margaret, and his family Mrs. Zablocki and I send our deep and sincere sympathy. May he rest in peace in the bountiful mercy and love of God.

Mr. STANTON. Mr. Speaker, the death of Chairman L. MENDEL RIVERS is a great loss to the United States of America. Our many colleagues have expressed their sympathy far more eloquently than I can. However, I would like to bring to their attention just one personal memory of the graciousness of this great patriot.

Exactly 1 year ago today, my wife and I drove to Charleston, S.C., for a couple of days of vacation. We did not know anyone in the city. The following morning, I was pleasantly surprised to receive a phone call from Congressman MENDEL RIVERS, who had seen a congressional license plate in the parking lot of the hotel and inquired who was staying there. He not only joined me for breakfast a few minutes later, but he insisted that my wife and I spend the rest of the day as guests of the Rivers family at their home. This outstanding

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display of southern hospitality and charm left an indelible impression upon us.

During that day with the Rivers family, we had an opportunity to observe this fine American as a family man. His lovely wife along with his daughter and son just could not have been more gracious. It was with great reluctance that evening that we finally departed.

There was never any doubt in any of our minds that Chairman Mendel Rivers was a living legend. He was probably the hardest working Congressman on Capitol Hill. His knowledge of the armed services exceeded that of any of his colleagues.

Mr. Speaker, my wife Peggy joins me in extending to Mrs. Rivers and their children our deepest sympathy and prayers. Chairman Rivers will long live on in our memory because we can never forget his deep dedication to his country and the need to keep America militarily strong.

Mr. AYRES. Mr. Speaker, my father, a Methodist minister from the State of Virginia, early implanted in me a sense of respect and gratitude for those American patriots who steadfastly fought for those principles that enabled all of our citizens to live in freedom.

As a youth I thought that the fight had been won and that the need for patriotic men was past and that we could just sit back and enjoy the fruits of their efforts and sacrifices. I soon learned however through World War II, Korea, and the cold war that the battle for freedom and justice is never completely won but is an ever continuing process of maintaining those safeguards that would insure that the United States of America would remain in the hands of its own people.

When I came to the U.S. Congress 20 years ago, I was very concerned about the future of our country.

My fears were soon allayed as I came to know my colleagues. I found many of them possessed that same dedication and love of country that marked the American patriots of yesteryear.

Mendel Rivers was among the greatest of these modern patriots. He possessed the same degree of devotion to country, courage and farsightedness that distinguished our Founding Fathers. I feel that same sense of gratitude to him that I feel toward our other great patriots. I feel honored that I was privileged to serve with him and deeply mourn his passing.

I first learned to respect Mendel Rivers on an athletic field.

In my freshman year in the Congress I was selected to play on the Republican baseball team in our annual game with the Democratic Members. I had played both in college and with several semiprofessional teams. I felt pretty cocky when I first came to bat.

As I looked over the field before me, I noticed a player in centerfield who had long white hair. Thinking that I only had to drive the ball over his head to secure a homerun, I lengthened my grip on the bat and hit the first pitch right on the nose to deep centerfield.

I did notice the white-haired centerfielder drifting back looking over his shoulder. Never anticipating that he could catch up with the ball, I put my head down and took off for what I thought would be an in-the-park homerun.

Can you imagine my embarrassment as I crossed second base to find that instead of a homerun, I had just made the third out of the inning—for the white-haired centerfielder had timed my drive perfectly and with deceptive speed had gathered it into his glove.

As I disappointedly turned toward the bench, I met Mendel Rivers coming in from his post in centerfield. As we jogged off the field together, I told him that I would never underestimate him again. I never did. I am glad that I learned my lesson on the athletic field rather than on the floor of the House.

I know that others will pick up the torch that he has passed on and will continue the policies that he so eloquently declared.

Mr. CELLER. Mr. Speaker, I cannot find it in my heart to believe that Mendel Rivers has passed away. For 30 years I have watched him move through the Halls of Congress, strong and sure and committed. It was more than the service to his constituency that brought Mendel back to Congress term after term; it was also, in no small measure, the warmth of his personality, the friendliness of his greeting, and the sincerity of his beliefs. This was a side of Mendel that was absent in the national portrait placed before the people of this land. To those who knew him personally, he conveyed a zest for life, a zest which flowed over into the causes to which he had dedicated himself. It was not necessary to agree with Mendel to stand in the warmth of his vitality.

There are few who suspected that he lived in the shadow of his ailment, because he, himself, cast no shadow of apprehension nor gloom. This was his private matter and he sought no pity therefor.

To his wife and family, I extend my very deepest sympathy.

Mr. MORSE. Mr. Speaker, the passing of Representative L. Mendel Rivers has deeply affected all of us who had the privilege of knowing and working with him. We have lost one of the most dedicated and capable citizens that I have ever known.

A Member of this body for over 30 years, and since 1964, chairman of the House Armed Services Committee, Mendel Rivers worked with sincere conviction and deep devotion for the welfare of our Nation. There has rarely been a Member of this body who has worked with such diligence for his country and for his district.

He was a skillful student of government and an able legislator. In a time when patriotism may be looked upon by some as old fashioned, Mendel Rivers was a genuine patriot and a true leader in the House of Representatives.

Although we often differed in our views, I have always had the most profound respect for his abilities and his fairness. His sudden death will leave a void in this Chamber that will be difficult to fill.

We have lost a colleague of unique distinction and outstanding attainment.

Mr. MARSH. Mr. Speaker, as we pay tribute to our late colleague, Mendel Rivers, I would like to bring to the attention of the House the special association he had with my congressional district and why his loss has a special meaning for myself and a number of constituents in the Seventh Congressional District of Virginia.

Although it was not generally known, Congressman Rivers, at one time, owned farm property in Augusta County near Staunton. He was a frequent visitor to the Shenandoah Valley and had a great interest and knowledge of that area.

He made many friends in my congressional district and often when I would be in the Staunton area I would have constituents who knew him inquire about him and send their best.

The lasting friendships which he made in my area of the State is typical of the man and his character. During my service here, he extended to me many kindnesses and I join with others in expressing deepest sympathy to his family.

The Congress and the country have lost an outstanding leader.

Mr. HORTON. Mr. Speaker, I would like to join my colleagues in giving tribute to our late colleague from South Carolina. He gave 30 years' service to his district and to the House of Representatives. His leadership was of great importance when the crucial issues of those three decades were being debated, and, as we all know, his interest in and concern for our military strength can be credited for the existence of a strong military establishment.

But there is a less dramatic aspect of Mendel Rivers' service, which, I feel, should be recognized. I refer to his efforts on behalf of the American serviceman.

Many times, Mr. Speaker, servicemen in my district have contacted my office for assistance of one sort or another. Frequently I was able to help; in some cases I was not. When these more difficult situations developed, I often contacted Mendel Rivers. His interest and involvement were the crucial factors in getting many cases reconsidered and unjust decisions reversed or amended.

Federal bureaucracy can be a frustrating experience for a young man with specific problems. This is especially true at the Pentagon, where the very size of its personnel system leads to errors and occasional hardship. The requests for compassionate leave or discharge or for reassignment so a soldier can live near his family—in short, the calls for help from the helpless GI—can be very compelling.

Mendel Rivers never showed the slightest hesitation in coming to their aid. His long record of leadership is detailed, in one instance after another, by various examples of assistance to the American fighting man. He sought not only to alleviate unnecessary hardship but also to improve the pay, the leave, and other benefits our servicemen deserve. They have lost a real friend.

It is this high tradition of service for which I have always respected Mendel Rivers and for which I will remember him.

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Mr. FLOWERS. Mr. Speaker, all loyal Americans mourn the death of our colleague, L. MENDEL RIVERS. He was a great patriot, an untiring voice calling out for a strong America. I believe that this House will heed the echo of his words in the days and years ahead.

I know that the people of Alabama felt a close and special affection for this great man. And in their behalf and for myself and my family, I want to extend our deepest sympathy to Mrs. Rivers and other members of the Rivers family.

Mr. COHELAN. Mr. Speaker, it is with deep regret that I learned of the death of the gentleman from South Carolina, LUCIUS MENDEL RIVERS. I join with all of my colleagues in mourning the passing of the colorful and dedicated chairman of the House Committee on Armed Services.

It was my privilege to serve on the Committee on Armed Services for my first 6 years in the House. It was in the course of this experience that I got to meet and to form indelible impressions of this dynamic son of the Old South. On field trips with him to aircraft production plants, I was able to observe his copious knowledge of military aircraft. He was to live through several generations of aircraft development and technology and he was passionately absorbed in the subject. I will always feel that he resented the intrusion of missile technology with its ICBM's, IRBM's, into the strategic force. He loved airplanes which were flown by brave and heroic men. He was in many ways a romantic when it came to airplanes and the armed services.

MENDEL RIVERS and I disagreed on most matters relating to the great social and economic questions of our day. We would frequently chide each other over our differences but it was always done with genuine understanding and puckish good humor. MENDEL was a vestigial southern romantic and I was a northern liberal with a totally different agenda for our society. But we were able to argue and to laugh. He held strong views and was filled with a special kind of regional pride, but he also was known for his graciousness both to friends and adversaries alike.

L. MENDEL RIVERS is now a part of U.S. history. He was among the last of a very special breed of Americans. He will be remembered for his unbridled devotion to the cause of the armed services and his beloved South Carolina.

Mr. DORN. Mr. Speaker, hundreds of eulogies and editorials have been written in praise of our late beloved chairman and friend, L. MENDEL RIVERS. Typical of these expressions of respect and sorrow are the following editorials from two South Carolina papers outside the chairman's own congressional district, the Aiken (S.C.), Standard and the Greenville (S.C.), News:

[From the Aiken Standard, Dec. 31, 1970]

REPRESENTATIVE L. MENDEL RIVERS

The American in uniform has lost his best friend.

The death of United States Rep. Lucius Mendel Rivers of Charleston is being felt already in faraway places around the globe, wherever an American serviceman is stationed. In the last few years, a warm affinity had developed between Mr. Rivers, the chairman of the House Armed Services Committee, and the man in uniform.

It was not an uncommon thing for any South Carolinian far from home to get a special greeting from our men in uniform—"because that's Mendel Rivers' home state." Mr. Rivers just about acquired patron sainthood in their eyes.

"He speaks our language," they would tell you.

"He's the man who has our interest in mind, is able to do something and does it," was an oft-heard consensus.

Mr. Rivers was obsessed with a determination to keep this country's military forces strong, in the belief that this was the best way to keep the peace and keep our freedom. He was an outspoken hawk. He believed in the capacity of our military establishment, and he believed it should be used to preserve our position. He believed we should have gone all-out to achieve victory in Korea. He felt we should have mass-bombed Haiphong to destroy North Vietnam's main artery for supplies.

"Military might!" he was wont to say. "It's the only thing those people understand." He openly scorned whatever effect such positions might have had on world opinion.

Mr. Rivers rarely exposed tepid opinions. He felt control of the military establishment belonged in the hands of Congress and made his case forcefully and often. It quickly produced a highly publicized series of confrontations with the then Secretary of Defense Robert McNamara. There were a number of occasions when Mr. Rivers and his committee authorized appropriations in excess of that sought by the military chiefs. Mr. Rivers would tell them plainly that they needed more, whether it was for more destroyers or more hospitals.

He was a champion of advanced military hardware. He took a keen interest in the development of the beleaguered C5 airplane. When the first one was being delivered to Charleston for duty, there was the predictable ceremony. Mr. Rivers was the principal speaker.

To the embarrassment of most persons present—but not Mr. Rivers—the giant droopy-winged airplane dropped a wheel just before it landed safely.

"That's why those planes have 28 wheels," Congressman Rivers said. "It landed safely. It didn't have to use all those wheels."

He then took the opportunity of dismissing critics:

"There are some," he acknowledged, "who would rather have seen a wing drop off. All I can say is to hell with them."

The military people, from generals to privates, admired his unflinching aggressiveness and his courage in the face of criticism that often became intense and personal. His forthrightness if not always his position, was admired by his colleagues of both political parties in the House.

A few months ago, after a bitter attack by a Washington columnist, his fellow congressmen one after another took the floor to lavish praise on him.

Mr. Rivers began his political career as an underdog. Few in Lowcountry South Carolina had given him much chance to be elected in Congress. He came through, and was returned to office 16 times in the ensuing years.

His early years in Congress were spent in the more usual chores of a young congressman: doing what he could for the people of his First Congressional District. It was often said that when it came to looking after the personal interests of his constituents there was not a better representative. He was similarly indefatigable in his efforts to bring new prosperity to a region which, at the time of his election, was still trying to extricate itself from the ravages of the Civil War. He is credited with bringing the big Air Force base to Charleston; a number of defense-related industries; bringing the Marine Air Station to Beaufort; the Veterans' Administration Hospital to Charleston, and keeping and strengthening existing posts such as the Charleston Naval Base and the Parris Island Marine Depot.

Comics and critics said that if Mr. Rivers put another military installation at Charleston the whole area would sink into the Atlantic Ocean. On one occasion Mr. Rivers quickly took up the challenge and said he would seek to have the Federal government drive pilings in order to reinforce the entire area so that more military installations could safely be placed there.

Usually he answered such quips straightforwardly.

"Where else," he would ask, "can you find a more deserving people, a more patriotic people, a more efficient people, a more conscientious people, a better climate and a better location?"

When the Charleston area's economy became so heavily supported with the Federal payrolls, it was whispered about that the city's economic structure was but a heartbeat away from collapse. Mr. Rivers' heartbeat.

Mr. Rivers' heart has now stopped beating after 65 years. The Lowcountry area's economy, while still heavily enriched with Federal money, is today quite healthy apart from it. And this pleasant condition to some degree, at least, is attributable to Mr. Rivers' energetic stimulation of the whole economy. The South Carolina Lowcountry's economy is strong enough now to withstand changes in the military presence that likely will come in the months and years ahead. Mr. Rivers' beloved First Congressional District—the Lowcountry of South Carolina—is much healthier now, thanks in large measure to his tireless efforts.

More than 10,000 persons had filed past his casket Tuesday at Grace Protestant Episcopal Church in Charleston. Men in work clothes, bearded youths, political luminaries, shuffling elderly people walking with assistance, white people and black people.

For the most part, they were those residents of the First Congressional District he called "my people".

They had come to say goodbye to an old and trusted friend.

He was a colorful man, an energetic representative. He was a friend to thousands of soldiers, sailors and airmen from every state of the Union who knew him only by name and reputation. He was a personal friend to thousands of South Carolinians. All are saddened by his death.

All will miss the man from Hell Hole Swamp who became one of this country's most powerful men.

[From the Greenville News, Dec. 29, 1970]

CONGRESSMAN MENDEL RIVERS

Congressman L. Mendel Rivers always did his homework well. As a result he was one of the most powerful men in Washington and was unbeatable in the First South Carolina Congressional District.

As Chairman of the Armed Services Committee, Congressman Rivers was almost the absolute master of the House of Representatives on military matters. He had the respect and confidence of an overwhelming majority of his fellow legislators.

A believer in strong military forces and strong action to protect American interests, the South Carolinian was intensely disliked by the latter-day liberal establishment. But he proved more than a match for all opponents in battle after battle in the House.

A representative for more than 30 years and chairman of Armed Services for the past five, Congressman Rivers was an acknowledged expert on military affairs. He made it his business to keep in close touch with the far-flung military establishment, traveling all over the world and talking with service personnel of all ranks.

Detractors criticized what they called Representative Rivers' frequent "junkets" to

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military installations everywhere. But those trips kept the chairman well informed about what was going on in what he regarded as his global military constituency. No matter what happened or where militarily, Mendel Rivers knew what it was—and more important why it was.

He was respected, even revered by career enlisted personnel, because he fought constantly for better pay and better conditions for servicemen and women. He had the confidence of military leaders. He also had that all-important confidence of the House of Representatives and of all Presidents with whom he worked.

He was able to build and keep a coalition of House votes, composed of both Democrats and Republicans, which guaranteed passage of important military legislation. Critics could carp at Congressman Rivers, but they could not prevail against him.

The same situation obtained in his home district, which covers a wide area of lower South Carolina. No matter where he went or how often he went, Mendel Rivers kept in close touch with the people back home. He moved among them constantly, never losing the flavor of his Berkeley County Farm origin.

Because he was powerful in the military world, Congressman Rivers was able to get many military installations for South Carolina, especially in his home district. He was acknowledged as the Charleston area's chief economic asset.

In recent years nobody could touch Mendel Rivers politically. He was the choice of Democrats and Republicans, whites and blacks, throughout his district. He also was his own boss in national political affairs. Some Democrats complained because he spoke favorably of George Wallace in the 1968 presidential campaign, but suggestions that he be "disciplined" by the party in Congress were laughed off.

Congressman Rivers was a strong-willed man with an excellent intellect. He knew what he was doing, why he was doing it, and how to get it done. He had much to do with keeping this country's military guard up in the face of increasing disarmament pressure.

Because dangerous world conditions make military strength mandatory, Congressman Rivers' death Monday was a severe loss to the nation and the free world. Already doubts are being expressed about whether the "military coalition" he built will survive his passing.

For South Carolina the loss is immense. A strong voice in national affairs has fallen silent. A powerful developer of military installations in the state has gone. The entire state, especially the Charleston area, can suffer economically and otherwise.

More important, however, the nation and the free world have lost a stalwart patriot, a giant who cannot be replaced easily or quickly.

Mr. BROTZMAN. Mr. Speaker, I, like all of our colleagues in the House, was saddened to learn of the death of Chairman MENDEL RIVERS of South Carolina.

In an age in which all too many persons downgrade patriotism, MENDEL RIVERS stood tall in the service of his country. No one of us will forget his tireless efforts as chairman of the Committee on Armed Services, his concern for the security of the Nation, and his dedication to the American servicemen who defend us.

Mrs. Brotzman joins me in expressing our deepest sympathy to Chairman RIVERS' family.

Mr. PATMAN. Mr. Speaker, the House has lost one of its most distinguished Members and the Nation has lost a great patriot in the passing of the devoted chairman of the House Armed Services Committee, the Honorable L. MENDEL RIVERS. I was privileged to serve with Chairman RIVERS throughout his three decades in the House and came to know the true greatness of this outstanding statesman and gentleman from South Carolina.

Perhaps more than any other man in our century, he realized the truth of Thomas Jefferson's warning that eternal vigilance is the price of liberty, and Chairman RIVERS dedicated his life to maintaining a strong national defense. He was an authority on weapons systems, and his remarkable knowledge of military matters was recognized and respected throughout the world. The House will sorely miss the wise advice and sage counsel which he was always so willing to share with his colleagues. One of his last major addresses in the House was a penetrating analysis of our defense capabilities and represents one of the finest discussions of the subject in recent years. His speeches on the floor were always immensely informative and meaningful, and they gave us the background necessary for proper consideration of vital defense legislation.

Mr. Speaker, MENDEL RIVERS will be remembered as one of that select group of patriots who did more than revere their country. He is now among those who gave a lifetime of meaningful and effective leadership to keep our Nation free and the emblems of America high in the sight of all people as a continuing beacon of hope and democracy. He had a great and abiding faith in the future of America, and in these troubed times, we would all do well to share his unshakable confidence in our Nation which is the world's strongest bastion of freedom and justice.

On this occasion, I want to join with my colleagues in extending my heartfelt sympathy to his wonderful family at this difficult and trying time.

Mr. BARING. Mr. Speaker, I am most grieved by the passing of our colleague, L. MENDEL RIVERS. He was one of the greatest American patriots to ever serve his nation in the U.S. Congress.

Congressman RIVERS placed his country first before any other duty he undertook as an American and as a Congressman. He was a strong constitutionalist of the first order and believed in America's safety first and foremost. He fought for the preservation of the American way of life and did his utmost to uphold the Constitution of the United States.

Congressman RIVERS had a steadfast and accurate stand in his positive attitude that the security of America depended on the strength of America's military system. He certainly assisted in insuring this system as the protective force under which this Nation continued to survive and thrive.

The loss of our colleague is not only a loss to the U.S. Congress and the Nation, but his passing also is a loss to the servicemen and women of America.

It is my hope that the tradition of a strong military posture for American defense, which Congressman RIVERS was largely responsible for establishing and battling for, will be maintained.

Mr. BIAGGI. Mr. Speaker, it is with a great sense of loss that this country mourns the passing of one of its elder statesmen, Congressman L. MENDEL RIVERS. Throughout his entire life he has been the embodiment of the American ethic, sometimes praised, sometimes condemned, but always the touchstone of quality and performance. Although I did not always agree with him, I respected his ability and leadership.

MENDEL RIVERS was a successful man. His roots reached back into the farmlands of his native Gumville, S.C., just as this Nation was founded in the agrarian life of the early settlers. His was a difficult beginning in the midst of the poverty of the great depression; but, just as the fledgling United States had its difficulties, the rigors of early life molded the man into a courageous individual who would never consider compromising what he considered to be right.

MENDEL RIVERS was a compassionate man. His life was not built with people he stepped on, but rather with those whose everlasting friendship he gained as a result of his willingness to help everyone in need. The millions of servicemen who have known him will readily attest to that. The thousands of residents of the First District of South Carolina will acclaim his constancy over the years. And many people the world over will remember him as a friend.

MENDEL RIVERS was a patriot. His devotion to the country his life so closely paralleled was unmatched by any man in this body or in this Nation. He was unswerving in carrying out his personal commitment to keep America strong and free. He was relentless in his drive to build a better country.

No one can question MENDEL RIVERS' integrity and sense of duty. His passing will mark an end of an era.

Mr. SLACK. Mr. Speaker, the waning days of the 91st Congress have seen the passing of a citizen-patriot who stood tall among us in support of his convictions—Hon. L. MENDEL RIVERS of South Carolina.

There is no need for me to reaffirm how much we will miss his presence among us. This has already been done by several score of the House Membership with phrases more impressive than those at my command.

There is some sort of cosmic significance, however, in the timing of his departure. Throughout the 91st Congress the Defense Establishment of this country has been under continuous and unrelenting attack. From all sides and all directions we have witnessed a continuous orgy of howling and screaming against not only the professional military, but also the civilians of higher echelon who must shoulder the grave burden of keeping our country strong.

In the center of a hurricane of fury whipped up from coast to coast almost daily during the past 2 years, one man has stood immovably, MENDEL RIVERS, chairman of the House Armed Services Committee. Never before in this century has there been such a concentrated effort to seriously weaken this Nation's defenses, and never has it been so successfully resisted.

Because this one man stood as a rallying point for those who will not turn the lives and fortunes of Americans over to foreign or internationalist influences. He thought in terms of duty first, duty last, duty always. He was determined that on the passing of his stewardship, he would not leave his country an ounce less strong than it was when he assumed his responsibility. And in this he prevailed to the advantage of this and coming generations.

It must be said therefore that if the time had arrived for him to be called away, then his passing came on a note of triumph. For all who believe that a militarily powerful America is a first prerequisite to world peace, he set the code of conduct to be followed in the future. It will be our obligation to measure up to his level of high conviction and determination.

Mr. ROONEY of New York. Mr. Speaker, I, too, was deeply saddened to learn of the death of the Honorable L. MENDEL RIVERS who represented South Carolina's First Congressional District here in the House of Representatives for 30 years. I know and admired the distinguished chairman of the Armed Services Committee for most of those years and will miss him greatly. MENDEL RIVERS was a giant of a man. A man of strong convictions and a man not afraid to fight for those convictions, popular or not. He was a firm believer in a strong America and a fierce fighter of those who would weaken or destroy our country. MENDEL RIVERS was a true patriot. He was a hard-working, unique, and colorful man, always genuine, always honest. He was a man who hated hypocrisy and deceit and so always spoke and acted in a manner that left no doubt as to his beliefs. And he was always a fine gentleman. To his wife, daughters, and son I extend my deepest sympathy in their loss.

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Mr. BYRNE of Pennsylvania. Mr. Speaker, it is with a heavy heart that I take this opportunity to say an official farewell to an old and dear friend and a leader of this distinguished body—L. MENDEL RIVERS.

There is no question that MENDEL RIVERS was a controversial person. I freely note that there were many times during the 18 years we served together on the Armed Services Committee that we disagreed. Other times we were in agreement. But I can state without equivocation that in all the years I knew MENDEL RIVERS, I never met a single Member of this House who did not admire him for his zeal and directness of action.

One could certainly say about MENDEL RIVERS that there was never a time in his long and distinguished career in the House of Representatives that his position on any matter was not clear and forthright.

It was natural that MENDEL RIVERS in his first term in the House should seek and achieve a seat on the then Naval Affairs Committee. His constituency of Charleston, S.C., has historically been a naval base for this Nation. But MENDEL RIVERS did not stop there. With the formation of the Armed Services Committee, MENDEL RIVERS enlarged his sphere to embrace all the Armed Forces as his official constituency.

He loved and admired the men and women who guard our Nation, and fight for it, with a zeal unkown in the annals of this body. Never in our history had one single man devoted his life and career so wholeheartedly to our fighting forces—and he a man who had never worn a uniform.

If MENDEL RIVERS had been born earlier or later, who knows that he might have made the military his career. Nevertheless I doubt whether history will record any man in uniform or out who served his Nation's fighting forces with more love and sincerity.

And let no one suggest that MENDEL RIVERS' interest centered about the stars of generals and admirals. MENDEL's interest and love transcended all rank and position. It was the serviceman and servicewoman he loved—regardless of rank. His heart and office were open at all times for "gripes" of the lowest ranking enlisted man, and he acted expeditiously on their complaints. He was truly their friend.

There has been much talk—some good humored and some bitter—concerning the growth of military installations in the Charleston area. There is no question of this growth and MENDEL was the first to declare—and declare proudly—that he was responsible for this growth.

But let it not be forgotten or overlooked that there are many other areas of our Nation which owe MENDEL a debt of gratitude for his cooperation and interest. My own constituency of Philadelphia has been a beneficiary of MENDEL's interest and understanding. I say without equivocation that MENDEL extended me every possible cooperation when the military attempted to remove such viable and efficient operations as the Philadelphia Naval Base, the Frankford Arsenal, and the Army Electronics Command. These are still functioning efficiently because MENDEL listened with an open mind when I asked him to assist me.

Many, many other Members could make similar statements.

When the 92d Congress convenes in just a matter of days, MENDEL RIVERS will no longer be among us. His death leaves us a challenge. I hope we can fulfill it.

I know I join with the entire membership of the House in extending to his wife, Margaret, and their three children our heartfelt condolences for their great loss—and ours.

Mr. TEAGUE of Texas. Mr. Speaker, we are all diminished—as a legislative body and as a nation—by the death of our dear friend, MENDEL RIVERS, the gentleman from South Carolina, and chairman of the House Armed Services Committee.

It had become popular in some quarters to refer to MENDEL RIVERS as a controversial Congressman and a controversial chairman.

All I can say is that I served with MENDEL RIVERS, and worked closely with him during the entire 24 years I have served in this body—our areas of legislative interest were often joined together—and I never found him controversial in the least. He was always considerate, kindly, helpful, knowledgeable, and a Christian gentleman.

Above all, he was a patriot, and it is a sad commentary on our decadent times that it was this patriotism which caused lesser persons to call him controversial. He loved this country as few men have the heart and the power to do, and he bitterly resented those who tried to degrade it.

He was firmly committed to the philosophy that military strength is the ultimate key to peace, and that weakness is the most certain means of creating national disaster. He supported the military to the limit whenever he felt their requests were reasonable. He was not—as some of his carping critics used to claim—blindly permissive in his attitudes toword the Pentagon, but he was not going to risk the safety and security of the Nation and its citizens through false and rashly imposed economies.

And, let no one forget that it was not only the "top brass" to whom he offered his protection and support. If anything, he was even more passionate in his defense and support of the GI. The life of the American fighting man is far more humanized and endurable today than it was during World War II, for instance, and most of those improvements came about on the insistence of MENDEL RIVERS, and some of them were achieved despite Pentagon disapproval.

MENDEL RIVERS was my friend, and I regret his passing very deeply.

But—more than that, far more than that—MENDEL RIVERS was, every inch of him, a Congressman. In an age of grey conformity, MENDEL RIVERS was a figure of color and enlightenment. He adorned this chamber. He looked like a Congressman; he acted like a Congressman; he thought like a Congressman.

He had the complete loyalty and devotion of his committee because he did his homework faithfully and knew more about the legislative problems facing him than any man alive. To him, leadership was something that had to be deserved every day of one's life and he devoted the working hours of every day to this task.

We are all better persons and better Congressmen because MENDEL RIVERS sat in our midst and worked with us. We are all much poorer—the Nation is poorer, every member of the Armed Forces is poorer, every Member of this body is poorer—because he has left us.

May God rest his soul. And may God give strength to his widow and his children to sustain this bitter loss.

Mr. FUQUA. Mr. Speaker, this Nation has lost a valiant soldier with the passing from our midst of L. MENDEL RIVERS.

Here was a man who fought fiercely for those principles in which he believed. History will regard him among the truly great men in this Nation's life. He was a man of courage and determination: he was forthright as he fought for his beloved country.

He was among the first men I met when I came to the Congress and I came to respect him because of the man that he was. He was rightly concerned about the defense of this Nation as we have entered into an era where a strong national defense is the only means to preserve the peace for all men.

In truth, Mendel Rivers was fighting for all of the people of the world, for he understood that the United States is the bulwark of freedom and only by remaining strong can we hope to deter aggression from the despot and those who seek to enslave the minds of men.

Fifteen times the people of the Charleston area named him as the Representative. Few men have ever represented their district so ably; but in a larger sense he was truly a Representative for the Nation.

I well remember the pride he felt back in 1965 as he became chairman of the Armed Services Committee. I remember that my own feelings were that a strong advocate of national defense, Carl Vinson, had been succeeded by another and that this Nation would be well served. Today I can say that he was a good and faithful servant in his mission.

Mendel Rivers is gone from our midst but I would hope that what he stood for will never be forgotten.

Let us heed his warnings that our Navy is becoming obsolete and in disrepair. Let us remember his concern at the state of our Air Force and Army and that they must continually be modernized and upgraded.

To me, Mendel Rivers stood for something great. His hero was the dynamic John C. Calhoun, and now he has joined that statesman as South Carolina's two most magnificent contributions to this Nation.

When he received a cap from GI's on Christmas leave from Vietnam—with six stars and inscribed to "the Big Boss," it was a testimonial from our men and women in our armed services who knew that he was their friend and one who would not hesitate to battle any odds for them.

Now that he is gone, it is up to us to carry on the battle which he fought so boldly, nobly, and devotedly.

To his family I extend my deepest sympathy. To them I say that we have all suffered a great loss, but we can take heart in the knowledge that this man lived a life of service and that as long as men revere courage, patriotism and devotion, he can never be forgotten.

Mr. McCLORY. Mr. Speaker, in the passing of our colleague from South Carolina, Congressman L. Mendel Rivers, this body has lost the services of one of its most vigorous and colorful Members.

Mr. Speaker, in faithful dedication to this Nation and to its national security, Chairman Rivers served his committee, the Congress and the Nation with fidelity and with marked effectiveness during a period of trial and unrest unmatched in recent history.

Mr. Speaker, Congressman Rivers was a true southern gentleman in the finest sense of the term. He was always gentlemanly while at the same time straightforward and firm in the positions which he advanced.

Mr. Speaker, I feel privileged to have known Congressman Rivers and to have had him as a friend and colleague.

In this hour following his passing, Mrs. McClory and I extend to Mrs. Rivers and to the members of his family our deep sympathy.

Mr. RARICK. Mr. Speaker, I rise today in tribute to a dear friend and colleague, a great American patriot and Christian gentleman, the Congressman from South Carolina, the late Honorable L. Mendel Rivers.

The United States has been well and faithfully served by many prestigious statesmen, and leaders from the State of South Carolina but none have been more dedicated to our constitutional Republic, the perpetuation of individual liberty under God and America's destined role in world leadership than Congressman Rivers.

Congressman Rivers' fearless dovotion to his people and his country is without equal. His defense and praise for our system of government are well preserved through his some 30 years of continuous service as a Member of this body. His untiring and unselfish efforts always seemed more effective during times of crisis, when others seemed to be faltering.

Congressman Rivers' speech, as chairman of the Armed Services Committee, before this body on September 28, shortly before his tragic death, will long be remembered by his fellow countrymen when Mendel, at his finest hour said:

> Never before in the 30 years of my membership in this body have I stepped into the well of this House with greater concern for the future of this Nation.
>
> The fears that I have are those that must be shared by every American regardless of his political or social philosophy or his economic status.
>
> All Americans have been given the blessed and priceless heritage of freedom—a freedom which I am convinced is in terrible jeopardy.

His passing leaves the footprints of a giant to be filled, and the burdens of an Atlas to be borne by those who inherit his legacy.

To his beloved widow and surviving relatives, the people of the Sixth District of Louisiana join me in extending our deepest sympathy in this their hour of bereavement, reminding them that their loss is also borne by every free man throughout the world who labors for liberty, honor, and justice.

His voice is silent,
His place vacant,
His column is broken,
His work is done.

His death is untimely
But his memory and work
Shall be perpetuated and live on in the
Hearts of all free men who knew
Him and all who understand his tocsin.

GENERAL LEAVE

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to insert their remarks in the Record on the passing of our late colleague, the Honorable L. Mendel Rivers.

The SPEAKER pro tempore (Mr. Albert). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McMILLAN. Mr. Speaker, I offer a resolution.

The Clerk read the resolution, as follows:

RESOLUTION

Resolved, That the House has heard with profound sorrow of the death of the Honorable L. Mendel Rivers, a Representative from the State of South Carolina.

Resolved, That a committee of seventy-one Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints as members of the funeral committee the following members on the part of the House: Mr. McMillan, Mr. Albert, Mr. Gerald R. Ford, Mr. Boggs, Mr. Arends, Mr. Dorn, Mr. Gettys, Mr. Watson, Mr. Mann, Mr. Mahon, Mr. Hébert, Mr. Whitten, Mr. Fisher, Mr. O'Konski, Mr. Philbin, Mr. Sikes, and Mr. Corbett.

Mr. Price of Illinois, Mr. Bennett, Mr. Hays, Mr. Bray, Mr. Rogers of Colorado, Mr. Byrne of Pennsylvania, Mr. Gubser, Mr. Jonas, Mr. Bob Wilson, Mr. Flynt, Mr. Flood, Mr. Minshall, Mr. Sisk, Mr. Chamberlain, Mr. Lennon, Mr. McFall, Mr. Pirnie, Mr. Rostenkowski, Mr. Slack, Mr. Stratton, Mr. Randall, Mr. Clancy, and Mr. Hagan.

Mr. Hall, Mr. Ichord, Mr. King, Mr. MacGregor, Mr. Pike, Mr. Stafford, Mr. Nedzi, Mr. Leggett, Mr. Long of Maryland, Mr. Patten, Mr. Charles H. Wilson, Mr. Pickle, Mr. Dickinson, Mr. Duncan, Mr. Hicks, Mr. Long of Louisiana, Mr. White, Mr. Wyman, Mr. Brinkley, Mr. Hunt, Mr. Miller of Ohio, and Mr. Montgomery.

Mr. Nichols, Mr. Whalen, Mr. Mollohan, Mr. Foreman, Mr. Beall of Maryland, Mr. Daniel of Virginia, Mr. Landgrebe, Mr. Whitehurst, and Mr. Córdova.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Albert). The Chair desires to announce that pursuant to the authority granted him on Tuesday, December 22, 1970. The Speaker did, on December 23, 1970, sign sundry enrolled bills and joint resolution of the House, and enrolled bills of the Senate as follows:

H.R. 7311. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes;

H.R. 14645. An act to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President, and to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes;

H.R. 17473. An act to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the

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Excise Tax Reduction Act of 1965, and for other purposes;

H.R. 17901. An act to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit;

H.R. 18306. An act to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes;

H.R. 19333. An act to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges;

H.R. 19857. An act to name certain Federal buildings;

H.R. 19885. An act to provide additional revenue for the District of Columbia, and for other purposes.

H.R. 19911. An act to provide additional foreign assistance authorizations, and for other purposes.

H.J. Res 1420. Joint resolution authorizing the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives, to accept and wear the Cavaliere di Gran Croce, of the Order Al Merito della Repubblics, an award conferred by the Government of the Republic of Italy;

S. 11. An act to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes; and

S. 2984. An act to permit certain Federal employment to be counted toward retirement.

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APPOINTMENT OF CONFEREES ON H.R. 19590, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, together with the amendments thereto; insist on disagreement to the Senate amendments and insist on the House amendments to Senate amendments 14, 26, 31, 49, and 53, and agree to the further conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas? The Chair hears none, and, without objection, appoints the following conferees: Messrs. MAHON, SIKES, WHITTEN, ANDREWS of Alabama, FLOOD, SLACK, ADDABBO, RHODES, DAVIS of Wisconsin, WYMAN, CEDERBERG, and BOW.

There was no objection.

AUTHORIZING PRINTING OF SENATE HEARINGS ON U.S. SECURITY AGREEMENTS AND COMMITMENTS ABROAD

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1797) on the Senate concurrent resolution (S. Con. Res. 85) authorizing the printing of additional copies of Senate hearings on U.S. Security Agreements and Commitments Abroad, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Foreign Relations four thousand additional copies each of parts 1 through 11 of its hearings of the Ninety-first Congress on United States Security Agreements and Commitments Abroad.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR ESTABLISHMENT OF THE GULF ISLANDS NATIONAL SEASHORE

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10874) to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, lines 4 and 5, strike out "NS-GI-7100H, and dated July 1970:" and insert "NS-GI-7100J, and dated December 1970:".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman from North Carolina explain the Senate amendment and the purport of the amendment?

Mr. TAYLOR. If the gentleman from Iowa will yield?

Mr. GROSS. I yield to the gentleman.

Mr. TAYLOR. Mr. Speaker, this legislation, if enacted, will authorize the establishment of the Gulf Islands National Seashore in the States of Mississippi and Florida.

Only one minor change was made by the other body with respect to this House-passed measure. It is my understanding that the State of Mississippi requested that the water area of the seashore be limited to 1 mile from the low tide line of the offshore islands. Originally, the boundary on the north side of these offshore islands coincided with the Intracoastal Waterway. This boundary was chosen primarily because of the convenience of utilizing the existing visual markers; however, there is no compelling reason for selecting this line as the boundary of the seashore.

Mr. Speaker, I have been informally advised that the National Park Service has no objection to this boundary revision, and I know of no opposition to this amendment; consequently, I urge my colleagues to join me in concurring in the Senate amendment to H.R. 10874.

Mr. GROSS. Do I correctly understand that the Federal Government is giving away 2 miles of potential offshore oil rights to the State of Mississippi and perhaps to some other State?

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Iowa.

Mr. KYL. The gentleman asks a good question because I think we should establish some legislative history of this character. There is really no mischief involved in the change suggested by the Senate. There is, as the gentleman from Iowa knows, a longstanding controversy as to who owns about 36,000 acres of Continental Shelf land. The State of Mississippi claims it owns the land, the U.S. Government claims it owns the land, and this legislation does change the boundary, but it does not settle any dispute. I think it should be clearly understood by this body that the action of the Senate in no way—absolutely no way—gives any credence to any claims made by the State of Mississippi.

There is this factor which my colleagues should understand. The boundaries established for this park are not the usual kinds of boundaries in this respect: the boundary establishment only gives the Secretary the authority to purchase lands within that boundary. It does not in and of itself transfer any title whatsoever. Therefore I am, myself, satisfied that there is nothing wrong with agreeing to the Senate amendment in this instance, but I want to repeat for my colleague, who is, as usual, acting very diligently in this matter, that there is a question of who owns lands. This bill does not deal with that question whatsoever. It does not deal specifically with the transfer of any land. It provides that the boundaries are such, and that within those boundaries the Secretary can acquire land.

Mr. GROSS. In this case the seashore will become Federal property, would it not?

Mr. KYL. The seashore would be Federal property.

Mr. GROSS. The Senate amendment then would give the Federal Government the right to the oil potential only 1 mile offshore, is that correct, and would turn over to the State of Mississippi or the State of Florida, as the case may be, title to the potential offshore oil 2 miles beyond. Is there any other Federal property to which the Federal Government surrenders its right to offshore oil or any other mineral under less than 3 miles?

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Iowa.

Mr. KYL. The only exact thing I can tell the gentleman in response to his question is this, that with the exception of the areas within Horn and Petit Bois Islands, which are to be treated in essence as a wilderness area, the bill authorizes the Secretary to permit the removal of leasable minerals from the Federal lands under his jurisdiction within the seashore under the Mineral Leasing Act or the Acquired Lands Mineral Leasing Act, if he finds that such removal would not have a significant adverse effect on the administration, development, or public use of the seashore.

If the gentleman will permit me, this does not mean, in other words, that the Federal Government is giving away anything. It merely means that the same regulations would be followed in harvesting whatever mineral values would be taken under the same conditions as applied to all other public lands with appropriate return to the Federal Treasury under existing law.

Mr. GROSS. Is there any other seashore which is similarly located as to which the Federal Government makes a similar concession to a State?

Mr. KYL. If I may respond to the gentleman, there are various provisions for different areas. In one case, for instance, an area with which my colleague is very familiar in the Texas Gulf area, a provision there permits the extraction of oil if it is done by a slant drilling process in such fashion that it does not diminish the surface areas, does not disrupt the beauty or utility of the park itself.

In other instances where the removal of a mineral would obviously affect the beauty and the esthetic nature, it is forbidden entirely. In still other instances the language is exactly the same as it is in this particular bill.

Mr. GROSS. Evidently the States of Mississippi and Florida have reason to believe there is oil in the offshore, area being dealt with in this bill.

Mr. KYL. Mr. Speaker, if the gentleman will yield, the gentleman is eminently correct. They do believe there is oil there. There is every reason to believe there is oil there. But the Congress is not going into that controversy as to who owns the oil. This is a matter which has been the subject of a great dispute for a long time and is presently under litigation as a matter of fact.

Mr. GROSS. Is it not now predicated on a 3-mile limit—that is oil in this and other areas?

Mr. KYL. If the gentleman will yield, I am not certain the limitation is 3 miles in all instances.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. TAYLOR. I do understand the State does claim oil rights out to 3 miles and that most of the area between these islands and the mainland is within the 3-mile limit.

Mr. GROSS. But we are dealing here with what will become Federal property?

Mr. TAYLOR. The bill provides there will be no mining for oil in the park and the amendment does change the boundaries of the park somewhat.

Mr. GROSS. What I do not understand is what we are doing to the law governing offshore ownership elsewhere in other coastal areas. That to me is important in this legislation.

Mr. KYL. Mr Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Iowa.

Mr. KYL. This is a matter which is subject to controversy. This bill, however, does not alter any basic fact. It does not deal with the issue because it cannot deal with the issue of oil. The settlement of that issue must be outside this bill and outside the Congress, as a matter of fact.

Mr. GROSS. Why should the Government of the United States, which will become the owner of this land, not take the oil within the entire 3-mile limit, if there is oil?

Mr. KYL. Mr. Speaker, if the gentleman will yield further, when the appropriate decision is rendered by the court, then that question will be answered, but we cannot answer it today.

Mr. GROSS. I do not know that this is going to be helpful to the prospective court decisions for the Congress here today by law to establish this kind of offshore control or ownership.

Mr. KYL. Mr. Speaker, if the gentleman will yield further, this is exactly why I said in the beginning that I am glad the gentleman mentioned this. In fact, if he had not brought it up, I was going to, because personally I do not want anyone to think this bill in any way deals with an attempted settlement of offshore claims or any other claims of that nature. It does not.

Mr. GROSS. I do not know what effect it would have on the court or whether the court would even take note of what has been said here today on this floor. The court might take cognizance of it or overlook it altogether. I do not think that is the meaningful part of this discussion. I do think we are setting some kind of precedent here, although I am not sure. I did not know this bill was coming up with this amendment until a few minutes ago.

Mr. TAYLOR. Mr. Speaker, if the gentleman will yield, I hope the gentleman understands we are considering legislation to create a new park. If the legislation is not passed, and the park is not created, the oil can be drilled in the channel between the islands and the mainland right up to the privately owned land. In creating the park we are saying no oil can be drilled on the parklands, and the parklands include not only the islands but also 1 mile from the low water line.

Mr. GROSS. The State of Mississippi can drill anywhere it wants, of course it can, on land and seashore belonging to the State, but when the Federal Government takes over the oil rights ought to go, in my opinion, to the 3-mile limit and not merely 1 mile out.

Mr. TAYLOR. In the legislation we passed the park boundary did not go to the full 3-mile limit. It only went to the Intercoastal Waterway. We just selected that boundary because it was convenient and already marked. Now this changes the boundary to 1 mile from the low water line. In some areas it does not restrict the boundary, but in other areas it does restrict the boundary.

In that area where the park is created there could be no mining of oil.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. KYL. The State of Mississippi has always claimed the right to the oil which lies 1 mile, 1½ miles, 3 miles offshore. The bill does not change that.

As a matter of fact, I repeat once more, so far as the relation to setting boundaries is concerned, the boundaries which are set in this bill simply permit the Secretary of the Interior or the Government of the United States to acquire lands within those boundaries. We are not buying everything within the boundaries. It is not proposed to do so, and we never will, in all likelihood. I do not know how we could. What we have to do is set some area within which the Government can acquire lands.

This bill does not affect the controversy between the United States and Mississippi one bit so far as determination of oil rights is concerned.

Mr. GROSS. I hope the gentleman is right.

Mr. KYL. It must not. That is why again I say I am glad the gentleman brought up this subject, because I want it clarified, too. The bill in no way attempts to settle the controversy.

Mr. GROSS. Let me ask the gentleman one more question.

What was the amount of money contained in the bill as it passed the House, and has it been increased by the other body?

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. TAYLOR. The amount of money for acquisition was $3 million. A large part of the land, practically all of the land in the Florida section of the park, is being donated by the State or other units of government. The amount of money involved for development is $15 million.

Mr. GROSS. It has been increased from $3 million to somewhere near $15 million?

Mr. TAYLOR. The $3 million is for acquisition of land. That is a low figure, relatively, compared to other parks, because much of the land is being donated.

Mr. GROSS. What about the other $12 million?

Mr. TAYLOR. The $15 million is for development, to be spent over a period of 5 years.

Mr. GROSS. For development?

Mr. TAYLOR. That is right. This amendment does not in any way affect the cost.

Mr. GROSS. The Senate amendment does not affect the cost?

Mr. TAYLOR. The gentleman is correct.

Mr. GROSS. I am glad to hear that. It seems to me that we ought to get every possible dime out of the potential oil, rather than to give away 2 miles of the potentiality to the U.S. Government. Perhaps I do not understand this situation.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Florida.

Mr. SIKES. Please let me clarify some points which I think are highly important. This bill is not in any way associated with the tidelands controversy or the question of ownership of mineral rights on offshore bottoms. It has to do with the establishment of a new park

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area. The Senate amendment is intended only to clarify the boundaries of the park. Some questions were raised in the Senate which were resolved by the adoption of the amendment which the House now is asked to approve. The House language on boundaries failed to satisfy some of the officials of the State of Mississippi and they have asked for this clarification.

The important thing is that we are seeking to establish a great new national park area for the benefit of all of America's citizens. It is a proposal which will preserve magnificent beaches, beautiful woodlands, and very important historical sites. Some of these date from Spanish Colonial days. There is no other area which offers such a combination of attractive and interesting features in close proximity today. In this period of shrinking natural assets, we feel that it is essential that we protect and preserve properties such as those which will be included in the Gulf Islands National Seashore.

It should be understood that in Florida there is no controversy about oil nor any question about the value of the mineral rights which are being transferred. No successful oil explorations have been conducted within less than 50 miles of the Florida property. On the other hand, the people of my State and other political subdivisions are proposing to give to the Federal Government more than 30 miles of waterfront, including some of the very finest beaches to be found in all the land. This valuable property comes to the Federal Government without cost. The value is many time that of any possible value which could be attributed to the oil rights associated with this property. I feel that posterity will make great gains from the passage of this bill and I strongly urge the approval of the Senate amendment so that the bill can go to the President for his signature. I would hope the gentleman would look at what we are trying to do for all the people.

Mr. GROSS. I have not said as yet that I would object to the consideration of this bill at this time. What I am trying to get at is that in the establishment of these boundaries the Senate apparently has given away 2 miles of prospective offshore oil rights.

Mr. SIKES. If the gentleman will yield further, as pointed out on both sides of the aisle, the boundaries of the park never were established as 3 miles at sea. They were delineated in a way somewhat difficult to follow. The Senate felt that the boundaries should be specifically stated at 1 mile. The original boundaries did not extend 3 miles at sea.

Mr. GROSS. Mr. Speaker, I have no desire to prolong this discussion. I withdraw my reservation.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ESTABLISHMENT OF VOYAGEURS NATIONAL PARK

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10482) to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 10, strike out "park." and insert "park: *Provided further*, That the Secretary shall not acquire other lands by purchase for the park prior to such donation unless he finds that acquisition is necessary to prevent irreparable changes in their uses or character of such a nature as to make them unsuitable for park purposes and notifies the Committees on Interior and Insular Affairs of both the Senate and the House of Representatives of such findings at least thirty days prior to such acquisition."

Page 7, after line 10, insert: "(c) All mining and mineral activities and commercial water power development within the boundaries of the park shall be prohibited, and further, any conveyance from the State of Minnesota shall contain a covenant that the State of Minnesota, its licensees, permittees, lessees, assigns, or successors in interest shall not engage in or permit any mining activity nor water power development."

Page 8, line 4, after "(3)" insert "recreational."

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from North Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand that the amendments added by the Senate are germane to the bill?

Mr. TAYLOR. The gentleman is correct; they are germane.

Mr. GROSS. There are no oil rights involved in this legislation?

Mr. TAYLOR. No oil rights are involved in this bill.

Mr. GROSS. None at all?

Mr. TAYLOR. None.

Mr. GROSS. What about the expenditure? Has that item been increased?

Mr. TAYLOR. The amendments do not in any way increase the expenditures for the project.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. SKUBITZ. Mr. Speaker, further reserving the right to object, and I will not object, I would like to ask the gentleman from North Carolina to explain the amendments made by the Senate to the bill.

Mr. TAYLOR. Mr. Speaker, as the Members of the House will recall, last October we approved H.R. 10482, a bill authorizing the establishment of the Voyageurs National Park in the State of Minnesota. That legislation has now been considered by the other body and returned to us with three noncontroversial amendments. None of the amendments alter the substantive provisions of the House-passed measure.

One amendment deals with land acquisition within the park boundaries. Like the House bill, the Senate measure requires the donation of the lands owned by the State and its political subdivisions, but the Senate amendment permits the Secretary to acquire privately owned lands if he finds that their acquisition is necessary to prevent irreparable changes which will render such lands unsuitable for park purposes. Before acting, the Senate amendment requires the Secretary to notify the Committees on Interior and Insular Affairs of his findings at least 30 days prior to acquisition.

This amendment, Mr. Speaker, will assure the integrity of the park area until the State and its localities can complete the formalities required to donate the lands for the park. At the same time, it provides the Secretary with authority to act in the event that an emergency situation arises with respect to privately held lands. While the Members of the House Committee felt strongly that the Secretary should not engage in the acquisition of privately owned lands until the State lands are donated, we recognize that circumstances might arise which might necessitate Federal acquisition of a particular property in order to avoid irreparable harm. In those few instances, after due notification to the appropriate committees of the Congress, this amendatory language will allow the Secretary to act.

The second amendment is designed to preclude any possibility of mineral or water development within the park boundaries. Normally, such activities are not permitted in national parks. The Senate amendment will merely reassert this well-established principle.

The intent of the third amendment is to provide the Secretary with adequate authority to regulate the use of watercraft within the park boundaries. This alteration clarifies the language of the legislation so that it conforms with the intent of the original language approved by the House.

Mr. Speaker, these three modest changes in H.R. 10482 are consistent with the objectives of the bill as approved by the House. I know of no objection to the Senate amendments. In light of these facts, it is appropriate for the House to concur in the Senate amendments to H.R. 10482 so that this measure can be forwarded to the President.

Mr. SKUBITZ. Mr. Speaker, I would like to serve notice on the delegation from Minnesota and also the State of Minnesota that as one member of this committee I will do everything I can to stop any land acquisition on the part of the Federal Government until the State of Minnesota donates its land. I say this because I do not want to be a party to any proposal authorizing funds for this project on the allegation that irreparable damage will result unless the Federal Government purchases land prior to the donation by the State of Minnesota.

Mr. TAYLOR. Let me state to the gentleman from Kansas that he was very helpful in drafting this legislation, and it was the intention of our committee to provide that the Secretary of the Interior could not go out and acquire land until the State of Minnesota had made the necessary donation. But the Park Service felt then that some emergencies

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might develop, such as somebody might decide to subdivide certain sections and build roads and streets, or build an expensive motel which we might later have to purchase, so that if such situations were to develop this would give them a little freedom to step in and stop it before irreparable damage had occurred.

Mr. SKUBITZ. May I say that the State of Minnesota can stop any emergency from that arising by donating the land she now owns and has promised to give to the Federal Government.

Mr. TAYLOR. If the gentleman will yield further, I want to state to the gentleman that we have a safeguard in the amendment. It does require that the proposal be submitted to the Committee on Interior and Insular Affairs of both the House and the Senate for 30 days' study before any action is taken.

Mr. BLATNIK. Mr. Speaker, will the gentleman yield?

Mr. SKUBITZ. I yield to the gentleman from Minnesota.

Mr. BLATNIK. Mr. Speaker, I want to express on behalf of the entire Minnesota delegation our deepest appreciation for the fullness of cooperation which we have received on this bill sponsored by Members from both sides of the aisle. Particularly are we indebted to the chairman for his special outstanding efforts and especially for the close scrutiny that has been needed and will continue to be needed. We are confident that this park will turn out to be really a jewel of a park. It is not a large park; it is about average in size, but we believe it will truly become a jewel. So I wish to express our deepest appreciation, to the House committee and its distinguished chairman, Mr. ASPINALL and Mr. TAYLOR, as well as to the select committee and its chairman, Mr. BIBLE.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. SKUBITZ. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, I thank the gentleman from Kansas (Mr. SKUBITZ) for pointing out the matter which he did call to the attention of the House. With the gentleman from Minnesota who was the author of this bill, and with other members of the committee, I also, through this process, want to make sure that the department knows we are watching as they try to administer this area, because it presents the kind of conflict which is going to become much more common in the days ahead as we consider park and conservation legislation, where in attempting to preserve an area for one purpose we place in great jeopardy specific animals and predators that prey on those animals, predators which are now becoming an endangered species. It will take the closest kind of technical management and even imagination upon the part of the administrators of this area to preserve an area which meets the purpose stated in the bill and at the same time preserves wildlife and botanical values.

As I say, this is the kind of conflict which is going to become more and more common, and all of us must be watchful to see that the balance is maintained, because it is going to be an extremely difficult problem.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 19590, THE DEFENSE APPROPRIATION BILL

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 19590) the defense appropriation bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REQUEST FOR PERMISSION FOR THE SPEAKER TO DECLARE A RECESS AT ANY TIME TODAY OR TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it shall be in order at any time today or tomorrow for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, I think there ought to be some explanation as to what kind of a legislative situation we are faced with today and tomorrow before consent is given to recess.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, we had first thought of trying to get such permission to extend through the remainder of the session, because the gentleman from Iowa knows the conditions existing between the two Houses.

Mr. GROSS. No, I am afraid I do not know all the conditions between the two Houses. I am sure it is a sad and sorry condition.

Mr. ALBERT. The gentleman knows we have to wait for action on the part of conferees, and sometimes for action on the part of the other body, and that we are trying to finish as quickly as possible this session of the Congress.

Second, our late distinguished colleague is being buried tomorrow, and there are a large number of House Members who have been appointed as members of the official delegation to attend the funeral. That is why I am making the request for 2 days instead of for 1 day.

Mr. GROSS. Would it be helpful to the distinguished majority leader, who, I am sure, knows the frame of mind that this gentleman is in, to give the authority to the Speaker to recess the House at any time up to midnight tonight. Then perhaps have a pro forma session tomorrow noon, and recess from noon tomorrow until, say, 7 o'clock in the evening, then go back in session tomorrow night, and wind up this session?

Mr. ALBERT. In view of the special circumstances tomorrow, I ask that the gentleman not object to this request, which does not apply beyond tomorrow.

Mr. GROSS. I am well aware of what the situation will be tomorrow in the absence of authority to declare a recess. But I am unwilling, as I was a few days ago, to give the Speaker the authority to call a recess at any time over a period of 2 weeks. That was unconscionable, and we now come down to this day and time, it is unconscionable so far as I am concerned to ask for 2 days. If the gentleman insists, I will have to object.

Mr. ALBERT. The only reason we are including tomorrow is the fact that there will be the funeral in Charleston, S.C., of the late friend and colleague.

Mr. GROSS. I am well aware of the funeral services that will be held. But cannot the gentleman give us some indication of what period the recess would take tomorrow and today?

Mr. ALBERT. It would be hoped, and I cannot speak for all of the leadership on this particular point—but it would be hoped that we would be able, if it appeared feasible, to recess sometime today and to bring back some matters from conference or from the Senate and to act on them. It would be hoped that if there were noncontroversial matters, prior to recessing tomorrow until the funeral party returned that we might dispose of them tomorrow. This is just a matter of expediting the business of the House and that is all.

Mr. GROSS. May I say to the distinguished majority leader, I think it would be absolutely unfair to the 100 and more Members who will be going to the funeral tomorrow to attempt to transact business at this stage in this session of the Congress until they returned. That is why I make the suggestion of suspending business until the funeral delegation returns.

Mr. ALBERT. It would be the purpose, and it could only be the purpose of the House, to transact such business as can be transacted by unanimous consent, and then recess until the funeral party returned.

Mr. GROSS. But the 100-and-some Members might wish to participate in the business being transacted under unanimous consent.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I would like to make a suggestion and subsequently I would like to make a comment.

Mr. Speaker, it would be very helpful, I believe, if I might say to the distinguished majority leader, if we could have the assurance that when the funeral party came back that we reconvene to undertake whatever business we could transact from that point until we adjourned tomorrow night.

Mr. ALBERT. That would be our intention so far as I am concerned—and I am not at liberty to do so now but I would be willing to ask for a recess from the time we would normally convene tomorrow, or right after convening, until they come back. I am not at liberty to do that, but I assure the gentleman that nothing fast will be pulled on the House.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

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Mr. GROSS. I yield to the gentleman.

Mr. GERALD R. FORD. I personally would be willing to go along, with the assurance that the distinguished majority leader has made, that when the funeral party returns that we would reconvene and conduct whatever business we could do at that time. I know at this point the distinguished gentleman cannot make that categorical commitment. But I do know how he feels and he has from my point of view sufficiently expressed himself here on that point.

Let me make one other observation, if I might. The House of Representatives has done its job and done it well even though I have not agreed with every decision on every issue.

Let me repeat. The House of Representatives has done its job. On the Democratic side and the Republican side, we have worked hard and done a job.

But there is another part of this legislative branch that, in my opinion, has not done its job, and I, for one, am fed up with the procrastination, the indecision, the inability to get the job done on the other side of the Capitol. I do not know what can be done to break the legislative logjam over there so that they can do their job that they are required to do. I just hope and trust that the American people know where the fault lies. It lies at the other end of the Capitol. We can do only so much on this side of the Capitol, and we have done it. The House Democratic leadership and the House Republican leadership have done everything they can, but somehow the American people have to wake up to the fact that a small group at the other end of the Capitol are at fault for a breakdown in the legislative process, and the sooner the better.

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Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I think those are fine, soul-stirring words here after Christmas and before New Year's Eve from our minority leader, and I subscribe to them in detail, in toto, and I wish they had been initiated just before this post-election lameduck session reconvened, and the Members will recall that I had a few equally well chosen words to say at that time, and since.

Mr. Speaker, once again this body needs to look to the northernmost part of this hallowed Capitol Building and ask of our "unresponsive" colleagues of the other body, obviously enraptured by the sounds of filibuster, "Quo vadis?"

It is becoming more apparent with each passing day that the American people have been set upon, as was Caesar of ancient Rome, by supposedly friendly Senators, and a handful of them who under the guise of "reordering" the Nation's priorities, have determined that we shall have no priorities at all.

There is little doubt that when the history of the 91st Congress is written, it will stand out as a tribute to the arrogance of a group of powerhungry "little men" who have set themselves and their selfish desires, above and beyond the needs of the American people. Thus, they wittingly obviate the public trust.

While calling for that body to reassert its power, they have succeeded only in dragging it down the road of opportunism.

While crying for more attention to human needs, they have succeeded only in scuttling the hopes of 26 million Americans who are trying to survive on inflation-ravaged social security payments.

The Members of that body have responded to the predictions of a regrettable lameduck session by making it worse than could ever have been imagined. We fail also, who stand idly by and wait—and wait—and wait.

It is time that these aspirants stop thinking of themselves and started to restore the stature of their once respected body and Congress by responsible, well considered acts they were sent there to accomplish in the first place.

Mr. Speaker, I have not heard any comment about this House adjourning, as it has in the past, sine die, and when we are going to do it on the completion of business if we do grant this unanimous-consent request for recess today, or whether they are going to try to adjourn sine die tomorrow. I think any practical-thinking man, whether it is so-called leadership or not, knows that we are not going to have a quorum here on New Year's Eve, and we are not going to reconvene on the first day of 1971—a Federal legal holiday—nor Saturday nor Sunday, and the Constitution states that we will adjourn sine die at noon on Sunday.

I think it is time that we got on with the job and let these men dangle, and I would be constrained to object unless we so do.

I appreciate the gentleman yielding.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. The gentleman from Missouri has used two Latin phrases—"quo vadis" and "sine die." It is in an effort to accomplish the latter that I make this request.

Mr. HALL. Yes, but if the gentleman will yield further, what we want to know is when.

Mr. ALBERT. The gentleman from Oklahoma does not have control of the time. The majority leader does not have control of the entire legislative process on both sides of the Capitol.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I wonder if the distinguished majority leader could advise those of us who are not going to the funeral tomorrow whether or not, if the House reconvenes at 7 o'clock, there is any intention of trying to adjourn at that time sine die, or are we going to be brought back here next Saturday?

I would think many Members would want to get away tomorrow if there is not going to be any subsequent business to conduct after 7 o'clock tomorrow evening.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, the House is always in control of the question of adjournment. As for me, if we made it 7 o'clock tomorrow night, and there is business that we can do that will speed the sine die adjournment, I would be willing to stay here and do it.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield again, please?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I say this with some reluctance. I have personal plans, as everybody else does, but to me it is far, far more important that the House maintain its position of an equal or coequal body with that of the U.S. Senate. I, for one, regardless of any personal plans that I might have, will stay here until January 3, at 12 o'clock noon, rather than capitulate to a small handful of individuals at the other end of the Capitol. I think this ought to be on the record and I suspect many people in this body today feel equally as strong as I do. We are not going to let a handful of individuals dictate to the House of Representatives when the House has expressed itself on a number of issues, in the traditional legislative way, and has done its job. We should not let some individuals at the other end of the Capitol, because they think they have us over the barrel timewise, overthrow judgments and decisions that the House of Representatives has made in the proper course of action. I happen to believe it may be necessary for us to be here until 12 noon January 3, unless they understand what the cold hard facts of life are.

Mr. HALL. Mr. Speaker, will be gentleman yield once more?

Mr. GROSS. Yes; I yield to my friend from Missouri.

Mr. HALL. Mr. Speaker, we have obtained no assurance of any plan for a sine die adjournment. What we have heard is a lot of fancy talk on the one hand about the other body that are keeping Congress on tenterhooks, and at the same time talk about the need of public trust if we are needed to individually stay here. This is not necessarily true.

There is a technique for adjourning the Congress, and when the distinguished majority leader says we are only one party to it, this may be true, but it has been done before, and it can be done again, and I cite the closing of this House in the session of the 86th Congress in 1959, as an example, where we simply say that we have done our work, and we are closing up shop and the other side can do it or not, and "so long." This can be done, and it should have been done a long time ago. It is just as effective a way of showing these dilatants over there, that they cannot keep the entire Congress on tenterhooks, while tearing down the good name of the Congress in the minds of the people, as is the method of letting us be constitutionally adjourned on Sunday.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, that was not done when a Defense appropriation bill was in conference, and it was not done at a time when a social security matter had not been disposed of. This matter of adjourning at this particular time is entirely different from the case the gentleman cites, in which there was left open only one matter of any consequence, and it had been for all intents and purposes resolved.

Mr. GROSS. Mr. Speaker, now getting back to the business at hand—and putting first things first—may I ask the schedule for the remainder of this afternoon and tonight if a recess is authorized?

Mr. ALBERT. I am glad the gentleman has asked that question. We have a few unanimous-consent requests. We have not had the 1-minute rule yet. We have a conference report on a bill that is ready to be taken up this afternoon, the so-called potato research bill.

Mr. GROSS. One conference report?

Mr. ALBERT. One conference report is now ready.

Mr. GROSS. Would the distinguished majority leader amend his request to provide that the recess end no later than midnight tonight, so we might have some idea of where we stand?

Mr. ALBERT. I would like to give the Speaker the power to protect the Members who go to the funeral tomorrow. That is all I want for tomorrow. That is all.

Mr. GROSS. All right. Then why not come in at noon, hold a pro forma session and recess until 7 o'clock tomorrow evening?

Mr. ALBERT. That, I think, is more or less what will be done.

Mr. GROSS. I cannot quite absorb that qualification of more or less. Therefore, Mr. Speaker, I object.

RETURN TO SENATE OF H.R. 14984, PROVIDING FOR DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF THE MISSISSIPPI SIOUX INDIANS, TOGETHER WITH ALL ACCOMPANYING PAPERS

The **SPEAKER** pro tempore (Mr. BOGGS) laid before the House the following request from the Senate of the United States:

> DECEMBER 28, 1970.
>
> *Ordered,* That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H.R. 14984) entitled "An Act to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142, 359–363, and for other purposes", together with all accompanying papers.
>
> FRANCIS R. VALEO,
> *Secretary.*

The **SPEAKER** pro tempore. The question is on agreeing to the request of the Senate.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 235, nays 20, not voting 177, as follows:

[Roll No. 450]

YEAS—235

Abbitt
Abernethy
Adams
Addabbo
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Ashley
Ayres
Barrett
Beall, Md.
Bell, Calif.
Bennett
Betts
Bevill
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey
Carney
Carter
Cederberg
Chamberlain
Chappell
Clark
Clay
Conable
Conte
Corman
Coughlin
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Wis.
Dent
Derwinski
Dickinson
Dingell
Donohue
Dorn
Dulski
Duncan
Eshleman
Feighan
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Forsythe
Fountain
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gonzalez
Green, Oreg.
Griffin
Gude
Hamilton
Hammerschmidt
Hanley
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hogan
Horton
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Jonas
Jones, N.C.
Kastenmeier
Kazen
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Kyros
Latta
Leggett
Lennon
Long, Md.
Lukens
McCloskey
McDade
McFall
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Matsunaga
Mayne
Meeds
Melcher
Mikva
Miller, Ohio
Mills
Minish
Mink
Mizell
Mollohan
Monagan
Morgan
Morse
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
Patten
Pelly
Perkins
Pettis
Philbin
Pike
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Rees
Reid, N.Y.
Rhodes
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Roth
Roybal
Ruth
Ryan
St Germain
Satterfield
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steed
Steele
Stephens
Stratton
Stubblefield
Stuckey
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tunney
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wolff
Wylie
Wyman
Yates
Young
Zablocki
Zwach

NAYS—20

Ashbrook
Bow
Bray
Brown, Ohio
Camp
Collins, Tex.
Dellenback
Dennis
Goodling
Gross
Hall
Hansen, Idaho
Harvey
Kyl
Landgrebe
McClure
Passman
Rarick
Schmitz
Steiger, Wis.

NOT VOTING—177

Adair
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Aspinall
Baring
Belcher
Berry
Biaggi
Bingham
Brasco
Brock
Brown, Calif.
Broyhill, N.C.
Buchanan
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Caffery
Casey
Celler
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins, Ill.
Colmer
Conyers
Corbett
Cowger
Cramer
Daddario
Davis, Ga.
de la Garza
Delaney
Denney
Devine
Diggs
Dowdy
Downing
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fish
Ford, William D.
Friedel
Fulton, Tenn.
Gallagher
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gray
Green, Pa.
Griffiths
Grover
Gubser
Hagan
Haley
Halpern
Hanna
Hansen, Wash.
Hébert
Heckler, Mass.
Henderson
Hicks
Holifield
Hosmer
Howard
Hull
Hungate
Jarman
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kleppe
Landrum
Langen
Lloyd
Long, La.
Lowenstein
Lujan
McCarthy
McClory
McCulloch
McDonald, Mich.
McEwen
McKneally
Mann
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Minshall
Mize
Montgomery
Moorhead
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Pepper
Pickle
Pirnie
Poage
Pollock
Powell
Price, Tex.
Purcell
Railsback
Randall
Reid, Ill.
Reifel
Reuss
Riegle
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Rousselot
Ruppe
Sandman
Saylor
Scherle
Sebelius
Shipley
Smith, Calif.
Snyder
Staggers
Steiger, Ariz.
Stokes
Sullivan
Taft
Talcott
Thompson, Ga.
Tiernan
Ullman
Waggonner
Watson
Watts
Weicker
Whalen
Whalley
Winn
Wold
Wright
Wyatt
Wydler
Yatron
Zion

So the request of the Senate was agreed to.

Messrs. GOODLING and McCLURE changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

REQUEST TO CONSIDER S. 4268, EXPORT-IMPORT BANK, EXPANSION OF EXPORT TRADE

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 4268) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes.

The Clerk read the title of the Senate bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman be good enough to explain why you wish to remove the Export-Import Bank from the provisions of the Expenditures Control Act?

Mr. ASHLEY. Mr. Speaker, if the gentleman will yield, this has been a proposal advanced by the Bank and the administration.

Mr. GROSS. What administration, if I may ask?

Mr. ASHLEY. The current administration.

Mr. GROSS. The current administration of what?

Mr. ASHLEY. By President Nixon's administration, which currently holds office.

Mr. GROSS. I thank the gentleman. Now I understand what he means by administration.

Mr. ASHLEY. If the gentleman will yield further, what was the remainder of the gentleman's question?

Mr. GROSS. Why do you wish at this time to remove the Export-Import Bank from the provisions of the Expenditures Control Act?

Mr. ASHLEY. If this is not done, let me say to the gentleman, if this measure is not adopted the lending activities of the Export-Import Bank will be very substantially curtailed, and this will have a very adverse effect on the U.S. balance-of-payments position, and indeed on our entire export trade effort.

Mr. GROSS. Where are the reports to substantiate the gentleman's contention that the administration supports this provision?

Mr. ASHLEY. The reason, let me say to the gentleman from Iowa, that the bill is being considered under this procedure, is that the measure has been adopted by the other body, but has not been considered by the House Committee on Banking and Currency, and therefore there are no reports that have been received by the House committee from the various agencies and departments. There have been reports, of course, received by the other body which I can describe to the gentleman.

XUM

Mr. GROSS. Well, Mr. Speaker, to the contrary, the Comptroller General says, reading from a communication from Mr. Staats:

> We expressed our strong reservation with respect to legislation which would establish a precedent for removing lending operations from the budget totals and from further expenditure limitations which may be established by the Congress.
>
> The obvious alternative to S. 4268 would be the submission by the executive branch of an amendment to the Expenditure Limitation Act to increase the lending operations of the Bank for fiscal year 1971.

In other words, the Comptroller General of the United States says that in effect the proposition before us now is a backdoor operation and if the Export-Import Bank wants to be removed from the provisions of the Expenditures Control Act, the proper thing to do is to come through the front door to the Congress with an amendment to that act. I thoroughly agree with the Comptroller General and, therefore, Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

INCREASING AMOUNT ALLOWED FOR PURCHASE OF SPECIALLY EQUIPPED AUTOMOBILES FOR DISABLED VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 370) to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty, with Senate amendments thereto, and consider the Senate amendments in the House.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

TITLE I—AUTOMOBILE ASSISTANCE FOR DISABLED VETERANS AND SERVICEMEN

SEC. 101. This title may be cited as the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970".

SEC. 102. Chapter 39 of title 38, United States Code, is amended to read as follows:

"Chapter 39.—AUTOMOBILES AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES

"Sec.
"1901. Definitions.
"1902. Assistance for providing automobile and adaptive equipment.
"1903. Limitations on assistance.

"§ 1901. Definitions

"For purposes of this chapter—

"(1) The term 'eligible person' means—

"(A) any veteran entitled to compensation under chapter 11 of this title for any of the disabilities described in subclause (i), (ii), or (iii) below, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II, the Korean conflict, or the Vietnam era; or if the disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty:

"(i) The loss or permanent loss of use of one or both feet;

"(ii) The loss or permanent loss of use of one or both hands;

"(iii) The permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye; or

"(B) any member of the Armed Forces serving on active duty who is suffering from any disability described in subclause (i), (ii), or (iii) of clause (A) of this paragraph if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II, the Korean conflict, or the Vietnam era; or if such disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.

"(2) The term 'World War II' includes in the case of any eligible person, any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

"§ 1902. Assistance for providing automobile and adaptive equipment

"(a) The Administrator, under regulations which he shall prescribe, shall provide or assist in providing an automobile or other conveyance to each eligible person by paying the total purchase price of the automobile or other conveyance or $3,000, whichever is the lesser, to the seller from whom the eligible person is purchasing under a sales agreement between the seller and the eligible person.

"(b) The Administrator, under regulations which he shall prescribe, shall provide each eligible person the adaptive equipment deemed necessary to insure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and so as to satisfy the applicable standards of licensure established by the State of his residency or other proper licensing authority.

"(c) In accordance with regulations which he shall prescribe, the Administrator shall (1) repair, replace, or reinstall adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired in accordance with the provisions of this chapter, and (2) provide, repair, replace, or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may subsequently have acquired.

"(d) If an eligible person cannot qualify to operate an automobile or other conveyance, the Administrator shall provide or assist in providing an automobile or other conveyance to such person, as provided in subsection (a) of this section, if the automobile or other conveyance is to be operated for the eligible person by another person.

"§ 1903. Limitations on assistance

"(a) No eligible person shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter, and no payment shall be made under this chapter for the repair, maintenance, or replacement of an automobile or other conveyance.

"(b) Except as provided in subsection (d) of section 1902 of this title, no eligible person shall be provided an automobile or other conveyance under this chapter until it is established to the satisfaction of the Administrator, in accordance with regulations he shall prescribe, that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and will satisfy the applicable standards of licensure to operate the automobile or other conveyance established by the State of his residency or other proper licensing authority.

"(c) An eligible person shall not be entitled to adaptive equipment under this chapter for more than one automobile or other conveyance at any one time.

"(d) Adaptive equipment shall not be provided under this chapter unless it conforms to minimum standards of safety and quality prescribed by the Administrator."

TITLE II—FLIGHT TRAINING AND FARM COOPERATIVE TRAINING

SEC. 201. Section 1677 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(c)(1) In any case in which a veteran wishes to pursue a course in flight training under this section but does not possess a valid private pilot's license and has not satisfactorily completed the number of hours of flight instruction required for a private pilot's license, the Administrator is authorized to make a direct loan to such veteran to pursue the flight training required for a private pilot's license.

"(2) Loans made under this subsection may be made in any amount not exceeding $1,000 or 90 per centum of the established charges for tuition and fees which similarly circumstanced non-veterans enrolled in the same flight training course are required to pay, whichever amount is less; and such loans shall bear interest at a rate determined by the Administrator, but not to exceed 6 per centum per annum.

"(3) Loans made under this section shall be repayable in equal monthly installments over a period of time not to exceed three years commencing—

"(A) upon the failure of the eligible veteran to obtain a private pilot's license within one year after the loan is made,

"(B) upon the failure of the eligible veteran to enter upon a course of training under subsection (a) of this section within one year after obtaining a private pilot's license,

"(C) upon failure to complete satisfactorily such a course of training within eighteen months after enrollment in a course of training under subsection (a) of this section, or

"(D) one year after the veteran has completed his course of training under subsection (a) of this section.

"(4) Loans made under this section shall be made upon such other terms and conditions as may be prescribed by the Administrator."

SEC. 202. (a) Section 1682(d) of title 38, United States Code is amended to read as follows:

"(d)(1) An eligible veteran who is enrolled in a 'farm cooperative' training program which provides for institutional and on-farm training and which has been approved by the appropriate State approving agency in accordance with the provisions of paragraph (2) of this subsection shall be eligible to receive an educational assistance allowance as follows: $141 per month if he has no dependents; $167 per month if he has one dependent; $192 per month if he has two dependents; and $10 per month for each dependent in excess of two.

"(2) The State approving agency may approve a farm cooperative training course when it satisfies the following requirements

"(A) The course combines organized group instruction in agricultural and related subjects of at least two hundred hours per year (and of at least eight hours each month) at an educational institution, with supervised work experience on a farm or other agricultural establishment; and the course provides for not less than one hundred hours of individual instruction per year, at least fifty hours of which shall be on a farm or other agricultural establishment (with at least two visits by the instructor to such farm or establishment each month). Such individual instruction shall be given by the instructor responsible for the veterans' institutional instruction and shall include instruction and home study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products.

"(B) The course is developed with due consideration to the size and character of the farm or other agricultural establishment on which the eligible veteran will receive his supervised work experience and to the need of such eligible veteran, in the type of farming for which he is training for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farming management, and the keeping of farm and home accounts.

"(C) The farm or other agricultural establishment on which the veteran is to receive his supervised work experience shall be of a size and character which will permit instruction in all aspects of the management of the farm or other agricultural establishment of the type for which the eligible veteran is being trained, and will provide the eligible veteran an opportunity to apply the major portion of the farm practices taught in the group instruction part of the course.

"(D) Provision shall be made for certification by the institution and the veteran that the training offered does not repeat or duplicate training previously received by the veteran.

"(E) The institutional on-farm training meets such other fair and reasonable standards as may be established by the State approving agency."

(b) The amendments made by subsection (a) of this section shall become effective on the first day of the second calendar month following the month in which this Act is enacted; but any veteran enrolled in a farm cooperative course under section 1682 (d) of title 38, United States Code, prior to such effective date may continue in such course to the end of the current academic year under the same terms and conditions that were in effect prior to the effective date of the amendments made by subsection (a) of this section.

The Speaker pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. **TEAGUE** of California. Mr. Speaker, reserving the right to object, and I shall not object, I do request the gentleman to give us a brief explanation of what is proposed to be done.

GENERAL LEAVE TO EXTEND REMARKS

Mr. **TEAGUE** of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 3 days to extend their remarks in the RECORD on this particular bill.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. **TEAGUE** of Texas. Mr. Speaker, the bill, H.R. 370, as passed by the House on June 15, 1970 authorized an increase in the amount allowed by the Veterans' Administration for the purchase of an automobile from $1,600 to $2,500 for those veterans who have lost, or lost the use of one or both hands; one or both feet; or who are blind to a prescribed degree and provided that the injury or the disease causing the disability was in line of duty as a direct result of the performance of military duty. It also extended the same assistance to those who have remained on active duty in the Armed Forces.

The Senate, in passing its version of the bill on September 25, increased the amount to $3,000; provided for the issuance, as they are needed, of adaptive equipment on automobiles which are now purchased from private funds for veterans in this category; liberalized the eligibility requirements; and added a section authorizing a liberalization of the flight training program and resumption of on-the-farm training under the Vietnam GI bill of rights on the basis which was in effect during the Korean war.

The proposed compromise which I am offering today, as an amendment to the action of the Senate:

Sets the amount of money available at a compromise amount of $2,800 for the purchase of a car;

Keeps the eligibility requirements of the Senate bill;

Accepts the furnishings of adaptive equipment for veterans in this category;

Disagrees to the inclusion of any language on on-the-farm training and flight training. These latter two subjects were rejected by the conferees when Public Law 91-219 was enacted.

The cost of the bill as it passed the House was approximately $3.3 million; as passed by the Senate the cost was $20 million; the substitute proposed today is approximately $7.2 million—$5.6 for the car cost and $1.6 for adaptive equipment.

In accordance with an agreement which I had with the senior Senator from Texas, the chairman of the Senate conferees, on the bill which became Public Law 91-219, hearings have been held before the Subcommittee on Education and Training of the Committee on Veterans' Affairs on on-the-farm training. No other action has as of this date been taken.

Mr. Speaker, I think that the suggested House compromise is reasonable and equitable and I hope that the other body will speedily agree to this action.

I ask unanimous consent to have printed as a part of my remarks in the RECORD a comparative print of H.R. 370 showing the text of the bill as passed by the House on June 15, as passed by the Senate on September 25 and the proposed compromise.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The comparative print follows:

COMPARATIVE PRINT H.R. 370

AS PASSED HOUSE (JUNE 25, 1970)	AS PASSED SENATE (SEPTEMBER 25, 1970)	SUGGESTED HOUSE COMPROMISE
That sections 1901, 1902, and 1903 of title 38, United States Code, are each amended by striking out "$1,600" each place it appears and inserting in lieu thereof, "$2,500".	TITLE I—AUTOMOBILE ASSISTANCE FOR DISABLED VETERANS AND SERVICEMEN SEC. 101. This title may be cited as the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970".	That this Act may be cited as the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970".
SEC. 2. (a) Chapter 39 of title 38, United States Code, is amended by adding at the end thereof the following new section:	SEC. 102. Chapter 39 of title 38, United States Code, is amended to read as follows:	SEC. 2. (a) Chapter 39 of title 38, United States Code, is amended to read as follows:

XUM

COMPARATIVE PRINT H.R. 370—Continued

AS PASSED HOUSE (JUNE 25, 1970)—continued

"§ 1906. Assistance for certain persons on active duty

"The Administrator, under such regulations as he may prescribe, shall make the benefits provided for under this chapter available to any person who, on or after the effective date of this section, is (1) on full-time active duty in the Armed Forces (not including active duty for training), and (2) suffering from any disability described in paragraph (1), (2), or (3) of section 1901(a) of this title if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during any period of war or service specified in section 1901 of this title."

(b) Section 1904 of such title is amended by striking out "No veteran" and inserting in lieu thereof "No veteran or person eligible under section 1906 of this title".

(c) The table of sections at the beginning of chapter 39 of such title is amended by inserting at the end thereof the following:

"1906. Assistance for certain persons on active duty."

AS PASSED SENATE (SEPTEMBER 25, 1970)—con.

"Chapter 39.—AUTOMOBILES AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES

"Sec.
"1901. Definitions.
"1902. Assistance for providing automobile and adaptive equipment.
"1903. Limitations on assistance.

"§ 1901. Definitions

"For purposes of this chapter—

"(1) The term 'eligible person' means—

"(A) any veteran entitled to compensation under chapter 11 of this title for any of the disabilities described in subclause (i), (ii), or (iii) below, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II, the Korean conflict, or the Vietnam era; or if the disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty:

"(i) The loss or permanent loss of use of one or both feet;

"(ii) the loss or permanent loss of use of one or both hands;

"(iii) The permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye; or

"(B) any member of the Armed Forces serving on active duty who is suffering from any disability decsribed in subclause (i), (ii), or (iii) of clause (A) of this paragraph if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II, the Korean conflict, or the Vietnam era; or if such disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.

"(2) The term 'World War II' includes, in the case of any eligible person, any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

"§ 1902. Assistance for providing automobile and adaptive equipment

"(a) The Administrator, under regulations which he shall prescribe, shall provide or assist in providing an automobile or other conveyance to each eligible person by paying the total purchase price of the automobile or

SUGGESTED HOUSE COMPROMISE—continued

"Chapter 39.—AUTOMOBILES AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES

"Sec.
"1901. Definitions.
"1902. Assistance for providing automobile and adaptive equipment.
"1903. Limitations on assistance.

"§ 1901. Definitions

"For purposes of this chapter—

"(1) The term 'eligible person' means—

"(A) any veteran entitled to compensation under chapter 11 of this title for any of the disabilities described in subclause (i), (ii), or (iii) below, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II or the Korean conflict; or if the disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty:

"(i) The loss or permanent loss of use of one or both feet;

"(ii) the loss or permanent loss of use of one or both hands;

"(iii) The permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye; or

"(B) any member of the Armed Forces serving on active duty who is suffering from any disability described in subclause (i), (ii), or (iii) of clause (A) of this paragraph if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II, the Korean conflict, or the Vietnam era; or if such disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.

"(2) The term 'World War II' includes, in the case of any eligible person, any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

"§ 1902. Assistance for providing automobile and adaptive equipment

"(a) The Administrator, under regulations which he shall prescribe, shall provide or assits in providing an automobile or other conveyance to each eligible person by paying the total purchase price of the automobile or

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other conveyance or $3,000, whichever is the lesser, to the seller from whom the eligible person is purchasing under a sales agreement between the seller and the eligible person.

"(b) The Administrator, under regulations which he shall prescribe, shall provide each eligible person the adaptive equipment deemed necessary to insure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and so as to satisfy the applicable standards of licensure established by the State of his residency or other proper licensing authority.

"(c) In accordance with regulations which he shall prescribe, the Administrator shall (1) repair, replace, or reinstall adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired in accordance with the provisions of this chapter, and (2) provide, repair, replace, or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may subsequently have acquired.

"(d) If an eligible person cannot qualify to operate an automobile or other conveyance, the Administrator shall provide or assist in providing an automobile or other conveyance to such person, as provided in subsection (a) of this section, if the automobile or other conveyance is to be operated for the eligible person by another person.

"§ 1903. Limitations on assistance

"(a) No eligible person shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter, and no payment shall be made under this chapter for the repair, maintenance, or replacement of an automobile or other conveyance.

"(b) Except as provided in subsection (d) of section 1902 of this title, no eligible person shall be provided an automobile or other conveyance under this chapter until it is established to the satisfaction of the Administrator, in accordance with regulations he shall prescribe, that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and will satisfy the applicable standards of licensure to operate the automobile or other conveyance established by the State of his residency or other proper licensing authority.

"(c) An eligible person shall not be entitled to adaptive equipment under this chapter for more than one automobile or other conveyance at any one time.

"(d) Adaptive equipment shall not be provided under this chapter unless it conforms to minimum standards of safety and quality prescribed by the Administrator."

TITLE II—FLIGHT TRAINING AND FARM COOPERATIVE TRAINING

SEC. 201. Section 1677 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(c) (1) In any case in which a veteran wishes to pursue a course in flight training under this section but does not possess a valid private pilot's license and has not satisfactorily completed the number of hours of flight instruction required for a private pilot's license, the Administrator is authorized to make a direct loan to such veteran to pursue the flight training required for a private pilot's license.

"(2) Loans made under this subsection may be made in any amount not exceeding $1,000 or 90 per centum of the established charges for tuition and fees which similarly circumstanced non-veterans enrolled in the same flight training course are required to pay, whichever amount is less; and such loans shall bear interest at a rate determined by the

SUGGESTED HOUSE COMPROMISE—continued

other conveyance or $2,800, whichever is the lesser, to the seller from whom the eligible person is purchasing under a sales agreement between the seller and the eligible person.

"(b) The Administrator, under regulations which he shall prescribe, shall provide each eligible person the adaptive equipment deemed necessary to insure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and so as to satisfy the applicable standards of licensure established by the State of his residency or other proper licensing authority.

"(c) In accordance with regulations which he shall prescribe, the Administrator shall (1) repair, replace, or reinstall adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired in accordance with the provisions of this chapter, and (2) provide, repair, replace, or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may subsequently have acquired.

"(d) If an eligible person cannot qualify to operate an automobile or other conveyance, the Administrator shall provide or assist in providing an automobile or other conveyance to such person, as provided in subsection (a) of this section, if the automobile or other conveyance is to be operated for the eligible person by another person.

"§ 1903. Limitations on assistance

"(a) No eligible person shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter, and no payment shall be made under this chapter for the repair, maintenance, or replacement of an automobile or other conveyance.

"(b) Except as provided in subsection (d) of section 1902 of this title, no eligible person shall be provided an automobile or other conveyance under this chapter until it is established to the satisfaction of the Administrator, in accordance with regulations he shall prescribe, that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and will satisfy the applicable standards of licensure to operate the automobile or other conveyance established by the State of his residency or other proper licensing authority.

"(c) An eligible person shall not be entitled to adaptive equipment under this chapter for more than one automobile or other conveyance at any one time.

"(d) Adaptive equipment shall not be provided under this chapter unless it conforms to minimum standards of safety and quality prescribed by the Administrator."

(b) The analysis of title 38, United States Code, and the analysis of part III thereof, are each amended by striking out

"39. Automobiles for Disabled Veterans .... 1901"

and inserting in lieu thereof:

"39. Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces .... 1901".

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AS PASSED HOUSE (JUNE 25, 1970)—continued

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Administrator, but not to exceed 6 per centum per annum.

"(3) Loans made under this section shall be repayable in equal monthly installments over a period of time not to exceed three years commencing—

"(A) upon the failure of the eligible veteran to obtain a private pilot's license within one year after the loan is made,

"(B) upon the failure of the eligible veteran to enter upon a course of training under subsection (a) of this section within one year after obtaining a private pilot's license,

"(C) upon failure to complete satisfactorily such a course of training within eighteen months after enrollment in a course of training under subsection (a) of this section, or

"(D) one year after the veteran has completed his course of training under subsection (a) of this section.

"(4) Loans made under this section shall be made upon such other terms and conditions as may be prescribed by the Administrator."

SEC. 202. (a) Section 1682(d) of title 38, United States Code is amended to read as follows:

"(d) (1) An eligible veteran who is enrolled in a 'farm cooperative' training program which provides for institutional and on-farm training and which has been approved by the appropriate State approving agency in accordance with the provisions of paragraph (2) of this subsection shall be eligible to receive an educational assistance allowance as follows: $141 per month if he has no dependents; $167 per month if he has one dependent; $192 per month if he has two dependents; and $10 per month for each dependent in excess of two.

"(2) The State approving agency may approve a farm cooperative training course when it satisfies the following requirements:

"(A) The course combines organized group instruction in agricultural and related subjects of at least two hundred hours per year (and of at least eight hours each month) at an educational institution, with supervised work experience on a farm or other agricultural establishment; and the course provides for not less than one hundred hours of individual instruction per year, at least fifty hours of which shall be on a farm or other agricultural establishment (with at least two visits by the instructor to such farm or establishment each month). Such individual instruction shall be given by the instructor responsible for the veterans' institutional instruction and shall include instruction and home study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products.

"(B) The course is developed with due consideration to the size and character of the farm or other agricultural establishment on which the eligible veteran will receive his supervised work experience and to the need of such eligible veteran, in the type of farming for which he is training for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farming management, and the keeping of farm and home accounts.

"(C) The farm or other agricultural establishment on which the veteran is to receive his supervised work experience shall be of a size and character which will permit instruction in all aspects of the management of the farm or other agricultural establishment of the type for which the eligible veteran is being trained, and will provide the eligible veteran an opportunity to apply the major

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portion of the farm practices taught in the group instruction part of the course.

"(D) Provision shall be made for certification by the institution and the veteran that the training offered does not repeat or duplicate training previously received by the veteran.

"(E) The institutional on-farm training meets such other fair and reasonable standards as may be established by the State approving agency."

(b) The amendments made by subsection (a) of this section shall become effective on the first day of the second calendar month following the month in which this Act is enacted; but any veteran enrolled in a farm cooperative course under section 1682(d) of title 38, United States Code, prior to such effective date may continue in such course to the end of the current academic year under the same terms and conditions that were in effect prior to the effective date of the amendments made by subsection (a) of this section.

Amend the title so as to read: "An Act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, to extend benefits under such chapter to certain persons on active duty and to Vietnam era veterans, and to provide for provision and replacement of adaptive equipment and continuing repair, maintenance, and installation thereof, and to amend chapter 34 of such title to authorize the Administrator of Veterans' Affairs to make loans to veterans to help meet the expenses of obtaining a private pilot's license where such veterans intend to pursue a flight training program under such chapter and to improve the farm cooperative training program authorized under such chapter, and for other purposes."

Amend the title so as to read: "An Act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, to extend benefits under such chapter to certain persons on active duty, and to provide for provision and replacement of adaptive equipment and continuing repair, maintenance and installation thereof."

Mr. TEAGUE of California. Mr. Speaker, further reserving the right to object, I would point out that the suggested compromise would save about $12 billion. It does have my approval. I withdraw my reservation.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves to concur in the Senate amendment to the text of the bill, with the following amendment:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

That this Act may be cited as the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970".

SEC. 2. (a) Chapter 39 of title 38, United States Code, is amended to read as follows:

"Chapter 39.—AUTOMOBILES AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES

"Sec.
"1901. Definitions.
"1902. Assistance for providing automobile and adaptive equipment.
"1903. Limitations on assistance.

"§ 1901. Definitions

"For purposes of this chapter—

"(1) The term 'eligible person' means—

"(A) any veteran entitled to compensation under chapter 11 of this title for any of the disabilities described in subclause (i), (ii), or (iii) below, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II or the Korean conflict; or if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty:

"(i) The loss or permanent loss of use of one or both feet;

"(ii) The loss or permanent loss of use of one or both hands;

"(iii) The permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye; or

"(B) any member of the Armed Forces serving on active duty who is suffering from any disability described in subclause (i), (ii), or (iii) of clause (A) of this paragraph if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II, the Korean conflict, or the Vietnam era; or if such disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.

"(2) The term 'World War II' includes, in the case of any eligible person, any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

"§ 1902. Assistance for providing automobile and adaptive equipment.

(a) The Administrator, under regulations which he shall prescribe, shall provide or assist in providing an automobile or other conveyance to each eligible person by paying the total purchase price of the automobile or other conveyance or $2,800, whichever is the lesser, to the seller from whom the eligible person is purchasing under a sales agreement between the seller and the eligible person.

"(b) The Administrator, under regulations which he shall prescribe, shall provide each eligible person the adaptive equipment deemed necessary to insure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and so as to satisfy the applicable standards of licensure established by the State of his residency or other proper licensing authority.

"(c) In accordance with regulations which he shall prescribe, the Administrator shall (1) repair, replace, or reinstall adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired in accordance with the provisions of this chapter, and (2) provide, repair, replace, or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may subsequently have acquired.

"(d) If an eligible person cannot qualify to operate an automobile or other conveyance, the Administrator shall provide or assist in providing an automobile or other conveyance to such person, as provided in subsection (a) of this section, if the automobile or other conveyance is to be operated for the eligible person by another person.

"§ 1903. Limitations on assistance

"(a) No eligible person shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter, and no payment shall be made under this chapter for the repair, maintenance, or replacement of an automobile or other conveyance.

"(b) Except as provided in subsection (d) of section 1902 of this title, no eligible person shall be provided an automobile or other conveyance under this chapter until it is established to the satisfaction of the Administrator, in accordance with regulations he shall prescribe, that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and will satisfy the applicable standards of licensure to operate the automobile or other conveyance established by the State of his residing or other proper licensing authority.

"(c) An eligible person shall not be entitled to adaptive equipment under this chapter for more than one automobile or other conveyance at any one time.

"(d) Adaptive equipment shall not be provided under this chapter unless it conforms to minimum standards of safety and quality prescribed by the Administrator."

(b) The analysis of title 38, United States Code, and the analysis of part III thereof, are each amended by striking out

"39. Automobiles for Disabled Veterans .... 1901"

and inserting in lieu thereof:

"39. Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces .... 1901".

Mr. TEAGUE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE).

The motion was agreed to.

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves to concur in the Senate amendment to the title of the bill, with the following amendment: In lieu of the matter proposed to be inserted by the Senate amendment to the title of the bill, insert the following: "An Act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, to extend benefits under such chapter to certain persons on active duty, and to provide for provision and replacement of adaptive equipment and continuing repair, maintenance, and installation thereof."

The motion was agreed to.

The Senate amendments, as amended, were concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1181, POTATO AND OTHER COMMODITY PROMOTION PROGRAMS

Mr. FOLEY. Mr. Speaker, I call up the conference report on the bill (S. 1181) to provide authority for promotion programs for milk, tomatoes, and potatoes, and to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Washington?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I correctly understand that the gentleman proposes to take time to inform the House as to what transpired in the conference with respect to this bill?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Of course, I yield to the gentleman from Washington.

Mr. FOLEY. Yes, I intend to take time to explain the result of the conference.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 21, 1970.)

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference between the managers on the part of the House and the managers on the part of the Senate on House bill 18884 and the Senate bill currently before the House, S. 1181, resulted in unanimous agreement on the part of the managers. The House-passed bill contained four titles. Title I authorized certain advertising and promotion amendments to existing marketing orders for milk. The title authorized such amendments only after the usual hearings and vote by producers.

Title II of the House-passed bill was designed to give general authority for other marketing orders to be amended to include provisions for advertising and promotion under circumstances to those applying to milk in title I.

I might say the reason the Committee on Agriculture asked for general authority for amendments to all marketing orders for advertising and promotion was the belief on the part of the chairman of the committee, the distinguished gentleman from Texas (Mr. POAGE) and the majority of the committee that the House had been perhaps occupied unnecessarily with individual bills calling for the amendment of one particular marketing order or another. The principle of allowing marketing orders to be emended for advertising and promotion seemed to be valid for all commodities if valid for any. So it was our desire to save the time of the Congress and of this body by authorizing general legislation.

A third title of the House-passed bill was a section dealing with the potato research and promotion program. This was different from the other titles in that it did not deal with existing marketing orders, but with authority for a special national program. Such a program would set up a national referendum and approval by commercial potato growers to assess themselves 1 cent a hundredweight for the purpose of developing research and promotion programs, including advertising, to advance the use of potatoes as a food.

This title is similar in content and character to the cotton research program which was passed in the 90th Congress. Title III provided an opportunity for any potato grower who was a commercial potato grower to obtain a full and prompt refund if he desired not to participate in the program.

The final title of the House-passed bill, title IV, dealt with certain restrictions on the imports of prunes, olives, and raisins where existing marketing orders in the United States set standards of grade and quality. It would prohibit the import of a foreign product of this kind unless it met the same standards of grade and quality which is required under U.S. marketing orders.

When the House and Senate managers met, the Senate bill included a potato research section which also included an amendment for marketing orders pertaining to tomatoes, providing programs for research and promotion. The result of the conference was that the House receded on title II, general authority, and accepted the addition of a tomato program rather than the general legislation which dealt with all commodities. The decision of the managers on the part of both bodies was unanimous. The conference was concluded promptly.

Mr. Speaker, the purpose of these programs is to allow producers to aid themselves by utilizing machinery to provide self-imposed assessments for the purpose of advancing the product they grow and sell. It is in my judgment very difficult to understand how anyone could seriously oppose this kind of interest on the part of American producers of commodities that are not price supported and do not have other extensive Department of Agriculture programs available to them.

We had testimony before the Subcommittee on Domestic Marketing and Consumer Relations of the Committee on Agriculture, which indicated very strong support for these programs on the part of producers. I hope the House will express equally strong support for the conference report this afternoon.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield to me the customary half of the time?

Mr. FOLEY. I regret that I neglected to do that.

Mr. Speaker, I yield to the distinguished gentleman from California 30 minutes.

Mr. TEAGUE of California. Mr. Speaker, I thank the gentleman very much. I shall not use the full 30 minutes.

Mr. Speaker, I would like to correct one misstatement. For some reason which is not entirely clear to me one of the Republican conferees did not sign the conference report. It was not I. I approve of this program. This is a self-help type of operation applicable to commodities which do not participate in the subsidy and control big farm agricultural programs which are so very costly.

I, however, thoroughly approve of the settlement made, the agreement in the conference, and I strongly recommend to my colleagues that they do approve the recommended conference report.

Now, Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding.

I believe the record should be further corrected and we should mention that the gentleman who did not sign the conference report is the ranking minority member of the Committee on Agriculture (Mr. BELCHER).

This potato salad bill has been around here too long. I want to point out to the House, as I pointed out before, that originally the potato section of the bill was defeated on November 12, 1969. An attempt has been made to improve it by adding a lot of other commodities, a lot of other ingredients.

As I stated before, this bill could have been sweetened by adding honey. Why we did not add honey I do not know at this time. The honey people want the same privileges these other commodity groups want, but for some unknown reason honey was eliminated.

I would point out again, as I have pointed out to the House before, in this bill we are definitely opening a Pandora's box.

This thing has got to grow. There can be no other way. If we do this for one commodity group we have to do it for every farm commodity group.

I am not at all certain that the Department of Agriculture is not overstaffed at the present time. I recall someone facetiously introduced an amendment on the floor of the House several years ago saying that the Department of Agriculture could not have more employees than there were farmers in the United States, and I am not at all certain we are not approaching that stage right now.

If we are going to continue to give the Department of Agriculture more and more to do, we are going to overburden the Department.

There are a lot of things I could say on this bill, but time is not going to permit me to do that. I do wish to read a few things from the report, which Members of the House probably do not know or have not read.

I realize the olive section has been sweetened to a certain extent. I do not know whether they did it with olive oil or whether they did it with honey, but it has been sweetened to a certain extent.

Let me read from the report:

> There is thus no need for new restrictions on imported olives.
>
> In addition, the proposed amendment would cause difficulties in our relations with Spain. Spain is the principal source of United States imports of olives and potentially would be the country most affected by the proposed legislation. In recent years Spain has consistently supplied more than 90 percent of total United States imports and has been very sensitive to efforts to interfere with this trade. The Spanish Embassy has made repeated and strong representations to officials of the Department of State not only against the proposed amendment but also against other pending legislation which would substantially increase the duty applying to imports packed in small airtight containers. The Embassy has noted that domestically produced olives are not directly comparable with olives imported from Spain, that during the Kennedy Round negotiations the United States agreed to bind the existing duties on imports of olives from Spain in return for concessions granted by the Spanish Government, and that any decision on the part of the United States Government to limit, by whatever means, imports of olives from Spain would be regarded by that country as an unfair measure against established trade and as a violation of an international agreement.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Illinois.

Mr. FINDLEY. I want to compliment the gentleman from Pennsylvania for raising these questions about the conference report and to state my own reservations about it and my intention to vote against it; also to state that it is very clear that this conference report does not have the enthusiastic endorsement of all farm organizations. In fact, I think the gentleman can verify that the largest farm organization in the United States, the American Farm Bureau Federation, does, indeed, very strongly oppose this conference report.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California.

Mr. TEAGUE of California. I have been around here a long time, and I fail to remember any piece of farm legislation that had the enthusiastic support of all farm organizations.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California for just a brief time.

Mr. SISK. The gentleman has raised the question about the olives. I simply want to make it clear, as I am sure others do, that we did adopt an amendment that would exempt the Spanish-style green olives, and that did remove the objections of the Spanish Government to this bill. The writing of this amendment was participated in by representatives of the Spanish Olive Association, and, therefore, they actually said to us that they no longer had any objection whatsoever to the bill as written in regard to olives.

Mr. GOODLING. The gentleman will remember that I stated that the olive section was improved slightly, but, as I understand it, there are still objections from the Spanish Government.

Mr. SISK. Mr. Speaker, if the gentleman will yield further, that is not the information that their representatives gave to us, that upon the adoption of that particular amendment it removed their objection. If they have any such objection, I have not heard of it. I want to make it clear that that is the case.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield further?

Mr. GOODLING. Yes. I yield further to the gentleman from Illinois, although my time is very limited.

Mr. FINDLEY. Well, perhaps we have cleared up the attitude as to Spanish green olives, but what about the interest of the non-Spanish nongreen olives? Should we not give some thought to their interests in this field?

Mr. GOODLING. I cannot answer the gentleman's question.

Mr. SISK. Mr. Speaker, will the gentleman yield further?

Mr. GOODLING. The gentleman is using a lot of my time, but I yield further to the gentleman.

Mr. SISK. I shall undertake to get the gentleman additional time.

But let me say here, of course, it is my understanding that as Members of Congress we are concerned with American agriculture, American producers, and American commodities and American consumers. If we are more concerned about Spanish growers and farmers, then, OK, let us lay it on the table. We grow a lot of olives in this country, and certainly this bill does tend to give additional protection to the American olive industry. I do not think there is any question about that.

I thank the gentleman for yielding.

Mr. GOODLING. Mr. Speaker, I would like to say a few words on raisins, also, if I have the time.

Mr. TEAGUE of California. I shall yield additional time to the gentleman. How much time does the gentleman feel he will require?

Mr. GOODLING. Three additional minutes.

Mr. TEAGUE of California. Mr. Speaker, I yield to the gentleman an additional 3½ minutes.

Mr. GOODLING. I thank the gentleman from California.

As I said, I was going to say a few words about the raisin industry, but I shall not do that because I know I will not have time.

I want to say that in my opinion this conference report should be defeated, and I hope it will be defeated.

We also have the potato checkoff provision, and this bill imposes a dairy checkoff plan which is even worse than the potato section. At least, the potato provision does provide for a lot of refunding. However, the dairy section does not.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield briefly to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, in order to correct the record, I think the gentleman might like to recognize the fact that the distinguished gentleman from Wisconsin (Mr. STEIGER), who is also seeking recognition, offered an amendment adopted by the House which would provide for a refund to any dairy producer who desires it, and his amendment provides for a speedy and prompt refund—I am not quoting the language ex-

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actly, but the amendment provides for an easy and uncomplicated refunding procedure.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I want to associate myself with the remarks made by the gentleman from Washington (Mr. FOLEY). The gentleman from Pennsylvania (Mr. GOODLING) may have reference to the original bill which did not have the refund provision, but as the conference report comes back to the House it does include the language of the amendment I offered in the House. It was included in the bill passed by the other body.

I believe, may I say to the gentleman, if he will yield further, that the milk section of this conference report is in good shape, and I hope it will be supported.

Mr. GOODLING. The gentleman from Wisconsin is correct. I now recall that the amendment was adopted.

The gentleman will not say that all milk-producing sections are in favor of this bill, will he?

Mr. STEIGER of Wisconsin. If the gentleman will yield further, I cannot speak for all milk-producing sections. I know that in the State of Wisconsin there is widespread support for this, and on the part of the National Milk Producers Federation, which does support the conference report.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Illinois.

Mr. FINDLEY. If the milk provision is truly a voluntary system where producers who do not want to go along can very easily avoid contributing, then it might also be said that this very same type of voluntary system could be set up yesterday, today or tomorrow without the benefit of this legislation.

Mr. GOODLING. That is correct, and let me say that as to the dairy section it provides for block voting. The individual dairyman does not have a voice in this, his co-op will do the voting. That, to my way of thinking, would not be a very desirable procedure.

Mr. STEIGER of Wisconsin. Mr. Speaker, if the gentleman will yield further, the gentleman is correct in that block voting, as is the pattern and the practice under the present law, will be applicable in this section.

As the gentleman knows, I tried to get this changed by an amendment to prevent block voting that was defeated here in the House. I would say to the gentleman from Pennsylvania, and I know of his strong feelings on this subject, that even with the block voting concept, with the refund we can protect the dairy farmer so that if he does not wish to participate he can get his money back in a prompt and reasonable manner.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, most of the States have a voluntary program of checkoff for the advertising of dairy products. Many years ago in our State, the State of Minnesota, we started out with a plan using a State appropriation which was later paid back, and we have the voluntary program going now, and I believe most of the States have copied this plan. Now I am a little fearful of the fact that this type of legislation would destroy the voluntary programs that are already in operation and if it can be provided that a producer can get out if he wishes, then why get in, if we do have a voluntary program going? So I am just a little fearful of what this might do to what we already have. I want to be assured that plans such as Minnesota developed can continue.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. If this is going to cost the taxpayers any money, and if you people representing the farm areas cannot agree, what are we city folks going to do?

Mr. GOODLING. I am glad the gentleman brought that up. I was thinking of that, and was going to mention it.

It will definitely cost the taxpayers a considerable amount of money, and that is one of my serious objections to this bill. The potato people themselves expect to collect about $2 million, probably more, and I think that the potato growers of the United States should be willing to pick up the tab for administering the program, yet they refuse to do that.

We had a referendum in our Commonwealth of Pennsylvania, and it was defeated because they simply are looking for a handout. I want the farmers themselves to have some interest in this. As I say, it will cost a considerable amount of money. The Department of Agriculture has estimated that, for the potato section alone, the administrative costs per year would probably be in the neighborhood of $90,000 to $100,000, and that is a sizable sum of money. You multiply that by the other commodity groups, and you are going to run into a large-size figure.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. TEAGUE of California. Mr. Speaker, I would like to state to the gentleman from Pennsylvania (Mr. FULTON) that the division among farm groups may not be as widespread and as serious as it may appear to them.

This bill came out of our committee with a vote of approximately 25 to 5.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I support the conference report and hope it is adopted.

I specifically want to address myself to two points that were raised during the discussion on this as it relates to the milk section. Quite frankly, I have no deep abiding interest in tomatoes or potatoes and I assume that those provisions are acceptable to Members who have these products in their area. But I do have an interest in the milk section.

No. 1—I want to respond to some of the things that have been said by the gentleman from Pennsylvania and that which was addressed by the gentleman from Minnesota.

There is a provision in the conference report which is on page 1 which does provide:

> Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research is required under the authority of any State law.

This, it seems to me, is proper protection for the Minnesota plan or for that matter the plan that may be voted on in Wisconsin in the very near future.

What we are saying, as I understand it, and the gentleman from Washington can correct me if I am wrong, is in an order provided by the Secretary, provision can be made to credit the mandatory State checkoff plan funds toward the requirement of the order, if it is the Chicago order, for example, for research so that there is a method of insuring the Wisconsin or the Minnesota dairy farmer is not checked off twice in the order area. Am I correct?

Mr. FOLEY. The gentleman is precisely correct.

Mr. STEIGER of Wisconsin. I thank the gentleman from Washington for that response.

I might also say that with the provision for the refund, I believe the dairy farmers across the country can be served and not have this work against what they view as their best interest. I do think there is need for additional promotion of dairy products and I think this is a method which insures that there is a means of collecting the funds that are necessary and yet provides protection for the dairy farmer—if he does not want to participate—so he can get a refund.

Mr. Speaker, I urge that the House adopt the conference report.

Mr. TEAGUE of California. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Speaker, I would like to find out about the true cost to the taxpayers of this bill which, as we heard a few moments ago, would be zero.

It is my understanding that a couple of years ago the Department of Agriculture stated that it would cost approximately $325,000 for the potato referendum. It would also cost some $80,000 to $100,000 per year to maintain the program.

Can the gentleman explain how many producers would benefit from the program on the basis that we do have 2.1 percent of the farms reporting potato production, producing 81 percent of the potatoes.

Mr. FOLEY. I cannot give the gentleman a precise figure as to how many potato growers there are in the United States that produce more than 5 acres of potatoes. I will seek that information for the gentleman.

Mr. Speaker, would the gentleman yield to me for a comment while we are looking up that information?

XUM

Mr. MILLER of Ohio. I have a question as to the cost to the taxpayers. Is it still anticipated that the cost would be $325,000 for the referendum?

Mr. FOLEY. No. The testimony of the Department of Agriculture was that it would be approximately $325,000 for the referendum if it were necessary to set up actual polling places in a local county office and so on, and an additional cost of $180,000 if a suitable mail ballot could be taken and they have every reason to believe that such is feasible.

Mr. MILLER of Ohio. As to the $180,000—on that particular figure, does the Department of Agriculture have a mailing list that they could use? As I recall that was a stumbling block.

Mr. FOLEY. The Department of Agriculture stated that if a mailing list was available from the National Potato Council or some other agricultural organization, it would cost approximately $180,000, for a mail referendum.

Mr. MILLER of Ohio. But we have no guarantee on that at the present time, is that correct?

Mr. FOLEY. I cannot speak for the Department, but I have had no information that indicates that the Department doubts that a mail ballot is feasible.

Mr. MILLER of Ohio. Will the cost of this bill, the 1 cent per hundredweight, be passed on to the consumer?

Mr. FOLEY. The market for potatoes is not tightly controlled, as the gentleman may know. I see no reason to believe that the assessment will be passed on to the consumer. I believe it would not be passed on, but would be borne by the cooperating producers.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. TEAGUE of California. Mr. Speaker, I yield 1 additional minute to the gentleman from Ohio.

Mr. MILLER of Ohio. I appreciate the time for the purpose of attempting to find out how many producers would be affected by the legislation.

Mr. FOLEY. I cannot advise the gentleman precisely how many farmers would be involved in a referendum but I am sure the numbers would be in the tens of thousands.

Mr. MILLER of Ohio. I thank the gentleman.

Mr. FOLEY. Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of California. Mr. Speaker, I have no further requests for time.

Mr. FOLEY. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore being in doubt, the House divided, and there were—ayes 40, noes 28.

Mr. GOODLING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 159, nays 93, not voting 180, as follows:

[Roll No. 451]

YEAS—159

Abbitt
Abernethy
Adams
Albert
Alexander
Anderson, Tenn.
Annunzio
Ashley
Barrett
Bell, Calif.
Bennett
Bevill
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brinkley
Brooks
Brotzman
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Bush
Byrne, Pa.
Cabell
Carney
Chappell
Conte
Corman
Culver
Daniel, Va.
Daniels, N.J.
Dent
Dingell
Donohue
Dorn
Downing
Dulski
Feighan
Fisher
Flood
Flowers
Flynt
Foley
Fountain
Fraser
Frey
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gonzalez
Green, Oreg.
Griffin
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Helstoski
Horton
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Kastenmeier
Kazen
Kee
Kluczynski
Kyros
Leggett
Lennon
Lukens
McCloskey
McClure
McFall
McMillan
Macdonald, Mass.
Madden
Mahon
Matsunaga
Meeds
Melcher
Mikva
Mills
Mink
Mollohan
Monagan
Morgan
Natcher
Nelsen
Nix
Obey
Olsen
Passman
Patten
Perkins
Pettis
Philbin
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Rees
Rhodes
Roberts
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Roybal
Ruth
St Germain
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, N.Y.
Stafford
Stanton
Steed
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Van Deerlin
Vigorito
Waldie
Wampler
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Charles H.
Young
Zablocki
Zwach

NAYS—93

Addabbo
Anderson, Ill.
Arends
Ashbrook
Ayres
Betts
Biester
Bow
Bray
Brown, Mich.
Brown, Ohio
Burke, Fla.
Byrnes, Wis.
Camp
Carey
Carter
Cederberg
Chamberlain
Collins, Tex.
Conable
Conyers
Coughlin
Crane
Davis, Wis.
Dellenback
Dennis
Derwinski
Dickinson
Duncan
Eshleman
Findley
Ford, Gerald R.
Forsythe
Frelinghuysen
Fulton, Pa.
Goodling
Gross
Gude
Hall
Halpern
Harsha
Harvey
Hastings
Hechler, W. Va.
Hogan
Hunt
Hutchinson
Jonas
Keith
King
Koch
Kyl
Landgrebe
Latta
Long, Md.
McDade
MacGregor
Mailliard
Marsh
Mayne
Miller, Ohio
Minish
Mizell
Morse
Nedzi
O'Hara
Pelly
Poff
Quillen
Rarick
Reid, N.Y.
Robison
Roth
Ryan
Satterfield
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Smith, Iowa
Springer
Steele
Stratton
Taft
Vander Jagt
Vanik
Widnall
Wilson, Bob
Wolff
Wylie
Wyman
Yates

NOT VOTING—180

Adair
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Aspinall
Baring
Beall, Md.
Belcher
Berry
Biaggi
Bingham
Blackburn
Brasco
Brock
Broomfield
Brown, Calif.
Broyhill, N.C.
Buchanan
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Caffery
Casey
Celler
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins, Ill.
Colmer
Corbett
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
de la Garza
Delaney
Denney
Devine
Diggs
Dowdy
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fish
Ford, William D.
Foreman
Friedel
Fulton, Tenn.
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gray
Green, Pa.
Griffiths
Grover
Gubser
Hagan
Haley
Hanna
Hébert
Heckler, Mass.
Henderson
Hicks
Holifield
Hosmer
Howard
Hull
Hungate
Jarman
Johnson, Pa.
Jones, Tenn.
Karth
Kleppe
Kuykendall
Landrum
Langen
Lloyd
Long, La.
Lowenstein
Lujan
McCarthy
McClory
McCulloch
McDonald, Mich.
McEwen
McKneally
Mann
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Minshall
Mize
Montgomery
Moorhead
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Nichols
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Pepper
Pickle
Pirnie
Poage
Pollock
Powell
Price, Tex.
Purcell
Railsback
Randall
Reid, Ill.
Reifel
Reuss
Riegle
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Rousselot
Ruppe
Sandman
Saylor
Schadeberg
Scherle
Sebelius
Shipley
Smith, Calif.
Snyder
Staggers
Steiger, Ariz.
Stokes
Sullivan
Talcott
Thompson, Ga.
Ullman
Waggonner
Ware
Watson
Watts
Weicker
Whalen
Whalley
Winn
Wold
Wright
Wyatt
Wydler
Yatron
Zion

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill of Massachusetts for, with Mr. Biaggi against.

Mr. Hébert for, with Mr. Ottinger against.

Mr. Waggonner for, with Mr. Delaney against.

Mr. Andrews of Alabama for, with Mr. Baring against.

Mr. Brasco for, with Mr. Bingham against.

Mr. Burton of California for, with Mr. Clay against.

Mr. Celler for, with Mr. Diggs against.

Mr. Clark for, with Mr. Farbstein against.

Mr. Edmondson for, with Mr. Gilbert against.

Mr. Edwards of California for, with Mr. Powell against.

Mr. Edwards of Louisiana for, with Mr. Lowenstein against.

Mr. Eilberg for, with Mr. McCarthy against.

Mr. Evins of Tennessee for, with Mr. Moorhead against.

Mr. William D. Ford for, with Mrs. Chisholm against.

Mrs. Sullivan for, with Mr. Daddario against.

Mr. Holifield for, with Mr. Reuss against.

Mr. Hull for, with Mr. Rooney of New York against.

Mr. Miller of California for, with Mr. Rosenthal against.

Mr. Shipley for, with Mr. Stokes against.

Mr. Mathias for, with Mr. Broomfield against.

Mr. Andrews of North Dakota for, with Mr. Sandman against.

Mr. Snyder for, with Mrs. Dwyer against.

Mr. Blackburn for, with Mr. Devine against.

Mr. Wydler for, with Mr. Goldwater against.

Mr. Thompson of Georgia for, with Mr. Smith of California against.

Mr. Talcott for, with Mr. Hosmer against.

Mr. Fulton of Tennessee for, with Mr. Corbett against.

Mr. Gettys for, with Mr. Clawson of Delaware against.

Mr. Gray for, with Mr. Cowger against.

Mr. Saylor for, with Mr. Cramer against.

Mr. Hanna for, with Mr. Grover against.

Mr. Rooney of Pennsylvania for, with Mr. Ware against.

Mr. Casey for, with Mr. Scherle against.

Mr. Fascell for, with Mr. Schadeberg against.

Mr. Jones of Tennessee for, with Mr. Ruppe against.

Mr. Randall for, with Mr. Aspinall against.

Mr. Rousselot for, with Mr. Collier against.

Mr. Myers for, with Mr. Winn against.

Mr. Anderson of California for, with Mr. Sebelius against.

Mr. Burlison of Missouri for, with Mr. McClory against.

Mr. Caffery for, with Mr. Pirnie against.

Mr. Colmer for, with Mr. Michel against.

Mr. Montgomery for, with Mr. Buchanan against.

Mr. Moss for, with Mr. Giaimo against.

Mr. Hogan for, with Mr. Morton against.

Mr. Green of Pennsylvania for, with Mr. Mosher against.

Mr. Watson for, with Mr. Wold against.

Mr. Cohelan for, with Mr. Zion against.

Mr. Davis of Georgia for, with Mr. Whalley against.

Mr. de la Garza for, with Mr. Whalen against.

Mr. Dowdy for, with Mr. Steiger of Arizona against.

Mr. Staggers for, with Mr. Riegle against.

Mrs. Griffiths for, with Mrs. Reid of Illinois against.

Mr. Pepper for, with Mr. Railsback against.

Mr. Karth for, with Mr. Price of Texas against.

Mr. Hungate for, with Mr. Pollock against.

Mr. Howard for, with Mr. Mize against.

Mr. Watts for, with Mr. Minshall against.

Mr. Wright for, with Mr. Martin against.

Mr. Yatron for, with Mr. McDonald of Michigan against.

Mr. Long of Louisiana for, with Mr. Haley against.

Mr. Landrum for, with Mr. Lujan against.

Mr. Mann for, with Mr. Johnson of Pennsylvania against.

Mr. Murphy of New York for, with Mr. Erlenborn against.

Mr. Nichols for, with Mr. Fish against.

Mr. Lloyd for, with Mr. Denney against.

Mr. Gubser for, with Mr. Edwards of Alabama against.

Mr. Kuykendall for, with Mr. Cunningham against.

Mrs. Heckler of Massachussets for, with Mr. Clancy against.

Mr. Broyhill of North Carolina for, with Mr. Brock against.

Mr. Wyatt for, with Mr. Beall of Maryland against.

Mr. Evans of Colorado for, with Mr. Adair against.

Until further notice:

Mr. Rostenkowski with Mr. McEwen.
Mr. Gibbons with Mr. Burton of Utah.
Mr. Friedel with Mr. Button.
Mr. Pickle with Mr. Esch.
Mr. Patman with Mr. Don H. Clausen.
Mr. Jarman with Mr. Foreman.
Mr. Ullman with Mr. Kleppe.
Mr. Murphy of Illinois with Mr. Langen.
Mr. Collins of Illinois with Mr. McCulloch.
Mr. O'Neal of Georgia with Mr. McKneally.
Mr. Purcell with Mrs. May.
Mr. Brown of California with Mr. Meskill.
Mr. Hicks wtih Mr. O'Konski.
Mr. Weicker with Mr. Roudebush.

XUM

Messrs. SCHWENGEL, BURKE of Florida, and VANDER JAGT changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 3 days to extend their remarks in the RECORD on the conference report just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ANNOUNCEMENT OF MEMORIAL SERVICES FOR THE LATE HONORABLE L. MENDEL RIVERS

(Mr. McMILLAN asked and was given permission to address the House for 1 minute.)

Mr. McMILLAN. Mr. Speaker, I have been requested by Mrs. Rivers to advise the House that memorial services will be held at the Washington Cathedral at 1 p.m., Wednesday, December 30, 1970, for the late Congressman L. MENDEL RIVERS. Services will be conducted by the Reverend Dr. C. Leslie Glenn, canon of the Washington Cathedral.

CONFERENCE REPORT ON S. 1626, REGULATING PRACTICE OF PSYCHOLOGY IN THE DISTRICT OF COLUMBIA

Mr. FUQUA filed the following conference report and statement on the bill (S. 1626) to regulate the practice of psychology in the District of Columbia:

CONFERENCE REPORT (H. REPT. No. 91–1798)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 1626), to regulate the practice of psychology in the District of Columbia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House No. 1, and agree to the same.

That the House recede from its amendments numbered 2 and 3.

JOHN L. McMILLAN,
DON FUQUA,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

WILLIAM B. SPONG, Jr.,
THOMAS F. EAGLETON,
WINSTON L. PROUTY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 1626), to regulate the practice of psychology in the District of Columbia, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The first House amendment, not included in the Senate bill, struck the entire section 17 of the Senate bill (S. 1626) and inserted new language which incorporates by reference the provisions of the District of Columbia Code (Title 14, Sec. 307) relating to the confidential relationship of doctor and patient and making the protections as to testimony applicable to the practice of psychology. The Senate receded from its disagreement to this amendment, and agreed to the same.

House amendments No. 2 and No. 3 added a new section (Section 20), which amended Section 5 of the Act of May 28, 1924 (D.C. Code, title 2, Sec. 505), enlarging the authority of the Board of Optometry of the District of Columbia, and renumbered the appropriate sections of S. 1626. The House receded from its amendments No. 2 and No. 3, and the Senate agreed to the same.

JOHN L. McMILLAN,
DON FUQUA,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

Mr. FUQUA. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 1626) to regulate the practice of psychology in the District of Columbia.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. HALL. Mr. Speaker, reserving the right to object, is this the same conference report that was just filed for printing?

The SPEAKER pro tempore. The gentleman is correct.

Mr. HALL. It has to do with the practice of psychology in the District of Columbia?

Mr. FUQUA. If the gentleman is addressing his question to me; yes, sir. It has already passed the House.

Mr. HALL. Mr. Speaker, further reserving the right to object, may I inquire of the gentleman from Florida who asked this unanimous consent, what are the changes in the bill as it passed the House, made in the other body?

Mr. FUQUA. In response to the gentleman, if he will yield, there have been two amendments. One amendment was added to the bill in the House which related to the practice of optometry. That has been deleted. The House changed the provision relating to the patient-client relationship similar to that which doctors and lawyers have. These are the only two changes made in the bill.

Mr. HALL. Mr. Speaker, may I request of the distinguished gentleman, that he elaborate a bit more on that last change. Is the gentleman speaking of the doctor-patient confidential relationship as applied to psychologists and patients and, if so, is it still in the bill, or is it out?

Mr. FUQUA. It is still in the bill. It is just modified to conform to the present District of Columbia Code as it relates to patient-doctor relationships.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's explanation.

I have no objection to considering the conference report, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the statement.

Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement on the part of the managers be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Speaker, I think I have just explained the bill in response to the gentleman from Missouri.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, are there any other amendments to this bill?

It is not being used as a rider for other nongermane amendments?

Mr. FUQUA. There are no other amendments to the bill, and certainly there are no nongermane amendments to the subject we are discussing.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

LEAD-BASED PAINT POISONING PREVENTION ACT

Mr. BARRETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally-assisted construction or rehabilitation, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Lead-Based Paint Poisoning Prevention Act".

TITLE I—GRANTS FOR THE DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

GRANTS FOR LOCAL DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

SEC. 101. (a) The Secretary of Health, Education, and Welfare (hereafter referred to in this title as the "Secretary") is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out local programs to detect and treat incidents of lead-based paint poisoning.

(b) The amounts of any such grant shall not exceed 75 per centum of the cost of developing and carrying out a local program, as approved by the Secretary, during a period of three years.

(c) A local program should include—

(1) educational programs intended to communicate the health danger and prevalence of lead-based paint poisoning among children of inner city areas, to parents, educators, and local health officials;

(2) development and carrying out of intensive community testing programs designed to detect incidents of lead-based paint poisoning among community residents, and to insure prompt medical treatment for such afflicted individuals;

(3) development and carrying out of intensive followup programs to insure that identified cases of leadbased paint poisoning are protected against further exposure to lead-based paints in their living environment; and

(4) any other actions which will reduce or eliminate lead-based paint poisoning.

(d) Each local program shall afford opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint poisoning elimination programs.

TITLE II—GRANTS FOR THE ELIMINATION OF LEAD-BASED PAINT POISONING

SEC. 201. The Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out programs that identify those areas that present a high risk to the health of residents because of the presence of lead-based paints on interior surfaces, and then to develop and carry out programs to eliminate the hazards of lead-based paint poisoning.

(a) A local program should include:

(1) development and carrying out of comprehensive testing programs to detect the presence of lead-based paints on surfaces of residential housing;

(2) the development and carrying out of a comprehensive program requiring the prompt elimination of lead-based paints from all interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing on which lead-based paints have been used as a surface covering, including those surfaces on which non-lead-based paints have been used to cover surfaces to which lead-based paints were previously applied; and

(3) any other actions which will reduce or eliminate lead-based paint poisoning.

(b) Each such program shall—

(1) be consistent with workable programs for community improvement referred to in section 101, and

(2) afford, to the maximum extent feasible, opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint elimination programs.

TITLE III—FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

SEC. 301. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead-based paint poisoning in the United States, particularly in urban areas, and the methods by which lead-based paint can most effectively be removed from interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing. Within one year after the date of the enactment of this Act the Secretary shall submit to the Congress a full and complete report of his findings and recommendations as developed pursuant to such program, together with a statement of any legislation which should be enacted, and any changes in existing law which should be made, in order to carry out such recommendations.

TITLE IV—PROHIBITION AGAINST FUTURE USE OF LEAD-BASED PAINT

PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN FUTURE CONSTRUCTION AND REHABILITATION

SEC. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in all Federal construction and rehabilitation, after the date of the enactment of this Act, of any residential building or dwelling, with Federal assistance in any form.

TITLE V—GENERAL

DEFINITIONS

SEC. 501. As used in this Act—

(1) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(2) the term "units of general local government" means (A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, (B) and combination of units of general local government in one or more States, (C) an Indian tribe, or (D) with respect to lead-based paint poisoning elimination activities in their urban areas, the territories and possessions of the United States; and

(3) the term "lead-based paint" means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of liquid paints or in the dried film of paint already applied.

CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES

SEC. 502. In carrying out the authority under this Act, the Secretary of Health, Education, and Welfare shall cooperate with and seek the advice of the heads of any other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority.

APPROPRIATIONS

SEC. 503. (a) There is hereby authorized to be appropriated to carry out the provisions of title I of this Act not to exceed $7,500,000 for the fiscal year 1971 and for each of the two succeeding fiscal years.

(b) There is hereby authorized to be appropriated to carry out the provisions of title II of this Act not to exceed $13,500,000 for the fiscal year 1971 and for each of the two succeeding fiscal years.

(c) There is hereby authorized to be appropriated to carry out the provisions of title III of this Act not to exceed $3,500,000 for th fiscal year 1971 and for each of the two succeeding fiscal years.

(d) Any amounts appropriated under this section shall remain available until expended when so provided in appropriation Acts; and any amounts authorized for the fiscal year 1971 but not appropriated may be appropriated for the fiscal year 1972. Any amounts authorized for the fiscal years 1971 and 1972 but not appropriated may be appropriated for the fiscal year 1973.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HALL. Mr. Speaker, reserving the right to object—and I believe it requires unanimous consent for consideration of this, because there are no copies available and so forth—I wonder if, under my reservation, the gentleman would undertake to explain whether or not the Sen-

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ate amendments are germane and whether or not there are any other Senate additions to the House-passed bill than those read by the Clerk?

Mr. BARRETT. Mr. Speaker, if the gentleman will yield, I would inform the gentleman that there are no nongermane amendments in this bill. There is a difference in the amount of money from that in the House bill.

Mr. HALL. What is the difference?

Mr. BARRETT. There are no nongermane items in it at all.

Mr. HALL. If I understand the gentleman's statement, Mr. Speaker, all additions by the other body are germane to the original House-passed document.

Mr. BARRETT. Yes.

Mr. HALL. Second, I will ask the gentleman, what is the addition to the cost to the taxpayers in the bill we have before us by unanimous consent, against that which left the House?

Mr. BARRETT. I would be glad to inform the gentleman that the House passed the bill for $15 million a year for 2 years, and the Senate bill is $25 million for 3 years.

Mr. HALL. In other words, Mr. Speaker, if I understand this correctly, the other body has more than doubled this so far as the import of the bill is concerned. They have added on a 1-year extension to the time. The gentleman asks us to accept this by unanimous consent; is that correct?

Mr. BARRETT. Yes; that is correct.

Mr. HALL. Mr. Speaker, when would this bill, if enacted into law, expire?

Mr. BARRETT. This is a 3-year bill.

Mr. HALL. Actually what happened was that the other body took the House-passed bill and struck out all after the enacting clause and substituted its own verbiage.

Mr. BARRETT. That is correct.

Mr. HALL. And this involves an increase from $30 million for 2 years to $75 million for 3 years?

Mr. BARRETT. That is correct. Or at the rate of $25 million a year instead of $15 million a year?

Mr. BARRETT. The gentleman is correct.

Mr. HALL. Mr. Speaker, there is a real question involved here. This is the question of Federal priority or not. Everyone knows and agrees that anything that can be done in the way of demonstration projects, in the way of educating the public, and in the way of making doctors available for children who eat lead paint off the windowsill or peel off and devour little impregnations of the wallpaper or toys, that something should be done. But there is the real question as to whether such federally sponsored legislation can ever take the place of proper parental control and training in the home or the responsibilities of the communities and municipalities and, yes, even the counties and the States.

Mr. Speaker, I am not at all sure that this is a Federal problem. If it is, then the stamina of parental care and training has certainly deteriorated. I would decry us letting it deteriorate more by taking on the burden at the Federal level. It has been proved time and time again that when we take these burdens on federally there is a lack of responsibility locally.

For that reason I certainly do not feel that we should take this up by unanimous consent, but I would point out that it should be debated. We should have time to see the printed measure, the substitution of the other body for this bill, and, therefore, I am constrained to object.

Mr. BARRETT. Mr. Speaker, if the gentleman will yield further, let me inform the gentleman that we had this bill before the Housing Subcommittee. We had hearings on it. The Surgeon General has stated that this is a very, very serious situation all over the country and he has informed us that action to attack this problem should be escalated because of increased number of lead poisoning in children and the brain damage to those who manage to survive. In our hearings we learned that 200 children die each year from lead poisoning. Thousands and thousands of them were affected by brain damage and retardation from ingesting lead paint. We passed this bill in the House here after much debate on October 13. It was passed unanimously. The bill went to the Senate and they had stricken all after the enacting clause and inserted their language, which is almost verbatim. Let me point out here, that most of the provisions in the Senate bill are the same as the House passed earlier this year. The only difference in the bill as it comes back here is the difference between $60 million and their $75 million, which involves so many people in so many areas very badly.

Mr. HALL. The gentleman mentioned the difference as being between $60 million and $75 million. The difference is between the figure of $30 million and $75 million. Is that not correct?

Mr. BARRETT. The gentleman is correct. The difference between $30 million and $75 million.

Mr. HALL. That is quite a difference.

Mr. Speaker, what the gentleman from Pennsylvania says is undoubtedly true. I am sure that the Surgeon General, whose job is to protect the health of all the people of the United States, if he can, would of necessity point this out. But the gentleman knows we have had over 50,000 car accidents on interstate highways alone last year. This is much more of a Federal problem, in my opinion, because these are interstate and defense highways, than the question of children nibbling paint from the windowsill in their home. Certainly anything that can be done in the way of a pilot program I would be for, but I do not see how it is a Federal problem and why we should, without debate and by unanimous consent, accept the bill of the other body which is dawdling on eulogies over there today, rather than passing the necessary appropriation legislation leading toward a sine die adjournment—problems which are truly Federal problems and problems of our Government insofar as its operations are concerned.

Mr. Speaker, for all of these reasons, I think this comes at a very poor time and, indeed, there is a question as to whether or not it is a Federal responsibility. There are funds which are provided to the National Institutes of Health and should be if nibbling on paint constitutes a Federal problem. I believe the problem could be handled "inhouse." However, it seems to me that every State could preclude the use of soluble lead or absorptive lead from the use of toys. This is probably their bailiwick and prerogative.

Mr. BARRETT. Mr. Speaker, if the gentleman will yield further, I certainly would not want to debate the medical aspects of this. I know the doctor's experience along this line. I was convinced the other day after hearing him debate that he is qualified in surgery, and I want to point out, as he certainly knows, where a child contracts brain damage or retardation by ingesting lead paint and that child is sent into an institution it costs that local governments and the Federal Government $250,000 for the care of that child over its lifetime and the child is never restored to normalcy.

This is one of the most humanitarian bills that ever came to this floor. The gentleman states that this is a local problem. It is and many local governments have ongoing programs, but they need Federal assistance to meet the great increase in lead paint poisoning in little children. I am certainly sure, and I think the gentleman knows it, if the local governments were financially able to carry out this program without any financial aid from the Federal Government, I would not be arguing for this bill on the floor.

Mr. HALL. Mr. Speaker, I have never known the distinguished gentleman from Pennsylvania to bring other than the most humanitarian bills out onto the floor of this Congress for passage. And I will say he is very adept in slipping the expenditure of the taxpayers' money through the Congress, whether it be for buses or whether it be for the sucklings of lead or whatnot. I happen to believe we should be smart enough to leave adequate tax funds in the local communities, primarily, instead of draining it all off to the overly indebted Federal Treasury. Be that as it may, the responsibility is not with the Federal Government, and with the drain on the taxpayers' money without the process of debate and due process, so that all sides of the problem can be learned in the House, I therefore do object.

The SPEAKER pro tempore. Objection is heard.

PERMISSION FOR THE SPEAKER TO DECLARE A RECESS AT ANY TIME TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order at any time today for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, what may we look forward to? Is there any indication from across the Capitol that the other body is

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doing anything but eulogizing departing and retiring Members? What is taking place? What is the latest report?

Mr. ALBERT. The only information that I have, the only valid information I can give the gentleman, if he will yield further, is that the chairman of the Committee on Appropriations has indicated that it would not be long before they would be ready to bring before the House the Department of Defense appropriation bill conference report.

Also the conferees are reportedly going to conference within the next few moments on the foreign aid appropriation bill. I do not know whether they will get that back in time for tonight or not, but we do expect the Department of Defense appropriation bill back. That is the largest of all the bills, and I think it would be worth taking a recess if we would thus be able to adopt that conference report tonight.

Mr. GROSS. The gentleman's request was until what hour tonight?

Mr. ALBERT. At any time today, but I will give the gentleman assurance that the House will not be called back after 10 o'clock.

Mr. GROSS. After 10 o'clock tonight?

Mr. ALBERT. After 10 o'clock tonight.

Mr. GROSS. That would be a nice, round hour to be called back.

Mr. ALBERT. It will not be after that.

Mr. GROSS. It will not be after that?

Mr. ALBERT. No; we would not call back the House after that.

Mr. GROSS. Well, that is some slight consolation. But what do we do in the meantime if we do not get any business from the other body?

Mr. ALBERT. Some of us might sign our mail.

Mr. GROSS. I have already done that, I will say to the gentleman.

Mr. ALBERT. The gentleman is always ahead of everybody else.

Mr. GROSS. Can the gentleman think of anything else I might be able to do?

Mr. ALBERT. The gentleman might take a nap.

Mr. GROSS. I will say to my friend that most of the time the benches in the lounges are full and overflowing with Members taking naps.

Mr. ALBERT. I agree.

Mr. GROSS. Mr. Speaker, this means, then, perhaps any time up until midnight tonight, if that is considered today; is that correct?

Mr. ALBERT. I will give the gentleman assurances, and I am sure the Speaker will back me up in this, that the House will not be called back into session after 10 o'clock tonight.

Mr. GROSS. And the distinguished majority leader thinks that we should wait?

Mr. ALBERT. I think we must wait.

Mr. GROSS. We should sit and wait for the other body to perform?

Mr. ALBERT. We are waiting on our own conferees to get their report prepared now.

Mr. GROSS. I see. And this is for today only, and until midnight tonight?

Mr. ALBERT. The gentleman is correct.

Mr. GROSS. But hopefully not after 10 o'clock?

Mr. ALBERT. Certainly we will not be called back after 10 o'clock tonight.

Mr. GROSS. But we might be in session until 12 if we became tied up on something here?

Mr. ALBERT. If all the other Members of the House, including the gentleman from Iowa, will keep as quiet as the majority leader will be, we will be out before midnight tonight.

Mr. GROSS. Well, now, I do not particularly want the distinguished majority leader to be quiet because I do enjoy hearing him from time to time.

Mr. ALBERT. I like to hear the gentleman from Iowa, too. All I am trying to say that is if we move expeditiously, we should be out of here much before 12 o'clock.

Mr. GROSS. Mr. Speaker, on that note of assurance I withdraw my reservation of objection.

Mr. HALL. Mr. Speaker, further reserving the right to object, I just wonder if the distinguished majority leader, who is again asking us to stand idly by clicking our heels while we wait for a few Members in the other body to dawdle us like straw puppets and do their bidding—I wonder if the gentleman would have any conjecture as to whether or not, if this permission is granted, we might adjourn sine die tomorrow evening? Because anyone with the least perception and logic would know and predict that we cannot expect Members to be here on New Year's Eve or New Year's Day or Saturday and Sunday following. I repeat my prior statement that the Constitution, as amended, requires that we go out of session at noon on Sunday.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. ALBERT. Of course, I cannot promise that we will be out of here by tomorrow night. But we will be taking a good portion of the day to attend the funeral. Our only purpose in making this request is to expedite our business on the House side as much as possible.

Mr. HALL. It certainly seems to me that the distinguished majority leader and the leadership of this majority-controlled House should have long since served notice on the other body that we have completed our business and are waiting only for their joint conferences and reports back to this body and that we are going to serve notice that we will adjourn over from time to time until such time as they complete their business and they had "better get with it," because this is unconscionable to continue calling Members back and to plan work on a federally recognized holiday—as long as we have waited, and especially in view of that fact that we have had our necessary appropriation bills in this body so long passed.

Mr. ALBERT. The gentleman is certainly correct in observing that the House had passed all of the appropriation bills, initially at least, much earlier this year.

Mr. HALL. I think we would give great respite to the taxpayers of this country if we were to adjourn and go off leaving the other body dangling, instead of us dawdling.

Mr. ALBERT. I thank the gentleman.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma (Mr. ALBERT)?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 19172, LEAD-BASED PAINT POISONING PREVENTION ACT

Mr. BARRETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and, without objection, appoints the following conferees: Messrs. BARRETT, REUSS, ASHLEY, WIDNALL, HALPERN, and STANTON.

There was no objection.

ESTABLISHMENT OF AN EMERGENCY ECONOMIC PROGRAM TO COMBAT INFLATION AND RECESSION

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, I am today setting forth through the medium of a proposed House concurrent resolution a basic emergency economic program designed to combat the twin evils of inflation and recession.

It is clear that the administration's planned reduction in employment and production has not brought inflation under control. The cost of living has continued to rise, particularly in concentrated industries such as automobiles, machinery, and steel. At the same time the economic slowdown has far exceeded Presidential plans. Some 12 months ago the economy operated at 84 percent of capacity and unemployment stood at 3.5 percent. Today, the economy operates at only 76 percent of capacity and unemployment has reached a startling 5.8 percent.

My own State of Connecticut has been particularly hard hit; 91,900 workers or 6.6 percent of the Connecticut labor force were without jobs in November. In Waterbury, unemployment reached 9.9 percent. Rather than deflation, the administration's planned slowdown has brought only serious unemployment.

Our task now is twofold—to bring the economy back to its full potential with a minimum of new inflation, and once at this point, to maintain stable and steady

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growth without inflation. The latter is a long-term problem and must be dealt with through long-term solutions. However, the former is clearly a short-term problem and must be tackled immediately. The 4 million persons now looking for jobs, the businesses approaching bankruptcy, the hard-pressed consumers struggling to make ends meet, cannot wait for a long-range, permanent solution. They need immediate and emergency relief.

The time has come to recognize that the present economic situation requires emergency measures. My resolution provides the basic framework for a program of immediate inflation-unemployment relief. It expresses the sense of Congress that an economic emergency does indeed exist and, therefore, requires special temporary solution to achieve full economic potential without increased inflation. Such recovery demands both a rapid expansion of aggregate demand and positive measures to limit wage and price hikes during the emergency expansion period.

While increased demand can be achieved through existing institutions and available economic tools, the wage-price spiral requires a unique and novel solution. Accordingly, this resolution expresses the sense of the Congress that price and wage rates can be kept to an acceptable minimum during the emergency growth period by means of an Emergency Guidance Board, which would establish a voluntary price-wage guidance program. Such a board could, after consultation with leaders of business, labor, and consumers, establish emergency guidelines. While these guidelines would not be mandatory, nevertheless any substantial businesses planning a major price increase or any unions seeking major wage increases would be required to file an economic justification with the Board. The Guidance Board would publicize those wage and price increases which exceeded its published guidelines.

The Emergency Guidance Board, which would be a temporary creation, could thus bring substantial pressure to bear on both business and labor to achieve desirable economic results. Used properly and fairly, the Board would be an effective tool in cutting the wage-price spiral.

In the next Congress I will introduce legislation to establish the Emergency Guidance Board by law. It is my hope that the Congress will accept this board and that the President will in accordance with this legislation, ask the leaders of both business and labor to abide by the Board's guidelines during the period of emergency expansion.

This emergency guidance and growth program would, of course, not satisfy the Nation's long-term economic needs. However, it would provide desperately needed short-term relief. Our most immediate economic necessity is to increase aggregate demand and employment as quickly as possible but with minimum inflation. The Emergency Guidance Board can provide the essential wage-price stability while the economy as a whole is returned to full potential through more conventional means.

ADDITIONAL SOCIAL SECURITY BENEFITS

(Mr. DENNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DENNIS. Mr. Speaker, presumably, sometime within the next few days, if and when we ever get an opportunity to settle down to some serious business, we will vote for the third time in this session to increase social security benefits and, of course, social security taxes. I expect that I will join with most of you here in supporting that third increase.

Mr. Speaker, this is the type of benefit that is very hard to oppose at any time and particularly today when our own actions here have done so much to lead to excessive spending and to thereby eroding the dollar of the pensioners.

Nevertheless, I think it may be worthwhile pointing out for future reference that in this connection, as in some others, the day of reckoning may at one time come. In 1970, the top tax paid by everybody on $7,800 was 4.8 percent a year, which was $374.40 a year. In 1971, it will be 5.2 percent on $9,000 per year, which is $468. Those who are self-employed will pay $660.

Next year, the tax rate for both employer and employee will total 10.4 percent on incomes up to $9,000 per year—a tax take of almost $1,000 on a $9,000 income. A serious question arises how long will the working people of America, of all ages, stand for this tax drain on their earnings? The whole social security system requires some careful and fundamental study.

I include with my remarks a thoughtful article from the Indianapolis Star of December 27, 1970, written by Jameson G. Campaigne and entitled "Social Security: Little for Much":

SOCIAL SECURITY: LITTLE FOR MUCH

(By James G. Campaigne)

This is the season when we are counting our blessings.

Next week will bring in a new year in which we will start counting the costs.

The Social Security tax is due to go up again. There will be increased benefits for Social Security recipients ranging from 5 per cent to 56 per cent. To them that will be a blessing. But the cost will be almost $100 a year more for everybody else who pays Social Security taxes, and even more for the self employed.

In 1970 the top tax paid by everybody who earned $7,800 or more was 4.8 per cent of earnings. That comes to $374.40 a year. In 1971 the taxes paid by working earning up to $9,000 a year will be set at 5.2 per cent or $468 a year. The self-employed will pay about $660 a year as against $538 in 1970.

In addition the House last year passed a bill that would guarantee automatic benefit increases for those getting Social Security whenever the cost of living rises by 3 per cent. With this new provision, as long as inflation continues, benefits will keep on increasing—and so will taxes.

In 1937 when the Social Security program went into effect the tax was 1 per cent of all salaries up to $3,000 a year for both employer and employe. That was only $30 a year each. It didn't hurt much, particularly since income taxes were also quite low at that time. Next year the tax rate will have increased five fold for both employer and employe to more than 5 per cent each, making a total of 10.4 per cent of payroll on all incomes up to $9,000 a year. The tax take will be almost $1,000 on a $9,000 income!

Of course plans are being made for further Social Security tax increases and larger benefits in the years to come. The average worker, and his employer, can expect to pay into the Social Security system far more money than he can ever get back in benefits—if he should live long enough to collect any benefits.

Coupled with automatic pay raises being proposed for all Federal government workers (the expected rate of rise is 6 per cent), with automatic increases in welfare payments to a rising number of "clients," the regular increases in the Social Security taxes will help push the total tax burden on the average citizen toward 50 per cent in the 1980s.

Social Security has become, by now, virtually indistinguishable from a welfare program. It is not an insurance program. There is more money backing up private pension programs in the U.S. than there is in the Social Security "trust fund". The truth is that income and outgo in Social Security just about balance each other. Taxes—not insurance premiums—pay the current Social Security bills.

I don't know how long the young, and middle-aged and middle-income Americans will stand for this constant drain on their earnings by the Federal government. But what does worry me is that when they find out how much they are paying for so little security, they will revolt at the polls and demand that the Social Security system be cut back drastically.

This is already happening in Great Britain where the Conservative government has the support of more than 70 per cent of the people, including union members, in its efforts to cut down the welfare state costs, and provide funds only for those in real need.

I suspect it will not be long before the same thing happens here.

NEW OUTDOOR LIGHTING SYSTEM FOR GOVERNMENT BUILDINGS WITHIN THE FEDERAL TRIANGLE

(Mr. HANLEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on December 15, the Administrator of the General Services Administration, Robert L. Kunzig, inaugurated the new outdoor lighting system for the Government buildings within the Federal Triangle.

The project, coordinated with the Fine Arts Commission and the District of Columbia government, is a pleasing and beautiful addition to the effort to enhance the appearance of the Federal City.

The General Services Administration turned to the Crouse-Hinds Co. of Syracuse, N.Y., for the variety of lighting fixtures used to illuminate the buildings. I am pleased to represent this old and progressive manufacturing firm, and I want to share with my colleagues the following press release from Crouse-Hinds which sets out in detail the lighting project.

I am also bringing to the attention of the Members a newsstory on the event which appeared in the Syracuse Herald Journal on December 22.

LIGHT COMES TO WASHINGTON AT NIGHT

A new outdoor lighting system that dramatically illuminates buildings within the Federal Triangle was officially inaugurated December 15th by the General Services Administration. This project is related to a

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major plan to roll back the darkness in Washington and, in a sense, turn it into a city of light. Many of the important monuments and memorials have been illuminated, others are planned for the future, and a new high-intensity street lighting system is being installed.

The famous 8-block Triangle, bounded by Pennsylvania and Constitution Avenues and 15th Street, is the site for the buildings which house The Federal Trade Commission, the Internal Revenue Service, The Federal Bureau of Investigation, The Post Office, and the departments of Labor and Commerce.

The permanent lighting system is much more than a spectacular addition to this year's holiday scene in Washington. It has transformed this section of the city into an after dark landmark for the enjoyment of visitors, residents, and Capitol workers who previously detoured the shadows in favor of better lighted areas of the city where they felt more comfortable.

The General Services Administration and the consulting engineering firm of Sanders and Thomas, Inc., Pottstown, Pa., selected a variety of six different lighting fixtures manufactured by Crouse-Hinds Company, Syracuse, N. Y., to meet the demanding requirements of hard-to-light Gothic columns, crownshaped domes, and ornate horizontal and vertical surfaces. The project was coordinated with the Fine Arts Commission and the District of Columbia government.

The objectives of the lighting program are to beautify the architectural features for night enjoyment and to reduce the crime rate in the area. Crouse-Hinds illuminating engineers benefited from their previous experience in designing and manufacturing lighting fixtures for many of the country's notable monuments and landmarks—Mount Rushmore, National Archives, Treasury Department, and the Washington, Jefferson, and Lincoln Memorials.

The permanent lighting system will be virtually unnoticeable so the lighting fixtures are not obstrusive in the daytime and are also less vulnerable to vandals. Similar lighting techniques are used for each building to allow presentation of the Triangle as a totally integrated architectural design. A light level for all buildings was established to blend with the Capitol Building without detracting from it. The light reflected off the buidings onto adjacent sidewalks provides basic protective lighting around the building, and fills in shadow areas out of reach of the steet lights.

To capture the texture and variety of planes in the building facades, an up-lighting technique is used in which the light tapers off near the top of the building. The darkness at the extreme top portion of the building is cut by a bank, or crown of light of higher intensity. The resulting contrast is pleasing and realistically portrays the depth and dimension given to the building by the architectural design. Free-standing columns are illuminated softly; they stand in semi-silhouette, adding strength and permanence to the appearance of the buildings.

Of the more than 1100 Crouse-Hinds lighting fixtures used in the Triangle project, approximately 900 are equipped with 400-watt metal halide lamps, the remaining with 175-watt mercury vapor lamps. The weatherproof fixtures are made of high-impact-resistant cast aluminum, and provide for quick, simple relamping.

[From the Syracuse (N.Y.) Herald-Journal, Dec. 22, 1970]

Crouse-Hinds Lights up Washington

(By Joseph C. Ganley)

Downtown Washington is lit up like a Christmas tree these days, and a Syracuse manufacturing firm had much to do with it.

The thousands of visitors jamming the capital this week appear to approve the new lighting of federal triangle buildings located between the White House and Capitol Hill.

The lights, more than 900 luminaries manufactured by Crouse-Hinds Co. of Syracuse, were installed on buildings in the federal triangle prior to Dec. 16 when President Nixon switched them on at the same time he lighted the national Christmas tree.

The idea of the triangle project was to beautify the architectural features of the buildings at night, transforming the area into a 24-hour landmark for visitors and residents, and at the same time provide basic protective lighting around the buildings and in shadow areas out of reach of street lights.

Buildings illuminated include the Federal Trade Commission, Internal Revenue Service, Post Office, the Departments of Labor and Commerce, the National Archives and the Justice Department. The triangle is bounded by Pennsylvania and Constitution Avenues on the sides, and 15th Street at the base.

The system design, which was guided by the Fine Arts Commission, provided for hiding luminaries (an enclosed fixture which incorporates lamp, reflector, lens) so they are not noticeable in daylight, and less subject to vandalism, and use of "up-lighting" techniques to emphasize texture, an upper crown of light to convey dimension, and similar treatment of all buildings to present the Triangle as a totally integrated architectural design.

A visit to the area indicates the design is successful, bathing the buildings in a blue-gray light which sets them off and produces a pleasing visual impact—tying the structures into an overall blend with the White House, the Washington Monument, the Lincoln Memorial and the Capitol.

Of the 900 luminaires used in the system, 660 are provided with 400-watt metal halide lamps, the balance with 175-watt mercury vapor lamps. Illuminating engineers from Crouse-Hinds Syracuse plant worked with the General Services Administration and other firms on the project, which cost $355,000.

When the lights of the national Christmas tree are turned off early next year, the triangle buildings will remain lighted. They are already being hailed for their beauty, and also as a crime deterrent. The idea may spread to Syracuse.

Arthur Urlandt, Crouse-Hinds vice president in charge of Washington affairs, reported his firm is becoming the "lighting specialists of Washington." He noted the company supervised lighting recently of the Jefferson Memorial, and re-did the lighting scheme for the Lincoln Memorial.

He predicted the Washington experience would mark the beginning of a nation-wide trend to brighten downtown areas both for beauty and security. "It will keep business in downtown," he said.

SOVIET PERSECUTION OF JEWS

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, the persecution of the Jewish citizens of the Soviet Union demands the condemnation of all Americans—of the entire world community, in fact. Eleven persons—nine of them Jewish—have been convicted in a Leningrad court of the attempted hijacking of an airplane. Two have been sentenced to death, and the others to prison labor camps for 4 to 15 years. Another trial, involving some 20 more Jewish citizens accused of alleged anti-Soviet activity, is imminent.

To impose such severe sentences for an alleged crime never even committed violates common standards of justice. Hopefully, the voices of concerned men and women throughout the world have been heard, and the appeal hearing which has been scheduled for tomorrow by the Supreme Court of the Russian Federation will overturn, or at least decrease the severity of, the sentences.

But the real issue—one which the just completed trial and the forthcoming trial signal—is the cultural and political oppression being visited upon Soviet Jews. For many of them, their chief desire is to emigrate—that is what is really the moving force behind these trials. In large part, this desire stems from the repression which the Soviet Government exerts against them. The trials dramatize the plight of some 3 million Soviet Jews, whose cultural heritage is being destroyed and whose desire to live as Jews is being stifled.

Soviet Jews must be freed; the Soviet Government must let those who wish to emigrate do so, and let those who wish to live as Jews, in Russia, do so.

I urge that the House of Representatives make its voice heard by passage of the resolution which I have today introduced—House Resolution 1320. This resolution is a successor to House Concurrent Resolution 30, which I introduced on the first day of the 91st Congress "to express the sense of Congress against the persecution of persons by Soviet Russia because of their religion."

The resolution which I have introduced today condemns the religious persecution holding sway in the Soviet Union, urges the Soviet Union to permit the free exercise of religion and the pursuit of culture by all within its borders, and urges that the Soviet Union allow those citizens who wish to emigrate to do so.

The repression being visited upon the Jews of Russia evokes the most terrible memories of the recent past. This time, the world must immediately make eminently clear that anti-Semitism is the foul disease of depraved minds, and that any government which cultivates or abets that disease is itself depraved.

The full text of the resolution which I have today introduced follows:

House Resolution 1320

Whereas the House of Representatives deeply believes in freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world; and

Whereas abundant evidence has made clear that the Government of the Soviet Union is persecuting Jewish citizens and imposing restrictions that prevent the reuniting of Jews with their families in other lands; and

Whereas the Soviet Union has a clear opportunity to match the words of its constitutional guarantees of freedom of religion with specific actions so that the world may know whether there is a genuine hope for a new day of better understanding among all people: Now, therefore, be it

Resolved, That the House of Representatives condemns the persecution of any persons because of their religion by the Soviet Union, urges that the Soviet Union in the name of decency and humanity fully permit the free exercise of religion and the pursuit of culture by all Jews and all others within its borders, and urges that the Soviet Union allow those citizens who wish to emigrate to do so.

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A NEW POLITICAL HERITAGE—DANIEL MOYNIHAN'S DISSERTATIONS

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, it is seldom in our time that we have the opportunity to listen and to learn and be inspired by and moved by political rhetoric. Too often the political rhetoric in recent years has been an appeal to selfish interests, sectional problems, and too often what we say will not live or be good to look back upon.

Mr. Speaker, the history of the past will reveal that statements by political leaders in critical tones have measured highly and what they have said has turned out to be good not only for their time but for all time. They had their influence for good in what they said and what they did. Our response to what they said has added to our heritage, enhanced our stature, and strengthened our character and greatness because many benefits have come from this.

Mr. Speaker, once again in our time we are privileged to learn from our own political assets, and our present political leadership and from this to get our bearings, to find our base from which we operate and serve. I am speaking, Mr. Speaker, of the magnificent summary of 2 years with an administration, by Dr. Daniel Moynihan. He is going to be listened to as he should because of the respect he has earned among his close associates and especially the intellectual community, and most of all because of his experience as a Democrat with a Republican administration.

He will be listened to also because of the circumstances that prevailed and the place he gave us his summary. The circumstances of his retiring from the Cabinet to go back to a place where he can help explore, probe and influence the minds of preparing citizens to a great university, and the place was, of course, at the White House at a Cabinet meeting before men of great experience and stature and deep conviction. As he points out how because of the assets we have and because of who we are, America is still the hope of the world. Mr. Speaker, this speech should be read and pondered on by every American citizen of whatever political complexion, faith or belief, for it comes from a committed man, an honest man, a man of great mental ability and greater intellectual honesty.

This type of political rhetoric coming from this kind of people can help to bring a much needed stability to our time. It can reestablish our faith in the system. All this rhetoric, however, is for naught if we do not respond to it. And so respond we must in the areas where the real problems are. We must recognize that in today's world he who refuses to change, wastes his resources. Mr. Speaker, this statement, this dissertation, this eloquent reminder by Dr. Moynihan is calling us, is challenging us to change, to do better so that we can take advantage of the resources we have and not continually waste them.

I would like, Mr. Speaker, to comment and to elaborate on the statement, but it speaks better for itself than anyone can speak for it. It is as Sandburg said of Lincoln:

> His own words speak better than any we could say about them.

And so I join with my many colleagues and especially the gentleman from Massachusetts in a request to have the statement in the Congressional Record, where it may become a part of the Record and be available for reading to an estimated 60,000 people who read the Record, and with the hope that this may inspire and encourage others and especially those in the public service media to comment further and extensively on this magnificent political literature that now too has become part of our heritage.

Mr. Speaker, I have asked and been given permission to put the entire statement in the extensions of remarks of the Record where all can read this magnificent literature. A literature that will be a fine new addition to our American political heritage.

TRIBUTE TO THE HONORABLE WILLIAM T. MURPHY OF ILLINOIS ON HIS RETIREMENT FROM THE U.S. CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Annunzio) is recognized for 60 minutes.

Mr. ANNUNZIO. Mr. Speaker, it is a pleasure to take this special order to pay tribute to our distinguished colleague, the Honorable William T. Murphy of Illinois, who is retiring after 12 years of service.

As Bill's close personal friend and colleague of many years, I know I speak for all of us when I say that his presence will be greatly missed in the Congress.

Bill got into politics 36 years ago, and few men have made a more substantial and outstanding contribution to government at every level, local, State, and national. His successful career reflects the highest standards of energy, integrity, ability, and concerned citizenship.

While working as an engineer draftsman for the Chicago Highway department, Bill put himself through law school. At that time the highway department was across the street from Loyola University, and Bill, besides attending school there at night, ducked out on his lunch hour to attend classes. By 1926 he had his law degree and, after being admitted to the Illinois bar the next year, he took a job as an assistant right-of-way attorney for the highway department.

When an alderman's seat on the city council opened up in 1935, Bill ran for it and was elected. I think it is a very significant sign of his outstanding character that he won in a ward where his party was in the minority by about 4 to 1.

Serving on the council until his successful race for Congress in 1958, Bill in his 24 years as alderman of the 17th ward amassed a record of leadership and progressive action that is almost unmatched. With a wide range of interests and expertise, he served at various times as chairman of the committee on labor-management, the committee on planning, and the committee on planning and housing. He also served a term on the Chicago plan commission.

Those 24 years of dedicated service in the Chicago city government earned Bill the admiration, affection, respect, and loyalty of his constituents, who returned him to office with generous majorities in each election since his first congressional contest in 1958. This is particularly noteworthy, since when Bill started his congressional service, no Congressman had succeeded himself in his district for 18 years. In Bill, the people of the third district found a representative who had earned their absolute trust and confidence through his legislative leadership, dedicated service, and tremendous ability.

Bill is not the kind of person to seek the limelight of publicity for his accomplishments, but those of us who have worked with him over the years, his friends and colleagues in Congress, are very proud of his contribution to our Nation's foreign affairs as chairman of the Subcommittee on Asian and Pacific Affairs and as a member of the African Affairs Subcommittee. Very few men in Congress or in the Nation have his knowledge and understanding of the problems of the developing countries.

Virtually no one in our Government has made more friends through his intense sympathy and interest among the diplomatic representatives from Asian and African nations. The respect and admiration that Bill has earned among the foreign diplomatic community is so great that in 1 month 127 leaders of developing African nations met with him to discuss their particular problems and what the United States could do to help them. Much of his time on weekends is spent studying information on Asian or African nations, and he has become a self-taught expert on the problems, geography, and politics of Communist China.

Bill's place here can never be filled. His friends, his fellow members of the Illinois delegation, everyone who has known and worked with him, his constituents, and his many friends and admirers among the leaders and representatives of Asian and African nations are saddened greatly by his departure. But he will not be forgotten, and the record of his legislative leadership in foreign affairs will stand as a lasting tribute to his brilliant and dedicated service.

Mrs. Annunzio joins me in extending to Bill and to his devoted wife, Rose, our best wishes for abundant good health and many rich and happy years to come.

Mr. McCORMACK. Mr. Speaker, while I am very sorry to see my dear friend, the gentleman from Illinois (Mr. Murphy) leave the House, I congratulate him for the dedicated service he has rendered to his district, to his State, and to our country.

During his service in the House since 1958, Bill Murphy has served with outstanding ability and courage. As a member of the House Foreign Affairs Committee, which committee considers legislation of vital concern to the foreign affairs of our country, he has shown a

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keen vision of history in the making; of the ability to look into the future, which is most difficult for human beings, and to make his contribution as to the correct course for our ship of state to take. His intuition in his ability to look into the future in performing this important and sensitive duty has been remarkable.

For some years, BILL MURPHY recognized as a real statesman in thought, word, and deed.

A profound student of foreign policy and world conditions, he has been of invaluable assistance to his colleagues and to the House in giving to us the benefit of his experience, his knowledge, and his sound wisdom. Among the Members of the House, BILL MURPHY is highly respected for those rich human qualities that he possesses, and, more, because at all times he is a gentleman. He has exercised tremendous influence in conversation with Members who so frequently came to him for advice and guidance. And on many occasions, I called upon BILL MURPHY for his advice and guidance not only in matters concerning foreign affairs, but on legislation relating to our internal affairs.

For BILL MURPHY was recognized as a student across the whole pathway of government, and, in fact, life, and one who was a real supporter of progressive legislation.

One of the friendships I shall always cherish is the one that developed between BILL MURPHY and myself during our service together in the House of Representatives.

As a gentleman of high ideals and noble character, and as a legislator, he has added to the high traditions of the House of Representatives. He has contributed in a noble manner to the strength of our country internally, as well as in the fields of national defense and a firm foreign policy.

To my dear friends Congressman and Mrs. William T. Murphy, I extend my very best wishes that God will continue to bless them for many more years to come, and, in this respect, I know I express the sentiments of all of my colleagues of the House of Representatives.

Mr. STRATTON. Mr. Speaker, I join the distinguished Speaker in paying tribute to our colleague, the gentleman from Illinois, BILL MURPHY, who is retiring from Congress this year. He is a member of the Eighty-Six Club, that rather substantial and stalwart group of Members who first came to Congress as a result of the 1958 elections, and he is now stepping down voluntarily from this Chamber. I had the privilege of coming to this Congress with BILL MURPHY in 1959, and I have enjoyed my service with him during all of these 12 years.

He came to this House as one who had spent a great deal of time in municipal government in the city of Chicago. He had been a member of the board of aldermen, so he understood city problems. Here in this body Mr. MURPHY became, as the distinguished Speaker has just reminded us, one of the most valuable and competent members of the Committee on Foreign Affairs, being a very serious student of foreign affairs especially of Asia and China, and he contributed greatly to the work of that committee.

Congressman MURPHY was one of those whose experience and knowledge in world affairs had been such that he realized that this country continues to face a serious threat from communism both in Europe and in Asia, and that some of the easy clichés which have been prevalent in recent years in some circles did not really meet the needs of the preservation of our own form of government.

We are going to miss BILL MURPHY in this body, and I want to salute him for what he has done and to wish him and his lovely wife, Rose, Godspeed.

Mr. WOLFF. I should like to join the gentleman in the well in his remarks about our colleague from Illinois, BILL MURPHY.

Mr. Speaker, I join my colleagues in paying tribute to one of our most distinguished Members, the Honorable WILLIAM T. MURPHY. Here is a gentleman who will be sorely missed when the 92d Congress convenes.

During the past 2 years I have been privileged to serve on the Subcommittee on Asian and Pacific Affairs, of which the gentleman from Illinois (Mr. MURPHY) is the chairman. I have witnessed first-hand his depth of understanding, his thoroughness, his commitment to seeking the truth and his devotion to the development of the most responsible foreign policy for this country.

I have traveled to the Far East and heard from our diplomats and the leaders of other countries of the great respect they hold for Chairman MURPHY. I have seen that respect here on the floor of the House. When Chairman MURPHY speaks we all listen, for he speaks with great wisdom and compassion.

Not only has the chairman been an excellent leader of the subcommittee, but he has been an able, responsible Congressman in all aspects of his work. His single-minded devotion to public service has given him a career spanning three decades. I consider myself fortunate to have been able to know and learn from Chairman MURPHY during the congressional phase of his multiphased career. I trust that in his retirement he will keep active and not lose his zeal for public service.

Mr. GALLAGHER. Mr. Speaker, I should like to join our distinguished Speaker and the other Members of the House in paying tribute to BILL MURPHY, who is leaving the Congress. The Congress will be the poorer body because of his absence. He was a member of the 86 Club, as the gentleman from New York (Mr. STRATTON) said, and no man has served with greater dignity, honesty or integrity than has BILL MURPHY.

Having had the privilege of serving on the Committee on Foreign Affairs with Mr. MURPHY for some 12 years, I can say that in the various committee meetings and hearings we have had I have observed no one with a greater fund of historical knowledge or a greater fund of geographical knowledge than Mr. MURPHY. He has been able to place in context our relations with other nations and their people, to arrive at a proper perspective that was in the best interest of the United States.

BILL MURPHY has an expertise far beyond that of people professional in the field of foreign relations, and he has never failed to distinguish himself in his exchanges with professional people and the distinguished visitors and personages from other lands during the various hearings we have conducted. His knowledge impressed kings and presidents and ministers.

So, as one who has been personally very friendly with him, I have had the pleasure of his counsel, of his wise and guiding hand, since we first came to the Congress, and I can say we will deeply regret his absence. And I will miss a good friend.

BILL is a man who is a friend in all seasons and for all reasons, and I know that this House will be saddened by his absence.

I, too, wish him good health and health for his family, and hope that God will give him a lifetime to enjoy the fruits of his labors and the happiness of his family, who are so close to him and who revere him, as do his friends.

Mr. ALBERT. Mr. Speaker, I am delighted to join the distinguished gentleman from Illinois in paying tribute to our friend and colleague, Representative WILLIAM T. MURPHY. The people of the great State of Illinois have honored this House with a distinguished congressional delegation none of whom are more distinguished or more deserving of praise than our friend, BILL MURPHY.

BILL MURPHY is a valuable and respected Member of this House. He has been an able legislator and as a member of the House Committee on Foreign Affairs and more recently, the chairman of its Subcommittee on Asian and Pacific Affairs, he has played an important and vital role in the legislative process as it applies to foreign policy.

I join my colleagues in saluting him and his service to his district, his State, and his Nation. I salute the citizens of Illinois's Third Congressional District for sending Representative MURPHY to Congress and I thank them for giving us the privilege and pleasure of serving with and knowing this fine gentleman. We will greatly miss him in the next Congress.

Mrs. Albert joins me in extending to Congressman MURPHY every good wish for the future.

Mr. PUCINSKI. Mr. Speaker, I wish to commend my colleague, the gentleman from Illinois (Mr. ANNUNZIO) for his thoughtfulness in taking a special order today and affording the House an opportunity to pay tribute for his many years of public service to our colleague, WILLIAM MURPHY, who has chosen to retire at the conclusion of the 91st Congress.

WILLIAM MURPHY exemplifies the very highest tradition of public service.

As U.S. Representative from the Third Congressional District on Chicago's farthest southwest side, Mr. MURPHY has brought to his constituency a new dimension of understanding in world affairs, but at the same time, has never permitted himself to ignore the needs of his own constituency.

BILL MURPHY's career in Congress topped off an illustrious contribution to public service in which BILL MURPHY

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has been associated for more than 40 years.

Before coming to Congress, BILL MURPHY gained recognition and respect as one of the most capable members of the Chicago City Council.

As a former Chicago alderman, BILL MURPHY played a key role in developing the modern face of Chicago. As chairman of the important city council zoning committee, BILL MURPHY protected the residential areas of our city, while at the same time, methodically and systematically, put together an industrial grid that has helped make Chicago the biggest industrial complex in the world.

It was his skill and knowledge that brought about a balance between the needs of industrial growth in Chicago and the retention of the city's residential communities.

Here in Congress, BILL MURPHY has distinguished himself as one of the most knowledgeable members of the House Committee on Foreign Affairs.

There is not a Member on either side of the aisle who has not had occasion to marvel at BILL MURPHY'S profound knowledge of the world's geography and history.

He is a quiet individual, and his unusual calm belies the intense knowledge that he has brought to the Foreign Affairs Committee and to the House on the complexities of the world's geography.

BILL MURPHY is a scholar. He is an industrious student of history. There is not a country in the world that BILL MURPHY does not know from the very beginning of its history. It has been a rare pleasure for me to be able to listen to BILL MURPHY expound on the history, the culture, the growth, and the development of the various nations of the world.

I believe it is safe to state that BILL MURPHY has proven himelf one of the most profound students of the world's makeup in Congress.

BILL MURPHY will be missed. I am consoled by the fact that his immediate plans do not call for leaving Washington. I find comfort in knowing that he will be with us in Washington and that we will be able to continue enjoying his warm friendship and wise counsel.

I join my colleagues in wishing BILL, and his lovely wife, Rose, a most pleasant retirement and may they find a never-ending source of comfort and inspiration in the knowledge that all of us here in Congress are so much wiser because we have had the great opportunity of including BILL MURPHY as our friend, our colleague, and our counselor on foreign affairs.

Mr. ANDERSON of Illinois. Mr. Speaker, today we salute a member of the Illinois delegation in the House who is retiring after 12 years of distinguished public service. Congressman WILLIAM MURPHY of Chicago has been an outstanding member of the House Foreign Affairs Committee, and in his work as chairman of the Subcommittee on Asian and Pacific Affairs he has demonstrated a concern for underdeveloped nations and for a proper balance in America's role as a world power that does credit not just to his constituents in Chicago, but to that whole group of Americans who have a vital concern in the conduct of this country's foreign affairs. His legislative skill will be missed both in committee and here on the floor of the House. But more than that, his retirement represents a personal loss to those members of the Illinois delegation who have worked with him over the years and to his other colleagues in this House who join us now in saluting a distinguished American legislator. We wish him well and thank him for the service he has rendered.

Mr. MORGAN. Mr. Speaker, I want to join with my colleagues in expressing my regret that BILL MURPHY decided to retire and will not be with us when the new Congress convenes.

I want also to thank him for his distinguished service as a member of the Committee on Foreign Affairs and to wish him continued health and happiness during his retirement.

BILL MURPHY has served six terms on the Foreign Affairs Committee, and during the last 2 years was chairman of the Subcommittee on Asian and Pacific Affairs.

BILL MURPHY took his responsibilities as a member of the Committee seriously. He attended meetings regularly and took an active part in questioning witnesses and in our deliberations.

In addition, he was a student of history, geography and of the migration of peoples in Asia as well as in other parts of the world. All of us benefitted from his expert knowledge of these matters.

All of us who know BILL MURPHY are impressed with the breadth of his background and experience. In addition to being a member of the bar, he was a licensed professional engineer. Before coming to Congress, he served for 14 years as a member of the Chicago City Council and was a member of the Chicago Plan Commission.

Needless to say, this experience, together with his knowledge of the countries of Asia which he visited and about which he studied continually, was invaluable to the Foreign Affairs Committee.

All of us on the committee will miss him next year.

I want to pay a special tribute to BILL MURPHY and to his wife, Rose Mary, as being fine people. They embody the characteristics which all of us think of when we refer to good citizens. They have character. They stand up for their beliefs. They know the difference between right and wrong, and they are good company.

They deserve an opportunity to relax and enjoy life, and I join with all of their friends in wishing them well but I am sorry that they are leaving.

Mr. ZABLOCKI. Mr. Speaker, I am pleased to have this opportunity to join with my colleagues in paying tribute to a very distinguished Member of the House of Representatives who will retire at the end of this 91st Congress—the Honorable WILLIAM T. MURPHY of Illinois.

I have known BILL MURPHY as friend and fellow member of the House Foreign Affairs Committee since he entered this body in 1958. His knowledge, his industry, his untiring work on behalf of the people of his district and our Nation have never failed to impress me.

BILL MURPHY has been of particular assistance to me during the period when I was chairman of the Subcommittee on Asian Affairs and he was perhaps its most active member. Indeed his interest and contributions to the efforts of the subcommittee preceded his membership on the subcommittee.

During the period from 1965 to 1969 that subcommittee conducted hearings on the Sino-Soviet conflict, U.S. policy toward China, rural development in Southeast Asia, and the future U.S. role in Asia and the Pacific. The record of those hearings has been called one of the most comprehensive treatments of Asian policy and issues of the 1960's.

Much of the credit for the success of those hearings must be given to BILL MURPHY. He has been a student of Asia, particularly of China, for several decades and he brought an interest and an expertise to the subcommittee proceedings which was invaluable to its work.

During this 91st Congress, BILL MURPHY succeeded me to the chairmanship of the Asian Affairs Subcommittee and has demonstrated in that role his continued leadership and foresight.

Only recently the subcommittee, under his direction, conducted a series of hearings on United States-China relations. Top experts from the Government and academic circles testified on relevant issues.

The printed proceedings were issued just before Christmas holidays as United States-China Relations: A Strategy for the Future, and commanded considerable attention from the press because of their importance.

It is a tribute to BILL MURPHY that, although he knew that he would be ending his career in Congress at the end of the 91st Congress, he undertook so important and so difficult an endeavor as this major series of hearings.

The document which has been produced will, I am certain, stand as a lasting tribute to his outstanding efforts in the area of foreign affairs, and particularly Asian policy.

My wife, Blanche, joins me in expressing sincere heartfelt sentiment to BILL and to his lovely wife, Rose, that their retirement will bring them many days rich with joy and fulfillment.

Mr. BROOKS. Mr. Speaker, as we approach the close of this Congress, we are again faced with the inevitable departures of dear friends and colleagues. Although over the years one comes to expect this, it does not lessen the regret that we feel.

For the last 12 years, I have enjoyed my association with BILL MURPHY. He is a dedicated American who has served his district and his Nation with distinction. Although one can recognize the many reasons that led him to retire, it does not diminish the sorrow at the departure of such an able public servant.

The distinguished gentleman from Illinois retires with the knowledge of great accomplishments, a record of achievement, and the admiration of all his colleagues here in Congress. I join with them in wishing him many happy years of retirement, although I know he will

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continue his active service to our Nation for many years to come.

To Bill and his lovely wife, Rose, I wish the very best for the years to come.

Mr. MIKVA. Mr. Speaker, Bill Murphy is somebody that everybody will miss as a Member of Congress. His dedication to public service is a longtime thing. Anyone who knows him also knows that one way or another that lifetime of public service will continue.

But it is not just his constituents who will miss him. Bill Murphy has touched many people in his travels through the political world. Almost without exception, the people he has reached have remembered the courtesy, the humility and the friendliness of this man.

Bill Murphy will be missed by his colleagues here in Congress for those traits and for many more. As a freshman member of the delegation, I can personally give witness to the many acts of kindness of Murphy of Illinois. There was never any acrimony from Bill Murphy. There was always the gentleness of spirit which makes the term of appellation for our colleague one of real meaning. We shall all miss the gentleman from Illinois, Mr. Murphy.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today to pay my respects to my good friend and colleague, Bill Murphy. At this time, I would also like to thank my fellow Chicagoan, Hon. Frank Annunzio, for preparing this tribute.

I have known Bill Murphy ever since I first became involved in politics in the early 1950's. We have worked long and hard together and shared many interesting and rewarding experiences.

Bill's years of public service to the city of Chicago span four decades. He was a member of the Chicago City Council for 24 years and during that time was the very able chairman of the city committee on planning; a position well-suited for his dual talents as both a lawyer and an engineer.

Bill and I were fortunate enough to be two of the five freshmen Congressmen that the people of Illinois chose to send to Washington in January of 1959. Since our arrival, we have all devoted our time to different interests. For example, while Roman Pucinski has spent his time working hard on the Education and Labor Committee, and I on the Committee on Ways and Means, Bill has dedicated himself to the Committee on Foreign Affairs and has risen to the chairmanship of the increasingly important Subcommittee on Asian and Pacific Affairs.

It has been said by several people at the Department of State, that his precise understanding of the individual problems of the countries under the domain of his subcommittee never failed to amaze the various experts that appeared before his committee. Bill was appreciated by these people for the thorough and well-briefed manner in which he approached the issues.

While our commitments here in Washington have differed in many respects, our prime concern has always been for our great city of Chicago. It has been our togetherness in the support of our city that has made our delegation so strong, and in this cohesive group, Bill Murphy has been one of our strongest spokesmen. The Chicago delegation, as well as, I am sure, the entire Congress, will miss Bill's presence in Washington.

On behalf of my wife, LaVerne, and myself, I would like to wish Bill and his family the very best in the years ahead.

Mr. ERLENBORN. Mr. Speaker, William T. Murphy is a political foe of mine, but I like to count him a personal friend. He served on the Chicago City Council before he came to this House, and he did so with vigor and distinction. His work in city planning—and like all cities Chicago requires great wisdom in planning—marked him as a man of considerable talent.

As a colleague in the House of Representatives, I have found him progressive in his outlook and straightforward in his associations with his fellows.

He has been a good man for Illinois and for the United States. We will miss him.

Mrs. SULLIVAN. Mr. Speaker, I want to take advantage of the opportunity provided us by the gentleman from Illinois (Mr. Annunzio) to express our appreciation for the conscientious work during the past 12 years by Congressman William T. Murphy of Chicago, whose voluntary retirement from Congress will deprive us of one of our outstanding experts on Asia, Africa, and the Near East as exemplified by his valuable work on the House Committee on Foreign Affairs.

All of us who have joined in the House in support of liberal domestic legislation and in support of the many programs instituted over the years to achieve a peaceful world have always counted on Congressman Murphy's strong assistance and on his leadership, too.

While he will no longer be joining us in answering the bells summoning us to the House floor when the 92d Congress convenes, I am sure I reflect the views of many of my colleagues in the forthcoming Congress when I say we will always welcome his advice and counsel on legislation and hope he will let us know from time to time how he feels about those bills which carry on the work he so ably handled during his career in the House, particularly in the foreign policy fields, where his views always carried great weight with the Members of this body. My best wishes and warm regards go with Mr. Murphy as he prepares to leave this Chamber in which he has served so well.

Mr. HÉBERT. Mr. Speaker, I am privileged to join in the tribute being paid to my good friend, William T. Murphy, upon his retirement from the Congress. In fact, Bill was my neighbor since his office was across the hall from mine.

The House is not only losing a good friend, but a capable and experienced legislator who always did what he thought was in the best interest of his constituents and the country.

We need men of Bill Murphy's caliber at this time in our history, but I for one am sad to see him retire. But there is no doubt that Bill has served well for the 12 years he has been here and has earned the privilege to what he thinks best.

I could go on ad infinitum about Bill's accomplishments, but his record speaks for itself. I do want to wish him and his family many years of happiness and success in any endeavors that he may pursue in the future.

Mr. SLACK. Mr. Speaker, there is always regret and some sadness when one realizes that a good friend and stouthearted colleague is retiring. I came to membership in the House with the opening of the 86th Congress in 1959, and not long after I first took the oath of office I met Congressman Bill Murphy, a new Member from Illinois.

We shared together the beginnings of learning what a full weight of responsibilities we had undertaken. I recall very well his determination to master the workings of Congress and be in a position to serve both his country and his constituents.

I found him ever aware that in the House of Representatives we do not govern. We give voice to what we have learned from the people and transform that voice into law so that the people, in effect, govern themselves.

I thought of Bill Murphy not long ago when Speaker McCormack remarked that President John F. Kennedy had the capacity to "disagree without being disagreeable." This capacity along with a belief in the essential dignity of the lawmaking process and a firm dedication to principle have earned him the high esteem of all who have worked with him during the past 12 years.

He has shown never a doubt of his country's aims, never a fear for his country's future, and never a question but that his role in Congress contributed to the "last best hope of mankind."

I join with many others who will miss both his rewarding personal friendship and his good counsel, but he has earned the right to enjoy the years of contentment. I wish both Bill and his gracious wife a long life in happy knowledge of a job well done and a host of friends made during their congressional years.

Mr. GIAIMO. Mr. Speaker, it is with a mixture of sadness and joy that I say farewell today to my dear friend and colleague, the gentleman from Illinois (Mr. Murphy), who leaves us this week after 12 years of distinguished service to the Congress, the Nation and the world.

I am sad, Mr. Speaker, for I shall miss Bill Murphy. He came to Congress with me in 1958. I have worked next door to him in the Rayburn Building for the past 2 years. Above all, however, Bill Murphy has been my friend.

At the same time, I am happy for him. After such a long and outstanding career, no one is more deserving of the opportunity to lay down the burdens of public life and leave them for others to assume. In our struggle to solve the problems of America and the world, he has done more than his share.

Bill Murphy has achieved success as both a lawyer and an engineer; how many of us have had to struggle to achieve success in but one of these fields? He fought in World War I and has lived to help shape the course of world events; how many of us can say the same? Once a city councilman, he achieved the singular distinction of representing the Speaker of the House at the dedication of the Israeli Parliament in 1966; how many of us have traveled so far in life?

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Perhaps BILL MURPHY's highest honor, however, comes from those of us who have been privileged to serve with him in this House over the past 12 years. We all recognize him as an able legislator, a dedicated public servant, and a gentleman in every sense of the word. That, Mr. Speaker, is the reputation BILL MURPHY has earned in Washington. He has every reason to be proud of it.

I want to wish BILL and his lovely family every possible success and happiness in the years to come.

Mr. ROONEY of New York. Mr. Speaker, I should like to join my colleagues in wishing the distinguished gentleman from Illinois, the Honorable WILLIAM T. MURPHY, many, many years of happiness and ease as he voluntarily retires from this body. I have known BILL MURPHY for all of the 12 years that he has been in the House of Representatives and regret that he has chosen to retire. But after a lifelong career of public service BILL has well earned some leisure time. We shall miss his warmth and urbanity and even more so the integrity and capabilitiy brought to the House and to the Committee on Foreign Affairs. A hard-working and dedicated man, BILL MURPHY has earned the respect of all of us. We wish him, as well as his lovely wife, Rose, and fine family, Godspeed, health, and happiness over many years to come.

Mr. BROOMFIELD. Mr. Speaker, I join with my colleagues in paying tribute to the distinguished Representative of the Third District of Illinois, BILL MURPHY. His departure from the Congress saddens all of us who have had the pleasure of working with him in the House and on the Foreign Affairs Committee. More important, however, his retirement will be a severe loss to the district, the State, and the country he has served so honorably since 1959.

BILL MURPHY has had a brilliant career in private and public life. A successful lawyer, he was willing to sacrifice his practice in order to devote his time and energy to public service. Whether acting as a member of the Democratic Party, as a Chicago city planner, or as chairman of the House Committee on Asian and Pacific Affairs, BILL MURPHY has proven to be a creative and devoted leader. Few men have a better claim on the respect of their peers.

The career of an elected official must ultimately be judged by his resolution of the basic conflicts of political life: the good of the party versus the good of the State, personal gain, or national security. In an area of profound confusion throughout the Republic, there was never a doubt where BILL MURPHY would stand on a troublesome issue. Time and again he came down on the side of the national good. He put his country first, and we are all the better for it.

Mr. Speaker, my wife and I wish BILL and his family continued happiness in the years to come. No man deserves that happiness more than my colleague, BILL MURPHY of Illinois.

Mr. SCHNEEBELI. Mr. Speaker, BILL MURPHY and I were not only members of the 86th Congressional Club, but also for the past several years we had our Washington residence in the same apartment house. Consequently, I feel that I have become much aware of his outstanding character, and qualified to share this respect with my colleagues.

My friend BILL MURPHY is a quietly effective individual. He is well read and knowledgeable on many subjects, and exhibits particular expertise in the field of foreign relations. Of particular value to those of us who have had the privilege of working with BILL here in the House of Representatives is his kind and thoughtful attitude toward his congressional friends.

To BILL and his fine wife, Rose, go our best wishes and our sincere appreciation for their many kindnesses. They shall be deeply missed.

Mr. DADDARIO. Mr. Speaker, I am happy that this time has been reserved to celebrate the distinguished service of the Honorable WILLIAM T. MURPHY, with whom I have shared these 12 years of service in this body.

Mr. MURPHY and I came to Congress in the same year and I at once learned of his faithful and vigorous work for so many years in Chicago. They gave him a steady and sturdy grounding in the growing problems and opportunities of our great urban complexes, particularly in the fields of planning and housing.

But it was a surprise to me, as I know it must have been to many others, to become aware of his widespread interests, and particularly his understanding and familiarity with the geography and political problems of Africa, which made him a most happy choice when he became a member of the Foreign Affairs Subcommittee on Africa and the Near East, and showed up in his chairmanship of the Subcommittee on Asia and Pacific affairs.

We have also been aware of his interest and useful service through many years on the Canada-Paris Interparliamentary Group, strengthening the ties between these two great countries.

One of the pains at leaving this House is to experience a temporary, at least, disruption in the comradeship of so many fine Members. One can hope only that it will be temporary and we extend our best wishes to Congressman MURPHY, Mrs. Murphy, and his family for many happy years in the throbbing heartland of the Midwest.

Mr. KLUCZYNSKI. Mr. Speaker, my friend and colleague in the Illinois delegation, BILL MURPHY, announced over a year ago that he planned to retire at the end of the 91st Congress, bringing to a voluntary conclusion a distinguished record of solid public service. That time is now upon us; I wish to commend his achievements in this body and wish him a happy and productive retirement.

Integrity, resoluteness of purpose, attention to detail, breadth of outlook, a humane spirit, and a friendly manner, these have been some of the attributes of BILL MURPHY as a Member of Congress, just as they were his characteristics during the 24 years he served as Alderman of Chicago's 17th ward.

That ward has been part of BILL's congressional district, to which he has returned at least once a month during his six terms to serve his constituents by firsthand familiarity with their needs and opinions. He has accomplished many things as chairman of the subcommittee of the House Foreign Affairs Committee concerned with the complexities of Far Eastern problems. An expert on Communist China, his insight has often helped his colleagues in understanding the difficulties caused us by this Communist totalitarianism.

The members of his family, his wife Rose, his daughter, Rosemary, and his sons, William, Jr., and John, may take great and justifiable pride in BILL MURPHY's lifetime career of dedicated public service. We wish them to know that he will be greatly missed by those of us who know best his high qualities of mind and character.

Mr. COLLIER. Mr. Speaker, we are all happy that this session is rapidly approaching its end, but our pleasure is tempered somewhat by the realization that many of our colleagues will not be here for the 92d Congress. Among those who will not respond when the roll is called is my neighbor from Chicago, WILLIAM T. MURPHY.

Our distinguished and able colleague became a member of this body on January 3, 1959, after a successful career as a lawyer and a civil engineer. As I began my service just 2 years earlier, I have been associated with the gentleman from Illinois throughout his six terms in the House of Representatives.

During those 12 years of domestic turmoil and foreign crises, as the people's representatives labored to find solutions to the many problems that confronted our Nation, I had many opportunities to work with Congressman MURPHY. I soon became impressed with his experience, his ability, and his devotion to duty.

The gentleman from Illinois answered the call to the colors during World War I, when he was yet in his teens. Later, as he completed his interrupted education and grew into manhood, he continued to be of service, first as a member of the Chicago City Council and then as a member of this great body. He served on the council of his native city for almost a quarter of a century before assuming the even greater responsibilities of a Congressman.

Mr. Speaker, as Congressman MURPHY retires following a lifetime of dedicated service to his city, his State, and his country, my best wishes go with him. May the Good Lord continue to shower His blessings on him, his gracious wife, and his wonderful family.

Mr. UDALL. Mr. Speaker, I want to join in this salute to Congressman BILL MURPHY. Over the last decade, during good times and bad, BILL MURPHY has rendered outstanding service to his constituents and to this House, and he has made warm and lasting friendships which will endure his absence from this floor. I want to wish the gentleman from Illinois many happy and productive years in whatever pursuits he undertakes in his retirement.

You know there's another rising figure in the Murphy clan. Bill, Jr., a Ph. D. candidate at Princeton, headed this year a nationwide effort to elect new Democrats to the House. In the family tradition, he did a tremendous job.

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As our colleague ends his fine service in this House, I wish for him and all his family all the things they would wish for themselves.

Mr. COLLINS of Illinois. Mr. Speaker, the retirement of our colleague, the Honorable William Murphy, after more than a decade of distinguished service in this House, represents a loss not only to this body but to the whole Nation. It is my privilege publicly to recognize his character and leadership during this period and to share in the heartfelt tribute which is his due.

Born in Chicago in 1899, he entered upon a career in law, studying nights at Loyola University, where he received his law degree in 1926. Admitted to the Illinois bar in 1927, he served as attorney in the Chicago Highway Department. In 1935 he ran for the office of alderman in the city's 17th ward, won, and was regularly reelected for 24 years. As a member of the city council, he served at different times as chairman of the committee on labor management, the committee on planning, and the committee on planning and housing; he also served a term on the Chicago Plan Commission. In 1958 he ran successfully for Congress, winning reelection consistently for 10 years.

Bill Murphy was the first Congressman to succeed himself in his district for 18 years. His public career was a tribute to his enduring popularity among his constituents. Deeply concerned for foreign affairs, he served as chairman of the Subcommittee on Asia and Pacific Affairs and as a member of the African Subcommittee.

Here was the field in which he was able to accomplish incalculable good for America, building bridges of human association and trust across the seas, welcoming the new nations of Africa and Asia into fuller participation in the life of the world community. An expert on the problems, geography, and politics of Communist China, he has devoted time and energy to making foreign affairs relevant, informed, and vital.

I wish him; his dear wife, Rose; their two sons; their daughter; and two grandchildren all happiness. I am confident that Bill's retirement will mark a new phase in that life of service to God and country which has earned him our lasting respect, affection, and esteem.

Mr. FRASER. Mr. Speaker, William T. "Bill" Murphy has served as a valued Member of this House since 1959. Prior to his election to the House, Bill served long and productively in the Chicago City Council. I know that other Members will testify to the value of that earlier segment of Bill's public career. My observations necessarily concern the several years since 1963 when I first became a House Member, was assigned to the Foreign Affairs Committee and met our esteemed colleague from Illinois. However, I recently read in the New Republic an essay about the Chicago political system in which Bill Murphy has played an effective role. This analysis is a worthy addition, I believe, to this special order. I include it at the conclusion of my statement.

Bill Murphy's constancy, his hard work, his extensive reading about and study of the world—in short, the fine example he set for us, testify to his value as a House Member. I admire his diligence and his willingness to keep his mind open to new ideas and his willingness to consider new departures in our Nation's affairs. And while we have occasionally differed in our views on foreign policy he always exemplified a strong devotion to the Nation's security interests. For the past decade his contribution to our committee work has been an informed one and a solid one. He will be missed.

The essay follows:

[From the New Republic, Dec. 12, 1970]

TAKE HEART FROM THE HEARTLAND

(By Andrew M. Greeley)

"I don't like ethnic campaigning; I think it's kind of cheap."—Arthur Goldberg, candidate for governor of New York, to an audience of Italian-Americans.

"If you are humble in victory and courageous in defeat, you'll always get along in politics. Tonight is a night for great humility."—Richard J. Daley, November 4, 1970.

Both Kevin Phillips and the team of Richard Scammon and Ben Wattenberg are agreed that the Middle West is crucial in American politics. Whether it be called the "Heartland" or the "Quadracali," it is the "swing region" in Presidential elections; and as the elections of 1970 quickly become an unpleasant memory, one is forced to say that the heartland has moved to the left. In the massive block of America between the Ohio River and the Rocky Mountains, Democrats managed to hold almost all of their supposedly tenuous Senate seats, score most of their House gains, send a bright new liberal face to the United States Senate, and grab just about every governorship in sight.

How can this be? What happened to the silent majority? Where is the backlash? What became of the crime issue? Apparently, they've all migrated east of the Hudson River.

And, if the heartland has become liberal once again, its capital is the despised Second City on the shores of Lake Michigan. For the hated Daley Organization won what may be its greatest victory. Adlai Stevenson III now holds the Senate seat his father always wanted, having obtained 2,065,154 against his opponent's 1,519,718 votes. Two other attractive Democratic candidates—Alan Dixon, the new state treasurer, and Professor Michael Bakalis, the superintendent of public instruction—joined with Stevenson in leading the first major success for the Organization in previously solid Republican suburbs of Chicago; the Republicans find themselves with almost nothing left in Cook County, and the Democrats dominate the state legislature in Springfield for the first time in the twentieth century. Not bad at all for the last hurrah.

While Democrats and liberals in New York and Connecticut were busily engaged in committing suicide, Richard J. Daley was picking up every marble on the playground. While progressive New York was helping Mr. Agnew put James Buckley in the United States Senate, benighted, hard-hat Illinois was giving an overwhelming victory to a man whose family name symbolizes all that was supposedly dear in American liberalism. Is it possible that those who do most of the thinking and writing about American politics, who shape the issues and campaigns, who author the columns and the articles in the liberal journals have missed something critical about American politics?

One of my colleagues remarked the day after election that "of course you can elect a liberal in Illinois if his name happens to be Adlai Stevenson." Leaving aside the fact that there was a liberal called Paul Douglas and another called Charles Percy, the question remains why a name which symbolizes the "liberal permissiveness" that Mr. Agnew so cheerfully denounced is political magic in a state supposedly dominated by the silent majority and, to use a term bandied about at a meeting of the American Sociological Association in 1968, "shanty Irish bigots"?

I am contending that the Chicago system deserves a fair investigation in the wake of November 3 to see what it may tell us about the operation of the political process. Martin Meyerson, Edward Banfield and James O. Wilson have made such investigations on the scholarly level but their investigations are systematically ignored, even by their sometime colleagues at the University of Chicago. And the journalists from the East—to say nothing of their alienated imitators from Chicago—are interested only in telling it like they knew it was before they bothered to investigate it in any depth. Let me illustrate.

An Eastern paper the day after the election wrote of a "deal" by which Stevenson agreed to support Daley candidates in return for Daley's support of his senatorial candidacy. The article added that while Stevenson had won easily, the Daley machine had not done well. The facts are that such "deals" do not exist in Chicago politics (they are not necessary), that Stevenson *was* a Daley candidate, and that the Daley organization had won the greatest victory in its history.

The normally fair Howard K. Smith lumped Stevenson (though not by name) with Agnew on the night before the election as an example of campaign demagoguery because Adlai wore an American flag on his lapel, emphasized the crime issue, and put a famous prosecutor on his campaign staff. The facts are that Stevenson had authored crime legislation before it was fashionable to do so and that the prosecutor in question, Thomas Aquinas Foran, receives more hate mail for prosecuting a school integration case in a Chicago suburb, indicting police for the convention disturbances, and pushing faculty integration in the public schools.

Roy Newquist, writing obviously for non-Chicagoans in Fielding's *Guide to Chicago*, observes, "the political complexion of Chicago seems to be undergoing a change. The 1968 Democratic Convention riots upset the natives more than anything else that has happened in decades and citizens of all colors are taking harsh second and third looks at the regular Democratic (or Daley) machinery." Newquist is right, of course, that the natives were upset by the convention demonstrations, but the slightest glance at the public opinion polls ought to have indicated that it was not the organization at which they were angry.

A prize-winning Chicago journalist has quoted several times a sentence from a speech of Foran's after the conspiracy trial in which the prosecutor said, "Our children are shocked when they hear us saying 'wop' and 'nigger.' " He never bothers to add that the next sentence was, "And they are right to be shocked." Nor does he point out that on racial and economic matters Foran has always been a liberal. Indeed, one of the most fascinating interludes of the campaign was Foran—an impressive TV personality—upstaging Jesse Jackson on a TV talk show with ploys like, "I agree with you completely, Reverend Jackson, but I'd want to go further and take an even more radical stand."

A New Yorker once observed to me, "Everyone knows that Julius Hoffman is the most corrupt judge who ever bought a seat on the bench from Dick Daley." Hoffman is a Republican appointed by Dwight Eisenhower before Daley was mayor of Chicago, and judgeships are not "bought" in Chicago. They *are* frequently a reward for loyalty, but Chicago has no monopoly on this method of judicial selection.

The ordinary explanation for the "Machine's" triumphs implies that in part the votes are bought or stolen, and that in part

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they are cast by a patronage army. One gets the picture of vast, unthinking Slavic hordes marching in tight discipline to the polls. The facts are that you cannot steal or buy a half-million votes, and that the patronage army is tiny compared to the size of the city. Furthermore, the black and Slavic voters of Chicago are no less intelligent than voters elsewhere. The blacks have had alternative candidates to the Daley candidates and have, with one or two exceptions, soundly rejected them. Nor are the Polish voters who overwhelmingly endorsed Adlai Stevenson unaware of his racial stand. To explain the Organization's ability to get more than three-fourths of the Polish vote and three-fourths of the black vote in terms of fraud, fear, and theft is to turn the voters of Chicago into dull, stereotypical automatons. Such a strategy is useful for those who don't want to face the possibility that there may be some extremely important political truth that the Organization has discovered. But it is also prejudice in the strict sense of that word.

One moderately militant black summarized the position of many of his colleagues when he told me, "We're loyal to the organization because it works, because we know of no better way of improving our position in Chicago, and because, while it can't give everyone everything he wants, it can give most Chicago groups enough to keep them happy." Such a comment may sound cynical and, from a black, even treasonable. But, from the point of view of Chicago Democrats, it represents the essence of the political process.

The masters of ethnic politics are not intellectuals; they are not given to articulating abstract ideas; only Foran and one or two others look good on TV; their insight into the city and what makes it tick is not phrased in slick social science terminology, but is concrete and instinctual. Any attempt to state their model of the political process in formal terms—such as I will shortly engage in—is bound to lose something of the vigor and flavor of the original. On the other hand, while intellectual types may find the poor diction and malapropisms of some of the ethnic politicians vastly amusing, their amusement should not blind them to the fact that the best of politicians have an intuitive grasp of the city that would make the most skillful social scientist look naive.

The first assumption of ethnic politics is that the city is composed of various groups, national, racial, economic, religious. It is the politician's role to act as a broker among these groups, arranging and rearranging power and resources in such a way as to prevent one group from becoming so unhappy with the balance that they will leave the system. He arranges, usually indirectly and informally, and almost always gradually, compromises among the various power elements within the city, that these elements could not achieve by direct negotiation among themselves. Thus, Irish aldermen or congressmen are slowly phased out to be replaced by Poles and then blacks (there are three Polish Democratic congressmen, two blacks, two Jews, one Irishman, and one Italian from Chicago, and in the next aldermanic elections about 30 percent of the city council seats will be held by blacks); but there is no great fanfare accompanying such changes. Does the organization slate a black congressman to represent Cicero and Berwyn? It surely does; but it doesn't issue press release claiming that it is engaged in a revolution.

The "balanced ticket" is a symbol of this power brokerage game. To exclude a group its "place" on the ticket is to insult and offend them. If you should tell an ethnic politician that in one state (New York) the Democratic slate was made up of three Jews and a black and that the party still expected to get the Irish and Italian vote, he will simply not believe you. And if you tell him that in another state (Connecticut) a Unitarian minister with an Irish name and a liberal background led a slate on which, for the first time in many years, there were no Irish Catholics he would assume that the Irish vote would go Republican and wonder who was responsible for such an inept decision.

Nor would he be able to understand why some would consider piece-of-the-pie demands to be immoral. The model of the new politics—enthusiastic college students from "out of the neighborhood," vigorous ideological liberalism, passionate moral self-righteousness—would baffle him. The ethnic politician knows that in most of the districts of his city this model will not win elections.

In his frame of reference you can't afford to lose one economic or racial or ethnic group. If you win an election at the price of turning off one such segment of the city and setting the others against this scapegoat group you're simply asking for trouble. No political leader can afford to lose a major group from his consensus, for he will find it difficult to govern without this group and even more difficult to be reelected.

The ethnic politician also realizes that most people are not ideologues. He knew long before Amitai Etzione's brilliant article in *Transaction* that most people are quite "inconsistent" in their political attitudes; they are "liberal" on some issues, "conservative" on others. Furthermore, the ethnic politician realizes that for all the attention they get on the media, self-appointed "spokesmen" usually represent only themselves and a tiny band of friends. Most citizens are not interested in ideology but are moved by more concrete and pressing matters—jobs, sidewalks, garbage removal, streets, transportation, housing, access to the government to get assistance when needed. The vast network of precinct captains is not merely, or even principally a downward channel of communication designed to convey voting instructions. It is also a technique—frequently more effective than public opinion polling—for determining what is on people's minds and providing them with a feeling of access to the system.

Why do you slate an obvious liberal like Adlai Stevenson at a time when the pundits are all persuaded that there is a "shift to the right"? Partly you may do it because you don't read the pundits, but partly because your instincts and your organization say that Adlai is a winner. Why are you undismayed when a smooth advertising firm, relying on poll data and White House advice, turns out clever ads suggesting your candidate is "soft" on student radicals? Mostly because your instincts and your organization tell you that the student issue is not all that important and that Adlai is still a winner. And why do you rejoice when the Vice President arrives on the scene as part of the "realignment" strategy and accuses Adlai of disgracing his father's name? Because you know your voters well enough to know that they are not going to be "realigned" by such foolishness and will certainly resent such an attack on someone about whom they have already made up their minds.

The ethnic politician is also free from the pundit's uncertainty about the nature of the electorate. Before the election, there was much fear that the voter was a narrow, frightened, easily swayed member of the silent majority, and maybe a hard-hat to boot. After the election, he looked more like a responsible, discriminating, and sophisticated person. But from the ethnic politician's viewpoint, both images are incomplete. He is well aware of the unpredictability, the strain towards bigotry, the extreme sensitivity to slights, the fear, the impatience with all politicians. But he also realizes that there is a strain towards rationality, openness and trust, and a sympathy for social reform, and that, in his better moments, John Q. Voter is capable of civility, intelligence and generosity. Thus, the ethnic politician is not too surprised when he rises to heights. In other words, you appeal to both the voter's fears and his idealism, his selfishness and his integrity; and, after awhile, you hope that you have become skillful in the art of blending the two kinds of appeals.

The ethnic politician's slogan that social progress is good politics is neither phony nor cynical but simply a statement of political reality as he sees it. He knows that if he is too "conservative" the balance he has established will not shift rapidly enough to keep up with the changing state of his city; and if he is too "liberal" he may attempt to force change on the city before there is a broad enough consensus to support it. In the thirties he supports the trade unions and in the sixties the black demand for power, but he supports both such demands in ways that will not drive other groups out of his coalition. There may be a tendency in such an approach to move too slowly, especially if the organization has poor communication links with a minority group. But the political leader is much less sanguine than his academic critic about the ability of any leadership to correct most social problems in a brief period of time.

The two Stevensons, Paul Douglas, Otto Kerner (who presided over the extremely liberal report on Civil Disturbances), and the present Lt. Governor, Paul Simon, represent a liberal tradition of which any state might be proud. Michael Bakalis, a thirty-two year old university professor (of Greek origin, conveniently enough), and US Congressman Abner Mikva are liberal enough to please Professor Galbraith. The ethnic politician knows that there is a strong liberal strain in his electorate and that an articulate and intelligent liberal can have strong voter appeal. The liberal must of course be able to win, he must want to win (frequently a difficulty for many American liberals) and he must not forget who helped him to win—or run the risk of not winning again. Furthermore, he must realize that he and his fellows cannot claim a monopoly on all offices. From the point of view of the ethnic politician, liberalism is good politics, especially when he can find a liberal who is willing to admit that politics can be good liberalism.

While his critics contend that it is patronage which holds the organization together, he knows himself that "loyalty" is more important than jobs. As one young Irish lawyer put it, "a man who is not loyal to his friends will never be loyal to an idea." The mockery to which Arthur Goldberg was subjected by those who thrust him into the political limelight would be unthinkable to an ethnic politician. You stand by your own, even if they have made mistakes, or if they have perhaps grown a bit too old. You wait patiently in line until it's "your turn" to be slated. You accept the decisions of the organization with good grace and work for the success of the ticket even though you are personally disappointed. You do so because you're convinced that there is no other way to engage in politics and that the alternative is what New York Democrats are currently calling Balkanization.

In his book, *The Irish and Irish Politicians,* Edward Levine tells the story of Nineteenth Ward Committeeman John Duffy who supported Martin Kennelly against Daley in 1955 because of the loyalty that Duffy's mentor, Thomas Nash, felt for Kennelly. According to Levine, Daley is reputed to have said, "If I were Duffy I would bolt." Later Duffy became the organization's president of the county board and worked closely with the mayor. There is a nice etiquette required of those who must balance loyalties, but the phrase "do what you have to do" is fully understood by the ethnic politicians. When he hears that this is "clanishness" the ethnic politician is puzzled. What are the alternatives? To quote one of Levine's informants, "The only thing you have in politics is your word. Break your word and you're dead. The most successful politician is the politician who kept his word." But if he is puzzled by the failure of the "liberal" to understand this truism, the ethnic politician

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would probably be astonished that such new left political theorists as John Schaar are demanding the same kind of personal fealty from their political leaders. The ethnic leader and the hippy guru may have more in common than they know.

There are obvious faults in such a political model in addition to those which are inevitable in any political model. Its very flexibility and amorphousness may make dishonesty and corruption somewhat easier than the so-called Reform models of politics, but ethnic systems are much less corrupt in most American cities than they have been in the past and ethnic politicians have no monopoly on corruption. Nor is the charge that the ethnic system is not open to the major forces of social change a valid one; quite the contrary, if the system is working properly social change is precisely what it is open to, though it distinguishes between actual social change and that announced by academic theorists.

There are three critical weaknesses however. First, the responsiveness of the system to groups depends to some extent on how well organized and articulate a given group is. The ethnic politician does not readily spot a situation where a given group may need his help in organizing itself and articulating its demands.

Second, small but potentially explosive groups can be missed. The basic problem at root of the 1968 turmoil was that the organization had little experience with the Youth Culture and was unprepared to deal with it. It learned quickly and there has been no repetition of the scene in front of the Conrad Hilton, but the mistake of playing into the hands of the radicals was a function of the fact that until the convention Youth Culture was not seen as a serious problem to cope with.

Finally, while the ethnic politician is not likely to be swayed by the moralism, the dogmatism and the perfectionism of the academic, his own proclivity to a concrete and instinctual style makes it hard for him to communicate with the intellectual and make use of the intellectual's important contribution to the political process—and, in particular, the intellectual's ability to spot long-range trends and problems.

It is difficult to write such an article for non-Chicago readership. The mere mention of "Chicago politics" or "Richard Daley" or "Irish politicians" erects a barrier in certain segments of American society which is hard to pierce. The system is immoral and corrupt or, to use Mr. Goldberg's word, cheap.

But the "liberal" may want to ponder the thought that the alternative is Nelson Rockefeller and James Buckley till the year 2000. And the "radical" may feel that ethnic politics are part of the "establishment" which must be overthrown in "the revolution"—whether it be the peaceful revolution of Consciousness III or something more bloody. But the "radical" may want to ponder the fact that even after the revolution he will have to contend with the same social groups in the large city with which the ethnic politician must cope, and that if he does not come up with a better method, he will either have to fall back on the ethnic strategy or maintain a very efficient secret police and a very large system of concentration camps.

Mr. ADDABBO. Mr. Speaker, I rise to join my colleagues in paying tribute to our distinguished colleague from Illinois, Hon. WILLIAM T. MURPHY, who is retiring from the Congress at the end of this session.

BILL's work on the House Committee on Foreign Affairs and his leadership in chairing the Subcommittee on Asian and Pacific Affairs has won him the admiration and respect of all of us in the House. He has served in this body since January 1959, and his record of public service to the people of Chicago dates back to his days on the city council to which he was elected in 1935. It is a record of public service in which BILL can rightfully take pride and which we honor today.

The people of the Third Congressional District in Chicago will miss the dedicated representation of WILLIAM T. MURPHY in the Congress and we who continue to serve here wish him a healthy and truly enjoyable retirement.

Mr. HATHAWAY. Mr. Speaker, it is a great privilege for me to join my colleagues today in the tribute to our distinguished colleague, Hon. WILLIAM T. MURPHY, of Illinois, who after 12 years of outstanding service is retiring from the House.

BILL MURPHY has been an outstanding representative of the people of Illinois. He has been an able and effective Member of this body. I am proud to have been associated with him.

I hope his retirement from the House will not mean the end of his public service. For the Nation needs the contributions of dedicated men like Congressman MURPHY.

To BILL and his family I extend my best wishes for every future happiness and success.

Mr. YATRON. Mr. Speaker, I would like to associate myself with the remarks made by the gentleman from Illinois (Mr. ANNUNZIO).

A new Member of Congress often looks upon those having more experience and expertise with interest, so that he may gain greater knowledge of the Congress.

Our retiring colleague, WILLIAM T. MURPHY, is one to whom I have looked and it has been my good fortune to have worked with him on the House Foreign Affairs Committee.

His career in the public service is a long and distinguished one—having served on the Chicago City Council for a number of years and later as a Member of the U.S. Congress. He is a credit to the people of Illinois and to the third district which he has so ably represented.

BILL MURPHY is a close personal friend of mine and I will feel a very real sense of loss when the 92d Congress convenes without him, for his absence will be sorely felt.

My most genuine good wishes and hopes go with BILL MURPHY for his continued success in life. He has set an example which I will remember and value.

Mr. MORSE. Mr. Speaker, it is with great pleasure that I join my colleagues today in paying tribute to BILL MURPHY who has served this body with great dedication and devotion during the past 12 years. I have had the pleasure of working with BILL MURPHY on the Foreign Affairs Committee, so it is with firsthand knowledge that I speak of his tireless devotion and creativity in dealing with the developing nations of the world; his absolutely unsurpassed knowledge of geography; and his effectiveness as a spokesman for the U.S. Government. BILL's quick intellect and deep understanding of world politics has always added significantly to the deliberations and work of the committee.

BILL MURPHY has brought distinction to the Chicago delegation in this body, and his years of exemplary public service are a credit to his city, his State, the House of Representatives, and our Nation.

Besides our serving together on the same committee in the House of Representatives, BILL and I share something else in common with only one other Member of this body—the same birthday, August 7.

BILL MURPHY is a dear friend, an understanding and hard-working Member of Congress, and an uncommonly unselfish individual. His talents and his generous character will be missed in the 92d Congress. I wish him the greatest happiness, contentment, and good health in the years that will follow his retirement.

Mr. SPRINGER. Mr. Speaker, I am grateful to the gentleman from Illinois (Mr. ANNUNZIO) for affording us this opportunity to pay tribute to our retiring colleague, the Honorable WILLIAM T. MURPHY of the Third Illinois District.

BILL MURPHY's retirement leaves a void in the Illinois delegation that will be hard to fill. He has made a lot of friends on both sides of the aisle during his decade of service in this House. They respect him for his abilities. They love him for his fine personal qualities.

Since my hometown is Champaign, site of the University of Illinois, I have always felt a special affinity for BILL MURPHY, who was an Illini back in the early 1920's before his graduation from the Loyola University School of Law in Chicago. His service in Congress capped a long and distinguished career in the service of the public. God grant that he will have many years of health and happiness to enjoy his retirement years.

Mr. WILLIAMS. Mr. Speaker, I am glad to join my good friend and colleague, Congressman FRANK ANNUNZIO, in paying tribute to our retiring colleague from Illinois, Congressman WILLIAM T. MURPHY.

During BILL's 12 years in Congress, he has always been a conscientious and quiet, but very effective and distinguished Member of the House.

He has had the respect and affection of all of his colleagues. He has been one of the outstanding experts on the Foreign Affairs Committee on Asia, Africa, and the Near East and his leadership has proven invaluable to us as Members of the House in discussing and passing legislation involving these troubled spots of the world.

BILL MURPHY's able service in the House of Representatives is a credit to the good judgment of his third district constituents, who returned him to the House for six consecutive terms.

We will all certainly miss him; but he, his ready smile and quick wit will not be soon forgotten.

I know that I am joined by many, both Republicans and Democrats, in wishing BILL MURPHY the best of luck and good health in the future.

Mr. MADDEN. Mr. Speaker, our colleague, Congressman WILLIAM T. MURPHY of Chicago, is retiring from the Congress after giving outstanding service to his congressional district, county, State, and Nation over a period of 12 years. Previous to his election to the Congress of the United States WILLIAM MURPHY

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had made an exceptional and outstanding career as a lawyer and Chicago city councilman for over 25 years. As Chicago city councilman he served during this period on a great number of committees, commissions and assignments pertaining to the governmental operations and other municipal projects which have aided in the phenomenal growth of his native city.

During his service in Congress he has served faithfully and with outstanding ability as a member of the House Foreign Affairs Committee, and particularly as chairman of the Subcommittee on Asian and Pacific Affairs, and other subcommittees pertaining to Africa and the Far and Near East. He was also a member of Canada-United States Interparliamentary Group and has been assigned by the Speaker on a great number of other special missions pertaining to our foreign affairs.

Congressman Murphy possesses an outstanding personality and by reason of his education and experience as an attorney has made a record of public service enjoyed by very few attorneys and Members of Congress. He has enjoyed the friendship of all Members of the House and has been very effective in representating his constituents and also in securing welfare aid and Federal projects for his congressional district—the city of Chicago and Cook County. It was sad news for the leadership and other Members of Congress who are his personal friends and who have admired his ability and capacity as a legislator when we heard of his voluntary retirement from this legislative body.

I join with other Members in wishing Congressman William Murphy the greetings of the season and also hoping during his retirement he will continue to be active and further extend his public service to Chicago, Illinois, and the Nation.

Mr. BOLLING. Mr. Speaker, may I join with my colleagues in expressing deep regret that Bill Murphy has decided to retire from the Congress after 12 years of dedicated and distinguished service. He did not need to leave; no doubt his constituents wished him to stay as do his colleagues.

We will miss him, and his scholarly approach to many issues. He has made a great contribution to the work of the Committee on Foreign Affairs through his knowledge and understanding of our international problems. He has my best wishes for the future.

Mr. RYAN. Mr. Speaker, I am pleased to join my colleagues in this tribute to Congressman William T. Murphy, who is retiring after a dozen years of dedicated service to his constituency and to the Nation. It has been a privilege to serve with him in the House where he has been especially faithful in his attendance on the floor during debate and in consideration of bills under the 5-minute rule. I have observed that Bill Murphy is there when his presence is needed, and that is essential if good legislation is to be passed without injurious amendments. His alertness on the floor has saved important legislation on more than one occasion, and I know how much the Democratic leadership relied upon him.

Bill Murphy brought to the House a wealth of experience in urban affairs. He was first elected an alderman of Chicago's 17th ward in 1935 and spent the next 24 years as a councilman. He served as chairman of the city's committee on labor-management, the committee on planning, and the committee on planning and housing. Much of the progress that Chicago attained in those years could be attributed to the hard work of men like Bill Murphy. His background in city government prepared him to legislate effectively on urban problems.

As a diligent member of the House Committee on Foreign Affairs, Bill Murphy soon developed an expertise in foreign affairs. He spent as much time as he could possibly spare from a rigorous schedule studying information on Asian and African nations and has become an expert on the problems, geography, and politics of these nations. He is especially well informed on China. His leadership as chairman of the Subcommittee on Asian and Pacific Affairs has been commendable; and his willingness to shoulder a heavy portion of the workload on the African subcommittee has earned the gratitude and respect of his colleagues.

Bill Murphy's undaunted drive in attaining excellence has been typical of his actions in almost any undertaking. In high school he won nine athletic letters. While working at a full-time job with the Illinois Highway Department, he earned his law degree by spending his lunch hour and evenings in Loyola University Law School.

Drive and dedication have been hallmarks of Bill Murphy's career both in the House of Representatives and earlier in Chicago. As he enters upon retirement with the respect and esteem of his colleagues, I wish him the best of everything in the years ahead which I hope will be years of continued fulfillment for him.

Mr. PRICE of Illinois. Mr. Speaker, a few years ago, upon my return from Vienna, where I had served as a congressional adviser at a biennial conference of the International Agency of Atomic Energy, my friend, Bill Murphy, asked me if I had visited certain points of interest in the city. At the same time he accurately described their location and the surrounding areas. He was so vivid in his description that I asked, "How long has it been since you were in Vienna?" Imagine my astonishment when he replied he had never been there. His knowledge had come from a lifelong hobby of studying maps of all of the world's principal cities. It was thorough and more complete than that brought back by even the most frequent traveler.

This tells the story of our beloved colleague from Illinois, the Honorable William T. Murphy, of Illinois' Third District, who is voluntarily retiring from this body at the close of the 91st Congress. Because of this interest Bill Murphy has become a most valuable member of the House Committee on Foreign Affairs. It helps to know what you are talking about when you have problems dealing with other parts of the world.

We shall miss Bill on Capitol Hill. Our delegation will miss him for many reasons. His sound judgment; his advice, and counsel of matters coming out of his committee; his appraisal of problems that confront us in everyday work here in the House, his grasp of the needs of our own State of Illinois—all these were of great value to us all.

Bill Murphy is no Johnny-come-lately in the field of labor management, housing and urban planning. Since the beginning of his career as a public official in 1935—35 long years ago—he has worked in these fields to the benefit of his city, his State, and his Nation. His record of service to his beloved Chicago won him much acclaim. As a member of the city council from 1935 until his election to Congress in 1958 he applied the same study and hard work as he does in his official duty now. Among his many city council assignments was the chairmanship of the committee on planning and housing, 1955–59, placing him among the pioneers in the municipal planning field.

As a member of the legal profession he had the background and logical approach to equip him admirably for the various important tasks that he assumed as a public official. The training has shown in the results obtained.

As chairman of one of the most important subcommittees on the House Foreign Affairs Committee—that of Asian and Pacific Affairs—he is most effective in his important work. In addition he is a member of the Subcommittee on Africa, Far East, and Near East. Between the two subcommittees he is brought into consideration of foreign policy matters concerning more than half of the nations of the world.

And that's where Bill Murphy's hobby which I mentioned in the beginning of my remarks becomes of great value to the people of the United States. Witnesses who appear before those committees, from the Secretary of State himself, on down through the chain of diplomats, are astounded by his knowledge. Knowledge which he has obtained by years of hard study, and reading of every book that is written on practically every country in the world—together with the first hand information he extracts carefully from the most reliable of sources.

Bill puts much study and great effort into everything he does. He worked tirelessly in behalf of his own constituency. He accomplished much in their behalf. They can look with pride on the record of their Congressman. So with such an outstanding record—service to his country in the Armed Forces, service to his home community as a city councilman, and service to his country as a Member of Congress, Bill Murphy can leave official life with the personal satisfaction of having been faithful to the trust his people placed in him.

Along with his own constituents, his colleagues here, and the legion of friends he has made everywhere he has walked, I wish him good health and happiness in the years ahead. My wife, Garry, who is so fond of both Bill and his lovely wife, Rose and their family join me in these good wishes.

Mr. VANIK. Mr. Speaker, I want to take this time to pay tribute to the legislative contributions and achievement of our distinguished colleague from the Third District of Illinois, the Honorable WILLIAM T. MURPHY.

During the past 12 years, I have seen the responsible and consistent work of BILL MURPHY the legislator.

As a member of the Foreign Affairs Committee, he has been extremely active in matters involving America's foreign policy and our relations with other governments.

"BILL" MURPHY is respected by the House as a great human being, dedicated, forceful, and a fine legislative companion. He has made his mark in this body, he deserves a happy retirement and the blessings of good health.

GENERAL LEAVE TO EXTEND

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Illinois?

There was no objection.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 60 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The average American family today can purchase one-third more goods and services with its annual income than it could just 10 years ago.

FOREIGN STEEL IS STILL STEALING AMERICAN JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 10 minutes.

Mr. GAYDOS. Mr. Speaker, foreign steel is still stealing American jobs. Stealing widely diversified jobs that many of us thought were safe a short year ago. Our steel industry still needs protection just as badly as do the Nation's glass, textiles, leather, and other industries.

It has been argued the steel industry is not suffering to the same extent as these other producers; that employment still is relatively good. It is true the industry, as a whole, is enjoying a tolerable year in exports, but those facts and figures do not reflect the complete picture of the industry itself. Segments of the steel industry continues to be hit and hit hard by foreign imports.

This is of vital concern to me since 25 percent of the entire Nation's steel-producing facilities are located in and around my 20th Congressional District in Pennsylvania. Our economy floats on steel and our economic raft rises and falls on the waves of foreign steel imports.

Four times this year we have seen the Federal Government grant financial assistance to workers who lost their jobs to imports and, I fear, the worst is yet to come. The U.S. Wood Screw Service Bureau released startling statistics on the effect imports are having on employment in the metal fastener segment of the steel industry. United States Steel Corp., the Nation's largest steel producer, has issued a report expressing serious concern over the status of its seamless specialty steel tube division. If this Nation should lose its domestic market for this product, our national security would be threatened.

The Wood Screw Service Bureau informed me that industry needs annual sales of $26,218 to support the job of just one employee. Already the impact of imports in this little noticed industry has been so severe that 8,000 to 9,000 American workers lost their jobs. This is just an example of the creeping paralysis which will eventually terminate in economic rigor mortis.

The situation is bound to get worse unless we in the Congress substitute action for rhetoric. By the end of this year, imports of all types of screws, nuts, bolts and rivets will have increased more than 254 percent in the past 6 years. Their total values, which amounted to $34 million in 1964, will now reach nearly $121 million by the end of 1970. Foreign imports will already have captured 72 percent of the American wood screw market. This is the frightening situation in this segment of the steel industry.

United States Steel also reports foreign imports in the seamless tube division have increased 2½ times in the past 6 years and foreign producers now supply more than 30 percent of a number of types of seamless specialty tubing used in this Nation. This year, imports of critical, high-value-per-ton stainless and heat resisting alloy seamless steel tubing reached a level of more than 40 percent of the domestic market. Since 1964, imports of carbon steel tubular products increased more than 100 percent; alloy steel tubular products by more than 500 percent, and stainless and heat resistant alloy steel products by more than 400 percent.

How serious then is the situation in steel? Very serious, if I interpret United States Steel's report correctly. It states in one section:

> The markets for seamless specialty tubular products in this country *are not* large enough to support both domestic production and unrestricted imports.

In short, Mr. Speaker, our country "ain't" big enough for both of them.

This may sound like a line of dialog from a class B western film, but the warning is unmistakable. Unless the import trend is reversed, domestic producers of these products in this country and my district face three alternatives: They can put their facilities in mothballs; they can curtail retail and development programs related to their products or they can allow the domestic market to "go foreign," converting their facilities to other products where there is a local demand.

The odds are, Mr. Speaker, the producers would choose the second alternative which creates more unemployment. In our sagging and sinking economy it is almost impossible to regain losses by converting to other products—first there is no demand because other producers are having their economic troubles; second, the foreign producers will probably already have invaded the second market. Consequently, the cycle repeats itself with no relief in sight.

Where does this leave the American consumer? At the mercy of the foreign producer which we have already experienced in the electronic and television industry. He already is forced to buy foreign products and subjected, without recourse, to any price hike imposed by foreign producers. It is already proven that the American consumer ends up paying more for a foreign-made product than he would have paid for an American-made item.

Our seamless steel tube industry under no circumstances should be permitted to "go foreign." These are products with a myriad of uses; in generating electrical power, chemical and oil refining, marine and industrial equipment, the manufacture of hydraulic equipment, machine tools, auto and aircraft parts, farm and construction machinery, food processing, medical equipment, and our space and military programs.

Since all these industries, in order to function efficiently, are dependent upon some type of seamless steel tubing, it follows then they are exclusively dependent upon the supplier. Should that supplier be foreign, it is reasonable to expect the chaotic conditions which would result when supplies were immediately curtailed by a dock strike, here or abroad; a shipping strike, or by a political whim of a foreign government. It is too frightening to contemplate the disaster resulting from a military decision of an enemy producer.

The steel industry, I am afraid, will not have sufficient time to shift its gears and rise to meet the needs of such an emergency.

Mr. Speaker, over the past year I have consistently warned of the dangers our industries, particularly basic steel, face from uncontrolled foreign imports. I have repeatedly declared Congress must move, and move quickly, to protect our domestic markets. The pending trade bill passed by the House is at least a move in the right direction although it leaves much to be desired.

We must continue to revise and strengthen our foreign trade policies. If we are to have free trade for the world, we must also have fair trade for the United States—even if we have to legislate it. I am hopeful the other body will see the wisdom of this proposed legislation and join this body by approving the 1970 Trade Act.

THE PRESIDENT'S POCKET VETO OF THE FAMILY DOCTOR BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

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man from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, during the holiday recess just ended, this Congress learned through news reports of one more action by this administration to shunt aside the health care crisis in America. This is the President's pocket veto of S. 3418, the family doctor bill.

By his veto, the President scuttled a determined effort by the 91st Congress to replace talk about health manpower shortages with firm action to overcome those shortages.

This legislation was designed to help medical schools and teaching hospitals improve and enlarge their programs to train doctors of family medicine. Its objective was to overcome the shortage of 50,000 doctors that exists across the Nation.

I am deeply concerned by his action not because a proposal I originally sponsored in the House was the target of his veto, but rather because this veto represents one more in a series of actions and nonactions by the Nixon administration that expose the hypocrisy of its stated concerns about the quality of health care in America.

Having decried the health care crisis soon after taking office, the President has neglected to offer any significant program to combat it to this time. Instead, his response has been to veto appropriations for health, cutback vital Federal support for research efforts, and to veto this measure.

Particularly disconcerting in this instance is that he chose to kill this health measure in a manner which deprives Congress of its legitimate right to override a Presidential veto.

The bill was recorded as having been received at the White House on Monday, December 14. He had from that date until midnight of December 25 to sign it into law or to veto it by conventional means—that is, to return the bill to Congress with a veto message.

If the President had done the latter, I believe both Houses could easily have mustered the support to override. It is significant that during Senate and House passage, the family doctor bill encountered only three opposing votes—one in the Senate and two in the House.

The minority leadership of both Houses obviously recognized the merits of the bill and the critical need for favorable action. The senior Senator from Pennsylvania, HUGH SCOTT, was a cosponsor of the bill on the Senate side. Our colleague, Mr. GERALD FORD, cast his vote for the bill on consideration in this Chamber.

I share with Senator RALPH YARBOROUGH of Texas, the chief Senate sponsor of the bill, deep regret that the President could not muster the fortitude to place his position formally before the Congress to be sustained or overridden.

I deplore the course of action followed by the President in this instance and I am convinced it warrants challenge as being contrary to the intent of the Constitution.

The routine veto procedure was available to the President. During 7 of the 10 days provided for Presidential consideration of bills passed by the Congress, we were in regular session and available to receive his veto message. Even after adjournment to a time certain, appropriate officers of the Congress had been authorized to receive messages from the President for disposition upon its return.

The President must have been fully aware that the holiday recess would end some 48 hours after the pocket veto became effective. Under no ordinary circumstances during any session of Congress could a routine veto procedure exercised by the President on a Saturday have been acted upon any earlier than the succeeding Monday. Obviously, the holiday adjournment of Congress to a time certain could not have prevented the President from returning a veto message if he had any desire to do so.

Therefore, I personally can draw no conclusion but that the President lacked the courage of his convictions in seeking to dispose of this important health measure in this manner.

By his action, he has challenged the Congress to spell out in terms which cannot be distorted by whim the precise role of the pocket veto in our legislative process.

THE DISTURBING SITUATION WITHIN THE AIRLINE INDUSTRY

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. BOGGS) is recognized for 15 minutes.

Mr. BOGGS. Mr. Speaker, I would like to call attention to a very disturbing situation within one of this Nation's vital industries—the airline industry. As we all know, most industry groups are reflecting the impact of the national economic downturn. In many cases profits are down, and in some cases, notably among transportation carriers, profits have been wiped away.

Dead last, reports the Air Transport Association, at rock bottom in the changes in earnings scale in this country between 1968 and 1969, are the airlines. During 1969, the major U.S. airlines ranked at the bottom of the list of industry groups, both regulated and unregulated, with a decline in profitability of 74.4 percent from 1968. Among other regulated industries, earnings of the trucking industry dropped 11 percent and rails 17 percent, while intercity buses showed a 1.6-percent increase in profits and electric utilities a 6.1-percent increase.

As a result of poor earnings performance, the decline in the market price of airline common stock has been more than three times greater than the decline in the Dow Jones industrial average. While the Dow Jones index has fluctuated slightly since June 1966 before dropping 21.4 percent by June 1970 for instance, the airline stock index steadily fell 70.1 percent during the same 4-year period.

Yet, during this period, the Civil Aeronautics Board did not approve any fare increases for the airlines until last year. If we look at prices for transportation in the post World War II period, we find that the revenue per passenger mile for rails increased 61 percent, for buses 95 percent, and for airlines 17 percent. Even the two 1969 fare adjustments have not reversed the trend of declining earnings, and in many cases have been substantially offset by rapidly rising costs.

Bad as this seems, the situation this year is even worse, with the airlines expecting to end 1970 with their financially worst year on record. The plight of the airlines will not be relieved next year, unless a substantial fare increase is allowed very soon.

The CAB has said it would defer any additional fare increases until the conclusion of its ongoing fare investigation, a wide-ranging examination of the airline industry that hopefully will result in Government approval of a new fare increase.

But the airlines cannot wait out the winter. Although the CAB believes it can finish its investigation by early next year, the chances are that Board review of the examiner's recommendations will take some time and the air carriers will not be in the position to implement any resulting fare increase until late spring or the summer of 1971.

Consequently, it is my earnest hope that the CAB will see its way clear and approve one of the fare increase packages currently proposed by a number of airlines, and that the Board will see the wisdom of granting an increase, in the 10-to-12 percent range, that will do the job required.

TRIBUTE TO THE HONORABLE WILLIAM H. AYRES OF OHIO

(Mr. BOW asked and was given permission to address the House for 1 minute.)

Mr. BOW. Mr. Speaker, 20 years ago I came to this House with a very dear friend who has served with me for these 20 years, who is leaving the Congress, my good friend and neighbor, WILLIAM AYRES.

As Members know, BILL AYRES has served diligently in these halls on the Committee on Veterans' Affairs as well as on the Committee on Education and Labor. He has been beloved by the people of his district and has served them well.

He comes from just a few miles from my home. We share the same airport, the Canton-Akron Airport. He has worked hard and diligently over the years to make it one of the finest in the country.

Mr. Speaker, his service to his constituents in every way has been outstanding. I am sure that all of the Members of the House are going to miss BILL AYRES. The veterans of the Nation owe a debt of gratitude to this fine Congressman for his work in their behalf.

I see my distinguished friend from Illinois on the floor who also came into the Congress with that class, and I am sure that he will remember those early days of 20 years ago, the humor and the good will which we have had with our friend, BILL AYRES, who will be leaving the Congress at the end of this session. It is our hope, however, that he will not be leaving Washington.

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Mr. Speaker, I shall be glad to yield to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I am deeply grateful that the gentleman from Ohio has yielded to me in order to provide an opportunity to say a word about my very dear friend BILL AYRES.

I have known BILL AYRES in a very intimate way socially. His wife and my wife and our families have been together many, many times. The Ayres family is one of the nicest, finest, the Fords have ever known.

For 20 years I have known BILL AYRES as an outstanding legislator. He worked himself up the ladder to a position as ranking minority member on the vitally important Committee on Education and Labor. He also worked his way up the ladder as a member of the Committee on Veterans' Affairs. So at one time he could have been the ranking minority member on both of these outstanding committees. He served upon those committees with superb excellence. He is a legislator who knows how to get things done in a skillful, quiet, efficient, effective way.

I do not think BILL AYRES made a reputation for a multitude of speeches on the floor of the House or in the well of this Chamber, but when he spoke, what he said made sense and what he did in committee and what he did outside in trying to get legislation that would be workable and effective through the House, BILL was a master.

Naturally, I deeply regret that BILL will not be back with us, No. 1, because of the contributions he has made in the House of Representatives, but, secondly, because I think he could have in an even more meaningful way expanded his influence for good government and good legislation.

BILL AYRES is a close personal friend. I shall miss him very, very greatly, legislatively and otherwise. I have no idea at the moment what his future plans are, but I just hope that a person with his experience and his capability will find a place to make continued contributions to a better America. We need him and the country needs him.

My wife, Betty, is a very close friend of Mary Ellen Ayres who is one of the finest in every respect. BILL and Mary Ellen, two of the best—we will miss you badly and have been the beneficiaries of your friendship. Good luck and God bless you.

Mr. BOW. I thank the distinguished minority leader.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am delighted to yield to the distinguished gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, 20 years ago this coming January 13th, the 82d Congress convened. In that new congressional class there were 60 freshmen. There were 39 new Republicans and 21 Democrats. I believe that there are no Democrats left in that class. Out of the 39 Republicans, the gentleman in the well, Mr. Bow of Ohio, the gentleman from Oklahoma, Mr. BELCHER, myself, and the gentleman from Ohio, Mr. AYRES, and the gentleman from Indiana, Ross ADAIR, I believe are the only ones that are left from that class.

Mr. BOW. If the gentleman will permit an interruption, I think that the gentleman from Indiana, BILL BRAY, came with that class.

Mr. SPRINGER. The gentleman is correct—and BILL BRAY. So there are six left out of 60, which gives some idea of the attrition.

It has been a great pleasure to serve these 20 years not only with the distinguished gentleman in the well, but also with BILL AYRES, who comes from the same State.

I have visited in Akron in the past, and spoken before the Summit County Bar Association, and have become sufficiently acquainted in the city of Akron to know the great respect in which BILL AYRES and all of his family are held.

It has been a great pleasure for us to know BILL AYRES and his wife socially as well as a Member of this great legislative body. My children grew up with his children and attended the same schools in some instances, so we have known them on a rather intimate basis during all of this time.

BILL AYRES came from a district which is overwhelmingly registered in the other party. It has been remarkable that he has been able to hold this district with that kind of registration for a period of 20 years. In my opinion the only reason he has is because he has been a remarkable Congressman, not only remarkable in the fact that he has been able to get things done, but also by the fact that he is easy to know, he serves his people well, and he actually knows the business which he is about.

BILL AYRES is the kind of a fellow who represents everybody, regardless of party. After you know him awhile, and you find that easy way that he has of knowing you, you can well understand how well the people like him in his own district.

I hope that BILL will be in Washington as a part of this administration after he leaves here on January 3. But I do know that Elsie and I, if he leaves Washington, will certainly miss him and his very gracious wife, because of the great association we have had together. But whatever BILL AYRES does, I want to pay tribute to him for the kind of legislative record that he has made in the Congress, and the way in which he has conducted himself as an individual. In my estimation as a legislator he has been of the highest order.

I thank the gentleman for yielding.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the distinguished gentleman from Indiana.

Mr. BRAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I also had the pleasure of coming to the Congress in the same class with BILL AYRES. I learned to have a very high respect for BILL in the years that I have known him. He was a hard worker. Of course, he had a good sense of humor, and if you were feeling down and you met him he always would say a word to you, and he would make you feel better.

He is a man who has always been the kind to develop a feeling of trust and happiness in the world. In addition to that, he was a tireless worker on both of the committees on which he served. I have gone to him many times on legislation brought before his committee, and he was a Member from whom you could get information as to what really was in the bill, and the good points and the bad points. I will say frankly that I have never discussed a matter with him but what he had a great depth of understanding on the subject of that bill, and the information that he gave me was always good.

I think about the highest compliment you could pay to a Member of Congress is that as a member of his committee you feel perfectly free to ask his advice, and that you trust him on the information and the advice he gives you.

BILL AYRES has had a difficult district for many years, a district in which you had to overcome a majority in order to win. Districts such as that finally pay no attention as to the results that have been obtained in the past. We are very deeply sorry that BILL AYRES lost. But he has been a great Member of this body, and a Member who will be sorely missed. I certainly hope that as a Member of this administration he continues to assist in good government on the other side of the Hill, downtown, just as he has done for the many years that he has been here.

Mr. BOW. Mr. Speaker, I thank the gentleman from Indiana.

GENERAL LEAVE TO EXTEND

Mr. BOW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the service of WILLIAM H. AYRES in the Congress.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1971

Mr. MAHON submitted the following conference report and statement on the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-1799)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19590) "making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes," having met, after a further full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 16, 19, 21, 23, 25, 27, 30, 32, 33, 34, 36, 38, 40, 41, 46, 54, 55, and 57.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 10, 12, 22, 24, 43, 44, 45, 47, 50, 51, and 56, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

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In lieu of the sum proposed by said amendment insert "$7,842,450,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,368,600,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,426,700,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,988,350,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$85,200,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$107,500,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,268,687,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,729,410,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,157,136,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,017,900,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,465,400,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,377,200,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,600,200,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,137,900,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,744,100,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$443,600,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: "*Provided further,* That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided further,* That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: "SEC. 845. After June 15, 1971, no part of the funds in this Act shall be available to support in excess of 138,000 personnel of the Department of Defense (military and civilian) assigned to activities managed under the Intelligence and Security Program of the Department of Defense."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 14, 26, 31, 49, and 53.

GEORGE MAHON,
ROBERT L. F. SIKES,
JAMIE L. WHITTEN,
GEORGE W. ANDREWS,
DANIEL J. FLOOD,
JOHN M. SLACK,
JOSEPH P. ADDABBO,
JOHN J. RHODES,
GLENN R. DAVIS,
LOUIS C. WYMAN,
E. A. CEDERBERG,
FRANK T. BOW,
Managers on the Part of the House.

ALLEN J. ELLENDER,
RICHARD B. RUSSELL,
JOHN L. MCCLELLAN,
JOHN STENNIS,
STUART SYMINGTON, (except amendment No. 17),
MILTON R. YOUNG,
MARGARET CHASE SMITH,
GORDON ALLOTT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the further conference on the disagreeing votes of the two Houses on certain of the amendments of the Senate to the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

SENATE AMENDMENTS PREVIOUSLY AGREED TO

The House, on December 16, 1970, adopted the first conference report on the bill (H. Report 91-1759) and then adopted motions relating to amendments reported in technical disagreement. Four amendments of the Senate which had been reported in technical disagreement—Nos. 15, 18, 29, and 48—were concurred in by the House without change. Thus, those four amendments are not at issue in the accompanying conference report or amendments in disagreement.

TITLE I—MILITARY PERSONNEL

Military personnel, Army

Amendment No. 1: Appropriates $7,842,450,000 instead of $7,822,450,000 as proposed by the House and $7,861,750,000 as proposed by the Senate. The sum available for Permanent Change of Station Travel is $505,391,000 instead of $485,391,000 as proposed by the House, and $524,691,000 as proposed by the Senate.

Military personnel, Navy

Amendment No. 2: Appropriates $4,368,600,000 instead of $4,360,100,000 as proposed by the House, and $4,377,100,000 as proposed by the Senate. The sum available for Permanent Change of Station Travel is $221,465,000 instead of $212,965,000 as proposed by the House, and $229,965,000 as proposed by the Senate.

Military personnel, Marine Corps

Amendment No. 3: Appropriates $1,426,700,000 instead of $1,422,700,000 as proposed by the House, and $1,430,600,000 as proposed by the Senate. The sum available for Permanent Change of Station Travel is $101,225,000 instead of $97,225,000 as proposed by the House, and $105,125,000 as proposed by the Senate.

Military personnel, Air Force

Amendment No. 4: Appropriates $5,988,350,000 instead of $5,973,350,000 as proposed by the House, and $6,002,425,000 as proposed by the Senate. The sum available for Permanent Change of Station Travel is $398,760,000 instead of $383,760,000 as proposed by the House, and $412,835,000 as proposed by the Senate. The conferees are in agreement that a reduction of $16,075,000 shall apply proportionately to Communications and Intelligence as proposed by the House.

Reserve personnel, Air Force

Amendment No. 5: Appropriates $85,200,000 instead of $86,200,000 as proposed by the House, and $84,200,000 as proposed by the Senate.

National Guard personnel, Air Force

Amendment No. 6: Appropriates $107,500,000 instead of $108,500,000 as proposed by the House, and $106,500,000 as proposed by the Senate.

TITLE III—OPERATION AND MAINTENANCE

Operation and maintenance, Army

Amendment No. 7: Provides $3,634,000 for emergencies and extraordinary expenses as proposed by the Senate instead of $4,000,000 as proposed by the House. This action is associated with amendment number 48.

Amendment No. 8: Appropriates $6,268,687,000 instead of $6,269,011,000 as proposed by the House, and $6,228,687,000 as proposed by the Senate.

The House agrees to the Senate increase of $1,700,000 for civilian personnel and the increase of $8,000,000 for Automatic Data Processing operations. The conferees agree to an amount of $40,000,000 for unforeseen operational costs instead of the $50,000,000 included by the House and deleted by the Senate.

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Operation and maintenance, Navy

Amendment No. 9: Appropriates $4,729,410,000 instead of $4,731,910,000 as proposed by the House, and $4,685,410,000 as proposed by the Senate.

The House agrees to the Senate increases for civilian personnel and headquarters operations of $500,000 and $7,000,000 respectively. The Senate recedes from its decrease of $4,000,000 for the Antarctic Operation. The conferees agreed to an amount of $40,000,000 for unforeseen operational costs instead of the $50,000,000 included by the House and deleted by the Senate.

Operation and maintenance, Marine Corps

Amendment No. 10: Appropriates $402,743,000 as proposed by the Senate instead of $399,943,000 as proposed by the House.

The House agreed to the Senate increase of $1,500,000 for civilian personnel and $1,300,000 for Marine Corps headquarters operations.

Operation and maintenance, Air Force

Amendment No. 11: Appropriates $6,157,136,000 instead of $6,167,136,000 as proposed by the House and $6,093,236,000 as proposed by the Senate.

The conferees agreed to the House allowance of $23,900,000 for the retention of five Air Force reserve units and the conferees agree to an amount of $40,000,000 for unforeseen operational costs instead of the $50,000,000 included by the House and deleted by the Senate.

Operation and maintenance, Air National Guard

Amendment No. 12: Appropriates $343,600,000 as proposed by the Senate instead of $337,600,000 as proposed by the House. The House agreed to the Senate increase of $6,000,000 for aircraft fuel and oil and other operational costs.

National Board for the Promotion of Rifle Practice, Army

Amendment No. 13: Appropriates $100,000 as proposed by the House instead of $65,000 as proposed by the Senate.

TITLE IV—PROCUREMENT

Procurement of equipment and missiles, Army

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $2,908,500,000 instead of $2,933,100,000 as proposed by the House, and $2,930,000,000 as proposed by the Senate.

Under Aircraft, the conferees agreed to the amount of $62,000,000 for LOH helicopters as proposed by the Senate instead of $64,200,000 as proposed by the House; the amount of $2,100,000 for OV–1 aircraft modification as proposed by the Senate instead of $3,500,000 as proposed by the House; and the amount of $8,000,000 for avionics/armament spares as proposed by the Senate, instead of $10,300,000 as proposed by the House.

Under Missiles, the conferees agreed to the amount of $51,900,000 for the XMIM–72A Chaparral Missile as proposed by the Senate instead of $76,400,000 as proposed by the House.

The conferees agreed to provide a total of $58,200,000 for the XMIM–23B improved Hawk missile, instead of $43,200,000 as proposed by the House and $81,400,000 as proposed by the Senate, with the understanding that no fiscal year 1971 production would be contracted for, with the added funds used to stretch out the production already under contract. This action will provide sufficient time for necessary tests of this missile scheduled during fiscal year 1971.

The conferees agreed to the amount of $8,800,000 for Nike-Hercules modifications as proposed by the Senate instead of the $3,000,000 as proposed by the House.

The conferees agreed to the amount of $34,900,000 for the initial production of the XMGM–52A Lance missile as proposed by the Senate. The House had provided no funds for this purpose.

The conferees agreed to the amount of $5,300,000 for XMGM–31A Pershing missile modifications as proposed by the Senate instead of the $10,300,000 as proposed by the House.

The conferees agreed to the amount of $15,000,000 for the Land Combat Support System (LCSS) and $5,000,000 for LCSS, spares as proposed by the Senate. The House had provided no funds for this purpose. The conferees also agreed to provide $1,700,000 for LCSS modifications as proposed by the House. The Senate had deleted the funds requested for such modifications.

Under Weapons and Combat Vehicles, the amount of $12,000,000 for the M577A1 Tracked Command Post Carriers as proposed by the Senate was agreed to by the conferees instead of $2,800,000 as proposed by the House.

The conferees agreed to delete the amount of $6,400,000 for the Chaparral missile carrier, and the amount of $1,300,000 for the Vulcan Gun Shop Test, as proposed by the Senate, instead of funding these items in those amounts as proposed by the House. The conferees also agreed to provide $23,900,000 for M16A1 rifles as proposed by the Senate instead of $27,100,000 as proposed by the House.

Under Tactical and Support Vehicles, the conferees agreed to provide the amount of $28,800,000 for the XM705 1¼ ton truck and $1,100,000 for XM705 truck initial spares. The House had not allowed these funds. None of the funds made available for the XM705 1¼ ton truck are to be obligated for that purpose until after the evaluation of the modified M715 truck is completed and a determination made that the latter vehicle will not essentially meet Army requirements. If it is determined that the modified M715 truck will essentially meet those requirements, the funds provided for the XM705 truck may be used for termination of the existing XM705 production contract, and funding of the initial procurement of the modified M715 truck.

Under Communications and Electronics Equipment, the conferees agreed to the amount of $9,300,000 for STARCOM Communications (Other) as proposed by the Senate, instead of $10,800,000 as proposed by the House; and the amount of $53,000,000 for Defense Communications Planning Group projects as proposed by the Senate instead of $78,000,000 as proposed by the House.

The conferees agreed to delete the amount of $600,000 for the RC–292 Antenna Group and $1,100,000 for the SB–22 Switchboard as proposed by the Senate. The House had funded these items in those amounts.

The conferees agreed to restore the $4,000,000 House reduction for the RATAC Field Artillery Radar Sets as proposed by the Senate with the understanding that any future procurement of this equipment shall be from a domestic producer.

The conferees also agreed to the amount of $11,400,000 for miscellaneous items under $500,000 as proposed by the Senate instead of $14,400,000 as proposed by the House.

Under Other Support Equipment, the conferees agreed to the amount of $800,000 for the LCM landing craft and $4,400,000 for the LCU landing craft as proposed by the Senate. The House had not provided funds for those purposes.

The conferees also agreed to the deletion of $16,500,000 for a classified project as proposed by the Senate. The House had allowed those funds.

Under Production Base Support, the conferees agreed to the amount of $182,500,000 for provision of industrial facilities as proposed by the Senate instead of the $187,100,000 as proposed by the House.

Amendment No. 15: Authorizes the transfer to this appropriation of $50,000,000 from the Army stock fund. It was concurred in by the House without change on December 16, 1970, and thus is not at issue in the accompanying conference report or amendments in disagreement.

Amendment No. 16: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Procurement of aircraft and missiles, Navy

Amendment No. 17: Appropriates $3,017,900,000 instead of $3,005,800,000 as proposed by the House and $3,127,900,000 as proposed by the Senate.

Under Aircraft, the conferees agreed to the amount of $112,500,000 for twelve A–6E Intruder Attack Aircraft and $11,400,000 for A–6E aircraft initial spares as proposed by the Senate, instead of the $72,500,000 for six A–6E aircraft as proposed by the House. The House had provided $5,700,000 for A–6E aircraft initial spares to support only six aircraft.

The conferees agreed to the amount of $64,000,000 for the AV–8A Harrier (V/STOL) attack aircraft as proposed by the House, instead of the $96,200,000 as proposed by the Senate. The agreement of the Committee of Conference is based on the procurement of these eighteen aircraft in the United Kingdom.

The conferees agreed to the amount of $23,000,000 for the E–2C Hawkeye Early Warning Aircraft, in addition to the $20,000,000 in advance procurement funds provided in the bill for the fiscal year 1971, instead of the $92,300,000 as proposed by the Senate. The House had deleted the latter amount. The conferees also agreed to delete the $8,500,000 allowed by the Senate for E–2C initial spares, as proposed by the House. The $43,000,000 total thus provided for long leadtime items is in full accord with the current Department of Defense plan to award a production contract for eleven such aircraft in fiscal year 1972. The action of the conferees should in no way be construed as an effort to delay this important program.

The conferees also agreed to the amount of $72,000,000 for Variable Avionics Shop Test (VAST) equipment as proposed by the Senate, instead of the $28,600,000 as proposed by the House.

Amendment No. 18: Authorizes the transfer to this appropriation of $100,000,000 from the Defense stock fund. It was concurred in by the House without change on December 16, 1970, and thus is not at issue in the accompanying conference report or amendments in disagreement.

Amendment No. 19: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Shipbuilding and conversion, Navy

Amendment No. 20: Appropriates $2,465,400,000 instead of $2,694,400,000 as proposed by the House, and $2,276,900,000 as proposed by the Senate.

The conferees agreed to the amount of $166,000,000 for an additional SSN–688 class nuclear attack submarine above the President's budget, and $22,500,000 in advance procurement funds above the President's budget for another SSN–688 class submarine to be funded in fiscal year 1972, as proposed by the House. The conferees also agreed not to provide other funds above the President's budget in the following amounts and for the listed purposes:

AS submarine tender	$102, 000, 000
AD destroyer tender	103, 000, 000
Service craft	24, 000, 000

The Senate had not allowed any of the funds provided by the House for Shipbuilding and Conversion, Navy, above the President's budget.

Amendment No. 21: Makes funds available for obligation until June 30, 1975, as proposed by the House, instead of "available until expended", as proposed by the Senate.

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Other procurement, Navy

Amendment No. 22: Appropriates $1,487,300,000 as proposed by the Senate, instead of $1,443,400,000 as proposed by the House.

Under Ship Support Equipment, the conferees agreed to the amount of $900,000 for Submarine batteries as proposed by the Senate instead of $4,200,000 as proposed by the House; the amount of $4,900,000 for SHORTSTOP electronic warfare system ship alterations as proposed by the Senate, instead of no funds as allowed by the House for that purpose; and the amount of $500,000 for small boats as proposed by the Senate instead of $1,800,000 as proposed by the House.

Under Communications and Electronics Equipment, the conferees agreed to the amount of $2,400,000 for the AN/SPS-40 radar set as proposed by the Senate, instead of no funds as allowed by the House for that purpose. The conferees agreed to delete the $4,000,000 allowed by the House for miscellaneous items, as proposed by the Senate.

Under Aviation Support Equipment, the conferees agreed to the amount of $4,000,000 for the CBU-55/B (Fuel Air Explosive) cluster bombs. The House had allowed no funds for that purpose.

Under Ordnance Support Equipment, the conferees agreed to the amount of $14,500,000 for the MK-46 torpedo as proposed by the Senate, instead of no funds allowed for that purpose as proposed by the House; the amount of $110,600,000 for the MK-48 torpedo as proposed by the Senate, instead of $80,600,000 as proposed by the House; and the amount of $30,800,000 for Ordnance Replenishment spares as proposed by the Senate, instead of $34,100,000 as proposed by the House.

Amendment No. 23: Makes funds available for obligation until June 30, 197? as proposed by the House, instead of "available until expended" as proposed by the Senate.

Procurement, Marine Corps

Amendment No. 24: Appropriates $175,900,000 as proposed by the Senate instead of $171,700,000 as proposed by the House.

The conferees agreed to the amount of $4,200,000 for the XM705 1¼ ton truck as proposed by the Senate. The House allowed no funds for that purpose. The same understanding with respect to this truck set forth under Procurement of Equipment and Missiles, Army, will prevail under this appropriation.

Amendment No. 25: Makes funds available for obligation until June 30, 1973 as proposed by the House, instead of "available until expended", as proposed by the Senate.

Aircraft procurement, Air Force

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $3,219,300,000 instead of $3,203,000,000 as proposed by the House, and $3,201,300,000 as proposed by the Senate.

Under Aircraft, the conferees agreed to the amount of $9,200,000 for F/RF-5A/B aircraft as proposed by the Senate, instead of $10,300,000 as proposed by the House.

The conferees agreed to provide the amount of $18,000,000 for the International Fighter Aircraft, instead of the $30,000,000 provided by the House. The Senate had allowed no funds for that purpose. The action of the conferees does not constitute a full production decision on this aircraft.

Under Modification of Inservice Aircraft, the conferees agreed to the amount of $99,000,000 for modification of B-52/FB-111 aircraft to accommodate the Short Range Attack Missile (SRAM), as proposed by the Senate, instead of $71,300,000 as proposed by the House.

The conferees also agreed to the amount of $14,000,000 for Additional SEA Requirements as proposed by the Senate, instead of $17,000,000 as proposed by the House.

Under Aircraft Spares and Repair Parts, the conferees agreed to the amount of $31,000,000 for F-111 aircraft initial spares as proposed by the Senate, instead of $19,800,000 as proposed by the House. In addition, the conferees agreed to the amount of $399,400,000 for replenishment spares as proposed by the Senate, instead of the $405,900,000 as proposed by the House.

Amendment No. 27: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Missile procurement, Air Force

Amendment No. 28: Appropriates $1,377,200,000 instead of $1,372,300,000 as proposed by the House and $1,380,400,000 as proposed by the Senate.

Under Ballistic Missiles, the conferees deleted the amount of $3,200,000 for LGM-30F/G Minuteman II/III Operational Base Launch Program as proposed by the House instead of allowing that amount for that purpose as proposed by the Senate.

Under Other Missiles, the conferees agreed to the amount of $99,500,000 for the AGM-69A Short Range Attack Missile (SRAM) as proposed by the Senate, instead of the $50,000,000 as proposed by the House. The conferees also agreed to the amount of $10,800,000 for SRAM initial spares as proposed by the Senate, instead of the $5,400,000 as proposed by the House.

Amendment No. 29: Authorizes the transfer to this appropriation of $50,000,000 from the Defense stock fund. It was concurred in by the House without change on December 16, 1970, and thus is not at issue in the accompanying conference report or amendments in disagreement.

Amendment No. 30: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Other procurement, Air Force

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $1,338,700,000 instead of $1,381,200,000 as proposed by the House and $1,345,100,000 as proposed by the Senate.

Under Munitions and Associated Equipment, the conferees agreed to the amount of $731,000,000 as proposed by the Senate, instead of the $752,900,000 as proposed by the House.

Under Electronic and Telecommunications Equipment, the conferees agreed to the amount of $5,000,000 for cryptographic equipment as proposed by the Senate, instead of the $9,000,000 as proposed by the House.

The conferees agreed to delete the $6,400,000 for the Minuteman Operational Base Launch Program as proposed by the House instead of allowing such amount for that purpose as proposed by the Senate.

The conferees agreed to delete the amount of $800,000 for Elimination of Compromising Emanations as proposed by the Senate instead of allowing such amount for that purpose as proposed by the House.

The conferees also agreed to the amount of $5,000,000 for Training Equipment as proposed by the Senate, instead of $5,800,000 as proposed by the House; the amount of $41,000,000 for spares and repair parts as proposed by the Senate, instead of $44,200,000 as proposed by the House; and the amount of $11,400,000 for Class V Modifications as proposed by the Senate, instead of the $13,200,000 as proposed by the House.

The conferees further agreed to a general unspecified reduction of $10,000,000 as proposed by the Senate. This reduction was based on the fact that there are prior year balances available in that amount which can be used to fund fiscal year 1971 programs.

Amendment No. 32: Makes funds available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended", as proposed by the Senate.

Procurement, Defense agencies

Amendment No. 33: Appropriates $38,910,000 as proposed by the House instead of $45,310,000 as proposed by the Senate. The conferees agreed that the funding of $6,400,000 for the procurement of automatic data processing equipment for the World-Wide Military Command and Control System would be deferred until the General Accounting Office has reported on the feasibility and cost of the system.

Amendment No. 34: Makes the sum appropriated for Procurement, Defense Agencies available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended" as proposed by the Senate.

TITLE V—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, development, test, and evaluation, Army

Amendment No. 35: Appropriates $1,600,200,000 instead of $1,608,500,000 as proposed by the House and $1,589,700,000 as proposed by the Senate. The Conference agreement includes $15,300,000 for the Pershing Missile System as proposed by the Senate instead of $11,500,000 as proposed by the House. A total of $6,000,000 is provided for Electrical Power Sources as proposed by the Senate instead of $4,000,000 as proposed by the House.

The conference agreement provides for a general reduction of $14,100,000 instead of specific reductions in low priority programs totaling $24,600,000 as proposed by the Senate.

Amendment No. 36: Makes the sum appropriated for R.D.T. & E., Army available for obligation until June 30, 1972, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Research, development, test, and evaluation, Navy

Amendment No. 37: Appropriates $2,137,900,000 instead of $2,156,200,000 as proposed by the House and $2,130,500,000 as proposed by the Senate. The Conference agreement provides $3,500,000 for the LAMPS Destroyer Helicopter System as proposed by the House instead of $10,500,000 as proposed by the Senate.

The conferees are in agreement on a general reduction of $18,300,000 instead of specific reductions in low priority programs totaling $32,700,000 as proposed by the Senate.

Amendment No. 38: Makes the sum appropriated for R.D.T. & E., Navy available until June 30, 1972, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Research, development, test, and evaluation, Air Force

Amendment No. 39: Appropriates $2,744,100,000 instead of $2,701,100,000 as proposed by the House and $2,744,800,000 as proposed by the Senate.

The Conference agreement includes:

(1) No funds for the Subsonic Cruise Armed Decoy program, as proposed by the House, instead of $10,000,000 as proposed by the Senate.

(2) $61,000,000 for Minuteman Rebasing as proposed by the Senate instead of $27,000,000 as proposed by the House. The sum provided deletes the amounts requested for the Mobile Minuteman and Hard-Point Defense concepts, as stated in the Senate Report.

(3) $87,000,000 for the Airborne Warning and Control System as proposed by the Senate instead of $63,500,000 as proposed by the House.

(4) $10,500,000 for the Minuteman Operational Base Launch program instead of no funds as proposed by the House and $19,800,000 as proposed by the Senate. The sum provided is only for equipment at Vanden-

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berg Air Force Base and the Western Test Range needed for range improvement and not related only to the Minuteman Operational Base Launch program.

In deleting funds requested for the Minuteman Operational Base Launch Program, the conferees are in agreement that if a firm decision is made that such firings are required and will be conducted, consideration will be given to a budget request in a future fiscal year.

(5) A general reduction of $25,000,000 instead of specific reductions in low priority programs totaling $43,600,000 as proposed by the Senate.

Amendment No. 40: Makes the sum appropriated for R.D.T.&E., Air Force available until June 30, 1972, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Research, development, test, and evaluation, defense agencies

Amendment No. 41: Makes sum appropriated for R.D.T.&E., Defense Agencies, available until June 30, 1972, as proposed by the House, instead of "available until expended" as proposed by the Senate.

Amendment No. 42: Appropriates $443,600,000 instead of $438,900,000 as proposed by the House and $445,100,000 as proposed by the Senate.

The amount of $3,500,000 is approved for Climate Modification Research (Nile Blue) as proposed by the Senate.

The conferees restored the $1,500,000 reduction in the laser program which was proposed by the Senate.

The conferees agreed to a $3,000,000 general reduction for the Defense Atomic Support Agency.

Emergency fund, Defense

Amendment No. 43: Deletes specific transfer authority as provided by the House which is now covered in Section 836.

TITLE VI—COMBAT READINESS, SOUTH VIETNAMESE FORCES, DEFENSE

Amendment No. 44: Appropriates $300,000,000 as proposed by the Senate instead of $358,500,000 as proposed by the House.

The conferees strongly favor the Vietnamization program of the Department of Defense but believe that the $600,000,000 in transfer authority provided under Section 836 of the bill could be used to provide for any additional requirements for this program. If additional funds are required above that which could be obtained under the transfer authority, the President can submit a supplemental request to the Congress.

Amendment No. 45: Deletes transfer authority of $150,000,000 which was proposed by the House. All transfer authority is included under Section 836 as general authority.

TITLE VII—SPECIAL FOREIGN CURRENCY PROGRAM

Amendment No. 46: Makes the appropriation for the Special Foreign Currency Program available for obligation until June 30, 1973, as proposed by the House, instead of "available until expended" as proposed by the Senate.

TITLE VIII—GENERAL PROVISIONS

Amendment No. 47: Section 807. Imposes a ceiling of $136,700,000 as proposed by the Senate instead of $134,400,000 as proposed by the House on funds available for the schooling of minor dependents of military and civilian personnel stationed in foreign countries.

Amendment No. 48: Section 807. Involves language authorizing rest and recuperation trips for dependents of senior advisers in Vietnam who voluntarily extend their tour of duty. It was concurred in by the House without change on December 16, 1970, and thus is not at issue in the accompanying conference report or amendments in disagreement.

Amendment No. 49: Section 836. Reported in technical disagreement. The Managers on the Part of the House will offer a motion which will provide general transfer authority between appropriations totaling $600,000,000 instead of specific transfer authority of $600,000,000 as proposed by the House and general transfer authority of $700,000,000 as proposed by the Senate.

The Committee of Conference is in agreement that all transfers made under this authority shall be considered to be matters of special interest to the Committees on Appropriations under the reprograming procedures.

Amendments Nos. 50, 51, and 52: Section 838. (1) Imposes a limitation of $2,500,000,000 on funds available to support Vietnamese and other free world forces in support of Vietnamese forces and local forces in Laos and Thailand. (2) Limits payments to members of free world forces to the amounts which can be paid for equivalent services to members of the Armed Forces of the United States. (3) Limits U.S. financed military support of Governments of Laos and Cambodia by free world forces to actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

Amendment No. 53: Section 842. Reported in technical disagreement. The managers on the part of the House will offer a motion which will restrict the period of availability of balances in Procurement and Research, Development, Test, and Evaluation appropriations, as proposed by the House, and provide for the merger of the old balances with appropriations in this bill; and will repeal Section 642 of the Defense Appropriation Act of 1970, which was to have accomplished the purposes of this section but which proved to be ineffective, as proposed by the Senate.

Amendments Nos. 54 and 55: Section 843. The Conferees agree to the deletion of "Cambodia" from this section. The House language prohibited the introduction of American ground combat troops into Laos or Thailand. The Senate proposed the addition of Cambodia to the section.

Amendment No. 56: Section 844. Updates citation as proposed by the Senate.

Amendment No. 57: Section 845. Deletes prohibition inserted by the Senate on the use of funds for research not directly related to a specific military function or operation.

Amendment No. 58: Section 846. Changes section number and inserts language proposed by the Senate limiting the number of military and civilian personnel in intelligence operations in the Department of Defense to 138,000.

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1971 recommended by the Committee of Conference, with comparisons to the fiscal year 1970 total, the 1971 budget estimate total, and the House and Senate bills follows:

New budget (obligational) authority, fiscal year 1970	$72,667,032,144
Budget estimates of new (obligational) authority, fiscal year 1971	68,457,666,000
House bill, fiscal year 1971	66,806,561,000
Senate bill, fiscal year 1971	66,417,077,000
Conference agreement	66,595,937,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1970	−6,071,095,144
Budget estimates of new (obligational) authority, fiscal year 1971	−2,149,729,000
House bill, fiscal year 1971	−210,624,000
Senate bill, fiscal year 1971	+178,860,000

GEORGE MAHON,
ROBERT L. F. SIKES,
JAMIE L. WHITTEN,
GEORGE W. ANDREWS,
DANIEL J. FLOOD,
JOHN M. SLACK,
JOSEPH P. ADDABBO,
JOHN J. RHODES,
GLENN R. DAVIS,
LOUIS C. WYMAN,
E. A. CEDERBERG,
FRANK T. BOW,
Managers on the Part of the House.

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House for today.)

The SPEAKER. The gentleman from Texas (Mr. MAHON) is recognized.

Mr. MAHON. Mr. Speaker, we have before us the second conference report on the Department of Defense appropriation bill for fiscal year 1971. The House passed the first conference report on December 16. It went over to the other body and, after midnight last night, the conference report was tabled by a voice vote.

The first conference report had been signed by all of the Senate conferees except one and had been signed by all of the House conferees. But the bill was tabled last night by a voice vote in the Senate. So we went back into conference with the Senate today.

There were two items that Members will be especially interested in and I think I should make a few remarks in order to make the legislative history of what we are doing reasonably clear.

One of the items related to the use of American ground combat troops in Cambodia, Laos, and Thailand, and the other issue related to our support of South Vietnamese and other free world forces in Cambodia or Laos.

SECTION 838

On October 7 of 1970, the defense procurement authorization bill became law—Public Law 91-441. In that bill, language with respect to the use of defense funds to support South Vietnamese and other free world forces in Cambodia or Laos was carried as follows:

> Nothing in Clause A of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Loas.

This provision appeared to be a direct denial of any right on the part of the President to use funds in the Defense appropriation bill for the support of the South Vietnamese or other free world

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forces in their efforts to prevent a Communist takeover in Cambodia or Laos. From the standpoint of the House conferees on the Defense appropriation bill, this language, which had been enacted into law, was intolerable at this particular point in time.

Almost identical language was incorporated in the Senate version of the Defense appropriation bill. The House conferees refused to adopt the language, tie the President's hands, and make it impossible for him to use funds in the bill to support South Vietnamese and other free world forces in their efforts to prevent a Communist takeover in Cambodia or Laos.

So, in the first conference we had with the other body, we left this language, which became known as the "Fulbright amendment," in the bill, but we modified the amendment by attaching the following proviso:

> *Provided further*, That nothing contained in this section shall be construed to prohibit support of free world or local forces in actions designed to promote the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

That language gave the President considerable latitude in the use of Defense funds to support the Vietnamese and other free world forces in their efforts to make Vietnamization operative, in their efforts to make the disengagement of U.S. troops possible, and in their efforts to prevent a very drastic deterioration in their military situation by a complete Communist takeover in Cambodia or Laos.

So, in the conference today with the other body we agreed to include the objectionable language, which I have quoted, but we insisted upon a proviso which in substance is approximately the same proviso as was contained in the original conference argeement. This relates to section 838 of the Defense appropriation bill. The new proviso is as follows:

> *Provided further*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.

We thought that this sufficiently modified the provision in the bill which relates to the same subject and which was very restrictive upon the President.

The fact is that the language in the Defense Procurement Authorization Act—Public Law 91-441—raised grave doubt in my mind as to whether or not that language actually would control the Defense appropriation bill carrying the money, but since this language had been almost identically repeated in the Defense appropriation bill in the Senate, it was thought we should take some action to modify what we consider to be the very damaging language to which I made reference.

So it seems to me the House of Representatives has performed a good function in making it possible for the President to have the latitude which is required to exercise his judgment, to meet the situation in Southeast Asia from the standpoint of the use of South Vietnamese and other free world forces.

SECTION 843

Now I would like to turn to another provision in the bill that relates to the use of American ground combat troops in Cambodia. The language which we sent to the Senate, the language which passed the House, provided:

> In line with the expressed intention of the President of the United States, none of the funds appropriated by this section shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

To that the Senate added "or Cambodia." In the conference today, the words "or Cambodia" were stricken out.

In the original conference report, which was adopted by the House and tabled by the Senate, we had a proviso which expanded the President's authority as follows:

> *Provided*, That nothing contained in this section shall be construed to prohibit the President from taking action in said areas designed to promote the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

In the conference with the Senate today, when we considered the use of American ground combat troops in Cambodia, the House was compelled, in order to get a conference agreement, to strike out this proviso which the House supported originally, and which the House conferees would have continued to support. We yielded in order that a conference report might be placed before the House today for reconsideration.

One of the controlling factors in our decision to agree to the elimination of this proviso is the fact that the President has stated repeatedly that he has no intention of using U.S. ground combat troops in Cambodia. In a press conference on December 10, the President stated the following. The question to the President was:

> Mr. President, Secretary of State William P. Rogers assured the Senate Foreign Relations Committee today that there is no present intention of ever using American ground forces in Cambodia. Can you foresee any circumstances whatever under which we would use ground forces in Cambodia?

The response of the President was:

> None whatever.

In view of the fact that the President said he could not foresee the use of American ground combat troops in Cambodia, the House felt that it could safely yield in that respect.

There is another piece of legislation which refers to this proposal on the use of American ground combat troops in Cambodia.

Mr. RHODES. Mr. Speaker, will the gentleman yield at that point?

Mr. MAHON. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I should clarify a point: in section 843 as passed by the Senate, the prohibition against use of U.S. ground combat troops was extended from Laos and Thailand, which was in the House bill, to include Cambodia, and in the latest conference between the two bodies, the words "or Cambodia" were stricken.

Mr. MAHON. The gentleman is correct.

This language which was contained in the House bill was inserted in the Defense bill last year, by the other body, and it became part of the law. There was no serious objection to it, although the members of the House Committee on Appropriations were never impressed with this language, but under the circumstances, we hardly had any alternative.

Mr. RHODES. Mr. Speaker, will the gentleman yield further?

Mr. MAHON. I yield to the gentleman from Arkansas.

Mr. RHODES. The legislative history stated by the gentleman from Texas is absolutely correct. The language was in the appropriation bill last year, and it means exactly the same thing, as far as we are concerned, this year as it did last year. There has been no change in the legislative history as far as that is concerned, except the fact that the other body put the words "or Cambodia" in, and that was stricken in conference today.

Mr. MAHON. I know of no one, Mr. Speaker, who advocates that we use U.S. ground combat troops in Cambodia at this time, but no one can foresee just what the future developments may be.

The House conferees were anxious to do what we could in order to give the President as much flexibility as possible to meet unforeseen situations. We in no way advocate the use of U.S. ground combat troops in Cambodia, but we did not want to deny the President that option if unforeseen developments should make this appear to be desirable.

Nevertheless, under all the circumstances we felt that we could safely yield to the Senate position in that regard, and the Senate agreed to eliminate "or Cambodia" from the bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. If I understand the gentleman correctly, the contention, if there is further contention, would be over the language dealing with the assistance to third countries, or what the gentleman describes as free world forces.

Mr. MAHON. The gentleman has put his finger on the key point.

Mr. GROSS. And the contention is not among the conferees of the House and the Senate. The contention would be, if the conference report were not adopted, in the same place as it was before, on the part of other Members of the other body who are not members of the conference; is that correct?

Mr. MAHON. The gentleman is correct. One member of the conference did not sign, but I believe his reason in not signing did not relate to this point. The other conferees on both sides signed the conference report.

Mr. GROSS. A majority of the conferees on both sides, the House and the Senate, did agree?

Mr. MAHON. Overwhelmingly.

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Mr. GROSS. And they have agreed to the language which the gentleman read to us this evening with respect to assistance to third country forces?

Mr. MAHON. The gentleman is correct.

Mr. GROSS. One final question, if the gentleman will indulge me. There has been no change in the money figure of the bill as a result of the last conference?

Mr. MAHON. There has been no change in the money figure. It is $66.6 billion. All dollar actions agreed to in the first conference report are agreed to in the second conference report.

In my judgment, I might say the total is a lower figure than we will be confronted with next year, in view of the urgent need to modernize our forces in order to deter war and promote peace.

Mr. GROSS. Would there be any point in the House voting on this, as support for the House conferees? I assume that nothing would be gained by that?

Mr. MAHON. I doubt it. I believe it is well understood that a majority of the Congress approves aid to South Vietnamese and other free world forces.

Mr. GROSS. I thank the gentleman for yielding.

Mr. MAHON. Mr. Speaker, if I might proceed for a moment, I should like to make further reference to the section dealing with the introduction of U.S. ground combat troops into Cambodia. I should like to call particular attention to the supplemental foreign aid authorization bill (H.R. 19911), which relates also to Cambodia. It was a supplemental authorization bill that provided funds for Israel, but it also related to military aid to Cambodia.

The supplemental foreign aid authorization conference report was approved by the House and Senate on December 22, 1970. The language in this bill also relates to the use of U.S. ground combat troops in Cambodia, and states the following:

> Section 6. (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.

So that language, having been approved in the supplemental foreign aid authorization bill on December 22 by both bodies, was another reason why the House receded in part from its position with respect to the use of U.S. troops in Cambodia.

Now, the language in the foreign aid supplemental authorization bill continues as follows:

> (b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

There is nothing in this Defense appropriation conference report that would commit the United States to the defense of the Government of Cambodia other than for the protection of the U.S. forces in South Vietnam and the maintenance of our forces as we undertake to withdraw and disengage and settle the war which is in progress there.

In support of the language that appeared in the supplemental foreign aid authorization bill, a letter was written by the Secretary of State to Senator CHURCH before the action was taken to prohibit the use of U.S. ground combat troops in Cambodia.

The Secretary stated:

> Confirming Assistant Secretary Abshire's conversation with you, I should like to reaffirm that the Administration's programs, policies and intentions in Cambodia in no way conflict with section 6—

That was the section I just read to you.

> of H.R. 19911 or with the concerns expressed in the colloquy on the floor of the Senate on December 15.

I felt that although it may be a little tedious, this ought to be spelled out in the RECORD at this time in order that all might understand the interpretation which the House conferees and, I hope, the House places upon the actions which have been taken.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished chairman yielding, and I have appreciated his statement.

I simply want to ask one question. In view of all the give-and-take that has been necessary in order to bring this report here for what we all know is approaching final action, is there anything in the finally agreed upon conference report that would preclude action on the part of the American military or friendly allies in relieving the nonhumanely kept prisoners of war in any areas of the aggressor nation?

Mr. MAHON. No. The answer to the question is "No." There is a proviso in the Defense appropriation bill relating to South Vietnamese and other free world forces, section 838, which is as follows:

> *Provided further,* That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.

There is no prohibition in any legislation of which I know that would prevent incursions by the United States into North Vietnam for the purpose of rescuing Americans held as prisoners of war, and that is where our prisoners are, with the exception of about three, as I understand the situation.

Mr. HALL. I can appreciate the gentleman's statement. I think this is very important, because we must not tie the hands of the military, acting under ultimate civilian authorization, to make such forays in any effort to bring about the release of our non-humanely kept prisoners of war, or if necessary for the early conclusion of the war with honor and protection of our men while they are withdrawing under the Vietnamization plan. Is that correct?

Mr. MAHON. I thank the gentleman.

I would say that this language with respect to Americans held as prisoners of war, in the judgment of the House conferees, should have been applied to the language relating also to the use of our own U.S. troops in Cambodia. However, we were not able to preserve the language as fully as we would have liked. The language relating to prisoners of war was not in the House or Senate versions of the original bill, but was written in the conference upon the insistence of the Members of the House.

Mr. RHODES. Mr. Speaker, will the gentleman from Texas yield?

Mr. MAHON. I yield to the distinguished gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I just want to nail down the point which the gentleman from Missouri (Mr. HALL) made. As far as I know, speaking as one conferee, there is nothing in this bill that prohibits the President from taking any action which he deems to be appropriate to release any Americans held as prisoners of war, using whatever forces the United States has available, and there is no prohibition against financing the use of South Vietnamese and other free world forces, for that purpose, either. And that is the intent of the conferees, and I am sure that is the import of the bill.

Mr. MAHON. I thank the gentleman for his contribution.

I should like to say, as a part of this record, that in my opinion as far as the majority of the House conferees are concerned, and certainly for my own part, I do not think we can write anything into the law to abridge the Constitution of the United States or to deny the President in his capacity as Commander in Chief the right to take such actions that may be required for the defense of our U.S. fighting forces. So it may be that, fundamentally, much of the language about which we have had so much controversy is relatively unimportant, because I do believe that the President of the United States, under the Constitution and as Commander in Chief of our Armed Forces, does have wide latitude in regard to the use of the Armed Forces. This is a question that has been debated at great length, and I will not try to extend my discussion on that.

Mr. DAVIS of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. Mr. Speaker, I want to clarify one matter which I think is important in connection with the colloquy between the chairman and the gentleman from Iowa relating to the necessity for a record vote here.

Is it the intention of the chairman to obtain a rollcall vote on this conference report?

Mr. MAHON. I have not crossed that bridge. I do not believe there is any problem involved, but, of course, a rollcall vote will be easy to secure at this time. I am certainly not opposed to it, and would probably prefer to have one except for the lateness of the day, and the fact that we do have another conference report coming up on the heels of this one.

Mr. DAVIS of Wisconsin. I just wanted to express my own strong feelings that the House should—and I hope over-

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whelmingly will--put itself on record in support of the House position here in connection with this language. Actually, the language was the only part that was in controversy, and the only part in consideration here, because we have already expressed ourselves on the conference report as a whole when it came before us previously.

But that is the only matter that is really now before us, a matter that was treated in what might be termed a cavalier fashion late last evening, and certainly in a manner that gave us the impression that we were jousting in shadowland. We did not have any disagreement with the men with whom we sat in the conference room, but they feared that their agreements on these provisions, no matter how well founded, could not receive approval at that or any other hour of the night. And I have a strong feeling that it is in order that we make it clear to everyone concerned, whether it be the executive department, the Congress, or others who are looking at us from other parts of the world, that we do not propose to have the President's hands tied as they would have been, not only because of the language which appeared in the defense appropriation bill, but the language which appears in other legislative acts which have already cleared the Congress. I think the situation is one that does require a resounding rollcall vote in order to clearly substantiate the position that we have taken with respect to this language.

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Mr. MAHON. I thank the gentleman.

Mr. DENNIS. Mr. Speaker, very clearly, we are engaged in a worldwide struggle of ideology, principle, influence, and power, on the ultimate result of which the future fate of our own country and that of the world depends.

Every recent national administration, Democratic or Republican, has recognized this fact of international life, has acted upon it, and has left no doubt—by its actions—that it fully intended for the United States of America to be successful in this struggle.

The Nixon doctrine calls for a generally lower American profile and for greater effort toward self-help on the part of our allies and friends; but it does not contemplate for one moment, as I understand it, a withdrawal by our country from the role and the responsibilities of a world power; and, specifically, it does not envisage an American surrender or concession of the Southeast Asia area to the Communist side.

In the light of these cardinal facts, the semantic struggle in which we have been engaged over the language of this bill seems to me unfortunate.

The great majority of the House of Representatives—the House nearest to the American people—obviously recognizes the realities of the situation in the world, and particularly and specifically the realities of the situation in Southeast Asia, and intends and desires to act on the basis of those realities; and the House wants the President of the United States to have and to retain enough flexibility to do likewise.

The House does not wish to send American ground combat forces into Cambodia, Laos, or Thailand for the purpose of supporting the governments of those countries, and it has only recently made of record its belief that such forces ought not to be dispatched to foreign countries in any normal situation without prior congressional approval and consent, and that, in exceptional cases, when and if these arise, prompt report after the fact is to be made to the Congress. But the House knows that we have military advisers in Laos now—and a majority of us think that it is cheap at the price, if a Communist takeover is thereby avoided in that country, to keep these advisers there.

We know—despite senatorial language inserted by that body in the supplemental foreign aid authorization and given far too little attention in this body—that a need for similar advisers might be indicated in the event of a deteriorating situation in Cambodia. We realize that without involving American ground troops, it might, under some circumstances, become important to our interests—and quite in accordance with the principles of the Nixon doctrine—to be able to give some financial assistance to South Vietnamese or other free world forces for operations by those forces in some of these same areas of Southeast Asia.

Certain politically powerful and highly vocal members of the other body do not appear to share in these same realizations—or, if they do, they adamantly refuse to admit it.

The unfortunate net result is that we now have a bill which, in effect, seems to deny all flexibility in this vital area to the President of the United States in one paragraph, and then to give it back again—if the proper interpretation is applied to the language used—in the sentences that immediately follow.

It is an exercise apparently necessary in order to have needed legislation passed at all; but it fails to squarely face up to important issues; and it leaves those of both schools of thought in large measure free to accuse the other side of lack of frankness or bad faith at some later date, when the inexorable march of events may have led to certain actions which may have been, in fact, inevitable, but which, arguably, either were or were not denied or permitted to the executive branch by the "off again, on again" language of the present enactment.

It is a regrettably unsatisfactory fashion in which to have to deal with fundamental policy.

Mr. MAHON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RHODES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—**yeas 234, nays 18, not voting 180,** as follows:

[Roll No. 452]

YEAS—234

Abernethy
Adams
Addabbo
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Ashbrook
Ashley
Baring
Barrett
Beall, Md.
Bell, Calif.
Bennett
Betts
Bevill
Biester
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Camp
Carey
Carney
Carter
Cederberg
Chamberlain
Chappell
Clancy
Collins, Tex.
Conable
Conte
Corman
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Davis, Wis.
Dellenback
Dennis
Dent
Derwinski
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Eshleman
Feighan
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Forsythe
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gonzalez
Goodling
Green, Oreg.
Griffin
Gross
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Hogan
Horton
Hosmer
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Kee
Keith
King
Kluczynski
Kyl
Kyros
Landgrebe
Latta
Leggett
Long, Md.
Lukens
McCloskey
McClure
McDade
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Matsunaga
Mayne
Meeds
Melcher
Miller, Ohio
Mills
Minish
Mink
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Natcher
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
Passman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Rarick
Reid, N.Y.
Rhodes
Robison
Rodino
Roe
Rogers, Fla.
Ruth
St Germain
Schadeberg
Schmitz
Schneebeli
Schwengel
Scott
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Tiernan
Tunney
Udall
Van Deerlin
Vander Jagt
Vigorito
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wright
Wylie
Wyman
Young
Zablocki
Zwach

NAYS—18

Conyers
Harrington
Hawkins
Hechler, W. Va.
Helstoski
Kastenmeier
Koch
Mikva
Nedzi
Rees
Roybal
Ryan
Scheuer
Thompson, N.J.
Vanik
Waldie
Wolff
Yates

NOT VOTING—180

Abbitt
Adair
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Aspinall
Ayres
Belcher
Berry
Biaggi
Bingham
Blackburn
Brasco
Brock
Broomfield
Brown, Calif.
Broyhill, N.C.
Buchanan
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush

Button
Cabell
Caffery
Casey
Celler
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins, Ill.
Colmer
Corbett
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
de la Garza
Delaney
Denney
Devine
Diggs
Dowdy
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fish
Ford, William D.
Fraser
Fulton, Tenn.
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Hanna
Hébert
Heckler, Mass.
Henderson
Hicks
Holifield
Howard
Hull
Hungate
Jarman
Johnson, Pa.
Jones, Tenn.
Karth
Kleppe
Kuykendall
Landrum
Langen
Lennon
Lloyd
Long, La.
Lowenstein
Lujan
McCarthy
McClory
McCulloch
McDonald, Mich.
McEwen
McKneally
McMillan
Mann
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Minshall
Mize
Moorhead
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N Y.
Myers
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Pepper
Pirnie
Poage
Pollock
Powell
Price, Tex.
Purcell
Railsback
Randall
Reid, Ill.
Reifel
Reuss
Riegle
Roberts
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Rousselot
Ruppe
Sandman
Satterfield
Saylor
Scherle
Sebelius
Shipley
Smith, Calif.
Snyder
Staggers
Steiger, Ariz.
Stokes
Sullivan
Talcott
Thompson, Ga.
Ullman
Waggonner
Watson
Watts
Weicker
Whalen
Whalley
Winn
Wold
Wyatt
Wydler
Yatron
Zion

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Smith of California.
Mr. Hébert with Mr. Andrews of North Dakota.
Mr. Waggonner with Mr. Martin.
Mr. Burton of California with Mrs. Heckler of Massachusetts.
Mr. Biaggi with Mr. Corbett.
Mr. Rooney of New York with Mr. Pirnie.
Mr. Rostenkowski with Mr. Price of Texas.
Mr. Shipley with Mr. Devine.
Mr. Evins of Tennessee with Mr. Johnson of Pennsylvania.
Mr. Long of Louisiana with Mr. Zion.
Mr. Edwards of Louisiana with Mr. Edwards of Alabama.
Mr. Murphy of New York with Mr. Wydler.
Mr. Brasco with Mr. Grover.
Mr. Hicks with Mr. Whalley.
Mr. Jarman with Mr. Gude.
Mr. Yatron with Mr. Collier.
Mr. Andrews of Alabama with Mr. Denney.
Mr. Caffery with Mr. Cleveland.
Mr. Edwards of California with Mr. Goldwater.
Mr. Moorhead with Mr. Broomfield.
Mr. Miller of California with Mr. McClure.
Mr. Davis of Georgia with Mr. Belcher.
Mr. Celler with Mr. McEwen.
Mr. Fulton of Tennessee with Mr. Don H. Clausen.
Mr. Gettys with Mr. Langen.
Mr. Gray with Mr. Lujan.
Mr. Staggers with Mr. Broyhill of North Carolina.
Mr. Rooney of Pennsylvania with Mr. Buchanan.
Mr. Randall with Mr. Blackburn.
Mr. Mann with Mr. Fish.
Mr. Karth with Mr. Michel.
Mr. Hull with Mr. Mathias.
Mrs. Sullivan with Mrs. Dwyer.
Mr. Henderson with Mr. Watson.
Mr. Lennon with Mr. Sebelius.
Mr. Abbitt with Mr. Roth.
Mr. Delaney with Mr. Sandman.
Mr. Fascell with Mr. Mize.
Mrs. Griffiths with Mr. Adair.
Mr. Green of Pennsylvania with Mr. Kleppe.
Mr. Gibbons with Mr. O'Konski.
Mr. Patman with Mr. Myers.
Mr. Purcell with Mr. Erlenborn.
Mr. Watts with Mr. Gubser.
Mr. Holifield with Mr. Del Clawson.
Mr. Ullman with Mr. Esch.
Mr. Howard with Mr. Steiger of Arizona.
Mr. Anderson of California with Mr. Thompson of Georgia.
Mr. Aspinall with Mr. Wold.
Mr. Bingham with Mr. Clay.
Mr. Reuss with Mrs. Chisholm.
Mr. Diggs with Mr. McCarthy.
Mr. Stokes with Mr. Lowenstein.
Mr. Colmer with Mr. Winn.
Mr. Cohelan with Mr. Collins of Illinois.
Mr. Casey with Mr. Snyder.
Mr. Burlison of Missouri with Mr. Scherle.
Mr. Hungate with Mr. Lloyd.
Mr. Jones of Tennessee with Mr. Ayres.
Mr. Hagan with Mr. Minshall.
Mr. Haley with Mr. Kuykendall.
Mr. Hanna with Mr. Saylor.
Mr. Roberts with Mrs. Reid of Illinois.
Mr. Rogers of Colorado with Mr. Railsback.
Mr. Rosenthal with Mr. Talcott.
Mr. Satterfield with Mr. Ruppe.
Mr. O'Neal of Georgia with Mr. Weicker.
Mr. Brown of California with Mr. Powell.
Mr. Farbstein with Mr. Wyatt.
Mr. William D. Ford with Mr. Reifel.
Mr. Giaimo with Mr. Rousselot.
Mr. Fraser with Mr. Cowger.
Mr. Moss with Mr. Morton.
Mr. Daddario with Mr. Meskill.
Mr. Edmondson with Mr. Berry.
Mr. Eilberg with Mr. McCulloch.
Mr. Fallon with Mr. Brock.
Mr. Evans of Colorado with Mrs. May.
Mr. Landrum with Mr. Bush.
Mr. McMillan with Mr. Cramer.
Mr. Pepper with Mr. Riegle.
Mr. Gilbert with Mr. Burton of Utah.
Mr. Eckhardt with Mr. Roudebush.
Mr. Dowdy with Mr. McDonald of Michigan.
Mr. de la Garza with Mr. Button.
Mr. Cabell with Mr. Cunningham.
Mr. Murphy of Illinois with Mr. Pollock.
Mr. Mosher with Mr. McKneally.
Mr. Clark with Mr. Whalen.

The result of the vote was announced as above recorded.

The doors were opened.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14. Page 15, line 4, strike out "$2,933,100,000" and insert $2,930,000,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert the following: "$2,908,500,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 26. Page 18, line 18, strike out "$3,203,000,000" and insert "$3,201,300,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert the following: "$3,219,300,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31: Page 20, line 7, strike out "$1,381,200,000" and insert "$1,345,100,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert the following: "$1,338,700,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 49: Page 43, strike out:

"Sec. 836. During the current fiscal year, the Secretary of Defense may, if he deems it vital to the security of the United States and in the national interest to further improve the readiness of the Armed Forces, including the reserve components, transfer under the authority and terms of the Emergency Fund an additional $300,000,000: *Provided*, That the transfer authority made available under the terms of the Emergency Fund appropriation contained in this Act is hereby broadened to meet the requirements of this section: *Provided further*, That the Secretary of Defense shall notify Congress promptly of all transfers made pursuant to this authority."

And insert:

"Sec. 836. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $700,000,000 of the appropriations contained in this Act between such appropriations: *Provided*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted, insert the following:

"Sec. 836. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $600,000,000 of the appropriations contained in this Act between such appropriations, to be merged with and to be available for the same purposes, and for the same time period, as the

XUM

appropriation to which transferred: *Provided*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 53: Page 46, strike out:

"SEC. 842. Appropriations heretofore made available for Procurement of Equipment and Missiles, Army; Procurement of Aircraft and Missiles, Navy; Other Procurement, Navy; Procurement, Marine Corps; Aircraft Procurement, Air Force; Missile Procurement, Air Force; Other Procurement, Air Force; Procurement, Defense Agencies; and Special Foreign Currency Program shall not be available for obligation after June 30, 1973. Appropriations heretofore made available for Shipbuilding and Conversion, Navy, shall not be available for obligation after June 30, 1975. Appropriations heretofore made available under the headings Research, Development, Test, and Evaluation, Navy; Research, Development, Test, and Evaluation, Air Force; and Research, Development, Test, and Evaluation, Defense Agencies shall not be available for obligation after June 30, 1972."

And insert:

"SEC. 842. (a) Amounts, as determined by the Secretary of Defense and approved by the Office of Management and Budget, of any appropriations of the Department of Defense available for procurement (except Shipbuilding and Conversion, Navy) which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for three or more fiscal years, shall be withdrawn and shall revert to the general fund of Treasury.

"(b) Amounts, as determined by the Secretary of Defense and approved by the Office of Management and Budget, of any appropriations of the Department of Defense available for Shipbuilding and Conversion, Navy which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for five or more fiscal years, shall be withdrawn and shall revert to the general fund of the Treasury.

"(c) Amounts, as determined by the Secretary of Defense and approved by the Office of Management and Budget, of any appropriations of the Department of Defense available for research, development, test and evaluation (except Emergency Fund, Defense) which (1) will remain unobligated as of the close of any fiscal year for which estimates are submitted and (2) which have been available for obligation for two or more fiscal years, shall be withdrawn and shall revert to the general fund of the Treasury.

"(d) The Comptroller General of the United States shall examine the internal system upon which the determinations required by this section are based and shall submit to the Congress, prior to April 1, 1971, a report as to the adequacy of such internal system.

"(e) Section 642 of the Department of Defense Appropriation, 1970 (Public Law 91-171, approved December 29, 1969), is hereby repealed."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted, insert the following:

"SEC. 842. (a) Appropriations heretofore made available for Procurement of Equipment and Missiles, Army; Procurement of Aircraft and Missiles, Navy; Other Procurement, Navy; Procurement, Marine Corps; Aircraft Procurement, Air Force; Missile Procurement, Air Force; Other Procurement, Air Force; Procurement, Defense Agencies; and Special Foreign Currency Program shall not be available for obligation after June 30, 1973. Appropriations heretofore made available for Shipbuilding and Conversion, Navy, shall not be available for obligation after June 30, 1975. Appropriations heretofore made available under the headings Research, Development, Test, and Evaluation, Army; Research, Development, Test, and Evaluation, Navy; Research, Development, Test, and Evaluation, Air Force; and Research, Development, Test, and Evaluation, Defense Agencies shall not be available for obligation after June 30, 1972. Each such appropriation shall be merged with and shall be available for the same time period as appropriations made in this Act under the same head.

"(b) Section 642 of the Department of Defense Appropriation Act, 1970 (Public Law 91-171, approved December 29, 1969), is hereby repealed."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report on the bill H.R. 19590, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time for the purpose of discussing the program. I observe that the distinguished minority leader, the gentleman from Michigan, is present.

Tonight we have one other conference report, the conference report on the foreign aid appropriation bill, and on disposition of that, we will finish the legislative business for today, as far as I know.

Tomorrow, as all Members know, the funeral of our late beloved colleague will be held. The Members attending the funeral will be back sometime in the neighborhood of 5 o'clock, and we expect to start business at 5 o'clock tomorrow, starting with the food stamp measure. I would also like for the benefit of Members to state that the Speaker will recognize, under suspension of the rules tomorrow, if we get to it—if not, on Thursday, but hopefully tomorrow—S. 4268, to amend the Export-Import Bank Act of 1945.

I make this announcement about the suspension of the rules without prejudicing, of course, the right of the Speaker to recognize for suspension of the rules without such an announcement.

I do this for the purpose of keeping the Members as well advised as I can. We do not expect to have any legislative business between 12 noon and 5 o'clock tomorrow. In view of that, I now ask unanimous consent that it may be in order at any time tomorrow for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, do I understand from the distinguished majority leader that he wants permission by unanimous consent for the Speaker to declare a recess at any time between the hour of 12 o'clock noon and the resumption of business at 5 p.m. on the return of the funeral delegation?

Mr. ALBERT. That is right. I would like to have a little more leeway in case something should happen on the other side of the Capitol, and we need to wait a few minutes. That would be of benefit to have that.

Mr. HALL. Let me assure the distinguished majority leader I have no intention of objecting to that, and I want him to have the leeway necessary, but as I understand his request that would mean from any time from 5 p.m. until midnight tomorrow night, the Speaker could also declare a recess, but I would certainly ask that the gentleman bring that request up tomorrow.

Mr. ALBERT. Mr. Speaker, I will amend my request. I ask unanimous consent that it may be in order on tomorrow for the Speaker to declare a recess subject to the call of the Chair any time before 8 p.m.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONFERENCE REPORT ON H.R. 17867, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1971

Mr. PASSMAN submitted the following conference report and statement on the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-1800)

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H.R. 17867) "making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes," having met, after further full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 18, 20, 25, 26, 27, 28, and 29.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 9, 10, 30, and 31 and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

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In lieu of the sum proposed by said amendment insert "$353,435,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$166,750,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$82,875,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$103,810,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,925,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,980,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$287,500,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$420,000,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$51,000,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"PEACE CORPS

"SALARIES AND EXPENSES

"For expenses necessary to enable the President to carry out the provisions of the Peace Corps Act (75 Stat. 612), as amended, including purchase of not to exceed five passenger motor vehicles for use outside the United States, $90,000,000, of which $30,000,000 shall be available for administrative expenses."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,476,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,649,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 17, 19, and 24.

OTTO E. PASSMAN,
WILLIAM H. NATCHER,
JULIA BUTLER HANSEN,
CLARENCE D. LONG,
JOHN J. MCFALL,
GEORGE MAHON,
GARNER E. SHRIVER,
SILVIO O. CONTE,
CHARLOTTE T. REID,
FRANK T. BOW,
Managers on the Part of the House.

GALE W. MCGEE,
ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
JOSEPH M. MONTOYA,
HIRAM L. FONG,
JAMES B. PEARSON,
MILTON R. YOUNG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the further conference on the disagreeing votes of the two Houses on certain of the amendments of the Senate to the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments; namely:

SENATE AMENDMENTS AGREED TO PREVIOUSLY

The House, on December 16, 1970, adopted the first conference report on the bill (H. Report 91–1745) and then adopted motions relating to amendments reported in technical disagreement. Two amendments of the Senate which had been reported in technical disagreement—Nos. 14 and 15, relating to use of deobligated funds—were concurred in by the House without change. Thus, those two amendments are not at issue in the accompanying conference report or amendments in disagreement.

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

Funds appropriated to the President

Economic Assistance

Amendment No. 1: Technical assistance: Appropriates $353,435,000 instead of $310,000,000 as proposed by the House and $396,870,000 as proposed by the Senate. This amount will be distributed as indicated in amendments numbered 2, 3 and 4 below.

Amendment No. 2: Appropriates $166,750,000 for World-wide technical assistance instead of $150,000,000 as proposed by the House and $183,500,000 as proposed by the Senate.

Amendment No. 3: Appropriates $82,875,000 for Alliance for Progress technical assistance instead of $75,000,000 as proposed by the House and $90,750,000 as proposed by the Senate.

Amendment No. 4: Appropriates $103,810,000 for multilateral organizations technical assistance instead of $85,000,000 as proposed by the House and $122,620,000 as proposed by the Senate.

Amendment No. 5: American schools and hospitals abroad: Appropriates $12,895,000 as proposed by the Senate instead of $8,600,000 as proposed by the House.

The amounts appropriated under this section shall be available solely in accordance with the allocations set forth on pages 10 and 11 of Senate Report No. 91–1370 with the exception of the sum proposed for Igud Leiluf Hanoar which the committee of conference has reduced by $500,000. In lieu of the $500,000 reduction mentioned above, the committee of conference has included $500,000 for the Hospital and Home for the Aged, Zichron-Yaakov, Israel.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which would waive the 1971 and 1972 payments due on certain Public Law 480 loans from the Weizmann Institute and the Bar-Ilan University. The committee of conference felt it was sufficiently meritorious to include the Bar-Ilan University in the waiver of certain Public Law 480 loan repayments for 1971 and 1972. This action should not be considered as establishing a precedent for other institutions to follow.

Amendment No. 7: Indus Basin Development Fund, grants: Appropriates $4,925,000 instead of $4,000,000 as proposed by the House and $5,850,000 as proposed by the Senate.

Amendment No. 8: Indus Basin Development Fund, loans: Appropriates $6,980,000 instead of $6,000,000 as proposed by the House and $7,960,000 as proposed by the Senate.

Amendment No. 9: Supporting assistance: Appropriates $414,600,000 as proposed by the Senate instead of $375,000,000 as proposed by the House.

Amendment No. 10: Contingency fund: Appropriates $15,000,000 as proposed by the Senate instead of $12,500,000 as proposed by the House.

Amendment No. 11: Alliance for Progress, development loans: Appropriates $287,500,000 instead of $225,000,000 as proposed by the House and $337,500,000 as proposed by the Senate.

Amendment No. 12: Development loans: Appropriates $420,000,000 instead of $280,000,000 as proposed by the House and $570,000,000 as proposed by the Senate.

Amendment No. 13: Administrative expenses, AID: Appropriates $51,000,000 instead of $50,000,000 as proposed by the House and $51,125,000 as proposed by the Senate.

Amendments Nos. 14 and 15: Relate to use of deobligated funds. They were concurred in by the House without change on December 16, 1970, and thus are not at issue in the accompanying conference report or amendments in disagreement.

Overseas Private Investment Corporation

Amendment No. 16: Overseas Private Investment Corporation, reserves: Appropriates $18,750,000 as proposed by the House instead of $37,500,000 as proposed by the Senate.

Social development assistance

Inter-American Social Development Institute

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which would allow the Institute to commence operations and place a limitation of not to exceed $10,000,000 to be available to fund this program during the current fiscal year.

The committee of conference agrees that no construction of any type should be undertaken by the Institute until proper justification has been presented to and approved by the appropriate committees of the U.S. Senate and House of Representatives.

Amendment No. 18—Section 107: Makes available not to exceed $9,000,000 for research under section 241 of the Foreign Assistance Act of 1961, as amended, as proposed by the House instead of $10,000,000 as proposed by the Senate.

TITLE II—FOREIGN MILITARY CREDIT SALES

Amendment No. 19: Reported in disagreement. The managers on the part of the House will offer a motion to appropriate $200,000,000 instead of $272,500,000 as proposed by the House. The Senate deleted this item.

The managers on the part of the House agree that the credit sales program in fiscal year 1971, as provided for above, should fund a program with a credit authorization of not to exceed $235,000,000.

TITLE III—FOREIGN ASSISTANCE (OTHER)

Amendment No. 20: Conforms title number.

Peace Corps

Salaries and Expenses

Amendment No. 21: Appropriates $90,000,000 instead of $94,500,000 as proposed by the Senate. The House deleted this item on a point of order due to the lack of authorizing legislation at the time it was considered by the House. The Peace Corps is now authorized by Public Law 91-352, approved July 24, 1970.

It is also provided that of the amount appropriated above, $30,000,000 shall be available for administrative expenses instead of $31,400,000 as proposed by the Senate.

Department of the Army—Civil functions

Ryukyu Islands, Army, Administration

Amendment No. 22: Appropriates $6,476,000 instead of $6,000,000 as proposed by the House and $6,952,000 as proposed by the Senate.

Department of State

Migration and Refugee Assistance

Amendment No. 23: Appropriates $5,649,000 instead of $5,511,000 as proposed by the House and $5,787,000 as proposed by the Senate.

Funds appropriated to the President

International Monetary Fund

Increase in Quota, International Monetary Fund

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which would provide for an increase of $1,540,000,000 in the quota of the United States in the International Monetary Fund.

The committee of conference has deleted the proviso which stated the appropriation shall be effective only upon the enactment of authorizing legislation.

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

Amendment No. 25: Conforms title number.

TITLE V—GENERAL PROVISIONS

Amendment No. 26: Conforms title number.

Amendment No. 27—Section 501: Conforms section number.

Amendment No. 28—Section 502: Conforms section number.

Amendment No. 29—Section 503: Conforms section number.

Amendment No. 30—Section 504: Deletes language proposed by the House which would have required an audit by the Comptroller General of the United States of any project or activity financed by the International Financial Institutions funded in this bill.

Amendment No. 31—Section 505: Deletes language proposed by the House which would have required detailed justifications to be available to the Senate and the House of Representatives on any project or activity financed by the International Financial Institutions funded in this bill.

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1971 recommended by the committee of conference, with comparisons to the fiscal year 1970 total, the 1971 budget estimate total, and the House and Senate bills follows:

	Amount
New budget (obligational) authority, fiscal year 1970	$2,710,490,000
Budget estimates of new (obligational) authority, fiscal year 1971	2,876,539,000
House bill, fiscal year 1971	2,220,961,000
Senate bill, fiscal year 1971	2,603,639,000
Conference agreement	[1] 2,534,310,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1970	−176,180,000
Budget estimates of new (obligational) authority, fiscal year 1971	−342,229,000
House bill, fiscal year 1971	[2] +313,349,000
Senate bill, fiscal year 1971	[3] −69,329,000

[1] Includes $200,000,000 which in the first conference report was reported in agreement (Amendment No. 19), but which in this report is reported in disagreement, and on which a motion will be offered to insist on a $200,000,000 appropriation for military credit sales.

[2] Consists of a net of (1) $90,000,000 added for the Peace Corps, for which no provision was made in the House bill, (2) $295,849,000 in concessions on various increases made in the bill by the Senate, offset in part by (3) $72,500,000 reduction from the $272,500,000 in House bill for military credit sales.

[3] Consists of a net of (1) $4,500,000 reduction from the Senate provision for the Peace Corps, which was not in the House bill, (2) $264,829,000 in reductions below various increases made in the bill by the Senate, offset in part by (3) $200,000,000 increase for military credit sales, for which no provision was made in the Senate bill.

OTTO E. PASSMAN,
WILLIAM H. NATCHER,
JULIA BUTLER HANSEN,
CLARENCE D. LONG,
JOHN J. MCFALL,
GEORGE MAHON,
GARNER E. SHRIVER,
SILVIO O. CONTE,
CHARLOTTE T. REID,
FRANK T. BOW,
Managers on the part of the House.

Mr. PASSMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the statement.

Mr. PASSMAN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement of the managers on the part of the House.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PASSMAN. Mr. Speaker, I would like to take just a few minutes to explain why we are back with the second conference report. The day is late, the year is late, and certainly I shall not consume much time.

We are back with the same conference report that passed this House on December 16. The first conference report was unanimously agreed to by the conferees on the Senate side and the House side. The House approved the conference report, but it was rejected by the other side.

There is only one item that is in true disagreement, and that is on the military credit sales provision. For the benefit of the Members, in order to refresh their memories, the House passed the military sales authorization bill in the amount of $272,500,000 early this year, and the Senate provided only $250,000,000. The bill has been tied up in conference not so much because of the difference in amounts but there is another item not germane to the military sales program which kept the conferees on the part of the House and the Senate from reaching agreement.

As far as I know, the authorizing committees in the other body and in this body and, for that matter, the membership are in favor of the military credit sales program, but inasmuch as the other body rejected the conference report, it was necessary for us to go back to conference. We return the conference report, asking the House to support the position of the House conferees. We are not appropriating the entire amount that we could have under the rules. We have provided only $200 million of the $272,500,000 which was provided by the House for the military credit sales program.

I have no further comment on the conference report. Would the distinguished gentleman from Kansas like me to yield to him?

Mr. SHRIVER. Mr. Speaker, if the gentleman will yield briefly, I should like to concur in the statement of the chairman of the Subcommittee on Foreign Operations. The minority is in complete agreement with the statement the chairman has made, and we do agree the military credit sales program is needed and this is also the position of the administration.

Mr. PASSMAN. I thank the gentleman.

Mr. Speaker, there are three other items in technical disagreement, and under the rules, of course, we have to resubmit them for House approval. I might also state that the conference summary table which appeared on page 41934 of the December 16 RECORD is still valid as far as this present conference report is concerned. The only difference is that the $200,000,000 military credit sales item was brought back in disagreement in this second conference report.

Mr. PASSMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: On page 2, line 20, insert: "and the payments due in 1971 and 1972 on loans made for the benefit of the Weizmann Institute of Science by the Agency for International Development from funds available under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480) are hereby waived."

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MOTION OFFERED BY MR. PASSMAN

Mr. PASSMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert: ", and the payments due in 1971 and 1972 on loans made for the benefit of the Weizmann Institute of Science and the Bar-Ilan University by the Agency for International Development from funds available under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480), are hereby waived."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 17: On page 5, line 19, insert:

"SOCIAL DEVELOPMENT ASSISTANCE

"INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

"The Inter-American Social Development Institute is authorized to make such expenditures within the limits of funds available to it and in accordance with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (331 U.S.C. 849), as may be necessary in carrying out its authorized programs during the current fiscal year."

MOTION OFFERED BY MR. PASSMAN

Mr. PASSMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: Strike out the period at the end of the amendment and insert the following: ": *Provided*, That not to exceed $10,000,000 shall be available to carry out the authorized programs during the current fiscal year."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 19: On page 10, line 5, strike out:

"TITLE II—FOREIGN MILITARY CREDIT SALES

"FOREIGN MILITARY CREDIT SALES

"For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, $272,500,000."

AMENDMENT OFFERED BY MR. PASSMAN

Mr. PASSMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"TITLE II—FOREIGN MILITARY CREDIT SALES

"FOREIGN MILITARY CREDIT SALES

"For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, $200,000,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24: On page 14, line 7, insert:

"INTERNATIONAL MONETARY FUND

"INCREASE IN QUOTA, INTERNATIONAL MONETARY FUND

"To finance an increase in the quota of the United States in the International Monetary Fund, $1,540,000,000 to remain available until expended: *Provided*, That this paragraph shall be effective only upon enactment into law of H.R. 18306, Ninety-first Congress, or similar legislation."

MOTION OFFERED BY MR. PASSMAN

Mr. PASSMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert:

"INTERNATIONAL MONETARY FUND

"INCREASE IN QUOTA, INTERNATIONAL MONETARY FUND

"To finance an increase in the quota of the United States in the International Monetary Fund, $1,540,000,000 to remain available until expended."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to revise and extend their remarks on the conference report just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

SOVIET UNION SHOULD BE TAKEN BEFORE THE U.N. COMMISSION ON HUMAN RIGHTS FOR ITS VIOLATIONS ON HUMAN RIGHTS

(Mr. YATES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YATES. Mr. Speaker there is an old saying:

> The more things change, the more they are the same.

How true this is in the case of the Soviet Union.

Czarist Russia was known throughout the world for its cruelty to its Jewish citizens. They were singled out for bloody pogroms, degrading discrimination, and crushing taxes. The czarist autarchy paid little attention to world protests against their uncivilized anti-Jewish practices.

When the revolution came in 1918, the people of the world looked hopefully to enlightened changes it might bring. Certainly the Jewish citizens of Russia looked to their new government for freedom from the tyranny which had been their lot under the deposed autarchy, and for a greater measure of rights enjoyed by Russians of other faiths. Those whom the revolution had placed in power promised fulfillment of such hopes.

It was not long, however, that the beautiful phrases and glowing promises proved to be without substance. Over the years, it has become increasingly apparent that the officialdom of Soviet Russia from the highest levels to the lowest are as anti-Jewish as the czars' bureaucracy. The latest example is the decision by the Soviet rulers to place on trial and to impose heavy penalties, including death sentences, upon a number of Jewish citizens, allegedly because they proposed to flee Russia. More trials involving Jews are in the offing and will be convened within the near future.

Mr. Speaker, the more things change, the more they are the same. The barbaric behavior of the rulers of Soviet Russia against their Jewish citizens makes a mockery of that nation's pledges in support of the United Nations Universal Declaration of Human Rights. I would urge President Nixon to take steps to bring to the attention of the United Nations Commission on Human Rights the actions taken by the Soviet Union in violation of the Declaration of Human Rights.

Mr. Speaker, I include with my remarks the eloquent letter written by Mr. Raymond Epstein, president of the Jewish Welfare Fund of Chicago, to a group of elected officials.

LETTER BY RAYMOND EPSTEIN

There are times when the cause of humanity transcends national boundaries and political differences—and in such a time the act of remaining silent becomes immoral.

The case of Soviet Jewry—3,000,000 unwilling prisoners, victims of discrimination and active persecution—is clearly such an instance. The parallel to the situation in Germany during the early Hitler days is frighteningly clear and the results of world disinterest at that time are still vividly in the minds of all decent people.

The Jews of Russia, at great personal sacrifice, have begun to speak out. Unfortunately, the major reaction has been *within* Russia where repression and reprisal are mounting—the outside world has not yet responded in any meaningful way. The trial of 32 victims now beginning in Leningrad, a "show" trial by any objective judgment, is the latest evidence of Russian reaction.

Past events have proven that the Russian government *is* aware of, concerned with and sometimes influenced by world opinion. Certainly this is the time to make known to them that Americans of all faiths are watching their actions and expressing their concern. Premier Kosygin is on record with a statement that Jews would be permitted to leave to rejoin families abroad but there has been little implementation of this promise.

I appeal to you to make your voice heard, both within our own government and directly, personally—as an important elected official—to Russia, to the United Nations and to other leaders throughout the world. In the American tradition and in the name of humanity.

ALTON SAYS NIXON SEEKS REVENUE PLAN

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, one of the great disappointments of the 91st Congress has been the failure to act on the President's revenue-sharing legislation. Hearings on this much needed measure must be a top priority in the 92d Congress.

The major expansion of public services in the 1960's took place at the State and local level, in the areas of education, health, welfare, transportation, and police protection. Local sources of revenue are being taxed near the limit to meet these needs. The result is a fiscal mismatch that is not adequately cured by categorical grant-in-aid programs administered by the Federal Government. These programs rest on the invalid assumption that the Federal Government knows what is best for every State and local government in the country. Categorical grant-in-aid programs, however well intentioned, mean redtape and a topheavy bureaucracy in Washington. They are not the answer to the fiscal needs of local government in the seventies.

I would like to include in these remarks a copy of an article from the Annapolis Evening Capital of November 24, 1970, in which County Executive Joseph W. Alton, Jr., of Anne Arundel County, Md., discussed his meeting with the President on revenue sharing. I share their commitment to the program, and will be pressing for action in the next Congress. The article follows:

ALTON SAYS NIXON SEEKS REVENUE PLAN

President Nixon said yesterday that unless Congress passes a comprehensive revenue sharing plan in the near future, "local government is going to be a casualty of the early Seventies," County Executive Joseph W. Alton, Jr. reported today.

Alton, who has frequently called revenue sharing "the most burning domestic issue today," said Nixon was "even stronger than I expected him to be" on the bill which would require the federal government to grant unencumbered funds to local jurisdictions. Alton, along with some 20 other county executives from across the country, met with Nixon yesterday in the President's Oval Office. The meeting, which was scheduled to last 30 minutes, ran on for an hour.

The executives met with Nixon aides Robert Finch, John Erlichman and Daniel P. Moynihan, for a work session following the meeting with the President, Alton said.

Alton said Nixon "unquestionably" places a high priority on revenue sharing. He said it was obvious the President does not expect passage of the bill this Congressional session. It has been tied up in the House Ways and Means Committee for several months.

"He said, I want to be very candid with you. It has no chance this session," Alton reported. "He said it isn't a partisan thing. He said people in Congress from both parties don't understand the problems the counties and other urban subdivisions face."

Alton said Nixon asked the county executives to urge members of Congress from their respective states to push for early approval of the bill.

Alton has long favored revenue sharing, contending that only by the granting of funds with no strings attached can local jurisdictions hope to cope with the problems of the coming decade.

The federal government normally grants funds to local governments for specific projects following application to Washington.

NATIONAL AIRPORT AND BIGGER JETS

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, a first order of business of the 92d Congress should be the consideration of legislation to establish a Washington, D.C., regional airport authority which will accommodate the Maryland-Virginia-District of Columbia air traffic needs while giving the community at the same time a voice in planning regional airport affairs.

During this past Congress, I sponsored H.R. 17667, which would establish such an authority. Identical legislation, S. 3128, by Senator SPONG, of Virginia, was considered by the Senate Commerce Committe during hearings in June. At that time I testified along with other Members of Congress, representatives of the Federal and local governments, and private industrial and aviation groups.

The responsibility to develop properly the full potential of Dulles Airport according to its design capabilities and to serve the total interests of the region cannot be left to the airlines and the Federal Aviation Administration. Dulles Airport built with the taxpayers' dollars must not stand half used but must serve the public. Present operations have caused the scheduling of disproportionate increases of air traffic into National Airport and the accompanying concentration of the jet noise over the Potomac Valley communities while the other regional airports are not experiencing the growth for which they are designed.

The Washington-Baltimore area's three airports comprise one market for air carriers, and commonsense calls for adoption of an integrated system of operation and planning for the three facilities of National, Friendship, and Dulles. The first step in this direction would be the establishment of the authority I have recommended.

Mr. Speaker, I commend to my colleagues the following editorial from the Washington Post of December 27, 1970, which speaks of this issue:

NATIONAL AIRPORT AND BIGGER JETS

One of the documents we look forward to reading as the new year begins is the report from the Federal Aviation Administration on the use of "stretched" jets at National Airport. In particular, we're fascinated to know how the FAA will explain its action in failing to reimpose the ban at National against stretched 727s which it "temporarily" lifted last spring during the strike of air traffic controllers. We suspect we may know why the FAA has continued to let the larger planes land there—this helps the airlines financially and provides a wedge for expanding that airport—but it would be nice to see these things put into writing.

You have to go back to the time when jets were first permitted into National to put this situation into perspective. Remember what happened in the summer of 1966, just after the jets got permission to land? The terminal was so crowded that it was hard to turn around, let alone get to or from a ticket counter or a gate; and a limitation had to be placed on the number of planes that could land each hour in order to keep the place functioning.

Well, the difference between a regular 727 and a stretched 727 is the difference between 131 passengers and 170 passengers, almost 30 per cent. And until the strike last spring these bigger planes were kept out—to keep down the crowds, to prevent any potential damage to the old runways, and to avoid funneling to National passengers who would otherwise use Dulles or Friendship. The strike, of course, put a premium on the biggest possible airplanes and the FAA quite properly lifted its ban to get more people flying in fewer planes. But when the strike ended promptly, the ban was not reimposed, and in October, 1 out of every 12 planes using the airport was a stretched jet.

There hasn't been a congestion problem on the ground yet, so far as we know, but one would seem inevitable when and if airline traffic gets out of the slump that has plagued the industry in the last year. And then will come the push to build a new and larger terminal at National, expand the runways, and so on. Beyond this, the continued use of stretched jets at National will further postpone the time when major parts of the airline business are shifted to Dulles and Friendship. An internal FAA report pried loose by Senator Spong last May said, "There does not appear to be any practical way in which the stretched 727 decision can be conditioned to avoid compromising the growth of Dulles and Friendship." FAA Administrator Shaffer told Spong last spring that he is not sure this is true and that he wanted to study the situation. We trust that the study the FAA has conducted since that time has not focused solely on the convenience of the airlines but has kept in mind the goal—the only proper one in our view—of making Dulles this city's principal airport as quickly as possible.

ACTIVITIES OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA

(Mr. McMILLAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. McMILLAN. Mr. Speaker, I want to take this opportunity to express appreciation to the members of the House Committee on the District of Columbia for their untiring efforts, cooperation, and diligence during the three sessions of the 91st Congress.

The House Committee on the District of Columbia, by its almost continuous legislative activities in this Congress, has again demonstrated its dedicated and abiding interest in the Nation's Capital, and in helping the Congress to meet its responsibility as set forth in article I, section 8, of the Constitution, which defines the powers of Congress and provides that the Congress shall "exercise exclusive legislation in all cases whatsoever, over such District—not exceeding 10 miles square—as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States."

The devotion of committee members to their duties has been well demonstrated in this session—one of the busiest our committee has experienced—when more hearings have been held and, therefore, more necessary action by the full committee as well as by subcommittees, than in prior sessions of the Congress.

Regretfully, while the House passed 48 bills reported out by the House District Committee, only 31 of these bills were approved by the other body and signed by the President—three others,

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pending before him, are expected to be approved.

The most important legislation considered this year by the House District Committee was the omnibus anticrime and court reorganization bill—including provision for 17 additional judges—much of which was initiated by the committee, passed overwhelmingly by the House and the Senate, and approved by the President. It is a composite of 27 House bills, a few sponsored by the administration as needed court reforms, but most of them amendments to the Criminal Code and Bail Reform Act, sponsored by House Members. It is aimed point blank at the crime situation in Washington and amends present police and court procedures for the handling, treatment, and sentencing of criminals.

The purpose of this law is to give to the people in Washington, its citizens, and those temporarily sojourning here, as well as the millions of visitors who come here annually, some measure of surcease from the ever-growing criminal element which too long, outrageously and indefensibly, has been a threat to life, limb, and property in the District of Columbia.

The crime rate in the Nation's Capital has been a national disgrace far too long, and the House District Committee has been in the forefront for many years endeavoring to secure enactment by the Congress of appropriate legislation to help stem the criminal tide in Washington.

Other important and major legislative proposals are two revenue acts which together increased by $36 million—from $90 million to $126 million—the permitted annual Federal payment to the District; raised the estimated debt ceiling for general fund borrowing from $392.3 million to $610 million; increased the borrowing authority in the District's special funds to new ceilings; namely, to $72 million for the sanitary sewage fund; $110 million for the highway fund; and $57 million for water fund; provided an estimated $25 million from income tax increases and $300,000 revenue for highway repairs from truck fees; $200,000 from a tax on rental of linens; and a $200,000 saving to District by HEW inspection of milk and dairy products.

Also authorized was a $6.2 million subsidy for the District of Columbia medical and dental schools, and it was enacted that land grant funds are to be equally divided between the Federal City College and Washington Technical Institute.

Legislation from the committee also authorized 20-year leases of space for the District of Columbia government, and provided for a study of Potomac River pollution and resources.

In addition, the House District Committee reported and the Congress approved authorization for a Federal contribution of not to exceed $1,147 million and the District's share of $216.5 million of the net project cost of a regional rapid rail system expanded to 97 miles, with total estimated cost of $2,494.6 million; exempting FHA and VA mortgages and loans, cooperative associations, and the institution of higher learning in the District, from interest and usury laws; amending the District's Minimum Wage and Industrial Safety Acts; providing appreciable pay increases and increased retirement benefits for teachers, police, and firemen; creating the position of Delegate to the House from the District; and establishing a commission to study the operation of the District government.

Specifically, I wish to report on the overall activities of the House District Committee in the three sessions of the 91st Congress, as follows:

First. During this Congress, 306 bills and joint resolutions have been referred to and considered by the House Committee on the District of Columbia, 269 of these being House bills and joint resolutions and 37 being Senate-passed bills.

Second. Public hearings consuming 101 days have been held by the District Committee and subcommittees on 121 bills and resolutions which have been referred to them.

Third. Sixty-three executive sessions have been held by the full District Committee and by subcommittees on various bills.

Fourth. During this Congress, 54 bills have been favorably reported by the District Committee to the House; 48 of them passed the House, and 31 of them have been signed by the President—three are pending before him awaiting his expected approval.

CALIFORNIA RURAL LEGAL ASSISTANCE

(Mr. TUNNEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TUNNEY. Mr. Speaker, our courts are the final bulwark in the sense of individual liberties, and I believe their protection should be afforded all Americans and not curtailed for some. That is why I believe Governor Reagan's veto of $1.8 million for California rural legal assistance should be overturned by the Office of Economic Opportunity in Washington, D.C.

For the first time, the Nation's rural poor are assured skilled representation in civil matters, many of which touch directly on their constitutional rights. The mere fact that the CRLA has won all five of its cases that have been appealed to the U.S. Supreme Court significantly underscores the grave questions of individual rights and freedoms that are at stake.

Unquestionably, the CRLA has ruffled some administrative feathers in Sacramento and this may explain the extraordinary hostility of some of the official memoranda on which the Governor based his veto. But the overriding public good demands that the poor, as well as the rich, have access to our courts. Our Nation would ossify and our liberties would diminish if all Americans did not have a free voice, through legal and orderly procedures, to challenge the status quo.

Clearly, without the courts, with their traditions of civility and dignity, there would only be the streets in which to redress grievances. Force would supplant reason and our freedoms would be ridiculed in the crossfire between repression and anarchy.

The CRLA represents new hope for thousands of Californians to rightful representation in our courts, and it should not be extinguished now—or ever.

TREATMENT OF RUSSIAN JEWS

(Mr. TUNNEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TUNNEY. Mr. Speaker, individual crime is no less deplorable than national crime, and certainly the one should not become an excuse for the other. Clearly, the hijacking of an airplane is a criminal offense, but, just as clearly, such a crime should not mask a larger national crime of ethnic persecution and subjugation.

The severe sentences handed down by a Leningrad court against 11 accused Soviet hijackers—nine of them Jewish—raises such a spector. The trial itself, held in secret, gave further substance to reports that the Soviet Union may be launched on a ruthless and wholesale discrimination against its Jewish citizens.

The United States, through all diplomatic means, must make clear her indignation against any possible diabolical distortion of the alleged offense of the 11 hijackers into a massive policy of repression against Jews.

Justice is a cornerstone of civilization and world order, and our Nation must underscore to the Soviets—by Presidential declaration if necessary—that any policy of theirs to deny justice to Jews fans the fires of tension and distrust which so long have kept the world in turmoil. At the same time, the United States must not relax her commitment to attacking racism within her own borders and must continue to expand the promise of opportunity and dignity to all her citizens.

The ageless heroism of the Jews—displayed currently in the steady courage of Israel in the face of Soviet arms on the Suez—is an inspiration to all who cherish their religion, their heritage and their individual worth. This heroism shall not be foresaken now in the Soviet Union.

The United States will continue to support Jewish aspirations; she will continue to help arm Israel for self-defense; she will support realistic peace efforts to bring security to Israel and stability to the Middle East; she will oppose anti-Semitism at home and abroad.

Additionally, she must take the lead in mounting world indignation against possible Soviet persecution. She must emphasize to Soviet leaders the jolting world repercussions of any program. She must undertake efforts to win safe conduct for Jews to their historic homeland in Israel. Congress must stand ready to support these goals and to urge the President to proclaim them to the world.

LET THEM LIVE AND LET THEM LEAVE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, countries around the world are shocked by the

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savage act of the Soviet Union in sentencing to death two Soviet Jews and to long prison sentences nine other Soviet citizens all of whom were Jews with the exception of one. Their crime was to seek to depart from a country which will not let them live and will not let them leave. The latest anti-Semitic acts of the Soviet Union should really not shock any one of us in view of the long history of oppression against Jews living in Russia from the days of the czars, through the terror of Stalin, to the reign of Kosygin-Brezhnev.

The Leningrad trial is the beginning of a modern-day pogrom—this time in the form of a legalized lynching. Similar actions taken by the Governments of Poland and Czechoslovakia which take their signals from the U.S.S.R. make it quite clear there is now a deliberate drive throughout Eastern Europe to fan the fires of anti-Semitism.

It is at a time like this that one who is not a Jew might begin to understand the feelings of Jews around the world in their support for their oppressed brethern and their love for the State of Israel. For in truth we should recognize that there are few countries in the civilized world which have not sometime in their history engaged in the vilest of anti-Semitic practices running the gamut from expulsion, as was the case in Spain and England, restriction on citizenship as was the situation in France and Italy, to the ultimate "final solution" adopted by Nazi Germany. And what must also be recognized is the fact that were the Soviet Union by some miracle to permit the 3½ million Jews now held prisoner in that country to freely emigrate, there would be no country, and that includes our own, which would open wide its doors to accept them—with one exception and that is the State of Israel. Is it any wonder that Jews throughout the world, and that includes those fully integrated here in the United States, must have on their minds the safekeeping of that single sanctuary to which our brethren elsewhere oppressed and prevented from practicing their religion, may flee and know that they will receive a warm welcome?

The Soviet Union should be condemned before the United Nations and in the Security Council for its revival of anti-semitic practices, and the U.S. Delegate should be the first to bring those charges.

I say to my Jewish kin and to my non-Jewish friends and colleagues that all of us should keep in mind that ancient plea first uttered at the waters of Babylon by a people who had been held captive and in exile, just as the Jews in the Soviet Union are held today:

> If I forget thee, oh Jerusalem, may my right hand wither.

If the world stands by and permits the Soviet Union to continue with its oppression including death and imprisonment and the cultural genocide of the Jewish people, then indeed the right hand of every man alive who sits back and does nothing should wither.

If there is one country whose citizens have demonstrated over the years their concern in matters of this kind, it is the United States and we must take the lead in awakening the conscience of the world. Hopefully, we will not be found wanting.

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THOROUGH INVESTIGATION NEEDED

(Mr. GROSS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, I have, in the past, called attention to the highly questionable activities of former Assistant Postmaster General William J. Hartigan in connection with the award of highly lucrative airmail contracts to an air taxi service named the Sedalia-Marshall-Boonville Stage Lines, Inc., of which he is now an official.

Now the General Accounting Office has issued a report to Senator Gordon Allott which points up the irregularities that took place in the award of these and other airmail contracts during Hartigan's tenure at the Post Office.

Mr. Speaker, I am today asking the Department of Justice to make a complete investigation of the award of these contracts to determine whether any Federal laws have been violated by the individuals and firms involved.

GENERAL LEAVE TO EXTEND

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks on the subject of Mr. Broomfield's special order on December 30, 1970, and to include therein extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mrs. Hansen of Washington, for December 30 through January 3, on account of official business.

Mr. Mosher (at the request of Mr. Fulton of Pennsylvania), for today and remainder of week, on account of attending sessions in Chicago of American Society for the Advancement of Science on committee business of the House Committee on Science and Astronautics.

Mr. Henderson (at the request of Mr. Albert), for today, on account of illness.

Mr. Randall, for Tuesday, December 29, 1970, on account of official business (annual date, first Monday after Christmas for personal interviews with approximately 50 Academy applicants for appointment to the three service Academies).

Mr. Winn (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of personal business.

Mr. Buchanan (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of illness.

Mr. Lowenstein (at the request of Mr. Boggs), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Annunzio, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Vanik (at the request of Mr. Annunzio), for 60 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Hechler of West Virginia, tomorrow, for 30 minutes.

Mr. Vanik, for 1 hour on December 30, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Camp), to revise and extend their remarks, and to include extraneous matter to:)

Mr. Broomfield, on December 30, for 1 hour.

Mr. Schwengel, on today, for 30 minutes.

Mr. Miller of Ohio, on today, for 1 hour.

(The following Members (at the request of Mr. Daniel of Virginia), to revise and extend their remarks and to include extraneous matter to:)

Mr. Gaydos, today, for 10 minutes.

Mr. Rooney of Pennsylvania, today, for 10 minutes.

Mr. Boggs, today, for 15 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes asked and was given permission to revise and extend the remarks he made and to include extraneous matter.

Mr. Schwengel and to include extraneous matter.

Mr. Madden and to include a resolution.

Mr. McCormack, to follow the remarks today of Mr. Annunzio.

Mr. Passman and to include extraneous matter and tables, during his remarks on conference report on H.R. 17867.

(The following Members (at the request of Mr. Camp), and to include extraneous matter:)

Mr. Buchanan in two instances.

Mr. Fulton of Pennsylvania in five instances.

Mr. Conte.

Mr. Collier in five instances.

Mr. Foreman in two instances.

Mr. Carter.

Mr. Taft.

Mr. Anderson of Illinois in two instances.

Mr. Erlenborn.

Mr. Schmitz.

Mr. Halpern.

Mr. Broomfield in two instances.

Mr. Steiger of Wisconsin.

Mr. Scott.

Mr. McKneally in two instances.

Mr. Derwinski in two instances.

Mr. Collins of Texas in three instances.

Mr. Burke of Florida.

Mr. Hansen of Idaho in two instances.

Mr. MILLER of Ohio in five instances.
Mr. HOGAN in five instances.
Mr. ROBISON.
Mr. WHALEN.
Mr. WYMAN in two instances.
Mr. WIDNALL.
Mr. COUGHLIN.
Mr. LANDGREBE.

(The following Members (at the request of Mr. DANIEL of Virginia), and to include extraneous matter:)

Mr. ANNUNZIO in three instances.
Mr. REES.
Mr. MURPHY of New York in two instances.
Mr BOLLING in two instances.
Mr. O'HARA in three instances.
Mr. O'NEILL of Massachusetts in three instances.
Mr. FASCELL.
Mr. EILBERG in two instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in two instances.
Mr. BINGHAM.
Mr. ANDERSON of California.
Mr. FEIGHAN.
Mr. CHAPPELL.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7311. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes;

H.R. 10517. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes;

H.R. 13493. An act to change the name of certain projects for navigation and other purposes on the Arkansas River;

H.R. 13810. An act for the relief of Lt. Col. Robert L. Poehlein;

H.R. 14645. An act to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President, and to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes;

H.R. 16745. An act to limit, in the case of certain special service vessels, the application of the duties imposed on equipments and repair parts purchased for, and repairs made to, U.S. vessels in foreign countries;

H.R. 17473. An act to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, and for other purposes;

H.R. 17901. An act to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit;

H.R. 18306. An act to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes;

H.R. 19333. An act to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges;

H.R. 19857. An act to name certain Federal buildings;

H.R. 19885. An act to provide additional revenue for the District of Columbia, and for other purposes;

H.R. 19911. An act to provide additional foreign assistance authorizations, and for other purposes

H.R. 19342. An act to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes.

H.R. 19928. An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purpose; and

H.J. Res. 1420. Joint resolution authorizing the Honorable John W. McCormack, Speaker of the House of Representatives, to accept and wear the Cavaliere di Gran Croce, of the Order Al Merito della Repubblica, an award conferred by the Government of the Republic of Italy.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 11. An act to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes; and

S. 2984. An act to permit certain Federal employment to be counted toward retirement.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On December 22, 1970:

H.R. 212. An act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes;

H.R. 380. An act to amend section 7 of the Act of August 9, 1946 (60 Stat. 968);

H.R. 956. An act to rename a lock of the Cross-Florida Barge Canal the "Henry Holland Buckman lock";

H.R. 3107. An act to officially designate the Totten Trail Pumping Station;

H.R. 4982. An act for the relief of Thomas J. Beck;

H.R. 4983. An act for the relief of James M. Buster;

H.R. 6049. An act to amend the definition of "metal bearing ores" in the Tariff Schedules of the United States;

H.R. 6100. An act for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla.

H.R. 6778. An act to amend the Bank Holding Company Act of 1956, and for other purposes;

H.R. 6854. An act ot provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass.;

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis;

H.R. 7334. An act to designate the lake formed by the waters impounded by the Libby Dam, Mont., as "Lake Koocanusa";

H.R. 8933. An act to provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigbee River, Alabama, shall hereafter be known as the Coffeeville lock and dam;

H.R. 9183. An act to amend the Tariff Schedules of the United States to provide that imported articles, which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation;

H.R. 10150. An act for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.;

H.R. 10704. An act for the relief of Samuel R. Stephenson;

H.R. 11547. An act to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans;

H.R. 12128. An act for the relief of William Heidman, Jr.;

H.R. 12564. An act to rename a pool of the Cross Florida Barge Canal "Lake Ocklawha";

H.R. 12621. An act for the relief of Lt. Robert J. Scanlon;

H.R. 13182. An act for the relief of Frank E. Dart;

H.R. 13676. An act for the relief of certain retired officers of the Army, Navy, and Air Force;

H.R. 13806. An act for the relief of Irwin Katz;

H.R. 13862. An act to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan;

H.R. 14271. An act for the relief of Jack A. Diggins;

H.R. 14683. An act to designate as the John H. Overton lock and dam the lock and dam authorized to be constructed on the Red River near Alexandria, La.;

H.R. 15270. An act for the relief of Thaddeus J. Pawlak;

H.R. 15272. An act for the relief of David L. Kennison;

H.R. 15505. An act for the relief of Jack B. Smith and Charles N. Martin, Jr.;

H.R. 15911. An act to amend title 38 of the United States Code to increase the rates, income limitations, and aid and atendance allowances relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes;

H.R. 15979. An act to provide that the interest on certain insured loans sold out of the agricultural credit insurance fund shall be included in gross income;

H.R. 16502. An act for the relief of Gary W. Stewart;

H.R. 16506. An act to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations;

H.R. 16940. An act to extend until December 31, 1972, the suspension of duty on electrodes for use in producing alumnium;

H.R. 16965. An act for the relief of Richard N. Stanford;

H.R. 17255. An act to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air;

H.R. 17750. An act to grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Mass.:

H.R. 17825. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes;

H.R. 17853. An act for the releif of Carlo Bianchi & Co., Inc.;

H.R. 18858. An act to change the name of the West Branch Dam and Reservoir, Mahon-

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ing River, Ohio, to the Michael J. Kirwan Dam and Reservoir;

H.R. 19436. An act to provide the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes;

H.R. 19504. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

H.R. 19855. An act to designate the lake formed by the waters impounded by the Butler Valley Dam, Calif., as "Blue Lake";

H.R. 19877. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes;

H.R. 19890. An act to name a Federal building in Memphis, Tenn., for the late Clifford Davis; and

H.J. Res. 1162. An act to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission.

On December 24, 1970:

H.R. 7311. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes;

H.R. 14645. An act to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President, and to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes;

H.R. 17473. An act to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, and for other purposes;

H.R. 17901. An act to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit;

H.R. 18306. An act to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes;

H.R. 19333. An act to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges;

H.R. 19857. An act to name certain Federal buildings;

H.R. 19885. An act to provide additional revenue for the District of Columbia, and for other purposes;

H.R. 19911. An act to provide additional foreign assistance authorization, and for other purposes; and

H.J. Res. 1420. An act authorizing the Honorable John W. McCormack, Speaker of the House of Representatives, to accept and wear the Cavaliere di Gran Croce, of the Order Al Merito della Repubblica, an award conferred by the Government of the Republic of Italy.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, as a further mark of respect for our deceased colleague, the Honorable L. MENDEL RIVERS, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 30, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2633. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various facilities projects proposed to be undertaken for the Air National Guard; to the Committee on Armed Services.

2634. A letter from the Assistant Secretary of the Interior, transmitting the 14th annual report on the status of the Colorado River storage project and participating projects, pursuant to 70 Stat. 105; to the Committee on Interior and Insular Affairs.

2635. A letter from the Chairman, Federal Power Commission, transmitting a report showing information on the permits and licenses for hydroelectric projects issued by the Commission during fiscal year 1970, financial statements of proceeds derived from licenses issued by authority of the Federal Power Act, and the names and compensation of persons employed by the Commission during that period, pursuant to section 4(d) of the Federal Power Act; to the Committee on Interstate and Foreign Commerce.

RECEIVED FROM THE COMPTROLLER GENERAL

2636. A letter from the Comptroller General of the United States, transmitting a report on the improvement needed in the administration of the Federal program of aid to educationally deprived children in Ohio, Office of Education, Department of Health, Education, and Welfare; to the Committee on Government Operations.

2637. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness of revised procedures implementing the Truth-in-Negotiations Act, Department of Defense; to the Committee on Government Operations.

2638. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in evaluating design requirements for construction and modernization of Veterans' Administration hospitals; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EVINS of Tennessee: Select Committee on Small Business. Final report. (Rept. No. 91-1795). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRIEDEL: Committee on House Administration. House Joint Resolution 1419. Joint resolution authorizing the acceptance, by the Joint Committee on the Library on behalf of the Congress, from the U.S. Capitol Historical Society, of preliminary design sketches and funds for murals in the east corridor, first floor, in the House wing of the Capitol, and for other purposes; (Rept. No. 91-1796). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on House Administration. Senate Concurrent Resolution 85. Concurrent resolution authorizing the printing of additional copies of Senate hearings on U.S. Security Agreements and Commitments Abroad; without amendment (Rept. No. 91-1797). Ordered to be printed.

Mr. McMILLAN: Committee of conference. Conference report on S. 1626; with amendment (Rept. No. 91-1798). Ordered to be printed.

Mr. MAHON: Committee of conference. Conference report on H.R. 19590; with amendment (Rept. No. 91-1799). Ordered to be printed.

Mr. PASSMAN: Committee of conference. Conference report on H.R. 17867; with amendment (Rept. No. 91-1800). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARMATZ:

H.R. 20013. A bill to name a certain ship channel the "Fallon Channel"; to the Committee on Public Works.

By Mr. MONAGAN:

H. Con. Res. 798. Concurrent resolution relative to establishment of an emergency economic program to combat inflation and recession; to the Committee on Banking and Currency.

By Mr. RYAN:

H. Res. 1320. A resolution condemning the persecution of any persons because of their religion in the Soviet Union; urging the Soviet Union to permit the free exercise of religion and pursuit of culture by Jews and all other citizens; and urging that the Soviet Union allow the emigration of its citizens who wish to emigrate; to the Committee on Foreign Affairs.

SENATE—*Tuesday, December 29, 1970*

(Legislative day of Monday, December 28, 1970)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

They that wait upon the Lord shall renew their strength; they shall mount up with wings like eagles; they shall run, and not be weary; and they shall walk, and not faint.—Isaiah 40: 41.

Help us, O Lord, to run when we can, to walk when we ought, to wait when we must. In everything do through us only what is best for the United States, and give us wisdom to leave undone that for which we are not ready.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

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U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 29, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, December 28, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, under the previous order, the Chair now recognizes the distinguished senior Senator from Colorado (Mr. ALLOTT) for not to exceed 45 minutes.

THE FACTS CONCERNING ASPECTS OF THE CAREER OF FORMER ASSISTANT POSTMASTER GENERAL WILLIAM J. HARTIGAN

Mr. ALLOTT. Mr. President, today it is my duty to bring to the attention of the Senate some facts which should concern the Senate and the Justice Department and which may, in the judgment of the latter, require legal action.

The facts concern aspects of the career of former Assistant Postmaster General William J. Hartigan. They center on the possibility that he was involved in acts which exceeded legal authority in the awarding of contracts for the transportation of mail. There now seems to be considerable evidence that these acts worked to the detriment of all taxpayers, all users of U.S. mail service, and our transportation system.

Senators know that during my 16 years in this body, I have seldom called for the resignation of a Government official. Most public servants, whether I agreed with their pholosophy or not, are honorable men of considerable competence. Only in extreme cases have I ever urged that someone in high office be removed from his position.

The case of Mr. Hartigan was such a case.

On September 22, 1967, after a yearlong battle over the conversion of surface mail transportation routes to air taxi and airline systems, I said at a Denver press conference:

> His actions have not been justified, from a cost of service basis, to the Congress. Accordingly, I believe that this nation can well afford to dispense with the services of Mr. Hartigan. Whether he resigns or whether his superiors, Postmaster General O'Brien and President Johnson dismiss him is immaterial to me. What is important is that we change our policy and direction, and to accomplish that objective, Hartigan must go.

I am now in possession of an extremely evenhanded and comprehensive report from the General Accounting Office. This report concerns certain actions taken by Mr. Hartigan while in Government service. The report indicates that my anxiety about Mr. Hartigan was even more well founded than it appeared at the time.

For those not familiar with Mr. Hartigan's background, let me recall a few points.

He was an associate of the late President Kennedy and when Kennedy took office in 1961, Hartigan became a White House aide. Soon after that he was appointed Assistant Postmaster General for Transportation and International Affairs. He held that position from August 1961 to May 1962.

He left in May of 1962 to help manage the election campaign of President Kennedy's brother EDWARD M. KENNEDY to be U.S. Senator from Massachusetts. After Senator KENNEDY's victory, Mr. Hartigan was anxious to return to Washington. By March 1963, he was reappointed to the same position he had left only a few months earlier.

For many reasons, some of which are documented in the GAO report, I began to call for his resignation in the fall of 1967 and repeated my request on January 23, 1968, in a speech on the floor of the Senate. Mr. Hartigan announced his resignation immediately thereafter, effective the end of February 1968. Two days later he was hired as a transportation consultant to the Sedalia-Marshall-Boonville Stage Lines, Inc.

In November 1968 he became a member of Sedalia's board of directors and on May 1, 1969, he became Sedalia's vice president.

I first became aware of Mr. Hartigan's suspiciously smooth slide from Assistant Postmaster General to Sedalia in April of 1969.

In a speech on the Senate floor on April 14, 1969, I said:

> I was determined to find out just why the discontinuance of RPO's was being pursued with almost ruthless determination by Mr. Hartigan at the Post Office.
>
> Finally, on September 22, 1967, my patience having been exhausted, I issued a statement calling for the termination of Mr. Hartigan's employment with the Post Office.
>
> Unbeknown to me and other legislators similarly concerned with this problem, but certainly known to Mr. Hartigan, another important event occurred in September, 1967.
>
> In that very eventful month, the Sedalia-Marshall-Boonville Stage Lines, Inc., began air taxi mail service. This firm, with headquarters in Des Moines, Iowa, had *no* air taxi mail service prior to that time. But, it wasted no time in acquiring prime contracts from the division of the Post Office which Mr. Hartigan administered.
>
> Mr. Hartigan, it seems, established himself as a Washington "transportation consultant", a broad general title which as anyone in the business knows, can cover a multitude of activities.
>
> However, later in 1968 . . . Mr. Hartigan became Vice President of the Sedalia-Marshall-Boonville Stage Lines, Inc. Undoubtedly, that firm was able to make Mr. Hartigan an attractive offer since its air taxi revenues had jumped from $60,030 in 1967 to $1,289,851 in 1968. The firm is now the largest air mail taxi carrier in the United States.

I followed up my April 14 speech with a letter to the Honorable Elmer B. Staats, Comptroller General of the United States, on April 21, 1969. I asked the Comptroller General to investigate the wholesale conversion of surface mail transportation routes to air routes. Specifically, I was interested in determining whether the changes were made too quickly, whether proper control and evaluation procedures were set up to facilitate the changes, and whether the cost of the conversion to air mail taxi service was justified in view of the alternatives available and the services rendered.

GAO readily agreed to make such an investigation. Several very competent investigators spent months pouring over records, not only here in Washington, but in some of the regional offices of the Post Office.

GAO's excellent report clearly confirms the initial suspicions concerning Mr. Hartigan. The report strongly suggests that Mr. Hartigan's actions in awarding certain contracts were illegal. His administrative practices in converting surface routes to air taxi routes were highly questionable. Arbitrary rate increases were granted by Mr. Hartigan especially to Sedalia-Marshall-Boonville Stage Lines, Inc.

All in all, the GAO report amounts to a startling disclosure of the kind of irregular administration Mr. Hartigan operated, especially during his second tenure as Assistant Postmaster General.

GAO has determined that the Post Office Department, under Mr. Hartigan and even subsequently, exceeded its legal authority in the use of emergency contracts for air taxi service for the transportation of mail.

In other words, the Post Office awarded 114 illegal contracts for air taxi service. Thirty-five of these illegal contracts were awarded to Sedalia, including 25 during Mr. Hartigan's tenure of office.

Let me quote from the GAO report:

> The circumstances that existed at the times the Department entered into emergency contracts did not constitute emergencies caused by fire, flood, major disaster, or any other type of calamitous visitation within the meaning of the Federal Aviation Act—the authority cited for such contracts. Rather, these contracts were awarded, in most instances, to initiate and/or continue service on routes which had been established by the Department to change from railway and highway post-office service to other transportation services or expand the geographic area for overnight delivery of letter mail, or both.
>
> Also, emergency contracting avoided the review and approval by the Civil Aeronautics Board of contract rates and routes that was required by the Federal Aviation Act.

I might add, Mr. President, that of the 410 air taxi mail contracts let by the Post Office during the period of review by GAO, only 201—less than half—had been approved by the CAB. The other 209 were emergency contracts and, therefore, were never reviewed or approved by CAB.

Thus did Mr. Hartigan—in an irregular and possibly illegal manner—approve emergency contracts to different carriers with great divergencies in the amount of money paid to the carrier. For example, on two routes, each requiring aircraft having a 2,000 pound mail carrying capacity, the round trip distances differed by only 12 miles. The rate on one route was 35 cents per mile and the other was 56.38 cents per mile.

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I had mentioned earlier that SMB had become the largest air taxi mail carrier and that it had not previously had experience in the business, but this needs to be put into even more perspective.

The GAO report points out that SMB began to operate with the largest number of air taxi mail routes during the last 6 months of Mr. Hartigan's tenure of office although it had not been in the business prior to that point.

The GAO further points out that the Department awarded a number of contracts without formal competitive bidding. Indeed, some of those air taxi companies who did apply for a contract with the Post Office Department did not even have a commitment to obtain specific aircraft or pilots at the time they were being considered by the Post Office.

Some of the air taxi companies which were awarded contracts leased aircraft and subcontracted their entire operation, which was contrary to the Civil Aeronautics Board and Federal Aviation Agency regulations.

When some of the operators who had been awarded contracts by the Department unexpectedly terminated their service, Mr. Hartigan approved additional "emergency contracts" to replace the abandoned service.

I repeat again, that the law indicates that only fire, flood, major disaster, or any other type of calamitous visitation are criteria upon which emergency contracts may be awarded.

These emergency contracts were awarded with no advertising for competitive bids. GAO has pointed out that this practice resulted in air mail taxi operators receiving very favorable contracts which cost the American taxpayer a great deal of money.

Some of these emergency contracts, incidentally, were awarded to companies to compensate for their loss of surface mail contracts. SMB, by the way, had been in the highway post office business before it launched into its highly successful career in air taxi operations.

I noted before that Mr. Hartigan was from Massachusetts. Therefore, I found the example given by GAO concerning the award of noncompetitive contracts in the Boston postal region quite interesting. It seems that Mr. Hartigan approved five airmail taxi routes for Buker Airways with oral rate quotations over the phone. There was no bidding—not even any solicitations. This becomes even more interesting when it is noted that Mr. Hartigan was employed on a per diem basis as a transportation consultant to Buker Airways following his resignation from the Post Office.

Another example of the advantages of over-the-phone arrangements made by Mr. Hartigan turned up in the Minneapolis postal region. There, SMB was awarded three contracts even though the originating office had not solicited or received bids from SMB. Available records indicate that Mr. Hartigan signed the three contracts awarded to SMB on the basis of rate quotations obtained by Department headquarters. For two of the three routes, on which informal rate quotations had been solicited, SMB quoted rates higher than the quotation rates of some of the other bidders on both routes.

The irregularities either permitted or endorsed by Mr. Hartigan took many forms.

On an Indianapolis to Columbus route an "emergency contract" was let to Sedalia because the original operator had terminated service. However, when bidding for the original contract was being solicited, a firm known as Aero Tech Enterprises, Inc., was disqualified for bidding, because the only plane they had available was a Piper Aztec C, which, according to the Post Office Department, did not meet its emergency contract specifications. Interestingly enough, however, when Sedalia was later awarded this very same contract, it operated the service with a Piper Aztec C. Sedalia's cost was considerably higher than the original bid made by Aero Tech Enterprises, Inc., however.

On a route between Omaha and Grand Island, Nebr., Trojan Airlines was awarded a contract at the rate of 35 cents per mile. In March of 1969, Trojan asked to be relieved of its contract and Sedalia was immediately awarded another emergency arrangement. Without any advertising for bids, Sedalia's contract awarded a price of 56.5 cents per mile.

Speaking of rate increases, during the period from December 1967 through May of 1969, Sedalia had been granted by the Post Office Department a total of 34 rate increases on 30 different routes.

Some of these rate increases may not have been justified, because insufficient supporting documentation was required by the Post Office Department in making their adjustment decisions.

The majority of increases during that period were approved by Mr. Hartigan. GAO strongly questions some of those inceases because many of the cost items used to justify the request could have and indeed, should have been anticipated in the bidding price.

Mr. President, I could go on and on with such examples. The GAO report, which I have before me, is 82 pages long and I have just mentioned a few of the highlights of this report. It will be available to interested Senators and appropriate committee staffs. I must say this is a study that should be memorized by the members of the Committee on Post Office and Civil Service and by the staff of that committee.

In summary, we are dealing with two interrelated questions.

First, the role of Assistant Postmaster General Hartigan in the wholesale conversion of surface mail routes to air taxi routes and, second, the inadequate procedures on the part of the Post Office Department which permitted such changes to be made without proper evaluation, checks, and balances.

The GAO has completely substantiated my original charge that the replacement of surface lines and specifically the conversion to air taxi mail service was never justified to the Congress on a cost or service basis.

The use of air taxi service in certain corridors was particularly outrageous. The GAO concluded that air taxi programs were substantially more costly than commercial air service. Half of the air taxi routes invented by Mr. Hartigan and his associates had parallel commercial operations which could have been used.

Most of these commercial lines had a significant amount of cargo space available. The GAO also concluded that surface truck transportation was generally available on these routes and could have eliminated most of the cost of the air taxi service. Some of the air taxi routes have been operating at less than 50-percent capacity. On an average, they have only used 65 percent of the capacity contracted for.

The Sunday night air taxi routes were extremely costly because of the small quantities of mail. However, GAO had a great deal of trouble getting the proper information from the Department to provide the specific statistics in this regard.

Mr. President, the GAO, through its diligent efforts, has uncovered what well could be a scandal of major proportions. Without the facts available to me, I had concluded several years earlier that the Post Office Department and Mr. Hartigan were guilty of grossly irresponsible activity. As a lawyer, a former district attorney, and a Senator who has cross-examined literally hundreds of witnesses in the past 16 years, I know when questions are not being answered and when policies are not being justified.

Because the GAO has done such a splendid job of analyzing this problem, I intend to transmit copies of this report to the Government Operations Committee, the Post Office and Civil Service Committee, and to fellow members of the Treasury Post Office Subcommittee of the Committee on Appropriations.

However, because GAO has determined "that the Department exceeded its legal authority in the use of emergency contracts for air taxi service for the transport of mail" and because Mr. Hartigan was personally involved in the execution of most of these contracts, a good many of which benefits Sedalia, where he is presently employed, I am asking the Justice Department to review this matter to determine what, if any, action is appropriate.

One final note, Mr. President. Very shortly, because the Congress passed the railpax bill, a national rail passenger network will come into being. This network will operate fast, reliable passenger trains to and from key points throughout the Nation. With the inauguration of this kind of service, the reasons given by the Post Office Department for discontinuing its railway mail operations, will vanish.

Accordingly, Mr. President, I call upon the Department of Transportation, the Post Office Department, the Interstate Commerce Commission and the new Rail Passenger Corporation to explore means of returning the mail to these passenger trains where it is feasible.

Now, Mr. President, there is a great amount more in significance to this whole matter than that which I have just recited in my prepared text. During the middle 1960's I was at a great loss to understand where the movement was coming from to put all of our mail upon airplanes and transport it in this coun-

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try. I do not know how any intelligent person could think there could be adequate service to Lamar, Colo., or Cooke City, Mont., or McCook, Nebr., or Garland, Nebr., or Sedalia, Kans., or Great Bend, Kans, or any of the thousands and thousands of other cities in this country, if it were done by air. Yet apparently that was the determination that was made.

When we see how one man who had the authority, or the office, which he used to do this, the implications it has had upon the economics in the Postal Service of this country are simply staggering, because when they pulled the mail off the railways and started establishing the air taxi routes for transportation of mail, which is what Hartigan did—many of which he later indirectly took profit from because he is now an employee of that same company—it gave the railways an excuse to come in, literally by the hundreds, and apply to the Interstate Commerce Commission to abandon passenger service.

That is why today, without the benefit of the RPO cars—where they used to sort the mail as the mail was being transported, and not dumping it in one terminal and hoping someone would sort it, but sorting it as they went along the railroad tracks—we have had such a breakdown in our postal service.

As far as I know, no committee of Congress ever told the Post Office Department, "We want to abandon RPO cars." Mr. Hartigan had it in that little old brain of his that if we went this route and if he could develop and help develop a broad transportation system at the air taxi level, that there was a great future business open for him. He made that future business opportunity as a transportation consultant, as a director of the Sedalia Stage Lines, and now as an employee of those stage lines.

So what have we had? Literally hundreds of small towns in this country, as a result of those policies generated in the brain of this man over in the Post Office Department, are today without any rail passenger service, because, as I have said, the dropping of the RPO cars from the passenger trains gave many of the railroads an opportunity, which I confess they frankly were looking for—a justification—for dropping of the passenger service. Trains have been dropped. They have been dropped in my State, and they have been dropped in the State of almost every Member of the Senate. And now we are left, those of us not only in the West but all over the United States, with recourse to driving our automobiles on the roads, taking buses on the roads, or even flying airlines if the particular town or city to which we want to go happens to be served by an airline.

To me this is one of the most tragic things that has happened. It is not that this man alone exceeded his authority in his office. It is not just that he actually set up and created a business by using his office, to wit, the Sedalia Airline Taxi Service—the stage line was already in existence—but it actually reaches over to affecting the entire economics of this country, and it enabled the railroads to abandon passenger service and to place in discomfort hundreds and hundreds and thousands of people in this country to whom no other mode of transportation is available now than their own cars and buses. And then we wonder why our roads and highways are crowded.

I want to read just two or three short portions from the digest of the Comptroller General's report, and I read from page 2, "Questionable contracting practices." It also goes into "Weak administrative practices." It also discusses the "Growth of air taxi mail service," and "Mr. Hartigan's involvement with Sedalia." It points out that during the last 6 months of Mr. Hartigan's tenure of office, Sedalia became the operator of the largest number of air taxi mail routes despite having no prior experience in the air taxi business. The report points out how, when a new contract was given—and I refer to this in my statement—the rate went from 35 cents a mile to 56 cents a mile, increasing the cost some 75 to 80 percent. The whole sordid picture makes one wonder how such a thing could happen. I read from the report:

> GAO has determined that *the Department exceeded its legal authority* in its use of "emergency" contracts for air taxi service for the transport of mail. *The use of emergency contracts* was started during Mr. Hartigan's tenure of office when 114 emergency contracts, at an annual cost of $5.9 million, were awarded for air taxi mail service, of which 71 contracts (costing $3.4 million) were for initiating the service. Sedalia was awarded 35 emergency contracts for air taxi mail service, of which 25 were awarded during Mr. Hartigan's tenure of office.
>
> The circumstances that existed at the times the Department entered into emergency contracts did not constitute emergencies caused by fire, flood, major disaster, or any other type of calamitous visitation within the meaning of the Federal Aviation Act—the authority cited for such contracts. Rather, these contracts were awarded, in most instances, to initiate and/or continue service on routes which had been established by the Department to change from railway and highway post-office service to other transportation services or expand the geographic area for overnight delivery of letter mail, or both.

Then, later, on page 3, the report states:

> During the early months of the program, the Department *awarded a number of contracts without obtaining formal competitive bids and without adequate assurance that bidders were qualified.*

Then I skip some of the language, and it reads, further:

> For example, Sedalia was granted 34 questionable rate increases, totaling $204,100 annually, on 30 of its air taxi mail routes.

And continuing:

> Transporting first-class mail by air taxis was more costly than it would have been to transport the mail by scheduled commercial airlines or by available surface transportation. For example, GAO estimates that the annual costs of carrying mail on 47 air taxi mail routes were about $1.2 million more than the costs would have been if the same quantity of mail had been carried by scheduled commercial airlines. Costs would have been much less if surface transportation had been used. Also discontinuance of unneeded Sunday night air taxi mail service would save at least $569,000 annually.

So this is the sordid story of how the whole economy of the country was changed, how the whole postal delivery system of this country was broken down, how hundreds of thousands of people have been discommoded by mail service when they sought to convert it all to air. These are the things that are perhaps of greater significance than the activities of Mr. Hartigan.

Mr. KENNEDY during Mr. ALLOTT's address said: Mr. President, I want to state clearly now that I was completely unaware of the matter the Senator from Colorado would be discussing, but I reject completely the suggestion that Bill Hartigan left the service of the Government to participate in any way in my campaign. That is completely untrue and I reject it and resent the implications.

I would suggest that if the rest of the Senator's comments in any way reflect that kind of comment, it puts in serious jeopardy the basic premise of the Senator from Colorado.

I know Bill Hartigan and he had absolutely nothing to do with my campaign in 1962—absolutely nothing.

I make that suggestion as a point of interest, as I am sure the distinguished Senator from Colorado is interested in accuracy. But it is completely untrue. I do not know the source of the information of the Senator from Colorado, but I do know who was associated with my campaign in 1962, and Bill Hartigan had absolutely nothing to do with it.

Mr. ALLOTT. Mr. President, I will accept the Senator's explanation. However, the statement was made on the basis of Scripps-Howard reports at the time.

Mr. KENNEDY subsequently said:

Mr. President, this morning in a colloquy with my distinguished colleague from Colorodo, Mr. ALLOTT, I stated that Mr. Hartigan was not involved in my 1962 Senate campaign. I had not encountered him or remembered his presence in that effort, but I am now informed by my staff that he did come to Massachusetts, to do some campaign work.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. MANSFIELD. I have been interested in what the distinguished Senator has had to say about the breakdown in mail service, and I agree with him that it has created a tragic situation throughout the country.

I was disturbed by the change from railway mail service to airmail service, so-called, because the net effect in the State of Montana, which was among the States mentioned by the distinguished Senator, was to bring about a deterioration in mail service, and what had been very good before with this change became very bad.

Speaking of railways, I have also been very much disturbed by the deterioration in its passenger service; the merger of various railroads, the taking off of train runs which served States like Colorado and Montana and others which are not too heavily populated and on which we depend a great deal.

I am further disturbed by the recent proposal made by the Secretary of Transportation, Mr. John Volpe, for whom personally I have a high regard, concerning the so-called Railpax system which has created a state of confusion in Montana.

We do not know what is going to happen, if anything. We do not know what the plans really are, if any. We have seen maps in the newspapers which indicate what might occur. The result is that there is a state of confusion, uncertainty, and uneasiness.

All these matters are currently plagueing the rail industry. The distinguished Senator has brought out clearly a very important problem when he speaks about the decline and deterioration in railway mail service. It is one problem. I think we should add to it the fact that passenger service has declined in all too many instances. In many cases, it has resulted in the abolition of passenger runs.

Unfavorable mergers have taken place, and now we have before us, in this most important area of transportation, a proposal known as Railpax, about which none of us know anything, but which, I repeat, is causing great uneasiness and great concern. So I congratulate the Senator for delving into one bad feature of an industry which is not feeling too well at the moment. Perhaps what is called for is a more thorough investigation into all aspects of what affects the railroads of this country at this time.

Mr. ALLOTT. I appreciate very much the remarks of the Senator from Montana. I mentioned Montana in my remarks because the distinguished Senator was on the floor, and his problems are very similar to our problems in Colorado.

I do not think we are being provincial or parochial in this matter in the least respect, because I suspect that the same problems confront at least 90 percent of the geographic area of this country. As the Senator has said, we are pretty well aware that the railroads, for a number of years, have not overextended themselves to serve passengers.

Mr. MANSFIELD. That is right.

Mr. ALLOTT. But when this chain of events was set in motion over in the Postmaster General's Office, converting to this air taxi service business—and I cannot find out where the decision came from, myself—when this chain of events was set in motion by this one man, and it looks as though, whether he did anything illegal or not, he always had his eye on the fact that he would have a good business to go into when he left office, the far-reaching effect of it has been to give the railroads an excuse to abandon their passenger service. Thousands of towns in the United States—and that is probably not an overstatement, because there are about 4,000 counties—are left without any rail passenger service.

The traveling of mail has broken down. I remember questioning Postmaster General O'Brien; I had an instance where, even with airmail, it took me 5 full days to get an airmail letter from here to Salt Lake City, and the man who got it was so angry that he folded up the envelope and put it in another envelope and sent it back to me, so I got in back in 4 more days, making 9 days for air service.

So this problem did not begin with the present administration. In fact, it has improved some. I am not trying to indict an administration; but we have a long, long way to go before we solve the problem.

Mr. President, I suggest the absence of a quorum without relinquishing my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I yield the floor.

ORDER FOR THE SENATE TO CONVENE AT 9 A.M. WEDNESDAY AND THURSDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on tomorrow and Thursday the Senate convene at 9 o'clock.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRIBUTES TO SENATOR MURPHY TOMORROW

Mr. MANSFIELD. I ask unanimous consent that on the approval of the Journal tomorrow, 1 hour be set aside for tributes to be given by his colleagues to the distinguished Senator from California (Mr. MURPHY).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the distinguished assistant majority leader yield to me?

Mr. KENNEDY. I yield such time as the majority leader desires.

TRIBUTES TO SENATOR TYDINGS OF MARYLAND

Mr. MANSFIELD. Mr. President, this is a week of sorrow and of strain—sorrow in the fact that some of our most highly respected colleagues are leaving the Senate at the end of this legislative week, and strain because of the fact that this is the final week of the 91st Congress.

This institution is made up of a close-knit body of men and women who, because they are Senators, have common interests and common objectives, differing in degree at times, but all seeking to do the best that can be done for the benefit of the Nation as a whole.

Among Senate ranks, no one has worked harder in that direction than has the distinguished senior Senator from Maryland (Mr. TYDINGS).

It is with personal sorrow that I note the departure of JOE TYDINGS of Maryland—personal because he has a Montana interest. He has developed a personal interest in the welfare of the Blackfeet Nation and on occasion he has brought Blackfeet youngsters to his home in Washington during the summer, there to give them a touch and a feeling of life as it is in this part of the country.

The Blackfeet think highly of JOE TYDINGS. He is a chief in the tribe. He has many warm friends among its members. Because of his interest and affection for these people, it has been, in turn, an interest in the State of Montana as a whole.

We look upon JOE TYDINGS many times as the third Senator from Montana. He has served his State and the Nation well. He has been an outstanding Senator and did so much particularly to develop and improve the Nation's legal machinery and in turn its ability to deal with crime and all the other matters that arise within the Nation's legal system.

So, as I say, I look upon JOE TYDINGS as a close personal friend. I look upon him, too, as an outstanding advocate in behalf of the reform of some of our basic institutions that need so much of our attention. He has worked hard and served well. He will be missed.

I regret that he is leaving this body. But I do want him and Ginny and the rest of his family to know that he takes with him from all of us our good wishes and affection and our deep respect.

Mr. KENNEDY. Mr. President, we pay tribute today to a tough man and respected colleague—JOSEPH DAVIES TYDINGS.

JOE TYDINGS has never been one to duck difficult problems, or issues, or responsibilities. He has been a fighter all his life. And imbued from his earliest upbringing with a sense of public responsibility, JOE TYDINGS has been a fighter in recent years for the people of Maryland and the Nation generally—as a State legislator, as U.S. Attorney, and as Senator.

His legacy of accomplishment in the Senate is impressive. In one term, just 6 short years, he has achieved more than many men achieve in a lifetime.

He rapidly attained a leadership position, and in this Congress, for example, was the youngest Member of either House to chair a standing committee.

He wrote or sponsored or helped pass into law progressive legislation in a wide range of areas—court reform, crime control, civil rights, family planning, environmental quality, drug control, education, and countless other areas. He has been a doer, not a talker. And the results of his work can be found in laws on the books today which will help literally millions of Americans in the months and years ahead.

JOE TYDINGS has had the vision and the courage to tackle the controversial issues as a Senator—not because it was the politically popular thing to do, but because it was the right thing to do.

An avid hunter from a hunting State, he advocated effective gun-control legis-

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lation to disarm criminals without inconveniencing sportsmen.

A lawyer by profession, he opposed two unfortunate nominations which threatened the stature and quality of the Supreme Court. And he authored and guided to enactment numerous landmark measures to improve our Federal courts —including major reform of the jury system, a Federal Judicial Center to provide overhaul of the U.S. Commissioner system, more Federal judges, and so on.

A man who dares to take a realistic look at the future he led the fight for voluntary family planning assistance.

These were not always popular issues in JOE TYDINGS' home State. But he realized that his responsibility to his constituents was to lead, not just follow—to educate, not just react—to challenge the status quo, not just take the path of least resistance.

I had the privilege of working closely with JOE TYDINGS on many key issues in the Judiciary Committee. He did his homework; he came prepared; he fought hard; he substantially improved much of the legislation which came through that committee. He worked just as conscientiously in his other Senate duties as well.

All of us who serve in this body know full well how much effective work JOE has done in the Senate and in the committees of this great body. Time and time again that is where the true legislation is molded and developed. Time and time again JOE TYDINGS improved many of these pieces of legislation that came out of the Judiciary Committee hearings, pieces of legislation that were so basic and fundamental to the rights and liberties of so many of our citizens. JOE TYDINGS has left his imprint on much of this legislation.

In short, JOE TYDINGS has carried forward that same commitment to excellence and to public service which was set by his illustrious family—a grandfather who was Ambassador to the Soviet Union, a stepfather who was also U.S. Senator from Maryland, other civic-minded relatives in Harford County and Maryland generally.

Mr. President, I respect JOE TYDINGS as an effective Senator, and as a personal friend. And I admire JOE TYDINGS for characteristically showing his best qualities in these difficult times for him personally. He has continued to work right up through the final days of his "lame duck" session. He has shown grace, not bitterness, in defeat. He is already preparing to continue his work and his contributions in his chosen profession, the law.

And so, Mr. President, JOE TYDINGS leaves us at least temporarily. He can hold his head high, with pride in his accomplishments in the Senate. He kept faith with his convictions and followed the course which he knew was right and true. He is indeed a tough man—vigorous, active, and dedicated—mentally and physically.

JOE TYDINGS has served his State. He has served the Senate. He has served his Nation.

We will all miss him. I will miss him. But I know that JOE TYDINGS, in one capacity or another, will continue on his brilliant career of service to his State of Maryland and to his country.

Mr. SPONG. Mr. President, I am pleased this morning to express briefly how much I value the association I have had with Senator JOSEPH TYDINGS of Maryland.

In the past 4 years, I have served on three committees with Senator TYDINGS—Commerce, Public Works, and the District of Columbia. In all of these assignments Senator TYDINGS has performed diligently and well. He zealously advanced the interests of his constituency but never lost sight of a concurrent responsibility to the Nation as a whole.

As chairman of the District of Columbia Committee, Senator TYDINGS devoted countless hours to the multiplicity of problems that presently beset the District. With his leaving, the people of the District of Columbia will lose a good neighbor and a firm friend.

In the years we have served together there have been numerous occasions when JOE TYDINGS and I have worked on matters of common interest to the neighboring States of Virginia and Maryland. For his complete and energetic cooperation, I am most appreciative.

There have been major issues before this body on which Senator TYDINGS and I have agreed and others on which we have differed, but I have been much impressed with his courage and tenacity in presenting his views to the Members of this body.

I would be remiss if I closed without also acknowledging my respect for Virginia Tydings, a rare beauty whose grace and talent are equally apparent in her own home or on the tennis court.

JOE TYDINGS has been a vital part of the action of our time. He has not shirked from personal convictions or his responsibility as he saw it. It has been a privilege to serve with him as it is to join with others who pay tribute to his service here this morning.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Montana—Minnesota.

Mr. MONDALE. Mr. President, we have already had three Senators from Montana this morning. [Laughter.]

Mr. President, I join with my colleagues in expressing my deep regret that JOE TYDINGS will not be with us in the next Congress. JOE and I are members of a very exclusive club. We were part of the new class of 1965 who sat in the now missing fifth row which made up the Democratic side of the aisle. The row included JOE TYDINGS, the late Robert Kennedy, FRED HARRIS, and me. We often remarked that we were closer to the men's room than we were to the Presiding Chair.

It was back in that distinguished but now lost row that we came to know each other and to become good friends. Since that time I doubt that Senator TYDINGS and I have voted differently on more than 1 percent of the issues that have come before the Senate.

It is a mark of his ability that he usually sponsored my measures, and it was a mark of my ability that I usually sponsored his.

I am proud that I supported him in the measures which he asked me to join with him and support.

I think JOE knew that many of the undertakings which he led here in the Senate posed great dangers to his own political future in Maryland. At a time when mentioning population control threatened one's own political future, JOE early in his Senate career proposed a family planning research and assistance program. The results of his efforts were exemplified here the other day when the President signed the most far-reaching national commitment and national program in the country's history to deal with the profound and compelling issue of population control.

Perhaps as much or more than any other chairman of the Committee on the District of Columbia he applied himself totally to an effort to deal with the problems of this tragic city. Outsiders, I think, fail to realize what those of us who live in the District come quickly to learn and that is that with all the majesty of official Washington this is one of the saddest and most desperately ill communities in the country.

Senator TYDINGS knew that efforts to assist in the District as fully as he did would raise the question in the minds of his own Maryland voters as to whether he had been drawn off from a concern for them and had replaced it with concern for citizens of the District of Columbia. The fact is that these concerns are closely identified and virtually inseparable, but that very dedication so desperately needed by the District was used against him in his campaign.

In addition, Senator TYDINGS continued to be one of the chief spokesmen in this body for human rights. Every single human rights measure that was adopted by the Senate during his membership here was cosponsored by him. The Civil Rights Act, the Voting Rights Act, the Fair Housing Act, and other civil rights acts all bore his cosponsorship and many of them were the result of his leadership.

I well recall early in his career when he assumed the floor leadership for those of us who believed that the Supreme Court's principle of one-man, one-vote, should be sustained. I raise that issue at this point because I think in a real sense it is probably the most fundamental civil rights principle, with which the Senate had to deal. We battled as a minority, and under Senator TYDINGS' leadership, we were able to sustain the one-man, one-vote Supreme Court decree. I think that, as much as anything else, has and will continue to contribute to human rights in our country.

I shall include in my remarks a record of Senator TYDINGS' service in the Senate, which was prepared some weeks back. It is a record of great distinction and I am proud to have served with him during the years in which it was compiled.

Mr. President, I ask unanimous consent to have the statement printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. Mr. President, I wish to say on behalf of myself and my wife

Joan that we will always cherish the friendship of JOE, Ginny, and their wonderful children. We thrill at his public career and look forward to continuing that friendship. We hope before long he will renew his interest in public service.

EXHIBIT 1

THE TYDINGS RECORD

A man doing what is right. A man of courage, independence, integrity and vision. A tough yet fair man. This is Senator Joseph Davies Tydings.

Accomplishment is his trademark. Accomplishment for Maryland and the Nation.

When certain interests tried to despoil Assateague, he initiated efforts to preserve the Island's natural beauty forever. When they wanted to string ugly power lines across historic Antietam Battlefield, he stopped them.

Baltimore kids have more fun because Joe Tydings secured the money for Operation Champ. Because he amended the Safe Streets Act, Maryland policemen can get loans and scholarships for high education.

He watches out for the Port of Baltimore, and he protects the Chesapeake Bay. There are a hundred reasons why Maryland is a better place to live in because Joe Tydings is in Washington.

A former State legislator and U.S. Attorney for Maryland, he has been a United States Senator for only five years. Some people get less done in a lifetime. Some never get in a good fight. Joe Tydings took on a tough one just weeks after he arrived in the Senate—and won.

It was a four-year, knock-em-down, drag-em-out battle over the principle of one-man, one-vote. Joe Tydings believed in the principle. So did two of his senior colleagues. Together they defeated the massive threats to fair apportionment of state legislatures.

Few 42-year-old Senators belong to the Senate leadership. Joe Tydings does. He is the youngest member of either House of Congress to be chairman of a standing committee. His legislative track record inspires confidence.

Tydings is perhaps best known for his efforts to curb crime. He has advocated effective gun-control legislation to disarm criminals without inconveniencing law-abiding gun owners. He inspired the crackdown on narcotics traffic in the Nation's Capital—traffic that seeps into every corner of Maryland.

The federal judicial system works better because of bills Tydings wrote and pushed into law. The first major reform of the federal jury system. A Federal Judicial Center that provides the courts with a research arm. An overhauled U.S. Commissioner system. More federal judges. He got them.

You name the need and Joe Tydings is working to solve the problems: tax reform, inflation, equal opportunities, conservation, urban mass transit, aid to cities, consumer protection. And then there's the one he believes has the most long-range significance: The Population Crisis.

If we don't solve that one, Tydings feels, we can forget about the others. And so he advocates federal assistance to freedom-of-conscience family planning programs.

It is a sensitive issue. And a tough stand for a man in political life. But then Joe Tydings has never ducked the tough ones.

Let's look at what he has accomplished, at what he's trying to do and where he feels we should be going:

SENATE LEADERSHIP

As chairman of one of the Senate's legislative committees, Senator Tydings participates in the Senate leadership. At 42, he is the youngest member of either House of Congress to be a standing committee chairman. A Senator's influence with his colleagues and his ability to get things done are greatly enhanced by this kind of leadership position.

COMMITTEE ASSIGNMENTS

Seniority and prestige in the Senate have earned Senator Tydings positions on three committees of vital importance to Maryland and the Nation. As a member of the Judiciary Committee, he participates in the drafting of all national crime legislation. On the Commerce Committee, the Senator works on protection of consumers in such legislation as the Truth-in-Packaging and Auto Safety Acts. As a member of its Merchant Marine Subcommittee, he is able to protect and enhance Maryland's interest in a strong Port of Baltimore and a thriving participation in world trade. As Chairman of the Committee on the District of Columbia, he is influential in working for the interests of the million Marylanders who live in the Maryland counties next to the District of Columbia. As Chairman, he has the decisive voice in effectively opposing unreasonable and unwise measures such as the commuter tax proposed to be levied on the tens of thousands of Marylanders who work in the District daily.

CIVIL RIGHTS

Tydings was a floor leader for the Voting Rights Act in 1965 and 1970, which give franchise to nearly one million black Americans. He held hearings on, drafted and guided to unanimous passage in the Senate the bill ending discrimination in federal juries. He has supported open housing, the Civil Rights Commission, and ending the poll tax, and opposed the Carswell appointment to the Supreme Court. In 1970 he was the recipient of the National Brotherhood Citation from the National Conference of Christians and Jews, D. C. Chapter, for Distinguished Contributions to Improved Human Relations, Justice and Equality. Previous recipients include, Presidents Truman, Einsenhower, Kennedy and Johnson.

URBAN AND CONSUMER PROBLEMS

As Chairman of the only Senate committee exclusively charged with urban problems (the District of Columbia Committee), Tydings has introduced, conducted hearings on, and secured enactment of model laws on crime control, court reform, public defender agencies, air pollution control and public health treatment of alcoholism. Similarly, he secured Senate approval of his model legislation on urban parking, consumer protection and freeway airspace construction. His searching inquiries into drug abuse prevention and control and the crime problem in the Washington metropolitan area have gained national attention as spearheads in the effort to meet the crime and drug abuse crises in our cities. As Chairman of the District Committee, he also has been instrumental in securing enactment of the legislation under which the Washington Metropolitan Area rapid rail transit system will be built. Through the Committee, the Senator has attempted to address the urban problems confronting all American cities.

REVIVING INTER-CITY TRANSIT

Tydings drafted legislation to provide for the rehabilitation of old and the purchase of new railroad passenger equipment. It is now part of Senate Commerce Committee legislation that is before the Senate. He gave crucial support for funding of the pioneering Metroliner. As a Commerce Committee member, he has helped draft the $10 billion, 10-year Airport/Airways bill to make flying safe and punctual.

AUTHORITY ON THE JUDICIAL SYSTEM

As chairman of the Senate Subcommittee on Improvements in Judicial Machinery, the Senator has authored and guided to enactment numerous landmark measures to improve the third branch of government, including the first major reform of the federal jury system in the history of the country; creation of the Federal Judicial Center to provide the courts with a research arm; overhaul of the U.S. Commissioner system (Federal Magistrates Act); increasing the number of federal judges, and providing modern management methods in the courts (1969 Omnibus Judgeship Bill). He is the leading Congressional advocate of legislation to remove unfit judges from the bench. The President of the American Bar Association said in 1970 that Tydings "has done more respecting the machinery of justice in the federal courts than anyone in his lifetime."

STRONG STATE GOVERNMENT

Tydings led the four-year fight in the Senate, with Senators Paul H. Douglas and William Proxmire, successfully defeating the "Rotten Borough Amendment" to repeal the one-man, one-vote apportionment of state legislatures. As a former state legislator, he has appeared before numerous conferences of state legislators urging modernization of state government to stop the flow of power to Washington and to provide more responsive local government. He was the first Democratic Senator to author legislation to share federal revenues with states.

CRIME CONTROL

Called by the New York Times "the Senate's foremost student of the crime problem," Tydings is the only U.S. Senator ever to receive the top law enforcement award of the American Criminology Society, the August Vollmer Award. Tydings led efforts to enact and improve the Safe Streets Act, the law that provides financial aid and guidance to state and local anti-crime efforts. Approximately $4 million in federal anti-crime money will be coming to Maryland in 1970. Tydings also wrote the part of this law that provides federal funds to better educate and train law enforcement personnel. As a result, Maryland policemen and prison authorities will receive $633,819 this year for educational purposes. He devised and executed the legislative strategy that led to enactment of the concealed weapons crime control provisions of the 1968 Omnibus Crime Bill, and has advocated effective anti-crime gun legislation since election to the Senate. Tydings has written and is currently seeking Congressional action on 48 separate pieces of legislation designed to obtain better pay, training and respect for our police; to improve our criminal courts, and end the delay that cripples them; to improve and update our correctional system; to combat gun crime; to help victims of crime; to combat organized crime, and to control drug abuse and pornography.

TAX REFORM

Tydings is a leading advocate in the Senate of comprehensive tax reform. He refused to support the extension of the 10 per cent federal surtax until it was coupled with the Tax Reform Act of 1969. He was a member of the group that led the successful fight to raise the personal exemption from $600 to $750 per dependent. He offered an amendment to close the largest single loophole in the tax system which costs the taxpayers $3 billion a year; the measure was narrowly defeated. Other of his legislation before the Congress seeks to provide property tax relief for elderly homeowners and renters.

DRUG ABUSE

Tydings wrote the Senate-passed amendments to the nationwide Controlled Dangerous Substances Act of 1969, which strike hard at professional narcotics merchants. The amendments increase the maximum penalty for the importers and major sellers of narcotics from twenty years (the Administration's penalty) to life imprisonment. They also serve to confiscate from the convicted drug merchants all of their ill-gotten profits and assets, so as to completely knock them out of their illicit business. Tydings has also written comprehensive and highly acclaimed drug legislation that should serve as a model for every state in the Nation. His legislation combines effective law enforcement with a thorough and up-to-date treatment and rehabilitation program. Like his amendments to the national drug bill, this legislation calls for the imposition of very hard punishment for professional narcotics merchants. Tydings has held law enforcement conferences with federal, state and local officials to make Maryland the most hostile area in the Nation to narcotics, while outlining and demanding creation of a model urban drug abuse control agency in the National Capital.

EDUCATION AND CHILDREN

Tydings helped lead the successful fight to enact the Higher Education Act Amendments of 1968 to extend federal financial assistance for college students. He helped to pass the Elementary and Secondary Education Act of 1965, the principal federal legislation to improve the educational quality and opportunities in the Nation's elementary and secondary schools. In response to complaints by school boards and educators across the country that they lacked sufficient time to plan for the efficient use of federal school aid, he successfully amended the Elementary and Secondary Education Act to permit schools to keep funds an extra year before being required to return the unused portion to the Treasury. He also led the successful effort in 1969 to appropriate the $1 million the State of Maryland needed to sustain the operation of its school lunch program through the full 1969–70 school year.

AID TO CITIES

Tydings actively participated in coalitions of senators seeking enactment of urban-aid legislation such as Model Cities grants, the Teachers Corps and the anti-poverty programs. He introduced legislation providing for tenant purchase of public housing units, funds for social services to public housing tenants and modernizing of existing public housing units. These proposals were adopted in the Administration's Omnibus Housing Bill and were later enacted. He also introducted legislation to ease conditions on federal grants for municipal acquisition of land in advance of actual need, which also was enacted as part of the subsequently introduced Omnibus Housing Bill, and he offered in this Congress an amended version of the Administration's federal revenue sharing plan to ensure that cities receive a fair share of the revenues granted the states.

ENVIRONMENTAL QUALITY

A recognized leader in conservation, Tydings is devoted to protecting the Chesapeake Bay and other Maryland waters. In 1966 he secured enactment of the National Estuarine Pollution study. This led to his introduction of the Coastal Zone Management Act of 1970 to assist the states in establishing coastal resource planning and development programs. Hearings on this bill are now being held. In 1968, Congress passed the Tydings Coastal Erosion Review Act. In 1969, it passed legislation incorporating the basic concepts of his bill to create an Office of Environmental Quality, providing coordination for federal conservation programs and policies. Tydings has introduced wide-ranging legislation on control of pesticides and has pressed for strong federal legislation on thermal pollution. He worked actively for the Assateague National Seashore. In 1970 he secured passage of his amendment permitting states to be repaid had they advanced the federal share of grants for pollution control. Maryland can receive some $7 million in such federal reimbursements. Tydings was a member from 1966–68 of the Muskie Subcommittee on Air and Water Pollution which drafted the Clear Water Restoration Act of 1966 and the Air Quality Act of 1967.

MARITIME MATTERS

As a member of the Senate subcommittees on the Merchant Marine and Oceanography, Tydings is in a key position to shape legislation on maritime matters that are important to Maryland. He is helping to draft new legislation to revitalize our merchant fleet and has actively opposed a bill to forget the $148 million debt of the St. Lawrence Seaway to the Federal government. In March 1970, Tydings forced the Treasury Department to suspend an unprecedented waiver to a foreign-flag tanker that disastrously would have cut back American shipbuilding, particularly at Sparrows Point, and put thousands of Maryland workers in steel, shipbuilding and related industries out of work.

WASTE IN GOVERNMENT

Tydings participated in leading the successful efforts to cut unneeded expenditures out of the federal budget. Last year he offered an amendment to the military authorization bill to cut $25 million from a research slush fund; the amendment passed the Senate by a vote of 93–0. He has called for a $10.8 billion cut in the military budget—a cut that would not weaken our defenses or compromise our national security. And he has introduced legislation to require the Comptroller General to make quarterly reports to Congress on all government contracts involving substantial cost overruns or late deliveries. The bill is designed to give Congress more control over executive branch spending and hopefully to further reduce waste.

POPULATION CRISIS

The Senator is the leading Congressional advocate of federal assistance to voluntary family planning programs, both domestically and as part of the foreign aid program. He authored provisions enacted in the Foreign Aid Bill and the Social Security Amendments of 1967 to provide family planning assistance on a voluntary basis, especially to women who cannot afford such services through private sources. He introduced in this Congress legislation with more than 90 cosponsors to expand and improve domestic family planning services and to increase research for the development of safe, effective contraceptives.

CONSUMER PROTECTION

The Senator introduced a bill to allow groups of consumers to sue together in federal courts, making recovery from fraud and deception practical. His unprecedented proposals for an Office of Consumer Affairs in the White House will provide for a consumer advocate in the upper levels of government who can investigate, argue, and sue for the buyer. As a solid consumer supporter, he has fought for landmark laws such as Truth-in-Lending, Truth-in-Packaging, and many others.

Mr. MOSS. Mr. President, it is with a deep sense of loss and regret that I watch Joe Tydings leave the Senate at the end of this week.

It would seem that all of his life he has been preparing for his role here, conditioned first by the example and influence of his distinguished father, Senator Millard Tydings, and later by his own work in the Maryland State Legislature and as U.S. attorney for Maryland.

He came to the Senate full of promise—and he has fulfilled much of that promise—in just 6 short years. He could have done much more in the years ahead.

It is hard to know which of his many accomplishments to stress but I believe that the field of law enforcement is the one in which he has made perhaps his greatest contribution. His courage and his fidelity to his convictions have been an inspiration to all of us.

Joe and I fought often on the same side, and I will miss him—particularly in the field of consumer protection where he introduced one of the most far-reaching reforms before us—the class action bill which would make recovery from fraud and deception practical. We will be pushing this reform next session, Joe, I assure you.

I do not know what is ahead for our brilliant young colleague, but I am confident that whatever he chooses to do it will be in the field of public service, and I know that in the future as in the past he will not be dodging the tough issues.

Mr. President, I think Joe Tydings, in his relatively short service in the Senate, has made a mark which will be noted in this body and in all history of this body because in that period of time, with the great abilities he has and his total devotion to his ideals he has caused this body to move in the direction of concern for people, concern for the rights of the people, and in fashioning a better society.

It is with regret that I see Joe Tydings withdrawing now from the Senate. It would not surprise me to see him back and if that be the course he chooses to pursue in the future, it would be beneficial for the people of his State and the Nation. I salute Joe Tydings as one of the great Senators of this body who carried on a great tradition in his service here.

Mr. BAYH addressed the Chair.

The PRESIDING OFFICER (Mr. Mondale). The Senator from Montana is recognized.

Mr. BAYH. Mr. President, it is rather unique to note we now have five Senators from Montana. [Laughter.]

Mr. President, it was a rather sad privilege this morning to be able to preside earlier during the initial remarks that were made relative to our colleague and friend, Joe Tydings. As I sat there sharing the privilege that the distinguished Senator from Minnesota now shares, listening to the remarks that were made, I wondered whether the Senator from Indiana could add any new thoughts to those that were being and have been previously expressed. I thought perhaps the better part of wisdom would be to have printed in the Record the remarks which I had previously prepared last evening, as is often the custom in the Senate. However, I decided I did not want to follow that course of action; that I wanted to join with my friends and colleagues and the admirers of Joe Tydings to pay tribute to him as a legislator whose record of accomplishment marks him clearly, in my judgment, not only as a man of all seasons, but perhaps more importantly, a man of all people.

I wanted to do this personally and not perfunctorily because I felt that the relationship that the Senator from Indiana has had with the Senator from Maryland has been more than a perfunctory relationship, a business relationship, a relationship of one colleague with another; but, in addition thereto, the relationship of one friend to another—a devotee of certain basic principles, and the relationship of another devotee to similar principles.

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The Senator from Minnesota earlier referred to his personal relationship with the Senator from Maryland and his charming wife. It should be noted that the Tydings family is one steeped in the tradition of service to its country and to its fellow man. His wife Ginny, his charming mother, and his entire family have shared this burden, this responsibility, and this opportunity.

It is in this capacity, as well as the capacity of a colleague, that I join in paying tribute to Senator Tydings.

Certainly, all the people of his home State of Maryland have been indeed fortunate—I think it is fair to say so have all the people of our country—in being so well represented in the U.S. Senate by a man like Joe Tydings.

Each of us has the good fortune of representing his individual State, but each U.S. Senator is, in addition to being a voice for one of the 50 independent States, also has the sober responsibility of being a U.S. Senator, and no Member of this body, in the 8 years I have had the good fortune to serve, has been aware to a greater degree of this dual responsibility than Joe Tydings.

I count myself fortunate in having known Joe Tydings closely over the past 6 years. My association has been strengthened by our work together on the Judiciary Committee. His knowledge of law, his experience as a U.S. attorney, his very deep respect for the constitutional processes, and his deep compassion for individuals, all combined to make him one of the most effective and creative members of the committee.

XUM

The Senator from Massachusetts pointed out so well the importance of the behind-the-scenes, unglamorous activity that goes on in the Judiciary Committee's work; and Joe Tydings has always been there.

As chairman of the Subcommittee on Constitutional Amendments of the Judiciary Committee, I have had the opportunity to witness the beneficial effect of Joe Tydings' knowledge and concern on many important legislative matters, notably his insistence that the Supreme Court of the United States remain independent and peopled by men of the highest caliber.

I was alarmed not too long ago, that a poll taken by one of the major television networks indicated that more than 50 percent—some 56 percent—of those who were polled indicated that they would support a move to repeal the Bill of Rights.

Mr. President, let me say that voices like Joe Tydings, and too few others in this body, have been a clear and clarion call to alert the people of this country to what this attitude might eventually mean, what road this might lead us down.

I sat throughout rather dull and tedious hearings of the Subcommittee on Constitutional Amendments in which seemingly simple propositions were being made, popular propositions were being made, well-intentioned suggestions were being made, but suggestions which would lead us down the path of totalitarianism. And I wonder where we would be today if it had not been for Joe Tydings' insistence that we would not take the easy way; that we would stand firm in our belief that individual rights in this country are those rights that distinguish us from some other societies that exist on the face of the earth today.

Certainly under his chairmanship the Senate Subcommittee on Improvements in Judicial Machinery made basic contributions toward much needed improvements of our third branch of Government, notably the first major reform of the Federal jury system in our history; creation of the Federal Judicial Center to provide the courts with a research arm; and overhaul of the U.S. commissioner system, through the Federal Magistrates Act. In addition, he did much to make our judicial system responsive to the needs of our time by increasing the number of Federal judges, and by providing modern management methods by which judicial personnel can serve more efficiently and economically.

We are aware of all of the public speeches that have been made in the last several months or the last few years on the critical problem of law and order. I wish some of those who treat the problem of law and order lightly or simply would lend equal effort and their eloquence to do something constructive, in a meaningful way, to bring the forces of our Government to bear on the criminal elements of our country as Joe Tydings has done in his patient, diligent, often unpublicized efforts to try to straighten out the judicial branch of this Government.

The imprint of Joe Tydings' concern for effective and responsive government is seen in much of the landmark legislation, touching matters of vital concern, that has been enacted since 1965, which was earlier referred to by one of our colleagues on the floor.

For example, one of the most difficult and dangerous problems facing the world today is that of the so-called population bomb. Those who watch demographic trends here, and particularly in the underdeveloped countries of the world, share a feeling of deep concern as soaring populations press against limited resources. Senator Tydings, feeling that inaction in this area was little more than a prescription for chaos, became the leading congressional advocate of Federal assistance to voluntary family planning programs, both here at home and abroad in those nations involved in our foreign aid program. Most recently the President has signed into law the legislation introduced by Senator Tydings to expand and improve domestic family planning services.

But in the headlines and in the articles I saw little mention if any, made, of the contributions, with little publicity, made behind the scenes persuasively by the Senator from Maryland.

One of the most significant and historic results of his concern for all the people was his signal contribution, as floor leader, in the enactment of the Voting Rights Act in 1965 and 1967.

This measure, which went through the Judiciary Committee, was handled by Joe Tydings, seated in the chair of the leadership, which ultimately passed and became bedrock law of this country. This legislation extended the franchise to over 1 million black Americans who prior to its enactment could not even get into the county courthouse, but now are on the voting registers—proof that the system can work with men like Joe Tydings leading us. If we are going to go forward and be able to wipe out the discrimination which plagues this country, it is this type of leadership which this country will need.

His contributions toward full equality of opportunity and participation were recognized by the District of Columbia chapter of the National Conference of Christians and Jews when that organization extended to him its esteemed National Brotherhood Citation for Distinguished Contributions to Improved Human Relations, Justice, and Equality.

I may also mention that all of us are consumers, and one thing we should not overlook is that the consumers of this country are better off today because of the leadership that Joe Tydings has offered this particular area.

He introduced legislation designed to allow groups of consumers to sue together in Federal courts, thus making recovery from fraud and deception practical. He urged that an Office of Consumer Affairs be established in the White House in order to provide at the highest level of Government a consumer advocate who could investigate, represent and, if necessary, sue for the buyer.

Joe Tydings has recognized that there is this large group, the average citizen, which has no lobby group to represent it. He is one who has been willing to represent this large mass of Americans.

Just in passing, let me suggest that parents everywhere, deeply distressed by the growing threat of drugs and narcotic substances, owe Joe Tydings a debt for his amendments to the nationwide Controlled Dangerous Substances Act of 1969, which are directed at those who operate as professional merchants of narcotics. Those of us in the Senate acknowledge the important role Joe Tydings has played in writing comprehensive drug legislation that merits attention by every State in the Union.

In closing, Mr. President, let me say that we honor Joe Tydings for these and other important contributions. But perhaps above all, I will always remember him for his courage and his clarity of vision. His voice has been strong where others quavered or were silent. He has not shirked his responsibility because the issue in question was controversial. I have just a bit of personal knowledge about the type of controversy that Joe Tydings has accepted as part of his responsibility as a Senator, accepting it with complete knowledge that from a political standpoint it could not—in the sort run, let me emphasize—be to any advantage whatsoever, but perhaps would be detrimental to his political future. His vision has been keen where others were unclear or clouded. Always he has been motivated, not by the timid question, "Is it expedient?" but rather by the bold, challenging and, I like to believe, American question, "Is it right?"

As a friend and colleague in many legislative battles, I will miss the presence of Joe Tydings in this body. But I know full well that he will not be content to let injustice remain. Although he will not be in this body, he will continue to be a spokesman for the right, and to use his significant influence in whatever capacity he has the opportunity to use it.

Mr. PERCY. Mr. President, I think it could be very accurately stated that friendships in the U.S. Senate are a many-splendored thing. Certainly friendships in the U.S. Senate are a bipartisan affair, and for this reason I am very pleased, from this side of the aisle, to extend to our colleague Joe Tydings, the distinguished Senator from Maryland, a permanent hand of friendship. He has had—and will continue to have—many, many friends in this body.

Of all of the friendships that my wife and I have been honored and pleased to have in Washington, we have valued none above that of the distinguished Senator from Maryland and his lovely wife. They are a marvelous pair. I think that public life is a partnership that one has with his family, particularly his wife, and Mrs. Tydings has distinguished herself by her own devotion to her husband's duties and responsibilities. She has contributed immeasurably, I believe, to the rapport that he has established with his colleagues and his constituents, and the deep affection that we all have for both of them.

Friendship is one thing, but respect is another, and I have developed, over the period of my own 4 years in this body, the deepest respect for the courage, the conviction, and the dedication of the distinguished Senator from Maryland.

The issues that he has been involved in have been controversial issues; that is why they have been meaningful issues. He has never waited until an issue has become popular before taking it up. He has been in the forefront of many movements, which I feel in time will prove his wisdom. But by getting deeply involved in these movements, he has brought upon himself the full force of powerful interests that stand in opposition to change and support the status quo.

In his work in the area of gun control—a field in which we absolutely must find better answers than we now have—he distinguished himself by his knowledge, his courage, and his convictions. And no matter how heavily the vested interests fought against him, he stuck to his guns, so to speak, even though he realized that it was politically harmful to do so.

In the area of family planning, another area in which I have been interested for many years, I have looked to the Senator from Maryland for guidance. He is one of the most knowledgeable and experienced leaders in this field, years ahead of his time and certainly in the sweep of the future. The population problems that we face in this country must be met with practical, realistic approaches and answers, such as those Joe Tydings has provided by his legislation.

I have fully supported the efforts the distinguished Senator from Maryland has made toward finding ways to improve crime control in this country. I think many of the measures he has sponsored have been responsible for contributing to the lessening of crime in our Nation's Capital.

I have looked to Senator Tydings for advice and support in many other areas as well. When he stood up, with considerable courage, against two Supreme Court nominations, his sound research and obvious hard work were of great benefit to me as I tried to resolve very difficult legal and moral questions. Ultimately, I came to agree with his conclusions and to fully support his position.

Joe Tydings brought to this body a long and distinguished record of previous public service. He was a member of the House of Delegates in Maryland for a period of 6 years, and then served 2 additional years as U.S. attorney for Maryland.

We shall miss Joe Tydings very much indeed—as a Senator, as a friend, and as a force that stands out as a beacon of hope for the future. He has an understanding of the future, and I am sure that all of the knowledge, skill, and ability that he has gained in his nearly 15 years of public life will continue to benefit his country, his State, and the friends that he will always have in this body.

Mr. BIBLE. Mr. President, I take this occasion to salute my seat mate today. He is one of the distinguished Members of this body. I have worked very closely with him, particularly on the District of Columbia Committee. It is to that phase of his achievements and work that I wish to pay particular attention today. During the time that I have been on that committee, he was of inestimable help to me in helping shape a number of important measures destined to become law. Chief among these was the omnibus crime control bill of 1967.

As you all know, Senator Tydings succeeded me as chairman of the District Committee at the beginning of the 91st Congress. I believe it can be said, with total objectivity, that he has done an extraordinary and energetic job in that capacity. He was, of course, the prime moving force behind the landmark District of Columbia Court Reform and Criminal Procedures Act of 1970. It was a major, long overdue measure to beef up the court system and speed up the administration of criminal justice in the Nation's Capital.

I am among those who admired Senator Tydings' courage—and I underline the word "courage"—in pushing for this legislation in the face of severe criticism over some provisions relating to preventive detention and search warrants. I believe that the law-abiding citizens of the District of Columbia and, yes, of this entire metropolitan area owe him an immense debt of gratitude for his steadfast position on these controversial issues. I am certain that many of those issues reflected adversely to him in the last political campaign.

In addition, Senator Tydings is entitled to point with pride to the strong leadership he provided in many other important areas. He did much to bring about the implementation in the District of Columbia of the recommendations developed by the President's Commission on Crime. He was a leader in obtaining reform and improvement of laws governing the handling of juveniles before the courts. He worked tirelessly for bail agency reform, consumer protection, home rule, control of drugs and narcotics, and the development of the subway rail rapid transit system so badly needed in the National Capital Region. He was a prime mover of comprehensive legislation for the prevention and treatment of alcoholism. I know of his great work in constantly supporting increased revenues to meet the evergrowing needs of the Nation's Capital. I am certain that he has a great future, and I am confident that we will hear much from him in the field of public service in the years ahead.

His wife, Ginny, his wonderful family, and his mother have my best wishes on this day, as we pay him tribute.

Mr. ALLEN. Mr. President, I am honored to have the opportunity to join in the tributes that are being paid at this time to the distinguished senior Senator from Maryland, my good friend and our good friend, Joe Tydings.

The first time I became forcefully aware of the fact that there was a Tydings in the U.S. Senate was back in 1938, when I was quite a young man, in the State of Alabama.

The then Senator Tydings was being opposed in his bid for reelection by the then President of the United States; and the chief criticism that was made of Senator Tydings, apparently, was that he stood up for his convictions, he stood for the principles in which he believed, and he refused to be a rubberstamp. Observing that race from almost a thousand miles away, I was pulling very strongly for Senator Tydings, and he was successful in the election. Senator Millard Tydings would have every reason to be proud of his distinguished son and the record he has made in the U.S. Senate.

It is a sad commentary on the foibles of American politics that a Senator can sometimes injure his political position by being a leader, by taking a stand on a controversial measure, by standing up for his convictions and his principles. I believe that is what has happened in the case of Joe Tydings. He could have dodged the tough ones. He could have straddled the fence. He did not do that. He took a definite stand, many times an unpopular stand, and that is to his credit, because he was standing up for his convictions, standing up for his principles.

Mr. President, if a supplement or another edition of the book "Profiles in Courage," written by President—then Senator—Kennedy is ever published, I believe that Joe Tydings would be entitled to occupy a place in that book, because he has manifested and demonstrated courage. He has stood up for his principles when it was not always the popular thing to do.

I daresay that I have disagreed with Joe on critical issues in the Senate more often than I have agreed with him; but that does not prevent me from admiring courage, admiring ability, admiring dedication—and I see these qualities in Joe Tydings.

I have had the pleasure of being his next door neighbor on the sixth floor of the New Senate Office Building for the

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last 2 years, and I have observed the long hours he has worked, the fine staff he has, and their dedication to him. He has been friendly, most hospitable, most helpful in every way to the junior Senator from Alabama, and for this I am deeply grateful. Before I took office as a U.S. Senator in January of last year, Joe Tydings was most helpful to me in helping my daughter, just out of high school, enroll at the University of Maryland, where she has enjoyed her studies very much.

So on election night, when it was determined that Joe Tydings was not going to return to the Senate, there was sadness among the ladies in the Allen family, because they too are great admirers of the distinguished Senator from Maryland.

I am delighted to have this opportunity to pay tribute to Joe, to wish him and his fine family happiness and opportunities for service in the future, and to hope that we will see and hear much of Joe Tydings in the days and years to come.

Mr. YARBOROUGH. Mr. President, it is a privilege to participate today in paying tribute to a dynamic young man, Senator Joseph Tydings, who has served the people of Maryland and the Nation well during the last 6 years. It is unfortunate that the Senate will not have the benefit of Senator Tydings' ability in the coming session. However, as we know, Senator Tydings was defeated in one of the most scurrilous campaigns of this election year. The larger loser in this campaign was not Senator Tydings but rather the people of Maryland.

It is remarkable that his campaign succeeded a similar one against his father. We must remember the span of time, when people forget. I remember my own experience. Fourteen or 15 years is almost a generation. People forget what happened earlier.

During his service in the Senate, Senator Tydings has left an indelible mark on many progressive measures including the critical area of population control. Senator Tydings had the leadership to introduce the landmark family planning bill, which I had the privilege of cosponsoring with him, whose principal advocate in the past had been former Senator Ernest Gruening of Alaska, until Senator Gruening's defeat in 1968. As a cosponsor of this important measure and as chairman of the Senate Labor and Public Welfare Committee, I set up special hearings on the bill and worked to aid Senator Tydings obtain committee and Senate approval of it.

President Nixon signed this bill on December 26, and praised it lavishly as a breakthrough legislation—kind of taking credit for it himself—but the real praise belongs to the junior Senator from Maryland who worked diligently month after month to push this bill to final passage. I know because I am chairman of the Health Subcommittee and he was pushing us hard. It took drive on his part. I could talk for a good while about that. It is another landmark law written by the second session of the 91st Congress. With the ever-increasing population, it is imperative that our Government take action to provide family planning services to the American people. Senator Tydings' bill is the first major step toward solving the population problem and he is to be commended for having the leadership to push it to final passage in the Senate, conference with the House, and signature by the President. This is a great achievement. Across the aisle it was called a kind of disaster. But the President is signing it today at 12 o'clock, the occupational health and safety bill which will protect 80 million American workers.

Senator Tydings also has distinguished himself as chairman of the Senate District of Columbia Committee. In this capacity, he has worked diligently for programs to improve the quality of life for the people of the District of Columbia who lack representation in Congress. I am particularly grateful to him for holding public hearings on my bill to create a system of compensation for innocent victims of criminal acts within the District of Columbia, S. 2936.

For years I had sought hearings on this bill but energetic Joe Tydings was the first Senator on the committee with jurisdiction to hold these hearings. These hearings for the first time focused attention on the pressing need to compensate those unfortunate citizens who have been brutalized by criminal acts in our Nation's Capital. This bill, which has been a legislation priority of mine for many years, was included in the Senate version of the District of Columbia crime bill. Unfortunately, the House refused to follow the Senate's lead in this area and did not accept this program in the final version of this bill from conference. However, for his efforts in this critical area, I wish to say thank you, and I believe that his hearings will focus attention on this needed progress in this coming Congress.

It is my earnest hope that Senator Tydings has no intention of retiring from public life at this point in his career. It is my hope that he will continue to actively speak out on the issues which he so forcefully advocated in the Senate in the years to come, and that at some future date he will return to this body or some other very important Government service. He is too young to stop, too able to accept second rate positions, too dedicated for the people of Maryland and the Nation to lose the benefit of his knowledge, drive, and good character. I urge him to stay in public service and I wish for him every success in whatever endeavors he may undertake in the future.

Mr. HUGHES. Mr. President, a little over 3 years ago, before I considered the possibility of running for the U.S. Senate, I happened to be in the Capital of our Nation, and Senator Joe Tydings called me to ask if he might come up to my hotel room and visit with me on a Sunday morning. I certainly was anxious to have a meeting with him. I had not had the opportunity to meet Senator Tydings up to that time.

He brought with him the distinguished junior Senator from Minnesota (Mr. Mondale). I shall never forget that Sunday morning, because their interest as members of the Senate Democratic campaign committee was to suggest that I be a candidate for the U.S. Senate from the State of Iowa.

Let me add that, at that time, I did not express any particular interest in what they said would be a wonderful opportunity to be of service not only to my State, but also to the country.

In the course of our conversation, I became deeply impressed with the Senator from Maryland—not only for his dedication, his wisdom, and his personal qualities, but also for his belief that something could be done in our time to alleviate the pain, the misery, and the agony of so many millions of Americans, as well as people throughout the world.

By any measure one cares to apply, Senator Tydings is one of the most remarkable men of our time. His career of public service, particularly his service in the Senate, reflects a character of great depth, a depth that is not usually seen—one of versatility, one of total and full commitment to the public interest.

I think that the greatest thing any individual can give his fellow man is a total commitment to trying to do something for him in our day.

It has been my observation that Senator Tydings is that rare person who, day after day, in this Chamber, in committees, and elsewhere, has done his duty as he has seen it, has given totally of his capabilities. Senator Tydings has helped to elevate the people of our country to better things, to give them greater hope.

He has taken the practical course in trying to alleviate pain and misery, as already expressed by the distinguished Senator from Indiana (Mr. Bayh). I do not care to seem repetitious this morning—it is all well known, though it will be repeated—but I wish to stress that we face in our country today many emotional trends, trends that have seemed to tear us apart. The people of America have found themselves in the midst not only an epidemic of crime, but also an epidemic of escape from reality through the vehicle of narcotics, drugs, and other substances foreign to the human body for purposes that are almost inexplicable.

The solution of this problem is the practical course which Joe Tydings has taken, within the governmental structure, not only to cut off the sources of supplies of narcotics and drugs, but also to see that the pushers of drugs are brought to speedy trials with every opportunity for fair and impartial justice.

At the same time, he has confronted the problem of savage assassinations which have plagued this country. He has made us realize the savagery of the almost limitless supply of firearms that have been so easily available to the people of this Nation.

I speak as one who all my life has used firearms as a sportsman.

Joe Tydings has had the courage to face this issue. His efforts to control firearms undoubtedly contributed greatly to his loss in the last election. I believe that the sportsmen of this country must wake up and begin to lead, to realize that while weapons can be utilized for sporting purposes, they can also be utilized for many other purposes and that controlling them properly is absolutely essential and in the public interest.

Joe Tydings' efforts along this line resulted in a massive, retaliatory campaign, mounted for the very purpose of removing this voice from the national scene.

I believe that ultimately everyone will arrive at the conclusions he has been

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thrusting toward us, but when a man stands forth early in the waging of debate to control weapons of savagery, he is going to pay a price.

I believe that was part of the price that Joe Tydings was willing to pay, the risk he was willing to take, for this and the many other issues he so ably led and fought for in the Senate.

If there is one impression Joe Tydings made upon me it has been that of a gentleman, a man who—as expressed by the distinguished Senator from Alabama (Mr. Allen) just a few moments ago—one may disagree with occasionally and sometimes continuously on varying issues, but who always extended senatorial courtesy within this Chamber and the heartfelt empathy of one man for another that constantly emanated from this man's personality.

It has been a deep privilege for me to have had this brief exposure of 2 years, one of those having been spent in the midst of a most difficult campaign that took many days and many hours of tireless energy for him to continue to wage the battles he believed in.

Not only has his contribution been great in behalf of his native State, but it has also been great for America and will eventually help to alleviate some of the pain and agony and savagery that has plagued us for some time. Those hopes we all share. For his leadership we are all grateful. I am privileged to have had this opportunity to express these feelings I have for the distinguished senior Senator from Maryland.

Mr. ERVIN. Mr. President, I have had the opportunity as a member of the Judiciary Committee and as a member of its subcommittees, on which the distinguished Senator from Maryland and I both serve, to observe the legislative conduct of Joe Tydings.

When Joe Tydings first came to the Senate, there was a vacancy in the post of chairman of the Subcommittee on Improvements in Judicial Machinery. Technically I was in line for that appointment. But I suggested to the chairman of the Senate Judiciary Committee that Senator Tydings be given that appointment. He has done wonderful work as the chairman of that subcommittee in the improvement of the administration of justice in the Federal courts throughout this land.

Joe Tydings has several characteristics and traits that I would like to mention. The first is that he never tires in the performance of his duties as a Senator. He has an inexhaustible amount of energy and an inexhaustible amount of industry. He has always done his homework well. He is always able to advance the finest possible arguments for any position he espouses.

Joe Tydings is a hard fighter for the things in which he believes. No one in the Senate can testify more fully in respect to this trait than I, because, while he and I collaborated on many things, on several occasions he and I were in a sense opposing legislative gladiators. I know he is a foe worthy of any man's steel.

I think that perhaps Joe Tydings' most obvious virtue was a virtue which may have contributed in large measure to his defeat. He has a virtue which, I regret to say, is in short supply among occupants of public office. That virtue is courage. Joe Tydings stood and fought for the things in which he believed regardless of what the possible or probable effect would be upon his political fortunes. And I have no doubt that his courageous stand on gun legislation and his courageous stand—since I differed with it, I will not say his intelligent stand—for the District of Columbia crime bill contributed in large measure to his defeat plus the fact that a very scurrilous and very unjustified article appeared in Life magazine at the height of the campaign.

I thought the inferences of the article were totally unsupportable on the facts.

I would like to testify to the fact that Joe has rendered great service as a member of the Judiciary Committee and as a Member of the Senate. I wish that time permitted me to dwell upon some of the bills which he pushed through to fruition to improve the administration of justice.

I think one of his early achievements and one of his great achievements was the creation of the office of Federal Magistrate. I think that has done much to relieve the confusion in the Federal courts. I think it will do much to bring justice to a speedy culmination.

Mr. President, I join those who have testified to the fact that Joe is a gentleman in all respects. He is a hard fighter, but he never hit anyone below the belt who disagreed with him. He is a congenial companion.

I deeply regret seeing him depart from the U.S. Senate. He is young. He is vigorous. I predict that he will do much for his State and Nation in the years that lie ahead.

The **PRESIDING OFFICER** (Mr. Cannon). The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I find the comments of the Senator from North Carolina, as usual, most solicitious on this particular occasion.

In honoring Joe Tydings and expressing our views concerning him today, I find this moment a particularly poignant, for it was in this same Chamber about 20 years ago that I joined my colleagues in paying tribute to his stepfather, Millard Tydings.

In many respects and in a most unusual way, Millard Tydings, whom I had the privilege of knowing, was also a man of unusual courage and was very outspoken.

I recall so well that he was the first man—or among the first certainly—to recognize the danger of the activities of one of our colleagues from Wisconsin who had led the attack upon our Government because of alleged Communist activities, a man who at that time aroused great fear in the minds of many people in this country.

Millard Tydings was one of the most outspoken men.

The coincidence of this occasion of paying tribute 20 years later to his stepson, Joe Tydings, arouses many memories of a very difficult time.

I join the Senator from North Carolina with respect to the character of the issues which I think contributed, although I am not an expert in Maryland politics, to his defeat. However, the general impression is that the gun control law and the law which involved some very controversial issues on crime control in the District of Columbia contributed to the defeat of Joe Tydings.

It seems such a shame to me that issues, while they are important in themselves or are significant in restricted areas, are not of fundamental importance to the stability and welfare of the Nation as a whole.

If a man is wrong or if he misjudges the sentiments of his constituents on basically important issues, that is one thing. But to be out of tune with one's constituents on issues which are not quite that basic, seems to me to be a great tragedy when it results in the defeat of a young man who has so much promise, who has already done so much in his relatively short period of time in the Senate.

One other aspect strikes me as being very sad, indeed, and that concerns the effect of the article published in Life magazine. One reason perhaps that it impressed me more than the average situation was that I took this matter up with the State Department and particularly with the AID Administration.

Mr. President, this material has been placed in the Record and I will not recount all of it. I asked the State Department to give a report as soon as possible upon the accuracy of the allegations in that article. They delayed and delayed, and finally I wrote a letter demanding the facts, stating that if the Department did not reply within 30 days, funds would be cut off, which is in accordance with the provisions in the law.

In any case, the net result was that the State Department deferred any reply until after the election—it was about 2 or 3 days after the election; the following Friday I think—and for all practical purposes, it was a complete vindication of the alleged role that Senator Joe Tydings played in that affair. It is a very shabby chapter in our national history. I felt very badly about it. I do not know what can be done about it under our system of elections.

Again, this brings up memories in regard to Millard Tydings. One of the very important incidents which contributed to his defeat was the publication of a completely false photograph. One of the local papers at that time, which no longer exists—I believe it was called the Washington Times-Herald—published a picture which purported to show Millard Tydings with his arm around a then leading Communist of this country. I believe the person was alleged to be a Communist. In any case, a very derogatory picture was published. Later it was learned two different pictures were involved, and that they were put together and published as one picture. That was not proved until after the election. This is a shabby aspect of some of our political life.

It is a great tragedy that Joe Tydings should have, in a sense, suffered from a somewhat similar incident 20 years after his stepfather did. Those are some of the dregs, some of the flotsam of history; and those are some of the things that contribute very much to the attitude of some people who say that our system is irrevocably faulty. I do not agree with that. I

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think it can be improved by many means—by better education, and certainly by a much higher standard of conduct on the part of the administrative agencies and the newspapers.

I do not know of a single incident of another important newspaper repeating the pointed, outrageous distortion of truth of that incident of the false photograph. For some reason or other, we are inclined to think a photograph is genuine, even though it is obviously false. But in any case, it was a great disservice to the public in the case of Millard Tydings and the photograph, and in the case of Joe Tydings with regard to the article in Life magazine, which really had no substance.

Mr. President, those of us who live so much of our lives in the District of Columbia area owe Joe Tydings a special debt. As chairman of the Committee on the District of Columbia, he has fought tirelessly to improve the quality of life in this city and he has done a great deal to arouse the attention of Congress and the people to what needs to be done in the city, and I am sure the effect of this work will go on.

It has been mentioned he has done a great deal in the judicial field and in other areas which I will not reiterate now. We certainly need in the Senate and in public life more men with the courage and intelligence of Joe Tydings, men who press their conviction in the face of insurmountable political consequences.

The people of Maryland and the people of the Nation, I believe, will deeply feel the loss of a public servant who has represented them so well.

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My wife and I wish Joe Tydings and his family well in the years to come. I have no doubt he will have great success in the private practice of law and I would hope in some capacity he would resume his work in the public interest as a public official. He and his family certainly deserve well in this community and in the country.

Mr. MATHIAS. Mr. President, I would like to pay a personal tribute to Senator Tydings, one which is based not only on our service together in the Senate, but which also looks back many years to a time when he and I occupied adjacent seats in the house of delegates, the lower house, of the general assembly of Maryland. As a member of the house of delegates Joe Tydings was forward-looking, progressive, constructive, and I think that these qualities have been a hallmark of his subsequent service as U.S. attorney for Maryland and here in the Senate.

We have throughout these years sat on opposite sides of the aisle. We disagreed on a great many things. We have agreed on some things. But the aisle that separated us has never been so wide that Senator Tydings was not willing to step across it to cooperate and coordinate our efforts whenever the welfare of the people of Maryland or the welfare of the people of the United States was involved. He has been objective and thoughtful and I think he has earned the praise which his colleagues have paid him today.

I would like to speak of one area of senatorial service which I think he particularly made his own specialty, and that was his chairmanship of the Subcommittee on Improvements in Judicial Machinery, a subcommittee of the Committee on the Judiciary. This was a subject upon which he expanded a great deal of time. I think that the administration of justice in Federal courts will be markedly improved as a result of his efforts. This is not just my observation, it is an opinion which is unanimous in the Committee on the Judiciary.

The Commttee on the Judiciary has taken the rather unusual step of adopting a resolution of appreciation for the work that Senator Tydings has done as chairman of that subcommittee and as a member of the full committee.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks a copy of the resolution adopted by the Committee on the Judiciary and signed by all members of the committee.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Joseph D. Tydings

Whereas, the Honorable Joseph D. Tydings has been a member of the United States Senate since 1965 and through that time has been a member of the Committee on the Judiciary, and

Whereas, during that time the Honorable Joseph D. Tydings has been Chairman of the Subcommittee on Improvements in Judicial Machinery and a member of the Subcommittee on Constitutional Amendments, the Subcommittee to Investigate Juvenile Delinquency and the Subcommittee on Refugees and Escapees, and

Whereas, the Honorable Joseph D. Tydings has distinguished himself in the Senate in the discharge of his Committee obligations, and

Whereas, he has enhanced the reputation of the Committee on the Judiciary for legal knowledge and legislative skill.

Now, therefore, be it hereby resolved, that the members of the Committee on the Judiciary do hereby express their heartfelt appreciation to the Honorable Joseph D. Tydings for the many contributions he has made during his service on the Committee, in witness whereof the members of the Committee hereunto subscribe their names this 21st day of December, 1970:

James O. Eastland, John L. McClelland, Sam J. Ervin, Jr., Philip A. Hart, Edward M. Kennedy, Birch Bayh, Quentin N. Burdick, Robert C. Byrd, Roman L. Hruska, Hiram L. Fong, Hugh Scott, Strom Thurmond, Marlow W. Cook, Charles McC. Mathias, Jr., Robert P. Griffin.

Mr. McCLELLAN. Mr. President, I was absent from the Senate yesterday on account of official business in my own State and, therefore, I had no notice or information until just before I arrived in the Chamber a few minutes ago that this time had been set apart for tributes to our distinguished colleague from Maryland. Therefore, my remarks have not been prepared and my remarks will be brief. Nevertheless, they will be sincere. I simply could not let this opportunity pass without joining in the tributes that are being paid to Joe Tydings by his colleagues here today.

When I first came to the Senate in 1943, among other assignments, I was named to the Committee on Naval Affairs. His father, the Honorable Millard Tydings, was chairman at that time. I served under his father on the Naval Affairs Committee until Congress was reorganized and committees were consolidated in 1946.

I served with him for some 4 or 5 years. I learned to have, and did have, great admiration for Millard Tydings, for his ability, for his character, for his statesmanship, and for his patriotism. I remember so well his devotion to the armed services of this country and his desire to at all times see that this Nation stayed prepared; that a strong posture of defense was maintained. I frequently cooperated with him in those days, voting for measures to preserve and strengthen our national defense posture.

During the past few years I have served with Joe Tydings on the Judiciary Committee, and I have observed and learned to appreciate in him the same commendable qualities that I learned to respect in his father, and for his dedication, his industry, and his aggressiveness to fight for those things that he believed in.

I might go on and say a good many things, but I am going to simply express here publicly what I have said to Joe personally heretofore, and that is my deep gratitude to him for the assistance he gave me when we were battling in committee and here on the floor of the Senate to pass the Omnibus Safe Streets and Crime Control Act of 1968.

As my colleagues will recall, there were titles in that bill that were highly controversial. I think he and I agreed on all of them, save possibly one. We disagreed on one. But there was another one that was highly controversial, the one authorizing court approved interceptions of conversations by wiretap that was bitterly contested. At that time—on that important issue—he stood and fought with me, and we were able to pass that bill in the Senate and bring about the enactment of that provision into law.

I am sure he gets some consolation, as I do today, when we read of the effectiveness of this new weapon which we provided our law enforcement officials with which to deal more effectively with organized crime and other criminal activities that it is difficult to apprehend. I express my appreciation to him again for his valuable cooperation in that legislative battle.

Then, I believe last year, or early this year, we had before the Senate the District of Columbia crime bill, which had been processed under the leadership of the distinguished Senator from Maryland as chairman of the District of Columbia Committee. There were two provisions or titles in that bill that were bitterly opposed—the preventive detention title of that bill and also the no-knock provisions in the bill, which were vigorously contested here on the floor. It was my pleasure then to support his position and to assist in getting the enactment of that legislation.

Mr. President, I do not know how credit can be parceled out—how it can be shared—or who is most responsible for the results, but we do know that as a result of legislation that has been enacted and the special effort that has been made here, the latest statistics on crime in the District of Columbia—and I think this fact is conceded now by everyone—show that the rise of crime in the District of Columbia, the Nation's Capital, is beginning to recede.

I am sure that had we taken no action, had nothing been done here in the Congress about it, had we not provided the weapons and instrumentalities needed by law enforcement officials, crime would have continued to increase here in the District just as it has throughout the Nation elsewhere. I think the distinguished Senator from Maryland is certainly entitled to his share of the credit for the gratifying results now being achieved in the District of Columbia.

Another thing, Mr. President, Senator Tydings has taken a great interest in trying to strengthen the judicial processes in this country. He has sought certain reforms for the courts. He has been a friend of the courts. He has tried to strengthen their hand. He believes in law and order. I think he has made a very substantial contribution to the improvement and strengthening of the law enforcement machinery of this country, and especially here in the District of Columbia. I pay tribute to him.

I agree with those Senators who have already commented on the article that appeared in the magazine. I think it was unfair. I think it was unfounded. I think it was typical of what those of us in public life constantly face today. We are subjected to criticisms that are prejudiced, that are biased. Some of them are vicious. Many are unfounded. While the news media have a right to criticize, and they should, that is the proper function of the news media. But they should, at least, be truthful and deal with facts and not so arrange or distort them as to convey a false impression. They should be willing to publish and stand on the truth only.

I am sure that if that magazine article had adhered to the truth, it probably would not have been published in the first place. In the second place, if it had done that, it could have had no harmful effects in the campaign. I am glad indeed to have this opportunity to join with my colleagues in paying tribute to my friend, the senior Senator from Maryland.

I am not much at predicting, but I have a feeling that Joe Tydings will again serve as a Member of this body during the useful public career that I think the future holds for him.

Mr. KENNEDY. Mr. President, I know we could go on for some period. I would like to yield first to my distinguished colleague the Senator from Massachusetts (Mr. Brooke) briefly, and then to the Senator from Oklahoma (Mr. Harris), and then I know the Senator from Maryland (Mr. Tydings) would like to speak. That is the order in which I would yield to them. I yield now to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I shall not review the record of Joe Tydings. I was privileged to work with him on the housing bill, the voting rights bill, consumer legislation, and on the registration of firearms.

I think I can say, Mr. President, with some authority, that people who have been denied the opportunity to live in houses of their choice are grateful to Joe Tydings for what he has done in the area of the open housing; that people who have been denied the precious right to vote are grateful to Joe Tydings for his effective work in that field; and that the consumer, who for so long has been denied protection, is grateful to Joe Tydings.

Mr. President, I wish to say further that though Joe Tydings was not successful in obtaining meaningful strong gun registration, I am sure that the day will soon come when his efforts will be rewarded with success. This Nation cannot continue to exist peacefully without adequate gun registration. It is ironic that Joe Tydings was not victorious because of his courageous fight to see that guns did not get into the hands of the wrong people.

Mr. President, I merely want to say in conclusion that in my book, and in the books of many others, Senator Joseph Tydings will always be a winner.

Mr. HARRIS. Mr. President, one never becomes accustomed to changes in the membership of this body, but the defeat of Joe Tydings in the 1970 election came as a particularly unpleasant shock to me.

He and I came to the Senate at the same time, and, together with Senator Mondale and the late Senator Robert F. Kennedy, sat as seat mates in a special row of four desks which, in 1965, when we came here, were placed at the rear of this Chamber.

My wife and I have held him and his lovely wife, Ginny, in extremely high esteem and affection.

As has been said correctly and eloquently, we shall miss him from this body, Mr. President. But I think there are two things in the case of Joe Tydings which are somewhat different from the ordinary situation when a Member of this body takes his farewell.

First, Mr. President, Joe and Ginny will not leave here to go to some faraway place; they live close at hand, and each of us who have known them will hope to continue to see them frequently, because they will continue to be near and to be neighbors.

Second, despite the fact that Senator Tydings, as a prosecuting attorney, as a member of his State legislature, and as a subcommittee chairman and as a committee chairman in this body has made great and lasting contributions to the welfare of his fellow man and to the improvement of the laws and the Government of this country and of his own State, he still is a very young man, and I feel that the most productive years of his career and life are yet ahead of him. I believe we will hear a great deal more of him. I hope we will, because the country needs more men like Joe Tydings.

JOE TYDINGS NEVER ASKED FOR A SOFT BALL

Mr. McINTYRE. Mr. President, I join with my colleagues in rising to pay tribute to a distinguished Senator who has served the people of Maryland and the Nation with great diligence and ability.

Though young in years, Joe Tydings has had a long career of public service as U.S. attorney for the State of Maryland, a member of the Maryland House of Delegates, and for the last 6 years as the Senator from that State.

Senator Tydings during his distinguished service in the Senate has led many great battles. He has revealed himself as a man who is not afraid to engage in controversy for what he believes. This willingness to stand firm has won him the admiration of all of those who have had the privilege to serve with him.

Joe Tydings never asked for a break. He never sought special advantage.

I well recall a softball game played last summer between the staff of my office and the staff of his. Senator Tydings was playing. I was coaching my team.

Joe came to bat and, athlete that he is, the pitcher for McIntyre's Maulers bore down and got two strikes on him.

Motivated by senatorial courtesy, I called out to our pitcher to "let him hit." But, Joe Tydings shook his head no and signaled for another fast ball.

I suppose I should report that the Senator from Maryland laced that fast ball into center field and drove in two runs. I hate to report also that his team won.

But, this was Joe Tydings. He never asked for a soft ball and I know he will not in the future.

May his long career to come bring him, his lovely wife, and his fine family the best of everything they seek. I am sure it will.

Mr. McGEE. Mr. President, I wish to join in saluting the distinguished senior Senator from Maryland whose 6 years in this body have marked him as a man willing to fight for what he believes in and to stand firm on principle. Joe Tydings will be missed as much for those qualities as for his capable work in the Senate, including his work on the Committee on Commerce and his leadership on the District of Columbia Committee. Of course, he will be missed personally by those of us on both sides of the aisle who have come to respect his high standard of service.

At a very young age, Senator Tydings has amassed a long record of service to his State and Nation in the Maryland House of Delegates, as U.S. attorney for the State of Maryland and, of course, as U.S. Senator. Surely, there is no reason to believe that his service to the public has been ended. Rather, I am confident that we can look forward to Senator Tydings' continued involvement in the matters of public urgency and to continued valuable service on his part.

As one who believes he knows what kind of a man Joe Tydings is, I salute him, Mr. President.

Mr. TALMADGE. Mr. President, it is a privilege to join the Senate today in honoring the Senator from Maryland, Joseph Tydings.

Senator Tydings has served his State and Nation in the Senate with great ability and devotion. Joe Tydings has been a hard working Member of the Senate. He has been attentive to all the many complicated, and sometimes troublesome, legislative issues that have come before this body in recent years. He has especially been attuned to the social and economic needs of the people, not only in his own State of Maryland but throughout all the country. With tenacity and the courage of his convictions he has worked diligently to achieve solutions.

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As Senator Tydings takes leave of the Senate, he can return to his home State secure in the knowledge that his years in the Senate have been marked by distinctive service. We all salute him for a job well done, and I express my personal wishes for him for every success and happiness in all his future undertakings.

Mr. SPARKMAN. Mr. President, I want to join my colleagues briefly in paying tribute to the distinguished Senator from Maryland, Joe Tydings.

I had the privilege of serving in the Senate with Joe's father, a very able Senator whom I admired greatly. It was good to know his son, Joe Tydings, when he entered the Senate.

During the time he has been here no Senator has been more dedicated to his work. He has been a most industrious chairman of the District Committee and, in my opinion, has done an outstanding job for the people of the District of Columbia. At the same time, he has not neglected in any way his representation of the people of the State of Maryland. He has been a good and an outstanding Senator.

I pay tribute to Joe Tydings and at the same time to his wife, Ginny, who has stood by him throughout. Mrs. Sparkman and I both regret to see them leave the Senate. We hope that they will be back to visit often.

Mr. BOGGS. Mr. President, I wish to join with my colleagues today in paying tribute to the senior Senator from Maryland (Mr. Tydings) on his outstanding contributions and service to the Senate.

It was my very great privilege to serve with Senator Tydings for a number of years on the Public Works Committee where I came to respect and admire his broad knowledge and deep concern for the public welfare. His contributions to the work of that committee were many.

Moreover, as Senators from neighboring States, Senator Tydings and I have shared similar concerns and have worked together to find solutions to problems common to our two States. This cooperation has been an enriching experience for me. I have always found Senator Tydings an agreeable, cooperative colleague of uncommon energy and intelligence.

I also know of his outstanding work on the Judiciary, Commerce, and District of Columbia Committees of this body. To each he has contributed his powers of reason, his clear expression, and his vision.

It has been my pleasure to serve with Senator Tydings for the last 6 years. I value our friendship very highly and I wish him well in the future.

Mr. MUSKIE. Mr. President, Joe Tydings of Maryland has served only one term in the Senate. In that time he has amassed a record of solid achievement for which he and the people of his State can be proud. It is a loss to the country that he will not be here to build on that record in the next 6 years.

As chairman of the District of Columbia Committee—the youngest chairman of a standing committee in either House—he worked tirelessly to solve the problems that afflict our large urban areas. He secured enactment of legislation dealing with crime control, court reform, representation of the accused, urban mass transit, air pollution, and consumer protection.

And he has been a staunch supporter of equal rights for all our people—as a floor leader of the Voting Rights Act in 1965 and 1970, as the author of legislation to eliminate discrimination in Federal juries, and as a supporter of open housing.

From the first day of his Senate career, Joe Tydings was determined to fight for what he believed was right, whether or not it was popular.

He fought hard for effective gun control legislation, knowing he faced the strong opposition of one of the most powerful lobbies in the country.

He pressed for passage of a controversial crime control bill in an election year, knowing it would hurt him at the polls.

He worked for reform of our antiquated electoral college system, knowing he faced opposition from those with a stake in the status quo.

He was, for too short a time, a valued member of the Subcommittee on Air and Water Pollution. As such, he was an uncompromising fighter for more effective legislation to deal with environmental degradation.

Because of the commitment and convictions which were the foundation of his Senate work, the Joe Tydings' story does not end with his departure from the Senate. For he has shown that a young man with little seniority can make his voice heard in this Chamber, and effect great good for the country.

He has demonstrated that there are still men of conscience who will resist the pressures of the moment.

He leaves behind a record of conscience, of faith in the fundamental soundness of our democratic processes, of commitment to change when change is necessary.

We shall miss him in the Senate. But I am confident that the Nation has not heard the last of him.

Mr. METCALF. Mr. President, one of the real tragedies of our political system is when an intelligent, aggressive, and attractive young man is defeated. This is what happened to Senator Tydings. What makes it a tragedy is that a person of his ability and charisma will be out of the U.S. Senate for a period. I predict that he will be back.

Despite the criticism of the seniority system it is with us and probably always will be. Experience, knowledge of procedure, information on national problems are not taught at universities. These skills are learned on the Senate floor, in committee, in meetings with the press and they are hard to come by.

Joe Tydings was a master at an early age. A brilliant lawyer, he brought his legal talents to the Congress and used them in the public interest. Senator Tydings was an innovator in that he recognized that a legal system developed in the last century needed revision to meet 20th-century problems. He was a patient, plodding worker on the District Committee when he knew, the Senate knew and the Nation knew his talents and his energy should be utilized on national issues.

I knew him as a devotee of wildlife. He was interested and concerned with wildlife and waterfowl. For a time I served on the Migratory Bird Conservation Commission. He succeeded me on that Board. He is an active hunter, a genuine conservationist, and a sportsman in the finest sense of the term.

Joe Tydings is an outstanding Senator. He participated in the great debates that featured his term in the Senate. His participation was a contribution. He is a great person. He will be missed in the Senate for a time. But he will be back. The Nation needs him.

Mr. CANNON. Mr. President, I rise to pay tribute to a departing Member of the Senate, Joseph D. Tydings of Maryland.

Senator Tydings has a long and distinguished career in the public service. After serving 6 years in the Maryland House of Delegates, Senator Tydings resigned to become the U.S. attorney for his State. Running as a reform candidate in his party in the 1964 senatorial election, Joseph Tydings won election by over a quarter million votes.

It was both a pleasure and a privilege to serve with Joe Tydings on the Senate Commerce Committee. He was a great advocate of consumer protection, and worked vigorously to restore the rights of the purchaser in the marketplace.

Last summer my colleagues were impressed to see that in addition to his varied Senate duties, Senator Tydings had found the time to write a major book "Born to Starve," which analyzes world population problems and proposes many interesting and workable solutions. Now Joe Tydings will be putting his theory into practice by working 2 months each year for the United Nations development program, specializing in population control programs and I wish him well.

I hope Joe will visit us frequently here in Washington, just next door to his home State. I know we all join in wishing him the best of success for his coming productive years.

JOE TYDINGS: A STALWART SENATOR

Mr. CHURCH. Mr. President, I am pleased to participate on this most deserved occasion in the tributes being paid to Joe Tydings. His public service, both before and after he was elected to the Senate, has been of the highest quality. I want to speak about his record, but I also wish to touch on a larger consideration surrounding his imminent departure from the Senate.

There is considerable discussion these days about the politics of personality, of TV-packaged candidates, of emphasis upon style and tone rather than on substance. For all who fear the ominous portent of this trend, let it be remembered that Joe Tydings was an issue-oriented Senator. He pursued his views on major issues strongly and unequivocally, regardless of the political risks. His service as a prosecuting attorney convinced him it was necessary to reform the system of criminal justice in the United States. His attentions to the needs of the poverty-stricken families in the Nation's Capital were recorded daily in the newspapers of Washington. He was an early and prominent sponsor of legislation in the field of family plan-

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ning. He adamantly sought additional controls over the sale and distribution of firearms. Although I could not always agree with Joe Tydings on every issue, I always admired his sincerity and tenacity.

Of course, if the legendary American success story had prevailed, his electoral reward would have been reelection to the Senate. Regrettably, this has not occurred, and consequently his leaving should not take place without reference to the circumstances of his defeat. I state this, because these circumstances contain a warning to each of us here—whether Democrat or Republican, whether a "junior" Member or a "senior" Member, whether "conservative" or "liberal."

There are usually several ingredients in any candidate's defeat. But, Mr. President, in my view, Joe Tydings was primarily a victim of devious, misleading and deceptive smears. The responsibility, so far as I know, was neither that of his opponent nor his opponent's campaign managers. No, the agents were those who desired the defeat of Joe Tydings regardless of whom his opponent was. Joe Tydings was tarred by the same brush as his father before him. The earlier Tydings, Senator Millard Tydings, was similarly victimized during his 1952 election campaign. A deliberately doctored photograph played a large role in the defeat of Millard Tydings. In his son's case, a nationally circulated magazine published an article that accused Joseph Tydings of self-serving dealings with officials of the Agency for International Development. This article has been shown to be erroneous—Joe Tydings was exonerated by the agency after the election—but the damage was done with the article's publication. In addition, a scurrilous full-page newspaper advertisement, just prior to the election, twisted Joseph Tydings' record beyond the ethical limits of political electioneering.

Both men were casualties of the worst that occasionally erupts in American politics. Each of us should understand that it can—and may—happen to any of us as well. And, consequently, we should commit ourselves to reform of the existing campaign financing system, not only as it applies to the seemingly endless escalation of campaigning costs, but also to the lack of an effective fair campaign practices code.

The political system within which we operate is demeaned by tactics such as those directed against Joe Tydings. The smear knows no distinction in party, or between those of differing political tendencies. Therefore, we should act together in this matter out of the realization that there is never a sufficient number of dedicated and sincere public officeholders and to slander them is to slander the political institutions in which they serve.

It is with a heavy heart that I salute Joe Tydings as he takes his leave of us. In his chosen mold, strong Senators are cast.

May we see more like him in future years.

Mr. PROXMIRE. Mr. President, of all the Senators I have served with in the 13 years I have been in the Senate, none has shown greater promise for the future than Joe Tydings.

Here is a young man who has everything for service to his State and country.

He is intelligent and vigorous. He has remarkable judgment and a willingness to take on the tough, hard issues which no other Member of Congress will tackle.

There is probably no more thankless task than serving as chairman of the Committee on the District of Columbia. For the last 2 years Joe Tydings has served as chairman of the District Committee and no Senator has ever served this city better. He has been deeply concerned with its problems. He has fought hard to secure the resources and focus them on the massive problems that plague Washington.

I speak with knowledge and feeling about this because while Senator Tydings has served as chairman of the District of Columbia authorization committee, I have worked as chairman of the Appropriations Subcommittee for the District. So I know what a fervent and effective fighter Senator Tydings has been for funds for this city.

At a time when some Members of Congress and some outstanding national figures have demagoged on the crime issue, Joe Tydings has succeeded in securing the passage of legislation that will go far toward solving this problem that has become such a fearsome burden, not only in Washington but throughout the Nation.

Of course, there are many critical elements in the achievement of justice in America but there is probably none more critical than the integrity and capability of the men who serve in the Federal judiciary. If a judge is not honest and capable, how can any citizen expect to receive justice is a court of law?

Joe Tydings recognized this and has carried on an earnest and effective crusade to improve the quality of the judiciary.

A better and more just day is coming in this country. The work that Joe Tydings did on the Judiciary Committee in the 6 years he served in the U.S. Senate will contribute significantly to this achievement for justice.

Of course, it is tragic that Joe Tydings will be leaving the Senate at the very time when he has developed the experience and the seniority to begin to make greater contributions to his State and Nation but there is no question that this young man in or out of the Senate, in or out of public life has a brilliant future and will help build a better and especially a more just America.

Mr. TYDINGS. Mr. President, I am at a loss for words to express my appreciation to my distinguished colleagues. Their remarks are too kind and too generous.

My 6 years of service in the U.S. Senate, of course, has been the high point of my life to date. The Senate is a great institution. Along with the Presidency, it is the adhesive or cement which holds our Nation together.

A little more than 100 years ago, a Senator from Kentucky, Mr. Clay, a Senator from Massachusetts, Mr. Webster, and a Senator from South Carolina, Mr. Calhoun, on this floor, with a nation that was rent asunder, were able to fashion a legislative compromise which held the Union together for another 10 years, without which we might not have known the Nation as it exists today. That 10 years between the compromise of 1850 and the Civil War was essential to a strengthening of the Union. By helping to cement the States, it made possible the survival of the Union after a bitter and bloody war of brother against brother. And it was in the Senate, this very institution, where the compromise was put together.

Many Senate visitors wonder at the apparently exaggerated senatorial courtesy and respect with which one Member of this body treats another; but in a very real sense that is an essential part of this body, because the Senate contains leaders and representatives of not only every geographical part of the Nation, but, indeed, of the great philosophies which prevail through our national life. This courtesy and respect cushions the conflict of differing views. It is the Senate with its individual Members and its leadership, particularly when we have distinguished leaders—and it has been my pleasure to serve under such leadership, on the majority side, with Senator Mansfield, and on the minority side with Senators Dirksen and Scott, which binds us together as a nation. It is the Senate, along with the Presidency and House of Representatives, which unifies us. It is the Senate which can heal the divisions, the sores and the splits in the Nation. And it does so far better than any other system I know.

The legislative compromises which are wrought in this Chamber have made it possible, I think, for this Nation to continue, now, through almost two centuries, despite staggering changes in the world, changes that are at times difficult to conceive. Certainly no man who was a Member of any of the first 10 Congresses could have conceived of a world where it is possible to travel from New York to London in 6 hours, or a world where the longevity span of the average American would pass 60 years. Where man has learned to master technology. Where a nation has undertaken to eliminate illiteracy and hunger, and to provide a decent life for all people regardless of race, color, creed and class. Yet all of these tremendous technological and social changes have occurred, and our democratic system of government still survives. Indeed, we are the only Nation with a continuous system under the same Constitution which has lasted for the nearly two centuries. And the system has survived because the institutions like the Senate have respect our differences yet responded to the demands of the times. The Senate is an institution for change and at the same time a symbol of continuity, the continuity of the United States as one Nation.

It has been an honor and a pleasure for me to serve this Nation and the people of Maryland for the last 6 years. I am deeply grateful to my colleagues for their more than generous remarks. On behalf of my wife, Ginny, my mother, Mrs. Ditzen, who was the wife of a great U.S. Senator from Maryland, my adoptive father, and all my family, I want to express my sincere appreciation to all Senators on both sides of the aisle. We are grateful for having had the privilege and opportunity to serve in the Senate.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the RECORD may remain open for other Senators who wish to pay tribute until the date of adjournment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. And I further ask unanimous consent that these tributes be printed in a separate document, and that all may appear as if given on the floor of the Senate.

The PRESIDING OFFICER. Without objection, the record of the tributes will be printed as a Senate document.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 17988. An act to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit,

H.R. 18549. An act to amend sections 902(b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met; and

H.R. 19627. An act to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income.

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HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H.R. 17988. An act to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit;

H.R. 18549. An act to amend sections 902(b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met; and

H.R. 19627. An act to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTIONS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on December 28, 1970, the President had approved and signed the following joint resolutions:

S.J. Res. 74. Joint resolution to provide for the designation of the first full calendar week in May 1971, as "National Employ the Older Week";

S.J. Res. 172. Joint resolution to authorize the President to issue a proclamation designating the first full calendar week in May of 1971 as "Clean Waters for America Week";

S.J. Res. 187. Joint resolution to authorize the President to designate the third Sunday in June 1971, as "Father Day"; and

S.J. Res. 226. Joint resolution to authorize the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as the "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks."

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

SOCIAL SECURITY AMENDMENTS OF 1970

The PRESIDING OFFICER (Mr. CANNON). The Chair now lays before the Senate the pending business, which the clerk will state.

The legislative clerk read as follows:

The bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CANNON). Without objection, it is so ordered.

Mr. HARRIS. Mr. President, I send to the desk on behalf of myself and Senators JAVITS, MONDALE, and BAYH, an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 418 strike lines 20 through 24, and strike all of pages 419 through 448, and on page 449, strike lines 1 through 10.

Mr. HARRIS. Mr. President, the pending amendment is the first of two child care amendments which were covered by the agreement entered into last night. It would strike that section of the bill which would create a Federal Child Care Corporation.

At this time, I should like to set forth, in brief, an explanation of the amendment and the basic reasons why I hope it will be adopted by the Senate. Then I should like to yield to one of the cosponsors of the amendment, the distinguished Senator from Indiana (Mr. BAYH), for a statement on it. There will be other Senators who will want to speak on this amendment. I shall reserve my argument-in-chief until other Senators have spoken.

First of all, Mr. President, the Federal Child Care Corporation which would be created under this bill, and which would be stricken by the pending amendment, should be stricken, in my view, and in the view of the cosponsors of the amendment, because this is a major piece of legislation dealing with the children of the country and it has not been adequately heard. In the press of other business in the consideration of what came to be called "the conglomerate bill," where issues such as trade legislation, welfare reform, and social security benefits and increases and other major issues took up the major attention of Senators and of members of the Finance Committee. There has not been a sufficient effort to coordinate this piece of legislation and the creation of this new Federal Child Care Corporation with the many other Federal programs which also deal with or touch upon child care or day care services.

Under the provision of the bill which is sought to be stricken by the pending amendment, there would be created a Federal Child Care Corporation to be governed by a board of directors appointed by the President by and with the advice and consent of the Senate.

The Federal Child Care Corporation would undertake to provide child care services under contract with States and localities and others for children of families receiving welfare assistance and others.

It is deficient, it seems to me, in several respects but, first of all, because it is such a massive piece of legislation, it should have, as I have said, far more careful and deliberate consideration.

I point out that there is no need to rush here, at this late date in this session of Congress, to pass this kind of major new legislation when, as a matter of fact, as has already been made clear on the floor of the Senate, during the early days of the next session of Congress, this very next month, the new Senate will take up welfare reform as recommended by President Nixon and by others. In connection with that bill that we will have to consider, child care and day care services, and that will be the appropriate time for us to consider what we are about.

Second, this provision which is sought to be stricken is deficient in two fundamental requirements which I think any system of child care services should meet. Those are parental involvement and community control, which are not adequately safeguarded by the provisions in the bill, and I think that they are absolutely necessary. All the experts who have dealt with this question think they are absolutely necessary—that is, parental involvement and community control—if there is to be a successful program of child care and child development.

Third, the standards set up in the bill are not adequate. They are not adequate in regard to child-staff ratios, not adequate in regard to staff qualifications, and they are not adequate in regard to facility standards. This bill would supersede State and local standards. Last, but most important, those standards are not adequate in regard to child development concepts.

Will this be mere custodial care?

Will there be an educational component?

What sort of standards will have to be met?

What kind of concepts will be instituted under this massive new major child care program?

I think it is well known that a child's early years are extremely important in intellectual development. I think that we had better be awfully careful when we set up a new program which will be very much like and of equal importance to the public school programs in this country, that we had better be very sure about what we are doing, and about what its effect will be upon millions and millions of young schoolchildren in this country.

A good many organizations vitally interested and concerned in this matter, and very knowledgeable in regard to it, have submitted comments in opposition to that provision in the bill in its present form.

These include the Child Welfare League and the National Association for Black Child Development. May I say, Mr. President, that I think the day has long since passed, as I said last night, when poor people or black people or other minorities will sit idly by while outsiders come in, as can be done under this provision in the bill—and it could be a private enterprise franchiser—coming and control the child care and development of the children of that community.

The Day Care and Child Development Council of America, Inc., is also one of the organizations, together with those I have previously mentioned, which are not in agreement with this provision in the bill in its present form.

The same is true of the American Academy of Pediatrics. I invite attention to a letter which that organization wrote on December 18, 1970, to the distinguished chairman of the Finance Committee, the Senator from Louisiana (Mr. Long), in which it is stated in part:

> The Academy is gravely concerned with that section of this bill which established Federal child care standards. The minimal standards prescribed in this legislation will result in mere custodial care programs, and will severely neglect intellectual, social, and emotional developmental needs of children.

Mr. President, I ask unanimous consent to have the entire letter written by Robert G. Frazier, M.D., executive director, printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

American Academy of Pediatrics,
Arlington, Va., December 18, 1970.

Hon. Russell B. Long,
Chairman, Finance Committee, U.S. Senate, Washington, D.C.

Dear Senator Long: The American Academy of Pediatrics, the national organization of board certified pediatricians, wishes to express its concern with S. 4101, establishing a Federal Child Care Corporation. This bill, one of the amendments to the Social Security Act reported out by the Senate Finance Committee, would create Title XX of the Social Security Act.

The Academy is gravely concerned with that Section of this bill which establishes federal child care standards. The minimal standards prescribed in this legislation will result in mere custodial care programs, and will severely neglect intellectual, social, and emotional developmental needs of children. Because S. 4101 further provides that state and local licensing and similar requirements would be superceded, much of the constructive work and planning done at state and local levels to enhance the quality of child care programs would be negated. Health services are an integral part of child care and provisions for an adequate health program are needed.

This bill attempts to overcome financial barriers associated with the establishment of child care centers. Although there is a need for such funding, the primary intent of this proposal is to help more mothers find gainful employment. It is our opinion that this objective is being achieved at the expense of the child. Adequate provisions do not exist in the bill to assure that high quality child care programs will be established to meet the developmental needs of children.

The primary purpose of day care should be to offer a sound basis for learning and further development of the child and to support and encourage the mother in her efforts to care for her child. Consequently, the Academy would urge that the provisions of S. 4101 be deleted from the Social Security Amendments this year.

Sincerely yours,
Robert G. Frazier, M.D.,
Executive Director.

Mr. HARRIS. Mr. President, I pay deserved tribute to the distinguished chairman of the Finance Committee, the Senator from Louisiana (Mr. Long) for his great and laudable concern for the need to expand and improve child care services available in this country. I believe that mothers receiving welfare assistance are entitled to have high quality child care available to them.

I believe, however, that we should not stop there. I think that the other mothers in this country, not just those receiving welfare assistance, are also entitled to that kind of child care service.

I believe it is terribly important that we not stigmatize child care or day care as being merely a welfare program. I believe that it has got to be a universal program which extends far more broadly than the present provision would allow it to do.

Mr. President, the distinguished Senator from Louisiana is most well intentioned. But I believe that if we can lay aside this provision in the pending bill and take it up again in a deliberate and careful fashion after the first of the year, we will be able to make some important steps forward in providing adequate child care services in this country.

It is important that we do that and take it up again after the first of the year, as we will do if this provision is stricken from the bill. As I said earlier, there are so many programs, programs under the Commissioner of Education at HEW, under the Office of Economic Opportunity, under Headstart, under HUD to some degree, in regard to facilities, and under the welfare laws in regard to those receiving welfare assistance.

It seems to me that we must make some kind of uniform system out of all this hodgepodge we have at present.

We will have time to do that if we agree to the motion to strike the present provision and go into all of this matter in the kind of detail and with the kind of care it deserves.

Mr. President, I am pleased at this time to yield the floor to one of the distinguished cosponsors of the amendment who is quite knowledgeable in this field, the distinguished Senator from Indiana.

Mr. BAYH. Mr. President, I have listened with a great deal of interest to the discussion which has been initiated by my friend, the Senator from Oklahoma. I find myself in a rather unique position, I say to my friend, the Senator from Louisiana, in joining in a motion such as that presented by my colleague, the Senator from Oklahoma, which would strike the provision for day care from the pending legislation.

I say this because for over a year, for about a year and a half now, the Senator from Indiana and his wife, who is his No. 1 adviser in this matter, have been deeply concerned about day care. Together we have examined day care facilities in the United States, in our home State of Indiana, and in the Nation's Capital. We have had the good fortune to compare facilities here with those available in other countries, such as the Soviet Union, Great Britain, the Hague, Japan, and Israel, just to name a few.

In the course of this study, the Senator from Indiana has become convinced that one of the most critical problems confronting us today is the lack of significant child care and child development facilities in this country.

Thus I find myself joining in a motion to strike the child care corporation provision of the distinguished Chairman of the Committee on Finance from the bill.

Before proceeding further, I would like to echo the words of the Senator from Oklahoma in paying tribute to the Senator from Louisiana for recognizing the need that something be done. I do not think that any of us should take lightly the suggestion that is made by the Senator from Louisiana, because this is a start. This is an idea which could be, and should be, considered in an overall study of the problem of child care and development in this country.

If this problem is as significant as the Senator from Indiana feels it is, I do not feel that we should start with just a small crumb, but rather that we should give this problem the study in committee and in debate on the floor that it so rightly deserves.

Mr. President, we are all aware of some of the very difficult and perplexing problems confronting us today.

There is the problem of law and order, the problem of juvenile delinquency, the problem of high school dropouts, the problem of welfare, the problem of the low capability wage earner, and the impact that he has on our economy as a whole, the problem of the obsolescence so far as individual employee skills are concerned, the problem of terrible housing conditions, which produce the ghetto and urban blight. These are just a few of the problems that are tearing at the very foundation of our society today.

There is not a Senator who is not aware of these problems. I think it is fair to say, or at least that is the judgment of the Senator from Indiana, that there is not a Senator who is not concerned with these problems.

As I have looked over them particularly over the last year, and as I have

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studied the potential impact of adequate child care and development programs, it is my judgment that no one program, if it is approached in the right manner, in a comprehensive manner, could do more to alleviate the multitude of problems confronting us than adequate child care and development programs.

These problems are not going to be whisked away with one speech on the Senate floor or with the acceptance or rejection of one Senate amendment. It will not be done in 1 day, 1 month, 1 year, or in 10 years.

The problems are the result of general conditions of neglect and they will not disappear overnight.

The Senator from Indiana thinks that with comprehensive planning of adequate child care and development programs in our lifetime we can hope to reverse the pathways in those areas of our country which today lead only to despair.

So I rise to support the proposed amendment to delete the child care corporation, not because the Senator from Indiana does not believe that this particular proposal might not some day be part of a comprehensive proposal, and certainly not because he finds fault with the desires of the Senator from Louisiana to bring some legislative input to the problem, but because the Senator from Indiana believes that this is a day late and a dollar short approach to the question. It can lead some people to believe that the problem is going to be an easy one to solve and that providing adequate day care and child development centers is going to be inexpensive. It is not. In my judgment, to do the job adequately will cost much more money than most people realize.

I cannot think of a better investment. And let us not suggest that we will get something for nothing. We have had too much of this already in this country.

If we are going to give our attention to the children of America, the Senator from Indiana happens to believe that there is no better place to invest our money.

I think it is to the credit of the Senator from Louisiana that his original bill authorized $500 million for the Federal Child Care Corporation. That would be a good start. However, when the present measure was reported, it contained only $50 million.

It is rather difficult for the Senator from Indiana to talk about only $50 million. We are talking about an expenditure of hundreds of millions of dollars, indeed billions of dollars, if we are going to provide adequate child care and child development programs for the younger people of our Nation.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, the Senator has introduced a measure to expand child development. His bill would start out by spending $2 billion a year and go on to spend about $6 billion a year. It may be that a program of this magnitude is necessary and that it should become law some day. But what we are trying to do in the committee bill is to provide at least enough child care to see to it that mothers who want to work to supplement the income of their families are not denied the opportunity to do so.

I would like to have had a larger program than the Committee on Finance was willing to agree upon, but I would submit that something is better than nothing. The best I can make of the Senator's argument and the argument of the Senator from Oklahoma is that nothing is better than something.

I would earnestly and sincerely hope that we would not be denied the opportunity of doing what is provided in this bill to help provide mothers the child care they need and which will be adequate to meet their needs, merely because we cannot have the kind of program the Senator would like to have.

As far as I am concerned, as a member of the Committee on Finance, I say more power to those who serve on other committees if they can work out something to provide this kind of child development program. As proposed, it will cost from $6 billion to $10 billion.

But for the life of me I cannot understand why the Senator takes the attitude that although the committee bill only provides $50 million for working capital for the corporation and it increases the Federal matching rate from 75 percent to 90 percent, it is still not better than nothing. It seems to me that this is a straightforward attempt to make child care available where it is not available now.

If one can go forward with a program for complete child development as the Senator advocates, more power to him. But I cannot see why the Senator would take the position that nothing is better than something, because in my opinion the committee bill will go a long way toward meeting the problem.

Mr. BAYH. Mr. President, I appreciate the comment of the Senator from Louisiana. As I mentioned earlier, while he was in conference, I think he is to be complimented for directing this matter to the conscience of the Senate in an attempt to move forward.

I find myself in what might be considered by some a presumptuous position, because I have long respected and admired the distinguished Senator from Louisiana. He has served in this body for many more years than the Senator from Indiana, and is the author of many more pieces of legislation than the Senator from Indiana, but I think he would be the first to suggest that we do not solve complicated national problems by passing legislation upon which there have not been extensive hearings. We have not had benefit of such hearings.

I know the Senator has studied this matter, but I have been looking at it for a year and a half and I still do not have all of the answers.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to the distinguished Senator from Louisiana.

Mr. LONG. The Committee on Finance held extensive hearings on the proposal. For example, I have before me the statement of the American Federation of Labor which was made when they testified on the proposal we are talking about. Admittedly the bill as introduced was a bit larger in the amount of money provided for working capital, but basically it was the same proposition. The AFL stated:

> We support the very constructive and comprehensive provisions of the day care bill introduced by the chairman of the committee, which would provide both the financial incentive and the means to eliminate some of the barriers preventing development of day care centers.

That is the statement of the American Federation of Labor. They want child care for children so that mothers can work and earn a decent wage. They favor this proposal strongly.

Other groups testified, for example the Child Welfare League of America. They have some suggestions of ways the proposal might be improved upon, but basically they state that—

> This is an ingenious and innovative plan to design and deliver day care and other child care services appropriate to the needs of a diverse child population. We agree with the bill's findings and declaration of purpose, in section 2001, taken in the context of our understanding of the bill's intent. . . . What is proposed is a means to discover the kinds of services needed by all children and their families, and to arrange for the delivery of those services in the most appropriate, timely, and efficient manner possible.

So I say again that we did have hearings. When I introduced the bill on July 20, I made this statement:

> Mr. President, it would be my hope that persons and organizations interested in child care would study the bill and present their views to the Committee on Finance at the same time as they testify or submit their views on the Family Assistance Act.

We had hearings from August 24 to September 10. This matter was discussed by a number of witnesses. Finally the committee approved this proposal, with some modifications.

The chairman of the committee, in introducing the amendment on which his committee was conducting hearings, urged all interested persons to express their views on it, and, of course, urged the organizations to come before the committee to discuss it. If Senators wanted to ignore the possibility that the amendment was going to be voted on, they could do so. The chairman asked Senators to look at the proposal and urged them to express their views on it if they were interested in this type of legislation.

Mr. HARRIS. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. HARRIS. Mr. President, I wish to respond to the distinguished chairman of the committee as a member of the Committee on Finance. I said earlier I thought there had been inadequate hearings. I was careful to say why. There was certainly no reflection on the distinguished chairman or any indication that he did not give adequate notice that this matter was being considered by the committee. I made clear and I reiterate now that there were inadequate hearings on this provision or any child care provision, because in the consideration of what has come to be called "the conglomerate bill," we had all we could do to consider the trade provisions, which encompassed the most important revisions in trade law since the Trade Expansion Act of 1962, a new concept of welfare reform, which President Nixon advocated and many of us supported in principle, and concerning which many of us had ideas of our own; and, of course, there was the social security bill, with its financing, benefits increases, the catastrophic illness plan that the Senator from Louisiana presented—all of these matters were together in one set of hearings

We had hearings on most of these provisions, then started executive sessions, then came back for 2 more days on trade, then the committee went back into executive session, and there were just too many riders on one horse; too many things were involved in one bill.

I presided all one afternoon in the Committee on Finance. The Senator from Louisiana was good enough to let me do that so that I might ask questions particularly about welfare reform. But I did not begin to get into all the questions I wanted to ask concerning child care, even though I asked as many questions concerning it as time would allow on that day and on other days.

The surface of the problem of child care and development has not even been scratched. We must really go into this matter. We will have time next year.

There is certainly no reflection on the way the chairman conducted the committee. He did so with complete fairness and complete notice, but I say that Senators were so burdened down with all of the other provisions of the bill that they did not have time fully to consider this major new proposal of the Senator in regard to child care.

That is what I meant by saying there have been inadequate hearings on this provision and insufficient effort to try to coordinate this provision with all of the many other Federal programs which relate to it.

Several Senators addressed the Chair.

Mr. BAYH. Mr. President, I believe I have the floor. I would like to make one further remark, then I would be glad to permit free discourse.

I want the RECORD to show that the Senator from Louisiana was busy consulting with his staff when I started my remarks. As the Senator from Oklahoma has just done, I salute him for his efforts. I think in the months he has been looking into this it should be readily apparent even on a casual study of this matter, how complicated it is if we are really trying to solve the total problem.

The Senator from Louisiana has had so many burdens to carry. I do not know how he carries them all. That is why I said earlier I hope the critique and constructive criticism that we are involved in today is taken in proper perspective by our friend from Louisiana.

He mentioned a moment ago that he finds it difficult to see how the Senator from Indiana or other Senators could suggest that no solution is better than a partial solution. I think when we are starting out with a complicated, multifaceted problem involving adequate child care and development, if we are to be totally responsible in our efforts to reach a final consideration, the proposal of the Senator from Louisiana has to be taken into consideration with other needed aspects of this problem. When we start out we might have to retreat, come back to point zero, and then start again on the well-intentioned approach of the Senator from Louisiana. That is why I do not at this particular time, particularly at this 11:30 hour in this session, feel that this is the proper way to proceed. After thorough study, it is entirely possible and conceivable that we will find there is a proper place for corporations to play in comprehensive provision of child care and child development programs.

I made a proposal for the consideration of the Senate. I did not introduce it because I thought, at this stage of the legislative process, something that is as comprehensive as this should not be introduced, since it could not be passed, and it ought to be passed after being subjected to minute study and hearings next year. But I did put in the RECORD that the approach to child care was studied in detail by the recent White House Conference on Children. Frankly, as the result of that conference there are some changes I want to make before I introduce it next year.

One thing that comes to mind is that there are a number of child-care centers today, concerned that a major national child-care program would make it more difficult for them to operate. That is not our intention. We want to help those child-care centers that are being operated today, and at the same time do something about the despicable child-care centers that are not really child-care centers at all, but inadequate custodial centers, and some of them I would not want to be caught dead in.

I yield to the Senator from Minnesota.

Mr. MONDALE. I thank the Senator for yielding.

The Senator from Louisiana asked the question whether something is not better than nothing. The answer to that is that to do the wrong thing to children may be worse than to do nothing. What I fear in this pending proposal and why I am supporting the Javits-Harris amendment to strike is that the basic philosophy underlying the proposal is to let the mother work and store the children somewhere while she is working.

The question is: Is the emphasis upon the development of the child or is it upon letting the mother to get to work? The trouble with this proposal is that it is the latter.

It fails to recognize and make provision for the special child development needs of millions of disadvantaged youngsters who suffer irreparable harm from a lack of adequate nutrition, health, and educational assistance in the crucial first years of life.

It reveals an emphasis on the needs of adults to find or maintain employment rather than on the best interest of the children involved—two goals which sometimes conflict.

It contains none of the necessary emphasis on parental participation and community involvement in child development efforts.

Let me emphasize how important this parental and community involvement is. There are hundreds of thousands of Mexican-American, Puerto Rican, black, and Portuguese, and other minority group children with different cultures, different languages, and different backgrounds. Many times those of us in the white middle class, with the best of intentions, thrust on those children our notions, our language, and our ideas, and as a result mangle those children, insult them, put them down by our behavior. By our example we are saying to them that their culture is inferior and ours is superior. This runs through our school system. It is one reason why they were able to identify in New York City last year only 200 Puerto Ricans who got academic degrees out of a total Puerto Rican student body of a quarter of a million in that city. We have not been responsive to their needs. Yet there is nothing in this proposal which will remedy that basic problem. There is nothing to guarantee the parental and community involvement that is necessary.

Finally, it contains a general thrust toward full day, full week day care programs without sufficient emphasis on part time, part day tutoring programs such as the infant research project here in the District of Columbia which hold so much promise for real child development.

I favor putting more money into creative child development efforts. But in my judgment there is one over-riding nonnegotiable criteria for determining whether early childhood development efforts should be supported. That criterion is not whether the program enables mothers to work, but whether the program enhances the child's development. I do not see this criterion receiving the priority it requires in the Federal Child Care Corporation proposal.

There was just completed in Washington a White House Conference on Children. Four thousand people came from all around the country, including many of our Nation's experts, many of them having been involved in this problem. One of their key recommendations was exactly in this area and bears directly on the point I have made. That is the recommendation of the White House conference to strengthen the family, to bring the parent or parents and the children together, to have early childhood development programs that treat the family as a unit and do not simply stack children like cordwood in some kind of custodial care center while the mother is working.

It so happens that the head of the Office of Child Development, Dr. Zigler, is one of the most gifted men in this field in the world. I commend the administration for finding him and putting him in this position. I am sure that on the basis of his advice, the Department of Health, Education, and Welfare has urged the adoption of the motion to strike.

How to deal with children in early childhood involves the best and most sophisticated kind of advice that we can receive. To preempt or to go into the field with a new corporation, with this kind of remoteness for the community, and with this kind of job oriented and nonchild development program, seems to

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me is a step in the wrong direction. It can do more harm than good.

For that reason I join the Senator from Oklahoma (Mr. HARRIS) in the motion to strike.

Mr. LONG. Mr. President, I would hope the Senator would not continue to beat a straw horse by arguing against what is not in the amendment. The Senator argues that this is something that forces mothers to go to work. But experience shows that all over the country there are mothers who want to go to work but cannot go to work because they have no place to leave their children to be cared for while they are working. This provision of the bill would seek to provide that opportunity where it does not exist now.

The Senator somehow assumes that the committee bill is not concerned with the welfare of individual children. But let us look at the aim of the Corporation, as stated on page 420 of the bill. The language of the bill requires the Corporation to "promote the well-being of all children by assuring that the child care services provided will be appropriate to the particular needs of the individuals receiving such services."

Mr. President, child care provided by the Corporation may well include the comprehensive child development programs of the kind the Senator would like to provide for all children. But not all child care need be of that type. For example three out of four children on welfare are school age children. Since they are already going to school, they do not need an educational program after the school hours are over. For most school age children, it should be sufficient to provide them a good recreational program, both outdoors and indoors. After all, what kind of things do school age children do if their mothers are not working? Typically, after school they play in the backyard or on the playground, or watch television with their friends.

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Now, as to the scope of the corporation's operations, this provision is not limited to people participating in the work incentive program, or to other people on welfare. This is and has been all along, since I first introduced the proposal, intended to help all mothers who want safe and adequate child care for their children. They should have an opportunity to get the kind of child care they want, provided either at their own expense or, if they are drawing welfare assistance, at the expense of the Government. The committee bill is not at all intended to segregate children on welfare from other children; it is in fact intended that all kinds of children be provided the care.

As it stands now, out of at least 7 million children who need child care because their mothers work, there are only 700,000 of them who are in any kind of licensed child care facility at all. The bill provides standards; perhaps the Senator would like to have them higher. The standards in the bill were very carefully considered, and we think that they are about as high as can be reasonably required at the present time. We do provide standards to guarantee such things as safety and healthful conditions. The main thing is that the bill provides a mother with a variety of choices of kinds of child care if she lives in a city that is large enough to have a number of child care facilities.

Just to outline briefly some of the kinds of standards the committee bill provides, Mr. President, we stipulate what the ratio of children to staff must be; we stipulate that the facility must meet the Life Safety Code of the National Fire Protection Association, the nationally recognized and accepted fire safety code; and we provide that there must be sufficient space both indoors and outdoors. Thus where today at least 90 percent of the children of working mothers are in facilities meeting no standards whatever—if they are in any facilities at all—we would hope to reverse that, and have virtually all of the children in facilities which do meet these standards.

The Senator has talked about parent participation as though this is hampered by the bill. The opposite is true. The difficulty today is that when parents try to get together to set up child care services for their children, there is no one to help them. The committee bill will help them. Let me read from page 338 of the committee report:

> Child care services organized by parents or run with extensive parent participation have shown great promise in raising the educational level of disadvantaged children in deprived areas. Groups interested in promoting parent involvement should find it possible to establish child care facilities through the Corporation where they are unable to do so today.

We provide someone to whom they can go, who can help them to set up exactly the kind of child care facility with parental participation that the Senator thinks desirable. The Corporation will help them by providing training, by providing them with the technical assistance and information they need, and by advancing initial operating expenses.

Mr. BAYH. Mr. President, will the Senator permit me to raise a couple of questions?

Mr. LONG. Yes.

Mr. BAYH. He has great familiarity with this particular bill.

Suppose the parents of a given community feel one thing should be done, and the authority for establishing this service under the bill feels something else should be done for the children. Who rules the day in a situation like that?

Mr. LONG. The mother makes the decision as to what kind of child care facility the child will go in.

Mr. BAYH. But the standards, the programing, the type or lack of comprehensive care available at any facility is not determined by the parents involved, but the vehicle for governing it established under the corporation; is that not accurate?

Mr. LONG. The Corporation would make a contract with the provider of child care services. If it is a group of parents who wish to establish a child care facility, then the Corporation would make the contract with those parents and they would proceed to establish a day care center. But the Corporation might also contract with a day care center already run by a city, or one run by a nonprofit organization. But the main point I want to make to the Senator is that it is the mother who would have the choice as to whether she wanted to send her child to this child care center or that child care center, or whether she wants to join with other parents in organizing a new child care center instead. In the first and last analysis, the choice rests with the parents of the child.

I want to point out also that the bill does not require that the State use the services of this Corporation at all. If the State thinks it can do a better job, it can do so. Frankly, the fact is that the States are now doing a pitiful, miserable job in arranging for child care. They are not even using 50 cents on the dollar of Federal funds appropriated for this purpose. In effect we are saying to the States, "If you cannot get the job done, we will put someone in business who will do it for you."

Let me take a moment to document what I have said about the States' failure to utilize child care funds. We all know that there is a crying need for child care for mothers who would like to work, to provide additional family income, to put meat on the table and milk in their children's mouths. Now then, what happened in fiscal year 1969? The Federal Government appropriated $25 million for child care, but what did the States use? Only $4 million. In fiscal year 1970, we appropriated $52 million for child care, and how much of this were the States able to use? Only $18 million out of the $52 million.

In the committee bill, we change the ratio from 75 percent Federal matching to 90 percent, and we also have a stipulation that the States must continue to spend at least what they are spending now. That should mean at least 3 times as much money available for child care. But that will do us little good if we have to rely on the performance of the States.

We must do more than just increase the matching. We must also provide a mechanism for making child care available. We say to the States, if you don't want to provide child care yourselves, we will get the best experts we can find, and have them arrange for child care services. Here is someone who will do the job for you if you don't want to.

This is about the same kind of situation as when one wants to decorate his home. He can do it himself, or he can hire someone to do it for him, or work with someone he has hired to do it for him. Most people are better satisfied if they hire somebody who has some credentials as an interior decorator, but they do not have to do it that way.

Under the committee bill the States, if they want to, can do exactly as they have been doing, though overall there is little to be proud of, or they can do it the other way by doing business with the Corporation, and the Corporation can then proceed to arrange for child care the way that we think, on a nationwide basis, it should be done. The Corporation will be accountable to the Congress to explain what they have or have not done, just as I would like to have Mr. Richardson explain what his department has failed to do. I would like to ask him, "Now, when we gave you money to meet this crying need for child care, why did not you spend it and get the job done?"

Now that we are proposing to give someone else the job, Mr. Richardson comes along and says, "Oh, we do not want to shake up our bureaucracy. We would prefer to do business as usual."

Our reaction to this is: If you cannot get this job done, Mr. Richardson, then we want to set up an organization that can get this job done. The Corporation will be headed by a three-man board, with 3-year terms, one member's term expiring every year. We will want that board to be accountable to the Congress for its activities to provide for the care of children.

If a member of that board fails to perform the function we intend, we will not reappoint him. As far as I am concerned, the Committee on Finance will not confirm any of those people for reappointment unless they show us they are doing what we are trying to do: namely, provide these mothers with adequate child care for their children.

Mr. HARRIS and Mr. BAYH addressed the Chair.

Mr. HARRIS. Mr. President, I want to answer that question about what has happened up to now.

Mr. BAYH. Well, suppose the Senator proceeds first.

Mr. HARRIS. As the Senator from Louisiana knows, there is a great difference between the present situation and what the Secretary of Health, Education, and Welfare recommends. Under present law, there is a requirement that the States put up 25 percent of the costs. The States are hard pressed, as the Senator knows, and have not been able to come up with their portion of the money rapidly enough.

What the Secretary recommends and I support is that we increase that Federal matching, and then we will see greater action. But the Secretary made it quite clear that the principal reason why they have not had the necessary support from the States in getting these programs underway is that it requires too much in the way of new contributions from the States.

What the Senator would do, instead, would be to set up a totally parallel system, parallel to HEW and related administrative offices and employees, which, goodness knows, seem to be quite a few already. He would set up a totally new corporation, parallel to existing agencies. They would have their own regional offices and some local offices, I presume, and some national offices and some employees. That, it seems to me, would be a terribly duplicative and inefficient use of funds.

Mr. BAYH. The Senator from Oklahoma pointed to one aspect on which the Senator from Indiana wanted to touch. From what the Senator from Indiana has been able to ascertain from the results of his study—and I would suppose from what the Senator from Oklahoma has said and from what the Senator from Minnesota said earlier—little question has been raised about the expertise of the individuals who are now running the Office of Child Development. The question is how we give them the flexibility, how we take the chains off, give them the resources and say, "All right, get the job done."

I think that establishing a separate entity and a new element of the bureaucracy and suggesting that, with minimal funds, they are going to be able to do any better than the other administrative agencies have been doing is begging the question.

Let me, if I may, touch on the size of the job about which we are talking, and then we can talk about some of the details of how we are going about doing it.

This problem is of critical proportions even though it is not readily apparent to the average citizen who hears us discuss it on the floor of the Senate or who reads about a proposal in the newspaper or hears about it via the electronic media.

Today, in our country, we have 14 million children with working mothers. If we are going to set up rigid standards for qualification under a given bill, it seems to me that we have to recognize that only a small percentage of this 14 million total are going to be able to qualify. Of these 14 million children, we need to recognize that 2.8 million working mothers today are the sole support of their families.

I, for one, do not for a moment suggest that it is other than laudatory for a mother to work if she feels that she should work and has the opportunity to do so. I do not think she need be whipped over the back, if she has small children at home, to go out and work.

Perhaps she is needed in the home to provide love, kindness, and guidance for those children. But if it is her desire and if it is possible for her to find gainful employment, I think this is fine.

I think that what we are arguing about here is the kind of facility that is available for her. In the past, almost all attention—particularly official attention, unfortunately—has been directed at custodial care. If we are talking about solving the problems that confront us today, it has to be more than custodial care. It has to be child care and development—not just care.

Like it or not, we have to look at the present figure of 2.8 million working mothers and recognize the trend that has occurred. In 1940, 10 percent of the working mothers had preschool children. In the 1960's, it was 40 percent. The trend indicates that in 1970 it is going to be as high as 70 percent. If we think the problem is great now, it is going to be even greater, and we want to start with a program that can ultimately cope with the gigantic size of the problem.

One thing that concerns the Senator from Indiana is that we need to make this a comprehensive care program, not just custodial. It needs to deal with the problems of health, nutrition, environment, and all the other aspects that lead to the development of an adolescent and, hopefully, an adult who can go out in society and fend for himself and shake off the shackles of neglect that may have been on the shoulders of his parents.

Also, I want to emphasize again that when we are talking about $50 million, I think we almost, by definition—if not specifically—by administration, are going to confine that to the most desperate need dollarwise. Today, one of the unique characteristics of child care and development is that it is not needed just by the poor and by those who live in the ghettos; but, increasingly, large numbers of middle-income families have mothers who are now working. As the cost of living goes up, there has to be a second wage earner in more and more homes to foot all the bills. So we find middle-class mothers going to work, and there is no place at all to care for their children.

Mr. President, I ask unanimous consent to have printed in the Record an abbreviated section-by-section analysis of the proposal to which I alluded earlier, which was the subject of a floor statement, of a bill I intend to introduce next year. This is not for discussion at this time, but so that anyone who is following the debate might have some idea of what the Senator from Indiana is talking about when he talks about comprehensive care.

There being no objection, the section-by-section analysis was ordered to be printed in the Record, as follows:

SECTION BY SECTION ANALYSIS OF UNIVERSAL CHILDCARE AND DEVELOPMENT ACT OF 1971

(As proposed by Senator Birch Bayh,
Dec. 10, 1970)

SEC. 2—STATEMENT OF FINDINGS AND PURPOSE

States (a) the findings of Congress that (1) The provision of adequate childcare, including developmental programs for infants, children of preschool age and children up to 14 years of age in need of such care is of the highest national priority;

(2) adequate family support for the care, protection and enhancement of the developmental potential of children does not now exist;

(3) the mobility of our society has tended to separate family units from traditional family support thereby affecting the quality of life, including the proper care and nurture of the young;

(4) appropriate childcare services and resources are not now available to provide needed family support;

(5) such services and resources are necessary in a modern society to ensure adequate care and development of the children of this Nation, the opportunity for parents to participate as productive members of society and the opportunity for parents to achieve their own potential as humans.

States (b) It is the purpose of this Act to provide financial assistance in order to fulfill the responsibility of the Federal Government to contribute to attaining an optimum level of adequate care, developmental and other services for young children, to help to assure the stability of the family unit, and to offer an increased opportunity for parents to participate in society at the maximum level of ability.

SEC. 3—PROGRAM AUTHORIZED

Authorizes the Secretary of Health, Education and Welfare to make grants to the public agencies created by the Act.

SEC. 4—ALLOTMENT OF FUNDS

Allots funds in proportion to the number of children in each state, infant to age 14.

SEC. 5—USES OF FEDERAL FUNDS

Authorizes the use of grants for planning and furnishing childcare services including (a) infant care; (b) comprehensive preschool programs including part day and day care programs; (c) general childcare services for children 14 and under during evening and night time hours; (d) day care programs before and after school for school

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age children 14 and under in need of such care; (e) emergency care for young children 14 and under; (f) day care and night care programs to aid working parents and (g) combinations of such programs. Health, nutritional and social services will be an integral part of programs funded. Planning, research, and construction funds are provided.

SEC. 6—APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

Sets conditions for the application for and approval of funds granted to the Child Service Districts including criteria for fiscal accountability, periodic evaluation, and other requirements as may be necessary to assure proper disbursement of funds. Programs funded must be consistent with criteria and standards of quality prescribed by the Secretary and consistent with the purposes of the Act.

SEC. 7—CHILD SERVICE DISTRICTS

Authorizes establishment of public agencies named Child Service Districts. Such Districts will not be larger than the attendance of five public schools. The geographic boundaries of each District shall be determined by appropriate local officials in each Standard Metropolitan Statistical Area over 100,000 persons. State officials will determine District boundaries in all other areas in given states. Governors of each state shall conduct elections in each district to choose a Board of Directors for each District. Eligible voters are parents having one or more children who have not attained 15 years of age who reside with their children within the geographic area of the District established pursuant to the Act. The Board of Directors will consist of 9 to 15 members. It will plan for, contract for, and operate programs authorized by the Act. In all municipalities having populations greater than 100,000 persons, one or more Child Service Advisory Councils shall be appointed by the chief executive of such municipality. Advisory Councils shall consist of representatives of public and private agencies with established interest and expertise in the area of childcare and development services, and function as a consultative body to the Districts. For those areas of each State not included in municipalities over 100,000 population, a State Child Service Advisory Council will provide consultation.

SEC. 8—LOANS AUTHORIZED

The Secretary of Health, Education, and Welfare is authorized to make loans to any Child Service District for construction or remodeling of facilities appropriate for use as Child Service Centers and other facilities deemed necessary to provide services assisted under the Act. Applicants must be unable to secure a loan from other equally favorable sources and must assure that construction and remodeling will be both economical and consistent with delivery of quality service. Loans shall be repaid within twenty-five years. A total of $600 million is authorized to carry out this section; $300 million for the fiscal year ending June 30, 1972; $200 million for the fiscal year ending June 30, 1973; $100 million for the fiscal year ending June 30, 1974.

SEC. 9—RESEARCH, DEMONSTRATION AND TRAINING—PROJECTS AND TECHNICAL ASSISTANCE

The Secretary is authorized to provide for (1) research to improve childcare and developmental programs (2) experimental, developmental, and pilot projects to test effectiveness of research findings; (3) demonstration, evaluation, and dissemination projects; (4) training programs for inservice personnel; (5) projects for development of new careers, especially for low income persons.

SEC. 10—PAYMENTS

Each approved applicant will receive a grant amount equal to the total sums to be expended under the terms of the application or such lesser amount as the Secretary determines on the basis of objective criteria, relating to fees charged to the parents of children to be served if any, and other similar factors prescribed that the applicant can afford.

SEC. 11—WITHHOLDING OF GRANTS

Grants may be withheld after reasonable notice for failure to comply substantially with any requirement or applicable provision set forth in the Act.

SEC. 12—RECOVERY OF PAYMENTS

Provides that, if a facility which was constructed with the aid of federal funds under this Act ceases to be used as a public childcare facility within 20 years, the government can recover from the facility's owner the portion of its value which is equal to the federal share of the original cost of the building.

SEC. 13—REVIEW AND AUDIT

Provides for access for audit and examination of records by the Comptroller General.

SEC. 14—LABOR STANDARDS

Provides that prevailing wage rates shall be paid to laborers and mechanics employed on construction projects assisted under the Act.

SEC. 15—EMPLOYMENT AND BUSINESS OPPORTUNITIES FOR LOWER INCOME PERSONS

Provides opportunities for training, employment, and business development for lower income persons in the planning and implementation of projects authorized by the Act.

SEC. 16—ADMINISTRATION

Establishes the Office of Child Development within the Department of Health, Education, and Welfare to administer the provisions of the Act. The Director of the Office shall report directly to the Secretary.

SEC. 17—EVALUATION AND REPORTS

Provides for complete review of programs assisted under the Act. Requires the Secretary to directly consult with as many of the members of the Child Service District Boards of Directors as possible. Requires the Secretary to submit annually to the Congress a report on the administration of the Act.

SEC. 18—REPEAL, CONSOLIDATION AND TRANSFERS

Consolidates major early childhood, day care, child service, and preschool programs authorized by existing laws to form a single coordinated comprehensive childcare and development program in the Department of Health, Education, and Welfare.

SEC. 19—DEFINITIONS

Defines the terms used in the Act to insure accurate interpretation of its intent.

SEC. 20—AUTHORIZATION OF APPROPRIATIONS

Fiscal year 1972, $2 billion.
Fiscal year 1973, $4 billion.
Fiscal year 1974 $6 billion.

Mr. BAYH. I think the Senator from Louisiana was accurate when he pointed out that some of these children are not going to need babysitters. Some of them are going to need a playground, a warm room. Too many children today rush home with the key around their neck, with nobody there but perhaps the rats that scurry around the tenement. So I salute the Senator from Louisiana for his goal to have maximum flexibility. I am concerned however that we really are not going to have maximum flexibility under his bill, the way it is written.

I do not criticize the Senator from Louisiana for this, but I think we need to recognize that if we accept as a beginning this type of minimal program, we are providing a sedative to deal with a problem that requires a comprehensive, costly program. I want an efficient program. I want $1.10 worth of delivery for every dollar we spend, if that is possible. But let us not deceive ourselves. This is going to cost a lot of dollars. As I said earlier, I cannot think of a better place to invest our dollars.

One of the significant aspects of this bill about which I still am concerned despite the very thoughtful discussion by the Senator from Louisiana in answer to a question I posed is that it does not provide for the type of local control we need. We have in this bill approximately five pages of standards which, as I understand them will have to be applied universally. One of the things we need to recognize is that the problems that exist today in poverty and in urban blight are not solely problems that can be solved in the classroom. We have to get people involved—mothers involved, fathers involved. We have to make this a family operation. The more we can get local people involved in deciding what their children need, the more chance we have of finally breaking the shackles and moving forward with a total program. That is why in the proposal of the Senator from Indiana and in the proposal of some others, we provide for direct involvement of mothers and fathers in planning and administration of programs.

I note that the National Advisory Council on Child Care, established by the well-intentioned proposal of the Senator from Louisiana points out—and I read from page 441 of my bill:

> And the remaining appointed members shall be selected from individuals who are representatives of consumers of child care (but not including more than one individual who is either a recipient of public assistance or a representative of any organization which is composed of or represents recipients of such assistance).

I wonder whether this is really giving us an opportunity to have on that advisory council enough individuals who really are directly affected by the problems of poverty and neglect which unfortunately confront too many of our children today.

Mr. President, I do not want to belabor this matter any more and I would hope that the Senator from Louisiana would take this criticism of the Senator from Indiana in the light in which it is given.

As I said earlier, perhaps there is a place for such a corporation, but it should be determined after comprehensive hearings and study by committee and thorough discussion by this body. Then let us come forward with a full-fledged bill and a comprehensive program that can realize that children are individuals and what we are trying to do is to say that every individual born in this country has equal access to the American dream, which we talk about but unfortunately, large numbers of our children never have that opportunity.

I might make one closing reference to the White House conference, because the White House conference came along after the introduction of several bills and the proposal of the Senator from Louisiana

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and the Senator from Indiana. It brought under one roof, I suppose, more experts both at the national and grassroots level, experts concerned about and familiar with the problems of children, than I think has ever been brought together before. They wrestled with problems we are wrestling with now.

A fair consensus of their suggestions would be that they feel only a comprehensive approach can solve the problem.

I hope we will not be satisfied with just a crumb. We have been satisfied with crumbs for too long as far as our children are concerned. We speak in laudatory terms about the need to care for our children, along with the need for motherhood, God, and the American flag.

The time has come to stop talking and start making some significant investments in this area.

Unfortunately, the investment that was originally intended by the Senator from Louisiana has now been cut to one-tenth of its original proposal and, in the judgment of the Senator from Indiana, that is not sufficient for what we really need to have done.

I appreciate the courtesy of the Senator from Louisiana, and to learn from discussing with him, his interest in this problem.

I am hopeful that out of this debate will come not just a temporary solution, or a beginning but, indeed, the foundation on which we can build an ultimate solution to the problems that confront our children.

I notice that Carl Rowan, an outstanding columnist, who has served his country well, wrote a stimulating and perceptive column not long ago about the problems of poverty, the poverty change, and the poverty cycle. He said that we are never really going to be able to break the poverty cycle of "Poor home, poor education, poor job. Poor home, poor education, poor job. Poor home, poor education, poor job," until we are able to harness the system of public education to achieve that end.

Many of us who have studied the problems that confront young Americans today, teenagers, pre-teenagers, which unfortunately they carry with them to their dying days, have to recognize, that the traditional definition of school, as given in the admonition by Carl Rowan, cannot be accepted today, if we are going to solve these problems. All too often, we provide a first-class educational opportunity for a first-grade, 6-year-old, only to find that because of the horrible environment to which that young, impressionable human being has been subjected during the first 6 years of its life, because of malnutrition, or undernourishment from the point of conception, this young human being may be mentally retarded, and unable to take full advantage of a first-class educational opportunity.

The Head Start program, which was one of the most innovative devices we have developed to recognize the need to start early, if we are going to deal with these problems, has not been totally successful because we learned that we cannot take a young 5-year-old or 4-year-old out of its horrible environment in the summer, or during the year, and then subject them to that same horrible environment for the rest of their young lives and expect not to have almost total regression.

What we need is a program to start early. As soon as a mother wants to leave her child in a day care development center, she should have the opportunity to do so. If the mother wants to work, fine. We should have a total, comprehensive program that deals with education, as well as custody, and with medical, nutritional, and environmental problems. They should be administered during out of school and after school hours. We should care for the problems of a mother who works from midnight to 8 a.m. or from 8 a.m. to 4 p.m. These are comprehensive problems. We cannot just scratch the surface of the problems and expect to get any results.

So it is with this thrust in mind that we should have a program that truly starts with the child, its needs for services, and the family needs for services, and its continuance through the early teens, if necessary, until we finally get that child on its own two feet, so that he or she can hold its head high, have pride and dignity, and the capacity to move out on its own and make for himself or herself a meaningful life.

I know that the Senator from Louisiana wants to accomplish this goal. I am just concerned that the vehicle he presents us with, although well intentioned and with the study he has brought to it, is not going to do the job that needs to be done.

That is why I, with great reluctance, find myself on the opposite side of an issue on which I know the Senator from Louisiana, the Senator from Indiana, the Senator from Oklahoma, the Senator from Minnesota, and others, want to see resolved. We are looking down the road and we see that shining moment with the opportunity to accomplish the same goal but appear, at least for the present, to be wanting to travel different pathways to reach that goal.

Mr. LONG. Mr. President, the problems existing here, I find, strongly parallel the problems of providing public service employment to the needy.

The Finance Committee, in looking at the welfare problem, felt that one way to help would be to provide jobs in the public sector. So it was suggested by the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Oklahoma (Mr. HARRIS) that as part of the bill, we should provide some public service jobs, about 30,000, at least, to provide opportunities for people to do something that would benefit the community.

That was included in the bill. The administration was not particularly enthusiastic about it, but they went along with it. I believe the motion agreed to was made by the Senator from Georgia (Mr. TALMADGE), but the committee generally shared that worthy purpose. These Senators agreed that we would do what we could to gain as much acceptance as we thought we could get for public service employment, to put people to work who otherwise would be on welfare.

There are many kinds of public service jobs that need to be done, from helping to clean up neighborhoods, to serving as policemen, teachers, or nursing aides. With this goal in mind, we succeeded in providing about 30,000 public service jobs in the Committee bill.

Meanwhile, the Committee on Labor and Public Welfare had a much more ambitious plan. They reported a bill, which I voted for, starting out in 1972 with 400,000 public service jobs, more than 10 times as many as we have in our bill; and in 1973, 500,000 public service jobs.

But the President of the United States vetoed that bill. I voted to override the President's veto. I would be happy to have 500,000 public service jobs made available. If we cannot provide a job in the private sector, public service employment is better than having a person living on the dole.

The devil finds work for idle hands to do. It is certainly better to put these people to work than to have them sitting around doing nothing. We should put them to work doing something useful.

But that attempt to create public service jobs failed in spite of the good work of the Labor and Public Welfare Committee. The President vetoed the bill. We tried to override the veto, but failed. So that was the end of it.

Let us now look at the problem that exists in the child care area. In the 1967 amendments we tried to provide an opportunity for everybody on welfare to have an opportunity to have training and to get a job, a subsidized job, if need be. We realized that to provide this kind of opportunity for mothers, child care would have to be available.

This year we undertook to try to find out why it was that the Labor Department was such a miserable failure at making the program work. We found that mothers wanted to go to work, but could not obtain child care for their children.

Twenty-five million dollars was appropriated to HEW in fiscal 1969 to provide child care for children if the mother wished to work. What did the Department use? It used only $4 million of the $25 million which we appropriated. We provided six times as much money as was used to provide child care.

This year, we appropriated more money to provide adequate child care so that those mothers who wished to could work. We provided $52 million. The Department of Health, Education, and Welfare spent $18 million.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HARRIS. Mr. President, will the Senator state on what matching basis the expenditures were provided and what the matching basis is that the Secretary of HEW now recommends that funds be provided.

Mr. LONG. It is on a 75-percent basis today. In the committee bill, we raise the matching to 90 percent.

We would like to increase the child care expenditures well beyond $52 million. Going in the direction desired by the Senator, we think we need a bigger child-care program. But we also find that there is a need to give the responsibility for providing this care to someone who knows how to do the job.

The Senator talks about States not having adequate funds. But they have not used the funds that we have already provided. The man in the administration who is an expert in this area, Mr. Zigler, in describing to the committee the problems in expanding child care, said:

> I think it is probably true that there have been so many demands placed on both profit and non-profit groups that in certain instances it is becoming ridiculous because there is overlapping responsibility on the part of local people, State people, and so forth. I think if we are serious about setting up a worthwhile social institution such as day care for working mothers we may have to develop guidelines at a national level which would have some nationwide application. It would be a standard process because now it is too difficult and it is too rigid, and I am very much afraid the professionals have overdone themselves here.

Mr. HARRIS. Mr. President, does it not do one other thing? Does it not set up another overlapping and duplicating agency, the new child care agency?

Mr. LONG. It takes the Secretary of HEW, who has failed completely in providing child care, and the Secretary of Labor, who has also failed completely in this effort, out of the picture as the exclusive providers of child care services.

Mr. HARRIS. I believe that a Senator said earlier that the States are confused over whether to proceed under the present system or under the new system. It would not take them out of the picture. It would add one other factor.

Mr. LONG. Mr. President, the bill would create a corporation composed of people who know something about child care.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BAYH. Mr. President, the Senator from Louisiana does not want to leave the impression that the present director of the Office of Child Development does not know anything about child care.

Mr. LONG. On the contrary. He is a good man. He would be a fine man to serve as chairman of the board of the Corporation. But I would like to put this responsibility in a new organization that has the ability to get this job done. If the board does not get the job done, we can do something about it.

Secretary Richardson has 50,000 other worries, not the least of which is trying to get the family assistance plan passed in this Congress.

We would put this responsibility on the Corporation. There would be three members of the Corporation's board. The term of one member would expire each year. If the members of the board do not get the job done, then we will ask them when they come up for reappointment why they failed.

We have also found that there are all sorts of problems concerning overly rigid State and local standards required of child care providers.

I think that anyone who has been a Governor or a mayor knows how these things happen. Someone has some kind of material, and he thinks it would be a great thing if there was a requirement that his type of material be used in public buildings. This is then made part of the building code.

There is a lot of space in good, modern church buildings that could be made available for child care centers. The space is used for Sunday schools, but it is not made available for child care purposes because of restrictive building codes.

We say that there should be Federal standards for day-care centers. For minimum safety standards, we would use the life safety code of the National Fire Protection Association. That is a nationally recognized safety standard. If a building meets that standard, it will be adequate for a child-care center.

The bill also provides $50 million in initial operating capital for this corporation to train people to work in child-care centers and to sign contracts with groups to help them provide child care. Subsequently, the corporation would be authorized to borrow $50 million annually to help construct additional facilities. That authorization would go into effect 2 years in the future, and would probably be used sparingly.

With the provisions in the committee bill, there ought to be at least three times as much money available for child care as was available in the past.

And, together with more money for child care, we want an organization in the child-care business that knows someing about providing it. Let us not forget that more than 90 percent of the children whose mothers are working are either receiving no child care or are receiving it in child-care centers that could not meet any standards whatever.

We provided standards in the committee bill that we thought would be adequate. There are health standards. There are nutritional standards, and standards to assure adequate indoor and outdoor space.

We provide that the purposes to promote the well-being of all children by assuring that the child care services provided will be appropriate for the particular needs of the individual receiving such services. The whole proposal is centered on the good of the child.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PASTORE. Mr. President, what is the corporation the Senator mentions? Is is a national corporation?

Mr. LONG. It is a national corporation, called the Federal Child Care Corporation.

Mr. PASTORE. It would be appointed by whom?

Mr. LONG. The Board of Directors, consisting of three members, would be appointed by the President. There would also be an advisory council committee of 15 members, the majority consumers of child-care services.

Mr. PASTORE. How far would that jurisdiction extend? Would it preempt the jurisdiction of the State?

Mr. LONG. It would not. The State could contract with this Corporation to provide for child care if it so wished, but it would not be required to. It could make its own arrangements for child care. Frankly, as the situation exists today, most States are doing little in the child-care area. Under the proposal, the State could contract with the Corporation, which will have the capability of providing the child-care services, if the State wishes them to do so.

Mr. PASTORE. Could they not do that without the corporation?

Mr. LONG. They could not contract with a Federal corporation that does not exist. Of course, without a corporation the State could contract with some group that they hope would assist them in providing child care.

Mr. PASTORE. If we give them this 90 percent the Senator talks about, they put up their 10 percent. Why could not they on their own exercise exclusive jurisdiction to provide these facilities?

Mr. LONG. They could. The problem is that it is not being done now.

Mr. PASTORE. What guarantee do we have it will be done with the Corporation?

Mr. LONG. The Corporation would be exclusively interested in and involved with making child-care services available.

Mr. PASTORE. Does the Senator mean the Federal Government is not?

Mr. LONG. The Federal Government is interested to the extent of providing money for child care, but we are not getting results. We have a crying need for child-care services, but Federal funds go unused for lack of a mechanism to actually assure that child-care services are made available.

Mr. PASTORE. Maybe we did not get results because the matching was 25 percent against the 10 percent now. Maybe they did not have the money.

Mr. LONG. That is what one Senator said, but testimony before the Finance Committee has shown that there are other reasons. Here is what Mr. Ziegler, head of the Office of Child Development, said about this problem.

He said that overly rigid local ordinances designed to protect the physical welfare of the children have been enacted at the expense of the psychological well-being of the children and that he accordingly does not find himself in sympathy with some of the things now being done in the child-care field.

He meant that some States pass laws with regard to child care which may be too restrictive. The committee bill simply sets Federal standards and says that if a facility meets these standards, then it complies with whatever requirements may be necessary for a child-care center.

Why is there a big argument against what we are trying to do here? This would put an organization in the child-care business that is exclusively interested in child care, a corporation that would succeed in accomplishing what we have been unable to achieve thus far.

One problem is that the President held a White House conference where some people came up with some elaborate, albeit worthy ideas about child care. It was said that there are perhaps 5 million children who could benefit from an overall program to develop them educationally and culturally. It would cost at least $2,000 each to provide these children with the kind of care they would like to see; $2,000 multiplied by 5 million children is $10 billion.

Most of the people attending that conference said, "If that is all it takes, $10 billion, then that is what we should have—a program that does everything in the way of child development and nothing less than that."

The Senator from New York has a proposal providing for about $3 billion in child development funds. The Senator from Indiana has a bill based on the same philosophy which would cost about $6 billion. The Senator from Minnesota has a bill that could cost more than $6 billion. These ambitious ideas may come to pass, and it is all right with me if they do. I will applaud them if they come about.

But in our immediate efforts under the bill we are trying to effectively spend about $300 million to provide child care for mothers who want to work. We do not have to provide $2,000 a child for all these children. Seventy-five percent of the children in AFDC families are of school age. They do not need further education in any extensive manner after school hours. Let us provide supervised recreation for them, or whatever would be appropriate for some other constructive activity for children. That would not cost $2,000 per child. The chances are that $500 a child would be enough, and that would provide for 75 percent of the children.

The objection has been made that we must guarantee participation of the mother in all child care programs. I would like the mothers to participate. Under the bill they would be free to organize and form a child care center as long as it would meet minimum standards. We would be happy to have such a child-care center sign a contract with the Corporation, and the State welfare agency could sign a contract to pay for the child-care services provided. Parent groups that cannot set up child-care centers today would be able to do so thanks to the Corporation.

In short, here is a mechanism that would make available good care for children during the time the mother is not able to look after them. It may be that one of these days the Committee on Labor and Public Welfare will come out with a bill for a comprehensive program costing $3 billion, $6 billion, or $10 billion a year. The way matters have been going with some of these highly motivated programs which the Committee on Labor and Public Welfare has reported, such as the manpower bill, a comprehensive child care bill will probably be vetoed and we will try to override the veto and fail. In the meantime, why should we fail to enact this modest provision for child care?

At the present time adequate child care is largely unavailable. Take, for instance, the highly motivated mother who wants better housing and better health for her family. She cannot provide it because there is no safe place she can leave her child and have the child properly cared for. We want somebody to provide for that care. If the States think they can provide it, that is good; but if they do not wish to, at least they would have someone to help them, and this will result in better child care.

Furthermore, many States would like to have the Federal Government take over all of their welfare programs. If this is to happen some day, it would be better to have someone in the Federal hierarchy with experience.

Mr. PASTORE. With reference to the 10 percent the State puts up if the Corporation is created, who spends that 10 percent, the Corporation or the State?

Mr. LONG. The State pays the Child Care Corporation. The Corporation then proceeds to pay whoever they contract with to provide child care. That could be a publicly owned corporation, it could be a nonprofit corporation, it simply could be a woman who makes her home available for child care, or it could be provided in a facility run directly by the Corporation.

Mr. PASTORE. I realize that but, in fact, are we not saying to the States that they have to put up 10 percent, but how that 10 percent will be spent will be decided by the corporation that is created in Washington?

Mr. LONG. There is no requirement whatever that the State utilize the services of the Corporation. The State will be given 90 percent Federal matching for child care, and will have to put up 10 percent, but they would not be required to spend any of this money through the Corporation.

Mr. PASTORE. They would be on their own?

Mr. LONG. Yes. It is the same as if an individual wanted to build a house with FHA. They are there to help him with financing if he would like for them to do it. The same is true with respect to the services of the Corporation.

Mr. PASTORE. They would still get the 90 percent?

Mr. LONG. Yes; whether or not they used the Corporation, they would have the same Federal matching for child care.

But I want to stress that, as essential as it is to provide the additional money, it is equally necessary to provide an organization that is competent and qualified to do the job.

I was presented on the floor today with a letter which indicated Mr. Elliot Richardson does not support the committee amendment. That is something which I could have been made aware of earlier, since when we discussed this matter in executive session, the Department took the position that if Congress wants to provide for child care this way, that is acceptable to HEW.

The fact is that now, with the responsibility resting with Mr. Richardson, we cannot get the job done. I certainly think we would do well to put the responsibility definitely on a particular organization that is doing nothing but providing child care. What we are trying to do is to remedy this one big lack, the lack of adequate child care for mothers who want to work.

I want to point out that it is not intended that the use of the Corporation be limited to people who are receiving welfare assistance. It is intended that any mother who is working would have child care available to her through the Corporation, child care which would meet reasonable standards and would be safe and adequate for the children. Instead of less than 10 percent of the children needing child care receiving that care in facilities which meets some kind of standards, we would reverse that and try to see to it that 90 percent, or hopefully 100 percent, would have available to them some kind of child care that would be appropriate and would meet specified standards.

Mr. BAYH. Mr. President, will the Senator permit me to direct one question to him on, I think, a relatively insignificant point, but I think in the colloquy with the Senator from Rhode Island the Senator from Louisiana pointed out that, in his judgment, a woman could make available a home for this type of service. I notice on page 432, in subsection (13), it says "other than home child care facilities." Is that inconsistent with the answer of the Senator from Louisiana or is that in another part of the bill?

Mr. LONG. That provision only says that if something is to be built, construction money would not be spent remodeling somebody's home.

Mr. BAYH. One of the basic problems is that there are too many hellholes in the basement with perhaps some "wino" serving as the principal jailer during the daytime while a number of welfare mothers are out working. I am certain this is the type of thing the Senator from Louisiana wants to keep from happening.

Mr. LONG. Let me satisfy the Senator on that, if I can. All this provision says is that if the Federal Child Care Corporation is going to spend its construction money to build facilities, it will not spend that money just remodeling somebody's private home.

There could be a situation where day care in a private home would be adequate, However, I invite the Senator to carefully scrutinize the provisions of the bill that describe the space that must be made available and also the fire standards that must be met, and the space, outside as well as inside, that must be provided.

The Senator will see that while these may not be as high standards as some would advocate—and they could be upgraded later—at the same time these standards will provide for adequate child care.

The facilities would have to meet the Life Safety Code of the National Fire Protection Association. At the present time in ghetto areas, as well as elsewhere, facilities for child care often cannot be found. Yet there are good, solid church buildings, where Sunday school for children is conducted. There are gymnasiums, and other places, which may be satisfactory. We say that if those meet the safety standards we would expect of a public building, why should they not meet the standards for a child-care center? This feature of the committee bill was an attempt to get around archaic building codes which hamper efforts to expand child-care services.

We say that, as a Federal standard, if the facility meets the life safety code of the National Fire Protection Association, it is safe enough for a child-care center.

Mr. BAYH. I thank the Senator from Louisiana.

In the time I have had available during the past few days, I have tried to scrutinize the provisions of his measure. There are many things about it that, frankly, recommend themselves to the Senator from Indiana. That is why from the beginning I have tried to compliment the Senator for his interest and concern.

I think one of the positive contributions relating to what has just now been described is with respect to the problem of standards. We find at one end a total lack of standards, horrible, utterly inde-

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scribable, of conditions that exist in some areas. The Senator from Louisiana deals with that. At least, I think the provisions of the bill begin to deal with it. On the other hand, for one reason or other, there have been zoning or other standards that really are exclusive as far as construction and maintenance of reasonable facilities are concerned.

I think we need to recognize that one of the basic problems we have today, as far as child care is concerned, is not that we have insensitive, unqualified bureaucrats or political spoilers at the top of the system. I have yet to hear one word in derogation directed at the qualifications of the present director of the Office of Child Development. This man is extremely qualified.

Therefore I do not think it is necessary to set up a competing organization, whether we call it corporation or anything else, but rather maximize the capacity that we do have of the people in government concerned with child care. We have them fettered with regulations, and, most specifically, we have them fettered with lack of adequate funds. I do not care whether it is on the farm or in suburbia, if we provide adequate funding, the parents of a given community are going to provide adequate child care for their children.

We had the opportunity of discussing this with some of the officials of West 80th Street Day Care Center of New York City, which is a classic example of a community-controlled child care center. So this can be done if we provide the resources.

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I am concerned that by setting up a competing corporation, we are creating conflicting programs and dissipating all too limited resources.

As I said earlier, I think the Senator from Louisiana is to be complimented for the flexibility he brings to this program. His thoughtful efforts and parts of this bill could be exactly what we need.

But let us give this the real, extensive investigation it merits, and come up with a comprehensive program to deal with all of the intricate aspects of adequate child development, not just adequate custodial care.

I point out that although the Senator from Louisiana points to his frustration as far as the JOBS program is concerned, and the Senator from Indiana shares his frustration, I think we can make a different case than if we are talking about job-related child care programs only. If we are talking about the political muscle in this country, development of public opinion that can be harnessed to support a child development program in a JOBS type program such as that vetoed by the President, the only people who are really affected are the unemployed or the unemployable. That is not a very viable political lobby and bloc. But if we are talking about a child development program available to all children in this country, I suggest that whether it is the President, a Senator, or a State legislator, that type of interest group throughout this country is all inclusive, is a very broad political bloc, and would perhaps convince the President that it would be unwise to veto legislation designed to deal with this significant problem.

I hope, Mr. President, with all due respect to the Senator from Louisiana, that we can support the amendment of the Senator from Oklahoma and the Senator from New York, not at all as inconsiderate opposition to the Senator from Louisiana, but as a recognition of the fact that this is an insufficiently studied, yet well-intentioned effort, to deal with a very complicated long-range problem. We should come back here next year, have a full set of hearings, study all the nuances of the problem, and with the advice, counsel, and help of the very prestigious and helpful Senator from Louisiana, come to this floor with a comprehensive program that, once and for all, considers all children in this country as individuals, not as poor children or middle income children, but as children. In my judgment, if we provide the comprehensive program that is necessary, we will do more to deal with the complicated problems that confront our society than by anything else the Senator from Indiana is aware of.

In closing, I am reminded of a quote from a television preview of the recent White House Conference on Children in which I was pleased to attend and participate:

> Children are above all individuals who have a claim on the future, a right to exist. They must know they belong to a society that cherishes that existence.

Mr. JAVITS. Mr. President, I regret that I have been unable to attend upon the Senate until now, but I wish to state for the RECORD the fact that I had a longstanding engagement to do a television tape in New York, and I made the round trip notwithstanding that I left here at almost 2 a.m. this morning, and have since been discussing with my colleagues in the Republican conference what ought to be our position on this matter.

Mr. President, I am able to say authoritatively—and a copy of the letter is on every Senator's desk—that the Secretary of Health, Education, and Welfare believes that this particular provision should be stricken from this bill. I ask unanimous consent that the letter from Secretary Elliot Richardson to that effect be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I very much appreciate your inquiry as to the views of this Department regarding the amendment you have co-sponsored with Senator Harris to strike Title XXI authority in H.R. 17550 to establish a Federal Child Care Corporation. This title is, as you know, almost identical to S. 4101 which was introduced by Senator Long on July 20, 1970.

The Administration, as you well know, is committed to improving the quality of life for children in the United States, especially the vitally important first five years during which so much of a child's cognitive abilities is developed. To consolidate the effort within the Department, the President has established the Office of Child Development and appointed Dr. Edward Zigler, formerly a professor at Yale University, as its Director.

The Administration agrees with the purposes of this amendment, but does not favor enactment of this title at this time. We think that insufficient time has passed to enable OCD and the other offices with which it works to prove their worth and effectiveness before a new government corporation is formed to meet the needs of the nation for child care services. We also call attention to the very important child care component of the Family Assistance Plan which will receive early consideration by the 92d Congress. We do not believe that this corporation would be the most effective way to handle that program when it becomes law.

It would create a new unit in the Executive Branch, independent of the other Departments and agencies, with branch offices in each major urban area and other areas as deemed necessary. To the extent that the corporation would constitute a mechanism for bringing the fee-paying non-poor family together with a private child care facility, there arises the real question of whether the cost of the administrative overhead for such service is necessary or desirable.

To the extent that it would bring the child in receipt of services under another Federal program in contact with a child care facility, the question arises of whether it is necessary to have this separate and additional machinery to accomplish that purpose. In summary, the establishment of an independent corporation to provide child care services appears to be unnecessarily duplicative and costly.

Related to this problem of the independent new agency is another basic point. At the present time, there is lodged within the Department of Health, Education, and Welfare, extensive responsibility for child development and child care. To assure coordination between all the Federal sources of day care funding, and to assure access to the technical expertise of the Department in this area, as well as related services, such as health and education, any new authority for the development and provision of child care services should, in our opinion, be lodged in our Department.

We are also aware of other day care-child development legislation which has been introduced by you and others in both the House and Senate. The Administration is currently studying these proposals and thinks that more complete hearings and study are necessary before the Congress enacts the Federal Child Care Corporation or other related legislation.

We appreciate your cooperation and look forward to continuing to work closely with you in the future.

With best wishes for a happy holiday season, I remain,

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

Mr. JAVITS. The key sentence, Mr. President, with respect to this matter, is the following:

> The Administration agrees with the purpose of this amendment, but does not favor enactment of this title at this time. We think that insufficient time has passed to enable OCD and the other offices with which it works to prove their worth and effectivenesss before a new government corporation is formed to meet the needs of the nation for child care services. We also call attention to the very important child care component of the Family Assistance Plan which will receive early consideration by the 92d Congress. We do not believe that this corporation would be the most effective way to handle that program when it becomes law.

Mr. President, to summarize my views:

First, I agree with the Secretary of Health, Education, and Welfare that we should not abort the child care provisions of the family assistance plan, which we have not even considered, before we consider it, by prejudging what shall be the administrative apparatus that will be used for the purpose.

Second, Mr. President, we are asked by the sponsors of the proposed Federal Child Care Corporation to come to a conclusion which I think would be most prejudicial to our further consideration of that matter, and that is to centralize Federal responsibility in this corporation.

I point out the fact that that is exactly what is contemplated, because, in the committee report, at page 335, we have the following statement justifying this particular corporation:

> It is the committee's view that we need a new mechanism in facing this problem, a single organization which has both the responsibility and the capability of meeting this Nation's child care needs. It must be an organization which has the welfare of families and children at the forefront, an organization which, though national in scope will be able to respond to individual needs and desires on the local level. It must be an organization which will be able both to make use of the child care resources which now exist and to promote the creation of new resources. It must be able to utilize the efforts of governmental agencies, private voluntary organizations, and private enterprise.
>
> The new Federal Child Care Corporation, which would be created under the committee bill is intended to be such an organization.

Now, Mr. President, if ever I saw an example of putting the cart before the horse, it is in that situation. We are asked to legislate a fixed form of organization, with specific capital, specific authority, and specific criteria for its operation, before we have even decided what should be the fundamental objective which we wish to achieve with respect to child care in this country.

There are four basic alternatives, and this corporation proposal would have us choose one now, even before we decide what shall be our basic plan that we wish to carry out.

The other alternatives are as follows:

First, a State plan with Federal administration. That is, incidentally, contemplated by a very exhaustive bill introduced in the House of Representatives by Representative BRADEMAS with the sponsorship of a number of Members. That is known as Comprehensive Preschool Education and Child Day Care Act of 1969.

Second, there is a State plan with State administration, and that is the plan contemplated by a measure introduced, again in the other body, by Representative DELLENBACK of Minnesota, and, in this body by the Senator from Vermont (Mr. PROUTY).

Finally, Mr. President, there are various aspects of the community plan, which really is based upon working from the grass roots upward, and that plan is contained in my own bill, which I introduced just about a month ago. It is also contained in the bill of the distinguished present occupant of the chair (Mr. MONDALE), his bill being known as the Head Start Child Development Act of 1969, and the bill introduced by the Senator from Indiana (Mr. BAYH), known as the Universal Child Care and Development Act of 1971.

So there are four basic plans: community, State plan with Federal administration, State plan with State administration, and the Federal Child Care Corporation, the plan of Senator LONG.

We also ought to take a look at the orders of magnitude here. Senator LONG's corporation, which he says would be a single organization with both the responsibility and the capability of meeting this Nation's child care needs—this single organization, supposedly, to deal with all the needs for child care, is to have a $50 million capital, and, when it gets rolling, it is to have the ability or the authority to issue $250 million in revenue bonds, not guaranteed by the United States but dependent for their validity as bonds upon income which would be earned by day care centers and that is all.

Mr. President, juxtapose those financial vertebras to the need and to the actuality. Right now, we are spending in round figures about $450 million a year for day care. And, Mr. President, under any of these bills one may choose, and even the contemplation of the administration itself, faces a very material increase. We all hope that much of that will be self-financing, but nevertheless, we are dealing with an order of magnitude which makes the financial base of this corporation either completely inadequate to the purpose to be served, or an effort to so materially reduce the whole size of the day care operation in the country as to absolutely defeat any plan—such as one which ties in the day care to a very critical reform of welfare or the White House Conference's plan or any of our plans in Congress—all of them are much broader in scope than would be contemplated by this corporation. So all this corporation would do is try to fit a big foot into a very small shoe. When that is added to the fact that it would abort our consideration of the President's family assistance plan and that it would commit us to one course of administration when we have an aggregate of four before we even know what our plan is going to be about child care, it seems to me to be highly improvident.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. JAVITS I yield.

Mr. PERCY. Before making a comment on the motion to strike, I should like to repeat what I said to the Senate Finance Committee when I testified before that committee on behalf of day care centers and certain proposed legislation that I had introduced to provide for their construction.

I believe that the Senator from Louisiana (Mr. LONG), the chairman of the committee, is devoted to finding an answer to the day care problem, and I commend him for his initiative. I intend to keep a deep and a continuing interest in methods of solving the problem of child care. I believe it is one of the most critical problems we are going to have to face in the near future. However, despite this interest and despite the fact that I have introduced a measure in this area as it relates to the President's family assistance plan, I wish to support the motion to strike this section from the pending bill.

Mr. President, my prime reason for adopting this position lies in the fact that I believe that the proposal contained in the bill has resulted from less consideration than the problem deserves. The committee included the proposal in the bill without benefit of the recommendations of the White House Conference on Children and, in fact, without benefit of any specific hearings whatsoever.

As a result, there was no opportunity to explore the proposals on this subject made by other Senators, including those of the distinguished Senator from New York (Mr. JAVITS), who has given a tremendous amount of attention to this field and is extremely knowledgeable in it. I believe his proposed legislation should be given every possible consideration, because my own initial reaction to it is that it is a basic thrust in the right direction and goes to the heart of the problem. Also, as has been mentioned, the Senator from Minnesota (Mr. MONDALE) and the Senator from Indiana (Mr. BAYH) have made proposals that have not been considered thoroughly.

There was no opportunity to consider the question of how deeply an individual community should be involved in planning to meet the community's child care needs. There was no real opportunity to adequately consider the adequacy of the structure of the Corporation, including the relationship between the Corporation and the Office of Child Development and the Office of Economic Opportunity. Finally, there was no opportunity to consider the adequacy of the level of authorization contained in the bill.

I should like to ask the distinguished Senator from New York, from his vast experience in establishing enterprises of this type, whether, rather than coming from the top down, projects involving the people, a community do not come out better when they come from the community up.

Mr. JAVITS. There is no question about that. I should like to make two points in that regard.

One is that we are not even arguing for that. We are saying, yes, we feel that projects should come from the ground up. We are not asking the Senate to accept that now. But we are also asking the Senate not to foreclose it by taking a project which proceeds from the top down.

I should like to ask the Senator this question, because he has the city of Chicago in his State, and the Senator knows I have New York: What does the Senator think will be the reception of the Federal Child Care Corporation when it comes into one of the Chicago ghettos to set up day care centers? Are we going to have a new set of militants who are going to ride them out on a rail or throw them out or picket their projects or refuse to participate in them or burn them down, or are we going to do something constructive in day care?

XUM

Mr. PERCY. I think we would be ill advised to go ahead and establish this corporation until we actually know more than we do now. I really cannot tell the Senator what the reaction of the leadership of the various ghetto areas in Chicago would be. I would feel much better if they had been able to come down and testify, the leadership, for instance, of a community of some million blacks, who really have a deep concern about this problem, and the leadership of other concerned communities, and have them feel that they have had a voice in the making of this vital legislation.

It is better that these programs come from the community up and give residents a sense of participation, rather than just establish a superstructure setup from Washington, have a corporation established, without the benefit that we could gain from participation in what should be adequate hearings. I would tend to think that we should have these hearings as early as possible next year. It ought to be one of the earliest orders of business, and it fits together well with the early consideration that has been promised on the family assistance plan.

Mr. JAVITS. I thoroughly agree with the Senator.

I am not trying to prejudge it, either. I have an idea. I prefer the community approach, but there may be many bugs in that. Hence, I think the only fair way to do it is to start with an effort to design really a child care program. We may very well end up with the idea of a corporation. But to abort all our considerations by opting for that now seems to me to be most improvident and ill advised.

XUM

I point out to the Senator that it is not less than absolutely obliterating all other ideas because the committee itself says that this is the single organization that is going to have the job of meeting of the Nation's child care needs in its hands. For example, on page 420:

> The corporation shall have the responsibility and authority to meet the Nation's needs for adequate child care services.

Mr. President, they may have the responsibility and authority, but they are not going to have the resources or the organization. So it seems to me to be a most improvident provision.

I do not think one need plead for my bill, which I like very much and many other people do, or for that of Senators MONDALE and BAYH, or PROUTY and Representatives BRADEMAS, DELLENBACK, and QUIE. One need not plead for any of those. All one has to do is to give them a chance to draw the breath of life, rather than to extinguish them now in this improvident way, before we are remotely ready.

I might say to the Senator from Illinois that it bears out what Senator HARRIS knew and what all of us knew—that we let this survive in the bill though it is of exactly the same gender as what we eliminated—trade and, to the dismay of many of us, the President's FAP—because we were just up against it. Here we are with the same kind of proposition, which we are asked to swallow the very moment that we have rejected a number of others of exactly the same kind because we just cannot give them the consideration we know they should have. I cannot think of legislating more improvidently than doing this.

As we all know from the colloquies which ensued when we considered the motion to recommit, this was something the chairman, Senator LONG, insisted on. We all respect him, and he certainly helped us to cut the Gordian knot on this bill. So we stood aside and are now arguing the same provision we should have argued on the motion to recommit.

I should like to add one other thing: The chairman remains the chairman of the Finance Committee; he will be the chairman of the Finance Committee next year. It seems to me that there is no insecurity in his position. He will be just as strong and just as effective and just as able to have his prestige count with his colleagues for the Federal Child Care Corporation next year as this year. So I do not think there is any derogation of the respect we owe to the chairman of the committee that is bringing out a bill. On the contrary, I think it would be inconsistent if we did not do our best to make the provision—if it is going to be the final choice of the Senate—at least be the best possible, after a consideration of alternatives, and after—as Senator PERCY has said—the opportunity for hundreds of thousands or millions of blacks who are very deeply involved, and the poor generally, to testify for or against this proposition, so that we will have some idea as to whether or not it will work.

Again I point out to Senators that for the same reasons we are discussing, the Secretary of Health, Education, and Welfare agrees that this is ill advised and wants very much to see it stricken from the bill.

Mr. PERCY. Mr. President, there is one further point I might make lest we leave the impression, in striking this particular section of the bill, we are saying that we are doing nothing about day care problems at this time.

There are certain provisions in the bill now which are unaffected by this motion to strike which will serve as temporary measures to deal with the problem until we can adequately explore the implications of the Child Care Corporation.

One of the major reasons for the failure of the work incentive program has been the absence of adequate day care facilities. The bill provides a temporary solution to this problem by increasing Federal participation in the financing of day care facilities from 75 to 90 percent. While this will not solve the problem, I believe that it will alleviate some aspects of the situation until, early in the next Congress, we have had an opportunity to adopt a comprehensive solution.

Thus, Mr. President, I shall vote for the amendment to strike. I hope that a majority of my colleagues will do so as well. I do so despite the urgency of the situation and despite my own deep interest and commitment to providing adequately for day care facilities. I do so, because I believe that in the long run, we shall make a better contribution to the solution of this most critical problem.

I share with many of my colleagues the feeling that some of the nongermane things we have stricken out of the social security bill the country will be better for. It would have been an utter disaster, for instance, for this country to have pushed ahead just for the sake of legislating and adopted a trade bill that would have set the country back 40 years in its policies.

There is the kernel of a good idea here, but we are not ready now to see it nurtured and come to growth until more work can be done on it. That work can be done in the 92d Congress.

I congratulate again and commend my colleague from New York for his distinguished leadership in this field and the expertise he brings to it. I know he offers this amendment in the belief that if the bill passes in its present form, the country will feel that we have solved the day care problem and that we have really thought through the answers, when we have not done so carefully enough.

Successful action on this motion to strike, I think, will give us the opportunity, early next year, to pursue this with the deliberate care it requires. That does not mean undue delay. It means that we can have action quickly, once we have full hearings.

Mr. JAVITS. I thank my colleague from Illinois very much. He has been most helpful.

Mr. COOK. Mr. President, will the Senator from Illinois kindly stay here for a moment? I should like to ask a question, if this is the kernel of a good idea, let us talk about financing it for a minute.

On page 434 of the bill, it states that the Corporation will receive $50 million, and starting in 1975 they must pay it back at the rate of $2 million a year. This is $2 million a year out of its revenues from day care centers. However, to borrow the $250 million from the public, it says on page 436 of the bill:

> Any such bonds may be secured by assets of the Corporation, including, but not limited to, fees, rentals, or other charges which the Corporation receives for the use of any facility for child care which the Corporation has an interest.

In order to borrow the $250 million, what kind of assets is it going to be able to build in the meantime?

It has a $50 million debt which it has to start paying back in 1975 at the rate of $2 million a year. It cannot borrow $250 million. It has to have $250 million worth of assets or more.

How is it ever really going to be able to accomplish that?

Mr. JAVITS. I would say, looking at it from the point of view of the chairman of the Finance Committee, that they would immediately have to go into the day care business for the relatively upper level, upper middle income families, in order to make the program viable financially. So, all our purposes here would be defeated at one fell swoop, because we are setting conditions which obviously they cannot meet, and still serve the clientele we want them to serve.

Mr. COOK. I thank the Senator.

Mr. JAVITS. I thank my colleague from Kentucky.

Mr. MONDALE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MONDALE. The comments just made by the Senator from Kentucky are very useful. I had not realized what he stated. We have had hearings before the Employment, Manpower, and Poverty Subcommittee on this proposal, which I introduced along with about 20 others, which we call the Headstart Childhood Act of 1969. We heard from a number of nationally recognized early childhood specialists in the country. I am pleased to say that the President was wise in appointing one of our witnesses, Dr. Zigler, as the Director of the Office of Child Development. Dr. Zigler is recognized as one of the best experts in the field.

I came away from the hearings appalled by the way we treat our preschool children. I felt increasing concern that as the Nation moves in the direction of dealing with the problems of the first 5 years of life, particularly for the most disadvantaged, we make sure that we do so in the right way. A child—especially a young child—is a sensitive and highly destructible entity.

Middle-class American parents do everything they can for their children, with decent housing, the best nutrition and health assistance in the world, with all the love and affection they can provide, and when it is all over they hope and pray that, somehow, their children will make it. But, under this proposal, we would take a different approach. When a child in its early formative years, the emphasis is on letting the mother out of the house to work. In the interim we take the child—like a commodity—and stack him like cordwood in some day care center. To be sure, the day care center is supposed to achieve certain physical minimums. It it supposed to be fireproof. It is supposed to be warm. It is supposed to be clear and if the children are fed, it is supposed to be nutritious, and so forth. But nowhere in the proposal, in my opinion, is there any sensitivity shown toward the emotional or psychological problems which every decent parent knows is essential to the rearing of a healthy child.

If this Nation launches a program aimed toward letting mothers work and in the process simply salts thousands and thousands of children away in these cold and sterile custodial centers, I think we will be producing a generation of emotionally crippled children that will cause more trouble than anything we have seen in the past. I think we will regret having taken this well-motivated but, in my opinion, yet-to-be-perfected proposal.

In my opinion, the country is quickly coming to the conclusion that we need quality, healthy childhood programs for our children. It is the most exciting new theory for dealing with disadvantaged in America. In my opinion, most children who grow up in tragically disadvantaged circumstances are ruined by the time they even go to the first grade. They need sensitive child development efforts. But I think we should do it right. I do not believe this does do it right. I think the theory is wrong. I believe it can do more harm than good. I hope we will strike it and that the next Congress will really take hold of the issue and pass the kind of proposal that gives quality, total, child development assistance to the hundreds and thousands of disadvantaged children in this country who so desperately need it.

Mr. JAVITS. The Senator is 100-percent correct. I should like to point out the kind of services that can be provided—which is contained in section 2118 of this particular provision, on page 442 and on later pages. What the Senator is really talking about is custodial care.

Mr. MONDALE. The Senator is correct.

Mr. JAVITS. It is not developmental care, and that is one of the biggest issues in this field. Obviously when we are dealing with this corporation, and considering its restrictions, we see what must happen.

The corporation cannot even earn interest on the bonds, as the Senator from Kentucky (Mr. COOK) pointed out. The Senator from Kentucky pointed out to me privately—and I would like to say publicly—that the only investment it could make is in Government securities. It cannot even buy high interest bonds. It is confined to U.S. bonds.

It is this money and money earned from day care centers that will give them earnings and enable them to pay back the basic investment of $50 million, at $2 million a year. This is not even a Government bond.

The whole thing becomes a business operation other than the kind we want.

As always happens in debates of this character, it is unnecessary to extend the argument that far. The fact is that in this case what we are arguing for is that we withhold our action, rather than that we take action.

While we speak with admiration and respect for the idea—because I am devoted myself to original ideas—and this is an original idea—I certainly am not devoted to such ideas until after they have been tested out in some fashion, even if it is only in debate.

We should deal with the bugs in the program, some of which have been pointed out in the debate today, especially when we will be aborting another approach to the same problem.

The PRESIDING OFFICER (Mr. CASE). Will the Senator suspend? There are conversations going on all over the Chamber.

The Senator may proceed.

Mr. JAVITS. Mr. President, I have named four purposes. I would like to recapitulate them.

First, there is the community approach, which we are following now in our appropriations for the OEO, used for child care. That is the Office of Economic Opportunity. There is also the approach of State plans with Federal administration, the approach of State plans with State administration, and, finally, the fourth alternative, the Federal Child Care Corporation.

Mr. President, I would like to conclude my observations on this matter by again referring to the opposition to this particular plan at this time. All the Secretary of Health, Education, and Welfare indicates is not that he wishes to knock it down, but that he feels that we would be preempting the field at a time when the field should not be preempted.

Mr. President, I would like again to read a statement from the letter that I read before. Many of the Senators were not here at the time I did this before.

The key portion in the Secretary's letter which was received this morning reads as follows:

> The Administration agrees with the purposes of this amendment, but does not favor enactment of this title at this time. We think that insufficient time has passed to enable CCD and the other offices with which it works to prove their worth and effectiveness before a new government corporation is formed to meet the needs of the nation for child care services. We also call attention to the very important child care component of the Family Assistance Plan which will receive early consideration by the 92d Congress. We do not believe that this corporation would be the most effective way to handle that program when it becomes law.

That is the case as I see it for the amendment. I hope very much that the Senate will agree to the amendment and for the present—that is all we ask—strike this particular title from the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. LONG. Mr. President, I would like to ask if we might agree to a limitation on debate so that we could vote at some time certain on this amendment.

I ask unanimous consent that the Senate vote on this matter in 20 minutes, the time to be equally divided between the opponents and the proponents of the amendment.

Mr. HARRIS. That is satisfactory with me.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none and it is so ordered.

Mr. HARRIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LONG. Mr. President, I ask unanimous consent that there be a brief quorum call and that the time be taken equally from both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRIS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 2 minutes.

Mr. HARRIS. Mr. President, mention was made earlier in the debate concerning the position of the National Association for Black Child Development and the lack of approval by that organization of this child care provision as it is presently written.

I have here a position paper on the Federal Child Care Corporation provision prepared by the National Association for Black Child Development. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

POSITION PAPER—FEDERAL CHILD CARE CORPORATION ACT S. 4101—AN AMENDMENT TO THE FAMILY ASSISTANCE PLAN

While the basic purposes of the bill are valid, there are a number of significant objections which make it impossible for the National Association for Black Child Development to support it:

THE STRUCTURE

Sec. 2002 (a) The creation of a nationally lodged vehicle is a logical step in attempting to provide comprehensive child care in this nation. However, such a mechanism must be designed within the context of the recipients for the proposed child care services. Since Senator Long's Act is to be an Amendment to the Family Assistance Act, Child Care Provision Section, the initial child care services offered by the proposed Corporation will be aimed at the Black and poor citizenry of this nation. This is clearly stated in *Sec. 2003.(c)* . . . The Corporation shall accord first priority to the needs for child care services of families on behalf of whom child care services will be paid in whole or in part from funds appropriated to carry out Title IV . . . This has strong implications for controlling contracts under FAP.

Our position on the kind of mechanism we view as being most beneficial has been stated in a position statement entitled *Optimum Conditions for Minority Involvement in Quality Child Development Programming, p. 12, Sec. 4(a)* . . . The Federal government should administer funds for day care projects with minimal state involvement. Providing the Office of Child Development can be sensitized to minority concerns, *it should be the administrative agency.* Provisions must be made for technical assistance to communities preferably by minority firms in advance of actual funding.

The Corporate structure described in the Federal Child Care Corporation Act is similar in many ways to existing agencies which are controlled by persons appointed outside of the Black community. Such persons set policy and develop programs for the Black community residents. *This model has a poor track record.* The act advocates a proposed monopoly for child care services.

The proposed Corporation is basically a compromise child care plan modeled after large profit-making corporations. The Corporation will monitor itself, establish its own codes, standards and regulations. These standards will bypass and supersede federal, state, regional and local requirements as outlined in *Sec. 2006 "Exclusiveness of Federal Standards."* This section should be reviewed in terms of ratios of adults to children as outlined in *"Standards for Child Care," Section 2004(b), (1), (A), (B)* in order to assess its implications. Whereas, optimum ratio (Child-Adult) suggested is 8 to 1, the Corporate Board can authorize a 25 to 1 ratio which clearly speaks to custodial care. Further, such a ratio is very similar to those that have been proposed by Franchisers whose aim is profit-making, and promotes custodial care, instead of quality child care and child development.

The Corporation, as presently being proposed, is monopoly focusing on child care needs in this country. It will receive its initial funding *because* of the Family Assistance Act which is designed for the poor. As it is presently set forth, the Federal Child Care Corporation Act will preclude self-determination and the fundamental rights of Black, poor and minority groups to adequately participate in making policy and plans as *they* determine their child care needs.

THE BOARD

Basically the Board is composed of those who will represent the current administration. If persons on the Board do not comply they will undoubtedly be removed by the President. *All powers* rests with this Board. They will appoint the Advisory Council. They will appoint personnel. They are empowered to collect fees directly or through contractual arrangements. It becomes apparent that the Board will probably have subsidiaries—which again speaks to contracting with national franchisers.

FUNDING

The proposed Act calls for a Revolving Fund, *Sec. 2003.(a)* which will be established by the Treasury. The amount proposed, 50 million dollars, will be paid back in annual installments of 2 million dollars. The Corporation will pay interest on this loan, on the basis of a rate equal to the average rate of the Treasury's loan. If the Corporate funds are in excess, the Corporation will invest money in various ventures related to child care. In other words, they will plow profit back into the Corporation to create subsidiaries in other program and service areas in child care.

This funding process, as called for in Senator Long's Act initially takes tax monies to *loan* the Corporation. Further, this Corporation will issue Bonds, which the government will not be responsible for, which are sold to the people, similar to war bonds, costing the taxpayer the cost of the loan and capital for it to operate autonomously. Thus, the Corporation will be selling services for operating costs.

This Bill as proposed is basically a thrust toward selling the concept of developing social services as a private sector function, and removing the responsibility from the government in this area. Most appalling is the profit-making dimension which is being initiated on the backs of the poor and Black people in this country, by attaching this Act to the Family Assistance Act.

Components of the bill that are objectionable:

(1) Lack of appropriate representation on the Corporate Board and Advisory Council of Black and other minority people;

(2) Lack of assurance of *quality programs* vis a vis the proposed ratios as outlined in the Act;

(3) Lack of a certification process for individuals who have demonstrated ability in the care of children in the various proposed child care programs;

(4) Lack of an objective evaluation process of the proposed Corporate Board. The Act does not reflect a process of accountability, as exemplified in the revolving fund concept; and the reporting procedure to Congress every two years. It appears that the Advisory Council who have been appointed by the Corporate Board will be the evaluative mechanism. This suggests a self-evaluation process, to which we are opposed;

(5) Black and minority group firms will find it difficult to receive contracts for providing Technical Assistance to the child care programs because of the growing competition by big business and franchisers in this area; and

(6) The possibility that the proposed Corporation will perpetuate custodial programs is glowing due to the lack of specific program criteria. There is no mentioning in the present Act of the ages of children and the different ratios of adults in relationship to this factor.

Mr. HARRIS. Mr. President, reference was also made earlier to the Child Welfare League. I have here comments on the Federal Child Care Corporation provisions prepared by the Child Welfare League. I call attention to excerpts from those comments in which it was said, for example:

> In fact, the many implications of S. 4101 are so far reaching and of such importance that we believe there needs to be a very careful examination and analysis of the impact of the bill's provisions by this Committee and by a wide variety of Government and public witnesses. Assessment of S. 4101, alone, might well require many weeks. Because of the press of business already before this Committee, we respectfully suggest that substantive discussion of this important legislation take place within the context of full Committee hearings, arranged solely for this purpose at some later date. The League would be pleased to assist the Committee in any possible way to prepare for these hearings. We offer the Committee the use of our resources and pledge our cooperation.

I certainly support that statement.

Mr. President, I ask unanimous consent to have printed in the RECORD other excerpts from these comments made by the Child Welfare League.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

There have been several other bills introduced in both the House and the Senate dealing with various kinds of children's services, including "Head Start" type programs, child development services, early childhood education and day care. A common feature has been a concern for the children of mothers who work or are in training. An examination of these bills, along with S. 4101, presents several issues to which we believe this Committee should address itself.

What types of programs should be authorized by legislation affecting young children?

Can and should the so-called "day care needs" of children be considered separately from the educational and developmental needs, or should these programs be combined?

Are the programs needed for the children of working mothers and guardians essentially different from those required for children from disadvantaged and so-called "culturally-deprived families?

What are the essential ingredients of any child care program if it is to provide adequately for a child's developmental and educational needs, particularly when the mother is employed and absent from the home?

We believe that the Committee should consider the following questions before concluding that consolidation in a new, quasi-governmental body such as the Federal Child Care Corporation is advisable.

Is it advisable to give authority over all child care services to any one agency—whether that agency is governmental, like the Office of Child Development, or quasi-governmental, like the proposed Federal Child Care Corporation?

Is it possible to utilize the administrative skill and the trained personnel at various levels within the government agencies to design programs and deliver programs through through an existing government agency?

Several Commissions have recommended fuller utilization of Head Start programs so that they could also serve as full-time day care facilities. Is it desirable to have one agency, such as the relatively new Office of Child Development, administer the large Head Start program, and establish another Federal agency to administer all other child care services?

HEW has had virtually no funding to finance remodeling, or construction of new child care facilities. Does this factor make it difficult to assess the Department's ability to assume the responsibility of meeting the Nation's needs for adequate child care services?

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What would be the relationship between the Office of Child Development, with its highly-trained and skilled Director, and the Federal Child Care Corporation?

Skilled, capable personnel in the field of child development, special work, psychology, and education are in very short supply. But some of these scarce and skilled professionals capable of administering and developing the standards necessary for such * * *.

Mr. COOK. Mr. President, will the Senator yield?

Mr. HARRIS. Mr. President, I yield 2 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, I would like to direct these remarks to the distinguished Senator from Louisiana because, for the life of me, I cannot figure out how financially this Corporation will be able to come into existence. If it borrows its maximum of $250 million, floats a non-Government-guaranteed bond, and if they are fortunate enough on that basis to sell a public bond at 7 percent interest the first year alone would be $17.5 million. If they floated the bonds for 25 years, it is conceivable their first principal payment in the first year would be $10 million. Then they have an automatic payback of their $50 million beginning in 1975 of $2 million a year. That means that the first year of its first full borrowing capacity, with the $300 million Corporation, as far as its assets are concerned, it has to earn over and above its expenses and pay back to the Treasury, and pay interest to bondholders, to the tune of $29.5 million.

I am not sure I know of a major private corporation in the United States capitalized at $300 million after all expenses that could conceivably pay back $29.5 million in any one year. I am wondering financially how this Corporation can even come into existence with the first payout load of $29.5 million. If anyone can answer that question for me, I would appreciate it, but it is a matter of figuring interest on $250 million, plus the principal payment, plus the fact that starting in 1975, they have to pay back $2 million on the $50 million of capitalization.

Mr. LONG. Mr. President, we are talking about only $50 million, because the remainder of that money does not become available until after 2 years, when bonds could be issued for construction purposes. This Corporation would begin its operations with the $50 million loan. For all services provided it would be paid fees, whether from the parents or from the welfare agency.

Mr. COOK. Mr. President, will the Senator yield further?

Mr. HARRIS. I yield 1 minute to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Is the Senator saying in essence the Federal Government is going to pay to the Corporation on nonguaranteed bonds the full extent of the private market interest rather than have them guaranteed by the Federal Government, because you also provide to go on the open market and sell these at the highest rate, that the funds of the Corporation, and I refer to section (b) on page 433: "shall not be invested in any obligation or security other than obligations of the United States or obligations the principal and interest on which are guaranteed by the United States."

Mr. LONG. Mr. President, I wish to call to the attention of the Senator that the Corporation is not trying to make money through investment. This provision simply states that, if they have extra money, they could invest it in Government obligations on an interim basis so they would be earning money on it.

Mr. COOK. Mr. President, will the Senator from Oklahoma yield further?

Mr. HARRIS. I yield 1 additional minute to the Senator from Kentucky.

Mr. COOK. I have listened with a great deal of interest to what the Senator said. If money is borrowed on the open market, it has to be paid back.

The PRESIDING OFFICER. The time of the Senator has expired. Does the Senator from Oklahoma yield further?

Mr. HARRIS. No; I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, the Corporation initially borrows up to $50 million from the Treasury. That is for initial operating capital. But once it is in operation it charges for the services it is providing, and the fees are paid either by the parents or, if they are needy, by the welfare agency. After its first 2 years of operation, the Corporation is authorized to borrow $50 million annually for up to 5 years for construction of facilities. Here, too, the Corporation will charge for services provided in the facilities it constructs.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. LONG. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. LONG. Mr. President, one of the great crying needs in this entire child welfare area is the need for adequate child care for children of working mothers. There are two major problems involved. One problem is that the States need fiscal help. We took care of that by liberalizing the matching formula. No one complains about that. Second we need to have someone who has the ability and will to provide child care services. Most State welfare agencies are, apparently, not well equipped to do this now, and this is evidenced by the fact they are not now using even half of the Federal funds we have made available.

How do we handle this problem? We set up a Federal Child Care Corporation, start it out with a $50 million loan from the Treasury for initial operating capital, and then have the Corporation make child care services to as many mothers as possible who would like to have child care provided.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator yield himself additional time?

Mr. LONG. Not at this time.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 2 minutes.

Mr. HARRIS. Mr. President, I ask unanimous consent that a memorandum in support of this amendment be printed in the RECORD at this time.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMO IN SUPPORT OF HARRIS-JAVITS-MONDALE AMENDMENT TO STRIKE THE FEDERAL CHILD CARE CORPORATION PROVISIONS FROM H.R. 17550

1. There have been inadequate hearings on this far-reaching piece of legislation and insufficient effort to coordinate it with other Federal programs which touch on day care services. Many parts of this provision could be improved by thoughtful amendment, but there is simply not time to handle this whole matter at this late date in the session.

2. The whole question of child care will come up again anyway early in the next session in connection with welfare reform. There is no need to rush into this major new program right now.

3. There is a great need to expand child care services, but two fundamental requirements should be parental involvement and community control. These requirements are not properly safeguarded in the provision sought to be stricken.

4. Standards set up by the bill are inadequate in regard to child-staff ratios, staff qualifications, facility standards (this bill would supersede state and local standards) and, most importantly, in regard to child development concepts.

Mr. HARRIS. Mr. President, I yield the remainder of my time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I think the case has been made adequately. It comes down to the fact that we are aborting all other plans and opting for a plan that is much too small for the situation and a plan that is not financially viable. I believe the Senator from Kentucky (Mr. COOK) put his finger on the problem in noting that a corporation with $300 million to operate, and with this kind of income from welfare agencies it cannot be financially viable. Hence it will have trouble selling bonds. We will put ourselves in a box.

Let us not abort other plans and improvidently opt for a plan which has not been designed or developed to meet the situation because we will not know the plan for child care for the country until we finally deal with FAP.

For all those reasons I believe that the amendment is an appropriate vehicle for the Senate to get out of the situation which we face here, in addition to the other difficulties we have gotten into. There has been inadequate inquiry into this matter and there are many flaws in the proposal. It aborts the situation long before we are ready for it and coming at this time in this session it is most improvident.

Mr. LONG. Mr. President, I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. RIBICOFF. Mr. President, throughout the consideration of this bill

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I have found myself in sharp disagreement with the chairman of my committee over certain provisions. But that does not mean every position he advances is wrong. In this instance the Senator from Louisiana has a good idea and it has my support.

We must realize that in this country we have need for day-care facilities for some 7 million children. We only have facilities in this country for some 700,000 children. Consequently, throughout this Nation, in small towns and big cities, we are unsuccessful in many of our social programs because there are insufficient facilities to assist mothers with young children.

The WIN program, the work incentive program, adopted in the Senate in fiscal 1969, appropriated $25 million and has used only $4 million. In 1970, we appropriated $52 million and used only $18 million.

The reason why such small percentages were used was due to lack of facilities in the United States to take care of the children involved. What has been proposed here is not an exclusive program; and here is where I think the Senator from Oklahoma and the Senator from New York misread the purpose of the particular Corporation sought to be brought into existence. In the family assistance plan, which failed, there was provision for some $386 million for day care. In this bill there is some $250 million for day care.

That does not mean the proposals the Senators from Indiana or New York or Oklahoma have in mind would be immediately put out of existence because of the proposal. What the Senator from Louisiana is saying in this bill is this: We have been unsuccessful over the past decades in providing day-care centers. The old methods just are not working and we must find a mechanism that is right for today, and not a mechanism that has failed in the past.

What we are saying is that the Federal Corporation would be the coordinating corporation to supply inservice training and day-care facilities involving diversity and imagination. In some areas a church could be used. In some areas a school could be used. In some areas an apartment house could be used. In some areas an existing day-care center could be used. In other areas of the country where there are no day-care facilities, it might become necessary to build such facilities. So there is a great variety.

The Senator from Louisiana is bringing forth a new concept where the old concepts have failed. Unfortunately, the bureaucracy that exists through American life is just as strong in the entire social welfare field and there is a reluctance to try out new concepts and new ideas.

The ideas that are advanced by the Senator from Louisiana deserve our attention and cooperation. Three men will be appointed by the President of the United States with the advice and consent of the Senate to run the Corporation. It will have an advisory committee to advise the Directors.

The bill would permit the Child Care Corporation to make available a wide variety of child-care services where they are not available today. Such services would include educational, recreational, and home-care services.

No welfare agency, no community, no individual has any obligation to use the facilities supplied by the Federal Corporation. They can use any facilities in existence or to come into existence. This is not mandatory. It just is a mechanism to allow day care to become a reality. The goal of the Corporation is to arrange to make child care services available where they are needed. Its first priority will be to provide service to welfare recipients who need child care to undertake employment.

I have been intimately connected for many years with this great movement, and there is no group more dedicated to the improvement of social service laws than those in the day-care-center movement. Yet they have had great difficulty getting the movement off the ground, and, consequently, we find ourselves as a nation with only 10 percent of our needs being provided.

I commend the Senator from Louisiana for realizing that there is a new method, a new concept, to take care of the problems of tomorrow. I would hope the Senate would give attention to a new idea and recognize that his proposal is worth trying because past methods and past ideas have failed.

In addition, Mr. President, two other specific provisions of the pending social security legislation, H.R. 17550, deserve special consideration and support by the Senate.

Since the original medicare program was enacted in 1965, over 20 million Americans have been enrolled and are eligible for its benefits. However, many Americans have not been permitted to share in this program. In particular, public employees in a number of States, including Connecticut, are not eligible for medicare because they have not been part of the national social security program.

Several years ago, I introduced legislation to permit these employees to enroll in medicare. I introduced similar legislation again during this Congress. I am pleased to report that both the House of Representatives and the Senate Finance Committee have approved this concept. Section 202 of the present bill would permit voluntary enrollment in the hospital insurance program of people reaching age 65 who are not part of the social security system. The cost of this medicare insurance is estimated at $27 a month. State and public organizations, by agreement with the Secretary of Health, Education, and Welfare will be permitted to purchase this needed protection for their members on a group basis.

The persons now affected most severely by exclusion from medicare are State and local employees, including three-quarters of a million teachers in 13 States as well as policemen and firemen, who are not part of the social security program but belong to their own retirement plan. Because eligibility for medicare was originally predicated on eligibility for social security benefits, these men and women who serve the public and teach our children have been left out of the medicare program.

Some type of hospital insurance, of course, has been available to these people, but only limited coverage is offered. Few private insurers make available comprehensive hospital insurance to the aged. Eligibility for medicare will assume these citizens of adequate health protection.

Mr. President, I am also pleased to note that this legislation makes an urgently needed and long-overdue increase in the retirement income tax credit available to taxpayers 65 years of age or over who have retired under a public retirement system.

Since social security benefits are not taxed, it is only a matter of equity to provide an offsetting tax credit for retirees who are not eligible for social security but have contributed to a retirement plan other than social security.

The retirement income tax credit was first enacted into law in 1954. In 1962, the credit for an individual was increased and a corresponding increase for married couples was passed in 1964. Since that time, social security benefits have been increased substantially: by 7 percent in 1965, 13 percent in 1967, 15 percent in 1969, and an additional 10 percent in the Senate version of H.R. 17550.

Regrettably, the retirement income tax credit has not kept pace.

On September 29, 1969, I introduced legislation to restore an element of tax equity to many of our older citizens by increasing the base amount on which the retirement credit is computed from $1,524 to $1,872 for individuals and from $2,286 to $2,805 for couples. This would increase the maximum credit from $228.60 to $280.80 for individuals and from $342.90 to $421.20 for couples. I am pleased that the House of Representatives and the Senate Finance Committee have adopted this provision and I hope the full Senate will support it.

The PRESIDING OFFICER. The Senator from Louisiana has 1 minute remaining. Does the Senator yield back his time?

Mr. LONG. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. Less than 1 minute now.

Mr. LONG. Just to summarize, Mr. President, we have heard the opposition to doing something to provide child care by Senators who themselves have introduced measures in this area. The measure of the Senator from New York would cost about $3 billion. The Senator from Indiana has a bill that would cost $6 billion. The Senator from Minnesota has a bill that might cost more than $6 billion.

In the committee bill, we are simply trying to provide $50 million to get a Corporation started in order to try to see that child care is provided. That is the best we have been able to work out in committee. In the past, we have not been able to get the job done by just providing money, so this time we provide both money and a mechanism to get the job done.

The PRESIDING OFFICER. The question is on agreeing to the Harris-Javits amendment. The yeas and nays

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have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "nay."

I further announce that, if present and voting, the Senator from Michigan (Mr. HART) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Texas (Mr. TOWER), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from New York (Mr. GOODELL) is detained on official business.

If present and voting, the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 41, nays 38, as follows:

[No. 454 Leg.]

[YEAS—41]

Aiken
Allen
Allott
Baker
Bayh
Bellmon
Boggs
Brooke
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Ervin
Griffin
Harris
Hartke
Hruska
Hughes
Javits
Jordan, Idaho
Mathias
McGee
Mondale
Moss
Murphy
Muskie
Packwood
Pastore
Pearson
Percy
Prouty
Saxbe
Schweiker
Scott
Stevens
Yarborough
Young, Ohio

NAYS—38

Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Ellender
Fannin
Fulbright
Gravel
Gurney
Hansen
Holland
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Miller
Nelson
Pell
Proxmire
Randolph
Ribicoff
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Young, N. Dak.

NOT VOTING—21

Anderson
Burdick
Dodd
Dominick
Eagleton
Eastland
Fong
Goldwater
Goodell
Gore
Hart
Hatfield
Hollings
Inouye
McCarthy
Montoya
Mundt
Russell
Stevenson
Tower
Williams, Del.

So the amendment was agreed to.

PROGRAM

Mr. SCOTT. Mr. President, I rise to inquire of the distinguished majority leader as to the order of business. I understand that perhaps one more amendment may be offered on this bill; and while an hour is allowed on the bill itself, I sincerely hope, personally, that it will not all be used, in view of the press of circumstances. If I am correct on that, would the majority leader indicate what other measures he plans to proceed with?

Mr. MANSFIELD. Yes, indeed.

May I say that the Senator from Montana had hoped that, following the disposal of the pending business, the next order of business would be the conference report on the Department of Transportation appropriation bill. Whether or not that will be the case, I cannot say at the moment, because there is some talk about the HEW appropriation bill conference report preceding the conference report on the Department of Transportation bill. But we will be in late tonight. Hopefully, we will dispose of the HEW conference report, and, hopefully, the excise tax extension. If we do reach the Department of Transportation bill, it is the intention of the majority leader to move to table the conference report and, if that move is successful, then to offer instructions along the lines of the resolution discussed in the Senate a couple of days ago. That, of course, would seek to bring about a differentiation between the SST as a specific item apart from the rest of the DOT appropriation.

Furthermore, except for the SST appropriation, the rest of the DOT appropriation bill would be extended until June 30, and the cutoff date on the SST would be either March 30 or April 10, because of a calendrical situation which has just been brought to my attention.

As every Senator knows, if we get that far, the amendment offered at that time is subject to amendment itself. But I make this somewhat detailed explanation to make sure that the Senate is aware of what the Senator from Montana is contemplating doing. I would hope that this could be done today, because we have avoided facing up to the question of the SST for too long, and I think it is time for the Senate to face up to this matter and, to use a colloqualism, to fish or cut bait.

Mr. SCOTT. I thank the distinguished majority leader. I sincerely feel that there is more fog about the SST in the Senate than there is in the atmosphere, or even projected.

The distinguished majority leader has said that he intends to propose a motion to table the conference report.

Mr. MANSFIELD. On my own.

Mr. SCOTT. On his own. Therefore, for the information of the Senate, I should like it to be known that I would have to oppose the motion to table. However, if the motion to table is agreed to and the sense of the Senate resolution is offered which was submitted by the majority leader and the minority leader, I would support that for the purpose of bringing this matter before the Senate on a fish-or-cut-bait basis, and would reserve the right to support a possible amendment of which I have been advised and which may well be offered.

I also should put the Senate on notice that if the conferees on the Department of Defense appropriation bill come to no resolution this afternoon, I will, if so requested by the ranking minority members of the Appropriations Committee, offer a petition for cloture, which then of course would be voted on either 1 hour or 2 hours after we convene on New Year's Eve. If that is the case, and we are in session New Year's night, I am going to ask the Sergeant at Arms to open the door to let the little New Year in and provide adequate security precautions for him.

Mr. MANSFIELD. May I say, as long as the distinguished minority leader has raised the question of New Year's, that it is not beyond the realm of the possible that the Senate may well be in session on New Year's Day and on next Sunday as well.

Mr. SCOTT. I just told my wife.

Mr. MANSFIELD. We have a heavy schedule. We have some strong feelings on some of the proposals which will come before us. There is a certain amount of give and take, but not enough; and it is with deep regret that I raise the possibility of meeting on New Year's Day and on Sunday. It may well be that we will be in session until mid-day on Sunday, which of course marks the termination of this Congress.

I hope that the conferees on various measures which are now in conference can come to some reasonable agreement. I hope the Senate will be allowed to express its will, and I hope it would be possible to complete the work of the 91st Congress before noon on Sunday next. But, as things stand now, I would not bet a wooden nickel on that prospect.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. SCOTT. I should like to make one statement, and then I will be glad to yield.

I have been advised this afternoon by Members of the other body that in certain instances, without going into detail, they feel that the Senate should have record votes on certain matters, that they intend to insist on this, and that they are prepared to stay until noon of January 3 if necessary. While I regret being obliged to simply report what I have been informed, the mood of the other body is not exactly flexible, either.

Therefore, it looks as though we may have in the other body a lot of quorum calls and reading of the Journal and what some people have called a poor man's filibuster. I hope this does not happen, but I thought the Senate should be advised; because, in a sense, it is a reaction to what they regard as some delays over here, which rumor has it have occurred in this body.

Mr. MANSFIELD. If the Senator will yield before yielding to the Senator from

Florida, may I say that what the House does is its responsibility, and what the Senate does is ours. I hope the Senate will face up to its responsibilities without regard to what the other House thinks or what is thought downtown.

Mr. SCOTT. I appreciate that. It has not helped a bit. I yield now to the Senator from Florida.

Mr. HOLLAND. I should like to address my question to both the leaders. When is it expected that the food stamp conference report will come up? That is a matter we have to dispose of.

Mr. MANSFIELD. I understand that the House is spending the afternoon in paying tributes to Representative MENDEL RIVERS. I understand further that it is doubtful they will get to the food stamp bill this afternoon. But that is only another controversial area which will be subject to considerable talk in this Chamber once it reaches here.

Mr. HOLLAND. I want to serve notice to all Members of the Senate here that a fact is well known to those who conferred on the bill, and to those who are members of the Committee on Agriculture and Forestry, that without an authorization bill, the appropriation which we made may not all be used and the appropriations for the food stamps will expire some time between the middle of January and the end of January. So that I think it is completely a "must" proposal, that we take up the measure and pass it, because no one would want food stamps to come to a halt in that way.

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Mr. MANSFIELD. May I say that there are a lot of "must" proposals still awaiting consideration: railroad assistance, excise taxes, school desegregation, transportation appropriation, pay comparability, Labor and HEW appropriations, foreign aid appropriations, food stamps, the environmental committee, defense appropriations, and so forth, and so forth.

We do not lack for issues here.

Mr. SCOTT. If I may reply further to the Senator from Florida, my understanding is that the other body intends to insist on the work provision in the food stamp bill. I say this without prejudice to what any Senator may feel about it but, may I say, there will be no food stamp bill this year, as much of a hardship as that will involve, unless the Senate and the House will legislate and get together on that work provision in the bill. In other words, no longer can any one Member of Congress hold up this bill without facing the fact that that Member will also be depriving the people of this country of food stamps.

Mr. HOLLAND. I thank the minority leader. I am glad he mentioned that fact because, in my humble judgment, whoever holds up approval of this conference report will have placed himself in the position of terminating the food stamp program sometime early in January.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Mr. HARRIS. Mr. President, following conversations I have had with the Senator from Louisiana (Mr. LONG), concerning possible hearings next year in regard to the entire subject of day care, I am willing now to go to third reading. On behalf of myself and the distinguished Senator from New York (Mr. JAVITS), we are willing to forego offering the second amendment in regard to child care which was referred to in last night's agreement. We are willing to do that if the bill can go now directly to third reading.

The PRESIDING OFFICER (Mr. BELLMON). Under the agreement of last evening, the technical amendments may now be offered.

Mr. LONG. Mr. President, I have a number of technical amendments which I send to the desk. They are technical, clerical, perfecting, and conforming amendments, and I ask that they be considered and approved en bloc.

The PRESIDING OFFICER. Without objection, the reading of the technical amendments will be dispensed with and they will be printed in the RECORD at this point.

The text of the amendments is as follows:

On page 89 of the bill, between lines 17 and 18, there should be inserted in linetype the language contained in lines 11 through 22 of the House passed bill.

On page 31, line 11, the close quotation mark should not be linetyped.

On page 134, line 15, delete "organs" and insert "organ".

On page 174, line 13, delete "clause 11" and insert "clause II".

On page 174, line 14, delete "section 1802" and insert "section 1832".

On page 231, line 16, delete "further".

In column II of the table which appears on page 7 of the bill, strike out "197.40" and insert in lieu thereof "179.40".

In column V of the table which appears on page 7 of the bill, strike out "288.00" and insert in lieu thereof "288.70".

On page 24, line 10, strike out "shall".

Beginning on page 29, line 23, strike out all through page 30, line 3.

On page 32, between lines 23 and 24, insert the following:

(i) In the case of any individual who became entitled to a widow's or widower's insurance benefit after attaining age 62 and who is entitled to such benefit for the month of December 1970, the provisions of this section shall not operate to reduce such benefit to less than 82½ percent of the primary insurance amount of the deceased individual on the basis of whose wages and self-employment income such benefit is payable.

On page 32, line 24, strike out "(i)" and insert in lieu thereof "(j)".

On page 89, line 12, insert "so reported, and" immediately after "and".

Beginning with the word "For" on page 271, line 24, strike out all before the period on page 272, line 4, and insert in lieu thereof the following: "The provisions of paragraphs (9)(A), (29), (32), and (33) shall not apply to Christian Science sanatoriums operated, or listed and certified, by the First Church of Christ, Scientist, in Boston, Massachusetts'.

On page 301, line 6, strike our "fourth-quarter" and insert in lieu thereof "four-quarter".

On page 405, line 2, strike out "one);" and insert in lieu thereof "one);.".

On page 406, line 14, strike out "; and".

On line 407, line 6, strike out "; and".

On page 407, line 24, strike out "and".

On page 408, line 2, strike out "and" and insert in lieu thereof "or".

On page 408, line 3, strike out "respectively".

On page 410, line 19, insert "which" immediately after "work".

On line 411, line 20, insert "which" immediately after "work".

On page 416, line 21, strike out "or assistance".

On page 418, line 15, strike out "rsepect" and insert in lieu thereof "respect".

On page 449, lines 17 and 18, strike out "appropriate members of such families and such other individuals" and insert in lieu thereof "each appropriate relative and dependent child receiving aid under the plan and for each appropriate individual (living in the same home as a relative and child receiving such aid) whose needs are taken into account in making the determination under clause (7)".

On page 450, line 6, strike out "organization" and insert in lieu thereof "organizational".

On page 451, line 3, insert "and that" immediately before "any".

On page 463, strike out the matter appearing on lines 5 and 6, and insert in lieu thereof "duty of which shall be to establish uniform reporting and".

On page 465, line 6, insert "of such Act" immediately after "442".

On page 465, line 13, insert "of such Act" immediately after "443".

On page 465, between lines 15 and 16, insert the following:

(13) (A) Section 444 (c)(1) of such Act is amended by striking out "section 402 (a) (15) and section 402 (a) (19) (F)" and inserting in lieu thereof "section 402 (a) (19)".

(B) Section 444 (d) of such Act is amended (i) by striking out "a special work project" and inserting in lieu thereof "public service employment"; (ii) by striking out "project" at the end of the first sentence and inserting in lieu thereof "employment"; and (iii) by striking out "402 (a) (15)" and inserting in lieu thereof "402 (a) (19)".

On page 564, line 16, strike out "(13)" and insert in lieu thereof "(14)".

On page 466, line 8, strike out "(C)" and insert in lieu thereof "(c)".

On page 499, lines 13 and 14, strike out "520(b)(14), 530, and 542" and insert in lieu thereof "520 (b) (14) and 530".

On page 499, line 17, insert "commences after December 31, 1970 and which" immediately after "which".

On page 535, line 13, strike out "432(b)(1)(B)" and insert in lieu thereof "432 (b)(1)".

In the table of contents which appears on page 546 of the bill, strike out, in the matter describing section 520 of the bill, the word "Society" and insert in lieu thereof "Social".

The PRESIDING OFFICER. The question is on agreeing to the technical amendments en bloc.

The technical amendments were agreed to en bloc.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on final passage. Under the unanimous-consent agreement, debate is limited to 1 hour, to be equally divided and controlled, respectively, by the majority leader and the minority leader or their designees.

Who yields time?

Mr. MANSFIELD. Mr. President, I yield control of my time to the Senator from Louisiana (Mr. LONG).

Mr. LONG. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 3 minutes.

Mr. LONG. Mr. President, notwithstanding the disappointment shared by many in this body, including the chairman of the committee, that parts of the committee-reported bill that we would like to see enacted cannot become law in this session of Congress, there yet remains in the bill $7.5 billion in benefits under social security and public welfare programs to beneficiaries, to persons who find it necessary to come to the public welfare program for assistance, and to those persons who desire jobs, job training, and child care, and other opportunities for a better life.

I think, Mr. President, that this is a landmark bill, that it is one of the largest social security-public welfare bills ever passed in the history of this country. In fact, it may very well be the largest bill of its kind in the public welfare and social security areas, perhaps even more significant than the medicare bill, so far as size and the effort to get on with the job of caring for those who depend upon our public welfare and our social security systems are concerned.

So I hope that the Senate will pass this bill. I believe that when we review what remains, we will find that this is a good bill and a credit to the Senate.

Mr. HARRIS. Mr. President, I want to pay a well-deserved tribute to the distinguished Senator from Louisiana (Mr. LONG). He has spent long hours on this bill. In the hearings, he has been eminently fair in every respect, allowing every member of the committee to present his views fully. The work he has done and the motion he made in committee in support of the $100 minimum for social security, which is now a part of the bill, and the efforts he joined in toward raising the benefits by 10 percent, and the other wholesome provisions in the bill, are primarily due to his diligent work and dedicated efforts for the people of this country who are served by the social security, medicare, medicaid, and welfare programs of this country.

I honor him as my chairman of the committee. I believe he is entitled to the highest praise of the Senate for the bill that is now before us and is, I hope, about to be passed.

Mr. LONG. I thank the Senator from Oklahoma. I salute him for the effective work the Senator has done in the committee, as well as here on the Senate floor, in regard to matters in which he was interested. I also believe it is well to point out that the Senators on the committee, the Senator from Georgia (Mr. TALMADGE), the Senator from Utah (Mr. BENNETT), the Senator from Connecticut (Mr. RIBICOFF), and others, all made major contributions to the bill that stands before us. Although there is, of course, a great deal of room for revision and debate on the controversial items, I think the Senate has come forth with an extremely significant bill and one which I believe will do the Senate credit.

Mr. JAVITS. Mr. President, I join other Senators in congratulating the distinguished Senator from Louisiana. It could almost be said in advance that this could not be done. The Senator from Louisiana, in a rare example of subordinating his own feelings and his own deep convictions, got it done. I think he is entitled to all the credit we can give him. Even on the Child Care Corporation on which we differ, I have never said and I do not say now that it is not an ingenious and fresh idea. I can pledge to the Senator, for myself, that I will dig into this matter very carefully. For all I know, we may well end up with exactly that. So that I think the Senator has served the Senate remarkably well, and I would like to join my colleagues in paying tribute to the Senator from Louisiana.

I also join with my colleagues in praise of those colleagues and staff persons of both the executive and legislative branches who worked so hard on the family assistance plan, and particularly of Mitchell Ginsburg, former head of the Human Resources Administration and now dean of Columbia School of Racial Work, who so tirelessly made every effort to obtain passage this year. It is my hope that early and favorable consideration next year will make this year's effort a fulfilled one both for the individual worker and for the poor.

Mr. TALMADGE. Mr. President, I wish to join my colleagues, the Senator from Oklahoma and the Senator from New York, in paying tribute to our distinguished chairman for his work in accomplishing legislative results which will take place momentarily in the passage of one of the most momentous bills which will have passed the Senate since I became a Member of this body.

I think that the amendments we have made to the Social Security Act raising the benefits by 10 percent with a minimum of $100 a month can do a great deal for the needy people of our country. Also the amendments that raise the benefits to our aged, blind, and the totally disabled people will be of tremendous benefit to millions of Americans.

Also a number of amendments in the field of medicare and medicaid will be most beneficial to hundreds of thousands of Americans as well as to the taxpayers of this country.

In the area of welfare reform, the Senate Finance Committee adopted amendments which I offered, that were based primarily upon the Auerbach Report, a government-financed study of the work incentive program. These amendments will at long last bring some real reform into the area of welfare and will offer training and job opportunities to our people to the point that they will have an income and will become taxpayers rather than beneficiaries of welfare.

I, too, want to pay tribute to our ranking minority member, Senator WILLIAMS of Delaware, who has made great contributions. The Senator from Connecticut (Mr. RIBICOFF), the Senator from Wyoming (Mr. HANSEN), the Senator from Iowa (Mr. MILLER), the Senator from Arizona (Mr. FANNIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Mexico (Mr. ANDERSON), the Senator from Tennessee (Mr. GORE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Indiana (Mr. HARTKE), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Virginia (Mr. BYRD), the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), and the Senator from Idaho (Mr. JORDAN) on both sides of the aisle made major contributions to this mammoth piece of legislation.

I think it is a landmark in the history of the Senate.

I congratulate my distinguished chairman and all the members of the Finance Committee who made such valiant contributions.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I ask unanimous consent that I be recognized for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, the legislation that we are about to pass has much in it that is worthwhile.

I must repeat, however, my disappointment that the family assistance program did not come to a vote. I believe the Senate should have been given the opportunity to vote on the merits of this proposal.

I, too, have the highest praise for the chairman and the other members of the Finance Committee for their hard work.

I want to take a few minutes to pay tribute to my legislative assistant, Mr. Taggart Adams, who has worked so closely with me this last year on the Family Assistance Program. He has shown extreme dedication and ability and his efforts certainly make us all realize the value of staff assistance in our work in the Senate.

In my opinion, no Member of the Senate, or anyone in the country, knows more about the Family Assistance Program than Taggart Adams.

I also want to pay tribute to Mr. Mitchell Ginsberg of New York, now Dean of the University of Columbia School of Social Work, who has literally worked himself sick trying to work out the compromises which arose in drafting a workable Family Assistance Program.

One is hard pressed to find anyone who more effectively forges compassion and knowledge into a force for progress. Mitchell Ginsberg deserves the thanks of everyone concerned with alleviating the blight of poverty in the United States.

I think time will show that these two men have been primarily responsible for developing the foundations necessary for the eventual passage of family assistance.

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Special tribute should also be paid to the following members of the Department of HEW: Under Secretary Jack Veneman, Deputy Under Secretary Bob Patricelli, Special Assistant to the Under Secretary Tom Joe, and Deputy Assistant Secretary Howard Cohen.

I am confident that early next year the Senate will have an opportunity to completely consider and debate the Family Assistance Program, and I predict that the Family Assistance Program will be adopted next year. The men I have named must be credited with a large part of this success.

I also point out that, while the Chairman's proposal for a child care corporation was stricken from the bill on the floor today by a narrow vote, it is my opinion that this is a most imaginative proposal. Once it is realized that we are moving beyond old thinking in treating social problems, I believe the Senate will better understand the proposal of the Senator from Louisiana and will adopt it.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PASTORE. Mr. President, I join my colleagues in paying tribute to the members of the committee, particularly to the chairman of the committee who marshalled this bill through to a successful enactment. The Senate bill provides for a 10-percent increase for those on social welfare as against a 5-percent provision by the House.

I would hope that the same kind of ingenuity, the same kind of acumen and energy will be exerted in the conference to have the House go along with the Senate on a 10-percent increase rather than 5 percent.

Mr. LONG. Mr. President, I yield to the Senator from California.

Mr CRANSTON. Mr. President, I join in paying tribute to the chairman of the committee for the remarkable work he and the committee have done.

Let me say first to the chairman that his fairness, tolerance, patience, skill, and good humor all throughout the consideration of this measure have been tremendous. He has won for himself the undying respect of many Senators for his performance on this measure.

May I ask the distinguished chairman a question about section 520 of the pending measure?

In title V of the bill—the so-called WIN amendment—the words "special work projects" are stricken and the words "public service employment" are inserted.

Also, there are a number of other references in section 520 to "public service employment."

I worked very closely with the chairman on this matter and with Senator TALMADGE who offered it in Committee, and Senator RIBICOFF, who also has a great interest in this subject and had prepared a parallel amendment.

I understand that "Operation Mainstream" and "New Careers"—programs authorized in part E of the Economic Opportunity Act of 1964, as amended—would be included within the public service employment intended by the pending measure.

I would like to read very briefly from the Economic Opportunity Act, part E, section 161, a portion of the congressional finding with respect to the Operation Mainstream and New Careers programs.

The Congress found that:

> [These two programs] providing jobs for the unemployed and low-income persons leading to broader career opportunities are uniquely effective; that, in addition to providing persons assisted with jobs, the key to their economic independence, these programs are of advantage to the community at large in that they are directed at community beautification and betterment and the improvement of health, education, welfare, public safety, and other public services;

Am I correct in my assumption that such programs will be included in the concept of public service amendment envisaged by the bill?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I ask unanimous consent that I may have such time as I require.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, the Senator is entirely correct. He will find the committee report emphasizes and underlines what he is saying here, that it is expected that the Secretary would take full advantage of these existing programs in providing public service employment.

Mr. CRANSTON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD part E of sections 161 through 167, the Economic Opportunity Act of 1964, as amended, already referred to.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PART E—SPECIAL WORK AND CAREER DEVELOPMENT PROGRAMS

STATEMENT OF PURPOSE

SEC. 161. The Congress finds that the "Mainstream" program aimed primarily at the chronically unemployed and the "New Careers" program providing jobs for the unemployed and low-income persons leading to broader career opportunities are uniquely effective; that, in addition to providing persons assisted with jobs, the key to their economic independence, these programs are of advantage to the community at large in that they are directed at community beautification and betterment and the improvement of health, education, welfare, public safety, and other public services; and that, while these programs are important and necessary components of comprehensive work and training programs, there is a need to encourage imaginative and innovative use of these programs, to enlarge the authority to operate them, and to increase the resources available for them.

SPECIAL PROGRAMS

SEC. 162. (a) The Director is authorized to provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity. Programs authorized under this section shall include the following:

(1) A special program to be known as "Mainstream" which involves work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable, because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands, the rehabilitation of housing, the improvement of public facilities, and the improvement and expansion of health, education, day care, and recreation services;

(2) A special program to be known as *"New Careers"* which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

(b) The Director is authorized to provide financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

ADMINISTRATIVE REGULATIONS

SEC. 163. The Director shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

SPECIAL CONDITIONS

SEC. 164. (a) The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with the work that would otherwise be performed;

(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

PROGRAM PARTICIPANTS

Sec. 165. (a) Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

(b) Participants must be permanent residents of the United States or of the Trust Territory of the Pacific Islands.

(c) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

EQUITABLE DISTRIBUTION OF ASSISTANCE

Sec. 166. The Director shall establish criteria designed to achieve an equitable distribution of assistance along the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums appropriated or allocated for any fiscal year for programs authorized under this part not more than 12½ per centum shall be used within any one State.

LIMITATIONS ON FEDERAL ASSISTANCE

Sec. 167. Programs assisted under this part shall be subject to the provisions of section 131 of this Act.

Mr. LONG. Mr. President, the Senator from Georgia and the Senator from Connecticut led the fight on this particular provision. The Senator is correct in his interpretation of that section.

Mr. TALMADGE. Mr. President, the amendment was based primarily upon the Auerbach report which was financed with Federal funds. They made their report and neither the Department of HEW nor the Labor Department put their recommendations into effect.

It was the opinion of the Committee on Finance that they ought to be put into effect.

I had offered an amendment making 10 important changes in the work incentive program. The distinguished Senator from Connecticut had offered some amendments along parallel lines. In committee, the Senator from Connecticut very gallantly said:

> I think that Senator Talmadge's amendments are better than mine. I think his amendments should be adopted.

That is what the committee did.

We are hopeful that these amendments will bring some order out of chaos in the WIN program which was adopted by the Senate 3 years ago and never fully implemented.

Mr. President, I ask unanimous consent that my speech of July 20, introducing my amendment, be printed in the Record at this point in my remarks.

My amendment was submitted as an amendment to H.R. 16311, the Family Assistance Act passed by the House. However, when the Finance Committee rejected the Family Assistance Plan, I offered my proposal as an amendment to H.R. 17550, the Social Security Amendments of 1970.

There being no objection, the material was ordered to be printed in the Record, as follows:

SUBMISSION OF AMENDMENT TO H.R. 16311, THE FAMILY ASSISTANCE ACT

AMENDMENT NO. 788

Mr. Talmadge. Mr. President on several previous occasions I have spoken out against certain aspects of H.R. 16311, the administration's Family Assistance Act.

I have expressed doubts about the cost figures given by the administration.

I have expressed grave reservations about the work incentive aspects of the bill.

I have shown the weaknesses of the evidence produced by the "New Jersey experiment," which is the only proof that this administration has presented to show that its family assistance plan will work.

On May 14, I introduced an amendment to change the name of H.R. 16311 from "The Family Assistance Act of 1970" to "The Welfare Expansion Act of 1970." This was done to clarify the true issues involved in the Finance Committee's consideration of this legislation.

Although the administration's bill has been widely touted as welfare reform, the chief characteristic of the bill which passed the House of Representatives is not welfare reform. It is welfare expansion. The most noticeable feature of this legislation is to extend welfare benefits to 15 million additional Americans.

I had hoped that the revised version of H.R. 16311, which the administration recently sent back to the Finance Committee, would make meaningful improvements which would add substance to administration rhetoric. Unfortunately, I have been disappointed.

The purpose of the amendment I offer today is to strengthen the work incentive, job training, and job placement features of the administration bill so that the administration slogan about "workfare rather than welfare" will have an element of truth.

When President Nixon first announced in August 1969 that he would seek major welfare legislation, he selected as his major theme his intention to "turn welfare into workfare." Listening to the kind of publicity given to the President's proposals, you would get the impression that Congress had never turned its attention to the problems involved in making welfare recipients independent.

As my colleagues in the Senate know, this is simply not the case. Eight years ago, Congress passed the Public Welfare Amendments of 1962, which were aimed at preventing or reducing dependency by offering rehabilitative and other social services to welfare recipients and other persons likely to become dependent.

This approach was not sufficient, however, and as the welfare rolls began increasing at an accelerated rate, the Committee on Finance in 1967 designed the work incentive program which subsequently became law. I supported the establishment of the work incentive program at that time, and I still feel that it is good basic legislation.

The Labor Department in administering it, however, has failed to meet the promise of the legislation to lead welfare recipients to useful productive lives.

All too often petty jealousy between the Labor Department and the Department of Health, Education, and Welfare, on the local as well as the national level, has undermined the program's sound intent, and both Departments have generously provided funds to the National Welfare Rights Organization, whose stated goal is to defeat the purposes of the work incentive program.

The result is understandable. Although there are about 10 million people who receive welfare in this country, only about 50,000 are currently enrolled in a work incentive program. Inept administration of the WIN program has made it a dismal failure.

Mr. President, in view of this record of dismal failure, one would think that the administration would have given highest priority to strengthening and reforming job training and job placement programs in any proposed welfare reform bill.

But what does the administration's welfare bill do? It repeals the present program, replacing it with vague provisions allowing the Secretary of Labor to provide any kind of training he may feel like providing to any person registered under the family assistance plan in whatever order of priority he deems appropriate.

Since the bill requires the registration of persons already working full time, the Secretary may decide not to train persons whose sole income is from welfare, but only to take people out of work who are now working and to train them for other jobs. Because the bill would extend what amounts to a military pay raise to 50,000 military families, the Secretary of Labor could decide to provide training only to privates on KP.

The examples I have named may sound ridiculous, Mr. President, but this could happen under the vague language of the President's welfare bill now pending in the Senate Committee on Finance.

The past record of the Department of Labor and the Department of Health, Education, and Welfare in administering the work incentive program convinces me that such ridiculous examples are not beyond the realm of possibility.

On April 29 and 30, and May 1, the Committee on Finance began its hearings on the President's welfare bill. We recessed them after 2½ days, after hearing from former Secretary of Health, Education, and Welfare Robert Finch, because it became clear that the administration knew very little about its bill and its impact.

In fact, today, 2½ months later, the Department is still working on the answers to questions we raised at the end of April about the bill. For example, present law has since July 1969 required States to disregard a portion of earnings in determining need for welfare as a work incentive.

I asked the Secretary on April 29 how many welfare recipients have benefited from these earned income disregard provisions, and to what extent earnings of welfare recipients have increased as a result of this provision. This seemed to me a very basic question in view of the fact the Department was recommending substantial changes in the earned income exemption. I found to my surprise that they had no idea of the answer of this question. To this date they have not submitted the answer to my question of 2½ months ago, and this is but one of many examples.

Mr. President, in a way I am sorry we did not have the chance to interrogate the Secretary of Labor before the hearings were recessed in the beginning of May. For if we had questioned him, I am sure that the Department of Labor would have taken more seriously the committee's directive that the bill be rewritten to provide a meaningful work incentive program.

In looking through the administration's revised bill, I find that they have made no substantive change of note in the work incentivo provisions.

Mr. President, the Labor Department last year contracted with Auerbach Corp. to review and evaluate operations under the work incentive program. That firm conducted onsite visits in 28 cities and reviewed the programs there in depth. The report of the Auerbach Corp. states that:

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"The basic idea of WIN is workable—though some aspects of the legislation require modification."

The Auerbach report details the administrative, and in some cases legislative changes which are needed in the light of experience to improve the sound legislation Congress enacted in 1967.

Unfortunately, the administration has largely ignored the conclusions of the Auerbach report and has gone off in another direction in the legislative proposals it has incorporated in both the original welfare bill and in the administration revision.

Today, Mr. President, I am submitting an amendment to the welfare bill designed to improve the present work incentive program along the lines that experience has shown are necessary. I would like to outline here what my amendment would do.

First, it would mandate coordination between the Departments of Labor and Health, Education, and Welfare on the national, regional and local levels. Today, certain regulations of the Department of Health, Education, and Welfare on the work incentive program conflict with regulations of the Department of Labor. My amendment would require that all regulations on the work incentive program be issued jointly by both agencies, and that they be issued within 6 months of enactment of the bill.

Second, it requires that a joint HEW-Labor committee be set up to assure that forms, reports, and other matters are handled consistently between the two departments. It is imperative that the work incentive program be operated under one set of guidelines, policies, and administrative procedures.

Third, under present law the welfare agency is supposed to prepare an employability plan for each appropriate case and make referrals to the Department of Labor. The Department of Labor is then to prepare an employability plan and place the individual in employment, on-the-job training, institutional training, or public service employment. Problems have arisen in this process.

In some cases, the welfare agency has not referred sufficient numbers of persons, while in other cases they have referred too many persons, without first arranging for the supportive services, such as day care, needed for the welfare recipient to participate in the work incentive program. Due to lack of coordination between the welfare agency and the Labor Department, persons have sometimes been referred who do not match the training or employment opportunities available in the area.

My amendment would solve this problem by requiring the welfare agency to set up a unit with the responsibility of arranging for supportive services so that the welfare recipients may participate in the work incentive program. Furthermore, it would require that the welfare agency and the Labor Department on the local level enter into a joint agreement on an operational plan—that is, the kinds of training they will arrange for, the kinds of job development the Labor Department will undertake, and the kinds of job opportunities both agencies will have to prepare persons for during the period covered by the plan. In addition, both agencies will jointly develop employability plans for individuals, consistent with the overall operational plan, which will assure that individuals will receive the necessary supportive services and preparation for employment without unnecessary waiting.

Fourth, on-the-job training and public service employment have been virtually nonexistent under the work incentive program as administered by the Department of Labor. Instead, that Department has spent most of the work incentive program appropriations on institutional training, which often did not lead to employment, particularly in today's rising unemployment. What is lacking is job development, through utilization of both on-the-job training with private employers, and public service employment.

My amendment would require that 40 percent of the funds spent under the work incentive program appropriation be for on-the-job training and public service employment. If at least this amount is not spent on programs which in effect guarantee placement, it seems to me that we are wasting money if we spend it on institutional training.

Fifth, as an incentive for employers in the private market to hire individuals who are placed in their employment through the work incentive program, my amendment would provide a tax credit equal to 20 percent of the wages and salaries of these individuals. The credit would apply to wages paid to these employees during their first 12 months of employment. The tax credit would be recaptured if the employer terminated the employment of the individual during the first 12 months of his employment or before the end of the following 12 months. This recapture provision would not apply if the employee became disabled or left work voluntarily.

This tax incentive approach is an adaptation of a bill I have introduced previously, S. 3156, the Employment Opportunity Act of 1969. That bill provides for a tax credit for job training and for employees who are hired from a work incentive program.

The tax incentive is a key provision of my amendment. No work incentive or job training program can ever be successful unless we have the full cooperation of private business interests. In many cases, welfare recipients will be very poor employment risks. They will need a great deal of costly training and special consideration before they can achieve full productivity. It is unfair and unrealistic to expect a profit-motivated businessman to undertake this responsibility without some compensation. My tax incentive provision is designed to bridge the gap between a government program and productive employment.

Sixth, my amendment would simplify funding arrangements for public service employment under the work incentive program by providing 100 percent Federal funding for the first year, and a 90-percent Federal sharing of the costs in subsequent years.

Seventh, my amendment would establish clear priority among persons registering for employment and training by requiring the Secretary of Labor to accord priority in the following order:

First. Unemployed fathers;

Second. Dependent children and relatives age 16 and over who are not in school, working, or in training;

Third. Mothers who volunteer for participation;

Fourth. Individuals working full-time who wish to participate; and

Fifth. All other persons.

My amendment would not require persons working full time to register for employment and training, although they could volunteer to upgrade their skills if they wished. Under my amendment, no mother would be required to undergo work and training until every single person who volunteered for work and training was first placed. The evidence shows that there are many more persons who wish to participate voluntarily than the program can reasonably handle in the foreseeable future.

Eighth, my amendment would require, on a State-by-State basis, that at least 15 percent of the registrants for the work incentive program be enrolled in the program each year. If the State falls below this level, Federal matching for State supplementary payments would be reduced.

Ninth, operations under the work incentive program have often failed to meet the objective of the program because too little attention was paid to the actual labor market conditions and requirements in the geographic area. My amendment would require the establishment of local labor-market advisory councils whose function it would be to identify present and future local labor-market needs. The findings of this council would serve as the basis for the work incentive program operational plans on the local level.

Finally, my amendment would specify that appropriations for the work incentive program be allocated among the States in proportion to the number of registrants for employment and training in the States.

Mr. President, my amendment would make basic and fundamental changes in the work incentive provisions of the President's family assistance plan. However, it would not solve all the problems that inherent in H.R. 16311. I know that other members of the Finance Committee have their own ideas as to how to correct some of the deficiencies and the inequities in the administration's revised bill. We will resume hearings on the family assistance plan tomorrow.

I would not care to predict whether the Family Assistance Act will receive the approval of the Finance Committee and the Senate during the current session. I do, however, want to emphasize that I consider my amendment vital, whether we have a family assistance plan this year or in the distant future.

No one is more aware than I that the Government has a responsibility to provide for individuals who are unable to care for themselves—the aged, blind, disabled, and the very young. My legislative record in this session and in past sessions of Congress will show that I have consistently supported and sometimes introduced measures to benefit this group.

However, I feel equally strong that we can never solve the social problems of this Nation by guaranteeing able-bodied individuals a minimum standard of living. The chief thrust of any reform effort must be directed at providing job training and job placement for those individuals who are able and willing to work.

Mr. President, I believe that this amendment will provide a constructive alternative to the very deficient provisions in the welfare bill before the Finance Committee.

Mr. CRANSTON. Mr. President, the Senator from Georgia has been very helpful and tremendously cooperative on this important aspect of the bill. I am most grateful to him.

Mr. TALMADGE. Mr. President, all the members of the committee deserve the praise in this case. My amendments were adopted unanimously. The staff of the Finance Committee as well as my own staff have worked diligently for months on this matter. I offered these amendments hoping to bring some order out of chaos. The Committee on Finance adopted them unanimously without any change whatever.

Mr. RIBICOFF. Mr. President, I confirm the comments of the Senator from Louisiana and the Senator from Georgia. We were disturbed in the Finance Committee over the fact that the WIN program was not successful and was not being utilized. The estimates of the Department of Labor were much lower than should have been the case. The provisions in the bill provide that at least 40 percent of the funds be spent for public service jobs or on job training with some meaning of the interpretation of the definition read by the Senator from California with respect to the concept of public service jobs.

We would hope the Labor Department would really become interested and become involved in public service jobs and

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on-the-job training so there would be meaningful reason to move people out of welfare, and not into dead end jobs.

Mr. CRANSTON. Mr. President, I wish to express my thanks to the Senator from Connecticut for his leadership in this area and open-mindedness and courtesy throughout.

Mr. LONG. Mr. President, I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I join Senators in paying tribute to our distinguished chairman, the Senator from Louisiana (Mr. LONG). He has been very courteous and fair with all members of the committee. He has so conducted himself on the floor of the Senate.

It seems to me I can never recall a case where a chairman has gone to such lengths to complete a bill and waive points in it which he personally desired very much. There were provisions in the bill as reported by the committee in which my distinguished chairman was very much interested. Yet in order that the bill might advance and in order that our social security beneficiaries might have an increase in benefits now, he waived those provisions—not for other provisions in the bill, but because of the threat of floor amendments. I think he is to be commended for that.

I personally wish to thank the chairman for his kindness to me. I also would like to include praise for the distinguished Senator from Delaware (Mr. WILLIAMS) who is retiring. Had the Senate followed the lead of the chairman of the Committee on Finance and the ranking minority member (Mr. WILLIAMS) this matter could have been disposed of days ago and we could have moved nearer completion of our business and restoration of the respect of the country.

Again I wish to pay tribute to our fine staff for their dedicated work, long hours, professional competence and I know they will be called upon for a great deal of intensive and difficult work and long hours as we approach the conference on the bill.

Mr. LONG. Mr. President, I thank the Senator.

I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, I thank the distinguished Senator from Louisiana. I wish to join with other Senators on the committee in extending appreciation and praise to him for the excellent job he has done in managing this very important bill. Like all important pieces of legislation to come before the Senate, there are some things in the bill which we like and there are some things in the bill which we do not like.

To me one of the most serious defects in the bill is the fact that the $100 minimum social security is to be funded out of the social security trust fund. As I pointed out on the floor previously this means that the relatively low-income wage earners who are trying to maintain their families are going to be paying social security taxes to make up for the lack of taxes paid by so many of these recipients of the $100 minimum.

There is no question that many of those $100 minimum recipients need the money, but that money should come from the general fund of the Treasury and not out of the hides of the low-income people who are paying taxes. That causes a very serious minus in the bill.

I am also disappointed that the bill does not contain something covering catastrophic illness, disease, and injury. The Senator from Louisiana offered what I thought was a reasonable approach to this serious problem, one we should have faced up to and taken action on even before action on medicare and medicaid.

As I said in the debate on medicare, I can become more concerned about a man 35 years of age who is taken with multiple sclerosis than with someone who happens to be over 65 who may be a wealthy individual. The Senate has not faced up to that serious problem.

The Senator from Louisiana did his best to meet that situation. I compliment him on his statesmanship in being willing to delete this very important provision in order to get on with the job of the social security bill.

But Mr. President, the most unprecedented and most important feature of the bill is the automatic increase in social security benefits to keep pace with increases in the cost of living.

The Senate will recall that in 1962, we took such action with respect to civil service retirees. That is what gave me the idea to introduce, and I believe it was for the first time, a proposal in 1963 to provide for automatic increases in social security benefits to keep pace with increases in the cost of living. I said at the time I introduced this proposal that if we did that in 1962, for civil service retirees, we should do it for social security beneficiaries. I introduced that proposal again in 1965, in 1967, and in 1969.

Thanks to the attention and the hard work on the part of some of my colleagues and a number of the senior citizens' organizations around the country, this proposal has been increasing in its bipartisanship and support. Last year President Nixon was the first President in the history of this country to recommend such a proposal to Congress. I think it is a great thing that we now have this pretty well locked into law because the House bill does contain the basic elements of the automatic increase provision.

There are a few differences over the financing, but I am sure those can be handled in conference. So, Mr. President, above everything in this bill, I think this is of utmost importance. I have talked to a great many older people, not only in my State, but all around the country, and if there is one priority they want, it is some assurance that if inflation is going to take over and diminish the purchasing power of their benefits, that there would be some automatic way of enabling them to roll with the punch of inflation so they would not be hit with hardship.

It is true that over the years Congress periodically has increased social security benefits so that over a period of years we might say we have caught up to inflation; but the fact remains that during the interim literally billions of dollars have been taken away from social security beneficiaries because of inflation, and these losses have not been covered by Congress when we finally got around to increasing benefits.

In connection with my concern over the $100 minimum, I ask unanimous consent that there be printed in the Record excerpts from my separate views which are printed on page 447 of the committee report.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SEPARATE VIEWS OF MR. MILLER

* * * * *

Second, the increase in the minimum social security benefits from the present $64 per month to $100 per month at an annual cost of $1.5 billion to the social security trust fund is inequitable. Acting impulsively on the simplistic plea that "no one can live on sixty four dollars a month", the Senate last December adopted such an amendment to the Tax Reform Act of 1969. This was quickly disposed of by the House Conferees during the conference on the bill who noted that a large number of the recipients of the social security minimum already receive benefits from one or two other pensions—civil service retirement, state and local retirement, or private corporation retirement; and that state old age assistance payments prevent anyone from having to live on $64 per month. Instead of applying the proposed 10 percent increase in social security benefits across the boards to include the present minimum, which would mean an increase from $64 to $70.40 per month, the bill provides an increase in the minimum to $100—regardless of need—at a cost to the taxpayers of $1.5 billion per year.

Worse yet, this $1.5 billion plus also the amount needed to cover a 10 percent increase in the minimum would be paid for by those paying social security taxes into the social security trust fund. Inasmuch as those who receive the "minimum" have not paid taxes sufficient to cover their benefits, the load is thrown on those who are already paying taxes sufficient to cover their benefits. In short, most of the minimum social security benefits provided by the bill represents welfare—not tax paid insurance. It should, therefore, be paid out of the general fund of the Treasury. Moreover, as welfare, the payments should be made on the basis of need, taking into account other resources of the recipient.

The bill makes no attempt to order our priorities. Instead, it contains all major social security proposals—the 10 percent increase, the increase to $100 in the minimum, and coverage of catastrophic illness and disease. It would seem that the single most urgent action to be taken—one that should have been taken long ago, before medicare and medicaid—is coverage of catastrophic illness and disease. Also, it is only fair to bring social security benefits into line with increases in the cost of living which have occurred since benefits were last increased. It would appear that this would fall somewhere between the 5 percent increase provided by the House and the 10 percent increase provided by the Senate Finance Committee. The increase in the "minimum"—particularly the $1.5 billion needed to go beyond a cost-of-living increase—is inequitable and excessive.

Those who would be paying the bill should know what lies in store for them. The tax base would be raised from $7,800 to $9,000, with the following rate changes:

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TAX RATES ON BOTH EMPLOYER AND EMPLOYEE

[In percent]

Year	Under present law	Under the bill	Under the bill without $100 minimum
1970	4.8		
1971	5.2	5.2	5.1
1972	5.2	5.5	5.4
1973-74	5.65	5.6	5.5
1975	5.65	6.35	6.35
1976-79	5.7	6.35	6.35
1980-85	5.8	7.0	7.0

TAX RATES ON SELF-EMPLOYED PERSONS

1970	6.9		
1971	7.5	7.4	7.3
1972	7.5	7.7	7.6
1973-74	7.65	7.8	7.7
1975	7.65	[1] 8.35	[1] 8.35
1976-79	7.7	[1] 8.35	[1] 8.35
1980-85	7.8	[1] 8.5	[1] 8.5

[1] Additional costs of cash benefits are borne by employer-employee tax revenue because of 7 percent limitation on tax for underwriting cash benefits. Excess over 7 percent is attributable to financing medicare and catastrophic coverage.

Applying these various rates to the "maximum" tax base of $7,800 (under present law) and $9,000 under the bill would result in the following maximum tax:

MAXIMUM TAX ON BOTH EMPLOYER AND EMPLOYEE

Year	Under present law	Under the bill	Under the bill without $100 minimum
1970	$374.40		
1971	405.60	$468.00	$459.00
1972	405.60	495.00	486.00
1973-74	440.70	504.00	495.00
1975	440.70	571.50	571.50
1976-79	444.60	571.50	571.50
1980-85	452.40	630.00	630.00

MAXIMUM TAX ON SELF-EMPLOYED PERSONS

1970	$538.20		
1971	585.00	$666.00	$657.00
1972	585.00	693.00	684.00
1973-74	596.70	702.00	693.00
1975	596.70	751.50	751.50
1976-79	600.60	751.50	751.50
1980-85	608.40	765.00	765.00

Although I believe that most people will be willing to pay increased taxes to assure cost-of-living increases in social security benefits, a reasonable degree of medicare coverage, and coverage under the catastrophic illness and disease program, we have reached the point of a taxpayers' revolt against tax increases which are used to fund low-priority and unnecessary, untimely, or inequitable social security benefits.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. LONG. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the distinguished chairman of the committee.

I think it would be redundant to repeat what has been so beautifully said already about the great job that has been done by our chairman and by the staff.

I do want to take this occasion to note the great contribution that has been made by the distinguished Senator from Delaware, who is retiring by his own choice from the Senate and this committee at this time.

I suspect that I share the feelings that everyone else in the country does over the failure of this Congress to get into welfare reform, but I am not certain at all that some of the proposals that were made would have achieved the objectives that were spelled out by the President of the United States—objectives to which I suspect we could all subscribe.

In this regard, I think the contribution that has been made by our great and loved friend from Delaware (Mr. WILLIAMS) may be significant as the years roll along.

I am especially appreciative of the great job our chairman has done in hearing this matter, in seeing that everyone who had a contribution to make was given an opportunity to have his say.

I hope that as we approach the coming session we will be able to examine more closely and to know better beforehand what would result from some proposals we have had before us before they become the law of the land.

I remember what the distinguished Senator from Connecticut (Mr. RIBICOFF) said some time ago, when he said had he known then what he now knows, he would never have recommended the medicare and medicaid programs that this country now has without their first having been tried out. I say we ought to take this same approach with family assistance.

I thank the distinguished Senator for yielding to me.

Mr. LONG. I thank the distinguished Senator. May I say, in support of what the Senator has said, the distinguished Senator from Delaware brought to the attention of the committee, and also the Senate, a great number of problems that had not been considered when the bill passed the House of Representatives. I am positive that when act on a more comprehensive welfare reform, the deep insight that was evidenced by the Senator from Delaware will reflect itself in our final decision. As he pointed out, while the plan sent to us looked pretty good on paper if one considered only the cash assistance program, if you looked at the other social welfare programs—food stamps, public housing, medicaid, and child care—in terms of a welfare recipient's incentive to work, then a plan had seemed on its face to make good sense did not make much sense at all. It was that contribution from the Senator from Delaware which I think will eventually result in a better bill.

I would like to mention also the arduous and long hours put in by the distinguished senior Senator from New Mexico (Mr. ANDERSON), whose time spent in the committee room I believe was exceeded only by that of the Senator from Delaware and, perhaps that of the chairman. Senator ANDERSON put in a fantastic number of hours working on this bill, and I am sure all the members of the committee appreciate his contributions to it. He is not present at this moment, but I certainly want to mention the fine contributions he made.

I yield to the distinguished Senator from Arizona (Mr. FANNIN).

Mr. FANNIN. Mr. President, I join in the tributes being paid to our distinguished chairman for his fairness, equity, and patience. I concur in the accolades that have been paid to him. I especially want to extend my thanks to him for the consideration he gave me and the many proposals I made, especially on the conservation of jobs in this Nation of ours, his ability to relate to those problems, with the long experience he has had on the committee.

I certainly commend him on the way he handles the committee, keeping everything moving along, being patient, and still stern in his desire and demand that we accomplish our objectives. I, too, commend him for the teamwork he has displayed, working with the distinguished senior Senator from Delaware, who will now be leaving us, which will be a great loss. A very fine person will be taking over as the ranking minority member. We have had the complete cooperation of the Senator from Utah (Mr. BENNETT) throughout the years he has been on the committee.

We have a tremendous task ahead, and our chairman recognizes that. I know he has agreed to have hearings on several subjects in which I am involved and which I think are very important to the future of the Nation. His recognition of the problems has been of great help to us.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. GOODELL. Mr. President, will the Senator yield me a few minutes?

Mr. MANSFIELD. I yield to the Senator from New York.

THE NEED FOR FAMILY ASSISTANCE

Mr. GOODELL. Mr. President, the fictional honorable Senator from South Carolina, Seab Cooley, well summed up in one of Allen Drury's works the problems which we have had with the family assistance plan and social security. He said that—

> What worries me about that office [is that] . . . a man can get to balancing so many things against so many other things that sometimes all he does is balance. He never does really move . . . forward; he's too busy balancing, worrying about what this [one's] going to say or that [one's] going to think. Sometimes you have to go straight ahead and say damn them all. . . .

Indeed, we have balanced. We have balanced so judiciously, so protractedly, so well that we have balanced ourselves—although necessarily so, at this point—right out of the opportunity to pass the most crucial domestic legislation which the President has proposed. In so procrastinating, in so abandoning once again the wretched and the poor, we have confirmed their notion that they are, in Ralph Ellison's term, the "invisible men" of this Nation—those whose needs it is all too easy and costless to consign to the ambiguity of the next Congress, or to oblivion.

There is, Mr. President, a dangerous new phenomenon in this country, a phenomenon which is perpetuated and augmented by our failure to pass the family assistance plan this session. As there was in ancient Rome at the beginnings of its decline, there is here an underclass of, if you will, "proles"—a forgotten class of people to whom few respond, and about whose anxieties fewer still truly care. One sees it in the ghettos in my State—the vacant stare, sometimes the feral stare, of the teenager on the stoop who has dropped out of school, whose family is in dissolution, who has perceived only poverty and passivity all his life—the child and the teenager who has a past which he wishes only to repress, a future he has no motivation to affect. This is the child who becomes addicted to narcotics because he feels the need to withdraw from the only painful world he knows, the child who believes—in a vicious self-fulfilling prophecy—that he will grow up to become nothing, the child who can have no dreams.

As bad as our present welfare crisis is, it will become far, far worse, for this underclass without hope will mature to swell the ranks of the impoverished, to swell the ranks of those who look upon what we see as the comfortable world through windows of despair. They will have children, and their children will have children, in a seemingly never-ending cycle that expands the number of those who are shut out from society as we know it.

Although the President's family assistance plan is inadequate in many respects, it does represent the first step toward meeting that crisis of hopelessness. It is a step toward providing that underclass with the social services requisite to bringing its members to the point that they can begin to be motivated to improve themselves. It is a step toward dignifying and helping the working poor, those yeomen of the American mythology who are now motivated to make it within our free enterprise labor market, and who are suffering for their efforts to meet our ideal and to feed their children.

FAP represents, in short, a beginning toward restoration of the impoverished into the society of those who can dream, those who dare hope, those who will find the strength to risk job training and work. It is a beginning toward a transformation of that underclass into members of society.

It is, then, essential that the next Congress make up its collective mind, for good and all, that we cannot in conscience allow hunger in this land, that we cannot allow 5-year-olds in the ghettoes of Harlem and the hollows of Appalachia to attend miserable schools in clothes so tattered as to leave them exposed to the cold of the elements and the derision of their classmates. An income supplementation bill must be passed in the next Congress, and I pledge—albeit from the sidelines—to do my best to help bring that about.

Our existing welfare system has failed us. It discriminates among the poor, aiding some and ignoring others in a wholly arbitrary fashion. It provides incentives only for idleness, dependence and family breakup. Designed to save money instead of saving people, it tragically ends by doing neither.

The present welfare structure leaves the amount of welfare benefits wholly to the discretion of the States and localities. This has created a crazy patchwork, in which benefit levels range from a high of $70 per month per child in New York City to the shockingly low figure of $10 per month per child in Mississippi. Those States and localities that take their responsibilities seriously are penalized by high welfare costs and growing welfare rolls. Those States and localities that do not, are rewarded by low welfare costs and succeed in exporting their poor.

The principal existing Federal welfare program—known as aid to families with dependent children—is designed only to assist the unemployed mother who heads a family. It penalizes families that are intact. It ignores the working poor—those eight million men, women and children who live in families headed by someone who works all year-round, but does not earn a livable income. These are the families that have accepted American middle-class values, that have tried to follow the vision of Horatio Alger, but have not received their just due.

The President's family assistance plan would for the first time, create a federally established and federally financed minimum welfare assistance level. It thus recognizes the essential principle that a destitute person should be entitled to a nationally prescribed minimum of assistance, no matter where he lives. And it recognizes that only the Federal Government has the fiscal resources to carry the main burden of welfare aid—that States and localities simply lack the resources to provide for their poor.

The President's plan is designed to aid intact families and families of the working poor. It makes a family's need the criterion of assistance. Instead of penalizing those that work, it creates new work incentives.

These are far-reaching reforms. They are reforms of which the President can be justly proud.

I am convinced, however, that still more must be done if we are to create a welfare system that is workable and fair. Welfare reform must build upon the President's proposals; it must, however, go beyond them to create a true system of national income maintenance.

The administration proposal sets the Federal minimum welfare payment at $1,600 per year for a family of four.

This is inadequate.

It is less than all but five of the poorest States are providing under the present State-operated welfare system.

It is less than half of the amount the Social Security Administration defines as the "poverty level"—which is just under $3,800 per year for a family of four.

This $3,755 "poverty level" figure constitutes the barest minimum needed for subsistence. It is calculated on the basis of the Department of Agriculture's economy food plan which according to the Department, is designed only for temporary emergency use, and is not a reasonable measure of the basic money needs for a good diet.

The respected Bureau of Labor Statistics has calculated a substantially higher poverty line figure—a little over $7,183 per year for a family of four. This is a more realistic estimate of the amount actually needed for subsistence.

I believe we can do no less than to set the Federal minimum welfare payment at the $3,744 line. That is not a generous figure. It is barely an adequate one. By going below this amount, there is clear danger of consigning welfare families to malnutrition, inadequate clothing, slum housing—in short, to the most serious poverty and want.

The administration plan covers only families with minor children. Childless couples and single individuals are excluded. Still more incongruous, a couple with a 17-year-old child would lose their benefits the day the child turns 18.

There is no justification for such discrimination among the poor. All persons below the poverty line should be eligible for assistance, regardless of their marital or family status.

The Federal Government should assume the administration of the welfare system and operate it on the pattern of the social security system—with written applications, automatic mailing of payments, and audit or spot checks for enforcement purposes. State welfare agencies should be relieved of their role as welfare policemen, and allowed to perform their proper function of counseling and assisting needy individuals.

The administration bill requires all welfare recipients, save those specifically exempt, to accept "suitable" work whenever available, as determined by the Labor Department.

This is as impractical as it is offensive.

A similar work requirement has been in existence under the work incentive program—WIN—of 1967, and it has been a spectacular failure. Of 600,000 welfare recipients that qualified under this program by last year, only 100,000 were referred for mandatory work or training—and only 30,000, or 5 percent, actually found jobs or training programs.

In a time of rising unemployment, the prospects of success of a mandatory work requirement are still more remote. Laws cannot force people to take jobs, if jobs are not available.

A work requirement is demeaning. If job openings are perceived as being worthwhile in terms of the income and the personal satisfactions they provide, they will be filled voluntarily. If not, then we should be changing the nature of the openings available. Dead-end jobs inevitably result in high turnover, and no legal compulsion can change that fact.

Above all, a work requirement punishes children for the actions of their parents. It means that if the mother refuses to work, the child will receive no aid, will be brought up in the direst poverty, and will ultimately become incapable of working himself.

In January 1968, President Johnson appointed a distinguished President's Commission on Income Maintenance, under the chairmanship of Ben Heineman, president of Chicago's Northwest Industries. That Commission, with the aid of an outstanding staff, reported to President Nixon in November 1969. Its report was headlined in the New York Times, and hailed by virtually every academic expert in the field. Unfortunately, the report appeared after the administration plan had already been made public. As a result, it was shelved by the administration and never introduced in the Congress.

The plan proposed by the Heineman Commission seeks the administration's objectives while meeting the shortcomings of the administration bill.

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The Heineman plan moves toward a minimum income maintenance standard based on the poverty level. It eliminates the categorical structure of the present system, and provides universal coverage of all impoverished persons. It Federalizes the welfare system and abandons the discredited inquisitorial concept of welfare. It provides a work incentive by allowing recipients to retain a part of their earned income, without imposing a harsh and unrealistic work requirement.

The Heineman proposal provides for an annual adjustment of Federal income maintenance levels, designed to reflect the changes in the cost of living. It eliminates the food stamp program—with its demeaning separate food lines at grocery stores—and substitutes the cash needed to buy food. It provides emergency relief for individuals struck by personal disasters and makes special provisions for those who earn seasonally eratic incomes. None of these features are found in the administration bill.

The Heineman Commission recommended that the Federal minimum welfare payment initially set at $2,400 per year for a family of four. This is somewhat less than halfway between the administration's clearly inadequate payment of $1,600 per year and the Social Security Administration's poverty line figure of just below $3,800 per year.

The $2,400 figure is an arbitrary one, arrived by the Commission in recognition of budgetary constraints. The Commission recommended that the Federal minimum payment be increased to the poverty level by 1975.

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It is my belief that any income supplementation plan passed should provide an immediate maintenance level at the poverty line, and should establish as a national objective income maintenance at the Bureau of Labor Statistics' low-cost subsistence line.

It should, moreover, include cost-of-living escalator based upon the annual movement of this country's national median family income, which is currently calculated by the Bureau of the Census. In accordance with the proposal of the distinguished Senator from Iowa (Mr. MILLER), it should incorporate variations pursuant to regional cost-of-living fluctuations, which can be ascertained by the Bureau of Labor Statistics.

It should, finally, incorporate authorization for payments to family units to meet special needs of a unique or nonrecurring nature, which needs are caused by temporary or unusual circumstances that render the unit unable to attain or maintain a decent standard of living from the basic allowance. Those needs should include but not be limited to the cost of clothing and furniture needed to bring the unit up to a decent standard at the time that it or any member thereof first becomes eligible for payments, the costs of replacing losses caused by fire, flood, or other natural disaster, and the costs of meeting special medical, nutritional, or instructional needs which are not provided for under title XIX of the Social Security Act.

In accordance with the incentive suggested by both the Heineman Commission and the President's family assistance plan, a work incentive ought to be provided by a negatively graduated marginal tax rate for all those whose income is below the BLS low-cost level. If such a work incentive is sufficiently negatively graduated—if the tax rate concentrates upon providing a 50-percent incentive to those below the poverty line and provides a steeply decreasing incentive to those above that line but below the BLS line—then the cost of an income supplementation plan similar to that of the Heineman Commission comes out approximately equal to to that of the family assistance plan.

It is essential, moreover, that any income maintenance plan passed provide sufficient day care services so that those recipients who choose to work or to train for a job are not faced with the constraint of a child left alone in the home. That day care should not be simply custodial, of no benefit to the child, but should mandatorialy include an educational component pursuant to the minimum standard of the Federal interagency day care requirements.

CONCLUSION

Karl Jaspers has said that,

> There exists between human beings—because they are human beings—a solidarity through which everyone shares the responsibility for every injustice that is committed in the world. If I do not do all I can to prevent it, I share the guilt.

The decision which we as a Nation will have to make in the next 2 years is whether, under the guise of budgetary constraints, we will accept either no income maintenance legislation at all or an administration bill that is admittedly inadequate to sustain living human beings, or whether we will shoot for the ideal. We have become afraid, in this country, to really care, because to really care has become unfashionable and rather laughable; and also, of course, because to really care would impose upon us the necessity of acting in support of the things we really care for. It is incumbent upon us, nonetheless, to refuse to step back, to be cool, to accept the argument that there is just so much we can do. It is our responsibility, indeed, to care and to shoot for the ideal, to fulfill that sacred obligation of which Jaspers speaks.

Despite the interest group conflicts, notwithstanding the political implications of passage or nonpassage of the family assistance plan, the fact is that there is an underclass of the impoverished in this country, and that we have responsibility not only as legislators, but also as human beings, to do something about it. Let me conclude with the very opposite feelings of a fictional presidential candidate in Eugene Burdick's "The 480":

> We are told constantly, endlessly until we sicken of it, that "things are complicated" . . . Of course things are complicated. We can, if we wish, infatuate ourselves with complexity. We can fondle it in our hands, adore it, dazzle ourselves with it. But, in the end, we must realize that every situation can be reduced to a simple decision: *Do we act or not?* If yes, in what ways?

I trust that in the coming Congress we will get to work early. I commend all those who worked on this complicated legislation, and I trust that next year there will be established the principle of income maintenance, the principle that we are going to take care of the wretched and the poor in this country. I commend to my colleagues that task, because I know they all desire this. It is going to be difficult.

I hope next year my colleagues will not find themselves trying to deal with it in December. If they deal with it in January, by December they should have a final product.

Mr. SCOTT. Mr. President, I yield to the Senator from Tennessee (Mr. BAKER) such time as he may desire.

Mr. BAKER. Mr. President, I shall not unduly delay the Senate. I have a series of questions I would like to put to the distinguished chairman, if I might. I am not a member of the Finance Committee. I have followed the debate and the colloquy with interest during the several days this bill has been under consideration.

I might say, as a preliminary to the first question, that I approve the thrust and the design of the bill, especially as it relates to the automatic benefit increase section. A matter of parenthetical interest to the junior Senator from Tennessee is that this is an item that I have long favored, and in fact espoused 4 years ago when I ran for the Senate.

I put this question to the distinguished chairman: It has been said that the automatic benefit increase provided for in the social security bill could be financed without increasing the contribution rates, provided the benefit and contribution base is increased as wages rise. Why then does the Senate bill provide for increasing both the base and the contribution rate so that each increase would meet one-half of the cost?

Mr. LONG. The committee felt that since this would be a benefit increase to be shared by all categories of beneficiaries, whether of low, middle, or high income, all should share in paying for it, since all would share in the benefits.

In the alternative, if we raised the revenues solely by raising the amount of wages taxed, then those at the upper end of the earnings range would have to pay the entire expenses of the benefit increases, even though workers at lower earning levels would share in the increased benefits.

The committee decided that since the increased benefits would be available throughout the whole spectrum of the income levels, all income levels should pay for at least part of the cost of the increase.

Mr. BAKER. I thank the chairman for that explanation, with which I entirely agree.

I might comment that a good bit has been said, in the course of our consideration of the social security bill, about the progressive nature of certain taxes, especially the graduated Federal income tax, and the so-called regressive nature of certain other taxes, more often than not citing the fixed rate tax applicable to social security.

I would point out, if I may, that the social security tax is progressive in a sense, in that as the rate goes up, there is a tendency to shift the burden to higher income taxpayers, while, in the alternative, if we left the rate at the lower level, it would tend to fix the burden on another group of taxpayers.

So it would appear to me that the combination approach that the committee adopted, and which the chairman has now explained, has all of the attributes of a tax of a progressive nature, rather than a regressive one. I am happy to hear it explained in that way.

A further question: Would not the Senate provision for financing the automatic increases, to a greater extent than the provision passed by the House, delegate authority to the Secretary of HEW, in effect, to levy taxes?

Mr. LONG. The provision the Finance Committee adopted would place upon the Secretary of Health, Education, and Welfare a purely ministerial function. All discretion would be left to Congress. If an increase in benefits was triggered when the cost of living went up by more than 3 percent, the Secretary would simply do the arithmetic necessary to calculate the amount that taxes would have to be increased just enough to pay for the full cost of the increased benefits, no more and no less.

Mr. BAKER. May I then be reassured on the proposition that the most able staff of the Committee on Finance is thoroughly convinced, as the chairman must be, that there is no abrogation of the taxing authority of Congress implied in this discretion given to the HEW Secretary?

Mr. LONG. That is right. All we have done here is give him the responsibility of doing the arithmetic necessary to arrive at the amount of the tax increase.

Mr. BAKER. I ask the Senator further, while I have expressed my wholehearted agreement with the concept of cost-of-living increases as the cost of living goes up, which we hope will not continue indefinitely, might it not also be said that there is no fair way to have cost-of-living increases except by this route?

Mr. LONG. The committee so felt, and that is why this is what the committee recommended.

Mr. BAKER. Mr. President, is not the effect of the bill now pending before the Senate to obligate future Congresses to either reduce taxes or raise benefits more than the cost of living?

Mr. LONG. No more so than under the present law. The committee bill recognizes that Congress may very well stay ahead of the cost of living by passing increases which would make it unnecessary for the automatic increases to go into effect. If the Congress fails to act on benefit increases, then automatic increases would go into effect.

Mr. BAKER. Mr. President, the next question, and the last one, I might add, that I shall put to the distinguished chairman, if he will grant me the additional time and attention, would be this: Under this bill as now presented to the Senate, how high will the rates and the base be in some future year in the medium distant future, say at the end of this century, in the year 2000, when today's young workers will be in their midfifties and beyond? Can the Senator give some speculation on that aspect of the bill's impact?

Mr. LONG. I would have to respond that there is no real way of knowing, because basic and fundamental to the committee provision is the principle that it will be Congress that will continue to determine how much in the way of increases in social security would be justified under a given set of circumstances.

In other words, it would be anticipated that in the future, the Congress would want to continue to increase social security benefits.

If that is the case, we would expect that Congress would vote to pay for the higher benefits. I know it is certainly the view of the majority of the committee at this time, and I would hope future Congresses would take the same attitude, that with respect to the basic social security program, we would always pay for the program with taxes that would be levied. But I cannot say how much benefits will be increased in the future or what the level of taxable earnings will be—that would merely be speculation.

Mr. BAKER. I recall a colloquy the distinguished chairman of the Committee on Finance had on this floor about a year ago, in which he pointed out, and I agreed with him, that the basic social security program can easily be financed out of social security taxes on the base as fixed from time to time, but the real question is whether Congress will use social security as a vehicle by which other social services are delivered, whereupon we may be faced with the problem of deciding whether other sources than the social security tax should be used to finance the cost of their delivery. Is that basically correct?

Mr. LONG. Yes.

Mr. BAKER. Mr. President, I think the committee has done an excellent job on a difficult problem, providing a bill that moves forward in the field of automatic increases in response to requirements of the economy. The need is not predictable for the year 2000, or the year 1972, for that matter, but I think it is worthy of the favorable consideration of the Senate, and I wish, in these closing moments of the debate, to commend the committee and the staff for having done an excellent job.

Mr. LONG. I thank the Senator.

It was my judgment, Mr. President, that the Senate would pass as much of this committee bill as the Senate felt it could agree with, and could bring it to a vote, and that is what we have done. The committee recommended a $10 billion bill, and the Senate is passing a $7.5 billion bill.

Mr. DOLE. Mr. President, will the Senator from Louisiana yield to me?

Mr. MANSFIELD. The Senator has control of the time on that side.

Mr. BAKER. Mr. President, the minority leader yielded me such time as I might require. I do not see him on the floor. I am happy to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I shall take very little time. I had a number of amendments which were not offered because hearings had not been held on them. I should like, very briefly, to discuss at least two amendments and make them a part of the RECORD, so that they might be studied by Members of this body and by others who may be interested.

One of the defects in the present Social Security Act is the fact that there is unequal application of the program to handicapped children under age 18.

Presently, this age group is precluded under aid to permanently and totally disabled. Neither are provisions adequate for benefits for disabled children under the aid to families with dependent children program since eligiblity is based on the economic status of the parent rather than the existence of disability in the child.

Children with severely handicapping conditions require extensive and costly services beyond the means of many families and an excessive financial burden to most. There are the never-ending surgeries, specialists, nurses, braces, orthopedic shoes, wheelchairs, walkers, standing tables, bath tables, hearing aids, glasses, special education, and transportation needs—to mention only some of the extra costs involved.

Also, health insurance is difficult if not impossible to attain to cover these special needs of the seriously disabled child.

Mr. President, this amendment, in the event it may be considered at some future time on some subsequent bill, would further assist many handicapped children to receive the considerable care they require.

I ask unanimous consent that the text of the proposed amendment be printed in the RECORD at this point.

There being no objection, the proposed amendment was ordered to be printed in the RECORD as follows:

Insert on page 499, between lines 17 and 18, the following:

"DISABLED INDIVIDUALS UNDER AGE 18 ELIGIBLE FOR AID UNDER TITLES XIV AND XVI

"SEC. 571. (a) (1) Title XIV of the Social Security Act is amended by striking out, wherever it appears, the phrase 'eighteen years of age and older'.

"(2) Section 1402 (a) (8) of such Act is amended by striking out 'and' at the end of clause (C), by striking out the semicolon at the end of clause (D) and inserting in lieu thereof ', and', and by adding at the end of clause (D), as so amended, the following: '(E) with respect to a disabled individual under eighteen years of age who is claiming aid, the State agency shall also take into consideration the income and resources of such individual's parents, guardian, or other person legally responsible for the support of such individual;'

"(b) (1) Title XVI of such Act is amended by striking out, wherever it appears, the phrase 'are 18 years of age or over and'.

"(2) Section 1602 (a) (14) of such Act is amended by striking out 'and' at the end of subparagraph (C), striking out the semicolon at the end of subparagraph (D) and inserting in lieu thereof ', and', and by adding after subparagraph (D) the following new subparagraph:

" '(E) if such individual is under 18 years of age and is not blind but is disabled, the State agency shall also take into consideration the income and resources of such individual's parents, guardian, or other person legally responsible for the support of such individual;'.

"(c) The amendments made by this section shall be effective July 1, 1971."

Mr. DOLE. Mr. President, another change that has been called to my attention has to do with terminology.

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As Senators may know, last year the President appointed a task force on the physically handicapped. On that task force were many outstanding Americans, and they made many excellent recommendations. I have reviewed the recommendations made by the President's task force on the physically handicapped, and one of the recommendations made by the task force would amend title 5 of the Social Security Act by replacing the term "crippled children" with "handicapped children." According to the study of the task force, the term "crippled child" or "crippled children" as traditionally used in governmental terms is too limited in its meaning and has undesirable connotations, and present day services to crippled children should include far more impairment categories than ever before.

I was advised by HEW that although this amendment might appear to be desirable, they would oppose it if it were offered. Therefore, I chose not to offer the amendment. According to HEW officials, this would require changes by many States in State laws and would perhaps cause some undue hardship at the outset. But it has been studied carefully, and it is the understanding of the Senator from Kansas that it will be given serious consideration at a future time.

Mr. President, I ask unanimous consent to have the proposed amendment printed at this point in the RECORD.

There being no objection, the proposed amendment was ordered to be printed in the RECORD, as follows:

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On page 540, after line 7 insert the following:

"CRIPPLED CHILDREN'S PROGRAM—REDESIGNATED HANDICAPPED CHILDREN'S PROGRAM

"SEC. 614. Title V of the Social Security Act is amended by striking out the word 'crippled' wherever it appears and substituting in lieu thereof 'handicapped'."

Mr. DOLE. Mr. President, I should like to ask the chairman of the committee a question. Under the bill as approved by the Senate, what will be the excess of income over outgo for the social security program as a whole over the next 5 years?

Mr. LONG. Mr. President, I say to the Senator that I regret that I do not have it at this moment, but I can refer him to page 45 of our committee print, of my opening statement, which contained a chart which shows that there will be a surplus of nearly $5 billion over the first 3 years under the original committee bill. I regret that I do not have it available for 5 years. But the surplus will be correspondingly increased for the next 2 years.

Mr. DOLE. Then, the second part of that question: How much would the trust funds have increased at the end of 5 years as compared with increases under the present law?

Mr. LONG. Mr. President, I have submitted this chart elsewhere—it compares income and outgo for 1971, 1972, and 1973 under both bills—but I ask unanimous consent that the chart I hold in my hand be printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

PROGRESS OF THE OLD-AGE AND SURVIVORS INSURANCE, DISABILITY INSURANCE, HOSPITAL INSURANCE, AND CATASTROPHIC INSURANCE TRUST FUNDS, COMBINED, UNDER PRESENT LAW AND UNDER FINANCE COMMITTEE BILL, 1971–73

[Cash basis; in billions of dollars]

Period	Income		Outgo		Net increase in funds		Assets, end of period	
	Present law	Committee bill	Present law	Committee bill	Present law	Committee bill	Present law	Committee bill
Fiscal year 1972	49.0	52.8	43.0	50.5	6.0	2.3	51.0	44.9
Calendar year—								
1971	47.0	49.0	41.7	47.6	5.3	1.3	46.3	42.3
1972	50.0	55.3	44.2	53.3	5.7	1.9	52.0	44.2
1973	56.9	59.7	46.7	56.9	10.2	2.8	62.2	47.0

Mr. LONG. The chart shows that, under present law, the trust fund in fiscal year 1972 would rise to $51 billion, and under the original committee bill it would rise to $44.9 billion. In calendar 1971, under the present law, $46 billion; under the committee bill, $42.3 billion. In calendar 1972, under present law, $52 billion; under the committee bill, $44.2 billion. In calender 1973, under the present law, $62.2 billion; under the committee bill, $47 billion. Of course, there have been certain modifications during floor consideration of the committee bill which would change those figures to some degree.

It was the judgment of the majority on the committee that present law did not adequately balance income and outgo in the next few years—too much money would come in for the benefits being paid—and we thought of this as a surplus, which we regarded to some degree as constituting overfinancing that could be used to pay for further benefits.

Mr. DOLE. Then, in the event that there were automatic benefit increases of 3 percent each year over the next 5 years, there still would be some surplus in the trust fund?

Mr. LONG. The figures I have placed in the RECORD assume no increase in the cost of living. If the cost of living goes up, and benefits go up, the tax that is collected goes up. When the cost of living goes up more than 3 percent, the triggered increases go into effect, and the tax rates go up, as well as the tax base, so that there is just enough additional income to pay for all that. Thus, the amount being accumulated in the fund should remain about the same even if there should be a cost-of-living benefit increase.

Mr. DOLE. I thank the chairman of the committee, and I thank the Senator from Tennessee.

Mr. YARBOROUGH. Mr. President, after a lengthy and thorough debate on the omnibus Social Security Act, H.R. 17550, I am very pleased that we were able in these final hours to save those portions of the bill that will directly benefit the lives of countless numbers of senior citizens who depend on social security and medicare to survive.

The ever-increasing cost of living hits hardest those people in our society who must depend on a fixed income, such as social security, to live. These people, who are trapped by rising prices, are forced to sit helplessly by and watch the purchasing power of their small monthly income dwindle away under the crush of runaway inflation. These older citizens have no one but Congress to turn to for help in these troubled times. The bill that the Senate has been able to agree to shows that we are not going to let these citizens down.

The most significant features of this bill are:

First. The 10-percent increase in social security benefits. Under the Senate version of the bill, the over 26 million beneficiaries of social security will receive a 10-percent increase in benefits. This increase will be effective as of January 1971 and will be paid to the people in April. The bill also sets a new minimum benefit that can be paid of $100. The original House version of H.R. 17550 would have increased social security benefits by only 5 percent and provided a minimum of benefits of $67.20. The Senate version of this bill is a much superior measure and I hope the House will agree to the Senate's amendments.

Second. The increase in the amount a social security beneficiary can earn and still receive his full benefits. The present law sets a ceiling of $1,680 a year on the amount that a retired person can earn and still draw full social security benefits. This unreasonable work limitation has forced many productive and creative citizens into a state of forced idleness. Furthermore, this limitation, which is far below the poverty line, locks many of our older citizens into the low-income bracket with no way of escape. Under this bill, Congress is taking the first step toward remedying this situation by increasing the income limitation from $1,680 to $2,000. I supported an increase to $3,200, which I believe would have been more reasonable. However, this increase included in H.R. 17550 does offer a small measure of relief to our senior citizens who wish to work beyond the age of 65.

Mr. President, I also commend the Senate Finance Committee for including in the bill my amendment to authorize the Secretary of Health, Education, and Welfare to waive, in cases involving small rural hospitals, the requirement that a hospital furnish 24-hour registered professional nursing services in order to participate in the medicare and medicaid programs

Under the present law, a hospital will not be qualified to provide medicare services if it does not maintain a registered professional nurse on duty around the clock 24 hours a day. This requirement has imposed extreme hardships on the small rural hospitals and clinics and the people they serve. Many rural hospitals have been unable to find enough registered nurses who will move to the rural areas to meet this 24-hour require-
benefit of a hospital near their homes.
leaving many of our citizens without the
and clinics have been forced to close,
ment. As a result, many small hospitals

In short, this limitation in the medicare law is having the unfortunate effect of denying many of the citizens of rural America hospital care. My amendment is designed to rectify this unjust situation without lowering the standards for health care.

Under my amendment, a rural hospital could obtain a waiver of the 24-hour registered nurse requirement:

First, the hospital has made, and is continuing to make, a good faith effort to meet the registered nurse requirement, but cannot because of nursing personnel shortage,

Second, the hospital is located in an area where hospital facilities are in short supply, and

Third, the denial of medicare services at such a hospital will seriously limit the availability of hospital care to the people of the area. This amendment is a carefully drawn measure which will provide relief only in cases of true hardship. I am very pleased that the Finance Committee has recognized the urgent need for this provision. It will insure that medicare and medicaid benefits will be available to the people of rural America.

Mr. President, in closing, I wish to commend the distinguished chairman of the Senate Finance Committee, Senator LONG, and the members of his committee for their hard work on this bill and their willingness to work out a compromise so that our senior citizens can benefit from this bill. I urge all of my colleagues to give this bill their full support.

Mr. McGOVERN. Mr. President, last night we spent many hours debating and voting on provisions of the Social Security Act, and expected to complete our business rapidly this morning. In particular a number of us were concerned that certain provisions, which we regarded as restrictive, be dropped from the welfare programs. Senator HARRIS, you will recall, drafted a quick amendment to delete those sections of title V which we believed would impose a hardship on the poor.

At the time our concern was concentrated on deleting those provisions and inadvertently, I failed to notice that another harmful provision was retained. In raising the payments for the aged, the blind, and the disabled to $130 for an individual and $200 for a couple, the Finance Committee had also removed those individuals receiving cash assistance from eligibility for food assistance.

Mr. President, the eligibility standards for food assistance for such aged, blind, and disabled individuals are already that high or higher in 34 States. Five of the remaining States have no food stamp program.

I believe we should not arbitrarily deny food assistance to those who are poor because they are so old, so blind, or so disabled that they are unable to provide for themselves. The parliamentary agreement does not permit another amendment to be considered now. But perhaps this deficiency can be corrected by legislative action next year. In any event, if there is any decrease in the cash allowances as provided by the Senate social security bill, I shall definitely make an all-out effort to add food stamp eligibility for the aged, the blind, and the disabled.

Mr. FANNIN. Mr. President, in the Congress over the past months we have been debating the pros and cons of our foreign trade policy.

To say the least, we have not reached a consensus on the path we should follow.

Consequently, this matter of foreign trade policy will be a subject of vital importance in the 92d Congress. Early in the coming session I will introduce legislation to achieve the goals I will discuss here today.

The trade bill of 1970 will die as of January 3, but the problem of the American job drain is growing daily.

This statement is a continuation of my discussion over the months as to the threat to this Nation of inflation, unemployment, and the loss of the stable dollar.

Our foreign trade policy is very much intertwined with all of these threats to our Nation's future.

At this time I will delve a little deeper into the causes of our foreign trade problems and try to present a better perspective on the dangerous road we are traveling.

What is the economic theory underlying our foreign trade policy?

Theory tells us that in order to supply consumers with the greatest variety and highest quality of goods at the lowest possible prices we must encourage competition from all sources, including imports. Almost any economist can construct a theoretical model of the world economy which demonstrates that under a free trade policy the country as a whole will be better off than under any other system.

Accordingly, any law which restricts the importation of goods runs counter to this theory, and in the world of theoretical economists is, therefore, bad.

Of course, the economist's model assumes complete mobility of the factors of production. This means that when imports increase and as a result a competing domestic producer loses customers and closes his plant in Arizona, his workers are immediately able to find new jobs in a different factory, located perhaps in California. In practice, of course, it may be very difficult for the workers to find new jobs in another locality, even assuming that they are willing to leave their homes, their schools, and their friends to do it.

The economist's model also usually assumes that the plant owner, too, is able to switch his investment from his now defunct plant to a more profitable line of business.

Moreover, some of these plants are located in relatively small communities which will themselves prosper or decline as the plant does. These producers and workers argue that at some point the benefit the consumers receive from imports is outweighed by the damage which is done to them.

Not only are these changes much more difficult in practice than they are assumed to be in theory, but also in practice the domestic producers who compete with imports argue that they are asked to accept a much greater burden than the theory would suppose.

Further, when we experience inflation we must ask our workers and investors to work harder, faster, and more efficiently to keep up with their foreign competitors whose costs are not rising as fast.

When our workers and investors cannot keep up, then we ask them to change their line of work. Most other countries would take care of at least a portion of this problem by adjusting their exchange rate.

Finally, the theoretical model assumes that all trade will be fairly conducted; that a foreign government will not subsidize exports to the United States; and that foreign firms, protected in their home markets, will not dump excess production at disruptively low prices in this country. In practice, however, we know that this is not the case.

Many foreign governments appear to subsidize exports, and dumping appears to be becoming an increasingly serious problem. When these practices are permitted, domestic producers and workers bear an unfair burden.

When the investments and jobs of the domestic producers and workers are threatened, they become insecure and they demand action of some sort from their government. More often than not they are joined by others who merely imagine that they are threatened, or who know they are not, but who hope to profit from whatever action is taken to assist those actually hurt.

THE PROCEDURES FOR REDRESS OF DOMESTIC PRODUCERS' GRIEVANCES

Our foreign trade legislation has represented a compromise between the interests of consumers and importers on the one hand, and domestic producers and workers on the other.

Originally, of course, Congress, which has the constitutional power to lay and collect duties as well as the power to regulate commerce with foreign countries, attempted to act directly on each imported article, periodically hearing testimony from importers and domestic producers, and then setting what it considered to be an equitable tariff.

Direct congressional action on tariffs proved unsatisfactory for a number of reasons. Logrolling produced a multitude of protectionist legislation because in order to get one bill passed a Member must agree to restrict imports of many others. In addition, it was almost impossible to develop accurate information about the various products involved in the bills because a great deal of misleading and conflicting information was distributed by the interested parties.

Direct congressional action on tariffs was also unsatisfactory because it was relatively inflexible. A tariff action might be taken with the needs of the moment in mind, and although the needs might change drastically in the short term, it was not possible to alter the legislation until the next time Congress got around to working on the Tariff Act, frequently a period of 4 to 8 years.

Finally, it also produced violent swings from high tariffs to low tariffs and back again, first in one direction and

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then in another, as leadership of the Congress switched.

All in all, direct congressional action on tariffs was not a very happy experience for either the Congress or the country, and toward the end of the 19th century Congress began to try to avoid direct action by enacting general legislation which an administrative agency was directed to apply to particular cases. Among the first problems Congress attempted to deal with administratively was the problem of foreign export subsidies.

Every tariff act since 1897 has contained a countervailing duty provision which provides in substance that when goods are imported into the United States, the production or exportation of which was encouraged by a subsidy will be imposed. The Secretary of the Treasury is to determine whether the imported goods have been subsidized and, if so, is required to impose the appropriate countervailing duty.

In effect, then, when a Congressman's constituent complains that he is being ruined by subsidized imports, the Congressman should be able to refer him to the Treasury Department, secure in the knowledge that if the constituent's allegations are true, his grievances will be effectively redressed, and if they are not, this fact will be discovered and no action will be necessary.

In fact, however, it appears that the Treasury Department has rarely invoked this provision, and then only after a lengthy process which would have discouraged all but the most determined complainants. By 1923 a leading authority on the subject was able to state that the Treasury had not applied the provision as broadly as Supreme Court decisions indicated it should be. Rather, the Treasury had followed so much of the decisions' as authorized it to do what it wanted, and had disregarded the remainder of the decisions. There is no indication that this has changed.

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The next foreign trade problem which Congress attempted to have settled administratively was dumping. The antidumping Act was enacted in 1921. In substance, it provides for additional duties to be imposed on goods which are sold at a lower price in the United States than in their country or origin, if these sales injure a domestic industry. Under this act the Treasury Department determines whether such sales are causing injury to domestic industry.

In effect, then, Congress enacted a general dumping law so that it would not have to become involved in specific dumping cases. Theoretically, when a constituent comes to a Congressman and complains about dumped imports the Congressman can refer him to the Treasury Department and the Tariff Commission, confident that the problem will be equitably resolved there.

I think it is fair to say, however, that from the domestic producer's standpoint the Antidumping Act has not been well enforced.

Not only is a domestic complainant only rarely successful in an antidumping action, but also it seems to take forever to get his complaint processed through the administrative machinery. The shortest time which elapsed between the filing of the complaint with the Treasury Department and the imposition of dumping duties was 11 months. The longest period was 2 years and 3 months, and the average time elapsed was more than a year and 8 months. This is not the kind of prompt action which is likely to send a complainant home satisfied that he has been fairly treated.

In 1922 Congress again tried to delegate a portion of its import problems to administrative agencies by enacting section 337 of the Tariff Act, which for want of a better name has been called the International Unfair Competition Act. In substance, this act provides a remedy for domestic producers who feel that they are being injured by the unfair methods of competition of foreign producers.

Complaints are to be filed with the Tariff Commission which is to conduct an investigation, and is to report to the President its findings of whether the statute has been violated. If a violation is found, the President may, but is not required to, order that the customs authorities exclude the offending goods from entry into the United States.

The record of actions under this provision is similarly disappointing to Congress and to domestic producers. From 1926 until 1968—a period of 32 years—no affirmative action was taken under this statute. Domestic producers who felt they were injured by the unfair practices of their foreign competitors finally gave up filing compaints because the chances of success were worse than slim—they were nonexistent.

Despite this record of administrative failure to enforce legislation designed to protect the domestic producer, Congress, in the escape clause legislation, again placed the fate of domestic interests in the hands of an administrative agency.

Prior to 1962, the escape clause provided in substance, that if the United States reduces its tariffs in a trade agreement, and as a result imports increase to the point where a domestic industry is seriously injured, then the United States could raise the tariff again. The statute required the Tariff Commission to investigate complaints of domestic producers and left final action up to the President.

Under this arrangement the escape clause was invoked 15 times during the period 1950 to 1961—roughly 1½ times per year.

In the Trade Expansion Act of 1962 Congress enacted a sweeping reorganization of the escape clause procedure. Pre-1962 legislation had provided only for tariff or quota relief, but the 1962 act provides that the President may instead grant trade adjustment assistance—that is, loans, tax relief, and technical assistance to the injured industry—in order to assist the domestic producers and workers to get into another line of endeavor.

The enactment of the trade adjustment provisions of the 1962 act was the most important foreign trade event in decades. If such a remedy could be made effective, and could be made acceptable to the domestic interests which compete with imports, the rewards for the country as a whole would be enormous. The Government could permit the consumer to retain the benefits of low-priced imports without fear that the interests of domestic firms and workers need suffer.

Foreign producers and importers would need not deny in every case that no domestic interest has been injured by imports, because the result of the Commission's injury finding might well be adjustment assistance rather than import restrictions, and the importer would therefore not be affected by the Government action. There would be, of course, some costs to the taxpayer, but these should be far outweighed by gains to consumers.

Despite the fact that adjustment assistance promised to help all and hurt none, the expectations of Congress and the Nation were once again disappointed.

In 27 cases brought to the Tariff Commission between 1962 and 1968, not a single petitioner could obtain a favorable decision. No industry, no firm, and no group of workers received one penny of assistance during this period.

To be sure, the early cases were not the best, and the wording of the statute created problems. But the fact remains that industries, firms, and especially workers, found that in the end no assistance was forthcoming.

Let us now look at the total situation presented by these four statutes designed to protect the domestic producer against injury from imports.

Domestic interests who feel they are injured by foreign subsidies have been told to go to the Treasury Department. But it is clear that the countervailing duty law is not being enforced in any substantial way.

Those injured by dumped imports have been told to go to the Treasury Department and the Tariff Commission, but it takes nearly 2 years to process such a complaint, and relief has been granted only in a few cases during the latest 16-year period.

Those who feel they are injured by unfair methods of competition have been told to go to the Tariff Commission, but only one applicant has gotten relief in the past 34 years.

Finally, those injured as a result of tariff reductions have been told to go to the Tariff Commission, but from 1962 to 1968 no relief was granted to anyone.

Congress in general has wisely refrained from dealing with individual cases. Instead it has established general principles and has delegated the day-to-day application of the acts to administrative agencies or to the executive branch.

But the agencies must enforce these laws if this process is to work. These laws are important escape valves for pressures which are nearly always present.

Frequently, there is no time limit on an agency's consideration of a complaint, and so it literally studies the problem to death. Sometimes the agency adopts an unrealistic interpretation of the statute so that no one can qualify for relief and there is no appeal from the agency decision. Whatever the reason, the result is always the same—no relief. And the result of 20 years of no relief could also have been predicted—the parties who believe they have been injured return to Congress seeking relief directly from the body charged with the constitutional duty to regulate foreign commerce.

When the problem is placed in this perspective, we need not look far for one of the causes of what is sometimes referred to as the current wave of protectionism in the Congress. It is a simple response by representatives of people who have been denied relief by administrative machinery they no longer trust.

The most unfortunate part of it all is that the enforcement of these statutes would have cost the importing community and the country so little. What legitimate importer needs to resort to unfair methods of competition or a foreign subsidy, or dumping practices in order to compete in the U.S. market? Yet, this is all that is prohibited by three of the laws discussed here.

These are not protectionist laws—they merely regulate unfair practices—yet the failure to enforce them can produce protectionist legislation. If relief is not available through the relatively flexible laws applied by the administrative agencies, Congress and domestic interests may well feel they have no alternative but to enact rigid protectionist legislation.

Looking to the future, I believe that those who favor a liberal trade policy should learn from this experience. In the future we should work to strengthen the administrative machinery for granting relief from import competition in appropriate cases.

In the next session of Congress, I will introduce legislation to put our foreign trade regulatory laws on the same basis as those that regulate domestic trade.

Administrative authority would be placed in one jurisdiction, with power to make findings and direct that dumping and countervailing duties be imposed where justified.

Further, the regulatory agency would have authority to effectively enjoin unfair methods of competition by excluding imports as provided in section 337 of the Tariff Act, and to recommend mandatory action under the Trade Expansion Act of 1962.

To make the administrative procedures responsive and to eliminate uncertainties, a time limit will be placed by the legislation upon the regulatory body for decision. And for fairness, judicial review is provided for both negative and affirmative decisions.

In addition, I intend to offer legislation to broaden and strengthen section 801 of the Revenue Act of 1916, 15 U.S.C. 72, which was copied in part from the Sherman Act of 1916, 2 years after passage of the Clayton Act, and apparently was intended to be a part of the antitrust laws condemning as it does price discrimination injurious to competition and providing a criminal sanction as well as civil redress. The Antidumping Act of 1921 suffers from several defects, and if not corrected, section 801 of the Revenue Act of 1916 would provide an effective remedy against the unfair trade practice of dumping.

The proposed legislation would in no way impede or restrict legitimate imports nor provide protection to any domestic industry against legitimate competition, or deprive any foreign industry of any fair competitive advantage which it might otherwise have. The results of the bill merely foreclose to the foreign supplier any unfair advantage which he might derive from a subsidy, price cutting or other activities which have been recognized as unfair trade practices in the country for many years and which have been universally condemned.

The U.S. unfair trade practice laws prohibit domestic producers from certain unfair competitive conduct. The proposed bill would do no more than impose a similar prohibition against such unfair practices when they are engaged in by foreign competitors.

We should keep in mind that the alternative to strong enforcement of the laws designed to protect domestic interests will not be freer trade; it will be a much more rigid and cruder form of restriction which will be imposed through other channels. In short, strict enforcement of these laws is not only consistent with a liberal trade policy, it is essential to it.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LONG. I yield back the remainder of my time.

Mr. BAKER. Mr. President, I have nothing further in this respect at this time. I observe, however, that the distinguished minority leader and assistant minority leader are not in the Chamber at this time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I yield back the remaining time on this side.

The PRESIDING OFFICER. All remaining time has been yielded back.

The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Michigan (Mr. HART) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Texas (Mr. TOWER), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 81, nays 0, as follows:

[No. 455 Leg.]

YEAS—81

Aiken
Allen
Allott
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Ellender
Ervin
Fannin
Fulbright
Goodell
Gravel
Griffin
Gurney
Hansen
Harris
Hartke
Holland
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—19

Anderson
Burdick
Dodd
Dominick
Eagleton
Eastland
Fong
Goldwater
Gore
Hart
Hatfield
Hollings
Inouye
McCarthy
Montoya
Mundt
Russell
Tower
Williams, Del.

So the bill (H.R. 17550) was passed.

Mr. LONG. Mr. President, I ask unanimous consent that the bill H.R. 17550 be printed with the amendment of the Senate numbered, and that in the engrossment of the amendments of the Senate to the bill the Secretary of the Senate be authorized to make all necessary technical and clerical changes and corrections, including corrections in section, subsection, and so forth, designations, and cross references thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. BELLMON) appointed by Mr. LONG, Mr. TALMADGE, Mr. RIBICOFF, Mr. WILLIAMS of Delaware, and Mr. BENNETT conferees on the part of the Senate.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I move that the Senate proceed to the consideration of the conference report on the Department of Transportation appropriations bill.

The PRESIDING OFFICER (Mr. BELLMON). The report will be stated by title.

The assistant legislative clerk read as follows:

> A report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to and the Senate resumed the consideration of the conference report.

Mr. STENNIS. Mr. President, a point of order. The Senate is not in order. It is impossible to hear. This is a most important matter.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BIBLE. Mr. President, the motion, as I understand it, is not debatable. The pending business is the adoption or rejection of the conference report.

The PRESIDING OFFICER. The Senator is correct.

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Mr. BIBLE. Mr. President, I shall be very brief. We have heard much about the transportation bill and even more about the SST portion of it. I was privileged to be chairman of the Senate conferees and, although many unkind things may have been said at the time something was being worked out, about me and others, I felt that I did my duty as I saw it. I was very proud of the conference report that we brought back. I would only say this, that actually the amount involved for the SST in the bill that came to us was $290 million. The Senate, it is true, by a vote of 52 to 41, rejected the House allowance for the SST. So we were then in conference on that item. I will leave out the other items in conference, as we are all very well aware that this is the only problem in this whole area.

We had a conference. We did the best we could under the circumstances. We found the House to be extremely unyielding, and the final result was that we came up with a figure of $210 million. This is not a compromise between zero and $290 million. It is the difference between $105 million, which was provided by the continuing resolution plus the $105 million that we had added and the $80 million or $90 million additional that the House had wanted, a difference of $80 million.

We brought that back thinking this was the best solution we could reach. We urged its adoption. Since that time there has been considerable discussion pro and con about this particular SST item.

I make no apologies for my own actions in this matter. I did the best I could to try to resolve it.

We had seven conferees. Five of the seven signed the transportation appropriations bill conference report with the exception of the SST item. Two refused to sign on that item. So we had a total of five of the seven signing the conference report including the SST provision.

I am not going to talk at length. The majority leader has laid out his plans with his customary fairness and has indicated exactly what he proposes to do.

I am perfectly willing to go back to conference again and see if we can better our position. I thought I read the House loud and clear. I thought the message came back loud and clear, namely, that the attitude of our counterparts in the House is unyielding and very adamant.

Obviously, with just the next few days remaining to the end of the year, whether we like it or not, we must complete our labors. Something must be done. We are not going to yield in any event on funds for the Coast Guard for a period of time or for the Air Traffic Control people for a period of time or for any of the many other items. We are going to go back and ask for a further conference. We are going to go back and attempt to see if we can work something out.

I am not optimistic. We have worked on this matter long and hard in constant conferences and have talked with our counterparts on the House side.

I indicated that my impression was that there was an unyielding attitude on the part of the House conferees. I think what I say is true. So this leaves us with very few options remaining at this particular stage.

There were attempts for cloture on two different occasions. Both attempts failed, as the record shows. As people know, they did not get a bare majority, for whatever reasons, and they were varied. To get cloture, it would take a switch of some 16 votes in the last cloture vote, assuming that the same number of people participated. There did not seem to be a practical solution to the problem. Some have traditionally opposed cloture. I think that in the final analysis they would have voted for cloture if it looked as if there were a possibility of breaking this impasse by doing so.

That looked to be an impossible method of working out the problem. So we are now back with the conference report once again.

I mention that the majority leader plans to make a motion to table. Although I will do so reluctantly, it is my intention to vote to support the motion to table so that it can result in a further conference with the hope, dim as it seems and dim as I think it is, that out of the next conference there may come some daylight. It is pretty dark now.

I think the only option left is a continuing resolution.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, will the Presiding Officer clear the well so that we can hear?

Mr. SCOTT. Mr. President, I had said earlier that I thought I would vote against a motion to table. I know what the Senator has in mind. I believe it will expedite the whole proceedings if we can table the conference report. I will therefore vote to table.

Mr. CASE. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. CASE. Mr. President, I thank the chairman of the subcommittee for yielding. I want to say that, disagreeing with him in regard to the SST, nevertheless I fully appreciate his feelings about following the leadership that the Senator from Montana is about to demonstrate.

I think that as a result of this whole proceeding what we will find out is that the Senate has acted in a way that is far superior to the archaic and crippling and hampering rules that the Senate has permitted itself to be encased in over the years. I look for a good solution as a result of the whole business.

I think that this will represent not an example of the Senate having stultified itself, but of the Senate having reached above what normally might be expected under its hampering rules.

Mr. BIBLE. Mr. President, I appreciate the optimistic outlook of the Senator from New Jersey. I share that optimism as we go into the new year.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. STENNIS. Mr. President, in view of the circumstances and wanting to expedite this bill if possible, I am going to vote for the motion to table, although I believe that we have a report here that meets with the approval of a majority of the Senate by a respectable margin. The good faith of everyone is certainly evident. I regret exceedingly that we have not gotten to a vote on this matter.

If we can come back with a report, I hope we might be able to vote on that. I hope that all Senators will put their shoulders to the wheel and let us get a vote of some kind before the expiration of this Congress. I hope that we will give this matter our greatest effort. Let us vote on the matter up or down, one way or the other.

Mr. BIBLE. I might say to the distinguished Senator from Mississippi that that is what I suggested the first time I spoke on this matter. I said I was willing to vote on the matter that day, tomorrow, or the next day. I am still trying to figure out ways to get to a vote.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. BIBLE. I yield.

Mr. COTTON. I find myself in a little bit of a quandary. I understand the distinguished Senator who is in charge of the bill is willing to vote to table, even though he feels the result obtained by the conferees is satisfactory. I can understand the reasons.

I am a little worried, however, when I hear the distinguished minority leader and the distinguished Senator from Mississippi say they are going to vote to table. If we vote today to table and if because of the anxiety and understandable reasons the vote is overwhelming, I hope the House is not going to be deceived by that vote and think a strong vote to table indicates a stronger opposition to the SST in the Senate than there is.

I would dislike casting a vote to table which might be interpreted as meaning

I am not for continuing the SST, because I am.

Mr. BIBLE. I understand what the Senator has said and there are many other Senators who feel the same way. But we are faced with this dilemma. I do not think the House will misinterpret what we do here. They usually understand why we do what we do.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. BIBLE. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I have just become aware as I came into the Chamber of the action that was just announced to me by the distinguished chairman of the committee. I want to say he has done a magnificent job not only during the conference and since, but with the bill itself.

I would like to remind Senators of a few things that are in the bill, including mass transportation, FAA, personnel to man the towers, money to buy navigational equipment, and funds to install and operate the equipment for air navigation. If we have to go to the continuing resolution the amount for mass transportation will drop from $600 million a year to $150 million a year. In addition, there are funds in the bill for highways, railway safety funds, railroad research funds. There has been too much talk about one thing without enough emphasis on the others.

Now, just a word about the situation in which we find ourselves. I direct my remarks to the distinguished Senator from New Hampshire. I know the Senator from Nevada tried to get a vote on this matter and I have been anxious to vote on it also.

Therefore, since we have been told, I assume, by the majority leader that he is going to move to table, this presents us each with a dilemma.

The chairman stated his position. I do not ask anyone to vote in any way, except I underscore the fact that those who vote to table may be only taking a chance that perhaps there will be something to come out of the conference. But I wish to say frankly, as the Senator from Colorado, who has taken an interest in this whole area during his term in the Senate, as a matter of principle I feel I must vote against the motion to table although I respect the reasons it is made. Perhaps in the long run it may be good, but I could not vote for it.

Mr. BIBLE. Mr. President, I understand the Senator's position. I hope in the long run something is accomplished. We have only 4 days remaining.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BIBLE. I yield to the Senator from Rhode Island

Mr. PASTORE. Mr. President, I suppose we have reached the point where we have to do something. I compliment the majority leader for trying to take affirmative action, but if I am to be realistic and truthful with my conscience, to me this represents an exercise in futility.

I voted against the SST. I refused to sign the conference report insofar as it pertained to the SST.

I have dealt with men all my life. I have been in public life for 35 years and I have been a Member of the Senate for 20 years. Beyond count are the many conferences I have gone to, and I have never known of a time when we hit a stone wall as we did in the last conference. So we are going to go back in again to bang our heads against the same stone wall.

There are those who say that we stayed there too short a time. I do not know how long we must stay there. I would hope the Senate would send somebody else in my place, someone who thinks he would be more effective than I have tried to be. It was an impossible task. Some of our conferees were in favor of the SST, but they did carry the conviction of the Senate to that conference. As much as I was disappointed in the result, it was the only alternative we could accept at the time.

Now we are going to go back again. If someone would tell me how long we are supposed to stay there and take that abuse before we come back and say we did an honest and creditable job, I would like to know. That is what we are confronted with. If anyone says we did not do an honest and creditable job he just is not telling the truth. We labored and we labored hard and we came back with what we thought was the best solution even though it did not satisfy me.

I know how certain people feel. I said I was going to vote against the conference report if it came up for a vote because I do not believe we should continue the SST any longer, but there are those who disagree with me.

If anyone thinks that when we go back to that conference that the House is going to eat crow, I do not see it. We are all grown up and mature enough to know that does not happen.

I know the majority leader is going to do something, and I will go along with him. But I repeat that I wish you would choose someone in my place.

Mr. BIBLE. Mr. President, I appreciate the position of the Senator from Rhode Island. The Senator does not have to make apologies for his actions.

Mr. MANSFIELD. May I say that no Senator need make any apology. Unfortunately, we are faced with a situation which must be concluded in some way or another in a 5-day period. I do not question the motives of any Senator, whether he is for or against the SST, because I daresay if I were on the other side I would be just as enthusiastic and determined in my advocacy of that which I do not favor at the present time. So I hope we do not convey the idea that anyone is suspect. I am sure we all recognize there are only a certain number of procedures the leadership can follow to bring this matter to a head.

It appears to me the vote to table the conference report will be almost unanimous. As far as I am concerned I would just as soon have a standing vote or a voice vote because it will not be indicative, if what I hear is correct, of the real feelings of the Senate, but perhaps the following results will.

I yield now to the distinguished Senator from Washington.

Mr. MAGNUSON. Mr. President, I, too, have been in many conferences on many bills. When the Senate's position dollarwise on a certain bill is one amount and the House position is another amount, that is the reason why we have conferences. That is why this legislative body provided for conferences. If both sides would always be adamant in their positions, then we would never get a money bill passed at all. A conference is to compromise differences in the bill.

We got the House to come down to $80 million. We were talking about a money figure for the SST. This was an honest conference. I have no apologies about being a conferee. I have said many times I did not start the SST. President Kennedy started the SST, and the Senator from Colorado and I have been working on it for a long, long time, in the cause of American technological superiority, which America is rapidly losing, and I do not like to see it. It happened after fierce competition that about 50 percent of the contract will be completed in the State of Washington, but I did not know that at the beginning. To repeat, it was an honest conference. The Senator from Nevada and I and others on the Appropriations Committee heard scores of witnesses. Senators who hear the witnesses have to be on the conference, Senators who know something about the subject.

I point out that the mass transit program is also involved in the bill; so is the Coast Guard. So are other items that conferees know something about. This is what a conference is all about. One side cannot be adamant in their position; particularly, when we are dealing with money.

So I have no apologies to make for what we did. I think this is the only way a bill could have been obtained. If both Houses were going to insist on a certain position moneywise on any appropriation bill, we would never get a bill passed. That is what a conference is all about.

As the Senator from Mississippi (Mr. STENNIS) pointed out, this was practically split down the middle. Was it not?

Mr STENNIS. Yes.

Mr. MAGNUSON. So I do not think there is anything wrong with it.

I am going to join the Senator from Montana in his motion to table. Apparently the Senate wants to go back and sit down in a second conference. We can do that. We cannot instruct the conferees on continuing resolutions, because that is not part of this conference. Money bills are money bills.

So I am going to join in the motion to table although I do it only as a procedural matter, not as a reflection on my view of the substantive issue. I hope we do not have to have rollcalls on it, because I think the sense of the Senate is established here.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Washington (Mr. JACKSON).

Mr. JACKSON. Mr. President, I shall be very brief. I address myself to the Senate in connection with the proposed motion of the Senator from Montana to table the conference report.

First, I want to say that, in my judgment, the conferees have done the best

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possible job they could do under the circumstances. We know that from the fact that the Senators who were opposed to the SST and who served on the conference committee have said so. I think the statement of the able senior Senator from Rhode Island (Mr. Pastore) speaks for itself. You do not have to stay day after day to understand what the House conferees mean when they say "No."

Knowing the Senators who participated in the conference, I think anyone who is objective about this matter can honestly say, can only say, that the conferees on the Senate side came to the conclusion that there was no other alternative.

I want to compliment particularly the acting chairman of the subcommittee, the senior Senator from Nevada, for all of his efforts in connection with the conference.

The situation now before the Senate is that we have 5 days before this Congress expires. Everything expires at noon on January 3d unless it has been passed by both Houses and sent to the White House. These are the facts of life. These departments and these programs have to continue.

I might point out that the Senate followed this procedure last night, I believe at the suggestion of the majority leader, when the Senate voted to table the Department of Defense conference report, sending the conferees back to conference. We are following the same procedure in connection with the pending measure.

The matter before the Senate, in light of the circumstances we find ourselves in, is, as I have said, purely a procedural matter. The conference report must be tabled or voted down as a condition precedent to sending it back to conference for further action. Those are the rules of the Senate. It is that simple.

The opinion has been expressed on this floor that this matter should go back to conference and should be discussed again. Whether that hope or wish will ever come to pass and whether something will come of it, I am doubtful. But I do think that the majority leader has no other alternative nor does the minority leader, under the circumstances, but to arrange for another conference.

Mr. President, I am going to join in the motion to table for purely procedural reasons, to make it possible to go back and see what can come out of conference. Time is running out, and on January 3d, if we do not act responsibly, the Senate will present to the country the worst possible spectacle that we have ever had to face in the Congress of the United States. When the new Congress the 92d Congress, comes into being at 12:01 on Sunday, the House will take at least a week or 2 weeks to organize. The House will not even be able to consider a continuing resolution or legislation until they have organized.

Mr. President, I also understand that an amendment will be offered to rule XXII right after the morning prayer when the Senate convenes in the 92d Congress. If that is so, of course, we will be in an extended debate for a month. This means that none of the programs in the DOT appropriations bill will be funded. None of the employees will be paid. All transportation programs will stop. The airlines and railroads will not operate.

In light of those facts, Mr. President, which the majority leader and the minority leader are aware of, what other course is there but to make another try? If we do not, we will demonstrate to the country the archaic structure of the Senate and the House when a new Congress convenes.

I, therefore, hope that another effort can be made. I hope something will come of it. We have, however, been on notice, and I think it has been expressed very well by the Senator from Rhode Island, the Senator from Mississippi, and the Senator from Colorado, of the adamnant attitude of the House conferees.

Therefore, under the circumstances, Mr. President, I shall vote for the procedural motion in order that the matter will go back to conference for another try.

Mr. MAGNUSON. Mr. President, will the Senator yield me half a minute?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. Of course, one of the other problems that the conference will face is the fact that we now have a conference report that a majority of the Senate would approve, if allowed to vote. This is a very difficult situation. A majority of the Senate, if allowed to vote, would approve of this conference report. So we are going to have to meet that problem when they ask us that, because there are other important items contained in the bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 85) authorizing the printing of additional copies of Senate hearings on U.S. Security Agreements and Commitments Abroad.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1181) to provide for potato and tomato promotion programs.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1626) to regulate the practice of psychology in the District of Columbia.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 10482) to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 10874) to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes.

The message also announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes; that the House insisted on the amendments of the House to the amendments of the Senate numbered 14, 26, 31, 49, and 53 to the bill and agreed to the further conference asked by the Senate, and that Mr. Mahon, Mr. Sikes, Mr. Whitten, Mr. Andrews of Alabama, Mr. Flood, Mr. Slack, Mr. Addabbo, Mr. Rhodes, Mr. Davis of Wisconsin, Mr. Wyman, Mr. Cederberg, and Mr. Bow were appointed managers on the part of the House at the further conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 322. An act to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes;

H.R. 6562. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes; and

H.R. 19790. An act relating to the income tax treatment of certain sales of real property by a corporation.

The message informed the Senate that the Clerk of the House had been directed to return the bill (H.R. 14984) to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142, 359–363, and for other purposes, with all accompanying papers, to the Senate, in compliance with a request of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. Allen):

H.R. 10517. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes;

H.R. 13493. An act to change the name of certain projects for navigation and other purposes on the Arkansas River;

H.R. 13810. An act for the relief of Lt. Col. Robert L. Poehlein;

H.R. 16745. An act to limit, in the case of certain special service vessels, the application of the duties imposed on equipments and repair parts purchased for, and repairs made to, U.S. vessels in foreign countries;

H.R. 19342. An act to establish and develop the Chesapeake & Ohio Canal National Historical Park, and for other purposes; and

H.R. 19928. An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Finance:

H.R. 322. An act to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure

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the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes;

H.R. 6562. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes; and

H.R. 19790. An act relating to the income tax treatment of certain sales of real property by a corporation.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. MANSFIELD. Mr. President, I move to lay on the table the pending business, the conference report on the Department of Transportation appropriations.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

Mr. BIBLE. Mr. President, the motion to lay on the table the conference report has obviously been agreed to. I now move that the Senate insist on its amendments and ask for a further conference with the House of Representatives thereon.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I wish to offer an instruction.

I move that the Senate conferees be instructed as follows: To maintain the level of appropriations for the Department of Transportation for fiscal year 1971 at the exact level prescribed in the conference report on H.R. 17755 submitted to the Senate on December 16, 1970, with the exception of those funds contained therein for the supersonic transport, upon which the Senate shall further insist on its amendment thereto, and the conferees are authorized to accept the funding for a period to extend not beyond March 30, 1971, at a level not to exceed the rate of $290 million per annum for that period of 3 months or less.

The PRESIDING OFFICER. The clerk will state the instruction.

The assistant legislative clerk read as follows:

> I move that the Senate conferees be instructed as follows: To maintain the level of appropriations for the Department of Transportation for fiscal year 1971 at the exact level prescribed in the conference report on H.R. 17755 submitted to the Senate on December 16, 1970, with the exception of those funds contained therein for the supersonic transport, upon which the Senate shall further insist on its amendment thereto, and the conferees are authorized to accept the funding for a period to extend not beyond March 30, 1971, at a level not to exceed the rate of $290 million per annum for that period of 3 months or less.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, I merely wish to say that this question of the continuing resolution providing for the level of funding provided in the conference report will run into stiff opposition from the House conferees. They have said that if there was a continuing resolution with respect to the Defense appropriation it would be at last year's appropriation level, and not at the level provided in this year's bill. If we wind up with a continuing resolution on the Transportation bill we would have some serious problems in funding new programs.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Montana yield for a parliamentary inquiry?

Mr. MANSFIELD. Yes, indeed.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. JACKSON. The inquiry relates to that part of the purported instruction as it applies to a continuing resolution. I should like to inquire of the Chair whether that is in fact an instruction, or is it merely a statement of opinion or a hope or wish of the Senate?

The PRESIDING OFFICER. The Chair is informed that there is nothing in the instruction that has anything to do with a continuing resolution. It is rather a proposal as to what should be brought out on the difference between the two Houses.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Does a shutting off of the funds as of March 31 constitute an area within which the conferees can negotiate?

The PRESIDING OFFICER. The Chair is informed that the bill would normally run until June 30, but if they cannot agree on that conclusion, this could be the alternative.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, will the Chair speak much louder, so we can overcome the resistance?

The PRESIDING OFFICER (Mr. BELLMON). The Chair will state again that bills normally run until June 30, but if it is impossible for the conferees to reach an agreement on that date, then they would have to reach the best compromise they could.

Mr. PASTORE. May I resume my parliamentary inquiry? Are not both Houses agreed that the date should be June 30, by the effect of the bill? Is the date negotiable? Are we not both in agreement that the date should be June 30?

The PRESIDING OFFICER. The Chair informs the Senator that the only thing that can be negotiated is the differences in the bill as passed by the two Houses.

Mr. PASTORE. The differences on the money, or the differences on dates? The dates are the same.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Just a moment. The Chair would state to the Senator from Rhode Island that the only thing before the conference will be the Senate amendments which the two Houses have not been able to agree upon, and the date could be one of those differences.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. Is the purported instruction within the scope of the conference? The date of June 30, 1971, has been agreed upon by both Houses. There is no dispute between the House of Representatives position and the Senate position on that.

The PRESIDING OFFICER. The Chair is informed that if the conferees can accomplish this kind of a settlement within the disagreement, it is within their jurisdiction.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. Mr. President, the Senator from Mississippi has raised a question, I believe.

Mr. STENNIS. I just did not hear the last part of the Chair's announcement. If there was no agreement as to time, and what was the rest of the statement?

The PRESIDING OFFICER. The Chair is informed that if there was no amendment in the conference with regard to the date, then they would not have the jurisdiction to consider that aspect.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, on the second page of the resolution, the language beginning on line 2, "With the exception of the funding for the supersonic transport, which shall be continued at the level of $290 million"——

The PRESIDING OFFICER. Will the Senator suspend? I believe he is reading the wrong language.

Mr. PROXMIRE. I beg the Chair's pardon. The resolution is as stated on the mimeographed page, rather than the printed version?

Mr. MANSFIELD. The Senator is correct.

Mr. PROXMIRE. Fine; then I have no further question.

Mr. MAGNUSON. Mr. President, I send to the desk a substitute for the proposed instruction.

The PRESIDING OFFICER. The substitute motion will be stated.

The assistant legislative clerk read as follows:

> I move that the conferees be instructed to insist that the differences between the two Houses on H.R. 17755 be reported in disagreement.

Mr. MAGNUSON. Mr. President, the only purpose of this motion is to set the stage for the House and the Senate to consider and adopt a continuing resolution to fund Department of Transportation appropriations until March 30, 1971.

I realize that the matter of a continuing resolution is not a part of a conference, and any motion here to instruct the conferees to go back and insist on a

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continuing resolution would be subject to a point of order.

The continuing resolution also would have to originate in the House of Representatives, if it is to be sustained. So if we are going to have a continuing resolution—and I hope we will not need one—it really sets the stage so that the House of Representatives and the Senate could consider the adoption of a continuing resolution, we want some legis- but the House has to originate it.

My only purpose is that if we have to go—and I hope we will not—to a continuing resolution, we want some legislative history on it over here. That is my only purpose. We have done this many times. Simply sending a conference report back in disagreement does not change the things we have talked about here today at all.

Mr. ALLOTT. Mr. President, will the Senator yield? I wonder if we could have his motion read again.

Mr. MAGNUSON. Yes. I hope the Chair will read louder.

The PRESIDING OFFICER. The clerk will restate the amendment.

The assistant legislative clerk read as follows:

> In lieu of the language proposed by Mr. Mansfield, insert the following:
>
> Mr. President, I move that the conferees be instructed to insist that the differences between the two Houses on H.R. 17755 be reported in disagreement.

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Mr. PROXMIRE. Mr. President, as I understand it, the effect of the Magnuson substitute, if it passes, would be that there would be no indication on the part of the Senate with respect to the disposition of this matter. The conferees would simply go back to conference and then discuss and come up with whatever they thought was a proper solution.

If I understood the purpose of the majority leader, it was to find out whether there was a majority opinion in the Senate as to how this might be agreed on—not that it would have any binding effect necessarily on the conferees. Perhaps it would have, in terms of instructions; but, at any rate, an opinion would be expressed on the basis of a vote in the Senate. If the Magnuson motion should be accepted as a substitute, then it is my understanding that there would not be any opinion expressed one way or the other. The conferees then would go back. Would it then be the opinion of the Senator from Washington that then they would report to the Senate and then to the House on the disagreement on the SST and we would have an up and down vote on that? .

Mr. MAGNUSON. We would have to consider that before they probably agree to a continuing resolution. It sets the stage, and believe me we probably will need a continuing resolution. The stage would be set for a continuing resolution to start in the House. My amendment simply would indicate that the Senate cannot agree and realistically the House should start to consider a continuing resolution. The Senate is in disagreement with the House. The opponents will not let us vote on the conference report. We are in disagreement.

Mr. PROXMIRE. It was my understanding that the purpose of the majority leader in offering his resolution was to find out if there was a majority opinion in the Senate for settling this matter in a way that would not result in further delay in handling the transportation appropriation bill.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MAGNUSON. This does not affect that at all.

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. As I understood the purpose of the motion of the majority leader, if it were adopted, it would be to disassociate, at least until March, the SST from the remainder of the Department of Transportation appropriation, so that in March there could be an up and down vote on the SST by itself.

In other words, it is perfectly obvious that what has been going on is that the SST proponents are trying to use the interest of all of us in passing the Department of Transportation appropriation to force us to take the SST.

I thought the majority leader's move was designed to allow the Senate to vote on it separately with the transportation appropriation continuing through June, the usual time; but in March we would have an opportunity once again to vote on the merits of the SST, disassociated from the Department of Transportation appropriation.

Mr. PROXMIRE. I have heard that that kind of motion might be offered later by one of the Senators from Washington, but I do not think that is what the senior Senator from Washington is offering now.

Mr. FULBRIGHT. I know that the senior Senator from Washington does not want it disassociated.

Mr. MAGNUSON. Of course, I do not want it disassociated.

Mr. FULBRIGHT. The proponents want the Department of Transportation appropriation to carry the SST, whether we like it or not. That is obviously the purpose.

I am asking a question for the purpose of clarification. Is the effect of the majority leader's motion to give us another chance to express our views on the SST by itself, disassociated from the very many important programs involved in the Department of Transportation appropriation? Is that not the purpose?

Mr. PROXMIRE. I think that is one of the most significant aspects.

Mr. FULBRIGHT. It is the most important.

Mr. PROXMIRE. There are other aspects of the Mansfield proposal that concern me and which would make it very difficult to support this proposal. The separation of the SST funding from the DOT funding by setting an earlier date for expiration of SST funding is the only element of this Mansfield package I support.

Mr. FULBRIGHT. The only incentive in it whatever would be that we would have another opportunity to vote on the SST without it being piggy-backed, so to speak, on the Department of Transportation appropriation bill. Is that the Senator from Wisconsin's understanding of the majority leader's motion?

Mr. PROXMIRE. That is correct. It provides in my view, too much money. It provides too late a date. There are many other objections.

The point that the Senator from Arkansas is making is the central point—that is, that there would be a separate vote next year, sometime in March, strictly on funding the supersonic transport.

Mr. FULBRIGHT. Or before.

Mr. PROXMIRE. Or before; on the SST by itself.

Mr. FULBRIGHT. That is correct.

Mr. PROXMIRE. Not the SST and the Department of Transportation appropriation bill together.

Mr. FULBRIGHT. That is correct.

Mr. PROXMIRE. This would mean that we would not have to hold up any longer funds for the highways, for the airports, and other funds. They would go through the entire fiscal year.

Mr. MAGNUSON. Mr. President——

Mr. FULBRIGHT. Would the Senator allow someone else to have a say? He has had his say.

Mr. MAGNUSON. No; I have not.

Mr. FULBRIGHT. The Senator has had more to say than anyone else.

Would not the effect of the Senator from Washington's motion be to nullify the disassociation which would result from the majority leader's motion?

Mr. PROXMIRE. I am not sure what the senior Senator from Washington has offered. As I understand it, what he is asking us to do is to send the conference report back to the conferees without instructions, except that they should give the House and the Senate an opportunity to vote on those items in disagreement.

I ask the Senator from Washington whether that is his intention.

Mr. MAGNUSON. The instructions are that the Senate disagrees and the House disagrees, and that is the purpose of a conference—to set the stage for a continuing resolution in case we get to the bitter end and there is no appropriation.

I do not know whether we are going to have a new DOT appropriation bill on March 30. Early next year, the House will have to consider further appropriation action if we cannot get a vote on this conference report.

Mr. PROXMIRE. The Senator knows the answer to that.

Mr. MAGNUSON. If all this is in a continuing resolution, if we come to that conclusion, until March 30, then we would have to have either a supplemental, a further continuing resolution or a new DOT appropriation bill for fiscal year 1971 to continue the Department of Transportation.

I do not want to see them fouled up in the end, regardless of my deep interest in the SST. Too much is at stake.

This is the normal action that allows continued spending, if that is the last resort, so-called continuing resolution. We had to do this last year, the Senator will recall, with the HEW bill. We put it over until March or something like that, finally. It was pending at the end of the first session because of President Nixon's threatened and eventual veto.

Mr. PROXMIRE. Is not the effect of the substitute of the Senator from Washington simply to tell the conferees that they should go back into conference and then report to us on the matters in disagreement? Is that correct?

Mr. MAGNUSON. The real effect is that if they get to a point where we need a continuing resolution, the resolution would continue the funds for the entire Department of Transportation until March 30. I cannot make it any clearer. We are, in essence, asking the House conferees to seek a continuing resolution of the existing deadlock.

Mr. PROXMIRE. I see. Then, the Senator from Arkansas was correct in his interpretation.

Mr. MAGNUSON. I did not say that he was not correct.

Mr. PROXMIRE. It is my view that the Senator from Arkansas is correct, that is the Senator from Washington's substitute would put the SST and all the other DOT appropriation items together in a single package next year, so once a year the SST would be kept afloat by the need for the rest of the Department of Transportation appropriations.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, the distinguished Senator from Washington has said that this is a normal procedure. Perhaps it is a normal procedure. But these are very abnormal times, and I think that probably by resorting to normal procedures for too long now, we find ourselves in this crisis.

If ever I have seen an example of what might be described as "pusillanimous pusseyfooting," this is really it. We are not biting the bullet. We are not making a decision. We are procrastinating. We are delaying and using the same sort of tactics that we have used for months and months and months on this issue so that, in part, Senators would not have to vote on this issue before an election and, therefore, answer to the people.

If we do not have payment for the Coast Guard, if we do not have payment for the air controllers, and if mass transportation funds stop and highway funds stop, let no one misunderstand why the delay was created. It was created months ago, and if we enact this substitute amendment now, we will be using the same kind of tactics.

The time to bite the bullet is now. To be or not to be. You cannot build half an SST or seven-eighths of an SST. The Senate of the United States said "no SST," and we said "none now."

The majority leader has presented a resolution which I find exceedingly generous to the proponents of the SST—another lease on life, another delay. I find it objectionable in many respects, but at least he is trying to bring us to a decision so that we can vote this up or down early next year. I hope the substitute of the Senator from Washington will be decisively put down. I intend to support the tabling motion.

Mr. MAGNUSON. Let us bite the bullet on both.

Mr. MANSFIELD. Mr. President, I have been discussing the possibility with the distinguished chairman of the Subcommittee on Transportation appropriations, the Senator from Mississippi (Mr. STENNIS) and, with his approval, would the distinguished Senator from Wisconsin (Mr. PROXMIRE) be willing to serve on the conference which will result, because of what the Senate will do here this afternoon?

Mr. PROXMIRE. I shall be happy to do whatever the majority leader asks me to do in this connection. I very much appreciate that.

Mr. MANSFIELD. It was a suggestion made by the Senator from Mississippi (Mr. STENNIS). I think, now that——

Mr. PROXMIRE. I would hope, however—it is none of the business of this Senator, and it is presumptuous of me to say this, but I would hope this would not mean that the Senator from Rhode Island (Mr. PASTORE) would be displaced.

Mr. MANSFIELD. No; of course not.

Mr. PASTORE. Send anyone who will bite the bullet. [Laughter.]

Mr. STENNIS. Mr. President, I call for the regular order.

The PRESIDING OFFICER (Mr. BELLMON). The Senate will be in order.

Mr. MANSFIELD. This is in addition. So that I hope a Republican will be included to compensate for the appointment of the distinguished Senator from Wisconsin (Mr. PROXMIRE).

I would anticipate, without question, that the distinguished Senator from Rhode Island (Mr. PASTORE) would stay on that committee and set his feet in cement.

Mr. YOUNG of North Dakota. I hope that the Senator from Montana is not considering me for that post.

Mr. STENNIS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. STENNIS. Mr. President, we will be very glad to have the Senator from Wisconsin for a conferee [laughter] with the Senator from Wisconsin we would have eight. That could wind up in a number of tie votes perhaps. It just occurs to me that we might need two or three more——

Mr. CASE. The majority leader has just suggested that we have one from each side, and we are prepared to do that.

Mr. STENNIS. I did not yield to the Senator from New Jersey.

Mr. CASE. I thought the Senator wanted the question answered. The majority leader has answered it. He has suggested a Republican and a Democrat, if I may say so to the Senator from Mississippi.

Mr. STENNIS. I understand that suggestion. I had already suggested that we should have two. If we are going to have one additional, that is all right. I am glad the majority leader made that suggestion.

Mr. MANSFIELD. Let me say to the Senate that this is a suggestion of the Senator from Mississippi (Mr. STENNIS) in the first place.

Mr. STENNIS. Mr. President, may I mention the next name, then? The next one on the minority side is the Senator from Kansas. So I hope that——

The PRESIDING OFFICER (Mr. BELLMON). The Chair would advise the Senate that the conferees cannot be appointed until the Senate resolves the problem now before it.

Mr. MANSFIELD. We were just anticipating, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

Mr. PROXMIRE. Mr. President, before we act on that motion, I would like to speak briefly, to say that I did have an amendment to the majority leader's proposal which I intended to press. That amendment would have stricken the $290 million annual rate, and would have provided that the SST be funded at a $184 million annual rate. That is the rate at which it is being funded now, $184 million. It is $100 million above the rate which was appropriated for 1970, which is only $84 million—$85 million.

I also wanted to offer an amendment which, at the same time, would make the date February 15 instead of March 31. It seems to me that 3 months is a very long time and it is not necessary to take that long. I bring up this point and would like Senators to know that those—I have discussed this with other Senators too—who oppose the SST feel that the Mansfield proposal is going very far in providing that the SST would be funded for 3 months, and providing it to be funded for above the current funding rate.

In the event that the amendment of the Senator from Washington should prevail, may I ask a parliamentary question? Mr. President, would the amendment then be subject to further amendment if the Magnuson amendment should prevail?

The PRESIDING OFFICER (Mr. GRAVEL). If the Magnuson amendment is agreed to, it would not be open to further amendment.

Mr. PROXMIRE. Then it must be amended at this point; is that correct?

Mr. MANSFIELD. Mr. President, if the Senator will yield, I send to the desk an addition to the proposal which I made earlier.

The PRESIDING OFFICER. The addition to the proposal will be stated.

The legislative clerk read as follows:

> The Senator from Montana modifies his motion by adding at the end thereof the paragraph, number two, failing to agree to report back the amendment on the SST as an amendment in disagreement.

Mr. GRIFFIN. Mr. President, would the clerk read again the proposed motion of the Senator from Washington on which we are about to vote?

Mr. BIBLE. Mr. President, may we have order? It is difficult to figure a way to get out of this parliamentary maze.

The PRESIDING OFFICER. The Senate will please be in order. The clerk will re-read the Magnuson proposition.

The LEGISLATIVE CLERK. The Senator from Washington (Mr. MAGNUSON) moves that the conferees be instructed to insist that the differences between the two Houses on H.R. 17755 be reported in disagreement.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state it.

Mr. GRIFFIN. That language seems to say that the conferees are instructed

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to report the amendments in disagreement, precluding the opportunity of the conferees from meeting or from reaching an agreement.

The PRESIDING OFFICER (Mr. GRAVEL). It depends on what you are trying to accomplish. They can be instructed in anything that is in conference.

Mr. GRIFFIN. The junior Senator from Michigan seems to understand that language as instructing the conferees to report back in disagreement.

The PRESIDING OFFICER. It should be understood that even if the conferees are so instructed, they are not absolutely bound by those instructions.

Mr. GRIFFIN. Then I shall vote against the motion of the distinguished Senator from Washington, because it seems to me it tells the conferees that they cannot even meet and negotiate.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. ALLOTT. I should like to propose a parliamentary inquiry, that I am not sure what the effect of the amendment of the Senator from Washington to the amendment of the original motion of the majority leader is. I am somewhat of the opinion—I thought that the effect of the amendment of the Senator from Washington was merely to set the stage for a continuing resolution. However, if the effect of that is an instruction to the effect that the conferees shall even concur but shall report back in disagreement, I may misunderstand the situation, but where is all this brave talk about biting the bullet? We are not biting anything. We are just going into a conference. We are just going into a conference and the conferees have been instructed that they are not to do anything. Maybe there is something in the legerdemain of the rules of the Senate that I do not comprehend, so that I wish that the Chair, if he can, would expand on the question that the assistant minority leader asked, because it leaves the rest of us in the same quandary. If it simply sets the stage for a continuing resolution in the event the conferees cannot agree, then I would be wholeheartedly in favor of it, but I am not particularly enthusiastic about going in there with instructions to sit there and just say, "I disagree. I disagree. I disagree. I will come back," because we might as well keep the bill here and decide what we are going to do here.

The PRESIDING OFFICER (Mr. GRAVEL). As the Chair understands the Senator from Colorado's statement, it would require a policy statement from the Chair rather than a parliamentary response.

Mr. ALLOTT. I am sorry, I cannot hear the Chair.

Mr. BIBLE. Mr. President, may we have order, please? It is so hard to hear what is going on.

The PRESIDING OFFICER. The Chair will clear the Chamber of all who are not Senators if we do not have order in the Chamber.

Mr. MURPHY. Mr. President, it is difficult to hear anything back here. I submit that there were five people between the Senator from California and the Chair. I was listening diligently to hear the explanation requested by the Senator from Colorado. I am quite as confused as he is. It is getting to be almost a Gilbert and Sullivan plot. I think it is time we begin to unravel it and get down to cases.

The PRESIDING OFFICER. The Chair thinks the statement of the Senator from California is well taken. There is a great deal of confusion at this point.

The Senator from Colorado is addressing to the Chair a policy question and not a parliamentary inquiry. Therefore the Chair cannot answer the inquiry.

Mr. ALLOTT. Mr. President, I do not conceive that this is a policy question. I have inquired of the Chair specifically whether the effect of the amendment by the Senator from Washington is to set the stage or whether it actually tells the Senate conferees to go to conference and disagree and come back without any action whatever under any circumstances. Is that what the amendment does?

The PRESIDING OFFICER. The language is clear in that respect. As the Chair stated earlier, the conferees are not bound simply by the language.

Mr. STENNIS. Mr. President, the Senate voted almost unanimously to table the conference report. This means another conference. We have had an understanding here that two more Senators would be added as conferees.

I think in the spirit of the Senate, with all due deference to everyone, that at this stage there ought not to be any instructions of any kind.

I would like to see the proposal of the Senator from Washington defeated and the proposal of the Senator from Montana either withdrawn or defeated.

I really think that if it has to be done later, I would not object to instructing them. But I believe that it would put us in a much better condition with the House conferees rather than having an instruction like this. With all deference to the Senator from Montana—and I regard him greatly and appreciate him as much as anyone—this is not an instruction. This is an ultimatum. It says:

> We are going through something we call a conference, but it is not a conference, because on every item in that bill, you must agree. It is just like the conference report is now, except with respect to one matter. On that one matter, you must do so and so.

That is an ultimatum to the House.

If we still call it a conference, it says that we have to confer but they have to do what we say. That is an ultimatum to the conferees.

I do not object to that if it becomes necessary. But if we go back into another conference, let us obey the spirit of what we have done by tabling and appointing additional conferees. Those Senators may bring some fine suggestions with them. But with this hung around the necks of the conferees as an insult to the House, we will be backing into trouble and will not only be here beyond the term, but will also be here to judgment day trying to make them change their minds.

Mr. President, I yield the floor.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Mr. President, if the motion of the Senator from Washington is adopted, will the conference report be subject to further debate?

The PRESIDING OFFICER. After the conference report returns to the Chamber, it will be subject to further debate.

Mr. FULBRIGHT. Mr. President, I mean today.

As I understand it, the motion of the Senator from Washington is a substitute for the motion of the majority leader.

The PRESIDING OFFICER. If the amendment is agreed to, there would be no further amendments, but it would not shut off debate. Of course, the Senate could continue to discuss the conference report before the conferees are appointed.

Mr. JACKSON. Mr. President, will the Senator yield for a parliamentary inquiry to help clarify the matter?

Mr. FULBRIGHT. Mr. President, I am trying to clarify the matter. I will appreciate the assistance of the Senator from Washington.

Mr. JACKSON. Mr. President, is it not a fact that the conference report has been tabled?

The PRESIDING OFFICER. The Senator is correct.

Mr. JACKSON. And the only matter pending is a motion to instruct the conferees, with the pending substitute to that motion.

The PRESIDING OFFICER. There is one amendment in disagreement which has not been disposed of.

Mr. JACKSON. But all of this is subject, of course, to debate.

The PRESIDING OFFICER. The Senator is correct. Until the conferees have been named, the debate can continue.

Mr. FULBRIGHT. Mr. President, with all deference to the Senator from Washington, his description of this as being an ordinary, normal and usual procedure comes as a great surprise to me. I do not recall any particular procedure quite like this, and I have only been here for 26 years.

Mr. MAGNUSON. Mr. President, I have been here for 26½ years. So we are even.

Mr. FULBRIGHT. Mr. President, it is not quite that long. There is only a difference of 2 weeks.

I come back to my original point. The Senator from Washington carried the principal load on this question of the SST. It seems to me that the central point which I thought the Senator from Montana was seeking was to give the Senate an opportunity one more time, because of the highly controversial nature of this issue, to vote again. I have no objection to that.

I would welcome an opportunity for the Senate to vote on the SST alone, standing on its own merits. If the Senate really wishes to approve the SST by itself, without its being dragged along by all of these other questions, I would certainly accept it. I would not try to stall or delay the matter.

I think the Senator from Wisconsin, after the vote on and the history of this legislation, is certainly entitled—and I

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think I am also—to see the Senate vote up or down on the SST.

This is not just $290 million that we are voting for. We are really voting for $2 billion or $3 billion. We do not know how much. When we think of the traditional overruns that occur in this area, we are not voting for $290 million. We do not know how much we are voting for. It has been guessed as being anywhere from $1 billion to $3 billion or $4 billion. We must consider our recent experiences with the C-5A and the F-111's that we have been reading about recently. Regarding the F-111, the senior Senator from Arkansas has reminded us about that unfelicitous affair. It is naturally and undoubtedly going to be a very large amount, considering inflation. It would not necessarily be caused by mismanagement.

This is a major decision. I think the Senate is entitled to vote on the question without this device of trying to keep this SST as a piggyback on the Department of Transportation. It is not correct or fair to the Senate.

This is what I object to as a matter of policy. I would not be disposed to delay a vote on it if it was separated.

I thought the objective of the Senator from Montana was to do that, although it would delay the question for 3 months. I share the difficulty of the Senator from Colorado. I am not clear what effect the motion of the Senator from Washington or the Senator from Montana would have on the SST. Would it displace it? Would it have the effect of keeping these two married together so that the Senate cannot once again vote on the SST by itself? I am not clear about it.

Mr. CASE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CASE. Mr. President, that question is the heart of the issue before the Senate. It has been answered by the highest authority in this area at this moment, the Senator from Washington. His purpose is to tie them irrevocably together and prevent a separate vote on the SST. And that is the effect it will have. It will have the effect of voting to support his motion. He has said so himself.

Mr. FULBRIGHT. Mr. President, as distinguished a Senator as the Senator from Colorado a moment ago was in doubt about this. He has been paying special attention to this. I think if we are going to vote, every Senator ought to have an opportunity to understand what the vote is on. I do not think this is just a normal, simple thing we always do or something we do very often. In the long run this involves a Senate authorization of an enormous program involving $1, $2, or $3 billion. I do not think the Senate wishes to approve such an authorization.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PERCY. Mr. President, I wish to point out it involves not only that but it involves even more. This is the biggest single symbol the country has today ahead of it of whether we are going to put first things first and rectify our priorities, and whether we are going to solve the real problems that exist here and now, or some illusionary problem of prestige, or whatever it is, in moving a relatively few people someplace around the world to save a few hours a year.

I believe that is not a problem that the country feels we should address ourselves to and put billions of dollars into, a matter which the banks and the airlines have refused to put their own money into. Those are important issues.

If this matter were left to a referendum of the American people it would be overwhelmingly defeated, and the proponents of the SST know that. In fact, it would be overwhelmingly defeated in this Chamber if it were a separate issue. But now, by the suggestion of the majority leader, he is saying, "Let us continue this at the highest rate at which we have been spending; not the present rate but the highest rate: not at the conference report rate but at a higher rate, and then let us have a vote up or down and then have a new Congress decide."

Why should we push ourselves to bury this matter in another bill now when in a few days we will be a new Congress, and then the House and the Senate can decide what we will do on this issue? But to now force us to this position where we have to vote on this conference report because we are going to have payless paydays, in my judgment I would sooner face payless paydays and then everyone will know who brought those payless paydays about.

Mr. FULBRIGHT. I agree that much more is involved. The Senator has made that argument most persuasively.

What bothers me now is that a number of Senators who were not in the Chamber when this unusual situation arose would not completely appreciate it, because Senators with long experience have heard every word of this debate and are not clear as to the significance of this situation.

It would be a great shame if we had to vote under those circumstances on a matter that involves, as the Senator said, far greater questions than just the amount. It involves our sense of values and the recognition of the need in other areas of Federal spending.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PROXMIRE. Mr. President, the Senator from Arkansas inquired from the Chair if the Magnuson substitute prevailed whether or not it would be debatable. I have checked with the Parliamentarian and he said it would be debatable.

I understood the whole purpose of the Senator from Montana was in response to the situation, in recognition of the statement made a few days and by the Senator from Rhode Island, and that the Senate had to move one way or the other and that we should not delay this matter.

I say this with great regret, but if the Senator from Washington's amendment should prevail we would be placed in the position where it would be very difficult for us to accept the situation and go ahead and permit the vote on this matter. We have fought, bled, and died to prevent a vote on the conference report. Because such a vote would be grossly unfair to those who oppose the SST. It would mean Senators who strongly oppose the SST would be constrained to vote for the conference report to continue funding the Nation's great transportation programs.

In the same way, if the amendment of the Senator from Washington should prevail we are back in a position where we feel—I feel and other Senators feel—we would have to continue to discuss this matter.

The Senator from Montana proposed a compromise that goes much more than halfway, as the Senator from Illinois has pointed out. It keeps the SST alive, it gives it more money, and it extends it much farther than it should. We cannot go farther.

In addition to this, if the amendment of the Senator fom Washington should prevail and the SST is buttoned into the Department of Transportation bill so that in the future the only way we can stop the SST is to stop the entire amount for the Department of Transportation, we have no alternative in good conscience with the people we represent but to keep talking. I say that with great regret but I do not see any alternative.

Mr. MANSFIELD. Talking when?

Mr. PROXMIRE. There is not much time left but we might if we were forced to confront something like the pending conference report to talk at length.

Mr. MANSFIELD. If this is going to turn into another talkathon——

Mr. PROXMIRE. No, no, no.

Mr. MANSFIELD. They would have to move to table the pending amendment.

Mr. PROXMIRE. I wish to say to the Senator I am talking about after the vote on the proposal of the Senator from Washington. I have no intention to delay that vote, but if that prevails I would have to consider the possibility of further talk with great regret.

Mr. FULBRIGHT. Mr. President, in view of the difficulty of understanding the parliamentary situation, I think it is much wiser to debate the matter to try to get as much understanding as we can before we vote on the amendment of the Senator from Washington.

I believe that this body, having already voted on this matter, is forced to have what is equivalent to another vote on the SST in order to get out of this dilemma. I understand that if we did not have to vote on this proposal, but could vote on the Senator from Montana's instructions the SST would be given new life for 3 months. It would be as near as we could get under the present parliamentary situation to another vote up or down on the SST.

So I had assumed if we could vote on the Senator from Montana's motion it would be the nearest thing under the circumstances we could get as a further expression of the Senate on the SST. If I am not correct about that I would like to be corrected. On the other hand if we vote on the proposal of the Senator

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from Washington we preclude the opportunity to vote on the SST.

Mr. JACKSON. Mr. President, will the Senator yield so that I may direct a question to the Senator from Wisconsin?

Mr. FULBRIGHT. I yield.

Mr. JACKSON. Do I understand the Senator from Wisconsin will speak at length if the conference report comes back and it is not agreeable to him, or a continuing resolution?

Mr. PROXMIRE. That is what we have been doing off and on for the past week. The conference report is not agreeable to many of us. Certainly if it comes back, in our judgment, the same kind of conference report, with the SST, I would be very much inclined to exercise my rights as a Senator.

Mr. JACKSON. What about a continuing resolution?

Mr. PROXMIRE. All I am saying to the Senator is whether it is a continuing resolution or the conference report or whatever it is, if it would, in the view of this Senator, continue the SST and give it the protection of combining it into the transportation appropriation bill I would talk on it at length. If that were not our position we could vote on the conference report tonight.

Mr. FULBRIGHT. I understand the position of the Senator and I think I share his attitude. I do not understand why the proponents of the SST, who certainly have legitimate attitudes, oppose the motion of the Senator from Montana, which I understand is the nearest thing we can get to a further expression of the Senate on the SST itself. If they are afraid it might carry, that is all right and that explains it; but I would think they would allow a vote on that to test the sentiment of the Senate.

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Mr. COOK. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. FULBRIGHT. I yield for a parliamentary inquiry.

Mr. COOK. Mr. President, if the motion of the Senator from Montana should prevail, even though the proposal of the Senator from Washington might prevail or be defeated, are these instructions binding on conferees to the extent that they could come back to this body with a conference report that would be absolutely contrary to what we have been instructed to do; and if they brought it back would it be subject to a point of order?

The PRESIDING OFFICER. The Senator from Kentucky is correct. The conferees could come back from the conference with a position diametrically opposed to what they had been instructed to go into conference with, and when they came back with that new conference report, that conference report would not be subject to a point of order.

Mr. COOK. Then, may I ask what the argument is all about?

The PRESIDING OFFICER. That is not a parliamentary question.

The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, I do not think there is any great mystery in what the argument is about. The argument is about whether the Senate is going to have an opportunity to vote once more on the SST itself, without its having to be associated with the entire Department of Transportation appropriation which nearly all Senators favor. That is what this is all about.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. It has been suggested that we are going to enlarge the conferees by two, one the Senator from Kansas, and the other the Senator from Wisconsin. Under those circumstances, would it not be better for us to go back to conference without instructions, as suggested by the Senator from Mississippi? The Senator from Wisconsin (Mr. PROXMIRE) will be on that conference, and so will the Senator from Kansas (Mr. PEARSON). If it becomes necessary and we cannot agree on something, I think they could come back for further instructions. But I think it would be inadvisable to go to the House encumbered with instructions which they might consider an insult. We should go there unencumbered. We have two new conferees. We have the Senator from Wisconsin (Mr. PROXMIRE), who has been the leader in the fight against the SST. He is going to be there and he is going to see that the Senator is completely protected as to his side. It seems to me that is the way they ought to go.

Mr. FULBRIGHT. The Senator's suggestion has more appeal to me than the suggestion of the Senator from Washington. I do think there is value in a vote on the suggestion of the Senator from Montana's position. I do not consider it an insult to the House at all.

Mr. PASTORE. No, but they might consider it so.

Mr. FULBRIGHT. It would be a further expression of the Senate's position, brought up to date. The Chair has already said these instructions are not binding and that the conferees do not have to follow them. It simply says to the House that we have not changed our minds since the original vote on the SST was taken, a month or so ago. It further says we do ont believe it is wise. It further says we do not demand that you accept our best judgment, which is to kill the program now. We had an election. We have a new Congress arriving. I think it is most reasonable to say, let us think it over for 2 or 3 months and then the new Congress, which, after all, is going to last 2 years, can work its will.

I believe the Senator from Wisconsin takes the same position. We have no predisposition to delay at all. I think it is a reasonable position for us to take and it is no insult to anybody.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. I quite agree. I would absolutely agree to the Mansfield plan. The only point I am making is that it might be a compromise that we might negotiate. I think we would accomplish it much better, going into a conference with the Senator from Wisconsin (Mr. PROXMIRE), if we went in there unencumbered. Perhaps the Mansfield plan could be a compromise instead of an instruction which might meet with the stiffness which we have met right along.

Mr. FULBRIGHT. Being a conferee, does the Senator believe it would be less persuasive not to have an expression of the Senate on this matter than it would be to have one?

Mr. PASTORE. I do not like the word "expression"—not to have an instruction. There is a difference. We can express it there without an instruction, but it is the instruction that bothers me.

Mr. FULBRIGHT. Perhaps that is an improper question.

Mr. President, a parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. FULBRIGHT. Is the motion of the Senator from Washington alone subject to a motion to table?

The PRESIDING OFFICER. It is.

Mr. MANSFIELD. Mr. President, will the Senator withhold that motion?

Mr. FULBRIGHT. I was debating about moving the bill along. I personally will say that the Senator from Wisconsin and other Senators are willing to say they will take this suggestion I will not object if the conferees much prefer that. I merely thought the instructions of the Senator from Montana, if that is what we want to call them—maybe we could call them advice, if the Senator prefers—would be helpful to the conferees, because I think they ought to know how the Senate feels.

I must say that the proposal envisioned by the Senator from Montana's view, if it is accepted, is a reasonable one. I do not see why the House should either feel insulted or refuse to go along. Considering the deadlock I think it is a reasonable compromise.

Mr. PASTORE. Our problem has not been how we feel as much as it has been how the House feels. We know what the Senate's position is, and we want to cut it out. But the problem is to convince the House.

Mr. FULBRIGHT. But it is halfway between the two positions.

Mr. PASTORE. From our point of view; but from their point of view it might not be halfway between. That is why I say let us make it negotiable.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MAGNUSON. Of course, the purpose of my motion was only to instruct the conferees to go back in disagreement and seek a continuing resolution. That is what we do all the time. We do not say in disagreement on this thing or that thing, but only in disagreement, and we see if we can work out a compromise—in this case the House conferees seek a continuing resolution from the House for the entire DOT measure.

I will withdraw my instruction if the Senator from Montana will withdraw his instruction and we will then just go to conference. I honestly believe it will be futile.

Mr. ALLOTT. Mr. President, I do not know whether the Senator from Montana (Mr. MANSFIELD) heard the last statement. I wish the Senator would convey it to him.

I would like to say just a word. I address this particularly to those who say they have a right to separate, and separate out—that is not good English, but it is a good word—separate out the SST from the bill. We are engaging in a very dangerous game here if we talk and accept that procedure, because, if that is true, then on a bill on foreign aid, for example, or on a bill on the State Department, or on a bill on Interior, or on a labor bill, or for example, on an HEW appropriation bill, if this philosophy which has been talked about so freely on the floor is accepted, we are in a very, very dangerous situation, and we really have no rules left, because, for example, when an HEW bill came back some Senator might disagree with the Heart Institute of NIH, or any other Institute there. So when the conference report came back, if we disagreed with it and performed the tactics that have been performed here, insisting that at some later time, for example, the Cancer Institute or the Arthritic Institute of NIH, or any one of 3,000 items in the bill—and there are almost literally that many—be "separated out" for a later vote, I am forced to make this comment at this time: If we accept this sort of philosophy we are really getting ourselves in a bind.

Now I have a parliamentary question.

The **PRESIDING OFFICER**. The Chair will hear the Senator on his parliamentary inquiry.

Mr. **ALLOTT**. The parliamentary question is this: If we send the bill back without either of the two pending motions or amendments in disagreement, the bill is then in disagreement as to every item in it which was originally in disagreement between the two Houses. Is that correct?

The **PRESIDING OFFICER**. That would be true, except for the amendments that the House of Representatives has concurred in already. The House has already concurred in amendments numbered 6, 12, 32, 44, and 45.

Mr. **ALLOTT**. What would be the situation with respect to the ones upon which the Senate receded?

The **PRESIDING OFFICER**. The Senate has not receded in any amendments as yet.

Mr. **ALLOTT**. The only thing, as far as we are concerned, that is in issue when the bill goes back to conference are two amendments in which the Senate has receded?

The **PRESIDING OFFICER**. If the conferees go back to conference, all of the Senate amendments which the House has not concurred in would be in conference.

Mr. **MURPHY**. Mr. President, will the Senator from Colorado yield at that point? Just 10 seconds.

Mr. **ALLOTT**. All right.

Mr. **MURPHY**. In other words, if I may try to simplify this, what we are experiencing here is a conference that has been interrupted for an extended discusson, and the conferees go right back and pick up where they left off, and start with the matters that have not been in agreement; is that understanding correct?

The **PRESIDING OFFICER**. The Senator from California has paraphrased the statement of the Chair quite accurately.

Mr. **ALLOTT**. Mr. President, I think I have got my answer, and I yield the floor so that the Senator from Montana may continue.

Mr. **BIBLE**. Mr. President, in order to clarify the confused situation, or perhaps to muddy it up a little more, I move that the Senate disagree to the House amendment to Senate amendment No. 14.

Before that arouses a lot of suspicions, I hasten to state that it is a technical motion that is required on amendment 14, which has to do with the antihijacking provision that was put in. I understand it should have been done earlier. It was not done earlier, and it has nothing whatever to do with the SST.

This puts everything in conference, so that when we go back, we start from scratch. I am frank to say that I think we can make very fine headway on every item until we get down to the one, and we are still going to have some problems there, but we are going to do the very best we can on it, and with God's help maybe we can come back with something that will resolve the dilemma. But I would like to hear the Chair's ruling on the motion.

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

Mr. **BIBLE**. I yield to the Senator from Montana.

Mr. **MANSFIELD**. Mr. President, I have had some discussions with various Senators. It appears that we are in for a good deal of talking one way or the other, without any result being achieved. I therefore ask unanimous consent to withdraw my proposal temporarily, on the basis that there will be two new conferees appointed, the distinguished Senator from Wisconsin (Mr. PROXMIRE) and the distinguished Senator from New Hampshire (Mr. COTTON).

Mr. **STENNIS**. I understood the Senator from Kansas was the next one.

Mr. **ALLOTT**. He does not want it.

Mr. **COTTON**. Mr. President, I am not a candidate for it. [Laughter.]

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MANSFIELD**. With the possibility, also, that instead of talking ourselves blue on the Senate floor, it might be possible for the conferees to get together this evening to see what could be done.

So on that basis, temporarily I withdraw my proposal, which I understand takes with it the proposal of the distinguished Senator from Washington.

Mr. **MAGNUSON**. I withdraw my proposal.

Mr. **HOLLAND**. Mr. President, I congratulate the Senator from Montana and the Senator from Washington on having withdrawn their proposals. This simply means that this new and enlarged conference committee goes back to confer with the House of Representatives. We have just completed such a conference on the foreign aid bill, with no instructions, and with exactly what has happened here, the laying on the table of the conference report; and we found that we were not in agreement on only a single item, and did not even discuss all the other items.

We reported that single amendment in disagreement, and both Houses are going to have a chance to vote on it. That is what will happen here if no further progress is made. But there is a chance for making further progress, and I think what has been done now opens the door to further progress, if it can be made, and if it cannot be made, to a renewed expression from both Houses on the position that the two Houses may wish to take on the SST proposal. It seems to me that is a clear gain, and that is the thing that should be done. I hope it will be done.

Mr. **MANSFIELD**. Mr. President, I am not eligible for congratulations. The issue, I think, is still the SST, and my proposal, I think, made that very plain.

But in the interests of doing away with more talk this afternoon and this evening, and maybe getting a meeting of the conferees sometime shortly, with the addition of two new conferees, I am prepared temporarily—and I emphasize the word temporarily—to withdraw my proposition for the time being.

Mr. **BIBLE**. Mr. President, I think we have come a long way. I hope so. The enlargement of the conference committee is not, of course, a final solution to this problem. I appreciate the attitude of the majority leader. I have asked the staff to check with his House counterpart and we are prepared to go to conference this evening if they are available.

Mr. President, I move that the number of conferees be increased by two, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GRAVEL) appointed Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. PROXMIRE, Mr. CASE, Mrs. SMITH, Mr. ALLOTT, and Mr. COTTON on the part of the Senate.

Mr. **BIBLE**. We go forward with great hope and with short time. I now yield the floor.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1971—CONFERENCE REPORT

Mr. **MAGNUSON**. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18515) making appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER** (Mr. GRAVEL). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 11, 1970, page 41106, CONGRESSIONAL RECORD.)

Mr. **MAGNUSON**. Mr. President, I have today informed several Senators that we would not begin discussing the HEW conference report until tomorrow at the beginning of the session. In view of

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that understanding, I announce that the Senator from New Hampshire and I will resume with the explanation and discussion of the Labor-HEW conference report tomorrow. It will probably be at least 9:30 or 10 o'clock before we begin.

I wish to inform Senators that it should not take long, but I do not know; after my recent experience with conferences I should not venture such a prediction. But I have hopes it will not take very long. This is a large, important bill, and I hope that Senators who are interested will be here tomorrow, so that we can take it up and complete the adoption promptly.

ORDER OF BUSINESS

Mr. MAGNUSON. Mr. President, I have no further requests to make this evening.

I assume the leadership will agree to set this bill aside and take up something else.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. L. Mendel Rivers, late a Representative from the State of South Carolina, and transmitted the resolutions of the House thereon.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Barrett, Mr. Reuss, Mr. Ashley, Mr Moorhead, Mr. Widnall, Mr. Halpern, and Mr. Stanton were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of further conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 14, 26, 31, 49, and 53 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1626) to regulate the practice of psychology in the District of Columbia.

The message further announced that the House had agreed to the report of the committee of further conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 6, 17, 19, and 24 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

SURVIVOR ANNUITIES UNDER CIVIL SERVICE RETIREMENT PROGRAM

Mr. McGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 437.

The PRESIDING OFFICER (Mr. Gravel) laid before the Senate the amendment of the House of Representatives to the bill (S. 437) to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes, which was to strike out all after the enacting clause, and insert:

That section 8332(f) of title 5, United States Code, is amended by inserting immediately after the first sentence thereof the following new sentence: "An employee or former employee who returns to duty after a period of separation is deemed, for the purpose of this subsection, to have been in a leave of absence without pay for that part of the period in which he was receiving benefits under subchapter I of chapter 81 of this title or any earlier statute on which such subchapter is based.".

Sec. 2. (a) Section 8339(i) of title 5, United States Code, is amended by striking out "his spouse" and inserting in lieu thereof "any spouse surviving him".

(b) Section 8339(j) of title 5, United States Code, is amended—

(1) by inserting "(1)" immediately after "(j)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) An employee or Member, who is unmarried at the time of retiring under a provision of law which permits election of a reduced annuity with a survivor annuity payable to his spouse and who later marries, may irrevocably elect, in a signed writing received in the Commission within 1 year after he marries, a reduction in his current annuity as provided in subsection (i) of this section. His reduced annuity is effective the first day of the month after his election is received in the Commission. The election voids prospectively any election previously made under paragrph (1) of this subsection.".

Sec. 3. (a) Section 8341(a) of title 5, United States Code, is amended—

(1) by inserting "and" at the end of paragraph (2)(B);

(2) by striking out paragraph (3); and

(3) by renumbering paragraph (4) as paragraph (3).

(b) Section 8341(b) of title 5, United States Code, is amended to read as follows:

"(b) (1) Except as provided in paragraph (2) of this subsection, if an employee or Member dies after having retired under this subchapter and is survived by a spouse to whom he was married at the time of retirement, or by a widow or widower whom he married after retirement, the spouse, widow, or widower is entitled to an annuity equal to 55 percent, or 50 percent if retired before October 11, 1962, of an annuity computed under section 8339 (a)–(h) of this title as may apply with respect to the annuitant, or of such portion thereof as may have been designated for this purpose under section 8339(i) of this title, unless the employee or Member has notified the Commission in writing at the time of retirement that he does not desire any spouse surviving him to receive this annuity.

"(2) If an annuitant—

"(A) who retired before April 1, 1948; or

"(B) who elected a reduced annuity provided in paragraph (2) of section 8339(j) of this title;

dies and is survived by a widow or widower, the widow or widower is entitled to an annuity in an amount which would have been paid had the annuitant been married to the widow or widower at the time of retirement.

"(3) A spouse acquired after retirement is entitled to a survivor annuity under this subsection only upon electing this annuity instead of any other survivor benefit to which he may be entitled under this subchapter or another retirement system for Government emyloyees. The annuity of the spouse, widow, or widower under this subsection commences on the day after the annuitant dies. This annuity and the right thereto terminate on the last day of the month before the spouse, widow, or widower—

"(A) dies; or

"(B) remarries before becoming 60 years of age.".

(c) Section 8341(d) of title 5, United States Code, is amended to read as follows:

"(d) If an employee or Member dies after completing at least 18 months of civilian service, his widow or widower is entitled to an annuity equal to 55 percent of an annuity computed under section 8339 (a)–(e) and (h) of this title as may apply with respect to the employee or Member, except that, in the computation of the annuity under such section, the annuity of the employee or Member shall be at least the smaller of—

"(1) 40 percent of his average pay; or

"(2) the sum obtained under such section after increasing his service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age.

The annuity of the widow or widower commences on the day after the employee or Member dies. This annuity and the right thereto terminate on the last day of the month before the widow or widower—

"(A) dies; or

"(B) remarries before becoming 60 years of age".

(d) Section 8341(e)(2) of title 5, United States Code is amended by striking out "subsection (a)(4)" and inserting in lieu thereof "subsection (a)(3)".

Sec. 4. Section 8344(a) of title 5, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "If the annuitant is receiving a reduced annuity as provided in section 8339(i) or section 8339(j)(2) of this title, the increase in annuity payable under subparagraph (A) of this subsection is reduced by 10 percent and the survivor annuity payable under section 8341(b) of this title is increased by 55 percent of the increase in annuity payable under such subparagraph (A), unless, at the time of claiming the increase payable under such subparagraph (A), the annuitant notifies the Commission in writing that he does not desire the survivor annuity to be increased. If the annuitant dies while still reemployed, the survivor annuity payable is increased as though the reemployment had otherwise terminated. If the annuitant dies while still reemployed and the described reemployment had continued for at least 5 years, the person entitled to survivor annuity under section 8341(b) of this title may elect to deposit in the Fund and have his rights redetermined under this subchapter.".

Sec. 5 (a) The amendment made by the first section of this Act is effective only with respect to annuity accruing for full months beginning after the date of enactment of this Act; but any part of a period of separation referred to in such amendment in which the employee or former employee was receiving benefits under subchapter I of chapter 81 of title 5, United States Code, or any earlier statute on which such subchapter is based shall be counted whether the employee returns to duty before, on, or after such date of enactment. With respect to any person retired before such date of enactment, any such part of a period of separation shall be counted only upon application of the former employee

(b) The amendments made by sections 2(a) and 3 of this Act shall not apply in the cases of employees, Members, or annuitants who died before the date of enactment of this Act. The rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

(c) The amendments made by section 2(b) of this Act shall apply to an annuitant who was unmarried at the time of retiring, but who later married, only if the election is made within 1 year after the date of enactment of this Act.

(d) The amendment made by section 4 of this Act shall apply only with respect to a reemployed annuitant whose employment terminates on or after the date of enactment of this Act.

Sec. 6. The Act of August 25, 1958 (72 Stat. 838; 3 U.S.C. 102, note), is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) Each former President shall be entitled for the remainder of his life to receive from the United States a monetary allowance at a rate per annum, payable monthly by the Secretary of the Treasury, which is equal to the annual rate of basic pay, as in effect from time to time, of the head of an executive department, as defined in section 101 of title 5, United States Code. However, such allowance shall not be paid for any period during which such former President holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.";

(2) Subsection (e) is amended to read as follows:

"(e) The widow of each former President shall be entitled to receive from the United States a monetary allowance at a rate of $20,000 per annum, payable monthly by the Secretary of the Treasury, if such widow shall waive the right to each other annuity or pension to which she is entitled under any other Act of Congress. The monetary allowance of such widow—

"(1) commences on the day after the former President dies;

"(2) terminates on the last day of the month before such widow—

"(A) dies; or

"(B) remarries before becoming 60 years of age; and

"(3) is not payable for any period during which such widow holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate."; and

(3) Subsection (f) is amended to read as follows:

"(f) As used in this section, the term 'former President' means a person—

"(1) who shall have held the office of President of the United States of America;

"(2) whose service in such office shall have terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America; and

"(3) who does not then currently hold such office.".

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Muskie). Without objection, it is so ordered.

Mr. McGEE. Mr. President, S. 437, the bill now being considered by the Senate, is a bill that is sometimes known as the second spouse bill. As it originally passed the Senate last September, it provided for certain progressive changes in the Civil Service Retirement Act; namely, to permit a retired Federal employee, whose spouse predeceased him, to marry again and designate his second spouse as the potential beneficiary of a civil service retirement annuity.

This second spouse bill has long been the aim of many of the 900,000 retired civil service employees. There was unanimous agreement in the committee that the change should be made.

Now, as the bill came back to us from the House, it has one significant change—or addition would be a better way to put it.

An amendment was adopted by the House Committee on Post Office and Civil Service to increase the rate of compensation of a former President of the United States from the present rate of $25,000 a year, which was established in 1958, to the rate for a member of the Cabinet, whatever that may be at that current time. At the present moment, that rate would be $60,000 a year.

I have consulted with all members of the Committee on Post Office and Civil Service, as has the distinguished ranking Republican member of the committee, the Senator from Hawaii (Mr. Fong), and we have heard no objection to the change in the Presidential retirement system in the degree I have just described.

It has been 12 years since the rate was first established. The increase granted in the legislation amounts to an annual rate of increase of a bit over 11 percent which, considering the extraordinary expenses incurred by a former President, seems to the members of the committee to be fair and reasonable.

I cannot conceive that anyone in this Chamber would wish a former President to suffer financial hardship or a diminution of the prestigious responsibilities associated with the highest office in the land, a responsibility that at least ought to be comparable in terms of the positions of leadership in the private sector.

We have a great deal to say in this body from year to year about comparability for public employees. This should not exclude the President of the United States.

The bill also includes the raising of survivor annuities for the widow of a former President from the current rate of $10,000 a year to $20,000 a year, terminating upon the death or upon the remarriage, if such marriage takes place prior to her 60th birthday.

The estimated cost of the bill in toto at the present time is $90,000 a year. Three persons would now be affected by the bill. They are former President Harry Truman, former President Lyndon Johnson, and Mrs. Dwight Eisenhower.

Mr. President, I have in my hand a statement prepared by the distinguished ranking minority member of the committee, the Senator from Hawaii (Mr. Fong). It is a statement in which he spells out the equity of this proposal. I ask unanimous consent that the statement be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Fong

Mr. President, the Senate bill now before us, as amended by the House of Representatives, would allow Federal retirees to designate subsequent spouses for survivor benefits; give equal treatment to female Federal retirees in designating survivor-beneficiaries; and, increase the pensions of former Presidents of the United States and their widows.

The main subject of this legislation, removing certain inequities in the Federal employee retirement laws, has been under study by the Senate Post Office and Civil Service Committee for several years. I was very pleased when the committee favorably reported this legislation to the Senate earlier this year. The Senate passed the bill on September 10.

The House of Representatives has made several technical changes in the bill and added one substantive amendment. However, it is still a very meritorious measure and the Senate should approve it as amended.

The bill removes two gross inequities in the Federal employee retirement laws. The first inequity it eliminates is the prohibition against a Federal retiree naming a subsequent spouse for survivor benefits even though deductions from the retiree's annuity for such benefits continued.

The bill would allow a retiree whose first spouse predeceases the retiree to designate any subsequent spouse as the beneficiary of his retirement annuity, as long as the subsequent marriage was for at least two years or a child was born out of that subsequent marriage.

The second inequity removed by this bill eliminates the prohibition against a female Federal retiree naming her husband as a survivor-beneficiary unless her husband was a dependent. This present discrimination against female Federal retirees exists only because of their sex. No similar prohibition applies to male retirees.

Under the bill, any female Federal retiree may name her husband as a survivor-beneficiary whether or not he is a dependent. This treats both male and female retirees on an equal basis.

The substantive amendment added to the Senate bill by the House of Representatives would tie the pensions of former Presidents of the United States to the annual salary of cabinet officer.

Up to 1958, former Presidents of the United States received no pensions from the United States Government. In 1958, the Congress passed a bill giving former Presidents an annual pension of $25,000. The $25,000 figure was chosen because that was the annual salary of cabinet officers at that time.

However, this bill, rather than specifying a dollar figure would require that the pensions of former Presidents be the same as the pay for cabinet officers, whatever that figure might be. Presently, it is $60,000 per year. Should the salaries for cabinet members be increased in the future, the pension would likewise increase an equivalent amount.

I ask unanimous consent that pages 5 and 6 of the report of the House of Representatives number 91–1469, relating to the in-

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crease in pensions of former Presidents be included at this point in my remarks.

I believe it is pertinent to this House amendment to point out that all Federal judges retire at full salary without making any contributions to the Federal retirement system. Associate Justices of the United States Supreme Court receive a pension of $60,000 per year when they leave the court—this is their annual salary. The Chief Justice receives $62,500. It is not out of line, therefore, to allow former Presidents a pension of $60,000 when they leave the White House.

The duties that former Presidents continue to perform in behalf of their country continue to increase. They remain important figures not only to the United States but to the entire world throughout their lives. The government should provide adequate compensation to enable former Presidents to fully maintain demands upon them. The bill fulfills this obligation in behalf of all Americans.

The bill also increases the pensions of widows of former Presidents from $10,000 to $20,000.

This legislation is very necessary and I urge the Senate to give its approval.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I supported this bill as it went through the Senate. I recognize that we should make adequate pension provisions for a former President, this goes too far, but when we speak of expense allowances for former Presidents, in the last couple of years we substantially increased their allowances for the maintenance of their offices and so forth back home. What bothers me here is whether or not we should go this far at this particular time—more than doubling the pensions for these pensioners—when we consider the fact that in less than 12 months we have made a 100-percent increase in the salary of the President, and now if we are going to make about a 125-percent increase in their pension allowances, I wonder how any President can call on management and labor to hold the line in this inflationary period and say that they should restrict their own demands for salary increases and for increases in their pension allowances.

I wonder if we are not placing Presidents in an almost impossible position.

I think we made a tragic mistake when we doubled the salary for the President a couple of years ago when we all realized that we were threatened with inflation which resulted from some of the excessive spending of Government which came under the jurisdiction of these Presidents, and now we propose to have a further increase in their pensions, which would in effect insulate them against the ravages of inflation that have been created partly by their office and partly by Congress.

Is this the proper time? While I supported the other provisions of the bill, I will not support the committee amendment. I think it is ill advised. I might say that the comments I am making in connection with the increase in the Presidential salaries are equally applicable to the increases Congress voted for itself at the same time. As the Senator knows, I protested at the time the fact that Congress raised its own salaries by 41 percent. The mathematics of that is that automatically after 3 years it raises our pension 40 percent in the same way. I think Congress made a mistake when we raised our salaries and built in a raise of our own pensions when at the same time we were deploring the ravages of inflation.

It is wrong and a little bit of hypocrisy on the part of both the legislative and the executive to express concern over inflation when we do not begin to practice what we preach.

I want the RECORD to show that I will not support the amendment.

Mr. McGEE. Mr. President, I appreciate the statement of the Senator from Delaware. We are all conscious of the inflationary forces at work in these times.

The only thought that occurred to the committee that deliberated this question was that probably for something like this there never will be a good time. It is always a sensitive point. It was our judgment that raising the prestige and the dignity of the highest office in our land ought not to be delayed longer.

We are mindful of the fact that men of wealth are often Presidents of the United States and that men of wealth often are presidents of General Motors or American Telephone and Telegraph and many other corporations in the private sector. However, this does not alter the equity of a reasonable retirement formula. So the office itself should become the real focus of action pending here.

I think we do our system a disservice if we from time to time defer this kind of a judgment. All of us have mixed feelings in terms of timing, as the Senator appreciates, because of the tightness of things at this time. But it has to be done some time. It should have been done long ago because of the importance of the office. There should have been the doubling of the President's salary and the setting up of a retirement program for the President of the United States so that he would be at least as well rewarded as if he had stayed in the private sector.

It was our judgment that while this was a mixed sort of thing in terms of its impact, timingwise, that there was a major degree of sheer merit for the office of the President rather than its application to any particular party who might be President.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I want to make sure that the record shows I am not speaking of personalities in this matter. I realize that we want the office of President always to be respected. I have as high a respect for this office as any Member of the Senate. After all, being realistic, the same argument about respect for office was used a couple of years ago when Congress raised its own salaries by 40 percent. I made the statement and I will repeat it now—I think it is very important that the American people have respect for their public officials, whether they be in the White House or in the Congress. But respect for public officials is not necessarily engendered by the salary we pay them. It is more dependent upon their conduct of the office.

I do not think we should raise the salary on the basis of trying to create respect for the office.

I might point out that I was one of the cosponsors of the measure that initiated the first presidential pension several years ago. At the time it was for President Truman. I said that I thought the ex-Presidents should have a pension that would allow them to live in retirement as would be expected of former Presidents. I still feel that way. However, at the same time, I think Congress has been a little careless in the last couple of years both in connection with raising presidential salaries as well as raising their own salaries.

In connection with the statement that there might not ever be a good time to do this, the argument was made at the time the first presidential pension plan was discussed that it was not the right time. But at that time we had a balanced budget and were not confronted with the serious threat of inflation.

Today we are confronted with a serious threat of inflation. We all recognize that.

The Senator pointed out what the pension would be for a retired president of General Motors or A.T. & T. I would ask what their salaries or pensions would be if the executive officers of those companies had operated those companies in the red for about 25 of the past 30 years and were presently building up a deficit this year that would be the second highest, if not the highest, deficit in the history of the country. I do not think the stockholders would be raising their salaries or pensions under any such circumstances. I do not think that comparing this with the presidents of other companies that have been operating in the black is a good argument.

Mr. President, with all due respect to all former occupants of the White House, I am not going to support this provision.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. CURTIS. Mr. President, I notice the House report in reference to the former Presidents refers to the monetary allowance of $25,000 a year. What other allowances are provided for our former Presidents?

Mr. McGEE. Former Presidents are allowed a small allowance for office space and a limited staff.

Mr. CURTIS. Does the Senator know the amount?

Mr. McGEE. It is $80,000 for the total staff.

Mr. CURTIS. Now, is that in cash or is it an assignment of particular personnel?

Mr. McGEE. It is a lump sum that the President, I assume, as the boss, or the director of the office operation could determine in terms of the number of staff that would be included. It is similar, I suppose, to the allowance made to Senators for staff.

Mr. CURTIS. Is it paid in the same way?

Mr. McGEE. The President himself cannot disperse any of it for himself. It is limited to staff.

Mr. CURTIS. Is that all the staff?

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Mr. McGEE. That is all the Government pays for, I am told.

Mr. CURTIS. Does that include the assignment of Secret Service personnel?

Mr. McGEE. That does not include the assignment of Secret Service personnel.

Mr. CURTIS. Does the Senator know how many Secret Service men are assigned to our former Presidents?

Mr. McGEE. I do not have any knowledge as to what the number would be. I would think the matter of Secret Service for former Presiednts would be more a privilege.

Mr. CURTIS. I understand. My questions were raised because of the language of the bill. My sentiments are those of the Senator from Delaware.

I wish to associate myself with the remarks of the Senator from Delaware. I am opposed to the conference report.

I thank the Senator.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield.

Mr. ALLEN. As I understand the House amendment it provides for an increase in the presidential pension from the present fixed amount of $25,000 up to whatever salary is paid to a member of the Cabinet.

Mr. McGEE. The Senator is correct.

Mr. ALLEN. At the present time that amount would be $60,000. In addition to that any former President who had served in Congress would be entitled to a congressional pension, as well. Is that not correct?

Mr. McGEE. Yes, the Senator is correct. He made his contributions.

Mr. ALLEN. There would be no contributions on the $60,000.

Mr. McGEE. No.

Mr. ALLEN. It would be a contribution on the congressional pension.

Mr. McGEE. Yes.

Mr. ALLEN. So actually where a former President had served in Congress for a number of years, as is the case of former President Truman, former President Johnson, and President Nixon, they would draw, in addition, somewhere in the neighborhood of $20,000 a year, making around $80,000 in retirement pay and pension combined.

Mr. McGEE. Yes. That would be approximately correct.

Mr. ALLEN. Does the Senator feel if this amendment is not agreed to that there will be any lessening of the number of qualified candidates who seek the Presidency in the future?

Mr. McGEE. Well, let us turn the question around the other way. Other opportunities that would be available for one with leadership capabilities might make fewer men willing to take on what is a lonely and burdensome job, at best.

Mr. ALLEN. Does the Senator think any individuals who are mentioned as prominent candidates for the Presidency would refrain from running if this pension increase is not agreed to?

Mr. McGEE. Oh, I would not be in a position to speak for anyone who might be seeking to run for the office of President of the United States. I would not want to speak for them. I am addressing this presentation really to the office of President rather than candidates for President. I think it is the office of the President of what is described as the most powerful nation in the world, with awesome responsibilities, should require something commensurate to this.

Mr. ALLEN. Has it been the practice of former Presidents to make large sums of money through the writing of books or appearances on television or writing articles for magazines? Is there any thought on the part of the Senator from Wyoming that any former President would be in dire financial straits and need a pension of this sort?

Mr. McGEE. Well, some do and some do not. It depends on the times, the interests, and the proclivities of the particular ex-President, rather than the basic considerations for what should be our measure for the office of President. The President should not have to find out what Life magazine is going to pay him when he retires when he does a series of articles for them. He should be able to retire as President of the United States, if that is his choice. This should not be confused with the office of the Presidency.

Mr. ALLEN. A salary of $200,000 should enable an occupant of the White House to lay a little bit aside for his old age; should it not?

Mr. McGEE. It would seem to me that should be true, but the Senator might be surprised by the number of Deputy Secretaries of departments who beat a path to my door to remind me that they gave up jobs at salaries of $300,000 or $270,000 a year to become Deputy Secretaries of something in the administration. They say, "It was only because my arm was twisted that I was willing to try it."

The point of my presentation is that in our system of competitive enterprise we have sought through that competition to dignify the office of president of our great corporations and surely we can at least attempt to dignify in those terms that most understand so well the office of President.

Mr. ALLEN. In the same vein, is not the honor of the office of Presidency enough without the compensation involved?

Mr. McGEE. I think the honor system is not well received at the supermarket or in other ways. Consideration must be given to the fact the man had been President and was called upon to do certain things, to go to certain places because of the experiences that became cumulative during his Presidency. That is why we owe it to the office to try to assure the dignity of that office.

Mr. ALLEN. The bill passed by the Senate did not include this provision. Is that correct?

Mr. McGEE. The Senator is correct.

Mr. ALLEN. It was tacked on by the House and is now being considered by the Senate for the first time. Is that correct?

Mr. McGEE. The Senator is correct.

Mr. President, I move that the Senate concur in the House amendment.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on agreeing to the House amendment.

The yeas and nays were ordered.

COMPENSATION OF CERTAIN SENATE EMPLOYEES

Mr. MANSFIELD. Mr. President, on behalf of the minority leader and myself, I send to the desk a resolution, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The legislative clerk read the resolution (S. Res. 499) as follows:

Resolved, That the Secretary of the Senate is authorized to pay on January 20, 1971, the compensation due employees of all Senators-elect, for the term commencing on January 3, 1971, for whom certificates of election, signed by their respective Governors, have been received.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination on the calendar.

There being no objection, the Senate proceeded to consider executive business.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Donald W. Wyatt, of Rhode Island, to be U.S. marshal for the district of Rhode Island.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

SURVIVOR ANNUITIES UNDER CIVIL SERVICE RETIREMENT PROGRAM

The Senate resumed the consideration of the amendment of the House of Representatives to the bill (S. 437) to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Con-

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necticut (Mr. Dodd), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Michigan (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), the Senator from Minnesota (Mr. McCarthy), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from Illinois (Mr. Stevenson), the Senator from Georgia (Mr. Talmadge), the Senator from New Jersey (Mr. Williams), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick) would vote nay.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater) is absent on official business.

The Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Colorado (Mr. Allott), the Senator from New Hampshire (Mr. Cotton), and the Senator from Illinois (Mr. Percy) are detained on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield), and the Senator from South Dakota (Mr. Mundt) would each vote "nay."

The result was announced—yeas 37, nays 35, as follows:

[No. 456 Leg.]

YEAS—37

Baker
Boggs
Byrd, W. Va.
Case
Church
Cooper
Cranston
Gravel
Griffin
Gurney
Hartke
Holland
Hughes
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Moss
Nelson
Pearson
Prouty
Proxmire
Randolph
Saxbe
Schweiker
Scott
Stennis
Stevens
Symington
Tydings

NAYS—35

Aiken
Allen
Bellmon
Bennett
Bible
Brooke
Byrd, Va.
Cannon
Cook
Curtis
Dole
Ellender
Ervin
Fannin
Fulbright
Goodell
Gore
Hansen
Harris
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Mondale
Murphy
Muskie
Packwood
Pastore
Pell
Smith
Sparkman
Spong
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—28

Allott
Anderson
Bayh
Burdick
Cotton
Dodd
Dominick
Eagleton
Eastland
Fong
Goldwater
Hart
Hatfield
Hollings
Inouye
McCarthy
McGovern
Montoya
Mundt
Percy
Ribicoff
Russell
Stevenson
Talmadge
Tower
Williams, N.J.
Yarborough
Young, Ohio

So the motion to concur in the House amendment to S. 437 was agreed to.

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EXCISE, ESTATE AND GIFT TAX ADJUSTMENT ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1467, H.R. 19868.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> A bill (H.R. 19868) to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, if I may, I had promised to ask the Chair to recognize the Senator from Kansas.

SENATE RESOLUTION 501—CONCERNING THE CONTINUED INJUSTICES SUFFERED BY JEWISH CITIZENS OF THE SOVIET UNION

Mr. DOLE. Mr. President, I send to the desk a resolution, and ask for its immediate consideration.

The PRESIDING OFICER. The resolution will be stated.

The Legislative Clerk. The Senator from Kansas (Mr. Dole) proposes a resolution concerning continued injustices suffered by Jewish citizens of the Soviet Union.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the resolution is very brief. It may be helpful to read it. The resolution reads as follows:

> Resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union
>
> *Resolved*, That the Senate hereby expresses its grave concern over the continued injustices to which the Jewish people in the Union of the Soviet Socialist Republics have been subjected by the Government of that Nation, as manifested most recently by the cruel and unusual punishment of the death sentences imposed upon two Jewish citizens of the Soviet Union for an allegedly treasonous act.
>
> Sec. 2. The Senate respectfully urges the President (1) convey to the Government of the Union of the Soviet Socialist Republics the grave concern of the people of the United States and the Senate over these injustices, (2) urge the Soviet Government to commute the two death sentences, and (3) urge that Government to provide fair and equitable justice for its Jewish citizens.

Mr. President, from the days of Stalin, the Government of the Soviet Union has consistently sought to subjugate the spiritual will of Soviet Jews to the political will of an atheist state. Consistently, those efforts have failed.

Anti-Semitism, under Stalin, found its ultimate expression in mass murder with none of the real or fancied restraints of the Soviet judicial system. Today, Soviet leadership threatens to revive this policy—this time seeking to allay world suspicion by hanging the trappings of a trial about the murders it now contemplates. The purpose is the same—to intimidate and to silence a minority whose spiritual heritage each of us shares, whose cultural heritage each of us draws on, whose courage each of us admires, and whose pain each of us must share—a minority which refuses to be intimidated and will not be silenced.

Those selected to serve the purpose of intimidation are accused of treason. Two of them are sentenced to death. Their treasonous act was one that citizens of the free world take for granted—they attempted to leave their country. In this effort they are alleged to have planned to hijack a plane. But it is known that they never set foot on the plane in question. And beyond this, little is known.

Because as in the days of Andrei Vyshinski, the trials were held in secret. And the defendants are not condemned for the manner in which they sought to leave—but for the fact that they sought to leave at all. They sought to go from where they are not wanted—except as scapegoats for a totalitarian government—to join their people in Israel. We can appreciate the Soviets' problem. Certainly, the exodus of Russian Jews from the "people's paradise" must be embarrassing to the Soviets. But the keepers of the gates to this "paradise" must know that it will not be possible forever to build walls to keep their people in. Mr. Khrushchev himself indicated that in his recent memoirs. Nor will it be possible forever to murder those who cling to their religious faith simply because their persistence is inconvenient to a government which maintains that a citizen's highest allegiance must be to the state.

The world once sat by and ignored a national policy of intimidation and harassment and murder, eventually genocide, for political convenience. And it soon learned that the bell that tolled for 6 million European Jews tolled for every man. The lesson came high, and it brought unmistakably to the attention of all humanity a moral obligation as old as time—that we are, for better or worse, our brother's keeper.

To express the Senate's outrage at the Soviet repression, I therefore submit this resolution.

Expeditious action by the Senate will demonstrate our profound concern for the safety and welfare of all Soviet Jews.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the distinguished minority leader.

Mr. SCOTT. Mr. President, I commend very warmly the action taken by the distinguished junior Senator from Kansas in this compassionate and concerned demonstration of the wish of the Senate that the Government of the Soviet Union take notice of American public opinion, which is concerned that justice be done to these persons and that mercy be extended to them. I am very glad that the distinguished Senator has moved as he has, and I am very happy to support him in his resolution.

Mr. DOLE. I thank the distinguished minority leader.

I yield to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, this kind of approach by our country represents a tradition going back to 1840, when we first protested inhumanity which we deeply felt was based upon religious discrimination and religious distinction. It is in this high tradition that I think the Soviet Union and its people should be informed how millions of Americans react to this kind of situation.

We have a right to hope and pray that they will hear the voice of humanity, much as they probably are convinced that what they are doing is right, and will pay attention to it, in seeing that these cruel and inhuman punishments are not inflicted and that the burden is lifted from the necks of those Soviet citizens who happen to be of the Jewish faith.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. CHURCH. Mr. President, I commend the Senator from Kansas for the initiative he has taken here. But I would ask whether he had given any consideration to the comparable problem now faced by the Basque citizens in Spain. Would he have any objection to extend the resolution to include the Basques in Spain who presently face very onerous judgment under the Franco government?

Mr. DOLE. I would prefer to treat that as a separate resolution. I have no objection, but feel perhaps it should be in a separate resolution.

Mr. President, I ask unanimous consent to have printed at this point in the Record the names of cosponsors.

There being no objection, the names of cosponsors were ordered to be printed in the Record, as follows:

Mr. Dole, Mr. Mathias, Mr. Bellmon, Mr. Fannin, Mr. Schweiker, Mr. Saxbe, Mr. Baker, Mr. Boggs, Mr. Allott, Mr. Brooke.

Mr. Case, Mr. Goodell, Mr. Hansen, Mr. Gurney, Mr. Cook, Mr. Javits, Mr. Percy, Mr. Scott, Mr. Pearson, Mr. Miller.

Mr. Packwood, Mr. Murphy, Mr. Stevens, Mr. Ribicoff, Mr. Proxmire, Mr. Bayh, Mr. Symington, Mr. McGovern, Mr. Hart, Mr. Church.

Mr. McGee, Mr. Jackson, Mr. Magnuson, Mr. Griffin, Mr. Mondale, Mr. Hartke, Mr. Kennedy, Mr. Cranston, Mr. Thurmond, Mr. Muskie.

Mr. DOLE. I also ask unanimous consent to have printed at this point in the Record an editorial published in the Washington Daily News of yesterday with reference to the action in the Soviet Union.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Judicial Murder in Russia

Sentencing in Leningrad of two Jews to death and nine other persons to prison camps for allegedly planning to hijack a Soviet airliner is a brutal, repressive act that tells much about the Kremlin's police state.

We utterly oppose aerial hijacking—whether by Soviet Jews, Arab guerrillas, Black Panthers or assorted psychopaths. It is a crime that endangers innocent passangers and deserves to be punished.

But in the Leningrad case no hijacking took place. The worst that can be charged against the 11 defendants, nine of them Jews who wished to emigrate to Israel, is that they plotted to seize a Soviet plane and fly it to Sweden. To put two "Zionists" before a firing squad for that is savagely excessive punishment.

We have no idea if the 11 are even guilty as charged. Naturally, the trial was closed to the foreign press. No trial record has been or will be made public. The Soviet say all 11 "confessed, pleaded guilty and repented their crimes."

That means less than nothing. After a few weeks in the basements of the dreaded KGB, the Soviet secret police, anybody will confess to anything. This is proved by writings ranging from Arthur Koestler's great novel Darkness at Noon to Khrushchev's famous secret speech to the 20th Soviet Communist Party Congress in 1965.

Also, the efficiency with which the KGB rounded up the Leningrad 11 and some 20 other Jews indicates that the police knew about the alleged "plot" all along. It is even possible that a police agent instigated the escape effort; the tradition of police provocations is strong in Russia, going back to Czarist times.

Interestingly, the Leningrad Jews are charged with violating Article 64A of the Russian Federation Criminal Code. This makes it treason to flee the country. All we can say is any country that makes it a capital crime to try to leave is not a country, but a concentration camp.

Recently, the Soviet rulers have been frightened by the stirrings of the more than three million Jews, many of whom wish to escape from government fostered anti-semitism in the Soviet Union and go to Israel.

The reaction of the ruling clique of communist hierarchs, secret police satraps and Soviet Army marshals is in the purest tradition of the late despot Stalin: arrest, beat, exact confessions, stage show trials, execute—and thus terrorize the survivors into docility.

The new repression is not only aimed at Russia's unfortunate Jews. It is also meant to silence non-Jewish dissidents, scientists, writers and intellectuals who have courageously demanded civil rights and the freedom to think and speak.

In Russia there are no independent courts or judges in political cases. The guilty verdict and death sentences in Leningrad were decided by the Communist Politburo. If Mark Dymshits and Eduard Kuznetsov die before a firing squad, mankind will remember that the trigger fingers belonged to Brezhnev, Kosygin and their cohorts.

Mr. DOLE. I would object to including the suggestion of the Senator from Idaho in this resolution.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOLE. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I, too, commend the Senator from Kansas for sponsoring this resolution at this time. Indeed, as I interpret this situation, from all the research I have done of the matter and all the data I have been able to gather, their only taint of treason was the fact that they wanted to return to their land of destiny, Israel.

The human heart and the hearts of the world call out for mercy in this case. I am decidedly pleased that the Senator from Kansas has introduced this resolution, and I hope that it will be agreed to unanimously.

Mr. DOLE. I say to the Senator from Rhode Island that, as I understand it, they were charged with violation of article 64(a) of the Russian criminal code, which makes it treason to flee the country. To me, that in itself is an injustice, and that is what the resolution is addressed to.

Mr. PASTORE. After all, I am not very surprised. Theirs is a nation of building walls, not only to let no one in; but also not to permit anyone to get out, and that has been the whole history of the Soviet Union. I think that this resolution at this time, at this season so sacred both to Christianity and to Judaism—is most appropriate.

Again, I say, it is a plea from the hearts of the world.

Mr. CHURCH. Mr. President, I should like to put the Senate on notice that I intend to offer a similar resolution in connection with the problems of the Basque persecution in Spain. I will treat it as a separate matter, as the Senator suggests; but I think that, as it is appropriate for us to take this action, it is also appropriate to take similar action concerning the Basque people.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXCISE, ESTATE, AND GIFT TAX ADJUSTMENT ACT OF 1970

Mr. LONG. Mr. President, the majority leader moved the bill involving excise, estate, and gift taxes, but the committee acted to place the substance of this measure on another bill, one which was before the committee. The excise, estate, and gift tax bill had been held at the desk. Therefore, I wish to substitute the bill on which the committee had the privilege of meeting and acting. So I ask unanimous consent to substitute Calendar No. 1455, H.R. 16199, for the pending measure.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 16199) to establish a working capital fund for the Department of the Treasury.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

Section 1. Short Title, Etc.

(a) Short Title.—This Act may be cited as the "Excise, Estate, and Gift Tax Adjustment Act of 1970".

(b) Wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954,

TITLE I—ESTATE AND GIFT TAXES

Sec. 101. Estate Tax

(a) Alternate Valuation.—Section 2032 (relating to alternate valuation) is amended—

(1) by striking out "1 year" each place it appears and inserting in lieu thereof "6 months", and

(2) by striking out "1-year" and inserting in lieu thereof "6-month".

(b) Time for Filing Estate Tax Returns.—Section 6075(a) (relating to time

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for filing estate tax returns) is amended by striking out "15 months" and inserting in lieu thereof "9 months".

(c) Certain Requests Subject to Power of Appointment.—Section 2055(b)(2(C) is amended by striking out "one year" and inserting in lieu thereof "6 months".

(d) Discharge of Fiduciary From Personal Liability for Estate Tax.—

(1) Section 2204 (relating to discharge of executor from personal liability) is amended

(A) by striking out "EXECUTOR" in the heading of such section and inserting in lieu thereof "FIDUCIARY";

(B) by striking out "If the executor" and inserting in lieu thereof "(a) General Rule.—If the executor";

(C) by amending the last sentence thereof to read as follows: "The executor, on payment of the amount of which he is notified (other than any amount the time for payment of which is extended under section 6161, 6163, or 6166), and on furnishing any bond which may be required for any amount for which the time for payment is extended, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge."; and

(D) by adding at the end thereof the following new subsection:

"(b) Fiduciary Other Than the Executor.—If a fiduciary (not including a fiduciary in respect of the estate of a nonresident decedent) other than the executor makes written application to the Secretary or his delegate for determination of the amount of any estate tax for which the fiduciary may be personally liable, and for discharge from personal liability therefor, the Secretary or his delegate upon the discharge of the executor from personal liability under subsection (a), or upon the expiration of 6 months after the making of such application by the fiduciary, if later, shall notify the fiduciary (1) of the amount of such tax for which it has been determined the fiduciary is liable, or (2) that it has been determined that the fiduciary is not liable for any such tax. Such application shall be accompanied by a copy of the instrument, if any, under which such fiduciary is acting, a description of the property held by the fiduciary, and such other information for purposes of carrying out the provisions of this section as the Secretary or his delegate may require by regulations. On payment of the amount of such tax for which it has been determined the fiduciary is liable (other than any amount the time for payment of which has not been extended under section 6161, 6163, or 6166), and on furnishing any bond which may be required for any amount for which the time for payment has been extended, or on receipt by him of notification of a determination that he is not liable for any such tax, the fiduciary shall be discharged from personal liability for any deficiency in such tax thereafter found to be due and shall be entitled to a receipt or writing evidencing such discharge."

(2) Sections 6040(2), 6314(c)(2), 6324(a)(3), and 6504(9) are each amended by striking out "executor" each place it appears in the heading and text of such sections and inserting in lieu thereof "fiduciary".

(3) The table of sections for subchapter C of chapter 11 is amended by striking out

"Sec. 2204. Discharge of executor from personal liability."

and inserting in lieu thereof:

"Sec. 2204. Discharge of fiduciary from personal liability."

(e) Discharge of Executor From Personal Liability for Decedent's Income and Gift Taxes.—

(1) Chapter 71 (relating to transferees and fiduciaries) is amended by adding at the end thereof the following new section:

"Sec. 6905. Discharge of Executor From Personal Liability for Decedent's Income and Gift Taxes.

"(a) Discharge of Liability.— In the case of liability of a decedent for taxes imposed by subtitle A or by chapter 12, if the executor makes written application (filed after the return with respect to such taxes is made and filed in such manner and such form as may be prescribed by regulations of the Secretary or his delegate) for release from personal liability for such taxes, the Secretary or his delegate may notify the executor of the amount of such taxes. The executor, upon payment of the amount of which he is notified, or 1 year after receipt of the application if no notification is made by the Secretary or his delegate before such date, shall be discharged from personal liability for any deficiency in such tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

"(b) Definition of Executor.—For purposes of this section, the term 'executor' means the executor or administrator of the decedent appointed, qualified, and acting within the United States.

"(c) Cross Reference.—

"For discharge of executor from personal liability for taxes imposed under chapter 11, see section 2204."

(2) The table of sections for chapter 71 is amended by adding at the end thereof the following:

"Sec. 6905. Discharge of executor from personal liability for decedent's income and gift taxes."

(f) Reduction of Period for Discharge of Executor From Personal Liability.—Effective with respect to the estates of decedents dying after December 31, 1973, sections 2204 and 6905 are each amended by striking out "1 year" and inserting in lieu thereof "9 months".

(g) Holding Period of Property.—Section 1223 (relating to holding period of property) is amended by redesignating paragraph (11) as paragraph (12) and by inserting after paragraph (10) the following new paragraph:

"(11) In the case of a person acquiring property from a decedent or to whom property passed from a decedent (within the meaning of section 1014(b)), if—

"(A) the basis of such property in the hands of such person is determined under section 1014, and

"(B) such property is sold or otherwise disposed of by such person within 6 months after the decedent's death,

then such person shall be considered to have held such property for more than 6 months."

(h) Extension of Time.—The first sentence of paragraph (1) of subsection (a) of section 6161 (relating to extension of time for paying tax) is amended by striking out "6 months" and inserting in lieu thereof "6 months (12 months in the case of estate tax)".

(i) Place for Filing Returns.—

(1) Paragraph (3) of section 6091(b) (relating to place for filing returns or other documents) is amended to read as follows:

"(3) Estate tax returns.—

"(A) General rule.—Except as provided in subparagraph (B), returns of estate tax required under section 6018 shall be made to the Secretary or his delegate—

"(i) in the internal revenue district in which was the domicile of the decedent at the time of his death, or

"(ii) at a service center serving the internal revenue district referred to in clause (i), as the Secretary or his delegate may by regulations designate.

"(B) Exception.—If the domicile of the decedent was not in an internal revenue district, or if he had no domicile, the estate tax return required under section 6018 shall be made at such place as the Secretary or his delegate may by regulations designate."

(2) Paragraph (4) of section 6091(b) is amended to read as follows:

"(4) Hand-carried returns.—Notwithstanding paragraph (1), (2), or (3), a return to which paragraph (1)(A), (2)(A), or (3)(A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand-carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph 1(A)(i), (2)(A)(i), or (3)(A)(i), as the case may be."

(j) Effective Date.—The amendments made by this section (other than subsection (f)) shall apply with respect to decedents dying after December 31, 1970.

SEC. 102. GIFT TAX.

(a) Amendments to Subchapter A of Chapter 12.—

(1) Section 2501.—

(A) Paragraph (1) of subsection (a) of section 2501 is amended to read as follows:

"(1) General rule.—For the first calendar quarter of calendar year 1971 and each calendar quarter thereafter a tax, computed as provided in section 2502, is hereby imposed on the transfer of property by gift during such calendar quarter by any individual, resident or nonresident."

(B) Paragraph (4) of such subsection is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(2) Section 2502.—

(A) So much of subsection (a) of section 2502 as precedes the rate schedule is amended to read as follows:

"(a) Computation of Tax.—The tax imposed by section 2501 for each calendar quarter shall be an amount equal to the excess of—

"(1) a tax, computed in accordance with the rate schedule set forth in this subsection, on the aggregate sum of the taxable gifts for such calendar quarter and for each of the preceding calendar years and calendar quarters, over

"(2) a tax, computed in accordance with such rate schedule, on the aggregate sum of the taxable gifts for each of the preceding calendar years and calendar quarters."

(B) Subsections (b) and (c) of section 2502 are amended to read as follows:

"(b) Calendar Quarter.—Wherever used in this title in connection with the gift tax imposed by this chapter, the term 'calendar quarter' includes only the first calendar quarter of the calendar year 1971 and succeeding calendar quarters.

"(c) Preceding Calendar Years and Quarters.—Wherever used in this title in connection with the gift tax imposed by this chapter—

"(1) The term 'preceding calendar years' means calendar years 1932 and 1970 and all calendar years intervening between calendar year 1932 and calendar year 1970. The term 'calendar year 1932' includes only the portion of such year after June 6, 1932.

"(2) The term 'preceding calendar quarters' means the first calendar quarter of calendar year 1971 and all calendar quarters intervening between such calendar quarter and the calendar quarter for which the tax is being computed."

(3) Section 2503.—

(A) Subsection (a) of section 2503 is amended to read as follows:

"(a) General Definition.—The term 'taxable gifts' means, in the case of gifts made after December 31, 1970, the total amount of gifts made during the calendar quarter, less the deductions provided in subchapter C (sec. 2521 and following). In the case of gifts made before January 1, 1971, such term means the total amount of gifts made during the calendar year, less the deductions provided in subchapter C."

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(B) The heading and first sentence of subsection (b) of section 2503 are amended to read as follows:

"(b) Exclusions From Gifts.—In computing taxable gifts for the calendar quarter, in the case of gifts (other than gifts of future interests in property) made to any person by the donor during the calendar year 1971 and subsequent calendar years, $3,000 of such gifts to such person less the aggregate of the amounts of such gifts to such person during all preceding calendar quarters of the calendar year shall not, for purposes of subsection (a), be included in the total amount of gifts made during such quarter."

(4) Section 2504.—

(A) Section 2504 is amended to read as follows:

"Sec. 2504. Taxable Gifts for Preceding Years and Quarters.

"(a) In General.—In computing taxable gifts for preceding calendar years or calendar quarters for the purpose of computing the tax for any calendar quarter, there shall be treated as gifts such transfers as were considered to be gifts under the gift tax laws applicable to the years or calendar quarters in which the transfers were made and there shall be allowed such deductions as were provided for under such laws; except that the specific exemption in the amount, if any, allowable under section 2521 shall be applied in all computations in respect of previous calendar years or calendar quarters for the purpose of computing the tax for any calendar year or calendar quarter.

"(b) Exclusions From Gifts for Preceding Years and Quarters.—In the case of gifts made to any person by the donor during preceding calendar years and calendar quarters, the amount excluded, if any, by the provisions of gift tax laws applicable to the years and calendar quarters in which the gifts were made shall not, for purposes of subsection (a), be included in the total amount of the gifts made during such years and calendar quarters.

"(c) Valuation of Certain Gifts for Preceding Calendar Years and Quarters.—If the time has expired within which a tax may be assessed under this chapter or under corresponding provisions of prior laws on the transfer of property by gift made during a preceding calendar year or calendar quarter, as defined in section 2502(c), and if a tax under this chapter or under corresponding provisions of prior laws has been assessed or paid for such preceding calendar year or calendar quarter, the value of such gift made in such preceding calendar year or calendar quarter shall, for purposes of computing the tax under this chapter for any calendar quarter, be the value of such gift which was used in computing the tax for the last preceding calendar year or calendar quarter for which a tax under this chapter or under corresponding provisions of prior laws was assessed or paid.

"(d) Net Gifts.—The term 'net gifts' as used in corresponding provisions of prior laws shall be read as 'taxable gifts' for purposes of this chapter."

(B) The table of sections for subchapter A of chapter 12 is amended by striking out the item relating to section 2504 and inserting lieu thereof the following:

"Sec. 2504. Taxable gifts for preceding years and quarters."

(b) Amendments to Subchapter B of Chapter 12.—

(1) Section 2512.—Subsection (b) of section 2512 is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(2) Section 2513.—

(A) Section 2513 is amended by striking out "calendar year" each place it appears and inserting in lieu thereof "calendar quarter".

(B) Subparagraph (A) of subsection (b) (2) of section 2513 is amended to read as follows:

"(A) the consent may not be signified after the 15th day of the second month following the close of such calendar quarter, unless before such 15th day no return has been filed for such calendar quarter by either spouse, in which case the consent may not be signified after a return for such calendar quarter is filed by either spouse;".

(C) Subparagraph (B) of subsection (b) (2) of section 2513 is amended by striking out "such year" and inserting in lieu thereof "such calendar quarter".

(D) Subsection (c) of section 2513 is amended by striking out "15th day of April following the close of such year" and inserting in lieu thereof "15th day of the second month following the close of such calendar quarter".

(E) Subsection (d) of section 2513 is amended by striking out "such year" and inserting in lieu thereof "such calendar quarter".

(3) Section 2515.—Subsection (c) of section 2515 is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(c) Amendments to Subchapter C of Chapter 12.—

(1) Section 2521.—Section 2521 is amended to read as follows:

"Sec. 2521. Specific Exemption.

"In computing taxable gifts for a calendar quarter, there shall be allowed as a deduction in the case of a citizen or resident an exemption of $30,000, less the aggregate of the amounts claimed and allowed as a specific exemption in the computation of gift taxes for the calendar year 1932 and all calendar years and calendar quarters intervening between that calendar year and the calendar quarter for which the tax is being computed under the laws applicable to such years or calendar quarters."

(2) Section 2522.—Section 2522 is amended by striking out "year" each place it appears and inserting in lieu thereof "quarter".

(3) Section 2523.—Subsection (a) of section 2523 is amended by striking out "year" each place it appears and inserting in lieu thereof "quarter".

(d) Miscellaneous Amendments.—

(1) Paragraph (2) of subsection (d) of section 1015 (relating to increased basis for gift tax paid) is amended—

(A) by striking out "calendar year" the first place it appears therein and inserting in lieu thereof "calendar quarter (or calendar year if the gift was made before January 1, 1971)", and

(B) by striking out "calendar year" every other place it appears therein and inserting in lieu thereof "calendar quarter or year".

(2) Section 2012.

(A) Paragraph (1) of subsection (b) of section 2012 (relating to credit for gift tax) and paragraph (1) of subsection (d) of such section are each amended by striking out "the year" and inserting in lieu thereof "the calendar quarter (or calendar year if the gift was made before January 1, 1971)".

(B) Subsection (d) of section 2012 is amended by striking out "such year" each place it appears therein and inserting in lieu thereof "such quarter or year".

(3) Section 6019 (relating to gift tax returns) is amended to read as follows:

"Sec. 6019. Gift Tax Returns.

"(a) In General.—Any individual who in any calendar quarter makes any transfers by gift (other than transfers which under section 2503(b) are not to be included in the total amount of gifts for such quarter and other than qualified charitable transfers) shall make a return for such quarter with respect to the gift tax imposed by subtitle B.

"(b) Qualified Charitable Transfers.—

"(1) Return requirement.—A return shall be made of any qualified charitable transfer—

"(A) for the first calendar quarter, in the calendar year in which the transfer is made, for which a return is required to be filed under subsection (a), or

"(B) if no return is required to be filed under subparagraph (A), for the fourth calendar quarter in the calendar year in which such transfer is made.

A return made pursuant to the provisions of this paragraph shall be deemed to be a return with respect to any transfer reported as a qualified charitable transfer for the calendar quarter in which such transfer was made.

"(2) Definition of qualified charitable transfer.—For purposes of this section, the term 'qualified charitable transfer' means a transfer by gift with respect to which a deduction is allowable under section 2522 in an amount equal to the amount transferred.

"(c) Tenancy by the Entirety.—

"For provisions relating to requirement of return in the case of election as to the treatment of gift by creation of tenancy by the entirety, see section 2515(c)."

(4) Subsection (b) of section 6075 (relating to time for filing gift tax returns) is amended to read as follows:

"(b) Gift Tax Returns.—Returns made under section 6019 (relating to gift taxes) shall be filed on or before the 15th day of the second month following the close of the calendar quarter."

(5) Paragraph (1) of subsection (c) of section 6212 (relating to notice of deficiency) is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(6) Subsection (b) of section 6214 (relating to determination by Tax Court) is amended to read as follows:

"(b) Jurisdiction Over Other Years and Quarters.—The Tax Court in redetermining a deficiency of income tax for any taxable year or of gift tax for any calendar year or calendar quarter shall consider such facts with relation to the taxes for other years or calendar quarters as may be necessary correctly to redetermine the amount of such deficiency, but in so doing shall have no jurisdiction to determine whether or not the tax for any other year or calendar quarter has been overpaid or underpaid."

(7) Subsection (b) of section 6324 (relating to lien for gift tax) is amended by striking out "calendar year" and inserting in lieu thereof "period for which the return was filed".

(8) Paragraph (2) of section 6501(e) (relating to limitations on assessment and collection) is amended by striking out "during the year" and inserting in lieu thereof "during the period for which the return was filed".

(9) Section 6512 (relating to limitations in case of petition to Tax Court) is amended by striking out "the same calendar year" each place it appears therein and inserting in lieu thereof "the same calendar year or calendar quarter".

(e) Effective Date.—The amendments made by this section shall apply with respect to gifts made after December 31, 1970.

TITLE II—CONTINUATION OF EXCISE TAXES ON PASSENGER AUTOMOBILES AND COMMUNICATIONS SERVICES

Sec. 201. Rates of Tax.

(a) Passenger Automobiles.—

(1) In general.—Section 4061(a)(2)(A) (relating to tax on passenger automobiles, etc.) is amended to read as follows:

"(A) Articles enumerated in subparagraph (B) are taxable at whichever of the following rates is applicable:

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“If the article is sold—	The tax rate is—
Before January 1, 1973	7 percent.
During 1973	6 percent.
During 1974, 1975, 1976, or 1977	5 perecnt.
During 1978	4 percent.
During 1979	3 percent.
During 1980	2 percent.
During 1981	1 percent.

The tax imposed by this subsection shall not apply with respect to articles enumerated in subparagraph (B) which are sold by the manufacturer, producer, or importer, after December 31, 1981.”

(2) Conforming amendment.—Section 6412(a)(1) (relating to the floor stocks refunds on passenger automobiles, etc.) is amended by striking out “January 1, 1971, January 1, 1972, January 1, 1973, or January 1, 1974”, and inserting in lieu thereof “January 1 of 1973, 1974, 1978, 1979, 1980, 1981, or 1982”.

(b) Communications Services.—

(1) Continuation of tax.—Section 4251 (a)(2) (relating to tax on certain communications services) is amended by striking out the table and inserting in lieu thereof the following table:

“Amounts paid pursuant to bills first rendered—	*Percent*
Before January 1, 1973	10
During 1973	9
During 1974	8
During 1975	7
During 1976	6
During 1977	5
During 1978	4
During 1979	3
During 1980	2
During 1981	1”.

(2) Conforming amendment.—Section 4251(b) (relating to termination of tax) is amended by striking out “January 1, 1974”, and inserting in lieu thereof “January 1, 1982”.

(3) Repeal of subchapter b of chapter 33.—Section 105 (b)(3) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 266) is amended to read as follows:

“(3) Repeal of subchapter b of chapter 33.— Effective with respect to amounts paid pursuant to bills first rendered on or after January 1, 1982, subchapter B of chapter 33 (relating to the tax on communications) is repealed. For purposes of the preceding sentence, in the case of communications services rendered before November 1, 1981, for which a bill has not been rendered before January 1, 1982, a bill shall be treated as having been first rendered on December 31, 1981. Effective January 1, 1982, the table of subchapters for chapter 33 is amended by striking out the item relating to such subchapter B.”

TITLE III—TECHNICAL EXCISE TAX CHANGES

Sec. 301. Constructive Sale Price.

(a) Determination of Constructive Sale Price.—Section 4216(b) (relating to constructive sale price) is amended by adding at the end thereof the following new paragraphs:

“(5) Constructive sale price in the case of automobiles, trucks, etc.—In the case of articles the sale of which is taxable under section 4061(a) (relating to automobiles, trucks, etc.), for purposes of paragraph (1), if—

“(A) the manufacturer, producer, or importer of the article regularly sells such article to a distributor which is a member of the same affiliated group of corporations (as defined in section 1504(a)) as the manufacturer, producer, or importer, and

“(B) such distributor regularly sells such article to one or more independent retailers, the constructive sale price of such article shall be 98½ percent of the lowest price for which such distributor regularly sells such article in arm's-length transactions to such independent retailers. The price determined under this paragraph shall not be adjusted for any exclusion (except for the tax imposed on such article) or readjustments under subsections (a) and (f) and under section 6416 (b)(1).

“(6) Definition of lowest price.—For purposes of paragraphs (1), (3), and (5), the lowest price shall be determined—

“(A) without requiring that any given percentage of sales be made at that price, and

“(B) without including any fixed amount to which the purchaser has a right as a result of contractual arrangements existing at the time of the sale.”

(b) Conforming Amendments.—

(1) The first sentence of paragraph (3) of section 4216(b) is amended by striking out “paragraph (4)” and inserting in lieu thereof “paragraphs (4) and (5)”.

(2) Paragraphs (3) and (4) of section 4216 (b) are amended—

(A) by striking out “Fair market price” in the heading and inserting in lieu thereof “Constructive sale price”;

(B) by striking out “fair market price” each place it appears in the text and inserting in lieu thereof “constructive sale price”; and

(C) by striking out “paragraph (1)(C)” and inserting in lieu thereof “paragraph (1)”.

(c) Effective Date.—The amendments made by this section shall apply with respect to articles sold after December 31, 1970; except that section 4216(b)(6) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall also apply to (1) the application of paragraph (1) of such section 4216(b) to articles sold after June 30, 1962, and before January 1, 1971, and (2) the application of paragraph (3) of such section 4216(b) to article sold after December 31, 1969, and before January 1, 1971.

Sec. 302. Credits in the Case of Certain Further Manufacturing.

(a) In General.—

(1) Section 6416(b)(3) (relating to tax-paid articles used for further manufacture) is amended—

(A) by striking out “to a second manufacturer or producer, such tax shall be deemed to be an overpayment by such second manufacturer or producer if” and inserting in lieu thereof “and such article is sold to a subsequent manufacturer or producer before being used, such tax shall be deemed to be an overpayment by such subsequent manufacturer or producer if”; and

(B) by striking out “the second manufacturer” each place it appears in subparagraphs (A), (B), (C), (E), and (F) and inserting in lieu thereof “the subsequent manufacturer”.

(2) Section 6416(c) (relating to credit for tax paid on tires or inner tubes) is amended by striking out the last sentence thereof.

(b) Conforming Amendment.—Section 6416(b)(2) (relating to specified uses and resales) is amended by striking out subparagraph (E).

(c) Effective Date.—The amendments made by subsections (a) and (b) of this section shall apply only with respect to claims for credit or refund filed after the date of the enactment of this Act, but only if the filing of the claim is not barred on the day after the date of the enactment of this Act by any law or rule of law.

Sec. 303. Certain Camper Units

(a) General Rule.—Section 4063(a)(1) (B) (relating to exemptions for camper coaches, etc.) is amended by inserting “or camping accommodations” after “living quarters”.

(b) Effective Date.—The amendment made by subsection (a) of this section shall apply with respect to sales made on or after the date of the enactment of this Act.

Sec. 304. New Car Labels To Show Rate of Applicable Federal Manufacturers Excise Tax

(a) General Rule.—In the case of any new automobile distributed in commerce after March 31, 1971, on the sale of which by the manufacturer, producer, or importer tax was imposed by section 4061(a) of the Internal Revenue Code of 1954, any person required by section 3 of the Automobile Information Disclosure Act (15 U.S.C., sec. 1232) to affix a label to such new automobile shall include in such label a clear, distinct, and legible endorsement stating—

(1) that Federal excise tax was imposed on such sale, and

(2) the percentage rate at which such tax was imposed.

(b) Penalty.—Any person required by subsection (a) of this section to endorse any label who willfully fails to endorse clearly, distinctly, and legibly such label as required by subsection (a), or who makes a false endorsement of such label, shall be fined not more than $1,000. Such failure or false endorsement with respect to each automobile shall constitute a separate offense.

TITLE IV—TREASURY DEPARTMENT WORKING CAPITAL FUND

Sec. 401. Establishment of Fund

There is hereby established a working capital fund for the Department of the Treasury, which shall be available, without fiscal year limitation, for expenses and equipment necessary for maintenance and operation of such administrative services as the Secretary of the Treasury, with the approval of the Director of the Office of Management and Budget, determines may be performed more advantageously and more economically as central services. The capital of the fund shall not exceed $1,000,000 and shall consist of the amount of the fair and reasonable value of such supply inventories, equipment, and other assets and inventories on order, pertaining to the services to be carried on by the fund, as the Secretary of the Treasury may transfer to the fund, less the related liabilities and unpaid obligations, together with any appropriations made for the purpose of providing capital. The fund shall be reimbursed, or credited with advance payments, from applicable appropriations and funds of the Department of the Treasury, other Federal agencies, and other sources authorized by law, for supplies and services at rates which will recover the expense of operations, including accrual of annual leave and depreciation of plant and equipment of the fund. The fund shall also be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund. There shall be transferred into the Treasury as miscellaneous receipts, as of the close of each fiscal year, earnings which the Secretary of the Treasury determines to be excess to the needs of the fund. There are hereby authorized to be appropriated such amounts as may be necessary to provide capital for the fund.

Amend the title so as to read: “An Act to establish a working capital fund for the Department of the Treasury; to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services; and for other purposes.”

Mr. LONG. Mr. President, let me explain that when the excise, estate, and gift tax bill came to the Senate, objection was made to that bill going to the

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Committee on Finance and, therefore, the bill went to the calendar. The committee felt a duty to act on that measure, however, and to consider it. Therefore, the committee simply took a House passed revenue bill, which was the noncontroversial bill to establish a working fund for the Treasury, and simply added to that bill such provisions of the House passed Excise, Estate, and Gift Tax Adjustments Act of 1970 as the committee found justified, closed the loophole that existed with regard to those taxes, and reported this matter to the Senate.

These provisions will improve our budgetary situation by raising $3.4 billion of additional revenue for the fiscal year 1972 and $700 million of additional revenue for the fiscal year 1971. This is achieved by accelerating the collection of estate and gift taxes and by continuing the excise tax on autos and communications services at present rates for a period of 2 years.

While providing this increase in revenue is the principal reason for passing this bill now, the bill is also advantageous in that it makes a significant contribution to tax reform. This is because the speedup in estate tax collections improves estate tax administration by making possible prompter distributions of bequests to beneficiaries. In addition, the bill provides a workable plan for gradually reducing and removing the excise taxes on autos and communications services from our tax structure.

The fourth title of the pending measure—which is the House-passed bill—provides for the establishment of a limited Treasury working capital fund. At present, the Treasury Department is performing on a reimbursable basis various centralized services for a number of its bureaus. The proposed working capital fund would consolidate these operations, place them on a more systematic and businesslike basis, and assist the Treasury Department in presenting a more accurate cost-base budget.

In the Finance Committee we were forced to add the excise and estate and gift tax bill to a small bill pending in our committee because this bill was not referred to our committee. We thought that as the Finance Committee of the U.S. Senate, we should consider important legislation of this type before action is taken by the Senate. We took that action in the only way we could—by adding the excise and estate and gift tax bill to a minor bill before our committee.

Let me say one thing more on the general subject while I am on it. We believe that it would be fiscally irresponsible not to provide this $3.4 billion in revenue for next year when we are currently faced with a deficit of perhaps $15 billion. Because of this, we intend to resist amendments—even good provisions—because as the Senators know one amendment invites another. If we let this process begin, it is likely to keep on going and I do not believe this bill can be enacted if any appreciable number of amendments are added.

I should like now to comment on some of the more important aspects of the tax changes made by the bill. In the case of the estate tax, the principal change is to shorten the time allowed to file the estate tax return and to pay the estate tax from 15 months after the decedent's death to 9 months after his death. This change, which is effective for decedents dying after December 31, 1970, will not only speed up the collection of the tax, but will also decrease the period of estate tax administration. It has the advantage of aiding in the more rapid distribution of property to beneficiaries. Anyone who is interested in the objective of prompt distribution of bequests should support this provision.

There are additional good reasons for the acceleration in estate and gift tax collections. We already collect most Federal taxes on a current basis. The individual income tax and the corporate income tax, for instance, are now collected currently under the pay-as-you-go system. In this setting, I do not see why we should continue to permit long lags in the payment of the estate and gift taxes. These collection lags merely deprive the Federal Government of tax revenues at a time when we badly need these revenues for budgetary reasons. In addition, because the revenue is received late, the Government has to borrow more and incur heavier expenses for interest.

The bill also makes a number of changes to facilitate adjustment to the new 9-month filing requirement for the estate tax return. For example, it provides that the alternate valuation date for property included in the gross estate is to be 6 months after the decedent's death rather than 1 year after that date. More liberal rules are provided for extending the time for payment of the estate tax if the request for postponing the payment of the estate tax beyond 9 months of the decedent's death is due to reasonable cause. In such cases, the Commissioner of Internal Revenue is given authority to extend the time for payment of the estate tax for a period up to 12 months instead of for 6 months as under present law.

The pending legislation also makes it easier and less costly for the estate to raise funds for the payment of the estate tax by providing that property acquired from decedents will be deemed to have been held for more than 6 months. This permits gains from the sale of such property by an executor to be treated as long-term capital gains even though the sale occurs shortly after the death of a decedent.

Finally, the bill liberalizes the rules under which an executor can obtain discharge from personal liability for a decedent's taxes.

To accelerate payment of gift tax liabilities, the bill requires the filing of gift tax returns and the payment of gift taxes on a quarterly rather than on an annual basis. Under the new procedure, which is effective for gifts made after December 31, 1970, the gift tax return and the payment of the tax is to be due on or before the 15th day of the second month following the close of the calendar quarter in which the gift was made. For example, the gift tax return and payment for a gift made on February 1, 1971, will be due by May 15, 1971.

I want to stress that in providing for the acceleration of gift tax collections, the bill makes no change in the way gift tax liability is determined. The present gift tax rates, exclusions, and deductions remain the same. All we are doing here is seeing to it that the Government will receive the gift tax collections more promptly.

I also want to point out that under the legislation quarterly gift tax returns will not be required for a charitable gift. Instead, the donor will report charitable transfers on a return for the fourth quarter of the calendar year or at such earlier time as he is required to file a return for a taxable gift. This exception from the requirement to file quarterly gift tax returns avoids any possible disruption of the present patterns of making gifts to charitable organizations.

Let me turn now to the proposed extension of the present excise tax rates on passenger automobiles and communications services. It was not pleasant for the Finance Committee to recommend the continuation of these rates and I am certainly not happy about this continuation. I know that most of us do not want to see these taxes continued on a permanent basis. The Congress has in effect said this a number of times by scheduling the reduction and eventual elimination of these taxes. But the sad fact is that with the present state of the budget, we just cannot afford the immediate large revenue losses that would result in fiscal 1971 and 1972 if the presently scheduled reductions were permitted to take effect. As a result, the bill continues for 2 more years—for calendar years 1971 and 1972—the present tax rates on passenger automobiles and communications services. The resulting revenue increase will amount to $630 million in fiscal 1971 and $1,865 million in fiscal 1972.

We have adopted a schedule for future excise tax reductions which we believe will make it unnecessary to continue excise tax rates in future years. The reductions scheduled in the past have generally been unsuccessful because they provided for relatively large annual reductions involving large revenue losses. Each time the scheduled reductions came due, we found that we could not afford them. In contrast, the automatic reductions provided by this legislation are gradual—they involve rate reductions of not more than 1 percentage point in any one year. This greatly increases the chances that the reductions will actually take effect as scheduled. This is because the revenue loss for any one year will be small, particularly in view of the offsetting revenue collected as a result of the normal growth in the bases of the auto and communications taxes over the years.

In summary, the pending legislation provides that the current tax rates of 7 percent for passenger automobiles and 10 percent for communication services are to continue through 1972. Beginning in calendar year 1973, the rates of these taxes are then generally reduced by 1 percentage point per year until they are completely eliminated as of January 1, 1982. However, the tax on passenger autos is kept at 5 percent from 1974 through 1977. This is done so the communications tax, which is now higher than the auto tax, can be brought down to the same level as the auto tax, with the result that both taxes can be repealed as of the same date.

Finally, the bill makes a number of technical changes to make the operation of the manufacturers' excise taxes fairer. One such change concerns the constructive sales price on which the tax is computed where a manufacturer of an automobile or truck regularly sells to an affiliated distributor which then regularly sells to independent retailers. The 1969 act and prior rulings of the Internal Revenue Service would allow manufacturers to use a constructive price for this purpose amounting to 90 percent of the lowest price for which the affiliated distributor regularly sells the item in arm's-length transactions to independent retailers. This was intended to equalize the impact of taxes in industries where some manufacturers regularly sell through affiliated wholesalers and other manufacturers distribute their products through independent wholesalers. This is not the situation in the auto and truck industry, however, since in this industry manufacturers typically distribute their products by selling directly to retailers. As a result, as matters now stand, there is an incentive for auto and truck manufacturers to create affiliated wholesale distributors just to qualify for the 90-percent treatment. This would result in a revenue loss to the Government of between $75 million and $150 million a year.

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The pending legislation prevents auto and truck manufacturers from securing these unintended benefits by raising the constructive sales price used for tax purposes where they sell to affiliated wholesale distributors. In these cases, the tax is to be computed on 98.5 percent of the lowest price for which the affiliated distributor regularly sells these items in arm's-length transactions to independent retailers. In this respect, the bill now before us amends the House-passed provision which would have set this figure at 97 percent. The presence of the 98.5-percent figure in the pending bill reflects the belief of the Finance Committee that this figure would be more effective in eliminating unintended benefits.

The bill reported by the Senate Finance Committee does not contain the rule found in the House bill dealing with transportation charges in determining the lowest price for which an article is regularly sold. The committee decided that this language of the House bill was not necessary because it does not change present administrative practices, which is to determine the lowest price for which an article is regularly sold. The committee decided that this language of the House bill was not necessary because it does not change present administrative practice, which is to determine the lowest price by taking into account the price of the article including the lowest amount of transportation charges. At this point I ask unanimous consent to insert in the Record a letter from the Treasury Department describing its position and its understanding of how existing law has been interpreted and will be interpreted in the future.

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 29, 1970.

DEAR SENATOR LONG: You have requested a statement as to the administrative practice in determining the price for which an article is sold, insofar as transportation charges are concerned, for purposes of section 4216 which establishes the tax base for the manufacturers excise tax.

Generally speaking the sale price, both for purposes of section 4216(a) and 4216(b), includes transportation charges. In attempting to determine a fair market price, the administrative practice is to look to the methods by which a manufacturer ordinarily and customarily sells his products. In the passenger car industry, the general custom and practice is to sell vehicles to dealers on a delivered basis. Transportation charges are frequently equalized for specified freight areas established by the manufacturer. In determining lowest price" for purposes of proposed section 4216(b)(6) of H.R. 19868, we would take into account the lowest charge made at a uniform or weighted rate for the lowest such freight district as is the present custom and practice of each manufacturer. This also represents our present administrative practice in the absence of H.R. 19868.

It has been asserted that there are deliveries to a dealer's customer at the factory with respect to which there are no transportation charges. We do not regard this as the ordinary method of distribution and sale in the industry and accordingly would not determine the lowest price by excluding all transportation charges even where some such accommodation sales are made. Instead, as stated above, we would look to the lowest transportation charges regularly imposed by reference to the lowest freight district or other customary practice of the manufacturer in distributing automobiles through independent dealers in such automobiles.

Sincerely,

JOHN S. NOLAN,
Deputy Assistant Secretary.

Mr. LONG. Mr. President, while the Treasury statement of its administrative practice does not appear to deal with the situation where an article is sold to independent retail dealers for a standard basic price without any transportation charge, it is understood that if bona fide arm's length sales have been made at such price in great enough volume so that those sales have not been engaged in primarily to establish a lower tax base, the basic price without any transportation charge will be considered the lowest price.

A question also has been raised as to the applicability of these constructive sale price rules when an automobile manufacturer sells an automobile to its affiliated distributor at the same price for which the affiliated distributor, in turn, sells to unrelated retailers or unrelated wholesalers. In such a situation, the price by the manufacturer to its affiliated distributor clearly is not less than the fair market price. Since the constructive sale price rules apply only where the sale by the manufacturer is at less than the fair market price and, as I have just indicated, in this case the sale is at not less than the fair market price, it is clear that the constructive sale price rules do not apply.

Consequently, the tax base in this case would be determined just as though the original sale of the automobile had been to an unrelated party and the manufacturer is entitled to adjust the tax base in accordance with the provisions of section 4216(a), 4216(f), and 6416(b)(1), dealing with transportation charges, cooperative operating charges, and price readjustment.

In other words, a manufacturer that believes that the rules of the bill result in a tax base that is too high, but that wishes to continue to use an affiliated distributor for nontax reasons, can avoid the restrictive provisions of the bill by selling to the distributor at the same price that the distributor sells to unrelated parties.

Another change made by the bill prevents items subject to manufacturers' excise taxes from being included in the tax base more than once and excludes from the base of manufacturers' taxes retailing or distributing markups as distinguished from manufacturers' markups.

The bill also extends the present exemption for camper coaches which is now granted under the truck tax to articles designed to be used primarily for camping accommodations; for example, certain camper caps designed for mounting on pickup trucks which, together with the truck, provides an area for sleeping quarters.

Finally, the bill provides a means to alert the purchasing public that new autos are subject to manufacturers' excise tax. It requires that the labels affixed to new autos distributed in commerce after March 31, 1971, show that Federal excise tax was imposed and the percentage rate at which it was imposed.

These then are the main features of the bill. I think that, when we look at these features, the merit of the pending legislation becomes apparent. It not only raises significant amounts of revenue urgently needed for budgetary reasons; it also raises this revenue in a responsible fashion—in a way that improves our tax system and makes it fairer.

I urge the Senate to adopt this measure promptly. The House has already done its part by passing the legislation in practically the identical form in which it now appears before us. We must now do our part. Prompt passage is particularly urgent in view of the fact that we are now in the closing days of this session.

The PRESIDING OFFICER (Mr. Muskie). Without objection, the Chair now directs that Calendar No. 1467, H.R. 19868, be returned to the Calendar.

Without objection, the Senate will proceed to the consideration of H.R. 16199.

The bill is open to amendment.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MILLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

At the end of the bill add the following new section:

SEC. ——. (a) section 56 of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended—

(1) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"(2) the sum of—

"(A) the taxes imposed by this chapter for the taxable year (computed without regard to this part and without regard to the taxes imposed by secions 531 and 541) reduced by the sum of the credits allowable under—

"(i) section 33 (relating to foreign tax credit),

"(ii) section 37 (relating to retirement income), and

"(iii) section 38 (relating to investment credit); and

"(B) the tax carry backs and carry overs to the taxable years."; and

(2) by adding at the end of such section the following new subsection:

"(c) TAX CARRY BACKS AND CARRY OVERS.—If for any taxable year—

"(1) the taxes imposed by this chapter (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

"(A) section 33 (relating to foreign tax credit),

"(B) section 37 (relating to retirement income), and

"(C) section 38 (relating to investment credit), exceed

"(2) the sum of the items of tax preference in excess of $30,000,

then the excess of the taxes described in paragraph (1) over the sum described in paragraph (2) shall be a tax carry back to each of the 3 taxable years preceding such year and a tax carry over to each of the 5 taxable years following such year, except that such excess may not be a carry back to any taxable year ending on or before December 31, 1969. The entire amount of the excess for a taxable year shall be carried to the earliest of the taxable years to which such excess may be carried, and then to each of the other taxable years to the extent that such excess is not used to reduce the amount subject to tax under subsection (a) for a prior taxable year to which excess may be carried."

(b) The amendments made by subsection (a) shall apply to taxable years ending after December 31, 1969. In the case of a taxable year beginning in 1969 and ending in 1970, the excess referred to in section 56(c) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall be an amount equal to the excess determined under such section (without regard to the sentence) multiplied by a fraction—

(1) the numerator of which is the number of days in the taxable year occurring after December 31, 1969, and

(2) the denominator of which is the number of days in the entire taxable year."

Mr. MILLER. Mr. President, the amendment I have offered is designed to cure a deficiency in the minimum tax law. I am authorized by the Finance Committee to state that it has approved the amendment.

Last year, in conference between the two Houses, it was found that a defect existed in the minimum tax as passed by the Senate, but unfortunately the language needed to cure the defect was not before the conference, and therefore there was nothing we could do about it.

In brief, what happens is this: In the case of taxpayers who have a more or less steady amount of tax preferences and Federal income tax, they may well not have any minimum tax to pay at all; but in the case of taxpayers—individuals or corporations—which have fluctuations in their businesses so that in 1 year they may have a high amount of tax preferences and a low income tax and the next year they may have no tax preferences at all but a high income tax, the latter type of businesses are discriminated against.

The philosophy behind the minimum tax, as explained on the floor of the Senate, was that those people who do not pay very much or no income tax at all, as a result of tax preferences, should be required to pay a minimum tax; but those who pay a reasonable amount of tax in comparison with their tax preferences should not have to pay a minimum tax.

In order to cure the defect, the amendment provides for a 3-year carryback of Federal income tax in excess of tax preferences in excess of $30,000, and a 5-year carryover.

We used the same approach taken in the net operating loss deduction. Everyone is familiar with how that operates. That is how the amendment would operate. We could have proposed an unlimited carryover of unused taxes against tax preferences but there are complications if that extends over a long period of time. The 8-year period besides the taxable year will reasonably satisfy the need for equity and prevent the discrimination which exists in the present law.

May I say further that no discrimination has yet occurred; but if we do not take action now, then discrimination will occur, because there are some businesses whose business years ended last January 31, or the end of February, or last March 31. To prevent complexities, it is necessary to take action at this time, and that is why I have offered my amendment to the bill.

I understand that the distinguished chairman is thoroughly familiar with this problem.

Mr. LONG. Mr. President, I think I should explain that this amendment involves a large amount of revenue. It is estimated that it involves roughly $100 million out of approximately $700 million that the minimum tax would collect. It is based on the fact that the minimum tax was meant to apply to situations where a taxpayer has a great amount of tax preference items and pays very little in taxes, although, in fact, in an economic sense, he makes a great deal of money. It was never really intended to apply to a situation where the reason he pays little taxes this year is that he paid a tremendous amount last year or vice versa for the succeeding year.

The Senator's amendment improves the equity of the provision. The Senator from Iowa is the author on the floor of the feature minimum tax, which is now the law and which reduces the tax base by the amount of the regular income tax paid. It was neither his intention, nor that of those of us who supported the amendment, that we wanted to impose a heavier tax on someone just because he had heavy taxes in one year and light taxes in another. Therefore, we do not object to the amendment.

While the Treasury Department does not support the amendment, they do not do so largely on the grounds that it is complicated. However, they admit that equity and justice are on the side of the amendment.

So, as far as I am concerned, it was my impression that the conferees on the part of the House understood the amendment, that they agreed with the merits of the position and probably would have agreed could we have considered in conference at that time.

I would be willing to agree to the amendment and discuss it with the House if they are so disposed.

Mr. MILLER. Mr. President, I appreciate the comments of the Senator. He was one of the conferees a year ago. Every one of the conferees knew what the problem was. The Senator made the comment that the amendment would not unduly complicate things. It certainly would not unduly complicate things any more than the net operating loss deduction complicates the tax law.

Mr. LONG. The income tax law is frightfully complicated to begin with. I am sure that anyone confronted with the carryover situation to which the Senator's amendment refers would welcome the amendment.

Mr. MILLER. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. CANNON. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed and that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 28, after line 6, insert the following:

"Sec. 305. Change in tax on non-turbine-powered aircraft

"(a) Exemption of First 2,500 Pounds.—Section 4491(a)(2) (relating to tax on use of civil aircraft) is amended by striking out clause (A) and inserting in lieu thereof '(A) in the case of an aircraft (other than a turbine-engine-powered aircraft), 2 cents a pound for each pound of the maximum certificated takeoff weight in excess of 2,500 pounds, or'.

"(b) Effective Date.—The amendment made by subsection (a) shall take effect on July 1, 1971.".

Mr. CANNON. Mr. President, this is an amendment that I offered yesterday on the social security bill. At the suggestion

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of the distinguished chairman that I withdrew it from that bill and offer it on the excise tax bill, that is what I am doing.

The bill remedies an inequity that was written into the law on the passage of the measure dealing with airports last year.

The law now says that a person owning a small airplane, a non-turbine-powered airplane, must pay a $25 registration fee if the airplane weighs less than 2,500 pounds gross weight. If it goes over that weight, he must pay a $25 registration fee plus a poundage fee at 2 cents a pound.

It does not say 2 cents a pound above 2,500 pounds. If a man has an airplane weighing 2,600 pounds, he must pay $25 registration fee and 2 cents a pound for the entire 2,600 pounds.

That was not the intention of this member of the conference committee when we worked out a solution in conference. We have already hit these people who are engaged in general aviation with an added fuel tax this year, more than the Senate passed, I might add, because the House would not agree to a lesser amount and the Senate did not propose a poundage fee at all.

I am suggesting that we make it clear in this amendment that a man would pay a registration fee of $25 and 2 cents a pound above 2,500 pounds to remedy this glaring inequity.

I hope that the distinguished chairman, as he indicated on yesterday, would be willing to accept the amendment and take it to conference.

Mr. LONG. Mr. President, I thank the Senator. I believe that last night—I am getting groggy from these long hours—I told the Senator that if he offered his amendment on some other bill, I would be glad to take it to conference. His amendment is logical and has equity in it.

Our staff advises me that there is a notch here and that there is a problem.

I would be glad to agree to take the amendment to conference for consideration.

Mr. CANNON. Mr. President, I thank the distinguished chairman of the committee.

The PRESIDING OFFICER (Mr. FANNIN). The question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

Mr. MILLER. Mr. President, H.R. 16199 as reported out by the Finance Committee omitted a provision dealing with the treatment of transportation charges for purposes of constructive sales price which was part of section 301 of H.R. 19868 as it was passed by the House. The report of the Senate Finance Committee also omits the discussion of this matter contained in the report of the Ways and Means Committee.

In the short time available to the Finance Committee to study this important tax legislation, the committee could not determine the effect of this provision. It is now my understanding that the objective of the House and the Finance Committee will be met if the Treasury Department administers the constructive price rules in accordance with the transportation charge provision passed by the House. That is, where the basic price of an article is a standard amount and varying charges are added for transportation to determine the total price, the lowest price is obviously that which includes the smallest transportation charge.

Similarly, where there is an established practice of selling the article without any transportation charge, the lowest price would clearly be the basic price without adding any transportation charge. Indeed, according to my information, if some higher transportation charge were used the effect would be to impose a tax penalty on automobile manufacturers who sell to affiliated distributors. It certainly was not the intent of the committee to impose such a penalty.

Mr. President, I believe that this accords with the intention of the committee and of the House and of the practice of the Treasury Department. I would merely like to have this confirmed by our distinguished chairman.

Mr. LONG. Mr. President, what the Senator says is essentially correct. I have already discussed this matter on my own time. What I have said, he is privileged to read from the RECORD. I will say that it is basically the same thing the Senator is stating.

Mr. MILLER. Mr. President, I thank the Senator. I understood that the Senator had discussed this matter, but I thought it would be a good idea for other members of the committee to confirm this interpretation on the Senate floor so that there will not be any question about the legislative history and what is intended by the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The committee amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 16199) was passed.

Mr. LONG. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. FANNIN) appointed Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. WILLIAMS of Delaware, and Mr. BENNETT conferees on the part of the Senate.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that the vote by which the bill (H.R. 16199) was passed be reconsidered.

Mr. MILLER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that Calendar No. 1467, H.R. 19868, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATION OF THE PRACTICE OF PSYCHOLOGY IN THE DISTRICT OF COLUMBIA—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 1626) to regulate the practice of psychology in the District of Columbia.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. FANNIN). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

ORDER FOR RECOGNITION OF SENATOR GOODELL ON THURSDAY, DECEMBER 31, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the approval of the Journal on Thursday the distinguished Senator from New York (Mr. GOODELL) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 9 A.M. WEDNESDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

JURISDICTION AND POLICING POWER OF GSA SPECIAL POLICEMEN

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1457, S. 4426.

The **PRESIDING OFFICER**. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 4426) to amend the Act of June 1, 1948, to increase the jurisdiction and policing power of General Services Administration special policemen, to increase the penalties for violations of rules and regulations promulgated thereunder by the General Services Administration for the protection of public buildings, and to prohibit certain conduct in or near offices of the Government.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), is amended to read as follows:

"That the Administrator of General Services or officials of the General Services Administration duly authorized by him may appoint uniformed guards of said Administration as special policemen without additional compensation for duty in connection with the policing of public buildings and other areas owned or occupied by the United States and under the charge and control of the General Services Administration. Such special policemen shall have the same powers as sheriffs and constables upon such property to enforce the laws enacted for the protection of persons and property, and to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rules and regulations made and promulgated by the Administrator or such duly authorized officials of the General Services Administration for the property under this charge and control. The jurisdiction and policing powers of such special policemen shall not extend to the service of civil process.".

SEC. 2. Section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c), is amended to read as follows:

"SEC. 4. Whoever violates any rule or regulation promulgated pursuant to section 2 of this Act shall be fined not more than $500, or imprisoned not more than six months, or both.".

SEC. 3. The Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), is amended by adding at the end thereof the following new section:

"SEC. 6. (a) Whoever knowingly and willfully—

"(1) utters loud, threatening, or abusive language, or engages in disorderly or disruptive conduct, within or near any office of the United States Government situated upon premises under the charge and control of the General Services Administration with intent to impede, disrupt, or disturb the orderly conduct of Government business within that office;

"(2) obstructs or impedes ingress or egress to or from any such office; or

"(3) engages in any act of physical violence within such office or upon such premises,

shall be fined not more than $500, or imprisoned not more than six months, or both.

"(b) Nothing contained in this section shall forbid any act of any officer or employee of the United States which is performed in the lawful discharge of his official duties.

"(c) As used in this section, the term 'act of physical violence' means any act involving (1) an assault or any other infliction or threat of infliction of death or bodily harm upon any individual, or (2) damage to or destruction of any real property or personal property.".

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1445), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The primary purpose of this bill is to strengthen the authority of the Administrator of General Services in carrying out his assigned duty relative to the care and protection of property of the United States, and to give additional protection to Government employees in the performance of their duties.

Under existing law, the jurisdiction and policing power of GSA special policemen is limited to Federal property over which the United States has acquired exclusive or concurrent criminal jurisdiction. This limitation, according to the Administrator of General Services, severely restricts the authority of such policemen in property located in areas over which the United States has only proprietorial jurisdiction and over leased space. In addition, although the Administrator is authorized to promulgate rules and regulations and to fix the penalty for violations thereof, that authority is limited to a maximum fine of $50, or imprisonment for not more than 30 days, or both. Furthermore, there is presently no general criminal statute covering disruptive conduct in or near Government offices.

This bill would (1) enlarge the jurisdiction and policing powers of General Services Administration special policemen to cover all property owned or occupied by the U.S. Government which is under the charge and control of the General Services Administration, without regard to whether the United States has acquired exclusive or concurrent criminal jurisdiction over such property; (2) increase the penalty for violations of rules and regulations promulgated by the Administrator to a maximum fine of $500, or imprisonment for not more than 6 months, or both; (3) provide specific language detailing the prohibited acts, to include (*a*) loud, threatening and abusive language, (*b*) disorderly or disruptive conduct within or near U.S. Government offices under the charge and control of the General Services Administration, (*c*) impeding or obstructing the orderly conduct of Government business in such offices and (*d*) engaging in acts of physical violence therein, including assault or threat of infliction of death or bodily harm to individuals, or destruction of real or personal property; and (4) provide the same criminal penalties for such conduct as are provided for violations of the General Services Administration's rules and regulations. This latter provision is similar to that enacted in the 90th Congress for the protection of the U.S. Capitol Buildings and Grounds.

BACKGROUND

The act of June 1, 1948 (62 Stat. 281, Public Law 566, 80th Cong.) authorized the Federal Works Administrator to (1) appoint special policemen for duty on Federal property; (2) make all necessary rules and regulations for the government of such property under the charge and control of the Federal Works Agency; and (3) fix the penalty for the violation of such rules and regulations. The act of June 30, 1949 (Federal Property and Administrative Services Act) abolished the Federal Works Agency and the office of Administrator and transferred their functions to the Administrator of General Services and the General Services Administration. (63 Stat. 377, 380).

Under the provisions of the 1948 act, the jurisdiction and policing power of General Services Administration special policemen are limited to Federal property over which the United States has acquired exclusive or concurrent criminal jurisdiction, and the penalties permitted are limited to a fine of not more than $50, imprisonment for not more than 30 days, or both.

Since a very large number of Federal offices are located in leased property, or in areas over which the United States has only a proprietorial interest, the authority of the special policemen is severely restricted, and the Federal Government must rely upon local law enforcement officials. The Administrator of General Services has advised the committee that, due to the increasing number of demonstrations, bombings and bomb threats involving buildings owned or leased by the Federal Government, increased authority is needed immediately to enable the Administrator of General Services to carry out his assigned duty of caring for and protecting Federal property. The increased penalty is expected to serve as a deterrent to future acts of violence and to make enforcement of the rules and regulations promulgated by the Administrator more effective.

Favorable action on S. 4426 has been recommended by the Office of Management and Budget, the Department of Justice and the Department of the Army, on behalf of the Department of Defense. (Agency comments are set forth in an appendix to this report.)

CONCLUSION

The committee concurs with the Administrator of General Services, relative to the need for increased authority to enable GSA to carry out its assigned responsibility of protecting Federal property. The increase in bombings, bomb threats, and demonstrations in and around buildings which are owned or leased by the Federal Government has disrupted and impeded the orderly conduct of Government business. Although GSA policemen are stationed in these buildings, they are not permitted to enforce applicable laws unless the Federal Government has acquired exclusive or concurrent criminal jurisdiction over such property. Enactment of S. 4426 should supply the necessary authority and eliminate the need for reliance solely upon local law enforcement authorities, many of whom are already overburdened.

The committee has taken care to insure that enactment of this bill will not interfere with the exercise of individual rights guaranteed by the Constitution.

THE CALENDAR

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the last three items on the Calendar.

The **PRESIDING OFFICER**. Without objection, it is so ordered. The clerk will proceed to state the last three items on the Calendar, beginning with Calendar No. 1527.

ENVIRONMENTAL REPORT

The concurrent resolution (H. Con. Res. 771) for the printing of environmental report was considered and agreed to.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in

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the RECORD an excerpt from the report (No. 91-1516), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 771 would provide for the printing for the use of the House Committee on Government Operations of 5,000 additional copies of the hearings entitled "Effects of Population Growth on Natural Resources and the Environment," held by its Subcommittee on Conservation and Natural Resources in September 1969.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, 1st 1,000 copies	$1,247.96
4,000 additional copies at $311.96 per thousand	1,247.84
Total estimated cost, H. Con. Res. 771	2,495.80

PRINTING OF COMMITTEE DOCUMENT

The concurrent resolution (H. Con. Res. 790) to provide for the printing of 5,000 additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor entitled "Discrimination Against Women" was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1518), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 790 would provide for the printing for the use of the Special Subcommittee on Education of the House Committee on Education and Labor of 5,000 additional copies each of parts I and II of its hearings entitled "Discrimination Against Women" (sec. 805, H.R. 16098, 91st Cong., 2d sess.).

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing cost estimate

5,000 additional copies of pt. I, at $1,212.86 per thousand	6,064.30
5,000 additional copies of pt. II, at $1,292.28 per thousand	6,461.40
Total estimated cost, H. Con. Res. 790	12,525.70

PRINTING OF HOUSE DOCUMENT

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 785) authorizing the printing as a House document the book entitled "Our American Government and How It Works: 1001 Questions and Answers" which had been reported from the Committee on Rules and Administration with amendments on page 1, line 11, after the word "printed", strike out "one million eighty-four thousand" and insert "nine hundred and eighty-one thousand"; and, on page 2, line 1, after the word "which", strike out "two hundred and six thousand" and insert "one hundred and three thousand".

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1517), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 785 as referred would provide (1) that (with the permission of the copyright owner of the book, "Our American Government and How It Works: 1001 Questions and Answers," by Wright Patman, Member of Congress, published by Bantam Books, Inc.) there be printed as a House document, as soon as practicable, for maximum usefulness to Members of the 92d Congress, with emendations, the pamphlet entitled "Our American Government. What Is It? How Does It Function?" and (2) that there be printed 1,084,000 additional copies of such document, of which 206,000 copies would be for the use of the Senate (2,000 per Member) and 878,000 copies would be for the use of the House of Representatives (2,000 per Member). Copies of the document would be prorated to Members of the Senate and House of Representatives for a period of 60 days, after which the unused balances would be distributed by the respective Senate and House document rooms.

The amendment approved by the Senate Committee on Rules and Administration would reduce the Senate allotment of the publication from 206,000 to 103,000 (from 2,000 to 1,000 per Member). This action by the committee was motivated by the fact that certain Members of the Senate still have considerable quantities of the previous edition of the document available for distribution. The committee has also amended the title of the concurrent resolution to properly identify the compilation to be printed.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$1,191.07
981,000 additional copies, at $72.39 per thousand	71,014.59
Total estimated cost, H. Con. Res. 785, as amended	72,205.66

CORRECTION IN THE ENROLLMENT OF H.R. 4605

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House on House Concurrent Resolution 797.

The PRESIDING OFFICER (Mr. FANNIN). The Chair lays before the Senate House Concurrent Resolution 797, which will be stated.

The assistant legislative clerk read as follows:

H. CON. RES. 797

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 4605) to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the United States mails articles for preventing conception, is authorized and directed to strike out "title 18" in section 6(2) and insert in lieu thereof "title 39".

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the concurrent resolution was considered and agreed to.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at an appropriate time there be a period for the transaction of routine morning business, with a time limitation of 3 minutes on statements made therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1971—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19590) making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. FANNIN). Is there objection to the present consideration of the report?

(For conference report, see House proceedings of today.)

Mr. ELLENDER. Mr. President, this conference report represents the efforts of the second committee of conference to resolve the differences between the two Houses with respect to the Department of Defense appropriation bill for fiscal year 1971. The first conference report was tabled on my motion earlier today, and the second committee of conference met in two sessions today to resolve the matters in the first conference report that were opposed by a number of Members of the Senate. I will comment on these points in detail during the course of my introductory remarks.

Earlier today, there was a full debate on the issues involved in the new language adopted in our second conference, and I will not take the time of the Senate to again discuss the issues involved.

The committee of conference agreed

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on appropriations totaling $66,595,937,000, which is—

Under the budget estimates of $68,745,666,000 by $2,149,729,000;

Over the Senate bill of $66,417,077,000 by $178,860,000; and

Under the House bill of $66,806,561,000 by $210,624,000.

As this bill passed the Senate, it represented a reduction of $389,484,000 in the House-passed bill, and, as I have stated, the committee of conference agreed to increases in the Senate bill of only $178,860,000; so that the Senate conferees maintained considerably more than half of the Senate decrease.

The conference committees met on six separate occasions, and these meetings involved approximately 14 hours of deliberations. Just as the Senate conferees were determined to maintain the position of the Senate, so the House conferees were determined to maintain the position of the House, and the recommendations of the conference committee represent the honest efforts to compromise the differences in the two versions of the bill.

I want to call attention to the fact that the task of the Senate conferees was extremely difficult in view of the letter the Secretary of Defense sent to the conference committee. In this letter, the Secretary requested the conference committee to recommend appropriations totaling $67,209,100,000, which amount would have been $402.6 million over the House bill and $792 million over the Senate bill. I ask unanimous consent to have printed in the RECORD at this point a copy of the Secretary's letter, referred to as Exhibit A.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXHIBIT A

THE SECRETARY OF DEFENSE,
Washington, D.C.

Hon. RICHARD B. RUSSELL,
Chairman, Department of Defense Subcommittee, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: We have carefully considered the actions of the House and Senate on the 1971 Defense Appropriation Bill (H.R. 19590). The bill as it passed the House would provide $66,906.6 million, a reduction of $1,939.1 million from the request. The Senate Bill would provide $66,417.1 million, which is $389.5 million below the House Bill and $2,328.6 million below our original request. After reconsideration, and taking into account the latest information available to us, we find that we require a minimum of $67,209.1 million. This is $402.6 million above the House Bill, $792 million above the Senate Bill, and $1,536.6 million below our January request.

I cannot emphasize too strongly that the FY 1971 budget estimates we submitted in January were rock bottom, the lowest amounts consistent with our national security needs. Adjusted for pay and price increases, that budget was about 20% (over $17 billion) below FY 1968, the peak war year. In the same constant dollars, the FY 1971 budget was about $5 billion (7%) above the prewar FY 1964 level. Incremental war costs in FY 1971 are more than twice $5 billion; baseline forces have been cut sharply from the FY 1964 level. Defense spending comprised 34.6% of the FY 1971 Federal budget total—the lowest percentage since FY 1950. Defense spending as projected in the FY 1971 budget would be 7% of the gross national product—the lowest percentage since FY 1951. From the June 1968 peak, the budget projected a drop of 639,000 military personnel and 142,000 civilians by June 1970, a total drop of 781,000 direct personnel, removing most of the wartime buildup. Defense-related employment in industry will fall by over one million in the same period, so that the total manpower impact of Defense cutbacks is about two million jobs. Outlays for procurement, construction and RDT&E (war costs included) as projected in the budget for FY 1971 were below the prewar (FY 1964) level in constant dollars. The baseline force costs projected in the FY 1971 budget (that is, the total budget less the incremental cost of the war) are the lowest since before the Korea buildup. The same is true of baseline military manpower.

Our sharply-reduced budget request must also be considered in terms of the national security threats we face. The threat certainly has not lessened since 1964. As you know, the intervening years have been a great expansion in Soviet strategic nuclear capabilities, and a massive buildup in their naval forces. Soviet activities in the Middle East and elsewhere are a source of increasing concern. The invasion of Czechoslovakia has served to remind us of the reality of the threat on the Continent. The years since 1964 have also seen a steady growth in the nuclear power of the Chinese People's Republic. It is threats such as these, and the continuing needs of the war effort, which we have had to balance against the need for achieving a minimal budget in the long-run interests of the American economy. The same weighing of threats and resource requirements played a central role in the evolution of the Nixon Doctrine. Full support and implementation of this doctrine is vital to the maintenance of adequate national security with minimal Defense budgets; our 1971 requests represent a long step in this direction. We need your understanding and full support as we move through this transition. I especially ask that you consider the impact of 1971 budget actions upon the posture we must achieve for the 1970's. Two key elements are modernization and the maintenance of a strong R&D effort; both of these are very much involved in our appeal of some of the cuts made in the FY 1971 bill. The Nixon Doctrine will continue to require a high level of effort in these areas. Looking somewhat ahead, it must be recognized that there will be a growing need for aid to our allies, offsetting some of the budgetary savings from cutbacks in U.S. forces. In short, we were fully aware of the need to present the lowest possible Defense budget, consistent with our national security needs. Cuts as deep as those in the Bill as it stands cannot be accommodated within our minimal requirements for national security.

In the eleven months since the estimates were prepared, there have been many changes involving specific estimates and items, frequently involving a decrease in the amount necessary. The House and Senate took account of these items in appropriation actions, and, as noted, we have accepted many of the specific reductions. The changes, however, work both ways, and it must be understood that many changes have caused increases in the amounts necessary. For example, the change in plans with respect to Southeast Asia deployments which made it possible for us to accept sharp House cuts in Marine Corps appropriations also produced an increase in Army costs.

The House added $58.5 million in critically-needed funds for our Vietnamization program, $23.9 million to cover increased Air Force and Navy program needs, plus $150 million added on the Floor to meet a part of the mandatory operating increases that were not foreseen when the estimates were prepared. All of these items were deleted by the Senate, on the basis that they were not included in detail in the budget, and should be included in a supplemental request. Such a course of action is simply not practical. With the year half over, we do not even have our regular bill. We cannot be optimistic regarding action on a supplemental. Of greater significance is the fact that Congressional action on our estimates, which has extended nearly one year since their preparation, has involved making reductions for unforeseen decreases in every case where they were identified. Had our bill been enacted earlier the unforeseen decreases would have been available to meet the increases we now face. In short, we cannot operate the Defense budget on a ratchet basis, eliminating all decreases that materialize in 11 months and failing to recognize any increases. It is essential that the Senate Bill be increased to cover these mandatory increases which have materialized since the estimates were prepared.

Our major areas of concern are covered in the balance of this letter, with details enclosed.

MILITARY PERSONNEL

We accept reductions of $250.2 million in our original military personnel appropriation requests. We request restoration of $93.3 million to the House Bill for permanent-change-of-station travel, and of $4 million to the Senate Bill for the Air Guard and Reserve Programs.

In an action aimed at cutting costs and providing greater stability for military personnel, the House Bill reflects a reduction of $95.2 million for permanent-change-of-station travel. This was based upon a flat 10% cut in the FY 1971 budget estimate, reduced to 7.5% in recognition of the fact that the first three months of the year had passed. I want to emphasize that we are in complete agreement with the objectives of reducing permanent-change-of-station moves, and we have taken many actions in this regard. Incentives are offered to encourage personnel to extend tours of duty in Vietnam, thereby reducing the number of moves. The extended early release program eliminates the need for moves related to short-term assignments late in a member's period of service. Assignments to short term areas are now handled in such a way as to minimize the movement between training and overseas. CONUS vacancies are filled, insofar as practicable, with overseas returnees. The FY 1971 budget requests for PCS in the Army and Navy are about 14% below the FY 1970 level, in spite of price increases of about 5% (the new air transportation tax, and increased transportation and storage charges). Allowing for this, the FY 1971 program is about 20% below FY 1970 on a comparable basis; it is this lower level which the House proposes to cut.

The further sharp cuts proposed by the House are clearly impractical at this time. The House assumed that the reductions could take effect on October 1, 1970. Actually, the bulk of our moves were even then programmed well into calendar 1971. This of course is a necessity, in order to provide adequate notice to the members involved, in addition to operational reasons. At this late date, reductions could not take effect until the last few months of the fiscal year. The House, while apparently concerned with rotational travel, applied the cut to all moves—including accession and separation travel, hardship moves, and moves to short-tour areas such as Vietnam. Nearly half of the Army's FY 1971 estimate is for moves related to Southeast Asia. In practice, then, a cut would have to be applied to a relatively small share of the total moves in the last few months of the year, and would create extreme uncertainty and hardships. There is already a great deal of turbulence in military manpower programs due to the large strength cutbacks and major redeployments now underway. Such conditions produce a great deal of unpredictability, and

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the need for more moves that would be necessary in a stable situation. In the face of this, as I have noted, we have already projected a drop of nearly 20% (in constant dollars) in Army and Navy moves for FY 1971. Under the circumstances, the further sharp cut reflected in the House Bill simply cannot be accommodated in this area. I must urge restoration of $93.3 million of this reduction, to provide the amounts approved by the Senate for the four appropriations involved.

The Senate made reductions of $2 million each in the personnel appropriations for the Air Force Reserve and the Air National Guard based on "historical overstatement of requirements." The enclosures make clear that the present requirements are not overstated and that the Senate amount would force a cutback in Reserve on-board strength and in Air Guard pilots. In light of the increasing importance of these Guard and Reserve forces to our overall readiness posture, such developments would be deplorable. These cuts, amounting to a total of $4 million, should be restored to the Senate Bill.

OPERATION AND MAINTENANCE

Our current request for operation and maintenance is $122.4 million below the estimates originally submitted to the Congress. This is the net of $300.4 million in specific reductions, reflected in both Bills and accepted by the Department, partially offset by $177.9 million for cost increases not foreseen when the budget estimates were submitted at the start of the year.

Restoration to the Senate Bill. We request an increase of $177.9 million to the Senate Bill, to provide:

$150 million ($50 million each for the Army, Navy and Air Force), which was added on the House Floor to cover part of the very large mandatory increases that have occurred in on-going programs.

$23.9 million to cover the costs of 5 Air Force Reserve squadrons equipped with C–130 aircraft.

$4 million for Deep Freeze.

$35 thousand for the promotion of rifle practice.

It must be emphasized that the $150 million added on the House Floor is not required for "new programs," but to cover a part of the mandatory cost increases in ongoing programs. These increased costs cover such items as (1) transportation rate increases (+$66.4 million), (2) activity and deployment changes related to South Vietnam (+$73.5 million), (3) slippage in REDCOSTE implementation (+$39.3 million), (4) increased operations and readiness of the Sixth and Seventh Fleets (+51.4 million), (5) increased civilian personnel costs due to average salary increases (+$78.6 million), (6) other rate and cost changes (+11.4 million); for a total mandatory cost increase in Operation and Maintenance accounts of $320.6 million. These costs must be absorbed within available funds, making restoration of the $150.0 million ($50 million each for Army, Navy and Air Force) to the Senate Bill an absolute necessity.

In the development of the President's Budget, plans were included to retire 5 C–119 Air Force Reserve Squadrons. It has been subsequently determined that these Reserve Squadrons are required and should be retained and equipped with C–130 aircraft. The C–130 aircraft are now available for equipping these units, but $23.9 million is required under "Operation and Maintenance, Air Force" to cover operating costs during FY 1971. I urge restoration of $23.9 million to the Senate Bill to meet this important requirement.

The President's FY 1971 budget request contained $4.4 million in O&M, Navy for logistic support of the DEEP FREEZE scientific effort. This request was about $4 million less than prior years and in line with the House Committee's guidance in FY 1970 that the Navy commence phasing out its funding support of this effort. The effect of this reduction would have been to cancel 80% of the scientific effort in FY 1971. Subsequently, the Antarctic Policy Group recommended:

(a) That the program be maintained at the current annual level.

(b) That the National Science Foundation, commencing in FY 1972, budget for both the scientific and supporting efforts, with the support being provided on a mutually acceptable reimbursable or non-reimbursable basis.

(c) That other aspects of program management and safety of operations remain as heretofore set forth in Office of Management and Budget Circular A–51 of August 3, 1960.

The National Security Council endorsed this course of action and the Chairman of the Senate and House Appropriations Committees were informed on July 10, 1970 by the Assistant Secretary of the Navy for Financial Management. The House Bill includes the extra $4 million required, and I urge addition of this amount to the Senate Bill.

As detailed in the enclosures, the Director of Civilian Marksmanship has been unable to accomplish assigned missions under present funding levels, and the additional $35 thousand provided in the House Bill would meet the highest priority requirements. I ask that $35 thousand be restored to the Senate for this program.

Restoration to the House Bill. We ask that $26 million be restored to the House Bill involving specific cuts which were restored by the Senate. This includes:

$9.7 million for the Army—$8 million to restore part of the cut for automatic data processing, where the House cut presupposed a higher level of rental savings than has actually materialized, and $1,676,000 for civilian manpower, to avoid duplicating the very sharp cuts otherwise being made.

$7.5 million for the Navy—$7 million to provide for continuing with the 15% directed cut in headquarters staffs, but avoiding duplicate budget cutting actions, and $500,000 for implementation of the joint uniform military pay system, a much-needed reform.

$2.8 million for the Marine Corps to avoid duplication in civilian personnel and headquarters cuts, similar to the situation outlined for the Navy.

$6 million for the Air National Guard. The decrease in flying hours mentioned in the House Report was recognized in the budget estimates, but higher fuel costs nonetheless resulted from a change in force mix. In addition to this, there have been sharp further increases in operating costs. Unless the House cut is restored, it will be necessary to make a sharp cut in flying hours, thereby degrading combat readiness.

Logistics Management Institute (LMI). The House Report stated that "the Committee is of the firm opinion that the use of the Logistics Management Institute should be cut back immediately and the contract eventually terminated." (Page 46, House Report 91–1570). The Senate Report makes no reference to LMI. Studies and recommendations made by the LMI have resulted in very substantial savings that are fully documented. The studies have also significantly improved the effectiveness and efficiency of Defense logistics operations. At a time when resources available for our Defense requirements are being so drastically reduced, it is more important than ever that increased emphasis be given to the identification of opportunities for improvement in the management of the logistic resources that remain available. It is requested that the Conferees specifically address this matter, approving continuation of the LMI effort at an effective level.

Senior Advisers in Vietnam. Outstanding Army personnel are selected to serve as senior advisers to province and district officials in Vietnam. These personnel play a vital role in the Vietnamization effort, and every effort is made to persuade them to volunteer for 18-month tours, despite the personal risks involved in such duty in forward areas. A family leave plan is offered as an incentive to such personnel. The House and Senate Bill would provide for this program in different ways. The appropriation language in the House Bill provides a limitation of $4 million for emergencies and extraordinary expenses, within which $366,000 for the senior adviser program could be accommodated. The Senate Bill provides a limitation of $3,634,000 for emergencies and extraordinary expenses, $366,000 less than the House Bill, but would cover this program in a new clause added to general provision 807. Either version is acceptable to the Department, since either would provide for the continuation of this essential activity. If the Senate version is adopted, we will, in consonance with the Senate Report, submit a legislative proposal early in the next Session of the Congress.

PROCUREMENT

We request appropriations of $16,419.3 million for procurement. This is $175.5 million above the House Bill, $449.2 million above the Senate Bill, and a net of $939.3 million below our request as submitted in January. This is the net of $1,356.8 million in reductions which we accept, offset in part by $417.5 million added by the House for shipbuilding.

Army procurement. We request $2,931.7 million, which is $1.4 million below the House Bill and $1.7 million above the Senate Bill.

We ask that the House Bill be increased by $147.2 million to restore specific reductions, and decreased by $148.6 million to reflect other reductions made by the Senate, for a net reduction of $1.4 million. The increases include:

$34.9 million for the LANCE missile (including spares and modifications), apparently deleted by the House on the basis of a misunderstanding of the technical status of this program. We request full restoration, for reasons set forth in a classified enclosure.

$20 million for the Land Combat Support System (including spares) needed to provide adequate support for the SHERIDAN/SHILLELAGH and TOW missile systems. This is the only equipment now available for maintenance support of these systems. The House action, if sustained, would lead to a costly break in production.

$28.8 million for the XM 705 1¼ ton truck. The House action was based on the observation that the XM 705 may be "excessively overengineered and gold plated," and that the upcoming evaluation of the XM 715 may prove the latter vehicle to be superior. The XM 705 is guaranteed and warranted to meet the Army requirement. The FY 1971 funds are required to fund the second year of the XM 705 multi-year contract, or to pay termination charges and initiate procurement of the modified 715 should evaluation results warrant such a decision. Failure to provide these funds would cause delays, higher costs, and serious breaks in support for Army and other users of these vehicles.

$9.2 million for the M557A1 Command Post Carrier to avoid a degradation of military readiness and to avoid high termination costs and other disadvantages if a highly successful contract, now in its third year, is placed in jeopardy.

$38.2 million for the improved HAWK missile. Failure to provide these funds would result in a six month break in production, and add significantly to program costs. Technical problems are receiving concentrated attention. There is an urgent operational requirement for the improved HAWK to replace the basic HAWK system, which was designed in the mid-1950's and has been fielded for over 10 years.

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$16.1 million for 4 other systems, including $5.8 million for NIKE HERCULES modifications; $1.1 million for repair parts and support vehicles; $4 million for field artillery radar (RATAC); and $5.2 million for landing craft. Details are enclosed.

We ask that $1.7 million be added to the Senate Bill for Land Combat Support System modifications. This will provide for improvements that are essential to the performance and reliability of the system.

"Procurement of Aircraft and Missiles, Navy." We request restoration of $122.1 million to the House Bill, to provide the $3,127.9 million reflected in the Senate Bill. This includes program increases of $222.1 million above the House Bill, offset by a $100 million transfer from the stock fund reflected in the Senate Bill. The program increases include:

$40 million for the A–6E aircraft deleted by the House, on the basis that the system is subject to extensive further test and evaluation ("fly before buy"). Actually, there are only three basic subsystem changes to the A–6A: radar, computer and armament control unit. The first two have been proven in other aircraft, and the armament control unit is a low-risk item. Reduction of A–6E procurement to 6, as in the House Bill, will cause sharp increases in unit costs and other extra costs because of actions already taken under the Continuing Resolution. This $40 million reduction should be restored.

$92.3 million for the E–2C aircraft. These aircraft, in addition to the E–2Bs mentioned in the House Report, are needed to meet existing force level deficiencies for airborne early warning aircraft. Beyond this, and contrary to the statement in the House Report, the E–2C cutback would cause plant loading problems and result in higher costs.

$43.3 million House reduction for Avionics shop test equipment for the S–3A, F–14A and E–2C aircraft. If these funds are not restored it will be necessary to stop production on this equipment, with re-start costs estimated at $13 million for FY 1972. It will be necessary to invest in interim test equipment for FY 1971 at a cost of $27 million. Since the type of equipment is specified in the aircraft contracts, this House cut could result in delay claims. All three aircraft would be delayed. Unless these funds are restored, the FY 1972 requirement would be $92.1 million, with additional FY 1971 requirements of $27 million—not including claims. The Deputy Secretary of Defense is personally monitoring this program, to assure that only essential test equipment is purchased. I urge restoration of this $43.4 million.

$32.2 million for the AV–8A Harrier, added by the Senate to permit the maximum amount of production effort in the United States.

$14.2 million for aircraft spares, associated with the restoration of funds for the A–6E and E–2C.

"Shipbuilding and Conversion, Navy." As Secretary of Defense, I have consistently emphasized the priority requirements for fleet modernization and have stated that the shipbuilding increase of $435.0 million included in the Authorization Bill represents the highest priority requirements after those included in the President's Budget request. The House Appropriation Bill provided $417.5 million for the ships authorized as follows:

	Millions
One additional nuclear attack submarine (SSN)	$166.0
Advance procurement for 1 additional nuclear attack submarine (SSN) for FY 1972	22.5
One submarine tender (AS)	102.0
One destroyer tender (AD)	103.0
Service craft	24.0
Total	417.5

All of these ships are required and will substantially add to fleet capability. The increase in the USSR fleet threat and modernization of the Soviet Navy makes this a necessary investment. Of particular concern is the Soviet submarine force—both in numbers and modern submarines. This makes the restoration of the Nuclear Attack Submarine (SSN) for FY 1971 ($166.0 million) and Long Lead-time components for an additional SSN in FY 1972 ($22.5 million) of special urgency.

With respect to the SSN, advance procurement to support the additional submarine was budgeted in FY 1970 and is under procurement. The current contract proposals for the FY 1971 buy of SSN's contain the option to add the additional SSN, so immediate action can be taken to initiate construction of the boat.

The Department of Defense urges conference approval of the House allowance, and addition of $417.5 million to the Senate Bill.

"Other Procurement, Navy." We request an appropriation of $1,487.3 million as provided by the Senate, an increase of $43.9 million above the House Bill. This increase is the net of $55.8 million in cuts restored by the Senate, less $11.9 million in additional Senate cuts which we accept. The $55.8 million in increases include:

$30 million for the MK–48 torpedo. These funds are essential to make it possible for the Navy to request quotes on sizable quantities of these critically-needed torpedoes, securing active competition and the best possible unit costs in the follow-on production. For reasons detailed in the enclosures this would be impossible under the House amount.

$14.5 million for the MK–46 torpedo. Most of this amount has already been obligated under the continuing resolution, and there is in addition a critical need to proceed with proof and test prior to delivery to the fleet. It is essential that this cut be restored.

$4.9 million for ship alterations (Short Stop), for reasons detailed in a classified enclosure.

$4 million for the CBU–55/B cluster bomb, for which the technical problems cited in the House Report have recently been resolved.

$2.4 million for AN/SPS–40 radar improvements, to provide needed improvements in detection capability and reliability. These funds have already been obligated, and costly termination charges would be involved if they are not provided.

"Procurement, Marine Corps." We request an appropriation of $175.9 million as reflected in the Senate Bill, an increase of $4.2 million above the House Bill to provide the required amount for the XM 705 1¼ ton truck. As detailed in the enclosure, this restoration is necessary to avoid the loss of readiness and higher costs that would be associated with continued operation of obsolete equipment.

"Aircraft Procurement, Air Force." We request an appropriation of $3,231.3 million, which is $28.3 million above the House Bill and $30 million above the Senate Bill. The requested addition to the House Bill is the net of $38.9 million in increases, less $10.6 million in additional Senate reductions, which we accept. The increases from the House Bill include:

$27.7 million for B–52 and FB–111 modifications (SRAM). This missile is urgently needed, and the test program is continuing to provide encouraging results, as detailed in a classified enclosure. Denial of these funds would severely disrupt this program, as described below for "Missile Procurement, Air Force."

$11.2 million for F–111 aircraft spares. In this case, it appears that the House Committee reduced the initial spares request by $11.8 million, proportional to the drop in the quantity of aircraft. As detailed in the enclosure, spares funds are requested on the basis of the amounts necessary to be committed in FY 1971; the reduction in aircraft quantities reduces the FY 1971 spares requirement by $600,000. The $11.2 million restored by the Senate should therefore be added to the House Bill.

We request an addition of $30 million to the Senate amount to provide for the International fighter aircraft, which is being procured in accord with the Nixon Doctrine to provide our allies (particularly in Asia) with a self-defense capability, allowing us to reduce U.S. forces abroad. The required statement of our decision to proceed with this aircraft was in preparation at the time of the Senate Committee's action on the FY 1971 appropriations and has now been provided to you. Unless the required funds are provided, the planned program will have to be stretched out, resulting in disruption and some additional costs. I request that this $30 million be restored to the Senate Bill.

"Missile procurement, Air Force." We request appropriation of $1,380.4 million as reflected in the Senate Bill, an increase of $8.1 million above the House Bill. This is the net of $58.1 million in increases, less a $50 million transfer from the stock fund reflected in the Senate Bill. The increases include $3.2 million for Minuteman operational base launch and $54.9 million for the AGM–69A (SRAM) and related spares. This missile is urgently needed, and the test program is continuing to provide encouraging results, as detailed in a classified enclosure. Moreover after consultation with the House Appropriations Committee, the Air Force entered into a contract late in FY 1970 (with FY 1970 funds), to secure maximum continuity between the R&D and production effort. Under the House Bill these advantages would be lost, and it would be necessary to completely redesign the SRAM production program and renegotiate the FY 1971 production contract. The operational base launch is considered essential by the President. This item is explained in a classified enclosure.

"Other procurement, Air Force." We request appropriation of $1,345.1 million, the Senate amount, which is $36.1 million less than the House Bill. The Senate made reductions of $42.5 million below the House Bill, all of which we accept, but restored $6.4 million for operational base launch. We ask that the Conferees recognize this requirement.

"Procurement, Defense Agencies." We request an appropriation of $45,310,000 as in the Senate Bill, which is $6.4 million more than the House Bill. The additional $6.4 million is to provide for purchase (instead of leasing) of two computers used for the World Wide Military Command and Control System (WWMCCS). The WWMCCS ADPE update program represents an important step in control and economic use of ADPE in command and control and intelligence. The review cited by the House Committee has been completed, a Development Concept Paper has been approved, a request for proposal (RFP) has been issued, and a cost threshold of $46.2 million for 15 new machines has been established. In addition, we have decided to establish some third generation IBM equipment as a second standard and to retain 17 to 22 of these machines. This retention will reduce software conversion costs by $25 to $50 million. The program cost of $½–1 billion or more cited in the Appropriation Committee report is incorrect; current estimates are provided in the enclosure.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

We request RDT&E appropriations of $7.062.5 million. This is $107.8 million above the House Bill, $102.4 million above the Senate Bill, and $283.1 million below our original request. Allowing for the fact that the Bill now includes $58 million under

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RDT&E for the S–3A which we had requested under procurement, our current request is $341.1 million below the estimate submitted in January.

I must request these RDT&E fund restorations as a matter of the highest priority. I am aware of the deep Congressional concern regarding certain aspects of our RDT&E programs, and of the reasons for such concern. I had similar concerns when I became Secretary of Defense, and I personally conducted an intensive review of all significant development programs and took steps to tighten our management in this area. This has had significant results. Consider, for example, that the budget request for FY 1970 was $8,222.4 million. Our requests for FY 1971 was $876.8 million below that figure. Allowing for one year's intervening inflation, the drop in the budget request is well over $1 billion. Our FY 1971 request for budget authority ($7,345.6 million) was $23.2 million below the amount actually provided in FY 1970. The amount which we are now requesting for FY 1971 is $306 million below the amount actually provided for FY 1970. Once again, if we allow for inflation, the cut in real terms is more than half a billion dollars from 1970 to 1971.

Our current request of $7,062.5 million (and this includes the funds shifted from procurement for the S–3A) is about the same as the RDT&E programs of prewar years. RDT&E budget authority was $6,993 million in FY 1963, and $6,984 million in FY 1964. Pay and price increases since 1964 amount to about $1.7 billion, so that the prewar program would cost about $8.7 billion in FY 1971. We will be proceeding in FY 1971, and covering war costs, within a program level that has been cut more than 20% below prewar.

These figures take on far more meaning when we look at the comparable Soviet effort. We now have a reasonably good assessment of the magnitude of the Soviet effort compared to ours; the comparison is based on the numbers and characteristics of major weapons systems available to each side for production. The assessment shows that the annual Soviet military RDT&E effort now is more than $10 billion, expressed in terms of equivalent U.S. effort. We don't know whether the Soviets will continue the steady expansion of their effort at a rate of 10–13% per year. In any case, we have good reason to believe that the Soviet RDT&E effort in FY 1971 will be about 20–50% more than the U.S. effort now authorized.

This difference is extremely serious. It means that, if continued, the USSR will develop major weapons systems which we will not. It means that our technological lead—essential to overcoming their security barriers and to compensating in part for their numerical superiority—will vanish in a few years. It means that we will then not be able to understand much of our intelligence data on Soviet developments nor know how best to counter Soviet technological surprises. In contrast to the steady Soviet increase in the training and use of engineers and scientists in defense RDT&E, our assets of trained researchers are declining, as you are well aware from the employment statistics.

The budget cuts also result in a sharp reduction in R&D flexibility. A large portion of the requested budget is devoted to approved ongoing programs. To cut these would result in inefficient scheduling, greater expense and lost time. Thus, the cuts have to be taken from the new programs, the new ideas, and the feasibility demonstrations needed to reduce the possibility of technological surprise. The effect of the overall 6% cut thus translates into a very drastic cut in efforts associated with new ideas and new programs. The Soviets, with their greater effort, will have few such constraints.

I mentioned earlier that I undertook a thorough review of our RDT&E efforts soon after I assumed this office. One result, already noted, was a significant cutback in RDT&E programs in selected areas, leading to a sharp drop in our budget request. Another result of that review was a significant strengthening of my own conviction that our R&D program represents our most vital long-range defense investment and must continue to be supported with significant resources.

The cuts in RDT&E represent a calculated risk—one comparable to the risks taken elsewhere in this minimal budget. Our present technological superiority gives us a short period of time in which we might afford a reduced U.S. effort while assessing the Soviet RDT&E progress and intent. But the stakes in this kind of decision-making are enormous. The consequences of Soviet achievement of technological superiority cannot be overstated.

The background just presented is of very great importance to understanding our serious concern with the deep RDT&E program reductions reflected in the House and Senate Bill, and why we feel that partial restoration is essential to meeting our minimal national security needs.

We request restoration of $107.8 million to the House Bill, to provide for items approved by the Senate. These include:

$3.8 million for the Pershing missile system, needed to complete the planned R&D effort in support of the change in the primary mission of the Pershing.

$2 million for the Army to develop a standardized family of electric power sources for use by all services.

$7 million for the destroyer helicopter system (LAMPS), needed to move the program into the contract definition phase and to avoid the cost increases inherent in program stretchout.

$10 million for the Subsonic Cruise Armed Decoy (SCAD) to continue development of this important penetration device.

$23.5 million for the Airborne Warning and Control System (AWACS), to avoid the need for contract renegotiation (for which the estimated additional cost would be $40 million, permitting orderly progress on this badly-needed system.

$53.8 million for the Minutemen program, including $34 million for rebasing and $19.8 million for operational base launch.

$6.7 million for several highly-important classified programs of the Defense Atomic Support Agency.

We request that $102.4 million be added to the Senate Bill, to provide for critically-needed programs approved by the House. Senate made a large number of specific reductions, as follows:

Army, 29 items, $18.8 million.
Navy, 43 items, $32.7 million.
Air Force, 38 items, $43.6 million.
Defense Agencies, 1 item, $1.5 million.

It is correct that the requirements for some of these items have declined. On the other hand, requirements for other items (those specified by the Senate for reduction, plus additional items) have increased since the budget estimates were prepared. Accordingly, I urge that $102.4 million be added to the Senate Bill, to provide the level of funding in these areas as approved by the House.

COMBAT READINESS, SOUTH VIETNAMESE FORCES

The President's Budget included a request for a separate appropriation of $300 million to be used to increase the readiness of South Vietnamese forces in accordance with the President's plan for Vietnamization of the war. The funds to be used for this purpose represent one of the highest priority program requirements in the budget.

In order to provide the Congress with complete information concerning proposed use of funds requested, on May 16, 1970 the Armed Services and Appropriations Committees were provided full details, by appropriation and line item, of requirements for $349.4 million for the purposes of the appropriation. These requirements had been validated by the Service Secretaries and Joint Chiefs of Staff. Subsequently, on September 9, 1970, the Committees were furnished a statement of revalidated requirements totaling $358.5 million.

Based upon the data provided, the House Bill included $358.5 million for this appropriation. The Senate reduced the amount to $300.0 million.

The requirement for $358.5 million is valid and needed to meet urgent requirements for support of South Vietnamese forces. Delay in implementation of the full program pending Congressional action on a supplemental would jeopardize the support of these forces and adversely affect progress toward Vietnamization. I urge approval of the House amount.

SOUTHEAST ASIA

The Senate Bill would amend Section 843 by adding the words "or Cambodia." This language would add Cambodia to otherwise identical prohibitory language in the DoD Appropriation Act for 1970 (Section 643 of PL 91–171). The language of the 1970 Act was incorporated into the President's budget for FY 1971 (proposed Section 638). The basic question, therefore, is the prohibition this amendment would place on the introduction of American ground combat troops into Cambodia.

The President in his June 30th report on Cambodia gave a number of guidelines for U.S. policy in Cambodia. Among these were the following which relate to U.S. personnel:

There will be no U.S. ground personnel in Cambodia except for the regular staff of our Embassy in Phnom Penh.

There will be no U.S. advisers with Cambodia units.

We will conduct—with the approval of the Cambodian Government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam. We do this to protect our forces in South Vietnam.

The President further commented as follows on this aspect of U.S. policy the following evening in his live television interview, "A Conversation with the President:"

Question: Do you feel that you can give categorical assurances now that we will not send ground troops back into Cambodia no matter what?

Answer: I indicated when this operation was begun two months ago . . . that once we had completed our task successfully of cleaning out the sanctuaries that then it would not be necessary and I would not consider it advisable to send American ground forces back into Cambodia.

I can say now that we have no plans to send American ground forces into Cambodia. We have no plans to send our advisers into Cambodia. We have plans only to maintain the rather limited diplomatic establishment that we have in Phnom Penh and I see nothing that will change that at this time.

Question: You can't foreswear in a final way . . . that is what the Senate seems to want.

Answer: I think that anybody hearing the answer that I have just given would certainly get the impression and would incidentally be justified in having the impression that the President of the United States has no intention to send ground forces back into Cambodia, and I do not believe that there will be any necessity to do so.

When you say, can I be pinned down to say that under no circumstances would the United States ever do anything, I would not say that, but I will say that our plans do not countenance it, we do not plan on it, and under the circumstances, I believe that the success of the operation which we have undertaken, as well as what the South Vietnamese will be able to do, will make it unnecessary.

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Thus, while the President has indicated his *intention* not to introduce American ground combat troops into Cambodia, this amendment goes a step further, a step which the President refused to go, and purports to impose a categorical prohibition regardless of the circumstances. The President has indicated that he will meet his responsibility as Commander-in-Chief of our Armed Forces to take the action he considers necessary to defend the security of our American men. This amendment attempts to interfere with the President, ability to meet this responsibility. It should not be enacted.

PERIOD OF AVAILABILITY OF PROCUREMENT AND RDT&E APPROPRIATIONS

The House Bill would convert the no-year appropriations for shipbuilding, other procurement, and RDT&E to multiple-year appropriations, available for five, three and two years, respectively. Multiple-year appropriations would be very complex and costly to administer. Specifically:

Regulations, manuals, and computer programs would have to be changed at all levels throughout the U.S. and overseas areas on a retroactive basis.

Personnel throughout the world would have to be trained in these new procedures—an immense job on a retroactive basis.

Beginning about the middle of this fiscal year, it would be necessary—retroactively—to change hundreds of thousands, if not millions, of transactions already processed.

The 14 accounts on the books of the Treasury would grow to 28 by next July (if not immediately), and ultimately to 82.

Treatment of reimbursable transactions, change orders, prior-year adjustments, and many other areas would have to be specified.

Reprogramming understandings would have to be thoroughly revised.

We would be trying to change the system while it was running, and at the same time making sharp reductions in administrative personnel.

The enactment of multiple-year appropriations would present us with some immediate budgetary problems, including the following:

Our FY 1972 request would have to be $500 million to $1 billion above that required under present ground rules, unless we propose reappropriations or similar action.

Unless we propose reappropriation, we would go to Congress asking for full financing of new programs, while holding $500 million to $1 billion in old balances we did not intend to use. This would defeat the purpose of the House Bill.

On the other hand, if we proposed reappropriation—or if any of the four Committees did so—we would in effect have returned to the no-year appropriations of today, but adding the administrative burden and greatly confusing the authorization-appropriation.

For FY 1971, unless the new appropriations are merged with prior balances, we will have sustained an additional $1 billion cut, because our unprogrammed balances could not be applied to finance the FY 1971 program as contemplated in the budget and in the action otherwise taken by the House.

The Senate bill would:

1. Require, beginning June 30, 1971, the withdrawal of overage unobligated balances from the control of the Department of Defense and direct their return to the Treasury, while otherwise retaining the no-year character of the appropriations involved, and

2. Require the Comptroller General to examine the internal accounting system of the Department of Defense for determining the amounts to be withdrawn and make a report to the Congress as to the adequacy of the system.

We strongly favor the Senate Bill, and urge its adoption.

Conversion to multiple-year appropriations involves issues that are far too complex, with consequences that are far too great, to be resolved in the rush of completing action on our FY 1971 Bill. The Senate Bill meets the objectives expressed by both Committees. It would provide a clear and final cutoff point, without the serious problems involved in converting to multiple-year appropriations. It would take effect immediately, and older balances would be written off as of the end of next June. Consequently, I urge that the Senate Bill be adopted. If there continue to be reservations regarding this matter, we would be happy to make a full presentation to both Committees, early in the next Session. At that time, we could explain in detail our plans for operation under the provisions of the FY 1971 appropriation, the problems inherent in multiple-year appropriations, and suggest changes or refinements. Following that, I would hope that we would have a reasonable amount of notice to effect any changes which the Congress might direct.

BUDGET FLEXIBILITY

Section 836 of the Senate Bill merges the various transfer authorities heretofore provided, and provides a single limit of $700 million upon transfers, as compared to $600 million provided under three separate provisions in the House Bill. The Senate Bill requires approval of the Office of Management and Budget and prompt notification of the Congress of all transfers made pursuant to this authority; the Senate Report specifies that this new section shall be a matter of "special interest" under the established reprogramming procedures, and therefore will require prior approval by the Committees.

The added measure of flexibility provided by the Senate Bill is essential to the effective management of Defense programs. During the past two years the Defense budget has been significantly reduced, to the point that the Department's flexibility to meet unforeseen requirements has been severely limited. The full effect of such reductions is much greater than the individual program changes required by authorization and appropriation action. This makes it essential that additional flexibility be provided to the Department of Defense to transfer funds between appropriations to meet emergencies and the most urgent needs of national defense within the appropriations provided by the Congress. The unpredictability inherent in the current world situation makes it essential that the Department of Defense be able to react to changes necessary to provide for the strongest possible Defense posture within resources approved by the President and the Congress. Sharp Congressional reductions in our FY 1971 requests have reduced our flexibility. Some of this flexibility can and should be restored by the increased transfer authority provided in the Senate Bill. I strongly request enactment of this provision.

RELATIONSHIP OF RESEARCH TO MILITARY OPERATIONS

Section 845 of the Senate Bill would provide that funds may not be used for research projects unless they have a direct and apparent relationship to a specific military function or operation. This matter has already been considered by the Congress this year, and the language now appearing in the Senate Bill was rejected in favor of Section 204 of the FY 1971 Defense Authorization Act (PL 91–441) which provides that funds may be used only for projects which, in the opinion of the Secretary of Defense, have a potential relationship to a military function or operation. I believe that the Authorization Act should be allowed to stand. It is not sound policy to raise again an issue that was resolved by legislation enacted less than two months ago. Our objections to the language of the Senate Bill have not changed. This language could be interpreted to require the Department to discontinue support for basic research, at the very moment when our technical leadership is being challenged strongly, when we must act to ensure that our R&D program is revitalized through a greater emphasis on genuinely exploratory work. If the Department were to move out of relatively basic and applied research the country would no longer be able to depend as effectively upon many of the best scientists in the country for work on defense problems. I urge deletion of this provision from the Senate Bill.

PUBLIC AFFAIRS

Both the House and Senate Reports would impose limitations upon the amounts for public affairs activities. The Senate version is preferable. The Senate Report more explicitly defines the applicability of the limitation to cases ". . . where such functions constitute the primary mission of an organization element . . ." The Dollar amount specified in the Senate Report covers the amounts required for Defense Agencies and the Joint Chiefs of Staff. Also, the Senate Report specifically excludes security review activities from the scope of the limitation. For these reasons, I ask that the Conferees, in addressing this matter, endorse the Senate Report.

INTELLIGENCE AND SECURITY PERSONNEL

Section 846 of the Senate Bill provides a limitation of 138,000 upon the number of military and civilian personnel assigned to the Intelligence and Security Program after June 15, 1971. We do not object to a ceiling of 138,000, and I assure you that we will comply. We do object, however, to making this a provision of law. A future emergency could require a greater number of personnel, at which point it would be necessary to seek a change in the law. This might not be possible on a timely basis. With the understanding that we will comply with this limitation, I request that this provision be deleted.

In closing I wish to express our appreciation for your thorough consideration of our national security needs, and for the opportunities you have afforded us to present our views each step of the way. We have certainly benefited from this interchange. I again wish to stress that we have reached the positions outlined above only after a careful review of the facts in each case including a full consideration of the actions of the House and Senate and the reasons for such actions in the Report of each Committee. We have found it possible to accept a large part of the financial adjustments in either version of the bill, but we urge your favorable consideration of the matters at issue that are covered in this letter.

An identical letter is being sent to the Chairman of the Department of Defense Subcommittee of the House Committee on Appropriations. Please do not hesitate to call upon us if we can be of assistance.

Sincerely,

——— ———.

Mr. ELLENDER. The recommendations of the committee of conference are explained in the statement of the managers on the part of the House included in the conference report. However, I will take a few minutes to comment on several matters that I feel are of special interest to some Members.

During the discussions of the bill on the Senate floor, I made it clear that the recommendations of the committee did not include any funds for programs and activities that were not in the budget, even though the bill as it passed the House included $653,935,000 for nonbudgeted items and the Secretary of Defense requested the committee to recommend an additional $354,599,000 for nonbudgeted items. The Senate conferees were not successful in our efforts to maintain the Senate position with respect to these nonbudgeted items, and the recommendations of the committee of conference includes funds for the following nonbudgeted items:

Operation and maintenance, Army. The House bill included $50,000,000 for "unforeseen operational costs," which amount was disallowed by the Senate. The committee of conference included $40,000,000 for this purpose.

Operation and maintenance, Navy. The House bill included $50,000,000 for "unforeseen operational costs," and an increase of $4,000,000 for Operation Deepfreeze—Antarctica program—both of which were disallowed by the Senate. The conference agreement includes $40,000,000 for "unforeseen operational costs," and the $4,000,000 for Operation Deepfreeze.

Operation and maintenance, Air Force. The House bill included $50,000,000 for "unforeseen operational costs," and $23,900,000 for the cost of retaining five Air Force Reserve units that were scheduled to be deactivated. The Senate disallowed both of these increases. The conference agreement includes $40,000,000 for "unforeseen operational costs," and the $23,900,000 for the five Air Force Reserve units.

Mr. President, I want to call attention to the fact that, even though we have increased these three "Operation and Maintenance" appropriations, the amounts recommended by the conference committee are still below the budget estimates by the following amounts:

Army, $63,313,000,
Navy, $13,512,000—net, and
Air Force, $19,364,000.

I may say, Mr. President, that these $50 million amendments I referred to were made on the floor of the House. In agreeing to these increases, the Senate conferees not only considered the fact that we were within the budget estimates for each of these large appropriations but also that most of these operation and maintenance costs are determined by the number of men in the service concerned and the level of operations in various areas. I ask unanimous consent to have printed in the RECORD a fact sheet—referred to as exhibit B—prepared at my request by the Department of Defense, giving details on each of these increases I have mentioned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT B

HOUSE-SENATE CONFERENCE FACT SHEET: OPERATION AND MAINTENANCE

A. UNFORESEEN COSTS (HOUSE FLOOR INCREASE)

In floor action, the House added $150 million of Operation and Maintenance funds for unforeseen costs which have been identified since the submission of the President's Budget. The Senate deleted these funds because they were add-on's to the original budget.

In fact, the funds are required to cover mandatory cost increases in on-going areas and are not to be used for "new" programs. These increased costs cover such items as (1) transportation rate increases (+$66.4 million), (2) activity and deployment changes related to South Vietnam (+$73.5 million), (3) slippage in REDCOSTE implementation (+$39.3 million), (4) increased operations and readiness of SIXTH and SEVENTH Fleets (+$51.4 million), (5) increased civilian personnel costs due to average salary increases (+$78.6 million), and (6) other rate and cost changes (+$44.3 million); for a total mandatory cost increase in Operation and Maintenance accounts of $353.5 million. These costs must be absorbed within available funds, making restoration of the $150.0 million ($50 million each for Army, Navy, and Air Force) an absolute necessity.

The only alternative available to the Defense Department if such funds are not restored is further personnel reductions to free funds to cover these mandatory costs. Planning for a supplemental is not a feasible course of action since immediate action is necessary to live within funds appropriated. A delay of 60–90 days would make the necessary adjustments impossible, if a supplemental were not forthcoming or were ultimately approved in a lesser amount.

The specific areas requiring additional funds are:

Army

Transportation rate increases, $32.6 million.

Military Airlift Command—Cargo and Mail (effective May 1970), 10 percent.

Command Airlift—Cargo and Mail (effective July 1970), 5 percent.

Military Sealift Command (effective Jan., Mar., July and Sept. 1970): Cargo, 8.5 percent. Bulk POL, 15.4 percent.

Military Traffic Management and Terminal Service—CONUS Port Handling (effective July 1970), 4 percent.

Change in RVN Deployments, $40.8 million.

The FY 1971 President's Budget was developed on assumed manpower level in South Vietnam. Since December 1969, when the budget was developed, there have been significant changes to the budget plan. These changes are due primarily to decisions which have been publicly announced regarding the mix of forces between Army and Marines which are to be withdrawn from Vietnam. Army forces are remaining longer and the Marine forces are being withdrawn at an accelerated rate. The cost of maintaining these Army forces in Vietnam, representing approximately 15,000 military manyears above the President's Budget level, is $40.8 million for the Operation and Maintenance, Army appropriation. These costs are above what has been included in the Army's FY 1971 President's Budget.

Slippage in implementation of plan to transfer responsibility for operation of European missile battalions (REDCOSTE), +$39.3 million.

Increased Civilian Personnel cost due to changes in the composition of the work force and increased cost per civilian manyear supported. This increase is above the legislated pay raise, +$42.6 million.

Airport and Airways Revenue Act (PL 91–258). This Act, which was enacted after the submission of the FY 1971 budget, requires the Army to pay a tax on air movements, +$3 million.

Totaling $158.3 million for the Army.

Navy

Increased tempo of air operations in Mediterranean, $14.7 million.

Spare parts to provide increased readiness and reliability of Sixth Fleet ships, $6.7 million.

Increased tempo of ship operations in Mediterranean, $5.9 million.

Improved base support at Rota and Souda Bay, $1.4 million.

Increased costs related to SEA carrier based attack sorties and Marine SEA attack sorties in Seventh Fleet and Vietnam, $18.7 million.

Vietnamization/Coastal Radar and VNN supply system, $4.4 million.

Spare parts pipeline to support increased readiness and reliability of Sixth and Seventh Fleet ships, $10.7 million.

Spare parts pipeline to support increased readiness and reliability of Sixth and Seventh Fleet Aircraft, $12.0 million.

Increased transportation of ammunition to support SEASIA air operations, $3.2 million.

Increased transportation costs due to MSTS tariff rate increase effective March 1970 (dry cargo 8.4%, POL 9.4%), $5.6 million.

Increased depot handling and storage of ammunition to support SEASIA air operations, $6.4 million.

Totaling $89.7 million for the Navy.

Air Force

Peruvian Earthquake Expense, $0.2 million.

Aero-Medical Evacuation, $5.4 million.

Special Airlift-SEA Related, $7.8 million.

Training of Free World Forces, $10.0 million.

Delayed Inactivation of Bien Hoa, $6.5.

Combat Readiness Training, $3.0 million.

Increase in Civilian Average Annual Salaries, $36.0 million.

Rail Rate Increases, $1.7 million.

Stock Fund Surcharge Increase, $3.1 million.

P.L. 91–258, Airway & Airway Development Act, $5.3 million.

MAC Rate Increase, Effective 1 May 1970, $20.0 million.

MSTS Rate Increase, $3.5 million.

MAC Passenger Rate Increase, $3.0 million.

Totaling $105.5 million for the Air Force.

B. AIR FORCE RESERVE SQUADRONS, $23.9 MILLION

In the development of the President's Budget, plans were included to retire 5 C–119 Air Force Reserve Squadrons. It has been subsequently determined that these Reserve Squadrons are required and should be retained and equipped with C–130 aircraft. The C–130 aircraft are now available for equipping these units, but $23.9 million is required under Operation and Maintenance, Air Force to cover operating costs during FY 1971.

The House Bill approved this amount, but the Senate deleted the House add-on.

It is strongly recommended that the Conferees approve the House position—adding $23.9 million to O&M, Air Force. Awaiting supplemental action, with its uncertainty, would not provide an adequate basis for continuing these units in the Reserve force structure.

C. DEEP FREEZE, +$4 MILLION

The President's FY 1971 budget request contained $4.4 million in O&M, Navy for logistic support of the DEEP FREEZE scientific effort. This request was about $4 million less than prior years and in line with the House Committee's guidance in FY 1970 that the Navy commence phasing out its funding support of this effort.

The effect of this reduction would have been to cancel 80% of the scientific effort in FY 1971. Subsequently, the Antarctic Policy Group recommended:

(a) That the program be maintained at the current annual level.

(b) That the National Science Foundation, commencing in FY 1972, budget for both the scientific and supporting efforts, with the support being provided on a mutually acceptable reimbursable or non-reimbursable basis.

(c) That other aspects of program management and safety of operations remain as heretofore set forth in BUBUD Circular A–51 of August 3, 1960.

The National Security Council endorsed this course of action and the Chairmen of the Senate and House Appropriations Committee were informed on July 10, 1970 by the Assistant Secretary of the Navy for Financial Management.

The House Bill added $4 million to the Navy's request for this unbudgeted requirement; but this amount was deleted by the Senate.

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It is recommended that the House position be approved. The uncertainty of a supplemental precludes planning for the higher level unless the House bill is approved.

NAVY SHIPS

Mr. ELLENDER. Mr. President, the House-passed bill included $417,500,000 for the following ships that were included in the Department of Defense Procurement and Research and Development Authorization Act, but which were not included in the President's budget:

One nuclear attack submarine, $166,000,000;

Long leadtime items for an additional nuclear attack submarine to be fully funded in the fiscal year 1972 budget, $22,500,000;

One submarine tender, $102,000,000;

One destroyer tender, $103,000,000; and

Service craft, $24,000,000.

The Senate disallowed the funds for these nonbudgeted ships. The committee of conference devoted a major portion of its efforts in attempting to resolve this matter, and the committee finally agreed to the inclusion of $188,500,000 for the following:

One nuclear attack submarine, $166,000,000, and

Long leadtime items for an additional nuclear attack submarine to be fully funded in the fiscal year 1972 budget, $22,500,000.

In agreeing to the inclusion of this $188,500,000 for these nonbudgeted ships, the Senate conferees did not change their position with respect to this matter of modernizing the fleet. In reporting the bill to the Senate, the committee stated in its report:

> The Committee is fully aware that the existing age and condition of many ships requires an extensive program for the modernization of the fleet, and the Committee is anxious to participate in a comprehensive program to increase the effectiveness of the Navy. However, it is the view of the Committee that a program of this magnitude must proceed through the orderly appropriation process which requires both authorization and budget requests from the President.

This is still the position of the Senate Committee on Appropriations.

INTERNATIONAL FIGHTER AIRCRAFT

The President's budget and the House bill included $30,000,000 for the continuation of the international fighter aircraft program. The Senate disallowed the total amount for this program. The Senate committee's recommendation for the disallowance of these funds was based on the lack of adequate information on the program. I ask unanimous consent that the comments on this program appearing on page 156 of the committee's report and referred to as exhibit C be printed in the RECORD at this point.

There being no objection, exhibit C was ordered to be printed in the RECORD, as follows:

EXHIBIT C

EXCERPT FROM SENATE REPORT NO. 91-1392, PAGE 156

International Fighter Aircraft (Freedom Fighter).—The House allowed the budget estimate of $30,000,000 for the continuation of development and production of the International Fighter Aircraft, which is in accord with the Authorization Act. The committee recommends the disallowance of the $30,000,000 allowed by the House for this program. In approving the $28,000,000 included in the fiscal year 1970 program for this aircraft, the committee stated in its report:

"The committee has taken no affirmative action on the proposal [International Fighter Aircraft]. In the event the Secretary of Defense determines to proceed with the development and procurement of this aircraft, *he is requested to so advise this committee of his decision along with a full statement on the basis for his decision.*" (S. Rept. No. 91-607, p. 94).

At this date, the Secretary of Defense has not complied with the above request, even though a contractor was selected on November 20, 1970.

The committee's recommendation for the disallowance of these funds is based on a total lack of information on the program. The justifications submitted in support of the budget request and the statements of representatives of the Department of Defense and Air Force did not provide the committee with adequate information on which to base a decision, and as stated above, the Secretary of Defense has not complied with the committee's request for detailed information on the basis for his decision to proceed with the development and procurement of this aircraft. Attention is called to the fact that as the Department of Defense Procurement and Research and Development Authorization Act passed the Senate it did not include funds for this program, however, the $30,000,000 authorization was restored in the Conference Committee on that legislation.

In recommending the disallowance of these funds, the committee calls attention to the fact that no part of the $28,000,000 provided for fiscal year 1970 had been obligated as of December 1, 1970. It is the view of the committee that these available funds are more than adequate to fund this program through the current fiscal year.

The committee expects the Department of Defense and the Air Force to submit the same type of information in justifying the request for funds for this program as is submitted for aircraft that are to be included in the Air Force's inventory.

Mr. ELLENDER. Mr. President, on November 20, 1970, the Department of Defense announced the award of a contract for the development and production of this aircraft. However, the statement requested by the committee in its report on the fiscal year 1970 bill was not received until December 10, 1970. I ask unanimous consent that this letter, with appropriate security deletions, be printed in the RECORD at this point as exhibit D.

There being no objection, exhibit D was ordered to be printed in the RECORD, as follows:

EXHIBIT D

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C.

Hon. RICHARD B. RUSSELL,
Chairman, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: Your committee has requested a full statement on the basis of our decision to proceed with development/procurement of an International Fighter Aircraft (IFA). In a related action, on 4 December 1970, your committee deleted the FY 71 IFA appropriation of $30 million.

This letter is a statement of the basis for the decision to proceed with the IFA. It also gives information which relates to concurrent Air Force reclamation to restore $30 million of FY 71 funds which will be used to maintain the program's contractual schedule.

A basic purpose of the IFA is to meet the needs of our allies under the principles of the Nixon Doctrine that will permit them to shoulder a greater portion of the common defense burden, allowing the U.S. to reduce manpower abroad.

The IFA is designed primarily to provide air defense of allied territory as well as close air support for local defense forces. This capability is required to meet the threat from the increasingly sophisticated air forces of Communist China, North Korea and North Vietnam. Potential recipient nations for the aircraft include South Vietnam, Thailand, South Korea, and the Republic of Free China.

As a matter of background information, on 20 November 1970 Secretary of the Air Force Robert C. Seamans, Jr., announced that the Northrop Corporation's F-5-21 aircraft had been selected as the winner of the IFA competition. On 24 November he authorized the Air Force to award the contract to the Northrop Corporation of Hawthorne, California.

This decision followed seven months of evaluation, analysis, and competition among four potential producers: McDonnell-Douglas Corporation, LTV Aerospace Corporation, Lockheed Aircraft Corporation, and Northrop Corporation. The competition was focused on providing US Allies and friends with a credible self air defense capability at the most reasonable cost. Economy of procurement and operation, reliability, simplicity and maintainability, in line with capabilities of the intended recipients, were also emphasized.

The IFA has a remarkable performance, especially when considered against the design contraints for economy and ease of maintenance. The maximum speed will be [deleted] Mach at [deleted] feet, with a combat ceiling of [deleted] feet. A maximum payload of [deleted] pounds of fuel and armament can be carried for close air support. In the counter air role, the IFA has a mission radius of [deleted].

Current program planning anticipates procurement of about 325 aircraft in fiscal year increments over a five or six year period. Each annual increment, of course, will be contingent upon Congressional approval. The first test aircraft is scheduled for delivery in [deleted] and the first production aircraft in [deleted]. A 325 aircraft production run would result in a total weapon system acquisition cost of $698.6 million, of which $104.1 million would be allocated to development.

To insure that this capability can be achieved within program funds, careful attention has been devoted to the selection of personnel and techniques to manage the program. A System Program Office has been established at the Aeronautical Systems Division at Wright Patterson AF Base. A major initial objective of this office has been to devise management methods to insure program economy and efficiency. Cost/Schedules Control Systems Criteria (C/SCSC) will be used to measure the contractor's performance. In this way, any deviation from contract cost, schedule, and performance will be reported early, thereby assuring that necessary management actions may be taken in a timely manner.

The aircraft will be procured by a fixed price incentive (FPI) contract. The sharing arrangement will be 70/30; ceiling price will be 120% of target price; and target-profit will be 10% of target cost. The contract is based on a production rate of 10 per month; however, it includes an option of plus or minus 50% within each fiscal year increment to allow maximum flexibility in meeting funding limitations and/or threat development. The contract contains a foreign sales clause for recovery of nonrecurring RDT&E costs in the expectation that the aircraft may be subsequently sold to foreign nations.

If you desire more detailed information, representatives of the Air Force are available to meet with you, committee members or members of your staff, as you might desire.

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I trust this now satisfies the Committee's needs.

Sincerely,

DAVID PACKARD.

Mr. ELLENDER. Mr. President, the conference agreement includes $18 million for the continuation of the development of this aircraft, which amount along with $28 million made available in fiscal year 1970 will provide $46 million, which is adequate to maintain the Air Force's scheduled program. I want to make it clear that the action of the committee of conference does not constitute a full production decision on this aircraft. It was the intent of the conferees to provide adequate funds to continue the development program, which includes five test aircraft, and to provide $8.8 million for long leadtime items to support the production of this aircraft in fiscal year 1972, if such a decision is made by the Congress.

SECTION 838—SUPPORT OF FREE WORLD FORCES

The Senate amended section 838 of the bill dealing with funds for the support of free world forces to include the following provision which was included in section 502 of the Department of Defense Procurement and Research and Development Authorization Act:

> *Provided further,* That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.

The House conferees strongly opposed this provision on the ground that it tied the hands of the President in his efforts to bring about a withdrawal of U.S. forces from Southeast Asia. However, they finally agreed to accept this amendment if the following provision were included, which is applicable to all of section 838:

> *Provided further,* That nothing contained in this section shall be construed to prohibit support of free world or local forces in actions designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

The Senate conferees accepted this proposal.

I was surprised to learn that there was considerable opposition here in the Senate to this provision, and as I stated, it is one of the issues that prompted me to move to table the first conference report and send the bill back to conference to attempt to get the House conferees to recede on this point.

I regret to inform the Senate that the House conferees were again adamant on this provision, and after considerable discussion in the second conference on this matter, the Senate conferees accepted the following new proviso:

> *Provided further,* That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.

I am convinced that in order to obtain an agreement in the conference committee, we had to accept this proviso.

Mr. President, I think the intent of this provision was fully discussed in a colloquy here on the floor earlier this evening. However, as chairman of the Senate conferees, I want to make my position on this matter abundantly clear. It is certainly not the intent for the executive branch of the Government to interpret this proviso as the authority for a large-scale invasion, by South Vietnamese or other free world forces, of North Vietnam, Laos, Cambodia, or any other country, and I am confident it will not be so interpreted.

Throughout the consideration of this bill, and especially with respect to the $2½ billion that is authorized for the support of free world forces, it has been my position that these funds were to be used in order to restrict the scope of the present conflict in Southeast Asia, and I know of no possible way to place an interpretation on these various provisions that would justify an expansion of this conflict.

SECTION 843—INTRODUCTION OF AMERICAN GROUND FORCES INTO LAOS, THAILAND, AND CAMBODIA

The House-passed bill included section 843, which read as follows:

> SEC. 843. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

The Senate amended this section to include Cambodia

As with section 838, the House conferees also opposed this amendment on the ground that it tied the hands of the President in his efforts to bring about a withdrawal of U.S forces from Southeast Asia. It was clear to the Senate conferees that the House conferees would not accept the Senate amendment to include Cambodia in this section unless it was amended to include the following proviso:

> *Provided,* That nothing contained in this section shall be construed to prohibit the President from taking action in said areas designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

After considerable discussion, the Senate conferees agreed to the amendment.

There was also strong opposition expressed to the addition of the proviso in the first conference, and this was the other issue that prompted me to move to table the first conference report.

I am happy to report that the Senate conferees were successful in their efforts to delete this objectionable language from the bill. As agreed to by the second conference committee, section 843 of the bill reads as follows:

> In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

RELEVANCY OF DEPARTMENT OF DEFENSE SPONSORED RESEARCH PROJECTS

The Senate bill included the following provision with respect to the relevancy of Department of Defense sponsored research projects:

> Section 845. No part of the funds appropriated in this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

In substance, this is identical to the provision included in the Department of Defense Procurement and Research and Development Authorization Act, 1970, that was available to the fiscal year 1970 research and development program.

The House conferees were strongly opposed to the Senate amendment and insisted that this matter had been covered by the enactment of section 204 of the Department of Defense Procurement and Research and Development Authorization Act, 1971—Public Law 91-441. This provision reads as follows:

> SEC. 204. None of the funds authorized to be appropriated to the Department of Defense by this or any other Act may be used to finance any research project or study unless such project or study has, in the opinion of the Secretary of Defense, a potential relationship to a military function or operation.

In view of this opposition, the Senate conferees had to recede on this amendment.

Mr. President, I believe the report of the conference committee represents a fair and reasonable resolution of the differences between the two Houses, and I urge the adoption of the report.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. STENNIS. Mr. President, may we have order? Will the Chair ask Senators and others to desist in their conversations?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from North Dakota may proceed.

Mr. YOUNG of North Dakota. Mr. President, there is little I can add to the comments of the distinguished chairman of the committee, the Senator from Louisiana (Mr. ELLENDER), than what I had to say on the floor earlier this afternoon.

Mr. President, the amount of money provided in this bill is far below that which the Secretary of Defense deems necessary and is far below what the Joint Chiefs of Staff deem necessary for the defense of this country.

To me an adequate national defense should be the top priority of all. The money being spent for the various kinds of domestic programs is so great that this is the best possible appropriation that I believe could be obtained in this Congress.

We cannot continue this way for long, however; otherwise we are certain to become a second-rate military power to Russia with all of the consequences that would follow from such a course.

Mr. President, I do urge adoption of the conference report as the best possible bill that could be obtained in the Senate and in the House.

Mr. JAVITS. Mr. President, the Senator from Mississippi, the Senator from Louisiana, the Senator from North Dakota, and other Senators had a very important exchange with the members of the Foreign Relations Committee earlier

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in the evening. I do not wish to go over that ground; and I shall not. I assure the Senator that I will be very brief. However, I do think that it would be very useful if the Senator from Louisiana would agree that this whole colloquy be made part of the debate in respect to the approval of the conference report, which undoubtedly will insue shortly. Would the Senator mind if I ask unanimous consent to do that?

Mr. ELLENDER. No, indeed. I had intended to do that.

Mr. JAVITS. Mr. President, I ask unanimous consent to have that colloquy printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Accordingly, the following colloquy, which occurred earlier in the day, is printed at this point in the RECORD:)

Mr. ELLENDER. Mr. President, I was very much interested in the debate that took place earlier on the Department of Transportation conference report. The procedure that was followed was the same as that followed by me this morning, when I moved to table the conference report on the Department of Defense appropriation bill, and request a further conference.

Mr. President, it is not my purpose to debate the issues at the moment, but I simply wish to lay before the Senate what took place in the second conference. As is known, we had the first conference over a week ago, and we had 4 long sessions before we were able to come to a conclusion.

After the report was filed, I sought to bring it up, but because of the strong opposition expressed by several Members of the Senate to two of the provisions in the conference report, I felt that we could not obtain a vote within a reasonable period of time. It was for this reason I moved to send the bill back to conference.

In the second conference—which took place today—we had two meetings. I think we have reached a conclusion that will be favorably received by the Senate. I will put in the RECORD information on the new agreements. It is my hope that the Senate will adopt this second conference report because it is imperative that this bill be enacted into law before the adjournment of this Congress.

The first conference retained the Senate amendments to sections 838 and 843 of the bill. The difficulty arose because the House insisted on putting two provisos in the bill which were not acceptable to quite a few Members of the Senate. Those provisos, were attached to the so-called Fulbright amendment, which is contained in section 838, and the so-called Cooper-Church amendment, which is included in section 843. All that language was included, as I have said, in the first conference report that was presented to the Senate with those objectionable provisos.

With respect to section 843 I wish to point out that in the second conference, the House agreed to strike the objectionable proviso, and we in turn agreed to strike the word "Cambodia," so section 843 now reads as it originally passed the other body. It is applicable only to Laos and Thailand.

With respect to the Fulbright amendment, which was included in section 838, that language remains intact, but the House conferees insisted on the inclusion of a proviso which did not materially differ from the proviso that was in the first conference report. This new proviso reads as follows:

> *Provided further*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war.

Mr. President, in order to have all the language before the Senate, I ask unanimous consent that all of section 838, as it was agreed to in conference, be printed at this point in the RECORD, together with the proviso I have just read.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION 838(a)—SUPPORT OF FREE WORLD FORCES

> SEC. 838. (a) Not to exceed $2,500,000,000 of the appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in support of Vietnamese forces; (2) local forces in Laos and Thailand; and for related costs, on such terms and conditions as the Secretary of Defense may determine: *Provided*, That none of the funds appropriated by this Act may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970: *Provided further*, That nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided further*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

Mr. ELLENDER. Mr. President, I also ask unanimous consent to have printed in the RECORD the language in section 843, minus, of course, the language that was deleted in the second conference.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> SEC. 843. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

Mr. ELLENDER. Mr. President, as I have said, this Congress must not adjourn until we complete action on the Department of Defense bill. I thought that the members of the first conference had done a good job. When objection was made in the Senate to the provisos included in the bill, we returned to conference with the results we have discussed.

I am very hopeful that Senators will study this action and approve it so that the bill can be sent to the White House for the President's signature.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG of North Dakota. Mr. President, I wish to join in the statement made by the distinguished chairman of the committee. He certainly did all he possibly could to resolve the differences in the way that the Senate could agree.

We had more than 250 amendments in disagreement. I think all of them have been resolved, with the exception of one on which there may be some disagreement. But the House conferees did go part way with us on amendment No. 52, which the Senator just discussed, the one in which the distinguished Senator from Arkansas (Mr. FULBRIGHT) is interested. The House went part way on it, and I am certain this is as far as they are going to go, so I hope that this conference report will be adopted.

Time is running out. The House is not going to agree to more conferences. Many Members of the House will be attending a funeral tomorrow. The day after that is the day before New Year's. So I see no possible chance, unless this conference report is adopted, that there will be a Defense bill and that there will even be a continuing resolution. The problem then rests with the Senate whether there will be a Defense appropriation bill or whether there will not be one. I can understand that there are some strong feelings with respect to Southeast Asia and the possible expansion of the war there. This may have been the problem a year or two ago, but certainly President Nixon has made his position clear that there will be no expansion of the war—and certainly public opinion would not stand for it, so I do not see any necessity for all these amendments trying to limit the constitutional powers of the President. I think that if this amendment were studied carefully, the Senate would approve it. It is the only one now in disagreement, No. 52.

Mr. STENNIS. Mr. President, if I may have the special attention of the membership, I should like to refer to the very fine work which has been done here by the Senator from Louisiana (Mr. ELLENDER) and the Senator from North Dakota (Mr. YOUNG), as well as other members on the conference—excepting myself, of course. This is a very difficult and delicate situation that this language has to deal with. The Senator from Arkansas has dealt with it in his skillful way. I think that the conference has come up with something that meets the requirements and the necessity for the military time, and the necessity for meeting the requirements of the restrictions avoiding an expansion of the war, which I never have favored, of going into Cambodia with the idea of sustaining that government regardless. I am not interested in our going in there as

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a matter of carrying on the war that we are unfortunately engaged in now.

Mr. President, I want to extend my remarks further to say on this situation we are confronted with, with only 3 or 4 days left in this session, that we have been working on the bill and the authorization bill, too, for almost 12 months and almost 6 months of the fiscal year have already expired. So that in these last few days we must pass this Department of Defense bill. I believe it will be in this Chamber by noon tomorrow, or very soon thereafter.

Let us remember, too, that this matter of a continuing resolution, which is the law now, dies with this Congress. It will be as dead as Hector and we will have this monstrous military machine worldwide, with a war going on, and no money so far as the present situation is concerned. Therefore, I hope that all Senators will study this matter and that all Senators will put their shoulders to the wheel and pull together and push together to get the bill passed at a very early date.

Mr. President, now I wish to discuss the results of the meeting of the conferees today on the defense appropriations bill. Two sections were revised and resulted in compromise language which, in my opinion, is eminently fair to both the House and the Senate. Both of these sections relate to the use of defense funds in Southeast Asia.

The first of these, Mr. President, concerns Senate amendment No. 52 set forth on page 45 of the bill.

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As the Senate may recall, this amendment, adopted in the Senate, repeated the language in the military authorization bill and contained the limitation as follows:

> Nothing in clause (1) of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.

In the previous conference language was added which was also retained with slight modification in the conference just concluded. The proviso is as follows:

> Provided further that nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

Mr. President, the conferees agreed that all of amendment No. 52 should be retained along with the revised House proviso.

Mr. President, the retention of the Senate language will insure that the so-called Fulbright floor amendment from which this language is taken, will stand and be enacted as a matter of law. It is certainly my intention that none of these funds referred to in clause (1) will be used to provide military support and assistance to the Government of Cambodia or Laos.

As we all know, the military aid proposal has been passed and provides a military assistance program for Cambodia.

The added House language merely allays any fears on the part of the House that this restriction would in any way prohibit actions designed to promote a safe and orderly withdrawal.

Let me emphasize, Mr. President, that there is no intent to permit an expansion of the war with any of this added language. There is no intent to authorize the use of South Vietnamese or other free world forces to go to the rescue of the Government of Cambodia or Laos with the use of these funds. I consider that the colloquy between myself and Senator FULBRIGHT on the procurement bill still stands—that is, that none of these restrictions are intended to prevent actions intended to keep the sanctuaries clear and to prevent Vietnamization. At the same time the line is clear that it is not meant to provide a device for military support of these two governments with Department of Defense funds.

I would also emphasize that the language in the authorization bill still remains law.

AMENDMENTS NOS. 54 AND 55

Mr. President, the other amendments relate to the use of funds for U.S. ground troops. Senate amendments Nos. 54 and 55 had the effect of saying that no funds shall be used to finance U.S. ground combat troops into Cambodia. The previous conference report contained language which was similar to what I have already discussed which added the proviso stating that this section—843—was not intended to prohibit actions designed to promote the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or aid in the release of Americans held as prisoners of war.

Mr. President, in the conference action today amendments Nos. 54 and 55 and all of the House-added proviso was dropped. As we know, in the Military Assistance Act there is a prohibition on the use of funds for U.S. ground troops in Cambodia. New section 843 will now prohibit the use of funds for the introduction of American ground troops in Laos or Thailand.

Mr. President, the House in effect receded on amendments Nos. 54 and 55. The only matter in the Senate bill that was not contained in the version passed by the Senate on this issue is the additional language in section 838. I do not believe this additional language weakens the intent or the purpose of the so-called Fulbright amendment. The entire package of the revisions to sections 838 and 843 is a reasonable one and I think the Senate should adopt the conference report when this matter is brought to a vote.

LARGER ISSUE INVOLVED

Mr. President, a fundamental issue is involved in the pending conference report on the Defense Appropriations Act for fiscal year 1971. This bill has been before the Congress for almost 12 months and has been worked on continuously. It is a bill of which the Senate can be proud. The President's request of $68.7 billion was reduced to $66.8 billion by the House or $1.9 billion and the Senate made further reductions of $389 million which resulted in a bill of $66.4 billion. The final conference amount was $66.6 billion which was $2.15 billion below the budget request. For the Senate to reject this conference report at this time is to say the bill in all its totality should not be adopted as a matter of law in its present form.

I wish to raise another issue. The continuing resolution under which the Department of Defense is now operating expires with the close of this Congress on January 3. If we do not enact another law either in the form of this Appropriations Act or another continuing resolution, the entire Department of Defense operation will come to a halt. This could be a national calamity of untold proportions. The Senate, as a reasonable legislative body, cannot allow such action.

Mr. President, there must be a vote on this appropriation bill and I urge the Senate to work its will on this matter and adopt the conference report.

Mr. FULBRIGHT. Mr. President, I certainly do not wish in any way to criticize the Senate conferees. They have been confronted with an extremely difficult situation. I had hoped that they would strike all of the language that has been referred to as my amendment. The amendment was the same as the language carried in the Defense authorization bill. I had assumed that that would be acceptable to everyone concerned since it was in the authorization bill. But the additions that have been made to it by the House conferees could be interpreted as nullifying the intent of the amendment, in my opinion. I think that what the Senator from Mississippi has in mind about this matter is very similar if not the same as mine—that is, not to expand the scope of the war and not to authorize the payment with our money for the Vietnamese Army to go in and occupy indefinitely the territory of Cambodia—or Laos for that matter—but Cambodia is the one that has been primarily and directly involved. But Laos is a concern also, particularly in view of a recent news story quoting Admiral Moorer. I do not believe that is what the Senator from Mississippi wants, either. I certainly do not want that.

It is difficult to deal with the legislation. I would have preferred that the language of my amendment and the proviso put in by the House conferees be stricken. This kind of problem is difficult to deal with in an appropriation bill.

I would like to ask the distinguished Senator from Louisiana about his interpretation of it.

The Defense Authorization Act contains the same prohibition as Senate amendment No. 52 in the appropriation bill. Does the manager of the bill consider that the terms of the amendment in the authorization act apply to the $2½ billion appropriated by this bill, in spite of the fact that a proviso has been added in the appropriation bill?

Mr. ELLENDER. Not unless it is repeated in the appropriation act. I wish to tell my good friend from Arkansas that one of the reasons the House insisted on this language was that the House has already voted on the issue. The Senator well knows that the matter of the release of American-held prisoners is highly emotional. They insisted that that language be left in the bill because, as I said, they had already voted on it. For that reason they insisted that language should remain. There was no way to change their minds.

The agreement we made is final, in my view. It is the best we could obtain.

Mr. FULBRIGHT. Of course, I say to the Senator, it depends on how we interpret this language. Does he consider that the language added by the House broadens the restrictions of the amendment carried in the authorization bill?

Mr. ELLENDER. I do not think it does. If the Senator will read the proviso carefully he will note that it makes it clear the funds can be used for actions by the South Vietnamese and other free world forces to facilitate the withdrawal of U.S. troops from Southeast Asia and also to aid in the release, if possible, of American prisoners of war.

Mr. FULBRIGHT. Where?

Mr. ELLENDER. Well, wherever they are.

Mr. FULBRIGHT. In North Vietnam?

Mr. ELLENDER. Yes, but the President has that right, if he wants to exercise it, right now. The Senator knows that an effort was made about 2 or 3 weeks ago to rescue prisoners of war in North Vietnam. But the point I want to make is that, as I said, the House insisted on retaining this language because it had already voted on the matter, and it certainly was not in a position, as I was told, to go back and revoke what it had done last week.

Mr. FULBRIGHT. I want to make it clear—I will ask the Senator—it is not clear that this language relates only to the support of Vietnamese or other free world forces, and not our own forces——

Mr. ELLENDER. That is right.

Mr. FULBRIGHT. That is correct?

Mr. ELLENDER. That is correct.

Mr. FULBRIGHT. In other words, this could not be interpreted in any fashion as a restriction on the President as to what he does with American forces?

Mr. ELLENDER. No.

Mr. FULBRIGHT. Whether he has the constitutional right to use American forces to invade North Vietnam or Laos or any other place is another question and is not involved in this particular issue.

Mr. ELLENDER. The Senator is correct.

Mr. FULBRIGHT. What bothers me about the language that has been added by the House is that it seems not to be a restriction, but to be an authorization and a recognition of his right to use American money, money appropriated here, to support the South Vietnamese, the Thai, or Korean forces for an invasion of North Vietnam. This is what has bothered me all along. That is why I said that I would much prefer that all of this language be stricken rather than to be in a position of having language which would authorize our paying for the South Vietnamese Army to invade North Vietnam for the alleged purpose of dealing with prisoners.

I think this is very dangerous language. It would be in a sense an invitation to the South Vietnamese to undertake such a project, and we would be authorized by this bill to support that army.

Mr. ELLENDER. Of course, the Senator has a right to his own interpretation.

Mr. FULBRIGHT. Mr. President, how does the Senator interpret it? Does he interpret it that way?

Mr. ELLENDER. No. I do not think that this language can be considered as an authority to use the funds for a large-scale invasion of North Vietnam by the South Vietnamese. We have made it clear that these funds cannot be used to support the South Vietnamese in actions to support the governments of Laos and Cambodia. However, this proviso makes it clear that these funds can be used to support South Vietnamese and other free world forces in actions designed to bring about the withdrawal of U.S. forces from Southeast Asia, and to aid in the release of American prisoners of war.

As I said, what was intended and what the House voted on was simply to give the President the right to support Vietnamese and other free world forces in order to help extricate Americans from Southeast Asia if it becomes necessary. It is just that simple. And that is all that language means.

Of course, the Senator could interpret it in any way he pleased. I do not think such an interpretation is valid.

Mr. FULBRIGHT. Mr. President, it certainly is meaningless then. I do not know what it is intended to mean.

Mr. ELLENDER. Mr. President, as I said, the House insisted on it since they had voted for it last week. They did not feel they could go back to the House and have the language that was voted on stricken, particularly when it dealt with such an emotional subject as prisoners of war. The point was made on many occasions by the author of the amendment, Representative Whitten of Mississippi, that the House had already voted on approving the use of Vietnamese and other free world forces if necessary to help extricate American prisoners of war.

The House conferees took the position that they did not want to go back to the House and say, "We did not mean what we voted for last week." They insisted on it. We tried to have them withdraw this language, but to no avail. That is the best we could do.

Mr. President, as I said, I do not care how long we might deliberate in conference, I do not believe it would be possible for us to have the House delete the language in question.

Mr. FULBRIGHT. Mr. President, what bothers me about this kind of language, especially in an appropriation bill, is that it is language that no legislative committee has ever considered or held any hearings on in order to determine precisely what it means. Some who read it may think that it authorizes the President, not to use our troops to release our prisoners, but to hire the South Vietnamese Army and to pay them to go north for the purpose of releasing American prisoners of war.

In other words, it could be considered to be authority to expand the war. Again, I hate to always be referring to this, but the sad experience we had with the previous administration with reference to such resolutions as the Gulf of Tonkin forces me to do so. We were sold on that resolution on the ground that this was the way to stop the spread of the war, that this was the way to convince North Vietnam that it was in their interest not to have a widening of the war and that this was what was intended by it.

It was later used as authority for conducting war by the preceding administration. We are all familiar with that story. I do not want to say anything further about that aspect of it.

I think that if the Senator from Louisiana and the Senator from Mississippi, the conferees, could at least help, if we are faced with a fait accompli. They could say that they do not understand the language that way and that they think it would be a gross distortion of the meaning of the Senate conferees that this be construed as authority to pay for Vietnamese troops or any other free world troops—Thai, Korean, or any other—to mount an invasion of North Vietnam for an alleged purpose of freeing prisoners of war in this case. I do not believe that is what the Senate intended.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. DOLE. Mr. President, first of all, I commend the conferees.

Mr. President, I understand somewhat the mood of the House. They did pass in late November a resolution after the Son Tay raid by a vote of 347 to 35. The Senator from Kansas had a somewhat similar resolution adopted by the Senate unanimously with the assistance of the Senator from Arkansas.

I share the concern of the Senator from Arkansas.

There is no question in mind of the Senator from Arkansas about the right to use American troops to rescue American prisoners. He does not question that right?

Mr. FULBRIGHT. Well, in this case he did use our troops.

Mr. DOLE. A question is raised by the Senator from Arkansas on the use of South Vietnamese or other troops.

Mr. FULBRIGHT. This does not relate to our own troops. This proviso relates to the use of our money to pay for foreign troops for the purpose of rescuing American prisoners of war and/or other purposes.

Mr. DOLE. The question raised by the Senator from Arkansas concerns the proviso that "nothing in this section shall be construed," and so forth.

Mr. FULBRIGHT. By foreign troops.

Mr. DOLE. But the Senator from Arkansas would not object if an opportunity presented itself where American prisoners of war could be freed by South Vietnamese?

Mr. FULBRIGHT. We are not discussing that. If the Senator is asking me whether I would prefer to have a mounting of an invasion of North Vietnam for this purpose, an all-out invasion to overrun it, I do not think that I would as a matter of policy. But that is not the issue here.

Mr. DOLE. I did not suggest that.

Mr. FULBRIGHT. I raise no question about the President's authority to do what he did. I raise a question only about the wisdom of the operation, not know-

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ing whether any prisoners were there. It was not a question of whether he had the right to do it as the President. I did not raise that point at the time.

I think the Senator knows, as he has already stated, that a very similar resolution passed the House.

We get into an entirely unrelated question, however. We are talking now only about, if we withdraw, what we are going to do in the way of paying for operations by South Vietnamese and other troops.

I advocated and urged the conferees to take all of this language out when I saw the complexities that had arisen. I had originally thought from this language without the proviso in the authorization bill, there would be no objection to it. Normally, that language having been accepted once before, one would have thought there would be no objection, but they simply turned it around. Often, in many cases the authorization language is carried over into the appropriation bill, but here this proviso could have the effect of changing the whole purpose and be used as additional authority, if someone wants to stretch it that far.

The Senator from Mississippi emphasized to me privately, and I think he indicated a moment ago, the use of these foreign troops to protect our own troops in connection with withdrawal or the process of Vietnamization was what he had in mind. I believe he does not think this provision would authorize paying for expenses of the South Vietnamese Army to occupy Cambodia or Laos or to support either of those governments independent of the direct relationship of the situations there to our own troops.

Mr. DOLE. It appears to me that since we are withdrawing from Southeast Asia, that that is the purpose of the proviso, to make certain we do not limit the forces of South Vietnam or the free forces in assisting us from withdrawing from Southeast Asia, or in the event of the proper rescuing of American prisoners. I fail to detect any escalatory language. It is restrictive but does make provisions to help us withdraw from Southeast Asia.

Mr. FULBRIGHT. The South Vietnamese do not always have the same objectives we have. There has been a long and ancient rivalry between Cambodians and the South Vietnamese, as well as between the Thais and Cambodians. To assume that their objectives are the same as ours is not supported by the facts. Our objective is to withdraw troops, as announced by the President. I thought the language originally written and adopted in the authorization bill was satisfactory to everyone. In view of the action of the House conferees I think it would be much better not to have this language. If we are faced with accepting this I hope the Members of this body would make it very clear, if they so believe, that this should not be interpreted as any authorization for our supporting a South Vietnamese army to take over the occupation of Cambodia, Laos, or North Vietnam, because that is a matter for them to do independent of us.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I will yield the floor or I will yield to the Senator, whichever the Senator desires.

Mr. ALLOTT. I would like to have the Senator yield to me, if he would.

Mr. FULBRIGHT. I yield.

Mr. ALLOTT. As a member of both of these conferences and a member of the Defense Subcommittee on Appropriations, I have been a participant in all of this. I understand the Senator's concern. This morning I thought for a while, frankly, in the conference that we could prevail with the suggestion that we strike all of this language.

Mr. FULBRIGHT. Yes.

Mr. ALLOTT. It should be a good lesson to all of us to quit placing all these limitations on these bills; then we would not get into so much trouble. But we could not prevail and although the Senator from Louisiana (Mr. ELLENDER) has expressed it adequately, I would like to make some observations.

The question that arose was the question over the prisoners of war and upon this matter they were absolutely adamant. To a man they said absolutely that having voted once to put in the prisoner of war words and having voted once, they could not and would not go back to conference. They were as adamant on this one point as any group I have ever seen.

Looking at the legislation that came out, and section 838, as it now stands before the Senate, it states:

> Not to exceed $2.5 billion—

And then skipping some words—

> shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in support of Vietnamese forces; (2) local forces in Laos and Thailand; and for related costs, on such terms and conditions as the Secretary of Defense may determine.

And then it is provided that the first proviso is not a burden to our troops and we will skip some language.

Then it states:

> *Provided further*, That nothing in clause (1)

That is the Vietnamese and other free world forces—

> of the first sentence of this subsection shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the government of Cambodia or Laos.

So taking subparagraphs (1) and (2) above, and applying the limitation below that, I think the Senator will concede he has all he wants, going that far.

Mr. FULBRIGHT. Yes. That is the same as in the authorization bill.

Mr. ALLOTT. That is correct.

Now, coming to the language that follows, and I believe the Senator from Louisiana (Mr. ELLENDER) may correct me, if I am wrong, they offered some language, we amended that, and I am sure this is not the original language they offered.

Mr. ELLENDER. Basically it is.

Mr. ALLOTT. But it was changed by us around the table.

Mr. ELLENDER. Yes.

Mr. ALLOTT. The language states:

> *Provided further*, that nothing contained in this section shall be construed to prohibit support of free world or local forces in actions designed to promote the safe and orderly withdrawal or disengagement of United States troops from Southeast Asia.

I am sure that does not bother the Senator.

Mr. FULBRIGHT. No, as interpreted by the Senator from Mississippi and other language he put into the report.

Mr. ALLOTT. Now, we come to the last few sentences, which is cause of concern to the Senator, and in view of the way he has been burned in the past, I can understand it:

> Or to aid in the release of Americans held as prisoners of war.

I explained the House attitude on that. Now, the only question left is whether this is to be broadly interpreted, such as the Gulf of Tonkin resolution was stretched a few years ago. Is this to be taken as a resolution to permit these forces we are talking about in the beginning of section 838 to mount an invasion of Cambodia or Thailand or North Vietnam under the guise that it is done for the liberation of prisoners?

Mr. FULBRIGHT. That is correct.

Mr. ALLOTT. I can only say this to the Senator. As far as I am concerned, there is no such element in it, and I am sure, listening to the conferees in the House all day, there is no such element as that in the minds of the conferees from the House.

I am sure if the distinguished Senator from Maine were here, and she was another member of the conference, she would say the same thing. Other members of the conference were the Senator from Louisiana, the Senator from Arkansas, the Senator from Missouri, the Senator from North Dakota who is behind me. They would all say exactly the same thing; that this is to be considered and interpreted in a restrictive manner and that is it is strictly what it says, which is to aid in the release of Americans held as prisoners of war.

Let me say for myself, and I am sure every member of the conference committee will agree, that as far as this is concerned, not one of us would vote for this language if we thought it meant by interpretation the possibility of an invasion, which the Senator from Arkansas is so concerned about. I do not know that I personally can add more than I have except to try to eliminate all of these other things and to bring it down to this one question and say this is how we all feel about it. I am sure no one disagrees with me.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Certainly.

Mr. YOUNG of North Dakota. I want to associate myself with the remarks made by the distinguished Senator from Colorado. There is no intent to broaden it. In fact, there is no possibility of that with South Vietnamese troops now in Cambodia. The fact that they are there makes this language more limiting in nature. There are two purposes for the assistance—our withdrawal of troops and rescuing our prisoners. We do have about 75 prisoners in Cambodia. There might be a problem there. If there is, I

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do not think there could possibly be objection to trying to get them out. The South Vietnamese are presently helping Cambodia. I think this language to some extent serves the purpose of the language sponsored by the Senator from Arkansas.

Mr. COOPER. Mr. President, will the Senator yield on that point?

Mr. FULBRIGHT. I yield.

Mr. COOPER. I will read the language which was first offered by the House conferees. The House language follows.

> *Provided further*, That nothing contained in this section shall be construed to prohibit support of free world or local forces in actions designed to promote the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia.

The House language which is now presented to the Senate is more limited, and restricted. It reads:

> nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. forces . . .

I was very interested in the statements made by the Senator from Colorado, the Senator from North Dakota, and the Senator from Louisiana, all conferees. They provide an interpretation of this section. Would they say the proviso must be construed to mean that our support of Vietnamese or other free forces goes only to their use to insure and to protect the withdrawal of U.S. forces from Southeast Asia?

Mr. YOUNG of North Dakota. That is exactly what the language says.

Mr. COOPER. We have argued for months in the Senate over the war power of the President. It has been interpreted many times on this floor that he has the power as Commander in Chief to protect American forces. I do not think there is any question about that. The differing ways that the power can be used is subject to debate, but in the present case—that is, regarding the war in Vietnam I believe the colloquy between the Senator from Idaho (Mr. CHURCH) and the Senator from Mississippi (Mr. STENNIS) on December 15 established very well what that power means.

Do the Senators who are conferees agree that the proviso which appears in the conference report is designed chiefly for the protection of our Armed Forces under the constitutional power of the President?

Would the Senator from North Dakota answer that question?

Mr. YOUNG of North Dakota. That would be my understanding of it.

Mr. COOPER. What does the Senator from Colorado say?

Mr. ALLOTT. Yes; I shall be glad to answer for myself. Probably the right person to answer is the chairman of the committee, but the answer is "Yes."

Mr. ELLENDER. That is my answer.

Mr. COOPER. The concern I have about the language has been expressed by the Senator from Arkansas (Mr. FULBRIGHT). But, I must say that the President of the United States and the Secretary of State have said publicly that the policy of the administration is withdrawal of our forces. In convention with the express policy of the President the interpretation given today is of extreme importance.

Inasmuch as the language in question is the House language, I would like to ask the Senate conferees if their interpretation of the language is as important and as binding as the interpretation of the House managers?

Mr. ALLOTT. I would like to be corrected if either the Senator from North Dakota (Mr. YOUNG) or the Senator from Louisiana (Mr. ELLENDER) have a different understanding, but in listening to all the discourse I detected not one word that would indicate that their interpretation of this language would be any different than the one we have tried to place on it on the floor. There was not one word said in the whole conference to indicate otherwise.

Mr. FULBRIGHT. Mr. President, I would like to put in the RECORD the explanation in the report of the defense authorization bill for this year on the provision which led up to the amendment. I refer to the Armed Services Committee's report of July 14 and its explanation of the intent of the Armed Services Committee. I would certainly take it that this section, with the proviso, is still consistent with what the Senator has expressed.

Mr. ALLOTT. That is correct.

Mr. FULBRIGHT. I ask unanimous consent that that portion of the report be printed in the RECORD.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

In making this clarification it must be clearly understood that there is no intent to broaden the authorization beyond the support of participation in border sanctuary and related operations in order to protect U.S. forces in Vietnam or to accomplish protective reaction strikes. The purpose of the clarification is to make clear that the use of Defense funds is authorized for support in those areas of Cambodia where for the purposes of Vietnamization or the protection of U.S. troops military action becomes necessary.

There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian Government.

Mr. FULBRIGHT. I also ask unanimous consent that a part of the debate at that time be printed in the RECORD, so we will have a legislative record.

There being no objection the extract was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Aug. 20, 1970]

AMENDMENT NO. 812

Mr. FULBRIGHT. Mr. President, I call up my Amendment No. 812.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment (No. 812) as follows:

"On page 19, after the period in line 8, insert the following: 'Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.'"

The PRESIDING OFFICER. There is no unanimous-consent agreement on this amendment.

Mr. FULBRIGHT. There is no agreement on this amendment. After conferring with the Senator from Mississippi, we are not prepared at this time to make an agreement, but I would like to make a statement, and then we will either arrive at a time later or go to a vote.

Mr. PASTORE. Mr. President, do we expect to vote on this amendment tonight?

Mr. STENNIS. Mr. President, if the Senator will yield, I really do not believe that we can dispose of the amendment this evening. It is too late. There is a complication about it. I think we ought to open the debate and perhaps, tomorrow, agree on a time to vote on it, somewhere around 12 o'clock. This is the way I see it now. I do not think we ought to agree now.

Mr. PERCY. Mr. President, if the Senator will yield, we have a unanimous consent agreement for a vote at 12 o'clock.

Mr. STENNIS. We can arrange it tomorrow. I would like the debate to start.

Mr. FULBRIGHT. Mr. President, I shall make my statement on the amendment now.

The amendment would carry out the intent of the Armed Services Committee by prohibiting the use of Department of Defense funds to finance Vietnamese or Thai military operations in support of the Cambodian Government. In addition, it would go one step further and prohibit use of Defense Department funds for military actions by these countries in support of the Laotian Government.

The Armed Services Committee's report states:

"There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian Government."

The committee is to be commended for drawing the line on use of U.S. tax dollars to finance a war by proxy in Cambodia. Recent events prove that its concern over growing U.S. involvement in propping up the Lon Nol government, through third countries, is well justified.

According to press reports a de facto military alliance exists between South Vietnam and Cambodia. Nearly 2 months after all U.S. ground forces were taken out of Cambodia, 20,000 Vietnamese troops are still spread throughout much of the country, fighting side by side with Cambodian units. Apparently, it is now standard practice for U.S. aircraft to provide close air support for Cambodian units in the thin guise of "interdiction" operations.

The extent of Thailand's current involvement is not yet clear. But the State Department has admitted that tentative—I repeat, tentative—have been reached with Thailand for sending 5,000 "volunteer" troops to Cambodia. That was the report I referred to in connection with the former amendment.

The State Department spokesman said on August 14:

"The nature and extent of whatever support we may provide will depend in part on arrangements worked out between the Thai and Cambodian governments, including the training and disposition of the troops involved."

I interpret this as meaning, in plain English, that we will foot the bill for whatever deal the Cambodians and the Thais decide to make among themselves. Unless the Congress acts it is likely that the American taxpayers will again find themselves the hapless victims of a fait accompli by the executive branch which sucks the United States ever deeper into the quagmire of Cambodia.

The history of the U.S. relations with the Asian nations that, at our urging, send troops to Vietnam is replete with deception

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and coverup by executive branch officials. Both the Congress and the public have been victimized by a conscious policy to hide the facts about the nature of the agreements with South Korea, Thailand, and the Philippines. If it were not for the diligent work of Senator SYMINGTON's subcommittee the public would still be in the dark about the price exacted from us by those countries. I am sure that the Thais would welcome a United States promise to make Cambodia a profitable operation for their troops, as we did for them in Vietnam.

In any debate over paying other countries to fight a war in Cambodia for us, which is what this amendment is all about, we should not lose sight of a fundamental lesson from our experience in Vietnam; wherever American tax dollars for waging a war go, the American flag inevitably follows. There will be no winning of the war in Cambodia on the cheap, by paying foreign forces to do the fighting. Once the decision is made to try to save Cambodia with foreign troops the die will be cast and our involvement—and our unwritten commitment to save Cambodia—escalated. What will the President do, for example, if Communist forces threaten Thailand in response to a Thai move into Cambodia? Will he be likely to refuse to answer Thailand's call for help under the SEATO Treaty? The possible consequences of encouraging the Thais to go ino Cambodia are far more serious than the tens of millions of dollars it is likely to cost us. The cost may very well be a far wider war.

T. D. Allman, the experienced and perceptive reporter who was banished by the Cambodian Government several days ago, had an article in the July 23 issue of the Far Eastern Economic Review describing the growing U.S. involvement in the war. He ended by quoting a neutralist ambassador in Phnom Penh, who said:

"From the very beginning Lon Nol and Sirik Matak were absolutely confident that the United States would rescue them. They seem to have been completely right."

It appears that only through action by the Congress can they be proven to have been wrong.

My amendment goes a step beyond the committee's position by prohibiting U.S. funding of Vietnamese military operations in support of the Laotian Government. It is, I believe, a logical extension of the committee's intent, and but another step in the Senate's attempt to establish outer limits on American involvement in what has become a general war in Southeast Asia. The Senate has now gone on record twice as saying to the executive branch that it cannot go beyond certain bounds in prosecuting the war. It has said, in effect, that "although we may be up to our neck in the quagmire, we are not going to march in over our head." This amendment builds on the Senate's action of last December in prohibiting the sending of U.S. ground troops to Laos or Thailand, and on the Cooper-Church amendment prohibiting further U.S. involvement in the war in Cambodia. Thus far the executive branch has chosen to ignore the Senate's intent in passing the Cooper-Church amendment. By providing U.S. air support to Cambodia forces and in agreeing to pay Thai forces to fight in Cambodia, it has emphasized the danger of delaying further in drawing the line to deeper involvement in either Cambodia or Laos.

My amendment is also consistent with the administration's policy on Laos, as I understand it. On May 18, Secretary Laird when questioned before a subcommittee of the Foreign Relations Committee concerning possible incursions by United States or Vietnamese forces into Laos said:

"The important thing . . . to bear in mind is that a force engaged in combat or carrying out an operation in the border area quite possibly could have crossed the border when it was engaged in combat. It is necessary, from time to time, as far as the South Vietnamese are concerned, to do that, but I want it made very clear that there has been no change. Their mission is not a ground combat mission or a search-and-destroy mission or anything like that. Their activities are in connection with either a battle that is being carried on at a particular time or the air interdiction campaign or rescue operations that may be carried out on the Ho Chi Minh Trail.'

Later, when asked specifically by Senator GORE if the "rules of engagement" applicable to U.S forces applied to Vietnamese forces as well, he said:

"The rules of engagements so far as South Vietnamese and U.S. forces located along the border with Laos are concerned are still the same."

Yet, pressures have been at work to send the Vietnamese Army into Laos. Two days before Secretary Laird assured the Foreign Relations Committee that the United States did not support a Vietnamese invasion of Laos, a Laotian Defense Ministry spokesman, according to the New York Times, "suggested that, from a military point of view, it was necessary that South Vietnamese forces intervene to help 'clean up' Laos." And news reports periodically appear stating that the Vietnamese are preparing to do just that.

On July 25 the Washington Star cited reports—

"Vietnamese army commanders are eager to obtain political permission for a major strike into Southern Laos."

The same story reported:

"Lao Communists have accused the United States of 'preparing a dangerous military adventure with U.S., South Vietnamese, Thai, and Lao troops in the panhandle of southern Laos."

In recent days, the Pathet Lao have charged that the United States has sent Vietnamese army units into Laos. Such charges by the enemy have often proved to be very close to the mark in the past.

The possible consequences of a Vietnamese move into Laos are grave. The Chinese-owned Hong Kong Standard has warned that an escalation of the war into Laos "will inevitably bring in the Communist giants" and reminded its readers of China's intervention in Korea. I do not believe that the Congress should leave any opening for the Vietnamese to escalate the war in Laos or risk provoking China into intervening. The only way to lock the door to Vietnamese adventurism in Laos is to cut off the money. That is the purpose of the second part of my amendment.

I feel confident that members of the Armed Services Committee had no desire to authorize U.S. financing of Vietnamese support for either the Cambodian or the Laotian Governments. But the change in the existing law proposed by the committee, opens the door to financing Vietnamese troops wherever they may be. Existing law authorizes Department of Defense funds to be used to support "Vietnamese and other free world forces in Vietnam." The committee proposes to change that to read:

"Vietnamese and other free world forces in *support of Vietnamese forces.*"

Although the committee's stated intent was to make it clear that U.S. funds can be used to support Vietnamese operations in the Cambodian sanctuary area and for "protective reaction strikes in these locations" the change in language permits the executive branch to foot the bill for any operations the Vietnamese choose to undertake, including an invasion of Laos or China. And it would also permit the financing of any Thai operation in Laos or Cambodia as long as it is claimed that the action is to aid Vietnamese forces in these countries.

There is certainly no assurance that the executive branch will follow the committee's restricted intent when the language in the statute is far more broad. And, the Senate has no assurance that the House conference report will not seize upon a generous—and quite different—interpretation of the new wording, superseding the effect which the Senate committee hoped to achieve. If the legislative history is confused, we can be sure that the executive branch officials who will be implementing this authority will choose the broadest interpretation possible. The only practical way to insure that the language is not used to finance Vietnamese military adventures in Cambodia and Laos is to say so in the statute.

The Senate is slowly but surely imposing effective limits on U.S. involvement in this tragic war. To approve the language in the bill, as now written, would reverse that process and invite a further expansion of the war by the Vietnamese and the Thais, using an American proxy. I hope that the Senate will continue to build on the record of the past and adopt this amendment by an overwhelming margin.

Mr. President, as I conceive this amendment, it is, as I said, a further step in the same direction taken by the Cooper-Church amendment, which was passed by this body only recently. It is also consistent with the amendments offered by the Senator from Kentucky and others last December on an appropriation bill, forbidding the sending of American ground combat troops to Laos and Thailand.

All we are saying now is that money in this bill shall not be used to finance Vietnamese troops to go into Cambodia or into Laos.

There is an article in today's newspaper, supplementing what I have just read from other newspapers, indicating that the Vietnamese are preparing and anxious to go into Laos.

I ask unanimous consent to have printed in the RECORD an article by Murrey Marder, published in this morning's Washington Post, and other articles on the same subject.

(There being no objection, the articles were ordered to be printed in the RECORD, as follows:)

[From the Washington Post, Aug. 20, 1970]

ALLIED ROLE SEEN BASIS OF LAO CHARGES

(By Murrey Marder)

Allied sources acknowledged yesterday that clandestine reconnaissance units operating in Laos may be the target of the latest Communist charges of war escalation.

For years there has been secret penetration of the Laotian border from the South Vietnamese side by allied patrols, air spotters, and sometimes raiding parties, hitting the Ho Chi Minh infiltration trail area. It was not determinable yesterday, however, if these covert actions suddenly have been intensified or not.

The latest public charge by the pro-Communist Pathet Lao that the United States introduced Saigon "army units" into Laos could be an attempt to forestall an anticipated South Vietnamese bordercrossing attack in force, U.S. sources noted, or it could be for psychological warfare purposes.

Washington and Saigon sources concede that their military planners are urgently pressing for sizable border crossings into Laos. But these sources say both capitals still regard such operations as too hazardous in domestic and international political terms for the Nixon administration to risk at this time.

The Defense and State Departments in Washington and official sources in Saigon yesterday reiterated their carefully phrased standard disclaimers concerning operations in Laos. These statements are designed to sound like sweeping denials; however, they

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contain semantic loopholes to circumvent official acknowledgment of clandestine operations.

American spokesmen, in answer to questions, again denied there are any "U.S. ground combat troops in Laos." The Defense spokesman noted that United States aircraft, including helicopters, engage in "air interdiction" against the Ho Chi Minh trail and in "rescue operations which contribute to the safety and security of U.S. and allied personnel," and that the South Vietnamese government has denied sending its "troops" into Laos.

Neither this statement nor one by a State Department spokesman, however, faced the question of whether U.S. helicopters are dropping South Vietnamese patrols into Laos.

"PROTECTIVE REACTION"

A State spokesman went a bit further but still stopped considerably short of the question. He noted that in the past it has been stated that: "Small groups of South Vietnamese have had to cross the border in 'protective reaction' operations; those forces may or may not have been accompanied by American advisers."

A new variation on what the Pathet Lao charges is going on was broadcast late Tuesday night. It claimed the United States is sending "Saigon puppet units" into the Dak Lang area of Saravane province "so as to coordinate action with the Lao puppet (anti-Communist) troops there."

From Saigon the Associated Press reported that despite official denials there, sources said most of the reconnaissance patrols going into Laos "are landed by U.S. helicopters along the 200-mile Ho-Chi Minh trail in the lower panhandle of Laos to spot targets for American bombers."

[From the New York Post, Aug. 10. 1970]

Thais Getting United States Involved?

(By William J. Coughlin)

Bangkok, Thailand.—Thailand's growing participation in the Cambodian conflict has widened U.S. involvement there, according to diplomatic sources.

Both Thai and U.S. officers here said last week that the U.S. appears to have a clear obligation to come to the aid of Thailand if Bangkok's efforts to support the Lon Nol government provoke attack by North Vietnamese and Viet Cong forces.

A high American official said he believes the U.S. would act under such circumstances.

SEATO OBLIGATIONS

Unlike its position in regard to Cambodia itself, the U.S. under the SEATO pact is pledged to defend Thailand in the event it is attacked by Communist aggressors. In the view of both Thai and U.S. diplomatic sources here, that covers any North Vietnamese counterattack which might be touched off by Thai actions in Cambodia.

Thus, the U.S. might be even more deeply committed in the Cambodian conflict than the Administration's Congressional critics have charged.

Thai police forces already have crossed the Cambodian border in actions against the Viet Cong and sources here report that Cambodian government troops have gone over the boundary to seek sanctuary in Thailand. But, thus far, no Thai regular ground forces are believed to have been committed to Cambodia.

Thai Foreign Minister Thanat Khoman said last week that his country would send regular Thai forces into action in Cambodia if the Thai border is threatened or if the overthrow of the Cambodian government appears immiment.

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Asked whether the U.S. then, would still have an obligation under the SEATO pact to defend Thailand against outside attack, the foreign minister expressed the belief it would.

* * * * *

Thanat is aware, however, that the pertinent article of the SEATO treaty calls for action in accordance "with Constitutional processes," which possibly could bring the Senate into the act.

There has been some question whether there is a requirement for unilateral American action under the treaty.

But former U.S. ambassador to Thailand Graham A. Martin was asked by Sen. Stuart Symington (D-Mo.) during hearings in November on U.S. commitments.

"Do you believe that under the SEATO treaty, we were and are committed to defend Thailand against Communist aggression and that if we did not go to their defense if they were attacked by a Communist country, we would be violating the treaty?"

Martin replied, "Yes, I do." Later, he named North Vietnam as one of the possible aggressors.

[From the Washington Post, Aug. 15, 1970]

Thai Aid Accord Confirmed by United States

(By Murrey Marder)

The State Department confirmed yesterday "tentative" agreement for American military aid to send Cambodia about 5,000 "volunteer" troops recruited or trained in Thailand.

State Department Press Officer Robert J. McCloskey said "the United States has made it clear that we look with favor" on such "Thai-Cambodian cooperation."

"The nature and extent of whatever support we may provide," he said, "will depend in part on arrangements worked out between the Thai and Cambodian governments, including the training and disposition of the troops involved." McCloskey reiterated that "no final overall agreement on U.S. support for troops recruited or trained in Thailand" has yet been reached.

It was under newsmen's questioning that McCloskey acknowledged that what has been decided so far could be described as a "tentative" agreement for U.S. aid for 3,000 Thai troops described as "ethnic Cambodians" and about 2,000 Cambodians now being trained in Thailand. Labeling these troops as Cambodians and "volunteers" enables Thailand to contend it is sending no Royal Thai government forces into Cambodia.

Sen. Frank Church (D-Idaho) charged yesterday that the reported U.S.-aid intentions, if carried out, "would represent the second violation of the Senate-approved Church-Cooper amendment within a week's time."

The "first" violation, said Church, "was the disclosure that direct American air support is now being extended to Cambodian troops."

Officially, the Nixon administration denies it is engaged in direct air support; it claims this is "air interdiction" of Communist forces in Cambodia to prevent them from remounting a challenge to U.S. troops in South Vietnam. Senate critics counter that this is semantic trickery.

After intense debate, the Senate on June 30 passed an amendment to the Foreign Military Sales Act sponsored by Sens. John Sherman Cooper (R-Ky.) and Church. It would forbid retaining any U.S. forces in Cambodia, using U.S. funds for other nations' combat forces in Cambodia or providing U.S. combat air support for Cambodian troops.

Church said yesterday that "each passing week reaffirms the wisdom of the Senate" in prohibiting the use of "mercenaries" in Cambodia, and rejecting opponents' contentions that the Cooper-Church amendment was "moot" because all U.S. troops were being withdrawn from Cambodia by June 30.

He said he was "dismayed" to hear of "another instance of the abuse that flows from unchecked executive power."

The Cooper-Church amendment was tabled by the House on July 9 on a 237-to-153 vote, without debate, and sent to Senate-House conference where the foreign military sales bill now languishes. Administration sources indicate they hope to circumvent the Cooper-Church barrier on money to support third-country forces in Cambodia by drawing on funds for direct U.S. aid to Cambodia.

[From the Washington Star, Aug. 11, 1970]

Ground Attack Into Laos Weighed

(By Orr Kelly)

Ground operations by non-Americans to cut the Ho Chi Minh Trail in Laos are under serious consideration at the Pentagon, but no decision to recommend such an operation is imminent.

One official who keeps a close watch on the situation in Southeast Asia was asked about periodic reports that a major military operation against the North Vietnamese and Viet Cong in southern Laos and northern Cambodia might be mounted by South Vietnamese, Thai, Cambodian and possibly Laotian troops.

"We are constantly assessing our air effort to stop men and supplies moving down the trail," he said, "and trying to determine if the job might be better done with people on the ground. But nothing along those lines is close to a decision."

Such an operation probably would be a relatively quick in-and-out attack similar to the South Vietnamese penetration deep into northeastern Cambodia in the latter stages of the operation against the sanctuary areas.

The major force in such an operation almost certainly would be contributed by the South Vietnamese.

The Cambodians and the Laotians both have plenty of trouble without going looking for more.

The Thais probably are capable of carrying out such an operation, but as one official said, "the Thais have a very low risk-taking propensity."

American forces are specifically barred from taking part in any such operation on the ground by a congressional restriction which prohibits spending money for ground combat operations in Laos or Thailand.

Although this restriction is frequently overlooked by those who fear an expansion of the American involvement in the war in Southeast Asia, defense officials are very much aware of the limit.

While the restriction would not prohibit the use of South Vietnamese troops in Laos, it would restrict the use of American helicopters to carry them into battle and American artillery to support them.

Even if such an operation across the border into southeastern Laos should be carried out, it likely would be limited in scope and duration because of the lack of American assistance.

"The dollar is the driving force there," one official said, "and there just aren't many dollars for operations not connected with getting Americans out of Vietnam."

This restriction also makes it unlikely that any of our allies in Southeast Asia will embark on any other, more ambitions military operations that have a certain appeal to the Pentagon from a strictly military textbook standpoint.

If forces were available, there probably would be a considerable military advantage to placing a blocking force in the north central section of Cambodia, close to the borders of Thailand, Laos and South Vietnam where two major rivers, the Mekong and the Sekong join.

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Although their efforts are hampered by the monsoons, the North Vietnamese are attempting to establish a firm supply line through that area, using the two rivers as the basis for their transportation system.

At this point, the Sekong is the key river, because it flows southwest from the Laotian town of Attopeu, now in North Vietnamese hands. The river joins the Mekong below the impassable Khone Falls.

A sizeable ground force in that area could either block the enemy supply line or force the North Vietnamese to fight in that relatively uninhabited area far from their home bases.

But the likelihood of anything but relatively limited in-and-out attacks in the near future is virtually nil.

[From the Far Eastern Economic Review, July 23, 1970]

Cambodia: Into an Iceberg War

(By T. D. Allman)

One reason the Cambodian government is increasingly optimistic about its chances for military survival is that the United States and South Vietnam, with US-supplied funds, are on the way to adding approximately three divisions of trained and equipped troops to the National Khmer Armed Forces.

According to well-informed sources here, American and South Vietnamese officers and soldiers have begun training the first elements of two divisions of Cambodian troops at installations in South Vietnam. Another 10,000 or so South Vietnamese troops of Cambodian ancestry are being trained, and will be stationed permanently in Cambodia.

The programme, which began soon after US ground troops left Cambodia on April 29, apparently is being funded with a mixture of US-supplied South Vietnamese funds, American funds originally allocated for South Vietnamese military assistance, and direct US aid to the Cambodian government. The cost of the programme apparently surpasses publicly announced American aid commitments to Cambodia, which so far total only US $9.9 million.

Elements of the first division to be trained in South Vietnam, according to Phnom Penh sources, are being trucked and flown across the border to South Vietnam in company-sized groups. Sources familiar with the training programme leave little doubt that the US is bearing the major financial and training responsibility, even though the programme technically is part of a bilateral South Vietnamese-Cambodian accord: "The American in charge is on his fourth tour in Vietnam," said one of the sources. "In Korea one time, he killed 29 communists with a shovel. Those Khmers may be going in gentle Buddhists but they are coming out tigers."

According to other sources, US personnel already have trained several battalions which have moved into Cambodia recently. They are Khmer Krom units—forces made up of members of South Vietnam's Cambodian minority. According to these sources, Khmer Krom troops in Cambodia soon will total about 10,000. About 4,000 belong to the American-trained and financed Mike-force, which long served as an elite mercenary force in South Vietnam. The rest are composed of Khmer Krom troops drawn from regular South Vietnamese units, given intensive training and sent to Cambodia.

Two of these newly-formed battalions arrived there several weeks ago aboard a convoy of US donated transport trucks. According to one source more Khmer Krom are coming. They will continue to be paid with US funds sent through South Vietnamese channels.

The Khmer Krom soldiers are equipped with American weapons, and have been accompanied by two US-paid Australian mercenary officers. US embassy sources here, asked to comment on the financing of the Khmer Krom units, said, they had "no knowledge" that they were being paid by Washington. But Khmer Krom officers say that "we are being paid through US aid."

The mass training programme for Cambodian soldiers was announced here last week. According to official sources, an initial 10,000 troops will be trained, and government sources say they will be followed by an equal number of trainees before the end of the year.

A decline in the level of communist military activity, a protective ring of US air strikes and South Vietnamese ground operations, and the psychological effect of what Cambodian officials here regard as an unequivocal American commitment to the survival of their regime, have combined to produce a semblance of euphoria in this isolated capital.

Only three weeks ago, when communist troops cut most of Phom Penh's overland links with the outside world, imminent communist attack was expected here. Now, Cambodian Premier Lon Nol feels optimistic enough to predict "victory in the near future."

The optimism reflects significant evolution in the Cambodian situation. Fluidity has given way to a more stabilised situation in which the communists control most of the less densely populated areas, the government, with foreign help, holds the capital and several of the major provincial capitals, and a less dramatic but very debilitating struggle continues in the in-between areas.

The US air force has begun to fly around-the-clock sorties, in Cambodia, not only against enemy sanctuaries but in tactical support of the Cambodian forces. Evaluations of the Cambodian situation have adjusted to the realities of war. What three months ago would have been considered a major communist attack is now interpreted as a government success if it does not result in a further dramatic erosion of the situation. By absolute standards, communist attack have not declined greatly.

Many sources here believe that the partial lull is the result of a North Vietnamese decision to continue to give priority to the war in South Vietnam. "A lot was destroyed in the sanctuaries," said one intelligence source. "But a lot is still out there. We assume the Vietcong now are infiltrating back in to retrieve their caches and re-establish bases near the South Vietnamese border."

If the Cambodian government's optimism that the communists have been checked in Cambodia is therefore unfounded, its confidence in a fundamental American commitment to their cause seems increasingly justified.

"From the very beginning," commented one neutralist ambassador in Phnom Penh last week, "Lon Nol and Sirik Matak were absolutely confident that the United States would rescue them. They seem to have been completely right."

[From the Far Eastern Economic Review, July 23, 1970]

South Vietnam: ARVN-Half

Saigon.—Some clutched the booty of war. Others played nervously with their ancient weapons. Some, too sick or tired to stand, lay on the parade ground in the hot sun. And others dressed in the tattered remnants of uniforms three decades old, squinted at the neatly-dressed throng of South Vietnamese soldiers who had come to stare at the survivors of the Cambodian Army's Northeast Regional Command.

"This is just like 1964," said one Saigon officer who could not believe his eyes. In front of him were several Khmer soldiers wearing aluminum cooking pots as helmets, brightly-colored woolen scarves securing the pots to their swarthy heads. A nine-year-old boy with double bandoliers of machine gun ammunition across his chest stood at attention, holding a machine gun. NCOs wearing muddy shower shoes and French battle jackets from the other Indochina War barked instructions in guttural Khmer. And an unidentified Cambodian major, resplendent in new olive fatigues and American jungle combat boots, dashed fowl-like around, spluttering incoherent French, English and Vietnamese.

But looking at what was left of Cambodia's 54th Battalion it was difficult to accept the Vietnamese officer's comment that the Khmers looked like ARVN back in its blackest days. The Cambodians looked far worse.

And now, ostensibly at least, it was up to ARVN to straighten up these troops, dress them in modern army uniforms, and teach them contemporary military tactics. After five weeks of "refresher" training at Lam Son National Training Centre in the mountains near Nha Trang they will be sent back to Cambodia to replace some of the 18,000 South Vietnamese troops fighting across the border and Cambodianise the war.

Yet despite Saigon's boast that it will be the Vietnamese who will be training the 54th—and four other battalions numbering 577 men each evacuated from Ratanakiri last month by ARVN—it will be the Americans who will be providing the cash and the real meat of the advice and refitting. Washington has not acknowledged this, of course, but then, as it does in Laos, it has its reasons.

Training began simultaneously at Lam Son for some of the 10,000 Cambodian Army recruits scheduled to receive instruction in South Vietnam. Although on the surface it looked as if the ARVN sergeants rounding up the green young men from Phnom Penh were firmly in charge the US was footing the bill. Moreover the large American advisory teams at Lam Son and at two other camps are also actively involved in their training.

Plans for the scheme were drawn up by the Americans at the Military Assistance Command in Saigon and the training began with the South Vietnamese acting as the perfect front for what is in realty a new American investment, and involvement, in the Indochina War.

The United States first showed interest in training Cambodian troops in May when the Lon Nol government, recognising that it could never train, equip and arm enough men in time to meet attacks from it enemies, appealed to Washintgon again for military aid.

The United States agreed to provide small arms, ammunition, trucks, high military equipment, and serving for Cambodian Air Force planes as part of a $7 million publicly-acknowledged package deal. The plan to train Phnom Penh's troops also was included in the agreement but because it was thought this might be too large a pill for the American public to swallow it was decided to "allow" the South Vietnamese to do the training, a source close to the project said.

When the five battalions, plus about 4,000 dependents were snatched out of Bo Kheo and Labansiek after fighting off the North Vietnamese for several weeks (some of the battalions had lost as many as 200 men), it was also decided to extend the training agreement and for the US to support them too. Transported in US Air Force planes they will undergo extensive schooling and rearming under the training extension.

How much the training of the recruits and the troops is costing the American taxpayer is a closely guarded secret. But more important is the fact that the US agreed to do it secretly, using ARVN as a front, to further disguise its growing involvement in the Cambodian fighting.

Said one American officer, concerned about possible over-expansion of the U.S. military

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effort in Indochina: "I am afraid we are on the road to involvement at the worst in another Vietnam, at the best another Laos. Despite what the president says there is a tacit agreement here that we are not going to allow Cambodia to go under. And we are already involved in that. You know how we are 'now involved' militarily in Laos. That's the way we are nearly 'not involved' in Cambodia."

The eight weeks instruction adds up to a crash course. ARVN recruits get twice that and even ARVN's training is considered hurried by America standards. They will drill with old World War II U.S. carbines and light machineguns in company-sized arms (about 100 men each) and then will be shipped back in Cambodia as complete companies with their carbines. At the moment, the Americans are concerned about the Khmers having to face up to the North Vietnamese fully automatic AK-47s with their outdated American equipment. "The feeling here is that they should all get M-16s or at least captured AKs," said one adviser. "We are trying to do something about it."

SOUTHERN-FRIED CHICKEN

South Vietnam three months ago sent 40,000 of its American-trained, American-equipped and American-paid troops hurtling into Cambodia in a series of invasions under the code name "Operation Total Victory". The South Vietnamese forces may have persuaded many Cambodians that the Vietcong were the lesser of two evils, as they tore up the previously placid Cambodian countryside with orgies of firepower which even their American advisers found impressive.

South Vietnamese senior officers, notably General Do Cao Tri, a former ambassador to Taiwan, made pronouncements reminiscent of early American statements on Vietnam. A score of South Vietnamese military planners noisily took over the general headquarters here, in the process displacing a number of Cambodian counterparts—including the prime minister's brother—from their offices. Initial tension between the Cambodians and their newfound South Vietnamese friends was exacerbated by Cambodian massacres of Vietnamese civilians and the South Vietnamese habit of looting every village they liberated on behalf of the Lon Nol government.

Now all that is changed, officially at least. Like the Americans, the South Vietnamese are engaged in the difficult business of doing a great deal for the Cambodians while trying to appear to be doing very little.

In Phnom Penh, the South Vietnamese low profile is most evident.

The embassy and residence occupy two small villas. Charge d'Affaires Tran Van Phuoc keeps to himself—when not engaged in frequent conferences on policy matters with Lon Noi and Vice Premier Sirik Matak.

Phuoc, indeed, was specifically chosen to blend into the Phnom Penh scene. He was born in 1918 in the south Cambodia provincial capital of Takeo, attended Phnom Penh's exclusive Lycee Sisowath, and speaks Cambodian so fluently that most of his meetings with Cambodian officials are conducted in that language.

The South Vietnamese officer corps, which works on a counterpart basis with the Cambodian general staff, also affects a low posture. "We are simply here for liaison," insists a South Vietnamese colonel. "If you need any information you should go through Saigon. Or better yet," he grinned, "contact the Cambodians. They are in charge here."

In fact, the South Vietnamese army corps plays as central a role in Cambodia as simiilarly placed American officers do in Saigon. They have the final say on all Cambodian military plans, provide transport, logistics and munitions for the Cambodian forces, and on many occasions have overruled the entire Cambodian general staff on matters of strategy and tactics.

But no South Vietnamese flag files at the South Vietnamese military headquarters in Phnom Penh, and no South Vietnamese soldiers or officers can enter the capital without specific permission. "Even General Tri and General Dzu [the two South Vietnamese generals responsible for Saigon operations in Cambodia] must have permission to come here," says a South Vietnamese source, "and they aren't going to get it very often. They've also been told to give up press conferences on Cambodian soil." By whom? "President Thieu has taken a personal interest in this affair."

The low profile extends, less strongly, into the Cambodian countryside. In principle, South Vietnamese troops no longer occupy the territory they secure for the Cambodian authorities. They have orders to stay away from densely populated areas and to turn over to Cambodian troops towns they have taken from the communists.

The South Vietnamese involvement in Cambodia, despite the low profile, amounts to a relationship similar to that of a power over a protectorate. As of last week:

Khmer Krom troops of South Vietnamese citizenship assured the defense of Phnom Penh, and occupied surrounding villages.

12,000 to 40,000 South Vietnamese troops, depending on the needs of the moment, assumed the major responsibility for patrolling most of the countyrside which remains nominally under the Cambodia government's control. Every major battle in Cambodia during the past two months has pitted South Vietnamese troops against the Vietcong and North Vietnamese. The Cambodians have not won a major battle since the South Vietnamese expeditionary force arrived.

Several thousand South Vietnamese logistics and staff personnel provided all logistics and most planning for the Cambodia forces. The logistics range from flying in guns and ammunition in transport planes to Phnom Penh to providing helicopters and advisers for Cambodian assault missions.

South Vietnamese helicopter gunships and artillery provided fire support for Cambodian troops on a regular basis.

An unknown number of South Vietnamese troops were moved into the border sanctuaries to continue the task of replacing US troops.

South Vietnam, serving as a funnel for US funds, was providing an undisclosed amount of material and direct financial support for the Cambodian government, according to sources here.

The South Vietnamese presence in Cambodia, therefore, despite its low profile, has become the major Cambodian defense. "This is only temporary," said one South Vietnamese commander, who spoke with an American accent picked up in the US. "It's their war." But the Cambodians, in any real sense of the word, have stopped fighting their own war. A typical episode of the Cambodian war occurred just north of Phnom Penh recently.

An air and water-borne South Vietnamese force of 5,000 men launched a search-and-destroy operation in a density populated area on the peninsula formed by the Tonle Sap and the Mekong River. Cambodian villagers told reporters that the Vietcong had evacuated the area several days before. But there was no Cambodian liaison officer present, let alone any Cambodian troops. The soldiers spread through the countryside nonetheless and from the bank of the Mekong, smoke could be seen rising from the burning villages. A South Vietnamese artillery battery at 30-second interval fired random "harassment and interdiction" fire into the Cambodian countryside, despite the fact that there was no longer anyone there to harass or interdict Cambodian villagers.

A dozen South Vietnamese river craft were spread along the river front; eight American-provided helicopters were parked in a nearby field.

A South Vietnamese helicopter pilot sat in the shade with a basket of chickens at his side. He dressed and talked like an American.

"I didn't steal this chicken," he said anticipating the question. "I paid for it." He then went on to explain the search-and-destroy action in the Texas accent he had learned at flight school in the US. "So you see," he concluded, "this is just like an American operation."

Indeed, the South Vietnamese presence in Cambodia, complete with low profile, an excess of firepower and a built-in callousness toward the villagers, seems all too surely to resemble the first days of the American involvement in South Vietnam.

[From the Washington Star, July 25, 1970]

REDS WARN U.S. ON LAOS

(By Henry S. Bradsher)

HONG KONG.—Lao Communists have accused the United States of "preparing a dangerous military adventure" with U.S., South Vietnamese, Thai and Lao troops in the panhandle of southern Laos.

In a small-scale forerunner of this, the "Lao Patriotic Front" has charged South Vietnamese and Thai troops are already fighting alongside Lao government troops in the area.

The accusation follow reports in Saigon that Vietnamese army commanders are eager to obtain political permission for a major strike into southern Laos.

AIM HO CHI MINH TRAIL

The goal would be the cutting of the complex of routes from North Vietnam through the panhandle which are collectively known as the Ho Chi Minh Trail.

If they could be cut west of the northern part of South Vietnam the benefits of cutting off Communist supplies now being claimed for the southern part of the country as a result of attacks on Cambodian sanctuaries might be obtained for almost all of South Vietnam and for Cambodia, too.

It is, however, a very big "if."

The ruggedness of the terrain and the probable determination of Hanoi not to lose overland access to South Vietnam and Cambodia could turn any attempt to pinch off the trail in Laos into a major new theater of indefinite warfare.

PERIL TO NEUTRALITY

A major military move into Laos, as distinct from the current semi-secret operations there of U.S., Thai and possibly also—as the Communists charge—South Vietnamese force would create political problems.

It would endanger the grayed remains of Prince Souvanna Phouma's claim to Neutrality for Laos, as established in theory by the 1962 Geneva agreements.

In an apparent effort to bolster the appearances of neutrality and thus try to stave off a military move into the panhandle, Lao Communists have been making new efforts to open talks with the prince's government in Vientiane.

Prince Souphanouvong, leader of the Pathet Lao which forms the Communist core of the "Lao Patriotic Front," has announced that he is sending a messenger to his half-brother Souvanna Phouma.

SEEKS BOMB HALT

The messenger also will seek to arrange for the two sides to meet and discuss "the cessation of U.S. bombing so as to ensure safety" for broader political talks.

Souvanna rejected in March a proposal for political talks which was tied to his telling the Americans to stop bombing. His

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military position in northern Laos depends upon U.S. airpower, and the U.S. position in Vietnam deepnds upon bombing of the trial in the panhandle.

Souphanouvong, who is assumed by Vientiane observers to be under Hanoi's influence, is believed in Vientiane to be more concerned with getting the panhandle bombing stopped than in advancing positions in the northern Laos of his North Vietnamese-led forces.

His sending a messenger now suggests eagerness to get talks started despite Souvanna's position.

WIDE PLAN POSSIBLE

That he is acting as part of a wider plan was suggested by an announcement that the International Control Commission is prepared to police any political arrangements which can be reached.

This was announced in the name of all three ICC members. Canada has long been willing, but Poland has shown such willingness only when it get the word from Hanoi via Moscow. The ICC chairman, India, also has sought Soviet clearance before doing anything.

This political maneuvering comes, as the Loa Communist accusations indicated, at a time of intensifying military and diplomatic activities.

The "Lao Patriotic Front" issued its statement in Sam Neua, the Pathet Lao capital, Monday and it was broadcast in sections concluding Thursday. It marked the eighth anniversary of the 1962 Geneva agreements.

LENGTHY SUMMARY

The statement contained a lengthy summary of U.S. activities in Laos which it contended violated the agreements. The summary was called from American congressional reports, press reports and other sources.

It said that when U.S. troops went into Cambodia, many Thai army battalions "were sent by the United States." To the Lao panhandle. At the same time, "the United States ordered the Saigon puppet army to launch operations in southern Laos."

South Vietnamese commando units are operating in the panhandle, the statement said. It added, "On May 19, a U.S. Defense department spokesman said: 'United States advisers are authorized to accompany South Vietnamese forces' during operation in Laos."

"The joint operations by Lao and Thai troops and the intrusions of Saigon puppet troops into southern Laos show that the United States is preparing a dangerous military adventure in this area in the face of new developments in Cambodia," the statement said.

FOUR-PARTY AXIS

It referred to "busy diplomatic activities (which) have taken place among Vietiane, Bangkok and Phnom Penh" lately, with Saigon also involved.

On May 28, it said, the Lao army commander secretly visited Bangkok. On June 8, the head of Lao military intelligence and others visited Phnom Penh, it said, and on June 15 the head of Cambodian intelligence was in Vientiane.

"Thus, a four-party axis among the anti-Indochina Indochinese and the anti-Asia Asians has been formed to put into practice the 'Nixon Doctrine,'" the statement said.

In this situation, it added, "the United States and the ultra-reactionaries in Laos are pressing Souvanna Phouma to 'reshuffle his cabinet' in Vientiane. They have threatened to stage a coup d'etat in order to cow Souvanna Phouma into implementing their plans strictly and actively."

It is this danger of Souvanna's being pushed into agreeinng that South Vietnamese and Thai troops could openly enter his country that Souphanouvong is believed to want to head off by his new attempt to get talks started.

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[From the Washington Star, May 11, 1970]

U.S. Ground Attack Urged by Laotians

(By Tammy Arbuckle)

Pak Se, Laos.—Laotian rightest leaders here said the United States should hit the Ho Chi Minh trail in south Laos at the same time it is attacking Cambodian sanctuaries.

They said as long as the Communist Vietnamese are using the Ho Chi Minh trail in eastern Laos to send reinforcements and material to Cambodia and South Vietnam, the U.S. effort in Cambodia cannot be fully effective.

The Lao military criticized President Nixon for setting time and territorial limits on American actions in Cambodia. "The North Vietnamese will withdraw to the west then return and rebuild the base areas when the Americans leave," a Lao general said.

Laotians said they expect the Communists to become active in northern Cambodia and to try and build up the Red Cambodian indigenous movement in these areas, supplied from new sanctuaries in Laos, Cambodia border areas.

The Lao military reaction was sparked by enemy moves in military region IV, the southern half of the Laos panhandle. Pak Se is military region IV headquarters.

Heavy fighting is going on now at Phou Luan, the highest point of the rice-rich Bolovens Plateau, 30 miles north of the Lao-Cambodian border.

"If they get the Bolovens they can hide and feed five divisions," the south Laos commander, Gen. Bounphone Mahaparak, said. North Vietnamese forces are grouping west of Saravane, which is the best access route to the plateau.

The Laos lost the province capital of Attopeu last month, opening the Sekhong River Route into Cambodia.

Current U.S. military help to Laos in this area is confined to Army advisers, Air Force forward air controllers, air logistics and Central Intelligence Agency operatives who lead tribal guerrillas from small airstrips on the eastern edge of the Bolovens Plateau.

[From the New York Times, May 16, 1970]

Laotian Aide Sees Need for Saigon Army's Help

Vientiane, Laos, May 15.—A Laotian Defense Ministry spokesman expressed today the growing concern of the military command over the situation in southern Laos and suggested that, from a military point of view, it was necessary that South Vietnamese forces intervene to help "clean up" Laos.

The spokesman, Col. Thong Phanh Knosky, said during a news conference that the North Vietnamese on May 9 had seized the large village of Tang Vay, 57 miles from the town of Savanaket, and today were encircling the Nong Boua Government post 19 miles from Tang Vay. He suggested that the North Vietnamese wanted to open new communications links in Laos to increase their supplies from North Vietnam to South Vietnam and Cambodia.

"From a strictly military point of view a South Vietnamese intervention to cut the Ho Chi Minh trail would be a necessity," the colonel said.

The North Vietnamese were today increasing their threat to the city of Saravane northeast of the Bolovens Plateau in southern Laos where 2,400 civilians have been evacuated in the last few days, Colonel Knosky said.

[From the Washington Star, June 6, 1970]

Ky Urges Allies to Keep Reds Out of Sanctuaries

Saigon.—South Vietnamese Vice President Nguyen Cao Ky returned here today from a two-day official visit to Cambodia, warning that the allies' Cambodian operation could become a "failure in the future" if the enemy is allowed to return to its former border sanctuaries.

"If we are just satisfied with the results we have gotten until now and we stop our move and go back and sleep and discuss politics, then the enemy will come back in a few months," Ky told newsmen.

"If we do nothing and then the enemy comes back, the success of today will be the failure in the future," he said after his arrival at Tan Son Nhut airport.

He said the future intentions of the allies were more important than the North Vietnamese and Viet Cong ability to fight.

The vice president, met at the airport by U.S. Ambassador Ellsworth Bunker and other ranking U.S. and South Vietnamese officials, conferred with Cambodian Premier Lon Nol during his Phnom Penh visit.

Ky said he had gone to Cambodia to discuss closer cooperation between the Cambodian and South Vietnamese armed forces. He said he was "very pleased" with the results of the talks.

But Ky, who has stated there is no deadline for the withdrawal of South Vietnamese troops from Cambodia, said he could not elaborate on the military aspects of his Cambodian talks. The United States plans to withdraw its forces from Cambodia by the end of this month.

Ky announced that South Vietnam plans to train 4,000 Cambodian residents of South Vietnam and send them to buttress the Cambodian army.

"What we are doing now is to protect our common interest," Ky said. "They've helped us, they kicked Sihanouk out and now in return we are helping them."

In response to a newsman's question, the vice president said that if the Laotian government asks for assistance in fighting Communist forces, "we would do our maximum to help them." But he did not elaborate.

Ky said he expected "no real hard problems in the future," concerning Cambodia's Vietnamese residents, thousands of whom were placed in detention or refugee camps following the Cambodian coup that ousted Prince Norodom Sihanouk as chief of state in March.

The vice president said he had negotiated the abolition of the afternoon curfew that had been imposed on Vietnamese in Phnom Penh, Cambodia's capital.

Vietnamese in "remote and insecure provinces" will be moved into Phnom Penh until security is restored, Ky said. He added that the South Vietnamese government would repatriate those who wished to leave Cambodia.

[From the Washington Post, May 21, 1970]

Ky Ridicules Joint Pullout Talk as Silly

(By Robert G. Kaiser)

Saigon, May 21.—Vice President Nguyen Cao Ky this morning ridiculed the notion that South Vietnamese troops would withdraw from Cambodia when American forces do as "a silly argument of silly people."

Ky declared that "we will not let anybody tie our hands" to prevent continued prosecution by South Vietnam of the war in Cambodia. He said the South Vietnamese forces had the capabilities to fight on the Cambodian front and in Vietnam simultaneously.

Ky's remarks, delivered at graduation ceremonies of the Vietnamese War College in Saigon, were the toughest yet heard from a senior Vietnamese official on the increasingly sensitive subject of South Vietnamese operations in Cambodia after June 30.

It appears that the South Vietnamese government is determined to continue those operations after President Nixon's deadline for the withdrawal of American troops from the Cambodian front.

NIXON'S STATEMENT

[When President Nixon announced May 9 that "all Americans of all kinds, including advisers, will be out of Cambodia by the end of June," he was asked whether the South

Vietnamese would abide by the same deadline. He answered: "No, they do not. I would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out, our logistical support and air support will also come out with them."

[Last Saturday, White House officials in Key Biscayne said they had every reason to believe the South Vietnamese forces would withdraw from Cambodia on approximately the same timetable as U.S. forces.]

Such determination to flout the wishes of the United States has been seen here before, but this time it appears to be more serious than previously.

* * * * *

Whether President Thieu would use such harsh language as Ky's "silly people" remark in this context is doubtful. But the Thieu-Ky relationship sometimes resembles the Nixon-Agnew relationship: the vice president here, as in the United States often does the President's tough talking, though Thieu's language on the issue has been more restrained, he has also said there is "no deadline" for his forces in Cambodia.

[Wednesday, Lt. Gen. Do Cao Tri, commander of South Vietnamese troops operating east of the Mekong River in Cambodia, was asked about reports from Washington that a South Vietnamese withdrawal would be linked with the U.S. pullout, according to news dispatches.

["I have not heard that from the Vietnamese side," he said, adding that the Saigon troops "are not under any restrictions, like U.S. forces, unless President Thieu orders us back to our territory."

[Asked how long South Vietnamese troops might remain in Cambodia, Tri replied: "That depends on the enemy. * * *"

[From the New York Times, May 9, 1970]

THIEU ASSERTS LON NOL AGREES ON TROOPS

(By Terence Smith)

SAIGON, SOUTH VIETNAM, May 8.—President Nguyen Van Thieu said tonight that he and Premier Lon Nol of Cambodia had worked out "agreements in principle" for South Vietnamese troops to conduct continuing military operations in eastern Cambodia.

In addition, Mr. Thieu said the two Governments had discussed the feasibility of a South Vietnamese naval blockade of the Cambodian coast line and principal port—Kompong Son, formerly called Sihanoukville—to prevent the North Vietnamese from bringing in military supplies by sea.

"Our navy is capable of guarding the whole coast," Mr. Thieu said. "We have the ships and we think it would be a good idea."

Mr. Thieu made it clear that South Vietnamese troops would not be bound by the restrictions President Nixon has placed on the United States forces operating in Cambodia.

Mr. Nixon promised Congressional leaders last Tuesday that American troops would withdraw from Cambodia by the end of June and would penetrate no deeper than about 20 miles without Congressional approval.

Mr. Thieu said: "We have no deadline, no limits. We will move on intelligence. When there is a target, we will strike it."

Mr. Thieu discussed the Cambodian situation and other topics at a small dinner at the Presidential Palace. Eight foreign correspondents—seven Americans and one European—sat with him at a table under the elm trees on the palace grounds while the President talked for four hours about the situation in Indochina.

Relaxed and expansive in an open-necked blue sportshirt, Mr. Thieu said he was in daily contact with the new Cambodian Premier through the South Vietnamese delegation established last week in Pnompenh. The two countries have had no formal diplomatic relations since 1963.

"I have a friend," he said, laughing, when he was asked about his earlier contacts with the Cambodian regime. "We keep in touch."

The President said he and General Lon Nol had come to their "agreement in principle" about South Vietnamese operations in eastern Cambodia two or three days before President Nixon announced on April 30 that United States troops would cross the Cambodian border to clear out North Vietnamese and Vietcong sanctuaries.

He said Premier Lon Nol had requested support from South Vietnamese forces for the general defense of Cambodia east of the Mekong River.

In the short term, Mr. Thieu said, the agreement would involve direct South Vietnamese military assistance and probably the naval blockade. He said he had already supplied some 4,000 American-trained ethnic Cambodian troops from the South Vietnamese forces, but he expected that more would have to be sent to Pnompenh to bolster the position of the Lon Nol Government.

In the long term, he said, the South Vietnamese would take on the job of training the Cambodian Army, which Mr. Thieu described as weak and poorly equipped. "But they have the manpower," he said, "and we can provide the advice."

Mr. Thieu said he believed that the next six months would be critical for the war as well as for political leaders.

"If Lon Nol and Cambodia stand for the next six months," he said, "then I think Mr. Nixon will win the Congressional elections this year and be re-elected in 1972, because then the operations will have proven a success."

"Also," he said, "if we keep up the pressure on the Communists for the next six months, then I think they will have no choice but to negotiate a settlement or fade away."

[From the Christian Science Monitor Aug. 3, 1970]

OPPOSITION SEEN ON EFFORTS TO WIDEN VIET WAR—JOINT CHIEFS OF STAFF PROPOSALS SAID TO OFFER THREE OPTIONS

(By George W. Ashworth)

WASHINGTON.—The Joint Chiefs of Staff are proposing a significant expansion of the allied war effort in Indo-China.

According to well-informed sources, papers prepared for the chiefs by the joint staff and now being circulated support:

The coordinated use of Thai and South Vietnamese forces to move against enemy troops in northern Cambodia and southern Laos.

Use of allied troops for operations within the demilitarized zone that separates North and South Vietnam.

The proposals already have run into opposition within the Pentagon. According to a dictate of Secretary of Defense Melvin R. Laird, all proposals of the joint chiefs concerning Indo-China must be given a thorough review by his civilian staff before they reach the secretary for final consideration.

Under the new review system, instituted by Mr. Laird after the decision was made in April to launch allied attacks inside Cambodia, defense review of proposals would be formally finished before reaching the White House.

According to sources, however, the White House already has received at least informal indications of what the chiefs now are seeking.

NEW CHAIRMAN FUNCTIONING

The proposals are among the first major papers prepared under the new chairmanship of Adm. Thomas H. Moorer, who replaced retired Gen. Earle G. Wheeler in early July as chairman of the joint chiefs.

Some officials believe the proposals may reflect the beginnings of a somewhat harder line on major defense issues under the new chairman, who is deeply interested in the war.

According to sources, the proposals are essentially grounded in the belief that the allied effort in Cambodia caused the enemy forces deep distress and that much could be gained by applying continued pressure.

There is feeling among many military men that continued hitting at the enemy, wherever concentrated, could keep Hanoi off-balance, thus saving American lives and preventing buildups that could threaten allied forces in the several theaters of the war zone.

The proposals pertaining to Laos and Cambodia would call for substantial United States logistical backing and the use of American airpower to bolster Thailand and Vietnamese forces on the ground.

According to sources, Admiral Moorer told the defense civilian hierarchy that the Thais and Vietnamese could fight with American support as proposed with no necessity to increase war expenditures during the current fiscal year.

That point is heatedly disputed by officials in other Pentagon offices. Certainly it would be harder now than before to take such actions since the budgetary allowances for the war have been cut drastically.

Expenditures for the war peaked at about $29 billion annually in 1968. They began falling as American disengagement got under way in 1969. Current estimates put the war expenditures at about half of the peak level.

As the administration budget is predicated on fairly steady drops in war costs, it might be difficult to finance anything that would keep expenditures level over a long span, much less rising.

The chiefs present three options in the paper on Laos and Cambodia now being circulated.

The first is to continue doing what is now being done, i.e. support the Vietnamese with limited activities in the sanctuary areas, but not deeper into Cambodian territory now being occupied by the enemy.

The second calls for use of Thai and Cambodian forces in portions of northern Cambodia and southern Laos now occupied by North Vietnamese and their allies.

The third option is the same as the second, with the addition of U.S. ground forces.

According to administration sources who have seen the paper, the third option is discounted, largely because of congressional feelings toward use of U.S. forces outside Vietnam and because of the present mood of the public.

The first option; essentially what is being done now, is described, as one source put it, "with a lot of bad words" that make it seem less attractive.

That leaves the middle-road option, and that is what the chiefs now are pushing.

Opposition here largely revolves around a deeply held belief that such activities as the chiefs now are proposing increase instability and spread allied forces thinly without any guarantees of success.

While there is little doubt that the Thais and the Vietnamese could batter the opposition—given heavy American help—the opposition response would be uncertain, as would results, and dangers could be posed for Vietnamization, which many officials continue to view as the Indo-Chinese concern of greatest magnitude at this point.

DEEP CONCERN EVIDENCED

While the views of Gen. Creighton W. Abrams are not known on these new proposals, he has evidenced deep concerns in the past, particularly toward the close of the allied operations in Cambodia, lest Vietnamese and American attentions be allowed to wander too far from the business at hand in Vietnam.

The administration is steadily becoming more deeply involved in Cambodian military affairs, but the President and his closest advisers apparently still adhere to the view that the United States should help Cambodia as it can, short of U.S. troop involvement. That, they believe, must not come.

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If the North Vietnamese are indeed preparing to take over Phnom Penh and destroy the Lon Nol government, then disruptive attacks against them in present gathering points and strongholds should disrupt that. But few believe the North Vietnamese are willing now to indulge in such a risky venture. If this is the case, then allied activities could not prevent anything that is not going to happen anyway.

The proposals relating to the DMZ are quite another matter. The chiefs would be interested in receiving approval for allied operations inside the DMZ.

This will be opposed by those who see no threat justifying such a change and would not like to complicate the situation at the DMZ or cause deterioration of the situation created by the "understandings" that preceded the bombing halt over the north.

RESUMPTION OF DEBATE

Mr. FULBRIGHT. This quotation is from one of the most recent articles:

> Allied sources acknowledged yesterday that clandestine reconnaissance units operating in Laos may be the target of the latest Communist charges of war escalation. . . .
>
> Washington said Saigon sources concede that their military planners are urgently pressing for sizable border crossings into Laos. But these sources say both capitals still regard such operations as too hazardous in domestic and international political terms for the Nixon administration to risk at this time. . . .
>
> From Saigon the Associated Press reported that despite official denials there, sources said most of the reconnaissance patrols going into Laos "are landed by U.S. helicopters along the 200-mile Ho Chi Minh trail in the lower panhandle of Laos to spot targets for American bombers."

All these articles raise this question, and suggest that preparations for such ventures are being made and that the expectation is that the Vietnamese forces will move into Laos.

So I submit that if we meant what we said when we adopted the Cooper-Church amendment and the other amendments which were adopted last year, this amendment is entirely consistent with that action.

I am very much afraid that if we do not adopt this amendment, with the changed language in the existing law, even in spite of the fact that the committee in its report said this is not intended to finance Vietnamese forces, the House probably would not agree with that, and that the administration, the executive department, in connection with preparations being made, would choose to say that the legislative record is fuzzy and not precise and they should go ahead, because the law, it seems to me, could easily be construed to authorize it.

So I do hope that the Senate will accept this further step, consistent with what we did in the previous steps, to restrict our involvement in the war in Cambodia and in Laos.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GOLDWATER. Mr. President, I am very glad that the distinguished Senator from Arkansas and the distinguished Senator from Mississippi have decided that we would not vote on this matter tonight, because I think we have to give it some thought.

I understand perfectly what the Senator's amendment intends to do. At the outset, I have some reservations about two points: First, whether this would involve the United States in the governmental decisions of another country; and, second, if we decide that this is all right, how we control this money when we give it in a lump sum. We do not know which dollar is being used for which purpose.

These are the two questions that come immediately to my mind, and I appreciate the time to think them over tonight. I certainly understand the Senator's concern, and I might even reach the point of agreeing with him in that concern. But I would like to hear the amendment debated a little further, so that we can understand what we do, for example, if, under this lump sum of money that we appropriate for Southeast Asian use, in separating the dollars that might be used by the South Vietnamese for sending South Vietnamese forces into Laos from the money they use to send troops into Cambodia, or use to fight their own portion of the war.

I would hope that during the course of the debate tomorrow, the distinguished chairman of the Committee on Foreign Relations would give us his thoughts on those two subjects.

The question of our involvement in telling another government what to do does not present such a big problem with the Senator from Arizona as how we control the funds when we know they are not identified. We have just gone through an amendment in which we discussed this, in which the funds are asked of us in a lump sum. No report is made that says that one, two, three, four, and five, "We spent the money in these particular ways."

I hope that some time during the debate we can get some thought as to how this can be controlled, so that if the amendment is adopted, it will be effective and not just be another exercise in semantics on the floor of the Senate that the State Department could get around easily.

Those are my concerns, and I look forward to tomorrow and an opportunity to hear more about it.

Mr. FULBRIGHT. I appreciate the Senator's comments, and I would not minimize the difficulty in sustaining the kind of relationship we have with the government of South Vietnam.

As a matter of fact, practically all their funds do come from us, directly or indirectly; and if we wish to encourage them to invade Laos or Cambodia with their forces, of course they will do it. If we wish to discourage them, I think we can have great effect upon them.

What bothers me most of all is that I think the idea has grown up in Saigon that the United States is their captives. As evidenced, I submit the statement made by the Senator from South Carolina that they are helping us. This is an attitude of many people—that the Saigon government is helping us. It is our war, seems to be the view, and they are coming in very graciously to help us—that is if we pay them to help.

However, not too long ago, most Americans were under the impression that we were helping them. But we get these different points of view. If I understand the Senator from South Carolina, he really believes that this is primarily our fight, because he views this fight as one directed against a worldwide international Communist conspiracy and he believes it is our responsibility to fight that conspiracy, wherever it is. Apparently it is purely incidental that this particular fight is in South Vietnam, but primarily it is our fight, and the Vietnamese and others have been gracious enough, with enough pay, to help us. I think that is the way he views it, and I am sure other people view it that way, also. It all depends on the way one looks at these fights, whether they are taking place in South Vietnam or in the Middle East or in Berlin.

Of course, I do not agree with his analysis, and I do not believe that was the justification that President Johnson originally gave us—whose basis for intervention in Vietnam changed almost daily, according to the criticism.

It reminds me a little of the ABM. About every 2 weeks there is a different justification for it. Secretary Rusk and President Johnson had the same flexibility of justification as to why we were fighting in Vietnam.

I say to the Senator that I appreciate the difficulty, but I do think that, in view of our investment—the cost to this country, and so forth—we, the Congress and the Nation, ought to have something to say about where our money is used and whether or not our money should be used to finance the Vietnamese in Laos or Cambodia.

The Armed Services Committee, itself, has changed this language. I pointed out that they have changed the existing language "would not appear to authorize." Now why did the committee change the language? I think it was to make way for attacks on the sanctuary, just the sanctuary. I say to the Senator from Mississippi, is that not what he——

Mr. STENNIS. If the Senator would yield to me now——

Mr. FULBRIGHT. Yes; I yield.

Mr. STENNIS. I appreciate that, and I would like to get the floor to give a chronological development on that point.

Mr. FULBRIGHT. I am perfectly willing to yield the floor bcause I think it is that change in language, together with the committee report, which precipitated the amendment. I immediately began to wonder what was the purpose. All I am trying to do is to implement what the committee said was its intention. I should like it to be put in the law, because I have seen often how these interpretations in committee reports, if they do not suit the executive branch, are ignored in practice.

Mr. President, I yield the floor.

Mr. STENNIS. I thank the Senator from Arkansas.

Mr. President, it is well for us to come to this point, to state the committee's position as we understand it. I call attention here, and I think this is an historical development, step by step, which is important and is a part of the legislative history that we draw in here together, and it may well have a bearing.

I have before me, first, title 4 of the general provisions of the bill as it came to our committee from the House, in connection with these funds, which is really what we have been calling all these years: foreign military aid. That ordinarily came through the Foreign Relations Committee.

Until a few years ago, when the war thickened, by common consent, it was sent to our committee, under rather broad language, because of the proximity of things there. Some of this foreign aid was granted to pay the Philippine Army, and the Korean Army, some was for equipment, and some was for this and that. They had given us a report on these items, but it never has been defined with great particularity. For most of it, there is good reason for that, because it is more or less picking up and paying the cost of a battle. The Army moves on. Over the years, though, they have given us an accounting, of a kind. Last year, we put this at a $2.5 billion ceiling. The language read as follows—in the House bill—which was a rescript of the language last year:

> "Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes in support——"

And here comes the foreign aid, military aid—

> "Vietnamese and other free world forces in Vietnam."

I emphasize those last word, "in Vietnam."

When this bill passed the House, the sanctuary in Cambodia had not arisen. When the bill was before us, this battle of the sanctuary was going on, full tilt. So we struck out the words, "in Vietnam." The battle had moved beyond Vietnam. That was, though, consistent with the argument made here that this was not an invasion of Cambodia. It was an extension of the battlefield. So we took out the words "in Vietnam" as being too limited. Our purpose was to cover the

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sanctuary battle and things that had happened in connection with it. We did not know, then, how far it would go. It was not our purpose, though, to launch into a broad authorization here of unlimited support with military aid to sustain, to guarantee, or to underwrite the Government of Cambodia. We looked upon that as another war. I did. And I think that was the prevailing sentiment in the committee.

After striking out those words, "in Vietnam", we wrote the language this way:

"To support (a) Vietnamese and other free world forces in support of Vietnamese forces."

I go over that again:

"(a) on line 4 of page—of the Senate—"

Mr. FULBRIGHT. Nineteen.

Mr. STENNIS. Page 19, right. I thank the Senator.

"To support Vietnamese and other free world forces in support of Vietnamese forces.

Now, at that time, Vietnamese forces were over in Cambodia. There was a battle going on over the sanctuary. Understand now, that none of this money goes to U.S. soldiers or to their cost in anyway. This is all foreign military aid. Then that was the way we covered in the body of the bill support of these forces over in Cambodia who were supporting the Vietnamese forces. They were supporting us, too, in a way.

But that is the way we covered the area of the sanctuary and we did not know how far that was going to extend. In the report, we spell out here now, further, what was meant. I refer to page 106 and read briefly from the middle of that page:

"The committee is of the opinion that the phrase 'in Vietnam'—"

Meaning in the House bill—

"should be the subject of clarification and, therefore has substituted the words "in support of Vietnamese forces". The reason for the substitution is to make clear the use of the authority for the purpose of supporting non-U.S. free world forces with respect to the border sanctuary and related area operations in Cambodia, and the protective reaction strikes in these locations. This clarification is for the purpose of protecting U.S. troops and the acceleration of the Vietnamization program."

In other words, at that time, this battle was still going on, the extent of it was not known, and it was our idea not to stop in the middle of the battle or to put on any restrictions, however far this went, as long as it was protecting U.S. troops or accelerating the Vietnamization programs that would be legal.

Then, on the top of page 107, the language covers the point—part of the point, in a way—I read from page 107—when I say report, I mean the official report of the Senate committee on the bill filed July 14, 1970:

"In making this clarification it must be clearly understood that there is no intent to broaden the authorization beyond the support of participation in border sanctuary and related operations in order to protect U.S. forces in Vietnam or to accomplish protective reaction strikes. The purpose of the clarification is to make clear that the use of Defense funds is authorized for support in those areas of Cambodia where for the purposes of Vietnamization or the protection of U.S. troops military action becomes necessary."

Now that is broad enough, and we intend it to be broad enough to include areas of Cambodia as long and as far as it was connected with the sanctuary or any program that the President was carrying out. That paragraph on page 107 is as clear as language can make it. We made it broad enough to cover anything connected with our activity there, our Vietnamization, and, that our troops could go back in in another sanctuary under like circumstances. That is what it was intended to cover, going back in for the same purpose.

Then they put the negative here:

"There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian government."

That means the Cambodian Government as such in a movement beyond the reasonable limits of what we had already described. That is the way the bill is before the Senate and the way it explains it is, I think, clear.

I do not think there is any ambiguity dealing with the vague situation we had to deal with which changed from day to day.

I want to make it clear that we intended then to cover the authority of the President if there arose again the need to clear out sanctuaries so that he could do it so far as this was concerned and could pay for military aid to help those that were fighting with the Vietnamese and us, although we used the word "Vietnamese."

I lay that down as a part of the history and part of the situation that led up to the amendment that the Senator has offered.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. Let me cite right there the part of the Senator's amendment. I think it ought to come in the RECORD at this point.

The language of the Senator's amendment provides:

"On page 19, after the period in line 8, insert the following: 'Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.' "

Let us leave out the words "or Laos" for just a minute. I think it does complicate it. It reads "to provide military support and assistance to the Government of Cambodia." That is apart from or in addition to what has already been described. That is my interpretation of it.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Mr. President, with respect to the language the Senator has just read, I sought to use the language of the Armed Services Committee report as nearly as I could.

There are a couple of questions I would like to ask the Senator. I think my amendment would put into the statute what the Senator described just now as what he intended to achieve by this change in language. That is the way I and my staff interpreted the amendment, that it would put into the statute what we believe the Senator intended by his statement in the report. If that is so our only difference is as to whether it ought to be in the statute or not.

I suppose this reflects our relative trust as to whether the Executive will follow the committee report rather than the statute. Maybe the Senator has great confidence that the Executive will follow the report. However, I think it is better to put the language in the statute. We do not seem to differ.

Mr. STENNIS. Mr. President, may I ask the Senator a question at that point, because he has raised a point there. Is it the Senator's interpretation of the bill, as written now, and the report that there is no prohibition in any way on the battle of the sanctuaries, so-called? Then, my next question would be whether there would be any prohibition on additional sanctuaries.

Mr. FULBRIGHT. Mr. President, I was going to raise that very point, What is a sanctuary? After all, that has already taken place.

If the Senator is concerned that this same situation of the sanctuary matter might arise again, that does not bother me too much.

What I am trying to avoid is becoming really involved in a close-scale operation in support of the Government of Cambodia and the Government of Laos.

I say that is the language of the Senator's own report. It denies military assistance to the Cambodian Government from these funds.

Two things occur to me about the sanctuaries.

First, is their definition. The President described them, as the Senator well knows, and set a limit of 21½ miles, I believe, and said that he did not propose to go beyond that point with our troops.

It was generally conceded that was the limit of the sanctuaries as of that given date.

The President also made the argument—and I do not wish to misquote him, but I will describe what he said—that he regarded that incursion, as they use the word, into Cambodia as simply part of the war in Vietnam and not an invasion of another country.

I believe that is a fair way to state it. He said, therefore, that he did not need any additional authority, that the attack on sanctuaries was not a violation of the sovereignty of Cambodia.

The Senator has described the chronological development of this matter. If that is true, either the Senator is saying that the President went in there without authority or that he is trying to rectify that matter now.

If he did not have authority, I do not see why we need to change the language.

If his action then was authorized, then it is still authorized. I do not object to that, if that is it. So why not leave the language like it was.

Mr. STENNIS. In the House bill?

Mr. FULBRIGHT. Yes. I do not know how the Senator can get away from the fact that by insisting on this language in order to give the President authority to operate in the sanctuaries, he must be saying the President did not have this when he invaded the sanctuaries before.

Mr. STENNIS. I think it is purely academic for us to argue about the battle of the sanctuaries now. That is over.

Mr. FULBRIGHT. I agree with that statement.

Mr. STENNIS. What is done is done. At the time he wrote this language, the battle was still going on, so far as that is concerned. We were not in favor of bringing a bill to the floor that someone could jump on and say, "This bill limits what the President is now doing."

So we intended to enlarge it and did enlarge it and also added language that says that as long as the Vietnamization program—and that is a little indefinite—is protecting our men—and that is a little indefinite, but those are the general terms that are used—this money could be used for these foreign troops.

If the Senator agrees that the President did have authority to use the money, talking about military aid, in a recurrence of this kind in the future, why it seems to me that that would end the argument. It is a clear-cut agreement. And I do not see any use for the amendment, leaving Laos out for the time being.

But I want to be frank. I believe we are almost together, and we just want to make a record of it.

Mr. FULBRIGHT. My intention in offering the amendment was to express my explicit agreement with the Senator's statement in the report. That was my purpose; to show I agree with the Senator's sentiment expressed in the report. My difficulty is that I was afraid the language in the bill itself did not accurately and forcefully enough reflect the Senator's intention. My intention is the same as his. I do not want us to get involved in all-out support of the Govern-

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ment of Cambodia—and that is what the report said—or of the Government of Laos.

Then, the only question is, how to tie that down so that the administration would be in agreement with the Senator and me. It is not that I disagree with the Senator but we might find ourselves in disagreement with future administrations.

Mr. STENNIS. You cannot control the administration in these words. Let us stay away from that, if we may. I will be frank with the Senator.

If the Senator agrees the situation would be clear for these purposes I have stated—Vietnamization, and that includes withdrawal and for the protection of our troops; and that another sanctuary would be permitted, I think that ends the argument about the Senator's amendment.

Mr. FULBRIGHT. It seems to me it ends the argument, I agree, the Senator agrees, and the Senator from Arizona agrees. If there is any need for new language, and the House has that language, and we say that language means this, they would have no reason to say otherwise, and that would end it because we do not need new language. Why do you not revert to the House language and say that all agree it will allow the President to do what he has already done? Otherwise, you are bound to have say, "If you do not agree with that, he did it without authority to go in there in the first place."

Mr. STENNIS. No; we could go back to the House language; it could be argued again that the President exceeded his authority.

Mr. FULBRIGHT. I do not make any argument. The Senator and I agree he did not. We accepted that.

Mr. STENNIS. But there are others.

Mr. FULBRIGHT. Who would dare do that?

Mr. STENNIS. I yield to the Senator from Arizona. I see now why we did not agree to a time limitation. This is a difficult matter.

Mr. GOLDWATER. I think we are much closer to agreement than it would seem.

I would like to ask the Senator from Arkansas if his amendment would cove the type help we have been giving; and I refer to two parts. Would it prevent tactical air support in Laos?

Mr. FULBRIGHT. This only deals with funds for foreign forces. This does not deal with funds for our forces. This is only foreign aid which the Senator was talking about.

Mr. GOLDWATER. I wanted to make that clear.

Mr. FULBRIGHT. It does not deal with our own forces.

Mr. GOLDWATER. Would it prevent the use of helicopters by the South Vietnamese in support of Laotian troops, say, in the Plaines des Jarres?

Mr. FULBRIGHT. It might. The Senator refers to South Vietnamese troops in support of Laotian troops in the Plaines des Jarres.

Mr. GOLDWATER. Yes.

Mr. FULBRIGHT. I think it would. We are trying to avoid becoming involved by our associates, whatever it is, and drawn into an overt war in Laos. It would not make any difference if it were in Laos or Cambodia. We are trying to apply the same principle. The only difference might be there are more sanctuaries in Cambodia. I am perfectly willing to agree with the Senator's idea about sanctuaries.

I think it would prevent paying South Vietnamese forces to go to the support of Laotian forces in helicopters, on foot, or in trucks, or in any other way.

Mr. STENNIS. I wanted to propose that we leave Laos out of this amendment.

Mr. FULBRIGHT. The Senator posed the question.

Mr. GOLDWATER. I asked about Laos because I think this is the thrust of the Senator's amendment.

Mr. FULBRIGHT. That is correct.

Mr. GOLDWATER. I am referring now to the border between Laos and that portion of South Vietnam that is close to North Vietnam. If South Vietnamese forces were used to upset any sanctuaries that might develop in that area, would this run contrary to the Senator's amendment?

Mr. FULBRIGHT. No; to be consistent, I think there are some sanctuaries right on the border. To be consistent I do not know how I could distinguish between them.

Senators will remember the theory of the President in explaining the incursion; that it was not an extension of the war; that it was not an incursion into a foreign country. That is about the way he put it.

Mr. GOLDWATER. Yes.

Mr. FULBRIGHT. Then, he had to have whatever authority he had with respect to the war.

That is why I think there is a logical inconsistency in saying now he must have this change to make it legal. The reverse has to be that it was not legal before. You cannot have it both ways. I would rather have it the old way and commit myself to accept his theory that he was entitled to go into the sanctuaries to protect our own troops and our program in Vietnam.

What we are really after is expansion of the war into two other countries, and I think that is what the committee said—support of the Government of Cambodia; it is almost a replay of the Vietnam war. That is what the Senator from Kentucky was saying, and I thought the committee agreed.

Mr. GOLDWATER. I can assure the Senator this was not the intention of the committee. We at no time proposed any language to support a new government.

Mr. FULBRIGHT. That is correct.

Mr. GOLDWATER. What we want to make sure of in our language is that we do not prevent the South Vietnamese from taking care of situations that are similar to the one the President had to decide on in connection with Cambodia.

Mr. FULBRIGHT. The sanctuaries.

Mr. GOLDWATER. Yes. I would hate to see us accept language that would prevent that.

Mr. FULBRIGHT. We do not seek that, but we do seek to prevent the South Vietnamese or the Thais, with our money, from going in there and building a full-fledged partnership with the Government of Cambodia and drawing us in.

Mr. GOLDWATER. My interpretation of the committee language is that it does that. I think it spells out plainly that we are not supporting the governments of these other countries.

Mr. STENNIS. The Senator is correct.

Mr. FULBRIGHT. But the change in language—if you will leave the language as it has been without this change, and with this legislative history, I would be satisfied. People will say, "Why did you change that language? It must mean something. The House did not have it." People assume that it means something.

Mr. STENNIS. May I answer the Senator?

Mr. FULBRIGHT. I think it would be better to take it out and we would agree what it means.

Mr. STENNIS. It means to cover the sanctuary situation as it was going on when that language was written, or as it may recur. It means nothing more.

The Senator agrees he would approve that, so we are at home base.

Mr. FULBRIGHT. I approve it. The only trouble is, will the administration approve it? The administration has not approved it. I agree on that and we should get the language into the bill.

Mr. STENNIS. Let me suggest this. This matter goes to conference. The language of the House bill will be in conference. The language of the Senate bill will be in conference, and so far as it relates thereto, the report language will be before the conferees. What the Senator from Arkansas has said will be before the conferees. That is true of the Senator from Arizona, the Senator from Mississippi, and other Senators who may have discussed this matter here. If we leave Laos out, are we not together on this problem?

Mr. FULBRIGHT. I do not quite see why, if we agree to this rather broad interpretation that the Senator from Arizona mentioned, we should leave Laos out. What is "bugging" the Senator on Laos? I do not understand it.

Mr. STENNIS. Leave it out of this amendment because it is an altogether different situation.

Mr. FULBRIGHT. Well, not altogether.

Mr. STENNIS. The Ho Chi Minh Trail is there.

Mr. FULBRIGHT. We are not going to bother the Ho Chi Minh Trail. We had that out on the Cooper-Church amendment. I am not trying to bother the Ho Chi Minh Trail. What I am trying to to do is to avoid becoming involved in support of these countries against internal civil wars they may get into. That is how we get dragged in behind them.

Mr. STENNIS. The Senator asked me why I want to leave Laos out. If I may finish my answer now, the question is, Why does the Senator from Mississippi suggest that we strike the words "or Laos" out of the amendment? An altogether different situation is involved. We have been in there a long time. We went into Cambodia just for the sanctuary battle.

Mr. FULBRIGHT. What does the Senator means when he says "We have been in there a long time"?

Mr. STENNIS. The Senator knows we have been in there for a long time. The Ho Chi Minh Trail is there. We bomb it constantly.

Mr. FULBRIGHT. Oh, yes; but I am not talking about that.

Mr. STENNIS. Let me finish. We have all the complications that go with that. We provide some military aid to the Laotians. The Senator is familiar with that. It is in the bill. Cambodia has been left out, as the Senator knows. The situation in Laos is known. It is stabilized. The language in the Senate bill is exactly as it is in the House bill. The language that says we can still aid the local forces is still in the bill. We have no such language for Cambodia.

So, like it or not, good or bad, Laos has a status, and it is a part of our battleground, just as the sanctuary was.

I think we could agree on something if the Senator would leave Laos out of the amendment.

Mr. FULBRIGHT. As I have said, I am not bothering what we ourselves do. The amendment will not bother what we give to the Laotians. It is simply saying, "Look, we do not want our so-called allies from Thailand and Vietnam to go up and get us further involved. We have some degree of control over what we are doing."

It will not disturb what has been the past practice in Laos. The Senator says that Cambodia is not provided for, but the administration right now, according to word that we have—and this is an additional reason why the amendment is important and it is coming up here to brief us on it—is in the process of negotiating a very substantial aid program for Cambodia. I think that is a very dubious proposition, but they are in the process of doing it.

The Senator says that they were left out of the bill, but it is not left out of the planning of the administration, although no presentation has been made to our committee on this matter. Of course, the President has discretion, up to $50 million, to take funds designated for one country and give them to Cambodia; but no aid was contemplated for Cambodia at the time we considered the bill. This is a new deal.

That fact makes it all the more important that we make it explicit that we do not want to get bogged down in another war like Vietnam or Cambodia or Laos. I do not expect the

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amendment to affect what has been going on in Laos—that is, the bombing of the trail, our assistance to Laos, or what our people are doing there—because it does not affect that. It is to keep the Vietnamese or the Thais from dragging us into another war. In a word, that is the purpose of the amendment.

Mr. Stennis. So the Senator from Arkansas is saying that anything we have going on in Laos now is not to be affected in any way by the amendment he offers?

Mr. Fulbright. Not that I know of. The reports in the newspapers as of today—I know it officially—indicate that the South Vietnamese are getting ready to mount an invasion. I hope that is not true; but in my opinion that is not acceptable. What I was referring to was what has been the traditional operation; what was going on 2 or 3 months ago, such as the bombing. Recent actions are what I would exclude. If they have been doing something else in the last day or 2, that is what I would object to.

Mr. Stennis. The Senator would exclude anything such as might have happened in the last 2 or 3 days.

Mr. Fulbright. Exactly; anything such as has been published in the newspapers as having taken place quite recently.

Mr. Stennis. The Senator would exclude anything that has been taking place in recent days. He does not intend by his amendment to exclude——

Mr. Fulbright. To exclude what we call the traditional operations——

Mr. Stennis. In Laos?

Mr. Fulbright. Yes. That was the whole thrust of the amendment of the Senator from Kentucky. He did not want to have us become further involved in Laos. But his amendment related to Laos and Thailand. He did not include Cambodia; we got into that later. This is entirely consistent.

Mr. Cooper. Mr. President, I hesitate to get into the debate because I think the Senator from Arkansas has made his point clear. I merely repeat—we have talked it over so many times—that his purpose is to prevent these funds from being used to get the United States involved in support of Cambodia through the use of Vietnamese troops.

Mr. Fulbright. That is correct. It is not intended to be a rollback. I do not intend it to be a rollback, but to stop the operations from going further.

Mr. Stennis. May I ask the Senator from Kentucky a question out of order? The Senator has heard what I have said concerning the situation as I see it. Does he agree that it is correct?

Mr. Cooper. I agree that what the Senator from Mississippi and the Senator from Arkansas have agreed on is correct, yes. I favor the language that the Senator from Arkansas has proposed, because it makes so clear that the activities on the Ho Chi Minh Trail would not be curtailed.

Mr. Stennis. I think we have had a most helpful exchange and a very fine presentation. I do not think we can dispose of the amendment tonight. There are other amendments from our committee that I would like to have a chance to speak to or to have colloquy on with any Senator who wishes to speak to them.

Mr. Fulbright. I wish to compliment the Senator from Mississippi for his contribution and for making it very clear that he does not approve of expanding the war by proxy into U.S. support of the Cambodian-Laotian action. There is confusion about this, and there is considerable concern that it might be expanded if we do not take real, positive steps to prevent it. I am very much pleased that the Senator from Mississippi thinks as he has just expressed himself.

Mr. Stennis. I have told the Senator from Arkansas everything that is on my mind. I want to make it clear that I am a "sanctuary man," and the Senator from Arkansas agrees to that.

Mr. Fulbright. I accept that I am not trying to roll back anything; I am trying to prevent any advance.

Mr. Stennis. I thank the Senator from Arkansas for yielding. I believe the debate has been profitable.

I understand that other Senators desire recognition, so I do not claim the floor any longer.

[From the Congressional Record, Aug. 21, 1970]

Resumption of Debate

Mr. Fulbright. Mr. President, a parliamentary inquiry.

The Presiding Officer. The Senator will state it.

Mr. Fulbright. Mr. President, what is the pending question?

The Presiding Officer. The pending question is on the amendment of the Senator from Arkansas. It is amendment No. 812.

Mr. Fulbright. Mr. President, I hope that we can dispose of this amendment very soon. I hope that some Senators will remain in the Chamber for at least a brief period of time. The Senator from Mississippi wishes to make a statement. We had a long colloquy of an hour and a half or 2 hours on yesterday.

Mr. Stennis. Mr. President, may we have order?

The Presiding Officer. The Senate will be in order.

Mr. Mansfield. Mr. President, will the Senator yield?

Mr. Fulbright. I yield.

Mr. Mansfield. Mr. President, it is anticipated that we will take up the pending business, which is the Fulbright amendment, then the Bayh amendment, and that we will then go into the consideration of the Public Works appropriations bill. If we possibly can, we will try to finish the appropriations bill this afternoon. So, everyone is on notice.

Mr. Stennis. Mr. President, I insist on order. This is an important amendment that is of interest to every Senator.

The Presiding Officer. The Senate will be in order.

Mr. Fulbright. Mr. President, on yesterday afternoon we had a very interesting and thorough colloquy regarding this amendment.

The Senator from Mississippi and I are very close in our views on this amendment. The amendment seeks to put into law the language of the committee report and add Laos. The Senator and I have discussed an understanding of this amendment and what the committee intended.

I think that we mean to accomplish the same objective. It is primarily a question of whether this language should be in the law and Laos included.

I yield to the Senator from Mississippi.

Mr. Stennis. Mr. President, I thank the Senator. It is possible that this matter can be disposed of, if that is the will of the Senate. It is a highly important matter. I think that every Senator here ought to have a chance to be heard. It is a little complex, but we will not rehash it.

I heartily agree with the Senator from Arkansas that we had a colloquy here yesterday that very fully, I think, and clearly stated the position of the Senate Armed Services Committee in this question of certain funds for military aid in South Vietnam and all the Indochina area.

My remarks now relate to amendment 812, the matter now before the Senate. Briefly stated the position of the Senate committee was that we approve the expenditure of these funds over into Cambodia on the sanctuary—the principle of destroying sanctuaries, and forays that had to do directly with the Vietnamization program, the withdrawal of our troops, and the protection of our troops.

Our interpretation was that that language permitted the President even to use this money to go back in on a sanctuary matter, if necessary. We took this up when the battle was going on over there.

The amendment of the Senator from Arkansas places a limitation on clause A, as pointed out by the colloquy that we had. I think it is a part of what was intended as a part of the law.

So I said to the Senator this morning if his amendment goes to conference we will have at the conference table the bill as passed by the House, and that has the language in it "in Vietnam" which we thought was too narrow. We took that out and substituted the language I already described. Then, we will have before us the Senate language and also the Senate report and we will have the Senator's amendment. All of that material will be in conference.

We had a splendid discussion here yesterday which was participated in by the Senator from Arkansas, the Senator from Arizona, the Senator from South Carolina and others. I do not recall the names of all the Senators who participated but the substance of the colloquy was that we are not limiting the sanctuary idea—the destruction of it—limiting the support of the Government—period. That is it.

I feel we could accept this amendment.

Mr. Goldwater. Mr. President, will the Senator yield?

Mr. Fulbright. I yield.

Mr. Goldwater. I had only one feeling of doubt, as I expressed yesterday, and that would concern the interpretation of our possibly interfering with activities of another government. I studied this proposal last night. I think the language the Senator proposed would not do that.

We are not saying to South Vietnam, "You cannot attack Laos." We are saying "You cannot expect any help from us if you do it."

I think the language of the Senator from Arkansas is clear on that point. I think the colloquy yesterday established the fact that neither the Senator's language of the committee, nor the language of the House will preclude the use of our tactical air support of the Laotian army when they call for it.

I must say that is a limited time of year, when the monsoons are over there, as the Senator knows. This would include the use of a helicopter drop but it would prevent the use of our ground forces at any time. I would certainly support any move in that direction and would deny funds to South Vietnam for support of any invasion of theirs. If they want to do it on their own, with their own money it is up to them.

I think the amendment, as the distinguished chairman has said is one we can take to conference. I think, having slept on it overnight, it is better language than we came up with, and we worked a long time on this because we were in the middle of the Cambodian sanctuary move and we were very anxious that the language we reported to the Senate would indicate that the committee did not want to support any government, not only in Southeast Asia, but any place.

I certainly hope, Mr. President, we can take this to conference and that it will prevail.

Mr. Stennis. I thank the Senator.

Mr. Thurmond. Mr. President, will the Senator yield?

Mr. Fulbright. I yield to the Senator from South Carolina.

Mr. Thurmond. It appears that this amendment is in line with the committee report and also from the colloquy yesterday between the distinguished Senator from Mississippi, the chairman of the Committee on Armed Services, and the distinguished Senator from Arkansas (Mr. Fulbright), exactly what it means. It has been interpreted more clearly now, and I think it would be proper and wise for the Committee on Armed Services to go along with this amendment. I would suggest to the chairman that

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we do go along with it. As far as I am concerned, I am willing to go along with it.

Mr. Stennis. I thank the Senator.

Mr. Fulbright. The Senator from Mississippi mentioned a number of Senators a while ago. The Senator from Kentucky has been extremely interested in trying to define the limits of the engagement in Southeast Asia. He has made a great contribution to the Senate's consideration of this subject.

I interpret this amendment and the intent of the committee to be quite consistent with the intent of the Cooper-Church amendment, that is, to prevent an expansion of the war. The amendment does not relate to our own activities but to those of countries that could be financed under the authority of this bill.

I again reiterate this pertains to the possibility of our financing military activities by the South Vietnamese or the Thais in support of the governments of Cambodia and Laos. I believe everybody agrees that we should not do that. It seems to me intolerable that we should finance that kind of activity.

I am very pleased the chairman will accept the amendment and take it to conference.

Mr. Miller. Mr. President, will the Senator yield?

Mr. Fulbright. I yield.

Mr. Miller. So that we are absolutely clear on this point, the Senator knows the Thais are concerned about possible incursions into Cambodia which, in turn, could pose a threat against Thailand. Does the Senator see anything in his amendment which would preclude some of this support for Thailand forces operating actually in Cambodia but for the purpose of avoiding attack on their own country?

Mr. Fulbright. I am bound to say it would prevent us from financing from these funds Thai forces which might fight for the Lon Nol government. If they want to do it on their own we cannot stop them. But we do not have to pay the bill. This is somewhat like the subject we discussed yesterday. We have been paying these people far more in bonuses than we give in combat pay to our own troops. That is not a good practice and it distorts our whole relationship with these countries.

In this case I would interpret the DOD funds are not to be used to support Thai forces that go into Cambodia to support the Lon Nol government. That is one of the objectives of the amendment.

Mr. Miller. The Senator from Iowa understands the sentiment is not to allow Thai troops to go into Cambodia in support of the Lon Nol government. But that was not the question.

The question was with respect to the use of these funds to allow Thai troops to go into Cambodia, not to support the Lon Nol government, but to help them protect Thailand from a fairly imminent attack on Thailand from Cambodia. There has been the problem of some incursions coming in from Laos, into the northern areas of Thailand.

Mr. Fulbright. They were not involved. The Senator is expanding the concept into a whole new area.

We are talking about operations by the South Vietnamese in the sanctuaries and for the protection of our troops in Vietnam. That is what the money under this authority is limited to.

My interpretation is that the Senator's example is forbidden by this amendment. We are not going to finance the Thais; they can finance their own operations in Cambodia, if they choose to intervene.

Mr. Goldwater. Mr. President, will the Senator yield?

Mr. Fulbright. I yield.

Mr. Goldwater. It might better be explained by saying that if the Thai government wants to attack anybody at any place that is their business. They do it on their own but not with our money.

Mr. Fulbright. That is true. We are not trying to tell the Thais they cannot attack Burma or China, but that none of our money will be used to finance their doing it.

Mr. Miller. I think what I am getting at is that we are so prone to think about privileged sanctuaries along the border of South Vietnam that we overlook the fact that we can have privileged sanctuaries in Laos or the western area of Cambodia, which bases would or could pose a threat to Thailand.

That is the type of situation that I am directing my question to. There is a great deal of difference between taking care of a sanctuary situation in the western part of Cambodia which poses a threat to Thailand and sending a lot of troops into Cambodia and supporting the Lon Nol government. I am trying to bring that situation out because I believe the example I put in the Record is not one we would want to cover by this amendment.

Mr. Fulbright. I do not know that I have anything to add to what I have said. That is not the policy of the committee, as I understand it, as expressed in the report.

Mr. Miller. May I ask the distinguished chairman what the policy of the committee would be on that point?

Mr. Stennis. Mr. President, this is all reflected in the committee report. I think the best way to get it in proper focus is to read the committee amendment and the committee report.

The House bill and the Senate version of the bill expressly provide that this money can be spent for local forces in Laos and Thailand, so there is no doubt about that, and it is left as it was in the House bill.

Let me read the committee language first, on page 19 of the bill, line 4. It states that the funds are to be made "available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese formes, (B) local forces in Laos and Thailand." We took the words "in Vietnam" out because that was too narrow to cover the sanctuaries. We wanted to cover the sanctuaries.

We define that further in the report on page 106:

"The Committee is of the opinion that the use of the authority in section 401 of the fiscal year 1970 act (and its related appropriation act provision) to support South Vietnamese and other free world forces in border sanctuary operations in Cambodia and in protective reaction strikes in these same areas was correct. Such action is in line with the policy of Vietnamization which in turn has and will continue to assist in the reduction of U.S. forces in Vietnam and the protection of such U.S. forces as remain in Vietnam. Doubt has been expressed by some that because of the use of the words "In Vietnam" in this section, as to whether any support for South Vietnamese or free world forces outside of Vietnam in the sanctuaries of Cambodia is authorized. The Committee desires that there be no misunderstanding about the authority for those important actions and has accordingly changed the language of this section to remove all such doubt.

"In making this clarification it must be clearly understood that there is no intent to broaden the authorization beyond the support of participation in border sanctuary and related operations in order to protect U.S. forces in Vietnam or to accomplish protective reaction strikes. The purpose of the clarification is to make clear that the use of Defense funds is authorized for support in those areas of Cambodia where for the purposes of Vietnamization or the protection of U.S. troops military action becomes necessary."

And that means the action we were in when the report was written or any future actions of that kind; and the Senator from Arkansas agrees with that—

"There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian Government."

So money from this bill cannot be used for anything that is primarily in support of the Cambodian Government. The money provided in the bill can be used for anything that goes with the Vietnamization program, the withdrawal program, the protection of our troops, the destruction of sanctuaries. We have heartily agreed on that. That is the extent of the amendment. I think it is time we get it clearly understood. I cannot go any further than I have.

Mr. Miller. Mr. President, will the Senator from Arkansas yield to me so I can ask the Senator a further question?

Mr. Fulbright. I yield.

Mr. Miller. I appreciate the Senator from Mississippi's explanation.

As I understand it, the last sentence that we read—

"There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian Government."

actually is expanded still further by delimiting the type of sanctuary operations to those which are pretty much related to U.S. forces in South Vietnam, and that if there are sanctuary operations that are not so related, then the proscription would apply?

Mr. Stennis. Generally that is correct; yes.

The Presiding Officer. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 812) was agreed to, as follows:

On page 19, after the period in line 8, insert the following: "Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos."

Mr. FULBRIGHT. I appreciate very much what the Senator from Colorado and other Members of the Senate have said, because these are difficult matters to interpret. Even if is not in the law, it ought to be persuasive on those who have to carry out the law.

Mr. ALLOTT. Mr. President, I know the Senator from Idaho wants the floor, but will the Senator yield to me for a brief remark? The Senator from Idaho has been waiting very patiently.

Mr. FULBRIGHT. Yes. I shall shortly yield the floor.

Mr. ALLOTT. I would like to just say that many of us here are lawyers, and one of the traits of lawyers is that nothing any other lawyer writes is completely satisfactory to them. We call them the t-crossers and the i-dotters.

I realize that if others were trying to accomplish this purpose, they would put this language in different words, as would the Senator from Kentucky. We tried to put it in simple language, having in mind always that one thing we were up against was that they absolutely would not bend. Having adopted it once in the House, eliminating the prisoner of war language would not get very far.

Mr. FULBRIGHT. Mr. President, I yield the floor.

Mr. CHURCH. Mr. President, I would like to say, first of all, that I have just been informed that the House has just approved this conference report by a vote of 234 to 19.

Now, I want to ask the distinguished Senator from Louisiana a question or two concerning the conference report. The bill, as originally passed by the Senate, contained a provision which prohibited the funding of American ground combat forces in Laos, Thailand, and Cambodia. The Senator will remember that, at the request of the distinguished Senator from Kentucky and me, the Senate Appropriations Committee added "or Cambodia" to the restriction which formerly had covered only Laos and Thailand. To that restriction then, as the bill originally came back from conference, a proviso had been inserted by the House conferees, so that the provision then read as follows:

> In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia: *Provided*, That nothing contained in this section shall be construed to prohibit the President from taking action in such areas designed to promote the safe and orderly withdrawal or disengagement of U.S. forces from Southeast Asia or to aid in the release of Americans held as prisoners of war.

The first question I would ask the Senator is this: Has that proviso, in its entirety, including the original Senate addition of the words "or Cambodia," been stricken from the conference report?

Mr. ELLENDER. Yes, it has.

Mr. CHURCH. So that, as the bill now stands, there is no language in the Defense Appropriation Act which would affect the use of American troops in Cambodia; is that correct?

Mr. ELLENDER. That is correct.

Mr. CHURCH. That would mean that the controlling language restricting the use of American troops in Cambodia would be found in the supplemental authorization bill. I should like to read that language into the Record at this point.

As passed by the Senate and later approved by both Houses and sent to the President, the language contained in the supplemental authorization bill reads as follows:

> In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia.

Is it not the Senator's understanding that this language, presently contained in the supplemental authorization bill, the bill which authorizes the Cambodian aid program, would be the only language pertaining, and therefore the controlling language with reference to barring the introduction of American combat forces or advisers into Cambodia?

Mr. ELLENDER. Yes, the Senator is correct.

Mr. CHURCH. Mr. President, I think it might be appropriate, in the light of the answers that the distinguished Senator from Louisiana has given me, to include at this point in the Record, once again, a letter I received on December 19, 1970, from the Secretary of State, making it clear that it is the intention of the administration to accept this language of limitation, and to conduct the Cambodian aid program in conformity with it.

The letter reads:

> Dear Senator Church: Confirming Assistant Secretary Abshire's conversation with you, I should like to reaffirm that the administration's programs and policies and intentions in Cambodia in no way conflict with section 6 of H.R. 11991—

The section, incidentally, which I have just read into the Record—

> or with the concerns expressed in the colloquy on the floor of the Senate on December 15, 1970.

The letter is signed by William P. Rogers.

Mr. President, I ask unanimous consent that the colloquy referred to in the letter, appearing on pages 41623 through 41624 of the Record for December 15, 1970, be reprinted at this point in my remarks.

There being no objection, the colloquy was ordered to be printed in the Record, as follows:

> Mr. Stennis. Mr. President, I do not think I shall take more than a few minutes. I wish to address a question to the Senator from Alabama. I direct the attention of Senators to this question because it is a matter of some importance.
>
> I wish to direct the attention of the Senator from Alabama to page 7 of the bill as now printed, and that part that provides, beginning with line 1: "none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia."
>
> My question to the distinguished Senator from Alabama is as to his interpretation of this limitation on the President about financing the introduction of U.S. ground combat troops into Cambodia.
>
> Is that language intended to be a prohibition on the President's going into Cambodia with U.S. combat troops to meet a situation like the sanctuary battle that we had last June and July, which proved to be directly connected with the arsenal, the armory, and everything else that goes to make war on our men in South Vietnam, and which proved to be beneficial? Would the Senator from Alabama speak to that point?
>
> Mr. Sparkman. As I recall, when the President announced that we were going into Cambodia, he gave us the reason that it was to protect American troops—American people, American citizens—who are in South Vietnam. It was for that purpose. The sanctuaries imperiled those citizens and that was his purpose for going in there.
>
> I may say that in the committee discussion I raised the question as to whether or not this language would permit the use of American forces to protect American lives in South Vietnam, as was done before. I shall be very glad to check on this, but, as I recall, the answer was that that would be a presidential power, that he would be exercising his own powers, and that this language did not prohibit that.
>
> The distinguished Senator from Idaho (Mr. Church), a few minutes ago, said something about the constitutional powers question still being unresolved. We all admit that. I would be very glad if the Senator from Idaho would say something on this.
>
> Mr. Church. I thank the Senator.
>
> Mr. President, the question of the distinguished chairman of the Committee on Armed Services goes to the heart of the debate that took place this spring and summer on the Cooper-Church amendment. Since we had much time—7 weeks—to explore the question, we discussed it at considerable length.
>
> In the course of the debate, it was recalled that in times past the President had invoked his constitutional authority as Commander in Chief to order rescue operations, to take precautionary action to protect American troops in the field threatened with an imminent enemy buildup that posed a serious danger to them, and that, within the framework of past precedent, there is an area of discretionary action open to the President as Commander in Chief.
>
> The exact definition of that power has never been attempted in the past. Congress has never undertaken to define it with precision. The best answer must rest upon the precedents.
>
> However, I would not want it to be thought that writing this language into the bill has little or no effect. Far to the contrary. No one has contended, based on the precedents, that the President can make general war or deploy an army in a foreign country on his authority as Commander in Chief.
>
> This language would clearly prevent the deployment, for an extended period of time, of a substantial number of American troops in Cambodia. If the President intended to do that, the money is not made available for that purpose, and it would be necessary for him to return to Congress and ask our consent. But it is true that, as Commander in Chief, within a limited area, the President has power to initiate action designed to protect American troops in the field.
>
> Mr. Stennis. If I may ask the Senator this question, with reference to the battle of the sanctuary, the areas that the President invaded this summer, to destroy ammunition, and so forth, would the Senator think that his language prohibits a repetition of that if the facts are similar and conditions are pressing?
>
> Mr. Church. If there were a particular concentration just over the border which constituted a serious, imminent threat, that could be suddenly struck and destroyed, that might fall within the President's powers as Commander in Chief. However, I could not say to the Senator that undertaking an extended invasion of Cambodia with a large American expeditionary force for six or eight weeks falls within the scope of his power under the Constitution as Commander in Chief.
>
> This whole question was fully explored in the course of the earlier debate.
>
> From a conversation I had with the President last evening, it is my understanding now that he no longer takes exception to the limiting language. He feels it conforms with his own policy in Cambodia. He says he has no intention of sending back troops. He no longer persists in objecting to language of this kind. I could not say, however, that this prohibition in the bill would not preclude an invasion of Cambodia on the scale that took place and for the length of time that occured last summer. I feel it would.
>
> Mr. Stennis. On that point right there, the Senator understands that no President, no Commander in Chief, no Army field commander, can tell how long it would take to carry out an objective. They go into the unknown. Also it takes time to prepare for such an attack on a sanctuary. So the President and his advisers might have to have 3 or 4 weeks, or even longer, to prepare. It is a deliberate act. It is not an extreme, rash act.
>
> So the Senator would not preclude, then, a bona fide effort, the planning of an attack, an invasion, technically, of the country to clear out and clean out a sanctuary that was an imminent threat to our men in South Vietnam?
>
> Mr. Church. I would say, in reply to the Senator that, in the first place, there would be nothing to preclude whatever any planning on any military mission. Yet on the basis of precedents, the President's power as

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Commander in Chief to undertake military action is strictly limited to actions restricted both in scope and time, and which are directly related to the need to protect American troops in the field.

Mr. STENNIS. While I am on that, the Senator does recognize that it takes time, and cannot always be foretold exactly?

Mr. CHURCH. Yes, I appreciate that there is no way to foretell precisely the length of an intervention.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield to the Senator from Vermont for an observation.

Mr. AIKEN. Mr. President, I do not think the Committee on Foreign Relations now takes a position much different than it took last spring. If an incursion is necessary for the safety of our men, there would be no objection, but an invasion, which, as stated by the Senator from Mississippi, would require a long time in preparation and probably a long time to carry out, would have to be reported back to the Senate before it was undertaken. The committee did make a sharp distinction between an incursion and an invasion.

Several Senators addressed the Chair.

Mr. GRAVEL. I yield to the Senator from Alabama.

Mr. SPARKMAN. May I say that I did not understand that the Senator from Mississippi was speaking of an invasion. The term "incursion" was used, I think, in referring to it. But I think it is the objective that is controlling—in other words, the protection of American lives.

Mr. STENNIS. The Senator is correct, and my question was based on the incursion or the thrust, rather than a large scale invasion.

Mr. SPARKMAN. To protect American lives.

Mr. STENNIS. Primarily to protect the lives of our soldiers, our military men. I did make the point that sometimes it took weeks even to plan an incursion and get ready for it.

Mr. SPARKMAN. I wish to say that there is nothing in here that intends to limit the President's constitutional powers to act in an emergency in order to protect American lives.

Mr. STENNIS. I appreciate the Senator's answer; and, if I may respond quite briefly to the Senator from Idaho, Mr. President, I do not think it is definitely known, according to the precedents of history or according to this debate, just what the extent of the President's powers as Commander in Chief is. I think it depends greatly on the circumstances. I do not want any hard law here that would create any cloud or any doubt in any President's mind as to what his responsibilities are. I want to leave him with the responsibilities as well as the powers. If we do not leave the powers and the responsibilities with him, then it is not his fault or he is not to blame, and we have no head of State to that extent.

Mr. SPARKMAN. There is no effort here to limit the President's emergency powers or his constitutional powers.

Mr. STENNIS. Yes. That is why I am so concerned about this. The point first came up, as far as written law is concerned, in the military procurement bill. The battle of the sanctuaries was on then, and we put language in there that was approved by this body, that he would not be restricted as long as it was tied to our men and their safety in the drawdown. The battle over that language is going on now in appropriation bills and elsewhere, as well as here.

Is seems to me that the colloquy has made it clear that this language does not take any of the responsibility nor the power away from the President of the United States to do what he thinks is reasonably necessary, within reasonable limitations of time, in destroying arsenals, armories, armies, or anything else that is in close proximity to our borders, which we have designated by the general term "sanctuaries," as in the past.

Mr. CHURCH. Mr. President, may I make one observation? Will the Senator yield for that purpose?

Mr. STENNIS. I yield.

Mr. CHURCH. It is perfectly true that it does not lie within the power of this body, even if we were to harbor an intention to do so, to curtail the constitutional powers of the President as Commander in Chief.

What we seek to do here is assert congressional powers over the spending of the public money. That is within our authority. It is clear, as far as my evidence indicates, that the President is now willing to acquiesce in a limitation of this kind imposed upon the funds made available in this bill and in other bills, vis-a-vis Cambodia.

It follows that if the President were later to decide that is in the national interest to repeat an extended, full scale military invasion of Cambodia, he would come back to Congress and ask our consent.

We are exercising our power. I recognize that it is not within our reach to undermine such constitutional powers as vest in the presidency in the role of Commander in Chief.

Mr. CHURCH. Mr. President, I want to make this record tonight because I believe this conference report represents the culmination of an attempt that has gone on now for more than a year to write a statutory limitation on the extension of American military involvement in the Indochina war. That effort began when the first Cooper-Church amendment was adopted by the Senate last December, written into law, denying funds for introducing American combat troops into Laos or Thailand.

That provision still stands as part of the law, being included once again in the pending bill.

The effort was renewed in May and June of this year, during the extended debate on the second Cooper-Church amendment, adopted at the end of June by the Senate, but then rejected by the House of Representatives. At that time, the administration was unwilling to accept any statutory limitation on the use of American combat troops in Cambodia.

Now we come to the climax of the struggle, in the closing days of this Congress. The administration's position has changed. The President now indicates a willingness to accept a statutory prohibition against the introduction of either American ground combat forces or advisers into Cambodia, and thus the principal goal of the Cooper-Church amendment of last May and June has been achieved.

I think it is a historic moment, Mr. President, because to my knowledge this is the first time in the history of the United States that Congress has undertaken to write limitations into the law applying to the deployment of American troops abroad in the course of an ongoing war.

Two years ago now, or nearly so, the Senate passed a commitments resolution, in which it undertook to commence a reassertion of the prerogatives of the Senate in the field of foreign policy—prerogatives that had eroded away with the constant expansion of executive power. Tonight I think we see the largest step yet taken in the restoration of the Senate's role under the Constitution to participate responsibly in limiting American involvement and commitments abroad. So I think, Mr. President, this is a very significant occasion for the Senate.

I express my deep appreciation to the distinguished Senator from Kentucky for the continuous and steadfast effort he has made through the many months of this debate. Without his help, this could not have been accomplished, as all of us know. With his help, it was evident from the start that ours was a bipartisan effort endorsed by the majority leader (Mr. MANSFIELD) and the dean of Senate Republicans (Mr. AIKEN), involving many Republicans as well as Democrats, and that its purpose was not to embarrass a Republican President, but rather to recover for the Senate its right, power, and authority in the field of foreign policy—an authority conferred upon it and vested in it by the Constitution of the United States, but one that had been permitted to erode, through the years, nearly to the point of extinction.

So I am happy to give my support to this conference report. I hope that the Senate will adopt it. I congratulate the conferees on the Senate side for their efforts to resolve what I know was a most difficult problem, and my compliments also go to the distinguished Senator from Mississippi (Mr. STENNIS), whose understanding of the problem and his love for this institution are quite beyond question.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I shall be brief. I wish to speak for a few minutes while the Senate conferees are in the Chamber, and while the distinguished chairman of the Committee on Foreign Relations remains here.

First, let me thank my colleague, the Senator from Idaho (Mr. CHURCH), for his very kind statement. It has been a great joy and opportunity for me to work with him for over a year. His abilities, courage and statesmanship stand out before the country. I am glad that at last the Congress of the United States and the administration have agreed that ground forces shall not be introduced into Cambodia without the consent of Congress, and I think that position is generally understood.

As to the language—the proviso—before the Senate, I would have preferred that all the language had been stricken, or a substitute for the second clause in the proviso had been written to provide that the constitutional power of the President as Commander in Chief shall not be limited with respect to the protection of our Armed Forces. But we must deal with this language before us.

I must be frank. I believe the proviso leaves a loophole so far as language is concerned. That possibility has been greatly reduced and may have been wholly reduced by the interpretation of the conferees. I believe the most important and significant interpretation by the conferees who have spoken is that this proviso shall be used only to insure the safe withdrawal of our troops. It is an interpretation which comes very close to, if not exactly in line with, the constitutional power of the President to protect the troops, which he has. Nevertheless the language is somewhat loose. It could be used by the executive—and I do not suggest that it will be used—for a much broader purpose than the protection of our troops, as they withdraw.

But I should like to say that when we have heard the statements of Senate conferees—and if I give an incorrect interpretation of the statements of the conferees, I hope they will object—when we have heard the statements of the conferees, including the distinguished chairman of the Senate conferees, Senator ELLENDER, and the interpretation of the chairman of the Committee on Armed Services, Senator STENNIS, in this body, as we do the word of all the conferees, the interpretation of the ranking Republican member, Senator MILTON YOUNG, and the Senator from Colorado (Mr. ALLOTT), a high ranking official in the Republican Party in the Senate, the agreement of the Senator from Kansas (Mr. DOLE), the important questions by the Senator from Arkansas (Mr. FULBRIGHT), the questions which the Senator from Idaho (Mr. CHURCH) and I have asked and the responses from the conferees I believe that the debate provides an interpretation, and a narrow one, to the language of the proviso.

It is a proviso which would permit the President to support the Vietnamese or other free world forces in assisting the United States in withdrawing its forces and for their protection. If I am wrong in that judgment, I hope I will be told so by the conferees.

I must say that it is upon this basis, and not upon the language—which is loose—it is upon the basis of interpretation by these conferees, honored men of the Senate, that I shall accept the judgment of the conferees and the Senate. Otherwise, I would oppose this report.

I would like to pay my respects to the Senate conferees, able and respected men, for their faithful work.

Mr. CHURCH. Mr. President, I would feel it remiss on my part if I did not pay special tribute tonight to the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT).

As this conference report now stands, there is no proviso modifying the statutory restriction against the use of American troops or advisers in Cambodia. Let that be perfectly clear. The proviso on which so much of the discussion has centered relates to an amendment first offered by the distinguished Senator from Arkansas (Mr. FULBRIGHT) and has to do with the use of money in the bill for the purpose of paying foreign troops—South Vietnamese, Thai, Laotian—who may be engaged in combat activity in Cambodia and Laos.

I would have preferred that the original Fulbright amendment might have been accepted without any qualification, and I join with the expression that has just been made by the Senator from Kentucky in that regard. But in view of the interpretation laid upon the qualification, the very restrictive scope given it, I think that I can support the conference report when it is brought before the Senate later this evening.

I should like to conclude, Mr. President, by saying that this prolonged effort to restore to the Senate its intended constitutional role in foreign affairs would never have occurred but for the leadership of the Senator from Arkansas (Mr. FULBRIGHT). It was he who first brought the Committee on Foreign Relations out from behind closed doors. It was he who held the series of public hearings which educated the Nation on the nature of this war and demonstrated that outstanding American citizens of unquestioned patriotism had cause to oppose the war for reasons that they felt were intimately related to the best interests of this country.

It was he who brought the commitments resolution to the floor of the Senate and secured its passage here. Throughout the whole period, it has been the Senator from Arkansas who has sought, more than any other Member in this Chamber, to restore to the Senate its rightful place in fashioning the foreign policy of the United States.

So I want to pay tribute to him tonight, as we reach what I think is a very historic milestone in that lengthy and legitimate effort. Without his leadership, it could not have happened.

(This marks the end of the colloquy which occurred earlier in the day and which, by unanimous consent, was ordered to be printed in the RECORD at this point.)

Mr. JAVITS. Mr. President, I am sure that by now we all understand each other as to the reasons for the concerns in the Senate. If it had not been for the bad experience we had resulting from our voting for the Gulf of Tonkin resolution, without looking closely enough at its wording, I do not think we would be now looking so hard into the meaning of these words. But we had a President—and I do not in any way denigrate that President, because he was our President and he was within his prerogatives to do what he did—who carried around a faded copy of this document in his pocket, for years after its validity had probably passed. At least that was the apocryphal story. I do not think anyone can blame any of us for worrying and for taking every conceivable precaution to see that we are not embarrassed in the same way again.

I listened to the Senator from Louisiana very closely. The Senator very properly has defined and spelled out more clearly what we are contemplating in this much disputed proviso respecting what we are willing to fund with respect to the actions of Vietnamese or other free world forces in actions covered by the proviso.

The Senator has very carefully put that understanding on the same ground that the Senator from Mississippi (Mr. STENNIS) put it, which I thought was classic, in a rather famous exchange with Senator CHURCH on December 15. The Senator from Mississippi (Mr. STENNIS) said:

> It seems to me that the colloquy has made it clear that this language does not take any of the responsibility nor the power away from the President of the United States to do what he thinks is reasonably necessary, within reasonable limitations of time, in destroying arsenals, armories, armies, or anything else that is in close proximity to our borders, which we have designated by the general term "sanctuaries," as in the past.

Someone might later claim that this proviso would support funding the Vietnamese troops in an invasion or ground interdiction of the Ho Chi Minh Trail in Laos. That would be quite an operation. There have been press rumors that such plans are contemplated by some people. Theoretically as a lawyer I could claim support for such a far out undertaking under these words if it were not for the colloquy we have had here on these understandings. I do think that the Senator from Louisiana and this colloquy have now made it crystal clear that such a thing would not come at all within our understanding and intent. We understand that what is referred to is really conditioned by the parameters established by Senator STENNIS, the fact that it is apportioned to need, that a sanctuary action is reasonably necessary, and that it is apportioned to a limited period of time. Senator STENNIS used the words "reasonable limitations of time." We are talking about relatively short periods of time; and we are talking about close proximity to where our troops are deployed in South Vietnam. It relates to actions having direct relationship to the safeguarding of our own troops.

Mr. President, we have had unsatisfactory experience with the results of trying to control the executive in war actions by power of the purse.

As a Senator, I will vote for this conference report because to do otherwise would I believe really tax the American system, and tax it in a way which I cannot conceive of its being strained, when the men who are the conferees and are the heads of responsible committees, and those Members who have the deepest concerns and who are in agreement with each other as to the true meaning and the true purpose we have in mind. I would therefore consider my affirmative vote to be a change of position which, in my judgment, would lock in our reliance upon these understandings established in colloquy because of any question about our colleagues here in the Senate.

I assure this to the Senator from Louisiana and the Senator from Mississippi, for I think any Member of the Senate would stake his life on their honor. But we do need them when there may be a temptation by officials outside this chamber to seek authority which we know does not exist but which someone may try to find. When one tries to do something, he will always try to find a lawyer to tell him how he can do it and not what cannot be done.

I am going to vote for the conference report on the basis of the understandings and agreements we have put together in debate. It is a change of position for me and others, in placing reliance upon that basis. I cannot conceive and I hope it would never happen in our country that any executive or executive agent, cabinet officer, or others would seek to do other than the clear intention we express in this appropriation which is so big it "boggles" the imagination.

Mr. STENNIS. Mr. President, I will be brief.

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I wish to express my great satisfaction in the way this matter has turned out. This bill and its prodecessors have been before the Senate and our committees for 12 months. I think this is a final solution that resolves the consensus of opinion. I am happy that those on the other side, if I may use that term, see a foundation for coming together.

I want to make clear, though, that we must leave that authority with the President to act in the circumstances as outlined by the Senator from New York with reference to Vietnamization, the protection of our troops, or the invasion, reinvasion, or incursion, whatever the Senator might call it, of Cambodia, if reasonably necessary to carry out the protection and the drawdown, which has many problems.

I do not predict by any means that those problems are over. I am also interested in keeping the responsibilities in the President. I have warned on this all the time. Let us give him the authority and keep the responsibility on him. He is the Commander in Chief and the chosen man in our process of election. I want to be sure he has that authority and I believe he does under this bill. I want to be certain he has the responsibility. Certainly, we do not have it; no one else in the Government has it. He has to carry that responsibility along with the authority.

I think we owe a debt of gratitude to the Senator from Louisiana and the Senator from North Dakota. They took the lead in this matter and they worked on this in an honest and sincere conference, and I think we are in safe hands.

I believe the President, when he has analyzed this, will be satisfied.

I want to add one more point. The Senator from North Dakota talked about the reductions in the budget, and these are sizable reductions; but I am certain in my mind we have not cut any of the bone or muscle out of the necessary preparedness or necessary military program for fiscal year 1971.

I express great joy as a Senator that we are going to get this bill passed during this calendar year rather than to have to carry it over into another Congress and proceed without a continuing resolution, which is a bad habit we have gotten into.

I hope that next year, before the fiscal year is over a month old, maybe we can have this bill in final form and get back to the fiscal year and have things more orderly and better understood.

Mr. JAVITS. Mr. President, will the Senator yield to me for one brief observation?

Mr. STENNIS. I yield.

Mr. JAVITS. First, I see no inconsistency whatever in anything the Senator said. I think the faith I expressed is completely compatible with responsibility in the President. Second, and a very important point to me and other colleagues, I do not think people like me exclude any operation, even invasion of the Ho Chi Minh Trail. All we say is, "Mr. President, if that is where you want to go, come to us and let us bear our constitutional right and responsibility, as well." It is important we make clear we exclude nothing. The only difference is we say we do not feel the President can do such things on his own. That is an important distinction.

Mr. STENNIS. I thank the Senator.

Mr. CHURCH. Mr. President, I previously mentioned in earlier colloquy that is included in the RECORD that I think this is a very important occasion for the Senate. This is a very large bill also in terms of the money involved.

Therefore, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I wish to point out that our colleague, the distinguished Senator from Georgia (Mr. RUSSELL), formerly chairman of the Committee on Armed Services and now the chairman of the Subcommittee on Appropriations, is absent. Since this report, I have not had a chance to communicate with him, but I know he approves what is being done here tonight. He has played such a major part and has been such a guiding hand in years past. Even this year his hand is in the authorization bill. We appreciate what he has done.

Mr. HOLLAND. Mr. President, I wish to ask one question of the Senator from Louisiana. Am I correct in my understanding that the bill about to be agreed to is now under the budget for the military department?

Mr. ELLENDER. Yes, by $2,149,729,000.

Mr. HOLLAND. I warmly commend the distinguished Senator and his associates.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Illinois (Mr. STEVENSON), the Senator from Georgia (Mr. TALMADGE), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK) and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Texas (Mr. TOWER), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Colorado (Mr. ALLOTT) is detained on official business.

If present and voting, the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Texas would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 70, nays 2, as follows:

[No. 457 Leg.]

YEAS—70

Aiken
Allen
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Ellender
Ervin
Fannin
Gravel
Griffin
Gurney
Hansen
Harris
Hartke
Holland
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Murphy
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Thurmond
Williams, N.J.
Yarborough
Young, N. Dak.

NAYS—2

Goodell
Gore

NOT VOTING—28

Allott
Anderson
Burdick
Dodd
Dominick
Eagleton
Eastland
Fong
Fulbright
Goldwater
Hart
Hatfield
Hollings
Inouye
McCarthy
McGovern
Montoya
Moss
Mundt
Nelson
Ribicoff
Russell
Stevenson
Talmadge
Tower
Tydings
Williams, Del.
Young, Ohio

So the conference report was agreed to.

The PRESIDING OFFICER. The amendments in disagreement will be stated.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 14 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: $2,908,500,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: $3,219,300,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: $1,338,700,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 49 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted, insert:

"SEC. 836. Upon determination by the Secretary of Defense that such action is neces-

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sary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $600,000,000 of the appropriations contained in this Act between such appropriations, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: Provided, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 53 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted, insert:

"SEC. 842. (a) Appropriations heretofore made available for Procurement of Equipment and Missiles, Army; Procurement of Aircraft and Missiles, Navy; Other Procurement, Navy; Procurement, Marine Corps; Aircraft Procurement, Air Force; Missile Procurement, Air Force; Other Procurement, Air Force; Procurement, Defense Agencies; and Special Foreign Currency Program shall not be available for obligation after June 30, 1973. Appropriations heretofore made available for Shipbuilding and Conversion, Navy, shall not be available for obligation after June 30, 1975. Appropriations heretofore made available under the headings Research, Development, Test, and Evaluation, Army; Research, Development, Test, and Evaluation, Navy; Research, Development, Test, and Evaluation, Air Force; and Research, Development, Test, and Evaluation, Defense Agencies shall not be available for obligation after June 30, 1972. Each such appropriation shall be merged with and shall be available for the same time period as appropriations made in this Act under the same head.

"(b) Section 642 of the Department of Defense Appropriation Act, 1970 (Public Law 91-171, approved December 29, 1969), in hereby repealed."

Mr. ELLENDER. Mr. President, I move that the Senate concur in the amendments of the House to Senate amendments numbered 14, 26, 31, 49, and 53.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have included in the RECORD at this point a tabulation giving the 1970 appropriation, budget estimate, House allowance, Senate allowance, and conference allowance on each appropriation included in the bill.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE APPROPRIATION BILL, FISCAL YEAR 1971 (H.R. 91-19590)

						Increase (+) or decrease (−) conference agreement compared with—			
Item	1970 appropriation	Fiscal year 1971 budget estimate	House allowance	Senate allowance	Conference agreement	1970 appropriation	Fiscal year 1971 budget estimate	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Title I—Military personnel.									
Military personnel:									
Army	$8,875,391,000	$7,923,700,000	$7,822,450,000	$7,861,750,000	$7,842,450,000	−$1,032,941,000	−$81,250,000	+$20,000,000	−$19,300,000
Navy	4,858,531,000	4,402,300,000	4,360,100,000	4,377,100,000	4,368,600,000	−489,931,000	−33,700,000	+8,500,000	−8,500,000
Marine Corps	1,649,952,000	1,494,200,000	1,422,700,000	1,430,600,000	1,426,700,000	−223,252,000	−67,500,000	+4,000,000	−3,900,000
Air Force	6,498,189,000	6,096,000,000	5,973,350,000	6,002,425,000	5,988,350,000	−509,839,000	−107,650,000	+15,000,000	−14,075,000
Reserve personnel:									
Army	338,725,000	336,500,000	334,750,000	334,750,000	334,750,000	−3,975,000	−1,750,000		
Navy	141,935,000	144,200,000	142,100,000	142,100,000	142,100,000	+165,000	−2,100,000		
Marine Corps	49,000,000	54,100,000	52,050,000	52,050,000	52,050,000	+3,050,000	−2,050,000		
Air Force	82,092,922	86,200,000	86,200,000	84,200,000	85,200,000	+3,107,078	−1,000,000	−1,000,000	+1,000,000
National Guard personnel:									
Army	403,403,895	387,100,000	387,100,000	387,100,000	387,100,000	−16,303,895			
Air Force	110,694,676	108,500,000	108,500,000	106,500,000	107,500,000	−3,194,676	−1,000,000	−1,000,000	+1,000,000
Total	23,007,914,493	21,032,800,000	20,689,300,000	20,778,575,000	20,734,800,000	−2,273,114,493	−298,000,000	+45,500,000	−43,775,000
Title II—Retired military personnel: Retired pay defense	2,859,000,000	3,194,000,000	3,194,000,000	3,194,000,000	3,194,000,000	+335,000,000			
Title III—Operation and maintenance:									
Operation and maintenance:									
Army	7,467,751,079	6,332,000,000	6,269,011,000	6,228,687,000	6,268,687,000	−1,199,064,079	−63,313,000	−324,000	+40,000,000
Navy	5,242,824,000	4,804,000,000	4,731,910,000	4,685,410,000	4,729,410,000	−513,414,000	−74,590,000	−2,500 000	+44,000,000
Marine Corps	428,458,120	356,600,000	399,943,000	402,743,000	402,743,000	−25,715,120	+46,143,000	+2,800,000	
Air Force	6,530,100,000	6,176,500,000	6,167,136,000	6,093,236,000	6,157,136,000	−372,964,000	−19,364,000	−10,000,000	+63,900,000
Defense agencies	1,160,866,907	1,162,100,000	1,125,750,000	1,125,750,000	1,125,750,000	−35,116,907	−36,350,000		
Army National Guard	315,003,601	287,400,000	287,400,000	287,400,000	287,400,000	−27,603,601			
Air National Guard	345,201,780	343,600,000	337,600,000	343,600,000	343,600,000	−1,601,780		+6,000,000	
National Board for the Promotion of Rifle Practice, Army	54,008	65,000	100,000	65,000	100,000	+45,992	+35,000		+35,000
Claims, Defense	39,000,000	39,000,000	39,000,000	39,000,000	39,000,000				
Contingencies, Defense	5,000,000	10,000,000	5,000,000	5,000,000	5,000,000		−5,000,000		
Court of Military Appeals	736,000	780,000	780,000	780,000	780,000	+44,000			
Total	21,534,995,495	19,512,045,000	19,363,630,000	19,211,671,000	19,359,606,000	−2,175,389,495	−152,439,000	−4,024,000	+147,935,000
Title IV—Procurement:									
Procurement of equipment and missiles, Army	4,259,329,911	[1] 3,226,000,000	2,933,100,000	2,930,000,000	2,908,500,000	−1,350,829,911	−317,500,000	−24,600,000	−21,500,000
Procurement of aircraft and missiles, Navy	2,621,705,547	[2] 3,427,700,000	3,005,800,000	3,127,900,000	3,017,900,000	+396,194,453	−409,800,000	+12,100,000	−110,000,000
Shipbuilding and conversion, Navy	2,495,899,014	[3] 2,578,900,000	2,694,400,000	2,276,900,000	2,465,400,000	−30,499,014	−113,500,000	−229,000,000	+188,500,000
Other procurement, Navy	1,488,890,990	[4] 1,541,400,000	1,443,400,000	1,487,300,000	1,487,300,000	−1,590,990	−54,100,000	+43,900,000	
Procurement, Marine Corps	500,848,000	[5] 200,000,000	171,700,000	175,900,000	175,900,000	−324,948,000	−24,100,000	+4,200,000	
Aircraft procurement, Air Force	3,405,800,000	[6] 3,314,900,000	3,203,000,000	3,201,300,000	3,219,300,000	−186,500,000	−95,600,000	+16,300,000	+18,000,000
Missile procurement, Air Force	1,448,100,000	[7] 1,530,600,000	1,372,300,000	1,380,400,000	1,377,200,000	−70,900,000	−153,400,000	+4,900,000	−3,200,000
Other procurement, Air Force	1,576,200,000	[8] 1,489,600,000	1,381,200,000	1,345,100,000	1,338,700,000	−237,500,000	−150,900,000	−42,500,000	−6,400,000
Procurement, Defense agencies	61,600,000	49,500,000	38,910,000	45,310,000	38,910,000	−22,690,000	−10,590,000		−6,400,000
Total	17,858,373,462	17,358,600,000	16,243,810,000	+15,970,110,000	16,029,110,000	−1,829,263,462	−1,329,490,000	−214,700,000	+59,000,000
Title V—Research, development, test, and evaluation:									
Research, development, test, and evaluation:									
Army	1,608,282,908	[9] 1,717,900,000	1,608,500,000	1,589,700,000	1,600,200,000	−8,082,908	−117,700,000	−8,300,000	+10,500,000
Navy	2,203,660,000	[10] 2,197,300,000	2,156,200,000	2,130,500,000	2,137,900,000	−65,760,000	−59,400,000	−18,300,000	+7,400,000
Air Force	3,069,053,300	[11] 2,909,700,000	2,701,100,000	2,744,800,000	2,744,100,000	−324,953,300	−165,600,000	+43,000,000	−700,000
Defense agencies	450,752,486	[12] 470,700,000	438,900,000	445,100,000	443,600,000	−7,152,486	−27,100,000	+4,700,000	−1,500,000
Emergency fund, Defense	75,000,000	50,000,000	50,000,000	50,000,000	50,000,000	−25,000,000			
Total	7,406,748,694	7,345,600,000	6,954,700,000	6,960,100,000	6,975,800,000	−430,948,694	−369,800,000	+21,100,000	+15,700,000

Footnotes at end of table.

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DEPARTMENT OF DEFENSE APPROPRIATION BILL, FISCAL YEAR 1971 (H.R. 91-19590)—Continued

Item	1970 appropriation	Fiscal year 1971 budget estimate	House allowance	Senate allowance	Conference agreement	Increase (+) or decrease (−) conference agreement compared with—			
						1970 appropriation	Fiscal year 1971 budget estimate	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Title VI—Combat readiness, South Vietnam forces, Defense		$300, 000, 000	$358, 500, 000	$300, 000, 000	$300, 000, 000	$300, 000, 000		$58, 500, 000	
Title VII—Special foreign currency program		2, 621, 000	2, 621, 000	2, 621, 000	2, 621, 000	+2, 621, 000			
Total, Department of Defense appropriation bill	72, 667, 032, 144	68, 745, 666, 000	66, 806, 561, 000	66, 417, 077, 000	66, 595, 937, 000	−6, 071, 095, 144	−2, 149, 729, 000	−210, 624, 000	+178, 860, 000

[1] Procurement of equipment and missiles, Army, $25,000,000.
[2] Procurement of aircraft and missiles, Navy, $43,000,000.
[3] Shipbuilding and conversion, Navy, $150,000,000.
[4] Other procurement, Navy, $18,000,000.
[5] Procurement, Marine Corps, $8,000,000.
[6] Aircraft procurement, Air Force, $59,400,000.
[7] Missile procurement, Air Force, $14,000,000.
[8] Other procurement, Air Force, $14,000,000.
[9] Research, development, test, and evaluation, Army, $18,000,000.
[10] Research, development, test, and evaluation, Navy, $15,000,000.
[11] Research, development, test, and evaluation, Air Force, $18,000,000.
[12] Research, development, test, and evaluation, Defense agencies, $5,000,000.

Note.—Does not include the following amounts that were proposed for rescission (prior year balances) but were included in budget estimate to fund fiscal year 1971 programs.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. YOUNG of North Dakota. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SURVIVOR ANNUITIES OF CIVIL SERVICE RETIREES—STATEMENT OF POSITION ON VOTE

Mr. YARBOROUGH. Mr. President, I desire the RECORD to show that had I been present and voting at the time of the Senate's consideration of S. 437, containing an increase for the retirement benefits of former Presidents of the United States, I would have voted "yea." At that time I was attending another meeting and was called by telephone and told that voting was in progress. I arrived 2 minutes after the vote was over. I have a statement in connection with that measure and I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR YARBOROUGH ON S. 437—SURVIVOR ANNUITIES OF CIVIL SERVICE RETIREES

Mr. President, the bill we are considering today contains a provision for increasing the retirement benefits of former Presidents of the United States which in my opinion is long overdue. Prior to 1958, this country provided no retirement benefits whatsoever for the men who had led our nation by serving in the highest elected office. In 1958, we wisely passed the first presidential retirement bill which provided each former President with a pension of $25,000 a year and also provided a $10,000 a year for the widows of former Presidents. The presidential retirement pension was based on the principal that a former President should receive a pension equal to the salary paid to a Cabinet officer. In 1958, Cabinet officers were authorized a salary of $25,000 a year.

The purpose of the presidential pension was to assist our former Presidents in conducting the many public duties which are imposed on them as a result of having served our nation. Regardless of the fact that a former President may no longer be in the White House, the responsibilities to this nation do not end. On the contrary, he becomes a servant of the public for the rest of his life and is expected to fulfill many duties, most of which are performed without compensation.

Since we as a people impose such heavy burdens on our Presidents, it is only fair and reasonable that we furnish them with the means necessary to accomplish these tasks. The pension for former Presidents has not been raised since 1958 despite the fact that the salary of Cabinet officers has increased to $60,000 a year and presidential staff assistants can now earn up to $42,500 a year. In face of the rising cost of living during the last 12 years, it is time that we increase these pensions of Presidents to at least the same level as salaries of active Cabinet officers.

This bill will accomplish this purpose by authorizing a pension for former Presidents of $60,000 a year and also providing an increase in the pension for widows of former Presidents based on the same formula as is presently used to calculate the pension for widows of all civil servants. The costs of these increases are quite small and the justifications for them are many. Therefore, I urge all my colleagues to give unanimous approval to this bill, and by so doing show our former Presidents that we are grateful for their great sacrifice for the good of this country.

TRIBUTE TO SENATOR GORE

Mr. BAKER. Mr. President, as the 91st Congress draws to a close, I want to take this brief opportunity to pay sincere tribute to my distinguished senior colleague from Tennessee (Mr. GORE).

Like all Members of this body, ALBERT and I are strong believers in adversary politics and in a strong, competitive, two-party system. In keeping with that belief, he and I have often been at odds, both within our State and within the national legislature. Often our philosophical and political judgments have differed significantly and, not infrequently, our views of what our mutual constituency desired have been divergent.

However, this competition has been amicable at all times. I have always maintained a high and effortless respect for the competence, diligence, forthrightness, honesty, and integrity of my colleague. I value highly my friendship with Senator GORE and look forward to enjoying it for many years to come.

ALBERT and his lovely, talented wife Pauline have been a great asset to my State and to our Nation. I wish them the best of luck and continued happiness.

The PRESIDING OFFICER. What is the will of the Senate?

ALLOCATION OF TIME FOR TRIBUTES TO SENATOR GOODELL

Mr. KENNEDY. Mr. President, as I understand, there has been time allocated to the distinguished Senator from New York (Mr. GOODELL) on Thursday morning, a period of some 20 minutes; am I correct in that understanding?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I ask unanimous consent that there be an additional 40 minutes allocated so that there will be an opportunity for Senators to pay tribute to the distinguished Senator from New York, the time to be controlled by the senior Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. So that, in all, there would be 20 minutes allocated to the distinguished junior Senator from New York, and in addition a total of 40 minutes for tributes, the time to be controlled by the senior Senator from New York.

The PRESIDING OFFICER. A total of 1 hour.

SENATOR STEVENS—CERTIFICATE OF ELECTION

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following certificate of election:

CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States:

This is to certify that on the 3rd day of November, 1970, Theodore (Ted) F. Stevens was duly chosen by the qualified electors of the State of Alaska a Senator for the unexpired term ending at noon on the 3rd day of January, 1972, to fill the vacancy in the representation from said State in the Senate of the United States caused by the death of E. L. (Bob) Bartlett.

Witness: His excellency our governor, and our seal hereto affixed at Juneau this 4th

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day of December, in the year of our Lord 1970.

By the governor:

KEITH H. MILLER,
Governor.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT OF NATIONAL FOREST RESERVATION COMMISSION

A letter from the Secretary of the Army, President, National Forest Reservation Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year ending June 30, 1970 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON ACTIVITIES OF THE UNITED STATES TRAVEL SERVICE

A letter from the Secretary of Commerce, transmitting pursuant to law, a report on the activities of the U.S. Travel Service, for the calendar year 1969 (with an accompanying report); to the Committee on Commerce.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Effectiveness of Revised Procedures, Implementing the Truth-in-Negotiations Act, Department of Defense, dated December 29, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Improvements Needed in Evaluating Design Requirements for Construction and Modernization of Veterans' Administration Hospitals, dated December 29, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT ON STATUS OF THE COLORADO RIVER STORAGE PROJECT AND PARTICIPATING PROJECTS

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the status of the Colorado River storage project and participating projects, for the fiscal year 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PETITION

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the petition of Martin S. Malinou, to void the September 15, 1970, Democratic Party primary nomination and November 3, 1970, election of U.S. Senator in the State of Rhode Island, which was referred to the Committee on Rules and Administration.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPONG, from the Committee on the District of Columbia, with amendments:

H.R. 9551. An act to amend the act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police force, and the White House Police force to participate in the Metropolitan Police Department Band, and for other purposes (Rept. No. 91-1519).

REPORT ENTITLED "OLDER AMERICANS AND TRANSPORTATION: A CRISIS IN MOBILITY"—REPORT OF SPECIAL COMMITTEE ON AGING (S. REPT. NO. 91-1520)

Mr. WILLIAMS of New Jersey. Mr. President, I submit a report from the Senate Special Committee on Aging entitled "Older Americans and Transportation: A Crisis in Mobility."

The PRESIDING OFFICER (Mr. FANNIN). The report will be received and printed.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of nominations was submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Frank S. Besson, Jr., of Virginia; Arthur D. Lewis, of Connecticut; David E. Bradshaw, of Illinois; Charles Luna, of Ohio; John J. Gilhooley, of New York; Catherine May, of Washington; David Walbridge Kendall, of Michigan; and John P. Olsson, of Connecticut, to be incorporators of the National Railroad Passenger Corporation.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD:

S. 4604. A bill to amend the Gun Control Act of 1968 to provide for certain exceptions for persons who test firearms; to the Committee on the Judiciary.

(The remarks of Mr. MANSFIELD when he introduced the bill appear below under the appropriate heading.)

By Mr. SCHWEIKER:

S. 4605. A bill for the relief of Fritz Bernt Johannesen and Grethe Johannesen; to the Committee on the Judiciary.

S. 4604—INTRODUCTION OF A BILL TO PROVIDE FOR CERTAIN EXCEPTIONS FOR PERSONS WHO TEST FIREARMS

THE "OUTDOOR WRITER" AND THE GUN CRIME ACT OF 1968

Mr. MANSFIELD. Mr. President, I introduce a bill and ask for its appropriate reference. This bill would, in my judgment, correct a serious inequity that has arisen with respect to the gun crime law of 1968. It is really of a technical nature and would permit bona fide writers for sporting journals and magazines to be exempt from the transportation provisions of the gun law—the provisions that cover the shipment of firearms.

The Secretary of the Treasury would be authorized to issue regulations that would carefully limit this exception. This group of professionals seek firearms to test them and then to reduce to writing their impressions of the weapon's technical performance for publication in sporting magazines or journals. That is all. The Secretary of the Treasury is empowered to issue regulations requiring that the individual establish that he is a bona fide member of this category, that he is legitimately employed in this occupation or profession, that his interest in obtaining a weapon is based solely upon a twofold professional objective: The testing of the firearm and the writing of the results for publication. The Secretary would make certain as well that the disposition of any such firearm is carefully controlled.

I should point out that just as a particular hardship exists for legitimate collectors, certain Army personnel and others under the gun law for which special consideration was provided, so, too, has an unjust burden been placed upon the special category of professionals known as the outdoor writer for which consideration should be given. In large part, his livelihood is dependent greatly upon his ready access to weapons and it is for this reason that I seek here to modify the law. I understand that only about 500 to 1,000 such persons exist in this category all across the land.

In this regard, the plight of the outdoor writer was brought to my attention by Mr. Norman Strung, a member of the Outdoor Writers Association. I think his case, and the case of all those who share his particular professional endeavor, was stated clearly and convincingly in his letter to me of September 14, 1970. I quote from that letter:

> I don't want to compete with local gun dealers who have to make a living through sales, and who have a great deal of overhead tied up in their places of business. In other words, I think I have a perfectly legitimate reason to have a firearms permit, yet that permit was denied me. As a result, my job as an outdoor writer is just a little tougher, and will prove a lot more expensive. That sir, seems to be unfair and inequitable "gun control" . . . hardly in the interest of public safety, and detrimental to my legitimate business and the gun-owning public.

Mr. President, I agree with that statement. I hope to correct this inequity with this bill and when the new Congress convenes next month I shall again introduce it and press for its passage.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 4604) to amend the Gun Control Act of 1968 to provide for certain exceptions for persons who test firearms, introduced by Mr. MANSFIELD, was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE RESOLUTION 499—SUBMISSION OF A RESOLUTION RELATING TO THE COMPENSATION OF CERTAIN SENATE EMPLOYEES

Mr. MANSFIELD (for himself and Mr. SCOTT) submitted a resolution (S. Res. 499) relating to the compensation of certain Senate employees, which was considered and agreed to.

(The remarks of Mr. MANSFIELD when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 500—SUBMISSION OF A RESOLUTION RELATIVE TO THE DEATH OF REPRESENTATIVE L. MENDEL RIVERS, OF SOUTH CAROLINA

Mr. THURMOND (for himself and Mr. HOLLINGS) submitted a resolution (S. Res. 500) relative to the death of Representative L. MENDEL RIVERS, of

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South Carolina, which was considered and agreed to.

(The remarks of Mr. Thurmond when he submitted the resolution appear later in the Record under the appropriate heading.)

SENATE RESOLUTION 501—SUBMISSION OF A RESOLUTION CONCERNING THE CONTINUED INJUSTICES SUFFERED BY JEWISH CITIZENS OF THE SOVIET UNION

Mr. DOLE (for himself, Mr. Mathias, Mr. Bellmon, Mr. Fannin, Mr. Schweiker, Mr. Saxbe, Mr. Baker, Mr. Boggs, Mr. Allott, Mr. Brooke, Mr. Case, Mr. Goodell, Mr. Hansen, Mr. Gurney, Mr. Cook, Mr. Javits, Mr. Percy, Mr. Scott, Mr. Pearson, Mr. Miller, Mr. Packwood, Mr. Murphy, Mr. Stevens, Mr. Ribicoff, Mr. Proxmire, Mr. Bayh, Mr. Symington, Mr. McGovern, Mr. Hart, Mr. Church, Mr. McGee, Mr. Jackson, Mr. Magnuson, Mr. Griffin, Mr. Mondale, Mr. Hartke, Mr. Kennedy, Mr. Cranston, Mr. Thurmond, and Mr. Muskie) submitted a resolution (S. Res. 501) concerning the continued injustices suffered by Jewish citizens of the Soviet Union, which was considered and agreed to.

(The remarks of Mr. Dole when he submitted the resolution appear earlier in the Record under the appropriate heading.)

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 463

Mr. McCLELLAN. Mr. President, on September 16, 1970, I introduced Senate Resolution 463 urging the adoption of a national policy to reduce and to avoid many of the social and economic problems resulting from the excessive concentration of industry and population in our metropolitan areas. The proposed resolution calls upon the administration to give preference to those areas of our country which have a low concentration of population and industry in first, awarding Federal contracts for the purchase of equipment, goods, or services for use by any agency or department of the Federal Government; second, locating new or additional facilities of any agency or department of the Federal Government; and third, in administering or implementing new and existing Federal programs, particularly the multibillion-dollar Federal grant-in-aid programs.

I ask unanimous consent that two more Senators be added as cosponsors of Senate Resolution 463: Senator Hollings and Senator Randolph. That brings the total number of cosponsors to 38.

Mr. President, the list of cosponsors is almost evenly divided between the two parties, and I am indeed pleased and encouraged by the bipartisanship support of my colleagues. I have been equally encouraged by the pledged support of the White House and other officials of the administration.

I regret, however, that due to pressures of time, we have not been able to pursue this matter to the fullest extent. It is my intention to reintroduce this measure as early as possible in the 92d Congress and to hold hearings as soon thereafter as practicable. I sincerely hope that the measure will again receive the interest and support of the Senators who have cosponsored the resolution this year.

Mr. President, we have a national commitment to achieving a high standard of living for our people, decent housing, adequate food, good health, educational opportunities—and improving the quality of our environment. We must seek to provide these things for all the people—urban and rural. By encouraging new industries to locate in our sparsely populated rural regions, and existing industries to look to these areas when expanding, we could enhance and enrich the lives of all Americans wherever they are located. A policy of bringing jobs to the people in the countryside would act as a deterrent to those who might otherwise feel compelled to migrate to metropolitan areas in search of employment.

It is time to halt and reverse the present population trends, and give our urban areas—especially our decaying intercities—an opportunity to concentrate on restoration, while we revitalize our rural areas and develop their vast potential. The passage and implementation of my resolution will, I believe, contribute much to the realization of these objectives.

The PRESIDING OFFICER (Mr. Case). Without objection, the names of the Senators will be added as cosponsors of the resolution.

EMERGENCY SCHOOL AID ACT OF 1970—AMENDMENTS

AMENDMENT NO. 1182

Mr. ERVIN submitted amendments, intended to be proposed by him, to the bill (H.R. 19446) to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes, which were ordered to lie on the table and to be printed.

TRIBUTE TO SENATOR TYDINGS

Mr. RANDOLPH. Mr. President, my years in the Senate, as a colleague with the Members of this body, has been enriched by the friendships here on the Hill.

Joe Tydings leaves this forum, and he does so with the affection of his fellows. I have valued the friendship of Joe. He has often visited the contiguous State of West Virginia—being with me on college campuses at Davis and Elkins and Salem. I have been with him in Maryland. A river, the Potomac, has separated our States, but there has always been a oneness between Joe and myself. He is a man of character—a really great legislator. His future will be a good one—because he will make it so. Good fortune, Joe.

ADDITIONAL STATEMENTS OF SENATORS

THE BATTLE IN VIETNAM KNOWN AS HAMBURGER HILL

Mr. THURMOND. Mr. President, the Members of the Senate will recall the battle in Vietnam referred to as Hamburger Hill which occurred in the Ashau Valley in May 1969. It was mentioned in these Chambers recently by a distinguished Member of the Senate.

Little has been said on the Senate floor regarding the facts of this battle. Because of my interest in this matter, I have made a review of that battle, and I believe it is appropriate to provide a factual account from the official records of the Department of the Army.

As a matter of background, the Ashau Valley has traditionally been used as a major infiltration route into South Vietnam by the North Vietnamese. It is from the Ashau Valley that the enemy has supported and launched most of his operations in the northern provinces of South Vietnam, particularly those operations aimed at the population centers of Hue and Da Nang. It was from here that the North Vietnamese Army launched their major offensive against Hue during Tet 1968 when such terrible damage was done to the city and an untold number of innocent civilians were murdered.

Intelligence gained during the spring of 1969 indicated that the NVA was again building up his forces and supplies in the Ashau Valley and in his safe sanctuaries just across the Laotian border from the Ashau. While the enemy could have done relatively little damage had he remained there, the indications were clear that his intentions were to move against Hue and the populated areas of Thua Thien Province, most of which had been completely resettled and was considered pacified. As early as March, the 101st Airborne Division engaged an NVA battalion already establishing positions about half-way between the Ashau Valley and Hue. A prisoner captured during that action indicated that his regiment had the mission of continuing to move to the east on Hue. To permit the NVA to launch any sort of operation, regardless of how small, would have resulted in a significant setback to the overall pacification effort in Thua Thien Province.

Accordingly, XXIV Corps initiated operations in the Ashau Valley to find and destroy the enemy forces before they developed the capability to launch an attack on the populated area. Allied forces participating in the Corps-directed operation, Apache Snow by name, included elements of the 101st Airborne Division and the 1st ARVN Division, who were assigned primary responsibility for finding and destroying the enemy in the Ashau Valley, with the 3d Marine Division operating farther to the north to block enemy efforts to withdraw from or reinforce into the northern Ashau.

The plan called for each of the participating battalions to search an assigned area which combined covered all of the area between the Northern Ashau Valley floor and the Laotian border. As the situation developed, the enemy was found in strength on Hill 937—military designation for Hamburger Hill—or as it is named by the Vietnamese, Dong Ap Bia, by elements of the 3d Battalion, 187th Infantry and the battle at Dong Ap Bia ensued.

I have taken the time to review this background because there are some who have questioned the wisdom of having committed U.S. forces against an enemy

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located deep in the jungle where he could do no apparent damage. Based on the intelligence at the time, there were two options open: Wait until the enemy reached the populated area before engaging him, or attack the enemy in his base areas and eliminate his capability to mount a potentially damaging attack. I submit that the decision made to go after the enemy in his base areas was both timely and correct.

Mr. President, I would like to now review the battle at Hamburger Hill itself, an action which I believe has been unnecessarily criticized.

As I mentioned previously, the 3–187th Infantry, while searching its assigned area of responsibility made contact with the enemy on Dong Ap Bia. Some have chosen to classify the action which followed as "10 suicidal frontal assaults." A review of the after action reports will show that such was not the case at all. While the hill was attacked on 10 consecutive days, the attacks were conducted by different units attacking from different directions. In fact, once it was determined that the hill was occupied by a sizable enemy force, the hill was never again attacked from only one direction.

Every possible approach was used in defeating the enemy. During the first 2 days of the action, which was really a reconnaissance phase to find the enemy, it is true that one company of the 3–187th was pushing up a single ridge of Dong Ap Bia. However, by May 12 the battalion commander was convinced that he had found the enemy force and deployed three of his companies, each attacking on a different route, two companies from the northwest and one from the north in order to develop the situation. With each day of the operation these companies modified their direction of attack, consistent with the limitations imposed by the extremely rugged terrain, to provide the most advantageous approach to the enemy positions.

On May 15 an additional battalion, the 1–506th, was committed to the battle. This battalion, which had been operating to the south of Dong Ap Bia, turned toward the hill and began attacking from the southwest with three of its rifle companies maneuvering up the ridges which provided the most accessible approach. For the following 3 days, the 3–187th and the 1–506th, one attacking from the northwest and one from the southeast, made a determined effort to overpower the enemy but were unable to.

On May 18 the decision was made to reinforce the attack with two additional battalions, one of which was provided by the 1st ARVN Division. These battalions were moved into attack positions northeast and southeast of the hill on May 19. And, on May 20, the day of the final assault, the hill was attacked by four battalions each attacking from a different direction, the northwest, northeast, southeast, and southwest, and the enemy was routed from his positions and was either killed or fled the area in panic to the safety of the Laotian border.

The enemy force at Hill 937, the 29th NVA Regiment, occupied an effective, well-conceived all-round defensive position consisting of concentric rows of mutually supporting bunkers. Under such conditions, where a determined enemy chooses to stand and fight, there is little alternative except to attack directly into his face literally routing him out bunker by bunker, while at the same time concentrating all available fire power on the enemy positions in support of the attacking infantryman. Such was the case at Dong Ap Bia.

Throughout this battle, day and night, the hill was continuously bombarded by tactical air strikes, artillery, mortars, and gunships in order to soften up the enemy positions. Various types of ordnance, including 500- and 1,000-pound bombs, napalm, artillery of all types, and tear gas were used in an attempt to dislodge the enemy from his well-constructed bunkers, many of which withstood direct hits by bombs and heavy artillery. As was proven in both World War II and Korea, firepower alone will not rout an enemy from a fortified position. Infantrymen attacking on the ground, no matter how objectionable that might seem, is the only effective way to defeat such a force. As a matter of interest, during the period May 10 to 22 approximately 3.5 million pounds of ordnance were placed on Hill 937.

I submit that this battle was a significant victory, not a suicidal attack. The results achieved seem to be clear in this regard. Not only was a major enemy force prevented from attacking a populated and resettled area of South Vietnam, it was eliminated as a force to contend with for months to come, having lost 80 percent of its strength during that battle. The NVA lost 630 men at Dong Ap Bia compared to 56 U.S. soldiers killed in action for a ratio of 10 to 1.

Now as to the significance of Hill 937. Some have suggested that no sooner was it seized than it was abandoned. Except for the fact that the enemy was found there, Hill 937 was of no tactical significance. Our forces operating in the Ashau Valley were oriented on finding and destroying the enemy wherever he might be and not on seizing and holding terrain. Thus, once the enemy at Hill 937 was defeated, there was no reason to permanently station U.S. forces there. The hill was temporarily occupied following the battle for the purpose of clearing a helicopter landing zone on top of the hill to facilitate future operations in the Ashau Valley. A tank trail was also cleared from the valley floor to the top of the hill for the same purpose. While this engineer effort was going on, an infantry unit remained on the hill to provide security. However, it was never the intention that U.S. forces remain there on an extended basis.

The commanding general of the 101st Airborne Division at the time of this operation was Maj. Gen. Melvin Zais, now a lieutenant general, an officer with a most distinguished record. It was he who had to evaluate the situation and make the determination whether or not to continue the attack up the ridges of Dong Ap Bia in the face of a determined enemy. I can assure you that it was only after a thorough review of all the risks involved that General Zais decided not to turn his back on the enemy. While he never lost sight of his mission, his primary concern in reaching that decision was the safety and welfare of his own men; he did not want to expose them to any unnecessary risks.

There has been some implication that General Zais had selfish motives in mind when he made that decision. Nothing could be further from the truth. As a matter of fact, he had already been notified of his selection for promotion to lieutenant general even before the operation was initiated so he had nothing to gain in that regard. Under the command of General Zais, the 101st Airborne Division was highly successful in eliminating the Vietcong from the critical province of Thua Thien and in achieving and maintaining conditions favorable to complete pacification and resettlement. It was his very strong conviction in the absolute necessity to maintain this condition of security within Thua Thien Province, and to protect the population, that led General Zais to pursue the enemy at Dong Ap Bia.

Throughout his career, General Zais' actions have been guided by his deep and abiding concern for his men. Anyone who has served under him is quick to point out that nothing is more important to him than taking care of his men. Such was the case at Dong Ap Bia. From the very beginning until the last assault on May 20, General Zais was there observing the action either from his helicopter or on the ground gaining a firsthand view of the problems and hardships of the men and, in one case, was, himself, subjected to enemy mortar fire. He personally followed every development to insure that each plan of attack was the best possible approach, that no attack was made without all available fire support first being directed against the enemy positions, and that nothing was done to unnecessarily endanger the lives of his men.

I might point out that General Zais viewed the action in the Ashau Valley not only from the eyes of a division commander but also from the eyes of a concerned father, for his son was at the same time a captain serving as an adviser to one of the ARVN battalions participating in the operation.

From my own observations, and based on the evaluation of others in positions to know, General Zais was, without question, an outstanding division commander both in terms of mission accomplishment and as a leader and was eminently qualified for promotion to three-star rank. Lt. Gen. Richard G. Stilwell, then Commanding General, XXIV Corps, perhaps summarized General Zais' performance best. He said in part:

> General Zais is a magnificent Division Commander. He exudes leadership through every pore. His tremendous professionalism, his devotion to and articulation of the US military tradition, his rejection of anything less than a superior product, his skill in blending challenge and incentive with compassion and tolerance, his consummate understanding of the American soldier—all these have combined to make "Lucky Eagle" the inspirational symbol of the 101st Airborne. To be sure, General Zais inherited a fine division; but under his stewardship, it has developed an elan, cohesion, responsiveness and combat worthiness that has few parallels in American military history. Those

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qualities, plus unique capacity for combining with and stimulating the Vietnamese Military, coalesced to forge a record which, I submit, is without parallel: well-nigh complete pacification of the critical province of Thua Thien, within a year of the siege of Hue. No man could have done more.

On a subsequent occasion, Lieutenant Governor Stilwell stated:

> Through 30 years of dedicated service—in and out of combat, as a commander and as a staff officer, on duty and off—General Zais has exemplified the finest values of the Profession of Arms. He has always possessed—more significantly, has steadily honed and strengthened—those rare qualities which distinguish the real leader from those who only follow. No individual within my ken has as profound a belief in the American soldier, as complete an understanding of the forces which shape and motivate that soldier, as consummate a skill in molding men into units of unsurpassed capability and esprit.

Not only was General Zais considered in high esteem by his superiors, but perhaps even more so by the thousands of men whom he was privileged to serve as their division commander. The sentiment of those men was reflected in a letter which General Zais received on his departure from the division. This was a letter signed on small scratches of paper by over 1,900 members of the 1st Brigade at their places of duty be it on a fire base or out in the jungle. The letter expressed their appreciation for the things which had been done for them and the treatment they had received under his command. The letter reads as follows:

> Subject: Letter of appreciation.
>
> Major General MELVIN ZAIS,
> *Commanding General, 101st Airborne Division.*
>
> 1. Our commanders have represented us well on other occasions in speaking of our respect and confidence, however, we, the enlisted element of the distinguished First Brigade, wish to mention separately our appreciation in several specific areas.
>
> 2. Our stand-downs have become much more effective in refurbishing our communications equipment, weapons and other field gear, as well as providing us an opportunity to obtain clean clothing, identification tags and cards, etc., which have been lost or destroyed, and purchase comfort items from the PX. We understand and appreciate your personal interest in the facilities at Eagle Beach.
>
> 3. Your personal influence on the impact awards program was always felt, and we noted with great pride your many visits into areas which were not considered safe. The talks you made to us on these occasions will be long remembered by veteran and rookie alike. The initiation of the "Brave Eagle" medallion is an innovation from which the Division will continue to reap benefit for many years.
>
> 4. The inspiration and understanding provided us in your "Lucky Eagle Sez" comments in our newspaper will live with each of us and provide guidance as we move on to lead others in industry, public service, or the military.
>
> 5. Our deepest and most heartfelt thanks go to you for providing us (those of us who are away from the influence of home and family, or a closely supervised scholastic environment, for the first time in our lives) a unit environment in which we can obtain more effectively those attributes of character and frame of reference (during this most sensitive period of our lives) which will be meaningful to us, and perhaps even our Nation, in the future when we become its key citizens.
>
> 6. We do not see your coming promotion as an ending, but rather a time for rededication; for the principles of professionalism you have instilled in us will be perpetuated as we move toward a future "Rendezous With Destiny."
>
> 7. May the lives of you and your family be enriched because of your so very obvious dedication to us and our great Division.
>
> All the way, sir!

In summary, Mr. President, this splendid officer has been vilified and misrepresented on numerous occasions based on a newspaper report. I only ask that in justice to this officer that my remarks reflect the true, official account of the battle. I ask unanimous consent for this detailed account of the battle at Dong Ap Bia based on information taken from the participating units' after action reports to be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the account was ordered to be printed in the RECORD, as follows:

BACKGROUND

The battle at Dong Ap Bia (Hamburger Hill) occurred during Operation APACHE SNOW, a XXIV Corps directed operation in the Northern Ashau Valley. This operation was initiated on 10 May 1969 with the specific purpose of destroying North Vietnamese Army (NVA) and Viet Cong (VC) forces believed to be grouping in the Ashau Valley, blocking enemy routes of egress into Laos, interdicting enemy lines of communication and locating and destroying known enemy caches. Allied forces participating in the operation consisted of elements of the 101st Airborne Division, 3d Marine Division, and the 1st ARVN Division.

Since the battle at Dong Ap Bia, many people, both in and out of the government, have questioned the advisability of having conducted an operation deep in the mountainous jungle region and removed from the populated area of the country by several miles. Many apparently viewed the operation as being counter to US efforts to obtain a negotiated peace through the Paris peace talks, which were already underway, and contrary to the announced intention of the US government to reduce the level of its combat operations in South Vietnam. The explanation is simple.

The Ashau Valley has traditionally been used as a major infiltration route into South Vietnam by the NVA/VC. It is through and from the Ashau Valley that the enemy has supported and launched most of his operations in the northern provinces of South Vietnam, particularly those operations aimed at the population centers of Hue and DaNang. Enemy forces have habitually infiltrated through Laos and staged in safe sanctuaries just across the Laos/South Vietnam border from the Ashau Valley. Enemy supplies have likewise been infiltrated and stored in major supply "warehouses" both in the Ashau and in nearby base areas in Laos. The Ashau Valley provides accessible and reasonably easy routes for the subsequent movement of both men and materiel either south toward DaNang or east toward Hue. It was from here that the enemy launched and supported his offensive during Tet 1968 when they inflicted such terrible damage on the city of Hue and murdered an untold number of innocent civilians.

Intelligence gained during the spring of 1969 provided evidence of increased enemy activity in the Ashau Valley and adjoining areas in Laos. Aerial observers noted intensive building activity on the roads and trails leading in from Laos which were used for the movement of supplies and equipment. Despite heavy aerial interdiction efforts, it appeared certain that the NVA was moving materiel into the area. Intelligence sources also provided strong indications that elements of three NVA regiments were being infiltrated into the base area (Base Area 611) just west of the Ashau Valley.

As early as March, there was positive evidence that enemy forces were already beginning their movement toward Hue. On 12 March, elements of the 101st Airborne Division assaulted Fire Base Veghel, an old division fire base located about half-way between the Ashau Valley and Hue, which had not been occupied by allied forces for several months, and found that enemy forces occupied the base. The enemy had prepared excellent defensive positions and mined the base to counter an airmobile assault. An enemy prisoner captured during the exceptionally heavy fighting at and around Fire Base Veghel stated that he was from the 9th NVA Regiment which had the mission of continuing to move to the east on Hue. Subsequent operations conducted further to the west toward the Ashau encountered a full battalion, the 816th Battalion, of the 9th NVA Regiment. The discovery that an NVA regiment was already establishing carefully concealed and well developed positions along the route east from the Ashau toward Hue confirmed beyond any doubt the enemy's intentions; it was this exact pattern that he followed in mounting the offensive on Hue in 1968.

Knowing this, there were two alternatives open: one, ignore the presence of the enemy forces in the jungle and wait until he attacked Hue before engaging him; or two, attack the enemy force deep in the jungle in his base areas and eliminate his capability to mount an attack on the populated area. Rather than permit a substantial enemy force to reach the populated area of Thua Thien Province and Hue, which for all practical purposes had been completely pacified and resettled, the decision was made to launch a Corps level combat operation to deny the enemy re-entry into South Vietnam in strength from his sanctuary across the border from the Ashau Valley and to destroy those forces which had already been infiltrated. The 101st Airborne Division, in coordination with the 1st ARVN Division, was assigned the primary responsibility for conducting operations in the northern Ashau Valley while elements of the 3d Marine Division operated farther to the north with the mission of blocking enemy efforts to either withdraw from or reinforce into the northern Ashau.

Operation Apache Snow was initiated by a multi-battalion airmobile assault by three battalions of the 101st Airborne Division (1st Bn, 506 Inf; 3d Bn, 187th Inf; 2d Bn, 501st Inf) and one battalion of the 1st ARVN Division (4th Bn, 1st ARVN Regt) into carefully selected landing zones adjacent to the Laotion border. Each of the landing zones for the initial assault was selected based on the latest intelligence so as to achieve surprise and to place the assault troops into close proximity to suspected enemy locations while at the same time affording the maximum degree of security during the initial landing.

All preparations for this massive airmobile assault were completed by the evening of 9 May. Ten artillery batteries were in position at five different fire bases on the high ground east of the valley to provide maximum fire support for the initial airmobile assaults as well as the subsequent ground action by the infantry battalions. The maneuver battalions participating in the airmobile assault were assembled approximately eight miles east of the Ashau Valley, near Fire Base Blaze which had been established as a complete forward supply base to support Operation APACHE SNOW.

The airmobile assault of the four battalions began precisely at 0730 hours on the morning of 10 May. A total of 65 troop carrying helicopters (UHIH) were used for the combat assaults. This permitted two battalions to be assaulted simultaneously thus placing the maximum combat power on the ground as rapidly as possible. The assault into each of the five landing zones used was preceded by a seventy minute tactical air and artillery bombardment to "soften it up"; final suppressive fires were provided by aerial rocket artillery and air cavalry gunships just seconds prior to the landing of the assault helicopters. Concurrent with the airmobile assault of the four battalions, two additional battalions of the 1st ARVN Division, which had been prepositioned on 9 May, began conducting reconnaissance in force and sweep operations northeast and south of the general area of the airmobile assaults. During the early afternoon, one additional ARVN infantry company secured a hill top in the northern end of the Ashau to protect an artillery battery which was brought in to support the airmobile assault of another ARVN battalion (2d Bn, 1st ARVN Regt) on 11 May. Thus, by the night of 10 May, six maneuver battalions (3–US and 3–ARVN) were operating in the Ashau Valley with a seventh battalion scheduled for insertion the following morning. Each of these battalions was assigned a separate area of operations in which to search out and destroy the enemy while at the same time being prepared to reinforce any other battalion should the situation require it. The battalions were not oriented on terrain or assigned the mission to take any particular hill; rather, they were oriented on the enemy and concerned primarily with locating and destroying his forces, supplies and installations wherever they might be found.

BATTLE AT DONG AP BIA

The area of operations assigned to the 3–187th Infantry included Dong Ap Bia, Hill 937, which later came to be referred to as Hamburger Hill by some. As part of his overall plan, the battalion commander, LTC Weldon Honeycutt, had selected Hill 937 as one of the areas to be searched following the airmobile assault since intelligence reports gathered in April and May indicated the possible presence of enemy forces in the vicinity of the hill. The battalion commander selected a landing zone approximately 1800 meters northwest of the hill near the Laotian border with the intention of moving southeast toward Hill 937.

May 10

At 0844 hours, the battalion began its combat assault into the selected landing zone. While the landing zone was relatively clear, partly because of the heavy tactical air and artillery pounding, the surrounding area, including Hill 937 and the ridges leading up to it, was covered with triple-canopy jungle and thick undergrowth which made movement over the steep slopes extremely slow and difficult even under the best of conditions. Visibility was likewise limited by the heavy bamboo and elephant grass.

After completion of the combat assault, which was unopposed, LTC Honeycutt, in order to develop the situation, sent A Company to the northwest, C Company to the southwest and D Company up the ridge to the southwest toward Hill 937; B Company was held as brigade reserve and did not join the remainder of the battalion until 1600 hours. By noon, D Company had secured some prominent terrain on the ridgeline leading up to Hill 937. It was from this key position, approximately 1000 meters to the northwest of Hill 937, that the battalion headquarters controlled and supported operations during the period 10–21 May. After joining the battalion, B Company passed through the battalion headquarters location and continued to move up the ridge toward Dong Ap Bia. The company had moved only a very short distance when they began to receive sniper fire followed by small arms fire and two rocket propelled grenades (RPG). They responded with their organic weapons and were supported by mortars, artillery, gunships and airstrikes. In this initial contact, the company suffered three wounded while killing four of the enemy. Gunships and airstrikes continued to pound the suspected enemy positions until darkness. A and C Companies, moving generally to the west toward the Laotian border, made no contact with the enemy during the day.

May 11

A and C Companies continued their reconnaissance in force operations to the northwest of Hill 937 toward the Laotian border where they made no contact with the enemy but did report finding trails with fresh tracks. D Company continued as the battalion reserve.

B Company initially searched the area of the previous day's contact and then, in the afternoon, resumed their movement up the ridge toward Dong Ap Bia. Suspected enemy bunker locations were pounded with artillery and airstrikes throughout the day. While following fresh tracks up the ridge, the company was fired on by a lone sniper and shortly thereafter was engaged by a well entrenched enemy force to their front. The enemy employed small arms, machineguns, RPGs and mortars; the 3–187th responded by calling in additional airstrikes and artillery and maneuvering against the enemy positions. Additional gunship and mortar support was also provided. B Company suffered several casualties in the contact and was forced to withdraw a short distance to regroup, leaving the wounded where they fell. The battalion commander immediately directed the company to increase its firepower and move up the hill to recover the wounded, which they did.

During the evacuation of these casualties, a helicopter gunship accompanying the medical evacuation helicopter inadvertently fired six rockets into the battalion command post position leaving one killed and 35 wounded, including the battalion commander. All of the wounded were subsequently evacuated, except for the battalion commander who elected to remain with his troops. In spite of this, the battalion headquarters continued to function effectively. After completing evacuation of the casualties, night defensive positions were established.

During their search of the enemy bunker complexes, B Company found several weapons, miscellaneous supplies and equipment, and evidence of a telephone communications system plus additional enemy soldiers killed by the artillery and airstrikes. One significant find was a group of enemy documents which identified the enemy force as being from the 29th NVA Regiment which, according to the documents, had only returned from North Vietnam in April. This information, plus the relatively heavy contact experienced during the day, provided the first indication that a sizable enemy force might be occupying Hill 937.

May 12

Realizing that he had found the enemy on Hill 937, although he was still unable to determine the size of the force, LTC Honeycutt decided to employ all of his companies to further develop the situation. A Company became the battalion reserve replacing D Company which moved out to the northeast turning toward Hill 937 later in the day. C Company turned around and began moving to the east to join B Company.

B Company continued to maneuver against the well disciplined enemy force which was dug in about 200 meters to their front. As on previous days, the hill was continually bombarded with airstrikes and artillery, including 500 and 1000 pound delayed fuse bombs and napalm, in an effort to dislodge the enemy from his fortified positions. The enemy held fast and throughout the day elements of the 3–187th continued to receive heavy automatic weapons and RPG fire interspersed with mortar fire. To aid in evacuating casualties and in resupply, LTC Honeycutt directed B Company to prepare a helicopter landing zone at their position. A helicopter inserting an engineer squad to assist in constructing the landing zone was hit by enemy fire causing it to crash and burn resulting in seven casualties.

By late afternoon, C Company had moved to a position approximately 200 meters south of B Company. The company dug in for the night, having made no significant enemy contact during the day.

The night was quiet. Artillery was placed on Hill 937 and its ridges throughout the night.

May 13

The situation remained relatively unchanged on 13 May. B and C Companies, now generally abreast but separated by approximately 200 meters, resumed their movement up Dong Ap Bia. Within 30 minutes both companies came under fire. As they had been since 10 May, fighters were overhead and airstrikes were immediately placed on the suspected enemy locations. D Company reconnoitering about 900 meters north of B Company received mortar and RPG fire wounding seven members of the 1st Platoon. B and C Companies continued to push slowly forward in the face of heavy resistance; some casualties resulted.

The response to these contacts was violent. Artillery support was continuous. The forward air controllers were always overhead and did a magnificent job of placing airstrikes on enemy positions as pointed out by the battalion commander who was either on the ground with the companies or flying at low level overhead so as to get a better view of the situation. Helicopter gunships were likewise overhead throughout the day and responded to every call from the ground commanders.

Although the enemy fire was continuous and they suffered some casualties, B and C Companies continued maneuvering toward Hill 937 attempting to gain a favorable position from which to launch a coordinated attack the following day. It was not an easy task. As a result of the day's action, the battalion had suffered 33 men wounded and four killed, numbers which would have been considerably higher had it not been for the intensive and continuous pounding of the enemy positions by the artillery, gunships and tactical air.

The companies continued to detect enemy movement during the early evening and a Spooky aircraft (C–47 equipped with miniguns) was brought on station to engage the enemy sightings. Artillery continued to pound the hill during the night.

After the day's action, the battalion commander was convinced that the NVA was occupying Hill 937 and the surrounding ridges in considerable strength; he made his plans for the following day accordingly.

May 14

The battalion made a concentrated attempt to push the enemy off Hill 937. The plan was for the companies to approach the hill from three different directions, B Company from the west, C Company also from the west but up a small ridge 150 meters south of B Company, and D Company from the north. As usual, the forward air controller arrived early and began to bomb the enemy locations in preparation for the coordinated attack; each of the companies was supported by a separate artillery preparation on their planned route of advance.

The attack kicked off as planned, and in spite of the heavy artillery and air preparation, the companies immediately began to receive enemy fire. C Company reported movement to his west and south. As he habitually did, LTC Honeycutt instructed his company commanders to move somebody toward the suspected enemy location, to watch their

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flanks, to use maximum reconnaissance by fire and to stay spread out. He kept artillery, airstrikes, mortars and gunships striking the enemy. Although the resistance was exceptionally heavy, B and C Companies continued to push toward the top of the hill. At 0930, one platoon of B Company finally reached the top of the ridge where it came under intensive enemy fire. At the same time, C Company reported that he was being fired on from all directions and would have to pull back. In order not to expose B Company unnecessarily, the battalion commander directed both companies to pull back to a defensible position. While sporadic contact continued, the remainder of the day was devoted primarily to the evacuation of wounded, resupply and preparation of the night defensive positions. There was no letup in the artillery and air bombardment of the enemy, however.

A rapid count indicated that 76 enemy had been killed during the day by both small arms and airstrikes. The 3–187th lost five killed and 58 wounded.

Based on the day's contact, the battalion commander assessed the enemy strength on the hill as being from two companies to a battalion. He developed plans to hit the enemy positions again on 15 May, hopefully before the enemy had an opportunity to reinforce. His plan was for A Company to relieve C Company on B Company's southern flank and to attack from a more southerly direction; B Company was to attack again essentially along the same route due to the limited avenues of approach up the hill; and D Company, operating to the northeast, was to continue attacking in that area.

The brigade commander, who had been following developments closely, to include visiting the 3–187th on the ground, determined that additional forces would be required in order to take the hill. Accordingly, he ordered the 1–506th, which had been operating to the southwest of Hill 937, to begin moving toward the hill to assist the 3–187th.

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May 15

3–187

Operations were initiated in the morning as planned. After completion of the exchange between A and C Companies, the three line companies began their move back up the ridges of Hill 937. As on previous days, airstrikes and artillery bombarded the hill throughout the day.

The enemy resistance was extremely determined and by early afternoon all three companies were in heavy contact. The enemy troops skillfully employed command detonated claymore mines which had been emplaced during the night resulting in several US casualties, particularly in B Company. Even though the enemy resistance was determined, the companies continued to advance and by 1400 hours, A and B Companies were about 150 meters from the top of the hill when a supporting aerial rocket artillery gunship inadvertently fired on B Company knocking out the company's command group; two members of the company were killed and 14 wounded, including the company commander. A new company commander was immediately dispatched to the company, but the momentum of the attack was lost. A Company continued slugging it out with the entrenched enemy and progressed an additional 75 meters up the hill.

The battalion headquarters was hit by several rocket propelled grenades during the early afternoon wounding 13 people including LTC Honeycutt and his S3 both of whom refused evacuation at the time.

The battalion commander assessed the situation. While it appeared that A Company could continue to advance, it was doubtful that B Company, with its command group knocked out, would be able to continue. Rather than risk putting a single understrength company on the hill alone, LTC Honeycutt recommended that the companies pull back to their previous night defensive positions. D Company, while progressing slowly, was in no position to support A Company should they continue up the hill. Brigade approved the plan. While the companies returned to their previous positions the Air Force and artillery continued to pound the hill.

Sporadic contact continued throughout the night including several enemy probes on the battalion's night defensive positions. Enemy movement was detected in several areas. The battalion requested and received continuous support from minigun and searchlight-equipped C-47 aircraft in addition to the always available artillery support.

It became apparent, based on the day's contact, that the enemy force was more than just a battalion-size element as originally suspected. Some of the NVA troops killed during the day had fresh haircuts, clean uniforms and new weapons confirming that reinforcements were being slipped into the area, undoubtedly from across the Laotian border. The enemy force appeared to be well trained and disciplined, adept at camouflage and concealment, and capable of delivering a high volume of accurate fire against the US forces.

Based on a reevaluation of the situation, then brigade commander decided not to attempt another ground attack up the hill again until the 1–506th was in position to support the 3–187th from the south.

1–506

The battalion continued its movement toward Hill 937 encountering only periodic small arms fire as they moved. Artillery and airstrikes were used to soften-up their route of advance. Movement was extremely slow due to the exceptionally rugged terrain and heavy vegetation.

May 16

3–187

There were no significant contacts during the day. The companies remained in the vicinity of their night defensive positions preparing for their next attack up the ridges which was planned for the following morning if the 1–506 was able to get in position by then. Meanwhile, the pounding of the hill continued and, as might be imagined, what was once a triple-canopy covered hill was now beginning to look rather barren and chewed-up. Even so, the NVA held their positions.

1–506

The 1–506th continued its movement to the north. However, the already slow movement was slowed even further by increasing enemy resistance. A and C Companies, moving along separate routes were both engaged by machinegun fire from heavily fortified bunkers from the vicinity of Hill 916, a hill approximately 1,000 meters southwest of Hill 937. Artillery, gunships and airstrikes were employed to suppress the enemy's fire; however, the enemy persisted. It became obvious that the 1–506th would not be in position for the coordinated attack on Hill 937 planned for the morning of the 17th. The battalion continued to slug it out up the ridge suffering several casualties during the day.

The two battalion coordinated attack on Hill 937 was rescheduled for 18 May. Plans were finalized during the day. Elements of the 3–187th were to move to the best position possible from which to support by fire the main attack by the 1–506th coming from the southwest. The attack was to be supported by a CS gas (tear gas) preparation in addition to a heavy tactical air and artillery preparation.

Flak jackets were issued to the attacking companies in an effort to reduce casualties even though the extreme summer temperature made wearing them almost unbearable. Extra ammunition and other supplies were also issued during the day.

The pounding of the enemy positions by artillery and air continued throughout the day and night.

3–187

The battalion made final preparation for the attack on the following day. It was decided that the best way to support the attack by the 1–506th was to simply move up the hill exerting maximum pressure on the enemy's defenses from the northwest. There was no enemy contact during the day.

1–506

Such was not the case with the 1–506th which was continuing its movement toward Hill 937. They faced increasing resistance as they advanced. The enemy on the south side of the hill, as on the north side, was well dug-in and occupied concentric rows of mutually supporting bunkers which he defended with determination. The 1–506th continued their advance, however, fighting from bunker to bunker in order to progress. To assist them, artillery, gunships and tactical air provided continuous support. CS gas (tear gas) was also used to dislodge the NVA from their bunkers. By nightfall the battalion was in position to launch the attack.

May 18

With both battalions in position to begin the attack, numerous airstrikes were again placed on the hill in an attempt to soften-up the enemy positions. By now, the once thickly covered hill was completely bald. Still, the enemy bunkers held. The airstrikes were followed immediately by an intensive artillery preparation and then the CS gas preparation which proved to be only marginally effective because of the weather conditions. The artillery continued to pound the hill as the two battalions moved out in the attack, the 3–187th with three companies from the north and the 1–506th with three companies from the south.

3–187

The 3–187th was immediately engaged by a determined enemy force. The fire was intensive and withering but the three companies were able to push on. The battalion commander was immediately overhead calling for artillery and mortar fire on the enemy positions and guiding his companies in the direction which appeared to have the best chance of success. As the companies inched up the hill, the enemy fire grew in intensity. D Company was particularly hard hit by automatic weapons fire, RPGs and claymore mines; casualties were heavy. Both A and D Companies were hit by mortars. B Company was being fired on from three directions. Even though gunships and artillery kept pounding the enemy positions, he continued to place accurate fire on the attacking companies. C Company was dispatched to reinforce D Company and in trying to reach their position came under heavy fire and was pinned down for a short time; movement was extremely difficult.

It became increasingly difficult for the companies to move in face of the withering enemy fire so the attack was halted while the enemy was again hit with a concentrated mix of napalm and bomb strikes, gunships, mortars and artillery. The attack resumed and the determined companies were almost on top of the hill when they were repulsed by a determined enemy who blew claymore mines and grenades in the midst of their own positions. At about the same time a torrential rain fell turning the slopes of the bald hill into a virtual mud slide. It was impossible for the soldiers to keep their footing and they kept sliding back down the hill. With casualties beginning to mount, the heavy rain falling, and considering that the 1–506th was having an equally hard time progressing up the other side of the hill, the brigade commander directed the companies to pull back so as to avoid taking any unnecessary casualties. During the day the battalion had 14 men killed in action and 64 wounded while killing 112 of the enemy.

1–506

The 1–506th initiated their attack immediately following the artillery and air preparation and like the 3–187th came under intensive fire. Enemy mortars fired on the companies throughout the day. Movement had to be slow and deliberate fighting from bunker to bunker. By nightfall, the battalion had progressed to within approximately 600 meters of the crest of the hill where they established their night defensive position.

DECISION TO REINFORCE

The Division Commander, MGen Melvin Zais, followed every minute of the action, as he had been doing since 10 May. In order to have a clear and complete picture of what was happening, he spent most of every day either overhead following the action from his helicopter or on the ground talking with the troopers and their leaders getting a first hand view of the tactical situation and the hardships facing the soldiers and, on occasion, was subjected to enemy fire.

At this point in the battle at Dong Ap Bia, the Division Commander had a choice of either turning his back on the entire operation or pressing on. After carefully reviewing the situation, General Zais decided to reinforce the 3–187th and 1–506th with two additional battalions in order to completely surround the hill. General Zais discussed his decision with MGen Troung, CG, 1st ARVN Division, who eagerly made available the 2/3 ARVN Battalion for employment as one of the reinforcing battalions. The 2–501st, which had been operating just to the east of the Ashau Valley was designated to be the second reinforcing battalion.

During the night, plans were developed for a four battalion coordinated attack on the morning of 20 May.

May 19

This day was devoted primarily to preparation for the attack on the morning of 20 May. The 2/3 ARVN Battalion was moved from Hue and combat assaulted into a landing zone approximately 1200 meters east-southeast of Hill 937. The 2–501st was combat assaulted into a position 1200 meters northeast of the hill. The landings of both battalions were unopposed and they immediately moved out up the ridges to establish their attack positions for the following day.

3–187

The 3–187th, which had been reinforced with one company from the 2–506th, developed plans for the attack and resupplied the companies. The battalion commander spent a good part of the day over Hill 937 directing air, artillery, and mortars against the enemy positions. A relentless pounding of the hill was continued throughout the day and night. By nightfall, everything was in readiness for the attack.

1–506

The 1-506th continued to push up the hill during the day in order to be in a better attack position by nightfall. The enemy resistance, as on previous days, was determined. The bunker to bunker fighting continued. By dark, the companies were within 200 meters of the top of the hill.

May 20

According to plans, Hill 937 was again bombarded with airstrikes and artillery, which seemed even more intensive than on previous days. Following the preparation, the four battalions moved out in a coordinated attack.

3–187

The 3-187th attacked to the southeast with three companies abreast. While the attack was initially unopposed, as the battalion came nearer to the top of the hill, the enemy, as if waiting for the opportune minute, opened fire. The attacking companies returned the fire, and with artillery and mortars pounding the hilltop, were able to continue their advance and at 1145 hours the first company reached the top of the hill. Even so, the determined enemy continued his fight and it was not until every bunker was blown that the enemy was finally routed from the hill.

1–506

The 1–506th, attacking to the northeast, had to fight their way up the ridge. The attacking companies continued to receive small arms, RPG, and mortar fire as they progressed.

2–501

The 2–501st, attacking to the southwest, encountered no enemy resistance but did discover numerous huts and bunker complexes vacated by the retreating enemy.

⅔ *ARVN*

The ⅔ ARVN, attacking to the northwest, encountered some resistance, but was able to continue the advance up the hill.

SUMMARY

By noon the battalion objectives on Dong Ap Bia were taken and the enemy resistance disintegrated as allied forces pushed through the enemy positions. The routed NVA soldiers who were not killed in their positions fled the battlefield in panic in a desperate attempt to escape to the safety of the Laotian border; many undoubtedly did. Under the umbrella of the accurately directed suppressive fires, the allied forces suffered not one single death in the attack.

Throughout the afternoon, sporadic enemy sniper fire was received as the allied forces continued to sweep the hill and police the abandoned enemy positions. The battle at Dong Ap Bia was now over. The 29th NVA Regiment had been eliminated as a force to contend with at a later date, perhaps in the coastal plains near Hue.

FIRE SUPPORT

As indicated in the day-by-day discussion of the battle at Dong Ap Bia, artillery and/or tactical air bombardment of Hill 937 and its ridges was continuous, day and night, throughout the operation. During daylight hours, there was seldom a time when tactical fighters were not orbiting overhead ready to respond to the ground commander's request. During hours of darkness radar controlled bomb drops (Skyspots) were placed on the hill. When airstrikes were not hitting the hill, the fires of eight different artillery batteries plus the aerial rocket artillery battalion were pounding the enemy positions and supporting the maneuver elements. The fire support provided the attacking forces can only be described as totally responsive. Without this excellent support, the number of friendly casualties would undoubtedly have been much higher.

Following is a summary of the nearly 3.5 million pounds of bombs dropped and artillery fired at enemy positions on and around Dong Ap Bia during the period 10–22 May.

Tactical air support

Bombs, 1,088.5 tons.
Napalm, 142.5 tons.
20 MM, 31,000 rounds.

WEAPONS CAPTURED

	Individual weapons	Crew served weapons
3-187	12	2
1-506	131	20
2-501	4	0
2/3 ARVN	5	1
2-17 CAV	0	2
Total	152	25

ARTILLERY (NUMBER OF ROUNDS)

	High explosive	White phosphorus	HC	CS tear gas	Total
105 mm	10,634	517	69	256	11,474
155 mm	3,919	94	17	0	4,030
8 inch	834	0	0	0	834
175 mm	253	0	0	0	253
2.75 rocket	2,622	0	0	0	2,622
Total	18,262	611	86	256	[1] 19,213

[1] Equals 513 tons.

The following artillery units supported the action at Dong Ap Via:

A/2–319 Artillery	(105)
B/2–319 Artillery	(105)
C/2–319 Artillery	(105)
B/2–11 Artillery	(155)
C/2–11 Artillery	(155)
A/12 Artillery (ARVN)	(105)
A/1–83 Artillery	(8")
C/1–83 Artillery	(175)
4–77 Artillery	(ARA)

ENEMY LOSSES—DONG AP BIA—ENEMY KILLED

Date	3-187	1-506	2-501	⅔ ARVN	2-17 Cav	TAC air	Tota
May—							
10	2				1		3
11	5						5
12	3						3
13							0
14	74				2	29	105
15	62						62
16	14	1					15
17	2	1				2	5
18	114	11					125
19	1	28			2	1	32
20	20	13		6		12	109
21		46		29			75
22		54		16	4	3	77
23		10	3				13
24			1				1
Total	355	164	4	51	9	47	630

Note: Prisoners of war, 2.

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U.S. LOSSES

Date	3-187		1-506		2-501		2-506		Total	
	KIA	Wounded	KIA	Wounded	KIA	Wounded	KIA	Wounded	KIA	Wounded
May—										
10	0	4							0	4
11	5	42							5	42
12	0	2							0	2
13	3	72							3	72
14	8	22							8	22
15	6	57							6	57
16	1	0	2	14					3	14
17	0	0	6	8					6	8
18	12	56	5	25					17	81
19	0	0	3	19					3	19
20	0	50	1	15			1	11	2	76
21	1	0	1	5					2	5
22					0	1			0	1
23			0	8	1	9			1	17
24										
Total	36	305	18	94	1	10	1	11	56	[1] 420

[1] Of the total wounded, 53 did not require evacuation.

SENATOR PEARSON WRITES ON THE NEED FOR RURAL DEVELOPMENT

Mr. GRIFFIN. Mr. President, over the past 4 years Senator JIM PEARSON has spoken out frequently and effectively on the pressing need for a national commitment to the cause of rural community development. He has argued persuasively that many of this Nation's social and economic problems can be traced to the geographical imbalance in the distribution of our people and available economic opportunities. Senator PEARSON has argued that too many of our metropolitan areas are overcrowded, too many of our rural areas are underdeveloped. In pursuit of this goal Senator PEARSON has introduced a number of legislative proposals including the Rural Job Development Act, the Rural Community Development Bank, the Rural Development Highways Act; language from the latter proposal has been written into the Federal-Aid Highway Act of 1970.

Mr. President, Senator PEARSON discusses this subject in an article titled "Rural Community Development; a National Necessity," published in the November issue of the Kansas Business Review. I wish to call this excellent article to the attention of my colleagues and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RURAL COMMUNITY DEVELOPMENT A NATIONAL NECESSITY

(By U.S. Senator JAMES B. PEARSON)

The 1970 preliminary census report reveals that 78 of the 105 counties of Kansas have lost population since 1960.

A similar trend occurred in neighboring states. Seventy-five percent of the counties in Nebraska lost population. So did 90 percent in North Dakota; 86 percent in South Dakota; 77 percent in Iowa; and 60 percent in Missouri.

While Kansas managed to post a total population gain of two percent during the past decade, the national population grew by 12 percent. A major portion of this total national growth occurred in the large urban centers, thus continuing the trend which has resulted in an ever greater portion of the population being concentrated in the great metropolitan conglomerations. For example, the 1970 census count shows that 36.2 million people, among one fifth of all U.S. residents, live in a 450 mile strip stretching from Boston to Washington, D.C.

During the next three decades the U.S. population will increase by approximately 75 to 100 million persons. If present trends continue, more than three fourths of this increase will occur in the metropolitan areas. A number of population experts predict that by the year 2000, at least 60 percent of the American people will be concentrated in only four giant metropolitan conglomerations, often referred to as "strip cities."

These trends give cause for great concern, particularly in view of the fact that it is becoming increasingly apparent that the great "crisis of the cities" is to a very considerable extent the result of the excessive concentration of people and industry.

This concentration of people and industry has magnified the problem of pollution, contributed to our social ills, and has resulted in considerable economic inefficiencies. Thus, there is a growing recognition that in dealing with the urban crisis, the challenge is not simply to make the large cities more efficient and livable for more and more people, but how to keep more and more people from crowding into them.

The counterpart of this metropolitan concentration is the stagnation and, in many cases, the outright decline of thousands of our smaller communities. Indeed, the very survival of hundreds upon hundreds of our smaller communities across the nation is threatened.

This evidence clearly suggests that there is a growing imbalance in the distribution of our people. Many of us are deeply concerned that our population distribution has become undesirably tilted toward the megalopolis, away from the smaller communities.

Many people, of course, move to the large metropolitan centers because they are attracted to the environment of the big city. But many are forced to migrate because of a lack of opportunities in the countryside and smaller cities. Public opinion polls have consistently shown that a substantial majority of our people would prefer to live in smaller communities.

Those who prefer to live in the large cities must continue to have the opportunity to do so. And certainly we must make a major effort to try to improve the quality of life in the metropolitan areas, to make them more attractive. But, on the other hand, we must do a great deal to improve economic and social conditions in small communities so that those who prefer to live there will have a meaningful opportunity to do so.

The economic and social forces which are generating this rural/urban imbalance are powerful but not uncontrollable, as a number of experts have long argued. We can alter these trends. We can expand opportunities in rural[1] America if we set our minds to it and if we are willing to commit the necessary resources.

It is imperative that we move forward with the development of a national policy which will help bring about a more efficient and common sense geographical distribution of our ever growing population and economic wealth. To continue the present course of depopulating the countryside and the small cities on the one hand, while continuing to swell the population in the already overcrowded crisis-ridden cities can no longer be tolerated.

Translating the general objectives of balanced growth into positive results will be of benefit to the overburdened, metropolitan centers as well as for the underprivileged rural communities. But certainly the effort to alter future patterns of population and economic resource distribution can be of particular significance for Kansas and her sister states here in the mid-continent region. The forces which have restricted the economic opportunities in our smaller communities have forced thousands of Kansans each year to move to new areas. This loss to Kansas has been a gain to other states.

Thus, in a very real sense, states like Kansas are subsidizing the great metropolitan areas of the West Coast, the Great Lakes Region, and the North East. Our farm and small town youth have become their most economically productive workers. Our college graduates, who have been trained at great cost to the Kansas taxpayers, have added to those areas' already great reservoir of brain power. Moreover, because the economic development programs now in operation have been centered exclusively in extreme poverty areas, states in the mid-continent region generally have not received the special assistance available to other areas through such programs as the Appalachian Region Commission and the Economic Development Administration.

Translating objectives of rural community development and balanced national growth into concrete, meaningful results will not be easily or quickly accomplished. We do not fully understand all the whys and wherefores of economic growth and how best to go about influencing and guiding growth patterns. We cannot yet, at this stage, identify a complete and detailed program of action. However, certain needs are apparent.

Reduced to its simplest terms the most fundamental ingredient in rural community development is newer and better jobs. It has been estimated that it will take at least 500,000 to 1,000,000 new jobs each year in our rural communities to significantly alter present rural to urban migration trends. Accomplishing this will not be easy. Particularly in view of the fact that what we seek here is the creation of new jobs rather than the transfer of existing jobs.

A number of efforts can and will likely be used to stimulate the expansion in the quantity and quality of new job opportunities in rural areas. For example, I have proposed the Rural Job Development Act which would seek to encourage new job-creating industries to locate in rural areas by making available to businessmen a series of tax incentives such as credits on buildings and

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[1] Within the last two or three years, the term "rural" has been used to encompass much more than 2,500 population, which is the official definition used by the Census Bureau. In the context of discussions of "rural community development" it is generally used to include all communities of up to 50,000 population; that is, all non-metropolitan communities. Some even include cities of up to 100,000 population within their concept of "rural." Obviously, we need a new set of terms to better describe what we now try to encompass within the old "rural" and "urban" categories.

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machinery and accelerated depreciation allowances.

Tax incentives are only one possible approach. And even if the Rural Job Development Act were written into law tomorrow it would not, in and of itself, be sufficient to create the type of balanced economic growth which we seek.

Industrial plant location is influenced by a great number of factors. For example, the spirit, the determination, the vision of the leadership in local communities are of critical importance. And as you look across Kansas today you will see a number of examples where the degree of community spirit and leadership has made the difference in whether a community grows or stagnates.

But community good will and determination by themselves are also not sufficient. Prospective new industries and business enterprises are greatly concerned about the quality and quantity of such things as housing, medical services, recreational opportunities, water and sewer systems, and transportation facilities. But these types of things are often lacking if the community's economic base is inadequate.

New jobs help expand the community's economic base and therefore make it easier for the community to provide the necessary public and social facilities which new business and industry often demand. But it is difficult to attract these new job-creating enterprises in the first place unless these services are already available.

Thus, the rural development movement must include a comprehensive effort to strengthen the entire infrastructure of our smaller communities. Existing Federal programs in such areas as housing and water and sewage treatment need to be expanded. Innovations in such areas as health care and recreational development will probably be needed.

In addition, a number of the existing Federal aid programs need to be reoriented to place greater emphasis on development. As presently administered, the focus is often limited to simply maintaining the status quo rather than generating growth.

And certainly it is imperative that we bring about a more effective coordination among the various overlapping, and often competing, Federal programs.

And beyond these more direct-aid type of programs, we are also going to have to take a fresh new look at our entire transportation policy to assure that our rail, highway and air networks encourage rather than discourage the geographical dispersion of people and industry. My proposed Rural Development Highways Act and the Limited Air Carrier Act are aimed in this direction.

Altering the present patterns by which the Federal government allocates research and development funds and other monies for civilian and military procurement and the location of government projects of all types also has a potential for stimulating economic growth and development in a number of our smaller communities.

And certainly the states must play an important part in this effort to achieve a more balanced growth. Of particular importance is the need for comprehensive area and regional planning for development to assure maximum utilization of Federal aids and incentives and to make the best use of the resources of state and local communities.

The growing interest in rural community development is one of the more significant events of the past decade. I believe that we will see major breakthroughs in public policy in the next decade. Indeed, rural community development has become a national necessity.

ABOUT THE AUTHOR

Senator James B. Pearson has been representing Kansas in the U.S. Senate since 1962. Before that time he served in various offices in city and county government, was a state senator, and state chairman of the Republican party. He serves on the U.S. Senate Appropriations Committee where he is the ranking Republican on the legislative subcommittee and on the Commerce Committee where he is ranking Republican on the consumer subcommittee and the special subcommittee, freight car shortage.

INTERSTATE COMMERCE COMMISSION COMMENTS ON RAILPAX PLAN

Mr. MANSFIELD. Mr. President, as my colleagues in the Senate know, I have been very critical of the Interstate Commerce Commission in recent months because of their handling of matters pertaining to passenger train service, freight rates and the boxcar shortage. In general I have felt that in handling the surface transportation problems of our Nation, they have been too willing to acquiesce to the industry and to the detriment of the general public. As a regulatory agency, I think the Interstate Commerce Commission has a responsibility to do a little counseling and lecturing within the industry. I am delighted to see that, in commenting on the basic national rail passenger system plan, the ICC is doing this.

The Commission has released its review of the preliminary report on the railpax plan submitted some weeks ago by the Secretary of Transportation. The Commission agrees generally with the basic plan but has suggested six modifications and details which I believe are most worthwhile, and several of these will be of special interest to Montana. The Interstate Commerce Commission recommends that the plan be expanded to include a connection between two transcontinental routes under the present Butte-Salt Lake City line operated by the Union Pacific. They have also suggested that service be maintained on both the Great Northern and Northern Pacific passenger lines through Montana. This is of vital importance because to discontinue service on either line would deprive passenger service to half of my State. These recommendations also point up the continuing negative attitude on the part of the railroads which are consistently discouraging passenger service.

I sincerely hope that the Commission will continue to express these opinions in working with other Federal agencies in the development of a viable and successful railroad passenger network.

Mr. President, I ask unanimous consent that this document, "Review of Preliminary Report on Basic National Rail Passenger Service System," submitted by the Interstate Commerce Commission, be printed at this point in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

REVIEW BY INTERSTATE COMMERCE COMMISSION OF PRELIMINARY REPORT ON BASIC NATIONAL RAIL PASSENGER SYSTEM

DECEMBER 29, 1970.

TO: SECRETARY VOLPE.

The Commission recognizes that your preliminary designation is the culmination of a most difficult and controversial task. We commend you on the achievement of setting forth a plan upon which there can now be built a system of rail passenger service. Without this, such an effort could not be made, and rail passenger service in this country would have been destined to disaster. Within the limitations and objectives of the Rail Passenger Service Act of 1970, the initial success of the new system will require a substantial cutback in existing passenger service. Keeping things in mind, we have carefully analyzed your preliminary designation. We have unavoidably reached the conclusion that it omits certain links, segments and other specifications essential in our view to a meaningful national rail passenger system. Absent those links and segments, the preliminary designation leaves whole regions of the country without service and this service, our findings indicate, is clearly needed. If added to the system, even though some of the additional service would undoubtedly be financially marginal, we believe the system would then, on balance, more nearly meet the requirements of the statute.

Our attention was drawn to ambiguities in the manner of presentation and the layout of the preliminary designation, by which the public might be misled into thinking that every route shown will be operated. The fact is that of the many routes you have identified between the specified end points, the National Railroad Passenger Corporation created under Title III of the Act would elect that route or routes to be operated. Route selection is a Corporation function. Point designation is the Secretary's function. No one knows, at this point, which route will be selected; but a more specific designation of the intermediate points between which service must be performed, would provide a clearer guide for route selection.

Our recommendations as to the basic system, summarized here as "essentials," are set forth in detail in Appendix A. Other recommendations for the institution of service in excess of the basic system (under Section 403 of the Act) are set forth as "secondary" in Appendix B. The flexibility of Section 403, as opposed to the rigidity of Section 404, will permit these "secondary" trains to be tested in the light of actual experience. We urge that they be so tested, in conjunction with the basic system for at least one year. Following the termination of that period the Corporation should study the operations of the system as a whole in order to make the determination as to which of the "secondary" routes should be retained.

In reaching our conclusions we have drawn extensively upon our own records developed in passenger train cases over the last twelve years. These proceedings shed light upon the relative demand for passenger service between points, and the extent to which other modes of transportation are available. Among them is the record compiled just last month in extensive hearings conducted along the Southern Pacific's "Sunset" route between Los Angeles and New Orleans primarily to develop data for this review. We have considered population statistics, air line "pair" statistics, existing bus and air schedules, various maps and atlases, the Department of Transportation's 1968 "Corridor Task Force" report, information received in the course of a briefing of our staff by the Department on December 17, 1970, and other pertinent matter.

Initially, we are concerned about whether your design fully satisfies the statutory mandate. You have specified the ultimate termini between which intercity passenger trains shall be operated and have identified all routes over which service *may* be provided (this latter subject of identification of routes is more fully discussed below). These two requirements—specification of points and identification of routes—are set forth in Section 201 "Designation of System." But we raise two basic questions as to your method of point specification and route identification: First, does it meet the requirements of Section 101, "Congressional Findings and Declaration of Purpose"?

And second, does it meet the Section 201

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requirement that the points between which the trains shall operate be designated?

As to certain areas of the country, we believe your designation falls short of the Section 101 standards. The Corporation is given such wide latitude of route choices between some widespread end points that some vast areas of the country may be left without service and the Corporation cut off from revenues available in those areas. By operating only the smallest number of train miles in the name of expediency—using a route common to sets of end points—the Corporation could, with the one route, satisfy its obligation as to several sets of end point pairs, yet entirely avoid operating through whole regions, for example, through the northern and southern states.[1] This is too wide a latitude of choice. Vast areas are in danger of losing *all* passenger service by rail.[2]

Skeletalized in that fashion, the operations would not comport with the intent stated in Section 101. There the Congress found that . . . the public convenience and necessity require the continuance and improvement of such service . . . between crowded urban areas and *in other areas of the country;* . . . (emphasis supplied).

With the wide latitude afforded by the preliminary designation, the Corporation could provide service between the crowded urban areas (the end points) but neglect the "other areas of the country." By failing to provide for the latter service we think the proposed design does not fully satisfy the stated Congressional intent. To meet this "other areas" requirement, we believe it was intended that you specify the points between which the trains *shall* operate, and not merely the end points on long distance routes.

Turning next to the route identification, we respectfully submit that, as given, it is not really an identification in the sense intended by Congress. The "routings" are written only as "via" certain points, without the customary railroad-by-railroad point-by-point descriptions. As a result, the identification is sometimes ambiguous, particularly when the accompanying maps do not clearly show rail routes. For example, one of the Chicago-San Francisco routes is described as "via Omaha-Ogden/Salt Lake" (Preliminary Report, p. 26). But there are at least 3 routings between Chicago and San Francisco via Omaha:

(1) The Burlington Northern-Denver & Rio Grande Western-Western Pacific (the former "California Zephyr");

(2) The Milwaukee-Union Pacific-Southern Pacific (the "City of San Francisco");

(3) The "interchange" route presently operated by the Burlington Northern, Rio Grande and Southern Pacific.

Yet it is impossible to determine from the preliminary designation which of the Chicago-San Francisco routes are being designated as available to the new Corporation. Neither the list of "identified" routes nor the list of all extant routes would appear to satisfy the requirement of Section 201 that an appraisal be made and judgment be exercised on the basis of the statutory criteria—which include, among others, "service to more centers of population" and "joint operation . . . of facilities of two or more railroad companies."

This ambiguity is of substantial importance to members of the travelling public—who should be able clearly to tell just what options are open to the Corporation. The matter is also significant to the carriers, because the payments they will make to the Corporation may be computed by their intercity losses sustained "over the routes between those points" specified by the Secretary (Sec. 401(a)(3)(B)). Moreover, specification of points between which trains shall operate would also assure the public that certain stops will be established. In this connection, it is our understanding that the "intermediate points" shown on the preliminary designation were used for identification only and do not guarantee service at the cities named.

As we understand the statute, the intended description of "service characteristics" calls for a degree of specificity not reached in our preliminary report. In explaining the bill, the House Committee Report states that the Secretary's preliminary report would specify "* * * points between which intercity passenger trains would be operated, routes over which service will be provided, and the schedules and equipment characteristics of trains operating between those points." House Report No. 91-1580, 91 Cong., 2d Sess. (1970), p. 5. To meet the intent so expressed, something more is required, in our opinion, than a statement of general service characteristics. At least to some extent, there should be an indication of what equipment and services should be in the make-up of the trains as they operate between named cities. For example the history of the Act shows that Congress envisioned "overnight runs between major centers of population, such as New York-Chicago" as included in the plan.[3] Similarly any rational system would require more frequent service between New York and Washington than between Chicago and San Francisco—where we have found tri-weekly operations sufficient to meet travel needs. Minute details as to every operation would be impractical, of course; yet, we feel it would be more consistent with the legislative purpose, more useful to the traveling public and helpful to the carriers, too, if your final report were more particularized as to service characteristics between specified points.

We recognize that the designation of "service characteristics" assigned to you by Section 201 to some extent overlaps our responsibility under Section 801 of the Act to prescribe regulations dealing with "adequate service, equipment, and facilities for intercity rail passenger service." The task assigned to this Commission, we view as a continuing one, and we shall shortly begin with a rulemaking proceeding in which the Corporation and other interested persons may be expected to participate.

Our contribution in this regulatory area would be more helpful toward the development of a successful rail passenger system if we—and the public as well—had the benefit of a more precise indication than appears in the preliminary designation of the "service characteristics" you deem appropriate, in the present circumstances, between particular points.

Addressing the cost aspects, it is our judgment, if passenger revenues and carried costs alone were determinative, there would be a serious question as to whether a basic system of any kind could be sustained. Government help is required, and that provided by the new legislation presents a wholly new picture. Now, cost considerations, while of importance, need not be of such magnitude as to spell defeat before the system has a chance to prove itself. The plan for the system has, from the time of its conception, been subjected to the critical scrutiny of many, and has been variously appraised as being any number of things ranging from "a bright promise for a glorious rebirth" to "a clever contrivance for an ignominious demise." Whatever the future may produce, the plan and the system should be utilized, at the very least, as a real test of whether good passenger train service, equal in quality and quantity to the common expectation, can attract and sustain sufficient patronage to compete with the other popular modes of travel on a self-sustaining basis.

Even as such a test, however, the system must be, in actuality, a system—not merely a few trunklines with occasional flair-outs connecting major population nodes. As Congress has envisioned it (Section 101), the system must link together the various regions, providing service between the crowded urban areas and in other areas of the country, so that the traveler in America, will in fact be able to choose rail when most convenient to his needs. Short of that, the entire Federal expenditure could turn out to be a waste.

In our judgment the system set forth in your preliminary paper should be modified and augmented to provide for the services described in detail in Appendix A of these comments. And, if the project is to have a real chance at success, the funding necessary to feasibility must be made available. The essentials of our recommendations are summarized as follows:

(1) We urge preservation of rail passenger service along the west coast between Seattle and San Diego. Service over this fast-growing corridor would link some of the nation's largest metropolitan areas between which a tremendous amount of intercity travel occurs. If successful, it could greatly contribute to the alleviation of the notorious highway congestion and air pollution problems of this region.

(2) We think it essential that rail passenger service linking the south and southwest with the west be maintained, as at present, on a thrice weekly basis between New Orleans and Los Angeles. Omitting service across the southern tier, the preliminary designation effectively precludes transcontinental passenger service over the "Sunset" route for the entire southeast as well as for millions living in or near the numerous large cities of the southwest such as Beaumont, Houston, San Antonio, El Paso, Tucson and Phoenix.

(3) Trains between Chicago and San Francisco should run over the "Feather River Canyon" route of Western Pacific between Salt Lake City and San Francisco and the "Rocky Mountain" route of the Denver & Rio Grande Western between Denver and Salt Lake City. This routing will not only assure the continuance of a uniquely scenic travel experience but also will assure continued service at Denver and Salt Lake City.

(4) Washington and Chicago should be linked by direct through rail service, so that the nation's capital could be directly and conveniently accessible by rail from midwestern and far western points. This is the kind of route which, under current highway and airway congestion problems, could well regain a substantial clientele of business travelers.

(5) Trains between Chicago and Seattle should be designated to run via St. Paul-Minneapolis with specified stops at the Twin Cities. Otherwise, it is possbile, under the preliminary designation, for those trains to be routed over another corridor completely depriving the states of Wisconsin, Minnesota, North Dakota, and Montana of rail passenger service.

(6) The Tampa-St. Petersburg area should not be left without rail passenger trains. This part of Florida generates comparatively heavy vacation travel and is inhabited by many older retired people for whom train travel is a virtual necessity. Since you have designated routes along the east coast to Florida, our proposal would involve a relatively short extension of already recognized routes.

In addition to the six services listed above, we feel the other recommendations listed in Appendix B must be given careful consideration in arriving at a realistic passenger system.

By the Commission.

George M. Stafford,
Chairman.

FOOTNOTES

[1] Chicago-Seattle; Chicago-San Francisco; and Chicago-Los Angeles all have—as one alternate route—the 1,302 miles between Chicago and Green River, Wyo., from where separate trains could be operated to the destinations. If this occurs, there would be service only through a central corridor.

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[2] For example, the end points of Chicago-Detroit; Chicago-New York; and New York-Buffalo could all be handled as a single operation leaving unserved a wide belt across Indiana, Ohio and Pennsylvania now traversed by several New York-Chicago routes. To save train miles, the operation between the end points of Chicago-Cincinnati could be fitted into the St. Louis-Washington, D.C., and Chicago-Miami end points thereby eliminating six other possible routings between the latter two pairs.

[3] Sen. Report No. 91-765, 91st Cong. 2d Sess. (1970), p. 9; Cong. Rec., May 5, 1970, p. 14164.

APPENDIX A—ESSENTIAL RECOMMENDATIONS

1. West coast service between Seattle and Los Angeles

(a) Seattle-San Francisco

To provide service between Seattle and San Francisco, those cities should be established as north-south end points with Portland as an intermediate point. Under the Secretary's proposed basic system, the service between San Francisco and Portland would be eliminated. Service between Portland and Seattle would remain only as a possible portion of an alternate Chicago-Seattle routing.

The Seattle-San Francisco corridor is approximately 900 miles in length, with the Seattle-Portland segment comprising 186 miles. The corridor embraces three metropolitan areas (Seattle, Portland, and San Francisco) with total population exceeding five million. These metropolitan areas rank 18th, 33rd and 6th respectively in the nation.

Our extensive proceedings dealing with train service between San Francisco and Portland clearly show a need for such service which has been operated, albeit at a loss, by a prosperous carrier.[1] Based on our records we conclude that at least tri-weekly service can satisfy public need, with substantial reductions in past operating losses.

In 1958, three pairs of trains were operated daily. Shortly after the enactment of Section 13a of the Interstate Commerce Act, Southern Pacific successfully sought authority to reduce the daylight service, the Shasta, to a tri-weekly service during the off season. See *Southern Pacific Transportation Company Change of Train Service on Trains Nos. 9 and 10 Between Portland, Oregon and Oakland, California,* 307 I.C.C. 209. Reference to that proceeding indicates that on a daily average 466 passengers were utilizing the subject trains. Recognizing that the claimed annual losses were substantial, i.e.—some $1,912,000, and that an abundance of alternate rail service existed, the Commission authorized reduction of service by order decided May 6, 1959. The rail service remained relatively constant until 1964 when the carrier sought to reduce the Shasta service to a daily summer service only. See *Southern Pacific Transportation Company Change in Train Service on Trains Nos. 9 and 10 Between Portland, Oregon and Oakland, California,* 320 I.C.C. 740. While the claimed losses on the Shasta had decreased (as a result of the 1959 proceeding) by some $1 million, the Commission, again citing the availability of remaining service, permitted the additional partial discontinuance effective on May 14, 1964.

Less than a year later Southern Pacific sought to discontinue a second pair of Portland-San Francisco trains. See *Southern Pacific Transportation Company Discontinuance of Trains Nos. 19 and 20 Between Portland, Oregon and Oakland, California,* 328 I.C.C. 947. Discontinuance of these trains was authorized because they were primarily for mail and express and served some 35 intermediate points, taking 4-5 hours longer than either the Cascade or Shasta. Finally, in 1966, the Commission authorized discontinuance of the remaining tri-weekly, summer-only Shasta. Significantly, however, our records in this proceeding (Finance Docket No. 23756) show that despite rising costs from 1959, the institution of a tri-weekly summer service reduced the total expenses from over $4 million to approximately $733,000 annually.

In 1968, Southern Pacific sought unsuccessfully to eliminate the last remaining Portland-San Francisco service, the Cascade. *Southern Pacific Transportation Co. Discontinuance of Trains Nos. 11 and 12 Between Portland, Oregon and Oakland, California,* 334 I.C.C. 159. In rejecting the proposal and ordering the Cascade continued for one year (the maximum period allowable under the statute) we discussed several currently relevant factors. Of great significance for consideration of the basic national rail passenger system is the discussion of the Cascade as a connecting line. As the Commission stated (334 I.C.C. at 183):

"The train is a highly important link in our national transportation system. Approximately three-fourths of the Cascade's passengers transfer to or from other connecting trains. Therefore, the proposed discontinuance severing this connection conceivably could set off a chain reaction or domino effect destroying or seriously damaging other connecting trains, particularly if they represent marginal operations. We have stated in other proceedings that it is imperative to protect connecting trains or carriers in these proceedings where possible, since the severing of such connections through train discontinuances inevitably results in serious adverse effect on connecting carriers, leading in turn to further train discontinuances."

Other factors in ordering continuance of the Cascade involved high patronage, i.e., 144,000 in 1966 and 100,000 in 1967, and overstatement by Southern Pacific of its claimed losses. Significantly for present purposes we also noted that "the patronage is particularly impressive in view of the witness' testimony concerning deterioration in service, and the fact that Southern Pacific has exerted little or no effort to attract passengers either through advertising, travel agents, or other promotional programs." As we pointed out in *Union Pacific Railroad Company Discontinuance,* 331 I.C.C. 348, 369, it is reasonable to expect a railroad to take efforts to sell service in a manner compatible with the performance of its obligations as a common carrier (334 I.C.C. at 184). The Commission thus temporarily halted final cessation of the last remaining Portland-San Francisco passenger service.

Within weeks after this one-year period expired, Southern Pacific was again before the Commission seeking to reduce the Cascade to a tri-weekly service in lieu of a daily service *Southern Pacific Transportation Company Change in Train Service on Trains Nos. 11 and 12 Between Portland, Oregon and Oakland, California,* 338 I.C.C. 1. Because the record and decision in this case are relatively current, the proceeding—as well as the prior Cascade case—is significant in assessing any proposed basic national rail passenger system. Though we allowed the carrier to institute tri-weekly service, the decision shows that the Cascade during 1969 still carried a combined daily average of 192 passengers. Again, the record contained evidence dealing with Southern Pacific's attempt to discourage patronage. The carrier estimated that a tri-weekly operation between Portland and San Francisco would retain 74.9 percent of its passenger revenues while total expenses would drop some $1.3 million—or, stated differently, total losses would decrease over 33⅓ percent. The net result of these carrier estimates, substantially adopted by the Commission, is an annual operating loss of approximately $1 million, as against losses under daily operation which were rapidly approaching $2 million annually. The tri-weekly operation is now less than 4 months old and full operating results remain to be determined.[2]

In concluding, the Commission observed (338 I.C.C. at 20; emphasis added):

"that the Cascade is the last remaining direct rail passenger service between California, the Pacific northwest, and Canada. We are still mindful of this situation and have no intention of abandoning the users of rail service in this area on the basis of the record shown herein. The carrier indicated that it fully intends to continue the proposed operation in good faith and to make the operation a success. It has promised to upgrade the service and to carry out a newspaper campaign along the cities served by the Cascade for the purpose of promotion. We are in hopes that the improved service and promotion will increase patronage to the *extent that resumption of daily service will become warranted*. On the other hand, if the Congress of the United States, as stated by a number of its members in submitted statements, initiates a program to support national railroad passenger operations, *the service can easily be restored to a full-time basis.*"

The Seattle-Portland-San Francisco corridor falls within the purview of the standards prescribed for the basic system. Historically, and in terms of traffic usage and flow, the corridor has always extended to Seattle and until recent years through car service was provided at Portland. Because no carrier has sought to discontinue the Seattle-Portland segment, our records—and the bulk of the discussion above—relate to the Portland-San Francisco segment. But we do not wish to leave the impression that the Seattle-Portland segment is of any lesser importance.

A major factor is the importance of the Seattle-Portland-San Francisco service to the overall viability of the basic system. Elimination of this route would unquestionably have adverse effects on the remaining designated service, as this corridor enables reasonable connections to virtually every sector of the country. The exact loss of patronage to remaining trains is, of course, unascertainable, but we wish to strongly emphasize the fact that some 75 percent of the patrons presently utilizing this service are either destined to or from points beyond the corridor, including transcontinental service (334 I.C.C. at 183). In short, the elimination of north-south service between Portland and San Francisco, as suggested by the Secretary's preliminary designation, breaks connections and creates a significant gap which could well weaken the basic system from its inception.

While such an operaton has incurred losses in the past, in our view this consideration is outweighed by public demand (an average of 192 persons daily despite considerable evidence of downgraded service), by the fact that feeder value of such trains mitigates the losses, and by the judgment that a vast and important area of the country should not be deprived of rail passenger service. Moreover the new tri-weekly service between Portland and San Francisco, in existence for only 4 months, has not had sufficient opportunity to prove itself. This becomes particularly relevant in view of the first preliminary operating results showing a passenger retention rate exceeding 80 percent. Given the resources and purposes of Railpax, that patronage should at least remain level and hopefully will increase. We strongly urge the Secretary to designate the Seattle-Portland-San Francisco corridor as a segment of the basic system.

(b) *San Francisco-Los Angeles*

Under the Secretary's proposal there will be no direct passenger service between San Francisco and Los Angeles. It is respectfully submitted that north-south service between Los Angeles and San Francisco should come within the basic system.

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The Los Angeles-San Francisco route is a link in other vital routes and is, of course, related to our other essential recommendations. Historically, and presently, direct connections are available between Seattle and Los Angeles. Those patrons desiring to go either eastward or further south can be provided with direct connections with Southern Pacific's Sunset at Los Angeles. This latter service, because of a recent innovation, is the only through transcontinental train service to the eastern seaboard.

Perhaps the most significant factor is the sheer enormity of the population of the two termini. According to the 1970 census, Los Angeles and San Francisco are the second and sixth, respectively, largest metropolitan areas of the United States with a combined population exceeding 10 million. The population trends in California show every sign of continued growth. It is also generally recognized that this area attracts many older or retired people—a group shown by our records to be particularly dependent upon rail passenger service. In addition, freeways and airways between Los Angeles and San Francisco are at their saturation point and simply cannot handle 100 percent of the intercity traffic. In our view, it is difficult to conceive that the Los Angeles-San Francisco corridor would not support at least some rail service.

Because Los Angeles-San Francisco trains are intrastate, we do not possess the detailed information available in our interstate discontinuance cases. Nevertheless, our records in the San Francisco-Portland cases show that numerous patrons will utilize these trains in conjunction with travel to or from points north of San Francisco. The Los Angeles-San Francisco route not only offers feasible connections to all parts of the country, but has the unique advantage of providing patrons with unusual scenery and the chance to see both of the major west coast cities as part of the same trip.

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We see no reason why the west coast, which is the Nation's most substantial growth area, should be treated differently than the east with respect to north-south corridor service. The basic plan incorporates service from Boston to Miami with sufficient intermediate routings to insure a viable north-south service in addition to east-west service. The Pacific Coast with its senior citizens, its congested freeways and airways producing pollution, and its high density of population, certainly is in no lesser need of the same north-south service.

(c) *Los Angeles-San Diego*

Under the proposed system no service would be provided between San Diego and Los Angeles. Los Angeles would be an end point in the various east-west routings to Chicago. The Commission recommends the incorporation of routes between Los Angeles and San Diego. The short 127-mile distance between these two cities, the relatively dense population, the high growth rate, and increasing traffic congestion are all reasons why Los Angeles-San Diego service should be included. It would appear, as developed below, that this would be a highly profitable route which could subsidize other marginal but required operations by the Corporation.

The area between Los Angeles and San Diego is one of the most densely populated parts of our most populous state. Los Angeles, San Diego, and the intermediate point of Anaheim, have a combined population of just under 10 million. Between 1960 and 1970, these 3 cities have experienced growth rates of 15.4 percent, 26.9 percent and 100.2 percent, respectively. All of these increases exceeded the national average of growth for cities of population of 500,000 or more with Anaheim having the highest percentage increase of any city in the country. Rather than eliminating service between these populous centers, serious consideration should be given to the institution of a "ground shuttle" type operation similar to the metroliner in the New York-Washington corridor.

Of additional significance is the fact that this 127-mile corridor presently supports three pairs of trains daily. These trains, which have never been before this Commission for discontinuance, not only serve local traffic but provide an important link in east-west transcontinental service. Presently, two of the three pairs of trains provide direct connections with *all* of Santa Fe's Los Angeles-Chicago service. Exclusion of the Los Angeles-San Diego route would, therefore, cut off a potential transcontinental market of no less than 3 million.

It is evident to the Commission, based on the short distance, the large and growing population, the importance to transcontinental service, and the extensive existing rail service, that the Los Angeles-San Diego corridor will support a profitable rail service and provide an alternative to highway and air travel in an increasingly congested urban area.

2. Service between Los Angeles and New Orleans

Under the proposed system no east-west service would be provided between New Orleans and Los Angeles. This would leave the entire southeast and southwest without direct transcontinental rail service. We are unable to understand the basis for this omission. Accordingly, we recommend establishment of Los Angeles and New Orleans as east-west end points.

The 2,033-mile New Orleans-Los Angeles Sunset route is operated tri-weekly by the Southern Pacific. The Sunset trains have come before the Commission on several occasions. In the first proceeding the Commission concluded that Southern Pacific had purposely downgraded service to the extent that a profitable run had become a losing operation and consequently denied the discontinuance. *Southern Pacific Company Discontinuances of Trains Nos. 1 and 2 Between Los Angeles and New Orleans,* 333 I.C.C. 783, 794. Arguments as to the degree of losses or viability of such service should, in our view be considered in light of such evidence of downgrading.[3]

Recently, however, there has been a substantial improvement of service. In October, 1970, the Commission permitted the Sunset to operate on a tri-weekly basis in conjunction with the carrier's proposal to reinstate dining cars and sleeping cars. *Southern Pacific Transportation Company Change in Service of Trains Nos. 1 and 2 Between Los Angeles, Calif. and New Orleans,* Finance Docket No. 26324. Southern Pacific also entered into an arrangement with Southern Railway and Penn Central whereby through transcontinental service from New York and Washington to Los Angeles is now offered. This new service so far has received an enthusiastic public response. Testimony in this recent Sunset case shows that in a month's time, bookings for sleeper service have been so great that extra sleeper cars have been or will be added on 22 occasions between now and March 1971 In addition, 35 sleepers will be added in this period for special tour groups.

Certain metropolitan areas, whose population exceeds 3,000,000 people, would be left without *any* meaningful transcontinental rail service under the Secretary's proposal. Tucson, Phoenix, and El Paso would have only a northeastern route available if such a route is operated by the Corporation which has three possible routings between Los Angeles and Chicago of which only one serves these cities. San Antonio and Beaumont would have no rail service at all. Some of these cities have large retirement communities which are potentially excellent markets for rail passenger service. Moreover, our recent Sunset investigation shows that only 11 of the 38 major centers of population served by the Sunset have through bus or plane service on the Los Angeles-New Orleans route. For the other 27 cities, east-west travel involves circuitous routing, transfers, and delays. Over the years the communities served by the Sunset have shown a continuing reliance on railroad service. We continue to adhere to the view, supported by our Sunset investigation concluded only last month, that Los Angeles-New Orleans service is essential to any basic rail passenger system.

Furthermore, if we may assume the establishment of the Sunset route and that the Corporation elects to operate the Santa Fe southern route between Chicago and San Francisco through New Mexico at the Dalies, Belen and Isleta area, a short connection of not more than 242 miles could be made between El Paso and the specified New Mexico area served by Santa Fe. This would give both the west coast and southwest a transcontinental southern and midwestern route. Thus, at El Paso, a passenger could proceed to New Orleans and the northeast *or* go on to Chicago and the midwest over a much shorter and cheaper route.

Additionally, the short 242-mile connection could replace a 1,000-mile routing proposed by the Secretary from El Paso to Kansas City much of which is over the Rock Island line which is in such a poor state of repair as to make rehabilitation difficult.

3. The Feather River Canyon route of the California Zephyr

We urge specification of the Western Pacific route between Salt Lake City and San Francisco as part of the already prescribed Chicago-San Francisco end point service. Under the Secretary's proposed system, service between Chicago and San Francisco is designated over various routes, including one described as "Salt Lake City/Ogden." Under this description, there were three possible approaches: the Southern Pacific from Ogden; Western Pacific from Salt Lake City; and the present across-the-platform interchange at Ogden utilizing Southern Pacific and Denver & Rio Grande Western.[4] We think it essential that this routing ambiguity be clarified and that the Western Pacific route be used.

The California Zephyr route between Salt Lake City and San Francisco, via Western Pacific, traverses spectacular scenery of the Feather River Canyon. As recently as 1967 we found that "operation of the California Zephyr has permitted more than 135,000 persons a year to enjoy some of the most spectacular scenery in the country under ideal conditions. In this sense, the trains * * * are a unique national asset." *Western Pac. R. Co. Discontinuance of Trains,* 330 I.C.C. 577, 586 (1967). One year later we stated that a trip on the Zephyr "is a unique experience" providing "breathtaking views of some of the finest scenery in America" and again recognized the train as a "unique national asset." *Southern Pacific Discontinuance—Ogden to Oakland,* 333 I.C.C. 525, 537, 557 (1968).

Since their inception in 1950 the Zephyr trains have carried nearly three million people. Daily average patronage has exceeded 75% of capacity; and in 1967 we found that the Zephyr operated "at virtually full capacity during the summer vacation season" (330 I.C.C. at 586). Ultimate discontinuance of the Western Pacific Zephyr segment rested not on any lack of patronage, but on other factors—primarily because the losses were driving a relatively small carrier into a deficit position. *Denver & R. G. W. R. Co. Discontinuance,* 336 I.C.C. 691, 710 (1970).

But cost factors, while still a vital concern, need not necessarily override other considerations under the new legislative approach. Indeed the Senate Committee Report states: "Examples of what the committee foresees

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included in the long-distance network are * * * the principal routes from midwestern points to the Pacific coast, *including those of unique national beauty*." (Emphasis added).[5] And the same point was made during debate on the Senate Floor.[6] The Western Pacific segment, if operated in conjunction with the Denver & Rio Grande Western segment between Denver and Salt Lake City, would serve the heavily populated metropolitan area of Denver with over a million people and reach several otherwise isolated communities not adequately served by other modes of transportation. Additionally, this route traverses the scenic Rocky Mountain area in Colorado. Under all of these circumstances we urge preservation of this "unique national asset" as part of the basic system. Taken as a whole, the D&RGW and Western Pacific route appears preferable to the more northern Union Pacific operation.

4. Thorugh service between Washington and Chicago

In our judgment it is essential that the basic national system include direct through rail service between Chicago (the gateway to most western points) and the Nation's capital. Such an operation would link the country's third and seventh largest metropolitan areas which have a combined population of nearly ten million people. This is especially feasible because the Secretary has already designated routes which can be used to provide precisely such a service. Unfortunately, however, the preliminary designation fails to make clear whether or not direct through Washington-Chicago service is contemplated.

We note the designation of the Penn Central Washington-Baltimore-Harrisburg route as part of an alternate route between Washington and St. Louis. Harrisburg, of course, is an intermediate point on the Chicago-New York routing. Historically, and at present, the Harrisburg-Washington route has been utilized as one of the main routes between Washington and Chicago. Through car service, however, is no longer provided and the Penn Central route to Chicago is somewhat cumbersome, involving transfers at both Baltimore and Harrisburg. Another disadvantage of the routing is that on the eastbound connection passengers must get up at the crack of dawn to make the Washington connection. Despite these disadvantages under present operation, the Penn Central routing is most feasible and offers the fastest rail service between Chicago and Washington. We strongly recommend that the Secretary designate this Penn Central route to Chicago but eliminate the need for the two transfers at Harrisburg and Baltimore. This could readily be accomplished by providing a through sleeping car and coach between Washington and Chicago.[7]

Another alternate designated route is the Baltimore and Ohio route from Washington to Pittsburgh at which point, evidently, passengers could transfer to the Penn Central New York-Pittsburgh-Chicago route. Pittsburgh likewise is an intermediate point on the New York-Chicago designated route and it is anticipated that in the very near future the new Metro terminal at Pittsburgh would enable a reasonable connection at Pittsburgh for Washington passengers destined to or from Chicago. Presently, however, the B&O and Penn Central terminals are over a mile apart and we therefore suggest that Pittsburgh not be used as a connecting point to Chicago at least until the new terminal is completed—and even then only if through Washington service is provided. Such service could also be operated, on a slightly longer schedule, over already designated routes between Washington and St. Louis: B&O-C&O-Penn Central via Cincinnati.

Thus under the designated basic system, implementation of a Chicago-Washington direct route should offer little, if any, difficulty to the new Corporation. One of the three connections already designated (Cincinnati, Pittsburgh, or Harrisburg) can readily be turned into a through-car service. The service we propose can be operated on an overnight basis with maximum convenience to those travelling on business. Such a train is presently operated, has been relied upon for years, and has never been the subject of a discontinuance proceeding.

5. Northern tier service between Chicago and Seattle

The Secretary has established Chicago and Seattle as end points. However, he lists three potential routes, only one of which serves the northern tier of states of Wisconsin, Minnesota, North Dakota, and Montana. *Unless* this northern alternate be implemented, *all* of these states would be left without *any* rail service. Located in these states are two large metropolitan areas (Milwaukee and St. Paul-Minneapolis) comprising over 3 million people, which areas rank among the 20 largest in the country.

To insure that service be provided to these northern states and cities, the Commssion proposes establishment of Chicago and St. Paul/Minneapolis as end points and St. Paul/Minneapolis and Seattle as end points.

(*a*) *Chicago-Twin Cities*

Our data showed substantial demand for at least some service between Chicago and the Twin Cities. Even today, after discontinuance proceedings under a statute designed to relieve railroads—which to some extent prevented our examining area transportation needs as a whole—there are still nine trains being operated by two railroads (Burlington Northern and Milwaukee) between the points. Our most recent proceedings show that even the four trains selected by the carriers—presumably the best candidates for discontinuance—carried nearly 140,000 people annually.[8] Viewed as a whole these proceedings show that Chicago-Twin Cities service could draw upon a market for travel between the terminal (336 I.C.C. 544) as well as a market for travel between Chicago-Milwaukee where we found "a degree of public need" (338 I.C.C. at 108).

Such trains can be operated on a convenient overnight schedule so as to benefit primarily the through passengers. They can also operate during daylight hours to benefit intermediate points such as Milwaukee on one route or a number of smaller rural communities on the other. Each route has its advantages,[9] and, under our suggestion, the Corporation could either select between the routes or, preferably, operate trains on alternate days over both.

(*b*) *Twin Cities-Seattle*

Presently, Burlington Northern operates eight trains daily between St. Paul and Seattle/Portland[10] over two separate main lines and via four different routings. Two pairs of trains use the former Great Northern route via Glacier Park. One of these trains, the Empire Builder, is a luxury express train providing the fastest ground service between Chicago and Seattle. It serves Williston and Minot, N.D. The other train, the Western Star, is routed via Alexandria, Minn., and Grand Forks, N.D., and provides the only direct connecting rail service to Great Falls. Montana, and Winnipeg, Manitoba. Both the Empire Builder and the Western Star serve Glacier National Park in the summer and the Whitefish Mountain ski area in the winter, popular rail destinations.

Two pairs of trains use the former Northern Pacific route via Yellowstone Park. One of these, the North Coast Limited provides luxury through service between Chicago and Seattle/Portland. This train serves Butte, Montana. The other train, the Mainstreeter, provides essentially local service and is routed via Helena, Montana rather than Butte.

In addition to providing the only all-year service to Yellowstone the Northern Pacific route serves Billings and Missoula, Montana, as well as Bismarck, the capital of North Dakota. In Montana, the Great Northern and Northern Pacific routes, while parallel, are almost 300 miles apart. In North Dakota, they are over 100 miles apart. Thus, for over 1,000 miles. they are not competitive with each other or any other rail passenger service.

All four pairs of daily transcontinental trains are well patronized. Indeed of these, only one, the Mainstreeter, has ever come before the Commission for discontinuance. And that we denied.[11] In analyzing the trains which the carrier itself regarded as the most likely prospect for discontinuance, we found in 1968 that 251,827 passengers used the Mainstreeter annually, and that unlike the general trend—usage was actually *increasing*. Pointing to these increases (which, even according to railroad figures showed an average of 345 passengers per trip), the Commission concluded: "We consider it clear beyond dispute that the public has not abandoned the Mainstreeter" (333 I.C.C. 15, 38). In 1969, when the carrier again unsuccessfully sought to discontinue the Mainstreeter, we noted that a decrease in patronage was attributable to intentional downgrading by the railroad. As we concluded "* * * there are good reasons for this decrease in patronage—reasons brought about by railroad management in contemplation of discontinuance" (336 I.C.C. at 38). Despite all of this, the Mainstreeter trains still carried "approximately 200,000 revenue passengers" in 1968 (336 I.C.C. at 40).

Such extensive use is in addition to the North Coast Limited, which except for the Butte cut-off, parallels the Mainstreeter route between St. Paul and Seattle. Significantly the North Coast has never even been the subject of a discontinuance proceeding. In these circumstances we think there is ample basis for such service in the basic national system.

The use of trains over the former Great Northern route is equally impressive, considered along with the fact that the carrier has never sought to discontinue its two pairs of transcontinental trains operated over this route. In 1969, approximately 200,000 people used the Western Star, which runs between St. Paul and Seattle.[12] During the same period approximately 400,000 people used the Empire Builder and its connections between Chicago and Seattle/Portland. (Id.) And these figures do not account for passengers formerly travelling trains discontinued in the cited case, but retained on the Western Star or Empire Builder.

"In our judgment there is clearly a need for some transcontinental service on both the former Great Northern and Northern Pacific corridors between St. Paul and Seattle/Portland—whether on an alternate day or some other basis. To insure preservation of transcontinental rail passenger service through the northern tier of states, the Commission finds that the establishment of St. Paul and Seattle as end points is essential and should be included in the basic system."

6. Service between Jacksonville and the Tampa-St. Petersburg area

Under the Secretary's proposed basic system, service is provided to Miami, Florida, from both Chicago and New York end points through Jacksonville. However the western part of Florida containing such cities as Tampa and St. Petersburg is not included. The Commission recommends the designation of St. Petersburg as an end point with Jacksonville in order that service to west Florida will be preserved. This will involve but a comparatively short extension of routes already designated.

The metropolitan population of the Tampa-St. Petersburg area is slightly under one million people and according to the 1970 Census ranks 32nd as a metropolitan area. And the population of the area has grown by nearly 30 percent in the last ten years. West Florida has a large number of elderly and retired people who are especially dependent upon rail service—a factor of even somewhat more potential significance in view

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of more restrictive driving license procedures adopted by Florida. In addition west Florida is also a vacation area, and the Senate Committee listed "heavily travelled vacation runs, such as New York-Florida" as among examples of service to be included in the new system.[13]

Currently, the merged Seaboard Coast Line operates three train pairs over two routes. Significantly two of these three pairs have never even been the subject of a discontinuance proceeding before us. Recently the railroad unsuccessfully sought to discontinue one pair which runs through Gainesville. In rejecting the proposal, even as to the least attractive trains serving the area, the hearing examiner found:[14]

"The testimony clearly shows that the downgrading of service, difficulty of obtaining information or tickets, lack of promotion could not help but contribute to a loss of passengers using the service of the railroad. . . . Nevertheless, taking into consideration the economic impact on the communities, the number of passengers still utilizing the trains, and the testimony of those who have used, are using, or intend to use the trains, and the lack of adequate alternate transportation, the need for continuance of the trains is shown to be required."

We urge the establishment of St. Petersburg and Jacksonville as end points to preserve this service.

FOOTNOTES

[1] The Southern Pacific trains actually originate or terminate at Oakland, California, with a bus proving service into San Francisco.

[2] Testimony by a Southern Pacific witness in our recent Sunset investigation shows that revenue retention on the tri-weekly Cascade may even have exceeded the carrier's estimate. Finance Docket 26324, Transcript of Hearings, Nov. 2, 1970, p. 130.

[3] The record in this case showed numerous complaints as to insufficient seating capacity, absence of baggage services, deletion of sleeping and dining facilities, unclean conditions on the train and in depots, refusal to sell tickets to patrons, denial of the existence of particular trains, locking of depots until after departure of trains, difficulties in making reservations by telephone, late arrivals, purposeful sidetracking for freights, and promotion of air and bus service by the railroad itself.

[4] Our records show numerous complaints as to the adequacy of this interchange. Our investigation of this arrangement has been stayed pending developments under the Rail Passenger Service Act.

[5] Sen. Report No. 91–765, 91st Cong., 2d Sess. (1970), p. 9.

[6] Cong. Rec., May 5, 1970, p. 14164.

[7] We foresee only one operational difficulty in that through trains between Washington and Harrisburg must be carried "backwards" between Washington and Baltimore as the Harrisburg line from Baltimore leaves from the south end of the station. This, of course, is a minor inconvenience and should not otherwise impair the implementation of a through Washington-Chicago route.

[8] *Chicago, Burlington & Q.R. Co. Discontinuance of Trains Nos. 51 and 52,* 366 I.C.C. 536 (1970; *Chicago, Milwaukee, St. P. & P.R. Co. Discontinuance of Trains Nos. 1 and 4,* 338 I.C.C. 93 (1970.)

[9] The Burlington Northern route traverses areas of the midwest for which interstate highways have not been designated and which, we are informed, have less than ideal highway conditions. Indeed we are told that only recently a billboard near Galena, Illinois offered "congratulations" to motorists for having "survived" U.S. Highway 20. In addition, air service, when available, is often more than double the rail fare. The Milwaukee route provides a one-stop express train service between Chicago and Milwaukee, a distance of 90 miles. Air service between Chicago and Milwaukee, though used by many persons, requires extensive travel to and from the Chicago airport, which is located more than one-fifth of the way to Milwaukee and involves at least 30 minutes of driving from or to downtown Chicago.

[10] Trains serve Portland directly with through cars being switched off at either Spokane or Pasco, Washington. Consequently, trains arrive at both Portland and Seattle at approximately the same time.

[11] *Northern Pacific Ry. Co. Discontinuance of Trains Nos. 1 and 2,* 333 I.C.C. 15 (1968), 336 I.C.C. 7 (1969).

[12] *Great Northern Ry. Co. Discontinuance of Trains Nos. 3 and 4, etc.,* 336 I.C.C. 477, 511–512 (1970). This proceeding dealt with other trains but furnishes a valuable source of information as to patronage of the Western Star and Empire Builder. Our figures here were computed by multiplying daily averages set out in the cited case.

[13] Senate Report *supra.* See also Congressional Record, *supra,* where the same language appears during the Senate debates.

[14] F.D. No. 25972, *Seaboard Coast Line Railroad Company Discontinuance of Trains Nos. 93 and 94 Between Jacksonville and St. Petersburg, Florida,* Examiner's Report, p. 25.

APPENDIX B-SECONDARY RECOMMENDATIONS

1. Salt Lake City-Butte

The proposed basic system does not include a north-south service between Salt Lake City and Butte. Both of these points are intermedaite points on those transcontinental routes from Chicago to the west coast.

The Commission has twice ordered continuance of the Butte-Salt Lake trains operated by the Union Pacific.[1] The first case allowed the carrier to reduce service to tri-weekly but the more recent case denied the proposed total discontinuance. Essentially, the Commission has found continuance warranted for four reasons: the reliance of people in the area on this service; the bridge this line provides between other transcontinental routings; the lack of adequate alternate service; and the carrier's failure to promote this service.

Of significance is the fact that the tri-weekly service has resulted in a patron retention rate of 83 percent, despite an overnight schedule and the railroads' failure to either publicize the trains or to arrange schedules facilitating expeditious connections.

Alternate service is widely circuitous and limited. Forty-six of the 51 stations have no bus service. Air service is infrequent and limited to the termini and two intermediate points. Roads are limited. There is only one through highway from Great Falls to Butte to Salt Lake City. It is only two-lane and not engineered to Interstate Highway standards. Heavy fog is frequent at the mountain passes throughout the year and frequently closes the highway and the airports. The Commission summed up the situation when it ordered a continuance:

"The severe nature of the terrain and weather, the very inaccessibility of certain subordinate areas to the general area involved as demonstrated by this record dictate a need for some rail passenger service since the alternate modes available are limited and uncompromisingly subject to the vagaries of weather". 333 I.C.C. 182, at 193; 338 I.C.C. 50 at 60, *supra.*

The Commission furthermore hoped that under Railpax, the Butte-Salt Lake City service would be returned to a *daily* operation.

The Commission further found that the carrier did nothing to promote service on the line (338 I.C.C. 50, 62). Despite the fact that the train passes through wild and spectacularly scenic areas, and is the western gateway to Yellowstone National Park and the only rail gateway to Grand Teton National Park, there has been no advertising to attract the tourist trade. Because of these factors, the losses sustained were felt to be partially if not wholly incurred by the carrier's own doing. They therefore should not be considered too seriously in view of the countervailing public interest in the continued operation of these trains.

Despite the fact that the present service connections on the Butte-Salt Lake City run leave much to be desired, nonetheless feeder value of the line is estimated at 30%. Feeder value has increased since the discontinuance of the Twin City-Kansas City line for the reason that Butte-Salt Lake City line is now the only way for people living in the northern Great Plains to reach Salt Lake City-Los Angeles and points south without having to travel either east to Chicago, or west to Seattle, in order to obtain connecting service. The Butte-Salt Lake City line cuts about 1,000 miles from either of these routes.

In sum, the line constitutes a necessary bridge between east-west corridor routes.

2. St. Louis-Kansas City

Under the Secretary's proposed plan, there is no way for a passenger to travel coast-to-coast except through Chicago. Therefore, the St. Louis-Kansas City route should be included. At one time, St. Louis was a ranking gateway on east-west transcontinental moves. It should develop as another across-the-country routing.

As late as April 1969, three pairs of trains ran between St. Louis and Kansas City. At that time, a pair of Norfolk and Western trains were allowed off by the Missouri Public Service Commission. That left two pairs operated by the Missouri Pacific. These were considered by this Commission in October 1969 (*Missouri Pac. R. Co. Discontinuance of Trains,* 334 I.C.C. 792) and one pair was allowed off although both pair are still running as a result of a court injunction. In that case, it was found that 42,000 persons rode the trains over the first six months of 1968. The daily average number of riders was 234 persons. In permitting one pair to be discontinued, the Commission felt that the remaining pair would attract additional riders—which, in fact, had already picked up a substantial number of passengers from the discontinued Norfolk and Western trains—greatly lowering the annual losses of $600,000 incurred by all four trains.

In addition to these factors showing the need for at least a pair of trains, an east-west corridor through the middle of the country should be established. St. Louis, which ranks as the 10th largest city of population, is an end point in the Washington, D.C.-St. Louis routing, which in turn ties in with the New York-Chicago routings. St. Louis also is an intermediate point on several of the north-south routes as well. Service should be continued across Missouri to Kansas City where connections can be made to the west coast.

3. St. Louis-Detroit

The Secretary's proposed basic system fails to provide direct service between Detroit and St. Louis, the country's 5th and 10th largest metropolitan areas, respectively, whose population exceeds 6 million. The Commission recommends the continuance of direct service between these points via the route of the Norfolk and Western's Wabash Cannonball.

Three times has that carrier sought to remove trains over this route. During 1967 the carrier unsuccessfully sought to discontinue the Cannonball, a single pair of trains operated daily over the 488-mile route. *Norfolk and Western Railway Co. Discontinuance of Trains Nos. 110 and 111 between St. Louis, Mo. and Chicago, Ill. and Trains Nos. 301 and 304 Between St. Louis, Mo. and Detroit, Mich.,* 331 I.C.C. 415. In ordering the trains continued for the maximum statutory period the Commission concluded:

"N&W provides the only noncircuitous rail-passenger service between St. Louis and Detroit (both large commercial and industrial

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centers heavily populated); its trains serve a number of populous intermediate points; and the passenger patronage of at least six of the latter points indicates substantial reliance upon the subject trains. In 1966, both trains Nos. 301 and 304 averaged close to 100 passengers per trip. The alternate transportation of rail and bus is circuitous (via Chicago and Indianapolis), except for N&W's trains Nos. 302 and 303 which are night trains. While good highways comb the area, they too provide only circuitous routing most of the way. As to trains Nos. 301 and 304, we conclude that their continued operation is required by the public convenience and necessity." 331 I.C.C. 415, 441–442, *supra*.

Later, the carrier was successful in discontinuing the night pair of trains between the termini. *N&W Ry. Co. Discontinuance of Trains Nos. 302 and 303 Between St. Louis, Mo., and Detroit, Mich.*, 333 I.C.C. 284. One of the controlling factors in allowing these trains off was the fact that the Cannonball trains would remain and serve the same intermediate points.

A year later the Norfolk and Western sought again, unsuccessfully, to discontinue the Cannonball. *N&W Western Railway Company Discontinuance of Trains Nos. 301 and 304 Between St. Louis, Mo. and Detroit, Mich.*, 334 I.C.C. 506. Many factors present in the first case reappeared in this proceeding. For example, the patronage showed less than a 15 percent decline from 1966. Despite no effort to promote this service, the daily average exceeded 155 passengers and almost 60,000 patronized the train yearly.

The Commission observed that:

> The record herein is convincing that the Cannonball meets a necessary and continuing public need. This was amply demonstrated by the intense interest manifested by the public witnesses and by their evidence introduced into this record. It is also exhibited by the fact that a very substantial number of passengers still patronize the trains.
>
> As noted, some 58,538 fare-paying passengers used the subject trains in 1968. Of this total, about 16 percent were through passengers between Detroit and St. Louis. About 26 percent either originated or terminated their journey at Detroit or St. Louis. Thus, it is apparent that a majority of the passengers utilize the subject trains to and from rather sizable intermediate points.
>
> Trains Nos. 301 and 304 represent the only remaining noncircuitous passenger trains between Detroit and St. Louis, and there is no alternate substitute service which parallels the route of the Cannonball. The alternate bus routes are through either Chicago or Indianapolis and many of the intermediate points are not located on existing bus routes. Other intermediate points have but limited bus service with infrequent schedules. Likewise, available air transportation is not convenient to many of the intermediate points. 334 I.C.C. 506, 522–523, *supra*.

The United States District Court for the Eastern District of Missouri recently sustained the Commission findings respecting the Cannonball. *N&W Ry. v. United States of America and Interstate Commerce Commission* (decided July 2, 1970).

The Commission's proceedings over the past three years show a continuing need for this service and it should be included.

4. Charlottesville-Norfolk/Portsmouth

Under the Secretary's proposed basic system service will be provided between St. Louis and Washington. One alternate route is via the Chesapeake & Ohio through Charlottesville to Cincinnati, then over the Baltimore and Ohio route to St. Louis. No service is provided to the Portsmouth/Norfolk area which has a metropolitan population of 633,000. The Commission recommends the continuance of service to this area via Charlottesville and Richmond.

Through these connections, the corporation could provide service for the tidewater area—with a population of 1,149,000—to New Orleans and the southwest; both north and south on the eastern seaboard; and to Cincinnati, Chicago and St. Louis and points west and northwest. Since this area also abounds with military installations the feeder value from this 175-mile route should be advantageous in making the overall rail service viable.

Prior to 1968 two pairs of trains operated between Portsmouth and Charlottesville. In authorizing the discontinuance of one pair of trains, the Commission relied heavily on the fact that rail service would still be provided. *Chesapeake & Ohio Railway Co. Discontinuance of Trains Nos. 43 and 46 Between Portsmouth and Charlottesville, Va., et al.*, 333 I.C.C. 95, 124.

It is noted that the basic system does not utilize the Norfolk and Western route between Norfolk and Cincinnati, via Petersburg and Lynchburg, in conjunction with the proposed end point pairs. The Norfolk & Western route, over which one pair of trains presently operates, closely parallels and is competitive with the Chesapeake & Ohio route. Deletion of the N&W route makes the retention of the C&O Charlottesville-Portsmouth route all the more important.

Considering the population of over one million, the abundant number of military installations located in the area, and the short distance involved, a sufficient number of passengers should be generated to warrant and support at least one pair of trains to serve this area.

5. Through service between Chicago and Boston—Boston-Albany as end points

Under the Secretary's proposal rail service west from Boston may only be provided if the Boston-Springfield-New York operation comes into being. And it would end there. Historically, the New York Central and its successor have operated through trains west from Boston, the eighth largest metropolitan area, to Chicago. The Commission urges the inclusion of this corridor in the basic system.

The Secretary has designated New York City and Buffalo as end points listing only the route via Albany. In 1965 in a proceeding before the Commission it was found that the Boston-Albany run provided substantial feeder value to the New York-Buffalo route and service between Boston-Albany was consequently ordered reinstated by the Commission.[2]

The 1968 attempt to discontinue these trains was disallowed by the Commission which ruled that the carrier had only "gone through the motions of restoring these trains to service." These trains had been discontinued but on reconsideration, ordered restored. When discontinuance was again sought in 1968, the Commission found that the carrier had "put forth no effort to advise the public of the available service, and could be said to have withheld this knowledge from the public by lack of timetable publication and failure to show all available connections. On-time performance has been bad. Further, when the carrier completely revised its New York State schedules in 1967, it made no attempt to adjust the schedules of these trains to provide convenient service to the public nor did respondent show that it made any effort to determine what would best meet the needs of the traveling public.

"In view of these considerations, we do not find the declining patronage to be controlling in this proceeding. While we are unable to determine on this record the precise effect that the Central's actions have had on passenger utilization of the service, it is clear that patronage has been adversely affected."[3]

Despite such downgrading, there were 38,179 passengers—over 100 passengers per trip—still using the Boston-Albany segment of the through service between Chicago and Boston.

In a later 1969[4] proceeding, this service was ordered continued despite the bankruptcy of the Penn Central because of the need for connecting service between Boston and the New York City-Buffalo Empire service and the importance of this connection to the viability of the entire Penn Central passenger system.

This routing would provide a northern corridor linking New England directly with Chicago which, under the preliminary proposal, is the gateway to the entire western United States and should be included.

Nos. 6, 7, 8, and 9—Establishment of international corridors

Under the proposed basic system, no Canadian-American or Mexican-American corridors are established. At present, international trains run between Seattle and Vancouver, Canada; Grand Forks, N.D., and Winnipeg, Canada; Chicago/Detroit and Toronto, Canada; New York and Montreal, and New York and Toronto. The Commission submits that certain of these Canadian-American as well as some Mexican-American corridors are important to the system. The rail travel needs of Americans are not confined within United States borders and the factors used in determining the system should likewise be used in establishing international corridors.

(a) Seattle-Vancouver

Presently the Burlington Northern operates daily service between Seattle and Vancouver, a distance of 155 miles. Seattle and Vancouver are university towns, housing the University of Washington and the University of British Columbia, respectively. The combined population of the two cities exceeds 2.4 million, with Seattle's population of 1.4 million making it the 18th largest city in the United States. The relative short distance involved considered with the Pacific northwest having the greatest rainfall of any area in the U.S., averaging some 80 inches per year, makes substitute air service unreliable and uneconomic.

Moreover, the Seattle area relies very heavily on tourism for its livelihood. The Seattle-Vancouver corridor is used heavily by organized tour companies as a connecting link on Pacific northwest tours and with Seattle as an end point on service from the midwest and pacific southwest, it is a natural extension of these routes. Elimination of this corridor would undoubtedly hurt tourism in the area in that Seattle could be bypassed by direct flights to the east and south from Vancouver. Faced with these considerations, omission of the Seattle-Vancouver corridor appears to be unwarranted. Its inclusion in the basic system is strongly urged.

(b) Chicago/Detroit-Toronto

Presently, the Canadian National and its subsidiary, the Grand Trunk Western, provide service between Chicago and Toronto via Port Huron, Michigan. Canadian National, by way of a 5-mile bus connection between Windsor, Ont., to Detroit, provides service between Detroit and Toronoto. The two routes converge at London, Ont., for the remaining 115 miles into Toronto. Assuming that Canadian National will desire to continue operation of the Canadian portion of both routes, we strongly urge the designation of the Grand Trunk Western 334-mile Port Huron-Chicago route and the preservation of the Detroit-Windsor connection.

Preservation of these routes will insure continued service over a corridor with a population greater than 13 million. The feeder value of traffic to and from Toronto, the second largest Canadian city with a population of over 3 million, constitutes an important source of patrons to the designated system. In a recent proceeding involving a pair of Grand Trunk Western trains operating be-

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Footnotes at end of article.

XUM

tween Chicago and Port Huron (as part of a through service to and from Toronto), the evidence clearly shows the extensive international nature of this service. Of the total daily average of 202 passengers, 126 were classified as through passengers to and from points in Canada, 338 I.C.C. 254, 261. The Commission allowed the discontinuance because of the loss of the Canadian connection and stated:

"The riding public would not be without reasonable substitute transportation service after removal of trains Nos. 155 and 156. Grand Truck offers the service of one other train between Port Huron and Chicago, and a second train which serves all the major points reached by trains Nos. 155 and 156 with the exception of Flint and Port Huron. These pairs of trains operate essentially during daylight hours and generally have greater usage by the public than do the noticed trains." 338 I.C.C. 254, 275, *supra*.

In view of the demonstrated need for service between Chicago/Detroit and Toronto, as evidenced by the above proceeding and the remaining extensive service, it appears that the inclusion of this service within the system would be warranted and would insure the continued draw of Canadian patronage to other segments of the designated system.

(c) New York-Montreal

Presently, Penn Central and the Delaware and Hudson operate two pairs of trains between Montreal and New York. These trains provide a convenient service between the largest cities of Canada and the United States having a combined population exceeding 14 million. The carriers have not sought to reduce or discontinue this service before the Commission. Traffic congestion between Albany and New York City limits the feasibility of bus service during peak travel periods when food service plazas along the thruway are closed to buses. The air congestion at New York City needs no elaboration. Feeder traffic from the transcontinental Canadian lines converging at Montreal would be lost to the Railpax system and it appears that a single pair of trains might be feasible. The Commission therefore urges the addition of a New York-Montreal route to the basic system. Consideration should also be given to a possible routing through Vermont's principal cities, thereby linking northern New England to the national system.

XUM

(d) Chicago, San Antonio-Mexico City

For years passenger traffic from Mexico City and the entire population area of central Mexico has moved to and from the United States via Laredo, Texas. While there are other rail crossings on the U.S.-Mexican border, the majority of the passenger traffic has moved through the Laredo Gateway to San Antonio where it fanned out to Houston and points east or through St. Louis to points north.

There are 50 million people in Mexico (twice the number in Canada) who traditionally have looked to the United States, not only for manufactured products but for educational and cultural interchange between the nations. The past five or six administrations have actively propounded the "good neighbor policy" in a conscious effort to expand this interchange of educational and cultural affairs, in addition to a more generous flow of commerce in both directions. It is our view that this important international situation should not be overlooked.

We recommend that passenger service within the United States be reconnected to the Mexican National Railway passenger service at Laredo, Texas, and that it be tied into the proposed routing of passenger traffic from Houston to Chicago. This could be done by running the passenger service over the Missouri Pacific lines from Laredo via San Antonio and Austin to Milano Junction, Texas, where the Missouri Pacific crosses the Santa Fe. (This assumes that the proposed passenger service from Houston to Chicago will be routed via Santa Fe.) In case the proposed routing from Houston to Chicago should be over the Missouri Pacific lines to St. Louis, then the routing from Laredo through San Antonio and Austin would join the Missouri Pacific at Palestine, Texas.

FOOTNOTES

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[1] *Union Pacific Railroad Company Discontinuance of Trains Nos. 35 and 36 Between Salt Lake City, Utah and Butte, Mont.*, 333 I.C.C. 182 (decided May 16, 1968) and 333 I.C.C. 50 (decided August 26, 1970).

[2] *N.Y.C. R.R. Co. Discontinuance*, 328 I.C.C. 89 at 91.

[3] 333 I.C.C. 375 at 391.

[4] F.D. 26106. *Penn Central Transportation Co. Discontinuance of 34 Passenger Trains.*

THE LEGAL SERVICES PROGRAM

Mr. PEARSON. Mr. President, since its inception our Nation has been dedicated to the concept of equal justice under law. The Congress, in an effort to ensure access to the judicial system to those unable to afford private counsel, has, for the past 6 years, provided a legal services program, which has handled more than 2 million cases on behalf of the poor. Less than 10 percent of these cases have dealt with welfare issues, but litigation in this area has produced several landmark decisions.

The bill as originally reported by Finance would have restricted the payment of Federal funds from those who participate in activities that could ultimately result in the nullification of acts of Congress. If enacted into law, this would have severely hampered legal services lawyers from further actions in welfare cases.

It is clear that Congress, in enacting the Economic Opportunity Act and providing for a program of legal services for the poor, recognized that, to insure full participation in the benefits of our society, the poor must be provided with legal assistance equivalent to that available to the nonpoor. Only with such assistance can the poor obtain equal access to and equal justice from the courts.

At the core of this concept of equal representation leading to equal justice is the professional duty and the concomitant freedom of the attorney to pursue whatever course of action is necessary to obtain his client's full legal rights. Congress recognized the necessity of insuring this freedom, when it provided in the Economic Opportunity Act that:

> Projects involving legal advice and representation shall be carried on in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession.

Adequate representation cannot exist when laws prevent an attorney from fulfilling his professional responsibility by restricting his freedom to deal with his client's legal problems.

The poor feel disenchanted with governmental institutions and suspicious of the judicial system since they have gained the least from the social order. This natural suspicion would have only been reinforced by a statutory provision which protects the system from challenge. The result would have been an erosion of confidence in the concept of governmentally provided legal assistance, and thus a diminishing willingness to utilize such legal assistance.

As we have a national commitment to justice, so also do we have a national commitment to providing assistance to the less fortunate among us. We can most effectively do this by new welfare legislation, rather than by limiting the ability of the poor to challenge such legislation in the courts. The poor have the greatest interest in the welfare system and, thus, should have the greatest freedom in subjecting that system to judicial review.

For these reasons, I am pleased that this language was part of that stricken from H.R. 17550 by the Long recommittal motion of yesterday.

Because of this language having been stricken from the bill as well as other sections and titles to which I took exception, I am pleased to vote for final passage of H.R. 17550, the Social Security Amendments of 1970.

THE BURGOS MILITARY COURT CASES

Mr. KENNEDY. Mr. President, without intending to interfere in the judicial process of any country, I must express my deep personal dismay that the military court in Burgos, Spain, has sentenced six Basque nationalists to death. The cases have now gone to General Franco and his cabinet, and I want to add my voice to those millions of others who are appealing to the Spanish Government for tolerance and compassion. Hopefully, General Franco will see the wisdom and rightness of clemency—for in societies torn apart, today in Spain and the Soviet Union, the only helpful approach is nonviolence.

On all sides, violence in the form of government executions or political terrorism is, I feel, a violation of human dignity and morality. And it also destroys the faith and confidence necessary to build a country and a better world for all mankind.

PLEDGE OF ALLEGIANCE

Mr. JAVITS. Mr. President, recently, I received a letter from Dr. Louis D'Ascoli, principal of Eastchester High School in Eastchester, N.Y., enclosing a petition signed by members of the student body of his school. These young people have been considering the language of the pledge of allegiance and have offered a suggested change in the wording. They asked that I introduce legislation substituting the word "seeking" for the word "with" in the final phrase so that it reads "seeking liberty and justice for all."

I have also received from Dr. James Allen, formerly U.S. Commissioner of Education, a proposed redraft of the pledge which he composed at the invitation of the editors of Look magazine. Dr. Allen would add only three words to the existing text.

I would hope that Members will have an opportunity to review both proposals during the recess, and ask unanimous consent that Dr. D'Ascoli's letter, Dr. Allen's proposal, and a story which appeared in the New York Times of December 10 concerning this matter be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EASTCHESTER SENIOR HIGH SCHOOL,
Eastchester, N.Y., November 6, 1970.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Enclosed with this letter is a petition signed by many members of the student body and staff of the Eastchester Senior High School. The petition requests that you introduce legislation in Congress that would change the wording of the Pledge of Allegiance.

The change we are seeking is a simple one. It substitutes the word "seeking" for the word "with" in the final phrase.

The students who have initiated this petition and who are sponsoring a nation-wide campaign among high school and college youth, feel very strongly that the revised Pledge will describe our country more accurately than the Pledge does as it stands now. The description of a country that is "seeking" liberty and justice for all is a statement of national purpose that our young people can accept and support with no mental or moral reservation.

During the next month, petitions originating in the high schools and colleges of our country will be forwarded to the members of Congress. These petitions will urge them to support the legislation which we are asking you to introduce. We sincerely hope that you will comply with our request in the spirit that it is sent to you.

Your record in public life, particularly as our senior Senator, is one that all young people in our State accept as testimony of your integrity and high ideals. The understanding you have shown for the underprivileged and the disadvantaged and your concern for honesty, justice, and personal freedom under our laws has given you a stature with our young people that few legislators have ever acquired.

The young people in Eastchester Senior High School and their peers throughout the State are attempting to inaugurate a change that has deep significance to them by using the processes which are open to them under the law. It is a mature and responsible approach that we, in New York State, should view with pride.

I hope you share this view, and will sponsor, at your earliest convenience, legislation in the Congress of the United States that is necessary to effect this change.

Very truly yours,

LOUIS N. D'ASCOLI.

DR. ALLEN'S PLEDGE

I pledge allegiance to the flag of the United States of America and dedicate myself to the principle that the Republic for which it stands shall be in truth one Nation, under God, indivisible, dedicated to liberty and justice for all.

PRINCIPAL SEEKS A CHANGE IN THE PLEDGE OF ALLEGIANCE

EASTCHESTER, N.Y., Dec. 5.—The principal and senior class president of the senior high school here have begun what they say is a national campaign to change the wording of the Pledge of Allegiance to the flag.

Dr. Louis N. D'Ascoli and Amy Gruberg want to change the last phrase of the pledge from "with liberty and justice for all" to "seeking liberty and justice for all."

"The description of a country that is seeking liberty and justice for all is a statement of national purpose that our young people can accept and support with no mental or moral reservations" (Dr. D'Ascoli explained in a letter to Senator Jacob K. Javits, urging him to introduce legislation in the Senate to effect the change).

Miss Gruberg, with the aid of the student committee at Eastchester Senior High School, has sent letters to the student council presidents of 600 high schools in the state, askng them to circulate petitions supporting the change. Similar letters have been sent to statewide student council organizations in the other 49 states.

About half of the school's 900 students, and 12 of its 53 faculty members, signed the Eastchester petition, which was forwarded to Senator Javits.

Dr. D'Ascoli, who is in his ninth year as principal here, said that during the last several years individual students at the high school had objected to the daily recitation of the pledge.

"They couldn't buy that liberty and justice for all part, he said. 'They felt it was hypocritical as applied to blacks and other groups.' I would argue the Establishment position with them—you know, that we might not be there yet but that we're getting there—but they just wouldn't buy it."

He allowed students who objected to the pledge to leave their home rooms while it was being recited. Finally, in conversations this fall, the principal and Miss Gruberg arrived at the idea of trying to change the wording of the part of the pledge that the students found hardest to accept.

They considered such phrases as "in quest of liberty and justice" and "striving for liberty and justice," but finally chose "seeking" because "it's a nice mundane type of word," Dr. D'Ascoli said.

Most of his professional colleagues, he said, think that the change is a good idea; those who do not support the new phrase itself still support the approach that the students are taking.

"Some people say it goes too far and tell us that we can't change the whole world," he said. "Well, some things in the world do need changing."

But some students have criticized the proposal on the ground that it is not radical enough and the student newspaper here calls the change superficial.

"A lot of kids wonder if it will really make a difference," Miss Gruberg said. "We're trying to impress upon people that it is possible to make a change. If we all take the new language seriously and work toward it, we will bring about change in the country."

Until the new Pledge of Allegiance becomes official, however, home room teachers in the high school here will continue to lead their classes in the old version, Dr. D'Ascoli said.

IN RICHMOND AND PHOENIX MAN'S HOME IS NO LONGER HIS CASTLE

Mr. ERVIN. Mr. President, this is not the first occasion I have had to speak in this Chamber about frontal assaults on the fourth amendment's privilege against unreasonable search and seizure, and despite my fondest hopes and most fervent prayers to the contrary, I doubt that it will be the last. Two regrettable incidents have been called to my attention in recent days which compel me to raise my voice again to protest such attacks and to warn of unfortunate consequences if the fusillade continues.

Mr. President, painstaking care and wise judgment must be our constant watchwords whenever we deal with sanctity of the home, for our homes, no matter how humble, have traditionally been regarded as our castles. As William Pitt said in England in 1755 when arguing against an English law to permit unimpeded invasion of that sanctity:

> The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail. Its roof may shake. The wind may blow through it. The storm may enter. The rain may enter. But the King of England cannot enter. All his force dares not cross the threshold of that ruined tenement.

I have always believed that we, as responsible legislators, ought not tempt officers of the law to violate precious individual rights secured at such great cost by our forefathers. We have, nevertheless, committed that error in this body on some occasions by passing laws, like "no knock" search laws, which are highly susceptible to abuse and which lead police into temptation at the expense of human liberty. When the Congress and State legislatures err in this fashion, our only hope is for responsible and enlightened execution of those laws which we mistakenly pass.

Each of the two recent and unfortunate occurrences to which I referred a few moments ago illustrates an error either in the enactment of laws or in the execution of laws affecting that vital and sensitive domain, a man's home—his castle. The consequences of these errors range from property damage and serious bodily harm to shaken, if not wholly destroyed faith in our government.

The first incident occurred in Richmond, Va., when a young businessman's locked apartment was entered at night during his absence by law enforcement agents in a manner befitting only thieves or burglars. Upon returning to his apartment around midnight to find it ransacked, the young man, in his words, "sat in amazement and began to reflect what I had read in '1984'—some 8 years prior—in high school."

In his letter to me he said:

> I am a law-abiding citizen who has never looked for trouble and never had any—till now. My belief in the democratic system, as I have always known it, is dead. If my home isn't mine, then pray, God, what else is there?

Mr. President, this young man is simply and elcquently expressing once again what is perhaps the greatest longing of the human heart—the passionate hunger for a place to flee from the world, a place to communicate with members of one's family, a place to converse with one's God, a place to be free from molestation by any individual or by government. American patriots died in the flames of the Revolution to secure that right so that they and their posterity could regard their homes as their castles.

Perhaps the most tragic result of this incident is that a loyal citizen who has always placed great confidence in our system now feels betrayed by his Government. As he said:

> The details of who issued the warrant or under what pretenses will be investigated—I assure you. But the trauma of what has happened won't wear off easily. My hopes for a true democratic system have taken a giant leap backwards.

Mr. President I ask unanimous consent that the entire letter from this young man be placed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. The second incident to which I wish to refer took place in Phoenix, Ariz. It involved another nighttime search of a private dwelling, but in this case the premises were occupied. While there is an apparent dispute between the parties over whether the police gave notice of identity, authority, and purpose before entering, some facts are abundantly clear:

First. The parties sought by the police had moved out several days before the raid.

Second. The new occupants, a husband and wife and their two children, had not engaged in any activity to give rise to a police raid of any sort.

Third. The new occupants had posted a note on the mailbox by the front door to advise others that the former occupants no longer lived at that address.

Fourth. Entry at 1 o'clock in the morning was forced and against the will of the wife who fled to the bedroom with armed men in pursuit.

Fifth. The husband, in an effort to protect his home and family from intruders, fired a rifle at the unknown assailants.

Sixth. A police officer fired a pistol and wounded the husband who fell on the bed shot through the side and back.

Seventh. The wife resumed firing with the husband's rifle and literally shot the policeman's pistol out of his hand with the policeman losing two fingers in the process.

Eighth. One police officer then had the presence of mind to realize that a horrible mistake had been made, and the shooting stopped.

Mr. President, each party was acting on the facts as they understood them at the time; each was mistaken; each side suffered bodily harm; and each could easily have killed the other in the shootout. I ask unanimous consent that news accounts of this event from the Arizona Republic for November 16, 1970, and November 20, 1970, be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, if it were in order I would pose another unanimous-consent request. It would be that all of us in this body illuminate the darkest recesses of our minds long enough to recall some fundamental lessons in the constitutional history of our country.

We should remember that some 15 years prior to the American Revolution the British Government empowered its officer in the colonies to use writs of assistance to search the houses of the colonists for goods on which customs duties had not been paid. At that time a distinguished and able barrister from Boston, James Otis, held the position of King's advocate general of the vice-admiralty court and was expected to uphold the writs. We should remember his integrity and courage as he fearlessly resigned his position and argued the case against those abusive writs which would destroy the sanctity of the home.

Otis argued that—

> One of the most essential branches of English liberty is the freedom of one's house.

With uncommon eloquence destined to ring throughout the ages, he said:

> A man's house is his castle and whilst he is quiet, he is as well guarded as a prince in his castle.

James Otis opposed the authorization and use of those writs for the same reason that I have opposed "no knock" search authority and other abuses of police power destructive of the sanctity of our homes. He knew that if the writ should be declared legal it would annihilate the privilege that a man's home is his castle. In signaling the dangers of such writs, he said:

> Customhouse officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and everything in their way; and whether they break through malice or revenge, no man, no court, can inquire.

Mr. President, it saddens me to see how easily we forget the important lessons of history, for I know the truth of the adage that those who cannot remember the past are destined to relive it. I, for one, do not wish to see us relive the dark days of repression which gave rise to our revolution.

Although James Otis lost that case, the effects of his effort and eloquence were not lost to our country. A young man sitting in that courtroom, who was to become George Washington's Vice President and our second President, John Adams, later observed that—

> Otis' oration against the writs of assistance breathed into this Nation the breath of life . . . Otis was a flame of fire! . . . American independence was there and then born; the seeds of patriots and heroes were then and there sown . . . Every man of a crowded audience . . . appeared ready to take up arms against the writs of assistance. Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain.

Mr. President, our forebears suffered bitterly from the petulant abuses of the King's agents and fought a successful revolution to put a final end to such malevolent practices. How ironic it would be if, after acquiring our freedom from such abuses, we were to stand idly by and allow that pattern to assume its ugly form once again. The wise and courageous founders of our Nation sought to protect their posterity from such folly by enshrining the hard-earned right to be secure against unreasonable search and seizure in the fourth amendment to our Constitution. That fourth amendment declares:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

As Bernard Schwartz has said in volume I of "Rights of the Person," part of his recent commentary on the Constitution:

> There can . . . be no doubt that, preoccupied as the Framers were with abusive exercises of powers of search—abuses so deeply felt by them as to be one of the potent causes of the Revolution—the amendment was primarily intended "to prevent . . . unlawful invasion of the sancity of the home." At the very core of the Fourth Amendment, the highest Court tells us, "stands the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion."

Mr. President, the fourth amendment is undermined each and every time incidents like those in Phoenix and Richmond occur. The confidence which law-abiding citizens have in their government dissipates. Sanctity of the home and personal privacy become weaker at a time when we must strengthen them. Individuality withers and the fresh pure air of freedom becomes fouled by the stench of repression.

I can only hope that those who have been given the new and awesome "no-knock" search authority, along with all their previously held authority to invade man's last privileged sanctuary, will remember the history and purpose of the fourth amendment. In conclusion, I commend to them these further thoughts of Mr. Schwartz on the fourth amendment:

> The Constitution, in thus safeguarding the sanctity of the home from unlawful governmental intrusion, ensures to the person a privileged sanctuary within which he can live his own life, sheltered from public supervision and scrutiny—a place where he can enjoy what William Faulkner has called that "last vestige of privacy without which man cannot be an individual." So long as such oases of privacy exist, there is still room for exercise of that individuality that distinguishes not only our species, but each of us from the other. "A man can still control a small part of his environment, his house; he can retreat thence from outsiders, secure in the knowledge that they cannot get at him without disobeying the Constitution. That is still a sizable hunk of liberty—worth protecting from encroachment.

The material furnished by Mr. ERVIN is as follows:

RICHMOND, VA.,
December 5, 1970.

Hon. SAM ERVIN,
U.S. Senate, Capitol Hill,
Washington, D.C.

DEAR SENATOR ERVIN: I am writing this personal letter to you in hopes that you will continue to understand the feelings of young Americans on the "no knock" provisions on Capitol Hill lately.

Even though I am a native Virginian, I have read much of your work and respect your knowledge on so many controversial issues that I decided to tell you, rather than anyone else of a personal experience which occurred only 48 hours ago in my apartment.

I share a 4 room nice apartment in the "fan district" near Virginia Commonwealth University with one other gentleman. He is 23 and a conscientious full-time student, while I am 26 and in business with my Dad, after graduating from the College of William and Mary.

On the evening of December 4, 1970, at approximately 8:15 P.M. my apartment was entered by the City of Richmond vice squad (no one was home and the door was locked) in search of illegal drugs. The entire apartment was searched and completely ransacked. Chaotic conditions existed when I found the apartment—about 11:45 P.M. that night. Neither myself nor my roommate have ever possessed any type of illegal drugs or "pot" in our apartment. No reason has ever been given to suspect that drugs of any type were on the premise. Yet when I returned home the place was in havoc. A search warrant was on the table to explain what had occurred.

I only sat in amazement and began to reflect what I had read in "1984"—some eight years prior in high school.

I talked to my parents' personal lawyer today, but he was not overly optimistic over the outcome of any legal action. My recourse now is unknown. All I ask is this . . .

If the U.S. Government can enter my personal property and legally do what they did—warrant or no warrant—then all of my personals are no longer mine. My house and all its contents now belong to the files of the United States Government. Not a pleasant thought. I am a law-abiding citizen who has never looked for trouble and never had any—till now. My belief in the democratic system, as I have always known it, is dead. If my own home isn't mine, then pray, God, what else is there?

The details of *who* issued the warrant or under what pretenses will be investigated—I assure you. But the trauma of what has happened won't wear off easily. My hopes for a true democratic system have taken a giant leap backwards, and I really can only express what it feels like to enter your home and see what has happened.

I consider the act the most dastardly attack on my own constitutional rights I have ever experienced, and will not soon forget it.

As of now I don't know what legal defense I have against such an occurrence again—but I hope to never have it happen again. Even mistakes can happen, and I know this was a hum-dinger, but I still cannot conceive of Federal (or even local) agents breaking into your own home and wrecking the contents.

This is all I can say.

If you find some spare time maybe you could drop me a line on your reactions to what I have just experienced. I would like to hear from you.

Thanks for taking time to read my letter. I hope it can do others some good.

Most sincerely,

(Signature deleted).

TWO WOUNDED IN POLICE RAID OVER MISUNDERSTANDING

(By Jack West)

The husband of a couple newly moved into a former hippie pad and a police officer were wounded early yesterday in a shoot-out caused by a misunderstanding, city police reported.

Investigators said narcotics officers were forcing their way into the house at 1038 N. 26th St. with a search warrant, unaware that the suspects they sought had moved out, when the shooting occurred between the couple and the patrolman.

Leslie West, 37, of the 26th Street address, was listed in good condition last night in St. Luke's Hospital, where he was treated for a bullet wound in the body. Police said they were told the bullet apparently struck no vital organs.

Detective Harry Burke of the Police Special Investigations Bureau was treated at Good Samaritan Hospital for a hand wound that cost him one finger and a portion of another.

Mrs. West, contacted at the hospital by telephone by an Arizona Republic reporter, said neither she nor her husband had any statement to make about the incident.

Detective Lowell Stricklin said investigation indicated that the shooting occurred this way:

Police, watching the house for several weeks, had information the former occupants were dealing in drugs. Early yesterday morning they went to the house with a search warrant, unaware that the suspects had moved out two or three days earlier and that the West family had moved in.

The Wests had been disturbed by a succession of rough-looking hippie types who stopped at the house to see the former occupants. The Wests affixed a note to the mailbox announcing that the house was now the residence of the West family and that the former occupants had moved. However, in the darkness, the raiders did not see the note.

Burke, with a uniformed officer at his side, rang the doorbell. When Mrs. West opened the door a crack, she was unable to see the uniformed officer. She also did not believe Burke, who was cleanshaven, short-haired and dressed in civilian clothes, was a police officer. When he flashed his badge, he told Mrs. West he was a policeman and announced that he had a search warrant and was going to search the house.

Mrs. West, apparently afraid that she was being confronted by hippies, tried to close the door. However, the officers, believing that she must be one of the suspects, pushed their way inside the darkened house. Mrs. West ran to the bedroom, screaming.

As Mrs. West ran into the bedroom her husband apparently believed his wife was being attacked and his home was being invaded by hippies. West grabbed his 30–30 rifle and began firing. Burke, guided by the muzzle flashes from the rifle, returned the fire and West fell when a bullet passed through his body from side to side.

Mrs. West picked up the rifle and began shooting. One of her shots hit Burke's hand, wounding him and shattering his 38-caliber revolver.

Sgt. William Stuff, one of the raiders, shouted for everyone to hold their fire and yelled that his men were police.

MISTAKEN SHOOTING VICTIM SUES CITY FOR $1.4 MILLION

(By Gene Luptak)

A Phoenix man, shot and wounded by police in his home in an incident police later admitted was a "misunderstanding," yesterday filed a $1.4 million lawsuit against the city and three policemen.

The Superior Court suit contended the police were guilty of gross negligence in the raid last Sunday on the home of Leslie West at 1038 N. 26th St.

The lawsuit said West, 37, was shot while lying in bed after three "hippie type characters" forced their way into his house, knocking his wife, Ann, to the floor.

The suit also named three policemen, Detective Harry Burke, who fired the shot which struck West, Detective Sgt. Lowell Strickland and Sgt. William Stull, as defendants.

On Nov. 9, the Wests and their two children, Bradley, 10, and Leslie Jr., 11, moved into the 26th Street house which "previously was occupied by narcotics users," the suit said.

While cleaning the house the same day, the couple found some narcotics and called police, who came to the house and confiscated it, the suit said. The Wests then posted their name on the mailbox.

Early Sunday morning, the lawsuit said, the Wests were awakened by barking dogs and they "observed men in hippie garb creeping around their home."

The lawsuit said that Mrs. West, while checking the locks on the door, was knocked to the floor when the three men forced their way into the house.

They chased her into the bedroom "and shot . . . West in the back," the lawsuit said.

Police at the time of the shooting contended that West, apparently believing his wife was being attacked and his home was being invaded by hippies, grabbed his 30-30 rifle and began firing. That was when Burke shot and hit West.

Police reports and the lawsuit agree that Mrs. West then picked up the rifle, shot and hit Burke, who is still in Good Samaritan Hospital for a hand wound that cost him one finger and a portion of another.

West is recovering from a back wound that required surgery at St. Luke's Hospital.

It wasn't until after the shooting that the intruders announced that they were police officers, the lawsuit said.

The lawsuit also contended the defendants, "after realizing their gross, wanton and willfully negligent acts, locked the Wests' children into the bedroom, refusing them bathroom privileges, and locked Mrs. West out of her home" while other police were summoned to investigate the incident.

"Ann West was forced to accompany police in a nightgown and a thin bathrobe and was treated roughly, rudely and with terrorist tactics until the early morning hours of Sunday," the lawsuit contended.

The lawsuit also blamed police for not taking West to the hospital until about an hour after he was was shot.

Specifically, the law suit contended that the defendants are being sued for "felonious assault with intent to kill, breaking and entering, assault and battery, wrongful arrest, violation of Civil Rights Act, and gross and wanton negligence."

Assistant Police Chief Richard Newton said yesterday that several hours before the incident, a police informer told police that there was a cache of narcotics in the West House.

Police had information the former occupants were dealing in drugs.

KEEPING A PROMISE

Mr. ALLOTT. Mr. President, Christmas has come and gone. A new year awaits us. In August Everett Alvarez will mark his seventh year in captivity in Southeast Asia. The war goes on. The mistreatment of our men continues. Nothing Hanoi has said or done has in any way indicated any willingness whatsoever to treat them with decency. The perverted cynicism of the rulers of Hanoi and their Communist stooges of the NLF stands for the whole world to see.

International indignation has its own force, as Hanoi will discover in due course. Nothing could so improve North Vietnam's image at the bar of world public opinion as the clear, unequivocal performance of its duties toward the prisoners. These duties are simple. They are clearly stated in the Geneva Convention which Hanoi signed. All we ask, in the name of humanity, is that Hanoi do what it promised.

LINING UP AGAINST THE FUTURE

Mr. McGOVERN. Mr. President, a military court in Burgos, Spain, has handed down death sentences for six persons of Basque nationality for alleged terrorist activities.

This cruel sentence demonstrates once again that the Franco regime is an authoritarian dictatorship which will brook no opposition. The Burgos death sentence is strikingly similar to the Leningrad death sentence of two Jews for their alleged participation in an airplane hijacking plot. Both are the products of regimes which are unsure of their power and which stand ready to condemn men simply because of their ethnic origin.

It is impossible to judge guilt or innocence in either case without full knowledge of the facts. But in both cases, the courts denied the defense the right to the same kind of cross-examination and freedom of speech as was enjoyed by the prosecution.

The case in Spain is particularly depressing. The United States claims Franco's Spain as an ally. An article by C. L. Sulzberger in The New York Times of December 27 indicates that American diplomats in Madrid are "outright regime supporters." We are isolating ourselves from the Spanish opposition which may one day lead that troubled nation.

It is time for the Nixon administration to change course. It should con-

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demn injustice in Burgos and in Leningrad. It should recognize that our foreign policy will be only a hollow shell, if we do not have the moral strength to fight such injustice.

Mr. President, I ask unanimous consent that Mr. Sulzberger's article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Lining Up Against the Future

(By C. L. Sulzberger)

PARIS.—The crisis in Spain exposed as fallout from the trial of Basque extremists that the Franco regime is tottering and that when the sick old generalissimo goes there is likely to be a struggle for real power no matter who inherits the formal succession.

The sad thing is that the United States, in advance of this inevitable struggle, is seen by a powerful group of forces including the youth, the universities, the liberals, the intellectuals and large segments of the church and business as a right-wing influence committed to supporting the most reactionary solution.

This is especially tragic because it surely cannot be the intended U.S. position. Nevertheless, it is a fact. During a visit to Spain six months ago I talked with many opposition representatives, including former Cabinet ministers, ambassadors, professors, liberal monarchists, avowed Communists, students, workers and priests.

They disagreed with one another on almost everything except their dislike for Franco and their insistence that American Ambassador Robert Hill and his staff were such outright regime supporters that it was impossible for the opposition to have any contacts with them.

This is the sad truth as Spain prepares for a time of troubles when the attempt is made to continue Francoism without Franco, a virtual impossibility because, as a Jesuit priest told me: 'There are no valid institutions in Spain. Franco is the only institution, and most of those who back him today would not back his successors tomorrow.

After World War II Washington was in the van of those wanting to quarantine Franco and then, a few years later, led those who wished to attract Spain out of isolation. In each instance America was too enthusiastic, and in the latter case it is likely to pay for that excess of zeal.

I do not agree with those who believe the presence of U.S. bases in Spain is needless and who fail to see the useful relationship between American nuclear submarines at Rota and the eastern Mediterranean balance of power. But I do agree that Washington should display more interest in encouraging the pressures for freedom in Spain.

Right now the whole spectrum of opposition sees America as helping a dying dictatorship to survive and thereby hindering development of modern constitutional, parliamentary, industrial and trade union relationships and, moreover, separation of church and state, which so many Catholic priests desire.

It was little less than idiotic that Secretary of State Rogers refused, when visiting Madrid last spring, to see the opposition leaders who had asked for an audience. The men who wished to talk to the Secretary were internationally eminent and included Franco's own former ambassador to Washington. West German Foreign Minister Scheel had only recently received precisely the same group when he was in Spain.

American diplomacy has been myopic on Spain and allows a reasonable military desire for base rights to obscure everything else. This is particularly shortsighted because the Spanish regime is doomed and more than half the population is under 30 and unnecessarily anti-American.

We seem glued to the past rather than seeking to move with the future, backing vestigial facism against the masses and against a church fed up with obscurantism, an army fed up with corruption, a business community fed up with inefficiency and an intellectual community fed up with lack of freedom.

Both our diplomacy and our propaganda seem miscast. Representatives of the student junta at Madrid's huge university told me: "The majority of students and youth throughout the country are strongly against American policy. If America keeps helping Franco it makes it more difficult for a peaceful opposition take-over and encourages ultimate violence."

I quarrel less with U.S. policy than with its expression. We need Spanish bases and obviously must pay something for them, but we don't have to tie ourselves to a bad and dying regime. President Nixon rightly visited Madrid on a Mediterranean tour which could not properly include conferences with the opposition, but such was not the case with Secretary Roger's earlier trip.

Our embassy is accredited to the Spanish Government, but this doesn't mean it should isolate itself completely from the Spanish opposition. Change in these methods of diplomatic and propaganda expression is long overdue. If nothing else, the agonies symbolized by Basque extremism and the perceptible marshaling of pro- and anti-Franco forces as the old dictator wanes should emphasize this point.

THE 91ST SENATE HAS MADE A GOOD START ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in another couple of days the books will close on the 91st Congress. Unfortunately, these books will contain no record of final achievement on the Genocide Convention, the Convention on Forced Labor, and the Convention on the Political Rights of Women. These three human rights conventions of the United Nations have been before the Senate for years, and the Senate has yet to ratify them.

Nevertheless, this year has not been without achievement insofar as these conventions are concerned. The Genocide Convention, which has been before the Senate since 1950, has finally been reported to the floor by the Senate Foreign Relations Committee. It has taken 20 years to clear this hurdle. The fact that action was taken this year is a tribute to the chairman of the Foreign Relations Committee, Senator FULBRIGHT, the chairman of the Ad Hoc Subcommittee that held hearings on the Genocide Convention, Senator CHURCH, and the Senator from New York, Mr. JAVITS, who has worked tirelessly in behalf of the Genocide Convention.

Mr. President, the 91st Senate has made a good beginning—although a belated one—on the Genocide Convention. I look forward to early and favorable action by the 92d Senate in ratifying the Genocide Convention.

TRIBUTE TO SENATOR YARBOROUGH

Mr. METCALF. Mr. President, on October 19, 1963, I was privileged to attend in Austin, Tex., an appreciation dinner and statewide Texas salute to the senior Senator from Texas, RALPH YARBOROUGH. It was a memorable occasion honoring a distinguished American.

One of the most eloquent and moving tributes to Senator YARBOROUGH was a salute by J. Frank Dobie, renowned western historian, anthologist, author, and one of the great and respected citizens of Texas.

The high point of the evening was a filmed tribute by President John F. Kennedy.

At this time when we are saying a sad farewell to our departing colleague it is only fitting that we should recall the tributes President Kennedy and Frank Dobie paid to RALPH YARBOROUGH.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

Text of President John F. Kennedy's Message on Film to the Friends of Ralph Yarborough Statewide Texas Salute, Austin, Tex., October 19, 1963

I am delighted to have this opportunity to join all of you in paying tribute to our mutual friend Ralph Yarborough, the Senior Senator from the State of Texas. Ralph Yarborough speaks for Texas in the United States Senate, and he also speaks for our nation, and he speaks for progress for our people.

I could talk about some of the things that Ralph Yarborough has done, about his work in education, education for all Americans, for veterans, for hospital care under social security, for an income tax cut to stimulate our economy and provide jobs for our people, for the nuclear test ban treaty, a step towards peace for human liberties, for the goals that bind Democrats together in this state and all over the Union.

But I shall mention two items which you might remember.

The first is my recollection of September, 1961 when Hurricane Carla struck Texas. Before the tidal waves receded Ralph Yarborough was at the door of the White House; before the winds died down, he was walking in the debris of the battered cities and towns on the Gulf Coast of Texas, asking, "What can I do to help?"

Secondly, I remember his fight for the bill to establish a national seashore recreational area on Padre Island. It's a shocking fact that this nation, this great country of ours with over 60,000 miles of seashore, has only a few hundred miles of shoreline actually available for the enjoyment and the use of most of our people—for the general public. That's why I took such pleasure on September 28 of last year in signing into law the bill establishing the Padre Island National Seashore Park, and I took pleasure also in handing one of the pens to Ralph Yarborough.

My fellow Democrats, this is a time when all of use who believe in government for the people, who believe in progress for our country, who believe in a fair chance for all of our citizens, who believe in the growth of Texas, who believe in the development of the United States, who believe in a strong United States as a great bulwark for freedom, who believe in a United States which is second to none in space, on the sea, on the land, a United States which stands for progress—all of those—I think Ralph Yarborough stands with them.

And it's a pleasure to salute all of you who are working with Ralph Yarborough to make a better state and a better country.

Thank you.

Salute to Senator Ralph Yarborough

I salute Ralph Yarborough not as a Liberal nor as a Conservative. It is not enough that the elected representative of liberal-voting citizens be liberal; it is not enough that the representatives of conservative-voting citizens be conservative.

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While the great Edmund Burke was in a race to be elected from Bristol to the House of Commons, he said, in effect, to the voters: "My opponent promises that if elected he will vote according to your will, as you choose. I can only promise to inform myself on issues and to vote as an informed conscience directs." A thoroughly informed conscience is a rarity.

I have known Ralph Yarborough as friend and man for many years. He is perhaps the best read man that Texas has ever sent to Washington. His cultivated and disciplined mind is always seeking information on subjects that government must act upon. Like other individuals, he travels in a certain direction, but his mind is not closed to facts and conditions warranting a change of mind. The power of intellect to weigh knowledge and to judge justly is his.

We are all for gain. I myself should not always promise and vote as Senator Ralph Yarborough has promised and voted, but mark this: The only gain he has ever sought, consistently or inconsistently, has been public gain. He does not try to milk the public for private profit. He seeks the good of people. Nor is his consideration of humanity provincial-minded.

Every man and every woman is judged by his or her sense of values. Whenever the majority of others in any democracy have a high sense of values that country will have become a Utopia. When values of life—values beyond money, values that express civilization, enlightenment and justice for the human race come up, we can count on Senator Ralph Yarborough to stand for those values.

I salute him for his sense of civilized values, for his sense of justice, for his enlightened intellect, for his decency as a human being, and for his integrity.

J. FRANK DOBIE.

TRIBUTE FOR SENATOR YOUNG OF OHIO

Mr. McGEE. Mr. President, as a Member of the Senate's class of 1958, I feel particular affection for our colleague from Ohio (Mr. YOUNG), who, having chosen to enjoy the just desserts of his long and valuable service, is serving his last days of his second term in this body before retiring.

If youth, Mr. President, is truly a condition of the mind, then the Senator from Ohio is among the younger Members of this body. Certainly, this is amply demonstrated by his continued vigor and the pace of his work as he goes about serving those who have honored him with high public trust, as well as all citizens of this Nation.

A long career as a public servant comes to a close with the end of this session, a career marked by legal service and lawmaking at both the State and Federal level, including four terms in the U.S. House of Representatives and two in the Senate of the United States. It has been not only a long career, but an admirable one. And I am confident that retirement from the Senate is not going to be retirement per se for our friend and colleague from Cleveland. Circumstances prevented me from being present when tribute was paid Senator YOUNG on yesterday, but I do want to join my voice in that tribute and wish Senator YOUNG many more years of happiness along with his wife Rachel.

MORE ON ARMY POLITICAL SURVEILLANCE

Mr. ERVIN. Mr. President, on December 16, I related to the Senate the substance of allegations made by Mr. John O'Brien, a former agent of military intelligence, concerning Army surveillance of Federal, State, and local officials and other citizens not holding public office. These allegations have created an uproar in the country and caused a considerable amount of legitimate concern. Details of Mr. O'Brien's allegations are contained in a number of news stories by Jared Stout of the Newhouse News Service. Of course, the full story remains to be discovered. In order that the Senate have as much information as can now be made available, I ask unanimous consent that copies of these news stories be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that copies of the official statements issued by the Army in response to these allegations be included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. Mr. President, the sensational nature of these charges and refutations ought not distract us from the main issue; that is: Did the Army, whether purposefully or accidentally, become engaged in the collection of information relating to legitimate political activities of American citizens, whether public officials or not? How did this happen, and why was it allowed to happen? What can be done to insure that it does not happen again?

As I stated a few days ago, this controversy is only part of the larger, more complicated and more serious problem of the impact of official data gathering upon the individual rights of American citizens. Most of this data collection is done for legitimate and socially beneficial purposes. Yet the fact remains that it is being undertaken with little or no protection for the individual citizen and insufficient reflection on the long-term consequences to American freedom. The Constitutional Rights Subcommittee hearings in February will probe deeply into this Army affair. But we will not be concerned solely with that issue. The Army political surveillance must be viewed against the background of the entire panoply of Government information gathering and the progressive computerization of the American citizen.

(EXHIBIT 1)

[From the Evening Star, Dec. 16, 1970]

EX-GI TELLS OF CIVILIAN FILE: ARMY SPIED ON POLITICIANS

(By Jared Stout)

A former Army undercover agent says top-ranking federal and state officials in Illinois, including Sen. Adlai E. Stevenson III, D-Ill., were secretly watched by Army intelligence operatives.

Former agent John M. O'Brien, who said, "I was a domestic spy for the Army," also named Rep. Abner Mikva, D-Ill., and U.S. Circuit Court Judge Otto Kerner, the former governor and chairman of President Johnson's Commission on Violence, as targets of military surveillance.

"The Army wanted to determine their political views so that in certain situations we would know how they would react; whether they would condone violence or be for nonviolence," O'Brien said in an interview.

The surveillance was part of an Illinois-wide effort to get the names and background on anyone who opposed Vietnam war policy or "who openly opposed the Nixon administration's controversial domestic policies," the former agent said.

O'Brien, a former staff sergeant, said the spying was done by the Region 1 office of the 113th Military Intelligence Group (MIG) in Chicago and was paralleled by other Army intelligence units across the country.

O'Brien said that from June 1969, until his honorable discharge as a staff sergeant on June 8, 1970:

"My entire effort as a military intelligence agent was directed toward the offensive activities conducted by the Army involving collection of information pertaining to individuals and organizations decreed by the Army to be subversive in nature."

According to O'Brien, the officials he named were among 800 persons on whom the 113th Military Intelligence Group kept dossiers. He said the records were called "the subversives file."

O'Brien said the file comprised 120-feet of Manila folders in four file drawers and was kept at Region 1 headquarters at 2231 W. Howard St. in Chicago. O'Brien said he worked there as an agent from June 1969, until his discharge.

The Chicago area native had been assigned to intelligence duties in Germany for his four previous years of Army service. He said he joined the service in August 1965 after his funds ran out during his junior year at Loyola University.

O'Brien said his own spy work involved antiwar protest groups and that he participated in direct surveillance of meetings held by Students for a Democratic Society and the Chicago Peace Council, among others.

In his position, he said he had frequent access to the 113th files and it was from his recollection of those files that he told his story. He had no physical evidence of the files or the reports that filled them.

O'Brien said in his first indoctrination briefing at the 113th, he was told that "we would be targeted against civilians." He said his superiors justified the activity this way:

"Certain elements of our society have resorted to illegal methods to attain political recognition and eventually their own political goals.

"These elements have resorted, in many instances, to use of violence and the infiltration of nonpolitical elements of our society. Such elements represent a direct threat to the existence of the constitutional form of government in the United States and the general well being of our society."

"Therefore, all attempts were made to monitor the activities of such elements," O'Brien said, adding that they ranged from the Daughters of the American Revolution to Alabama Gov. George C. Wallace and Bobby Seale of the Panthers.

"My superiors told me it was the responsibility of the Army to maintain watch over potentially dangerous organizations and individuals," O'Brien said.

When he suggested this was a job for civilian agencies, O'Brien said he was told the FBI and Secret Service were short of men and "did not have the availability of personnel as did the Army."

O'Brien said he never saw any Army directives spelling out this civilian activity. "It just was the understood policy of how we were to operate," he said.

O'Brien said the 113th MIG's judgments on who would be watched was based, in part, on a political standard that put William F. Buckley Jr., a conservative columnist, "just left of center" and Sens. Eugene J. McCar-

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thy, D-Minn. and George McGovern, D-S.D., on the "far left."

The "new left" in Army parlance was "virtually equal to Communist," O'Brien said.

What triggered his disenchantment with his unit's activities, O'Brien said, was the designation of Adlai Stevenson III as a surveillance target in September 1969. At that time Stevenson was Illinois state treasurer and had staged a picnic at his family farm in Libertyville, Ill., that was to prelude his candidacy for the Senate.

Several political powers attended the picnic, including Chicago Mayor Richard J. Daley and Negro leader Jesse Jackson.

Also among the crowd was a military intelligence agent assigned to watch Jackson.

During the course of the picnic, the Army agent took a photograph of Jackson whispering in Stevenson's ear. The picture and an agent report describing the event and "the new relationship" between Jackson and Stevenson was sent through intelligence channels to Ft. Holabird, Md., a collection center for the Army's domestic intelligence.

After that picnic, O'Brien said, "military intelligence agents of the 113th covered every appearance of Stevenson in Chicago, at least up to June 1970," when O'Brien was discharged.

Mikva became a person of interest "because of his outspoken criticism of (Vietnam) war policy and because he aided draft resisters," said O'Brien.

Judge Kerner was not subject to direct surveillance, O'Brien said "as far as he knew." "We just started keeping files on him after the commission report." The report of Kerner's violence commission said there was no evidence of a conspiracy in urban violence.

Military Spies and the Press

(By Jared Stout)

WASHINGTON.—A $250,000 contributor to President Nixon's campaign, Chicago insurance executive W. Clement Stone, was watched by army intelligence agents for at least a year, because he once loaned money to a street gang to open a store and restaurant.

At the same time, the army undercover men also kept close watch and detailed files on the activities of two Chicago newsmen, two negro aldermen, and the wife of a millionaire Chicago lawyer who was a prominent backer of Sen. Eugene J. McCarthy.

All of the individuals—Stone, Henry Dezutter of the Chicago Daily News, Morton Kondracke of the Chicago Sun-Times, aldermen William Cousins, Jr., and A. A. (Sammy) Rayner, Jr., and Lucy Montgomery, the lawyer's wife—were tucked away in a massive "subversives file" maintained by the army.

These new disclosures were made Wednesday by former army spy John M. O'Brien in an interview. Earlier, O'Brien revealed military spying on several top-ranked Illinois political figures.

O'Brien said Sen. Adlai E. Stevenson III D–Ill.), Rep. Abner Mikva (D–Ill.), and U.S. Circuit Court Judge Otto Kerner were targets of his former unit, the region one office of the 113th Military Intelligence Group (MIG) in Chicago.

O'Brien was assigned as an undercover agent for the 113th MIG from June, 1969, until his honorable discharge as a staff sergeant on June 8, 1970. His personal account of political spying during his service with the 113th MIG provoked outrage in Congress Wednesday and demands for a full public disclosure of army activities.

Irate lawmakers wanted to know why political figures and other prominent Chicagoans were watched, and became part of what O'Brien called "a subversives file" for 800 Illinois individuals and organizations.

Chairman George H. Mahon of the House Appropriations Committee promised an investigation of the reported spying, saying "we will do all we can to prevent its recurrence." Mahon, who also heads the Defense Appropriations Subcommittee that controls military intelligence funds said the acts were "an outrage."

Mikva said of O'Brien's account, "the implications of this for the country are horrifying. The whole concept of civilian control of the military is in jeopardy, and if this thing is not stopped, all the people will have left to do is salute."

Stevenson told a news conference that "as long as this remains a free country the people will judge their elected officials—not the army."

"There is no place in a free society for snooping by the military in the peaceful political affairs of citizens," Stevenson said.

On the Senate floor, Sen. Sam J. Ervin (D-N.C.) said O'Brien would be called to testify before his Subcommittee on Constitutional Rights, which will hold February hearings on military spying and the secret creation of a domestic intelligence network.

At the White House, Presidential News Secretary Ronald L. Ziegler said it was "inconceivable" to President Nixon that such activities were going on. He told reporters Defense Secretary Melvin Laird was looking into the situation.

Ziegler said, "We certainly don't condone that activity," and that Laird would put a stop to it, if he found the surveillance effort was still going on.

While Congress pressed for an inquiry, O'Brien revealed these other aspects of the 113th MIG's operations:

Clement Stone, 68. was selected for surveillance because of his $60,000 loan to the Vice Lords, a Chicago street gang. The money was intended to help the gang open a restaurant and store on Chicago's West Side. But it was enough of a link to a group considered "possibly subversive" by the Army to warrant a file on Stone, O'Brien said.

Stone is president of the Combined Insurance Company of America. By his own claim, he gave more than $1 million to Republican candidates in 1968, plus $250,000 to the Nixon-Agnew ticket. Those who know him in Chicago consider him a conservative prone to charitable works.

Stone's book on the power of a positive mental attitude is said to have been a source of inspiration to Nixon. He is known as the "Mr. Big" in the Illinois GOP's money circles.

Lucy Montgomery is the wife of millionaire lawyer Kenneth F. Montgomery who came to public attention in the Chicago area as a contributor and backer of Senator McCarthy's Presidential campaign. She has long been a backer of liberal causes. O'Brien said Mrs. Montgomery's file included "intimate details of her personal life."

Aldermen Cousins and Rayner have been outspoken black members of the Board of Aldermen controlled by Mayor Richard J. Daley. They have voted frequently against the Daley machine position.

Army interest was sparked by Rayner's ties to Chicago street gangs, particularly the Black P-Stone Nation. He has worked to move the gangs into legitimate enterprises.

Cousins came to Army attention as a strong supporter of the Rev. Jesse Jackson, another black Chicago leader prominent in the Southern Christian Leadership Conference. Jackson was also watched by the 113th MIG.

Judge Kerner came to the unit's attention after the National Violence Commission made its finding that riots were not caused by a national conspiracy, a view that O'Brien said differed from the Army's belief a conspiracy did exist. A former Governor of Illinois, Kerner was commission chairman.

The 113th MIG clipped from newspapers all accounts of the Kerner Commission report and called the Illinois State Police and Springfield Ill., police to see if they had any personal information on Kerner. Both agencies supplied some data, O'Brien said.

Newsmen Dezutter and Kondracke were interesting to the 113th Mig because of their sometimes critical stories on Vietnam war policy in their coverage of the war protest movement, O'Brien said. Both men's articles were clipped from newspapers. Some personal data on their personal lives also were included in their files.

A third newsman's writings, James Singer of the Chicago Sun-Times, also were kept. He, too, had covered protest demonstrations.

Dezutter is the education writer and Chicago Daily News reporter assigned to coverage of the protest movement in Chicago. Kondracke is assigned to the Sun-Times Washington Bureau, Singer works for the Sun-Times in Chicago.

At the Pentagon, Army General Counsel Robert E. Jordan III did not deny intelligence information on political activity in the Chicago area had been collected.

But Jordan insisted "current Army policy specifically and emphatically prohibits collection of any information of the type referred to in these allegations."

In earlier statements, however, Jordan has conceded the Pentagon's civilian leaders did not know how far Army field commanders may have gone in the domestic intelligence area.

Statement of Army General Counsel Robert E. Jordan III, December 16, 1970

I have seen a number of allegations that Army intelligence personnel have, in the past, gathered information about political figures in the Chicago area.

The Department of Defense and the Department of the Army are, of course, gravely concerned about these reports. And we are checking into them at this time.

I want to make it very clear that current Army policy specifically and emphatically prohibits collection of any information of the type referred to in these allegations.

A series of new policies issued over the past two years has strictly confined Army intelligence activities to a very narrow area related to certain tightly-defined Army responsibilities.

Army intelligence is not authorized to gather information on political activities, or on the activities of political leaders. Intelligence personnel are restricted to normal personnel-security activities and to certain activities related to direct threats against Federal property or personnel.

In addition, a former program concerning information related to possible civil disturbances has been dramatically curtailed. No collection, reporting, or storage of information in this area is allowed without prior order from the Army's civilian secretariat. And such an order would be given only when the employment of Army troops to assist State and local officials in a disorder seems imminent.

In any active civil disturbance situation the Army would, of course, be working closely with officials of the Department of Justice.

I want to emphasize that the civil disturbance information which had been previously collected was ordered destroyed on June 9th of this year.

The Army's new policies of strict control in this area are contained in documents readily available to the public, to the press and to the Congress. The civil and military leadership of the Department of Defense and the Department of the Army have taken steps to insure that Army intelligence activities are strictly limited to our narrowly defined and limited responsibilities.

We will, of course, be continuing our close attention to this matter.

Statement by Secretary of the Army Stanley R. Resor, December 17, 1970

As was stated yesterday by Army General Counsel, Robert E. Jordan, III, the Depart-

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ment of Defense and the Department of the Army are gravely concerned about the allegations that Army intelligence personnel have gathered information on political figures. It was also stated yesterday that we are checking into these allegations.

A preliminary check has been completed. On the basis of information I have received, I can state that neither Senator Stevenson, Representative Mikva nor former Governor Kerner are or ever have been the subject of military intelligence activities or investigations related to political activities. Allegations to the contrary are without foundation in fact.

I want to emphasize that had any such alleged activities been conducted, they would have been in violation of Army policies.

With regard to Judge Kerner, as is the case with other general officers in the National Guard, there is in the files a copy of a background investigation in connection with his military duties. The last entry was in 1952.

The Department of the Army has reported to Senator Ervin and to others, including the press, the restrictions which have been imposed on the collection and retention of intelligence information. I want to re-affirm the Army's desire to continue its full cooperation with Senator Ervin and other Members of Congress who share my concern that there must be no abuses whatsoever of military intelligence responsibilities.

Department of Defense Intelligence and Counterintelligence

Memorandum for: Secretaries of the Military Departments, Chairman, JCS, and Directors of the Defense Agencies.

Policy Objectives. I want to be certain that Department of Defense intelligence and counterintelligence activities are completely consistent with constitutional rights, all other legal provisions. and national security needs. These activities must be conducted in a manner which recognizes and preserves individual human rights. Policy determinations governing such activities must be retained under civilian cognizance and control.

One matter of particular concern to me is the one related to intelligence and counterintelligence activities involving the use of investigative and counterintelligence personnel. Actions have been taken to eliminate some past abuses incident to such activities, but further corrective actions are necessary as a matter of urgent priority.

Specific Actions. The remedial actions directed below will take effect at the earliest date practical, but not later than 1 February 1971:

a. Assistant Secretary of Defense Robert F. Froehlke, who is my Special Assistant for Intelligence, in consultation with the Secretaries of the Military Departments, will review all policy directives relating to the conduct of investigative and counterintelligence activities and propose changes to insure that Defense policy is clear and consistent with my policy objectives. He will provide for a continuing review of the changes in organizational responsibilities, procedures and practices directed by this memorandum.

b. The Director, Defense Intelligence Agency (DIA) will report directly to the Secretary of Defense in the conduct and performance of his duties. The chain of command shall run from the Secretary of Defense to the Director, DIA. Guidance to the Director, DIA, shall be furnished by the Secretary of Defense and the United States Intelligence Board (USIB). The Director, DIA, will support the intelligence and counterintelligence requirements of the Joint Chiefs of Staff (JCS) as in the past. A separate J–2 organization within the OJCS will not be reestablished.

c. In addition to his presently assigned duties, the Director, DIA, shall implement my policies and be responsible to me for the planning, conduct, and operational control of all direct intelligence collection by human resources and counterintelligence investigative functions throughout the Department of Defense. Pending promulgation of DIA instructions, all activities and resources within these subject areas (including personnel, funds, equipment, and facilities) will be maintained and conducted at the currently approved or approved-for-planning levels. The Director, DIA, is authorized to delegate operational control to the appropriate Service or operating command. This delegation will be accomplished on a function-by-function basis.

Informing Congress and the Public. Because of the understandable public interest in this matter, it is my desire that, after plans, policies and procedures necessary to establish DIA control over all human resource activities in the Services as related to intelligence and counterintelligence are completed, my Special Assistant for Intelligence will hold a news briefing to inform the American public about the changes being made from past procedures. Concurrently, appropriate committees of the Congress will be informed of these actions.

SWAN SONG BY KENNETH CRAWFORD

Mr. McGEE. Mr. President, I wish to take but a moment today to pay respects to a distinguished journalist, Kenneth Crawford, who bowed out last week with his Swan Song column in Newsweek, retiring after a generation of reporting from Washington.

As always, Ken Crawford was well worth reading in his last offering in Newsweek, for he has managed to put things in focus and come up with, of all things in these troubled times, an optimistic "hunch" that man, and notably the American, is too resilient to stamp out. He thinks we can muddle through. I ask unanimous consent that Ken Crawford's final Newsweek column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Swan Song

(By Kenneth Crawford)

Anyone who has lived as an adult through the last half century aware of what was going on has seen more history in the making than anyone who ever lived before him. There has been more change, more cataclysm, more invention, more progress in some areas and more deterioration in others than ever happened in any previous 50 years.

Anyone who has been a professional observer of public affairs through this period, most of the time here in Washington, as I have, has never had a chance to be bored. Neither has he had much of a chance to cogitate about the whither of events or to acquire any special wisdom. Anyway, journalists aren't paid to be wise, only to be agile enough to describe what's happening while it happens. It is left to wiser men in think tanks to add it all up. They try, but no two tanks get quite the same answers.

Some thinkers believe that man will commit suicide with the nuclear weapons his ingenuity has provided. Others are convinced that he will destroy his environment to satisfy his cupidity. Still others expect him to breed himself out of living space. A few feel that his ingenuity, cupidity and self-perpetuating urge, the very qualities that threaten him, will also save him, that he will come to see that none of his ambitions can be realized without exercise of restraint. The next 50 years will be crucial.

RESILIENT SPECIES

This being my last column before retirement, I wish I had the prescience to predict the outcome. All I have is a hunch, derived from witness of the past, that man—notably American man—has a future. He is a tough and resilient species. In my time he has been through two world wars and several lesser wars, a Great Depression and uncounted economic recessions; he has survived Prohibition, flood, hurricane, riot and his own follies. He is not easy to stamp out.

When I arrived in Washington in the 1920s the world was at peace, Coolidge slept in the White House and established Washington correspondents wore spats, carried canes and gave themselves airs. Had there been cooling apparatus, a later development, this Capital would have been as comfortable as it was smug. H. L. Mencken jabbed at complacency from one side and Norman Thomas from the other but nobody so much as said "ouch." Hoover would soon be projecting two cars for every garage.

When Hoover failed to deliver, the laissez-faire bubble burst, materializing Roosevelt and the New Deal. Washington has never been the same since. Neither has the country, nor, indeed, the world. At last it was being recognized that a society run out of frontiers, sustained by an increasingly complex and interdependent economy, had to submit to more government direction and control than it liked if it was to avoid periodic paralysis and chronic chaos.

FAIR PLAY

The second world war interrupted, but did not stop, the Roosevelt revolution. Europe had to be saved from Hitler and was. Few foresaw that Stalin would replace Hitler as a world menace once the war was won. But Stalin did and hot war passed into the cold war that is still going on, much as its ongoing is denied by those determined to see no evil. Meanwhile, the struggle continues to achieve a workable mixed economy, privately run but government manipulated, and a welfare state capable of giving practical expression to the nation's compassion and sense of fair play, much as these sentiments are denied by those determined to see no good.

To some of us who have lived with this struggle over the years, the young and their journalistic spokesmen, who think they invented compassion and sensitivity to public morals, are a little hard to take. Even their ultimate example of immorality, the war in Vietnam, was in its genesis highly, if mistakenly, moral—an undertaking to protect a weak but potentially free nation from a strong but regimented neighbor. We would perhaps be more tolerant of the young if we occasionally paused to remember how we bedeviled the "merchants of death" of the first world war and the national leadership in the Coolidge and Hoover Administrations.

As for myself I am hopeful that my grandchildren will have a decent world to live in and that the nation will muddle through, as it always has. And I am grateful that when I left the campus, a certified B.A. but with no immediately useful equipment except ability to write a declarative sentence, I could think of no way to earn a living except in journalism.

DOCTORS OVERCOME PROMOTION OF DIET CONTROL DRUGS AND OPPOSE THEIR USE FOR CONTROL OF OBESITY

Mr. MOSS. Mr. President, in September the Consumer Subcommittee held hearings to inquire into the relationship between advertising and drug abuse. The

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testimony was most interesting and while somewhat inconclusive clearly indicates that further study of this area is merited.

One aspect of the drug advertising problem discussed in the hearings concerned trade promotion of drugs sold to doctors. The hearings disclosed that many patients who use and abuse amphetamines first encountered these drugs when they were prescribed for routine diet control. It was also learned that some doctors prescribe these drugs on the basis of advertisements in medical journals that read, for example, "Swimsuit by Jantzen, body by Dexaspan."

I was recently informed that the Utah Society of Internal Medicine has adopted a resolution stating that this group of doctors will no longer prescribe amphetamines for the treatment of obesity.

I congratulate the society on this action and hope that the efforts of these doctors will be a first step toward nationwide control of the promotion and use of ethical drugs which constitute a serious problem when their use is abused.

I ask unanimous consent that the resolution of the Utah Society of Internal Medicine regarding the prescribing of amphetamines adopted on November 17, 1970, and the letter of Robert K. Maddock, chairman of the public relations committee of the society to me of November 27, 1970, be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

UTAH SOCIETY OF INTERNAL MEDICINE,
Salt Lake City, Utah, November 27, 1970.
Senator FRANK E. MOSS,
Salt Lake City, Utah.

DEAR SENATOR MOSS: From your recent hearings on possible enhancement of the drug culture by TV commercials, it is obvious that you are deeply concerned, as are we, to do something about the drug problem. Of the various facets of drug abuse, it seemed to us that the amphetamines offered an area in which the Utah Society of Internal Medicine was in an especially good position to offer "fast, fast, fast relief." After all, it is the internist's particular business to know drugs and their effect and use, and knowing as we do the worthlessness of amphetamines for long-term weight control, we felt that it was not enough that we refrain (as most of us have for years) from prescribing them; we must, at the same time use whatever influence we have to educate the public. Accordingly, last Wednesday night (11/17/70), the Society unanimously passed the enclosed resolution, for all the reasons stated in it, and in the hope that other medical groups will be motivated to follow this example. If enough physicians join us in the boycott, there will be little legitimate incentive for the drug companies to continue the manufacture of amphetamines, and we very much hope that the role of "speed" in driving young people to heroin as a "downer" will be ended.

Thank you very much for your letter of Nov. 16, and congratulations on your victory on election day. If you would like reprints of any of the articles annotated in the resolution, please let me know. The resolution is to be published in the major Utah commercial daily newspapers on 11/29/70 in the public notice section.

Very sincerely yours,
ROBERT K. MADDOCK, Jr., M.D.,
Chairman, Legislative Committee,
Chairman, Public Relations.

UTAH SOCIETY OF INTERNAL MEDICINE

(Resolution on amphetamines unanimously passed on Nov. 17, 1970)

Since: There have been 122 drugstore and physician office burglaries in Salt Lake City alone so far this year and the major target is methamphetamines, (1)

Since: The use of amphetamines by drug abusers appears to be related to the more serious problem of heroin addiction, (2, 3)

Since: Drug abuse and crime are closely related and the amphetamines are major contributors to the crime epidemic,

Since: The use of amphetamines and similar drugs has been demonstrated to have no lasting benefit in the treatment of obesity, (4)

Therefore be it resolved that the undersigned will under no circumstances prescribe amphetamines or any similar drugs in the treatment of obesity, and we notify the public and all pharmacies and law enforcement agencies that prescriptions bearing our names for these drugs should be considered forgeries.

W. S. Abbott; S. J. Altman; A. H. Barker; C. D. Beherns; W. H. Bennion; R. P. Bigelow; W. F. Bird Jr.; F. M. Calton; G. E. Cartwright; W. P. Daines; L. K. Dayton, G. Edison; I. Ershler; C. Evans; C. S. Feeny; J. W. Freston; Q. S. Harris; P. D. Hart; L. J. Hyland; V. Kassel; E. M. Kilpatrick; G. C. Krebs; S. A. Lawson; A. E. Lindsay; A. P. MacFarlane; R. E. McDonald; R. K. Maddock, Jr.; J. R. Miller; D. M. Moore; A. H. Namba; A. R. Nelson; D. H. Nelson; J. D. Newton; F. C. Null; D. D. Olsen; W. E. Peltzer; D. M. Petersen; S. K. Peterson, A. D. Renzetti; J. H. Rupper; D. C. Schmidt; P. M. Southwick; R. L. Tihgey; W. C. Vincent; B. C. Williams; E. A. Wight; M. Wintrobe; W. S. Zundel.

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POTENTIAL ROLE OF COMMUNICABLE DISEASE CONTROL ACT

Mr. YARBOROUGH. Mr. President, the Communicable Disease Control Act, Public Law 91-464, which I introduced in the first session of Congress as S. 2264, is most often thought of in the context of the threatened rubella epidemic in this country. However, I think it is important to realize that there is a multiplicity of communicable diseases that this act may be called upon to handle.

One such potential occasion was the epidemiology of murine typhus in Texas. Recently an article appeared in the Journal of the American Medical Association for December 14, 1970, by Dr. J. Justin Older, entitled "The Epidemiology of Murine Typhus in Texas, 1969." I ask unanimous consent that this information and illuminative article be printed at this point in the RECORD to illustrate the potential problems which our Communicable Disease Service may be called upon to handle.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE EPIDEMIOLOGY OF MURINE TYPHUS IN TEXAS, 1969

(By J. Justin Older, M.D.)

(During 1969, 28 cases of murine typhus were reported in Texas. This number was consistent with the number of cases reported in previous years. The majority occurred in south Texas in the spring of the year. Patients presented with an illness resembling influenza, but the correct diagnosis was established by the complement-fixation test. Epidemiologic investigations implicated fleas from cats as vectors in the transmission of this illness to several patients.)

During the 1920s it was shown that endemic typhus was milder than the epidemic variety.[1] In 1931, the oriental rat flea, *Xenopsylla cheopis*, was found to be the vector of this disease, and the domestic rat, *Mus rattus* (In south Texas, the domestic rat is currently known as *Rattus rattus*), was shown to be the host, hence the designation murine (mouse or rat) typhus.[2,3] The number of cases of typhus reported increased steadily during the 1930s and 1940s, until 1944, when 5,401 cases were reported for the entire United States.[4] In 1945, control of rat fleas with DDT was begun. The incidence of murine typhus in the United States showed a steady decline until 1961, when 46 cases were reported to the National Communicable Disease Center.[5] Since 1961, the number of reported cases has varied from 28 to 52 per year. For this reason, the illness is considered rare in this country; however, Texas continues to report 20 to 40 cases per year.

In 1968, the Texas State Health Department reported that 23 cases of murine typhus had occurred in the state. This figure, consistent with reports from previous years, represented 81% of all reported cases in the United States for that year. It was therefore decided that an epidemiological study should be undertaken during 1969. This paper describes the results of that study in which investigations of 28 cases were performed.

Evidence suggesting possible modes of transmission was available for 12 of the 28 cases. In some instances, the generally accepted method of spread of *Rickettsia mooseri* from rat to rat flea to man did not seem to occur. These case histories are presented to suggest the role of the domestic cat in the transmission of murine typhus to man.

MATERIALS AND METHODS

Cases of murine typhus were discovered in one of two ways. Either a health officer notified the State Health Department of a suspect or a sample of the patient's serum sent to the State Health Department Laboratory by a private physician was found to react against the rickettsial antigen in the complement-fixation (CF) test.

Investigation included a discussion with the attending physician, a review of the hospital record if indicated, and an interview with the patient or his family or both. The homes or other places where the illnesses may have been contracted were inspected for evidence of rats, opossums, or other animals that might carry the illness. In cases in which cats or kittens were suspect, these pets were examined for fleas and generalized illness. When possible, samples of cat blood were obtained by venipuncture and sent to the state laboratory for serological testing. One flea was obtained, frozen, and sent to the state laboratory on dry ice.

Cases were confirmed by use of the CF test, with commercially prepared rickettsial antigens,[6] and the Weil-Felix test with *Proteus* OX-19 antigen. In the latter technique, killed whole cell suspensions of organisms prepared by the Biologics Division of the State Health Department were used as antigens. These were incubated with serums for

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Footnotes at end of article.

four hours at 56 C and then refrigerated for 18 to 20 hours at 8 C. Clotted blood samples, obtained by venipuncture of the persons suspected of having typhus, were forwarded to the state laboratory in unrefrigerated cartons via the routine mail system.

EPIDEMIOLOGY

In 1969, a total of 28 cases of murine typhus occurred in Texas. Twenty-three were reported from Hidalgo, Nueces, and Cameron counties, areas in south Texas known to be endemic for the illness (Fig. 1). Sixty-two percent of the cases occurred in April, May, or June, and the other 38% were spread among all other months except July (Fig. 2). Age distribution of the subjects varied between 6 and 74 years with adult women being predominantly affected (Fig. 3). All of the patients were white.

Although the majority of cases occurred in three counties, only a few cases could be related in any way. In Cameron County, two middle-aged women (cases 1 and 2) admitted to having been bitten by grass fleas a week before their illness began but denied any contact with rats. They lived 20 miles apart. Grass fleas in this area are often *Ctenocephalides felis*, the cat flea. A man and his wife (cases 3 and 4) were bitten by fleas in their garage in Nueces County. Opossums were often seen in the garage, so traps were set, but no animals were caught. In another part of the city, opossums were trapped and found to have *C felis* on their bodies. The fleas were not examined for the presence of rickettsia nor was the opossum blood tested for antibodies to *R mooseri*.

Two case histories suggested contact with rats. A family living on a farm in Hidalgo County put rat poison around the house, and their 7-year-old son (case 5) contracted typhus about two weeks later. Fleas leaving a dead rat look for the closest host, which is often a human. A teenage boy (case 6) in Webb County said he had chased a rat along the river bank two weeks before his illness began, but he did not remember being bitten by insects.

Most of the patients denied a history of insect bites or proximity to rats. Since rats are abundant in south Texas, one might presume that people of the lower class might have some contact with rodents, but the patients in this study came from upper-class homes, as well as lower- and middle-class families. Therefore, another mode of transmission may have been operable in some cases.

Six of the patients (cases 7 through 12) who came from upper- and middle-class homes gave information that suggested that domestic cats had played a role in the transmission of their illness.

An 18-year-old girl (case 7) and her 13-year-old sister (case 8), who were living in Cameron County, became ill with fever, chills, myalgia, nausea, and dry cough on April 22. Two weeks before, these girls had received an apparently healthy kitten from a friend who lived several blocks away (Fig. 4). While the girls were taking fleas off the kitten, they got several flea bites on their arms and hands. The mother cat, which stays outdoors at the friend's house, was said to be flea-ridden and mangy looking. Field rats had been known to frequent this area, but none had been seen since several months before the birth of the kitten. According to the family who owns the mother cat, grass fleas had been very abundant for several weeks before the kitten was born. About five months after the birth of the kitten, a flea recovered from the mother cat was identified as *C felis*, but was insufficient for injection into a guinea pig for diagnosis of the presence of rickettsia. At the time of the investigation, there were no fleas on the kitten. Blood from the mother cat was negative in the CF test for typhus. No blood sample was taken from the kitten.

A 47-year-old housewife (case 9) living in an upper-middle-class part of Hidalgo County became ill with murine typhus on May 15. In late April, one of her pet cats caught a rat in the field surrounding her house and brought it into the backyard (Fig. 5). In early May, her cats seemed to have more fleas than usual, and she put flea collars on them. Fleas from the cats remained in the house, however, and bit the patient on the legs numerous times. No other members of the household were bitten or developed any illness.

A kitten that belonged to the cat that caught the field rat and that never wore a flea collar was given by the housewife (case 9) to a family who lives several miles away in a middle-class suburban neighborhood in the same county. This kitten allegedly had no fleas and seemed healthy. All three children in the family; an 8-year-old boy (case 10), a 6-year-old girl (case 11), and a 9-year-old girl (case 12), became ill with murine typhus several weeks after the kitten arrived. No fleas were recovered from either the mother cat or the kitten; however, the mother cat's blood had a 1:8 titer in the CF test for typhus. The kitten's blood was negative.

LABORATORY RESULTS

All cases demonstrated a positive reaction in the CF test for murine typhus (Table 1). Three patients showed a three-fold rise in titer in acute and convalescent-stage serum samples. Of the patients for whom only convalescent-stage serum samples were available, 68% had CF titers ranging from 1:64 to 1:4080. Five patients with titers of 1:32 had *Proteus* OX–19 titers of 1:320 or greater.

Serum samples from 21 patients were tested for rickettsialpox, Rocky Mountain spotted fever, and Q fever. Only one of them reacted with both rickettsialpox and Rocky Mountain spotted fever antigens, but with lower titers than with murine typhus antigens.

TABLE 1.—RESULTS OF SEROLOGICAL TESTS

Number of cases	Murine typhus CF titers	Proteus OX-19 titers
	Convalescent-stage serum only	
1	1:8	1:640
5	1:36	1:320 to 1:1280
12	1:64	<1:40 to 1:5120
3	1:128	<1:40 to 1:640
2	1:256	1:640 to 1:1280
1	1:512	1:640
1	1:4080	1:640
	Paired acute [1] and convalescent-stage serum	
1	1:8 to 1:64	1:640 to 1:640
1	<1:8 to 1:32	1:640 to 1:640
1	<1:8 to 1:32	<1:40 to 1:80

[1] These serum samples were obtained 9 to 15 days after onset of illness.

CLINICAL ASPECTS

Fever, chills, headache, and myalgia were the predominant symptoms, with rash occurring in about one fourth of the cases. Temperatures generally rose above 102 F (38.9 C), headaches were severe, but the rashes often seemed mild and localized to the trunk (Table 2). The patients presented themselves to physicians after several days of discomfort. Influenza was the initial diagnosis in at least 22 instances. Since the diseases continued in spite of supportive or antibiotic treatment, fevers of unknown origin were looked for with the Weil-Felix test. Once a positive reaction became evident, typhus was considered, and oral administration of tetracycline hydrochloride or oxytetracyline hydrochloride was prescribed with beneficial results in 21 cases. Erythromycin stearate given orally proved efficacious for one patient, one improved with a course of sulfamethoxazole, one with ampicillin trihydrate, and three with orally administered chloramphenicol. One recovered without antibiotics.

COMMENT

The number of typhus cases reported for 1969 is consistent with the number reported for previous years. As can be seen in Figs 6 and 7, the epidemic curves for 1966 through 1968 are similar to the 1969 curve shown in Fig 2. This would suggest that the epidemiology of the disease in 1969 could be representative of conditions which prevailed in the preceding years. The occurrence of human disease in the spring may reflect seasonal variations in the flea population with increased human contact. Four of the five cases from Cameron County occurred within two weeks of one another and seemed to follow an increase in the population of fleas in the grass. Two patients admitted to having been bitten by grass fleas, and two sisters were bitten by fleas on a pet kitten that had spent much of its early life out of doors. Although the evidence is tenuous, it suggests that *C felis* may play a role in the transmission of this disease.

Rats run wild in the fields and probably carry the causative organism. These rodents were shown to be infected at the time extensive surveys were conducted in 1948,[7] and there is no reason to believe that murine typhus has been eliminated from their populations.

TABLE 6.—*Clinical signs and symptoms of 28 patients with murine typhus, 1969*

Sign or Symptom:	Number of Patients
Fever	26
Headache	18
Chills	15
Myalgia	12
Rash	7
Malaise	7
Nausea	4
Cough	4
Weakness	5
Vomiting	3
Anorexia	2
Dizziness	3
Sore throat	1

Although the mode of transmission of murine typhus has historically been from rat flea, *X cheopis*, to man, investigations in south Texas indicate that cat fleas may be involved. Insects found on a kitten bit two girls (cases 7 and 8) shortly before they contracted typhus. *C felis*, which was found on the mother cat, is common in grass in south Texas and may well have been the source of infection in these patients as well as the other two from Cameron County. Case 9 became ill after being bitten by fleas which left her cats; and cases 10, 11, and 12 had the onset of typhus shortly after receiving a pet kitten from case 9. In fact, the blood of the kitten's mother had a low titer against the murine typhus antigen, suggesting it may have been infected. Since the families of cases 7 through 12 denied association with rodents, no attempts were made to recover any for diagnostic purposes.

It can be assumed that the 7-year-old boy who became ill with typhus shortly after his parents distributed rat poison around the farm house was bitten by a flea which deserted his rodent host. This history and that of case 5 were the only ones suggesting transmission from rat flea to man.

The presumption that *R mooseri* was transmitted to humans from fleas on cats, is based on epidemiological evidence, but *C felis* has been shown to harbor this organism in nature and has been implicated in its transmission to humans in Texas. *C felis* has also been found to occur on rats in South Texas, although *X cheopis* has been more common on these rodents.[7]

Footnotes at end of article.

There is no reason to believe that the reservoir of *R mooseri* is not the rat and, therefore, it is assumed that the cat fleas receive the rickettsiae from their source.

The CF test was used as the primary laboratory method in diagnosing cases of murine typhus. The State Health Department was usually notified of suspected cases several weeks after onset of symptoms and only convalescent-stage serum samples could, therefore, be obtained. In the three cases in which paired acute and convalescent-stage serum samples were available, the diagnosis was confirmed by a threefold rise in titer in each instance. When only convalescent-stage serum samples were available, diagnosis depended on a demonstration of a titer of 1:64 or greater in the CF test, or a combination of a lower CF titer and other laboratory or epidemiological evidence. Two patients had titers of 1:8 and 1:32 as well as Proteus OX19 titers of 1:640. (In these two cases, 1:640 was the maximum dilution in which the serum samples were tested.) Four other patients with CF titers of 1:32 showed no cross reactions with other rickettsial antigens and had siblings who demonstrated diagnostic CF titers.

A value of 1:64 in the CF test was chosen as diagnostic since there are rarely cross reactions at that level in the State Health Department laboratories. In addition, Plotz found that 63% of convalescent-stage serum samples from 43 patients with murine typhus reacted in titers of 1:48 or below in the CF test with murine typhus antigens. All showed a titer of at least 1:12.[9]

The clinical picture presented by these patients is similar to the signs and symptoms recorded in a study in New Orleans in 1945;[10] however, there is a difference in the reported frequency of rash. Of the patients in south Texas, 25% had a visible rash, compared with 63.88% of those in Louisiana. The discrepancy may be related to the fact that in Texas, examination for rash was often not performed until late in the course of the illness.

Since influenza, rather than typhus, was often the primary diagnosis, appropriate antibiotic therapy was delayed. On the other hand, tetracycline therapy is used to treat the complications of influenza and may have been administered to misdiagnosed cases of murine typhus with beneficial results. Although hypothetical, this would suggest that murine typhus is underreported.

The age and sex distribution are probably related to the fact that adult women and children spend more time at home where most of the illnesses were contacted.

The socioeconomic status of the patient has been stressed, to emphasize the fact that this illness is not limited to people living in rat-infested homes and, in fact, may occur more frequently in those sufficiently educated to remove fleas from their house pets.

CONCLUSION

Twenty-eight confirmed cases of murine typhus occurred in south Texas in 1969. Since this number is similar to the reported cases for the three previous years, this illness must be considered as a continuing problem in south Texas. It should be a part of the differential diagnosis when a patient presents with symptoms of influenza.

In contrast to currently accepted opinion, the rat flea may not be the only vector which transmits the disease to people. Although much of the evidence presented is circumstantial, it would appear that the domestic cat is involved in the epidemiology of murine typhus and that *C felis* may play a significant role in the spread of this disease to man in south Texas.

(The professional staffs of the Cameron, Hidalgo, Webb, and Nueces County health departments assisted in gathering epidemiological information. Kinch Knolle and Shelley Brewer performed the serological tests.)

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NONPROPRIETARY AND TRADE NAMES OF DRUG

Ampicillin trihydrate—*Alpen, Amcill, Amplin, polycillin, Principen, Supen, Totacillin.*

FOOTNOTES

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THE PLIGHT OF OUR MIGRANT WORKERS

Mr. YOUNG of Ohio. Mr. President, there are more than a million migrant farmworkers laboring in fields across America, living in abject poverty and misery. The life expectancy of a migrant worker is less than two-thirds the life expectancy of other farmworkers. They suffer from infectious and parasitic diseases at a rate two to five times greater, tuberculosis 17 times greater, venereal disease 18 times greater, and worms 35 times greater than the average American. As a rule, migrant workers and their children receive no dental care whatever. The only exception is sometimes the employer of migrant workers suffering from toothaches permit hired dentists to extract the teeth no thought being given to filling the cavities.

In many communities children of migrant workers are not permitted to attend school. The most schooling any migrant worker's boy or girl is usually able to attain ends on or before the eighth grade. In fact, 17 percent of the migrant workers are illiterate. The children help their parents by working in the fields. The children of migrant workers for the very reason their parents work in the fields in various parts of the country are deprived of educational opportunities. School boards in many communities do not permit the children of migrant workers to attend the first grades in their schools. The parents, as a rule, need them to help in the migrant labor so that the family will have a bare living wage.

The fact is, Mr. President, migrant labor should be regulated on a national level else such labor should not be tolerated. The facts are that more than a million migrant farmworkers will harvest crops that will feed Americans for the coming year. It is evident these migrant workers by their hard work are needed to help harvest crops. Therefore there must be national legislation enforced to provide decent conditions for migrant workers and their families.

Mr. President, in my State of Ohio alone, there are approximately 33,000 migrant farmworkers. The State of Ohio has an agricultural industry which runs over $1 billion annually. Migrant workers are the source of much of the labor used to harvest Ohio's strawberry, sugar beet, celery, pickle, tomatoes, peaches, and grape crops. During the month of September, the peak season in Ohio, more than 16,500 migrant farmworkers usually toil in the farm fields of my State. Half of these workers are usually under 25 years of age. One-fourth of them were between 14 and 17. Migrant workers invariably have a short life span.

According to U.S. Department of Labor statistics, migrant workers receive an annual wage lower than of of any other income group in the country. In 1970, they worked an average of 78 days a year, and they averaged a meager annual salary of $891. This is approximately $30 less than the average migrant salary for 1967 and 1968. Their pitiful income is in shabby contrast to the earnings of American factory workers. The basic necessities of food and clothing consume all of their meager paychecks and more.

Because of their youth or lack of education, most migrant workers and their youngsters have no awareness or interest in the political process. They move from county to county, and from State to State. They have no representatives or senators in the State legislatures or in the U.S. Congress to whom they can turn for help. Theirs are the unheard voices of misery and despair.

Mr. President, the 91st Congress authorized $49 million assistance to migrant workers for fiscal year 1971 to be administered by the Office of Economic Opportunity. This sum, which will be used to aid more than a million desperately poor individuals, is less than 12 percent of what the administration wanted the Congress to authorize in fiscal year 1971 to subsidize a supersonic transport airplane to fly the jet set to Europe at a speed greater than the speed of sound. This, while migrant workers and their children are still living in squalor in many parts of our country.

ADVERTISING AND THE EXPANSION OF THE ECONOMIC SYSTEM

Mr. MOSS. Mr. President, deceptive advertising ranks as one of the most significant causes of increased public dissatisfaction with the marketplace.

During the 91st Congress the Subcommittee for Consumers has devoted substantial efforts to increase the ability of the consumer and the Federal regulatory agencies to cope with unfair and deceptive advertising practices. My study of this area has led me to appreciate the efforts of Phillip Elman, recently retired member of the Federal Trade Commission, to combat deception in the marketplace.

Although Commissioner Elman has retired from public service, he continues to wage war on deception in advertising. As a professor of law at Georgetown University Center he has launched a program known as "Operation Truth" to promote truth in advertising.

I congratulate Professor Elman for his continuing efforts to insure that advertising plays a positive role in the development and expansion of our economic system. His new project is described in the Tuesday, November 10 issue of the Georgetown Law Weekly, and I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Operation Truth

Philip Elman, the most recent addition to the GULC faculty, is currently formulating a new public interest law project at the Law Center. The project tentatively labeled "Operation Truth", is a truth-in-advertising campaign which will focus primarily on national network television commercials.

As former Commissioner of the Federal Trade Commission, which regulates unfair advertising practices, Prof. Elman brings an expertise to his project. He feels that because of a manpower shortage the FTC does not and cannot perform as effectively as it should in controlling television advertising, and that the project, if successful, will help alleviate this problem.

Elman and his assistant coordinator of the project, Doris Friedman, foresee the "campaign" taking shape initially as a television-monitoring project. Participating students will be asked to watch television commercials and follow up any suspicious or potentially unfair advertising with a written inquiry to the advertiser of the product. Questions might arise, for example, regarding the basic truth of the advertisement or the proof of any claims the manufacturer makes concerning the product. Professor Elman stated that a letter in itself could be enough to effect changes in the advertiser's practice, especially as "Operation Truth" becomes more widely recognized. If the advertiser fails to respond to the inquiry or gives an evasive response. Several different avenues of response are open. Administrative proceedings could be instituted against the advertiser by the FTC, a class action law suit could be brought against the manufacturer, or a suit could be brought against the FTC itself if it fails to act on a claim brought to its attention.

The law in the area of unfair advertising practices is not complicated and does not require a great deal of expertise in its application. Thus, Professor Elman is encouraging all interested students to participate and pointed out, especially that first-year students can also be valuable contributors. Essentially, the law states that an advertisement must be one hundred per cent true. If the product is at all dangerous, the consumer must be explicitly warned of this fact. Generally, the manufacturer may not withhold any information about his product. In Professor Elman's words, "a half-truth under the law is a whole lie."

"Operation Truth" will not employ the tactic of confrontation, but will seek to bring matters to the government's attention by "handling it to them on a silver platter" and to initiate action on the ground floor level.

Prof. Elman has prepared a brief summary of the regulatory law as a guideline for interested students. There will be an organizational meeting on Wednesday, November 18 at 11:30 A.M. in Hall IV. All interested students are encouraged to attend.

Mr. MOSS. Mr. President, I also ask unanimous consent that the brief summary of law relating to unfair and deceptive advertising prepared by Professor Elman be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Law of Unfair and Deceptive Advertising—Brief Summary

1. An advertisement is unlawful under the F.T.C. Act if it is "unfair" or "deceptive", either to competitors or consumers. The basic test of legality is simple and pragmatic, not technical or legalistic. In each case the controlling question is: Did the advertiser deal fairly and honestly with the public? The old rule of *caveat emptor* (let the buyer beware) is dead. Today, in a society where goods are mass-produced and presold to the public by highly sophisticated mass-advertising techniques of persuasion (summarized in the words "Madison Avenue"), the rule is that sellers should not advertise their products in such a way as to interfere with the right of consumers to make a free and informed choice among the numerous products and brands offered for sale in the marketplace.

2. It is not enough for a seller to avoid outright misrepresentations. Any ad which leaves a false or misleading impression in any material respect, either because of what it says or doesn't say, is illegal. A literal truth can be a deceptive half-truth; and a half-truth is a whole lie. To tell less than the whole truth about one's product, or a competitor's, is a familiar method of deception. A skillful advertiser, making shrewd use of exaggeration, innuendo, ambiguity, or half-truth, can mislead the consuming public without misstating a single fact.

3. Generally speaking, an advertisement is tested by the impression which it is likely to make upon the "general populace", the "ordinary purchaser", or "the average person". However, many decisions stress that the law's concern extends to the trusting as well as the suspicious, the casual as well as the vigilant, the naive as well as the sophisticated. In regard to advertisements (particularly 30- or 60-second television commercials), it is a fact that many people "run as they read." Thus, even though an ad may be literally truthful when carefully parsed and analyzed it is unlawful if its likely effect is to mislead a substantial segment of those to whom it is directed. This rule is particularly applicable to advertising aimed at children.

4. "Puffing" is no defense. A seller may describe his product as "beautiful", "the greatest", etc., so long as it is understood to be only an expression of his opinion, not a representation of fact. "Puffing" does not permit sellers to misrepresent goods by assigning to them benefits or virtues they do not possess.

5. Increasingly, the law is imposing a duty on sellers to make affirmative disclosures in their advertising. In general, an ad is unlawful if it fails to reveal material facts to which the public is entitled as a matter of fair and honest dealing. An obvious example is the failure to give adequate warning of any dangers to health or safety involved in use of the product. Beyond that, an ad is misleading if it fails to reveal any facts about the product which are material in the light of the representations or claims made for it in the advertising.

6. An advertiser should not make any claims for his product unless and until he is able to back them up with substantiating proof. If it is the kind of claim (e.g., that an anti-freeze will stop radiator leaks), whose truth can only be determined by adequate and well-controlled scientific tests or studies, the advertiser must have fully-documented proof of the truth of his claim, based on such tests or studies, *before* he makes the representation in his advertising. Otherwise, he is showing a reckless disregard for the rights of the public. If the seller engages in such unfair advertising, his conduct is illegal without regard to whether or not the claim is false.

7. Special attention should be given to claims that a product is "new", "improved", or "better". The change from the old or former product must be substantial and significant; otherwise, the claim is misleading and unfair.

8. With respect to packaging and labeling, Congress declared in the Fair Packaging and Labeling Act of 1966 (15 U.S.C. 1451, § 2), that: "Informed consumers are essential to the fair and efficient functioning of a free-market economy. Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents *and should facilitate value comparisons.* Therefore, it is declared to be the policy of the Congress to assist consumers and manufacturers in reaching these goals in the marketing of consumer goods." (Emphasis added.) Congress has directed various government agencies (particularly the FTC and the Food and Drug Administration) to implement these broad statutory goals. The breadth and comprehensiveness of the policy expressed in the Act provide a solid basis for future regulatory actions and consumer activity in this area.

9. Dangling comparatives, such as "safer," "quicker," "better," etc., are misleading and unfair. "Safer" than what? The advertiser's former product, or his competitor's? The use of such ambiguities in advertising is frowned upon by the FTC, and a seller who uses them should be called to account.

10. The law of consumer protection, including the area of advertising, is not fixed and unchanging. As the community's evolving standards of honest and ethical business practices are raised, the legal standards governing such conduct are also raised. In the words of Judge Learned Hand, describing the FTC's power in the field of unfair and deceptive practices, "the Commission has a wide latitude in such matters; it's powers are not confined to such practices as would be unlawful before it acted; they are more than procedural; its duty, in part at any rate, is to discover and make explicit those unexpressed standards of fair dealing which the conscience of the community may progressively develop.' (86 F. 2d 692, 696.)

TEXAS BENEFITS FROM VOCATIONAL REHABILITATION EXTENSION

Mr. YARBOROUGH. Mr. President, week before last, on December 17, 1970, the Senate passed and cleared for the President's signature a 1-year extension of the vocational rehabilitation program.

I would like to point out that during fiscal year 1970, Texas ranked third in the Nation in progress with vocational rehabilitation with 12,006 successfully rehabilitated individuals. Because of the importance of this bill to Texas, I ask unanimous consent that a brief description of the work of the Texas Rehabilitation Commission during fiscal year 1970 be printed at this point in the RECORD, along with the estimated allotments for Texas for fiscal 1969, 1970 and 1971.

There being no objection, the statement was ordered to be printed in the RECORD. as follows:

Texas

During fiscal 1970, in an effort to conserve and restore the working usefulness of human beings, the Texas Rehabilitation Com-

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mission delivered rehabilitation services to more than 45,000 disabled Texans, an increase of 7,544 over 1969. During 1970, the number of persons closed from the rolls of the Commission as successfully rehabilitated and employed reached 12,006, an increase of 1,753 or 17% over 1969. Texas ranked third in the nation in the number of clients rehabilitated.

Through effective working relationships with the Texas State Department of Mental Health and Mental Retardation, the Texas Department of Corrections, Texas Department of Health, and the Texas State Department of Public Welfare, the Commission closed as rehabilitated 3,517 individuals who were either institutionalized in State facilities or receiving benefits from the State Department of Public Welfare at the time of acceptance for services by the Commission. These individuals cost the State, and ultimately the taxpayer, $8,072,104 per year for their care or treatment in a State facility or in welfare benefits. The Commission spent a one-time total expenditure of $8,338,807, or an average of $2,371 per case, in order to return them to gainful employment.

General rehabilitation program

General Rehabilitation Programs were expanded. These include the Social Security Trust Fund Program, Disadvantaged Disabled, Model Cities, Concentrated Employment Program, Migrant Workers, Rehabilitation Centers, Medical Centers, Small Business Enterprises, Sheltered Workshops, and all disability categories not administered by Special Programs. In 1970 there was a substantial increase in the number of hearing-impaired clients, with 618 being rehabilitated. A total of 2,590 clients were served and 942 are still receiving services. The Hearing Impaired Project at Lee College in Baytown, funded by an innovation grant, has just completed its first year of operation and is demonstrating a real need by providing vocational and technical training utilizing interpreters in the classrooms and shop.

Rehabilitation Programs to meet the needs of the Migrant Workers are now being given high priority. The Commission has initiated a Migrant Rehabilitation Project, funded by an expansion grant, in the Rio Grande Valley. As the project proves its effectiveness in providing services to Migrant Workers, additional funds will be requested to expand services and develop additional programs. New techniques and methodologies necessary to deliver prompt services to clients have been incorporated in target area offices in the Houston and San Antonio Concentrated Employment Programs. These projects are resulting in increased numbers of referrals and in improved services. These Concentrated Employment Programs utilize the services of multiple agencies housed in common facilities. This arrangement facilitates coordination and quality of services received by clients.

Special rehabilitation programs

Special Rehabilitation Programs were also expanded. These include programs for the Mentally Ill, Mentally Retarded, Public Offender (both juvenile and adult) the Alcoholic and Drug Abuser, Tuberculosis and Emphysema clients and Welfare recipients. The Cooperative School Program for the Mentally Retarded is a joint program between the Texas Education Agency, Division of Special Education, various Independent School Districts, and the Texas Rehabilitation Commission. Eight thousand student-clients receive rehabilitation services each year. The Commission also operates joint programs with State Schools for the Retarded and with State Centers for Human Development. Several other joint programs are operated with community Mental Health and Mental Retardation Centers. Last fiscal year 2,300 clients received services from the Texas Rehabilitation Commission in these facilities.

During the past fiscal year, eighty Vocational Rehabilitation Counselors closed 1,800 Mentally Retarded clients as rehabilitated. In the State Mental Hospitals and Mental Health Centers across the State, 17,000 Vocational Rehabilitation Clients received services last fiscal year. Of this number, 1,400 cases were closed as rehabilitated, and the remainder continue to receive services. Written agreements with the Texas Commission on Alcoholism, Department of Mental Health and Mental Retardation, and the Texas Department of Corrections has resulted in the establishment of a very active rehabilitation program for Alcoholic clients in State-operated treatment facilities and local Vocational Rehabilitation offices. The Texas Rehabilitation Commission has established rehabilitation programs for the drug abuser in State and Federal treatment facilities in Fort Worth, Houston and San Antonio. Future plans call for additional rehabilitation staff to be placed in various drug treatment facilities as they are developed throughout the State. Last year over 410 Drug Abusers were served by Vocational Rehabilitation and 101 of these cases were closed as rehabilitated.

The Commission is serving the Adult Public Offender through cooperative programs established with the Texas Department of Corrections, the Board of Pardon and Paroles and the Bureau of Prisons. Over 8,000 Vocational Rehabilitation clients received services in this program during the last fiscal year. Over 1,300 of these were closed as rehabilitated. The remainder are active cases in the rehabilitation process. A working agreement has been established between the Commission and the Texas Youth Council to better enhance rehabilitation services for the Juvenile Public Offender. The Commission has written agreements with juvenile courts in Dallas, Fort Worth, Houston, San Antonio, Beaumont, and Corpus Christi to provide Vocational Rehabilitation services to juvenile clients before their behavior necessitates their being institutionalized. Over 2,000 clients were served in this program last year; 305 were closed as rehabilitated and the remainder continue to receive Vocational Rehabilitation services.

A cooperative agreement between the Commission and the Department of Health allows for clients with tuberculosis and emphysema to be served in various Department of Health facilities throughout the State. Clients with severe emphysema receive rehabilitation services in a special project at the East Texas Tuberculosis Hospital. The Department of Health and the Texas Rehabilitation Commission jointly fund and operate this project.

The disability determination program

The effect of the Social Security Disability Program in Texas is demonstrated by the fact that at the end of December 1969, there were 124,615 disabled workers and their dependents in the State receiving a total of $9,052,218 a month in benefits from the Social Security Administration. In the fiscal year ending June 30, 1970, the Division completed action on over 47,000 disability cases. During the year several important innovations were made to improve the services. Increased responsibility has been given to the Division to conduct an ongoing quality case appraisal program. An independent quality appraisal unit was established for this function. More specific criteria were introduced for identifying claimants that have rehabilitation potential which resulted in over 6,000 individuals being referred to the Vocational Rehabilitation Division for rehabilitation services. The Division continued to be below the national average in time spent completing action on cases and kept the cost per case about 10% under the national average.

Blind

During fiscal year 1970, the Texas State Commission for the Blind rehabilitated 2,137 clients. This represented an increase of thirty-three percent over the previous fiscal year and the agency again ranked first in the nation in terms of visually disabled clients rehabilitated.

Particular attention was given to effecting further improvements in the scope and quality of the agency's vocational placement services. The agency developed a special three-week program providing intensive instruction in theories, practices and techniques of placing the blind. Thirty-six counselors participated in the class and field work involved in this program.

As a result of a Federal expansion grant, the Commission is closely relating a number of activities to those conducted under the Model Cities Program in Texas. New activities are being conducted by the Commission in connection with Model Cities projects in Texarkana, Laredo, Houston and San Antonio.

The agency's small business enterprises program achieved new records during the year. A total of fifteen new vending stands were installed, representing a net increase of twelve locations for the year. Gross sales of the program amounted to $3,588,924, representing an increase of fourteen percent over the previous fiscal year. Average monthly earnings of blind persons participating in the program amounted to $484, a slight increase over the previous year.

A major highlight during the year was the completion of plans for a comprehensive rehabilitation center for the blind. The contract for the construction of the center was awarded during the year and Phase 1 of the construction is now in progress. The center is expected to be open on a limited basis on or about October 1, 1971.

TEXAS

	Years		
	Actual 1969	Estimated 1970[1]	Estimated 1971[2]
I—BASIC SUPPORT PROGRAM, SEC. 2			
A—Funding:			
Federal allotment	$33,604,356	$33,315,009	$34,656,068
Federal grant	17,595,426	26,007,930	34,656,068
State funds required	5,865,142	6,501,982	8,664,017
Total program	23,460,568	32,509,912	43,320,085
Matching ratio (Federal) percent	75	80	80
B—Accomplishments:[3]			
Individuals served	41,936	50,656	107,644
Individuals rehabilitated	11,861	14,143	18,385
II—INNOVATION PROGRAM, SEC. 3			
Federal allotment	$157,207	$157,125	$158,519
Federal grant	$157,207	$75,900	$158,519
Number of projects, new and continuation	1	1	1

TEXAS—Continued

	Years		
	Actual 1969	Estimated 1970[1]	Estimated 1971
III—BENEFICIARY INSURANCE PROGRAM, TRUST FUNDS (SSA)			
A—Funding (100 percent Federal): Federal grant	$875,000	$1,061,531	
B—Accomplishments:			
Individuals served		1,126	
Individuals rehabilitated		519	
IV—EXPANSION PROGRAM, SEC. 4(a)2(A)			
Federal grant	$449,000	$660,000	
Number of projects (new and continuation)	5		
V—AVERAGE COST TO REHABILITATE AN INDIVIDUAL			
National	$1,888	$2,089	$2,205
State	$1,978	$2,971	$2,356

[1] Based on $500,000,000 allotment.
[2] Based on $515,000,000 allotment.
[3] Includes total number reported for VR programs.

WELFARE REFORM

Mr. KENNEDY. Mr. President, $1,600 a year to support a family of four is pitilessly inadequate when compared with actual living costs. A low-cost living standard for a family of four requires $6,567 according to the Bureau of Labor Statistics. The Department of Health, Education, and Welfare has set the national poverty level at $3,820. Subsistence is impossible on anything less.

Yet, there are 22 million people in this country, declared to be officially below the poverty line.

And, so it is, that national attention is drawn at this time to the system we use to respond to the deserving demands of needy Americans.

Historically, America has recognized the need to assist the needy, to care for the disabled and to protect our children. But modern America depends upon an outdated welfare system that has diabolically nurtured a psychology of dependence for thousands of poor families. That system has guaranteed that there will always be poor people.

Thus, widespread dissatisfaction with our present welfare programs has erupted in confusion, disenchantment, and antiwelfare sentiment. On one aspect of the welfare issue there is national consensus—it is that changes are needed. Changes are needed because the present system alienates the taxpayers who support, the social workers who administer it, and the poor who depend on it.

THE DIMENSIONS OF WELFARE

There are now about 11 million people on welfare in this country. Each year more than 1 million people are added to the rolls. In 1950, the direct cost of welfare was $2.3 billion a year. Today it is $11 billion.

Ironically, these increases in costs and beneficiaries have occurred while the number of people the Government has tabulated as poor has declined. In 1959, 22 percent of the population, or 40 million people, were below the Social Security Administration's poverty line.

By 1968, the percentage was cut in half to 11 percent, and the number who fell below the poverty line was estimated at 22 million people. Somehow we have managed to develop a scheme that paradoxically reduces the national count of poor people while expanding the mechanism and the coverage of the system that nominally claims it can meet the needs of the poor.

In most States there are six different welfare programs. Of those programs, the Federal Government provides financial assistance in five of them. Of those five, four exist in every State:

First. Aid to families with dependent children—AFDC—with 7.1 million recipients.

Second. Old age assistance—OAA—2 million recipients 65 years of age and older.

Third. Aid to the blind—AB—80,000 recipients.

Fourth. Aid to the permanently and totally disabled—APTD—793,000 recipients.

The fifth federally supported program, present in many States, is medical assistance for the aged—MAA—or general medical assistance, popularly called medicaid. Medicaid provides free medical care for the medically indigent. It is the fastest growing program and now takes 40 percent of the Federal welfare funds.

A sixth program in many States, but without Federal support is general assistance. It is designed to take up the slack in needy cases that are not covered by the other categories.

Of these varied programs, the heart of the welfare problem and the favorite target of critics is AFDC. Since 1960 the number of AFDC recipients, most of whom are children, has more than doubled—to 7.1 million in November of 1969—and the cost has more than trebled to $4 billion a year. For too long welfare has taken the blame for all of our domestic ills. We conveniently blame welfare for problems with health care, education, housing, racism, alcoholism, drug addiction, illegitimate births, and unemployment. Many of us know that present attacks on welfare programs serve to salve the national conscience. It is a handy whipping boy for those who won't admit that the poor do not have it within their power to become unpoor. No one lives in poverty because he chooses a life of deprivation. We must lay to rest the grand myth that the poor are lazy, lack initiative and prefer welfare to work. This is a delusion that completely ignores the facts.

More than 7.3 million men and women in the labor force in 1966 were poor. There were 4.5 million heads of poor families under age 65. Of these, 3.3 million worked as much as they could and still remained in poverty. Of the remaining 1.2 million, more than three-fourths were ill, disabled, or women with young children. Of the remaining 230,000, about 170,000 did not work because they were in school or simply could not find jobs. Out of that there remains 103,000, or 3 percent.

It is all too obvious then that there are very few able-bodied men on the welfare rolls. Entirely too many who are employed work at wages which force them to seek supplementary public assistance.

The Secretary of HEW recently told the Common Cause that more than 7 million people work at less than the minimum wage. With one person working at the minimum wage of $1.60 per hour, a family of four has an annual income that falls below the poverty line. Last year the Secretary of Defense, Melvin Laird, estimated that 50,000 service families could qualify for public assistance under President Nixon's proposed welfare program. Thousands of servicemen have been forced to put their families on the Nation's welfare rolls because their pay from the military cannot cope with rising living costs. Public welfare agencies are supplementing allotment checks from Vietnam paying the rent of married draftees or buying groceries for families whose breadwinners serve overseas.

From these facts about welfare we see an antiquated system that is struggling to meet critical human needs in today's fast moving society. Welfare rolls are increasing, State budgets are dwindling, taxpayers are complaining and recipients needs are lying unmet. It costs money to live in America, but millions of Americans are unable to provide for themselves. Since this Nation has the ability to help those who need assistance, I feel we must do all that we can to insure a decent living for them.

THE DEMAND FOR REFORM

Beyond the statistics about welfare recipients and the troubles that plague welfare administrators, controversy, outrage and bitterness pervade most discussions of the system.

Overwhelming evidence demands that we must devise major changes before there is complete chaos.

We must change not just because the welfare system is an administrative failure. To the poor that is the wrong reason to seek reform. For those of us who do not depend on welfare for sustenance the system's failures are blamed on the incomprehensible tangles of a bureaucratic morass.

Through our ignorance, prejudice, or indifference, those of us who are not poor are comfortably isolated from the severe effects of poverty and the inadequacies of public assistance payments. But to the poor who depend upon the system for sustenance the failures affect survival. The system just does not begin to provide the cash needed to sustain life in modern America.

In Mississippi a family of four receives monthly payments from public assistance that average $46. In Washington, D.C., that same family would average $236 a month plus $46 in food stamp bonuses. Yet, the cost of living in Washington is among the highest in the Nation. In reality there is not just one welfare program in this Nation, but rather, there are 50 different programs. Each State separately establishes different standards of eligibility, based on age, sex, job status, and family size. The poor, who have no power—political or economic—are treated as though they also have no rights.

If you are black in Alabama you can not get welfare unless you agree to have white sponsors for whom you must work as a maid. For the mother who bears more than her "quota" of illegitimate children, she and the children are denied food assistance benefits in some cities of our country. If you work only during the harvest season to pick sugarbeets or grapes or oranges, you will not meet the residence requirements for public assistance in other communities.

The welfare system is a perfect unhappy example of the dangers of the latest fad of local control. Local governments run welfare assistance programs even though each State program is financed in part by the Federal Government. In 1969, nearly 54 percent of the total welfare costs were paid by the Federal government, but each State operates and administers programs according to its own discretion. The sad repressive result is that those hometown officials who are least responsive to the needs of the poor can deny them benefits to which they are legally entitled.

Yet, there is more to the insistence on tight regulation than crass racism and brute piggishness, even though these reprehensible motives are much too widespread. With the recent rise in the welfare rolls, even responsible public officials have quietly and subtly lobbied for delays and exceptions in the rules that put money in poor people's pockets—simply because our States are forced to seek ways to keep the lid on costs.

In Massachusetts State officials make expenditures over $600 million a year for welfare programs and they see a continuing rise in costs. Another reason, though seldom publicly admitted, is that high productivity types want to make sure that low productivity types are not getting away with something. With this tenet, aspects of the puritan ethic are involved.

On the one hand American families have come to worship the virtues of personal initiative, hard work, free enterprise and individual success. Anyone who works hard enough and saves his money can realize the American dream, so the saying goes. However, for the 22 million who are poor that pronouncement is but a dream, and nothing more.

According to the President, "if we take the route of the permanent handout, the American character will itself be impoverished." In announcing his welfare reform proposal, the President stressed work as the escape route from poverty. But, when he vetoed the manpower bill last week, he must have forgotten his claim that the need is not for more welfare, but for more workfare.

So we see, in the name of bureaucratic efficiency, and because of very real budget restrictions, patterns of systematic evasion, manipulation, and ultimately complete disregard for the needs of the poor.

ESSENTIALS NEEDED FOR REFORM

Our Nation's public service institutions have grown out of the humane concerns that society recognizes should be the birthright of every citizen. Although most of us are fortunate enough to enjoy the adequacies of life, the poor are denied the most basic needs. Our national attack on the problems of the poor has been horribly fragmented. We have developed a myriad of proposals to meet the needs of low-income families including food programs, health, education, housing and job training programs. Unfortunately, that piecemeal approach has not been effective. Welfare and public assistance programs have emerged in reaction to the failure of these programs to adequately meet the demands of the needy. So, today there is almost a proliferation of proposals designed to reform the entire scope of the welfare system.

Senators HARRIS, RIBICOFF, and other members of the Finance Committee have offered thoughtful, well structured proposals for reform. From the advocates of welfare recipients, the National Welfare Rights Organization has come probably the most far reaching—and for them—the most realistic design for adequate income protection.

President Nixon last year introduced what has by now become the much debated, but long overdue, family assistance plan—FAP. While I am firmly convinced that the FAP does not contain the substance to bring an end to the problems of welfare—it rightfully deserves to be recognized for establishing a most fundamental precept that should have been in our public assistance programs all along. The one important thing that the FAP offers is the development of a public assistance program that provides needy families with an adequate income for the necessities of life.

There are those who argue with the concept of a federally insured income program for the indigent on its merits. I do not. I believe that each citizen in this Nation is entitled to the basic adequacies our society offers.

And further, I believe that our trillion-dollar national output is more than sufficient to justify our ability to properly provide these adequacies for every American.

Embodied in the FAP is the core of a significant social concept—establishing an income floor for all American families. What we need is a program that would properly reflect our national tradition of providing the fundamental needs for all citizens within our basic framework of free choice—a program that provides an adequate income for the necessities of life.

When he was Chairman of the President's Commission on Income Maintenance, Ben Heineman reported that an inadequate income is the main problem facing poor people. All of the documentaries, the anecdotes, and the complete litany about life in poverty are directly traceable to one critical item—the lack of money income. The lack of all basic necessities would be improved with the ability to adjust expenditures to meet other family needs. Poor families, just like the members of other families face a variety of obstacles in their day-to-day lives. They need to meet the demands for adequate health, nutrition, education, and housing—just like the rest of us. But living in poverty is stark and grim.

As Mr. Heineman testified before the Senate Select Committee on Nutrition, the oft-noted problem of worms will persist with children who wear no shoes. Until families have hot water easily accessible to them, and proper garbage and toilet facilities, their greater susceptibility to disease will not be lowered. If families continue to live in unheated, drafty shacks, and apartments, they will continue to be vulnerable to the vagaries of the weather.

The proposals offered by both Senators RIBICOFF and HARRIS include the basic concept of income maintenance as suggested by the family assistance plan. In addition, their proposals offer humane and just guarantees that would uphold personal dignity and self-respect.

I believe that a program of income assistance is the most efficient and most sensible way to fight the problems confronting the poor because:

First. Properly administered, such a program would eliminate the unnecessary and arbitrary differences that exist in the treatment of the poor from place to place. Individual State standards should be eliminated. To do this a nationwide federally administered program should be implemented that would standardize program features for recipients everywhere.

Second. It would simplify the system so that recipients, as well as administrators, would clearly understand its rights, rules, and provisions.

Third. Every able-bodied person who wants to work would be able to seek employment at a decent wage. There is no justification for rules that force the poor to take a job. No one wants to be poor. No one wants to struggle with a meager income that offers no hope of meeting basic needs. More than 25 percent of those who live in poverty are members of families with at least one full-time worker. More than 7 million people work for less than the minimum wage. All of these people live in poverty because they do not earn an adequate income.

I believe that every American should be guaranteed adequate money income through earnings. And where necessary those earnings should be supplemented to assure that families can obtain a decent living standard. An effective program must provide income along with opportunities for work.

Fourth. An income maintenance system by definition should maintain an adequate standard of living. Extensive studies continually advise us of adequate income requirements for decent family living as they change from month to month. To pretend that something less than these announced standards of need will suffice for the poor is to perpetuate a fraud. I believe we must assume a commitment to assure as a national goal an adequate money income for every

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family. To do that we only need the will. But, we must do it soon—we must raise the level to an adequate standard in a reasonable period of time.

Fifth. Finally, an income maintenance system offers the assurance that recipient rights will be protected and respected. No longer should it be necessary for investigators to intrude in the homes of fatherless children. At the same time rights of appeal can be systematically safeguarded and administered through equitable hearings. All recipients should be protected against job discrimination and the indignities of disrespect or callous treatment.

I know that the program considered by the Senate over the past months has not embraced all of these concepts. The family assistance plan, however, has introduced the basic idea of income supplements as a fitting way to meet the rightful demands of the needy. It is important to institute that basic concept.

Once that is done I expect to work for the development of those basic ideas that will guarantee the protections of income adequacy, employment opportunities, and the safeguards of personal dignity through a system of equity and justice.

EULOGY BY FATHER HESBURGH AT MEMORIAL SERVICES FOR CHARLES S. JONES

Mr. MURPHY. Mr. President, on December 12, I attended the funeral of one of California's and the Nation's great citizens, Charles S. Jones, former president of the Richfield Oil Co.

The eulogy was delivered by the Reverend Theodore M. Hesburgh, president of Notre Dame University, and was a highly fitting tribute to a wonderful man.

I believe that the Members of the Senate would like to share Father Hesburgh's words and I ask unanimous consent that the eulogy of Charles Jones be printed in the RECORD at this point.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY DELIVERED BY THE REVEREND THEODORE M. HESBURGH, C.S.C.

My dear friends, before beginning the service this morning, I would like to read for you a telegram which just arrived from the President of the United States. Those of you who know President Nixon can read between the lines of this telegram and see that it was really done by his hand.

"The productive life of Charles Jones combined the finest traditions of American business with the highest ideals of public service and civic achievement.

"His profound beliefs and ready ability to translate principles into action won him admiration and respect, not only in California but throughout the nation. His strength of character and soundness of judgment made him sought out by Presidents and leaders in every walk of life. He showed courage in his convictions, discretion in disagreements and selflessness in service to his country.

"I had the great privilege of having the benefit of his personal friendship and his wise counsel for all the years I have been in public life, win or lose. He was one of those rare individuals who made his friendship known more openly when I lost than when I won.

"His courage and indomitable spirit during his last difficult illness was an inspiration to me and all others who had the privilege of seeing him in those days.

"It is perhaps trite to put it this way but, however you measure a man, Charlie Jones has to be rated as one of the greatest."

Signed Richard Nixon.

My dear friends, I would like to begin this morning a very simple memorial service by reading the gospel of the requiem mass that I and a few friends offered for Charles earlier this morning.

This scene is Bethany outside of Jerusalem, down that long, hot road on the way to the Dead Sea in Jericho, and Jesus has just arrived in Bethany, having heard of the death of Lazarus, his good friend. Since Bethany was near Jerusalem, about fifteen furlongs away, many of the Jews had gone out there to comfort Martha and Mary over the loss of their brother. Martha, when she heard that Jesus had come, went out to meet him, while Mary sat in the house. Martha said to Jesus, "Lord, if you hadst been here my brother would not have died, and I know well that even now God will grant whatever you ask of him." "Thy brother," Jesus said to her, "will rise again." Martha said to him, "I know well enough that he will rise again at the resurrection when the last day comes." Jesus said to her, "I am the resurrection and the life, he who believes in me even though he is dead will live on, and whosoever has life and has faith in me, to all eternity, cannot die. Dost thou believe this?" "Yes, Lord," she told him, "I have learned to believe that thou art the Christ, thou art the Son of the Living God, it is for thy coming that the world has waited." And with that she went back and called her sister Mary aside. "The Master is here," she said, "and bids thee come."

We are all gathered here this morning to pay a final and well-deserved tribute to Charles Stone Jones. It might seem strange to you that this tribute is being delivered for a Texas Baptist by a Catholic Priest from Notre Dame. I have a simple explanation. Fifteen years ago, just at this time of year, I was first introduced to Charles Jones by another Texas Baptist and good mutual friend, Mr. C. R. Smith. And for the last decade and a half, we have spent the Christmas holidays together, their contention being that a Catholic Priest can only have a restful vacation if spent with Protestants and preferably Texas Baptists. The initial contact was not as simple as it seems from this account. Charlie loved to tell the tale, and I am sure he would love me to tell it to you today in his own words. Charles always said that C.R. in his usual abrupt way simply phoned him, Jones, and said he had invited another guest on the Christmas safari to Baja California. To Jone's query, man or woman, Smith simply said, "Catholic Priest." "My God," said Jones, and he wasn't praying, "have you forgotten about our fishing and hunting language." "Forget it," said Smith. Jones finally consented. "Well C.F.," he said, "if he can stand you, I guess he can stand me." As it turned out, I didn't just stand him, like so many of his thousands of friends I grew to love him dearly, at times despite himself. He could be like a large bear with a sore paw, but he was over the long pull the best of friends and a very lovable bear at that, with a heart as large as a lion's and every bit as courageous. I recall so well being at his bedside at a New York hospital a few years ago when the doctor showed him the latest x-rays of his leg and told him that his left leg would have to come off above the knee as soon as possible. Charles just winked at me and said, "As we say at Notre Dame, doctor, let's get the show on the road." And the doctor said, "Alright, sometime tomorrow." I remember rather sadly getting up to St. Patrick's Cathedral the next morning in New York and offering mass for Charlie that his courage would keep up. I learned later in the day with great joy that the doctor had decided to try one last new technique, which happily worked very well.

Like so many pioneers of every sort, the kinds of people who have characterized the history and growth of America, the mold was broken after the unusual events of Charles Jones's career had formed him and his life style and his character. If you put a casual title on his life today, it might be "It's a long way from Bonham, Texas," the fly-blown, dry and dusty, poor and threadbare Texas of his youth. In a book he wrote last year on the genesis of the oil industry that gave birth to his beloved Richfield, he said it was all due to a Mexican bandit named Zapata. Personally, I don't believe that little bit of romance. Richfield more than anything else, except perhaps the little creatures that turn to oil, was due to Charles Jones, to his vision, to his organizing ability, to his energy and to his unfailing dedication. Just as one illustration of his vision, he was sure that there was oil on the North Slope of Alaska, long after the Navy's survey team had given up on it, and long before oil was struck at Prudhoe Bay.

Charles Jones was a man who grew with the industry, as the industry grew with him. And Charles and I had one great endeavor in common; namely, education. He spent his whole life educating himself and educating everyone around him. He was seized by an enormous curiosity that never ceased to be nurtured by the wonder of God's creation. How many young men, trained in accounting, can tick off the Latin nomenclature for a wide variety of plants and animals, birds and fish. How many today teach themselves geology, astronomy, art, navigation, history, chemistry, international politics, botany, zoology, ecology, Spanish, and how to play the guitar. A few may do the latter, but very few the former.

I remember arguing with Charles one day in Mexico about the virulence of snake bites, specifically rattlesnake bites. In the middle of the discussion he abruptly disappeared into his room and emerged with a two-volume study on the subject that proved him to be very right and me to be very wrong. For my penance I had to read the two volumes, and found, to my surprise, that he had financed the study at Cal Tech because rattlesnakes were becoming a menace to many of his people who were working along the oil pipelines. Charlie's curiosity was insatiable, so his education continued until the day he died.

I wish I could tell you that Charles was a fervent, Church-going Christian. The best I can do on this point is to assure you that he helped to build a church for some Mexican rancheros who never had one and that for the past fifteen Christmas Eves he attended midnight mass there, with some pride and joy in the fact that it meant a lot to them and that somehow he was sharing their joy in prayer on this occasion. I can assure you, however that Charles Jones was a practicing Christian in the only way in which the good Lord tells us we are to be judged, when he said, "I was hungry and you gave me to eat, and I was thirsty and you gave me to drink, and I was naked and you clothed me, and whensoever you did this for my least brethren, you did it for me."

The charity of Charles Jones was unobtrusive, it was imaginative, and abundantly given from the goodness of his heart that had no desire for praise in doing good. He could fairly chew out his Mexican Majordomo in public on one day and then offer privately the next day to put the same man's son through school in the States. Charles was very touchy about anything phony in the area of religion. But very demanding of himself in being good and generous to others. He was infinitely faithful to his family and friends, sticky at times but still faithful to the end. I was never sure he was joking when he would turn to me in the boat during a long lull in the fishing and say, "Isn't it about time you started to pray, Father?"

He always arranged when I was his guest so that I had time for, and privacy for prayer, and I think he would have been very disappointed in me if I had neglected my daily prayers or my other Priestly obligations. On this point he was almost a Puritan. He had a good conscience for me. Then there were the terribly sincere moments when after bluing the air with blasphemy, he would turn to me and say quite simply, almost like a child, "Excuse me Father, I am sorry." He didn't have to and he knew that, but he did. I don't know how many hundreds or thousands of people across the world are better today because of his great kindness, generosity and spirit. I know I am, and I rather imagine that all of you are too, or you wouldn't be here today to honor his memory.

If it is still a long way from Texas of the last century to California today, a long road that he trod with dignity and honor and a style all his own, I should add that his faithful wife, Genny, trod it with him and shared his anguishes as well as his triumphs. They spent his last day on earth together, reminiscing on the length and breadth of that road across fifty-five years of marriage with all its joys and sorrows and the love that spanned the years too.

Everyone will have his or her special memory of Charles Stone Jones, depending upon where or when they happen to know him. I would like to share my best memory of him with you, and I am sure it's a memory shared by a few of his friends. There is a very special estuary named after St. Margaret by some unknown explorer who discovered its lonely beauty near the southern end of that long peninsula, Baja, California, along the Pacific side. On one of the estuary bays across from a fishing village called Metancitas, there is a sandy strip, high in the center but sloping into the estuary waters on the northern side. The only real landmark on the beach there is a clump of mangroves in which Charlie hacked out three or four shooting blinds, facing the decoy position in the water of the Bay beyond the mangrove shoreline. My remembrance of Charlie is to see him sitting there in the worst of the four blinds, having characteristically given the best ones to his friends. He sits there in the warm afternoon sunshine drinking in the peace of the place, with the outgoing tide gently rocking the decoys; seagulls and diving fish hawks piercing the silence with their shrill cries; slim, dark frigate birds wheeling endlessly in lazy, effortless circles high in the clear, azure sky above us. Mangrove leaves stiffened by the salt air clapping against each other in the light breeze. Then suddenly Charlie would murmur, almost whisper, "Mark," as black specks would appear in the distant sky to the north, as the large black and white feathered brant would begin their long and sure descent to the decoys. My best memory is of Charles sitting there among his friends at peace with himself and the world, so enjoying the scene that he often did not bother to take up his gun as the geese arrived above the decoys. At this precise moment, there is anticipation in the air, and peace, and hope. It may seem farfetched to you but, to me, much of this is akin to the mood of man and woman in the face of the Christian message of eternity and immortality towards which willy-nilly we are all heading, with whatever baggage of good or evil we carry along with us as we move through time to eternity. We must anticipate something for none of us wishes life to end suddenly, abruptly and forever, as it does for a brant.

Peace is part of every concept of eternity because our lives and time are so frantic, frenetic and unpeaceful. Hope leads us to look ahead with confidence in God's wonderful saving grace that, if we are doing our best to follow the law of love and generosity and friendship freely given, somehow this will perdure eternally, and we with it. If good does not perdure, life is a nightmare and this world a madhouse.

I would like to believe that there was much more good than evil in the life of Charles Stone Jones, and, if from a distance I have shared my daily masses with him during the final days of his life, I would hope that from eternity he still shares with me that good spirit of kindness and generosity that pervaded his life. At this point, I can sense Charlie leaning over my shoulder and saying, "Padre, haven't you said just about enough, if not too much." He's probably right and yet there is another word that I must say, this time not about him, but for him. He would certainly want me to thank you, his good friends, for your goodness in being here today as a tribute to his memory and his friendship and I assure you that he will be touched as we all tell Genny, his good wife, and all his family of our deep sorrow at his passing and our condolences to all of them on their loss of a good husband, father, grandfather, and brother. And our condolences to each other on our loss of the best of friends. May I conclude by requesting that all you join me in a few moments of silent prayer, each of us in his or her own way asking the good Lord to grant this good man the blessings of eternity. May Charles Stone Jones rest in peace eternal.

EMERGENCY SCHOOL ASSISTANCE ACT

Mr. MONDALE. Mr. President, the program which would be implemented under the Emergency School Assistance Act, H.R. 19446, passed last week by the House, has been in operation in limited form this fall under an emergency appropriation requested by the President last summer.

Amendments attached to that appropriation in the Senate and regulations issued by HEW to govern distribution of the funds contain safeguards substantially identical to those contained in the House bill before us.

These safeguards prohibit assistance to local educational agencies which give public support to racially segregated private academies. They prohibit assistance to local educational agencies which fire or demote black faculty members. They prohibit assistance to local educational agencies which maintain segregated classrooms or extracurricular activities as a method of prepetuating segregation within so-called desegregated schools.

And yet, a carefully documented report recently issued by six civil rights groups—American Friends Service Committee, Delta Ministry of the National Council of Churches, Lawyers Committee for Civil Rights Under Law, Lawyers Constitutional Defense Committee, NAACP Legal Defense and Education Fund, Inc., Washington Research Project—demonstrates widespread abuse of these provisions and the total failure of HEW to act to correct noncompliance. Of the 295 local educational agencies visited by the six civil rights groups, 179 were found to be in clear violation of the statute and regulations. In 87 others, the six groups found significant evidence of violations. Federal funds are supporting segregated classrooms; segregated transportation systems; segregated faculties and staff; dismissal and demotion of qualified black teachers, principals, and coaches; and donation of property and services to private segregated schools. Federal funds are supporting school districts which refuse to comply with plans for student assignment submitted to HEW or ordered by Federal courts.

Mr. President, I ask unanimous consent that the report to which I have referred may appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. Mr. President, in addition, reviews of project applications by the six civil rights groups and by members of my staff demonstrate that HEW has made no concerted effort to support or encourage development of affirmative programs for quality integrated education. Rather, HEW has expended these funds as general aid on the basis of applications which lack specificity for projects which are often unrelated to the process of school integration.

One application which came to my attention was actually approved by HEW before it was received. Large numbers were approved within hours of receipt.

Mr. President, on the basis of the performance of HEW to date, it is my fear that provision of $1.5 billion under the vague terms of the House bill will result in more of the same, a fraud upon the school children it is intended to benefit.

The House bill provides a double standard for funding. School districts in the South will be funded for compliance with plans of desegregation ordered by Federal courts or approved by HEW under title VI of the Civil Rights Act of 1964. School districts in the North will receive funds for projects designed either to eliminate or to reduce racial isolation in one or more schools. The standards contained in the House bill, nearly identical to those proposed by the administration, are negative—schools in the South will receive funds if they are under court order, regardless of whether the court order actually results in desegregated schools. Schools in the North will receive funding for "reducing racial isolation"—even though only token numbers of minority students may be affected.

As a second report issued several days ago by the six civil rights groups demonstrates, under plans prepared by the Office of Education and accepted by district courts at Justice Department urging, or accepted by HEW under title VI, many school districts continue to maintain schools that are all black or so heavily black that resegregation is certain to take place. It is my opinion and the opinion of the most distinguished legal experts that many of these plans do not meet the requirements of the 14th amendment or title VI.

For northern school districts the House bill proposes funding programs either to eliminate racial isolation in one or more schools or to reduce the number of minority group children attending racially isolated schools. Under the program as defined in the House bill, northern school districts will transfer small numbers of minority group students into previously all-white schools, which will then receive a substantial investment of Federal funds under very vague program guidelines.

Two highly destructive amendments were added to the House committee bill on the floor of the House. One, the so-called Collins amendment, would pro-

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hibit funding of voluntary programs involving transportation in de facto segregated school districts, while permitting funding of transportation required under title VI or court-ordered desegregation plans. The second amendment might well result in funding school districts which maintain segregated classrooms within supposedly desegregated schools.

Massive funding under the loosely defined criteria contained in the House bill will not increase our ability to evaluate the benefits of truly integrated education, or our knowledge of the best educational techniques to employ.

I would hope that this $1.5 billion could be invested in a nationwide educational program to explore, on a voluntary basis, North and South, the most helpful techniques for achieving quality integrated education in public schools.

The bill prepared by the Education Subcommittee of the Committee on Labor and Public Welfare would establish such a program.

Over 40 percent of the funds authorized would be invested in stable, quality integrated schools, containing both educationally advantaged and disadvantaged children, within school districts throughout the Nation. The establishment of these schools would demonstrate that truly integrated education is beneficial to all of the children involved.

Ten percent of the funds authorized would be invested in voluntary programs of urban-suburban cooperation on the model suggested by Senator RIBICOFF, to establish integrated schools containing at least half the proportion of minority group students found in the metropolitan area as a whole.

Ten percent of the funds authorized would be invested in the establishment of several demonstration education parks. Many experts, including the Commissioner of Education, Mr. Marland, believe that education parks are among the most hopeful strategies for the long-term improvement of urban education; yet it is clear that without Federal support local school districts are unable to experiment with this promising concept.

Five percent of the funds would be invested in integrated educational television on the "Sesame Street" model. A recent report by the Educational Testing Service of Princeton, N.J., indicated that such programs can play an important part in the development of crucial academic and social skills in children from all racial and economic backgrounds.

Between 10 and 15 percent of the funds authorized would be invested in special pilot programs designed to improve the academic achievement of children in minority group isolated schools. We hope that these programs will result in the development of promising strategies for the education of children in school districts where integration cannot be achieved in the near future.

Three percent of the funds would be reserved to reimburse the cost of successful suits by parents and teachers to enforce the terms of the act, of related education legislation, and the constitutional guarantees of the 14th amendment and title VI of the Civil Rights Act of 1964. By opening up the resources of the private bar, injured citizens would be provided some guarantee against the abuses which have occurred under the emergency appropriation.

Six percent of the funds would be reserved for funding of private nonprofit organizations, including community groups, for projects designed to promote equality of educational opportunity.

Ten percent of the funds would be reserved to the Commissioner of Education for allocation among otherwise authorized activities.

The issues are not easy ones. Are we to adopt a nationwide program to fund innovative, hopeful programs in integrated education, carefully designed, in order to increase the body of our knowledge concerning this most urgent and divisive of educational issues? Or are we to follow the course of expediency by appropriating vast sums of money to the discretion of an administration whose negative and highly political approach in this area has been documented time and again?

The Senate floor in the waning days of this legislative session is not the place to begin exploration of these questions. The Education Subcommittee under the able leadership of the distinguished Senator from Rhode Island has held extensive hearings on these issues. The Select Committee on Equal Educational Opportunity, of which I have the honor to be chairman, has invested nearly 9 months of intensive work in an effort to understand the problems.

I, therefore, view with particular regret the administration-sponsored tactic last week which stopped the House bill at the Senate desk and thus prevented its consideration by the Committee on Labor and Public Welfare.

On the day that the House bill reached the Senate, last Monday, the Committee on Labor and Public Welfare has scheduled a special executive session to consider it. The chairman of that committee, the able and distinguished Senator from Texas, had obtained special permission from this body for the committee to meet, despite a general objection to committee meetings while the Senate was in session.

During that morning, four members of the Committee on Labor and Public Welfare, including Senators PELL, JAVITS, PROUTY, and myself, met with Secretary Richardson and with Eugene Cowan, a member of the White House staff. We asked the administration to permit the House bill to be referred to committtee, and promised our best efforts to assure that a bill would be promptly reported to the Senate floor, with the benefit of consideration by the committee and a committee report. But in the face of our request and in the face of the efforts of our chairman, the House bill, at the request of the administration, was held at the desk. This parliamentary maneuver added yet another complex and sensitive issue to the complex and sensitive issues facing this body, while depriving the Senate of the advice of its Committee on Labor and Public Welfare.

I am sure the administration believes that holding the House bill on the floor has increased its chances of final passage, but the administration is mistaken. Under no conceivable circumstance could the Senate accept this bill in its present form, with, among other major defects, the disastrous Collins amendment prohibiting the funding of voluntary programs which involve transportation in so-called "de facto" districts, while permitting funding of transportation programs adopted pursuant to court order or title VI plans. Since there will be differences in any event between the Senate and House bills, there must be a conference.

The Labor and Public Welfare Committee of the Senate and the Education and Labor Committee of the House have excellent records in reaching agreement in conference. There is every reason to expect that the interest of the children who are the intended beneficiaries of this legislation will be best served by the enactment of a genuine Senate bill and reliance on the conference procedure. The administration has done a disservice to the legislative process by keeping the House bill from committee for a full week. I hope that it will not compound its error by continued reliance on parliamentary stratagems.

Mr. President, if necessary I will work to improve the House bill. If necessary, I will submit amendments which I hope will have that effect. But I do not believe that, in the closing hours of this session, the Senate can fulfill its responsibilities to face and to resolve the major issues of national educational policy presented by this legislation, without the advice of the committee which bears responsibility in this area.

EXHIBIT 1

THE EMERGENCY SCHOOL ASSISTANCE PROGRAM—AN EVALUATION

INTRODUCTION AND SUMMARY

The promise of the Emergency School Assistance Program has been broken.

Funds that were appropriated by the Congress last August to help desegregated public schools have been used for general school aid purposes unrelated to desegregation. In many instances, funds have been granted to school districts that are continuing to discriminate against black children.

This report, prepared by a group of private organizations concerned with the problems of race, education and poverty, is an evaluation of the first months of the administration of the Emergency School Assistance Program (ESAP). The report is based upon personal visits to nearly 300 school districts receiving ESAP grants by attorneys and by other persons experienced in school desegregation problems, and upon a review of the grant proposals of over 350 successful applicant districts.

We found serious defects in the administration of the program.

1. Large numbers of grants have gone to districts engaging in serious and widespread racial discrimination. Of the 295 ESAP-assisted districts which we visited, 179 were engaged in practices that rendered them ineligible for grants under the statute and the Regulations. In 87 others, we found sufficient evidence to consider the districts' eligibility questionable. In only 29—less than 10 percent—did we find no evidence of illegal practices. Specifically, we found:

94 clear and 18 questionable cases of segregation of classrooms or facilities within schools;

47 clear and 10 questionable cases of segregation or discrimination in transportation;

62 clear and 4 questionable cases in which faculties and staff had not been desegregated

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in accordance with applicable requirements;

98 clear and 123 questionable cases of discrimination in dismissal or demotion of black teachers or principals;

12 clear and 4 questionable violations of student assignment plans approved by HEW or ordered by the courts;

13 clear and 39 questionable cases of assistance by the grantee school district to private segregated schools.

2. ESAP funds have been used to support projects which are racist in their conception, and projects which will desegregate black students within integrated schools.

3. A substantial portion of the "emergency" desegregation funds have not been used to deal with desegregation emergencies; they have been spent for purposes which can only be characterized as general aid to education. Many of the grants are going to meet ordinary costs of running any school system, such as hiring more teachers and teacher aides, buying new textbooks and equipment, and repairing buildings—needs that desegregating districts have in common with school systems throughout the United States.

4. Grants were made to school districts that are not operating under terminal desegregation plans and therefore do not meet the initial condition of eligibility for ESAP funds.

5. In the haste to get some money to as many southern school districts as possible, ESAP money has been dissipated in grants which in many cases are too small to deal comprehensively and effectively with the problems of desegregation.

6. In contrast to the hasty and haphazard way in which grants for school districts have been approved, the significant provision of the ESAP Regulations authorizing community groups to receive grants under the program to lend their assistance to the desegregation process has been virtually ignored—not a single grant has been made to a community group.

7. In many districts, biracial advisory committees have not been constituted in accordance with the requirements of the Regulations.

8. The funding priorities used by ESAP administrators have been distorted. Only a very small portion of ESAP funds have gone to projects that emphasize student and community programs designed to improve race relations in desegregation districts.

ESAP grants are being distributed to school districts on a quarterly basis. In most cases, only the first of four federal payments has been made. Thus, before any additional money is spent, HEW still has an opportunity to correct in part the mistakes that have been made—at least to require civil rights compliance by recipient districts—and to redirect the program toward the ends which Congress intended. We are issuing this report now in the hope that responsible federal officials will take appropriate steps and end the abuses we have found in the program.

CHAPTER I. A DESCRIPTION OF THE EMERGENCY SCHOOL ASSISTANCE PROGRAM

A. Legislative history

On March 24, 1970, President Nixon issued a comprehensive statement setting forth his Administration's policies on school desegregation. He called for the enactment of a two-year $1.5 billion program, designed in part to assist school districts "in meeting special problems incident to . . . desegregation." On May 21, 1970, in a second message, the President noted the large number of school districts in the South scheduled to implement terminal desegregation plans at the start of the 1970–71 school year, and called for immediate appropriation of $150 million to aid these districts in the process of desegregation.[1] In August, Congress responded by granting half of the President's request, appropriating $75 million and thereby establishing the Emergency School Assistance Program.

In the Senate hearings at which the Administration's proposal was considered, concern was expressed that the projects that would be funded were likely to be ineffective, or, worse, harmful to the desegregation process. It was feared that the funds would be used to assist districts engaged in discriminatory practices, that they would duplicate existing school aid programs and that the community would not be involved in the development and implementation of ESAP projects. Some critics argued that the proposal amounted to a political pay-off to the South to assuage the reaction to desegregation requirements, and that there was no "emergency" requiring a precipitate infusion of new federal funds.[2]

Senator Mondale questioned whether federal "aid to desegregation" might actually be used to support districts engaging in discriminatory practices. He cited a number of practices which had been reported in nominally desegregated southern districts, including segregated classrooms, segregation and discrimination in extracurricular activities, discriminatory treatment of black teachers and principals, pupil segregration through testing and tracking, and aid by public school systems to segregated private schools.

Responding for the Administration, Secretary Finch conceded that these abuses existed, but assured the Committee that:

"[the Administration would] under no circumstances . . . fund districts . . . who fire or demote anyone on the basis of race or with segregated classrooms or other basic things that you mentioned."[3]

Secretary Finch also promised that ESAP would be administered as a competitive grant program, with money going only to those districts whose proposals showed specific promise of dealing comprehensively and effectively with the problems of desegregation.[4] This would make more likely the rejection of proposals with little or no relation to problems of desegregation.

In appropriating $75 million for ESAP, Congress placed only three substantive restraints on the program. Two dealt with particular racially discriminatory practices—aid by school districts to private schools which discriminate on the basis of race in admissions, and the withdrawal of local and state funds from public schools as a result of desegregation. The third was designed to open up the program to northern school districts and to districts desegregating under the orders of state courts as well as federal courts and state administrative agencies.[5] The balance of ESAP remained to be formulated in the Regulations to be adopted by the Secretary of HEW.

B. ESAP regulations

1. Preventing use as general aid

The overall thrust of the Regulations is to confine ESAP grants to projects meeting "special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools," and hence to bar the use of the money as general aid to education. The money is to contribute to the cost of "new or expanded activities . . . designed to achieve successful desegregation."[6] The Regulations established as the criterion for determining whether and to what extent a district should be aided under the program, the "relative promise of the project or projects to be assisted in carrying out the purpose of the program" and "the extent to which the proposed project deals comprehensively and effectively" with problems of desegregation.[7]

The portion of the Regulations describing "authorized activities" which can be funded under the program list several which may or may not relate to special problems of desegregation:

"Providing for individualized instruction, team teaching, nongraded programs, and the employment of master teachers"

"Upgrading basic skills and instructional methodologies"

"Providing teacher aides whose employment will help improve instruction in schools affected by desegregation."[8]

The inclusion of these items created the need for rigorous evaluation of grant applications to assure that projects falling within these categories were specifically related to problems of desegregation, so that ESAP money would not be used as general school aid.

2. Prohibiting Grants to Racially Discriminatory Districts

ESAP, like all federal spending programs, is governed by Title VI of the Civil Rights Act of 1964, which prohibits the use of federal funds to assist racially discriminatory programs or activities. In addition, the ESAP Regulations expressly require that applicants give formal assurances that they are not engaging and will not engage in certain specifically enumerated racially discriminatory practices:

First, the past transfer of goods or services to private schools which practice racial discrimination with the purpose of encouraging or supporting such schools, or the future transfer of goods or services to such schools for any purpose;

Second, discrimination on the basis of race in the hiring, firing, promotion or demotion of teachers, principals or other staff who work with students;

Third, the failure to assign teachers and other staff who work with students so that the ratio of minority to nonminority faculty and staff in each school is "substantially the same" as the ratio in the school district as a whole;

Fourth, the use of any devices, "including testing", in the assignment of children to classes or in carrying out other school activities, which discriminate on the basis of race, or which "result in the isolation of minority and nonminority group children."[9]

In addition, districts may not receive ESAP grants if their state or local funding has been "withdrawn or reduced as a result of desegregation."[10]

3. Assuring Community Participation

To assure that school boards would not ignore the interests of the community in formulating and administering ESAP projects, the Regulations require biracial community committees and student participation in the program.

Each successful applicant is required to establish a biracial committee, made up half of minority and half of nonminority members. At least half of the members are to be parents of children directly affected by the district's ESAP-funded project. Where a biracial committee of this general character has been established by court order, that committee is to act as the ESAP committee. Where no court-established committee exists, school officials are to select a group of organizations "which, in the aggregate, are broadly representative of the minority and nonminority communities to be served." Each of these organizations appoints one member to the biracial committee. School officials are then to appoint sufficient additional members to bring the committee to the 50–50 minority-nonminority ratio required, and to assure that at least 50 percent of the members are parents.

School officials must consult with existing court-established advisory committees both on the formulation and the administration of the ESAP-funded program in the district. Where no court-established committee exists, however, the officials need only list the nominating community organizations in their

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grant application, and are given 30 days after the approval of their grant to assemble the committee. Thereafter, school officials are required to consult with the committee concerning the administration of the project.[11]

The Regulations further require that with the opening of school, a student advisory committee, half minority and half nonminority, be selected "by the student body" of each secondary school affected by an ESAP project. School officials must consult with the student advisory committee with respect to carrying out the project and the "establishment of standards, regulations, and requirements regarding student activities and affairs."[12]

4. Authorizing Grants to Private Groups

The Regulations provide for ESAP grants to private nonprofit groups, where such groups propose projects which will assist in the desegregation process. Ten percent of the money appropriated for ESAP is set aside for such grants. Any part of the 10 percent not spent on these grants is to be reallocated to the general program and made available to school officials.[13]

C. Administration of ESAP

1. Grants to School Districts

The funds for ESAP were appropriated on August 18. The Regulations governing the program had already been prepared, and they were published in the Federal Register on August 22. The Commissioner of Education was vested with responsibility for the administration of the program, and he delegated this responsibility to the Office of Education's Division of Equal Educational Opportunity (the Title IV office).[14] Grant application forms had also been prepared, and they were distributed and explained to school superintendents in hastily arranged statewide meetings in each of the southern states, the earliest of which was held on August 20. At these meetings, great stress was placed on the speed with which applications would be processed; school officials were told to go home for a day or two, decide what their needs were, and then reassemble at workshops manned by Title IV personnel, at which time they and the federal officials would jointly fill in the details of the grant applications.[15]

In the days following, teams of Title IV experts helped hundreds of school officials through the necessary paperwork and the grant applications started pouring in. The first grant, $1.5 million to Jackson, Mississippi, was announced on August 28. By October 2, 488 grants had been awarded, totaling over $26 million. By October 30, 722 grants were committed, obligating over $47 million.

This large number of grants within such a short period of time was possible only because the Title IV regional offices were placed under a "36 hour turn-around" requirement in processing formal applications—that is, an application had to be approved (or disapproved) within 36 hours after it was received in the regional office.

Because of this extraordinary time pressure, grant applications received little or no substantive evaluation. Within days after the process started, the concept of a competitive program of aiding selected districts according to the promise of the proposals to deal comprehensively and effectively with desegregation problems—the criteria mandated by the Regulations—had been largely abandoned. In some cases, districts were being quoted "ballpark figures" approximating the grants they might receive, based upon such mathematical factors as the size of the districts' budgets, the number of minority students, and the number of students reassigned under their desegregation plans. The substance of the districts' proposals—their relationship to problems of desegregation or lack thereof—played little role in the calculation.

Similarly, civil rights compliance review was made almost impossible by the demand for speedy and widespread distribution of money. Early in the process, the Civil Rights Division of HEW's Office of the General Counsel called individuals familiar with school desegregation problems, such as the field representatives of the American Friends Service Committee, to determine if there were reports of violations of Title VI or of the ESAP Regulations in the applicant districts. But this practice was soon abandoned, apparently because it caused too much "delay" in processing applications. The civil rights compliance "check" was thereafter reportedly limited to a review of HEW files to determine whether there were any outstanding civil rights complaints against the applicant district. If there were none, the district was assumed to be in compliance. The importance of civil rights compliance was thus seriously downgraded.

2. The Neglect of Private Groups

In many school districts, there are community organizations which for many years have fought for school desegregation while school officials fought against it. These groups have shown a commitment to desegregation and have developed expertise in the field. Black community organizations can help black students adjust to desegregation, and bring home a black viewpoint to white parents, students and teachers who may have had little prior contact with black people as equals. Private biracial human relations groups have useful experience in running programs designed to promote interracial communication and understanding. It was to assist these organizations, that part of the ESAP money was reserved for grants to such private groups. But, in sharp contrast to the public grant side of ESAP, the program of grants to private nonprofit groups has been characterized by stagnation and delay. At the outset, this program was severed from the main ESAP grant machinery, because high-level Title IV officials opposed the concept of ESAP grants to private groups.[16] The private groups grant program was temporarily turned over to the Center for Community Planning in the Office of the Secretary of HEW, a body with little previous experience either in distributing federal grants or in dealing with problems of school desegregation.

Grant applications for public ESAP projects were already available when the program became law on August 18, and within days these applications were being distributed and explained to school officials. By contrast, the government did not even inform leaders of private groups active in school desegregation of the availability of ESAP. When some of these groups learned of the program and sought help in taking advantage of it, they were told that the Title IV meetings were primarily for school officials; that they were free to attend but could expect neither information about their aspect of the program nor assistance in formulating proposals.

Application forms for private groups were not available until October, when meetings were finally held in Atlanta and Dallas to acquaint selected community leaders with the program. By this time, administration of the private groups aid program had been transferred to a special agency established within the Office of Education for this purpose. By the middle of November, not a single grant to private groups had been made. As a result, the important contribution which these groups might have made in the crucial opening months of school in newly integrated districts has been lost.

FOOTNOTES

[1] The emergency funds for ESAP were appropriated under authorizations granted in six statutes: the Educational Professions Development Act, Part D (20 U.S.C. 1119–1119a); The Cooperative Research Act (20 U.S.C. 331–332b); the Civil Rights Act of 1964, Title IV (42 U.S.C. 2000c–2000c–9); the Elementary and Secondary Education Act of 1965, section 807 (20 U.S.C. 887); the Elementary and Secondary Education Amendments of 1967, section 402 (20 U.S.C. 1222); and the Economic Opportunity Act of 1964, Title II (42 U.S.C. 2781–2837).

[2] Hearings on the administration's proposal were held before the Subcommittee on Education of the Senate Committee on Labor and Public Welfare ("Pell Hearings"), on June 9 and June 30, 1970; and before the Senate Select Committee on Equality of Educational Opportunity ("Mondale hearings"), on June 16, 22 and 24, 1970. The concerns noted in the text were expressed by Senators Mondale and Kennedy at the June 9 Pell hearing, by Winifred Greene and M. Hayes Mizell of the American Friends Service Committee and Melvyn Leventhal of the NAACP Legal Defense Fund at the Mondale hearings, and by Marian Wright Edelman of the Washington Research Project at the Pell hearings.

[3] Pell hearings, at page 57 (printed record).

[4] Pell hearings, at page 53.

[5] P.I. 91–380. "Emergency School Assistance. For assistance to desegregating local educational agencies as provided under Part D of the Educational Professions Development Act (title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, section 807 of the Elementary and Secondary Education Amendments of 1965, section 402 of the Elementary and Secondary Amendments of 1967, and title II of the Economic Opportunity Act of 1964, as amended, including necessary administrative expenses therefor, $75,000,000: *Provided*, That no part of any funds appropriated herein to carry out programs under title II of the Economic Opportunity Act of 1964 shall be used to calculate the allocations and proration of allocations under section 102(b) of the Economic Opportunity Amendments of 1969: *Provided, further,* That no part of the funds contained herein shall be used (a) to assist a local educational agency which engages, or has unlawfully engaged, in the gift, lease or sale of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin; (b) to supplant funding from non-Federal sources which has been reduced as the result of desegregation or the availability of funding under this head; or (c) to carry out any program or activity under any policy, procedure, or practice that denies funds to any local educational agency desegregating its schools under legal requirement, on the basis of geography or the source of the legal requirement.

[6] 45 C.F.R. Part 181.2. The Emergency School Assistance Program Regulations are to be found at 45 C.F.R. Part 181. They are cited herein as Regs.

[7] Regs. 181.10.

[8] Regs. 181.4(c)–(d).

[9] Regs. 181.6(a) (4) (D)–(G).

[10] Regs. 181.6(a) (4) (B) (ii).

[11] Regs. 181.7.

[12] Regs. 181.8.

[13] Regs. 181.3(b)–(c).

[14] The Division of Equal Educational Opportunity administers the program of federal grants, authorized by Title IV of the Civil Rights Act of 1964, to provide technical assistance to school districts undergoing desegregation.

[15] These accounts of the meetings between Title IV officials and local school officials are based on reports by staff members of the American Friends Service Committee and the Washington Research Project, who attended meetings held in Alabama, Louisiana, Texas and Virginia.

[16] At a meeting between Title IV officials and local school officials, held August 24, 1970 in Austin, Texas, and attended by a member of the Washington Research Project staff, a Texas state education official stated that Title IV officials had told him that they expected that most of the money

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set aside for grants to private groups would not be spent for that purpose, but would be reallocated for use by school officials.

CHAPTER II. THE EXPENDITURE OF ESAP FUNDS

In connection with this study, the Department of Health, Education and Welfare was asked to make available the applications from school districts to which grants had been made under ESAP. In response, 368 approved applications from school districts in 13 states were provided. These represent slightly more than 50 percent of the applications approved by October 30, and 43 percent of the funds obligated by that date.

A review of these applications reveals that ESAP grants have been made to school districts that are ineligible under the Regulations. Other ESAP grants have funded projects that are racist in their conception, or that may lead to resegregation. The primary use for which ESAP funds have been approved has been general school aid unrelated to the "special needs" occasioned by the desegregation process. Moreover, ESAP funds have been awarded in a manner which relegates vital community and student programs to a minor role. Finally, funds have been distributed in small grants among many districts, and the priority that the Regulations establish for comprehensive projects has been ignored In each of these respects, the purposes of the program have been badly distorted

A. Grants to ineligible districts

The ESAP Regulations establish certain preconditions to eligibility for an ESAP grant. Among these are the requirement that the school district be desegregating under a plan calling for the complete elimination of the dual system and approved by a federal district court or by HEW, and the requirement that the grant application, at the very least, list the community organizations which have been selected by the school board to nominate the members of the biracial advisory committee[1] Our review of ESAP approved applications has revealed that school districts have been funded despite their noncompliance with these explicit requirements.

1. Grant to Districts Without Approved Desegregation Plans

Northampton County, Virginia does not have an approved plan—indeed federal financial assistance to that district was terminated under Title VI on September 13, 1968 because of its refusal to adopt an acceptable plan Nevertheless, it is receiving a $28,000 grant. Stewart County, Georgia is still operating under an obsolete freedom of choice plan dating from before 1968, yet it is receiving a $40,000 grant in violation of the requirement that ESAP applicants be operating under terminal plans effective in the 1968–69 school year or thereafter.

The Metropolitan Public Schools of Davidson County (Nashville), Tennessee was granted $565,400 in SEAP funds. Nashville has submitted a plan for faculty and student desegregation to the federal district court. But while the court approved the faculty plan, it reserved judgment on the student plan until the Supreme Court decides on the school cases now pending before it. Thus Nashville does not have the terminal desegregation plan required by the Regulations.

2. Grants to Districts Out of Compliance with the Advisory Committee Requirement

A number of districts are receiving ESAP grants although they have not followed the Regulations requiring the establishment of a biracial advisory committee. Some make no mention at all of such a committee, although the Regulations specify that a list of the community organizations selected to nominate the members of the committee must accompany each application. Among these districts are Newport and Prescott County, Arkansas, and St. Clair County, Alabama.

The Regulations specify that each applicant district is to name between five and fifteen organizations, "which in the aggregate are broadly representative of the minority and nonminority communities to be served." These organizations are each to name a member to the committee. Only then are school officials authorized to select additional committee members, and then only to the extent necessary to achieve the required ratio of minority and parent members.[2] Many successful applicants appear to have violated these provisions in forming their biracial committees.

In Camden County, Georgia, the seven members of the biracial committee were selected by the school board "according to contact with the people and interest in the progress of the Camden County community." In Butts County, Georgia, the eight members of the committee were selected by the school administration with the intent to obtain a cross-section of the community . . .".

In Russell County, Alabama the temporary committee members were "selected from among community leaders known to be cooperative in matters pertaining to education." The purpose of the Regulation requiring selection by community organizations and not by the school board is precisely to avoid a committee made up of persons whom school boards, which have long opposed desegregation, considered to be "cooperative."

Even in those districts which did choose organizations to select members of the biracial committee, there are serious questions whether the organizations chosen encompass a broad range of community opinion. For example, Cleveland, Tennessee is receiving an ESAP grant to hire a black person with expertise in guidance and counseling "to give the image of a black person working in a responsible position" in the school system. This project was proposed in response to pressure from the local branch of the NAACP which organized a two-day boycott of the schools. In its ESAP application, the school district lists five organizations which will select members of the biracial advisory committee. The Cleveland NAACP branch is not among them.

B. ESAP funding of racist projects

ESAP funds have been approved for the support of a variety of programs which are racist in their conception, and which are likely to exacerbate the level of racial tension.

1. Character and Hygiene of Black Students

Andalusia, Alabama proposed a "community program" to deal with the "morals, conduct, health and personal standards of black students and the home environment of black students . . ." According to the application, "the houses and neighborhoods (of black children) are generally unattractive. Little effort is made to make the surroundings attractive with flowers, pictures or furnishings . . . ." The grant will pay for visits by teachers to the home of each black child.

Similarly, Lake County, Tennessee defined its emergency as the general character of black children. According to the district's application, black children "show poor self concepts . . . use dirty, vulgar language . . . show poor oral hygiene and health habits . . . (poor bathroom habits) . . . display poor eating habits and table manners." ESAP money was granted to hire a physical education director whose job is to deal in some undefined way with the board's concept of the "character" of their black students.

Lee County, Georgia received an ESAP grant to provide bathing facilities for black children. The application asserted that because the homes from which these students come are without "modern bathing facilities, cleanliness, good health and sanitary conditions in the school demand" the provision of these services.

Madison County, Mississippi described its most "pressing problem brought about by court ordered desegregation" as the "sanitation and personal hygiene" of its students. "For students to accept close association with the opposite race, a very close watch must be kept on the cleanliness of all aspects of the operation of the school. This is especially true with females." ESAP money was granted to hire a female hygienist for each of its four schools.

Caswell County, North Carolina emphasized the concern of parents that "a child would be assigned to an ill-kept drab environment; given dirty books and forced into class association with dirty peers." It defined its emergency as "a wide variety of family values and standards of living, from the child who sleeps in the same underwear he wears to school for a week without change and emits odors offensive to those in proximity, to the child who comes to school each day freshly bathed and groomed." Its $95,000 grant will be used for programs "facilitating desegregation through upgrading total individual and group health: physical, emotional, mental and social."

2. Resegregation

Some projects, by their design, suggest a new effort on the part of local school officials to resegregate students within the "integrated" schools, with the direct assistance of the federal government.

Douglas County, Georgia received an ESAP grant to purchase two vans for the purpose of transporting black students from the junior high schools to cooperating businesses, industries and service centers "so that learning experience would more nearly meet the individual needs of the black students." Thus ESAP money is funding a project that is based on the assumption that only black students need vocational as opposed to academic training—and which removes black students from the newly integrated school.

According to the application filed by Wichita Falls, Texas, it is necessary, because of a shortage of school buses, to keep 476 black elementary students at a "closed" school for the first hour of the school day. There are too few buses to transport all the white students according to a regular schedule. After the other students are transported, the buses come for the 476 and take them to several "integrated" elementary schools. ESAP money was granted to employ teachers and aides to teach these students for the first hour and then to move and stay with them for the rest of the day, thus effectively assuring that they remain in separately identifiable racial groups.

3. Other Racist Projects

Greenville, Mississippi traces its emergency to the "politics of confrontation and antithesis strategies (sic) applied by inauthentic critics skilled in the use of negative propaganda and disruptive procedures." To meet this crisis, Greenville was granted $30,580 to fund "some form of competent supervision and/or surveillance under the direction of legally constituted authority."

At least one district applied for and received an ESAP grant to pay the salary of a former black principal who was demoted when the school was desegregated. Humboldt, Tennessee is receiving $10,000 to pay the salary of the "black associate principal [who] can work closely with the black students as well as the whites." He was formerly principal of a black school in the district.

C. General aid to education

A substantial number of successful applicants sought ESAP funds to supplement their general education budgets by paying for more teachers, more janitors, more equipment and more supplies. While these expenditures may be worth while, they represent needs shared by all school systems, whether or not they are engaged in the process of de-

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segregation. In some cases, the proposals did not even attempt to link the money to desegregation. In many others, the nature of the projects funded indicates that no more than lip services was paid to the requirement, explicitly set forth in the Regulations, that ESAP projects be designed to meet the special costs of desegregation.

1. Teacher Aides and Teacher Training

Of the applications we have reviewed, more ESAP money went for teacher aides and teacher training than for any other single purpose. Frequently, no effort was made to tie the need for the aides to desegregation.

For example, Charlotte County, Virginia is receiving $11,100 to hire four aides so that the school libraries can be kept open during the entire school day.

Nassau County, Florida is receiving $25,000 to help in the districts "effort to improve our school system" by providing teacher aides and additional clerical personnel because "first grade teachers are required to do too much clerical duties" and "librarians offer little help to students, teachers and administrators."

Greenville, North Carolina is receiving $41,700 to employ 12 teacher aides to reduce time pressures on the regular teachers. This need was explained in terms of a recent defeat of a referendum to increase local financial support for the schools, which, together with the demand for higher salaries, had "necessitated a reduction in the number of locally paid personnel."

Laurel, Mississippi will spend $14,476 out of a $50,000 grant to train teachers in the use of certain unspecified equipment. Amite County, Mississippi is receiving $10,200 in ESAP funds to pay overtime stipends to the professional staff for their attendance at training programs designed to increase teaching efficiency through the explanation of "recent innovative techniques and methods . . ."

2. Textbooks and Physical Equipment

Millions of dollars of ESAP money have been allocated to the purchase of new classroom materials, including textbooks, and for the purchase of such items as playground equipment, softballs, ping-pong tables, intercom systems, "35 individual air-conditioning units in teacher stations," film strips, projectors, tape recorders, television sets and shower facilities. Many systems will use all or substantially all of their ESAP funds for expenditures of this kind.[3]

LaMarque, Texas will use half of its $30,941 ESAP grant to complete a television project at the high school. The school district had planned a central television studio and a closed circuit system connecting every classroom. But "due to lack of funds," the program was not completed. ESAP will now provide the money to finish wiring the classrooms, to buy movies and a tape recorder, and to pay the part-time salary of a person associated with the television program.

Wilson County, North Carolina will use part of its ESAP money to buy playground equipment, which was not available at any of the schools in the past, so that children can "work and play together successfully."

Sampson County, North Carolina will spend $21,000 in ESAP funds for equipment, including manual and electric typewriters, washers and dryers, steam irons and ironing boards, projectors, duplicators, microscopes, vacuum cleaners, a table, a lamp, two upholstered chairs, a commercial refrigerator and oven, piano casters, an automatic blanket cleaner attachment, and a kitchen sink.

Charleston County, South Carolina will use its $441,218 grant to establish a television studio—to equip it, air condition it, staff it and maintain it. Flagler County, Florida will use its entire $15,000 grant to renovate its physical education dressing room and shower facilities. The application states that "lack of a proper climate control system with an attending high humidity has brought about an understandable dissatisfaction on the part of both students and physical education teachers." The money will be used for the installation of an air and climate control system and for addition of more showers and toilets.

While many districts receiving money for general aid did not refer to desegregation, others made contrived attempts to link their general aid requests to the purposes of ESAP. For instance, Berrien County, Georgia sought and was granted money to purchase electric fans on the grounds that "a closed classroom in a South Georgia climate can be unbearably hot without [a] cooling system." The fans "should make students of all races more at ease in the classrooms. . . ."

3. Curriculum Revisions

Several districts have received grants for curriculum revision, with no effort to relate their proposals to problems incident to desegregation. Jackson, Mississippi, which was awarded the first and one of the largest ESAP grants, $1.5 million, is a case in point.

The Jackson application defines its emergency not as making desegregation work, but as saving the city from the effects of it. The application states:

"This change [court ordered desegregation] has created a crisis in the city. There are indications that unless rapid and dramatic improvement in the quality of education can be demonstrated . . . the City will suffer economically and socially. . . . Ways must be found immediately to redevelop the public schools so that they will merit and attract the confidence and support of all citizens in Jackson, Mississippi. There is evidence to indicate that unless this is done, educationally, socially and economically, Jackson will not grow but will be eroded by conditions that exist."

Over one-half of the 1.3 million dollars granted to Jackson was authorized for a general curriculum revision program which is simply designed to upgrade the quality of teaching in the school system.

Pinellas County, Florida proposes to use its entire $125,459 ESAP grant on "Project Read", a program designed "to dramatically increase the reading abilities of 3800 students" in the system. Referring to the success of this same program in Detroit, New York, and San Francisco, the application states:

"The inadequacy of conventional reading instruction in this county's large urban communities is a well established fact. . . . The typical student in the large urban school system is not learning to read adequately."

D. The minor role of community and student programs

In connection with congressional consideration of the Administration's school desegregation aid proposals and the development of the ESAP program, civil rights advocates experienced in the desegregation process strongly urged that the highest priority under any desegregation aid program be accorded to community and student projects, which would disseminate information about desegregation plans, bring students, teachers and parents together to discuss desegregation problems, and establish mechanisms through which students could resolve potentially volatile issues arising out of the desegregation process. HEW officials gave their assurances that projects of this kind would in fact be emphasized in the administration of the ESAP program.

The events of the past few months strongly corroborate the need for student and community programs to alleviate tensions associated with school integration. Almost daily, there have been press reports of racial incidents in desegregated schools.

In fact however, only a small number of districts received funds for programs involving student or community activities aimed at alleviating these kinds of problems. Of the 368 districts we reviewed, only 97 had community programs funded. In Georgia, for example, only 13 of 113 approved applications we reviewed included community programs. Only 1.7 percent of the money spent in Georgia was directed toward such programs.

Student programs received even less emphasis, with only 60 of the 368 districts receiving funds for programs of this kind. The student programs, in their entirety, accounted for less than two percent of all ESAP money allocated in the districts we reviewed. Many districts with very large grants and ostensibly comprehensive programs, such as Jackson, Mississippi; Nashville, Tennessee; Charleston, South Carolina; and Dougherty County, Georgia requested nothing for student programs.

E. Failure to fund comprehensive projects

ESAP has been administered on the principle that grants should be made to a large number of districts as quickly as possible. In implementing this principle, the Title IV Office has abandoned the mandate of the Regulations, under which the decision whether and to what extent a district should be funded was to have been based on the promise the district's proposal showed of dealing comprehensively and effectively with special problems of desegregation.

The approved applications we reviewed supply evidence that the competitive approach was not followed. First, some proposals which did include a comprehensive treatment of desegregation, including student and community projects, were severely cut, apparently because the districts were not large enough to warrant grants of the size needed. On the other hand, a large number of very small grants were made—grants too small to deal comprehensively with the problems in the district.

For example, Beggs, Oklahoma proposed a series of biracial workshops for parents to discuss and attempt to resolve personal or emotional problems that may be occasioned by the integration of the schools. The $85,570 requested was reduced to $12,672, and the district abandoned its parent workshop program in favor of hiring a counselor and buying some instructional supplies.

Okmulgee, Oklahoma developed a $250,000 plan which included financial assistance to a biracial human relations committee and a home visitation program. Almost 80 percent of the request was denied, and the district struck from its proposal everything but teacher aides and a school bus.

Demopolis, Alabama applied for $177,754 to institute a comprehensive plan which included a community liaison staff, special pupil personnel services, teacher preparation programs, and student tutorial programs. The school district was granted only $27,664. Of this amount, $17,214 was allowed for an administrator with supporting clerical help, travel expenses and supplies, to "effectively administer the program"—a program which had been almost totally eliminated by the Office of Education.

By October 30, a total of 88 school districts had been awarded ESAP grants of less than $10,000 including several of less than $2000. For example, Maury, Tennessee, with a request for $16,500 was awarded $1500 which paid part of the cost of one bus. Hawkinsville, Georgia requested $64,000 but was granted only $5000, which will be used to purchase supplies for industrial arts and vocational education classes. Numerous comparable examples could be cited. An unfortunate result of this approach is that there will be few, if any, models of the use of special federal funds to deal comprehensively with desegregation problems. Such models could have provided valuable lessons concerning the va-

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lidity of the basic assumption of the Emergency School Assistance Program.

F. Conclusion

The grant-making process under ESAP apparently operated on the assumption that a general financial emergency existed in desegregating school districts, an emergency which could best be met by the distribution of some federal money to as many of these districts as could be reached in the shortest possible time. The administrators left it largely to school officials to define the nature of the desegregation emergencies in their districts; little in the way of direction or evaluation was provided by the Office of Education.

This administrative policy produced predictable results. In some instances, the projects funded were based on racist assumptions—that black children have special defects of character, that they are specially suited to training for menial jobs, that they have poor hygiene. Districts not even engaged in terminal desegregation were funded. The community participation provisions of the Regulations were weakly enforced. Most noticeably, large amounts of federal "desegregation money" was spent on projects which had little or nothing to do with desegregation. School officials asked for, and were given, more of the same—more hardware, more textbooks, more school supplies and more teachers and teacher aides.

The funding of racist projects and clearly ineligible districts could be remedied by minimal care in processing and evaluating grant applications, but the general demand for money for projects largely unrelated to desegregation might suggest that the whole program was ill-founded, that there never was any desegregation "emergency" requiring federal financial assistance. We do not believe this to be the case. Racial tension is high in many desegregating districts, and the mixing of black and white students in school buildings has often failed to produce a genuine integrated educational experience.

What is needed is precisely what many community leaders recommended to congressional committees and HEW officials last summer—human programs, designed to involve the students and the community directly in the process of working out the problems of desegregation in the schools. By and large, these are not the kinds of programs school officials will spontaneously propose when federal money is made available. School administrators in the South, just as in the rest of the country, traditionally oppose the active involvement of parents, students and community people in the running of the schools.

One solution is to establish student and community projects as a high priority in grant programs like ESAP, and then to enforce that priority—if necessary, by rejecting nine-tenths of the grant proposals presented. A second solution is to take seriously the notion of funding programs developed and administered by community groups.

FOOTNOTES

[1] Regs. 181.3(a)(1) and 181.7(b)(1).

[2] Regs. 181.7(b)(1)-(2).

[3] Examples of such uses were found in the following Georgia applications: Berrien County, Lee County, Madison County, Monroe County, Oconee County, Oglethorpe County, Toombs County, Wheeler County.

CHAPTER III. CIVIL RIGHTS COMPLIANCE IN DISTRICTS RECEIVING ESAP GRANTS

A. Introduction

Our monitors visited 467 southern school districts which were desegregating their systems this fall under HEW or court-ordered plans, and compiled reports describing the extent to which each district was following its desegregation plan, the extent to which racially discriminatory practices persisted in the schools after integration, and other data relevant to an evaluation of the desegration process.[1] Of the monitored districts, 295 had received ESAP grants by October 30 of this year. In this chapter we summarize our monitors' findings from those 295 districts of practices which, under the terms of the ESAP Regulations or under the government's own interpretation of Title VI of the 1964 Civil Rights Act, render them ineligible for ESAP grants. Our report is not a comprehensive description of racially discriminatory practices in districts receiving ESAP grants. We have confined ourselves to noting practices clearly illegal under the standards the government purports to apply.[2]

Our findings about these districts are startling. In 179 of the 295 districts monitored, we found clear evidence of practices which should render the districts ineligible. In 87 districts, indications of illegal practices were found which raised serious questions about their eligibility. In only 29 districts—less than 10 percent—did we find no such evidence.

B. The results

1. Segregation and Discrimination in Pupil Assignment

In 12 districts with ESAP grants, our monitors found clear evidence that the student assignment plan ordered by the court or approved by HEW had not been followed. In another four districts, we found evidence of desegregation plan violations sufficient to warrant further investigation.[3] The most common form of plan violation occurred where geographic zoning plans resulted in both majority black schools and majority white schools in the same district. White students in the majority black schools have been allowed to transfer out of these "neighborhood" schools, often with transportation provided at public expense, resulting in resegregation. In other instances, formerly black schools closed under desegregation plans have been reopened and the students who formerly attended them have been allowed to transfer back—a version of freedom of choice which results in resegregation, since whites never choose to attend these schools and none are assigned to them. As examples of this kind of violation:

In McCormick, South Carolina, recipient of a $47,696 ESAP grant, whites have been allowed to transfer out of two formerly black elementary schools, thus completely resegregating those schools.

In Demopolis, Alabama, recipient of $27,664, white students assigned to formerly black elementary schools were allowed to attend white schools outside their zones, and to ride the school buses to school. The school officials have informed the parents of these students that they are violating the court order, but they have stated that students may continue to attend the schools of their choice until they are removed "by action initiated and implemented by the Federal Courts."

In St. Johns County, Florida, recipient of a grant of $40,725, the same pattern is followed of allowing white students to transfer from majority black to majority white schools, with bus transportation provided at public expense. Ironically, a strong desegregation plan originally proposed for St. Johns County was rejected because it required too much busing.

In Vance County, North Carolina, recipient of $86,955, a formerly white school became 75 percent black. Three weeks after school opened, a formerly black school closed by the plan was reopened, and blacks were allowed to transfer to it. A closed school, formerly white, was also reopened and white students transfered to it.

2. Segregation Within Integrated Schools

Our monitors found 94 districts receiving ESAP grants which clearly engaged in illegal segregation of classrooms or facilities within schools. In another 18 districts, there are strong indications of such practices. The most widespread form of in-school segregation is the assignment of black and white children into separate classrooms. In many cases, this separation is carried out explicitly on the basis of race. Thus:

In South Pike, Mississippi, recipient of a $21,300 ESAP grant, both black and white children are in grades 7-12 at the former Eva Gordon School. However, the classrooms in those grades are, with few exceptions, either all-black or all-white.

In Pelham, Georgia, recipient of a $15,500 ESAP grant, the "special education" class is divided so that the white girls are in one room, and the white boys and all the black students are in another. In other instances, when their parents complained white children were allowed to transfer from integrated classes to all-white classes taught by white teachers.

In Troy, Alabama, recipient of a $28,300 ESAP grant, the court ordered the formerly black and formerly white high schools merged. The school district "complied" by renaming the black school Henderson High School, South Campus (Henderson is the name of the white school), firing the black principal and replacing him with a white, and leaving the black students there. Indeed, fewer black students now attend the white high school than did previously under freedom of choice.

In most instances, however, classroom segregation has been achieved through testing children and separating them into different "tracks" in different classrooms. Generally the upper tracks are all-white or nearly all-white, while the lower tracks are nearly all-black; typically, black teachers are assigned to the lower tracks and white teachers to the upper tracks. There can be no question about the illegality of ESAP grants to districts engaging in this common practice, for the Regulations explicitly bar all practices "including testing" which "result in" the isolation of black or white children.[4]

Troy, Alabama, already mentioned, provides a classic illustration of tracking. Troy Junior High, grades 5-8, is almost totally racially segregated between class sections, through the use of a new highly structured track system, not used before desegregation, which divides students into Advanced Academic, Vocational, and Special Education tracks. Other examples from the dozens of cases of segregation through testing are:

McCormick, South Carolina, mentioned above, introduced extensive testing last spring, with the testing reportedly paid for by federal Title I funds. As a result, one of newly integrated elementary schools contains eight totally black classrooms. No black teachers are teaching white students. It is reported that at the beginning of the year, there were "Negro only" signs on some classroom doors, and black teachers were given class roll books labeled "all-Negro." The district's ESAP grant is for a classroom for "special education," i.e., a lower track class likely to be all-black.

England, Arkansas, recipient of an $18,100 ESAP grant, also introduced a new testing program last year on the eve of integration and, as a result, now has virtually all-black lower track classes to which most of the black teachers have been assigned.

Union City, Tennessee, recipient of a $12,500 ESAP grant, tested students into fast, middle and slow tracks. Only one black student in the whole system is in the fast track, and several slow track classes have only one white student each.

Another device used to accomplish segregated education within a school is double sessions. Thus in Seminole County, Florida, with a grant of $80,000 the plan called for a desegregated high school. However, officials arranged double sessions according to where students live, so that one shift is disproportionately white and the other disproportionately black.

In other districts, while black and white children sit in the same classroom, they are

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assigned seats according to race. Among these districts are Plum Bayou, Arkansas, recipient of a $16,300 ESAP grant, and Jones County, Mississippi, $35,500. In Carthage, Texas, recipient of $47,400, white and black students are separated within a classroom by blackboards placed down the middle of the room.

In a few schools, segregation is maintained outside the classroom. Thus in Fitzgerald, Georgia, recipient of $19,090 in ESAP money, black and white girls in at least one physical education class are assigned to separate showers. Similarly in Jefferson, Texas, a $33,500 ESAP recipient, junior high school students dress for physical education class in racially segregated dressing rooms. Alexander City, Alabama, $33,824, has segregated its recreation areas in two separate and unequal facilities at different schools.

3. Segregated Transportation

Our monitors found 47 clear and 10 questionable instances of segregated or discriminatory school bus operations in ESAP-assisted districts. This total does not include instances in which residential segregation produced all-black or all-white buses.

The most common phenomenon is simply duplicate bus routes in which buses driven by black and white drivers follow the same route, picking up black and white students respectively. Among the numerous ESAP-assisted districts following this practice are Eudora, Arkansas, $20,431, and Monroe County, Alabama, $100,268. In Monroe County, Georgia, recipient of $35,220 in ESAP money, the superintendent admitted the buses are segregated and said this is done because bus drivers are not qualified to handle difficulties which might arise on integrated buses. In other districts, for example, Calhoun County, Georgia, recipient of $24,400 ESAP grant, the classic Jim Crow pattern of segregated seating is followed.

4. Racially Identifiable Faculties

The ESAP Regulations require an assurance from each applicant that it will so assign its faculty and other staff who work with students that the ratio of black to white faculty and staff in each school will be substantially the same in each school in the system.[5] This rule is generally applied in school desegregation cases by courts in the Fourth and Fifth Circuits, which cover most of the Deep South; it has been approved by the Supreme Court; and it was adopted by President Nixon as policy for his Administration in his March 24, 1970 statement on school desegregation.[6]

Our monitors found at least 62 school districts in which the percentage of black faculty varied in excess of 15 percent from one school to another. White teachers tend to be assigned to majority white schools, formerly white schools, and higher grade level schools in greater numbers. Examples are highly repetitive, but a few representative cases are:

Nansemond County, Virginia, with an $80,400 ESAP grant, has a 58 percent white faculty at the majority white high school, a 63 percent black faculty at the black high school, and an 86 percent black faculty at a majority black elementary school.

Decatur County, Georgia, with an $80,000 grant, has three schools with all-black student bodies under its court order; these schools' faculties are 70, 73 and 100 percent black respectively, while the remaining nine majority white schools all have majority white faculties.

West Orange-Cove, Texas, with a grant of $49,080, has an overall black faculty ratio of 18 percent, but only three of 13 schools are close to that ratio. Five have no black teachers at all; in one, over half the teachers are black, and two have 40 percent black faculties.

5. Discrimination Against Black Teachers and Staff

The ESAP Regulations clearly prohibit racial discrimination in the hiring, firing, promotion or demotion of teachers, principals and other school staff who work with students.[7] Our monitors found that black teachers, principals, coaches and other staff are being fired or demoted in massive numbers in districts implementing desegregation plans. Especially in smaller districts, desegregation often means that fewer schools are operated; this invariably means that there are fewer principals and head coach positions, and it often means a general reduction of faculty size as well. Typically, where a black and white school have been merged, the black principal becomes the white principal's assistant in the integrated school, often with few or only menial responsibilities; the black coaches become assistant coaches; and if teachers are released, they are mostly black teachers.

In analyzing our monitors' reports, we have counted as clear instances of discrimination only cases in which blacks were demoted to serve under whites with lesser qualifications, or in which such disproportionately large numbers of blacks were demoted or dismissed as to indicate a pattern of discrimination. In other cases, where our monitors could not obtain evidence of the qualifications of those dismissed or demoted, and where only a few individuals were affected, we have listed the district as "questionable."

Applying these criteria, we found 98 ESAP districts with clear violations, and 123 districts with questionable cases of dismissals or demotions of black teachers—a total of 221 out of the 295 ESAP districts monitored. We believe that even these remarkable figures understate the extent of the problem of discrimination against black teachers and staff, because our monitors did not systematically gather data on discrimination in the *hiring* of blacks. However, informal reports we have received indicate that discrimination in hiring is also widespread.

A few representative examples of discriminatory dismissal or demotion are:

In Gadsden County, Florida, recipient of a grant of $133,300, most of the untenured black teachers were dropped. Many new white and no new black teachers were hired. A black elementary school principal was demoted to assistant principal of an integrated school under a white with no previous experience as a principal.

In Miller County, Georgia, recipient of a grant of $11,000, a black man with 22 years experience as a principal in a black high school, a masters degree in administration, and post-graduate work in guidance and counseling has been made "co-principal" of an integrated high school, where his chief functions are to hand out free lunch passes and patrol the halls. A white with lesser credentials has been appointed principal. The white had been a principal before but had returned to classroom teaching a few years ago, when a few black students came to the white school under freedom of choice, reportedly because he was opposed to integration. In the same district, the black coach and band director were both demoted.

In Sumter County, Georgia, $30,350 grant, both black band teachers were fired. The black principal, with 12 years experience in his job was made "administrative assistant to the superintendent," with an office in the jailhouse unit of the courthouse. His wife, formerly curriculum director at the black high school, shares his new office with him. Their duties are limited to "visiting" the schools in the district.

In Horry County, South Carolina, $180,145 grant, one black principal was made director of vocational education, six were made assistant principals, and two were made classroom teachers.

In Choctaw County, Alabama, $69,916 grant, the contracts of 19 black teachers were not renewed, and the two black band directors and all three black coaches were demoted and their salaries were reduced.

In Shelbyville, Texas, $17,200 grant, some of the black teachers assigned to formerly white schools were made assistants to white teachers, and were not given their own homerooms. One of the black principals was retired and the other was made a classroom teacher.

6. Aid to Segregation Academies

In recent years, large numbers of all-white private schools, many of them small, underfinanced and with inadequate facilities, have been established in the South as alternatives to desegregated public schools. To deal with the problem of aid and support to these "segregation academies" from public school systems, the ESAP Regulations require each applicant to give assurances that it has not transfered goods or services to any private school which "practices discrimination on the basis of race" with the purpose of encouraging or supporting the private school as an alternative for desegregated public schools. The Regulations further require that ESAP-assisted districts will not in the future transfer goods or services for any purpose to private schools which discriminate on the basis of race.[8]

Our monitors had difficulty obtaining information about "segregation academies" generally, and about public school assistance to them in particular. In many cases these facts are known at first hand only by people with strong motivations to conceal them. Nevertheless, we found 13 clear cases of financial support of private schools by public school systems and 39 cases in which there are indications of such support. Aid generally took the form of sale of public school buildings for less than value, and the loan or gift of textbooks, school equipment, buses, or bus service.

It was still more difficult to determine whether the schools practiced discrimination on the basis of race in the narrow sense that they would refuse admission to a qualified black applicant who was able to pay the tuition. Few black parents in the South can afford private school tuition, and even fewer would wish to send their children to schools of the "segregation academy" type. However, the Internal Revenue Service recently ruled that in order to receive or maintain tax exempt status, private schools must publish in a local newspaper a statement of open admissions policy. Our monitors generally asked whether such a statement had been published by the private schools in the districts they visited. With respect to 11 of the 13, it was reported that no such statement had been published. The monitors could not obtain the information on the other two.

We take the position, however, that in determining whether a private school is "discriminating" within the meaning of the Regulations, it is irrevelant whether a private school has a formal "open admissions" policy. In our view, the Regulations forbid grants to public school systems which give aid or support to private schools established with the purpose, and having the effect, of providing alternative schooling for whites attempting to avoid the impact of a constitutionally required plan of school desegregation. As a rough indicator of whether a private school falls within this category, we have examined the date of its establishment and the makeup of its student body. If the school was established at about the time public school desegregation came to its area, and its student body is all-white, we have identified it as a "segregation academy."

Among the examples of public assistance to segregation academies are:

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In Lauderdale County, Tennessee, recipient of a $65,000 grant, a relatively new black public school was closed in 1969, and the building has since been sold at "token cost" to the operators of a private school.

In Thomas County, Georgia, recipient of a $36,000 grant, the school board leased a public school building to the Thomasville City school district, itself the recipient of a $69,000 ESAP grant, which in turn leased it to Meigs Academy for one dollar a year.

In several Mississippi districts receiving ESAP, Claiborne, Jefferson, Scott and Smith Counties, school officials have provided textbooks to private schools, apparently at the direction of the State Department of Education. A similar incident was reported by the press in Jackson, Mississippi, shortly after that district received its $1.3 million ESAP grant; state and local officials admitted that textbooks had been loaned to the private academies, but justified it on the ground that the books were owned by the State Department of Education, and the ESAP Regulations applied only to aid by local school systems.

In Hinds County, Mississippi, recipient of a $190,000 grant, public school buses with markings from several Mississippi districts, including Hinds County and Jackson, have been observed transporting children to private schools.

C. Conclusion

A large proportion of the ESAP-funded districts that we monitored are engaged in discriminatory practices specifically prohibited by the Regulations. In most instances, these practices also violate Title VI, and should bar all federal financial assistance to those districts.

In several reports, the use of ESAP money to subsidize school districts engaging in widespread racial discrimination is worse than the familiar failure to enforce Title VI.

First, it amounts to a fraud upon Congress. The Secretary of HEW explicitly promised a Senate committee that Title VI would be strictly enforced in the administration of this program. Secretary Finch's words are worth quoting again:

"We, under no circumstances, will fund districts out of compliance with Title VI—those who fire or demote anyone on the basis of race or with segregated classrooms or other basic things that you mentioned."

Second, making ESAP grants to districts engaged in these discriminatory practices amounts to HEW's acquiescence in fraud perpetrated by local school officials. The ESAP Regulations were carefully drafted to require that each applicant guarantee that it would not engage in the practices prohibited by those Regulations—among them racial discrimination in the hiring, firing, promotion and demotion of staff; the racially imbalanced assignment of staff within the school system; the use of devices, including testing, which lead to racial isolation of children within the school; and aid to private schools which practice racial discrimination. These assurances have been breached by a clear majority of ESAP grant recipients.

Finally, while it is always deplorable for the federal government to subsidize public agencies engaged in racial discrimination, it is worse when funds designed to facilitate the process of school desegregation are granted to districts openly and flagrantly pursuing racist policies which insult and degrade black children.

Recommendations

In this report, we have documented widespread misuse ESAP funds and discrimination against black children in ESAP recipient districts. This is unconscionable in any federal program; it is particularly so in a program designed to help bring an end to discrimination and promote equality of educational opportunity.

It is imperative that responsible federal officials act without delay to retrieve what remains of ESAP. It is still possible to correct some of the mistakes because no ESAP-assisted district has received more than 25 percent of its grant.

Therefore, we recommend:

That the Secretary of HEW immediately conduct civil rights compliance reviews and terminate ESAP funds to districts which are engaging in discriminatory practices. Moreover, efforts should be made to recover ESAP money already given to these districts;

That HEW undertake now a detailed review of all ESAP grant applications which have been approved. In cases where the grants are not being used to contribute to the desegregation process, funding should be discontinued;

That priority be given to the distribution of the ESAP funds reserved for private groups.

FOOTNOTES

[1] Our monitoring effort is described in more detail in Appendix A.

[2] We have not included the extensive reports received of other racially discriminatory practices not explicitly prohibited under government interpretation of Title VI or under the ESAP Regulations, even though we believe that these practices constitute violations of Title VI, and hence should rule out all federal financial assistance for these districts. Among these practices are segregation of students by sex, when initiated with desegregation; the abandonment of extracurricular activities, especially dances, student clubs, and student government activities, when the schools are integrated; the use in integrated schools of racially insulting symbols, such as Confederate flags, nicknames such as "Rebels" for school teams, the playing of "Dixie" by school bands at sporting events; discriminatory treatment of black students in school discipline; and the consistent use of abusive racial epithets by teachers and administrators. We do not mean to downgrade the importance of these abuses by omitting them from this study; indeed they have been the source of much of the anger and frustration felt by black students and parents in "integrated" schools this year. We plan a full exposition of these problems and other matters in the complete report of our monitors effort.

[3] A list of the ESAP districts in which violations were found, under each of the categories we have considered, is included in Appendix C–I.

[4] Regs. 181.6(a)(4)(G).

[5] Regs. 181.6(a)(4)(F).

[6] * * *

[7] Regs. 181.6(a)(4)(E).

[8] Regs. 181.6(a)(4)(D).

APPENDIX A.—A DESCRIPTION OF THE SCHOOL DESEGREGATION MONITORING PROJECT

With the assistance of students from Bishop College (Dallas, Texas), Fisk University (Nashville, Tennessee), and Virginia State University (Petersburg, Virginia) and staff of the Urban Coalition, the organizations responsible for this report monitored some 467 school districts in eleven southern states (as part of a larger study of the desegregation process in the South this fall). We attempted to monitor all the districts undergoing terminal desegregation during 1970–71 school year, either under voluntary plans approved by HEW or under court orders entered in cases instituted by the United States. This excluded many districts eligible for ESAP grants: districts with 1968–69 or 1969–70 terminal desegregation plans, and districts with 1970–71 terminal plans imposed by court order in cases with private plaintiffs. We did monitor 79 districts in Alabama which are under court order in a case brought by private plaintiffs, and in which the United States has intervened as co-plaintiff. The 467 districts monitored include 295 of the 722 which had received ESAP grants by October 30, 1970.

The monitoring effort was largely carried out between September 18 and September 27, 1970, under the direction of staff employees of the organizations which have prepared this report. The largest group of monitors were volunteer lawyers, working under the auspices of the Lawyers' Committee for Civil Rights Under Law. Other monitors included the staffs of the sponsoring organizations, college students, and in some instances citizens resident in the districts in question who have been involved with school issues in that district. All monitors used a uniform information form, drawn up by the sponsoring organizations, to record the data they collected. Monitoring activities in each state were coordinated by an individual with long experience both in school desegregation issues and in working with southern communities. Each state coordinator conducted a training session for the monitors working within his state before they went into the field.

Great stress was placed upon techniques of objective data collection, with emphasis on interviewing persons with different points of view in the community, blacks and whites, school administrators, principals, teachers, parents and students. In each case, monitors were instructed to seek an appointment with the school superintendent or his representative, and to attempt to obtain access to official school records of student and faculty assignment and similar hard data. In reporting information, monitors were instructed to distinguish between rumors and "what everybody knows" on the one hand, and eyewitness reports and data from official records on the other.

We gathered the facts as they were in late September; our resources have not permitted updating of our information. Thus in some districts, conditions and practices reported here may have been corrected by the time this report appears. On the other hand, illegal practices may have arisen in other districts since our monitors visited them.

In analyzing reports, we have listed as "clear violations" of applicable legal standards only cases in which facts related to our monitors, based on the first-hand knowledge of the relator, established illegality. Where our monitors obtained only second-hand reports of facts supporting a charge of a violation, or where the facts related suggest but do not compel an interference of racial discrimination, we have listed the case as questionable.

APPENDIX B.—LIST OF 368 APPROVED ESAP APPLICATIONS REVIEWED

Alabama

Alexander City Board of Education.
Andalusia City.
Auburn City Schools.
Baldwin County Board of Education.
Brewton City Schools.
Butler County Board of Education.
Clay County Board of Education.
Conecuh County Board of Education.
Dale County Board of Education.
Decatur City Schools.
Demopolis City Schools.
Dothan City Board of Education.
Elba City Board of Education.
Eufaula City Board of Education.
Fairfield City Board of Education.
Lamar County Board of Education.
Lanette City Schools.
Lee County Board of Education.
Limestone County Board of Education.
Monroe County Board of Education.
Randolph County Board of Education.
Russell County Board of Education.
St. Clair County Board of Education.
Sylacauga City Board of Education.
Troy City Board of Education.

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Arkansas

Ashdown School District No. 51.
Camden School District No. 35.
Crossett School District No. 52.
Eudora Special School District.
Monticello School District No. 18.
Newport Special School District.
Prescott School District No. 14.
Saratoga School District No. 11.

Florida

Alachua County School Board.
Bradford County School Board.
The School Board of Brevard County.
Calhoun County School Board.
Collier County School Board.
Columbia County School Board.
Dade County Public Schools.
Duval County School Board.
Flagler County School Board.
Gadsden County Public School System.
Glades County School Board.
Gulf County School Board.
Hamilton School Board.
District School Board of Hendry County.
District School Board of Hernando County.
Highlands County School Board.
Hillsborough County Board of Public Ins.
Indian River County School Board.
Jackson County School Board.
Jefferson County School Board.
Lafayette County School Board.
District School Board of Lake County.
District School Board of Lee County.
District School Board of Madison County.
Martin County Board of Public Ins.
Nassau County Board of Public Ins.
Board of Public Ins. of West Palm Beach County.
The School Board of Pinellas County.
District School Board of Putnam County.
Seminole County District School Board.
St. Johns County School Board.
Sumter County School Board.
Suwannee County School Board.
Taylor County School Board.
Walton County BPI.
Washington County School District.

Georgia

Appling County Board of Education.
Atkinson County Board of Education.
Baker County Board of Education.
Baldwin County Board of Education.
Barrow County Board of Education.
Ben Hill County Board of Education.
Berrien County Schools.
Bibb County Board of Education.
Bleckley County Board of Education.
Brooks County Schools.
Bryan County Board of Education.
Buford City System.
Burke County Board of Education.
Butts County School System.
Calhoun County Board of Education.
Camden County Board of Education.
Candler County Board of Education.
Carroll County Board of Education.
Carrollton County Board of Education
Cartersville School Board.
Clarke County School District.
Clay County Board of Education.
Clinch County Board of Education.
Cochran City Schools.
Coffee County Board of Education.
Columbia County Board of Education.
Cook County Board of Education.
Coweta County School System.
Crawford County Board of Education.
Crisp County School System.
Decatur County Board of Education.
City Schools of Decatur.
DeKalb County School System.
Dodge County Board of Education.
Dooly County Board of Education.
Douglas County Board of Education.
Dougherty County School System.
Dublin City Board of Education.
Early County Board of Education.
Echols County Board of Education.
Effingham County Board of Education.
Fayette County Board of Education.
Fitzgerald City Board of Educataion.
Franklin County Board of Education.
Gainsville City Board of Education.
Glynn County Board of Education.
Grady County Board of Education.
Griffin-Spalding County Board of Education.
Hall County Board of Education.
Haralson County Board of Education.
Hart County Board of Education.
Hawkinsville City School System.
Heard County Board of Education.
Henry County Board of Education.
Hogansville County Schools.
Houston County Schools.
Jasper County Schools.
Jeff Davis County Schools.
Jefferson County Schools.
Jones County Schools.
LaGrange Public Schools.
Lamar County Board of Education.
Lanier County Board of Education.
Laurens County School System.
Lee County School System.
Liberty County School System.
Lincoln County Board of Education.
Lowndes County Board of Education.
Macon County Board of Education.
Madison County Board of Education.
Marietta City Schools.
McDuffie County Board of Education.
McIntosh County Board of Education.
Meriwether County Board of Education.
Miller County Board of Education.
Monroe County Board of Education.
Montgomery County Board of Education.
Morgan County Board of Education.
Newton County Board of Education.
Oconee County Board of Education.
Oglethorpe County Board of Education.
Peach County Board of Education.
Pelham Board of Education.
Pierce County Board of Education.
Pike County Board of Education.
Polk County School District.
Quitman County Board of Education.
Randolph County Board of Education.
Rome Board of Education.
Screven County Board of Education.
Stephens County Board of Education.
Stewart County Board of Education.
Sumter County Board of Education.
Talbot County Board of Education.
Taliaferro County Board of Education.
Tift County Board of Education.
Toombs County Board of Education.
Treutlen County Board of Education.
Turner County Board of Education.
Twiggs County Board of Education.
Walker County Board of Education.
Vidalia City Board of Education.
Walton County Board of Education.
Warren County School System.
Washington County Board of Education.
Waycross Public Schools.
Wayne County Board of Education.
West Point Public Schools.
Wheeler County Board of Education.
Wilcox County Board of Education.
Wilkes County Board of Education.
Wilkinson County Board of Education.
Winder City Board of Education.

Kentucky

Jefferson County Public Schools.
Paducah Ind. School District.

Maryland

Prince Georges County Public Schools.

Mississippi

Amite County Schools.
Amory Public Schools.
Attala County School District.
Baldwin Separate School District.
Bay St. Louis Separate School District.
Benton County Schools.
Bolivar County School District No. 1.
Brookhaven Municipal Separate School District.
Choctaw County School District.
Claiborne County Schools.
Clay County Board of Education.
Copiah County School District.
Covington County Schools.
DeSoto County Schools.
Forest Separate School District.
Franklin County Board of Education.
Greene County Schools.
Greenwood Municipal Separate School District.
Hattiesburg Public Schools.
Hinds County Public Schools.
Itawamba County Schools.
Jackson Municipal Separate School District.
Jefferson County Schools.
Kosciusko Municipal Separate School District.
Lafayette County Board of Education.
Laurel Municipal Separate School District.
Leake County School Board.
Lee County School District.
Leflore County School District.
Louisville Municipal, ISD.
Lumberton Line Consolidated School District.
Madison County Schools.
Marion County Schools.
Marshall County Schools.
McComb Municipal Separate School District.
Monroe County Schools.
Montgomery County School System.
New Albany Municipal Separate School District.
Newton County Unit.
Newton Special Municipal Separate School District.
North Pike Consolidated School District.
Noxubee County Schools.
Ocean Springs Municipal Separate School District.
Oktibbeha County Schools.
Pascagoula Municipal Separate School District.
Pass Christian School District.
Poplarville Special Municipal Separate School District.
Prentiss County Schools.
Rankin County Schools.
Richton Municipal Separate School District.
Scott County Unit.
Smith County Schools.
Starkville Municipal Separate School District.
South Pike County Consolidated School District.
South Tippah Consolidated School District.
Tupelo Municipal Separate School District.
Union Municipal Separate School District.
Water Valley Line Consolidated School District.
Walthall County School System.
Webster County School District.
Winona Municipal Separate School District.
Yazoo City Municipal Separate School District.
Greenville Municipal Separate School District.

North Carolina

Anson County.
Camden County.
Caswell County.
Clinton City.
Craven County.
Durham County.
Elm City.
Greene County.
Greenville City.
Hoke County.
Iredell County.
Johnston County.
Kings Mountain City.
Lexington City.
Martin County.
Monroe City.
Person County.
Robeson County.
Rockingham County.
Sampson County.
Shelby City.
Stanly County.
Thomasville Board of Education.
Wayne County.
Wilson County.

XUM

Oklahoma

Beggs Public Schools.
Chickasha Public Schools.
Gutherie Independent School District No. 19.
McAlester Public Schools.
Muskogee City
Okmulgee Public Schools.

South Carolina

Abbeville County No. 60.
Aiken County (Consolidated) School District.
Allendale County No. 1.
Anderson County No. 1.
Bamburg School District No. 1.
Berkeley County School District.
Charleston County
Darlington County
Dillon School District No. 2.
Fairfield County.
Florence County No. 1.
Florence County No 2.
Florence County No. 5.
Greenwood School District No. 50.
Greenwood County No. 52.
Hampton North No. 1.
Hampton County No. 2.
Horry County.
Kershaw County.
Lancaster County.
Lee County.
Marion County No. 3.
Newberry County.
Oconee County.
Orangeburg County No. 4.
Orangeburg County No. 5.
Orangeburg County No. 6.
Orangeburg County No. 7.
Richland County No. 2.
Union County.
York County No. 4.

Tennessee

Alamo City.
Bells City.
Chester County.
Cleveland City.
Covington City.
Gibson County.
Hardeman County.
Henderson County.
Hickman County.
Humboldt City.
Jackson City.
Lake County.
Lauderdale County.
Metropolitan Public Schools—Nashville (Davidson County).
Lebanon City.
Madison County.
McNairy County.
Maury City.
Milan City.
Murfreesboro City.
Robertson County.
Shelby County.
Tipton County.
Trousdale County.
Union City.
Williamson County.
Wilson County.

Texas

Center ISD.
Cypress-Fairbanks ISD.
Galena Park ISD.
Groesbeck ISD.
Hemphill ISD.
Jasper ISD.
Kaufman ISD.
LaMarque ISD.
Liberty ISD.
Malakoff ISD.
New Diana ISD.
Pittsburg County—Line Consolidated ISD.
Smithville ISD.
Wichita Falls ISD.
West Sabine ISD.

Virginia

Bedford County.
Buckingham County.
Charlotte County.
Glouchester County.
Halifax County.
Isle of Wight County.
Louisa County.
Matthews County.
Nelson County.
Norfolk City.
Northampton Schools.
Powhatan County.
Prince George County.
South Boston City.
Suffolk City.
Westmoreland-Colonial Beach Schools.

APPENDIX C. SCHOOL DISTRICTS RECEIVING ESAP FUNDS THAT ARE VIOLATING THEIR HEW OR COURT ORDERED DESEGREGATION PLAN

Alabama

Clear Violations

Demopolis City.
Troy City.

Questionable Violations

Barbour County.

Florida

Clear Violations

Gadsden County.
Pinellas County.
St. Johns County.

Questionable Violations

Orange County.

North Carolina

Clear Violations

Martin County.
Vance County.

South Carolina

Clear Violations

Fairfield County.
Florence County No. 1.
McCormick County.
Orangeburg County No. 3.
Sumter County No. 17.

Questionable Violations

Lee County.

Tennessee

Questionable Violations

Lauderdale County.

APPENDIX D. DISTRICTS WITH CLASSROOM SEGREGATION

Alabama

Clear Violations

Baldwin County.
Barbour County.
Butler County.
Choctaw County.
Conecuh County.
Coosa County.
Decatur City.
Demopolis City.
Enterprise City.
Eufala City.
Montgomery County.
Monroe County.
Pike County.
Selma City.
Troy City.
Walker County.

Questionable Violations

Elba City.

Arkansas

Clear Violations

Crawfordsville.
England.
Plum Bayou.
Stuttgart.

Questionable Violations

Bright Star.
Helena-W. Helena.
Lonoke.

Florida

Clear Violations

Baker County.
Flagler County.
Jefferson County.
Lake County.
Pinellas County.
Seminole County.
St. Johns County.
Sumter County.

Questionable Violations

Escambia.

Georgia

Clear Violations

Brooks County.
Calhoun County.
Clay County.
Crawford County.
Early County.
Jefferson County.
Johnson County.
Lowndes County.
McDuffie County.
Meriwether County.
Miller County.
Monroe County.
Pelham City.
Putnam County.
Sumter County.
Toombs County.
Treutlen County.
Twiggs County.
Vidalia City.
Warren County.
Washington County.
Waycross City.
Wilkes County.
Wilkinson County.

Questionable Violations

Candler County.
Echols County.
Hancock County.
Screven County.
Stephens County—Toccoa.
Thomas County.
Thomasville City.
Turner County.
Wheeler County.

Mississippi

Clear Violations

Jones County.
Kosciusko MS.
McComb MS.
South Pike.

Questionable Violations

Choctaw County.

Clear Violations

North Carolina

Gates County.
Hertford County.
Martin County.
Richmond County.
Union County.
Vance County.

South Carolina

Clear Violations

Aiken County.
Berkeley County.
Charleston County.
Chester County.
Dillon County No. 2.
Dillon County No. 5.
Edgefield County.
Kershaw County.
Lee County.
Marlboro County.
McCormick County.
Newberry County.
Orangeburg County No. 2.
Orangeburg County No. 5.
Orangeburg County No. 6.
Sumter County No. 17.
Union County.

Tennessee

Clear violations

Gibson County.
Humboldt City.
Lake County.
Lauderdale County.
Union City.

XUM

Texas

Clear Violations

Carthage.
Crosby.
Cypress-Fairbanks.
Jefferson.
San Augustine.
Tyler.

Questionable Violations

West Orange-Cove.
Crockett.
Palestine.

Virginia

Clear Violations

Southhampton County.

APPENDIX E. DISTRICTS WITH SEGREGATION IN OTHER FACILITIES

Clear Violations

Alabama: Alexander City.
Georgia: Atkinson County, Fitzgerald City.
North Carolina: Martin County.
South Carolina: Union County.
Tennessee: Gibson County.
Texas: Jefferson.

APPENDIX F.—DISTRICTS WITH SEGREGATED TRANSPORTATION

Alabama

Clear Violations

Baldwin County.
Butler County.
Choctaw County.
Monroe County.
Opelika City.
Tallapoosa County.

Arkansas

Clear Violations

Eudora.

Questionable Violations

Emmet.

Florida

Clear Violations

Jackson County.
Jefferson County.
Pinellas County.
Seminole County.

Questionable Violations

Bradford County.
Sumter County.
Taylor County.

Georgia

Clear Violations

Americus City.
Atkinson County.
Baker County.
Calhoun County.
Clay County.
Dodge County.
Early County.
Echols County.
Grady County.
Johnson County.
McDuffie County.
Miller County.
Mitchell County.
Monroe County.
Pelham City.
Randolph County.
Toombs County.
Treutlen County.
Turner County.
Warren County.
Washington County.
Wilcox County.
Wilkes County.
Wilkinson County.

Questionable Violations

Clinch County.
Fitzgerald City.
Laurens County.
Twiggs County.
Wheeler County.

Mississippi

Clear Violations

Claiborne County.
Jones County.
South Pike.

South Carolina

Clear Violations

Florence County No. 1.
Greenwood County No. 52.
Kershaw County.
Orangeburg County No. 6.
Union County.

Tennessee

Clear Violations

Brownsville—Haywood.

Questionable Violations

Alamo City.

Texas

Clear Violations

Cypress—Fairbanks.
Jefferson.
San Augustine.

APPENDIX G. DISTRICTS WITH RACIALLY IDENTIFIABLE FACULTIES

Alabama

Clear Violations

Brewton City.
Conecuh County.
Monroe County.
Montgomery County.
Opelika City.
Pike County.
Walker County.

Arkansas

Clear Violations

Ashdown.
Camden.
Elaine.
Helena-West Helena.
Holly Grove.
Hot Springs.
Parkin Special.
Stephens.

Florida

Clear Violations

Flagler County.
Jefferson County.

Georgia

Clear Violations

Americus City.
Atkinson County.
Brooks County.
Bryan County.
Charlton County.
Decatur County.
Elbert County.
Fitzgerald City.
Grady County.
Hancock County.
Hart County.
Henry County.
Jefferson County.
Tift County.
Warren County.
Washington County.
Waycross City.
Wilcox County.
Wilkes County.

Mississippi

Clear Violations

DeSoto County.
Jones County.
South Pike.
Tupelo MS.

North Carolina

Clear Violations

Hertford County.
Martin County.
Richmond County.
Rutherford County.
Shelby City.
Weldon City.

Questionable Violations

Lonoke.

Questionable Violations

McIntosh County.

South Carolina

Clear Violations

Aiken County.
Berkeley County.
Edgefield County.
Fairfield County.
Florence County.
Laurens County No. 55.
Marion County No. 3.
Marlboro County.
Pickens County.

Clear Violations

Charleston County.
Lee County.

Tennessee

Clear Violations

Humboldt City.

Texas

Clear Violations

Crosby.
Waskom.
West Orange—Cove.

Virginia

Clear Violations

Nansemond County.
Suffolk City.
Westmoreland County.

APPENDIX H. SCHOOL DISTRICTS WHERE THERE IS DISCRIMINATION AGAINST BLACK TEACHERS AND STAFF

Alabama

Clear Violations

Baldwin County.
Barbour County.
Calhoun County.
Choctaw County.
Conecuh County.
Dale County.
Elba City.
Enterprise City.
Eufaula City.
Gadsden City.
Limestone County.
Monroe County.
Pike County.
Selma City.
Tallapoosa County.
Troy City.
Walker County.

Questionable Violations

Andalusia City.
Anniston City.
Alexander City.
Covington County.
Decatur City.
Demopolis City.
Dothan City.
Lanette City.
Montgomery County.
Opelika City.
Ozark City.
Randolph County.
St. Clair County.
Tuscaloosa City.

Arkansas

Clear Violations

Ashdown.
England.
Forest City.
Helena-West Helena.
Hope.
McGehee.
McNeil.
Stuttgart.
Texarkana.

Questionable Violations

Arkansas City.
Bright Star.
Camden.
Dermott.
Desha-Drew.
Emmet.
Holly Grove.
Hot Springs.
Newport.
Parksdale.
Parkin Special.
Plum Bayou.
Portland.
Saratoga.
Stephens.

Florida

Clear Violations

Baker County.
Columbia County.
Escambia County.
Flagler County.
Gadsden County.
Jackson County.
Jefferson County.
Lake County.
St. Johns County.
Wakulla County.

Questionable Violations

Bradford County.
Hernando County.
Taylor County.
Sumter County.

Georgia

Clear Violations

Coweta County.
Dodge County.
Early County.
Elbert County.
Fitzgerald City.
Johnson County.
Lowndes County.
Miller County.
Mitchell County.
Monroe County.
Putnam County.
Quitman County.
Randolph County.
Sumter County.
Troup County.
Turner County.
Washington County.
Waycross City.
Wilkes County.

Questionable Violations

Appling County.
Baker County.
Butts County.
Calhoun County.
Camden County.
Candler County.
Charlton County.
Clinch County.
Colquitt County.
Cook County.
Crawford County.
Crisp County.
Echols County.
Grady County.
Greene County.
Griffin-Spaulding County.
Hart County.
Jeff Davis County.
Jefferson County.
Jones County.
Laurens County.
Macon County.
Marietta City.
McDuffie County.
McIntosh County.
Meriwether County.
Monroe County.
Newton County.
Peach County.
Pelham City.
Screven County.
Seminole County.
Stephens County—Toccoa City
Telfair County.
Thomas County.
Thomaston City.
Tift County.
Toombs County.
Treutlen County.
Twiggs County.
Warren County.
Wayne County.
Winder City.
Worth County.
Lee County.

North Carolina

Clear Violations

Iredell County.
Martin County.
Richmond County.
Shelby City.
Vance County.

Questionable Violations

Fairmont City.
Gaston County.
Gates County.
Hertford County.
Hyde County.
Robeson County.
Scotland County-Laurinburg.
Union County.

Mississippi

Clear Violations

Jones County.
Kociusko MS.
Laurel MS.
Smith County.

Questionable Violations

Claiborne County.
Newton MS.
McComb MS.
Noxubee County.

South Carolina

Clear Violations

Aiken County.
Barnwell County No. 45.
Charleston County.
Chester County.
Dillon County No. 2.
Florence County No. 5.
Greenville County.
Greenwood County No. 52.
Horry County.
Kershaw County.
Laurens County No. 55.
Marion County No. 4.
McCormick County.
Newberry County.
Pickens County.
Saluda County.
Union County.
York County No. 2.
York County No. 3.

Questionable Violations

Abbeville County.
Anderson County No. 1.
Anderson County No. 2.
Berkeley County.
Dillon County No. 1.
Edgefield County.
Florence County No. 1.
Lee County.
Marlboro County.
Oconee County.
Orangeburg County No. 3.
Orangeburg County No. 4.
Orangeburg County No. 5.
Orangeburg County No. 6.
Orangeburg County No. 8.
Richland County No. 2.
York County No. 1.

Tennessee

Clear Violations

Brownsville-Haywood.
Humboldt City.
Lauderdale County.

Questionable Violations

Chester County.
Gibson County.
Hardeman County.
Lake County.
Maury City.

Texas

Clear Violations

Carthage.
Center.
Crockett.
Cypress-Fairbanks.
Gilmer.
Jefferson.
Marshall.
Shelbyville.
Tyler.
Waskom.
West Orange-Cove.

Questionable Violations

Chapel Hill.
Crosby.
Kilgore.
LaMarque.
Lufkin.
San Augustine.
Texarkana.

Virginia

Clear Violations

Suffolk City.

Questionable Violations

Nansemond County.
Prince George County.
Southampton County.
Westmoreland County.

APPENDIX I. DISTRICTS WITH PUBLIC AID TO SEGREGATION ACADEMIES

Alabama

Clear Violations

Monroe County.
Russell County.
Tallapoosa County.

Arkansas

Questionable Violations

Crawfordsville.

Florida

Clear Violations

Gadsden County.
Jackson County.

Questionable Violations

Jefferson County.

Georgia

Clear Violations

Americus City.

Questionable Violations

Baker County.
Crisp County.
Decatur County.
Dooly County.
Early County.
Greene County.
Hancock County.
Lamar County.
Lee County.
Mitchell County.
Randolph County.
Screven County.
Sumter County.
Thomas County.
Thomasville City.
Tift County.
Wilkes County.
Wilkinson County.

Mississippi

Clear Violations

Claiborne County.
Hinds County.
Jefferson County.
Scott County.
Smith County.

South Carolina

Questionable Violations

Coosa County.
Demopolis City.
Dillon County No. 1.
Dillon County No. 2.
Dillon County No. 3.
Edgefield County.
Fairfield County.
Greenwood County No. 50.
Greenwood County No. 52.
Lee County.
Marlboro County.
McCormick County.
Orangeburg County No. 3.
Orangeburg County No. 5.
Troy City.

Tennessee

Clear Violations

Covington City.
Lauderdale County.

XUM

Questionable Violations

Hardeman County.
Robertson County.

Texas

Questionable Violations

Marshall.
Jefferson.

THE OIL IMPORT PROGRAM

Mr. KENNEDY. Mr. President, on December 22, President Nixon issued a proclamation on the oil import program. The proclamation was accompanied by a press release from the Office of Emergency Preparedness stating that the proclamation "increases the current import total by about 100,000 barrels per day." But as Bernard Nossitor's excellent article in the Washington Post makes clear, the new regulations will not now bring in one additional barrel of oil. The administration is attempting to use paper increases in oil imports to combat very real increases in oil prices.

The American people, who are now suffering from the ravages of inflation, should be made aware that nothing the administration has done thus far is likely to have a significant impact on oil prices. I, therefore, request that the Nossitor article, the OEP press release, and the Presidential proclamation be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OIL IMPORT PROGRAM

The amendatory proclamation signed by President Nixon today establishes 1971 levels of controlled imports of crude oil, unfinished oil and refined products into petroleum districts I–IV (East of the Rockies) and increases the current import total by about 100,000 barrels per day.

George A. Lincoln, director of the Office of Emergency Preparedness, with the advice of the Oil Policy Committee, recommended to President Nixon these adjustments in the oil import program.

The proclamation authorizes allocations of imports of crude oil from Canada at an average rate of 450,000 barrels per day for 1971 and allows an additional 15 days to bring in oil by pipeline under allocations for 1970 and 1971. The level of imports of crude oil, unfinished oil and finished products from elsewhere will by 960,000 barrels per day, or 50,000 barrels per day above the current maximum level.

It will also permit the Secretary of the Interior to allow the importation of additional Canadian imports, as President Nixon announced on Dec. 4: "I have also directed that companies importing Canadian oil be permitted to use their overseas allocation for the purchase of more crude oil from Canada."

Previous changes in the oil import program include establishment of the new management system by the President last Feb. 20, the shift from a voluntary Canadian quota to a formal quota with some increase in Canadian imports, an increase of the oil import quota by 100,000 barrels per day in 1970, and the further provision of 40,000 barrels per day of No. 2 fuel oil for distribution to independent deep water terminal operators on the East Coast.

Also, the new management system, headed by the director of the Office of Emergency Preparedness with the advice of the Oil Policy Committee, has freed the transportation of oil crossing Canada between points in the United States, has provided for import of additional asphalt, has exempted Canadian natural gas liquids from the Canadian quota and also exempted Western Hemisphere ethane, propane, and butane.

Regulations on handling of crude oil imported for fuel have been relaxed and oil imports from Canada now are permitted to enter by inland waterways other than ocean waterways. Asphalt imports are being freed from restrictions in calendar year 1971. A related matter, not part of the oil import program, is the provision of increased supply as a result of the action announced by the President Dec. 4 which placed Federal Outer Continental Shelf lands under Federal administration for production of oil and gas.

The Presidential Proclamation today eliminates both finished product and crude oil allocations into Districts I-IV and V on the basis of historical considerations. The Secretary of the Interior is given latitude to authorize imports of finished products up to levels he determines to be consonant with the objectives of the proclamation.

The proclamation also eliminates the so-called Brownsville Loop, effective Dec. 31, by permitting Mexican imports to enter by water, as well as by land. The amount of Mexican imports will be determined by the Secretary of the Interior after annual discussions between the Governments of the United States and Mexico. Such imports will be authorized at the rate of 30,000 barrels per day until such discussions take place.

MODIFYING PROCLAMATION NO. 3279, RELATING TO IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS

(By the President of the United States of America)

A PROCLAMATION

The Director of the Office of Emergency Preparedness, with the advice of the Oil Policy Committee, has found that the national security will not be adversely affected by changes in the oil import control program which would

—increase licensed imports into Districts I–IV, including the Canadian component of those imports, approximately 100,000 barrels per day during 1971,

—free importation and allocation in Districts I–IV and District V from historical limitations, and

—authorize Mexican imports to enter, overland or by water, in such amounts and under such circumstances as the Secretary of the Interior prescribes after annual discussions between the Governments of the United States and Mexico.

The Director, with the advice of the Oil Policy Committee, has recommended that Proclamation No. 3279, as amended, be amended to adjust imports in conformity with these findings. He has, with the advice of the Oil Policy Committee, also recommended that the quantity of crude oil, unfinished oils, and finished products that may be imported into Districts I–IV continue to be determined on the basis of 12.2% of the quantity of crude oil and natural gas liquids which the Secretary of the Interior estimates will be produced in those districts, adjusted to reflect other national security determinations, but that, in the interest of better public understanding of the oil import control program, such authorized imports be stated in terms of specific barrels per day.

I agree with the findings and recommendations of the Director and deem it necessary and consistent with the security objectives of Proclamation No. 3279, as amended, to adjust the imports of petroleum and petroleum products, and to improve the administration of the program, as hereinafter provided.

Now, therefore, I, Richard Nixon, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and laws of the United States, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that, effective as of the date of this Proclamation, Proclamation No. 3279, as amended, is further amended as follows:

1. Paragraph (b) of section 1 is amended to read as follows:

"The Secretary of the Interior may, in his discretion, authorize entries, without allocation or license, of small quantities of crude oil, unfinished oils, or finished products."

2. Paragraph (a) of section 1A is amended to read as follows:

"(a) (1) As used in this section the term 'Canadian imports' means imports from Canada of crude oil which has been produced in Canada and unfinished oils which have been derived from crude oil or natural gas produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways. The provisions of clause (4) of paragraph (a) of section 1 of this proclamation shall have no application to Canadian imports into Districts I–IV during the period March 1, 1970 through December 31, 1971.

"(2) During the period March 1, 1970 through December 31, 1970, Canadian imports into Districts I–IV under allocations which were made pursuant to this section shall not exceed an average of 395,000 barrels per day. However, entries for consumption of crude oil or unfinished oils transported by pipeline may be made until midnight January 15, 1971, under any license authorizing Canadian imports into Districts I–IV for that period.

"(3) During the period January 1, 1971 through December 31, 1971, Canadian imports under allocations made pursuant to this subparagraph (3) into Districts I–IV shall not exceed an average of 450,000 barrels per day. However, entries for consumption of crude oil or unfinished oils transported by pipeline may be made until midnight January 15, 1972 under any license authorizing such imports from Canada for that period. The Secretary shall by regulation provide for allocations of such imports. The regulations shall provide that licenses issued under such allocations shall permit the entry, or withdrawal from warehouses, for consumption of Canadian imports only.

"(4) The Secretary may, within the level prescribed by paragraphs (a) (1) of section 2 of this proclamation permit the importation of additional quantities of Canadian imports."

3. Paragraph (e) of section 1A is amended to read as follows:

"On and after October 1, 1970, natural gas liquids derived solely from Canadian natural gas may be imported into the United States from Canada without allocations or licenses if transported by overland means or over waterways other than ocean waterways. As used in this paragraph the term 'natural gas liquids' means natural gas products and other hydrocarbons, such as ethane, propane, and butanes, or mixtures thereof, recovered from natural gas by means other than refining."

4. Section 1A is amended by adding at the end thereof the following new paragraph:

"(h) After December 31, 1970, the provisions of clause (4) of paragraph (a) of section 1 shall have no application to imports of crude oil, unfinished oils, or finished products from Mexico. After the same date, crude oil produced in Mexico and unfinished oils and finished products produced in Mexico wholly from Mexican crude oil may in Districts I–IV and District V be entered, or withdrawn from warehouses, for consumption without allocations or licenses in such amounts and under such conditions as the Secretary may prescribe, after annual discussions between the Governments of the United States and Mexico. Until the Secretary prescribes the amounts that may enter pursuant to this paragraph, such imports shall not exceed an average of 30,000 barrels per day per calendar year."

5. Subparagraph (1) of paragraph (a) of section 2 is amended to read as follows:

"Except as otherwise provided in this proclamation, the maximum level of imports (exclusive of imports from Canada provided for in paragraph (a) of section 1A), subject to allocation, of crude oil, unfinished oils, and finished products (other than residual fuel oil to be used as fuel) into Districts I–IV for a particular allocation period, shall be an amount equal to the difference between (i) 960,000 barrels per day during that allocation period and (ii) the quantity of crude oil and unfinished oils which may be imported pursuant to paragraph (h) of section 1A of this proclamation during the particular allocation period plus the quantity estimated by the Secretary by which shipments of unfinished oils and finished products (other than residual fuel oil to be used as fuel) from Puerto Rico to Districts I–IV during that allocation period will exceed the quantity (as adjusted by the Secretary as he may determine to be consonant with the objectives of this proclamation) so shipped during a comparable base period in the year 1965. Within this maximum level, imports of unfinished oils and imports of finished products (other than residual fuel oil to be used as fuel) shall not exceed such levels as the Secretary may determine to be consonant with the objectives of this proclamation. In addition to the imports permitted under the first sentence of this paragraph, for the period July 1, 1970 through December 31, 1971, there may be imported into District I, an average of 40,000 barrels per day of No. 2 fuel oil, manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere, for allocation, under regulations of the Secretary, to persons in the business in District I of selling No. 2 fuel oil who do not have crude oil import allocations into Districts I–IV and who operate deep water terminals in District I or have throughput agreements with deep water terminal operators in District I who do not have crude oil import allocations into Districts I–IV, on a fair and equitable basis, to the extent possible, in relation to such persons' inputs of No. 2 fuel oil to such terminals, having regard to any product import allocations into Districts I–IV made to such persons."

6. The second sentence of paragraph (b) of section 2 is amended to read as follows:

"Within this maximum level, imports of finished products shall not exceed such levels as the Secretary may determine to be consonant with the objectives of this proclamation."

7. The first two sentences of subparagraph (1) of paragraph (b) of section 3 are amended to read as follows:

"With respect to the allocation of imports of crude oil and unfinished oils into Districts I–IV and into District V such regulations shall provide, to the extent possible, for a fair and equitable distribution among persons having refinery capacity in these districts in relation to refinery inputs (excluding inputs of crude oil or unfinished oils imported pursuant to paragraph (e), (f), or (h) of section 1A, and, with respect to refinery inputs in District V, excluding inputs of crude oil or unfinished oils imported pursuant to clause (4) of paragraph (a) of section 1). The Secretary may, by regulation, also provide for the making of allocations of imports of crude oil and unfinished oils into District I–IV and into District V to persons having petrochemical plants in these districts in relation to the outputs of such plants or in relation to inputs of such plants (excluding inputs of crude oil or unfinished oils imported pursuant to paragraph (e), (f), or (h) of section 1A, and, with respect to inputs in District V, excluding inputs of crude oil or unfinished oils imported pursuant to clause (4) of paragraph (a) of section 1)."

8. The last sentence of subparagraph (1) of paragraph (b) of Section 3 is revoked.

9. The second sentence of subparagraph (2) of paragraph (b) of section 3 is amended to read as follows:

"The regulations shall provide also that if, during a period comprising the same number of months as an allocation period and ending three months before the beginning of the allocation period, any such person ships to Districts I–IV or to District V unfinished oils or finished products (other than residual fuel oil to be used as fuel) or sells unfinished oils or finished products (other than residual fuel oil to be used as fuel) which are shipped to Districts I–IV or to District V in excess of the volume of unfinished oils or finished products (other than residual fuel oil to be used as fuel) which he so shipped or which he sold and were so shipped during the year 1965, as adjusted by the Secretary as he may determine to be consonant with the purposes of this proclamation, the person's allocation for the next allocation period shall be reduced by the amount of the excess."

10. The first sentence of subparagraph (4) of paragraph (b) of section 3 is amended to read as follows:

"With respect to the allocation of imports of finished products, other than residual fuel oil to be used as fuel, into Puerto Rico, such regulations shall, to the extent possible, provide (i) for a fair and equitable distribution of imports of such finished products among persons who were importers of such finished products into Puerto Rico during the base period specified by the Secretary pursuant to section 2 of this proclamation, and (ii) for the granting and adjustment of allocations of imports of such finished products into Districts I–IV, District V, and Puerto Rico, in accordance with procedures established pursuant to section 4 of this proclamation."

11. The first sentence of subparagraph (5) of paragraph (b) of section 3 is amended to read as follows:

"With respect to the allocation of imports of residual fuel oil to be used as fuel into Puerto Rico, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel among persons who were importers of that product into Puerto Rico during the base period specified by the Secretary pursuant to section 2 of this proclamation."

12. The third sentence of subparagraph (5) of paragraph (b) of section 3 is amended to read as follows:

"With respect to the allocation of imports into District I of residual fuel oil to be used as fuel, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel (i) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and who have had inputs of that product to deepwater terminals located in District I, and (ii) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and have throughout agreements (warehouse agreements) with deepwater terminal operators."

13. Proclamation No. 3279 is further amended by inserting after section 3 the following new section:

"Sec. 3A. Pending the issuance of regulations implementing this proclamation, as amended, the Secretary is authorized to make to any person who held an allocation of imports of crude oil and unfinished oils under this proclamation during the period January 1, 1970 through December 31, 1970, an interim allocation of such imports for the period beginning January 1, 1971. The quantity of an interim allocation of imports other than Canadian oil may not exceed the allocation held in 1970 by such person expressed in the average number of barrels per day for the allocation period multiplied by 31, except that such quantity may be increased to provide for a full tanker load. The quantity of an interim allocation of imports of Canadian oil shall not exceed such person's allocation for such imports for the last half of 1970 expressed in the average number of barrels per day for that period multiplied by 31. The Secretary also is authorized to make to any person who held an allocation of imports of No. 2 fuel oil during the period January 1, 1970 through December 31, 1970 an interim allocation of such imports for the period beginning January 1, 1971. The quantity of such an interim allocation shall not exceed fifty percentum of the allocation held in 1970 by such person. Any allocation subsequently made to any person who receives an interim allocation pursuant to this section, shall be reduced by an amount equal to the interim allocation made pursuant to this section."

In witness whereof, I have hereunto set my hand this twenty-second day of December, in the year of our Lord nineteen hundred seventy, and the Independence of the United States of America the one hundred and ninety fifth.

RICHARD NIXON.

[From the Washington Post, Dec. 23, 1970]

NIXON RAISES OIL IMPORT QUOTAS BY 100,000 BARRELS PER DAY

(By Bernard D. Nossiter)

The White House yesterday announced it was increasing quotas on imported oil by 100,000 barrels a day. Officials who run the import-curbing program later acknowledged, however, that the new regulations would not now bring in one additional barrel.

The new rules, they said, would enlarge oil supplies when and if the present scarcity of tankers is ended.

President Nixon's proclamation would allow the industry to bring in 450,000 barrels daily from Canada, compared to a current limit of 395,000. This is an apparent increase of 55,000 barrels.

But earlier this month, Mr. Nixon issued a complex rule that already is bringing in just about the amount that the new quota limit allows.

As a second step portrayed as increasing supplies, Mr. Nixon raised the quota on oil from Latin America and the Middle East to 960,000 barrels daily. It has been 910,000.

But this, too, is a paper increase. The industry is currently bringing in only 750,000 barrels daily of the cheap foreign oil outside Canada. Because the price of hiring tankers not owned by companies or not under long term charter has gone up sharply, it is now unprofitable to import more low-cost Middle East oil. Thus, Mr. Nixon's 50,000 barrel increase will, for now, simply increase the number of unused import licenses.

White House correspondents were called in for a 30-minute briefing on the President's proclamation by George A. Lincoln, director of the Office of Emergency Preparedness.

Reporters asked Lincoln whether the new rules would bring down the price of oil, recently increased by 25 cents a barrel or about $1.5 billion a year.

Lincoln replied: "It . . . will have a beneficial effect on prices."

Later, Elmer Bennett, Lincoln's special assistant for oil and energy, explained that his boss meant the newest rules would create "ceilings in being which constitute an overhang on the market."

Although the Canadian regulation would not now step up the flow, it "provides a floor" for imports when tanker prices come back down, Bennett said.

COMPLICATED RULE

Canadian imports and tanker prices are now linked because of the complex rule—described by Sen. William Proxmire (D-Wis.) as a "Rube Goldberg in oil"—adopted earlier this month to step up the flow. Ths regulation permits holders of Canadian import licenses to bring in extra Canadian oil with the unused licenses of Arab oil importers.

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Thus, when tanker prices come down and all the Middle East licenses are used, the latest regulation would enlarge the Canadian supply.

Similarly, the 50,000-barrel increase in the quota for foreign oil outside of Canada would also have a practical effect when the supply of tankers increases. So, said Bennett, under this portion of the regulation "you have machinery in being."

The "machinery" is a stroke of Mr. Nixon's pen, since he can set any limits or no limits on oil imports at any time.

Bennett also forecast that the rule set up earlier this month will soon stimulate a flow from Canada that would use up all the space in its pipeline to the United States, a flow of 620,000 barrels a day.

Competent industry sources, however, predict that the device will add between 30,000 and 70,000 barrels, a comparative trickle.

LIMITS ARE LIFTED

The administration's real hope of increasing oil supplies to roll back prices lies in the new freedom granted holders of federal leases off Louisiana's shores. They no longer must observe the production limits set by the state and can produce as much as they are able.

But here too there is a question as to whether the increased flow will be enough to bring down prices. In a recent telephone interview, J. M. Menefee, the Louisiana state conservation commissioner, estimated that spare capacity in the federally leased wells is less than 100,000 barrels.

Although many state and federal regulatory officials reflect the industry's view and therefore oppose efforts to reduce oil prices, Menefee is regarded even by industry critics as a reliable source.

The President's proclamation also continues a scheme under which hard-pressed New England can receive 40,000 barrels daily of No. 2 fuel oil for heating from South America. New England governors and senators have been pressing for an end to all government curbs on foreign and domestic oil supplies.

HON. JAMES W. TEW, RECIPIENT OF THE CARL HAYDEN MEMORIAL AWARD

Mr. ALLEN. Mr. President, earlier this month I had the privilege of participating in the presentation of the Carl Hayden Memorial Award which is given annually by the Joint Committee on Printing for outstanding service in the Federal printing program.

The recipient of the award this year is Mr. James W. Tew, who has just recently retired as Deputy Public Printer of the United States after nearly three decades of service to his country at the Government Printing Office.

The award was made at an impressive dinner in the Rayburn Office Building on December 15, with over 200 representatives of the printing and paper industries and printing and publication officers of the Government present, including the Public Printer, Mr. A. N. Spence.

Mr. Tew was presented with a plaque on which is inscribed:

In truly humble acknowledgment of his dedication to public service; in recognition of his devotion to the highest principles of his honorable craft; and in appreciation of his unswerving fidelity to the trusts of highly placed authority in the Government Printing Office, we cite this gentle and talented artisan for engraving a distinguished impression in the annals of our National Government's printing history. We cherish his friendship and point with pride to his shining record of responsible accomplishments.

As the third recipient of the Hayden award, Mr. Tew joins distinguished company. Senator Carl Hayden, after whom the award is named, received the first citation in 1968 in recognition of his many years as chairman of the Joint Committee on Printing, and last year the award was presented to Congressman OMAR BURLESON, who has made many outstanding contributions to the printing program of the Federal Government in his 24 years as a Member of the House of Representatives.

I was happy to have the opportunity to add my congratulations to Mr. Tew at the dinner to those he received from the present chairman of the Joint Committee on Printing, Congressman SAMUEL N. FRIEDEL, and Mr. Tew's fellow Iowan, Congressman FRED SCHWENGEL. The present success which the Federal printing program now enjoys is in no small measure due to the many years of dedicated service and talented efforts of Mr. Tew and to the work of the staff of the Joint Committee, headed by Mr. Jack Haley. As a member of the Joint Committee on Printing, I have often marveled at what can, in truth, be deemed the overnight mechanical miracle of the Government Printing Office in publishing the CONGRESSIONAL RECORD. More than 45,000 copies of the RECORD are printed every night after the Congress has been in session and the vastness of this task is readily seen when it is realized that the RECORD often averages 192 pages per issue, as has been the case in these waning days of the 91st Congress. A legislative day hardly passes that I am not deeply impressed by both the expeditiousness and excellence of the Government Printing Office in publishing the CONGRESSIONAL RECORD.

Yes, Mr. President, December 15 was a golden and well-deserved moment for Mr. Tew. It was a real pleasure to join in paying tribute to him for his outstanding public service, and I wish him continued good health and happiness during his retirement years.

WE SHOULD BRING OUR TROOPS HOME FROM WESTERN EUROPE

Mr. YOUNG of Ohio. Mr. President, more than a quarter of a century following the end of World War II, the United States continues to maintain some 320,000 troops and nearly 290,000 dependents in Western Europe. As early as April 1963 I spoke out urging the withdrawal of a great many of these troops. Since then I have on many occasions in the Senate, in my newsletters, and in speeches in Ohio and elsewhere continued to urge that we reevaluate our military requirements in Europe with a view toward bringing home hundreds of thousands of military personnel with their dependents, as well as some 17,000 American civilian employees living in Western Europe with their dependents.

New realities, which should have been faced in the 1960's, must certainly be recognized in 1970. There is no justification whatever for the United States to maintain in Europe any Armed Forces except liaison officers, some headquarters officers in Belgium and some Air Force and a few thousand other officers and men simply to show the flag. As I urged back in March of this year, our Government should bring home at least 200,000 ground troops from Europe and an equal number of dependents. Should the unlikely event occur that the Soviet Union suddenly resort to war against any European nation, there is no doubt whatsoever that the United States would use nuclear weapons in retaliation. If conventional warfare were to be waged in Europe, the Armed Forces we now maintain in the Federal Republic of Germany, in Belgium and in other European countries would be overwhelmed by the tremendous power of the many divisions of Russian combat troops. The ground forces we have in Europe could at best only serve to delay. Our Nation would be compelled to use our nuclear weapons.

The United States has more than 700 missiles in Polaris submarines, more than 1,400 ICBM's, and some 650 intercontinental bombers. It is this nuclear umbrella that provides the real protection for Europe, not excessive numbers of ground troops.

Since the death of Stalin any threat of violent aggression by an invasion of Soviet troops across the border attacking nations of Western Europe has been dissipated. The Soviet Union at the present time is no longer a "have not" nation. It is engaged in border disputes with Communist China so there is no longer any claim of a monolithic Communist conspiracy to conquer the world. There is no reason whatever for the United States to maintain armed forces in European nations except for a few thousand officers and men to simply show the flag.

Those seven divisions we have been maintaining in Europe at a tremendous cost to our country resulting in an increased balance of payments deficit should not be tolerated by the American people particularly at a time when our draftees are being sent to Southeast Asia. The facts are also that we have an airlift capacity to send an entire division from anywhere in the United States to anywhere in Europe and land them combat ready within 48 hours.

Furthermore, Americans have reason to feel outraged that their President is sending thousands of draftees to fight in Vietnam following basic training of 4 months when seven divisions of highly trained, largely professional career officers and enlisted men are living the good life in West Germany. The officers from captain up to the generals never had it so good. They are living high on the hog with their wives and youngsters, with servants to spare and enjoying their Mercedes automobiles, skiing in Germany and Switzerland, and traveling by air and automobile to the various spas and famed vacation areas in Italy, Spain, and elsewhere. Many of the noncommissioned officers, the backbone of our Army, are living in Western Europe—West Germany, Belgium, and elsewhere—like squawmen with their families. If there were a sudden grave emergency—a sudden invasion on the ground and in the air—one wonders if a sergeant with a wife and five or more children would consider their welfare and safety ahead of his Army duties. If we really need to maintain thousands of fighting men in Europe to protect the United States, then the tour of duty should be no longer than 13 months; and no dependents.

We should awaken to the fact that the nations of Western Europe no longer suffer from the economic prostration, military weakness, and political instability which characterized them when their cities and industries were lying in rubble more than a quarter of a century ago. Today West Germany has become an economic superpower. The Federal Republic of Germany is the third wealthiest nation in the world. Many international bankers consider the West German mark as one of the world's strongest currencies, and more sound than the American dollar.

Today more than 220,000 American troops are stationed in West Germany alone. We are spending nearly $15 billion a year to support our NATO forces. In addition, we are paying 70,000 German nationalists one-quarter of a billion dollars of American taxpayers' money each year to provide service for our troops stationed in the West German Republic. This does not include the vast sums spent in Germany by dependents of American forces. There are more than 150,000 American military dependents in West Germany alone, and more than a quarter of a million in all of Western Europe.

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The tremendous cost to our taxpayers in maintaining 320,000 men of our Armed Forces in Western Europe and approximately 290,000 dependents and in addition more than 90,000 civilian employees has been increasing year after year. All of this unnecessary expenditure of billions of dollars has resulted in huge balance-of-payments deficits year after year. This has threatened the stability of our dollar.

The nations of Western Europe can certainly provide the necessary troops and air forces to defend themselves. It is ridiculous to believe that the 280 million people of Western Europe, with tremendous industrial resources and long military experience, are incapable of defending themselves against 240 million Russians. This is at a time when the Russians are engaged in a bitter dispute and sporadic warfare with 800 million Chinese along a 4,500-mile common border separating the Soviet Union from Communist China.

Our Secretary of Defense and the generals of our Joint Chiefs of Staff continue to view the world through spectacles of the World War II era when a weak Western Europe faced a dynamic, expansionist, cynical Soviet Union under Joseph Stalin. Following the death of Dictator Stalin, the threat of invasion became more and more remote. President Nixon has emphasized the fact that the era of the "cold war" between our Nation and the Soviet Union no longer exists.

President Nixon recently placed an official seal of finality on that era in American history from 1946 to the death of Stalin when a cold war raged between the dictators of the Kremlin and the United States. At that time the two huge Communist nations on this planet were in accord with each other. During the last few years the Soviet Union has withdrawn from Eastern Europe more than 10 divisions of its armed forces from the European area. Most of these soldiers, along with other ground forces of the Soviet Union, are now stationed along the 4,500-mile common border separating the Soviet Union and Communist China. There has been fighting and bloodshed and the Russians have invaded sections of Mongolia slicing off Chinese territory.

It may well be that the overwhelming presence of American military power in the past quarter century has foreclosed promising avenues of European development. It has prevented West European countries from developing their own military defense system to the extent they probably would have done otherwise. It has encouraged them to remain encased in the cradle of dependency.

Our massive military presence in Western Europe has become merely foreign aid to the European countries—needless foreign aid costing American taxpayers billions of dollars. The nations of Western Europe can unquestionably provide the necessary troops to defend themselves. There is no reason for them to depend on us.

We must emerge from the dark shadows of the 1940's to the reality of the 1970's, close down our unnecessary military installations and make a sincere effort to solve the challenging crises facing us here at home. This would be a major step toward creating an international climate conducive to peace. We must give top priority to solving the grave problems confronting us in our own country.

AMERICAN POW'S

Mr. PEARSON. Mr. President, in this festive holiday season our thoughts naturally dwell on our loved ones. Family and friends gather. Gifts and experiences are exchanged. Old stories are retold and the bonds that tie us together are reaffirmed and strengthened.

But in the midst of this understandable preoccupation with personal and family affairs, all Americans should also remember those for whom this holiday period is not a time of celebration, but rather a time of poignant sadness. They are the families of our prisoners of war. They are the parents, wives, sweethearts, sisters, brothers, sons, and daughters whose family reunions are achingly incomplete. They are perhaps the cruelest victims of this decade-long war. Often they do not even know whether their loved ones are alive or dead. And if they are fortunate enough to know their men are alive, then they usually do not know their condition.

Mr. President, our Government has made repeated efforts to free these POW's. Every tactic from the negotiating table to commando raids has been tried with little success. The endless wait goes on. We cannot fill the void these men have left in their families and their communities, of course. But each of us can and should pledge to renew whatever efforts we are capable of mounting to end this war and get these men back again. Fortunately, there are signs that at last the growing wave of public pressure to obtain an accurate and complete list of POW's is beginning to produce results. More and more verified names are being obtained from various sources. And more interviews and broadcasts involving American POW's are also being permitted.

Needless to say, this progress to date is still woefully inadequate. No complete list of captives has yet been forthcoming. No neutral observers have been allowed to inspect all POW camps. Communications between those known to be held captive and their families is usually erratic and so laden with propaganda as to often make it more painful than enlightening. No guarantees have been obtained from the North Vietnamese and Vietcong that our men will receive at least the minimum standard of decent treatment to which they are entitled under the Geneva Convention.

Mr. President, it is understandable, but also unfortunate, that most public attention has been given to efforts directed at the regime in Hanoi—understandable because the North Vietnamese are rightly held responsible for the conflict in Southeast Asia, unfortunate because it sometimes gives the impression that little is being done to improve the plight of our men who are missing or captured in South Vietnam and Laos. All too often in discussions of the problem, the fate of these men is apparently ignored, yet they comprise the majority of the total listed as missing in action or known to be POW's. The most recent statistics released by the Department of Defense illustrate the full dimensions of the problem:

	Missing	Captured	Total
North Vietnam	403	378	781
South Vietnam	496	79	575
Laos	229	3	232
Total	1,128	460	1,588

Mr. President, the task of locating American POW's and assuring their decent treatment is much more difficult with regard to those held by guerrilla forces outside of North Vietnam. The government in Hanoi is known and visible. To a large degree we can succesfully hold it accountable for its acts. We can bring worldwide diplomatic pressure to bear. And, to a limited extent, we have seen this pressure produce results. Moreover, our men are held in fixed camps which tend to make identification and sanitary conditions easier to verify. In the south, however, and in Laos, the problem is more complex and the situation of even graver concern. Here, American POW's are held by shadow governments singly or in small groups with no fixed location for their detention. They live under the most primitive conditions imaginable and they are moved from place to place with their capturing unit as it moves. There is nothing approaching a uniform standard of treatment, except to describe it as shockingly inadequate. They may be subject to brutal mistreatment at the whim of their guards and even minimal health precautions are ignored.

At least equal emphasis must be given to those believed held in other parts of Southeast Asia as to those believed to be in North Vietnam. The slowly growing amount of information released by Hanoi regarding POW's as compared to the almost total silence from the Vietcong and Pathet Lao makes the contrast even more stark. Many families, some of whom have been waiting for more than 5 years, deserve at least to know whether their loved ones are being held prisoner. Simple human decency demands no less. Increased public attention should also be focused on the unwillingness of the Vietcong and Pathet Lao to grant even those small civilized amenities such as mail, food packages, and so forth, that have already been provided in many cases by the North Vietnamese.

Only one letter has been received from an American POW held by the Vietcong and none has been received from a POW in Laos. So far as we know, no mail of any kind has ever been delivered to any of these men. North Vietnam at least allows some men to receive packages, but the Vietcong have never accepted any packages.

Mr. President, we all know of the flurry of excitement and soaring hopes every time word is received that the North Vietnamese are releasing more information about the Americans they hold prisoner. We also have all experienced those sharp disappointments when that information has proved to be less complete than we had been led to believe. But, nonetheless, at least some progress, however halting, is being made. No such progress has been forthcoming for the men held prisoner in the South. The Vietcong have never released a list of men held captive and they have never permitted any inspection of the camps in which our POW's are sometimes detained. They never have even given us official information on men known to be dead.

Sixteen U.S. POW's are known to have died in Vietcong captivity—three were executed and 13 died from malnutrition or related diseases. Nineteen POW's and four civilians have been released and 22 Americans have escaped.

Mr. President, this barbarous treatment of American prisoners of war must be stopped. This senseless torturing of innocent families who are deliberately left to live with fear and rumor must also be halted. As I said earlier, the only lasting and wholly satisfactory solution is to end the war. After the fighting stops and our troops are brought home, we hopefully will have little difficulty in settling the POW issue and reuniting our men with their long-suffering families. I wish this war had never been begun and the sooner it is ended the sooner all aspects of this tragedy will be over. But until that happy day arrives, we must increase our emphasis on determining the fate of our men held in the South and further intensify our diplomatic drive to secure humane treatment for all POW's wherever they may be held.

War always leaves misery in its wake. This one is proving no exception. Its corroding stains are seen throughout our society and increasingly throughout the world. None have endured a more excruciating hell than the families of those who were ordered to go and fight in that far corner of the globe and who have now vanished. They deserve more than our sympathy and gratitude. They also deserve our unflagging help. That, too, must be remembered during this season of remembering.

A TRIBUTE TO JUDGE SIMON ERNEST SOBELOFF

Mr. MATHIAS. Mr. President, Judge Simon Ernest Sobeloff of the U.S. Court of Appeals for the Fourth Circuit will accept qualified retirement on December 31 and enter a new phase in his long and distinguished career at the age of 76. He has served and will continue to serve his Nation with distinction; but no tribute to Judge Sobeloff is necessary to call attention to a record already so well known. He has been a judge in every sense that the title implies and demands. He has sat in judgment on the cases brought before him with all the knowledge of the law gained in a lifetime of study and practice, with the wisdom of a man who observes the world around him and recognizes what he is seeing and with the compassion of a man who holds a personal philosophy and who knows the warmth of love and friendship. Such service cannot be gilded with praise or enhanced by admiration, but can be recognized as a great example for others to follow.

The career of Simon Sobeloff is well known in Maryland. We are very proud of him. He was born in Baltimore and is the product of Maryland's public schools. He worked his way through the University of Maryland Law School. He served as assistant and deputy city solicitor and ultimately as city solicitor of the city of Baltimore. President Hoover named him U.S. attorney for Maryland in 1930. But his service was not limited to official position and formal titles. For example, Theodore R. McKeldin looked to Simon Sobeloff as adviser and friend through two gubernatorial and two mayoral administrations. Governor McKeldin named him chief judge of the Maryland Court of Appeals in 1952. Incidentally, this appointment made Judge Sobeloff the first Jew to sit on the State's highest court in three centuries of Maryland history. Simon Sobeloff had served Governor McKeldin as unofficial cabinet member, confidential adviser, speechwriter, and as chairman of the State reorganization commission. The friendship between these two unusual men has been constant through the years.

Former Senator J. Glenn Beall, Sr., in this Chamber in 1955 spoke of this fine Marylander and American in a way which reflects the widespread regard for Judge Sobeloff. He said:

> The present Governor of Maryland has paid Simon Sobeloff a great tribute by remarking that he is "a man who goes forth to meet the situations that are fraught with danger and calmly sets them aright before they acquire the statures of crises."
>
> Simon Sobeloff has never failed the people of Maryland. As a public official and as a private citizen he has shown himself to be a man devoted to the common good.

Though he has never been a candidate for an elective office, Judge Sobeloff has been in public life much of the time since the age of 12 when he was a page in the House of Representatives. It was a short road to 1953 when President Eisenhower asked Judge Sobeloff to assist him in writing his inaugural speech.

President Eisenhower expressed his appreciation of Judge Sobeloff's wisdom and talent by appointing him successively Solicitor General of the United States and judge on the U.S. court of appeals, of which he later became the chief judge. And, it has been in the court of appeals that Judge Sobeloff has served continuously and outstandingly since 1956.

Judge Sobeloff, in serving his Nation, has demonstrated remarkable foresight and independence of judgment. As Solicitor General, he advised the Government to confess error when it had made a mistake, a procedure that was unwelcome to those who think that Government can do no wrong, but which is characteristic of a man of great integrity. In his advocacy as an attorney and his decisions as a judge, Simon Sobeloff has been mindful of the need to assure the rights and liberties of all Americans. His actions and efforts in halting segregation are most illustrative.

A humane, religious, and learned man, Judge Sobeloff demonstrates an understanding of people and their problems. In 1956, in addressing the Federal Bar Association, he stated:

> The thing for Government officials and their legal advisers to remember is that they are not engaged in a mechanical process, but are dealing with people and people's rights.

Judge Sobeloff practiced this throughout his long and distinguished career.

Judge Sobeloff never missed a beat when he stepped down as chief judge on his 70th birthday. He has continued to sit in cases, enliven courtrooms, write opinions and humanize the law as he has done for many years. He is nearly unique in being able to exhibit true wit or a quieter humor without jeopardizing the dignity of the bench or the solemnity of judicial proceedings. In taking advantage of the opportunity for qualified retirement and thereby making a place in his court for an additional appellate judge, I am confident that Judge Sobeloff will again trade chairs without missing a beat—and I am confident that our vision of the law will continue to be more lucid, more precise, more informed, and more commonsense because he continues to be a great judge.

Mr. RANDOLPH. Mr. President, it is a privilege to join with the distinguished Senator (Mr. MATHIAS) in expressing tribute to Judge Simon Sobeloff on his retirement from the bench of the U.S. Court of Appeals for the Fourth Circuit, which includes West Virginia.

The Senator from Maryland has appropriately recounted the career of Judge Sobeloff—a devoted and dedicated public servant. His career and outstanding record of achievement are well known. More important, however, than the details of a career or the listing of achievements are the qualities and the

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character of the man. Although the people of our Nation appreciate the work of Judge Sobeloff, it may be that the example of his character, his philosophy, and his ideals constitutes his greatest contribution. His judicial and legal work are matters of public record. Few persons can possess the professional ability of Judge Sobeloff, but every person can strive to emulate his qualities of character.

Throughout his public career there is evidenced his attributes of compassion, courtesy, integrity, kindness, and understanding. These qualities were the guiding forces in Judge Sobeloff's actions and they were always apparent in his efforts to resolve complex issues and to help people with their problems.

It has been said that Judge Sobeloff has endeavored constantly to humanize the law. I believe this to be true and I submit that this is a necessary and vital function of those involved in the judicial and legal process. The Senator from Maryland earlier referred to the judge's statement in 1956 before the Federal Bar Association:

> The thing for Government officials and their legal advisers to remember is that they are not engaged in a mechanical process, but are dealing with people and people's rights.

The value of this admonition is more important today than ever before.

Mr. President, Bacon's essay "Of Judicature" tells us:

> Judges ought to be more learned than witty; more reverend than plausible; and more advised than confident. Above all things, integrity is their portioned and proper virtue.
>
> Patience and gravity of learning is an essential part of justice; and an over-speaking judge is no well-tuned symbol. It is no grace to a judge first to find that he might have heard in due time from the bar, or to show quickness of conceit in cutting off evidence or counsel too short; or to prevent information by questions though pertinent.

And Socrates defines the qualities of a judge:

> Four things belong to a judge; to hear courteously; to answer wisely; to consider soberly; and to decide impartially.

Mr. President, Judge Simon Sobeloff knows and appreciates the wisdom of these men. Over the many years, he has been equal to the standards of service which they established in their writings. He is truly a judge on the bench—but always he has been a gentleman in the administration of the law.

THE LENINGRAD TRIALS

Mr. BROOKE. Mr. President, I have followed with despair the progress of the trials just concluded in Leningrad.

Few facts are known, because contrary to the practice of most nations in the world, these trials were held in secret. However, we do know that 11 men and women were arrested several months ago on a charge of conspiring to hijack a Soviet airliner and escape from the Soviet Union. Since then, these men and women have been held incommunicado. They are reported to have made confessions, and, as a result, two Soviet Jews now stand condemned to death while the others have been given long sentences at hard labor.

Mr. President, 53 years ago, the Soviet Union fought a bloody civil war, the stated purpose of which was to free the people of the country from arbitrary rule. Many millions of so-called enemies of the people were subsequently killed under Stalin. But with the institution of new leadership, the world had cause to hope that equal justice in the Soviet Union would at last become a reality. The secret trials in Leningrad and the unconscionable sentences for the alleged crimes are destroying that hope.

Mr. President, I urge that the Soviet Union begin to restore the confidence of its own people and of the people of the world by commuting the sentences which have been imposed. And I urge that the Government of the Soviet Union provide fair and equitable justice for its Jewish people and all others who live within its borders.

THE HONORABLE ROBERT McNAMARA: A REMARKABLE PUBLIC SERVANT

Mr. PERCY. Mr. President, the Permanent Investigations Subcommittee of the Senate Government Operations Committee recently completed an exhaustive analysis of the TFX program. I commend the committee chairman, the distinguished Senator from Arkansas (Mr. McClellan), as well as the staff of the subcommittee, for their patience and persistence in unraveling and focusing the spotlight of congressional attention on a program that has had many unfortunate aspects to it.

I was not a member of the Government Operations Committee during most of the period when the TFX investigation was conducted, and at no time did I participate in the consideration of the role of former Defense Secretary Robert S. McNamara in this matter. I cannot, therefore, associate myself with the personal attacks made against the former Secretary of Defense in the subcommittee's report.

But, Mr. President, more importantly, I have personally known Mr. McNamara both as a member of the Cabinet during the Kennedy and Johnson administrations and as the president of the World Bank. I have the highest personal regard for him. In my opinion, he is a man of great intelligence, integrity, imagination, boldness, and courage. In my travels to various foreign countries, I have found that political leaders and international bankers hold him in equally high esteem.

The TFX project involved certain errors in judgment, and, as the Secretary of Defense at the time it was conceived and executed, Mr. McNamara must bear some portion of the ultimate responsibility for them. I have never known him to be a man to evade his responsibilities, either in business or in public life, and I am sure he would not in this instance.

I also know that Mr. McNamara is an extremely able and uncompromisingly honest man, who has been guided by a dedication to the public interest throughout his years of public service. I previously made my views known to the Senate at the time Mr. McNamara was elected president of the World Bank. I said then that he would continue his distinguished public career in a new field of vital importance to the entire free world, and his accomplishments at the World Bank to date have even exceeded my high expectations.

Mr. President, I wish to pay tribute today to a truly remarkable public servant—Robert S. McNamara.

THE MASSACHUSETTS ECONOMY

Mr. PROUTY. Mr. President, my good friend, the junior Senator from Massachusetts, spoke to the Boston Rotary Club at the Hotel Statler in Boston on December 16. The subject of this speech was "The Massachusetts Economy: Unemployment and Conversion."

The Senator discusses how our economy is changing from one giving priorities to the military and space sciences to one substantially concerned with major domestic problems.

While concluding that industry cannot make such a massive reorientation unaided by State and Federal resources, Mr. President, Senator Brooke emphasizes that reorganization will be required in both industry and Government, and that the combined ideas of labor leaders, scholars, scientists, engineers, and Government officials will be needed to provide new and coordinated directions for research and production.

Senator Brooke also touches on how the people of Massachusetts have been leaders in promoting the concepts of religious freedom, political freedom, and individual freedom from the days of the Pilgrims, and challenges them to provide the scientific and engineering leadership necessary to overcome the undesirable byproducts of technological change.

These remarks, Mr. President, are in the context of Massachusetts and the Massachusetts economy. Beyond that, however, this speech is a revealing and well-thought-out presentation of many problems we will all face in the 1970's, with suggestions as to how they can best be met. As I believe it would be worthwhile for every Member of Congress to consider these thoughts, I ask unanimous consent that the speech of the distinguished junior Senator from Massachusetts be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Massachusetts Economy: Unemployment and Conversion

(Speech by Senator Edward W. Brooke)

This week before Christmas is ordinarily reserved for thoughts for Christmas cheer. But for many thousands of men and their families here in Massachusetts and across the country, Christmas this year will not be a particularly cheerful time.

All those who suffer the dreadful plight of unemployment, of course, have our concern. But today I wish to focus on a special category of unemployed: the scientists and engineers. I do so not because their situation is any worse than that of others, but because they uniquely possess the training and re-

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sources to develop new technologies, devise new products, conceive new industries, and in the process create the jobs and income which will help to decrease unemployment and restore economic health to Massachusetts.

The source of our current difficulty is obvious. After nearly two decades of dramatic and unhindered advances in the military and space sciences, we have begun to make serious reductions in our expenditures in these fields. In 1968, our commitment for defense was more than $81 billion. This year, we have appropriated $76 billion for defense. This is a reduction of $5 billion—or, allowing for inflation, nearly 10%—in only three years. Likewise, our spending for space exploration has declined from a high of $5.2 billion in 1965 to a new low of $3.2 billion in 1971.

Since coming to the Congress in 1967, I have been privileged to serve on both the Space and Armed Services Committees, and I have had the opportunity to learn first-hand where these reductions are being made. It is true that much of the cutback in military spending is a result of the winding down of the war in Vietnam. But a surprisingly large share of the reduction—well over $800 million since I began serving on the Research and Development Subcommittee of Armed Services in 1969—is the product of a more cautious approach to research and development.

Very candidly, I do not deplore this trend; in fact I welcome it and have participated in its furtherance. As a fiscal conservative, I can see little justification for two or three separate branches of our armed services proceeding with research and production of nearly identical aircraft or missiles, simply to satisfy service pride. If the Army has developed a missile technology which will serve the Air Force or the Navy equally well, then that technology should be shared, not sheltered from the view of an in-house rival. The same principle applies for separate helicopters, fighter planes, or communications technology. Part of the Pentagon's program of defense should be defense of the taxpayer's dollar, and at long last Congress has begun to enforce that concept.

As you know, questions also have been raised about the value of our space program. Conceived in grandeur a decade ago, NASA has increasingly come to be viewed as a drain on our resources here at home. A concern for the quality of life on earth has pervaded recent attempts to reduce the space budget. At times it has threatened to lower it to a level where the program literally would be incapable of continuing.

I have supported many reductions, but I have not and will not support those which would cripple our capacity to carry on a constructive scientific endeavor. It is one thing to require a reduction in the number of manned flights to the moon, on the grounds that we can learn little more from the tenth flight than we did from the third. It is quite another to eliminate funds for the space shuttle, presently the only plan which would allow us the capability of reusing and repairing, in space, expensive operational equipment. Repetition of previous experiments may be unwise where the resources are as limited as they are today. But the pursuit of pure knowledge, the creative furthering of the frontiers of learning, cannot be denied by any nation which claims to lead the civilized world. Science in the truest sense is civilization. It is one of the most accurate measures of a society's faith in the future of mankind.

If reductions in our expenditures for such programs are required, they must always be made with these larger concerns in mind. In the last two or three years we have, as the saying goes, cut a great deal of the "fat" from our space and defense budgets. But in the process we have set in motion some totally unwanted consequences—the grimmest of which is the near decimation of our research community.

Little real opposition can be raised to the prudent rejection of non-essential, overlapping programs. But opposition must be mounted where programs are excised without providing alternative channels for the flow of scientific research.

This is where we find ourselves today. We have reduced significantly our budget for defense. But we have not transferred those resources into other fields. Military and space spending have not been cut simply because taxes are too high. And they are! The principal argument is the need to increase resources for domestic programs. Such a reorientation is far from an automatic process. And unfortunately we are just beginning to realize that increased expenditures in domestic programs will benefit us little if they are unsupported by new technology and new techniques.

How much do we really know about eliminating the pollution in our water and air?

How much do we really know about making our cities livable?

How much do we really know about the causes and cures of cancer and heart disease, or the various forms of mental illness?

How much do we really know about the everyday problems of urban transportation and the disposal of waste?

We who have advanced so far in the technology of human destruction, must admit we have practically stood still in the techniques for improving the quality of human life.

Three hundred and fifty years ago, nearly to the day, the Pilgrims came to Massachusetts in search of freedom. They found a land of freedom and opportunity.

Two hundred years ago, it was again the Commonwealth of Massachusetts which gave to the colonies the impetus to fight for freedom. John Adams called the Continental Congress; Paul Revere and the men of Lexington signalled the outbreak of revolution; Crispus Attucks gave his life, the first casualty of the war.

One hundred years ago it was also the men and women of Massachusetts who were in the forefront of a new chapter in human freedom. Wendell Phillips and William Lloyd Garrison were the country's most vocal critics of the degrading practice of slavery. Their impassioned pleas led to war and in the end slavery was abolished.

Today a new challenge faces Massachusetts. There is a new cry for freedom. It is the voice of those who want the richest land in the world to provide decent housing, efficient transportation, a healthy environment and education for all its citizens. And these wants must be met. To meet this challenge, a national effort comparable to our commitment in the fields of space and defense must immediately be mobilized.

This is where Massachusetts can make its fourth great contribution to a revolution in world thought. Just as we have promoted the concepts of religious freedom, political freedom, and individual freedom, so now we have a unique opportunity to provide the leadership necessary to overcome the undesirable by-products of scientific and technological change.

What does Massachusetts have to offer to the nation today? First of all, we know what it does not have: it does not have vast reserves of natural resources; everything from fuel oil to cotton must be brought in from other regions It does not have vast pools of unskilled manpower and our population is increasing at a slower rate than the national average. We do not have the temperate climate which appeals to those in retirement and to year-round vacationers. And frankly, our tax structure has not attracted new settlers and new industry.

But Massachusetts does have one unique resource—the very resource which in fact is presently being squandered. Massachusetts has brainpower and skilled labor. It has men and women learned in engineering and the sciences, the richest educational community in all the world, the most advanced medical facilities of any area in the country. What is needed is awareness, commitment, and ample funds, to fuse these elements in the most complete and progressive domestic research and development program ever conceived.

There is more awareness of this fact in the research community. Just a few weeks ago, the Arthur D. Little Company completed a two-volume study entitled "Fostering Industrial Growth in Massachusetts". I read it with great interest. It deals with the type of reorientation which I recommended to you today. Those who conducted the study found that the areas of greatest potential growth for Massachusetts business lies in the field of computer peripheral equipment, bio-medical instrumentation, and pollution control—all high skill, high technology fields requiring massive preliminary research.

But in order to take advantage of these opportunities, it will be necessary for Massachusetts industry to convert from military and space oriented enterprises into those addressing the major problems facing our domestic society.

In actual practice this is much easier said than done. It has been reported that some Massachusetts companies have succeeded in converting. But closer examination opens that assertion to question. Defense oriented companies have acquired subsidiaries, giving them an entree into civilian fields. Other firms have sold those divisions which have been the most heavily defense related. This is not conversion. For small one-product companies, the task is even more difficult. They face the necessity of remaining solvent while conducting research for new markets and new products—a tremendously difficult task.

Obviously, Massachusetts industry cannot conduct such a reorientation unaided by state and federal resources. Industries which are suffering from loss of contracts, which have laid off workers and reduced production, are not in a position to finance a wholesale redirection of their efforts. But these industries can begin to lay the groundwork. Intra-industry conferences, consultation with parent companies, and dialogue with government and the academic community can help to determine the most appropriate use of existing resources and facilities.

I suggest a statewide conference early in the new year of business and labor leaders, scientists, scholars and government officials, to share ideas for coordinated approaches and for new directions in research and production. I have no doubt but that research projects currently underway in our universities may have important potential application to the production capabilites of some of our most seriously threatened firms. I have no doubt, either, that some of the techniques most desperately sought by our cities and towns—in the areas of crime and traffic control, of communications improvement and structural reinforcement—may be available in the R&D stage in some of our laboratories on Route 128. A critical first step in the reinfusion of energy is the exposure and the linkage of knowledge and need.

But seed capital and research funding must come in large measure from the Federal government. Unfortunately at a time when we are so concerned with reordering our priorities, the proportion of our research and development budget devoted to domestic programs has risen only three percent in the last three years. Even in this fiscal year when reductions of more than $3 billion have been made in space and defense, expenditures for these two areas and for Atomic Energy still constituted nearly 80 percent of our overall R&D budget.

The time has come for a determined research and development effort in the equally

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vital fields of housing, health, transportation and the environment. What we really need is a civilian-industrial complex to meet this challenge. To initiate such an effort, I will propose several measures at the beginning of the next Congress. One is a bill to increase substantially the funds provided for the National Science Foundation, which is in the best position to provide economic support for basic research programs to lay the foundation for usable, technical developments.

We must make additional use of the National Science Foundation's Register of Scientific and Technical Personnel. As a supplement to the complete biennial report, I propose that a quarterly supplement be issued listing by scientific specialty and location all unemployed scientists registered with the Foundation. I've been assured that this can be done, by extending the techniques currently utilized by the Foundation. The information can then be distributed to state employment agencies, professional publications, and academic and government research centers.

As you well know, the Department of Labor has been providing job-bank information, but experience has shown that scientists simply have not availed themselves of this service. Nor is the information available to informed professional associations sufficient to meet the need. Supplementary efforts like the NSF program are essential if these men and women are to be reached.

But support for basic research alone will not provide the necessary job opportunities in the engineering and skilled labor fields. Other amendments which I intend to propose to appropriate authorization and appropriation bills would increase department and agency funds for research and development in the domestic fields. In a nation where nearly 12 million homes are listed as substandard, what possible reason can there be for spending less than $10 million annually on research for housing and urban development? In a nation where pollution is a major contributor to disease and death, how can we justify spending little more than one-tenth as much on the study of environmental preservation as we spend on developing weapons of war? In a nation where 54,870 died in road accidents last year, and where airplanes have frequently crashed because of inadequate radar control, how can we continue to spend only one-twentieth as much on earth transportation research as we spend on space research.

Additional funding can certainly help. But the departments and agencies themselves need change. And in addition, new guidelines must be established to govern the allocation of larger resources. Encouraging is the tentative HUD plan calling for a quick training and orientation program for scientists and ex-GI's, paid for under existing federal manpower and Model Cities programs, and the placement of these personnel in technical jobs in the cities.

We face the problem of domestic agencies not having the experience of Department of Defense and NASA for handling large contracts. But planning can best take place through the cooperation of mission-oriented agencies and departments. Research cannot make its fullest contribution apart from the men who will oversee its implementation.

Reorganization will be required, both in government and industry. We can learn from the experience and organization of NASA. When the agency was first created in 1961, it was composed of scientists and technicians and a few government workers. None of them had any experience in overall systems management. Some of those charged with administrative responsibility knew little of the technical nature of space exploration. By the same token, many scientists in charge of certain aspects of the program had devoted their lives to pure research and had no experience in management. But they were able, intelligent, and most of all they had the capacity to innovate and adapt. They were flexible, and they learned together. A whole new industry was born and the goal of placing a man on the moon by 1970 was not only reached, but exceeded.

American genius can surely exceed the goal when human life, not human pride, is at stake.

THE FOREIGN AID APPROPRIATION BILL CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, the question which will be before the Senate in the conference report on the foreign aid appropriation bill is far more important than whether to appropriate $200 million, which has not been authorized, in order to sell arms on credit to foreign countries. The issue before the Senate goes to the heart of the legislative process: Does the Senate wish to allow the House Appropriations Committee to usurp the powers of the Senate's authorizing committees? If the Senate accepts the position of the House conferees, the legislative committees might as well close up shop and go home. That is the principle at stake here.

Let me first discuss briefly the background of the problem. On June 30, after a 7-weeks-long filbuster against the Cooper-Church amendment on Cambodia, the Senate passed H.R. 15628, authorizing appropriations of $250 million for the foreign military sales program in fiscal 1971. The House had authorized $272.5 million. In conference the House conferees refused to consider any reasonable compromise on the Cooper-Church provision. As a matter of fact, the House conferees have refused to meet with the Senate conferees since mid-August, in spite of our standing invitation.

Now, as to the appropriation bill. The foreign-aid appropriation bill, containing $272.5 million for the foreign military arms sales program, passed the House on June 4, during the filibuster on the authorization bill. The Senate Appropriations Committee did not report the bill until November 24. The Senate committee did not recommend any money for the military sales program because the committee report stated: "authorizing legislation was still in the conference committee." But when the bill came out of conference it included $200 million for the program. Primarily, as a result of the objections to this action by many members of the Foreign Relations Committee, the Senate rejected the conference report and a new conference was convened. The outcome is the proposal now before the Senate.

Mr. President, within the last year the Senate has repeatedly gone on record in support of the principle that appropriations should not be used to circumvent the authorization process. For the second year in a row the foreign-aid appropriation bill has been brought back to the Senate containing large sums that have not been authorized.

Last year the Senate, by a vote of 62 to 28, adopted an amendment to the foreign-aid appropriation bill stating that no appropriated funds could be spent unless authorized by law. The Senate conferees came back with a conference report that not only threw out that provision but which also included $54.5 million above the authorization limit—to give jet fighters to Taiwan. As a consequence, the Senate tabled the conference report and by a vote of 48 to 22 instructed the conferees to insist on keeping the appropriation within authorized limits. The second conference report was within the authorization ceiling—the money for the jets had been eliminated.

In order to write into law the principle upheld by the Senate in its action on that bill, the Foreign Relations Committee included a provision in the foreign military sales bill, the authorizing bill now tied up in conference, which specifically stated that any unauthorized appropriation for foreign aid or military sales could not be spent. That will be one of several significant provisions in the military sales bill to go down the drain as a result of the refusal of the House conferees to meet. Finally, only a few days ago the Senate adopted provisos to items in the supplemental appropriation bill which again reaffirmed the principle at issue here. So the record of the Senate is clear—the appropriations process should not be used to undermine or make end runs around the authorization committees.

If the approach being pressed on the Senate by the House conferees were followed to its logical conclusion, it would be possible for the Appropriations Committees to initiate new weapons systems which had not been approved by the Armed Services Committee, new highways or dams not authorized by the Public Works Committee, or new space programs not approved by the Aeronautical and Space Sciences Committee.

For the Appropriations Committees to provide funds for programs for which authorizing bills have not passed the Senate, or are tied up in conference, without the appropriation being conditioned on passage of authorization legislation, makes a mockery of the legislative process. And under the theory used by the conference to justify its actions on funds for the military sales program, the Appropriations Committees could become the arbiters of all disagreements between the Senate and the House on authorization levels as long as they do not go above the lowest figure approved by either body. The authorizing committees might as well close up shop and turn the entire legislative function over to the Appropriations Committees.

Mr. President, the issue before the Senate is not that of voting funds for the arms sales program. It is whether the regular and established procedures of the legislative process are to be followed. To permit the House conferees to force this item on the Senate will be an admission of the impotence of this body. I hope that my colleagues will stand by the principle which the Senate has repeatedly endorsed during the last year.

I urge that the bill be returned to conference.

ACADEMIC RENEWAL

Mr. MUSKIE. Mr. President, at a time when many of the major institutions in our society are under assault, from with-

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in and without, the need is pressing to reexamine their foundations.

Our colleges and universities have been particularly hard hit by shrill demands for relevance and threats of reform. Too often the most vitriloic charges come from those who would destroy and not build, from those who would censor rather than those who seek knowledge.

It is worthwhile, I think, to pay special attention when a leader of the academic community offers constructive proposals for relevance and reform. This Dr. Jean Mayer has done in a profound article in the November 16, 1970, issue of the Harvard Bulletin.

Dr. Mayer knows whereof he speaks. His educational credentials, including his present post as professor of nutrition at Harvard, speak for themselves. But Dr. Mayer can also speak out as one who has devoted considerable time and talent to Government service.

In 1969, he organized the White House Conference on Food, Nutrition and Health as Special Consultant to President Nixon. He currently serves as a member of the President's Consumer Advisory Council.

Jean Mayer offers no simple solutions to the problems of our universities. Rather he asks us to ponder what a university is and what it should be. He talks in the language of our age, and he tells us that worldly issues such as conglomeration and communications are also issues to be dealt with in colleges as well as corporations.

Mr. President, I ask unanimous consent that the text of Dr. Mayer's article be reprinted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE COLLEGE AND THE UNIVERSITY: A PROGRAM FOR ACADEMIC RENEWAL

(By Jean Mayer)

One of the contemporary myths is that until the recent wave of disruption on the campus we had cohesive universities and that their unity is now threatened by warring factions within the institution. I believe that, on the contrary, universities in the post-World-War-II era have become conglomerates rather than communities: our own university, Harvard, has not escaped this fate. At present Harvard is a collection of institutions each with its own educational purpose and student body, its own faculty, its own tenure system and salary scale, its own budget, its own fund-raising. They share only a name, a president, a board, a retirement system, and the ability to borrow (in emergencies) from the central treasury. The clearest benefit of this structure to the franchised institutions is that the unexcelled prestige of the name has made it easier for each unit to recruit good students and a good staff. In turn, several of the schools have succeeded well enough to contribute notably to the reputation of the University. However, adequate though this organizational scheme has been in the past, it is becoming daily more apparent that the degree of communication between the various schools of Harvard—and those of contemporary universities generally—has become so tenuous as to bring into question the very need for universities as integrating institutions.

It is rather curious that not even the most relentless critics of Academe ever question the need for complex univerities. Yet the need for organizing undergraduate and professional schools in the university structure is not a foregone conclusion. Obviously, any modern society needs most of the components of the universities for its survival—let alone its progress. But essentially all these components can and do exist independently, either as autonomous institutions or as parts of entirely different administrative structures.

Medical schools are a case in point. In many countries they and allied health schools are run by the Ministry of Health, not the Ministry of Education. Most medical schools in the United States today are part of universities, but traditionally many were sponsored by and run as parts of hospitals. This is the way the great London Schools—Guy's, St. Thomas, and others started. In the United States past and present examples are many—Mt. Sinai and Flower and Fifth Avenue Medical Schools in New York, Hahnemann in Philadelphia, and so on. Nor is proximity a guarantee of communication. The Harvard Medical School, Dental School and School of Public Health are in Boston, only fifteen minutes from Cambridge by car, but before the 1969 Harvard "bust" this represented for most faculty and students an insuperable barrier. It was only when their students and faculty members were suddenly faced with the concept of Harvard as one threatened community, that the paucity of intellectual and organizational links became apparent. At that point contacts became a little more frequent and more than an insignificant number of professors became ready to make the short trip from Boston to Cambridge.

A similar separation can be found among Schools of Agriculture, e.g., the Institut Agronomique of France; many of the most famous schools of engineering in the world, e.g., the Zurich Polytechnicum, the Ecole Polytechnique, the Imperial College of Science and Technology and the Colorado School of Mines are not to this day parts of universities. Law schools have usually been more integrated—one of the two oldest universities in Europe, Bologna, started as a law school. But some of them, even today—two in Boston alone—are not components of larger academic institutions. Independent business schools (Bentley College in Boston), art schools (the Rhode Island School of Design), drama schools (Tyrone Guthrie), music schools (Juilliard), divinity schools (Andover-Newton), scholarly libraries (New England Historical Society), graduate schools (Rockefeller), research institutes with teaching components (Oak Ridge), athletic clubs, centers for adult education, all exist outside of a comprehensive university structure. And, of course, hundreds—close to two thousand, in fact—of our colleges of liberal arts exist as separate entities.

In the face of this multiplicity of patterns, one could ask not how threatened our universities are, but *why have universities?* If we need universities (and I deeply believe that we do) a more useful question is how do we build them so that they will again function as internal as well as external centers of communications? My thesis is that we need intellectual integration of universities, first because it will make for livelier, much more interesting institutions, second because the way in which our graduates will approach vast problems—pollution abatement, delivery of medical care, creation of new cities—will more and more call for people trained to see almost automatically the relation between various fields and professions. I further believe that the college of liberal arts is the most appropriate vehicle for the initiation of this integration—for the rebirth of universities which will live up to their designation. This integration seems to be a way not only to rescue the college of liberal arts (it is often those students who are the best prepared by intelligence and previous education who are the most dissatisfied), but to rejuvenate the other schools.

In the past great changes in academic structure have come slowly. They have come not as a result of academic reflection, but because of the pressure of great events—such as the French Revolution, or because of the emergence of the new technologies, or because of altered relationship with government. The oldest Western universities, from the Sorbonne and Bologna on, were started as captive schools under the jurisdiction of the local bishop. The purpose of the university was to form clerics, royal clerks, lawyers trained in Aristotelian logic and Galenic physicians.

Institutions which today we would consider research organizations, such as the sixteenth-century College de France or the seventeenth century Royal Society or Académie des Sciences, were started by progressive kings outside of, and often against the church-dominated universities. Except for Newton, most of the great eighteenth-century scientific and social innovators had little relation with universities, and development of the natural sciences and social sciences was largely effected outside of universities until late in the nineteenth century. Only, then did the need for application of these new sciences force a change in the ancient academic patterns.

In our country the radical break came with the establishment of the land-grant colleges, which were meant to be agents of *technical* change and development. At that point, American universities underwent their first metamorphosis: graduate schools, specialized professional schools, and large laboratories and technical schools appeared as components of the academic structure. The First World War caused an explosive spurt in the growth of the relationship between government and universities, as professors became involved in military technology. The great depression introduced a new dimension in the university-government partnership, as Harvard and other institutions became sources of personnel and advice in the renovation of the nation. This time it was not because of their expertise in technology, but because of their resources in the fields of economics, sociology, law, and public health. (Old grads in the thirties looked at the activities of more recent Harvard men, furthering and administrating the New Deal, with as jaundiced an eye as many a survivor of the thirties cast at the recent Cambridge scene.)

The Second World War considerably increased the mutual dependence of university and government, to such an extent as to create a second academic revolution. The Radiation Laboratory at M.I.T., the Argonne National Laboratory of Physics at the University of Chicago and the Fatigue Laboratory at Harvard were famous prototypes of hundreds of departments heavily subsidized by research grants. Far from regressing after the end of the war, these "research" departments, ranging from mathematics to social sciences and languages, became larger and larger in the course of the next twenty years. Present restrictions in federal funds should not obscure the fact that national support of universities is many times the pre-World-War-II level in almost all categories of research and teaching.

The transformation of the financial structure of universities—from one based on tuitions and endowments to one largely dependent on research grants—has had profound effects on universities, their separate schools and individual faculty members. In general, the new system has encouraged individual research and *professional* loyalty, but at the expense of teaching and *institutional* loyalty. Money, of course, talks and talks loudly: at Harvard as in many other private universities, a large number—in some faculties, *all*—of the assistant professors and associate professors in the physical, biological, medical and social sciences are supported by government and foundation grants. These are controlled by groups of professionals in the narrow, specific field of research of the applicant ("study

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groups"). The judgment of colleagues in one's area of research outside of the university thus becomes clearly more important to economic survival; freedom of transfer and academic self-respect more important than the judgment of university colleagues in even closely related fields, let alone different disciplines. Furthermore, since each request for a grant is looked at for its intrinsic quality alone, or at most in terms of its national rather than academic priority, it becomes difficult to assemble a faculty balanced from the viewpoint of teaching. As a result of this we have ended up with entire departments staffed by members of questionable allegiance to the university. They get their local status from their university rank, but move to "better" jobs, consult, and are promoted essentially on the opinion of professional colleagues unfamiliar with everything but their published research.

While the financial structures of various academic institutions differ much more widely than most professors and students realize, the ways in which *research* has been supported has tended to make the university the house of specialists. Some of these are interested in the place of their specialty in a more general and original view of society, some of them less so. In turn, specialists have been grouped in departments which were more linked by a commonality of equipment and techniques than by broad philosophical and educational interests and have become more distant from one another—to an extent which is often ridiculous. The almost complete divorce of biochemistry from physiology, of public health from management or, for that matter of history from sociology or of English literature from drama, are common examples of a syndrome from which Harvard is not exempt.

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The problem of *relevance* is largely a result of the Balkanization of teaching. The frequent criticism by students that the liberal arts college—indeed the University—does not offer an education relevant to the actual problems of the world is largely justified. The college and the various schools do offer courses that will help in the *solution* of contemporary problems. Sociology courses are helpful if one is interested in the improvement of big-city schools. The medical curriculum is useful background for a search for better medical care for all people. Some knowledge of chemistry is essential for an understanding of the definition, scope and possible solutions to the problem of water and air pollution. But none of these disciplines is sufficient by itself because none is preoccupied with the assessment in depth of the present situation, the formulation of the new dilemmas and the processes that might resolve them. No one discipline can contribute by itself more than a fraction of the knowledge needed in dealing with these topics. (Over-all approaches to basic contemporary problems are limited to the few new courses—often experimental "noncredit" courses—started in some universities as a result of intense pressure by students and a few "radical" faculty members.)

Professional schools teach the modes of thought and basic facts needed to practice professions and, at best, some of the intellectual and cultural background of these professions. Graduate schools are largely self-replicating units and move their students as fast as possible from the breadth of one discipline to a specialized topic. My thesis is that there is now, precisely as a result of the new pressures on universities, a rapidly growing justification for the existence of liberal arts colleges. I believe that colleges of liberal arts will be made to undertake a massive effort, not so much to "break the barriers between disciplines"—a rather hollow concept—but to look at problems as they present themselves *prima facie*. They will be led to consider which disciplines should be involved in the assessment of the present situation, and to elaborate the formulation of discrete questions. In looking for solutions, they will have to examine the way in which decisions are made, the manner of their execution and their presentation to the public. This will force colleges to select faculty "experts" and "generalists" (and sometimes outsiders who ought to participate in the teaching) in a very different way from current modes of selection. At present, universities differentiate very little or not at all between selections of college teachers and selection of graduate-school instructors. By ceasing to select faculty members because they are easily supported by grants, we may not be able to support as many faculty members. But we shall have a more effective teaching faculty.

It ought to be possible to develop for the four years of liberal arts a number of units of "relevant" problem-centered seminars—conservation, pollution, delivery of medical care to the poor (and the middle classes), psychological, medical, and social problems of adolescents, improvement of rural and urban schools, birth control, food and population, national defense, arms control—without impairing the possibility of the student acquiring depth in one or several of the classical disciplines. In many ways such exposure will deepen the insight and motivation of students of sociology, political science, biology, economics, physics and the humanities (incidentally, without in any way interfering with the cultivation of the arts).

The difficulty for the students to see the relevance of courses in the liberal arts college is increased by the fact that as disciplines have become substantial enough to become recognized professions, they have been removed from the college. Thus, the quasi-totality of graduates of liberal arts colleges now receive no exposure to medicine, law, agriculture, and rarely any exposure to engineering, architecture, city planning (let alone business administration, education, military "science," and theology). Medicine and architecture, incidentally, were liberal arts in Varro's list of nine liberal arts from which the seven medieval liberal arts were derived. Closer to us, Thomas Jefferson remains for most educated Americans a prime example of a cultivated man. Yet it would be impossible for a bright college student nowadays to give himself the general exposure to knowledge and the understanding of the professions which characterized our third President. It is no argument to say that there is so much knowledge in these fields that they cannot be taught at all except in very large doses. After all, everybody will have to *act* in these fields, deal with problems which have legal implications, choose doctors and decide to consult them, choose schools for his or her children, buy houses or stocks, and vote for representatives who oversee the spending of billions of defense dollars. Organizing courses in the professions for liberal-arts students is feasible: there are a few—very few—courses in existence which do provide some of this understanding. Professor Paul Freund, one of our greatest teachers of law, is giving an immensely popular course in law to Harvard and Radcliffe undergraduates, directed at students who do *not* plan to go to law school.

For that matter, nurses can get a brief, elementary course in medicine that most college students with some basis in biology could take (infinitely more appropriate material could be developed). Experienced professors of medicine with whom I have discussed feasibility of a college course on medicine are quite enthusiastic. And similar courses could easily be constructed for other disciplines. The greatest obstacle is obviously the fact that medicine in particular, and the other professions to a lesser extent, still feel more secure retaining the cloak of secrecy associated with their practice since the cave age. The argument often advanced by physicians that in medicine a little knowledge is a dangerous thing is easily disproved by a visit to any underdeveloped country: if self-diagnosis—to the extent that something is wrong which could be taken care of by a doctor—understanding of nutrition and hygiene, belief in the usefulness of therapeutic procedures and some understanding of their mode of action are missing, modern medicine becomes impossible to practice. An educated person should be able to read labels on common drugs and certainly on foods and have a reasonable degree of understanding of what they say. The frequency with which degree-holders are victimized by the most obvious forms of quackeries is daily testimony to the deficiencies of our educational system. A similar case could be made in regard to law or architecture.

The elimination of professional subjects from the curriculum has done much to decrease the feeling that the college of liberal arts is irrelevant to real life. It also creates monstrous gaps in what ought to be the expected breadth of knowledge of any college graduate. To cite but one example: if democracy is truly a "government of laws and not of men," college graduates ought to know what law is all about.

Although this may sound paradoxical, another element which makes for the feeling of irrelevance is the absence, in our colleges and universities, of what I would call utopian thinking. By utopian thinking I mean first the elaboration of the concepts of what a good society should be: what our forebears would have called, using religious language, the vision of the New Jerusalem. It goes, however, beyond ethical and esthetic considerations. Because there are three billions of us on this planet, because we live (and have to live) in societies based on extremely complex and inter-reaching technologies, any desired modification of society has social and technological consequences which must be examined. It is not enough for colleges and universities to have become the institutionalized conscience of our society. If they are going to satisfy the young—and help to fulfill the Faustian desire for useful involvement with Mankind which also inhabits the mind of scholars—universities must lead in the elaboration of the options available to us, and their human and economic costs. It is not the function of the university to preach a single way in which society has to evolve, though obviously members of its schools (notably education, public health, public administration, city planning), and of the college may hold strong personal views which they can express when consulted by politicians and administrators. But it is the function of the university, as our secular church, to elaborate through discussion between the middle-aged and the young, between physicians and economists and ministers and educators and artists and philosophers and historians and psychologists, the goals that educated men should have for their society, for their children, and for themselves. It should also be the function of the university, because it is the home of representatives of all the major disciplines, to elucidate the relationship between action in one area and consequences or necessary action in other areas, to evolve what engineers might be tempted to call a "systems approach" to progress, and to educate its students to the fact that while aims may be easy to state in the abstract, in practice human and economic costs may force compromises in the face of other priorities. Surely, a vision of the future in realistic terms is as much a part of culture as a sense of continuity with the historic past or as understanding of the present. It is not only "relevant," but inasmuch as it places knowledge in a general framework and makes it usable, it is what *education* (as opposed to simple instruction or training) is all about.

It is in this type of endeavor that contact with the faculty can be most meaningful to students: the honesty, generosity, and universality of views which are characteristic of a good faculty, should show in debates that realistically delineate the world we live in and probe the options from which we can choose. This should help to bridge the generation gap, however naive and ignorant the students may appear to the faculty, and however old-fashioned and slow to perceive new truths the faculty may appear to the students. It is essential, I believe, to have encounters where the quality of the persons will show through the differences in age and academic rank. Students will test their vision, their hope and their personal experience against the knowledge, collective experience and prudence of the faculty. The students will feel at last that they are taken seriously as *persons* as they share in this fundamental intellectual enterprise.

Common reflection on the aims of society would give the president of the university an opportunity to participate more actively in the educational process. The president, in his role of absentee father-figure, procurer of housing, food, money for instruction, is all too often too busy in his role of good provider to see and be seen, hear and to be heard by his students. They, in turn, attack him as a symbol of authority in general—particularly that of the even more remote and unreachable trustees and beyond them of the national government—with a shrillness designed to attract attention in a noisy, busy, crowded world, with an impersonal disrespect calculated to jar him into some sort of response—any response that may lead to an exchange. The most constructive exchange would be one in which he is seen as an experienced partner in a common effort to elaborate the different options open and the types of commitments and human costs they represent. Precisely because so many of his activities are at the interface between the University and society, he has a great deal to teach and he should teach it. This involvement of the president in the business of the university not only as an administrator but also as a teacher *and as a student* might do a great deal to eliminate the image of the University as the voodoo doll of society, where students attack the *symbol* of what they don't like in the outside world (the ROTC program becomes the Vietnam war, university expansion an urban renewal program indifferent to the needs of the poor, and so on).

The use of problem-centered teaching, the offering of courses devoted to those aspects of society which fall in the realm of the professions, the common elaboration of utopian thinking, are legitimate academic answers to the criticisms of lack of "relevance" of courses, lack of practical interest in the plight of contemporary problems, and lack of interest in the values of society.

I must emphasize that I have been dealing with the problem of relevance, not the problem of involvement: lack of "involvement," another frequent complaint of students, raises entirely different types of considerations. It is my belief that, at this time in history, the university is *not* primarily a social agency except inasmuch as education is an essential social function. As a corporate entity with employees, land holdings, real estate, it should be at all times an exemplary citizen in regard to its community, its state, the nation, and mankind. It should be a good neighbor, try in every way to minimize the "town and gown" frictions, and to further useful but limited co-operation. Direct social action is not generally the role of the University except inasmuch as separate schools (e.g., the medical school, the school of education) may run social institutions (e.g., hospitals, special education programs), or as its individual faculty members are involved in social action. I believe that it would be useful to have the liberal arts students be made more aware of these activities and offer them the opportunity to participate in these as individuals. At the same time, they should be led to understand the special role of the university and be made aware of the existence of many other types of institutions which are designed to deal with the various social problems. Urban universities have particular opportunities to guide students into participation in the work of (and if necessary into the reform of) a multiplicity of urban agencies, from those dealing with urban renewal to those dealing with recreation or adoption. If this type of orientation were effected, it would become easier to make students see that universities cannot do everything or else they will do nothing well. The students would also realize that if universities became altogether absorbed in local activities, they would become unable to perform their role as watchdogs of society, be it as critics of large-scale social programs or of national political decisions.

Such interdisciplinary study of the general problems of society, with some emphasis on the philosophy and mechanics of decision-making, would decrease what students consider to be unnecessary humiliation because of their young years. This is primarily an error in optic: we see young men and women, 17 to 22 years old, as children, or at least "adolescents," while they see themselves as adults. They have history in their favor: Joan of Arc was an Army commander at seventeen, George Washington was adjutant general of Virginia when he was twenty-one, Lafayette was a major general in the Continental Army at nineteen, commanded a division in the field at 20, was a field marshal in the French Army at 24. And, closer to us, the first and the second World War saw the mass production of teen-age officers, with many of us being entrusted with artillery batteries, infantry battalions, ships, and air squadrons while still of college age.

Peacetime illustrations of the aptitude of the young for responsible positions are easy to find. Nineteenth-century New England had a number of merchant sailing ships commanded by extremely young men. Colleges and academies used to send their graduates, often no older than sixteen or seventeen, to be surveyors and schoolmasters on the frontier. George Washington had a "commission" from William and Mary College as a surveyor at 17, and was appointed at that age public surveyor of Fairfax county. Andrew Jackson, a veteran of the Revolution at 14, became a law student at 17, and by the age of 21 was the prosecuting attorney for the Western district of the State of North Carolina (now the State of Tennessee).

Since then, of course, we have largely eliminated prolonged childhood diseases and improved child nutrition—to the extent that we have advanced the onset of menstruation in girls by at least three years and probably advanced maturation in boys correspondingly. We have increased their size by several inches. But as we have advanced the physical maturity of men and women, we have so arranged society as to deny the young any meaningful responsibility until they are twenty-five or so, and then only in a subaltern position. The situation, incidentally, is much worse for women than it is for men. We can begin to remedy this explosive situation by lowering the voting age to eighteen, giving the students *meaningful* responsibility in the running of houses or dormitories, and by exposing them to the complexities of our society in situations where they have to do the synthesizing of the information coming from a number of instructors belonging to various disciplines. Working together with several faculty members to discuss new schemes of doing things, is a much more adult situation than filling examination papers for a specialist who knows infinitely more about his subject than you ever will unless you become the same sort of specialist.

All this has consequences in terms of university governance. Colleges' and universities' governing bodies are the heirs to the Archbishop or—at best—the King. At a time when senior faculty members are involved in the management of practically every type of institution in the country, they have often little or no voice in the management of their own universities. Junior faculty members and students are excluded as well, though oddly enough students can look forward to active participation in governance when they are no longer active members of the university. It is only at graduation that they become of age and as alumni can participate in the election of trustees or overseers. It is as though the university were indeed a symbol (or a caricature) of orthodox medieval theology, where commencement represents a passage from the disenfranchised living to the communion of powerful saints, guardians, preservers, benefactors, and rulers of the Mystic Body. In the meanwhile, when still in the university they should work diligently, but in humility and obedience.

Boards of trustees and overseers are usually composed only of alumni of the college and the law school. Try as they may, they cannot have a deep understanding of the role in society of all the schools they regard as "peripheral" (education, divinty, public administration, public health), and of how well this role is filled (at present, for some schools, very poorly). They are dependent for their understanding on the university president, who himself can have only limited familiarity with these rapidly changing fields. This is not to say that alumni of the college and the law school do not have much to contribute. They are in society, and the fact that they spend most of their time making it work does not mean that they have abrogated cultural and ethical values. They should be strongly represented, but the systematic exclusion from the management of the institution, first of entire categories of alumni, and secondly of these people who are in the university *now*—including the university's most active thinkers and doers—is a curious show of distrust for democracy in the very institution that should teach our young people what democracy is all about.

The reform of the university, centered on a new role for the College of Liberal Arts, which I advocated above is unlikely to be effected well without initiating representation of the various faculties—and perhaps some representation of research fellows and students—on the governing boards. If we are going to build universities that are cohesive, where college courses and curricula will serve as a meeting-place of the professional disciplines as well as the purely academic, where education will be concerned with what society and man's endeavors are all about, there will have to be contact at the highest *decision* level between thinkers and doers from all schools and the other trustees and overseers of the university.

Talk of revolution is often an escape from reality. Restructuring of the University will take place, but it will occur (as it should) as a result of intellectual and social changes within and without its walls. The first modest step we need to take is to have a place to meet. We had the Agora of Athens, the Roman Forum, the courtyard of the Sorbonne, the cloister of Merton, the drill ground in front of Massachusetts Hall. The modern university has grown to be a modern city, without a green, without a meeting house, without a town meeting. I am suggesting that the college of liberal arts is where all of us can gather to trade ideas, to meet and make friends, young and old, and to discuss the business of the university and of the world.

MENDEL RIVERS

Mr. CANNON. Mr. President, it is with a feeling of regret that I address remarks today in memory of our close friend and colleague, Congressman MENDEL RIVERS,

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whose untimely death Monday has saddened us all.

Congressman RIVERS served with great distinction as chairman of the House Armed Services Committee, the counterpart to the Senate Armed Services Committee on which I serve. During his 30 years in Congress he worked steadily and with great vigor for the best weapon systems obtainable, and participated fully in the legislative process to make their acquisition possible. His efforts have helped insure that America will be militarily second to none.

He displayed a rare combination of keen interest and effective leadership in fostering necessary Department of Defense legislation. He understood and believed in the American political processes and displayed a broad knowledge in its practice.

Congressman RIVERS was courageous; but he had another characteristic I admired: he was tenacious. When he advocated something he believed in, he could not be shaken.

In short, MENDEL RIVERS was an able legislator, and we shall miss him.

H.R. 19928 SUPPLEMENTAL APPROPRIATIONS FISCAL YEAR 1971

Mr. RANDOLPH. Mr. President, would the distinguished Senator, my colleague (Mr. BYRD of West Virginia), the Senate chairman of the conferees, yield to me for two questions concerning the conference report on the supplemental appropriations bill, 1971?

Mr. BYRD of West Virginia. I gladly yield to my colleague.

Mr. RANDOLPH. With regard to amendment No. 54 concerning the Environmental Protection Agency, am I correct in understanding that the increase recommended by the conferees is recommended for an action program to abate acid mine drainage and be coordinated with programs for correcting other land and water environmental problems in selected areas of the Monongahela River Basin?

Mr. BYRD of West Virginia. Yes; that is true.

Mr. RANDOLPH. Is it not also the recommendation of the conferees that because of their previous studies of acid mine drainage, particularly the economic impact of these problems, the Appalachian Regional Commission should direct and be responsible for the advance planning, design and initiation of such a program?

Mr. BYRD of West Virginia. Yes; the increased amount—$1 million—will permit a demonstration of an action program for cleaning up acid mine drainage with that portion of the study and demonstration relating to the potential economic development in the basin under the direction of the Appalachian Regional Commission so as to best utilize the Federal-State cooperation so vital to improve the economic and social potential of these areas.

THE SENTENCES IMPOSED IN SPAIN ON BASQUE NATIONALISTS

Mr. PELL. Mr. President, the terrible judgment handed out to the Basque nationalists by military judges in Spain cry out for action on the part of the American people and our own Government to seek clemency for them.

I urge the President and our State Department to communicate with Generalissimo Francisco Franco and ask that he take action to spare the lives of those sentenced to death and to lighten the terms of those who have, in effect, been sentenced to spend their lives in prison.

Compassion and concern for our fellow men wherever they may be, demand that this Nation make known its reprehension at the cruelty imposed in this situation. We should pray that the Spanish Chief of State stay the executioner's gun and show mercy to the condemned and sentenced men.

REMARKS BY PANAMANIAN FOREIGN MINISTER TACK ON THE PANAMA CANAL

Mr. THURMOND. Mr. President, for many years I have been saying that the only way to preserve the security of the Panama Canal is to preserve our sovereignty in the U.S. Canal Zone. It is well known that our treaties give the United States its authority in the zone "in perpetuity," granting us all the rights of a sovereign in the territory defined.

I call attention to this point once again because it is clear that the basic aim of the Panamanian Government appears to be the abrogation of our sovereignty. There is much talk about redressing the grievances of Panama; I am one who feels that much can be done to improve the relationship between our two countries. Nevertheless, it is clear that no number of concessions will appease the Panamanian nationlists without the ultimate concession of our sovereignty in the zone.

On December 15, the Panamanian Foreign Minister, Juan Antonio Tack, reiterated this point at a meeting before the American Society at the Hotel El Panama. An account of his remarks was published on December 16 in the Star and Herald newspaper of Panama City.

Foreign Minister Tack's remarks showed a basic misunderstanding of the situation. He said:

> The problems existing between our two countries were not made up by Panamanians. They arose and developed as a direct consequence of the construction and operation of the interoceanic canal in Panamanian territory. Together these problems have been of conflict between the two countries. They made it possible for mankind to benefit from the Canal. However, the situation is not so difficult to solve because all the causes of conflict can be summarized in one, that is, the existence within our own territory of a form and structure of government totally foreign to the central national government. This has been in reality the principal source of friction and all other causes of conflict have derived therefrom. Once this problem is definitely solved, all other causes of conflict will disappear immediately.

Foreign Minister Tack is here engaged in circular reasoning. He assumed the very point that he seems to be disputing. For the matter of fact is that the Panama Canal was not built in Panamanian territory; it was built in U.S. territory in the U.S. Canal Zone as is clearly shown not only by the treaty, but by the historical treatment of the problem throughout the years. What Mr. Tack is saying is that he is rejecting the historical interpretation of the treaties. The statement is an outrageous affront to our sovereignty and should be taken as a sign of the Panamanian Government's intactable position on this issue.

The statements show once more the wisdom of our Government in negotiating the 1903 treaty giving us the sovereignty in perpetuity. For if we cannot depend upon the Panamanians to accept the terms of this treaty, how can we depend upon them to accept the terms of any future agreement? Once we give up our sovereignty we will never again be able to count on the security of the Panama Canal which is so vital to our commercial and defensive operations.

Mr. Tack's statements also show the futility of the recent report of the Atlantic-Pacific Interoceanic Canal Study Commission. The Commission's report recommends a new canal through Panamanian territory instead of through the U.S. Canal Zone. Obviously such a move would be futile when the Panamanians publicly indicate that they do not intend to hold fast to the settled meaning of the treaty. If treaties with Panama can be changed by Panama's unilateral reinterpretation, then no future treaty or agreement is of much value in United States-Panamanian relations. It would be the height of folly to accept the proposals of this Commission, in as much as they would require new treaties.

In S. 2228, I have proposed the major modernization of the present Panama Canal under the present treaties using the terminal lake-third lock plan. This is the only plan which is practical from an engineering, economic, and diplomatic standpoint. It is the only plan that guarantees that we retain control of the security of the canal.

Mr. President, at this time I would like to point out that the House Subcommittee on the Panama Canal, under the capable chairmanship of the Honorable LEONOR K. SULLIVAN, has recently issued a report which demonstrates that S. 2228 is the only feasible alternative in the light of Panama's demands. The report concludes:

> It is the consensus of this Subcommittee that treaty negotiations should not go forward and that the subcommittee opposes any negotiating which would revive the 1967 treaties or initiate new treaties of a similar nature, which would be a source of confusion, irritation, and contention both here and in Panama, and which would be inimical to the best interests of the United States.

I would like to second this conclusion. Its wisdom is amply shown by the statements of Foreign Minister Tack, and I wish to take this occasion to congratulate Mrs. SULLIVAN and her subcommittee for the prudence and insight of this report.

Mr. President, I ask unanimous consent that the article from the Panama Star and Herald of Wednesday, December 16, entitled "Zone Causing Panama, United States Friction—Tack," be

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printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Zone Causing Panama-U.S. Friction—Tack

Foreign Minister Juan Antonio Tack said yesterday the major source of friction between the United States and Panama is the U.S.-controlled Panama Canal Zone within Panamanian territory.

"Once this problem is definitely solved," he said, "all other sources of conflict will disappear immediately."

The two countries have been negotiating a new Panama Canal treaty since 1964. Panama's revolutionary government, in power since 1968, already has rejected the draft agreements reached in 1967, which dealt with the present canal, a new sea-level canal and the defense of the waterway.

Speaking before the American Society, Tack said "excessive concern" over the security of the Panama Canal has led to the belief that "such security is achieved solely by controlling not only the C. Z., but the Republic itself in numerous aspects."

Noting that the two countries have been engaged in negotiations for six years, Tack said they should be ready now to arrive at "a just and fair agreement that will eliminate the causes of conflict between the two countries by reason of the existence of the present canal."

ECHOES TORRIJOS

Tack's statement on the Canal Zone as the major source of friction between the two countries echoed a recent pronouncement by Brig. Gen. Omar Torrijos, the country's strong man, that Panama will seek "absolute sovereignty" over the Canal Zone, which is now under United States jurisdiction. Torrijos made the statement in a television interview in Mexico City, where he headed the Panamanian delegation to the inauguration of President Luis Echevarria.

The Foreign Minister's declaration also was significant in the light of the recent recommendation by the U.S. Atlantic-Pacific Interoceanic Canal Study Commission for construction of a sea-level canal on a route lying outside the present Panama Canal Zone. The Commission, in effect, called for a second canal zone for the new route or expanding the present zone to include both, urging a two-canal system that would involve operation of the present lock waterway and the proposed sea-level canal.

BASIC GOALS

Tack said the revoluntionary regime has as its basic goal the "modernization" of the country.

"What characterizes a modern society?" he asked. "A sustained, rational economic development; the application of technology to serve man; equality of opportunity for all; administrative honesty and efficiency; availability of power, transport means and communications; adequate fiscal policy; effective social welfare covering the minimal needs of man; employment, housing, food, schools, hospitals and social security."

Addressing himself to members of the American Society, Tack added: "You are a part of our society and have a large role in national transformation. Individually and collectively, you have contributed with your work, your efforts and your ideas to national development, and I am certain the citizenry respects you and acknowledges that valuable contribution . . . You can help enormously with Panama's modernization, because you are an integral part of our country, as citizens of a great nation with which we are linked by very special ties."

SPEAKS FRANKLY

Referring to the unique character of Panama-United States relations—"it is difficult to find two countries on the American continent that have been more closely united than Panama and the United States"—Tack called for frank talking.

"To set forth frankly pending problems, on our part, doesn't mean at all adoption of an anti position. Precisely one of the characteristics of our government is that it is anti nothing, on the contrary, our government is pro. We are pro justice, pro progress, pro the juridical equality of states. And to keep on talking frankly, I must confess that one of the tragedies suffered by all Panamanians who have been directly responsible for setting forth pending problems, is that of being subjected to being called names that range from fanatic nationalists to just communists.

"But the problems existing between our two countries were not made up by Panamanians," Tack continued, "They arose and developed as a direct consequence of the construction and operation of the interoceanic canal in Panamanian territory. Together, these problems have been of conflict between the two countries that made it possible for mankind to benefit from the canal. However, the situation is not so difficult to solve, because all the causes of conflict can be summarized in one, that is, the existence within our own territory of a form and structure of government totally foreign to the central national government. This has been, in reality, the principal source of friction and all other causes of conflict have derived therefrom. Once this problem is definitely solved, all other causes of conflict will disappear immediately."

QUESTIONS UNDERSTANDING

Tack questioned whether there is understanding on the part of the United States in dealing with Panama.

"When we see, for example," he said "that the Colon Free Zone requires expansion and cannot do so through the natural place that is France Field, even though those lands are not in use; that the Trans-Isthmian Highway deteriorates daily with serious effects on Panama's commerce and industry, without any measures being taken for adequate maintenance, we wonder then that perhaps understanding between peoples has very little to do with the ties of individual friendship among persons of different nationalities.

"We Panamanians would not like to arrive at the negative conclusion," Tack added, "that understanding solves nothing, inasmuch as things that one doesn't like can be understood. Sincerely, in the 67 years of close diplomatic relations between Panama and the United States, many of the things that we Panamanians have understood have not been to our liking.

"We have understood, for example, that at times, directly or indirectly, the weakening of Panamanian nationality and the cracking up of the Panamanian state as a result of an excessive concern over the security of the Canal which leads to the belief that such security can be achieved solely by controlling not only the Canal Zone but the Republic itself in numerous aspects."

REFERS TO HISTORY

The Foreign Minister said history shows lasting alliances are possible without too much mutual understanding. He offered a concrete example: an alliance between England and Portugal that lasted 300 years, based on two factors: 1) parallel interests, clearly defined between the two countries, and 2) the opportunity for the weaker one, Portugal, to develop fully its nationality and culture.

"It would not be amiss," Tack said, "that we remember this lesson from history . . . and apply the results to the relations between Panama and the United States."

Tack then reviewed briefly the negotiations begun under sponsorship of the Organization of American States in 1964. He gave reassurances that Panama's demands are not the result of "malice or hatred" against the United States.

"We would like to believe," he added, "that after six years of negotiations, both countries are ready to comply with this mutual undertaking, entered into in 1964 . . . and that a just and fair agreement that eliminates the causes of conflict between the two countries by reason of the existence of the present Canal will be reached. This Canal and no other is the one that has brought about regrettable situations in the past, which should not be repeated . . .

"Once the new bilateral arrangement between the two countries has been attained, the present Canal also will exercise an important function in the attainment of the maximum objective of Panama's revolution, the modernization of our society."

With Minister Tack at the main table were officers of the American Society, U.S. Ambassador Robert M. Sayre and the newly appointed Deputy Foreign Minister, Dr. Carlos Ozores.

ST. MARY'S IN MARYLAND

Mr. MATHIAS. Mr. President, St. Mary's the 17th century capital of Maryland, is a place that all Americans should know. If it had nothing to commend it but a commanding view of the Potomac River and the southern Maryland countryside, it would reward the effort of a long journey. But for modern America there is a special value accorded St. Mary's because the spirit of modern America was born there. In 1649 religious tolerance was officially adopted as a basic concept of law. Margaret Brent asserted the equal rights of women in the General Assembly of Maryland. Representative government took early root here.

There is now a new chapter of St. Mary's history evolving as historians and archeologists probe the evidence of the historic past. Always a good place to visit, St. Mary's grows more and more interesting as one of the truly significant spots in American history.

Mr. President, the St. Mary's City Commission is reconstructing the historic settlement. I commend to my colleagues an article on St. Mary's City by Margaret Phillips which appeared in the Montgomery County Sentinel. I ask unanimous consent that the article be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Calvert Family Found Tolerance Good Business 300 Years Ago

(By Margaret Phillips)

ST. MARY'S—The replica of Maryland's first state house standing remote on a high riverbank, is neither graceful nor pretty. It resembles a fortress.

That grim resemblance is no mistake.

The 17th Century was indeed grim, religious differences splitting both the New World and the Old, the threat of Indian wars mounting, and diverse groups seeking political power in the unstructured colonial government.

Yet when the medieval-like capital was completed and occupied by its representative government in 1671 it stood unique, a monument to toleration, the first capital in the New World to symbolize legislated religious freedom.

The Old World was turbulent in those years, marked by an unprecedented execution of a king, yet glorified by the genius of an English playwright named Shakespeare and a Dutch painter named Rembrandt. The English aristocracy, seeking new wealth, extracted royal grants to colonize the attrac-

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tive New World, where they were to clash with the gold-seeking Spanish and adventurous French.

George Calvert—later to become Lord Baltimore—was one of the Englishmen to obtain license in America. He bought the southeastern peninsula of Newfoundland from Sir William Vaughan and secured a charter for a colony called Avalon in 1623.

PREFERS VIRGINIA

But one trip to the planned colony discouraged him. The climate was atrocious. He decided that warmer climes were more to his liking and petitioned King Charles I for a Virginia concession.

George Calvert died and the Virginians opposed any grant. But in April 1632, the king granted his son Cecilius a charter for a 10-million acre province called Maryland, complete with the right to collect taxes, grant land, create manors, name ministers and found churches.

Cecilius, a Catholic, organized an expedition of 20 "gentlemen"—mostly Catholics—and about 200 laborers. The pioneers set sail for Maryland in October 1633 under the guidance of Cecilius' brother Leonard.

On March 27, 1634, the party found an adequately protected harbor, already-cleared fields and an agreeable climate; it became St. Marys. The settlers paid off the occupants, the Yaocomico Indians, and the first houses were built within a palisaded fort of earth and wood.

Leonard described Maryland's first settlement like this: ". . . one hundred and twentie yarde square, with fower flankes, (in which)we have mounted one peece of ordnance, and placed six murders in parts most convenient."

One of the "murders"—small cannon—still stands in St. Marys. Within 10 years St. Marys settlers had built a Catholic chapel, mill and at least seven homes, and had surveyed much of the land. In a Conditions for Plantations proclamation Cecilius directed that Maryland plantations be 1000 acres each.

TOLERANCE PAYS

The brothers Calvert, although Catholic, were good businessmen first. They made their holdings profitable by welcoming Protestants or any other immigrant eager to forsake England's religious turmoils.

In 1637, Cecilius, still in England, directed Leonard to convene a local council. At first just a figurehead panel, the council by 1650 achieved some real power, and was divided into two houses. A majority vote in both was required for passage of legislation. Generally, only landholders could vote.

By 1643 England was scourged by civil war as Puritans under the leadership of Oliver Cromwell sought to depose King Charles. Lord Baltimore, grasping the opportunity to land more settlers, proclaimed that persons of any creed would be protected in Maryland.

And on April 21, 1649, the assembly made it official by passing the Religious Toleration Act, a revolutionary document for that bloody era, considering that just three months earlier on Jan. 30 King Charles had had his head chopped off by Cromwell's cohorts.

Yet despite their historic religious liberalism, the Calverts didn't hesitate to bar Jesuits from further ownership of property. Nor did they soften their feudal landholding traditions to offset the wide economic gap developing between the noblemen and the commoners.

CIVIL WAR ERUPTS

Cromwell's new Commonwealth wasn't so tolerant. On March 29, 1652, Lord Baltimore submitted to the authority of the Commonwealth and was deprived of power in Maryland. Three years later real trouble started. Puritans deposed William Stone, a former Virginian who was a Protestant, as governor of Maryland. Civil war broke out.

The next few years were hectic and bloody for England and her colonies. Religious persecutions occurred many places, but not in Maryland. On Nov. 30, 1657, Lord Baltimore regained power, in 1660 James II was proclaimed king of England, and in 1661 Lord Baltimore's eldest son Charles was dispatched to Maryland as governor.

Meanwhile the General Assembly, meeting for years in various homes and in the fort, began seeking a permanent base.

Smith's Town House was the choice; not surprisingly it was a tavern. Legislators ate, slept, and debated in the same building when they were in session.

Despite the convivial atmosphere of the tavern, the sophistication of the assemblymen grew; the inn was beneath their dignity, many Assemblymen felt. When the tavern burned they decided that Maryland had grown big enough for a real capital.

HISTORIC ASSEMBLY

It happened in 1676. The capital was completed and Maryland's General Assembly convened, the first legislative body in the modern world to sit in a capital where religious tolerance was the law.

The same year war with the Indians broke out on the Maryland and Virginia frontiers.

St. Mary's hasn't changed much since those days. It's still a little town, Maryland's capital having moved to Annapolis in 1695. The historic state house is gone—its bricks were used to build Trinity Church in 1829—but a replica, built in 1934, stands just a short distance from the original site. The church, historic itself, stands where the old state house did.

The town has added an apostrophe to its name—St. Mary's instead of St. Marys—and about the only other really new thing is the St. Mary's City Commission now reconstructing the historic settlement.

Archaeologists have unearthed several old foundations beneath the grass, generally undisturbed since the 17th Century. The town's little college—St. Mary's College—and the Smithsonian Institution are helping.

The idea is to recreate a replica of the whole 17th Century settlement, a modern monument to Maryland's historically tolerant founders.

DEATH OF REPRESENTATIVE L. MENDEL RIVERS, OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on House Resolution 1319.

The PRESIDING OFFICER (Mr. MUSKIE) laid before the Senate a resolution of the House of Representatives (H. Res. 1319), which was read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable L. Mendel Rivers, a Representative from the State of South Carolina.

Resolved, That a committee of seventy-one Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. THURMOND. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The resolution (S. Res. 500) was read, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable L. Mendel Rivers, late a Representative from the State of South Carolina.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now recess.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and unanimously agreed to.

The PRESIDING OFFICER. Under the second revolving clause, the Chair appoints the two Senators from South Carolina (Mr. THURMOND and Mr. HOLLINGS) as the committee on the part of the Senate to attend the funeral of the late Representative RIVERS.

RECESS TO 9 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, and pursuant to Senate Resolution 500, as a further mark of respect for the Honorable L. MENDEL RIVERS, late a Representative from the State of South Carolina, that the Senate now recess.

The motion was agreed to; and (at 9 o'clock and 43 minutes p.m.) the Senate took a recess until tomorrow, December 30, 1970, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 29 (legislative day of December 28), 1970:

U.S. AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of chapters 35 and 837, title 10, United States Code:

To be major general

Brig. Gen. Clarence E. Atkinson, 221-12-9532FG, Delaware Air National Guard.

To be brigadier general

Col. George N. Masterson, 446-12-5592FG, Oklahoma Air National Guard.

Col. Raymond C. Meyer, 103-10-6697FG, New York Air National Guard.

Col. Walter B. Staudt, 464-10-9941FG, Texas Air National Guard.

Col. Stanley L. Vihtelic, 367-14-4221FG, Michigan Air National Guard.

Col. Roland R. Wright, 519-01-1069FG, Utah Air National Guard.

CONFIRMATION

Executive nomination confirmed by the Senate December 29 (legislative day of December 28), 1970:

DEPARTMENT OF JUSTICE

Donald W. Wyatt, of Rhode Island, to be U.S. marshal for the district of Rhode Island for the term of 4 years.

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EXTENSIONS OF REMARKS

CHALLENGE TO THE STATES

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, I think it is highly regrettable that this 91st Congress did not take any action on President Nixon's revenue-sharing proposals which were first sent to this Congress in August of 1969 as part of the administration's new federalism program. I would fully expect that revenue sharing will be a top priority item when the 92d Congress convenes next January. The recent Governors' Conference left no doubt that the States both want and need this assistance. Many of our States are already in dire financial straits. But beyond these basic facts of economic life, it has become increasingly evident that the survival and viability of our Federal system is dependent upon the new federalism approach which would transfer resources and responsibilities to the State and local levels of government. As a New York Times editorial put it last Sunday:

> It is not good for effective government or for democratic values to ship all the problems to Washington and concentrate all power there.

The Times editorial goes on to point out that revenue sharing presents a dual challenge: on the one hand, the Congress is challenged to enact a far-reaching revenue-sharing plan designed to deal with the financial crisis which threatens our Federal structure; and on the other hand, the States are challenged to match up tax revenues and expert civil servants with the outsized problems. As the Times editorial puts it:

> Unless governors and legislatures can achieve such a match, the federal system, already severely strained, may break down altogether with practically every problem being managed directly by the national government.

Perhaps a word is in order about the reference made to my own State of Illinois. It is true that our new State constitution specifically states that "a tax on or measured on income shall be at a nongraduated rate." This provision would clearly bar a progressive income tax of the Federal kind, unless an amendment to the constitution were passed by a three-fifths vote of the Illinois Legislature and later ratified by three-fifths of the voters in the next general election. However, in fairness to Illinois, it should be noted that, largely because of the new State income tax which was instituted last year, our State is the only one among the nine most populous States which is clearly not in imminent fiscal danger. Illinois' finances have been put on a sound basis, and I believe we can say with confidence that the Prairie State is prepared to pay its share of the bill.

Mr. Speaker, at this point in the RECORD I would like to include the full text of the editorial from the December 27 New York Times:

Challenge to the States

The increasingly severe financial squeeze on state governments has evoked justifiable pleas to Washington for a prompt start on Federal-state revenue-sharing. Governor Rockefeller has redoubled his efforts to arouse the White House and Congress to the nature of the financial crisis which threatens the entire federal structure of government in this country. There are encouraging signs that at least in the White House the response has been positive.

In Congress, however, the states still have to overcome the old-fashioned notion that revenue-sharing is a luxury that will have to wait until the national budget shows a substantial surplus. The conventional wisdom on Capitol Hill is that the Federal Government has nothing to share with the states except a soaring deficit and a big national debt. Only intensive lobbying and the pressure of public opinion back home can break through this ideological barricade in Congress.

If this campaign is to be effective, the state governments will have to go into the struggle with clean hands. Unlike New York, some states have not done all that they can for themselves. That is notably true of Connecticut, New Jersey and Pennsylvania, which lack progressive income taxes. The new state constitution in Illinois, which is otherwise an innovative document, actually forbids the state to levy a progressive income tax. Although 42 of the 50 states have either a personal or a corporate income tax and many have both, some of them have flat levies rather than progressive taxes on the Federal model which are far more remunerative. The states have relied too much upon liquor, cigarette and gasoline taxes and on general sales taxes, while the local governments have financed themselves overwhelmigly from property taxes. Now that the revenue from these inelastic sources has failed to keep pace with rising expenditures, the day of reckoning is at hand.

The blame for this abdication of responsibility is widely shared. In some states like Connecticut under the Dempsey regime now drawing to a close, governors have failed to show political courage on this problem. In other states such as New Jersey under former Governor Hughes and Pennsylvania under retiring Governor Shafer, the governors have tried to lead the way but the legislatures have ducked their responsibility.

The chief failure, however, is with the people themselves. In state after state in the last dozen years, governors who raised taxes have been punished by defeat in the next election. Several of last month's Democratic gubernatorial victories were won for this wrong reason. Democrats benefited from so-called "taxpayer revolts."

Yet there is no such thing as good government at bargain prices. The public has to accept the reality that with inflation and with the demand for additional services such as state-financed higher education, taxes have to go up. It is fatuous to hope that "something will turn up" to bring state budgets into balance painlessly. It is self-defeating to punish governors and legislators who have the courage to raise taxes. The states with the very lowest tax rates are the slums of the federal system with weak educational systems, an exodus of young people, and nightmarishly bad prisons, mental hospitals and institutions for the mentally retarded.

The chief problem in state governments is to match up tax revenues and expert civil servants with the outsized problems. Unless governors and legislatures can achieve such a match, the federal system, already severely strained, may break down altogether with practically every problem being managed directly by the national government.

It is not good for effective government or for democratic values to ship all the problems to Washington and concentrate all the power there. Yet the drift toward centralization which has been under way for nearly four decades is sure to continue if the people find that state government is impotent or irrelevant.

Congress can help to meet this danger by enacting a far-reaching revenue-sharing plan. Any such plan is probably going to have incentives to reward the states which do the most to help themselves. Acknowledging this prospect, the states can begin to meet the impending fiscal challenge by enacting realistic personal and corporate income taxes.

PRISONERS OF WAR

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 29, 1970

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial from the Roanoke Times entitled, "Prisoners of War in Distress," which was printed in the October 9, 1970, edition of the Register, Danville, Va.

The editor of the editorial page for the Roanoke Times is Mr. Forrest M. Landon, and the editor of the Danville Register is Mr. W. M. Saunders.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Prisoners of War in Distress

To judge only from the reactions in the first few days following astronaut Frank Borman's appearance before Congress, the attempt to rouse greater attention and concern for American prisoners of war in Vietnam has fizzled.

This is not for lack of sympathy, we think, even though less than half of the senators and representatives turned out for the joint meeting Sept. 22—rather, it is probably a feeling of futility. Borman's 14-nation trip had, he acknowledged, produced no assistance from abroad in reaching the prisoners or even in determining how many are held and what their conditions are.

So the U.S. seems to be thrown back on its own resources in the matter, at a time when we are putting less military pressure on North Vietnam and apparently getting nowhere in the peace talks. Both Congress and the American public see nowhere new to turn in pressuring Hanoi into more humane treatment for both the prisoners and their loved ones back home.

In a sense, it is good that the apparent attempt to turn the POWs into a political issue here has made no evident progress. Already, the prisoners are being used as political pawns by North Vietnam; they would not benefit from further such use over here. And this would, to no purpose, add to the divisive influences in this country.

Still, we cannot forsake these men or their families. Our failure so far in mobilizing world opinion against this kind of treatment of prisoners should not deter the President and the State Department from future ef-

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forts along the same lines. Those efforts might, in fact, be more successful after the bulk of our troops has been withdrawn from South Vietnam, for our war role has won us little sympathy among those neutral nations in best position to influence Hanoi, and our case is weakened by our association with the Saigon regime and its own inhumane treatment of political prisoners.

Justice often stands outside for a long while before being admitted; but we should continue to knock, insistently.

PENNSYLVANIA FARMS, AGRICULTURE 1970, EDUCATION, RESEARCH, AND PRODUCTION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

REPORT TO PENNSYLVANIA CONGRESSIONAL DELEGATION OF DR. RUSSELL E. LARSON, DEAN OF THE COLLEGE OF AGRICULTURE, PENNSYLVANIA STATE UNIVERSITY, IN CHARGE OF THE PENNSYLVANIA AGRICULTURAL EXPERIMENT STATION AND THE PENNSYLVANIA COOPERATIVE EXTENSION SERVICE, AT THE DELEGATION MEETING AT THE U.S. CAPITOL IN WASHINGTON, D.C., DECEMBER 10, 1970

I am greatly appreciative of the privilege of meeting with you today and for the opportunity to discuss the Pennsylvania Agricultural Experiment Station and the Pennsylvania Cooperative Extension Service, both of which are responsibilities of the College of Agriculture of The Pennsylvania State University.

Food production in the United States runs so smoothly that people tend to lose sight of how it achieved this condition and the factors that are basic to the continuation of its efficiency. The thought of going without food in the United States seldom occurs to anyone.

Recently, however, something happened that made many people conscious of the fact that we could be subject to a food problem of serious proportions and we were very close to such a happening.

A serious corn leaf blight disease surfaced in southeastern United States and moved from there to the Corn Belt and on into the northern states. Fortunately the disease did not spread into the Midwest or North until August and unlike the losses in the Southeast, the reduction in corn yields was limited to about 15 per cent in the Corn Belt and to less than 5 per cent in Pennsylvania and New York.

USDA figures show a national loss of about 720 million bushels. We can weather this without catastrophic disturbance although Commodity Credit Corporation corn reserves have reportedly been cut from 275 million bushels to 140 million bushels.

Knowledge based on previous research will make it possible to reduce this threat in 1971 and essentially to eliminate it in 1972.

I relate this situation to you because I am an administrator in a publicly supported College of Agriculture with responsibilities for education and research in agriculture. We are dependent upon federal and state resources for our support, and it is men such as you who make the decisions concerning a substantial part of the budgets of the state agricultural experiment stations and the state cooperative extension services.

The corn situation illustrates that even in the United States we live on a "thin line of abundance" and even deducting for my biased view of the importance of agriculture, unless this country and the Commonwealth continue to provide adequate support for agricultural research and training, we could be subject to food problems of crisis proportions. And this is not a problem of farmers but rather of over 11.6 million consumers in Pennsylvania and 204.7 million in the United States.

Your predecessors developed a concept and you have retained what has been described by many as the greatest educational system of all times. That is the Land-Grant Agricultural College with its Resident Education, Research, and Extension. Many countries throughout the world have attempted to emulate this system.

I appreciate that you are aware of legislative history, but permit me to very briefly review the evolution of these classical Federal acts.

1. The Land-Grant Act written by Senator J. S Morrill establishing unique Land-Grant institutions to provide formal education in agriculture and the mechanic arts was signed into law by President Lincoln in 1862. The General Assembly of Pennsylvania designated the Agricultural College of Pennsylvania on April 1, 1863, to carry out the provisions of the Morrill Land-Grant Act.

2. In 1890 the Morrill-Nelson and later the Bankhead-Jones bills were enacted to provide Federal appropriations for "further endowment" of instructional programs at Land-Grant institutions.

3. The Hatch Act was passed in 1887 and Federal funds were made available to establish and incorporate an agricultural research function in the Land-Grant idea.

The Pennsylvania General Assembly acted by establishing the Pennsylvania Agricultural Experiment Station in the College of Agriculture at Penn State in 1887.

4. The Smith-Lever Act of May 8, 1914, providing matching funds to establish and maintain an educational outreach to offer practical knowledge to all people. The Pennsylvania General Assembly assigned the agricultural and home economics extension function to the College in 1915.

5. The McIntire-Stennis Act of 1962 is the most recent legislation making funds available for research in forestry.

Most of these funds are made available to states on the basis of a formula calculated from rural populations, geographic size, and other factors.

Pennsylvania ranks 14th among states in importance of agriculture and forestry.

Let me present a few interesting statistics: In 1969, Pennsylvania farm and forest sales exceeded one billion dollars. There were 128,000 people employed on farms and 210,000 employees in food and fiber processing industries. There were 3,925 agriculture-related manufacturing firms and raw product sales and the manufactured product value of agriculture and forest output in Pennsylvania exceeded $8 billion per year.

The economic values of raw and manufactured products are shown in Table 1. The diversity of Pennsylvania's agriculture is also illustrated in Table 1.

Few people realize that the agri-business complex in Philadelphia, Delaware, Montgomery, Chester, and Bucks Counties annually employs 42,000 people and pays $300 million in salaries and wages; or that Pittsburgh and Allegheny County has 244 manufacturing firms processing food products; or that Allentown-Bethlehem-Easton have 73 food processors employing 3,718 people.

Anyway, although the amount of funds provided for agricultural research and education is not great, the economic and social returns from these investments have become legend. The return to the consuming society far exceeds that to the aggregate farm producing sector. Let me give a few brief examples:

1. The return on investment which resulted in the discovery of the role of molybdenum and zinc in plant nutrition probably exceeds 800 per cent a year since the discoveries were made.

2. Hybrid corn has had an estimated return of better than 700 per a year since its development and adoption.

3. The control of *Bovine vibriosis* in Northeastern United States—an accomplishment of cooperative regional research—is estimated to save almost $39 million per year. In this case, the expenditure of $1 million Hatch funds has saved $500 million to date for the dairy industry and the consumers in the Northeast.

Your Pennsylvania Agricultural Experiment Station, other state stations, and the USDA were instrumental in some way in each of these developments. Penn State has also been responsible for a multitude of other contributions from the development of improved crop plants ranging from Pennmead Orchardgrass to Penngift Crown Vetch to the developments in reproductive physiology leading to superior sire selection and artificial insemination to produce superior dairy cattle.

TABLE 1

Economic values of agricultural and forest products in Pennsylvania

(Farm and Forestry Raw Products Sales—1969 [1])

	Millions of Dollars
Dairy Products	424
Poultry Products	165
Meat Animals	154
Cereal and feed grain crops	53
Horticultural Specialties	43
Mushrooms	43
Vegetables	40
Fruit and Nuts	38
Forest Crops	15
Tobacco	11
Miscellaneous	18
Total	1,004

[1] Source: Supplement to *Farm Income Situation*, July 1970.

MANUFACTURING INDUSTRIES RELATED TO AGRICULTURE, 1969 [1]

Industry	Establishments (number)	Employees (thousands)	Wages (thousands)	Value of production (thousands)
Food and kindred products	2,252	115	$741,000	$4,621,000
Lumber and wood products	1,006	12	67,000	278,000
Leather	209	27	129,000	393,000
Tobacco	55	8	35,000	221,000
Paper and allied products	403	48	362,000	1,515,000
Total	3,925	210	1,334,000	7,028,000

[1] Source: Pennsylvania Department of Commerce, Industrial Census Series, data in press.

As I have stated, there have been innumerable pay-offs but the point I want most desperately to make is that "agricultural research and extension are not expenses; they are investments of proven high return."

We are not concerned solely with economics or the production of adequate quantities of food, however. Our prime responsibility has always been *to the people* and the better life which they seek.

A capsule look at some of the present day programs in the College of Agriculture gives evidence that People problems have a high priority. We have, for example, greatly increased research and Extension emphasis in such areas as: (1) environmental quality; (2) consumer health, nutrition, and well-being; and (3) raising the level of disadvantaged people.

Nutrition Aides—Nutrition aides, trained and supervised by Penn State's Cooperative Extension Service, are reaching families from center city to mountain shacks. This unique program was launched in January 1969 with special funds allocated by the USDA for "hiring and training aides to help improve the diets of low-income people and families through education."

Today in Pennsylvania we have 208 nutrition aides working with 14,716 program families in 29 counties. The number of families being reached is expected to double within the year.

Youth—As has always been true, our country's most precious crop is youth. The choices these young people make, the careers they pursue, and the knowledge and skills they gain, will determine this nation's future. Extension's 4-H programs reach more than 100,000 young Pennsylvanians annually, nearly half of them as regular members and the rest through special youth projects such as the TV science and action programs.

Rural Development—40 per cent of the nation's disadvantaged persons live in rural areas. Our Commonwealth has many hard-pressed rural communities facing declining job opportunities and tax bases on one hand, and the need and demand for improved quality of public services on the other. Our Rural Development programs, in the simplest terms, are aimed at making rural areas a better place to work and a better place to live.

Our Rural Development Agents, backstopped by University-based specialists, are working with township and community governments; planning and zoning commissions; authorities and boards; and regional economic development associations to help them evaluate their situations and to develop progressive courses of action. In some cases it is seeking an orderly pattern for growth; in others it is attempting to attract industry to expand job opportunities. Problems of environmental pollution; wise use of land; training programs for youth and retraining programs for unemployed adults; the impact of new highways, such as Interstate 80; the potential for tourism—all are in the realm of rural development. Sometimes it is simply creating an awareness that a problem exists—and that something can be done about it through cooperative effort. Sometimes it is simply advising people where they can find help.

Environmental Concerns—In recent years it has become apparent that much of our own U.S. technology, developed for the benefit of mankind, may be creating an environment that is unsuitable for man . . . as well as other forms of life. It will require great wisdom and much future effort to correct the problems technology has created . . . while retaining its gains.

A considerable amount of Penn State's agricultural and forestry research is directed toward waste management and pollution control as well as other problems affecting the quality of our Pennsylvania environment. Let me give you a few examples:

RECYCLING WASTES

1. For a number of years, Penn State scientists have been pumping sewage effluent onto the land . . . using the soil as a "living filter" to remove the plant nutrients and to restore clean, pure water to the ground table. We know that sewage effluent can be utilized both as a fertilizer and as irrigation water to greatly increase crop and forest yields. (Under conditions of the studies made, 129 acres of land can handle the 1 million gallons of effluent water produced daily in a community of 10,000 persons.)

Recently, a Penn State Forest Hydrologist has applied aspects of this research to another Pennsylvania problem—the revegetation of spoil banks. He has proven that grasses, legumes, and trees can be grown on harsh spoil bank sites by irrigation with municipal sewage effluent and sludge.

2. We know that the nutritive values of much of Pennsylvania's horticultural wastes (684,000 tons produced annually) are such that they might be effectively incorporated into livestock feed rations. These wastes, now a serious problem of the processing industry, could provide a substantial part of the ration for many thousand head of finishing cattle annually. Systems approaches are needed to make such a program feasible.

Other preliminary studies involve the use of aerobically digested soft city garbage; wastes from milk and paper plant operations; utilization of energy and nitrogen from cooked poultry waste; and use of sawdust and similar wood wastes as roughage substitutes in high-energy livestock rations.

3. Pennsylvania, with poultry product sales totaling $165 million last year, has concentrated poultry operations in excess of 250,000 birds. The poultry waste from the Commonwealth's 18 million birds amounts to more than 815,000 tons annually. Penn State Research has shown that this waste can be dried and processed for use as a practically odorless organic fertilizer.

Our researchers are working in numerous areas, other than those I have cited, to obtain the answers needed to solve Pennsylvania's waste management problems. What we are developing, and what we will have as soon as the resources are made available, is an Agricultural Waste Management Center. We plan a full-time continuing staff of qualified people assigned to this Center, whose total responsibility will be to work on the problems of waste management and waste utilization.

FOOD SAFETY RESEARCH

When we talk about improving the quality of our environment, we sometimes forget that man's closest link with that environment is the food he eats. We are concerned about possible health hazards that may accompany our food supply.

A cooperative program with the Pennsylvania Department of Health centers on work with egg, poultry processing and dehydrated foods industries. Products from these areas have been responsible for certain food poisoning outbreaks in the past and they have been unfairly accused in other cases.

In 1963–64 some Pennsylvania milk was dumped because the DDT levels were above the FDA's legal tolerance levels of 1.25 parts per million. Within two years, research and educational programs virtually eliminated the problem and most Pennsylvania dairy producers now have levels below 0.5 ppm.

MOTHER'S MILK UNSAFE

So cow's milk is safe, but what about human milk? With the cooperation of the Greater Philadelphia Childbirth Education Association, we have one of the few studies underway in the country to test pesticide levels in mother's milk. More than half of the 48 mothers being tested (75 per cent of whom are from the Philadelphia area and 25 per cent from Central Pennsylvania) are lactating milk with pesticide levels *in excess* of the FDA tolerance level. Two of the women showing high pesticide levels reported eating "primarily organic or natural foods" having no chemical sprays or fertilizers. Women who have nursed several children seem to have lower pesticide levels, indicating they are passing the residues on to their children. Needless to say, more research is needed in this area.

POPULATION CONTROL

For almost 25 years, personnel at Penn State's Dairy Breeding Research Center have been studying certain aspects of male reproductive physiology related to artificial insemination of dairy and beef cattle. In addition, current research with bulls and rabbits is directed at one of our major world problems—The Population Crisis. Our scientists hope to develop a reversible prevention of sperm maturation within the male reproductive system as a promising approach for an urgently needed *male contraceptive*.

NEED FOR CONTINUING RESEARCH

The need for continuing research and educational programs . . . and public support for these programs . . . is reflected in three current problems facing Pennsylvania agriculture.

1. *Corn Blight*—This disease which I discussed earlier is a mutant of Southern corn leaf blight. It swept through the South and the Midwestern Corn Belt this year. It eventually reached fields in the southern two-thirds of Pennsylvania. Up to 90 percent of our U.S. corn hybrids are susceptible to this fast-spreading fungus. Corn is a major crop in the United States and the problem is frightening.

The nation lost an estimated 14 percent of the 1970 corn harvest. Yes, we have corn and feed grains in reserve—certainly enough to counter-balance the 1970 losses. Our agricultural economists tell us we could absorb a 20 percent loss in 1971 but beyond that we could be in serious trouble.

Pennsylvania corn growers, as a group were not hit as hard as their southern and midwestern counterparts. But we feed more grain than we grow and, of course, the buyer of feed, as well as the eventual consumer of livestock, poultry, and dairy products would eventually be affected by price increases.

You probably noted that news media coverage of this agricultural problem emphasized the "fear" of price increases, not the "fear" of lack of food. In many countries, a crop shortage of real magnitude would mean considerable hardship—perhaps hunger and famine.

When it was evident that Southern Corn Blight could become a major problem, the state agricultural experiment stations and extension services and the USDA responded quickly and effectively. For example, forty scientists and seed producers from New York, New Jersey and Pennsylvania met at Penn State to discuss aspects of the disease and its possible impact. Fortunately we have a pool of germ plasm from which we can immediately transfer resistant genes to the inbred corn lines. This is in progress at Penn State and elsewhere. However, even by rushing into emergency winter production of blight-resistant seed corn in Hawaii, Mexico and South America, U.S. growers figure only 21 percent of the seed corn available to farmers next spring will be of the resistant type. (A full supply of resistant seed is expected to be available in 1972.)

Make no mistake about it; this was a "close one" and we are not out of the woods yet. The history of agriculture is full of documented biological changes which have decimated crops and changed the course of man and nations. The Irish of Boston might still be the Irish of Dublin without the "late blight" of the potato crop. We are also aware of what happened to our fine stands of American chestnut trees . . . and what is happening to our American elms. These biological changes have occurred in the past, are occurring now, and will occur in the future.

2. *Stone Fruit Disease*—Stem pitting has caused severe losses to nurserymen and producers of stone fruit in Pennsylvania and throughout the stone fruit production areas of the East.

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It is estimated that Pennsylvania peach growers alone have lost 75,000 trees with a dollar value of $500,000 and that growers of other stone fruits have lost 30,000 trees valued at approximately $200,000 since the problem was first noted in the mid 1960's.

Pennsylvania nurserymen who supply trees to a wide geographic area have also suffered such severe losses that it is now questionable if it is economically feasible for our nurseries to continue propagating stone fruit trees. Direct losses in discarded trees and in trees given to growers as replacements have varied up to 25 per cent with individual nurseries. These losses have been at least $150,000 since 1967 and continue at a rate above $40,000 annually.

We established a broad based program of research at the fruit research laboratory in Adams County in 1967. We must determine the cause of this disease, its method of spread, and develop control measures if this important Pennsylvania agricultural industry is to survive. A fruit tree nursery improvement program has also been established in cooperation with the USDA with a goal of producing virus-free trees.

3. *Gypsy Moth*—The gypsy moth is the most destructive forest pest in the eastern United States and now infests nearly one-half the land area of Pennsylvania. Trees have been defoliated in urban, suburban and agricultural areas as well as in forested areas. Watersheds are damaged and the forest ecology is extensively disrupted.

Gypsy moth infestations in Pennsylvania were reduced below detection levels by 1951 using aerial applications of DDT. This pesticide was outlawed for gypsy moth control by the Pennsylvania Department of Agriculture in 1963. The substitution of the carbamate "Sevin" has resulted in only limited control in areas placed under treatment.

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By 1970, ten million acres were infested in the Commonwealth and approximately 11,000 acres of forest land were completely defoliated in Monroe and Pike Counties. There is a good probability of a ten-fold increase in defoliation to more than 100,000 acres in 1971.

Hope for control rests in research leading to development of new biological and nonchemical control techniques. The gypsy moth sex attractant has been synthesized in the laboratory. It is extremely effective in pulling male moths into traps where they can be destroyed. Also, this female sex odor may possibly be used to saturate the habitat and thus make the male unable to orient to find the female.

A polyhedrois virus is also known to occur in nature that is lethal to the larvae. However, considerable research needs to be done to develop efficient technics for use.

CONCLUSION

Agriculture and rural areas have many other problems, some of which are indicated in Table 2, but agriculture is nonetheless "the strongest weapon in the U.S. Aresnal."

We are capable of maintaining the dynamic nature of our programs providing that influential men like you and your associates will help to make the necessary resources available.

TABLE 2

Some of the problem areas in Pennsylvania requiring early agricultural research and education attention:

Agricultural waste management.

Low income and development problems of rural Pennsylvania.

Gypsy Moth.

Pesticide replacement by biological or other control means.

Improved timber production.

Nutrition expansion.

Food contamination control.

Southern corn blight.

Stone fruit decline disorder.

Expansion of youth programs.

THE MOYNIHAN STATEMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. SCHWENGEL. Mr. Speaker, it is seldom in our time that we have the opportunity to learn, to be inspired by, and moved by political rhetoric. Too often the political rhetoric of recent years has been an appeal to selfish interest, to sectional problems, and on occasion to the baser instincts of people. Too often what we say will not live, or be good to look back on.

Mr. Speaker, a reading of American political literature of the past will reveal that statements by political leaders at critical moments have measured high and what they said has turned out to be not only for their time, but for all time. They had their influence for good. What they said and what we did in response has added to our heritage, enhanced our stature, and strengthened our character. Greatness comes from this.

Mr. Speaker, once again in our time we are privileged to learn anew of our political assets and our present political leadership, and from this to get our bearings, to find our base from which we operate and serve. I am speaking, Mr. Speaker, of the magnificent summary of 2 years with an administration by Dr. Daniel Moynihan. He is going to be listened to, as he should be, because of the respect he has earned among his close associates, especially the intellectual community, and most of all because of his experience as a Democrat with a Republican administration

He will be listened to also, because of the circumstances that prevailed and the place he gave us his summary. The circumstances is his retiring from the Cabinet to go back to a place where he can help explore, probe, and influence the minds of preparing citizens at a great university, and the place was, of course, at the White House at a Cabinet meeting before men of great experience and stature and deep conviction. As he points out how because of the assets we have and because of who we are, America is still the hope of the world.

Mr. Speaker, this speech should be read and pondered on by every American citizen of whatever political complexion, faith or belief, for it comes from a committed man, an honest man, and a man of great mental ability and greater intellectual honesty. This type of political rhetoric coming from this kind of man can help to bring a much needed stability to our time. It can reestablish our faith in the system, but all this rhetoric is for naught, if we do not respond to it. And respond we must in the areas where the real problems are. We must recognize that in today's world, he who refuses to change, wastes his resources.

Mr. Speaker, this statement, this dissertation, this eloquent reminder is calling upon us, is challenging us to change so that we can take advantage of the resources and not continually lose them.

I would like, Mr. Speaker, to comment and to elaborate on the statement, but it speaks better for itself than anyone can speak for it. It is as Sandburg said of Lincoln, "his own words speak better than any we could say about them."

And so I join with my many colleagues and especially the gentleman from Massachusetts in a request to have the statement in the CONGRESSIONAL RECORD, where it may become a part of the RECORD and be available for reading to an estimated 60,000 people who read the RECORD, and with the hope that this may inspire and encourage others, especially those in the public service media to comment further and extensively on this magnificent political literature that now too has become part of our heritage:

COUNSELLOR TO THE PRESIDENT DANIEL PATRICK MOYNIHAN

(NOTE.—Dr. Moynihan's remarks at a Cabinet meeting prior to his return to private life, December 21, 1970.)

Mr. President, Mr. Vice President, members of the Cabinet: I feel, sir, not unlike a character in one of the Disraeli novels of whom it was said he was a man distinguished for ignorance, as he had but one idea, and that was wrong. It was my presumption that after Secretary Rogers and Dr. Shultz had spoken that there might be still something of very great import that I might say.

If that is not the case, I think it may be just as interesting to find how very consummate are the things which the three of us have chosen to say on this occasion, suggesting that there is some reality to which we are responding.

As the President has said, we are now in the middle of the journey. Where it will end we do not know. It is no longer even clear where it began, our senses having long since been dulled by the relentless excess of stimulus which is the lot of any who involve themselves in American government.

It may be of some use, then, to try to reconstruct the circumstances in which the President was elected and formed his administration just 2 years ago.

It seemed the worst of times. It was the habit then to speak of the Nation as divided, and to assert that the situation was grave beyond anything since the Civil War itself. This was misleading. The country was not so much divided as fragmented; it was coming apart. The war in Asia, undeclared and unwanted, misunderstood or not understood at all, pursued by decent men for decent purposes but by means, and with consequences, that could only in the end be heartbreaking, had brought on an agony of the spirit that had had no counterpart in our national experience.

The agony was elemental, irresolvable, and nigh to universal. No matter what one's view of the Nation might be, events in Vietnam contradicted that view. Not long before the war in Asia began, a French Dominican priest wrote that "Either America is the hope of the world, or it is nothing." An astonishingly large cohort of Americans concluded, in the course of the 1960's, that it was nothing.

The agony of war was compounded by and interacted with the great travail of race which, once again, not so much divided as fractured the society. Racial bondage and oppression had been the one huge wrong of American history, and when at last the Nation moved to right that wrong the damage that had been done proved greater than anyone had grasped.

An ominous new racial division made its appearance, and with it also a new sectional division, unattended and underappreciated, but not less threatening.

The economic vitality of the Nation was imperiled. The war disrupted the economy and then dictated that the onset of peace would do so as well.

In such circumstances confidence in American government eroded. Government was not to be believed, nor was much to be expected of it—save fear. Government had begun to do utterly unacceptable things, such as sending spies to the party conventions in 1968.

It all comes together in the story of the man who says, "They told me if I voted for Goldwater there would be half a million troops in Vietnam within the year. I voted for him, and by God they were right."

How then could it have been otherwise than that the election of 1968 would begin in violence and end in ambiguity? It was clear enough who had won, albeit barely, but not at all certain what had won.

Then came the President's Inaugural Address with its great theme of reconciliation, and restraint, and—in the face of so much about which we comprehend so little—reserve. "Few ideas are correct ones," wrote Disraeli, "and what are correct no one can ascertain; but with words we govern men."

Those words of January 20, 1969, were and remain the most commanding call to governance that the Nation has heard in the long travail that is not yet ended.

How, by that standard, would one measure the 2 years now past? Not, I think, unkindly. To the contrary, the achievement has been considerable, even remarkable.

In foreign affairs the Nation has asserted the limits of its power and its purpose. We have begun to dismantle the elaborate construct of myth and reality associated with the cold war. The war in Asia has receded, the prospect of arms limitation has gradually impressed itself on our consciousness, the possibility of containing the endless ethnic, racial, and religious conflicts that may now become the major threat to world order has become more believable as here and there things have got better, not worse. The prospect of a generation of peace has convincingly emerged.

In domestic matters events have been similarly reassuring. Far from seeking a restoration of outmoded principles and practices with respect to issues of social justice and social order, the President, on taking office, moved swiftly to endorse the profoundly important but fundamentally unfulfilled commitments, especially to the poor and oppressed, which the Nation had made in the 1960's.

He then moved on to new commitments to groups and to purposes that had been too much ignored during that period, and beyond that to offer a critique of government the like of which has not been heard in Washington since Woodrow Wilson.

In one message after another to the Congress, the fundamentals of governmental reform were set forth. More was required of government, the President said, than simply to make promises. It had to fulfill them. It was on this bedrock of reality that trust in government must rest. The restoration of trust would depend on this.

Since that time, mass urban violence has all but disappeared. Civil disobedience and protest have receded. Racial rhetoric has calmed. The great symbol of racial subjugation, the dual school system of the South, virtually intact 2 years ago, has quietly and finally been dismantled.

All in all, a record of some good fortune and much genuine achievement.

And yet how little the administration seems to be credited with what it has achieved. To the contrary, it is as if the disquiet and distrust in the Nation as a whole has been eased by being focused on the Government in Washington. One thinks of President Kennedy's summation: life is not fair. But there is something more at work than the mere perversity of things.

In a curious, persistent way our problem as a nation arises from a surplus of moral energy. Few peoples have displayed so intense a determination to define the most mundane affairs in terms of the most exalted principles, to see in any difficulty an ethical failing, to deem any success a form of temptation, and as if to ensure the perpetuation of the impulse, to take a painful pleasure in it all.

Our great weakness is the habit of reducing the most complex issues to the most simplistic moralisms. About Communism. About Capitalism. About Crime. About Corruption. About Likker. About "Pot". About Racehorses. About the SST. Name it.

This is hardly a new condition. De Tocqueville noted it a century and a half ago. "No men are fonder of their own condition. Life would have no relish for them if they were delivered from the anxieties which harass them, and they show more attachment to their cares than aristocratic nations to their pleasures."

But in the interval this old disposition has had new consequences. What was once primarily a disdain for government has developed into a genuine distrust. It has made it difficult for Americans to think honestly and to some purpose about themselves and their problems. Moralism drives out thought.

The result has been a set of myths and counter myths about ourselves and the world that create expectations which cannot be satisfied, and which lead to rhetoric of crisis and conflict that constantly, in effect, declares the government in power disqualified for the serious tasks at hand.

The style which the British call "muddling through" is not for us. It concedes too much to the probity of those who are trying to cope, and the probable intransigency of the problems they are trying to cope with. In any event, in so intensely private a society it is hard to get attention to one's own concern save through a rhetoric of crisis.

As a result, we have acquired bad habits of speech and worse patterns of behavior, lurching from crisis to crisis with the attention span of a 5-year-old. We have never learned to be sufficiently thoughtful about the tasks of running a complex society.

The political process reinforces, and to a degree rewards, the moralistic style. Elections are rarely our finest hours. This is when we tend to be most hysterical, most abusive, least thoughtful about problems, and least respectful of complexity.

Of late, these qualities have begun to tell on the institution of the Presidency itself. A very little time is allowed the President during which he can speak for all the Nation, and address himself to realities in terms of the possible. Too soon the struggle recommences.

This has now happened for us. We might have had a bit more time, but no matter. The issue is how henceforth to conduct ourselves.

As I am now leaving, it may seem to come with little grace to prescribe for those who must stand and fight. I would plead only that I have been sparing of such counsel in the past. Therefore, three exhortations, and the rest will be silence.

The first is to be of good cheer and good conscience. Depressing, even frightening things are being said about the administration. They are not true. This has been a company of honorable and able men, led by a President of singular courage and compassion in the face of a sometimes awful knowledge of the problems and the probabilities that confront him.

The second thing is to resist the temptation to respond in kind to the untruths and half truths that begin to fill the air. A century ago the Swiss historian Jacob Burckhardt foresaw that ours would be the age of "the great simplifiers," and that the essence of tyranny was the denial of complexity. He was right. This is the single great temptation of the time. It is the great corruptor, and must be resisted with purpose and with energy.

What we need are great complexifiers, men who will not only seek to understand what it is they are about, but who will also dare to share that understanding with those for whom they act.

And, lastly, I would propose that if either of the foregoing is to be possible, it is necessary for members of the administration, the men in this room, to be far more attentive to what it is the President has said, and proposed. Time and again, the President has said things of startling insight, taken positions of great political courage and intellectual daring, only to be greeted with silence or incomprehension.

The prime consequence of all this is that the people in the Nation who take these matters seriously have never been required to take us seriously. It was hardly in their interest to do so. Time and again the President would put forth an oftentimes devastating critique precisely of their performance. But his initial thrusts were rarely followed up with a sustained, reasoned, reliable second and third order of advocacy.

Deliberately or no, the impression was allowed to arise with respect to the widest range of Presidential initiatives that the President wasn't really behind them. It was a devastating critique.

The thrust of the President's program was turned against—him! For how else to interpret an attempt to deal with such serious matters in so innovative a way, if in fact the effort was not serious.

It comes to this. The Presidency requires much of those who will serve it, and first of all it requires comprehension. A large vision of America has been put forth. It can only be furthered by men who share it.

It is not enough to know one subject, one department. The President's men must know them all, must understand how one thing relates to another, must find in the words the spirit that animates them, must divine in the blade of grass the whole of life that is indeed contained there, for so much is at issue.

I am of those who believe that America is the hope of the world, and that for that time given him the President is the hope of America. Serve him well. Pray for his success. Understand how much depends on you. Try to understand what he has given of himself.

This is something those of us who have worked in this building with him know in a way that perhaps only that experience can teach. To have seen him late into the night and through the night and into the morning, struggling with the most awful complexities, the most demanding and irresolvable conflicts, doing so because he cared, trying to comprehend what is right, and trying to make other men see it—above all, caring, working, hoping for this country that he has made greater already and which he will make greater still.

Serve him well. Pray for his success. Understand how much depends on you.

And now, goodby, it really has been good to know you.

(Note.—Dr. Moynihan spoke in the East Room at the White House before the annual year-end meeting of the Cabinet and sub-Cabinet officials.

(As printed above, this item follows the text made available by the White House Press Office. It was not issued in the form of a White House press release.)

HEALTH CARE CRISIS DOCUMENTED

HON. EDMUND S. MUSKIE

OF MAINE

IN THE SENATE OF THE UNITED STATES

Tuesday, December 29, 1970

Mr. MUSKIE. Mr. President, the grave problem of deficiencies in all areas of

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health manpower in our Nation must be met quickly. It is a complex area, involving numbers and distribution, as well as possibilities of new kinds of health workers.

Two papers dealing with these problems have recently come to my attention. One is an article appearing in the November issue of Medical Opinion and Review by Dr. George James, president of the Mount Sinai Medical Center and dean of the Mount Sinai School of Medicine of the City University of New York. The other is a speech by Dr. Joseph English, president of the New York City Health and Hospitals Corp., which earned him a standing ovation from members of the Association of American Medical Colleges at its annual convention.

Dr. James' article deals with some of the problems of health manpower, and points at the serious difficulty facing medical schools because the Federal Government has not kept its earlier promises of financial aid to institutions and students. He also suggests a number of interesting approaches to the problem of distribution of manpower.

Dr. English's speech deals with the present administration's lack of leadership in the field of health. It documents the fact that the Congress has taken the leadership to press for increased appropriations so desperately needed by medical schools, and also for increased funding for loans and scholarships for medical students.

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I hope my colleagues will study these two documents. They provide excellent background material as we prepare to act on extending the Health Manpower Act of 1968 due to expire next June. Mr. President, I ask unanimous consent that the text of both appear in the RECORD at this point.

There being no objection, the article and speech were ordered to be printed in the RECORD, as follows:

A MATTER OF OPINION: CRITIQUE OF SEVERAL PROPOSALS FOR INCREASING THE NUMBER OF PHYSICIANS

(By George James, M.D.)

There has been fairly general agreement that we need more physicians as soon as possible. The single most important cause of this need is the growing willingness of the people to pay for medical care, through tax funds, or third-party payment-systems, or directly through fee-for-service payments by individuals. The physician shortage is an effect of marketplace events, not an expression of an unmet health-need of the American people.

Nevertheless, the nation could profit from a large increase in the number of physicians. Large sections of the population do not have physicians at all, and there does not appear to be any surplus of physicians waiting to enter these areas. Of course, training more physicians does not automatically increase their numbers in medically deprived areas; however, it seems a necessary first step, if we are ever to bring physicians to where we are needed most, that there be more of us.

The only question is: whence will they come? Importation is not the answer. "Theft" or "enticement" of physicians from foreign countries, when their physician shortages far exceed ours and when we obviously have at our disposal other means of solving our problem, offends our better senses of national responsibility in the world community of man and brings forth strong objections, of course, from the foreign nations.

A better idea is that we create many new medical schools within our own borders. Unquestionably, there are a great number of universities that could sponsor medical schools, and there are a large number of well-organized hospitals that could, with some additional effort, become the teaching institutions for these schools. But the big problems here are cost and time. Starting a medical school today costs in the range of 100 million dollars, and it is usually eight to ten years from the university's first acceptance of the idea to the entrance of the first class. This process might be telescoped somewhat, but, even if there were the greatest determination on the part of state, federal, and local governments, with almost unlimited funds available from government and private sources, we could not expect to reduce the lag to less than ten years from decision to first graduating class. And the accelerating demands for physician care will not wait even that long.

NECESSARY INTERIM MEASURES

This does not mean that the effort to start new schools should be abandoned. I believe very strongly that it must not. The momentum that was developed in the past decade, during which twenty new schools were begun, is not exhausted; some additional schools will be founded in the next few years. Unless the program is renewed by the federal government, however, it looks as though there will be a definite slowdown in the rate of new-school development—and the federal government has not seen fit to invest any new, large sums of money in this direction. Other methods for increasing the number of physicians in the interim are essential, but, without concurrently establishing new schools, we only delay an inevitable hiatus.

The other major method that has been energetically supported is expansion of classes at existing medical schools. There is little doubt that the medical schools could expand, given the inducements and the help, but many persons who urge this expansion do so too glibly, without considering all the facts. Some have accused medical-school faculties of not wanting to expand because it would require increased effort on their part. Others have denounced modern training of medical students as too elaborate and have proclaimed that, if we redirected existing resources, we could train twice as many students as we do now—and at less cost. Each of these viewpoints is partially correct, but, in the main, a program for increasing the size of classes should be designed on the basis of sound analysis of all the facts and problems—not by accusing medical educators of lack of initiative.

For example, there are hidden costs in the enlargement of the student body. One of the most important of these concerns faculty. We are told that, since the medical-school plant operates primarily in the daylight hours, we ought to develop a night shift. Obviously, this would require an entire new faculty; we could hardly ask existing daytime faculty to serve both day and night. But I know of no medical school in the country that has evidence it could recruit high-quality faculty to work a steady night-shift. If any group feels this is feasible, they should make it part of a demonstration program. Presumably, if they succeed—making student body and faculty content with the system—this model could be rapidly adopted in the rest of the nation. Certainly it is a simple way to meet the problem in the basic years. In any case, however, where are the funds to come from to pay two full faculties?

STUDENT MAINTENANCE COSTS

Another problem is that, unless one wants to attract students only from the wealthy portion of the population, extra funds have to be garnered to pay that portion of the cost of a medical education that reasonable rates of tuition do not meet. Tuition now covers, on average, one-sixth of the cost of education. Moreover, since the trend is to recruit more students from minority and deprived groups (roughly in proportion to their numbers in the total population), it is frequently necessary that even the tuition must be met by institutional funds. At the present time, my medical school has one-third of its tuition payments met through scholarships. In addition, many of our students, particularly those from the black minority group, need assistance for living quarters and a stipend for food and other personal expenses. We pay subventions for students' apartments, furniture, and some other items. We buy some expensive study equipment outright and rent it to the students for a nominal charge. If the number of students increases, our costs go up, and out situation is certainly not unique.

SCHOOLS RISK A DEFICIT

As far as I know, no one has yet done a solid investigation of all the hidden charges and made *that* the basis of recommendations for giving medical schools the inducements to increase their student bodies. The federal government's program of inducements has ignored the fact that medical schools even now receive insufficient funding to meet costs. Offering a medical school, with a teaching program running a deficit of one or two million dollars a year, a sum of money to cover admission of new students, so that the deficit will increase, is at best anachronistic. And the school risks still greater deficit in the event the federal program that induced them to take on more students should be phased out in subsequent years, as so many support programs have been. As things stand, without such long-range programs or commitments, an individual institution increases its own commitment only at great peril.

Consider what happened with the scholarships and student loans from the federal government: HEW stimulated recruitment of minority students by offering these grants. The stimulus worked, and the number of such students increased because of it; but the number of grants has remained constant, and the burden has fallen on the schools to fill the gaps. I think it must be said that, if there is to be any major increase in the number of new students by this route in the next few years, then we need a vast transfusion of federal funds across the land to meet the true costs of education—for the additional and traditional numbers of students. If this were done, then most of the large medical centers could boost the number of students they train, and could do so quickly.

A corollary exists in the plan to enable the undergraduate colleges to expand some of their science departments to include the basic-science courses of the first two years of medical school. This would be an amazingly effective way to cut back the need for new construction. If undergraduate departments of biology, chemistry, physics, etc., expanded and developed new courses in physiology, anatomy, pharmacology, microbiology, etc., and each admitted a small group of students—say, ten—an enormously enlarged crop of students would be made available for studies of clinical medicine. Here the delay would be only two years—just time enough for the medical schools to gear up for the admission of vastly enlarged third- and fourth-year classes. Planned properly and well-supported by federal funds, this approach would be eminently feasible.

CAN ANY PLAN WORK?

A few programs of this type are already in trial. The State of Indiana is supporting the teaching of such basic sciences to several students at Purdue and at Notre Dame. These students will eventually take their clinical studies at the University of Indiana School of Medicine. A similar program is being set up by the State of Illinois. If this became a nationwide project—with, say, 700 colleges each giving preclinical coursework to only four or five potential medical students—3,000 additional students would be readied for the existing clinical-teaching plants of the nation, and without expansion of facilities. And yet the existing 100 or so medical schools could not now comfortably absorb into their clinical-teaching programs more than about one-third of this total. In other words, without adequate supports at *all* levels, even the most economical plan cannot be made to work. And, of course, because the states haven't the resources to do this job alone, it is up to the federal government.

Ideas for increasing the physician population are often tied to a plan to train more general practitioners and fewer researchers, academicians, and specialists. The feeling is that the American people want family doctors, that what the urban ghettos need are GPs, and that we are wasting a good deal of manpower on training cardiologists, neurosurgeons, and so on, when what we really need are first-level, primary physicians. Advocates of this approach have recommended that many of our community hospitals could serve excellently as training points for clinical medicine. Elaborate classroom training, such as only the large university medical center can readily provide, is not needed; it is said. We teach too much biochemistry and anatomy anyway, while the real need is for a turn toward the apprenticeship method of learning clinical medicine.

All of these suggestions are intriguing and stimulating; they are even relevant. But they are very dangerous if taken at face value, without comprehensive analysis. I won't attempt that now, but I will point out that, for example, contrary to widespread opinion, GPs are not reproducing themselves.

PRESSURE FOR GENERAL PRACTICE

Despite their great interest in humanistic medical care, students are still flocking to the specialties. Various methods—some of the penalty type, some of the coercion type—have been suggested for reversing the trend. Some suggest that every physician be required to spend two years in general practice before he can undertake specialty studies; others, that certain medical schools be supported by state and federal funds only if they promise to produce GPs either primarily or exclusively. One state had before its legislature a measure that would deny a license to an MD unless he had spent at least six months in an internship assigned by the Commissioner of Health; presumably this was to force him into some rural area or urban ghetto in a community hospital not generally recognized as having teaching excellence.

But if the nation agrees that it needs more general practitioners, penalty systems are not the answer. I see no value in a school professedly training as GPs those students who enter that school only because they can be admitted easily, but who promptly after graduation lay out their plans for specialization. I also do not think it wise to create a double standard in medical-school status—one class being more academic, more high-powered, more specialization-oriented, and the other less sophisticated and earning a reputation for having received something-less-than-excellent training to make them adequate, but not top-flight, general practitioners. Far wiser, it seems to me, is that each school provide many tracks for its students, including a strong GP track—one that is competitive, in terms of inducements and attractions, with those of the specialties.

In the meantime, we need a better set of models of how GPs are going to work after they are trained. It may be that the pattern of general practice we usually have in mind is no longer viable, or won't be in the coming years. The GP of the future will presumably be involved with complex arrays of equipment and with extensive followup procedures that engage the services of many allied health professionals.

RESTRICTION OF FIELD

Perhaps what we need, after all, are more GPs of this kind who will work in teams and go periodically from more central headquarters (possibly with elaborate mobile equipment) to serve an area for a period of months and then circulate back to the parent program. If this is to be the case, I think it would be much easier to recruit students to the general-practice track. And still, in this era, one cannot neglect the ladder effect of career development. One would not want to recruit a man into a form of medicine from which he had no escape should he change his mind.

As for the role of the community hospital in teaching, it is extremely important that the medical student learn not only the facts of present medicine, but also the basic mechanisms of health and disease. Medical school must prepare him for the dual responsibility of practicing medicine as he has learned it and continuing the learning process throughout his life, so that he can always be relevant. Medicine is changing so rapidly that students must be graduated from school with the ability and motivation for self-teaching and the undertaking of postgraduate education. It is still to be determined whether an apprentice-type program in a community hospital, without a strong relationship between classroom and bedside, and often without full-time chiefs of service (or with part-time chiefs whose primary dedication might be to activities other than teaching), can achieve this kind of graduate. Also, the community hospital often operates as a series of separate clinical departments in loose confederation around a nonmedical administrator who maintains the budget and who administers, but who does not accept the responsibility of leadership for the academic and clinical program. High-quality medical education still requires total orientation to education and leadership from a staff so oriented. Then, too, community hospitals are built for service; tooling up for education would be, again, a costly and lengthy procedure.

People who can think back to the Flexner Report of 1910 do not believe it would be desirable for us to lower standards of medical education now in 1970. We want to maintain quality even while we pursue quantity. The problem of overtraining can be handled by allowing students to elect various tracks of specialization, including general practice. I believe that we can't force or coerce students into general practice, but I also believe that, if the medical school is associated with good medical-care practice-models for rural and urban health, its students will see opportunities in these clinical fields.

ASSISTANCE IN ALL AREAS

One way, therefore, that the government could provide significant aid would be by investing heavily in helping medical schools establish practice-models for the distribution of care to the community. In fact, such support should help each school serve several communities—rural, urban, labor-union, industrial-plant, and so on. Each such community demands first-level applied medicine. But, precisely because we cannot lower standards, cannot coerce students, and cannot regiment physicians, the increase of any group of physicians necessitates increase of all. And if we have more students and, eventually, more medical schools, we will certainly need more teachers. They have to be produced now. Were the government to provide assistance in all areas—including continued support of research, and a working program of inducements to universities to expand their basic-science departments, plus long-range planning and methods of upgrading the community hospitals within a reasonable period of time—then all of the problems we find today would be capable of resolution.

REMARKS BY JOSEPH T. ENGLISH, M.D.

To the country as a whole, the health care crisis was identified as such, on July 10, 1969 when President Nixon spoke to the issue as follows:

"This Nation is faced with a breakdown in the delivery of health care unless immediate and concerted action is taken by Government and the private sector. Expansion of public and private financing for health services is far in excess of the capacity of our health system to respond. The result is a crippling inflation in medical costs, causing vast increases in government health expenditures with little return, raising private health insurance premiums and reducing the purchasing power of the health dollar of our citizens."

Disturbingly, this description of a basic imbalance between the financing of health care services and the capacity of the health care system to respond is no less accurate today than it was a year and a half ago. How have we come to this point? What is being done about it today? What must be done in the future?

The lessons of recent years have sharpened our focus and perspective. Our nation has come to recognize two important myths—myths which impede our efforts toward progress in meeting the health needs of our people.

The first myth held that a major investment of money and talent in bio-medical research would result in advances that would be automatically transmitted throughout the health care system to the benefit of all. The investment was made. Dramatic advances were the result. We saw progress in every field of medical science and technology, making our nation's centers of medical excellence second to none in the world.

But the translation of these advances into the day-to-day practice of medicine did not occur. Rather, the gap widened between the best which medicine could offer and what was available to vast numbers of our people. Committed to the important work of advancing medical knowledge, our medical schools became over-dependent upon Federal research support for other important activities, such as education and community service.

The second myth held that a mainstream of American medical care existed, and that the only barrier between this mainstream and millions of our people was the lack of money to pay for these services. It was assumed that if these citizens were provided a money ticket into the system, they would then be able to partake of quality medical care. This assumption was seldom questioned, and the great national debate centered on whether the money ticket was to be from public or private resources.

The result of the economic and ideological dialogue which ensued was the enactment of the Social Security amendments of 1965, creating Medicaid and Medicare. A significant step forward was taken in the development of a financial structure to support health services. But only recently have we begun to understand how incomplete a strategy this legislation was.

What have been the consequences of an incomplete strategy based, to some extent, on a series of myths? First, the demand for health services has reached an unprecedented scale. Medical progress in the past 30 years has increased realization of what the physician can offer. Health services are perceived as related to the right to life itself. Provided with real purchasing power, the American health consumer has placed enormous stress on the capacity of the American health enterprise to respond.

XUM

This strain has been compounded by the maldistribution of health manpower, particularly physicians, who are moving away from the rural areas of our country, away from the urban core, and into the suburban communities surrounding our great cities. In 1943, the doctor-patient ratio in the inner cities was one to 500, and in the surrounding suburban communities was one to 2,000. By 1968, it had become one to 10,000 in the urban core and one to 500 in the suburbs. So much for the myth of the mainstream.

It has been in the cities of our nation, where the majority of Medicaid beneficiaries reside, that increased demand for health services has been most pronounced. It is in the cities where our capacity is most severely strained. In one 55-block area of Harlem recently studied, 50 physicians served 25,000 residents 25 years ago. Today, five physicians struggle to serve a population grown to 50,000. A physician in a situation such as this often bears double and triple the load he carried before, and inevitably finds difficulty in providing every patient with the highest quality care. The sheer number of patients seeking his attention forces him to put those who are really ill into hospitals. Many of these patients might have been otherwise cared for outside of the hospital. This strains our already over-taxed hospital resource. This is further aggravated by financing mechanisms which support hospital care far better than out-patient care.

In the South Bronx of New York, the 346-bed Lincoln Hospital now serves as primary health resource to some 350,000 of New York's most medically needy citizens. In its tiny emergency room, now the third busiest in the nation, some 500 patients a day are seen in a facility and by a staff never intended to bear such a load. In these situations we risk dilution of the quality of care. Further, we find increasing inequities and indignities in the human relationships involved in health services. The personal and human attention so basic to the healing process becomes progressively more difficult to assure.

In the rural areas of the country, the problem is no less acute. In rural counties physicians lost through death and retirement are not being replaced. Over 412,000 people in 115 counties scattered through 23 states do not have any physicians poviding patient care in their counties. There is no place at all to cash in the money ticket.

Faced with an increased demand, and dilution in the quality of services for a major portion of our population, inflation in health costs has increasingly attracted the attention of Americans and their congressional officials. Last year public-private expenditures for health services in this country exceded $63 billion. Inflation in this massive segment of the economy has exceeded that in any other. The nation's medical bill has increased 500% during the past twenty years. Health insurance premiums have been increasing at the rate of 10% a year. Hospital costs have increased 82% in the past five years. In the last fiscal year the federal contribution to the $63 billion enterprise was $18 billion—a figure larger than the national budget of all but five countries in the world. Of this $18 billion, $14 billion was devoted to the financing of health care—to the issuing of money tickets.

These are the elements of the health care crisis we face today. The growing reaction of an aroused public is the major new factor. In the halls of Congress and in the headlines of our national press we see the stirrings of a public now questioning those in whom they had placed their trust for the assurance of accessible, high-quality health services. The health professions, and medicine in particular, are receiving increasing public scrutiny. I would suggest that, unless we respond by effective action in the public interest, the reaction of an increasingly concerned public will eventually impose drastic changes which will work neither to the benefit of the patient nor the provider.

There are several major issues which must be confronted.

First, the national shortage of health manpower and institutions is real. But beyond the training of larger numbers of health professionals, the means must be developed to deal with the serious maldistribution of health manpower and resources.

Second, pouring resources into payment for health services without comparable investment in our capacity to respond to increased demand produces staggering inflation. A qualitative balance in the Federal health investment must be struck. This has not been done.

Third, important advances in medical research and technology still have not reached the public at large. Effective incorporation of new discoveries into the daily delivery of health services *must* be assured.

Fourth, medical schools are vulnerable today because of their over-dependence for many functions on federal research dollars. Realistic financing for the educational and service responsibilities of medical schools must be guaranteed.

Finally, the system through which health services are organized and delivered has serious inadequacies requiring effort on many fronts. New organizational models for health care delivery must be supported, studied and compared. Incentives both for consumers and providers of health services must be developed and tested. In order to be sure that the vast talent of the nation's medical schools contributes to these efforts, departments of social and community medicine must be supported. It is here that the vital union of education, service, and research can be directly focused on solving some of our most severe problems.

At a time when the health professions are entering what could be the most critical decade of the century for the future of our nation's health effort, at a time when public unrest is moving us toward new approaches to the problem which would have been unthinkable ten years ago, what kind of leadership and response are we getting from Washington?

This is the saddest fact of all. The evident lack of attention to the health needs of the American people is a matter of public record:

(1) The nation's number one health official has had to publicly lament his exclusion from the decision-making process in the White House.

(2) The new Secretary of HEW was not consulted by the White House staff before the Presidential Veto of a major piece of health legislation: the Hill Burton Program.

(3) At this very moment, it is still impossible to identify anyone on the largest White House staff in history who has responsibility or competence in this major segment of our economy and national life.

(4) In a year which the Administration itself defined as one of major crisis, there was no Presidential Health Message.

Meanwhile, the Federal Government will quantitatively increase its expenditures for Health next year by $2 billion in a way which contributes to the present inflationary spiral. But it has developed no strategy for making this increase produce the qualitative impact so needed if the public interest is to be served.

Despite the urgent need for investment in increasing our capacity to respond to new demand, it is in this area where the administration seeks false economy.

It has been the Congress this year which pressed for an increase of $411 million over the administration's budget for support of bio-medical research, medical education, comprehensive health planning and health services research and development.

It has been the Congress which pressed for increases in expenditures for medical facilities construction, the Regional Medical Programs, mental health, and communicable diseases control.

Despite drastic inequities in our medical educational system in which 40% of the nation's medical students come from families in the top 5% income bracket, the Administration cut back financial aid programs for medical students last year. It has been the Congress, with the encouragement of this Association and the Student American Medical Association, which pressed the administration for an additional $18 million for student assistance this year.

When a score of our medical schools are on the verge of financial collapse, it is again the Congress that takes the initiative in pressing an administration, deaf to its own health officials, for an additional $16 million for institutional support and an additional $24 million for health research and education facilities.

I would contend that this not so benign neglect of a $63 billion segment of our economy can do nothing but further cripple our capacity to provide services important to life itself, and to aggrevate the reaction of a frustrated public.

But perhaps the most insidious aspect of the current situation is the fostering of a climate which could divide into meaningless competition the three inseparable parts of our health effort: research, education and service. When resources are scarce, individuals and institutions whose primary commitment has been to one of these areas may fall into the easy trap of attempting to protect their interests at the expense of other equally vital areas. In the face of famine, there is a temptation towards cannibalism. Only the most simplistic analysis of the current crisis would allow such a course.

Research has led and will continue to lead to heightened medical capability without which the whole medical enterprise will wither and die. All our efforts will be futile if our capacity to produce increased numbers of physicians and other health professionals is not assured. Without financing mechanisms which at once remove monetary barriers for those who need health services and provide incentives for the more rational organization and delivery of health care, we can never meet our responsibility to the American public.

I would suggest that the callous indifference at the highest levels of our government to the health crisis in America exposes above all our own inability to organize effectively and to argue persuasively for the rational support of the American health enterprise. This indifference requires that we rise above our more parochial concerns to organize an effort in the public interest which combines our forces more effectively.

In the past there has been ample evidence of the leading role that medical educators and schools of medicine can play in such an effort.

Tufts University School of Medicine moved to sponsor two of the pilot Neighborhood Health Centers in cooperation with the Office of Economic Opportunity. These centers, established in the Columbia Point section of Boston and in Mound Bayou, Mississippi, served as early models of the effective social involvement of medical educational institutions in the health problems of the poor.

When government confronted the problems of the Watts community here in Los Angeles, the University of Southern California School of Medicine, then under the direction of Dr. Roger Egeberg, took the initiative to accept major responsibility for the medical aspects of that task. Today over half the nation's medical schools are involved in the operation of Neighborhood Health Center programs.

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Early in the '60's the municipal hospitals of the City of New York were faced with the serious consequences of a failure to attract enough house staff and attending physicians. The City's commitment to provide health services to the medically indigent was in danger of breach. Under the brilliant leadership of Dr. Ray Trussell, then Commissioner of Hospitals, the affiliation plan was born. Through this plan, the City contracted with medical schools and voluntary hospitals for the provision of professional services. Since 1961, the medical schools of New York have helped to provide quality care to millions of New Yorkers while leading in the development of some of the nation's finest physician training programs. We are now involved, through the newly created New York City Health and Hospitals Corporation, in efforts intended to further develop this public-private partnership. But this example reminds us that in a time of great need, the medical schools of the City responded with energy and responsibility in helping with *that* health care crisis.

Today the Albert Einstein College of Medicine, an institution nationally known for its high standards of academic excellence and its contributions to basic bio-medical research, has begun to rise to the new challenge. At the Lincoln Hospital which I mentioned earlier, the school is developing training programs for students and house officers which will assure medical excellence but which will also deal realistically with the needs of a hospital and a community where health conditions are in a state of near disaster. Beyond its concern with the South Bronx, the College is moving toward an holistic approach to health problems and is taking a leadership role in the development of a more rational planning of health services for the entire Bronx. The College's response to the basic needs for health care of this community, to the needs for new models of physician and health professional training, and to the need for participatory planning involving the community, is most encouraging. Albert Einstein is but one example of many such initiatives underway by major medical centers in our city and throughout the country.

The major challenge of this decade will be to stabilize the support of our institutions of bio-medical excellence while we cerate the new institutions of equity. The task is to share the fruits of our achievements with 200 million people, to share our excellence with equity, efficiency and respect for human dignity.

This will take institutional development as did the challenge of the last two decades. And the development of the new institutions of equity will require the leadership of medical research and education in the same way that the development of our institutions of bio-medical excellence did in the past. If we do not forge this partnership in the '70's, then all of the American health enterprise will suffer, but especially the consumer.

With this partnership, the Administration will not be able to ignore our Federal health leadership. If those of us committed to new knowledge, new manpower and better service join forces in the coalition which the times demand, we shall be heard. It must be a coalition of teacher and student, of provider and researcher. It must include those interested in the old as well as the young; of those interested in the treatment of disease as well as the protection of health. It must be a public-private partnership, and most importantly, it must include the consumer.

The time is late. The public need is great. Let us get on with the work.

IN SUPPORT OF PRESIDENT NIXON'S FAMILY ASSISTANCE PLAN

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. ROBISON. Mr. Speaker, I include in the RECORD a speech in support of President Nixon's Family Assistance Plan which I gave at a forum sponsored by the Broome County League of Women Voters on October 17, 1970:

WELFARE REFORM—NECESSITY FOR THE 1970's

It was not long ago that Kenneth Keniston, Professor of Psychology at the Yale Medical School, recently commented that, "during the 1960's, it was the lot of Americans to live in mounting historical crisis, but not to understand it." The implications of such a statement are dramatic. If such a conclusion is justified—and, in many ways, I believe it is—then it is our task to see that the decade before us, the 1970's, proves to be less dangerous to our ultimate stability as a Nation. And in order to have even minimum success in our task, we must understand and deal with the singular irony which marks our age and creates, at least in part, this condition. That irony is that while we are continuing to experience great technical competence, great achievements, great material production, at the same time we are being overwhelmed by the fruits of such achievement. As Julius Stratton, Chairman of the Board of the Ford Foundation, said a few weeks ago at Cornell, "We have been late to recognize the need to govern wisely a complex of material powers, the like of which man has never known before, and the fruits of which he is unwilling to relinquish."

In the midst of material accumulation and expansion, then, we have witnessed a continuation of the cycles of poverty and need in both cities and rural areas. Our cities continue to deteriorate; racism continues to be a powerful undercurrent in our Nation's social makeup; workingmen are angry, resentful, and often under-represented in the councils of political power; business leaders appear to be increasingly uneasy about dealing in an economy they are increasingly unable to control; the intellectual community continues to be disaffected and cynical.

American Liberalism of the past decade—of which, in varying degrees, both the Republican and Democratic Parties are very much a part—was quite unprepared for this enormous irony; and thus political leaders, business leaders, and religious leaders often spent too much of their time on episodic attacks on the symptoms, rather than on the causes of problems. We had yet to define or understand what had happened; and thus even our best efforts were too often wasted or counter-productive.

Now a new decade lies before us—and it has been during this watershed year of 1970 that the symptoms of the gathering crisis have been etched most clearly in the public eye. Mylai; Kent State, Jackson State, the Tombs, Con Son; pictures of working men beating up kids demonstrating for peace; federal facilities damaged by crude—but effective bombs. The images of the past few months have given responsible national leaders a new sense of urgency; but still there is confusion about what really is the matter, and what really must be done. As a result, lesser men have turned to anger because they have so little analysis; they have turned to indignation, because they have so little insight.

In short, the American people are face-to-face with a gathering crisis of confidence in themselves, and in those institutions—political, economic and social—upon which they have so long depended for the proper ordering of our society. To overcome this crisis we are going to have to become serious in our search for the causes of problems; and we are going to have to propose and fight—even if it be politically dangerous at any given time—for genuine, clear-cut reform of the institutions of government and of the mechanisms of our social order.

There is no better, or more logical, place to start than the present patch-quilt system of welfare in this Nation. The situation at present is almost hopeless; there is no clearer example of our institutions being overwhelmed by the dimensions of a problem; and of fighting symptoms rather than causes. To understand why everyone is dissatisfied with the present social service mechanism, it is helpful to review just a bit of history. Prior to 1935 the Federal Government had no discernible role in the basic welfare system—responsibility was placed, instead, on private groups and on state or local governments. One of the many impacts of the Great Depression was the fact that these instrumentalities broke down under the enormous burden of suddenly assuming some responsibility for the 40 million Americans, out of a total population at the time of 127 million, who were then considered to be in severe need. Starting in 1935, the Federal Government—quite by necessity—moved into the picture by adopting Social Security and a host of categorical programs designed to supplement efforts by state and local governments. Over the past thirty-five years, there have been thirteen major revisions of these welfare programs; but none of these have really altered the central premises behind the system—and therein lies a sad tale. For the Federal efforts of the mid-thirties were designed to cope with the emergency of a depression, but were not designed to deal with the problems of deprivation that are chronic in a period of relative affluence.

And, ladies and gentlemen, there *are* pockets of severe need which have kept millions of Americans from realizing the fruits of this country's tremendous material abundance. In particular, there are four groups which have been least able to turn an economic corner, and for whom the incidence of poverty has declined the least over the past decade.

The first group is the elderly poor. On a percentage basis, there is more poverty among elderly persons than among any other age group. In 1968, for example, the elderly poor—those 65 years of age or over—numbered 4.6 million, of 18% of the total poor, and they constituted about 25% of all aged persons.

The second group is, sadly enough, children. In fact, the largest group, in terms of actual numbers of poor, are children under the age of eighteen. The most recent figures indicate that about 10.7 million children are poor, and this constitutes about 15% of all children. Incidentally, it appears from a study done by the Committee for Economic Development that poverty among children is highly correlated with the size of families. Their 1968 data showed that about 44% of all poor children are in families with five or more children.

The third group is poor households headed by women. Of all population groups, it appears that households with dependent children that are headed by women have the highest likelihood of being poor. Among whites, 36% of all such households are poor; among non-whites, 62%.

And finally, the fourth group are those individuals who are not part of a family unit. The incidence of poverty among individuals *not* living in family units is three times as high as the poverty rate among persons living in family units. In 1968, there were 4.7 million "unrelated" individuals among the poor, representing 34% of all such individuals in the United States, in contrast with an 11% poverty rate for persons living with their families.

The failure of our present welfare system can be best illustrated by the use of one more statistic: Of all the persons in all four groups just mentioned, only 40% are receiving any public assistance whatsoever. Small wonder then that the cycle of poverty and despair has been relentless—even during the past decade of economic growth for others.

Now, perhaps it might be worthwhile to look at the present programs which purport to be dealing with the disadvantaged groups. In most states across the Nation, there are really six different welfare programs. The Federal Government supports five of these; and of those five, four exist in every State:

(1) Aid to Families with Dependent Children—AFDC—in which program there are now some 7.1 million recipients.

(2) Old Age Assistance—a program which encompasses 2 million recipients 65 years of age and older.

(3) Aid to the Blind—having 80,000 recipients.

(4) Aid to the permanently or totally disabled—793,000 recipients.

The fifth federally-supported program, present in some states, is Medical Assistance to the Aged, or Medicaid, which provides free medical care for the medically indigent. This is the fastest growing program, and now consumes about 40% of the federal welfare funds.

A sixth program in many states, but without Federal support, is General Assistance—called Home Relief in New York—which currently assists about one million of the much greater number of needy people who do not fit into any of the Federal categories, for one reason or another. The states' programs of this sort vary greatly in coverage. The New York Program, among the broadest in the Nation covers, subject to a work test, all non-institutionalized persons who fall below the New York need levels and who are not covered by any Federal program.

Of the first four Federal categories, the three adult categories—Old Age Assistance, Aid to the Blind, and Aid to the Disabled—are relatively stable; their caseload around the country has increased by only 3.5% over the past year. But the heart of the present welfare system is really the Aid to Families with Dependent Children group, and here the situation differs. Since 1960, the number of ADFC recipients, most of whom are children, has more than doubled and the cost has more than tripled. Yet even with the increased welfare rolls, AFDC still only covers about 35% of the Nation's poor children. In addition, AFDC payments, like payments in the adult categories for that matter, vary widely from state to state. The average per month for a family of four in Mississippi is $46; the average for the same-size family in New Jersey is $265, or almost six times as much.

I will not dwell at length on the obvious deficiencies in this scattered system, since most of them are well known to you. The program is an administrative nightmare. The variations of payments encourage migration into areas already staggering under large relief rolls. Fathers are implicitly encouraged to leave their families so that their children will be eligible for increased benefits. The level of Federal participation is somewhat erratic and largely unrelated to the burden that welfare assistance places on the states.

In short, the American welfare system was never designed to meet the demands being made upon it. And beyond this lurks an even more serious conceptual limitation to the status quo in this area. For in recent years, the welfare system has been charged with a new social function, beyond its traditional purpose of helping those who are unable to help themselves. The welfare system is now expected to be an instrument for transferring people from welfare rolls to payrolls. But it is not now achieving, nor does it appear to have the potential to achieve, this objective.

Is it really surprising, then, that the present welfare system seems to satisfy no one? Middle and upper class Americans often complain that there are too many "freeloaders" on welfare without there being a sufficient incentive to work, welfare families complain of the administration of the program, those in certain states complain of the wide gaps in the system, others complain that the level of assistance is outrageously low. And just as significant, in my opinion, individuals in the next economic class—the working poor or those just above such a level—have developed, in many cases at least, a deep antipathy toward the program, since their need is nearly as great and they do not benefit at all from the various implemented programs. Part of the well publicized study done by Jerome Rosow, Assistant Secretary of Labor, about the plight of the blue-collar worker was directed at this point. As that report said, referring to working men earning, generally, less than $8,000 per year:

> "These people are most exposed to the poor and the welfare recipients. Often their wages are only a notch or so above the liberal states' welfare payments. Yet they are excluded from social programs targeted at the disadvantaged—medical aid, housing, job training, headstart programs, legal aid, and the like. As taxpayers, they support these programs with no visible relief—no visible share."

Clearly, then, something has to be done. And I think we will be able to tell a great deal about what the decade before us portends by the manner in which this situation is tackled. If we tinker, or adjust, or just throw some additional money into existing mechanisms, the 1970's may well be merely a stepchild of the 1960's, for we will have failed again to renew and refresh our institutions. But if we can develop a new idea, a new direction, a new administration of social service delivery, perhaps there is hope that the 1970's will truly be an age of reform, as I believe it must be if we are to put our country back together again.

Such a reform has been proposed; and, in fact, it has passed the House of Representatives with my strong support. It is the President's Family Assistance Plan; and I stand unequivocally behind it as our best chance of escaping from the welfare morass. As you undoubtedly know, the measure is now bogged down in the Senate—having been hit by a barrage of criticism by both Democrats and Republicans in the Senate Finance Committee. The version recently reported out of that committee emasculates the program, making it hardly recognizable. Such action is unacceptable; and it is my fervent hope that the full Senate will restore the measure to what it was when the House sent it to the other body.

For we passed a bill worthy of the title of welfare reform. Our bill, closely patterned after the President's recommendations, established national minimum payment and eligibility standards for all categories, with significant increases for the aged, blind, and disabled; it extended federal coverage to all poor families with children, regardless of the work status of the parent; it tightened the work and training requirements for eligibility; it expanded the work incentives by reducing the impairment of welfare benefits by earned income; it increased Federal funding for administration; and very importantly, it expanded the daycare center and manpower training programs in such a way as to coordinate those efforts more closely with the total welfare system.

The best publicized feature of the plan is the basic annual Federal benefit which it assures for all eligible families. This amounts to $500 per person for the first two family members, and $300 for each additional member, or $1,600 for a family of four. These benefits would not be reduced by any earned income up to $60 per month. Earned income exceeding that amount would cause the benefits to be reduced by amounts equal to 50 percent of the excess.

The expansion of those covered, and the inclusion of the working poor mean that this proposal, if adopted, would promote a significant increase in the number of welfare recipients. It may double the number in the first year of full operation. We cannot run away from the fact that the plan will cost us additional money during its first years of operation; and we must be willing to accept this.

On the other hand, it must also be appreciated that the present sick system is growing like topsy; and is expected to double in total cost within the next five years. Thus, the additional expense appears to be a sound investment in the future; for by including strong work incentives, training and employment programs we can eventually reach a situation where the total number of recipients begins to decrease. Under the present system, such a hope is a pipedream.

I believe that it is an effort well worth making. And I must confess to a growing impatience with the critics of the plan, on both sides of the political aisle—because no one, to my knowledge, has yet to put forth a plan which comes close to the basic reforms made in this legislation. No one defends the present patch-quilt maze. And yes, some—on one side of the political spectrum—criticize the plan because they say it doesn't go far enough, and say that they consider it repressive because of the pressure the new system puts on able-bodied adults to work. People on the other side of the spectrum complain that the new plan will cost too much, and will include too many people. One group complains that the plan is not a guaranteed annual income, while another group complains that it just is a guaranteed annual income—in disguise.

I criticize both sides in the Senate who have been dragging their feet. Those who think the plan does not go far enough, however, may deserve the most acute blame—for they should know better than to stall genuine reform for the sake of developing a campaign issue. If opponents of the plan think the minimum standards for a family of four are too low, then let them fight the battle to raise them *next* year; but let us *this* year take the crucial first step and enact the basics of the plan itself.

I cannot urge upon you too strongly the need—the urgent, increasing need—for this kind of institutional reform. We may find it difficult to believe here this morning, but we really are at a time of historical importance. Our Nation must stop eating away at itself; and the only way to reverse the trend toward disintegration is to make the social and economic and political processes of our country work better. We must insist on welfare reform—and then we must pursue other subjects with the same enthusiasm. We must go from there to draft reform, to Congressional reform, to reform in health care and health insurance, to reform of our political parties, to reform in the manner in which we distribute Federal tax moneys, to reform of the administrative machinery of our government.

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The difficulties facing us have never looked tougher and less manageable; and yet, at the same time, the challenge has never looked more exciting and more urgent. Anyone who is not stirred by both of those statements is too tired to be very useful in the important, and demanding days ahead.

OFFICE OF MINORITY BUSINESS ENTERPRISE MAKES PROGRESS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. BURKE of Florida. Mr. Speaker, since early 1969 a vast effort has been underway to assist members of minority groups who in the course of our Nation's history have traditionally experienced difficulty in participating in our business system.

This effort is concentrated in the Office of Minority Business Enterprise under the responsibility of Secretary of Commerce Maurice H. Stans. Recently Secretary Stans reported on this effort to the President.

It pleases me highly to learn of the progress the minority enterprise program is making. Progress that has not been without its difficulties and problems, and not without an unfair share of criticism. But perhaps this was to be expected, for this was an effort without precedent, with each move a move in a new direction, with each plan innovative in concept and practice. Off to a shaky and unsteady start the program today stands on solid ground, and the report bears this out in cold, yet warming, statistics and facts.

Some of the highlights reported speak of millions of dollars in financial grants, loans, and guarantees made by Federal agencies; of procurement contracts under SBA and direct purchases.

They speak of new sources of venture capital for minority businessmen provided by private sources, and of vast technical and management assistance fundings and programs.

The report reveals more than statistical data, it shows that Americans everywhere are joining together in making this effort work. Americans not only in government, but in big and small American business, in institutions and associations, and in State and community organizations. This has become a proud moment in America's history.

The door has been opened but there is a great distance yet to be traveled. I urge all Americans to join in support of this great program to erase the economic injustices suffered so long by members of minority groups.

This is a highly significant program and its continued support and success will truly give all Americans, regardless of color or ethnic origin, an equal opportunity to share in the mainstream of our economic system.

CAMPAIGN REFORM

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. HALPERN. Mr. Speaker, I wish to call to the attention of my colleagues a recent statement by Robert F. Bonitati, president of Robert-Lynn Associates, Ltd, before the House Committee on Standards of Official Conduct.

The testimony is righly informative and constructive, and I urge every Member to read his remarks which I include herewith:

STATEMENT OF ROBERT F. BONITATI

I am a professional political consultant and campaign manager. I earn my living by participating in the very process this committee examines. My experience extends beyond my own congressional district and my native state. I have campaigned and counseled candidates in 25 of the 50 states, and have participated in elections at the federal, state, and local levels. I must live by the rules you set and attempt to observe the established standard of campaign conduct.

I share wtih you a sense of dismay about the inadequacies, the weaknesses and the abuses of the campaign process in this country. Defects in the system are numerous. Solutions will not be simple nor easy to enact, partly because the reforms must be enacted by those who have been elected to office under the existing system and are its natural beneficiaries.

The problem of the campaign reform is further complicated by the current hysteria caused by Joe McGinniss's book, *The Selling of the President 1968,* the press coverage of the role of Congressman Ottinger's mother in his Senate campaign, and the attention devoted to industrialist Howard Metzenbaum's primary victory over Astronaut John Glenn.

I am here today to offer my campaign experience, observations and conclusions in hopes that I can serve as a useful instrument of the Committee in broadening its field of information concerning the communication process we know as campaigning.

I believe in the American system of election, I believe that our system must be strengthened and improved so that we can attain the goal of "fair and competitive" elections for every elective position in this country. This objective necessarily requires that a candidate have access to adequate resources to finance a campaign and that campaigns be financed in a way that will build support for our political institutions and for the political process.

With this objective in mind, I offer the following observations in the hope that they contribute to a better understanding of our campaign process:

1. *Unlimited funding will not itself assure victory.* Although we frequently point to examples of expensive campaigns that were victorious, we have only to examine the 1970 election results to see that most of the notable big spenders were not successful. If money were the principal ingredient of political campaigns, Richard Ottinger of New York, Nelson Gross of New Jersey, John Danforth of Missouri, William Cramer of Florida, Tom Kleppe of North Dakota, Howard Metzenbaum of Ohio, George Bush of Texas and Norton Simon of California would be walking down the center aisle of the U.S. Senate in January to take the oath of office. Eckert of Florida and Winthrop Rockefeller are also aware that expensive campaigns alone do not assure victory.

2. *Lack of financing is a severe handicap in gaining a hearing for candidates and issues.* Either you earn it, inherit it or acquire it but, you must have adequate money to be a viable candidate for office. How else can you communicate your ideas, your philosophy and your personality.

Communication with 200,000 voters in the average congressional district of 450,000 people is a rather complex and expensive task. The cost of one simple mailing today in that average congressional district is $12,000 for postage alone, that does not include the cost of envelopes, stationery, printing and mailing which can often bring the cost to $20,000 or higher. Most candidates are never "in the ball game" because of inadequate resources. This is especially true of congressional elections where an overwhelming proportion of elections are won by incumbents. Since 1954, House incumbents have won 92% of their primary or general elections. A House incumbent starts his campaign being well ahead of his challenger and the challenger never catches up.

There are minimal levels of information, advertising and communication that are necessary to the process of affecting public opinion. The cost of such minimal levels is not exorbitant but is seldom met by non incumbent candidates running for Congress. These candidates should be the concern of this committee, not just the few wealthy ones that attract all of the attention.

3. *There will always be some imbalance between candidates.* One candidate will have advantages over another. Perhaps it will be issues, being well known, being an impressive speaker, or a vigorous campaigner. These advantages will always exist and cannot be eliminated as can the imbalance of money and other campaign resources which now prevent many elections from being competitive.

4. *The task of communicating with the American voter is a highly complex and difficult one.* This task is often underestimated by the incumbent who has the "built in" advantage of having continuous exposure to his voters through the news media, his system of communications and his public appearances. In fact, my experience indicates that the "non campaign" kind of exposure and activities of a congressman or senator is a far more important factor, to an incumbent than his conventional campaign efforts.

We cannot overlook the fact that the American voter is a rather apathetic and disinterested one. In September 1970, the Gallup Poll asked a nationwide survey of adults if they could identify how their congressman voted on *any* major bill in the last year. Eighty percent (80%) of the respondents answered No. A Lou Harris poll in September 1970 asked voters to name their own congressman, their two U.S. Senators and the party affiliation of their own congressman. Only 48% could name the congressman, only 39% could name their two United States Senators and less than 50% of the respondents could name their congressman's party affiliation.

The National Assessment of Education Progress in its July report indicated that only 16% of the adult population can name the Secretary of State, that only 24% can name the Secretary of Defense and only 32% can name the Speaker of the House of Representatives.

Attempting to penetrate the indifference of the American voters is a very complex, expensive and sophisticated communications problem.

In light of such studies, I would have to view any attempt to restrict this "flow of information" to the voting public as basically "thwarting the democratic process."

5. *Every campaign and district is a unique one.* Because of the differences in areas it

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becomes extremely difficult to impose standardized rules or measures to each campaign. The size, population makeup, traditional campaign practices, strength of party organization and availability and cost of media vary considerably. Campaigning in the First District of Tennessee is quite different from the First District of New York or the Fifth District of Maryland.

A quick glance at the NBC or CBS rate books reveals the wide variance in costs for a 30-second "prime time" spot in several cities: New York, $4,600; Los Angeles, $2,900; Atlanta, $700; Dallas, $550; and Phoenix, $200.

Some districts require enormous travel budgets because of their size. Other districts such as those in New York City, Chicago and other large urban areas present enormous communication problems because the media that serves one congressional district also serves several million persons in surrounding areas. Direct mail becomes the only effective campaign media in such large areas . . . and direct mail is an expensive tool to use. Any attempt to impose one standard on all congressional districts will probably be as unworkable and as irrelevant as present regulations tend to be.

6. *Present statutes requiring disclosures of political financial arrangements are inadequate, unrealistic and seldom enforced.* To be more specific, attempts to regulate the personalities and the process involved in competitive election campaigning is completely contrary to the basic personalities of the kinds of people in politics and to the very process that places them there. So long as one candidate thinks he has an advantage over another candidate by spending more, buying more and talking more he will find *some way* to do it.

I would further suggest that so long as disclosure of campaign funding is considered "politically unwise" there will continue to be attempts to evade disclosure laws that place the reporting responsibility on the candidate or his committee.

Since 1925 the Corrupt Practices Act has never been enforced against a congressional candidate. Stiffening penalties and imposing further restrictions, will merely lead to continued evasion and further acceptance of the legal fiction of "personal knowledge or consent."

Trying to prevent very wealthy candidates and their families from personally financing their own campaigns is one matter, attempting to regulate amounts and types of spending is another, and attempting to provide a candidate with access to adequate campaign resources is another. Each must be dealt with separately and with an understanding and intimate knowledge of each of the problem areas.

7. *Candidates and party organizations do a very poor job of raising funds.* The University of Michigan Survey Research Center and Gallup's American Institute of Public Opinion have found since 1952 no more than 12% of the population have contributed to a political party or candidate. Gallup's polls since 1953 also found out that 30 to 40 percent of the American voting public has expressed a willingness to contribute if only *asked*.

My experience with parties and candidates is such that I can state with few exceptions political fund raising apparatus is often quite amateurish and rather ineffective. Few attempts are ever made to secure broad based financial support, yet all of the evidence indicates a broad based potential. There is no reason why parties and candidates must continue to rely on a small number of large donors and special interest groups for their campaign funds.

The task of bringing some sense to our system of campaigning has been entrusted to this Committee, and I do not envy you for it. Yours is an enormous job and a vital one if our domestic system is to be strengthened and respected.

I would hope that your final report will result in some innovative and imaginative approaches to the problems of campaigning and campaign spending. I trust that it will not be based on more revision, more restriction and more regulation. We need positive thinking to make our system "fair and competitive."

I offer whatever experience I have to you and trust that I can be of some assistance in your important efforts.

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POLISH AMERICAN CONGRESS PROTESTS THE COST OF LIVING RISE IN POLAND

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, a very interesting statement by the Polish American Congress was recently brought to my attention. It deals with the most recent injustices inflicted upon the Polish people by the present totalitarian government of that country.

Since I feel strongly that we cannot at this time forget the plight of our brethren in these captured countries, I am inserting the statement in the RECORD as a reminder to my colleagues of the suffering that is a part of the everyday life of so many people in central Europe:

Polish American Congress Protests the Cost of Living Rise in Poland

A new outrage in the long series of attempts to throttle the free spirit of the Poles was perpetrated this week when the Government of Poland inflicted an exorbitant rise in prices of the basic necessities of life to the Polish people.

In a sudden move at a most unpropitious season and time, the Polish Government has again favored ideology instead of the humanitarian needs of the people.

Strongly protesting this bungling effort on the part of the Polish Government to rule the people of Poland, the Polish American Congress, representing the over twelve million Americans of Polish descent, sent volatile messages by wire to the President of the United States, Richard M. Nixon and the Secretary of State, William P. Rogers protesting this action. The PAC urged aid and assistance to the people of Poland who face the spectre of destitution and continued violence caused by the lack of life-giving needs.

The text of the telegram, signed by Aloysius A. Mazewski, President and Casimir I. Lenard, Executive Director of the organization follows:

"The Polish Government has at this Christmas season, chosen to introduce a new artificial economic system for the sake of ideological change, increasing the cost of basic commodities vitally necessary to life itself. This approach has disregarded the needs of humanity and could result in a life and death struggle.

We of the Polish American Congress, representing over twelve million Americans of Polish descent in the United States, strongly protest this action as inhumane and insidious.

We express our deepest sympathy and understanding with the people of Poland who are freedom loving tradition bound and peaceful who, at this significant time of year, are being denied their rights to the basic life-giving commodities, and have been provoked to violence. This again proves the failure of the Communist system and its inability to wipe out the yearning for freedom.

Therefore, we earnestly request the United States to intensify aid and assistance to the troubled people of Poland.

MERCURY POISONING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. OBEY. Mr. Speaker, a number of persons have asked—especially with the removal of tuna from grocery shelves last week—just what the mercury poisoning fuss is all about.

I think the following article will explain how it started just about a year ago, and hopefully explain also why action is necessary now to halt all sources of mercury contamination, regardless of how inconvenient those actions might be.

The Milwaukee Journal article of December 18, 1970, follows:

Family Poisoned by Mercury Now on Painful Road Back

ALAMOGORDO, N.M.—Lois Huckelby says she expects her three children, one blind and all of them crippled from mercury poisoning, to be home for Christmas dinner.

Dorothy Jean, 22; Amos, 15, and Ernestine, 10, were stricken a year ago after eating pork from a home butchered hog that had been fed seed grain treated with methyl-mercury fungicide.

Amos is blind and afflicted with involuntary movements. He is regaining his balance, crawls and takes slow steps with help.

Dorothy is walking and talking with cheerful but strained effort.

Ernestine spends most of her time in a hospital bed but smiles at visitors and plays with toys.

Mrs. Huckelby was pregnant when the three became ill last December and January. She was moved to an Albuquerque hospital for special attention because doctors were concerned that the pork might have harmed the unborn child.

BABY IS BLIND

She said a specialist has confirmed that the baby, Michael, born last March, is blind.

"I hope so much that they will be home," Mrs. Huckelby said Thursday, adding that arrangements already had been made for Dorothy and Amos to be home.

She isn't so sure about Ernestine, although she expects that the girl will arrive with a nurse from the hospital.

The grain fed to the hogs by the children's father, Ernest Huckelby, had been meant for crop planting, not for hog feed.

TRACED TO PORK

The poisonings mystified doctors until urine samples disclosed the mercury. Tests traced it to the pork and then to the grain.

Ernestine became ill first. She came home from school saying that she had fallen and that her back hurt.

Two weeks later Amos complained of an earache, and then a few days later he told his mother, "Mom, I can't see you much."

In January Dorothy complained of stomach pains and then became weak and lost her balance.

Ernestine and Amos went into coma. Dorothy, although conscious, was blind, dumb and paralyzed.

MUSTARD GAS REMEDY

Doctors, apparently unsure how to treat the rare poisoning cases, started with a World War I mustard gas remedy and offered little hope for recovery.

But there was improvement.

Dorothy was transferred to the state's rehabilitation center in Roswell last March. Amos joined her in July. Ernestine has remained in an Alamogordo hospital.

SLOW PROGRESS

By October Dorothy was able to walk 100 feet on crutches. She had regained her sight and partial speech.

Amos had progressed to where he could kneel for two minutes before toppling.

Dorothy learned to use a typewriter in time to send this year's Christmas cards.

Dr. Robert Muckleroy, director of the rehabilitation center at Roswell, said the future looked promising for Dorothy and Amos. He expects that Dorothy will be able to function unassisted in her daily activities.

Muckleroy said he had no way to determine if Amos' blindness is permanent, but he does expect continued improvement in his walking and balance.

Mercury has also been found in the urine of other members of the Huckelby family and others in their neighborhood who ate the pork.

Mercury attacks enzymes and proteins, damages the brain, kidney and liver and causes coma, paralysis, blindness and loss of speech. Drugs fight the poison by tying the mercury up in a chemical complex that can be excreted from the body.

But even if the mercury is removed, permanent brain damage may result.

"ON THE THRESHOLD OF GREATNESS"

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. CHAPPELL. Mr. Speaker, I take this means to record in the proceedings of this body for posterity, a few thoughts which concern one of my constituents, recently deceased.

I speak of William Ralph Blowers, who was an honor student in grade and high school in my hometown of Ocala, Fla. He rose to the rank of Eagle Scout before reaching age 14 and held over 40 merit badges. He was active in church work and was president of his youth group. He was a member of the honor court at the University of Florida Law School, an officer of the John Marshall Bar Association, president of the Brown Baggers Club, and vice president of his graduating class in the law school. He was a Jaycee, a master counselor of the Order of DeMolay, married, and the father of two fine young sons, whom he supported by working while attending college. Ralph, as he was known by his family and many friends, was the victim of a tragic single-car accident on December 11, 1970, the day before he was to graduate from law school and begin the practice of law. A loan fund at the University of Florida Law Center was immediately named for him by his fellow students and university officials.

Mr. Speaker, this is the type of young man to whom this country has always looked for leadership, and the type our country so desperately needs at this time in our history. Who knows what heights of greatness Ralph Blowers would have reached had he lived? I submit that he should be ranked among other great men of our Nation, for during his 24 years on this earth, he contributed far more to the welfare and well-being of his fellow man than is forthcoming from many who are here a full lifetime. I have no doubt the contagion of his morality and character will be transmitted, through all those who were associated with him, to all future generations and because of him, true greatness will accrue in many of our fellow men.

THE MILITARY IMAGE SURVIVES

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. LANDGREBE. Mr. Speaker, on October 28, the Honorable Theodore L. Sendak, attorney general of the State of Indiana, spoke to the staff, faculty, and students of the U.S. Army Adjutant General's School at Fort Benjamin Harrison, Ind., about the public image of our Armed Forces.

Mr. Sendak, as an elected officeholder and as an officer in the U.S. Army Reserve, is eminently qualified to speak on this subject. He meets the attacks of critics of our military head-on, blunts the attacks, and turns them back.

I commend these excerpts from Mr. Sendak's remarks to the attention of each Member of this august body and insert them at this point of the RECORD:

THE MILITARY IMAGE

We hear a lot of talk these days about the military image. It makes a convenient package to label and attack. But I have news for you. The Army—that is, the military—isn't the only American institution under attack. Every American institution which upholds our free society is under attack, and by many of the same enemies.

As a person with one foot in the military, and one foot in the government so to speak, and some experience with the press along the way, I believe I see a number of dimensions to this picture.

Seeing these dimensions, my first suggestion is that you get rid of your inferiority complex about the Army.

May I venture this observation: The Army image in this country today is better than the image of the television commentator. Don't just take my word for it. Ask your barber; ask your electrician; ask your cabdriver; ask any newspaper reporter who has eight or ten years' experience under his belt.

The Army image today is better than the image of the activist college professor or the militant student. Don't just take my word for it. Visit any college town in America and talk to the man on the street; talk to the local bartender; talk to the local minister who has eight or ten years' experience.

The dictionary has a number of interesting definitions for the word, "image"—and I refer to a few: 1) A sculptured likeness; 2) An optically-formed duplicate counterpart or other representative reproduction of an object; 3) One that closely resembles another, as the image of his uncle. And in your case, you're the *image of your Uncle Sam.*

The United States Army is a people's army. It is not an alien organization that has been thrust upon the people of the United States; rather it exists for the people of America—to protect our way of life and to serve the national interest through loyal response to legally constituted authority. As such, citizens of the United States, in effect, control the Army—through the elected Commander-in-Chief—the President—through Congress, and through other elected officials, and through that intangible reality called "public opinion". Hence the concern about image.

"The general public's basic attitude towards 'our Armed Services' is generally favorable. Considerable credit is given to the services as a whole for helping the serviceman to mature; develop self-confidence and a sense of responsibility; provide a sense of comradeship; offer a large variety of education; provide interest in maintaining peace, not just waging war; provide excellent medical benefits; and offer job security and attractive career opportunities. Principal criticisms of the armed services are low pay and danger."

So why should any one of you hold onto an inferiority complex about the military?

You bathe regularly. You maintain a disciplined body and mind. You have self-respect and self-confidence. You use language and knowledge acquired by work on your part. Shouldn't you consider yourself just as good as the unwashed, the skid-row bum, or the subversive? Must you as an individual, or you as a group, lower yourselves to jungle standards? Do you not retain freedom of choice? Since when does the Constitution demand that good citizens be scorned, and beneficial institutions be torn down, to please the destroyers?

The late Winston Churchill made this statement which I think is appropriate here. "The truth is incontrovertible. Panic may resent it; ignorance may deride it; malice may seek to destroy it, but there it is."

And the same Mr. Churchill also made this statement which we could well consider at this time when we're discussing the image of great American institutions such as our military, and certain proclivities on the part of the American population and American leaders particularly in the political and diplomatic field. "Nothing is more dangerous in wartime than to live in the temperamental atmosphere of the Gallup Poll, always feeling one's pulse and taking one's temperature. I see it said that leaders should keep their ears to the ground. All I can say is that the nation will find it very hard to look up to leaders who are detected in that somewhat ungainly posture."

You know, in the 194-year history of our nation, certain truths have emerged in every struggle that this Country has had—and in every crisis,—whether it was the War for Independence, or the fight to protect the dignity and person of Americans against the Barbary pirates, or the fight to protect our country in the War of 1812, or the protracted Civil War of the 1860's, the Spanish American War, both World Wars, the War in Korea, or the present war in Southeast Asia.

Americans devote their lives, their fortunes, and their sacred honor to maintain the freedom and independence of this nation and of small nations threatened by tyrants, and always it seems that the faint-hearted and the inexperienced are content to follow the Pied Pipers of enemy propaganda, who seek the nearest exit from responsibility.

Those who believe in America, in its freedom, in its dignity, and in its security, always stand up in support of national survival whenever there is a genuine crisis. This is a

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sacred proposition to which all loyal Americans, regardless of their politics, have always adhered, and which provides that any sort of petty politics or partisanship ends at the waterline when it comes to sustaining American soldiers already committed to battle.

Roger T. Kelly, Assistant Secretary of Defense, when he was here at Fort Harrison earlier this month, spoke this truism when he said: "There is a higher code of conduct, there is a higher sense of value, there is a deeper sense of compassion within the military organization than is to be found in any other segment of our society."

Gentlemen, you do not need to apologize to anyone for your dedication and devotion to your job—to your duty, to your honor, and to your country. It is your detractors and attackers on the other hand who have earned the inferiority complex, not you. It is they who are really envious. You gentlemen are the warp and woof of the fabric of America.

I salute you!

LENINGRAD HIJACKING TRIAL

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. BROOMFIELD. Mr. Speaker, the results of the Leningrad hijacking trial and recent developments in the Middle East may be the opening lines in a tragic new chapter in the history of the Soviet Jews, United States-Soviet relations and our hopes for world peace.

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The severity of the sentences—two of capital punishment—passed on nine Soviet Jews and two others clearly was intended to intimidate Russian Jews and test world opinion.

While the nine were accused of attempting to hijack a Russian aircraft, there is no evidence to suggest they committed a crime greater than requesting visas for emigration to Israel.

The sentences handed down were a warning to the estimated 100,000 Soviet Jews who now have applications to emigrate pending before Soviet authorities.

Further, there are reports of another trial to begin soon in which an estimated 20 Soviet Jews will stand accused of anti-Soviet activity. Many of them reportedly have applied for emigration or signed petitions protesting Soviet policy on emigration. Others have engaged in the teaching of Hebrew and were found with underground "samizdat" manuscripts in their possession.

Lest the world dismiss these actions as the limited and all-too-familiar persecution of the Jewish people, let it not forget the recent, tragic abduction of a Lithuanian sailor from a U.S. Coast Guard vessel by the Soviets.

What has become of this unfortunate young man and his family—human beings who, like the Jews in Russia, sought only to leave the Soviet Union and seek a life of freedom and dignity.

The sad story of that young sailor and those of the persecuted Soviet Jews provide proof more graphic than all of the Soviet propaganda pronouncements that individual freedom and dignity as well as the rights of individual nations must always be subordinate to the welfare of the Soviet state.

Despite the Soviet's avowed willingness to begin discussions on a number of major-power global conflicts, these incidents demonstrate how little things have changed within the Soviet Union.

That fact should be elevated to a place of prime importance by the administration in these continuing negotiations with the Soviets.

There is no more pressing nor important area of the world in which to apply this increased caution than the Middle East itself.

There, too, Soviet actions have clearly contradicted their words.

All of the available evidence points to a concerted Soviet-backed effort to encourage Egypt to cross the Suez Canal next year and rekindle the Arab-Israel conflict on a large scale.

While Soviet pronouncements are concerned with resumption of the Middle East peace talks, they have in recent weeks introduced into Egypt considerable numbers of ground-to-ground missiles—powerful weapons with a range of 40 to 50 miles.

The addition of these new weapons to the huge Soviet arsenal already supplied Egypt can only be interpreted as another step in Soviet-Egyptian preparations for a new round of fighting.

The evidence adds up to a gloomy picture for the future of Soviet Jews, the Middle East, and world peace.

We must continue and intensify our efforts to focus world opinion on the shocking disrespect for human rights within the Soviet Union. And we must encourage other nations to join in denouncing these actions of the Soviets.

Moreover, in view of recent events, it is time, I believe, for a major reassessment by U.S. policymakers of the degrees of confidence our country can place in any negotiated agreement with the Soviet Union.

We can scarcely hope for compliance with rights and guarantees accorded us by written agreement as long as the Soviet Union continues to disregard similar rights for its own citizens.

THE UNITED STATES-CHINESE RELATIONS: A REAPPRAISAL

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. SCHMITZ. Mr. Speaker, Dr. Anthony Kubek, professor of history at the University of Dallas, has done extensive investigation into primary historical documents dealing with the fall of mainland China to the Communists. These include the Morgenthau Diaries and what have become known as the Amerasia Papers. Based on this information and extensive other investigation which Dr. Kubek has undertaken over the years he gave a speech this year at St. John's University which I recommend to all my colleagues.

It is important that we all understand the American errors which helped to throw mainland China into the Communist camp since there are many who are today unknowingly advocating what amounts to a repeat performance of what some consider to be the greatest single catastrophe of the 20th century; this time in relation to Vietnam.

Dr. Kubek establishes the fact that the shift of our own policy in 1945 led to the capture of mainland China by Stalin's agents. We see that Stalin grasped the biggest link in the chain of Asian nations with a hand that moved in and through our own policymaking branches of government.

Error purposely created in the minds of many in our own Nation became the seeds of doom for the Chinese people. The lesson of coalition governments with Communists was written large on the pages of history with a bloody brush. Speaking of the attempted coalition between the Nationalists and the Communists Dr. Kubek points out that "the ingredients would not mix, and the slime of communism soon came to the surface."

There would have been no Vietnam war, nor Korean war, had not our policy efforts been misdirected in such a manner as to nudge mainland China into the enemy camp. While the past is always prolog, it does not, and in this case obviously should not, serve as a model for future action in Southeast Asia.

Dr. Kubek ends this excellent presentation with some words of advice for those of us who are in some way responsible for the future of our Nation.

> Each year the world Communist movement is committing more and more of its resources to the task of subjugating our allies, all around the perimeter of freedom. Against this background it is preposterous to maintain that we should reduce our effort and lessen our commitment to the great struggle of our century. The defense of Free Asia rests on a very delicate balance. The key element in that balance is America.

To put it a bit more bluntly—let us stop toppling our allies into the red morass.

Dr. Kubek's speech follows:

THE UNITED STATES-CHINESE RELATIONS: A REAPPRAISAL

(By Anthony Kubek)

Dr. Sih, students and faculty of the St. John's University, distinguished visitors to the campus, ladies and gentlemen. First of all, let me express to all of you my heartfelt appreciation for this opportunity to participate in your symposium this afternoon. The subject of recent United States policy toward China has been of deep interest to me for sometime, and I believe that Dr. Sih and his fine staff at this university deserve much admiration and applause from its faculty and alumni for their conspicious efforts to illuminate and inform the members of this conference as to the serious problems that confront the free peoples of Asia as well as those who are now subjected to totalitarian rule.

The fall of the National Government of China, and the Communist take-over of the mainland in 1949 have been a subject of controversy, usually emotional and uninformed. So long as the understanding of what happened a generation ago is clouded by major doubts, we will be hampered in all our efforts to reestablish as we must a consistent attitude toward the Chinese people.

For many years the American people did have a consistent attitude toward China, the friendly attitude of the Open Door for which the United States was willing to argue at the diplomatic table and defend, if necessary on the battlefield. In my paper today I intend to tell a story seldom told about Sino-American Relations and I think it may be of interest to you.

"The storm center of the world," observed the distinguished American statesman John Hay in 1899, "has gradually shifted to China. Whoever understands that mighty empire . . . has the key to the politics of the next 500 years." In 1949, precisely half a century after those prophet and scarcely four years since the close of World War II, the Communist bands of Mao Tse-tung succeeded in driving the 2,000,000 supporters of Chiang Kai-shek's Nationalist government into exile on the island of Taiwan in the Straits of Formosa. The Red Star of Communism has hung over the mainland of China, subjugating some 700 million people for the past twenty years. The fall of the Chinese mainland to Communism has since come to be regarded throughout the free world as the greatest single tragedy of modern times. The terrible wars in Korea and Vietnam have resulted directly from the Communist seizure of the Asiatic heartland, and all the brewing difficulties elsewhere in the Far East over the past two decades have had the cancer of China at their root. The United States, together with the rest of the free world, has paid bitterly for the errors in policy which culminated in the collapse of Chiang's long and valiant resistance to Communism. General Douglas MacArthur described these errors collectively as the gravest mistake in the last century of American diplomacy.

At the dawn of the twentieth century, with smokestacks and steamships spreading the urges of colonialism to the remotest corners of the earth, the old China of the Manchus sat docile in the Orient as a giant Buddha with feet of clay. All the powers of Europe were looking hungrily in her direction, as was her tiny but tough and rapidly modernizing neighbor, Japan. At this point, partly because of an enlarged economic stake in Asia and partly because of inherent democratic sympathies for the underdog, the United States announced its famous "Open Door" policy for China. In September 1899, a circular note from Secretary of State John Hay asked the Powers to give guarantees that in their respective "spheres of influence or interest" they would not interfere with the rights of nationals of other countries in matters of tariffs, rail charges, and harbor dues. The anti-foreign Boxer disturbances in China a few months later gave Hay an opportunity to crystalize and stretch his policy. On July 3, 1900, he circulated a second "Open Door" note to the Powers which flatly declared the intention of the United States to preserve the "territorial and administration entity" of China in the years ahead. Thus was laid the foundation for America's role in the international affairs of the Far East. A policy was established which was to persist for more than forty years.

When the Japanese attacked Pearl Harbor, the diplomatic equation in the Pacific changed overnight. The United States now became a formal ally of China, and began to make strong efforts to support Chiang Kai-shek's Government in waging an effective war against Japan. It was hoped that the National Government of the Republic of China, having been properly bolstered, would emerge as the principal stabilizing factor in Postwar Asia. But the strengthening of the Chiang Kai-shek regime was contrary to the aims and purposes of Stalin and Mao Tse-tung, who clearly saw that their old objective of sovietizing China would never be realized if the Kuomintang party came out of the war victorious. Recognizing that the fate of Japan was sealed after America got into the war, Stalin predicted in 1942 that the Pacific war could and would be won without the participation of Chiang armies.

The attitudes of Moscow was, in fact, more than cool; it was hostile. Almost from the day that the United States joined World War II and until its end, the Soviet Union carried on an extensive propaganda campaign against the Chinese Nationalists in general and Chiang Kai-shek in particular. This campaign, emanating from Moscow and spreading insidiously to every capital and principal city of the allies, gave China the world's worst press at a critical juncture in her history.

In the United States the American Communist Party and its fellow-travelers began vociferously to denounce the Kuomintang while at the same time singing the praises of Mao Tse-tung's "agrarian reformers" in muted tones. It was far easier to paint a black picture of the Chinese Nationalists as inefficient and corrupt than to peddle the Chinese brand of Communism outright to the people of the United States; hence the greater effort was made to downgrade Generalissimo Chiang than to upgrade Chairman Mao. A barrage of anti-Chiang books, pamphlets, and magazine articles from the pens of the "old China hands" was soon conditioning the American people and their elected leaders for the coming of Communism to China. Many Americans and, tragically, most of the leaders of the party in power—fell victim to the sovietized but carefully disguised propaganda produced by these "experts" under the auspices of such research organizations as the Institute of Pacific Relations. No hoax in recent history has been more complete and convincing than that which deluded the American people at large into a belief that Mao's followers were fighting the Japanese valiantly and almost alone, that they had been abandoned by a selfish and deceitful Chiang.

The original pro-Nationalist policy of the United States Government was unmistakably set forth by President Roosevelt himself when he met personally with Chiang Kai-shek at Cairo in November, 1943, while on the way to Teheran, Persia, for his first confrontation with Premier Stalin. At Cairo the President assured the Generalissimo that all the territories which Japan had stolen, such as Manchuria, Formosa, and the Pescadores, would be restored to the Republic of China at the end of the war. Back in Washington after the Teheran conference, Roosevelt reported to his principal advisers that the conversations with Chiang and Stalin had been extremely gratifying in that those two heads of state saw "eye to eye" with him on all major problems in the Pacific. Roosevelt came home, therefore, feeling that Stalin would respect the sovereignty of China and give his unqualified support to Chiang Kai-shek in the last stages of the war against Japan.

From its original position of unilateral support of Chiang Kai-shek's regime, the United States gradually drifted into a quasi-official endorsement of Communist objectives on the Asian mainland. The moment of decision came during the fateful Big Three conference at the Crimean city of Yalta early in February of 1945 when President Roosevelt, his health failing fast, bargained with Premier Stalin for the active participation of Russia in the war against Japan. With Germany now backed to the wall and ready to capitulate, the Soviet Union was prepared at last to enter the Pacific War. In return for Stalin's promise to join the struggle against Japan within two or three months following the surrender of the Germans, President Roosevelt agreed to restore to Russia certain perogatives in the Far East that had been lost in the Japanese war of 1904–05. Included were concessions to Russia in the southern part of Sakhalin Island, the port of Dairen, Port Arthur, the Kurile Islands, and the Chinese Eastern and South Manchurian railroads. No representative of China attended the Big Three conference in the Crimea, and the terms of the famous Yalta Agreement were committed to secrecy. The Yalta concessions, patently contrary to the whole historic basis of American policy in the Far East as it had stood since Secretary Hay's enunciations almost a half-century before, gave Soviet Russia the toehold she needed to realize the imperialistic ambitions of international Communism on the Asian mainland.

While in Washington for consultations late in February, Ambassador Hurley was shown a copy of the secret Yalta accord by the President. Hurley immediately complained that there were clauses in it which would jeopardize the sovereignty and territorial integrity of China. While denying this at first, the President apparently had second thoughts. Two weeks before his death in April of 1945, he said to Hurley: "I would like for you to go to London and see Churchill to ameliorate that agreement. *It has got some things in it.* I would like you to go to Moscow and see Stalin." But Hurley's efforts to set aside the Yalta concessions, by personal conversation with Prime Minister Churchill and Premier Stalin, came to nothing. Stalin would not repudiate the bargain he had secured.

Upon accepting Ambassador Hurley's resignation late in 1945, President Truman appointed the distinguished wartime chief of staff, General George C. Marshall, as his personal representative to China. General Marshall arrived at Chungking late in December, 1945, and spent most of the next year in China. Primarily a military man, he showed little understanding of the sinister objectives of international Communism and quickly became, in the words of his old friend Albert C. Wedemeyer, an easy victim of "crypto-Communists, or Communist-sympathizing sycophants, who played on his vanity to accomplish their own ends." (Wedemeyer did not know at the time, nor did Marshall, that all of Marshall's directives had been drafted by John Carter Vincent.) Thus, Marshall came to believe, thought General Wedemeyer, that he could "mix oil and water by reconciling the basically antagonistic aims of the Chinese Nationalists and the Moscow-supported Chinese Communist." But the ingredients would not mix, and the slime of Communism soon came to the surface.

General Marshall brought his peace-branch to China at a time when Chiang-Kai-shek's forces were pushing hard to extend the sovereignty of the National Government into Manchuria. When he went home, Chiang's armies were going the other way. He had placed a year's embargo on American military supplies to the Nationalist government while Mao Tse-tung's forces were receiving from Soviet Russia tons of captured Japanese equipment and unlimited quantities of American material which the Russians were supposed to use against Japan; and he had arranged a series of truces in the contested areas, particularly the northern provinces, while urging Chiang to agree to a coalition government with the Communists. In so doing, the American President's representative was simply providing Mao Tse-tung with the precious time to mount an offensive. Prefessor Harold M. Vinacke has summarized the situation in these words:

"The truce itself, as far as it was actually enforced, proved to have been of advantage to the Communists rather than to the Kuomintang when full-scale civil war broke out in the first half of 1947, following recognition of the failure of American mediation efforts. When the truce began, the National Government armies had the initiative and

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were on the offensive. The activity of the truce terms in applying the terms of the agreement prevented the Nationalist armies from attaining their objectives and from wiping out large bodies of Communist troops. The period of the truce gave the Communists the necessary time to recover, and in their turn to assume the offensive."

General Claire L. Chennault, by far the most experienced "China hand" in the United States Army, is more direct in his criticism of the Marshall mission. Its net result, according to General Chennault, is summarized in this sober epitaph: "The trend of a gradually stronger central government was reversed, and the military balance shifted again in favor of the Chinese Communist."

The mistakes of General Marshall's mission cannot, of course, be held solely responsible for the final outcome of the long struggle between the Nationalists and the Communists in China. By 1949 the people of China had become so confused and bewildered by the continuing civil war that they were ready to accept peace at any price. Yet the United States must still bear a large part of the blame for the fall of China to Communism. To put it simply, the United States finally "ditched" its wartime ally Chiang Kai-shek—just as the pro-Communist careerists of the Department of State were boldly suggesting as early as 1943 and 1944.

While most Americans do not understand to this day what happened in China two decades ago, a few were quick to recognize the tragedy and to lament it. Hear, for instance, these remarks from a speech in the House of Representatives in 1948 by Congressman Walter Judd of Minnesoto, once a medical missionary in China and a long-time student of Far Eastern affairs:

"We Americans ought never to forget this one fact, which outweighs every other contention—namely that when our fleet lay at the bottom of the sea and Japan had carried out in six months (1942) the single greatest conquest in the history of warfare, only one thing prevented her from completing and organizing her new empire, and turning all her efforts against us. It was this . . . old, so-called backward corrupt, undemocratic inefficient China that refused to yield. Chiang could have had peace (with Japan) on very generous terms and saved his people most of the suffering and the economic dislocations and the Communists and the war. Instead he chose to buy for us the precious months and years in which we would rebuild our fleet and capture the islands, one by one, and build the atomic bomb and ultimately bring our superior air power and the bombs to bear upon Japan and give her the final blow. That is a fact that takes precedence over every other in the picture."

Six months later, in a speech at Salem, Massachusetts, Congressman John F. Kennedy minced no words in describing the situation:

"Our relationship with China since the end of the Second World War has been a tragic one, and it is of the utmost importance that we search out and spotlight those who must bear the responsibility for our present predicament. . . . During the (post-war) period began the great split in the minds of our diplomats over whether to support the government of Chiang Kai-shek, or force Chiang Kai-shek as the price of our assistance to bring Chinese Communists into his government to form a coalition. . . . Our policy in China has reaped the whirlwind. . . . This is the tragic story of China whose freedom we once fought to preserve. What our young men had saved our diplomats and our President have frittered away."

This, stated simply, is what happened. The reason why it happened—why the National Government of the Republic of China was finally abandoned after two decades of struggle against its Communist rival—is that American policy was gradually turned against Generalissimo Chiang Kai-shek and the Kuomintang party in 1943 and 1944. As American attitudes began to shift in those critical years, the hands at the control levers were those of a few young men on diplomatic duty in China. What John Paton Davies and John Stewart Service were writing in their official reports was of the greatest importance at the time. They were at the scene as expert observers, and their despatches from China contained opinion which was accepted as gospel in the Department of State. The slanted words of the career diplomats released the steam, therefore, to reverse the wheels at this juncture and change the direction of United States policy in the Far East.

Nor is that all. As it happened, some of these official papers came to be seen also by unauthorized eyes. Some of them actually ended up in the editorial offices of a magazine called *Amerasia* then being published monthly in New York City. This magazine, limited in circulation but influential, was vigorously anti-Nationalist and pro-Communist in tone. Its principal purpose was "to explain, justify and defend Russia's role in the Far East; and to discredit the Republic of China when Moscow so ordered." In March of 1945, a few weeks after the momentous meeting of President Roosevelt and Premier Stalin at Yalta, special agents of the Office of Strategic Services made a midnight raid on the headquarters of the little magazine. Here, in several rooms which contained a remarkable assortment of photocopying equipment, were literally hundreds of classified U.S. Government documents. Many were from China—and almost a hundred bore the signature of John Stewart Service, Second Secretary of the American Embassy at Chungking and one of General Stilwell's trusted political advisers. The startling story of the discovery in 1945 and the subsequent action of the United States Government of the Amerasia papers must be told in some detail. It is indeed one of the strangest tales in recent American history.

The story of the Amerasia case begins in Washington, D.C., in February of 1945 when a staff member of the Office of Strategic Services happened to be looking over a recent issue of the magazine. He began to read an article about Thailand and was amazed to recognize in it some of the very language which had been used in a highly classified memorandum he had prepared at his own desk some months earlier. He called the matter to the attention of the OSS security chief, Mr. Van Bueren, who thought it important enough to fly up to New York to instruct the local OSS chief agent, Bielaski, to investigate the strange situation. Bielaski put a round-the-clock surveillance on the Amerasia office on lower Fifth Avenue, and for ten days and nights his agents watched people come and go. The place seemed extraordinarily busy for a magazine with a circulation of less than 2,000, and the lights burned late into the night. Bielaski decided to inspect the premises; and since secret wartime papers were involved and the war was still on, he thought it best not to risk a forewarning by applying to the courts for a search warrant. At midnight on Sunday, March 11, 1945, Bielaski and four of his agents, one of them a lock expert, entered the darkened building. They found the place loaded with hundreds of government documents, most of them carrying a wartime classification, and to their astonishment, they found also a great array of photographic copying equipment. Bielaski picked about a dozen documents at random, put them into his pocket, and left the premises at 2:30 in the morning. The next day, down in Washington he showed the documents to his superior, Security Chief Van Bueren, and also to General "Wild Bill" Donovan, head of OSS. Donovan was greatly alarmed. Since most of a dozen recovered documents bore the seal of the State Department, he phoned Secretary of State Stettinius at his apartment in the Wardman Park Hotel and asked to see him at once. Donovan also suggested that the State Department security chief, Assistant Secretary Julius Holmes, be present at the meeting.

Secretary Stettinius was shocked when Donovan handed him the recovered documents one by one. Turning to Assistant Secretary Holmes, he said, "Good God, Julius, if we can get to the bottom of this we will stop a lot of things that have been plaguing us." At Donovan's suggestion the matter was turned over immediately to the FBI, and for the next nine weeks J. Edgar Hoover had seventy agents on the case. The FBI surveillance turned up six suspects, three in New York City and three in Washington, D.C. In New York there was Philip Jaffe, publisher and editor of Ameriasia magazine; his associate editor, Miss Kate Mitchell; and a journalist named Mark Gayn who was a frequent contributor to the pages of the magazine. In Washington there was a bright young lieutenant in Naval Intelligence named Andrew Roth, and two men in the State Department: John Stewart Service of the diplomatic corps who had recently returned from a long tour of duty in China, and a China expert of the Territorial Division named E. S. Larsen. All six, it was learned, had long been outspokenly critical of the National Government of China and especially of the person of Generalissimo Chiang Kai-shek, and all six had been simultaneously sympathetic to the Chinese Communist Party and its intellectual leadership as personified by Chairman Mao Tse-tung.

Editor Jaffe, for instance, was now pouring money from his successful greeting-card business into the maintenance of the little magazine Amerasia, and was making regular contributions to the coffers of his friend Earl Browder's American Communist Party, and ten years earlier he had sold portraits of Chairman Mao on the streets of New York City for twenty-five cents apiece. Jaffe, a native of the Ukraine, who was naturalized at the age of 26, had once visited the Communist areas of China. Miss Mitchell had visited Moscow in the 1930's and was a frequent contributor to the Communist magazine *New Masses*. The journalist Mark Gayn, born of Russian parents in Manchuria, had just recently become a U.S. citizen at the age of 43. Lt. Roth was too young to have been far from his birthplace in Brooklyn since he was not a seagoing sailor, but he had written a master's thesis at Columbia on the subject of "Labor and Nationalism in China." John Stewart Service, on the other hand, was born of missionary parents in China and had spent virtually all of his life out of the United States. And E. S. Larsen, while born in California, had spent most of his formative years doing odd jobs in the Far East.

The FBI had full dossiers of each of the six by the end of May, 1945, and the Criminal Division of the Justice Department was now instructed to hold the case in abeyance until the adjournment of the organizational conference of the United Nations then taking place at San Francisco. The reason given was that any prosecution at this moment might antagonize the Russian delegation. It is not known to this day who gave the instruction to hold up the case, but presumably it came from some echelon of the State Department. It most certainly did not come from Assistant Secretary Holmes who was furious when he learned of it. In the absence of Secretary Stettinius, who was at San

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Francisco, Holmes went immediately to Acting Secretary Joseph E. Grew who also was very angry. Holmes and Grew decided to go directly to President Truman, who satisfied them immediately by calling the FBI and giving his direct personal order to proceed. "Go straight ahead with this," Truman said, "and it doesn't matter who gets hurt. This thing has got to be run down." Accordingly, Assistant Attorney General Tom Clark ordered his aides in the Criminal Division to prepare the necessary complaints against the six suspects charging them with illegal possession of government documents under Section 31 of the Espionage Act. The suspects could not be charged with "espionage" as such, since there was no evidence of any actual transfer of government documents to a foreign power, but only with unauthorized possession of such documents.

The sixth of June, 1945, was the day of the arrests by the FBI. Editor Jaffe and Miss Mitchell were arrested at their office on lower Fifth Avenue in Manhattan, and Mark Gayn was arrested at his flat on West 12th Street. Lt. Roth was picked up on a Washington street, and John Stewart Service at his living quarters in Washington. E. S. Larsen was taken into custody at his apartment in nearby Arlington, Virginia. Some 600 documents were recovered in the Amerasia office, Gayn's flat yielded 60 more, and some 200 items were found in Larsen's apartment. Bail was set at $10,000 each, and each made it. No one could deny the classified nature of the recovered documents. They had come from the most important offices of the federal government—from the Departments of State, War and Navy, from the OSS, the FCC, the OWI, and the Foreign Economic Administration. Many bore the wartime classifications "secret," "confidential," or "restricted." Some were originals, some were copies made at the time the originals were made, and others were copies made later.

The Justice Department presented its accumulated evidence to the 20-member grand jury then sitting in Washington, with the result that bills of indictment were quickly returned on Jaffe (14 to 6), Larsen (14 to 6), and Roth (13 to 7). Since twelve votes were needed to indict, no indictments were obtained on Gayn, Mitchell, or Service. On August 30, 1945, just as the war in the Pacific was ending, the three indicted suspects entered pleas of Not Guilty in the U.S. District Court in Washington. Then Larsen's lawyer, a clever attorney who had challenged the FBI in several wire-tap and trespass cases, played his ace card and filed a motion to quash the indictment on the grounds that the FBI had entered his client's apartment illegally on three occasions before Larsen was arrested. The Justice Department now panicked because the FBI had also been in Jaffe's office in New York before the moment of arrest, and it was feared that Jaffe's lawyer might make a similar motion to quash on the technicality of trespass. Accordingly, the Justice Department contacted Jaffe's lawyer and proposed a deal: if Jaffe would plead guilty to illegal possession of government documents and agree to pay a fine, the Government would not press its main charge of conspiracy to violate the Espionage Act. It took four hours of conversation on a Friday afternoon between the head of the Criminal Division and Jaffe's lawyer to make the arrangement, and at 10:30, the next morning—Saturday, September 29, 1945—Jaffe appeared before Judge Proctor of the U.S. District Court for the District of Columbia. It was all over before luncheon. Jaffe pleaded guilty, his lawyer argued that he was guilty of nothing more than "an excess of journalistic zeal." The Government attorneys concurred, and so did the Judge. Not one of the hundreds of recovered documents was put into evidence, no reference was made to the fact that many of the documents were highly classified, and no mention of the FBI record of Jaffe's multifarious Communist affiliations was heard. The outcome of the brief session was that Jaffe was fined $2,500, which he paid on the spot to the clerk of the court. It is hardly an overstatement to conclude that Criminal Case No. 75,457, *The United States vs. Philip Jaffe, et al* was handled as routinely as a reckless driving charge—and that the annals of American jurisprudence contain few examples of misused legalism as grossly shocking as this one. In less than one hour the curtain was quietly drawn on the spectacular case of the purloined government papers. In the end it had cost Philip Jaffe approximately three dollars apiece to look at, and to use as he saw fit, the wartime secrets of the United States government which we call the Amerasia Papers. Jaffe's co-defendants, Larsen and Roth, got off even easier. When Larsen's case was heard by Judge Proctor a month later, Larsen received a fine of $500, which Jaffe also paid, and the case against Roth was dropped altogether.

Of the six *Amerasia* suspects, the only one of whom the American public subsequently heard anything was John Stewart Service, the career diplomat who had returned from a long tour of duty in China only two months before his arrest by the FBI in June of 1945. Service escaped indictment, of course, because no unauthorized documents were found in his possession at the moment of arrest. His connection with the case arose out of the twin facts (1) that he was seen by the FBI to have had some personal association with Jaffe through Jaffe's young friend, Lieutenant Roth, and (2) that more than one hundred of his official despatches from China were found on file in Jaffe's office. But in the early 1950s, when the Congressional committees undertook some intensive investigation of subversive activities in various departments of the Federal Government, the name of John Stewart Service quickly came up. His dispatches from China in 1944 and 1945, particularly the fifty reports which he sent from Mao Tse-tung's headquarters at Yenan in northern China, demonstrated beyond question that Service was strongly sympathetic to the Chinese Communists and almost pathologically opposed to the Nationalist regime of Chiang Kai-shek. A few exerpts from Service's dispatches from Yenan had been included in the State Department publication of 1949 which has come to be called the "China White Paper," but the depth of his pro-Communist convictions remained unknown to the public even after Service was discharged from the State Department as a serious security risk in 1951. Service took his case to the courts and was eventually reinstated in the diplomatic corps in 1957, thus winning a kind of vindication. It is not my purpose here, nor was it my purpose in editing the two volumes of the *Amerasia Papers* recently published by the Senate Internal Security Subcommittee to raise again the tired old question of the loyalty of John Stewart Service, or even to ask again whether this "old China hand" of the State Department was indeed a serious security risk. Both questions are disputable and really unanswerable. What I wish to do, in this brief recital of the story of Amerasia, is to underscore two extremely important points which can no longer be disputed. They are these:

(1) During the years of World War II an aggressively pro-Communist magazine office in New York, populated by individuals whose connection with international Communism was old and deep, furtively obtained and copied many highly classified documents of the United States Government; and

(2) the official policy of the United States Government in support of Chiang Kai-shek's Nationalist regime in China was actively opposed and altered during World War II by a few junior American career diplomats on station in China, John Stewart Service conspicuous among them.

Connected inextricably, these twin facts contain a special relevance today for the people of the United States and other non-Communist nations. Exactly twenty-five years have passed since the *Amerasia* affair of 1945. That quarter-century of turbulent history has witnessed the fulfillment of John Hay's prophetic remark of 1899; the "storm center of the world" has indeed shifted to the Asian mainland. No American will doubt this when recalling Korea or while reading, hearing and talking daily of Vietnam. Many Americans have come to see clearly, moreover, that the theaters of war in Korea and Vietnam are, like the fingers of a giant hand, mere extensions of the great conflict between human freedom and bondage that has characterized the recent history of China. And few Americans will insist today that the slave-masters of China have lived up to their beatification as the "agrarian reformers" of a generation ago. Hindsight informs us that a monumental mistake was made in diminishing American support of the National Government of China in the final phase of its long struggle against the Chinese Communists.

When the United States unwittingly assisted the wrong side in gaining control of China proper, Korea and Vietnam became inevitable involvements for the nation that has had to assume the mantle of leadership in the free world. History will set it down as simply as that. What needs to be added to the record, however, is this detail of chronology: The United States Government shifted its policy in China in 1945, making its tragic blunder at the very moment that the *Amerasia* affair was making headlines. Had the *Amerasia* case been prosecuted vigorously, and had a few of the more revealing of the recovered documents been made public then or shortly thereafter, would that calamitous change of policy have taken place? It is a question worth the asking. Just as the *Amerasia* documents of World War II provide a clue to the catastrophe that befell China a few short years later, so will the *Amerasia* case one day be seen to pertain irresistibly to the perplexities of American policy in the Far East in our own time.

Many Americans, of course, would prefer to live in a world in which it is possible for us to have no international commitments, a world in which we could devote all of our energies to the tasks of perfecting our society at home and enriching the lives of our people. But we must face the world as it is. And the basic fact of our time is that the Free World, itself terribly rent and divided, both politically and philosophically, has been forced into a twilight war of survival by a relentless and remorseless enemy. Each year the world Communist movement is committing more and more of its resources to the task of subjugating our allies, all around the perimeter of freedom. Against this background it is preposterous to maintain that we should reduce our effort and lessen our commitment to the great struggle of our century. The defense of Free Asia rests on a very delicate balance. The key element in that balance is America.

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SENATE—*Wednesday, December 30, 1970*

(Legislative day of Monday, December 28, 1970)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, whose Word declares "To every thing there is a season and a time to every purpose: * * * a time to rend, and a time to sew; a time to keep silence, and a time to speak; a time to love * * * and a time of peace," show us what time it is for us and what we ought to do to find Thy will and to fulfill Thy purposes for this Nation. Subdue every unworthy motive. Overrule our mistakes. Grant to each of us here a full measure of grace and charity in our dealings with one another. Guide us by a higher wisdom through present frustration into the fruition of Thy kingdom—for Thine is the kingdom and the power and the glory forever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, December 29, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

NATIONAL RAILROAD PASSENGER CORPORATION

The legislative clerk proceeded to read the following nominations in the National Railroad Passenger Corporation:

Frank S. Besson, Jr., of Virginia, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

David E. Bradshaw, of Illinois, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

John J. Gilhooley, of New York, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

David Walbridge Kendall, of Michigan, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

Arthur D. Lewis, of Connecticut, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

Charles Luna, of Ohio, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

Catherine May, of Washington, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

John P. Olsson, of Connecticut, an incorporator of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, at the conclusion of the tributes to the able and distinguished senior Senator from California (Mr. MURPHY), I ask unanimous consent that there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, 1 hour has been set aside at this time for tributes to the distinguished Senator from California (Mr. MURPHY).

TRIBUTES TO THE SENATOR FROM CALIFORNIA, GEORGE MURPHY

Mr. SCOTT. Mr. President, I would feel some risk of embarrassment for our colleague, the distinguished Senator from California (Mr. MURPHY), were it not for the fact that his disingenuous wit and warmth of personality are such that he will find, I think, amusement as well as satisfaction in the tributes paid to him this morning by his colleagues.

We want GEORGE to know that we have enjoyed every bit of him and every day with him, that he has contributed to this body not only his wit and his sagacity but also his zeal, diligence, perseverance, and his awareness of the needs of his constituency—one of the largest of the States and one of the most complex civilizations on the American continent and, in so doing, he has endeared himself to this body. We have, all of us, benefited from his service with us.

Mr. President, the people give and the people take away; blessed be the name of the people. We who live or cease to live by the franchise of the constituency are all aware that our service is like a promissory note, drawn on the constituency of our State, that it runs its course, that it reaches maturity, that it may or may not be renewed, and that whether renewed or not, the period for which the service has run is itself a contribution to the ongoing process of democracy, whereby each of our 50 States makes its contribution, enters its decisions on the record, and leaves to posterity the making of final judgments.

But as those judgments are made, GEORGE MURPHY's colleagues would want history to show that he has done a splendid job, pursuing his duties with amiability and dedication. We have all been fortunate in sharing our days here with him in the pursuit of the legislative goals which are the responsibility of this body.

Thus, it is my great pleasure to be able to lead off in this series of tributes to our good friend, GEORGE MURPHY.

Mr. President, I ask unanimous consent at this time that a tribute to Senator MURPHY from the distinguished Senator from Hawaii (Mr. FONG), who is unavoidably absent, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR GEORGE L. MURPHY

Mr. FONG. Mr. President, I have always felt a special affinity to my friend and colleague, Sen. George Murphy, in that he is my neighbor and I invariably must pass through his home state of California as I travel to and from Hawaii.

I am saddened that Sen. Murphy, a man who delighted many of us on the silver screen in our early years and who we welcomed amongst us six years ago, will not be with us in the next Congress.

He has been a hard and conscientious worker in the United States Senate, taking an active part in debate on the floor and constructively adding to the work of his committees. He is well respected by all his colleagues as a man who does his homework and knows his subject.

I am particularly honored to pay tribute to Sen. Murphy in that he shares my keen interest in the welfare of our young people through education.

He has done much for education in California and the nation. He has worked consistently for the development and prosperity of his State. He has tenaciously fought for the people of California, and Californians can be especially grateful for the Senator's efforts in helping California retain the right to continue setting its own standards for controlling air pollution from motor vehicles. Because of his efforts, California sets and enforces its own very rigid motor vehicle emission controls, a major part of the State's fight against atmospheric pollution.

It has been a distinct privilege serving in the Congress with Sen. Murphy. I personally shall miss him, and I believe he will be missed by us all. On this day, I bid him aloha nui loa—a fond farewell.

Mr. SCOTT. Mr. President, I now yield to the distinguished floor leader, the Senator from Michigan (Mr. Griffin).

Mr. GRIFFIN. Mr. President, change, as we know, is inevitable, and those of us in politics are supposed to be able to accustom ourselves to change as a very real fact of public life.

However, sometimes change is most unwelcome and difficult to accept. That is particularly true for those of us who have had the rare and pleasant opportunity to work closely in the Senate with our friend and colleague whom we salute today—Senator George Murphy.

When I first came to the Senate in the spring of 1966 I found a seat in the back row and a hearty welcome from George Murphy. It was the beginning of a most rewarding friendship with a most remarkable man.

During his service here George Murphy has made himself a real and integral part of the Senate itself, and its daily life. He has endeared himself to all of us in so many ways that it is most difficult for the junior Senator from Michigan to contemplate the 92d Congress without his presence.

It has been said that a man with many friends is, himself, a friendly man. George Murphy is a friendly man and his friends are legion.

In his service in the Senate he has left with us all, on both sides of the aisle, the deep impress of a warm and generous personality, a gracious manner, and a friendliness which always made his company a pleasure.

One of George's predecessors in the theater—a man named Shakespeare—wrote:

> There is a tide in the affairs of men, which, taken at the flood, leads on to fortune; omitted, all of the voyage of their life will be bound in shallows and miseries.

Our friend and colleague is a man who has taken the floodtide of life—and in doing so he has experienced not one but several distinguished careers. His early life was marked by an interest in sports, coming as he did from a family famous for its athletic connections. He went on to a distinguished career in Hollywood, in both the acting and business ends, and then as a U.S. Senator.

There were some who thought it was most unusual for a man successful in the movies to turn to politics. But for George Murphy this was a very logical development for one who had long and continuing interest in politics and good government. That interest goes back a long time. Just for the record, I will mention that he was a delegate to the Republican national conventions in 1948, 1952, and 1956, and in 1960 as an alternate. In 1953 and 1954 he served as Republican State chairman of California. The party of his choice—and, indeed, our whole political system—is much the richer for his keen interest and his service.

No man has served his State and the Nation more ably and more effectively in the U.S. Senate, particularly in those matters involving human needs, the public welfare and national security.

It was my privilege to serve with him on the Committee on Labor and Public Welfare, and I know full well how wide-ranging was his interest in matters that are of deep concern at this particular point in time—in labor, education, civil rights, conservation, the environment, and consumer protection.

The list of his accomplishments in these areas is long indeed. In the field of education, for example, he sponsored legislation giving opportunity to children who speak only a foreign language. He worked hard for an imaginative school dropout program which he supported in the interest of those who fail to complete their schooling.

I could go on but my colleagues here in the Senate know as well as I what all George Murphy has done in these areas.

A man is measured not only by what he has accomplished but also what he stands for—and in this respect George Murphy stands exceedingly tall.

He has never hesitated to speak out on the issues of the times—whether they involved the war in Vietnam, or dissent at home, and his strong defense at all times of the American way of life. In the integrity and courage which have been the hallmarks of his service in the Senate he has set an example for us all.

We shall miss George Murphy here in the Senate and as one Senator I will always think of him, in the words of William Wordsworth, as a man of "cheerful yesterdays and confident tomorrows."

I join with my colleagues in wishing him well in his future endeavors and I hope that we will continue to have an opportunity to enjoy the good fellowship which we have come to know so well.

Mr. President, I now yield to the junior Senator from California.

Mr. CRANSTON. Mr. President, it is a great pleasure for me to join in the tributes to my friend, the senior Senator from California. George Murphy and I have had a unique relationship over many years. It is the sort of relationship that could only happen in a great democracy like the United States of America. It has spanned many, many years. It has crossed the aisle that divides the Democrats and Republicans in this Chamber. It has bridged the deep gap that divides people in the United States along ideological lines.

I first became aware of George Murphy long before he was aware of me, at a time when he was a famous actor on the motion picture screen.

In the late forties and fifties we found ourselves on opposite sides of the political spectrum in California. We never met until 1964 at a campaign event at the Beverly Hilton Hotel in Los Angeles. At that time, we expected to be running against each other for the U.S. Senate. As it turned out, George Murphy won the Republican primary and he came to the Senate. I lost the Democratic primary. I went nowhere.

I supported George Murphy's opponent in the general election of 1964. When I ran for the Senate once again, he supported my Republican opponent. In the general election of 1970, I supported his Democratic opponent in the State election.

We have often differed on matters of ideology in the Senate, on the floor, in the halls and corridors, in the cloakrooms and in the public media. But in all of these many years, neither of us has ever had an unkind word about the other publicly or privately. We have never engaged in criticism of one another publicly or privately so far as I am aware. And I believe I am truly aware of what we have done and said.

We differ on many, many issues. On the other hand, we have found that we could work together very closely on many matters that were of great importance to the people of our State. I think a prime example was our collaboration on the Point Reyes National Park legislation, one of the great accomplishments of the U.S. Congress for the people of California.

We have found many other issues where we could work together and where our combined strength—he working in his way where he could and I working in my way where I could—enabled us together to do things for the people of California and sometimes things for the people of the Nation that could not have been done without our cooperation. Our working relationship really began at the breakfast we had soon after I had been elected to the Senate, in which George Murphy already held a seat. We met in the Beverly-Wilshire Hotel in Los Angeles to talk about how we might work together.

Ever since, our relationship has been marked by a spirit of conciliation, of compromise, of collaboration, of cooperation wherever that was possible. We found it very possible in many ways and on many occasions. It is a relationship that will last beyond today, beyond the closing of the session.

There are many ways that we will continue, I am sure, to be able to work together and keep in touch with each other and to work with each other in serving the people of California.

I have great esteem for the man George Murphy. I admire him in many ways. I appreciate his friendship. I will miss him. I know that the Senate will miss him.

Mr. GRIFFIN. Mr. President, I yield now to the junior Senator from Illinois.

Mr. PERCY. Mr. President, it is with a great deal of personal feeling that I make these comments this morning. My own friendship with the senior Senator from California goes back to before our political lives began.

I happened to be in the same industry as George Murphy, but in a different part of it. I was in the equipment manufacturing end of the business while he was a professional actor.

XUM

At the time I was in business, our company was seeking counsel and advice. I went to GEORGE MURPHY as one of the distinguished members of his profession. We established a relationship in business that has grown into a personal friendship spanning many years.

It was, therefore, quite natural that when I went into politics and was seeking a speaker for my first fund-raising dinner in the campaign for the U.S. Senate that I turned to my friend, GEORGE MURPHY, and asked him if he would come to Chicago. He graciously accepted and we had a very successful dinner. With his help, I won that election.

Later, in my own inadequate way, I tried to show my appreciation. In the last campaign, I made three appearances in behalf of GEORGE MURPHY. It only proves that three appearances by the senior Senator from Illinois are not equal to one appearance by the distinguished senior Senator from California.

I campaigned for Senator MURPHY with enthusiasm because of our friendship and because he is known to us as a fine colleague. He has always expressed a gentle Irish humor, which all of us enjoy a great deal, and he is a man of deep convictions.

We have not always agreed on the issues, but in many areas I have fully supported the efforts of the distinguished Senator from California. In the area of pollution, where many of us have been followers, he has been a leader. He is responsible for the Murphy amendment for California, which has made it possible for his State to pass more stringent antipollution legislation than any other State in the Union.

XUM

Although he is known as a fiscal conservative, back in 1966 he was talking about the $1 billion he thought was required for pollution. At that time it seemed like a revolutionary and radical idea to spend $1 billion for pollution. Today we are talking about $30, $40 or $50 billion. He had the foresight to see the nature of the problem and the courage to see that it would cost us money to clean up the problem we have created. He fought hard for clean air in California, with the result that his State is the leader in finding ways to rectify the situation through tough legislation.

In the area of drug abuse, he was in the forefront of those who sought ways to fight narcotics in this country, including cooperation with our sister country on our border, Mexico.

He has been a progressive in the field of education, a leader in finding ways to put our national resources behind education. His Bilingual Education Act can be appreciated by those of us who have problems in our own States resulting from people arriving from Mexico or Puerto Rico who are unable to speak the language taught in the school.

He also has done a tremendous amount of work in Headstart, and has sponsored a plan to make it a permanent part of our educational program by incorporating it in the Department of Health, Education, and Welfare.

He has sponsored appropriation bills providing for full funding for the Teachers Corps. Again, this is a progressive, and one might even say liberal, position.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a statement GEORGE MURPHY made in Los Angeles on April 3, 1970, which indicates the depth of his feelings about education.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, the question of prayer in the schools was a subject of deep concern to my former senior colleague from Illinois, Senator Everett McKinley Dirksen. The Dirksen prayer amendment was not adopted, but it always had the support of the distinguished Senator from California.

As a member of the Senate prayer breakfast group, led by our able chairman, Senator STENNIS, I can testify that Senator MURPHY has been a most stalwart, steady, and persistent supporter of the idea that all of us, as mortals on earth, must seek guidance from above for the heavy responsibility we carry in this body. He has provided inspiration through his own steadfastness of purpose in that group.

He has done a vast amount of work in the field of housing. I am deeply grateful to him for becoming one of the first cosponsors of the housing bill I introduced in my first months in the Senate. He provided exceptional help to me at a time when I needed assistance on how to go about introducing major pieces of legislation and gaining support for them.

Lastly I would like to mention the area of hunger. I am on the committee dealing with hunger, a sort of "Johnny-come-lately" to the effort. When I was asked to go on the committee, I could not imagine that any of us needed to talk about hunger in America. But I found that it had been discovered by Senator MURPHY and his colleagues as they went across the country. I went on the committee reluctantly, but I found my service on it to be one of the most rewarding experiences I have had in the Senate. I discovered what Senator MURPHY had discovered—that in this affluent society of ours we can find money for other purposes, but we cannot find money to help feed children who, if they are not properly nourished, will be mentally and physically handicapped for life.

Mr. President, I find my colleague to be a man of considerable passion, with a great interest in people, and I believe this is why he has so many friends.

His book, which is entitled "Say . . . Didn't You Used to Be George Murphy?" tells a great deal about the recognition he has received throughout the world. No man in the motion picture industry is more loved than GEORGE MURPHY. The great tributes paid to him by his own profession are matched by the warmth we feel for him in the Senate.

EXHIBIT 1

EDUCATION

You have a clear and compelling duty to dissent when justice is threatened and when you believe that right is abused. But don't equate reform efforts with unlawful revolution. If injustice is to be righted and if ills are to be healed, the dissenter must create rather than annihilate and build rather than destroy. He must, if you will, work within the system itself . . .

Call it what you will, a library on fire is a burning building and an armed insurrection against the police is a riot, and our people know it, and they know it is wrong.

What I am saying in a nutshell is that your generation has a duty to change the system in those areas in which there is such an obvious need for change, but you will achieve your goals much quicker, and more effectively if you use the built-in strengths of the so-called establishment to help correct its weakness rather than try to tear down the whole structure—U.S. Senator George Murphy, Ninth Honors Convocation, California State College at Los Angeles, April 3, 1970.

Mr. GRIFFIN. Mr. President, I yield to the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator.

Mr. President, GEORGE MURPHY and I have some possible affinities. I feel I know him well. I believe we can make more of a contribution to him and the Senate by just relating our estimate regarding some of his work.

I think that GEORGE MURPHY has made himself felt as much as anyone and more than most who have come here as Members of the Senate for only 6 years. It is easy for one to make himself heard, it is easy to make noise, but it is no small undertaking to come here in the Senate as a beginner and make oneself felt, especially during a single term. But his fine personality, his intense interest in public affairs, the knowledge that he had to begin with concerning many of the problems here certainly got him off to a fine start.

Whenever he was entrusted with a special responsibility he took it seriously. He prepared and he came through in a splendid way.

I have said before that I was told when I came here that when a man comes to the Senate he either swells or he grows. GEORGE is certainly the opposite of swelling. He represents the fine, solid growth that has made a real contribution here and strengthened the Nation and that has been a credit to the Senate.

In the Committee on Armed Services he gave problems there his fullest attention. He was a very valuable member. You knew he would come through on most of the major questions with something solid and substantial and something he could stand on and influence his fellow members in the committee and here on the floor. We have had some pretty hot times here on the floor in the last 2 years. During all those rugged debates, he was always ready and willing and prepared. I have never called on him, or asked him to stay here, or to be prepared on some difficult subject but that he did not do it to the fullest—not only on policy questions, but the intricate parts of complex weaponry. We owe him a debt for that.

I can say that he is leaving here bodily, but he is leaving an influence and he is leaving a contribution that stands for solidarity and life in government.

Personally, I feel a loss. Officially I would feel a loss. But I salute him for his fine record and commend him for it, and certainly extend to him heartfelt good wishes and continued good fortune.

Mr. GRIFFIN. Mr. President, I yield now to the junior Senator from Delaware (Mr. Boggs).

Mr. BOGGS. Mr. President, it is a distinct honor for me to join in congratulating the senior Senator from California (Mr. Murphy) for his valued service to the Senate during the past 6 years.

Senator Murphy and I served together for 4 years on the Committee on Public Works. During that period I came to know him well and to respect his advice and ideas. His interest is deep in legislation under the jurisdiction of the Committee on Public Works. This is particularly true when it comes to bills for clean air and clean water. He worked diligently in the committee for legislation to enhance our environment and bring to all Americans a better way of life.

Senator Murphy's race for the Senate in 1964 marked his first attempt to win elective political office. But he was well schooled in the problems and solutions of government. Senator Murphy brought to the Senate a broad background in civic, industrial, labor, and political service.

Once he came to this body, he became active in fostering employment legislation through his membership on the Committee on Labor and Public Welfare. He wrote a provision to prevent school dropouts and was very active in the establishment of the Redwoods National Park.

Senator Murphy's term in the Senate has been one of accomplishment for the people of California and for the Nation as a whole.

I know that when the 92d Congress convenes next month, each of us will miss greatly the advice, friendship, and counsel of Senator Murphy. We will miss his ability to focus the attention of Members on the vital issues confronting us, and to seek workable solutions.

During these past 6 years, Senator Murphy spoke in Delaware on several occasions. If I may add a personal note, I hope he will have the opportunity to return to Delaware and to renew the many friendships he has made in my State.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Nebraska (Mr. Curtis).

Mr. CURTIS. Mr. President, it is difficult to think of just what to say on an occasion like this, because the man about whom we are talking is loved and admired by everyone here. All of us have observed his dedication, his genuine patriotism, and his keen insight on profound public questions affecting the welfare of our Republic. Consequently, I doubt if I can say anything new or different about George Murphy.

I do want to go on record as saying that George Murphy has made a very great contribution to his country and to the Senate of the United States. He has set an example in his love of country, in his concern for the preservation of the institutions and traditions that have made this country so great.

George had a very useful life in public affairs before he came to the U.S. Senate. He was seasoned in his handling of public issues and in activities relating to public affairs.

Therefore, I would like to express the sincere hope that as this, the 91st Congress comes to an end, and George Murphy is no longer a Member of the Senate, he will continue in all his activities relating to politics, government, and public service. He had it within his power to render a great contribution and to be helpful to all of us and to our country.

May I say, Senator Murphy, I hope you will come back and visit us often. I hope that you will frequent the Senate dining room, so that we might, from time to time, enjoy your fellowship. We will miss you in all of these places, and we will miss you at the Wednesday morning prayer breakfast. On those occasions when it was your turn to have charge of the meeting, everyone looked forward to it, because we knew you spoke from your heart and that you were not just saying words, but you were sharing with us the deep faith that you possess.

We all congratulate you on your splendid record of public service. We urge you never to cease in those fine endeavors.

Mr. GRIFFIN. Mr. President, I yield now to the Senator from Wyoming (Mr. Hansen).

GEORGE MURPHY, THE COMMON MAN

Mr. HANSEN. Mr. President, the first time I met George Murphy, he had flown into Wyoming to speak for Republican candidates. I was aware of the extremely demanding schedule he had undertaken and, conscious as well of the strain his wide-ranging activities was placing upon his throat, healing from surgery; I would not have been surprised if he had not been there. But George Murphy was never one to spare himself when a cause could be helped.

Mr. President, few Members of the Senate have had broader experience than has he. He is one of the few Members of the Senate who is, and for many years has been, a member of organized labor.

He understands clearly the aspirations, the needs, and the problems of the working man—he worked his way through school—he has greater faith in the commitment and motivation of young people than some believe them to have.

His has been a knowledgeable voice for most Americans, persons who willingly assume the responsibilities of citizenship, the obligations of parents, the duties that devolve upon all of us to defend our country and its institutions.

Raised as a member of a God-fearing family, he has a deep and abiding faith in God and the moral values that go with Christianity. His probing interest has resulted in a number of Members of this body being better informed of the extent of the activities of the purveyors of pornography and smut. His great interest in youth has found outlets in many organizations such as the Boy Scouts of America.

Legislation dealing with our environment has had a stanch supporter in George Murphy. I join with my colleagues in saluting this good citizen, great friend, and eminent legislator as he takes his leave of this body.

With emotions filled with respect and regret, I wish him well.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from Alabama (Mr. Allen).

Mr. ALLEN. Mr. President, I am delighted to have this opportunity of paying tribute to a man whom I admire and respect very much, Senator George Murphy of California. I have known Senator Murphy for only 2 years I have had the honor to serve in the Senate. I was prepared to like Senator Murphy very much based on what I knew of him from having seen him in motion pictures, having seen him on the late, late, show on many occasions, and from having read about his career in the U.S. Senate. But I have found that I admire and respect and appreciate Senator Murphy much more than I had thought that I would.

Mr. President, the press from time to time gives capsule descriptions of people in public life, and its members are prone to describe the distinguished Senator from California as a former motion picture star or a former Hollywood song and dance man. All too seldom do they characterize him by the designation to which he is entitled, which is the able and outstanding senior Senator from California.

Mr. President, as a further token of the love and admiration that I have for George Murphy, I want to say that I read every single page of his autobiography with the catchy title, "Say, Didn't You Used To Be George Murphy?" I want to say that I enjoyed that autobiography very much, and it gave me a fresh insight into the character and personality of this remarkable man.

Mr. President, my home State is some 2,500 miles away from Senator Murphy's home State, and my regularly assigned seat in the Senate is on the back row of the Democratic side, as Senator Murphy's assigned seat is on the back row of the Republican side. But I want to say that we are not that far apart ideologically, and I have found myself agreeing with the positions taken by the distinguished Senator from California more often than I agree, from time to time, with many of my colleagues on this side of the aisle. I have found that there is not too much difference between a conservative Republican Senator from the great State of California and a conservative southern Democratic Senator.

I have grown to love and admire Senator Murphy. I have had the privilege of attending many Senate prayer breakfasts at which he has spoken. To my great pleasure and admiration, I have found him to be a most devout man.

So he is a great U.S. Senator, a Senator who will be greatly missed in this Chamber. I shall miss him personally, and look forward to his visits from time to time back to the Senate Chamber. I hope they will be frequent.

So at this time I pay tribute to this great man, this outstanding Senator from the State of California, and say to him, "We shall miss you in the Senate. We hope you will visit with us often, George."

Mr. GRIFFIN. Mr. President, I yield now to the senior Senator from Iowa (Mr. Miller).

Mr. MILLER. Mr. President, I am pleased to join with my colleagues in bidding a fond farewell and extending a warm salute to GEORGE MURPHY, the retiring senior Senator from California.

The CONGRESSIONAL RECORD provides ample evidence of Senator MURPHY's hard work and dedication to the people of his State which he has so ably and actively represented here in the Senate. However, as should be the case with all Senators, his interests and activities have also extended beyond the borders of his home State. On this floor we deal with numerous issues of nationwide and worldwide import, and, as we have, there has never been a single instance when Senator MURPHY has been wanting in his vigorous support for a strong, realistic, progressive posture on the one hand, or, on the other hand, in his equally vigorous opposition to proposals which would weaken our country or cause it to turn back the clock to the isolationism of the 1930's.

With his long background of experience in business, labor-management relations, and personal involvement in the entertainment industry, Senator MURPHY brought to the Senate a uniquely penetrating understanding of public relations and the subtle ways in which certain press media play upon public opinion. No one understands better than he that public opinion is what makes our system of government tick; and this understanding is matched by his concern over the need for the public to be informed on both sides of all issues. He has done all any one man could do to encourage all members of the communications industry to serve the public interest by giving both sides of a controversy equal treatment. And I suspect that, as he leaves the Senate, he will continue to serve our country by pursuing this objective. I hope he does so, because he is particularly well qualified to do it and because I know that he appreciates the fact that such an objective must be achieved if our system of government and economics is to be preserved, and, preferably enhanced. Indeed, it is likely that he will have greater freedom to carry on this work outside the Halls of Congress than as a Member of Congress where our duties tend to restrict our outside activities—important though such outside activities may be.

And so, as you leave us, I not only wish for you the best of health and happiness, but I express the deep hope that you will use these priceless years in the Senate as a means to achieving a truly informed electorate. No greater service could be rendered the people of the country you love. You have made a gallant beginning, but the battle is yet to be won. May God bless your efforts.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Oklahoma (Mr. BELLMON).

Mr. BELLMON. Mr. President, any public official is certain to owe debts of gratitude to a large number of individuals who have provided a helping hand. In my case, I feel a particular debt of gratitude to the distinguished senior Senator from California, who has been helpful to me in many ways over a long period of time.

GEORGE MURPHY's understanding of political processes and of campaign techniques was freely made available to me during the time I was considering becoming a candidate for the U.S. Senate and throughout the campaign. He came to Oklahoma where he made several appearances in my behalf. His eloquence and prestige did much to add credibility to my campaign and to provide a winning momentum. I am sure he was equally as generous in his support of others.

Since coming to the Senate, I have continued to rely heavily upon the good judgment and good nature of GEORGE MURPHY. His willingness to be helpful, his tireless devotion to duty, and his unfailing wit has served as a model for many.

Mr. President, GEORGE MURPHY will be greatly missed in the Senate. His departure will create a vast void which cannot be quickly filled. I am proud to join my colleagues in paying tribute to his service here and in wishing him great happiness in his new pursuits.

Mr. GRIFFIN. I am pleased to yield to the Senator from New Jersey (Mr. WILLIAMS).

Mr. WILLIAMS of New Jersey. Mr. President, a hundred different backroads of experience bring us here to the U.S. Senate. When Senator MURPHY came here, I made the early and erroneous assumption that his backroads of experience really centered at Hollywood and Vine. Of course, this was an easy assumption, because I had been one of millions who had been thoroughly entertained by Senator MURPHY in earlier years.

Here, on the Senate floor, I learned dramatically that the backroads of experience of Senator MURPHY's life were many and most varied.

The debate and discussion was on a farmworkers' bill. I was chairman of the Farm Workers Subcommittee here. I spent about 5 years with the committee in the field and here on the floor, talking about their problems. Senator MURPHY entered the debate, to my regret, but present pleasure, and I wondered how he spoke with such authority about farmworkers' problems, and he began to tell me. His was not the experience of the lives of farmworkers drawn from Senate field trips but from working in the vineyards and the farms of California. Then we came to the coal mine health and safety bill, dealing with problems of the workers in the mines. Here, too, we learned early that GEORGE MURPHY had worked in the coal mines of Pennsylvania.

I recite this only to suggest that the Nation has been well served by a great man, with a wealth of experience. As the chairman of a committee on which Senator MURPHY served, I know that he so helped.

I know all the great characteristics of GEORGE MURPHY will be spoken of here this morning, and I would comment on one: He is a man of total generosity, a pleasure indeed to know. I express my grateful friendship to our retiring friend.

Mr. GRIFFIN. Mr. President, I yield now to a very patient Senator from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. President, I thank the distinguished acting minority leader for giving me this opportunity to say a few words about one of our colleagues who has served with distinction and who is the friend of many of us. I refer, of course, to Senator GEORGE MURPHY, the senior Senator from California.

I met GEORGE MURPHY first, shortly after his election in November of 1964, in one of the rooms of the minority leader's office in the Capitol. Aside from the awe that the Senate as an institution and the Capitol as an edifice inspired in a then younger lawyer, I was also impressed by the man who was virtually the only Republican victor at the polls in that year and I believe was the only new Republican elected to the Senate of the United States in that year.

I was also impressed by the man GEORGE MURPHY, because it took only a few moments of encounter to realize that this man was extraordinary in many ways and that the spectrum of his importance and significance was greater than I had realized and, I quickly surmized, than most had realized—perhaps even the people of California who elected him by such a handsome majority.

Beyond that time, I paid close attention to the career of GEORGE MURPHY as the sole spokesman of the Republican senatorial class of 1964 and as the man for whom I had derived a brandnew respect and admiration.

It came quickly in early 1966 to make my judgment as to whether or not I would seek my party's nomination to the U.S. Senate and ultimately, hopefully, to become the nominee of my party in Tennessee for the U.S. Senate.

It would not be an exaggeration to say that my contact with and my appreciation for GEORGE MURPHY and his singular success in 1964 had some bearing on the judgment making process that I invoked at that time. I do not imply that Senator MURPHY was the determinative factor in my decision to make that race, for I would not want my colleagues in the Senate to make him shoulder that blame by himself, but I do say that he played some part in that decision.

After the people of Tennessee granted me the right to represent them in the Senate, beginning in January of 1967, I was afforded the opportunity to watch and work with GEORGE MURPHY in a different way, as a very junior colleague of this very distinguished Senate, to watch him perform on the floor of the Senate, to see his work and meticulous care to detail in the Committee on Public Works, of which I believe I was the most junior member at that time and of which Senator MURPHY was a member, to see him prepare his presentations with care and diligence and attend to the requirements of his people of the State of California and of the country.

I think the admixture of his concern and attention to the requirements of his State and the country at the same time might be typified by one of the most significant pieces of legislation of which I witnessed the adoption in the Committee on Public Works while I was there, and that was the so-called Murphy amendment to the Clean Air Act of 1967. Most

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Senators will recall that the Clean Air Act of 1967 probably marks the beginning point, the point of departure from which this Nation began its journey to a cleaner environment and its dedication to cleaning up the air envelope around us.

Most often in the Senate, the efforts toward exception are to relieve pressures. But, not untypically, in the Clean Air Act of 1967, in the case of the Murphy amendment, it was to create an exception in favor of stricter regulations in the State of California, so that that fine State and her people might go about the business of attending to their own rather severe air pollution problems in a more rapid way, at an accelerated pace. It is typical of GEORGE MURPHY that he did not permit the onerous implications of exception to deter him from the fact that he, indeed, must have an exception if the people of California were to continue to lead the way, to lead the Nation, in showing how to abate the pollution nuisance, the pollution threat, to the people of this country.

The Murphy amendment stands today as the only exception to the national standards, the national criteria of its type, an exception so that California and GEORGE MURPHY can set about the business of cleaning up the air faster and more rapidly than the rest of us.

I began this discourse by saying that it is not untypical of our colleague that, while he has some impatience with the slowness of our pace in doing the Nation's work and attending to the quality of life, he does not rant and rave against Congress or against the institution or against the bill, for that matter, but, rather, does his best for his country and then provides for the extra effort that he is sure that his State and his people are willing to and ought to devote to the problem. I then saluted GEORGE MURPHY for that accomplishment, and I do so again today, for he deserves it.

Later, I saw GEORGE MURPHY's work as chairman of the Republican senatorial campaign committee, and saw the delicate, sometimes tedious, but always reliable work he performed on behalf of incumbent Republican Senators seeking reelection and on behalf of youngsters, so to speak, who were trying to become Republican Members of the Senate and to handle large sums of money and distribute them among the candidates, perennially always hungry for money, assistance, and help. I cannot recall one single words of criticism being raised against him by any Republican candidates for the Senate, successful or unsuccessful, or any member of the Democratic majority of the Senate, so far as I can recall. He performed his duties as chairman of the Republican senatorial campaign committee in that way. To amass that record, in these times, is really a true measure of the man. I salute him for that.

Then came the campaign in 1970. It is not intentionally immodest of me, I hope, to say that there were several requests to campaign in several States. I also hope it will be taken as a measure of my respect for Senator MURPHY that I asked him for permission to campaign in California. In this way, I was able to show my high respect for him. I was able to campaign for him. I am not sure it did any good, but it was gratifying to me. While I was there, I discovered something else that I knew subconsciously and would have surmised if I had thought about the particular subject, that GEORGE MURPHY mirrored and reflected the true values and views of the people of the largest State in the Union with extraordinary accuracy. He resonated at the range of the divergencies and diversities of the people of the largest State. I respect him for that.

Success at the polls is not always the best measure of a man's understanding of his constituents. Success or failure at the polls sometimes implies that his judgment, his conscientious determination of the outcome of a particular controversy, is not always in accordance with the passions of the moment. It has often been said that one of the strengths of the Senate stems from the fact that with 6-year terms, its Members are inclined to give greater weight to their consciences and the true values and less weight to the immediate passions of the public. That may be so, but it also creates a highly dangerous and vulnerable position for incumbent Members of the Senate.

In defeat, it is to the credit of GEORGE MURPHY that he was willing to take that risk during his term of 6 years of service and use that delicate mixture of personal judgment, even intuition, together with an understanding of the requirements of the people of California, their long-term views, their dedications, their private and public passions, and mix them together to make his view of the circumstances in that period of history.

Some men suffer in the years following their tenure from the views of historians and scholars, but I predict with no reservation at all that GEORGE MURPHY will not be one of them.

Future close scrutiny of his vast understanding of a great array of problems, his delicate understanding of the people of California and their requirements, now and for the future, and his respect for the institutions of government, but also his determination to make exceptions and forge ahead when that is necessary, his magnificent personality that permitted him to get along with all of his colleagues, but his toughness that permitted him to do the things that needed to be done even at the risk of his own political career, all will give him a place in history that few of us can ever aspire to.

So, today it is my great honor and privilege to salute a great Senator.

Mr. GRIFFIN. Mr. President, it is apparent, because of the number of Senators who have appeared in this Chamber to pay tribute to Senator MURPHY, that there will not be an opportunity within the time allotted to do so. Even though time would be extended, consistent with the requirements of the Senate, it will still not be adequate. I therefore ask unanimous consent that the period allotted be extended for an additional 20 minutes; also, that a statement by the Senator from Colorado (Mr. DOMINICK) who is absent, be printed in the RECORD.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. DOMINICK. Mr. President. One of the greatest privileges I have had during the last 6 years has been that of serving with the distinguished senior Senator from California, the Honorable GEORGE MURPHY. I have grown to respect and admire him greatly in the many contacts we have had over the years.

We serve together on the Armed Services Committee where he has been a tower of strength for the citizens of California and for the Nixon administration.

We have served together on the Labor and Public Welfare Committee for the past 6 years, where it was his proud boast that he was the only labor union member serving on that committee. It was true. GEORGE MURPHY has been a lifetime union member who has been more interested in looking after the rights of his fellow workers than in promoting labor bosses. And he could speak with authority, having been twice elected president of the AFL–CIO Screen Actors Guild and having served on the board of directors of that organization for 15 years.

We also served together on the Joint Commission on Coinage and on the Senate Republican campaign committee. MURPH was chairman of the campaign committee during the highly successful 1968 campaign. Despite having undergone a serious operation on his throat which left him barely able to speak above a whisper, he stumped the country in behalf of Republican candidates—not only for the Senate, but for the House as well. Time after time at these political gatherings he would turn disorganized confusion into a standing, cheering ovation for Republican principles and the candidate he was seeking to help.

Countless times I have seen GEORGE MURPHY help to solve crises in our committees and on this floor with great humor and good grace. I shall miss him, and I wish him good health and great happiness in his future undertakings.

Mr. GRIFFIN. Mr. President, because of his consideration of others at this time, as in so many other times, the man of the hour has got to get away and wants to leave the Chamber.

In response to his request, I now yield to the distinguished senior Senator from California (Mr. MURPHY).

Mr. MURPHY. I thank my distinguished colleague from Michigan.

Mr. President, I dislike very much asking to be excused at this time, but an unfortunate occurrence, the death of one of our esteemed colleagues, Mendel Rivers, takes me away.

I should like to leave here thinking that all the nice things that have been said about me were true. I had no idea I had been as busy as the distinguished Senator from New York says.

I wish to thank my colleagues most sincerely. I am most grateful to them all for the kind and gracious words which have been spoken here this morning on my behalf.

I shall always cherish the honor I have enjoyed, of serving the No. 1 State in the Union in this distinguished and most important body.

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I shall always cherish the associations and the friendships which I have made here. I shall miss you all very much. I may have to drop in from time to time just to make certain that the ship of state is on what I consider to be the proper course.

Misfortune is sometimes attended by good fortune. A few years ago, I had the misfortune to suffer an operation which impaired my voice, but through the kindness and courtesy of my colleagues here I was permitted to bring this mechanical device into the Chamber, which I think made it possible for everyone to hear me, even in the galleries. So, as the years roll on and my colleagues look up at the gallery, they will find a control booth there—whether it will be in my honor or not, I am not certain—but this entire Chamber will be amplified so that everyone can hear what everyone else is saying. I think that will be a great boon. So if I have done nothing else while I have been in the Senate, I can leave that as an accomplishment.

So now, gentlemen, I ask your kind indulgence that I may go and pay my last respects to a great friend, Representative Mendel Rivers.

I thank you all most sincerely for the honor you have paid me here today.

Mr. DOLE. Mr. President, I am pleased to have the opportunity to join with my colleagues today in paying tribute to GEORGE MURPHY, the senior Senator of California, who in one term left marks on this body that will not soon be forgotten.

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It was easy for the so-called professional politicians to sneer at the thought of what they mockingly called a song-and-dance man joining this august body.

But in 6 years, GEORGE MURPHY has taught many cynics lessons that they would do well not to forget—lessons in courage and lessons in party loyalty.

Let me ask, how many men do we know who would commute across country almost weekly in order to be at their wife's bedside on weekends and still attend to Senate duties on a regular basis?

For 6 years, GEORGE MURPHY has kept up this killing pace, never complaining, seldom missing a vote, and always at the service of his party and of his President.

How many of us here could fight back from a deadly disease and a disability operation and still carry a full workload?

GEORGE MURPHY has done that.

And that is not all. GEORGE MURPHY is one of those rare men who do not fear to stand up and be counted.

He has stood with his party and with his President when the going was easy and when it was rough.

He knows and he has practiced the true meaning of loyalty and service—yes to his country, yes to his family, and yes to his party.

Mr. President, the senior Senator from California has proved that you don't have to be a lawyer or a professional politician to serve in the Senate, and through the Senate to serve our Nation well.

Without question, the Senate will be soon without him, but I also know without question, that in one capacity or another, Senator MURPHY will continue to serve his party and his country in the months and years ahead.

Because of this, a nation and the American people will be richer.

Mr. President, again I say, the Senator from Kansas is proud to be among those paying tribute to a fine man and a worthy Senator, GEORGE MURPHY of California.

Mr. President, as a junior Senator in this body and sitting to the right of the distinguished senior Senator from California, I shall miss him. But the Senator from Kansas has learned much from the senior Senator from California.

I have learned to know this great man. I have learned to know of his great accomplishments, not just in the Senate, not just in California, but all across America and throughout the world.

So all of us who have had this opportunity and privilege are better for it. Certainly I consider that I am better for it, better because of his dedication, but perhaps better just because he is GEORGE MURPHY, perhaps one of the silent majority, perhaps the leader of the silent majority, but a great man, a man who has left his mark in this body.

Mr. GRIFFIN. Mr. President, one of the closest friends of Senator MURPHY, in different ways, geographically and otherwise, is the senior Senator from Arizona (Mr. FANNIN).

He was here when the Senate opened, anxious to speak, but business took him away. He is now back, and I am glad to yield to the senior Senator from Arizona.

Mr. FANNIN. Mr. President, I am proud to join my colleagues' tribute to a fine American, GEORGE MURPHY.

Mr. President, it is a fortunate man who has good neighbors. And I have been blessed with great neighbors.

It was my privilege to enter the Senate 6 years ago with Senator GEORGE MURPHY from my neighboring State of California. I have worked with Senator MURPHY on committees and I have had the pleasure of sitting next to him in this Chamber. I will greatly miss his guidance and counseling.

Even before I had the privilege of coming to the U.S. Senate, I worked with GEORGE MURPHY on projects in my State of Arizona. He was a businessman. GEORGE MURPHY is a man who has many diversifications.

Words are inadequate to describe his achievements or the great service that GEORGE MURPHY has rendered to his fellow man, his State, and his Nation.

As a Broadway actor, as a movie star, as a labor official, as an author, and as a U.S. Senator, GEORGE MURPHY has devoted his full energy and has been an overwhelming success.

Senator MURPHY excelled in his work in labor relations even before he came into the U.S. Senate. He was called upon several times to help in settling strikes. He was successful. He made himself available to work with others. He has been able to view labor problems from every angle.

He was a labor leader, having been elected twice as president of the Screen Actors Guild. He has been a business executive and therefore could appreciate the problems of management. So it has been that Senator MURPHY has been able to apply this insight to the business of legislating in difficult situations.

Senator MURPHY had the spotlight, stardom and an Oscar as an actor. But here in the Senate he devoted his efforts to work rather than taking bows publicly. He has always been willing to do more than his part in tackling any task at hand. He never asked for plaudits, but was always giving accolades to others.

He has made major contributions of time, talent, energy, and knowledge in helping his party. He was in charge of programs at three national conventions. He was chairman of the national Republican senatorial committee in 1967 and 1968.

Previous to his Senate career, he served both officially and unofficially as a leader of the Republican Party as State chairman and as program chairman of Republican National Conventions in addition to taking a leadership position in campaigns throughout many of the States of this Nation.

Senator MURPHY has worked vigorously to attain goals for himself, for his party, for his State, and most of all, for his Nation.

The senior Senator from California has earned a rest—but I have the feeling that he will turn up where the action is. I wish him the best, for no one deserves it more.

Mr. GRIFFIN. Mr. President, the distinguished Senator from Utah has been very patient. I now yield to the Senator from Utah.

Mr. BENNETT. Mr. President, my colleagues have already outlined and given us over and over again the striking details and the pattern of life of GEORGE MURPHY, but certainly everything is very different when viewed in the context of Senate membership.

I would just like to say a word or two about GEORGE as a man.

It seems to me that he has brought to the Senate a number of characteristics that contribute greatly to the stability and the greatness of this body.

He is a man of high character when measured by all of the highest standards that can be used—honesty, integrity, responsibility, and the other characteristics we associate with those terms.

Because he came out of the background of the performing arts, people tend to overlook the essential goodness of the man. In the 6 years I have known him, I have been struck by his attitude toward others, which I would describe as one of kindliness. There are a lot of pressures and tensions in this body. I find myself succumbing very frequently to the temptation to be unkind. I have never seen that attitude exhibited by GEORGE MURPHY.

At the risk of being misunderstood, I would say that GEORGE's attitude toward others has a characteristic that might be described as sweetness. It is a kind of innocence that is generally free from bias or from bile.

Reference has already been made to his faithfulness which is so beautifully portrayed by his devotion to his wife who, for years, has been an invalid.

GEORGE comes from the Hollywood atmosphere where lifelong devotion to one's mate is the exception rather than the rule. His election put a great burden on Senator Murphy since it caused him to leave his wife's side.

He certainly has demonstrated his tremendous capacity for faithfulness and his willingness to sacrifice himself and his own strength in order to maintain that personal relationship.

I remember that during the campaign in 1966 he was in Salt Lake and without warning the airline canceled his flight. Anyone would have been upset, but George's first concern was, "My wife is expecting me." He had to get to a telephone and call her.

Another characteristic of the man is courage. Very few men would have suffered the physical handicap that he has suffered, a handicap that is particularly difficult in this body where we are called upon to use our voices so frequently, a handicap which his political enemies used against him. But those of us who worked with him realize he has never been embittered or discharged because of it. He smiled and joked about it a little and found a solution for it. The half whisper that has become his trademark in the Senate will be missed because it is a kind of badge of courage.

Reference already has been made to his versatility. I think this is one of his great characteristics. A man who can succeed in fields as far part as the performing arts, politics, and business, and keep himself humble and responsive through all of those experiences of success must be a real man.

George Murphy's father was the trainer for the U.S. Olympic team in his time. His job was to build men physically for that ultimate international challenge.

I think probably his most successful product was his son, George, and we who have had the privilege of serving with him during these past 6 years have benefited greatly by that association.

I am sure all of us on both sides of the aisle will not only miss him, but also we will find that a special quality has gone from the Senate.

Mr. GRIFFIN. Mr. President, I yield to the distinguished senior Senator from New York.

Mr. JAVITS. Mr. President, I thank the Senator for yielding.

I have had the unique opportunity to be a friend of George Murphy, as well as a colleague, in that I am the ranking minority member of the committee on which he served for most of his Senate career, the Committee on Labor and Public Welfare.

There we saw a side of George Murphy which, to my mind, was most admirable, for he is above all else a very personal man and a very humane man. Although his upbringing led to different conclusions than traditionally has been the case with labor leaders that led him to the conclusions of a more conservative character in terms of economic and social policies, he infused these views with a humaneness and practicality which was admirable and which was of tremendous assistance to the committee.

These attitudes, which are so laudable in a friend as well as in a Senator, showed themselves remarkably in a particular incident to which I wish to testify as his colleague. A few years ago Senator Murphy was a member of a subcommittee of which then Senator Clark of Pennsylvania was chairman and of which Robert Kennedy and I were the additional members, as well as Senator Murphy. At that time we went to Jackson, Miss., for hearings. It was one of the first times that there had come to the attention of a Senate committee that depth of depression which was evident there in a real crisis of hunger for hundreds of families in the Mississippi delta. This had been rumored and reported on by teams of physicians and others, but here we saw it in all of its stark reality. It was a deeply shocking experience. Our reactions were various reactions of shock, surprise, denunciation, indignation, and determination to have legislation reflecting the views of the different men concerned. But the reaction of George Murphy was typically humane and direct. He said that such a thing cannot be and should not be in this country and that there must be a way to solve it, whether there is a law on the books or not, and that the man to do that would be the President and none other.

Under the leadership of Senator Murphy, although he was the junior member of the committee, a direct appeal was made to the President in respect to this matter. This resulted in what were properly described as a sensational series of hearings on Capitol Hill, involving the then Secretary of Agriculture, Mr. Freeman, and they brought about a realization of the profundity of this problem and had a great deal to do with the President's acceptance of it and the declaration of his insistence, as one of the objectives of his presidency, that poverty in this country should not go to the extent of hunger, no matter how hard it was to wrestle with.

I think we owe a great deal to the practicality and human kindness of George Murphy. He is a man of paradoxes, a businessman, as well as a great entertainer. I had seen him and enjoyed him many times before I encountered him here. He is a great raconteur. One could not find a happier companion than George Murphy.

Although a man of conservative social views, he always has a pragmatic bent to get something done rather than not to get it done. This has distinguished his entire career.

It is interesting that prior to his Senate career he had been a dancer. He was a soft shoe dancer, as the saying goes in the profession. That carries with it a requirement for that very special grace, kindness, and sweetness of which the Senator from Utah has spoken, but also for decisiveness and precision, and George Murphy expressed all of those qualities in his intellect, as he did in his field, a remarkable combination.

It is always a joy for another man to contemplate the variety of talent that may be possible in a friend, as well as a colleague. So from this very specially privileged vantage point I have had of working with him as his colleague on the Committee on Labor and Public Welfare, as well as my lifelong contact with him, in all fields in which he has operated so successfully, I join all colleagues in bespeaking the kindest and happiest things for him, both present and future, and join with them in hoping so dynamic and effective a human being will not allow his leaving the Senate to interrupt the rhythm of his life or the rhythm of his work and that we shall be encountering him again in many other ways in the constructive as well as the happy guise he has represented as a human being in the Senate.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the period for these statements be extended for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, sitting quietly and patiently in the Chamber, as he often does, while these proceedings have been going on, has been the senior Senator from Delaware. I now yield to him.

Mr. WILLIAMS of Delaware. Mr. President, I join colleagues in paying respect to George Murphy, an able representative of the State of California and a great American.

One of the highlights of serving here is that we get to meet and know men like George Murphy. I especially am sorry he will not be here when the 92d Congress convenes next month. Nevertheless, as one who likewise will not be here, I wish to say it gives each of us, as private citizens, a greater opportunity to get together and perhaps to enjoy life together as private citizens and maybe it has some advantages in that from the east coast as well as the west coast we can observe the activities of colleagues and occassionaly come back and meet them.

I shall not attempt to review the record of service which has been outlined here this morning so ably by other Senators, but I merely wanted to say that as George Murphy goes back to his family in the State of California he carries with him not only the respect but the very best wishes of his many friends in Washington.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from North Carolina (Mr. Ervin).

Mr. ERVIN. Mr. President, I did not know George Murphy prior to the time that he came to the Senate. During his service in the Senate he has taught me to admire him for the qualities of his head and to love him for the qualities of his heart.

George Murphy is a very unusual person. He brought to the Senate a wealth of practical experience in many activities of life. As a consequence, he was well versed in the fundamentals of many of the problems which have confronted the Senate since he has been here.

He had an uncanny capacity to distinguish between the things which are real and the things which appear to be plausible. As a Senator, he was always trying to do something about the things which are real and to assign to their proper insignificant position the things which are merely plausible.

George Murphy is a man of rare intelligence. At the same time he is a down-to-earth individual. He has brought to the discharge of his senatorial duties

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not only his rich experience from many activities of life prior to coming to the Senate, but his great store of commonsense and, as someone has remarked, a pragmatism.

The thing that has appealed to me about GEORGE MURPHY most, outside of his genial companionship, is the fact that he can rightly be characterized as a stouthearted man. By that I mean GEORGE MURPHY has had the fortitude to take stands on sides which he believed to be right regardless of their probable effect upon his political fortunes.

The people of the United States are greatly indebted to GEORGE MURPHY for his service in the Senate, because of the wisdom which he had gained from practical experience, and because of the fact that he had a brave and courageous heart which prompted him to stand for the things which he believed to be in their best interests.

I wish for GEORGE MURPHY in the days that lie ahead the greatest possible happiness. I wish to say I shall miss his genial companionship and the great pleasure which it always afforded me.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the RECORD remain open to receive further statements and tributes concerning Senator MURPHY until the close of the session of the 91st Congress.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that thereafter the statements and tributes be gathered and published as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JORDAN of Idaho. Mr. President, it is an honor for me to stand this morning to pay tribute to my esteemed colleague and friend, GEORGE MURPHY of California.

When GEORGE came to the Senate 6 years ago, unlike most first-term Senators, his name was already a household word. His first profession had already earned him 45 movie roles and an Oscar. He had already been a delegate to three Republican National Conventions and was 2 years chairman of the Republican State Central Committee of California. He had already entertained U.S. servicemen—in World War II—and been president of a labor union, the Screen Actor's Guild.

At a time when most men consider their life's service complete and are willing to bask in the accolades of the great men of their time, GEORGE MURPHY recognized the need for firm leadership for the State of California in the U.S. Senate.

Shakespeare must have been thinking of him when he said that:

> Some men never seem to grow old. Always active in thought, always ready to adopt new ideas, they are never chargeable to fogyism. Satisfied, yet ever dissatisfied; settled, yet ever unsettled, they always enjoy the best of what is and are the first to find the best of what will be.

For this 6 years GEORGE MURPHY has given that extra mile of effort on behalf of the people of his State and the United States. We have all learned much from his insight and understanding.

"The evening of a well-spent life brings its lamps with it." The lamp which GEORGE MURPHY takes with him today is the knowledge of a life well-spent, and a service well given.

Mr. GURNEY. Mr. President, I want to associate myself with the remarks of my colleagues concerning the distinguished senior Senator from California (Mr. MURPHY).

Those of us who have come to know GEORGE MURPHY personally during his years in the Senate have found him to be a good friend and a very warm and gracious human being; must important of all, a truly outstanding Member of this body. He is a man of great compassion and understanding and he has worked very diligently for the welfare of his great State and our country during his public career.

I have had an opportunity to see him work firsthand on our special Committee on Aging, and I know of his deep concern for our older citizens and personal commitment to improving their lives and insuring their well-being.

He has been the kind of Senator all of us wish to be—able, dedicated, conscientious, knowledgeable, hard working and effective.

Whether it was work on his important committees, or debate here on the floor; or prodding the executive and administrative branches of Government on behalf of his great State of California and his constituents, Senator MURPHY has been known and respected for his outstanding ability.

Senator MURPHY's life is an inspiration to all. He has excelled in everything he has undertaken. He set his sights high and he reached the top of the mountain, whether it was as an actor in show business, a leader in union activity among his colleagues in Hollywood, in Republican political organization in California, or in elective public office, representing the largest State, California, here in the U.S. Senate.

He and his family and his friends can view GEORGE MURPHY's life as one of great achievement and great contribution to his fellow men both in the field of entertainment and in public service.

GEORGE MURPHY is a fine gentleman, and has proven to be an honorable and conscientious public servant. He has earned the respect of his colleagues and, more than that, he has earned the friendship of his colleagues. The U.S. Senate will miss his presence in the next Congress.

Mr. COTTON. Mr. President, whenever representatives of our news media have tried to add an extra touch of color to their reports about Senator GEORGE MURPHY by playing up his background as a song-and-dance man rather than his more recent accomplishments as a legislator, "MURPH" has let it be known with a mixture of Irish jocularity and irrefutable accuracy that he was, in fact, a darned good song-and-dance man and that he was trying just as hard to be a good Senator.

I submit, Mr. President, that the distinguished senior Senator from California has far surpassed his goal, for the record will clearly show that he has been more than merely a good Senator; he has been a truly outstanding lawmaker and statesman.

But excellence is nothing new to GEORGE MURPHY.

The facts of the matter are that he has been outstanding in all of the varied fields in which he has been engaged—in the field of entertainment, which I mentioned; in the labor movement, as head of the Screen Actors Guild; in the area of politics, as chairman of our party in the State of California; in the field of management, as the vice president of a major corporation, and finally, of course, as a U.S. Senator from the most populous State in the Nation.

In addition, he did a magnificent job as chairman of the Republican Senatorial Campaign Committee, and all of the Republican Senators who were candidates during his tenure in that office—of whom I am one—are eternally grateful for his tireless work in our behalf.

There is no honor that the Republican Party can bestow on GEORGE MURPHY that he does not richly deserve.

I would like to point out, furthermore, that in my capacity as the senior Republican on the appropriations subcommittee which handles those matters pertaining to health, education and welfare, I have had a firsthand opportunity to observe GEORGE MURPHY's warm and deep interest in people, especially our youth, as indicated by his intense efforts in behalf of such legislation as the dropout prevention and bilingual measures.

His work in behalf of these and similar programs has stemmed directly from his abiding faith in the goodness and strength of our country and his unwavering conviction that we as a nation must continue to build from this foundation rather than try to destroy it.

GEORGE MURPHY, through his public life and thousands of unpublicized private actions, has always been and always will be a builder.

He is, Mr. President, a builder of men, and although men as indivduals die, the sense of dignity, integrity and patriotism provided to them through the work of men like GEORGE MURPHY will live on through their descendants for generations to come.

No builder could construct a finer monument.

Mr. CANNON. Mr. President, I rise to join my colleagues in honoring GEORGE MURPHY, a Senator from my neighboring State of California.

It has been my privilege to serve on the Senate Armed Services Committee with Senator MURPHY. He has impressed me greatly as a hard-working legislator and a man dedicated to a strong defense for the United States.

Senator MURPHY has been a battler for a secure and vigorous America. He has never failed to speak out for the things in which he believes and never at any time has he shirked his responsibilities to the people of California and the Nation.

Senator MURPHY was never given to lavish Government spending or reckless appropriations, but he never hesitated, when he thought a question of national security was involved, to give the matter

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intensive attention and, if merited, his active support.

My wife and I join in wishing Senator MURPHY and his wife every happiness in the years ahead. We hope his friends in and out of the Senate may continue to look for his wise counsel and warm friendship.

Mr. GOLDWATER. Mr. President, there probably is not a man on this floor who has known GEORGE MURPHY as long as I have. Not that you have to know GEORGE a long time to respect him, to love him, and to admire him, but having had the opportunity of knowing him through many years, I probably hold these feelings more strongly than do his friends and colleagues who have known him a shorter time.

I knew him when he was an actor and struggling to assist other actors through their association. I knew him in his early days of association with the Republican Party as one of the first members of the entertainment world who realized that a man talented in that way had no reason to shun his responsibilities to his country and his fellow men. I have worked with him on conventions of the Republican Party, and I have traveled with him back and forth across these United States helping to raise money and helping to elect candidates to public office.

GEORGE's presence in this body will be sorely missed, because we have had rare opportunities to be associated with a man of his talents, his energy, and his deep and loyal devotion to his country. I think it is this latter attribute which has been the hallmark of GEORGE's public service, and I know from associates across this country that it has rubbed off on old, middle aged, and young alike.

A love of country and a willingness and ability to express it—not just now and then, but constantly—is an attribute that he will leave as his record and take with him into the life ahead, which I hope, and I know all of us hope and pray, will be a long and delightful one.

Mr. PEARSON. Mr. President, there are many ways an American citizen can serve his country; but when it comes to all around citizenship few individuals are the equal of Senator GEORGE MURPHY.

There are many areas in which a Senator can make his mark, but when it comes to leadership in such legislative areas as elementary education, air quality, and peace through strength, Senator MURPHY sets the example. And his work on behalf of his party is unsurpassed.

GEORGE MURPHY has long been a leader—in labor, in civic affairs, and in politics.

He received the first national award presented by the National Conference of Christians and Jews. He has been honored by many organizations, including the Cancer Prevention Society, the U.S. Department of State, the Boy Scouts of America, the American Red Cross, the Friendly Sons of St. Patrick, the USO, and the National Education Association.

Here is a man, Mr. President, who knows America. When he left Yale, GEORGE MURPHY worked as a coal miner in Donora, Pa., an apprentice tool maker at the Ford Motor Co. in Detroit, a runner for a stock brokerage firm on Wall Street, a Broadway actor and finally a motion picture star.

In the Senate he authored the dropout prevention program, and coauthored the Bilingual Education Act, both of which were incorporated in the Elementary and Secondary Education Act of 1967. He sponsored the cooperative vocational education program and has helped draw attention to the education problems of Spanish American children. He has made a great contribution to the cause of clean air.

We are honoring a Senator, Mr. President, who believes in democracy, and opposes tyranny of the right or left. We are honoring a dedicated American and a conscientious public servant.

Mr. President, although the Senate is losing a distinguished Member, America is fortunate to retain a distinguished citizen.

Mr. BROOKE. Mr. President, when the Senate loses GEORGE MURPHY it will lose a man of deep convictions and rare wit and good humor.

I can recall many instances when GEORGE MURPHY has come to this Chamber early and left late, spending long hours in debate for the causes in which he believes. We have served together on the Armed Services Committee, where he has been a faithful and effective participant in our deliberations. And throughout his career, he has been a thoughtful and progressive proponent of quality education and health care for all Americans.

I am proud to salute a man who has led a varied and active life, and made a substantial contribution to the welfare of this country. As he enters yet another stage in his long career, I wish him well.

Mr. TALMADGE. Mr. President, it has been a great pleasure to serve in the Senate with Senator GEORGE MURPHY, and I am proud today to join in this salute to him. I first knew GEORGE MURPHY as a youngster, and was a fan of his in movies, in which he frequently appeared with Shirley Temple. Since he has come to the Senate, I have been very much impressed by Senator MURPHY's personality, his ability, and his devotion to duty.

He has made an outstanding contribution to the U.S. Senate. One thing that I admire most about him is his courage. He has the courage of his convictions to act in accordance with what he believes to be right regardless of whatever tempest and controversy it may evoke.

Senator MURPHY was generous enough to send me a copy of his book, "Didn't You Use To Be George Murphy?" which I read and enjoyed greatly.

I commend him for his service to the Senate, his Nation, and the State of California, and I wish him every future success and happiness.

Mr. ALLOTT. Mr. President, today we pause to pay tribute to the distinguished senior Senator from California, GEORGE MURPHY. It has been my pleasure to serve with him during these past 6 years, during which time he has made many great contributions to the Republic.

A man of tireless energy and resourcefulness, GEORGE MURPHY was always there when he was needed. He came to the Senate during those dark days for Republicanism following the 1964 elections. The things GEORGE MURPHY believed in were pushed aside at that time as being the philosophy of the past. Well, even though Senator MURPHY will not be with us next session, he and his philosophy have been vindicated.

In the White House, and from his home State—clear across this land—to New York State, men are now holding office who stand with GEORGE MURPHY and his principles. Indeed, it is even considered respectable today to advocate the principles for which Senator MURPHY fought over these many years.

I well remember his leadership in the fight to prevent Abe Fortas from being confirmed as Chief Justice of the United States. Today, as Chief Justice we have a man who reflects the philosophy and integrity GEORGE MURPHY and all of us were seeking when we participated in that fight.

Senator MURPHY's battles for sensible labor and welfare policies have greatly added to his stature among his colleagues. Above all, GEORGE MURPHY, in victory or defeat is a man of goodwill, a good sense of humor, and unswervable convictions.

We shall miss GEORGE MURPHY in the 92d Congress. Yet he can continue his work knowing that his philosophy is well represented here. Those of us who respect and love GEORGE know that he will spend the rest of his life working for America and all it stands for.

Welda joins me in wishing Julie and GEORGE MURPHY God's protection as they prepare to enter another phase of life's work.

Mr. SAXBE. Mr. President, I am delighted to add my voice to those paying tribute today to the distinguished senior Senator from California. Mr. MURPHY has been a friend and a counselor to me even before I came to this body 2 years ago.

I recall his aid and help during my campaign in 1968 when Mr. MURPHY, as chairman of the Republican Senatorial Campaign Committee, came to Ohio in my behalf. Later, after I came to Washington, GEORGE MURPHY always made himself readily available to a new Senator, both as a big help in getting me acquainted with my new surroundings, and as a friend.

We shall miss the distinguished senior Senator from California. I have enjoyed my relationship with him and have come to admire him as a man of honesty and integrity. Let us hope that GEORGE MURPHY will not forget us, because we will not forget him. Let us also hope that he comes back frequently to visit. I wish him nothing but happiness in the years to come.

Mr. YOUNG of North Dakota. Mr. President, one of the most able, talented, and accomplished men in many fields of endeavor who has come to the Senate in many years is our good friend, Senator GEORGE MURPHY, the senior Senator from California.

As an Irishman who came up the hard way, Senator MURPHY exemplifies all that is likable, with his folksy and down-to-earth attitude toward all those he associates with. In his speeches and his personal contacts this trait is so evident. Because of his personality and his many exceptional talents, he became one of the most popular, loved, and respected figures in the entire entertainment field.

As a Senator, "Murph," as he is affectionately known, has established a truly fine reputation. He became interested in politics and government, with all their related issues, long before he came to the Senate. While here he has been a diligent, hard worker whose views on a wide range of subjects and issues are greatly sought after and highly valued.

Senator Murphy is a man of strong convictions and one who puts up a determined fight for the things he believes in. There are few men who have left an impact on the Members of the Senate in one term or made as many friends as he.

Mr. President, the Senate of the United States will be the poorer for his departure. We need more Senators like George Murphy, and not fewer. I want to join with all my colleagues in wishing his lovely wife, Julie, and "Murph" every happiness in all the years ahead.

SENATOR MURPHY SERVED WELL

Mr. RANDOLPH. Mr. President, George Murphy, a man known to millions for his fine performances on stage and screen, might also be awarded an "Oscar" for his performance in the Senate. He was a conscientious member of the Senate Public Works Committee and is a helpful member of the Senate Labor and Public Welfare Committee. His interests run the spectrum of today's human conditions and problems, ranging from his service on subcommittees on education, aging, employment, and migratory labor, to the cosmic problems of air and water pollution.

He was, as a member of the Public Works Committee of which I chair, responsible for the so-called California amendment to the Air Quality Act of 1967. He was chief proponent of the amendment which for California alone waived Federal preemption on auto pollution standards which allowed California to continue to lead the Nation in regulating more stringent auto emission standards than prevail elsewhere. George felt this was necessary because of the peculiar atmospheric conditions existing in his State.

But there is another facet to this man to which I call attention. He has worked to help his abundant State in times of natural disaster. Here is a man who has met and conquered personal disaster, and through his efforts has helped achieve significant legislation on behalf of millions threatened by floods, mud slides, earthquakes, storms, and fires. He was cosponsor of the 1965 flood relief bill which became Public Law 89–41, and cosponsor of the National Disaster Relief Act of 1965.

George Murphy, in his relatively brief service in the Senate, has brought to us an appreciation for his sincerity and humanity.

Mr. MATHIAS. Mr. President, when our distinguished colleague the senior Senator from California, appeared 40 years ago in the Broadway hit musical about politics, "Of Thee I Sing," I am sure he could hardly have anticipated that he would someday reverse the usual course of literary history and turn a theatrical fiction into a real political career.

Today, it is of Senator George Murphy that we are proud to sing. After a distinguished career as an entertainer and businessman, he has made a distinctive mark on the U.S. Senate in the 6 years he has been with us.

All of us who are concerned about pollution of our environment are indebted to George Murphy for his work in establishing the precedent that a State may establish higher antipollution standards than those imposed by federal law. The Murphy amendment to the Air Quality Act, granting California the right to continue setting its own rigid standards for controlling motor vehicle pollution, is already regarded as an important milestone in the effort to reclaim our ravaged environment. But the Murphy amendment is only illustrative of the many accomplishments of the distinguished Senator in the whole field of combatting air and water pollution and providing for the needs of his State. All Californians and indeed, all Americans, are in his debt.

Similarly, the Senator's efforts in the field of education, particularly in the development of new programs on dropout prevention, bilingual education and vocational education, have already been recognized in the presentation of the Distinguished Service Award of the National Education Association.

These are only a few of the many areas of legislation in which George Murphy will be remembered. Many of us on this side of the aisle are also in his debt for his outstanding work for two years as chairman of the National Republican Senatorial Committee.

I am personally grateful to Senator Murphy for his contribution as chairman of the Republican Senatorial Committee. His assessment of political currents and his guidance during a difficult period of party history was of particular value on our side of the aisle.

In 1940, the Academy of Motion Picture Arts and Sciences presented George Murphy with a special Academy Award. Today, it is we and the Nation who owe George Murphy an academy award in recognition of his service in the Senate.

Mr. MANSFIELD. Mr. President, those of us who have had the privilege of serving in the Senate for the past 6 years with the senior Senator from California (Mr. Murphy) are well aware of his many fine qualities. He has served faithfully, with great dedication and with a good deal of ability. As a Senator he has been known particularly as a man of gentle and warm good humor and kindness—attributes which are always welcome in this body; attributes of which we need more.

On the committees he has served—the Labor and Public Welfare Committee and the Armed Services Committee—George Murphy has discharged his duties with the greatest care and attention. He appreciates so well the many needs of the working man, having been long involved personally in the labor movement. He translated that interest into sound and constructive legislative proposals. On the Armed Services Committee he has endeavored always to understand and meet the security needs of the Nation.

The Senate will miss George Murphy. In his term he achieved much for which he may be proud.

Mr. PASTORE. Mr. President, the fortunes of political war call for the retirement from this Senate of one who should be a partisan foe but is, indeed, a personal friend.

George Murphy is one accustomed to applause at the finish of his act—and it is the hope of us all, Democrats and Republicans alike, that he will return "for bows" from time to time in the years that lie ahead.

We have delighted in the human interest success story of this singer, stepper, and statesman—the story of his life that he has compressed within the cover of a book—and we are glad to have shared the chapter that covers his days in the Senate.

Born on the Atlantic coast and based on the Pacific, I am sure that this All-American George Murphy will retain his office as "Hollywood Ambassador"—and remind us to be grateful to the world of show business that has produced so able a colleague.

In these farewell remarks, I would like to borrow Senator Murphy's own words in speaking in this Senate of another star of the entertainment world, Irving Berlin.

Senator Murphy was defining the patriotism of this immortal composer. I feel that it describes the patriotism of our friend from California. These are his words:

> His was a patriotism to be proclaimed unashamedly, accompanied by blares of trumpets and ruffles of drums, to all lands.
>
> His was a patriotism neither too sophisticated to shed tears nor too faint hearted to shed blood.
>
> It is the kind of patriotism which the purveyors of alien philosophies among us try by ridicule and innuendo to kill.
>
> Such patriotism seems to find less acceptance in these strange days of ultrasophistication, noninvolvement and dissent.
>
> But thanks to men like Irving Berlin, it is not dead—and I can prove it. Just listen, once again . . . to "God Bless America."
>
> You will see what I mean.

We see what you mean, Senator Murphy, and we know you mean it from your heart of hearts.

May the future hold all happiness and health for you and yours.

Mr. McINTYRE. Mr. President, a man came out of California who I had never met but who I felt I knew because, as had millions of Americans, I had seen time and time again when I went to the movies for relaxation and entertainment.

And now, after serving with him here in the Senate for 6 years I have found that he excels in whatever he does. He was a great movie star. He has been a great Senator.

I have gotten to know George Murphy well. I have served with him on the Senate Armed Services Committee and you get to know a man when you serve with

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him on a committee with the great responsibilities that committee has.

But then GEORGE served also with me on the Subcommittee on Research and Development of the Senate Armed Services Committee which I have the honor of chairing. Each year we are called upon to look into hundreds of proposals which form the base for the future strength of our national defense. GEORGE has been diligent in his efforts and a valued member of the subcommittee.

This year the President asked for the factfinding group of Members of the Senate, the House, and Governors to go to Southeast Asia to report to him their views on developments there. GEORGE and I were privileged to be chosen for this trip. For a week he and I examined our efforts in South Vietnam and Cambodia. I observed firsthand his tremendous interest in what was taking place, his concern for our future in Southeast Asia, his compassion for those who are giving so much for our Nation in that far off place in the world. I liked what I saw.

May I wish for my friend GEORGE MURPHY all the best for the future. He has given fully of himself to our entertainment and national well-being. I am sure he will do the same in the future with equal success in whatever pursuits he undertakes.

Mr. THURMOND. Mr. President, the year 1964 was not a good year for the Republican Party. Due primarily to an unprecedented campaign of distortion and vilification in the news media, BARRY GOLDWATER was badly defeated in his campaign for the Presidency.

Throughout the Nation, with the exception of the South, Republican candidates suffered severe losses, and a large number of able public servants were removed from office. In California, as in the rest of the Nation, Republicans did not fare well. The Democratic candidate for U.S. Senator enjoyed the favor of the liberal press, and the added prestige of having been a close associate of the Kennedy family. The political pro's were certain that a Democrat would win the race.

The Republican candidate also possessed several characteristics widely considered handicaps. Although he had a long record of distinguished service to the people of his State and to the Republican Party, he was best known as a successful actor and entertainer. The experts were certain the voters would reject this "song and dance man," as he was called.

Mr. President, the pro's and the experts were wrong. The insurmountable obstacles were overcome, and Senator GEORGE MURPHY took his seat in the U.S. Senate. The skill, the ability, and the great dedication shown by Senator MURPHY were such that the idea that a a person was excluded from service in high public office because of being an actor was quickly laid to rest. There is no question that the success of Ronald Reagan in his campaign for Governor of California in 1966 can be attributed in no small part to the fact that Senator MURPHY pioneered the way in 1964.

In paying tribute to my good friend and colleague, GEORGE MURPHY, it is perhaps inappropriate to dwell solely on his political activities: There are so many other qualities about this man that deserve accolades and recognition. One immediately thinks of the courage and determination shown by Senator MURPHY when faced with serious surgery, and a long and difficult recovery. Ironically, had Senator MURPHY not proven to the Senate that public address systems could be used with dignity, and in an atmosphere of decorum, we probably would not have adopted such a system for general use as early as the 91st Congress.

In addition to personal courage, Senator MURPHY possesses the courage of his convictions. He is a patriot, and a man of conservative political persuasion. He has never swerved from his beliefs for temporary advantage, because he knows true public service lies in honest representation of the people.

Mr. President, I have been privileged to serve with Senator MURPHY on the Armed Services Committee, and there have been two qualities which I have observed in Senator MURPHY that have impressed me greatly. First, Senator MURPHY understands the threat posed by communism to the world's peace and security. He has a thorough working knowledge of the principles and practices of this dangerous ideology, and this knowledge has served him well in his work in the Senate. Second, Senator MURPHY has consistently shown a sound and thorough understanding of the defense needs of our Nation. At a time when anything connected with the military is subject to public abuse, Senator MURPHY has been firm in his support of a strong and adequate defense for America.

Mr. President, I have also been impressed with Senator MURPHY's consistent position against the excessive spending which has been responsible for piling up our Nation's largest debt to date. Senator MURPHY has supported sound appropriations but has never been one to countenance waste, extravagance, and giveaways of the taxpayer's funds.

Mr. President, in summary, Senator MURPHY has shown the ability, versatility, the knowledge, and the courage to make an outstanding Member of the U.S. Senate. The Senate will miss Senator MURPHY, and I personally shall miss serving with him. He has been a good Senator, and a good friend.

Mr. CASE. Mr. President, nothing that any of us can say at this time or at any time can properly put into words the sheer pleasure that our association with GEORGE MURPHY has given us during his service with us in the Senate.

On a personal basis, quite regardless of our varying ideological positions, it has been enormously satisfying to enjoy his friendship and his companionship in these busy years.

For us in New Jersey, GEORGE MURPHY has a special place in our hearts since much of his early life, including his years at the Peddie School in Hightstown, was spent in and near our State. We have many friends in common, from our youthful days, in the areas of both public life and athletic life in which his early prowess was so outstanding.

If we were not sure that we will still be seeing a good deal of GEORGE in the future, it would be harder for us to say goodbye now. With that assurance we have to console ourselves for the loss of day-by-day association with a warm and friendly man and an honest and forthright colleague.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). Routine morning business, with a 3-minute limitation on statements, is now in order.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

METROPOLITAN POLICE DEPARTMENT BAND

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of calendar No. 1530, H.R. 9551.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 9551) to amend the Act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police Force, and the White House Police Force to participate in the Metropolitan Police Department Band, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments, on page 1, after the enacting clause, insert:

TITLE I—AMENDMENTS WITH RESPECT TO THE POLICE FORCE BAND

At the beginning of line 5, strike out "That the" and insert "Section 101. The"; on page 2, line 19, after the word "the", strike out "White House Police force" and insert "Executive Protective Service"; in line 23, after the word "appropriations", insert "and which was renumbered as section 4 by such section 5 repealed by this paragraph"; and, at the top of page 3, insert a new title, as follows:

TITLE II—ALEXANDRIA WATERFRONT CESSION

SEC. 201. All right, title, and interest of the United States of America in and to that portion of land along the waterfront of the city of Alexandria, in the State of Virginia, as described in section 202 hereof, is ceded and granted to the said city of Alexandria.

SEC. 202. The land ceded and granted is adjacent to the shoreline of the Potomac River at Alexandria, Virginia, bounded on the west by the mean high-water mark as it existed on January 24, 1791, and a boundary

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line beginning at the center line of Second Street as now located, at its point of intersection with the mean high-water mark as it existed on January 24, 1791, on the Virginia side of the Potomac River, thence to the established bulkhead line, at its closest point to the northerly end of the Alexandria pierhead line as described in section 101 of the Act of October 31, 1945, which established the boundary line of the District of Columbia and the Commonwealth of Virginia (ch. 443, title I, 59 Stat. 552), thence in a southerly direction along the said bulkhead line to a point which is 176.58 feet south of the extension of the southerly line of Gibbon Street as now located, thence in a westerly direction from said point 176.58 feet south of the extension of the southerly line of Gibbon Street and parallel to said southerly line of Gibbon Street to the aforesaid January 24, 1791, high-water mark line.

SEC. 203. As to the property described in section 202 only, section 102 of the Act of October 31, 1945, is amended by striking out the colon and inserting a period in lieu thereof and by striking out the words "Provided, however, That concurrent jurisdiction over the said area is hereby reserved to the United States".

SEC. 204. That portion of the Potomac River lying between the bulkhead line and the Virginia shore as described in section 202 is hereby declared to be deemed nonnavigable both in fact and in law within the meaning of the Constitution and laws of the United States, and nothing in such Constitution and laws as now in force and effect or as hereafter amended shall be deemed to prevent the erection and maintenance of permanent improvements from the shore to the established bulkhead line, in the bed of the hereinbefore described portion of the river or on land filled thereon or recovered therefrom, provided such filling shall be approved by the Department of the Army before any such filling is begun.

SEC. 205. The aforesaid grant shall not become effective unless and until the city of Alexandria accepts the provisions thereof.

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Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BURDICK) laid before the Senate the following letters, which were referred as indicated:

Watershed Work Plan, Clear Creek Watershed, Saunders County, Nebr.

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the watershed work plan for watershed protection and flood prevention, Clear Creek Watershed, Saunders County, Nebr. (with an accompanying document); to the Committee on Agriculture and Forestry.

Fourth Annual Report on the High Speed Ground Transportation Act of 1965

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on the activities carried out under the High Speed Ground Transportation Act of 1965, as amended in 1968 (with an accompanying report); to the Committee on Commerce.

Report Showing Information on Permits and Licenses for Hydroelectric Projects

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, a report showing information on the permits and licenses for hydroelectric projects issued by the Federal Power Commission during the fiscal year ended June 30, 1970; financial statements of proceeds derived from licenses issued by authority of the Federal Power Act; and the names and compensation of persons employed by the Commission during that period (with an accompanying report); to the Committee on Commerce.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in financial statements of the Emergency Credit Revolving Fund of the Farmers Home Administration, Department of Agriculture (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overstatement of contract target costs for F–1 rocket engines for the Saturn V launch vehicle, National Aeronautics and Space Administration, dated December 30, 1970 (with an accompanying report); to the Committee on Government Operations.

Proposed Concession Contract, Amistad Recreation Area, Tex.

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract under which Marine Recreation, Inc., will be authorized to continue to provide accommodations, facilities, and services for the public at Diablo East Site within Amistad Recreation Area, Tex. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Annual Report on Administration of the Federal Metal and Nonmetallic Mine Safety Act

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the administration of the Federal Metal and Nonmetallic Mine Safety Act for the year ended December 31, 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

Labor Inspection in Agriculture

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, in accordance with the obligations of the United States as a member of the International Labor Organization, the texts of ILO Convention No. 129 and Recommendation No. 133, concerning Labor Inspection in Agriculture (with accompanying papers); to the Committee on Labor and Public Welfare.

Watershed Work Plans

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, plans for watershed works of improvement in the States of Alabama, Texas, and Virginia (with accompanying documents); to the Committee on Public Works.

PETITIONS, ETC.

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A letter, in the nature of a petition, from the Marion Lake Boat Owners Association, Inc., of Dallas, Oreg., presenting factors relating to Marion Lake and proposed methods of action in having it removed from the Mt. Jefferson Wilderness; to the Committee on Interior and Insular Affairs.

A report of the Social Disorder and Generation Gap Study Committee, of the Legislature of the State of Georgia, relating to the so-called generation gap; to the Committee on the Judiciary.

A letter, in the nature of a petition, from Henry Stoner, of York, Pa., praying for strict adherence to the Constitution relating to the swearing in of Senators; to the Committee on the Judiciary.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 322. An act to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes (Rept. No. 91–1521);

H.R. 6562. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes (Rept. No. 91–1522);

H.R. 7626. An act to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes (Rept. No. 91–1523);

H.R. 14233. An act to modify ammunition recordkeeping requirements (Rept. No. 91–1524);

H.R. 17658. An act to provide floor stock refunds in the case of cement mixers (Rept. No. 91–1525);

H.R. 17988. An act to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit (Rept. No. 91–1526);

H.R. 18549. An act to amend sections 902(b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met (Rept. No. 91–1527);

H.R. 19113. An act to provide for the free entry of a 61-note castbell carillon and a 42-note subsidiary castbell carillon for the use of Indiana University, Bloomington, Ind. (Rept. No. 91–1528);

H.R. 19242. An act to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves (Rept. No. 91–1529);

H.R. 19369. An act to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities (Rept. No. 91–1530);

H.R. 19391. An act to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions (Rept. No. 91–1531);

H.R. 19526. An act to eliminate the duty on natural rubber containing fillers, extenders, pigments, or rubber-processing chemicals (Rept. No. 91–1532);

H.R. 19562. An act to amend the Internal Revenue Code of 1954 with respect to certain statutory mergers (Rept. No. 91–1533);

H.R. 19567. An act to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968 (Rept. No. 91–1534);

H.R. 19627. An act to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income (Rept. No. 91–1535);

H.R. 19670. An act to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973 (Rept. No. 91-1536);

H.R. 19774. An act to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return (Rept. No. 91-1537); and

H.R. 19790. An act relating to the income tax treatment of certain sales of real property by a corporation (Rept. No. 91-1538).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 10875. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty (Rept. No. 91-1539);

H.R. 14995. An act to provide for the free entry of a carillon for the use of the University of California at Santa Barbara (Rept. No. 91-1540);

H.R. 17917. An act to amend the Tax Reform Act of 1969 (Rept. No. 91-1541);

H.R. 17984. An act to amend section 905 of the Tax Reform Act of 1969 (Rept. No. 91-1542);

H.R. 18251. An act to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber (Rept. No. 91-1543);

H.R. 18693. An act to amend section 165(1) of the Internal Revenue Code of 1954 (Rept. No. 91-1544);

H.R. 19686. An act to amend section 367 of the Internal Revenue Code of 1954 (Rept. No. 91-1545); and

H.R. 19881. An act entitled "Consolidated returns of life insurance companies" (Rept. No. 91-1546).

REPORT ENTITLED "THE IMPACT OF CRIME ON SMALL BUSINESS—PART III" (S. REPT. NO. 91-1547)

Mr. BIBLE. Mr. President, from the Select Committee on Small Business, I submit a report entitled "The Impact of Crime on Small Business—Part III," concerning theft and pilferage losses in maritime cargo shipments. I ask that the report be printed.

The PRESIDING OFFICER (Mr. SCHWEIKER). The report will be received and printed.

EXECUTIVE REPORTS OF A COMMITTEE

Mrs. SMITH. Mr. President, from the Committee on Armed Services I report favorably the nominations of 75 flag and general officers in the Navy and Air Force. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Vice Adm. Ralph L. Shifley, U.S. Navy, for appointment to the grade of vice admiral, when retired;

Rear Adm. Charles S. Minter, Jr., U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving; and

Col. Harold A. Strack, Regular Air Force, and sundry other officers, for promotion in the Regular Air Force.

Mrs. SMITH. Mr. President, in addition, I report favorably 152 appointments in the Marine Corps in the grade of second lieutenant. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Arthur A. Adkins, and sundry other Naval Reserve Officer Training Corps cadets, for permanent appointment in the Marine Corps, in the grade of second lieutenant;

Donald P. Amiotte, and sundry other persons of the Navy enlisted scientific education program, for permanent appointment in the Marine Corps, in the grade of second lieutenant; and

Thomas G. Arndt, and sundry other graduates (platoon leaders class), for permanent appointment in the Marine Corps, in the grade of second lieutenant.

A BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

S. 4606. A bill to amend the Federal Property and Administrative Services Act of 1949 with respect to the disposal of excess and surplus personal property, and for other purposes; to the Committee on Government Operations.

(The remarks of Mr. METCALF when he introduced the bill appear immediately below under the appropriate heading.)

S. 4606—INTRODUCTION OF THE FEDERAL PROPERTY AMENDMENTS ACT OF 1970

Mr. METCALF. Mr. President, during the past few years there has been much discussion of national priorities. Such discussion is all for the good if it leads to the identification of the priorities and steps to reach essential goals.

Two areas which have become indisputably acknowledged as worthy of top national concern are education and health. The needs for improved and expanded educational and health facilities are almost unlimited. To meet these needs, we must reallocate our resources.

Today I introduce a bill to help do so. The bill would insure full use of public property, including military property, for public purposes, and would be a source of financial relief at a time when State, county, and municipal governments are caught in a serious financial squeeze.

We have generously provided for the military needs of this Nation. Military procurement actions with business firms for work in the United States from fiscal year 1951 through 1969 have amounted to $507.7 billion. I ask unanimous consent to include at this point in my remarks a table entitled "Negotiated and Advertised Procurement Actions," from the "Economy in Government Property Management—Procurement of Data Processing Equipment" report of the Subcommittee on Economy in Government hearing of July 1, 1970. This table shows the year-by-year expenditure which makes this total of over one-half trillion dollars. And, this neither includes all military procurement actions nor expenditures for salaries and other military requirements nor those of NASA, AEC, and other military-related agencies.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

NEGOTIATED AND ADVERTISED PROCUREMENT ACTIONS

TABLE 10.—NET VALUE OF MILITARY PROCUREMENT ACTIONS, WITH BUSINESS FIRMS FOR WORK IN THE UNITED STATES, CLASSIFIED BY METHOD OF PROCUREMENT, FISCAL YEARS 1951-69

[Dollar amounts in millions]

Fiscal year	Total net value	Formally advertised procurement		Negotiated procurement	
		Amount	Percent	Amount	Percent
1951	$30,823	$3,720	12.1	$27,103	87.9
1952	41,482	4,479	10.8	37,003	89.2
1953	27,822	3,089	11.1	24,733	88.9
1954	11,448	1,789	15.6	9,659	84.4
1955	14,980	2,386	16.0	12,544	84.0
1956	17,750	2,815	15.9	14,935	84.1
1957	19,133	3,321	17.4	15,812	82.6
1958	21,827	2,115	14.3	18,712	85.7
1959	22,744	3,089	13.6	19,655	86.4
1960	21,302	2,978	14.0	18,324	86.0
1961	22,992	2,770	12.0	20,222	88.0
1962	26,147	3,412	13.1	22,735	86.9
1963	27,143	3,538	13.0	23,605	87.0
1964	26,221	3,889	14.8	22,332	85.2
1965	25,281	4,660	18.4	20,621	81.6
1966	34,026	5,147	15.1	28,879	84.9
1967	39,809	5,621	14.1	34,188	85.9
1968	39,487	4,784	12.1	34,703	87.9
1969	37,331	4,391	11.8	32,940	88.2
Total, 1951-69	507,698	68,992	13.6	438,705	86.4

Source: "Military Prime Contract Awards and Subcontract Payments or Commitments, July 1968 to June 1969," Office of the Secretary of Defense.

Note: Negotiated procurements for fiscal year 1969 were 88 percent of total awards to business firms in the United States; this was about the same as for the previous year.

Mr. METCALF. Mr. President, it is obvious that military procurement actions of this magnitude monopolize tax moneys which might otherwise be available for other national necessities, including education and health. It is no wonder that State, county, and municipal governments are in sorry plight and that pleas are emanating almost daily for help from the Federal Government for grants, subsidies, and the latest cure—tax sharing.

Without exploring these matters at this time, I point out that the excesses of military procurement, waste and inefficiency could provide unwittingly a great source of help for our beleaguered education and health institutions. The military agencies have in store some 4 million items which cost nearly $50 billion. In addition, they have about $120 billion worth of other supplies and equipment of all kinds at home and abroad. From these great inventories come $4 to $5 billion in surplus property annually, and the volume is sure to increase with the deescalation of military activities around the world. I would expect that the declaration of military excess personal property would run from $5 to $10 billion annually for some years to come. What kind of property is involved? Everything from nuts and bolts to cars, jeeps, aircraft, shirts, and shoes. Some is new, some is used, but much of it is usable and needed by schools, colleges, and universities and for purposes of health and civil defense.

The Constitution wisely vested in the Congress the control over public properties. Specifically, the Constitution reads:

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> The Congress shall have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or any particular State.

In the exercise of this authority, the Congress as the representative of the people, with knowledge of the Nation's needs and priorities, has on several occasions determined it to be in the public interest that public property, which is found to be surplus to the actual needs of the Federal agencies, be donated through designated state agencies to support education, health, and civil defense functions in the States and territories.

The Federal Property and Administrative Services Act—Public Law 152 of the 81st Congress as amended—provides the basic authority for these donations. In fiscal 1970, personal property acquired at a cost of $310.6 million and real property valued at $38 million was received by States under this program.

There is a clear need to establish exactly the intent of Congress with respect to the disposal of more than $300 million of Federal property annually.

I have found that many activities, through one means or another, have been able to achieve a higher priority than the three programs—education, health, and civil defense—which Congress has expressly designated to receive surplus property. Some agencies have contrived several ways to trade and sell property and get the receipts to augment already large appropriations.

XUM

During the 20 years that the donable program has been in effect, administrative regulations and procedures have become so complicated that the program is in part self defeating. Energy and expense at both the Federal and State levels are wasted on administering a program which needs all possible resources in generating useful and needed property and distributing it equitably to the thousands of eligible institutions with a minimum of delay, paperwork, and expense.

So, I am introducing a bill which has the dual purpose of making excess Federal property available for purpose of education and health while at the same time relieving the current donable program from time-consuming and vitiating encumbrances which have grown around it during the past 20 years. I do not consider this bill as the final word. Rather it is a starting point for hearings and a genuine reevaluation of the current program as we approach a critical period in our educational and health programs and in governmental finance, and while we are faced with a tremendous supply of surplus property much of which is being diverted to purposes other than those intended by the Congress.

I ask unanimous consent that the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. SPONG). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4606) to amend the Federal Property and Administrative Services Act of 1949 with respect to the disposal of excess and surplus personal property, and for other purposes, introduced by Mr. METCALF, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 4606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Property Amendments Act of 1970".

SEC. 2. Section 202(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)) is amended by inserting the paragraph designation "(1)" immediately after the subsection designation "(a)", and by adding at the end thereof the following new paragraph:

"(2) Under such regulations as he may prescribe, with the approval of the Director of the Office of Management and Budget, the Administrator may transfer without cost (except for costs of care and handling) for use in any State for purposes of education or public health, or for research for either such purpose, to a State agency designated under State law for the purpose of distributing, in accordance with section 203(j) of this Act, all property allocated under that section, any excess personal property which is not transferred in accordance with paragraph (1) of this subsection within 90 days after a report with respect to that property has been made pursuant to clause (2) of subsection (b) of this section and which is usable and necessary for those purposes. The Secretary of Health, Education, and Welfare shall determine whether such excess property is usable and necessary for those purposes and shall allocate such excess property in accordance with paragraph (3) of section 203(j) of this Act. After a period of 30 days after such a report has been made, any excess property not disposed of in accordance with this subsection may be disposed of as otherwise provided by law. As used in this paragraph, the term 'State' has the meaning given thereto by paragraph (6) of section 203(j) of this Act."

SEC. 3. Section 203(j)(5) of that Act (40 U.S.C. 484(j)(5)) is amended by striking out the figures "$2,500" and inserting in lieu thereof the figures "$5,000".

ADDITIONAL COSPONSORS OF BILLS

S. 4463

At the request of the Senator from Washington (Mr. MAGNUSON), the Senator from Nebraska (Mr. CURTIS), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 4463, to provide a pool of general service railroad freight cars to be made available to shippers in any part of the country during times of regional car shortage and to be unrestrictedly available throughout the country according to the needs of shippers in the event of a general car shortage, and to assist in preventing or alleviating such shortage.

S. 4644

At the request of the Senator from Washington (Mr. MAGNUSON), the Senator from Nebraska (Mr. CURTIS), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 4464, to amend the Interstate Commerce Act to promote acquisition of general service railroad rolling stock by providing the Secretary of Transportation with authority to aid common carriers by railroad and their car furnishing subsidiaries in acquiring such general service railroad rolling stock.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 30, 1970, he presented to the President of the United States the enrolled bill (S. 1181) to provide for promotion programs for milk, tomatoes, and potatoes, and to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes.

ADDITIONAL STATEMENTS OF SENATORS

CRUEL AND CYNICAL

Mr. AIKEN. Mr. President, yesterday's Baltimore Sun had an excellent editorial on what it labels the cruel and cynical Christmas weekend prisoner of war production by North Vietnam.

I ask unanimous consent that it be inserted in the RECORD at this time.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WAR PRISONERS

North Vietnam continues to exploit the prisoner-of-war issue to the utmost, playing upon human sympathies, toying with the emotions of the men's families in the United States, seeking to widen political divisions that already exist here and, all the while, attempting to picture its own actions as humane and even generous. This is a cruel, synical performance and the remarks of the prisoners, made under the heavy hand of censorship for broadcast outside North Vietnam, must be considered as an element in the production of a calculated effect.

It is good to know that some of the prisoners are well, and the assurances thus given the families of these men are welcome indeed. But this series of prisoner episodes during the Christmas season must be recognized for what it is—a cruel and cynical production by North Vietnam.

THE POWER PROBLEM, IN THREE PARAGRAPHS

Mr. METCALF. Mr. President, we are indebted to the Wall Street Journal for summing up, in three paragraphs, what is wrong with the electric power industry.

The Journal covered the address—2 days after the November election—of Donald S. Kennedy, chairman of Oklahoma Gas & Electric. He spoke to the New York Society of Security Analysts.

Mr. Kennedy revealed that his company's earnings this year would be "almost too good." It might have to issue new common stock to dilute the per-share showing. In truth, the company is faced with an embarrassment of riches.

Mr. Kennedy further revealed that the Governor-elect in Arkansas "was going to appoint a couple of fair commissioners." No more of those "crusaders appointed by Rockefeller."

Mr. Kennedy may have difficulty reporting on his company's political activities. But he knows its results, 2 months before inauguration of the man who will appoint utility commissioners suitable to his utility.

Mr. Kennedy did report on some of his political activity.

> We're working now on making that rate (which the TVA pays) higher.

There may be some persons who are not aware of the political role of Oklahoma Gas & Electric and other investor-owned utilities in TVA ratemaking. The reasoning of these IOU officials is simple. It is difficult for them to explain why electric power purchased from Oklahoma IOU's costs half again as much as power marketed in Tennessee through TVA. So instead of reducing their "almost too good" profits they arrange to have people served by TVA pay more. That way the IOU's would not look so bad by comparison.

Mr. President, this is the same Donald Kennedy who headed the Edison Electric Institute, trade association of the investor-owned utilities. It is the same Donald Kennedy who patted himself on the back with proxies of his absent stockholders, by voting those proxies in support of the inspired motion to commend his company's management for promptly disposing of antitrust settlements with equipment manufacturers who had been convicted of price-fixing. By getting those settlements quickly settled an embarrassing matter was resolved. There was less likelihood of customers pressing the company to remove the overpriced equipment cost from the company's rate base.

Mr. President, I came across the Wall Street Journal article in the Federal Power Commission News Digest. It is one of the best and most inexpensive consumer publications printed by the U.S. Government. It is simply a verbatim reprint of articles dealing with energy and regulation which appear in some of the major dailies.

You can learn more about the power business reading the FPC News Digest—subscription price $6 per year—than from McGraw-Hill's new Washington newsletter, which costs $190 per year. That $190 is beyond consumers but of no consequence to utility subscribers.

They can include the subscription in the operating expenses which are passed on to the consumers.

FPC News Digest does not require the information specialists, film, projectors, flip charts and other paraphernalia of many other information programs. All it requires to produce is a pair of scissors and perhaps a pot of glue. At $6 per year, it may produce revenue as well as information. I am sure that its annual production cost is less than the cost of the afternoon presentation by a bevy of colonels from the Department of Defense who came over to tell me about the economic impact of the ABM in my State of Montana.

FPC News Digest provides current information on utility matters, as opposed to the moldy statistics produced by other offices of the FPC. For example, the FPC would not publish its 1969 comparative statistics for 1969 until 1971. By that time it will be too late for most customers to use the 1969 data, to their benefit, in the rate cases, now in progress, which utilities base on 1969 data available only to them.

One might suppose that President Nixon and Mrs. Knauer, his consumer adviser, would be promoting the FPC News Digest, and suggesting that it be expanded to include some of the articles appearing in the Philadelphia Inquirer, the St. Petersburg Times, the St. Louis Post-Dispatch, and the San Francisco Bay Guardian. But alas, the FPC News Digest is about to become a victim of President Nixon's economy drive.

Last month he told Federal agencies to cut back on their information budgets. On November 18 the FPC responded to his request. It announced its plans "to discontinue the News Digest effective October 1, 1971, as an economy measure."

I have suggested to FPC Chairman Nassikas that he and his colleagues reconsider their decision to do away with this little consumer-oriented publication. I doubt seriously that the Nation's economy will falter because of the Digest's continuance. And I think all of us who deal with energy and regulation will be better equipped for our chores if we read it.

Mr. President, in conclusion let me emphasize that in considering the many aspects of the energy crisis we should not be diverted from its essential ingredients. They are, as indicated above, first, an arrogant, myopic, politically powerful industry; second, a ludicrously lopsided, industry-oriented regulatory system; third, complaisant regulators; and fourth, an inadequately informed public.

Mr. President, I ask unanimous consent to insert in the Record the November 5, 1970, article to which I have referred.

There being no objection, the article was ordered to be printed in the Record, as follows:

Oklahoma Gas & Electric Expects 1970 Earnings To Rise Considerably

New York.—Oklahoma Gas & Electric Co. will have 1970 earnings of at least $1.70 a share, up from $1.49 a share in 1969, when the utility had net income of $24.3 million on revenues of $130.1 million, Donlad S. Kennedy, chairman, said in an interview. Mr. Kennedy said the earnings would be "almost too good" and said the utility had considered issuing new common stock to dilute the per-share showing. This couldn't be done before the end of the year, however, he said. Many utilities believe rapid earnings growth may cause regulatory commissions to demand cuts in rates charged to customers. But in an appearance before the New York Security Analysts, Mr. Kennedy indicated he expects the regulatory climate to improve in Arkansas, where the utility takes about 8% of its revenue, due to the election defeat Tuesday of Gov. Winthrop Rockefeller.

"The Arkansas commission had a couple of crusaders appointed by Rockefeller, so I was sort of glad to he got beat," Mr. Kennedy said, adding that he understood the newly elected governor, Dale Bumpers "was going to appoint a couple of fair commissioners." Mr. Kennedy said Oklahoma Gas & Electric (which sold its gas business in 1927) hasn't any plans to seek rate increases in Arkansas or the other state in which it operates, Oklahoma. Rising fuel costs will have minimal effect of the utility's performance, he indicated, since the regulatory commissions in both states allow automatic rate increases under "fuel adjustment clauses when fuel prices go up."

Rate adjustments under the fuel adjustment clauses this year "represent about $4 million in revenue to our company, Mr. Kennedy said." Mr. Kennedy also said about $5 million of the utility's revenue this year is from sales of electricity to other utilities including a large portion to the Tennessee Valley Authority. "We sold a lot of economy power to TVA at rates below which they could produce it themselves, Mr. Kennedy said. "That may seem strange but they did have some problems with their coal shortage. We thought they were taking a free ride." Mr. Kennedy added, "We're working now on making that rate (which the TVA pays) higher."

SAM EIG, DEVELOPER AND HUMANITARIAN

Mr. MATHIAS. Mr. President, Sam Eig makes things happen. Over 50 years ago, following his arrival in Washington from Russia, the 19-year-old Eig sold his first piece of real estate for a $1,000 profit. Today, his real estate ventures total over $100 million and include the Washingtonian Motel and Country Club, a Montgomery County landmark. But Sam Eig has not restricted his energies solely to his business ventures, but has played an important role in the development and welfare of his community. Fortune magazine has cited Mr. Eig as—

> One of the ten men in the U.S. who has made outstanding contributions in their fields of endeavor to their communities.

He has also received honorary citations from Pope Paul, the Methodist Union, and numerous Maryland synagogues for his community service. Maryland magazine has printed a personality profile on this distinguished Maryland man who makes things happen and I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sam Eig: Developer and Humanitarian

A man who made his first real estate profit at the age of 19 over 50 years ago in Washington now stands in the middle of his 600 acres in Gaithersburg and points with pride to a 26-story wonder.

Sam Eig is proud not only of the imposing Washingtonian Towers—believed to be the only high-rise of its type in the world—but of the nearby Washingtonian Motel and Country Club, a landmark in Montgomery County. The Towers, standing alone in the middle of an 18-hole championship golf course, features a penthouse complete with laundry and card rooms and a three-state view.

His real estate ventures, which now total over $100 million, began when he first came to this country 54 years ago from Russia and located in Washington, D.C. At that time there were less than 400 people in Silver Spring and 200 in Gaithersburg. Young Sam not only had the foresight to envision the tremendous growth potential of the area but the courage to take risks and buy land. "People thought I'd go broke," he recalls.

After purchasing his first property, Sam Eig learned he was under age to handle real estate, so he had to sell it, but made $1,000 profit. Several years later he advised a neighbor to buy a farm in Montgomery County and one day he'd be rich. The man did so for $8,500, and 19 years later sold it for $200,000 cash, to his old friend Sam Eig.

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It hasn't always been easy, developing a successful business while raising a family which includes two sons and 11 grandchildren. "A lot of people take things for granted, but it didn't come easy," Mr. Sam says, recalling that the Washingtonian began as a motel.

A day at the office for Sam Eig includes making several rounds of the restaurant, strolling through each room, chatting with customers and staff. He obviously enjoys meeting people and his remarkable memory can recall names, faces and incidents from many years past, years filled with numerous achievements and recognitions.

Fortune Magazine has cited Sam Eig as "one of ten men in the U.S. who has made outstanding contributions in their fields of endeavor to their communities . . ." He has received honorary citations from Pope Paul, the Methodist Union and numerous area synagogues for his community service. Land donated has included sites for a Catholic Church, Methodist Church, Montgomery County Jewish Center, YMCA, Silver Spring Boys' Club and the Chevy Chase Red Cross Building. He is a founder of Camp Echo Lake for underprivileged children and has headed a U.S. Savings Bond drive and United Givers Fund campaign for the Greater Washington area.

Mr. Sam has been cited by the Montgomery County Board of Realtors as a man whose "life is dedicated to action, accomplishment, achievement." In addition, he has served on the board of one and as an officer of another area bank; and several years ago he was named "Maryland's Granddad of the Year."

Utilizing his foresight, Mr. Sam predicts that within the next decade the triangle just south of the Washingtonian Towers will be the most important piece of land in Montgomery County.

Sam Eig, with more than a half century of service to his fellowman behind him, attributes his success to the fact that he "never lost faith in the U.S., and kept going."

His fellow-realtors in Montgomery County explain simply why Sam has been so successful: "He makes things happen."

SUMMARY OF ACTIVITIES OF THE COMMITTEE ON FOREIGN RELATIONS, 91ST CONGRESS

Mr. FULBRIGHT. Mr. President, the legislative history of the Committee on Foreign Relations during the 91st Congress somewhat resembles an iceberg. Few of the significant developments of this period appear in the itemized list of measures approved by the committee which is appended to my remarks. Most of the committee's efforts were devoted to redefining the constitutional relationships between the executive and legislative branches in the field of foreign policy.

For many years the role exercised by the Committee on Foreign Relations was that of the unquestioning advocate of policies and programs submitted to the Senate by the executive branch of the Government. Regardless of the political complexion of the executive or the Congress, the committee—albeit with minor exceptions—tended to go along with the "facts" presented, the analysis of those facts, and the policy conclusions drawn therefrom by the administration. Unquestioningly the committee accepted executive branch judgments on what should be secret, what should be executive agreements, and where troops should be sent in foreign lands. The inquiring attitude was lacking. The emphasis in the Senate's role in "advise and consent" was on consent. In short, for many years the committee got along with the executive branch of the Government because it went along.

This role has been changing. The committee has become aware that it is no service to the Nation to accept without question judgments made by the executive. Indeed, many of our current difficulties might have been avoided if we had taken time to stop, look, and listen.

The executive is fallible, just as is the Congress. It was in recognition of that human frailty that our constitutional forebears provided for a separation of powers and induced a bit of the adversary proceedings into relationsips between the executive and legislative branches of the Government.

The committee has during this Congress for the first time in decades sought to exercise a truly independent critical judgment of proposals on foreign and defense policy matters. The cozy relationship has been replaced by questions.

Senator SYMINGTON put the constitutional roles of the executive and the Senate very clearly in his final report on security agreements and commitments abroad. He wrote:

> Although the Constitution makes the President Commander-in-Chief and gives him authority to negotiate treaties and nominate Ambassadors, his role is not that of sole determination of foreign policy, but of conducting foreign policy.
>
> The role of the President in foreign policy is limited by the specific constitutional powers of the Congress, including not only the appropriation of funds and the Senate function of advice and consent, but also the regulation of commerce with foreign nations, the definition and punishment of offenses against the law of nations, declarations of war and interventions abroad, the raising and support of the armed forces, the making of rules and regulations for the government of those forces, and provision for the common defense and general welfare of the United States.
>
> Significantly, in addition to the congressional powers enumerated above, the Constitution reinforces the role of the Congress by giving it the authority and mandate:
>
> "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." (Art. I, Sec. 8.)
>
> Frequent assertions by government officials and commentators that the President determines foreign policy do not make it so, nor do these assertions amend the Constitution; and if this Government is to function with success under that document, the Congress must constantly keep in mind its own constitutional authority.

The work of the Committee on Foreign Relations in reasserting the constitutional role of the Senate in the determination of foreign policy has been immensely assisted by the majority leader, Senator MANSFIELD. His constant emphasis on the oversight duty of committees has strengthened the policy reviews which the Committee on Foreign Relations has undertaken. Senator MANSFIELD's influence and leadership have made the Senate a truly democratic institution—an institution in which the judgments of nonelected foreign policy and military leaders have been tested in free debate and the results are beginning to be evident as we rearrange our priorities and as we cut the cloth of foreign and defense policies to meet the needs and capacities of the people.

Senator AIKEN, with the support of his Republican colleagues on the committee, has been a strong and consistent supporter of the new "show me" approach the committee has developed toward a wide range of foreign policies.

The new role the committee has assumed during this Congress is illustrated by such examples as the following:

First. The extension of the Spanish base agreement was symptomatic of the new attitude of the committee. Disclosure in February last year that Defense Department officials were conducting negotiations with Spain for the renewal of the about-to-expire base agreement suggested that important new commitments were under consideration. The committee took an interest in this matter in order to make sure that foreign policy considerations were given their due weight and to protect the prerogatives of the Senate. In five executive sessions spaced over a year—March 1969 through April 1970—the executive branch became fully acquainted with the committee's views, including its concern that the proposed commitments in this agreement partook of the nature of a treaty.

Unsuccessful in its efforts to convince the executive that the agreement should have been submitted to the Senate as a treaty, nevertheless, a resolution by Senator CHURCH (S. Res. 486) made it clear that the Senate does not view the agreement as a commitment to Spain on the part of the United States.

Furthermore, the persistence of the committee in asserting its role brought out facts of national interest which heretofore would have been withheld from the public.

Second. The Symington Subcommittee on Security Agreements and Commitments Abroad made a singularly effective contribution to the ability of the full committee and the Congress to exercise independent judgments on foreign and defense policies heretofore accepted almost without question. In spite of what could be labeled obstructionist tactics on the part of some administration officials, the subcommittee produced ten volumes of hearings on our security commitments and agreements abroad. But its work is measured not by volume but by its recommendations which deserve the most careful study and attention by the Executive and the Congress.

Third. The Nonproliferation Treaty approved early in the session bore significantly on the SALT talks. If successful they could result in a new treaty requiring Senate action. There has been a vigorous effort by the Foreign Relations Committee and its Arms Control Subcommittee to keep informed of what was going on. But, shrouded in mystery, the administration has thus far been less than forthcoming in its lack of communication on this subject and seemingly unaware of the future role the Senate must assume should a treaty be signed.

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Fourth. Early in the Congress the committee reported the "national commitments" resolution. That resolution was drafted in 1967; it was nonpartisan; and it was not directed at any particular administration. It was instead the culmination of a growing awareness that the constitutional powers of the Senate had eroded over many years at the hands of the Executive. What it said in effect was that the Senate would no longer acquiesce virtually without question to administration foreign ventures, Republican or Democratic, and that national commitments could only be made through constitutional processes—namely, laws and treaties. The resolution was adopted by a vote of 70 to 16 in June 1969.

Fifth. In a move to be helpful to the administration and strengthen the role of the State Department the committee suggested in early 1969 that the Secretary of State present Congress each year with a posture statement, similar to that submitted by the Department of Defense. That suggestion apparently stimulated the President's foreign policy report to Congress in early 1970—a practice which should be continued, hopefully with more detail and specifics to come from the Department of State.

Sixth. The Church-Cooper amendment in its several variations had its genesis in the committee's concern at the incursion into Cambodia in May 1970. Desiring to prevent a wider U.S. involvement in the war in Indochina, the military sales authorization bill of 1970 was amended to prohibit the involvement of American combat troops, advisers, or mercenaries into Cambodia—thus broadening an earlier limitation on sending American combat troops to Laos or Thailand. Although the military sales bill did not become law, an amendment to the Foreign Aid Supplemental Act of 1970 sponsored by Senators Cooper and Church was enacted and represents a strong reassertion of the constitutional duty and power of the Congress to keep our foreign military commitment and involvement under legislative control.

Seventh. Several hearings have been concerned with military involvement in foreign policy. In addition to those on the Spanish base issue, the study of U.S. security commitments and agreements abroad, and hearings on the ABM and related weapons systems, there were hearings on chemical and biological warfare, U.S. military policies and programs in Latin America, underground weapons tests, ocean space, and on Vietnam—all of which had substantial military aspects and all of which underscored the deep relationship between our defense policy and our foreign policy.

Eighth. Illustrative of the more thorough examination of executive branch facts and proposals has been the committee reaction to information supplied by the executive which has sometimes been incomplete or so highly classified that in its sanitized form it was virtually useless. To augment its sources and broaden its knowledge, the committee has occasionally sent members of its staff to collect information abroad from official and private sources and thereby enable the committee to make an independent assessment of situations in problem areas.

In past decades treaties were the main fare of the Committee on Foreign Relations. But times change. Not only does the committee have legislative responsibilities broader than in the past, but the earlier committee role of acquiescence in executive proposals has led to a deterioration in the use of treaties as a means of concluding significant agreements. Thus, the committee's record on treaties is more noteworthy for omissions than approvals, a situation the new committee approach may change.

Nevertheless, it is interesting to reflect that of the 27 treaties submitted by the present administration, 10 had been negotiated by previous administrations—one indeed by the Coolidge administration—another eight were routine bilateral extradition, double taxation, and consular conventions; five were concerned with trivia; one terminated a 1914 canal route treaty; and only three could be said to be breaking some new ground—those dealing with oil pollution on the high seas.

In fact, I voted "present" on one of the treaties, not because I was against it on the merits—it involved a minor payment to Canada for flood control benefits—but because I wanted to register my opposition to the shabby use of the treatymaking process. The significant U.S. commitments that should be studied and debated by the Senate, were not submitted as treaties. Perhaps, as with the Congress' power to declare war, the shared treaty-making process is becoming atrophied. During the last Congress, the Senate approved 42 treaties; during this Congress the score is 20. And of these 20 treaties, which are listed in the summary at the end of my remarks, only one is worthy of special note—the Nonproliferation Treaty submitted by the Johnson administration.

In conclusion, I should note that Secretary Rogers, despite some reluctance to engage in public dialog with the committee on foreign policy issues, has shown understanding of our desire to exercise an independent judgment on these vital foreign policy issues. Unlike the previous administration, the present administration did not object to the national commitments resolution, or to repeal of the Tonkin Gulf and similar resolutions. It has attempted to meet the Committee's criticism with respect to bestowing the personal rank of Ambassador or minister on large numbers of persons not subject to confirmation. These are examples of improved give-and-take between the committee and the administration. I hope they will set a pattern of new cooperative relationships for the 92d Congress.

The committee does not seek domination of foreign policy as some have suggested. It is searching for means to establish a balance between the executive and legislative branches of the Government. The constitutional balance which has been lost is largely the result of a half century of wars when there has been a premium of quick, decisive, autocratic action. It is hard for a democracy to survive in time of war.

Gibbon wrote in the "History of the Decline and Fall of the Roman Empire," that the "principles of a free constitution are irrevocably lost when the legislative power is dominated by the executive."

I believe the American people sense this, and the Senate is beginning to reflect that good sense.

I ask unanimous consent that background material relevant to this report to the Senate be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Summary of Activities of Committee on Foreign Relations, 91st Congress

TREATIES APPROVED DURING 91ST CONGRESS

1. Treaty on the Non-Proliferation of Nuclear Weapons. Approved March 13, 1969 by a vote of 83 to 15.

2. Convention on Offenses and certain other acts committed on board of aircraft. Approved May 13, 1969 by a vote of 93 to 1.

3. Convention Establishing the World Intellectual Property Organization. Approved February 28, 1970 by a vote of 70 to 0.

4. Paris Convention for the Protection of Industrial Property. Approved February 28, 1970 by a vote of 70 to 0.

5. Agreement between the United States and Mexico concerning radio broadcasting in the standard broadcasting band. Approved June 19, 1969 by a vote of 89 to 0.

6. Agreement between the United States and Mexico concerning the operation of broadcasting stations in the standard band during a limited period prior to sunrise and after sunset. Approved June 19, 1969 by a vote of 89 to 0.

7. Text of two notes constituting an agreement between the United States and Canada providing for the temporary diversions from the Niagara River for power production purposes. Approved May 13, 1969 by a vote of 94 to 0.

8. Convention on Conduct of Fishing Operations in the North Atlantic. Approved October 22, 1969 by a vote of 80 to 0.

9. Vienna Convention on Consular Relations and Optional Protocol Concerning the Compulsory Settlement of Disputes. Approved October 22, 1969 by a vote of 81 to 0.

10. Consular Convention between the United States and Belgium. Approved November 10, 1969 by a vote of 71 to 0.

11. Agreement between the United States and Canada concerning adjustments in the flood control payments by the United States as a result of early completion of dams under the Columbia River Treaty. Approved November 10, 1969 by a vote of 67 to 3.

12. Protocol to the International Convention for the Northwest Atlantic Fisheries relating to panel membership and regulatory measures. Approved March 19, 1970 by a vote of 78 to 0.

13. Convention on the Privileges and Immunities of the United Nations. Approved March 19, 1970 by a vote of 78 to 0.

14. Agreement between the United States and Canada relating to the operation of radiotelephone stations. Approved May 27, 1970 by a vote of 79 to 0.

15. Treaty on extradition between the United States and New Zealand. Approved May 27, 1970 by a vote of 79 to 0.

16. Supplementary Extradition Convention with France. Approved September 21, 1970 by a vote of 66 to 0.

17. Double taxation convention with the Netherlands. Approved November 25, 1970 by a vote of 76 to 0.

18. Double taxation convention with Trinidad and Tobago. Approved November 25, 1970 by a vote of 76 to 0.

19. Double taxation convention with Finland. Approved November 25, 1970, by a vote of 76 to 0.

20. Double taxation convention with Belgium. Approved November 25, 1970, by a vote of 76 to 0.

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BILLS AND JOINT RESOLUTIONS APPROVED DURING THE 91ST CONGRESS

1. S. 856, to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States. Approved May 27, 1970. Public Law 91–269.

2. S. 3127, to provide for the exchange of governmental official between the United States and the U.S.S.R. Passed Senate April 20, 1970.

3. S. 3274, to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Approved July 31, 1970. Public Law 91–369.

4. S. 3430, Peace Corps Act Amendments of 1970. Approved July 29, 1970. Public Law 91–352.

5. S. 3544, to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations. Approved May 14, 1970. Public Law 91–246.

6. S. 3691, to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers. Passed Senate, June 22, 1970.

7. H.R. 33, to provide for increased participation by the United States in the International Development Association. Approved May 23, 1969. Public Law 91–14.

8. H.R. 6240, to amend the act entitled "An Act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn.", approved December 21, 1950. Approved October 22, 1970. Public Law 91–493.

9. H.R. 11039, Peace Corps Act amendments of 1969. Approved October 29, 1969. Public Law 91–99.

10. H.R. 11711, to amend sec. 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba. Approved December 24, 1969, Public Law 91–157.

11. H.R. 14580, to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions. (Foreign Assistance Act of 1969). Approved December 30, 1969. Public Law 91–175.

12. H.R. 14789, to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System. Approved February 28, 1970. Public Law 91–201.

13. H.R. 15069, to authorize the Thousand Island Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River, at or near Cape Vincent, N.Y. Approved November 2, 1970. Public Law 91–520.

14. H.R. 15628, to amend the Military Sales Act, as amended. Passed House March 24, 1970. Passed Senate June 30, 1970. In conference.

15. H.R. 15728, to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes. Approved December , 1970. Public Law 91–

16. H.R. 19012, to amend the Foreign Service Buildings Act, 1926 to authorize additional appropriations. Approved Public Law 91–

17. H.R. 18306, to authorize U.S. participation in increases in the resources of certain international financial institutions (IMF, IBRD, ADB, IDB), to provide for an annual audit of the Exchange stabilization Fund by the General Accounting Office, and for other purposes. Passed House, September 1, 1970. Conference report agreed to by both Houses on December 22, 1970.

18. H.R. 19911, Special Foreign Assistance Act of 1970. Passed House December 9, 1970. Passed Senate, December 16, 1970. Conference report agreed to by both Houses on December 22, 1970.

19. S.J. Res. 90, to enable the United States to organize and hold a Diplomatic Conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and to authorize an appropriation therefor. Approved December 24, 1969. Public Law 91–160.

20. S.J. Res. 127, authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., in 1971. Passed Senate, February 17, 1970.

21. S.J. Res. 131, to welcome to the United States all Olympic athletes and authorized Olympic Delegations. Approved February 3, 1970. Public Law 91–191.

22. S.J. Res. 162, in recognition of the Fifth International Conference on Water Pollution Research. Passed Senate March 19, 1970.

23. S.J. Res. 173, authorizing a grant to defray a portion of the cost of expanding the United Nations Headquarters in the United States. Passed Senate July 10, 1970.

25. H.J. Res. 746, to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History. Approved July 17, 1970. Public Law 91–340.

26. H.J. Res. 1077, to amend the joint resolution authorizing appropriations for the payment by the United States of its share of expenses of the Pan American Railway Congress Association. Approved December 16, 1970. Public Law 91–553.

27. H.J. Res. 1162, to amend Public Law 80–403 of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission. Passed Senate December 21, 1970.

CONCURRENT AND SENATE RESOLUTIONS APPROVED DURING 91ST CONGRESS

1. S. Con. Res. 15, to print as a Senate document studies and hearings on the Alliance for Progress. Passed Senate, April 3, 1969. Passed House April 29, 1969.

2. S. Con. Res. 64, to repeal the Gulf of Tonkin Resolution. Passed Senate July 10, 1970.

3. S. Con. Res. 85, authorizing the printing as a Senate document of a compilation of the hearings on United States security agreements and commitments abroad.

4. H. Con. Res. 454, calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front. Passed House December 15, 1969. Passed Senate February 18, 1970.

5. S. Res. 64, to provide for a study of matters pertaining to the foreign policy of the United States by the Committee on Foreign Relations. Agreed to February 17, 1969.

6. S. Res. 65, to authorize the Senate to respond to official invitations received from foreign governments or parliamentary bodies and associations. Agreed to February 17, 1969.

7. S. Res. 85, expressing the sense of the Senate relative to commitments to foreign powers. Agreed to June 25, 1969.

8. S. Res. 179, expressing the sense of the Senate that the United States should participate in and offer to act as host to the 1972 United Nations Conference on the Human Environment. Agreed to November 10, 1969.

9. S. Res. 205, to set forth as an expression of the sense of the Senate a basic principle regarding the recognition by the United States of foreign governments. Agreed to September 25, 1970.

10. S. Res. 211, seeking agreement with the U.S.S.R. on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles. Agreed to April 9, 1970.

11. S. Res. 318, to provide for a study of matters pertaining to the foreign policy of the United States by the Committee on Foreign Relations. Agreed to February 16, 1970.

12. S. Res. 399, relating to the creation of a World Environmental Institute to aid all nations of the world in solving environmental problems of both national and international scope. Agreed to October 9, 1970.

13. S. Res. 469, to express the sense of the Senate on the Agreement of Friendship and Cooperation between the United States and Spain. Agreed to December 11, 1970.

14. S. Res. 474, expressing support for the new U.S. peace initiative. Agreed to (without reference to Committee), October 8, 1970.

15. S. Res. 484, expressing the sympathy of the Senate to the President and people of Pakistan. Agreed to (without reference to the Committee), November 19, 1970.

16. S. Res. 486, relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam. Agreed to December 19, 1970.

LEGISLATIVE REVIEW AND STUDIES (PRINTED HEARINGS) DURING 91ST CONGRESS

1. Strategic and foreign policy implications of ABM systems (including anti-submarine warfare and MIRV). Hearings, March 6, 11, 13, 21, 26, 28, May 14, 16, 21, June 23, July 16, 1969.

2. Spanish base negotiations. Executive sessions, March 11, April 2, and 14, June 5, 1969; April 22 and July 24, 1970. Public hearing, August 26, 1970.

3. United States relations with Peru. Hearings, April 14, 16 and 17, 1969.

4. Chemical and biological warfare. Hearing, April 30, 1969.

5. Psychological aspects of foreign policy. Hearings, June 5, 19, and 20, 1969.

6. United States military policies and programs in Latin America. Hearings, June 24 and July 8, 1969.

7. Activities of nations in ocean space. Hearings, July 24, 25, 28, and 30, 1969.

8. American Institute for Free Labor Development. Hearing, August 1, 1969.

9. Underground weapons tests. Hearing, September 29, 1969.

10. U.S. Security Commitments and Agreements Abroad. Hearings: The Philippines, September 30, October 1, 2, and 3, 1969. Laos, October 20, 21, 22, and 28, 1969. Thailand, November 10, 11, 12, 13, 14, and 17, 1969. China, November 24, 25, and 26, 1969; May 8, 1970. Japan and Okinawa, January 26, 27, 28 and 29, 1970. Korea, February 24, 25, and 26, 1970. Ethiopia, June 1, 1970. Greece and Turkey, June 9, 1970. Spain, July 17, 1970. Morocco and Libya, July 20, 1970.

Report: Security Agreements and Commitments Abroad, December 21, 1970. (Committee Print.)

11. Rockefeller report on Latin America. Hearing, November 20, 1969.

12. Vietnam. Hearings: Briefing, November 18 and 19, 1969. Vietnam Policy Proposals. February 3, 4, 5, and March 16, 1970.

Vietnam Policy and Prospects, 1970. February 17, 18, 19, 20, March 3, 4, 17, 19, 1970.

Impact of the War in Southeast Asia on the U.S. economy. April 15, 16, 28, 29, May 13, 19, June 2 and August 13, 1970.

Moral and Military Aspects of the War in Southeast Asia. May 7 and 12, 1970.

13. ABM, MIRV, SALT, and the Nuclear Arms race. Hearings, March 16, April 8, 9, 13, and 14, May 18, and 28, June 4 and 29, 1970.

ECONOMIC OUTLOOK FOR 1971

Mr. PERCY. Mr. President, recently Mr. Beryl W. Sprinkel, senior vice president and economist of the Harris Trust and Savings Bank of Chicago delivered an address at the University of Chicago's Outlook Forum on the economic outlook for 1971.

Mr. Sprinkel feels that inflation is at last yielding to economic policies of the

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Government as money has been squeezed and sensitive commodity and industrial material prices are down while wholesale prices are now rising at a much reduced pace.

He further does not feel that union wage rates or the Federal deficit will cause further serious inflation in 1971. Although wage rates are rising, unit labor costs are rising less rapidly this year than in the prior 4 years. He would be worried about the Federal deficit if it was occurring at a time of full employment of labor and capital resources but 1971 saw no real growth in the economy at all. He feels that the recession we are in at the present time needs some stimulus from government fiscal policy. However, he does not advocate a full-blown attempt to stimulate the economy without paying heed to inflation. Rather, a moderate growth pace keeping down inflation is preferable to that of a faster growth rate with the possibility of fueling inflation once again. Because of his prestige as one of our Nation's most influential economists within the banking field he anticipates restrained capital spending, a possible rise in profits due to improved productivity and high volume, a sharp rise in housing and a rapid rise in GNP and a stronger bond as well as equity market. He points with alarm to rising protectionism at home, a decrease in our international competitive position abroad due to domestic inflation. He expresses the hope that 1971 will represent only the first installment of greater prosperity for us all.

Mr. Sprinkel's comments I believe will be of general interest to my colleagues as well as leaders in the fields of business, labor, education, as well as government, and I ask unanimous consent that the full text of his speech be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

VIGOROUS GROWTH AND REDUCED INFLATION IN 1971

(By Beryl W. Sprinkel)

OUR STAKE IN STABLE ECONOMIC POLICIES

Once again it has been vividly demonstrated that volatile policies promote economic instability. Overly expansive monetary-fiscal policies from mid-1965 through 1968 resulted in accelerating inflation as rising demands for both "guns and butter" exceeded production increases. Inflation has always been a monetary phenomena, i.e., too much money, and the pattern of the recent past was no exception. In 1969 and early 1970 monetary policy tightened as more concern over inflation was evidenced by the public at large as well as policy makers. Today we are acutely aware of the economic costs imposed by a tighter monetary stance designed to slow inflation. Inflation is at long last being brought to heel even though disbelief abounds. But it is far from certain that we will avoid repeating the gross policy excesses which were responsible for a half decade of instability.

The reasons usually given for expecting serious inflation in the year ahead are two: (1) Union wages are rising rapidly and sharp increases in unit labor costs will mean renewed inflationary pressures; and (2) The Federal deficit is increasing sharply and will add to inflation. Both arguments are intuitively appealing but largely wrong under present circumstances. Union wages, which lagged in the early phase of this inflation, are catching up but nonetheless unit labor costs are rising much less rapidly this year than in the prior four years. Improving productivity is a major factor accounting for this remarkable phenomena. In each year of recovery following the four prior postwar recessions, unit labor costs declined and the same forces will be in evidence in the year ahead. A Federal deficit is indeed inflationary if it occurs at a time of full employment of labor and capital resources and the deficit is financed with *new money*. Shortly, unemployment will be slightly above 6% of the labor force and utilization of manufacturing capacity will be below 75%. Measured differently, the economy's capacity for real growth increased at least 4½% in the past year or so, but no real growth occurred. Therefore, resource utilization is now the lowest since 1961. Finally, if monetary policy adheres closely to the avowed objective of encouraging stable and moderate growth in the money supply, the looming deficit will be financed largely by savings, not new money.

The direct evidence on the inflation front is encouraging. While much attention is concentrated on union wage rates, which are usually the last segment to reflect reduced inflation, encouraging evidence does abound. (1) Money has been squeezed and the economy is in a recession as expected a year ago. Inflations are cooled only by slowing the economy. (2) Sensitive commodity and industrial material prices are down while wholesale prices are now rising at a much reduced pace. Even the late moving consumer price index is now rising less rapidly except for the recent aberration, which is expected to be temporary.

But we are being counseled by "fine tuning" policy addicts that we should abandon the inflation battle and launch an all-out effort to restore full employment of resources by mid-1972—a highly laudable but unrealistic objective! The 4½ year time span which was required from 1961–1965 to restore full employment of resources can be readily shortened but not to 1½ years. Such efforts would presumably involve a sharp increase in Federal job creating expenditures plus a much more rapid rise in the money supply. In other words, they are proposing that we again launch the destabilizing *go-stop* economic policies of the recent past and avoid taking full advantage of the less inflationary environment developing from the current recession. A longer run perspective strongly suggests lower average unemployment and maximum growth will result from a monetary policy of stable and moderate growth in the money supply. Resumption of excessively easy policies similar to those extending from 1965–1968 would create accelerating inflation in 1972 with renewed pleas to get it under control, followed by another bout with tight money and unemployment. Hopefully, policymakers will ignore the siren call of the inflationists!

THE 1971 CONTOUR

Although the current recession has lasted longer than the four prior postwar recessions, it has been relatively mild. GNP rose 5% this year but inflation accounted for all of the rise. Unemployment averaged 5% compared to only 3.5% last year and the eventual peak rate will be moderately above 6%. Industrial production averaged about 3% below last year but the decline from the peak month in 1969 was over 7%. Corporate profits after taxes, which had been essentially flat since 1965, declined over 9% this year. The trend in the economy was downward throughout the past 13 to 14 months.

The business contour is expected to be exactly the opposite in 1971 with lows being shortly established, followed by a period of continuous expansion. The major impetus to demand growth in the year ahead will be the recent and prospective increases in the money supply. According to recently revised data; the money supply increased at a 5.5% annual rate in the first ten months of this year and continued growth at near this rate is expected in coming months. Since the low in February, the monetary growth rate has been 6.3%, a growth rate that, if continued, flirts with renewed inflation in 1972. Although money works with a lag, it works with power and certainty. The proper analogy is not "pushing on a string" but rather "shoving on a ramrod"! The average lag between monetary expansion in a recession and recovery is 9 months and that time is now. In addition, leading indicators of economic activity have recently rallied. Since indicators have a much shorter lead on the upside than does the money supply, recent strength suggests that a rise in economic activity is imminent.

But whence the strength? Consumers are gloomy and businessmen are depressed after continuous downward revisions of their previously optimistic expectations. Unemployment is spreading and profits are being squeezed. But history can provide some perspective. It always looks the darkest at the trough of the economy and only by focusing on early moving series can a turn in events be anticipated. Consumers have greatly improved their financial status in the past year. Disposable income rose sharply despite the recession and the savings rate soared to 7½% of income. Liquid savings rose significantly and debt expansion declined sharply. Durable purchases were deferred but they will be restored in the year ahead.

Capital spending will be restrained in response to the recent profit squeeze combined with growing excess capacity. Although profits are likely to rise substantially during the year due to improved productivity plus higher volume, the stimulus to capital spending is likely to work with a substantial lag. Spending on housing will rise sharply, however, as increased availability of private money as well as further improvement in asset values and continued demographic pressure stimulate housing starts.

In general, GNP is expected to rise rapidly in the year ahead with a fourth quarter 1970 to fourth quarter 1971 increase of about 9%, yielding a total of 1 trillion, 50 billion dollars, or up 7.4% for the year. In the next four quarters real GNP is expected to increase 6%, while the GNP price deflator rises only 3%. However, compared to all of 1970, real GNP will increase only 4% while prices average 3.4% higher. Unfortunately, unemployment tends to log an upturn so the peak is yet to be reached. But a decline should be under way in a few months. Even so, unemployment is expected to average 5.4% with the possibility of a 5% rate late in the year. Productivity improvement, a normal labor force increase, and a reduction in armed forces promote growth in capacity but will delay a return to full employment. The breakdown in the $1,050 billion GNP is projected as follows: Consumption, $665 billion, up 7.8% or $48 billion; Gross Private Domestic Investment, $146 billion, up 7.4%; Federal Spending, $100 billion, remaining unchanged; State and Local Outlays, $135 billion, up a substantial 11.5%; and Net Exports, $4 billion, about the same.

FINANCIAL MARKETS' REVIVAL

Although the recession has been mild in GNP and employment terms, it was severe as measured by the depression in financial markets. Although most short-term interest rates peaked in early 1970, long-term rates soared to new highs following the Cambodian invasion which generated short-run uncertainty and renewed inflationary expectations.

Recently both short and long-term interest rates have declined sharply although the spread remains unsustainable. In a basic sense, the declining trend in interest rates reflects the previously tight monetary policy which induced the current recession. Reduced economic activity resulted in dampened de-

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mand for funds even though the liquidity squeeze created a voracious appetite for long-term money. A continued gradual reduction in inflationary expectations is expected to result in a further significant decline in long-term rates even though short-term interest rates should stabilize once the recovery gets under way.

Prospects for bond prices are favorable but the outlook for the battered equity market is probably even better. The conditions for continuation of the presently unheralded bull market are excellent. (1) Monetary policy is expansive and likely to remain so. Bull markets thrive in such an environment as investors strive to exchange growing liquidity for income and growth. (2) Declining inflationary expectations will further reduce long-term interest rates which have recently been a major competitor for the investor's dollar. (3) Corporate profits are on the verge of a major upward move reflecting both increased sales and striking improvements in productivity. In contrast to serious capital losses which characterized 1969 and the first half of 1970, further capital gains are in prospect, assuming of course that threats of wider wars continue to diminish.

But all is not serene on the international dollar front. After nearly two decades of deficits in the U.S. balance of payments, no near-term correction is discernible. The U.S. current account surplus rose to over $4 billion this year due to the recession which restricted growth in imports. But despite onerous controls on capital flows abroad, U.S. capital accounts remain in deficit and the decline in U.S. interest rates threatens further deterioration.

The causes of our deficit are readily apparent. With only a few exceptions, numerous exchange rate adjustments since World War II have been against the dollar. Furthermore, in recent years the very serious U.S. inflation has further decreased our international competitive position. Clearly, the dollar is now over-valued relative to several major world currencies, including the mark and yen. This condition, along with the recession, is contributing to rising protectionism at home which seriously threatens a worldwide trade war. Devaluation of the dollar in terms of gold offers no solution as exchange rates would probably remain unchanged since foreign currencies are pegged to the dollar, not gold. Re-evaluation of major currencies relative to the dollar would ameliorate our deficit but the initiative remains abroad and foreign governments are reluctant to incur the resulting domestic political ire. In the meantime, the U.S. will continue to spew dollars abroad. Eventually re-evaluation will become necessary unless we move toward even greater restrictions and controls. A fixed exchange rate system has clearly demonstrated its incompatibility with independent national economic policies. Greater flexibility of exchange rates would permit international adjustments without the need for tariffs, quotas, capital controls and other devices which restrict the free flow of goods, services and capital. Canada and Germany recently led the way toward a more flexible and viable international monetary system but other nations have not followed. Inevitably, further currency crises are in store unless the fixed exchange rate system is altered. Perhaps the only justifiable note of optimism concerning international monetary developments stems from the fact that the dollar remains the world's major trading currency and its longer term strength is now being fortified by the waning domestic inflation as well as by more serious inflation abroad.

In conclusion, 1970 was not my kind of business year. Let us hope that policy makers avoid excessively expansive monetary-fiscal policies which could rekindle inflation by 1972 and foster a repeat performance of retrenchment. A stable hand on the monetary tiller, rather than the highly touted "incomes policy," is our best bet for stable economic growth. 1971 would then represent only the first installment of greater prosperity for us all.

TRIBUTE TO SENATOR WILLIAMS OF DELAWARE

Mr. ERVIN. Mr. President, I regret to see the able and distinguished senior Senator from Delaware (Mr. WILLIAMS) retire from this body. On one occasion, when the American Good Government Society bestowed upon Senator WILLIAMS its George Washington Award, I had the privilege of making the presentation remarks which preceded the bestowal of that award upon him. In the course of those remarks I said that he might be said to be the gadfly of the Senate. I said that because he had stunned the Senate into righteous action on many occasions and he had aroused the Senate to things which did exist but which ought not to have existed. For this reason he has been a most valuable public servant not only to the State of Delaware but to the Nation at large. Those of us who have learned to admire him for his rugged intellectual integrity and for his courageous action shall miss him very greatly as a Member of this body.

My wife wishes Senator WILLIAMS and Mrs. Williams, in their well-merited retirement, all of the good things which life can bring to them.

TRIBUTE TO SENATOR YOUNG OF OHIO

Mr. BROOKE. Mr. President, it is with regret that I salute the senior Senator from Ohio upon his retirement from this Chamber.

Many are the times when his has been the only voice raised in protest against a proposed course of action—and many are the times when he has been proven right. For 12 years in this body, and 8 years in the House, STEVE YOUNG has served with rare diligence and devotion to duty. With his departure, the Senate will lose a true and honest spokesman for the rights of individuals.

I regard STEVE YOUNG as a friend, and wish him a long and rewarding practice of the law.

JOINT UNITED STATES-JAPANESE TEXTILE PRODUCTION VENTURES IN JAPAN

Mr. TALMADGE. Mr. President, there appeared in Tuesday's edition of the Wall Street Journal a news article disclosing plans of three major Japanese and U.S. textile companies to organize joint ventures to produce textile products in Japan.

This represents still another manifestation of the tremendous gains that have been made by the Japanese textile industry, and the inroads that foreign textiles, principally from Japan, have made in the American market.

It becomes increasingly imperative that Congress act to control the flood of low-wage textile imports into the United States. We all know what has been taking place over the years. There are 2,400,000 Americans dependent upon the good health of the textile industry for their livelihood. But, because of excessive imports from Japan and other Far East countries, American textile workers have been losing their jobs at the rate of 100,000 a year.

We are not creating more textile jobs in the United States. We are being hard pressed to even protect the ones we now have and the fact is, we have been losing ground every year. As evidenced by this latest move by Japan, the Japanese textile industry is flourishing indeed. More and more textile jobs are being created in Japan, at low wages and under conditions that would be illegal in the United States. And the result will be that more and more Japanese textiles will continue to glut the American market, unless the Congress acts, and acts soon.

We are reconciled to the fact that the trade bill is dead for the time being, because of the lateness of the year. But it is not a dead issue. So far as I am concerned, the jobs of American people must never become a dead issue. It is incumbent upon the Congress to take action to protect American jobs in the textile industry and in every other industry. And, instead of exporting new jobs to foreign countries, we need to provide every incentive and stimulus to provide more jobs for Americans in the United States.

I am very pleased that hearings will be held early next year on a trade bill, and I hope that we can get action at the earliest possible moment.

Mr. President, I bring the Wall Street Journal article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objections, the article is ordered to be printed in the RECORD, as follows:

[The Wall Street Journal, Dec. 29, 1970]

JAPAN IS SAID TO BACK TEXTILE VENTURES THERE OF DOMESTIC, U.S. FIRMS

TOKYO.—Japan was reported to have decided to approve plans by three major Japanese textile companies to form joint ventures with U.S. firms to produce textile products in Japan.

The plans involve establishment of joint companies by Mitsubishi Rayon Co. and Burlington Industries Co.; by Kanega-Fuchi Spinning Co. and J. P. Stevens Co. and by Asahi Chemical Industry Co. and Clark Schwebel Fiber Glass Corp., Japanese press reports said.

The reports said Mitsubishi plans to establish an equally owned company with Burlington to produce about 2.5 million square meters of carpet a year. Kanega-Fuchi hopes to manufacture about 9.9 million square meters of glass-fiber textiles with J. P. Stevens. Kanega-Fuchi plans to own 55% of the proposed joint company and J. P. Stevens 45%, the reports said.

The Asahi Chemical-Clark Schwebel joint company is expected to produce about seven million square meters of glass-fiber textiles a year. The new company would be owned 51% by Asahi, 39% by Clark Schwebel and 10% by Fukui Seiren Kako Co., an Asahi subsidiary.

Clark Schwebel, a privately held weaver of fiber glass, headquartered in New York, said the joint venture with Asahi Chemical will have a minimum of $1.6 million capital and $3.6 million fixed assets. Plans are to build a 90,000-square-foot plant once official approval is received. J. P. Stevens and Burlington declined comment on the size or cost of their proposed plants.

The government made the decision, it's understood, because medium and small Japanese textile firms are ready to face competition from foreign firms. They added that the partners in the proposed joint companies are willing to comply with such government conditions as ownership ratio.

The Nihon Keizai Shimbum, a newspaper, said the government made the move in an attempt to solve the deadlocked textile negotiations between the U.S. and Japan.

OFFENSIVE WEAPONS

Mr. HUGHES. Mr. President, recent newspaper reports have suggested that the SALT talks are bogged down over the definition of "offensive weapons." Evidently, the Soviet Union considers American weapons "strategic" if they can hit the Soviet Union and this definition would include 500 U.S. fighter bombers in Europe. The American side considers such weapons less than strategic. The Soviet side does not consider the Soviet IRBM's and MRB's strategic since they cannot hit the United States but only Europe. Undoubtedly, the United States considers the Soviet medium range missiles as significant as the fighter bombers. In addition to these definitional problems, offensive weapons are very difficult to control in a treaty.

Two days ago, the Strategic Weapons Committee of the Federation of American Scientists suggested a way of avoiding this dilemma for the moment. It noted reports that the Soviet Union might agree to a treaty that simply limited missile defenses. The Federation urged the administration to try for an agreement on ABM's only—one precluding missile defenses or limiting them drastically.

It noted that both sides are less than eager to build missile defenses and that, with defenses banned, the urge for offensive weapons like MIRV, to penetrate defenses would be undermined. It noted the saving in resources such a treaty would bring. It suggested putting off the more difficult problems of limiting offensive weapons until later. And it noted that the treaty would provide no problems of onsite inspection, but could be inspected by national means only.

The Senate should examine this Federation document closely. The chairman of the Strategic Weapons Committee, Dr. Herbert Scoville, Jr., was Deputy Director of the Central Intelligence Agency under Presidents Eisenhower and Kennedy. Later he was Assistant Director of the Arms Control and Disarmament Agency under Presidents Kennedy and Johnson. He has unparalleled credentials to make these judgments on the arms race and on intelligence.

At its annual meeting last Sunday, the National Council of the Federation approved this document in its entirety. The Chairman of the Federation Council is Herbert F. York, former Director of Defense Research and Engineering under Presidents Eisenhower and Kennedy. Among the sponsors of the Federation are the Presidential Science Advisers to Presidents Eisenhower and Kennedy—Dr. Jerome B. Wiesner, George B. Kistiakowsky, and Nobel Prize winners Hans A. Bethe and Owen Chamberlain.

Mr. President, I believe the Federation of American Scientists' proposal is an important and informed contribution to the Strategic Arms Limitation dialog. I ask unanimous consent that the publication of their proposal be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FAS CALLS FOR A NO-ABM AGREEMENT

The Federation of American Scientists (FAS) called today for a SALT agreement on ABMs only—one precluding missile defenses or limiting them drastically. Its Strategic Weapons Committee noted that, "According to press reports, only in the area of defensive strategic weapons, ABMs, have the Soviets been willing to agree with U.S. proposals". FAS argued for leaving "complicated and difficult" limitations on offensive weapons until later. Noting that a halt to ABM Deployment would "break the action-reaction cycle" and remove the incentive for much offensive weapons deployment, the Federation pointed to the "major economic savings" that would result from avoiding both ABM and the arms race spiral to which it would give rise.

The Federation statement, approved by its Executive Committee, was prepared by the FAS strategic weapons issues committee.[1] The Federation is a 25 year old national nonpartisan organization of 1800 natural and social scientists and engineers concerned with problems of science and society.

It also includes Dr. Marvin L. Goldberger and Dr. Morton H. Halperin. Dr. Goldberger was a member of the President's Science Advisory Committee from 1965–69, was for seven years Chairman of the Jason Division of the Institute for Defense Analyses and is now Chairman of the Department of Physics of Princeton University. Dr. Halperin was a Deputy Assistant Secretary for Policy Planning and Arms Control under President Johnson and a member of the senior staff of the National Security Council under President Nixon.

LIMITING ABMS

I. Negotiating background

Recent public reports from Helsinki, as the current phase of SALT came to an end, are spreading an atmosphere of gloom over the prospects for significant achievement at SALT. The Soviets are apparently reluctant to accept completely the US proposals made in July of 1970 and seem to have particular problems with regard to offensive weapons. While the negotiations grind on at a snail's pace, the arms race continues its rapid rise to higher and more dangerous levels.

According to press reports, only in the area of defensive strategic weapons, ABMs, have the Soviets been willing to agree with US proposals. This is a strange reversal from previous situations in which the primary Russian interest in strategic arms control had been limitations on offensive weapons. It was only after prolonged educational efforts on the part of US negotiators and scientists that the Soviets appeared to understand the destabilizing effects of ABMs. In view of the current Soviet attitude, consideration should be given to seeking an agreement to limit ABMs as a first step in SALT—leaving the more complicated and difficult limitations on offensive weapons to a later phase.

II. Value of ABM limitations

A halt on ABM deployment would, by itself, have a very significant effect in controlling the arms race. ABMs are the single most important system affecting strategic stability. While control of MIRVs is urgently needed to eliminate the threat to fixed land based systems, these weapons do not provide any threat to SLBMs, which cannot be targeted. Therefore, by themselves, they do not negate the total deterrent posture. ABMs, on the other hand, do create concerns on the viability of all types of missile systems. In particular, they are the only danger to submarine based missiles for the foreseeable future. The Soviet ABM was the primary rationalization for the US deployment of MIRVs, and the US decision to deploy ABMs in 1966 may well have been a strong factor in the Soviet decision to continue its deployment of SS–9s and, eventually, to develop multiple warheads for both SS–9s and SS–11s. Stopping ABM deployment would remove the incentive for many offensive deployments and break the action—reaction cycle. It should provide major economic savings and it would be in the US interest even without any controls on offensive weapons.

III. Security implications of a limitation on ABMs

Even if offensive weapons are not controlled, U.S. security would be improved by limitations on ABMs. If the Soviets have no ABMs or are limited to what they now have deployed, the viability of the U.S. Polaris-Poseidon component of the deterrent force would be ensured for the foreseeable future. Even if Soviet offensive deployment put the entire Minuteman and bomber forces in jeopardy, the U.S. could count on being able to retaliate with SLBMs. Only an ABM can threaten these weapons for at least the next ten years. Therefore, U.S. security would be improved greatly over that which would occur without any controls.

Furthermore, the U.S. has no strong security need for an ABM on its part. Secretary Laird has recently reported "preliminary indications that the Soviet Union may have recently started slowing somewhat the level of activity associated with SS–9 missile construction." Even if this is not so, a less expensive and more certain way of maintaining the U.S. deterrent than expanding Safeguard would be to insure that the SLBMs can reach their targets in the U.S.S.R. by an agreement to limit ABMs.[2] If at some point both the SLBMs and Minuteman deterrents became threatened, then some other solution than an ABM defense of Minuteman would be required. The need for an anti-Chinese ABM has now been largely discounted. The authorization for the thin area defense component of Safeguard was denied by the Congress in 1970 without strong objection by the executive branch, and the Administration indicated at that time that it was prepared to negotiate a complete ABM ban with the Russians.

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[1] The Committee is chaired by Dr. Herbert Scoville, Jr., formerly Deputy Director of the Central Intelligence Agency under Presidents Eisenhower and Kennedy, and Assistant Director of the Arms Control and Disarmament Agency under President Johnson.

[2] It has been reported that there were no new SS–9 starts between August 1969 and May 1970 and less than 25 new starts since that date. In the spring Secretary Laird stated that the Russians had 280 SS–9s operational or under construction while now the number is reported still to be less than 300. Thus, the fears that the Soviets would increase their SS–9 force to 420 missiles with 3 MIRVs each, which prompted Secretary Laird to recommend the Safeguard in the first place, should now be considerably reduced. If this slowdown does not materialize, and they continue building ICBMs at their present rate, and if they deploy a MIRV on the SS–9, and improve their ICBM accuracy, both of which they are doing, then, as Secretary Laird has stated, the threat in the mid-70's would be much too large to be handled by the level of defense envisioned in the Safeguard system without substantial improvement and modification.

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IV. Types of ABM limitations

1. Complete Ban

An agreement to ban ABMs completely would provide the greatest improvement to US security, would be most effective in controlling the strategic arms race, and would obviously involve the largest savings in scarce funds and resources. US security would not be threatened regardless of what happened in the offensive areas since the US would always have a secure deterrent from its SLBM force. These missiles, by themselves could clearly assure completely unacceptable destruction to the Soviet Union in a second strike and the ban on ABMs would remove any doubts that they could reach targets within the USSR. However, a complete ban might be difficult to negotiate since the Soviets already have a small, albeit ineffective, ABM system with 4 interceptors around Moscow. It might be difficult to persuade them to scrap this system in any limited agreement since the US would have no parallel ABM to dismantle.

2. National Capital Defense

A second alternative would be to Limit ABMs on both sides to the defense of the National Command Authorities (NCA), i.e., the national capitals Washington and Moscow. This would allow the Soviets to retain their presently deployed ABM and the US to build an equivalent system around Washington. Since such ABMs would be so limited in area coverage, they would not provide any threat to the deterrent of either nation and therefore no incentive for escalating the offensive arms race. However, in the case of the US, building even such a limited system would involve large expenditures of funds. To be even marginally useful the system would have to be quite different from the proposed Safeguard; furthermore, unless it was very much larger than the present Moscow system with its 64 launchers (which US authorities believe to be of little military value) it would not provide protection from a Soviet attack on Washington. A system with a total of only 64 Spartans and/or Sprints could be easily saturated or penetrated. (To allow larger systems and permit the Soviets to up-grade the present Moscow system would defeat the purpose of the limitation). Further, unless the command and control were continuously delegated to the operational level, it would only work during an alert under which circumstances it would be preferable to remove the President to another location. This type of defense would clearly be a tremendous waste of scarce funds, perhaps of the order of 10 billion dollars or more.

It is not clear what purpose the defense of the US National Command Authorities serves. It is inconceivable that the Soviets would risk national suicide on the chance that US would not retaliate because the US president and the military leaders in the Pentagon had been killed. If anything, retaliation would be more certain. The Soviets would surely consider retaliation more likely since the restraining hand of presidential authority would have been removed from the military finger on the trigger. Defense of the military command centers in Wyoming or Omaha makes even less sense since the Soviets must necessarily assume the existence of alternative communications channels between Washington and the retaliatory strategic force. Again, a total of 64 Spartans and Sprints (both must be counted) would not provide any useful defense. A National Command Authority ABM could only become an opening wedge for future demands for a larger system.

3. Freeze ABMs at Existing Status

This would leave the Soviets with their present Moscow ABM and the US with an advanced R&D program. While this asymmetry might be politically difficult to sell in the US, it would still be in the US security interest. The present Moscow system does not threaten the US and has been generally considered a Soviet mistake since all military authorities agree that it can be easily overcome even with existing US offensive forces. Such an agreement would involve major savings in US funds and would provide an important brake to the strategic arms race.

4. US Safeguard Phase I and Moscow ABM

If a freeze leaving asymmetries in deployed ABMs is politically unacceptable in the US, then an alternative agreement would permit the US to complete the Safeguard Phase I defense at two Minuteman sites, and the Soviets to retain their Moscow system. (Since, at present, the Moscow system has only 64 launchers, the US would have to reduce the planned Phase I deployment, or the Russians be allowed to add to their system if exact equivalence is to be maintained. But the latter would largely destroy the value of the limitation, since it would provide the Soviets with a very large ABM.) This type of agreement would not be destabilizing and might be more logical from a security point of view than the National Capital Defense although it would not provide any real protection to the US Minuteman. It could also be in operation at an earlier date and might provide some savings in funds. However, it would still be an expensive US attempt to match a Soviet mistake.

5. Other Types of ABM Limitations

Any other limitation on ABMs which still allowed the construction of a system with nationwide coverage would be of little value in limiting the strategic arms race. Any system which had broad radar coverage and had the potential for being expanded to provide protection to large portions of the population, would raise concerns over the viability of the deterrent and would only provide additional incentives for accelerating the deployment of offensive systems. An anti-Chinese ABM would have such a potential and would be destabilizing. While the presently authorized ABM protection of a few Minuteman sites would not have this potential, the complete Safeguard system would. However, a Soviet parallel to the Minuteman defense, i.e., an extensive defense of its ICBMs similar to Safeguard, would have the potential for nationwide coverage since Soviet ICBM sites are not all located in remote areas like the Minuteman, and would probably force counter action by the US and make an agreement of this type unsatisfactory. None of these other approaches would appear to provide any appreciable savings in funds nor any improvement in security. Therefore, consideration of ABM limitations would be restricted to the first four approaches.

V. Verification

Limitations on ABMs can be adequately verified by national means. The US has been able to observe the Soviet deployment of its present ABM system with a high degree of reliability for many years, prior to its becoming operational. Its effectiveness has also been relatively easy to determine. The US has reported on the cutback in the deployment program. Large and sophisticated radars, which are the key element in an ABM system which could threaten the US deterrent, are easily observable, require many years to construct, and must be frequently operated and tested if they are to have a useful capability. All of these factors makes verification of the ABM limitation relatively easy. While fears have been expressed that the Soviets might clandestinely upgrade their present air defense system to provide an ABM capability, it seems almost inconceivable that they could have a capability which could threaten even the US Polaris-Poseidon forces, when one remembers that as of the present time one does not even know how to build such an ABM system without any constraints. Certainly troops would have to be trained in this new system and radars operated. Opportunities for detection would be manifold.

VI. Conclusions

1. An ABM limitation together with controls on offensive systems such as MIRVs, large missiles and expansions or replacements of existing weapons, would be the most useful result of a SALT agreement. However, if such offensive limitations cannot be achieved, controls on ABMs alone would serve an extremely useful purpose. It would be better to agree to limit ABMs and leave the offensive weapons to a second stage than to have no agreement or one which provided only an illusion of limiting offensive weapons. The Federation of American Scientists has shown, in a press release of Nov. 2, that a ceiling on numbers of offensive systems without any restrictions on replacements is such an illusion. The incorporation of short range weapons systems (such as those based in Europe or on carriers) into the negotiations, as the Soviets are reportedly insisting on, could postpone an agreement at SALT indefinitely. A delay in limiting ABMs until all of the details on offensive limitations can be satisfactorily negotiated might make impossible even achieving an ABM limitation. US continuation of its Safeguard deployment and the resumption of Soviet ABM deployment might seriously jeopardize ever reaching a useful agreement.

2. An ABM limitation would improve US security by assuring for the foreseeable future the viability of SLBM deterrent force. It would remove the requirement for new, expensive, and dangerous offensive weapons programs designed to ensure penetration of Soviet ABMs and would produce significant savings in scarce resources.

3. The best procedure would be a complete ban on ABM in both the USSR and the US, but a freeze at their present status would still improve US security over a continued arms race. Limitation of ABMs to the defense of the National Command Authorities should not destabilize the strategic balance but would be a great waste of US resources. An alternative in which the US completed the Safeguard Phase I defense of two Minuteman sites and the Soviets kept their Moscow system might be a slightly better way of preserving symmetry if political considerations dictate some US ABM program.

SOCIAL SECURITY

Mr. YOUNG of Ohio. Mr. President, it is a happy personal recollection that in 1935 as Congressman at Large from Ohio, I voted to create the social security system. Also I remember with pride that in 1949 as Ohio Congressman at Large while serving on the Ways and Means Committee of the House of Representatives I participated in our work of expanding and liberalizing the social security law of our country granting coverage to more men and women and increasing payments to those already on social security rolls. In fact, I report with pleasure that a number of the amendments in the House of Representatives written into the social security law in 1949 liberalizing and expanding its benefits and coverage were first in my handwriting. Also we amended the law permitting workingmen and workingwomen to voluntarily retire at the age of 62 if they chose to do so, and their retirement payments were adjusted at a somewhat lower scale.

Social security from the outset has been an actuarially sound insurance system. In expanding and extending the benefits of social security, I recall that as president of the Cuyahoga County Bar Association, an association of some 1,900 Cleveland lawyers, our association was the first bar association in the Nation to adopt a resolution urging that self-employed lawyers be included within the social security system. Then a few days following the adoption of that resolution, I asked to testify as a witness before the Senate Finance Committee. I distinctly recall making the trip to Washington and testifying before the Senate Finance Committee as the only witness urging inclusion of self-employed lawyers under social security coverage. The distinguished junior Senator from Louisiana (Mr. LONG) was presiding and asked me a number of questions and expressed agreement with my views. Self-employed lawyers throughout the Nation were very shortly thereafter included under the coverage of our social security system. I am glad to report that of all professional men in the United States, physicians and surgeons were the last to be included under the beneficent provisions of this law. Those political doctors who constitute the house of delegates of the American Medical Association have over the years very inadequately represented the rank and file physicians and surgeons of our country. From the outset they denounced social security as State socialism and as a result, and properly so, physicians and surgeons were the last group of professional men given social security coverage. Those reactionary men constituting the house of delegates stood out for years against social security coverage for doctors notwithstanding that on referendums taken by many State medical associations an overwhelming majority of doctors polled time after time expressed their desire to be covered by social security.

In 1936 that Grand Old Party, of which I am not a member, adopted at its national convention a platform plank denouncing social security as State socialism and pledging repeal of this law. The Republican candidate for President that year, Gov. Alf Landon of Kansas, was a fine man. He carried only two States. Were any presidential candidate since that time to pledge if elected he would propose repeal of the social security law, he would not even carry one State.

The National Association of Manufacturers and the U.S. Chamber of Commerce, also termed social security as socialized medicine. Over the years, the National Association of Manufacturers and the U.S. Chamber of Commerce have been proven wrong on every issue affecting the welfare of American people.

The law which Congress enacted 35 years ago is the most humane and advanced social legislation in our Nation's history, the Social Security Act. The man who proposed this legislation and whose signature placed it on the statute books is dead. This is one of many imprints that Franklin D. Roosevelt left upon the pages of American history which will endure forever. I am very happy that during my first term as Congressman-at-Large from Ohio, I voted for and spoke in favor of creating the social security system.

Since passage of the Social Security Act of 1935, Congress has made changes in the act in keeping with fast-changing times. We have a duty to further expand and liberalize this program.

Mr. President, I hope and believe that Congress will increase the payments under our social security system to children, widows, disabled working men and working women regardless of their age, and payments to retired working men and working women 10 or 15 percent and make such increase commence as of January 1, 1971. We have already voted on this in the Senate and hope for action from the other body.

In our Nation at this time, more than 26 million people receive, in a little brown envelope by the third day of every month, approximately $2,008 million. In my State of Ohio, more than 1,250,000 men, women, and children receive that little brown envelope on the third of every month, a total of approximately $140 million. Approximately one in every eight persons of the 10,600,000 people in the State of Ohio receive these benefits. Included among the recipients are retired working men and women, fatherless children, widows, and disabled working men and women of all ages. All of these people are given freedom from financial need and with a measure of dignity as well, for the social security system is not a Government "handout" but an actuarially sound system of insurance.

Mr. President, if in the final hours of this Congress by joint action of the House of Representatives we fail to pass this legislation, it is my hope and belief that the new Congress will liberalize the social security law and make the payments retroactive to January 1, 1971. The more than 26 million Americans who receive these social security payments will not be curtailed or shortchanged by the present Government.

Mr. President, the present surplus in the social security fund and in the social security disability trust fund is approximately $37 billion. Therefore, obviously the Congress is justified in increasing social security payments by 10 or 15 percent to fatherless children, widows, disabled working men, and working women regardless of the age and those workers who have retired and this increase to be retroactive to January 1, 1971. Social security would continue as an actuarially sound insurance system. The bill reported from the Senate Finance Committee is a sound bill in every respect and should be agreed on in conference between the House and the Senate. If not, the new Congress will surely enact this proposal into law making it retroactive to January 1, 1971.

In our Nation, more than 26 million persons receive on or about the third day of every month approximately $2,750 million.

In my State of Ohio, I am happy to report that approximately 1,250,000 men, women, and children receive a small brown envelope on or about the third day of every month amounting to approximately $140 million each month.

Those men and women who lived through the Hoover depression of 1931 and 1932 have reason to give thanks that no such terrible depression could possibly occur as long as we retain our present social security system.

THE "GREEN REVOLUTION"

Mr. McGEE. Mr. President, reporter Richard Critchfield of the Evening Star has spent much of the past 2 years living in Asian villages, where he has had great opportunity to assess the impact of what is called the green revolution. In a report published Sunday, Critchfield stated that the green revolution is more than a great agricultural transformation, but a very rapid cultural evolution—maybe even an upheaval. The necessity of having cash with which to finance the next crop, for these new seeds which mean so much to the world's hungry two-thirds require more fertilizer, more water, and more care in general, is one aspect of the change. Another is the change being worked on the people who face the necessity of working out new reltionships for themselves. Do we face in Asia, for instance, a repeat of the mass exodus from the land which came with the agricultural revolution in Western society? Critchfield would agree with Barbara Ward, who has said there is the prospect of a tidal wave of people that threatens to overwhelm the already bursting cities.

Mr. President, Critchfield does not decry the green revolution at all. But he writes to warn us in these words:

> All over the poor two-thirds of the world there may be a mighty cultural and economic collapse leaving millions of helpless, bewildered people without homes. There would not only be such a vast army of emigrants as the world has never seen but also an army of peasants alienated from their culture.

We cannot ignore this possibility, only work to see the problems and meet them. I ask unanimous consent that Critchfield's report be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Dec. 27, 1970]

"GREEN REVOLUTION" MOST SIGNIFICANT OF THIS DECADE

(By Richard Critchfield)

JAKARTA.—The "green revolution" is more than just an agricultural transformation. It also is a very rapid cultural evolution—perhaps even unheaval—in hundreds of thousands of villages all over the world.

The "hundreds of thousands" give me a little pause, since my own experience has been almost entirely limited to two villages where I have been living much of the past year: Ghungrali-Rajputan, a prosperous, wheat-producing community on northern India's Punjab plain, and Pilangsari, a relatively poor rice-growing village on the banks of the Tjimanoek River in western Java.

The two villages and the reaction of their inhabitants toward the green revolution were strikingly different.

The robust, down-to-earth Punjabis, in their traditional pursuit of the good life, were eager to modernize and mechanize and enjoy the material benefits of Western technology. And all but the elderly seem fully prepared to pay the cultural price.

The mystical, artistic and highly cultured Javanese peasantry were taking to the new seeds with conspicuous reluctance, and, one felt, only out of economic necessity. Among several villagers the new technology was viewed, and rightly, as a direct threat to the traditional Javanese belief and behavior system with its distinctive style of life and human relationships.

It was not surprising that in Punjab the farmers themselves were taking the lead in innovation and chafing at the Indian government's slowness to adopt to change. In Java it was the Indonesian government which was using much of the pressure and means of persuasion at its command to get villagers to grow the new rice.

OPTING FOR CASH

But in both villages an almost identical economic process was taking place: There was a distinct shift away from traditional systems in which the poor landless people of the village received a fixed part of the crop in return for the labor. Instead more and more farmer-landowners were opting for simple cash payments.

This movement toward a money economy is built into the green revolution.

The new seeds—whether a farmer is growing wheat, rice or maize—require much heavier use of water, chemical fertilizer and, in the case of rice, insecticides.

Water may be provided by expanded government irrigation systems or a privately owned tube well, but both require a greater investment by the farmer than in the past.

But the big cash outlay, needed each sowing season, is for fertilizer. This means having a sufficient marketable surplus each harvest to raise enough cash for the next crop.

Automatically anyone growing the new varieties has to think in terms of money, economy of operation (especially labor costs) and returns. And when an economic system uses money, it is not long before the value system begins to depend on money too.

In a traditional village, where the social structure is based on mutual independence, whether between the Jat owner-farmer caste and their untouchable laborers in the Punjab or between the modest landowners and their poorer kinsmen in Java, this tends to drastically displace human values.

In Ghungrali, for instance, where the poorer two-thirds of the villagers were landless untouchables, a sense of community, harmony and security always had been preserved by the caste structure, with its carefully evolved system of mutual rights, obligations and responsibilities. In return for their labor, the untouchables were guaranteed a certain amount of the wheat crop each year and the right to freely graze their cattle.

CULTURAL CRISIS

The cultural crisis came when the Jats felt compelled by the economics of growing the new wheat to put their laborers on a cash-payment basis. The untouchables refused to accept this, a mutual boycott followed (it has since ended) and the Jats, for the first time in a thousand years, refused to let the untouchables graze cattle on their land.

In Pilangsari, a similar crisis is coming. Much of the rice harvest in Pilangsari is now carried out under what is called the "tjeblokan" system, whereby a group of poor relatives or fellow villagers both plant and harvest the rice crop of an often modest landowner in return for one-sixth of the crop. Under this system, the rice is cut with a tiny razor-like instrument, the ani-ani, which is held in the palm of the hand and is slow and uneconomical. (After the backbreaking wheat harvest in the Punjab, I found it rather like gathering flowers for a bouquet.)

Not surprisingly, the more innovative peasants in the village, who also are growing the new rice, are talking of switching to harvesting with a sickle and putting their workers on a strict cash basis. Certainly, it would be more efficient and economical. It also would undermine a village social welfare system established over centuries.

Government extension workers who visited Pilangsari when I was there openly spoke out against the "tjeblokan" system in favor of cash payments. They also hoped to restrict, through non-issuance of licenses, the number of village performances of the famous Javanese "wajang" shadow play. Here, too, the money could be more economically used for fertilizer and insecticides.

But the "wajang" play is more than popular village entertainment; it is the very heart of classical Javanese culture and the fount of much of its religion, philosophy and moral code.

DELICATE BALANCE

Here then were two villages, distinctly different in race, culture and world views, yet alike in that each—after being in a solid equilibrium for centuries—was now undergoing an agricultural revolution that threatened to destroy the delicate balances by which the village always had held together.

In both, these balances rested on similar customs: The heavy weight of considerations of kinship, the responsibility of the family heads to provide food, shelter and clothing for all who labored in their fields, the tacit right of the landless to graze cattle and gather wood for fire undisturbed, the inherent obligations of mutual assistance, the practice of loans with little interest and hospitality without cost, the stability of the family.

Now all this was changing. One might say that the West had finally and twice reached into these villages during this century. First, with the modern medicine and DDT that in the past 50 years produced a cataclysmic fall in the death rate and created a population explosion (the number of people in both villages had almost doubled in the past generation.) And, second with the agricultural revolution, which is providing much more decisive culturally.

One looks for a reason why this is so. Somehow the fact of more people, even twice as many people in the villages, did not do much to alter its basic culture. Everyone was poorer than before but the old traditions survived. Instead the cultural transformation follows the transformation of agriculture.

It is similar to what happened in Europe in the 19th century when the drive for an agricultural surplus to feed a growing population led to the modernization of agriculture. But this has resulted in some 53 million European migrants flooding into the United States. Even the relatively small number of American Negroes displaced by the agricultural mechanism of the South has left the United States its greatest unsolved domestic problem.

But if Ghungrali and Pilangsari are genuinely representative, as I am convinced they are, then one can deduce that the same thing must be happening in all of the hundreds of thousands of villages where the new strains of wheat, rice, and maize have been introduced. To name just some of the countries where the new seeds have already had some impact: India, Pakistan, Iran, Turkey, the Philippines, Malaysia, Burma, Indonesia, South Vietnam, Taiwan, Afghanistan, Japan, Kenya, Tunisia, Morocco, Algeria, Libya, Brazil, Mexico, Paraguay (to say nothing of Russia and China where the new wheat varieties are now being tried.)

The question is: In all the villages where the new agricultural technology is being practiced does the economic imperative operate in the same way as in Ghungrali and Pilangsari so as to snap old ties and traditions, forcing peasant-farmers to face the enormous compulsion of working out new relationships, new meanings to their lives? It is my contention that the answer is "yes" and the ensuing cultural crisis, the vast mass exodus from the land it will produce and the shock of those who have been uprooted will face the world with a problem of great magnitude by the end of this decade.

TECHNOLOGICAL NECESSITY

This is not to decry the green revolution. The point must be made that the growth of population following the spread of modern medicine made the adoption of modern agricultural technology a necessity for most of the poor nations.

To find another historical parallel for what seems to be happening in countless villages all over the world one can go back much further than 19th century Europe to the very beginnings of agriculture in the Tigris-Euphrates, Nile and Indus river valleys. The first Mesopotamian or Egyptian to dig an irrigation ditch, put the first animal into harness or use a traction plow was presumably just trying to feed his family better.

But these technical innovations created new styles of life, new systems of human relationships, led to the first breakthroughs to civilized society, the eventual rise of the West and, in modern times, to the imposition of European culture and technology on the great cities of the whole world, including those of Asia.

Historically, left almost untouched these 5,000 years until the green revolution began to take hold just during the last three or four years, have been most of the villages of the world, where two-thirds of the human race now lives.

As a result, some 80 percent of the populations of the poor nations are still engaged in primitive agriculture. In the rich, advanced countries of the West, it is something less than 10 percent.

It has always been clear that at some point in history this gap would begin to close. And that when it did the impact, not only agriculturally and economically but culturally and in terms of the vast migrations of peoples, would be momentous.

Dr. Norman E. Borlaug, who won this year's Nobel Peace Prize for his part in developing the strains of grain now contributing to the green revolution, says the world has about 30 years to reduce population growth rates to manageable levels before shortages of food catch up.

BIG FAMILIES HAPPIER

In India many agricultural technicians, both American and Indian, maintain India will be lucky to get two or three years before the population growth rate of 2.5 percent and the real food demand growth rate of 3.5 percent exceed the increases in agricultural output.

My own observations lead me to doubt the whole notion of any expectation of success in population control.

In both the villages where I lived, Ghungrali and Pilangsari, the incentives, both human and economic, among the landless laborers to have large families appeared to outweigh the disincentives. Unlike the world's educated middle classes or prosperous farmer-landowners, who have taken to family planning out of a desire to educate their children or perpetuate their farm into the future as a viable economic unit, the poor majority of the peasants appeared to have a real interest in having as many children, or as many potential wage earners in their household, as possible. With few exceptions the poorest peasants were not worried about educating children who traditionally start work as farm laborers and bread-winners at the ages of 13 or 14.

In both villages there was a heavy cultural emphasis on fertility and procreation and government propaganda on behalf of family planning seemed no match for the pressures on a young bride to validate her own position by having many sons, and as soon as possible. One of the Indian government's birth control slogans is "The small family is a happy family." In reality, in the villages, the reverse seemed true; it was the large teeming households, with plenty of

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daily wage earners and the security of numbers that were the happier.

In Ghungrali, there was considerable impact from government programs promoting knowledge of birth control. A huge billboard praising the two to three-child family greeted you as you entered the village. Everyone seemed to have an awareness of the pill and intrauterine devices and the government's catchy slogan of "Do ya teen, bas!" ("Two or three, finish!") was as familiar as a commercial jingle would be in America. In contrast, in Pilangsari, there was almost no awareness of the government's family planning program or of either the pill or IUD.

Yet, in practice, birth control seemed much the same in both Ghungrali and Pilangsari. The more prosperous, better educated landowners had smaller families based on motives of enlightened self-interest and the poorer, landless laborers had big families, also in terms of their own self-interest.

In the city of Jakarta, family planning has been practiced by 15,000 women, presumably middle-class, educated, and civic-minded ladies. But Jakarta is a city of almost 5 million people.

Why should a Punjabi laborer or Javanese peasant limit the number of children he has when he does not feel it is in his individual interest to do so?

One day, while working in the rice paddy with Husen, a Javanese farmer who has been my principal subject of study in Pilangsari, I asked, "Don't you worry about the world's population doubling by the end of the century? Think what this village would be like with twice as many people."

"I can't think about that. Wah, I'd go crazy," answered Husen. "So maybe I'd like to go to the moon too. I won't even ride in a motorcar before I die." (The father of four, three of whom died in childbirth or infancy, Husen hopes to keep on having children to insure the survival of at least three more.)

Thus it seems inevitable there will be at least another one billion people in the poor countries alone by 1985 and that the number of those who will depend upon agriculture for their livelihoods will rise about 50 percent.

If the green revolution follows the pattern set by the agricultural revolution in Europe in the 19th century, the greatest exodus from the land and migration to the cities in history is about to commence.

British economist Barbara Ward has said the prospect is of "a tidal wave, a Hurricane Camille of country people that threatens to overwhelm the already crowded, bursting cities. It is not so much immigration as inundation."

"MARGINAL" MEN

For the past two years the world Food and Agriculture Organization in Rome has taken the position that the food problem of the 1960s has become the unemployment problem of the 1970s. The Netherlands' Addeke H. Boerma, the FAO's director general, told the second meeting of the World Food Congress in The Hague in July that unless the green revolution was carefully managed, the result might be "a conflagration of violence that would sweep through millions of lives."

In September, World Bank Director Robert S. McNamara reported to his board of governors that "the poorest quarter of the population in developing lands risks being left almost entirely behind in the vast transformation of the modern technological society." McNamara said "the 'marginal' men, the wretched strugglers for survival on the fringes of farm and city, may already number more than half a billion. By 1980 they will surpass a billion, by 1990, two billion. Can we imagine any human order surviving with so gross a mass of misery piling up at its base?"

It is hard to see how the green revolution could be carefully managed, as Dr. Boerma urges. Governments are up against the same problem they encounter in trying to check population growth: the self-interest of an individual peasant, usually a man with extremely limited horizons whose confident belief in his position in the world and his relationship with all humanity has been fixed over centuries by very old, stable, traditional village cultures.

WRETCHEDNESS DOUBTED

But this has its positive aspect. When McNamara speaks of "wretched strugglers for survival," he seems to hit a false note. "Strugglers for survival?" Yes. "Wretched?" I would say no if one is taking in all of the half-billion "marginal" men he says there are already.

I am willing to venture that most of these still strongly identify with a village and that village's culture even if they actually have lived for years in a great Asian city as a coolie, a betjak driver or in other menial work. As long as they retain this sense of cultural identity, this sense of having a place in a universe with fixed cultural values, no matter how poor they are, I do not think they can accurately be called wretched.

And here to me is the real meaning of the green revolution: That for the past few decades the old structure of the old village society in vast stretches of Asia, Africa and Latin America has begun to crumble. The introduction of modern medicine and the population explosion that followed gave village culture a rude shock and weakened the aged foundations. The new seeds and the transformation of agriculture and the village economy they require could be the climatic blow.

All over the poor two-thirds of the world there may be a mighty cultural and economic collapse leaving millions of helpless, bewildered people without homes. There would not only be such a vast army of emigrants as the world has never seen but also an army of peasants alienated from their culture.

That we might be faced not only with a massive flood of people to the cities, but also with a wholly unprecedented phenomenon of global cultural alienation, is the frightening part.

THE POCKET VETO OF THE FAMILY MEDICAL PRACTICE BILL

Mr. JORDAN of North Carolina. Mr. President, on Monday, December 28, the junior Senator from Massachusetts (Mr. KENNEDY) and the senior Senator from Texas (Mr. YARBOROUGH) joined in criticizing the President's pocket veto of S. 3418, the family medical practice bill.

They objected persuasively and in detail both to the rejection of the legislation and to the tactic employed to delay the decision until Congress was in holiday recess, thus denying supporters of the measure any chance for a motion to override.

They presented the case so forcefully and well that nothing I could say would add strength to their argument.

As a cosponsor of the legislation, however, I want to associate myself fully with their remarks and to pledge my best efforts to revive this legislation and secure its passage as early as possible in the next session of Congress.

THE USE OF DEFOLIANTS IN VIETNAM IS A STAIN ON OUR NATIONAL CONSCIENCE

Mr. YOUNG of Ohio. Mr. President, 45 years ago the United States took the lead in drafting the Geneva convention, the most basic and fundamental international treaty banning the use in war of all poisonous gases and biological methods of warfare.

Today, the United States stands almost alone among the powers of the world in failing to become a signatory to this treaty which we first proposed.

The fact is that the convention was first suggested in Geneva at an international conference by the head of the U.S. delegation, Representative Theodore E. Burton, from my native State of Ohio, with the full support of President Coolidge and Secretary of State Kellogg.

In June 1925, the United States signed the Geneva convention but it was never ratified by the Senate. This was in large measure because the chemical industries and especially generals of the Army Chemical Service exerted considerable pressure against the ratification of the convention.

Mr. President, more than a year ago on November 25, 1969, President Nixon announced that the United States was renouncing germ warfare. He ordered existing American chemical and biological germ warfare weapons destroyed. The President also pledged that research on biological agents would be only defensive in nature.

Recently, however shocking and appalling, it has come to light that American troops in South Vietnam have continued to use a poisonous chemical warfare ingredient months after it had been banned by the Defense Department. The fact is that spraying of Agent Orange containing the deadly chemical compound, 2,4,5-T was ordered suspended on April 15 of this year. Since that time, however, hundreds of acres of farmland in the highlands of Quang Ngai Province in South Vietnam have been sprayed with Agent Orange.

This was disclosed by enlisted men in the 90th Chemical Detachment after the commander of the detachment, Capt. John Morrison, denied that Agent Orange was being used.

Mr. President, the use of chemical and biological warfare has a long and grisly history.

As long ago as 600 B.C., Solon of Athens is said to have defeated the army of Kirrha by poisoning the enemy's drinking water. The Spartans were said to have besieged satellite cities of Athens in the Peloponnesian War with burning sulfur and pitch to create sulfur dioxide, a gas about one-fourth as irritating as chlorine.

During the American Civil War, Confederate troops once tried to delay the advance of their pursuers by leaving behind water holes polluted with the carcasses of dead animals. This according to the memoirs of Gen. William Tecumseh Sherman.

In the modern sense of chemical and biological warfare, the widest use of chemical agents took place in World War I. By the end of the war, a total of 28 agents and 16 mixtures had been employed by both the Allies and the Central Powers amounting to more than 124,000 tons.

Mr. President, since 1961, 100 million pounds of chemical herbicides have been sprayed on 5 million acres of land in

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South Vietnam, an area the size of the State of Massachusetts. By the end of this year, more than 23 million gallons will have been sprayed in Vietnam. Most of that in South Vietnam.

Defoliation operations in Vietnam are carried out by squadrons of specially equipped C–123 cargo planes, each with tanks capable of holding a thousand gallons of herbicides. The official code name for the program is Operation Hades but a more friendly code name, Operation Ranch Hand is used. Operation Hades is a better name.

Mr. President, the continued use of such deadly poisons that affect civilians as well as enemy soldiers is in my view a crime of fantastic proportions. It constitutes a stain on our national conscience that may well haunt our Nation for years to come.

When I was in South Vietnam in early 1968 as a representative of the Senate Committee on Armed Services, I personally witnessed the horrible effects of our defoliation program and of our napalm bombing of villages and hamlets in South Vietnam. I saw in hospitals and elsewhere little children without arms or legs or horribly burned or in any one of many other ways tragically maimed for life.

Near An Khe in South Vietnam extending for a long distance in front of the barracks, headquarters, and artillery positions of our Armed Forces I beheld what is meant by defoliation. Miles, length and width, of what had been beautiful green forest land with humble homes of peasants were defoliated as our forces burned, destroyed, and poisoned the trees and foliage in the entire area. The land itself has been poisoned. Men, women, and children have been forcibly removed from their homes and most of them taken against their will, to miserable refugee camps, so-called. Some of our refugee camps with thousands of old men, women, and children herded together may not be as terrible as this gutted, seared, destroyed land bereft of bushes and trees, but all except one refugee camp I saw were in exceedingly deplorable condition.

Defoliation results in destroying crops and even foliage supplying food for water buffalo so greatly needed by Vietnamese farmers. Of course, many water buffalo and other livestock have been destroyed. We are not only destroying the meager food supply of Vietnamese civilians, but also leaving the earth sterile for future generations. Vietnam, once a beautiful green paradise, is being stripped of vegetation and crops.

Unfortunately, men, women, and children trying to stay alive are being pushed closer to starvation or herded like animals into American refugee camps. It is difficult to visualize this burned out, devastated land.

The Saigon militarist regime shows little or no concern for the hundreds of thousands of civilians who have been wounded and maimed. They are more concerned with maintaining themselves in power than in helping their own people who have become victims of the war. They treat the mass of the Vietnamese in the countryside in the same manner as the French and Japanese colonial masters who preceded them.

Mr. President, all Americans are hopeful that we will end our involvement in that immoral, undeclared war in Vietnam at the earliest possible date. My view that our forces should be withdrawn immediately in the same manner in which they were sent there—by ships and planes—is well known. However, it appears that the administration is determined to continue to send young Americans to fight and die in Vietnam. The President has made much of the fact that in recent months our casualties have dropped to the lowest level in 2 years. I urge them to take similar action to reduce the number of casualties suffered by the innocent civilian population of South Vietnam. I urge him to order a complete halt to the use of chemical defoliants that are poisoning the land of South Vietnam and endangering the lives of generations yet unborn.

The Pentagon has announced only that it is initiating a program for an orderly yet rapid phaseout of all herbicide use, and that in the meantime defoliants will be restricted to firebase and U.S. installation perimeters or remotely unpopulated areas. Why simply initiate a program? Why not stop the use of these lethal chemicals immediately? And I strongly question the ability of the Pentagon to decide which areas are remotely populated especially since we know military intelligence to be faulty. The fact is, Mr. President, that many areas in South Vietnam are declared unoccupied simply because the Army has previously issued an order to evacuate. Many persons nevertheless remain or are forced to stay.

Yesterday, a commission of scientists appointed by the American Association for the Advancement of Science submitted a report based on a long-range independent scientific study of the effects of South Vietnamese defoliation. It included visits to areas of defoliation in Vietnam and incorporated the views of 23 scientific consultants. They found that not only did the sprayings have a profound effect upon the food supply available to civilians, but that there were some striking increases in birth defects in South Vietnamese hospitals. They also found that hardwood and mangrove forest areas may fail to return to their natural state even after many years due to the destruction of the ecological balance.

An article in the December 30 Washington Post entitled "Vietnam Defoliation Called a Failure" by Victor Cohn, relates the findings of this commission in detail. I ask unanimous consent that this article be printed in the RECORD at this point as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIETNAM DEFOLIATION CALLED A FAILURE

(By Victor Cohn)

CHICAGO.—The massive U.S. plant-killing program in South Vietnam was called a failure by a commission of scientists today—a failure whose main effect has been the still-continuing destruction of the food and home sites of civilians, not enemy forces.

The commission, named by the American Association for the Advancement of Science, also found that "several hundreds of thousands of civilians," mainly non-Communist Montagnard highlanders, have been sprayed, as well as their homes and crops.

Many of these civilians, the group said, have now become homeless refugees.

The commission found that spraying of forests and crops has had a profound effect on South Vietnam's economy, destroying enough food to feed 600,000 people for a year and half a billion dollars worth of prime hardwood.

It found some striking increases in birth defects in some South Vietnamese hospitals, indicating that the question of whether or not herbicides have harmed genes—a question still unanswered—should be far more closely studied.

The report was made by a three-man group charged with planning and starting a long-range, independent scientific study of the effects of South Vietnamese defoliation.

Organized by Dr. Matthew S. Meselson, a Harvard biologist, it included Dr. Arthur H. Westing, professor of botany at Windham College, Vermont—named commission director—and Dr. John D. Constable, a Harvard surgeon.

They were aided by 23 scientific consultants, who met in June. Then they made an on-the-spot study in Vietnam last August and September.

The group formally said its assignment did not include studying "the military desirability or utility" of the use of herbicides, the plant, forest and crop-killing chemicals U.S. forces in Vietnam have used to try to deny the enemy cover and sustenance.

But its report plainly constituted a damning indictment of U.S. spraying, the first such indictment from a major scientific organization.

The study group members said they had called the crop-spraying's ineffectiveness and devastating human results to the attention of U.S. authorities.

On the basis of their observations, it is known, they urged an immediate halt to it.

A White House press release only last Saturday said Defense Secretary Melvin R. Laird had told President Nixon that Ambassador Ellsworth Bunker and Gen. Creighton Abrams are "initiating a program" for an "orderly yet rapid phaseout" of all herbicide use and that use meanwhile will be restricted to firebase and U.S. installation perimeters or remote unpopulated areas."

The White House made no reference to the Meselson-Westing-Constable study. Commenting today, however, University of California biologist Kenneth V. Thimann said the White House statement suggests the study has already had "a considerable effect."

Meselson last year was credited with helping persuade the administration to abandon and destroy germ weapon stockpiles as militarily and politically impractical as well as dangerous and inhumane.

Even Saturday's White House announcement was dangerously vague, charged another commentator here, Dr. Herbert Scoville Jr., former deputy director of the Central Intelligence Agency and an arms control agency official. The most "orderly and rapid" way to stop using herbicides, he said, would be to stop immediately—and the White House reference to "remote unpopulated areas" raises fears of more spraying of dwellings and crops.

Among specific assessments here today:

The AAAS commission said it was told by U.S. intelligence officers and by the pilot on a C–123 spraying mission on which they flew that there were no dwellings in the sprayed area. But "our blown-up photos," Meselson said, show dwellings there.

The Army's "precautions to avoid destroying the crops of indigenous civilian populations have been a failure, and nearly all the food destroyed would actually have been consumed" by civilians, not North Vietnamese or Vietcong forces. Actually, commented biologist Thimann, "the deductions of Army intelligence" on whether particular crops were enemy army crops or legitimate Montagnard crops have proved highly inaccurate.

The crop-spraying has had a tremendous destructive effort on the Montagnards. Many farmers killed their water buffaloes, their

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main wealth, because they considered them affected, and many have left their land.

Dr. Constable was unable to determine whether it was true that many affected civilians' health suffered from the spraying. North Vietnamese films handed a U.S. scientist by a National Liberation Front emissary in Paris last week showed a "woman left paralyzed," and other suffering adults and children, according to Hanoi claims.

Another undetermined effect is possible contamination of the food chain by dioxin. This is a contaminant of the plant-killed 245-T, a principal ingredient of "Orange," which was the principal herbicide used in Vietnam until it was banned last August because of fear of possible birth defects. An Agriculture Department scientist, Dr. Fred Tschirley, said yesterday that new tests by both USDA and the National Institute of Environmental Health Sciences tend to exonerate Orange.

But constable reported two pieces of evidence that he believes make further studies of the birth defect issue imperative. Saigon hospitals—though they showed a decrease in stillbirths in recent years—showed an increase in two birth anomalies: Spina Bifida (a grave spinal defect) and cleft palate. Close study in Tayninh Province—where people commonly eat fish from waters that could be affected by 245-T—showed the highest birth defect rate of any provincial hospital in South Vietnam.

On the other hand, the commission found no evidence of any excess incidents of other deformities.

Both hardwood and mangrove forest areas may fail to return to their natural state, even after years—the hardwood areas because they have been infested by hard-to-kill, almost worthless bamboo; the mangrove swamps because they have been infested by crabs that eat the young mangroves.

DEFENDS SPRAYING

Defending the Army, Brig. Gen. William Stone, former director of chemical operations, said Vietcong and defector reports have proved U.S. spraying caused heavy food shortages, hurting the enemy. He said spraying has saved many American lives.

He said crop destruction was always restricted to areas where there would be no harm to native populations not under enemy control, and "since early 1968 there has been no crop destruction in any areas where there is any known population"—though he agreed with the commission that there has been "some unfortunate drift" of spray.

Further, he said, any so-called inhabited areas sprayed have harbored "eight or less persons per square kilometer," and "it is our belief that people there were definitely under VC control."

Replying, Harvard political science Prof. Samuel Popkin said "there is almost always going to be inadequate intelligence" in a country like Vietnam, particularly about a minority like the Montagnards, about whom the Vietnamese care very little.

Popkin, a commission assistant who has studied Vietnam villages on the scene since 1966, also said: "The Army often technically declares areas unoccupied, because technically everyone is told to leave. This ignores the fact that large numbers of families either prefer or are forced to stay."

Stone reported that the Defense Department and National Academy of Sciences are now conferring on a future, long-range study of Vietnam spraying effects. The Defense Department has so far refused to give the AAAS group its list of places sprayed and agents used.

NEXT YEAR'S SBA BUDGET WILL BE IMPORTANT TEST—DIRECT LOAN FUNDS SHOULD BE RESTORED

Mr. BIBLE. Mr. President, even as this session of Congress concludes, the budget experts in the executive branch will be conferring with President Nixon about plans for fiscal year 1972.

The judgments made now and announced in January will govern the basic direction of the Small Business Administration for the next year and a half and will determine its financial ability to meet the needs of 5½ million hard-pressed American small businessmen.

To express the responsibility that we in Congress also feel in this area and as chairman of the Select Committee on Small Business, I have joined with the distinguished chairman of the Committee on Banking and Currency (Mr. SPARKMAN) in placing our views before the President. We have requested that SBA fund levels, particularly for the direct, immediate participation, community development, and SBIC loan programs be restored to a meaningful level and hopefully commensurate with that approved by Congress for fiscal year 1968.

We have stressed that SBA assistance is not in the form of grants but is fully repayable to the Government together with interest. SBA loans are therefore an investment in small, new, family, local, and independent enterprise which brings disproportionate benefits to our economy and our society.

These investments are in accordance with the Small Business Act of 1953, which established these programs because of:

> The declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise . . . and strengthen the overall economy of the nation.

SBA PROGRAMS DESIGNED TO MEET CURRENT PROBLEMS

The programs set forth in the 1953 act were designed especially to cope with problems which have not only persisted but are of special concern today:

The unmet credit needs of smaller firms in periods of extremely tight money;

The transition to a more civilian oriented economy;

The balance between rural and urban areas;

Assisting less advantaged Americans into the mainstream of commercial life; and

Helping small firms to adapt to new technology, and therefore to higher environmental and consumer standards.

During periods of economic stress such as this, the obligations of the Government are redoubled if fair play to the small business community is to be maintained.

We have had 17 years of experience with the programs, which has refined many of the rough spots out of them. We know they are of proven effectiveness.

It is therefore apparent that perhaps the most essential difference between just talking about these problems and doing something about them is whether funds are provided by the President's budget for the various SBA direct loan programs.

Previously, this administration has chosen to reduce these programs nearly to the vanishing point while placing emphasis on guarantees of loans made by private institutions. As we attempt to show, this approach has not done the job and is not a fully adequate substitute for direct and participation lending.

Accordingly, we would suggest that the SBA budget for fiscal year 1972 will be one of the acid tests that will divide those interested in rhetoric about small business and the economy from those seriously concerned about really dealing with these problems.

We have expressed our hope that the President will earnestly consider this appeal, and we wish all members of this body would become familiar with these questions with a view toward the general support of this position.

And, Mr. President, we shall be watching to see whether our hopes are fulfilled in the new year.

I ask unanimous consent that our letter of December 29 to the White House in this matter be reprinted in the RECORD at this point for the information of all concerned.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON
SMALL BUSINESS,
Washington, D.C., December 26, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: At this time of the year, when budgets are being prepared in the Executive Branch, we in the Congress are also well aware of the responsibility which we all share for the 95 percent of American commerce and industry which is small business and accounts for an estimated 40 to 50 percent of all jobs and 33 to 40 percent of GNP.

Accordingly, we ask that you give most earnest consideration to increasing the Small Business Administration budget for fiscal year 1972 to levels approximating those approved by Congress for fiscal year 1968, particularly as to funds for direct participation, community development, and SBIC loans.

From the passage of the Small Business Act in 1953, it has been generally accepted that the ability of the SBA to supply direct funds in its various loan programs has been the heart of its assistance to the small business community. However, a recent emphasis on guarantee loans to the detriment of the direct loan programs has not done the job for the nation's 5½ million small businesses. The last three fiscal years have seen SBA direct loans fall from 2,456 in 1968, to 635 in 1969, to 42 in 1970. Participation loans have also fallen far below the previous averages.

Loan guarantees cannot be fully adequate to meet current circumstances, because the effectiveness of this approach depends first, upon the availability of financial resources in the private sector; second, upon many commitments to allocate these resources to what are generally considered less-preferred risks; and third, upon the payment of higher interest rates by those least able to bear them.

An indication of the extent to which guarantees are not equal to the problem is found in the failure rates for businesses in 1970, which rose 25 percent. Failures with liabilities of $1 million increased a startling 95 percent. Another indication was that small and independent firms, which are lower-rated borrowers and stand at the end of the line for credit, continued to pay record-high interest rates for loan funds, a national average of 8.6 percent in November, with peaks of 9.4 percent in the Pacific and Mountain states.

Although the crisis of liquidity appears to have abated somewhat, the continued weak-

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ness in bank term loans seems to represent continued hesitancy of financial institutions to offer longer term financing to medium- and lower-rated companies. Declining profits are cutting into internally-generated capital, and the bond market remains the preserve of the very largest corporations.

These extreme stresses of 1970 give us serious concern about the ability of small firms across the country to secure financing for even their "normal" needs without more affirmative help from the Federal Government. As you have pointed out, our economy must also take up the burden of transition in the years immediately ahead.

Smaller defense contractors and subcontractors, which have been vital to the nation's military build-up, must retool and reorient for civilian markets. Many returning veterans, like their colleagues after World War II and Korea, will wish to start their own businesses. Communities surrounding installations to be closed or curtailed will experience severe dislocation if they cannot plan now to attract new industry to take up the slack.

Small Business Administration loan programs are designed precisely to assist in these situations. They have the additional advantages of encouraging balanced growth between rural and urban areas; helping smaller firms to adapt to higher environmental and consumer standards; and assisting less advantaged Americans into the mainstream of commercial life.

Today, economic forces beyond the control of smaller businessmen make the obligations of Government even stronger. If these SBA programs are permitted to operate far below levels considered appropriate a few years ago, it would seem that the basic concept of fair play for the small business community is being seriously impaired.

To the degree this happens, there will surely be a shifting of existing business and future potential growth to bigger, well-financed companies which already exert a preponderant influence on our economy. At the same time thousands of worthy small, family, local, and independent firms will be squeezed out of our economic life leaving both the economy and our society poorer in the end.

We should emphasize also that SBA assistance is not in the form of grants, but in loans which are fully repayable with interest.

It seems to us that the programs of the Small Business Administration have extraordinary and almost unique ability to deal with the pressing difficulties of transition and economic opportunity with which we all are concerned. We therefore feel that these tools should receive the full budgetary support to which an objective analysis entitles them.

We are hopeful you will give appropriate consideration to these views in your final decisions on the Small Business Administration's budget for fiscal year 1972 and see fit to restore the direct loan program to a more meaningful level and thereby meet the realistic needs of small businesses nationwide.

Cordially,

ALAN BIBLE,
Chairman, Senate Small Business Committee.

JOHN SPARKMAN,
Chairman, Senate Banking and Currency Committee.

STEVE YOUNG: A LEGISLATIVE WARRIOR WITH THE STING OF A WASP

Mr. CHURCH. Mr. President, I regret that I was out of town on the day that time was allocated in the Senate for tributes to our departing colleague, STEPHEN YOUNG. However, I want to make amends today by offering my formal farewell to this forthright colleague of ours.

STEVE YOUNG made his mark early upon the Senate. He did it by applying an old rule in a new way. Senator YOUNG believed that politically, as well as mathematically, a straight line is the shortest distance between two points. His extraordinary candor in his relations with his constituents will be long remembered here.

Each of us receive hundreds of letters every week, most of which deal with legitimate questions and concerns of constituents, related in civil and mannerly language. However, amidst the decent mail, a few letters of venomous and outrageous tone can usually be expected. These diatribes confound our ingenuity in attempting to respond to them. Most of us, I daresay, reply to such insults by overlooking them, couching our response in the normal way.

But not STEVE YOUNG.

His blunt and pungent replies to "crank" mail stand as a hallmark of his senatorial service. They often made headlines. Some of us may have privately wished we too had replied in kind, when the occasion invited it. Yet STEVE YOUNG, practically alone among us, was one Senator who refused to bite back his tongue.

Of course, STEVE YOUNG was more than a Senator who wielded a peppery pen. He dealt in similar fashion with the overriding issues of our time. His was one of the first voices raised in the Senate against our part in the atrocious war in Indochina. He analyzed the situation correctly, charging our involvement to be basically faulty in conception, from which only needless carnage could ensue. Today, the Nation knows in its heart that STEVE YOUNG was right.

Among his other virtues, STEVE YOUNG disliked false flattery—he did not practice it himself and he rejected it in others. But his consistent directness and his willingness to take political risks in pursuit of his goals evoked the sincere admiration of his colleagues. As a result, his conduct was an encouragement to others in public life to take outspoken positions. He had done this as a criminal trial lawyer in Cuyahoga County, Ohio; he did it during his service in the U.S. House of Representatives; and, as we have been almost daily reminded, he did the same in the Senate.

I am deeply sorry to see him depart. He is a good friend—witty and genial whether he be a guest or host in his private life—and he has been, beyond dispute, a fine Senator.

GENOCIDE TREATY COULD HELP CONDEMNED JEWS IN RUSSIA

Mr. PROXMIRE. Mr. President, some prominent citizens have claimed that the recent sentencing of two Jews in the Soviet Union was part of a concerted effort to eliminate Jews as Jews from their population. Now, I do not know whether that claim is accurate, but if the genocide treaty were implimented we would have some means of finding out whether the Soviets were in fact attempting genocide.

Under the genocide treaty an impartial board could be established to check the accuracy of the assertions. We could then determine, once and for all, the truth of these charges. The seriousness of these charges and the impotence of the United States alone to do anything, should certainly spur the Senate to pass the long overdue genocide treaty.

I have stood here on the floor of the Senate for over 2 years urging this action and I shall continue to act as the conscience of the Senate until we do pass the genocide treaty. The time to act is now. Any delay could be fatal to those who are at the mercy of totalitarian regimes.

THE SACRIFICES AND MILITARY AID OF THE SOVIET UNION, OUR ALLY IN WORLD WAR II, SHOULD NOT BE FORGOTTEN

Mr. YOUNG of Ohio. Mr. President, throughout my 12 years' service in the Senate listening to Senate speeches and reading the CONGRESSIONAL RECORD of speeches in the other body, it has been my observation that the most vigorous, blatant, and constantly outspoken denunciations of the Soviet Union, as a rule, have been made by Members of the House of Representatives and of the Senate who never wore the uniform of their country in time of war.

It occurs to me, Mr. President, to state the facts that in the course of World War II the Soviet Union was our ally. Hitler's Nazi troops and Luftwaffe suddenly and ruthlessly invaded the Soviet Union and, throughout the bitter months and years that followed, 10,500,000 men of the armed forces of the Soviet Union were killed in combat or died from wounds. During the same period 20 million Russian men, women, and children who were civilians were killed by the Nazis and in that period the lives of 1,050,000 Russian Jews—men, women, and children—were snuffed out. During this same period, the German Luftwaffe and Hitler's Nazi ground forces killed 1,600,000 men of the armed forces of Poland and killed 6,270,000 civilians—men, women, and children—including Polish Jews they exterminated. Also, in Yugoslavia more than 700,000 men of its armed forces were killed and more than 1,300,000 civilians—men, women, and children—were killed. In Rumania 350,000 men of its armed forces were killed, missing, or wounded by the Nazis and more than 530,000 Rumanian Jews were put to death.

Mr. President, those of us who served in the Armed Forces of the United States throughout World War II know that, except for the bravery, stubbornness, and tremendous sacrifices in life and property of the Russians in hurling back the invaders and then finally marching victoriously from the Elbe to Berlin, the war waged by Hitler against the United States would never have ended as it did in May 1945. It would have been prolonged and very likely more than 1 million American fighting men would have been killed before peace had been achieved.

XUM

DEVELOPMENTS IN CUBA

Mr. GURNEY. Mr. President, from time to time in the last 2 months, I have brought to the attention of the Senate, some facts about developments in Cuba which I have found to be disquieting and almost alarming. I have no desire to be a Cassandra, but I think we have present all the elements of a dangerous situation.

Let me say at the outset, that I have asked the State Department for a clarification of the so-called 1962 understanding between the Soviet Union and the U.S. missile crisis of that year. The State Department's response has not reassured me. I would like to quote a portion of the Department's response dated December 23, 1970:

> There are no written agreements or exchanges with the Soviet Union on this subject, other than those contained in the public statements of both Governments. The principal statements in this regard are President Kennedy's press conference statement of November 20, 1962, and the statement by the Soviet official news agency TASS on October 13, 1970. Copies of both of those statements are enclosed.
>
> As you will note, President Kennedy's statement summarizes the developments in the Cuban missile crisis of 1962 and contains the statement that ". . . if all offensive weapons are removed from Cuba and kept out of the hemisphere in the future under adequate verification and safeguards, and if Cuba is not used for the export of aggressive Communist purposes, there will be peace in the Caribbean." He went on to say, "We will not, of course, abandon the political, economic and other efforts of this hemisphere to halt subversion from Cuba nor our purpose and hope that the Cuban people shall some day be truly free. But these policies are very different from any interest to launch a military invasion of the island."
>
> At another point in the statement he said: "Consequently, if the Western Hemisphere is to continue to be protected against offensive weapons, this Government has no choice but to pursue its own means of checking on military activities in Cuba. It is in accordance with this latter statement that we have, since that time, regularly been carrying out aerial surveillance of Cuba, in general without protest or interference from Cuba.
>
> Although we were confident that the Soviets "understood" our position as set forth by President Kennedy, his statement constituted a unilateral pronouncement on the part of the United States Government. It was not followed by any statement by the Soviets; thus, the Department of State did not in the intervening years allege that there was an "agreement" or "an understanding" between the two Governments on this subject.
>
> However, when there were reports indicating that the Soviets might be in the process of establishing a facility in Cuba for the servicing of nuclear-powered submarines, including the possibility of servicing Soviet missile-carrying submarines, the attention of the Soviets was called to President Kennedy's November 20, 1962, statement, making clear that it remained the policy of this Government.
>
> Subsequently, on October 13, 1970, the TASS statement was issued. In this statement, for the first time, the Soviets referred to an "understanding reached between the Governments of the USSR and the United States in 1962." Although not the subject of the written exchanges in 1962, the Soviets now appeared to accept the premise that the construction of a Soviet "naval base on Cuba" would also be contrary to the 1962 "understanding." In view of what we felt was the importance of the Soviet statement to our own interests, on the same day the State Department spokesman stated that, "We have noted the TASS statement and consider it to be positive, but will, of course, continue to monitor the situation."
>
> Subsequently, on November 13, in response to press questions the State Department's spokesman stated: "In view of President Kennedy's press conference statements on November 20, 1962, and to which this Administration has referred, and the Soviet Government's statement issued by TASS October 13 this year, we are confident that there is understanding by the two Governments of their respective positions on the limits of their actions with regard to Cuba." And on November 17, in response to press questions, the State Department's spokesman stated that no significance should have been attached to the omission of the article "an" before the word "understanding" in his previous statement. He went on to say that, "we have no plans for invading Cuba." He then added, "does this mean that the Soviets cannot introduce offensive weapons and construct bases for such weapons (in Cuba), the answer is yes."

Mr. President, I ask unanimous consent that the text of President Kennedy's November 20, 1962 news conference and the Tass dispatch of October 13, 1970, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. GURNEY. Mr. President, I think several points are worth mentioning in connection with this 1962 "understanding".

First, I must mention that, according to the State Department, the understanding consists of "a unilateral pronouncement on the part of the U.S. Government".

President Kennedy's "commitment"—if it can be so characterized—to refrain from invading Cuba was predicated on three conditions:

First. If all offensive weapons are removed from Cuba and kept out of the hemisphere in the future.

Second. Under adequate verification and safeguards; and

Third. If Cuba is not used for the export of aggressive Communist purposes.

I think a good case can be made for the argument that two of the conditions precedent for commitment not to invade have not been met. We did not have and never have had on-the-site inspection of the missile sites and Cuba has been used continually for the export of revolution to the other countries of South and Central America.

Ambassador Foy Kohler, who was our Ambassador to Moscow at the time of the missile crisis, has always maintained that the American promise to refrain from invading Cuba was conditioned on events that never transpired and, therefore, cannot be and, should not be regarded as binding on the United States. This argument, however, is academic because the United States now views the understanding as binding. And, we apparently take that position because of a dispatch which appeared in Tass on October 13. Tass, which is the official Soviet news agency but which is not the Soviet foreign office, stated:

> Tass has been authorized to state that the Soviet Union has not built and is not building its military base on Cuba and is not doing any thing that would contradict the understanding reached between the Governments of the USSR and the United States in 1962.

And later on:

> In this context Tass has been authorized to state that the Soviet Union has always strictly adhered to the understanding reached in 1962, will adhere to it in the future, too, and proceeds from the assumption that the American side will strictly fulfill the understanding.

What we regard then as a unilateral pronouncement has been in effect, ratified 8 years after the fact by the Soviet news agency. This is an extraordinary performance.

Even more extraordinary is the fact that the U.S. Government is apparently basing foreign policy, in a highly critical, sensitive, and dangerous area, on such a vague and tenuous platform.

We have learned painfully over the years that formal agreements with the Soviet Union are not worth the paper they are written on. How, then, can we rely on this incredible understanding, which is not even on paper?

But let us suppose then that the understanding which the State Department characterizes as a unilateral pronouncement—consisting of "no written agreement or exchanges with the Soviet Union on this subject, other than those contained in the public statements of both governments," and which the Soviet Union now proclaims as binding on itself and on the United States—let us suppose that this understanding exists and is binding. Where does that leave us? No better off, Mr. President.

The Soviet Union has stated that it is not building a submarine base in Cienfuegos in Cuba. Remember that in October 1962, the Soviet Union assured the United States that offensive nuclear missiles were not being installed in Cuba. The Soviet Union was lying, as we all know. Can we be satisfied merely with the assurances of the Soviet Union in this instance? I, for one, cannot be reassured in this fashion and I do not think any of us should be satisfied by the self-servicing declarations of the Soviet Union.

Notwithstanding the Soviet Union's denials, there is evidence that the Soviets are doing precisely what they deny—that is, building a submarine base in Cuba capable of servicing its conventional and nuclear submarines.

Dr. Manuel J. Reyes is currently the Latin news editor of station WTVJ in Miami. He was born in Cuba 44 years ago and came to our country with his wife and three children in August 1960, a refugee from Castro tyranny. For 22 years he had been a newsman with station CMQ in Havana. He was graduated from the University of Havana with a diplomatic degree in 1948 and took his civil law degree in 1949. He has maintained extensive contacts with the anti-Castro underground within Cuba and he is a respected leader of our Latin community in Florida. In the past, his information from Cuba has been shown to be extremely reliable and accurate. Dr. Reyes has prepared a white paper on recent Soviet activities in Cuba which I think will be of interest to the Senate. I ask unanimous consent that this document be included in the Record at the conclusion of my remarks.

XUM

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GURNEY. Dr. Reyes has detailed extensive Soviet activity in many provinces and areas of Cuba. The point that worries me most, however, is activity in and around Cienfuegos.

Let us go back to the original assumption—leaving aside the circumlocutions of the State Department. Let us assume that there is an agreement extant which says, in effect, if you—the Soviet Union—keep your military hardware out of the Western Hemisphere, we—the United States—will tolerate Castro and refrain from invading Cuba or otherwise displacing Castro. Would a Soviet submarine base in Cuba be a violation of this agreement? It assuredly would be. President Nixon has announced that he regards the presence of a Soviet nuclear submarine base in Cuba as a threat to our national security.

As I understand our State Department's position, the introduction of offensive Soviet hardware into the Western Hemisphere would violate the understanding. But, where, I think we can properly ask, would that leave us? Would all bets then be canceled? Would our no-invasion promise then be forfeit? There are problems here—from every point of view.

We have an enormous problem which we really have not yet addressed—that is, the constraints under which foreign policy is now conducted. This is 1970; soon it will be 1971. This is not 1962. President Nixon cannot act with the laudable dispatch with which President Kennedy properly acted in 1962. Too much has happened in the intervening years. The whole unfortunate war in Indochina has intervened, the fragmentation of many of our institutions, the alienation of certain segments of our population.

XUM

There no longer exists that consensus, that unity, which allowed President Kennedy to act in what he rightly conceived to be the best interests of our country in the missile crisis. An example of what I mean occurred last week before the Foreign Relations Committee. Secretary Rogers testifying on behalf of the Cambodian aid proposals said that we, as a nation, have no intention of entering Cambodia with our forces. He added significantly, that public opinion in the United States would not tolerate or permit such an invasion. I dare say, the Secretary is correct. I do not dispute his claim.

As a matter of fact, I support the Secretary's position. But the point that I wish to make is that the President is boxed in here. I think candidly he is being boxed in, in other areas.

I am very afraid that the leaders of the Soviet Union who read the CONGRESSIONAL RECORD and the transcripts of our committee sessions will conclude that, because of our internal differences, we are powerless to protect our national interests. I think we can detect in recent Soviet action reliance on this false assumption. Our warnings about an arms buildup in the Middle East has been cavalierly ignored by the Soviet Union. In spite of their protestations to the contrary, are the Soviets in the process of ignoring our warnings about the construction of a nuclear submarine base in Cuba? I think it is entirely possible. I think the Soviets are probing for weakness or hesitation. If we are intimidated—I think we can expect, not a relaxation of tensions, but a heightening of tensions—further more serious, more dangerous probes. This analysis makes it all the more imperative that we resist or check the probes and back up our rhetoric with meaningful steps that will make the warnings credible. There is no deterrent in vacillation; on the contrary, vacillation makes further test probes inevitable. If we are to be believed, we must be prepared to back up the warnings with effective countermeasures.

The consequences of vacillation in the face of these new Russian probes in the Caribbean are potentially disastrous for our position, not only in the Caribbean, but throughout the world. It is absolutely essential, in my judgment, that we remain firm in the face of this latest Soviet probe. We cannot afford to yield on this issue, because the consequences of an American retreat on this issue would be nothing short of disastrous.

I have said before, and I repeat now, that I have great confidence in President Nixon, in his judgment and in his courage. He needs our support in this difficult situation. I would respectfully urge that he report to the American people at the earliest possible time on the current situation in Cuba. If our fears are unjustified, he can dispel them. If our concern is warranted, he can specify the course of action he intends to pursue.

EXHIBIT 1

THE PRESIDENT'S NEWS CONFERENCE OF NOVEMBER 20, 1962

The President. I have several statements.

[1.] I have today been informed by Chairman Khrushchev that all of the IL–28 bombers now in Cuba will be withdrawn in 30 days. He also agrees that these planes can be observed and counted as they leave. Inasmuch as this goes a long way towards reducing the danger which faced this hemisphere 4 weeks ago, I have this afternoon instructed the Secretary of Defense to lift our naval quarantine.

In view of this action, I want to take this opportunity to bring the American people up to date on the Cuban crisis and to review the progress made thus far in fulfilling the understandings between Soviet Chairman Khrushchev and myself as set forth in our letters of October 27 and 28. Chairman Khrushchev, it will be recalled, agreed to remove from Cuba all weapons systems capable of offensive use, to halt the further introduction of such weapons into Cuba, and to permit appropriate United Nations observations and supervision to insure the carrying out and continuation of these commitments. We on our part agreed that once these adequate arrangements for verification had been established we would remove our naval quarantine and give assurances against an invasion of Cuba.

The evidence to date indicates that all known offensive missile sites in Cuba have been dismantled. The missiles and their associated equipment have been loaded on Soviet ships. And our inspection at sea of these departing ships has confirmed that the number of missiles reported by the Soviet Union as having been brought into Cuba, which closely corresponded to our own information, has now been removed. In addition, the Soviet Government has stated that all nuclear weapons have been withdrawn from Cuba and no offensive weapons will be reintroduced.

Nevertheless, important parts of the understanding of October 27th and 28th remain to be carried out. The Cuban Government has not yet permitted the United Nations to verify whether all offensive weapons have been removed, and no lasting safeguards have yet been established against the future introduction of offensive weapons back into Cuba.

Consequently, if the Western Hemisphere is to continue to be protected against offensive weapons, this Government has no choice but to pursue its own means of checking on military activities in Cuba. The importance of our continued vigilance is underlined by our identification in recent days of a number of Sovet ground combat units in Cuba, although we are informed that these and other Soviet units were associated with the protection of offensive weapons systems, and will also be withdrawn in due course.

I repeat, we would like nothing better than adequate international arrangements for the task of inspection and verification in Cuba, and we are prepared to continue our efforts to achieve such arrangements. Until that is done, difficult problems remain. As for our part, if all offensive weapons systems are removed from Cuba and kept out of the hemisphere in the future, under adequate verification and safeguards, and if Cuba is not used for the export of aggressive Communist purposes, there will be peace in the Caribbean. And as I said in September, "we shall neither initiate nor permit aggression in this hemisphere."

We will not, of course, abandon the political, economic, and other efforts of this hemisphere to halt subversion from Cuba nor our purpose and hope that the Cuban people shall some day be truly free. But these policies are very different from any intent to launch a military invasion of the island.

In short, the record of recent weeks shows real progress and we are hopeful that further progress can be made. The completion of the commitment on both sides and the achievement of a peaceful solution to the Cuban crisis might well open the door to the solution of other outstanding problems.

May I add this final thought in this week of Thanksgiving: there is much for which we can be grateful as we look back to where we stood only 4 weeks ago—the unity of this hemisphere, the support of our allies, and the calm determination of the American people. These qualities may be tested many more times in this decade, but we have increased reason to be confident that those qualities will continue to serve the cause of freedom with distinction in the years to come.

[2.] Secondly, I would also like to announce that I have today signed an Executive order[1] directing Federal departments and agencies to take every proper and legal action to prevent discrimination in the sale or lease of housing facilities owned or operated by the Federal Government; housing constructed or sold as a result of loans or grants to be made by the Federal Government or by loans to be insured or guaranteed by the Federal Government; and housing to be made available through the development or redevelopment of property under Federal slum clearance or urban renewal programs.

With regard to existing housing facilities constructed or purchased as a result of direct loans or grants from the Federal Government, or under Federal guarantees, or as a result of the urban renewal program, I have directed the Housing Agency and other appropriate agencies to use their good offices to promote and encourage the abandonment of discriminatory practices that may now exist.

In order to assist the departments and agencies in implementing this policy, and to coordinate their efforts, I have established the President's Committee on Equal Opportunity in Housing. It is neither proper nor equitable that Americans should be denied the benefits of housing owned by the Federal Government or financed through the Federal assistance on the basis of their race, color, creed, or national origin.

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[1] Executive Order 11063 (27 F.R. 11527).

Our national policy is equal opportunity for all and the Federal Government will continue to take such legal and proper steps as it may to achieve the realization of this goal.

[3.] And finally, over the last weekend, the Chinese have made great advances in northeastern India. Now they have offered some kind of cease-fire proposal and we are in touch with the Indian Government to determine their assessment of it. In order to better assess Indian needs, we are sending a team to New Delhi, headed by Assistant Secretary Averell Harriman, including Assistant Secretary of Defense Paul Nitze and other representatives of the Defense Department and State Department. It will leave tomorrow.

In providing military assistance to India, we are mindful of our alliance with Pakistan. All of our aid to India is for the purpose of defeating Chinese Communist subversion. Chinese incursions into the subcontinent are a threat to Pakistan as well as India, and both have a common interest in opposing it.

We have urged this point in both governments. Our help to India in no way diminishes or qualifies our commitment to Pakistan and we have made this clear to both governments as well.

[4.] Q. Mr. President, with respect to your no-invasion pledge, there has been considerable discussion and speculation in the press as to the exact scope of this pledge. I believe that Chairman Khrushchev, in his letter of the 28th, made the assumption, or the implication, or the statement, that no attack would be made on Castro, not only by the United States, but any other country in the Western Hemisphere. It appeared to be an implication that possibly you would be willing to guarantee Castro against any and all enemies anywhere. Now I realize that in your letter there was nothing of that sort and you've touched on this today, but I'm wondering if you can be a bit more specific on the scope of your no-invasion pledge.

THE PRESIDENT. I think that today's statement describes very clearly what the policy is of the Government in regard to no-invasion. I think if you re-read the statement you will see the position of the Government on that matter.

Q. Mr. President, in speaking of "adequate verification," does this mean that we insist upon onsite inspection? Would we be satisfied with anything less than actual, on-the-spot inspection in Cuba?

THE PRESIDENT. Well, we have thought that to provide adequate inspection, it should be onsite. As you know, Mr. Castro has not agreed to that, so we have had to use our own resources to implement the decision of the Organization of American States that the hemisphere should continue to keep itself informed about the development of weapons systems in Cuba.

TASS Statement Denies Soviets Build Sub Base in Cuba

TASS STATEMENT

[Text] Moscow, October 13 TASS—TASS has been authorized to state that the Soviet Union has not built and is not building its military base on Cuba and is not doing any thing that would contradict the understanding reached between the governments of the USSR and the United States in 1962. Any assertions on "possible violations" by the Soviet Union of the above-mentioned understanding are a concoction. The USSR has always strictly adhered to this understanding, will adhere to it in the future, too, and proceeds from the assumption that the American side will also strictly fulfill this understanding.

A propaganda campaign has of late been conducted in the United States concerning an imaginary "Soviet threat" to the Western Hemisphere. In so doing the American press is spreading concoctions that the Soviet Union allegedly began building on Cuba "a permanent strategic naval base for its nuclear submarines." Such kind of statements are also voiced inside the American Congress. This campaign was opened with statements of official Pentagon and White House spokesmen that called in question Soviet observance of the well known understanding of 1962, reached between the governments of the USSR and the United States.

In this context TASS has been authorized to state that the Soviet Union has always strictly adhered to the understanding reached in 1962, will adhere to it in the future, too, and proceeds from the assumption that the American side will also strictly fulfill this understanding.

Any assertions on "a possible violation" by the Soviet Union of the above-mentioned understanding through the construction of a naval base on Cuba are a concoction, since the Soviet Union has not built and is not building its military base on Cuba and is not doing anything that would contradict the understanding reached between the governments of the USSR and the United States.

It is well known that the Soviet Union, in general, condemns the building of military bases by some states on the territory of other states. More, the Soviet Government has repeatedly made specific proposals at relevant UNO agencies and the Disarmament Committee for the dismantling of foreign military bases on alien territories.

As for the use of the world ocean, the Soviet Union strictly adheres to operating principles and rules of contemporary international law. Soviet ships and vessels enter ports of foreign states, including ports of the Republic of Cuba, on official visits and business calls, they do so with the permission of the government of the state concerned. It is obvious that such calls are an inalienable right of sovereign states, universally recognized and confirmed by many centuries of international practice.

The question arises who needed all the concocted clamour around a construction of some Soviet naval base on Cuba and why it was needed? It is clear to everyone that such kind of insinuation plays into the hands only of those who are interested in fanning the war psychosis and complicating the situation in the region of the world. There who deliberately or irresponsibly are taking up and spreading such falsifications play into the hands of the foes of peace.

The Soviet Union, proceeding from its peaceable foreign policy, will continue consistently pursuing a course according with the interests of relaxation of tension, irrespective of the region of the world involved, of improvement of the international situation, and strengthening world peace.

Exhibit 2

White Paper on Soviet Military Build-up in Cuba by Dr. Manuel J. Reyes for Insertion in the Congressional Record December 30, 1970

INTRODUCTION

In the city of Miami, Dade County, State of Florida, on the 24th day of the month of December, 1970, I issue this "white paper" to denounce the Russian military invasion of Cuba, which is an evident, real and actual threat to the security of the Western Hemisphere. I also make this document public to pay respect, homage and admiration to the Patriotic Cuban Resistance, whose members, risking their lives, have obtained and furnished the foregoing data. The Patriotic Cuban Resistance has advised that the noble Cuban population, rejecting tyranny and slavery, is about to uprise in a violent explosion, even though there are many Russian soldiers and much military equipment in Cuba. The Cuban people hope that Cuba will not be a replica of Hungary and Czechoslovakia in the American Continent, which would only be a shame and an insult to the Western Hemisphere.

Information obtained from the Patriotic Cuban Resistance, suggests that where this internal uprising takes place, many soldiers of Fidel Castro's red regime, will join the new Cuban liberators, regardless of who opposes this, and who dies for this . . . Cuba will be free with the coordinated efforts of all Cubans.

FACTS

On August 7, 1962, I denounced for the first time over television in the United States, that there were 5,000 uniformed Russian soldiers in the neighborhood of the Canimar River, in the province of Matanzas, Cuba. The information was denied in different spheres of the free world. Twelve weeks later, the 1962 October crisis took place, which not only made the world shake, but also put the world on the edge of a thermonuclear war.

On April 28, 1969, I denounced for the first time in six years, a new Russian military build-up in Cuba, taking into consideration the information furnished by the Patriotic Resistance on the island. The report was received with a lot of skepticism; nevertheless, it was evident that the Russians were going to increase their military position in Cuba, after Fidel Castro publicly announced toward the end of 1968, his support of the Russian invasion of Cezchoslovakia. On July 26, 1969, a Russian naval fleet visited the island. It was said that the fleet made a courtesy visit.

On November 9, 1969, Marshal Grechko, Minister of Defense of the Soviet Union, arrived in Cuba. It was said that he was visiting the island to study the reasons for the deterioration of the Russian arms and military equipment given to the communist troops of Castro. The Resistance informed us that Grechko visited many Cuban caves.

On April 10, 1970, I reported that Castro had tripled the number of missile boats which teledirected missiles, torpedo type, from surface to surface, with a 40–50 mile range.

In June 1970, the Intelligence Service of the United States Coastguard Service testified before the U.S. Senate's Subcommittee for Internal Security, confirming the assertions I had previously made.

On May 14, 1970, a second Russian naval fleet went to Cuba and this time, as previously supposedly for supplies. The third Russian fleet went to Cuba on September 9th, causing official speculation that the Soviet Union was building a nuclear submarine base in Cienfuegos. We had already advised the American Congress of this fact, before the Congressional Subcommittee for Inter-American Affairs, on July 27, 1970.

The fourth Russian fleet arrived in Cuba on December 7, 1970. Two Russian naval squadrons thus met in Cuba for the first time, since there were still Russian war ships which arrived there on September 9, 1970.

The aforementioned are the facts which have prompted the publication of this "white paper."

INCREASING SOVIET MILITARY BUILDUP IN CUBA

Following is the way in which the Russian military invasion in Cuba has been developing.

I want to make it very clear that I am not a military expert, and I do not have the means to verify all technical matters; I feel it is my duty to publish the facts, figures and evaluation which have come into my possession. For many years, I have gathered data from the Cuban underground. So, today, it is not only my voice addressing you, but the voice of the millions of Cubans who are suffering in the island; the voice of many Cubans who are actually risking

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their lives, working in the underground and furnishing us information that otherwise we would not know, and the voices of many Cubans who have told the truth upon arriving in this land of freedom.

Cuba today is a natural aircraft carrier of the Soviet Union, consisting of 900 miles entrenched in the heart of this Hemisphere and 90 miles from the United States of America.

We are going to try to show that this enemy aircraft carrier has turned into the Trojan Horse which externally does not show the large military installation and tactical arms under Cuban soil.

Let us start by saying that Cuba is naturally rich in minerals, such as nickel, copper, chrome, cobalt, iron and manganese. Cuba has always been considered as the second country in America in iron reserve. The first one being Venezuela. Cuba is the third country in the world in nickel, cobalt, chrome, and manganese. At time of wars, Cuba has been considered as the first producer of some of the aforementioned minerals.

In 1960, a military study was initiated in Cuba, by the Cuban geologists and Soviet Military Personnel, who covered all the natural features of the island, including the keys, for the purpose of using these facilities for military ends, such as the storage missiles, munitions, reserve weapons, fuel, communications, medicines, and different routes in and out. In this study, it was specially taken into consideration the many natural caves in Cuba.

Many of these caves have been reinforced with 6'' wide concrete. Work of this nature, of military character, has been done in the "Sierra de los Organos" in the province of Pinar del Rio, in the "Sierra de Lupe," in Oriente Province, and in "Altura Central" in the Isle of Pines.

I think we can show the extent of this construction by the following figures: Up until 1958, Cuba produced 4 million barrels of cement a year; each barrel was equivalent to four sacks of cement and each sack weighed 130 lbs. There were four cement factories in Cuba with the aforementioned annual production working eight hours daily. All of this cement was used for civil construction and export, never for military purposes. When Fidel Castro stole power in Cuba, he greatly increased the cement production of the Island. What has been the destiny of this cement? It has definitely not been used in urban or rural construction for the people. There is only one answer to this question: That enormous quantities of cement have been used for the military underground construction by the Soviet Union and the Castro regime in Cuba.

In 1963, great shipments of hydraulic cement were sent from Belgium to Cuba and were unloaded at the Cienfuegos Bay. The hydraulic cement is not precisely for surface construction, rather, this cement hardens at high speed, that is, in a humid area. It is understood that the hydraulic cement was used for underground construction for the storage of missiles and weapons with high humidity coefficient. In 1963, only in this occasion, more than 300 cement trucks were unloaded in Cienfuegos and took off to an unknown destiny. However, the Cuban underground has pointed out that said cement was taken to the missile base of "La Campana", in Manicaragua. This base is located in the farm formerly owned by a German-American by the last name of KOOP.

On the Isle of Pines, there are natural marble caves. The resistance of the marble structure of the caves is tremendous against any external bombing. The Isle of Pines also possesses silicon and clay riches.

Cuba today is a maze of underground works built by the Soviet Union and the Castro regime in order that the Soviet Union can be able to take out of Cuba the nickel, chrome, cobalt, copper and manganese.

Without fear to be in error, we can affirm that in Cuba there are actually more than 3,000 pre-built or natural caves, adapted by the Soviet Union and the Castro regime with strategic military goals. Cuba, *today*, is the Trojan Horse of America.

At this time, it had been told that there is an average in Cuba of 20,000 to 30,000 Soviet soldiers, and are scattered in different military bases throughout the Cuban national territory.

We must bear in mind that on July 26, 1962, Russian military troops landed in Cuba at the Dubroc docks in the Province of Matanzas, using new pier inlet of "Mar y Melena" and at Mariel Bay, in Pinar del Rio province.

We all know that it was said that the Soviets had dismantled the missile bases after the October 1962 crisis, but, did the Soviet soldiers leave Cuba. Or are they still there? Have the dismantled bases been reactivated again? Did the Soviets really remove the missiles from Cuba? The Cuban people understand they did not, and I reaffirm it on behalf of the Cuban people.

As a final data in this general analysis, let us say that the Castro regime has been building different underground hospitals, among which are the "Sierra de Cristal", in Oriente province, near the Nipe and Levisa bays. Also, there is another underground hospital in "La Loma de San Vicente", on the road going from Santiago de Cuba to Guantanamo.

Ninety percent (90%) of the fuel reserve in Cuba and many ammunition dumps. are underground, and in an unmerciful way, the others are being used under the schools. Exactly a year ago, there was a terrible explosion at the former Jesuit "Belen" School, which Fidel Castro attended as a youngster. Eight girls were killed and more than 20 were injured. The Cuban resistance informed that the explosives placed in the school's basement caused the explosion.

All the Soviet system in Pinar del Rio is protected by a perispheric radar from the "Anafe" hill near Havana. This radar system perfectly covers the provinces of Pinar del Rio and Havana, and sweeps the Northwest and Northeast sections. It took three years to build this perispheric radar system and this took place after the 1962 October crisis.

Following is a description by sequence of provinces of the military Soviet bases.

PINAR DEL RIO

Pinar del Rio is one of the places where the Soviets, for years, have worked most. In Santa Lucia there is a sulpometals plant to produce acids used in the functioning of missiles. Two of the principal ports with military Soviet objectives are Mariel and Cabanas ports. Both naval installations are being exclusively worked by the Soviets and they do not let Cubans, even if they are soldiers, come near by. At the Cabanas port, they have established the bases of the Komar missile guided boats. This year, the number of these boats has been tripled to the approximate figure of 70. These boats are provided with two missiles each, guided by radar and with a range of 40 to 50 miles. They are considered offensive weapons and the missiles are surface to surface type.

In "La Gobernadora" hills, near the Sierra de los Organos, there is a military base which has internal train rails. They used to be mines. All of its exterior gives a reddish impression. At "La Gobernadora", also known as "Cangre" or "San Cristobal", and which is near the town of Canadelaria, we find the General Russian Headquarters for the Western side of Cuba. The altitude of the hills is approximately 1,870 feet. The Soviets have constructed a road from "El Cangre" which goes as far as "Cabanas" and "Mariel". They also have electric lines of 33,000 volts, all of which is very necessary for missiles. The same electric voltage system is the one used at the "Campana" base in Manicaragua, Las Villas province. Following the Pinar del Rio analysis, we can say that south of "Quiebra Hacha", the Russians have constructed a residential district where no Cuban is allowed to live, that is, it is strictly for Russian officers. The residential district aforementioned is surrounded by wire fences. They have also built tunnel systems from "El Cangre", which leads to the exterior of Kilometer No. 4 of the road that joins Cayajabo, with the town of Artemisa. During the first week of November 1970, a military Soviet convoy was detected at the Central road of Pinar del Rio, parting from "Las Mangas" village toward the Southwest.

HAVANA PROVINCE

In the Province of Havana, there is a big Soviet military base in San Antonio de Los Baños. The resistance reports that in this base there exists a 140-mile radar scope and from there, they can track the planes from Homestead Air Force base and Boca Chica in Key West. This base is one of the top three air bases of the Soviets in Cuba and it is the headquarters for the Soviet Migs 21. There are no Migs 21 in other air bases in Cuba. The bases are defended and protected by ground to air missiles, the SAM–2 class.

There is also an executive radar system in Havana, at the former Commodore Hotel, in the middle of a Russian neighborhood, as is the Reparto Miramar (residential district). The SAM missile system initiates in the hills of Averhoff in the Havana-Batabano highway and closes in Managua-Dayaniguas. In Campo Florido, Havana province, there is a SAM missile base camouflaged with an alleged pacific farm known as "Camilo Cienfuegos" and since 1962, in its underground, the Cuban resistance believe the Russians have hidden the medium missiles which never left Cuba.

At "Las Cabreras", there is a Russian military complex to which Cubans have no access. In this military complex, there is a guerrilla training camp for foreigners and the Russians are in charge of this training. One of the principal Soviet bases in Havana is at the Managua camp. The Cuban resistance indicates that in this place, there probably is one nuclear reactor, even though Castro's regime maintains that the same is for peaceful ends. Apparently, the nuclear reactor arrived in Cuba in 1968, and it is no indication so far that this is intended for pacific ends.

The Cuban Commission of Nuclear Energy is based in Managua, directed by Luis Larragoitia; different electrical power lines have been built from Mariel, Havana and Matanzas, to feed the nuclear reactor in Managua. It is estimated that over a thousand Russian soldiers are in Managua and Santiago de las Vegas.

MATANZAS PROVINCE

The Province of Matanzas, the most important point is the so-called "La Laguna del Tesoro". For many years, the Castro Regime has been investing millions of dollars in construction equipment and in different buildings which he said to be of tourist nature, but since the beginning, the "Laguna del Tesoro" has been totally closed to the public and only military personnel, Soviet and Castroist, is within this zone. Therefore, we presume there is a base of military nature.

LAS VILLAS PROVINCE

In Las Villas Province, there is another big Soviet base between Santa Clara city and Calabazar, at a place known as "Malezas". In this base only, Soviet Migs 17 and 91 are found. The base has an anti-aerial defense system and an artillery made up by multiple machine guns as well as a duplex cannon known as "KAR–30", against low range flights. This base, as well as that of San-Antonio de los Banos, has underground hangars with special elevators to bring to the ramps the Soviet Mig fighters.

Also, in Las Villas can be found the so-called missile base of Remedios, better known as "La Puntilla" or "Bartolome" base, where

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they had ICMB's during the October 1962 missile crisis. In the Escambray, the Soviets recently built a road from Guirade Miranda to the Loma de los Vientos. Nobody knows what they have in these hills, but it is known that only Soviet personnel work there, and that they have transported lead units.

CAMAGUEY PROVINCE

In Nuevitas, they are building a big cement factory and one of electrical power. At the Camaguey airport, the Soviets have prepared additional access strips using for this, not the airport itself, but the highway which goes from Camaguey to Nuevitas. They have taken out the islands in the middle of the road, the palm trees and they have smoothed and strengthened the pavement. They have made it possible that this highway at a future time, can be converted into a landing strip.

In the island of Turiguano, in the middle of a swamp, there is a hill 385 feet high and on one of the hillsides, the Russians built tunnels and storaged rockets. Eye witnesses have indicated that said rockets are moved on train rails. Two doors close the entrance of the tunnel. The exterior of the cave is camouflaged with grass and trees.

All the keys of the Bahamas canal are fortified by the Soviets. Its naval strategic value is enormous, since from that place they can control the traffic from Panama and South America, through Maisi. This position does not allow them to use submarines.

ORIENTE PROVINCE

Surrounding the U.S. Naval Base of Guantanamo, the Soviets and the Castro regime, have a military outfit known as "Batallon Fronterizo" (Frontier Batallion). This batallion possesses a missile system for their own protection. It also has armored units of tactical fire. Around the "Gran Piedra" hill, the Soviets have built several underground installations, and it is unknown what the Soviets have stored therein.

Another two points of great military strategy in the Province of Oriente, are as follows:

(1) The air force base of Holguin city, considered as the largest in Cuba, and in which there are only Migs 15 and 17. In the outskirts of Holguin, they have built a residential section known as "Lenin", wherein only Russian military personnel live. The hangars of this air force base, as well as those of San Antonio de los Banos and Las Villas, are underground.

(2) The military base of "Punta de Mula" or "Punta Lucrecia" in the city of Banes, is considered a first-class base and has a 10-mile radius. In its area, the Russians have built a Naval Base for the KRONSTADT and KOMAR boats. Some years ago, Russian submarines were sighted in their vicinities, making military maneuvers. These bases are near the mines that are producing copper and cobalt and which is being exported to the Soviet Union.

The support for Soviet underground defense in Oriente Province is in the underground system of San Vicente hill near the Boniato mountain; the other support is in "La Sierra de Cristal" near Nipe bay. There is a zone in Nipe bay, absolutely secret to which nobody has access.

The underground has also reported that in the event of a possible overthrow of Fidel Castro, the communists have designated Oriente province as the main military point of resistance.

Lately, the Castro regime, assisted by the Soviets, has been conducting war games, using antipersonnel gases.

All the military personnel in Cuba have gas masks.

In the middle of 1967, there was a leak of one of the gas tanks in that location and the accident provoked the poisoning of more than 80 persons, including military personnel and civilians. These people were assisted in two hospitals. One is known as the Policlinico of Manicaragua, and the other one the Santa Clara Hospital.

CIENFUEGOS

The Bay of Cienfuegos is in the southern part of Cuba, in Las Villas Province. It is approximately six miles wide.

On July 27th of this year, I said before the Congress of the United States, and now I reaffirm, that in some place, somewhere in the Caribbean, there is a permanent Soviet Naval squadron, headed by a nuclear submarine. The chairman of the Inter-American Affairs Committee of the House of Representatives, Hon. Dante Fascell, asked me where I thought it was based, and according to the information I had from underground sources, I said, either Cienfuegos or Havana.

In April 1963, the regime began to show interest in Cienfuegos, and announced that they were building a shipyard in Cienfuegos City near the port industrial area.

In that year, it was reported that the Castro regime was building ships. The Castro regime said that the yard was only for shipping sugar.

In 1967, the yard was completed at a cost of 8 million dollars and not a single sack of sugar came out of that yard. In 1970, we began to hear about the activity in Cienfuegos City, in Cienfuegos Bay, and especially near Cayo Alcatraz.

From the city of Cienfuegos, in a normal day, Cayo Alcatraz cannot be seen.

Right now, at night, the city of Cienfuegos is under a tremendous shortage of electricity.

So, during the blackouts of the City of Cienfuegos, at night, floodlights can be seen in the horizon. Cayo Alcatraz cannot be seen, but the lights there indicate that people are working on it.

Right in front of Cayo Alcatraz, there is a place called La Milpa. All the Cuban fishermen of La Malpa and the surrounding areas have been ordered out. The place now is a military zone.

An underwater net was put in Cayo Alcatraz and also at the entrance of Cienfuegos Bay.

The entrance is under surveillance of Russian guards. Several months ago, a huge Russian ship entered Cienfuegos Bay and stayed there for several weeks.

On this month of December, the Russian ship has returned and it has been anchored in a spot between Cayo Alcatraz and Cayo Ocampo.

In the second half of this year in Cienfuegos city, Soviet sailors have been seen walking the streets wearing full uniform. The Russian sailors were transported by six British Leyland Buses. They were taken back and forth from Cienfuegos city to nearby Cayo Alcatraz.

Three-quarters of Cienfuegos Bay have been banned to Cuban people and is operated by Russian personnel. There is a big pipe line from the bottom of Cayo Alcatraz to Cienfuegos city. In Cayo Alcatraz, the Russians have established large warehouses for military storage. A powerful radio station has been built and they have put a naval headquarters there.

Around the middle of December, two huge TU 95 Bear planes from the Soviet Union landed in Havana. Both planes were kept at Havana International Airport, in Rancho Boyeros.

On those planes, two Soviet Admirals came into Cuba. Neverless, the Cuban underground reported that one of these big military planes, capable of transporting missiles or nuclear weapons, had a number 38 on it. Later on, the Russian admirals were seen in Cienfuegos city at Punta Gorda. They took a boat and with three Russian civilian engineers went to Cayo Alcatraz on several occasions.

Near the inlet of Las Calabrazas the Russians have built an eight lane road toward the Escambray Mountains. No civilians are allowed on that road. In the Escambray Mountains, there is a place called the Hill of the Winds, (Loma de los Vientos), where the Russians have been working for almost eight months. No Cubans are allowed in that vicinity. The underground reported that lead unit ingots have gone into the Hill of the Winds.

Possibly one of the largest barges in the world, was sighted in Cienfuegos Bay in this month of December. The Russians own it and it is manned by 303 Russian sailors. In Cienfuegos Bay, there have been two other large Russian barges. In September, the barges left Cienfuegos Bay and went into El Mariel Port, in Pinar del Rio Province, on the northern part of Cuba. Mariel is the number one port of the Soviet Union since 1961–1962, and before the Cuban missile crisis most of the offensive weapons were introduced in Cuba through El Mariel Port.

As we know, a Russian nuclear submarine was seen during the period of September 12–20 of this year; first, near Punta de Ladrillos in the western part of Cienfuegos Bay, and side by side with other two regular Russian submarines at Cayo Loco, the former Cuban Navy headquarters.

The previous report of the nuclear submarine in Cienfuegos Bay was sent by the Cuban underground and later on, confirmed by an eyewitness arriving in the United States.

In evaluation of Cayo Alcatraz, it can be said that the place is for maintenance and supplying of the regular and nuclear submarines of the Soviet Union. The nuclear submarines need medicines, food, replacement of crews and rechecking of their missiles. To recheck the missiles, the nuclear sub needs calm waters like the Cienfuegos Bay.

So, Cayo Alcatraz is of a great logistic and military value to the Russians. Plus, Cay Alcatraz is the motor nerve, the center of a large military naval complex of the Soviet Union in the southern part of Cuba. Part of that naval complex of the Soviet Union in the southern part of Cuba. Part of that naval complex is Cayo Largo, 64 miles southwest of Cienfuegos. Since 1961–62, Cayo Largo has been taken over by the Russians. No Cuban fishermen are allowed to go near Cayo Largo. At the western part of Cayo Largo, the Russians built a big pier plus a big air strip. And in the surface of Cayo Largo, the Russians also constructed huge buildings. One of them is five floors high, with elevators. On the southern part of Cayo Largo, there is a wide beach. Close to the beach, the depth is of one, two or more thousand feet.

Part of the naval complex is Isle of Pines. The capital is the city of Neuva Gerona. And the island is almost divided in two by a big swamp. In the bay of Siguanea, west of Isle of Pines, the Soviet Union established the base of the Comsomol Boat with Komar Missiles. These missiles have a distance capability of 40–50 miles and the range of the boat is about 100 miles.

Little by little, all the civilians on the northern part of Isle of Pines, have been forced out to different provinces of Cuba. In the southern part of the island, there were a lot of lumbermen and fishermen, particularly from Great Cayman. They also have been taken out. In 1967, more than five thousand Cuban political prisoners were taken out of the Isle of Pines, because they saw too much. And they were spread through other political prisons in Cuba.

I affirm that the puzzle has been put together. Many times in the past, since April 28, 1969. I reported that different Russian convoys have been seen either in Pinar del Rio, Havana or Matanzas Provinces heading toward south. These convoys have been seen without Castro soldiers . . . Just Russian soldiers!

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The solution of the puzzle is this:

The convoys have gone to Surgidero de Batabano, a Cuban port in the southern part of Havana. And from there, Russian soldiers and all kinds of military equipment have been shipped to Isle of Pines or Cayo Largo. All of this leads us to believe that there is a large naval military complex of the Soviet Union in the southern part of Cuba with an operational base on Cayo Largo . . . a position for surveillance in Isle of Pines and the headquarters at Cayo Alcatraz in Cienfuegos Bay. All of this is a potentially challenging Guantanamo Naval Base.

The Caribbean . . . which often has been called the Mediterranean of the western hemisphere, has been always protected by the surrounding nations and particularly, by three U.S. Bases at Puerto Rico, Guantanamo and Panama. But, now the Soviet Union, through Cienfuegos, Cayo Largo and Isle of Pines, is challenging that naval defense of the United States, and the basic routes of navigations in the American Continent are in the Caribbean.

The above concludes my presentation and reaffirms hereby what we said at the beginning, that is, that Cuba on the surface presents a picture which is totally different from what is really happening in caves and underground. Actually, there is another Cuba below that surface that poses a real danger and an actual threat not only to the United States of America, but also to all the nations of the Western Hemisphere.

THE SENATE ACTS CONSTRUCTIVELY ON THE PLIGHT OF JEWISH CITIZENS IN THE SOVIET UNION

Mr. McINTYRE. Mr. President, yesterday the Senator from Kansas (Mr. DOLE) introduced and the Senate wholeheartedly and unanimously passed Senate Resolution 501 concerning the continued injustices suffered by Jewish citizens of the Soviet Union.

This resolution states:

Resolved, That the Senate hereby expresses its grave concern over the continued injustices to which the Jewish people in the Union of the Soviet Socialist Republics have been subjected by the Government of that Nation, as manifested most recently by the cruel and unusual punishment of the death sentences imposed upon two Jewish citizens of the Soviet Union for an allegedly treasonous act.

SEC. 2. The Senate respectfully urges the President (1) convey to the Government of the Union of the Soviet Socialist Republics the grave concern of the people of the United States and the Senate over these injustices, (2) urge the Soviet Government to commute the two death sentences, and (3) urge that Government to provide fair and equitable justice for its Jewish citizens.

Mr. President, I fully support this effort, and associate myself with this action by the Senate.

We cannot stand idly by when human beings are sentenced to death for trying to flee from tyranny to seek freedom in the homeland of their people.

I sincerely hope this resolution may act as a trumpet to the leaders of the Soviet Union and the walls of oppression may crumble enough to let these unfortunate humans escape to the life they so desperately, deservedly and rightly seek.

FINANCIAL DISCLOSURE—ELECTORAL REFORM

Mr. SPONG. Mr. President, as this session draws to a close, all of us recognize that despite our lengthy stay here, we leave behind much unfinished work which is of vital concern to the American people.

Particularly disappointing to me was the failure to act on a bill requiring Members of Congress and other high level Government officials to make full public disclosure of their financial assets and sources of income. I believe this bill, together with legislation controlling campaign spending, are essential to restoring public confidence in Government and I will do all that I can to make them priority issues in the next Congress.

Mr. President, of all the bills which have been set aside in this Congress none was more important in my judgment than the constitutional amendment to improve our system for electing Presidents.

The 1968 election demonstrated as never before the dangers of relying on the present electoral college system with the problems it poses of faithless electors, of an outmoded contingency election procedure, and of the possibility of electing a President who had fewer popular votes than his opponent.

A constitutional amendment to scrap the entire electoral college system and to replace it with direct election was passed by the House but became bogged down in extensive committee hearings and debate in the Senate.

Mr. President, I was not one who favored the direct election proposal. I believe that system would create new problems of its own, problems even more serious than the ones it was meant to solve. My objections to direct election and my proposal for a more limited reform were spelled out in a Senate speech on September 16, 1970, and rather than take the time of the Senate to repeat those points, I ask unanimous consent that that speech be printed at this point in my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY MR. SPONG

Mr. SPONG. Mr. President, the purpose of this amendment is to meet the specific defects of our present electoral system without, in the process, risking the profound disruption of our two-party system that I am convinced would follow the passage of Senate Joint Resolution 1.

Briefly, the amendment could be described as a modified Katzenbach plan. Like the proposal offered in 1966 by the then Attorney General and embodied in the amendment which has been introduced by the distinguished Senator from North Carolina (Mr. ERVIN), my amendment would preserve the electoral college system but eliminate electors as such. Division of the electoral college vote on a unit rule basis would become an automatic thing, thus eliminating the problem of the faithless elector.

My amendment would also revise the procedure for selection of the President in the event no person won a majority of electoral votes. In place of selection by the House of Representatives operating on a unit rule basis, my amendment like that of the Senator from North Carolina, provides for selection by a joint session of the Congress with each Member having one vote.

Mr. President, where previous amendments of this kind have been limited to these changes the amendment I am introducing today goes an important step further to provide that a person must win both a majority of electoral votes and a plurality of popular votes to be named President. Unless both of these tests are met the election would be decided by the Congress meeting in joint session as I have described.

In fact, there has been only one occasion in our history when the electoral college has elected a President who had fewer popular votes than his rival candidate. That was in 1888 when Benjamin Harrison was named to the office even though he had about 100,000 fewer votes than Grover Cleveland. In all other instances, however, the electoral vote has faithfully followed the decision at the polls even in such close contests as we had in 1960 and 1968.

Nevertheless, as rare as such an incident has been, I believe it is important for public confidence on our electoral system that we remove any chance that it will happen again. And it could not under my amendment which, in effect, converts the electoral college system into a direct popular election. But by retaining the electoral division of votes it avoids all of the problems of proliferating parties and splinter candidates that a simple popular vote would induce.

A system of direct election would almost certainly encourage this kind of development and I do not believe any of the amendments to the direct election proposal fully meet the danger. Whether with serious thoughts of winning or merely to spoil another candidate's chances and winning some bargaining power in the process, every candidate with some popular following and the means to finance a campaign would be tempted to enter the race.

Even more, there would be a premium on distinguishing oneself from all other candidates in the field by taking more extreme positions or emphasizing one or two issues to the exclusion of all others.

The great virtue of our present winner-take-all electoral system is that it discourages such single issue or ideological candidates by requiring a base of support broad enough to carry a majority in at least a few States. Historically, it has been this requirement that has prevented the factionalization of politics in this country and which has made our parties the broad-based, accommodating groups that alone can assure stability in a democratic government.

The direct election proposal even with the amendments which have been offered would not assure the election of a President who is the choice of a majority of Americans. Moreover, by eliminating the electoral college system, it cannot assure that the President even has a broad base of support in the country for his 40-percent plurality could as easily as not be concentrated in a few heavily populated areas.

There are other drawbacks to the direct election proposal. For example, it would certainly increase the cost of campaigns and with runoffs taken into account, it could make our highest political office a rich man's prize.

Moreover, without the protective buffer of the electoral college system, every vote would take on increased importance and become the object of intense and divisive postelection challenges. It could also enhance the profitability of corrupt voting practices.

To point out these weaknesses in the direct election proposal is not to argue that our present method of electing Presidents is the best of all possible system. Rather, it is to counsel the utmost caution in tampering with a system that is basically sound and which has served us well for more than 180 years.

There are shortcomings in this system, particularly with the problem of the so-called faithless elector and with the provision for choosing a President in the event the electoral college does not produce a majority.

These proposals can be solved much more simply than is proposed in the direct election amendment and I believe my amendment accomplishes that. First, it would eliminate electors as such and make the division of electoral votes an automatic thing. Second, it would improve our method for naming a President outside the electoral vote system by making it a matter for the entire Congress to decide—Senate and House—with each Member having one vote.

Finally, and most important, this amendment assures a direct popular voice in the election of the President by requiring both an electoral majority and a popular plurality.

I urge the Senate to adopt this amendment.

Mr. President, I ask that the amendment be printed and lie on the table.

The Presiding Officer. The amendment will be received and printed and will lie on the table.

Mr. SPONG. Mr. President, I am convinced that for there to be any chance of reforming the electoral college, there will have to be some mutual give on the part of those who want to do away entirely with the present system and those who would just as soon see things remain as they are. I believe this amendment offers such a balanced approach and I intend to reintroduce it in the new Congress. It eliminates the recognized defects of the present system while retaining those aspects which have served this country so well for 200 years.

Mr. President, because my amendment was not considered in committee hearings on the subject, I have asked most of those who testified at the hearings, as well as other authorities in the field, to comment on my proposal. In fairness to many of those who wrote, I should note that their comments were made at a time when it appeared that the Senate might agree to vote on an amendment along the lines of my proposal. As the letters themselves make clear, some of these witnesses prefer another plan as a first choice, but would endorse my amendment as a constructive step forward if it appeared that it had the best chance of passage. It is just this kind of willingness to accept a middle position that I believe will be required to make progress toward solution of this problem.

I should add, too, that not all these letters endorsed my amendment. Nevertheless, I found the comments valuable and am including them together with the more favorable letters. Mr. President, at this point, I ask unanimous consent to have made part of my remarks several letters commenting on my amendment.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Center for Advanced Study
in the Behavioral Sciences,
Stanford, Calif., November 2, 1970.

Hon. William B. Spong, Jr.
Senate Office Building,
Washington, D.C.

Dear Bill: This is in reply to your letter of October 12, concerning your amendment to the Electoral Reform Bill (S.J. Res. 1).

I think your amendment would meet most of the objections to S.J. Res. 1, and I congratulate you on working it out. If put to a choice between your proposal and S.J. Res. 1, or between your proposal and S.J. Res. 1 amended in accordance with the Tydings-Griffin suggestion, I have no doubt how I would come out; I would favor your proposal. But I have to say that I do not think your proposal meets all the objections to S.J. Res. 1—I know that you are as well aware of this yourself as I am—and for this reason, I continue to prefer the so-called Katzenbach Amendment as introduced by Senator Ervin.

I think your proposal deals substantially with the threat to the two-party system by deterring ideological third-parties almost as well as the Electoral College now does. Almost as well, but not quite as well, since at present it wouldn't matter what percentage of the popular vote a third-party candidate siphoned off from the winner, whereas under your proposal there is a chance that if the third-party candidate siphons off just enough of the popular vote from the right major-party candidate, he can throw the election into Congress, even though there is an Electoral-College winner. But I concede that this is a relatively minor and highly speculative point.

Quite as much as the present system, your proposal, I believe, would ensure that each candidate for President has an eye not only to the total vote that he will get, but also to its distribution. This is in my view desirable. Under your proposal, however, the position of leverage, of disproportionate leverage, that in some circumstances is available to swing groups in the large industrial states, or perhaps at times to combinations of small states, will in some degree be diminished by the requirement that the winner have both a plurality of the popular vote and a majority of the electoral vote. However, again, the point is minor and somewhat speculative.

One difficulty that your proposal does not meet is the trouble with recounts and charges of fraud that Theodore White emphasized at the hearings last spring, and that Ernest Brown has written about.

In sum, then, I think your proposal is a tremendous advance over S.J. Res. 1. The choice between it and the Katzenbach Amendment comes down to a question of how much do we fear a recurrence of what happened only once in our history, and can happen only in the closest of elections, namely the election of a true minority President? This prospect frightens me, on the whole, less than the prospect, also in a close election, of recount difficulties with the popular vote on a nationwide basis, and so on balance I continue to prefer the Katzenbach Amendment, even though your proposal runs it a close second.

Best regards.
Sincerely,
Alexander M. Bickel.

Arlington, Va., *October 18, 1970.*

Senator William B. Spong, Jr.,
Senate Office Building,
Washington, D.C.

Dear Senator Spong: Your letter of October 12th concerning your proposed amendment to S.J. Res. 1, addressed to me at the University of Pennsylvania Law School, has been forwarded to me here. I am at present working on the staff of the Tax Division of the Department of Justice in Washington.

Since I testified on S.J. Res. 1 before Senator Ervin's subcommittee earlier in the year, I think I should give you my opinion on your proposed amendment, and I should be glad to have you convey it to Senator Ervin if you wish. Of course in doing so, I speak only for myself, and not for the Tax Division or the Department of Justice.

I think your Amendment No. 963 is the best proposal for change in the system of presidential election that I have seen, and I am glad to endorse it heartily. As you note, it eliminates the faithless elector problem, improves the contingency election system (including having only two, and not three, slates before the joint session for choice), and eliminates the possibility of a repetition of the 1888 Harrison-Cleveland situation.

Your amendment also removes the run-off proposal, which seems to me clearly the most unfortunate aspect of S.J. Res. 1 in its present form. It also eliminates, and I believe wisely, the rigid 40% figure that has featured both S.J. Res. 1 in its present form, and several proposed variants. That fixed figure could lead to particularly confused and unfortunate election contests. It might also, even without a run-off feature, give incentive to a multiplicity of candidates who might see advantage in fractionating the popular vote and forcing a contingency election.

Your amendment also gives Congress authority to enact laws governing the conduct of presidential elections similar to its authority with respect to elections of Senators and Representatives at present. Most people think that Congress has authority over "federal elections", but of course the fact is that constitutional power with respect to presidential elections is very tenuously based. Your proposal remedies that defect.

Your proposal would still leave a possibility of nationwide election contests if the popular vote was close. That has seemed to me one of the negative aspects of S.J. Res. 1. However, it is not the most serious, and it seems to me that it is more than counterbalanced by the many favorable features of your proposal.

If it is possible to get favorable action on your proposal during the current session of Congress, it seems to me that it is the one plan so combining all of the desirable features of the several proposals that it might well be ratified prior to the 1972 elections. I am glad to give it my approval and endorsement.

Sincerely yours,
Ernest J. Brown.

Yale University Law School,
New Haven, Conn., November 17, 1970.

Hon. William B. Spong, Jr.,
Senate Office Building,
Washington, D.C.

Dear Senator Spong: I have examined Amendment Number 963, the revised version of S.J. Res. 1 which you submitted on September 29. I understand that Senator Bayh, persuaded that his proposal cannot be adopted at this session of the Congress, has agreed to support your proposal. Since, in my judgment, your proposal, although not a cure-all for every actual or potential defect in our system of presidential elections (nor do you claim it to be), would clearly be a major advance over the constitutional arrangements which now prevail, I gladly endorse it as the one sound plan of reform which holds some real possibility of commanding sufficiently widespread support so as to gain congressional approval, for submission to the states, in the foreseeable future.

The single difficulty of consequence which might arise under your proposal is, I think the possibility of multiple challenges to the several state ballot totals in the event of an extremely narrow national ballot margin. I see no reason to believe, however, that we cannot develop mechanisms under which such challenges can be resolved confidently and expeditiously, even as they are now routinely resolved at local and even state-wide levels. And I think we ought to accept the responsibility of facing and mastering this technical difficulty in order to achieve the indisputably important gains which your proposal offers—elimination of the "faithless elector," and assurance that in the hopefully infrequent "contingency election" the congressional choice would be narrowed to two choices (thereby dissipating most of the stimulus underlying the kind of regional "swing" candidacy which Governor Wallace so nearly constituted in 1968). (In addition, I favor having all members of Congress participate, as individuals, in any such "contingency election".)

In sum, your proposal seems to me deserv-

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ing of support because it (1) retains those best features of our present arrangements which you, and Senator Ervin, and others are (quite properly in my view) most reluctant to disturb, and (2) eliminates major potential defects which constantly overhang our present arrangements with grave threat to their integrity. I congratulate you on having developed this statesmanlike compromise and I wish you well in your efforts to secure congressional approval for it.

Sincerely,

LOUIS H. POLLAK.

P.S.—One technical matter: If I read your proposal accurately, it would *sub silentio* do away with what is now an effective (albeit not a literally binding) prohibition on having both the President and the Vice President come from the same state. See the Twelfth Amendment. I suggest that it may be worth giving some thought to the desirability of inserting a provision which would give unquestioned constitutional force to this probably desirable tradition of geographic dispersal of political authority: this could be accomplished by inserting on line 13 of page two a comma where the period now appears (after "ballot"), to be followed by the clause: "*Provided* that the candidate for President and the candidate for Vice President shall not on election day be inhabitants of the same state." (I have used the term "inhabitant" because it is the term which is now used in the Twelfth Amendment, but I set no great store by this terminology.)

ARMONK, N.Y., *November 10, 1970.*

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: I hope you will excuse my delay in responding to your letter of October 12 with respect to the Electoral Reform Bill. Between problems here at IBM and interest in the elections, it has been a busy month.

I have studied your ingenious compromise proposal, and while I am taken with it in some ways, I think that it raises difficulties which would not be present if we preserved the electoral system, but put it on an automatic basis. While I agree that the Harrison-Cleveland situation is extremely unlikely to develop, I think this is more likely to be true if we preserve the electoral college system than if we put in the Constitution the added bait of popular vote. This does give splinter parties an additional target to shoot at, with the objective of throwing the election into the Congress. Whether this bait would in fact prove attractive, I have no idea. Clearly it would be less attractive under your proposal than it would be under a direct popular vote election.

I really start my analysis with three biases: (1) the two-party system is a good thing for the United States, and we do not wish to encourage third parties except, perhaps, in their historic role of influencing the two major parties; (2) the electoral system, however illogical it may appear, has in fact worked well in the United States; and (3) it is better to have a President named by the people, whether by direct vote or by electoral count, than it is to have a President chosen by the Congress. I feel very strongly on the last point, and I think the job of governing for four years under such circumstances would be an extremely difficult one. It is difficult enough if the election is close.

Because I have great respect for the Congress, I do not wish to have my remarks about the undesirability of their electing a President misunderstood, or taken as cynical ones. While it is possible that the Congress could weigh the factors you suggest in the event that a candidate does not achieve both an electoral majority and a popular plurality, I simply do not know how the Congress should weigh these factors. I think there would be considerable public resentment whatever the outcome, and I really cannot imagine the criteria which the Congress would find convincing. The importance of the Presidency to a political party would, in my opinion, be far more likely to weigh heavily in the minds of members of Congress than the other arguments which might be made—particularly since I cannot see how these other arguments could be persuasively made. Either we should elect the man with the electoral majority or we should elect the man with the popular plurality. And I see no reason why we should not make this choice in advance, rather than leave it to be decided in the context of a particular election. As you know, I would opt for the electoral college majority. I do not have great conceptual or ideological difficulty with the popular plurality, but I think it does change our system in ways unknown to us and that it raises a number of technical difficulties which have been well thrashed out by the Senate. Incidentally, those difficulties would unhappily remain in your proposal.

I do sincerely respect the efforts you and others have made to resolve the current impasse with respect to the proposed amendment. I am sorry to be so negative about it. I think I come to the conclusion that any effort to combine the electoral college and popular voting raises the difficulties of both and gives the advantages of neither. As I have said, I prefer the automatic electoral solution. I am not strongly opposed to the direct popular voting, although I confess I do not know how to resolve many of the difficulties which have been raised with respect to it. But I think that a combination of the two would be likely to result in throwing more elections into the Congress, and I do not believe this would make the country easier to govern.

It was good to hear from you. My best wishes go with this letter, a copy of which I am sending to Senator Ervin since he has made a similar request.

Sincerely,

NICHOLAS DEB. KATZENBACH.

Re: Presidential Election, *"Compromise" Amendment.*

THE NATIONAL LAW CENTER,
November 13, 1970.

SENATOR WILLIAM B. SPONG,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR SPONG: You have asked me, on the basis of my mathematical-computer analyses of the Electoral College and other experience, to comment on your proposed "compromise" amendment to S. J. Res. 1 which would provide that the President would be selected by the Congress unless one candidate for the office secured *BOTH* a majority of the existing Electoral College vote *AND* a plurality of the total popular vote. Although I greatly admire your efforts to resolve the current impasse and to improve the admittedly defective existing mechanism, your plan appears to have many of the disadvantages of both systems and some additional ones which have not been considered, much less studied. Although compromise is the lifeblood of politics, and although there may be a pressing need for an amendment during this session, I believe that this last-minute compromise cannot help but be an ill-conceived experiment involving the most basic of Constitutional rights and an institution which lies at the heart of our country's democratic system. I find two principal problems with the proposed "compromise" which are in my field of expertise, and which I will discuss at some length:

1. It retains existing inequalities of voting power among citizens of different states.

2. Computer simulation of elections, uncontradicted by historical experience, indicates that a substantial percentage of close contests would have to be decided by Congress.

In addition, I see a number of additional objections which I feel should be mentioned:

3. It would encourage "spoilers" by providing an additional means not existing under the present system by which they could take the election from the hands of the people [denying the candidate a plurality of the popular vote].

4. By substantially increasing the chances of an election by Congress, it would further erode the separation of powers.

5. If the election were to be decided by Congress, it is uncertain how much voting power each member and each state would have.

6. It would further complicate a system the people have clearly indicated they want simplified, and further complicate presidential planning, prediction, and campaigning.

7. Unlike the direct election proposal, there is no indication that a substantial majority of the people want it and would prefer it over the existing system.

8. Unlike the direct election proposal, there is no indication that there is a substantial sentiment for it in three-fourths of the state legislatures by which it must be ratified.

9. Unlike the direct election proposal, there has been no careful consideration or study of this plan, nor any concerted effort to discover other possible and unforeseen problems.

RETAINS EXISTING INEQUALITIES IN CITIZEN VOTING POWER

In my earlier study and testimony I utilized computer analysis to discover and demonstrate the existence of gross inequalities in voting power among citizens of different states. This study, published as *"One Man 3.312 Votes: A Mathematical Analysis of the Electoral College,"* 13 Villanova L. Rev. 304 (1968) indicated that because of the unit vote [winner-take-all] rule, the voting power of a citizen in a large state like New York and California was actually two to three times as great as the voting power of a citizen of a small or middle-sized state. This analysis has been almost universally accepted by later works in the area.

[See, e.g.. "The People's President" by Peirce, Section O entitled "Computer Analysis of Large-versus Small-State Power in the Electoral College" at 362 (1968); "Presidential Lottery" by Michener, Part C entitled "The Banzhaf Studies" at 220 (1969); Editorial, *Washington Post*, Dec. 31, 1967; Editorial, *New York Times*, Dec. 18, 1968; Editorial, *St. Louis Post-Dispatch*, Nov. 24, 1968; "Urban Votes", *The New Republic*, p. 9, June 27, 1970.]

One of the chief problems with the existing Electoral College, then, was this inequality in voting power among the citizens of the different states, a problem which, of course, would be eliminated by the direct election amendment. Unfortunately, by requiring a majority of the total number of electoral votes for victory, your proposal appears to continue this discrimination against voters in the small and medium states [under the existing system citizens of 32 states and the District have less than average voting power and many disparities in voting power exceed 200%]. I say "appears to" because I have been unable in this short space of time to recalculate what the distribution of voting power would be under your proposal and I know of no one else who has made any such determination. Therefore, although it can be said with reasonable mathematical certainty that your proposal would adopt and perpetuate certain gross inequalities in voting power among the citizens of the different states, it is impossible to say with certainty what the magnitude of those inequalities would be.

SUBSTANTIAL LIKELIHOOD OF ELECTIONS BY CONGRESS

In connection with studies of the chances of a "misfire" [election of a minority President] under other proposals, I have had occasion to utilize computer techniques which generate thousands of simulated presidential elections at random and analyze the results. This work was done with the kind cooperation of Prof. Martin A. Jacobs, formerly with the Department of Mathematics of Farleigh Dickinson University, and now with University Computing & Company. One series involved the simulation of 1000 elections between two candidates in which the popular vote pluralities were no more than 250,000, and an analysis to determine those in which the majority popular vote winner would have failed tc receive a majority of the electoral votes. This was found to have occurred in over 30% of the 1000 simulated elections. Our experience with other studies was that the chance of a "misfire' decreased as the size of the popular vote plurality was allowed to increase, but that it did so more slowly than a simple inverse ratio. In other words, a doubling of the popular vote plurality in a close election from 250,000 to 500,000 would decrease the percentage of a misfire by less than a factor of two, and in an election with a popular vote plurality of 1,000,000; it would be substantially greater than one-fourth of the initial figure.

Although it is impossible to reach any further conclusions or to make reliable predictions on the basis of this very preliminary study, it does suggest to us that in a two-candidate election where the popular vote plurality is 1,000,000 or less, there is a substantial chance—of the order of 10% or more—that the election would have to be decided by Congress under your proposal. It also seems that the introduction of a third or fourth candidate would in general increase this likelihood. In the absence of any other studies or evidence to the contrary, I respectfully suggest that this possibility must be given great weight, not so much as an absolute bar to the enactment of the plan but rather as a very clear call for further study and analysis.

Historical evidence is entirely consistent with this estimate. If we consider, for example, the 35 elections from 1824–1960 which have been carefully analyzed, one finds that in 3 cases—1824, 1876, and 1888—the elections would have been thrown into the Congress if your proposal had been law. In fully 18 additional elections—1828, 1836, 1840, 1844, 1848, 1856, 1860, 1864, 1868, 1880, 1884, 1892, 1896, 1900, 1908, 1916, 1948, and 1960—a change of less than 1% of the national vote—in each case less than 100,000 votes—could have thrown the election into the Congress under your proposal. [See Peirce, "The People's President" at 317 (1968)]. In addition, at least 8 elections—1904, 1920, 1928, 1932, 1936, 1940, 1952, and 1956—were not very good tests because they were such landslides that most any electoral system couldn't help but elect the most popular man as President. Thus, of a total of 35 elections your system would have thrown the election to the Congress 3 times (8.6%), would have come within a hair's breath of doing so 18 times (51%), and was not really tested at least 8 times (23%) because of landslide candidates.

In looking at historical figures, one must also bear in mind that the results were determined in some measure by electoral strategies based upon the existing system. It is reasonable to assume that strategies of presidential candidates under a different system would be changed, and that this could easily affect the voting pattern. For example, had your system been in operation, it is likely that much more effort would have been directed by a candidate to winning additional votes in states in which he was either a "sure winner" or "sure loser." Without additional more careful study we cannot reasonably assume that these efforts would have "cancelled each other out," particularly where more than half the elections could have been changed by a shift of less than 100,000 votes. If appears that we have been exceedingly lucky with the electoral system of voting in the past. It would, however, be folly to base plans for the long-term future on little more than a continuation of our national lucky streak.

I thank you for giving me the opportunity to comment on your proposal and sincerely regret that time did not permit me to do a more complete analysis which would have eliminated at least some of the uncertainties. Because of their interests, I am taking the liberty of forwarding copies of this letter to other Senators with whom you are working to resolve this impasse. Please feel free to call upon me if I may be of any further assistance in this matter.

Yours truly,

JOHN F. BANZHAF III,
Associate Professor of Law.

DETROIT, MICH.,
November 13, 1970.

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: I apologize for delaying so long this response to your letter of October 12, 1970. It arrived immediately following my return from an extended trip to the Far East and necessarily was subordinated to a number of exigencies that accumulated during my absence.

The electoral college reform program embodied in your proposed Amendment No. 912 certainly is worthy of serious consideration. Clearly, it would achieve the three objectives described in your letter; and in my opinion it would provide a method of electing the President and Vice President that is superior to the present electoral college system. Nevertheless, I am not in a position to assure you of the support of the American Bar Association, for two reasons.

First, the electoral college reform bill (S.J. Res. 1) that was approved by such a large majority in the House of Representatives is the only one that has been approved by the House of Delegates of the American Bar Association. Unless, therefore, the House of Delegates were to change its position (which could not occur prior ot the February, 1971 meeting) no officer or committee of the Association could support any other program.

Quite aside from my inability to abandon the ABA support for S.J. Res. 1, there are, I think, some objections to your proposal that should be mentioned. Although it would provide a popular vote standard for determining a winner in the original election (in addition to the present electoral standard), it would leave intact the major danger that we have stressed in all of our public statements and commitee testimony, namely, the risk of electing the popular vote loser.

Under your proposed Amendment No. 912, a candidate with a 40% plurality (or even a majority) of the popular vote would be denied the presidency if he failed to achieve a majority of the electoral vote. In that event, the election would devolve upon the Congress, where the result could not be foretold. The popular vote loser could and probably would win if his party were in control of Congress; and if the elections of 1800 and 1824 are indicative, political "wheeling and dealing" undoubtedly would occur. And, under your proposal the decision would not be made until the newly-elected Congress met in January following the election, unless, of course, a provision were inserted requiring the new Congress to meet in joint session before the year-end to elect the President. But however that may be, in these days when participatory democracy is in the forefront it would be abhorrent, I think, for the popular vote winner to lose the presidency; and that is the primary reason for reforming the electoral college system.

By mandating two standards for determining the winner in the original election, your proposal would increase the risks that a close election would be thrown into Congress for a decision. Also your proposal would preserve in the original election all of the inequities that are inherent in the winner-take-all system: the disfranchisement of minority votes; the disparity of voting power based upon residence; and the existence of "pivotal states" or "swing states", among others.

It is the view of the ABA committee that if S.J. Res. 1 is not acceptable, the so-called Tydings-Griffin proposal is worthy of consideration by the Senate. That proposal would retain the popular vote mandate if the winner received a 40% plurality. Failing that, if the candidate receiving the most popular votes (but less than 40%) were to succeeed in getting a majority of the electoral college votes, he would be declared the winner. Thus the candidate who received the most popular votes could not be denied election through some structural defect in the system. If, however, the front-runner failed to receive a 40% plurality and failed, also, to receive a majority of the electoral college votes, then the newly-elected Congress would meet in joint session early in December and, voting as individuals, would elect the President.

Incidentally, there is a psychological advantage to retaining some form of electoral college vote in addition to the popular vote, as provided in your plan and in the Tydings-Griffin plan: in a close election, the media commentators on election night would continue to report by states because of the potential importance of the electoral college vote. That might allay the fears of those who are concerned about the possible impact of the direct election upon "federalism" and the separate "identity" of each state; and that feature would be persuasive, I should think, with some members of the Senate.

Sincerely yours,

WILLIAM T. GOSSETT,
Chairman, ABA Special Committee on Electoral College Reform.

RAILPAX

Mr. ALLOTT. Mr. President, the distinguished majority leader (Mr. MANSFIELD), yesterday placed in the RECORD the entire report of the Interstate Commerce Commission on the basic national rail passenger system or Railpax plan. I want to associate myself with his praise for the ICC report.

The report urges the Railpax Corporation to expand passenger service in the West and Southwest. Of particular interest to Coloradoans is ICC endorsement of the revival of the original route of the California Zephyr.

It is gratifying to those of us who have fought for this train over the years to know that our position has received such impressive support. Transportation Secretary Volpe, in his original plan, provided for a Chicago to San Francisco route as one of the few trains which are absolutely essential to a national system. Now the ICC has reaffirmed this position and specifically recommended the Zephyr route over the Western Pacific be revived.

Moveover, the prestigous National Association of Railroad Passengers also recommended the Chicago-San Francisco route through Denver in its system. In addition NARP recommended a summer only train from Denver, South to Albuquerque, and West through Arizona to Los Angeles. I also support and endorse these recommendations.

All in all, both the ICC and NARP reports call for extensive train service improvements in the West.

I am confident that Secretary Volpe will incorporate major portions of these reports into his final plan which will be announced next month.

It would appear that the West is at last on the way toward reversing the decline in our rail passenger service. The ICC and NARP reports and indeed the Secretary's original inclusion of the Chicago to San Francisco and Chicago to Los Angeles routes as absolutely essential parts of the national system are important steps in that direction.

I commend Chairman Stafford and all the members of the ICC for their excellent work. I congratulate Mr. Anthony Haswell and his legislative counsel, Mr. Woodruff M. Price, for their fine contribution to this picture.

TRIBUTE TO SENATOR YARBOROUGH

Mr. BAYH. Mr. President, I rise today to pay tribute to RALPH YARBOROUGH. His 13 years as a progressive leader in the Senate stand as a symbol of individualism, of initiative, and of a genuine concern for people. Furthermore, Senator YARBOROUGH's programs have been a constant demonstration to all of us that the needs of this country can bind us together rather than divide us. As a Senator from Texas, RALPH has proposed legislation needed by the whole Nation—an example which could be followed by each of us.

Hubert Humphrey aptly expressed his admiration for Senator YARBOROUGH several years ago when he said:

> Ralph is an intelligent man; he is also a tireless worker and a fighter for the things in which he believes. As a consequence, he gets things done. As a member of three important Senate committees, he serves as a singularly effective representative of Texas and his fellow-Texans, as well as a valued voice and vote on all matters of critical national importance.

Senator YARBOROUGH has worked hard on the problems of poverty, tax reform, agricultural innovation, conservation, labor, and urban expansion, and education. As chairman of the Labor and Public Welfare Committee, he has not only worked on but been responsible for much of the legislation in these important areas. In fact, President Johnson once told RALPH that his committee was responsible for 80 percent of the legislation enacted by the historic 89th Congress.

But perhaps the greatest of RALPH YARBOROUGH's qualities is his unquestioned political courage. I have repeatedly seen him face the most difficult and controversial questions on our national agenda. I have repeatedly seen him study these questions with the utmost care and intelligence and concern. And I have repeatedly seen him resolve these issues as his heart and mind—and conscience—dictate, mindful of the political dangers but unwilling to sacrifice his principles and his view of the national interest.

RALPH YARBOROUGH has demonstrated the kind of courage and devotion we all respect and admire. I have considered it an honor to have worked with him. He will be sorely missed by all who are concerned about the future of our country.

IN SUPPORT OF SBA VOLUNTEER MANAGEMENT ASSISTANCE PROGRAMS

Mr. BIBLE. Mr. President, may I call to the attention of the Senate a legislative enactment of this body which has become a victim of the preadjournment rush and weightier problems of the Nation and the world. I refer to a provision of S. 4356, as it originally passed the Senate, broadening authority of the Small Business Administration to pay minor transportation, telephone, and other minor costs to publicize the capabilities of several thousand volunteer members of SCORE—Service Corps of Retired Executives—and ACE—Active Corps of Executives—across this country who willingly contribute their business expertise every year to help many thousands of small businessmen with their management problems.

I am hopeful the Senate will reenact this provision early next year so that both bodies may know the advantages it will provide for small businessmen across this land.

As background, today some 3,600 retired business executives are showing many more thousands of fellow businessmen how to be successful even though they are small businessmen. These are the members of the nationwide Service Corps of Retired Executives or SCORE. Established in 1964, the SBA-sponsored organization has grown steadily in its membership of business and professional leaders in more than 850 communities to provide advice and guidance to small business.

So successful was SCORE that the Small Business Administration in 1969 instituted its counterpart, the Active Corps of Executives or ACE. Today that program has attracted 1,800 working businessmen who like their SCORE brothers, volunteer their services and talents to help the country's 5½ million small businessmen try to be successful.

During the last 13 months, these volunteers counseled 57,091 other businessmen who had various management assistance problems. Thirty-four percent of all interviews conducted by all Small Business Administration personnel was rendered by SCORE and ACE representatives.

Mr. President, these volunteers, who give of their time and effort in the counseling work they perform for small businessmen, are entitled to be reimbursed for some of the costs they incur in the discharge of their services. These involve parking expenses and reimbursement for telephone calls from their homes to their small business clients.

Unless some improvements are made to better the conditions under which these volunteer counselors work by providing reimbursement arrangements for their out-of-pocket expenses, it will become increasingly difficult to enlist their services. Certainly, this expenditure of Federal dollars repays itself manyfold in the help these retired and active business executives provide to small businessmen and their many problems of management, sales and related activities.

Likewise, the SBA has a sizable financial stake in this problem because it lends money to small companies for equipment, expansion and working capital. If loan beneficiaries fail, the SBA, and the taxpayer, lose with them.

The importance of management assistance, as provided by SCORE and ACE, can be shown by some interesting statistics:

First. Nine out of 10 businesses fail for lack of proper management;

Second. Only one out of every two businesses started, survives 18 months because they do not have enough management expertise and assistance at the proper time; and

Third. Only one business out of five manages its affairs properly enough to last 10 years.

But, with the assistance of SCORE and ACE counselors in the past 12 months, its record and achievements have been:

First. Over one-third of all management assistance interviews;

Second. Half of SBA's management counseling cases;

Third. Three-fifths of all management ability evaluations on SBA applicants; and

Fourth. Nearly two-thirds of all the management assistance plans SBA provided applicants.

This is a most desirable program and has been effective in aiding the small businessman to solve his many problems calling for professional advice, which SCORE and ACE volunteers provide. I am hopeful the 92d Congress can meet this need by enactment of this legislation.

JEWS IN THE SOVIET UNION

Mr. ALLOTT. Mr. President, the entire world has been shocked by the outrageous persecution of Jews in the Soviet Union. A great many of us are concerned that we demonstrate our indignation and outrage at Soviet action effectively and responsibly.

Accordingly, a number of Senators met today to be briefed by Dr. William Korey, a leading authority on Soviet Jewry. His background and credentials, plus his current connections with the Soviet Jewry, give him an expert's insight into the present crisis over the sentencing of the alleged "hijackers."

The best intelligence information now available indicates that, contrary to reports issued by the controlled press in Russia, the 11 persons arrested for alleged "hijacking" were actually taken into custody by Communist authorities

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on their way to the airport to board a small plane. Obviously, these individuals could not have hijacked a plane they never boarded.

Consistent with the pattern of operation established by the Soviet Secret Police, these people were charged with a crime when found to be attempting to leave the Soviet Union. Without fail, when someone has been caught trying to cross the border from captivity to freedom, or when someone successfully escapes from Communist held territory, they are charged with either being mentally deranged or a criminal.

When Stalin's daughter showed up in the United States, Soviet authorities suggested she had lost her mental balance. When the Lithuanian sailor jumped ship recently, in that tragic incident in American history, and following his capture by Soviet KGB agents, the Communists charged that he had stolen money from the Soviet ship. The pattern is unchanging and unmistakable.

Now, at a time when the world has been victimized by terrorist hijacking, and when most everyone has absolutely no sympathy for hijackers, the Soviets have sentenced these Jews on the charge of hijacking. Thus did the Communists attempt to diminish the outrage and sympathy the world felt about their case.

But, Mr. President, this will not work.

Indeed their cases rank with those millions of Christians of all denominations who have been ruthlessly imprisoned, tortured, and even murdered at the hands of Soviet authorities.

Contrary to popular opinion, internal Soviet Government operation has not mellowed. The circumstances and the people against which Soviet atrocities are directed simply change from time to time. A decade ago, it was Baptists in Siberia; a year ago a Ukrainian archbishop; last month a Lithuanian sailor; this month it is again the Jews.

It is too much to expect the Communists to act out a sense of justice or humanity. But world pressure can make the Soviets aware of the fact that we know these Jews are being persecuted for their religious beliefs. We demand that all forms of religious persecution be stopped. We demand not only a change in this one case, but a change in the whole Communist attitude toward the free practice of religion. Free men can do no less.

THE TFX

Mr. McCLELLAN. Mr. President, on December 18, 1970, as chairman of the Senate permanent Subcommittee on Investigations, I submitted to the Senate the subcommittee's report on the TFX contract investigation. That report is one of the most important documents issued by the subcommittee during my many years as member and chairman. I am gratified that it received wide coverage in the press and in broadcasting media.

The report also was the subject of a number of editorials in the Nation's newspapers. With one exception, the editorials I have seen commend the report for its presentation of the facts about the sorry history of the TFX or F–111 aircraft. Again with one exception, the editorial writers found that the subcommittee had made a sound, accurate, and significant record of the management blunders in the Pentagon during the 8 years of our TFX investigation.

I believe that a selection of those editorials should be placed in the RECORD and read by Members of the Congress and by the public in order that we may be alerted further to the dangers posed to our defense posture as disclosed in this long and difficult inquiry. One of the editorials, in the Seattle Times for December 21, 1970, expresses my view very well. The editorial details the blunders and mismanagement within the Pentagon, and then states:

> All of that is history, of course, and cannot be undone. The failures of the TFX–F–111 would have become evident, even had there been no McClellan probe.
>
> But without the Arkansas Senator's determination to get at the heart of the matter, there surely would have been no documented record of what the report calls "the squandering of vital financial resources in the attempt to make the TFX program produce satisfactory results."

The editorials I have mentioned are from the Seattle Times, as I noted above, and from the Commercial Appeal of Memphis, for December 21, 1970; the Washington Daily News for December 24, 1970; the Cleveland Plain Dealer for December 20, 1970; the Toledo Blade for December 21, 1970.

Mr. President, I request unanimous consent to have these five editorials printed in the RECORD at this point in my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Seattle (Wash.) Times, Dec. 21, 1970]

THE TFX INDICTMENT

The sorry saga of the TFX is an old and familiar story after being exposed on the public record during years of hearings by Senator McClellan's investigations subcommittee.

Still, it must be difficult for many Americans to read news reports of the subcommittee's final wrapup on its long investigation without a fresh sense of indignation.

McClellan's report paints a picture, not of a single high-level blunder, but of a whole series of unjustifiable mistakes by the Defense Department at the time when Robert S. McNamara ruled the Pentagon under Presidents Kennedy and Johnson.

All men in high office make mistakes. But few of them, one must suppose, would go to the lengths to which McNamara went in piling error upon error in an attempt to cover up an original mistake.

As the report put it, McNamara and his associates "made extraordinary efforts to conceal the results of their errors . . . These efforts included deliberate attempts to deceive Congress, the press and the American people."

The TFX is now the F–111 fighter-bomber. The American taxpayers have spent $7.8 billion to buy 500 of these machines and one hopes they will yet fill an important niche in the nation's war-deterrent posture.

But the F–111 was a costly disappointment in Vietnam. It has been grounded for long periods by mechanical or structural failures. And the government had originally proposed to pay far less than $7.8 billion for 1,700 of the planes.

All of that is history, of course, and cannot be undone. The failures of the TFX–F–111 would have become evident, even had there been no McClellan probe.

But without the Arkansas senator's determination to get at the heart of the matter, there surely would have been no documented record of what the report calls "the squandering of vital financial resources in the attempt to make the TFX program produce satisfactory results."

In these days when it is fashionable to question Pentagon decisions at every point, it should be kept in mind that McClellan undertook and persevered in his complex investigation at a time when the Defense Department largely had its way in Congress and when McNamara, in particular, was looked upon as the epitome of economy and efficiency in government.

By making clear what is in Senator Jackson's words, "the price we pay for shoddy leadership at the highest levels of government," the McClellan subcommittee has helped put Congress and the nation on guard against the awarding of giant government contracts on a political basis, and against the deceptive practices whereby such unjustifiable decisions can be covered up.

[From the Memphis Commercial Appeal, Dec. 21, 1970]

McNAMARA'S TFX BOONDOGGLE

As defense secretary under Presidents Kennedy and Johnson, Robert S. McNamara cut a wide swath from 1961 until 1967. He was the "whiz kid" with the computer mind and industrial know-how, or so the legend had it.

But he goofed in two major fields. Despite his numerous predictions of an early end to American military involvement in South Vietnam, we are still trying to get out. His other big mistake was the F111 (TFX).

Almost immediately after taking office McNamara merged Air Force and Navy requests for new fighter-bomber aircraft into the TFX program. His argument was that at least a billion dollars could be saved by using a basic design, with variations to make it suitable for each force.

And right away, in 1962, Senator John L. McClellan (D-Ark.) started challenging McNamara. First the hearings held by the Senate subcommittee on government operations, headed by McClellan, raised doubts about the way the TFX contract was awarded. Despite expert Pentagon opinion that it should have gone to Boeing, it went instead to General Dynamics, with the planes to be built in Fort Worth, Texas. McClellan smelled politics. As he proceeded over the years with a continuing investigation, the story of cost overruns developed, and the Navy finally rejected its version of the F111 because of mounting weight problems. The Air Force variation was grounded in 1969 by a wing collapse.

After eight years of hearings and investigations, Senator McClellan sums up with these points: McNamara was guilty of "management blunders." He and other Pentagon officials are accused of deliberately deceiving Congress. Former Deputy Defense Secretary Roswell Gilpatric is charged with "flagrant conflict of interest" in the awarding of the F111 contract. The original McNamara belief that the Defense Department could save money with his TFX plan has been totally discredited; where the initial plan was to produce 1,726 F111s for 5.8 billion dollars, the nation will instead have 538 copies by 1972 at a cost of at least 7.9 billion. Some sources think the cost will be more.

Even allowing for inflation, the TFX affair comes down as one of the great boondoggles of our time and again shows what a mess we have in the so-called military-industrial complex.

We can thank Senator McClellan for his determined watchdog stance. But more important, the nation, the Congress and the

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Pentagon should learn something from this costly foul-up, and keep such things from happening again.

[From the Washington Daily News, Dec. 24, 1970]

THE F-111 "FIASCO"

There has been so much infighting, so many political angles, so much corporate competition in the eight-year war over the TFX plane, now called the F-111, that any non-expert could go a little batty trying to draw a clear picture of the controversy.

The Senate subcommittee which investigated the contracts and development of this fighter-bomber alleges that the whole many-billion-dollar program has been a "fiasco." But current Defense Department officials, who had nothing to do with the original program, say the plane now is structurally sound and will do its job. Pilots who flew the plane in a contest last month said it was "simply magnificent."

None of this, however, disputes Sen. John L. McClellan's charge that the taxpayers are getting 538 of the planes at a cost of nearly $8 billion, as contrasted to the original estimate that 1,726 planes would be provided for $5.8 billion.

The primary charge of the McClellan group is that the whole program was a "fiscal blunder" for which the committee chiefly blames former Defense Secretary Robert S. McNamara. The committee report charges Mr. McNamara's decisions were "capricious, lacking in depth and without factual substantiation."

The only response so far from Mr. McNamara has been a statement that he couldn't say anything because of the international nature of his present job as president of the World Bank. If he has a rebuttal, that's about as lame an excuse as could be found for withholding it.

The committee also said Roswell L. Gilpatric, Deputy Defense Secretary when the TFX contract was awarded in 1962, and Fred J. Korth, then Secretary of the Navy, should have disqualified themselves from these decisions because of connections with General Dynamics, the winning contractor.

In short, whatever the virtues of the plane as it now flies, it is obvious that Pentagon management in the McNamara regime was considerably less than smart—and, as usual, the taxpayers get the bill for the bungles.

[From the Cleveland Plain Dealer, Dec. 20, 1970]

MCNAMARA AND THE F111 FIASCO

A Senate committee looking into the multibillion dollar F111 fighter-bomber program calls it a "fiscal blunder of the worst magnitude" and puts most of the blame on former Defense Secretary Robert A. McNamara.

It is difficult to escape the conclusion that the Senate committee is right.

The F111 program has been a fiscal fiasco.

It was supposed to provide 1,726 planes to the Air Force and Navy for $5.8 billion, or about $3.4 million for each plane.

It will end up providing the Air Force alone with some 538 planes at a cost the Senate group estimates will total $9.2 billion—or some $17 million a plane, five times the original estimate.

And of those planes now due, only 82, or fewer than one in five, will meet the standards "of the truly modern and high performance tactical bomber originally sought by the Air Force," the committee said. The Navy version was killed because of excess weight problems.

While judged a hot performer by those pilots who have flown it, the F111 has been plagued with problems requiring grounding. Earlier this year, for example, the Air Force grounded all 230 of the planes it then had in stock after a fatal crash. By the start of this month, 152 had been cleared to fly again.

McNamara must accept responsibility for the major decisions that produced such poor results.

It was his idea to build one basic plane that could meet the differing requirements of the Navy and Air Force. This proved to be impractical; the contractor couldn't deliver.

It was his decision to persist in trying, however, in the face of early warnings that the Navy version was headed for trouble. This also proved to be a poor and costly decision.

It was McNamara's decision to award the contract to General Dynamics despite recommendations by four military boards that Boeing be selected because of what they felt was superior design.

Cost and performance problems have been so widespread in recent years as to suggest that no defense contractor escapes them, yet Boeing may well have done better than General Dynamics; it hardly could have done worse.

A Detroit auto executive before becoming defense secretary and now the respected president of the World Bank, McNamara had earned a reputation for super efficiency.

That reputation is marred by the F111 failures.

[From the Toledo Blade, Dec. 21, 1970]

JUST SHORT OF CRIMINAL?

The man on the street, or the nobody behind bars who protests that society imposes one kind of justice on the poor and another kind for the influential, may find the multibillion-dollar failure of the TFX (F-111) warplane and the "flagrant conflict of interest" behind the contract award beyond his capacity to grasp.

That judgment has at last been brought down by Senate investigators in a report ending an eight-year study. While former Defense Secretary McNamara must assume ultimate responsibility for this costly fiasco, it was the finding that his deputy defense secretary, Roswell Gilpatric, had admitted under cross-examination a prior relationship with General Dynamics Corp. that shocks propriety and justice.

Not only was Mr. Gilpatric deeply involved with General Dynamics, but he advised that the contract go to that firm despite the unanimous recommendations of Pentagon selection boards and military experts that the Boeing Co., with a lower bid, had a better design plan and the expertise to build it.

Former navy and air force secretaries, Fred Korth and Eugene Zuckert, also faced accusations of "impropriety" and writing inaccurate memoranda in attempting to justify the contract decision.

The crime of it all is that these defense officials overruled all other advice with no "paper work, no documentation, and no special staff studies." The action, especially on the part of Mr. Gilpatric, was labeled a "deliberate attempt to mislead . . . and to deceive Congress and the public" about subsequent mistakes.

So what of the cost to a nation in damage to its defense posture and to taxpayers in astronomic dollar wastes? The flaws began showing a year ago when a wing fell off one of the planes in a test flight over Nevada.

The F-111 had been involved in 15 crashes, in numerous groundings, and the navy has totally abandoned its use. The planned building of 1,726 F-111s at a cost of $5.8 billion has been scaled back to only 538 planes costing at least $7.9 billion—more than four times the original estimate per plane.

After three of those planes crashed in Southeast Asia, the air force has removed all of them from combat. Presumably they can be flown on runs that won't approach the range of flexibility their costly specifications required. And all this because of influence compounded by blundering and cover-up.

The Senate investigators' report stops short of calling it criminal. Is it any wonder that the little guy and the nobody in the local lockup speak cynically of political justice?

Mr. McCLELLAN. I have one more editorial, Mr. President. This is the exception I spoke of earlier. It contains no commendations to the subcommittee for the unpleasant and difficult task it performed. It appeared in the Washington Post on December 29, 1970, and bears the title "The End, We Hope, of the TFX Affair." I suggest, considering the context of the editorial, that the title may be misleading and inaccurate. In my opinion, a more suitable title would have been "An Editorial Apology for the Blunders of Secretary McNamara."

The Washington Post editorial admits the errors, blunders, mistakes in judgment, and mismanagement of the TFX program by Mr. McNamara and his top civilian aides. I quote some of the admissions:

> There is little doubt that many things went wrong in the management of the TFX development and production programs.

I submit, Mr. President, that there is no doubt at all. Our report is factual and it specifies the blunders.

> The plane for which Mr. McNamara hoped never came into being and the cost of the comparatively few planes that will come out of the affair is astronomical.

Those statements are accurate, Mr. President. We never received the plane we purchased; we have less than a third of the number we considered necessary for national defense, and the costs were indeed astronomical.

The editorial admits other blunders, all detailed in our report. I quote again from the editorial:

> Secretary McNamara and the rest of the civilian brass at the Pentagon did make some bad mistakes . . .
>
> [They] did get locked into a defensive posture . . . that led to the suppression of bad news about the plane's shortcomings.
>
> It may even be that Mr. McNamara was wrong in his original decision to proceed with the TFX . . .
>
> [It may even be] that Mr. McNamara did successfully hide for years from the Senate Committee some of the most damaging information about production problems.
>
> It is true that as a two-service plane the TFX was a flop; the Air Force is flying it in smaller numbers than originally planned and the Navy has just rolled out the F-14 to take the spot in which the TFX was to fit.
>
> Although there is no excuse for the expensive errors that were made in this program . . .

While I agree fully with the Post editorial's conclusions that bad mistakes were made and that there is no excuse for them, I wish to point out that the newspaper's editorial writer selected the adjectives "bumbling," and "lackadaisical" and the noun "incompetent" in reference to Mr. McNamara. They do not appear anywhere in the subcommittee's report.

It is proper, Mr. President, that the Washington Post has seen fit, in its editorial wisdom, to admit to some of the blunders and the mistakes that made the TFX program a fiasco. All of the instances of mismanagement which the newspaper admits, and many more, are disclosed by documentary evidence in the subcommittee's report.

There are however a number of mistakes in fact in the text of the Washington Post editorial. I wish to comment upon a few of them. The editorial states that the Air Force and the Navy both told Mr. McNamara that they could not build a biservice aircraft because, according to the editorial, "neither was willing to budge from the specifications it wanted in the perfect plane." The subcommittee's record shows that both services eased their orginal requirements in attempts to follow Mr. McNamara's directive. Subsequently, their technical experts reported that the biservice concept would not work. Mr. McNamara's orders to proceed despite this advice were responsible for the waste of $378 million on the Navy plane which was canceled and abandoned, and also for the deficiencies in all the Air Force planes which have been procured.

The editorial states:

> It is not unreasonable to believe that the Air Force and Navy could use the same plane if forced to do so although it may be that the sophistication each wanted in the TFX made this particular plane ill-suited for common use.

That statement is completely in error. The fact is that the Navy did its level best throughout the first 6 years of the program to get approval for a redesign of the Navy version that would be suitable for operation from aircraft carriers. Their recommendations were flatly rejected, and the result was that after 6 years, the Navy TFX was canceled by the Congress—not by Mr. McNamara or the Defense Department.

Finally, Mr. President, the editorial declares that the subcommittee did not consider "the extent to which the civilians charged with running the Pentagon can properly overrule the military leaders on matters regarding the feasibility of weapons systems." To answer that charge, all one needs to do is read from page 17 of the subcommittee's report:

> The Subcommittee did not, at any time during the 1963 hearings on the contract award, question the responsibility and the authority of each of the Secretaries to make the decision on a major weapons system like the TFX. Subcommittee members, however, vigorously questioned the Secretaries' stated reasons for reversing the recommendation made by their military advisers.

It will be recalled that it was in this area of decision making, in regard to the cost proposals of the contractors, that Mr. McNamara said he made "a rough judgment" and that he had the figures in his head.

I am pleased, Mr. President, that the Washington Post which defended Mr. McNamara and opposed the committee's investigation from the beginning, has changed its editorial position of some 8 years standing, and has now admitted to at least some of the many blunders and instances of mismanagement by Mr. McNamara. I request unanimous consent to have the Post editorial printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. It is my earnest hope that the subcommittee's investigation and its report on the TFX fiasco will serve a good and useful purpose as an object lesson of the bad results that can accrue from arbitrary and arrogant management actions by appointed public officials. I believe that the report has documented fully the history of the management blunders made in the TFX case. This history should serve as a hard lesson of poor government to those who will follow, and thus deter any repetition of such faulty and arbitrary decisions and costly blunders.

EXHIBIT 1

[From the Washington Post, Dec. 29, 1970]

THE END, WE HOPE, OF THE TFX AFFAIR

It was eight years ago this month when the Senate Permanent Subcommittee on Investigations first began poking into the contract that the Pentagon was about to sign for an airplane called the TFX. In the years since, no single military contract has stirred so much controversy, so much rancor, and so much distortion of the truth. The TFX is flying now as the F–111 and the Air Force says it is a superb airplane. Secretary McNamara, on whose head most of the rancor fell, has been gone from the Pentagon almost two years. But last week, in came the Senate Subcommittee with another report on the TFX just as full of bitterness and just as one-sided as was its first round of hearings on this subject in 1963.

There is little doubt that many things went wrong in the management of the TFX development and production programs. The plane for which Mr. McNamara hoped never came into being and the cost of the comparatively few planes that will come out of the affair is astronomical. Secretary McNamara and the rest of the civilian brass at the Pentagon did make some bad mistakes and did get locked into a defensive posture about the TFX that led to the suppression of bad news about the plane's shortcomings.

It may even be that Mr. McNamara was wrong in his original decision to proceed with the TFX, and did successfully hide for years from the Senate Committee some of the most damaging information about production problems. But even if all of this is true, as the Committee claims it is, that, in its proper context, hardly means Mr. McNamara was a disaster as Secretary of Defense. Yet it is difficult to read this report and reach any other conclusion; the committee uses such words as "capricious," "superficial," "unprofessional" and "inexcusable" to describe his conduct. Indeed there seems to be little reason for the Committee to have written this report except to rub salt in old wounds.

You have to go back almost a decade to put this report in its proper perspective. In the early 1960s, the Air Force and the Navy were both in the market for a new tactical fighter plane and Mr. McNamara told them to see if they could design one plane which both could use. They said they couldn't do it because neither was willing to budge from the specifications it wanted in the perfect plane. Mr. McNamara ordered them to do it anyway, saying that the differences in specifications could be successfully compromised. That, according to the Senate Committee, was a stupid and costly decision. It is true that as a two-service plane the TFX was a flop; the Air Force is flying it in smaller numbers than originally planned and the Navy has just rolled out the F–14 to take the spot in which the TFX was to fit. But this alone, despite the Committee's views, doesn't prove that the original McNamara decision was wrong. Each service fought that decision as hard as it could and got from Capitol Hill support to encourage the belief that if they fought the idea long enough it would be discarded. It is not unreasonable to believe that the Air Force and Navy could use the same plane if forced to do so although it may be that the sophistication each wanted in the TFX made this particular plane ill-suited for common use. In other words, there is evidence that the military services wouldn't build a common plane just as there is evidence that they couldn't. But having decided that Mr. McNamara was wrong in the beginning, the Senate Committee ignores the former possibility and hangs the whole debacle on his original decision.

The Committee plays the same game in its second basic criticism of Mr. McNamara—that he wrongfully awarded the TFX contract to the high bidder, General Dynamics, rather than to the low bidder, Boeing, and it ties this award to charges of conflict of interest against two other top Pentagon civilians. Again, something may have been wrong with that award but the Committee conveniently forgets the atmosphere in which it was made. A decade ago, it was widely believed that military contractors were submitting unrealistically low bids to get contracts which then became profitable through cost overruns. That was what Mr. McNamara was trying to stop when he declared that General Dynamic's bid was more realistic, though higher, than Boeing's. Yet the Committee now says he was "mesmerized" by the idea of cost realism and clearly wrong. That's simply a second guess which can't be proved one way or the other.

Growing out of the way in which the Committee handles these two basic decisions are the most serious questions in the whole TFX affair, questions to which this committee does not and cannot address itself. They are the extent to which the civilians charged with running the Pentagon can properly overrule the military leaders on matters regarding the feasibility of weapons systems and the weight that Congress ought to give to the opinions of military men in overruling the Pentagon civilians. This committee came down squarely in favor of giving the military leaders total control over such matters almost as soon as it started probing the TFX and in doing so helped shape the events that led inevitably to the conclusions it now reaches. One wonders the extent to which bad decisions late in the TFX development program were a direct result of the feeling among Pentagon civilians that their competency—not just the correctness of one or two decisions—was at stake in making the TFX work. Mr. McNamara, at least, certainly appeared in 1963 to believe that was the issue and had cause to so believe, given the attack on him then by this same committee.

Although there is no excuse for the expensive errors that were made in this program, we find it impossible to believe that Mr. McNamara was the bumbling, lackadasical incompetent this committee report brands him to be. He lost the fight over the TFX to the military and this committee years ago. And this last report—we trust it really is the last we will hear of the TFX—reminds us more than anything else of a fighter who, having flattened his opponent, keeps kicking him from time to time to make sure he remembers who won.

THE BYRDS OF VIRGINIA

Mr. BYRD of West Virginia. Mr. President, last week in the city of Martinsburg, W. Va., one of the oldest and best known houses in that city fell to a demolition crew.

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Located on the northeast corner of Burke and Spring Streets, it was the birthplace of the late U.S. Senator Harry Flood Byrd, Sr., of Virginia and was long the home of the late Dr. William Whann McSherry, a prominent physician and community leader.

Dr. McSherry served as a medical officer in the Army of the Confederate States of America. He returned to Martinsburg after the war and practiced medicine until his death in 1928. He was one of the earliest mayors of Martinsburg and was a founder and the first president of the Citizens National Bank of that city.

Senator Harry Byrd, Sr., was born at the McSherry home because the Senator's mother, Mrs. Richard Evelyn Byrd—the former Miss E. Bolling Flood—was a niece of the physician's wife, Virginia Faulkner McSherry.

Mrs. Byrd is unique in American political history. Her grandfather, Charles James Faulkner, was Minister to France. Her uncle, Charles James Faulkner II, was U.S. Senator from West Virginia. Her brother, Henry De La warr Flood, was a Member of the Congress of the United States and chairman of the Foreign Affairs Committee. A second brother, Joel West Flood, was also a Member of the U.S. House of Representatives.

Her husband, Richard Evelyn Byrd was Speaker of the Virginia House of Delegates; her son, Harry Flood Byrd, was Governor of Virginia and U.S. Senator from Virginia for 32 years; and her grandson, HARRY FLOOD BYRD, JR., is Virginia's present U.S. Senator.

POW FAMILIES BELIEVE LETTERS TO HANOI HELP

Mr. HANSEN. Mr. President, millions of Americans have written letters to Hanoi urging that the Communist government observe the Geneva accords relative to treatment of prisoners of war.

Many of us believe that Hanoi has shown some pattern of being responsive to the attitudes of the American people. When considerable publicity was given through the media to groups of Americans engaged in antiwar protests, Hanoi appeared to take a hard line in the apparent mistaken belief that the American Government would topple.

But subsequently, the media began to publicize the activities of millions of Americans in support of American policy, and it has become obvious even to the Communists that the vast majority of American people oppose their atrocities, and are especially horrified at their treatment of American prisoners of war.

The Alexandria, La., Daily Town Talk, shortly before Christmas, published two articles concerning the families of American airmen who are held prisoner or missing in action.

Alexandria is the location of England Air Force Base, home of fighter squadrons which have sustained losses in Vietnam. I quote from one of the newspaper articles:

> All the wives believe the concessions which Hanoi has made, such as allowing 11 rather than seven-pound packages, and more packages each year, are a result of letter writing campaigns and the public's interest in the fate of the men.

These women and children, some of whom are too young to remember fathers who have been held captive for many years by the enemy, have been encouraged by the active concern of their fellow Americans as to the well-being of their loved ones.

Mr. President, I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AT CHRISTMAS TIME KIDS OF POW POSE HARD QUESTIONS

(By Kathy Tilley)

The question has changed from "When will Daddy come home?" to "Will my daddy die?" for five and a half year old Jamie Lockhart whose father has been in a North Vietnam prison camp longer than any other American—almost six years.

At Christmas, that is a hard question for a mother to answer.

Tommy Smith, a seventh grader, poses even a harder question for his mother who waited five years before she learned her husband was a prisoner and not dead.

"Why doesn't God answer our prayers?"

Mrs. Thomas J. Curtis replies "God lets the best thing happen even though we might not know what is best."

"It's hard to tell a 12 year old boy his daddy may be doing more good where he is than at home with his son for Christmas," she added.

A DIFFICULT TASK

It is also a difficult task to plan a Christmas dinner with turkey and dressing, with all the trimmings, when you know your husband will have only a bowl of gruel made from an Asian variety of the squash family which has a repugnant smell.

Maybe, since it is a holiday, the prisoners will have two pieces of bread instead of one.

This year the prisoners are allowed to receive one 11 pound package from their families. The men requested such things as spices, candy, honey, peanut butter, dry puddings, canned meats, cookies and anything that mixes with water.

Jamie drew a special card for his daddy and Mrs. Curtis plans to enclose a couple of peppermint canes.

When you can only send one package every three months, you can't afford the frills of Christmas decorations.

Capt. Hayden Lockhart and Maj. Curtis have spent the past six Christmases in a POW Camp in North Vietnam.

Two other wives face the Yule season uncertain of their husbands' fate.

Mrs. Burke Morgan's husband was shot down over Laos in 1967 and Mrs. George C. Smith has had no further word about her husband since he disappeared in a raid over North Vietnam in 1965.

The Morgan children are four and seven. The Smiths have one boy, five years old, who has never seen his daddy.

Another Alexandrian is deeply involved in the POW crisis. Mrs. W. A. McBride's brother was captured in 1967 and his wife received her first letter this year.

Although Mrs. Hayden Lockhart and Mrs. Curtis have had letters from their husbands as recently as the first of December, the six line messages were written months earlier and Maj. Curtis' letters have hinted that all is not well in his POW camp.

Maj. Curtis' last letter was addressed to his wife's parents thanking them for taking care of his family while he was away.

"Have Terry (his wife) give all my old clothes to needy people," he said.

In a September letter to Terry he said, "Something needs to be done, time is getting short."

Yet the wives are optimistic. "We hope it is the last Christmas without our husbands. It could be very close now, closer than we are able to comprehend." Mrs. Smith believes.

Mrs. Smith says the military has given her "No hope," that her husband is alive. Her main concern now is to bring about the release of the known prisoners of war.

Mrs. Morgan said the military has not left her with much hope. "But I just can't give up hoping maybe."

The concern everyone has shown recently is making the holidays somewhat easier for the women.

SYNDICATED STORY

A story about Mrs. Lockhart and Jamie recently appeared in a syndicated column across the country and little Jamie has received dozens of letters simply addressed Jamie Lockhart whose daddy is a Prisoner of War: Please deliver, Alexandria, La.

One teenager wrote to Jamie, "Mankind should share their problems. We were put here to share and love one another but that promise was broken and we must try to put things back together again."

Christmas is a season of hope and promise. The families of men missing in action or prisoners in Southeast Asia hope that their men will be returned to them or that their fate will be known.

All the wives believe the small concessions which Hanoi has made, such as allowing 11 rather than seven pound packages, and more packages each year, are a result of letter writing campaigns and the public's interest in the fate of the men.

The Christmas cards many of the wives of POW or MIA are sending have two young girls on the front with an U.S. Air Force uniform hanging in the background. The caption reads, "My name is Frances. My daddy is a pilot prisoner in Hanoi. We miss him very much. Please, God, bring him home."

Inside the message, "May peace and joy of Christmas be yours throughout the New Year."

A message on the left asks concerned citizens to send a letter to President Ton Duc Thang, Democratic Republic of Vietnam, Hanoi, North Vietnam.

This gift will cost a quarter, but it may save a life, and it could help to fill the empty chair at the Christmas table of the lonely families of these brave men next year.

CLASSMATES WRITE HANOI

Classmates of Tommy Curtis at Brame Junior High are doing all they can to help bring his father home from a prisoner of war camp in North Vietnam.

Each of about 200 children in the classes of Mrs. Isabel Miller who teaches Tommy, not only wrote a personal letter to the President of North Vietnam but brought a 25 cent stamp from home in order to mail each letter individually.

The letters reflect a deep concern on the part of these not-yet-teenagers and all are politely written.

One begins "Dear Mr. President, I know you are busy but I wish to say some words . . ."

"Mrs. Curtis is so pretty and has the faith of an angel. Please let Maj. Thomas Curtis go," another reads.

A child's personal experience is often reflected in his letter. "I don't have a father and I know what it's like. Please send Maj. Curtis home."

One student requested an official list of prisoners be sent to the United States. "This would be a great Christmas gift to America, Mr. President."

PRACTICAL APPROACH

A more practical approach was taken by this student who said, "Would you allow one helicopter to fly over and pick up Maj. Curtis and bring him home for Christmas?"

Other thoughts include:

"Mrs. Curtis is taking it bravely, sir, but she is very worried."

"How would you feel if your family were back home waiting and praying for you to return."

"Let some of the prisoners go and see if it doesn't lift your heart."

"My father is in Thailand and he's coming home soon, and I know how Tommy Curtis feels."

"My father and I are so close I never have to look around for him. And that's the way I want it to be for Maj. Curtis and his son."

Tommy wrote, "Would you please let my father, Major Thomas Curtis, go? I haven't seen him since I was six years old. I can hardly remember his face."

REPUBLICANISM AND THE CONSTITUTION

Mr. GOODELL. Mr. President, after 7 years the war in Indochina continues. It has assumed a life of its own, seemingly beyond our ability to control. The toll in human life mounts. Two nations suffer. Vietnam has been devastated, physically and politically. And the United States suffers daily a moral and economic strain without parallel in our history.

All of us in Government must assume responsibility for the conduct of this war. It is not enough to call it a presidential war, for this summer we rejected an effort to end it legislatively. By refusing to exercise that power, I believe we acknowledged its existence.

Mr. President, today I am inserting into the RECORD a paper submitted to me during the debate on the amendment to end the war. I believe it to be an important and well-documented investigation of the role leaders of my own Republican Party played in various historical controversies that arose over congressional power and responsibility in American military enterprises.

The author points out that time and time again Republican leaders such as Lincoln, Sumner, Taft, and Eisenhower rose to assert the constitutional and political necessity that Congress maintain a firm, independent voice in the declaring and waging of war. I recommend this paper particularly to my colleagues on this side of the aisle, as a reminder of the doctrines of limited power and respect for constitutional process that have been the hallmarks of Republicanism.

The author of this paper is Richard L. Brodsky of Hartsdale, N.Y. Mr. Brodsky is currently a third-year student at Harvard Law School. I believe he deserves the recognition and the appreciation of this body for the quality of the scholarly effort and for the persuasiveness of his work.

Mr. President, I ask unanimous consent that this paper be printed in the RECORD at this point.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

REPUBLICANISM AND THE CONSTITUTION: THE WARMAKING POWER

(By Richard L. Brodsky)

Out of a single great argument, the dominant issue of the mid-nineteenth century, was born the Republican Party. Its founders stated clearly that their purpose was to end the Peculair Institution, slavery: their success was swift and total. Within a decade they had constructed the dominant political party, which has remained one of the two cornerstones of our elective system.

The Republican Party, as the party in power, had to develop realistic policies and a philosophy of constitutional government. It is the purpose of this essay to trace the course of one thread of that philosophy of government.

The Republican Party has shown a consistent interest in the separation of governmental powers. Its spokesmen have always made clear that the prerogatives of the executive, legislative, and judicial branches must remain unimpaired. One area of special concern has been the attempts to define the elusive boundary between the powers of the executive and legislature over the decision to commit our nation to war. It is not the purpose of this essay to discuss and decide this constitutional problem. It is not the purpose of this essay to discuss the validity of the arguments advanced by leading Republicans, neither in the abstract, nor in the application of theory to the reality of a political crisis. Its sole purpose is to reveal the historical and present day concern of the Republican Party over the erosion of the Congressional role in the war-making decision process.

The relative importance of this Congressional power has fluctuated with the necessities of history. At different times, and from different governmental perspectives, Republicans have espoused different views. It would be impossible to state that any particular view spoke for the Party. It is possible, however, to assess the statements of leading Republicans through time and to see a thread, or more properly, hear a refrain, of varying strength but always present. What follows is a reconstruction of the incidents and theories, the heat of which helped forge Republican respect for legislative power.

The Republican Party was founded in 1854 and elected its first president six years later. It did not spring full grown from the foreheads of its founders, but was fashioned by their own earlier experiences in constitutional government.

1846, the year of the start of the Mexican War, saw the beginnings of the Party. The origins of the War, and the motivation of the belligerents, are complex, but behind the maneuvering of the United States and Mexico stood a disputed border territory between the Rio Grande and Nueces Rivers. When the Mexicans ignored American claims in 1846 and 1847, President Polk told the Mexicans he was willing to buy jurisdiction over the claims, the disputed territory and the California and New Mexico as well. Incensed, that his negotiator, John Slidell, should be first greeted and then expelled, the President, without consulting Congress, sent General Zachary Taylor across the border up to the east bank of the Rio Grande, occupying the disputed territory. General Taylor was warned by the Mexicans to remove his defensive naval blockade and leave, but he refused, and an incident occurred. President Polk was then faced with a situation in which American soldiers had been killed on "American" soil. Congress quickly declared war, "upon Mexico's provocation," being assured by the President that the war would end in three to four months.[1]

Twenty months later, Congressional reaction grew caustic. Many resolutions criticizing the President were introduced, but tabled. They included one that would have set up a joint Congressional committee of five Senators and five Congressmen "to advise and consult upon the best mode of terminating the existing war with Mexico in a manner honorable to both belligerents."[2]

Even after a peace treaty had been concluded, the Congress still felt compelled to record its opposition to the course of the war. Representative George Ashmun, at the time a Whig from Massachusetts, and later to become Republican National Chairman, attached an amendment to a resolution commending Major General Taylor for his battlefield prowess. The amendment consisted of the words "in a war *unnecessarily* and *unconstitutionally* begun by the President of the United States."[3] This presented to the House of Representatives an opportunity to express its view of the President's unilateral exercise of the warmaking power. By a vote of 85 to 81 Representative Ashmun's resolution carried. Among those in the majority were the future Republican Senators Jacob Collamer of Vermont and James Dixon of Connecticut. Also, in favor of the amendment was Representative Abraham Lincoln of Illinois.

In his simple and compelling manner, Representative Lincoln discussed his reasoning in a letter to an old friend, Billy Herndon:

"Allow the President to invade a neighboring nation whenever *he* deems it necessary to repel an invasion, and you allow him to do so, *whenever he may choose to say,* he deems it necessary for such a purpose, and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose. If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how would you stop him? You may say to him, 'I see no probability of the British invading us' but he would say to you, 'be silent, I see it if you don't.'

"The provision of the Constitution giving the war-making power to Congress, was dictated, as I understood it, by the following reasons. Kings had always been impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Constitution understood to be the most oppressive of all kingly aggression; and they resolved to so frame the Constitution that *no one man* should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood."[4]

Representative Lincoln explained his vote to his fellow Congressmen:

"The distinction between the cause of the President in beginning the war, and the cause of the country after it was begun, is a distinction which you cannot perceive. To you the President, and the country, seems to be all one. You are interested to see no distinction between them; and I venture to suggest that possibly your interest blinds you a little. We see the distinction, as we think, clearly enough."[5]

In the ensuing period, with the memory of the Mexican controvery still fresh, the executive branch of the government showed a greater respect for Congressional authority. Presidents Fillmore, Pierce, and Buchanan, all Democrats, each faced incidents to which some form of armed response seemed appropriate. Each however, consulted with the Congress. For example, during the term of President Buchanan, an American naval officer, on his own initiative, arrested several American citizens attempting to overturn the government of Nicaragua. Although all parties agreed that the act itself was neces-

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sary, serious questions were raised about its legality. William Seward, a Republican Senator from New York, and later to be President Lincoln's Secretary of State, spoke this question:

"It is complained that that act was illegal; and it appears very plainly that we have no laws that authorize a naval officer in command in such a case to arrest fugitives. . . . Such an act can only be authorized by some law of this national Congress. . . . It seems that the President has balanced this case with exact justice. He has censured the fugitives; he designates them as a force that had gone, as marauders and pirates, to levy war against a peaceful state. He has, at the same time, admitted that the officer who arrested them has violated the laws, and has pronounced his censure in such a marked and distinct manner that it is not to be inferred by anyone that the President would sanction or approve such transactions even though they may be harmless or beneficial, hereafter."[6]

This is the first example of a most interesting facet of the governmental theories of the Republican Party. Although in complete agreement as to the wisdom of the action, and thus supportive of the President, Senator Seward reviewed the question whether the procedure was consistent with constitutional government. Repeatedly, similar questions have been raised by leading Republicans who recognized that the manner in which we make decisions is, in the long run, as important as what decisions we make.

The Republican Party assumed control of the Government in 1861, and shortly thereafter the War Between the States began.

The extraordinary military and executive powers assumed by President Lincoln are of course not analogous to any other executive experience, since the broad power of the President to put down insurrection is recognized as implicit in his duty to execute the laws.

Yet, in spite of his unique executive position, Mr. Lincoln remained faithful to his own preachings. As one distinguished commentator has said, "At no time did he ever indicate that he believed that the President had the power to employ forces abroad without the consent of Congress."[7]

Even if he had been inclined otherwise, the Republican Congress gave explicit notice that it planned to protect its prerogatives. When French Emperor Napoleon III placed Archduke Maximillian in control of Mexico, a move thought to be a prelude to the establishment of a French protectorate, the Republican-dominated House passed 109–0 and without debate House Joint Resolution 58. Introduced by Republican Henry Winter Davis, Chairman of the House Foreign Affairs Committee, it stated that it was not the policy of the United States to acknowledge any monarchical government erected on the ruins of any republican government.

President Lincoln, through his Secretary of State William Seward, informed the House that the President had greeted the Resolution with the respect it deserved, and planned to maintain the present policy of neutrality in the dispute between France and Mexico.

The House, again led by Congressman Davis, sensed a rebuff to its stand in opposition to Maximillian, and later in the year reaffirmed it, by a vote of 118 to 8:

"Congress has a Constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States as well as in the recognition of new powers as on other matters and it is the constitutional duty of the Executive Department to respect that policy, not less in diplomatic negotiations than in the use of national force when authorized by law."[9]

The power of recognition and the conduct of diplomatic negotiations are considered vested in the Presidency. Yet this strong Congressional declaration was assented to by 61 Republicans, among whom were Thaddeus Stevens of Pennsylvania; Robert C. Schenk of Ohio; Henry Winter Davis of Maryland; Thomas Williams of Pennsylvania; Anson P. Morrill of Maine; and James A. Garfield of Ohio, later to be the 20th President of the United States. President Lincoln did not challenge the right of Congress to so resolve, and the Executive never recognized Maximillian as the ruler of Mexico.

Beginning with the election of Ulysses Grant in 1868, the Republican Party assumed the Presidency for 36 of the next 44 years. This period saw great interest on the part of the United States in Latin America. Much of this can be ascribed to the Monroe Doctrine, expansion of our military and political influence, and the special relationship between the nations of the Hemisphere. In spite of these additional inducements to speedy executive action, the next forty years show a continuing recognition on the part of both the Presidency and the Congress of the need to maintain a system of checks and balances. Congress was not denied its authority over the commitment of troops.

Early in his first Administration, however, President Grant attempted, on his own authority, to use the military abroad. While negotiating with the United States for the purpose of annexation, the Dominican Republic was attacked by Haiti. The President ordered the naval forces of the United States to aid in resisting these attacks, an order given as part of his personal promise to the Dominican Republic's foreign minister to do everything possible to achieve annexation.

Congressional reaction was swift. It focused on a series of eight resolutions introduced by Senator Charles Sumner (R.-Mass.):

"Resolved, that under the Constitution of the United States the power to declare war is placed under the safeguard of an act of Congress; that the President alone cannot declare war; that this is a peculiar principle of our government by which it is distinguished from monarchical governments, where power to declare war, as also the treaty making power, is in the President alone; that in pursuance of this principle the President cannot, by act of his own, as by an unratified treaty, obtain any such power, and thus divest Congress of its control; and that therefore the employment of the Navy without the authority of Congress in acts of hostility against a friendly nation; or in belligerent intervention in the affairs of a foreign nation, is an infraction of the Constitution of the United States and a usurpation of power not conferred upon the President."[10]

In support of his resolutions, much respected Senator Sumner explained that constitutional government, and the constitutional precepts that were the bulwark of his own party, were at stake:

"An act of war without the authority of Congress is no common event. . . . Such a case cannot pass without inquiry. It is too grave for silence. For the sake of the Navy, which has been the agent, for the sake of the republican institutions, which suffer when the great Republic makes itself a pattern of violence, and for the sake of the Republican Party, which cannot afford to become responsible for such conduct, the case must be examined on the facts and the law."[11]

President Grant accordingly withdrew his order for the use of naval forces against Haiti before any hostilities commenced, but the Congress was aroused. By a 28–28 vote, the Senate refused to ratify the President's treaty. The President thereafter made no further effort to assert his authority to send our army abroad without the consent of Congress. In his message to Congress on June 13, 1870, concerning a dispute with Spain over Cuba, his acquiescence was complete. Dismayed by the continuous failure of Spain to maintain peace on the Cuban island, resulting in the loss of American lives and property, he declared:

"In view of the gravity of this question, I have deemed it my duty to invite the attention of the warmaking power of the country to all the relations and bearings of the question in connection with the declaration and granting of belligerent rights."[12]

Nor, when another of the never ending disorders on the Mexican border broke out in 1876, would the State Department use force to help the Americans in Mexico, because the President felt it lacked the power to do so.[13]

President Rutherford B. Hayes, another Republican, elected in 1876, did not "express himself directly on the power of the President to send troops abroad without Congressional authority, but his actions indicated that he recognized that this power belonged to Congress."[14] From 1879–1884 Chile was in a bitter conflict with Peru and Bolivia. Chile, the eventual victor, was demanding the rich nitrate beds of Peru. In the course of the war American lives and property were destroyed. The President, nevertheless, refused to intervene.

President Chester A. Arthur, assuming office upon the death of President James A. Garfield in 1881, also recognized the scope of the war-making powers of Congress.[15] When there was continued lawlessness along the Mexican border he requested Congress "to provide the necessary legislation for its suppression."[16]

The generally Republican Congresses were in accord with this trend in Presidential policy. Their actions took the form of requests for continued information and statements of concern. Latin America continued to garner much attention and activity, but this era did not see significant foreign military involvements, and an understanding developed between the two branches of government regarding their respective roles.

The pattern of Republican Presidents deferring to Republican Congresses in the determination of foreign affairs was continued with the administrations of Benjamin Harrison and William McKinley. "In the interval from 1889 to 1901 very little leadership was provided by the Republican occupants of the White House. Both (Harrison and McKinley) displayed a willingness to accept the view that in Congress, especially the upper branch, properly rested the primary responsibility for the governing process."[17]

In 1891, a bloody civil war erupted in Chile. The rebels acquired a shipload of arms in California and set sail from San Diego with two American ships in hot pursuit. Explaining his policy of neutrality, President Harrison reported to Congress that "the instructions of our naval officers and to our ministers at Santiago from the first to the last of this struggle enjoined upon them the most impartial treatment and non-interference."[18] Even though United States sailors were attacked while on leave in Valparaiso, the President, in referring to reparations, continued:

"If these just expectations should be disappointed or further needless delay intervene, I will by special message bring the matter again to the attention of Congress for such action as may be necessary. The entire correspondence with the government of Chile will at an early date be submitted to Congress."

True to his word, President Harrison submitted that correspondence to Congress with a message concluding that, "In my opinion I ought not to delay longer to bring these matters to the attention of Congress for such action as may be deemed appropriate."[19]

As the military and economic strength of

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our nation increased, so did the risk of armed conflict abroad, and the Executive necessarily more assertive in the making of foreign policy. After three years of bloody struggle between Spain and Cuban revolutionaries, President William McKinley tried to negotiate a settlement to avoid war with Spain, but to no avail. On February 15, 1898, the U.S. battleship *Maine* was blown up under mysterious circumstances in Havana, Cuba. The President was cognizant of Congressional responsibility in this area, and Congress was insistent upon its right to be heard. The President came before the Congress with these words:

"It becomes my duty to now address your body with regard to the grave crisis that has arisen in the relations of the United States to Spain by reason of the warfare that for more than three years has waged in the neighboring island of Cuba. . .

"In view of these facts and of these considerations (much death and the destruction of property, both Cuban and American) I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the government of Spain and the people of Cuba. . .

"The issue is now with Congress. It is a solemn responsibility. I have exhausted every effort to relieve the intolerable condition which is at our doors. Prepared to execute every obligation imposed upon me by the Constitution and the law, I await your action." [20]

Congress declared war ten days later.

Upon the death of President McKinley, the Presidency was assumed by Theodore Roosevelt. In 1909, President Roosevelt acted without first seeking Congressional authorization. The Congress quickly challenged his authority to limit the Marine Corps, by Executive Order, to on-shore duty. Congress demanded the use of marines on battleships and cruisers as well. To insure executive compliance it made all Marine Corps appropriations conditional upon fulfillment of this prerequisite. Senator Charles W. Fulton (R.-Ore.) argued:

"I have no doubt that Congress has power to say that the money shall not be expended in the payment of a particular corps of the army if it shall be stationed in a particular place.

"The simple fact that the President in advance had sent the army there would not persuade Congress from still expressing its Constitutional function of ordering it removed from there." [21]

Senators William Borah (R.-Idaho) and Henry Cabot Lodge (R.-Mass.) were staunch supporters of the President's position. They recognized bounds to the power of the Congress, as Senator Borah pointed out in describing the power of the President:

"(a)s Commander in Chief (the President) has certain constitutional powers which he may exercise and which Congress cannot control." [22]

Yet, when they were questioned, it became clear that the stand they took in favor of the Presidential power was limited. Senator Augustus O. Bacon (D.-Ga.) asked Senator Borah if the Congress could order the President to move troops out of Washington if, hypothetically, he had moved them in. Senator Borah:

"Oh, yes; I think it has that power." [23]

Senator Lodge was asked if he thought the Presidential power was subjected to Congressional regulation:

"I think that unquestionably it can be regulated by an act of Congress." [24]

Senator Fulton summarized the views of his colleagues saying of the Presidential power that it was supreme:

"(In) movements of military forces and matters of that character that pertain distinctly and peculiarly to the duties of a Commander in Chief. In those matters he is supreme, but after all he is subordinate in all cases to such rules and regulations as Congress shall make. . . . (H)e is nothing more than any other commander in point of power except that he is the supreme commander." [25]

This strong view of the respective Constitutional powers of Congress and the President, limiting the latter to tactical decision, is remarkable for several reasons. Whatever the intrinsic merits of the proposition, it is offered by supporters of the President's position. These leading Republican Senators were not willing to weaken their concept of the Constitutional separation of powers for partisan or transient motive. Equally with Senator Sumner, the fact that the President was also a Republican could not induce them to expose their Constitutional procedure arguments to the exigencies of advocating substantive proposals.

The bill, with its limiting proviso was passed by both houses, and signed by the President.

Succeeding Roosevelt to the Presidency was another Republican, William Howard Taft. Aware of the established doctrine of separation of powers, the New President thought he could not send troops into a foreign country without prior Congressional authorization. Although there was another revolution in Mexico and he recognized his power to move United States troops to the Mexican border, President Taft conceded that he lacked the authority to order them across it. In a letter to his Chief of Staff, March 15, 1911, he wrote:

"It seems my duty as Commander in Chief to place troops in sufficient numbers where, if Congress shall direct that they enter Mexico to save American lives and property, an effective movement may be promptly made. . . ." [26]

President Taft, an experienced attorney and later to become Chief Justice of the Supreme Court, elaborated on his opinion of the Constitutional role of the President in foreign affairs:

"The assumption by the press that I contemplate intervention on Mexican soil to protect American lives or property is of course gratuitous, because I seriously doubt whether I have such authority under any circumstances, and if I had I would not exercise it without Congressional approval." [27]

During the Democratic Administration of Woodrow Wilson, the trend towards executive commitment of American forces accelerated and the Republican leadership cast a wary eye on any suspected usurpation of Congressional power, Senators Lodge and Elihu Root (R.–N.Y.) were especially dismayed whenever the President acted first and asked later for Congressional approval.

When President Wilson decided to arm American commercial vessels just prior to World War I, the Congress challenged his right to do so. Senator Fall (R.–N. Mex.) said:

"When the President might now possibly authorize ships to clear from the port (with armaments) . . . the President of the United States could not possibly authorize any merchantman sailing from the United States to defend itself against the attack of a German submarine. Congress, and Congress alone, can give such authority to such merchantmen." [28]

In support of his view on Congressional limitation of the Executive's foreign powers, Senator James G. Blaine (R.–Wisc.) introduced an article analyzing the Constitutional issue underlying the controversy. It was authorized by the Honorable Charles E. Hughes, the Republican Presidential candidate in 1916, a distinguished attorney, and later Chief Justice of the Supreme Court. The article pointed out:

"While the President is Commander in Chief, in the Congress resides the power to 'raise and support armies' and 'to provide and maintain a Navy' and 'to make Rules for the Government and Regulation of the land and Naval forces; and as a safeguard against military domination the power to raise and support armies is qualified by the provision that no appropriation of money to that use shall be for a longer term than two years . . . The Congress is to prescribe the military establishment, fix numbers, regulate equipment, afford maintenance, and for these purposes appropriate such amounts of money as it thinks necessary." [29]

Towards the end of the war, Rep. Nicholas Longworth (R.–Ohio) returned again to the Republican concern for the maintenance of the process and institutions by which we govern ourselves:

"Thoughtful men must realize that second only to defeat is the danger that when the war is over it may be found difficult, if not impossible, to return the Government to its ordinary status in time of peace, with all the checks and balances in full force and effect necessary to the Government of a free people." [30]

After the end of the war, the Party continued its advocacy of strong Constitutional government. The 1920 New York State Republican Convention adopted a platform proposing "that the United States assumes no obligation, either legal or moral, to send American soldiers or sailors for service abroad unless the Congress, in the exercise of its constitutional power, shall so authorize and direct." [31]

International turmoil soon re-engaged the attention of the nation. Civil war was waging in Mexico and Nicaragua in the late 1920's. In Nicaragua the faction supported by President Calvin Coolidge, a Republican, was on the verge of defeat. To tip the scales, and to protect American lives and property, the President ordered several thousand marines into the country. This renewed the debate over Presidential power to dispatch troops internationally without Congressional authorization, and leading Republicans resumed their pursuit of Constitutionally limited government.

Senator Borah (R.-Idaho) analyzed the situation as follows:

"If our program means that we are to establish a protectorate over the Central American countries, and force upon them loans which they do not desire, or economic policies which they think unwise, let us have it out in the open, and, before we adopt the policy, let the American Congress speak in regard to it." [32]

Senator Lynn Frazier (R.-N. Dak.) pointed out:

"Despite partisan appeals to political partisanship, I am convinced that a large majority of the members of both branches of Congress are opposed to our forcible interference with the internal affairs of Nicaragua and still more strongly opposed to any breach in our friendly relations with Mexico.

"Under the Constitution, Congress has the sole right to declare war. Yet Congress is kept in ignorance of facts and circumstances which seemingly tend to be dragging this nation into war, and when Senators and Representatives ask for this information—for all the information—they are told that it is against public interest.

"Our government already has landed Marines in Nicaragua without consulting Congress. Twice within recent years armed forces of the United States have invaded Mexico. In view of the present tense feeling in Mexico a repetition of such an unlawful invasion might easily lead to an 'overt act' and it would be comparatively easy for the administration to excite our own people by propaganda. Then, if Congress were reassembled, we would be facing a condition

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where it might be made to seem that 'national honor' was involved."[33]

To meet the contingencies in Mexico and Nicaragua two resolutions were introduced by Senator Frazier. Senate Resolution 329 read:

"Whereas the Constitution specifically limits the power to declare war to the Congress of the United States, in the provision section 8, enumerating the powers specifically reserved to Congress to declare war and

"Whereas the use of armed forces of the United States in any foreign country for purposes of intervention or on primitive expeditions or for the alleged purpose of protecting lives, and property of American citizens, resident or situated therein, has in the past led to serious complications and

"Whereas such armed intervention is in effect undeclared war and in contravention of the spirit if not the letter of the Constitution.

"Therefore, let it be resolved: That it is the sense of the Senate that the President of the United States should not exercise the powers of the Commander in Chief of the Army and Navy of the United States to send any of the armed forces of the Nation into Mexico, or to mobilize troops on the Mexican border, or to assemble fighting units of the Navy in waters adjacent to Mexico while the Congress of the United States is not in session, but that if and when he contemplates such action he shall immediately summon the Congress in Special Session and communicate to it the reasons for such proposed military action."[34]

This resolution was allowed to die in committee. However, such congressional statements are almost as powerful in their effect on policy when they are theoretical, as when they are actualized. The Executive Branch was sufficiently appraised of Congressional sentiment by this resolution to realize the limits of his power.

During the 1930's the nation was preoccupied with the Depression, and paid scant attention to foreign affairs. With the rise of Hitler and the rumble of onrushing conflict, came the awakening, and the debate over war-making power resumed. The 1940 Republican platform's national defense plank stated: "We condemn all executive acts and proceedings which might lead to war without the authorization of the Congress of the United States."

The Party's standard bearer, Wendell Willkie, argued in support of this psition during his campaign:

"No man has the right to use the great power of the Presidency to lead the people, indirectly, into war; only the people through their elected representatives can make that awful decision.

"In times of peace the President has no power to convoy merchant ships if the practically necessary result of such convoying is war. Such action then becomes an infringement on the power of Congress to declare or not declare war; and when pressed to this extent there is no legal right."[35]

Senator Robert Taft (R.–Ohio) made substantially the same argument on the floor of the Senate when discussing the landing of American troops in Iceland:

"The President's legal powers are limited to the defense of the United States, and of its citizens, and of the property of its citizens. Of course, he has, without the approval of Congress, the right and duty to resist insurrection and invasion of the United States. If a nation makes or declares war on the United States, it is the President's duty to carry on that war. . . . But the landing of troops in Iceland is not taken for the protection of American life or American property."[36]

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National Chairman, Henry Fletcher, and ten other Republican leaders affixed their signatures to the following statement:

"The American people should insistently demand that Congress put a stop to step-by-step projection of the United States into undeclared war. Congress has not only the sole power to declare war but also the power and responsibility to keep the country out of war unless and until both Houses have otherwise decided. . . .

(On Anglo-Russian alliance) "Such warlike steps, in no case sanctioned by Congress, undermine its constitutional powers and the fundamental principles of democratic government."[37]

Members of the Congress added their voices to the chorus. Representative Louis D. Thill (R.–Wisc.) felt that steps had to be taken to curtail the President's unilateral activities in the foreign field and reported that:

"Aroused by President Roosevelt's constant disregard of Congress in undertaking steps in the foreign field, a majority of the House Republican membership in conference have adopted a resolution condemning all executive acts and proceedings which might lead to war without the authorization of the Congress of the United States."[38]

When President Roosevelt gave orders to U.S. ships to fire on any Italian or German armed vessels they encountered, Senator Arthur Capper (R.-Kans.) responded to what he saw as further usurpation of Congressional power.

"I am still bitterly opposed to sending American expeditionary forces overseas to fight in this or any other foreign wars. I shall continue to oppose such action until Congress itself has made the decision.

"Moreover, I say that the decision of war or no war is a decision that should be made by Congress. I believe it is the duty and responsibility of the President under the Constitution to ask the Congress to declare war if it is the President's judgment that the National defense demands that the United States goes to war."[39]

Representative Hamilton Fish (R.-N.Y.) also expressed deep concern over President Roosevelt's attempts to act unilaterally in the foreign field:

"I am convinced that all members of the House, Republicans and Democrats, will oppose any attempt to put us into an undeclared war in defiance of the Constitution, as there would be no unity in America if we should follow the tactics of Hitler, and other foreign dictators, and permit one man to plunge 130,000,000 Americans into an undeclared war."[40]

Many of these men were aligned with the "isolationist camp. Whether or not history has proven them correct in their position, it remains clear that their arguments over the procedures by which the nation commits itself to such conflict remain viable. The purpose of placing the war-making power in the Congress is to insure that the commitment to armed conflict is broad-based, and representative. The arguments against erosion of the Congressional power must be acknowledged as Constitutionally viable.

When World War II arrived, the Congress recognized it as a tragic necessity, and worked closely with the President for the defense of the nation. As the war drew to a close, the Republican Party, in its 1944 platform, reaffirmed its belief that foreign affairs should be dealt with by both the Congress and the President, and that the historic role of the Congress be restored:

"We favor the maintenance of postwar military forces and establishments of ample strength for the successful defense and safety of the U.S., its possessions and outposts, for the maintenance of the Monroe Doctrine, and for meeting any military commitments determined by Congress."[41]

With the cessation of hostilities came the problems of peace. Congress was quick to criticize President Truman when he ignored Constitutional responsibility of Congress in the arena of foreign affairs. Throughout the halls of the Capitol were heard words like these:

"Mr. Speaker, we are asked to support the President in this crisis. Obviously that is the duty of all Americans. But how can we support the President unless we know what the President stands for? How can we support the foreign policy of the United States unless we know what it is? . . . But it is high time that the State Department and the President of the United States took the Congress of the United States and the individual members of this Congress into their confidence."[42]

Representative, and later Senator, Hugh Scott (R.-Pa.) continued to express his concern over what the President was doing.

"If the President expects to receive public confidence he must take the people into his confidence and conduct our international affairs in the manner provided by the supreme law of the land."[43]

Representative Roy Woodruff (R.-Mich.) agreed:

"One of the most sensational aspects of American intervention in the Korean War is President Truman's demonstration of the use of the United Nations to bypass the United States Congress as the sole repository under the Constitution of the prerogative to declare war.

"While the undertaking to defend South Korea from invasion has received almost unanimous support in Congress, Mr. Truman's procedure for calling American armed power into action is being widely questioned as to its legality."[44]

This is another instance, explicitly stated, of the Republican concern for correct procedure even when there is unanimous agreement on the substance of the issue. These constant reminders may seem gratuitous, but it was felt to be important that, in the thickening fog of contemporary international events, the proper separation of powers be clearly seen.

Representative Frederic Coudert (R.-N.Y.) introduced House Joint Resolution 9 on January 3, 1951, as the product of his belief that President Truman had exceeded his Constitutional authority by sending troops to Korea. He declared that it:

". . . was essential that Congress re-establish control of the use to be made of American military forces outside the United States. No forces should be sent or maintained outside the United States without the assent of Congress and that no funds should be used for the support of such forces without authorization of that body, except if necessary to facilitate the extrication of United States forces now in Korea."[45]

Senator Taft, while approving of our involvement in the Korean conflict, also objected to the unconstitutional manner in which the United States had become involved.

"The President simply usurped authority in violation of the laws and Constitution, when he sent troops into Korea."[46]

And:

"It seems to me that we certainly should have the best advice in regard to what the military facts are. I see no reason why we should not demand that they be given to us, entirely apart from what the foreign policy of the State Department may be."[47]

When the Senator continued to be unsuccessful in his effort to assert the Constitutional rights delegated to Congress, he said:

"His action unquestionably has brought about a de facto war with the Government of Northern Korea. He has brought that war about without consulting Congress and without Congressional approval. We have a situation in which in a far distant part of the world one nation has attacked another, and if the President can intervene in Korea without Congressional approval, he can go to war in Malaya or Indonesia or Iran or South America. . . . It is claimed that the Korean situation is changed by the obligations into which we have entered under the Charter of the United Nations. I think this is true, but I do not think it justifies the President's present action without approval by Congress."[48]

In 1951, with this controversy still fresh in the minds of Congress, debate on implementation of the North Atlantic Treaty began with discussion of the Presidential commitment of the United States troops to Korea. The Senate's Republicans were adamant that Congressional authority over troop commitment be re-asserted.

Senator Kenneth S. Wherry, the Republican floor leader from Nebraska introduced Senate Resolution #8, which stated:

"*Resolved*, That it is the sense of the Senate that no ground forces of the United States should be assigned to duty in the European area for the purposes of the North Atlantic Treaty pending the formulation of a policy with respect thereto by the Congress."[49]

During the debate Senator Wherry insisted Congress not become an Administration rubber stamp. He said:

"The issue is that Congress must make the determination whether Congress will permit the President to commit the people of the United States to an integrated army in Europe without the consent of Congress, and also that Congress should assert its right to put limitations on the sending of United States ground forces to the European area for the purposes of the North Atlantic Treaty . . .

"Obviously, all our debate on the subject will be pointless if the President alone is to do all the deciding, and the Congress becomes merely a rubber stamp to appropriate whatever sums of money he may deem to be necessary to finance the defense policy that he alone determines."[50]

Senator Wherry's resolution was incorporated into the more inclusive Senate Resolution 99 which eventually passed by a 69 to 21 vote, on April 4, 1951.

This Resolution, under Article 3 of the North Atlantic Treaty, required "The President, before taking action to send units of ground troops to Europe should consult the Senate Foreign Relations Committee, the House Foreign Affairs Committee, and the Senate and House Armed Services Committees. Further, no ground troops in addition to four divisions should be sent to Western Europe in implementation of Article 3 without further Congressional approval."[51]

Senator Robert Taft explained the position of the Republican leadership on this issue, and described the appropriations power of the Congress as a proper means of asserting Congressional power:

"It is all very well to talk about six divisions or any other number of divisions. It is all very well to talk about what we are going to do, and what we ought not to do. Unless we establish our opinion, unless we state affirmatively our faith that we have here provided. We have other powers, such as the control of the purse, by which to impose our desires if this resolution is no more than a statement of the Senate of the United States."[52]

The supporters of this assertion of Congressional responsibility included virtually all the leading Senate Republicans and the junior Senator from California, Richard Nixon.

Other distinguished aye votes came from Senators George Aiken, Robert Taft, Margaret Chase Smith, Owen Brewster, Capehart, Carlson, Hickenlooper, Martin, Ines, future Majority Leader William Knowland, Henry Cabot Lodge, Leverett Saltonstall, Thye, Watkins, Wiley, and many others.

Although the companion resolution was defeated 84 to 131 in the House, Rep. Frederick Coudert's amendment was warmly supported by Congressman H. R. Gross of Iowa.

"The power to declare war and send troops to battle on foreign soil is a power that must be retained by Congress. If it is not so retained, the very structure of this government will eventually fall.

"I support this amendment to limit American ground troops in Europe to 6 divisions without action by Congress to increase its strength."[53]

The preamble to the 1952 Republican platform also dealt with the controversy over the acknowledged expansion of Executive activity:

"We charge that they (the Democratic Administration) have plunged us into war in Korea without the consent of our citizens through their authorized representatives in the Congress."[54]

Congressional reaction to President Truman's seizure of the steel mills, as necessary to the war effort, was similar to the reaction to Korea, but more severe. House Resolution 614 was introduced, impeaching the President.[55] Representative Mason (R.–Ill.) commented on this resolution:

"Therefore, President Truman's powers are powers he must have received either from his predecessors or from the inalienable powers of the Constitution. . . . It (the seizure of the mills) is a plain violation of that Constitution and of the President's oath of office. . . . The only remedy is impeachment. . . . Nothing short of this will do. It should be taken immediately."[56]

Representative Shafer (R.-Mich.) likewise went on record favoring impeachment:

"I am compelled to pass judgment upon his official acts as I believe the American people have passed, and are passing, judgment, and as I believe the House in performance of its constitutional duty, should officially pass judgment. . . .

"And I am convinced that the only hope for the resolution of these Constitutional issues . . . lies in the process of impeachment. . . ."[57]

Supreme Court Justice Jackson discussed the extent of Presidential powers incident to those of commander in chief. In his concurring opinion in *Youngstown Sheet and Tube Co. v. Sawyer,* 343 U.S. 579, 642 (1952) he opined:

"Congress alone controls the raising of revenues and their appropriations and may determine in what manner and by what means they shall be spent for military and naval procurement;"[58]

And at 644:

"While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army or navy to command."[59]

The Court found that the President had exceeded his Constitutional powers.

The Republican Party returned to the White House in the person of Dwight Eisenhower. He felt keenly the need to return to the Founders' limitation on the President's war making authority. His *Mandate for Change* expounded a concept in language similar to that of the Founding Fathers. "Part of my fundamental concept of the Presidency is that we have constitutional government and only when there is a sudden unforeseen emergency should the President put us into war without Congressional action."[60]

In the State of the Union message of February 2, 1953, the President elaborated on his concept of the separation of powers:

"This policy (foreign) will be governed by certain fixed ideas. They are these:

"(1) Our foreign policy must be clear, consistent, and confident. This means that it must be the product of genuine, continuous cooperation between the executive and the legislative branches of this government. It must be developed and directed in the spirit of true bipartisanship."[61]

What the President offered as his philosophy was not empty rhetoric. In practice, he sought Congressional authorization before committing American troops overseas. Senator Arthur Watkins (R.-Utah), in a letter to the President, wrote on the subject:

"If the international situation deteriorates to the point where it is apparent that an attack upon us or any of our allies is imminent, then the President should advise Congress of the situation and *ask for* general authority for instant retaliation in the event an attack finally occurs at a location which would immediately endanger our life as a nation or gravely affect our power to wage a war in defense of our liberties."[62]

On Vietnam and Indochina President Eisenhower explained:

"There is going to be no involvement of America in war unless it is a result of the Constitutional process that is placed upon Congress to declare it. Now let us have that clear."[63]

When the President was met with the problem of defending Formosa in 1955 he sent a special message to the Congress stating his policy (Jan. 24, 1955). The message clearly implied a recognition of the necessity for Congressional authorization of military action. He requested Congress to supply him with a Joint Resolution which "would contemplate the use of armed force of the United States if necessary to assure the security of Formosa and the Pescadores."[64]

He continued:

"Authority for some of the actions which might be required would be inherent in the authority of the Commander in Chief. Until Congress can act I would not hesitate, so far as my Constitutional powers extend, to take whatever emergency action might be forced upon us in order to protect the rights and security of the United States. . . . To make (our readiness to fight) plain requires not only Presidential but also Congressional action. . . ."[65]

President Eisenhower again exhibited his faith in Constitutional procedure when he went to Congress for standby authority to send troops to the Middle East in 1957.

Congress did grant that request. But 25 of 61 dissenting votes in the House came from Republicans who felt that even with the President's close cooperation there had been an abdication of too much authority.

Representative Clare Hoffman (R.-Mich.) eloquently explained his vote against the President, echoing his Republican ancestors Lincoln and Sumner, and giving to Constitutional government a respect that transcended partisanship:

"The Constitution limited to Congress and gave to no one else the power to declare war . . . (H.J. Res. 117) authorized the President to employ the armed forces of the United States as he deems necessary to secure and protect the territorial integrity (of Middle Eastern Nations). . . . But granting this power to the President established a precedent which cannot be ignored . . .

"I believe in the principles of government laid down by the Constitution. Adherence to these principles has given us what we have, made the nation what it is.

"Much as I wish to join my colleagues in this vote, to comply with the President's request, my allegiance is not to the President, but to my party, but to my country.

"I cannot and will not shirk my responsibility.

"Nor can I cast a vote which, in my judgment, does violence to my oath to support the Constitution, however expedient at the moment such action seems to be."[66]

Representative Sheehan (R.-Ill.) also dissented on the same grounds:

Footnotes at end of article.

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"Based upon constitutional principles, I cannot support the resolution (Middle East). By asking Congress for the passage of this resolution, the President who knows that this power belongs to Congress, requests that we surrender or abdicate this Constitutional power to the executive branch." [67]

Nor was the Senate Republican membership completely silent as William Jenner's (R.-Ind.) statement:

"In accordance with my oath as Senator, to uphold the Constitution, I cannot justify my voting to give the President the arbitrary powers over the spending of our natural resources or the employment of our Armed Forces, which are granted in the Middle East resolution. If Congress gives a blank check power to the President for the use of American Armed Forces, it will have voted away its Constitutional power to declare war." [68]

This chronology closes as we draw near upon the complexities, legal and political, of the Vietnam conflict. It remains possible to examine the essence of Republican theory and to draw contemporary analogies. Whether from the Congress, as exemplified by Messrs. William Taft and Hughes, or the Presidency, as exemplified by Messrs. Lincoln, Grant, Roosevelt, and Eisenhower, the luminaries of the Republican Party have kept in sight the Constitutional limitations of the Presidency, and the need for cooperation among the branches of government. Those Republicans urging similar arguments today, may claim the heritage of their distinguished Republican ancestors.

FOOTNOTES

[1] Pratt, *A History of the United States Foreign Policy,* 1955 p. 250.

[2] *Cong. Globe,* Jan. 3, 1848, p. 94.

[3] *Ibid.,* 95.

[4] Basler, ed., *The Collected Works of A. Lincoln,* I 1824–48, 1953, pp. 451–452.

[5] *Ibid.,* 515.

[6] Congressional Globe, Jan. 7, 1858, p. 219.

[7] Putney, "Executive Assumption of the War-Making Power", *National University Law Review,* Senate Document 39, 70th Congress, 1st Session, 1928.

[8] Congressional Globe, April 4, 1864, p. 1408.

[9] Congressional Globe, Dec. 19, 1864, p. 66–67.

[10] Putney, op. cit. at 11.

[11] *Ibid.,* 11.

[12] Congressional Record, June 13, 1870, p. 4382.

[13] *Indo China, the Constitutional Crisis,* May 13, 1970, p. 57117.

[14] Putney, op. cit. at 12.

[15] *Ibid.,* 12.

[16] Second Annual Message of President Arthur, Dec. 4, 1882, United States President's Messages (Annual), p. 4.

[17] Clarence Ames, *Republican Heyday,* Privately Published, Ann Arbor, Mich., 1962, p. 5.

[18] Third Annual Message of President Harrison, Dec. 9, 1891, United States House Executive Documents, p. 7.

[19] Cong. Rec., Jan. 25, 1892, p. 520.

[20] Cong. Rec., April 11, 1898, pp. 3699, 3702.

[21] Cong. Rec., Feb. 16, 1909, p. 2452.

[22] Cong. Rec., Feb. 16, 1909, p. 2447.

[23] Cong. Rec., Feb. 16, 1909, p. 2447.

[24] *Ibid.,* p. 2451.

[25] *Ibid.,* p. 2452.

[26] Cong. Rec., Dec. 7, 1911, p. 71.

[27] *Ibid.*

[28] Cong. Rec., Feb. 27, 1917, p. 4383.

[29] Hughes, *War Powers Under The Constitution,* 1917, adopted by the 65th Congress, 1st Sessions, as Senate Document No. 105, p. 4.

[30] Cong. Rec., March 16, 1918, p. 3619.

[31] Butler, *The Republican Party and International Policy,* an address at New London, Conn., Oct. 16, 1920.

[32] Cong. Digest, April, 1927, p. 125.

[33] Cong. Rec., March 3, 1927, pp. 5523, 5527.

[34] Cong. Rec., January 21, 1927, p. 2057.

[35] Wilkie, speech of June 18, 1940, Brooklyn Republican Club in Cong. Rec., Oct. 23, 1941, p. 8239.

[36] Cong. Rec., July 10, 1941, p. 5926.

[37] New York Times, Aug. 6, 1941, p. 6.

[38] Cong. Rec., Aug. 13, 1941, p. 3910.

[39] Cong. Rec., Sept. 15, 1941, p. 7404.

[40] Cong. Rec., Oct. 16, 1941, p. 7954.

[41] Republican Platform, 1944, Postwar Preparedness, Kirth H. Porter and Donald Bruce Johnson, *National Party Platforms, 1840–1956.*

[42] Cong. Rec., Dec. 5, 1950, p. 16123.

[43] *Ibid.*

[44] Cong. Rec. July 3, 1950, p. 4901.

[45] Coudert, cited in Smith, Louis, *American Democracy and Military Power,* 1951, University of Chicago Press.

[46] Cong. Rec., Jan. 5, 1951, p. 57.

[47] Cong. Rec., Jan. 11, 1950, p. 299.

[48] Cong. Rec., June 28, 1950, pp. 9322, 9323.

[49] Cong. Rec., Jan. 8, 1951, p. 94.

[50] Cong. Rec., Jan. 25, 1951, pp. 669, 670.

[51] Cong. Rec., April 4, 1951, p. 3283.

[52] Cong. Rec., April 4, 1951, p. 3272.

[53] Cong. Rec., Aug. 9, 1951, p. 9742.

[54] Republican Platform 1952, preamble, Kirth H. Porter and Donald Bruce Johnson, *National Party Platforms 1840–1956,* p. 497.

[55] Cong. Rec., April 28, 1952, p. 4539

[56] Cong. Rec., April 22, 1952, pp. 4220, 4221

[57] Cong. Rec., April 30, 1952, p. 4518

[58] *Youngstown Sheet and Tube Co. v. Sawyer,* 343 U.S. 579, 642 (1952)

[59] Ibid., 644

[60] *Mandate For Change,* Eisenhower, Dwight D., Doubleday.

[61] Cong. Rec., Feb. 2, 1952, p. 748

[62] Hearings, U.S. Committee on Foreign Powers, May 12, 1954. p. 261

[63] ———

[64] *Public Papers of the Presidents,* Eisenhower, Dwight, Office of the Federal Register, 1955, p. 207.

[65] *Ibid.*

[66] Con. Rec., June 29, 1957, pp. 1229, 1230

[67] Cong. Rec., Jan. 28, 1957, p. 1028

[68] Cong. Rec., Feb. 25, 1957, p. 2529

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

LEAD-BASED PAINT ELIMINATION ACT OF 1970

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 19172.

The PRESIDING OFFICER. (Mr. GRIFFIN) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. KENNEDY. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE conferees on the part of the Senate.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS BILL, 1971—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senate proceed to the further consideration of the conference report on H.R. 18515, making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). The Chair lays before the Senate the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

> The report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18515) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that a summary of the bill as agreed to by the conference and the bills as passed by the two bodies be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515

TITLE I—DEPARTMENT OF LABOR

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation activity (1)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] (2)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction (3)	Budget estimates of new budget (obligational) authority fiscal year 1971 (4)	House allowance (5)	Senate allowance (6)	Conference agreement (7)
MANPOWER ADMINISTRATION						
Manpower Training Activities						
Training and allowance payments:						
Job opportunities in the business sector on-the-job training	$229,608,000	$229,608,000	$260,000,000	$260,000,000	$260,000,000	$260,000,000
Concentrated employment program	199,000,000	199,000,000	199,000,000	192,440,000	199,000,000	192,440,000
Public service careers	96,000,000	96,000,000	132,000,000	126,800,000	132,000,000	126,800,000
Institutional training	245,000,000	245,000,000	256,000,000	256,000,000	256,000,000	256,000,000
Part-time and other training	10,084,000	10,084,000	10,084,000	10,084,000	10,084,000	10,084,000
Disadvantaged youth program	76,400,000	76,400,000				
In-school	62,400,000	62,400,000	62,400,000	59,100,000	62,400,000	59,100,000
Summer programs	121,500,000	121,500,000	146,500,000	138,670,000	146,500,000	138,670,000
Out of school	98,000,000	98,000,000	134,200,000	127,000,000	134,200,000	127,000,000
Job Corps	170,200,000	170,200,000	180,000,000	170,390,000	180,000,000	170,390,000
Operation Mainstream	41,000,000	41,000,000	41,000,000	38,800,000	41,000,000	38,800,000
Program support	17,400,000	17,400,000	18,300,000	18,300,000	18,300,000	18,300,000
Program services:						
Employment security services	44,892,400	44,892,400	50,492,000	50,492,000	50,492,000	50,492,000
State institutional training services	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000
On-the-job-training services	1,500,000	1,500,000	500,000	500,000	500,000	500,000
Planning and technical assistance	18,109,000	18,109,000	21,929,000	18,929,000	18,929,000	18,929,000
Labor market information and job matching	15,934,000	15,934,000	29,089,000	29,089,000	29,089,000	29,089,000
Jobs for Veterans					200,000	200,000
Total manpower training activities	[3] 1,455,027,400	[3] 1,455,027,400	[3] 1,549,494,000	[2] 1,504,594,000	[2] 1,546,694,000	[2] 1,504,794,000
Salaries and Expenses						
Experimental demonstration and research programs	19,709,000	19,709,000	20,618,000	19,768,000	19,768,000	19,768,000
Planning, research, and evaluation	3,896,900	3,896,900	4,232,700	4,141,400	4,141,400	4,141,400
Training and employment	6,397,900	6,397,900	7,878,800	7,504,900	7,504,900	7,504,900
Trust fund transfer	(11,852,700)	(11,852,700)	(12,033,600)	(12,033,600)	(12,033,600)	(12,033,600)
Federal institutional training service	2,572,600	2,572,600	2,572,600	2,572,600	2,572,600	2,572,600
Civil rights compliance			96,000	54,000	54,000	54,000
Trust fund transfer	(617,000)	(617,000)	(628,700)	(628,700)	(628,700)	(628,700)
Executive direction:						
General administration	1,623,300	1,623,300	1,695,000	1,676,200	1,676,200	1,676,200
Trust fund transfer	(373,300)	(373,300)	(378,100)	(378,100)	(378,100)	(378,100)
Financial and management services	2,811,600	2,811,600	3,039,500	2,913,500	2,913,500	2,913,500
Trust fund transfer	(2,241,200)	(2,241,200)	(2,277,600)	(2,277,600)	(2,277,600)	(2,277,600)
Manpower management data systems	3,007,600	3,007,600	3,040,200	3,040,200	3,040,200	3,040,200
Trust fund transfer	(1,496,200)	(1,496,200)	(1,517,000)	(1,517,000)	(1,517,000)	(1,517,000)
Reports to the public on manpower programs	619,700	619,700	494,200	494,200	494,200	494,200
Total, Manpower Administration, salaries and expenses	40,638,600	40,638,600	43,667,000	42,165,000	42,165,000	42,165,000
Bureau of Apprenticeship and Training						
Promote apprenticeship and training	6,872,498	6,872,498	6,958,000	6,958,000	6,958,000	6,958,000
Unemployment Compensation for Federal Employees and Ex-Servicemen and Trade Adjustment Activities						
Payments to Federal employees	63,600,000	63,600,000	68,500,000	68,500,000	68,500,000	68,500,000
Payments to ex-servicemen	121,400,000	121,400,000	131,000,000	131,000,000	131,000,000	131,000,000
Trade adjustment activities	2,930,000	2,930,000	600,000	600,000	600,000	600,000
Total, unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities	187,930,000	187,930,000	200,100,000	200,100,000	200,100,000	200,100,000
Limitation on Grants to States for Unemployment Compensation and Employment Service Administration						
Unemployment insurance service	(284,033,000)	(284,033,000)	(320,031,000)	(312,831,000)	(312,831,000)	(312,831,000)
Employment service	(328,968,000)	(328,968,000)	(352,141,000)	(347,341,000)	(347,341,000)	(347,341,000)
Administration and management	(39,771,000)	(39,771,000)	(42,528,000)	(42,528,000)	(42,528,000)	(42,528,000)
Contingency fund	(13,000,000)	(13,000,000)	(3,000,000)	(15,000,000)	(15,000,000)	(15,000,000)
Total, limitation on grants to States for unemployment compensation and Employment Service Administration	(665,772,000)	(665,772,000)	(717,700,000)	(717,700,000)	(717,700,000)	(717,700,000)
Unemployment Insurance Service						
Unemployment insurance service	(4,210,600)	(4,210,600)	(4,274,000)	(4,274,000)	(4,274,000)	(4,274,000)
Total, Manpower Administration	1,690,468,498	1,690,468,498	1,800,219,000	1,753,817,000	1,795,917,000	1,754,017,000
LABOR-MANAGEMENT SERVICES ADMINISTRATION						
Labor-management relations services	397,400	397,400	402,200	402,200	402,200	402,200
Labor-management policy development	658,200	658,200	1,265,400	965,400	1,065,400	1,015,400
Administration of reporting and disclosure laws	9,331,700	9,331,700	10,747,092	10,378,092	10,478,092	10,428,092
Veterans' reemployment rights	1,290,108	1,290,108	1,511,508	1,511,508	1,511,508	1,511,508
Federal labor-management relations	750,000	750,000	2,517,500	2,517,500	2,517,500	2,517,500
Executive direction and administrative services	710,200	710,200	725,300	725,300	725,300	725,300
Total, Labor-Management Services Administration	13,137,608	13,137,608	17,169,000	16,500,000	16,700,000	16,600,000

See footnotes at end of table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515—Continued

TITLE I—DEPARTMENT OF LABOR—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity (1)	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] (2)	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] after 2-percent reduction (3)	Budget estimates of new budget (obligational) authority fiscal year 1971 (4)	House allowance (5)	Senate allowance (6)	Conference agreement (7)
WAGE AND LABOR STANDARDS ADMINISTRATION						
Improving and protecting wages of the Nation's workers:						
Compliance and enforcement	$21, 862, 038	$21, 862, 038	$22, 364, 900	$22, 364, 900	$22, 570, 900	$22, 414, 900
Wage and employment standards	803, 400	803, 400	814, 000	814, 000	814, 000	814, 000
Special wage standards	1, 771, 200	1, 771, 200	1, 790, 100	1, 790, 100	1, 790, 100	1, 790, 100
Executive direction and planning research	2, 946, 600	2, 946, 600	2, 984, 000	2, 984, 000	2, 984, 000	2, 984, 000
Wage determinations under Davis-Bacon Act	951, 700	951, 700	1, 523, 000	1, 276, 400	1, 276, 400	1, 276, 400
Improving safety and working conditions of workers	5, 453, 894	5, 453, 894	5, 901, 900	5, 370, 900	5, 695, 900	5, 533, 400
Advancing opportunities and status of women	1, 057, 800	1, 057, 800	1, 179, 800	1, 179, 800	1, 179, 800	1, 179, 800
Federal contract compliance:						
Federal contract compliance	605, 000	605, 000	1, 568, 300	1, 568, 300	1, 568, 300	1, 568, 300
Plans for progress	227, 000	227, 000				
Workmen's compensation	6, 255, 500	6, 255, 500	7, 369, 400	7, 369, 400	7, 369, 400	7, 369, 400
Executive direction, planning, evaluation, and research	277, 438	277, 438	429, 600	282, 200	282, 200	282, 200
Total, Wage and Labor Standards Administration	42, 211. 570	42, 211, 570	45, 925, 000	45, 000, 000	45, 531, 000	45, 212, 500
EMPLOYEES' COMPENSATION CLAIMS AND EXPENSES						
Federal civilian employees benefits	45, 943, 500	45, 943, 500	95, 627, 200	95, 627, 200	95, 627, 200	95, 627, 200
Armed Forces reservists benefits	11, 175, 000	11, 175, 000	10, 775, 000	10, 775, 000	10, 775, 000	10, 775, 000
War Claims Act benefits	400, 000	400, 000	400, 000	400, 000	400, 000	400, 000
Other benefits	2, 597, 500	2, 597, 500	2, 997, 800	2, 997, 800	2, 997, 800	2, 997, 800
Total employees' compensation claims and expenses	60, 116, 000	60, 116, 000	109, 800, 000	109, 800, 000	109, 800, 000	109, 800, 000
BUREAU OF LABOR STATISTICS						
Manpower and employment	9, 371, 900	9, 371, 900	10, 170, 300	9, 770, 300	9, 770, 300	9, 770, 300
Prices and cost of living	3, 801, 300	3, 801, 300	4, 556, 100	4, 086, 100	4, 086, 100	4, 086, 100
Wages and industrial relations	3, 765, 300	3, 765, 300	4, 293, 200	3, 935, 200	3, 935, 200	3, 935, 200
Productivity, technology, and growth	1, 498, 600	1, 498, 600	1, 522, 600	1, 522, 600	1, 522, 600	1, 522. 600
Foreign labor and trade	519, 400	519, 400	529, 900	529, 900	529, 900	529, 900
Executive direction and staff services	4, 492, 954	4, 492, 954	4, 990, 400	4, 790, 400	4, 790, 400	4, 790, 400
Revision of the Consumer Price Index	644, 000	644, 000	1, 515, 500	1, 515, 500	1, 515, 500	1, 515, 500
Total, Bureau of Labor Statistics	24, 093, 454	24, 093, 454	27, 578, 000	26, 150, 000	26, 150, 000	26, 150, 000
BUREAU OF INTERNATIONAL LABOR AFFAIRS						
International organizations affairs	151, 700	151, 700	154, 300	154, 300	154, 300	154, 300
Foreign labor and manpower policy and program development	330, 000	330, 000	335, 300	335, 300	335, 300	335, 300
Labor and manpower technical services	153, 200	153, 200	156, 500	156, 500	156, 500	156, 500
Trade negotiations and economic policy development	390, 500	390, 500	398, 000	398, 000	398, 000	398, 000
Executive direction and management services	436, 600	436, 000	445, 900	445, 900	445, 900	445, 900
Total, Bureau of International Labor Affairs	1, 462, 000	1, 462, 000	1, 490, 000	1, 490, 000	1, 490, 000	1, 490, 000
SPECIAL FOREIGN CURRENCY						
Special Foreign Currency			75, 000	75, 000	75, 000	75, 000
OFFICE OF THE SOLICITOR						
Litigation	684, 700	684, 700	771, 100	771, 100	771, 100	771, 100
Interpretations and opinions	606, 400	606, 400	615, 300	615, 300	615, 300	615, 300
Trust fund transfer	(157, 000)	(157, 000)	(157, 000)	(157, 000)	(157, 000)	(157, 000)
Labor relations and civil rights	359, 100	359, 100	361, 400	361, 400	361, 400	361, 400
Legislation	593, 200	493, 200	597, 400	597, 400	597, 400	597, 400
Labor-management laws	391, 200	391, 200	399, 200	399, 200	399, 200	399, 200
Field legal services	2, 658, 600	2, 658, 600	2, 714, 400	2, 714, 400	2, 714, 400	2, 714, 400
Administration and management services	428, 100	428, 100	425, 200	425, 200	425, 200	425, 200
Total, Office of the Solicitor	5, 721, 300	5, 721, 300	5, 884, 000	5, 884, 000	5, 884, 000	5, 884, 000
OFFICE OF THE SECRETARY						
Executive direction	1, 125, 700	1, 125, 700	2, 456, 400	1, 806, 400	1, 806, 400	1, 806, 400
Office of information	381, 400	381, 400	326, 600	326, 600	326, 600	326, 600
Office of the Assistant Secretary for Administration:						
Immediate office	147, 200	147, 200	147, 600	147, 600	147, 600	147, 600
Office of Management Assistance	112, 200	112, 200	113, 300	113, 300	113, 300	113, 300
Personnel operations	1, 510, 300	1, 510, 300	1, 448, 600	1, 448, 600	1, 448, 600	1, 448, 600
Library	413, 600	413, 600	418, 500	418, 500	418, 500	418, 500
Office of Budget Policy and Review	208, 300	208, 300	310, 600	310, 600	310, 600	310, 600
Office of Program Review and Audit	1, 564, 200	1, 564, 200	1, 923, 600	1, 923, 600	1, 923, 600	1, 923, 600
Trust fund transfer	(593, 000)	(593, 000)	(595, 000)	(595, 000)	(595, 000)	(595, 000)
Office of Management Systems	528, 400	528, 400	537, 000	537, 000	537, 000	537, 000
Purchase of data processing equipment			1, 931, 000	1, 931, 000	1, 931, 000	1, 931, 000
Appeals from determinations of Federal employee claims	173, 300	173, 300	174, 800	174, 800	174, 800	174, 800
Promoting employment of the handicapped	575, 000	575, 000	614, 000	614, 000	674, 000	674, 000
Total, Office of the Secretary	6, 739, 609	6. 739, 600	10, 402, 000	9, 752, 000	9, 812, 000	9, 812, 000
Total appropriations, Department of Labor	1, 843, 950, 030	1, 843, 950, 030	2, 018, 542, 000	1, 968, 468, 000	2, 011, 359, 000	1, 969, 040, 500

See footnotes at end of table.

XUM

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity (1)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] (2)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction (3)	Budget estimates of new budget (obligational) authority fiscal year 1971 (4)	House allowance (5)	Senate allowance (6)	Conference agreement (7)
FOOD AND DRUG ADMINISTRATION						
Food and Drug Control						
1. Foods and drugs	$58,152,500	$58,152,500	$62,725,000	$62,725,000	$62,725,000	$62,725,000
2. Hazardous products	4,355,000	4,355,000	5,144,000	5,144,000	5,994,000	5,144,000
3. Pesticides	12,544,000	12,544,000	14,938,000	14,938,000	14,938,000	14,938,000
4. Program management	6,566,000	6,566,000	6,742,000	6,742,000	6,742,000	6,742,000
Total, FDA	81,617,500	81,617,500	89,549,000	89,549,000	90,399,000	89,549,000
ENVIRONMENTAL HEALTH SERVICE						
Air pollution control:						
1. Abatement and control	35,194,000	35,194,000	40,301,000	40,301,000	42,801,000	41,551,000
2. Research and demonstration	66,419,000	59,669,000	57,282,000	57,282,000	58,282,000	57,282,000
Sec. 104 research	(45,000,000)	(38,250,000)	(27,900,000)	(27,900,000)	(28,900,000)	(27,900,000)
Obligations	(37,880,000)	(37,880,000)	(33,915,000)	(33,915,000)	(34,915,000)	(33,915,000)
3. Manpower training	5,516,000	5,516,000	5,750,000	5,750,000	6,750,000	6,250,000
4 Program management	2,653,000	2,653,000	2,670,000	2,670,000	2,670,000	2,670,000
Total	109,782,000	103,032,000	106,003,000	106,003,000	110,503,000	107,753,000
Environmental Control:						
1. Solid waste management	15,275,000	15,275,000	15,336,000	17,136,000	19,276,000	17,636,000
2. Occupational health	10,353,000	10,353,000	[3] 13,423,000	8,283,000	[3] 13,423,000	[3] 13,423,000
3. Radiological health	16,639,000	16,639,000	16,862,000	16,862,000	16,862,000	16,862,000
4. Community environmental management	5,872,000	5,872,000	4,712,000	4,712,000	4,712,000	4,712,000
5. Water hygiene	2,701,000	2,701,000	2,344,000	2,344,000	4,484,000	2,844,000
6. Program management	3,237,000	3,237,000	3,243,000	3,243,000	3,243,000	3,243,000
Total	54,077,000	54,077,000	55,920,000	52,580,000	62,000,000	58,720,000
Buildings and Facilities						
Obligations	(4,844,000)	(5,861,000)	(21,750,000)	(21,750,000)	(21,750,000)	(21,750,000)
Office of the Administrator	4,078,000	4,078,000	4,775,000	4,244,000	4,244,000	4,244,000
Total, Environmental Health Service	167,937,000	161,187,000	166,698,000	162,827,000	176,747,000	170,717,000
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION						
Mental Health						
1. Research:						
(a) Grants	85,254,000	85,254,000	87,740,000	89,600,000	91,600,000	90,600,000
(b) Direct operations	25,952,000	25,952,000	26,389,000	26,389,000	26,389,000	26,389,000
Subtotal	111,206,000	111,206,000	114,129,000	115,989,000	117,989,000	116,989,000
2. Manpower development:						
(a) Grants	118,366,000	118,366,000	116,350,000	116,350,000	116,350,000	116,350,000
(b) Direct operations	5,603,000	5,603,000	5,671,000	5,671,000	5,671,000	5,671,000
Subtotal	123,969,000	123,969,000	122,021,000	122,021,000	122,021,000	122,021,000
3. State and community programs:						
(a) Community mental health centers:						
(1) Construction	35,500,000	29,200,000				
(Obligations)	(29,586,000)	(29,586,000)	(27,300,000)	(27,300,000)	(27,300,000)	(27,300,000)
(2) Staffing	47,550,000	47,550,000	60,100,000	80,100,000	100,100,000	90,100,000
(b) Narcotic addiction and alcoholism programs	12,000,000	11,175,000	15,900,000	15,900,000	15,900,000	15,900,000
(c) Direct operations	2,453,000	2,453,000	2,499,000	2,499,000	2,499,000	2,499,000
Subtotal	97,503,000	90,378,000	78,499,000	98,499,000	118,499,000	108,499,000
4. Rehabilitation of drug abusers	16,619,000	16,619,000	19,640,000	19,640,000	19,640,000	19,640,000
5. Program support	11,384,000	11,384,000	12,367,000	12,367,000	12,367,000	12,367,000
Total, mental health	360,681,000	353,556,000	346,656,000	368,516,000	390,516,000	379,516,000
Saint Elizabeths Hospital						
Saint Elizabeths Hospital	14,212,000	14,212,000	14,823,000	14,823,000	14,823,000	14,823,000
(Obligations)	(41,428,000)	(41,428,000)	(42,077,000)	(42,077,000)	(42,077,000)	(42,077,000)
Health Services Research and Development	42,653,000	42,474,000	57,403,000	57,403,000	57,403,000	57,403,000
Comprehensive Health Planning and Services						
1. Partnership for health grants:						
(a) Planning	20,000,000	19,008,000	22,000,000	22,000,000	22,000,000	22,000,000
(b) Formula	100,000,000	90,000,000	90,000,000	90,000,000	90,000,000	90,000,000
(c) Project	73,843,000	73,596,000	109,500,000	109,500,000	109,500,000	109,500,000
Subtotal	193,843,000	182,604,000	221,500,000	221,500,000	221,500,000	221,500,000
2. Migrant health	15,000,000	15,000,000	15,000,000	15,000,000	17,822,000	15,000,000
3. Standard setting and resource development	10,252,000	10,252,000	10,434,000	10,434,000	10,434,000	10,434,000
4. Program management	4,380,000	4,380,000	4,564,000	4,564,000	4,564,000	4,564,000
Total	223,475,000	212,236,000	251,498,000	251,498,000	254,320,000	251,498,000
Less trust fund transfer	−4,320,000	−4,320,000	−4,320,000	−4,320,000	−4,320,000	−4,320,000
Total appropriation	219,155,000	207,916,000	247,178,000	247,178,000	250,000,000	247,178,000

See footnotes at end of table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity (1)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] (2)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction (3)	Budget estimates of new budget (obligational) authority fiscal year 1971 (4)	House allowance (5)	Senate allowance (6)	Conference agreement (7)
MATERNAL AND CHILD HEALTH						
1. Maternal and child health:						
(a) Formula grants	$108,000,000	$108,000,000	$118,600,000	$118,600,000	$118,600,000	$118,600,000
(b) Project grants	77,869,000	75,825,000	83,030,000	83,030,000	83,350,000	83,350,000
(c) Research and training	17,085,000	18,885,000	17,085,000	17,085,000	17,085,000	17,085,000
(d) Program management	3,071,000	3,071,000	3,109,000	3,109,000	3,109,000	3,109,000
Subtotal	206,025,000	201,781,000	221,824,000	221,824,000	222,144,000	222,144,000
2. Family planning:						
(a) Grants and contracts	22,800,000	22,800,000	32,015,000	32,015,000	32,015,000	32,015,000
(b) Program management			1,500,000	1,500,000	1,500,000	1,500,000
Subtotal	22,800,000	22,800,000	33,515,000	33,515,000	33,515,000	33,515,000
Total	228,825,000	224,581,000	255,339,000	255,339,000	255,659,000	255,659,000
Regional Medical Programs						
1. Regional medical programs:						
(a) Grants	73,500,000	73,500,000	79,500,000	79,500,000	97,998,000	89,500,000
Obligations	(73,500,000)	(78,500,000)	(94,500,000)	(94,500,000)	(112,998,000)	(104,500,000)
(b) Direct operations	1,771,000	1,771,000	1,812,000	1,812,000	1,812,000	1,812,000
Subtotal	75,271,000	75,271,000	81,312,000	81,312,000	99,810,000	91,312,000
2. Technical assistance and disease control	20,930,000	18,287,000	13,168,000	13,168,000	13,168,000	13,168,000
3. Program management	1,947,000	1,947,000	2,022,000	2,022,000	2,022,000	2,022,000
Total	98,148,000	95,505,000	96,502,000	96,502,000	115,000,000	106,502,000
Communicable Diseases	41,301,000	41,301,000	41,538,000	41,938,000	50,000,000	43,938,000
Medical Facilities Construction						
1. Construction grants	172,200,000	172,200,000	50,000,000	172,200,000	180,903,078	172,200,000
2. Direct loans			30,000,000		[4] (30,000,000)	[4] (30,000,000)
3. Interest subsidies			5,000,000	5,000,000	5,000,000	5,000,000
4. D.C. medical facilities	10,000,000	8,500,000			15,000,000	15,000,000
5. Program direction and technical assistance	4,149,000	4,149,000	4,321,000	4,321,000	4,321,000	4,321,000
Total	186,349,000	184,849,000	89,321,000	181,521,000	[5] 205,224,078	[5] 196,521,000
Patient Care and Special Health Services	77,443,000	77,443,000	79,889,000	79,889,000	79,889,000	79,889,000
National Health Statistics	9,174,000	9,174,000	9,918,000	9,668,000	9,668,000	9,668,000
Retired Pay of Commissioned Officers	16,700,000	16,700,000	19,501,000	19,501,000	19,501,000	19,501,000
Building and Facilities						
Obligations	(2,805,000)	(2,805,000)	(10,121,000)	(10,121,000)	(10,121,000)	(10,121,000)
Office of the Administrator	11,043,000	11,043,000	11,812,000	11,812,000	11,812,000	11,812,000
Total, Health Services and Mental Health Administration	1,305,684,000	1,278,754,000	1,269,880,000	1,384,090,000	1,459,495,078	1,422,410,000
NATIONAL INSTITUTES OF HEALTH						
Research Institutes						
Biologics Standards	8,443,000	8,441,000	8,640,000	8,838,000	8,838,000	8,838,000
National Cancer Institute	190,969,500	181,332,000	202,383,000	227,383,000	235,383,000	230,383,000
National Heart and Lung Institute	171,792,500	161,049,000	171,747,000	178,479,000	203,479,000	193,479,000
National Institute of Dental Research	30,914,500	28,860,000	34,563,000	35,257,000	36,257,000	35,257,000
National Institute of Arthritis and Metabolic Diseases	141,171,000	132,091,000	132,152,000	138,339,000	140,339,000	138,339,000
National Institute of Neurological Diseases and Stroke	102,892,000	96,320,000	96,972,000	100,807,000	115,807,000	105,807,000
National Institute of Allergey and Infectious Diseases	101,166,500	98,231,000	99,219,000	102,249,000	102,749,000	102,249,000
National Institute of General Medical Sciences	159,987,000	148,309,000	148,376,000	166,072,000	171,072,000	166,072,000
National Institute of Child Health and Human Development	77,318,000	76,221,000	93,303,000	94,436,000	94,436,000	94,436,000
National Eye Institute	25,398,500	23,892,000	25,686,000	30,986,000	30,986,000	30,986,000
National Institute of Environmental Health Sciences	18,485,000	17,730,000	19,843,000	20,620,000	21,620,000	20,620,000
John E. Fogarty International Center for Advanced Study in the Health Sciences	2,954,000	2,791,000	2,664,000	3,582,000	3,582,000	3,582,000
Total	1,031,491,500	975,267,000	1,035,548,000	1,107,048,000	1,164,548,000	1,130,048,000
Health Manpower						
Institutional support:						
(a) Medical, dental, and related	105,000,000	101,400,000	113,650,000	116,350,000	165,000,000	124,350,000
(b) Nursing	8,400,000	7,000,000	11,000,000	11,000,000	12,500,000	11,500,000
(c) Public health	10,071,000	9,471,000	9,071,000	9,071,000	11,471,000	9,571,000
(d) Allied health professions	11,587,000	10,988,000	14,245,000	14,245,000	14,245,000	14,245,000
Subtotal	135,058,000	128,859,000	147,966,000	150,666,000	203,216,000	159,666,000

See footnotes at end of table.

XUM

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity (1)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] (2)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction (3)	Budget estimates of new budget (obligational) authority fiscal year 1971 (4)	House allowance (5)	Senate allowance (6)	Conference agreement (7)
NATIONAL INSTITUTES OF HEALTH—Continued						
Health Manpower—Continued						
2. Student assistance:						
(a) Traineeships	$20,670,000	$20,670,000	$22,270,000	$22,270,000	$23,870,000	$23,270,000
(b) Direct loans:						
(1) Medical, dental, etc	23,781,000	15,000,000	12,000,000	22,000,000	33,576,000	25,000,000
Obligations	(24,894,000)	(16,113,000)	(12,000,000)	(22,000,000)	(33,576,000)	(25,000,000)
(2) Nursing	16,360,000	9,610,000	9,610,000	15,610,000	21,000,000	17,110,000
Obligations	(19,031,000)	(12,281,000)	(9,610,000)	(15,610,000)	(21,000,000)	(17,110,000)
Subtotal, direct loans	40,141,000	24,610,000	21,610,000	37,610,000	54,576,000	42,110,000
(c) Scholarships:						
(1) Medical, dental, etc	15,541,000	15,541,000	15,000,000	15,000,000	15,600,000	15,500,000
(2) Nursing	7,178,000	7,178,000	17,000,000	17,000,000	17,000,000	17,000,000
Subtotal	22,719,000	22,719,000	32,000,000	32,000,000	32,600,000	32,500,000
Subtotal, student assistance	83,530,000	67,999,000	75,880,000	91,880,000	111,046,000	97,880,000
3. Manpower requirements, utilization and program management	16,771,000	16,746,000	18,388,000	18,388,000	18,388,000	18,388,000
Total, Health manpower	235,359,000	213,604,000	242,234,000	260,934,000	332,650,000	275,934,000
Health Education Loan Funds						
Sales insufficiencies and interest losses	957,000	957,000	3,083,000	3,083,000	3,083,000	3,083,000
Obligations:						
(a) Loan activity	(10,128,000)	(10,128,000)				
(b) Interests and insufficiencies	(3,553,000)	(3,553,000)	(5,711,000)	(5,711,000)	(5,711,000)	(5,711,000)
Total	957,000	957,000	3,083,000	3,083,000	3,083,000	3,083,000
Dental Health	11,722,000	10,824,000	10,954,000	10,954,000	11,014,000	11,014,000
Research Resources	71,324,000	62,692,000	63,701,000	66,201,000	66,801,000	66,201,000
Construction of Health Educational, Research, and Library Facilities						
1. (a) Medical and related	94,500,000	94,500,000	94,500,000	94,500,000	111,230,000	105,300,000
Obligations	(112,922,000)	(112,922,000)	(94,500,000)	(94,500,000)	(111,230,000)	(105,300,000)
(b) Dental	23,600,000	23,600,000	23,600,000	23,600,000	28,380,000	26,300,000
Obligations	(28,200,000)	(28,200,000)	(23,600,000)	(23,600,000)	(28,380,000)	(26,300,000)
2. Nursing	8,000,000	8,000,000	8,000,000	8,000,000	10,390,000	9,500,000
Obligations	(8,137,000)	(8,137,000)	(8,000,000)	(8,000,000)	(10,390,000)	(9,500,000)
3. Health research facilities						
Obligations	(22,000)	(22,000)				
Total, construction	126,100,100	126,100,000	126,100,000	126,100,000	150,000,000	141,100,000
Obligations	(149,281,000)	(149,281,000)	(126,100,000)	(126,100,000)	(150,0 0,000)	(141,100,000)
National Library of Medicine	19,573,000	19,263,000	19,769,000	19,769,000	22,233,000	20,769,000
Buildings and Facilities	1,900,000	1,615,000				
Obligations	(6,032,000)	(6,017,000)	(6,656,000)	(6,656,000)	(6,656,000)	(6,656,000)
Office of the Director	7,845,000	7,845,000	8,206,000	8,206,000	8,206,000	8,206,000
Scientific Activities Overseas (Special Foreign Currency Program)	3,455,000	3,455,000	32,444,000	32,444,000	32,444,000	32,444,000
General research and services					[4] 15,000,000	
Total, National Institutes of Health	1,509,726,500	1,421,622,000	1,542,039,000	1,634,739,000	1,805,979,000	[5] 1,688,799,000
Office of Education						
Elementary and Secondary Education—Followthrough	[6] (70,300,000)	[6] (70,300,000)	[6] (69,000,000)	[6] (70,400,000)	[6] 70,400,000	[6] (69,000,000)
SOCIAL AND REHABILITATION SERVICE						
Grants to States for Public Assistance						
1. Maintenance assistance	4,350,180,000	4,350,180,000	4,943,551,000	4,943,551,000	4,943,551,000	4,943,551,000
2. Repatriated U.S nationals	700,000	600,000	770,000	770,000	770,000	770,000
3. Medical assistance	2,654,122,000	2,654,122,000	3,109,685,000	3,109,685,000	3,109,685,000	3,109,685,000
4. Social services	463,738,000	463,738,000	509,328,000	509,328,000	509,328,000	509,328,000
5 State and local training	23,264,000	23,264,000	25,536,000	25,536,000	25,536,000	25,536,000
Subtotal (noncontrollable)	7,492,004,000	7,491,904,000	8,588,870,000	8,588,870,000	8,588,870,000	8,588,870,000
6. Child welfare services	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000
7. Research and training	17,200,000	16,980,000	17,080,000	17,080,000	17,080,000	17,080,000
Total	7,555,204,000	7,554,884,000	8,651,950,000	8,651,950,000	[7] 8,651,950,000	8,651,950,000
Work Incentives						
1. Training	94,140,000	85,140,000	92,750,000	73,257,000	60,000,000	60,000,000
2. Day care	25,860,000	16,860,000	77,250,000	46,743,000	38,000,000	38,000,000
Total	120,000,000	102,000,000	170,000,000	120,000,000	98,000,000	98,000,000

See footnotes at end of table.

XUM

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity (1)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] (2)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction (3)	Budget estimates of new budget (obligational) authority fiscal year 1971 (4)	House allowance (5)	Senate allowance (6)	Conference agreement (7)
SOCIAL AND REHABILITATION SERVICE—Continued						
Rehabilitation Services and Facilities						
1. Services:						
(a) Basic State grants	$436, 000, 000	$436, 000, 000	$503, 000, 000	$503, 000, 000	$503, 000, 000	$503, 000, 000
(b) Innovation	3, 200, 000	3, 200, 000	3, 200, 000	3, 200, 000	3, 200, 000	3, 200, 000
(c) Rehabilitation service projects:						
(1) Regular expansion grants	9, 500, 000	9, 500, 000	12, 800, 000	12, 800, 000	12, 800, 000	12, 800, 000
(2) Training in industry	500, 000	450, 000	1, 000, 000	1, 000, 000	1, 000, 000	1, 000, 000
(3) New careers	1, 000, 000	900, 000	2, 000, 000	2, 000, 000	2, 000, 000	2, 000, 000
(4) Services for migrants			5, 000, 000		5, 000, 000	
(5) Workshop improvement	10, 533, 000	9, 906, 000	11, 300, 000	11, 300, 000	11, 300, 000	11, 300, 000
(6) Initial staffing	550, 000	550, 000	550, 000	550, 000	550, 000	550, 000
Subtotal	22, 083, 000	21, 306, 000	32, 650, 000	27, 650, 000	32, 650, 000	27, 650, 000
(d) Services for the mentally retarded	24, 969, 000	23, 644, 000	24, 790, 000	24, 790, 000	36, 790, 000	34, 790, 000
Subtotal	486, 252, 000	484, 150, 000	563, 640, 000	558, 640, 000	575, 640, 000	568, 640, 000
2. Facilities:						
(a) Vocational rehabilitation facilities	3, 500, 000	2, 892, 000			3, 500, 000	1, 750, 000
Obligations	(3, 841, 000)	(3, 233, 000)			(3, 500, 000)	(1, 750, 000)
(b) Facilities for the mentally retarded	12, 031, 000	10, 226, 000	8, 000, 000	8, 000, 000	(10)	(10)
Subtotal	15, 531, 000	13, 118, 000	8, 000, 000	8, 000, 000		
Total	501, 783, 000	497, 268, 000	571, 640, 000	566, 640, 000	579, 140, 000	570, 390, 000
Programs for the aging						
1. State grants	13, 000, 000	13, 000, 000	15, 200, 000	15, 200, 000	15, 200, 000	15, 200, 000
2. Foster grandparents program	9, 250, 000	8, 817, 000	10, 000, 000	10, 000, 000	11, 000, 000	10, 500, 000
3. Research and training	6, 110, 000	5, 942, 000	6, 800, 000	6, 800, 000	7, 450, 000	7, 450, 000
White House Conference on Aging	(250, 000)	(250, 000)	(1, 000, 000)	(1, 000, 000)	(1, 650, 000)	(1, 650, 000)
4. Retired Senior Volunteer program (RSVP)					1, 000, 000	500, 000
Total	28, 360, 000	27, 759, 000	32, 000, 000	32, 000, 000	34, 650, 000	33, 650, 000
Juvenile Delinquency Prevention and Control	10, 000, 000	10, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000	15, 000, 000
Research and Training						
1. Research and demonstrations:						
(a) Rehabilitation	21, 425, 000	20, 603, 000	22, 360, 000	21, 860, 000	21, 860, 000	21, 860, 000
(b) Social services	3, 500, 000	3, 289, 000	6, 000, 000	4, 500, 000	4, 500, 000	4, 500, 000
(c) Income maintenance experiments	8, 000, 000	8, 000, 000	12, 000, 000	8, 000, 000	10, 000, 000	9, 000, 000
Subtotal	32, 925, 000	31, 892, 000	40, 360, 000	34, 360, 000	36, 360, 000	35, 360, 000
2. Training	27, 700, 000	27, 700, 000	27, 700, 000	27, 700, 000	27, 700, 000	27, 700, 000
3. Special centers	10, 875, 000	10, 331, 000	13, 375, 000	13, 375, 000	15, 375, 000	13, 375, 000
Total	71, 500, 000	69, 923, 000	81, 435, 000	75, 435, 000	79, 435, 000	76, 435, 000
Social and Rehabilitation Activities Overseas (Special Foreign Currency Program)	2, 000, 000	2, 000, 000	7, 000, 000	4, 000, 000	4, 000, 000	4, 000, 000
Salaries and Expenses	28, 645, 500	28, 645, 500	37, 829, 000	35, 457, 000	33, 390, 000	34, 457, 000
Less trust fund transfer	−360, 000	−360, 000	−390, 000	−390, 000	−390, 000	−390, 000
Total	28, 285, 500	28, 285, 500	37, 439, 000	35, 067, 000	33, 000, 000	34, 067, 000
Total, Social and Rehabilitation Service	8, 317, 132, 500	8, 292, 119, 500	9, 566, 464, 000	9, 500, 092, 000	9, 495, 175, 000	9, 483, 492, 000
SOCIAL SECURITY ADMINISTRATION						
Federal Funds						
Payments to Social Security Trust Funds						
1. Matching payments for supplementary medical insurance	928, 151, 000	928, 151, 000	1, 245, 282, 000	1, 245, 282, 000	1, 245, 282, 000	1, 245, 282, 000
2. Hospital insurance for uninsured	617, 262, 000	617, 262, 000	878, 688, 000	878, 688, 000	878, 688, 000	878, 688, 000
3. Military service credits	105, 000, 000	105, 000, 000	105, 000, 000	105, 000, 000	105, 000, 000	105, 000, 000
4. Retirement benefits for the uninsured	364, 151, 000	364, 151, 000	370, 916, 000	370, 916, 000	370, 916, 000	370, 916, 000
Total	2, 014, 564, 000	2, 014, 564, 000	2, 599, 886, 000	2, 599, 886, 000	2, 599, 886, 000	2, 599, 886, 000
Special Benefits for Disabled Coal Miners	7, 250, 000	7, 250, 000	[11](153, 000, 000)	(12)	(12)	(12)
Total, Federal funds	2, 021, 814, 000	2, 021, 814, 000	2, 599, 886, 000	2, 599, 886, 000	2, 599, 886, 000	2, 599, 886, 000
Trust Fund						
Limitation on Salaries and Expenses	(934, 369, 000)	(934, 369, 000)	(997, 461, 000)	(997, 461, 000)	(997, 461, 000)	(997, 461, 000)
Limitation on Construction			(2, 800, 000)	(2, 800, 000)	(2, 800, 000)	(2, 800, 000)
Obligations	(5, 004, 000)	(5, 004, 000)	(13, 096, 000)	(13, 096, 000)	(13, 096, 000)	(13, 096, 000)
Total, Social Security Administration	2, 021, 814, 000	2, 021, 814, 000	2, 599, 886, 000	2, 599, 886, 000	2, 599, 886, 000	2, 599, 886, 000

See footnotes at end of table.

XUM

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity (1)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] (2)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction (3)	Budget estimates of new budget (obligational) authority fiscal year 1971 (4)	House a'lowance (5)	Senate allowance (6)	Conference agreement (7)
SPECIAL INSTITUTIONS						
American Printing House for the Blind	$1,404,000	$1,404,000	$1,476,000	$1,557,000	$1,517,000	$1,517,000
National Technical Institute for the Deaf						
1. Academic program	2,851,000	2,851,000	3,608,000	3,608,000	3,608,000	3,608,000
2. Construction			16,136,000	16,136,000	16,136,000	16,136,000
Subtotal	2,851,000	2,851,000	19,744,000	19,744,000	19,744,000	19,744,000
Model Secondary School for the Deaf						
1. Academic program	427,000	427,000	2,182,000	2,182,000	2,182,000	2,182,000
2. Construction	351,000	351,000	250,000	250,000	2,250,000	250,000
Subtotal	778,000	778,000	2,432,000	2,432,000	4,432,000	2,432,000
Gallaudet College						
1. Academic program	4,494,000	4,494,000	5,570,000	5,470,000	5,825,000	5,697,000
2. Construction	1,106,000	1,106,000	1,400,000	1,400,000	1,400,000	1,400,000
Subtotal	5,600,000	5,600,000	7,150,000	6,870,000	7,225,000	7,097,000
Howard University						
1. Academic program	21,109,000	21,109,000	24,000,000	24,000,000	24,000,000	24,000,000
2. Construction	30,410,000	30,410,000	1,000,000	1,000,000	1,000,000	1,000,000
3. Freedmen's Hospital	9,875,000	9,875,000	11,185,000	11,185,000	11,185,000	11,185,000
Subtotal	61,394,000	61,394,000	36,185,000	36,185,000	36,185,000	36,185,000
Total, special institutions	72,027,000	72,027,000	66,987,000	66,788,000	69,103,000	66,975,000
OFFICE OF CHILD DEVELOPMENT						
1. Research and demonstrations			8,500,000	3,500,000	5,000,000	3,500,000
2. White House Conference on Children and Youth	400,000	400,000	600,000	600,000	600,000	600,000
3. Administration and technical assistance	1,507,000	1,507,000	2,355,000	1,817,000	1,817,000	1,817,000
4. Headstart	[13] (326,000,000)	[13] (326,000,000)	[13] (339,000,000)	[13] (321,300,000)	[13] 398,000,000	[14] (360,000,000)
Total	1,907,000	1,907,000	11,455,000	5,917,000	[13] 405,417,000	5,917,000
DEPARTMENT MANAGEMENT						
Office for Civil Rights	6,666,000	6,666,000	8,874,000	8,874,000	8,874,000	8,874,000
Less trust fund transfer	−856,000	−856,000	−947,000	−947,000		−947,000
Total	5,810,000	5,810,000	7,927,000	7,927,000	8,874,000	7,927,000
DEPARTMENTAL MANAGEMENT						
1. Executive direction	6,523,000	6,523,000	8,299,000	7,637,000	7,637,000	7,637,000
2. Public information	691,000	691,000	729,000	729,000	729,000	729,000
3. Community and field services	4,223,000	4,223,000	5.415,000	5,096,000	5,096,000	5,096 000
4. Legal services	4,063,000	4,063,000	4,488,000	4,420,000	4,420,000	4,420,000
5. Financial management:						
(a) Audit	11,455,000	11,455,000	12,917,000	12,774,000	12,774,000	12,774,000
(b) Other	2,246,000	2,246,000	2,477,000	2,375,000	2,375,000	2,375,000
6. National Summer Youth	[15] 3,000,000	[15] 3,000,000				([15])
7. Administrative management	5,984,000	5,984,000	7,144,000	6,405,000	6,405,000	6,405,000
8. Surplus property utilization	1,380,000	1,380,000	1,456,000	1,389,000	1,389,000	1,389,000
Subtotal	39,565,000	39.565,000	42,925,000	40,825,000	40,825,000	40,825,000
Less trust fund transfer	−5,429,000	−5,429,000	−5,855,000	−5,725,000	−5,725,000	−5,725,000
Total	34,136,000	34,136,000	37,070,000	35,100,000	35,100,000	35,100,000
Total, departmental management	39,946,000	39,946,000	44,997,000	43,027,000	43,974,000	43,027,000
Total, HEW	13,517,791,500	13,370,994,000	15,357,955,000	15,486,915,000	[4] 16,216,575,078	[8] 15,570,772,000

TITLE III—RELATED AGENCIES

National Labor Relations Board	$38,522,000	$38,522,000	$37,930,000	$39,430,000	$39,430,000	$39,430,000
National Mediation Board	2,353,000	2,353,000	2,394,000	2,394,000	2,394,000	2,394,000
Railroad Retirement Board:						
Payment for military service credits	19,206,000	19,206,000	19,969,000	19,969,000	19,969,000	19,969,000
Limitation on salaries and expenses	(16,162,000)	(16,162,000)	(16,740,000)	(16,740,000)	(16,740,000)	(16,740,000)
Federal Mediation and Conciliation Service	9,027,000	9,027,000	9,508,000	9,508,000	9,508,000	9,508,000
U.S. Soldiers' Home (trust fund appropriation):						
Operation and maintenance	9,445,000	9,455,000	9,822,000	9,822,000	9,822,000	9,822,000
Capital outlay	170,000	170,000	128,000	128,000	128,000	128,000

See footnotes at end of table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1971, H.R. 18515—Continued

TITLE III—RELATED AGENCIES—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity (1)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] (2)	New budget (obligational) authority fiscal year 1970 (enacted to date) [1] after 2-percent reduction (3)	Budget estimates of new budget (obligational) authority fiscal year 1971 (4)	House allowance (5)	Senate allowance (6)	Conference agreement (7)
ECONOMIC OPPORTUNITY PROGRAM						
Community Development Programs:						
(a) Research, development and evaluation	$75, 600, 000	$75, 600, 000	$118, 300, 000	$114, 600, 000	$114, 600, 000	[20] $114, 600, 000
(b) Health and nutrition programs	155, 200, 000	155, 200, 000	176, 800, 000	195, 300, 000	195, 300, 000	195, 300, 000
(c) Legal services programs	53, 800, 000	53, 800, 000	63, 400, 000	61, 400, 000	65, 400, 000	61, 400, 000
(d) Community action operations	382, 100, 000	382, 100, 000	384, 600, 000	388, 600, 000	388, 600, 000	[21] 388, 600, 000
(e) Special impact program	36, 800, 000	36, 800, 000	32, 100, 000	37, 100, 000	39, 100, 000	37, 100, 000
(f) Migrant program	30, 900, 000	30, 900, 000	35, 500, 000	35, 500, 000	35, 500, 000	35, 500, 000
(g) VISTA	35, 000, 000	35, 000, 000	38, 500, 000	36, 500, 000	36, 500, 000	36, 500, 000
Subtotal	769, 400, 000	769, 400, 000	849, 200, 000	869, 000, 000	875, 000, 000	869, 000, 000
Work and training programs	(753, 900, 000)	(753, 900, 000)	(802, 000, 000)	(760, 100, 000)	([16])	([16])
Child development programs:						
(a) Head Start	326, 000, 000	326, 000, 000	339, 000, 000	321, 300, 000	([18])	360, 000, 000
(b) Follow Through	70, 300, 000	70, 300, 000	69, 000, 000	70, 400, 000	([18])	69, 000, 000
Subtotal	396, 300, 000	396, 300, 000	408, 000, 000	391, 700, 000		429, 000, 000
Rural loan program	9, 400, 000	9, 400, 000	5, 000, 000	9, 400, 000	9, 400, 000	9, 400, 000
General support	16, 000, 000	16, 000, 000	16, 000, 000	16, 000, 000	16, 000, 000	16, 000, 000
Total	[16] 1, 191, 100, 000	[16] 1, 191, 100, 000	[16] 1, 278, 200, 000	[16] 1, 286, 100, 000	[17] 900, 400, 000	[19] 1, 323, 400, 000
Federal Radiation Council	132, 000	132, 000	144, 000	144, 000	144, 000	144, 000
President's Committee on Consumer Interests	460, 000	460, 000	810, 000	810, 000	810, 000	810, 000
National Commission on Product Safety	1, 475, 000	1, 475, 000				
President's Council on Youth Opportunity	300, 000	300, 000	300, 000	300, 000	300, 000	300, 000
Cabinet Committee on Opportunities for Spanish-Speaking People	537, 000	537, 000	675, 000	675, 000	675, 000	675, 000
Payment to the Corporation for Public Broadcasting	15, 000, 000	15, 000, 000	22, 500, 000		27, 500, 000	23, 000, 000
National Credit Union Administration			500, 000		500, 000	
Total, new budget (obligational) authority, related agencies	1, 287, 727, 000	1, 287, 727, 000	1, 382, 880, 000	1, 369, 280, 000	1, 011, 580, 000	1, 429, 580, 000
Grand total, appropriations	16, 649, 468, 530	16, 502, 671, 030	18, 759, 377, 000	18, 824, 663, 000	19, 239, 514, 078	[4] 18, 969, 392, 500
Consisting of—						
Definite appropriations	16, 618, 589, 530	16, 471, 792, 030	18, 722, 553, 000	18, 790, 339, 000	19, 200, 190, 078	18, 932, 068, 500
Indefinite appropriations	30, 879, 000	30, 879, 000	36, 824, 000	34, 324, 000	39, 324, 000	37, 324, 000
Grand total, contract authorization					30, 000, 000	30, 000, 000
Grand total, new budget (obligational) authority	16, 649, 468, 530	16, 502, 671, 030	18, 759, 377, 000	18, 824, 663, 000	19, 269, 514, 078	18, 999, 392, 500

[1] 1970 appropriations are adjusted to be comparable to the 1971 estimates.

[2] Includes work and training activities transferred from Office of Economic Opportunity.

[3] Includes budget amendment of $5,140,000; not considered by House.

[4] In addition, the Senate included $30,000,000 of contract authority for hospital construction which was agreed to in conference.

[5] Excludes $30,000,000 of contract authority for hospital construction agreed to in conference.

[6] Reflects transfer of Follow Through program from Office of Economic Opportunity.

[7] Conference appropriated Follow-Through to OEO.

[8] To support NIH research facilities at the laboratory and supporting facilities at Fort Detrick, Frederick, Md.

[9] The proposed general provision limiting social services administration, and training to 115 percent of the 1970 budget estimate was included in the bill.

[10] The $8,000,000 for "Facilities for the mentally retarded" is included under "Services for the mentally retarded." These funds are part of the $13,215,000 earmarked in the Senate appropriation bill for grants under pt C of the newly enacted Developmental Disabilities Services and Facilities Construction Act. Conference agreed to $11,215,000.

[11] Tentative estimate. Supplemental will be submitted as soon as final estimate can be made.

[12] Open-ended: obligations authorized to be charged to subsequent appropriations.

[13] Reflects transfer of Headstart program from Office of Economic Opportunity.

[14] Conference appropriated Headstart to OEO.

[15] Represents Office of Economic Opportunity funds administered by the President's Council on Physical Fitness and Sports in fiscal year 1970.

[16] Reflects transfer of work and training programs to Department of Labor.

[17] Reflects transfer of work and training activities to the Department of Labor, and child development programs to the Department of Health, Education, and Welfare.

[18] Senate action provided separate appropriation for these programs as follows: Headstart (HEW, Office of Child Development) $398,000,000. Follow Through (HEW, Office of Education) $70,400,000.

[19] Directs that the National Summer Youth Sports Program be funded at the 1970 level ($3,000,000).

[20] Includes: $18,600,000 for Family Planning, $48,900,000 for Emergency Food and Medical Services, $12,800,000 for Alcoholism, $12,800,000 for Narcotics, $99,400,000 for Comprehensive Health Services, and $2,800,000 for Program Direction.

[21] Includes: $328,900,000 for Economic Opportunity Act (EOA) Section 221 Community Action Programs, $6,900,000 for Senior Services Programs and $52,800,000 for State Economic Opportunity Offices, Training and Technical Assistance, and Program Direction.

Mr. MAGNUSON. Mr. President, I shall make only a few brief remarks.

First of all, I wish to state for the record that there has been no intentional delay on the HEW conference report. There have been some suggestions made that the Senator from Washington might have been holding it up pending a decision or a solution of the problem in connection with the Department of Transportation appropriations. That is not correct. The Senator from New Hampshire and I have been urging for almost 2 weeks that we would be glad to bring it up at any time that the leadership wanted to bring it up, and we urged that it be done.

This is a very important bill. It involves a lot of money. The distinguished present occupant of the chair (Mr. WILLIAMS of New Jersey) has been deeply involved in some of the matters in the bill.

We separated the education part of the appropriation and passed that earlier, so that school districts, boards of education, and educators could arrange their budgets consistent with what we would appropriate, which they did. Then we proceeded with the other parts of the bill, which included the appropriation for the Department of Labor, which is a large amount, and then, of course, health and welfare matters. OEO is in this bill, and, as usual, we had some problems about just what everyone wanted to do, including the administration, about the future of OEO.

We heard many, many witnesses. The Senator from New Hampshire and I, and the other members of the committee, spent many hours listening to witnesses, and not just people who wanted to come in off the street, so to speak, and testify about the bill, but the knowledgeable people who are involved in the great complex operation of HEW.

The total appropriations allowed in conference for the Departments of Labor, Health, Education, and Welfare is $18,969,392,500. This sum is $2,466,721,470 over the comparable appropriations for 1970, is $210,015,500 above the total budget estimates for fiscal year 1971, is $270,121,578 under the total sum recommended by the Senate, and $144,729,500 above the amount allowed by the House.

Yesterday we had a great deal of discussion about what a conference is about, and a conference is literally the sort of matters that are decided on money for programs, such as are contained in this bill. In many instances, we insisted on several items that we thought were important, which involved priorities. The conference report is $144 million above the amount allowed by the House.

In my judgment, it is a good bill; it is a good compromise. The amounts provided for some items are not entirely to the satisfaction of every Member of the Senate. However, in the main, there will be adequate funds to meet necessary expenses of the Departments of Labor, and Health, Education, and Welfare, and related agencies in fiscal year 1971. "Related agencies" means several independent agencies for which we have to appropriate money.

As Senators know, the rate of expenditures since June 29 has been under a continuing resolution of Congress, and will be until such time as the pending bill becomes law.

Major items that were increased by the Senate and were reduced in conference are the following. At this time, Mr. President, in order to save time, I ask unanimous consent to have these figures printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECREASES FROM SENATE

	House	Senate	Conference	Decrease
Labor:				
Labor-Management Services Administration	$16,500,000	$16,700,000	$16,600,000	−$1,000,000
Wage and Labor Standards Administration	45,000,000	45,531,000	45,212,500	−318,500
HEW:				
Food and Drug Administration	89,549,000	90,399,000	89,549,000	−850,000
Environmental Health Service	162,827,000	176,747,000	170,717,000	−6,030,000
Health Services and Mental Health Administration	1,384,090,000	1,459,495,078	1,422,410,000	−37,085,078
National Institutes of Health	1,634,739,000	1,805,979,000	1,688,799,000	−117,180,000
Social and Rehabilitation Service	9,500,092,000	9,495,175,000	9,483,492,000	−11,683,000
Related agencies:				
Office of Economic Opportunity:				
Headstart	321,300,000	398,000,000	360,000,000	−38,000,000
Follow through	70,400,000	70,400,000	69,000,000	−1,400,000

Mr. MAGNUSON. If any Member of the Senate wishes to ask questions about any items later, we can discuss it.

Mr. President, as usual this was a difficult conference—and Senator COTTON, the ranking Republican and myself worked hard—as did all the Senate conferees—in providing as much of the Senate increases as were possible in the areas of greatest need. We were pitted against both the House conferees and the administration as they pressed for figures that were much lower than ours. We were also trying to arrive at a total figure that would be acceptable to the President, a figure in the bill that the President would sign and not veto as he has done with the last two bills this committee has agreed to in conference.

We believe this bill should be acceptable to the President.

We believe the President should sign this bill, so all those affected can get their money and we can proceed in providing job opportunities, health care service to millions of Americans, research that will sustain the lives of people around the world who now die from the major killers, such as cancer and heart disease, and also that the welfare and well-being of our aged and our young can be sustained and improved.

We are just as disappointed as some Members are that we could not do better in providing a larger sum in some areas, but we had to take this in the context of what our capabilities are to do this job. I am particularly disappointed that we were not able to provide more money for health manpower.

Surely, the final figure in this bill is inadequate, but we will be back in this coming fiscal year to see if more can be done. I am hopeful that the administration and the House will have a better understanding of the critical needs in this area in the future. If we are to solve our crisis in health care and provide a workable health delivery system, this problem of health manpower must be resolved. The longer we delay, the more difficult the solution becomes.

We will put in the RECORD the major increases over the House that were allowed in conference.

In order to save time, all this material can go into the RECORD, and Senators who wish to discuss or expand on the items which they feel are important can do so.

Senate increases over House allowances

Air pollution:	
Assistance to States and local agencies	$1,250,000
Training of technical personnel	500,000
Environmental control:	
Solid waste disposal	500,000
Community water supply study	500,000
Federal Coal Mine Health and Safety Act	5,140,000
Mental health:	
Staffing grants	10,000,000
Hospital improvement projects	1,000,000
Maternal and child health:	
Dental health projects for children	320,000

I might note here that the Supplemental Subcommittee on Appropriations has included in the Senate bill, additional funds for drug and alcohol treatment, and education. I commend the Senator from West Virginia (Mr. BYRD) for his leadership in this critical area of need.

Regional medical programs:	
Mobile coronary care services	$3,000,000
Cancer center (Northwest)	5,000,000
Kidney disease treatment centers	2,000,000
Communicable diseases: Those showing increased incident	2,000,000
Medical facilities construction:	
D.C. Medical Facilities	15,000,000
(A new program that authorizes the Secretary of HEW to establish a revolving fund and make commitments to public agencies in lieu of direct (+$30,000,000) loans without an actual appropriation. (This will be in form of contract authority.))	
National Institutes of Health:	
Cancer	3,000,000
Heart and Lung	15,000,000
Neurological Diseases and Stroke	5,000,000
Health Manpower	---------
Health manpower: Institutional support	9,000,000
Student assistance:	
Loans	4,500,000
Traineeships	1,000,000
Scholarships	500,000

Included in the increase of $15,000,000 over the House allowance for Health Manpower is an increase of $500,000 for institutional support for public health training. It is our intent that this $500,000 increase be allocated to fund formula grants to schools of public health.

Dental health: Research grant program	$60,000
Construction: Health educational research on library facilities of which $13.5 million will go to medical, dental, and related construction and $1.5 million will be for nursing construction	15,000,000
National Library of Medicine:	
Library operation and grant programs	500,000
Lister Hill biomedical communications	500,000
Rehabilitation services and facilities:	
Construction of rehabilitation facilities	1,750,000
Facilities and services for the mentally retarded and other developmentally disabled	2,000,000
Programs for the aging:	
Foster grandparents	500,000
Retired senior volunteer program	500,000
White House Conference on Aging	650,000
Research and training: Income maintenance experiments	1,000,000
Special institutions: Gallaudet College	227,000
Related agencies, economic opportunity program: Headstart (for a total appropriation of $360,000,000)	38,700,000

Corporation for Public Broadcasting:	
Payment to Corporation	20,000,000
Matching grants	3,000,000
Total	23,000,000

In the Department of Labor, we were able to get a little more money for labor-management policy development, for the reporting and disclosure laws, for the Age Discrimination and Employment Act, in which the present occupant of the Chair, the distinguished Senator from New Jersey (Mr. WILLIAMS) is deeply interested and has done yeoman work, and for the enforcement of the Construction Safety Act. We were also able to add a few dollars for the employment of the handicapped program, as well as a new program for providing jobs for returning veterans.

In the area of health, some of the Senate increases prevailed on such programs as air pollution, assistance to States and local agencies, training of technical personnel. We increased environmental control for solid waste disposal, community water supply study, and a special item, the Federal Coal Mine Health and Safety Act, which was provided by a special piece of legislation by this Congress, this session.

As to mental health, all of us were concerned, particularly the Senator from New Hampshire and I and other members of the committee, in trying to get more money for staffing grants. We think the community mental health centers are understaffed. We did get a rather substantial increase to do that job—not as much as we would like—and also, a small increase on hospital improvement projects.

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With respect to maternal and child health—this is one of the items in the bill we found out some amazing things in our testimony. We learned that almost one-half of the children in the United States never see a dentist before they are 8 years old.

We think this is a field we have to explore further and provide the means to take care of children's dental problems. This will save money in the long run, not only for their parents and themselves but also for the Government. This is a preventive program.

I might also note that the Supplemental Subcommitte on Appropriations has included in the Senate bill additional funds for drug and alcoholic treatment and drug education. I commend the Senator from West Virginia (Mr. BYRD) for his leadership in this critical area of need.

In the regional medical programs, we are somewhat on the plus side. With respect to mobile coronary care services, which is very important in many communities in the United States, we think we have sufficient funds to keep them moving. For cancer centers, we have established an opportunity for new centers, also kidney disease treatment centers.

In the field of other diseases, communicable diseases, we did not agree on the amount we would like, but we are on the plus side.

Then we got more money for the District of Columbia medical facilities. We also provided a program that authorizes the Secretary of Health, Education, and Welfare to establish a revolving fund and to make commitments to the public agencies in lieu of direct loans without an actual appropriation. This will be in the form of a contract authority, and we provided $30 million for this. This includes all medical facilities in the District and in the several States.

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Mr. President (Mr. GRIFFIN), with respect to the National Institutes of Health—there are 11 institutes—the House did a good job in adding more money for research in cancer. In fact, it was a great deal above what anyone expected, and we were able to add some $3 million to that dread disease.

Now, heart and lung—there was a great deal of testimony in the committee by many Members of the Senate and others that this is a place where we should do more, and we did in the Senate bill, and the House finally agreed to another $15 million for research in that field, which is now up over 1970.

In the neurological diseases and stroke, we have added another $5 million. But then again on the health manpower, we had some problems, but this was the best we could do.

On institutional support, including student assistance, loans, traineeships, and scholarships, a $15 million increase. There we found that we needed to do more about this. We are about 50,000 doctors and 150,000 nurses short in the United States. In dentists, the ratio is even more. So we are trying to embark upon a policy of appropriating money to train more people to be medical and dental assistants and to encourage more people to go into medical and dental schools as well as nursing schools, and we provided traineeships and regular scholarships in that field.

Included in the increase of $15 million over the House allowance for health manpower is an increase of $500,000 for institutional support for public health training. It is our intent that this $500,000 increase be allocated to fund formula grants to schools of public health. Dental health research is lagging, but I think both House and Senate are cognizant of it, and when the new budget comes up, we will try to do more.

In construction, we zeroed in on the health educational research and library facilities; $13.5 million will go to medical and dental related construction. It is a small amount but there was not much the Senator from New Hampshire and I and the rest of us could do about it. There is a small amount for construction for nursing facilities.

In the National Library of Medicine we now have sufficient money, in the library operation and grant programs, and in the new Lister Hill biomedical communications system, which is an exciting program. On rehabilitation services and facilities, we added a great deal to the budget for facilities; also for the mentally retarded and other developmentally disabled people. Then we added an amount to Programs for the Aging to really get the program off the ground, to what we call the foster grandparents, the retired senior volunteer program, and the White House Conference on Aging.

On related agencies, we provided a sizable increase on the OEO program. Headstart receives an additional appropriation of $38,700,000 from this conference.

Mr. President, I am sure that the Senator from Massachusetts (Mr. KENNEDY) is interested in my last statement about the Headstart matter. We had the assurances in the conference that, come next year, we will appropriate the money to the agencies that run the program, because that makes sense.

Now on the Corporation for Public Broadcasting, we have provided a sufficient amount for those people to do the kind of job they are doing. There was some criticism, naturally, of the programing, but, by and large, I think they are doing a good job. Some $23 million, which includes matching, will get them off to a good start. They are only a year and a half old. They already made a great impact on broadcasting programs and their integration into the television system of the United States. The Senator from Washington had a deep interest in this matter as the father of the bill that established the Corporation on Public Broadcasting.

Now, Mr. President, the Senate conferees did much to persuade their counterparts in the House to accept the additional $144,729,500 that was not in the House bill.

The House conferees agreed with the Senate that manpower training activities should be consolidated, and, that the appropriation should go directly to the Labor Department for its administration of the $1.5 billion program.

The conferees decided that Headstart and Follow Through would be funded through OEO for this final year—but will expect funds to be appropriated directly to HEW beginning in the next fiscal year.

CONCLUSION

Mr. President, in closing, let me state that I thought the Senate bill was a good one. The conference report before you, today, provides for a good bill. However, the health industry is destined to become the Nation's largest employer in the next few years, and, today, it faces too many problems.

I repeat, there is a severe shortage of trained personnel, lack of adequate facilities and many arguments about the way it organizes and delivers health care. The most severe problem is sharply rising health costs so evident in the medicare and medicaid programs. I read only yesterday that the District of Columbia hospitals are going to increase the charge per day for a room in the hospital, I think some $4 to $10 per day. The national average now is more than $55 a day and that does not include special services for X-rays, drugs, or doctors' fees, and so forth.

This is a very serious problem. Probably it can only be solved by some kind of national health insurance program.

There is a severe shortage also in many other fields. There is a shortage in the dental field. We even had some discussion about veterinarians in the conference. There is a severe shortage of trained personnel, lack of adequate facilities, and many arguments about the way it organizes and delivers health care. But its most severe problem is sharply rising health costs—so evident in the medicare and medicaid programs.

The administration, the Congress, the State and local governments, the insurance industry, the consumer and, yes, the health industry itself must all show an increasing concern with solving the problems and the issues. This may require a stronger commitment—a rearranging of priorities if we are to provide for goals of excellence in health care.

The United States was once third in life expectancy among major nations of the world. We have slipped to 10th now in this ranking.

Infant mortality continues to be a national embarrassment.

The consumer finds himself fighting a losing battle in trying to finance his medical expenditures. Health insurance premiums have risen 10 percent a year or more for the last 10 years. We talk about inflation. This is the biggest inflationary facet we have in our economy. However, private health insurance continues to pay only about one-third of the total bill. The consumer still pays over 40 percent of medical expenses out of his hip pocket.

Government outlays have been increasing for the aged and poor, but these programs are far from being perfected and the burden on the taxpayer is being sorely felt.

There is an old adage that says "the sick get poorer, the poor get sicker."

My point is, Mr. President, that unless we all do more, this adage could well apply to too many Americans in a short period of time. It applies to too many now—here and around the world. Perhaps—just perhaps—we did not do enough in this bill. But I think we made a solid start toward those goals.

Mr. COTTON. Mr. President, I will not delay the Senate by any extended remarks on the conference report. It has been adequately and, in fact, most carefully covered in his usual thorough and accurate manner by the distinguished chairman of the subcommittee, the Senator from Washington (Mr. MAGNUSON). I want to emphasize two or three points. One point that I want to emphasize first—and this is not in the usual spirit of senatorial courtesy and throwing bouquets—is that I want to again testify to the Senate concerning my admiration for the leadership the Senator from Washington, the chairman of the subcommittee, has given in dealing with this bill which is every year one of the most perplexing and most difficult bills to deal with. Knowing that he was distracted by illness in his family and the burden of his work as chairman of the other committee on which I serve, the Commerce Committee, I marvel at the patience and the thorough manner in which he has dealt with this very difficult bill. I cannot be too lavish in my sincere praise and appreciation for him.

Mr. MAGNUSON. Mr. President, would the Senator yield?

Mr. COTTON. I yield.

Mr. MAGNUSON. Mr. President, I deeply appreciate the Senator's remarks. However, the Senator from Washington took over this bill only 2 years ago. The Senator from New Hampshire has always been a member of this committee. He sat through many hours and heard the testimony of many hundreds of witnesses.

I must say, as long as we are exchanging compliments, that without his advice I do not think we would have had the kind of bill we now have.

Mr. COTTON. Mr. President, I thank the Senator. He is most kind. It is a privilege to work with him.

Mr. President, the first thing that the Senate should bear in mind, I think, when it considers this conference report is that the bill, as has been stated by the chairman, is just under $19 billion. It is one of the largest appropriations. When we add to it education, it is second in size only to the national defense.

The thing that I want every Senator to bear in mind is that out of the nearly $19 billion in this bill as it comes to us from the conference committee, more than $11 billion is in uncontrollables.

The Committees on Appropriations and the Congress itself, and even the President, are unable to control, omit, or change the amount.

Mr. President, these are fixed amounts. They have fixed obligations. This figure, of course, does not include the trust funds. They, too, are fixed and uncontrollable. They are beyond and outside of this bill. They are fixed charges in which in most cases the Federal Government is obligated to meet and pay its share, whatever that cost may be, as incurred by the States and other subdivisions. That makes it very difficult.

I observe the distinguished Senator from New York in the Chamber. Until last year, the Senator from New York served on this subcommittee before he went on from the Appropriations Subcommittee to the Foreign Relations Committee, I believe it was. He is thoroughly aware of this situation.

The Senator from New York, the Senator from Massachusetts (Mr. KENNEDY), and various other Senators appealed to our subcommittee and appealed in the interest of some very necessary and some very vital programs that are necessary if we are going to preserve or, we might say, restore the physical and mental health of this country and if we are going to give in some increased measure an opportunity for the children and youth of this Nation to have a chance in life to grow up physically sound and to grow up with educational opportunities and opportunities to better themselves and to be taken from the oppressive conditions under which they exist.

Let me emphasize that we on the committee—and I am sure that I speak for the chairman and for every member of the subcommittee and for every conferee—are not in the least impervious to the justice and the righteousness of these demands. But the fact remains that some of us made an attempt before the bill left the Senate simply to place some restriction on the carte blanche growing cost of administration of welfare in this country, where the authority is an open-ended authority and any State can put on all kinds of help and increase the large numbers of people who are administering welfare and we in Congress, the Federal Government, and the President in the White House have no choice but to meet that demand.

I want to say very seriously, and the same is true in a sense with respect to medicaid and other charges that are uncontrollable and which keep growing, that it is going to be very difficult for us to do what we want to do and should do in these very necessary and special causes because we have such a narrow leeway of dollars with which to work.

Mr. President, the chairman of the committee has reported that in conference our conferees succeeded in getting the House to concede to us and restore $144 million. What he may have added, and I did not hear whether he did or not, is that that means the final conference report runs $210 million above the President's budget.

Now, if the conferees had gone just a little further we would have had a bill with a quarter of a billion dollar increase over the President's budget. Congress has its responsibility and none of us feels justified in any sense in subordinating his own convictions because of any suggested or implied veto, and as far as I know there was no threat of veto in this case. But as a practical matter, and it is especially true as we come to the end of this fiscal year—and the time of the fiscal year goes only to the end of next June—we have to bear in mind the catastrophe that would occur if we had to go through another process of veto by the Executive and then action in response by Congress in either overriding the veto or sustaining the veto and trying to redraft the bill. Those are the practical matters.

I feel that recently we have asserted our responsibility. The committee placed in this bill money to satisfy every pressing need, insofar as we had the wherewithal to do it.

We emphasized when we went into conference, as the Senators have gathered from the words of the chairman, that there were certain things we would fight for. One of the things we emphasized most was health-manpower. We tried to strain every nerve to deliver health services to this country. It is of little use to spend billions upon billions of dollars over the year in research and in training researchers, and in discovering and perfecting new methods of cures and treatments if we do not find some way to get the results of all that research and the results of all those advances in medical and surgical procedures, in science, and in sanitation to the people. It is somewhat like having a beautiful spring of pure water up on the hill and no pipe to bring it down to the home.

So we tried and we succeeded in getting the House to concede a great deal in that field. It has been very encouraging to the Senator from New Hampshire to have the medical profession, instead of constantly shouting they have to uphold their standards and that they cannot compromise, agree with the committee that without cutting corners and sacrificing skills, a few less years can be taken out of a young man's life before he can begin to treat patients and practice his profession.

The matter of 4 years in college, 4 years in medical school, all the years in internship and in residency means that the scarcity of doctors is growing and growing. Something is being done about that. We tried to secure money, and we did secure more, but not as much as we had hoped for, to open up the doors of the medical schools of this country to young men and women to become doctors.

In addition to that, along the same lines we dealt with the matter of assistants to doctors, bringing in, for instance, and utilizing those young men who are coming out of the service who have had several years of experience in the Medical Corps in the Army, to assist in operations, treatments, and sanitation. A great deal can be done in the crowded parts of the cities and the sparsely populated parts of our country, where in town after town and village after village—as the Senator from Vermont will agree—it is impossible to secure the services of a doctor. It does not mean we are going to let down the barriers and let people practice medicine who are not qualified.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MAGNUSON. Another program which we think is very exciting is that the deans of all the medical schools came in and agreed that it is entirely possible to pick up some of this shortage of physicians or dentists without lowering the standards, to decrease the amount of time that a young medical student has to spend, the 6 or 8 years before he becomes a doctor, because if he gets to help as a

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physician's assistant, or as a corpsman, this would alleviate some of that shortage. A young fellow who does not have the money or backing financially, if he has to spend 8 years on a loan, he will spend the next 10 years trying to find out how he can pay back the loan. So, therefore, he concentrates on the place where he may be least needed but can do better financially. We have an exciting program starting whereby at least 1 year can be cut from the period of learning. The Senator from New Hampshire and I were pleased with the reception we got from the medical schools and the medical profession.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COTTON. Certainly.

Mr. JAVITS. I am sorry I interrupted the Senator before.

Mr. COTTON. The Senator from New York interrupted me at my request.

Mr. JAVITS. I have other questions and other matters which I shall touch upon on my own time. I think what the Senator has done is critically important, because we in the Labor and Public Welfare Committee—and I am the ranking Republican member on the committee—know that no matter what we would do in the way of expanding medical schools, and the per capita cost is unbelievable, the real problem we have to cope with is the shortage of doctors, and the maldistribution of the doctors. I am glad the Appropriations Committee has worked on it. The cooperation between the committees could not be better. But I think we not only have to think about shortening the time it takes to become a physician, as the Senator from Washington (Mr. MAGNUSON) has said, but also about providing assistants to physicians.

Senators may be aware of the Felsher system in the Soviet Union, which utilizes paraprofessionals to provide health care. We may as well be frank here in the United States. We all admire our doctors and respect medicine as a profession, but I do not think they understand the real spirit of the antitrust laws. I say that euphemistically, but it is true. What we are trying to do is have the cooperation of the medical profession to develop physician assistants and otherwise relieve the problem of physician shortage and maldistribution. Nobody is talking about defying the medical profession or being antagonistic to physicians, but the medical manpower shortage is so real and so great that we are going to have to find someway to make the decision to overcome the problem rather than look to them to make it.

Also, we are going to have to provide some condition to those receiving Federal financial assistance to become health professionals that they will serve the Nation in certain areas, for a given period of time, where it is required in the national interest.

I do not see any reason why, when we make it possible with a Federal scholarship or loan to help a person become educated to be a doctor, and he accepts that assistance voluntarily, we cannot ask that young man or woman to give a certain number of years of service, in a given place, for a given time. It seems to me we are going to have to realistically face this problem.

Mr. MAGNUSON. The Senator from New Hampshire and I and the rest of us made a small beginning. I sponsored a bill which would allow the Public Health Service to have its doctors go into the ghettos or rural areas, or wherever it was felt they were needed, for 2 years. That measure is at the White House. I hope the President will sign the bill. This is a small beginning, but it is exactly what the Senator from New York is talking about.

Mr. JAVITS. Yes, I favored the bill strongly, and I worked for it in committee and on the floor.

Mr. MAGNUSON. The Senator certainly did. I have no reason to believe the President will not sign it.

Mr. JAVITS. I certainly hope and pray he will.

Mr. COTTON. Mr. President, I am almost through, and then I shall be yielding the floor to the Senator from New York. The Senator from New York is so right. We are all thinking along the same line. I have a rather vivid recollection of the time some years ago when I had a bill which dealt with the needs of rural communities by providing scholarships for medical students on the same plan that had previously been offered in the matter of teaching, with the agreement that if the doctors would practice either in the ghettoes or in the rural sections after they were graduated, there would be a forgiveness on what they had borrowed or received of 10 percent for each year that they practiced there. So at least we would have a good chance of having the young doctors—and it would not do them any harm, either—go where they were needed for 5 or 6 or 7 or 8 years, which would mean a great deal.

I remember that that proposal was opposed by a Senator who is no longer with us, whom we greatly respected, and who at that time I think was chairman of the Committee on Labor and Public Welfare. He rather snippily said to the Senator from New Hampshire, "The Senator from New Hampshire believes in slavery." It seemed to me a rather extreme statement to make.

We do not believe in slavery, but I think we are all in agreement now—and I am glad to find the doctors at last are coming around to our way of thinking—that if we are going to furnish scholarships and loans, and if we are going to put money into medical schools and into institutional support, we are entitled to have some of the beneficiaries at least put in a certain amount of time where they are needed so that their help can reach the people who most need them.

The doctors also have been very broadminded, and in this bill for the first time—although there has been some in previous bills—a great deal of emphasis has been placed on availing ourselves of that.

Unfortunate as the war in Vietnam is and has proven for this country, there are small compensations, and one thing is that many young men are getting, on the field of battle and in field hospitals, and elsewhere, exceptional training. I refer to those who are not doctors. They are coming back and going into civilian life. We have money for that in this bill, and the committee has expressed itself. The medical profession has answered it with a hearty "Amen," and said that they are going to train them to be assistants to the medical profession, particularly in those places where care is needed.

Everyone wants to see the doctor himself. That is particularly true among some of the rural communities I represent. But there are many things that, under a doctor's supervision, these young men and women can do and extend.

We know we have had to say "No" to many worthy things, but the emphasis in this bill is to try to carry the medical services to the people. That was one thing.

The second thing that we laid great emphasis on was mental health centers and regional medical centers, and the staffing of them, so we do not have, in a sense—this is an exaggeration for the sake of emphasis—the situation which would exist if Standard Oil Co., for example, had its central offices in New York and no gasoline stations.

Fine work has been done at the National Institutes of Health. We have had all this fine research. We have all these many programs. But we have fallen down when the time comes to get the help into the communities, into the crowded ghettos in the cities, into the extreme rural places, where there are inadequate medical and health facilities.

Those two things, your conferees on the part of the Senate—and I think the chairman, the Senator from Washington, will corroborate this—particularly concentrated on, in getting the House conferees to yield.

I close with this: I hope, and I want to say now that many will disagree, but we have got to find some way. Of course, this country cannot afford to fight wars and pour money into national defense, and neglect the health and the needs of its people, but we can do more and sooner and more effectively if we find some way—and the States will cry out about it, and everyone whose toes are being stepped on will scream about it—but if we can find some way to control a larger percentage of these appropriations, it will allow us to go further along the lines that we know are crying out for attention.

We have done the best we could. There are many disappointments in this conference report, but I have a feeling that the President will sign it. The year is half gone. He will sign it, and we will get the wheels moving. And on the whole, I think that both the House and the Senate conferees did a faithful and a good job.

Mr. JAVITS. I thank the Senator. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I noted that in the House bill there was $8 million dollars for research and training projects, and the Senate bill raised that to $10 million. The conferees cut out $1 million.

Am I correct in understanding that this $1 million was cut out because of the impending family assistance plan legis-

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lation, which it was felt at that time might possibly become law?

Mr. MAGNUSON. Yes, that is right.

Mr. AIKEN. Do I also correctly understand that if the FAP proposal does not materialize early next year, that $1 million can be restored in a supplemental appropriation bill and be made available for FAP-related projects?

Mr. MAGNUSON. Yes, that is correct.

Mr. AIKEN. That was my understanding. I simply wanted to confirm it for the record.

Mr. COTTON. Mr. President, if the Senator will yield, there are several points in this bill that, having in mind what might happen if the President's family assistance plan in some form were adopted, we held back. There were several places that I think must have the attention of the committee in its next supplemental, because of the fact that the family assistance plan has not been enacted.

Mr. MAGNUSON. That was clearly understood by the conferees on both sides.

Mr. AIKEN. I thank the Senator. I would like to say I would have voted for the family assistance plan had I had a chance to, this year.

I also hope that the social security legislation will not be held up because of the divorce between the two programs. However, I understand that is a strong possibility, that we will not get anywhere with the conference, and that both proposals, social security and the family assistance plan, will be taken up very early in the coming session.

I thank the Senator from Washington and the Senator from New Hampshire.

Mr. MAGNUSON. Another thing related to this subject in this bill is that, of course, the Senator from New Hampshire and I and the other conferees had to pass on large amounts which were not direct appropriations. These are limitations, and amounts that go to beneficiaries, and the cost of administration. We sit as a kind of board of directors, as it were. They report to us once a year what they are doing and on their need to do it.

We were a little bit discouraged this year—at least I was—in that they are getting into too much bureaucratic redtape.

Mr. AIKEN. I know.

Mr. MAGNUSON. We hope next year to get at this problem. It has grown up to where there is too much redtape. When we talk about employment, how many people does the Senator think are employed by HEW, altogether?

Mr. AIKEN. I understand there are 34 public relations agencies in there somewhere.

Mr. MAGNUSON. Yes. There are over 800,000 salaries paid by HEW.

Mr. AIKEN. It is my understanding——

Mr. MAGNUSON. That is the trouble that we have with this bill. Normally, when I have handled appropriation bills, the people downtown, right or wrong, come up here, and they more or less know what they think they want and what they are doing. I may not agree with it. But it is hard to wade through that system at HEW. Labor and OEO are not easy to understand.

Mr. AIKEN. Yes.

Mr. MAGNUSON. So the Senator and I have had to kind of steer our course, hoping—without too much aid from lighthouses or anything else in the departments—we are just out in the sea, and trying to do the best job we can. Still, I think we have come up with a good bill. We think we have. I do not mean to criticize anyone. But take, for example, OEO: No one knows what they are going to do with it. That has accounted for $2 billion in this bill. I suspect they are trying to phase it out downtown.

The big amount was in manpower training and Headstart. There are more agencies and bureaus in HEW than you can imagine. We have over 100 line items in this bill. I think the only fellow who benefits down at HEW is the sign painter. He must be busy every day, because they call a thing one thing one day, and another thing the next, and they have some language in their requests that you cannot understand. The sign painter must be going around every day changing the names and titles on all the doors. Instead of saying a request is for funds to provide employment of the hard core unemployed, they say it is for some kind of psychological rehabilitation, or something like that, so that you do not know what it means.

It is a difficult bill, but we think we have set aside money for the necessary things. I am like the Senator from Vermont; if I had had a chance, I would have voted for the family assistance program. I think there has to be some guidelines come out of this whole business. The social security people are doing a good job, but it has just grown to the point where there is too much inequality in how the local offices handle it. That is one thing we want to get at, particularly in view of the fact that now the headlines this morning indicated that we are going to give everyone a 10-percent increase. When the Senator from Vermont and I go home, we are going to have to explain why they do not get it at once.

Mr. AIKEN. Exactly.

Mr. MAGNUSON. They read it and they say, "There it is."

Mr. AIKEN. I know.

Mr. MAGNUSON. That is a rather difficult job.

Mr. AIKEN. It is my understanding, and I think my information is authentic, that in the "redtape" factories, instead of laying off help as have so many of the other industries of this country, they have actually been adding to the number of their employees engaged in the manufacture of this product.

I want to say that in view of all the circumstances, I think the Senator from Washington and the Senator from New Hampshire have done an exceptionally good job in being able to bring to us this bill today, and being able to get as far as they have in trying to restore order out of a considerable amount of chaos.

Mr. MAGNUSON. It is pretty difficult to wade through this. We beg the indulgence of the Senate. We made some mistakes, but we did our best.

Mr. AIKEN. I know that we are not going to start some new program, desirable as it may be, without having a considerable number of mistakes in it, as we have found from experience that always happens. That is why I am in favor of conducting some tests of family assistance plan.

Mr. JAVITS. Mr. President, to finish the matter about the physician shortage and then I will go on to other things: I deeply believe and recommend to the committee that they look into—and we will have to look into it in the Labor and Public Welfare Committee—ways of elevating the dignity of the individuals with whom we wish to deal, and other veterans with training in the health professions, the ex-corpsmen and other people who can be brought into the health field all with sufficient competence to be of assistance to the doctors.

What they often resent is being called orderlies with all that that implies. Yet, many times because of licensing laws there is no other designation. This is an important thing for a man who has been through what many of our corpsmen have been through or for any other capable young person who does not choose to spend the time it takes to become a doctor yet can provide to our people an important facet of health care.

So we will remember—and I hope my colleagues will remember—the question of dignity and some designation for these men and women which will be compatible with their own self-esteem, as being critically important in this respect.

Mr. President, the questions I should like to ask the chairman and the ranking Republican member of the committee relate to the problems of the OEO. I have come to the Chamber from a hearing with respect to confirmation of the nomination of a new Director of the OEO, Mr. Carlucci.

The important thing is to know what is going to remain of the office. The Senator from Washington just said that he kind of thought it was going to be phased out. It is a fact that in this appropriation—unlike the last appropriation—$760,100,000 is being appropriated directly to the Department of Labor, though it is authorized under the OEO law for manpower training of the poor, the so-called hard-core unemployed.

In addition, we already have a forecast by the committee that next year, Headstart and Follow Through combined—again approximately $430 million—will be funded directly to the Department of Health, Education, and Welfare.

The administration—I might say—would like to see OEO as a coordinating agency in the Government for matters affecting the poor, as an advocate of the poor, as to other Government departments for example on consumer issues, manpower issues as a laboratory for new experiments in how to deal with poverty, and, finally, as a central agency respecting community action agencies.

Even those functions, the four I have mentioned, would be a very representative permanent function—permanent in the sense that, unhappily for all of us, we probably will be troubled with poverty for some time to come.

So when we questioned Mr. Carlucci, he was able to affirm his judgment that he was going into an agency that had a basic and permanent function and that he was not under the belief that he was going into an agency he would have to liquidate or which was going to be taken out from under his feet but, rather, one in which he fully expected to serve. Although the order of magnitude would probably be reduced, the functions I have mentioned are very representative and very solid.

One of the essential things they are doing is the legal services program, although that has come under considerable attack. The fact is that they are doing a very important job—because it relates almost to what I said before about young people who might become members of allied health professions—because of the dignity which it gives the poor. We have learned that for the $61 million that it costs, what we get in value in terms of a poor person feeling "I, too, have a lawyer" is inestimable and bucks him up and helps us to get him out of the poverty syndrome.

In that regard, I should like to ask the chairman the following: Small amounts of money make a big difference when we are dealing with a $61 million appropriation. There is a factor of that work, legal services work, which relates to training, and it takes about $2.5 million a year—that is, training of people in that line. I have fought hard, and I express the hope that that training may come out of the general training operations of the OEO rather than reducing the end product of legal services by yet an additional amount. I ask the chairman whether in any way that was considered by the conferees. I should like to point out that if it was not considered, that was all right, too. At least, it leaves the field open for administrative decision. But if it was considered, we ought to know about it in connection with confirming the nomination.

Mr. MAGNUSON. In the Senate report, we agreed with the Senator from New York, and we pointed this out to the House and the conference added report language too. We had to go back to the $61 million of the House on legal services. They were adamant on this.

Mr. JAVITS. But the Senator did agree with us on this training figure.

Mr. MAGNUSON. Yes.

I agree with the Senator from New York. I did not want the legal services cut down. The Senate figure was $65.4 million. We have gone up from $53 million in 1970 to $61 million for 1971.

Then there was an argument about the regional authority vis-a-vis the authority here.

Mr. JAVITS. The central authority.

Mr. MAGNUSON. We agreed with that, and the House conferees agreed with us.

Mr. JAVITS. So that the legal services program will operate pretty much as it is.

Mr. MAGNUSON. I am deeply interested in it, and so are all other Senators. I think this is the most effective arm, much more effective than when the Senator was attorney general of New York and established a Consumer Protection Division. Most consumers do not know how to get to the attorney general's office, do they?

Mr. JAVITS. That is true.

Mr. MAGNUSON. I think the legal services here is one of the great arms we have with which to protect consumers, the poor consumers, who do not understand what is happening to them.

Mr. JAVITS. I thank the Senator.

I hope they do not take this money out of special impact. I would hope that the legal services would be end point money—that is, to really deliver legal services—and I am glad the Senator has sympathy with that.

Mr. MAGNUSON. We say in the Senate report:

> The committee further recommends that the full appropriation for legal services be used for operating programs. . .

Mr. JAVITS. Good.

Mr. MAGNUSON. We say further:

> And any funds necessary for technical assistance, training, or evaluation be taken from the general funds of OEO in the same manner as previous years.

Mr. JAVITS. We are in thorough agreement, and I am pleased to hear that.

Mr. JAVITS. Mr. President, the other item I wish to raise is the manpower training item and its relationship to the first supplemental. The amount which we approved here in this bill for all manpower training programs—approximately $41,900,000. However, we did succeed here in an effort in the first supplemental to increase the amount for a particular program—the Neighborhood Youth Corps program, by $41,900,000. However, that was reduced to $12.5 million in conference. I wish to point out to my colleagues that leaves the funding for next summer for the Neighborhood Youth Corps $31,730,000 short of the total funding level for last summer of $182,900,000.

When I tried hard to get an increase here, on which we realized on the net final result only about a quarter of, in round figures, I represented that we should change the practice of preceding years when we come around in May and sometimes as late as June with a supplemental at the last minute, when many communities—some did, some did not—planned for it and were able intelligently to absorb the money.

I hoped that we could give them now what they had last year with unemployment, which is now 5.9 percent, and from every indication it is going up—6 percent, or perhaps even worse than that. I know the Senator from Washington (Mr. MAGNUSON). I have sat in conferences with him, and with the Senator from New Hampshire (Mr. COTTON), and they need yield to no one in their skill in negotiation and in their insistence and strength in sustaining the Senate's position. So I am not in any way critical of them, but I would like to point out that I am not foreclosed—and I am not technically—from proceeding further in this matter on later supplementals, as it would appear—regrettably—that the sum worked out so far is inadequate.

I wanted to advise my colleagues that it may or may not come before this subcommittee. It may be the Subcommittee on Supplementals and Deficiencies, which is headed by another Senator, but nonetheless, I did not wish to let this matter go by without flagging that particular proposition.

Mr. COTTON. Mr. President, I want to be speaking only for the Senator from New Hampshire. I want to be completely honest with the Senator from New York and tell him exactly the position the Senator from New Hampshire is in. It bears upon the matter the Senator has raised.

The Senator from New Hampshire occupied the not very enviable position of trying to sustain the Senate's position and to back up the chairman whose judgment I respect so much, and, at the same time, trying to apply the brakes to hold down the increase over the budget and avoid, if possible, a presidential veto.

For certain reasons and because of certain information that the Senator from New Hampshire had, his goal was frankly to try to hold down the increase over the President's budget to $200 million. He missed by $10 million. He got it down to—not alone—but to $210 million.

The Senator from New Hampshire agrees with the Senator from New York that, in fact, it is one of the poorest practices we have of working along for weeks and months and taking evidence and putting through a bill, knowing we have simply put some necessary things on the shelf that will come along almost before the bill is cold in a supplemental. It is poor practice but, somehow, the Senator from New York is a practical man and knows all the ins and outs of this situation. Somewhere along in this practical situation we have got to hold down the bill so that it will get signed and functioning. We have got to face the fact that we have left some loose threads. The Senator from New Hampshire recognizes that, regrets it, and certainly he expects and did expect that the Senator from New York would pursue this matter of the supplementals.

Mr. JAVITS. The Senator is very kind. It is so typically honorable on the part of the Senator from New Hampshire. I wanted to make it clear of record. I appreciate the reasons. I shall vote for the conference report. I thank my colleagues for having done all they could. I have sat in on these conferences. We will make every effort where it has fallen short, and if we can convince the Senate again to face the conferees, then it can be corrected.

Mr. COTTON. I thank the Senator from New York. He is always fair but he has been most considerate this morning.

Mr. MAGNUSON. Mr. President, before I move adoption of the conference report, I join in expressing the gratitude of the Senator from New Hampshire and myself for the efficiency of the staff members we have——

Mr. COTTON. Indeed we do.

Mr. MAGNUSON. Working on the bill. This is a big and complicated bill. Mr. Harley M. Dirks, Mr. William J. Kennedy, and Mrs. Gloria Butland, worked hard on it for us and we deeply appreciate their fine efforts. We do not know how we could get along without them.

Mr. COTTON. I certainly join heartily in those sentiments.

Mr. CRANSTON. Mr. President, as we vote today on the Labor-HEW appropriations conference report, I wish to thank the chairman of the Senate conferees (Mr. MAGNUSON), the distinguished Senator from New Hampshire (Mr. COTTON), and their colleagues on the Labor-HEW appropriations subcommittee and in the conference, for their outstanding work in conference on this important legislation.

The importance and difficulty of their task in reaching agreement on this bill was compounded by the President's veto last January of the fiscal year 1970 Labor-HEW appropriation bill passed by Congress. When the views of the Senate and the views of the administration are as different as they have been this year in funding of these health, welfare, labor, manpower and poverty programs, the job faced by conferees and committee members is even more difficult.

America now faces critical shortages of medical personnel and facilities. The distinguished Senator from Washington (Mr. MAGNUSON) deserves special thanks for his efforts to increase appropriations to expand vital programs such as cancer research, community mental health, and regional medical programs, as well as to provide more manpower in the health field, and for his continuing commitment to improved and expanded health care in this country.

Regional medical programs, particularly those in California, have been successful in many areas and particularly in improving the capacity of many areas to provide health care in a coordinated way. I want to thank the Senator from Washington for his efforts to retain and expand regional medical programs. In California, regional medical programs have helped thousands who might otherwise have suffered more greatly from heart disease, cancer, strokes, and respiratory ailments. There are 24 projects in California presently funded through nine regional medical programs and each of these meets vital needs in its community. So I am especially grateful for Senator MAGNUSON's efforts to continue and increase funds for regional medical programs.

Last year, 323,000 Americans died of cancer. Each year the number of cancer deaths is higher than the year before. Our researchers tell us a cure is within their grasp, that a commitment of increased funds is the link to success. The chairman of the Labor-HEW Appropriations Subcommittee worked hard to insure their progress by providing a 21-percent increase in funds for the National Institute of Cancer and he deserves the high praise of all of us for that vital contribution.

I am particularly grateful to the able Senator from New Jersey (Mr. CASE) for his outstanding work in the conference to retain funds for the Headstart program, which were increased by $59 million by an amendment I offered and which was adopted on the floor last month. Headstart is one of the most successful activities in OEO, and well deserves continuation and the increased support recommended by the conference—$21 million above the President's budget request. Along with the Senator from Minnesota (Mr. MONDALE), the Senator from New York (Mr. JAVITS), and the Senator from Wisconsin (Mr. NELSON), I have worked to secure funds for this program, and it is extremely gratifying to see that $360 million—more than half of the difference between the two versions—has been designated for Headstart. We have a long way to go before Headstart can fully satisfy the needs of every community's disadvantaged children, but this landmark commitment from the Congress is an important beginning.

I am equally grateful to the Senator from New Hampshire (Mr. COTTON) for his efforts. The health, welfare, manpower, and poverty issues in our country ought not be the subject of political controversy, and I know Senator COTTON has cooperated wholeheartedly with the chairman of the subcommittee to insure bipartisan support for this legislation.

We are fortunate to have had such dedicated men working to preserve the intent of the Senate in the conference on this act. I had hoped the legislation before us today would be more like the Senate version—for the House version has prevailed on some important matters, affecting health-manpower especially—but the Senate's wishes have prevailed in many vital areas improving the welfare of millions and millions of Americans. My gratitude goes to the chairman and his colleagues for their efforts, and I also wish to express my appreciation to the appropriations subcommittee professional staff member, Harley Dirks, for his cooperation, fairness, and good humor throughout this long process.

I urge all my colleagues to support this conference measure, and I call upon the President to sign the bill immediately to free up the funding logjams besetting HEW, the Labor Department, and OEO.

Mr. FULBRIGHT. Mr. President, I commend the conferees of the Senate for their efforts in conference on the Labor-HEW appropriation bill, H.R. 18515. The health, manpower, and education related programs included in this bill are among the most vital to the well-being of this Nation, and adequate funding for them is absolutely essential if there is going to be a realistic reordering of our national priorities.

While I shall vote for the conference report because of the badly needed programs which it contains, there is one aspect of the conference report which I think is most unfortunate. I refer to the refusal of the House conferees to accept a Senate amendment adding $8.7 million to be used for project grants to be awarded to 35 specific hospitals currently under construction. Under the special language of the Senate these construction grants were to have been made without regard to the provisions of the Public Health Service Act for priority and for allotment of funds by formula among the States.

The reason for these funding deficits which face the involved hospitals is well explained in a letter which I joined other Senators in sending to Chairman MAGNUSON during the Labor-HEW Subcommittee's consideration of this bill. I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., September 4, 1970.

Hon. WARREN MAGNUSON,
Chairman, Subcommittee on Labor-HEW, Senate Committee on Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: Thirty-five health facilities in Wisconsin, Oklahoma, New Hampshire, Maryland, Nebraska, Arkansas, North Carolina, Indiana and Kansas have been the accidental victims of a cutback in funding for the Hill-Burton hospital program's modernization activities. Enclosed is a list of the affected projects for your information.

Construction of these facilities was begun as a result of Federal grants and in the belief, supported by a moral commitment by the Federal Government, that additional Federal support would be forthcoming. Without this assistance, construction in all likelihood would not have been undertaken.

These critical projects are now grinding to a halt, at a time of desperate need for expanded health facilities. Funds were not appropriated in fiscal 1970, contractors are not being reimbursed and workers are going without pay.

The Administration has no present plans to provide the $8,703,078 needed now to make these facilities operational. As a result, the substantial amounts already invested are yielding no benefits, only frustration from the local communities involved.

The Labor-HEW Appropriations bill for fiscal 1971, as it passed the House, does not include sufficient Hill-Burton funding to complete these pending projects.

We hope that your Subcommittee will seriously consider an amendment to the bill to provide these funds, to read as follows:

"For an additional amount for grants or loans pursuant to section 601(b) of the Public Health Service Act, for such hospitals and related facilities as are specified for this purpose in the report of the Senate Appropriations Committee, $8,703,078; to be made without regard to the allotments and priority provisions of Title VI of the Public Health Service Act."

We will deeply appreciate anything you can do for these 35 hospitals.

Warm regards.

Sincerely,

WILLIAM PROXMIRE, ROBERT J. DOLE, B. EVERETT JORDAN, HENRY BELLMON, CARL T. CURTIS, JOSEPH D. TYDINGS, THOMAS J. MCINTYRE, GAYLORD NELSON, ROMAN L. HRUSKA, FRED R. HARRIS, CHARLES MCC. MATHIAS, Jr., J. W. FULBRIGHT, BIRCH BAYH, JAMES B. PEARSON, VANCE HARTKE.

Mr. FULBRIGHT. I was encouraged, of course, that the subcommittee, full committee, and the Senate acted unanimously in favor of this recommendation. It would have had particular significance to my State of Arkansas, allowing $1.2 million for the continued construction of facilities for the Baptist Medical Center and St. Vincent's Hospital, both in Little Rock. The urgent need for the approval of these funds was expressed in a letter I recently received from Mr. J. A. Gilbreath, executive director of the Baptist Medical Center. I ask unanimous consent that this letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Arkansas Baptist
Medical Center System,
Little Rock, Ark., August 13, 1970.
Hon. J. William Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: HR 18515 which has been passed in the House and is now before the Senate drastically curtails hospital construction funds and we feel would definitely be a detriment to Arkansas.

You will recall that the Hill-Burton bill was vetoed by the President some days ago and over-ridden by the House and Senate. This bill actually raised the limitation on hospital construction beyond what it had been previous to 1969. We had great hopes that this firm position of Congress would mean the appropriation bill would restore funds which had been eliminated a year previously.

Last year the appropriation caused Arkansas to have a 35% reduction in funds available for construction. If the bill passes as presented by the House, the same deduction would be made for the current year.

Medicare and other governmental contractual arrangements for the payment of hospital care do not include any allowance for the payment of principal on a loan which might be secured to build hospitals. The argument has been that Hill-Burton is available and therefore the government should not pay twice. Now with Hill-Burton being reduced, we do not see any future for building hospital beds which are so greatly needed.

Specifically, Baptist Medical Center will begin construction the latter part of this year of a new 500-bed hospital. We would have received $1 million a year for three years if funds had remained constant. The '69–'70 appropriation, however, as mentioned above, was cut by 35% and if this present appropriation stands we will again suffer this same loss.

We would certainly appreciate your giving consideration to helping our state and this hospital by restoring funds to the level they have been in the past.

Sincerely,

J. A. Gilbreath,
Executive Director.

Mr. FULBRIGHT. Mr. President, in view of the Senate's overwhelming support for this amendment, it is most regrettable that the House did not see fit to accept it in conference. I believe this action is further evidence of our failure to recognize what is really important to our own people, and it is my hope that the new Congress will give these critical domestic needs the attention they deserve.

Mr. MAGNUSON. Mr. President, I move adoption of the conference report. I believe that the yeas and nays have been ordered.

The PRESIDING OFFICER (Mr. Stevenson). The question is on agreeing to the motion of the Senator from Washington (Mr. Magnuson), on adoption of the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from North Dakota (Mr. Burdick), the Senator from Connecticut (Mr. Dodd), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Hawaii (Mr. Inouye), the Senator from Minnesota (Mr. McCarthy), the Senator from New Mexico (Mr. Montoya), the Senator from Georgia (Mr. Russell), and the Senator from Maryland (Mr. Tydings), are necessarily absent.

I further announce that the Senator from Nevada (Mr. Cannon), the Senator from Louisiana (Mr. Long), the Senator from Montana (Mr. Mansfield), the Senator from New Hampshire (Mr. McIntyre), the Senator from Mississippi (Mr. Stennis), the Senator from Missouri (Mr. Symington), the Senator from Alabama (Mr. Allen), and the Senator from South Carolina (Mr. Hollings), are absent on official business.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick), the Senator from New Hampshire (Mr. McIntyre), the Senator from Missouri (Mr. Symington), the Senator from Oklahoma (Mr. Harris), and the Senator from New Mexico (Mr. Montoya), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), and the Senator from Texas (Mr. Tower), are necessarily absent.

The Senator from Arizona (Mr. Goldwater), the Senator from Nebraska (Mr. Hruska), the Senator from California (Mr. Murphy), and the Senator from South Carolina (Mr. Thurmond), are absent on official business.

The Senator from Colorado (Mr. Dominick), and the Senator from South Dakota (Mr. Mundt), are absent because of illness.

The Senator from Utah (Mr. Bennett), and the Senator from Pennsylvania (Mr. Scott), are detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett), the Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Hatfield), the Senator from South Dakota (Mr. Mundt), the Senator from Pennsylvania (Mr. Scott), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower), would each vote "yea."

The result was announced—yeas 69, nays 0, as follows:

[No. 458 Leg.]

YEAS—69

Aiken
Allott
Baker
Bayh
Bellmon
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Ellender
Ervin
Fannin
Fulbright
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Hartke
Holland
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mathias
McClellan
McGee
McGovern
Metcalf
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith
Sparkman
Spong
Stevens
Stevenson
Talmadge
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—31

Allen
Anderson
Bennett
Burdick
Cannon
Dodd
Dominick
Eagleton
Eastland
Fong
Goldwater
Harris
Hart
Hatfield
Hollings
Hruska
Inouye
Long
Mansfield
McCarthy
McIntyre
Montoya
Mundt
Murphy
Russell
Scott
Stennis
Symington
Thurmond
Tower
Tydings

So the motion to adopt the conference report was agreed to.

The PRESIDING OFFICER. The clerk will read the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment, as follows:

Strike out "$1,546,694,000" proposed by said amendment, and insert: "$1,504,794,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 8 to the aforesaid bill, and concur therein with an amendment, as follows:

Strike out "$90,399,000" proposed by said amendment, and insert: "$89,549,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 59 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

"Office of Child Development

"For carrying out, except as otherwise provided, section 426 of the Social Security Act and the Act of April 9, 1912 (42 U.S.C. 191), and for partial support of a White House Conference on Children and Youth, $5,917,000."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 66 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum of "$22,500,000" proposed in said amendment, insert: "$20,000,000".

In lieu of the sum of "$5,000,000" proposed in said amendment, insert: "$3,000,000".

Mr. MAGNUSON. Mr. President, I move that the Senate concur in the amendments of the House to Senate amendments numbered 1, 8, 59, and 66.

The PRESIDING OFFICER. The queston is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, it should be said that this is a very important bill to every American. It covers every phase and many facets of our goals and priorities. While Senators who were present today voted unanimously for the conference report, I want the Record to show that many Senators who would have been present if they could have been would have voted "yea." I particularly want the Record to show that the leadership was not lacking in this matter, because they had a very important conference at the White House. I hope nobody will take their absence in voting on this important bill as any indication that they are not supporting it.

Mr. HOLLAND. Mr. President, before we leave this bill, may I express, as a member of the committee, my own deep appreciation and that of other members

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who are not the leaders in it to the Senator from Washington and the Senator from New Hampshire for the very fine leadership they have displayed in this matter. It has been difficult as they have endeavored to meet objections raised by the Executive in his earlier veto. I compliment and congratulate them. They have done a fine job.

Mr. PERCY. Mr. President, I wish to comment today on only one item of this $18,969,400,000 Labor, Health and Welfare appropriation bill which, while it is small, is of special importance to me and the country since it affects large numbers of disabled people in Illinois and throughout the Midwest who would be benefited by it and the hundreds of thousands of physically handicapped who will benefit by the $1,750,000 that has been authorized in this bill for a rehabilitation center.

The bill as reported by the conferees contains funds in the amount of $1,750,000 for grants to construct rehabilitation facilities under section 12 of the Vocational Rehabilitation Act. This is a direct result of action taken on the Senate floor last month, which provided $3,500,000 for this purpose. The House bill contained no funds for this activity.

It is my understanding that these funds are to be available specifically for a new rehabilitation research and training center at the Rehabilitation Institute of Chicago under the able direction of Dr. Henry Betts and one of the most inspired and dedicated staffs, and board in the country. Although the amount of this appropriation is less than was requested, and although it is less than that which will be required for the next stage of the project, the funds are sufficient to enable the project to proceed. When completed—and, I am confident the Senate and House will continue to support the project—the new center will provide our Midwest area with an institution of excellence for research into the problems of severe disability, and will train greater numbers of professionals in rehabilitation. In the process, many more seriously disabled people in Illinois and the Midwest will have the benefit of these highly specialized services.

Mr. President, there are a number of my colleagues who are responsible for the inclusion of these funds in the bill. I would like to thank the Senator from Ohio (Mr. SAXBE) for offering the amendment in my behalf and the chairman of the Senate subcommittee, the distinguished Senator from Washington (Mr. MAGNUSON) for what he and his associates have done to assure that at least this much funding will be available despite no provision being made in the House bill. I am also particularly grateful for the splendid work of the ranking minority member of the subcommittee, the distinguished Senator from New Hampshire (Mr. COTTON), who graciously agreed to introduce amendment No. 1069 on the Senate floor when I was absent on Senate business. I believe that the people of Illinois and the Midwest owe a debt of gratitude to these men.

Without the assistance and help of the distinguished Senator from Washington (Mr. MAGNUSON) and my colleague from New Hampshire (Mr. COTTON), this would not have been possible, because there was no provision or appropriation in the House bill and it was only because it was in the Senate bill and was won in conference that this rehabilitation center can proceed.

It is hoped that Dr. Henry Betz, who is one of the most distinguished individuals in the field of rehabilitation in the country, if not the world—and this institution has a wholly dedicated board of directors—will be able to proceed. Even though it is not the amount they hoped to have, which exceeded $3 million, it is enough to get the project underway.

I am absolutely confident that when the Senate and the House fully understand the scope of the work of the research center and rehabilitation center for the Midwest, they will continue it and provide further financing and perhaps adequate funds in the future.

Mr. MAGNUSON. Mr. President, I appreciate the Senator's remarks. The Senator from New Hampshire, I, and other members of the committee are well aware of what might be called the pilot operation there. We hope it may be used as an example for doing the same thing in other places. We hope that in next year's budget, we can expand the funding, but the so-called Chicago project has been hailed by everybody in this field as a great project. We would like to have had more money, but the action taken in conference has not hurt it. I perhaps should not say this, but it was in the spirit of compromise in conference.

Mr. COTTON. Mr. President, it was my privilege, because of the unavoidable absence on official business of the Senator from Illinois (Mr. PERCY), and at his request, when the bill was passing through the Senate, to offer on his behalf this amendment, which is so important not only to Chicago and vicinity, but so important as a pioneering enterprise.

I was very happy that it was accepted in the Senate. As the chairman, the Senator from Washington, has well said, we had to give all along the line to some extent in conference with the House, but we saved enough of it to start the project, and I think the Senator from Illinois will find that both the Senator from New Hampshire and the Senator from Washington, who will be both spared and charged with the duty next year, will be most sympathetic.

Mr. PERCY. I thank my distinguished colleagues. I would like to make one final comment. I really look on this as a tremendous return on investment. I have had some experience in this field. Years ago, when I was addressing a national conference for the handicapped, I asked why I was singled out to do that, and I was told that my company had one of the highest ratios for hiring physically handicapped in relation to our total employment. I did not realize it at the time, but 5 percent of our thousands of employees were in some way physically handicapped. We found them to be most conscientious, having the best attendance records and being the highest quality workmen and women we had throughout our enterprise.

When we can in this institution do research which will benefit handicapped people all over the world, and particularly in our own country, finding ways to rehabilitate the disabled and make them useful citizens, this is the right way to do it and the right way to invest funds.

I once again wish to thank my colleagues.

Mr. MAGNUSON. A great proportion of our handicapped people do a fine job in difficult tasks.

Mr. PERCY. I agree.

Mr. MAGNUSON. A great proportion.

Mr. PERCY. I thank the Senator.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 370) to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills; and they were signed by the Acting President pro tempore (Mr. METCALF):

S. 1181. An act to provide authority for milk, tomatoes, and potatoes, and to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes;

H.R. 4605. An act to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the United States mails articles for preventing conception; and

H.R. 19590. An act making appropriations for the Department of Defense for the fiscal year ending, June 30, 1971, and for other purposes.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on December 29, 1970 the President had approved and signed the act (S. 2193) to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes.

REPORT ON TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance.

To the Congress of the United States:

Pursuant to the requirements of the Trade Expansion Act of 1962, I transmit herewith the Fourteenth Annual Report on the Trade Agreements Program. This report covers the year 1969.

Stimulated by continued economic expansion, free-world trade in 1969 rose 14 percent to a new record of about $245 billion. In the United States, monetary and fiscal policies designed to restore stable and balanced growth of the economy were reflected in a slowdown of the increase in imports, while exports continued to rise at about the same rate as in 1968. As a result, the deterioration in the U.S. trade balance that had characterized performance during the previous four years was reversed.

During the period covered by this report, I forwarded to the Congress my proposals for new trade legislation. These proposals, together with others, are still under consideration. The decisions taken by the Congress will have an important hearing on our ability to advance our national interest, both in terms of sound growth of the domestic economy and further development of international cooperation so that trade can continue to be an engine of progress rather than a source of conflict among nations.

This Administration remains committed to the objective of expanding mutually advantageous world trade. The record of the United States demonstrates clearly its willingness to assume its obligations in this field. We must continue to do our part, while at the same time defending vigorously the rights of our traders under international agreements.

The economic and political dynamics of the 1970s will enhance the importance of trade in relations among nations. In 1969, part of the essential groundwork was initiated; the Commission on International Trade and Investment Policy is currently examining new approaches tailored to our long term domestic and foreign policy interests. With Congressional support for policies aimed at securing a more open world trading system, I am confident that the United States will reap its full share of the benefits from closer international cooperation to achieve greater prosperity and better relations throughout the world.

RICHARD NIXON.

THE WHITE HOUSE, *December 30, 1970.*

EMERGENCY RAIL SERVICES ACT OF 1970

Mr. HARTKE. Mr. President, the measure we are going to deal with at this time is the Emergency Rail Services Act of 1970.

I have urged my colleagues to support S. 4595, which has been reported favorably by the Committee on Commerce. As chairman of that committee's Surface Transportation Subcommittee, I have become familiar with the Penn Central's problem—in fact, those of the entire rail industry. They have unfolded in a rather peculiar fashion; I think we have not seen the end of their difficulties; I think everyone who has had the slightest contact with the problems of the railroads understands quite honestly that we are not at the end, that we are only at the beginning.

Unfortunately, the sad time has come for us to arm the Federal Government with authority to shore up bankrupt railroads when necessary to preserve the essential rail transportation services upon which our Nation depends.

Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1526, H.R. 19953.

The PRESIDING OFFICER (Mr. STEVENSON). The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 19953) to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

Mr. HARTKE. Mr. President, H.R. 19953 is except for technical differences identical to S. 4595, the bill approved by the Commerce Committee. H.R. 19953 has been approved by the House of Representatives. Like many of my colleagues I am reluctant to further involve the Government in financial assistance to private business. Once we provide assistance to one company or one industry, we will be under increasing pressure to assist others.

No one is more hesistant than I to open the doors of the public Treasury to private business. But I do not believe that H.R. 19953 must inevitably result in an open-door policy at the Treasury.

Let me emphasize that the situation of the Penn Central today is very different from that of last spring. And the solution proposed by the legislation before us today is very different from the solution proposed by the administration last spring.

The administration would have helped the Penn Central stay out of reorganization. It would have used the Government's credit—under its bill, S. 4011—to protect the management of the corporation and the interests of its stockholders, banks, and other creditors.

I opposed the administration's proposals. There was no need to keep the old operation in existence. A section of the Bankruptcy Act, applicable only to railroads, permits continued provision of rail services while reorganizing the road's jumbled finances and unsuccessful operations. Any threat to the national interest comes not from the failure of a corporation but rather from cessation of essential rail services. Thus, Federal assistance was not necessary last spring. The Penn Central could, and did, go into reorganization and suspend payment of its obligations. That action permitted it to continue unaided for 6 months.

Today, the railroad is in the hands of trustees—not the management that was, in part at least, responsible for its collapse. The trustees, supervised by the court and also by the ICC, are trying to reorganize the railroad so that it will become a healthy operation, capable of serving the public's transportation needs. They do not have the incentive to protect past corporate policies and decisions that management would have had.

Any assistance the Government might provide now would go to preservation of the railroad's operations, not to protection of its stockholders or to bailing out creditor banks. Assistance today saves railroad service, not the existence of a bankrupt corporation.

Finally, if a railroad in reorganization cannot obtain private assistance, there appears to be no other way to keep the railroad in operation except through Government corporation.

The administration's bill last Spring was broadly drawn: it left in the Secretary's discretion and judgment the decisions as to which roads to assist and how to protect the Government's interest.

The bill before us, H.R. 19953, is narrowly drawn. It restricts assistance to roads in reorganization, about to shut down, and with no other resources to draw upon. It restricts assistance to those roads whose cessation of service would endanger the public welfare. Further, H.R. 19953 places restrictions on the use of funds and it provides the highest priority for the Government's security interest in the railroad's property. Thus, it clearly limits assistance to those cases where assistance is necessary to presreve essential rail services.

Let me emphasize, however, that H.R. 19953 does not of itself provide money to any railroad. By passing this bill, Congress does not advance money or guarantee a loan to any railroad. It simply provides authority to guarantee private loans when certain stringent conditions are met.

Although the committee agreed that some action was necessary, there were differences of opinion on the form of action.

I would have preferred authorization of direct loans from the Government rather than the loan guarantee approach. From the public's standpoint, the direct loan approach is superior in almost every way. The Government could offer a lower rate of interest on a direct loan than would private lenders even where the Government guarantees the loan. A direct loan would yield to the Government and the taxpayer some return in exchange for the risk being assumed by the Government. A loan guarantee, on the other hand, gives the return to the private lender while the Government still stands the risk. Further, if the Government loans the money directly, it would clearly have a free hand to set the terms and conditions of the loan and to supervise the use of the moneys

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very closely without having to be concerned with a third-party interest.

In any event, in the case of a railroad which does default—and admittedly the risk is much higher with railroads in the poor financial condition contemplated by this bill—the guarantee simply masks what in reality is a direct loan.

Finally, too many financial institutions have benefited already from the plight of the railroads. I would rather preclude any others from benefiting further from conditions for which they are not entirely blameless.

Others in committee raised the question about whether this action by the Congress would provide a precedent for future Federal financial assistance. I would oppose any action which I thought would provide such a precedent. But in my view, if there is a precedent it has already been established by title V of the Interstate Commerce Act which is not nearly so restrictive as H.R. 19953. This measure is much narrower than title V and much narrower than the substitute offered in committee by the ranking minority member, the Senator from New Hampshire (Mr. COTTON). If the Congress is to set a precedent—and I do not believe we are in this instance—then I believe our action should apply to as few private corporations as possible. This we have attempted to do with H.R. 19953.

I withdrew my insistence on the direct loan approach in order to facilitate action on a measure. The committee reported out a bill nearly identical to the bill reported by the House Interstate and Foreign Commerce Committee. The bills did not differ greatly and the committee desired to avoid a conference—for which there might not be time in these waning hours—if we could. Therefore, I urge your support for the bill as reported, so that the Senate will have fulfilled its duty in assuring preservation of the Nation's transportation system.

As a footnote to my remarks, I would like to warn my colleagues that the report contains typographical and other errors. Even though a star print was made, errors still exist. Most are innocuous, but one should be pointed out. The first sentence of subsection 3(c), on page 7, should read:

> The (Commission) Secretary shall not (make any) guarantee (or purchase) any certificate unless the certificate is treated as an expense of administration and receives the highest (possible) lien on the railroad's property and priority in payment under the Bankruptcy Act.

Mr. COTTON. Mr. President, in order to establish the legislative history on this troublesome subject, I think the record should be made clear. The bill, S. 4595, reported by the Committee on Commerce, is, as the Senator from Indiana has already indicated, almost identical to that now under consideration, H.R. 19953, which passed the House.

Insofar as concerns S. 4595, I and two other members of the Senate Commerce Committee filed minority views. I am not attempting to speak for the other two Senators, but I would like to make my position on the bill very clear.

Mr. President, the purpose of the bill now under consideration is to provide financial assistance through Federal guarantees of loans for certain railroads undergoing reorganization under the Bankruptcy Act. Although not specifically named in the legislation, let there be no mistake that the transportation system which this measure principally is designed to relieve is the Penn Central, serving critically important centers in the Northeast.

I have no quarrel whatsoever with the objective of this bill. Let me make that point clear at the very outset. The problem this measure is intended to meet is urgent and it is serious. Unless something is done now, there is a clear threat to the public welfare. We should not adjourn this Congress without acting, faced as we are with the prospect of the collapse of the Nation's largest rail carrier within the next few weeks. It is a prospect, Mr. President, which we, the Congress, aggravated recently by mandating increased wage costs in barring the then pending railroad strike by the Act of December 10, 1970, Public Law 91–541.

Mr. President, I spoke and voted against that earlier action. I felt that the Congress was inviting disaster and establishing a terribly dangerous precedent by passing on the merits of certain matters over which the prospective strike was to be held. However, Congress saw fit to assume that responsibility.

Congress voted the back pay for the railway employees and an increase in their pay from the time of the action of the Congress, out of the pockets of the railroad at issue here—the Penn Central—and others. As a result, we deliberately forced some $70 million of added liability upon the Penn Central.

We, therefore—and by "we" I mean Congress—have a moral obligation to provide some relief. My quarrel is with the form of the relief proposed in the pending measure and the conditions under which this form is being proposed.

What troubles me is this precipitous legislative action in the closing days of the 91st Congress and the seed it plants for a precedent in the future for similar Federal intervention to "bail out" ailing business enterprises. Note that I do not confine that statement to railroads. I say, "ailing business enterprises." We should not, in my opinion, start down this path without first giving full consideration to the most basic policy issue.

It was for this reason that in our Committee on Commerce I offered a simple, one-page substitute bill which, unfortunately from my point of view, was not adopted. It would have accomplished the same objective as the committee's reported measure but without the elaborate mechanism giving credence to the very precedent that we seek to avoid. My proposal would have made it abundantly clear that this was action of an emergency and interim nature to tide us over the period between the adjournment of this Congress and the reconvening of the next. Most importantly, it would have terminated the authority of the Secretary of Transportation to guarantee loans or make direct loans at midnight on March 31, 1971. It also would have further limited the action in the following manner.

First. It would have applied only to railroads undergoing reorganization under the Bankruptcy Act on or before December 18, the date of the committee's action, thereby preventing others from taking possible undue advantage of the legislation;

Second. The amounts of the Federal loan or guarantee would have been limited to the increased wage costs which we in the Congress legislated in Public Law 91–541, plus prevailing interest to cover such loans; and

Third. It would have had an overall ceiling of $125 million.

All other protections would have been required to have been made by the Secretary of Transportation in lieu of the elaborate scheme now under consideration. In other words, it would have met the problem at hand—no more and no less.

It would have avoided for the present the determination of the long-range policy, which perhaps could lead even to Government ownership and operation of the railroad or a long, expensive system of loans that could cost the taxpayers of this country many billions of dollars.

In summary, Mr. President; yes, there is a need for prompt action on the part of the Congress to meet this impending threat to the public interest. No, the bill now under consideration is not, in my opinion, the most appropriate way of meeting that need. Rather, we should take time to do only what is necessary to resolve the immediate problem. Then, under less hectic conditions than now prevail, we should undertake at the beginning of the 92d Congress to thoroughly examine the issue and to develop a fitting solution. We here are taking the easy route of making a transfusion of Federal guarantees which, upon default, means taxpayers' funds from the Federal Treasury. Mr. President, I believe the American people are deserving of more, especially from a committee of the Congress which has championed the interests of the consumers of this Nation, all of whom are taxpayers.

Mr. President, as a practical matter—let me be perfectly frank with my colleagues in the Senate—the distinguished Senator from Indiana (Mr. HARTKE) is performing a public service as chairman of the Surface Transportation Subcommittee in bringing this matter before the Senate before we adjourn.

I happen to disagree with this method for reasons that I have explained. However, it hardly fulfills the obligations of the Senate to simply take the position that it is too late for a conference and too late for adequate consideration of any changes. Speaking for myself, I recognize as a practical matter that if we substitute some other bill, such as the one the Senator from New Hampshire is offering, and send it to the House for conference, we run the risk of getting no bill at all.

Mr. President, I, therefore, feel obligated by my own strong feeling and my own conscience on this matter to offer here on the floor of the Senate, as I did in the Commerce Committee, the one-page amendment in the form of a substitute.

I offer this amendment but I shall not ask for a RECORD vote. I am content to have a voice vote on it. I offer it because I believe it is the proper and safe way of meeting this situation, and because I cannot conscientiously go on record for the bill now under consideration which is almost identical to that which our committee has reported.

Mr. President, I send the amendment to the desk and ask that it be stated.

The **PRESIDING OFFICER**. The amendment will be stated.

The legislative clerk read the amendment, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

"That on December 10, 1970 the Congress passed and the President approved Public Law 91-541 which required the payment of increased wages for railroad employees including a retroactive lump sum payment for the year 1970. The purpose of this Act is to authorize the Secretary of Transportation (hereafter referred to as 'Secretary') to provide necessary temporary financial assistance to a railroad undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), to enable it to meet such statutorily increased wage costs and thereby permit its continued operation.

"SEC. 2. (a) The Secretary is hereby authorized to guarantee or to purchase certificates upon application from the trustees of any railroad, subject to Part I of the Interstate Commerce Act (49 U.S.C. 1-27), undergoing reorganization under section 77 of the Bankruptcy Act, as amended (11 U.S.C. 205), on or before December 18, 1970, with approval of the court, up to an amount not exceeding the increased cost (plus interest at the prevailing rate) required to be borne by such railroad through March 31, 1971 as a result of the enactment of the Act of December 10, 1970 (Public Law 91-541).

"(b) The Secretary shall prescribe such requirements as he deems necessary to protect the interests of the United States.

"SEC. 3. In no event shall the aggregate principal amount of all certificates guaranteed or purchased by the Secretary under the authority of this Act outstanding at any one time exceed $125,000,000.

"SEC. 4. The authority of the Secretary under the provisions of this Act shall terminate at midnight on March 31, 1971."

Amend the title to read a bill to authorize the Secretary of Transportation to provide necessary temporary financial assistance to a railroad in reorganization.

Mr. **PASTORE**. Mr. President, will the Senator yield?

Mr. **HARTKE**. I yield.

Mr. **PASTORE**. Mr. President, first, I wish to say I appreciate the sincerity of my good friend from New Hampshire in proposing this amendment. It deals with only part of the problem, I must say. The real problem we are confronted with is a much broader problem. I am going to support the bill as reported by the committee. I want to say in full honesty I do it with my tongue in my cheek. I am not doing it for the Penn Central at all.

There is no question in my mind that there has been bad management throughout. I participated in the hearings; I said so then, and I repeat it on the floor now. I think there was a clash of personalities between the former heads of the New York Central and the Pennsylvania Railroad. They never got along with one another, and then they indulged in many other financial enterprises that blew up in their faces. The situation got to the point where the officials did not know how many companies they were interested in. It was a sloppy, sloppy piece of business throughout. There is no question about it.

But that is not the problem confronting us now. It is not the problem that confronted the committee, and it is not the problem that confronts the Senate this afternoon. The problem is, What are you going to do in this country if the railroads stop running? They are going to run out of cash in a couple of weeks, and there is no question about that. If the railroads were not under the jurisdiction of the court and being run by the trustees, I would be against the bill. I would not give a wooden nickel to either the Pennsylvania Railroad or the New York Central Railroad. But that is not the question here.

The trustees have been appointed by the court and we have to make up our minds that something needs to be done if these railroads are going to run. It strikes me that we either do this or you are going to take the railroads over in the public interest and nationalize them. I think it is too soon to consider that. We are one of the few countries in the world that I know of, and maybe the only country, that has not nationalized its railroads. I would regret very much to see this go out of the hands of free enterprise at this moment. Maybe the day will come when we will have to do it. But for the moment if we expect the railroads to run in this country, we have to do something and do it right away.

This bill would allow them to borrow money with governmental guarantee, under the jurisdiction of the Secretary of Transportation. It is the only immediate solution we have. The trustees who have been appointed by the court are very reputable people, men of wide experience, men of acumen and good business judgment. They have appealed to me, and I have heard from my governor and the mayors of the various cities and towns in my State who realize what repercussions there will be if we do not do something and do it immediately. For that reason I say this legislation is a must. I hope Senators understand that.

This is not a gift or a handout to the Pennsylvania Railroad, or the New York Central Railroad, or the combine. This is helping the trustees to carry out the directive of the courts to keep our railroads running until we can do something on a permanent level.

I hope the bill passes and that the Senator's amendment is rejected, because all the amendment would do would be to limit the pay raise decreed by the Senate when we eliminated the strike and allowed them to increase wages of their workers. That is not enough; it would take care of only a part of it. The big question is to keep the railroads running.

Mr. **FULBRIGHT**. Mr. President, will the Senator yield?

Mr. **PASTORE**. I yield to the Senator from Arkansas.

Mr. **FULBRIGHT**. Mr. President, the Senator from Rhode Island said it was not a handout. I am not a member of the committee. I would like to ask a question. What are the priorities of this loan? Will it take precedence over existing obligations of the railroad? Will it be a prior lien on the assets of the railroad?

Mr. **PASTORE**. I understand it does.

Mr. **HARTKE**. This becomes the priority loan—No. 1.

Mr. **FULBRIGHT**. Against all assets?

Mr. **HARTKE**. Against all assets.

Mr. **PROUTY**. Mr. President, will the Senator yield?

Mr. **HARTKE**. I yield.

Mr. **PROUTY**. With the exception of equipment.

Mr. **HARTKE**. Yes, with the exception of equipment obligations as set forth in section 3(c) of the bill.

Several Senators addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Rhode Island has the floor.

Mr. **FULBRIGHT**. Mr. President, I wanted to ask a number of questions. That was my first question.

The Senator made reference to either doing this or nationalization. In all countries that I know of, and certainly the industrialized countries, railroads are either completely nationalized, or in such countries as Canada and Japan, both private and national railroads are in operation.

Mr. **PASTORE**. The Senator is correct.

Mr. **FULBRIGHT**. I believe we have 29 railroads in bad condition, very shaky condition, and five in receivership. I do not want to be held to the exact numbers, but there are approximately that many. So this is not a unique case. If we start to give out loans that may or may not be repayable, I do not know how we can resist the others coming in, not to mention the airlines. I read in the morning newspapers that some of our major airlines are losing a great deal of money; and if we undertake this method of subsidizing inefficient management there may be no end to it.

But if we go the other way—the Senator mentioned it, but he did not recommend it at this time—it might not lead down that road. I would hate to see other businesses in bad shape nationalized, but railroads are in a unique situation. Germany, France, Italy, Spain, and countries like that have their railroads nationalized. While I have not been there for some time, when I was there they used to run good railroads—good for the passengers and for the country.

Mr. **PASTORE**. Some Senators say, "I am not opposed to nationalization." I have not said that. All I have said is that this is an immediate problem, demanding an immediate solution, which I feel and hope is a temporary solution. I hope we do not get into it in too big a way, because if by indirection the Government has to pay too big a load, then the Government ought to take it over as a Government enterprise. But there is an immediate need to do something. Unless we do something about the situation, I understand they are going to run out of cash in the early part of next month. The moment that happens the railroads will come to a stop. In our industrialized complex, we cannot allow that to happen.

So this is an immediate problem. I think our committee ought to go into the question very deeply. When we talk about nationalization, that is a complex problem that really requires extensive hearings and prolonged debate, because we ought to make sure we were doing the right thing; but we ought to do that as a last resort.

Mr. FULBRIGHT. In view of the fact that we have a conference report which will be before the Senate on the SST and which requires a considerable sum of money, I wonder if it would not be wise to substitute the money provided for the SST for this purpose. In that way we could solve two problems.

Mr. PASTORE. That is fine. That is why we put BILL PROXMIRE on the conference committee. Maybe he will be able to do it. I have not been able to do it, but maybe BILL PROXMIRE will.

Mr. FULBRIGHT. That would be a solution. If funds for the SST were taken out of that bill and put into this bill, I would support it.

Mr. COOK. Mr. President——

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, it is all very interesting when we say this may nationalize or may forestall nationalization. However, after a great deal of consideration on my part—because I participated in the discussions as a member of the Commerce Committee when the distinguished Senator's amendment was discussed, and I must say I have now come to the conclusion that we are really taking the first basic step toward nationalization, anyway.

The reason why I say that is simple. This is an economic professor's dream. Anybody who teaches economics in the future will look at this and say it is example No. 1 of how a legislative body created its own economic demand, because this bill provides, under section 3(b), "The proceeds of the sale of certificates guaranteed under this act will be used solely for meeting payrolls and other expenses."

Why do we have an increased payroll? Because the Congress of the United States voted one. Why are we now considering a bill to guarantee up to $125 million? Because the Congress of the United States guaranteed a wage increase of 13.5 percent.

That is what we are talking about. If that is not the first step in nationalization, one does not have to prove any other steps. The Federal Government took the first step toward nationalization of the railroads with the pay increase, and now is taking another step with a loan guarantee to meet that increase.

Mr. PASTORE. Mr. President, will the Senator yield? Why did we take that step? Because if we had not taken that step granting a 13.5-percent increase, the employees would have struck and the railroads would have stopped. In the national interest, that could not happen. We forbade them from striking, but at the same time we softened the blow by granting the minimum amount recommended by the President's Commission.

Mr. COOK. But, remember, we did this for every railroad in the United States, not just for the Penn Central Railroad, which is in receivership. We did it for every railroad in the United States.

Mr. PASTORE. That is right.

Mr. COOK. I would remind the Senator from Rhode Island that although we appointed trustees to run the railroad, although under chapter 77 the railroad is in the Federal courts, and although the trustees have been appointed under chapter 77, one thing the trustees are restricted from doing is to fail to give their employees any raise that is given throughout the railroad industry in the country. So even under chapter 77, if a wage increase is allowed throughout our country, the bankrupt railroad has to give its employees the raise.

Mr. PASTORE. But the courts could change that.

Mr. COOK. If I might suggest that while all the railroads which are to be helped are included, none of them come under the $125 million, unless they are coming in under the trusteeship, because the trustees are not allowed to run the railroads in the best interests of the trusteeship and are not allowed to get it out of bankruptcy.

Mr. PASTORE. I would not agree with that statement. I should think the trustees are appointed to do a good job. Is the Senator telling me they are appointed to do a bad job?

Mr. COOK. May I say that the Senator from Rhode Island misses my point completely.

Mr. PASTORE. No, I do not miss the Senator's point completely.

Mr. COOK. The Senator does, because his answer indicates it.

Mr. PASTORE. Well, say it again.

Mr. COOK. The trustees are authorized to run the railroad. But, if an industrywide increase is given to the workers, the trustees have to take that increase whether they like it or not, and that will make the railroad go into deeper and deeper debt.

The trustees did not say, "We are sorry; we cannot give the increase." Under chapter 77, they would ordinarily deny it. However, we voted a 13½-percent increase, and we are now going to give the Penn Central Railroad money to pay for that 13½-percent increase.

If that is not the first step toward nationalization, I do not know what is.

The point I am trying to make, with all due respect—and I think the Senator from Vermont may in many ways agree with me—is that what we are really doing is making up for one problem we created a week or so ago, on December 10, and we are now solving that problem. It includes a loan not to exceed $125 million.

I know I have been in discussions with the distinguished Senator from Indiana and the distinguished Senator from Vermont on this point, but when one reflects on it, the main argument today is the inflationary spiral. It seems to me when we limit it the only reason we are going to guarantee the ability of the Penn Central to borrow money is to meet the payroll. The reason we are allowing them to borrow the money to meet the payroll is because of actions we took on December 10, by which we increased the wages of all railroad employees, and particularly those railroads in reorganization, to the tune of 13.5 percent.

We also say that although by reason of the Bankruptcy Act, trustees are appointed, we have said to them, "You can run the railroad, you can make it function, you can make it viable, but one thing we are not going to allow you to do: We are not going to allow you to tell your employees that they cannot get a raise, even though you are broke, and even though you are in bankruptcy, if the railroadwide industry is allowed that increase."

So what we have done is, we first took away that power from the trustees when we created the Bankruptcy Act, under chapter 77. Then we gave that 13½-percent wage increase, and we are now paying for that increase.

If that is not the first and greatest step toward nationalization of the railroad system, I do not know what it is.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. HARTKE. Let me say first there are Senators who might feel that nationalization is preferable to a loan or anything else.

Mr. COOK. I realize that.

Mr. HARTKE. But the wage question is a false issue. The difficulty the Penn Central is experiencing did not occur by reason of the action of Congress. The difficulty with the Penn Central has been in the making for a long time.

It is not the only railroad in trouble. I requested the Interstate Commerce Commission to give us a report of the railroads which could possibly qualify under the legislation which the administration had proposed early this year. There were some 16 major railroads which could have benefited.

I presume the railroad representatives have been talking to the Senator every day, as they have been to every other Senator, telling us that they cannot survive, not because of the wage increase alone, but because of other factors, the unavailability of cash, the tight money situation, the slowing down of the economy. That is why I disagree with what the Senator from New Hampshire proposes to do. He proposes to put the blame strictly on Congress.

After all, I stand in better shape than some other Members of the Senate, because I was one, as was the Senator from New Hampshire, who voted against that legislation. Congress as a body must assume some responsibility for the wage increase, but I am not personally committed to that proposition. I thought it was bad legislation.

But that is not the trouble here. It has nothing to do with anything whatsoever except that it has hastened the day when the Penn Central Railroad might have to cease operating. I am concerned about the continued provision of transportation service to the people. According to the best information we have, that railroad will cease to serve the people on January 8, and, God and the President willing, we the Congress shall not be here.

Mr. COOK. Let me say to the Senator that I agree with almost everything he

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says, except when he says it is a false issue, because I am not trying to blame anyone. I voted against the conference report on that act at 5 minutes after 1 myself; so it is not a matter of my trying to blame anyone. When we say God only knows we are not trying to nationalize the railroads——

Mr. HARTKE. I did not say that.

Mr. COOK. I know the Senator did not. I am only saying that the remark is in the RECORD. I am only saying that when Congress gives a raise, and has to extend a guaranteed loan to the railroad to enable it to meet our prior actions, then we are already going down that road of nationalization.

I might say, in all fairness, we have had some railroads that have been in and out of reorganization since the late 1930's. The New York, New Haven & Hartford is one of them. The only thing we can say is that if we are moving in that direction in the eastern quarter of the United States, as the distinguished ranking minority member on our Commerce Committee has said all along, let us come up with a program to solve this problem.

Mr. HARTKE. May I say to the Senator that I am not delighted to be in this position. As the Senator from New Hampshire well knows, I would be more than willing to pass this task along to any Republican Member of this body, to stand here and do battle in behalf of the administration.

But this is not a precedent, any more than section V of the Interstate Commerce Act, wherein we provided for loan guarantees. There are outstanding loans from the Federal Government now, so this is nothing new.

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Let me discuss for a moment the matter of reorganization. A railroad is a semipublic or quasi-public corporation to begin with. Those in reorganization lose their quasi-public position, and they become no longer private organizations, but instruments of the public, by virtue of the Federal court's assuming jurisdiction. The trustees are no longer responsible to the stockholders and the directors exclusively; they are responsible only to the court, and the court, in turn, is responsible to the public. The railroad can no longer be considered as having a private status.

Mr. COOK. The trustees have no right to refuse any nationwide wage increase affecting the industry as a whole.

Mr. HARTKE. Only because Congress itself changed the rules.

Mr. COOK. That is correct.

Mr. HARTKE. But Congress has the authority and the right to change the rules. Sometimes it ought to change the rules faster. Let me say to the Senator that in the meeting I had the day before with the Rail Passenger Corporation incorporators, I asked the labor official who is one of the incorporators if any progress was being made to alleviate or obviate any further last-minute action on February 28 at midnight, to avert the next strike. I was informed that there has been one meeting. There is no planning, no action, no negotiation, nothing being done in this Nation to avert that next strike.

That is the problem. It is lack of planning. That should be done. But this should not keep us from doing what is necessary to keep the railroads going.

I do not think the Senator from New Hampshire and I are so far apart, really, other than in our reasons for regretting the fact that we have to come before the Senate at this time. We regret having to take any action. But we agree that some kind of action is going to have to be taken. On those two points we agree.

But I say that the problem we face will require a lot of thinking and praying by the best brains this country has, or we will have a total collapse of our transportation system.

Mr. COOK. May I say, Mr. President, I agree that it is not new for the Congress of the United States to guarantee loans for the railroads. This authority has been vested in the ICC for some time. It has not had this kind of restrictions, but the authority has been there.

The day that the Penn Central went into receivership, a major bank, in behalf of itself and many other banks, notified the Interstate Commerce Commission that it was calling on it to pay some $20 million on a defunct loan guaranteed by the Commission to the Penn Central.

So this is nothing new. The point I am making about this is that this bill provides that the first priority shall be the payment of wages. The reason that provision was necessary was because of the action of Congress on December 10. That itself is the greatest link in building the chain of inflation that the Congress of the United States could ever forge.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CASE. Mr. President, would the Senator from Tennessee yield to me, so that I may propound a question on one point to the manager of the bill?

Mr. BAKER. I am happy to yield to the Senator from New Jersey.

Mr. CASE. Mr. President, questions have been raised in regard to the status or possible status of the New Jersey Central Railroad under the bill, a matter of great importance to the State of New Jersey and I think to Pennsylvania also, and perhaps going beyond that.

Would the manager of the bill, the distinguished Senator from Indiana, give his understanding as to whether the Jersey Central Railroad would be eligible to apply for assistance under the bill, if it passes and becomes law?

Mr. HARTKE. Yes, the New Jersey Central Railroad would be eligible to apply. It is a railroad which is in reorganization. It is not automatically granted a loan; the Department of Transportation would have to make a determination of the facts. The railroad would have to meet the criteria set forth in the bill.

Mr. CASE. I thank my colleague for that explanation.

Mr. BAKER. Mr. President, I wish to commend the distinguished Senator from Indiana, the distinguished Senator from Kentucky, and the distinguished Senator from New Hampshire for taking an objective and intelligent approach to a difficult, complex, and frustrating situation. I have listened to the colloquy thus far, and I think I would be remiss in not pointing out, as the Senator from Rhode Island pointed out in his contribution to the colloquy, that we have an almost impossible situation to cope with it at this time, but we also have a concurrent obligation to the country to see that our frustrations are not paid for by closing down a basic transportation artery of the country.

I wish to say that in supporting the committee—and I am a member of the committee—and supporting the distinguished ranking member of the committee, the Senator from New Hampshire (Mr. COTTON), and supporting, now, the passage of this measure as I do, and the subcommittee and the committee chairmen in their efforts in that respect, I still concur with them that we have the biggest part of the job still ahead of us. We have the national debate on nationalization, or some variation thereof—and I am still hopeful that something other than nationalization can accomplish the national purpose.

But I caution against going too far into that debate at this time, because the real situation is this, as briefly as I can put it: As a result of the accumulated errors of management, force of circumstance, poor regulation, economic circumstance, and others, as a result of a wage increase that was imposed by Congress as a price to avoid a rail strike—all these things in the aggregate produced a situation in which the court-appointed trustees in bankruptcy came voluntarily to the Commerce Committee of the U.S. Senate and said, "Our cash flow will become negative in early January unless something is done."

So, Mr. President, wholly aside from the reserved question of what we do to obtain a coherent total national transportation policy, we now have the single challenge: How do we prevent the close-down of one of our major transportation arteries?

I think we are making a mistake, but I think we have no alternative to passing this bill at this time. I suggest that we cannot afford to permit the Penn Central, with all its transportation facilities, with the dependence of electric power industry and commerce generally on the the Penn Central, to close down between now and the time we reconvene.

It is a terrible price to pay for that hiatus, but I am afraid we have to pay it, and I propose that we go about the business of doing the distasteful task of preventing that railroad from shutting down by using Federal credit to guarantee private loans or direct loans, as the subcommittee chairman prefers—and either would be acceptable to me—to postpone the day that the road will close, so that we can calmly, quietly, and dispassionately decide what a coherent national transportation policy should be.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. FULBRIGHT. I should like to ask the Senator from Indiana a few questions.

How long is this $125 million scheduled for the Penn Central supposed to last?

Mr. HARTKE. The entire $125 million is not necessary for the Penn Central to keep it going under its present terms. The statement to the committee was that they would need in the neighborhood of $62 million to carry them through until about March. It is anticipated that part of this money may be used for other railroads.

Let me make it clear, however, and there should be no misunderstanding about this. The testimony is clear in the committee that the Penn Central, in and of itself, under reorganization, with its present structure, would require additional cash for the next 3 years, in the neighborhood of $450 million total.

Mr. FULBRIGHT. The Penn Central alone?

Mr. HARTKE. The Penn Central alone; yes.

I think it is necessary that the country know that what we are talking about here is in the neighborhood of between $420 million and $450 million to keep the Penn Central operating. The trustees anticipate that by making changes in operating techniques, in the equipment and everything else, they will be in a position in which they will start making money, they will eventually have the railroad turned around, from a losing operating to a profitmaking operation. As part of the effort they will attempt to dispose of nonrailroad operating assets which are held by the Penn Central Co. The corporate structure is a maze which would have taken an ancient king to have devised.

Mr. FULBRIGHT. What aroused my curiosity was that, in reply to a question by the Senator from New Jersey, the Senator from Indiana apparently said that other railroads, without limit, may be eligible for loans under this legislation.

Mr. HARTKE. I think it might be helpful at this time to say there are limitations. One of the most specific limitations of the bill that only railroads that are in reorganization are eligible. One of the railroads to which the Senator refers is the Jersey Central. The Jersey Central is in financially bad condition. An effort is being made to turn it around. It has been helped financially by the State of New Jersey. It had been anticipated that they would run out of money on December 15, and probably would have, except for the fact that they had a change of trustee, which accommodated the powers that be in New Jersey and the State of New Jersey advanced the railroad sufficient money to keep it operating for an additional 2 months or so. The amount of money involved there was approximately $8 million.

It might be helpful to discuss the conditions to a guarantee which exist in H.R. 19953, but not in the substitute of the Senator from New Hampshire.

First. There must be a finding that a cessation of essential transportation services by the railroad would endanger the public welfare;

Second. That cessation of such services is imminent;

Third. That there is no other practical means of obtaining funds to meet payroll and other expenses necessary to provide such services than the issuance of such certificates;

Fourth. That such certificates cannot be sold without a guarantee;

Fifth. That the railroad can reasonably be expected to become self-sustaining; and

Sixth. That the probable value of the assets of the railroad in the event of liquidation provides reasonable protection to the United States.

Those are the conditions.

Mr. FULBRIGHT. Is there any dollar limit to the amount of Government loans authorized in this bill? In other words, can it go above $1 billion or $15 billion?

Mr. HARTKE. The only limitation is the limitation of $25 million on the aggregate amount that can be outstanding at any one time. There is nothing restricting the Department of Transportation from making a determination that all of the $125 million should go to the Penn Central. Taking the extreme position, that is possible under the law as long as the conditions specified in the bill are adhered to.

Mr. FULBRIGHT. I did not make myself clear.

This bill is an authorization, is it not?

Mr. HARTKE. That is correct.

Mr. FULBRIGHT. Is it possible for more than $125 million to be lent to anybody?

Mr. HARTKE. No.

Mr. FULBRIGHT. Therefore, if this is to be expended beyond that in any amount, new legislation would be necessary?

Mr. HARTKE. That is correct.

As a matter of fact, the Senator from Indiana would have preferred to have set a much lower limit. I would set a limit of $75 million. There was talk of $100 million. The House wanted $125 million.

Our problem at this time is that unless we pass the measure as was passed by the House—and their bill was drafted as a result of earlier action within the Senate Commerce Committee. I personally would have preferred a smaller amount. But the $125 million was the amount agreed upon, and that is the amount which in the aggregate could be loaned at any one time; and before anything else could be done, Congress would have to authorize additional funds.

Mr. FULBRIGHT. I wanted to make that clear. Several Senators have mentioned this, and I believe the Senator from Kentucky especially mentioned that he believes this is the first step toward nationalization, if I understood him correctly.

That being so, is the Committee on Commerce presently engaged in a study of the possibility or probability of nationalization and how to go about it in case it does become advisable in the opinion of Congress?

Mr. HARTKE. Let me rephrase it, so that I do not come into the Senator's word trap.

Mr. FULBRIGHT. I did not set any trap. I only asked a simple question. Is the committee studying nationalization?

Mr. HARTKE. We are studying the entire problem of national transportation. Before the committee at this time is a bill introduced by Senator MAGNUSON, S. 2425, of which a number of members of the committee are cosponsors—hearings have been held on it—to try to develop a national transportation policy.

In addition, I have talked with the chairman and hopefully, we can talk with the minority members to convince them of the necessity of going in depth into this whole question—we would not merely restrict the study to the possibility of nationalization. I think there should be a review of the whole problem of mergers, the acquisition of nonrailroad properties—in order to come up with some policy which would provide us with some comprehensive answers. There is a trap; it is a financial trap which we must spring in some way.

Mr. FULBRIGHT. I was not trying to trap the Senator. I just wanted a simple answer. Is the committee studying the problem of nationalization of railroads? I refer to Government ownership, and not national policy for running trains at certain hours, or Railpax. Is there a subcommittee with a staff studying the ownership of the railroads by the Government and how to go about it in case it is thought advisable?

Mr. HARTKE. No.

Mr. FULBRIGHT. That is not a trap. That is all I was trying to ask.

Mr. HARTKE. I gave the Senator a very clear answer.

Mr. FULBRIGHT. A very clear answer, yes.

Is the ICC, which is given a large staff, studying how to go about nationalizing public ownership of the railroads?

Mr. HARTKE. If the Senator can tell me what the ICC is studying, he has a mind which comprehends things I have never been able to comprehend. I have been trying to find out for 2 years now what they have been studying. I hope we can come up with a definitive answer. My judgment is that they are not, but that is merely an off-the-cuff judgment.

Mr. FULBRIGHT. Does not the Senator think it wise, in view of the statement of the Senator from Kentucky, and also the statement of the Senator from Rhode Island and others, that there be constituted a subcommittee of the Commerce Committee with a staff with directions to study this matter?

Mr. HARTKE. I think the whole question should be studied. I believe that we should have an adequate number of staff. We have discussed this matter, and I have assurances from the chairman that he supports the program and I also have assurances from the Senator from Rhode Island that he supports such a program. That is as far as we have gone. We have not discussed this with the minority members yet. It only happened last night.

Mr. PASTORE. If I may respond, all I said was that I was not unequivocally opposed to nationalization if it became necessary. I think it is a little too premature. The answer is that the committee is not studying nationalization. As a matter of fact, I do not think that we should be studying nationalization at this time.

Mr. FULBRIGHT. Somebody should be.

Mr. PASTORE. It is a national problem. I think this should have the initiative of the leadership, of the administration, and of all the parties concerned. I do not think the committee, of itself, should initiate this nationalization. This is a governmental policy that will have to be thoroughly considered, because it will involve the appropriation of billions and billions of dollars.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. COTTON. Mr. President, who has the floor?

Mr. FULBRIGHT. I do, and I am glad to yield to the Senator from New Hampshire.

Mr. COTTON. All right. I thank the Senator.

Now, Mr. President, this discussion is wandering into a very dangerous zone——

Mr. FULBRIGHT. Is what?

Mr. COTTON. It is wandering into a very dangerous zone. I admire the distinguished Senator from Arkansas, who wants to know the facts. He has an inquiring mind. But, one reason why the Senator from New Hampshire prefers a limited and clearly temporary measure with a termination date in March is that when we talk about a study of nationalization, the bill itself has not been studied. I do not raise, as I could, any question about a quorum of the committee being present when the bill was voted out. As a matter of fact, the bill was considered when the chairman was unavoidably absent. We discussed the matter. I offered my amendment. It was voted down. The bill had only the sketchiest kind of consideration. The committee which is very ably chaired by the Senator from Indiana (Mr. HARTKE) has a staff—in fact it has a greater staff than subcommittees have had in the past, because in this Congress every chairman of every subcommittee on the Committee on Commerce has a clerk assigned to him and to his subcommittee, which never happened before.

We on the other side of the aisle cover the whole situation with some seven people, while some 41 people are engaged in staff work for the majority on the committee.

I did not intend to raise these points, but I sat here about as long as I could stand it, listening to the questions and answers elicited by the distinguished Senator from Arkansas.

There has been no study about nationalization of the railroads. There has been only a cursory study and a hasty hearing on the bill before us. That is why, recognizing the serious situation, I wanted my amendment adopted, because it so clearly is temporary and terminates on a fixed date. The Secretary of Transportation, representing the administration, wants more authority. However, I am against giving him such requested authority, and I am the ranking Republican on the committee. I want the authority to terminate midnight on March 31, 1971. More importantly, I do not want anything that is done here today to establish a precedent that we will be on the road to nationalization or on the road to bailing out any ailing business enterprise.

Mr. FULBRIGHT. While the Senator is on his feet, is that the limitation of time? Is the amount the same?

Mr. COTTON. The amount is the same.

Mr. HARTKE. Will the Senator yield?

Mr. FULBRIGHT. I will yield for an explanation.

Mr. HARTKE. I would like to clarify that point. The total amount is the same but the proposed substitute contains no safeguards.

Mr. COTTON. Will the Senator speak a little louder?

Mr. FULBRIGHT. He says there is no safeguard in the bill comparable to the committee bill.

Mr. HARTKE. The bill limits the amount for any one railroad to the amount of increased wages which the railroad would have to bear as a result of the wage increase. This raises a false issue. If the administration wants support for a bill as proposed by the Senator from New Hampshire, it should have said so. The administration is supporting the committee approved bill. I am not that wedded to this bill. I am not interested in fighting a battle for the administration.

The administration may not want to get into this matter, but I want it clearly understood that the bill we are presenting and the bill supported by the administration, provides for the temporary alleviation of a financial condition and it is a bailout. It is a bailout for the Penn Central. There is no other way to look at it. Anyone who tries to paint it as anything else is wrong, because this bill will, if the railroad can meet the conditions contained in the bill, provide money in a loan guaranteed by the U.S. Government. We have done that before, under title V of the 1958 act. There is no use anyone trying to hide the thing further.

Referring to the comment about the great staffs that the subcommittee on surface transportation has, let me state for the record that we have one full-time member and one part-time member.

Mr. COTTON. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. COTTON. I want to call attention to the fact that there are more safeguards in the substitute of the Senator from New Hampshire. One of the safeguards is that it provides that after December 18, the date our committee reported out its bill, no railroad can qualify for such assistance by undergoing reorganization under the Bankruptcy Act. It is restricted to those undergoing reorganization on or before such date. The same aggregate amount of $125 million is provided as a ceiling. Moreover, it does fix the date on which the authority of the Secretary is terminated. Nevertheless, as I said at the outset, when the Senator was not yet in the Chamber, as a practical proposition, the Senator from New Hampshire and others who feel as I do are perfectly aware of the fact that if anything is going to be done, we have got to pass the House bill, H.R. 19953, now under consideration. I offered my amendment because I wanted to get my views before the Senate and go on record as opposed to the form of the relief proposed in the pending measure and the conditions under which it is being considered. I will not ask for a rollcall vote. I will not ask to do anything to upset the apple cart.

As a practical matter, every one of us knows that we have got to act upon the House-passed bill. Otherwise, we could be confronted with a very serious situation.

I did not intend to get drawn into all this bickering about minor points. I had to do so, however, because I felt that the record was inadvertently—not intentionally—being distorted. I could not sit silent and not present my views.

Mr. FULBRIGHT. Mr. President, I thank the Senator. I think that pressure ought to be brought to bear and that a study should be made of this matter.

From my somewhat limited knowledge of the matter, I am inclined to favor the Senator's substitute over the committee bill. There are one or two observations I would like to make. I realize that in many circles there is a kind of taboo on talking about nationalization. However, in this field I feel very much as I do in certain other ones. If we are moving in this direction it would be much less costly if we were to do it with our eyes open and recognize it rather than to slide in indirectly and waste several hundreds of millions of dollars pretending that it is not nationalization when there is not anything wrong with it in some cases. Practically every country of any consequence owns its railroads. In Japan and Canada they have both nationalized and privately owned railroads.

It has become a sort of mythology with us that everything has to be private enterprise. It does not have to be. Many countries have shown nationalized industries to be successful; more successful than ours in some instances.

I think it is wrong to cling to these old taboos beyond their day. That is why I raise this matter. I am not too well equipped to answer these questions, but I am interested in the private enterprise system and I am interested in the Government going into these matters in this indirect, backdoor way.

Actually this is very similar in my mind to the way we have approached the SST. Private enterprise can handle that matter for its own purposes if it is willing to do so. But I do object to the Government subsidizing private enterprise in this way because we get the bad end of the stick and pay all the costs.

We take all the risk, and, if it turns out good, the Boeing stockholders will benefit. I am against that.

I am perfectly willing to nationalize the railroad. But I think it ought to be studied. I think it is ridiculous to sit around here and have some Senators say that this is the first step toward nationalization.

The ICC, if it was worth its salt, ought to have studied the matter long since. It is a perfectly useless appendage to the Government. The Senator has said that he does not know of anything they do.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. Mr. President, there is a little something more about the amendment of the Senator from New Hampshire. Is not the amount we can guarantee limited to the amount that we decreed for a pay raise to any particular railroad?

Mr. COTTON. The Senator is correct.

Mr. PASTORE. That is an important element. The point I made—and I think that the Senator from Arkansas was on the floor when I made that point—is that the problem is to keep them operating beyond January 8 until we can straighten this matter out on a permanent basis.

Mr. FULBRIGHT. It does that.

Mr. PASTORE. It does it to the limit of the 13 percent that we decreed at the time in order to avoid the strike. But it does not go beyond that. That means that they can come to a stop anyway. It may not be on January 8, but it might be a few days or weeks later.

Mr. FULBRIGHT. Mr. President, I thought that the Senator felt confident this would get them going until the end of March.

Mr. COTTON. They told us the amount they needed to get by. This gives them that amount plus prevailing interest. It does stop at the end of March. On the other hand, with the House bill we go far beyond the end of March, and we are liable to be called upon for more money. Then we will be on the road to something, whether it is nationalization or something else.

Mr. FULBRIGHT. Mr. President, could I ask the Senator how extensive the hearings were on the bill? The Senator indicated they did not amount to very much. How many witnesses were called on the bill.

Mr. COTTON. I do not recall exactly, but I do not believe there were any hearings on the particular bill now under consideration. There were, however, earlier hearings on similar bills covering several days.

Mr. HARTKE. Mr. President, the hearings on this matter began last June. I would imagine that they totaled nearly 11 days of hearings. Not all those hearings involved this particular bill.

Mr. FULBRIGHT. I meant on this bill. I did not mean the entire committee's work.

Mr. HARTKE. I am talking about the bill originally submitted by the administration. This is a very limited version of the administration bill.

Mr. PASTORE. The Senator is correct.

Mr. FULBRIGHT. The Senator suggested that it had not been given very thorough consideration. I thought he also suggested that there might not have been a quorum present when the matter was voted on in committee. Someone in one of my committees raised a point of order because there was not a quorum. We had to take the measure back and vote it out again. I am familiar with that rule. If there was not a quorum present, someone could have made the point of order. However, I am not presenting that as a suggestion.

Mr. COTTON. Mr. President, the Senators could have been brought in. We all recognized the emergency here. I voluntarily said to the Senator from Rhode Island—and he will correct me if I am wrong—that I would reserve the right to offer my substitute on the floor, but I would not raise the point of order respecting the lack of a quorum because the Senators could have been brought in. I do not think there would have been any additional votes for it other than the three votes cast by two of my colleagues and me.

Mr. FULBRIGHT. Mr. President, I realize the emergency nature of the situation. I would like to suggest, speaking for myself, that the ICC be instructed to study this problem. And if that is not practicable, I suggest that a subcommittee do it. I am confident it will be facing us as a very serious matter in the next few years.

Mr. COTTON. Mr. President, would it truly be effective to assign the ICC such a task?

Mr. FULBRIGHT. I assume the Senator has no confidence in the ICC. The committee can create a special subcommittee to study the matter.

I feel a little presumptuous, not being on the committee, but these problems impinge on a lot of other areas, especially with regard to what is going to happen in the airline industry.

According to the paper, TWA is on the verge of bankruptcy. I am not a stockholder and have no inside information. I just read the New York Times. They lost in the neighborhood of $30 million last year. According to the Wall Street Journal, Pan American, the largest airline in the world, lost over $25 million in the last quarter I believe. I will look up the information. At any rate, it was an awful lot of money.

These are important problems in the transportation field. I think that they ought to be studied and that we ought not to blindly ease into it through the back door for fear of facing up to the question of whether they should or should not be nationalized. It is not a dirty word. Nearly every country in the world has done it.

Mr. President, I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I would like to make two points. In the first paragraph of the act creating the Interstate Commerce Commission, it gives the ICC the authority to regulate and establish and maintain a viable transportation system throughout the United States. Besides this authority, the Federal Government also already owns a railroad.

I notice that the distinguished Senator from Alaska is seated behind the Senator from Arkansas. The Federal Government owns the Alaskan Railroad. It has owned it ever since it was created. It owns every piece of equipment. It owns the rail bed. We have been paying a subsidy to the Alaskan Railroad in the Interior bill every year since the Senator from Arkansas has been here. I might suggest to the Senator that the ICC regulates the Alaskan Railroad. It allows rate increases. The ICC has regulated the Alaskan Railroad so that it has never made a profit in a single year since it has been in existence, and it has been running since about 1920.

Mr. FULBRIGHT. I wish to ask the Senator this question. Why not abolish the ICC and set up something that will work?

Mr. COOK. I would refer the Senator to the unanimous opinion of the Committee on Commerce the other day when this bill was changed to state it would be the Secretary of Transportation and not the ICC. It was agreed that if a bill came before the Senate to abolish the ICC it would pass unanimously.

Mr. FULBRIGHT. Why not put it in as an amendment on this bill? That would bring it to a head.

Mr. COOK. Then we really would be here until noon on January 3.

Mr. FULBRIGHT. Not if we passed it unanimously.

Mr. President, I do not wish to belabor this matter. The Senator mentioned two or three times this is not new and that loans have been made under title V. Could the Senator from Indiana tell me how much they total?

Mr. HARTKE. I will have that information in a moment. I have come here with a great deal of hesitation to support this bill. I am doing it probably because nobody else wants to. I am only saying we have had a precedent. I did not say that it was a good thing or a bad thing. I merely stated that if there was a precedent it was established under the 1958 act which added title V to the Interstate Commerce Act. In other words, what we are doing today is not entirely new.

Mr. FULBRIGHT. I read into it more than the Senator said. I withdraw that implication. Normally, when I cite a precedent it is to support a point; having done it successfully before we can do it again. But if it has been such a failure I would not have mentioned it at all unless someone asked me.

Mr. HARTKE. If I were a strong advocate of this procedure I probably would not cite it as precedent either. I am only trying to clear the air and make sure we understand that the bill before us is not new.

There is talk, and it is not idle talk, that there is need for an organization similar to the Reconstruction Finance Corporation, not just for railroads but for other organizations. Now the RFC is clear precedent for the Federal Government to loan money to private organizations, even those businesses which are not affected with the public interest as are the railroads.

I do not cite that as authority that we should or should not do it. I am trying to make clear that we are not doing something new. This is something we have done and it should not come as a shock.

Mr. FULBRIGHT. Mr. President, I do not wish to take any more time of the Senate. I again suggest that the subject that has been raised here by Senators and by members of the committee should be studied thoroughly and it should be done soon because this is a very ominous development. The Penn Central is the biggest railroad in the world. It had great capitalization and assets of $6 billion or $7 billion, and here it is folding. What is so bad about it to me is that there is not a depression. This is not comparable to 1929 when some of the best corporations, due to conditions beyond their control, were in financial difficulties. This railroad has been so mismanaged that I think it raises very serious questions.

I believe in private enterprise. I have benefited by private enterprise as all of us have. I think this kind of operation is a discredit to private enterprise. To baby along a situation I see developing does not strengthen the concept of private enterprise any more than I believe the war in Vietnam has strengthened the United States. I think it has weakened the United States. I think it weakens private enterprise to pick up a company

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so grossly mismanaged and to try to keep it alive by the infusion of money. It should go through the wringer. That is the practice that should be followed that would be an incentive to proper management. I think it is wrong to do this.

The argument of the Senator from Rhode Island is persuasive on the emergency nature involved. I want to make clear there is an emergency and I would regard it as that. I think the matter should be studied and we should face the question—the company should either be allowed to go through the wringer, and the stockholders lose their money and the directors lose their money and pensions, and everything else, and start from scratch, or be taken over. I do not like this indirect way of subsidizing inefficient management. I think it is aganst the concept of prvate enterprise.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I am glad to yield to the Senator from Rhode Island.

Mr. PASTORE. The point I want to make is that the railroad is, in fact, now going through the wringer. They are in the hands of the court and trustees. As I said earlier, I would not give a wooden nickel to the Pennsylvania Railroad, the New York Central Railroad, or the Penn Central Railroad. But we have trustees now and the matter is in the hands of the court. The question we have here is to keep it going until we resolve it on a permanent basis. If this were not in the court I would vote as the Senator from Arkansas.

Mr. FULBRIGHT. I also stated that because of the possibility there are 16 railroads in difficulty, five in bankruptcy, it is not an isolated case.

I shall not take any more time of the Senate now. This is one of those cases that might have greater implications than just the Penn-Central Railroad. I do not know why it should not be used as an opportunity to have someone study on what to do about these basic industries. As the Senator from Rhode Island pointed out we just cannot afford to have them stop. It comes very close to a public utility in that it has to continue.

There is one other thing I wish to mention. For years I have heard about a system for settlement of strikes that is used by the Swedes. I have asked a number of our people if they have studied this system. They have not had an important strike for 25 years and it is one of the most sophisticated and industrial countries in the world with the highest per capita income in Europe, next to Switzerland. It is close to ours.

Apparently no one paid any attention to it. They found some way to settle the strikes rather than to have government intervention and government setting wage scales. But I say it is high time we give thought to these difficult problems to see if we can adjust our actions in accordance with what the most sophisticated countries in the world are doing.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. COTTON. Mr. President, the Senator from Virginia knows what I want to do. Will he yield?

Mr. BYRD of Virginia. I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, when I offered my amendment, I stated that I wanted to make my position on the bill clear and point out its dangers. But, it is either this bill or no bill. We have gone far afield. It was not my intention to debate the amendment and hold up the Senate when we are pressed for time.

Therefore, Mr. President, to get down to brass tacks, we can say what it is necessary to say about the bill and vote.

I move that the Cotton amendment be laid on the table.

The PRESIDING OFFICER. The question is on the motion.

Mr. JAVITS. Mr. President, may we know which amendment is to be laid on the table?

Mr. COTTON. My own amendment.

The PRESIDING OFFICER. Will the Senator from Virginia yield for that purpose?

Mr. COTTON. Mr. President, I understand he had. I told the Senator from Virginia I was going to make the motion.

Mr. BYRD of Virginia. Without losing my right to the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment on the table (putting the question).

The Chair is in doubt. All those in favor of the motion to table, please stand and be counted. (After a pause:) Will those who oppose the motion to table please stand and be counted?

On a division, the motion is carried.

The bill is open to further amendment.

Mr. BYRD of Virginia. Mr. President, I find this legislation a very difficult one on which to pass judgment.

We are faced with a very difficult situation. No one wants the Penn Central Railroad to cease to operate. On the other hand, there is a grave question of national policy involved—a new policy and one which can have far-reaching consequences.

I would like to address several questions, if I may, to the distinguished Senator from Indiana.

First, in reading the committee report, I find a number of letters from various governmental officials, but they seem to refer to legislation other than the particular bill under consideration. Am I correct in that?

Mr. HARTKE. The Senator is basically correct. What happened was that the administration submitted a recommended bill to lend money to the railroads before the Penn Central went into reorganization. Before the bill was actually introduced and before hearings were conducted, the railroads entered reorganization. The strike threat occurred in December, then there was a wage increase, which precipitated the action which is being taken at this time.

The bill itself was worked out by the committee at a very late date. It has the endorsement of the Department of Transportation and it has been passed by the House of Representatives.

Mr. BYRD of Virginia. I thank the Senator.

In the letter from the Assistant Comptroller General he mentions that the bill then under consideration used the figure $750 million. Was the original proposal to permit loans up to $750 million, or guarantee of loans up to $750 million?

Mr. HARTKE. The administration bill requested that the committee authorize the guaranteeing of loans up to $750 million without any restrictions as to the railroad's condition and without any requirement that the railroad be in reorganization.

Mr. BYRD of Virginia. Who submitted that bill?

Mr. HARTKE. That bill was submitted on behalf of the administration.

Mr. BYRD of Virginia. Was it submitted by the Interstate Commerce Commission or the Justice Department?

Mr. HARTKE. By the Department of Transportation. It was introduced by the ranking minority member of the committee on request of the Department of Transportation.

Mr. BYRD of Virginia. The bill under consideration at the moment is H.R. 19953. I assume that that is precisely the same as S. 4595.

Mr. HARTKE. For all intents and purposes it is, with the exception of some minor technical amendments.

Mr. BYRD of Virginia. There is no basic difference in the two?

Mr. HARTKE. There is no basic difference in the two.

Mr. BYRD of Virginia. I have not had an opportunity to study H.R. 19953, but I did have an opportunity to study S. 4595 and it seems to me it is a very well drawn proposal and has incorporated in it restrictions which, in my judgment, should be in legislation of this type if we are being to pass legislation of this type. I think the committee did an excellent job in preparing the bill and in writing restrictions into the bill, assuming it is wise to pass such legislation.

Mr. HARTKE. I thank the Senator from Virginia for saying that. Let me point out to him that what we wanted in this bill was to have it as tightly drawn as possible. We had the interest of two groups in mind: the U.S. taxpayers and the user of the railroad's service. So the prime purpose of the bill is to lend money to run the railroad. Assistance would go only to railroads that were in reorganization and where cessation of service was imminent.

Mr. BYRD of Virginia. This proposal would permit Government guaranteed loans up to $125 million?

Mr. HARTKE. That is correct.

Mr. BYRD of Virginia. And that $125 million could go to one railroad or to several or more railroads?

Mr. HARTKE. The Senator's statement is correct.

Mr. BYRD of Virginia. What about the interest on those loans? Who is to pay the interest on the loans?

Mr. HARTKE. It is a guaranteed loan. The debtor pays the interest.

Mr. BYRD of Virginia. The loan itself will be made through commercial sources?

Mr. HARTKE. The loan would be made by a commercial enterprise. The loan itself would be approved by the Department of Transportation. The interest would be in addition to the actual loan itself.

Mr. BYRD of Virginia. Then, we are not dealing with $125 million; we are dealing with $125 million plus the interest on $125 million?

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Mr. HARTKE. Plus the interest; that is correct.

Mr. BYRD of Virginia. Which the Government will pay to a commercial enterprise——

Mr. HARTKE. The Government payment would be only in the event of default. The Government will not make any payment unless there is a default. What it is making is a guarantee of the loan.

Mr. BYRD of Virginia. Who pays the interest?

Mr. HARTKE. The railroad.

Mr. BYRD of Virginia. The railroad will pay interest on the loan until it comes in default?

Mr. HARTKE. That is right.

Mr. BYRD of Virginia. And then if it comes in default, the Government pays the interest as well as the principal?

Mr. HARTKE. That is right. It has responsibility for the loan and it would assume all the rights and obligations of the original debtor.

Mr. BYRD of Virginia. But until the loan is in default, the interest is paid by the railroad itself?

Mr. HARTKE. That is right.

Mr. BYRD of Virginia. Did I understand the Senator from Indiana to say, or perhaps it was the Senator from New Hampshire or the Senator from Kentucky, that the ICC has already made a $20 million——

Mr. HARTKE. No, I want to correct that.

I have here a recapitulation of the total amount of guaranteed loans, and I ask unanimous consent that the entire list be printed in the Record at this point.

There being no objection, the list was ordered to be printed in the Record, as follows:

LOAN GUARANTEE APPLICATIONS APPROVED

Railroad	Number of applications	Total amount guaranteed
Boston & Maine	5	$9,000,000
Central of New Jersey	2	20,000,000
Chicago & Eastern Illinois	2	14,800,000
Erie-Lackawanna	1	15,000,000
Georgia & Florida	2	1,934,960
Lehigh Valley	5	21,823,000
Missouri-Kansas-Texas	3	34,000,000
Monon	2	10,500,000
Penn Central (formerly New York Central)	1	40,000,000
New Haven	4	$23,159,400
New Haven trustees	2	12,500,000
New York, Susquehanna & Western	2	855,000
Norfolk Southern	2	7,400,000
Pittsburgh & West Virginia	2	3,000,000
Reading	1	30,000,000
Total	36	243,972,360

LOAN GUARANTEE APPLICATIONS STATEMENT SHOWING FOR APPROVED APPLICATIONS THE TERM OF GUARANTEE, RATE OF INTEREST, AND PURPOSE OF LOAN

Finance Docket No.	Railroad	Amount approved	Term of guarantee (years)	Date of final maturity	Rate of interest (percent)	Purpose of loan
20429	Boston & Maine	$3,000,000	15	Dec. 1, 1974	5	(1).
21365	Do	3,000,000	15	July 1, 1975	5	(1).
21615	Do	1,000,000	6	July 1, 1965[2]	4⅞	(1).
22231	Do	1,000,000	15	Oct. 15, 1977	5	(1).
22639	Do	1,000,000	3	July 1, 1966[2]	4¾	(1).
	Total	9,000,000				
21555	Central of New Jersey	15,000,000	15	July 1, 1976	5	(3).
22640	Do	5,000,000	15	Dec. 1, 1978	5	(1).
	Total	20,000,000				
21210	Chicago & Eastern Illinois	3,000,000	15	July 31, 1975	5¼	(1).
22361	Do	11,800,000	15	Dec. 31, 1977	5	(4).
	Total	14,800,000				
21494	Erie-Lackawanna	15,000,000	15	June 1, 1976	5¼	(1).
	Total	15,000,000				
20517	Georgia & Florida	$934,960	10	Dec. 31, 1970[2]	5	(5).
20518	Do	1,000,000	10	Dec. 23, 1970[2]	5½	(6).
	Total	1,934,960				
20760	Lehigh Valley	5,923,000	15	Aug. 1, 1974	5.0059	(7).
21300	Do	5,000,000	15	June 15, 1975	8½	(1).
21539	Do	2,500,000	4	May 17, 1970	6	(1).
21776	Do	5,000,000	15	Nov. 1, 1976	4½ and 5	(1).
22339	Do	3,400,000	15	May 1, 1977	4¼	(1).
	Total	21,823,000				
21454	Missouri-Kansas-Texas	16,000,000	15	May 1, 1976	5	(1).
21552	Do	6,000,000	15	June 1, 1976	4¾	(1).
22577	Do	12,000,000	15	June 1, 1978	5⅝	(1).
	Total	34,000,000				

Note: Table incomplete.

INTERSTATE COMMERCE COMMISSION, BUREAU OF ACCOUNTS, SECTION OF FINANCIAL ANALYSIS—PT. V LOANS RECONCILIATION OF DIFFERENCES IN AMOUNTS FOR SAME ITEMS SHOWN IN ANNUAL REPORT (SCHEDULE 6) TO TREASURY DEPARTMENT AND STATEMENTS FURNISHED BUREAU OF BUDGET BY BUDGET AND FISCAL OFFICE

Railroad	Amount of loan outstanding as of June 30, 1970			
	Treasury report	Statement to Bureau of Budget	Items in Budget statement which are under or over amounts for similar items in Treasury report	
			Under	Over
Boston & Maine	$3,216,667	$3,216,667		
Central of New Jersey		15,075,573		[1] $15,074,573
Chicago & Western Illinois	6,838,996	6,838,996		
Erie-Lackawanna	12,000,000	12,000,000		
Lehigh Valley	11,285,000	11,285,000		
Missouri-Kansas-Texas	30,040,000	30,040,000		
Monon	7,450,000	7,450,000		
New Haven	2,719,800	15,409,032		[1] 12,689,232
New Haven Trustees	12,500,000	12,500,000		
New York, Susquehanna & Western	229,300	229,300		
Norfolk Southern	$5,800,000	$5,800,000		
Penn Central (formerly New York Central)	16,900,000	16,900,000		
Pittsburgh & West Virginia	600,000	600,000		
Reading	28,000,000	28,000,000		
Total	137,579,763	165,344,568		$27,764,805
Difference	27,764,805			

[1] Explanation: Amount paid by United States upon default—no further contingency—therefore not included in Treasury report. Amounts applied against principal of loan in finance docket No. 20398 as result of settlement between Department of Justice and Trustees, and amounts applied against principal of unsecured loan in finance docket No. 21299 as a result of settlement of certain claims. Amounts applied against principal of Central of New Jersey loans as a result of income received on collateral and proceeds from maturing Treasury bills.

Difference:	
New Haven	+$14,375,000
Finance docket No. 20398	1,057,868
Finance docket No. 21299	627,900
Total	−1,685,768
Net, New Haven	+12,689,232
Central of New Jersey	+16,995,000
Financial docket No. 21555	$1,583,517
Financial docket No. 22640	335,910
Total	−1,919,427
Net, Central of New Jersey	+15,075,573
Net total	+27,764,805

Note: The above differences are due to the fact that the Treasury report (schedule 6, "Supplementary Statement of Commitments and Contingencies") shows the contingent liability of the United States as of the date thereof whereas the statements furnished Budget include the unpaid balance on defaulted loans of New Haven and Central of New Jersey which are still a debt due the United States (even though the lenders have been paid through supplement appropriations). Such defaulted loans are excluded from the Treasury report since they are no longer a contingent liability of the United States.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. COOK. The point I was trying to make was that the Penn Central Railroad at the time it went into receivership was the recipient of a title V loan from the ICC. I think the original principal of that loan was $40 million or $50 million. It had paid the loan down to some $19 million-plus as of the time it filed in receivership. The ICC was notified by a group of New York banks that it was holding the U.S. Government responsible for the balance of the loan.

Mr. BYRD of Virginia. I thank the Senator.

Am I correct in assuming that if the entire $125 million is loaned to the Penn Central, the Penn Central will owe the Government the $125 million plus the $20 million which was guaranteed by the ICC?

Mr. HARTKE. The law does not provide that assistance will go to the Penn Central. It is not required that a loan of $125 million be made by the Department of Transportation, although, I want it clearly understood, there is nothing in the bill which would prevent any loan in that amount being made. Any outstanding loan presently made under title V of the Interstate Commerce Act of 1958 would be in addition to any loans made under the provisions of this act.

The act of 1958 has expired.

Mr. COOK. Mr. President, if the Senator will yield, I think it is only fair to say also that the ICC is a creditor, a secured creditor by reason of its mortgage, in the receivership proceedings under chapter 77. As a matter of fact, I am of the opinion that they had five mortgages, including all of the equipment of the railroad, I am not sure, as opposed to all of the assets of the railroad other than the rolling stock and fixtures. But I think the point that the Senator from Indiana is making, first of all, is that this $125 million includes all of the railroads that are presently in receivership that would qualify.

Mr. BYRD of Virginia. That is correct; I understand that.

Mr. COOK. I think the testimony was that the Penn Central could really get along on $64 million. Is that not correct?

Mr. HARTKE. $62 million to $64 million.

Mr. COOK. And I would have to say that the $20 million under the previous title V loan is a secured claim in receivership, under the chapter 77 action already in the courts.

Mr. BYRD of Virginia. I thank the Senator from Kentucky.

Let me ask the Senator from Indiana this: Is it not true that the Penn Central has assets of a value of between $5 billion and $6 billion?

Mr. HARTKE. It has assets. The value of those assets is certainly open to question. The estimates have been between $4 billion and $7 billion, depending on who makes the estimate, and when. But there is no question that they hold assets other than railroad assets in large amounts, all of which are severely mortgaged.

Mr. BYRD of Virginia. The Penn Central has assets of billions of dollars, somewhere between $4 billion and $7 billion?

Mr. HARTKE. Yes. Let me make clear, I do not want to exercise any judgment. We tried to find out from the trustees. They are attempting to place what they consider a reasonable value on those assets, also. Some of the assets are of a nature that has value only to a railroad as an operating corporation. Other assets include land holdings such as the Southwest Corp. or Vita Corp. They hold an interest, for example, in Madison Square Garden.

Mr. BYRD of Virginia. All of those are valuable assets. The Great Southwest Corp. owns land in Texas which is a very valuable asset.

Mr. HARTKE. There is no question that it is a very valuable asset, but it is severely encumbered.

Mr. BYRD of Virginia. Let me ask this: Is the Penn Central on a calendar year basis or a fiscal year basis?

Mr. HARTKE. I am sorry, I cannot give that information to the Senator.

I am informed they are on a calendar year basis.

Mr. BYRD of Virginia. Does the Senator from Indiana or the committee have figures which show the profits of the Penn Central in previous years?

Mr. HARTKE. Yes, we have all those. Those have been presented as a result of the hearings.

The real cause of the financial condition which led to the failure of the bond issue early this year was the bad return for the first quarter of 1969.

Mr. BYRD of Virginia. I am interested, though, in the——

Mr. HARTKE. Let me say also that we have great difficulty in making any definitive assessment of the profit and loss structure. Mr. Wirtz, who is one of the trustees under reorganization, testified that the accounting procedure produced information which had very little relation to the truth.

Mr. BYRD of Virginia. Does the committee have, and could the Senator state to the Senate, the profits or losses, as the case may be, for the Penn Central since it became the Penn Central, and prior to that, going back, say, just to pick a figure, to 1960, 1961, or 1962, the profit and loss on both the Pennsylvania Railroad and the New York Central?

Mr. HARTKE. We can obtain those.

Let me say again that we feel at this moment we have gone into it in depth. We have the financial statements as they were filed, which could be made available to the Senate. But I wish to say also at this time that those financial statements unfortunately, according to statements of the trustees under reorganization, are not of the character which is considered most reliable, even though they were filed with the Interstate Commerce Commission, and even though the Interstate Commerce Commission was supposedly watching very carefully what was going on.

Mr. BYRD of Virginia. Were they not filed with the Internal Revenue Service?

Mr. HARTKE. Yes, they probably were.

Mr. BYRD of Virginia. And the Securities and Exchange Commission?

Mr. HARTKE. Yes.

Mr. BYRD of Virginia. The railroads must have been profitable because the stocks, for instance, the Penn Central stock—I am taking this from memory, but I think at one time it was up to 87.

Mr. HARTKE. I wish to point out, as I did when the Senator was not present, that there are several unanswered questions regarding the Penn Central merger. Before the merger, the New York Central was beginning to move out of its financial crisis. It was able to meet most of its current obligations without much difficulty. In other words, it was reasonably healthy. The Pennsylvania Railroad, on the contrary, was losing money during that same period of time, and it was basically a sick company and very short of cash.

The merger of those two operations resulted in a substantial increase in the market value of the stock. It did go up to over $80 a share, but that was probably based at least partly on speculation, certainly based partly upon reports which, at this moment, are open to question. Up to this time even the trustees in reorganization have not been able to unravel the situation.

A complete investigation of this matter has not been possible up to this time, and it is important to remember that management is no longer in control.

I would like to make another point which has been missed in the discussion here: There are groups of people who would prefer liquidation of this railroad. The Penn Central Co., which is the holding company, requested that we not proceed with this legislation. Very simply, an operating railroad which returns nothing on the investment may be less valuable to the stockholders and the holding company than a railroad which ceases operation. Of course, it would perform no service, but the fact remains that the stockholders and the holding company might be in a better position by having the liquidation and getting a part of their investment out of the liquidation.

There is also the idea on the part of some stockholders and some other people that nationalization would provide an alleviation of the stockholders' and the creditors' difficulties, in that they feel there would be a moral obligation, or even a legal obligation, requiring that after nationalization, if it did occur, the Government would make those investors whole. To a great extent, there are some of us who feel that the management and some of the creditors are certainly not entitled to be made whole, because of their prior folly.

Mr. BYRD of Virginia. When did the merger take place between the New York Central and the Pennsylvania?

Mr. HARTKE. It was scheduled for 1965, if I am not mistaken, and it was consummated, I think—the merger proceedings began in 1965, and it did not actually go into effect, I think, until 1968 or early 1969. I shall have that for the Senator in a moment.

Mr. BYRD of Virginia. Then the operation for the year 1968 was a profitable operation?

Mr. HARTKE. That is hard to say. It was reported as being profitable.

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Mr. BYRD of Virginia. Well, do we not have to, unless we can prove the figures wrong, go by the official figures that are submitted?

Mr. HARTKE. No; too many of the figures have already been repudiated.

Mr. BYRD of Virginia. Repudiated by whom?

Mr. HARTKE. By the trustees in reorganization. The trustees in reorganization put very little value upon the bookkeeping procedures prior to their taking over.

The merger occurred in February 1968, that is when it was actually consummated.

Mr. BYRD of Virginia. What profit did the railroad show for 1968?

Mr. HARTKE. I do not have that.

Mr. BYRD of Virginia. The Senator does not have that?

Mr. HARTKE. I do not have that here.

Mr. BYRD of Virginia. Is it not correct that companies which are listed on the New York Stock Exchange or the American Stock Exchange—even over-the-counter stocks, for that matter—have to file detailed statements with the Securities and Exchange Commission?

Mr. HARTKE. Yes. They file with the ICC, too.

Mr. BYRD of Virginia. Also, in this case, with the ICC.

Mr. HARTKE. Yes. I do not have those.

Mr. BYRD of Virginia. Despite that, there is a view among the trustees that the figures submitted to the SEC and to the ICC were inaccurate.

Mr. HARTKE. The statement made by the trustees in the committee hearings was to the effect that those figures bore very little relation to the truth.

Mr. BYRD of Virginia. Frankly, I do not know how I would vote on this legislation if the roll were called right now. I think it is a difficult question to decide.

What I am trying to understand is this: Here is a company, or two companies, which at one time was profitable. The company now has assets of between $4 and $7 billion. Yet, the taxpayers are being called upon to bail them out to the extent of $125 million.

Mr. HARTKE. Let me say to the Senator that this is not just a unique situation with the Penn Central, although the Penn Central was probably the most aggravated and the most outstanding due to the fact that the Penn Central is the largest transportation company in the United States and the largest railroad system in the United States.

Two factors are involved. One is the question of profit and loss. Because part of the profits were paper profits and part of the revenue, even with the Great Southwest Corp., was reflected as profit but now is being written off as a loss. Second, that management is no longer there. Although I think there is no question that the entire operation of the Penn Central needs to be reviewed in depth, the old management is no longer there. We are talking here, as has been said many times before, about assisting not management, but trustees responsible under law to a Federal court.

As of now, the stockholders themselves are not in control of the operation. The creditors are in either a secured or unsecured position. Even some of the tax payments of the Penn Central to local communities throughout the Nation have been ordered held in abeyance by the court. The entire operation now is under the control of the court.

I point out that this bill is not intended to benefit and, hopefully, is drawn in a fashion in which there would be no benefit whatever to the stockholders or to the prior management or to anyone of that nature. We are attempting here, as I said earlier—and that is the sole concern—to provide for a service which is needed in the national interest.

Mr. BYRD of Virginia. I understand fully in that regard. But the fact is that, whether it is controlled by the court or controlled by the previous management or controlled by the stockholders, those assets are still there.

Mr. HARTKE. The figures the Senator has asked for are available in the committee. We have them on file with the committee. But they are of very little value to us now.

So far as the assets are concerned, the assets of the holding company or of the railroad company itself—the holding company is not in reorganization at the present time. Only the transportation company is in reorganization. The court and the trustees have attempted to get at every available bit of cash and every asset. They are attempting to dispose of nonrailroad assets.

So far as the final analysis is concerned, there is no question that this bill is drafted in such a fashion that the railroad would be required, before it would be able to obtain a loan, to make sure that all those assets would be used to the fullest extent possible to provide necessary operating cash.

Mr. BYRD of Virginia. If we are to have a bill, I like the way the bill is drawn.

I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were not ordered.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

Mr. HARTKE. I want to reiterate a point about the accounting procedures. The accounting procedures used by the company, as the trustees testified to us, tended to put the best light on everything. Those are their own words. The assets, of course, were valued at a figure which was most attractive so far as the public is concerned—not necessarily false, but, as I said, to make it appear that the railroad was in sound financial condition.

Mr. BYRD of Virginia. That is why the Senator from Indiana indicated that it was difficult to tell whether the assets were $4 billion or $7 billion or somewhere between.

Mr. HARTKE. I do not want to make the statement that the value is between $4 and $7 billion. It has been estimated that they have a value between $4 and $7 billion. For example, what is the value of Madison Square Garden if it went on the block tomorrow? I do not know. We might be able to say what its cost was originally. But the Penn Central has a 25-percent interest in Madison Square Garden. This is not something one can trade every day in the marketplace.

Mr. BYRD of Virginia. The bill as drawn impressed me as being well drawn and a bill calculated to protect the taxpayers to the greatest extent possible. It is not the bill itself that concerns me as much as it is the policy we may be establishing here and what is going to come after this.

As I recall, the distinguished Senator from Indiana mentioned earlier in the debate that the Penn Central—I believe he said the Penn Central, rather than all the others, not counting the other roads—the Penn Central alone will need between $400 million and $450 million in the next 3 years. Am I correct in my understanding?

Mr. HARTKE. The Senator is correct.

Let me elaborate on that. I want to comment upon this in regard to what the Senator from Arkansas has said. So far as establishing a precedent is concerned, this does not establish a precedent, if we refer to title V of the act of 1958. Under that act there was loaned $243 million. The Interstate Commerce Commission administered the guarantee provisions.

Mr. BYRD of Virginia. How much of that has been paid back?

Mr. HARTKE. A great deal of it has not been paid back. Some of it is actually in default.

I think it is only fair for the Senate to know that the entire transportation industry of this Nation is on the verge of collapse—financial collapse.

Mr. BYRD of Virginia. The Senator is speaking now not just of railroads but also of the airlines?

Mr. HARTKE. I think the airlines, the trucking industry, the railroad industry—all of them. We have a transportation crisis of major proportions on our hands, which is not being met; and I might say that I think too little attention is being given to it.

I think the strike itself, which was diverted by a 1-o'clock-in-the-morning decision, is a forerunner of some of the things we are going to have in the future. I am not talking about labor trouble or lack of labor settlements alone. I am talking about the financial condition of these transportation companies. Their primary concern is lack of available cash, the so-called cash flow. When they cannot pay their employees, no matter whether they have assets by the billions, when they do not have enough money on hand and cannot dispose of those assets in the marketplace, they have to go into bankruptcy; or, if they are a railroad, they go into reorganization.

I want it clearly understood that I insisted that the Interstate Commerce Commission report to us what railroads could have been eligible under the legislation to which the Senator from Virginia referred earlier, which was requested by

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the Department of Transportation, and which had an aggregate loan guarantee authority of $750 million. The ICC said there were 16 railroads in the United States which might have qualified under that provision. There are only four today which would qualify under the bill before us. This gives the Senator some idea of how severely limited this measure is. But I do not want the Senator from Virginia to be under a misapprehension. I do not want him to come back in March, April, or May and have him say to me, "Well, I thought we settled that matter in December." We are not settling the matter. We are bailing out the Penn Central in effect, and I think that should be clearly understood, because I am convinced, as are the trustees and as are many other people, that unless we do take this action—and I think the Senator from New Hampshire and the Senator from Vermont and others would agree—the Penn Central will cease operations on or about January 8. Some would have us, the Congress, make the finding that cessation of service is imminent. We are not making that finding. We are laying down the criteria. The Department of Transportation would have to make the finding under these guidelines.

Mr. BYRD of Virginia. I might say to the Senator from Indiana, who consistently throughout this debate has made it clear, that this does not solve the problem——

Mr. HARTKE. That is right.

Mr. BYRD of Virginia. That this is only one step in a possible long-range solution of the problem. The Senator from Indiana has made it clear that far more—at least I understood him to say—far more public funds will be sought by Penn Central, or by the trustees of Penn Central in the coming months.

That is the part that disturbs me more than does this particular bill. As I understand it, we are getting into what we might call a bottomless pit when we analyze, as the Senator from Indiana has done, and assuming he is correct in the way he has analyzed the difficulties of some of the transportation companies, there will be no limit to the amount of money the taxpayers may be called upon to put up.

Mr. HARTKE. I think that is a fair interpretation but I add this one thought, it is hoped that money would not all have to come from Federal sources. It is hoped that some of the assets to which the Senator has previously referred can be freed. The trustees have assured me that they will continue to do just that, to attempt to divest themselves of present assets which are not necessary to the operation of the railroad. Included with that would be the Great Southwest and Arvita corp.; but not many purchasers for those items are readily available in the marketplace.

Mr. BYRD of Virginia. They should utilize those assets of the corporation before they begin to call upon the taxpayers. The bill does not——

Mr. HARTKE. In substance it does.

Mr. BYRD of Virginia. In each case the Secretary shall consider the feasibility of requiring the railroads to dispose of nonrailroad assets as a condition of a guarantee—the feasibility——

Mr. HARTKE. There is a reason for that, that in some cases we might force them to divest themselves of an asset at a ridiculously low price as a condition precedent to obtaining a loan. The trustees have assured me that they will make every effort to make this railroad self-sustaining.

Now there is also the possibility that if the railroad were required to divest itself, after January, there would be no purchaser whatsoever, or the assets might go at 10 cents on the dollar. On the other hand, certain assets are necessary which might in the longrun cost the Government and the railroad more money in divestment than if the asset were held.

Mr. BYRD of Virginia. In reading the letter of November 23 addressed to the chairman of the committee by Mr. George M. Stafford, the Chairman of the ICC, he says this:

> We cannot say with any certainty whether bankrupt carriers would find a market for trustee certificates in the absence of Government guarantees. However, we feel that absent such Government guarantees, the trustees certificates could properly only be marketed, if at all, at such exhorbitant interest rates and other conditions as to make them unacceptable.

I hope we will not adopt legislation merely because a railroad, or any other company, must go out into the marketplace and pay the normal interest rates. All interest rates are high these days.

Mr. HARTKE. The Senator raises a good point. This question was raised in the committee and raised in the hearings and we, as a result of an executive session, instructed the trustees to come back with a prospectus to issue certificates to see whether they could not go that final step. However, when the examination of this proposal was made, it was found that there would not be anyone who would be interested in buying the certificates, that it would incur a substantial additional expense just for preparation of what would appear to be a useless gesture.

Mr. BYRD of Virginia. Does the Senator from Indiana have any indication what interest rate might be paid on the Government-guaranteed loans?

Mr. HARTKE. I have no idea. I would imagine within the neighborhood of other guaranteed loans of the Government at the present time.

Mr. BYRD of Virginia. I realize the great problem which the committee is seeking to handle, and I am rather distressed that we have to consider a bill of this magnitude on the 30th day of December, just a few days before the end of this Congress.

But it seems to me that the ramifications of this are such that whatever we do, whether we approve or disapprove it, the ramifications are great.

If we approve it, we set a precedent for future great demands on the taxpayers, and the difficulties facing the transportation system may be very great if we do not approve the bill.

I want very frankly to say that I am in a quandry as to what to do in regard to it.

I do not like the idea of a great big company with all of the assets it has, coming to the taxpayers and demanding that the taxpayers bail them out to the extent of $125 million plus interest, if they are in default on their loans.

But I think this, as I have said before, but I want to emphasize it again, that if Congress is going into legislation of this kind, the bill brought in by the Senator from Indiana and approved by the committee of which he is a member seems to be as restrictive as it appears possible to make.

But I cannot get out of my mind the fact that this great company has tremendous assets. I do not see why it is not logical to dispose of some of those assets and not have them come to the taxpayers to ask for this amount of money.

Mr. HARTKE. I want to thank the Senator from Virginia for raising these questions. They are questions which are on the minds of practically every one of us. We are in the position of choosing not what is the best approach but rather what is the least evil. As of now, so far as I am concerned, I think it is a greater evil to have the whole railroad operation of the Penn Central system stop operating while we are in adjournment. We are about where we were on the railroad strike, about in the same spot, only in this case, the whole system goes down because there is no cash.

Mr. BYRD of Virginia. Is it not correct that the trustees have stated they could not operate this far, yet they have operated this far?

Mr. HARTKE. The trustees have never made this statement. This is part of the difficulty. The statement, of course, was made in the committee by a financial officer of the former operation, a financial officer who is no longer with the corporation.

Mr. BYRD or Virginia. Mr. President, everyone coming before a congressional committee says, "Unless you give us all we want, we cannot survive for more than 10 days." Every governmental agency says, "You must give us every dollar we ask for or we cannot survive."

I was wondering if these people were not in the same category.

Mr. HARTKE. Mr. President, if I thought for a moment that the Penn Central could survive as an operation and provide this service even until the next Congress convened, I would not be in the position I am now or advocating the passage of this legislation today.

This is not something that I suggest. I am not happy to be here. I am here urging the Senate to pass this legislation based on the information available to me. I think that it is preferable to the other alternative. That alternative, in my opinion, is that we will have a major railroad system which will close its operation because it cannot meet the payroll roughly in the period after the first week of January 1971.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. BAKER. Mr. President, I say to the Senator from Virginia that I thoroughly agree with the recommendations made by the Senator from Indiana, bearing in

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mind—as I am sure the Senator does—that this railroad is operated by a panel of distinguished trustees who are not chosen by the railroad stockholders or even the railroad's creditors or the public, but are appointed by a U.S. District Court judge who had a very precise set of requirements and responsibilities under the terms of the statute.

By the same token, some very precise responsibilities devolve on the trustees by reason of the statute requiring them to report to the court whether or not they can or should continue the asset—in this case the railroad—as a going concern.

The most that we, or the Commerce Committee, can do is to accept in good faith the representations of these trustees. The trustees came to us within a day or two after Congress acted. They said that as a result of many factors, including the wage adjustment, their cash balance—not their assets—would go negative, as they put it in, say, the first week in January. No one can be precisely accurate in that respect. But it would be in early January.

The point is that those of us on the Commerce Committee feel that we ought to trust the judgment of these distinguished Americans who are the trustees. We have no alternative except to trust their judgment. They are there and are close to the event. They are under statutory obligation to inform the court and us according to their best judgment.

They told us that if we do not do this or something like this, they will have to close the railroad while we are home on vacation. Closing down the railroad would be a terrible mistake. It would leave the steam generating plants in the Northeast without coal. Closing the railroad while Congress was out of session would be unconscionable.

I join with the Senator from New Hampshire and the Senator from Indiana in being most reluctant to be in this spot. However, we find that we have no other realistic alternative.

Mr. BYRD of Virginia. Mr. President, I concur in the Senator's appraisal of the trustees. I think they are distinguished Americans. I know that they were appointed by the court.

I point out that practically everyone that comes before a congressional committee is a distinguished American. Most of them are appointed by the President. That does not mean that we must follow them blindly. To do so would be a great disservice to the taxpayers—the wage earners who supply the money the Government spends.

I admit the trustees are distinguished Americans. I think they are very outstanding Americans. I think that they have a tough assignment. That does not mean that they are correct.

I did not have the benefit of reading the testimony before the committee. I would like to read the testimony. Is the testimony available.

Mr. HARTKE. The testimony is available. It is not printed. It is in transcript form.

Mr. BYRD of Virginia. Mr. President, I would like to read the testimony. I assume, however, that I would not have time to read it before the Senate acts on the legislation. However, I would like to read the testimony because this is an important matter.

This is a matter of grave national policy and one which can have very far-reaching consequences on our taxpayers and our Government. I regret that the time element is such that the committee hearings have not been printed and distributed.

Mr. President, I thank the Senator from Indiana.

Mr. HARTKE. Mr. President, I thank the Senator for a very informative discussion.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. ERVIN. Mr. President, I commend the Senator from Indiana for the very frank exposition he has made of this bill and of the reasons which prompt the committee to bring this bill to the Senate.

I have gotten somewhat rusty on my knowledge of receivership law and reorganization law. This is a tragic situation. Am I not correct in saying this railroad—the New York Central and the Pennsylvania which merged under the name of the Penn Central—has more passengers to haul than any other railroad and has more freight to haul than any other railroad in the country?

Mr. HARTKE. Mr. President, the Senator is correct. This is the largest transportation company in the United States. A great percentage of the trade on the eastern seaboard is hauled either directly or indirectly by the Penn Central Railroad.

Mr. ERVIN. Mr. President, as I understand it, when the Penn Central Railroad was placed in receivership by the U.S. district court, the obligation of the Penn Central to make any payments other than current operating costs was stayed.

Mr. HARTKE. The Senator is correct. Not only were they stayed, but after the filing of the petition for reorganization, there was a petition on behalf of the trustees to stay the payment of property taxes to local communities.

This has caused hardship for many local communities. The financial condition of the railroad was that bad.

Mr. ERVIN. Mr. President, under the order of the court, the trustees must use every penny of the current revenue to pay the current operating expenses of the railroad.

Mr. HARTKE. All of the revenue must be used for the operation of the railroad. Very little of it is going for any other purpose.

We have an unfortunate situation in that the revenues have declined. Part of that decline is due to the fact that the service which they were supposed to be able to afford has not been possible under the present financial conditions of the railroad.

Mr. ERVIN. Mr. President, what reasonable hope is there of bailing the Penn Central out of its present situation except through continued aid from the taxpayers if the Penn Central cannot pay its current operating costs out of current receipts, since it has no other obligations it has to pay?

Mr. HARTKE. Mr. President, their present situation is such that it takes all the money they can collect to operate railroads from their receipts.

I want to make one clarifying point. They also pay off equipment certificates.

The difficulty here very simply is that if these certificates are not paid off, there is the right of repossession by the equipment owners. The railroad would then be without the equipment with which to run the railroad.

Mr. ERVIN. Mr. President, as I understand the Senator from Indiana, there is a corporation which has assets of an undetermined value precisely, but its assets are certain to exceed several billion dollars, and we are told they cannot even borrow up to $125 million on those assets.

Mr. HARTKE. They cannot borrow that much or anything like that much.

I think that it has been very well established, that the encumbrances upon the assets are of such a nature and the potential for repayment is so poor that private assistance is just not available.

Mr. ERVIN. But under the law the courts have authority to authorize the trustees to borrow money for the payment of current expenses and make the obligation incurred for those moneys a lien which takes precedence over all other expenses.

Mr. HARTKE. That is correct. This is exactly what would be authorized by the court and in turn guaranteed by the Federal Government, and those certificates, in view of all the evidence, are not now saleable certificates.

Mr. ERVIN. The committee is assured by the trustees, I take it, that notwithstanding the fact that they have the possession of assets worth several billions of dollars, and notwithstanding the fact that the court has authority under the law to make any obligation the trustees incur for current expenses take precedence over all other obligations, they cannot borrow $125 million under those circumstances.

Mr. HARTKE. Unfortunately, that is the situation.

Mr. ERVIN. The only way they can borrow money is that they have to come to an institution, namely the Federal Government, which already owes $383 billion, and which will have to spend $22 billion additional for payment of interest on that obligation, in order to get help.

Mr. BAKER. Mr. President, will the Senator yield on that point?

Mr. ERVIN. I do not have the floor.

Mr. HARTKE. The Senator from North Carolina has the floor.

Mr. ERVIN. No, the Senator from Indiana has the floor.

Mr. HARTKE. No, the Senator from North Carolina has the floor.

Mr. ERVIN. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I wish to add this observation to the answers to the inquiries of the Senator from North Carolina by the chairman of the subcommittee.

I inquired of the trustees, of some of the officers of the previous management, as to why, with assets of several billion dollars, loans could not be negotiated on even a short-term basis to meet current operating requirements. The trustees indicated that they had attempted, on a trustee certificate basis, to borrow money for these requirements that we are now concerned with.

I asked if my recollection of reorganization law was accurate in that trustee certificates, under the act, would be a first and prior lien on the assets of the bankrupt, superior to all claims except other costs of administration. The record of the hearings discloses they answered in the affirmative.

I asked them if it were not strange that with assets of several billion dollars, and the offer of a first lien on those assets, they could not borrow $125 million. They came back at a subsequent hearing and said that yes, it was strange but they could not do it for two reasons. One reason was that for money in that amount, would-be creditors, the lenders, were more concerned with how cash flow would be generated to permit debt service on the loan; and second, whether or not the railroads might be operated in such a manner that all assets were consumed in the cost of operation so that there would be nothing left with which to pay creditors.

The short version of that is, strange as it seemed to me and my colleagues, the trustees represented to us categorically and directly that even on a first-lien basis they had tried and had been unable to borrow the money without Federal guarantees.

Mr. ERVIN. It seems to me that what we are discussing is a matter of policy. The stockholders and creditors make their contributions for stocks, in capital stock, and in their loans to a company for the purpose of making a profit. Now, we have reorganization laws under which you can take one of these public utilities and squeeze everything out of it, all of the obligations. I hate to see things like that done. But between those who go in and buy stock in a corporation to make a profit, and those who make loans to a corporation for the purpose of making a profit, and those who are merely interested as taxpayers and have no take in it, it seems to me that it would be better to take that reorganization and let the loss fall upon the stockholders and creditors. I am talking about the old creditors. It would be better to do that than for the taxpayers to have to pick up the burden of private enterprise. I am not in favor of nationalization of the railroads. I think individuals can run anything better than the Government. I think individuals might be able to run the Government better.

I am not for nationalization but I think this business of everybody coming to the Federal Government to be bailed out of their financial worries is something we will have to face up to and I think the taxpayers are entitled to better representation in Congress than they get when Congress does those things.

Mr. HARTKE. This legislation provides no benefit to any creditor or any stockholder whose interest vested before the railroad went into reorganization. In fact, one of the conditions the legislation provides is that the certificates to which the Senator previously referred cannot be sold without a guarantee. That is a fact the Secretary must find. So this is not a benefit to a corporation. We are simply concerned with a simple fact of life. If what we believe is true, and I think it was the feeling of the committee members that it is true, the railroad is not going to be operating as a railroad the first week in January. The question is not whether you are going to take no action and still have a railroad. There will be no railroad.

Mr. ERVIN. How long have they been in receivership?

Mr. HARTKE. They went into receivership in June.

Mr. ERVIN. This proposition would appeal to me a little more strongly if the trustees had come to Congress and first submitted a plan of organization which would have the tendency to make it certain that the railroad could operate in the future free from all accumulated debts of the past.

Mr. HARTKE. They are. They have no obligation to pay that.

Mr. ERVIN. No, but it has not been reorganized.

Mr. HARTKE. No, there has not been a reorganization. That is not an easy matter.

Mr. ERVIN. I realize it is not an easy matter.

Mr. HARTKE. These trustees have been with this committee almost on a week-to-week if not day-to-day basis. I think they are doing the best they can to keep the railroad running. They have not asked for a handout, but only as a matter of last resort they have asked for the guarantee of a loan. I happen to prefer the direct loan but that has nothing to do with the basic question.

The question is, Are we going to have a railroad called the Penn Central operating in January, 1971? It is my opinion we will not unless this legislation passes. We will not provide any benefit to the old management, the old corporation, the old creditors, or stockholders or anyone else. We are trying to keep the coal going in the generating plants, the merchandise moving, and 40 percent of the railroad passenger service moving.

Mr. ERVIN. Do we have any reasonable hope or expectation—sometimes hope exceeds expectation—that if we pass this bill the Penn Central trustees will not be back in March?

Mr. HARTKE. To the contrary I want to make clear that we can expect them back and should expect them back, and I hope everyone understands this is not a panacea and it is not a cure-all. This is emergency legislation to keep the railroads going while Congress is in recess. That is all it is.

Mr. BYRD of Virginia. Did I understand from the Senator's reply to the Senator from North Carolina, which was similar to his reply to the Senator from Virginia, that the railroad cannot reasonably be expected to become self-sustaining under this legislation?

Mr. HARTKE. This legislation will not do that, and there should be no impression to the contrary. No one that I know of even contends that this legislation is going to make the railroad self-sustaining. Every evidence is to the contrary.

Let me reiterate what I said to the Senator from Arkansas. The trustees have said they are going to need approximately $450 million to keep them going in the next 3 years. That is to keep the operation going. Hopefully, that amount does not have to come from the Federal Government. But let us face it. We are dealing with a transportation crisis. We are dealing with the fact that if the Penn Central collapses, people and merchandise are not going to move and this country could be at an absolute standstill.

Mr. BYRD of Virginia. If the Senator from North Carolina will yield further for an observation, the legislation itself, on page 2, says that the trustees—

> Upon approval by the court, may apply to the Secretary for the guarantee of certificates. The Secretary, after consultation with the Commission, is authorized to guarantee such certificates upon findings in writing that . . .

Six items are listed. No. 5 is that "the railroad can reasonably be expected to become self-sustaining." And yet all of us say it cannot reasonably be expected to become self-sustaining under this legislation.

Mr. HARTKE. Not under this legislation.

Mr. BYRD of Virginia. That is what the legislation says must happen.

Mr. HARTKE. May I just clarify that point? If there were no hope, if there were no assurance, that the railroad could ever become self-sustaining, then this provision of the statute would prohibit that loan from being made. But the trustees have assured us that the railroad can become self-sustaining, that it can become viable, that if given time and some financial assistance, it can repay these loans with interest, and that it can divest itself of assets which are nonrailroad operating assets, and that they can produce a viable transportation company. That is the entire basis on which this bill is predicated. I would not want anyone to believe, infer, or think that this legislation would make any railroad self-sustaining.

I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, there are several matters "in the works" that might have an ameliorating effect upon the whole railroad transportation problem. One of them is Railpax, which legislation we passed a short time ago, whereby railroads will be able to relieve themselves of passenger service and make freight service self-sustaining and possibly put it on a profitable basis.

That is our expectation, is it not?

Mr. HARTKE. That is the expectation. The names of the directors of that organization have been submitted to us, and we have been able to act on that, insofar as the committee is concerned, just yesterday.

Mr. PASTORE. Is it not a fact that the Government guarantee constitutes a primary lien upon the properties of the railroads?

Mr. HARTKE. That is absolutely right.

Mr. PASTORE. So, in the event something eventually happens, if the property has to be taken under a nationalization program, the U.S. Government could be made whole; could it not?

Mr. HARTKE. There is no question about that.

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Mr. PASTORE. Mr. President, will the Senator yield further?

I think what we are losing sight of in this debate is that this is stopgap legislation. It is emergency legislation to deal with a very, very serious situation that confronts the railroads, particularly those in the hands of trustees.

The Penn Central Railroad is a railroad that services the whole New England area. The New England and New York-New Jersey, Pennsylvania and Delaware area, I daresay, is the biggest contributor to the coffers of this country, more so than any other region of this country. There is a highly concentrated industrial complex in that part of the country. I am not boasting now; I am simply stating a fact.

If these railroads grind to a halt—and there is no question that that is likely to happen in the early part of January, and that is the reason they are in the hands of courts—do Senators realize the catastrophe we will have in this country, the number of people who will be out of work? If freight service comes to a halt, we can imagine what will happen to the industrial complex of this Atlantic seaboard region and, in turn, what will happen to the income of the U.S. Government?

I am not saying this ought to be an excuse for a handout. We all understand that. But this is an emergency measure.

The administration came before our committee and suggested that the Secretary of Transportation be given authority to loan money, with Government guarantees, up to $750 million.

Am I correct in that?

Mr. HARTKE. That is exactly right.

Mr. PASTORE. We thought that was going a little too far for the first bite. Not only that, but there was no time limit on it, and it was all left to the discretion of the Secretary of Transportation.

So what happened? Things got worse and worse and worse. So, finally, the Penn Central ended in the hands of the court. I have been the greatest critic of the sloppy way the Penn Central conducted its business. There is no question about that. I have already said that if we were going to give this amount of money as credit to the Penn Central, I would be against it. But we are actually giving it to the trustees who are mandated by the court to keep the railroad running. That is the question before the Senate, and the only question.

Does the Senate want the railroads that are in the hands of trustees to stop as of the middle of January, or does it want them to continue so that we can come back here to see what can be done on a permanent basis? That is what this is all about. We are trying to protect the Government as much as we can by giving it the first lien on the property. The money is going to be borrowed from private corporations on Government guarantees. They cannot borrow money now because they are mortgaged up to their necks. That is the reason why we have approved this measure from the committee.

That is about as simple as I can make it. That is about as simple as it is.

If Senators do not believe the railroads should run, then vote against the bill, but if they want to give them a chance by breathing a little life into them until we can come back here and see what can be done, I say vote for the legislation.

Mr. BYRD of Virginia. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. BYRD of Virginia. The Senator from Rhode Island said the railroads are mortgaged up to their necks. With assets of $4 billion to $7 billion, what do the mortgages total?

Mr. HARTKE. There are cases in which the mortgage is probably higher than the present market price.

Mr. BYRD of Virginia. Total properties?

Mr. HARTKE. I am going to tell the Senator that that information is not totally available.

Mr. BYRD of Virginia. Then we could not properly say that they are mortgaged up to their necks when we do not know what that is.

Mr. HARTKE. But the assets are carried at a higher value than that at which they probably could be disposed of.

Mr. BYRD of Virginia. In certain cases.

Mr. HARTKE. In most cases I would estimate.

Mr. PASTORE. The point I make is that it is a sorrowful affair. I hope I am not being put in the position of being the devil's advocate. As a matter of fact, there is no one who has been more critical of them than I have been.

But we are not giving this to Saunders; we are not giving this to Perlman; we are giving it to the trustees. They have been appealing to us to do this in order to keep the railroad going. That is about all it amounts to, and I hope some Senators will realize how serious the situation is.

I do not approve of this awful situation. It is a tragedy in American transportation, and I do not want to be standing on this floor defending it. All I am saying is that the trustees have come before our committee, they have talked to me on the telephone, and they say, "Unless you do this, we have got to stop running the railroads." That is all it amounts to. I say to Senators, if you want to stop the railroads, vote against the bill. If you want to keep them running, vote for it.

I know Senators can pick this thing apart and make it look ridiculous, and I would agree with them. But that is about all I can say.

Mr. JAVITS. Mr. President, I ask unanimous consent to yield momentarily to the Senator from Kentucky without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, having made the remarks that I have in regard to this approach, let me, in many ways, back up what the Senator from Rhode Island has said, though it sounds rather strange for me to say this.

We have been listening to what a major industry apparently is about to obtain from the Federal Government, or what the Federal Government will ultimately obtain from the taxpayers. I think the points of the Senator from Virginia are well taken, and those of the Senator from North Carolina. But I think we are forgetting something.

We are forgetting the fact that an agency of the Federal Government had a great deal to do with this merger. An agency of the Federal Government had a great deal to do with the fact that when this merger took place, the New York Central and the Penn Railroad by virtue of the ICC had to start a mutual operation as the Penn Central the first year of merger. They had to do this while also trying to overcome almost a $400 million deficit. Also when they wanted to merge, the ICC made them take the New York, New Haven & Hartford, and made them pay royalties to other railroads because they had the open coal movement to Detroit, Cleveland, and Chicago, and also made them take furloughed employees back on their payroll. So we are not just talking about what a railroad has done to the American people, or what it is about to ask of the U.S. Government. We are talking about what the Federal Government has done to a railroad that carries a million tons of freight a day, and 300,000 passengers a day.

I do not like this bill, but I think we are overlooking these facts. I am sorry that the Senator from Arkansas is not here, but since he made the remark that all of this somehow or other is the railroads' fault, I think this ought to be cleared up. Because, there are some remarkable railroads in this country that are extremely profitable.

I might suggest that the hearings will show, if Senators will read them, that Mr. Perlman said this was never a merger, it was a takeover, and Mr. Perlman showed statistically that the New York Central never reached its debt limit during negotiations to merge, and that the Pennsylvania Railroad had to ask on three different occasions to increase its debt limit.

So I can only say that we must look at the whole picture. The Penn Central merger was a victim of the ICC. As a result of that victimization, the testimony will show that again Mr. Perlman said that when the B. & O. and the C. & O. were merged, either the Pennsylvania or the New York Central was eliminated from end to end service, and it became necessary to have parallel service in the eastern corridor of the United States. As of that day, Mr. Perlman said, he knew those railroads were dead.

Mr. PASTORE. I do not dispute anything the Senator has said.

Mr. COOK. I am agreeing with the Senator.

Mr. PASTORE. But the fact remains that the question before us now is, Where do we go from here? That is the question, is it not?

Mr. COOK. I agree with what the Senator is saying. My only point was that from some of the colloquy it appeared that somehow or other all the blame for this was being put on the railroads. It appeared that all of a sudden the railroads were asking for this, and were getting away with something.

Truly, they have been a victim of denial after denial of freight increases. They have been a victim to the extent that they have had to create and estab-

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lish conglomerates. I think the Senator from Indiana will agree that they have been a victim of the very system that was created to make a viable railroad system, and had to go out and try to find other means to make a living. They have not been successful.

Mr. PASTORE. But will the Senator agree that there was a personality clash between Saunders and Perlman?

Mr. COOK. I would say that there was not only a personality clash between Saunders and Perlman, but that there was a personality clash between every employee of the New York Central and every employee of the Pennsylvania.

Mr. PASTORE. But when they went to the ICC to merge, they painted a rosy picture.

Mr. COOK. One of the ways in which they were victimized was that they were ordered to take over the New Haven. They tried hard not to, but that was one of the conditions of the merger.

Mr. PASTORE. But all that is past history.

Mr. COOK. I agree.

Mr. PASTORE. The point I am making is, now, today, What is going to happen after the middle of next month? That is what we are trying to solve here today. Recriminations will not solve anything this afternoon; it is a matter of a little bit of help to the trustees, to keep the railroads going for the sake of the public interest.

Mr. JAVITS. Mr. President, I would appreciate having the attention of the Senator from Indiana, as I intend to address myself to the matter of the bill before the Senate.

Mr. President, we are seeing but the tip of the iceberg in respect to this matter. The debate has certainly, I think, touched on some of it, but by no means all, and I speak from the following two positions: First, as the ranking member of the Labor and Public Welfare Committee, I have had to contend with railroad strikes for some years now, including one very recently which we are still in. All we have is a stay now, until March 1, which is the date we fixed—about a 60-day stay. The railroad unions may yet walk out, Mr. President.

The second thing which affects me is the condition of the money markets and the securities markets, which directly affect this bill. Mr. President, there is no question about the fact that notwithstanding the large assets of the lines—that is, the Penn Central lines—that by no means guarantees that they are going to be able to borrow money on trustees' certificates. As a matter of fact, the experience with lenders upon these trustee certificates has been rather unsatisfactory in many cases because it is a matter over which courts and appellate courts have jurisdiction. There are many claims, naturally, with respect to the operations of these railroads, including compensation and other hazards which they run. Hence, it is very understandable that without a U.S. guarantee, considering the depth of the problems that the Penn Central faces, the trustees will find themselves unable to borrow money, notwithstanding the first lien status of the trustee certificates.

I really think that, taking that point—and I know there is no doubt about its validity—it is very hard to see how we can fail to pass this bill if we want to keep the Penn Central operating. And the overwhelming evidence is that it would materially affect the economy if it stopped.

For example, there would be a 3-percent decrease in the gross national product 8 weeks after the railroad ceases operation, and an unemployment level for the Nation of 8 percent, rather than the present 5.9 percent, if the railroads should stop. In addition, it would be a very material blow to electric utilities, which depend very heavily upon coal transported by Penn Central. It would be a very material blow to manufacturers of all kinds, from iron and steel to consumer products. The Penn Central is the second largest grain hauler in the United States.

Mr. President, without these services, not only would our country be very materially injured, but also our national security would be very materially jeopardized. It is inconceivable that we could let the railroads stop. What would happen, in my judgment, without any question, would be a takeover of the railroad by the United States and its continued operation under those auspices—probably a very much more expensive thing than to make the guarantee of $125 million which is now contemplated.

So I do not think there is any question about the fact that this bill should be passed. I shall support it, and I hope the entire Senate will support it. Inasmuch as this is the very end of the session, I hope we will simplify our problems by adopting, insofar as we can, the House bill, so that the matter can be closed up and become law and the trustees can go ahead and borrow this money and keep the road operating, before we have a new Congress, with all that that implies in the way of delay due to the organization of both bodies.

As I said earlier, this is but the tip of the iceberg. The rest of the iceberg touches a number of matters. First, the general poor position of liquidity of the American business system. This is true not just of Penn Central but also many other corporations, including railroads. I hope many Senators will not become subject to a state of euphoria, for we have by no means surmounted the financial and economic crunch which this country faces. We have not effectively controlled inflation. It still goes on, roughly at the rate of 6 percent a year, which is a completely unacceptable level. We have not dealt with the tradeoff which is far too expensive in the way of employment, which is now up to 5.9 percent and could go to 6 percent and more. Even the most optimistic economists predict that.

We have not dealt with the international balance of payments, which is still seriously dangerous to us, including the callability of more than $20 billion in dollar obligations which are held around the world by many people and especially by the central banks of the world. We still have not overcome the grave competitive dangers we face in the world, with competitors, in a commercial sense, dashing ahead of us by virtue of greater automation and, in many fields, better technology.

Mr. President, these are very, very grave troubles faced by the United States. A very major trouble is the push upon wages, where inflation is being discounted as much as it is in interest rates, with a resultant increase in the cost of American productivity and severe damage to the American economy. Generally speaking, that does not promise well for our economy's immediate future.

With all those things facing us, a rationalization of the problem of the liquidity of American corporations, many of which find themselves incapable of borrowing in present markets, is very serious. I would seriously invite the attention of the Senate to the fact that we ought to be acting not just on the Penn Central but also on the general liquidity crisis in the country, and giving our Government officials a range of authority which would be great enough to head off disasters other than Penn Central, which could very well be impending tomorrow and for which we would be quite as unprepared as we were for Penn Central.

Seven hundred and fifty million dollars was requested as guarantee authority for transporation alone. It should have been granted, and we might have avoided the worst of this particular failure. Some $5 billion is suggested in a bill of my own, also as guarantee authority to provide liquidity generally to aspects of the American business system which render services essential to the public interest and the public security and which may very well tomorrow be in the same liquidity crisis that Penn Central is in today.

The second thing, aside from liquidity, which needs attention is the ultimate resource of the country in the event of stoppages caused by labor-management problems in respect of the railroads. I think it is shocking that at this late date we are still improvising ad hoc measures with respect to railroad strikes which can immobilize the railroads of the country.

Of course, it is very clear that an important problem which is faced by the trustees operating Penn Central is the wage increase which we, ourselves, were compelled to legislate as part of the way to head off a railroad strike which would have been, for all practical purposes, a general strike in the United States.

Mr. President, the other lesson we must draw from this bill is the fact that we urgently need legislation. And there is legislation before us—including an administration bill—I might add, on which we have not even been able to get a hearing in the Committee on Labor and Public Welfare, to deal with the danger of national paralysis strikes such as a railroad strike. I would certainly hope that Senators will take from the need for passing this bill on an emergency basis the deep lesson which is involved, and which requires action also upon a bill dealing with national paralysis strikes.

Finally, Mr. President, when I rose, I was going to discuss the very thing which was touched on by the Senator from Kentucky (Mr. COOK). Aside from our

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contribution and our fault in respect of this whole matter, in leaving the United States without the needed kind of guarantee authority, and without laws to deal with the danger and threat of a national strike, such as a strike on the railroads, we now turn to the ICC. An examination in depth, I should like to advise the Senator from Indiana, the chairman of this particular subcommittee, is certainly required as to the responsibility of the ICC in bringing this particular railroad to its knees and to a liquidity crisis which could happen to others.

In addition to what the Senator from Kentucky has presented to the Senate, as to whether this merger, which was brought about in the way he described, was desirable or undesirable, we have the additional fact that the ICC itself is encumbered with almost as many work rules and old traditions and shibboleths with respect to the operations of the railroads and their rate structures, and so forth, as is true in respect of labor practices in so many aspects of the railroad industry, which we have been trying to rationalize for years. And the delay and the time it takes before filing a petition and getting action from the ICC is again a critical aspect of this situation.

I hope very much that the committee itself will look into this whole question of the contribution to the problem which the ICC is making in its own operations—probably unwittingly, except for the basic internal practices of the ICC and how it has operated for years in respect of the railroads and the health of the railroads.

The Senator from Arkansas (Mr. FULBRIGHT) has raised a pertinent inquiry. It may very well be that we cannot operate the railroads in the way we have been operating them. I yield to no one in this Chamber as an advocate of the private enterprise system or how it best serves the public interest or its critical essentiality to the freedom of this country. I know enough about that system not to want to see a breakdown. But in my judgment, we are asking the railroads of the country under private enterprise to carry an impossible task. That is why we organized Railpax. Whatever may be the objections to it, at least it is going at the central issue involved, and we may have to go further than that. We cannot shrink from the possibility that much of our railroad mileage may have to be taken over and operated in some governmental or quasigovernmental form.

I would strongly urge that we insist that this question be analyzed and studied, and that the Congress be briefed on it, and that we do not shrink from those decisions, especially for those Senators and Representatives who are the most heavily interested in seeing the private enterprise viable and successful. There is nothing more certain to break it down, to damage that system more, than failure. There is nothing that will help it more than success.

I think that this is a very serious case in point, and we should learn the lessons from this particular crisis which we face today. I thoroughly agree with the Senator from Rhode Island (Mr. PASTORE) that there is nothing whatever we can do about this crisis except to pass the bill. So that I hope the Senate will pass it.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill is open to amendment. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill was read the third time.

Mr. BYRD of Virginia. Mr. President, the Senator from Indiana has kindly given me the statement of the trustees balance sheet, January 1 and September 30, for the 2 years, both 1969 and 1970. I notice on the balance sheet an income statement where it is charged during the 9 months of 1970 a figure called miscellaneous income charges of $18,952,705.

The reason that figure stands out in my mind is that for the preceding 9 months of the preceding year, the miscellaneous income charges were only $2,009,752.

What I am wondering, whether the statement is really as bad as it appears to be, when the miscellaneous income charges were increased ninefold in one 9-month period.

Mr. HARTKE. I understand what the Senator is saying. However, I am not in a position to give a definitive answer to the Senator. I might call his attention to the fact that if he will go to the net income and net loss figures, it shows a comparable net loss of $49 million in 1969, in the same period, $233 million in 1970.

Mr. BYRD of Virginia. That is when we take into account the fixed charges. As I understand it, the trustees do not need to take into account——

Mr. HARTKE. I quite agree.

Mr. BYRD of Virginia. The fixed charges, so that the comparable figure, it would seem to me, would be a profit of $48 million against a loss of $124 million.

Mr. HARTKE. That is a fair figure, but even those figures will not hold up in the present situation, because it includes, in addition, other revenues which are not strictly operating revenues.

Mr. BYRD of Virginia. I realize, Mr. President, that the figures cannot be made available today, since we are at the end of the session and a vote is about to be had on the bill; but could I ask the committee to furnish me with the information on these miscellaneous income charges, which have gone up ninefold in 1 year under the trusteeship, and also if the committee would furnish to me the statement submitted by Penn Central as to its earnings, profits or losses, going back to the time the two companies merged, and also the earnings and statements of the Penn Railroad, separately, along with the New York Central?

Mr. HARTKE. Those figures will be provided. Let me say that Penn Central is the holding company and the Penn Central Transportation Co. is the operating company. I think what the Senator wants is the Penn Central Transportation Co. figures. We will be glad to supply them.

Let me point out that they have about 50 accountants working full time on the statements. That is part of the difficulty. If the Senator will read the comments, he will find that the trustees have been attempting to find out what the assets are, what the encumbrances are, and whether there is any possibility of a sale. There was a period, for example, where they could not find all their locomotives.

Mr. BYRD of Virginia. I appreciate the difficulty in a company as large as Penn Central, but if the committee could furnish me with these figures, I would appreciate it.

Mr. HARTKE. We will be more than glad to do that.

Mr. BYRD of Virginia. Was it not 170 holding companies?

Mr. HARTKE. Those were the holding companies in the Penn Central operation, that is correct.

Mr. BYRD of Virginia. I thank the Senator.

Mr. BELLMON. I would like to ask the Senator from Indiana a couple of questions that came to my mind during this debate. I understood by the statement made by the Senator from Tennessee that the trustees have known for something like 6 months that the railroad would not be able to meet its payroll or other operating expenses after the middle of January. Is that correct?

Mr. HARTKE. The trustees assumed their responsibilities in the early part of July—that is, they went into reorganization in June, and they were appointed the last week in July. They came in here immediately, giving us a quick assessment of their position. There was no question, they knew they were in bad financial difficulty. They had two purposes which caused them to come here, one was a reduction in revenues which they did anticipate, and the other was some added income which they did not anticipate but which carried them over to the end of the year. However, their cash flow will be in a negative position the first week in January.

Mr. BELLMON. The question in my mind is, if this company knew it was in this serious financial situation and would not be able to continue to provide vital service, why is it that rate adjustments could not have been made so that they would have had sufficient cash to continue operating?

Mr. HARTKE. Rate adjustments are not made basically on the railroad by the railroad. In other words, the Interstate Commerce Commission approves the rate increases.

Mr. BELLMON. And the ICC could not even make an exception in the case of a railroad that is about to become bankrupt.

Mr. HARTKE. The ICC has authority to establish rates. They can do as they please, but they did not do it. There is no authority in the Congress to direct such a change unless legislation is passed to that effect. Authority is within the ICC upon a petition from the parties. Sometimes the petitioning parties provide for combined rates. In some cases they have not. That is up to the Commission. The ultimate decision is up to the Commission.

Mr. BELLMON. Mr. President, did the railroad ask the ICC for rate increases?

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Mr. HARTKE. Rate increases have occurred. There is a request pending at this time. It is anticipated that these will not provide sufficient revenue. The increase requested is industrywide.

Mr. BELLMON. Mr. President, if my information is correct, the airlines are losing perhaps $100 million a year or more. Does that mean that Congress follows a practice of bailing out insolvent transportation companies and that next year we may be asked to provide funds for the airlines?

Mr. HARTKE. There is no question that we may be; probably the chances are that we will be.

That does not mean that Congress has the obligation to provide the assistance. In my opinion this is not a precedent. This is simply a bailout operation, an emergency stopgap operation, to make sure that we have service going in the railroad business beginning in the first week of January.

Mr. BELLMON. Mr. President, some statements have been made on the floor today to the effect that this is not a bailout operation, that this is not money to put it on a sound operating basis.

Mr. HARTKE. I agree with that statement. This is a matter of keeping the railroad running while we are home, providing and assuming that we go home.

Mr. BELLMON. This does not solve anything.

Mr. HARTKE. This does solve the problem of providing for the continuation of railroad service for about 2 or 3 months at least, and that is about it, for the Penn Central.

Mr. BELLMON. Then what happens?

Mr. HARTKE. We will be faced basically with the situation that they have to find money some place or they will stop.

Mr. BELLMON. Is there a rate adjustment on its way?

Mr. HARTKE. It is pending at the present time. The railroad industry has had a 30-percent increase in rates in the last 3 years. The shippers are complaining and complaining bitterly that the rates are already too high.

Mr. BELLMON. The question coming to my mind is that this is not solving the problem, and if 2 months from now we are back where we started, where do we begin?

Mr. HARTKE. In the opinion I think of every member of the committee, if we do not pass this legislation, the Penn Central Railroad will stop operating in January. They will not be able to meet their payroll and they will stop operating and the country will be brought to a halt. Within 5 weeks, 3 percent of the production will be gone; and in 8 weeks, 5 percent of the production will be gone.

There are plants that generate electricity which will not be able to receive coal.

We are talking about the Penn Central shutting down in January. If that occurs, for the 16 Northeastern States and the District of Columbia, the Department of Transportation estimates that we will have a 5-percent decrease in the gross national product of this Nation by the 8th week, and 48 electric utility plants will be out of coal. There will be practically nothing moving in the Eastern United States.

Forty percent of the passenger train service of this country will come to an end.

That is what is involved. We have a potential shutdown. We are not choosing here what we will do about the railroad problem. We are talking here about what we will do about a threatened shutdown of the Penn Central.

Mr. BELLMON. At the same time we are getting Congress in the position of paying the freight rates that the customers of the railroad should be paying.

Mr. HARTKE. That problem is not in front of Congress at the moment. Very simply the authority to set rates is before the ICC.

Mr. BELLMON. And for 6 months they have not acted.

Mr. HARTKE. The railroads received a rate increase recently. And there is another one pending. They have had a 30-percent increase in rates in the last 3 years. The rate increase alone is not sufficient to salvage the railroad according to the trustees. And anyone listening to the testimony will agree that a rate increase may or may not increase total revenue, because if the rate increases, many shippers will move to other modes of transportation.

Mr. BELLMON. There are other modes of transportation available.

Mr. HARTKE. Trucks and airlines.

Mr. BELLMON. So a shutdown does not mean that the catastrophes mentioned in the report will happen?

Mr. HARTKE. Quite the contrary. It will happen. They cannot move as much coal in trucks as is necessary for 48 utility plants. It is impossible. Increased rates do not necessarily mean that the railroads will generate more revenue. There are a lot of commodities which, just as a practical matter, cannot be hauled by any other method than rail. Some commodities cannot be hauled in sufficient quantity other than by railroad.

The Penn Central transportation system is the biggest transportation system in the United States.

Closing it down means, for all intents and purposes, that they are closing down the transportation of the United States.

Forty-five percent of the perishable food is being moved by railway. If the railroad stops operating on January 9 or January 10, there is not any way to move that food. I think that anyone that thinks otherwise is kidding himself.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. PERCY. Mr. President, I think the comments of the distinguished Senator from Oklahoma are very penetrating. He has expressed some of the grave concern I have about this matter pending before the Senate.

I will cast my vote for the measure with about as much reluctance as I have had about any vote I have cast in the last 4 years in the Senate.

We are beginning down a slippery path, and I cannot see an end to the tunnel. I do not know what the answer is to the problem.

I am afraid that the Federal Treasury has been resorted to here and that it may be resorted to as the easy way out.

There is no easy answer to the problem.

Before casting my vote, I would like to clearly state that the present situation does not leave management with clean hands. There have been management errors in this picture in the past. There have been employee errors in that the labor unions have been unrealistic. They have had make-work programs. They have had unrealistic wage increases. They have gone far beyond the productivity increases.

I know it is very dangerous to criticize both management and labor in one breath. However, I certainly do in this case. I think we would be very neglectful if we did not also say that the heavy hand of Government has been involved in this industry and has strangled it.

The same thing is true of the airlines. They are regulated as the railroads have been regulated. We have treated the railroads as if they are a monopoly in the transportation area years after they had become one of the most cutthroat and competitive type of businesses.

The ICC is passing upon the matter and Government regulations are imposed upon an industry long after they should be, at a time when in any other nonregulated industry, management would have been free to move and move with dispatch if they saw changing conditions.

I do not want to just ring my hands and say, "What do we do about the situation?"

I would like to offer some hope for the future. But once again I point out that the hope for the future is right at this minute. The Government is strangling the railroad with one hand and dishing out money with the other to save the railroad. They are preventing action of a bold, imaginative nature that might be the salvation for the railroads.

The Chicago Northwestern Railroad has been a relatively efficiently run railroad. It provides good service. Although, it may not make a lot of money on investment, it has had some profit. Looking ahead, it is going to be in trouble, and the management of the overall holding company has worked with the employees to say to them, "We don't know whether we can ever get the kind of return on investment that the stockholders have to have."

They were asked, "How would you employees like to buy the railroad?" The employees have said, "We accept. We will buy the railroad." There is a big difference between people working for something that is their own and working for someone else.

I remember during the depression I lived above a delicatessen in an apartment building. One day I said to the owner, "Why do you stay here all the time? You never go home. You and the members of your family are always here. You are open on Saturdays, Sundays, and nights. Don't you have any fun?"

He said to me, "Chuck, you will recognize, if you ever own a business, that this is fun for us. As long as customers

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want to come in here we will stay open because this is our business."

Mr. President, I took that philosophy from a delicatessen owner to my own company years ago and turned it into a profit-sharing company, with the largest portion of the stock in the hands of employees. What a difference it makes when the money being saved by employees is their own money. Twenty cents from every dollar went to them.

Here we have an imaginative and bold plan: Sell the whole railroad to the employees, and the employees say, "We will buy it and then watch us run your railroad." That may be the way to run a railroad.

But what happened? The ICC said, "This may be a bold new idea but there are an awful lot of things that have to be done. We have to have hearings." They are told, "OK, let's schedule them." But there are not even hearings scheduled. I say the ICC will have on its back the failure of an idea if they do not start to think on this matter. Let us see if we can find a better way to run a railroad. Here is a bold and imaginative idea and a group of unimaginative men are finding all sorts of bureaucratic reasons why they cannot go ahead to do this.

Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "Sidetracked in Washington," published in the Wall Street Journal on December 28, 1970.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Sidetracked in Washington

Some months ago a group of Chicago & North Western Railway employes proposed to buy their own railroad. At a time when many of the nation's railroads are in serious financial troubles, the idea surely was intriguing.

One of the major problems of the railroads is the continuing warfare between labor and management. If the two were in a sense combined, there might be a chance for a more peaceful and productive atmosphere.

Northwest Industries Inc., the present owner of the line, is also in a wide variety of other businesses and was receptive to the proposal. It seemed that the employes would at least get a chance to try their hands at running their own railroad.

There was a stumbling block, however. The sale must be approved by the Interstate Commerce Commission and the employes, anxious to get rolling, asked the ICC for speedy action. But that, apparently, is exactly what they won't get.

Recently the commission noted, correctly enough, that the proposal is "unique in railroad history." It went on to say that the deal required "as complete a record as possible." In view of the vast size of the ICC records in some other proceedings, this one may require the commission to build a new library.

The ICC, moreover, didn't even set a date for the first hearings. So the employees don't know when the commission will begin the proceedings, which in some past cases have dragged on for years. By the time the agency makes up its collective mind it's certainly possible that Northwest Industries will have changed its mind—either deciding not to sell or to sell to someone else.

We don't for a moment intend to impugn the motives of the ICC, most of whose wearying procedures are required by Federal law. When there's talk of the railroads finally winding up in Federal ownership, though, it is sad to see the employes' private-enterprise plan sidetracked in Washington.

Mr. PERCY. Mr. President, the title of the editorial is appropriate because of the barriers Government places in its way; Government, with one hand doing one thing to save a railroad, and unwilling to do anything with the other hand for fear of public criticism.

I say let us go head and see if we can save the railroads with imagination and innovativeness.

I support the bill, but I support the bill with tremendous reluctance, if there is no better answer ahead than for them to come to Uncle Sam and say, "Give us the money to put us back into business."

[Applause in the galleries.]

The PRESIDING OFFICER (Mr. Schweiker). The galleries will be in order. Spectators in the galleries who are not in order will have to be removed from the galleries.

Mr. CHURCH. Mr. President, I shall vote against the pending bill, as much as it displeases me to have to differ with my good friend from Indiana. I think this is nothing other than a big business relief act. If we pass this bill, we set a precedent that will plague us for years to come. There is no way to differentiate between this company and other companies in public transportation.

If we are now to provide public money or public guarantees to keep an insolvent railroad going, then, in years to come, every insolvent railroad will come to Congress followed by every insolvent airline. There will be no end to it. If this is the course we are going to take, we might as well face it now. The Government might as well step in and assume ownership and operation of the railroads, and accept full responsibility for them. I do not think Congress is prepared to take that step. But this bill opens the door to that eventuality.

I oppose the bill.

THE BASQUE COMMUNITY OF SPAIN

Mr. CHURCH. Mr. President, I have just received word that Generalissimo Franco of Spain has commuted the death sentences imposed on six young Basque separatists. This is good news, indeed. I hope that this liberal gesture, coming as it does during this holiday season, is only the first step toward humanizing the Spanish Government's treatment of the 2½ million Basques residing within the country.

Yesterday, I announced to the Senate that I would submit today a sense-of-the-Senate resolution concerning the continued injustice, intolerance, and repression suffered by the Basque community. The action of the Franco government obviates the need to introduce the resolution, but to complete the record, I ask unanimous consent that the text of the resolution I had intended to offer appear at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution Concerning the Continued Injustice, Intolerance, and Repression Suffered by the Basque Community of Spain

Resolved, That the Senate hereby expresses its gravest concern over the continued injustice, intolerance and repression to which the Basque community in Spain has been subjected by the Government of that nation. This has been manifested most recently in Burgos where Basque civilians were tried by a military tribunal, which sentenced six Basques to death and nine others to a total of 351 years in prison. The harsh punishment dealt out, together with the method of the trial, has aroused sympathy and protest throughout the world.

Therefore, the Senate respectfully urges the President (1) to convey to the Government of Spain, with whom the United States has friendly and normal relations, the gravest concern of the Senate over this latest example of injustice and repression toward a minority; (2) to urge the Government of Spain to set aside the harsh sentences imposed by the military tribunal, and to furnish the accused with a new trial in an open civil court, and (3) to urge the Spanish Government to provide fair and equitable treatment to all Basque citizens residing within the country.

Mr. CHURCH. Mr. President, on December 4, 1970, I sent a telegram to Secretary of State William P. Rogers urging him to use his good and influential offices to encourage the Spanish Government to deal compassionately with the Basques on trial in Burgos. I ask unanimous consent that a copy of that telegram be inserted in the Record at this point.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

December 4, 1970.

Hon. William P. Rogers,
Department of State,
Washington, D.C.:

I strongly urge you to use your good and influential offices to encourage the Government of Spain to deal compassionately with the 16 Basques now being tried behind closed doors in Burgos. The current trial is in full contradiction to well-established legal ethics and procedures treasured by democratic nations throughout the world.

The present ordeal is nothing new to the Basque peoples of Spain. For generations, they have been dealt with with intolerance and denied self-determination; now the Madrid government wants to strike again at Basque liberty, as it did in the 1930's when the Basque Republic of Euzkadi was ruthlessly wiped out.

In view of the relentless persecution of the Basques by the Franco regime as well as the close relationship existing between the Governments of the United States and Spain, Americans are watching the present situation especially closely. As you know, some of the defendants now on trial have close relatives in my State of Idaho.

I hope, therefore, that the United States Government takes all possible measures to impress upon the Franco regime its deep concern. I also hope that the Spanish authorities will exercise clemency and provide immediately the defendants an open and public forum, to which all human beings are entitled, so that justice under law can be achieved.

Urgent attention to this serious matter is appreciated.

Frank Church,
U.S. Senator.

Mr. CHURCH. I have stated on several occasions in the Senate my deep and abiding concern for the ill-treatment that the Basques, a noble minority people possessing rich cultural and historic traditions separate from the larger Spanish community, have received over the centuries. Madrid has often acted sternly, even cruelly, toward these people. I hope that the repression will soon end, so that the legitimate aspirations of the Basque

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people might be realized. I also hope that all Spanish citizens will find the means to obtain a larger measure of individual liberty. A starting point, I suggest, would be an all-around appreciation for every man's and every race's uniqueness.

I ask unanimous consent, Mr. President, that a telegram I have received from numerous Idaho constituents today regarding the Burgos trial and the fate of the Basque separatists, be inserted in the RECORD at this point, along with the names of the senders.

There being no objection, the telegram and signatories were ordered to be printed in the RECORD, as follows:

BOISE, IDAHO, *December 30, 1970.*

Senator FRANK CHURCH,
Senate Office Building,
Washington, D.C.:

Urgently request your influence that immediate action be taken through State Department to spare lives of six basques prisoners sentenced to death in Burgos, Spain.

Mr. and Mrs. B. Letamendim, Father Recalde, Father John Garatea, Edna Vazques, John B. Garechana, Segundo Nachiondo, Fidel Amorebieta, Jose Luis Koldobique Achabal.

Al Erquiaga, Mr. and Mrs. Ronald Sabala, Pete T. Cenarrusa, Urbano Totorica, Legundo Totorica, John Goscorrosca, Toni Arrubarrena, Sam Asumendo, Raudi Solosabal.

Juan Y. Oleaga, Muren X, Juqguin Renlenteria, Jose Yuzar, Teodoro Totorica, Rufino Hormachea, Ramon Laizar, Paul Acorda, Tom Erquiaga.

Mr. and Mrs. Joe Solosabal, Ray Mansisdor, Mr. and Mrs. Nick Beristian, Mr. and Mrs. Bruce Lalley, Balbino Urizar. Un Basco, Mr. and Mrs. Henry Alegria, Al Berro, Frank Garro.

Debra Coscorrosca, Satur Etxeta, Ramon Menique, Pete M. Chertudi, Pedro Cengotita, C. T. Aquirre, Julian Garechana, Jimmy Abadia, Mr. and Mrs. Cecil Sarriugarte.

Mr. CHURCH. I also ask unanimous consent that newspaper articles pertaining to recent developments in Spain, prior to the commutation of the death sentences, be printed here in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 24, 1970]

SPANISH ARMY IS MAKING BID FOR GREATER NATIONAL INFLUENCE

(By Anatole Shub and Miguel Acoca)

MADRID, December 23.—In the last 10 days, the Spanish army has made a bid for increased political influence. Through a series of back stage confrontations and arranged public demonstrations, the military has apparently maneuvered Generalissimo Francisco Franco into one of the gravest crises of his 31-year rule.

The pressure on Franco generated by senior military officers appears to have been sparked by a group of army captains.

While the personal position of Franco, 78, is not in question, hard-line army officers are attempting to halt the political relaxation that has taken place in recent years and to force changes in the composition of Franco's government.

At stake is the future of the moderate Opus Dei group of technocrats that has wielded increasing influence since 1957. With its policies of economic modernization and Europeanization, the harsher edges of the old totalitarian system were eroded. Spain at times seemed to be evolving toward a more tolerant regime.

Opus Dei (Work of God) is a worldwide semi-secret Catholic lay organization. Nowhere are its members as influential as in Spain. Opus Dei insists it has no political or economic philosophy, but many of its Spanish members are identified with economic liberalism. Many members are affiliated with powerful financial institutions.

Opus Dei seemed to have gained strong position last year in the power struggle for Franco's succession, discarding the old Falange (or former fascist party) and framing new plans for further political evolution. However, traditionalist army officers were increasingly dismayed by the relaxation of authority.

OPUS DEI

Opus Dei's position has now been swiftly undermined as a result of the controversial trial of Basque nationalists by a military tribunal in Burgos Dec. 3 to 9.

Even before the Burgos trial, there had been widespread grumbling in the army over government leniency toward student and worker unrest, reported corruption involving Opus Dei ministers, and low military pay scales which had been further eroded by recent inflation.

In September, irate army captains began to organize in small secret cells a movement that ultimately became known as the Junta of National Affirmation. The captains, most of whom are men in their mid-30s, were most frustrated by low pay and by the barriers to promotion posed by a top-heavy senior officer corps of Civil War veterans.

By the strict Spanish military code, the secret meetings of the captains—unprecedented in Franco Spain—were tantamount to sedition. It is impossible to determine how far their activities were sanctioned, or even inspired, by senior officers. Nevertheless, the captains drafted a six-point manifesto which, by early November, was signed by some 5,000 junior officers.

THREE DEMANDS

The captains' manifesto made three principal demands. First, the restoration of order and authority in the streets, factories, press and universities. Second, austerity and honesty in public administration—including thorough investigation of all fortunes accumulated through political influence since 1940. Finally, resignation of the present government (excluding Franco), appointment of a prime minister (provided for in the constitution) and installation of a new government with a clear program capable of realization within a year.

The unrest among the military was exacerbated by the Burgos trial, which thrust the army into an uncomfortable role. The various crimes of which the 16 Basque nationlists were accused—banditry, terrorism, and murder of a police official—fall under army jurisdiction under Spanish law. But the military resented government's handling of the case, which provoked widespread criticism home and abroad.

With the death sentence demanded for six of the defendants and with the trial exposed to world publicity, military men felt that the honor of the army would be sullied no matter what the outcome. Demands for clemency from Spanish bishops and pressure from foreign statesmen, heightened tensions. As protest over the trial escalated throughout Europe, the military feared strikes and demonstrations within Spain. In fact, there were some, but they were kept under control.

On Sunday, Dec. 13, at a cavalry school at Caravanchel outside Madrid, a group of 30 cavalry captains held a political meeting about the crisis. Senior officers were excluded. The captains drafted a letter to Franco demanding firm policies to defend the honor of the army, allegedly compromised by the government handling of the Burgos trial.

Word of the Caravanchel meeting quickly spread to other military units. On Monday morning, Dec. 14, some 40 artillery captains held a similar meeting and endorsed the cavalry officers' demands.

LETTERS FOR FRANCO

The third and perhaps most significant captains' meeting was held at general staff headquarters in the heart of Madrid. There, some three dozen general staff captains, after drafting a letter of their own, brought it to the chief of the general staff, Lt. Gen. Manuel Diez Alegria, for transmittal to Franco. Diez Alegria, far from rebuking his subordinates, is said to have remarked that their letter was not tough enough.

He is considered one of the most influential—and most enigmatic—figures in the Spanish army. He has been compared by American specialists, who regard him highly, with the late Gen. George C. Marshall. As chief of the general staff, he has operational responsibility for the defense establishment's Special Branches, which were to play a prominent role in subsequent developments.

Presentation of the junior officers' protests to Diez Alegria was somewhat unusual, since the normal channel would have been through the war ministry. On the same Monday, Diez Alegris was sought out by key captains-general—the commanders of Spain's military regions—who brought additional protest letters from junior officers.

OUT HUNTING

Word of the rising military unrest was quickly conveyed to Adm. Luis Carrero Blanco, the operating chief of government since 1967. A submarine officer before the Civil War of 1936–39, Carrero Blanco, 67, never returned to active duty in the navy but had served since 1940 in Franco's immediate entourage. Although a self-proclaimed authoritarian, Carrero Blanco is resented by military professionals as the "eminence grise" who gave the Opus Dei technocrats increasing power and sanctioned their policies.

Apparently alarmed by the military, Carrero Blanco notified Franco, who was out hunting, to return to Madrid and summoned an emergency cabinet meeting for 8 p.m. Monday. Key captains-general were asked to come to El Pardo, Franco's official residence at 7 p.m. While the captains-general met with Franco and Carrero Blanco, Prince Juan Carlos, Franco's designated heir, was suddenly called out of a concert and rushed to El Pardo to be informed of the decisions being taken.

The cabinet meeting quickly approved the suspension for six months of Article 18 of the Spanish constitution, guaranteeing habeas corpus. It is also believed that it was decided to delay a verdict in the Burgos trial, which had been expected that day.

Monday night's decisions were taken without Opus Dei's two principal leaders in the government, Foreign Minister Gregorio Lopez Bravo and Planning Minister Laureano Lopez Rodo. Both ministers, who have favored leniency at Burgos, were out of Madrid on official missions.

MASS DEMONSTRATIONS

Military ultras pressed their advantage on Tuesday the 15th, which civilian moderates consider to have been the crucial day in the struggle. Plans were already afoot for a series of mass demonstrations to support the army and the Burgos trial. In planning the demonstrations, the army worked with the so-called National Movement (Spain's only official political organization, which absorbed the old Falange or fascist party), and with army-subsidized groups of Civil War veterans and retired officers.

Eager to join the demonstrations were a number of extreme rightists fringe groups—including the Fuerza Nueva, the Falange splinter group, the sacerdotal Brotherhood of St. Ignatius of Loyola, (ardent opponents of liberal tendencies in the Catholic Church) and the Guerrilleros de Cristo Rey, an aggressive group of ultra-conservative Catholics. All these groups strongly oppose Opus Dei.

Although Opus Dei leaders sought to prohibit the demonstrations, the military prevailed. Permission was granted for a giant rally on Wednesday at Burgos, under the auspices of the captain-general, Lt. Gen. Tomas Garcia Rebull, and army Special Branch officers moved in to control and orchestrate an even more ambitious rally announced for Madrid on Thursday.

ARMY LEAFLETS

On Tuesday night, pro-army leaflets were distributed from trucks in Madrid residential districts urging patriots to attend Thursday's demonstration. Nevertheless, even on Wednesday, when a notice of the Madrid demonstration appeared in a morning newspaper, Opus Dei leaders still hoped it might be restricted in scope. Both Lopez Bravo and Lopez Rodo were then back in the capital, but the military was moving too fast. The Burgos demonstration, originally scheduled for early evening, was moved up to the lunch hour. Army recruits in civilian clothing, and militants transported from the surrounding countryside by special buses assured a large turnout of 30,000 people in Burgos. That evening, the state television network featured a 15-minute program specially devoted to the Burgos rally.

By Wednesday night, there appeared to be a profound shift in the mood in Madrid. Government supporters hitherto hopeful of a "civilized" outcome for the Burgos trial, now began to say that one or more death sentences were inevitable. Official spokesmen stressed the conscientiousness of the court martial, the "convincing" nature of the evidence, and the inadmissibility of Spain's appearing to yield to foreign pressures.

By noon on Thursday, tens of thousands were already massed in Madrid's giant Plaza Oriente, facing the old royal palace. Among them were six units of the Madrid garrison in civilian clothing, reportedly some 10,000 youths. Government offices had been closed and numerous civil servants brought downtown by special buses. Private businesses were also asked to excuse employees to attend the rally.

FALANGE SYMBOLS

Mimeographed itineraries for the demonstration were distributed, along with the lyrics of the infantry hymn. While foreign observers were struck by the prominence of blueshirts and other Falange symbols, expert Madrid observers were more dismayed by the directing role played by plainclothes police and army Special Branch officers.

It was uncertain whether Franco would appear. Hovering above the 100,000 demonstrators in the square was Prince Juan Carlos, piloting his own helicopter. Worried police repeatedly asked him to identify himself, but the prince merely replied with his pilot number and call letters. Finally, the prince was identified and informed that Franco was coming and expected him at his side.

The crowd manifested its hostility to various government policies and tendencies, sang the Falange and infantry hymns, and frequently chanted "Franco Si, Opus No."

NONCOMMITAL FRANCO

Franco accepted the homage of the crowd without committing himself. He simply said, "As this is a state of law, we have solutions for all our problems."

After the demonstration, rightist extremists among the remaining demonstrators urged a march to burn down the moderate Catholic newspaper Ya. However, skilled organizers persuaded them to march on various foreign embassies instead. Except for a rock thrown through a window of the Italian embassy, Special Branch officers managed to prevent violence.

The success of the Madrid demonstration encouraged the army to stage others in garrison cities throughout Spain. The same techniques were used, except that in Cadiz on the Atlantic, the navy participated.

At the regular cabinet meeting on Friday, the armed forces consolidated their gains. Th meeting opened with a pledge of loyalty by Adm. Carrero Blanco to Franco, the armed forces, and Spanish institutions—a pledge which the government unanimously endorsed. The pledge included a condemnation of Spain's "eternal enemies" and the "Anti-Spanish campaign" abroad. Lopez Bravo was directed to lodge a formal protest with France over the "hostility" of its state television network.

The Friday cabinet meeting lasted unusually long. There have been few disclosures of what took place. However, many in Madrid believed a serious struggle was taking place, and that the Opus Dei group was losing. Foreign governments, sensitive to the mood of change, moved to contact high Spanish authorities to apprise themselves of the real situation. U.S. Ambassador Robert C. Hill obtained an audience with Prince Juan Carlos, while Adm. Elmo Zumwalt, U.S. chief of naval operations, met with Gen. Diez Algeria.

On Saturday, Lopez Rodo, the elder statesman of the Opus group, summoned key advisers to a meeting in the countryside. Lower-level Opus supporters were already openly pessimistic about their group's political position. The issues had by then moved beyond the Burgos trial. According to some reports, the military was now inclined to be more lenient in the Basque case because of its regained confidence. In any case, it was clear that—as one well-placed observer put it—"The crisis is no longer in Burgos, it is in Madrid."

Cabinet changes are not expected at once, if only because Franco has traditionally refused to make changes in moments of stress. Opus Dei supporters console themselves that Franco has often done the opposite of what was expected. Nevertheless, with Franco no longer as vigorously active as before, the military power-play of the recent days may constitute a claim to lead Spain in the post-Franco era.

On Monday, Carrero Blanco attempted to mollify the military in a speech to the Cortes Parliament, which according to well-placed sources had been hastily rewritten. Earlier he had been expected to announce further measures of political liberalization. Instead he inveighed against separatism, subversion and the "international Communist conspiracy." He praised the Falange and promised the army higher pay. (Earlier this year, a captain general who had publicly urged higher pay was promptly relieved).

Still unclear, are the long-term political aims, if any, of the various military groups beyond law and order and replacing the current civilian leaders. As one former high Spanish official put, "What is important and new . . . is that the army has begun to move."

Spain Near Verdict for Basques

Madrid, December 23.—The delayed verdicts will be announced Saturday in the controversial military trial in Burgos of 16 Basque nationalists, six of whom could face the firing squad.

But the announcement today of the verdict timing, in the middle of the Christmas holidays, has led to speculation that the verdicts will include no death sentences.

A panel of five army judges has been deliberating their verdict for two weeks. Originally, the verdict was expected within five or six days.

Lt. Col. Nicolas Horta, investigating judge of the military court, telephoned defense lawyers' offices this morning and told them to be in Burgos at noon Saturday "in order to sign the acts of the trial." Normally, the signing of the trial acts, in the proceedings of military courts, immediately precedes the announcement of verdicts.

Government sources said the two procedures did not necessarily have to take place on the same day but indicated they had no doubt that this would happen.

Six of the accused, avowed Marxist-Leninist activists of the small revolutionary movement ETA fighting for a Basque socialist state, face possible death sentences for their alleged part in the murder of Inspector Meliton Manzanas, chief of political police in San Sebasian, in August 1968.

West Germany's honorary consul in San Sebastian, Eugen Beihl, was abducted from his home on Dec. 1 and is apparently being held as a hostage for the six.

The San Sebastian newspaper Diario Vasco (The Basque Daily) reported today that ETA had made three demands for his release: no death sentences at Burgos, the release of 37 ETA prisoners, and the lifting of border controls presumably to enable Beihl's kidnapers to escape from Spain.

[From the Washington Star, Dec. 25, 1970]

Basque Separatists Release Kidnapped German Diplomat

St. Jean De Luz, France.—A Basque sympathy movement in France said today kidnapped West German Consul Eugen Beihl has been released by Basque nationalists who abducted him Dec. 2.

Telesfor de Monzon, President of the Basque organization Anai-Artea, told a news conference, "at the same moment that I am speaking to you, the German consul in San Sebastian finds himself in liberty."

The announcement that Beihl had been freed by his kidnapers came three weeks after the diplomat was abducted by Basque militants who sought to force the Spanish government to be lenient with 16 Basques on trial in Burgos.

(In San Sebastian, Beihl's family said through a spokesman that news of the consul's release had turned "the worst Christmas in our lives to the best."

"As you can imagine, the wife and daughter of Mr. Beihl are really elated," the spokesman said. "But in order to complete their joy Mr. Beihl should arrive and embrace them.")

Beihl was interviewed by a French radio newsman last night who said Beihl was kept in a mountain hideout after he was seized.

VISITED IN HIDEOUT

RTL (Radio Television Luxembourg) broadcast what it said was a taped interview with Beihl "somewhere in Spain" by one of its correspondents.

The reporter said he visited Beihl in a hideout surrounded by Basque nationalists who hid their faces behind stocking caps and dark glasses and were armed with pistols.

Beihl was treated to a Christmas Eve dinner of oysters, broiled shrimp and pasteries, the newsman said. The French radio reporter said those foods were on the table in Beihl's blacked-out room when he visited the consul the night before Christmas.

DECLARED IN GOOD HEALTH

"Consul Beihl has been freed by the E.T.A. (Basque separatist organization) group. He is in good health somewhere in Europe," De Monzon said.

De Monzon indicated the Basque nationalist group demanded nothing in exchange for Beihl's release and the kidnapping had been carried out merely to dramatize the Basque cause.

But Basque sources said several days ago they might free Beihl in hopes the Spanish government would come up with lenient punishment for the men on trial without seeming to have been forced into such a move.

The prosecution had called for the death penalty for several of those on trial.

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[From the Christian Science Monitor, Dec. 29, 1970]

BASQUES: VICTIMS OF HARD LINE?

(By Richard Mowrer)

MADRID.—"The situation in Spain is potentially so explosive that only the harshest repression can keep things under control."

That appears to be the conviction, held in high places, behind the stiff—even extraordinary—sentences imposed on 16 Basque nationalists by a military court in Burgos, northern Spain.

Six of the extremists were sentenced to the capital penalty—three of them being given double sentences. The others were given prison terms ranging from 6 to 70 years.

Even before the verdict, the trial generated protest demonstrations in many parts of the country—a development which worried the government.

Now the capital sentences, if carried out, are expected here to invite a strong outbreak of collective anger in the Basque region of Spain and perhaps elsewhere, bringing in its wake further stern repressive measures by the police and if need be by the Army.

WAY OUT SEEN

At this writing, two opportunities remained for avoiding what many have seen as a dangerous blunder:

First, the sentences must be confirmed by the captain general of the Sixth Military Region in Burgos: Lt. Gen. Tomas Garcia Rebull. It is not all that certain that he will do so.

The Army is known to have mixed feelings at having been given the unpalatable task of judging the 16 Basques accused of terrorism.

If General Garcia Rebull declines to confirm the sentences, the whole case will then be referred to the Supreme Judicial Council of the Army. This would delay and perhaps stop altogether execution of the sentences, pending a decision which might include a declaration of mistrial.

Second. Generalissimo Francisco Franco, as Spanish chief of state, has final say on the carrying out of capital sentences. He can commute capital sentences to life imprisonment.

However, the imposition of two capital sentences on one person could make the commutation of the sentences by General Franco, even if he is so inclined, technically impossible, in the opinion of legal sources here.

LIBERAL IMAGE IMPERILED

If any of the six is executed the Franco regime's bid to win acceptance in Europe will likewise be doomed, observers believe.

But between "liberalizing" itself to win approval abroad and chancing the loss of absolute control at home the Franco regime has always given priority to the latter in moments of stress, such as now.

The six sentenced to execution by a firing squad all stated that they were members of ETA, the secret Basque nationalist organization.

Five of the six—Eduardo Uriarte (double sentence), Joaquin Gorostidi (double sentence), Mario Onaindia, Francisco Javier Larena, Jose Maria Dorronsoro—testified at the trial before five military judges that they were Marxist-Leninists. The sixth, Francisco Javier Izco (double sentence), was silenced before he could reply.

The 10 given prison sentences included three women and two Roman Catholic priests.

The nine capital sentences exceeded the six asked for by the prosecution. Other of the sentences handed down by the court also were greater than those demanded by the prosecution.

[According to the Associated Press, most defense lawyers appeared stunned by the harshness of the sentences. The ruling of the military court said in effect that the court had accepted all of the allegations of the prosecution and none of the pleas of the defense.

[All those defendants accused of assassination of a political police chief denied the charges. Ivon de Navascues, one of the defense lawyers, termed the sentences "horrendous, monstrous, and horrible."]

[From the New York Times, Dec. 29, 1970]

SPAIN SENTENCES SIX BASQUES TO DIE, NINE TO LONG TERMS—VERDICT OF COURT-MARTIAL IS HARSHER THAN EXPECTED—EUROPEANS SHOCKED

(By Richard Eder)

BURGOS, SPAIN, Dec. 28.—Six Basques were condemned to death today by a military court-martial on charges of banditry and of complicity in the killing of a police inspector.

The sentences, issued in this icy upland city, were far harsher than had been expected even in Spanish political circles of the hardest line. Three of the death sentences were in fact double sentences, with the court deciding that the accused had committed separate crimes of murder and banditry.

[News of the death sentences evoked expressions of shock and pleas for mercy throughout Europe. A Vatican spokesman said reports of the news had been received with "profound emotion." He said the Holy See would continue its efforts to obtain commutation of the death sentences.]

COULD BE COMMUTED

To take effect, the sentences must be ratified by the commander of the Burgos military district, Lieut. Gen. Tomas Garcia Rebull. The Spanish Cabinet must then be notified, and at that point it is possible for General Francisco Franco to commute any or all of the sentences.

The death penalty imposed in Spanish courts-martial is carried out by firing squad.

In addition to the death sentences, the 15 accused—members or followers of the Basque separatist guerrilla organization known as ETA—received jail terms totaling 519 years 6 months 4 days. These ranged from a minimum of 12 years to a maximum, in two cases, of two death penalties plus 30 years in jail. One of two women among the 15 received a 50-year sentence.

SIXTEENTH DEFENDANT ACQUITTED

A 16th defendant, also a woman, for whom the prosecution had asked acquittal, was in fact acquitted. Eight jail sentences were lighter than the prosecution had asked. In several instances, however, including the double death penalties, the sentences were actually harsher than those asked by the prosecutor.

Nobody here is guessing as to what General Garcia Rebull or General Franco will do, or how long a decision will take.

The verdicts were issued at 4 P.M. at the red brick headquarters of the military region. The defense lawyers, who had entered in a cheerful, almost joking mood, emerged pale and almost unable to speak, clutching copies of the 60-page sentence. As word spread among Spanish and foreign journalists and observers gathered at a nearby hotel, there was also a sense of shock.

The shock is expected to be equally great throughout Spain when the verdicts are announced this evening. All comment in Spanish political circles over the last 10 days, including private forecasts by high government officials and by military sources, had ranged from no death sentences at all to one or two, with a virtual certainty of commutation.

CONSTERNATION IN BURGOS

Even in Burgos, an uncompromising garrison town that prides itself on its military spirit and loyalty to General Franco, there was some consternation. At bars and in the streets, people who were told of the sentences could hardly believe them.

A recent campaign in right-wing groups among the leadership and in their newspapers, glorifying the disciplinary virtues of the regime, demanding strict enforcement of public order, and attacking the foreign press, had seemed to have spent itself last week in a series of pro-Franco demonstrations across the country.

Solidarity having been affirmed, however, the press comment took a milder tone. Even far-right papers were talking peace and progress in recent days, along with justice and discipline.

The release of Eugen Beihl, honorary West German consul in San Sebastian, was another factor that suggested a relatively mild sentence. Mr. Beihl was kidnaped on Dec. 1 by an ETA group that announced it was holding him hostage for the lives of the accused in Burgos.

General Garcia Rebull who has expressed his own distaste and that of much of the army over being saddled with responsibility for the court-martial, could refuse to ratify the sentences. They would then go to the Supreme Court of Military Justice, where three to six months would be required for decision.

POSSIBILITY OF CLEMENCY

But if General Garcia Rebull ratifies the sentences, as seems likely, there remains General Franco's clemency. At the time when it was assumed that only one or two death sentences would be imposed, this clemency was almost taken for granted.

If the Government's intention is clemency, however, nobody here could see the logic of imposing nine death sentences first. The official position is that the Government had no knowledge or control of what the court-martial judges did. This is not widely believed.

Reaction in the Basque-speaking country is likely to be severe, unless commutation is announced before much time passes. There were reports this evening that the police had begun to make a number of preventive arrests in the area.

The last political execution in Spain was the shooting of Julian Grimau in 1963, which provoked a great international outcry including an appeal by Giovanni Battista, Cardinal Montini, Archbishop of Milan, who is now Pope Paul. The Vatican and at least four European countries—France, West Germany, Belgium, and Italy—have already made public or private appeals against execution.

Wide sectors of the regime and the army, not to mention the limited opposition, have indicated that they would be horrified by executions.

The Burgos court-martial was the regime's major blow against ETA. It began Dec. 3 and ended abruptly eight days later when the defendants staged a demonstration. Since then, the judges had been considering the verdict.

The guerrilla group ETA has been operating in the Basque provinces for the last five or six years with the twin goals of a separate Basque state and a socialist revolution. The group's initials stand for Euskadi Azkatasuna, or Basque nation and freedom.

The ETA organization, which probably numbers no more than 200 or 300 activists, has staged bank hold-ups, numerous small bombings, and other incidents. It planned and carried out—according to both its own and the Government's claims—the killing of a secret police inspector, Meliton Manzanas.

Those accused at the court-martial were arrested nearly two years ago in a series of round-ups. They admit belonging to ETA, though they deny holding leading posts in it, as the prosecution charges. They also deny

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personal participation in Inspector Manzanas's death.

Inspector Meliton Manzanas was head of the political police in the province of Guipúzcoa. He was shot dead on Aug. 2, 1968, on the stairs leading to his apartment in the town of Irún on the French border. The killing, according to ETA leaflets, was a reprisal for the killing of an ETA activist, Javier Echevarrieta, in an encounter with the civil guard. Six of the accused, it was charged, took part in a meeting at which the slaying was planned and ordered.

THOSE SENTENCED TO DIE

The six sentenced to die today are Francisco Izco, 29 years old, a printer's helper; Eduardo Uriarte, 25, a student; Joaquim Gorostidi, 26, a labor leader; Francisco Larena, 25, a student; Mario Onaindia, 22, a bank employee, and Jose Dorronsoro, 29, a former seminarian. Mr. Izco was charged with having shot Inspector Manzanas; the others were accused of having taken part in the ETA meeting at which his death was ordered.

Mr. Izco, Mr. Uriarte, and Mr. Gorostidi were sentenced to death a second time on general charges of banditry. Some lawyers speculated today that they were given the additional sentence to justify the much-criticized role of the military court in conducting the trial. Military courts have jurisdiction in Spain's special legislation on "banditry and terrorism."

Two priests, the Rev. Juan Echave and the Rev. Julian Calzada, were sentenced to 50 years and 12 years respectively. Juana Dorronsor and Icar Aizpurua, wives of Mr. Izco and Mr. Gorostidi, were given 50 and 15 years.

The other sentences were 62 years for Jésus Abnisqueta, 70 years for Victor Arana, 12 years for Antonio Carrera, 50 years for Enrique Guesalaga and 30 years for Gregorio Lopez Irasuegui.

Maria Aranzazu Arruta, the wife of Mr. Lopez Irasuegui was acquitted.

In its sentence, the five-member military panel said it had been proved that ETA was a "separatist-Marxist-terrorist organization . . . whose purposes were to disturb public order, hurt the prestige of the Spanish nation and institutions, destroy by violence the organization of the state, dismember a part of the national territory by subversive actions, terrorism, armed warfare and social revolution."

It went on to find that the accused had been leading members of the group and had directed or participated fully in its activities.

Late today the Government issued a note it described as "unofficial," going over much the same ground, and outlining the details of the prosecution's case and the history of ETA.

[From the Washington Post, Dec. 29, 1970]

SIX BASQUES FACE DEATH; THREE GET DOUBLE SENTENCE

(By Miguel Acoca)

BURGOS, SPAIN, December 28.—The Burgos military tribunal pronounced death sentences against six Basque nationalists today. Three of the six received two death sentences each.

The unusual verdict was handed down after 19 days of secret deliberation. The trial had kindled Spain's gravest political crisis in 37 years, and the verdict was expected to renew pressure from foreign statesmen and the Vatican for commutation of the death sentences.

Almost at once, a spokesman for the Basque underground ETA said that if any of the six were executed its guerrillas would retaliate in kind.

The six were given death sentences for the murder of a police officer and three were also sentenced to death for "armed subversion." Nine other defendants—including two women and two Roman Catholic priests—were given sentences ranging from 12 to 70 years on charges of terrorism, possession of arms, illegal propaganda and illicit association.

Charges were dropped against one defendant who was already serving a prison term.

The death sentences must be confirmed by the Burgos military governor. Lawyers had until midnight to file objections. The military governor had no set time in which to confirm, reject or alter the sentences. If he confirms the death sentences, the chief of state, Generalissimo Francisco Franco, can commute them.

Shortly after the lawyers were informed, three of them went to see the defendants in the cold Burgos jail. The families of those sentenced to death prepared a written appeal for commutation to Franco.

The 105-page sentence contained a long indictment of the Basque underground, ETA (an acronym which stands for "Long Live the Free Basque Nation").

All 16 defendants admitted in court they were members of ETA. All admitted, also that they were Marxist-Leninists, and that they were fighting for a separate Basque nation in a socialist Spain.

The condemnation of ETA, a small group active in the Basque provinces, appeared to be a warning to the larger and moderate opposition, that the Spanish military is prepared to put down any organization which foments political unrest. The military, it seemed clear, intended to make an example of the Basques.

The tough military line was emphasized in the past two weeks by pro-Franco, pro-army and pro-tribunal demonstrations throughout Spain. Not in years had Spainards seen a similar show of support, which seemed out of proportion with ETA's challenge.

The military has blamed the present government—although not Franco himself—for the wave of protests against the trial and the long delay in sentencing. Qualified observers predicted a new showdown between the military and the government over the death sentences.

The tribunal found that all six for whom the death penalty had been asked were guilty of ploting to kill Meliton Manzanas, the chief of San Sebastian's political police in 1968. They found that Francisco Izco did the killing. The six were also sentenced to jail terms, and to pay Manzanas' widow $14,285 indemnity.

All six denied in court that they had anything to do with the murder. Their lawyers argued that the evidence against their clients was vague and inconclusive. The lawyers also managed to introduce allegations of police torture into the record.

The death sentences were a surprise to the lawyers, who emerged from the Burgos military headquarters with looks of amazement. They had expected a show of clemency because ETA had released on Christmas Day the West German honorary consul they had kidnapped before the start of the trial.

No lawyer could recall a similar verdict in the past. One of them said, "This is not a legal decision. It's strictly a political verdict. It's totally irrational."

People on the streets of Burgos, which was in a gay holiday mood, were incredulous when told of the tribunal's sentences. They thought it was part of the Feast of the Innocents, which is celebrated like April Fool's Day in Spain.

The lawyers huddled in their hotel rooms in teams to plan their strategy. Each had a bulky copy of the sentence, and studied it to make their objections. However, they have little recourses, and cannot appeal the sentences.

Civilian government officials telephoned foreign reporters to remind them that the sentences have yet to be confirmed by the military governor of Burgos. Spanish news agencies and newspapers, pointed out that it was possible for the military governor to reject the sentences and send them to the superior military tribunal for review.

A release issued by the ministry of information provided a resume of the tribunal's charge that ETA has relations with "revolutionary groups abroad, with Communist parties as well as with the embassies of Albania, Peking and others characterized by their animosity toward Spain."

The communique also enumerated "terroristic" activities of which the 16 defendants had been accused and listed the individual sentences.

The defendants themselves issued a statement from prison, through their lawyers. It said: "These sentences in no way affect our revolutionary morale. We expected nothing else from fascism."

Izco, 29, was given two death sentences, 29, Francisco Javier Larena, 25, and Mario Gorostidi, 26.

The other three men condemned to be shot by a firing squad were Jose Dorronsoro, 29, Farncisco Javier Larena, 25, and Mario Onaindia, 29. Maria Aranzazu Arrauti was acquitted.

News dispatches reported the following:

The death sentences brought immediate appeals for clemency from other European countries.

The official Soviet news agency Tass described the trial as a "disgraceful mockery of justice."

A spokesman for the Vatican, which had been trying to persuade the Spanish government to show clemency toward the Basque defendants, said news of the sentence was received "with deep emotion."

The spoksman, Federico Alessandrini, added: "The sentence is not yet formalized, and the interest of the Holy See, of which public opinion has been repeatedly informed, is continuing."

The governments of Sweden, West Germany and Italy instructed their diplomatic representatives in Madrid to express hope that the defendants in the Burgos trial would be treated with clemency.

In West Berlin, about 100 persons paraded through downtown streets shouting "Franco, murderer."

Leaders of West German and Belgian trade unions sent telegrams to the Spanish government expressing "dismay" and "horror" over the death sentences.

More than 200 demonstrators broke into the Spanish Embassy in Brussels and partially ransacked it. Chanting crowds gathered outside the Spanish Embassy in London.

France's two large labor organizations called for a work stoppage Tuesday to protest the verdicts. Demonstrations were also held in Toulouse and Bayonne.

In San Sebastian, Spain, Eugen Beihl, the West German consul who was kidnaped by Basque separatists and released Christmas Eve, said he was "astonished" by the death sentences, which he called "most severe."

[From the Washington Star, Dec. 29, 1970]

BASQUES PLEDGE TO RETALIATE FOR SPANISH DEATH SENTENCES

BURGOS, SPAIN.—Basque nationalists swore vengeance today against the military judges who sentenced six Basques to death and nine others to a total of 351 years in prison.

"There will be retaliation," one member of the Basque terrorist organization, ETA, warned after the court handed down the sentences yesterday. He singled out Capt. Antonio Troncoso de Castro, the legal adviser of the court-martial. Another ETA source said of De Castro: "He better have a bodyguard."

Denunciations of the death sentences and appeals for clemency poured into Madrid from around the world, and Basque sympathizers and foes of the Franco regime held demonstrations in cities throughout Europe.

DEMONSTRATION VIOLENT

Some led to violence. In San Sebastian, the Basque capital on Spain's northern coast, youths roamed the streets last night overturning cars and smashing windows. A bomb exploded in front of the Spanish Consulate in Rome but caused no significant damage. More than 200 demonstrators broke into the Spanish Embassy in Brussels and ransacked some of the rooms.

Defense lawyers for the 15 Basques filed appeals to the military commander of Burgos, but it appeared unlikely that he would accept them. If he does not and signs the death warrants, only clemency from Generalissimo Francisco Franco, the Spanish chief of state, can stop the firing squad executions.

Franco, facing his worst crisis since the Spanish civil war, met with his cabinet to discuss whether he should commute the death sentences.

Announcement of the sentences brought new appeals for clemency from the Vatican and the governments of Italy, France, Austria, Denmark, Norway and Belgium.

U.S. POSITION UNCLEAR

There was no word from Washington of any intercession by the U.S. government, a major military and financial ally of the Franco regime. But Pete T. Cenarrusa, Idaho's secretary of state and of Basque origin, said the State Department told him it would "do something" if the death sentences are not commuted. Attention in Washington was concentrated on the sentencing of two Jews to death in the Soviet Union for plotting to hijack an airliner.

Denunciations of the Spanish death sentences came from the World Council of Churches, the International Commission of Jurists in Geneva, the Basque government—in-exile in Paris, and six French Nobel Prize winners.

Moscow newspapers published condemnations of the sentences under such headlines as "Cruel Sentence on Basques," "The Tyrants Passed the Sentence on Patriots," "The Sentence Must Be Abrogated," and "The Hangmen Must Not Get Their Way."

CONSUL "ASTONISHED"

Eugen Beihl, the honorary West German consul kidnaped by Basques in San Sebastian on Dec. 1 and freed Christmas Eve, said he was "astonished" at the court's "most severe" sentences. Many had thought his release would result in leniency by the court.

The six defendants sentenced to die were charged with killing Meliton Manzanas, Provincial political police chief in San Sebastian. Three of the six received double death sentences, and all but one also drew prison terms ranging from 27½ to 60 years.

The nine other defendants were charged with banditry, terrorism, possession of arms, disseminating illegal propaganda and illicit association in connection with the ETA terrorist movement to gain independence for Spain's three Basque provinces. Their sentences ranged from 12 to 70 years.

The court acquitted a 6th defendant who has been committed to a mental hospital.

The judges did not say why they gave double death sentences to three of the accused. One defense lawyer said it might be because the three were convicted of murder and banditry, both capital crimes.

[From the New York Times, Dec. 30, 1970]

Franco and Cabinet Meet As Clemency Pleas Grow—Action on Basques Awaited

(By Richard Eder)

Madrid, December 29.—Generalissimo Francisco Franco met with his Cabinet in emergency session today amid a national groundswell of pleas for commutation of the court-martial death sentences imposed on six Basque guerrillas in Burgos yesterday.

The Cabinet met for three hours, then adjourned after waiting vainly for word from the commander of the Burgos military region. Lieut. Gen. Tomas Garcia Rebull, that he had ratified the sentences. Official sources said that General Franco and his ministers were prepared to reconvene tonight if the notification arrived early enough.

If General Garcia Rebull ratifies the sentences—as is expected—the Cabinet must then advise General Franco on commutation. Official sources said that General Franco and his ministers would probably meet tomorrow morning and make their decision. Presumably, General Garcia Rebull's decision will have been made by then.

If the Burgos commander does not ratify the sentences—death penalties were imposed on six members of the guerrilla organization known as ETA and long jail terms on nine associates—they go to a superior military court, where they might be tied up for at least three or four months.

The pleas of clemency were in no sense a campaign against the leadership. The opposition, though overwhelmingly supporting the pleas, was not prominent in promoting them today. On the contrary, it was the newspapers, ranging from extreme right to moderate, and all identified with the regime in one way or the other, that led the effort, with editorials asking that no lives be taken.

"The regime is strong and only the strong know how to forgive," said A.B.C. Other papers took the same position, arguing that the sentences had shown the Government's firmness and it could now afford to commute sentences.

Most of the leading political factions and a majority of the Cabinet appear to oppose the carrying out of the death sentences. Their imposition yesterday, beside shocking public opinion here, has stirred a storm of international protest.

Some ministers have said privately that they would resign if the executions were carried out.

It is still not clear, in view of the widespread sentiment within the Government against executions—and certainly against the six posed by the court-martial—how the verdict was reached.

One theory, which has gained support in view of the political difficulties raised by the judgment, is that the five-man panel, shut away for nearly three weeks, gave way gradually to the arguments of those of its members who took the hardest line.

Another, theory unprovable, is that there was pressure on the panel from certain right-wing generals.

Reaction in the Basque country to the court-martial decision was shocked anger. Several thousand Basque-speaking workers went on strike in Bilbao, and some 15,000 in the province of Guipuzcoa. Heavily reinforced police units patrolled San Sebastian, capital of Guipuzcoa, and there were some small demonstrations.

There was a tentativeness, though, to the Basque reaction. People seemed to be waiting to see whether the executions would actually take place. The same tentative note prevailed elsewhere, although numerous telegrams of appeal were sent to the Government by lawyers and other professional groups.

Reaction is slowed not only by the wait to see whether executions will take place, but also by the unexpectedness of the verdict. Speculation had ranged between no death sentences and one or two at most.

The Most Rev. Jacinto Argaya, Bishop of San Sebastian and the Most Rev. José Mariá Cirarda, Bishop of Bilbao rushed to Madrid last night to plead for clemency. They are reported to have seen the justice minister.

Letter Reports Hope to Die

St. Jean-de-Luz, France, December 29.—One of the Basques condemned to death at Burgos wrote to his family saying all six men facing death by firing squad want to die for their cause, a Basque organization said here today.

The Anai Artea association here said that the letter, smuggled out of prison, said in part: "We hope that we will not be granted reprieve. We are revolutionaries. We want to die for the dignity of man and the freedom of our Basque country."

The association refused to name the man who sent the letter.

Anai Artea, based in this town near the Spanish border, said earlier this month that it was acting as intermediary for the Basque organization ETA in negotiations that brought about the release of the West German Consul, Eugen Beihl, who had been kidnapped from San Sebastian.

European Protests Mount

As governments throughout Europe appealed to Spain to spare the lives of six Basque separatists condemned to death, the conviction of the Basques prompted work stoppages, boycotts and other acts of protest yesterday.

Among the appeals for clemency was one from Britain, whose Foreign Ministry had earlier maintained, through a spokesman, that the matter was an internal Spanish question.

Sir Alec Douglas-Home, the Foreign Secretary, authorized a statement saying that Britain had learned of the sentences "with deep concern." The Government added that it was "confident" that Generalissimo Francisco Franco would "take humanitarian considerations into full account."

Harold Wilson, leader of the Labor Party opposition, also issued a statement saying in part that the execution of the Basques would mean that "Spain will be taking a terrible step back into the past." Appeals for clemency also came from the British Council of Churches and the British section of Amnesty International.

In Dublin, a spokesman for the Irish Foreign Ministry said: "An approach concerning the death sentences is being made through diplomatic channels."

In Rome, sources in the Foreign Ministry said that Italy's Ambassador to Spain had orders to express his Government's hope "on humanitarian principles" that the Basques would be spared. A former Premier of Italy, Mariano Rumore, as president of the World Union of Christian Democrats, sent General Franco a telegram asking revocation or commutation of the death sentences.

In the Vatican, the official spokesman, Federico Allessandrini, confirmed "that the action of the Holy See is continuing." Other Vatican sources indicated that Pope Paul VI might take the unusual step of telephoning an appeal to General Franco.

In Rome, a bomb hurled from a passing car slightly damaged a plaque on the door of the building housing the offices of the Spanish military and commercial attachés. And in Genoa, Italian longshoremen staged a 24-hour boycott against Spanish and Soviet ships yesterday to protest both the Spanish sentences and those handed down in Leningrad against 11 defendants nine of them Jews, in the planned hijacking of an airliner. The longshoremen refused to board one Spanish ship and two Soviet vessels.

GENOESE STRIKE

About 10,000 Genoese industrial and commercial workers struck for two hours in a separate protest against the Spanish sentences.

In France, tens of thousands of workers held flash work-stoppages—supported by all leading labor organizations—that halted some railroad and subway trains and shut down automobile and airplane assembly lines, among others.

Two protest rallies in Paris, one at the Place de la Bastille and the other on the Place Clichy, drew several thousand demonstrators last night. In the course of the Bastille rally protesting the verdict in Spain, fire bombs were hurled at branch offices of two state-owned banks.

A demonstration also took place last night in Bayonne, the most important city in the southwestern Basque area of France. At least 4,000 people marched on the Spanish consulate carrying banners with such inscriptions as "Franco Assassin."

Maurice Schumann, the French Foreign Minister, said in an interview with the state-run radio network that the French Government was "neither insensitive nor inactive" with regard to the Spanish situation even if it was being discreet.

PROTESTS IN GERMANY

Youthful demonstrators in West Berlin and Hamburg chanted "Franco murderer" as they marched in protest.

All demonstrations were banned in Caracas, Venezuela, as a precaution against disorder. However, President Rafael Caldera of Venezuela sent a plea for clemency to General Franco. Venezuelan airport ground crews and union members have threatened never again to service Spanish airliners if the sentences are carried out.

In the United States, the sentences brought a protest from Gov. Paul Laxalt of Nevada, who is of Basque descent. Mr. Laxalt, in a telegram to General Franco, said he did not condone "the tactics of terrorism," adding: "But on the other hand, I must speak out as an American citizen against any verdicts of a closed military trial."

Gov. Don W. Samuelson of Idaho, which has about 12,000 residents of Basque origin or descent, has asked the State Department to intercede on behalf of the convicted guerrillas.

[From the Washington Post, Dec. 30, 1970]

FRANCO CONSIDERS VERDICT ON BASQUES

(By Anatole Shub and Miguel Acoca)

MADRID, December 29.—Spain's political crisis moved toward a climax today as Generalissimo Francisco Franco convened the highest state officials to consider the verdict in the Burgos trial of Basque nationalists.

Franco first held an emergency meeting of his cabinet, then summoned an extraordinary session of the so-called Council of the Realm—a supreme consultative body of army church and parliamentary dignitaries.

A communique after the cabinet meeting said that the government had "exchanged views" on the sentences passed at Burgos, where nine death penalties were imposed on six of the 16 defendants yesterday. The cabinet decided to meet again as soon as it received formal ratification of the sentences by Lt. Gen. Tomas Garcia Rebull, military governor of the Burgos region.

However, late tonight, military officials at Burgos said they could give no information as to whether Garcia Rebull would ratify the sentences or dissent from the verdict and refer the case to the Supreme Military Tribunal in Madrid.

The Council of the Realm, as is its practice, issued no statement. Observers believed, however, that in summoning the council, Generalissimo Franco was seeking the broadest range of advice as to whether he, as chief of state, should commute the death sentences if Garcia Rebull ratifies them.

EDITORIALS URGE CLEMENCY

A majority of the cabinet, according to informed sources, favored commutation. The sentiments of civilian officials appeared to be reflected by editorials urging clemency published today by influential Madrid newspapers.

However, the big question seemed to be whether elements in the Spanish military establishment would continue to press, as they have been doing in recent weeks, for "making an example" of the Basque "terrorists."

Moderate civilians here were still shocked by the harsh verdict of the Burgos military tribunal. The verdict was viewed as a challenge to Madrid political leaders, because even Franco will find it more difficult to commute nine death sentences than the expected two or three.

There were conflicting reports on what was going on within the Spanish military. In recent weeks, a movement of activist junior officers has campaigned for a general crackdown on oppositionists and dissidents in Spain.

While some senior generals are reported to have encouraged their movement, others were reported today to be touring various Spanish garrisons in an attempt to calm the junior officers. According to one informed source, Franco himself has been seriously disturbed by what European newspapers have been calling "the revolt of the captains."

There were unconfirmed reports today that troops had been confined to barracks in Barcelona and elsewhere.

MOUNTING PROTESTS

Today's high-level consultations took place in the face of mounting protests over the Burgos verdict in Spain and abroad. In the Basque province of Guipuzcoa, nearly 10,000 workers went on strike, today defying the state of emergency regulations decreed in their province Dec. 1. Last night, in San Sebastian, police broke up attempted demonstrations against the verdict, in which young Basques carried placards, blocked traffic and broke windows.

Protests outside the Basque provinces were peaceful, and led by prelates of the Roman Catholic Church. The archbishop of Barcelona, Marcelo Gonzalez Martin, was one of numerous church leaders to appeal to Franco for clemency.

The bishop of Albacete, Irineo Garcia Alonso, issued a pastoral letter which went beyond the Burgos case to challenge one of the principal dogmas of Franco's hardline supporters. He said it was erroneous "to continue to think that we as people can only choose between dictatorship and anarchy." Fear of Chaos, or a new civil war has been a major justification here for authoritarian rule.

Appeals for clemency also poured in from abroad, with the British, French, West German, Italian and other European governments—as well as the Vatican—among those formally urging commutation of the death sentences.

YEAR-END ADDRESS

Franco is scheduled to make his traditional year-end address to the Spanish people Wednesday evening. There has been no indication, however, of whether he will use the occasion to announce his decision on the Burgos verdict, or merely refer to it in general terms.

High officials here hesitated to predict how Franco will ultimately decide. They stressed that pressures from abroad—and particularly the campaign launched in the last few days by the Soviet Union and its followers—might well be "counterproductive," leading the regime here to "affirm its national independence" by rejecting clemency appeals. The absence of any pressure for clemency on the part of the U.S. government, Spain's most important military ally, has also been noted.

Furthermore, the Burgos trial itself has become intertwined with more complex political struggles, involving factions within the government as well as within the military. Franco has traditionally ruled by maintaining an intricate balance among competing pressure group.

LETTER SAYS BASQUES DON'T SEEK CLEMENCY

A letter purporting to be from one of the six men condemned to death by a Burgos court-martial for complicity in the August, 1968 murder of the political police chief of Guipuzcoa Province was made public last night in St. Jean de Luz, France, across the border from Spain's Basque country.

"We strongly hope that clemency will not be accorded," said the letter released by leading Basque spokesman Teleforo de Monzon. It continued: "We are revolutionaries. We wish to die for the dignity of man and the liberty of our Basque lands.

De Monzon said he believed the writer expressed the spirit of the other five condemned men.

DECEMBER, 30, 1970.

VATICAN CITY.—Pope Paul VI said today the trials of Basques in Spain and Jews in the Soviet Union were among the causes contributing to a "disease of disorder" assailing the modern world.

The 73-year-old Roman Catholic pontiff, addressing his weekly general audience in St. Peter's Basilica in his last speech of the year, referred to "certain judicial proceedings." Vatican sources said there was no doubt he was referring to the controversial Burgos and Leningrad trials.

The pontiff said the world is troubled and uneasy about "the persistence of war in various parts of the world, certain judicial proceedings which have so moved world public opinion, the state of social tension in various nations, delinquency and violence, the many cases of robberies, blackmail, injustice, torture, extortions and crime."

Because of all these things, the Pope said, "the world seems to be assailed by the disease of disorder, by false legality, by criminality, by the pseudo-politics of force, by demagoguery, by systematic protest and by the mercantile and military race of armaments."

"This is not peace, it is not civilization, it is not christianity," the Pope declared.

DECEMBER 30, 1970.

BURGOS.—Generalissimo Francisco Franco tonight commuted the death sentences of six basque nationalists convicted of murder and banditry, the ministry of information announced.

The announcement said the sentences had been commuted to "the next highest sentence passed." The next highest sentence passed by the burgos military court was 72 years.

Franco planned to explain his action in a year end address to the nation tonight. He has been under mounting pressure from European governments and the vatican to commute the death sentences and faced possible widespread unrest in northern Spain if he did not.

There was immediate reaction from the vatican which said it heard of the commutation with "enormous relief."

Franco took the action after a special meeting with his cabinet and the council of the realm, and advisory group made up of parliament members.

The official news agency Cifra announced the verdict by flashing the Spanish word for pardon "Indultados. Indultados. Indultados."

The men themselves were awaiting news of their fate in the central prison of burgos, in cells with paneless windows and temperatures at the freezing point.

COMMUTATION OF DEATH SENTENCES ON BASQUE NATIONALISTS

Mr. KENNEDY. Mr. President, earlier today General Franco commuted the

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death sentences recently imposed on six Basque Nationalists by a military court in Burgos, Spain. I just wanted to express my own personal relief in hearing this news, and commend the Spanish Government for this measure of compassion in reviewing the court's decision. Let us hope this action sets an example for all governments, and marks a turn away from the violence of official executions and political terrorism toward mutual respect and reason on the part of all.

THE SENATE STANFORD ALUMNI AND THE ROSE BOWL GAME

Mr. METCALF. Mr. President, this is a rather light interlude in today's debate. I am going to talk about the New Year's Day football game. Apparently both Stanford University and Ohio State can move the ball better than the Penn Central can.

Day after tomorrow Stanford University will represent the West in the annual Rose Bowl game. This year Ohio State returns with its formidable team and an unbeaten record. Stanford comes into the Rose Bowl with three defeats and Las Vegas odds of 14 points against it. But over the season Stanford has won the big ones and has come through when the chips were down.

Here in the Senate we have five Stanford alumni. The distinguished Senator from California ALAN CRANSTON, Senator FRANK CHURCH of Idaho who doubled at Stanford as an undergraduate and in law school. The roster is completed with PAUL FANNIN of Arizona, MARK HATFIELD of Oregon and I. Five Senators from five different States, two Republicans and three Democrats but all on a New Year's Day pulling for our team.

Under the leadership of Heisman Trophy winner, Jim Plunkett, the great Stanford quarterback, we predict that the Stanford team will triumph. When the Tournament of Roses parade is over and the crowds file away from the Rose Bowl they will be talking about the upset victory of Stanford over unbeaten Ohio State. They will be singing the praises of the Stanford defense and extolling the prowess of the Stanford offense. Ohio State will no longer be unbeaten and untied.

To show our confidence in the ability of our Stanford team the Stanford alumni in the Senate today sent the following telegram to the Stanford football team.

STANFORD UNIVERSITY INDIANS,
Athletic Department,
Stanford University
Stanford, Calif..

The five Stanford Senators wish our football team the best of luck in the Rose Bowl Filibuster on the goal line. Vote do not pass on their "air" attack and raise points of order after field goals and touchdowns. We are looking to you to bring the Ohio State scalp back to our Indians on the farm. All good wishes and sincere congratulations for a magnificent season.

Senator ALAN CRANSTON,
Senator FRANK CHURCH,
Senator MARK HATFIELD,
Senator PAUL FANNIN,
Senator LEE METCALF.

EMERGENCY RAIL SERVICES ACT OF 1971

The Senate continued with the consideration of the bill (S. 4595) to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

Mr. PROUTY. Mr. President, we all know the bill before us is a temporary stopgap measure.

I intend to vote for the bill, simply because we cannot afford to risk a disruption of the national economy because of a complete shutdown of the Nation's largest railroad.

Quiet frankly, Mr. President, I much prefer the amendment introduced by the distinguished senior Senator from New Hampshire (Mr. COTTON).

His proposal was meritorious not only because it avoided the risk of establishing a specific format for future loans, but also because it directly faced up to the problem we created in our last hastily conceived effort at railroading.

You will recall, Mr. President, that on December 9, both bodies of this Congress stayed in session until the early hours on the morning of December 10, in order to head off a national railroad strike. We held 1 day of hearings on legislation postponing a strike and imposing a wage increase. During those hearings I told Secretary Hodgson that I have reluctantly reached the conclusion with respect to labor disputes which have an adverse effect on the national interest that if collective bargaining fails Congress may have no alternative but to pass permanent legislation requiring compulsory arbitration.

I do not relish the idea of compulsory arbitration in any area of labor-management relations. Collective bargaining is a national tradition which has served us well in most cases. In railroad management-labor bargaining, however, Congress has become a regular party. We simply do not have the time nor expertise to mediate every labor-management dispute for the railroad industry.

When the emergency strike legislation reached the Senate floor I frankly pointed out that I did not feel Congress should put itself in the position of legislating pay increases for private industry. I further pointed out that if we were going to do so, we should make certain that such wage increases were not inflationary. Therefore, I offered an amendment which would have provided a 5-percent wage increase which would not have inflamed the fires of inflation but would have set the stage for the encouragement of effective collective bargaining.

You will notice, Mr. President, that in my remarks of December 9, I warned that a number of railroads were in such financial straits that an inflationary wage increase would result in serious consequences. Specifically, I referred to the Penn Central which had gone bankrupt June 21.

The day after my remarks we were informed by the trustees of Penn Central that my prediction was correct. Specifically I was told that because of our legislated wage increase the Penn Central would be unable to meet its payroll early in January. Since the trustees have exhausted all sources of private financing there would be no choice but to cease operation on or about that date.

Mr. President, this Nation cannot afford such a complete interruption of our railroad system. Over 41 percent of the Nation's intercity freight is carried by the railroads. The size and geographic extent of the Penn Central means for all practical purposes every railroad in the country would come to almost a complete standstill. We simply cannot risk the dire consequences which would result to our Nation's economy and security.

Mr. President, I think all of us should realize that the bill before us today is nothing more than an emergency stopgap measure.

Our national railroad system is essential to the welfare of the country. The plight of the Penn Central is one small symptom of the overall deterioration of our national rail system.

During this Congress we have taken a few positive steps toward improving our Nation's railroads.

Last April, the Senate Commerce Committee reported a bill to the Senate which would have attempted to relieve the passenger deficit burden on the railroads by providing direct operating subsidies. In that committee report, I filed individual views suggesting an alternative approach to the problem. That alternative which established a semipublic corporation to take over operation of intercity passenger trains was eventually enacted into law, Public Law 91-518.

Mr. President, on May 1 the new corporation will take over the operations of all intercity railroad passenger service. For the railroad industry as a whole, this action will represent a cash saving of over a quarter of a billion dollars a year. For the Penn Central alone the cash saving will be over $40 million a year.

When I first suggested the creation of semipublic corporation to take over operation of intercity passenger trains, in my individual views on S. 3706 I noted:

> The alternative solution I have proposed does represent a departure from the traditional ways of assisting vital segments of our national transportation system. Nevertheless, the time has certainly come for a pragmatic solution to a problem that has grown progressively worse year by year.

Today I am equally convinced that the problems of the railroad industry demand prompt, pragmatic, and effective solutions. The movement of people by railroads is important to the national transportation system, but that importance is miniscule compared to the importance of intercity freight movement by railroads.

Mr. President, in the next Congress we must revitalize the entire national railroad system by continuing our efforts of this Congress. Specifically, we must examine the need for a national freight car pool, a railroad trust fund, a design of a basic network for freight service, a program for grade crossings elimination—possible Government ownership of railroad rights-cf-ways and intensified research proposals for updating the efficiency and safety of railroads. Last but

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not least Mr. President, we must update the Railway Labor Act, so that Congress does not have to be a party in every effort at collective bargaining.

The challenge facing our next Congress with respect to railroads will not be an easy one to meet, but it must be met if we are to have a viable, balanced national transportation system. In the meantime, Mr. President, I urge adoption of this emergency legislation so we still will have a national railroad system in existence when the next Congress convenes.

Mr. PELL. Mr. President, I support, though reluctantly, the provision of Federal guarantees for the debt certificates of bankrupt railroads.

As many of my colleagues are, I am much concerned about the events which led to the Penn Central bankruptcy.

I am much concerned about the possibility that the Federal guarantees we are authorizing will turn out to be grants because of the failure of the Penn Central's certificates.

I am much concerned about the possibility that the Federal Treasury will have to be used to make up for the gross mistakes of the former management of the Penn Central.

However, coming from a State that is dependent upon the inadequate and poor service provided by Penn Central, I realize there is no other alternative than the legislation that is before us. For the time being, the economic viability of the east coast is dependent upon the continued operation of the Penn Central, and we cannot afford to see it fail.

Moreover, only when the railroads are put in an equal competitive basis with trucks and airlines can we expect to see them withdrawn from the shadows of bankruptcy.

I trust that we recognize this legislation only as a shortrun solution to the overall problem. I continue to believe that a long-range solution, particularly with regard to passenger service, must be to make full use of a public authority along the lines I have advocated for many years. Here I believe Railpax legislation can prove a boon if we take full advantage of its regional provisions.

Also, I believe in the next session we must consider a more overall approach to the solution of rail problem, such as a Federal takeover of rail rights of way under a program of user fees and revenue bonds—a program which would aid both freight and passenger service.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Okahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK) and the Senator from Oklahoma (Mr. HARRIS) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), and the Senator from South Carolina (Mr. THURMOND) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Kentucky (Mr. COOPER) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) would each vote "yea".

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay."

The result was announced—yeas 47, nays 29, as follows:

[No. 459 Leg.]

YEAS—47

Allott
Baker
Bayh
Bennett
Bible
Brooke
Byrd, W. Va.
Cannon
Case
Cotton
Cranston
Curtis
Dole
Goodell
Gravel
Griffin
Hansen
Hartke
Hughes
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McGee
McIntyre
Metcalf
Miller
Moss
Murphy
Packwood
Pastore
Pell
Percy
Prouty
Randolph
Ribicoff
Schweiker
Scott
Spong
Stevens
Stevenson
Symington
Williams, N.J.
Yarborough

NAYS—29

Aiken
Allen
Bellmon
Byrd, Va.
Church
Cook
Ellender
Ervin
Fannin
Fulbright
Gore
Gurney
Holland
Hollings
Jordan, N.C.
Mansfield
McClellan
McGovern
Mondale
Nelson
Proxmire
Saxbe
Smith
Sparkman
Stennis
Talmadge
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—24

Anderson
Boggs
Burdick
Cooper
Dodd
Dominick
Eagleton
Eastland
Fong
Goldwater
Harris
Hart
Hatfield
Hruska
Inouye
McCarthy
Montoya
Mundt
Muskie
Pearson
Russell
Thurmond
Tower
Tydings

So the bill (H.R. 19953) was passed.

Mr. HARTKE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARTKE. Mr. President, I move that consideration by the Senate of S. 4595, a bill to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, S. 4595 will be indefinitely postponed.

Mr. HARTKE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make necessary technical and clerical changes in the engrossment of H.R. 19953.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. SCHWEIKER). The Chair, on behalf of the Vice President, announces the appointment of the following Senators to attend the Conference for Adoption of the Protocol on Psychotropic Substances, at Vienna, Austria, January 11 through February 19, 1971: the Senator from Iowa (Mr. HUGHES) and the Senator from Maryland (Mr. MATHIAS).

AMENDMENT OF RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SCHWEIKER). The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 502), as follows:

Resolved, That (a) paragraph 6(b) of Rule XXV of the Standing Rules of the Senate, as amended by section 132 (d) of the Legislative Reorganization Act of 1970 (84 Stat. 1165), is amended by inserting therein, immediately after the third sentence thereof, the following new sentences: "Each Senator who on that day was a member of more than one committee of those classes may be assigned during the 92nd Congress to other committees included within those classes, except that no Senator may serve on a number of committees of those classes greater than the number of such committees on which he was serving on the day preceding such effective date."

(b) The amendment made by this resolution shall take effect immediately prior to noon on January 3, 1971.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, this resolution is presented on behalf of the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), and myself, and it was also gone into in detail with the managers of the legislative reorganization bill in this body, my distinguished colleague, the Senator from Montana (Mr. METCALF), and the distinguished Senator from Delaware (Mr. BOGGS).

The purpose of this resolution is to clarify for Members of the Senate certain provisions of the Legislative Re-

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organization Act of 1970 as they apply to assignment to committees.

This resolution applies only to the 92d Congress and will only affect minor, permanent select and special, and certain permanent joint committees, hereafter referred to as "class B" committees.

Specifically, these committees are four Senate standing committees classified as "minor": Post Office and Civil Service, Rules and Administration, District of Columbia, and the newly authorized Veterans' Affairs Committee; two permanent select and special Senate committees: Small Business and Standards and Conduct; and seven permanent joint committees whose jurisdictions are not directly related to the jurisdiction of minor committees of the Senate: Atomic Energy, Economic, Defense Production, Internal Revenue Taxation, Navajo-Hopi Indian Administration, Reduction of Federal Expenditures, and the newly authorized Joint Committee on Congressional Operations.

The Reorganization Act now requires that any Senator holding membership on two or more "class B" committees and who asks to be assigned to another committee in the same class must forfeit his membership on all other committees in that class.

A newly elected Senator may be assigned to only one "class B" committee in addition to his two required major committee assignments.

It is the opinion of the managers of the legislative reorganization bill, the distinguished Senator from Montana (Mr. METCALF), and the distinguished Senator from Delaware (Mr. BOGGS), that it was the intent of the act that there be a reduction in the number of committee assignments held by each Senator but that those Senators now holding two or more "class B" seats should not be required to give up all other such committees if they request a change but that they should relinquish committee seats in this category on a one for one basis.

I am happy to yield to the minority leader at this time, for his comments, and then to the manager of the bill which was passed earlier this year.

Mr. SCOTT. I thank the distinguished majority leader.

Mr. President, I think the simplest way to summarize this is that, under the Reorganization Act, all sitting Senators, at the beginning of this year, not including Senators newly elected, as I understand it, for the 92d Congress, are, as we say, "grandfathered" into the committees which they hold. But, under the act, in order to receive one of the special committees or minor committees, it would have been necessary to give up as many such committees as the Senator already served on, whether it be one, two, or three. It did not seem quite fair that all of them should be surrendered. Yet, I think that was the clear intent of the law, and I believe that the Parliamentarian was of that opinion.

Therefore, it was decided that as to those Senators who are indeed "grandfathered" in, if they wish to move to another special or minor committee, they will surrender on the basis of one for one—that is, they lose one committee in return for receiving one committee—but the new Members hereafter will be restricted to a single minor or special committee.

Therefore, I believe it works a substantial equity, and I should like to see one favorable action on it for that reason. It is my understanding that we are trying this out for the 92d Congress.

Mr. MANSFIELD. Only?

Mr. SCOTT. Only. And at the end of the 92d Congress, we can evaluate it again, to see whether or not we should put in some other rule, whether more liberalized or more restricted.

Mr. MANSFIELD. I yield to the manager of the legislative reorganization bill.

Mr. METCALF. I thank the majority leader for yielding to me.

Mr. President, I have discussed this matter with the Senator from Delaware (Mr. BOGGS), who was the minority manager of the bill. We feel that the intent was to preserve the rights of the Senators who had multiple service on the committees, and the intent was also that if one had to move from one committee to another, he should have to sacrifice that committee and take up another one, in order to spread out the joint committees, the select committees, and so forth, among the various Members of the Senate.

In order to preserve that and in order to preserve the grandfather clause, so called, this idea has to be adopted by a Senate resolution. It certainly is within the intent of Congress—it is within the intent of the Senate—to preserve every right of every Senator to serve on a committee and at the same time to carry forward the Legislative Reorganization Act.

I urge the adoption of the resolution.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. STEVENS. I have one question. I should like to be clear as to what we are doing in this one connection.

If a Senator is "grandfathered in" on a select committee and he wishes to move over to a minor committee, are those interchangeable?

Mr. METCALF. No; this applies only to joint committees, select committees, and those other committees. The minor committees—the District of Columbia, the new Veterans' Affairs Committee, and so forth—would be included in the same group. The Senator would have to give up a committee to go to a joint committee.

Mr. STEVENS. And he would give up a joint committee or a select committee to go to a minor committee?

Mr. METCALF. That is correct.

Mr. STEVENS. I thank the Senator.

Mr. SCOTT. In other words, if a Senator gives up Rules, he can give it up for Veterans'. If a Senator were on the Veterans' Committee and gave it up, he would give it up for Rules.

Mr. METCALF. That is correct. And if he wanted to be on the Veterans' Committee, he would have to give up the District of Columbia Committee.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

WORLD COOPERATION IN AUTOMOBILE SAFETY DEMONSTRATES VIABILITY OF SENATOR MAGNUSON'S PROPOSAL FOR A WORLD ENVIRONMENTAL INSTITUTE

Mr. MAGNUSON. Mr. President, in April of this year I introduced a Senate resolution advocating the creation of a World Environmental Institute. This Institute would serve as an international "clearinghouse" for environmental information and as a research center for analyzing and working out solutions for global environmental problems. In October of this year, the Senate adopted the resolution advocating and supporting the creation of such an institute.

During the past year I have been monitoring very closely the work of the Department of Transportation, specifically the National Highway Safety Bureau, in its attempts to establish international information exchange in one important environmental area—the area of automobile safety. Secretary Volpe, Douglas Toms, and Dr. Robert Brenner have been very successful in instigating international action on the auto safety problem—a problem which has killed more Americans than all violent crimes and wars in our history. I think that initial successes in the area of experimental safety vehicle development confirm the viability of the World Environmental Institute proposal. I would, therefore, like to take this opportunity to tell my colleagues about the U.S.-inspired efforts to undertake an international experimental safety vehicle program so that they might better understand how the World Environmental Institute might proceed on this and other fronts to create a better environment for all inhabitants of the world.

Let me begin by explaining that an experimental safety vehicle is one constructed with safety as the primary design goal. Its development is not constrained by such factors as availability of existing components, parts inventory, capital investment in tooling and production machinery, and other similar problems. In the development of an experimental safety vehicle, performance standards are set, but the means for achieving these performance standards—for example, the ability of an occupant to survive a 50-mile-per-hour barrier or 70-mile-per-hour rollover—are left to the ingenuity of scientists and the skill of engineers. By designing for safety from the ground up rather than trying to achieve a safe car through add-on devices, it is theorized that new safety technologies, more effective, less expensive, and capable of adapting to mass production techniques, can be developed.

The National Traffic and Motor Vehicle Safety Act of 1966 has provided the impetus for the present ESV program in this country and throughout the world. In 1966, the Senate Commerce Committee anticipated the need for launching a Government-sponsored ESV program which would demonstrate the technical feasibility of significant advances in automotive safety performance, stimulate a public awareness of the reduction potential of advanced automotive safety design, and encourage the automotive

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industry to increase its level of effort in motor vehicle safety research and accelerate its use of advanced safety systems in production vehicles. The 1966 act states that the Secretary shall procure "by negotiation or otherwise, experimental and other motor vehicles or motor vehicle equipment for research and testing purposes."

In order to carry out the legislative mandate, the Department of Transportation through its National Highway Safety Bureau this year initiated an experimental safety vehicle program that calls for the production of a 4,000-pound vehicle capable of protecting occupants in barrier crashes of up to 50 miles per hour and rollover accidents at speeds up to 70 miles per hour. Contracts for three types of vehicles have been consummated; two prototype designs will be available by 1972 and the third in 1973. These vehicles will be extensively tested by the National Highway Safety Bureau, and the information derived from this program will be used to set new motor vehicle safety standards. In essence, the technology developed in the ESV programs being carried on by the Government will serve as a touchstone for future automotive construction requirements.

Recognizing that the lack of space in smaller vehicles, coupled with the irrefutable laws of physics, means that the occupant of a smaller car in general does not have as good a chance to survive a crash as he would in a larger car, the Department of Transportation decided to encourage foreign manufacturers and their domiciliary countries to undertake cooperative ESV programs to achieve safe small cars as well as safe large 4,000-pound cars.

There were several reasons for turning to foreign countries and foreign automobile manufacturers for the development of 2,000-pound ESV's. In the first place, the foreign manufacturers have had longer experience in the production and testing of small cars. Second, many of the small cars on U.S. highways are produced by foreign manufacturers whose economic and other interests recommend their contributing to the technical knowledge of small-car safety in anticipation of the setting of strenuous motor vehicle safety standards based upon ESV programs. Finally, the research costs of pursuing 2,000- and 4,000-pound ESV programs in the United States would be prohibitive at this time whereas a cooperative international research and development program for ESV's could save all participants an estimated total of $20 million in research and development costs.

Because automobile safety in the United States depends upon the development of both a 2,000-pound as well as a 4,000-pound experimental safety vehicle and because the economic and other interests of foreign automobile manufacturers and their domiciliary countries recommends the development of a 2,000-pound safety vehicle, the international experimental safety vehicle program launched by DOT has met with initial success. At the present time two bilateral agreements between the United States and foreign governments have been consummated. The United States and the Federal Republic of Germany entered into an experimental safety vehicle development program through an agreement signed November 5, 1970. The United States entered into an agreement with the Government of Japan for the development of experimental safety vehicles on November 18, 1970. Both countries will cooperate with the United States and develop a 2,000-pound ESV.

These agreements represent a significant step forward in the area of automobile safety. The information that will be exchanged between the United States and the other participants in the ESV program should lead to a new era of automobile production—an era where safety considerations are paramount in the design of the vehicle. And it is my guess that styling and performance will not suffer because cars are made safer.

One difficulty the Department of Transportation had in launching the international experimental safety vehicle program involved the absence of a mechanism for bringing all nations together on this common environmental problem. The Department worked through the NATO Committee on Challenges for Modern Society, but this committee did not have as members the Swedish Government or the Japanese Government to name but two countries vitally interested in the international ESV program. In my opinion, a World Environmental Institute, nonpolitical in nature and composed of all nations of the world, would be an ideal institution for carrying out an international ESV program.

In any event, the success of the Department of Transportation in negotiating with foreign automobile manufacturers and their governments and in achieving initial international cooperation in automobile safety endeavors that will have beneficial impact throughout the world is highly commendable. Secretary Volpe is to be congratulated for his foresight in backing this endeavor. The chief negotiator on this effort is especially to be commended; Dr. Brenner has done an outstanding job in representing the United States in negotiations on this project, and I am sure that Doug Toms and Secretary Volpe are appreciative of his efforts. Dr. Brenner's assistant, Joe Lippman, also deserves much credit.

The Senate Commerce Committee has appreciated the opportunity to participate with the National Highway Safety Bureau in its initial efforts to establish international cooperation in automobile safety. Senator Cotton and I have sent staff of the Senate Commerce Committee to participate with Bureau personnel in negotiations for these experimental safety vehicle agreements. The Commerce Committee's participation in these programs will facilitate the committee's work in exercising its oversight responsibilities under the National Traffic and Motor Vehicle Safety Act and will also provide valuable experience in implementing such a proposal as the World Environmental Institute.

It is my hope that from this initial informational exchange on experimental safety vehicles designed to solve one environmental problem—the problem of maiming and killing on highways of the world—that a concerted international attack on all environmental problems will be undertaken through a World Environmental Institute that has been endorsed by my colleagues here in the Senate.

Mr. President, I ask unanimous consent to have printed in the Record at this point two releases describing the bilateral agreements that this country has consummated with Germany and Japan.

There being no objection, the two press releases were ordered to be printed in the Record, as follows:

Release of the Department of Transportation

The signing of the bilateral U.S.-German agreement for the development of experimental safety vehicles in the two countries constitutes a major step toward eventual production of safe and economical automobiles by all the world's major suppliers.

The agreement signed by U.S. Secretary of Transportation John A. Volpe and West German Transport Minister Georg Leber puts the Federal Republic of Germany on a parallel course with the United States in this field of safety research. The German ESV program is designed to do for the future production of small European type cars what the ESV program of the U.S. Department of Transportation now is doing for coming generations of the larger American cars.

The objective of both programs is to design, develop and produce automobiles both in Europe and the United States in which occupants can survive without injury crashes at 50 miles per hour and roll-over accidents at 70. The ultimate goal, as conceived by Secretary Volpe, is the manufacture of passenger vehicles so safe in their design that deaths or serious injuries in highway accidents at reasonable speeds would become rarities. United States participation in the overseas ESV program has been spearheaded by the National Highway Safety Bureau of the Department of Transportation under NHSB Director Douglas Toms and Deputy Director Robert Brenner.

Under the agreement signed today the governments of the United States and the Federal Republic of Germany will exchange information as their programs proceed. It is hoped that other nations will join in the program and through mutual effort and an exchange of research data produce automobiles with standards of safety acceptable in all countries.

Negotiations currently are under way between the United States and Japan looking toward an agreement similar to the one executed in Bonn today. Britain, France and Italy have expressed interest in the program and Secretary Volpe has invited Sweden to participate.

There are economic considerations which may compel major auto-producing countries to participate. Any nation which hopes to sell its automotive products in world markets, particularly in the United States, will be forced to comply with strict safety standards. Participation in the international program would permit the producing nation to design and build into its cars the safety features which would permit them to move freely in world competition.

The United States ESV program already is well advanced. Last June Secretary Volpe awarded contracts totaling nearly eight million dollars to three American firms for the design and construction of prototype safety vehicles. In announcing the awards, Secretary Volpe said, "We believe that advanced safety concepts are both technically and economically feasible. We want to wake the public to the fact that motor vehicles can be designed and built in a way that substantially reduces the risk of death or injury."

Two of the contracting companies, the American Machine and Foundry Company and the Fairchild Hiller Corporation, agreed to complete their prototypes by 1972—18 months after the award of the contracts. The third company, General Motors Corporation which is financing its own development on a government contract fee of one dollar, will deliver its prototype in 1973—28 months after the award of the contract.

The U.S. vehicles will be five-passenger, 4,000-pound sedans. They will be equipped with low emission engines and a host of safety features which permit occupants to survive without injury 50-mile-per-hour crashes and roll-overs at 70 miles per hour. The German prototypes will be in the 2,000-pound class and will be required to meet the same safety standards as the U.S. vehicles.

The world program for development of experimental safety vehicles was initiated by the Committee on Challenges to Modern Society of the North Atlantic Treaty Organization. In this, and in other moves initiated by CCMS, President Nixon's hopes for widening the peace-time activities of NATO have been advanced. Presidential Assistant Daniel P. Moynihan has been a moving figure in involvements by NATO in the peace-time problems now facing the world.

DEPARTMENT OF STATE TELEGRAM

Joint press release on the signing of a memorandum concerning United States-Japan cooperation for the development of an experimental safety vehicle (ESV).

The signing of a memorandum concerning cooperation for the development of an experimental safety vehicle took place today between the International Trade and Industry Ministry and the Transportation Ministry of Japan and the United States Department of Transportation.

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The signing ceremony, held in the conference room of the Hotel New Otani, was attended by the Department of Transportation Secretary John A. Volpe and American Ambassador to Japan Armin H. Meyer for the United States and International Trade and Industry Minister Kiichi Miyazawa and Transportation Minister Tomisaburo Hashimoto for Japan.

The memorandum sets forth in broad terms an understanding between the two sides concerning meaning, goals, and content of the development program and the nature of the mutual co-operation which they will undertake in promoting the experimental development of a safe automobile. The United States will concentrate on the development of a large automobile (4,000 pound class) while Japan will develop a small automobile (2,000 pound class).

The gist of the memorandum's content is as follows:

1. The development of an experimental safety vehicle through international cooperation is highly significant as a means both of preventing traffic accidents and ensuring the safety of automobile occupants.

2. The safety performance goals for the ESV will aim toward not only a high degree of protection for persons riding in an automobile at the time of a crash but also the safety of pedestrians.

3. The Japanese program for a lightweight automobile will mutually complement the program for development of a 4,000 pound vehicle already underway in the United States, and will incorporate necessary measures toward this end.

4. The two countries will exchange technical data and the results of their research and development. There will also be an exchange of data with other countries which take part in a similar development program, by arrangement with the United States.

5. More detailed procedures will supplement this memorandum as appendices.

BACKGROUND

The United States originally proposed the cooperative program to Japan, through a letter from the United States Secretary of Transportation. The Japanese side sent a reply agreeing to the plan in principle, following which a delegation from the U.S. Department of Transportation visited Japan in October, for an exchange of views of some of the more detailed points. Following up on these exchanges, the signing of the memorandum has taken place today.

In implementation of the program, Japan will decide on its goals for development, performance and specifications by the beginning of next year. (Study has already begun involving the participation of the Ministry of International Trade and Industry, the Ministry of Transportation, and the Automobile Research Institute.) From among the companies which desire to manufacture and test an experimental safety vehicle which meets the goals of performance and specifications thus established, the Japanese government will select those enterprises which it considers suitable, the selected enterprises will become participants in implementation of the program in Japan.

The Japanese Government is considering assistance in the realization of the program through the utilization of some form of subsidy system, depending on need, during both the stage of research in the establishment of performance goals and specifications and also in the testing of the experimental vehicles, once manufactured.

It is believed that development of the vehicle in Japan will require about three years. Therefore, the date for completion of the vehicle and its testing will probably be sometime in the fall of 1973.

AGRICULTURE—SUGAR HISTORY

Mr. HOLLAND. Mr. President, during the time I have served in the Senate our world has changed with incredible speed, so much so that perhaps the most distressing trend of the times is the loss of continuity experienced by Americans in general. Tried and proven methods receive less and less appreciation of their value; we crave what is new simply because it is new; we even discuss our heritage today almost entirely in terms of "Where did we begin to go wrong?"

Nowhere has the change been greater than in agriculture, yet today the country as a whole no longer seems to take pride in our achievements in this field—achievements that place us many, many years in front of our nearest competitors.

In fact it is quite the contrary; one of the favorite pastimes that we have is to criticize farmers, and especially to criticize farm programs. I have watched this trend closely in recent years, and I am alarmed at the amazing rate at which it has grown during the years I have served as chairman of the Subcommittee on Agricultural Appropriations, and as a ranking member of the legislative Committee on Agriculture and Forestry. Now I am in my last week of service in the Senate after more than 24 years work in this Chamber, and I find this a fitting occasion first to thank especially those Senators, staff members, Members of the other body and members of the executive department with whom I have worked so closely over the years—to thank them not only for their cooperation, but more importantly for the tremendous contributions to agriculture that they have helped to make possible.

Former Agriculture Secretary Orville Freeman once described the work of the American farmer as "a modern miracle." I believe it is an apt description, but fear that far too few people really recognize and understand its significance.

Consider the great achievements that are now taken for granted with almost breathtaking ease:

Our farmers have met the challenge of a 16.7 percent population increase over the past decade by producing 20 percent more food and fiber.

They produced that much on 6 percent fewer acres.

A scant 10 years ago, one farmworker fed himself and 23 others; today he provides more than enough for himself and 43 others or 20 more persons than he did in 1960. What an incredible record. But the really incredible part is that hardly anyone really appreciates it. Ask the first person you meet to name the largest employer in the Nation. More than likely the answer will be autos, steel, or utilities. The correct answer, agriculture—usually earns a look of disbelief. Nevertheless, it is true and the disbelief makes it nonetheless significant.

Agriculture employs 5 million workers—that is more than the combined total for transportation, public utilities, the steel industry, and the automobile industry.

Agriculture creates three out of 10 jobs in private employment.

Today our farmers are exporting the production from approximately 78 million of the 300 million acres of cropland we farm each year, and these exports play a crucial part in feeding the hungry, keeping the peace, and promoting international trade.

Instead of gratitude, this record earns more and more contempt. Agriculture's critics dislike farm programs and habitually characterize farmers as the all-time champion subsidy recipients, the facts notwithstanding.

Certainly the farm programs are not perfect, but the strides they have enabled us to make far outweigh their imperfections.

My purpose is not to defend farm programs, it is to alert you to the dangers inherent in this trend.

There are a great many different kinds of farm programs and you are already familiar with the major features of most of them. During this session we have passed programs for some of the major farm commodities for a 3-year period. Other commodities have permanent legislative authority. Still others must be considered next year. Each of these programs intimately affects the economic well being of the areas in which the particular crop affected is grown. For example, one major farm program of particular importance to my home State, to other producing areas and to all consumers will be considered by the Congress during 1971. This program is perhaps more frequently criticized and more frequently misunderstood than any other. I refer to the Sugar Act which will be reviewed and hopefully renewed the next legislative session. In origin this act dates back to a time long before I came to the Senate, and was designed by Congress to protect the welfare of consumers, that of the domestic sugar-producing industry.

The act has accomplished both purposes, yet it too is continually singled out for criticism. Consider the fact that consumers have had guaranteed supplies at reasonable prices, producers have received fair prices for sugar produced and our export trade has benefited. In addition, I note that sugar prices in relation to per capita disposable income have risen only 40 percent—using the years 1935–39 as a base—while all foods are up about 90 percent for the same period.

Consider also the fact that the entire cost for this program has been financed through the excise tax on sugar imposed at the rate of 50 cents per 100 pounds raw value. Moreover, during the 35-year life of the program excise tax collections paid into the U.S. Treasury have totaled $500 million more than actual program costs.

The basic objectives of the Sugar Act are: first, to make sure that we have enough sugar; second, that prices paid by consumers are reasonable; and, third, that our domestic producers receive a fair return for the sugar they produce. Each of the components necessary to make sure that these crucial objectives are met is provided for in the legislation. To illustrate: supplies of sugar were jeopardized this past summer for certain sections of the country by a strike. Secretary Hardin increased the consumption estimate which permitted additional imports of sugar from foreign suppliers and also permitted our domestic producers to market additional sugar. Shortly after this was done the strike was settled and the increased sugar available to the market resulted in depressed prices to the sugar producers. After conferring with the Secretary and other USDA officials, I recommended that provisions be put into effect which restrict the amount of sugar imported in the United States during the first 6 months of the year. Such a limitation, if imposed, would result in a rise in raw sugar prices equivalent to that deemed in the act as fair to domestic producers. The recommendation was followed and prices have improved.

This is an example of how a complicated program, when properly operated, functions—it works smoothly.

The built-in features of this program should be changed to permit an upward adjustment in the quota for mainland cane growers; it is an adjustment that should be made. Presently, these growers are the only domestic producers operating under quota restrictions. In fact, their permitted acreage is much less than what they grew more than 6 years ago when they were encouraged by our Government to expand rapidly because of the Cuban crisis.

Certainly their acreage should be as large today as it was when they were asked—and when they responded—to meet an urgent national objective. Upward adjustment on quota should go along with more acreage.

With all the efforts expended to give us an adequate domestic supply of this necessary staple it is still a program for a deficit commodity producing only 55 percent of the total consumption of sugar consumed in the United States and requiring the importation of the remaining sugar requirements of the Nation.

This is the example of one program involving one commodity of strategic importance, and I predict that next year this same program will be both criticized and condemned when it comes up for consideration before this body.

Undoubtedly much of the criticism will center on payment features of the program. Again I reiterate the point that the sugar program has more than paid its own way in the past, and will continue to do so in the future. In addition, it is significant that for years this program has operated smoothly with a limitation on payments in effect. Designed as a means of assisting the smaller producer, this provision permits a maximum payment of 80 cents per 100 pounds for those producing 350 tons or less. The rate of payment is scaled down at various levels to a low of 30 cents per 100 pounds for producers of more than 30,000 tons.

I hope—in fact I feel confident—that my colleagues will respond to criticism of this vital program, no matter how vocal it may become, on the basis of how well the program has functioned in the past. In that event it will continue in operation—and continue working well.

Otherwise, we will be in for some tough times.

The important point is that the critics only criticize; they are always "fresh out" of workable alternatives.

I cannot believe that this body would ever eliminate the sugar program—or any other commodity program on the basis of whims so frequently and so capriciously expressed by critics who really wish to destroy merely for the sake of destruction.

FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 9, 1970, pages 40680–40687, CONGRESSIONAL RECORD.)

Mr. McGEE. Mr. President, this legislation now before the Senate, I want to stress, is a mechanism for comparability pay for Federal employees. It is a mechanism piece of legislation. Its substance, in fact, involves no money, but in its application it would involve money if the President of the United States so rules. The point of the legislation is to approve a mechanism for achieving comparability for Federal employees. This is a principle legislated by this body a good many years ago. Now we are simply trying to translate that principle into a fact of life.

The legislation provides for a permanent system to adjust the salaries of the civil service employees of our Government on an annual basis, in accordance with the principles of pay comparability set out in the Federal Employees Salary Reform Act passed in 1962 by this body.

Hereafter, if this conference report is adopted, the President would make annual adjustments, effective on October 1 of each year, on the basis of recommendations submitted by the Civil Service Commission and the Office of Management and Budget reflecting current wages for similar jobs for levels of responsibility in the private sector. He would consider the views of the Federal Employee Pay Council, made up of representative employee organizations, and he would consider the views of an advisory committee to the President on Federal pay

If for reasons of national emergency, inflation, or whatever other conditions, the President should determine on a pay adjustment other than that recommended by the advisers, he would have the option of submitting an alternate proposal.

Such a proposal would be submitted to Congress, subject to the disapproval of either House within 30 legislative days. The matter would be highly privileged under the rules of House and Senate, and if either House disapproved, the President would be required to implement the original recommendation.

The bill covers all Federal employees subject to the general schedule, the Foreign Service schedule, and the VA schedule, and authorizes increases for employees who are paid under nonstatutory salary schedules. It does not apply to employees in the postal field. It does not apply to employees in the blue collar grades and crafts who are paid under prevailing rates.

The initial adjustment that would be possible for the President to make would become effective on January 1, 1971—and that is the day after tomorrow; and the second adjustment, if that were to be made, would be made effective on January 1, 1972. Thereafter, after that second adjustment, it would go back to the regularly scheduled adjustment date of October 1 for that adjustment each year. By moving the date to October, the data from private enterprise would be about 3 months behind the time; but that is compared with 8, 10, or 12 months now.

We think that is about as close to the mark as we can come. There are two or three other provisions in the bill of a minor nature which have the approval of the administration and have been considered by the House on earlier occasions in the past.

The cost of these minor adjustments is negligible and applies to a very tiny number of employees.

The bill also adds 20 supergrades to the pool administered by the Civil Service Commission, and gives five supergrades to the Tax Court of the United States.

The conference report represents an agreement for permanent salary legis-

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lation developed by Members of the House and Senate in cooperation with the executive branch. I stress that. We had some differences across-the-board in seeking some Federal mechanism that would be equitable, but we have arrived at this position with the White House, with the Civil Service Commission, and with the Chairman, Robert Hampton, with the two parties, and the two committees in the two Houses.

We think that it is as close, again, as we can come to a workable mechanism for achieving this goal. The pay of the employees of Congress is also included in this bill.

I want to say a word about that, so that there will be no misunderstanding.

After the President makes the adjustment in salaries each year, the President pro tempore of the Senate is directed to issue an order implementing similar salary increases for employees of the Senate. The President pro tempore would have very broad authority to increase salaries and salary limitations, or make exclusions or modifications as he sees fit, and to delegate to Senators as committee chairmen and other officers of the Senate who have appointive authority as well, to make such salary adjustments, if that is their judgment.

In other words, this is not automatic, in terms of Senate employees or committee employees.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Hawaii (Mr. FONG).

There being no objection, the statement of Senator FONG ordered to be printed in the RECORD, as follows:

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FEDERAL PAY COMPARABILITY ACT OF 1970

(Statement of Senator FONG)

Mr. President, I urge Senate approval of the conference report on H.R. 13000, the Federal Pay Comparability Act of 1970.

Enactment of this legislation would put into effect a permanent system for setting the pay of Federal statutory-salaried employees. It also includes authorization for pay increases for employees of the Congress of the United States, and the judicial branch.

Consideration of similar proposals have been presented to the Senate Committee on Post Office and Civil Service in the past. However, this is the first time that agreement on such legislation has been reached among members of both the Senate and House Post Office and Civil Service Committees, the Administration and Federal employee groups.

It is a far reaching plan and one which I believe has great merit.

The comparability principle as enacted in 1962 for Federal salaries continues as the basis for pay increases.

The Bureau of Labor Statistics will continue to take annual surveys of pay in private industry. These statistics together with pay comparisons for similar work in the Federal government will be forwarded on to the Civil Service Commission, as is being done now. However, it is at this point that this measure makes its reforms.

The proposal now before us would give the President of the United States authority to put into effect without congressional action salary increases recommended by an agent which he would designate. The agent's recommendations would be made after reviewing the Bureau of Labor Statistics' survey results and consulting with a Federal Employees Pay Council.

Presently, the Congress must pass affirmative legislation giving Federal employees pay increases.

Under this legislation the President is also authorized to establish a 3-member Advisory Committee on Federal Pay. The Committee, composed of non-government members, would review the recommendations of the President's agent and would make recommendations of its own to improve the system for establishing Federal salaries.

The President is also required to submit annually to the Congress a report on Federal pay increases together with the recommendations of his agent and the Advisory Committee on Federal Pay.

In any year, should the President decide for national economy or emergency reasons that the recommendations of his agent are not in the best interests of the country he must submit to the Congress an alternative pay plan. Should either House of the Congress disapprove within 30 days the alternative plan the President would then have to implement by October 1 of that year the pay recommendations of his agent.

The procedures I have just outlined will go into effect beginning October 1, 1972. Prior to that time the President is authorized to effectuate Federal pay increases on January 1, 1971 and January 1, 1972 based on Bureau of Labor Statistics surveys for 1970 and 1971, respectively.

According to the latest BLS statistics just released Federal salaries are now lagging an average of 6.2 percent behind those in private industry.

Should H.R. 13000 be enacted and the President order a 6 percent Federal salary increase for January 1, 1971, the estimated Fiscal Year 1971 cost would be approximately $500 million. By authorization of Public Law 90-207, military personnel would automatically receive a similar pay increase costing a little over $500 million for Fiscal Year 1971.

In no case shall a salary affected by this measure be increased above that of Executive Level V, which is now $36,000 per annum.

Employees of the legislative and judicial branches would be subject to pay increase orders issued by the appropriate heads of those bodies, following the lead of the President's for the executive branch.

The new procedures required by H.R. 13000 would drastically reduce the long time lags that are built into the present Federal salary comparability system. By giving the President the authority to increase pay for Federal employees the time lag would be cut from the normal year and a half we now experience to about six months. At the same time it retains for Congress the ultimate decision for putting increases into effect should the President decide against comparability pay adjustments.

The bill also contains some other minor provisions affecting very small groups of Federal workers and would cost not more than $100,000 a year. These other provisions have been reviewed by the Civil Service Commission and they fully support enactment of these provisions as well as the new Federal pay setting procedure contained in the main part of H.R. 13000.

I would also like to point out to my colleagues that except for minor changes the proposal now before the Senate is the same as that which I introduced as S. 4270 earlier this year.

I have been a member of the Senate Post Office and Civil Service Committee now for eleven years and have had the privilege of working on every Federal pay bill enacted since 1960. Based on my experience in this area I believe that H.R. 13000 as now presented to us is a very good bill. I am convinced it is in the best interests of the Federal service and Federal employees. I am hopeful that the Senate will approve this conference report so that it can be sent to the House of Representatives for similar action before we adjourn sine die this year.

SUMMARY, FEDERAL SALARY BILLS, 1960-70

Public Law	Effective date	Percent
85-568	July 1, 1960	[1] 7.5
87-793	Oct. 11, 1962	[2] 5.5
	Jan. 1, 1964	4.1
88-426	July 1, 1964	4.2
89-301	Oct. 1, 1965	3.6
89-504	July 1, 1966	2.9
90-206	Oct. 1, 1967	4.5
	July 1, 1968	7.0
	Jan. 1, 1969	7.0
91-231	Dec. 27, 1969 [3]	[4] 6.0
Total		52.3

[1] Over President's veto.

[2] Comparability principle adopted.

[3] Based on June 1969 Bureau of Labor Statistics figures.

[4] In Postal Reform Act—8 percent more than what other classified got Aug. 12, 1970.

H.R. 13000 authorizes the President to effectuate a pay increase on January 1, 1971. The June, 1970, Bureau of Labor Statistics survey shows Federal salaries an average of 6.2% behind private industry. A 6% pay increase effective January 1, 1971, would cost an estimated $500 million for the last half of Fiscal Year 1971 (Jan. to June 30) for civilians and a little over $500 million for the military. Civil Service Commission advises this increase has been included in the 1971 budget.

June 1970 BLS figures gotten between Mar. and Sept. 1970. So this would be a lag period of 6 months instead of almost a year to a year and a half when bill is enacted. Under this procedure lag would be 6 months or less.

Mr. AIKEN. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I yield.

Mr. AIKEN. Does the term "employees" here on the Hill apply to employees in our offices?

Mr. McGEE. Yes.

Mr. AIKEN. So that the President pro tempore may fix the maximum and minimum salaries for them?

Mr. McGEE. The Senator would have the authority either to say yes or no whether it applies to one of his employees, but the range in which it applies, that is, to the level of the employment, would be determined by the President pro tempore.

Mr. AIKEN. The President pro tempore could say that the salary of a senatorial office employee may be a minimum of $3,000 or a maximum of, say, $60,000 or $70,000. Would he have the right to do that?

Mr. McGEE. The maximum allowed here under title 5 would be $36,000 at the present time.

Mr. AIKEN. This would require a vote of one House or the other?

Mr. McGEE. That chapter would not require a vote of the Houses. That is up to the individual Senator, or the committee chairman, whether that is to be allowed or disallowed for a particular employee. But the range would be set by the President pro tempore.

Mr. AIKEN. At the same time, the President pro tempore would set the maximum of $36,000 a year?

Mr. McGEE. That is set in the legislation.

Mr. AIKEN. Had this law been in effect 2 years ago, how would it have affected the salaries of Members of the Senate?

I believe that the Presidential Commission on Executive, Legislative, and Judicial Salaries recommended $50,000 a year, and through some mechanisms here in the Senate, it was reduced to $42,500. Inflation was then on its way. We could not stop it any longer.

Mr. McGEE. I think it could not have been stopped. It had very little relevance to that.

Mr. AIKEN. Could the people downtown fix our salaries?

Mr. McGEE. No. This was set when the Senate adjusted its own salaries, and the decision is retained in its committees.

Mr. AIKEN. Does the bill provide for debate on any proposals which are made for the salaries of people working on the Hill?

Mr. McGEE. Not in terms of the range of those salaries.

Mr. AIKEN. Does it provide for debate?

Mr. McGEE. No.

Mr. AIKEN. In other words, we turn it over to the executive branch.

Mr. McGEE. To the President pro tempore of the Senate.

Mr. AIKEN. The President pro tempore estimates what these salaries should be. Are they on a comparable level with the salaries which are fixed for the executive branch?

Mr. McGEE. They would be comparable with the salaries fixed by the advisory board to the President for Federal employees. And that salary is fixed in the legislation at $36,000 as far as its application here is concerned.

Mr. AIKEN. Are the decisions and actions of the President pro tempore subject to debate on the Senate floor?

Mr. McGEE. No. It is simply delegating the authority. What we try to do is remove as far as is feasible the involvement of Congress in lobbying operations affecting pay.

Mr. AIKEN. I do not have my report of the committee with me. However, it seems to me that there are some actions which are subject to debate and that the conferees limit the debate to 2 hours. Do I understand correctly?

Mr. McGEE. I am advised that is not true. For the last couple of years this has been the case.

Mr. AIKEN. But if it did limit debate, would that be infringing on the Senate's right to make its own rules or is the Senate delegating the rulemaking authority to the President pro tempore?

Mr. McGEE. This would be the formula of the law setting salaries for Federal employees. It would regard the Senate employees as Federal employees.

Mr. AIKEN. Mr. President, for the next 2 years would the President pro tempore be elected by the Senate or designated by the Vice President?

Mr. McGEE. He is selected, however he is selected now. There is no change in the procedure.

Mr. AIKEN. I plead ignorance, too. How is he elected now?

Mr. McGEE. The President pro tempore of the Senate is elected, I presume, by the majority.

Mr. AIKEN. I was wondering if our present Vice President would take over the Senate and fix its rules.

Mr. McGEE. I would yield to the Parliamentarian on that as the Senate historian.

Mr. AIKEN. Mr. President, I do not doubt that our present Vice President would do an excellent job. There may be some who would not agree with me.

The PRESIDING OFFICER (Mr. HUGHES). The President pro tempore is elected by the Senate. If for some reason one is removed, the Senate through its own procedure selects the replacement.

Mr. McGEE. The present procedure is that the majority party in the Senate would select the President pro tempore. In fact, he generally is the senior member of the majority party.

The PRESIDING OFFICER. He is elected by the majority of the Senate.

Mr. AIKEN. Mr. President, suppose that I were to join the Democratic Party. Would I then be the President pro tempore?

Mr. McGEE. That would be a circumstance under which we would be delighted.

Mr. AIKEN. I was just wondering if under those circumstances I could take over the Senate.

Mr. McGEE. The selection is made by the majority of the Senate, not the Vice President, who is the President of the Senate.

Mr. AIKEN. But they select the senior member. I would have to yield to Senator ELLENDER, anyway. He is my senior.

Mr. McGEE. That is only the custom. The majority makes the decision and the majority can remove.

Mr. AIKEN. Now that I have been fully informed as to the bill, I have no more questions.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PASTORE. Mr. President, do I understand the Senator correctly that the President pro tempore does not initiate this action and neither does the Senate. The President pro tempore has to wait for the President to ask for it.

Mr. McGEE. The Senator is correct.

Mr. PASTORE. We have to wait for the President to act before the elected official of the Senate can act.

Mr. McGEE. In terms of the range of the pay scale. This is simply the proposal.

Mr. PASTORE. But can the President pro tempore go beyond the recommendations of the President or go under the recommendations of the President? As I understood the Senator, he can only say "Yes" or "No."

Mr. McGEE. I am advised that under the legislation the President pro tempore would have broad authority to apply it to the employees of the Senate.

Mr. PASTORE. To apply what?

Mr. McGEE. The increase that the President had applied to Federal employees, in the same proportions.

Mr. PASTORE. Therefore the President pro tempore could never move unless the action had first come from the President.

Mr. McGEE. No. Otherwise there would have been no salary increase for Federal employees.

Mr. PASTORE. Then what are we delegating to the President pro tempore?

Mr. McGEE. The decision as to whether he would increase or not increase the salaries.

Mr. PASTORE. As recommended by the President?

Mr. McGEE. As recommended by the President.

Mr. PASTORE. But he has no right to increase or decrease or do anything unless the President acted?

Mr. McGEE. Unless the other salaries were going up.

Mr. PASTORE. Mr. President, step by step I think we are giving away the function and responsibility of the Senate of the United States.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. TALMADGE. Mr. President, with reference to the questions asked by the Senator from Vermont and the Senator from Rhode Island, I refer to page 8 of the conference report, paragraph (b), and I read therefrom:

> The adjustments made by the president pro tempore shall be made in such manner as he considers advisable and shall have the force and effect of law.

Will the Senator clarify that? That gives the Presiding Officer of the Senate extremely broad authority, as I see it.

Mr. McGEE. Not the President of the Senate, the President pro tempore, who is elected by the majority.

Mr. TALMADGE. The Senator is correct. The President pro tempore is what I meant to say.

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. Does that mean that he can reach into a Senator's office and take out a secretary and raise her salary?

Mr. McGEE. He cannot touch a Senator's office. This applies to the employees of the Senate, not to the employees of a Senator.

Mr. TALMADGE. What about the employees of a Senate committee?

Mr. McGEE. The money available for the salary limitations is available. But whether that is applied by the Senator to his employees is his business as Senator. The money is made available in the Senator's allocation.

Mr. TALMADGE. Getting specific now, would this authorize the President pro tempore to raise the chief of staff of the Finance Committee, in his discretion?

Mr. McGEE. The chairman of the Finance Committee would have the jurisdiction for that decision.

Mr. TALMADGE. In other words, the President pro tempore then could not fix the specific salaries of members of the committee staffs?

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. Is that what the Senator was saying?

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. And the Senator has also said that the President pro tempore would not have authority to fix specific salaries in a Senator's office.

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. Suppose that the Presidential Commission and the President recommended a 5-percent salary hike for employees. Then the President pro tempore would have authority, as I understand it, under section (b), to grant

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it to Senate employees or to withhold it or make it 3.5 percent if he saw fit.

Mr. McGEE. The question concerns employees of the Senate who are not on any Senator's committee and who are not on any Senator's staff. Then the President pro tempore has broad authority to make that decision.

Mr. TALMADGE. If the President recommended a pay raise, the President pro tempore could make it zero or could make it 2½ percent or make it 5 percent or 10 percent in his discretion. Am I correct in my understanding?

Mr. McGEE. With a general increase for Federal employees, the President pro tempore complies. The separation comes with the staff members of the Senate committees and the Senator's staff members. Otherwise the application would apply automatically under the judgment of the President. Let us say it is 5 percent to Senate employees—not Senate committee employees or staff members.

Mr. TALMADGE. Then, I am still confused, I might say. The Senator has stated that the chairman of the committee would have the authority to fix the salaries of the staff of the committee.

Mr. McGEE. The Senator is correct.

Mr. TALMADGE. The Senator has further stated that individual Senators would, as now, fix the salaries of the staff people in their own offices. I understand that would leave the President pro tempore with the authority to make such salary increases or not make them, as he saw fit, to employees of the Senate proper. Do I correctly understand that?

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Mr. McGEE. Anyone not under a jurisdiction. For instance, we have the Sergeant at Arms, who has his employees, and we have the Architect of the Capitol, who has his employees.

Mr. TALMADGE. That is right.

Mr. McGEE. They would have the decision as to whether to apply it in their cases.

Mr. TALMADGE. Am I correct in saying the President pro tempore could authorize it and the individual Senator or chairman of the committee would determine whether or not it would be applicable?

Mr. McGEE. That is precisely it.

Mr. TALMADGE. I thank the Senator for clarfying the matter, because I thought it was somewhat confusing.

Mr. PACKWOOD. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PACKWOOD. Could the Senator clarify something for me? Forget the legislative employees for the moment. Can the Senator tell me how many employees, percentagewise, we are talking about?

Mr. McGEE. About one-half of the civilian employees of the Government.

Mr. PACKWOOD. Let me make sure I understand. The President sets up this Council. It makes recommendations as to what the salary level should be.

Mr. McGEE. What the comparability figure might be.

Mr. PACKWOOD. Very well. Does that mean they establish what the pay scale should be?

Mr. McGEE. Yes. The Civil Service Commission actually makes the recommendation.

Mr. PACKWOOD. To the President?

Mr. McGEE. To the President. But this is in consultation with the Bureau of the Budget, and the Employee Advisory Council will be consulted on it. But the recommendation to the President is made by the Chairman of the Civil Service Commission.

Mr. PACKWOOD. What about the recommendation from the Advisory Council? The recommendation is made by the Civil Service Commission?

Mr. McGEE. Yes.

Mr. PACKWOOD. And the President has the choice at that stage to either submit it to us or an alternative?

Mr. McGEE. He does not submit it to us ever unless he rejects the recommendation.

Mr. PACKWOOD. That is what I was afraid of.

Mr. McGEE. If the recommendation is that there should be a 5-percent adjustment because of rising costs, whatever it is, this becomes the automatic increase for those Federal employees on October 1 of that year. If the President decides that is too much because of the times or because of some national emergency that it should not be allowed at all, and he so decides, in that case it has to be bucked back to Congress for both Houses for judgment, and either House can decide to take it.

Mr. PACKWOOD. I wish to pursue this matter further. This commission, the Civil Service Commission, or whatever, finally made the recommendation to the President that there should be a 10-percent wage hike. At that stage that automatically becomes the pay scale. We do not veto that.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. If he makes an alternative recommendation that is sent to Congress and either House may veto it; but if they do, the other one automatically goes into effect. Is that correct?

Mr. McGEE. That is right.

Mr. PACKWOOD. If we are now in an election year and the President suggests there should be a 25-percent hike in salaries—and this is his own recommendation—instead of the 12 percent recommendation suggested, Congress is stuck with two alternatives, either 25 percent or 12 percent. Then, the President is in a position to say, "I recommended the 25 percent and that niggardly Congress turned it down." We have to raise the money. But we have no alternative as to what it should be.

Mr. McGEE. The Senator's illustration carries the matter to a very extreme and most improbable situation. The problem now has been that in an election year Congress has been on the spot to provide a salary increase across the board for Federal employees for obvious reasons. We have sought a way, if we can, to keep Congress from being the object of the lobbying business, particularly in an election year.

However, we could not get them out completely, or get the President out as long as we have elections, but this removes it to a degree.

Mr. PACKWOOD. How does comparability work now? What commission does what and who recommends it?

Mr. McGEE. The Bureau of Labor Statistics submits its reading on comparability. That reading is 6 to 12 months behind.

Mr. PACKWOOD. That is submitted to Congress?

Mr. McGEE. To the President.

Mr. PACKWOOD. The President. Do they automatically have the force of law if the President submits them to us?

Mr. McGEE. The last 3 years it has been automatic once that reading was supplied. But it would not necessarily be automatic. That has been a coincidence.

Mr. PACKWOOD. Explain that to me again. I am not sure I understand that.

Mr. McGEE. For the last 3 years, beginning in 1967, when the Bureau of Labor Statistics made its reading public, this automatically was applied on a comparability basis.

Mr. PACKWOOD. And that increase went into effect without any legislative action at all.

Mr. McGEE. That is right.

Mr. PACKWOOD. I do not understand. All we are doing is transferring it from one agency to another if we do not act at the moment on the salaries.

Mr. McGEE. What we are doing that makes it different is we are asking it be done on a professional management basis in arriving at the formula for adjusting the wages in terms of comparability.

Mr. PACKWOOD. It is not done professionally now?

Mr. McGEE. It is open to question. This would use the Bureau of Labor Statistics, and the Bureau of the Budget would be involved, and the labor-employee group would be consulted.

Mr. PACKWOOD. We argued for 3 months out of this year whether the President should have all kinds of power in connection with foreign relations and here in one fell swoop we give him power over $15 or $20 billion a year; and we have misgivings about when he chooses between the recommendations of his council and we are stuck and have no choice of our own.

Mr. McGEE. It seemed to the committee the advantage for this was the mechanism for carrying out the policy of Congress in trying to arrive at the way in which comparability was reached.

Mr. PACKWOOD. Why do we not carry it out?

Mr. McGEE. We have, in a way, but it has been sporadic and in accordance with the ups and downs of election dates. To this extent it has not been even and often lagged in some categories where the realities would have recommended otherwise.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. AIKEN. Were the hearings printed?

Mr. McGEE. Yes.

Mr. AIKEN. When were the hearings held?

Mr. McGEE. It would have been in late August.

Mr. AIKEN. Of last year?

Mr. McGEE. A year ago.

Mr. AIKEN. 1969.

Mr. McGEE. I thought it was August or September.

Mr. AIKEN. I had not heard anything about the bill being considered.

Mr. McGEE. It was considered and passed by this body. This is a conference report, not new legislation.

Mr. AIKEN. Apparently it was passed at Christmas time last year.

Mr. McGEE. Yes.

Mr. AIKEN. It would be a wonderful Christmas present if it goes through, to a few people, but as to the rest of us I am not sure.

Mr. McGEE. I think the emphasis of it is the mechanism.

Mr. AIKEN. When we agreed to permit our salaries to be raised 41 percent, we were not in a very good position to hold down others. In the absence of Senator Russell, who is ill, Allen Ellender would be the acting dictator of the Senate. If we have to have one, I would rather have him than anyone else I could think of.

Mr. McGEE. He does not want to be one.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. WILLIAMS of Delaware. Do I understand if we approve this and this board makes a recommendation of *x* percent, and the President sends another recommendation, higher or lower, all we can do is accept or reject one, and if we reject the one the President sent, we automatically approve the other?

Mr. McGEE. That is correct. But we do not give up our right to legislate.

Mr. WILLIAMS of Delaware. It seems to me we are indicating that we are giving it up. Under the previous plan, which some of us objected to, we had a commission appointed that would send a recommendation down, but if we rejected that recommendation, nothing went into effect. It seems to me they are safeguarding here against the fact that Congress may want to reject one of these.

Suppose, for example, the commission recommended 20 percent and the President went down to 15 percent and the Congress felt we could not afford anything but 10 percent. We would have to accept the President's recommendation; otherwise we would be taking 20 percent.

Mr. McGEE. No. The Senate could pass a law.

Mr. WILLIAMS of Delaware. We could repeal that law, but if we are going to repeal the law to exercise our rights, why do we not just enact the law and then pass an original bill? My point is that if the Senate rejected the recommendation of the President which was 15 percent, because it was too high, it would already have approved the 20 percent.

Mr. McGEE. Yes.

Mr. WILLIAMS of Delaware. It looks to me like Senators had better turn in their resignations, as some of us have, if they feel they should not vote on it later. I feel I should vote on this proposal, at least, before I leave.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. McGEE. I yield to the Senator from Louisiana.

Mr. ELLENDER. I would like the Senator to tell us whether or not this bill has been debated on the floor of the Senate and to what extent.

Mr. McGEE. This provision in the bill was not debated on the floor. It was considered and discussed in committee, but not debated on the floor.

Mr. ELLENDER. The report we are considering is the work of the conferees of both houses.

Mr. McGEE. That is correct.

Mr. ELLENDER. And neither the Senate nor the House passed on the bill as reported by the conference.

Mr. McGEE. That is not correct.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield for a question?

Mr. McGEE. I yield.

Mr. WILLIAMS of Delaware. Do I understand that, because this is not in the Senate bill, it was not in either the House bill or the Senate bill?

Mr. McGEE. It was in the House bill.

Mr. WILLIAMS of Delaware. It was in the House bill?

Mr. McGEE. Yes, it was in the House bill.

Mr. WILLIAMS of Delaware. And the Senate accepted it?

Mr. McGEE. That is correct.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. McGEE. First let me yield to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I hope the Senator will correct himself. What is it that the House added in this bill?

Mr. McGEE. The House added this particular phase of the mechanism.

Mr. ELLENDER. But the mechanism that was in the House bill was stricken, and that mechanism provided for a veto by the House or Senate of any scale of rate made?

Mr. McGEE. That is correct.

Mr. ELLENDER. And the conference report struck that provision out.

Mr. McGEE. That is correct.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. GRIFFIN. I am trying to understand the legislation and trying to follow the questions of the Senator. Is it the recommendation of the Federal Employees Pay Council that becomes effective?

Mr. McGEE. The answer is "No." The Federal Employees Pay Council is strictly an advisory group.

Mr. ELLENDER. The Senator is in error.

Mr. McGEE. In other words, they are not the ones that submit the formula. The formula that is finally passed on by the President is one that has heard the Federal Employees Pay Council, consulted the Bureau of the Budget, and then submitted the best recommendation from the chairman of the Civil Service Commission.

Mr. GRIFFIN. What is the name of the group, or commission, or whatever it is, and how is it made up that does make the final recommendation?

Mr. McGEE. It is the Civil Service Commission, the Bureau of the Budget, advisory to the President—it is the President's advisory group.

Mr. GRIFFIN. Is he limited in his appointment of that group?

Mr. McGEE. Yes; under these terms he is. That is, the Civil Service Commission and the Bureau of the Budget limit the President's advisory group. In the discussions we had on it, they were advised to go through the usual procedure with the Bureau of Labor Statistics, as one of the procedures they would go through.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. ELLENDER. What is the function of the Federal Employees Pay Council?

Mr. McGEE. The function is strictly advisory. This is the Employees Pay Council.

Mr. ELLENDER. That is not what the report says. The Federal Employees Pay Council is the body that fixes the rate of pay that is presented to the President.

Mr. McGEE. I thought the Senator said the Federal Employees Advisory Council.

Mr. ELLENDER. No.

Mr. McGEE. The Federal Pay Council is the group that makes the recommendation. I misunderstood the Senator.

Mr. ELLENDER. Who composes that council?

Mr. McGEE. The Civil Service Commission, the Chairman, and the Bureau of the Budget.

Mr. ELLENDER. The Senator is in error. They are some of the heads of the labor organizations here at the Washington level, appointed by the agents of the President.

Mr. McGEE. No. That is the Federal Employees Advisory Council.

Mr. ELLENDER. I am speaking of the Federal Employees Pay Council.

Mr. GRIFFIN. I refer the Senator to page 3.

Mr. McGEE. Referring to the top of page 3 of the report relating to the Federal Employees Pay Council, and I read now—"of five members who shall not be deemed to be employees of the Government of the Unilted States by reason of appointment to the Council and shall not receive pay by reason of service as members of the Council, who shall be representatives of employee organizations which represent substantial numbers of employees under the statutory pay systems, and who shall be selected with due consideration to such factors as the relative numbers of employees represented by the various organizations, but no more than three members of the Council at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations."

The Federal Employees Pay Council is strictly advisory.

Mr. ELLENDER. Will the Senator read it into the Record?

Mr. McGEE. I will read it into the Record. It is spelled out here.

The President's agent shall:

(2) provide for meetings with the Federal Employees Pay Council and give thorough consideration to the views and recommendations of the Council and the individual views and recommendations, if any, of the members of the Council regarding—

(A) the coverage of the annual survey conducted by the Bureau of Labor Statistics under subsection (a)(1) of this section (including, but not limited to, the occupations, establishment sizes, industries, and geographical areas to be surveyed);

(B) the process of comparing the rates of pay of the statutory pay systems with rates of pay for the same levels of work in private enterprise; and

(C) the adjustments in the rates of pay of the statutory pay systems that should be made to achieve comparability between those rates and the rates of pay for the same levels of work in private enterprise;

Mr. ELLENDER. It is the Federal Employees Pay Council that makes those recommendations. That is what I have been saying.

Mr. McGEE. Their views are only thoroughly considered by the group that is primarily responsible to the President. These are advisory opinions.

Mr. PACKWOOD. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PACKWOOD. Is the Advisory Committee on Federal Pay referred to on page 2 of the report the same as the Federal Employees Pay Council?

Mr. McGEE. No.

Mr. PACKWOOD. They are not the same?

Mr. McGEE. Where is the reference on page 2?

If the Senator will notice at the bottom of page 2, the final recommendation is transmitted to the President only by the President's agent, chairman of the Civil Service Commission. These others are advisory.

Mr. ELLENDER. What is transmitted to the President?

Mr. McGEE. The figure for the recommended increase, if there is to be one.

Mr. ELLENDER. And that is fixed by the Federal Employees Pay Council?

Mr. McGEE. That is one of the groups that recommend 6, 5, 10 percent, and so on.

Mr. ELLENDER. That is right and that is what I have been saying.

Mr. McGEE. That is subject to a different recommendation to the President by the President's agent.

Mr. ELLENDER. At any rate, suppose the Federal Pay Council fixes the rates and that recommendation is submitted to the President's agent; the agent submits it to the President?

Mr. McGEE. They submit it to the President's agent, not the President. The Chairman of the Civil Service Commission makes the final adjustment.

Mr. ELLENDER. That is only for the first 2 years. Thereafter there is a different organization.

Mr. McGEE. This is a permanent organization. It is not just for the first 2 years.

The President does it on his own temporarily, on the first two January 1st's for those years, until the mechanism gets going.

Mr. ELLENDER. But he gets advice from the Civil Service head?

Mr. McGEE. That is correct.

Mr. ELLENDER. And the Bureau of Labor Statistics?

Mr. McGEE. And the Bureau of Labor Statistics and the Bureau of the Budget.

Mr. ELLENDER. And those remain the agents for 2 years?

Mr. McGEE. That is correct.

Mr. ELLENDER. And thereafter they do not remain the President's agents.

Mr. McGEE. They are the President's agents.

Mr. ELLENDER. They are the President's agents the first 2 years, and then the Federal Employees Pay Council and another council that is appointed to take over; it is a different organization altogether, from what I can understand from this report.

Mr. McGEE. The President can designate some other group if he were so to decide, but his agent in the mechanism is the Chairman of the Civil Service Commission and the Bureau of the Budget.

Mr. ELLENDER. And what they do is simply transmit to the President what this Federal Employee Pay Council recommends.

Mr. McGEE. If that should be their decision.

Mr. ELLENDER. Yes.

Mr. McGEE. This is not a transmittal job. Their job is to make a judgment and recommend to the President, and among the factors that influence their judgment as it is spelled out is that they examine these statistics from the Bureau of Labor Statistics and they take the recommendations from the Federal Pay Council and assimilate them, and make their recommendation.

Mr. ELLENDER. Who composes the Federal Employee Pay Council?

Mr. McGEE. The five designated members from the various employee groups.

Mr. ELLENDER. And, as I have stated, this group will be the ones to make the recommendations as to what the pay increase shall be.

Mr. McGEE. They make their recommendation.

Mr. ELLENDER. Yes.

Mr. McGEE. They make their recommendation, not the recommendation. There is a difference.

Mr. ELLENDER. Those are the ones that will be considered and followed, though.

Mr. McGEE. Not necessarily. I think that is where we are missing the track here. That is not true. They make their recommendation of what they think is fair, but the President's agent is the one that has to make the final recommendation that the President accepts. They need not be the same, though they might be.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McGEE. I am happy to yield.

Mr. HOLLAND. I think I understand the Senator, and I hope that if I am wrong in what I say now, he will correct me.

As I understand it, the President's agent, who is the chairman of the special commission, considers all these recommendations that come in from the Federal Employees Pay Council, and also the coverage of the annual survey by the Bureau of Labor Statistics, and also the Advisory Committee, and the Civil Service Commission Chairman makes recommendations to the President.

Mr. McGEE. To the President, that is correct.

Mr. HOLLAND. All right. Suppose he recommends a 10 percent pay raise, based on all the facts and reports he has, and suppose the President, operating under section c(1) of the act, as shown on page 3 of the bill, because of national emergency or economic conditions, decides that that 10 percent is too much, and he recommends instead 5 percent, and that is what comes to Congress.

Mr. McGEE. That is, then, what comes to Congress; that is right.

Mr. HOLLAND. All right. Suppose one House of Congress turns down the President's recommendation of 5 percent. Then, if I understand this act, the recommendation of 10 percent which was made earlier by the Civil Service Commission, the agent of the President, would become operative and go into effect.

Mr. McGEE. That is correct. That is my understanding.

Mr. HOLLAND. Mr. President, this would mean that the President's agent is given stronger standing, under this act, than the finding and recommendation of the President himself; am I right or wrong in that?

Mr. McGEE. That would be correct, in that instance.

Mr. HOLLAND. Mr. President, I could never support a measure under which, if the Congress turned down a smaller recommendation made by the President himself, we would go back to a larger recommendation made by someone serving as the President's agent.

Mr. McGEE. What is left out there, if I may say to the Senator, is that if it were this serious, and seemed to be a flagrant disregard of the wishes of the President, Congress has the legislative process directly available, and I hope would resort to it in a case like that.

Mr. HOLLAND. I understand. I think I understand that; and that would mean that if this machinery had been available to President Johnson and the President who succeeded him, who recommended that the congressional salaries be raised to $42,500, whereas the agency before that had recommended $50,000, if either House had then turned down the President's recommendation of $42,500, and this machinery had been in effect, the $50,000 salary would have gone into effect; am I right or wrong?

Mr. McGEE. If that were applied to Federal employees, but not Senators as in the Senator's illustration, that would be correct, yes.

Mr. HOLLAND. Again it seems to me that we are putting the agency ahead of the President and that we are making it possible for a House that is being highly pressured by employees of the Government to ignore a more economical recommendation made by the President than has been made earlier by his agent and go back to the less economical recommendation that is made by the President's agent, making the President's agent the final power, the final authority, who has raised salaries.

If I incorrectly understand this bill, I want to be corrected. But it seems very clear to me, after the brief study possible here, and I reiterate the fact stated by the Senator from Louisiana, that this provision did not appear in either of the bills and it has never been debated on the floor of the Senate before.

I could never agree to a program under which the President's agent is given more authority than the President himself.

Mr. McGEE. It seems to me that the one missing link in order to make that

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statement complete is that it also means that Congress can support the President, if the President cut it from 10 to 5 and there was no action.

Mr. HOLLAND. That is correct.

Mr. McGEE. And that prevails.

Mr. HOLLAND. I wonder whether the Senator thinks any pressure would be put upon Congress if the agent had recommended a 10-percent raise and the President, animated by his understanding of the economy, had cut that to a 5-percent raise. Would there be any pressure placed upon Congress by employees groups and employees?

Mr. McGEE. I am sure that in that circumstance pressure would be applied. It is applied constantly now. This would be on those selected circumstances such as the Senator has selected for his illustration.

The point still is that the judgment of Congress would be the turning factor, and if Congress is going to have bad judgment at a time like that, it is the responsibility of Congress.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HOLLAND. I have one more question.

There would be no way at all to maintain present salaries except by the passage of new legislation approved by the President, would there?

Mr. McGEE. That is correct.

Mr. HOLLAND. Under the situation I have named, the only choice left to Congress would be to approve either the 5 percent recommended by the President or the 10 percent recommended by the President's agent.

Mr. McGEE. Or to legislate otherwise.

Mr. HOLLAND. I say that the only choice, short of legislation, which would have to be approved by the President and passed by both Houses, would be, within 30 days, to either accept the 5 percent or go back to the 10 percent.

Mr. McGEE. Yes, that is correct.

I think it is fair to add that the theoretical possibilities on almost any mechanism in representative government are sometimes horrifying. I think we would be better grounded if we start with the assumption of honorable men, with good intentions, and that this would be the more average case that would arise on this annual basis. We have now been talking about extreme possibilities that could arise in these circumstances and how they would be resolved.

Mr. HOLLAND. I do not think that these are the maximum conditions that could arise. I do not think men who ask for a 10-percent raise are dishonorable, and I do not think it is a question of honor. It will be a question of pressure for the largest raise that has been suggested, whether it be by the agent of the President, which will have to be made known, or by the President himself. I would much prefer to give the President's recommendation higher standing than is given by this bill.

Mr. McGEE. Congress could take that action by not repudiating the President's decision.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. STENNIS. I will be quite brief in this matter. My position on it is the same as it was when we had the commission concerning our own salaries, that it was aborting our personal and official responsibility, which I think is one of the primary responsibilities we have.

The argument was made then that we ought to resort to some other method because we were directly involved personally. But now the system we adopted under that commission is being used as a precedent here to set up another.

My general, basic position—and it is a fundamental position with me—is that Congress has no right whatever under the Constitution, by any kind of subterfuge—call it what we will—to dodge its direct responsibility in this very important field, which involves billions of dollars. I certainly want justice to be done. I am not against all pay raises. I was one of those who voted the other day with reference to the administrative assistants. I thought that the ones who qualified were entitled to that pay.

I want to make this point: The primary part of this bill, as I understand it, has not been before the Senate before. It was not in the Senate bill. Only 10, 12, or 15 Senators have heard this debate. I do not blame them for not being here. With their other duties, there is not time, under this procedure, to get this matter developed before the Senate.

There is no report—it is scant, if any—that contains a full explanation. So there is no staff member who can read the report. The Senator may have some report. To what extent is this matter reported and backed up by testimony?

Mr. McGEE. The statement of the managers of the bill; a conference report.

Mr. STENNIS. It is not the usual presentation of testimony on this point, as I understand it.

It is unthinkable, if I may say further—thanking the Senator for his valuable work, as always—that we could adopt what I call a Rube Goldberg setup here; and I say that with all deference to the memory of that fine artist and entertainer, who recently passed away. Here is a trapeze that looks to me as though it is brought in with a double string on it, the recommendation of someone way out yonder—whom we do not know—and the other is a man who does have responsibility as President of the United States. We just make a vote here as to a choice between the 2, and whichever one goes down, the other one comes up. I have never heard of anything that goes to the vitals of government that is such a trapeze as this would be.

I believe we ought to provide some way to get Senators in here to hear the debate—to hear the facts, not to debate; just to hear the facts, so that we can make a judgment on it.

My opinion is that the primary responsibility is on us, that this thing, instead of helping anyone politically, if anyone has that in mind, can be a pitfall, a mine, or a stump hole that we could fall into; that the people at large want us to exercise our direct responsibility in this important field.

I thank the Senator very much for yielding to me. I am going to listen to the rest of the facts and hope I can be recognized.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. STEVENS. I think that the questions that have been directed to the chairman of our committee have missed the basic purpose of this bill, which is to establish comparability, throughout Government employment with wages paid in the private sector.

If anything, with due regard to my friend, if there is a Rube Goldberg system, it is the one that is in effect today. Congress, in effect, in the past years has had an across-the-board concept of increasing salaries, so that there has not been particular consideration for each grade nor comparability with the work that is performed in that grade to the wage concepts of private industry.

Is it not true that just the other day we passed the wage board bill, which involves the same principle on a local level? For example, in Anchorage, the Wage Board people have wage rates reviewed annually; they are reviewed in comparison to private industry, under the Bureau of Labor Statistics. And if the finding is that comparable wage rates in private industry are higher than those paid the Wage Board employees, the Wage Board employees automatically get a raise. We passed that the other day. We extended it into post exchanges, into the unappropriated fund area.

This is trying to face up to the total problem of salaries in Government employment and to put the salaries paid to Government employees on a comparable basis with those in private business.

I think the fears expressed here are the fears that the Chairman of the Civil Service Commission would look at Government wages and recommend increases that go across the board; whereas, this bill envisions a mechanism for establishing different rates of pay comparable to those paid in private industry—and private industry must take the lead if there is any increase at all. This is to provide comparable rates of pay in Government employment to those paid for similar jobs in private employment.

We are trying to delegate the authority to do this on a scientific basis, with advice from the employees' group and from a separate advisory body, but leaving it to the President's agent to make the final recommendation as to what rates of pay shall be applied to each grade, each type of job, through the entire Government. It would take us years and years to try to get this pay schedule back into shape, where Government employees have comparable rates of pay for Government employees doing the same job that is done in private industry.

Is that not the main purpose of this bill—the mechanism for the adjustment of comparability?

Mr. McGEE. The Senator is correct. The whole focus of the bill is to try to make it possible for Congress to arrive where it legislated its intentions long ago—namely, comparability—to try to place on a comparable level in the various categories of employment in Federal

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service a salary return that meets fair competition from the private sector. That is the whole purpose of it, and we simply want to remove the uncertainty and chaos of the present mechanism and have some procedure that at least offers us a more orderly chance to arrive at that comparability judgment. It is the only purpose of the measure.

Mr. CHURCH. Mr. President, will the Senator yield for a question?

Mr. McGEE. I yield.

Mr. CHURCH. I see no objection in establishing a special board to assist in achieving comparability, and certainly the recommendation of that board should be brought to Congress, together with the recommendation of the President.

The part I do not follow is why we should bind the hands of Congress at that point. Let us have the recommendations for comparability. Let us have the suggestion of the President. But why, then, should not Congress be free to choose one recommendation or another, or some figure in between? Why should we delegate away the opportunity to exercise our own judgment at that point, which, after all, is the essence of legislative responsibility?

Mr. McGEE. The best explanation I could give to the Senator from Idaho is that in the years I have been on the Civi. Service Committee, we have always been playing a game of catchup with Federal employees—and I mean really catchup. We run a little faster catching up every other year, when somebody is up for reelection. We lag behind in the years when nobody is running for reelection. It is an attempt to take it out of that context, if it is feasible, and still preserve the basic intent. That is the reason for the mechanistic approach that was suggested here.

Mr. CHURCH. With all deference to the Senator, I do not feel he has answered the question.

I can understand the need for comparability. I can understand the possible utilization of a special committee to make recommendations with respect to comparability. I understand that the President should have or say in the matter. Yet, after all that has occurred, this bill then ties the hands of Congress. It says, as the distinguished Senator from Mississippi mentioned a moment ago, that we have one or two choices, but that is all. No choice or choices lie in between. There is no discretion. There is no opportunity to come to our own judgment after we have had the recommendations.

This seems to me to be another abdication by Congress of its responsibility. With all respect to the Senator, he has not answered the question I posed.

Mr. McGEE. I apologize if I did not answer the question. I think the point that is valid is that Congress has not been in a position to meet the test of comparability. It has not taken the time. It has not had the inclination. It has been an uneven and a spotty performance. It was our feeling that comparability should be arrived at as a judgment in a far more scientific way than we have been prone to do up until now, and that in arriving at what is comparability, we have essentially removed the need for any critical serious judgment factor except in a national crisis of some sort, including an inflationary crisis, in which there is that reserve for the President of the United States.

Mr. CHURCH. The Senator has answered my question and has confirmed my misgivings. This bill represents an abdication on the part of Congress; we are turning over to an advisory committee not only authority to make recommendations with respect to comparability, but authority recommending a definite rate, too. If the President disagrees with that rate, we then confine ourselves to just one or the other, thus denying ourselves the right to exercise any judgment in between. For that reason, I am unable to support the bill.

Mr. STEVENS. The Senator from Idaho, so far as I am concerned, puts this into a fair framework that the Federal employee pay raises are based on 3 percent, 4½ percent, or 7 percent, across the board, and we are trying to set up a mechanism whereby some might get none, some 20 percent, some 10 percent. If we do, we will have a pay plan which comes up every year to be adjusted on the basis of what is comparability to private employment.

For 8 years I was on the receiving end of what Congress did in terms of pay raises, as a Federal Government employee, and, believe me, it is not understandable from the other end of Pennsylvania Avenue. When one really looks at it, Congress has not faced up to the problem of adjustments within the total schedule, so far as what is comparable and what is sound in comparison to the private industry sector. This bill gives the Civil Service Commission and the Bureau of the Budget—two groups, incidentally, that have not been more generous than the Congress has been in terms of Federal employee pay raises—the power to make recommendations to the President. The President may then, if he wishes, change them and send them up here. But we—the Congress—are delegating, by this bill, the authority to the Civil Service Commission, as a practical matter, and the Bureau of the Budget, to make the recommendations for total comparability annually on the basis of an adjustment throughout the Government. That is not the same as we dealt with here in the past when we debated pay increases before and reached a compromise. That had no relation to total comparability to any particular portion of the Government. The mechanism for comparability is the thing we in the committee have sought.

Mr. McGEE. If I may add to what the Senator has said, the judgment that the Senate has exercised and that requires sober judgment, was whether Federal employees should be entitled to comparability. While the Senator has understandable misgivings about what is comparability, we believe that we come closer to arriving at a substantive comparability reading in this mechanism than to retreat to what I think the Senator unfairly calls senatorial judgment.

I do not think that is open to that kind of judgment, if one can arrive at the mechanism for taking readings on equivalent income in the private sector for that kind of job. I think that is where the gap is in our dialog here.

Mr. CHURCH. I follow the Senator's words, but not his reasoning. I have no objection to establishing comparability for Federal employees. That is a good objective. I understand it is difficult and complex. It may be beyond the technical capacity of congressional committees. I have no objection to referring that to a competent committee, under the law, so that thorough study can be made on a yearly basis, and that that committee could then make its recommendations as to what in its judgment would represent comparability for every Federal employee. However, that is not what I am objecting to in this bill.

What I am objecting to is that after the recommendation is made, then Congress is straitjacketed and placed in the position of either accepting the recommendation just as it is made, or a differing recommendation, just as it is made by the President, so that Congress would be confined to two choices—maybe only one.

Mr. McGEE. Three choices.

Mr. CHURCH. The third choice is not really a practical choice for, under the circumstances, the 30 days for new legislation would be subject to discussion. That third alternative is theoretical. It is not a real one. So, if we pass this bill, we will be confining ourselves to accepting one recommendation if the President concurs in it, and two recommendations if he does not, and denying ourselves any other choice or choices. That would be an abdication of our power and responsibility. It is typical of the trend in Congress over the years which, fortunately, many Senators are now trying to reverse, restoring the Senate to its proper coequal role in our constitutional system of government.

Mr. McGEE. I would like to try to rephrase this, while it is directly relevant. The judgment of the Senate and the responsibility of the Senate for decisionmaking, it seems to me, is constantly present there. We are proposing to set up a new mechanism for arriving at comparability, which we all say in our rhetoric we favor, and we have registered our support of comparability. We have recommended here a way of arriving at comparability if, in the judgment of the Senate in the exceptional cases, or the unusual cases, where there is a discrepancy between a recommendation by the President's agent to the President, or the President's judgment in regard to a national emergency. The Senate is constantly there judging, and would be required by its own conscience, I think, to put this into legislation.

At that point, if it so required it, the Senate has given up nothing. We have tried to facilitate the process without forfeiting that responsibility. I do not see that the Senate has given up its responsibility in this case. I think it has tried to make it possible for the Senate to keep up with the changing problems of comparability and remain the judge of the abuses of those judgments that

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the agent might make and, thus, to correct them through legislative power.

Mr. CHURCH. The Senator from Wyoming and the Senator from Idaho see the bill quite differently.

Mr. STENNIS. Mr. President, if I may make this observation, as I understand the Senator from Idaho, his point is that he does not object to the recommendations coming in, one or more, or two, at least, but what he is objecting to, as I understand it, is that if they come in here frozen, solidified, we have to take one or the other. When we reject one, we automatically have to take the other. Is that the substance of the Senator's argument?

Mr. CHURCH. The Senator from Mississippi is absolutely correct. The bill presently before us straitjackets the Congress. There are many considerations that have to be weighed in regard to increasing salaries, besides pure comparability, before a decision can be made.

Mr. STENNIS. Well, Congress can still change the rules. Why pass a law when we can keep the power we already have to change the law now?

It is something like a story from my hometown where one man says to the other, "Do you have a job?" The other man answers, "No."

The first man says, "Do you want to make some money?"

The other man says, "Yes."

The first man says, "Do you want to save some money?"

The other man says, "Yes."

The first man says, "If you earn some money and save some money then you will not have to work."

The other man says, "I do not work now."

So, if Congress has the power already, and it certainly does, we should keep that power and exercise it as soundly as we can. I am willing to go to any reasonable length——

Mr. McGEE. The Senator makes an excellent point there. Our feeling is that while the Senate has that power now, it has not been able to use it satisfactorily in terms of the changing levels of comparability with the private sector and measuring it in a scientific way. We are trying to fill that gap.

I would resubmit again, although I realize it is becoming repetitious, that the powers of this body have not been forfeited. We are not straitjacketed in these options. We have the full sweep of the options most of the time. I would be certain in predicting that most of the time the recommendations would be reasonable, they would be cautious and wise and there would be no question raised about it. That would be the typical one.

In cases where the President may have thought otherwise, it is necessary for the Senate and the House to determine. Finally, there is the third option that is constantly present that must never be dismissed, which would be the decision by the Congress that they can determine it. Congress has not given up that prerogative or responsibility.

But I think that in the predominant instance we would find conscientious comparability figures arrived at. It would be that there would be no challenge. We have really concentrated on fears and the possibility that something might happen which might not be more numerous.

Mr. PACKWOOD. Mr. President, where would the bill say that the President's agent is the Civil Service Commission?

Mr. McGEE. It does not say he is the agent. In this report, the practical operation of all Federal employee legislation throughout our experience has been the President through the Civil Service Chairman.

Mr. PACKWOOD. Mr. President, let me go through this once more, and see if I understand it. The President appoints his agent—the Civil Service Chairman or call him what we want—and, he appoints the Federal Employee Pay Council to give the agent advice.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. And then we have an advisory committee on Federal pay which in essence gives the President advice. Its principal function is to report to the President and that would be one of the factors that the President considers.

Mr. McGEE. They are the three private citizens. The Senator is correct. What we have done is to diversify and broaden the base of sources of recommended pay action on the comparability figure.

Mr. PACKWOOD. Who makes the final recommendation, the President?

Mr. McGEE. The agent, the chairman of the Civil Service Commission.

Mr. PACKWOOD. If the President does not want to exercise his prerogative in the second alternative and changes it, is he stuck with that recommendation?

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. What does it mean here, going back to page 2 of the report, subsection 5305, (2) "after considering the report of his agent and the findings and recommendations of the advisory committee on Federal pay reported to him under section 5306(b)(3) of this title, adjust the rates of pay of each statutory pay system in accordance with the principles under section 5301(a) of this title, effective as of the beginning of the first applicable pay period commencing on or after October 1 of the applicable year; . . ."

Why does he have to bother to go to the Committee on Federal Pay if the agent's recommendations are the ones that are relevant?

Mr. McGEE. I think the directive in the mechanism simply provides for that as the final decisionmaking authority. It simply says in the language the Senator has just read, it seems to me, that the President would have access to review that. He does not have to take any agent's recommendation blindly without reviewing it himself.

Mr. PACKWOOD. Mr. President, I thought the Senator said he was stuck with the agent's recommendations.

Mr. McGEE. Mr. President, if he chose to change it, it goes directly to another process of decision, unless he challenges it.

Mr. PACKWOOD. Mr. President, let me go to page 15 near the bottom of the page where it reads:

> After considering the report of his agent and the recommendations of the Advisory Committee on Federal Pay, the President shall make such adjustments in the statutory pay systems as he determines necessary to carry out the comparability principles . . .

We have not yet gotten to that second alternative of the President. What does that mean?

Mr. McGEE. Mr. President, in my opinion, this means that he is accepting the composite judgments that can be submitted.

Mr. PACKWOOD. Does he have power to make changes in the recommendations submitted?

Mr. McGEE. Yes.

Mr. PACKWOOD. I mean in the first step.

Mr. McGEE. If he makes the change, then the other process is set in motion.

Mr. PACKWOOD. No, because we get to the other process later on. I am curious about the first process.

Mr. McGEE. Is the Senator reading from the top of page 16?

Mr. PACKWOOD. Down in about the last one-fourth of page 16, section (c) of section 5305 of the conference substitute it is provided that if the President chooses to do something, he then goes into the second alternative or goes to the alternative of the agent's recommendations as shown by the report at the bottom of page 15. Before that second procedure, the President can change what his agent has recommended and can listen to the Advisory Committee on Federal Pay.

Mr. McGEE. These are the words of the manager of the bill in the House, rather than the law itself. What we interpret the law to mean in the language of the law itself is that in any case after the President has reviewed it, he has this safeguard of reviewing the prerogatives. But if the President's recommendations turned out to be different than that of the agent, if the President decided not to follow the advice of the agent, then the other mechanism is set in motion.

The agent's recommendations are final unless the President challenges them and wants to go to the second recommendation.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. Then, the Congress has the two to consider together.

Mr. McGEE. Congress has three things to consider.

Mr. PACKWOOD. It has three, if we want to change the law or repeal it.

Mr. McGEE. Unless the Senator wants to move to abdicate the responsibility of the Congress. I do not want to do so.

Mr. PACKWOOD. I do not care whether the Senator calls it three or two. They have two alternatives.

Mr. McGEE. The Senator is correct. In most cases they would have one recommendation.

Mr. PACKWOOD. Mr. President, the Senator has indicated that in determining comparability there is no reason why this law could not read that Congress should appoint the agent and that he shall have an advisory committee and we can put them into effect.

Mr. McGEE. There is no reason why Congress could not do that.

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Mr. PACKWOOD. Why are we not going that way?

Mr. McGEE. The answer is that it was thought under normal circumstances that we should delegate this responsibility to the executive to carry out the intent of congressional law.

Mr. PACKWOOD. Mr. President, forgetting the fact that Congress at any time has the right to change the law, the Senator says that Congress has the third alternative under the present law which is that unless Congress acts, nothing automatically goes into effect.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. And if we pass this, it automatically goes into effect unless Congress vetoes it.

Mr. McGEE. The Senator is correct.

Mr. ELLENDER. Mr. President, would the Senator explain this statement on page 15. It is a statement by the manager of the bill on the part of the House. It reads:

> The most significant difference from the House provision is that the President is directed to make the annual adjustments in the rates of pay; whereas, under the House provisions, adjustments in the rates of pay would become effective only after approval by the Congress of adjustments recommended by the Federal Employee Salary Commission.

What does that mean? Is it not a fact that the House bill provided that the pay scale should be sent to Congress and that Congress should be the one to make the determintaion?

Mr. McGEE. The Senator is correct. And one of the adjustments we made in an attempt to get it working was that accommodation. The Senator is correct.

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Mr. ELLENDER. And instead of following the House language, the conferees proceed to this second alternative wherein if the President decides that the rates submitted are too high or too low, he then sends his own recommendations to Congress, and that is the only time Congress has a chance to vote on the matter. Is that correct?

Mr. McGEE. Well, no. We would assume that Congress has looked into the matter constantly and established the legislative third alternative, which is constantly present.

Mr. ELLENDER. That would necessitate a change in law, would it not?

Mr. McGEE. Yes; but Congress would complete that action.

Mr. ELLENDER. Of course Congress does have the right to repeal the law. Let us take the law as it will be if this conference report is adopted. If the President determines that the rate is too high and he reduces it, then his recommendation comes to Congress and Congress vetoes it. What happens?

Mr. McGEE. When Congress vetoes it, then the original recommendation prevails.

Mr. ELLENDER. Without Congress having a right to do anything except to provide funds with which to pay the pay hike recommended.

Mr. McGEE. No. Congress would have already had its say by vetoing the President's recommendation. The veto prevails. We are not leaving that to chance.

Mr. ELLENDER. But the President's recommendation, if vetoed, would be bypassed and the original recommendation would prevail.

Mr. McGEE. If that were the judgment of Congress, it would not be the first time Congress bypassed the President's decision. But Congress would not veto the President's decision unless it was the judgment of Congress it should go back to the other figure.

Mr. PACKWOOD. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PACKWOOD. The President does not send any alternative. Congress would act, and they could either veto it or not.

Mr. McGEE. The Senator is correct.

Mr. PACKWOOD. At least we have a chance to veto, whereas under the first one we would not. We assume we are interested in achieving comparability. If, in the judgment of Congress, the President and his agent ran wild and for political reasons ran it up to 20 percent, 30 percent, or 40 percent, Congress would have a responsibility and a criterion in this mechanism to act. We are assuming the very extreme possibility that Congress has not given up anything. We have set up the mechanisms.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. STEVENS. What is more, in the wage board procedure we have already set up, pay raises are automatic and never come back to Congress. We give the President, in this bill, the alternative to recommend something different. If he recommends something different, we can choose between them. This is a different mechanism than we approved last week for wage board employees. Under that procedure the cost of living index would be determined by a comparability survey, and if there is an increase in private employment wage rates in that area, wage rates go up. I do not understand the reasoning which opposes this bill when the chairman and the conferees have given the Congress an extra chance to review increases when the President does not follow the Civil Service Commission recommendations.

Mr. PACKWOOD. I thought the chairman indicated the fundamental difference is now this recommendation would not go into effect unless Congress acts.

Mr. STEVENS. We were talking about wage board employees last week.

Mr. PACKWOOD. Whom does that cover?

Mr. McGEE. The blue-collar employees throughout the country. They are not covered by this.

Mr. STEVENS. This covers employees in the legislative branch and in the independent agencies, and those who are not blue-collar workers.

Mr. ELLENDER. Why did the conferees adopt this alternative plan rather than the original House plan?

Mr. McGEE. I must say we adopted it with some misgivings. We adopted it because we took the composite that came out. My plan would have been the best of all and someone else's plan would have been ideal. We have learned we must accept compromise if we are going to have legislation on the books that will work. I think this will work.

Mr. ELLENDER. But there was nothing in the Senate bill on the subject.

Mr. McGEE. That is right.

Mr. ELLENDER. The whole program was described and provided for in the House bill.

Mr. McGEE. That is right.

Mr. ELLENDER. And the conferees simply set aside the House version and adopted their own in conference.

Mr. McGEE. Only in that one step.

Mr. ELLENDER. But that is very important. The House version provided that the pay scale would be submitted to Congress, with the right to modify it if we desired, or to amend it, but it was stricken.

Mr. McGEE. We felt that would not have a chance to be tried.

Furthermore, we felt that the risk implicit in this is not as great as the Senator from Louisiana, the Senator from Idaho, and others believe. Our judgment was that this was a risk we could afford to take to see if we could get it off the ground. If it does not work, we can exercise our legislative responsibility.

Mr. ELLENDER. Who promoted the method adopted, the Senate side of the House?

Mr. McGEE. The consultations we had were with our colleagues in the House, the Civil Service Commission, and representatives from the White House. In other words, it was not an isolated judgment that was made.

Mr. ELLENDER. I go back to the proposition that no consideration was given to any Senate action because there was no Senate action.

Mr. McGEE. That is correct, except we spent a lot of time wrestling with it.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. STEVENS. I probably have interfered with the Senator's handling of this matter too much. But, I do wish to observe that when I was Solicitor of the Interior Department, my salary was around $20,000, as I recall. That was in 1960. The Solicitor of the Interior Department now receives in excess of $40,000. In 1960 my assistants' salaries were about $14,000 to $18,000. Today they are about $16,000 to $22,000.

In terms of what Congress has done to salaries in the executive branch, it has gone across the board with pay increases coming out of political compromises; we have entirely escaped the comparability we sought for jobs performed by people in Government whose salaries must be adjusted if we are to have the type of civil service system we must have.

I think this is a good mechanism which we will have more opportunity to review than in the wage board system or other systems we have set out. I might add our own pay system brought us a pay increase under a similar mechanism.

Mr. McGEE. Mr. President, I wish to call to the attention of the Senate that my colleague on the committee, the Senator from Alaska, was one of the leaders in our attempt to come to grips with the implications of comparability and in all the problems that go with it when we try to seek that comparability for Federal employees. His contributions here have been very helpful and constructive.

I also mention that the ranking minority member of the committee, the Senator from Hawaii (Mr. FONG) was one of the leaders in the dialog and the studies and the judgments that were made in this regard. Without the judgments of the Senator from Hawaii we would have been retarded considerably in our efforts.

Mr. President, I am ready to yield the floor. I understand the Senator from Louisiana would like to address himself to this matter. I am pleased to yield the floor at this time.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum, and I would like to have a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 460 Leg]

Aiken
Allen
Allott
Baker
Bayh
Bellmon
Bennett
Bible
Brooke
Cotton
Cranston
Curtis
Dole
Ellender
Ervin
Fulbright
Griffin
Gurney
Hansen
Holland
Hughes
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Miller
Moss
Packwood
Pastore
Percy
Prouty
Proxmire
Randolph
Ribicoff
Sparkman
Stennis
Stevens
Talmadge
Williams, N.J.
Yarborough
Young, N. Dak.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Fannin
Goodell
Gore
Gravel
Hartke
Hollings
Jackson
Javits
Jordan, Idaho
Mathias
McGovern
Metcalf
Mondale
Murphy
Nelson
Pell
Saxbe
Schweiker
Scott
Smith
Spong
Symington
Williams, Del.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

SOCIAL SECURITY AMENDMENTS OF 1970

Mr. LONG. Mr. President, since midafternoon on yesterday, the Senate has been seeking a conference with the House of Representatives in order to complete action on the bill to increase social security benefits by 10 percent and to increase welfare benefits for the aged, blind, and disabled.

Meanwhile, the clock is running as this session is scheduled to come to an end at noon on Sunday, January 3. We have 4 days left.

As a Senate committee chairman, the RECORD should show that both I and our Senate conferees have been ready to meet on any basis whatever for the last 24 hours. It would be a sad state of affairs if this Congress fails to pass at least a cost-of-living increase for the 26 million people whose small incomes from social security have been sadly diminished by inflation.

Mr. President, like other members of the Committee on Finance, I worked very hard to pass a social security bill which provided more benefits and more social and economic justice than the package the House sent to us.

In order to do this I found it necessary to make the motion to strike down many very good legislative proposals with which I found myself in wholehearted agreement. It is somewhat difficult to ask a person to vote to strike down on the RECORD something with which he agrees. But this was necessary in order to break two, and possibly three filibusters that were developing in the consideration of this important social security measure.

The extent to which statesmen in the Senate were willing to sacrifice their prevailing views for the common good of the Nation reached a high point in the consideration of this legislation. The Senator from Georgia (Mr. TALMADGE), and the two Senators from South Carolina deserve high praise for foregoing their trade amendment although the record will reflect that they had strong support for their position and could have prevailed if the Senate could have reached a vote on the trade matter.

The Senator from Connecticut (Mr. RIBICOFF), the Senator from Utah (Mr. BENNETT), and the Senator from Oklahoma (Mr. HARRIS) also deserve great credit for permitting the social security bill to pass without insisting on a vote on the family assistance plan for which they labored for months. Again, there were indications they might have prevailed if a vote could have been reached. But it became clear that a vote on these issues could not occur. Both of these examples could be multiplied many times over to indicate the unselfishness and devotion to duty evidenced by Members of the Senate in working out a legislative package which the Senate regarded as a vast improvement over the House bill.

It is disappointing to read in the papers that after so many Senators have gone beyond the call of duty to accommodate themselves to the views of others—to the extent that a bill passes by a vote of 81 to 0—that the other body will decline to even discuss the matter in a conference between the two Houses.

We have succeeded in passing a good bill by a unanimous vote and the Senate will be indeed disappointed if the House declines to show 29 million people the courtesy of considering the Senate amendments.

I wish the RECORD to reflect that at this point we, in the Senate, have done everything that we can do to get a conference with the House. From 4 p.m. Tuesday, the Senate has been calling on the House to act and the House sits with the phone ringing, declining even to lift the receiver from the hook. That is a metaphor. I have been to the House of Representatives to discuss this matter with Members, including the chairman of the Ways and Means Committee there.

I am aware, of course, that it is possible to pass a bill next year which would increase retroactively social security payments. If this procedure were to be followed, it would be July or August or later before 26 million people could have the benefit which they would otherwise receive on April 3 if the House would only permit us to complete action on this bill now.

To ask the poor and the social security pensioners to wait another 3 or 4 months or longer is completely unnecessary.

On measures containing far less difficult issues than the proposed social security increase, representatives of the Senate and House have been able to resolve their differences in less time than that which remains in this session.

Let me make it clear that I, for one, have no intention of being adamant about any provision contained in the Senate amendments to the bill. So far as I am concerned, I would insist on nothing more than that the House conferees give us the benefit of their honest judgment with regard to the Senate amendments.

Nor am I impressed with the argument that there are 100 items of "potential controversy" in the bill. This requires nothing more than 100 decisions by the conferees and, when men of good will work together, that sort of thing should be possible in less than 6 hours.

It might be that in the days remaining we could not resolve all the differences between the two versions. If I had my way, we would at least be caught trying. The Senate has never taken a "can't do" attitude about this bill. Today's apparent "can't do" attitude on the part of the House of Representatives is a new experience to this Senator. In years gone by, I have experienced a "won't do" attitude when dedicated and sincere statesmen from the House refused to agree to the viewpoint of the Senate.

In each of those cases, I have respected and even admired those who spoke for the House in discharging their duties as they saw them. But, I must say that it is more difficult to admire a "can't do" attitude when so much is involved in the interests of so many.

All we are asking is the opportunity to discuss the social security bill with the duly appointed representatives of the House. It is beyond this Senator's understanding that the House should be unwilling to so much as talk about the needs of 26 million social security recipients and 3 million aged, blind, and disabled welfare clients.

FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a board of arbitration, and for other purposes.

Mr. ELLENDER. Mr. President, I should like to address myself to the pending question, and I am very hopeful that the Senate will reject this report.

The bill in question, H.R. 13000, was never considered by the Senate. It was never debated on the Senate floor. Even the House measure, when it was before the conferees, was not followed by the conferees.

In the House bill was a provision whereby the Senate was given the opportunity to amend, to change, or to do whatever it chose to do, with any suggestions made by the Federal Employees Pay Council in regard to pay hikes.

I should like to relate some history about this bill. It is somewhat mysterious. It has been on the calendar for more than a year; and it was only on December 8, this month, that the conferees met and produced the report that is now before the Senate. When the conferees met, particularly the Senate conferees, they had no guidance from the Senate because, as I said, the Senate itself never passed upon the question of providing a board, or of providing ways and means of fixing a wage scale. The House bill did. The House bill also provided that whatever recommendations were made by the board, the Senate would have the right to veto it, to change it, to amend whatever recommendations came from the board.

The bill passed the House of Representatives on October 14, 1969. It established a Federal Employees Salary Commission and a board of arbitration to implement the Federal employee pay comparability system by providing for annual adjustments in compensation of Federal employees upon adoption by Congress of a concurrent resolution approving the recommended pay increase. That was what was in the House bill. But we do not find it in the conference report.

Second, the bill was reported by the Senate Committee on Post Office and Civil Service on December 8, 1969. All House language was stricken. The new text provided for pay increases for Federal employees, other than congressional employees, as follows:

Four percent if employees earned less than $10,000; 3 percent if employees earned between $10,000 and $15,000; 2½ percent if employees earned between $15,000 and $20,000; 1 percent if employees were at the level of GS–15 or any comparable position; above a GS–15, no pay increase.

That, Mr. President, is the only matter that was discussed by the Senate, the matter of pay increases in line with what I have just stated.

The bill also provided a second rate increase effective July 1, 1970, so that rates of Federal employees would be comparable as of June 1969 to those in private industry, but in no event was the increase to be less than 3 percent.

This bill, as reported by the Senate committee, passed the Senate on December 12, 1969. I wish to again emphasize that the only matter that was discussed before the Senate was the pay increases I have just indicated.

The Senate returned the bill to the House, and the House disagreed with the Senate amendments, asked for a conference, and appointed its conferees. The Senate agreed to the conference and appointed its conferees. However, the conferees did not meet until December 8, 1970. That is this month. More than a year elapsed before the conference was held.

On April 8, 1970, the Senate considered and passed S. 3690, which authorizes an increase in pay of Federal employees by 6 percent retroactive to the first pay period beginning on or after December 27, 1969. This 6 percent increase in pay was determined to be necessary so that Federal employees salary rates would be comparable to rates in private industry as of June 1969.

Mr. President, I am wondering why it it that the conferees did not meet to make that decision, instead of proposing to the Senate a new bill. On almost the same day, the House put in a bill similar to the one put in by the Senate affecting pay increases, and both bills were passed by the respective Houses. There were very little changes to be made in the two bills. The President signed the bill and it became Public Law No. 91–231, the Federal Employees Salary Act of 1970.

Thus, that public law substantially enacted the provisions of H.R. 13000 as passed by the Senate. For all practical purposes, I thought that H.R. 13000 was dead because, as I said, the matter involved, as presented to the Senate, pay increases only and that matter was determined by the bill subsequently introduced in the Senate and passed by the Senate, with one by the House. That settled the pay matter so far as H.R. 13000 was concerned.

As I said a moment ago, it was only on December 8 of this year that the conferees met.

Now what did the conferees have in mind?

Nothing from the Senate, because the matter that was considered by the Senate in H.R. 13000 was considered in another bill that was introduced under date of July 1, 1970. That was disposed of.

Now it would seem to me that the conferees might have at least followed the provisions of the House bill in respect to the creation of a commission that would fix the salaries and then submit its findings to the Senate. That provision was in the House bill, but the conferees bypassed it. They did not take that provision. They added another provision in the bill which does provide that if the President differs in his views from the rates prescribed by the advisory agency, he can lower them or he can raise them, and only in that case will the Senate or the House of Representatives have the opportunity to pass upon the matter.

If the President's views as presented to the Congress are vetoed by either House, it means that the wages fixed by the advisory agency that was created for the purpose of fixing the rates will prevail. Congress would have no opportunity whatever to pass upon the matter of raising or lowering the wages submitted.

Mr. President, I think this is an abdication of the powers of Congress to place in the hands of an advisory agency composed of five men chosen from the large unions here at the Washington level that have to do with the employees of the Federal Government, the power to fix rates of pay for Federal employees. It is that agency that will recommend to the President what the rates of pay should be, and the President can either accept them or make his own recommendations. And if the President decides that those rates are too low or too high, he may do so and send a message to the Senate and have the Senate vote the matter up or down within 30 days. If Congress should veto what the President suggests then the recommendations made by the advisory group would become effective immediately, giving Congress no power whatsoever to deal with or change or amend any of the rates of pay made by the commission.

Now, Mr. President, what does that mean?

If this conference report is adopted tonight, it will mean that beginning January 1, 1971, we will have an immediate increase in pay of an average of 6 percent, and that 6 percent will apply to all the employees in Government except the blue collar workers. It will trigger an increase in the wages of every serviceman in the country. In dollars, it would simply mean that beginning January 1, 1971, Congress would have to provide $2.2 billion to meet the pay that will arise, because of what is included in this conference report. It gives this advisory agency the opportunity to fix wages.

I will read to the Senate an interpretation of the conference report by Mr. Joseph Young, who writes the Federal Spotlight. Here is his evaluation of what would happen if the conference report is adopted. I presume that many Senators have already read the article:

> Here are the highlights of the system about to be approved by Congress:
>
> The Jan. 1 pay raises are expected to range from about 4 to 7 percent.
>
> There will be another pay adjustment Jan. 1, 1972.
>
> Starting in 1972 salaries will be upgraded each October. In 1972, therefore, federal classified employes will be in line for two pay raises. The October increments will virtually eliminate the time lag between government and industry pay.
>
> The salaries of congressional employes and military personnel will also be adjusted.

Mr. President, as was pointed out earlier in debate the moment that this goes into effect, for classified employees, then the President pro tempore of the Senate and the Speaker of the House of Representatives will be empowered to increase the salaries of all legislative employees.

Reading further:

> The President each year will adjust federal classified salaries based on recommendations made to him by an advisory committee on pay composed of three impartial outsiders he has appointed.

These five impartial appointees, as I said, are described in this report which I hold in my hand as being the heads of the large labor unions that control or are at the head of all of the labor organizations at the Washington level. I think there are seven or eight of them.

> The committee will base its recommendations on reports furnished by the President's "agent," who will be jointly the Chairman

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of Civil Service Commission and the director of the Office Management and Budget, as well as on the proposals of a five-member federal employes pay council.

The employes pay council will consist of leaders of government employe unions with the largest memberships. The council will meet with the President's agent each year on the pay increases and if agreement can't be reached, the union's views will be submitted separately to the three-member advisory committee. Based on all the reports and findings, the committee then will present its recommendations annually to the President.

The President will order these into effect unless he feels that national emergency or economy conditions necessitate delaying, reducing or canceling the proposed pay raises.

In this event, he must inform Congress of his action no later than Sept. 1 of each year (starting in 1972 when the increments are to be made each October).

Congress then would have 30 days to override the President's rejection of his advisory panel's recommendation. This would be done by either the House or Senate by a majority vote disapproving the President's action. The pay raise recommendations would then take effect. On the Jan. 1, 1971 and 1972 pay recommendations Congress would also have 30 days to override an adverse presidential action dating from the time it received his message.

Mr. President, in other words, if the President desired to lower the recommendations made by the Advisory Council, he could send his recommendations to Congress and if Congress vetoed them, then the original recommendations of the Advisory Council would take effect. Congress, as I said, would have nothing to say about the matter except to provide the funds to pay for those pay increases.

Mr. President, I do not think Congress is ready to abdicate its right to fix salaries to an advisory committee appointed by the Civil Service Chairman and the head of the Budget Bureau.

Mr. President, I ask unanimous consent that the article from which I have been reading be printed in the RECORD together with a similar article by Mr. Cramer, and an article from the Newsweek of December 21, 1970, which indicate what would happen by way of pay raises if this method of increasing wages is adopted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FEDERAL SPOTLIGHT: SMOOTH SAILING INDICATED FOR CLASSIFIED PAY RAISE

(By Joseph Young)

Top officials of the Civil Service Commission and the Office of Management and Budget meet today to discuss implementation of the new system of semiautomatic annual pay adjustments for federal classified employes that has been approved by House and Senate conferees.

The meeting is a good tipoff that the legislation—once it is finally approved by Congress next week—will be promptly signed by President Nixon and that the initial pay raise averaging around 6 percent will be authorized by him, effective Jan. 1.

The mechanics of the new system won't be used this year because there is so little time left before the scheduled pay raise. Instead, the CSC and OMB will discuss the Bureau of Labor Statistics industry pay figures with the unions and from these discussions will make their recommendations to Nixon in the next few weeks.

However, the machinery setting up the permanent annual semiautomatic classified pay adjustments will be ready in time for the Jan. 1, 1972, salary revisions.

Here are the highlights of the system about to be approved by Congress:

The Jan. 1 pay raises are expected to range from about 4 to 7 percent.

There will be another pay adjustment Jan. 1, 1972.

Starting in 1972 salaries will be upgraded each October. In 1972, therefore, federal classified employes will be in line for two pay raises. The October increments will virtually eliminate the time lag between government and industry pay.

The salaries of congressional employes and military personnel will also be adjusted.

The President each year will adjust federal classified salaries based on recommendations made to him by an advisory committee on pay composed of three impartial outsiders he has appointed.

The committee will base its recommendations on reports furnished by the President's "agent," who will be jointly the Chairman of Civil Service Commission and the director of the Office Management and Budget, as well as on the proposals of a five-member federal employes pay council.

The employes pay council will consist of leaders of government employe unions with the largest memberships. The council will meet with the President's agent each year on the pay increases and if agreement can't be reached, the union's views will be submitted separately to the three-member advisory committee. Based on all the reports and findings, the committee then will present its recommendations annually to the President.

The President will order these into effect unless he feels that national emergency or economy conditions necessitate delaying, reducing or canceling the proposed pay raises.

In this event, he must inform Congress of his action no later than Sept. 1 of each year (starting in 1972 when the increments are to be made each October).

Congress then would have 30 days to override the Presidents rejection of his advisory panel's recommendation. This would be done by either the House or Senate by a majority vote disapproving the President's action. The pay raise recommendations would then take effect. On the Jan. 1, 1971 and 1972 pay recommendations Congress would also have 30 days to override an adverse presidental action dating from the time it received his message.

The legislation also creates 20 additional supergrade jobs in GS–16 through 18 for new agencies recently created. It also provides travel allowances up to $10 a day for em-employes who must commute to remote cities, and it also provides quarters and subsistence allowances for employes of floating plants operated by the Corps of Engineers.

GOOD BILL

Government employe leaders are generally pleased with the pay reform bill.

They feel that by virtually eliminating Congress from its historic pay-setting role—except in cases where it will be able to override a President's denial of salary increases—it will do much to eliminate the political factors in setting government salaries.

By creating a semiautomatic annual pay adjustment system, it will insure that federal salaries will keep pace with industry, they feel.

The unions would like a little stronger voice in the pay-setting procedure, but feel that this will eventually be achieved through subsequent legislation by Congress. The eventual goal is regular collective bargaining negotiations with government on pay.

UDALL'S ROLE

Chief credit for the forthcoming new pay system belongs to Rep. Morris Udall, D–Ariz., the bill's author and the driving force in Congress to get a system where federal pay will be adjusted more or less automatically each year without political infighting and assuring government workers continuing pay comparability with those in the private sector.

[From the Washington Daily News, Dec. 10, 1970]

DEVELOPMENTS COMING FAST ON PAY FRONT

(By John Cramer)

Developments on the Federal pay raise front will come fast and furious in the next few weeks.

Like this:

First—Final House and Senate action on the conference committee report on H.R. 13000 with its new automatic pay-setting system for government's 1,100,000 classified and other white collar employes, and with its potential January pay raises for them.

The bill should breeze to final passage—no later than next week.

Second—Once the bill is approved, the President must submit pay raise proposals to Congress no later than Jan. 1. If the increases are sufficient to bring employes to the national average private enterprise level of last June, and retroactive to Jan. 1, they will take effect automatically.

But if the President proposes smaller or later increases, we then will have—

Third—The possibility that Congress will veto the President's plan. A majority vote by either House or Senate would do it. Action would have to come within 30 legislative days after the President submits his proposal. And if Congress vetoes, there'll be—

Fourth—Automatic increases to bring employes to the June, 1970, private level. They would take effect at the Start of the first pay period after the veto. In normal course, that would mean late February or early March.

NIXON MAY BALK

At this point, no one can predict what the President will recommend. But his new jawboning against inflation, and particularly against wage increases, strongly suggests he may be unwilling to propose January increases to bring employes to the June private level.

It suggests he'll propose smaller or later raises—and perhaps both.

So what sort of a raise would it take to bring employes to last June's private level?

Well, national average white collar rates advanced 5.7 per cent in the year ending June, 1969, and 6.2 per cent in the year ending last June—a total of 11.9 per cent.

But last spring's postal pay strike brought classified employees a 6 per cent increase retroactive to last January. Its effect, government pay experts said, was to put current federal rates roughly .25 per cent ahead of June, 1969, private rates.

So you subtract the .25 from the 6.2 advance in private enterprise for the year ending last June, and you come up with a prospective federal raise of 5.95 per cent.

CLOSE ENOUGH

That's close enough. Even so, however, it's strictly a rough figure.

For one thing, the way government pay schedules are constructed, the percentage increases in private rates over a year isn't always matched by a federal increase of the same precise pecentage.

The federal increase can be a little less; or even a little more.

But just for now, we'll settle for 5.95.

The Senate probably will act tomorrow on the conference report. The House will delay until conferees complete action on pending bills to increase the pay of wage board (blue collar) federal workers 4 per cent.

B-R-R-R-R!

Government can't be proud of the way it treats some of its employees.

Item one—Ft. Meyer firemen, assigned to the Pentagon helioport, are required to sit outside in coldest weather in a heaterless fire truck. They get heat only when they can borrow a portable heater. And technically, it's use is against regulations. Takes too long to remove in case of a 'copter accident.

Item two—GSA building guards assigned to Navy-occupied Ballston Tower No. 1 and Ballston Tower No. 2 buildings in Clarendon have it almost as bad. They're inside, but heat in the leased buildings is turned off at night, while blowers bring air from the outside remain on.

Item three—Navy employees in one unit of National Center Building No. 3 in Virginia report having had to work in 30-degree temperature Monday. They were told to go home early if they wished. As of yesterday, things were better.

Item four—On the sixth floor of National Center Building 3 yesterday, temperature was normal, but weird drafts blew thru some areas. Really weird, employees insisted.

AUTOMATIC PAY RAISE FOR FEDERAL WORKERS EVERY YEAR?

A major change in the way federal employes get pay raises is in the works.

From now on they can look forward, for the first time, to the prospect of getting annual increases.

A House-Senate conference recommended giving the President responsibility for raising the level of federal paychecks annually, as salaries in private industry go up.

Government employes, over the years, have complained that their pay increases lagged behind the private sector, primarily because Congress had to vote on each raise and was often late in doing so.

The new system would relieve Congress from that function unless it felt the President was not being generous enough with raises.

EARLIER INCREASES

The change comes after many years of trying to keep abreast of private-industry pay. Since 1962, legislators have approved nine raises for federal white-collar workers. In the past year and a half alone, these Government employes' salaries went up 9.1 per cent in July, 1969, and an additional 6 per cent last December. Postal workers received even larger increases during that time.

Postal workers are not covered by the new pay plan. In the future they will bargain wage rates with the newly formed postal corporation. Blue-collar employes also are excluded, but stand to get substantial wage boosts under other legislation pending in Congress.

However, all military personnel are covered by a separate law which states they must receive the same pay raises that federal white-collar workers do.

Some experts contend that, in many job categories, private and federal pay are now compatible and that Government workers in the lower clerical and stenographic positions have an edge over their counterparts in business.

The promise of annual raises for federal workers is believed certain to place heavy pressure on State and local governments, labor unions and some industries to grant similar hikes to keep their employes content and prevent them from seeking jobs with U.S. agencies.

There will be considerable impact on the federal budget as well. Each year, it is foreseen, raises will add billions of dollars to U.S. Government spending.

UNDER THE NEW PLAN

Though the President is trying to hold down inflation, he is expected to move quickly to increase Government paychecks once the bill is signed. It is anticipated Mr. Nixon will order a wage boost averaging 6 per cent for about 4.5 million white-collar and military employes effective in January, 1971. Cost to Government: about 2.2 billions in calendar year 1971.

Actually, the increases will vary from job to job, reflecting what is comparable in private industry. The pay-increase figures were given to the President recently by the Bureau of Labor Statistics. The President will be allowed to grant another raise by this method in January, 1972. But after that, pay increases under the "comparability" plan will be decided this way:

A five-man panel of representatives of the biggest employe unions will make their annual recommendations for pay raises to special advisers appointed by the President. After the proposals are studied, these advisers will send a final set of pay recommendations to the President. In the early stages, this advisory job probably will be shared by the Civil Service Commission and the Office of Management and Budget.

If the President accepts the recommendations, they would go into effect in October of each year.

Should the President decide the suggested pay hikes in any year would be too much of a strain on the economy, he could present an alternate plan to Congress. If Congress took no action within 30 days, the President's plan would take effect. But if Congress vetoed the President, the more costly original recommendations given the President by the advisory group would set pay hikes.

THE PAYROLL AND COST

The promise of annual raises held out by this new system probably ends all hopes of ever cutting down the total cost of Government payrolls. For, as the charts on page 19 show, even though the number of Government workers has fluctuated, the payroll has gone up and up.

In the past year, there was a sizable drop in Government employment. The bulk of cutbacks came in military personnel, as the Administration reduced defense spending and wound down the war in Southeast Asia. But there were moderate declines on the civilian side, as well.

Nevertheless, the two big pay hikes workers got in 1969 boosted total Government payrolls almost 4 billion dollars for the fiscal year ended June 30, 1970.

Now it looks as though payrolls in fiscal year 1971 will be up another 2.7 billions, including the first increase expected under the new comparability plan to match private-industry pay.

Groundwork for these trends was set in the period between 1960 and 1970. Then Government's civilian force grew only about 24 per cent, but civilian pay climbed 109 per cent to 26.8 billions.

The average mean pay of a Government civilian worker in June of this year was estimated at $9,100, more than 70 per cent higher than 10 years earlier.

For white-collar employes, the results have been even more dramatic. They now have an average pay of $11,000, a jump of 94 per cent since 1960.

During the same 10-year period, military employment, spurred sharply by fighting in Vietnam, rose roughly 24 per cent, or about the same rate as civilian numbers. But military pay rose 112 per cent, to 22 billion dollars in 1970, a record for both peacetime and war.

PRIVATE INDUSTRY

Many companies are concerned about what effect the huge increases in Government pay, now promising to come year after year, will have on their own pay and hiring problems.

Most businesses in the Washington, D.C., area, where the greatest number of Government employes work, are sensitive to federal pay increases. If they do not raise the wages they pay to keep pace, key personnel can be lost to Government agencies.

Businessmen doubt that the impact on private industry in other cities will be anywhere nearly as great. The next-largest group of federal workers is in the New York City area, but the total there is only about one third of the more than 300,000 in the Washington area. Other city areas with more than 50,000 federal employes each include San Francisco-Oakland, Philadelphia, Chicago, Los Angeles-Long Beach and Baltimore.

The influence on State and local government hiring could be more immediate, some officials believe. Out of about 12.7 million civilians working for all levels of government in the U.S., more than 10 million are employed by State and local agencies. Where pay for similar jobs is below that of federal workers, discontent could arise.

However, during the last decade State and local-government payrolls have risen 156 per cent—a good deal faster than federal costs—to 56.9 billion dollars in 1969. During the same period, State and local employment increased by 61 per cent—again much more than the number of federal jobholders.

INCENTIVE FOR UNIONS?

Few doubt that labor unions will pay close heed to pay increases the Federal Government grants under the new law.

In recent months, labor has come under heavy fire for seeking large wage hikes, while the Administration battles to bring inflation under control. Union leaders have countered that the increases they want are to keep their members' pay in line with the cost of living.

If the President grants a 6 per cent increase to keep up with pay in private industry, it is likely unions will want to get their members in private industry and State and city agencies further hikes of at least that much.

Thus, the country faces this question: Will these annual Government raises merely reflect private pay, or will they tend to guide industry and unions in the direction of more private pay increases in the future?

Mr. **ELLENDER**. Mr. President, I do not want to take more of the time of the Senate. I prepared a letter some time ago which was delivered to every Senator, indicating the implications involved if the Senate adopted the pending conference report.

Mr. President, I am very hopeful that the report will be rejected because I think we are doing the President an injustice by placing him in a position where he will have to act on the recommendations of a certain council created by the bill in question. A 6-percent increase will mean an increase of $2.2 billion in Federal expenditures for Government workers and our military personnel.

Some time ago Congress raised the salaries of the clerks of the major committees to the tune of about $35,000-some-odd, and notwithstanding that raise, they would be entitled to an additional 6-percent raise if this report is adopted.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. **ELLENDER**. Mr. President, I ask unanimous consent that the letter that I addressed to every Member of the Senate—and I am sure that it was delivered—be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, D.C.

DEAR ———: The Conference Report on H.R. 13000 (the Federal Pay Comparability Act of 1970) will be considered before the Senate adjourns sine die, and I think you

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know that I will oppose adoption of the Report and will request a record vote.

I want you to understand the reasons for which I am opposing adoption of the Report. If all Senators understood the full implications of what is about to happen, I think a substantial majority might side with me in wanting either to reject the Report entirely or, at very least to have it recommitted with instructions.

Simply stated, neither the House Bill nor the Senate Bill delegated final Congressional authority over Federal wage increases, but the Conference Report does just this and is therefore most improper and is at least subject to challenge in substance, if not on a point of order.

The Senate bill simply did not touch on the subject; it did not delegate any final authority whatever over the enactment of wage increases.

The House bill set up a Commission whose recommendations still had to be specifically approved (or modified, or rejected) by the Congress.

The conference report, however, in Sec. 5305, sets up a remarkable system whereby the Congress will retain no option whatever in any given year to reject a wage increase, or even to design one of its own. We will instead be relegated to choosing between the recommendations of a Panel of "experts" yet to be named and the possible counter-recommendations of the President.

In any given year, this system would afford the Congress nothing more than a choice between what might be the lesser of two evils. As far as the Senate itself is concerned, we may not even have that choice, because rejection of the President's recommendations by the House would automatically put the recommendations of the Panel into effect. At that point nothing the Senate could do would have any effect whatever on what pay increases, if any, should go into effect. By the same token, the House would be denied any say in the matter once the Senate had rejected the President's recommendations, thereby putting the Panel's recommendations automatically into effect.

Although the substitute language of Sec. 5305 may have been technically proper for the Conference to recommend (because it results basically from striking part of a provision found in the House Bill) it is substantively improper because it results in a *major delegation of congressional authority which is clearly and emphatically beyond the intention of both the Senate in its bill and the House in its bill.*

I sincerely hope that you will look carefully into this matter and will help me in having this Report either rejected so that the Senate can have full debate on the subject or at least recommitted with instructions to our conferees that they secure a provision which does not delegate away any more of the Congress' final authority over Federal wage increases than does the provision in the House-passed bill. Under that language, we would retain full power to accept, reject or modify recommendations from the Panel or the President.

To adopt the Conference Report in its present form would give away that power on a *permanent* basis, because to get it back would require new legislation which would itself be subject both to filibuster and to the presidential veto.

In view of the seriousness of this threat to the Congressional power over Federal pay scales, I hope you will join me on the floor for a detailed examination of the Report when it is called up.

With personal regards, I remain
Sincerely yours,
ALLEN J. ELLENDER,
U.S. Senator.

P.S.—I think you realize also that if this Report is adopted, it will mean an across-the-board 6% increase on January 1, 1971, for all classified and military personnel at a cost of $2.2 billion. Under the workings of the peculiar and totally-unpredictable mechanism described above, it will also provide for additional increases on January 1, 1972, on October 1, 1972, and on every October 1 thereafter. Assuming that the two increases scheduled for 1972 are also on the order of 6% each, we will have given 5 increases, totaling 37.7%, in a period of only three years and four months—July 1969 to October 1972. This is hardly a way to fight inflation!

Furthermore, if after adoption of the Report the President pro tempore adjusts the pay of Senate employees in an equivalent manner, the top salary of one person in your office would exceed $35,200. This particular result directly contradicts a 51–33 record vote on December 14 in which the Senate specifically rejected a provision in the 1st Supplemental Appropriations Bill which would have raised the top assistant's salary to $35,496. As I understand it, these adjustments could increase the Committee Staff maximum to $36,000.

Mr. ELLENDER. Mr. President, in that letter I indicated:

> Assuming that the two increases scheduled for 1972 are also on the order of 6 percent each, we will have given five increases, totaling 37.7 percent, in a period of only 3 years and 4 months—July 1969 to October 1972. This is hardly a way to fight inflation.

Mr. President, as I said, it would put the President in an awkward position. I do hope that the report is rejected.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. HOLLAND. Mr. President, I strongly support the position just stated by the distinguished Senator from Louisiana. I strongly hope that the Senate will not be in a position to abdicate or surrender its own jurisdiction in the way proposed by the conference report.

I call attention to several specific objections that I have to this report at this time. First, this particular plan has never before been before the Senate. It has never been the subject of hearings by the Senate or any of its committees. We have no report based upon this particular plan embraced in this conference report which differs very greatly from both the Senate bill, as originally passed, which has already been enacted—or more than already enacted because the more generous salary bill was enacted in 1970—more generous than the original Senate bill passed in 1969.

We have not had this matter before the Senate. It has not been debated here. We have not had hearings. We have not had a report on it and we do not have a report on it now.

The second objection I have is to the way the conference report is drawn. It subordinates the President to his agents who, we are told, will be the Chairman of the Civil Service Commission or the Director of the Budget, or both of them. They are not named in this bill. They are simply named as the President's agent, whomever he might appoint.

Under this bill various committees are set up. The Senator from Louisiana has mentioned them. First, there is the Federal Employees Pay Council of five members, who are the heads of the employee unions of civil service employees. The article by Mr. Young states they will be the heads of the largest civil service unions.

Second, there is required the appointment of an advisory committee of three members. This is provided for in section 5306 of the bill on page 5. They are supposed to be not otherwise employed in government. They are supposed to be recommended to the President for his consideration as persons generally recognized for impartiality, knowledge, and experience in the field of labor relations and pay policies.

I remind the Senate of a somewhat similar bill, where the rights of Congress were much better reserved than under this bill, where a similar Commission of impartial men from business recommended pay raises which were so large that then-President Johnson could not agree to them. That Commission recommended a $50,000 rate for Members of Congress. The President, in his judgment, thought that was too much and cut the amount to $42,500. That Commission recommended similarly high rates for various members of the judiciary. The President, in his judgment, cut down some of them materially before he made any report to Congress.

However, under this bill, this advisory committee and the Federal Employees Pay Council make their recommendations to the President's agent, who, as I said, would be either the Chairman of the Civil Service Commission, the Director of the Budget, or someone named by him, or both of them, and those people are said to be the agent of the President under this bill. They, after considering these recommendations, and in the effort to accomplish comparability of pay, which all of us desire to see accomplished, recommend a pay rate which they think will be comparable to pay rates in private industry.

Mr. President, I call attention to something that was mentioned by the distinguished Senator from Alaska and which has not been mentioned by anyone else in this debate. These rates will not be equal as to all classifications any more than were the rates recommended by President Johnson some time ago. They will be addressed to each of the groups in the effort to obtain comparability in the judgment of the President's agent. When the plan comes to us, if it comes to us at all, it will have to come because the President disagrees with his agent. If the President does not disagree with his agent, whatever that plan is, we have surrendered to the President. who announces the program as recommended to him by the agent. We have agreed in advance to that.

We are asked by this bill, therefore, to abdicate our right to consider the plan, if the President recommends the plan that is recommended to him by his agent. I do not think Congress is ready to abdicate its right yearly—more than yearly for the early future, but on a year by year basis for the indefinite future—to have anything to say about pay raises.

Particularly do I think it is unwise when we remember what we did when the President's program came to us, which I mentioned a while ago, in which $42,500 was recommended as the rate of pay for Members of Congress. We changed some details of that plan because we had the right. We had reserved to ourselves the right to pass upon the merits of the proposal, and its several details.

We do not reserve any such right at all under this particular conference bill to make any change at all if the President approves what his agent recommends and simply sends it to us. It is something which will take effect regardless of what we do unless we pass a law to set it aside. The Presiding Officer knows how difficult it would be to pass such a bill in the limited time set out here, which is 30 days.

It is only when the President varies from the recommendation of his agent that the plan comes to Congress, so Congress has the right to either accept the President's plan or reject it within 30 days and, therefore, to go back to the plan recommended by his agent.

In other words, if the agent recommends a program of pay rates that averaged a 10-percent increase, and if the President because of his feeling that the Nation was not in a condition to justify such a raise, recommended an average 5-percent pay raise, we would have a magnificent choice between the average 5-percent rate and the average 10-percent rate, and that is the only choice we have. If we turn down the President's more economical plan, under this bill we go back to the original plan, the average of 10 percent.

This has been admitted by the sponsors of the bill in colloquy with the few Members of the Senate who were here. I wish more Members of the Senate had been here.

I repeat that in the event the President refuses to pass on the recommendation of his agent, but instead refuses it, the magnificent right is reserved to Congress to either approve or disapprove the President's recommendation and should we disapprove it we go back to the recommendation of his agent. We have only the choice between those two programs and no other choice. There is no doubt about this. It is admitted by the sponsors of the bill and the handlers of the conference report.

To me it is rather unthinkable that in the first instance we are asked to approve a program under which if the President approves his agent's recommendation we have no jurisdiction at all. It would not even come to us; and in the second instance if he disapproves those recommendations and sends us different ones, let us say reduced ones as in the case of President Johnson, we have the choice of either approving those reduced recommendations as a whole or disapproving them, and in the event we disapprove them we go back to the agent's recommendation, meaning we put the agent before the principal. That is what we are asked to do or to be permitted to do under the terms of this conference report.

Mr. President, for the reasons I have stated, it would seem to me completely intolerable for this Congress to seriously consider approving this conference report—a conference report that sets up a new plan, appearing in neither the Senate bill nor the House bill, a new plan on which there have been no hearings, on which there has been no report, on which there has been no debate heretofore, because we have never seen it until it comes here in the form of a conference report more than a year after the original bills were passed.

For the reasons which I have cited, but particularly for the reason that I think this Congress should not even think about surrendering, abjectly resigning its rights entirely in such a manner, and particularly in view of the fact that we might find some recommendations which we approve in a general set of recommendations, and some which we disapprove but are unable to get at, I think we should reject the conference report; and I strongly plead that the Senate do just that—reject the conference report.

The PRESIDING OFFICER. The question is on the adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Illinois (Mr. STEVENSON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Nevada (Mr. CANNON) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from North Dakota (Mr. BURDICK) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Nebraska (Mr. HRUSKA), and the Senator from South Carolina (Mr. THURMOND) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Delaware (Mr. BOGGS) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Delaware would vote "yea" and the Senator from South Carolina would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 40, nays 35, as follows:

[No. 461 Leg.]

YEAS—40

Baker
Bayh
Bible
Brooke
Byrd, W. Va.
Case
Cook
Dole
Goodell
Gravel
Griffin
Hartke
Hollings
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Nelson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Stevens
Talmadge
Williams, N.J.
Yarborough

NAYS—35

Aiken
Allen
Allott
Bellmon
Bennett
Byrd, Va.
Church
Cooper
Cotton
Cranston
Curtis
Ellender
Ervin
Fannin
Fulbright
Gore
Gurney
Hansen
Holland
Hughes
Jordan, Idaho
Long
McClellan
Miller
Murphy
Packwood
Pastore
Prouty
Sparkman
Spong
Stennis
Symington
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—25

Anderson
Boggs
Burdick
Cannon
Dodd
Dominick
Eagleton
Eastland
Fong
Goldwater
Harris
Hart
Hatfield
Hruska
Inouye
McCarthy
Montoya
Mundt
Muskie
Pearson
Russell
Stevenson
Thurmond
Tower
Tydings

So the conference report was agreed to.

Mr. CANNON subsequently said: Mr. President, when the vote on Federal pay legislation was called, I was unavoidably detained and arrived on the floor 2 minutes after the vote had been concluded. I would like the RECORD to show that had I been here for the vote I would have voted "no" on the conference report on Federal pay legislation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended.

LEAD-BASED PAINT POISONING PREVENTION ACT—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Curtis). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, as follows:

Conference Report (H. Rept. No. 91-1802)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Lead-Based Paint Poisoning Prevention Act".

TITLE I—GRANTS FOR THE DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

GRANTS FOR LOCAL DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

Sec. 101. (a) The Secretary of Health, Education, and Welfare (hereafter referred to in this title as the "Secretary") is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out local programs to detect and treat incidents of lead-based paint poisoning.

(b) The amount of any such grant shall not exceed 75 per centum of the cost of developing and carrying out a local program, as approved by the Secretary, during a period of three years.

(c) A local program should include—

(1) educational programs intended to communicate the health danger and prevalence of lead-based paint poisoning among children of inner city areas, to parents, educators, and local health officials;

(2) development and carrying out of intensive community testing programs designed to detect incidents of lead-based paint poisoning among community residents, and to insure prompt medical treatment for such afflicted individuals;

(3) development and carrying out of intensive followup programs to insure that identified cases of lead-based paint poisoning are protected against further exposure to lead-based paints in their living environment; and

(4) any other actions which will reduce or eliminate lead-based paint poisoning.

(d) Each local program shall afford opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint poisoning elimination programs.

TITLE II—GRANTS FOR THE ELIMINATION OF LEAD-BASED PAINT POISONING

Sec. 201. The Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out programs that identify those areas that present a high risk to the health of residents because of the presence of lead-based paints on interior surfaces, and then to develop and carry out programs to eliminate the hazards of lead-based paint poisoning.

(a) A local program should include:

(1) development and carrying out of comprehensive testing programs to detect the presence of lead-based paints on surfaces of residential housing;

(2) the development and carrying out of a comprehensive program requiring the prompt elimination of lead-based paints from all interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing on which lead-based paints have been used as a surface covering, including those surfaces on which non-lead-based paints have been used to cover surfaces to which lead-based paints were previously applied; and

(3) any other actions which will reduce or eliminate lead-based paint poisoning.

(b) Each such program shall—

(1) be consistent with the appropriate local program assisted under section 101, and

(2) afford, to the maximum extent feasible, opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint elimination programs.

TITLE III—FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

Sec. 301. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead-based paint poisoning in the United States, particularly in urban areas, and the methods by which lead-based paint can most effectively be removed from interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing. Within one year after the date of the enactment of this Act the Secretary shall submit to the Congress a full and complete report of his findings and recommendations as developed pursuant to such program, together with a statement of any legislation which should be enacted, and any changes in existing law which should be made, in order to carry out such recommendations.

TITLE IV—PROHIBITION AGAINST FUTURE USE OF LEAD-BASED PAINT

PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN FUTURE CONSTRUCTION AND REHABILITATION

Sec. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in residential structures constructed or rehabilitated after the date of enactment of this Act by the Federal government, or with Federal assistance in any form.

TITLE V—GENERAL

DEFINITIONS

Sec. 501. As used in this Act—

(1) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(2) the term "units of general local government" means (A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, (B) any combination of units of general local government in one or more States, (C) an Indian tribe, or (D) with respect to lead-based paint poisoning elimination activities in their urban areas, the territories and possessions of the United States; and

(3) the term "lead-based paint" means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of liquid paints or in the dried film of paint already applied.

CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES

Sec. 502. In carrying out the authority under this Act, the Secretary of Health, Education, and Welfare shall cooperate with and seek the advice of the heads of any other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority.

APPROPRIATIONS

Sec. 503. (a) There is hereby authorized to be appropriated to carry out the provisions of title I of this Act not to exceed $3,330,000 for the fiscal year 1971 and $6,660,000 for fiscal year 1972.

(b) There is hereby authorized to be appropriated to carry out the provisions of title II of this Act not to exceed $5,000,000 for the fiscal year 1971 and $10,000,000 for the fiscal year 1972.

(c) There is hereby authorized to be appropriated to carry out the provisions of title III of this Act not to exceed $1,670,000 for the fiscal year 1971 and $3,340,000 for the fiscal year 1972.

(d) Any amounts appropriated under this section shall remain available until expended when so provided in appropriation Acts; and any amounts authorized for the fiscal year 1971 but not appropriated may be appropriated for the fiscal year 1972.

And the Senate agree to the same.

Ralph W. Yarborough,
Harrison A. Williams,
Ted Kennedy,
Gaylord Nelson,
Thomas F. Eagleton,
Alan Cranston,
Harold E. Hughes,
Peter H. Dominick,
J. K. Javits,
George Murphy,
Winston Prouty,
Wm. B. Saxbe,
Managers on the Part of the Senate
Wm. A. Barrett,
Henry Reuss,
T. L. Ashley,
William Moorhead,
William B. Widnall,
Sy Halpern,
William Stanton,
Managers on the Part of the House.

Mr. YARBOROUGH. Mr. President, the principal author of this bill is the distinguished Senator from Massachusetts (Mr. Kennedy). I am one of the coauthors. As chairman of the Subcommittee on Health, I have heard the testimony. Senator Kennedy has been very diligent in pursuit of the measure and so have some Senators across the aisle in the other party, and some Members of the House. We have diligently pushed this bill.

This bill is designed to help local governments develop programs to eliminate the causes of lead-based paint poisoning that affects almost 400,000 children annually, causing 200 deaths and leaving many thousands permanently mentally retarded. This is not some new disease recently found. This is something that has been going on for scores of years, and we have known it for scores of years, and

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it is one of those things about which we have done nothing up to this time.

Several cities have led in this country in doing something about it on a local basis—notably Baltimore, Md., and Cincinnati, Ohio, Boston, Chicago, and New York are now following suit, but in most of the country practically nothing is being done.

Children between the ages of 1 and 5 are afflicted with something called pica.

I do not think it is a disease, but it is a trait of those years of age in children, they go around eating almost anything they can get their hands on—paint, dirt, most anything. They often become permanently retarded if they eat lead-based paint, which they find peeling off the walls, usually of old buildings.

The Senate bill authorized $24.5 million annually for 3 years; the House bill authorized $15 million annually for 2 years. The conferees agreed on $10 million for the first year—fiscal 1971—and $20 million for the second year—fiscal year 1972. Since 6 months of 1971 are already passed, we consented to the lower figure the first year, and raised the House figure for the second year.

The distinguished Senator from New York (Mr. JAVITS) made a notable contribution to this. He proposed that we cut out the third year's authorization, to have time to amend this law and improve it after the first year and a half.

It is hoped that the bill will be a proven success after the first 2 years and Congress can enact an extension with a larger appropriation.

I urge my colleagues to approve this conference report on a very worthy bill.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. KENNEDY. First of all, I urge the adoption of the conference report by the Senate.

I commend the chairman of the Subcommittee on Health, the distinguished Senator from Texas (Mr. YARBOROUGH), for the work he has done on the measure. He has had strong bipartisan support.

I see the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) on his feet. He has been extremely interested in this program and proposal and has a somewhat different approach, but he has been extremely helpful in the development of the measure.

This is one of the most significant and important pieces of legislation to come out of our committee this year. It is not a measure of massive scope, but best estimates are that the adoption of this conference report will result in the saving of the lives of 200 children in the next year. It is therefore a matter of great importance. It has had strong support on both sides of the aisle, and I am grateful for its passage.

I join the distinguished Senator from Texas in urging adoption of the conference report, and I commend him for the work he has done in the matter.

Mr. SCHWEIKER. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. SCHWEIKER. Mr. President, I commend the Senator from Texas for his leadership in this area, as well as the Senator from Massachusetts. They have been very diligent in pursuing this matter.

I think this is one of the few cases in which we can point to a disease and we say that we know how to stop it, and all it takes is an investment to stop it. It is a childhood disease, one that affects slum and ghetto children. It is rather ironic, in this day and age, when no more medical knowledge is needed, and all we need is some implementation money to put it into effect.

I strongly support the conference report, and I commend the Senator from Massachusetts and the Senator from Texas for their work.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. JAVITS. Mr. President, I should like to join with my colleagues in commending Senator YARBOROUGH, who pursued this matter with great vigor. I think the program that was worked out in conference will do it great credit.

The Senate knows that it is a terrible problem in the slums of the big cities—indeed, everywhere—and I think that many families, hundreds of them, will be grateful to the Senator and will have him in their hearts and their prayers for this fine legislation.

Mr. YARBOROUGH. I thank my colleagues. This is breakthrough legislation.

Let me point out, in conclusion, that on December 26, the President signed the family planning bill, which he rightly praised and saw as a great breakthrough bill. On the 29th, yesterday, he signed the occupational health and safety bill, which was sought for 30 years, and is designed to protect the safety and lives of 80 million American workers.

This session of Congress is not an unmitigated disaster. With respect to the criticism leveled at this Congress because Members are exercising their individual judgment, if we weigh everything done in this session, this is a very beneficial session to the American people. The great service that will be done this country by those three laws alone is worthy of any session, of whatever length.

I regret that two other major bills were vetoed. If we had those five, this third session, this short one, would rank with most of the long sessions in productive legislation.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. MURPHY. Mr. President, I should like to join my colleagues in congratulating the Senator from Texas for taking the lead in this matter. It is just another "thanks" that this Nation will owe to this great Senator for many years to come. He has taken the lead and guided through the committee a long list of thoughtful, practical, realistic approaches in order to make the condition of health for people in our country a little better. I am pleased to have been part of his committee, and I am honored to join with my colleagues in recommending most enthusiastically the adoption of this conference report.

Mr. YARBOROUGH. I thank the Senator from California.

In the hearing on the cancer measure a few days ago, the Senator from California made statements that moved 13 scientists and 13 great leaders of industry in this country as I have not seen them moved before. When we were considering the bill to fight cancer, to find the cause and cure by 1976, the distinguished Senator from California said:

> Twice in my life I have been told, "You have cancer.

He said that a man who has never been told that he has cancer does not know what it means to the soul and the psyche to be told that one has cancer. He has had it twice and he has recovered. He has made a notable contribution to the cancer hearing, as well as to this measure which is now pending, and I want to thank him for that contribution and for his kind remarks about me.

Mr. BENNETT. I should like to ask the Senator a question about the way in which the bill came back from conference. Was the language straightened up so that it applies only to residences?

Mr. YARBOROUGH. Yes. The language was clarified in conference with the House. We thought it applied only to the residences before, but it is crystal clear now.

Mr. BENNETT. Is the definition on the lead-based paint the one in the House or in the Senate?

Mr. YARBOROUGH. The one in the Senate bill. It is more comprehensive and more thorough.

Mr. BENNETT. I thank the Senator from Texas.

Mr. SPARKMAN. Mr. President, I would like to point out that in September we passed a housing bill here that had very much the same provision in it. As we went to conference with the House on it, they had nothing in their bill. In the meantime, starting here, we gave way to the increases we had in the housing bill, in order that the job might be completed, as we were assured it would be in the committee chaired by the Senator from Texas (Mr. YARBOROUGH). I want to commend him and his committee for bringing this up.

Mr. YARBOROUGH. I thank the Senator.

Mr. President, I move adoption of the conference report.

The motion was agreed to.

The PRESIDING OFFICER (Mr. CURTIS). The question is on adoption of the conference report.

The conference report was agreed to.

REMARKS BY THE MINORITY LEADER OF THE HOUSE ABOUT THE SENATE

Mr. KENNEDY. Mr. President, while driving home after we recessed last evening, I listened to a report of remarks about the U.S. Senate made by the minority leader of the other body yesterday on the floor of the House. This morning, I read in the RECORD the transcript of his stiff indictment of this body's actions.

While I do not intend to debate the merits of the minority leader's remarks, I do think it appropriate to observe that his recriminations and castigations are not helpful to either House of Congress, particularly at this time.

It is not conducive to a better working relationship between our Houses for a party leader of one body to speak of procrastination, indecision, inability to get the job done, on the part of the other body, and to state categorically that "the fault lies at the other end of the Capitol."

First of all, Mr. President, the allegations are unjust and undeserved. There is adequate blame for both Houses and for the President for the legislative dilemma from which I believe we are only now beginning to extricate ourselves. The issues, and the times, and the public nature of the legislative process, plus the obvious need for substantive reform of legislative procedures and rules, including the hoary system of conducting conferences, are better explanations for the problems we face.

The minority leader demonstrates a colossal, almost incredible misunderstanding of how the Senate operates. The Senate is justifiably called the greatest deliberative body in the world. This Chamber was provided by the writers of the Constitution with the power to withstand severe outside pressure. We have not procrastinated, but in some areas we have refused to pass legislation, and have, in that way, taken our stand.

As an example, Mr. President, we are seeing, finally, language written into legislation prohibiting the use of American ground troops to extend the Indochina conflict—a prohibition which according to all the polls, the majority in the country desires, and a prohibition which the Senate has insisted upon on several occasions by attaching the language to several pieces of legislation. As a result of complete inflexibility on the part of conferees from the other body, one bill containing this language has been locked in conference, since July of this year. Just now, after 8 months of debate, we are working out a compromise which permits this prohibition to become law. I will submit, Mr. President, that this result is worth the painful process we have gone through, and reflects great credit upon the Senate as a body, and on many Senators individually.

But there is a greater misunderstanding evidenced by the minority leader's statement, and that is in the delicate nature of the relationship between the Senate and the House, a relationship where good will and working effectiveness is based on mutual respect for the prerogatives of each body.

Mr. President, I think this mutual respect is best illustrated by referring to the comments made by the distinguished majority leader of the Senate in the RECORD of yesterday at page 43854 in the middle column, when he said:

> Mr. MANSFIELD. If the Senator will yield before yielding to the Senator from Florida, may I say that what the House does is its responsibility, and what the Senate does is ours. I hope the Senate will face up to its responsibilities without regard to what the other House thinks or what is thought downtown.

I would think, Mr. President, that during this difficult period of stress where the joint leadership of both bodies are striving in good faith to resolve the problems necessary to permit a sine die adjournment, that this objective can better be achieved by an expression of understanding by Members of each body, or, failing that, a discreet silence.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, 1971—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CURTIS). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 29, 1970, p. 43813, CONGRESSIONAL RECORD.)

Mr. McGEE. Mr. President, I am ready to take up the conference report. As I understand it, from the parliamentary procedure, it is the first order of business that we vote on the conference report, which is in complete agreement as between the conferees of the two Houses.

Then the item in disagreement which the conferees placed in disagreement will then be legitimate business immediately to follow; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McGEE. Mr. President, the foreign aid conference was one of the most amicable conferences I have been privileged to attend during my years in the Senate. I firmly believe that the friendly atmosphere which prevailed permitted the members of the conference to forge an excellent foreign assistance appropriation bill for fiscal year 1971.

The amount agreed to by the conference for the total bill aggregated $2,534,310,000. This sum is $342,229,000 below the President's budget estimate which was submitted to the Congress last January based upon the 2-year authorization granted by the Congress during the first session of the 91st Congress. The amount recommended by the conference was $313,349,000 over the sum recommended by the House, and it was $69,329,000 below the Senate recommendation.

Mr. President, I would like to quickly run over the four titles of the bill and give similar comparisons to that which I have just completed giving on the total bill.

Title I of the bill, which contains the appropriations for the Agency for International Development, for the reserves of the Overseas Private Investment Corporation (OPIC), and for the military assistance program, comprised a budget estimate totaling $2,200,500,000. The committee on conference for this title of the bill recommends an appropriation of $1,940,185,000, which sum is $260,315,000 under the budget estimate, $264,215,000 below the sum recommended by the Senate, and $295,235,000 above the sum recommended by the House.

For the technical assistance program, a total of $353,435,000 has been provided, comprised of $166,750,000 for the worldwide bilateral technical assistance program and for the Alliance for Progress, $82,875,000.

For the mutilateral technical assistance program, which includes the U.N. development program, U.N. drug control program, U.N. children's fund, population programs, and others, the sum is $103,810,000.

For supporting assistance and the contingency fund, the conference committee recommends the full amount of the budget estimates of $414,600,000 and $15,000,000 respectively.

For the development loan programs, a total of $707,500,000 has been recommended, of which $420,000,000 is for the worldwide development loan program and $287,500,000 for the Latin American area.

For title II of the bill, which consists of the foreign military credit sales program, the President's request was $272,500,000. The House had recommended appropriation of the full budget estimate and the Senate denied the appropriation of any funds, without prejudice, because authorizing legislation had not passed the Congress at the time this appropriation bill was taken up in the Senate. The House has now voted on the sum of $200,000,000 for fiscal year 1971 for this program. Authorizing legislation for this item has passed both bodies of the Congress. For fiscal year 1971, the House has authorized $272,500,000 of appropriations and a credit sales program of $385,000,000. The legislation as passed by the Senate authorizes $250,000,000 for appropriations and a program limitation on total credit sales of $300,000,000. Thus, Mr. President, the amount recommended by the House is considerably below the ceilings that have been established for this item by both bodies of the Congress in the authorizing bill.

Title III of the bill consists of appropriations for the Peace Corps, the administration of the Ryukyu Islands, assistance to refugees in the United States, assistance to the migration and refugee program, administered by the Department of State, and subscription payments for the Asian Development Bank and the International Development Association. For this title, the committee on conference recommends a figure of $394,125,000, which is $9,414,000 below the budget estimate, $5,114,000 below the sum recommended by the Senate, and $90,614,000 above the House allowance.

Mr. President, the bill as reported by the Senate contained the budget estimate for the increase in quota of the International Monetary Fund, amounting to $1,540,000,000. This estimate was contained in Senate Document No. 110 and, needless to say, was not considered by the House.

At the time the appropriation bill was considered, the Congress had not yet authorized an appropriation for the increase in quota of the Monetary Fund. Consequently, the Appropriations Committee recommended a proviso which made the appropriation ineffective until the enactment into law of H.R. 18306 or similar legislation. Because there is little or no controversy attached to this increase in quota, the Senate conferees agreed to the deletion of the proviso in the conference.

As I indicated when debate took place on this appropriation bill several weeks ago, the funds appropriated for the In-

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ternational Monetary Fund would provide for an increase in the U.S. quota from $5,160,000,000 to $6,700,000,000. The increase is part of a general increase in quota approved by the Board of Governors of the International Monetary Fund, which has been necessitated by the rapid growth of world trade and payments in recent years. The increase in quotas is to strengthen the international monetary system by providing the Fund with additional resources for medium-term lending to member countries experiencing short-term balance-of-payments problems.

The $1,540,000,000 that is appropriated will not increase budget outlays because the payment results in an exchange of assets. Of the total, $385,000,000 will cover the required 25-percent portion of the increase payable in gold. The balance of $1,155,000,000 will be made available to the Fund in the form of a letter of credit.

Mr. President, this concludes my report of the action taken by the committee on conference.

I ask unanimous consent that a tabulation on the agreed-to amounts be inserted into the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[In thousands of dollars]

Agency and item	New budget (obligational) authority, 1970	Budget estimates of new (obligational) authority, 1971	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1971	House version of bill	Senate version of bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES								
Funds Appropriated to the President								
Economic assistance:								
Technical assistance	353, 250	396, 870	310, 000	396, 870	353, 435	−43, 435	+43, 435	−43, 435
(1) Worldwide	(166, 750)	(183, 500)	(150, 000)	(183, 500)	(166, 750)	−16, 750	+16, 750	−16, 750
(2) Alliance for Progress	(81, 500)	(90, 750)	(75, 000)	(90, 750)	(82, 875)	−7, 875	+7, 875	−7, 875
(3) Multilateral organizations [2]	(105, 000)	(122, 620)	(85, 000)	(122, 620)	(103, 810)	−18, 810	+18, 810	−18, 810
American schools and hospitals abroad	[3] 25, 900	8, 895	8, 600	12, 895	12, 895	+4, 000	+4, 295	
Prototype desalting plant for Israel	20, 000							
Indus Basin Development Fund:								
(a) Grants	7, 530	5, 850	4, 000	5, 850	4, 925	−925	+925	−925
(b) Loans		7, 960	6, 000	7, 960	6, 980	−980	+980	−980
Training of Arab refugees (UNRWA)	1, 000	1, 000	1, 000	1, 000	1, 000			
Supporting assistance	395, 000	[5] 414, 600	375, 000	414, 600	414, 600		+39, 600	
Contingency fund	12, 500	15, 000	12, 500	15, 000	15, 000		+2, 500	
Alliance for Progress, development loans	255, 000	337, 500	225, 000	337, 500	287, 500	−50, 000	+62, 500	−50, 000
Development loans	[6] 300, 000	570, 000	280, 000	570, 000	420, 000	−150, 000	+140, 000	−150, 000
Administrative expenses:								
(a) AID	[8] 51, 000	51, 125	50, 000	51, 125	51, 000	−125	+1, 000	−125
(b) State Department	[9] 3, 700	4, 200	4, 100	4, 100	4, 100	−100		
Total, economic assistance	1, 424, 880	1, 813, 000	1, 276, 200	1, 816, 900	1, 571, 435	−241, 565	+295, 235	−245, 465
Overseas Private Investment Corporation (Reserves)	37, 500	37, 500	18, 750	37, 500	18, 750	−18, 750		−18, 750
Military assistance (grants)	[11] 350, 000	350, 000	350, 000	350, 000	350, 000			
Total, title I	1, 812, 380	2, 200, 500	1, 644, 950	2, 204, 400	1, 940, 185	−260, 315	+295, 235	−264, 215
TITLE II—FOREIGN MILITARY								
Credit sales	([12])	272, 500	272, 500		200, 000	−72, 500	−72, 500	200, 000
TITLE III—FOREIGN ASSISTANCE (OTHER)								
Peace Corps	98, 450	98, 800	([25])	94, 500	90, 000	−8, 800	+90, 000	−4, 500
Limitation on administrative expenses	(30, 100)	(31, 400)	([26])	(31, 400)	(30, 000)	(−1, 400)	(+30, 000)	(−1, 400)
Department of the Army—Civil Functions								
Ryukyu Islands, Army:								
Administration	[14] 18, 790	6, 952	6, 000	6, 952	6, 476	−476	+476	−476
Limitation on administrative and information expenses	(3, 151)	(3, 107)	(3, 107)		(3, 107)			(+3, 107)
Reappropriation of unobligated balances	[15] 1,847							
Department of Health, Education, and Welfare								
Assistance to refugees in the United States	[16] 87, 282	112, 000	112, 000	112, 000	112, 000			
Department of State								
Migration and refugee assistance	[17] 5, 511	[18] 5, 787	5, 511	5, 787	5, 649	−138	+138	−138
Funds Appropriated to the President								
Asian Development Bank	[19] 20, 000	[20] 20, 000	20, 000	20, 000	20, 000			
Investment in Inter-American Development Bank	[21] 300, 000							
International Development Association	[22] 160, 000	[23] 160, 000	160, 000	160, 000	160, 000			
International Monetary Fund—Quota Increase		([27] 1, 540, 000)	([29])	(1, 540, 000)	(1, 540, 000)		(+1, 540, 000)	
Total, title III, foreign assistance (other)	691, 880	403, 539	303, 511	399, 239	394, 125	−9, 414	+90, 614	−5, 114
TITLE IV—EXPORT-IMPORT BANK								
Limitation on program activity	(3, 427, 413)	(4, 075, 483)	(4, 075, 483)	(4, 075, 483)	(4, 075, 483)			
Limitation on administrative expenses	(5, 548)	(6, 613)	(6, 613)	(6, 613)	(6, 613)			
Grand total, all titles	2, 504, 260	2, 876, 539	2, 220, 961	2, 603, 639	2, 534, 310	−342, 229	+313, 349	−69, 329

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[1] Detail may not add to totals due to rounding.

[2] Excludes $19,600,000 appropriated for fiscal year 1970 and $19,300,000 proposed for fiscal year 1971, in supporting assistance funds for UNRWA and the U.N. Force in Cyprus.

[3] Excludes $3,000,000 in Moroccan dirhams for the University of North Africa, Tangier, Morocco.

[4] Amount shown is the appropriation request. No new authorization is needed since the Foreign Assistance Act of 1967 authorized the appropriations of $51,220,000 for Indus Basin loans to remain available until expended.

[5] Excludes $100,000,000 requested in the fiscal year 1971 budget, but which requires authorization.

[6] Does not reflect a transfer out of $3,400,000 as proposed in the 2d supplemental appropriation bill, 1970.

[7] Under sec. 202(a) of the Foreign Assistance Act of 1961, as amended, any unappropriated portion of the amount authorized for development loans for any fiscal year during the period fiscal years 1967–71 may be appropriated in any subsequent fiscal year during that period. Total amount of $650,000,000 authorization consists of an unappropriated balance of $300,000,000 still available from the fiscal years 1967–70 period plus $350,000,000 authorized for fiscal year 1971.

[8] Excludes transfer in of $3,200,000 as proposed in the 2d supplemental appropriation bill, 1970.

[9] Excludes transfer in of $200,000 as proposed in the 2d supplemental appropriation bill, 1970.

[10] Amount shown is the appropriation request. The Foreign Assistance Act contains permanent authorization for appropriation of "such amounts as may be necessary."

[11] Of which, $50,000,000 shall be available only for the Republic of China.

[12] Requested $275,000,000 but authorization was not enacted.

[13] Authorization is pending.

[14] Excludes $200,000 as proposed in the 2d supplemental appropriation bill, 1970, and an unobligated balance of $1,861,000 that was reappropriated.

[15] The $1,847,000 in the fiscal year 1970 budget was reestimated in the fiscal year 1971 budget at $1,861,000.

[16] Excludes transfer in of $90,000 as proposed in the 2d supplemental appropriation bill, 1970.

[17] Of which not to exceed $4,814,000 shall remain available until Dec. 31, 1970. Excluded are $60,000 as proposed in the 2d supplemental appropriation bill and $5,752,000 transferred from AID.

[18] Of which not to exceed $5,014,000 shall remain available until Dec. 31, 1971.

[19] For 4th installment subscription on paid-in capital stock.

[20] For 5th and final installment on paid-in capital stock as authorized by Public Law 89–369.

[21] For 3d installment to the fund for special operations authorized by Public Law 90–88 of Sept. 22, 1967, for a total of $900,000,000.

[22] 2d installment on a total authorization of $480,000,000 for contribution to callable capital.

[23] 3d and final installment as authorized by Public Law 91–14.

[24] Authorization is still pending on certain items.

[25] $80,000,000 reported by House Appropriations Committee but deleted on House floor on point of order due to lack of authorization.

[26] $28,000,000 limitation reported by House Appropriation Committee, but deleted on House floor on point of order due to lack of authorization.

[27] Contained in S. Doc. No. 91–110.

[28] Authorization pending H.R. 18306.

[29] Not considered by the House.

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Mr. McGEE. Mr. President, I move the adoption of the conference report.

The motion was agreed to.

Mr. McGEE. Mr. President, I ask unanimous consent that the Chair lay before the Senate motions approved by the House of Representatives relating to amendments 6, 17, and 24. May I say to my colleagues that those are technical in nature and they involve no controversy. It is just a matter of cleaning up the record in regard to them.

The contentious amendment on military sales is numbered No. 19 and that is not included in this category.

The PRESIDING OFFICER (Mr. CURTIS). The amendments in disagreement referred to will be stated.

The assistant legislative clerk read, as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert: ", and the payments due in 1971 and 1972 on loans made for the benefit of the Weizmann Institute of Science and the Bar-Ilan University by the Agency for International Development from funds available under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480), are hereby waived."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 17 to the aforesaid bill, and concur therein with an amendment, as follows:

Strike out the period at the end of the proposed amendment, and insert: ": *Provided*, That not to exceed $10,000,000 shall be available to carry out the authorized programs during the current fiscal year.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert:

"INTERNATIONAL MONETARY FUND

"INCREASE IN QUOTA, INTERNATIONAL MONETARY FUND

"To finance an increase in the quota of the United States in the International Monetary Fund, $1,540,800,000 to remain available until expended."

Mr. McGEE. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 6, 17 and 24.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will read the remaining amendment in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 19 to the aforesaid bill, and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

"TITLE II—FOREIGN MILITARY CREDIT SALES

"Foreign Military Credit Sales

"For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, $200,000,000."

Mr. McGEE. Mr. President, amendment No. 19 is the one that relates to foreign military credit sales. The House has concurred in a motion by the Chairman of the House managers to recede from its disagreement to the amendment of the Senate, and to concur with an amendment to fix the sum, as the Senate did on foreign military credit sales, at $200 million.

Now the House, we can testify on two separate conferences, is adamant on this matter. The point of it is, from the standpoint of the Senate conferees, we remain adamant on our new instructions sent back to conference from the Senate.

It was our feeling that at least in principle we had not done violence to the intent of the Senate when we held the figure at $200 million, in view of the Senate's action along with other action authorizing some of the larger sums that had been written in. So it was below the House figure. We felt that if there were to be a give and take, the will of the Senate would have to be worked on this one.

I would, therefore, move that the Senate concur in the amendment of the House to the amendment of the Senate amendment No. 19.

Several Senators addressed the Chair.

Mr. HOLLAND. Mr. President, may I ask, was this amendment reported in disagreement to the House when it had its recent action?

Mr. McGEE. It was reported in disagreement.

Mr. HOLLAND. What, if any, action was taken by the House?

Mr. McGEE. The House reinsisted with total adamancy on their position.

Mr. HOLLAND. Mr. President, the Senator means on their position that the Senate amendment of $200 million be insisted upon for a sale of credit provision of arms in the bill to the extent of $200 million?

Mr. McGEE. They agreed to that figure of $200 million rather than the earlier House figure.

Mr. FULBRIGHT. Mr. President, it is my impression that the Senate bill had nothing in it for this purpose. This is an unauthorized amount. The Senate bill did not have anything in it.

Mr. McGEE. Mr. President, I misspoke myself. The Senate conferees had agreed to tender the Senate figure as a compromise figure in conference.

Mr. FULBRIGHT. But the Senate had not acted upon it itself.

Mr. McGEE. The Senator is correct. They had taken some authorizing action along with some other action last June. But the Senate had not acted on the $200 million appropriations.

Mr. MANSFIELD. Mr. President, we are once again faced with what is becoming an all too familiar situation.

The question before the Senate on amendment No. 19 is one of vital importance to this body and to every Member who serves here, whether Democrat or Republican. It involves not only the issue of providing appropriations where no program has been authorized. That simple act alone is bad enough. It renders the function of the standing committees—and the standing committees are the agents of the Senate—worthless. What is even worse in this case is the fact that the Senate conferees were prepared to meet in conference to work out the differences that existed on the military sales authorization, but without success. In other words, conditions have made it impossible for the Senate standing committee to perform its function, and the House seeks now in a conference report to usurp that Senate function. The latter practice is bad enough. The former practice is inexcusable.

The foreign military sales program was extended by the Senate in early summer after having first been passed by the House. That bill, which authorized $200 million for military sales, has purportedly been in conference since July 9. The Senate committee has offered to meet on this authorization. The House has not complied. Yet the question before us now is whether the Senate shall recede from its insistance that no money shall be spent for this program until an authorization is enacted. Why, I ask, should the Senate fund a program which the House conferees has indicated its unwillingness, thus far, to authorize?

The chairman of the Appropriations Subcommittee, the distinguished Senator from Wyoming (Mr. McGEE), reported back on this conference report that the House insisted on retaining its provision of $200 million for this program and was adamant in this regard. Senator McGEE agreed to return to conference so that the $200 million item could be reported back as a separate amendment in disagreement, thus permitting both the House and the Senate to work its will individually on this item and to abide by the results.

It should be recalled that last year there was a similar effort by the other body to insert moneys for airplanes that were not authorized. At that time the Senate refused to accede by an overwhelming margin. That same issue is presented now on the question before us. But it places the Senate in a position of even deeper inferiority than was then involved. For in this case, the Senate committee responsible for the authorization has exhibited its willingness to meet with House conferees to carve out the necessary authorization.

What is at stake is not only the short-circuit of the legislative committee but the act of the other body which forced that event. The Senate has been waiting to meet in conference.

It should be noted also that in agreeing to the supplemental appropriation measure this past week, the conferees in both the House and Senate accepted the proviso which conditions the appropriation on the authorization. There is no reason why the House and Senate should respond any differently with respect to the funds here in question.

Let me say that the Senate is ready, but still the House refuses to meet on the authorization. It could be worked out; it should be worked out and the Senate committee process should be upheld.

Mr. President, I have before me two motions. The first one, in all candor I must say to the Senate, is subject to a point of order. I would hope that the Senate would refuse to recede from its amendment, but would agree to recede from its position with an amendment which would read as follows:

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> *Provided, however,* That none of these funds may be obligated or expended until an authorization shall have been enacted into law.

I would point out that that would keep the $200 million in the bill subject only to authorization by the appropriate committee which stands ready to meet with the committee in the other body.

Mr. President, I move that the Senate concur in the House amendment to the Senate amendment numbered 19, with an amendment as follows:

> *Provided, however,* That none of these funds may be obligated or expended until an authorization shall have been enacted into law.

The PRESIDING OFFICER. The question is on the amendment. Would the Senator send the motion to the desk?

The motion will be stated.

The assistant legislative clerk read as follows:

> That the Senate concur in the House amendment to the Senate amendment numbered 19, with an amendment as follows:
>
> *Provided, however,* That none of these funds may be obligated or expended until an authorization shall have been enacted into law.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McGEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McGEE. Mr. President, are we dealing with an amendment to the pending motion?

The PRESIDING OFFICER. The motion of the Senator from Montana is that the Senate concur in the House amendment to the Senate amendment with an amendment.

Mr. McGEE. Mr. President, what I am questioning in a parliamentary sense is the redundancy. Was not my motion the pending motion?

The PRESIDING OFFICER. The Senator from Montana has offered a motion to concur with an amendment. That takes precedence over a straight motion to concur.

Mr. McGEE. That still does not address itself to my question. My motion takes precedence as the primary motion. My motion is to concur in the amendment of the House to the amendment of the Senate numbered 19.

The PRESIDING OFFICER. Should the amendment of the Senator from Montana fail, then we will return to the motion of the Senator from Wyoming.

Mr. McGEE. Is this an amendment to my motion?

The PRESIDING OFFICER. The Senator is correct. In effect it is.

Mr. FULBRIGHT. Mr. President, I wish to support the views of the majority leader. I will not relate all of what happened last year. But it is a very similar situation, as he has suggested, that the Senate voted on by a vote of 62 to 28.

Aside from the substantive question of military sales, the principle is upholding the legislative committees in their right to authorize matters.

I am bothered by the fact that so few Senators are present in the Chamber. I would hope that everyone had been able to hear what the distinguished majority leader said. I think this is extremely important, and it is far more important than the amount.

What has been said by the Senator from Wyoming relative to the amount in both bills that passed is correct. What he did not say—and I do not criticize him, because there was no reason for him to do so—those bills had other provisions of substantive matters which are important. There is the so-called Cooper-Church amendment which was one of the principal reasons, if not the principal reason, the House would not accept that bill at that time. This bill was the one during which 7 weeks of filibuster took place about the Cooper-Church amendment.

There are other very important provisions of that bill which should be settled in conference. As the majority leader said, after several conferences the House conferees indicated that they were adamant with regard to the Cooper-Church amendment. That particular amendment, it seems to me, due to passage of time and other action, is more or less moot.

I personally—and I do not speak for all of the conferees—would not be disposed to insist on the Senate position with regard to that amendment because of other actions that have taken place. Speaking for myself, I suggested to the majority leader, and I believe to other Senate conferees, that we would be glad to meet and we believe we could negotiate a settlement. We left the last conference in August with the understanding that at any time the House is willing to have a conference we were ready to have a conference. In other words, we have a standing invitation to them that at any time they wish to have a further conference on the matter we would be glad to do so.

This is what I think is justification for the position expressed by the distinguished majority leader.

Mr. President, the question before the Senate is far more important than whether to appropriate $200 million, which has not been authorized, in order to sell arms on credit to foreign countries. The issue before us goes to the heart of the legislative process: Does the Senate wish to allow the House Appropriations Committee to usurp the powers of the Senate's authorizing committees? If the Senate accepts the position of the House conferees the legislative committees might as well close up shop and go home. That is the principle at stake here.

Let me first discuss briefly the background of the problem. On June 30, after a 7-week long filibuster against the Cooper-Church amendment on Cambodia, the Senate passed H.R. 15628, authorizing appropriations of $250 million for the foreign military sales program in fiscal 1971. The House had authorized $272.5 million. In conference the House conferees refused to consider any reasonable compromises on the Cooper-Church provision. As a matter of fact, the House conferees have refused to meet with the Senate conferees since mid-August, in spite of our standing invitation.

Now, as to the appropriation bill. The foreign aid appropriation bill, containing $272.5 million for the foreign military arms sales program, passed the House on June 4, during the filibuster on the authorization bill. The Senate Appropriations Committee did not report the bill until November 24. The Senate committee did not recommend any money for the military sales program because, the committee report stated:

> Authorizing legislation was still in the conference committee.

But when the bill came out of conference it included $200 million for the program. Primarily as a result of the objections to this action by many members of the Foreign Relations Committee the Senate rejected the conference report and a new conference was convened. The outcome is the proposal now before the Senate.

Mr. President, within the last year the Senate has repeatedly gone on record in support of the principle that appropriations should not be used to circumvent the authorization process. For the second year in a row the foreign aid appropriation bill has been brought back to the Senate containing large sums that have not been authorized.

Last year the Senate, by a vote of 62 to 28, adopted an amendment to the foreign aid appropriation bill stating that no appropriated funds could be spent unless authorized by law. The Senate conferees came back with a conference report that not only threw out that provision but which also included $54.5 million above the authorization limit—to give jet fighters to Taiwan. As a consequence, the Senate tabled the conference report and by a vote of 48 to 22 instructed the conferees to insist on keeping the appropriation within authorized limits. The second conference report was within the authorization ceiling—the money for the jets had been eliminated.

In order to write into law the principle upheld by the Senate in its action on that bill, the Foreign Relations Committee included a provision in the foreign military sales bill, the authorizing bill now tied up in conference, which specifically stated that any unauthorized appropriation for foreign aid or military sales could not be spent. That will be one of several significant provisions in the military sales bill to go down the drain as a result of the refusal of the House conferees to meet. Finally, only a few days ago the Senate adopted provisos to items in the supplemental appropriation bill which again reaffirmed the principle at issue here. So the record of the Senate is clear—the appropriations process should not be used to undermine or make end runs around the authorization committees.

If the approach being pressed on the Senate by the House conferees were followed to its logical conclusion, it would be possible for the Appropriations Committees to initiate new weapons systems which had not been approved by the Armed Services Committee, new highways or dams not authorized by the Public Works Committee, or new space programs not approved by the Aeronautical and Space Sciences Committee.

For the Appropriations Committees to provide funds for programs for which authorizing bills have not passed the Senate, or are tied up in conference, without the appropriation being conditioned on passage of authorization legislation, makes a mockery of the legislative process. And under the theory used by the conference to justify its actions on funds for the military sales program, the Appropriations Committees could become the arbiters of all disagreements between the Senate and the House on authorization levels as long as they do not go above the lowest figure approved by either body. The authorizing committees might as well close up shop and turn the entire legislative function over to the Appropriations Committees.

Mr. President, the issue before the Senate is not that of voting funds for the arms sales program. It is whether the regular and established procedures of the legislative process are to be followed. To permit the House conferees to force this item on the Senate will be an admission of the impotence of this body. I hope that my colleagues will stand by the principle which the Senate has repeatedly endorsed during the last year.

Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum concerning points involved in this issue.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

SOME POINTS CONCERNING THE FOREIGN AID APPROPRIATION BILL CONFERENCE REPORT

(1) The issue before the Senate in the conference report on the Foreign Aid Appropriation Bill is whether the Senate will agree to demands by the House conferees that $200 million be appropriated, which has not been authorized, for the foreign military credit sales program.

(2) The authorization bill for the military sales program is in conference and since mid-August the Senate conferees have had outstanding an invitation to the House conferees to meet on the bill. There has been no response.

(3) The proposal to include $200 million for an unauthorized program is a direct invasion of the power of, and a threat to, all authorizing committees.

(4) For the Appropriations Committees to provide funds for programs for which authorizing bills have not been passed by the Senate or are tied up in conference, without the appropriations being conditional on passage of the authorizing legislation, makes a mockery of the legislative process.

(5) Under the theory used by the House conferees to justify including funds for the military sales program, the Appropriations Committees could become the arbiters of all disagreements between the Senate and the House on authorization levels as long as they do not go above the lowest figure approved by either body.

(6) If the approach taken in the foreign aid conference report were followed to its logical conclusion, it would be possible for the Appropriations Committees to initiate new weapons systems, which had not been approved by the Armed Services Committees; new health and education programs not approved by the Labor and Public Welfare Committee; new highways not authorized by Public Works, or new space programs not approved by the Space Sciences Committee. The authorizing committees might as well close up shop and turn the entire legislative function over to the Appropriations Committees.

(7) Although the chances of getting a Military Sales Bill out of conference are dim, it is not the prerogative or the responsibility of conferees on the appropriation bill to substitute their judgment for the Senate as a whole or for that of the conferees on the Military Sales Bill.

(8) The conference on the Foreign Aid Appropriation Bill has, for the second year in a row, brought back to the Senate a proposal containing large sums that have not been authorized.

Last year the Senate, by a vote of 62 to 28, adopted an amendment to the Foreign Aid Appropriation Bill stating that no appropriated funds could be spent unless authorized by law. The Senate conferees came back with a conference report that not only threw out that provision but which also included $54.5 million above the authorization limit—to give jet fighters to Taiwan. As a consequence, on December 20, the Senate tabled the conference report and by a vote of 48 to 22 instructed the conferees to insist on keeping the amounts appropriated within authorized limits. The second conference report, submitted on January 28, 1970, was within the authorization ceiling—the money for the jets had been eliminated.

(9) There are important Senate amendments in the Military Sales Bill—they will assuredly go down the drain if the Senate agrees to the House position. They are:

A ceiling on grants of excess arms and materials.

A requirement for partial payment in foreign currency for military aid.

Restrictions on transfers of arms to third countries.

A prohibition on using foreign aid appropriations for unauthorized purposes—the very point at issue here.

(10) If the bill is returned to conference it may result in influencing the House conferees to agree to meet on the authorization bill.

(11) The conference on the appropriation bill should either delete the $200 million item or add a proviso making the appropriation conditioned on passage of authorizing legislation.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. DOLE. As I understand the motion of the Senator from Montana, the money would be appropriated subject to authorization. Do I understand from the Senator from Arkansas that the authorization committee is willing to meet and authorize the $200 million?

Mr. FULBRIGHT. We have been willing to meet all along. The money was not the critical matter in dispute. There were other provisions. One was the Cooper-Church amendment. There was also a provision in that bill with regard to a ceiling on grants of excess arms and materials. We discussed this program in connection with what happened following the Taiwan jet issue. In that case they used the authority applicable to excess materials to get around and circumvent the actions of the Senate.

There is a provision in the bill for partial payment in foreign currency and one for restrictions on transfers to third countries. All of these were discussed and they are negotiable. These are not items on which a conference would usually be stalled. It was really stalled on the Cooper-Church amendment. There was also a prohibition against spending foreign aid appropriations when the appropriation had not been authorized. That is the point at issue here. That provision is in the bill in conference. I do not think the House committee has any objection to that. I am speaking now of the House Foreign Affairs Committee. I would meet tomorrow morning. I told the majority leader some days ago I was willing to meet at any time the House conferees would meet.

Mr. MANSFIELD. I tried to arrange a meeting for today, but it was not possible.

Mr. DOLE. Mr. President, will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. DOLE. Mr. President, I share the view of the Senator from Montana. Would there be more in dispute than the $200 million authorization or could the Senator readjust on that?

Mr. FULBRIGHT. There is not a serious dispute on the amounts. The serious one was over the Cooper-Church amendment and we never seriously got to the others. I cannot imagine, for example, that any House authorizing committee would object to a provision requiring an authorization. That is natural for all legislative committees to desire.

On restrictions to third countries, I cannot imagine that as a real problem. On the ceiling on currencies on excess arms and materials, that might be difficult but we could negotiate on it. It is not the type of question that usually results in serious disagreement. It is a matter of putting some kind of ceiling on the use of excess arms.

Mr. SYMINGTON. Mr. President, what we are discussing tonight is fundamental issue with respect to how the Senate legislates.

I was in a recent conference with the Senate and House Appropriations Committees. An item passed unanimously in the House Armed Services Committee, passed unanimously in the Committee on Armed Services of the Senate, and passed unanimously by the Committee on Appropriations of the Senate. Nevertheless it was rejected by the House Appropriations Committee.

At that time they suggested the addition of several hundred million dollars for items which had not been approved by either the House or Senate Armed Services Committees or the Committee on Appropriations of the Senate. These items had not been approved by any of those committees, but it was finally passed into law.

The distinguished acting chairman of the Committee on Appropriations, the senior Senator from Louisiana and the other conferees, did a supurb job in attempting to maintain the position of the Senate, to no avail.

We took about a quarter of a billion dollars, roughly, which never came before any committee before it was demanded by the House Appropriations Committee.

This is where we are again tonight. No one has more respect and admiration for the members of the House Committee on Appropriations, but either Members of the Senate have some rights or they do not. It is just as simple as that. If we do not have rights in final decisions on legislation we should know it now, and many of us would have had a more pleasant holiday.

We are not really talking about money, rather about matters in the bill having to do with other items than money. This

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is just a method for getting $200 million more without either the Senate Committee on Foreign Relations or the House Foreign Affairs Committee.

Several Senators addressed the Chair.

Mr. FULBRIGHT. I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I wish to briefly but emphatically second everything said by the majority leader, by the chairman of the Committee on Foreign Relations, and the distinguished Senator from Missouri.

It is absolutely correct that the only real stumbling block to agreement in the foreign military sales conference was the Cooper-Church amendment.

Now, as the Senator from Arkansas has pointed out, the general issue raised by the Cooper-Church amendment has been resolved reasonably satisfactorily in other legislation passed by the Senate. Yet we are still asked not to try to work out a similar kind of solution to the military sales impasse. Such a solution would preserve the rights of all Members of the Senate and maintain the integrity of the legislative committees.

The chairman of the Foreign Relations Committee is reflecting my views when he proposes reconvening the military sales conference. I believe he speaks for all of us on the conference, and on the Committee on Foreign Relations. We stand ready tonight or at any time to return to work in order to find a solution to this dispute with the House.

I plan to vote in favor of the majority leader's motion which insures that no appropriations for military sales will be made without prior authorization. I take this position not because I am opposed to foreign aid—I have long been one of its most faithful supporters; and not because I am opposed to the substance of this bill—I voted for military sales this summer, and I would be supporting it today if the vote before us were whether or not the Senate should authorize this program.

What I will not support is the appropriation of money for a program that has not been authorized. While I serve as a member of the Appropriations Committee, I strongly believe that the role of the legislative committees and, indeed, the whole authorization process, must be preserved. The Senate should not be forced to accede to new legislation written by an appropriations conference. My colleagues on the Senate Appropriations Committee acknowledged this very point in their refusal in the supplemental appropriations conference to allow any appropriations for unauthorized programs.

In the closing days of a session, there is always the temptation to cut corners in order to expedite legislation. Yet, I do not believe that in our haste we should take a step that could set a retrogressive precedent for a fundamental change in the way the Senate conducts its business. This is not the kind of needed senatorial reform that I have supported over the years.

The Senate showed its clear will on this issue last year when, under similar circumstances, a nonideological, nonpartisan majority overwhelmingly refused to appropriate unauthorized funds for jets to Taiwan. There is too much at stake here for the Senate not to support the majority leader's motion.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. Mr. President, I wish to join in everything that the majority leader, our Foreign Relations Committee chairman, the Senator from Missouri, and the Senator from New Jersey, has said, and to add one thing. There could be only on possible justification for the procedure attempted here, and that would be if the Foreign Relations Committee were obstructionist. The Foreign Relations Committee has just demonstrated in the most complex, difficult, and delicate issue worked out last night, I think, the utmost reasonableness to the Senate in its solution of other problems on defense, in the supplemental appropriation bill. That certainly is not obstructionism but rather it is an example of responsibility and statesmanship.

Second, in a time as dangerous as this, the Senate needs to preserve the Foreign Relations Committee, with its integrity and willingness to stand up on the issues of war and peace, and not rubberstamp the executive branch. This is the real protection to the Senate—and to the Nation—in respect of the peace and security of this Nation. We have every faith in our President, but the real safeguard for the people, especially in view of the situation in Vietnam, is the fact that somebody with authority is ready responsibly and intelligently to criticize, and not conform. That protection and that function should not be jettisoned.

Mr. FULBRIGHT. Mr. President, I yield to the Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Mr. President, we had a similar situation to this last year when the Appropriations Committee appropriated $54.5 million for a contributions to a foreign country which had not been approved by the committee. We had a vote on that. The Senate voted to sustain our present system of legislating, which requires authorization before an appropriation can be made, by a vote of 62 to 28.

Now we have another similar situation, and I would certainly hope that this body would not vote to abandon traditional methods of legislating.

I agree that last summer it was the Cooper-Church amendment which blocked further meetings of the conferees on the foreign military sales bill. I understand also the House conferees are perfectly willing to accept that now, since it has been incorporated in so many other places and approved by the administration.

Now, as I understand it, although the House is willing to accept the Cooper-Church amendment, it is insisting on amendments to sections 9 and 10, which were proposed by the chairman and other members of our committee—that these amendments be thrown out before the House conferees will agree to meet with us. In other words, they want to know in advance that we will meet with their demands before meeting.

In reading over sections 9 and 10—I feel they are both subject to ordinary compromise and that it would not take long to reach a compromise. One relates to a foreign country recipient putting up a certain amount of cash in its own money.

Mr. FULBRIGHT. That is right.

Mr. AIKEN. There is objection to that. I do not know whether the amount is too large or what. That is a subject for conferees to discuss, which we have never discussed.

The other section is——

Mr. FULBRIGHT. A ceiling on grants of excess property.

Mr. AIKEN. Yes; and there is one figure, I believe, that is in dispute.

As I recall the Senate bill authorizes $250 million for the military sales program and the House bill $272.5 million. Anyway, that is how simple a compromise on the money items could be.

I do not blame the chairman of our committee for not agreeing to meet in conference and agree in advance to accept whatever demands the House conferees have made. I know he would reject that proposal. There is no reason in the world why we could not meet and take care of this matter and accept the motion of the Senator from Montana at any time and get this thing over with.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. YOUNG of North Dakota. Mr. President, this clearly demonstrates what our dilemma is in the Congress. This demonstrates why we did not adjourn last year until December 23. Appropriations are a necessary process of the Congress, but we have been stymied year after year by failure to get necessary authorizations in time. Here we are trying to legislate right now on an appropriation bill a proviso that is clearly subject to a point of order.

Early this year, at the request of the Senate and the House, the leadership, Democrat and Republican, met with the chairmen and ranking members of the Senate and House Appropriations Committees, trying to ascertain a way to end the session earlier, and this cannot be done until the appropriations bills are all passed.

Both sides agreed to hurry up their processes and do their best to expedite appropriation bills.

The House Appropriations Committee members, if they could not get the necessary authorizing legislation in a reasonable time, would seek a rule permitting them to enact an appropriations bill without legislation. Authorizing legislation for this appropriation was passed by the House on March 24, and it is still pending. Tomorrow is the last day of the year. If this bill does not pass by tomorrow night, we will probably have a continuing resolution. The same thing is true of the supplemental appropriation bill. On the Defense appropriation bill alone we had a 6-month delay, and, according to the Secretary of Defense, there is great inefficiency and bad management as a result of these long delays which costs more

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than $1 billion a year. All this wind that we have had in the Senate—I am not going to label anybody—has cost at least $1 billion this year alone. Here we are at the last minute trying to legislate on an appropriation bill. It is not the Appropriations Committee's fault that an amendment is pending to legislate on this appropriation bill. This legislation being offered is clearly subject to a point of order.

Mr. MANSFIELD. Mr. President, will the Senator allow me to answer that?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. I would point out that the House did not take up the defense appropriation bill until just before we went out for the elections. Therefore, the Senate was not in a position to take up the bill until we came back about the middle of November. Is that not correct?

Mr. YOUNG of North Dakota. That may be, but our problem has been continual with appropriations. We just have to wait until the last of the year to get the legislation before we can appropriate.

Mr. FULBRIGHT. Mr. President, I want to take issue with the Senator's insinuations, or whatever they may be, that the wind in the Senate costs $1 billion a year. I completely disagree with that. I have a very strong suspicion, which I cannot prove, that many of these questionable appropriations are deliberately delayed until the last few days, because, under the pressure of adjournment, the Senate feels like it has to appropriate. Take an item like the SST. That bill could have been presented before November, but they did not have the votes for it, and it was delayed.

We passed the military sales bill on June 30, after a 7-week delay, and the Senator recalls who delayed the authorization bill, does he not?

So the argument that the wind in the Senate costs $1 billion a year is not correct. The Senate has, in fact, saved more than that. The Senator seems to be suggesting that whatever the administration sends us we should quietly accept and swallow. If we did, it would cost $50 billion more.

Mr. YOUNG of North Dakota. Does it have to take a month to discuss one item? Can we not get a vote and let the majority rule?

Mr. FULBRIGHT. Well, we want to vote on one item. The majority leader wants to vote on one item. The Senator refuses to permit it.

Mr. YOUNG of North Dakota. I did not refuse to let the Senate vote.

Mr. FULBRIGHT. I mean the proponents have refused to let us vote on that one item. I would be prepared to vote tonight on that one item. They will not let us do it.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. The motion of the Senator from Montana would not set a precedent, because, as I recall, an appropriation bill we passed some time ago was subject to authorization legislation being approved.

Mr. FULBRIGHT. So is the supplemental.

Mr. AIKEN. That was only a few weeks ago. Even earlier in the session there was no objection to approving appropriations for agriculture programs subject to an authorization which was provided at a later date.

Mr. FULBRIGHT. It is a good procedure as long as we are going to have these difficulties in getting bills through. But I submit that in this case the Senator from North Dakota is not warranted in blaming it on the Senate, because the Senate has been very willing and able to proceed to a conference, and they would not do it. I do not think we ought to be accused of wasting a lot of money because of "wind." The Senate is doing what it is supposed to do, which is to try to refine these bills, and keep them within the authorizations.

Last year nearly every Senator present at that debate said he was surprised that there could be an appropriation without an authorization. Then we presented this bill prohibiting appropriations for unauthorized purposes. We offered, in an exchange with the Senator from Florida, to submit permanent legislation applicable to all appropriations, that all of them must be authorized.

The Senator from Florida, Senators will recall—he has led the fight—said that he did not want it on all of them, so we agreed to restrict it to foreign aid and foreign military credit sales. I did not want to go beyond that, but I thought there was a universal agreement, at least at that time, that at least in those two areas there would be no appropriation without authorization. That was the result of very extended discussion and two votes here on the Senate floor, just about a year ago.

Several Senators addressed the Chair.

Mr. FULBRIGHT. I yield to the Senator from Idaho.

Mr. CHURCH. Mr. President, the principle involved here goes far beyond protecting the prerogatives of the Senate Foreign Relations Committee. The principle goes to protecting every legislative committee of the United States Senate.

Every member of a legislative committee has a stake in the outcome of this vote. If we abandon the regular procedure and permit appropriations without authorizations to become law, then we might as well shut up the shops of the legislative committees completely, and turn the business of the Senate over to the Committee on Appropriations.

Although that is not what is intended by the Appropriations Committee, that has become the tendency. Whenever the legislative committees of the two Houses cannot agree, in recent years, the Appropriations Committees have usurped the legislative function, coming in, at the last minute, to appropriate money for unauthorized programs.

The staff of the Foreign Relations Committee has prepared an excellent, succinct listing of the arguments that apply in this case. I would urge every Senator to review this very brief summarization, because every legislative committee member has a stake in the outcome of this debate. Section six summarizes this view. Let me read it to the Senate:

> (6) If the approach taken in the foreign aid conference report were followed to its logical conclusion, it would be possible for the Appropriations Committees to initiate new weapons systems, which had not been approved by the Armed Services Committees; new health and education programs not approved by the Labor and Public Welfare Committee; new highways not authorized by Public Works, or new space programs not approved by the Space Sciences Committee. The authorizing committees might as well close up shop and turn the entire legislative function over to the Appropriations Committees.

That is the issue. Lest it be misunderstood, there is no hangup insofar as the Senate conferees are concerned in getting authorization for the foreign military credit sales program languishing in conference. The dilemma—the Cooper-Church amendment—has been eliminated by recent legislation on another measure. As one sponsor of that amendment, which passed the Senate on June 30 and went to conference, and as a conferee, I can assure the Senator that that entire provision can now be stricken from the authorization bill. The problem, from our point of view, has been solved another way. We can proceed to a compromise with the House of Representatives; we can do it in a way that will maintain the integrity of the regular procedures of the Senate.

I hope for that reason, Mr. President, that——

Mr. FULBRIGHT. Mr. President, I am bound to say, in reply to that, that I agree with the first part of what the Senator has said, but I do not wish to leave the impression that I am willing to promise now that we will give in on all these other provisions. But their condition was, "You accept our views on all these other provisions," which I think are very important.

Mr. GRIFFIN. But will the Senator from Arkansas agree with the Senator from Idaho that as far as the Church-Cooper amendment is concerned, that can be stricken?

Mr. FULBRIGHT. Oh, yes, if they want to do it. I am not sure they want that now. As far as I am concerned, as I said previously, I have had no difficulty with that. My guess is that they have shifted their feeling about these other provisions; otherwise I do not understand why they did not accept the majority leader's proposal. I had understood he felt them out about this.

Several Senators addressed the Chair.

Mr. HOLLAND. Mr. President, the Senator mentioned me; will he yield to me?

Mr. CHURCH. May I just have a moment, for clarification? My statement had to do with the Cooper-Church amendment in conference. Naturally, there are other points of disagreement, but I think those points of disagreement are subject to reasonable compromise, in the normal conference procedure.

Mr. FULBRIGHT. And at the time, they did not indicate any serious difficulty about those other provisions. Last summer their attention was all on the Cooper-Church amendment.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Florida. He was involved in this matter last year.

Mr. HOLLAND. I was involved, and I remember well what happened.

The PRESIDING OFFICER (Mr. CURTIS). The Senator from Florida will please suspend for a moment. The Senate will be in order.

The Senator may proceed.

Mr. HOLLAND. The Senator from Montana endeavored to raise a point of order. I took the position that it could not be raised, and of course that position was sustained. Then he made a motion similar to the one that he has made here tonight, and that motion prevailed.

At that time, the Senate left itself in a very contradictory position, because it accepted the appropriation made for planes for South Korea, which was not an authorized item, and approved that, but refused to accept the appropriation for planes for Taiwan, both of these items having been unauthorized, and both of them having been put in by the House committee.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HOLLAND. In just a moment.

Mr. FULBRIGHT. But for clarification, the Senator is wrong about Korea. It was within the authorization limit. That was a question of earmarking within the authorized appropriation. It was different from the Taiwan jets issue.

Mr. HOLLAND. Then there were four minor items in the bill which were not authorized. They had to do with certain items in Israel, and one, I think, in Morocco; I do not recall.

An item or two in this bill have not been authorized, including an item of a half million dollars which has been diverted without authorization. We are in a different situation, however, from what we were last year. Last year we were operating the last night of the session, and we had to move very rapidly.

I see no great objection to allowing the chance for an authorization to be passed in this instance. I do call attention to the fact, however, that we did have items in last year's bill that were not authorized, that were accepted because the Senate wanted them, and it objected to one because it did not want it, and that was the planes for Taiwan.

Mr. FULBRIGHT. But it was not in the bill as it passed the Senate. I do not want the situation misstated. There were no unauthorized items in the bill as it passed the Senate.

Mr. HOLLAND. The Senator is mistaken. There were four items in the bill, small items, that were put in the bill by the Senate. And the Senator, if he will check back, will find that he is mistaken on that. But I am not seeking to make that point here now, because we have 3 days to work on this. What I think the Appropriations Committee has done here has been exactly the right thing: It has refused to agree on this $200 million item. It is reported in disagreement. The House of Representatives has acted upon it in disagreement, and the Senate now can work its will on the matter. The House has shown that it is not disinterested in the item. To the contrary, as I understand from the Senator from Wyoming, the House has stood by its original position so far as wanting an item here, but has accepted the $200 million, which the Senator from Wyoming has spoken of before.

I feel that to have this given a chance for working out in conference may be all right. We have 3 days to work on it. We are not in the same position we were in last year.

I want to say again, before we go anywhere else, that last year the Senate finally took the bill that came back from conference with various items in it that had never been authorized. It has always been true that many items do get into bills, put in there by the House, that are unauthorized, just as we cannot make a point of order to legislation on an appropriation bill when the House puts it in and it comes over with that legislation in it. We cannot——

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. HOLLAND. I will be glad to terminate my brief remarks in a moment, if the Senator will restrain his impatience.

We cannot raise a point of order when the House puts legislation in an appropriation bill. We have to take it as we get it, and so it has been with reference to appropriation items.

I am perfectly willing to have this committee try to work out these difficulties with the similar committee of the House, but I do call attention to the fact that last year the Senate accepted and took in the same bill several items which were not authorized because it wanted them and declined to take the one item that it did not want to take, which was the Taiwan item. So it is all a question of what the Senate wants to do, and on that the Senate can express its will.

Mr. FULBRIGHT. I do not wish to argue about it. I raise the question that I do not believe, subject to checking, that the Senate did pass a bill last year that had any unauthorized items in it. The Senator from Wyoming, to the best of my belief, made all those items conform to the authorizations.

I think that what the Senator from Florida is saying is that certain earmarked items within the authorization amount were included. But they were not beyond the amounts authorized.

Mr. HOLLAND. They were not amounts that had been authorized.

Mr. FULBRIGHT. For example, the Korean item was not beyond the authorized amount. It was an earmarking. In this bill we do not ordinarily earmark specific country items. On the other hand, we do not normally authorize specific countries, either. We authorize an overall amount. The $54 million for Taiwan was above and beyond any authorized amount.

I do not think it is fair to say that last year we set a precedent by adopting a conference report that had unauthorized items in it. We rejected the first conference report on that very ground, and when the second conference report was submitted on January 28, 1970, it was within the authorization ceiling. I think that is correct.

Mr. McGEE. That is correct.

Mr. FULBRIGHT. Is that correct, to the best of the Senator's memory?

Mr. McGEE. The best of my memory would be rather faulty at this late date. My recollection is that they were not initially authorized and that they were subsequently authorized.

Mr. FULBRIGHT. Yes.

Mr. McGEE. When we finally went back.

Mr. FULBRIGHT. Yes.

Mr. McGEE. That is my off-the-cuff recollection in regard to it.

I wonder whether the Senator recognized me so that I can respond to the other points he raised.

Mr. FULBRIGHT. This is from the digest of the RECORD. It says:

> Adopted December 18, 1968, McGee amendments to adjust total amounts in several economic assistance items so as to comply with sums in the foreign aid authorization bill.

That is what was done.

Mr. McGEE. I think the Senator from Florida was talking about the fact that some of them were not authorized earlier.

Mr. FULBRIGHT. That was what the fight was about.

Mr. McGEE. I think that is a valid statement. The Senator from Arkansas is talking about a different stage.

Mr. FULBRIGHT. That is correct. I said "finally." There was a preliminary stage, and the final action was authorizing it. It is a matter of record. We did not set any precedents last year that we are now trying to upset. In fact, we are trying to uphold the same principle.

Mr. McGEE. Did the Senator yield to me?

Mr. FULBRIGHT. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I was hoping the able Senator from North Dakota would remain in the Chamber, because in no way was I criticizing any actions of his. In my opinion he is one of the ablest, most diligent, and wisest of all Senators with whom I have served over the years. I had no criticism, of any kind, with respect to the Appropriations Committees.

I would associate myself, however, without reservation, with the remarks of the distinguished Senator from Idaho. Either there is real significance, some importance, in what committees decide should or should not be authorized, or there is not. It is as simple as that.

If we continue to legislate in this fashion, then the rest of the Senate, as I see it, is really nothing more than form, as against substance, in the formulation of legislation. That is the thrust of my position.

Mr. FULBRIGHT. I certainly meant no reflection upon the Senator from North Dakota, either.

Actually, these items last year and this year were not due to any actions by the Senate committee. The Senate Appropriations Committee did not do this.

Mr. SYMINGTON. That is right.

Mr. FULBRIGHT. They all originated in the House Appropriations Committee and under their rules, and were brought over here.

I have the greatest sympathy for the Senate Appropriations Committee conferees, as I do any other Senate conferees, because the House conferees assume an attitude of superiority in the legislative field to which I do not think they are entitled under the Constitution.

Mr. SYMINGTON. I would hope that my good friend, the able minority leader in the House, after some remarks he

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made about the Senate yesterday, would read tonight's RECORD.

Mr. FULBRIGHT. I certainly did not mean any reflection on the Senate Appropriations Committee. I think they are a victim of this practice and are put in a very difficult position. If the Senator from North Dakota thought I was talking about him in any such fashion, I did not intend to.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. A short time ago, I gave some figures referring to total amounts in the House and Senate bills.

As far as the foreign military sales bills are concerned, the House provided $272,500,000 and the Senate $250 million, a difference of $22.5 million, on which we could reach a compromise if we could get to a conference on the authorization bill.

Mr. FULBRIGHT. I do not think there is any problem about that.

I yield the floor.

Mr. McGEE. Mr. President, if I may get in here now, after a very long time, I do want to make a short statement in regard to the Senate conferees, about some of the things that have been said.

I appreciate fully the tortuous exercise that the Foreign Relations Committee has been going through in trying to get a conference. It is totally frustrating. As a member of that committee, although not one of the conferees, I feel equally strongly about it.

I think that some educating blows have been struck—and very effective ones—however, by the Members of the Senate, not only a year ago but this year as well, and in the last 2 weeks; and I think that those educative messages have gotten through loud and clear. I can testify that they have, because we have been present at times when they have been discussed, and they have been referring to them. Let us not sell ourselves short too soon.

In fairness to the Senate conferees—there were seven or eight of us, and we were unanimous on this—it is not quite correct to compare our situation on this matter tonight with the jets for Taiwan a year ago. That is not quite accurate. A year ago, they came in out of the cold and were put in here, without any preliminary actions by this body.

As the distinguished chairman of the Foreign Relations Committee has made very clear, this body did, through its authorizing committee, express itself on the $200 million or more for military credit sales last June. That is on the record with the appended other annual factors to which the chairman has alluded. That did show some Senate disposition. I submit that also needs to be said here, when we are trying to judge the Senate conferees in this appropriating process.

It has been called to my attention that Rule XVI of the Standing Rules of the Senate provides that such a procedure likewise is in order, if it is made to carry out a provision of some existing law or resolution previously passed by the Senate during that session.

The Senate has passed this. It does not say "signed by the President." It does not say "agreed to by the House." There are differences of opinion on how one can interpret that. It seemed to us at least that it was open to a serious look, and that we were not as far off base as we have been made to appear by some of the comments here, that it does make a different circumstance in this bill at this time a very different case than the jets for Taiwan a year ago.

The jets for Taiwan issue made the wishes of the Senate distinctly clear by an overwhelming vote and its intention to pursue this.

I applaud the effort to preserve the role of the Senate in all these operations, but when we came into this, we came in with a Senate deadlock, not on the appropriations matter here, but on four or five major pieces of legislation, and we were asked to sit down together in our own body and see if we could not make up a big picture on it all, with a little giving here and a little taking there that might break the logjam, break the deadlock, and make it possible for this body to finish its work.

In the course of those deliberations, there was a lot of giving and a lot of taking, and on the supplemental appropriation, on which I was one of the conferees, the Senate ultimately prevailed through the insistence of this committee with two provisions limiting expenditure of approprated funds under the conditions that it would be first authorized. This is left in the bill as part of the educating process we have gone through here lately. We prevailed. The House yielded.

Now we come down to the second conference on the foreign aid appropriations after we went to the Senate and were reinstructed by the Senate to disallow the $200 million in military credit sales. The point was made strong there and the conferees felt, likewise that in the same broad package in the spirit of looking at all of these things, that perhaps a case could be made for a bit of bending on this one question, in view of the action of the Senate and the authorizing committee last June as at least a disposition with the attendant language that accompanied it and the reading of rule XVI.

Having said that, we felt that the bending did not set us backward on the question of establishing the Senate's role in terms of the authorizing process, because our colleagues in the other body heard that one very distinctly. Therefore, in the gains we had made in that educational process with the other body, we certainly thought it was in order to come back here for the will of the Senate to express itself and, at the same time, to recommend, as I moved here earlier this evening, that the Senate recede from its position on the $200 million in military credit sales.

It is for that reason, and because of the accumulated events alone, that I must oppose my majority leader and vote against his pending amendment. I do not intend to pursue any point of order in any case, but I will have to oppose his amendment.

We should have a straight up and down vote, if that is the will of this body, on this issue of the military credit sales.

Several Senators addressed the Chair.

Mr. HOLLAND. Mr. President, I want to emphasize again the fact that the Appropriations Committee has not yielded on this item. It has refused to yield on it. It was reported in disagreement and now we are up against this situation that the House, where this item was reported in disagreement, has insisted upon its position—not its full position, but upon the $200 million, which is well within the amount that was included in the authorization bill as passed by the Senate.

The Senator from Wyoming is exactly correct in his interpretation of the rule, that we have the right to put in any appropriation bill an item which has been approved by the Senate in this Congress—in this session—and that we did not attempt to do that. We reported this item in disagreement because we understood at least the will of the Senate. The question now is different from any we had last year. The question now is whether, after the Appropriations Committee has refused to approve that item, and after the item has been reported in disagreement and has been voted upon by the House and they have taken the position which they have, whether the Senate wants to agree with the position just taken by the House or not. To say that it is improper to have this item considered when the Senate has already passed a bill in this session calling for a larger appropriation for this particular purpose than the amount we are now passing upon would be, of course, unsound. That does not happen to be the case. We do have the right to pass upon it. The question is whether we want to or not.

Mr. CHURCH. Mr. President, I shall be very brief. I do not think it is necessary to base a case in favor of the majority leader's motion on the situation of last year. The case rests upon its own bottom. It is true that the Senate passed a military credit sales authorization bill. It is true that the House passed a military credit sales authorization bill. But legislative committees meeting in conference could not come to an agreement until now, so there never was a conference report, and both Houses never proceeded actually to enact an authorization bill and send it to the President.

If we reject the motion made by the majority leader, we do set a precedent. We set a serious precedent. That precedent is this: that whenever the legislative committees of the two houses cannot agree upon terms of authorization legislation, and whenever the legislative committees remain in disagreement, then it is the prerogative of the Appropriations Committee to step in and arbitrate the matter and put the money in the bill and proceed without benefit of our deliberations. That is bad precedent.

I hope for these reasons, that general support of our procedure, which divides responsibility between the legislative committees of this body and the Appropriations Committee, that the Senate will now support the motion made by the majority leader.

Mr. MILLER. Mr. President, I would like to ask the Senator from Idaho a question. He has well articulated an important problem. I think the Senator

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from Wyoming has done a very good job of pointing up a situation where, if we are going to make any exceptions, perhaps this is the place to make an exception. Now if we do not make an exception, can the Senator tell us where we will be with respect to the other body, so far as the authorizing committee is concerned?

Mr. CHURCH. I would be happy to answer the Senator from Iowa.

I would plead with the Senate that this, of all cases, is not the place to make an exception. There is every reason to believe that the authorization committees of both Houses can proceed in conference and come out with a bill. One of the obstacles that was preventing the conferees from agreeing has been removed, and the other items in dispute are susceptible to negotiation in the conference.

Mr. MILLER. I appreciate that response because I think it is something that should be made clear. The word I get from the other body is that they are restive and not amenable to much further delay. But if that situation does not prevail with respect to the authorizing committee, and the Senator believes that the conferees can resume and get together, maybe tomorrow morning, it seems to me that he has made a valid point.

Mr. CHURCH. I thank the Senator from Iowa very much.

Mr. DOLE. Mr. President, in the event that we agree to the motion of the Senator from Montana, is it the understanding of the Senator from Idaho that the authorizing legislation must be approved in this session of the Congress or could it be approved any time before next June?

Mr. CHURCH. Any time.

Mr. MANSFIELD. At any time. We will be ready to go any time they are ready. If it is not this session, it will be next session. The money is available. The $200 million is available.

Mr. DOLE. Mr. President, so it is not a question of doing it tomorrow night.

Mr. MANSFIELD. That is correct.

Mr. THURMOND. Mr. President, the foreign military credit sales for $200 million are vital to the security of the free world and the successful implementation of the Nixon doctrine. These credit sales assist friendly countries to develop an adequate military defensive capability. This reduces the need for U.S. military ground forces to protect U.S. security interests in various areas of the world. These credit sales are the most desirable of all assistance programs because there are no long-run costs to the U.S. taxpayer.

Mr. President, these credits help fulfill the expressed wish of Congress to end grant military assistance wherever and whenever possible. This program represents a significant interim step for allied and friendly nations from a position as recipients of U.S. grants of military materiel to the point where eventually they can afford to pay for the needed defensive capability without U.S. assistance. In the meantime, though credit sales, they can purchase U.S. produced military equipment on credit.

The foreign military credit sales represent no long-term outlay from the U.S. Treasury. Money appropriated is used to finance credit military sales on terms of up to 10 years. Interest is normally set at the current cost of money to the U.S. Government. These credits actually result in a net gain of revenue for the U.S. Government as the money is repaid with in a 10-year period with interest.

Mr. President, this program is used to finance credit military sales to less developed countries whose security is important to the United States. These countries recognize their military requirements and will purchase military equipment from other sources if the United States is unable to enter into negotiation for such sales.

The Congress has not passed legislation or appropriated funds to finance such sales since fiscal year 1969. No funds have been available under Continuing Resolution Authority since January 1970. As a consequence of this inaction, the U.S. Government and industry representatives have been unable to enter into sales negotiations; and sales by such third countries as France and England to such areas as Latin America have been fostered. Failure to appropriate funds for credit military sales helps to deny U.S. industry traditional and valid markets.

Mr. President, all military credit sales are carefully reviewed at the highest level of the Departments of State and Defense and by the National Security Council to insure that such sales are consistent with U.S. foreign policy and are important to U.S. national security. These reviews have assured that the purchasing country can afford the purchases and can operate and maintain equipment of the degree of sophistication involved. Other developed countries which sell arms to the lesser developed world often do not use similar restraints and sell arms which a country cannot utilize, does not need, and the purchase of which endangers its financial structure and social development.

Both the Senate and the House have, by floor vote, authorized funds to finance credit military sales in fiscal year 1971. Only issues non-germane to the intent of the legislation have delayed this critical legislation. Commonsense dictates that we get on with this vital need.

Mr. President, if the necessary funds are appropriated, the following countries would be interested in military credit purchases from the United States: Argentina, Brazil, Chile, China, Greece, India, Jordan, Korea, Lebanon, Malaysia, Morocco, Pakistan, Saudi Arabia, Singapore, Uruguay, Venezuela, and possibly Israel if other funds appropriated for foreign military credit sales prove to be insufficient.

Equipment which could be involved in such sales includes: Air defense and air traffic control equipment, vehicles of all types, communications and electronics equipment, C–130 and other transport aircraft, F–4 aircraft, helicopters, shipyard support and ship modernization equipment, and small arms and ammunition.

Mr. President, it is essential to our national security that the Senate approve appropriations for these minimum credits of $200 million for our friends without further unnecessary bottlenecks, even if there has to be a condition for an authorization at a later date.

The PRESIDING OFFICER (Mr. Stevens). The question is on agreeing to the motion of the Senator from Montana (Mr. Mansfield) that the Senate concur in the House amendment to the Senate amendment No. 19, with an amendment.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Connecticut (Mr. Dodd), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from Georgia (Mr. Talmadge), the Senator from Maryland (Mr. Tydings), and the Senator from Ohio (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick), the Senator from Oklahoma (Mr. Harris), and the Senator from Maine (Mr. Muskie) would each vote "Yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. Boggs), the Senator from Hawaii (Mr. Fong), the Senator from New York (Mr. Goodell), the Senator from Oregon (Mr. Hatfield), the Senator from Kansas (Mr. Pearson), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Arizona (Mr. Goldwater), and the Senator from Nebraska (Mr. Hruska) are absent on official business.

The Senator from Colorado (Mr. Dominick) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from New York (Mr. Goodell) and the Senator from Oregon (Mr. Hatfield) would each vote "yea."

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from from Texas would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 60, nays 12, as follows:

[No. 462 Leg.]

YEAS—60

Aiken
Allen
Baker
Bellmon
Bennett
Bible
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Dole
Ervin
Fannin
Fulbright
Gore
Gravel
Hartke
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Murphy

Nelson
Packwood
Pastore
Pell
Percy
Prouty
Proxmire
Randolph
Saxbe
Schweiker
Scott
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Thurmond
Williams, N.J.
Williams, Del.
Yarborough

NAYS—12

Allott
Cook
Cotton
Curtis
Ellender
Griffin
Gurney
Hansen
Holland
McGee
Smith
Young, N. Dak.

NOT VOTING—28

Anderson
Bayh
Boggs
Burdick
Dodd
Dominick
Eagleton
Eastland
Fong
Goldwater
Goodell
Harris
Hart
Hatfield
Hruska
Inouye
Long
McCarthy
Montoya
Mundt
Muskie
Pearson
Ribicoff
Russell
Talmadge
Tower
Tydings
Young, Ohio

So Mr. MANSFIELD's motion was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. AIKEN and Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McGEE. Mr. President, I move to reconsider the preceding vote on H.R. 13000.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE LESLIE COUNTY, KY., MINE DISASTER

Mr. COOPER. Mr. President, it is with deep sorrow that I announce that the worst coal mine disaster in Kentucky's history occurred today in Leslie County in the eastern part of our State.

It is reported that the explosion took place about 12:15 p.m. in the Finley Coal Co.'s mine, trapping 38 men. A rescue team worked courageously through the afternoon, reaching the trapped miners at 6:30, to find all 38 dead.

The cause of the explosion has not been determined, and a thorough and immediate investigation will be made by the Federal Bureau of Mines and the State of Kentucky. Representatives of the Bureau of Mines and Governor Nunn of Kentucky are at the scene of the disaster.

The Bureau of Mines has kept me informed today and will continue to inform me and the Congress as their investigation proceeds.

This is a sad day for all the people of Kentucky and our country, and I know that all extend to the wives, children, and families their deepest sympathy. It is their great loss and our hearts and thoughts are with them.

PROGRAM

Mr. SCOTT. Mr. President, the late Charles II of England, on his deathbed said to those surrounding him:

> Gentlemen, I am sorry to be such an unscionably long time dying.

Therefore, I would like to ask the distinguished majority leader how much we have to do before we die.

Mr. MANSFIELD. Well, Mr. President, the death is not as slow as it appeared to be a day or so ago.

I am happy to report the SST conferees are meeting and discussing the situation which confronts them.

This legislation on which we have just acted will be the last vote tonight.

INTERNATIONAL COFFEE AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 19567, the International Coffee Agreement, be laid before the Senate. I do this so that the bill will be the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

> A bill (H.R. 19567) to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported earlier today by the Committee on Finance.

ORDER FOR ADJOURNMENT TO THURSDAY, DECEMBER 31, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight it stand in adjournment rather than in recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND subsequently said: Mr. President, I did not understand the request of the distinguished majority leader. Do we adjourn until 9 a.m. tomorrow?

Mr. MANSFIELD. Yes. The order has been changed to provide for an adjournment instead of a recess because the time was already set and the order provided for a recess.

Mr. HOLLAND. I thank the Senator.

PROGRAM

Mr. SCOTT. Mr. President, may we have order. This is important.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, it is anticipated that during the morning hour tomorrow attempts will be made by various individuals and groups to get action within a limited period on Calendar No. 1525, H.R. 19446, an act to assist school districts, and so on.

Then, at the conclusion of the morning hour the Senate will turn to the consideration of the International Coffee Agreement.

Then, I would anticipate that the Senate would be ready to take up the conference report on food stamps.

Mr. SCOTT. What about the desegregation matter? Is that after or before the food stamps?

Mr. MANSFIELD. Before, in the morning hour.

Mr. SCOTT. During the morning hour.

Mr. MANSFIELD. And there will be other matters as they come along.

I wish I could give more encouraging news on the SST, which may be the final roadblock to adjournment sine die.

Mr. SCOTT. I think this is an instance where, hopefully, the accouchement of an agreement and the death of Congress will come very close together. I hope all of us will pray tonight for reason to invest the conferees, in the hope that perhaps we can have an agreement on the SST, so that the minds of a few will not dominate the many so that we will be able to adjourn sine die, the most blessed words in the English language. This we should be able to do if men of good will are willing to concede a bit, each to the other, or to the Nation.

Mr. MANSFIELD. May I say also that at 9 o'clock tomorrow morning there will be a period for his colleagues to pay tribute to the distinguished Senator from New York (Mr. GOODELL), who is retiring shortly.

Mr. HOLLAND. Mr. President, I did not understand the announcement with regard to Calendar No. 1525, H.R. 19446.

Mr. MANSFIELD. That will be taken up, I assume, during the morning hour. That was why I entered the order for an adjournment tonight rather than a recess.

Mr. HOLLAND. Does the Senator mean as an unobjected-to item?

Mr. MANSFIELD. No; I understand there will be objections both ways. I wish to ask the Senator from Alabama if that is correct. Does the Senator from Alabama expect something to happen?

Mr. ALLEN. What was the question?

Mr. MANSFIELD. Is it correct that there will be some movement back and forth?

Mr. ALLEN. There probably will be; yes.

ORDER OF BUSINESS

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. McGEE. Mr. President, I yield to the Senator from California.

SUGGESTIONS FOR IMPROVING FOREIGN ASSISTANCE

Mr. MURPHY. I thank my distinguished colleague.

Mr. President, I would like to say that this has been a most interesting and instructive evening as far as this Senator, who is about to leave this body, is concerned. I have learned about parliamentary procedure and manner of operation in these last hours, during the convulsion that the distinguished minority leader spoke about—the death convulsion—more than I think I have in the past 6 years. And I have been attentive and diligent. I have listened carefully. I heard references made to normal procedure. Please God, this is not normal procedure in the U.S. Senate. And I thought of the time during the debate of things that have been said and the things that have been left unsaid and the reasons why we are here at this late hour, and the reason why the Senator from California, who had something, he

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thought, rather important to say with regard to this bill is now taking up the time of the Senate at this extremely late hour.

I would like to say that, with regard to this bill, it has been our experience over the past number of years that there have been tremendous amounts of dollars in foreign aid—taxpayers' dollars, may I say—and also it seems to the Senator from California great evidence either of neglect or of inability or of lack of planning in the expenditures of those taxpayers' dollars in foreign aid. Otherwise, the friendly feelings which we hoped to achieve over the last 20 years in this effort would have been more productive.

We have a situation now in the United States—very evident in my State—where there are many experts, engineers, and scientists, men who have proved by their actions that they are the top of their trade. I wanted to recommend that there might be a suggestion that a percentage, at least, of these foreign aid funds be used to employ some of these available, eager, and competent experts, to send them along with some of these taxpayers' foreign aid dollars, in order to make certain that the taxpayer who was the originator of the investment perhaps gets a little better attention to the money that he so gladly has been spreading around the world.

I thought of two things that could be the result of this. First, the recipient nations might gain greatly by this; and, second, of course so might those highly skilled, highly trained scientists, engineers, and experts, who are so eager to be employed, who are so ready and willing that they might gain some employment in the manner in which the taxpayers' dollars are sent to help our friends overseas.

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I thank my distinguished colleague for yielding.

Mr. McGEE. Mr. President, I want to thank the Senator from Montana for having yielded the floor to me.

Mr. SCOTT. Mr. President, will the Senator from Montana yield to me for a moment?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, having made some reference to a Catholic leader, I am moved to make some reference to the Protestant side, and, therefore, I would like to conclude with a comment from Cromwell to his own party when he ended an impassioned speech by saying:

> Gentlemen, in the name of God, go.

And I would like to leave that thought with the Senate tonight.

SUGGESTIONS FOR SENATE PROCEDURE

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BROOKE. Mr. President, I hope the leadership will seriously consider holding an executive session early in the 92d Congress so that we might discuss the procedure for conducting the business of the Senate in 1971 and 1972. I know that the leadership has been dismayed at some of the dilatory tactics that have been employed. In another area, for instance, that some of the salutes given to our colleagues as they have retired from the Senate have been extraordinarily long. It seems to be that anything we could say here could be said in 2 or 3 minutes about our colleagues. As it is now, it is almost like a funeral procession as they sit here and hear themselves eulogized for an hour, and then have the time extended for an additional hour. It seems to me we ought to take into consideration not only the Senate's time but those who wait on the Senate: those who guard the doors, run the elevators, and others who have to wait until late into the night.

I think if we stopped calling each other "distinguished," we might save 10 working days in the session. All of us are distinguished or we would not be here, or should not be here; and I do not say that too immodestly, I hope, Mr. President. But I think there are many things that we can do to improve our procedures in 1971 and 1972. Four of our colleagues—two Republicans and two Democrats—have proposed a number of reforms, that ought to be considered and, hopefully, implemented.

Not too long ago, this body met in executive session to consider ways of breaking an oppressive legislative logjam. If some reforms were instituted early in the year—if they were debated and adopted in a preventive, rather than a remedial, executive session—I think this body would be better able to conduct the business of this country.

Mr. MANSFIELD. Mr. President, I appreciate the remarks of the distinguished Senator from Massachusetts. [Laughter.]

May I say that Senators SAXBE, SCHWEIKER, CRANSTON, and HUGHES have been studying this matter and we have had a number of meetings with them. We applaud their initiative. We are delighted they are going to continue that next year, at the request of the joint leadership, because we think they are making great strides forward. We have exchanged ideas, and that goes for both leaders. I am certain that that group, or at least the Republican Members, have had the opportunity of making their views known at Republican luncheons, or meetings. The Democratic Policy Committee, for example, on yesterday invited all four Members to meet before it. We thrashed ideas back and forth. We were very much impressed. We are making pretty good progress, and we intend to continue to make progress, and get before our respective conferences to see, on that basis, if we can get together, and perhaps get to the point the Senator has suggested and have a meeting of both parties.

MINE DISASTER IN KENTUCKY

Mr. COOK. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COOK. Mr. President, before we adjourn, I would like to invite the attention of Members of the U.S. Senate that at 12:15 today, 1,600 feet inside of a mountain in Leslie County in eastern Kentucky, there was an explosion. After many attempts, all afternoon and through the evening, I have been notified by the Kentucky State Police that 38 bodies are being removed from that mountainside.

We do not know the cause of that explosion. We know that our office has been in touch with the Bureau of Mines, with the State bureau of mines, with the Kentucky State Police, with the Red Cross, with the Honorable George Wooten, who is county judge of Leslie County in eastern Kentucky, in an effort to stay in touch and keep abreast of the rescue operation.

I know that I speak for all of the Members of the U.S. Senate, certainly, and all the people of the United States when we express our sincere sympathy to the families of those 38 men, who probably have spent most of their adult lives working in the coal mines of eastern Kentucky. This is a tremendous blow to Leslie County, because it is a county with a very small population. Its county seat of Hyden probably does not have a population larger than 800 people.

Leslie County is the home of probably one of the most remarkable organizations in the entire world, the Frontier Nursing Service, and I am sure that every one of those ladies were there all afternoon and all through the evening.

I would only hope that I could express the deep sympathy of myself and my senior Senator from the Commonwealth every Member of the U.S. Senate, and every person in this Nation in offering our profound sympathy to the families of those 38 extremely remarkable men in eastern Kentucky, who spent their lives at the hardest labor, in the hardest of tasks, to see that many thousands and millions of Americans can have light and heat, and can exist in a society that has made, in the past few years, ever more and more demands upon them.

I can only say that we in eastern Kentucky now understand how those in the State of West Virginia felt after a similar accident not too long ago.

Other than that, it is very difficult for one to express the way one feels.

Several Senators addressed the Chair.

Mr. COOK. I yield to my colleague (Mr. COOPER).

Mr. COOPER. Mr. President, I have previously placed in the RECORD a statement upon this tragedy, but it is correct that in this isolated but beautiful county, Leslie County, Ky., the worst coal mine disaster in the history of Kentucky occurred today. Despite desperate efforts of rescue workers to reach those trapped miners after the explosion, these 38 men were found dead. Investigation is proceeding by the Bureau of Mines, and the Governor of Kentucky is at the scene.

All I can say tonight is that our hearts go out to the widows and children and the families of those men.

Several Senators addressed the Chair.

Mr. COOK. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, as one who worked in the mines of Montana, Idaho, and Arizona for approximately 10 years, in hardrock copper mines, quite different from coal mining, but I think similar enough to give me an understanding of what the two distinguished Senators from Kentucky have just brought to the attention of the Senate, may I say, as the majority leader of this body, that the whole Senate feels as do the Senators from Kentucky, just as we did at the time of the great tragedy in West Virginia. I know that I speak for all of us, Republican and Democrat alike, when I say that we extend to the families of these victims, the men who died in this horrible tragedy, our deepest solace and our most sincere sympathy.

Mr. COOK. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, the majority leader has spoken for all of us in expressing our sympathy. I woud like to add just one point. I am the ranking member of the committee that worked out and got passed the coal mine safety bill. I notice my distinguished colleague from West Virginia, who was the other part of that team, on his feet also.

I can assure the Senator from Kentucky if it is of any solace, though I know the situation is too tragic for that, that we certainly will dig into the question with the greatest urgency, in order to find out what is wrong with our own handiwork, if any fault can be attributed to it.

Mr. COOPER. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, on November 20, 1968, near Farmington, in W. Va., 78 coal miners lost their lives while engaged in the production of bituminous coal. This was a terrible disaster for all the people of our State. We mourned not only for the miners who lost their lives, but for their families and friends who had to carry on. As Senators know, this tragic accident was a stimulus at that time, and properly so, for action in the Congress of the United States and the executive branch to strengthen the inadequate laws which were on the statute books providing for the health and safety of coal miners throughout our Nation, but especially in the Appalachian region of which Kentucky, Tennessee, Virginia, Pennsylvania, Maryland, and West Virginia are the major part.

I know that Dr. Elburt Osborn, the newly confirmed Director of the U.S. Bureau of Mines, feels tonight, as we do, a deep sadness as he directs the inspectors and officials of the Bureau of Mines at the mine site. They have joined other Federal, State, and local officials in what is now a futile rescue effort. Earlier there was thought to be a hope—a possibility—of rescue. But, as the Senators from Kentucky have stated, in this explosion apparently there is now no possibility of survival.

The Coal Mine Health and Safety Act—and I will speak only briefly of this—to which the able Senator from New York (Mr. Javits), the ranking member of the Committee on Labor and Public Welfare, has referred was a very genuine effort made within our committee, to strengthen health and safety law and to improve working conditions for miners. A vital part of this endeavor was the authorization of funds for a substantially larger force of qualified inspectors. There are now 236 Federal inspectors, with another 176 in training, and 106 in the processing phase. The ultimate goal of the Bureau of Mines is approximately 700 inspectors.

Now, as this act rather slowly comes into effect—in part because inspectors must, of course, be thoroughly screened and trained—we are made conscious again by the accident in Kentucky, of the hazard under which tens of thousands of coal miners as well as other miners throughout the United States go into the earth to bring forth the fuels to heat and energize America.

We can say nothing tonight except that there must be a continuing and full commitment to do everything possible within all levels of government, utilizing all of the skills and technology, and understanding of the elements of health and safety, to cause a lessening of tragic accidents such as the Senators from Kentucky have brought to our attention in this Chamber tonight.

We must continue our efforts to insure the health and safety of miners and all workers. The Coal Mine Health and Safety Act was passed last year. Yesterday, the President signed the Occupational Safety and Health Act, which also was brought to the Senate by the Labor and Public Welfare Committee. It is my belief that the committees with jurisdiction and the Congress must conduct a continuing review of the enforcement and the funding levels of these measures.

I might point out that our continuing concern for the workers of this Nation was manifested Monday night when the Senate approved an amendment offered by the Senator from Oklahoma and me to raise combined payments of social security and workmen's compensation to a disabled worker from 80 percent to 100 percent of his average earnings prior to disability. By a vote of 46 to 20, the Senate recognized in part the needs of thousands of miners and workers who are totally disabled while on the job and who find themselves unable to earn a living.

Mr. President, I add my very sincere understanding of this tragedy in Kentucky and my hope for better health and safety programs. We must work to stop, insofar as possible, the recurrence of such a tragedy. I am sure that all Members of Congress want to make their contribution toward that end.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. BYRD of West Virginia. Mr. President, I join with my senior colleague in expressing our understanding for the concern that has been stated on the floor of the Senate tonight by the two able Senators from Kentucky. We want to assure them that we extend our sympathy to the people of the great State of Kentucky, and especially to the families of those men who have lost their lives, in this time of great sorrow.

Mr. COOK. I thank my colleagues for their expressions. I am sorry that we had to make this pronouncement to the membership this evening.

I can only say to the senior Senator from West Virginia that it was my privilege to join him last night on that amendment. I hope that we, as a body politic, can look forward to the day when these occurrences will be at an absolute minimum in this Nation, so that men can go to work in the morning and their families can have a tremendous understanding and a tremendous realization that those men will come home each night.

I yield the floor.

THE UNDERSTANDING

Mr. DOLE. Mr. President, whenever President Nixon takes affirmative action in Southeast Asia or makes clear American policy, some rise up in righteous indignation.

Their latest howl of outrage came when the President, at his recent press conference, said the following:

> Now, there's been, I note, some speculation in the press, and also some charges from North Vietnam, that there is no understanding that reconnaissance planes are to fly over North Vietnam since the bombing halt was announced.
>
> I want to be very sure that that understanding is clear. First, President Johnson said there was such an understanding at the time of the bombing halt. Secretary Clifford did, and Ambassador Vance did.
>
> But if there is any misunderstanding, I want to indicate the understanding of this President with regard to the flying of reconnaissance planes over North Vietnam. I must insist that there be continued reconnaissance over North Vietnam because, as we are withdrawing our forces, I have to see whether or not there is any chance of a strike against those forces that remain, and we have to watch for the build-up.
>
> If our planes are fired upon, I will not only order that they return the fire, but I will order that the missile site be destroyed and that the military complex around that site which supports it also be destroyed by bombing. That is my understanding.

Mr. President, President Nixon's clear, unequivocal statement of his understanding and his restatement of U.S policy leaves no doubt in the minds of the world of American determination to reach an honorable peace in Vietnam.

To those who advocate retreat, however, the President's words were most alarming and they immediately set out to raise the old, spurious charge that he is escalating the war and is taking new steps that will only prolong it.

Well, it is time again to let the record speak for itself. It will not hush the superdoves, who are seldom swayed by fact, but perhaps it will again tell the American people that the credibility gap lies not with the current administration, but only with its enemies.

I ask unanimous consent to have printed at this point in the Record the following collection of statements on the public record by officials of the Johnson administration concerning the understanding with the Government of North Vietnam on U.S. aerial reconnaissance flights over North Vietnam after the bombing halt announced on October 31, 1968. These are statements made by Secretary of Defense Clark Clifford on November 12, 1968; again on November 24, 1968; again on December 15, 1968; a statement made by Ambassador Vance on December 3, 1968; a statement by Acting Secretary of State Nicholas Katzenbach on November 13, 1968; and a statement of Dr. Harold Brown, Secretary of the Air Force, on November 4, 1968.

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There being no objection, the material was ordered to be printed in the RECORD, as follows:

COLLECTION OF STATEMENTS

Clark Clifford, Secretary of Defense (Press Conference, Pentagon—November 12, 1968):

Q. "Sir, would you speak to the charges made by several writers that the Administration knew before they made the bombing halt and the announcement of the agreement of the 31st that the South Vietnamese Government would not go along with the talks in Paris and would you speak to whether you think the South Vietnamese Government has dealt brusquely with our diplomats?"

A. ". . . Now, also in addition to that, Saigon was kept fully posed on what the other arrangements were that we were working toward; that is, some understanding about the DMZ; and understanding with reference to the cities. We went through long talks having to do with reconnaissance. They were kept fully informed."

Clark Clifford, Secretary of Defense (Issues and Answers ABC-TV—November 24, 1968):

Q. "Mr. Secretary, the North Vietnamese are claiming that we are violating the understanding by continuing reconnaissance flights. Do we have any intentions of stopping such flights?"

A. "We do not. It is exceedingly important to the President that he knows what's going on in North Vietnam. If there were some unusual type of buildup there either from the standpoint of men or material of war, he must know about it at once. In the Paris conversations for all these many months, it was made very clear to the representatives of North Vietnam that we would continue to maintain reconnaissance. We do it daily, we do it all the time. We are keeping very close track of just what goes on so that in the event any development takes place that increases the jeopardy of our troops, then we might very well have to take action."

* * * * *

"If Hanoi wants to show its good faith by meeting the requirements of those talks and agreeing with the general understanding, then he is willing to proceed. If they, at some time, show us that they are not serious and that they are not proceeding with good faith, I have no doubt whatsoever that the President will have to return to our former concept and that is to keep the pressure on the enemy and that would include bombing if necessary."

* * * * *

Clark Clifford, Secretary of Defense (Face the Nation CBS-TV—December 15, 1968): "The situation is that we had certain understandings reached with the North Vietnamese in Paris. They involved the DMZ and the shelling of the cities and the question of reconnaissance. There is the area of agreement."

Ambassador Cyrus Vance—Deputy Chief of the U.S. Paris Delegation (Interview by the British Broadcasting Corporation—December 3, 1968):

Q. "In their press conference in Paris, the North Vietnamese claim that you have no right to go in for reconnaissance flights."

A. "We made it very clear at the time that we stopped the bombardments that we were stopping all bombardments and all other acts involving the use of force against the territory of North Vietnam. The conducting of reconnaissance is not an act involving the use of force, and is therefore, very clearly within what we told the North Vietnamese we were going to do."

Nicholas Katzenbach, Acting Secretary of State (Statement issued in his name by Department spokesman—November 13, 1968): "The agreement with respect to representation was that there was to be two sides at the table, the U.S. and the GVN on one side—North Vietnam and whomever it wished to include on the other side. The presence of the NLF on North Vietnam's side did not involve recognition in any form. The U.S. had also not agreed to stop reconnaissance missions over North Vietnam."

Dr. Harold Brown, Secretary of the Air Force (NBC-TV Interview—November 4, 1968): "The Joint Chiefs of Staff made their recommendations to the President and they told him this was a perfectly acceptable military risk and that they thought the action should be taken at this time in view of the military situation, the improvement in the military situation, the fact that we will continue reconnaissance, and the authority given to General Abrams to react to any threat to his troops."

THE 18-YEAR-OLD VOTE

Mr. ALLEN. Mr. President, in this morning's Washington Post appeared an interesting and most persuasive article by Merlo J. Pusey, entitled "Court's Clouding of the 18-Year-Old Vote." In this article, Mr. Pusey analyzes the decision or decisions and the opinion or opinions of the Court with respect to the constitutionality of the 18-year-old vote provision of the Voting Rights Act amendment. He comments that the effect is to leave the 18-year-old vote law hanging by the flimsiest thread and that the clean and proper way to lower the voting age to 18 was and is a constitutional amendment.

The distinguished senior Senator from West Virginia (Mr. RANDOLPH), who has been sponsoring the 18-year-old vote and fought for it over many years, had Senate Joint Resolution 147 pending in the Senate at the time the 18-year-old vote amendment was added to the voting rights bill of 1965. The junior Senator from Alabama, on several occasions during the debate on that issue, urged that that amendment submitting a constitutional amendment to the States be given attention and that action be taken in the Senate on that measure.

There are some 73 sponsors of the amendment. It would be an easy thing to have gotten action on the amendment. By now it would be out among the States receiving ratification by the States. Instead, the amendment was added and now the Supreme Court has clouded the issue considerably and, as Mr. Pusey has stated:

> The effect is to leave the 18-year-old vote law hanging by the flimsiest thread.

This was only a 5 to 4 decision, and in the event there should be vacancies on the Supreme Court, it is entirely possible that this decision could be overturned in the years to come. So it still needs a constitutional amendment, not just a constitutional amendment applicable to State and local elections, but a constitutional amendment applicable also to the vote by 18-year-olds in Federal elections, because the matter really has not been decided for all time as would be the case with a constitutional amendment.

Now the distinguished Senator from West Virginia (Mr. RANDOLPH) plans to reintroduce the measure—which is entitled in this Congress Senate Joint Resolution 147—in the 92d Congress. I am proud to state that the junior Senator from Alabama was a cosponsor of Senate Joint Resolution 147 in this Congress, and he is going to be a cosponsor, at the kind invitation of the distinguished Senator from West Virginia, of the amendment which he proposes to offer in the next Congress. It will apply to the vote by 18-year-olds in Federal, State, and local elections, which is what Senate Joint Resolution 147 provided for, and it will be the same measure which he will introduce in the next Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article by Merlo J. Pusey entitled "Court's Clouding of the 18-Year-Old Vote."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COURT'S CLOUDING OF THE 18-YEAR VOTE

(By Merlo J. Pusey)

Will the Supreme Court's decision in the 18-year-old vote case prove to be another "self-inflicted wound"? That term was originally used by Charles Evans Hughes, later Chief Justice, to describe the consequences of the Dred Scott decision and various others that brought disrepute upon the court. The current decision has proved to be popular, insofar as it permits citizens aged 18 to 21 to vote in national elections, but five wide-ranging opinions from the justices have churned the law on voter qualifications into a chaotic state.

The decision had to be communicated to the public with no one really speaking for the Supreme Court. Justice Black announced the judgment that 18-year-olds could vote in national but not in state and local elections; not one of his colleagues joined him in the opinion he wrote. Justices Brennan, White and Marshall (and Justice Douglas in a separate opinion) argued with considerable force that the equal protection clause of the Fourteenth Amendment is broad enough to allow Congress to override all laws fixing the voting age at 21. Justice Stewart, with the support of Chief Justice Burger and Justice Blackmun, accepted the Black thesis that the Constitution obviously leaves voter qualifications in local elections to the states (except in cases of invidious discrimination) but they parted company with Justice Black by insisting that the Constitution means what it says in providing that voter qualifications in congressional elections shall be the same as those for the most numerous branch of the state legislature. Justice Harlan rejected the basic idea of applying the equal protection clause to voter cases.

The effect is to leave the 18-year-old vote law hanging by the flimsiest thread. Justice Black acknowledged that the founding fathers had tied together voter qualifications in congressional elections and in state elections. Then he proceeded to pull them apart. His performance must be regarded as one of the strangest feats in the long history of American jurisprudence.

Where did the justice find authority for this bizarre conclusion? Article I, Section 4, of the Constitution provides—

> The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations. . . .

Justice Black read this as giving Congress sweeping authority over federal elections. But it says nothing whatsoever about any authority for Congress to change the qualifications of voters in defiance of the language in other parts of the Constitution.

Justice Stewart pointed out that the founding fathers were well acquainted with the word "qualifications." They used it in Article I, Section 2, when they said in very specific terms who was entitled to vote in congressional elections. They did not give Congress any authority to alter this section. Madison, Mason and others argued vehe-

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mently in the Constitutional Convention against giving Congress power to fix voter qualifications, and the Committee on Detail voted seven to one against a motion to let Congress exercise such power. On the basis of this Hamilton noted in "The Federalist" that the qualifications of voters in congressional elections "are defined and fixed in the Constitution and are unalterable by the legislature."

In the face of this history and the unquestioned language of the Constitution itself, the real question before the court was whether enactment of the Fourteenth Amendment gave Congress power it did not previously have to fix a national and state age limit for voters. Justice Brennan and his supporters did not pretend to find anything specific in the Fourteenth Amendment giving Congress such power. They acknowledged that the authors of the equal protection clause "papered over their differences with . . . broad, elastic language." These justices were willing to let Congress inflate that "elastic language" into a balloon because they believe in the primacy of federal power.

Justice Black, to his credit, was not willing to go that far. But having substantially deflated the balloon fashioned from "elastic language," he turned and seemed to cut the ground from beneath his own position:

> As broad as the congressional enforcement power is, it is not unlimited. Specifically, there are at least three limitations upon Congress' power to enforce the guarantees of the Civil War Amendments. First, Congress may not by legislation repeal other provisions of the Constitution.

Congress has, however, with Justice Black's approbation, repealed that portion of Article I, Section 2, which prescribes the qualifications of voters in congressional elections. The whole thrust of Justice Black's lone opinion is to allow Congress to do what he later says that it may not do. He goes on to recognize that "Congress has exceeded its powers in attempting to lower the voting age in state and local elections," without acknowledging that the Constitution puts federal voting qualifications in the same package. It is difficult to avoid the conclusion that he is willing to stretch with the elasticity school in the case of national elections because he regards congressional control over national voter qualifications appropriate in 1970 regardless of what the founding fathers may have written into the Constitution nearly two centuries ago.

In any event, the performance of the Supreme Court is a shabby sequel to a shabby gesture in Congress. The clean and proper way to lower the voting age to 18 was, and is, a constitutional amendment. After all the squirming and twisting and inflation of elastic language, an amendment is still necessary. Much confusion and weakening of constitutional safeguards could have been avoided by approaching this reform in the right way in the first place. The court should have been spared the unquestioned wound it has inflicted upon itself.

Mr. RANDOLPH. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I am happy to yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, it is characteristic of the Senator from Alabama to mention the efforts being made by others in this matter of 18-year-old voting. As has been stated, Senate Joint Resolution 147, on which very thorough hearings were held during the 91st Congress, were reported favorably by the subcommittee chaired by the able Senator from Indiana (Mr. BAYH) to the full Judiciary Committee. There are many persons may I say, who felt that the Senate should have gone ahead and acted on the Senate joint resolution.

Mr. ALLEN. I agree with the distinguished Senator.

Mr. RANDOLPH. I know that the Senator from Alabama felt that that was necessary. We did feel there was a large question mark in reference to the statutory approach to lowering the voting age for Federal, State and local levels elections. As the Senator has indicated tonight, the issue has been split up and down the middle, in a sense. And there is still, perhaps a smaller question mark remaining, not only for voting at the State level by 18 year olds, but even at the Federal levels as well.

It is a complex situation. The Senator from Alabama has been very thoughtful, as he always is, especially to mention that I shall introduce the resolution again on the first day of the 92d Congress. I am grateful that same 75 Members of the Senate have sponsored with me this present and pending Senate Joint Resolution 147. The Senator from Alabama is one of them, and my able colleague from West Virginia (Mr. BYRD) is another. We have the votes to approve the resolution when it is introduced in the first session of the 92d Congress, with perhaps 80 Members as cosponsors. Even though we know there has been some difference of approach, there is a strong feeling in Congress, not only in this body but also in the House, that we must insure permanently the right of 18-year-olds to vote—an element of our population whose voice and vote needs to be heard and needs to be recorded.

I think that we have acted here in debate, as responsible Members of the Senate, in coming to grips with the realization that we must complete the task which has been started.

I feel, sometimes, that we should not indulge in nostalgia. But I mention the time when I brought a southerner from Georgia to Washington, D.C. He came at my invitation. Ellis Arnall, the Governor of that State, who talked about what had been done there in the 18-year-old voting. It has been good for Georgia as it has been good for Kentucky. It has been good for a different figure—20 years, 19 years—Alaska and Hawaii at the different voting age levels of 19 and 20. Alaska has, of course, voted to lower the voting age to 18 now.

I think generally the lower voting age will be good for America because it will insure a contribution by young people, with their reasoning and thinking combined with that of older persons.

It was in 1942 that I introduced that first constitutional amendment, while I was a Member of the House of Representatives from the Second District of West Virgina. I know that my colleague from Alabama would like, tonight, to hope with me, that even though we were unable to accomplish the constitutional amendment approach in the 91st Congress, it will be a matter of major importance and paramount attention by the Senate and the House early—hopefully in January—but not later than February or in March, of 1971.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from West Virginia for his remarks. I want to extend again my sincere appreciation for his efforts over the last three decades to accomplish this most needed reform. It does appear that the time has come for this matter to be resolved in the proper fashion by a constitutional amendment.

I am delighted that the senior Senator from West Virginia is again taking the lead, as he has done for almost 30 years, in pushing a constitutional amendment that will accomplish this most needed reform.

The five opinions of the five Justices of the Supreme Court with respect to this case were printed in the CONGRESSIONAL RECORD on the very day the opinion was handed down by the Supreme Court. I had the interesting pleasure over the holidays of reading those opinions. I was particularly impressed with an opinion of Mr. Justice Harlan. In the humble opinion of the junior Senator from Alabama that opinion should have been the opinion speaking for a majority of the court, because he gives a history of the 14th amendment and shows that under no stretch of the imagination would Congress be authorized to pass an 18-year-old voting provision by statute.

The junior Senator from Alabama, while this matter was under debate, pointed out on several occasions that the Constitution of the United States in several places, at least five, indicates very positively that the States have the right to set the qualifications for electors. And as pointed out by Mr. Justice Harlan, that right has really never been questioned until after the 14th amendment was passed. And he was unable to find anything in the 14th amendment that would have permitted Congress to pass this 18-year-old provision by statute.

Article I, section 2 of the Constitution having to do with the election of Congressmen; article II, section 1 having to do with the Presidential electors; amendment 10; amendment 17, having to do with United States Senators; and in the 14th amendment itself, it speaks of the States denying the right to vote to citizens 21 years of age or over.

Mr. President, I would like to read for the RECORD article I, section 2 of the Constitution:

> The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

That means that those who are entitled to vote for Congressmen should have the qualifications requisite for electors of the most numerous branch of the State legislature. Yet this 5-to-4 decision would provide separate rules for national elections and for State elections, when article 1, section 2 says that the House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors of each State for the House of Representatives shall have the qualifications requisite for the electors of the most numerous branch of the State legislature.

So the majority opinion says the States can set the qualifications for voting for the State legislature election. They can set that, but the express wording of the section says that the electors voting for candidates for the House of Representatives shall have the same qualifications.

Yet the Supreme Court in its inimitable fashion of leaving a legal question in greater confusion and greater doubt by its decision has set up two separate rules—one set for the State and local elections, and another set for the Congress for national elections when the article itself says that the electors for Congressmen—that is the people who vote and it is not talking about presidential electors, but the electors for Congressmen—shall have the same qualifications as electors for the State legislature. That shows that they should have a uniform plan and not two separate standards. Yet, that is what the Supreme Court has given us.

I favor the principle of 18-year-old voting. I still want to see that accomplished by a constitutional amendment. That is the reason that during the next Congress I am hopeful that the amendment to be proposed by the distinguished senior Senator from West Virginia (Mr. RANDOLPH) providing for 18-year-old voting in national, State, and local elections will be submitted by the Congress and that the States will be given an opportunity to vote on that amendment and that this question can be resolved properly and in a lasting fashion, free from the confusion in which we are left by the decision of the Supreme Court.

Mr. President, I yield the floor.

INTRODUCTION OF A BILL

A bill was introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (for himself, Mr. PASTORE, and Mr. CANNON):

S. 4607. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes; referred jointly to the Committees on Commerce, Rules and Administration, and Finance, with instructions.

(The remarks of Mr. MANSFIELD when he introduced the bill appear immediately below.)

S. 4607—INTRODUCTION OF THE "FEDERAL ELECTION CAMPAIGN ACT OF 1970"

Mr. MANSFIELD. Mr. President, I introduce a bill on behalf of Senator PASTORE, Senator CANNON, and myself and ask unanimous consent that it be referred simultaneously to the Committees on Commerce, Rules, and Finance and when the bill shall have been first reported from a committee, it shall be referred to the other two committees in the form reported with instructions to report back within 45 days.

The PRESIDING OFFICER (Mr. STEVENS). The bill will be received; and, without objection, the bill will be referred, with instructions, as requested by the Senator from Montana.

The bill (S. 4607) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, was reintroduced by Mr. MANSFIELD (for himself, Mr. PASTORE, and Mr. CANNON), was received, read twice by its title, and referred simultaneously to the Committees on Commerce, Rules and Administration, and Finance.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment, in accordance with the previous order.

The motion was agreed to; and (at 10 o'clock and 19 minutes p.m.) the Senate adjourned until tomorrow, Thursday, December 31, 1970, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 30 (legislative day of December 28), 1970:

NATIONAL RAILROAD PASSENGER CORPORATION

The following-named persons to be incorporators of the National Railroad Passenger Corporation for a period of 180 days following October 30, 1970:

Frank S. Besson, Jr., of Virginia.
David E. Bradshaw, of Illinois.
John J. Gilhooley, of New York.
David Walbridge Kendall, of Michigan.
Arthur D. Lewis, of Connecticut.
Charles Luna, of Ohio.
Catherine May, of Washington.
John P. Olsson, of Connecticut.

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HOUSE OF REPRESENTATIVES—*Wednesday, December 30, 1970*

The House met at 12 o'clock noon.

Pastor Jack P. Lowndes, Memorial Baptist Church, Arlington, Va., offered the following prayer:

You know how to interpret the appearance of the sky, but you cannot interpret the signs of the times.—Matthew 16:3 (RSV).

Lord, we come to Thee because Thou alone knowest the secrets of time and space. Be with us now and guide us by Thy presence that we may perceive the meaning of the events of our day. Thanking Thee for those who serve in the Congress of the United States, we pray that they will seek and find strength and wisdom from Thee. So lead them that we as a nation might fulfill our divine destiny.

Work by Thy spirit through them and upon this Nation and our world that the energies of man may be turned from all that is destructive and be dedicated to peace and good will.

Give, we pray, the comfort of Thine assured presence to families and friends of those who have transferred citizenship from this world to another, especially the Members of this body who mourn the passing of a fellow Member. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 771. Concurrent resolution for the printing of environmental report;

H. Con. Res. 790. Concurrent resolution to provide for the printing of 5,000 additional copies of parts I and II of the hearings before the Special Subcommittee on Education of the Committee on Education and Labor entitled "Discrimination Against Women"; and

H. Con. Res. 797. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4605.

The message also announced that the Senate had passed a resolution of the following title:

S. RES. 500

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable L. Mendel Rivers, late a Representative from the State of South Carolina.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now recess.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 437. An act to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes.

The message also announced that the Senate had tabled the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) entitled "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes."

And that the Senate disagrees to the amendment of the House to Senate amendment No. 14 to the above-entitled bill.

And that the Senate further insists upon its amendments to the above-entitled bill, disagreed to by the House and requests a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. PROXMIRE, Mr CASE, Mrs. SMITH, Mr. ALLOTT, and Mr COTTON be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the further report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19590) entitled "An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House numbered 14, 26, 31, 49 and 53 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1626) entitled "An act to regulate the practice of psychology in the District of Columbia."

INJURIES TO JOE BARTLETT

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, I have requested this time in order to relate some facts concerning the recent injury to Joe Bartlett, the minority clerk of the House.

Mr. Speaker, Joe Bartlett is hospitalized in Cleveland at Hillcrest Hospital, 6780 Mayfield Road, as the result of a serious automobile accident.

Mr. Speaker, Joe suffered a broken wrist, a broken arm, a broken collarbone and ankle, plus lacerations as well as a broken rib and punctured lung. The doctors say Joe is in serious condition but not in critical condition.

GENERAL LEAVE TO EXTEND FOR MEMBERS OF THE NEW YORK DELEGATION

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members of the New York State delegation have 5 legislative days in which to extend their remarks on the matter of departing Members.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

[Mr. CELLER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. ADDABBO. Mr. Speaker, as the 91st Congress prepares to adjourn, a number of our colleagues will be leaving the House of Representatives. Among our colleagues who will not be with us in the 92d Congress are several Members from the State of New York and I would like to take this opportunity to say a few words about those men with whom I have worked most closely this year and during previous sessions of Congress.

Mr. Speaker, I would like to take a moment to comment on a very special friendship which I enjoy with one of our colleagues who will not be with us in the 92d Congress. For the past 11 years, Congressman JACOB GILBERT has served in the House and since I was elected to this body 10 years ago we have been personal friends.

JACK GILBERT has always been a popular Member of the House, well liked by his colleagues and an effective Representative for his constituents. His record in the House is an outstanding one, including his service as a Representative of New York State on the Committee on Ways and Means and his active leadership in the House Democratic Study Group.

JACK will be returning to the private practice of law, with his New York firm opening an office in Washington next month. I join with his many friends in wishing him success and happiness in his work and I look forward to his continued stay in Washington.

LEONARD FARBSTEIN has compiled an outstanding record of service in the House and he has exercised special leadership in the field of foreign affairs. LEONARD has served in this body for 14 years with consistent dedication to his constituents.

ADAM CLAYTON POWELL has achieved the status of being one of our more controversial colleagues on the one hand while also acquiring the reputation of being a master of the legislative process. As chairman of the important Committee on Education and Labor, he proved his value to the House and his ability as a leader.

RICHARD D. MCCARTHY is a shining example of the changes which can be brought about by working within our system. MAX has earned a place in history by his campaign against the use of germ warfare and his individual oversight activities in this field.

RICHARD L. OTTINGER made the environment an issue before it was the popular national cause and he broke all the rules in his freshman term by successfully sponsoring legislation to save the Hudson River from threatened destruction.

ALLARD K. LOWENSTEIN came to the House with as large a personal following as any Member ever elected to Congress and he will be leaving us with a much larger fan club. He has won the respect of all his colleagues by his responsible approach to our business and by his fight against insurmountable odds this past November.

The New York congressional delegation will always be a large, diverse, and important part of this body and those who are Members of our delegation will not be forgotten by their friends in Congress. We will miss them and we hope they will continue to see us often both here and at home. I join with my colleagues in wishing each of them success and well being in all their activities in the months ahead.

Mr. HALPERN. Mr. Speaker, one of the advantages of serving in a national legislative body is the opportunity of working with and getting to know colleagues of varied political, geographical, philosophical, and social backgrounds. It provides exceptional opportunity to observe, to understand, to respect, and to evaluate others. Such an opportunity is seldom matched in other endeavors.

Some colleagues stand out as giants. Some leave lasting marks of respect. Some leave lasting contributions. Some leave their colleagues enriched for having served with them.

For one to leave all this heritage is rare indeed. But such an exceptional man is AL LOWENSTEIN, who for the past 2 years has represented New York's Fifth District, the neighboring district to my own Sixth.

The fate of political fortune has charted AL's course to new directions. But the impact he made in this body will be everlasting.

As one who has grown to love this wonderful human being, this brilliant legislator, this outstanding American, I want to join my colleagues in paying tribute to AL and to wish him well in whatever course he charts in the years ahead.

Whatever undertaking he assumes, we who know him can be sure he will be heard and will succeed through sheer excellence, courage, and genuineness—for this sums up AL LOWENSTEIN.

Of course, AL is controversial. That is the mark of greatness. But he is the most respected opponent or adversary I have ever observed. I marvel at his warmth, his patience, his understanding, his brilliance, his loyalty, his tolerance, his scope of knowledge, his dedication to principle, his ease, despite an unbelievable pace of activity, his humor, and his kindness.

I shall miss AL here. But this will be balanced by anticipation of other contributions by AL toward the better America he envisions and toward which he is completely devoted. Good luck, AL, my friend.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I was absent from the House during part of December 21 and all of December 22. I missed several rollcalls. Had I been present and voting, I would have been recorded as follows:

Rollcall No. 438; "nay"; rollcall No. 439, "yea"; rollcall No. 441, "yea"; rollcall No. 442, "nay"; rollcall No. 443, "yea"; rollcall No. 446, "yea"; rollcall No. 447, "yea"; and rollcall No. 448, "yea."

DOUBLE ANNIVERSARY

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, today is a double anniversary. One year ago today, on December 30, 1969, the President signed the Federal Coal Mine Health and Safety Act—a landmark piece of legislation. Unfortunately, the enforcement of that law has not measured up to the intent of Congress. The current issue of Newsweek quotes a Bureau of Mines official as stating:

> To be honest, the act is not being fully enforced, and probably won't be for some time.

They plead lack of trained inspectors, but I say to you the coal operators in their pellmell effort to cut corners and

XUM

step-up production have contributed to the death toll in the coal mines.

This year, 166 miners have been killed and 3,255 injured since the new Safety Act provisions went into effect in April, as contrasted with 155 deaths and 3,165 injuries in a comparable period in 1969.

Today marks another anniversary.

On the night of December 30, a group of men stalked a fieldstone house near Clarksville, Pa. Christmas cards were in the window. The men cut the telephone lines, took off their shoes, and stole upstairs. With a .38-caliber revolver, they shot in the head and killed a fine young woman, a social worker, a graduate of West Virginia University, Miss Charlotte Yablonski. Then the cold-blooded murderers went into an adjoining bedroom. First they murdered Mrs. Margaret Yablonski, wife of Jock Yablonski, a wonderfully sensitive woman, who had written a number of plays which had been produced on the stage. The killers cut down Jock Yablonski with a hail of bullets.

The shock of these killings has worn off. The killers have not yet been brought to trial. Still unanswered is the question: Who put up the blood money to hire the killers? The top leadership of the United Mine Workers of America is back at its old game of stealing elections and intimidating those miners who are working for a clean union.

Meanwhile, little or nothing is being done about the corruption and outright flouting of the law by the temporary top leadership of the United Mine Workers of America. Miss Antoinette Boyle still holds her job—doing nothing for $40,000 per year. After the crookedest election in labor history in 1969, the Department of Labor went to court 9 months ago to void the election of Tony Boyle, on grounds of election irregularities, but the Labor Department has done nothing to press its case. The Labor Department has supinely refused to intervene in the suit to clean up the UMW Welfare and Retirement Fund, has refused to enforce the reporting provisions of the Labor-Management Reporting and Disclosure Act, has failed to press to trial the 6-year-old court case against UMWA trusteeships, and waited until after the district 5 election was over before moving in to impound absentee ballots which had been tampered with.

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Meanwhile, where is the conscience of this Congress?

Over 6 months have passed since the Senate Labor Subcommittee, funded to investigate the UMWA, has held a hearing. Where is the conscience of the House of Representatives, which has done nothing to stop the corruption and violations of the law by the United Mine Workers of America, at the expense of those who labor and get killed daily in the bowels of the earth?

One year ago tonight, Jock Yablonski paid with his life for his efforts to clean up the United Mine Workers of America. How long will the coal miners have to wait before they have the right to be represented by a union which obeys the law? How long before the Congress wakes up to its responsibilities and demands that the Department of Labor enforce the law? How long, Oh, Lord, how long?

The following articles from the January 4, 1971, issue of Newsweek and the January 1971 issue of Fortune magazine are very revealing:

[From Newsweek magazine, Jan. 4, 1971]

COAL'S HOLLOW PROSPERITY

Judy Henderson remembers the day all too vividly: she packed a lunch for Paul, her husband of nine months, kissed him good-by and watched him trudge off into the early morning darkness to his job at Consolidation Coal Co.'s No. 9 mine in Farmington, W.Va.

She never saw him again. With 77 other miners, Paul Henderson was killed on Nov. 20, 1968, when a massive explosion and fire roared through the mine. His 23-year-old widow, too ill to work, now lives on $90 a month from the West Virginia Workmen's Compensation Fund and $75 a month from the United Mine Workers Union. Mrs. Henderson managed a few months ago to scrape up enough money to buy a headstone for her husband's grave, although his body still rests 600 feet deep in Consol No. 9. She also bought a Christmas tree this year, the first since her husband's death. "I guess you have to go on living," she told a visitor one day last week.

Judy Henderson's mood of weary resignation is the mood of Farmington this holiday season—and indeed, the mood of most of the coal towns that spot the rolling hills of West Virginia and western Pennsylvania. Despite all the work a miner can handle at $35 a day, there is a feeling that the men and their families are still objects of abuse, exploitation and callous neglect—by their own union as well as the mining companies. The uneasy knowledge that another Farmington disaster could occur at any time is on every miner's mind; even the U.S. Bureau of Mines admits that, so far, the widely heralded Coal Mine Health and Safety Act of December 1969 has had "no discernible" effect on the number of deaths and injuries underground. And a full year after the murder of the popular Joseph (Jock) Yablonski, the unsuccessful challenger of iron-handed W. A. (Tony) Boyle for the UMW presidency, no one has yet come to trial.

Although five defendants are in jail awaiting trial, there is a widespread conviction that those really responsible for Yablonski's death are still at large. In addition, his supporters contend, Yablonski's death made no difference in the way the UMW is run. Just three weeks ago, they charged that a Boyle supporter, Michael Budzanoski had tried to steal the election for the directorship of UMW District 5, which encompasses western Pennsylvania's coal-mining counties.

For once in their troubled history, the miners' bitter mood can't be traced to economic privation. Indeed, the industry has seldom been in better shape. The much-bruited fuel shortage that as recently as six weeks ago was threatening the nation has turned out to be a mirage—yet the mere threat helped to boost prices to near-record levels. Coal used in the steel mills, for instance, has soared from $6 a ton last winter to $16 a ton last week. At the same time, exports and domestic demand both are rising; production this year will run to more than 590 million tons, 30 million more than last year and the highest since 1947. As a result, new jobs are opening up all the time. Dozens of small mines, closed down soon after the safety bill passed because of the supposedly prohibitive costs it imposed, have now reopened.

MOONSCAPE

And the rising prices have made strip mining for shallow low-grade coal close to ground level profitable across huge stretches of southeastern Ohio. In Belmont County for instance, the "Gem of Egypt"—a monstrous shovel 100 feet high gulping with 10,000 horsepower—is methodically peeling the surface from acre after acre, leaving a shattered moonscape in its wake. Ten years ago, an estimated 29 percent of the nation's coal came from strip mining. The figure this year will be 35 percent. Yet such is the demand that traditional pits still have all the work they can handle.

For all their prosperity, however, the coal men remain haunted by death—and the Farmington tragedy remains the symbol of their fears. Consolidation Coal long since agreed to pay a $10,000 death benefit to the families of each of the dead miners. It then proposed to seal up a portion of the mine in which the explosion and fire occurred and build a monument in memory of the 73 miners whose bodies have still not been recovered. At that point, the U.S. and West Virginia Bureaus of Mines, joined by the UMW, stepped in. They argued that sealing off a large section of the mine permanently would mean that the cause of the disaster would never be known. "Our position is that we want the right to investigate," a Federal official explained.

Despite the loss of compensation, some widows of the dead miners agreed and asked that any agreements they had made with Consolidation Coal be voided. "From the very beginning," Judy Henderson told Newsweek's Tom Joyce, who spent last week touring the coal country, "I was against the agreement with Consolidation. I want my husband's body found so he can have a final resting place. And I want an investigation, so this kind of thing won't happen again."

DEATH TOLL

It could indeed happen again, despite the health-and-safety bill which is supposedly designed to cut the chance of underground fire and explosion. So far this year, 209 miners have lost their lives, compared with 203 in 1969, before the law was passed. During the first six months of this year, 5,875 miners were hurt, compared with 5,410 for the same period last year. "To be honest," a Bureau of Mines official conceded, "the act is not being fully enforced, and probably won't be for some time. We have a serious manpower problem, and inspectors can't be in the mines every day." To enforce the law, the bureau says it needs 1,000 inspectors; it has only 406, and 178 of these are still in training.

Just how many deaths and injuries can be traced to a failure to enforce the new law can only be guessed. However, the miners themselves argue that in all too many cases, mine operators break or bend the law daily in their zeal for production. John Leavor, a veteran of 40 years in the mines near Belle Vernon, Pa., noted that the law calls for installation of large pieces of canvas-like material called brattice cloths to direct the flow of fresh air. "The operators don't pay any attention to that," he said last week. "When the inspector comes, they keep him waiting up on top until there is time to roll the cloths down. Then when the inspector leaves, they roll them right back up again. All they are interested in is getting out the coal." For their part, the operators maintain they are complying with the law; in fact, they say, the 20 per cent average increase in the price of coal this year is due in large part to the cost of implementing the safety law.

Mine safety was a keystone of Jock Yablonski's ill-fated campaign for the union presidency—a race that preceded by only a few weeks the gunshot murders of the grizzled former miner and his wife and daughter in their Clarksville, Pa., farmhouse. A woman and four men, one of them a former UMW official in Tennessee, have been charged with the Yablonski murders and will go on trial in Washington, Pa., probably next month. But Richard Sprague, a prosecutor from Philadelphia who will handle the government's case, does not believe the five defendants bear the ultimate guilt. "There are others behind this," he said last week, "and the case won't be satisfactorily concluded until we get the people who instigated the murders."

Meanwhile, Yablonski's short-lived crusade for reform within the mine workers' union is being carried on in Washington, D.C., by his two sons, Chip and Kenneth, and attorney Joseph Rauh. Early this year, under their prodding, the Labor Department filed suit to call a new election in the UMW, contending that there was fraud in the 1969 vote in which Jock Yablonski was beaten by Boyle. "But now ten months have passed and nothing has happened," Chip Yablonski complained bitterly last week at his desk in Rauh's Washington office. "It is clear to us that the Department of Labor is not pushing this case."

BRAWL

The Labor Department hotly disputes that charge, and there is no doubt that it is involved in the Budzanoski election battle—a brawl that pretty well sums up the union's style in politics. Some months ago Louis Antal, a 50-year-old miner from a village near Pittsburgh, announced that he would run against Boyle's man, Budzanoski, for the $22,000-a-year district director's job. Seeing their man threatened, the Boyle administration promptly announced that for the first time in the union's history, absentee ballots would be used—a move designed to capture the votes of nearly 6,000 retired miners in the area, many of them loyal to Boyle for fear of losing their $150-a-month pensions.

With all but the absentee ballots counted several weeks ago, Boyle and Budzanoski were stunned: Antal, backed by the Yablonski brothers and their rapidly growing Miners for Democracy, led by 514 votes. Still, Budzanski was confident that the absentee ballots would pull him through.

They have yet to be counted. On Dec. 14, the Labor Department moved in and impounded the ballots, backed by affidavits filed by Antal supporters, who said they had spotted District 5 secretary-treasurer John Seddon, a Budzanoski supporter, tampering with them. Budzanoski, who is under indictment already for allegedly falsifying union expense vouchers, says it is all a plot on the part of the Yablonski forces. "People are trying to make a martyr out of Jock and it burns me up," he stormed last week. Countered Antal: "The fact that Budzanoski tried to steal the District 5 election and he got caught." The election results, meanwhile, are awaiting a decision by the Labor Department on the validity of the absentee ballots.

To the miners themselves, the union politics and the safety issue are fused in a bitter perception as old as the pits themselves: that their lives and labor are worth no more than the price of coal. "Tony Boyle never did anything for us," says one of the widows of Consol No. 9—and a survivor of that holocaust adds: "We are tired of getting killed and hurt when all the operators care about is production."

[From Fortune magazine, January 1971]

ANARCHY THREATENS THE KINGDOM OF COAL

(By Thomas O'Hanlon)

From the dirty dogholes in the Appalachian Mountains to the vast strip mines in Illinois, there is a resurgence of prosperity so unexpected and spectacular as to give the impression that coal is once more king. Prices have increased 50 percent over the past year as utilities rushed to sign lush long-term contracts and foreign buyers bid frantically for shipments. Only a decade ago, coal was almost written off as a competitive fuel in the production of energy, but now the industry has embarked on a capital-spending program that will double capacity by 1980. That cold cash affirms the operators' belief that there has been a big change in the national energy policy. They like to point to a recent statement by Gene P. Morrell, deputy Assistant Secretary of the Interior, that the federal government now views coal as "the cornerstone of our energy philosophy for the coming generations."

There was a time when the coal operators could have built confidently on such a foundation, armed with the knowledge that they would be supported by the most powerful institution in the business, the United Mine Workers of America. Ever since 1950, when John L. Lewis first signed a national contract with the Bituminous Coal Operators Association, the union has called the signals for the industry. In return for that contract, which included payment of royalties into a welfare and retirement fund, the U.M.W. has allowed the operators to replace 300,000 men with giant mining machines.

In the past two decades the aims, interests, and policies of the union and the companies became inextricably intertwined. The voice of the union in Washington was the voice of the industry, and the threat of a strike in the coalfields disappeared from the land. Convinced that the union had an obligation to bring stability to an ailing industry, Lewis opened the union's vast treasury to men like Cyrus Eaton who wanted to consolidate the small companies that made up a fragmented industry into a few giant corporations. The Mine Workers' muscle and manpower were used to drive the small independent and non-union operators out of business, thereby helping the big companies grab the lion's share of the coal business. "The union that once protected the men from the bosses has become the union that protects the bosses from the men," says Monsignor Charles Owen Rice, a Pennsylvania clergyman who is the confidant of many union men.

Now the operators can no longer look to the union to provide stability and industrial peace. Lewis retired as head of the union in 1960 (and died in 1969), and the man who is now president, William Anthony (Tony) Boyle, has lost control of his membership. The rank-and-file miners are hopping mad, and there is no union man so militant as a miner who feels wronged. The causes of dissatisfaction have been there all along, but only recently has the suppressed anger erupted in a rash of wildcat strikes. Unlike other blue-collar men, the miners are not primarily concerned with higher wages. The age of the average miner is around fifty, his job is one of the most hazardous in industry, and he is consumed with anxiety about an old man's problems. Pensions, health, and safety are issues so close to a miner's heart that he will strike for them at the sight of a single picket sign, whoever carries it. Many miners feel that Boyle and the other international officers have been far too cozy with the mine operators and almost totally insensitive to their needs.

MURDER ON COMMAND?

The problem of dealing with a work force that is no longer under union discipline would be difficult enough for the companies. But they are now faced with the prospect of signing a new contract on October 1 with a union president whose mandate to hold office is questionable, to say the least. A year ago Boyle was re-elected, but the Department of Labor has moved in federal court to invalidate the election, charging that the Boyle ticket used fraud and intimidation to ensure its return to office. Three weeks after the election, Boyle's opponent, Joseph A. Yablonski, was murdered, along with his wife and daughter. The assistant district attorney who will prosecute five people now under indictment in Pennsylvania for the murders believes that high union officials ordered the slayings. The Yablonski murders solidified the anti-Boyle forces, which are now grouped together as the Miners for Democracy. Should Boyle still be in office next October, when the U.M.W. contract expires, it would come as no surprise to people in the industry if violence and wildcat strikes brought production in the coalfields to a halt.

The coal companies must also wrestle with the serious consequences of a decision Boyle made in 1969 in order to ensure his re-election. Unlike any other international union, the U.M.W. permits retired miners to maintain their membership and vote in the presidential election by paying dues of $1.25 a month. Some 70,000 men receive pensions, and Boyle made a naked pitch to these retired voters by forcing through a $35-a-month increase in pensions only twenty-four hours after he had been appointed as a trustee of the welfare and retirement fund (succeeding John L. Lewis, who was the union's trustee until his death). In the presidential balloting, Boyle was supported by only a bare majority of the working miners, but received 87 percent of the pensioners' votes.

That pension increase placed the fund in jeopardy, for the miners' fund is a pay-as-you-go operation, supported solely by the royalty payments of 40 cents a ton from unionized coal companies. Boyle knew full well at the time he engineered the increase that disbursements to retired members already exceeded income by some $28 million. Most of the coal operators were not informed about the increase, and shortly after the action became known the industry-appointed trustee, George L. Judy, resigned. At the direction of a Senate labor subcommittee, the General Accounting Office made a study of the fund and concluded that under the existing arrangements the fund will be insolvent by mid-1975. The G.A.O. report said: "It is our opinion that the $35-a-month increase in pension benefits should not have been made without definite arrangements for obtaining additional income."

BLACK LUNG AND BLACKOUTS

An issue of equal magnitude, one that the coal operators cannot analyze in financial terms, now confronts the industry: namely, the enforcement of the sweeping federal coal-mine health and safety act that was passed last year. In essence, that act seeks to give maximum protection to miners, not only from underground gas explosions and roof falls, but from the health hazards of mining coal. For the first time miners are now able to seek federal compensation for the most serious occupational hazard, pneumoconiosis, commonly known as black-lung disease. The federal government will meet the costs of such claims until January 1, 1972, when the coal industry will assume the burden. Thus far, 229,000 miners and widows have applied for compensation and 60,000 claims have been granted, with payments ranging from $144 to $280 a month. Nobody is yet in a position to estimate the full extent of the compensation load that the coal companies face.

The safety provisions of the federal statute may force the industry to devise entirely new ways of mining coal. To minimize the risk of contracting black-lung disease, the law mandates that by 1972 workers in underground mines should not be exposed to more than two milligrams of coal dust per cubic meter. Three-fourths of all miners in Kentucky now fail to meet that standard; indeed, miners there are inhaling up to eighteen times the acceptable amount of coal dust. And industry experts estimate that, if the law is strictly applied, about 40 percent of all the underground mines in the nation will be closed. Should that come to pass, American industry and consumers of electric power will face the most severe rationing in history, with the distinct possibility of lengthy total blackouts.

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The coal-industry executives cannot tackle these complex problems with assurance until the power struggle in the union is settled. Not until a stable, responsible union leadership is democratically elected will it be possible for the coal companies to adopt policies that are acceptable to both union factions. It is easy to understand why the industry leaders are unwilling to take sides publicly with either faction. A pat on the back for Boyle would lead to wildcat strikes by the rank and file; public endorsement of another candidate could be the kiss of death, given the miners' conviction that there is a conspiracy between the companies and the union leadership. But in private, top executives in the coal industry are trying to come up with a formula that would bring peace to the coalfields.

That will be no easy task, for two distinct points of view divide the members of the Bituminous Coal Operators Association, which represents most of the unionized companies in bargaining. The old hands in the business are convinced that the miners are an anarchistic lot by nature, and would be given to irresponsible actions without strong, even dictatorial leadership. One old-timer, who has clinched many a confidential deal by only a handshake with the union's president, says flatly, "I know this is heresy, but if I had my druthers the last thing I would want to see is a union run under complete democracy. It would be complete chaos. Who would I deal with if I couldn't go to Mr. Boyle and say, 'Let's settle this'? If you get the right guy at the top, democracy doesn't matter."

This attitude, a combination of cynicism toward the miners and obsequiousness when confronting Boyle, shocks the executives of those large corporations that have acquired coal companies in the recent past. Only a few independent coal companies, such as Pittston, remain among the top ten producers. The others have been taken over by such giants as Kennecott, Occidental Petroleum, Standard Oil of Ohio, and Continental Oil. For the men who run these corporations, hard bargaining at arm's length with responsible union leaders is as much a part of life as drawing up the annual budget. But the Byzantine collective bargaining in the coal industry, where a handful of men drew up the contract, the intricate deals that left the union holding life-and-death power over a company, the ludicrous grievance procedure that often ended with the president of a coal company and the president of the union dickering over the reinstatement of a man who was fired—that pattern of industrial relations is anathema to these executives.

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Not until the bitter election campaign and the murder of Yablonski did they pay much attention to the day-to-day activities of their acquisitions. "We were like everybody else, I suppose," admits one of these men. "We tended to say to the coal people, 'Just keep those dividends rolling in.' But when we began to look closely, we found the most damnable things. If another union won bargaining rights in a strip mine, we had to pay double the royalty rate to the miners' pension fund. We found the coal-company people calling the miners 'the union employees' and everybody else 'company employees.' And then, after an actuarial study, we found that we could provide comparable pension benefits at a cost far lower than the 40-cents-a-ton royalty we're now paying. I've never seen anything like it. The coal people talk about Tony Boyle as if he was God."

The affairs of the United Mine Workers are so tinged with scandal that the Department of Labor may move to place the union under the supervision of a court-appointed monitor. There is precedent for such a drastic course of action; beginning in 1957 monitors supervised the Teamsters Union for more than three years. But that would be only the first of a series of steps to restore democracy to the union, and make it a responsible partner in collective bargaining. A method must be found, agreeable to both union and management, to separate the welfare and retirement fund from the internal politics of the union. That can be achieved by the appointment of trustees responsible only to the union membership and would clear the air for honest bargaining over royalty payments. Finally, a fair election under government supervision must be conducted as soon as the litigation involving the present union leadership is concluded. Otherwise, the prospects for industrial peace in the coalfields are dim indeed.

"THEY'RE OUT TO GET TONY BOYLE"

Sitting behind John L. Lewis' formidable desk in the Washington headquarters of the U.M.W., Tony Boyle still manages to affect an air of bravado. "If people out there are askin' about me, you can just tell 'em that Tony Boyle is doin' all right," he says. "Why, if I didn't tell my wife to cut down on the calories, I'd be puttin' on weight. And you tell them operators that come contract time, they'll be dealin' with me."

There is something about adversity that brings out the juices in a labor leader. Mike Quill was at his belligerent best when he was about to serve a prison term for calling a New York transit strike. Jimmy Hoffa performed with élan while the Justice Department's anti-Hoffa squad was closing in on him. Boyle luxuriates in his sense of martyrdom. "They are not to get Tony Boyle," he says with satisfaction. At various times "they" have been identified as the Communist party, the coal operators, smart alecks from the news media, and mysterious outsiders who are plotting his downfall. Up and down the coalfields, Boyle's men are spreading the message. The boss is being martyred, the Union must hang together.

When he is in Washington, Boyle is chauffeured to his office from a modest home where he has lived almost twenty years. The diminutive, dapper president doesn't look his sixty-six years; he is immaculately tailored and trim as an athlete. An audience with Boyle is a ritual affair. With dutiful solemnity, four members of the international staff gather around to bear witness. A visitor is led to a small table adjoining Boyle's desk where such corporation executives as George Love, now chairman of Consolidation Coal, and Harry Moses of U.S. Steel sat as suppliants when John L. Lewis used to make his interminable booming speeches about the future of the coal business. Not much has changed since Lewis' day in the immense two-story office that looks big enough to be used as a squash court. Boyle has propped a flag of Montana, his home state, in one corner, some mementos from mining conferences in another. A small picture of his grandson "Tiger" sits on a table.

UP FROM BALD BUTTE, MONT.

Away from this imposing setting, Boyle would be just another well-dressed labor organizer. Until the election last year he was an insignificant personality and often behaved that way. At breakfast one morning a waitress greeted him by name and Boyle turned to his companion, asking, "Now how in the hell does she know me?" For God's sake, Tony, you're a public figure now," was the answer. "You're on television, your picture is in the press and everything."

This is pretty heady stuff for a man who was born in a cabin in Bald Butte, Montana. Boyle's father had emigrated there from the Scottish coal mines and died of a lung disease when Tony was twelve. The boy found work in the coal mines, and when times were bad he labored as a hardrock miner. In 1940, after holding some local union offices, he became district president of District 27, which encompassed three western states, Montana, North Dakota, Wyoming, and Alaska. In those days this was not an important position in the union hierarchy, for relatively little coal mining was done in the West. In 1948, Boyle was summoned to Washington by John L. Lewis as one of his assistants, and his brother Dick became district president. From that point on the Boyle family fortunes took a turn for the better. Boyle's salary as president of the union is $50,000; Dick receives $25,000, and Tony's daughter Antoinette, who lives in Billings, Montana, is paid $40,000 a year by the union for legal services.

During the Fifties, Tony Boyle acted as a troubleshooter for Lewis, but he made no splash at union conventions and was seldom praised in the official union newspaper. When John L. Lewis retired he was briefly succeeded by Thomas Kennedy, a gracious and respected trade-unionist who had once been lieutenant governor of Pennsylvania. Kennedy, however, was gravely ill, and Boyle ran the union. When Kennedy died in 1963, Boyle automatically became president and was formally elected in 1964. While Lewis was respected by the coal operators and revered by most of the members, Boyle was something of an unknown quantity to the operators. "We didn't want him," says one company executive, "because he wasn't a patch on Lewis. But the old man had made his choice and we had to live with it."

It is no exaggeration to say that Boyle inherited the most powerful union in the nation. The Oil, Chemical and Atomic Workers Union could strike the oil and gas industry at will without substantially affecting the national production and distribution of energy. But the Mine Workers, decimated as it is, still has the power to cripple the electric-power utilities. Boyle, following Lewis' policy, has chosen not to exercise that power. He has cooperated with the coal producers and has made minimal demands in the contracts he has negotiated with the industry. Nor has he defended members of local safety committees from reprisals by mineowners. Boyle outlined his philosophy to a Senate subcommittee in 1969: "The U.M.W.A. will not abridge the rights of mine operators in running the mines. We follow the judgment of the coal operators, right or wrong."

SHOTGUNS AND SWEETHEART CONTRACTS

In a democratic union, Boyle would have been run out of town by the membership for that utterance. But he has inherited the dictatorial union structure that John L. Lewis created. Although the members can elect local officers, in only four of twenty-three districts can they elect their own district president, an inherently powerful office; Boyle appoints the other nineteen district presidents. A majority of the members of the international executive board, the policymaking body of the union, are Boyle cronies elected by a packed convention. In 1968 many of the delegates were from so-called "bogus" locals—i.e., locals with fewer than ten working members or those composed entirely of retired miners. As if this were not sufficient to safeguard the leadership, Lewis also made sure that the miners could not vote on contracts; they are automatically accepted by the rubber-stamp executive board. Many miners claim that a blacklist exists to prevent "troublemakers" from attaining union office.

Until recently, the unionized coal operators lived comfortably with this dictatorship. Districts that stepped out of line were automatically placed under the trusteeship of the international. Rebellions in the ranks were ruthlessly crushed. But for the small independent mineowners and nonunion operators who could not afford to pay royalties to the pension fund, the struggle during the Fifties and Sixties was fierce. One union insider says with disgust, "We didn't have organizers. We had men who went in with a stick of dynamite in one hand and a shotgun in the other. They just terrorized people into paying royalties and into joining the union."

The full story of this reign of terror may never be known, for, in the tradition of the

Molly Maguires, there is an unwritten law among miners that a brother never informs on a brother. But public testimony in a series of legal actions brought by small coal producers, charging that the union and the big coal operators conspired to put them out of business, makes it clear that the union used its power to favor those companies that paid royalties. For example, when efforts to unionize West Kentucky Coal Co. and Nashville Coal proved unsuccessful the union made loans of $25 million to Cyrus Eaton, who then bought control of the two companies and merged them. No sooner was the merger completed than the 4,000 miners became union members and royalties flowed into the pension fund. Between 1954 and 1964, West Kentucky bid progressively lower on TVA coal contracts, driving the price per ton down from $3.70 to $2.90; as a result, its share of TVA business increased from 9.6 percent to 16.2 percent. This was a nice deal for TVA, but it drove small coal operators out of business and thousands of miners out of jobs.

Over the years the union has used its treasury to invest heavily in favored coal and coal-related businesses. One of the corporate vehicles that the U.M.W. has used to finance these deals is Lew-Mur-Ken Inc., named for John L. Lewis, Philip Murray, a mine-union officer who became president of the C.I.O. and Thomas Kennedy. At one time or another the union had substantial investments in coal-mining and coal-transportation companies such as Freeport Coal, A. H. Bull Steamship Co., and West Kentucky Coal.

It is all justified as being in the interest of the working members, since these investments will supposedly bring in substantial royalty payments. Lewis, blunt as always, put the matter this way when testifying in one of the conspiracy cases: "I cannot sorrow for those pallid, underfed, ill-nourished operators of small mines who can't keep up with the economic procession. They can't live under the rule of competition as it now exists in this free-enterprise nation."

But the union is engaged in some ventures that do not quite measure up to Lewis' iron law of free enterprise. Some operators, in violation of the union's contract, receive most-favored-nation treatment. "Sweethearting does exist," says the president of one major coal company, "mostly among the small guys." The most common form of the sweetheart deal allows the operator to deduct royalty payments from the miners' daily wages. Any company that tries to escape the royalty clause is heavily penalized. For example, when Southeast Coal Co., a Tennessee operation, went nonunion and tried to continue marketing its production through Consolidation Coal Co., the union upped the royalty payment on Southeast's coal to 80 cents a ton. That action is now being contested in court.

MIXED BLESSINGS FOR AGING MINERS

In the hagiography of John L. Lewis, the creation of the welfare and retirement fund is treated with the veneration that Christians give the miracle of the loaves and fishes. The *United Mine Workers Journal* greeted the plan with accolades like this:

> "John L. Lewis, may God bless you,
> You have put up a noble fight.
> The aged miners and the widows
> Send their blessings day and night."

Even Saul Alinsky, the aging radical, was swept away with enthusiasm. "Here in one sweep," wrote Alinsky in a biography of Lewis, "he wrested for his half-million miners that complete security that suddenly made life free from fear and filled with all the essentials for the pursuit of happiness."

The praise was premature. Not only is the fund approaching insolvency, as the General Accounting Office has pointed out, but is unquestionably one of the most poorly managed pension funds extant. In its twenty-year existence the trustees have received a total of $3.1 billion in royalties, but because the plan is unfunded the benefit levels have fluctuated greatly. Pensions have varied from $75 a month to the current $150. The ten hospitals that the fund built for the miners have been sold, and hospitalization benefits are now restricted. Moreover, only 70,000 miners are now receiving pensions; nobody really knows, but perhaps as many as 50,000 other miners have been arbitrarily denied pensions by the trustees, from whose decision there is no recourse.

When a Senate labor subcommittee asked Boyle last year to submit financial records of the pension fund, he did so with great reluctance. "It is our earnest solicitation," Boyle wrote to the subcommittee's chairman, Harrison A. Williams of New Jersey, "that this financial information be considered confidential because publication could conceivably operate to the detriment of the trust fund." It turned out that of the $161 million in fund assets, some $33,800,000, or 21 percent of the total, was placed in a non-interest-bearing account in the National Bank of Washington. The union owns 75 percent of the bank's stock, and on the board of directors sit Tony Boyle, U.M.W. general counsel Edward Carey, and two members of the pension-fund staff. In 1968 the fund had placed over $70 million in non-interest-bearing deposits in the bank.

Eyebrows were raised in the Senate when Boyle revealed the common-stock portfolio of the fund, which is made up totally of seventeen electric-utility common stocks worth some $39 million. Coal-mining subsidiaries of two of those companies, Duquesne Light and Southern Co., paid over $2 million in royalties last year to the pension fund. Some of Boyle's assistants justify this investment policy as being in the interest of the working miner, since utilities are the largest coal consumers. Dissidents within the union speculate that it puts pressure on the utilities to buy coal from operators who are contributing royalty payments to the fund. Whatever the justification, the results have not been beneficial to the pensioners. As of April last year, the commonstock portfolio showed a loss of over $5 million.

To Senator Claiborne Pell, a member of the Senate subcommittee, the whole business raised serious questions of judgment and propriety on the part of the trustees. At the very minimum, Pell wants changes in the present trusteeship. "I do not see how Mr. Boyle can fulfill all his responsibilities and still wear three different hats," says Senator Pell.

"I'M STRICTLY A NOVICE"

When Tony Boyle pushed through the $35-a-month pension increase in June, 1969, he showed how the union dominates the pension fund. The fund is theoretically managed by three trustees—one from the union, one nominated by management, and a neutral. Boyle, of course, was the union trustee; Miss Josephine Roche, eighty-four, a long-time friend of John L. Lewis, who once approved a loan to a coal company owned by Miss Roche, was the neutral party; and George Judy, who was then chairman of the Bituminous Coal Operators Association, was the management representative.

On June 23, twelve days after Lewis' death, Boyle was appointed union trustee. The following day he summoned Judy to his office for a meeting. Judy later testified before a Senate committee that Boyle told him he wanted an immediate $35-a-month increase in pensions. Said Judy, "Tony told me, well first he said that he was sure that he could get enough votes to pass this because, and he said, 'I have got Josephine Roche here in my pocket, a proxy.' " Miss Roche had been in a hospital with a hip injury at the time of the meeting. She told the Senate group that she had not received any notice of the meeting, and that had she been in attendance she would have voted against the increase. Boyle testified that he never claimed to have Miss Roche's proxy. The Senators found this all quite confusing.

When the coal operators learned from their newspapers of Boyle's coup, they held a number of meetings in the office of the Bituminous Coal Operators Association. On July 14, George Judy resigned both his trusteeship and his post as head of the B.C.O.A. R. Heath Larry, vice chairman of U.S. Steel, who became chairman of the association, had discovered at these meetings that although Judy had committed the operators to the increase, no actuarial study of the pension fund had been made since 1948. Knowing full well that an increase in the royalty payment would be one of the first orders of business in the contract talks with the union, the operators then tried to get a firm fix on the future costs of the pension plan. To their astonishment, it transpired that none of the operators really knew the number of miners eligible for pensions under the existing rules. Boyle is equally candid in professing his ignorance. "When I go over there as a trustee," he says, meaning the headquarters of the fund, "I'm strictly a novice." The coal operators have now pushed the trustees to commission a group of actuaries to come up with some answers, fast.

SOME GUNS FOR HIRE

Nobody was more surprised than Tony Boyle when Joseph Yablonski decided to contest his re-election in 1969. In his thirty-five years as a union official, Yablonski had been a faithful servant, unswerving in his loyalty to Lewis and for a time subservient to Boyle. During the early stages of Boyle's re-election campaign in 1969, Yablonski traveled with Boyle and introduced him at rallies with that kind of syrupy praise that is standard rhetoric in the labor movement. (Boyle still presents visitors with recordings of Yablonski's words of praise.) As much as anyone, Yablonski knew the extent of the corruption in the union and the causes for dissatisfaction among the rank and file. The campaign was an agonizing experience for Yablonski, who was secretly mulling over the possibility of challenging his traveling companion.

On the weekends, Yablonski consulted with his two sons, Joseph, known as Chip, who was a lawyer for the National Labor Relations Board, and Kenneth, a lawyer in private practice in Washington, Pennsylvania. In one of these discussions Ken turned to his father and said, "What do you want it for? You're fifty-nine years old. Why not live in Washington and take it easy." The elder Yablonski, who had all along expressed fear of violence, said, "I've just got to do it. I just can't go into retirement and leave this situation behind." On May 29 he announced his candidacy.

The election campaign was marked by intimidation, bribery, and fraud of a style that has seldom, if ever, been witnessed in the labor movement. The Boyle faction appeared to have unlimited funds, while Yablonski had a budget of $60,000. The *United Mine Workers Journal,* the official union newspaper, openly supported Boyle's candidacy, and Yablonski had to seek legal recourse in order to have his name printed. On several occasions Joseph L. Rauh, Jr., the respected Washington attorney who was representing Yablonski, appealed to the Department of Labor to monitor the election, but without success. George Shultz, then Secretary of Labor, testified before a Senate committee that he had found no grounds to intervene. "We know that for six months the killers were trailing my father," says Chip Yablonski. "They just never had the opportunity to pull the trigger during the election campaign because there were too many people around." It was not until after the savage murder of Joseph Yablonski, his wife, and daughter that Labor Department investigators went into the field.

In examining the election and the financial records of the union, the department discovered that in 1969 the international had advanced $2,100,000 to a number of districts without seeking documentary evidence to show how the money was spent. A typical ploy by the Boyle forces was to place miners and local officers on the payroll as "organizers." One miner, Anthony Dovshek, has testified that he was one of a group that was paid $2,409 per man for a six-week period to organize, but most of the time was spent lolling around a Holiday Inn near Butler, Pennsylvania. In the course of its investigation, the government unearthed innumerable violations of the Landrum-Griffin Act. The union, of course, is contesting the department's legal moves to invalidate the election.

Among the five persons indicted for Yablonski's murder is Silous Huddleston, a retired miner who is president of a small local in Kentucky, which is part of the union's District 19. Between 1967 and 1969, government records show, that district received loans totaling $908,000 for organizing expenses, although there is no record that the membership increased substantially during that period. Such facts are now becoming public as the F.B.I. attempts to trace the source of the reward money that was paid to Yablonski's murderers. Officers and members of the union in District 19 have testified before a grand jury, as have members in the adjoining District 28 in Virginia.

Among those testifying was Charles Minton, who has been questioned about a murder plot in the coalfields back in 1952. In that year Minton sued the United Mine Workers for $350,000, charging that the union had conspired to fire him from his job. In his suit, Minton swore that he had dynamited mine installations on union orders, but that he balked when Tony Boyle ordered him to kill C. P. Fugate and Harry Turner, two nonunion coal operators. In his affidavit, Minton claimed that Boyle promised a substantial reward if he carried out the assignment and offered legal assistance and aid to his family if he was apprehended. That case was settled out of court and Boyle will not comment on the matter.

The trial of Huddleston and the other four defendants is scheduled to begin this month in a small courthouse in Washington, Pennsylvania, but the investigation will not end there. Richard Sprague, the assistant prosecutor in the case, was asked recently by a German TV crew whether others were involved in the murder. Said Sprague, "I think that these five are the hired thugs, so to speak, the assassins who carried out the plans of the people who employed them, and that for justice to be achieved it's crucial that we trace back the chain of command to the men on top who initially set this whole thing in motion." Asked if the chain of command would reach into the higher echelons of the union, Sprague replied, "The belief is that it leads into the higher-ups of the union."

AFTER BOYLE, WHO?

Despite Tony Boyle's protestations to the contrary, his power is diminished and the Bituminous Coal Operators Association is determined that now is the time to cut the union down to size. What bothers the coal executives not a little is that if Boyle is forced to resign, his successor under the union's constitution will be Vice President George Titler, seventy-five, a blustering West Virginia miner who is distrusted by many rank and filers. The third man in the elected hierarchy is John Owens, eighty, who has been secretary-treasurer of the union since 1949. When Owens testified in federal court last year on matters involving the union election, the judge remarked, "For a man with twenty-one years in his job, the witness shows remarkably little knowledge of what goes on in the union."

It is a matter of common knowledge throughout the coal industry that Suzanne Richards, Boyle's executive assistant, is by far the most influential member of the headquarters staff. A shrewd lawyer with a charming drawl, Miss Richards interprets contract language, interviews the top executives of the coal companies, gives directives to local and district union officials, and handles many of the administrative chores that Boyle finds so tedious. At one time it was rumored that Miss Richards would replace Josephine Roche as the neutral trustee of the pension fund, but she shrugs this off with a disarming smile. Since Miss Richards is not an elected officer of the union, she cannot succeed Boyle, although there are many who consider her qualified to hold the job.

A JOB FOR NEW LEADERSHIP

Meanwhile Tony Boyle sits under siege. The Senate subcommittee's investigation, which began last February, is continuing. Boyle and other top officers of the union now spend much of their time fashioning defenses against several legal actions. These include the Labor Department's attempts to invalidate the election and a suit by retired miners who claim that they have been deprived of pension and other benefits. And a new investigation is under way to determine the legality of political contributions by union officers. As the October 1 contract deadline draws closer, the need to resolve the fight for union leadership becomes more urgent.

If the working miners can elect a new leader in a federally supervised election, the union can turn in some new directions. Chances are that under new leadership the United Mine Workers would reaffiliate with the A.F.L.-C.I.O. Nobody would welcome this more than I. W. Abel, the president of the United Steelworkers Union, which has historical ties with the mineworkers. Since the big steel producers depend heavily on their captive mines for fuel, the last thing that Abel wants is to see his members furloughed because of strikes by the coal miners. The steel contract expires on June 30, but long before that Abel will be sitting across the bargaining table from Heath Larry, the chief negotiator for U.S. Steel. Neither man wants these talks to be subordinate to a power struggle in the miners' union.

The coal companies are not without blame for the mess, as many of their executives admit privately. They were quite willing for many years to see the union leaders ride roughshod over the members, and they handed over royalty payments without ensuring that the fund was administered in a fair fiduciary fashion. There are responsible men in the industry who know that a new pattern of labor management relations must be established if the coal industry is to prosper. It is a matter of paramount concern to the operators that over the next ten years about half the labor force will have to be replaced, and these young miners are not going to tolerate hazardous working conditions. Nor will they buckle under to a union that acts dictatorially to impose the will of its leader. Unless decent men from both sides can settle these problems, anarchy lies ahead.

SOCIAL SECURITY ACT

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, today the House will receive the Senate-passed Social Security Act with a request for conference. The Senate amendments to the House bill merit acceptance by the House en bloc. There is no need for conference or delay.

In the Senate version, social security benefits are increased 10 percent across the board as of January 1, 1971. Minimum benefits are increased from $64 to $100 per month. The aged, disabled, and blind on welfare are provided a monthly minimum allowance of $130 a person or $200 per couple. Allowable retirement income is increased from $1,680 to $2,400. The proposal is actuarially sound and includes the best hopes of 26 million Americans who live on social security.

The failure of the House to pass this bill would irreparably scar the otherwise fine record of considerable achievement of this Congress. It would be a cruel blow to those on social security who have suffered most under inflation.

The prospects are dim for early action on this issue in the new Congress. The problems of reorganization and the controversy over rule changes—particularly cloture—preclude final action before April 1. This would delay receipt of increased benefit payments until July.

We must make every effort to prevent this legislation from dying in this last week of the 91st Congress. It would be tragic and a mockery of parliamentary procedure if the House were denied the opportunity to accept or reject the Senate version.

THE REFUSE ACT PERMIT PROGRAM

(Mr. HARSHA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARSHA. Mr. Speaker, today I would like to call to the attention of my colleagues an action I consider one of the most dramatic and progressive steps ever taken by the Federal Government in the area of protecting our Nation's waters and in preserving part of the environment.

Recently, the President, working in cooperation with the Council on Environmental Quality and the Environmental Protection Agency, issued an Executive order which sets in motion a comprehensive program designed to make the most effective use of existing Federal antipollution legislation, the Refuse Act of 1899 and the Federal Water Pollution Control Act. This farsighted, innovative approach to the challenge of water pollution will enable the administration to employ enforcement mechanisms that are far more comprehensive and rapid than previous procedures employing only the Federal Water Pollution Control Act. In addition, this action will provide clear guidance to States and to industries regarding their responsibilities for cleaning up our waterways as well as a systematic, orderly means for obtaining compliance with water quality standards I would like to highly commend the administration for this program which meets many of the challenges of pollution control and moves toward preservation and revitalization of our precious natural resources.

The Refuse Act prohibits discharges into navigable waters or their tributaries in the absence of a permit from the Secretary of the Army through the Army Corps of Engineers. Under the act, the Army may issue such a permit, subject to terms and conditions, if the Secretary is satisfied that navigability will not be impaired. However, decisions of the U.S.

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Supreme Court have construed the act as being directed at pollution as well as obstructions to navigation. Accordingly, in recent years a number of legal actions have been brought under the Refuse Act for water pollution control purposes in cases of discharges in the absence of a permit. The pending cases against mercury dischargers are an example. But up until now the corps has not given permits under this section of the act.

By signing the Executive order the President has initiated a nationwide program to use the Refuse Act as a major tool in the battle against water pollution. The Federal Government will require permits for all discharges into the navigable waters of the United States. This will provide the data necessary to evaluate and control pollution of the Nation's waterways. For those firms who are meeting or have developed plans to meet applicable water quality standards, the permit program will provide a degree of assurance unavailable under existing water quality programs. To those firms who are not making good faith efforts, the Refuse Act will provide a swift and comprehensive enforcement tool.

Under the program the Environmental Protection Agency and the States will review industries' plans and advise the corps on the steps needed to meet water quality standards. The active involvement of the Environmental Protection Agency assures that the Federal Government will speak with one voice on water quality matters.

The President's Council on Environmental Quality played a major role in bringing the permit program to fruition, providing guidance and coordination to the two agencies responsible for the program's implementation. I believe that the initiation of the permit program is a good example of the value of having a policy advisory organization on environmental matters in the Executive Office.

The Refuse Act permit program is a major undertaking that will involve the issuance of many thousands of permits and require effective working relationships between the Army and the Environmental Protection Agency on the one hand and the State water pollution control agencies on the other.

In view of the manner in which this program was planned, developed, and announced, I am optimistic that the implementation will be overwhelmingly successful. The administration has, indeed, taken a sensible, substantial step toward ending water pollution and saving the environment—a step that will be praised historically for generations to come.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without prejudice to the consideration of legislative business later in the day, the Chair will recognize special orders.

TRIBUTE TO HON. ALBERT WATSON

The SPEAKER, Under previous order of the House, the gentleman from South Carolina (Mr. McMillan) is recognized for 60 minutes.

Mr. McMILLAN. Mr. Speaker, I want to join Congressman Albert Watson's host of friends here in the House of Representatives in expressing our disappointment over the fact that he will not be representing South Carolina next year.

Albert and I, of course, belong to different political parties in South Carolina; however, I want to congratulate Mr. Watson on his outstanding work with the House Security Committee. I have found Mr. Watson to be a very effective legislator and during the years he has served as a Member from South Carolina I do not think there have been many times we voted differently on legislation that was being considered on the floor of the House.

Mr. Watson gave up his seat in the House to run for the office of Governor this summer. He was defeated and, of course, will not be a Member of this body during the 92d Congress. I want to take this opportunity to wish Mr. Watson success and good health during the future years and I hope he will do well in any of his future undertakings.

We will miss Albert and his lovely family here during the 92d Congress.

Mr. DORN. Mr. Speaker, I am pleased to join my colleagues in paying tribute to my friend and fellow South Carolinian Albert Watson. Albert Watson leaves this body with the respect and friendship of Members from both sides of the aisle because of his conscientious and diligent service.

Albert Watson has had a brilliant career in public and in private life and, I predict, has many other accomplishments still to come. He served his Nation with distinction in World War II, serving with the Army Air Corps in the Mediterranean theater. After this wartime service, he won his degree at the University of South Carolina Law School, where he was a leader of the student government. To all of us in the Congress and in South Carolina who are familiar with Al's skill as a public speaker, it comes as no surprise that he was president of the honorary speech society at the university, nor that later on he was national chairman of the U.S. Junior Chamber of Commerce's Voice of Democracy program. We all know him to be a dynamic and effective speaker who is in demand for speaking engagements all over the Nation.

For many years, Mr. Speaker, Albert Watson was associated in business with the Honorable Lester Bates, former mayor of our capital city of Columbia, and one of our State's leading citizens; my own brother has for many years been associated with Mayor Bates' progressive company.

Here in the Congress Albert Watson has compiled a record of dedicated and courageous service. His colleagues in the Congress and the people of South Carolina respected the fact that, when he decided to affiliate with a party other than the one from which he had been elected to the Congress, he resigned his seat and offered himself to the people as a member of the other party. The people of his district responded to this act of good faith.

As an active member of House Internal Security Committee, formerly known as the House Un-American Activities Committee, Al has always supported this committee's efforts, under the outstanding leadership of Chairman Ichord, to ferret out the fascists and the criminal anarchists who threaten our constitutional liberties. In this same general area of public safety Albert Watson has served as his party's ranking member on the House Select Committee on Crime. In this capacity, he has expended many extra hours of work in bringing to the attention of the American public the peril that the increasing illegal drug traffic poses to all segments of society. Mr. Speaker, this is a problem that particularly disturbs me and for that reason I especially appreciate the work of Albert Watson. He has been one of the leading voices, along with the great chairman of the Select Committee on Crime, my good friend from Florida Claude Pepper, in calling attention to this iniquitous national disgrace. Al has also made many valuable contributions to the vital legislation reported from the Interstate and Foreign Commerce Committee.

We will miss Albert Watson, Mr. Speaker. To him and his lovely family we extend our warmest regards, and we predict for Al continued success in whatever field of endeavor he enters.

Mr. MANN. Mr. Speaker, I rise to express my best wishes to my colleague from the Second District of South Carolina, Mr. Watson, who is returning to private life at the end of this session. Many Members have been helpful to me during this, my freshman term, and Mr. Watson made a special effort to help me acclimate myself in the 91st Congress.

The citizens of South Carolina's Second District have been most fortunate to have a man with Albert Watson's abilities as their representative. He has been a dedicated public servant for 15 years, both in Washington and in the South Carolina General Assembly. In the 91st Congress, Mr. Watson has worked assiduously on several House committees, including Internal Security, Interstate and Foreign Commerce, and the Select Committee on Crime. The old cliche that he "does his homework" can be applied to Mr. Watson, and he has earned the respect and admiration of his colleagues on both sides of the aisle.

I regret that Mr. Watson will not serve in the next Congress, but I know that he will continue to be responsive to the needs of others and will enjoy success in any endeavor. I am happy that I can say that I know Albert Watson, not only as a man, but as a friend.

His voting record has been a judicious combination of his own good judgment and the thought and philosophy of the people that he represents, always reflecting a conservative, patriotic position, always striving to promote the State of which we are all proud, but above all the interests of the country that we all love

I am sure that my colleagues on both sides of the aisle join me in wishing Albert Watson, "Godspeed." We will miss him. May he find satisfaction in his new endeavors.

Mr. MIZELL. Mr. Speaker, I rise to take this opportunity to pay tribute to my distinguished colleague from South Carolina, Albert Watson.

As a Member of this body since 1963, he has consistently shown himself to be

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a man of conscience, a man of personal and political courage, a man representative of the best qualities that characterize his district, the Second of South Carolina.

No one knows better than I the all-encompassing dedication to constitutional government that has been his guiding light in Government service. It has been my pleasure to work with him in a large number of projects whose central theme was the preservation of constitutional liberty and the rights of the States which gave this body birth, and which sustain it still today.

As he leaves his service here, he takes with him the sincere best wishes of all his colleagues and the proof of deep gratitude which we have sought to display on this occasion.

But ALBERT WATSON's public service will not be finished until his life has also ended. He is that kind of a man. The people of South Carolina will know again, as they have known in the past, the worth of a tireless worker, the strength of a courageous and principled man, and the aid of a friendly neighbor.

I join with my colleagues in extending my best personal wishes for his success in the future, and in praising the significant achievements that have marked so much of his past.

Mr. BUCHANAN. Mr. Speaker, it is a privilege to join in paying tribute to our distinguished colleague from the State of South Carolina, the Honorable ALBERT W. WATSON. It is with sadness that we do so, however, for he shall be missed greatly in the 92d Congress.

In addition to the fine contributions which he has made to the work of the House of Representatives, ALBERT has served the citizens of South Carolina's Second Congressional District well during his 8 years as their Representative in the House.

Although originally elected to the House of Representatives as a Democrat in 1962, ALBERT WATSON has rendered fine service to the Republican Party since his reelection to the Congress as a Republican in a June 15, 1965, special election. It is significant that our colleague's change in party affiliation resulted from his independent adherence to the principles in which he believed. This dedication to principle led to ALBERT's support of the Republican candidate for President in 1964 and ultimately to his transferral to the Republican Party.

Although ALBERT WATSON is a South Carolinian, at present my own State of Alabama is fortunate to be connected with the Watson family through another one of its members. ALBERT's twin brother has been rendering outstanding service to the citizens of Alabama as pastor of one of the larger Baptist churches in Tuscaloosa, Ala.

I have both appreciated and enjoyed my association with my esteemed colleague from South Carolina, and regret his impending departure from the Congress. In all of ALBERT WATSON's future endeavors, however, my heartfelt best wishes certainly go with him.

Mr. KUYKENDALL. Mr. Speaker, it is a privilege and a pleasure to be able to add my voice to those who have already paid tribute to our distinguished colleague from South Carolina.

I have admired ALBERT WILLIAM WATSON ever since I first took my seat as a freshman member of the Interstate and Foreign Commerce Committee. His legal mind has served his district and our Nation well, and I have always thrilled to watch it in action at the committee table or on the floor of the House.

In our Subcommittee on Transportation and Aeronautics, his grasp of the multifaceted problems that beset the transportation industry has amazed me time and time again. I learned quickly to look to him for guidance and counsel on the subcommittee, and I will miss the opportunity to do so in the coming Congress.

I do not need to tell any of you that his integrity and his expertise have earned him wide respect on both sides of the aisle. We who are members of his party and who usually agree with his positions know that they are founded on reason and justice; and those who find themselves in disagreement with him from time to time nevertheless respect his clear-cut logic, and know without question that when he states something as a fact, you can bet on it.

He has had a wide and full career as a public servant, and I am sure that career is nowhere near its end.

Mr. QUILLEN. Mr. Speaker, I join my colleagues in paying tribute to a man we all respect and admire, ALBERT W. WATSON, who will be leaving us when this second half of the 91st Congress comes to a close.

I certainly consider it a great personal privilege and honor to have served with him down through the years and I know there are many of his colleagues and associates who share my feelings.

My associations with ALBERT WATSON, both from a professional and personal standpoint, have been most amiable, to say the least, during the 8 years we have served together in the House.

He has been an inspiration to me and I am sure to others who have worked closely with him.

In the last election, he carried the banner for his party in seeking election to the high office of Governor of South Carolina. Unfortunately, he lost in this bid, but there is comfort in the fact that his opponent's victory was by a small margin.

So, in bidding farewell to ALBERT from the House of Representatives, we know that his political career is far from being ended. He is a bright star in the Republican Party and I know the future holds many important roles for him.

Those of us who are acquainted with Albert know that he possesses those rare and unique qualities of leadership seldom found in man. These qualities were acknowledged when he was named to the House Internal Security Committee, the Interstate and Foreign Commerce Committee, and the Select Committee on Crime. He has provided a very effective voice in all of these assignments, both for the people he represents and the colleagues who share his views.

To me, he is a great statesman, a great American, and a great Congressman. He has served his constituency in a most admirable and exemplary manner and I am confident that they will miss him as much as many of us will.

So, I take this opportunity to extend my best wishes to my good friend ALBERT WATSON, in his every endeavor in the years ahead.

Mr. BROYHILL of North Carolina. Mr. Speaker, as one who has worked closely with him over the years I am indeed sorry to see ALBERT WATSON leave the House of Representatives.

We were first elected to the House in the same year and have served on the same committee during the past 8 years. In that time, I have come to know ALBERT as a fine Representative of his district, a man who did his homework and was ever ready to help a colleague.

ALBERT is a tough man to go up against in a debate. On most issues I suppose we have been together, but whether for or against you, he's always the perfect southern gentleman.

ALBERT has many friends on both sides of the aisle. I want to join them in wishing him well. I know that he will be a success in whatever field of endeavor he enters—and who knows—he may be back in the House or Senate one day.

Mr. ICHORD. Mr. Speaker, I would like to take this opportunity to pay sincere tribute to a colleague who is leaving both the ranks of this House and the Committee on Internal Security, which I have the honor to chair—the Honorable ALBERT W. WATSON of South Carolina.

ALBERT WILLIAM WATSON, a personal friend as well as congressional teammate of mine, has a long record of distinguished service to his community, State, and country. It includes overseas duty in World War II, membership in the South Carolina general assembly and civic and church work as well as his tenure in this House.

Although AL WATSON sat on the minority side of the Internal Security Committee, he was a valued and dynamic member of it. I will miss him and his work when the committee resumes work in the 92d Congress. His successor, whoever he may be, will find he had a predecessor difficult to equal.

AL WATSON is a big man both in physical stature and mental capacity. He is the possessor of a keen legal mind, and those who had the good fortune to observe him at committee hearings never failed to be impressed with his ability to separate the chaff from the wheat.

Our distinguished colleague from South Carolina is a young man and most certainly has a long and brilliant career ahead of him whether he chooses private enterprise or further public service. Let us all, on both sides of the aisle, wish him well.

Those of us on the Internal Security Committee will carry a warm memory of AL WATSON for the rest of our lives.

TRIBUTE TO HON. RICHARD D. McCARTHY

The SPEAKER. Under previous order of the House, the Chair recognizes the gentleman from West Virginia (Mr. HECHLER) for 30 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, I am very proud, as I know many of our colleagues are, to have been associated during the past 6 years with an outstanding legislator from Buffalo,

N.Y., Hon. Richard D. McCarthy, who has performed great service on behalf of clean air, clean water, and almost singlehandedly was able to reverse the policies of this Nation on chemical and biological warfare.

As a Representative of the Fourth Congressional District of West Virginia, I merely wish to state that the people of West Virginia and the Nation are better off as a result of the accomplishments of our distinguished colleague. Whenever any issue relating to the protection of the environment arose, you could count on Max McCarthy to be in the forefront of the fight to preserve our environment. Whenever any consumer issue presented itself, Max McCarthy was out doing battle for the consumers of this Nation He is a recognized champion of the underprivileged.

Many men in public life look to the sources of economic and political power to determine how they will take a stand on issues. Not so Max McCarthy; you could always count on him to be on the side of those average people who needed a public official to lead their cause, whatever the rewards or punishments.

He does not try to measure sources of political party or organizational power in taking his stands, which accounts for the strong bipartisan support which Max McCarthy always realizes. Yes, we will be hearing a great deal more of Max McCarthy both in and out of Congress. He was not defeated in a race for the House of Representatives, and I hope we may again share the rich experience of having him as a future colleague in the Congress.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Ohio.

Mr. VANIK. I want to congratulate the gentleman from West Virginia for taking this time to speak of the service of our colleague from New York (Mr. McCarthy). Max McCarthy has been one of the foremost leaders of the struggle to protect and restore the environment. He was one of the first people to point out the great danger of moving poison and noxious gases and chemicals across the country. He has been vigilant in the cause of preserving the quality of life for those who succeed us in the use of this land.

Our districts have a common frontage on Lake Erie, where the problem of pollution is one of the most serious in the United States.

Richard McCarthy has done a tremendous job of assisting in the program to prevent the dumping of polluted materials into Lake Erie by the various industries that operate both in his district and in mine. I think for this effort alone his service in this Congress has been one of the most valuable. It has been a tremendous contribution.

Max McCarthy made a vigorous effort to clean up Lake Erie and to restore vitality to our diminishing supply of fresh water, suitable for life.

Max McCarthy has made a valuable contribution to this Nation for which every American must be grateful. I know that he will continue his efforts in the public service.

I am sure that we will continue to hear of his achievements in the future. His dedication to the public interest and to humanity will continue to reflect his fine character.

Mr. HECHLER of West Virginia. Mr. Speaker, I thank the gentleman for his comments.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I congratulate my colleague in the well, the gentleman from West Virginia, for taking this time to pay tribute to a very hardworking Member of this House who have proven singlehandedly there is the mechanism within this institution whereby one man can make a significant contribution.

Very often as we read books about the Congress and hear discussions and debates, we hear people say that Congress offers great opportunity for an individual to be obstructive but very little opportunity for an individual to be constructive. Dick McCarthy is one of those men who has shown that this is not quite true. This hardworking, determined, stubborn man almost singlehandedly has used the well of this House and the resources available to him through his office as a Member of Congress to change the whole policy of the United States in dealing with chemical warafare.

We have seen the fruition of his work even as late as yesterday, when the President announced a whole new policy in the use of defoliant in Vietnam. We can also see the critical results of some of those programs in the photographs of Vietnam and other places throughout the world.

It seems to me all of us owe a great debt of gratitude to Congressman McCarthy for, indeed, he has proven the old adage that it is better to light one candle than to complain about the darkness.

When he started, it seemed he was fighting a hopeless battle, because there were great institutions and great pressures and powerful self-interest blocs arrayed against him, fighting him, questioning his motives and his loyalty and integrity. He held tenaciously to his cause, and he has set a course worthy for all of us to follow.

I would say as a footnote there, one great tragedy in this story about Dick McCarthy. This is the cruelty of fate, for we see how fleeting indeed is fame when we realize here is a man who a very short time ago made the headlines all over the country and was the symbol of a new concept of dealing with poisonous gases. However, today we do not hear of him. He is not returning to the Congress. He ran for a higher office in New York and, I believe, came in third in the race. It does seem to me society has a tendency to be somewhat cruel with those who have had the courage to stand up.

It would be my hope that Dick McCarthy will find a great deal of comfort in the knowledge that singlehandedly he has written his own chapter in courage. He has made a formidable contribution that will outlive his years of service in this Congress. His family shall always find pride in the knowledge that Max McCarthy singlehandedly changed the course of American history. We are all the wiser simply because this man had the courage to stand up and sound the alarm when no one else would move.

Mr. Speaker, I congratulate my colleague, the gentleman in the well, for taking this time to pay tribute to a great man. I am certain Max McCarthy will be back in Congress some day and I am certain his return will be most welcome by all of us.

Mr. HECHLER of West Virginia. Mr. Speaker, I thank the gentleman from Illinois.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to associate myself with the remarks of my esteemed colleague, the gentleman from West Virginia. He and I differ on some questions, but I believe we can find common meeting ground in the fine work that Congressman Richard McCarthy performed while he served in this Congress. Dick McCarthy is a young man who came here and was able to rise above all the noises and concentrate his attention into putting the glaring light of publicity on the environment. He was able to bring about many changes in the policies of our Defense Department and our Government. He is a dedicated and devoted public servant. I believe he is going now through a hiatus period.

I believe we can look forward to having Richard McCarthy return to the scene of public office. This is just a beginning for him. Most of us experience setbacks once in a while. He reached out for a higher office. He made a good showing and showed that he had the confidence and faith of thousands of people in his home State of New York.

I join with my esteemed colleague from West Virginia, my colleague from Ohio, and my colleague from Illinois in congratulating the gentleman and for making this time possible today so that we could praise and bring to the attention of the public the great work of Congressman Richard McCarthy.

Mr. HECHLER of West Virginia. I thank the gentleman from Massachusetts.

Mr. Speaker, I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Speaker, I join with the gentleman from West Virginia and those who have spoken in this testimonial to the congressional career of Congressman Richard McCarthy. Certainly, in a relatively brief space of time, he has left his personal impact on the House of Representatives and on the operation of the military in this country, and this is indeed a substantial and remarkable accomplishment.

I believe the gentleman from Illinois (Mr. Pucinski) suggested something on which I should like to enlarge in connec-

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tion with the career of Richard McCarthy. He said that there was a cruelty involved in the fact that this career was cut short. I should like to say that there is an economical and social loss to the country in the fact that such a promising and constructive career has been nipped in the bud. I believe that we have to assume a certain responsibility as members of a political party for the fact that a tragic situation like this does develop.

Of course, to a certain degree it was his own choice, for leaving the House was his decision, and it was a voluntary action. At the same time, in other countries we find that political parties assume a responsibility for continuing the usefulness of people of the quality and character of Richard McCarthy.

From the point of view of logic I do not believe he could have been faulted in his decision to run for the Senate in the State of New York, and I believe that if he had received the nomination he would have won. But logic obviously did not prevail in 1970 in the senatorial race in New York, or elsewhere, for that matter, and so his services were lost.

I, too, hope that this is a temporary cessation of his contributions to public progress in this country. I am confident that this is the case.

As he does leave this body he leaves with the affection and with the esteem of all Members of the House of Representatives.

Mr. HECHLER of West Virginia. I thank the gentleman from Connecticut.

Mr. Speaker, I should like to yield now to the gentleman from Iowa (Mr. Schwengel) who serves with the gentleman from New York on the Public Works Committee of the House of Representatives.

Mr. SCHWENGEL. I thank the gentleman for yielding to me and giving me this opportunity to add to the eloquent testimony already made on behalf of the Congressman from New York, Richard McCarthy, of Buffalo, N.Y.

I did have the pleasure—and it was a pleasure—to serve with him on the Public Works Committee. I have noted and agree with all the characteristics and virtues which have already been mentioned.

He has been referred as a gentleman. We tend to refer to each other as gentlemen rather liberally on the floor and sometimes with tongue in cheek, but no one does that when he speaks of Richard McCarthy. He is a gentleman of high order, always considerate of the other fellow's feelings and the other fellow's rights. I suppose because he has this in large measure he reflects the interests of the people more effectively. I have observed this time and time again. It stands out in his performance and in his association with his colleagues.

His identification with and concerns about pollutants and especially as they relate to poisons, was mentioned here. His concern went far beyond that. I recall that in my fight on the big trucks bill I stood alone until he joined me, and after he joined me together we stood, and finally the majority of the Congress joined us, and indeed both candidates for President that year joined us in our position.

Now Mr. McCarthy was very faithful and aware of the people's needs in another area, and that is here in the Capital where live some 800,000 people in the shadow of the finest symbol of freedom the world knows, the dome of the U.S. Capitol, and they now have a voice in shaping their own destiny. I joined with him in standing up for their rights and insisting that these people have their day in court especially as it related to the north central freeway. Again, we did not win in the committee, we did not win on the floor but, finally, our ideas prevailed. Because he led in this, we did not give up. So with the tenacity which he has displayed and his determination and with the background with which he approached the proposition and with his complete involvement when he gets involved, things happen. Right and justice finally prevails. We are going to miss him.

Mr. Speaker, this tribute by his colleagues is a very high compliment and probably one of the highest compliments we can extend to a colleague, is to say that he will be missed. Certainly, I will miss him, his colleagues will miss him, and Congress will miss him.

Mr. HECHLER of West Virginia. Mr. Speaker, I particularly appreciate the remarks of the gentleman from Iowa because this is another indication that the issues that Congressman McCarthy has espoused are issues that frequently cross party lines, including the environmental and ecological issues, the trucking bill which the gentleman from Iowa mentioned as well as the problem of representation of the people of the District of Columbia and adequate representation of the people throughout the country.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Speaker, I think it is well that the House take a few minutes to pay these tributes to a very fine patriot and outstanding legislator who will temporarily conclude his services here not later than Sunday.

Mr. Speaker, upon occasion I have cited the career of Representative McCarthy to high school students as telling something very good and basic about our system. We hear the cynics say that one man cannot do anything. We are told that the world is too big and our country is too big and you cannot fight city hall. But, Mr. Speaker, Mac McCarthy almost singlehanded turned this country around on a very fundamental policy, that of our developing and stockpiling biological and chemical warfare materials. This policy was wrong. As the result of the diligent efforts of Congressman McCarthy the President of the United States and the Defense Department have agreed that we have no need for those weapons. As a result thereof hundreds of millions of dollars are being saved from our budget for defense. This represents a tribute to the tenacity of this one man that this change has been brought about. It does illustrate the fact that one man can bring about change and that a man with the skill and perseverance of Congressman McCarthy can do these kinds of things for mankind and the people not only of this country but of the world.

I say that this is a better world, a better legislative body, and a better country because this fine man served here these past 6 years.

Mr. Speaker, we have not seen the end of Mac McCarthy in public service. He will be back. His name will be heard. He has a lot more to offer his country, his political party, and his State.

Mr. HECHLER of West Virginia. Mr. Speaker, I thank the gentleman from Arizona for his fine comments.

Mr. Speaker, in conclusion I would like to underline and emphasize the last words of the gentleman from Arizona that we will be hearing more from Representative Richard D. McCarthy. He has certainly given new meaning to the old statement "One man can make a difference."

Max McCarthy was born in Buffalo, N.Y., on September 24, 1927, the son of Ignatius DePaul and Kathleen "Walsh" McCarthy. He received a B.A. degree from Canisius College in 1950. In 1957, he was married to Gail E. Coughlin, and their children include Richard Dean, Barry Walsh, Brendan, Maura, and Deirdre Evelyn. In 1952 and 1953, he served as a reporter on the Buffalo Evening News. He was assistant director of sales training of the National Gypsum Co. in Buffalo during 1953 and 1954, and served as its director of public relations from 1954–64. He served as vice president of the Greater Buffalo Development Foundation from 1957 to 1963. Serving as a member of the U.S. Naval Reserve in 1945 and 1946, he also served in the U.S. Army from 1950 to 1952.

Max McCarthy was elected to the U.S. House of Representatives from the 39th New York District in 1964, and reelected in 1966 and 1968. He ran in the U.S. Senate primary unsuccessfully in 1970.

It is significant that Representative McCarthy is the distinguished author of the book entitled "The Ultimate Folly," published in 1969 by Knopf. The full title of this volume is "The Ultimate Folly: War by Pestilence, Asphyxiation and Defoliation." The descriptive material contained in the New Republic indicates:

> This is a book about chemical and bacteriological warfare and the preparations for this which are being made in the United States. It starts with a description of the attempt to control chemical warfare after the First World War, and the development of a tradition of restraint which prevented the use of these weapons in the Second World War. McCarthy then shows how this position was reversed beginning in 1956. This change in policy has resulted in a massive effort in research, production, and stockpiling of chemical and bacteriological weapons."

Kenneth Boulding, in a review of Representative McCarthy's book in the November 29, 1969, issue of The New Republic, states:

> This volume covers a subject of enormous importance. It does this without a wasted word, without an unnecessary epithet, and

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without hysteria. The documentation is superb. At the end of every chapter the essential documents—and there are not very many—are reproduced in full. It can stand as a model of what writing on any serious subject should be like. It can be read in an evening and it should leave no reader unmoved. The United States and the world owe a great debt to Congressman McCarthy. It restores hope in our democratic system of government that a man like this can be elected to Congress.

Gordon Harrison, writing in Book World for November 30, 1969, observed: Congressman McCarthy, a former newspaperman, has some suggestions for a return to sanity, suggestions most likely to be tried if an informed public is roused to back them. This small book should help. Written without hysteria, it is an important collection and analysis of the facts, the charges, the countercharges, the suspicions and above all the questions concerning the Pentagon's preparations to fight with gas and disease. "No one who cares about life, much less liberty, should miss it."

Under unanimous consent, I include several articles concerning Congressman McCarthy:

[From the Christian Century, June 11, 1969]

Transcontinental "Death Trains"

LUCKY REVELATION

On May 7th Congressman Richard D. McCarthy, a vigorous young Democrat from upstate New York, revealed that the department of defense was planning to move 27,000 tons of World War II vintage poison gas from arsenals in Colorado, Arkansas and Maryland by rail to the naval ammunition depot at Earle, N.J. There the gas was to be loaded into two Liberty ships and dumped some 250 miles out in the Atlantic ocean.

McCarthy had first become troubled by the problem of chemical and biological warfare (C.B.W.) after viewing a television documentary on the subject. He held several meetings on C.B.W. with defense department specialists, asked numerous questions and received many unsatisfactory answers. In letters (which he made public) to the secretaries of defense and transportation he revealed that the army wanted to dispose of the gases because of a leakage problem. He expressed concern that the transportation department had relaxed its inspection procedures in issuing a special permit to the army. Only a few of the 16,500 cylinders were to be inspected for pressure points, though many dated back to 1942 and had become corroded.

McCarthy's statements became of interest to a number of congressmen when it was revealed that the trains carrying the poison gas across the country might pass through several large cities. Rep. Cornellius E. Gallagher of New Jersey was chairing routine hearings of the House foreign affairs committee's subcommittee on international organizations and movements when he learned that the trains would pass through Elizabeth, right in the middle of his district. He immediately informed his worried New Jersey colleagues that his subcommittee would now focus its attention on the ecological and international implications raised by the dumping of poison gas in case the high seas should become polluted.

CONTRADICTORY OPINIONS

A battery of witnesses appeared before the subcommittee. Brig. Gen. James A. Hebbler asked for a continuance to study the problem, but before he left he startled his questioners by revealing that 11 similar operations had already been carried out. Three had involved long-distance railroad shipments of poison gas to Earle—in June 1967, June 1968 and August 1968. Hebbler told the stunned congressmen how the gas is dumped: you scuttle a liberty ship, load it down with the cylinders, tow it 250 miles east of Atlantic City and sink it.

Several days later Charles L. Poor, acting assistant secretary of the army in charge of research and development presented a report stating that sea burial was the least hazardous of the methods considered for disposing of the poisonous gas. He explained that the ships would be sunk at a depth of 7,200 feet; should any of the gas escape, it would take ten days for it to rise to the surface, during which time the water would neutralize it and render it harmless. When asked what kind of evidence he had for his statement, Poor said that few tests had been made but that the National Academy of Sciences was studying the problem and would hand in a report in two or three weeks. He said the army would wait until the report was completed before making a decision. Rep. Gallagher wondered why the defense department waited until the 12th shipment of gas before deciding that a review of the program was necessary.

Witnesses from the other departments kowtowed to the defense department line. Leslie L. Glascow, assistant secretary of the interior for marine resources, said that while his department is opposed to dumping in general, it has concluded that the army's plan for getting rid of the gases is probably the safest. Under heavy fire from the subcommittee, Glascow said he could find no scientists opposed to the operation; those he talked to said that the sea dumpings were absolutely safe.

Dr. Glascow obviously had not talked with Steven Teitelbaum, a pathologist representing the St. Louis Committee for Environmental Information. He told the subcommittee that the best method of disposal "would be to render the gases harmless at the arsenals where they are now stored or at the places where they were manufactured." He added: "A slow leak in a tank might provide continuous contamination over a long period of time, even if the gas remained toxic for only eight days. We don't know where the dumping is to be done, and therefore in what direction and how rapidly the currents would carry the material. If the tanks ruptured on impact, tons of mustard gas might be released which might have a massive genetic effect on a variety of marine organisms. Much more should be known about the possible effects on marine life before such dumping is done." Meanwhile, Congressman McCarthy revealed that Louis Garano, chief engineer at the arsenal in Edgewood, Md., had told him that by burning the gas in disposal facilities available at every arsenal the army could get rid of it all in one year. This contradicts an earlier army estimate that such a process would require five years.

Representatives from the state department were called in to discuss the international implications of the problem. Having filed a list of 18 international agreements, each of which has a clause or article pertaining to the pollution of international waters, they proceeded to interpret them so broadly as to render them meaningless. When Gallagher noted that Article 25 of a 1958 convention forbade the spreading of radioactive and other harmful waste on the high seas, a state department lawyer focused his attention on Article 2, which stated that the United States should use "reasonable regard" in these matters. No doubt the "rule of reasonableness" is unilaterally determined by the U.S.

PRECEDENTS FOR ACCIDENT

The most pressing problem as far as congressmen were concerned was to keep the trains out of their states.

Genuine concern that an accident might occur was expressed. People from the transportation department admitted that what amounts to blank permits are issued for a year or two at a time. The only time the defense department contacts the transportation department is when an accident occurs. The possibilities of such an accident are far from remote. On Feb. 19, 29 cars of a 120-car Chicago, Burlington and Quincy freight train went off the track at Crete, Neb., and toppled onto two cars of ammonia standing on a siding. The fumes drifted through the town and eight people were killed.

Assistant Secretary Poor also tried to assure the subcommittee that the poison gas trains would take the most extreme safety precautions. He said that technical teams, armed guards and medical experts would be on each train to provide maximum safety against the possibility of spillage, contamination or accident. Nevertheless, on May 14 a boxcar carrying 61 tons of high explosive ammunition caught fire and 40 millimeter shells began blasting off at Palmdale, Calif. Fortunately no one was hurt.

MORE TO COME

The poison gas controversy has stirred up a hornet's nest in a very complacent session of the House. Each representative is determined to route the "death train" out of his district. Gallagher has written to Secretary of Defense Melvin Laird asking that he postpone any action for another 60 days in order to give the respective departments a chance to study the matter more deeply. Having spent 14 years in the House, Laird understands the local pressures being applied to many of the congressmen. Nevertheless he appears to realize the long-range threat to the military-industrial complex. For the real significance of the poison gas controversy lies in its challenge to the defense establishment. Vietnam has soured most people on the credibility of the military. The discussions of the A.B.M. system suggest that Congress is going to make the defense department account for their spending like every other government agency.

Even if Laird should stop the shipment of poison gas, the Pandora's Box of discussions would continue. The subcommittee on international organizations and movements will review the international treaties dealing with water pollution. Rep. Henry Reuss of Wisconsin has opened hearings by the natural resources subcommittee on the possible danger of open air testing of chemical warfare agents. Accidents such as that in which 6,400 sheep died near an army nerve gas testing center will be discussed. (On May 21 Reuss's subcommittee wrung from army officials a statement that the army's denial that nerve gas killed the sheep was a mistake—the first time the army had publicly admitted its responsibility.) The Senate also intends to get into the act. Vance Hartke of Indiana will hold hearings on the Railroad Transportation act of 1969; he has asked Sec. Laird to bring samples of the agents that the army wants to ship by rail. (I won't be sitting in the room if the secretary accedes to the senator's request!)

Rep. Donald Fraser of Illinois summed up the situation very well: "There's no doubt about it. The defense department got caught with its pants down." Many observers predict that by the end of the year it may be looking for a new suit of clothes.

Lawrence H. Madaras.

Landover, Md.

[From Parade, Washington Post, June 22, 1969]

Chemical-Biological Warfare—CBW—What You Should Know About It

(By Derek Norcoss)

Washington, D.C.—One evening several months ago Congressman Richard McCarthy, 42, a Democrat from Buffalo, N.Y., was sitting with his attractive, honey-blonde wife Gail in the living room of their suburban Maryland home.

They had just succeeded in putting to bed the last of their five children and were intently watching an NBC television program on chemical and biological warfare.

Gail McCarthy was horrified to learn that the U.S. was manufacturing poison gas and breeding germs that could annihilate entire populations.

After the program, Gail fixed her husband with an accuastive look and said, "You're a Congressman. What do you know about all this?"

"Nothing," admitted McCarthy, a five-year veteran of Capitol Hill. "But I'll see what I can find out."

Next morning Dick McCarthy phoned two colleagues from New York—Reps. Otis Pike and Samuel Stratton, both members of the House Armed Services Committee—but they, too, admitted somewhat sheepishly that they didn't know very much about CBW (the official terminology for Chemical and Biological Warfare). They suggested that he check with the Army.

"I pursued the matter," McCarthy says, "because I represent half a million Americans, and I believe they're entitled to know how the Army is spending their money, what the Army is developing in the way of new weapons, especially germs and gas."

Nowhere in the annual posture statement by the Secretary of Defense is CBW mentioned. Pentagon policy, in recent years, has been one largely of silence and secrecy.

Last summer, however, University of Colorado scientists complained that hundreds of tanks, filled with enough nerve gas to destroy the world, were stored dangerously above ground at the Rocky Mountain Arsenal near Denver. Supported by Denverites and their Congressman, they pressured the Army into moving the tanks. Most of the gas was shipped to Utah, whose Rep. Sherman Lloyd is "personally satisfied" that whatever dangers there may be are "remote dangers."

In October the CBS network telecast a two-parter on chemical and biological warfare. NBC then followed with a similar program. In April, *The New York Times* reported that the U.S. was spending hundreds of millions of dollars annually on the chemical and biological weapons program and keeping it a closely guarded secret.

CHANGING PUBLIC'S MIND

In response to the public's growing concern with CBW—the concern is particularly evident on university campuses—the Pentagon has embarked on carefully arranged disclosures designed to curb potential anti-CBW feeling.

"We're in the process of changing the public's mind," one Pentagon spokesman informed a reporter. "We're trying to acculturate the public to deal with reality. This is the government's responsibility."

In line with this new policy, the Army responded to McCarthy's inquiry by arranging for Brig. Gen. James A. Hebbeler, chief of CBW operations, to speak with interested Congressmen. On March 4th, Gen. Hebbeler briefed 19 members of the House.

"Frankly," says McCarthy, who served with the Navy in World War II and with the Army in the Korean War, "I didn't find the briefing very helpful. It didn't answer the questions of public policy."

McCarthy thereupon sent a list of questions to Secretary of Defense Melvin Laird, Secretary of State William Rogers, Director of the Arms Control and Disarmament Agency Gerard Smith, Ambassador to the UN Charles Yost, and Dr. Henry Kissinger, Presidential Assistant for National Security Affairs.

He then made a speech about CBW on the floor of the House.

"I believe," he states, "that chemical and biological warfare activities are shrouded in unnecessary secrecy. I get the impression that the security curtain is parted only when it serves the advocates of the programs. I found the replies to my letters heartening in some respects but deeply disturbing in most others."

First, it is important to know that "the U.S. is not a party to any treaty, now in force, that prohibits or restricts the use in warfare of toxic or non-toxic gases, or smoke or incendiary materials or of bacteriological warfare."

In 1925 at a Geneva Disarmament Conference we suggested that the nations of the world join us in signing the Geneva Protocol outlawing the use in war of poison gas and death-dealing bacteria.

Most Americans, however, don't realize that the U.S., because of Senate obstruction, never signed the treaty. Nevertheless, American Presidents have repeatedly declared that the U.S. would not be the first to use poison gas and bacteriological warheads.

There is controversy over the use of various non-lethal gases in Vietnam such as CS, a powerful tear gas; CN, a milder tear gas, and DM, an irritant known as Adamsite gas. Some contend these are no more dangerous than the tear gases used for mob control and to rout out criminals by American police.

Soviet Russia, China, France, Germany, Great Britain—all signed and ratified the Geneva Protocol of 1925. By signing the treaty, however, none of these nations abdicated its right to establish research and development programs.

PENTAGON EXPLAINS

Pentagon spokesmen point out that the military has the mission of protecting the U.S. against chemical and germ warfare. In order to develop antidotes to these lethal gases, the spokesmen said, they must keep up with Russians in researching CBW. They also claim there's nothing sinister in the secrecy, that CBW preparations are no more classified than nuclear and other military developments.

There is no doubt that Russia and China are both well equipped with CBW arsenals, although each country has declared it will never use such weapons offensively.

As for the U.S.—information is hard to come by. Reportedly the Pentagon has entered into CBW research arrangements with at least 40 universities in this country as well as with universities and laboratories in West Germany, Great Britain, Japan, and Belgium.

The London Times reported recently that the Pentagon had established 27 contracts with universities in Japan.

Le Tribune des Nations in France claimed that the Pentagon is working closely with German scientists in secret laboratories at Marburg, Oberpfaffenhofen and Hamburg.

The U.S. has a joint research agreement with Canada and Great Britain on the testing of poisonous gas and deadly bacteria, supposedly in the vicinity of Suffield, Canada.

Our Army is known to be field-testing CBW agents in Panama, Hawaii, Greenland and Alaska. Chemical defoliation agents are field-tested in Thailand before use in South Vietnam.

Seymour Hersh, a former Pentagon reporter for the Associated Press, provides an up-to-date report on CBW installations in the U.S. in his book, Chemical and Biological Warfare: America's Hidden Arsenal.

The major CBW bases in the U.S. are:

Ft. Detrick, Md. Located 50 miles northwest of Washington, D.C., this base is headquarters for the nation's biological war research program. The fort was set up here during World War II, cultivated brucellosis bacteria which causes undulant fever in man, gradually expanded to the point where it now reportedly employs some 500 researchers who experiment with viruses and various bacteria on animals. A large share of the nation's military experimentation on anti-crop agents and defoliants is conducted in a corner of the base where, behind high-wire fences, groups of scientists work industriously in a cluster of greenhouses.

Pine Bluff, Ark. Opened in 1942, the base serves as packager and producer of smoke bombs, incendiary munitions, and riot-control agents. It is also the main center for the massive production and processing of biological agents. Germs are brewed, then loaded into bombs, shells, and other munitions, then stored in more than 250 earth-covered vaults called "igloos." A few of these germs which are developed through mutations could wipe out the population over a wide area if they ever got loose. Yet there have been more than 720 accidents at Pine Bluff, at least half of them involving infectious organisms.

Dugway Proving Ground, Utah. This base serves as a testing ground for nerve gas, other gases, many CBW agents. In March 1968, 6000 sheep perished on ranges near the Dugway test area. Until last month, the Army had never admitted that its nerve gas killed the animals, though it had paid hundreds of thousands of dollars in claims.

Edgewood Arsenal, Md. Oldest of the CBW bases, it dates back to World War I. Formerly used for the production of gas munitions, it changed over to a research and development center after World War II. Its scientists performed outstanding work on a German-developed nerve gas called Sarin, but are now hard at work on a variety of chemical weapons. These, according to The Detroit News, are "tested on mice, animals, and eventually human volunteers." Edgewood is now the final inspection center for all chemicals and chemical weapons, including such psycho-chemical incapacitants as LSD and others of similar nature.

Rocky Mountain Arsenal. This 17,750-acre base ten miles from Denver served as the main production facility for Sarin until 1957, when production was halted. The arsenal stays busy, however, filling rockets and bombs with the deadly nerve gas.

Newport Chemical Plant, Ind. This installation in peaceful farm country on the western edge of Indiana near Danville, Ill., is the Army's main production plant for VX, an imported nerve gas more effective than Sarin.

How much do these installations cost the American taxpayer? The Pentagon says $350 million for fiscal year 1969; Congressional sources indicate the figure is closer to $700 million.

A few questions posed by Sen. Gaylord Nelson (D., Wis.):

1. What are the official policies for the use of CBW weapons in the event that they are used by a foreign aggressor against us?

2. Who makes the decision to deploy anthrax, the plague, or a lethal nerve gas?

3. What are the ground rules?

4. What have they been in the case of Vietnam?

5. What are the deterrent factors in a program of chemical and biological preparedness?

6. How do we militarily defend against a CBW attack?

7. If the purposes of our preparedness is to prevent surprise, what specific steps have been taken to detect a surprise?

8. What commitments have we taken toward a resolution of the chemical and biological arms race?

At the start of World War II, President Franklin D. Roosevelt delineated the American policy on chemical and biological warfare.

"Use of such weapons," he declared, "has been outlawed by the general opinion of civilized mankind. This country has not used them, and I hope we will never be compelled to use them. I state categorically that we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies."

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During World War II, in preparation for a possible threat by Nazi Germany, the U.S. began a research program on biological agents. In the atmosphere of the Cold War that followed, CBW research and stockpiling were accelerated.

In 1967 Cyrus Vance, then Assistant Secretary of Defense, told the Senate Foreign Relations Committee: "As long as other nations such as the Soviet Union maintain large chemical and biological warfare programs, we believe we must maintain our defensive and retaliatory capacities."

One of the Senator Nelson's vital questions, unanswered by the government, is whether CBW agents are actual deterrents.

Aren't nuclear weapons a sufficient deterrent to prevent any nation from attacking the U.S. with chemical and biological weapons? Moreover, if the U.S. maintains CBW only in "defensive and retaliatory capacities," what is the explanation for the use of gas and chemicals in Vietnam?

"Although we state that we adhere to the principles of the Geneva Protocol," says Congressman McCarthy, "we are using tear gas to help in killing the enemy in Vietnam, and we are using chemicals as an anti-food weapon and in such a way that they may well have a long-term destructive effect on the Vietnamese countryside. This latter policy seems unlikely to win the battle for the minds of the uncommitted in Vietnam.

"I ask: who is responsible for this change in our chemical and biological warfare policy? Did the President of the United States decide to use tear gar and defoliants? Did the military decide? Has Congress agreed to this change of policy? Do the American people accept this new policy as one in keeping with the principles and moral precepts of our Republic?"

A QUART OF DEATH

The truth is that the American people know precious little about chemical and biological warfare. They do not know, for example, that the gas from a single bomb at the Rocky Mountain Arsenal, the size of a quart fruit jar, could kill, as one chemical warfare colonel explains, "every living thing in a cubic mile."

They do not know that between 1954 and 1962 there were more than 3300 accidents, minor and major, at Ft. Detrick. About 400 men were infected as a result. In one instance a worker caught pneumonic plague a highly infectious disease. He also happened to work as a lifeguard at a swimming pool.

The public is woefully ignorant, and the Congress has been alarmingly negligent about CBW. Thanks to Rep. Richard McCarthy, however, and Sen. Gaylord Nelson, the Congress seems to be coming alive on the subject.

Says Nelson: "We . . . need to review the entire scope of chemical and biological warfare. What is significant is the cloak of secrecy which has surrounded our actions in CBW work. This cloak of secrecy must be removed."

If such efforts to clarify American policy on chemical and biological warfare prove successful, the nation will owe a debt of gratitude to Gail McCarthy, who said to her husband one night, "You're a Congressman. What do you know about all this?"

[Vital Speeches of the Day, Sept. 1, 1969]

BIOLOGICAL WARFARE AS NATIONAL POLICY—AN OFFENSIVE CAPABILITY

(By RICHARD D. MCCARTHY)

It is the policy of the United States to develop and maintain a defensive chemical-biological capability so that our military forces could operate for some period of time in a toxic environment if necessary; to develop and maintain a limited offensive capability in order to deter all use of chemical and biological weapons by the threat of retaliation in kind." This statement of national policy was given to me on April 15, 1969 by Mr. John S. Foster, Jr., Director of Defense Research and Engineering, on behalf of Secretary of Defense Melvin Laird. It was part of a response to a series of questions that I had addressed to the Departments of Defense and State, the Arms Control and Disarmament Agency, our Ambassador to the United Nations, and Mr. Henry Kissinger of the White House staff.

What does this policy mean? It means that despite the emphasis on deterrence, the United States maintains an defensive capability with biological weapons. It means that we maintain major laboratories; Fort Detrick, Maryland and the Naval Biological Laboratory, Oakland, California, exclusively working on the development of diseases to be used as weapons. It means that we test the effectiveness of these diseases in the open air in Utah, at Eniwetok, in Alaska and possibly even Maryland. It means that we maintain a production center, Pine Bluff Arsenal, Arkansas where bacteria and toxins—or poisons—which are the byproducts of bacteria are produced. It means that quantities of these disease-causing bacteria are stockpiled at Pine Bluff Arsenal in refrigerated igloos for use in war. It means that we have developed aircraft bombs, artillery shells, and even—I am told—a hand grenade to spread germs and toxins over an enemy. The hand grenade sounds improbable but I am told that the bacteria are chosen so that the grenade can be left on a road or in a trench and not become active for several hours. It means that our military have contingency plans for an offensive attack with disease against another country.

Despite the emphasis on the defensive aspects of biological warfare in the policy stated by the Department of Defense and accepted by Mr. Kissinger there is very little of a defensive natural in our biological warfare program. Mr. Foster's reply said that:

"The U.S. does not maintain large stockpiles of medical supplies such as antibiotics and vaccines against the possibility of biological attack. There is no specific antibiotic therapy available for most biological warfare agents. As for vaccines, there are more than 100 possible biological warfare agents, and production and administration of 100 vaccines to the U.S. population is not practical. There is medical reason to believe that a program would be generally injurious to health in addition to requiring prohibitive expenditures."

We do not have any defense for our civilian population against biological warfare or a warning system against attack with biological agents, although the Department of Defense says that "research on methods of detecting and warning, identifying, and defending against biological attack are continuing. . . ." We would not know that we had been attacked until after people began to get sick. Even our armed forces have no effective means of protection against biological warfare since it takes nine months of continuous inoculation before our researchers are allowed to work in our germ laboratories or production plant.

We can conclude from the lack of a defense that our germ warfare policy is one that would defend against biological warfare by the threat of a biological attack in retaliation. Even more disturbing, however, is the information that we have seriously considered offensive first-use of biological warfare. I have been told, although it has never been confirmed officially, that we came very close to using biological warfare in Cuba during the missile crisis. And it is a well established fact that a segment of our military planners are exerting every influence to have a policy allowing the use of what they call incapacitating biological weapons adopted at the National Security Council-White House level of government. If this policy is adopted, the United States would loose a germ war on another country without warning, even the thought of which I find indescribably repulsive.

The disease-bearing weapons that we develop and test and in some cases stockpile include the plague, anthrax, tularemia, psittacosis, O-fever, botulism, Rocky Mountain Spotted fever, brucellosis and Venezuelan equine encephalitis. As the Department of Defense pointed out, there are more than one hundred of these diseases which could be used. Biologists employed by the Army and the Navy at Fort Detrick and the Naval Biological Laboratory not only refine and concentrate the bacteria that cause known disease, they develop new vaccine-resistant strains of disease. The purpose of this work is to find germ weapons that are unknown to doctors in the country on which they would be used. Although the public relations officers of our biological warfare centers emphasize the work that they do to find cures to disease and point to their published work in recognized scientific journals, the published work is only a small fraction of their total work. Unclassified publication is more of a recruiting aid to attract biologists to these labs than a reflection of what they do.

The diseases that we research and in some cases produce for weapons range from the most deadly to those that are *usually* only incapacitating and I emphasize "usually." The recent report of Secretary General of the United Nations, U Thant, on gas and germ warfare describes the symptoms of some of these diseases. It describes the plague as follows:

"Under natural conditions, small rodents, from which the disease is transmitted by fleas, are the main source of human infection with plague. This is how 'bubonic' plague develops. If the plague microbes are inhaled, pneumonic plague develops after a three-to-five-day incubation period. The patient suffers from severe general symptoms and if untreated, normally dies within two or three days. A patient with pneumonic plague is extremely contagious to contacts."

Tularemia is described as follows:

"Under natural conditions, tularemia is a disease of wild animals, the source of human infection being rodents, especially rabbits and hares. When it occurs naturally in human beings, who are very susceptible to the disease, skin lesions with swelling the lymph nodes are its usual manifestation.

"The pulmonary form is more serious. Pulmonary tularemia is associated with general pain, irritant cough, general malaise, but in Europe and Japan mortality due to this form of the disease was never higher than 1 per cent even before antibiotics became available. American tularemia strains, on the other hand are more dangerous; some epidemics have been associated with a mortality rate as high as 20 per cent, despite antibiotic treatment."

These two diseases, the plague and tularemia are illustrative of the weapons that some would include in our arsenal, truly the deadly fourth horseman of Apocalypse.

There has been very little public discussion of the policies that would govern the use of biological weapons in warfare. Those responsible for research, development, test and production of biological warfare weapons argue for first-use of both lethal and incapacitating diseases. This policy has apparently not been adopted by those responsible for military operations plans in the armed forces or by the Secretary of Defense. In talking to those familiar with thinking on biological warfare at the top level in the Air Force, I asked whether they seriously contemplated loosing a lethal disease on another country. I was told that policy makers in the Air Force did not. I found this a reassuring evidence of common sense.

Less reassuring was a study conducted by Army chemical and biological warfare planners for a hypothetical invasion of Cuba. Using detailed plans for an invasion of Cuba,

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plans that showed which beaches American troops would assault and the estimated number of Cuban defenders, these planners assessed the effects of biological attack on the Cuban defenders. They believed that most of the Cuban military would be incapacitated with fever of 102½ degrees, diarrhea, vomiting and a general sick feeling. They believed that 10,000 American lives would be saved as a result. It was estimated that the civilian population would also be affected and that somewhere between 1 and 3 per cent of the civilians would die. Death would generally strike the very young and the old.

The results of the CBW planners' study were turned over to the military operational planners, those responsible for preparing the guidelines for our armed forces in combat operations. They were asked what they would expect the Cuban army defending the beaches to do if they had the symptoms described above. They came back with the conclusion that the Cuban soldiers, incapacitated with the biological agent would be unable to abandon their foxholes and fortifications under the shock of air and artillery attack. They would feel so rotten that they would probably man their guns to the last man and be willing to die at their post. Our operational planners concluded that our casualties would be far higher than otherwise if a so-called incapacitating biological weapon was used.

I find a United States policy based on the use of biological weapons unbelievable. It is directly contrary to principles of humanity and decency for which America stands. Anyone familiar with the history of the Korean War knows of the intensive efforts by the United Nations and the United States to refute the false Chinese-North Korean charges that germ warfare had been used in Korea. Knowing the universal revulsion to this form of warfare, every effort was made to assure the world that there was no basis for the charge. And beyond that, the principle of humanity, as a practical matter, biological weapons are so potentially dangerous to all of mankind, both in testing and development, that I believe they must be abandoned as weapons of war.

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Contrary to the policy stated by Mr. Foster of Defense, I believe that if one of our NATO allies was attacked with a plague, that we would not loose a plague on the attacker. Rather I think that we would send as many medical and health teams as we could to assist our ally in stamping out the disease. We then would probably either threaten to or actually retaliate against the attacker with conventional weapons or tactical nuclear weapons, weapons which are much more predictable in effect than biological weapons.

I do not believe that lethal biological weapons are a creditable deterrant. To say that we prepare them to stop another country from using them on us means that we are willing to use a disease which we don't fully understand. We do not know whether the plague would stop at the boundary of the country on which it was used. As Dr. Joshua Lederberg, Nobel laureate biologist at Stanford University, has pointed out, a disease is highly unpredictable. What starts out as an incapacitating disease may mutate, become highly deadly, and spread around the world as a pandemic, a world epidemic. Each year we must invent a new vaccine for the flu and even so we are not able to stop its spread. As prominent medical authorities have pointed out, all of biology involves averages, an estimate of lethality is an average—some bacteria in a weapon are milder, some are more deadly. And because of the limitations on testing, there is little likelihood that our knowledge of the effects of these weapons will improve.

Even with toxins, non-living by-products of disease microbes, the effects are highly unpredictable. Staphylococcus toxin, a fairly common bacteria, may have highly different effects from those normally experienced if it is breathed in rather than entering the body through the intestine. We may find that fatalities run to fifty or seventy-five per cent from a so-called incapacitating agent. This is particularly true with the differences in physical strength from country to country. What might be incapacitating in the United States might well prove fatal among the people of a poorly fed tropical country.

"I also do not believe that in wartime an enemy would be able to distinguish between a lethal and an incapacitating disease used in war. As the effects of the disease became evident, the enemy would probably assume the worst and strike back with the most effective weapons at his disposal, very possibly nuclear weapons."

Biological weapons have a further drawback. Relatively speaking, biological weapons are cheap. A nation that may not be able to afford a creditable nuclear or conventional military force could afford a germ warfare arsenal. Although a reliable biological weapon in any quantity takes some technical skill, it is not a skill limited to a very few countries, but is rather widespread. Aside from the question of humanity, it is in the interest of the United States to support and practice a policy that completely denies the use of biological weapons.

No documented case of the use of biological warfare has been found in the Twentieth Century. It is an area of inhumanity that by tacit agreement man has been able to avoid. For this reason, I find it bizarre that our military planners can argue that we should adopt a policy to initiate its use. No form of war is humane and every step that we can take to assert human values should be taken. I do not believe that we should be the country to further break down the fragile humane practices that have been agreed upon.

Fortunately, our national policy in the fields of chemical and biological warfare are now under review. Mr. Gerard Smith of the Arms Control and Disarmament Agency informed me on June 17 on behalf of President Nixon that a full-scale executive review of our practices and policies is being made. This is the first such review in a decade and gives us an opportunity to correct what I regard as the pre-nuclear World War I vintage policies still accepted by part of our armed forces. The Departmental position papers are due at the National Security Council in September.

President Nixon has indicated that he is considering submitting the Geneva Protocol of 1925 banning first-use of gas and germ warfare to the Senate for action. I urged him to conduct such a review on April 30, 1969 and to resubmit the protocol on June 12, 1969. As of now 98 members of the House have joined me in sponsoring a resolution urging President Nixon to resubmit the Geneva Protocol. Twenty members of the Senate have joined Senator Hartke in sponsoring a Senate version of my resolution. Senator Fulbright, Chairman of the Senate Foreign Relations Committee, in a letter to Secretary of State Rogers has indicated that he is anxious to hold complete hearings on the Protocol as soon as possible. I believe that ratification of the Geneva Protocol banning first-use of gas and germ warfare is in the interests of the United States.

Although we have said that we support the principles of the Geneva Protocol, we have not ratified it. To illustrate one of the incongrous effects of our failure to do so, let me cite the following case. Early this year, two countries in a de facto state of war with each other, Israel and Syria, ratified the Geneva Protocol of 1925. They notified the French Registrar of their action. Under the terms of the Protocol the French are only required to notify those signing the Protocol of additional nations joining the pact. The result is that when I contacted the Department of State this last week, even in the offices specifically concerned with these countries, no one was aware that the Israelis and the Syrians had acted on the Geneva Protocol. The State Department still has not been informed of this action. This makes it impossible to honor the principles of the Protocol in the case of Israel and Syria.

Going beyond the principles of the Geneva Protocol is a resolution that has been introduced at the Twenty-five Nation Disarmament Conference in Geneva this summer. This resolution would ban the development, production, stockpiling, and use of biological weapons. I have urged President Nixon to fully support this resolution. I believe that the United States has nothing to lose by abandoning biological weapons as an instrument of war. I do not believe that they are effective deterrents to use by others and I do not believe that they are safe enough to use. The resolution would go into effect when the twelve or thirteen nations with a capability in biological warfare ratified it. We will always continue to find ways to eliminate disease. I do not think we should, as a matter of national policy, work to spread disease.

I urge the legal profession of this nation, as ably represented by the American Bar Association, to join in this effort to ban germ warfare and to support the growing movement for U.S. ratification of the Geneva Protocol.

[From the Saturday Review, Dec. 27, 1970]

TRADE WINDS

(By Cleveland Amory)

During the fortnight we met another McCarthy—and one you should know, at least about. He is Richard D. McCarthy, a young Turk Democrat from Buffalo, and he is the man who for many a long, lonely month has been conducting at times an almost one-man war, for all mankind, against chemical and biological warfare. "Max," as he is called, came to the war against CBW with the credentials of being a foe of pollution ("I come, after all, from the shores of Lake Erie"), of having seen duty in two services (the Navy in World War II, and the Army in Korea), and also a man who had braved the gunfire of the National Rifle Association ("Sportsmen," the NRA campaigned with bumper stickers against him, "Give Max the Ax").

"My wife and I," he told us, "were sitting watching a program called *First Tuesday*. It was about CBW. 'You're a Congressman,' my wife said. 'What do you know about this?' 'Nothing,' I answered."

"The next day," Congressman McCarthy said, "I was still boiling. I made a speech on the floor calling for a briefing—but I soon discovered that the Pentagon insisted it be conducted in a totally secret context.

"I had already learned," he continued, "that only five members of the House Appropriations Committee are cleared for 'top secret'—in other words, for funding the CIA, the Green Berets, and CBW. I had also learned that even Majority Leader Carl Albert did not know the identities of these five men, and I have since learned that neither does the Speaker of the House."

"After all," I asked, "how can you say a weapons system is a deterrent if you don't even publicly tell a potential adversary that you've got it?"

"At the briefing," McCarthy went on, "Brigadier General James A. Hebbeler would not even admit that the nerve gas killed the sheep. Instead he used the briefing to campaign for more funds."

McCarthy's next snow job came during a White House reception at the hands of none other than Melvin Laird, the Secretary of Defense himself. "Well, Max," he boomed cheerfully, "you sure stirred up a storm over chemical warfare." "I told the Secretary," he said quietly, "that I was not at all satisfied with the Army's performance and that I was addressing a series of questions about CBW to him, and that I wanted answers."

Finally, McCarthy took a hotel room in Georgetown and sat down and wrote a book. This book, *The Ultimate Folly*, was published the day after President Nixon made his speech on germ warfare. But advance copies of the book had been in the White House for at least two weeks.

The Congressman warned us that though a battle against CBW has been won the war is far from over—that reports from Vietnam indicated that babies born to mothers living in defoliated areas were malformed. Even before this, he told us, tests revealed that litters born to female rats that had been subjected to 2,4,5-T, one of the herbicides the United States has been using in Vietnam, were malformed.

"At that time," the Congressman told us quietly, "Lee DuBridge, the President's science adviser, said that the United States would no longer use 2,4,5-T—in the U.S."

A Program for a Living Environment

(Remarks of Representative Richard D. McCarthy at Colby Junior College, New London, N.H., April 21, 1970)

I know that you sense with me something unusual in the air on this spring day beginning a new decade. We gather together to observe Earth Day, a day signifying our reverence and respect for the gift that creation gave to us. In one sense, the observation of Earth Day is almost as old as mankind for May Day has signaled the opening of spring from the most ancient times.

In another sense this Earth Day is symbolic of a change in direction for our country. By the year 1770 the young settlers on an unsullied bountiful continent had reached the stage where they could consider embarking on an independent course. They turned their backs on the industrial civilization just expanding in Europe and plunged into the wilderness. One hundred years later young America turned from the ravages of our Civil War to tame the expanses of our West. Railroads spanned the continent, homesteaders furled back the sod and miners tapped the riches of our mountains. Now, one hundred years later, our nation has begun to realize that we will destroy our rich natural heritage unless we stop the practice of waste, extravagance and improvidence.

We now realize that we may have done irremediable damage to the bountiful Earth on which we live. Through ignorance and inaction we may have already proceeded to the point where, twenty or thirty years from now, man will disappear from the earth. It may be that our senseless destruction of a species of marine life will also lead in turn to our senseless destruction. It is no Cassandra who speaks of the end of man; it is the ecologist, the population expert, the scientist and the statesman.

It is not enough, then to talk with dire foreboding of the bleak future that could be ours. We must move beyond the first act of this drama where we have dwelled too long and concentrate on those policies and practices that will enhance and preserve our natural riches.

First of all we need a philosophy—a way of life—that treats every stone, every insect, every drop of water, every plant and every mountainside with the love and reverence that we now devote to humans. We must recognize, as Darwin and others have, that we do not live independently of our natural surroundings. Species have come and gone over the ages because of their inability to adjust to their natural surroundings. We must adjust to our surroundings as a species or be fated to disappear with the dinosaur and the homing pigeon. Not only must we pay tribute to the concept of a living environment, we must learn to live ecology.

Second, we need a concept of the environment that goes beyond the obvious, a concept that addresses itself to the total environment and not just to the garbage dumps that foul our landscape or the oil slicks that ooze onto our precious seashores and estuaries. We must learn to see the larger consequences of our action. There is an absolute limit, for example, to the amount of combustion that can take place within our atmosphere before the air becomes unfit to breathe. Massive population growth accompanied by a comparable burning of fuel can doom us to strangulation. Similarly, unlimited population growth with its consequent need for space, air and food will also lead ultimately to extinction, although not quite so rapidly as some would lead us to believe.

What is important to realize in evolving this concept of the environment is that more than ever the past is prologue. Failure to restrict unwanted population growth today means by the laws of mathematics and biology, human crowding and misery beyond comprehension in the future. Failure to enact strict laws controlling disposal of waste today means that it may be impossible to retrieve spoiled natural resources in the future. The disposal of radioactive wastes from uranium mining today on a small scale may grow in several decades to the size where we must spend enormous amounts of money to correct the problem. We must learn to ask, "What are the ecological consequences of our action?"

Third, we must recognize that planning is needed as it never has been in the past. We had a margin for error in our country in the past that kept us from the consequences of our waste and wantonness. We could burn the timber off our woodlands and turn the land to the plow because there was enough remaining timberland to protect our soil and water. We could scar the earth with the raw wounds of strip mining because it only seemed to affect a small number of impoverished mountaineers. We could dump the refuse from a food packaging plant in a river or bay because the volume of water was sufficient to dilute this poison. If our abuse of the land made it unproductive, we could move on to another plot. Acid mine drainage, waste chemicals, untreated sewage, for example, all add up to an unacceptable burden for our rivers and lakes. Washday detergents loaded with phosphates fertilize our waters. Cheap agricultural fertilizers are washed off our farmland to poison our rivers. Each action, taken independently, seemed acceptable. It would not do too much damage. But taken collectively it has amounted to catastrophe. Today and for the future there is no substitute for comprehensive planning to insure that the actions of 200 million people by the end of the century conserve and enhance rather than destroy our environment.

Unfortunately, planning has never been a strong point of our governments. Planning has had almost a socialist ring to it, something foreign that Americans don't do. During President Franklin D. Roosevelt's administration a National Planning Council was proposed but was rejected because it was believed to be socialist. The private sector rejected national planning as being contrary to our principles of economics. Planning has also often been used as a substitute for action. There has been an artificial dichotomy between planners and doers with the thought on the part of the doers that the planners couldn't do. We will have to shelve this attitude and undertake planning with a vengeance if we are not to be buried under mountains of trash and choked by clouds of air pollution.

Fourth, we must accompany effective planning with action. We cannot substitute planning for action, we cannot paper over our problems with planning commissions, and we cannot palm off our grave ecological problems with negligible research projects. We must match our rhetoric with the resources and the resolution required for the job. It is misleading at best to talk about bold new approaches to the control of water pollution by the Federal Government when the $4 billion program is actually less than the amount already authorized by the Congress. It is misguided to talk about solid waste disposal as a critical national problem and then reduce the Federal funds available to find better ways of disposing of our wastes as was recently announced by the Federal Bureau of the Budget. And it is the most serious mistake to allow our anti-pollution laws to go unenforced after they have been placed on the books.

Most of you have some familiarity with our major environmental problems. We have been alerted to the dangers of polluted waters. We know where the automobile's internal combustion engine will lead us if other sources of power are not found. We know about the need to see that our new atomic powered electric plants do not overheat our rivers and bays or leak radioactivity into our atmosphere. Laws have been passed to deal with these problems. But there are environmental problems that have not received the attention they merit. Population or growth control has only begun to receive the attention it deserves. Land use policies emphasizing respect for the ecology have only been practiced or even discussed in a few cities and states. The widespread use of artificial or commercial chemicals with their effect on our health remains an area in which the influence of the manufacturer or the user—the agro-business combine—is much stronger than that of you or me.

Population control remains the area in which more goes unsaid than said. No statement is issued by our government about population that does not contain the reservation that the wishes of the citizen with regard to population will be honored. We say that we will offer assistance in planning parenthood to those who desire it but public figures do not go beyond that to attempt to resolve the possible contradiction between individual wishes and the national need. Men such as Dr. Paul Ehrlich have dramatically detailed the dangers of the population bomb; although I do not wholeheartedly accept his thesis, I think that it is a mistake for our public leaders not to discuss all aspects of the population problem. We have a long way to go before we face the crowding found in other countries. If the U.S. had the same population density as Holland, we could harbor the entire population of the world.

Even now we need to exercise some restraint on population growth. I do not think, for example, that the Federal Government should offer financial incentives that encourage large families. A welfare program that encourages a young woman to have additional children in order to gain the extra money that this brings runs counter to a sensible policy of restraint.

In the area of population growth restraint education and a change of attitude may be even more important than laws. Population growth in our country is much more responsive to changes in the public mood—are we in a recession?—is the cost of living going up?—than in less developed areas. Recent surveys taken at Cornell University, for example, showed two things. Most of the students interviewed planned to have more than two children—the number that would stabilize our population. The students also showed an amazing lack of knowledge about the basic fundamentals of biology even among graduate biology students. With our respect for the rights of the individual in our society, I suspect that we will have to do what can be done from a governmental standpoint in the area of education and awareness. If Americans understand the reasons why we cannot have an unlimited growth in population, the two child family may well become the norm rather than the exception.

Land use is another area that has been neglected in the United States. In the past

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we have allowed the owner of land to use it pretty much as he desires. True, we have had zoning ordinances in cities that have restricted the uses to which some areas of the city can be put. Other towns and suburban communities have concentrated on residential homes with regulations designed to keep this flavor for the community. But what we have not done is to approach an entire state or region in this fashion. For example, we have not approached the State of California as a whole, until recently, and asked, how best can each area of the State be used? We have not examined the seacoast of California to determine whether the State should adopt a zoning law, in effect, which says that the best use for seashore is beaches and wildlife areas rather than nuclear generating plants. We have not examined the grape vineyard valleys of California and determined that this is the best use that some of these valleys can be put to.

It is precisely this concept of a "best use" land policy applied to states and even regions of our country that is needed now. We need to know, for example, whether the location of a new international airport is ecologically and environmentally acceptable in the location proposed. A recent proposal to build an international airport in the metropolitan Los Angeles Airport was initially accepted by the local government that now controls the zoning in the particular location without the realization that the airport would probably generate a new population of one million people. Similarly, the Federal Government makes a decision on where to locate a new major laboratory or manufacturing plant without taking into consideration its effect on the surrounding land. Until we recognize that land use cannot be left up to the speculator or to the smallest unit of government, we will continue to blight our land with highway strip developments and fill in marine estuaries for quarter acre homes, we will build homes on hills that are bound to be eroded during heavy rains and to destroy unique natural resources that can never again be recovered.

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Countries such as Holland have adopted land use policies and practices that designate, in general terms, how each area of the country will be used. This has permitted Holland to maintain a population density that is one of the highest in the world at the same time that the country remains an attractive and enjoyable place to live in. The proof of their living environment is found in the stream of tourists that visit Holland each year and admire the beauty of their surroundings. We should certainly be able to do as well with our land. But land use policy will come directly in conflict with some of our current practices in economics. The land speculator with his strong influence on local and state government will do all that he can to see that he alone determines how his land is used. This is the area of conflict that must be resolved in the years ahead.

A third problem that is less well appreciated than some of the other areas of the environment is that of the use of chemicals in our society. We are finding increasingly that when we casually put lead or some other additive in a commercial product for general use, we are doing damage to all forms of life on earth. The pressures to use these chemicals are great, for they offer what seem to be cheap benefits to those who make and those who use them. Yet each additive has an effect which we often do not appreciate. In a recent example, we found that a mercury-based fungicide used to help grow and to store wheat harvested in certain areas is poisoning humans even though the amount that is used is small indeed. We also finally got recognition from the Federal government that the defoliant 2, 4, 5-t, used extensively in American agriculture for over ten years, causes misformed progeny and should not be used in the future. I hope that our other defoliants and herbicides will now receive similar attention. We also learned recently that certain plastic bags used for the disposal of trash emit poisonous fumes when they are burned.

This is an area in which, as a national policy, we must have safeguards against the introduction of new chemicals into use or the use of existing chemicals in new forms that insures that this use will not be harmful to our environment.

These are only a few of a vast catalogue of ecological and environmental concerns that we must recognize. In only briefly touching on some of the aspects of this problem, I hope that I have shown you that ecology is truly a way of life. It is not isolated and separate from our other actions and decisions but rather has to be a part of everything that we do.

We have gathered together to observe Earth Day and the environment. The question that we must raise is, "where do we go from here?" I would hope that in the months and years ahead your energies will be found in the hearings on whether or not our pollution laws will be enforced. I would hope that you would be in the forefront of action taken by citizen groups to see that despoilers of our natural resources are controlled. I would hope that you will support the intelligent approach to land use planning and planning in general that is so necessary to overcome the inertia and the disinclination to do something in this area. I would hope that you will help bring an appreciation of the very real dangers of unlimited population growth into national awareness. And finally, I would hope that your generation and, belatedly, mine, will adopt the reverence toward nature that is the essence of environmental concern. This reverence, coupled with the discipline and hard work needed to make one's voice heard in our society, can make a living environment as surely as the evergreens that grow on your mountains and the seeds that sprout in the damp earth.

REMARKS OF REPRESENTATIVE RICHARD D. McCARTHY TO THE CORNELL ENVIRONMENTAL ACTION COMMITTEE, CORNELL UNIVERSITY. ITHACA, N.Y., APRIL 21, 1970

I know that you sense with me something unusual in the air on this spring day of the new decade. We gather in observance of Earth Day, an observance of our reverence and respect for the gift of creation and life. The observation of Earth Day is as old as mankind for May Day has signaled the opening of spring from the most ancient times.

In another sense this Earth Day is symbolic of a change in direction for our country. By the year 1770 the young settlers lodged on a bountiful unsullied continent and sought independence from the Old World. They turned their backs on the industrial civilization just expanding in Europe and plunged into the wilderness.

One hundred years later young America buried the memory of a bloody Civil War in the taming of our Western expanses. Railroads crossed our plains, homesteaders furled the sod back and planted grain, miners hacked and blasted the mountains to tap their riches. We tamed and exploited our land with little thought to the future.

Now, one hundred years later, our nation has begun to realize that we'll destroy our rich natural heritage if we follow our practice of waste, extravagance and improvidence. The limitations of nature's bounty have become all too clear.

During the last week we saw in miniature the nature of the environmental dilemma enacted. All the world turned and held its breath while our courageous astronauts met and fortunately survived a near catastrophe. Their small world, Apollo 13, suddenly lost a major part of its supply of oxygen so that there was a real question whether they would have enough air, water and power to return. The danger was clearly recognizable as the oxygen vented into space, appearing to the astronauts to be fireflies. Everyone learning of their dilemma could understand the importance of the remaining oxygen that they had and the importance of getting them back to Earth before it ran out. Unfortunately, not everyone recognized that our Earth is in much the same predicament as Apollo 13 although the time span is somewhat longer.

We now realize that we may have done irremediable damage to our bountiful Earth. Through ignorance and carelessness we may already have done things that, twenty or thirty years from now, will cause the destruction of man. This is not the cry of a Cassandra; this is the judgment of the ecologist, the population expert, the scientist and the statesman. If we are to survive as a species, we have much to do.

Central to our survival is a philosophy—a way of life—that treats every stone, every insect, every drop of water, every plant and every mountainside with the love and reverence that we now devote to humans. We must recognize, as Darwin and other biologists have, that we do not live independently of our natural surroundings. Species have come and gone over the ages because of their inability to adjust to their natural surroundings. We must either adjust or disappear with the dinosaur and the homing pigeon. This requires a reverence for nature, a respect for our surroundings that keeps us from insulting nature; it requires that we learn to live ecologically.

This week and this spring we focus on the many aspects of our environment, all tied together in inter-dependence with the ability to destroy the other parts if we ignore only the one. Air pollution, solid waste disposal, water pollution, artificial food additives, population growth control—the list is long because it involves every aspect of our lives. Most of these problems can be seen at first hand in every community even if the scale of the problem can't be appreciated in any one location. But there are some environmental problems that are not open to view which I would like to focus on today.

The activities of our armed forces can in one sense be credited—or damned—with raising the first world-wide environmental issue. The nuclear explosions at Alamagordo, Hiroshima, Negasaki and elsewhere released into the atmosphere radioactive substances that, if allowed to reach certain levels, would destroy mankind. An appreciation of this danger led eventually to a nuclear test ban treaty that prohibits the release of radioactive material in the atmosphere. I have commented at other times that we have not observed this treaty with the respect that it deserves—our underground tests have vented material into the atmosphere that has drifted into Canada in violation of the Treaty—but in the broader terms we have stopped the major tests that created volumes of fallout. Your generation and mine have still lived since 1945 with the awful awareness that we can destroy and poison the Earth with a nuclear holocaust if we err.

There are other activities of our military that threaten our environment in ways that most citizens don't appreciate. Our chemical and biological warfare policies, until recently, held the potential to unleash on the world death and disease on a scale comparable to that of nuclear weapons. As Secretary General U Thant noted in his introduction to the United Nations Report on Chemical and Biological Warfare, chemical and biological warfare must be characterized as a weapon of mass destruction. That report and many other responsible authorities pointed out that if we used biological weapons that there was a good chance that we might launch a world-wide epidemic that would spread from one country to the next without any way to halt it. The experts also pointed out that both biological and chemical weapons were extremely difficult to use with accuracy. There was always the possibility that some of the weapon's poisons or bacteria would drift on the wind onto a neighboring country with all the consequences that such an event might have.

I should like to comment at this point on the value of the United Nations Report on both those in the United States and those elsewhere who have sought controls on the use of chemical and biological weapons. The report called for a total ban on chemical and biological warfare and also called on all nations to include tear gas in their definition of chemical warfare. One member of the panel that prepared the report for Secretary U Thant was Dr. Ivan Bennett from New York University. I have learned recently that there are those who believe that Dr. Bennett did a disservice to the United States and the world in his work on that panel. Nothing could be further from the truth. Dr. Bennett sought to produce a report that would be productive in terms of changing both U.S. and international policy in the CBW field. Although I don't agree with every position that he took, I believe that he did his job honestly and with integrity in a manner that all of us must respect. Those who seek to pillory him now do him a disservice.

Fortunately, a number of forces combined to bring a change in our national CBW policy. In late November, President Nixon announced that the United States would unilaterally abandon biological warfare as a part of our arsenal. He also said that we would not be the first to use chemical weapons and that he would resubmit the Geneva Protocol of 1925 banning chemical and biological warfare to the United States Senate for ratification.

In one of those rare instances where national policy making is revealed we subsequently found out that not all parties at the National Security Council meeting on CBW made the same interpretation of what the President meant. It was only after pressure was brought on the White House that Press Secretary Ron Ziegler admitted that there had been some confusion as to whether toxins, the deadly by-products of bacteria, were also banned by the President's announcement. The Army, and some members of the Department of Defense had done everything within their power to see that toxins were not banned. Toxins, to their way of thinking, were the wave of the future and should be retained in our arsenal. Fortunately, they lost their argument and toxins were included under the ban in early February by the White House.

The result of the ban on biological warfare is that the Pentagon and other Federal agencies are now working on plans for the future of the Biological Warfare Laboratory at Fort Detrick and the biological sections of Pine Bluff Arsenal in Arkansas. It has been indicated that the biological warfare facilities at Fort Detrick may well be turned over to one of our health agencies for medical research.

There are a number of areas that remain unresolved. In stating that the Geneva Protocol of 1925 would be resubmitted to the U.S. Senate for ratification, it was not made clear whether the Protocol would include reservations on tear gas and defoliants that would exclude them from any ban. I understand that one of the main factors that has kept the White House from resubmitting the Protocol so far this year has been this issue. There are a number of Senators who may well vote against ratification of the Geneva Protocol if it contains reservations on the use of tear gas in wartime. Their votes could otherwise be counted on in support of the Treaty but they will not vote for an interpretation of the Protocol that may be rejected by more than two-thirds of the other nations that have ratified the treaty.

On a lower order in the estimate of the Executive Branch is the questions of defoliants. There is no question that defoliants or herbicides were not included in the original Geneva Protocol because they had not been invented at the time. I believe that they were included in principle in the language that banned all noxious chemicals. I think that phrase is an apt description of substances such as 2,4,5–t, 2,4–d and similar herbicides used so heavily and destructively in Southeast Asia. It was only with unremitting pressure that the Secretaries of Defense, HEW, Interior, and Agriculture announced last week that the defoliant 2,4,5–t would be banned from further use in American agriculture and in Vietnam. What remained unsaid, of course, was whether they would substitute 2,4–d for 2,4,5–t. The original Bionetics Report to the National Cancer Institute indicated that 2,4–d had a high potential for danger.

The process leading to the ban on 2,4,5–t is particularly revealing. The President's Science Advisor, Dr. Lee DuBridge, announced in late October that the defoliant 2,4,5–t would be banned for future use unless the Food and Drug Administration was able to show that it was clearly not dangerous. Dr. DuBridge's announcement, coming late in the evening was designed to take the sting out of a story that was about to be printed by the Los Angeles Times and the Washington Post about the Bionetics Laboratory report. The next day, however, the Department of Defense indicated that they weren't under the jurisdiction of the White House Science Advisor. The Department of Agriculture was a little more circumspect in their irresponsibility and didn't make this announcement until February. In the meantime, Dow Chemical had gone to both Agriculture and HEW to say that it wasn't 2,4,5–t that was causing the problem, it was a contaminant that caused deformed fetuses. They asked that further tests be run to prove their point. These tests were only completed recently. The result—the same misformed fetuses and further proof of the point made at the beginning of the investigation—you can't produce 2,4,5–t without the contaminant.

I do not believe that the United States should use any herbicide or defoliant unless we know that it is perfectly safe both to humans and in the broader ecological sense. I think that a policy that allows the use of 2,4,5–t or 2,4–d as a substitute on an area the size of the State of Massachusetts and on a scale nine and ten times that when used in the United States is criminal. It was the ecological consequences of our action in Vietnam that was first raised by scientists and the American Association for the Advancement of Science. I find it incredible that chemical companies keep salesmen in Saigon to see that defoliants are used.

Our chemical warfare policy also poses problems. We continue to hold on to a capability in deadly chemical nerve gas in spite of analysis that shows that it may have been outdated by nuclear weapons. This puts us in the current predicament that we face in the States of Washington and Oregon. The Army is moving our Pacific nerve gas stockpile back from Okinawa to Hermiston, Oregon. In order to do this safely we find that we will have to spend $6 million and that towns and parts of cities will have to be evacuated. It seems unlikely that this sort of procedure would be followed in wartime yet if it is needed now, it certainly is needed then.

We further learn that in order to shift to the so-called binary nerve gas munitions, nerve gas munitions in which the components would not be mixed until the weapon was launched and hence would be safer for use, we would have to spend about $1 billion. This amounts to one fourth of the Federal Water pollution program, inadequate as it is, recommended recently by President Nixon. I think there are higher priorities than new nerve gas munitions.

Perhaps the most ominous aspect of our chemical policy was the recommendation originally made by the Army to dump the poison gases in the ocean. It was subsequently shown by the National Academy of Science panel that the mustard gas dumped in this fashion might well poison all marine life in a 600 square-mile area of the Atlantic. Fortunately the plan was abandoned.

We must look at our warfare policies in the same way that we look at our other practices and policies. We choose in an insane way to tear limb from limb with explosives and steel but in the larger sense this does more damage to man than it does to nature. The same is not true of widespread use of chemicals and poisons. Should a ship carrying defoliants be sunk in a coastal area rich in marine life, what would be the effect? If we deforest an area the size of Massachusetts for twenty or thirty years, what will be the future result? If we scatter chemicals over our own brushland and rangeland, what are the long-term consequences? The answer will be found in your investigations and those of others concerned about our future. The answer is found in the words of Adlai Stevenson when he said:

> "We travel together, passengers on a little space ship, dependent on its vulnerable supplies of air and soil . . . preserved from annihilation only by the care, the work, and the love we give our fragile craft."

Mr. HANLEY. Mr. Speaker, I want to join with my colleagues in paying a well-deserved tribute to Max McCarthy. As we all know, Max was not a candidate for reelection to the House this year, and because of that we are all the poorer.

During the 6 years that I have had the pleasure of serving with Max, we became close friends. I often sought his counsel, and I always looked upon him as a distinguished legislator. We will miss Max, but unless I am sadly mistaken, we will not soon see Max retire from the public scene. He has too much to offer and he is too energetic to toss in the towel on what is still at this point a very promising career in public service.

To Max we say not goodby but au revoir, and hurry back.

Mr. RYAN. Mr. Speaker, I commend the distinguished gentleman from West Virginia (Mr. Hechler) for taking this time to pay tribute to our colleague from New York (Mr. McCarthy), and I join my colleagues in regretting that he will not be with us in the 92d Congress.

It has been a pleasure to serve with Richard D. McCarthy during the past 6 years. He has been a valuable Member who has served his constituency with distinction. His efforts with respect to the manufacture and stockpiling of biological warfare material helped to alert the public, creating pressure for a change in policy. His concern about the degradation of our environment was manifest in his actions on the Public Works Committee. His philosophy of government is reflected in his legislative record. As he leaves the House of Representatives for other pursuits, we wish Richard McCarthy success in his future endeavors.

Mr. ROSENTHAL. Mr. Speaker, we mark this week the end of the 91st Congress. Many of us are happy to see it end for it has brought, more than most other Congresses, a tide of disappointments and anxieties unbalanced by any great accomplishments.

Yet there were great awarenesses which came upon this Congress. One of these was a belated sense of what we are

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doing to our environment through the sometimes deliberate, sometimes careless use of natural resources. Making us aware of these problems was, above all people and all events, Congressman Richard D. "Max" McCarthy.

For many reasons, none of them truly sufficient, Max McCarthy will not be a Member of the 92d Congress. He should be, for our own good. He was, more than any other Member I can recall, a conscience of the House. When we wanted to forget environmental considerations—whether for commercial, or strategic, or political reasons—he kept talking. Not always persuasive, not always prudent, not always right, he was, right or wrong, always prodding, reminding, questioning, doubting.

I do not know if Max McCarthy will ever be back in the House or in the Congress. He tried for the senatorial nomination of the State of New York this year and lost. In losing, he gave up his House seat. He should have won that nomination for the good of New York, of his party, and of his country. But if justice does not always prevail for individual Members of Congress, neither does it always protect the institution either. For the Congress is the loser and it may never regain its loss.

I hope it does. I hope Max McCarthy rejoins us soon. But I know that he can and will find outlets for his idealism and enthusiasm as well outside Congress as he did within. May he succeed where we fail, perceive clearly where we are blinded, and provide us with a vision which we often, and deeply, lack.

Max McCarthy should, in Emerson's words, "find consolation in exercising the highest functions of human nature." He said in "On Self-Reliance":

> He is one who raises himself from private considerations and breathes and lives on public and illustrious thoughts.

Mr. JACOBS. Mr. Speaker, not figuratively, but literally, we can all breathe easier because the Honorable Richard D. McCarthy has served his country in Congress. But he has stood for more good than just clean air and stood against more evil than just chemical and biological warfare. His departure from the House can only be suitably remedied by his return to the Congress in the near future.

GENERAL LEAVE

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material, in connection with the service in this body of the Honorable Richard D. McCarthy, of New York.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

A TRIBUTE TO THE HONORABLE MICHAEL A. FEIGHAN

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 60 minutes.

Mr. VANIK. Mr. Speaker, I take this occasion to give recognition to our colleague, Michael A. Feighan, who has represented the 20th Ohio District since January 1943.

It has been my honor to be associated with Mr. Feighan during the time I have been privileged to represent an adjoining district in Greater Cleveland. During these years, Congressman Feighan and I have worked together in the interest of our constituents, our State and Nation.

After 28 years of service in our Nation's Capital, Mr. Feighan can look back on an eventful and illustrious career. During this period he became the first ranking member of the important Committee on the Judiciary and chairman of the Subcommittee on Immigration and Nationality. He also served on the Committee of Merchant Marine and Fisheries which this year enacted important and significant legislation for the revitalization of the merchant marine.

Certainly there could be no more devoted, patriotic, or able representative of the people than Mike Feighan. His record, since he first came to serve in these historic Halls, has been one of capable achievement and strong devotion to duty.

I heartily congratulate him upon his fine service and wish for him and his devoted family all choicest blessings of continued good health and happiness for many years to come.

Following is a list of the long and distinguished awards received by our colleague in his years of service:

Honorary Awards, Citations and Degrees to Hon. Michael A. Feighan, U.S. Representative, 20th District, Ohio

1946: Awarded the Grand Cross of the Royal Order of the Phoenix by the King of Greece, in recognition of outstanding services.

March 27, 1955: Testimonial from United Hungarian Societies of Cleveland, Ohio, expressing appreciation to "The Honorable Michael A. Feighan * * * who has so ably fulfilled the office of Representative of the people of his Congressional District by performing his duties efficiently and honorably, rendering valuable assistance to thousands of Hungarians whose cause needed hearing and understanding * * * through his undaunted efforts and wisdom caused to be enacted legislation enabling the people of Hungarian descent to receive permanent domicile making them eligible for United States citizenship * * *.

December 1959: Awarded "Vigilant Patriot Honor Plaque" by All-American Conference to Combat Communism for address on "Realities of Soviet Strategy" which award is given annually for "Acts of vigilant patriotism exposing the fraudulent claims of Communism in its attack upon the American Way of Life."

1960: President of the Italian Republic conferred the Cross of Knight Commander of the Order of Merit "for your interest in the problems of emigration."

April 24, 1960: Awarded plaque by the American Friends of Anti-Bolshevik Bloc of Nations "In recognition of his firm stand and staunch efforts for the Liberation and Sovereignty of all Enslaved Nations as well as against Communism and Russian Colonial Imperialism." (Cleveland, Ohio)

July 20, 1960: Awarded Freedom Plaque for Distinguished Service by the United Anti-Communist Action Committee of Western New York.

February 10: Awarded Certificate of Honorary Membership by the Ukrainian Association of Victims of Russian Communist Terror (Toronto, Canada) "For constant endeavors in fighting communist Godless ideology and for defense of the problem of independence of Ukraine and other nations enslaved by Red Russian Colonialism."

January 1962: Elected Hibernian of the year.

January 30, 1963: Awarded Vigilant Patriot Recognition Award for public address—"History and Scope of Communism, and Threats of Communist Aggression." Presentation of award, May 11, 1963.

Feburary 24: Presented Fifth Annual Award as the outstanding elected Democrat from Cuyahoga Country in Memory of James Donnely by the 33rd Ward Democrat Club of Cleveland.

May 18: Made a Brother Slovenian by the Organization of Slovenian Anticommunist Veterans at ceremony in Cleveland—"In grateful recognition for uncompromising stand against all forms of Communism and devoted work for the cause of all the Enslaved People of Eastern Europe."

February 1964: Received citation from United American Croatians, American Society for Croatian Migration, "for his noble assistance to the subjugated nations and resettlement of refugees."

March 23: Awarded Vigilant Patriot Recognition Award for 1963 by All-American Conference to Combat Communism for public address "We Must Encourage Liberation of Captive Nations."

May 2: Received Freedom Award for "distinguished leadership in combatting Communism" from the Order of Lafayette, New York.

September 20: Awarded the Tenth Anniversary Commemorative Medal by the Assembly of Captive European Nations "In Recognition of Outstanding Services for the Cause of Freedom in East-Central Europe."

February 4, 1965: Awarded Patriotic Service Medal by American Coalition of Patriotic Societies.

May 26: Received Distinguished Service Award from The Kiwanis Club of Edgewater, Ohio "as a token of appreciation for Promotion of Kiwanis Ideals."

September 11: Received award from American Committee on Italian Migration (National Catholic Resettlement Council) "in recognition of his appreciation of the intrinsic worth of all human beings regardless of their origin; for bold initiative in championing the basic principles of equality; for his consummate and successful leadership in erasing discrimination in our immigration law; for a lifetime of meritorious and patriotic service to this country."

September 28: Received Merit Award of the Patriotic Order Sons of America the oldest patriotic organization in the United States.

October 23: Received Freedom Award by Hungarian Freedom Fighters Federation, Inc., for "having contributed outstanding service to the pursuit of liberty and justice for Hungary by his consistent stand against Communism and for the Liberation of Hungary."

November 27: Award of Merit from Cuyahoga County (Cleveland) Association for Retarded Children and Adults and its affiliates "In recognition of outstanding and unselfish service in helping the retarded of Cuyahoga County."

January 15, 1966: Award from The German American Civic League "in recognition of his outstanding leadership in the service of our country and his warm regard and friendship to The German Americans of Greater Cleveland this symbol of our lasting appreciation."

February 13: Plaque from The Parishoners of St. Maron Church, Cleveland on occasion

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of 50th Anniversary of Church, for "long and dedicated service to the people of this community—for his warm-hearted willingness to help other people at all times—and especially for his sponsorship of the new Immigration Law which will permit thousands of divided families to be reunited in this country."

March 13: Award from United Hungarian Societies, Cleveland—"In appreciation of his unique contribution to our humanitarian immigration law and his long, dedicated service to the people."

May 15: Award from The Slovak League of America, at its 40th Annual Meeting held at the Voyager Motel Inn, Youngstown, Ohio "for Distinguished service."

June 4: Received Founders Award from The Association of Immigration and Nationality Lawyers "in recognition of his keen sense of appreciation of the problems involved in the Immigration and Nationality policy of the United States, his forthrightness in dealing with them, and his affirmative steps to ease the hazards to the nobility and dignity of individuals regardless of race, color, creed or national origin." Issued by the authority of the Board of Governors and presented at the Park Sheraton Hotel, New York City, New York.

July 23: Awarded Certificate of Honorary Member by Victory Lodge No. 167, Order Italian Sons and Daughters of America, Cleveland, Ohio, "in appreciation and as a token of gratitude for the loyal and cooperative contributions and efforts during the past years which aided immeasurably the attainment by the Lodge of its high standards of fraternalism and brotherhood and respect in our community, and further, for the sincere promotion of the advancement of all Americans of Italian descent in this great country."

June 10, 1968: Decoration of "Grande Officiale" in the Order "Al Merito della Repubblica" bestowed by the President of the Italian Republic. Insignia awarded by Italian Ambassador Egidio Ortona, at Italian Embassy in Washington, D.C.

May 2, 1969: American Immigration and Citizenship Conference Award "for deep and continuing concern for a sound U.S. Immigration policy" presented at the 15th Anniversary Conference of the American Immigration and Citizenship Conference held at the Hotel Plaza in New York City.

September 24: Presented Distinguished Service Award for outstanding record in Congress, service to the people of Ohio and the Nation, Executive Conference, National Order of Patriotic Sons of America, Valley Forge, Pa.

Special Recognition Award, presented by Governors' Committee, Great Lakes Commission, upon observance of 10th Anniversary of the St. Lawrence Seaway.

October 11, 1970: United States Delegate to the 58th Conference of Inter-Parliamentary Union held in The Hague.

Mr. Speaker, this distinguished American has served his Nation, his State, and his district with devotion, with trust, and with high purpose.

He deserves the gratitude of every citizen.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the distinguished gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I would like to join with the distinguished gentleman in the well, the gentleman from Ohio, Mr. VANIK, in paying tribute today to our colleague, MIKE FEIGHAN. There is no question but as the chairman of the Subcommittee on Immigration of the Committee on the Judiciary charged with matters involving immigration MIKE FEIGHAN has shown deep compassion for this problem. He has recognized the heterogeneous makeup of America and her people. He has helped restructure a meaningful immigration bill which has opened up new opportunities for reuniting families in this country. He has made enormous contributions as chairman of that subcommittee in dealing with these very complex and complicated problems.

MIKE FEIGHAN has indeed served with great distinction on the Committee on the Judiciary. He has brought great leadership to this House upon the many questions that have been debated here on the floor. We are surely going to miss him and his good judgment, and his good leadership for indeed he had complete understanding of the great responsibilities of that committee. It has been good that we have had a Member with his views and with his understanding on these matters.

Mr. Speaker, I am sure that many of our fellow colleagues will join me in expressing deep sorrow that MIKE FEIGHAN will not be with us in the next session. Again, I say we are going to sorely miss MIKE FEIGHAN and his wise counsel.

Mr. Speaker, I congratulate our distinguished colleague, the gentleman from Ohio (Mr. VANIK), for taking this time to pay this tribute to MIKE FEIGHAN.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I am very happy to yield to the distinguished Speaker of the House.

Mr. McCORMACK. Mr. Speaker, I am very glad to join with the gentleman from Ohio (Mr. VANIK) in the words of praise he has just spoken about our distinguished friend and colleague, the gentleman from Ohio (Mr. FEIGHAN).

MIKE FEIGHAN has served in this body with great dedication and devotion—a man of unusual ability, he has displayed it courageously on many occasions. He has been a strong supporter of progressive legislation—legislation that is in the best interests of the people of our country. We always found MIKE FEIGHAN interested in and fighting for legislation that strengthened the family life of our country, such as social security, minimum wage advancements, low-cost housing and in other fields as well, such as education, and in the field of conservation and the improvement of our environment and in so many other fields which mean so much to the hopes and aspirations of countless of millions of Americans.

MIKE FEIGHAN is truly a man of the people and his record clearly is evidence of that fact, as I have briefly alluded to his work in the remarks I have just made. He has endeared himself to the Members of the House by his wonderful qualities, by his gentle and understanding mind.

He was always dedicated in his work, in his work on the committee and his work on the floor of the House of Representatives.

Reference has been made to the very delicate assignment that he had as chairman of the subcommittee on immigration of the House Committee on the Judiciary. We all know how sensitive the work of that subcommittee is. We all know the outstanding manner in which MIKE FEIGHAN as chairman of that subcommittee and as a member of that committee prior to his becoming chairman, performed the responsible and, as I have said, the sensitive duties of that particular subcommittee.

His work on the revamping of our immigration laws has been outstanding, as the gentleman from Ohio (Mr. VANIK) has already mentioned. For many years that problem has been a subject of discussion in the Congress of the United States. But year after year went by and no final action was taken until under the leadership of MIKE FEIGHAN our immigration laws were modernized and brought up to date with our times. In this respect he will always be remembered for the great work he did. His work has not been confined to that field. His work covered the whole broad field of both Government and of human action.

MIKE FEIGHAN is not only an outstanding legislator but a great American. The friendships he has made in this body are legion and they are friendships based upon respect because MIKE FEIGHAN possesses a wonderful mind, a noble mind, and an understanding mind in his associations not only with his colleagues but with his fellow human beings. For it might well be said of MIKE FEIGHAN that he is one of God's noblemen. MIKE FEIGHAN has served here and left his favorable imprint upon the legislative history of our country. He leaves here with the deep respect as well as the profound friendship of all of his colleagues.

I know I expressed the sentiments of my colleagues when I sent a message to MIKE FEIGHAN that we all sincerely hope that God will continue to bless him and his loved ones for many years to come and we know he will carry on a fruitful and active life, in the interest of good causes and in the interest of this great country of ours.

Mr. VANIK. I thank the distinguished Speaker for his inspiring remarks.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I am happy to yield to the distinguished minority leader.

Mr. GERALD F. FORD. I am deeply grateful that the gentleman from Ohio has yielded, because I want to join the distinguished Speaker in paying tribute to MIKE FEIGHAN. It was my good fortune to know MIKE FEIGHAN a great many years. MIKE FEIGHAN was a gentleman of the highest possible caliber. MIKE FEIGHAN was the kind of person whom everyone liked and everyone respected, whether they agreed with him or not.

MIKE was an invaluable member of a very vital committee in this House of Representatives.

The thing that I most liked about MIKE as a legislator was that, although he was a member of the Democratic Party, MIKE was an Independent when he felt deeply that he should differ from party policy. This, to me, is an outstanding quality, whether it is in a Republican who differs with his party or a Democrat who differs with his party. MIKE

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voted his convictions, and to me that is the most important quality in a legislator in this day and age.

Most of all I enjoyed Mike's friendship. We often got together on social occasions. He was a gentleman of the highest caliber and quality. I think it is a tragedy that Mike will not be with us in the next session of the Congress, but as the distinguished Speaker said a few moments ago, Mike's legislative record has been indelibly written in the Congressional Record over the long years that he served. It is a record that Mike can be proud of. It is a record his family can look back on with pride as time passes.

I wish to Mike and his loved ones the very best of health, happiness, and continued success.

Mr. VANIK. I thank the distinguished minority leader.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. I thank the gentleman for yielding to me in order to give me this opportunity to add my words of accolade on this occasion to a great Congressman. I cannot claim that I knew Mike Feighan personally, for I did not. But I observed him, and I can testify to his dedication. I can do that because on several occasions I had some problems with people in my district who could only get relief by an act of Congress. I was impressed by the fact that I could get an appointment to talk to him about it, and to note that he was genuinely interested. So he had in large measure something all of us ought to have more of and that is a deep concern for the problems of people, and be willing to do what he could to bring relief and improvement to the status of people.

I noted also as I observed him here as a Congressman that he had a great sense of dedication to his country. He was patriotic in the very finest sense and because he was, he could take strong positions, and did often, in behalf of his country, and they were reflected in his committee work. They were reflected in his activity here on the floor.

I want to add also that I observed him on the floor regularly, and I imagine his attendance record is by comparison very good.

Again, while I cannot speak of him as a friend, I can speak of him as a great Congressman, and I join with his many friends in wishing him many happy years in the days ahead.

Mr. MADDEN. Mr. Speaker, I wish to join with Congressman Charles Vanik and his Ohio colleagues in paying tribute to our friend and longtime Member of Congress, Michael Feighan. Mike and I were sworn in Congress on the same day in January 1943 at the opening of the 78th Congress. He has indeed been a hard-working and dedicated Member of this body and a faithful public servant to his constituency from the 20th Congressional District of Ohio.

Before coming to Washington he had exceptional experience in the Ohio State Legislature and was elected minority floor leader during his service in that body, which gave him a solid foundation for his service in Congress. As a member of the Judiciary Committee he has accomplished outstanding success as chairman of the Subcommittee on Immigration and Nationalization.

Mike has indeed made an outstanding record and, by reason of industry and ability, accomplished a great deal for his congressional district and the State of Ohio. His legislative record has been in support of the great rank and file of citizenry, especially in education expansion, housing, health and welfare, antipollution, transportation, and highway modernization. He served as U.S. delegate to Interparliamentary Union 47th Conference held in Rio de Janeiro to the 49th Conference held in Tokyo and the 58th Conference held in The Hague. Also delegate to Intergovernmental Committee on European Migration held in Geneva, Switzerland, in 1963. Delegate to the Provisional Intergovernmental Committee for European Migration held in Brussels in 1951.

I wish to join with other Members in extending to Mike my congratulations on his congressional service and to wish him many years of good health and happiness and success in future years.

Mr. BETTS. Mr. Speaker, it is a source of genuine regret to me to see Mike Feighan leave Congress. Our friendship goes back many years to the Ohio House of Representatives where he served with distinction as minority leader. I have, therefore, had the opportunity to observe his work at both the State and National level and can say without qualification that Mike has always been intensely interested in the welfare of his country, of his State, and of his congressional district. His record of achievements is most impressive and I am sure that I speak for his many friends in Congress when I say that he will be missed very much when Congress convenes next year. As a personal friend and admirer of his dedicated public service, I extend to him my best wishes for the future.

Mr. PATMAN. Mr. Speaker, it is eminently fitting that we pause today to salute our good friend and distinguished colleague, an Olympian of the House, the Honorable Michael A. Feighan, who is leaving the House after a long and meaningful career of devoted public service. Having served with Mike throughout his 28 years as a dedicated and able Member of this body, I am surely going to miss his presence here. He has been a wonderful Representative of the people of the 20th District of Ohio and of the Nation, and all who are privileged to know him cherish his warm and loyal friendship. He is in every sense a great American and a great human being.

Mike has served with distinction on the House Judiciary Committee where he is the second ranking majority member and chairman of the important Subcommittee on Immigration and Nationality. He has served with equal vigor and sagacity on the House Merchant Marine and Fisheries Committee. In all of his work, Mike has moved efficiently with unfailing courtesy, pleasing humor, and kindly dignity. His wise counsel has been available to all and his consummate statesmanship has endowed our proceedings with great distinction. His decades of scrupulous and scholarly attention to thousands of legislative chores have not dulled his perceptions of people nor removed him from an awareness of human needs, but have instead made him acutely sensitive to the efforts of our society to achieve the objectives of American democracy. And all our deliberations have been illuminated and invigorated throughout by his deep spiritual devotion.

Mr. Speaker, I know I speak for all my colleagues in wishing Mike the best that life has to offer as he leaves the House.

Mr. MORGAN. Mr. Speaker, it is hard for me to realize that Mike Feighan will not be with us when the 92d Congress convenes. He was here when I came to Congress and has been active in matters involving U.S. foreign policy and our relations with other governments during my entire service with the Committee on Foreign Affairs.

He is recognized throughout the world for his work in the field of immigration and in dealing with the problems of refugees.

Mike Feighan has always been an active and effective foe of communism and a devoted champion of the people of Eastern Europe who are the victims of Soviet aggression. I do not know whether it will be possible for us to debate any future foreign aid program on the floor of the House without his defense of the rights and interests of the people behind the Iron Curtain.

All of us regret that Mike is leaving us. We will miss him not only because of his knowledge and the quality of his counsel, but also as a good friend and companion.

He deserves an opportunity to relax and enjoy life, and I wish him the best of health and happiness during his retirement, but the House will not be the same without him.

Mr. GIAIMO. Mr. Speaker, I am proud to join today in this tribute to our esteemed colleague and friend, the gentleman from Ohio (Mr. Feighan), who leaves us this week after 28 years of distinguished service to Congress and the Nation.

Mike Feighan's record of accomplishment in this body since 1942 has earned for him the sincere respect and admiration of his colleagues. His 12 terms in Congress show the regard in which he is held by the people of the 20th Congressional District of Ohio.

Yet, Mr. Speaker, Mike Feighan has also represented another constituency—the citizens of other lands who have immigrated to America. As chairman of the House Judiciary Subcommittee on Immigration and Nationality, he has dedicated himself to making the American dream come true for thousands of foreign-born men, women, and children. He has earned the undying gratitude of these immigrants and has kept alive the hopes of untold millions who seek to reach the shores of the United States.

As we pay tribute to Mike Feighan, I am reminded of the inscription on the Statue of Liberty which reads in part, "I lift my lamp beside the golden door."

Surely, Mike Feighan has done his part to keep that lamp burning brightly. Of this achievement he has every reason to be proud.

As Mike Feighan prepares to relinquish the burden of public service, I thank him for his efforts and for his friendship and wish him and his family every happiness in the years to come.

Mr. SPRINGER. Mr. Speaker, I welcome this opportunity to join the gentleman from Ohio (Mr. Vanik) in honoring our colleague, the Honorable Michael A. Feighan, as he concludes 28 years of distinguished service in the Congress of the United States.

Mike and I have been friends for years and I am sorry to see him leave our midst. Shortly after entering the House I was chatting with Mike one day and learned of his relationship to the Feighan family in my congressional district. The Feighan name is well and favorably known in the small Illinois community of Ivesdale in Champaign County where my home is located. In fact, Mike's father was accustomed to make annual visits to Ivesdale. I know Mike's numerous cousins in that vicinity. They are fine people.

Mike can carry with him into his well-earned retirement the knowledge that he has a host of friends in this House, on both sides of the aisle. He will be greatly missed.

Mr. HATHAWAY. Mr. Speaker, it is a privilege for me to join my colleagues today in tribute to our friend and distinguished colleague from Ohio, the Honorable Michael A. Feighan, who, at the close of the present session and after 28 years of service to this Nation, his great State, and the people of the 20th Congressional District of Ohio, is retiring from the House of Representatives. Mike has been an effective voice of his constituents and an able Member of the Congress. We are all fortunate to have been associated with him.

To the gentleman from Ohio and to his family go my very best wishes for future happiness, good health, and success.

Mr. HANLEY. Mr. Speaker, somewhat sadly, this month we are marking the close of one of the most distinguished careers in the House of Representatives with the retirement of our colleague, Mike Feighan. For several decades, Mike has conscientiously served the best interests of his constituents, his State, and the Nation. His service on the Judiciary Committee and his deliberate dedication on the Immigrant Subcommittee stand as a memorial far more articulate than any tribute we could pay to him here in the Chamber today. But, his parting cannot be allowed to pass without our taking the time to express our appreciation for his counsel and service and our sadness that he will not be with us when the House convenes next month. We wish him an abundance of good health and many more fruitful years of public service.

Mr. JOHNSON of California. Mr. Speaker, as one who has long been associated with organized labor, I knew the reputation of Mike Feighan long before I was privileged to come to the House of Representatives and serve with him in these Halls of Congress.

Mike was known throughout the country as one who consistently votes for the rights of labor to organize and bargain collectively. He was also known as a vigorous advocate of various programs of great importance to the workingman and the family owner. These include adequate housing, adequate wages, decent medical attention, and the opportunity through social security for the workingman to retire without the fear of poverty or the fear of becoming a burden on his children. Mike was also a fighter for equitable tax treatment for the working family man and a battler in the war against crime through which we hope to make our city streets safe again.

During the 12 years that I have served in the House of Representatives, I have had a firsthand opportunity to see how this dedicated public servant earned and deserved this tremendous reputation. He is a legislator who has constantly done his homework, knows his subject and has never been bashful about speaking his mind. It has been my experience that when Mike has spoken out, he has proven what he is talking about and he has proven to be right.

It has been my privilege on several occasions to appear before his Subcommittee on Immigration and I can say that never have I been before a more honest, dedicated, and fair committee chairman as those times when I have testified before his committee. Mike Feighan is going to be missed in the Congress but the legislative record achieved during his 28 years of service in the House of Representatives will stand as a monument to this outstanding citizen. Let us all extend to our colleague best wishes for whatever the future holds for him and his family and that we may follow his example as a hardworking Representative.

Mr. KASTENMEIER. Mr. Speaker, I join my colleagues today in paying tribute to Mike Feighan. Elected to Congress nearly three decades ago, Mike is one of the best liked Members of the House. As a ranking Member of the House Committee on the Judiciary, second in seniority only to Chairman Celler, he has attended to his duties diligently, motivated at all times by a desire to do those things he felt were in the best interests of our country. When I was new on the Judiciary Committee, he went out of his way to be of help to me and we have continued to consult on matters relating to the Judiciary Committee. He has special expertise in the field of immigration and naturalization, the legislative responsibility of the subcommittee he chaired, and I always appreciated his help in matters in this area.

Mr. Speaker, I wish Mike Feighan and his family the best in the coming years and I know he will continue his efforts to serve his Nation and his fellow citizens.

Mr. RYAN. Mr. Speaker, I am pleased to join our distinguished colleague from Ohio (Mr. Vanik) in this tribute to our departing colleague from Ohio (Mr. Feighan). It has been a pleasure for me to have known and worked with Mike Feighan in the House of Representatives. In addition, I served on the Judiciary Committee with him where he played such a significant role as chairman of the Subcommittee on Immigration and Naturalization. It will be strange indeed not to have Mike Feighan in our midst when Congress reconvenes in January. I want to take this opportunity to extend my best wishes to Mike for the future. I hope that the years ahead will be years of continued fulfillment for him.

Mr. RODINO. Mr. Speaker, for more than two decades I have served with Mike Feighan, both as a colleague in the House and on the Judiciary Committee.

He is a man who has dedicated almost half his life in the public service and has ably represented the people of Ohio's 20th District. But in a broader sense, his leadership was in no small measure responsible for correcting some of the most flagrant injustices in our immigration laws. Also, his compassion and fruitful efforts have been felt by refugees of all origins who have fled political persecution, and I know that these achievements must be a source of great satisfaction to him.

As one who has worked closely with him, I am happy to salute him and to extend my warm good wishes for his happiness.

Mr. ANNUNZIO. Mr. Speaker, I am pleased to join my distinguished colleague, the gentleman from Ohio (Mr. Vanik) in taking this special order so that I may join my fellow Members in paying tribute to Hon. Michael A. Feighan, of the 20th District of Ohio, who is retiring at the end of this session.

When Mike Feighan first took the oath of office in this House, our country was battling for its very survival. He has seen a triumphant America emerge from the ravages of World War II only to be confronted with a lasting cold war struggle. Mike Feighan has been in the forefront of the effort to insure that our country remains strong and free. On three separate occasions, he has been awarded the "Vigilant Patriot Honor Plaque" by the All-American Conference to Combat Communism. Mike Feighan's deep, abiding faith in democracy and freedom has never been limited only to those of us who enjoy their bounty in our own land. For years he has been a good friend to, and an advocate for, the cause of liberty for those caught in the grasp of communism.

Mike's concern for these people has mirrored his faith in the basic decency of free men. He has always felt that any man has a right to direct his own destiny. He has also fought for the principle that those who wish to take part in the great American experiment should be allowed to do so.

Many of us will recall his role in the fight to have a national quota system eliminated from our immigration policies. It was largely due to his leadership and guidance that the immigration reform bill was passed. Many future American generations will, indeed, benefit from his diligence and persistence in their behalf, and will remember him with respect for his accomplishments.

For the past 28 years Mike Feighan has served his district well in this House. He has championed its interests persistently. He has labored for his constituents

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individually and as a group. They have expressed their confidence in him by returning him to Congress 14 times. We who have worked with him closely know that their trust has been well placed. Those who have served under his chairmanship of the Judiciary Immigration Subcommittee and the Joint Committee on Immigration and Nationality Policy have learned to admire his abilities.

MIKE FEIGHAN leaves this body knowing that he carries with him the respect and admiration of his colleagues, and that we all wish him Godspeed during his well-earned retirement.

Mrs. Annunzio joins me in extending to MIKE, his devoted wife, Florence, and to his son and daughter, William Matthews and Fleur Marie, our best wishes for abundant good health and many rich and happy years to come.

Mr. CARNEY. Mr. Speaker, as that great Ohioan, my colleague in the delegation, the Honorable MICHAEL ALOYSIUS FEIGHAN, leaves this House which he has served so well and for so long, I wish to add my voice briefly to those who have already wished him a happy and productive retirement.

His achievements have been described at length by those better qualified than I to judge them. His character may be judged by anyone who has had the good fortune to know him. I attest to his attributes of courtesy, cordiality, even exhuberant good will. He has often taken great pains to help me in learning to perform my duties, easing the way for a newcomer in this great legislative body whose procedures are familiar and dear to him.

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He has been a credit to the district he has represented, to the House of Representatives he has loved, and to the country to whose defense, welfare, and success he has devoted a lifetime of public service. I assure him of my lasting respect and hope that I may profit by his example.

I wish MIKE FEIGHAN and his family many years of health and happiness.

Mr. BOLAND. Mr. Speaker, I am delighted to join my colleagues in a tribute to the Honorable MICHAEL A. FEIGHAN, of Ohio.

The Honorable MICHAEL A. FEIGHAN of the Ohio 20th District has won the respect of everyone familiar with his record of accomplishment. As second-ranking majority member of the Judiciary Committee, he long has had an established reputation as an expert in matters affecting the Federal bench and the judicial branch generally. And, as second-ranking majority member of the Joint Committee on Immigration and Nationality Policy, he was largely responsible for major immigration reforms urged upon Congress by President Lyndon B. Jonhson and enacted in 1965.

A graduate of Princeton University and the Harvard Law School, MIKE FEIGHAN entered politics in the middle of the Great Depression and was elected to the Ohio State Legislature in 1937. Here he excelled to the point that in 1942 he received the Democratic nomination for Congress in his district and was duly elected. Over the past 28 years, during which he has been consistently reelected, he has worked in the interest of the New Deal, Fair Deal, New Frontier, and Great Society programs, while at the same time supporting many time-honored traditions.

In this manner, he won the backing of conservatives and liberals combined in Cuyahoga County, which he carried again and again with overwhelming majorities. That he should be leaving the Congress at the close of this session is a matter of the greatest regret, in my estimation, and that of all who have had the opportunity of working with him.

A man of honor, integrity, and great ability, he has served the country and the Congress to the advantage of us all.

Mr. DELANEY. Mr. Speaker, I am glad to have this opportunity to join my colleagues today in paying tribute to our distinguished colleague, the Honorable MICHAEL A. FEIGHAN.

MIKE has been a highly esteemed Member of this body for more than a quarter of a century. Through the years he has devoted his time and talents with diligence and great sincerity to the interests of his constituents in Ohio's 20th Congressional District.

An experienced and highly able legislator, MIKE served with distinction in the Ohio Legislature where he was minority floor leader prior to devoting his life to serving the Nation in Congress.

He has been a ranking and highly valued member of the Committee on the Judiciary where he developed a special expertise and unique ability in the extremely complex and difficult area of immigration law. His compassionate concern for the immigrant has contributed significantly to improving our immigration policies over the years.

I join my colleagues in wishing him the best of everything in the years to come, and hope he will visit with us from time to time to renew old friendships, and share with us his keen insight into national and international problems.

Mr. UDALL. Mr. Speaker, when Congressman MIKE FEIGHAN retires from the House this month, millions of Americans will be losing a champion of the great humanitarian and sometimes unpopular causes that have marked the quarter-century of his service. Born of a prominent Ohio family, MIKE FEIGHAN nevertheless chose to be the friend of the workingman, the elderly, and the poor. And he sided with them on the historic legislative struggles of our time—civil rights, medicare, minimum wage, social security, and so on. Many believe his most notable achievement is found in this country's increasingly fair and progressive immigration laws. The Immigration Act of 1965—for which he can claim much credit—set forth a new and enlightened policy which will benefit this Nation and its minorities for decades to come.

MIKE FEIGHAN has served his State and the Nation with purpose, dignity, and distinction. May the years ahead be as happy and productive as those he has given this House.

Mr. FRIEDEL. Mr. Speaker, when it was my privilege to first enter the House, I met the distinguished gentleman who has so ably represented the 20th District of Ohio. We almost immediately established a rapport and became friends because of our mutual interest in those matters which benefited our districts and the Nation.

It was in November 1942 when MICHAEL A. FEIGHAN was first elected to Congress and became one of the youngest men ever elected to the House of Representatives. His rise was spectacular and not unexpected because of his native and inborn talents, brilliant mind, and great personality. After 14 consecutive terms totaling 28 years of dedicated service to his great State of Ohio and the Nation, he is the 15th ranking Member of the House of Representatives, the first ranking member of the important Committee on the Judiciary, and chairman of its Subcommittee on Immigration and Nationality.

MIKE FEIGHAN, like myself, represents large urban centers of peoples of many ethnic backgrounds. It was, therefore, natural that our interests would be quite similar. That is why both he and I are interested in people of foreign origin. At a time when immigration laws must be modernized and liberalized to meet current realities and solve present problems, it was MIKE FEIGHAN who fought for more just immigration and naturalization laws. It was he who advanced legislation to give refugees protection from persecution for political and religious beliefs.

During the past 28 years he has amassed a record of devoted, dedicated service matched by few men in congressional history. The fact that he will not return as a Member to this House, will leave a void that will be most difficult to fill.

Not only is this illustrious Congressman well educated, having graduated from both Princeton and Harvard Law Schools, but he has also received international recognition by the University of Munich, which in 1955 conferred the honorary doctor of law degree upon him.

In further recognition of his achievements, he was given the Founders Award by the Association of Immigration and Nationality Lawyers in 1966.

This great legislator, this dedicated public official, is above all things a great human being who has given his talents to the Nation. I am sure his interest in public affairs will continue unabated and he leaves this Congress with the love, esteem and best wishes of all his colleagues for a bright and successful future.

Mr. ZABLOCKI. Mr. Speaker, farewells need not be sad—when what remains is the memory of a man who performed his duty faithfully. Today, we bid such a farewell to our distinguished and esteemed colleague from Ohio, the Honorable MICHAEL A. FEIGHAN.

His departure from this body in which he has served for nearly three decades does indeed sadden us. And yet, he leaves behind a record of achievement that should serve as an example to all of us who remain. He leaves too with the promise of returning periodically to advise and counsel his many colleagues and friends.

Since 1942, when he was first elected to the 78th Congress, MIKE FEIGHAN has represented his constituents with a constant and faithful concern for their interests.

However, it is his outstanding work as chairman of the House Judiciary Committee's Subcommittee on Immigration and Nationality that has been most recognized. In addition, he has also served as a member of the Select Commission on the Western Hemisphere Immigration and as a member of the American delegation to the Interparliamentary Union Conferences. For his many distinguished efforts in this area Congressman Feighan was presented in 1966 with the Founders Award from the Association of Immigration and Nationality Lawyers.

Mr. Speaker, I am sure you would agree that the enlightened immigration laws of our country stand as a lasting tribute to his efforts over the years. Many who now proudly claim the United States as their adopted country shall always be grateful to Mike Feighan.

My wife, Blanche, joins me in expressing the sincere hope that Mike and his lovely wife, Florence, take with them into retirement the knowledge and satisfaction of a job well done. May their days remain rich with joy and fulfillment.

Mr. HECHLER of West Virginia. Mr. Speaker, I am pleased to join with my colleagues in praise of our good friend, Representative Michael Feighan, of the neighboring State of Ohio. I have always enjoyed the friendliest of associations with the gentleman from Ohio, and I am pleased to hear the many others who are wishing him well today. His has certainly been a long and useful service in this body, where he has contributed materially to the legislative process in the best sense.

Mr. ALBERT. Mr. Speaker, I am very pleased that the distinguished gentleman from Ohio has taken this time, today, to pay tribute to our distinguished colleague, the gentleman from Ohio (Mr. Feighan). When the 92d Congress convenes we will miss the warm and friendly face of Mike Feighan, but while he may be absent in body, he will always have a place in the hearts of those who have had the privilege of serving with him.

Mike Feighan will leave this Chamber secure in the knowledge that he has given many years of devoted service to the citizens of his district, his State, and his Nation. As a member of the great Committee on the Judiciary and more specifically as chairman of the Subcommittee on Immigration and Nationality, he has played an important and vital role in some of the most far-reaching legislation enacted in this century. Countless new Americans who have come to this great country from some foreign shore owe, in large part, their grand opportunity to the tireless endeavors of Mike Feighan.

Mr. Speaker, I salute Mike Feighan for his service to the House, to our great country and indeed, to all humanity. All of us wish him the very best in the future.

Mr. TAFT. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to my fellow Ohioan, the Honorable Michael A. Feighan, who is retiring from the Congress at the conclusion of this session of the 91st Congress.

Mike Feighan has had a long and distinguished career in the House. First elected to Congress in 1942, his constituents reelected him to every succeeding Congress by large majorities.

Perhaps best known for his outstanding contribution in the area of immigration and nationality problems, Mike was author of the 1965 Immigration and Nationality Act.

The bill has become a landmark piece of legislation.

Mike Feighan will be missed by all who have had the privilege of working with him over the years.

Mr. ASHBROOK. Mr. Speaker, I am pleased that this time has been reserved to pay tribute to the distinguished service of the Honorable Michael A. Feighan spanning nearly three decades. As a fellow Ohioan and a colleague for one of those three decades, I join in expressing my admiration for the conscientious work he has performed in the Congress during that time.

His effectiveness as chairman of the Subcommittee on Immigration and Nationality of the Judiciary Committee is well known. We were fortunate to have the benefit of his leadership and expertise in this field so vital to establishing trust and understanding in the world community. Mike Feighan played a key role in the legislative process as it relates to immigration policy, and his imprimatur on the improvements made in this area stands as a testament to his many contributions.

Those of my colleagues who were not here in the 1950's may not be aware of Mike's invaluable service as a member of the House Select Committee To Investigate Communist Aggression and the Forced Incorporation of the Baltic States. Although I was not here at the time myself, I know of his dedication to this assignment.

This committee was charged with inquiring, first, into ways by which once free nations were subjugated by the Communists, and second, with determining what happens to people living under Red rule. Beginning in late 1953 to December 3, 1954, the committee held 50 public hearings in the United States and Europe, taking the testimony of 335 persons, most of whom were eyewitnesses to Communist aggression against the enslaved nations and peoples of Central and Eastern Europe.

The findings, conclusions, and recommendations which emerged from this monumental effort have as much relevancy today as they did when first published. The committee rejected the then—and still—current propaganda campaign of "peaceful coexistence" between the nations of the free world and the Red regimes of the Communist bloc as the only alternative to preventive war. It recommended instead that the U.S. Government "immediately launch a positive, bipartisan, political offensive against the international Communist conspiracy and in behalf of the enslaved nations."

If the numerous specific recommendations made by that committee—on which Mike Feighan so ably served—to implement this strong overall policy had been pursued, I am convinced that the tragedy of Czechoslovakia, Cuba, the persecution of Jews in the U.S.S.R., and many other subsequent examples of Communist barbarism could have been averted.

Mike Feighan's departure from the Congress saddens all of us who have known and respected him for his ability and integrity. While he and I differed on many issues, it has been a genuine privilege and pleasure to serve with him. As Mike Feighan ends his service in the House, I wish him many happy and productive years in his future endeavors.

Mr. STOKES. Mr. Speaker, it is with a sense of deep personal loss that I join my colleagues in paying tribute to an outstanding public servant. Michael Feighan's dedicated service to Ohio and the Nation offers an outstanding example for all of us in public life. My sense of loss is shared by the citizens of Cleveland and the body of the House of Representatives.

For almost three decades, Mike has served the people of our fine city with loyalty, devotion, and dedication and I consider it to have been a great privilege to have been able to serve with him. As chairman of the House Judiciary Committee's Subcommittee on Immigration, we have relied upon his advice and assistance in aiding the many immigrants to Cleveland in resolving the problems that are unique to their situation. Many of my constituents have benefited from the advice he provided me and we shall miss having his expertise so readily available. His compassion and unselfish efforts in behalf of Cleveland's immigrant population is typified by the many tributes he has received, including an award from the United Hungarian Societies of Cleveland, a certificate of honorary membership by Victory Lodge of the Order of Italian Sons and Daughters of America, Cleveland, and an award of brothership by the Organization of Slovenian Anticommunist Veterans. The awards he has received for "unselfish service" and "outstanding leadership" are too numerous to mention.

I cannot really add anything to those tributes, I can only voice my own appreciation for the opportunity of knowing him and serving with him. I truly hope that the years ahead will be years of continued fulfillment and happiness for Mike and his family.

Mr. MINSHALL. Mr. Speaker, with all of his colleagues who know his many virtues and with his devoted constituents of the 20th District of Ohio, I wish to join in paying a well-deserved tribute to my longtime friend Mike Feighan who is retiring from the Congress after 28 years of service. Mike comes from one of Ohio's most distinguished families, highly respected for their outstanding contributions to the city of Cleveland, and it has been my privilege to enjoy a close relationship with the Feighan family for many years. Our association goes back to the days when our fathers were cronies and Mike and I served together in the Ohio State Legislature more than 30 years ago.

Although we sat on opposite sides of the aisle in the House Chambers, I am grateful to Mike for the benefit of his wisdom and for his kindness and assist-

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ance when I came to Washington as a freshman in 1955. He has been a loyal friend and a fine neighbor to the 23d District which I represent.

Ohio is proud of MIKE FEIGHAN, and rightly so. In the tradition of the Feighan family, MIKE has proved himself to be a truly dedicated public servant, a man of high principles and an effective legislator. He has served conscientiously and vigorously and the results of his tireless efforts as chairman of the House Judiciary Immigration and Nationality Subcommittee are of great and everlasting value to the Nation. MIKE's numerous awards and his tremendous record of accomplishments speak for themselves and his honesty, integrity, and leadership will long be remembered.

The white-haired gentleman with the warm smile will be sorely missed by those of us who have had the honor to serve with him in the House of Representatives. I am pleased to have this opportunity to express my admiration for MIKE FEIGHAN and Mrs. Minshall joins me in wishing him and his charming wife Florence many years of continued success, good health, and much happiness.

Mr. MATSUNAGA. Mr. Speaker, I rise to join my colleagues in paying tribute to an outstanding American, the Honorable MICHAEL A. FEIGHAN, who is completing 28 years of service in the Congress of the United States.

Because of their international viewpoint on many issues, the people of Hawaii have a special interest in matters pertaining to our Nation's immigration and naturalization policies. As their Congressman, I am pleased to join my colleagues in paying tribute to MIKE FEIGHAN, for as chairman of the House Judiciary Committee's Subcommittee on Immigration and Nationality he has labored assiduously for substantial improvements in the law pertaining to immigration and naturalization.

MIKE FEIGHAN has been the prime mover of countless bills in this area. His efforts in behalf of those whom he himself called "my second constituency," will be remembered long after his retirement. His efforts, which have been both diligent and effective, have borne abundant fruit. In no small measure MIKE has been responsible for the United States having immigration and naturalization laws which are among the most enlightened in the world.

Immigration and nationality laws were not the only interest of this dedicated public servant. He lent the benefit of his many years of experience to the House by participating in deliberations in committees and debates on the floor.

I certainly wish to be numbered among the host of friends who will miss MIKE FEIGHAN in the next Congress. To MIKE FEIGHAN goes my fondest aloha and best wishes for an even more rewarding future.

GENERAL LEAVE

Mr. VANIK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TRIBUTE TO THE HONORABLE GLENN CUNNINGHAM

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. BROOMFIELD) is recognized for 60 minutes.

Mr. BROOMFIELD. Mr. Speaker, in these closing days of the 91st Congress we are coming to the end of our working relationships with some old and dear friends. I take this time to pay tribute and say farewell to one of the workhorses of the House—GLENN CUNNINGHAM.

GLENN and I entered the Congress together some 14 years ago, in the 85th Congress. GLENN served as president of the 85th Club for several years and has given our group leadership in its activities together for these past several years.

GLENN's departure from Congress for a post in the Interior Department, as special assistant to the Director, Bureau of Outdoor Recreation, continues a lifetime of service to his community and Nation. We are saddened to see him leave, for while he has not sought the headlines nor the publicity, he has been one of those on whom Congress must rely for its progress. Anyone who knows GLENN knows this is true. He is one of those who makes Congress work.

Beyond his work here, we who have served with him will miss him as a friend. He is not a "hail fellow well met," but is one whose friendship means something. I personally will miss his counsel on matters from his committees, for he has always been one of the best informed Members on the business of those committees.

Mr. Speaker, I would like to read something of GLENN's background, for it tells a story of a whole life devoted to public service.

GLENN CUNNINGHAM was born in Omaha on September 10, 1912, the son of George and Emma Cunningham. The family is descended from the politically prominent John Bridge family who came to America in 1632 and whose line includes a cofounder of Harvard College and President Garfield.

GLENN's mother is a lifelong Nebraskan, having been born in Papillion, Nebr. His father came to Omaha at the age of 16 from Ohio. GLENN is a graduate of Omaha South High School and the University of Omaha, class of 1935. He graduated from Ashland Park Grade School. After graduating from South High School he attended Peru State College, Peru, Nebr., for one semester and then enrolled at the Municipal University of Omaha where he received his BA degree. Later on he attended four summer short courses at Northwestern University. Two of these courses were in public administration management and two in accident prevention management. From 1936 to 1940, GLENN was the fulltime manager of the Omaha Junior Chamber of Commerce.

In July 1941, GLENN married Janis Thelen, of Omaha. She is a graduate of Omaha Cathedral High School and a longtime resident of Omaha. They have six children, Glenn Jr., Judy, Mary, James, David, and Ann Melissa.

In 1940, GLENN was named manager of the convention bureau of the Omaha Chamber of Commerce. He was then elected manager of the Omaha Safety Council and served in that capacity until 1947. It was during the period that he was manager of the safety council that he first came in contact with the U.S. Congress because he was very active and visited Washington several times, accompanied by officials of the National Safety Council, to press for legislation to secure a charter for the Omaha Safety Council, in which he was successful. Following that he was named to the position of manager of the Omaha office of the National Safety Council. Later he was named to fill a vacancy on the Omaha City Council—a fulltime position.

GLENN was first elected to public office in 1946 as a member of the Omaha Board of Education. He was the youngest candidate for that office but received the highest number of votes. In 1947, he was appointed to the Omaha City Council and was the full-time superintendent of the department of fire protection and water supply. In 1948, he was elected mayor of Omaha and served two terms. He voluntarily did not seek reelection following that.

GLENN was then named Nebraska director of the Saving Bond Division of the U.S. Treasury Department. As director he traveled extensively throughout the State and through his efforts the State of Nebraska had the highest sales of savings bonds on a per capita basis of any State in the Union. In 1956, he was elected to the U.S. House of Representatives and has been reelected to every Congress since.

GLENN has worked long and hard in the Second District, and for his work he has been frequently honored. GLENN was chosen Omaha's Outstanding Young Man by a distinguished panel of civic and business leaders and he was also chosen Nebraska's Outstanding Young Man. He is a member of the Legion of Honor, Order of DeMolay. He was cited in 1957 for alumnus achievement for "His outstanding personal accomplishments and service to the University of Omaha," by the University of Omaha Alumni Association. He was chosen "Man of the Year" by the Sun Newspapers.

GLENN was twice elected as a delegate to the Republican National Convention from Nebraska.

GLENN was the first Nebraskan, and one of our four Republican Members of the House of Representatives chosen by the Speaker, to attend the United States-Canadian Interparliamentary Conference in Ottawa. This was a conference with the leaders of the Canadian Parliament to discuss problems of Canada and the United States.

GLENN was also one of two House Republicans selected by the Speaker to serve on the National Commission on Food Marketing. This Commission investigated the "spread" between what the producer receives for his product and what the consumer pays at the grocery store. The report of the Commission has been widely acclaimed.

GLENN also was chosen by the Speaker of the House to serve as a member of the Jefferson National Expansion Memorial Commission.

GLENN has received these appointments of responsibility as a result of his dedication and work with civic organizations within the Second District and his exceptional work in Congress. His interest in youth, conservation, decent literature, consumer protection, aeronautics, communications, transportation, and a number of widely varying subjects is shown by his contribution to both national and local organizations, including the following:

President of the Omaha Junior Chamber of Commerce;

Member of the advisory board, Freedom Studies Center of the Institute for American Strategy;

Vice President, National Rivers and Harbors Congress;

General chairman, Citizens for Decent Literature in Omaha;

Member of National Committee of Citizens for Decent Literature;

National Sponsoring Committee of Laymen, Universal Bible Week;

Member of National Committee on Captive Nations Week Observance;

Member of advisory council of the National Committee on Playgrounds for Young America; and

Honorary member of Nebraskans for Young Adult Suffrage.

Mr. DENNEY. Mr. Speaker, I have known GLENN CUNNINGHAM for many years, and it gives me great pleasure at this time to join with others in wishing him the very best as he embarks on a new career in 1971. His articulate voice and dedication to the unglamorous but necessary work of a Congressman will be missed by all who knew him, but he leaves behind a legacy of constructive achievement which spans 14 years in the U.S. House of Representatives.

It is appropriate, therefore, that we pause for a moment to reread an article which appeared in the North Omaha Sun. I think it sums up well the contributions of the gentleman from Nebraska, Congressman CUNNINGHAM. Mr. Speaker, I include this article in the RECORD, as follows:

GLENN CUNNINGHAM, "PEOPLE'S CHOICE," FACES THE FUTURE

Carl Heine's Short Stop Cafe was jammed with members of the Cunningham-for-Congress executive committee, gathered for an evening of political shop talk.

Although their candidate was listed on the ballot as a Republican, the meeting seemed to consist largely of comments from the floor, each beginning:

"Well, I'm a Democrat, but . . ."

Finally the chairman of the evening remarked dryly:

"If there are any Republicans here, will they please raise their hands?"

Of the 55 people present, just 12 raised their hands.

The incident—its setting, the people and philosophies involved—tells much about the man who has been selected as The SUN Newspapers' Man of the Year for 1962: Glenn Cunningham.

The setting was South Omaha, barely a mile from where Glenn Cunningham was born. The people included grocer, small businessman, doctor, labor leader and a variety of others, all of whom had reason to feel that Glenn Cunningham had been good for them or their interests. Their philosophies ranged from the conservative Republicanism of Dr. Peyton Pratt (representative of the medical profession's political action group) to the doctrinaire Democratism of Mr. and Mrs. John Blankenship, perennial Democratic convention delegates from South Omaha. The group included persons of influence in City Hall (e.g., Councilman Al Veys) and the Statehouse (e.g., Senator Eugene Mahoney), the lobbyist of the postal workers' union (George Bangs) and others of various persuasions which demonstrate the wide range of appeal wrapped up in the skinny, slow-speaking man who has become the No. 1 vote-getter on the current Omaha political scene.

HOPES, ASPIRATIONS

Although Glenn Cunningham would shun the label of "visionary" or "dreamer," the endorsement he won at the polls in November is clear evidence that he fits the SUN's Man of the Year criterion: "The man who best typifies the hopes and aspirations of this growing city."

These hopes and aspirations, as typified by Cunningham, are far from daring; they are essentially conservative, aimed toward steady progress but not toward the grand, deficit-financed gamble.

An unknowing visitor, espying Glenn Cunningham for the first time, would not likely tab him as a successful politician. Standing half an inch less than six feet and weighing only 145 pounds, he has the physical appearance of a Trappist monk on a hunger strike. His horn-rimmed glasses give him the look of a cloistered desk worker.

But if this unknowing observer follows Cunningham into the crowd on Farnam street or South 24th, he will soon see the man stopped by some equally anonymous elector. Cunningham will know the man's name; he'll give him a soft handshake, listen somberly to his problem, then stroll on with a courteous nod. After this ritual has been repeated half a dozen times in the space of a block, the observer will realize that this man seems to know a lot of people.

Following him into Northrup-Jones or Fred's Rexall, the observer will see Cunningham circled by half a dozen coffee drinkers. Listening with one ear, Cunningham will light a cigarette, then whip out a pencil and scribble a note on a match book cover. It will be slipped into a coat pocket, later passed along to an assistant. Within a day, the constituent who jabbed his finger into Cunningham's label will hear from someone in Washington, Lincoln, or Omaha's City Hall who is surprisingly familiar with the problem and solicitously eager to iron it out.

By this time, the observer may have realized the first and great commandment in Glenn Cunningham's political creed:

"If you sit down and do your homework, you won't have any trouble at the polls."

"Homework" is congressional jargon for the handling of constituents' problems. Thousands of people every year write, wire, phone or see their Representative with some kind of problem. Every one of them who goes away satisfied can be translated into from two to one hundred votes, depending on how many relatives, in-laws, children and job contacts he has.

This, Glenn Cunningham feels, is one of the big reasons for his shockingly successful shattering of Dr. Thomas N. Bonner's political dreams last November 6. With contacts acquired in more than 25 years of dealing with people in various forms of "public service," Cunningham has developed what he describes as "the most terrific political organization that has ever been built in Omaha—including the Dennison machine."

For last November's election, it numbered some 3,000 active workers in four counties of the Second Congressional District. Though largely centered in South Omaha, it also included mayors, bankers, merchants, farmers, implement sellers and other people in dozens of small towns and unicorporated rural communities. It was further backed up by the "regular" Republican organization.

HOW HE OPERATES

Glenn Cunningham's control over his personal cadre is exercised in many ways, few of them overt. One of his functionaries, Senator Mahoney, describes the typical operation:

"We start real early, and have meetings in various towns—Waterloo, Weeping Water, Bellevue. We always find some leading citizen, maybe the mayor, or a church leader, or a businessman, who Glenn knows on a first-name basis. They tell us who to invite. They know when and where to have the meeting. We simply tell the group why we're there and what Glenn stands for, and ask them how we should proceed in their area. We might suggest that we need some help in making Cunningham signs or passing out bumper stickers.

"We've got all the equipment, and if someone volunteers his garage, we can set up stencils, paint and cardboard, and have an assembly line going in no time.

"Some people will take assignments to be responsible for a certain area, say a portion of their county. That person will then go to people he knows and get them to pass out literature or hold coffees. As much as we can, we leave it to them, listen to them, and offer what help they ask for.

"When there is a big public doings, one of us might go down to help, but the person who does the greeting and talking to voters is usually a local person. If he finds somebody with a problem, he'll pass it to us or to Glenn, and the problem gets taken care of."

When the Congressman gets back to the district (last year, it was barely three weeks before election day), he is likely to stop at a dozen or more such rallying points to visit with his workers. Often, he'll strip off his coat to help the sign painters. "They get a big kick out of this," Mahoney smiles.

The organization not only gets Cunningham's name to thousands of persons on a friend-to-friend basis. It also gives Cunningham up-to-the-minute readings on what people are thinking and saying about him and his opponent. Other clues come from selective reading of the SUN, the World-Herald, the Unionist and other newspapers; Cunningham staffers cull the papers, mark items for his attention.

This intelligence system helps Cunningham to frame speeches and statements, to prepare for audience questions, to decide whether to ignore an opponent's thrust or meet it head-on.

By letter and long-distance telephone, Cunningham is in daily consultation with such advisers as Carl Heine, former police chief and now his paid Omaha representative; Harold Poff, advertising executive and one-time Cunningham aide in City Hall, and Wayne Bradley, former WOW newsman now the Congressman's administrative assistant in Washington. As the campaign develops, they brief him, and he makes the final decision on tactics.

Like any good politician Cunningham never stopped running scared. By his own reckoning, he had never spent more than $8,500 on a campaign before, but this time he spent "at least twice that." A little less than six thousand dollars came from state and national party coffers; some seven hundred dollars came from members of building trades unions. The most money came from individual donations, largely as the result of a letter to constituents. As of this week, the income was still about $2,500 short of the outgo.

Other than the building union contribution, Cunningham says he has never accepted labor money. COPE sources here confirm that in past elections, he actually turned it down.

Cunningham decided early on his basic response to Prof. Thomas Bonner, who for a while loomed as the toughest opponent he has faced. How, Cunningham asked his supporters, can a man who was born and raised in New York and spent most of his life in the classroom handle this district's problems—in comparison with a man born and raised in South Omaha, experienced as a School Board member, two-term Mayor and state-traveling Savings Bond sales director? Cunningham could cite chapter and verse of his manifold works for individuals and groups; Bonner could only argue his philosophy and academic training.

Bonner also, in Cunningham's opinion, made a fatal mistake: He espoused John F. Kennedy's program too whole-heartedly. Cunningham told The SUN:

"I have nothing against Kennedy, but we are representatives; we are supposed to represent our district. You don't rubber-stamp anybody. I think I only supported Eisenhower 46 per cent of the time on his administration votes. The people don't want you to go right down the line."

By the last week of the campaign, Bonner's supporters were almost totally frustrated. A couple of last-minute episodes in which Bonner supporters were charged with destroying Cunningham signs were just frosting on the cake. The final score: Cunningham 83,139; Bonner 36,577. It was the biggest percentage of victory in four congressional campaigns for Cunningham.

PERSONAL VICTORY

In the Democratic Douglas County, the Republican Congressman got 72,161 votes compared to 57,992 for the popular Democratic Governor Frank Morrison. There could be no doubt of the personal nature of Glenn Cunningham's following.

The story of how he acquired this following goes back to 1905, when a freight train ground to a halt in the yards near 24th and Bancroft, and railroad detectives shooed off the dozens of men who were "riding the rods." Among them was George W. Cunningham, a plumber's helper from Kenton, O., headed for California to seek his fortune.

Deciding to look around, George Cunningham took a streetcar for what he thought was downtown Omaha. It turned out that the car went south, and the young Ohioan got off on South 24th street. He saw a sign reading, "Plumber's Helper Wanted," took the job. Soon after, he met a young girl, Emma Seefus, working in a cafe. They married, settled in a house at 49th and S and had four children. The third was Glenn, born September 10, 1912.

The stringent early years helped shape young Glenn's philosophy.

"My father built into us a philosophy that you have to work for what you get," he recalls. "That is why I vote against a lot of things I don't think we can afford here in the national government. My father would never allow my mother or any member of the family to buy anything on time. We had to pay cash on the barrel head. If we hadn't saved the money, we couldn't have it."

George Cunningham was on the board of Ashland Park School, which was separate from both the village of South Omaha and the City of Omaha. The neighborhood had unpaved streets, and it was a regular springtime occurrence for George or young Glenn to go from house to house collecting assessments to buy cinders for the boggy "sidewalks."

In grade school, the gangling, redheaded young Glenn was known primarily as a sober, serious student. "Studying was always easy for him," recalls a former teacher. "I know he'd go places for that reason."

FAST START

But at 14, young Glenn was one of three Ashland Park youngsters who enrolled in a class of 240 freshmen at South High. "I don't know a single solitary soul," Congressman Cunningham reminisces. "To get to school, I walked from 49th and S to 24th and J."

By the time of his graduation (1930), he was senior class president, had the lead in the senior play, had just missed his letter in track, had been prosecuting attorney and later president of the Student Council, and president of the National Honor Society.

As a senior, he took part in his first city election. He stood in front of a polling place at 60th and Poppleton, passed out literature favoring the proposal to convert the University of Omaha from a sectarian to a municipal institution. The proposal passed, and the young poll worker set his sights on becoming a member of the first freshman class. He worked in a packinghouse mailroom for six months, then enrolled at Peru State Teachers College to get the algebra he had been unable to get at South. After one crowded semester at Peru, he presented himself at 24th and Pratt streets for the opening of the Municipal University of Omaha in September, 1931.

Majoring in political science and economics, he became involved in campus controversy almost at once. Dr. W. E. Sealock, the university's first president, came under public attack for importing teachers who were too "liberal" or "radical" for local tastes. The campus boiled with student demonstrations resisting such pressures on academic freedom. Among those active in bonfire rallies was Glenn Cunningham. "I defended Dr. Sealock," Cunningham remembers. "If I had it to do over again, I probably would not be on his side."

(Sealock later committed suicide, though not, according to faculty members who remember the affair, over the "liberalism" issue. They say it involved other, personal problems.)

During his junior and senior years, Cunningham got a grant of $30 a month from the National Youth Administration while working as assistant to the head of the economics department. Cunningham remembers:

"He had a lot of pictures around the room of Russian Communists. I remember one night when I was working and he was there, he said to me: 'These are the most brilliant men in the world. Look at the intelligence in their faces.' "

The teacher is long since gone. Glenn Cunningham got his diploma in 1935 without any noticeable deviation from the principles that his father had taught him.

He worked briefly for an insurance company (where he met his wife-to-be, Janis Thelen) and then became executive secretary of the Junior Chamber of Commerce at $125 a month. When he left in 1940, he had been promoted to manager of the senior chamber's convention bureau.

What lured him away was the chance to manage the reorganized Omaha Safety Council. The work put him in contact with literally thousands of persons. He showed movies, lectured, visited schools. He also got a close look at the workings of city government. While he held the job, Omaha achieved a national record of 191 days without a traffic death, had the lowest number of such deaths in any modern year (12, in 1946) and won national recognition for its home safety program. Still active in Junior Chamber of Commerce work, Cunningham helped write a report critical of the first deficit budget proposed by the brand-new Superintendent of Schools, Dr. Harry Burke. He drew criticism from Burke, but also got publicity that helped Cunningham to lead the field of 13 candidates when he ran for the School Board in 1946.

When Fire Commissioner Joe Dolan died in 1947, Cunningham had the contacts, the geographic background and the experience to win the City Council's approval as a short-term replacement. One of his first official acts was a typical and popular one: he moved out a political fringe-hanger, made a job for Joe Dolan's widow.

(By this time, Glenn Cunningham's birth-certificate name was gone forever. Newspapers, confused by the similarity to the name of the immortal Kansas mile runner, had more or less permanently added an extra "n" to "Glen." The South Omaha boy gave up and started signing it that way.)

TOP VOTE GETTER

In 1948, the City Council race produced two slates. It was a bloody battle in which the nominal leaders of both tickets were knocked out. The man who led in total votes (and helped four "Good Government" mates into office with him) was Glenn Cunningham.

Under the city charter of that day, seven commissioners were elected. They then decided among themselves who was to be mayor, fire commissioner, street commissioner, etc. Once in those offices, each had authority independent of the others. Concerted action on budgets, inter-departmental programs and city-wide planning came only by negotiation among the commissioners. So when, at 35, Glenn Cunningham was chosen mayor, he got little more than a title, the smallest payroll of all the commissioners, and the task of horse-trading the other into some semblance of a civic program.

He soon proved he could deal with the best of the veterans, or turn to the public for support that would force the pols to join "must" programs. Maneuvering in council meetings was an integral part of the job, and in one of his first efforts, he bested longtime Commissioner Harry Knudsen in an argument over police and fire salary scales. Knudsen fell back with a biting compliment to Cunningham's "masterful political oratory."

Cunningham was no crusader, but a careful planner who acted only after acquiring the information and backing he needed. He recalls that in 1947–48, he was continually being visited by low-paid veterans and their wives (sometimes with arms full of teary children) who couldn't afford what little housing they could find. Cunningham came out with a proposal for 1,400 federally-financed public housing units. He promptly incurred the wrath of the late T. H. Maenner, who was then president of the National Real Estate Board as well as a major Republican fund-raiser. Cunningham plowed ahead, lined up enough council votes to apply for a compromise 700-unit project, then got public support at the polls. The result was Spencer and Hilltop Homes along North 30th. (Today, Cunningham generally votes against federal housing programs on economy grounds; he explains that conditions were much different in the precarious post-war period.)

Mayor Cunningham also bested a combination of various interests, including the full editorial weight of the World-Herald, to beat back a proposal for a city manager form of government. He disliked the commission form as much as anybody ("lousy" is the way he describes it now) but objected to installing a manager who would not be directly responsible to the voters.

Meantime, Cunningham began to take a one-handed interest in Republican party politics. He served as a national convention delegate in 1952 (committed to Taft, he objected vigorously when some Nebraska alternate delegates seized the state's banner for an Eisenhower demonstration) and won the friendship of the late Senator Hugh Butler.

GETS REWARD

In 1954, Cunningham got his reward. He quit the $5,000-a-year Mayor's post, was named through Butler's good offices to the $9,600 job of U.S. Savings Bond sales director for Nebraska. He spent two years traveling the state, meeting bankers, lawyers, ranchers, city officials—and in the process winning an award for leading the nation in per cent of quota sold.

Two years later, Judge Jackson B. Chase came back from one term in Congress, announced he wouldn't run again. After a series of party councils, Senator Roman Hruska, a former Congressman, went to Cunningham to suggest he try for the job. Cunningham

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was less than enthusiastic: he had the best-paying job of his life, more time than ever to spend with his growing family, little reason to risk his popularity in the farmlands and small towns that comprise most of the land but few of the votes in the Second District.

He finally ran, won by a none-too-encouraging margin (five thousand votes out of 142,000 cast) over Joseph V. Benesch. But he learned to do his homework, and since then, re-election has been almost routine. He has worked his way up through the drudgery of freshman committee assignments, has built contacts with congressional leaders and government agency insiders who can help with constituent problems. Every two years, his organization has grown a little stronger and a little sharper, and his independence from party discipline a little greater.

Nowadays, Nebraska Republican leadership gives Cunningham little more than courtesy and his biennial share of campaign funds. He rarely huddles with his congressional colleagues on overall policy, is seldom invited to state Republican strategy meetings—nor does he ask to be invited. "I have been what you might call independent, and therefore not taken into their councils," he says, succinctly.

Reflecting this independence, his votes in the House of Representatives often confound even his own supporters. He voted "nay" to the administration's foreign trade bill, for instance, strictly on district lines. "It is going to cost Nebraska 5,000 to 7,000 jobs," he predicts, "because they are going to allow this cheap meat to come in from Australia, New Zealand and Brazil. Furthermore, we have several steel fabricating plants in Omaha. This trade bill will cause all kinds of cheap structural steel products to come in. It is going to cause the loss of jobs in this district."

Reflexively, he'll vote for any administration program that can bring dollars or jobs to the district (e.g., new construction at Offutt Air Force Base). Independently, he will work hard for flood control in the Little Papio basin.

A program that produces direct benefits for his labor union followers (e.g., retraining for unskilled packinghouse workers) gets quick Cunningham support, but he is maverick enough to vote against national welfare schemes supported by unions. This, say Nebraska labor officials, is what cost him the endorsement of COPE last fall; he had voted against some federal aid to education programs, medicare, enlargement of the House Rules Committee, urban redevelopment. Even COPE's disenchantment may not be permanent. Cunningham has had its backing in two of his four outings.

Perhaps Cunningham's most distinctive legislative act so far was winning passage of the Cunningham Amendment to postal laws. He fought the combined efforts of the White House, Attorney General, Post Office Department, State Department, Treasury and other administration agencies. As reported in grudging admiration by such a liberal magazine as The Reporter, it was a demonstration of the skill Cunningham has acquired in congressional politics.

Oversimplified, the amendment bars the mailing of Communist propaganda at tax-subsidized bulk postal rates. It reinstates, in effect, non-statutory programs that were in effect under the Truman and Eisenhower administrations, but were dropped by President Kennedy.

Cunningham outmaneuvered the administration in several skirmishes. He got his amendment tacked onto the important postal rates bill. The administration chose not to try to kill Cunningham's plan, but offered instead a vaguely-worded compromise. This, in The Reporter's account, "was an admission that propaganda in the mails did constitute some sort of a problem, and from then on the argument was on Cunningham's terms."

Cunningham's major thrust was a masterful 34-page statement given to the Senate Post Office and Civil Service Committee, where the administration had hoped to sidetrack the amendment. Instead, Cunningham won over the committee chairman, Sen. Olin Johnston (Dem., S. C.) and brought about what one senator described as "an immediate collapse" of the administration defense.

This legislative know-how, plus assiduous devotion to "homework," has probably won Glenn Cunningham a lifetime seat in the House of Representatives—if he wants it. The congressman who has gone this far usually has his choice of committee assignments. Barring some horrible boo-boo before the eyes of the voters, he has the organization to win re-election. But the question that is now in Glenn Cunningham's mind and the mind of every partisan politician in the state, is:

Does Glenn Cunningham want to stay in Congress?

Almost since the TV sets clicked off in the early-morning hours of November 7, there has been speculation that some day Glenn Cunningham will come back and run for state or city office: mayor, governor, U.S. senator. At the moment Glenn Cunningham is doing nothing to bring it into focus.

He does engage in such intriguing but non-committal debates as whether there is any real outstate opposition to the idea of a governor from Omaha. But he refuses to "make any decision in this regard until maybe next November."

POLITICAL FOOTNOTE

A political confidant adds this footnote: "The thing about that tradition of not electing a governor from Omaha—Glenn would get a kick out of that challenge." Others point out that Roman Hruska is up for re-election as a senator in 1964, but Cunningham would risk a terrible primary fight if he went for it. The mayor's job is a far more attractive ($17,500 a year) than when Cunningham formerly held it.

Not, for the moment, are these speculations for Glenn Cunningham. He says he is struggling to live within his $22,500 salary in the face of high Washington expenses, school and college bills, such items as the campaign deficit and the $2,400-a-year cost of putting out a newsletter to constituents. To combat such items as the $480-a-month rent he paid at first, he sold his Omaha home, bought one in Arlington, Va., but he feels little attachment for it. "I have less than $1,000 in the bank right now," he told The SUN last week.

In Arlington, his main diversions are with his family. Janis is busy with the six children: Glenn, Jr., 20, just home from Air Force duty; Judy, 18, a student at Marymount College; Mary, 14; James, 12; David, 8, and Ann, 6, in school in Arlington.

Of a Sunday, the family may go a few blocks to look at the earthworks that protected the Capitol during the Civil War. Twenty miles away is the Manassas (Bull Run) battlefield, a favorite spot for Cunningham family picnics or for showing visiting Nebraskans.

Although he enjoys the work of the Congress, Glenn Cunningham makes no secret of the fact that he misses Omaha and Nebraska. "I have no recreation, no hobbies," he said. "About the only thing I have ever wanted to do is work in my yard, and I can't get interested in that here because the soil is sandy red soil. I am used to working in black soil.

"Sometimes, on weekends, I sit on my front steps and think maybe somebody will go by that I can say hello to, but nobody does. So I am lonesome here."

Governor? Mayor? Senator? Congressman again?

The answer is locked in Glenn Cunningham's deliberate, politically analytical brain. Whatever the answer, he can count on one thing: an experienced and enthusiastic crew of helpers around Omaha and the Second District.

Mr. MARTIN. Mr. Speaker, I too would like to join the gentleman from Michigan in paying tribute to my colleague from Nebraska (Mr. CUNNINGHAM). GLENN and I have served together since I was first elected in 1960. He preceded me in this body by 4 years and has been a good friend as we have worked together on many problems of interest to our State these last 10 years.

GLENN's interest in helping people has not been confined to those of the Second District. He was one of the early sponsors of the Nebraska midstate project. While this project is entirely within the Third district, which I represent, GLENN nevertheless gave it his strong support. His membership, at that time, on the House Committee on Interior and Insular Affairs was a boost to this project for the benefit of an important area of Nebraska. I am grateful to him for his support of this program.

I am going to miss GLENN in the Congress but I am delighted to know that we have a friend in an important position in the Interior Department. His long-time interest in the outdoors and the Nation's resources, plus his service on the House Interior Committee, make him ideally suited for the job he is undertaking with the Bureau of Outdoor Recreation. I am sure that his role will be an active one in the efforts of the Nixon administration to provide recreational facilities for the people of the country and to preserve the natural beauties of this great country.

I would be remiss, as the only Member of the Nebraska House delegation who will return in the 92d Congress, if I did not say a special thanks to GLENN for his work on behalf of the Republican ticket in Nebraska this year. His active support of our senatorial and gubernatorial candidates was just another example of his teamwork. His support of Congressman-elect JOHN MCCOLLISTER in the Second District was in the best tradition of loyalty and party unity.

I am pleased to have been associated with GLENN in the Congress these 10 years and Tancy joins me in wishing GLENN and Janis every success and happiness in the future.

Mr. Speaker, I include a fine editorial from television station KETV in the RECORD at this point. This editorial was written and delivered in June of this year and speaks for all of us in Nebraska. The editorial follows:

> A big part of Nebraska's history is going to pass by soon . . . and it shouldn't leave us without giving more than a footnote of thought to it. Congressman Glenn Cunningham is leaving his post of serving Nebraska in Washington at the end of this year. Congressman Cunningham has served as Second District Representative longer than any other person in history in that post. His years of service have not been spotlighted with oratory aimed at getting headlines. He has been described as a work horse . . . and not a show norse.
>
> During this past campaign he was called back to Washington to work on the Postal Reform Bill. He was badly needed during that crucial time of postal strikes because of his long seniority on the Post Office and Civil Service Committee . . . and his efforts may have a great effect on the future of the Post

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Office and its service to the people. His work against smut peddlers will lead to a decent future for America's children . . . and adults. Through the years, many opponents have called Cunningham a do-nothing Congressman . . . but his record would prove them wrong. He has introduced many bills to stop flooding in Nebraska, for conservation . . . on drugs . . . crime . . . social security . . . higher education . . . on draft dodgers and persons who desecrate the American Flag . . . to help Indians . . . education . . . protect consumers . . . and on and on.

Although in the last election, there was campaign oratory criticizing the fact that Cunningham has been in office too long, hopefully Nebraskans will be able to find another such person who would devote fourteen years to the people . . . instead of using the job for a stepping stone to higher aspirations . . . or a showcase for self interests.

Mr. SCHWENGEL. Mr. Speaker, I would like to join the gentleman from Michigan in his tribute to GLENN CUNNINGHAM. I, too, have served with GLENN since the 85th Congress, when we entered this Chamber as freshmen. Our friendship has grown with each passing year, and I regret GLENN's leaving very much. This body will be the poorer for his departure.

I am particularly mindful of his work in two fields as part of his duties in the Post Office and Civil Service Committee on which he has served for all of his 14 years in the House. GLENN made an impact on the Nation in these two fields—Communist propaganda and obscene mail.

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We all will recall the tenacity GLENN showed when he succeeded over strong opposition in some quarters in getting the Cunningham amendment adopted so as to stop the free delivery of unsolicited Communist political propaganda. The passage of this amendment by both House and Senate is a tribute to a man who did his homework, knew the issue inside and out, knew the ways of the Congress and succeeded where another might have failed. It was a singular display of legislative skill, and it was sensible and logical legislation for our country in its worldwide relations.

GLENN's other strong suit in the committee has been his battle against obscene literature, especially its availability through the mail to minors. He was the first in the Congress to recognize that there should be some tool available to the parent to keep offensive material out of his own mailbox.

Legislation drafted by GLENN, introduced by GLENN, and guided through the Committee on Post Office and Civil Service by GLENN was finally enacted into law. And I know that you, Mr. Speaker, also played a key role in the enactment of this legislation for GLENN has told me of the great boost your active support gave his legislation. This legislation is now on the books. It was severely attacked by the smut dealers but was upheld by the U.S. Supreme Court.

These two issues graphically illustrate what can be done by one man whose word is respected by his colleagues, who knows his committee and his subject, and who sees a clear need for legislation to correct a bad situation. These two pieces of legislation mark high points in the congressional career of GLENN CUNNINGHAM, and I am proud to have served with him as he built this record.

Certainly, I do not want to leave any impression that GLENN was not active and effective in other legislation by singling out these two areas. Rather, they help me to tell just how effective our friend from Nebraska was in these two key pieces of legislation.

His other assignment to the Committee on Interstate and Foreign Commerce also brought much attention to him, particularly in the field to which he was assigned, the Subcommittees on Communications and Power, Transportation and Aeronautics, and the Special Subcommittee on Investigations, commonly known as the oversight committee pertaining to all of the regulatory agencies.

Mr. NIX. Mr. Speaker, the House of Representatives will miss the service of the Honorable GLENN CUNNINGHAM, of Nebraska, during the next session of Congress. The Postal Operations Subcommittee of the House, of which I am chairman, will miss him even more.

From the late 1950's through 1970, GLENN CUNNINGHAM has led the fight against the "smut merchants." He began his crusade at a time when few voices were raised on the issue. He began the battle at a time when the giant publishing industry opposed any restrictions on obscenity. The battle is about to be won.

In the 90th Congress the Cunningham bill became law and was upheld by the U.S. Supreme Court in the Rowan case. During the 91st Congress a further Cunningham proposal became law. In the next Congress additional proposals which he originally sponsored will be introduced and enacted. At that time the legislative battle against pornography will have been won.

The keystone of this success will have been set in place by the congressional career of GLENN CUNNINGHAM.

The case for Congress and the legislative process can be made by reference to the careers of men like GLENN CUNNINGHAM. Their work marches on long after they have gone on to other endeavors.

Our laws on postal fraud, Government labor relations, obscenity, and other matters are stronger today because GLENN CUNNINGHAM served on the Post Office Committee in the House of Representatives for 14 years.

We will miss him.

Mr. QUIE. Mr. Speaker, I too would like to join my colleagues who entered the 85th Congress with GLENN CUNNINGHAM to pay tribute to him today. We will miss him as a person and we will miss his counsel.

I know GLENN is proud of his heritage. He is a descendent of the John Bridge family of colonial times. With your permission, Mr. Speaker, I will include material on this distinguished American family as prepared by the Library of Congress at the close of my remarks.

It has been said today that GLENN is a worker. I think we all recognize this. We all know him for his work and his devotion to his family. He is the stuff of which good Members of this body are made. We will be the poorer for lack of his counsel in future years, but we wish him well in his new challenges at the Interior Department. His prior service on the Interior Committee of this body will give him excellent background for his continued service to government and the people of the Nation.

His genealogy, as outlined by the Library of Congress, follows:

The John Bridge Family in America: An Outstanding Political Heritage

Upon his request, the Library of Congress undertook to research the genealogy of Congressman Glenn Cunningham (2nd Dist. Nebr.). The results of that search have been unusually gratifying in that the Library was successful in locating an exceptionally complete and well-documented volume of genealogical research of the John Bridge Family of which Congressman Cunningham is a descendant.

This 574 page volume entitled "Genealogy of the John Bridge Family in America 1632–1924" was edited by the Reverend William Dawson Bridge, A.M., D.D., a respected member of the New England Historic Genealogical Society.

In his preface of his original research as contained in the above mentioned volume, Reverend Bridge makes the following rather astute observation:

"To anyone who takes even a glance at the personalities mentioned in this volume there must come, the writer believes, a conviction that John Bridge's descendants . . . have been of a very high and noble character. In his investigations he has discovered not one who has been guilty of maladministration in public office, of desecration of the sacred desk, of noted immorality in public life; but, on the other hand, the high qualities of virtue, of justice, of generosity, of consecration to public service, are observable all along the line from John Bridge, who set a glorious public example, down to the humblest member of the family today whose name is just now being inserted in its own natal position."

The following summary of outstanding predecessors of Congressman Cunningham—members of the John Bridge family in America—enforce the statement of the Reverend Bridge.

The genealogy of the John Bridge family in America is most remarkable in many respects, including as it does so many persons engaged in historical events of national and international significance. Beginning with John Bridge, co-founder of Harvard College, the American family strain also includes Matthew Bridge, a prominent colonial official in Seventeenth Century Massachusetts; Ebenezer Bridge, a Minute Man at Concord, in 1775; John Bridge, another Revolutionary patriot; Matthew Bridge, a distinguished Massachusetts State Senator during the Presidency of James Madison; Charles Devens, a Civil War hero, and U.S. Attorney General under President Hayes; James A. Garfield, President of the United States; and Glenn Cunningham, Congressman from Nebraska.

John Bridge, patriarch of the American branch of the Bridge Family, was an extraordinary figure in the days of Puritan New England. A statue on the common, in Cambridge, Massachusetts, stands today in honor of his name.

An Englishman by birth, John Bridge identified early in youth with the Puritan cause, and in time became an apostle of Thomas Hooker, Congregational clergyman and outspoken critic of the Church of England. Persecuted for his convictions, the Reverend Hooker formed a company of emigrants, at Chelmsford, in 1631, and soon set sail for America, in search of religious freedom. John Bridge was a member of "Mr. Hooker's Company," as it was called.

On American soil, John Bridge displayed special abilities, particularly in the field of intellectual endeavor. He settled in Cambridge and was admitted to the community as a Freeman in 1634. When the first public school was established in Massachusetts Colony, in 1635, John Bridge was named supervisor. Three years later the school was reorganized in the form of Harvard College, over which John Bridge served as the first president.

In the matter of community relations, John Bridge held many positions of importance. In 1636 he was named Deacon of the Church, from 1635 to 1652 he occupied the office of Selectman, and from 1637 to 1641 represented Cambridge in the colonial legislature. He also was employed by the General Court to lay out lands and was named to several major town committees. It was observed that of the major elective offices available, he served in almost every one. He also purchased a considerable amount of property, becoming one of the largest landholders in Cambridge.

Proceeding down the line, we encounter next the name of Captain Matthew Bridge, born in 1694. Matthew Bridge was elected to public office on numerous occasions, serving five terms as Selectman in Lexington, Massachusetts, three as Assessor, and three as Town Treasurer.

Colonel Ebenezer Bridge, a resident of Fitchburg, Massachusetts, and commander of the Fitchburg Company of Minute Men, led the company to the scene of conflict in Concord, New Hampshire, April 19, 1775.

Captain John Bridge of Lexington was prominently involved in many events immediately preceding the outbreak of the American Revolution. Ardently in favor of resisting the will of King George III and his Tory supporters, the Captain rallied his neighbors to the Patriot cause and signed the *Declaration of Twenty-Six Leading Citizens, Colony of Massachusetts Bay, 1776,* "declaring 'before God and the world,' that they would be true to the cause of liberty and to each other in the coming conflict."

The Honorable Matthew Bridge, 1751–1814, of Charlestown, served several terms in the Massachusetts Legislature. When the War of 1812 began, he was a member of the State Senate.

The Honorable Charles Devens, 1820–1891, a Bridge descendant, was State Senator from 1848 to 1849, United States Marshal for the District of Massachusetts from 1849 to 1853, and Attorney General of the United States from 1877 to 1881. As United States Marshal, Charles Devens earned a national reputation by compelling the return of a fugitive slave, under the terms of the Fugitive Slave Law of 1850. The law was unpopular in Massachusetts, and, for that matter, also was obnoxious to Marshal Devens. He nonetheless enforced it, in keeping with the requirements of his office, to the displeasure of millions, and was severely criticized for so doing. Public opinion changed, however. In 1861 Charles Devens was commissioned a colonel in the Union Army, later rising to the rank of general. Fort Devens was named in his honor.

In 1862 a coalition "Peoples" party was formed in Massachusetts, comprising Democrats, Old-Line Whigs, "Americans", and conservative Republicans. The People's Party convention nominated General Devens for Governor. Although defeated in the following election campaign, he retained popular respect and was named Attorney General of the United States by President Rutherford B. Hayes, under whom he served four years with distinction.

The best known descendant of John Bridge, the Puritan schoolteacher, was James A. Garfield, 1831–1881. Himself a schoolteacher, Garfield joined the Republican Party in Ohio the moment the party was organized. Impressive in appearance, speaking ability, and intellectual attainments, he rose quickly in the party structure, and in 1859 was elected as a Senator to the Ohio State legislature. When the Civil War began, Garfield entered the Union Army as a colonel and was soon promoted to brigadier. In the election of 1862 he was elected to Congress and thereupon retired from the Army, following a brief but altogether praiseworthy military career. His statue today stands under the Great Dome of the U.S. Capitol.

In the House of Representatives James A. Garfield became known as a leading figure in matters of financial consideration and party management. Elected to the United States Senate in 1880, he attended the Republican National Convention of that year in the capacity of floor manager for the Presidential aspirant Senator John Sherman of Ohio. Delegates to the convention were unable to decide between three candidates: Sherman, Senator James G. Blaine of Maine, and former President Ulysses S. Grant. Throughout the convention Garfield argued and maneuvered so well in Sherman's behalf that considerable attention began to shift to Garfield himself. Finally, Garfield's name was brought forward, as a possible compromise candidate, and the convention endorsed the choice. Garfield was subsequently elected to the Presidency, inaugurated March 4, 1881, and assassinated the same year. He was the second president killed in office.

The most recent descendant of John Bridge to attract the national attention is the Honorable Glenn C. Cunningham, of the Nebraska Second District. A civil servant in the full meaning of the term, Representative Cunningham has devoted his entire adult life to civic and governmental work. Appointed in 1936 to the office of executive secretary of the Omaha Junior Chamber of Commerce, he soon acquired a reputation for knowledge of economic issues and other matters of overall concern to the general community. He served as superintendent of the Department of Fire Protection and Water Supply for the city of Omaha. In 1948, he was elected Mayor of Omaha and reelected in 1951, serving six years with distinction.

Nominated for Congress in 1956, he was elected, and promptly established himself as an outstanding Member of the House of Representatives. Re-elected seven times without a defeat, he stands today a major figure in two areas of Congressional activity: Commerce and governmental functions. As a member of the Committee on Post Office and Civil Service, he has brought to bear his knowledge of governmental needs; as a member of the Interstate and Foreign Commerce Committee, his knowledge of transportation, commerce and finance has been exemplary.

It is noteworthy that the Congressman has held office for a longer period of time than any of his predecessors in the Nebraska Second District.

Few family trees can be said to contain the names of so many figures of consequence in our national history.

SOURCES

Bridge, William D., Genealogy of the John Bridge Family in America, 1632–1924. Cambridge, 1924.

U.S. Congress, Congressional Directory, 89th Congress, March 1965.

Mr. ROBISON. Mr. Speaker, I appreciate the gentleman from Michigan yielding.

It is with sadness that we mark the close of the congressional career of our dear friend, GLENN CUNNINGHAM, and I would like to join in the expression of best wishes that others have given to him and Janis.

We are pleased to know that GLENN's longtime interest in the out of doors and the conservation of our national resources are being translated into a challenging assignment with the Bureau of Outdoor Recreation. We wish GLENN well in his new assignment. The Bureau is fortunate in having someone whose legislative skill and deep personal interest in its mission will combine to help it in its work to preserve the great national forests, enlarge and expand our national park systems, and create the proper environment for the wildlife and fish to thrive for the benefit of our generation and even more importantly to preserve all these blessings of nature for our children and their children.

Mr. Speaker, I would like to include the press release from the Department of Interior announcing the appointment of our friend GLENN to his new position:

WASHINGTON, D.C.—Acting Interior Secretary Fred J. Russell Wednesday announced the appointment of Representative Glenn Cunningham (Rep., Neb.) to a key post in the Interior Department's Bureau of Outdoor Recreation.

He said that Cunningham, who will complete 14 years in the House when his present term expires January 3, will become Special Assistant to the Director of the Bureau, G. Douglas Hofe, Jr., on January 4.

Interior Secretary-designate Rogers C. B. Morton, who has served with Cunningham in the House the past eight years, said the Nebraskan is especially suited for the post.

"I succeeded Glenn on the House Interior and Insular Affairs Committee," Morton noted.

"He served four years on that committee, from 1959 through 1962, and I am familiar with his dedication and devotion to the development of our outdoor resources for the benefit of Americans now and in the future," Morton said.

Morton, who is slated to resign from his Maryland Eastern Shore House seat to take the top Interior job, added that "This appointment carries the recommendation and approval of President Nixon, and I know the President is pleased that Glenn has accepted it."

Cunningham is a former Mayor and City Councilman of Omaha, Neb., where he was born September 10, 1912. He is a descendant of the politically prominent John Bridge family, which dates back to 1632 in America and includes a co-founder of Harvard College and the twentieth President of the United States, James A. Garfield.

Cunningham served in the executive branch prior to his election to Congress. In 1954–56, he was Nebraska State Director of the Treasury Department's Savings Bond Division. During this period, Nebraska led the Nation in per capita Savings Bond sales.

He was elected to Congress in Nebraska's Second District in 1956 and has represented that district in Congress longer than any other person in history.

As Special Assistant to the Director, Cunningham will analyze and review legislation for the Bureau of Outdoor Recreation and will serve as a liaison between the Bureau and the cities, states and local governmental agencies.

He will advise the Director on matters involving Congress and its recreational programs.

The Bureau of Outdoor Recreation is the co-ordinating agency for outdoor recreation programs and planning at the Federal level.

It administers Land and Water Conservation funds for acquiring and developing recreation lands for the National Park Service, Bureau of Land Management, Bureau of Sport Fisheries and Wildlife, and the Forest Service.

It also makes matching grants to the states and through the states to cities for acquiring and developing recreation facilities.

XUM

THE PRESIDENTIAL VETO OF THE FAMILY DOCTOR BILL

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DULSKI. Mr. Speaker, I am amazed at the action of the President in pocket vetoing the bill to help alleviate the appalling shortage of family physicians.

I am amazed in two important respects: First, the President has ignored the prospect which this bill would give for helping to increase the number of family doctors—a shortage which is widely recognized as a fundamental part of our Nation's overall weakness in health-care facilities; and, second, the pocket veto approach used by the President may be subject to legal challenge because it deprives the Congress of the right to further consider this vital matter. The pocket veto is a device available to the President when Congress has adjourned sine die—but it was never intended to be used, as in this case, during a brief adjournment for Christmas. The President chose to ignore the fact that the Senate specifically had arranged for receipt of messages from the President during the Christmas adjournment. The family medicine bill originated in the Senate and that is where the message should have been directed. Instead he issued only a memorandum.

HAD OVERWHELMING SUPPORT

XUM

Mr. Speaker, the President apparently wanted to avoid any possible reconsideration of the bill by the Congress. It is a matter of record that the Senate passed the bill by a vote of 64 to 1 and the House later passed the bill by a vote of 342 to 2. Thus, the President's unique use of the pocket veto came in the wake of overwhelming support for the bill by both the House and the Senate.

Hardly a family today has not experienced in recent years the increasing difficulty in obtaining the services of a family physician—otherwise known as a general practitioner.

There is no question about the need for specialists in medicine—but there is even a more crying need for the family physician whom you usually need to consult first as to which specialist's counsel is needed.

Forty years ago, three of every four physicians were general practitioners. Today, only one in five is a general practitioner.

VETO IS DEPRESSING SETBACK

The President's rejection of the family medicine bill is a depressing setback for a long and tedious effort to find an acceptable approach to filling the void in the number of family doctors.

This veto and his earlier veto of the hospital construction bill—later overridden—fly in the face of his own public profession of concern about the need for Federal action to augment the Nation's health-care facilities.

Actions speak louder than words. On health care, the Congress acted. The President vetoed. The record is clear.

It takes time to put programs in motion—such as the family doctor program—and we can ill afford the loss of momentum resulting from the Presidential veto of the Family Practice of Medicine Act.

A DEPLORABLE SITUATION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on December 15, I first brought to the attention of this House a deplorable situation concerning families on welfare sheltered in the Broadway Central Hotel in the Borough of Manhattan, city of New York. My visit to that hotel was occasioned by the fact that a child had been killed as a result of apparently falling down an unguarded stairwell. An investigation brought out the fact that more than 75 welfare families were quartered in the hotel and that the city of New York had authorized weekly rentals for families ranging from $260 to $400 a week. The hotel itself can only be described as a third-rate hotel with the rents being paid by the city for slum accommodations equal in cost, and in some cases exceeding the same number of rooms in first-rate hotels such as the Waldorf Astoria.

As a result of my bringing to the attention of the mayor of the city of New York the fact that these excessive rentals were being paid and that they were the result of an internal city regulation and not required by either State or Federal regulations as had been stated by the human resources administration, the city agency responsible for welfare families, changes and procedures were ordered by Jules Sugarman, administrator of HRA which were intended to prevent these wasteful expenditures. I am appending a column by Howard Blum of the Village Voice, which describes the reactions of the deputy mayor of the city of New York to my having made the physical examination of the Broadway Central and bringing to light the extraordinary mismanagement of the HRA.

Over the past weekend, I was alerted to the fact that the Sanford Hotel in the Borough of Queens of the city of New York had had a fire and that two welfare children and been killed. I visited that hotel and my observations are incorporated in a letter sent to Mayor John V. Lindsay, a copy of which I am appending to this statement. The letter delivered to the mayor contained an error which I have brought to his attention by a subsequent note. In my letter to him I quoted the rent for the family referred to as $875.35 per week, with a total expenditure for that family over the past 6 months at that hotel in the amount of $21,000. I was in error and after checking the facts I found that the rent was only $789.35 for a total for the same 6-month period of approximately $18,944.40.

It is not my intention to beat a dead horse. If I believed that the city of New York had in fact changed its procedures so as to cure the maladministration in this area of welfare I would not continue to recite additional cases of gross ineptitude. But the fact is that the inept procedures continue and I am compelled to bring them to the attention of the mayor.

In today's New York Times the mayor is quoted as saying that the city's taxpayers "can no longer meet the rising cost of welfare" and he promised to study the city's legal powers "to refuse to pay for increased welfare costs or accept additional welfare cases." I concur with the mayor's objections and support, as he does, President Nixon's family assistance plan, and voted for it. But, the HRA's maladministration makes an already horrendous situation even more grotesque and burdensome to taxpayers and makes it even more difficult for us in Washington to gain support for additional Federal assistance.

In addition to the Village Voice article, I am setting forth for printing in the RECORD at this time my letter of December 28, 1970, addressed to Mayor John V. Lindsay and my correspondence on this matter addressed to HRA Administrator Jule Sugarman. As of this date, no written replies have been received to these letters, although I am pleased to report that the individual problems raised in my letters to Mr. Sugarman have been resolved.

The material follows:

WASHINGTON, D.C.,
December 28, 1970.

Hon. JOHN V. LINDSAY,
Mayor, City Hall, New York City.

DEAR JOHN: I visited the Sanford Hotel in Flushing today and talked with a number of welfare families who were burned out of that hotel over the weekend, and given shelter at St. Michael's, a near-by church. Those families, according to Father Mulhall, were kept at the church for 36 hours, sleeping on canvas cots, with little assistance from the city. Father Mulhall said that if it had not been for the Red Cross and volunteers from the community, these families would have been in even more terrible straits. One family of 14 with whom I spoke had been sheltered by the Department of Social Services in that hotel for six months at a cost to the City, State and Federal Governments of $875.35 per week. In that 6-month period, they were not shown a single apartment by the Department of Social Services; once they were offered other hotel accommodations. This single family has been sheltered for this 6-month period for a total of approximately $21,000 in public funds. You should also know, John, that for that $21,000 this family did not even have access to a stove.

You should also know that my office has received from the Department of Social Services a list of all acceptable welfare hotels dated September 10, 1970, in which the Sanford is listed as a hotel with "hazardous violations" to which welfare clients should not be referred. One family to which I spoke today in St. Michael's told me they were just placed in the Sanford the week before Christmas after being asked by the Department of Social Services to sign a paper which apparently stated that they realized the hotel had "violations," and would not hold the Department of Social Services responsible for this. How can this be?

I know that you are aware of the problem and that you and Jule Sugarman are trying to change matters, but the fact is that enormously wasteful expenditures continue to be made. One of the side effects is the embittering of the welfare families, the hotel keepers and the taxpayers, all who have legitimate grievances and are victims of an ill-conceived policy.

Sincerely,

EDWARD I. KOCH.

WASHINGTON, D.C.,
December 14, 1970.

JULE SUGARMAN,
Administrator, Human Resources Administration, New York, N.Y.

DEAR JULE: You are no doubt aware of my weekend visit to the Broadway Central Hotel, 673 Broadway, and are surely too familiar with the fact that many families with children are housed in this hotel, paying exhorbitant rentals for filthy, rat-infested cubby-holes.

This morning my office received a call from a guidance counselor in P.S. 148, Mrs. Lestch, who advised me of another incredible situation. She has been working, she told me, with three children in a family of ten, nine of whom are currently housed in the Broadway Central. They have apparently been there four months. (One child allegedly lives elsewhere.) Mrs. Lestch informs me that the nine members of this family are living in one room with six beds. The head of the family, Antonio Pitre, has apparently located a house at 262 Throupe Avenue, Williamsburg, at a monthly rental of approximately $325. Mrs. Pitre's caseworker has allegedly said, however, that the allowable limit for a family of this size is $275, and therefore, the Pitres cannot rent the house. At the same time, the guidance counselor informs me that the Pitres are paying approximately $1200 a month at the Broadway Central for one room. I have further been advised that every day Mr. Pitre drives his children to two different schools, and in addition, one of his children who is currently attending P.S. 148 has spinal meningitis and should be placed in another school. Mrs. Lestch does not want to do this now for it would place an additional burden on Mr. Pitre. Finally, Mrs. Lestch informs me that living in the Broadway Central is in her opinion having a serious detrimental effect on the children, and after having been there, I feel confident that living there for even one day would have an adverse effect.

I am writing to you to bring this situation to your attention and to urge that the Pitres caseworkers, Mrs. Smith in the Amsterdam Center, be given permission to authorize the rental for the house in Williamsburg. Does it make sense for the City to pay $1200 of public funds rather than the $325 for the 11 room house which would provide a home for the Pitres? The authorization of additional rent would be a saving to the City and an act of grace for this family. I urge you to immediately grant the necessary authorization.

Sincerely,

EDWARD I. KOCH.

WASHINGTON, D.C.,
December 16, 1970.

JULE SUGARMAN,
Administrator, Human Resources Administration, New York, N.Y.

DEAR JULE: I am writing to you to call to your attention a pending eviction of a family on public assistance. The family is currently residing at 730 New Jersey Avenue, East New York, Brooklyn, and is comprised of Willie Burton, Mrs. Burton, and one son living with the Burtons. In addition, one of the Burton's daughters, Brenda, is attending school in New Jersey and is therefore living with a sister. Brenda Burton, who is 16 years old, comes home to her family on weekends, according to Mr. Burton.

As I understand it, the Burtons live in a five-room apartment paying a monthly rental of $160. The caseworker, Mrs. Moruzzi at the Euclid Center, has advised them that they must find a four-room apartment at a rental of $140, because their family size has been reduced. She further maintains, in a conversation with a member of my staff, that Mr. Burton is provided daily with a list of agents with four-room apartments available, and that he is currently "evaluating" them.

A member of my staff inquired of Mrs. Moruzzi whether Mr. Burton had been advised of his right to request a Fair hearing to which Mrs. Moruzzi responded, "he's supposed to know.'" She further stated that Mr. Burton had been advised of his removal from the rent budget in a home visit.

Mr. Burton came into my office this morning and spoke with two of my staff members, one of whom is my District Administrator Peter Bernuth. They have told me that Mr. Burton did not seem to be literate and was apparently unaware of his rights. At that time he stated that he has been unsuccessfully looking for an apartment since early November. He also informed my staff that he had not been provided with additional money for carfare and as a result often had to walk from one place to another. Finally, he stated that his caseworker told him that if he didn't find an apartment he would have to move to a hotel.

As you know so well rents in these welfare hotels are exorbitant and conditions wretched. It will cost the City far more to house the Burtons in one of these hotels (not to mention moving and furniture storage costs which I understand the City must also pay) and will be far more damaging to the family than if they were able to stay at their present home. Considering the costs to the City and the potential harm to the family, would it not be more advisable to approve the rental for the Burton's present homes?

I would appreciate your prompt attention to this matter and your informing me in writing as to whether you feel that this rental should be approved, and if not, providing me with your reasons why.

Sincerely,

EDWARD I. KOCH.

WASHINGTON, D.C.,
December 18, 1970.

JULE SUGARMAN,
Administrator, Human Resources Administration, New York City.

DEAR JULE: I read in the New York Times article concerning the State audit of the City welfare department (12/17/70) that some $500,000 in federal aid was lost to the City because it had not applied for federal monies for carfare for welfare clients traveling between their homes and welfare centers. I am particularly interested in this point because of the Burton family about whom I wrote you on December 16. Mr. Burton, as I mentioned in my earlier letter, informed my staff that although on public assistance, he had not been provided with additional money for carfare and often had to walk from one place to another while looking for an apartment for his family. This is after he had been told he could no longer remain in his home because the rent exceeded the administrative ceiling for his size family. His caseworker was contacted by a member of my staff and she said that Mr. Burton's carfare should come from his recurring grants. Mr. Burton told my staff, however, that he could not afford to extract an additional expense from this grant.

Without judging Mr. Burton's allegations as to whether he can afford the carfare, I would like to know the following: 1. Why did the City not apply for this federal grant; 2. Should the City get federal fund for carfare for welfare clients currently living in hotels and looking for homes; 3. How can I help?

Sincerely,

EDWARD I. KOCH.

WASHINGTON, D.C.,
December 21, 1970.

JULE SUGARMAN,
Administrator, Human Resources Administration, New York, N.Y.

DEAR JULE: My New York office has been in contact with you and your office concerning a number of cases regarding the placing by the Department of Social Services of families on welfare in hotels. You know of my recent inspection of the Broadway Central. With the thought it would be of interest to you I am enclosing the statement which I made in the House of Representatives reporting my observations on the tragic plight of the welfare families "sheltered" in that hotel and similar accommodations.

The other day I spoke with Mrs. Ronnie Eldridge who informed me that your office has now said that there are in fact no federal or state regulations which encourage the use of "temporary housing" at exorbitant rents and prohibit obtaining permanent housing by limiting the rents which could be paid. The best illustration of your Department's operating procedure in this matter was that of the family from Staten Island whose rental at the Broadway Central was $1600 a month and who was prohibited under your regulations from obtaining an apartment on Staten Island at a monthly rental of $200 because the caseworker had told her that the maximum rent that could be paid for a family of four was $165 a month. Her name is Mrs. Inez Brown, and as of this date I am still not sure if she remains with her family in the Broadway Central or if the apartment has finally been approved. According to Mrs. Eldridge the internal regulation in your department which permitted this extraordinary situation to exist has been changed and you now have set up a 24-hour service which will make it possible for apartments that become available to welfare clients to be presented to Mr. Robert Jorgen for immediate clearance where the rental cannot be approved by the caseworker because of your internal guidelines. I would like you to furnish me with a copy of these new guidelines, which rescind the prior applicable ones.

In my conversation with Mrs. Eldridge she informed me that there were 360 children at the Broadway Central; one third are preschool and the balance of 240 according to her records are distributed as follows: 67 enrolled at P.S. 41; 31 in I.S. 70. She was certain that of the balance of 142 a number would be enrolled in high schools and in other elementary schools located in those parts of the City in which these welfare families had originally resided prior to coming to the Broadway Central. You will note from the letter that I sent to Dr. Harvey Scribner that I consider the fact that large numbers of children are not enrolled in school to be of paramount importance and inexcusable. It is not sufficient for anyone in the City Administration to take the position that the City is doing all that it can do if a single school age child is permitted to remain away from school unless excused for illness.

Mrs. Eldridge informed me that you are planning daycare and after-school facilities at the Broadway Central. I heartedly endorse this concept, but I feel it would be preferable to have such centers set up outside of hotels like the Broadway Central where conditions are so abominable. I would appreciate your keeping me apprised of any meetings or actions taken in this matter. If you provide me with the dates of your future meetings either I, if I am in the City, or a member of my staff will attend.

I am one of those who support complete federal funding for all of the welfare programs in this country. It is a difficult battle as you well know. Maladministration and the waste of taxpayers' dollars (apparently the case in this situation) make it most difficult for those of us who seek the support of Congressional colleagues for more money. One midwestern Member put it to me very crudely although graphically when he said to me "Why should we give New York City more money—you only p— it away." I cannot in good conscience hold you responsible for what is taking place since you are newly appointed. But you must bear the responsibility if the conditions now exposed are not immediately corrected, and if you do not root out and change the many other instances of malfunctioning which assuredly exist but which have not yet been made the subject of public attention.

My office has written to you on a number of occasions in particular cases and I am sorry to report that we have not received answers to several of the letters. I would very much appreciate your giving prompt attention to those past letters as well as this one.

I would also appreciate your response to several questions that occur to me in the light of my office's experience with individual cases, and the reference in the New York Times of 12/17/70 which stated that the City has lost some $500,000 in available Federal aid by not applying for carfare for welfare clients traveling between their homes and welfare centers. Why did the City not apply for this federal grant; should the City get federal funds for carfare for welfare clients currently living in hotels and looking for homes, and how can I help remedy this situation?

Sincerely,

EDWARD I. KOCH.

[From the Village Voice, Dec. 24, 1970]

THE GRIM MATHEMATICS OF WELFARE HOTELS

(By Howard Blum)

It is a slow process. A quiet one, too. There are no screams. Silently, mechanically, city officials constantly adjust the figures. There are now 4715 people people living in welfare hotels. With totalitarian effortlessness people become numbers, families become cases. There are 1010 cases staying in 94 welfare hotels. If you have seen one victim, one rat, one destroyed family, you have seen them all. The number of lives becomes as meaningless as the number of dollars spent. In some cases the city has spent $24,000 a year to house a family of seven. The Department of Social Services will pay more than $8 million to hotels this year in welfare rents.

Yet the problem continues to spread like cancer, eating away at lives, infecting communities, poisoning a city with hate. At the end of last July, the number of family cases was increased by 229 per cent over the previous year. The number of families living (or, more precisely, existing) in "temporary, emergency" hotel accommodations for more than six months rose 638 per cent.

Still there are no screams. Or at least none we can hear. City officials shake their heads in disgust. Even the Mayor has complained, "These hotels have become notorious sore spots in our city." That was over a month ago. Plans, we are informed, are still in the drafting stage. And as long as there are no screams the plans will probably remain that way. We have bought them four walls and then walked off while they struggled. We have allowed them to experience death, even to die. Our only demand: no screams.

But if you listen closely, if you visit any of these hotels, you can hear the screams. I saw children with lead poisoning at the Broadway Central Hotel. I heard mothers complain about rats at the Mohawk Hotel. Perhaps, though, as Deputy Mayor Aurelio informed me over the phone, the situation is "not that simplistic." Life as depicted in the Broadway Central Hotel in last week's Voice is "not as simple as the misery your story described." Perhaps, as Mr. Aurelio would like us to believe, "a system has been imposed upon the city that is impossible to handle." Perhaps rats and lead poisoning are simplistic caricatures of life in a welfare hotel. Perhaps the city cannot do anything, its good intentions strangled, as the Deputy Mayor insists, "by state and federal regulations."

But, Mr. Aurelio, I am not the one to snipe at. I would have imagined that a Deputy Mayor would be too busy to accuse journalists "of not doing their reportorial homework." Get to the root of the problem, Mr. Aurelio. Go to any welfare hotel. Tell a mother whose child's lips are swollen from lead poisoning that the situation is "not that simplistic." Tell a family of eight living in one room, cooking on a hotplate, sleeping with a light on at night to watch out for rats, that the city would like to help, but "the situation is just impossible to handle."

The facts are that the city is not doing all it can and should, both legally and humanistically, to handle the situation. Many children in these hotels are not attending school and the city knowingly permits this situation to continue. High city officials deny they were informed about these truancies early this fall. Other city officials claim they are powerless; it is solely the parents' fault. Still, I find it difficult to believe that if there were more than 1000 kids in Sheepshead Bay who were not in school, their parents would be able to get away with it. Since the city receives state funds for its school system based on weighted average daily attendance, the absence of such a large number of children means the city is being deprived of its rightful number of state dollars for education.

Last week Chancellor Scribner of the Board of Education used emergency funds to hire and train 23 para-professionals to deal with the problem. These para-professionals commenced training last Wednesday and by Thursday they were on the job. This is like picking 23 men, giving them a few hours training, and then telling them to police the ghettos; our hopes for peace rest with them. What can 23 para-professionals do? There are 94 welfare hotels. There are 3445 children. Obviously more men are needed. Men who will be assigned to specific hotels, teams for every floor. The children run about the halls of the hotels using them as a playground. They jump down stairs. They ride the elevators. They push, shove, and giggle. Their parents remain in the rooms. Some lie in bed. Others sit by a table. The television is always on. Who would like to be the one to tell these children this is their future? Who would like to be the one to tell these children that, in fact, they have no future? No future. No memories. Life in a welfare hotel.

The city is disregarding both the letter and the spirit of the law when it houses families in welfare hotels, when it claims there is a ceiling of $165 a month on rental allowances for apartments for families of five. The city is more willing to pay $1,200 to $1,000 a month to house a family in flophouse conditions, in a welfare hotel (a double suite at the Waldorf Astoria costs $1,064 a month) than to give a family $200 a month for rental of a five-room apartment.

This is not only foolish but also illegal. As the Hotvet Report on the Welfare Hotel Crisis, prepared for Representative Edward I. Koch, makes clear, "The city Department of Social Services must provide rent payments unless it can establish the existence of suitable cheaper housing. They must not be moved into welfare hotels because of excessive rents." "Welfare hotels," the report continues, "according to Policies S196, are to be a truly emergency last refuge, resorted to only when there is no alternative after an emergency." The city is not fulfilling its legal duty to its citizens when it allows families to continue for months or years living in welfare hotels; S196 requires that "there shall be immediate efforts toward rehousing." The city is lying when it claims it cannot find apartments for welfare hotel tenants because of fixed ceilings on the amount of rental the city is allowed to pay. The state statutes and regulations do not set levels for shelter allowances. The law states that hotel living is just for emergency situations. The duty of the Department of Social Services is to get people out of these hotels. And this means the Department is empowered to pay sufficient rental allowances to accomplish this. There are no ceilings on apartment rental allowances. This is a lie promulgated by the city's welfare bureaucracy.

At the root of the welfare hotel crisis, city officials are quick to point out, is the shortage of housing. There are just not enough apartments in this city. Over the last three years, 100,000 apartments have disappeared. This was enough to house 275,000 people, a population equivalent to Jersey City's. People are abandoning buildings at a faster rate than the city or federal government is prepared or willing to build new ones. In 1969, 1991 low income housing units were started. In 1970, 4,087 units were started. Each unit takes approximately 18 months to finish. The number of new apartments is a fraction of the number of people needing new homes. At present there are 135,000 families on the two-year waiting list for low income apartments. There is a net loss of housing for 23,000 people per year in this city. Coupled with new household formations involving 52,000 people per year, this means the city will add 75,000 potential homeless annually. Two hundred thousand people looking for homes. Four thousand apartments being built. This is very grim mathematics.

The entire situation is very grim. Too grim for the city to accept responsibility. It brands pictures of the pain "simplistic." It calls Congressmen who point out the problem "irresponsible headline grabbers." Cornered, city officials lie about the law. Like innocents, they point accusing fingers at Albany, at Washington. Perhaps there is some truth to this. But when the screams come, and they will come, misery will give way to pain and grief to rage, and the city officials will be the first to hear the yells of despair. These yells will pierce their windows, fill their streets. Albany and Washington will be too far away. Now is the time for the city to ease the pain. It cannot muffle the screams. Let the city scream with the people. Shout together and work together to get something done. Quick. Before life all over this city becomes like life in a welfare hotel: people surrounded by four walls, silently screaming, silently dying.

ICC JOINS "RAILPAX" CRITICISM

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I note with interest and some gratification that the Interstate Commerce Commission has urged the Department of Transportation to make substantial additions to its "Railpax" national rail passenger system. This is significant to me because on December 18 I had communicated to Secretary Volpe several basic recommendations related to the rail system in the State of Connecticut. I had called Secretary Volpe's attention to the exclusion of rail passenger service for a large portion of Connecticut under the Department of Transportation's proposed system.

Secretary Volpe has acknowledged my letter and assured me that my recommendations have been reported to his staff for their consideration and analysis in preparation of the final report. I am including here a copy of my letter of December 18 addressed to Secretary Volpe and his response:

DECEMBER 18, 1970.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: This letter is in reference to the Department of Transportation's recently issued Preliminary Report on Basic

National Rail Passenger System under Public Law 91-518.

Although I consider the proposed basic rail system inadequate in several respects as a unified national system, I shall confine my recommendations to my prime concern which is the prospect of adequate rail passenger service in Western Connecticut.

Under the Department of Transportation's proposed basic system, the entire western half of the State of Connecticut, which includes the Fifth Congressional District which I represent, is excluded from rail passenger service. Utilizing the Department of Transportation's stipulated end points of New York and Boston, existing rail lines servicing cities in the Fifth District present logical, viable routes for rail passenger transportation. For example, Waterbury, the largest city in the Naugatuck Valley area, is serviced by a rail line which runs from Bridgeport to Waterbury and North through Hartford. Bridgeport - Waterbury - Hartford - Springfield-Boston passenger service connections with New York should be basic to any plan finally adopted. These routes were active and thriving in days gone by. Danbury is serviced by a line originating in Norwalk; and Meriden, on the eastern flank of the Fifth District, is located on a rail line running from New Haven to Springfield, Massachusetts. The people in those cities are similarly in need of adequate rail service.

Of course, it is functionally impossible to separate the needs and existing capabilities of Western Connecticut from an integrated statewide and regional transportation network, and I urge you to implement a system of rail passenger service for the State of Connecticut and the entire New England area that will not neglect the Fifth Congressional District.

I will appreciate your early attention to my recommendations.

Sincerely yours

JOHN S. MONAGAN,
Member of Congress.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., December 21, 1970.

Hon. JOHN S. MONAGAN,
House of Representatives,
Washington, D.C.

DEAR MR. MONAGAN: Thank you for your recent letter, regarding my preliminary report on the Basic National Rail Passenger System. I welcome your comments and have passed your recommendations on to my staff for their consideration and analysis in preparation of the final report. Regarding my November 30 announcement, those routes designated were to ensure that the Corporation would offer service on reasonably direct routes, while at the same time giving the Corporation the necessary flexibility to choose the line or combination of lines which would best meet the needs of the public in terms of supply, demand, service and profitability.

I am aware of the keen interest which you and your constituents have in the evolution of a balanced transportation system which will provide the nation with fast, efficient and modern service. It is towards this end that we all are working.

Sincerely,

JOHN W. VOLPE.

PCB'S—THREAT TO THE ENVIRONMENT

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, increasing concern is being registered regarding polychlorinated biphenyls—PCB's—a dangerous pollutant whose occurrence in animal life has raised the very serious issue of human safety. Since April, I have been urging that industry and the Federal Government take effective action to protect our environment from this chemical compound.

PCB's are not soluble in water and so, like DDT, they are extremely persistent. Used in such manmade products as inks, sealing compounds, and pesticides, PCB's have been discovered in the tissues of fish and sea birds, in conifer needles, in lipstick, in human fat, and in milk.

On October 14, I reported to the House the events which have transpired since I undertook my campaign to outlaw this dangerous pollutant.

I reported that the Monsanto Co., the sole manufacturer of PCB's in the United States, had agreed to discontinue PCB sales for plasticizer applications after August 30, 1970, and for hydraulic fluids after December 31, 1970.

I reported that the Department of Agriculture had agreed that the use of PCB's in pesticides would be discontinued.

On October 29, 1970, the Pesticides Regulation Division of the Department of Agriculture, which has since been transferred to the Environmental Protection Agency, took action to require that PCB's be removed from the formulations of economic poisons registered under the Federal Insecticide, Fungicide, and Rodentcide Act. PR Notice 70-25 was issued on October 29, 1970, calling for the elimination of polychlorinated biphenyls and polychlorinated terphenyls from economics poisons within a period of 6 months.

I have received a letter from Lowell E. Miller, Acting Director, Pesticide Regulation Division, Environmental Protection Agency, dated December 8, advising me that:

> It is our current policy to refuse registration for products containing polychlorinated biphenyls or polychlorinated terphenyls.

I include at this point in the RECORD a copy of PR Notice 70-25, issued by the Department of Agriculture on October 29, 1970, which provides for the elimination of polychlorinated biphenyls and polychlorinated terphenyls from economic poisons:

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURAL RESEARCH SERVICE,
PESTICIDES REGULATION DIVISION,
Washington, D.C., October 29, 1970.

PR NOTICE 70-25—NOTICE TO MANUFACTURERS, FORMULATORS, DISTRIBUTORS, AND REGISTRANTS OF ECONOMIC POISONS

Attention: Person responsible for Federal registration of economic poisons.

ELIMINATION OF POLYCHLORINATED BIPHENYLS AND POLYCHLORINATED TERPHENYLS FROM ECONOMIC POISONS

There are accumulating data on the chronic toxicity of the polychlorinated biphenyls and polychlorinated terphenyls to fish and birds and the contamination of the environment by these chemicals.

Certain products containing these chemicals have been registered by this Division for use primarily as insecticides. These chemicals have been shown to act as extenders in certain formulations to prolong the persistence of the pesticide chemicals.

Although the use of these chemicals in economic poisons is not considered an acute hazard to man or his environment, they do contribute to environmental pollution. Any benefits derived from their use are outweighed by the resulting environmental contamination and the possible long range adverse effects on fish and wildlife. Therefore, the presence of these chemicals in economic poisons must be phased out.

Accordingly, formulators and manufacturers of economic poisons containing polychlorinated biphenyls and polychlorinated terphenyls should change their formulations to eliminate such chemicals either as active or inactive ingredients. It is believed that a period of six months is a reasonable period of time within which to affect such formula changes.

Five copies of a complete statement of composition and five copies of amended labeling should be submitted with the appropriate application form (PR Form 9-198). Applications should bear a prominent reference to PR Notice 70-25.

HAROLD G. ALFORD,
Assistant Director.

RECESS

The SPEAKER. The Chair declares the House in recess, subject to the call of the Chair. The bells will be rung 15 minutes before the House reconvenes.

Accordingly (at 12 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 4 o'clock and 57 minutes p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On December 19, 1970:

H.R. 2214. An act for the relief of the Mutual Benefit Foundation;

H.R. 4634. An act for the relief of Lawrence Brink and Violet Nitschke;

H.R. 7267. An act to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Julius Deutsch against the Government of Poland, and for other purposes;

H.R. 10153. An act for the relief of Frances von Wedel;

H.R. 12173. An act for the relief of Mrs. Francine M. Welch;

H.R. 12979. An act to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia, and

H.R. 14684. An act for the relief of the State of Hawaii.

On December 21, 1970:

H.R. 2335. An act for the relief of Enrico DeMonte, and

H.R. 2477. An act for the relief of Cmdr. John N. Green, U.S. Navy.

On December 22, 1970:

H.R. 12962. An act for the relief of Maureen O'Leary Pimpare;

H.R. 17582. An act to amend the peanut marketing quota provisions to make permanent certain provisions thereunder; and

H.R. 17923. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

On December 23, 1970:

H.R. 4239. An act to amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing;

H.R. 7830. An act for the relief of James Howard Giffin;

H.R. 9488. An act for the relief of Mrs. Ruth Brunner; and

H.R. 10634. An act to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain compensation of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of residence or the State or subdivision wherein more than 50 per centum of compensation is earned, and for other purposes.

On December 24, 1970:

H.R. 2669. An act to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizatons and certain claims of individuals;

H.R. 8663. An act to amend the Act of September 20, 1968 (Public Law 90–502), to provide relief to certain former officers of the Supply Corps and Civil Engineers Corps of the Navy;

H.R. 14421. An act to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto;

H.R. 15805. An act for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid;

H.R. 15911. An act to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowances relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes;

H.R. 18012. An act to amena the Foreign Service Building Act, 1926, to authorize additional appropriations; and

H.R. 19846. An act to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

On December 28, 1970:

H.R. 8298. An act to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the applications and scope of the exemption provided therein, and for other purposes;

H.R. 16498. An act to permit the sale of the passenger vessel "Atlantic" to an alien, and for other purposes; and

H.R. 19402. An act to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library.

On December 29, 1970:

H.R. 19888. An act to provide for the inspection of certain egg products by the United States Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this Act, and for other purposes.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 19172) entitled "An act to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE to be the conferees on the part of the Senate.

CONFERENCE REPORT ON H.R. 18582, AMENDMENTS TO THE FOOD STAMP ACT OF 1964

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 22, 1970.)

Mr. POAGE (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. FOLEY. Mr. Speaker, reserving the right to object, may I ask the distinguished chairman of the committee if it is his intention to explain the conference report to us at an appropriate time?

Mr. POAGE. If the gentleman will yield, it is.

Mr. FOLEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

CALL OF THE HOUSE

Mr. FOLEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 453]

Abbitt
Adair
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Aspinall
Berry
Blackburn
Brock
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill, N.C
Broyhill, Va.
Buchanan
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Caffery
Carter
Casey
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Conte
Conyers
Corbett
Coughlin
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
de la Garza
Delaney
Denney
Diggs
Dingell
Dowdy
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fish
Ford, William D.
Fountain
Friedel
Fulton, Tenn.
Gallagher
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gray
Griffiths
Grover
Gubser
Haley
Halpern
Hansen, Wash.
Harvey
Hébert
Heckler, Mass.
Henderson
Holifield
Horton
Howard
Hull
Hungate
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Tenn.
Karth
Kleppe
Kuykendall
Landrum
Langen
Lennon
Long, La.
Lowenstein
Lujan
McClory
McCloskey
McCulloch
McDonald, Mich.
McEwen
McKneally
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Minshall
Mize
Moorhead
Morton
Mosher
Moss
Murphy, Ill.
Myers
Nichols
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Pepper
Pollock
Powell
Price, Tex.
Purcell
Railsback
Randall
Reid, Ill.
Reifel
Rhodes
Riegle
Rogers, Colo.
Rooney, N.Y.
Rosenthal
Rostenkowski
Roudebush
Rousselot
Ruppe
Satterfield
Scherle
Scheuer
Scott
Sebelius
Shipley
Smith, Calif.
Snyder
Staggers
Steiger, Ariz.
Stokes
Stuckey
Sullivan
Talcott
Teague, Tex.
Thompson, Ga.
Tiernan
Tunney
Ullman
Waggonner
Watts
Weicker
Whalen
Whalley
Wilson, Bob
Winn
Wold
Wyatt
Wydler
Yatron
Young
Zion

The SPEAKER. On this rollcall 255 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ELECTION OF HON. PHILIP J. PHILBIN AS CHAIRMAN OF COMMITTEE ON ARMED SERVICES

Mr. MILLS. Mr. Speaker, by direction of the Committee on Committees, I offer a privileged resolution (H. Res. 1322), and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1322

Resolved, That Philip J. Philbin, of Massachusetts, be, and he is hereby, elected chairman of the standing committee of the House of Representatives on Armed Services.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 18582, AMENDMENTS TO THE FOOD STAMP ACT OF 1964

Mr. POAGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. POAGE. Mr. Speaker, on December 16, this House passed H.R. 18582, to amend the Food Stamp Act of 1964. During debate on that measure I explained to our colleagues that the bill reported by the Committee on Agriculture was one which would satisfy neither the extreme liberals nor the extreme conservatives, but it was rather a serious attempt to follow a middle course. The bill which the committee reported and the House passed was endorsed by the Department of Agriculture and was supported by an overwhelming majority of our membership because it—

First, provided a food stamp allotment sufficiently adequate to purchase what the Department of Agriculture and the act itself describe as a "nutritionally adequate diet"—not a "survival diet" as reported by some of the critics of the report;

Second, provided that no participant would be required to pay more than 30 percent of his income for his stamp allotment;

Third, provided that uniform national eligibility standards would be established;

Fourth, authorizes the simultaneous distribution of food stamps and commodities in areas which request both programs—but does not allow any one family to participate in both programs at the same time;

Fifth, allows participants to purchase stamps at frequent intervals;

Sixth, directs States to engage in "outreach" activities to inform low-income households of the program;

Seventh, guarantees aggrieved applicants that they will be given a fair hearing; and

Eighth, allows welfare recipients to have the cost of their stamps deducted from their checks.

The House-passed bill actually went even further than the Department of Agriculture suggested. It authorized elderly shut-ins to use food stamps to buy meals on wheels; it extended the program to Puerto Rico, the Virgin Islands and Guam; it would require able-bodied adults to register and accept work as a condition of eligibility; and finally, the House-passed bill would have required the States to pay a portion of the cost of the program.

As you know, the record vote in this House on final passage of the bill as reported by the Committee on Agriculture was 290 to 68. You will recall that this vote came subsequent to this body's rejection of two substitutes, one of which was proposed by the gentleman from Washington (Mr. FOLEY) and the gentleman from Minnesota (Mr. QUIE), the other by the gentleman from Virginia (Mr. ABBITT). Let us for a moment recall that floor debate and put into prospective the developments, for they provided a backdrop for the House conferees who stood resolute and have essentially preserved the House bill.

During the consideration of the committee bill, H.R. 18582, in the Committee of the Whole, the Foley-Quie substitute was offered. Thereafter the Abbitt substitute, which contained a prohibition against stamps for strikers, was substituted by a teller vote of 119 to 116. When the Committee rose, the Foley-Quie substitute, as amended by the Abbitt substitute, was rejected by a vote of 172 to 183. This vote in essence was on the sole question of adding the antistrike amendment to the House bill. Failure of the substitute resulted in a vote on which the choice was between the committee bill or termination of the program. Those who seek to change this program had their "day in court." They lost then and they must lose again today if there is to be a food stamp program.

In the conference with the other body, the House conferees tried to meet their responsibility to uphold the House-passed bill.

The conferees have generally preserved the essential provisions of the House-passed bill.

Important changes are—

First, the provision which would have required States to pay a part of the cost of the program has been deleted;

Second, persons of the lowest income strata—families of four whose income is less than $30 per month—will be authorized to receive free stamps;

Third, in lieu of open end appropriations for the 3-year duration of the bill an appropriation authorization of $1.75 billion has been inserted for fiscal 1971; open end appropriations are authorized for fiscal 1972 and 1973;

Fourth, self-certification will be authorized for welfare recipients only; and

Fifth, the work amendment has been retained. It simply requires that no able-bodied adult will be issued food stamps if he refuses to register for and to accept employment, provided that the proffered employment is at the minimum wage or if there be no minimum wage applicable, it be as much as $1.30 per hour. Stories in the press notwithstanding, the work requirement is not an attempt to reincarnate the "sweatshop" conditions of the 19th century. To the contrary, no food stamp applicant would be denied participation in the program if he registered for work unless he refused to accept a job which paid at least the applicable Federal minimum wage, State minimum wage, other minimum wage set by Federal regulation, or $1.30 per hour if none of these other wage criteria apply.

Furthermore, only able-bodied adult persons would be required to register and accept employment. There are three main exceptions to this requirement: Those who are mothers or who care for infants or incapacitated family members; those who are students; or those who are employed and working at least 30 hours a week.

As I said at the onset, the House conferees have preserved most of the House bill. They have during the course of the conference considered and rejected the possibility of extending the present law through the early months of the 92d Congress. This alternative was expressly rejected because there is no assurance whatsoever that the family assistance program will have been enacted before the brief extension period will have expired. In view of the lateness of the session, it seems essential to us that we accept this conference report if we are going to assure the continuation of this assistance to millions of deserving people. It should be perfectly clear that there is no chance whatsoever to extend the present law for 6 months, 6 weeks, or for that matter 6 days. I urge my colleagues, therefore, to vote for the adoption of the conference report lest the food stamp program be allowed to expire. As many of you know, the appropriation authorization for the program expires on December 31, 1970. This authorization has been extended by other legislation through January 31, 1971. However, the U.S. Department of Agriculture advises me that their appropriations are not sufficient to carry the program beyond the 15th of January.

It is therefore, imperative that the House adopt this conference report. The choice is simple. The choice is whether to assure nearly 13 million Americans sufficient purchasing power to obtain a nutritionally adequate diet or to "let them eat headlines."

Mr. FOLEY. Mr. Speaker, will the gentleman yield at that point?

Mr. POAGE. I yield to the gentleman from Washington.

Mr. FOLEY. Could the gentleman advise the House on the effect of the work requirement if a Federal minimum wage had not been established for a category, but a State minimum wage did exist for that category of work?

Mr. POAGE. I did not understand the gentleman. There was so much conversation I could not understand what the gentleman said.

Mr. FOLEY. Could the gentleman advise the House as to the effect of the work requirement in the event that a Federal minimum wage was not established for a category of employment, but a State minimum wage existed in a particular jurisdiction covering that employment?

Would that State minimum wage control?

Mr. POAGE. The State minimum wage would then control. And if there were no State minimum wage but there were some minimum wage established by an applicable Federal regulation, it would control. In the absence of all those, where there is no present protection whatever as to the amount of the wage, the individual would have to be offered work at a minimum of $1.30 an hour before he would have to take it.

Mr. FOLEY. If the gentleman would yield further, in that event, supposing that in a State the minimum wage is 85 cents an hour under State law, and there is no Federal category for the particular classification of work, could a person be required to accept work at 85 cents an hours?

Mr. POAGE. No, he would have to get $1.30 an hour. He would have to be offered work at $1.30 an hour before he would have to take it.

Mr. FOLEY. In other words, in no event could employment be offered at less than $1.30 an hour?

Mr. POAGE. That is right.

Mr. FOLEY. Even though there might be a lower State minimum wage.

Mr. POAGE. Yes, that is correct.

Mr. FOLEY. I ask this for the purpose of making legislative history.

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Mr. POAGE. That is correct. We do not require any except able-bodied adults to register and accept employment. There are three main exceptions even to this: Those who are mothers and who have the responsibility of the care for children or invalid members or incapacitated members of the household; those who are students regularly registered in an institution of education; and there is a third category.

There are three major exemptions to the requirement that an adult able-bodied member of the household accept employment. These include mothers who have the responsibility for the care of children or incapacitated members of the household, and also students regularly attending institutions and attending classes, and also those who are already employed and working at least 30 hours a week. That was a Senate provision, and it is in there for the reason that if somebody is a member with only 1 hour of work a week, he might effectively evade all practical results of the provision.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I may say I want to ask the gentleman about what he said earlier, which I did not quite clearly understand. My question is whether the House receded from the position it had taken about the State contributions?

Mr. POAGE. The House did recede from its requirement for State contributions in its entirety, and the conference report requires no State contributions.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, I would like to ask the distinguished chairman to clear up the question about money for the food stamp program. As I understand there are sufficient moneys in the program to carry us through January 31, 1971.

Mr. POAGE. I do not think that is correct. They can spend the money until January 31, 1971, if they have any, but the Department of Agriculture indicates that the moneys that are appropriated under the existing authority will last them only until about the middle of January.

Mr. ANNUNZIO. In other words, when we come back here on January 19 or 20 we will have plenty of time to process a resolution, if necessary, in order to have the food stamp program continue, and this program will not necessarily die if we do not support the food stamp program and the slave labor section of the food stamp program in the conference report.

Mr. POAGE. Yes, it will necessarily die, if the Department is correct as to its estimate as to the amount of money available. They will be out of money about a week before we come back.

Mr. ANNUNZIO. Will the gentleman yield further?

Mr. POAGE. I yield to the gentleman.

Mr. ANNUNZIO. I thank the gentleman for yielding. Departments have proved to be wrong in the past, and they can be wrong now.

Mr. POAGE. They can, indeed.

Mr. ANNUNZIO. As to the amount of money in the program.

Mr. POAGE. They can, indeed. If the gentleman cares to gamble upon their being wrong, of course that is his responsibility.

But your conferees were confident that we need the program passed before the first day of the year and that if it is not passed by the first day of the year there are about 999 chances out of 1,000 that there will be some 13 million people cut off of food stamps, and those who vote against this conference report will have to accept that responsibility.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

I should like to return for a moment to the provisions of the conference report with respect to the work requirement. Is it correct that under the work requirement as reported in the conference report any person in the household—not just the father or the mother, but any person—not exempt from the work requirement, between the age of 18 and 65, who refuses or fails without just cause to register and accept employment, would destroy the eligibility of every person in the household to receive food stamps, including minor children?

Mr. POAGE. It does, indeed.

Mr. FOLEY. I thank the gentleman.

Mr. POAGE. As I said at the outset, the House conferees have tried to preserve the House bill. They have during the course of the conference considered and rejected the possibility of extending the present law through the early months of the 92d Congress. This alternative was expressly rejected because there is no assurance whatsoever that the family assistance program will have been enacted before the brief extension period will have expired.

In view of the lateness in this session, it seems desirable to us that we accept this conference report if we are going to have assurance of a continuation of assistance to millions of deserving people.

It should be perfectly clear, as I see it, that there is no chance whatever to extend the present law for 6 months, for 6 weeks, or for 6 days. I, therefore, would urge my colleagues to vote for the adoption of the conference report lest the food stamp program be allowed to expire.

As many Members know, the appropriation authorization has been extended under other legislation through January 31, 1971. However, as I pointed out a moment ago, the Department of Agriculture advises that its appropriations are not sufficient to carry the program beyond the middle of next month. It is, therefore, imperative that the House adopt the conference report.

The choice is simple. The choice is whether we assure nearly 13 million Americans sufficient purchasing power to obtain a nutritionally adequate diet or whether we let them eat headlines.

Mr. Speaker, that is our choice between a nutritionally adequate diet and headlines. I do not care how politically attractive the headlines are. They are not adequately nutritional.

Mr. Speaker, I now yield 3 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I plan to support the conference report. I am happy that some improvements were made in the House-passed bill. The most significant for the poorest of the poor, of course, is the provision for free food stamps. A family of four with earnings under $30 a week will now be able to receive $106 a month worth of food stamps free. My understanding is this figure will soon be going to $108 per month for a family of four.

The conferees also dropped the State buy-in provision which, as it was written, would have made it extremely difficult for many States to finance the program and would have been a handicap to the poor and needy.

While there are other smaller provisions which slightly liberalize the House-passed bill, I wish the conferees would have compromised to the extent that the Foley-Quie substitute was brought back to the House. Especially this would have solved the problem where the work requirement amendment still seems quite onerous for some individuals. However, I must point out to my colleagues that we had an opportunity to adopt the Foley-Quie substitute when the bill was before the House and we missed by three votes.

I find it difficult to criticize the House conferees on this legislation for attempting to stick by the position of the House. That, I feel, is the responsibility of House conferees. Many times in the past I have been critical of some of the House conferees on bills that originated in the House Committee on Education and Labor. I spoke my dissatisfaction when the occupational health and safety conference report was before the House.

It was the Senate, not the House, who yielded the most and receded from their position in the food stamp bill. It is for this procedural reason that I shall attempt to be consistent and shall support the conference report.

To the extent that the work provision might be onerous, I believe, No. 1, the Department of Agriculture should do everything it possibly can in its guidelines to make this provision as acceptable as possible. As an example, an alcoholic father should be found medically handicapped just as anyone else with a disease that prevents them from working, and the family not be denied food stamps when he is not working. Second, if it is found in some States that poor people and especially children are denied an adequate diet because of this work provision, it is not necessary for this Congress to wait for the Agriculture Committee to act. Many people share my pessimism that the Agriculture Committee would not act very fast. Instead, we know that the family assistance program is high on the administration's priority. It passed the House early in this session of Congress but failed in the other body. We can expect early action in the next Congress on the family assistance program I know in the House and, I think with every expectation, also in the other body. At that time any difficulties with the work provision in the food stamp program can be ironed out.

Personally, I believe the food stamp program should be cashed out and be made a part of the family assistance program. If the Congress chooses not to cash out food stamps, I believe that the Congress will see fit to enact an identical work requirement for both programs. The mere fact that the pressure of adjournment caused the Congress to adopt a more restrictive provision than next year might prove to have been wise, it should not be considered as a precedent. I am sure most Members of this body would not consider the details of this work requirement a precedent to be followed in the future, only the principle of a work requirement.

Finally, Mr. Speaker, I believe that this conference report is an improvement over the House-passed bill and is an improvement over the present law and, therefore, should be adopted as a substantial step forward.

Mr. POAGE. Mr. Speaker, I yield 10 minutes to the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, almost every circumstance in the consideration of this conference report fills me with regret. I profoundly wish that conditions were different. I wish that it had been possible for the distinguished Committee on Agriculture to report a House bill and a conference report in sufficient time for an orderly and more dispassionate consideration of the singularly important issues involved than I fear will be possible tonight. We live in a paper world in Congress and it is not always easy to know the real world. Beyond the words and numbers and statistics that are printed in the bill and report and in the hearings in and out of committee rooms over the last 2 years there looms a stark reality recognized by the President of the United States early in 1969 when he said that unwilling as some might be to recognize it the problem of hunger and malnutrition exists in America. He then pledged for his administration, and beyond that for the entire American society, to wipe out hunger at least in America itself, for all time.

Mr. Speaker, this bill tonight will not redeem that pledge. There are many inadequacies contained in the conference report. It does nothing to increase the amount of food aid to hard-pressed families, it does nothing to help families who are struggling with problems of hunger and malnutrition and also with the delays and complexities of certification to mention two major deficiencies.

But, that aside, the most unfortunate part of the conference report is the inclusion of what I must call, perhaps, not by intent, but in reality a vicious, vicious section. I refer to the so-called work requirement.

Now, let there be no misunderstanding about this. I joined with the distinguished gentleman from Minnesota (Mr. QUIE) and many others on both sides of the aisle in supporting a reasonable work requirement. I am not opposed to this concept. I am for it, but a work requirement which provides that those who fail to meet these requirements themselves bear the consequences and not visit them on innocent children.

Mr. Speaker, we do not ask the public schoolchild whether his father is employed when we decide whether to give him an education because we have decided for all of our fellow citizens that it is in the interest of every child to have an education so that he may be self-supporting and a contributing citizen. By the same token, countless studies indicate that if a child suffers with malnutrition and hunger it contributes to his lack of progress in school and is directly connected with mental retardation.

Why should we wish to deny children food?

What good do we do by denying a family a chance to provide nutrition for children because the child has the additional misfortune of having an alcoholic father or an addicted uncle or older brother?

Because I want to remind every Member of the House tonight that it is not just the noncomplying father that can kill the program for the entire family. A sister 19 years of age, a brother 18, an uncle 31, a grandmother in her fifties, any one of whom fails to meet in full this requirement causes the loss of the entire household's eligibility and denies every household member participation regardless of his compliance, exemption, status, or age.

I do not believe that any Member of this House would deny help to a family that came to him with precisely the circumstances this work requirement contemplates. If, for example, a distraught wife and mother told you her husband was an alcoholic and would not work and that her children were hungry and asked for your help to feed her children, what would your answer be? Would you deny her aid or be more sympathetic and more concerned not only because the woman and her children were hungry but because of their additional misfortune in having so inadequate a father. Yet we refuse somehow to transfer our private instincts to our public judgment.

We have before us a provision which visits the sins of the fathers and, yes, the mothers and sisters and brothers, uncles and aunts, on innocent children who are completely helpless to make any change in their condition or circumstances.

This conference report calls for a 3-year authorization. If it passes tonight, unchanged, you will have set a precedent of the most dangerous and disturbing kind which I am convinced will ultimately offend the conscience of the Congress and the country.

If I have an opportunity to be recognized, I propose to recommit the conference report to the conference committee with instructions to eliminate this work-repressive section. That is not what I would like to do. What I would like to do is substitute a reasonable work requirement, one that meets the tests of humanity, compassion, and justice as well as one which might hope to accomplish the legitimate aims of a work requirement. But the parliamentary situation may not permit that, because such an alternative is not in either bill. But I assure every Member in this House that if the conference report were to come back without this particular work requirement, I and many others will promptly introduce legislation in the next Congress for a reasonable effective and humane requirement and work for its early enactment. I think every Member of the House could support such an effort.

But tonight we must make a too-hasty judgment as to whether we think it is wise to make an effort at punishing some ne'er-do-well or shiftless and lazy father in a family by making his children go hungry.

I ask every Member to consider in his heart whether he thinks that is right; whether he believes that is just; whether he thinks this is in the interest of his country and in the development of a sound and responsible body of citizenry from among the youth who depend on this program.

I would like to remind my distinguished colleagues on the Republican side that the work requirement which was contained in the Foley-Quie substitute was almost exactly that proposed by the President and the administration for the family assistance plan. Time and time again spokesmen from the administration have said that they do not favor the cutting off of aid to children. Child nutrition and welfare has been the consistent and continual position of this administration, and of the President of the United States. The Secretary of Agriculture during all the discussions of the Committee on Agriculture throughout its consideration of this bill, opposed the harshness and rigidity of this provision.

It is said that if we do not pass this conference report without change, the program will cease. I do not believe that if the conferees are instructed they will fail to heed the instructions of the House. That has not happened in modern times. I do not believe, in particular, that the conferees of the Committee on Agriculture would be so contemptuous of the judgment of the House that they would refuse to follow instructions of that kind.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I have very little time, and I would like to finish my statement.

Mr. Speaker, may I ask how much time I have remaining?

The SPEAKER pro tempore. The gentleman has 2 minutes remaining.

Mr. FOLEY. I will yield to the gentleman in a minute if I can.

Mr. Speaker, I think all of us can be assured that if this harsh and unjust work requirement is stricken, it will not eliminate all work requirements from the program. The distinguished chairman favors a work requirement as does the distinguished ranking minority member, as does literally every member of the Committee on Agriculture. Every member of that committee would then be actively involved in reporting additional recommendations for a work requirement that this House might consider again almost as soon as the new Congress is organized.

Each of us is conscious of moments in this Chamber when what we are about

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to decide seems clearly of more than usual significance. I believe this is one of those moments. What we do tonight will affect the lives of millions of our fellow Americans. In the city ghettoes and barrios, in mountain towns, in quiet villages, on far-off Indian reservations, and a few blocks from this House, Americans are hungry. They are not citizens of poor, foreign countries. They are Americans—citizens of history's richest Nation.

I have often been amazed at the great ease with which we pass appropriations to feed the hungry in Bihar or in Afghanistan or Nigeria and then find such great agony in meeting the need of the most innocent of our own countrymen.

We do not ask for such a requirement in India or in Pakistan, in Nigeria or Peru. When children have been hungry anywhere in the world Americans have said they should be fed. We do not begin to demand the stricture of this rule when we provide food for foreign hungry children. Why do we impose it on our own?

How is it and why is it that the generous spirit and compassionate humanity which is so much a part of our national character abroad departs from us at home among our own countrymen?

Are we rash and silly when concerned about a nation of healthy and well-nourished Americans but deliberate and wise when tending to the health and well-being of millions of fellow humans in every part of the globe.

And when war and the draft call comes, do we ask a young man to justify his right to serve us in uniform? All we ask is for a man who is ready to serve and perhaps die for his country. We will never ask him to justify his right to die even though a few months before we may have asked him to justify his right to eat.

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The most fundamental of all things that any society can guarantee is physical security—the right to live, the right to live in peace, the right to live in a decent home, to have enough food to nourish one's family, to educate them, to work and to train them, to work for a better life for the family and the community of fellow citizens.

All I ask of the House tonight is to eliminate from this conference report a section that strikes at every one of these objectives—a section that solves no problem and creates many, a section that does nothing for the betterment of this program or for the improvement of family unity, responsibility or self-support. On the contrary, this shortsighted and brutal provision invites abuse, encourages deception, and literally incites fraud. With even-handed injustice it punishes alike the guilty and the innocent, the shiftless and the responsible, the lazy and the industrious. This is a mean and foolish rule which if enforced will count its achievement not in the numbers of unwilling adults forced to work, but in the numbers of children made hungry and families destroyed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POAGE. Mr. Speaker, I yield 1 extra minute to the gentleman.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Speaker, I want to explore your argument a little bit.

Your point is that the head of the household, the father presumably, would be taken out of action and, therefore, the children would suffer.

Is it not true that the head of the household could be the mother or the brother or whoever is the breadwinner in the family?

Mr. FOLEY. I want to advise the gentleman that the requirement in the conference report does not go merely to the nominal breadwinner or head of household. It applies to every adult person, male or female—father, mother, sister or brother, uncle, aunt, grandparent—whether related by blood or marriage—or not related as long as such an adult is a normal member of the household and not specially exempt because of age or illness, for example.

This means that it is not sufficient for even an exempt adult to step in as a substitute for the failure by another adult in the household. For example, teenaged sons and daughters cannot step forward and by quitting school meet the requirement of a failing father by taking employment. Nothing they or anyone else can do will satisfy this harsh penalty of punishing all for the sin of one, unless of course it is possible for them to disown and expell their father from the household. When I say possible I suggest that it may well be physically and legally as well as emotionally impossible for them to do so.

Mr. WHITE. Is it not true that you are not denying the children if someone is willing to provide the family bread?

I talked to the chairman and he says it can be one of those members of the family and if there was an alcoholic father, and children would not necessarily suffer for want of food stamps.

Mr. FOLEY. The conference report work requirement cannot be satisfied regardless of how many members of the family comply. If only one fails, all members of the household lose their eligibility. If jobs exist for other able-bodied adults in the family perhaps the children can be fed. There is now widespread unemployment, as the gentleman knows. The failure of one adult to register even if there is not a job available for him cuts off all the complying adults and all others in the family. There is one other thing I want to say if the gentleman will permit me. The conference report requirement contains a provision that requires an individual working less than 30 hours a week to accept employment at $1.30 an hour even though his income might be higher in the less-than-full-time employment. This is one additional folly in this provision which makes both angry and sad.

The SPEAKER. The time of the gentleman has expired.

Mr. POAGE. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. BELCHER).

Mr. BELCHER. Mr. Speaker, I was never for this food stamp bill because I knew that it would grow out of all proportion just as soon as we got it started. This bill was presented to the House on the theory that there was a need for poor working people that had a salary but did not have enough salary to provide the proper diet for their children—and this was not ever to be a relief program. It was only to be a supplemental to the diet.

I did not buy that because I knew the politicians would just get hold of this bill and would jack it up through the ceiling. It started with a few million dollars. This bill provides $2 billion. We hear people talk about this being a niggardly bill, that it ought to provide $4.5 billion, which the Quie-Foley amendment would have provided, or the $6 or $7 billion that was provided in the bill passed by the other body.

I do not know how the people in Oklahoma can get along. There has not been a food stamp in Oklahoma since this program started. You cannot get a food stamp down there if you register for work and take a job. You still cannot get a food stamp.

I know this, that sooner or later the American people are going to rebel against this food stamp program.

We heard that 200,000 strikers got food stamps. I got hundreds of letters, and probably the rest of you did, too, on that same subject. When we hear it said, as the gentleman from Washington just said, that it is terrible for a man to have to take a job at $1.30 an hour—now, that would be awful, would it not?

I had two children in 1931. In those days there were no food stamps. There was no relief. There were no soup lines. I would have worked for 25 cents a day before I would have remained idle. I did work for $29 a month, and I would not have refused any kind of offer.

The gentleman said that a husband and wife could both be employed, but if they had an 18-year-old boy who would not register for work, the whole family would get out of the program. I say that if that father did not have enough control over his 18-year-old boy to force him to register for work, they ought to be deprived of food stamps.

I really believe that this work amendment is jacked up out of all proportion. I doubt that it will make a great deal of difference. I doubt very seriously if there are many people, many families, who will be deprived of food stamps under this work amendment. But it certainly is not good public relations when the Congress, in the last hours of this session, knocks out a requirement that a man must work if he was offered a job in order to receive food stamps. What would the taxpayers of the country think about a deal like that?

I do not think it is good public relations for the people who want to support the food stamp bill. If you merely want to keep bad public relations, some day those of us who have opposed food stamps will find that you are just going to sink it for us.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Washington.

Mr. FOLEY. The gentleman does not intend to convey the impression, I hope, that Congress would not have authority to amend this bill as soon as the committees are organized in the 92d Congress to provide a different kind of work requirement?

Mr. BELCHER. I would say that the next Congress can consider any kind of bill that it wants to, and if a bill can pass the House and the Senate and be signed by the President, it can change any statute on the books. I say if the gentleman really wants a $2 billion food stamp bill, just wait until next year and try to get rid of this little work amendment. At least 99.98 percent of the people in America are going to get food stamps even under the work amendment. There are going to be very few people who are going to be deprived.

But I will say to the gentleman that in this last hour, if we recommit this, I do not believe we will get a food stamp bill.

Mr. FOLEY. If the gentleman does not think the work requirement is going to be any more effective than that, I am surprised he is not willing to eliminate it, and to try to work out a better work requirement early next year.

Mr. BELCHER. I just do not want to go back to Tulsa, Okla., and tell the taxpayers that I eliminated a requirement that a man would have to take a job before he could get food stamps. I just would be ashamed to make that kind of statement to the taxpayers.

Mr. MELCHER. Mr. Speaker, the bonus value of the stamps is the crux of the food stamp bill—$106 per month for a family of four or $26.50 per person per month is scant food provisions.

The alternative proposed was $134. The latter more truly represents a complete and nutritious diet for a family under existing food costs.

The difference of $28 per month for the family is the difference of enough high protein foods in the household: milk, eggs, butter or margarine, and meat.

America has these foods in abundance. It is only good judgment to share these foods and distribute the purchasing power to the hungry—old or young—throughout America.

The bill falls short of improving the program adequately to simplify the procedures for certification and distribution of the food stamps. The bill does lack the advantages of the Foley-Quie proposals to prevent abuse and graft with food stamps. We are falling short of meeting the needs for improvements that the program and people deserve.

Mr. ANNUNZIO. Mr. Speaker, this bill is an abominable one, and I cannot vote for it. I will vote to recommit to conference. I am informed that the present law permits the continuation of the expenditure of funds for the food stamp program through January 1971, leaving us sufficient time in the new Congress to pass a continuing resolution to permit further operations under the program until a better bill can be written in the 92d Congress, so there would be no tragedy if this bill were to die right here.

It was a very bad bill when it was passed by the House on December 16—so bad that the Member of this Congress who has had the most to do with the fact that there is a food stamp program in operation, the gentlewoman from Missouri, Congresswoman SULLIVAN, voted against it. And so did I. We were afraid that it would come back from conference not much better than the bill which was being voted on in the House. The conference report confirms that fear. It is an unsupportable, almost an unspeakable, bill—containing as it does what I call the "cotton picking" amendment, which might also be called the "potato picking" amendment, or the "forced-work-at-starvation-wages" amendment.

The conferees took out of the House-passed bills another crippling amendment, which would have required the States to pay up to 10 percent of the cost of the food coupons. But they left in the bill this monstrosity of a forced-work requirement which would turn the food stamp program into a reservoir of low-pay seasonal workers at the generous wage of $1.30 per hour.

Regardless of your educational background or work experience or the reason why you may need help in acquiring an adequate diet for health, you have to sign up for cotton picking or potato picking or snow shoveling or whatever the prospective employer wants to hire you for, at the lowest possible wage.

This appears to me to be a method to try to solve the wetback problem by creating the soreback problem—those temporarily unemployed because of economic conditions prevailing under the Nixonomics "game plan" would have to accept whatever jobs were offered, nearby or miles and miles away, in order to be able to buy a minimum diet under the food stamp program.

The statement of managers on the part of the House states that the House conferees do not intend this to mean that you have to go to a "far distant State" to accept such employment. They do not define what they mean by a "far distant State," so I guess my people in Chicago would not have to go to Hawaii to pick pineapples in order to qualify their families—their children—for food stamps in Chicago, but maybe they would have to go to California to pick lettuce. California is no longer "a far distant State" by air. Does it mean potato picking in Iowa, corn picking in Nebraska—if they still do any of that by hand—or what kind of peonage labor does it mean?

Mr. Speaker, this bill so proudly put forward by most of the members of the House Committee on Agriculture, including several who never before voted for any food stamp program, proves that the Committee on Agriculture has virtually no concern for the people of our cities, for those who pay the taxes which make all of the farm subsidies possible.

I have supported farm programs in the past because I believe all of the people of this country have to pull together and work together and help each other economically, or none of us can prosper. But it is all one sided as far as the Committee on Agriculture is concerned: pour out billions in subsidies to the farmers but make the unemployed computer programer or billing machine operator or sheet metal worker go hungry unless he signs up to pick cotton or potatoes or shine shoes.

I have had enough of that attitude, Mr. Speaker. From now on, I vote for no farm program which gives an absentee owner a cent that he does not earn by the sweat of his brow out picking his own cotton.

Mr. ANDERSON of Illinois. Mr. Speaker, the food stamp substitute before us today is a compromise between two widely divergent bills. As such, it is not likely to elicit the enthusiastic support of either of the two disparate factions involved in drafting those original bills. But the important thing is that the conferees have agreed upon a compromise bill which will enable us to renew and reform the food stamp program. I would not argue for one moment that the reform provisions of this substitute represent a cure-all and end-all to the problem of hunger in America. In some respects, this bill is both insufficient and deficient. But I do think that for the most part this legislation represents a very positive step in the direction of food stamp reform and our goal of putting an end to hunger and malnutrition in America for all time.

Let me list just briefly those features of the substitute which I feel do represent substantial improvements in the food stamp program. First, the funding level for food stamps has been raised from $1.42 billion to $1.75 billion in fiscal year 1971. Second, uniform national eligibility standards have been established for the first time, free food stamps are provided for the most destitute, new educational programs are created, and special provisions are made for the aged. I am also pleased that the conferees have deleted the State-sharing requirement which would have made participation extremely difficult for our financially strapped States.

On the other hand, I think it is regrettable that the work requirements and criteria in this legislation are not in line with those recommended in the administration's family assistance plan which has already passed this body.

Even the House conference report speaks to the need for "a uniform application of 'workfare' criteria" in the food stamp and family assistance programs, and yet, in this substitute we have a different approach to workfare than that incorporated in the welfare reform bill we have already passed. I for one favor the administration's approach because it is more humane and responsible than the punitive workfare provisions of this legislation. This bill quite simply would, in the words of the book of Exodus, "visit the iniquity of the fathers upon the children;" it would deny food to hungry children because their father refused work. This is a most cruel and retrogressive step in our drive to eradicate hunger and malnutrition in America. I would therefore hope that early action is taken in the 92d Congress to reform and integrate the welfare, food stamp, and manpower training programs along the lines of the administration's original recommendations, particularly as they relate to work criteria and benefit eligibility.

Mr. Speaker, because the hour is late in this 91st Congress and because this bill, with one major exception, does lay the groundwork for substantial reform

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of the food stamp program, I urge adoption of the conference report. In urging an end to hunger and malnutrition in America for all time, President Nixon reminded us—

> More is at stake here than the health and well-being of 16 million American citizens who will be aided by these programs and the current Child Food Assistance programs.

In his words: "Something very like the honor of American democracy is at issue." Mr. Speaker, let us resolve today to work tirelessly until we have eliminated hunger and malnutrition in this land. To do otherwise would be to deny our great democratic and Christian traditions.

Mr. POAGE. Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. GOODLING. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. GOODLING moves to recommit the conference report on the bill H.R. 18582 to the Committee on conference.

Mr. POAGE. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The question is on ordering the previous question on the motion to recommit.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

PARLIAMENTARY INQUIRIES

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. Mr. Speaker, is this vote about to be taken on the previous question on the motion to recommit?

The SPEAKER. This vote is on ordering the previous question on the motion to recommit.

Mr. FOLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOLEY. Mr. Speaker, if the vote on the previous question on the motion to recommit does not carry, would it then be in order for a Member to seek recognition for the purpose of offering an amendment to the motion to recommit?

The SPEAKER. The answer to that is, it would be under the precedents and practices of the House.

Mr. FOLEY. Mr. Speaker, I thank the Chair.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas, 148, nays 126, answered "present" 2, not voting 156, as follows:

[Roll No. 454]

YEAS—148

Abernethy
Anderson, Ill.
Arends
Ashbrook
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Bow
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Bush
Byrnes, Wis.
Cabell
Camp
Cederberg
Chamberlain
Chappell
Clancy
Collins, Tex.
Colmer
Conable
Coughlin
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
Eshleman
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Foreman
Forsythe
Frelinghuysen
Fuqua
Galifianakis
Goodling
Griffin
Gross
Hagan
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Hastings
Hogan
Horton
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Jones, Ala.
Jones, N.C.
Kee
Keith
King
Kyl
Landgrebe
Latta
Lloyd
Long, Md.
Lukens
McCloskey
McClure
McMillan
MacGregor
Mahon
Mailliard
Mann
Marsh
Mayne
Miller, Ohio
Mills
Mizell
Mollohan
Montgomery
Nelsen
Passman
Patman
Pelly
Pettis
Pickle
Pirnie
Poage
Poff
Quie
Quillen
Rarick
Roberts
Robison
Rogers, Fla.
Roth
Ruth
Sandman
Satterfield
Schadeberg
Schmitz
Schneebeli
Schwengel
Shriver
Sikes
Skubitz
Slack
Smith, N.Y.
Springer
Stafford
Stanton
Steed
Steele
Steiger, Wis.
Stephens
Stubblefield
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Vander Jagt
Wampler
Ware
Watson
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wylie
Zwach

NAYS—126

Adams
Addabbo
Albert
Anderson, Tenn.
Annunzio
Ashley
Barrett
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Brademas
Brasco
Burke, Mass.
Byrne, Pa.
Carney
Celler
Clark
Clay
Cleveland
Cohelan
Conte
Conyers
Corman
Culver
Daniels, N.J.
Dent
Donohue
Dorn
Dulski
Eilberg
Feighan
Flood
Foley
Fraser
Fulton, Pa.
Gallagher
Garmatz
Gaydos
Gonzalez
Green, Oreg.
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hanna
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Jacobs
Johnson, Calif.
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
McCarthy
McDade
McFall
Macdonald, Mass.
Madden
Matsunaga
Meeds
Melcher
Mikva
Minish
Mink
Monagan
Morgan
Morse
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
Olsen
Patten
Perkins
Philbin
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Rees
Reid, N.Y.
Reuss
Rodino
Roe
Rogers, Colo.
Rooney, Pa.
Roybal
Ryan
St Germain
Saylor
Scheuer
Sisk
Smith, Iowa
Stokes
Stratton
Symington
Thompson, N.J.
Tiernan
Tunney
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Wilson, Charles H.
Wolff
Wyman
Yates
Zablocki

ANSWERED "PRESENT"—2

Alexander
Wright

NOT VOTING—156

Abbitt
Adair
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Aspinall
Ayres
Berry
Blackburn
Blatnik
Brock
Broomfield
Brown, Calif.
Broyhill, N.C.
Buchanan
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Caffery
Carey
Carter
Casey
Chisholm
Clausen, Don H.
Clawson, Del
Collier
Collins, Ill.
Corbett
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
de la Garza
Delaney
Denney
Diggs
Dingell
Dowdy
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fish
Ford, William D.
Fountain
Frey
Friedel
Fulton, Tenn.
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gray
Griffiths
Grover
Gubser
Haley
Hansen, Wash.
Harvey
Hébert
Henderson
Holifield
Howard
Hull
Hungate
Johnson, Pa.
Jonas
Jones, Tenn.
Karth
Kleppe
Kuykendall
Landrum
Langen
Lennon
Long, La.
Lowenstein
Lujan
McClory
McCulloch
McDonald, Mich.
McEwen
McKneally
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Minshall
Mize
Moorhead
Morton
Mosher
Moss
Murphy, Ill.
Myers
Nichols
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Pepper
Pollock
Powell
Price, Tex.
Purcell
Railsback
Randall
Reid, Ill.
Reifel
Rhodes
Riegle
Rooney, N.Y.
Rosenthal
Rostenkowski
Roudebush
Rousselot
Ruppe
Scherle
Scott
Sebelius
Shipley
Smith, Calif.
Snyder
Staggers
Steiger, Ariz.
Stuckey
Sullivan
Talcott
Thompson, Ga.
Ullman
Waggonner
Watts
Weicker
Whalen
Whalley
Wilson, Bob
Winn
Wold
Wyatt
Wydler
Yatron
Young
Zion

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Alexander for, with Mr. William D. Ford against.

Mr. Wright for, with Mr. Diggs against.

Mr. Abbitt for, with Mr. O'Neill of Massachusetts against.

Mr. Andrews of Alabama for, with Mr. Rostenkowski against.

Mr. Caffery for, with Mrs. Sullivan against.

Mr. Edwards of Louisiana for, with Mr. Burton of California against.

Mr. Fulton of Tennessee for, with Mr. Karth against.

Mr. Gettys for, with Mr. Moss against.

Mr. Haley for, with Mr. Rooney of New York against.

Mr. Hébert for, with Mr. Carey against.

Mr. Jones of Tennessee for, with Mrs. Chisholm against.

Mr. Nichols for, with Mr. Collins of Illinois against.

Mr. Henderson for, with Mr. Delaney against.

Mr. Lennon for, with Mr. Dingell against.

Mr. Waggonner for, with Mr. Edwards of California against.

Mr. Long of Louisiana for, with Mr. Fallon against.

Mr. Stuckey for, with Mr. Farbstein against.

Mr. Watts for, with Mr. Fascell against.

Mr. Evins of Tennessee for, with Mr. Friedel against.

Mr. Dowdy for, with Mr. Giaimo against.

Mr. de la Garza for, with Mr. Daddario against.

Mr. Davis of Georgia for, with Mr. Gilbert against.

Mr. Burlison of Missouri for, with Mr. Gray against.

Mr. Landrum for, with Mrs. Griffiths against.

Mr. O'Neal of Georgia for, with Mrs. Hansen of Washington against.

Mr. Frey for, with Mr. Holifield against.

Mr. Goldwater for, with Mr. Howard against.

Mr. Don H. Clausen for, with Mr. Hungate against.

Mr. Corbett for, with Mr. Lowenstein against.

Mr. Fountain for, with Mr. Miller of California against.

Mr. Grover for, with Mr. Moorhead against.

Mr. Talcott for, with Mr. Murphy of Illinois against.

Mr. Rhodes for, with Mr. Randall against.

Mr. Gubser for, with Mr. Rosenthal against.

Mr. Steiger of Arizona for, with Mr. Shipley against.

Mr. Collier for, with Mr. Mosher against.

Mr. Jonas for, with Mrs. Dwyer against.

Mr. Del Clawson for, with Mr. Carter against.

Mr. Denney for, with Mr. Andrews of North Dakota against.

Mr. Snyder for, with Mr. Riegle against.

Mr. Smith of California for, with Mr. Blatnik against.

Mr. Scherle for, with Mr. Aspinall against.

Mr. Bob Wilson for, with Mr. Anderson of California against.

Mr. Edwards of Alabama for, with Mr. Brown of California against.

Mr. Buchanan for, with Mr. Edmondson against.

Mr. Blackburn for, with Mr. Evans of Colorado against.

Mr. McDonald of Michigan for, with Mr. Staggers against.

Mr. Thompson of Georgia for, with Mr. Pepper against.

Mr. Martin for, with Mr. Yatron against.

Mr. Price of Texas for, with Mr. Ullman against.

Mr. Broyhill of North Carolina for, with Mr. Ottinger against.

Mrs. Reid of Illinois for, with Mr. Eckhardt against.

Mr. McClory for, with Mr. Young against.

Mr. Myers for, with Mr. Whalen against.

Mr. Zion for, with Mr. Fish against.

Mr. Broomfield for, with Mr. Wydler against.

Mr. Harvey for, with Mr. Railsback against.

Mr. Kuykendall for, with Mr. Cowger against.

Until further notice:

Mr. Hull with Mr. Johnson of Pennsylvania.

Mr. Casey with Mr. Lujan.

Mr. Purcell with Mr. Scott.

Mr. Berry with Mr. Adair.

Mr. Langen with Mr. Ayres.

Mr. O'Konski with Mr. Mize.

Mr. Burton of Utah with Mr. Brock.

Mr. Morton with Mr. Reifel.

Mr. Kleppe with Mr. Button.

Mr. Minshall with Mr. Michel.

Mr. Weicker with Mr. Winn.

Mr. Esch with Mr. Cunningham.

Mr. McCulloch with Mrs. May.

Mr. Ruppe with Mr. Sebelius.

Mr. Whalley with Mr. Erlenborn.

Mr. Wyatt with Mr. Cramer.

Mr. Rousselot with Mr. McEwen.

Mr. Mathias with Mr. Pollock.

Mr. Roudebush with Mr. Meskill.

Mr. Gibbons with Mr. McKneally.

Messrs. SATTERFIELD, SKUBITZ, and GALIFIANAKIS changed their votes from "nay" to "yea."

Mr. WYMAN changed his vote from "yea" to "nay."

Mr. WRIGHT. Mr. Speaker, I have a live pair with the gentleman from Michigan (Mr. DIGGS). If he had been present, he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

Mr. ALEXANDER. Mr. Speaker, I have a live pair with the gentleman from Michigan (Mr. WILLIAM D. FORD). If he had been present, he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. FOLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. FOLEY. At this stage of the proceedings I anticipate the Chair is about to put the question for a vote on a straight motion to recommit the conference report; is that correct?

The SPEAKER. That is the next order of business.

Mr. FOLEY. I thank the Chair.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 3 calendar days in which to extend their remarks on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDING EXPORT-IMPORT BANK ACT OF 1945, AS AMENDED

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4268) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes.

The Clerk read as follows:

S. 4268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635 (a)), is amended—

(1) by inserting "(1)" immediately after "SEC. 2(a)"; and

(2) by adding at the end thereof the following new paragraph;

"(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank."

SEC. 2. The President shall—

(1) not later than January 31, 1971, report to the Congress the amount by which the annual expenditure and net lending limitation imposed on the budget of the United States Government by title V of the Second Supplemental Appropriations Act, 1970, will be reduced as a result of the amendment made by section 1; and

(2) not later than September 30, 1971, report to the Congress with respect to the effect of the amendment made by section 1 on the operations of the Export-Import Bank of the United States.

SEC. 3. The amendment made by section 1 becomes effective on the date upon which the President makes the report to the Congress referred to in paragraph (1) of section 2.

The SPEAKER. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Is the gentleman from New Jersey opposed to the bill?

The SPEAKER. The Chair was about to ask that question. Is the gentleman from New Jersey opposed to the bill?

Mr. WIDNALL. Mr. Speaker, I am not opposed to the bill.

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Iowa opposed to the bill?

Mr. GROSS. Yes; I am, Mr. Speaker.

The SPEAKER. The gentleman from Iowa qualifies. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, the bill before us, S. 4268, would amend the Export-Import Bank Act of 1945 to allow for greater expansion of the export trade of the United States.

Mr. Speaker, this bill passed the Senate without a dissenting vote on December 19 of this year. Your House Committee on Banking and Currency did not have an opportunity to hold hearings on this matter, but a poll of the members indicated no objection to the bill from your Committee on Banking and Currency by any member on either side.

The Senate Banking Committee hearings on this legislation contain letters of support from the Bureau of the Budget, the Department of Commerce, the Council of Economic Advisers, the Department of State, and the Department of the Treasury. The proposal is opposed by the Federal Reserve Board and the General Accounting Office.

Let me explain first what the legislation would not do. It would not remove the Export-Import Bank from the provisions of the Government Corporation Control Act. The annual budget for the Export-Import Bank would still be presented to the Appropriations Committee and acted upon by the Congress. The Banking and Currency Committee of both Houses would continue to exercise complete control over the authorization ceilings for the Bank. There would be no change either insofar as the authorization or appropriation procedure is concerned.

In essence, what the bill would do would be to exclude the receipts and disbursements of the Export-Import Bank from the U.S. Government budget and exempt the Bank's operations from any net expenditure limitation imposed by the budget. The basic reasons sought for the legislation is to allow the Export-Import Bank to meet its congressionally imposed objective of increasing the export sales of U.S.-produced goods and services.

If the Export-Import Bank has to continue to operate as it now does, there is no question that the potential of our exports will be significantly and adversely affected.

As it now exists, the Export-Import Bank loans are carried as expenditures in the budget when, in fact, they are nothing more than investments in U.S. goods and services which have been sold abroad. The Bank does not lose money as the Budget would indicate. In fact, the Export-Import Bank is one of the few agencies of Government we have that actually returns a net profit every year. Since its existence, the Export-Import Bank has returned three-quarters of a billion dollars in profits to the Treasury.

Mr. Speaker, there are a number of other reasons justifying the enactment of this legislation which other members of the committee will cover.

This bill should not be considered as a precedent for other agencies or for the continuation of this type of operation if Congress desires to change it.

Many people are suffering from tight money, money that is too tight, as is this Bank. This will be helpful to the people in that situation.

I was told that this legislation was sought and desired by the administration, by President Nixon's administration, in his economy recovery program and to solve our balance of payment problem. I made the statement if this is desired in the recovery program and the situation is so desperate and the harm would be so little, if any, that I would favor it and I would support it.

For that reason I am supporting this bill. I believe it will be of great benefit to us in our export market and our balance of payments and certainly will provide lots of jobs—lots of jobs—lots of opportunities and more purchasing power by the people who work. Therefore I ask that it be adopted.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, Members of the House should understand that this bill S. 4268, was never considered for 1 minute by the House Banking and Currency Committee. No hearings were held by the House committee and therefore there is no report.

Members of the House are asked to rely solely on a report printed in the CONGRESSIONAL RECORD by one Member of the Senate and it is interesting to note that this Member of the other body, for reasons best known to himself, failed to include in the RECORD strong statements that were made in opposition to this legislation.

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The purpose of this bill is to exclude the receipts and disbursements of the Export-Import Bank from the total of the budget of the U.S. Government and exempt that Bank from any annual expenditure and net lending limitations imposed on the budget.

Mr. Speaker, in 1966 President Johnson appointed the members of the Commission on Budget Concepts. Chairman of that Commission was the present Secretary of the Treasury, David Kennedy, and among the members was the Comptroller General of the United States, Elmer Staats, and the chairmen of the House and Senate Appropriations Committees, including Mr. MAHON and Mr. Bow. The Commission's staff director was Robert Mayo, who recently served as director of the Bureau of the Budget.

The purpose of the Commission was to recommend to the President guidelines with respect to the budget and with particular reference to programs which should be included or excluded from the budget totals.

The Commission reported in the fall of 1967 and it was a unanimous report. According to Comptroller General Staats, the report recommended that all loan programs operated by entities in which the capital stock is owned by the Government or which have recourse to Federal funds should be included in the budget on a net lending basis. That is to say, the budget totals include the difference between loan outlays or disbursements on one side, and loan reimbursements or repayments on the other side.

> To the best of my knowledge—

Says Mr. Staats, who for several years was deputy Director of the Budget—

> the enactment of this bill, S. 4268, would constitute the first departure from the budget policy adopted by President Johnson and continued by President Nixon.

And Mr. Mayo, former Director of the Budget, in a staff paper prepared for the Budget Commission, said this:

> Advocates of including loans in the calculation of budget surplus or deficit point out that when the government makes loans, it is not just acting as a bank or financial intermediary. If financial intermediation were all that were required, the private sector could well take care of balancing the interests of borrowers and lenders in a country with such highly developed markets as ours. Clearly something else is involved, specifically a recognition that without federal intervention, important public objectives would not be accomplished through the ordinary working of the capital markets . . . if loans were excluded from the budget, pressures might well lead to an even worse distortion . . . the misnaming of grants, transfer payments and subsidies to get them out of the budget totals. . . .

The Comptroller General in his opposition further states that this bill would establish a precedent for removing lending operations from the budget totals and from further expenditure limitations that may be imposed by Congress.

> The obvious alternative to S. 4268—

Said Mr. Staats—

> would be submission by the executive branch of an amendment to the Expenditure Control Act to increase the lending operations of the Export-Import Bank.

Mr. Speaker, the present Chairman of the Federal Reserve Board, Mr. Arthur F. Burns, opposing this legislation, wrote a letter to the Senate Finance Committee, where the bill was spawned. In the letter he said:

> SEPTEMBER 16, 1970.
>
> Hon. JOHN SPARKMAN,
> *Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: I am writing to present the views of the Board of Governors on S. 4268, a bill that would exclude the receipts and disbursements of the Export-Import Bank from the totals of the budget of the United States Government and exempt them from any annual expenditure and net lending limitations imposed on the budget. The Board recommends against enactment of this bill.
>
> Enactment of S. 4268 would constitute a breach in the new concept of the unified budget. The objective of revising the budget, as you know, was to present budget totals that would give an accurate and comprehensive account of the receipts and disbursements of the Federal Government. Whether a government agency borrows in the market directly or goes through the Treasury Department does not alter the fact that the Federal Government is acquiring command over the real resources represented by the borrowed funds. In either case, the outlays of the agency should be subjected to thorough scrutiny and included in the total of Federal disbursements.
>
> For purposes of economic analysis it is important to know the overall economic impact of the financial operations of the Federal Government. When segments of the Government's fiscal operations are not included in the budget, the budget totals may mislead all but the most careful analysts.
>
> Budgeting is essentially a matter of ordering priorities. The fact that we expect repayment of Export-Import Bank loans is not a valid reason for exempting the net outlays from the budget totals. To order our priorities properly, we must determine whether it is desirable to permit a net increase in government claims on real resources to take the form of an increase in net credits extended by the Export-Import Bank or a rise in the outlays of some other government agency. We cannot "solve" the problem of ordering priorities by excluding certain types of outlays from the budget totals. If we do this, we essentially treat these outlays as though they had priority above everything within the budget.
>
> The Board is fully aware of the desirability of expanding U.S. exports to help improve our balance of payments. However, not all Export-Import Bank loans result in *additional* export sales. This is especially true when the Bank finances the sale of U.S. goods for which there is little or no competition in world markets. Frequently the Bank's loans are substitutes for other financing in the United States or from abroad. Finally, to the extent that the Bank's credit is used to substitute for offshore financing of our exports, our balance of payments will suffer.
>
> Accordingly, the Board recommends against enactment of the bill.
>
> Sincerely yours,
>
> ARTHUR F. BURNS.

Mr. Speaker, this legislation, which has never been considered by the House or any committee thereof, and which is now the object of ramrod procedure, ought to be defeated. If Congress is to rupture the expenditures control act and set a special privilege precedent it ought to do so only after careful consideration as to the consequences—not as a dying gasp of this lameduck session.

If President Nixon wants to change present budget procedures let him come to Congress promptly with the convening of the new session. Let us not here and now put a rubberstamp of approval on a Senate bill which permits any institution which is the beneficiary of Federal funds to walk through the back door to get that financing.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I am glad to yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, I wish to express grave concern with regard to the pending legislation.

The Export-Import Bank is doing a magnificent job. Henry Kearns, the president of the Export-Import Bank, is a man of tremendous ability and drive and I applaud him for his good work.

I am perfectly willing to introduce legislation to increase the overall Government expenditure ceiling which we fixed earlier this year, if need be, in order to allow for greater program activity by the Export-Import Bank. I am all for that.

In recent years, we have been trying to report to the Congress, and to the American people on a comprehensive basis as to what the Congress is doing to all phases of the budget. We have set up a budget scorekeeping system. We inform the Congress and the country how much we are below the President's budget on appropriations and how much we are above the President's budget in outlays for other legislation in order to explain to the American people pertinent facts pertaining to the status of Government finances. We base those reports on the overall budget; we report against the overall budget totals.

Now, what does the pending bill do? This bill seeks to exclude Export-Import Bank receipts and disbursements from the budget. The bill reads as follows:

> (2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government.

This is my objection to the bill. If we are going to exclude this agency, why not do it for other programs such as the one dealing with the environment? Why not do it for education? Why not do it for health? These are important programs. Where do we draw the line? What about other lending agencies? There is some uniqueness in all lending agencies. This troubles me.

It is true that, on paper, the Government and the administration would look better from an overall budget standpoint if we should take this out from under the budget. For example, this year, I believe about $195 million in net outlays would be immediately removed from the 1971 budget and the overall spending ceiling if this proposed legislation were in effect.

In the next paragraph of the bill the following language appears:

> SEC. 2. The President shall—
>
> (1) not later than January 31, 1971, report to the Congress the amount by which the annual expenditure and net lending limitation imposed on the budget of the United States Government by title V of the Second Supplemental Appropriations Act, 1970, will be reduced as a result of the amendment made by section 1.

This would reduce the budget totals and reduce the expenditure ceiling. But it would not decrease expenditures in actuality.

This proposal is not quite forthright with the Congress and the people. We ought to tell ourselves and the people what the facts really are. I agree that anyone who wishes to know the facts can read the fine print and study the operations of the Export-Import Bank in order to discover these facts. But I regret to see us breach the budget and breach the expenditure ceiling for this good cause when all we have to do is increase the expenditure ceiling if it is needed, and I would be willing to initiate the action to do this.

I know the administration does not want to request an increase in the expenditure ceiling. The administration is complaining that we are spending too much money, and I think in some areas we are.

So this is the position in which we find ourselves. I believe we should increase the expenditure ceiling and not try to exclude agencies from the budget.

I thank the gentleman from Iowa for yielding to me.

Mr. GROSS. I thank the gentleman for his contribution.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I thank the gentleman for yielding.

I wish to comment that the gentleman from Iowa is performing, I believe, a very proper service in leading the opposition to this very hasty and, I think, ill-timed measure. I think he was properly sustained by the chairman of the Appropriations Committee.

May I add a strong, purely partisan note. I take a back seat to no one in my strong support of the administration. But I have never been convinced that any administration is infallible. I think this is a poorly timed move, and I think we ought to sustain the position of the gentlemen from Iowa and the gentleman from Texas (Mr. MAHON) and handle this subject properly in the next session of the Congress.

Mr. GROSS. I thank the gentleman from Illinois.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. MAHON. I regret very much to oppose the chairman (Mr. PATMAN), I would hope that early next year some sort of legislation could be introduced to adjust the expenditure ceiling to take care of the Export-Import Bank. I would be the first to seek to enable Mr. Kearns to do the best possible job. He is doing an outstanding job.

The Export-Import Bank is of incalculable value to American business and labor and agriculture and I want to see the work of this great agency continued with maximum effectiveness.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Texas yield for a question?

Mr. MAHON. Mr. Speaker, I do not have the floor.

Mr. GROSS. Mr. Speaker, is the gentleman through?

Mr. MAHON. Yes; thank you.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. PASSMAN).

Mr. PASSMAN. Mr. Speaker, I thank the distinguished gentleman from Iowa for yielding to me.

I also thank the distinguished chairman of the Banking and Currency Committee for being willing to yield me 3 minutes. It would not have been quite fair to the chairman for me to accept his 3 minutes when I am opposed to the legislation, and we do believe in fair play here.

Mr. Speaker, it has been my privilege to be associated with the Export-Import Bank for 16 years as chairman of the Foreign Operations Subcommittee of the Committee on Appropriations. I have dealt with several presidents. The current president is an excellent administrator He is an outstanding banker. I enjoy doing business with him. But during our hearings this year there was no mention about this proposition being under consideration by the administration.

I would like to ask the distinguished chairman this question: Did the chairman hold any hearings on this bill?

Mr. PATMAN. No, there were no hearings. But that statement is not complete as it is. The committee held no hearings. The committees were told and every Member on both sides was told.

Mr. PASSMAN. But the chairman did not hold any hearings?

Mr. PATMAN. No.

Mr. PASSMAN. We held no hearings on this specific proposal. We handle the money requests. I do not know of any time when they ever had a deficit during their operations. Does the gentleman know of any such time?

Mr. PATMAN. We held hearings on this subject for 3 years.

Mr. PASSMAN. Mr. Speaker, I ask the distinguished chairman this question: Does he remember any instance in the history of the Export-Import Bank when they did not have all the funds they needed? Of course not. I will say I have handled the foreign aid bill for 16 years, and there has been no time in all that period when the Export-Import Bank said they needed a greater limitation when they did not get it.

I am making a statement of fact. Even when they ask for an increase in the representation allowance, this committee provides it. We never have deprived them of anything.

I think our committee, the Committee on Appropriations, must hold hearings, and they must have an opportunity to explore the proposition. I think the gentleman from Texas should have an opportunity to hold hearings. I cannot understand coming in on the 30th day of December, just a few days before we are going to adjourn this Congress sine die, and proposing this legislation. I do not think it is a fair break to the American taxpayers. We adopted the new budget concept a few years ago so that all facts relating to U.S. Government operations would be revealed to the public, and we are now trying to exclude certain figures from the budget. I think it is wrong.

Mr. Speaker, I oppose the legislation.

Mr. HANNA. Mr. Speaker, will the gentleman from Iowa yield to the gentleman from Louisiana an additional minute in order that I may ask a question?

Mr. GROSS. The gentleman should ask the gentleman from Texas (Mr. PATMAN) to yield him a minute if he wants it.

The SPEAKER pro tempore (Mr. MILLS). Does the gentleman from Iowa desire to yield more time?

Mr. GROSS. I yield to the gentleman from Pennsylvania (Mr. DENT).

MINE BLAST IN KENTUCKY KILLS 38 MINERS

Mr. DENT. Mr. Speaker, I just received word that in Hyden, Leslie County, Ky., a mine blast has occurred on this, the anniversary of the mine safety bill, in which 38 miners have been killed.

Mr. PATMAN. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Speaker, the purpose of this bill is to facilitate the financing of U.S. exports through the Export-Import Bank. In recent years the United States has lost ground in the very keen competition in expanding world markets and our balance of payments position has suffered accordingly.

A part of the problem which this bill seeks to cure results from the tight money market which has caused an enormous increase in loan applications to the Export-Import Bank.

Because the Bank's disbursements are treated as budget outlays under the unified budget calculations, the Bank has been forced to raise capital through the sales of certificates of beneficial interest—which is very costly—since the sales are considered budget receipts and therefore offsets against disbursements.

A less expensive means of financing is available to the Bank, Mr. Speaker, but only if the legislation before us is adopted.

Even more basic and more pressing is the problem, Mr. Speaker, that under present structures the Eximbank simply is not able to plan ahead. This is a bank. This is not education program. It is not environment. It is not the other things mentioned in the recent colloquy. This is a bank.

The reason is that the bank's disbursements follow its loan authorizations by from 2½ to 5 years.

Mr. Speaker, I believe this is the point that the gentleman from Louisiana (Mr. PASSMAN) did not address himself to. If the bank does not have the assurance that it will have available in future budget years the resources needed for disbursements it must cut back on current authorizations.

This is precisely the situation in which the bank finds itself today, right this instant. The authorizations for fiscal year 1971 lending were set originally by OMB and the Congress at $2.6 billion. but under the revised spending ceiling imposed by the Congress this would be cut back to $1.8 billion, a reduction of some $700 million, representing a loss of more than $1.3 billion in U.S. exports.

Thus at the very time the bank's services are needed the most to expand the financing of U.S. exports, it is caught in this bind of having to curtail its activities because of severe budget restraints.

As was previously stated, the Bank's problem is that the Federal budget policy is applied to its current year operations while its requirements are based on a trade policy agreed upon by the Congress and by the budget as much as 5 years earlier.

I say that to cure this situation the bill before us, as explained, would exclude the receipts and disbursements of the bank from the unified budget, and exempt the bank's operations from that annual limitation on expenditures and net lending imposed on the budget. It would, let me emphasize, continue the annual review of the bank's operations by both the OMB and by the Appropriations Committee, the subcommittee headed by the gentleman from Louisiana (Mr. PASSMAN).

There is ample justification, Mr. Speaker, for taking this action, because, unlike other Federal lending agencies, the Eximbank only makes commercial loans on hard terms. Unlike other Federal lending agencies, the bank operates at a profit, having repaid more than $700 million to the Treasury in dividends during the course of its existence.

Third, the bank, again unlike other U.S. lending agencies, receives no appropriated funds whatsoever.

Mr. Speaker, the bill before us does have the strong support of the administration, and was adopted by a voice vote in the other body. It is absolutely essential to the export sector of our economy both today and in the immediate years ahead, and I urge its passage by the House.

Mr. STANTON. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Ohio.

Mr. STANTON. I thank the gentleman from Ohio.

Mr. Speaker, all I want to do is to concur with the gentleman in the well and to reiterate and perhaps try to clarify several of the points he made.

First of all, this bill does have the strong support of the administration at this time due to the fact that the administration wants the American enterprise to be able to compete with the rest of the world. Will not the gentleman agree that countries like England and others have this arrangement, and this would allow us a flexibility and allow us to compete competitively in financing? Is that not all this bill asks?

Mr. ASHLEY. Absolutely. What this bill really means is that if we do not pass the legislation now the Bank's disbursements will be on the basis of authorization commitments entered into 2½, 3, 4, or 5 years ago, and there will be no funds for authorization available for current export activity. This is the point.

If we want to make sure that the U.S. export position declines the way to do that is to vote down this legislation.

Mr. STANTON. That is right. Further, will not the gentleman agree, so far as this Bank is concerned, it is not involved in grants? These are hard, solid loans to promote American industry and export, and bring us back two-thirds of all the dollars we get.

Mr. ASHLEY. Absolutely. They are hard loans, with nonsubsidized interest rates, and no appropriated funds. The Bank has repaid $706 million.

What we are about to do, apparently, is to shackle the operations of the only solid money maker in terms of lending agencies available to the United States.

Mr. STANTON. The gentleman is absolutely correct.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I thank the gentleman for yielding. Would not the gentleman agree that the gentleman previously in the well, the gentleman from Texas (Mr. MAHON), the respected chairman of the Appropriations Committee possibly generalized a little too much in classifying or categorizing the Export-Import Bank with other types of financial institutions?

Mr. ASHLEY. Yes, I certainly agree with the gentleman from Michigan, because there is no institution in the Federal sector that really compares to the Export-Import Bank. I think the gentleman from Texas did generalize too much. He is comparing oranges and bananas.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. PATMAN. Mr. Speaker, I wonder if the gentleman from Iowa would yield some of his time at this time?

Mr. GROSS. Mr. Speaker, under the rules of the House it is not required that the time be rotated in this fashion on a suspension of the rules.

Mr. PATMAN. Well, if it is not, I yield 4 minutes to the gentleman from New Jersey (Mr. WIDNALL).

The SPEAKER. The Chair will state that the gentleman from Iowa has 4 minutes remaining and the gentleman from Texas, has 8 minutes remaining.

Mr. WIDNALL. I thank the chairman very much.

Mr. Speaker, I regret very much that under the rules of the House the minority who serve on the Banking and Currency Committee which has jurisdiction over the operations of the Export-Import Bank have not had an opportunity to present the case for the administration.

This bill is an extremely important bill to every segment of the economy of the United States.

Mr. Speaker, the bill before use, S. 4268, will accomplish more for the export trade of the United States than anything else we have done during the current Congress. Enactment of the bill will offer a positive contribution to thousands of

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U.S. exporters representing nearly every segment of the U.S. economy as well as every State of the Union.

During the various deliberations on this bill, both in the executive branch and here in the Congress, some concern has been expressed as to whether this bill, by removing Export-Import Bank's fiscal operations from budget calculations, would establish a precedent for the similar removal of other agencies from the budget. Certainly, it is the fact that Eximbank serves all segments of the economy that places it in a unique position relative to the myriad of other Government lending agencies which have a tendency to benefit only a narrow economic or geographic clientele.

Eximbank benefits labor. Each billion dollars worth of exports is calculated to create 87,000 jobs. During the current cutbacks in defense aerospace spending, markets abroad for commercial jet aircraft are particularly important to labor groups from coast to coast.

Eximbank benefits agriculture. It has supported exports of cotton, tobacco, corn, wheat, soybeans, barley, and livestock. Agricultural exports, which have equaled approximately $6 billion in recent years, appear to be stagnating, however, and improvement in this trade most definitely will require increased availabilities of export financing. The bill before us actually will improve this situation, and farm communities throughout the country will gain by this improvement.

Eximbank benefits mining. It benefits forestry. It benefits manufacturing. And Eximbank benefits a host of service activities.

All proceeds of Eximbank's lending, insurance, and guarantee programs go to U.S. producers of goods and services. Eximbank participation in any transaction, therefore, enhances the likelihood that insurance on the shipment will be placed through U.S. brokers. U.S. rail, air, and trucking companies benefit by exports, and Eximbank participation similarly works to the benefit of the U.S. maritime industry. U.S. packagers, freight handlers, export agents, communications experts, and countless others find profits in sales supported by Eximbank activities.

Eximbank benefits both engineering firms and construction companies. The Bank finances projects from the feasibility study stage to the completion of a large-scale turnkey manufacturing complex.

Eximbank's activities supplement private sources of export financing. The Bank in many cases makes it possible for insurance companies, pension and other trusts, and investment as well as commercial banks to participate in export credits.

It is the pervasive contribution of Eximbank to all forms of American economic activity that makes its position among government lending agencies distinctly different. No useful purpose is achieved, therefore, by making Eximbank complete in the budget process with power, housing, or any other single-industry oriented government lending institution.

Indeed, Eximbank does not compete in practice with such other lenders. Its competition is the publicly supported export credit institutions abroad—ECGD in the United Kingdom, COFACE in France, EDC in Canada, Hermes in Germany—each of whom has as its purpose the support of export sales which compete with U.S. exports in the international marketplace.

All in all, 29 export credit institutions representing 23 nations belong to the Berne Union, a forum of those who provide financing for their countries' exports. Competition in export financing is not confined to Berne Union members, however; the governments of such other countries as Taiwan, Yugoslavia, and, of course, the Eastern bloc countries also support exports on attractive terms.

The competition offered by foreign government supported export credit agencies is growing keener. ECGD in London has new parliamentary authority for direct lending. EDC in Ottawa has been restructured and improved during the past year by the Canadian Parliament. Practically all of the export credit institutions in the world report significant increases in the shipments they support.

Key to the question of exclusion of Eximbank from budget calculations because of the competition offered by foreign governments in financing exports is the noteworthy phenomenon that practically all other countries isolate or insulate their export financing schemes from their domestic economies. Practically each has a method of offering financing for exports at interest rates markedly below those of their domestic economy.

Thus while the Export-Import Bank does have a unique position among U.S. Government agencies in that it alone must counter competition from abroad, it today suffers from the unique disadvantage as compared with its counterparts from Japan westward to Portugal that it also must compete in the U.S. Government for its resources.

Truly, Eximbank's activities are strikingly dissimilar to other Government lending activities, and we need not fear that our actions today will establish a dangerous precedent for those other activities.

In fact, the fear we must face is that by not acting promptly on this legislation, we create the clear risk of placing a severe handicap on the U.S. economy as a whole.

Losses of exports for lack of competitive financing would affect adversely the health of the entire economy. Such losses of exports would further imperil the Nation's balance of international payments with an attendant shrinkage of confidence in the dollar. It therefore is not precedence that we must fear, it is progress and prosperity that we must assure.

In short, the proposal to exclude Eximbank's operations from Federal budget calculations is the effective, positive, and intelligent way to provide real benefits to the U.S. economy, to support the Nation's exporters, and to maintain a position of leadership in international commerce. S. 4268 merits prompt approval and I urge a favorable vote.

Mr. Speaker, this bill should not be taken as just the ordinary type of bill or authorization or appropriation. It is not confined to one particular phase of the economy.

Mr. Speaker, the administration urgently wants this bill. The current authorization will run out by March 1 of this coming year. The authorizations and commitments for fiscal year 1972 will run out by the end of the seventh month of that fiscal year. This is something you cannot postpone. It has got to be done now. And the unified budget would triple the operation of the Export-Import Bank. This is the means by which we can meet the challenges of the time.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, it seems to me that if we are concerned about the problem of the balance of payments for this country—and we should be—and if we are concerned about the sale of American goods and services overseas—and we should be—in order to help the economy in 1971 and the years thereafter, we ought to vote for this proposal that is now before us. If you vote against it, if it does not become law, you are going to seriously jeopardize the balance of payments picture and you will seriously hamper the progress of the American economy toward greater prosperity in 1971.

I hope the legislation is approved. It means more American jobs and the export of U.S. goods and supplies.

Mr. WIDNALL. I thank the gentleman for his comments.

The SPEAKER. The time of the gentleman has expired.

Mr. PATMAN. Mr. Speaker, will the gentleman from Iowa use his 4 remaining minutes now, and I will use my 4 remaining minutes after he completes his presentation.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Speaker, am I correct in my impression that this a motion to suspend the rules?

The SPEAKER. The Chair will state that the gentleman's impression is correct.

Mr. GROSS. Then, the rules are suspended insofar as the conclusion of debate is concerned, Mr. Speaker.

The SPEAKER. The Chair would ask the gentleman from Iowa if the gentleman is going to use his remaining time.

Mr. GROSS. Yes, Mr. Speaker, I intend to use my time.

The SPEAKER. Then, the Chair will recognize the gentleman from Iowa. The gentleman from Iowa has 4 minutes remaining and under the custom the gentleman from Texas (Mr. PATMAN) should have the final time.

Mr. GROSS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am not the least impressed by the statement made by the minority leader, the gentleman from Michigan (Mr. FORD).

I wonder how many other federally financed programs the gentleman wants to pull out from under the Expenditures

Control Act. How many more departments, agencies, and institutions would he support the President on in withdrawing from the Expenditures Control Act? That is the issue here today. It is the taking the Export-Import Bank from budgetary control and the Expenditures Control Act.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Speaker, it is my understanding this bill did not initially have the complete support of the administration. That support came later, after tremendous pressure by the president of the Export-Import Bank and other people interested in its operation.

Why should we have to come in here at the closing hours of this Congress and have this legislation presented to us to remove the Export-Import Bank from under the budget?

If this bill is so good, then why did we not consider it weeks and months ago?

Mr. Speaker, let me make one further statement to correct the impression that has been made, and that is it is not true that the Export-Import Bank is short of funds. They have not been short of funds one time since the existence of the Export-Import Bank. They can and they have come in and requested an increase when they needed it, and they can come in again and request an increase. At this time they have ample funds to do all of the things they plan to do.

They want to get out from under the eagle eye of the budget, and you cannot blame them. All other agencies would also like to get out from under the budget, and it is just that simple.

Why do we not vote down this legislation. If it is so urgent, then we can come back in January and have legislation presented where hearings can be conducted by the Committee on Banking and Currency. Then they could come before the committee which I have the honor to chair and let us have hearings. If there is any emergency situation, we can correct it.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Speaker, I think there are two things that we need to clear up right at the outset.

First, why this timing? Why the urgency?

The situation is simply this. The Bank is in a box between two different kinds of requirements. The Bank has to service projections of our trade and this it does through authorization. Having authorized loans which project downstream about an average of 2½ to 3 years or maybe as long as 5 years—when the payments come up on the authorization, then they have to make those payments that they have been authorized.

In the meantime, and keep this in your mind, we have always had about 4 percent of our gross national product going out into trade and it is doggone important that we continue to do it. Now we are moving ahead of that and with our growing GNP we have to expand our trade. This means that the authorizations have to increase.

Now we are at a place in the budget where we have to get on line with this unified budget and putting the Export-Import Bank in that budget is like putting a percheron on in a pony stall because it has this requirement of both authorization and then the payment schedule as they become due. It is under the unified budget and it is going to take all of the money on the line to make its payments and it cannot authorize any new loans and this means that the growth of trade will stop.

Now just keep that in your mind that that is what it means.

If you want to find an example of why this is so, Mr. GROSS, and why this is so, Mr. PASSMAN, to answer your question, which I wanted to do, look back at what happened when the Export-Import Bank realized for the first time, in 1969 it was.

The SPEAKER. The time of the gentleman from California has expired.

Mr. PATMAN. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. HANNA. When the Export-Import Bank realized it was under this unified restriction, it had to cancel the whole series of authorizations in 1969 and that led out in a loss of sales in my district and in a lot of yours just as Mr. WIDNALL said.

So, gentlemen, this is important. Your banking committee would not be here 100 percent supporting this if they did not realize its importance.

So I urge you to go along with Mr. FORD and to go along with Mr. WIDNALL and Mr. PATMAN and support this legislation at this time.

Next year we will come in with a whole revision of the Export-Import Bank. But we cannot wait now because we are in this budget restriction and listen to this—before January we will have already lost the authorization for the growth of trade in 1972.

Mr. Speaker, I rise in support of S. 4268. Many reasons have been given for passing S. 4268, and thereby excluding the receipts, disbursements, and net outlays of the Export-Import Bank from the overall U.S. budget totals and congressional lending ceilings.

I would like to call the close attention of Members of this body to one reason for passage which I believe has not been fully developed as yet: that is, the incongruity of Congress setting one limit on the Bank's activity and the Office of Management and Budget over the succeeding years setting different limits and thus preventing the Bank from attaining the levels of business which the Congress, upon due consideration, deemed appropriate.

Let me explain.

Two distinct fiscal constraints control the level of Eximbank activities—a congressional limit on annual authorizations and an OMB limit on net budget outlay, that is, the difference between budgetary receipts and expenditures.

There is a clear arithmetical link between the Bank's direct loan authorizations and its net budget outlays; but, unfortunately, what would be a true cause and effect relationship becomes distorted by current budgetary practices:

First. Authorization levels are established in relation to demonstrated need. Annually, the Bank reviews pending loan applications, trade forecasts, and availabilities of private funds for export financing. It justifies to the Office of Management and Budget and to the Congress the direct loan authorization level it needs for the fiscal year beginning 18 months later.

Second. Net budget outlay ceilings, however, are not established singularly on the basis of the difference between disbursements on loans authorized in previous years and the anticipated receipts of repayment of principal and interest on previous loans; rather, they are established more often on the basis of how best can the administration during the current year minimize the Federal deficit or maximize the budget surplus.

Eximbank loan disbursements follow loan authorizations by as long as 5 years, and repayments of principal and interest naturally lag even further behind disbursements. It is, therefore, a distortion of the Bank's normal business to apply budget policy in the current year against trade policy previously agreed upon as long as 5 years earlier.

Exclusion of Eximbank from the budget, as is proposed by S. 4268, now pending before the House, would eliminate this distortion.

The major control on the Bank's activities then would be the direct loan authorization level agreed upon each year by the administration and the Congress. There would be no ensuing net budget outlay. Instead, the Bank would be expected to fund its disbursements on loans in an orderly manner and conduct its fiscal operations according to standard corporate financing and accounting practices.

The authorization/disbursement lag is difficult to predict in advance. It depends on the nature, or "product mix," of the items for which export financing is authorized. I understand that aircraft loans, for example, tend to disburse comparatively quickly—15 percent in the year of authorization, 45 percent in the year following authorization, and 30 percent in the second year following authorization. On the other hand, disbursements for nuclear power installations and other large project loans usually extend more than 5 years following authorization.

Thus, it is difficult, indeed it is virtually impossible, to predict with accuracy the Bank's disbursements years ahead of time.

Yet, even if it were possible to predict with complete accuracy the actual disbursements which will follow authorizations in each year, the historical record shows that such predictions are not the basis for the net budget outlay figure periodically allocated to the Bank. Instead, the basis is almost exclusively the desire of an administration to minimize the reported net budget outlays of the overall U.S. budget.

Under the present system, the gap between the net outlay actually resulting from previous authorizations and the net outlay figure allocated to the Bank by budget officials is spanned by the Bank's sale of certificates of beneficial interest (CBI). These so-called sales of as-

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sets are accounted for as budgetary receipts although many persons, most notably the General Accounting Office, believe that such sales are really and truly a form of borrowing and, thus, should not be accounted for as budgetary receipts.

Discounting the legal entanglement of whether a CBI is an actual sale of assets, it is unquestionably a cumbersome, costly, and inefficient method of funding the Bank's operations.

The Bank clearly has the authority to fund its operations through borrowings from the public money market as well as from the Treasury.

With Eximbank excluded from the budget, no budget gap would need to be spanned and the Bank could fund its direct lending programs upon an as-needed schedule with sales of the types of debt obligations which are readily marketable at most favorable rates.

Mr. GROSS. Mr. Speaker, may I ask how much time remains on both sides?

The **SPEAKER.** The gentleman from Iowa has 2 minutes remaining and the gentleman from Texas has 1 minute remaining.

Mr. GROSS. Mr. Speaker, I want to respond to the several gentlemen who have spoken on the urgency of this legislation.

Where in the world has the House Committee on Banking and Currency been all these months. The committee did not hold a single hearing. They never gave the slightest consideration to this legislation. Yet they have the colossal gall to come here tonight and shout about the urgency of this legislation, which will set a precedent by rupturing orderly budget procedure.

Mr. Speaker, I yield the remainder of the time to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I have tried to listen impartially to this, but you know if this thing is as urgent as the proponents say, you know I am a little bit curious about when they found out about it. I wonder if it had anything to do with the fact that the budget is so horribly out of balance and whether this is going to jerk something more out to make it a little better.

I guess all of us are aware that it is 20 minutes until 8 o'clock in the evening and it is the 30th day of December. If the administration is just waking up to this on the 30th of December, maybe they ought to go into the new year with the budget the way it always has been and then come back and tell us what their problem is next year—because it looks like we are going to be here next year.

Mr. PATMAN. Mr. Speaker, may I inquire if the gentleman from Iowa has consumed all of his time?

The **SPEAKER.** The gentleman from Iowa has consumed all of his time.

Mr. PATMAN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HANNA) to answer the gentleman from Texas (Mr. GONZALEZ).

Mr. HANNA. Mr. Speaker, I rise only to emphasize the fact that this whole thing has been disturbing.

Mr. GONZALEZ. The accusation that the banks are trying to get from under mandatory control is not true. It would still have to go through the appropriation route. It would still have to be accountable to the budget. This is a must piece of legislation. I agree with the gentleman.

One other point, and that is the charge has been made that the bank wants more money at this time. That is simply not the case at all. I want to join in the remarks made by the gentleman from California in this regard.

Mr. HANNA. I thank the gentleman.

The **SPEAKER.** All time has expired.

The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill S. 4268.

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 56, noes 40.

Mr. PATMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 161, nays 102, not voting 169, as follows:

[Roll No. 455]

YEAS—161

Adams
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Ashley
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bevill
Biester
Bingham
Blanton
Blatnik
Boggs
Bolling
Brademas
Brasco
Bray
Brooks
Brotzman
Brown, Mich.
Burke, Mass.
Bush
Byrne, Pa.
Byrnes, Wis.
Carey
Carney
Cohelan
Collins, Tex.
Conable
Conte
Corman
Coughlin
Culver
Daniels, N.J.
Donohue
Dulski
Eilberg
Eshleman
Feighan
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Galifianakis
Garmatz
Gaydos
Gonzalez
Green, Oreg.
Green, Pa.
Griffin
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Hastings
Hathaway
Heckler, Mass.
Helstoski
Hogan
Horton
Hosmer
Jarman
Johnson, Calif.
Jones, Ala.
Kastenmeier
Kazen
Keith
King
Kluczynski
Koch
Kyros
Lloyd
McCloskey
McDade
McFall
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Mayne
Meeds
Mikva
Mills
Minish
Mink
Mizell
Mollohan
Monagan
Morgan
Morse
Murphy, N.Y.
Nelsen
Nix
Obey
O'Hara
Patman
Patten
Pelly
Perkins
Philbin
Pickle
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Rees
Reid, N.Y.
Reuss
Robison
Rodino
Roe
Rooney, Pa.
Roth
Roybal
Ryan
St Germain
Scheuer
Schwengel
Shriver
Sisk
Smith, N.Y.
Springer
Stanton
Steele
Stephens
Stratton
Symington
Taft
Teague, Calif.
Thompson, N.J.
Tiernan
Tunney
Udall
Van Deerlin
Vander Jagt
Waldie
White
Whitehurst
Widnall
Williams
Wolff
Wright
Yates
Young

NAYS—102

Abernethy
Addabbo
Ashbrook
Baring
Bennett
Betts
Biaggi
Boland
Bow
Brinkley
Brown, Ohio
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Cabell
Camp
Cederberg
Chamberlain
Chappell
Clancy
Cleveland
Colmer
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Downing
Duncan
Flowers
Flynt
Foreman
Frey
Fulton, Pa.
Fuqua
Goodling
Gross
Hall
Harsha
Hays
Hechler, W. Va.
Hunt
Hutchinson
Ichord
Jacobs
Jones, N.C.
Kee
Kuykendall
Kyl
Landgrebe
Latta
Long, Md.
Lukens
McCarthy
McClure
Mahon
Mann
Marsh
Melcher
Miller, Ohio
Montgomery
Natcher
Nedzi
Olsen
Passman
Pettis
Pike
Poage
Poff
Quillen
Rarick
Roberts
Rogers, Fla.
Ruth
Sandman
Satterfield
Saylor
Schmitz
Schneebeli
Skubitz
Slack
Smith, Iowa
Steed
Steiger, Wis.
Stokes
Stubblefield
Taylor
Teague, Tex.
Thomson, Wis.
Vanik
Vigorito
Wampler
Ware
Whitten
Wylie
Wyman
Zablocki
Zwach

NOT VOTING—169

Abbitt
Adair
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Aspinall
Ayres
Berry
Blackburn
Brock
Broomfield
Brown, Calif.
Broyhill, N.C.
Buchanan
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Caffery
Carter
Casey
Celler
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Collier
Collins, Ill.
Conyers
Corbett
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
de la Garza
Delaney
Denney
Diggs
Dingell
Dorn
Dowdy
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fish
Ford, William D.
Fountain
Friedel
Fulton, Tenn.
Gallagher
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gray
Griffiths
Grover
Gubser
Haley
Hansen, Wash.
Harvey
Hawkins
Hébert
Henderson
Hicks
Holifield
Howard
Hull
Hungate
Johnson, Pa.
Jonas
Jones, Tenn.
Karth
Kleppe
Landrum
Langen
Leggett
Lennon
Long, La.
Lowenstein
Lujan
McClory
McCulloch
McDonald, Mich.
McEwen
McKneally
McMillan
MacGregor
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Minshall
Mize
Moorhead
Morton
Mosher
Moss
Murphy, Ill.
Myers
Nichols
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Pepper
Pollock
Powell
Price, Tex.
Purcell
Railsback
Randall
Reid, Ill.
Reifel
Rhodes
Riegle
Rogers, Colo.
Rooney, N.Y.
Rosenthal
Rostenkowski
Roudebush
Rousselot
Ruppe
Schadeberg
Scherle
Scott
Sebelius
Shipley
Sikes
Smith, Calif.
Snyder
Stafford
Staggers
Steiger, Ariz.
Stuckey
Sullivan
Talcott
Thompson, Ga.
Ullman
Waggonner
Watson
Watts
Weicker
Whalen
Whalley
Wiggins
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wyatt
Wydler
Yatron
Zion

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. O'Neill of Massachusetts with Mr. Rhodes.
Mr. Hébert with Mr. Del Clawson.
Mr. Waggonner with Mr. Minshall.
Mr. Hull with Mr. Broomfield.
Mr. Henderson with Mr. Andrews of North Dakota.
Mr. Lennon with Mr. Martin.
Mr. Burton of California with Mrs. Chisholm.
Mr. Miller of California with Mr. Smith of California.
Mr. Charles H. Wilson with Mr. Ruppe.
Mrs. Sullivan with Mrs. Dwyer.
Mr. Holifield with Mr. Carter.
Mr. Karth with Mr. Adair.
Mr. Celler with Mr. Wydler.
Mr. Moss with Mr. Bob Wilson.
Mr. Rooney of New York with Mr. Corbett.
Mr. Rostenkowski with Mr. Jonas.
Mr. Shipley with Mr. Johnson of Pennsylvania.
Mr. Sikes with Mr. Myers.
Mr. Gallagher with Mr. Erlenborn.
Mr. Gettys with Mr. Thompson of Georgia.
Mr. Gray with Mr. Whalley.
Mr. Clark with Mr. Don H. Clausen.
Mr. Andrews of Alabama with Mr. Blackburn.
Mr. Moorhead with Mr. Fish.
Mr. Delaney with Mr. Stafford.
Mr. Dingell with Mr. McDonald of Michigan.
Mr. Dorn with Mr. Denney.
Mr. Edmondson with Mr. Talcott.
Mr. Edwards of California with Mr. Conyers.
Mr. Evins of Tennessee with Mr. Buchanan.
Mr. Fountain with Mr. Price of Texas.
Mr. Fulton of Tennessee with Mrs. Reid of Illinois.
Mr. Nichols with Mr. Scott.
Mr. Leggett with Mr. Clay.
Mr. Jones of Tennessee with Mr. Mize.
Mr. Hicks with Mr. McClory.
Mr. Howard with Mr. Ayres.
Mr. Ullman with Mr. Kleppe.
Mr. Long of Louisiana with Mr. O'Konski.
Mr. Burlison of Missouri with Mr. Berry.
Mr. Casey with Mr. Langen.
Mr. Gibbons with Mr. Snyder.
Mr. Randall with Mr. Weicker.
Mr. Staggers with Mr. Goldwater.
Mrs. Hansen of Washington with Mr. Winn.
Mrs. Griffiths with Mr. Harvey.
Mr. Haley with Mr. Zion.
Mr. Farbstein with Mr. Collins of Illinois.
Mr. Rosenthal with Mr. Hawkins.
Mr. Rogers of Colorado with Mr. Sebelius.
Mr. Stuckey with Mr. Rousselot.
Mr. William D. Ford with Mr. Collier.
Mr. Murphy of Illinois with Mr. Brock.
Mr. Lowenstein with Mr. Diggs.
Mr. Edwards of Louisiana with Mr. Mosher.
Mr. Evans of Colorado with Mr. Michel.
Mr. Pepper with Mr. Lujan.
Mr. Aspinall with Mr. Wiggins.
Mr. Abbitt with Mr. Mathias.
Mr. Hungate with Mr. Grover.
Mr. Landrum with Mr. Esch.
Mr. Caffery with Mr. McEven.
Mr. Davis of Georgia with Mr. Wold.
Mr. de la Garza with Mr. Edwards of Alabama.
Mr. Giaimo with Mr. Cunningham.
Mr. Purcell with Mr. Scherle.
Mr. McMillan with Mr. Railsback.
Mr. Yatron with Mr. Morton.
Mr. Anderson of California with Mr. MacGregor.
Mr. Brown of California with Mr. Broyhill of North Carolina.
Mr. Daddario with Mr. Whalen.
Mr. Dowdy with Mr. Watson.
Mr. Eckhardt with Mr. Cowger.
Mr. Gilbert with Mr. Schadeberg.
Mr. Watts with Mr. Meskill.
Mr. Fallon with Mr. Burton of Utah.
Mr. Fascell with Mr. Pollock.
Mr. Friedel with Mr. Cramer.
Mr. Ottinger with Mr. Roudebush.
Mr. O'Neal of Georgia with Mr. Reifel.
Mr. McCulloch with Mr. Steiger of Arizona.
Mrs. May with Mr. McKneally.
Mr. Button with Mr. Gubser.
Mr. Wyatt with Mr. Riegle.

Mr. BROYHILL of Virginia and Mr. TEAGUE of Texas changed their votes from "yea" to "nay."

Mr. PRYOR of Arkansas changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the bill just considered.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Texas?

There was no objection.

FOURTEENTH ANNUAL REPORT ON THE TRADE AGREEMENT PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–433)

The SPEAKER pro tempore (Mr. ALBERT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to the requirements of the Trade Expansion Act of 1962, I transmit herewith the Fourteenth Annual Report on the Trade Agreements Program. This report covers the year 1969.

Stimulated by continued economic expansion, free-world trade in 1969 rose 14 percent to a new record of about $245 billion. In the United States, monetary and fiscal policies designed to restore stable and balanced growth of the economy were reflected in a slowdown of the increase in imports, while exports continued to rise at about the same rate as in 1968. As a result, the deterioration in the U.S. trade balance that had characterized performance during the previous four years was reversed.

During the period covered by this report, I forwarded to the Congress my proposals for new trade legislation. These proposals, together with others, are still under consideration. The decisions taken by the Congress will have an important bearing on our ability to advance our national interest, both in terms of sound growth of the domestic economy and further development of international cooperation so that trade can continue to be an engine of progress rather than a source of conflict among nations.

This Administration remains committed to the objective of expanding mutually advantageous world trade. The record of the United States demonstrates clearly its willingness to assume its obligations in this field. We must continue to do our part, while at the same time defending vigorously the rights of our traders under international agreements.

The economic and political dynamics of the 1970s will enhance the importance of trade in relations among nations. In 1969, part of the essential groundwork was initiated; the Commission on International Trade and Investment Policy is currently examining new approaches tailored to our long term domestic and foreign policy interests. With Congressional support for policies aimed at securing a more open world trading system, I am confident that the United States will reap its full share of the benefits from closer international cooperation to achieve greater prosperity and better relations throughout the world.

RICHARD NIXON.

THE WHITE HOUSE, *December 30, 1970.*

CONFERENCE REPORT ON H.R. 19172, LEAD-BASED PAINT POISONING PREVENTION ACT

Mr. BARRETT submitted the following conference report and statement on the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation:

CONFERENCE REPORT (H. REPT. No. 91–1802)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Lead-Based Paint Poisoning Prevention Act".

TITLE I—GRANTS FOR THE DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

GRANTS FOR LOCAL DETECTION AND TREATMENT OF LEAD-BASED PAINT POISONING

SEC. 101. (a) The Secretary of Health, Education, and Welfare (hereafter referred to in this title as the "Secretary") is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out local programs to detect and treat incidents of lead-based paint poisoning.

(b) The amount of any such grant shall

XUM

not exceed 75 per centum of the cost of developing and carrying out a local program, as approved by the Secretary, during a period of three years.

(c) A local program should include—

(1) educational programs intended to communicate the health danger and prevalence of lead-based paint poisoning among children of inner city areas, to parents, educators, and local health officials;

(2) development and carrying out of intensive community testing programs designed to detect incidents of lead-based paint poisoning among community residents, and to insure prompt medical treatment for such afflicted individuals;

(3) development and carrying out of intensive followup programs to insure that identified cases of lead-based paint poisoning are protected against further exposure to lead-based paints in their living environment; and

(4) any other actions which will reduce or eliminate lead-based paint poisoning.

(d) Each local program shall afford opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint poisoning elimination programs.

TITLE II—GRANTS FOR THE ELIMINATION OF LEAD-BASED PAINT POISONING

Sec. 201. The Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out programs that identify those areas that present a high risk to the health of residents because of the presence of lead-based paints on interior surfaces, and then to develop and carry out programs to eliminate the hazards of lead-based paint poisoning.

(a) A local program should include:

(1) development and carrying out of comprehensive testing programs to detect the presence of lead-based paints on surfaces of residential housing;

(2) the development and carrying out of a comprehensive program requiring the prompt elimination of lead-based paints from all interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing on which lead-based paints have been used as a surface covering, including those surfaces on which non-lead-based paints have been used to cover surfaces to which lead-based paints were previously applied; and

(3) any other actions which will reduce or eliminate lead-based paint poisoning.

(b) Each such program shall—

(1) be consistent with the appropriate local program assisted under section 101, and

(2) afford, to the maximum extent feasible, opportunities for employing the residents of communities or neighborhoods affected by lead-based paint poisoning, and for providing appropriate training, education, and any information which may be necessary to inform such residents of opportunities for employment in lead-based paint elimination programs.

TITLE III—FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

Sec. 301. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead-based paint poisoning in the United States, particularly in urban areas, and the methods by which lead-based paint can most effectively be removed from interior surfaces, porches, and exterior surfaces to which children may be commonly exposed, of residential housing. Within one year after the date of the enactment of this Act the Secretary shall submit to the Congress a full and complete report of his findings and recommendations as developed pursuant to such program, together with a statement of any legislation which should be enacted, and any changes in existing law which should be made, in order to carry out such recommendations.

TITLE IV—PROHIBITION AGAINST FUTURE USE OF LEAD-BASED PAINT

PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN FUTURE CONSTRUCTION AND REHABILITATION

Sec. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in residential structures constructed or rehabilitated after the date of enactment of this Act by the Federal Government, or with Federal assistance in any form.

TITLE V—GENERAL

DEFINITIONS

Sec. 501. As used in this Act—

(1) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(2) the term "units of general local government" means (A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, (B) any combination of units of general local government in one or more States, (C) an Indian tribe, or (D) with respect to lead-based paint poisoning elimination activities in their urban areas, the territories and possessions of the United States; and

(3) the term "lead-based paint" means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of liquid paints or in the dried film of paint already applied.

CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES

Sec. 502. In carrying out the authority under this Act, the Secretary of Health, Education, and Welfare shall cooperate with and seek the advice of the heads of any other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority.

APPROPRIATIONS

Sec. 503. (a) There is hereby authorized to be appropriated to carry out the provisions of title I of this Act not to exceed $3,330,000 for the fiscal year 1971 and $6,660,000 for the fiscal year 1972.

(b) There is hereby authorized to be appropriated to carry out the provisions of title II of this Act not to exceed $5,000,000 for the fiscal year 1971 and $10,000,000 for the fiscal year 1972.

(c) There is hereby authorized to be appropriated to carry out the provisions of title III of this Act not to exceed $1,670,000 for the fiscal year 1971 and $3,340,000 for the fiscal year 1972.

(d) Any amounts appropriated under this section shall remain available until expended when so provided in appropriation Acts; and any amounts authorized for the fiscal year 1971 but not appropriated may be appropriated for the fiscal year 1972.

And the Senate agree to the same.

William A. Barrett,
Henry Reuss,
T. L. Ashley,
William Moorhead,
William B. Widnall,
Seymour Halpern,
J. William Stanton,
Managers on the Part of the House.

Ralph W. Yarborough,
Harrison A. Williams,
Edward Kennedy,
Gaylord Nelson,
Thomas F. Eagleton,
Alan Cranston,
Harold E. Hughes,
Peter H. Dominick,
Jacob K. Javits,
George Murphy,
Winston Prouty,
William B. Saxbe,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment strikes out all of the House bill after the enacting clause and inserts a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

GRANTS FOR LOCAL ELIMINATION OF LEAD-BASED PAINT

The House bill contained a provision authorizing the Secretary of HUD to make grants to units of general local government for the purpose of assisting these governments in developing and carrying out local lead-based paint elimination programs. The Senate amendment contains a provision authorizing the Secretary of Health, Education, and Welfare to make grants to units of general local government for the purpose of assisting these governments in developing and carrying out local lead-based paint detection and treatment programs. The conference substitute contains the Senate provision.

GRANTS FOR THE ELIMINATION OF LEAD-BASED PAINT POISONING

The Senate amendment contained a provision similar to the House bill authorizing the Secretary of HEW to make grants to units of general local government for the purpose of assisting these governments in developing and carrying out local lead-based paint elimination programs. Such local lead-based paint programs would include comprehensive testing programs to detect the presence of lead-based paint on surfaces of residential housing; programs of eliminating lead-based paint from all interior surfaces and exterior surfaces to which children are commonly exposed and other actions to reduce or eliminate lead-based paint poisoning. The similar House provision would authorize a local program of lead-based paint elimination to include educational programs to communicate the health danger of lead paint in the development of intensive community testing programs to detect incidents of lead paint poisoning. The conference substitute contains the Senate provision.

FEDERAL DEMONSTRATION AND RESEARCH PROGRAMS

The House bill and the Senate amendment contained a provision authorizing the Secretary of HUD in consultation with the Secretary of HEW to develop and carry out a demonstration and research program to detect the nature and extent of lead-based paint poisoning in the United States. The Senate provision authorized this demonstration and research program to establish methods by which lead paint can be effectively removed from interior surfaces, porches, and exterior surfaces to which children are commonly exposed. The similar House provision for demonstration and research directs this demonstration and research program to develop methods to effectively remove lead paint from the existing buildings. The conference substitute contains the Senate language.

PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN FUTURE CONSTRUCTION AND REHABILITATION

The House bill contained a provision authorizing the Secretary of HUD to prohibit the use of lead-based paint in all future Federal construction and rehabilitation after date of enactment of this act of any building or structure receiving Federal assistance in any form. The Senate amendment contained a provision authorizing the Secretary of HEW to take such steps and impose such conditions as may be necessary and appropriate to prohibit the use of lead-based paint in Federal construction or rehabilitation of residential housing. The conference substitute contains the Senate provision.

CONSULTATIONS WITH OTHER DEPARTMENTS AND AGENCIES

The House amendment contained a provision authorizing the Secretary of HUD and the Secretary of HEW to cooperate and seek the advice of heads of other Departments or Agencies regarding any programs related to or affected by lead-based paint poisoning problems. The Senate amendment contained no such provision and none is contained in the conference substitute.

GENERAL PROVISIONS

The House bill contained a provision authorizing the Secretary of HEW to make grants to local governments for the detection and treatment of lead paint poisoning. The House provision authorized $5 million for fiscal year 1971 and $5 million for fiscal year 1972. The Senate amendment contained a provision authorizing $7,500,000 for fiscal year 1971 and for each of the two succeeding fiscal years to carry out the provisions of Title I of the Senate bill providing for grants by the Secretary of HEW to local communities for the detection and treatment of lead-based paint poisoning. The conference substitute contains the Senate provision with an amendment authorizing $3,300,000 for fiscal year 1971 and $6,660,000 for fiscal year 1972.

The Senate amendment contained a provision authorizing the Secretary of HEW to make grants to local governments to assist them in developing and carrying out programs to eliminate the cause of lead-based paint poisoning.

The House bill contained a provision authorizing the Secretary of HUD to make grants to local governments to assist them in developing and carrying out programs to eliminate the cause of lead-based paint poisoning. The House provision authorized $10 million for fiscal year 1971 and $10 million for fiscal year 1972.

The conference substitute contains the Senate provision with an amendment authorizing $5 million for fiscal year 1971 and $10 million for fiscal year 1972.

The House bill contained a provision providing for a Federal demonstration and research program with an authorization of not less than 25 percent of the amount available to carry out the grant program. The Senate amendment contained a similar provision authorizing $3,500,000 for fiscal year 1971 and each of the two succeeding fiscal years. The conference substitute contains an amendment authorizing $1,670,000 for fiscal year 1971 and $3,340,000 for fiscal year 1972.

William A. Barrett,
Henry Reuss,
T. L. Ashley,
William Moorhead,
William B. Widnall,
Seymour Halpern,
J. William Stanton,
Managers on the Part of the House.

LEGISLATIVE PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that the Speaker will recognize for calling up under suspension of the rules House Resolution 1321, concerning the continued suffering by Jewish citizens of the Soviet Union, and the conference report on H.R. 13000, to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, on tomorrow.

Mr. Speaker, there may be other suspensions of the rules tomorrow, but these the Speaker has already agreed to recognize.

REQUEST FOR PERMISSION TO DECLARE A RECESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order tomorrow for the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER pro tempore (Mr. Mills). Is there objection to the request of the gentleman from Oklahoma?

Mr. BOW. Mr. Speaker, I object.

THE BETHLEHEM STEEL CORP.'S STUDY OF THE GROWING PROBLEM OF ALCOHOLISM

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, a bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism, S. 3835, is now at the White House awaiting the President's signature. A great deal of public interest and support for the legislation was generated by one of the leading industries in my district, the Bethlehem Steel Corp.

Members of Bethlehem's management studied for many months the growing problem of alcoholism, and in 1965 instituted an alcoholism program to provide help, in the form of professional medical consultation and guidance, to its employees.

Increased medical knowledge of alcoholism has established beyond doubt that alcoholism is a disease, and that an employer can be the single most important force in motivating an employee with alcoholism to seek help.

Bethlehem's alcoholism program is designed to diagnose the disease, counsel the employee suffering from it, and advise him as to treatment. The management feels that without a definite company policy on alcoholism, there is a tendency to do nothing until an alcoholic employee appears on the job in an intoxicated state, or until the employee's work performance has completely deteriorated. In the five years of the Bethlehem program's life, over 60 percent of the enrollees have made dramatic progress toward recovery.

The impact of Bethlehem's program has been felt not only within the company, however, but, through its excellent publicity program, throughout the country. I would like to insert in the Record today the text of a message which has appeared recently in a number of nationwide magazines, as well as a report entitled "Supplementary Information for Supervisors" on the Bethlehem Steel alcoholism program.

HARRY'S LOADED AGAIN—I SAY LET'S FIRE HIM

Harry is a great guy, really. Everybody says so. Darned good welder, too.

Except when he's drinking. And Harry seems to be drinking most of the time.

Because of alcohol Harry missed 11 days from work last month. What do you do with an employee like Harry? Fire him?

Here at Bethlehem we have a better solution. Better for Harry, better for us. We've developed a corporation-wide alcoholism program built on rehabilitation. Each employee with a drinking problem is urged to seek help through this plan.

It's working, too. In the five years of the program's life, over 60% of the enrollees have made dramatic progress toward recovery. Some cases are, of course, hopeless. Such people simply cannot hold a job.

The alcoholic is a person with a serious illness; indeed, alcoholism is the nation's No. 1 neglected health problem. Yet there's a better than even chance that the problem drinker can be saved from his affliction.

Typically, the alcoholic is talented and intelligent. To discard him, then, is indefensible. To try to salvage him is the only answer, on both economic and humanitarian grounds.

We hope we are seeing the dawn of a day when every business and every citizen views the alcoholic for what he is: sick, but not sickening.

Bethlehem Steel.

ALCOHOLISM PROGRAM, BETHLEHEM STEEL CORP.—SUPPLEMENTARY INFORMATION FOR SUPERVISORS

Alcoholism has become a major health problem. There are five million alcoholics in the United States. Two million are employed in industry; and their disease is costing industry about one billion dollars annually.

At Bethlehem's request, the National Council on Alcoholism, an organization having special knowledge and experience with the problem, has surveyed our operations, and has counselled in the preparation of this Program. Among the conclusions reached by that organization are the following:

1. Among Bethlehem employees—as among employees of other companies—are persons whose drinking behavior interferes with their work performance. The proportion of such employees with Bethlehem is probably about the same as that with other companies in industry generally.

2. The estimated annual cost to Bethlehem of present procedures in handling employees with drinking problems is not less than $2.5 million.

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3. Experience in other large companies which have developed formal alcoholism programs has shown that a large percentage of employees having drinking problems can be successfully rehabilitated.

4. Bethlehem can, with the complete cooperation of supervisory personnel and through early detection and referral for therapy of employees with drinking problems, help those employees and at the same time substantially reduce company costs.

Without a definite company policy on alcoholism, there is a tendency to do nothing until an employee with alcoholism appears on the job in an intoxicated state, or until the employee's work performance has completely deteriorated. Then he may be disciplined, or, more frequently, threatened with discipline, only to have such threat repeated over and over again. That practice does not encourage employees with alcoholism to discontinue their drinking habits; it probably has the effect of more firmly establishing addiction.

Increased medical knowledge of alcoholism has established beyond doubt that alcoholism is a disease and that an employer can be the single most important force in motivating employees with alcoholism to seek help. Therefore, Bethlehem has now established a definite program of assistance to employees afflicted with alcoholism.

The Program is neither difficult nor complicated. It will, however, require close cooperation between operating and medical personnel.

It is absolutely necessary to the success of the Program that supervisors participate actively in it. But in order to do so, they must have at least a basic knowledge of the nature of alcoholism; and providing that knowledge is the purpose of this document.

Alcoholism is a disease. It is a chronic, progressive, addictive disease, having grave organic, psychological and social consequences. The length of time over which addiction occurs varies widely, but it is rarely less than five to seven years of moderate to heavy social drinking. The treatment is total abstinence. Complete, permanent avoidance of alcohol is necessary to arrest the disease, because once the disease is firmly established, a single drink or even the small amount of alcohol in a dose of cough syrup will cause an immediate relapse.

Alcoholism is not a sign of impaired morals or lack of will power. Like other diseases, alcoholism occurs without regard to social or economic status, strength of character, educational attainment or personal accomplishment.

It has been estimated that there are seventy million persons in the United States who consume alcoholic beverages. Some sixty-five million of those persons use alcohol because they enjoy its effect upon their emotions and mental processes. Only a few claim to enjoy its taste; a few mistakenly take it as a tonic. Many of those who use alcohol believe it is a stimulant, whereas the fact is that it is a depressant. But by depressing inhibitions and relaxing tensions, its judicious use leads to good fellowship and increased pleasure in social gatherings. This type of drinking is almost universally accepted and is known as social drinking.

To the remaining five million people who drink, two million of whom are employed in industry, alcohol is a problem. For reasons not yet fully understood, these people, usually after years of social drinking, develop an uncontrollable desire for alcohol.

The chain of events leading from social drinking through heavy drinking to compulsive drinking is so predictable that those persons to whom alcohol is or will become a problem are identifiable at an early stage in their disease. The consequences of compulsive drinking usually become evident at this early stage and involve the person in all his relationships. Job performance deteriorates early and rapidly. In the later stages—the so-called skid-row derelict—the individual is, of course, completely unreliable and unemployable.

Early in the disease, persons with alcoholism recognize that drinking is becoming a problem to them, but the social stigma attached to alcoholism is so intense that they will hide it, and will try to not even admit it to themselves as long as possible. This reluctance to admit the existence of the problem is the greatest deterrent in getting early help to the alcoholic.

Experience has shown that the single most effective factor in motivating employed persons with alcoholism to ask for help in overcoming their problem drinking is an enlightened approach by management toward this disease. Successful programs are based on the following premises:

1. Management is concerned only with alcoholism and its effect on the individual and his job; it is not concerned with social drinking.

2. Management recognizes that alcoholism is a chronic, progressive disease affecting some of its employees and that it can be treated.

3. Alcoholism, like any other disease, can be diagnosed only by a physician and should be treated only by or under the direction of a physician, but considerable assistance from both supervision and outside treatment facilities is helpful and necessary.

4. Consistent, firm discipline is often necessary in motivating the employee with alcoholism to accept treatment. Bethlehem's Program is based on those premises.

As with many other diseases, the early treatment of alcoholism offers the greatest chance of success. Unfortunately, persons with early alcoholism not only hide their disease, but they also avoid contact with medical personnel. The earliest signs of the disease are of such a nature that those who know the person intimately are in the best position to recognize the problem. In an industrial organization, the person most likely to recognize the signs of early alcoholism in an employee is his immediate supervisor. For this reason, in the Program, as in effective industrial programs generally, the responsibility for early detection of employees having drinking problems lies with the supervisors. Every supervisor should, therefore, become familiar with the early symptoms of alcoholism so that he can identify employes who may have alcoholism, before they become hopeless addicted.

The symptoms of early alcoholism vary. Generally, persons with the disease complain of frequent or continual tiredness. Frequently, they have or claim to have minor illnesses of a non-specific nature, such as colds, virus infections, upset stomach, or flu. The drinker may have blood-shot eyes, red nose, flushed face, and the odor of alcohol on his breath. He may make frequent and lengthy trips to the toilet and may often be absent from his work place. He may have a wide range of alibis for his own failures and blame others for his own mistakes. He may develop shakiness of the hands and an unsteady gait. He may become vague and unable to concentrate. He may have a faulty memory and show wide shifts in mood from exhilaration to depression. He may suffer minor injuries for which he disclaims all responsibility. His work pace may become quite uneven, and generally slows more and more. His own production and that of his co-workers suffers. He may have problems with his wife and his children. He may have traffic accidents and police charges of careless or drunken driving. He may frequently be tardy or absent, especially on Monday and on the day after pay-day. His friends and fellow workers begin to know him as a "good guy when he's sober, but he drinks too much".

However, it is important to recognize that just as all people are different, so are alcoholics different. Some will exhibit all these symptoms in just about the order listed; others will exhibit only a few.

It is equally important to recognize that personal problems or diseases other than alcoholism may cause certain of the signs and symptoms of early alcoholism and that not everyone who exhibits these symptoms is an alcoholic. That is why diagnosis can be made only by a physician.

ATTEMPT TO SHIFT BLAME FOR UNPASSED LEGISLATION

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, I hold in my hand one of several news releases from the ticker, wherein the other body of this Congress is beginning to point the finger and shift the blame for various pieces of unpassed legislation toward this body, which has waited much too long in a lameduck session and dawdled on the strings of poor leadership, waiting for the other body to act.

Mr. Speaker, I, for one, resent any Member of that other body casting the finger of scorn, whether it be by aspersion, whether it be by indirection, or whether it be by inference, or the common means of trying in the headlines to pit the body of public opinion against another body when it is they who have filibustered for 13 weeks.

I use the word "filibuster" advisedly—which we do not do in this body—on the question of busing, on the question of Cambodia long after it became a moot question and our men had been withdrawn, on the question of the confirmation of executive nominees for Supreme Court Justices, and now on the question of the transportation appropriation bill, the SST, and at least six other current issues.

I resent it when that other body decries and denigrates the value of the Congress as a whole in the minds of the American people.

I resent it, Mr. Speaker, and I think this body joins me, when any particular individual says that with 4 days to go before the 91st Congress must adjourn that surely the House will meet with them to iron out a bill that has more than 100 differences therein and which, in the wisdom of our people who passed the legislation over 7 months ago, could not possibly be ironed out.

I resent it when the man who makes these allegations was the man who put together the Christmas tree of foreign trade, reciprocal trade, and welfare plans along with Social Security Amendments of 1970, and only this week has removed those Christmas tree ornaments and left whole some kind of a social security bill.

I believe we should adjourn this Congress and go home, as I have said so often, without regard to inept leadership or the other body.

Since when can this House act when the other body is holding the papers on the proposed legislation?

ON THE QUESTION OF FILIBUSTERS

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, if speaking at length in the other body is called a filibuster, what is it called when one speaks for 60 seconds and it winds up being 4 minutes in this body?

Mr. Speaker, I yield back the remainder of my time.

THE 75TH ANNIVERSARY OF THE FREE PUBLIC LIBRARY OF KEARNY, N.J.

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, the town of Kearny, N.J., located in the 14th Congressional District, which is my great privilege to represent, is currently celebrating the 75th anniversary of the existence of its free public library.

Established in 1895 and built with funds donated by Andrew Carnegie, the Kearny Free Public Library has grown from its humble beginnings as a circulating library with 600 volumes to a modern, well-equipped library of which the town of Kearny is justifiably proud.

I have been provided with a history of the Kearny Free Public Library which I found most interesting and I am sure that my colleagues will find it well worth reading. I include this historical account in the RECORD:

A HISTORY OF KEARNY FREE PUBLIC LIBRARY FROM 1895 TO 1970

(By Mrs. Walter C. Hipp)

Kearny Free Public Library had its beginning only twenty-eight years after Kearny was designated a Township by the New Jersey Legislature of 1867.

The Woman's Literary Club of Arlington, organized in 1894 and now The Woman's Club of Arlington, felt there was great need for a Public Library for the residents of the new Township. To provide funds for such an ambitious undertaking, in 1895 the Editor of the then Kearny Republican, forerunner of The Observer, Kearny's weekly newspaper, offered the Literary Club the privilege of composing one issue of the paper, the proceeds of that issue to be used by the club to found a Public Library in Arlington. The funds were used to purchase books for the proposed library and book donations by club members increased their stock. Thus, in 1895, the first circulating library in Kearny-Arlington began in the office of the local newspaper at 159 Midland Avenue. The library was serviced, maintained and staffed by members of the Literary Club. Beginning modestly with the original purchases and gifts, the inventory increased until the acquisitions numbered 600 volumes and an increase in library patrons showed a great need for larger quarters to adequately serve the 15,000 residents of the town.

Through the efforts of former Councilman John B. Davidson and Mayor Eugene R. Goldberg, the Kearny Town Council on March 23, 1904 passed a Resolution to submit the question of whether a Free Public Library should be established to the regular voters of the town at the Annual Town Election on April 12, 1904. The vote was decidely in favor of a Public Library.

Andrew Carnegie, noted steel magnate and philanthropist, had assured the town he would donate a sum of money sufficient to erect a building provided the town purchased a site and would appropriate annually sufficient funds to properly maintain it.

The Town Council on April 30, 1904 appointed three library commissioners and on May 25, 1904 appointed two additional library commissioners for the proposed library. The July 13, 1904 minutes of the Town Council records receipt of a letter from the Library Commission notifying the council that the board had organized and elected Jesse Carver, President, Edward A. Strong, Secretary, L. W. Lindblem, Treasurer, the other commissioners being James K. Allen and Henry Chapman. Mayor Goldberg and Superintendent of Schools S. Arthur Brown were ex-officio members.

In 1904 and 1905 Mr. Chapman and Mr. Lindblem served as a committee to investigate suitable sites for the library building, their recommendation being the Boyd Tract on the corner of Kearny and Garfield Avenues measuring 100 x 100 feet. The first Account Ledger of the Library Commission shows Lots 251 to 254, Block 1535 were purchased October 12, 1905 for $2,750.00. Bids on the new building were sent out, plans drawn up, and on October 27, 1906 the cornerstone of Kearny Free Public Library was laid. The architects selected for the structure were J. C. Davis and Calvin E. Keissling of New York City.

The Account Ledger of the Library Commission shows Mr. Andrew Carnegie's cash gifts to be December 24, 1906 $6,432., February 26, 1907 $8,000., April 6, 1907 $3,070., May 11, 1907 $3,500 , June 11, 1907 $5,200., June 29, 1907 $1,398., a total gift of $27,600. to the Town of Kearny for construction of its library, a structure of brick and stone, the architectural style Greek with Doric Columns.

Kearny Free Public Library opened its doors to the public on July 27, 1907. The Program of Opening Exercises of Kearny Library opened with selections by the West Hudson Choral Union under the direction of James Brierley, Invocation by Rev. S. Trevena Jackson, Pastor of First Methodist Episcopal Church, Presentation of the keys of the building by President of Board of Trustees Jesse Carver and their acceptance by Mayor Eugene N. Goldberg, music by the Knox Quartette, Mr. and Mrs. James Brierley, Mrs. Joseph Marsden and James Lennox, with soprano solos by Miss Alice Winters, their Accompanist being Miss Joan Lyon.

The principal speaker was John Cotton Dana, Librarian of Newark Library. Other speakers were Mrs. Florence Frapwell, 1st Vice President of the Woman's Literary Club of Arlington, William C. Kimball of Passaic, a member of the New Jersey State Library Board, Rev. Roland B. Dawson, with the Benediction by Rev. Father Thomas A. Conroy, Pastor of St. Cecilia's Roman Catholic Church. The newspapers of the day commented an unusual feature at the opening of the building was a floral piece on the Main Desk in the form of a big book made wholly of white carnations and pansies, with a wide red ribbon book-mark bearing in gold silk the motto "Knowledge Is Power".

Miss Edna KilGour was appointed Librarian on January 1st, 1907. A temporary work office was provided through the kindness of the Kearny Board of Education, therefore, on the Public Opening, July 29, 1907, the librarian had catalogued the 2,500 volumes ready for circulation. The First Annual Report of the library in 1908 stated there were 2,120 borrowers at the end of the first year, 1,091 being below the Quincy Avenue line and 1,029 coming from above the line, "which facts show the influence of the library throughout the town." The First Annual Report stated 1,800 volumes were added this first year, making a total of 4,600 volumes, that of this number 360 were given by the Woman's Literary Club of Arlington, 800 by the schools, 195 gifts from various Public-spirited citizens, and the remaining 3,245 had been purchased at an average cost of 59 cents per volume, that "with a population of 15,000, the circulation shows about 3 books per capita." A speech before a Civic Club by Trustee Chapman expressed appreciation for the loan to the library of the Teachers' Library which, he said, was of great value not only to the teachers but to the many students attending the Normal Schools.

All the floor covering in the new building was given by The Nairn Linoleum Co. of Kearny through the effort of Mr. Peter Campbell. Commission James K. Allen furnished the trees for beautification of the grounds.

Miss M. Belle KilCour was appointed Chief Librarian in 1910, succeeding her sister in that capacity. She held this position for 29 years, until 1939. A listing of former Presidents of the New Jersey Library Association shows Miss M. Belle KilGour was its president for the 1920–1921 term.

Public interest and use of the library caused the Board of Trustees in 1910 to increase the hours the library was open: 10 to 12 noon, 1 to 6 P.M. 7 to 9 P.M. six days a week. In 1914 it was voted to have the library open continuously from 10 A.M. to 9 P.M. each weekday.

The threat of encroaching home construction caused the library trustees in 1910 to purchase the four lots facing Chestnut Street directly in the rear of the library building for $2,830, thereby providing for future growth of the Institution.

Speaking before the Women's Literary Club in 1910, Library Trustee Chapman complimented the club and especially their Mrs. Kilborn for starting a library Picture Collection, Mrs. Kilborn herself having pasted over 3,000 pictures of artists and paintings which through the years had proved of inestimable value to school teachers, local organizations and especially students of art, making unnecessary time-consuming visits to Newark Library for these aids. Asked by the members how the club might serve the library. Mr. Chapman suggested volunteers continue mounting pictures for this collection, which was done for over fifty years.

The July 30, 1912 Library Board Minutes record the gift of 2 bronze plates from the wreck of the U.S. Battleship Maine by Mayor Louis Brock, which relics are still on view on the main hall wall of the library.

An entry in Library Minutes of June 1913 reflects the value placed on library books when report was made a book borrowed by "a man named Turner" had not been returned. The Secretary was instructed to accompany the Assistant Librarian to the man's place of business in Newark and demand the return of the book.

For the next ten years the library paralleled the town in growth, and by 1922 it become necessary to build a Mezzanine Floor, with steel stacks, to relieve the crowded stack area of the library.

Need of a Branch Public Library became urgent from the many requests of residents living in the upper section of town for library facilities nearer home. Through the cooperation of the Kearny Board of Education in making available a room in Roosevelt School at Kearny and Stewart Avenues, in 1922 the Kearny Branch Library was opened for service to the public. After five years in this location, it became evident the quarters in Roosevelt School were no longer adequate, a separate building for the expanding Branch being desirable. In 1927 a former residence located on the corner of Kearny and Stuyvesant Avenues, on a plot 55 x 125 feet, was purchased for $25,000, and a new home for the Kearny Branch Public Library was a reality.

Despite the addition in 1922 of a mezzanine floor, continued growth of the town and in the number of library patrons and increased library services to the public made enlargement of the facilities mandatory. The Library Board of Trustees recommended to the Mayor and Town Council that an addition to the original building be made, which recommendation met with town-wide approval and authorization to so do by the town authorities. Work was begun September 7, 1928 and completed in the Fall of 1929 on a new wing extending the building through to Chestnut Street, with a separate

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entrance on Chestnut Street, giving approximately four times the ground space of the original building and ten times more floor space. The addition cost $135,000. The enlarged library was formally opened to the public on February 27, 1930. The spacious building became the meeting place for many town groups and organizations, for flower shows and exhibits. During World War II classes in First Aid and Home Nursing under the direction of the American Red Cross were held there. Kearny Library still assists the American Red Cross as the dispensary of its wheel chairs, crutches and other equipment for the ill or injured, without charge. This service is much used and appreciated by local residents.

Kearny Public Library offers its facilities and many services to the community, sponsors children's story hours, summer reading programs, library orientation instruction for all local school children, up-to-date reference and encyclopedia manuals, and presents timely and interesting exhibits for the public.

During the Town of Kearny's Centennial Celebration in 1967, in honor of the town's famous Civil War Hero, Major General Philip Kearny, Board President John A. McLaughlin and the members of the library board dedicated and opened to the public on October 31, 1967 the "Gen. Philip Kearny Room" to house the collection of special books, artifacts and material on Gen. Kearny, the Town of Kearny, and the State of New Jersey. The room is reminiscent of the General's mid-victorian era, the library's staff themselves hanging the specially selected paper and drapes. On its walls are paintings of General Kearny by local artists, sketches and pictures of historic buildings and areas of the town, and town and state maps. One of the most valuable exhibits is the original Commission to Gen. Kearny and First Lieutenant of the Dragoons signed by President James K. Polk. The document had been in the Kearny family for many years and was presented to the town during its Centennial by Gen. Phil's Great-Granddaughter, Mrs. Philip Bowers of Fair Haven, New Jersey, at a luncheon honoring the General's Birthday.

Another gift to the Kearny Library received during the town's Centennial Celebration came from the Women's Club of Arlington, formerly the Arlington Literary Club, founder of Kearney's first circulating library in 1895. On March 14, 1967 the local Club presented a Recordak Microfilm Reader, together with $500, to start a Microfilm Tape Library, which was received by Board President McLaughlin on behalf of the library. The following year the Woman's Club added to the Microfilm Library and on hearing of its need for an Overhead Projector to aid pending orientation classes, presented the library with this instruction aid.

In March, 1969, the Town of Kearny dedicated the Town of Kearny Memorial Book collection to perpetuate the individual memory and name of the 257 Kearny Men who gave their lives for this country in World War I, World War II, Korea and Vietnam. Each Memorial Volume carries on a special Memorial Bookplate the name and, where obtainable, a short biography of the serviceman it honors. As any Memorial Book wears out, a new copy will replace it with the same serviceman's Memorial Bookplate reinserted, thereby making the Collection a Living Memorial Through Books to Kearny's Honored Dead. Kearny Free Public Library was selected by the town officials for the safekeeping and care of this special Collection, the books being available to the borrowing public on presentation of a library card. A list of the 257 Honored Dead and the book dedicated to his memory is available at the library's Main Desk.

At the dedication of the Memorial Book Collection, a Korea-Vietnam Honor Roll Plaque with bronze plates inscribed with the name, war and date killed in combat of Kearney men lost in these two conflicts was presented jointly by the United Veterans Organization and Kearny Library Trustees. The Plaque was to be hung in Kearny Library above the special bookcase containing the Town of Kearney Memorial Volumes.

On Memorial Day 1970 the United Veterans Organization and Mayor Anthony Cavalier of Kearny placed a wreath of living flowers during a UVO Memorial Service at this Honor Roll Plaque which at present is Kearny's only Memorial to the men who gave their lives for this country in Korea and Vietnam. This Memorial Day Service and the placing of the Wreath at the Memorial in the library will be done annually on May 30th by the Veterans Organization.

On June 2, 1970, the permanent exhibit of the late Harold S. Latham's "Gone With the Wind Collection", printed in twenty-five languages, was honored and opened to the public at an Open House in "The Gen. Philip Kearny Room". Mr. Latham, a noted local author and publisher, had willed that on his death this Collection, together with other outstanding books from his private library, should be given to Kearny Public Library. Mr. Latham was a Vice President of MacMillan Publishing Company of New York City and the "discoverer" of Margaret Mitchell of Atlanta, writer of the famous book which has become an equally famous movie, "Gone With the Wind".

A recent acquisition of Kearny Public Library, and now part of its historical material in "The Gen. Kearny Room", is a Tape-Recording of an hour long radio broadcast over Station WCOU, the program being "Kearny: 100 Years of Progress", during the 1967 celebration. It includes a commentary on Kearny's early history by Mrs. Walter C. Hipp, highlights of the Centennial by former Mayor Joseph M. Healey, a report by Dr. Edmund L. Tink on the first Inter-Faith Church Service initiated during the Centennial, and Mrs. Catherine Crane, Principal of Garfield School, Kearny, on what the schools did in celebrating the 100th Birthday of the town.

Another document helpful and interesting to Kearny-History-researchers to be found in "The Genl. Kearny Room" is a large Scrap Book entitled "Town of Kearny" kept by Mrs. Hipp when a Kearny Centennial Commission member. It is an indexed file of information and clippings on the participation in Kearny's Centennial Program by local groups and organizations, with photographs of events, parades and dedications held during the Anniversary Year. It includes material on early Kearny history and growth, biographical information on General Kearny, articles on the town printed in newspapers during the Centennial and reminiscences of old residents.

Other rare publications now on file, for reference only, in "The Gen. Kearny Room" include "Picturesque Arlington", with views of Kearny in the early 1900s and paragraphs on some of the town's early and prominent citizens. Another now very rare booklet contains sketches of historic buildings, homes and sites in Kearny done by the late William C. Brigham, local artist.

From its humble beginning as a circulating library in the office of the local newspaper in 1895 to 1970, with its modern equipment and increased staff, Kearny Free Public Library has an interesting history it can well be proud of.

Kearny's Library Directors:
1907–10—Miss F. Edna KilGour.
1910–39—Miss M. Belle KilGour.
1939–57—Mrs. Ruth W. Thiel.
1957–66—Mrs. Elisabeth K. Woodland.
1966–68—Mrs. Helen Donnelly, Acting Director.
1968–69—Mrs. Flora Ingalls.
1969– —Miss Erika Schnurmann.

1970 Kearny Library Board of Trustees:
John A. McLaughlin, President.
James Testa, Vice President.
Mrs. Walter C. Hipp, Secretary.
Hilton H. Hodges, Treasurer.
Miss Maureen Vincent.
The Honorable Anthony Cavalier, Mayor, Ex-Officio.
Dr. Robert E. Mulligan, Supt. of Schools, Ex-Officio.

PRESIDENT NIXON'S VETO OF THE FAMILY PRACTICE OF MEDICINE ACT

The **SPEAKER** pro tempore (Mr. MILLS). Under a previous order of the House the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

(Mr. MATSUNAGA asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. MATSUNAGA. Mr. Speaker, President Nixon by announcing last Saturday, December 26, 1970, that he was "pocket vetoing" the family doctor training bill, has raised serious questions as to whether or not that bill actually became law without his signature.

The President's authority of pocket veto was obviously intended by the framers of our Federal Constitution to be exercised during that period after the Congress adjourns the session, and not, as in this instance, where both the Senate and the House recess for a few days to reconvene on a day certain and continue the session. The President knew when he made his unprecedented announcement that the Congress had only recessed for a few days in observance of the Christmas holidays and would resume the session this week. He knew too that the Secretary of the Senate and the Clerk of the House had been duly designated by the Senate and House respectively to receive messages from him during the recess.

Why then did President Nixon not choose to exercise his regular veto power and return the bill to the Congress within the required 10-day period after receiving it? Could it not be that in the light of the fact that the Senate had passed the measure with only one dissenting Member and the House with only two negative votes, he did not wish to suffer the embarrassment of an override of his veto?

I strongly believe that President Nixon's so-called pocket veto of the family doctor training bill was totally ineffective and invalid. Having received the bill for his signature on December 14, 1970, he was under a legal duty to return the bill to the Congress, with or without a veto message, on December 25, 1970, within the required 10-day period—excluding Sunday—in order to exercise his veto power effectively. By failing to do this, the President may have allowed the family doctor training bill to become law without his signature.

As a cosponsor of the House measure on the training of family doctors, I call upon the chairman of the House Committee on Interstate and Foreign Commerce to seek a court ruling if necessary, to settle this most important question.

IN SUPPORT OF RESOLUTION CONDEMNING LENINGRAD TRIALS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I was privileged today to join with the distinguished chairman of the Judiciary Committee and the dean of the House, the able and beloved EMANUEL CELLER, in cosponsoring a briefing in the House Judiciary room on the Leningrad trials and the growing crisis of Soviet anti-Semitism.

This emergency meeting was held jointly with representatives of the Conference of Presidents of Major American Jewish Organizations and the American Jewish Conference on Soviet Jewry. Many of our colleagues, representing a cross section of religious, political, and geographic backgrounds, participated fully in this session.

An up-to-the-moment briefing was presented to the gathering by Dr. William Korey and a most enlightening question-and-answer period and discussion followed. The concensus, as reflected by minority leader GERALD FORD and Dr. THOMAS MORGAN, chairman of the Foreign Affairs Committee, was to agree with the Senate resolution and, further, to introduce a House resolution sponsored by bipartisan leadership. The following resolution was proposed for introduction today. This unanimity of support reflects the feeling of the American people about the inhuman miscarriage of justice in Leningrad. This feeling reflects the conscience of an outraged world over these recent developments. It is not conceivable that Russia would turn her back on this wide expression of world opinion.

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Hence, all of us at every level must be relentless, not only in calling for a commutation of the death sentences issued by the Leningrad court and for clemency to the victims of injustice, but we must continue to highlight the plight of the Russian Jews and the inhumane Soviet policies toward these persecuted people, particularly the inequitable policy of denying permission to Jews who wish to emigrate to Israel and other countries.

For the edification of those who could not attend today's briefings, I would like to give you the highlights of Dr. Korey's presentation. He likened the Leningrad trial to the 1953 persection of Jews in the Soviet Union. At that time, the Soviet kangaroo court was exposed and the charges were found to be based on a tremendous hoax. The present trial is not too different. The facts clearly indicate entrapment by the Soviet officials.

Dr. Korey described this trial and four other trials which are scheduled to be held as a manifestation of Soviet efforts to stop the bourgeoning growth of Jewish pride. He described this most significant movement as one that is, interestingly, dominated by 20- and 30-year-old people—individuals who have had relatively little Jewish heritage in the traditional sense.

This movement has resulted in tens of thousands of visa applications being sent to Soviet emigration officials as well as more than 200 petitions—all signed by Jews who gave their name and addess. Most of the petition signers have lost their jobs and suffered other persecution, but they seem willing now to take these risks. Several years ago, they would have remained silent.

There are three basic reasons for the new "Jewishness is beautiful" movement in the Soviet Union, according to Dr. Korey. First, unlike the other 108 nationalities the Jews are not permitted any self-identity. They may have no separate newspapers, no separate schools, and no other manifestation of separateness—despite the fact that Russian Jews number approximately 3 million and are the 11th largest of the Soviet ethnic groups. The second reason for the movement is the fact that Soviet officials have come to regard the Russian Jews as part of an "international Zionist conspiracy" and are using this rationale to apply many modes of persecution against the Jews. The last reason for this movement is the desire on the part of Russian Jews to reunify their families—families which were broken up during World War II by the Nazis and which are now scattered all over the world.

In the discussion that followed, it was generally agreed that joint House and Senate action would bolster the President in any steps he might take to resolve this matter. But more important, it was agreed that this Congress, representing as it does the opinions of all Americans, should become a part of the worldwide attention and reaction that has resulted from the Leningrad trials.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Nearly 30 percent of all American households are two-car families. This is almost double the number 10 years ago. Eighty percent of American families own at least one automobile.

SOVIET CONVICTION OF JEWS ACCUSED OF HIJACKING AIRCRAFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SANDMAN), is recognized for 5 minutes.

Mr. SANDMAN. Mr. Speaker, the recent action by the Soviet Union wherein two persons have been sentenced to death and others given long prison sentences for the alleged conspiracy to hijack a Soviet airplane is an affront to the democratic processes of judicial procedure. Never before in modern history in any democratic society has any court given the death sentence to any defendant for the conspiracy to commit a crime that has never been committed.

Members of the Jewish faith throughout the world are justifiably alarmed over this incident since almost all of the accused are of the Jewish faith and the two that are sentenced to death are of the Jewish faith. The purpose of the alleged hijacking was to flee from the Soviet Union to Israel.

Hijacking of an aircraft is a serious matter. In this country we have already experienced too much of that. I am a cosponsor of legislation in Congress to deal with this matter. That legislation, I think, is indicative of the thoughts of the Congress that the hijacking of an aircraft should be considered to be a crime, carrying with it appropriate penalties.

The death sentence is not an appropriate penalty for the commission of any crime other than first degree murder or high treason during the time of war. The world knows very little about the case in the Soviet Union to which I am referring with the exception that the accused were conspiring to steal an airplane and flee to the State of Israel—the airplane being a 12-seat craft. So far as we know, the aircraft was not stolen, no one suffered any bodily harm nor was there any property damaged inflicted anywhere by the accused. In fact, the aircraft never left the ground. Under these circumstances, the death penalty is totally unreasonable and should not be executed.

I would like to believe that this is not an act of aggression by the Soviet Union against members of the Jewish faith; however, the circumstances do not warrant such a conclusion. The Jews more than any other group of people have been persecuted throughout history. In every case, such action has led to the downfall of the aggressor.

Our purpose here today is not to review history, but to appeal to the good conscience of those in authority in the Soviet Union, to reverse the harsh penalties that have been meted out to the accused in this matter. These remarks I will make on the floor of the Congress of the United States today and request all Members to join in a resolution supporting these statements as a sense of the Congress.

REPORT ON THE ACTIVITIES OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GARMATZ) is recognized for 20 minutes.

Mr. GARMATZ. Mr. Speaker, the second session of the 91st Congress has been one of the busiest, and if I might say so, one of the most productive in the long history of our committee. I think it appropriate as we close out our business for the year that I outline some of the outstanding achievements of our committee during the year 1970.

First and foremost was our work on the new maritime program, submitted to the Congress by the President in October 1969. It has been recognized for a number of years that our merchant marine had declined to a point where our national security was in jeopardy. Over two-thirds of our merchant ships were obsolete World War II vessels. The provisions of the Merchant Marine Act of 1936 were generally recognized to be obsolete and outdated. Studies by the executive branch and hearings before congressional committees over the past several years had suggested ways and means of correcting these deficiencies, but time after time legislation to accomplish the intended purpose was stymied or sabotaged.

Meanwhile, the Soviet Union had launched a tremendous shipbuilding program, and each year its maritime prestige grew greater and greater. Most of its merchant vessels were under 10 years of age. And it was recognized that Russia was using its merchant marine not only to enhance its own foreign commerce, but to acquire political prestige, particularly among the smaller nations of the world.

The new program called for:

First. The construction of 30 new highly productive ships a year over the next 10 years.

Second. A reduction over the next 5 years of the Government's contribution by way of construction-differential subsidy from 50 percent of the cost of the vessel to 35 percent.

Third. Payment of the construction-differential subsidy directly to the shipyard.

Fourth. Extension of construction-differential subsidies to bulk carriers.

Fifth. Extension of operating-differential subsidies to bulk carriers.

Sixth. Changes in existing law with respect to operating-differential subsidies principally providing for computation of the wage subsidy on an index basis.

Seventh. Elimination of the recapture provision of the Merchant Marine Act of 1936.

Eighth. Extension of tax-deferment benefits previously permitted for subsidized operators to all qualified ship operators in the foreign trade.

Ninth. Creation of a commission to review the status of the American shipbuilding industry and its progress toward increasing productivity and reducing costs.

Tenth. An increase in the present $1 billion ceiling on mortgage and loan insurance to $3 billion.

As the committee proceeded to consider this legislation, numerous hearings were held and views were solicited from all segments of the industry—labor and management—as well as from all interested agencies of the Government. All in all, approximately 100 amendments were proposed—some dealing with form and some with substance. Among the more important amendments adopted by the committee were:

First. Extension of tax benefits to operators in the noncontiguous trades, the Great Lakes and the fisheries.

Second. Recognition of the Great Lakes as the fourth seacoast of the United States.

Third. Inclusion of a "grandfather clause" to permit owners, operators, and so forth, of foreign-flag bulk vessels to participate in the new program and yet retain their foreign-flag vessels for a period of 20 years.

Fourth. Rejection of the administration proposal to impose restrictions on the future trading areas on vessels built with construction-differential subsidy and operated without operating subsidy.

Fifth. The adoption of the administration proposal to liberalize the "Buy American" restrictions of the 1936 act. This change was, however, rejected by the conferees in working out the final version of the bill.

Sixth. Inclusion of a provision—not in the administration bill—to permit subsidy for maintenance and repairs.

The bill passed the House on May 21, 1970, by a vote of 307 to 1. It later passed the Senate on September 17, 1970, by a vote of 68 to 1. The bill was signed by the President on October 21, 1970, and is known as the Merchant Marine Act of 1970.

Early in the year, information came to the attention of the committee that the Secretary of the Treasury had rendered a decision waiving the Jones Act in favor of the Liberian-flag tanker *Sansinena*. This was a vessel built in the United States but put under Liberian registry and operated in the foreign trades. It was owned by a subsidiary of Union Oil Co. which requested permission to place the vessel under the American flag and to operate in the domestic trades of the United States. In order to grant such permission, it was necessary to waive the provisions of the Jones Act, which codifies laws dating back to 1790 to protect domestic shipping.

As chairman of the committee, I scheduled a hearing to ascertain the basis for this action by the Secretary of the Treasury. However, on the morning of the day of the scheduled hearing, the committee was informed by the Secretary of the Treasury that he was suspending the waiver action and that a thorough review of the circumstances would be made by the executive branch of the Government.

In August 1970, the Treasury Department permanently canceled its waiver of the restrictive provisions of the Jones Act with respect to the tanker *Sansinena*.

Other legislation in the merchant marine field which was reported out by the committee during the year included the sale of the passenger vessel *Atlantic* (H.R. 16498); a bill to authorize greater cooperation between agencies of the Federal Government and the United Seamen's Service (H.R. 15549); and a bill to authorize construction and operating subsidies for vessels operated under a lease arrangement (H.R. 15549).

The Subcommittee on Oceanography, under its distinguished chairman, the Honorable Alton Lennon, was particularly active throughout the year. Extensive hearings were held on a bill affecting the organization of the Government in the field of marine and atmospheric science and technology. Subsequently, the President transmitted to the Congress Reorganization Plan No. 4, July 9, 1970, establishing a National Oceanic and Atmospheric Administration within the Department of Commerce. The subcommittee considered this plan and determined that the President's proposal was an acceptable alternative to H.R. 13247. Both Chairman Lennon and Congressman Charles A. Mosher, the ranking minority member of the subcommittee, testified in support of Reorganization Plan No. 4 before the Committee on Government Operations.

Other bills engaging the attention of the subcommittee during the year were H.R. 16607, to extend the life of the National Council on Marine Resources and Engineering Development for a period of 1 year; and H.R. 11766, to provide funding authorization for fiscal years 1971 through 1973 for the sea grant college program.

The Subcommittee on Oceanography held extensive hearings into the circumstances surrounding a decision by the Department of Defense to dump nerve gas rockets into the sea off the coast of North Carolina. As a result of the hearings, the subcommittee received assurance that no further dumping of noxious gas will take place in the oceans.

The subcommittee also held hearings with respect to the deliberate dumping of waste oil by the U.S. Navy off Mayport, Fla. It was ascertained that the Department of the Navy had not complied with the National Environmental Policy Act of 1969 by reason of its failure to file an environmental impact statement. As in the case of the nerve gas hearings, these hearings further highlighted the fact that much needs to be done to educate Government personnel not only with respect to the mandate of the National Environmental Policy Act but as to the necessity for the Federal Government to take the lead in the national effort to improve the quality of our environment.

Finally, the committee held a briefing on the project known as Tektite II. The experiences of the male and female aquanauts who spent months on the ocean floor carrying out various scientific studies were fully described. This very successful undertaking constituted an important breakthrough in the efforts of our Government to gain scientific knowledge concerning the oceans.

The Subcommittee on Panama Canal, under the chairmanship of the Honorable Leonor K. Sullivan, visited the Canal Zone in 1970, in order to get a firsthand view of the current problems and operations of the Panama Canal. Subsequently, the subcommittee held a hearing on the projection of the canal traffic and tolls. Governor Leber gave the subcommittee a very optimistic picture on the economic future of the Panama Canal. In late November, the subcommittee issued a report on the Panama Canal indicating to all parties that the Congress looked with disfavor and is avidly opposed to the three 1967 treaties or any other treaties which would result in ceding U.S. sovereignty and jurisdiction over the Canal Zone to the Republic of Panama. It was further stated that future treaty negotiations cannot be premised on the assumption that the Congress will authorize the construction of a new sea-level canal.

The principal activity of the Subcommittee on Maritime Education and Training, under the chairmanship of the Honorable Thomas N. Downing, involved the problem of various facilities now providing training for merchant marine officers. The Maritime Academies on the one hand are asking for increased Federal contributions, largely to offset rapidly increasing costs of education, whereas the Maritime Administration on the other hand has proposed reductions in contributions, largely due to the shrinkage in the fleet and a projected oversupply of officers.

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It is expected that the subcommittee will further pursue this matter shortly after the opening of the 92d Congress.

The Subcommittee on Coast Guard, Coast and Geodetic Survey, and Navigation is under the able chairmanship of the Honorable FRANK M. CLARK. The first important activity of this subcommittee during the past year was the consideration of legislation to authorize appropriations for the procurement of vessels and aircraft and the construction of both shore and offshore establishments for the Coast Guard for fiscal year 1971. The largest single item in the bill was an authorization of $59 million for the construction of the first of a series of polar icebreakers. The failure of the Coast Guard icebreaker *Northwind* to complete the transit of the Northwest Passage with the tanker *Manhattan* brought home forcibly the need for an immediate replacement of the present obsolete polar ice breakers. Another item of great significance in the authorization bill covered the procurement of pollution control equipment.

Extensive hearings were held both in Washington and at other cities throughout the country on a bill which would provide for a coordinated national boating safety program. One purpose of the bill is to improve safety in recreational boating by requiring manufacturers to build such boats in accordance with performance standards prescribed by the Coast Guard. The other important aspect of this legislation is to provide Federal funds to promote boating safety programs at the State level. This bill was reported out by the full committee on October 6, 1970, and passed the House on December 7, 1970.

Many days of hearings were consumed in the taking of testimony on a bill to promote the safety of ports, harbors, waterfront areas, and the navigable waters of the United States. This legislation was in fact proposed by the President in his oil pollution message to Congress under date of May 20, 1970. In the course of the hearings, it became clear that while the industry supported the bill in principle, there was violent opposition to the broad authority, without statutory guidelines, which would have been conferred upon the Coast Guard under the bill. The Coast Guard is now working on a new bill which hopefully will be submitted to the committee and receive early consideration in the 92d Congress.

Other matters engaging the attention of the subcommittee during the year involved a proposal to transfer responsibility for the Coast Guard Reserve to the Secretary of Defense; a bill to improve and clarify certain laws affecting the Coast Guard; and most significantly, the attempted defection of a Lithuanian national from a Soviet vessel in the vicinity of Martha's Vineyard off the coast of Massachusetts, on November 23, 1970, involving the Coast Guard cutter *Vigilant*.

As has been the case in recent years, the Subcommittee on Fisheries and Wildlife Conservation, chaired by the Honorable JOHN DINGELL, was extremely active during the second session of the 91st Congress. Indeed, it was perhaps the most active of all the subcommittees within the Committee on Merchant Marine and Fisheries. A mere recitation of the variety of bills and oversight matters which were the subject of hearings before this subcommittee is a clear illustration of the intensive work that is being done in the areas under its jurisdiction. Among the various items are the Anadromous Fish Conservation Act; Federal aid to fish and wildlife restoration acts; jellyfish control program; fisheries loan program; penalties for illegal fishing in fishery zone; hunting from aircraft; Water Bank Act; national environmental data system; migratory waterfowl regulations; investigation of proposed reduction in fisheries research activities; and numerous other bills having to do with fisheries and wildlife.

Probably the most significant of the oversight hearings conducted by the Subcommittee on Fisheries and Wildlife Conservation were those connected with the administration of the National Environmental Policy Act of 1969, enacted into law January 1, 1970. Recognized as one of the most important conservation laws ever enacted by the Congress, the act created a Council on Environmental Quality which has broad and independent review of current and long-term trends in the quality of our national environment. It also has the responsibility of assisting and advising the President in the preparation of the annual environmental quality report, which is required to be submitted to the Congress in July of each year.

For the past several weeks, the subcommittee has conducted a series of intensive hearings on the effectiveness of the council and of the various concerned Federal agencies to comply with the law, especially with respect to the filing and public distribution of environmental impact statements. I think the subcommittee's oversight activities in this regard are indicative of the subcommittee's determination to see that the act is properly and fully implemented.

Attached hereto is a table reflecting the number of bills reported by the Merchant Marine and Fisheries Committee during the second session of the 91st Congress.

Finally, I wish to take this opportunity to express my sincere thanks to all of the members of the committee on both the majority and minority sides who gave so generously of their time to carry forth the committee programs. I sincerely believe they are deserving of the gratitude of the entire Congress for devoting untold hours to the business of the committee, while carrying on the heavy everyday duties of their congressional offices.

BILLS REPORTED BY MERCHANT MARINE COMMITTEE—91ST CONGRESS, 2ND SESSION

Bill No.	Title	House Report No.	Senate Report No.	Public Law No.
H.R. 212	To provide for the appointment, promotion, separation, and retirement of commissioned officers of the Environmental Science Services Administration, and for other purposes	91-1633	(1)	-------
H.R. 1049	To amend the Anadromous Fish Conservation Act of Oct. 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes	91-808	91-808	91-249
S. 1075	National Environmental Policy Act of 1969	91-765	91-296	91-190
S. 3153	To authorize the Secretaries of Interior and the Smithsonian Institution to expend certain sums in cooperation with the territory of Guam, the territory of American Samoa, the Trust Territory of the Pacific Islands, other U.S. territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs.			
H.R. 11766	To amend title II of the Marine Resources and Engineering Development Act of 1966	91-1191	(1)	91-349
H.R. 12475	To revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act and for other purposes	91-1272	91-1289	91-503
H.R. 12943	To amend sec. 2 of the act of Nov. 2, 1966, to extend for 3 years the authority to make appropriations to carry out such act	91-1192	91-1248	91-451
H.R. 14124	To amend sec. 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act	91-1273	91-862	91-387
H.R. 14678	To strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes	91-1430	91-1320	91-514
H.R. 15041	To provide for a coordinated national boating safety program	91-1611	(3)	-------
H.R. 15188	To amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft	91-1632	[3] 91-1482	-------
H.R. 15424	To amend the Merchant Marine Act, 1936	91-1073	91-1080	91-469
H.R. 15549	To further the effectiveness of shipment of goods and supplies in foreign commerce by promoting the welfare of U.S. merchant seamen through cooperation with the United Seamen's Service, and for other purposes	91-1404	91-1424	-------
H.R. 15694	To authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard	91-879	91-846	91-261
H.R. 15770	To provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to flood control; and for other purposes	91-1307	91-1393	91-559
H.R. 15945	To authorize appropriations for certain maritime programs of the Department of Commerce	91-865	91-837	91-247
H.R. 16498	To permit the sale of the passenger vessel "Atlantic" to an alien, and for other purposes.	91-1622	(1)	(4)
H.R. 16607	To amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development	91-1387	91-1008	91-414
H.R. 17436	To amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data Bank	91-1629	(2)	-------
H.R. 19576	To establish the National Advisory Committee on the Oceans and Atmosphere	91-1636	(3)	-------

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[1] Passed Senate.
[2] No action.
[3] No floor action.
[4] Private Law 91-221.

THE LENINGRAD TRIALS AND THE JEWISH PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 10 minutes.

Mr. MIKVA. Mr. Speaker, I am hardly a defender of the czarist regimes in Russia, but if the present policies of the Soviet Union had prevailed in that yesteryear of the czar, I would not be here, and many others whose forebears found freedom in this land would not be here. The refusal of the Soviet authorities to accede to the ancient Jewish lament to "let my people go" is a monument to the short memories of the Soviets. Have they forgotten the major role that oppression of the Jews played in causing their own revolution. Yet even that oppression stopped at the point of holding as unwilling hostages the Jews who were damned if they stayed in their native land. Only Hitler's Germany twisted the screws to preclude emigration as vigorously as they precluded life.

The Soviets seem not to remember how they condemned the German policy of Hitler. They stand in that awesome shadow of Hitlerism, however, as one contemplates the judicial coinage of the Leningrad trials. Those trials, Mr. Speaker, raise the awful specter that the Jews will be killed and jailed even as they are denied the right to leave—for as flimsy a charge as having thought about leaving.

No one defends hijackers. No one defends extremism, even in a noble cause. But the defendants in the Leningrad trials are charged with harboring thoughts that never were put into any structure for action. And any objective observer must at least suspect that the Russian solution to the Jewish question has its antecedents in Nazi harshness.

There are some 3 million Jews in the Soviet Union. Many, if not most, desperately seek and need the hope of emigration to Israel. If the Soviet Union persists in its present policies, that hope is destroyed. Too many generations of Jews have lived and died without hope for the Russian Jews to lightly turn away from their hope.

As one of the defendants said in his defense, the question of whether these defendants did or did not think about seizing an airplane to use for escape to Israel was only relevant, because the Soviet authorities have consistently refused exit visas to Jews.

Jews all over the world are at the Wailing Wall. They first seek to persuade the Russians to respect the fundamental processes of law which do not stop at national borders. The convictions should be thrown out altogether. At the very least, the harsh sentences, including the death penalties, should be ameliorated.

The anguished cries, however, will not cease until the Soviet rulers pay heed to that even more ancient cry "Let my people go."

THE OAKLAND CHINATOWN PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COHELAN) is recognized for 5 minutes.

Mr. COHELAN. Mr. Speaker, last week, with my distinguished colleague from California (Mr. MILLER) I introduced a bill to provide for the extension of local noncash grants-in-aid for the Oakland Chinatown project.

I realize that it is late in the session but I desired to introduce this bill so that this matter would be given immediate consideration in the 92d Congress. The lack of available urban renewal funds requires that this extension be granted because without it a valuable urban renewal project will be lost.

The city of Oakland has sought Federal renewal assistance for its Chinatown project through four different applications, the first of which was submitted on October 18, 1966. As the local noncash grant-in-aid for the Chinatown project, the city has anticipated relying on the extensive expenditures of local taxpayers to build the Bay Area Rapid Transit System—BART. Each application has thus far failed to receive Federal assistance because of the shortage of Federal renewal funds. The city's present application pared down the project to the essential four block core that could create a new Chinatown center in our community. A correspondingly reduced Federal capital grant request of $7.5 million was to have been supported by local noncash grants-in-aid in the amount of $2 million from the downtown BART subway station. We now face the prospect that the grant-in-aid which the station generates for the Chinatown project will be lost if the project is not funded by February 1971. HUD officials are quite pessimistic regarding the availability of funds for Chinatown before the local grants-in-aid expiration date.

The BART system is probably the most important national example and demonstration of metropolitan efforts toward improved urban transportation. Residents of Bay area communities have shown leadership and a readiness to provide local funds to build this system. It is unthinkable that the Congress would fail to take the steps necessary to insure that the maximum "spin-off benefit" is obtained from these local tax dollars as matching credits for Federal renewal assistance. It is absolutely essential that Congress provide the national recognition which this effort clearly warrants by granting a legislative extension of the eligibility of the rapid transit system credits for Oakland's Chinatown project.

Measured by national goals, the Chinatown project deserves priority treatment. The project will offer approximately 1,700 new employment opportunities, especially of an entry-level nature. The Agency expects to continue its history of a strong affirmative action program to insure that this job potential is fully realized. The project will also create more than 250 new housing units, of which the majority will be low- or moderate-income housing. This combined effort will make a balanced contribution to achieving national goals in housing and employment.

The distinctive ethnic character of the Chinatown project further implements national goals by integrating the cultural richness and variety of Oakland's Chinese community with the thrust of economic and environmental turnaround which has been commenced in the city center project. Chinatown will serve as an example to other ethnic groups in Oakland, including Japanese, Spanish-speaking, and Filipino Americans, of the kind of sociocultural commercial clusters that can be developed in and around the Central District area as an integral part of the revitalization of Oakland's downtown. It is anticipated that Chinatown's direct proximity to the city center project will permit the city to interrelate commercial development in the two projects in a way which will reflect a very special flavor and complementarity.

The Chinese community in Oakland has worked unfailingly to make the Chinatown project a reality. In 1965, a committee of interested citizens provided $10,000 in private funds to finance a feasibility study for the project and to establish a design framework for new development. As the community realized that the severely deteriorated properties could give way to a vital center for housing and commercial activities, a broad diversity of people contributed their efforts to planning the project.

This unprecedented community support has been matched by efforts of the city council, which encouraged and authorized the four applications submitted for the Chinatown project. Early this year the council refused to authorize a project for the Wilshire Heights slide disaster area because an additional project would compete with Chinatown for Federal funding.

For these reasons, Mr. Speaker, I urge that this bill be given the highest priority in the next Congress. For the information of my colleagues I insert a copy of this bill:

H.R. 20010

A bill to provide that certain expenses incurred in the construction of a rapid transit station in Oakland, California, shall be eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the date of the commencement of construction of the Twelfth Street Bay Area Rapid Transit Station in Oakland, California, local expenditures made in connection with the construction of such station shall, to the extent otherwise eligible, be counted as local grants-in-aid toward the Chinatown Urban Renewal Project (California R–116) in accordance with the provisions of title I of the Housing Act of 1949.

BIG BANKS TO REPORT RECORD PROFIT FIGURES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, in recent weeks, many of the large commercial banks have been getting large headlines about their reductions in the prime lending rate.

We all welcome these reductions, but they hardly come from altruistic reasons.

The truth is that most of these large banks are wallowing in some of the fattest profits in their history, and the interest rate reductions are designed to minimize some of the embarassment when the yearend earnings are reported.

Last week, the Wall Street Journal surveyed the big banks and came to the conclusion that the 1970 earning figures will be recordbreakers for many of these banking giants. These profit figures show just how painless the interest rate reductions have been for the big banks.

Mr. Speaker, I place in the RECORD an article from the December 23 issue of the Wall Street Journal:

FATTER PROFITS: EARNINGS OF MANY MAJOR BANKS ARE RISING AS THEIR BORROWING COSTS DECLINE SHARPLY

(By Edward P. Foldessy)

NEW YORK.—Despite a wave of price cutting on their most important product, money, the nation's banks are racking up a record year in earnings.

The outlook may seem paradoxical in light of a swift series of reductions in the banks' prime rate, the most recent one a quarter-percentage-point reduction just yesterday (see story on page 3.) This key lending charge, the basis of most other commercial bank loan rates, now has been reduced in five steps from a record 8½% as the year started to 6¾%.

The banks' earnings outlook stands in sharp contrast to the generally bleak forecasts being made for 1970 corporate profits. While many companies are trimming or omitting dividends in response to sagging earnings, many banks across the country are increasing their cash payouts and declaring stock dividends.

The explanation isn't terribly complex. Commercial banks are middlemen—they prefer to be called "intermediaries"—between people who have money to spare and people who need money. The banks pay interest to borrow money from people and institutions that have it and charge interest when they relend it to others. And they make their profit on the fluctuating difference between the rate they pay and the rate they charge, the spread.

A TWO-POINT SPREAD

Despite declines in the prime rate, the spread in recent months has been unusually wide, sometimes as much as two percentage points, because the average cost of funds raised by banks has come down even faster. Rates in the short-term money market, usually where banks get their money, are more responsive to changing conditions of the supply and demand for credit than the prime rate is. In recent months, the Federal Reserve System's moderately expansive policy toward money supplies, plus slackening demand for short-term credit, has sent these rates plummeting.

The rate on Federal funds, a major source of short-term money for big banks, has dropped to a trading range of around 5% from over 9% early this year. "Federal funds" is the money market designation for excess reserves lent by some banks to other banks that need additional reserves; the money is usually lent overnight in very large amounts. Banks are required to set aside assets, called reserves, equal to a percentage of their customers' deposits.

Also, the banks' cost of borrowing, through their holding-company parents, in the commercial paper market has come down sharply this year. It now is running around 5.5% to 6%, down from 8.5% to 9% earlier in the year.

Most significantly, major banks have been able to raise billions of dollars by issuing negotiable certificates of deposit at rates well under the prime rate. Certificates of deposit represents deposits of $100,000 or more left with the banks, usually by corporations, for a specified period of time at a specified interest rate.

OTHER INCOME

Another major source of borrowed funds for the banks, Eurodollar deposits at their foreign branches, still command relatively high interest rates. However, the banks have sharply reduced their dependence on this source of money in recent months.

Looking at the money market as a whole, analysts say the spread between the cost of funds borrowed by banks and the rates they charge on loans was narrow at the beginning of the year but widened sharply as the year went on.

In addition, bank analysts note that the prime rate is a minimum rate. It is the rate charged by banks on loans to their most credit-worthy customers. Other rates are scaled upwards from this level.

Therefore, a spread of, say, 1.5% between the prime rate and the average cost of funds borrowed by banks is a good bit wider if the banks' total loan portfolios are taken into account. For example, usually half or more of the banks' short-term loans to business borrowers are made at a rate greater than the prime rate. And rates on loans to consumers or on home mortgages are usually higher yet.

Also, of course, banks have income from sources other than loans. They gain revenues from interest yields on securities they hold and from fees and service charges for performing such functions as handling trust accounts and pension fund portfolios. In both areas, income is up sharply this year, bank analysts say, adding to the gain registered through the rate spread.

SOME ESTIMATES

Adding it up, analysts at Keefe, Bruyette & Woods Inc., a leading dealer in bank stocks, predict major commercial banks will post "an average per share earnings gain of about 8.5%" for 1970. The securities firm expects pre-share earnings on its "bank index" (24 banks) to rise to $43.28 from last year's $39.89.

Keefe expects money center banks—those in the major financial centers that rely heavily on borrowing in the money market—to post the greatest percentage gain for the year, 10.4%. Regional banks will show smaller gains, down to 2.4% for Western banks, for example.

"When interest rates go down, it tends to have a very favorable temporary impact on banks like ours," says William S. Renchard, chairman of New York's Chemical Bank, a money center bank. He expects the bank's earnings increase for the year to be "percentage-wise somewhat better than for the first nine months."

For the first nine months, Chemical, the bank subsidiary of Chemical New York Corp., reported net operating earnings before securities transactions of $56.1 million, or $4.18 a share, up 8.5% from the year earlier period. In 1969 the bank had operating net of $68.8 million, or $5.13 a share.

CHASE AND CITIBANK

Chase Manhattan Corp., which controls New York's Chase Manhattan Bank, has an even greater success story. With a hefty 37.1% jump in operating earnings for the third quarter, Chase could come up with a fourth quarter gain of as much as 28%, bank analysts say. For the year as a whole, analysts expect a gain of about 11% to 14% (the first half was sluggish) from 1969's $114.6 million, or $3.59 a share.

Not all banks, of course, will have such glowing figures. First National City Corp., parent of First National City Bank, New York's largest, could have an earnings gain of 8% for the year, William I. Spencer, president, said late in September. Spokesmen for the bank decline to update the figure now. Keefe-Bruyett however, sees a 6.1% gain as more likely at this point. It forecasts 1970 per share earnings of $5.10 to $5.15 a share, up from $4.83 in 1969, when net from operations totaled $130.6 million.

Citicorp registered an 8.7% gain in the first nine months this year, posting earnings of $101.4 million, or $3.73 a share. But analysts note that the bank had an extremely strong 1969 final quarter, partly because of a revision in its accounting methods for income from foreign sources.

"The outlook for regional banks must be viewed as a mixed bag," says Keefe-Bruyette. It explains that "unlike money center banks, they aren't a homogeneous group; their reaction to the same set of circumstances varies considerably depending upon the structure of their assets and liabilities, as well as the attitudes of their managements."

One key distinction between money center and regional banks is on the interest-cost side of the ledger. Unlike money center banks, regional banks rely heavily on deposits for obtaining lendable funds. Market interest rate declines this year have been far steeper on borrowed funds than on deposits, giving the money center banks a cost edge. (The regionals. of course, enjoyed an advantage when rates were increasing.)

In light of the earnings outlook, the sluggish performance of bank stocks is puzzling analysts. New York City's five largest banking institutions—Citicorp, Chase, Manufacturers Hanover Corp., J. P. Morgan & Co. and Chemical New York—posted an average earnings increase of 10.8% in the first nine months of this year, in contrast to an 8.6% average profit decline for the nonbank corporations over the same period.

But, on average, stock prices of the five big New York banks rose less than 1% from early this year to mid-December. Over the same period the Dow Jones Industrial Average pushed upward by 4.4%.

Robert Chaut, an analyst for Kidder, Peabody & Co., offers two possible reasons for the poor showing of bank stocks. "The market has become optimistic as far as industrials are concerned and there's a more speculative attitude" growing in that area, he states. That, he says, has dried up buying interest of bank stocks.

Second, Mr. Chaut reasons that historically bank stocks don't seem to act as well as the market as a whole when prime rate cuts are "anticipated," as one was prior to yesterday's action.

The analyst is confident that "if history repeats itself, we believe stocks of banks, particularly those in money centers. will do better than the market as a whole."

Others figure the lackluster bank stock prices are at least partly caused by bankers themselves. "The damn problem is that bankers are scared; they always poor-mouth themselves," ventures one analyst, who asks not to be identified. "They're afraid to say how well they are doing; they worry more about Rep. Patman (a stern Congressional bank critic) than their own shareholders."

DR. BURNS SUPPORTS PROHIBITION AGAINST DIRECTOR INTERLOCKS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, for many years I have been deeply concerned about the growing tendency of banks and other corporations for maintaining common directorships.

These interlocking directors create all types of actual and potential abuses and are destructive to a free and competitive enterprise system. I am particularly concerned when these interlocks are main-

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tained among financial institutions, a practice which is widespread across the Nation. Last June, I wrote the Chairman of the Federal Reserve Board, Dr. Arthur Burns, and urged him to take a careful look at the problem of interlocking directorates in the banking system. Last week, Dr. Burns reported that he had completed his investigation and I am happy to see that he endorses many of the proposed prohibitions against interlocks among financial institutions.

Dr. Burns' support is indeed welcome and I am sure that his position will be of great assistance in gaining passage of legislation in this area in the 92d Congress.

While I am happy to have Dr. Burns' support for many of these improvements, I think there are many other areas which must also be covered in any new legislation dealing with interlocking directors. Certainly, interlocking directors among financial institutions must be prohibited. In addition, however, we must look at the question of interlocking directorships between banks and corporations, particularly where the bank and the corporation have other important ties. For example, I think it would be important to prohibit director interlocks between a bank and a corporation where that bank holds a substantial block of the corporation's stock in its trust department. There are other questions in this same area which must be explored fully in hearings in the next session.

Mr. Speaker, I place in the RECORD a copy of my letter to Dr. Burns of June 1 and his reply of December 16:

COMMITTEE ON BANKING
AND CURRENCY,
Washington, D.C., June 1, 1970.

Hon. ARTHUR F. BURNS,
Chairman, Board of Governors, Federal Reserve System, Washington, D.C.

DEAR CHAIRMAN BURNS: On April 2, 1970, I forwarded to you a copy of a letter from a Washington attorney pointing out a possible violation of Section 8 of the Clayton Antitrust Act as a result of interlocking directorshops between the First National City Bank, the nation's second largest commercial bank, and Marine Midland Banks, Inc., the country's fourth largest registered bank holding company, both headquartered in New York State. These institutions directly compete in the commercial banking field in New York City.

On April 8, 1970, you informed me that you were asking the Federal Reserve Bank of New York to make a report relative to this possible violation of Section 8 of the Clayton Act. On May 18, 1970, you informed me by letter that the Board of Governors of the Federal Reserve Board on May 12 submitted for publication in the *Federal Register* an interpretation of Section 8 of the Clayton Act which stated, in effect, that it was a violation of interlocking directorate prohibitions for an officer, director or employee of a Member Bank of the Federal Reserve System to serve at the same time as an officer, director or employe of a bank holding company where the two banking entities are located in the same, contiguous or adjacent cities, towns or villages.

You further stated that as a result of my original inquiry of April 2, Mr. J. Peter Grace, who is a director of both the First National City Bank and the Marine Midland Banks, Inc., was to be advised to terminate this illegal interlocking relationship.

First of all, let me commend you and the other Members of the Federal Reserve Board for your prompt and vigorous action in regard to this matter. The Board under previous chairmen has not shown an equal degree of responsiveness to such questions.

It is interesting to note, however, that Mr. J. Peter Grace has been on the Board of Directors of First National City Bank for over 11 years, since 1959, and has served on the Marine Midland Banks, Inc. Board since 1965. Therefore, he has been in violation of Section 8 of the Clayton Antitrust Act for over 5 years.

In light of this, it seems to me that the Federal Reserve Board should make a thorough and exhaustive examination of all such interlocking directorships to determine whether many other violations of the Clayton Act are also continuing to occur because of lax enforcement of the law in the past on the part of the Federal Reserve.

This episode also raises again the question of the adequacy of the Clayton Act provisions barring interlocking directorships among commercial banks, as well as between commercial banks and other competing financial institutions. As you know, over the past few years the staff of the House Banking and Currency Committee has done extensive work in this field, revealing the widespread existence of interlocking relationships among competing financial institutions.

The significance of corporate interlocks has been stressed in other reports and studies as well. In fact, the Antitrust Subcommittee of the House Judiciary Committee published an entire 270-page study on the subject in 1965 entitled "Interlocks in Corporate Management." This study touched on the problem of interlocks among some financial institutions, but did not go into great detail in this area. The subcommittee chairman, Mr. Celler, who is also chairman of the full House Judiciary Committee, has recommended legislation in this area to restrict corporate interlocks among various types of corporations, including banks and other types of financial institutions.

Of equal significance was the recommendation of the Advisory Committee on Banking to the Comptroller of the Currency in 1962. This committee, chaired by Frank E. McKinney, chairman of the board of American Fletcher National Bank & Trust Co. of Indianapolis, Ind., had 24 members, 22 of whom were officers of commercial banks. This committee's report had the following to say about the problem of interlocking directorates:

"The financial structure of the Nation needs to be guarded against conflicts of interest. This means that the law and its application by the supervisory authorities should restrict interlocking directorates, and not only between competing banks and certain other types of competing financial institutions, notably, mutual savings banks and savings and loan associations. As presently interpreted, the law prohibits various specific types of interlocking directorates as between member banks but does not similarly restrict interlocks involving other classes of financial institutions to the extent desirable. Hence, there is a clear need for legislation dealing with this problem."

This committee went on to recommend that—

"The prohibitions of the present law on interlocking directorates should be made applicable between banks, whether chartered under Federal or State law."

This recommendation received renewed support when the Annual Report for 1965–66 of the Comptroller of the Currency stated:

"This office has consistently taken the view that conflicts of interest in the financial structure should be removed and that laws regarding interlocking directorates should be clarified and strengthened."

As the above-quoted statements imply, present law prohibiting corporate interlocks among banks and other competing financial institutions is clearly inadequate.

The present provisions of the Clayton Act prohibit any officer, director, or employee of a member bank of the Federal Reserve System from serving at the same time as a director, officer, or employee of either a federally chartered or a State-chartered bank. However, of the eight statutory exceptions, there are three very broad and important statutory exceptions to this general prohibition: (1) The Federal Reserve Board may by regulation permit a director or employee of a bank to serve in a similar capacity with one other bank; (2) the prohibition does not apply where a National- or State-chartered bank is located outside of or is not contiguous with or adjacent to the city, town, or village in which the Federal Reserve member bank has its main or a branch office; and (3) the prohibition does not apply to mutual savings banks having no capital stock.

In addition to the above-mentioned exceptions, there is another very significant but silent exception found in present law. The Clayton Act provisions only apply where at least one of the banks is a member bank of the Federal Reserve System. Any of the more than 6,000 State-chartered banks that are not member banks can have as many interlocks as they want without violating the law. The law also does not apply to interlocks between commercial banks and competing financial institutions, such as mutual savings banks, insurance companies, and small loan companies. Therefore, because of the statutory exceptions, as well as the loopholes created by omissions in the coverage of the law, the present statutory prohibitions against corporate interlocks in this area are to a great extent ineffective.

As a result of these studies, in February 1969, I introduced legislation as part of the Bank Holding Company Act Amendments (H.R. 6778) to tighten provisions of present law on this subject. Your predecessor, William McChesney Martin, among others, supported these provisions. However, because it was necessary to give greater consideration to parts of H.R. 6778 directly relating to the alarming one bank holding company issue, the Committee at that time did not consider in depth the serious weaknesses in present interlocking directorate prohibitions.

Because of the growing seriousness of this problem, I believe it is time for Congress to make a thorough re-examination of the adequacy of present law pertaining to interlocking directorates among all financial institutions. In preparation for this undertaking, I would like to request the Federal Reserve Board to study this matter thoroughly and report its position on the adequacy of present law in this field.

Your cooperation in this matter will be greatly appreciated.

Sincerely yours,
WRIGHT PATMAN,
Chairman.

CHAIRMAN OF THE BOARD OF GOVERNORS, FEDERAL RESERVE SYSTEM,
Washington, D.C., December 16, 1970.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in further reply to your letter of June 1, 1970, concerning interlocking relationships with member banks under section 8 of the Clayton Act (15 U.S.C. 19).

Affiliations of officers, directors, and employees of member banks that might conflict with section 8 of the Clayton Act are regularly reviewed by the Federal Reserve System as part of the examinations of State member banks, and by the Comptroller of the Currency with respect to national banks. This is a continuing process, and where violations are found to exist the parties concerned are requested to terminate the prohibited relationships.

On receipt of your letter, we asked the Federal Reserve Banks to make a special review of interlocking personnel relationships in their Districts in order to ascertain if any existed that were not permissible or were of questionable legality. This review disclosed twelve cases of interlocks in apparent violation of section 8. Two of these cases were already in the process of investigation as part of the Reserve Banks' general review process, and five had arisen shortly before the special review as a result of an interpretation concerning interlocking relationships with bank holding companies that the Board issued May 12, 1970. Steps have been taken to dissolve the prohibited interlocking relationships, by the Reserve Banks directly where State member banks are involved, and through the Comptroller of the Currency's office where national banks are involved.

In accordance with your request, the Board has also considered the adequacy of the present provisions of the Clayton Act affecting interlocking relationships.

The statutory prohibitions against interlocking relationships in section 8 involve two sets of considerations. On the one hand, interlocking relationships may seriously impair competition between firms in the same line of business. On the other hand, economic benefits flow from a high standard of performance by corporate boards of directors. This entails a free interchange of advice, ideas, and experiences among directors of varied backgrounds. Bankers often have experience and expertise that qualify them to render valuable service in this role. Interlocking directorates, in other words, are not inherently wrong. They may be good for the corporations involved and the public they serve. The problem is to define those situations where the risk of abuse outweights the expectation of benefit.

Section 8 now prohibits interlocks between two ordinary business corporations where they are competitors by virtue of their business and location, so that elimination of competition between them by agreement would violate the antitrust laws. In prohibiting interlocks between a member bank and another bank, section 8 employs a test that is more easily applied—whether the two banks are in the same, adjacent, or contiguous cities, towns, or villages—for the same purpose of identifying market situations where interlocks might pose too great a threat of diminishing competition.

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We see no reason to suppose that this risk of diminishing competition is any greater where an interlock involves a member bank than where it involves any other insured bank, and we would therefore recommend broadening the statute so that it applies to insured commercial banks, not just to member banks.

We also believe that the types of interlocking service that are prohibited should be re-examined. For member banks, section 8 now prohibits interlocking service as a "director, officer, or employee" whereas for other corporations the prohibition applies only to service as a director. In order to confine the prohibition to those banking situations that raise serious questions about diminishing competition, the Board recommends adoption of the approach advanced in 1965 by Representative Celler. His bill, H.R. 11572, 89th Congress, would have amended section 8 to apply to service as "a director, officer, or employee with management functions," and to "representatives or nominees" of such persons.

Section 8 now exempts interlocks between banks under common control. Obviously, there is no threat to competition in such instances. But this exemption as presently written is too broad, since it applies wherever the same "persons" own 50 per cent of the stock of each institution and the statute fails to give any specific content to the term "persons". As a result, to take the simplest example, where one person owns 90 per cent of the stock of Bank A and another owns 90 per cent of the stock of Bank B, the two may exchange single shares of stock of their respective banks and thereby come within the statutory exemption, since together they are "persons" owning 50 per cent or more of the stock of both banks. Thereafter, under the present law, there may be interlocks between the two banks even if they are located across the street from each other and in direct competition. This loophole should be eliminated.

The Board recommends, further, that the prohibitions relating to interlocks between commercial banks should be broadened to cover all depository institutions—commercial banks, savings and loan associations, savings banks, building and loan associations, homestead associations, and cooperative banks. While there are some lines of activity in which institutions in one class do not compete with those in another, there is sufficient overlapping of functions among all kinds of depository institutions to support a general presumption that those in the same community are in competition, particularly in view of the increasing powers of savings and loan associations.

In this connection, you may wish to consider extending coverage to all depository institutions, whether insured or not. Exempting uninsured institutions has little effect for commercial banks, since less than 200 banks with less than 1 per cent of total deposits are uninsured. About a third of all mutual savings banks and a fourth of all savings and loan associations, however, are uninsured, and they hold about 18 per cent and 4 per cent, respectively, of total deposits. Some of these noninsured institutions are, or could be, significant competitive forces in their local areas.

The fifth clause in section 8 presently exempts from the statute's coverage interlocking relationships between banks not in the same, contiguous, or adjacent cities, towns, or villages. Although the exemption is believed to have been intended to recognize the generally regional nature of banking which existed in 1935 (the date of the last amendment to the statute), interlocking relationships between and among several of the larger banks which compete on a nationwide basis, may also come within this exemption. In the Board's judgment such interlocking relationships seem questionable.

We are not persuaded that a case has been made for further broadening of the restrictions in section 8 on interlocks with banks. It should be borne in mind that in addition to the provisions specifically relating to banks, section 8 includes a general prohibition against interlocking directorates between corporations engaged in commerce which are "by virtue of their business and location of operation, competitors, so that the elimination of competition by agreement between them would constitute a violation of any of the antitrust laws." Although its applicability in the case of interlocks between banks and nonbank businesses is not entirely clear, this provision would seem to offer additional protection against such interlocks where the anti-competitive effects are sufficiently strong. In considering any further tightening of the prohibitions of section 8, Congress should use caution, so as not to inhibit corporations—particularly the newer and smaller ones—in their search for directors of the highest caliber available.

Finally, the Board recommends that any legislation amending the statute along the lines suggested in this letter should provide that individuals who now serve in capacities that would be prohibited by the new legislation may continue to serve for a five-year period to allow a gradual phasing out of prohibited interlocks. In view of the difficulties of finding replacements, it could prove needlessly disruptive to concentrate the search within a shorter period.

Sincerely yours,

ARTHUR F. BURNS.

MINE TRAGEDY IN KENTUCKY

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, earlier today the point was made that exactly 1 year ago today the President signed the Federal Coal Mine Health and Safety Act—on December 30, 1969. Now the sad news comes over the wires that 38 coal miners have had their lives snuffed out in a tragic mine accident at the Finley Coal Co. mine on Hurricane Creek near Hyden, Ky.

There have been early and unconfirmed reports that this particular mine was a nongassy mine. I do not know this to be a fact, but whether or not it is true, a person may be killed just as dead in a nongassy as in a gassy mine.

Up to the accident today, there had been 166 deaths in coal mines since the new safety features of the Federal Coal Mine Health and Safety Act went into effect on April 1, 1970. This contrasts with the 143 deaths in the comparable periods in 1969. With the 38 additional casualties today, the toll of coal miners killed in mining accidents has increased to 204—far above the 1969 total from April until the end of the year.

I submit that it is high time to stop cutting corners in the enforcement of the Coal Mine Health and Safety Act. It is high time to crack down on those coal operators who are playing fast and loose with the law in an effort to increase production: Finally, it is about time that the coal miners had an opportunity to be represented by union leadership which really believes and fights for their safety, and performs in a legal fashion.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARTER (at the request of Mr. GERALD R. FORD) for today, on account of official business.

Mr. HENDERSON (at the request of Mr. ALBERT) for today, on account of illness.

Mr. PEPPER (at the request of Mr. BOGGS) for today, on account of official business.

Mr. FOUNTAIN (at the request of Mr. ALBERT) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MATSUNAGA, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. LANDGREBE), to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. SANDMAN, for 5 minutes, today.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. GARMATZ, for 20 minutes, today.

Mr. MIKVA, for 10 minutes, today.

Mr. COHELAN, for 5 minutes, today.

Mr. Rodino, for 15 minutes, on December 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Yates and to include extraneous matter.

Mr. Fraser.

(The following Members (at the request of Mr. Landgrebe) and to include extraneous matter:)

Mr. Scherle in 10 instances.

Mr. Taft in three instances.

Mr. Riegle in three instances.

Mr. Hosmer in two instances.

Mr. Wydler.

Mr. Adair in two instances.

Mr. Gude.

Mr. Halpern.

Mr. Wyman in two instances.

Mr. Stanton.

Mr. Wylie.

Mr. Schmitz in four instances.

Mr. Ashbrook in three instances.

Mr. Pelly.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Rodino in two instances.

Mr. Teague of Texas in eight instances.

Mr. Fallon in three instances.

Mr. Downing in two instances.

Mr. Hébert in two instances.

Mr. Rarick in five instances.

Mr. Vanik in two instances.

Mr. Fascell in three instances.

Mr. Eilberg in two instances.

Mr. Anderson of California in five instances.

Mr. Burke of Massachusetts in two instances.

Mr. Fraser in 10 instances.

Mr. Fulton of Tennessee in three instances.

Mr. Bingham in three instances.

Mr. Cabell in three instances.

Mr. O'Neill of Massachusetts in six instances.

Mr. Johnson of California in six instances.

Mr. Thompson of New Jersey in six instances.

Mr. Hawkins in three instances.

Mr. Kluczynski in five instances.

Mr. Fountain in three instances.

Mr. Mann in five instances.

Mr. Murphy of New York in five instances.

Mr. Pucinski in six instances.

Mr. Edmondson in two instances.

Mr. Pickle in two instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4605. An act to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception; and

H.R. 1959. An act making appropriations for the Department of Defense for the fiscal year ending, June 30, 1971, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1181. An act to provide authority for promotion programs for milk, tomatoes, and potatoes, and to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. Mills). The question is on the motion to adjourn.

Mr. HALL. Mr. Speaker——

The SPEAKER pro tempore. The Chair would request that the gentleman from Missouri permit the Chair to put the question.

The question was taken; and the Speaker pro tempore announced that the ayes had it.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Speaker, is a privileged amendment in the form of a substitute as a concurrent resolution in order on a motion to adjourn?

The SPEAKER pro tempore. The Chair will advise the gentleman from Missouri that it is not in order on a simple motion to adjourn.

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair announced that the ayes had it.

Mr. HUNT. Mr. Speaker, I was seeking recognition and I was on my feet.

The SPEAKER pro tempore. The Chair will advise the gentleman from New Jersey that a quorum is not required in order to adjourn the House.

The House stands adjourned until 12 o'clock tomorrow.

Accordingly (at 8 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Thursday, December 31, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2639. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting the texts of ILO Convention No. 129 and Recommendation No. 133 concerning labor inspection in agriculture, as adopted by the International Labor Conference (H. Doc. No. 91–434); to the Committee on Foreign Affairs and ordered to be printed.

2640. A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting plans for works of improvement for the Clear Creek watershed, Nebraska, which does not involve a structure providing more than 4,000 acre-feet of total capacity, pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Agriculture.

2641. A letter from the Assistant Secretary of the Interior, transmitting a copy of the annual report to the Congress on the administration of the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772), for the period January 1, 1969, through December 31, 1969, pursuant to section 20 of the act; to the Committee on Education and Labor.

2642. A letter from the Administrator, General Services Administration, transmitting the 1970 Annual Report of the General Services Administration; to the Committee on Government Operations.

2643. A letter from the Under Secretary of the Interior, transmitting a copy of a proposed concession contract to provide accommodations, facilities, and services for the public at Diablo East Site within Amistad Recreation Area, Tex., for a 20-year period, pursuant to 67 Stat. 271, as amended by 70 Stat. 543; to the Committee on Interior and Insular Affairs.

2644. A letter from the Secretary of Transportation, transmitting a copy of the fourth annual report on activities carried out under the High Speed Ground Transportation Act of 1965, as amended; to the Committee on Interstate and Foreign Commerce.

2645. A letter from the Executive Secretary to the Panel, Federal Railroad Administration, Department of Transportation, transmitting a report of the Financial Advisory Panel of the National Railroad Passenger Corporation, pursuant to the provisions of section 503 of Public Law 91–518; to the Committee on Interstate and Foreign Commerce.

2646. A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting the following plans for works of improvement which involve at least one structure which provides more than 4,000 acre-feet of total capacity: Tallaseehatchie Creek, Ala.; Ecleto Creek, Tex.; Pond Creek, Tex.; Sanderson Canyon, Tex.; and Ni River, Va., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Public Works.

Received From the Comptroller General

2647. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in financial statements of the emergency credit revolving fund of the Farmers Home Administration, Department of Agriculture; to the Committee on Government Operations.

2648. A letter from the Comptroller General of the United States, transmitting a report on overstatement of contract target costs for F–1 rocket engines for the Saturn V launch vehicle, National Aeronautics and Space Administration; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRIEDEL: Committee on House Administration. Report on the Smithsonian Institution; (Rept. No. 91–1801). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARRETT: Committee of conference. Conference report on H.R. 19172; with amendment (Rept. No. 91–1802). Ordered to be printed.

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PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MONAGAN:

H.R. 20014. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus property to public museums and to agencies of States and their political subdivisions which are operated primarily for environmental protection or for the provision of services to schools or school systems, and for other purposes; to the Committee on Government Operations.

By Mr. MORGAN (for himself, Mr. Albert, Mr. Gerald R. Ford, and Mr. Adair):

H. Res. 1321. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself, Mr. Addabbo, Mr. Celler, Mr. Corman, Mr. Downing, Mr. Fulton of Pennsylvania, Mr. Halpern, Mr. Horton, Mr. Koch, Mr. Meeds, Mr. Moorhead, Mr. Podell, Mr. Rooney of Pennsylvania, Mr. Vanik, Mr. Wolff, Mr. Hechler of West Virginia, Mr. Ryan, Mr. Yates, Mr. Hays, Mr. Long of Maryland, Mr. Bolling, Mr. Rosenthal, Mr. Farbstein, Mr. Hamilton, and Mr. Culver):

H. Res. 1323. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself, Mr. Bingham, Mr. Devine, Mr. St Germain, Mr. Scheuer, Mr. Steele, Mr. Pelly, Mr. Dent, Mr. Garmatz, Mr. Waldie, Mr. Hanna, Mr. Carey, Mr. Burton of California, Mr. Green of Pennsylvania, Mr. Brasco, Mr. Minish, Mr. Mikva, Mr. Murphy of New York Mr. Eshleman, Mr. Eilberg, Mr. Byrne of Pennsylvania, Mr. Gilbert, Mr. Gaydos,and Mr. Clark):

H. Res. 1324. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself; Mr. Fraser, Mr. Slack, Mr. Pike, Mr. Hawkins, Mr. Findley, Mr. Saylor, Mr. Widnall, Mr. Taft, Mr. Smith of New York, Mr. Robison, Mr. Lloyd, Mr. Zwach, Mr. Pucinski, Mr. Thomson of Wisconsin, Mr. Davis of Wisconsin, Mr. Shriver, Mr. Monagan, Mr. Donohue, Mr. Derwinski, Mrs. Green of Oregon, Mr. Stratton, Mr. Nix, Mr. Barrett, and Mr. Annunzio):

H. Res. 1325. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself, Mr. Adair, Mr. Albert, Mr. Gerald R. Ford, Mr. Hunt, Mr. Conte, Mr. Betts, Mr. Steiger of Wisconsin, Mr. Brotzman, Mr. Bow, Mr. Teague of California, Mr. Conable, Mr. Cederberg, Mr. Beall of Maryland, Mr. Ruth, Mr. Keith, Mr. Schwengel, Mr. Vander Jagt, Mr. Pirnie, Mr. Collins of Texas, Mr. Broyhill of Vriginia, Mrs. Dwyer, Mr. McCloskey, and Mr. Gude):

H. Res. 1326. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself, Mr. Adair, Mr. Albert, Mr. Gerald R. Ford, Mr. Belcher, Mr. Nelsen, Mr. Hansen of Idaho, Mr. MacGregor, Mr. Hogan, Mr. McDade, Mr. Poff, Mr. Quillen, Mrs. Heckler of Massachusetts, Mr. Brown of Michigan, Mr. Morse, Mr. Stafford, and Mr. Coughlin):

H. Res. 1327. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. MORGAN (for himself, Mr. Adair, Mr. Albert, Mr. Gerald R. Ford, Mr. Springer, Mr. Bray, Mr. Watson, Mr. Wampler, Mr. Camp, Mr. Schadeberg, Mr. Williams, Mr. Schneebeli, Mr. Latta, Mr. Quie, Mr. Chamberlain, Mr. Reid of New York, Mr. Pettis, Mr. Brown of Ohio, Mr. Roth, Mr. Dickinson, Mr. King, Mr. Ware, Mr. Forsythe, and Mr. Biester):

H. Res. 1328. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI (for himself, Mr. O'Hara, Mr. Mailliard, Mr. Frelinghuysen, Mr. Kee, Mr. Flood, Mr. Burke of Massachusetts, Mr. Price of Illinois, Mr. Biaggi, Mr. Steele, Mr. Anderson of Illinois, Mr. Thompson of New Jersey, Mr. Brademas, Mr. Matsunaga, Mr. Nedzi, Mr. Kluczynski, Mr. Passman, Mr. Gonzalez, Mr. Vigorito, Mr. Daniels of New Jersey, Mr. Roe, Mr. Rodino, Mr. Symington, Mr. Udall, and Mr. Reuss):

H. Res. 1329. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. CELLER:

H. Res. 1330. A resolution condemning the persecution of any persons because of their religion in the Soviet Union; urging the Soviet Union to permit the free exercise of religion and pursuit of culture by Jews and all other citizens; and urging that the Soviet Union allow the emigration of its citizens who wish to emigrate; to the Committee on Foreign Affairs.

By Mr. DEVINE (for himself and Mr. King):

H. Res. 1331. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. GALLAGHER:

H. Res. 1332. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. GREEN of Pennsylvania:

H. Res. 1333. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. SHRIVER:

H. Res. 1334. A resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. TIERNAN:

H. Res. 1335. A resolution concerning the continued injustices suffered by the Jewish citizens of the Soviet Union; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

656. The SPEAKER presented a petition of the Council of the City of New Orleans, La., relative to keeping the New Orleans Public Health Service Hospital in operation; to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

PRICE STABILITY

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. O'HARA. Mr. Speaker, one of my constituents, Mr. Robert Hayworth Beal, has been thinking about some of the problems that confront the Nation in the field of economic instability. He has put his thoughts together in a document entitled "A Petition for a Coordinated and Credible Program for Price Stability", which he has asked me to present to the Congress.

Certainly, in exercising his first amendment right to petition the Congress, Mr. Beal is well within his rights in asking that his suggestions be put before this body for its consideration.

I include the petition at this point in the Record for the attention of the Members of this House:

A Petition for A Coordinated and Credible Program for Price Stability

This is a Request to the President and to the Congress to sponsor still another Study Commission. This Commission would be charged with making recommendations for A Coordinated and Credible Program for Price Stability.

It would seem proper that the petitioner indicate the nature of the problem, that a few suggestions be made to the Commission and that some thought be expressed as to the direction Commission Recommendations might take.

THE NATURE OF THE PROBLEM

Congress has given authority to the Federal Reserve Board to effect changes in the quantity of money and credit.[1] We are all pretty guilty of pointing our fingers at the Board[2] and in effect saying, "You can control the quantity of money and by so doing can control its value.[3] Now provide us with a finely tuned, dynamic, expanding, free enterprise economy, gently stimulated by mild, mannerly inflation and an abundance of long-term, low interest credit, and an economy which provides full employment with free collective bargaining for all public employees as well as those in the trades and industry, and an economy which will allow our Congress and our President freedom to pursue policies of expediency, though these may contradict or negate action taken by the Federal Reserve Board to control the value of money."

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[1] The Federal Reserve Act of 1913, as amended, gives the Board authority to change the rediscount rate when member banks borrow; to change reserve requirements of member banks and to buy and sell bonds on the open market.

[2] The Board "and/or the President who has some standby authority."

[3] A restrained definition of the Quantity Theory of Money would be "Other factors remaining constant, the value of money will tend to vary inversely with quantity in circulation."

But inflation continues and there is unemployment! Some things will have to change.

Would you like to serve on the Commission? Friends might liken you to the Biblical David facing Goliath, but they are apt to say, "We should have had such a Commission a long time ago."

SUGGESTIONS TO THE COMMISSION

No one expects the Commission to really accomplish their purpose unless they deal with sensitive issues and situations in a matter of fact way.

The Commission will need to spend time in reviewing recent decades of United States history and may illustrate with examples the problems of securing timely, coordinated and responsible action under our Constitutional System of Government. A Republican President with his advisors, a Democratically controlled Congress with key committees chaired by the seniority system, frequent elections where the immediate pocketbook issue seems to prevail and the Federal Reserve Board with limited standby authority to act, all together, do indeed make a different mix!

The Commission will need to note other factors affecting prices than the Federal Reserve Board's authority over the quantity of money. These other factors will need to be harnessed and used in harmony[4] with the standby authority of the Board. Guidelines will need to be developed.

A review of the Constitutional delegation of powers by the people is suggested; particularly the powers of Congress "to coin money and regulate the value thereof" and "to borrow money on the credit of the United States" and "To pay the debts". A significant question would be, "When Congress authorizes others to act, who has ultimate responsibility to the people?"

The Commission will need to face the issue of the total productivity of the people and the like total sum of the portions available to individuals. At what point do negotiated employment contracts become inflationary and deprive others, unorganized or in a weaker bargaining position of real income?

Little note has been taken of the recent and growing impact of public employee bargaining on the financial condition of our cities and school districts,[5] nor has the effect on vital services subject to government rate determination been noted.

Unless a sincere and determined effort is made to cite and make effective recommendations to correct other inflationary forces, those employed under negotiated contracts will rightly resent recommendations curbing excessive settlements from collective bargaining.

No real estimate has been made of the annual levy or toll taken by inflation on the stored purchasing power dollar assets of all of the people.

Nor has the damage to credit of all who would borrow been assessed; not damage in the sense of risk of repayment of the sums borrowed, but in the kind of dollars anticipated in repayment.[6] Nor do we have an estimate of the future borrowing needs or an explanation of how these needs will be satisfied.[7]

The Commission may wish to examine several popular ideas regarding easy solutions to our problem and note the extent of accepting, accommodating and remaining mute to inflation as a way of life.[8]

The people will be grateful to the person capable of putting Commission recommendations into plain and concise language.

DIRECTIONS COMMISSION RECOMMENDATIONS MIGHT TAKE

1. A recommendation for Statesmanship.

2. A recommendation to substantially increase the Federal Reserve Board's authority to act.

(Such as authorizing the Board for limited periods of time to: (a) invoke and revoke a surtax, (b) require compulsory arbitration when settlements threaten to exceed cost of living and increased productivity.)

3. A recommendation that the Chairman of the Federal Reserve Board report regularly to the people.

4. A recommendation that a Known Schedule of Action go into effect as the Price Index moves significantly (between 1–2% annual rate) from the Base Year.

5. A recommendation that A Guideline for Coordinated Action be respected.

(One part of the Guideline dealing with Actions Known to Have a Stimulating Effect on the Economy and Prices, and one part dealing with Actions Known to Have a Restraining Effect on the Economy and Prices.)

6. A recommendation that the Congress and the President commit themselves to the Program for Price Stability by a positive act (or acts) of commitment.

(This could be the most effective place to make a Coordinated and Credible Program for Price Stability work. One possible act of commitment is suggested here: Congress has "borrowed on the credit of the United States" and has used the "credit" to guarantee repayment of debt contracted by other authorized agencies. The present debt requires constant refinancing and there will be additional borrowing.

It might make sense to commit ourselves to A Coordinated and Credible Program for Price Stability by Congressional Enactment of a modified debt repayment escalation clause for all debts guaranteed by the credit of the United States; i.e., which would allow some reasonable annual price change (say 1½% or even 2% annually) cumulative over the term of the debt.

Such a modified debt payment escalation clause would allow "elbow room" for the President and Congress and some stimulus to the economy. But it would force everyone to think and to carefully weigh the price of yielding to expediency.

THE ENVIRONMENTAL DEFENSE FUND

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. OBEY. Mr. Speaker, if there are two subjects which we often hear associated with the young people in this country, it is their concern with the environment and their alleged belief that "the system does not work."

I am asking that an article be printed below which shows how well one organization concerned about the protection of our environment—the Environmental Defense Fund—has worked within our governmental institutions.

The article appeared in the Stevens Point Daily Journal, Stevens Point, Wis., and follows:

THE ENVIRONMENTAL DEFENSE FUND

(By Brian Sullivan)

An organization housed in a 100-year-old farmhouse far out on New York's Long Island has swiftly become the public defender of the environmental movement.

It is called the Environmental Defense Fund and it is a nonprofit organization of lawyers, scientists and citizens dedicated to the protection of environmental quality.

The work the fund is now doing, many observers believe, will probably shape much of the course of the fight to save the environment in the years ahead.

It is in the courts, the fund believes, that the citizen will be able to effectively challenge the grants of government and industry.

"The Environmental Defense Fund," it says, "believes that the judiciary is the one social institution already structured to provide the wise response that may enable us to avert ecological disaster."

The EDF has recently sued the Montrose Chemical Corp. to compel it to stop discharging DDT into the Los Angeles sewer system, which empties into Santa Monica Bay and the Pacific Ocean.

The EDF is awaiting a hearing on its motion for a preliminary injunction to stop further construction by the Army Corps of Engineers of the Cross-Florida Barge Canal, which the EDF says will destroy the wild Oklawaha River.

The EDF also has filed suit against the Army engineers to block construction of a dam on the last major free-flowing river in southern Arkansas, the Cossatot River.

The EDF has started legal action against the Federal Aviation Administration on the SST, the Agriculture Department and the Health, Education and Welfare Department on pesticides and a fire ant eradication program and on the elimination of lead from auto exhausts.

The Environmental Defense Fund was born in the controversy over DDT, first on Long Island, then in Michigan and Wisconsin. It was incorporated in October, 1967, originally supported by the National Audubon Society, but until early this year was running without substantial funds.

"At the beginning of this year, EDF was a fragile organization," says Edward Lee Rogers, EDF general counsel and a former Justice Department lawyer. "We were at a low ebb financially."

Rogers, with executive director Roderick A. Cameron, and others, talked of becoming a general membership organization. To avoid becoming unmanageable, they decided members would not vote, there would be no fancy magazine.

"We said we'd tell the members we'll give them what they want—action, in the courts," Rogers says.

The turning point came when Cameron decided to spend about $5,000 of the organization's total remaining assets of $23,000 on an advertisement in the New York Times on Sunday, March 29, headlined "Is Mother's Milk Fit for Human Consumption?" It referred to the amount of DDT in the human body.

The ad appealed for members, starting at $10 for a basic membership. It produced $7,000, a profit, and the EDF turned to a direct mail campaign and now has 10,000 members, a stable financial base and a chance at major foundation support.

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[4] The 1969, 30–40% voted pay increases for Congress, the President and his top administrators and for the Federal Judiciary were noted by all the people and have been cited across countless bargaining tables. They were not in harmony with the Federal Reserve Board's action in increasing the rediscount rate.

[5] Their chronic deficits, layoffs and unending appeals for more and more tax money and aid.

[6] The high interest rate on bonds may include a factor for anticipated inflation.

[7] Many believe credit can be created endlessly and that the use of the savings of the people is secondary. A review of the history of the E Bond program is suggested.

[8] Escalation clauses and equities in real property make people feel more comfortable.

EDF has enough money to continue operating for about four months if money stopped coming in—it continues to come in—and hopes to maintain that kind of financial backlog. "We're not trying to maintain a big kitty," Rogers says. "We run lean."

EDF has 23 cases in some phase of prosecution throughout the country and is looking into several others. Rogers says the EDF chooses its spots carefully: "We're militants, but we're not zealots."

Among those on the EDF board of trustees are Dr. Charles F. Wurster, a specialist on pesticides at the State University of New York at Stony Brook; former Interior Secretary Stewart L. Udall, and a new member Democratic Rep. Richard L. Ottinger, recently defeated in a bid for the U.S. Senate from New York.

A major aspect of the work the EDF is doing concerns the setting of precedents in environmental law, while at the same time solving specific environmental problems.

Two years ago, for example, EDF filed suit in Montana against the Hoerner-Waldorf Corp., charging that the firm's pulp and paper mill was causing extensive air pollution in the Missoula Valley.

The case moved slowly in court, EDF says, and recently the court dismissed the case on a technicality. The EDF claims that "as a result of pressures aroused by the litigation, the company undertook a $13.5-million air pollution abatement program that is well on the way to solving the problem."

And further, the EDF says, the decision in the case contained language that for the first time in a federal court recognized the constitutional right of citizens to a healthful environment.

In the ruling, Senior U.S. District Judge W. D. Murry said:

"I have no difficulty in finding that the right to life and liberty and property are constitutionally protected. Indeed the Fifth and Fourteenth Amendments provide that these rights may not be denied without due process of law, and surely a person's health is what, in a most significant degree, sustains life.

"So it seems to me that each of us is constitutionally protected in our natural and personal state of life and health."

The EDF commented: "litigation is a process where it is sometimes possible to win by losing."

YOU ARE NEVER TOO OLD TO FEEL YOUNG

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, December 29, 1970

Mr. RANDOLPH. Mr. President, this past October, while conducting a hearing for the Committee on Aging in Charleston, W. Va. on "Older Americans in Rural Areas—Transportation," I had the opportunity of watching a remarkable calisthenics demonstration by a group of older people.

These individuals, who range in age from 65 to 85, were all either suffering from chronic conditions or recovering from acute physical disabilities—conditions which had rendered them almost completely immobile. But that was before they began participating in a program of "Physical Fitness for Senior Citizens" developed by the Lawrence Frankel Foundation, and funded by a title III Older Americans grant from the West Virginia Commission on Aging.

Only 6 months after beginning a series of carefully supervised, individualized calisthenics classes they are able to participate in community activities and social contacts, instead of watching from the sidelines in loneliness and depression, as was the case for many of them previously.

I feel the inclusion of this demonstration added an important dimension to a hearing which focused on transportation needs of the elderly, because without the ability or capacity to be mobile, there is very little an older person can do about making use of the public transportation that is available to him, or overcoming the barriers of inadequate or nonexistent transportation.

The program is a pilot project on which a statewide plan for physical fitness programs for the elderly will be based. If this type of effort is beneficial for older people who suffer from physical disabilities and ailments, then it may well prove a preventive measure for others, against the decline in physical condition that accompanies old age.

This activity has meant much to the older persons participating, and as Lawrence Frankel observed in his interim report on the project:

> With . . . dedicated leadership, carefully administered regimes and a sprinkling of warm affection, previously apatheic, disinclined and even fearful and despairing . . . older citizens can be motivated toward changed life patterns of activity reduction in their . . . symptoms and to almost become missionaries on their own, for a way of life that can only enhance their health and their joy in living.

If the goals of the project are met, then it could well be the model for a nationwide physical fitness plan for older Americans.

I feel that such a program is worthy of our careful attention. A recent article in the Charleston Daily Mail describes the program, and what it has meant to the West Virginia elders who participate. I ask unanimous consent that the article, entitled "Group Finds You're Never Too Old To Feel Young" be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GROUP FINDS YOU ARE NEVER TOO OLD TO FEEL YOUNG

(By David McCorkle)

Carrie Minotti is 72.

She has a twinkle in her eye, an aura of excitement about her and something to beam about.

But life was not always so felicitous.

For the past three years she had languished at a residence home doing little except reading, viewing television and watching others like herself sit in limbo.

Mrs. Minotti's husband died in 1950. Shortly afterward she broke both legs and doctors told her she wouldn't be able to bend one knee, perhaps never walk again.

Like so many others her age, Mrs. Minotti found it easier to accept her situation than to do anything to correct it.

This path led to lethargy and depression, and existence took on a sense of futility.

Today things are different. Mrs. Minotti has a wholly new outlook, an enlivened style. And this style centers around a class, which she anticipates with the excitement of a school girl. She walks three afternoons a week to these sessions.

It is a pilot program of the Lawrence Frankel Foundation and was established June 1 through a contract issued by the West Virginia Commission on Aging.

The contract outlines that the program is to be for "the development of the statewide plan for physical fitness programs for senior citizens, and for a survey of the relevant literature."

The group of 15 special students under the tutelage of Frankel, has become known as "The Ageless Aesculapians." Frankel explained that Aesculapius was the Greek god of healing, and that it is the hope of the project that it will be a preventive for some of the infirmities of old age.

Frankel reflected on the vast need of help for the aged. Figures show what has to be done, he said. There are 20,000 senior citizens in Kanawha County and 190,000 in the state.

"Those over 65 need to be able to achieve their dreams, but nobody is doing anything about it," he said.

Dr. Hans Kraus, who served as the late President Kennedy's back specialist, after reading of Frankel's program, said "I think your plan is excellent and is well formulated. It is indeed one that is very much needed."

The plan involves formulating an individualized regime of exercises for each person according to his or her specific need, age and training.

The program centers around the philosophy "that exercise can slow the aging process by enhancing health and creating self esteem," Frankel said. "This can change the later years from a time of idlenes and physical discomfort and misery to a time of happiness, independence and usefulness."

The students, all of whom have a doctor's clearance to participate in the program, have spent a month and a half at strenuous work. The results speak for themselves.

Barbara Larson, 69, a year ago had a heart ailment, suffered from arthritis of the spine, and a nerve condition. Each night for the past year she had taken a sleeping tablet before retiring.

Now she does sit-ups, strength exercises and balances on the balance beam, maneuvers she heretofore believed impossible for her. "And", she said, "I haven't had a sleeping tablet since I started exercising."

Claude L. Board, 81, of Brooks Manor, two years ago totally was incapacitated after a spinal operation. After the operation he rarely walked without a cane. Now, he walks confidently and unassisted three blocks to the Institute.

As many others, he is astonished with the effect of the program. "I feel as if I will be able to live normally, to do things I did before and enjoy life in the late years."

Carrie Minotti's only exercise for three years consisted of pushing elevator and washing machine buttons. She said the more she sat, the more she couldn't get around, until she had lost all interest, even in walking.

"Now I can walk and move around freely," she said. "If I can do that much after four weeks, you don't know what I'll be doing in six months, I may be a go-go-girl."

Who knows? She may not be kidding.

HAROLD H. KAHN

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. FEIGHAN. Mr. Speaker, it was with deep regret that I learned of the

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passing of my dear friend, one of Greater Cleveland's most outstanding citizens. Mr. Kahn gave unselfishly of his time and efforts on behalf of his fellow man and his contributions will be long remembered.

Harold H. Kahn, prominent attorney and community leader, passed away at Mt. Sinai Hospital at the age of 64. Mr. Kahn suffered a heart attack but seemed to be recovering when he died.

Mr. Kahn served as president of the Citizens League and the Jewish Convalescent and Rehabilitation Center, and last month was honored for his years of distinguished service to the latter organization.

He was recently chosen by Mayor Carl B. Stokes, of Cleveland, to serve as a member of the Cleveland Community Relations Board.

Many other organizations benefit from his devotion to a variety of causes. He was a longtime member of the board of trustees of the Jewish Community Federation of Cleveland and was chairman of some of its most important committees. He was a former president of Beechmont Country Club and served as a member of Selective Service Board No. 236B.

Mr. Kahn was for many years a member of the board of trustees of Fairmount Temple. He was a practicing attorney for 39 years and served on many corporate boards.

He was senior member of the law firm of Kahn, Kleinman, Yanowitz & Arnson.

He is survived by his wife, Jean, his daughter, Evelyn Safran, son William, and three grandchildren to whom I extend my sincere sympathy.

CLEMENCY NEEDED IN MOSCOW

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. BUCHANAN. Mr. Speaker, last week we witnessed a blatant example by the Soviet Union of the violation of rights which we in the United States hold so dear.

The sentencing to death of two Jews for conspiracy to hijack a Soviet airliner is outrageous to me, not only because it is a further indication of a continuing pattern of persecution of Jews but because of the inhumane severity of the sentence itself.

There is no question that hijacking is a grave international problem. But convicted hijackers in other nations have not received death sentences for actually carrying out the crime, let alone an individual accused only of planning to hijack an airliner.

As you know, Mr. Speaker, a Soviet court last week convicted 11 persons, nine of them Jews, for conspiring to hijack a plane. They were arrested at an airport while boarding a plane for a domestic flight and were not charged until later with attempted hijacking.

Their trial was held in virtual secrecy with the outcome being conviction in all 11 cases. Two men were condemned to die and the remaining face from 4 to 15 years in labor camps.

There are, in my judgment, grave questions concerning the validity of these charges. Reports out of the Kremlin indicate that they may be fabrications of the government to deter further hijackings.

Apparently, in response to loud outcries of horror throughout the world from both Communist and non-Communist nations, the Soviet Union has scheduled for Wednesday a hearing on the appeal for clemency by these men.

At this hearing, Mr. Speaker, the Soviet Government has the opportunity to prove to the rest of the world the veracity of its claims that it does not persecute ethnic groups.

However, I have my doubts as to the accuracy of this claim.

During my own personal visit to the Soviet Union, it became clear to me on a firsthand basis that the disturbing reports of anti-Semitism in the Soviet Union are a reality.

At that time, we visited the only synagogue in Moscow, a city containing an estimated 500,000 Jews. Other synagogues, we learned, had been closed and there were indications that Soviet Jews courted the disfavor of Russian officials by openly practicing their customs and religious observances.

And, since that time, these reports have not abated—they have increased.

Jews, as an ethnic group in the Soviet Union, have been relegated virtually to the status of less than second-class citizens.

They cannot, as the nine convicted Jews attempted, emigrate to Israel.

They are discouraged from observing their customs and often cannot obtain jobs because of their ethnic backgrounds.

Earlier this year I was a member of a special subcommittee conducting hearings in New York on the persecution of Jews in the Soviet Union and heard testimony of continued acts of anti-Semitism there.

Mr. Speaker, in my judgment, this latest sentence—and I understand there are more than a score of other Jews awaiting trials on similar charges—is evidence of religious and ethnic prosecution of the highest degree.

But I would hope that in the case of these specific individuals, the Soviet Government would accede to their request for clemency.

It is also my sincere hope that the U.S.S.R. will alter its national policy which has prevented virtually thousands of Soviet Jews from emigrating to Israel and elsewhere and that it would end the religious persecution of persons of all faiths within the Soviet Union.

IOWA LEADS THE NATION IN GROWTH RATE OF AGRICULTURAL EXPORTS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. SCHWENGEL. Mr. Speaker, one of the major reasons for which I opposed the Trade Act of 1970, is the fact that I feared retaliations to the quota provisions would endanger Iowa's growing agricultural export business. In my remarks on that legislation, I noted that farm exports reached $6.5 billion last year. Figures recently made available to me by the Iowa Development Commission reveal rather pointedly the extent to which Iowa contributes to that $6.5 billion. During the years 1960 to 1970, Iowa rose from sixth place to third place in the value of agricultural commodities exported to foreign countries. More important, Iowa's growth rate in agricultural exports leads the Nation. The December newsletter of the Iowa Development Commission contains the following additional information:

IOWA'S GROWTH RATE IN AGRICULTURAL EXPORTS LEADS THE NATION

EXPORTS

During the ten years from 1960 to 1970, Iowa rose from sixth place to third place in the value of agricultural commodities exported to foreign countries.

The rise from 211 million dollars to 505 million represents an increase of 139 per cent, the largest increase among the top ten exporting states. Illinois, which currently exports the greatest amount (650 million dollars in fiscal 1970), experienced an increase of 115 per cent. California is in second place with 556 million dollars for an increase of 109 per cent.

Fifteen states showed a decline in value of agricultural exports over the past decade.

AGRICULTURAL ACTIVITIES OF THE IOWA DEVELOPMENT COMMISSION

"The reaction from our foreign buyers of farm export commodities to passage of the foreign trade bill currently in Congress would very likely cause financial hardship to Iowa farmers and to Iowa's whole economy", according to Del Van Horn, Director of the Agriculture Division.

The bill, H.R. 18970, which has already been passed by the U.S. House of Representatives and is now being considered by the Senate, would set new import restrictions on such things as textiles and shoes.

"Retaliation against this restrictive trade measure", says Van Horn, "could mean the loss of a large part of the foreign markets that agricultural interests have worked to build. Iowa, in the fiscal year of 1970, received 505 million dollars from this export business and currently ranks number one in exports of meat and animal products, second in exports of soybeans and feed grains, and third in the overall value of agricultural exports.

"We have a great deal to lose. And this loss would not only be felt by farmers in lower prices but by all segments of Iowa's economy."

"The Agriculture Division", he continues, "will support the efforts to defeat passage of this trade bill in any way that it can."

WALTER TROHAN ON THE ORDEAL OF SIMAS KUDIRKA

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. PUCINSKI. Mr. Speaker, we are all shocked and dismayed at the unprecedented actions of the U.S. Coast Guard and the Department of State in turning back the would be defector, Si-

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mas Kudirka, to the Soviet ship, *Sovietskaya Litva*. The picture of Russian crewmen searching after and beating this defector aboard an American vessel is totally repugnant to all of us.

Mr. Walter Trohan, the very able distinguished columnist of the Chicago Tribune, has placed this incident of tragic incompetency into the proper perspective. Mr. Trohan has written of the firsthand observation of Mr. Robert Brieze, an American civilian, aboard the Coast Guard cutter, *Vigilant*.

Mr. Brieze appeared today before the Foreign Affairs Subcommittee investigating this case. As Mr. Trohan writes, this is a well justified probe and I want to commend the House committees who are attempting to sort out all of the facts and whose goal is to see that such bungling and malfeasance never occurs again.

I also commend Mr. Trohan's column to my colleagues:

A Probe That Is Well Justified

(By Walter Trohan)

WASHINGTON.—Congress has rightfully launched an investigation into what appears to be one of the most shameful acts of commission and omission in recent American history—the denial of political asylum to a Lithuanian crewman of a Russian fishing vessel. President Nixon has been quoted as branding the incident as "outrageous."

The facts are clear and have the support of an eyewitness. About 10:30 a.m. on the morning of Monday, Nov. 23, the United States Coast Guard cutter, Vigilant, and a Russian fishing vessel, the Sovietskaja Litva, met in American waters off Martha's Vineyard to discuss the overharvesting of the yellow tail flounder. Civilian representatives of American fishing organizations, including Robert Brieze, president of the New Bedford Products Seafood Association, were also present.

At 2:30 p.m., Edward L. Killham Jr., head of the Soviet affairs desk at the State Department, was advised by the Washington headquarters of the Coast Guard that a Russian sailor had indicated he wanted to defect. Killham told the Coast Guard the U.S. did not want to encourage defection. Killham conferred with superiors, including U. Alexis Johnson, undersecretary for political affairs, and W. B. Macomber, deputy undersecretary for the administration.

At 3:30 p.m., Killham received another call, saying there had not been any defection as yet, but revealing that an English-speaking radio operator on the ship, known only as Simas, had made known his intention to seek asylum. At 7:46 p.m., the State Department was advised that the defection had, in fact, occurred, but that the seaman, evidently in line with State Department wishes, had been returned to his ship and the ship was being escorted out of U.S. waters.

However, it was later learned that the defector was still aboard the American vessel at 11 p.m. and that return was not carried out until that time. Further, it has since been reported that Russians were allowed to question the radio operator, a Lithuanian, aboard the American ship and even beat him under the American flag. Whether or not this is so must be developed by the congressional investigation. Coast Guard Adm. Chester R. Bender was informed of developments.

Brieze said Capt. Ralph E. Eustis of the Coast Guard cutter told the Russians that they could use American crewmen to take Simas off the cutter or use Russian crewmen for this purpose. Accordingly, the Russians sent three men to get the radio operator and then sent three more when Simas fought against return, knowing the Russians are not exactly in love with Lithuanians, having seized the country in 1940.

"We could hear Simas crying for help," Brieze said. "The Russians started beating him and we could hear him crying, 'Help, help, help.' "

Simas was tied in a blanket, bloodied no doubt, and taken back to captivity and further punishment.

American history is without parallel for such an incident except in the years before the War of 1812 when the British impressed seamen of American merchantmen. No doubt many of these were deserters from the British navy, who left for higher pay in America and in protest to recruitment by press gangs in England. The British were not overly cautious about impressment, frequently taking American citizens as well as British deserters.

An American youth, named Pindell, wrote his father begging for release, saying that he would rather "drown himself" than endure his condition aboard the British ship Belona. A veteran of the Revolution, David Rumsey, whose son was impressed on a British ship, wrote to the speaker of the House, "If this is all the liberty I have gained, to be bereaved of my children in that form and they made slaves, I had rather be without it." The new nation went to war rather than kneel to British might.

FASCELL URGES CLEMENCY FOR SOVIET JEWS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. FASCELL. Mr. Speaker, I join the Greater Miami Rabbinical Association in their appeal to Soviet authorities to reexamine the judicial proceedings involving the alleged hijacking conspirators. The world, left to its own speculations concerning the facts of this tragic situation, can only conjure up the most ominous forebodings for the future of all Jewish people in the Soviet Union.

The real issue in this situation is the refusal of the Soviet Union to permit Jews to emigrate to Israel. It is contrary to all free and democratic thought to deny an individual the right to make his home where his heart and mind choose it to be.

Therefore, I beseech Soviet officials to open this case to the onlooking world and to exercise clemency with the accused, that faith in the humanitarian spirit of all men might be rekindled.

I call to the attention of our colleagues a news item and editorial which appeared today in the Miami Herald focusing on this tragic situation.

The articles follow:

[From the Miami Herald, Dec. 29, 1970]

Miami Rabbinical Group Urges Nixon To Intervene

An appeal for President Richard M. Nixon to intervene on behalf of the eleven persons convicted in Leningrad, Russia, for conspiring to hi-jack a plane to Israel has been made by the Greater Miami Rabbinical Association.

The Association also called upon Miamians to join in prayer services for the convicted Russians, most of whom are Jews, and in "protest at the inhumanity being perpetrated against a segment of God's children where His light is being threatened with extinction."

Association President Sol Landau said the trial of the group "was done in a kangaroo court style violating every rule of law and justice. The trial had the overtones of rabid anti-semitism which is in keeping with the communist Russia tradition."

One protest rally and prayer service has been scheduled at eight p.m. Wednesday in the Jacob C. Cohen Community Synagogue, 1532 Washington Avenue, Miami Beach.

Speaker for the event will be Dr. Arthur Shneir, President of the InterFaith Fellowship on Russian Jewry. He has been a frequent visitor to Russia and was the only American Rabbi attending the international Rabbinical conference recently held behind the Iron Curtain.

[From the Miami Herald, Dec. 29, 1970]

World Must Speak Out on Persecution of Jews

All that a watching world feared and nothing for which it hoped emerged from the notorious Leningrad "show trials" of eleven persons—nine of them Jews—accused of plotting to hijack a Russian airplane and leave the country.

There was no actual "hijacking" but only a so-called conspiracy to seize a small, single engine airplane. All of those hauled into court were pre-judged guilty. The severity of the sentences is appalling. Two alleged plotters were given death penalties. Others must serve prison camp terms, ranging from four to fifteen years.

Treason in the Soviet Union is conveniently interpreted as any offense against the state. For example, the desire to leave the country is a criminal tendency, although some are allowed out. In this instance the target is obvious. In the first Leningrad trial and a second postponed until January 6, the culprit is Russian Jewry.

The history of religious persecution in Russia is as old as it is disgraceful. Under the Soviets it is particularly insidious because it is a political instrument meant to intimidate other minorities as well and squelch a rising popular dissent.

It may be fruitless to protest this and other acts of political terrorism, but they should not be unchallenged. The darkest page of modern Western history was the indifference, perhaps born of disbelief, toward Adolph Hitler's calculated persecution of German Jews and the destruction of a whole people by means which must always rest on the conscience of mankind.

There is some evidence that the Soviet Union will bend, if only slightly, before world opinion. At least that is what some Kremlin watchers think.

At best, a process now being directed at three million Russian Jews may be arrested. At very least the death sentences may be altered if there are sufficient expressions of world wide revulsion.

The mailing address of the embassy of the USSR is 1125—16th Street, N.W. Washington, D.C.

TAFT JOINS IN PROTEST OF LENINGRAD TRIALS

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. TAFT. Mr. Speaker, along with my colleagues and the rest of this great Nation, I join in protest of the Leningrad trials which recently sentenced two Soviet Jews to death.

This Nation and the world are outraged by the spectacle of misuse of allegedly judicial procedures by the Soviet Government to perpetrate national captivity and fan anti-Semitism.

I join with the Jewish community in Cincinnati, Ohio, and throughout the country in protest of the mass indictments against Soviet Jews in the Leningrad trials.

While all condemn aircraft hijacking, to corrupt this fear for antireligious and antiemigration policies cannot be justified.

We cannot stand mute while others seeking to exercise choice of belief and of cause are deprived of this choice by secret accusations of guilt by inference.

You have my prayers and you have whatever assistance I may offer that those persons on trial may be treated humanely.

PROTEST APPOINTMENT OF DR. SIDNEY P. MARLAND, JR. AS COMMISSIONER OF EDUCATION OF THE UNITED STATES

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. MADDEN. Mr. Speaker, I have received a number of letters in protest to the President's submission of the name of Dr. Sidney P. Marland, Jr., for Commissioner of Education of the United States. Several newspapers have written articles and editorials setting out his educational background as being far from friendly to all elements of our educational expansion.

I do think that in the urban areas of the United States our great problems of lack of educational facilities and accommodations for all our American Youth needs somebody to head the program who has a reputation for educational expansion instead of curtailment.

I am hereby submitting for the information of the Members a resolution adopted by the Lake & Porter Counties AFL–CIO Central Labor Union, East Chicago, Ind. This organization represents approximately 75,000 steel and oil workers and employees of many industries of the Calumet Region of Indiana. They have experienced the education crisis which no doubt exists in all industrial urban areas throughout the United States. During the last 20 years millions of workers have moved into urban areas until today 71 percent of the population is located in the large cities of the country.

The resolution follows:

LAKE & PORTER COUNTIES
AFL–CIO CENTRAL LABOR UNION,
East Chicago, Ind., December 21, 1970.

RESOLUTION

Whereas: Dr. Sidney P. Marland, Jr., has been nominated to be Commissioner of Education of the United States; and

Whereas: Dr. Marland has by word and deed taken positions opposing the rights of teachers to have the right of collective bargaining, and

Whereas: As recently as April, 1970, Dr. Marland has appeared before a committee of the Congress of the United States urging the enactment of federal anti-strike legislation against teachers, and

Whereas: Dr. Marland is and has been associated with a newly emerging industrial-educational complex which poses grave threats to the future of public education, and

Whereas: The office of Commissioner of Education of the United States is of importance in formulating the position of the administration of the United States government concerning education, and

Whereas: The Commissioner of Education of these United States should be a person whose statements on educational matters should be given both weight and respect,

Now therefore be it resolved: That the Lake & Porter Counties AFL–CIO Central Labor Union oppose the nomination of Dr. Sidney P. Marland, Jr., to be United States Commissioner of Education, and

Be it further resolved: That Senator R. Vance Hartke, Senator Birch E. Bayh, Jr., Congressman Ray J. Madden, Congressman Earl F. Landgrebe, and other legislators be notified of this position of the Lake & Porter Counties AFL–CIO Central Labor Union and urged to oppose the nomination of Dr. Sidney P. Marland, Jr., as United States Commissioner of Education.

PETER CALACCI,
President.
KERMIT C. RAY,
Financial Secretary.

OPERATION KEELHAUL MYSTERY IS PERPETUATED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. RARICK. Mr. Speaker, the intrigue around the suppressed Operation Keelhaul files and papers deepens.

While President Nixon professes no objection to the declassification and release of the Operation Keelhaul files, he continues to deny their release to the public because of objections from the British Government.

So, the suppression of Operation Keelhaul secrets from the American people is now perpetuated because of the fears of some British bureaucrat.

If it is necessary to get clearance from every nation in the world, even the Russians might object to the American people learning the truth about the Operation Keelhaul massacre.

I include the correspondence between the President of the United States, Richard M. Nixon, and Mr. Julius Epstein of the Hoover Institute of War, Revolution, and Peace in the RECORD:

HOOVER INSTITUTION OF WAR,
REVOLUTION AND PEACE,
Stanford, Calif., October 9, 1970.

MR. RICHARD M. NIXON,
The President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I was deeply gratified when you said in your speech of October 7th, that all the prisoners should be free "to return to the country of their choice," thus precluding a repetition of the American-British crime against humanity of forcing them back to Stalin.

I have studied the problem of forced repatriation since 1954 and have just finished a book "Operation Keelhaul. The Story of Forced Repatriation."

I also brought legal action against the Secretary of the Army, Mr. Stanley Resor for declassification of improperly classified documents, known under the army's code name "Operation Keelhaul." This lawsuit became possible when the Freedom of Information Act went into effect on July 4, 1967.

I lost in the District Court, the Court of Appeals and the Supreme Court denied my petition of certiorari.

By this miscarriage of justice, the Freedom of Information Act was declared a dead letter.

The continued classification of "Operation Keelhaul" cannot any longer be justified.

Therefore, I am appealing to you, Sir, to order declassification and release of the "Operation Keelhaul" dossier on your presidential authority. Historians as well as the American people will always be grateful to you if you release the "Operation Keelhaul" file to the American people.

I'm enclosing Xerox copies of two insertions in the Congressional Record. The material published therein will give you a complete background on the case "Epstein V. Resor."

Most respectfully yours,
JULIUS EPSTEIN.

THE WHITE HOUSE,
Washington, D.C., October 22, 1970.

Mr. JULIUS EPSTEIN,
Hoover Institution,
Stanford University,
Stanford, Calif.

DEAR MR. EPSTEIN: The President has asked that I reply to your letter of October 9, 1970, requesting that he order the declassification and release of the "Operation Keelhaul" files.

The Department of the Army advises that it has reviewed these files on a letter by letter basis. As you know, the great majority of the documents in this file originated in a post World War II joint command and a number of them are British in origin. The concerned departments and agencies of the Executive Branch have agreed that they could be declassified subject to the concurrence of the British Government and an approach to the British was made to secure that concurrence. The British declined to concur on the grounds that they have not yet completed declassifying World War II documents, and since the "Operation Keelhaul" files originated in 1946 and 1947, the British refused to address the question of declassification until they had completed their review of all of their war-time documents.

The U.S. Government has absolutely no objection (based on the contents of the files) to the declassification and release of the "Operation Keelhaul" files. However, given the joint origin of the documents, British concurrence is necessary before they can be released and this concurrence has not been received. Thus, we have no alternative but to deny your request.

Sincerely yours,
TOM CHARLES HOUSTON,
Associate Counsel to the President.

HOOVER INSTITUTION ON WAR,
REVOLUTION, AND PEACE,
Stanford, Calif., October 29, 1970

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I thank you most sincerely for your reply to my letter of October 9th which I received over the signature of Tom Charles Houston.

Since you have now removed the main obstacle for the de-classification of the "Operation Keelhaul" files—classification based upon Executive Order 10501—there remains now only the "British" argument that the files cannot be released because they originated in a combined British-American dossier.

Since a considerable part of the Keelhaul files probably consists of purely American documents, classified by American authorities, I respectfully suggest that you release

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these purely American documents on your own presidential authority.

It is hard to believe, Mr. President, that a foreign government should still have the power to prevent the American people from learning their own history from purely American documents classified by American authorities twenty-two years ago.

I have the honor to remain Most respectfully yours,

JULIUS EPSTEIN.

HOOVER INSTITUTION
ON WAR, REVOLUTION AND PEACE,
Stanford, Calif., November 9, 1970.

Mr. TOM CHARLES HOUSTON,
Associate Counsel to the President,
The White House, Washington, D.C.

DEAR MR. HOUSTON: I thank you very much for your letter of October 22, in answer to my letter to the President of October 9.

I was delighted to see that the President has removed the main obstacle to the declassification of the "Operation Keelhaul" files. As you'll know, the courts held that Operation Keelhaul cannot be released because it must be kept secret for the protection of foreign policy and national defense according to Executive Order 10501.

This obstacle has now been removed by the President. The still remaining "British" argument should be easier to remove because the Keelhaul files contain many purely American documents. It should be possible in the long run to declassify and to release them to the American people.

As a historian, I am, of course, interested to learn when the President decided to abolish the reason for classification based upon Executive Order 10501. I would be grateful to you, Sir, if you were kind enough to inform me when the President decided to renounce this argument and what caused him to take this gratifying step.

Did the President see the many insertions in the Congressional record by Congressmen Pucinski and Ashbrook? The latter printed 32 pages in the Record of October 14, 1970.

Many historians and political scientists here at Stanford as well as at many other universities are greatly interested in the case.

I thank you very much.

Sincerely yours.

JULIUS EPSTEIN.

MOYNIHAN SUMS UP 2 YEARS WITH ADMINISTRATION

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. CARTER. Mr. Speaker, all administrations have their critics. The present administration has its share of carping, crybaby editorialists. The true picture of achievements during the past 2 years had never been portrayed until Patrick Moynihan did so in his recent speech at the White House.

The words of Moynihan tell of the many accomplishments of the present administration and state that sufficient publicity and sympathetic consideration have never been given to these achievements. I include Dr. Moynihan's address for perusal of the Members:

MOYNIHAN SUMS UP 2 YEARS WITH ADMINISTRATION

As the President has said, we are now in the middle of the journey. Where it will end we do not know. It is no longer even clear where it began, our senses having long since been dulled by the relentless excess of stimulus which is the lot of any who involve themselves in American government.

It may be of some use, then, to try to reconstruct the circumstances in which the President was elected, and formed his Administration, just two years ago.

It seemed the worst of times. It was the habit then to speak of the nation as divided, and to assert that the situation was grave beyond anything since the Civil War itself. This was misleading. The country was not so much divided as fragmented; it was coming apart. The war in Asia, undeclared and unwanted, misunderstood or not understood at all, pursued by decent men for decent purposes but by means, and with consequences, that could only in the end be heartbreaking, had brought on an agony of the spirit that had had no counterpart in our national experience.

The agony was elemental, irresolvable, and nigh to universal. No matter what one's view of the nation might be, events in Vietnam contradicted that view. Not long before the war in Asia began a French Dominican priest wrote that "Either America is the hope of the world, or it is nothing." An astonishingly large cohort of Americans concluded, in the course of the 1960's that it was nothing.

The agony of war was compounded by and interacted with the great travail of race which, once again, not so much divided as fractured the society. Racial bondage and oppression had been the one huge wrong of American history, and when at last the nation moved to right that wrong the damage that had been done proved greater than anyone had grasped.

An ominous new racial division made its appearance, and with it also a new sectional division, unattended and underappreciated, but not less threatening.

The economic vitality of the nation was imperiled. The war disrupted the economy and then dictated that the onset of peace would do so as well.

In such circumstances, confidence in American government eroded. Government was not to be believed, nor was much to be expected of it. Save fear. Government had begun to do utterly unacceptable things, such as sending spies to the party conventions in 1968.

It all comes together in the story of the man who says. "They told me if I voted for Goldwater there would be half a million troops in Vietnam within the year. I voted for him, and by God they were right."

How then could it have been otherwise than that the election of 1968 would begin in violence and end in ambiguity. It was clear enough who had won, albeit barely, but not at all certain what had won.

Then came the President's inaugural address with its great theme of reconciliation, and restraint, and—in the face of so much about which we comprehend so little—reserve. "Few ideas are correct ones," wrote Disraeli, "and what are correct no one can ascertain; but with words we govern men."

Those words of January 20, 1969, were and remain the most commanding call to goverance that the nation has heard in the long travail that is not yet ended.

How, by that standard, would one measure the two years now past. Not, I think, unkindly. To the contrary, the achievement has been considerable, even remarkable.

In foreign affairs the nation has asserted the limits of its power and its purpose. We have begun to dismantle the elaborate construct of myth and reality associated with the Cold War. The war in Asia has receded, the prospect of arms limitation has gradually impressed itself on our consciousness, the possibility of containing the endless ethnic, racial, and religious conflicts that may now become the major threat to world order has become more believable as here and there things have got better, not worse. The prospect of a generation of peace has convincingly emerged.

In domestic matters events have been similarly reassuring. Far from seeking a restoration of outmoded principles and practices with respect to issues of social justice and social order, the President, on taking office, moved swiftly to endorse the profoundly immitments, especially to the poor and oppressed, which the nation had made in the 1960's.

He then moved on to new commitments to groups and to purposes that had been too much ignored during that period, and beyond that to offer a critique of government the like of which has not been heard in Washington since Woodrow Wilson.

In one message after another to the Congress, the fundaments of governmental reform were set forth. More was required of government, the President said, than simply to make promises. It had to fulfill them. It was on this bedrock of reality that trust in government must rest. The restoration of trust would depend on this.

Since that time, mass urban violence has all but disappeared. Civil disobedience and protest have receded. Racial rhetoric has calmed. The great symbol of racial subjugation, the dual school system of the South, virtually intact two years ago, has quietly and finally been dismantled.

All in all, a record of some good fortune and much genuine achievement.

And yet how little the administration seems to be credited with what it has achieved. To the contrary, it is as if the disquiet and distrust in the nation as a whole has been eased by being focused on the government in Washington. One thinks of President Kennedy's summation: life is not fair. But there is something more at work than the mere perversity of things.

In a curious, persistent way our problem as a nation arises from a surplus of moral energy. Few peoples have displayed so intense a determination to define the most mundane affairs in terms of the most exalted principles, to see in any difficulty an ethical failing, to deem any success a form of temptation, and as if to ensure the perpetuation of the impulse, to take a painful pleasure in it all.

Our great weakness is the habit of reducing the most complex issues to the most simplistic moralisms. About Communism. About Capitalism. About Crime. About Corruption. About Likker. About Pot. About Race Horses. About the SST. Name it.

This is hardly a new condition. Tocqueville noted it a century and a half ago. "No men are fonder of their own condition. Life would have no relish for them if they were delivered from the anxieties which harass them, and they show more attachment to their cares than aristocratic nations to their pleasures."

But in the interval this old disposition has had new consequences. What was once primarily a disdain for government has developed into a genuine distrust. It has made it difficult for Americans to think honestly and to some purpose about themselves and their problems. Moralism drives out thought.

The result has been a set of myths and counter myths about ourselves and the world that create expectations which cannot be satisfied, and which lead to a rhetoric of crisis and conflict that constantly, in effect, declares the government in power disqualified for the serious tasks at hand.

The style which the British call "muddling through" is not for us. It concedes too much to the probity of those who are trying to cope, and the probable intransigency of the problems they are trying to cope with. In any event, in so intensely private a society it is hard to get attention to one's own concern save through a rhetoric of crisis.

As a result, we have acquired bad habits of speech and worse patterns of behavior, lurching from crisis to crisis with the attention span of a five-year old. We have never learned to be sufficiently thoughtful about the tasks of running a complex society.

The political process reinforces, and to a degree rewards, the moralistic style. Elections are rarely our finest hours. This is when we tend to be most hysterical, most abusive, least thoughtful about problems, and least respectful of complexity.

Of late these qualities have begun to tell on the institution of the Presidency itself. A very little time is allowed the President during which he can speak for all the nation, and address himself to realities in terms of the possible. Too soon the struggle recommences.

This has now happened for us. We might have had a bit more time, but no matter. The issue is how henceforth to conduct ourselves.

As I am now leaving, it may seem to come with little grace to prescribe for those who must stand and fight. I would plead only that I have been sparing of such counsel in the past. Therefore, three exhortations, and the rest will be silence.

The first is to be of good cheer and good conscience. Depressing, even frightening things are being said about the administration. They are not true. This has been a company of honorable and able men, led by a President of singular courage and compassion in the face of a sometimes awful knowledge of the problems and the probabilities that confront him.

The second thing is to resist the temptation to respond in kind to the untruths and half truths that begin to fill the air. A century ago the Swiss historian Jacob Burckhardt foresaw that ours would be the age of "the great simplifiers," and that the essence of tyranny was the denial of complexity. He was right. This is the single great temptation of the time. It is the great corruptor, and must be resisted with purpose and with energy.

What we need are great complexifiers, men who will not only seek to understand what it is they are about, but who will also dare to share that understanding with those for whom they act.

And, lastly, I would propose that if either of the foregoing is to be possible, it is necessary for members of the Administration, the men in this room, to be far more attentive to what it is the President has said, and proposed. Time and again, the President has said things of startling insight, taken positions of great political courage and intellectual daring, only to be greeted with silence or incomprehension.

The prime consequence of all this is that the people in the nation who take these matters seriously have never been required to take us seriously. It was hardly in their interest to do so. Time and again the President would put forth an oftentimes devastating critique precisely of their performance. But his initial thrusts were rarely followed up with a sustained reasoned, reliable second and third order of advocacy.

Deliberately or not, the impression was allowed to arise with respect to the widest range of Presidential initiatives that the President wasn't really behind them. It was a devastating critique.

The thrust of the President's program was turned against—him! For how else to interpret an attempt to deal with such serious matters in so innovative a way, if in fact the effort was not serious.

It comes to this. The Presidency requires much of those who will serve it, and first of all it requires comprehension. A large vision of America has been put forth. It can only be furthered by men who share it.

It is not enough to know one subject, one department. The President's men must know them all, must understand how one thing relates to another, must find in the words the spirit that animates them, must divine in the blade of grass the whole of life that is indeed contained there, for so much is at issue.

I am of those who believe that America is the hope of the world, and that for that time given him the President is the hope of America. Serve him well. Pray for his success. Understand how much depends on you. Try to understand what he had given of himself.

This is something those of us who have worked in this building with him know in a way that perhaps only that experience can teach. To have seen him late into the night and through the night and into the morning, struggling with the most awful complexities, the most demanding and irresolvable conflicts, doing so because he cared, trying to comprehend what is right, and trying to make other men see it, above all, caring, working, hoping for this country that he has made greater already and which he will make greater still . . .

DUMPING OF POWER TRANSFORMERS—A THREAT TO U.S. JOBS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. CONTE. Mr. Speaker, on September 28, 1970, I took the floor to call attention to the very serious consequences of unlawful price discrimination or dumping in the sale of heavy power transformers—RECORD, 33908. Shortly after that, on October 14, 1970, I authored a letter to the President on this subject. The letter was cosponsored by my good friend and colleague, the gentleman from Pennsylvania (Mr. DENT) and joined in by 17 of our colleagues. I include a copy of the letter at the close of these remarks.

As this letter indicates, concern about this problem is widespread. But nowhere are the effects of this unfair competition more serious than in my own home town of Pittsfield, Mass. General Electric's Power Transformer Division, which employs some 3,000 workers, has recently announced it will reduce some of its activities and manpower. This action is being taken in an effort to preserve GE's position of leadership in the face of the continued threat of this foreign dumping.

Mr. Speaker, I also include at the close of these remarks a copy of a recent article in the New York Times for December 17, 1970, which describes the situation in Pittsfield and the actions which I and others have taken to improve it. I do want to add one point of clarification to that story, however.

The article quotes me correctly as stating on the House floor on September 28, 1970, that the antidumping action filed by Westinghouse may not be completed for another 2 or 3 years. This time period does indeed reflect accurately the time that such cases have taken recently. Today, however, thanks to stepped up, more vigorous action by this administration there is reason to hope for speedier resolution of such cases.

Only yesterday, the other body also accepted the conference report on the supplemental appropriations bill which grants an additional $500,000 for stepped up enforcement of the antidumping law. I strongly supported that request which will permit the hiring of 66 new employees for this expanded effort.

In view of these developments there is reason to expect that the Westinghouse case may be completed by this spring.

Nevertheless, I remain convinced that the other alternative actions called for in our letter to President Nixon should be taken at once. First and foremost, there should be an immediate moratorium on all foreign buying by Government-owned utilities, such as TVA, which in the last 3 years purchased a staggering 95 percent of their heavy transformers from foreign sources. In our letter we referred briefly to the statutory authority for such a moratorium. Mr. Speaker, I will shortly submit a detailed memorandum spelling out the sources of that authority.

As I said earlier this is a serious national problem. I will also include at the close of my remarks a list of the locations of plants across the country which have been or may soon be threatened by these dumping practices. In the 92d Congress I intend to continue my efforts to focus attention on this problem in order to alleviate, if not eliminate, its harmful effects on American jobs and economic security. I urge all my colleagues to join me in that effort.

The materials referred to follow:

OCTOBER 14, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR PRESIDENT: American producers of heavy power transmission equipment face a severe challenge from foreign competitors. Unlike some other industries, however, the problem here clearly appears to be one of unfair trade, characterized by foreign manufacturers selling their products at cut rates in the open United States market while their own home markets for similar equipment are effectively walled off from United States manufacturers. Foreign producers often sell electrical equipment in the United States at prices significantly below those at which they sell similar products in their own countries—a practice condemned by law.

The Treasury Department is currently conducting a preliminary study in an antidumping proceeding involving importation of large power transformers from six foreign countries. While we are confident that these allegation of dumping will be substantiated, the resulting relief from such a finding may be many months away.

We believe that swifter remedial action is necessary and should be initiated promptly. We therefore respectfully urge your support of the following measures designed to preserve the health of this industry which employs thousands and is so vital to our national security.

1. First and foremost, we believe our government-owned utilities, such as the Tennessee Valley Authority, Bonneville Power Administration and the Bureau of Reclamation, which in the last three years purchased 95 percent of their power transformers from foreign sources, should cease such buying at once, pending elimination of the inequities of foreign trade in these products. We understand that the agencies have authority for such action either in the exercise of discretion under their respective enabling legislation or under the Buy American Act. A moratorium on purchase of foreign-source equipment by these Government agencies is especially appropriate because their massive pur-

chases of foreign equipment constitute a virtual endorsement of practices which violate the principles of free and fair competition as advocated by the United States. Government-owned utility purchasing obviously affects the purchasing practices of non-governmental electric utilities. In the period 1963–1969, $170 million of transformers and other transmission products were purchased from abroad.

We believe such a moratorium would be the most effective immediate means available to induce foreign governments and foreign sellers to abandon dual pricing, export subsidies and other discriminatory practices in the international trading of these products.

2. It would be helpful to set time limits on the period within which antidumping findings must be made. We understand that such changes could be made administratively without legislation. We urge prompt adoption of such changes to eliminate the present inordinate delays.

3. We are well aware of the extreme pressure on our understaffed Bureau of Customs which investigates suspected dumping into the United States. We intend to urge Congressional support of increased manpower and funding for the Bureau so that it can exercise its powers promptly and as fully as facts warrant. We solicit your active leadership in this regard.

4. Only a full understanding of the problems involved in international trade in these products will contribute to the development of effective remedies. Not only do most European countries and Japan maintain effective exclusion of U.S.-made electrical equipment from their home markets; they also maintain a veil of secrecy as to prices paid, conditions of sale and other essential information concerning the purchase of such products by their domestic utilities and other buyers. American manufacturers are frustrated when seeking such information, and the resources of our Government are needed to obtain basic commercial knowledge relating to electrical equipment. Several devices for fact-finding and possible corrective measures are available in existing U.S. statutes.

a. The Tariff Commission has authority under Section 332(b) of the Tariff Act of 1930 to investigate broadly the "conditions, causes and effects relating to competition of foreign industries with those of the United States," and to make appropriate reports to the President and the Congress. We believe an immediate and thorough investigation under this section would be most helpful.

b. The Office of Emergency Planning has broad authority under Section 232 of the Trade Expansion Act of 1962 to determine the effects on the national security of imports of particular articles. We believe there is good cause to conduct an investigation of imports of electrical transmission products, including a thorough analysis by the OEP of the economic circumstances fostering these imports and their national security implications for United States electrical utility systems, for essential research and development of extra-high voltage technology in the United States, and for maintaining a viable industry in the United States for manufacturing such products.

c. The Secretary of the Treasury is required by Section 303 of the Tariff Act of 1930 to exact countervailing duties upon imported products which "directly or indirectly" have been subject to "any bounty or grant upon the manufacture or production or export" in a foreign country. The Secretary has an explicit statutory obligation to ascertain and determine the amounts of such bounties or grants. A number of specific examples of manufacturing or export bounties are identified in the attached statement from the Congressional Record, dated September 28, 1970, at page 33910.

5. In consonance with the foregoing, we urge you to re-emphasize to members of the OECD and the GATT the necessity of promptly eliminating trade inequities and trade barriers which apply to these products.

We respectfully request your attention to this serious problem. We understand and share your concern, expressed in your recent message to the Congress, about the dangers of a trend toward protectionism, but know that you appreciate the distinction we are carefully making between such tendencies and our concern over unfair trade practices.

Finally, we are grateful that, at your request, the Tariff Commission will soon be holding broad hearings on the competitive position of U.S. industries in world markets. Nevertheless, in view of the convincing evidence of unfair international trade in electrical transmission products, we hope you will give separate and primary consideration to the corrective measures we have suggested.

We stand ready to assist you in any way possible to eliminate these trade practices.

Thank you for your consideration.

Sincerely,

Silvio O. Conte, Massachusetts; John H. Dent, Pennsylvania; James G. Fulton, Pennsylvania; Joseph P. Vigorito, Pennsylvania; Joseph M. Gaydos, Pennsylvania; James A. Byrne, Pennsylvania.

William A. Barrett, Pennsylvania; Fred B. Rooney, Pennsylvania; Frank M. Clark, Pennsylvania; Thomas E. Morgan, Pennsylvania; William J. Green, Pennsylvania; Joseph M. McDade, Pennsylvania.

John P. Saylor, Pennsylvania; Laurence G. Williams, Pennsylvania; James A. Burke, Massachusetts; Hastings Keith, Massachusetts; John T. Myers, Indiana; David Pryor, Arkansas; John W. McCormack, Massachusetts.

[From the New York Times, Dec. 17, 1970]

NEW JOLT FOR PITTSFIELD—G.E. JOBS AT STAKE IN DECISION ON "DUMPING"

(By Gene Smith)

PITTSFIELD, MASS.—The future of some 3,000 electrical workers here could be decided next year in Washington—or possibly in Sweden, Switzerland, France, Italy, Great Britain or Japan.

The General Electric Company is the principal employer in this city, nestled in the Berkshire Hills. At times of peak economic conditions, G.E. employed some 13,000. Today's total is roughly 11,000 of whom about half work on various manufacturing operations for the electric utilities. The city population numbers about 57,000.

The basic problem of work or unemployment centers on the manufacture of large electric power transformers—those bulky pieces of equipment that dot the countryside at the end of high-voltage power lines.

A transformer is an electromagnetic device that changes the voltage of electricity to usable levels as it comes to substations on transmission lines.

American manufacturers have alleged that foreign competitors are "dumping" these products in this country and warned that if the practice was allowed to continue, manufacturing facilities, such as the local G.E. plant, would have to close down.

Mayor Donald G. Butler said that local officials have been kept posted on these developments and that it would be "nothing short of criminal" if the plant had to close.

"I believe in helping to support the rest of the world somewhat," he said, "but Pittsfield is not a city with diversified employers. G.E. has just invested some $30-million to have the most modern power transformer manufacturing facility. I can't see how the Federal authorities could allow foreign competitors to keep dumping their transformers in this country if it means the G.E. plant would be forced out of business."

Mayor Butler, a Republican, is a former G.E. employe who worked in the punch press department and later as an assistant production supervisor in the chemical department.

The major labor union, Local 255 of the International Union of Electrical Workers, is backing G.E. in its efforts to secure support for its charges of dumping.

"We're giving them our whole-hearted support at hearings in Washington and with local Congressmen," Albert F. Litano, business agent for the 5,200-member local, said. "If they can't prove that the foreign manufacturers are dumping, it could hurt the national economy as well as our local problems."

Businessmen and local reporters said that "probably for the first time in local history there is great concern in this community and an attitude of 'Let's get together behind G.E.'" Editorial support has developed for the company's attempt to compete freely in world markets.

Last March 11, the Westinghouse Electric Corporation, G.E.'s major competitor in the industry, filed charges with the Bureau of Customs against manufacturers of this equipment in Japan and five European nations. Westinghouse asked the Government to investigate "unfair and unlawful trade" in such transformers.

John W. Simpson, president of power systems at Westinghouse, charged that manufacturers in the six countries had been selling transformers in this country at prices "significantly below the prices they charge customers in their own countries." He said that, as a direct result of such alleged "dumping," Westinghouse had been forced to lay off 346 employes at its Muncie, Ind., plant.

"This dumping pure and simple and is clearly unfair and unlawful trade," Mr. Simpson added.

Robert W. Lewis, vice president and group executive of G.E., said at the time that he "applauded Mr. Simpson's action."

But G.E. took no legal action for a variety of reasons, including the possibility of some Government antitrust actions if the company appeared to be working in a concerted effort with its leading competitor.

In mid-June, the Customs Bureau called on the European and Japanese manufacturers to supply detailed data on selling prices of the transformers here. It now appears that a final decision might be handed down early next year and most persons in the industry believe that Westinghouse has proven that dumping exists.

If that is the case, the Tariff Commission will determine in separate inquiries the percentage duties that should be added to the prices paid by American users for transformers from abroad.

The British Government was quick to issue a denial of Westinghouse's allegations last March. Philip Ridley, commercial counselor at the British Embassy in Washington "does not subsidize the exports of heavy electrical equipment."

The Swedish State Power Board issued a similar denial in mid-August, and listed purchases of a variety of electric power equipment from manufacturers in this country. Neither the manufacturers nor the power projects were identified in specific terms.

The G.E. approach to the problem of dumping was to go to various Government agencies and explain the situation, in the belief that, if the case were made clearly enough, appropriate legislative action might be taken Rep. Silvio O. Conte, Republican of Massachusetts, brought the whole problem before Congress last Sept. 28.

While tracing the history of the Westinghouse case, Mr. Conte warned that a decision might not come "before two or three years [and] in the meantime, irreparable damage may be done unless other steps are taken to alleviate the problem."

This was followed by a letter to Congressional colleagues in Wisconsin, California, Pennsylvania, Missouri, Virginia, Ohio, and Arkansas—all states where power transformers, circuit breakers and allied equipment were produced. Mr. Conte warned that "these domestic industries cannot endure this continued, unlawful assault on our markets."

A somewhat similar letter was sent to President Nixon and signed by Sen. Edward W. Brooke, Republican of Massachusetts; Sen. Vance Hartke, Democrat of Indiana; Sen. Hugh Scott, Republican of Pennsylvania; Sen. Gaylord Nelson, Democrat of Wisconsin; Sen. William B. Spong, Jr., Democrat of Virginia and Sen. Richard S. Schweiker, Republican of Pennsylvania.

At stake is a market that hit a peak of $200-million on an industry basis in 1967. It takes roughly 12 months for the manufacture of a large power transformer and market projections call for a total value of about $300-million in 1974.

G.E. spokesmen point out that, to date, about $150-million of this market has gone offshore, particularly from 1964 to the present. Around 1967, Sweden, and more particularly A.S.E.A., the large Swedish manufacturer, reached an equality level with Great Britain in orders from the United States.

In 1969, about 19.2 per cent of the total of all orders in the United States went overseas. Today the level is somewhat above 20 per cent and A.S.E.A. alone is expected to ship some $20-million of transformers to the Tennessee Valley Authority.

More important, between 1966 and 1969, roughly 88 per cent of all T.V.A. purchases were awarded to foreign manufacturers; 97 per cent of all Bonneville Power Administration orders; 22 per cent of the Consolidated Edison Company's buisness; 19 per cent of Commonwealth Edison Company of Chicago, and 30 per cent of the American Electric Power System.

G.E. has prepared elaborate cost comparisons for the various components of transformers. They show that most raw materials cost roughly the same here and abroad but the labor costs are entirely different: $61.17 a week for an assembler in the United Kingdom; $68 in France and Italy; $77.70 in Sweden; $76 in Switzerland, and $180 in this country.

"The proof of the pudding is that they do not sell to each other; they sell only here," William R. Tackaberry, vice president and general manager of G.E.'s power transmission and distribution sales, said here last week.

"The technological breakthroughs always start here but in short order the foreign manufacturers have the same thing," G. Ronald MacArthur, general manager of the power transformer department, noted, "If things continue as they are for the next five years, there's just no way we could be profitable and, as Westinghouse has already pointed out, there'd be no way to continue investing money in such an operation."

POWER TRANSMISSION EQUIPMENT INDUSTRY—DOMESTIC PLANT LOCATIONS*

I POWER TRANSFORMERS

(a) Large manufacturers

Allis Chalmers, Milwaukee, Wisconsin (West Allis).

Federal Pacific. Milpitas, California (San Jose).

General Electric, Pittsfield, Massachusetts.

High Voltage Power Corp., Westborough, Massachusetts.

McGraw Edison, Canonsburg, Pennsylvania.

Moloney, St. Louis, Missouri.

Wagner, St. Louis, Missouri.

Westinghouse, Sharon, Pennsylvania, Muncie, Indiana, Southern Boston, Virginia.

(b) *Smaller Manufacturers (at lower end of power transformer scope; not yet as seriously affected)*

Standard Transformer, Warren, Ohio.

Uptegraff Transformer, Scottsdale, Pennsylvania.

Central Transformer, Pine Bluff, Arkansas.

II POWER CIRCUIT BREAKERS

Allis-Chalmers, Boston, Massachusetts.

ITE, Los Angeles, California, Philadelphia, Pennsylvania.

McGraw-Edison, Canonsburg, Pennsylvania, Milwaukee, Wisconsin.

Westinghouse, Trafford, Pennsylvania, Bloomington, Indiana.

THE BERRIGAN BROTHERS—REVISITED

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. BINGHAM. Mr. Speaker, our colleague from Tennessee, WILLIAM ANDERSON, recently took a courageous stand when he attacked this Nation's top policeman, J. Edgar Hoover, for placing the Berrigan brothers on trial in the press, instead of in the courts. I want to commend my colleague for his concern and his willingness to speak out.

The Village Voice of December 17, 1970, carried an article by Paul Cowan who describes our colleague as "one of the most open-minded yet forceful and committed politicians I have ever met." Mr. Speaker, I would like to include the full text of the Village Voice article at this point:

ANDERSON ON HOOVER: A POPULIST CONGRESSMAN: NORTH POLE TO DANBURY

(By Paul Cowan)

WASHINGTON, D.C.—Congressman William Anderson, 49, Democrat from Tennessee, a former career Navy officer who piloted the atomic submarine Nautilus on its maiden trip to the North Pole, attacked J. Edgar Hoover in a House speech last week for Hoover's allegation that Daniel and Philip Berrigan had been part of a bombing and kidnapping plot. Anderson's speech, which demanded that the FBI or Justice Department either prosecute the Berrigans or apologize to them, contained some of the harshest criticism an elected official has ever directed at Hoover.

It could not have been an easy talk to give. It had the determined, willed tone of a man whose reason has forced his instinct to admit that an idol was involved in treachery. "As a lifetime admirer of Mr. Hoover and the FBI I am convinced that he would not purposely subvert the Constitution or undermine the democratic process," Anderson said. "Yet it is manifest that on Friday, November 29, 1970, he did so."

"Hoover has resorted to tactics reminiscent of McCarthyism, using newspaper headlines and scare dramatics rather than the due process of law he has so proudly upheld in his distinguished career."

The speech also contained the unalloyed anger of a man who has seen treasured friends mistreated by institutions he'd always been taught to respect. Anderson, who has visited the Berrigans three times in the Danbury prison, listed some of the ways the priests have been harassed since their arrests. He recalled Philip Berrigan's stint in solitary while Daniel Berrigan was still at large, and cited Phil's claim that the Justice Department and the FBI were trying to force him to reveal Dan's whereabouts. Recently, Anderson said, prison authorities transported Dan Berrigan from Danbury to Rochester, where he was supposed to testify in the Flower City conspiracy trial, without ever telling Dan where he was going or why. At Danbury, Anderson continued, neither priest is allowed to say mass with the voluntary attendance of either prisoners or guards.

"Thus we see a connective pattern emerging—a pattern so compacted in only four months in prison that one must conclude the presence, in the Justice Department, of a tolerant attitude towards repressive harassment."

Anderson's speech was part of his rapid metamorphosis from a rather quiet, hawkish Southern conservative to an outspoken dove who sees his political roots in the tradition of battling populism that Tennessee names like Andrew Jackson and Estes Kefauver still evoke.

Anderson, a fourth-term congressman, comes from one of the most rural districts in America, Bible Belt country where Tennessee walking horses are bred, tobacco is grown, Johnny Walker whiskey is distilled. The district which surrounds Nashville but doesn't include it, gave George Wallace 66,166 votes to Hubert Humphrey's 36,667 and Richard Nixon's 30,987 in 1968. That year Anderson won with 61 per cent of the vote. This year, when the three major issues were gun control and school busing, which he opposed, and voluntary school prayers, which he favored, he widened his margin to 81 per cent.

If he was still conservative on domestic issues, though, he was increasingly outspoken about the war. Last summer when he and Augustus Hawkins, Democratic congressman from California, visited Vietnam, Don Luce took them on a tour of the Tiger Cage prisons near Saigon. Back home, the two men tried to publicize the dreadful conditions in the jails—and the United States' responsibility for them—as widely as they could. "Becoming involved in the Tiger Cage issue made it clear to me that there's a vast amount of repression and graft under the South Vietnamese government," Anderson says now. "I think our best policy would be the classic maneuver of getting the hell out."

When Anderson returned to the United States he read some books by the Berrigans and decided he wanted to meet them. As far as he knows he is the only congressman who has visited them in jail. "Seldom do men of such great intellectual capacity come along," he wrote Hoover after the FBI director's testimony. "Even more rarely do we see men so committed to the poor, the oppressed, and the victims of war as to purposely risk imprisonment in order to project and demonstrate their beliefs."

This fall's campaign affected him deeply, too. "It was the dirtiest political campaign I've ever seen," he says. "Of course I saw it at its worst in Tennessee, where Nixon and Agnew were trying to get rid of Gore. "This may be a little harsh, but sometimes I wonder whether we really have a President of the United States. I heard him take the oath of office, but I never saw him make the transition from political candidate to President. I've been thinking back to FDR, to the extreme problems he faced when he was in office. He was able to face them candidly, to be honest with the people. There's a remarkable, disturbing contrast between that period and the way things are being handled now."

Anderson realizes that his decision to attack Hoover, the Justice Department, and the administration in such harsh terms may involve some political risk, but his experiences in the past few months seem to have made him almost welcome the fight. He appears to see it in almost classic populist terms: as a battle between an increasingly powerful ex-

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*This list includes, in addition to manufacturers of the largest power transformers and circuit breakers which are most affected by dumping now, a number of companies producing medium-sized transformers which are expected increasingly to face the same problem in the near future.

XUM

ecutive branch and an oppressed people who soon may have no institutions through which they can express their will.

"The executive means to want to dictate everything, here and in Vietnam," he says. "If they have their way Congress might just as well leave town. It's reached the point where somebody has to draw the line. The future of the country is at stake. If things keep going the way they are now, it won't make any difference if I win 1000 elections. It's time for a lot of politicians to stop worrying about elections and speak out against the executive tactics of fear, division, and distortion."

Anderson has an extremely deliberate manner of speaking—his sentences came so slowly that I could copy them verbatim—and his words tended to be rather plain. He must have some deep tension, despite his relaxed manner, since he chain-smoked throughout the interview. I'd hoped to spend most of the day with him, to see aspects of his personality that could never emerge during a first conversation, but he's been extremely busy ever since he started to criticize Hoover, and we spent only about an hour together in his office. Our discussion was more abstract than I would have liked, and frequently interrupted by phone calls or the buzzers that ring in every congressman's office announcing votes on the House floor. Still, I came away from it feeling that Anderson was one of the most open-minded yet forceful and committed politicians I have ever met.

"I don't want to sound self-righteous, but I've done a lot for this country, in the military and in the House, and I've met with some success. Now I have x amount of time left, only the good Lord knows that x figure is, to help reverse some very, very dangerous trends.

"In a small way I may be in a unique situation. I'm already in the fourth grade readers through the good fortune of leading a mission that was a first, so I don't have to worry about my place in history. I don't have to worry about being called a Communist or an extremist so I'm going to do what I think is best for the people of this country."

XUM

In the past few months he has begun to work fairly close with congressmen like Benjamin Rosenthal and William Fitts Ryan, and now he hopes to help form a coalition between such liberals and the "centralists," a term he uses to describe himself. "There are many congressmen who feel the way I do," he says, "people who haven't spoken out yet, and I'd very much like to help bring them into a movement that will face up to the problems of the country and restore the dignity of Congress."

So far the reactions to his atttack on Hoover, his first really controversial act, have been quite mixed. The FBI director sent him a curt letter saying that all information about the alleged plot had been turned over to the Justice Department and complaining that "your letter was released to the press prior to its receipt by me." As of Friday, the only congressmen who had attacked his speech were conservatives like Richard Ichord of the House Internal Security Committee (formerly HUAC)—"Hoover alumnae," as Anderson calls them. But only liberals like Ryan, Don Edwards, and Abner Mikva rose to take his side. The "centralists" he hopes to reach remained silent.

His office says the mail has been running about 70 per cent in his favor, though most of it is from liberal country, the East and West Coast. Anderson says he has also received support from friends whose praise he would not necessarily have expected. For example, while I was in his office he received a phone call from another retired Navy officer who congratulated him on his speech and said that, in his opinion, Hoover was senile.

He hasn't received much correspondence from his district, though his staff is sure that some Bible Belt voters resent his defense of two radical Catholic priests even more than his criticism of the FBI. But Anderson is convinced that the voters in his region, however they might feel about his fight with Hoover, are not nearly so reactionary as their support for Wallace suggests.

As he spoke about them I began to understand why he, rather than any congressman or senator who describes himself as liberal, felt called upon to visit the Berrigans in jail, to respond to their brave words and actions by displaying enough courage of his own to fight Hoover in public.

He doesn't doubt (as many liberals and radicals do even after they acquire power) that heartland America is as much his country as Hoover's or Nixon's. He is still certain that America possesses a special spirit, a democratic decency, that has lately been lost but that can be redeemed. And Americans possess that spirit, though it is locked tight inside them now. Bravery and honesty are the qualities that will release that spirit. One name for it is popularism.

"You have to understand that until recently our district was one of the most liberal in the state. There's a long tradition of populism in Middle Tennessee, going all the way back to Andrew Jackson—he took on the whole Eastern banking establishment, you remember—and it's still alive. Middle Tennessee was Kefauver country, and there are still a tremendous number of people who were part of his movement.

"I don't believe that the Wallace vote was the result of racism. In Middle Tennessee integration of public schools was carried out without a hitch. I think Wallace's main appeal was to people who saw him as a populist, a little guy fighting the establishment. He's weakened a lot since then, I think. Now Muskie seems to be very popular in our district. I've heard a lot of favorable comments about his speech the night before the election. People seem to like his quiet, straight manner."

When I asked Anderson whether an integrationist, populist candidate could be elected to the Senate, whether Gore's defeat was a fluke, he said that he wasn't sure about Eastern and Western Tennessee, but that such people could still reach voters in his part of the state. "Things are changing quietly but very rapidly. For example, on the issue of the war, four years ago people were saying 'we're in, let's win.' Two years ago they said we should win or get out. But in the last campaign every voter who talked to me said that the United States should admit that Vietnam was a mistake and bring the boys home now.

"Most of the voters in the district see things pretty much the way I do. They're as worried about what's happening in the country as I am. But the government hasn't been honest with them. It doens't seem interested in listening to them. So they get frustrated. Some of their ideas sometimes get warped.

"I think that would change if there were an open, humble, cordial relationship between the government and the people. Jefferson, you know, talked about the importance of that time and again. Jackson of Tennessee expressed it when he said let the people rule."

TYPICAL DAY IN CONGRESS ANOTHER CONVINCING ARGUMENT FOR MAJOR REFORMS

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. COUGHLIN. Mr. Speaker, as we wend our pitiful way through this unfortunate lame-duck session, I feel that the citizens of this country view us with even more suspicion. They become more convinced that we are out of tune, out of touch, and out of time with the demands and challenges of modern-day America.

For those of us who believe the Congress must enact major reforms of its rules and procedures, I think the article printed in the December 27, 1970, edition of the Philadelphia Evening and Sunday Bulletin is must reading for everyone of us who has been elected as Representatives in the 92d Congress. I commend its author, Richard Frank of the Bulletin's Washington Bureau. The article is remarkably underplayed with an emphasis on facts.

The headlines and text of the article follow:

IS CONGRESS OBSOLESCENT? TYPICAL DAY SHOWS TROUBLE

(By Richard Frank)

WASHINGTON.—By the casual standards of the 91st Congress, last Oct. 14 had to be considered a fairly typical day.

For those who think Congress needs to reform, the day's events gave vivid evidence of what ails the legislative branch.

The Senate met for slightly more than seven hours, the House for just over five. Each processed its usual volume of legislation as senators and representatives, responding to frequent and time-consuming roll calls, strolled in and out of the chambers.

Each house separately voted to approve a drug control bill that President Nixon had asked for and a measure granting federal aid for intercity passenger train travel which the President wished they hadn't passed.

Each also took time to hear what some members had to say on such subjects as campus unrest, urban housing, the sale of U.S. arms to Pakistan, the rising price of hamburger, the 100th birthday of a senator's widow and an improved system of egg inspection.

A failure

And each house, as is so frequently true in Congress, failed that day to come to grips with some of the most urgent legislation on the agenda.

A full 21 months after it first convened and only a few weeks before election of the next Congress, the 91st still had not completed its essential duties.

It was preparing to quit the next day for the election campaign, putting aside its affairs until a lame-duck session a month later.

The Government's budget year had begun on July 1, but most of the money the Government requires to maintain itself and to finance various programs still was unappropriated on Oct. 14.

Welfare reform, centerpiece of the President's domestic program, was snagged in the Senate Finance Committee, more than a year after he proposed it and a half a year after the House had overwhelmingly voted its approval of the reform legislation.

Direct election

The heralded constitutional amendment for direct election of the President, approved a full year earlier by the House and the clear choice of a majority of the Senate, was the victim of a Senate filibuster which denied it a vote on its merits.

Another constitutional amendment, granting legal equality to women, also was near death as the election recess began, victimized by the implacable hostility of a willful and powerful House committee chairman.

Not a particularly unusual day, last Oct. 14, but it does illustrate what many students of Congress have been saying for years: Congress desperately requires major structural reforms.

Just before its recess, Congress did enact a legislative reform bill, the first comprehensive package of congressional reform since the landmark Legislative Reorganization Act of 1946.

But the 1970 law was as noteworthy for what it failed to do as for it what it did.

Untouchable

The seniority system, elevating to critically important committee chairmanships senior members of the majority party, regardless of their other qualifications—or disqualifications—was untouched.

The procedural rules and the web of tradition and practices which allow autocratic chairmen to determine which bills go to the House floor and which linger and die in committee remained largely intact.

The Senate's cloture rule, which permits a third of the Senate to thwart the will of the other two-thirds through the power of the filibuster, was not even a subject of the latest reform bill.

Perhaps more important, the tools Congress needs to cope intelligently with the budgetary and fiscal policies which shape the nation's priorities were not provided by the Legislative Reform Act of 1970.

Disorganization

"Congress is simply not organized to come to grips with the issues," says Robert F. Steadman, who directed a recent study of congressional effectiveness by the influential Committee for Economic Development, composed principally of corporation chief executives and university presidents.

The CED recommended a broad array of legislative reforms, all of which could be implemented without amending the Constitution and all of which, in the committee's judgment, are immediately achievable in terms of congressional acceptability.

In each of its recommendations the committee points toward the same goal: Make Congress more responsive to changing economic and social conditions and more effective in making its influence felt in the federal establishment.

The CED study proposes basic changes in the way Congress handles fiscal and economic policy.

Suggestions

It suggests:

Fundamental alterations in the congressional committee structure, including abandonment of the seniority system.

Increased democracy on the House and Senate floors.

Changes in campaign financing and lobbying controls to protect and enhance the prestige of the legislative branch.

The proposals are not new or unique. Other critics of the congressional system have made many of the same points.

Most who worry that Congress is heading toward obsolescence and irrelevance insist changes must be made in these same areas.

COMMITTEE SYSTEM

When the Senate, just before recessing, voted to add a pair of riders to the pending constitutional amendment on equal rights for women, most members were well aware that the result was likely to be the eventual outright defeat of the measure.

It was widely known that the women's rights amendment was strongly opposed by Rep. Emanuel Celler, chairman of the House Judiciary Committee. And Celler would lead House members conferees assigned to iron out differences between the House and Senate versions of the amendment.

The amendment had, in fact, come to a House vote in early August only over Celler's strenuous objections and only by recourse to a rarely used parliamentary strategem to take the amendment out of Celler's committee and bring it before the House.

Traditions

As every senator was aware last October when the Senate acted as it did, giving Celler a second crack at the measure almost surely would doom its prospects for approval in the lame-duck session.

Celler's power flows from the rules and traditions of Congress, which give committees and their leaders almost unlimited influence over the content and course of legislation.

The work of Congress is done in its 37 standing committees and almost 300 subcommittees. Committees determine which bills get in the floor, when they do and what form the bills will be in when they get there.

The chairman dominates his committee. It is against this that much criticism of the system has been directed.

The chairman drafts his committee's agenda, decides when to have meetings and when to hold hearings, appoints subcommittee chairmen and assigns subcommittee subjects, chooses the staff and exercises a real measure of control over committee reporting of bills to the Houes or Senate floor.

Women's rights

House action on the women's rights amendment illustrates both the extent and limits of a chairman's power.

Although such an amendment has been introduced in almost every session for at least two decades, Celler has never held a hearing on the legislation.

Supporters bypassed Celler and his committee by obtaining signatures of 218 representatives—an absolute majority of the House—on a petition to bring the bill to the floor for a vote.

So rare is the discharge procedure—because of the reluctance of Congress to circumvent the committee process—that it has suceeded only 24 times since it was adopted in 1910.

There are constant complaints that committees—and particularly the chairmen—are not responsive to the views of the party that controls Congress.

No real choice

Seniority—how long a member has served on a committee—determines committee rank. Party caucuses and subsequently the full House or Senate merely affirms the automatic workings of the seniority system, electing as chairman the senior committee member of the majority party.

Republican leaders in the House already have announced their intention to put the party on record in the new Congress in support of a proposal to scrap the seniority system and give to the party caucus the real choice of chairmen.

For the Democrats, who have controlled Congress for most of the past 40 years, the problem is even more acute, since almost half the major House committees and two-thirds of the most important Senate committees are chaired by veteran Southern congressmen often out of step with the national Democratic Party.

Thus, an effort by the Democrats to abolish the seniority system will be more meaningful at this time and far harder to accomplish, but the attempt will be made.

Substitutes

Over the years a variety of substitutes for seniority have been offered. Two—election of chairmen by the majority leader—were proposed as amendments to the 1970 Legislative Reforms Act in the Senate. Each was handily rejected.

Republican leaders favor selection of chairmen by a party Committee on Committees, subject to ratification by the party's caucus.

Ironically, there is general agreement that if seniority were dropped as the sole rule for determining committee rank, the senior majority member of each committee would, in most if not all cases, continue to be picked as chairman.

But election by his party colleagues instead of anointment in accordance with the inexorable and impersonal workings of seniority would, it is felt, convince a chairman of an obligation to be responsive to his party's wishes.

Beyond seniority, there are other complaints about the committee system, such as unnecessary secrecy, inadequate staffing and fragmentation of policy among too many committees.

Mixed feelings

There are mixed feelings among congressional critics about the number and jurisdiction of standing committees.

Before 1946, the house had 48 committees and the senate 33. Some had very narrow jurisdictions.

The 1946 Reform Act merged the House committees into 19 (there are now 21) and the Senate units into 15 (now 16), but there are now also more than 250 subcommittees, joint committees and select committees with overlapping or confused jurisdictions.

Thus, the congressional approach to legislative problems is at least as fragmented as before 1946.

Half the subcommittees can properly assert some jurisdiction over urban policy, such as housing, transportation or pollution. In national security, six committees have primary jurisdiction, a dozen more some marginal roles.

Some critics suggest that the number of committees must again be reduced and their jurisdictions broadened, that whatever benefits are derived from specialization of knowledge are negated by the high degree of overlap.

Congress, meanwhile, has moved in the direction of more committees. A Senate Veterans Committee has been established and proposals have been made that the house and Senate committees in charge of education, welfare and labor be split in half.

MAJORITY RULE

At patriotic rallies, members of Congress pay tribute to the principle of majority rule. It is not, however, one of the rules by which the Senate and House regulate their own procedures.

In the senate, a solid majority can line up in favor of a bill, yet be denied the right to vote on it. In the house, the Rules Committee regulates legislative traffic and can thwart a majority by bottling up bills previously approved by standing committees.

The Senate has a tradition of unlimited debate—a filibuster in its most extreme form—and twice last autumn it was thus prevented from going on record for or against a constitutional amendment providing for direct presidential elections.

Under Senate Rule 22, two-thirds of the senators voting can invoke cloture—an end to debate—and force an early vote on a legislative proposal.

Rarely used

Cloture has been imposed to cut off filibusters over major civil rights legislation in recent years, so that two-thirds requirement is not insurmountable. But it has been imposed infrequently even when a substantial Senate majority was ready to act, which shows what an obstacle it can be.

In the opening days of each of the last eight Congresses, attempts to alter Rule 22 have been turned back, most recently on a move to reduce to 60 percent the requirement for cloture.

Another attempt will be made in the 92d Congress.

In the House, a device to get around Rules Committee obstruction was on the rules book as recently as 1967, then dropped after personnel changes made the committee more cooperative with the leadership of the majority Democratic Party.

There had been a rule permitting the House to take bills out of the hands of the Rules Committee if the committee had rejected or taken no action on them for at least 21 days.

Reformists have called for reinstitution of the 21-day rule.

FISCAL POLICYMAKING

Congress has fallen to a position of near impotence in the rational determination of fiscal and economic policy.

It is unable or unwilling to act coherently on the President's budget, relating revenues to expenditures and the two to the state of the economy.

It cannot or will not respond to rapidly changing economic conditions fast enough to have any impact upon them.

It is reluctant or unwilling to look beyond this year's appropriations to see their relationship to future levels of spending.

It has even failed, in the past two years, to appropriate the money the Federal Government needs before those needs come due.

Two examples

In 1970 as in 1969, the 91st congress had not appropriated a single penny by July 1, the day the Government begins its fiscal year.

By the election recess, it still had not enacted seven of the 14 regular appropriations bills constituting the major part of the $200 billion federal budget.

The budget submitted near the beginning of each year, is a document which integrates the Administration's judgments on spending, revenue and the national economy.

But Congress immediately breaks it down into 13 appropriations bills, handled by as many appropriations subcommittees in each house.

Each bill is separately processed and separately passed without any reference to other money bills, to the total budget or to the legislation's economic implications.

Joint committee

There is, to be sure, a Joint Economic Committee, created by the 1946 Reform Act, but it cannot even sponsor legislation on its own.

That act outlined several steps to place Congress back in the budget picture, including a legislative budget, to be based on estimated receipts and expenditures and relating one to the other. But Congress ignored its own law and never successfully implemented the procedure.

In 1950, an attempt was made to combine the various appropriations bills into a single appropriation. It died.

CONGRESSIONAL IMAGE

Concern for the good name of Congress has led reformers to advocate tighter reins on campaign spending, lobbying and the involvement of members in outside activities which could result in conflicts of interest.

In his 1966 State of the Union message, President Johnson proposed a constitutional change providing four-year terms for members of the House.

He cited, among other reasons, "the increasing costs of campaigning that biennially impose heavy burdens on those who represent vigorously contested districts and that magnify the influence of large contributors, pressure groups and special interest lobbyists.

His idea was given little consideration then and remains well down on the lists of most reformers.

TV-radio costs

Congress tried this year to impose limits on campaign spending for television and radio. President Nixon, saying the bill did more harm than good, vetoed it.

In its 1946 Reorganization Act, Congress required lobbyists to register and report their spending, the idea being to identify for the public the pressures brought to bear on Congress.

The law does not limit lobbying itself, however, and is so full of loopholes and so lacking in teeth (only a single conviction in 24 years) that it fails to do its job.

As for the conduct of members themselves, both houses have created ethics committees and adopted codes of ethics requiring partial disclosure of certain aspects of outside earnings, security holdings and business relationships.

Reformers, want more steps in the same direction: Fuller disclosure of campaign contributions, complete reporting of lobbying activities and spending and more rigid codes of ethics.

OTHER REFORMS

When Sen. John J. Williams (R-Del) announced he would retire from the Senate at the end of this year, he observed that he would be 72 if he won and served out another term. He said members of Congress as well as other government officials should be required to retire by 70.

With so many important committee chairmanships already held by septuagenarians (and a few in their eighties), adoption of the Williams proposal would radically alter the composition of Congress. But it isn't likely to be adopted.

It is merely one of many suggestions for congressional reform, some rather far-fetched, others more pragmatic.

There are, for example, frequent calls for Congress to adopt an electronic voting system.

Quorum calls and rollcalls consume a good ten percent or more of the time in a typical congressional session. Electronic voting devices would eliminate much delay.

They also would curb secrecy, since instantaneous electronic balloting would eliminate the excuse that quick, non-record votes are necessary to avoid becoming bogged down in interminable rollcalls.

TV hearings

In the recently adopted reform bill, the House caught up with the Senate by authorizing televised committee hearings at the discretion of the committees. Others have proposed that the House and Senate chambers also be open to television and radio.

Congress spends a lot of time legislating for the District of Columbia. Proposals that the district be given home rule are directed in part at allowing Congress to drop this burden.

Other reformers have suggested such drastic changes as election of House members from multi-member districts—perhaps three congressmen from a district—to assure that minority elements receive adequate representation in the House.

In his working draft of a new constitution, Rexford Guy Tugwell, on behalf of the Center for the Study of Democratic Institutions, has proposed that a fifth of the House be elected at large instead of from districts. He also recommended that senators be elected for life and that the senate be left with little but veto power over House-adopted legislation.

And so it goes: From within the ranks of Congress and from outside, the suggestions, the demands, the pleas that Congress reform itself before the public loses all respect for it and for the entire federal system.

The Reform Act of 1946 went part of the way, but not nearly far enough in the estimation of battlers for internal reform.

The 1970 Reform Act surprised even some of its sponsors by the extent of the changes it instituted but there still were disappointments.

Prospects for further progress are considered mixed. Congressional inertia, combined with the reluctance of those in positions of power to yield or even share their power, is likely to act as a drag on the movement toward reform.

HENNEPIN COUNTY MOVES TO AVOID SEX BIAS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. FRASER. Mr. Speaker, the city of Minneapolis, which I proudly represent in this House, is located in Hennepin County, Minn.

December 14, 1970, the Minneapolis Star reported that:

> The Hennepin County personnel office is changing county job titles so there will be no suggestion of discrimination on the basis of sex.

This is a salutary development and I commend the county officials responsible for this action.

I am doubly pleased because the county officials recognize that the new job classifications might become the proverbial old wine in new bottles. Striking the sex bias from a job title without simultaneously opening the classification to all qualified persons would be a reform without substance.

The column by Betty Wilson follows:

COUNTY MOVES TO AVOID SEX BIAS

(By Betty Wilson)

The Hennepin County personnel office is changing county job titles so there will be no suggestion of discrimination on the basis of sex, director John A. Hanson says.

Nurse's aides and orderlies, for instance, will be called nursing assistants and paid the same. In the past, nurse's aides were women and were paid 5 percent less than orderlies, who were men. The new pay scale for nursing assistants will start at $414 for both men and women.

The job classifications of janitor (men only) and janitress (women only) are being dropped in the 1971 salary plan, and the new titles will be custodial worker and custodial worker, heavy.

The custodial workers will be women, however, and will be paid 10 percent less than the custodial workers, heavy, who will be men. The pay difference is not because of sex but because of the difference in work responsibilities, Hanson said.

There's nothing to prevent women from applying for and being hired for the "heavy" jobs, Hanson said, which will require heavy mopping and operating heavy cleaning machines.

Instead of launderers and laundresses, the new job titles will be laundry workers and laundry workers, heavy. The "heavy" laundry workers will be the men who are now launderers and will be paid 10 percent more than the regular laundry workers (all women), but here again, Henson said, the "heavy" positions are open to women.

There are no restrictions based on sex for any county job, Hanson said.

There are now no women truck drivers heavy equipment operators or highway inspectors but "there's no reason why there couldn't be" he said.

"We've never had women apply for these jobs" he said.

"There are women who can hold their own with any man even physically" he said.

XUM

There are no women department heads in Hennepin County.

There are women who have county jobs where the pay is fairly high up the scale, he said.

There are women personnel representatives who will make $908 to $1159 a month according to the proposed 1971 salary schedule. There are a number of social worker supervisors whose proposed pay schedule for next year is $1,001–$1,342.

Although women haven't been applying for jobs traditionally held by men, there is a recent crossover the other way.

More and more men have been applying for clerical jobs normally considered to be women's jobs in the past.

There are men applicants for a current job opening for a medical payment clerk, starting at $415 a month. If a man is hired for the job, he'll find himself working in the midst of about 40 women clerks.

REPORT TO THE 10TH DISTRICT OF ILLINOIS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. COLLIER. Mr. Speaker, under leave to extend my remarks in the RECORD, I submit herewith my report to the residents of the 10th Congressional District of Illinois by giving a summary of major legislation and my activities as their Representative in Washington, during the 91st Congress.

This has been a session of Congress that was characterized by a snail's pace movement in dealing with major issues. This Congress has set a record for total days in session while partisan politics delayed adequate solutions. Of the more than 27,000 bills which have been introduced in the 91st Congress only a small percentage have been considered and fewer than 500 have been enacted into law without particular attention to priority.

The wide spectrum of national concerns have been reflected in the more than 90 messages the President has sent to Congress. These messages covered such diverse topics as: electoral college reform, domestic welfare programs, income tax revisions, organized crime, hunger and malnutrition, selective service, drugs, labor disputes, transportation, environmental quality, social security, and many others.

As we all know, our Nation is undergoing a series of dramatic social changes. Improved communications, increased leisure time and growing educational opportunities all have combined to make the American citizen more involved and vocal on matters of national interest. It is apparent that most people want to be heard, and they want their legislators to be more responsive and honest in voting on major issues.

The President has outlined his answers to some of America's most pressing problems. Unfortunately, political maneuvering has stopped many important programs from even being considered. This situation has posed the greatest of obstacles to the individual Congressman in trying to explain to his constituents why things are not getting done. Traditionally a variance of philosophy and approach could be handled through compromise. Today, with a President of one party and Congress of another, we are neutralizing what might have been sweeping results from broad new programs and losing effective laws in a swirl of politics.

Recognizing the variance of opinion that exists on major issues, I have continually sought the views of all of my constituents through the use of printed questionnaires. Over 25,000 voters from the 10th district responded to my last poll.

The final task of voting, of course, is the responsibility of the individual Congressman. When I vote on a particular bill, I try to determine if the expense involved in instituting the proposal is sound economically and feasible. In many programs the Federal Government is inefficient and wasteful when compared to local governments or private business involved in similar ventures. I contend that any legislator can be a fiscal conservative on one hand without neglecting progress and recognizing priorities on the other. My reasoning has led some to call me a conservative, and I readily accept the title if they mean conserving on Federal spending. It is regrettable that so many groups lobbying for more and more funds often cannot distinguish between the two.

Every taxpayer is concerned about the spiraling rate of Federal spending and increased national debt. From 1960 to 1969 the national debt increased nearly 25 percent. The interest on this debt of $380 billion is nearly $21 billion a year or almost equal to a full year's budget over a 10-year period. This type of deficit is directly responsible for the inflation we had to face in 1970. This is something we can and must change.

FEDERAL REVENUE SHARING

With each passing year, local taxing bodies as well as State governments find that property and sales taxes are less capable of meeting increasing demands for public service. In too many instances the application process for securing Federal funds has been complicated. In addition these funds are received too late to provide necessary relief on the local level.

For several years now I have pressed for a system that would return to the States a modest percentage of Federal revenues. President Nixon has now proposed a system whereby $5 billion would be returned to the 50 States and District of Columbia during the first year of a revenue-sharing plan. Under this plan, no new taxes would be necessary because the rebate proposal will be funded from current revenues under the existing tax system.

Revenue sharing as entailed by this measure would aid States, counties, and communities in a broad and unconditional manner with local needs and priorities determining ultimate distribution of the funds.

The State of Illinois would receive $211,019,448 of which $53,416,084 would be redistributed to its city, county, and township governments. Cook County government would receive $5,676,024. Individual towns would receive sums approximating $262,608 for Oak Park and $160,477 for Des Plaines.

THE TAX REFORM ACT OF 1969

As a member of the Ways and Means Committee, which originally wrote the Tax Reform Act of 1969, I point with some personal pride to the many improvements in our tax structure that are provided by this measure.

Because this bill was one of the most comprehensive tax measures enacted into law since Federal income statutes were first passed in 1913, it is understandable that certain provisions did not meet with the approval of everyone. No comprehensive tax bill can please all of the people nor can it be written to the complete satisfaction of every Member of Congress either. It did correct a host of inequities.

Also significant in the field of tax legislation this year was the repeal of the 10-percent surcharge on all taxable income as recommended by the Nixon administration. It simply means that all taxpayers, regardless of their brackets, no longer pay the surcharge added to their normal taxes. I had an opportunity to personally play an important role in repealing this added Federal tax.

FBI PAYS ITS OWN WAY

The Federal Bureau of Investigation is one agency of the Federal Government that is more than paying its own way. During the past fiscal year, it collected $345,832,583 in fines, savings, and recoveries from its investigations. This amounts to $1.57 for every dollar appropriated for the FBI for the year.

ENVIRONMENTAL HEALTH CONTROL

The serious problem of environmental health control has belatedly drawn the stern attention of the American people as the ugly consequences of air and water pollution are felt more with each passing day. In 70 years of life, the average U.S. resident uses 26 million gallons of water, 21,000 gallons of gasoline, 10,000 pounds of meat, 28,000 pounds of dairy products, tons of metal, glass, woods, and plastics. Each U.S. citizen is responsible for the creation of 7 pounds of junk per day. Included in this growing trash heap are the rusting bodies of 7 million cars each year, 100 million tires, and many billions of bottles and cans.

Certainly, the Congress has recognized the need for an all-out attack on pollution, but there are areas of disagreement on the best course of action to take on certain environmental problems. While all new programs of the magnitude needed to solve pollution problems are costly, we must not fall into the trap of trying to measure the effectiveness of these programs merely in dollar signs. Primarily, stricter enforcement of existing laws is as vital as the new laws that must be enacted. I was pleased when President Nixon set up the Council on Environmental Quality and a Cabinet Committee on the Environment. A National Industrial Pollution Control Council is planned. In the past, antipollution operations and activities had been spread through 95 Federal agencies. Now, an important step will be one in which local governments enforce pollution codes and work closely with the Federal Government on pollution in the future. I was pleased to see an inefficient system transformed into a specialized agency.

STUDENT UNREST

Despite predictions in some quarters of increased violent student activities during the current school year, it is significant to note that State universities in Illinois have taken a strong stand against those that threaten to riot and destroy public and private property. It is finally being understood that public reaction to tactics of destruction on the college campus pose a serious threat to the very future of higher education in this country. I believe that the Nation will strongly support only those educators who believe that college is a place to learn and not as a forum for disruptive or violent dissent which violates the rights of other students on campus.

PANDERING ADVERTISING

Supreme Court decisions in recent years have opened the floodgates for a torrent of obscenity through the mails. The Post Office Department received more than 200,000 complaints during 1969 from irate parents who had found smut mail addressed to their youngsters. Using existing laws, the Post Office has begun a crackdown on those who use the mail to distribute pornography.

Families receiving unsolicited smut advertising through the mail can ask a postmaster to direct that the promoter send no more mail, of any kind, to them. The sender is also ordered to remove the family's name from any mailing lists he owns, controls, or rents. If a family moves and it wishes to continue the order at the new address, it is necessary to furnish the new address to the postmaster who issues the order. Promoters who violate the Post Office directives may be punished by both a fine or imprisonment.

THE PRESIDENT'S VETO OF THE EDUCATION BILL

While I am in favor of essential education appropriations programs, I felt that the great spending deficit of this and past Congresses justified the President's veto of the Office of Education appropriation bill.

Ninety-two percent of all educational expenses are paid for with local and State funds so that the President's veto represented a cut of less than 1 percent in the overall expenditures for education in this country. Obviously then, his veto was not as serious as some of the news media reported.

At a time when our national debt is a record $381 billion increased by $16 billion over last year and a new limit approved by Congress of $395 billion, the time to tighten our belts and bring some responsible leadership to develop our fiscal policies is long past due.

WHERE THE MONEY GOES

For the first time in 20 years, spending for human resources will exceed defense spending. This is reflected in the 1971 budget and is parctiularly significent when related to the 1962 budget when 48 percent of the budget went for defense items while only 29 percent was directed to health, education, welfare, retirement programs, and so forth. This fiscal year slightly more than 35 percent goes for defense and 41 percent for human resources.

One point about deficit spending should be made very clear. Nearly $95.1 billion of the 1971 budget cannot be cut because of prior commitments made by previous Congresses. In saying this another way it means that 69 percent, or more than two out of every three Federal dollars, is out of reach of budget cutters. Increases in uncontrollable spending now runs $7 billion a year, and will add $28 billion to the budget by fiscal 1975. Thus I want to emphasize that the road to reducing tax burdens is an uphill fight to achieve a balanced budget, controlled expansion of Government expenditures in proportion to increases in Federal revenues and expansion of the gross national product.

MILITARY SPENDING

Military spending is in the process of being cut and constantly considered in terms of the strength and security of the United States. During the past year the size of the armed services has been reduced by 75,000. The number of employees in defense industries has been cut by 310,000 and further cuts in military spending are underway. Actually, the budget for fiscal 1971 calls for a substantial reduction in spending on defense, when compared with fiscal 1970.

POST OFFICE REFORM

For many years the Post Office Department has been characterized by inefficiency and constantly rising deficits. For instance, during fiscal 1970 the loss was $1.6 billion. Outdated equipment and facilities, cumbersome regulations and often politics have hindered the many dedicated postal employees in carrying out their duties. I introduced provisions for adjusting wages in high cost-of-living areas in 1958 and more recently on April 29, 1970. These provisions have been included in the postal reform bill passed this last summer. Other provisions call for the post office system to be designed like a corporation-styled Federal agency. A commission similar to a board of directors will be formed and given a free hand to establish a postal system that can pay its own way. I believe that this is the first major step toward an efficient post office and reduced Government expense, but it is as yet untested.

SOCIAL SECURITY

A major bill which would benefit senior citizens was approved by the Ways and Means Committee early in 1970 and was later passed by the House of Representatives. The bill, Social Security Amendments of 1970, provides for a 5-percent raise for all social security beneficiaries with a triggered in cost-of-living increase as a hedge against inflation.

The measure is at this writing being considered by the Senate and will require an affirmative vote, of course, before going to conference. This action may delay it until next session.

CRIME

Although belatedly, Congress recognized the need for action on the President's recommendations for crime control legislation.

The District of Columbia omnibus crime bill was finally approved in July and is a comprehensive plan including reform of court, criminal and bail procedures; a public defender's system; plus new, court supervised authority to prevent the destruction of vital evidence and further crimes by suspects awaiting trial. Of prime importance is the fact that this bill was designed to be used as a model for all State and local governments in the future.

The Ways and Means Committee became deeply involved in the problem of drug control this summer by holding hearings and approving legislation aimed at drug control.

Until 1968, the control of drugs was scattered among several departments and agencies of the Federal Government. In some cases there were great differences in the way that drug problems were handled. Under the reorganization plan, which went into effect in 1968, control of drugs was under one agency, the Justice Department's Bureau of Narcotics and Dangerous Drugs.

As part of the move to bring together the divergent yet pertinent laws on drug controls, the Ways and Means Committee participated in the formation of a single statute to be enforced by the Bureau of Narcotics and Dangerous Drugs.

If this legislative reorganization is successful, there will be uniform requirements for those licensed to handle narcotics and drugs, and uniform penalties for those who sell or use them illicitly.

The Committee on Interstate and Foreign Commerce reported the bill in September and the recommendations of the Ways and Means Committee were included as title III of the bill.

Title I of the bill authorizes the Department of Health, Education, and Welfare to increase its efforts in the rehabilitation, treatment, and prevention of drug abuse through community health centers and through public health service hospitals and facilities. The bill also provides for increased research and also encourages treatment of narcotic addicts by private physicians.

Control of drug abuse through registration of manufacturers, wholesalers, retailers, and all others in the legitimate distribution chain would stop the illegal traffic in narcotics. Drugs specifically named for control included all hard narcotics and opiates, marihuana, all hallucinogens, amphetamines, barbiturates, and tranquilizers subject to abuse.

The bill also revises the entire structure of criminal penalties involving controlled drugs by providing a consistent method of treatment of all persons accused of violations. While mere possession of controlled drugs is a misdemeanor, manufacture or sale of illicit drugs is punishable by up to 15 years in prison in the case of the most dangerous drugs, and second offenses would carry double the penalty for a first offense.

RAILROAD GRADE CROSSINGS

There finally appears to be a ray of hope for those who are constantly annoyed and delayed by trains at railroad grade crossings.

XUM

The recently passed Railroad Safety Act contained a provision that I have sought for many years. It provides for a comprehensive study of the problem of eliminating and protecting grade crossings. This provision was a part of H.R. 14463 which I introduced in 1969.

Another bill that I introduced to lend Federal assistance in improving grade crossings has gotten as far as hearings. It is also in the study stage.

PROBLEMS AT O'HARE AIRPORT

In a continuing effort to block any expansion or addition of runways at O'Hare International Airport, I have held several meetings with officials at the Federal Aviation Agency, the Department of Defense, the General Services Administration, and mayors of the 16 municipalities surrounding O'Hare.

Since the airport is operated by the city of Chicago, little attention has been given to the complaints of the residents of the 10th District by airport officials. Thus, those most responsible for providing relief from the nuisance and aggravation caused by the airport have been unwilling to provide solutions. Unfortunately, the answer to this dilemma may only be found in bringing cases before a court as residents surrounding other airports have frequently done in the past 2 years.

I intend to do everything possible to block any further transfers of Federal land to expand O'Hare Airport by the military and continue investigating every complaint received in my office.

NAVAL ORDNANCE STATION—FOREST PARK

Completely contrary to reports in the local news media, I neither recommended nor approved of the establishment of the South Suburban Bulk Mail Distribution Center in Forest Park. In fact, I believe that the disestablishment of the naval ordnance station was an unpardonable mistake on the part of the Department of Defense. I contend that the aggregate cost of this together with postal center facilities will confirm my original contention with regard to the final imprudence of this decision.

It should be understood that under the Surplus Land Act of 1949, any agency of Government can declare its real estate and physical facilities surplus to their needs, in which event the General Services Administration, not the Congress, determines its subsequent disposal according to specific priorities written into the Federal statutes.

Because I am in the process of reevaluation of both the figures and proposed usage of the facility, I shall withhold all further details pending a complete report within the next 30 to 60 days.

DISTRICT OFFICE

During this last summer my district office was moved to 8909 Cermak Road in North Riverside. The office is open Monday through Friday from 9 a.m. to 5 p.m. My two telephone numbers there are 447-2746 and 447-4006.

I introduced the following bills during the 91st Congress, many of which are now law:

House joint resolution 182: Amend the Constitution to provide for direct election of the President and Vice President.

H.R. 4255: Prohibit the mailing of obscene matter to minors.

H.R. 4256: Limit categories of questions on census.

House joint resolution 420: Amend Constitution with respect to the offering of prayer in public buildings.

H.R. 5583: Strengthen and clarify law prohibiting introduction or manufacture for introduction, of switchblade knives into interstate commerce.

H.R. 7866: Federal Tax-Sharing Act of 1969.

H.R. 8274: Tax deduction for educational expenses.

H.R. 9791: Legislative Reorganization Act of 1969.

H.R. 10004: Amend Social Security Act to increase outside earnings.

H.R. 13030: Elimination of rail-highway grade crossings in Illinois.

H.R. 13241: Sexually Provocative Mail Regulation Act.

House concurrent resolution 356: Humane treatment of prisoners of war.

H.R. 14407: Amend Federal Water Pollution Control Act to provide adequate financial assistance and to increase allotments to certain States.

H.R. 14463: Railroad Safety and Research Act of 1969.

SECOND SESSION

H.R. 15654: Exempt people 65 and older from paying social security deductions.

H.R. 16024: Amend Land and Water Conservation Fund Act.

H.R. 16025: Wastes Reclamation and Recycling Act of 1970.

H.R. 16028: Amend Federal Water Policy Control Act—comprehensive programs for water pollution control.

H.R. 16029: Amend Federal Water Pollution Control Act—provide financial assistance.

H.R. 16027. Amend Federal Water Pollution Control Act—development of waste water reuse technology.

H.R. 16030: Environmental Financing Act of 1970.

H.R. 16171: Amend Railroad Retirement Act to provide a 15-percent increase in annuities and to change method of computing interest on investments of railroad retirement accounts.

H.R. 18006: Penalty for persons who interfere with conduct of judicial proceedings.

H.R. 18397: Prohibit foreign aid to countries failing to take steps to prevent export of narcotic drugs.

House resolution 1171: The United States maintains sovereignty over the Panama Canal.

H.R. 18689: Amend Public Health Service Act to encourage physicians, dentists, and so forth, to practice in areas where shortages of such personnel exist.

HANDPOWER VERSUS MANPOWER

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. CLAY. Mr. Speaker, we recently witnessed the "handpower" of the Presidential veto pen as it fell heavily on the Manpower Act which was passed by Congress. President Nixon's irresponsible, insensitive act not only killed the bill but it also killed the hopes of many disadvantaged Americans.

> I believe we can and must do better . . . These are not small problems and people are not statistics.

That was the President talking about unemployment when he addressed the National Association of Manufacturers on December 5.

But it was not in the spirit of Christmas nor in the spirit of those words when a week and a half ago, just 10 days after making that statement—the President refilled his "veto" pen and nullified the Manpower Act passed by the Congress.

This legislation, the product of 2 years study and work by the Congress, would have given meaning to his words. This bill more than any other of the 91st Congress, would have transformed the tragic statistics of unemployment into productivity—for people and for the Nation.

The President wanted to see the manpower programs, most of which were initiated during the Johnson administration—revamped. And the Congress—reviewing the successes and the shortcomings of these programs—agreed, that more should be done to meet the critical employment and training needs of Americans.

The President wanted to turn manpower programs over to the States—even though the States, in their administration of welfare programs have managed only to bind the poor in a maze which enforces poverty.

The bill sent to the President called for a 3-year program and an authorization of $9.5 billion. It provided that one-third of those funds be allocated to manpower training activities, one-third to special categorical programs such as Job Corps, and one-third to a necessary—if not new—concept of public service employment. Special programs directed toward alleviating the unconscionable existences of migrant workers, Indians, and older Americans were also included.

At a time when this Nation is experiencing its highest rate of unemployment—when the rate in urban poverty neighborhoods now averages 24.9 percent—four times the national rate of unemployment—and when close to half, 34.9 percent, of our black teenagers are jobless, it is hard to respond to the President's veto without emotion or anger. This bill would have put 40,000 people to work in this fiscal year alone and at least four times that number to work in 1974.

The President vetoed the bill with a comment that it would have created too many "dead-end" jobs. Need I point out—without jobs, millions of Americans are condemned to make peace with their "dead-end" existences.

What we have—is a crisis—and an administration bent on leading the Nation down a "dead-end" road to disaster.

It is not a merry thought to contemplate the spirit of the holidays which the President has wrought for those who are callously referred to as "disadvantaged" Americans—who have wished for a sen-

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sitive, compassionate, and comprehensive response to their conditions. Let the President talk about "people"—but let the Nation observe that he means—"statistics."

TAKE HEART FROM THE HEARTLAND

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, in recent years, much has been written about the style of politics in America's big cities in general, and about the city of Chicago, in particular. I feel that for the most part, however, these descriptions have been somewhat limited and have failed to get to the core of the matter.

Recently, an article entitled, "Take Heart From the Heartland," which appeared in the New Republic, shed much new light on this subject. The article, by Andrew Greeley of the University of Chicago, is a very enlightening study of "big city politics." Greeley's analysis concentrates on the political system of Chicago as it relates to the social structure. I feel that his study draws several valid conclusions which would be of interest to my colleagues in the House. For this reason, I insert Mr. Greeley's article in the RECORD:

TAKE HEART FROM THE HEARTLAND

Arthur Goldberg, candidate for governor of New York, to an audience of Italian-Americans—"I don't like ethnic campaigning; I think it's kind of cheap."

Richard J. Daley, November 4, 1970—"If you are humble in victory and courageous in defeat, you'll always get along in politics. Tonight is a night for great humility."

(By Andrew M. Greeley)

Both Kevin Phillips and the team of Richard Scammon and Ben Wattenberg are agreed that the Middle West is crucial in American politics. Whether it be called the "Heartland" or the "Quadracali," it is the "swing region" in Presidential elections; and as the elections of 1970 quickly become an unpleasant memory, one is forced to say that the heartland has moved to the left. In the massive block of America between the Ohio River and the Rocky Mountains, Democrats managed to hold almost all of their supposedly tenuous Senate seats, score most of their House gains, send a bright new liberal face to the United States Senate, and grab just about every governorship in sight.

How can this be? What happened to the silent majority? Where is the backlash? What became of the crime issue? Apparently, they've all migrated east of the Hudson River.

And, if the heartland has become liberal once again, its capital is the despised Second City on the shores of Lake Michigan. For the hated Daley Organization won what may be its greatest victory. Adlai Stevenson III now holds the Senate seat his father always wanted, having obtained 2,065,154 against his opponent's 1,519,718 votes. Two other attractive Democratic candidates—Alan Dixon, the new state treasurer, and Professor Michael Bakalis, the superintendent of public instruction—joined with Stevenson in leading the first major success for the Organization in previously solid Republican suburbs of Chicago; the Republicans find themselves with almost nothing left in Cook County, and the Democrats dominate the state legislature in Springfield for the first time in the twentieth century. Not bad at all for the last hurrah.

While Democrats and liberals in New York and Connecticut were busily engaged in committing suicide, Richard J. Daley was picking up every marble on the playground. While progressive New York was helping Mr. Agnew put James Buckley in the United States Senate, benighted, hard-hat Illinois was giving an overwhelming victory to a man whose family name symbolizes all that was supposedly dear in American liberalism. Is it possible that those who do most of the thinking and writing about American politics, who shape the issues and campaigns, who author the columns and the articles in the liberal journals have missed something critical about American politics?

One of my colleagues remarked the day after election that "of course you can elect a liberal in Illinois if his name happens to be Adlai Stevenson." Leaving aside the fact that there was a liberal called Paul Douglas and another called Charles Percy, the question remains why a name which symbolizes the "liberal permissiveness" that Mr. Agnew so cheerfully denounced is political magic in a state supposedly dominated by the silent majority and, to use a term bandied about at a meeting of the American Sociological Association in 1968, "shanty Irish bigots"?

I am contending that the Chicago system deserves a fair investigation in the wake of November 3 to see what it may tell us about the operation of the political process. Martin Meyerson, Edward Banfield and James Q. Wilson have made such investigations on the scholarly level but their investigations are systematically ignored even by their sometime colleagues at the University of Chicago. And the journalists from the East—to say nothing of their alienated imitators from Chicago—are interested only in telling it like they knew it was before they bothered to investigate it in any depth. Let me illustrate.

An Eastern paper the day after the election wrote of a "deal" by which Stevenson agreed to support Daley candidates in return for Daley's support of his senatorial candidacy. The article added that while Stevenson had won easily, the Daley machine had not done well. The facts are such "deals" do not exist in Chicago politics (they are not necessary), that Stevenson was a Daley candidate, and that the Daley organization *had* won the greatest victory in its history.

The normally fair Howard K. Smith lumped Stevenson (though not by name) with Agnew on the night before the election as an example of campaign demagoguery because Adlai wore an American flag on his lapel, emphasized the crime issue, and put a famous prosecutor on his campaign staff. The facts are that Stevenson had authored crime legislation before it was fashionable to do so and that the prosecutor in question, Thomas Aquinas Foran, receives more hate mail for prosecuting a school integration case in a Chicago suburb, indicting police for the convention disturbances, and pushing faculty integration in the public schools.

Roy Newquist, writing obviously for non-Chicagoans in Fielding's *Guide to Chicago*, observes, "the political complexion of Chicago seems to be undergoing a change. The 1968 Democratic Convention riots upset the natives more than anything else that has happened in decades and citizens of all colors are taking harsh second and third looks at the regular Democratic (or Daley) machinery." Newquist is right, of course, that the natives were upset by the convention demonstrations, but the slightest glance at the public opinion polls ought to have indicated that it was not the organization at which they were angry.

A prize-winning Chicago journalist has quoted several times a sentence from a speech of Foran's after the conspiracy trial in which the prosecutor said, "Our children are shocked when they hear us saying "wop" and "nigger." He never bothers to add that the next sentence was, "And they are right to be shocked." Nor does he point out that on racial and economic matters Foran has always been a liberal. Indeed, one of the most fascinating, interludes of the campaign was Foran—an impressive TV personality—upstaging Jesse Jackson on a TV talk show with ploys like, "I agree with you completely, Reverend Jackson, but I'd want to go further and take an even more radical stand."

A New Yorker once observed to me, "Everyone knows that Julius Hoffman is the most corrupt judge who ever bought a seat on the bench from Dick Daley." Hoffman is a Republican appointed by Dwight Eisenhower before Daley was mayor of Chicago, and judgeships are not "bought" in Chicago They *are* frequently a reward for loyalty, but Chicago has no monopoly on this method of judicial selection.

The ordinary explanation for the "Machine's" triumphs implies that in part the votes are bought or stolen, and that in part they are cast by a patronage army. One gets the picture of vast, unthinking Slavic hordes marching in tight discipline to the polls. The facts are that you cannot steal or buy a half-million votes, and that the patronage army is tiny compared to the size of the city. Furthermore, the black and Slavic voters of Chicago are no less intelligent than voters elsewhere. The blacks have had alternative candidates to the Daley candidates and have, with one or two exceptions, soundly rejected them. Nor are the Polish voters who overwhelmingly endorsed Adlai Stevenson unaware of his racial stand. To explain the Organization's ability to get more than three-fourths of the Polish vote and three-fourths of the black vote in terms of fraud, fear, and theft is to turn the voters of Chicago into dull, stereotypical automatons. Such a strategy is useful for those who don't want to face the possibility that there may be some extremely important political truth that the Organization has discovered. But it is also prejudice in the strict sense of that word.

One moderately militant black summarized the position of many of his colleagues when he told me, "We're loyal to the organization because it works, because we know of no better way of improving our position in Chicago, and because, while it can't give everyone everything he wants, it can give most Chicago groups enough to keep them happy." Such a comment may sound cynical and, from a black, even treasonable. But, from the point of view of Chicago Democrats, it represents the essence of the political process.

The masters of ethnic politics are not intellectuals; they are not given to articulating abstract ideas; only Foran and one or two others look good on TV; their insight into the city and what makes it tick is not phrased in slick social science terminology, but is concrete and instinctual. Any attempt to state their model of the political process in formal terms—such as I will shortly engage in—is bound to lose something of the vigor and flavor of the original. On the other hand, while intellectual types may find the poor diction and malapropisms of some of the ethnic politicians vastly amusing, their amusement should not blind them to the fact that the best of politicians have an intuitive grasp of the city that would make the most skillful social scientist look naive.

The first assumption of ethnic politics is that the city is composed of various groups, national, racial, economic, religious. It is the politician's role to act as a broker among these groups, arranging and rearranging power and resources in such a way as to prevent one group from becoming so unhappy with the balance that they will leave the system. He arranges, usually indirectly and informally, and almost always gradually, compromises among the various power elements within the city, that these elements could not

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achieve by direct negotiation among themselves. Thus, Irish aldermen or congressman are slowly phased out to be replaced by Poles and then blacks (there are three Polish Democratic congressmen, two blacks, two Jews, one Irishman, and one Italian from Chicago, and in the next aldermanic elections about 30 percent of the city council seats will be held by blacks); but there is no great fanfare accompanying such changes. Does the organization slate a black congressman to represent Cicero and Berwyn? It surely does; but it doesn't issue press releases claiming that it is engaged in a revolution.

The "balanced ticket" is a symbol of this power brokerage game. To exclude a group its "place" on the ticket is to insult and offend them. If you should tell an ethnic politician that in one state (New York) the Democratic slate was made up of three Jews and a black and that the party still expected to get the Irish and Italian vote, he will simply not believe you. And if you tell him that in another state (Connecticut) a Unitarian minister with an Irish name and a liberal background led a slate on which, for the first time in many years, there were no Irish Catholics he would assume that the Irish vote would go Republican and wonder who was responsible for such an inept decision.

Nor would he be able to understand why some would consider piece-of-the-pie demands to be immoral. The model of the new politics—enthusiastic college students from "out of the neighborhood," vigorous ideological liberalism, passionate moral self-righteousness—would baffle him. The ethnic politician knows that in most of the districts of his city this model will not win elections.

In his frame of reference you can't afford to lose one economic or racial or ethnic group. If you win an election at the price of turning off one such segment of the city and setting the others against this scapegoat group you're simply asking for trouble. No political leader can afford to lose a major group from his consensus, for he will find it difficult to govern without this group and even more difficult to be reelected.

The ethnic politician also realizes that most people are not ideologues. He knew long before Amitai Etzione's brilliant article in *Transaction* that most people are quite "inconsistent" in their political attitudes; they are "liberal" on some issues, "conservative" on others. Furthermore, the ethnic politician realizes that for all the attention they get on the media, self-appointed "spokesmen" usually represent only themselves and a tiny band of friends. Most citizens are not interested in ideology but are moved by more concrete and pressing matters—jobs, sidewalks, garbage removal, streets, transportation, housing, access to the government to get assistance when needed. The vast network of precinct captains is not merely, or even principally a downward channel of communication designed to convey voting instructions. It is also a technique—frequently more effective than public opinion polling—for determining what is on people's minds and providing them with a feeling of access to the system.

Why do you slate an obvious liberal like Adlai Stevenson at a time when the pundits are all persuaded that there is a "shift to the right"? Partly you may do it because you don't read the pundits, but partly because your instincts and your organization say that Adlai is a winner. Why are you undismayed when a smooth advertising firm, relying on poll data and White House advice, turns out clever ads suggesting your candidate is "soft" on student radicals? Mostly because your instincts and your organization tell you that the student issue is not all that important and that Adlai is still a winner. And why do you rejoice when the Vice President arrives on the scene as part of the "realignment" strategy and accuses Adlai of disgracing his father's name? Because you know your voters well enough to know that they are not going to be "realigned" by such foolishness and will certainly resent such an attack on someone about whom they have already made up their minds.

The ethnic politician is also free from the pundit's uncertainty about the nature of the electorate. Before the election, there was much fear that the voter was a narrow, frightened, easily swayed member.

After the election, he looked more like a responsible, discriminating, and sophisticated person. But from the ethnic politician's viewpoint, both images are incomplete. He is well aware of the unpredictability, the strain towards bigotry, the extreme sensitivity to slights, the fear, the impatience with all politicians. But he also realizes that there is a strain towards rationality, openness and trust, and a sympathy for social reform, and that, in his better moments, John Q. Voter is capable of civility, intelligence and generosity. Thus, the ethnic politician is not too surprised when he rises to heights. In other words, you appeal to both the voter's fears and his idealism, his selfishness and his integrity; and, after awhile, you hope that you have become skillful in the art of blending the two kinds of appeals.

The ethnic politician's slogan that social progress is good politics is neither phony nor cynical but simply a statement of political reality as he sees it. He knows that if he is too "conservative" the balance he has established will not shift rapidly enough to keep up with the changing state of his city; and if he is too "liberal" he may attempt to force change on the city before there is a broad enough consensus to support it. In the thirties he supports the trade unions and in the sixties the black demand for power, but he supports both such demands in ways that will not drive other groups out of his coalition. There may be a tendency in such an approach to move too slowly, especially if the organization has poor communication links with a minority group. But the political leader is much less sanguine than his academic critic about the ability of any leadership to correct most social problems in a brief period of time.

The two Stevensons, Paul Douglas, Otto Kerner (who presided over the extremely liberal report on Civil Disturbances), and the present Lt. Governor, Paul Simon, represents a liberal tradition of which any state might be proud. Michael Bakalis, a thirty-two year old university professor (of Greek origin, conveniently enough), and US Congressman Abner Mikva are liberal enough to please Professor Galbraith. The ethnic politician knows that there is a strong liberal strain in his electorate and that an articulate and intelligent liberal can have strong voter appeal. The liberal must of course be able to win, he must want to win (frequently a difficulty for many American liberals) and he must not forget who helped him to win—or run the risk of not winning again. Furthermore, he must realize that he and his fellows cannot claim a monopoly on all office. From the point of view of the ethnic politician, liberalism is good politics, especially when he can find a liberal who is willing to admit that politics can be good liberalism.

While his critics contend that it is patronage which holds the organization together, he knows himself that "loyalty" is more important than jobs. As one young Irish lawyer put it, "a man who is not loyal to his friends will never be loyal to an idea." The mockery to which Arthur Goldberg was subjected by those who thrust him into the political limelight would be unthinkable to an ethnic politician. You stand by your own, even if they have made mistakes, or if they have perhaps grown a bit too old. You wait patiently in line until it's "your turn" to be slated. You accept the decisions of the organization with good grace and work for the success of the ticket even though you are personally disappointed. You do so because you're convinced that there is no other way to engage in politics and that the alternative is what New York Democrats are currently calling Balkanization.

In his book, *The Irish and Irish Politicians*, Edward Levine tells the story of Nineteenth Ward Committeeman John Duffy who supported Martin Kennelly against Daley in 1955 because of the loyalty that Duffy's mentor, Thomas Nash, felt for Kennelly. According to Levine, Daley is reputed to have said, "If I were Duffy I would bolt." Later Duffy became the organization's president of the county board and worked closely with the mayor. There is a nice etiquette required of those who must balance loyalties, but the phrase "do what you have to do" is fully understood by the ethnic politicians. When he hears that this is "clanishness" the ethnic politician is puzzled. What are the alternatives? To quote one of Levine's informants, "The only thing you have in politics is your word. Break your word and you're dead. The most successful politician is the politician who kept his word." But if he is puzzled by the failure of the "liberal" to understand this truism, the ethnic politician would probably be astonished that such new left political theorists as John Schaar are demanding the same kind of personal fealty from their political leaders. The ethnic leader and the hippy guru may have more in common than they know.

There are obvious faults in such a political model in addition to those which are inevitable in any political model. Its very flexibility and amorphousness may make dishonesty and corruption somewhat easier than the so-called Reform models of politics, but ethnic systems are much less corrupt in most American cities than they have been in the past and ethnic politicians have no monopoly on corruption. Nor is the charge that the ethnic system is not open to the major forces of social change a valid one; quite the contrary, if the system is working properly social change is precisely what it is open to, though it distinguishes between actual social change and that announced by academic theorists.

There are three critical weaknesses however. First, the responsiveness of the system to groups depends to some extent on how well organized and articulate a given group is. The ethnic politician does not really spot a situation where a given group may need his help in organizing itself and articulating its demands.

Second, small but potentially explosive groups can be missed. The basic problem at root of the 1968 turmoil was that organization had little experience with the Youth Culture and was unprepared to deal with it. It learned quickly and there has been no repetition of the scene in front of the Conrad Hilton, but the mistake of playing into the hands of the radicals was a function of the fact that until the convention Youth Culture was not seen as a serious problem to cope with.

Finally, while the ethnic politician is not likely to be swayed by the moralism, the dogmatism and the perfectionism of the academic, his own proclivity to a concrete and instinctual style makes it hard for him to communicate with the intellectual and make use of the intellectual's important contribution to the political process—and, in particular, the intellectual's ability to spot long-range trends and problems.

It is difficult to write such an article for non-Chicago readership. The mere mention of "Chicago politics" or "Richard Daley" or "Irish politicians" erects a barrier in certain segments of American society which is hard to pierce. The system is immoral and corrupt or, to use Mr. Goldberg's word, cheap.

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But the "liberal" may want to ponder the thought that the alternative is Nelson Rockefeller and James Buckley till the year 2000. And the "radical" may feel that ethnic politics are part of the "establishment" which must be overthrown in "the revolution"—whether it be the peaceful revolution of Consciousness III or something more bloody. But the "radical" may want to ponder the fact that even after the revolution he will have to contend with the same social groups in the large city with which the ethnic politician must cope, and that if he does not come up with a better method, he will either have to fall back on the ethnic strategic or maintain a very efficient secret police and a very large system of concentration camps.

TRIBUTE TO CONGRESSMAN ALLARD K. LOWENSTEIN

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, very rarely does a man during his first term in Congress win the friendship and approbation of so many of his colleagues as AL LOWENSTEIN has.

Members of every political persuasion, from every area of the country have found him to be sincere, dependable, honest, and fair. Shakespeare has made a mockery of the word "honorable," yet it is still one of the highest compliments that can be paid a man.

AL LOWENSTEIN is an honorable man. He cares very deeply about this Nation and all its people, and he has worked hard and dedicatedly for their benefit.

AL believes very strongly in democracy and has fought to defend it. The battleground has often been the campuses and schools of our Nation, where he has tried to keep youth allied with our political system. He has sought to enlist the young people of the Nation in the search for change through democratic means.

I think that he has been successful. AL will not be satisfied with the degree of his success, but it is admirable. He has shown that there are people in every position in government that do care about significant change.

AL LOWENSTEIN's name was probably the best known of the freshmen of the 91st Congress. But the media did him a disservice. We all have found him to be a great advocate of causes in which he believes, but he is equally a man who is willing to listen fully and openly to every other side. He has shown the fairness and and courtesy of one of those rare breeds of men who is so unbiased and so sincere that he expects no less from others.

I have had the great pleasure to discuss many issues with him that were close to my heart and to his. AL's view of the world is one of careful optimism and unflagging concern.

He has sought the highest goals in legislation and has been just as concerned about the means by which they are reached.

Now AL has been gerrymandered out of his district. It is a compliment to him that the Republicans had to add to an already heavily Republican district in order to defeat him. His loss is an even greater loss to the people of the Fifth Congressional District of New York. He has worked for them and for the people of every congressional district.

I know, though, that AL will continue to work for the people of New York and the rest of the Nation. He cares too deeply to stop now. I hope that he will be back here with us soon, but I look forward to working with him in other areas, through other forums.

I will miss AL here. I have truly benefited from his friendship, and believe that we have proved educational for each other. I wish him success in all he endeavors.

NATIONAL GALLERY OF ART: CALENDAR OF EVENTS, JANUARY 1971

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the calendar of events for the month of January 1971 of the National Gallery of Art.

Once again the National Gallery has planned a variety of exhibits, lectures, and concerts, and I urge all those who can to visit this outstanding gallery during January.

The calendar of events follows:

NATIONAL GALLERY OF ART: CALENDAR OF EVENTS, JANUARY 1971

INGRESS IN ROME

An exhibition of nearly 150 drawings of Rome and its environs by the nineteenth-century French painter, Jean-Auguste-Dominique Ingres (1780–1867), will start a tour of American museums when it opens at the National Gallery of Art on January 24th.

The drawings are largely from the Musée Ingres, Montauban, France, although a small group from the Musée des Arts Décoratifs, Paris, the Fogg Art Museum at Harvard, the Metropolitan Museum of Art, the Art Institute of Chicago, the Rhode Island School of Design, and several private American collections, are also included. The exhibition was organized by the International Exhibitions Foundation, Washington.

The selection from Montauban, comprised entirely of architectural studies, landscapes and views of Rome and its surroundings, will be seen in America for the first time. Most of the nine drawings from American collections are portraits of friends and acquaintances seen against Roman backgrounds. Three small landscape paintings of the same period have been lent by the two French museums.

The drawings from Montauban were chosen for the exhibition by Dr. Hans Naef, Zurich, a recognized authority on the artist's work. Dr. Naef has also prepared the exhibition catalog, in which he quotes Ingres' interest in landscapes: "If I had the time and . . . were in the country, I would paint landscapes: it is a branch of art which teaches one philosophy."

Although later virtually ignored and even hidden by the artist, his lovely, meticulous views of Italian cities and countryside received wider public attention in the twentieth century. Ironically, the young artist's passion for landscapes at this time cost him his first love, when he refused to leave his work and return to Paris to his fiancée and fellow painter, Mlle. Julie Forestier.

The exhibition sponsored by His Excellency Charles Lucet, French Ambassador to the United States, will close at the Gallery on February 21st. It will then travel to Philadelphia, New York and Kansas City.

GALLERY HOURS

Open weekdays and Saturdays, 10:00 a.m. to 5:00 p.m., and Sundays 12 noon to 9:00 p.m.

Please note: The Gallery will be closed on Christmas and New Year's Day.

GUEST SPEAKERS

By inviting distinguished scholars from this country and abroad to deliver the four o'clock Sunday lectures held throughout the academic year, the National Gallery provides the Washington community and Gallery visitors with an opportunity to hear, and meet if they wish, some of the world's outstanding art historians and critics. The talks are illustrated with slides and often arranged in conjunction with special exhibitions. Some of the lectures in January and February are related to the exhibition, *Ingres in Rome*. Agnes Mongan, Director of the Fogg Art Museum at Harvard will speak on Ingres on January 24th. Miss Mongan was responsible for the highly successful Ingres centennial exhibition at the Foggs in 1967. Marjorie Cohn, Assistant Conservator at the Fogg, and Robert A. Rosenblum, Professor of Fine Arts at New York University, will also deliver lectures on Ingres on the Sundays following Miss Mongan's talk.

Other guest speakers, including Vera Daniel, University Lecturer in French at Oxford University, England, Michael Mahoney, Professor of Fine Arts at Trinity College, Hartford, and a former curator and editor at the National Gallery, and John E. Bowlt, Visiting Professor of Slavic Languages and Literatures at the University of Kansas, will talk on French, Italian and Russian art and literature ranging from the seventeenth through the early twentieth centuries.

"CIVILISATION"

"Civilisation," the popular film series narrated and written by Kenneth Clark, begins its 96th showing at the Gallery on January 2 with a new schedule. One film will be shown each week for thirteen weeks on Saturdays and Sundays only at 12:30 and 1:30. Admission is on a first-come, first-served basis.

PUBLICATIONS

Recent publications available in the Gallery's publication area include: *Ingres in Rome*, a profusely illustrated catalog ($4.95) for the exhibition opening this month at the Gallery; *Great American Paintings from the Boston and Metropolitan Museums*, a fully-illustrated catalog ($4.95) for the current special exhibition; *British Painting and Sculpture* 1960–1970, an illustrated catalog ($4.95) for a recent exhibit; and *A Guide to Civilsation*, ($1.25) published in conjunction with the Gallery's new distribution of the film series to small colleges and universities throughout the country. Limited edition posters for the American and British exhibitions are also available (American, $5.00; signed and numbered by the artist $10.00; British, $2.80).

CONTINUING ON VIEW

The Artist's Father by Paul Cézanne (1839–1906), Lobby D; *Käthe Kollwitz: Prints and Drawings*, prints and drawings gallery, ground floor, through January 31; *American Paintings from the Museum of Fine Arts, Boston and the Metropolitan Museum of Art, New York*, special exhibition galleries, ground floor, through January 10; *British Painting and Sculpture 1960–1970*, main floor, through January 3.

Monday, December 28 through Sunday, January 3:

* Painting of the Week: Piero di Cosimo, The Visitation with Saint Nicholas and Saint Anthony Abbot. (Samuel H. Kress Collection) Gallery 13. Tuesday through Thursday and Saturday 12:00 and 2:00. Sunday 3:30 and 6:00.

Tour of the Week: British Painting and Sculpture 1960–1970. Rotunda. Tuesday through Thursday, and Saturday 1:00; Sunday 2:30.

Tour: Introduction to the Collection. Rotunda. Monday through Thursday, and Saturday 11:00 and 3:00; Sunday 5:00.

Sunday Lecture: Russian Art between 1860 and 1930. Guest Speaker: John E. Bowlt, Visiting Professor of Slavic Languages and Literatures. The University of Kansas, Lawrence. Auditorium 4:00.

"Civilisation," I—The Skin of Our Teeth. Saturday and Sunday, 12:30 and 1:30.

Sunday Concert: National Gallery Orchestra. Richard Bales, Conductor. Albert Wasmus, Pianist. East Garden Court, 7:00.

Monday, January 4, through Sunday, January 10:

* Painting of the Week: Van Dyck. Henri II de Lorraine, Duc de Guise. (Gift of Cornelius Vanderbilt Whitney) Gallery 42. Tuesday through Saturday 12:00 and 2:00; Sunday 3:30 and 6:00.

Tour of the Week: The Tradition of Duccio. Rotunda. Tuesday through Saturday 1:00; Sunday 2:30.

Tour: Introduction to the Collection. Rotunda. Monday through Saturday 11:00 and 3:00; Sunday 5:00.

Sunday Lecture: The Self-Image of Salvator Rosa. Guest Speaker: Michael Mahoney. Professor of Fine Arts. Trinity College, Hartford. Auditorium 4:00.

"Civilisation," II—The Great Thaw. Saturday and Sunday, 12:30 and 1:30.

Sunday Concert: Nancy Ellsworth, Violin; Eugene Dreyer, Violin; Mark Ellsworth, Viola; Robert Newkirk, Cello; and Emerson Meyers, Piano. East Garden Court, 7:00.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS–AM (570) and FM (103.5).

Monday, January 11, through Sunday, January 17:

† Painting of the Week: Joshua Johnston. The Westwood Children (Gift of Edgar William and Bernice Chrysler Garbisch). Gallery 68. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week: The Tradition of Rogier van der Weyden. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday Lecture: Paul Valéry's Approach to Art. Guest Speaker: Vera Daniel. University Lecturer in French. Oxford University, England. Auditorium 4:00.

"Civilisation," III—Romance and Reality. Saturday & Sunday, 12:30 & 1:30.

Sunday concert: Pierre Huybregts, Pianist. East Garden Court, 7:00.

Monday, January 18, through Sunday, January 24:

* Painting of the Week: Giovanni di Paolo. The Annunciation. (Samuel H. Kress Collection) Gallery 5. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week: The Tradition of Leonardo da Vinci. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday Lecture: Ingres in Rome. Guest Speaker: Agnes Mongan. Director. Fogg Art Museum, Harvard University. Auditorium 4:00.

"Civilisation," IV—Man-The Measure of All Things. Saturday & Sunday, 12:30 & 1:30.

Sunday Concert: William Whitesides, Tenor. Gertrude Kuehefuhs, Pianist. East Garden Court, 7:00.

Cafeteria Hours: Weekdays, 10:00 a.m. to 4:00 p.m.; luncheon service. 11:00 a.m. to 2:30 p.m.; Sundays, dinner service. 1:00 to 7:00 p.m.

Monday, January 25, through Sunday, January 31:

* Painting of the week: Fragonard. A Game of Hot Cockles. (Samuel H. Kress Collection) Gallery 55. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: The Tradition of Rubens. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

† 8″ x 10″ black-and-white photograph with text for sale this week—75¢ each.

Sunday lecture: Ingres' Technique as a Draftsman. Guest Speaker: Majorie Cohn. Assistant Conservator. Fogg Art Museum. Harvard University. Auditorium 4:00.

"Civilisation," V—The Hero as Artist. Saturday & Sunday, 12:30 & 1:30.

Sunday concert: Upsala Chamber Choir. Richard Toensing, Director, East Garden Court, 7:00.

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to 737–4215, ext. 272.

MARYLAND SOLDIER DIES IN VIETNAM ROCKET ASSAULT

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. LONG. Mr. Speaker, Cpl. Benjamin R. Nelson, a young man from Maryland, was killed recently in Vietnam. Corporal Nelson, a field medic, was serving his third tour of duty in Vietnam at the time of his death. I should like to commend his courage by including the following article in the RECORD:

ARUNDEL SOLDIER DIES IN VIETNAM ROCKET ASSAULT

Cpl. Benjamin R. Nelson, a 26-year-old career soldier, has been killed in Vietnam, the Army announced yesterday. He is the son of Mrs. Josephine E. Donecker, of the Lake Shore area of Pasadena, Anne Arundel county.

Corporal Nelson, a field medic with nine years service, died November 30 at Chou Lai, the base camp of the Americal Division, when it came under rocket attack. He was "killed by hostile fire," according to the Department of Defense.

Born in Baltimore, Corporal Nelson attended the Lake Shore Elementary School. He enlisted at the age of 17 and finished his high school education in the Army. He also had taken medical courses in the Army.

Russell J. Donecker, Jr., 21, his surviving brother who recently returned from Vietnam where they served together in the Americal Division, said this was his brother's third tour of duty in Vietnam.

Mr. Donecker reported that Corporal Nelson expected to come home late in April and had planned to get married.

Corporal Nelson is survived by his mother and his brother.

FAREWELL ADDRESS OF DANIEL PATRICK MOYNIHAN

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, before he left the White House this past week Presidential counselor Daniel Patrick Moynihan gave a unique thoughtful farewell message to his colleagues in the administration.

Dr. Moynihan's advice to the people who run the executive branch of the Government deserves the attention of those of us who work in the legislative branch as well. I am pleased to insert for the RECORD the text of Moynihan's remarks as published in the Wall Street Journal:

[From the Wall Street Journal, Dec. 28, 1970]

MOYNIHAN'S FAREWELL PRAISE AND ADVICE

(Following is the valedictory delivered by Presidential counsellor Daniel Patrick Moynihan last week in Washington before a group of 200 cabinet members and other top Administration officials. Mr. Moynihan will return to Harvard University Jan. 1 after two years with the Nixon Administration.)

As the President has said, we are now in the middle of the journey. Where it will end we do not know. It is no longer even clear where it began, our sense having long since been dulled by the relentless excess of stimulus which is the lot of any who involve themselves in American government.

It may be of some use, then, to try to reconstruct the circumstances in which the President was elected, and formed his Administration, just two years ago.

It seemed the worst of times. It was the habit then to speak of the nation as divided, and to assert that the situation was grave beyond anything since the Civil War itself. This was misleading. The country was not so much divided as fragmented; it was coming apart. The war in Asia, undeclared and unwanted, misunderstood or not understood at all, pursued by decent men for decent purposes but by means, and with consequences, that could only in the end be heartbreaking, had brought on an agony of the spirit that had had no counterpart in our national experience.

The agony was elemental, irresolvable and nigh to universal. No matter what one's view of the nation might be, events in Vietnam contradicted that view. Not long before the war in Asia began, a French Dominician priest wrote that "either America is the hope of the world, or it is nothing." An astonishingly large cohort of Americans concluded, in the course of the 1960s, that it was nothing.

WAR AND RACE PROBLEMS

The agony of war was compounded by and interacted with the great travail of race which, once again, not so much divided as fractured the society. Racial bondage and oppression had been the one huge wrong of American history, and when at last the nation moved to right that wrong the damage that had been done proved greater than anyone had grasped.

An ominous new racial division made its appearance, and with it also a new sectional division, unattended and underappreciated, but not less threatening.

The economic vitality of the nation was imperiled. The war disrupted the economy and then dictated that the onset of peace would do so as well.

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* 11″ x 14″ reproductions with texts for sale this week—15 cents each. If mailed, 25 cents each.

In such circumstances confidence in American government eroded. Government was not to be believed, nor was much to be expected of it. Save fear, Government had begun to do utterly unacceptable things, such as sending spies to the party conventions in 1968.

It all comes together in the story of the man who says, "They told me if I voted for Goldwater there would be half a million troops in Vietnam within the year. I voted for him, and by God they were right."

How then could it have been otherwise than that the election of 1968 would begin in violence and end in ambiguity? It was clear enough who had won, albeit barely, but not at all certain what had won.

Then came the President's inaugural address with its great theme of reconciliation, and restraint, and—in the face of so much about which we comprehend so little—reserve. "Few ideas are correct ones," wrote Disraeli, "and what are correct no one can ascertain; but with words we govern men."

Those words of Jan. 20, 1969, were and remain the most commanding call to governance that the nation has heard in the long travail that is not yet ended.

How, by that standard, would one measure the two years now past? Not, I think, unkindly. To the contrary, the achievement has been considerable, even remarkable.

In foreign affairs the nation has asserted the limits of its power and its purpose. We have begun to dismantle the elaborate construct of myth and reality associated with the cold war. The war in Asia has receded, the prospect of arms limitation has gradually impressed itself on our consciousness, the possibility of containing the endless ethnic, racial and religious conflicts that may now become the major threat to world order has become more believable as here and there things have got better, not worse. The prospect of a generation of peace has convincingly emerged.

In domestic matters events have been similarly reassuring. Far from seeking a restoration of outmoded principles and practices with respect to issues of social justice and social order, the President, on taking office, moved swiftly to endorse the profoundly important but fundamentally unfulfilled commitments, especially to the poor and oppressed, which the nation had made in the 1960s.

He then moved on to new commitments to groups and to purposes that had been too much ignored during that period, and beyond that to offer a critique of government the like of which has not been heard in Washington since Woodrow Wilson.

RESTORING TRUST

In one message after another to the Congress, the fundamentals of governmental reform were set forth. More was required of government, the President said, than simply to make promises. It had to fulfill them. It was on this bedrock of reality that trust in government must rest. The restoration of trust would depend on this.

Since that time, mass urban violence has all but disappeared. Civil disobedience and protest have receded. Racial rhetoric has calmed. The great symbol of racial subjugation, the dual school system of the South, virtually intact two years ago, has quietly and finally been dismantled.

All in all, a record of some good fortune and much genuine achievement.

And yet how little the Administration seems to be credited with what it has achieved. To the contrary, it is as if the disquiet and distrust in the nation as a whole has been eased by being focused on the government in Washington. One thinks of President Kennedy's summation: Life is not fair. But there is something more at work than the mere perversity of things.

In a curious, persistent way our problem as a nation arises from a surplus of moral energy. Few peoples have displayed so intense a determination to define the most mundane affairs in terms of the most exalted principles, to see in any difficulty an ethical failing, to deem any success a form of temptation, and as if to ensure the perpetuation of the impulse, to take a painful pleasure in it all.

Our great weakness is the habit of reducing the most complex issues to the most simplistic moralisms. About communism. About capitalism. About crime. About corruption. About likker. About pot. About race horses. About the SST. Name it.

This is hardly a new condition. Tocqueville noted it a century and a half ago. "No men are fonder of their own condition. Life would have no relish for them if they were delivered from the anxieties which harass them, and they show more attachment to their cares than aristocratic nations to their pleasures."

But in the interval this old disposition has had new consequences. What was once primarily a disdain for government has developed into a genuine distrust. It has made it difficult for Americans to think honestly and to some purpose about themselves and their problems. Moralism drives out thought.

The result has been a set of myths and counter-myths about ourselves and the world that create expectations which cannot be satisfied, and which lead to a rhetoric of crisis and conflict that constantly, in effect, declares the government in power disqualified for the serious tasks at hand.

The style which the British call "muddling through" is not for us. It concedes too much to the probity of those who are trying to cope, and the probable intransigency of the problems they are trying to cope with. In any event, in so intensely private a society it is hard to get attention to one's own concern save through a rhetoric of crisis.

As a result, we have acquired bad habits of speech and worse patterns of behavior, lurching from crisis to crisis with the attention span of a five-year-old. We have never learned to be sufficiently thoughtful about the tasks of running a complex society.

The political process reinforces, and to a degree rewards, the moralistic style. Elections are rarely our finest hours. This is when we tend to be most hysterical, most abusive, least thoughtful about problems and least respectful of complexity.

Of late these qualities have begun to tell on the institution of the Presidency itself. A very little time is allowed the President during which he can speak for all the nation, and address himself to realities in terms of the possible. Too soon the struggle recommences.

This has now happened for us. We might have had a bit more time, but no matter. The issue is now henceforth to conduct ourselves.

As I am now leaving, it may seem to come with little grace to prescribe for those who must stand and fight. I would plead only that I have been sparing of such counsel in the past. Therefore, three exhortations, and the rest will be silence.

The first is to be of good cheer and good conscience. Depressing, even frightening things are being said about the Administration. They are not true. This has been a company of honorable and able men, led by a President of singular courage and compassion in the face of a sometimes awful knowledge of the problems and the probabilities that confront him.

The second thing is to resist the temptation to respond in kind to the untruths and half truths that begun to fill the air. A century ago the Swiss historian Jacob Burckhardt foresaw that ours would be the age of "the great simplifiers," and that the essence of tyranny was the denial of complexity. He was right. This is the single great temptation of the time. It is the great corruptor, and must be resisted with purpose and with energy.

What we need are great complexifiers, men who will not only seek to understand what it is they are about, but who will also dare to share that understanding with those for whom they act.

And lastly, I would propose that if either of the foregoing is to be posible, it is necessary for members of the Administration, the men in this room, to be far more attentive to what it is the President has said, and proposed. Time and again, the President has said things of startling insight, taken positions of great political courage and intellectual daring, only to be granted with silence or incomprehension.

The prime consequence of all this is that the people in the nation who take these matters seriously have never been required to take us seriously. It was hardly in their interest to do so. Time and again the President would put forth an often-times devastating critique precisely of their performance. But his initial thrusts were rarely followed up with a sustained, reasoned, reliable second and third order of advocacy.

Deliberately or not, the impression was allowed to arise with respect to the widest range of Presidential initiatives that the President wasn't really behind them. It was a devastating critique.

The thrust of the President's program was turned against him! For how else to interpret an attempt to deal with such serious matters in so innovative a way, if in fact, the effort was not serious?

COMPREHENSION NEEDED

It comes to this. The Presidency requires much of those who will serve it, and first of all it requires comprehension. A large vision of America has been put forth. It can only be furthered by men who share it.

It is not enough to know one subject, one department. The President's men must know them all, must understand how one thing relates to another, must find in the words the spirit that animates them, must divine in the blade of grass the whole of life that is indeed contained there, for so much is at issue.

I am of those who believe that America is the hope of the world, and that for that time given him the President is the hope of America. Serve him well. Pray for his success. Understand how much depends on you. Try to understand what he has given of himself.

This is something those of us who have worked in this building with him know in a way that perhaps only that experience can teach. To have seen him late into the night and through the night and into the morning, struggling with the most awful complexities, the most demanding and irresolvable conflicts, doing so because he cared, trying to comprehend what is right, and trying to make other men see it, above all, caring, working, hoping for this country that he has made greater already and which he will make greater still.

Serve him well. Pray for his success. Understand how much depends on you.

And now, goodby, it really has been good to know you.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

FULL STORY ON WAR SHOULD BE TOLD

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. MILLER of Ohio. Mr. Speaker, the debate continues on the war in Southeast Asia even as Americans are withdrawn from battle and the South Vietnamese shoulder more and more of the fighting. There has always been a certain amount of puzzlement in this country over the tenacity of the enemy and their continual rejection of peace proposals to end the war. The focal point of this long debate has centered almost solely on Saigon and Hanoi. We have neglected to consider the possible interests and influence of Peking and Moscow in the conduct of the war. Columnist David Lawrence recently described the Soviet Union and Red China as war puppeteers and perpetrators. Even though Mr. Lawrence's comments will be lost in the shuffle now, I am sure that in year's hence historians will take a curious look at the subterranean activities of Red China and the Soviet Union in this tragic war and conclude that they played a dominant role in its conduct and duration.

The article follows:

FULL STORY ON WAR SHOULD BE TOLD

(By David Lawrence)

What is one of the principal reasons for the growth of the anti-war movement on the campuses of the country?

Primarily, it is ignorance. Entirely apart from the likelihood of their being drafted, the students have been told by many faculty members and speakers that the United States is carrying on a war of aggression against a small nation.

Why hasn't the government of the United States revealed to the American people all of the story and declared again and again that it is actually engaged in a war with both Red China and the Soviet Union?

In a book just published, entitled "Khrushchev Remembers," a chapter on Vietnam is most illuminating. Khrushchev, the former Soviet premier, is quoted as saying that North Vietnam—which has been dominated by Red China for the past year—is trying to establish better relations with the Soviet Union now only because the Soviets can supply the arms needed for the Vietnam War.

Khrushchev declares that he does not "think China will release Vietnam from its paws, and the pro-Chinese forces will remain powerful in Vietnam. They will do all they can to make Vietnam eat out of China's hand." He says:

"Our assistance has been decisive because, without material aid from the Soviet Union it would have been impossible for Vietnam to survive under the conditions of modern warfare and to resist as rich and powerful an aggressor as the United States.

"In order to receive adequate arms and equipment, Vietnam has had no choice but to rely on the Soviet Union. In order to achieve victory, they must have the appropriate arms, and these arms they can obtain only from the Soviet Union. China can't give Vietnam what it needs today."

Further on, Khrushchev says: "There is more at stake in this war than just the future of the Vietnamese people." He adds:

"The Vietnamese are shedding their blood and laying down their lives for the sake of the world Communist movement."

Why, it may be asked, have not these facts about the participation of Red China and the Soviet Union in the Vietnam war been made clear by the U.S. government, which has plenty of intelligence sources to confirm them?

Why hasn't a campaign been carried on in the publicity channels of the world, both at home and abroad, to let people everywhere know that the Vietnam war would long ago have been ended except for the action of Red China and the Soviet Union? Why has the United States had to bear the brunt of the blame?

Why have the United State senators and representatives been allowed to convey the impression that America is engaged in a war of intervention in Southeast Asia based on selfishness or materialistic interest?

Why hasn't the government of the United States itself told the people of the world that peace in Vietnam is being blocked by Red China and the Soviet Union and that the North Vietnamese are merely pawns in the hands of two Communist nations?

The United States has continued to talk about peace as if North Vietnam alone is the adversary and as if the latter really had the say. The truth is Hanoi hasn't much power of decision, and peace will come in Vietnam only when the Soviet Union decides to permit it and when the Red Chinese concur.

The committees of Congress are capable of exposing what is going on in other countries, and plenty of information is available concerning the activities of both Red China and the Soviet Union.

It is known, for instance, that approximately a billion dollars a year in assistance is being furnished by the Moscow regime to the Hanoi government. It has been established that planes, missiles and other military equipment have been supplied to the North Vietnamese by the Soviets. Various forms of aid have been provided by Red China.

The United States stands alone as the defender of the small nations of the world against Communist imperialists. But as the speeches of some of the members of Congress are read, it is easy to get the idea that the war was started by this country and is being continued for selfish purposes.

The fact is that it is being prolonged by the Soviets and the Red Chinese, and they are encouraged by the opposition to the war stirred up by critics, inside and outside of Congress, who have been unwittingly inspiring demonstrations throughout the United States.

This is one of the most flagrant examples of lack of support of our government during a war that has been recorded in American history.

BILL MURPHY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. MILLER of California. Mr. Speaker, I want to join my good friend, Congressman FRANK ANNUNZIO, in paying tribute to Congressman WILLIAM MURPHY of Illinois, who leaves Congress of his own volition after many years of great service to his country and his constituents.

BILL MURPHY has served well on the Committee on Foreign Affairs and has worked hard in preparing himself for the very particular duties required of members on that committee.

I wish for Congressman MURPHY and his good wife, Rose, the best of everything in their well earned retirement.

POOR RICHARD CLUB REMEMBERS ITS PATRON

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. EILBERG. Mr. Speaker, on January 16, 1971, the Poor Richard Club of Philadelphia will observe, for the 64th year, its annual commemoration of the birthday of its patron, Mr. Benjamin Franklin, distinguished Philadelphian and citizen of the world.

The Poor Richard Club is the oldest and among the largest of the professional organizations in the United States whose membership is comprised of practitioners in the communications world, in public relations, in journalism, in advertising. Over the years, it has made notable contributions in sponsoring the drive which led to the founding of the world-renowned Franklin Institute in Philadelphia, the Better Business Bureau, the renovations at historic Christ Church, and many other contributions to Philadelphia. The club also sponsors the Charles Morris Price School of Advertising and Journalism.

In accordance with the club's tradition, again this year, it will sponsor a most meaningful day-long set of ceremonies memorializing the contributions which Benjamin Franklin made to his day and time and to the growth and development of this Nation. This observance will take the form of a pilgrimage in which the members of the club and their families will be jointed by a number of distinguished Americans—walking in the pathways of Franklin and Washington and Jefferson and so many of our Founding Fathers.

The pilgrimage will depart from the Poor Richard Club at Locust and Juniper Streets, a certified historic structure itself, and proceed to ceremonies at Benjamin Franklin's grave; to services at Christ Church; to ceremonies at Independence Hall; to the Franklin Institute; and to luncheon at the Poor Richard Club.

During these ceremonies, the participants will include the representative of the President of the United States, of the Governor of Pennsylvania, of the mayor of the city of Philadelphia, of the Governments of France, Great Britain, and Italy, of our Armed Forces, of the International Benjamin Franklin Society, and of companion organizations in the field of communications to include the Philadelphia Club of Printing House Craftsmen, the Philadelphia Club of Advertising Women, the Radio Pioneers, the University of Pennsylvania, the Knights of Columbus, and many other organizations.

XUM

In this day, I believe the Poor Richard Club is to be warmly commended for its spirit of rededication to those programs and principles upon which our Government was founded and out of which our country flourished.

On the evening of Franklin Day, the club will sponsor its annual banquet to be held at the Bellevue-Stratford Hotel in Philadelphia.

On this occasion, its Gold Medal of Achievement will be presented to a distinguished American with an international reputation in the fields of information and communications, Mr. Robert W. Sarnoff, chairman of the board and president of RCA. Mr. Sarnoff has made contributions to his fellow man in a tremendously broad range of business activity, in education, in the cultural and humanitarian advancement of his fellow man and is to be warmly applauded on the occasion of the presentation of Poor Richard's Gold Medal.

Mr. Speaker, it is worth noting that previous recipients of the Poor Richard Club's Gold Medal include the following: Walt Disney, Will Rogers, Gen. David Sarnoff, Gen. H. H. Arnold, Bob Hope, Robert McLean, Gen. Dwight D. Eisenhower, Gen. Douglas MacArthur, Henry Ford, II, Clare Boothe Luce, Richard M. Nixon, Richard Rodgers, Oscar Hammerstein II, Charles H. Kellstadt, Thomas B. McCabe, and John J. Powers, Jr.

Mr. Speaker, I salute the officers and directors of the Poor Richard Club for this splendid undertaking including its president, Mr. Milton A. Eisenberg, vice president of the Yellow Cab Co. of Philadelphia; Mr. Joseph P. McLaughlin, its first vice president and president of the Beacon Advertising Agency; Mr. John J. O'Shea, its second vice president and chairman of the Franklin Day Committee, president of Thomas J. LaBrum, Associates, Inc., a Philadelphia public relations and advertising agency; Christian T. Mattie, Jr., its secretary and chairman of the Poor Richard Banquet, director of special events, Gimbel Brothers and Reginald E. Beauchamp, life director of the club and assistant to the president of the Evening and Sunday Bulletin.

HON. WILLIAM T. MURPHY

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. HANLEY. Mr. Speaker, this year marks the culmination of 12 years of dedicated service in the House of Representatives by our distinguished colleague and friend, BILL MURPHY of Chicago. I want to take this opportunity to say to BILL and to his wonderful family that we will all miss them.

When I first came to the House, BILL was already a veteran of three terms. I got to know him well right from the start and our friendship has grown since 1965. My esteem for him has also grown. BILL has been a Member whose well-chosen thoughts have always been readily received and respected by all his colleagues. Chicago is losing a very able and effective Representative and the House is losing a solid pillar. We wish him many years of good health and happiness in the knowledge that he has done his job well and conscientiously.

THE PRESIDENT'S VETO OF THE JOBS BILL

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. O'HARA. Mr. Speaker, the President's recent veto of a jobs bill has been defended by the President and his spokesmen on the grounds that the jobs to be created by that bill would be "dead-end, leaf-raking, WPA-type" jobs. Even if all these adjectives were true, it could be argued that dead-end employment is better than dead-end unemployment. But such an argument is hardly necessary, since the accusations are without validity.

The Evening Star today characterized the President's description as "unfair," and pointed out, as was pointed out on this floor before and after the veto, that the vetoed bill "contained numerous safeguards to assure training and advancement opportunities for workers, and to encourage movement to employment outside the subsidized program."

In a preveto edition of the magazine City, a publication of the urban coalition, there appeared two articles which are very relevant to the questions on hand. One of these, by Donald Canty, described how useful the precise kind of public service jobs which the vetoed bill authorized would have been to society as a whole.

The other article, by Lois Craig, put in a good word for the much-maligned WPA. The Craig article ends with a quotation from Franklin Delano Roosevelt that it might benefit President Nixon to ponder. As the President contemplates his doctrinaire opposition to putting people to work in what he considers "WPA-type jobs," he might do well to think about F.D.R.'s words:

> Better the occasional faults of a government that lives in a spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference.

I include, Mr. Speaker, these two articles at this point in the RECORD:

[From The Washington Evening Star, Dec. 29, 1970]

DUTY TO THE JOBLESS

The President's veto of the manpower bill showed insufficient concern for the nation's unemployed, many of whom owe their idle status to Mr. Nixon's past efforts to fight inflation. Also victimized by the downturned presidential thumb are the financially beset cities, where hard times simultaneously have worsened problems and sapped the resources for dealing with them.

In vetoing the measure that would have authorized spending of $9.5 billion on a variety of training and employment programs over the next 3½ years, the President did not object to the overall amount. He concentrated on provisions for employing up to 300,000 people in public-service occupations at various levels of government, and on the failure of Congress to adopt his ideas on reorganizing the present manpower effort, as put forward in 1969.

Mr. Nixon unfairly dismissed the public-service employment program as creating "dead-end" and "WPA-type" jobs. The final bill, while not as restrictive as the House version that the administration was willing to accept, contained numerous safeguards to assure training and advancement opportunities for workers, and to encourage movement to employment outside the subsidized program. The jobs, far from the makework variety, would have filled "unmet public-service needs" in such fields as health care, public safety, maintenance of public facilities, solid-waste removal and pollution control.

The bill did not meet the President's recommendation for eliminating "narrow-purpose categories" for federal manpower spending, and in fact called for some new ones. The measure would have consolidated authority for federal participation in the Labor Department, and decentralized much of the administrative activity among the states and local governments. The President did not get as complete a reorganization as he sought. But Senator Javits, who introduced the administration's original bill, called the final congressional result "a workable compromise on the key issues." And, on the question of "hamstringing" program categories, Senator Nelson pointed to the broad power given the Secretary of Labor to allocate money among the programs.

It would be regrettable if the considerable work that went into this year's legislative effort were to be lost for good. Since the veto has been upheld, a further compromise between administration and congressional thinking on manpower development is the logical course for the next session.

It was President Nixon who, in his economic report last January, drew the connection between the inflation-fighting tactic of promoting a business slump, and the importance of such ameliorative efforts as a more effective manpower program. The presidential forecast of economic slowdown was quickly realized, with an accompanying increase of unemployment from 3.9 percent of the work force in January to 5.8 percent in November. Mr. Nixon cannot complain if critics now contrast his expression of concern about the manpower program, 11 months ago, with his action in vetoing the bill.

THE MULTIPLE PAYOFFS OF PUBLIC-SERVICE JOB CREATION

(By Donald Canty)

Where will the jobs come from, to turn offenders to careers other than crime? In fact, where will the jobs come from, to reverse the upward climb of unemployment—which, as always, is hitting hardest precisely the most volatile and most vulnerable segments of our urban society?

Again as always, because we are also a free-enterprise economy, most of the jobs must be supplied by this economy's continued growth. Yet, as we are in the process of learning once again, total reliance on economic growth to reduce unemployment leaves many behind—and gives others on the bottom of the economic ladder a tragically temporary boost upward.

The manpower programs of the Great Society did rely on the unprecedented prosperity of the times to supply the jobs. These programs concentrated on preparing the poor to take jobs. The final annual report of Lyndon Johnson's Council of Economic Advisers warned that even a slight dip on the curve of prosperity could quickly take the jobs away from those traditionally last-hired and first-fired. Now the dip has come and the warning has been proved accurate. Since it was issued, in early 1969, unemployment as a whole has gone from 3.5 per cent to September's six-year high of 5.5 per cent. In nine cities, in August, the rate was 10 per cent or more

(20.7 per cent in Flint, Mich.)—and clearly rising.

These trends, quite logically, are causing some members of Congress to question whether the Administration's Family Assistance Plan can, as advertised, transfer people "from the welfare rolls to payrolls."

They are also giving rise to a new wave of interest in an idea advanced by virtually every major Presidential commission of recent years to take a hard look at the problem of unemployment: the idea that the federal government must create jobs as well as training slots. The commissions, moreover, have agreed on precisely what kind of jobs should be created: jobs in the area of local public services, from maintaining the parks to providing paraprofessional help in the schools and hospitals.

The commissions and other advocates of public-service job creation through federal subsidy make a convincing case that no other single urban program could have such a multiplicity of deep-reaching benefits. A partial listing of these benefits follows.

1. Such a program would increase the number of jobs rather than the competition for jobs. The Great Society's single-minded focus on training and "hard-core" recruitment generated quite legitimate fears among white workers that they might be pushed aside—especially as the job market tightened. Creating new jobs would diminish this source of urban tension.

2. At the same time, it would get badly needed public business done. Demand for all manner of local public services—from garbage collection to police protection—is rising as the quality of these services declines because of many cities' near-bankruptcy. The money is at the federal level but, as Wilfred Owens of the Brookings Institution has wryly pointed out, the people all happen to live at the local level. The shoddiness of local public services importantly impacts upon the quality of their lives, generating daily irritations that can—at any time—come together in a fire-storm of urban turmoil.

3. Moreover, a public-service job program would provide the cities with precisely the kind of fiscal relief they need most—money to pay people to do things. More than one city recently has built a new library, but the doors remain locked because their is no money to hire staff. The cities' most critical deficiencies are in their operating budgets, where the public service subsidies would go.

4. Finally, these subsidies could effectively tie the delivery of public services to the communities served. Thus, putting a neighborhood mother in an inner-city school as a teacher's aide does more than augment the teaching process. It installs a friendly, familiar presence in the classroom or hallway: someone who shares, and therefore knows, the particular problems of the neighborhood and its residents, young and old.

It also could lead the mother to an upgrading of her own skills and education and, eventually perhaps, a full-fledged teaching assignment—if the subsidy program were designed, as it must be, to offer a genuine hope of careers, public and private, as well as jobs. This would require, first, that every office of local government regard itself, in part, as a training office. It also would require much firmer linkages than now exist between public agencies and private employers.

A second essential element of the program's design would be sufficiency of scale. The need is great, in terms of both the numbers of the unemployed whom the program could help—and the amount of public business perenially left undone. The best measurement of the latter came in a survey of 50 big-city mayors in 1968, in which the mayors said they could *usefully* put some 300,000 men and women to work on the delivery of essential public services. Certainly any program involving substantially lesser numbers would be a drop in a bucket that is, at present, dangerously dry and getting drier.

BEYOND "LEAF-RAKING": WPA'S LASTING LEGACY

(By Lois Craig)

When community-service employment is debated today, it is not unusual to hear put-down references to the Works Progress Administration and "leaf-raking." Recognizing that the times are different, as are the needs of the potential applicants for community-service jobs, it still is worthwhile to recall the reality of WPA's enormous contribution not only to the preservation but also to the enrichment of American society.

In the chaos of deprivation and despair of the early 1930s, the federal government relied on direct relief aid, the dole, to ease the plight of millions of unemployed workers. By 1936 the federal government was out of the dole business and into the business of work-relief. Fortune magazine observed admiringly that the government, through the WPA, had become "so deeply involved in the relief of the unemployed that it was not only keeping them alive but was also giving them an opportunity to work; and not only giving them an opportunity to work but giving them an opportunity to work at the jobs for which they were peculiarly fitted; and not only giving them an opportunity to work at the jobs for which they were peculiarly fitted but creating for them jobs of an interest and a usefulness which they could not have expected to find in private employment."

When WPA was established by Executive order on May 6, 1935, nearly five million workers were on relief and 11 per cent of these were white collar and concentrated in urban areas. At the head of the new agency was Harry L. Hopkins who would be alternately praised and damned as would be his new agency. Images of "leaf-raking" and "leaning on shovels" would haunt the WPA even in the years beyond its official demise in 1943. At the end of each fiscal year of its existence, its administrators faced an unsympathetic Congress that did not quite dare to destroy it, although not above harassing it with periodic investigations.

Whatever the misunderstandings of its critics, then and now, the main purpose of America's first large-scale federal public employment program was clear in its authorization and to its administrator. Addressing his staff in June, 1935, Hopkins stated: "What is more important, that the fellow who has been kicked around now for years and given a lot of relief, some of it pretty miserable and uncertain, be given a job, or that some great bridge be built and he not get a job? . . . Never forget that the objective of this whole program as laid down by the President . . . is the objective of taking 3,500,000 people off relief and putting them to work, and the secondary objective is to put them to work on the best possible projects we can, but don't ever forget that first objective, and don't let me hear any of you apologizing for it because it is nothing to be ashamed of."

At its peak WPA employed 3,335,000 persons. In the life of WPA, 18,805,000,000 hours of work were performed and a total of $8,990,597,000 was paid in wages to workers employed on WPA projects. Eight and a half million different persons, with 30,000,000 dependents, worked for the WPA during its eight-year history. Project workers were a constantly changing group indicating the different attitude from private industry toward the problem of turnover. While private industry aimed to retain employees, WPA aimed to assist its employees in securing private employment.

Beyond numbers, the effect on the morale of the nation of putting to work the employable unemployed was incalculable. No cost-benefit analysis could be meaningfully applied to an experiment so heavily weighted by human factors. Certainly the WPA experience demonstrated what economist Garth Mangum would point out decades later to a Congressional committee: "Useful jobs can be created commensurate with the abilities of almost anyone simply by the expenditure of public funds to purchase their services." The question remains whether administrators can use free labor wisely. Looking back on the work-relief era, Robert Moses, New York's fabled public building czar, decried the ridicule of WPA, pointing out "a dozen recreation centers in New York City built during the WPA period, estimated to have cost $1.1 million each, not so much higher than a low bid of $850,000 from a responsible contractor. These centers are alive with kids today, and they certainly don't represent boondoggling or make out Harry Hopkins to have been a mere male social worker."

Originally WPA was envisioned as primarily a construction program for unskilled labor that should employ people then on relief as quickly as possible. Appropriations dollars were stretched by requiring contributing funds and materials from local government agencies. Indeed, the great majority of the projects were planned and initiated by local agencies. Taking into account the number of eligible workers in a community, their skills, and the kinds of projects desired by the community, administrators managed to adapt legislation written for construction projects and an organization structured for handling unskilled labor to devise community work-relief programs in education, recreation, and welfare services. Projects eventually embraced everything from the originally contemplated construction through easel painting, archaeological digs, malaria control, school lunches, and housing inventories. Under an administrative umbrella known as Federal Project No. 1, the WPA coordinated in a national program work in music, art, writing, theater, and historical records.

Whatever the waste inherent in haste and relief work, WPA left behind an immense heritage of useful work. In physical properties alone, the results were impressive—and 75 per cent of WPA projects were in construction. A final report of the WPA summarizes: "the construction or repair of 650,000 miles of highways, roads, and streets, including farm-to-market roads . . . the construction of nearly 40,000 new public buildings and the repair or improvement of more than 85,000 existing buildings; the construction or improvement of thousands of parks, playgrounds, and other recreational facilities; the installation or improvement of public utilities service and sanitation facilities; the extension of flood and erosion control, irrigation, and conservation; the construction or improvement of thousands of airports and airways facilities . . ." Today Americans enjoy the use of facilities whose WPA origins have been forgotten: New York's Central Park Zoo, San Francisco's Aquatic Park, San Antonio's and Chicago's well-planned waterfronts, the Philadelphia Art Museum, as well as innumerable libraries, zoos, airports, parks, hospitals, swimming pools, schools, municipal buildings. An extensive program of historic preservation saved and returned to use buildings in varying stages of disrepair, among them Independence Hall in Philadelphia and Faneuil Hall in Boston.

Administrator Hopkins was criticized as "an Indian rajah on a toot" and a "professional almoner," but he often bought farsighted results with his wealth of available labor. The nation is richer both for the conservation of some of its buildings and history and for the conservation of its human resources.

Understandably, a lot of mediocre artists produced a lot of mediocre art in a program that produced 18,000 pieces of sculpture, 108,000 easel paintings, 239,727 prints, 500,000 photographs, and 2,500 murals. But many good artists were kept at work on their "thing," and some were sustained to go on to become the creative giants of a later era. Despite some of the degrading requirements

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of the relief system, painter Louis Block recalls, "The greatest advantage to the producing artists on the projects was the opportunity for continued work without any economic pressures. For those with more than average ability, this opportunity was a choice avenue for growth and development. This is abundantly demonstrated in the subsequent careers of many project painters and sculptors."

From the millions of anonymous WPA workers emerged Jackson Pollock, Adolph Gottlieb, Willem de Kooning, Arshile Gorky, Stuart Davis, Mark Rothko, Philip Guston, David Smith, Conrad Aiken, Richard Wright, Orson Welles. It could be argued that the personal bonds formed in times of hardship contributed to a community of later endeavor that could generate the development of a movement like abstract expressionism.

The emphasis on American content in the cultural efforts helped break the grip of traditionalism and Europeanism on the nation's arts. The theater project performed the works of native playwrights and experimented with new dramatic forms like the "Living Newspapers" which translated social problems into dramas. Across the country, 158 theatrical companies played to more than 25,000,000 people in conventional and makeshift theaters and in theater caravans on wheels.

The music project gave American composers and soloists heretofore undreamed-of exposure. WPA orchestras gave performances before an estimated 150,000,000 persons, many of whom had never heard live music before. In WPA community centers, more than eight million people participated in free art and music classes, attended lectures, and enjoyed WPA traveling exhibits. Today's famed Walker Art Center in Minneapolis grew out of the community art programs.

To compile an Index of American Design, nearly 1,000 artists searched attics, shops, museums to make 22,000 faithful reproductions of objects that illustrated the evolution of native arts and crafts. A treasure trove of folk music as well was discovered and preserved for future Americans. Never before had any government been so committed to the cultural life of its citizens.

Unable to indulge the luxury of hiring only destitute genius, program administrators made a virtue of the necessity of work-relief and brought to millions of Americans a consciousness of their history and culture which was in part responsible for today's cultural boom.

Not only did the arts projects accumulate invaluable American material but they also prepared an American audience. Holger Cahill, director of the Federal Arts Project of the WPA expressed this in an introduction to a catalog of an exhibition of WPA painting: "The organization of the project has proceeded on the principle that it is not the solitary genius but a sound general movement which maintains art as a vital functioning part of any cultural scheme. Art is not a matter of rare occasional masterpieces. The emphasis upon masterpieces is a 19-century phenomenon. It is primarily a collector's idea and has little relation to an art movement . . . in a genuine art movement a great reservoir of art is created in many forms both major and minor."

Similarly, the writers' project preserved, expanded, stimulated an interest in the American scene. Guidebooks for each state and territory, the now-famous American Guides, were prepared as well as local guides to cities and regions, schoolbooks that utilized information gathered on local history, and studies of racial groups and folklore.

In the research and records program, surveys were made relating to traffic, land use and housing, local social and economic conditions, climatology, topography, and natural resources. Clerical projects reorganized files, indexed records, archaeological findings, vital statistics, and sent workers into public nooks and crannies where mice had been the curators for records of which historians had had no knowledge.

Also of historical value was the survey of old buildings which made available photographs and drawings of representative types of American buildings to be preserved, as many of the buildings were not, in the Historic American Buildings Survey. Of inventories covering more than eight million dwelling units housing about 45 per cent of all U.S. urban families, Architectural Forum commented in 1936 that "no single WPA achievement has meant as much to building as its latest—compilation and publication in book form of the findings of real-property inventories in 203 urban communities, rightly prefaced as 'the most detailed body of statistical information now available on the physical characteristics of housing in the United States.' "

More useful work. Today's observer can lament the dearth of community services: the garbage not collected, the mail infrequently delivered, the medical and dental services not available to people who cannot afford them. In contrast, through its community-services projects WPA workers gave assistance to public health agencies in the operation of clinics; prepared more than 1,237,000,000 hot lunches served to school children using the supply of millions of quarts of fruits and vegetables canned from food produced on WPA gardening projects; produced on sewing projects 383,000,000 garments for distribution to the needy; repaired and salvaged toys for distribution through toy lending libraries; operated libraries and bookmobiles and during the eight years of WPA repaired more than 94,700,000 books. Maps, slides, models, and other visual education devices were prepared for use in the public schools. Housekeeping aides made 32,000,000 visits to needy homes. At its peak, monthly attendance in WPA nursery schools was 40,000 and in adult literacy and naturalization classes was 293,000. Arkansas reported in 1938 a 40-per-cent reduction in the state's illiteracy rate effected by WPA classes. In Pennsylvania by 1938, WPA classes had reduced the total number of illiterates by one-fifth.

The variety of projects was endless. A random look into the voluminous archives of the WPA produces in succession: In Idaho in 1939 a Predatory Animal and Rodent Control Project killed 2 mountain lions, 328 bobcats, 33 bears, 7,263 coyotes, and treated 471,299 acres for rodent extermination; in the Illinois Craft Project, co-sponsored by Eliel and Eero Saarinen, production facilities in workshops under master craftsmen stimulated interest in American craft work and developed and trained workers for jobs in private industry—producing furniture, fabrics, office, library, and school room equipment for public buildings and playgrounds; in Indiana, WPA workers demolished slum housing and erected on leased sites minimal, portable, prefabricated houses designed for relief workers' use with no rise in rent.

And, from the spirit of community endeavor came a sense of community that seems elusive in our more affluent times. Fortune described one such effort: "In Albuquerque, N.M., the Community Playhouse was engineered by WPA workers, the draperies were woven by WPA women in colonial Mexican designs, the furniture was made by WPA craftsmen after furniture of the colonial period, Mexican tinwork was used for the indirect-lighting system by WPA artisans, and murals of New Mexico scenes were painted by WPA artists. Nor is such cooperation unusual. Throughout the country WPA art workers assigned to the galleries hang around after closing time tinkering, painting, fixing things up. The galleries become part of the lives of the towns, part of the profound education of the community." A photo of simple, handsome pottery produced on a WPA project in Missouri notes that these dishes were actually used in a WPA nursery project.

Records also reveal that haste and poor planning gave some basis for the leaf-raking reputation which plagues an assessment of WPA even today, although as Garth Mangum admonishes, "It is difficult to find fault with leaf-raking if there are leaves to be raked." A project administrator in Nebraska wrote the national office in 1938: ". . . I have found the workers willing and anxious to give honest labor. Nowhere have I seen 'leaning on shovels,' except where the local agency had not made full plans and preparations. . . . Those who criticize Works Progress Administration's method of relief have only one alternative suggestion and that is the dole. . . . The quality of workmanship, which is being done on these projects, is not 2 per cent below that which would be done under normal conditions, and the great expansion of the work more than compensates for this slight decrease in quality. . . ."

And Franklin Delano Roosevelt commented: "Better the occasional faults of a government that lives in a spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference."

CONGRESSMAN PHILIP J. PHILBIN LEAVES AFTER 28 YEARS ON HILL

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, it is only by working with a man over a long period of time that one can truly know him. I have worked with Phil Philbin in the Massachusetts delegation since I first came to Congress 18 years ago.

Phil Philbin has never ceased working for the people of his district, for the people of Massachusetts, and the people of the Nation. He holds firmly to a set of beliefs—a belief in democracy, a belief in the virtues of generosity and charity, a belief in the worth of each and every individual—and he has worked consistently in the Congress to further the goals of that generous spirit.

For 28 years he has provided a stable and dependable force in the Congress, dedicated to the betterment of all the people of the United States. He has supported every major progressive piece of legislation meant for the betterment of the poor and neglected of America. He has been outspoken in his backing of programs to provide education, employment, health services, and housing to all our citizens.

I have known Phil Philbin as a colleague and friend for 18 years. He is a loyal man—loyal to principle and loyal to friends—and one who stands firmly by his word. He is a dedicated man, firm in his belief in our democratic system; and he is a generous and gentle man. Phil Philbin has a generous spirit, accepting his fellow men without criticism or malice. He has fought long and hard for that in which he believes. He has taken the praise and the criticism without being swayed by them. He has in all instances followed his conscience and sought to do the good.

I will miss Phil here and the Congress will be diminished. I know that our friendship and our fellowship will continue. I have benefited from that friendship and am grateful for it.

FTC, THE CONSUMER'S MOST EFFECTIVE FRIEND

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. ERLENBORN. Mr. Speaker, as most of us will recall, in December 1968, a group of students, under the sponsorship of Ralph Nader, compiled and issued a scathing report that criticized virtually every aspect of the Federal Trade Commission. Shorty after this report was issued by Mr. Nader, President Nixon asked the American Bar Association to establish a commission to study the FTC. The bar association, in turn, appointed a distinguished panel of attorneys and law professors under the chairmanship of Miles W. Kirkpatrick, a Philadelphia attorney, to study the FTC in depth. Their report, issued in September 1969, also indicated a number of inadequacies within the Commission that imperiled its effectiveness.

These reports—coupled with an increasing public interest in consumerism—have had a very salutary effect upon the Commission. Under the leadership, first, of Caspar W. Weinberger and now Miles W. Kirkpatrick, the Commission has proceeded vigorously to correct not only those problems which were so roundly criticized in these two major reports, but also to break new ground with imaginative and innovative law enforcement to protect American consumers.

I believe the Congress should be aware of some of these dramatic changes which have taken place at the Commission under the leadership of these two men.

CASE BACKLOG

Shortly before Chairman Weinberger took the reins of the Commission in January of 1970, he directed that a thorough review be given to all cases which had been on the docket for more than 18 months. As a result of this effort, a backlog which had been crippling the Commission was reduced and is now quite manageable. Some 450 files were closed and the Commission has since developed realistic deadlines for existing cases to assure that this problem will not arise again.

PUBLIC INFORMATION

To make more information available to the public, the Commission then undertook a review of its policy regarding the disclosure of such information. Since that time, it has responsibly and regularly made available a great deal of previously unavailable information about the FTC and its operations. Chairman Weinberger commented on this in a speech before the antitrust section of the American Bar Association. He noted:

> Over the past few months, by Commission direction, more and more information about the Commission and its operation has been available to the public. This approach will continue. The Commission as a whole has become predisposed to find reasons for making information available rather than reasons for withholding it. Most of its actions are now spread on the public record both for information and for comment. In short, virtually all categories of information in the Commission's possession are readily available save those specifically protected by . . . statute.

REORGANIZATION

Earlier this year, Chairman Weinberger also began a thorough examination of the Commission's entire structure and organization. As a result of his studies, a complete reorganization plan was announced on July 1. In effect, this reorganization consolidated six previously disjointed bureaus into three operating bureaus which functionally group the three main areas of the Commission's responsibilities. The Commission's Bureaus of Consumer Protection, Competition, and Economics are now organized in such a way as to pare down the unnecessary and time-consuming layers of review that often handicapped the Commission in former years and which, upon occasion, delayed the Commission from acting long enough to moot its enforcement efforts. The Commission's new functional realignment has provided a more efficient way of assuring that its budget is spent in line with priorities. The results can now also be measured in terms of the Commission's overall efforts in consumer protection and the enforcement of antitrust laws.

FIELD OFFICES

As part and parcel of the Commission's overall reorganization plan additional steps were taken to strengthen the Commission in other areas where the ABA Commission found it to be deficient. Earlier this year, Chairman Weinberger recognized the need for the 11 FTC field offices to become more active and efficient in their regional role throughout the country. As a result, he announced that these field offices would henceforth be given greater latitude in their entire operations. Specifically, the Commission empowered the field offices to act on their own initiative, instead of primarily at headquarters direction, and to participate more effectively in the Commission's increasingly active consumer program.

The field offices were further authorized to conduct investigations in regional and local deceptive practices cases and restraint of trade matters except those involving mergers. The attorneys in charge of these field offices and their assistants were authorized to issue investigational subpenas and authorized to prepare their own complaints and trial memorandums and to conduct the necessary administrative hearings after the complaints are issued.

CONSUMER PROTECTION SPECIALISTS

In addition, the Commission announced the establishment of a new position called Consumer Protection Specialist. Some 110 of these specialists were trained and dispatched to the field offices to assist the legal staffs in detecting and correcting deceptive business practices and unfair methods of competition in their incipiency. In making the announcement concerning the Consumer Protection Specialists, and their duties, Chairman Weinberger said:

> Our team of highly mobile specialists will complement the work of our investigatory personnel, giving our field offices far greater coverage of their territory. Local consumer problems will now be spotted more promptly and field office attorneys can respond just as promptly in resolving the complaints. Washington need not be contacted except for actions that by law only the Commission itself can take.
>
> These specialists help the field attorneys enforce the Truth in Lending Act and the Wool, Fur, Textile, and Flammable Fabrics laws and are deeply involved in general investigations, consumer education programs, and community relations. This corps of consumer protection specialists is a highly competent and motivated group of men and women who will provide the added measure of strength that the FTC field offices have long needed to conduct an unflagging campaign country-wide against fraud, deception, and unethical business practices . . . a campaign that is really designed to serve the best interests of consumers and businessmen alike.

CONSUMER PROTECTION COMMITTEES

Almost simultaneously, the Commission announced that it was going to establish so-called Joint Consumer Protection Committees in major cities throughout the United States. Today, there are six such committees in operation in Chicago, Los Angeles, Detroit, San Francisco, Philadelphia, and Boston. More of them will be set up in other cities across the country as time goes on. Essentially, these committees are designed to wage a broad attack on consumer fraud and deception and are under the sponsorship of Federal, State, and city consumer agencies. Each committee brings together a staff of Government consumer experts from the FTC and State and local consumer protection agencies and provide a so-called one-stop consumer complaint center. The major goals of these committees are as follows:

Bring to bear Federal, State, and city laws to stop fraudulent practices;

Pool information to establish priorities for efforts in both education and enforcement;

Give the city and metropolitan area consumers a one-stop complaint service in that an individual complaint filed with the committee will automatically be transferred to the appropriate and responsible agency for action without further effort by the consumer;

Determine the patterns of regional violations, if any, and

Avoid duplication of effort among consumer protection agencies and develop a quick response liaison system among them.

In addition, the data received by these committees are being computerized on both a local and national level. These data include:

The specific business concerns that generate consumer complaints in these cities,

The nature of those most complained about businesses,

The most common deceptive practices in the area,

Those deceptions which are in interstate commerce, and

The current status of disposition of each complaint filed by an individual consumer.

This information will be invaluable to the Commission and to the local con-

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sumer protection agencies in helping them decide where the major consumer problems lie and, consequently, where to concentrate their resources.

CONSUMER ADVISORY BOARDS

In addition, the FTC is creating Consumer Advisory Boards in cities where the Commission has field offices. These Boards consist of area representatives of private and public service organizations, labor unions, industry associations, citizen groups, and will be of great help to the Commission by advising it on consumer problems and suggesting possible solutions for Commission consideration and action. These Boards are free to develop their own program of study and to select topics on which to advise the Commission. Such Boards are now in operation in New Orleans and Chicago and more are planned.

All of these activities help keep the Commission informed of consumer deceptions and encourage local authorities and consumers themselves to be aware of possible deceptions. They also serve to alert businessmen to the role of the Commission and other consumer protection authorities in regulating their activities. A more informed Commission is better able to enforce its laws or advise the Congress of a need for new laws. A more visible Commission means more awareness of business practices, legitimate and illegitimate, by both consumers and businessmen, which can only result in a fairer marketplace for all.

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ALLOCATION OF RESOURCES

Making the best of its money and manpower is essential if the Commission is to fulfill the purpose Congress intended.

With this in mind, the reorganization plan provided for the creation of an Office of Policy Planning and Evaluation. This Office is designed to help the FTC devote its resources to that work most likely to achieve goals quickly and to eliminate the pursuit of the trivial. This new Office is helping the Commission establish its programs and determine its priorities. By devoting its efforts to reviewing the entire scope of the FTC's responsibilities, it acts as a counterforce to individual recommendations coming from various staff members interested primarily in only one area of the Commission's activity.

RULES OF PRACTICE AND PROCEDURES

With the conviction that justice delayed is justice denied, the Federal Trade Commission recently established an Advisory Council to review FTC Rules of Practice and Procedures and to recommend needed improvements.

At a time when many facets of the Commission's activity are being strenthened, expanded, and restructured, the Council has been asked for recommendations that will expedite hearings, appeals, and other legal procedures while retaining all safeguards to the rights and interests of parties involved in FTC adjudication. Chairman Weinberger said:

> Our goal, through the Council's efforts, is to make our rules a model of fairness, fast action, and efficiency.

In choosing the Council members, the Commission has sought the most capable and energetic men that it could find in private practice and the academic world, men who represent a balance in experience, temperament, and legal discipline.

Besides thoroughly studying present Rules of Practice, the Council is also being asked to give its views on proposed new rules and other matters offered for its consideration by the Commissioners and to project its thinking to include rules that may prove necessary under broadened FTC responsibility. Throughout its assignment, the Council will work closely with the FTC's own Administrative Procedure and Rules Committee.

INTERVENTION IN PROCEEDINGS

The Federal Trade Commission quite recently also announced an unprecedented action with regard to liberalization of its Rules of Practice. It will also allow an organization representing consumer interests—Students Opposing Unfair Practices, Inc. (SOUP)—to intervene to a limited extent in its proceeding in which a major tire manufacturer is charged with misrepresenting the price and safety of its tires.

Specifically, the Commission directed the hearing examiner to permit SOUP to intervene for the limited purposes of:

Presenting, at the conclusion of complaint counsel's case-in-chief, relevant material, and noncumulative evidence on the issue of whether the proposed order to cease and desist adequately protects the public interest.

Presenting, with respect to this issue, briefs and oral argument in such manner and to such an extent as the examiner may deem reasonable.

Exercising, with respect to this issue, such discovery rights as the examiner shall deem reasonable and necessary.

The Commission said:

> In allowing intervention in the present case, we are beginning a delicate experiment, one requiring caution and close observation. Nothing in this opinion should be construed as a permanent or irreversible policy decision; we have many apprehensions concerning this step, and we find a need for a period of probation.
>
> It now remains to explain why, in this particular case, the Commission has determined that SOUP has made a sufficient showing of "good cause" to justify allowance of intervention, consistent with the views expressed in this opinion. SOUP has raised the issue of the necessity for affirmative disclosure relief in a case that involves a public safety danger, a category of cases in which such relief may be especially appropriate. Furthermore this issue and this type of case is high on the list of our own priorities. The Commission believes that intervention in this case may contribute to a fuller appreciation of the need for stronger remedies generally in Commission cases. We do not believe that in this particular case the grant of intervention will unduly lengthen or complicate the case, or that it will prejudice the rights of the respondent.

I believe this summary of some of the major structural and organizational changes originated by Chairman Weinberger and endorsed and continued by Chairman Kirkpatrick indicates there, indeed, has been a revitalization of the Federal Trade Commission.

ENFORCEMENT OF STATUTES

Perhaps even greater evidence of this revitalization is the way the Commission, under Chairmen Weinberger and Kirkpatrick, has been efficiently and effectively using its statutory power.

Early this year, a Commission directive was sent to the staff stating that:

> The Commission is receptive to novel and imaginative provisions in orders seeking to remedy alleged violations for future submission to the Commission recommending issuance of complaints.

To illustrate this directive was not idle verbiage, let me cite some of the results of that memo, first in the area of Consumer Protection.

THERAPEUTIC AND OTHER UNSUPPORTED CLAIMS

One of the first FTC actions to reflect this new imaginative approach was a complaint issued in July against Pfizer, Inc., involving advertising claims that its "Un-burn" sunburn treatment stops pain fast and anesthetizes nerves.

Prove it, said the Commission, by documenting such claims with adequate and well-controlled scientific studies and tests or withdraw the ads.

This complaint and order seeks to establish a new legal theory that, if upheld, will put the burden of proof on the advertiser rather than on the Commission which presently must prove ad claims to be false.

This principal is also being tested in a false advertising complaint against the Firestone Tire & Rubber Co., that challenges its claims that cars with wide oval tires stop 25 percent quicker than cars with conventional tires. The FTC is seeking to prohibit Firestone from making any such safety or performance claims without adequate tests for any consumer product it sells.

The Commission has also charged the three largest enzyme-detergent manufacturers—Lever Brothers, Colgate-Palmolive Co., and Procter & Gamble Co.—and their advertising agencies with misrepresenting that the enzymes in the products remove all types of stains from fabrics.

In addition to prohibiting these alleged misrepresentations, the FIC's cease and desist orders would prohibit the manufacturers from making stain removal claims for 1 year unless:

The advertisement clearly discloses that the package reveals what particular stains the product cannot reasonably be expected to remove.

The package clearly discloses this information as well as the stains the product can reasonably be expected to remove satisfactorily and the appropriate procedures for removing them.

The complaints alleged that these enzyme-containing detergents do not, as advertised, remove all types of stains from fabrics and that many of the stains they do remove are removed by ingredients other than the enzymes, such as the detergent itself or bleach.

In a more recent case involving therapeutic claims, the Commission charged that a mercury-treated toothbrush manufactured by the Chemway Corp. and called Dr. West's Germfighter could ultimately be dangerous to the consumer. In addition, the Commission said the mercury-treatment is of no medical significance in killing germs likely to cause infectious mouth diseases.

The company is being ordered to stop making the misrepresentation and to stop using the mercury on toothbrushes or any other dental product unless it conducts well-controlled and adequate studies to prove that the product does not endanger consumers.

NUTRITIONAL AND ENVIRONMENTAL CLAIMS

Over the past year, the FTC has turned its attention to false or misleading nutritional and ecological claims. Under terms of an FTC order, for example, the Carnation Co. will no longer be able to make unwarranted nutritional claims for its Carnation Instant Breakfast.

The FTC had charged that Carnation's newspaper and magazine advertisements and radio and television commercials falsely implied, among other things, that:

Carnation Instant Breakfast has as much or more nutritional benefit as a breakfast comprised of two fresh eggs, two slices of bacon, two slices of buttered toast and an orange or glass of orange juice.

In the same vein, Mars, Inc., is prohibited by recent FTC order from misrepresenting the nutritional value of its Milky Way milk chocolate bars.

The FTC charged that Mars' TV commercials and magazine advertisements falsely implied that:

Milky Way's nutritional value is equivalent to a glass of milk.

It can and should be substituted for milk or milk products because these are used as ingredients.

The FTC alleged these false impressions were created by a fanciful visual representation of a glass of milk "magically" changing into a Milky Way.

Late in September of this year, however, the Commission hauled out a newcomer in its arsenal of innovative consumer protection weaponry by calling for the first corrective ads which, in effect, require a public confession by an advertiser that he has previously deceived the consumer. There were two such attempts made the same day.

The first charged the Coca-Cola Co. with falsely implying in ads that Hi-C is a good buy because it is high in vitamin C, compared with citrus fruits. The second contended that Standard Oil of California has no reliable proof that its Chevron F-310 significantly reduces air pollution; the FTC further charged that a Chevron TV demonstration was rigged.

The proposed order against Standard of California would require it to disclose in 25 percent of its gasoline ads for 1 year that past claims were found by the FTC to be deceptive. Coca-Cola would be barred from making nutrient claims for any of its products for 1 year unless 25 percent of the ads contained a similar statement.

These two cases are "landmarks" and serve to show dramatically how the Commission is attempting to explore the outer limits of its statutory authority.

In addition to establishing the truth or falsity of the advertisements in question, the litigation will determine whether the Commission has the authority under its statutory charter, the Federal Trade Commission Act, to require such public confessions by advertisers.

Section 5 of the act empowers the Commission to issue cease and desist orders against unfair or deceptive trade practices, including advertising. The only penalty specifically provided is a $5,000 fine for each violation of a final order.

The lack of other punitive remedies has led most companies that are accused of deceptive advertising to enter into little-publicized consent agreements, under which they promise not to commit the alleged offenses in the future without admitting any past violation of the law.

The Commission, not pleased with the ineffectiveness of this procedure, is seeking authority from Congress to assess fines and award damages to aggrieved consumers for unfair or deceptive trade practices.

However, this decision to move ahead on its own while pressing for more statutory power certainly reflects the development of an aggressive consumer protection policy under Chairman Kirkpatrick, and his immediate predecessor, Caspar W. Weinberger.

During Mr. Weinberger's brief tenure earlier this year, the Commission decided that it had the power under existing law to require that disclosures of past advertising deceptions be included in subsequent advertising of a product.

A majority of the five-member body agreed not to exercise the authority in the case involving a soup company's use of marbles to exaggerate the amount of vegetables in its product on the grounds that years of litigation would not be warranted.

However, in the Hi-C and Chevron cases, where health and safety to the consumer were involved, the Commission moved quickly and forcefully.

FAILURE TO DISCLOSE POSSIBLE HARMFUL EFFECTS

The Commission's get-tough attitude on consumer protection matters was underscored last month in its complaint against the Du Pont Co. which announced that the FTC may order the company to stop marketing Zerex. The threat represents an unprecedented approach to consumer protection.

The Commission is considering banning Zerex antifreeze from the market for alleged adverse effects on automobile cooling systems.

The possibility of an outright ban on sales of the antileak antifreeze has been raised in an order accompanying a proposed complaint that accuses Du Pont and its advertising agency of false advertising.

The FTC took particular exception to a can-stabbing television commercial for Du Pont's Zerex Antileak Antifreeze. The commercial shows a can of antifreeze being punctured with an instrument and then sealing itself.

The Commission alleges that the demonstration is:

> False, misleading and deceptive because it is not, as represented, evidence which actually proves that Zerex will stop leaks which actually occur in automotive cooling systems under normal operating conditions.

In addition, the FTC said:

> Du Pont has not told the public that Zerex may damage radiator coils, thermostats, and pressure caps through the build-up of deposits even though it knew that using Zerex under normal operating conditions could, or might cause damage to various parts or components of automotive cooling systems.
>
> Notwithstanding its possession of this knowledge or reason to believe, Du Pont continued to market and advertise Zerex without disclosing this possibility in its advertisements and on its labels.

The proposed order calls for a determination of whether simple disclosure of possible adverse effects from using Zerex goes far enough.

In the event that it does not, the order would prevent Du Pont from advertising, offering for sale, selling or distributing—any automotive antifreeze product which, when used in its intended manner and under ordinary conditions of use, might damage the vehicle in which it is used.

SWEEPSTAKES

The Commission has moved just as forcefully against sweepstakes. For example, the Commission has issued a recent complaint charging that contestants in the Coca-Cola Co.'s "Big Name Bingo" promotional game were deceived by an undisclosed rule and consequently many were not awarded the $100 prize to which they were entitled. The proposed order seeks to see that those so deceived get the prizes to which they are entitled.

Another FTC complaint has challenged the 1968 "McDonald's $500,000 Sweepstakes," and charges that only $13,000 in prizes was actually awarded, that some winners were denied prizes, and that this promotion for the hamburger chain was deceptive in other respects.

Some of the key provisions of the cease and desist order would require that the respondents:

Distribute all prizes of the value and type represented;

Give persons submitting winning entries any prize to which they are entitled;

Clearly disclose in all future contests the exact nature of the prizes, their approximate retail value and number of each, the odds of winning each prize, and other material facts.

ADS DIRECTED TO CHILDREN

In a recent action against two of the Nation's largest toy manufacturers, the Commission noted that "its staff is carefully monitoring all forms of toy advertising for the Christmas season and has been instructed to move quickly against advertisements tending to deceive trusting youngsters."

The Commission has announced complaints against Mattel, Inc., for advertising of its "Hot Wheels" racing car sets and its "Dancerina" dolls and against Topper Corp. for its "Johnny Lightning" racing car sets.

The complaints allege they have used deceptive advertising on national television and elsewhere that unfairly exploits children.

The complaints charge that TV commercials have used special filming techniques that exaggerate the appearance or performance of the toys. The complaints also say the advertised endorsements of both sets by well-known racing car drivers are deceptive because professional drivers of real racing cars have not any special competence to judge the toys' worth or desirability for children.

In addition, the FTC alleges that Topper's toy autos do not have doors and hoods that open as represented in ads, and that Mattel's ads misrepresent the speed attainable by its autos.

The Mattel complaint charges that the "Dancerina" doll does not walk or dance by itself, as advertised, but instead requires the assistance of an operator.

The orders against Mattel and Topper would stop each company from falsely advertising the cited toys.

ANTITRUST ACTIVITIES

I think it is clear that the Commission's attempts to halt deceptive and misleading advertising cannot be faulted. I think the same can be said for FTC's enforcement of its antitrust statutes.

Chairman Kirkpatrick has called the FTC's antitrust authority the "heavy artillery in the war for protection of the consumer" and has vowed vigorous antitrust enforcement.

In a recent address to the National Food Brokers Association, he promised active enforcement of the Robinson-Patman Act to discourage predatory pricing practices against small businessmen.

Such enforcement, he explained, is essential to assure consumers their entitlement—quality merchandise at reasonable prices.

Chairman Kirkpatrick's predecessor, Mr. Weinberger, testified before the Special Subcommittee on Small Business on the Robinson-Patman Act. He said:

> All of the Commissioners agree that one of the basic principles underlying the Robinson-Patman Act is that it is unfair to competitors and injurious to the very process of competition for large buyers or large sellers to use their power to give or exact discriminatory price concessions not available to smaller or weaker rivals. Moreover, there is no disagreement at the Commission about the ethical and political ideal which motivated Congress in 1936, when the Act was passed—to preserve maximum opportunity for small business by elimination of unfair competitive advantages. . . .

Chairman Kirkpatrick subscribes to that view of the act.

> I have no doubt that active enforcement of the Robinson-Patman Act serves as a deterrent to unfair and predatory pricing practices.

The ABA report, special supplement, page 36, ATRR No. 427, noted that the Commission had deemphasized formal proceedings enforcing the act and its pronouncements reflected increasingly sharp differences of policy among the Commissioners. Widespread uncertainty among businessmen and their advisers as to how to comply with the statute persuaded the ABA committee to recommend a Commission study of the compatibility of the act and its current interpretations to the attainment of antitrust objectives. However, pending completion of its proposed study, it was recommended that the Commission focus enforcement of the act on instances in which injury to competition is clear, "taking into account the consumer interest and vigorous price competition and the fact that the act's principal purpose is to crude up abuses of mass-buying power by large firms." Also the report recommended that the Commission limit enforcement proceedings under section 2 (c), (d), or (e) of the act to cases "in which injury to competition exists."

Chairman Kirkpatrick disagrees "with those who would have it that small businessmen have no need for protection against the possibility of systematic discrimination favorable to their giant rivals. The marketplace is a competitive jungle in which the Robinson-Patman Act—and the Federal Trade Commission—has an important role."

Just a few weeks ago, the Commission broke new ground in antitrust theory with action against the Nation's five largest tiremakers, charging that their tire-leasing agreements with transit operators for bus tires eliminated competition among the five and prevented potential competitors from the bus tire market.

The five companies—Goodyear, Firestone, Uniroyal, Goodrich, and General—form a so-called oligopoly by dominating the tire industry without collusion.

The Commission did not charge that the five companies had conspired to dominate the bus-tire market. It did charge, however, that the five collectively were able to acquire 99 percent of the market by independently following "parallel courses of business conduct constituting unfair methods of competition" that violated section 5 of the Federal Reserve Act.

The bus-tire market amounts to only about $20 million annually in tire leases and sales for the five big tire markets together. But the legal theory behind the FTCs action against the five could be used in many other product markets.

Many U.S. industries are concentrated in the sense that a handful of giant companies account for 70 percent or more of total industry sales. Such oligopolies in recent years have worried antitrust authorities and some Members of Congress, but many experts have thought that they could not be reached under existing antitrust laws.

The complaint said each company for many years has obligated bus operators to obtain substantially all of their tires under leasing agreements, usually of 3 to 5 years. When an operator terminates a leasing agreement, it must purchase, or "buy out," all the tires then being used under the lease, the FTC said. The tiremakers refuse to sell bus tires except at the end of a leasing agreement, and they provide tire service only as an integral part of a leasing agreement, the proposed complaint continued.

The FTC charged the tiremakers also with "inflating, padding, and 'loading'" an operator's inventory of tires prior to the end of a leasing agreement. And it alleged that pricing methods used under the "buy-out" requirement make the purchase cost to the bus operator substantially higher than the manufacturers' inventory value.

These practices, the FTC charged, preclude bus operators from terminating existing lease agreements and seeking new tire suppliers. It also alleged that they foreclose other tiremakers from seeking bus tire business and result in an allocation of the business among the five.

The practices constitute unfair acts and practices, in violation of the FTC act, according to the Commission's theory.

Although the Commission's theory would not really become part of the antitrust law until it is approved by the Supreme Court, the attempt again illustrates the imaginative approaches of this revitalized regulatory agency.

On another antitrust front, the Commission said it will step up enforcement of an antitrust law that forbids the practice of one company saying to another that "we will buy from you if you buy from us."

The FTC has gone on record as saying it will no longer accept assurances of voluntary compliance from companies found to be involved in reciprocal dealings.

In a recent announcement, the Commission said:

> We feel that the business community has received sufficient notice of the anticompetitive nature of reciprocal dealings and that complaints and orders, if warranted, should issue against firms continuing to pursue such practices.

A brief listing of several other specific antitrust actions over the past few months will, I think, serve to point up the Commission's continuing concern with mergers and acquisitions.

In a recent unanimous decision, the Commission ruled that the acquisition of the Fram Corp., by the Bendix Corp., may substantially lessen competition in the replacement market for passenger car filters—oil, air, and fuel—by eliminating the potential competition of Bendix in that market.

The Commission ordered Bendix to sell Fram, and not to make any acquisitions for the next 10 years, without prior FTC approval, in the automotive filter industry, as well as in the related aerospace filter and filter water separator industries.

Bendix and Fram merged on June 30, 1967, 1 day after the FTC issued its complaint. Fram had been operated as a separate subsidiary of Bendix by agreement between the Commission staff and Bendix.

Fram was the third-ranking producer of automotive filters with 12.4 percent of the market. About 90 percent of Fram's filter sales were in the passenger car filter aftermarket, where it ranked third in sales with 17.2 percent of the market.

In its opinion by former Commissioner Philip Elman the Commission said:

> This is not a case in which the elimination of potential competition is a matter of theory or conjecture. What we have here, rather, is a merger between Fram, a leading producer in the relevant market, and Bendix, a firm that already competed in closely related filter and automotive markets, has canvassed the market for all likely acquisition candidates during a five-year period, was committed to entering the market in some fashion, and possessed all the qualities necessary to carry out a successful toehold acquisition followed by expansion.

> And if Bendix had been allowed to make such an entry, it would have become an actual competitor of Fram, just as Fram would have become an actual competitor of Bendix. That potential rivalry between a leading firm and a significant, well financed, resourceful, and likely new entrant by toehold acquisition was frustrated and extinguished by Bendix's merger with Fram. In the most fundamental and basic sense, the merger eliminated direct—indeed, one could say horizontal—competition between Fram and Bendix. And this competition is no less substantial and significant for antitrust purposes because it was potential rather than actual.

Additionally, the Commission ordered the OKC Corp to sell in its entirety Jahncke Service, Inc., acquired in 1969 through stock purchases.

OKC also was ordered not to acquire for the next 10 years, without prior approval of the FTC, any corporate producer or seller of ready mixed concrete or concrete products within OKC's present or future marketing area for portland cement or purchaser of more than 10,000 barrels of portland cement in any of the 5 years preceding the merger.

In the New Orleans area, OKC is a leading seller of portland cement and has a plant with a 1,700,000 barrel capacity. Jahncke has been the largest purchaser of cement and seller of ready mixed concrete. Jahncke's other businesses consist of marine hydraulic dredging, and the production of building and industrial materials.

In its opinion by Commissioner Paul Rand Dixon, the FTC upheld the findings by a hearing examiner that the acquisition may substantially lessen competition in the portland cement and ready mixed concrete lines of commerce.

The Commission's important power to halt mergers and prevent future acquisitions of companies in the same line of business was in effect upheld this past fall when the Supreme Court rejected without comment a challenge to this key FTC enforcement tool.

The case grew out of a Commission decision reversing the findings of its hearing examiner and ruling illegal the merger of two leading manufacturers of soft drink bottle vending machines.

In 1966, the FTC issued a complaint challenging the merger of Cavalier Corp., then the Nation's sixth largest vending machine marketer, and Seeburg Corp., the second largest.

The record showed Seeburg acquired Cavalier because it had been approved by the Coca-Cola Co. to sell bottle-vending equipment exclusively to independent franchises or wholly owned Coca-Cola bottlers. Seeburg had tried without success to get similar approval.

The FTC charged the merger was a violation of the Clayton Antitrust Act, but its own examiner ordered the complaint dismissed. He said Seeburg and Cavalier were not in competition since Cavalier sold only to Coca-Cola bottlers and Seeburg could not.

The Commission reversed him unanimously, ordered prompt divestiture of Cavalier, and prohibited Seeburg for 10 years from acquiring any corporations engaged in the manufacture and sale of vending machines without prior FTC approval.

In a continuing effort to spot anticompetitive problem areas before they become more serious, the Commission occasionally will survey an industry.

A few months ago, the FTC invited written comments on whether competition in the food service industry—involving food served away from the home—is affected significantly by changes in the structure of the industry and other recent developments.

Some 2,300 requests for comment are being mailed to manufacturers, wholesalers, institutional accounts, and others involved or interested in the industry.

The food service industry has been the most rapidly growing and changing segment of the entire food retailing industry. Its share of the total retail food market has grown from 25 to 30 percent in the last 5 years. This growth is causing changes in food distribution patterns which could affect the industry's competitive vitality.

The Commission emphasized that this invitation for comments is to obtain information on these changes in order to determine their competitive impact, and is intended neither as an investigation or rulemaking proceeding nor to get specific facts on possible law violations.

After it has considered all comments received, the Commission will then decide whether or not to hold public hearings.

The FTC is particularly interested in receiving views on the following topics:

The effect of the entry into and increased emphasis placed upon industry by large food manufacturing companies and chain grocery retailers.

Changing patterns of distribution in the food service industry, such as are embodied in the direct price negotiations between food manufacturers and institutions, which bypass independent wholesalers in pricing and use them only for delivery.

The effect on competitive performance in the industry of the growth of chain and franchised eating establishments.

The motivation underlying the formation of buying groups and their effect on competition in the institutional food distribution industry.

The extent to and manner in which the largest institutional distributors affect competition and their smaller competitors.

TRADE REGULATION RULEMAKING

In addition to discharging its statutory responsibilities through the issuance of complaints on a case-to-case basis, the Commission also has the power to solve broad consumer problems by issuing trade regulation rules. They are often used when, in the Commission's judgment, a particular practice or practices require sweeping regulations.

These rules are used to implement the substantive requirements of statutes administered by the Commission. The Commission, once it has issued such rules, may rely upon them to resolve issues in later adjudicative proceedings. Let me cite a few of the significant rules that have been proposed under both Chairman Weinberger and Chairman Kirkpatrick:

The Commission started its proceeding that would lead toward a rule relating to the mandatory posting of research octane ratings in a clear and conspicuous manner on gasoline pumps by refiners and other marketers of gasoline products.

The Commission started its proceeding in this rule bcause it believes that by failing to identify the octane rating of gasoline dispensed through gasoline pumps, there is a failure to provide the consumer with the information on which he can relate the gasoline with the engine requirements of his automobile. In addition, without such a rule, the consumer simply does not know—with and degree of preciseness—the range of the octane ratings available. In certain instances, gasolines are being marketed by the descriptive grade name of regular which in fact are of a lower octane rating than the average acceptable range of regular brands normally marketed. This can result in damage to the engine. And, in some instances, the warranties on new cars are not being honored because the car owner unwittingly used a low octane gasoline which he assumed to be a regular blend.

Further, many consumers are unaware that the engine requirements of their automobiles may permit the use of a lower octane gasoline and are paying higher prices needlessly for gasolines of a higher octane rating.

The Commission has also recently concluded public hearings on a proposed rule that would ban the so-called negative option sales plans. The Commission proposed this trade regulation rule because it believes that these techniques may be unfair. These techniques, says the FTC, rely substantially on exploiting the subscriber's natural preoccupation with other things and on other human traits, such as procrastination or forgetfulness, in order to impose liability on subscribers for merchandise they may not want and have taken no affirmative steps to obtain. Further, the Commission feels that negative option sales plans permit sellers to take advantage of these factors, together with the uncertainties of postal service and computer errors of the seller's own doing.

The negative option plan, of course, refers to any sales scheme or contractual arrangement whereby a subscriber to a plan receives and is billed for merchandise offered by a seller which the subscriber has not previously asked for in writing.

The Commission this past fall also proposed broad regulations on retailers' billing practices and plans to hold hearings on these rules in January. Major provisions of this proposed rule would require that any creditor:

Defer further billing on disputed charges until it is looked into and the facts have been explained to the customer.

Credit finance and other charges of disputed billing to a customer's account once the dispute is resolved in his favor.

Give full particulars of the charges billed to the customer.

Notify the customer before giving third parties adverse credit information concerning the disputed charge. In addition, the Commission's proposed rule would require a creditor issuing billing statements on a monthly basis to mail

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the statement at least 21 days before the date it will impose finance or late charges for nonpayment.

Post payments to a customer's account based on the day of actual receipt of payment.

Refund overages paid by customers unless the statement discloses that the excess payment may be refunded or credited to the consumer's account at his option and,

Include on the statement the name, address, and telephone number of a person authorized to receive customer inquiries concerning mistakes or adjustments.

These rules would affect virtually any retailer who uses credit billings, including retail department stores, gasoline marketers, travel and entertainment credit card establishments, bank and other credit card issuers, book, magazine and record club establishments, and so forth.

Another major trade regulation rule recently proposed by the Commission, and upon which hearings will be held shortly, are five regulations that, if adopted, would, the Commission feels, enable new car buyers to obtain more complete and accurate information on prices. The rules would, among other things, prohibit new car manufacturers and dealers from:

Using fictitiously high suggested retail prices;

Making misleading comparative pricing claims involving standard option switches;

Failing to disclose when all costs are not included in an advertised price; and,

Making certain price reduction claims unless the dealer's cost has been reduced correspondingly.

In announcing this proposed rule, Chairman Kirkpatrick noted that:

> To millions of consumers, buying a new car is one of the biggest purchases of their lives. Therefore, the need for more complete pricing information becomes very important.

I think you will agree with me that these proposed rules again illustrate the Commission's concern with the consumer and his problems.

ECONOMIC STUDIES AND EVIDENCE

Some of the Commission's most important instruments of consumer protection and antimonopoly action are the reporting of economic facts coupled with well-reasoned economic analysis. It is not enough for the Commission merely to put out the fires of illegality. As the legislative history of the Federal Trade Commission clearly establishes, it was the congressional intent that the economic factfinding and reporting functions of the Commission should be used as one of the principal means of curbing monopoly power. During the past year there has been important work completed by the Commission's Bureau of Economics in the area of economic studies and evidence.

ECONOMIC STUDIES AND REPORTS

During the year the Commission issued its annual reports on Current Trends in Merger Activity, 1969, and on Larger Mergers in Manufacturing and Mining, 1958–69. These reports indicate a recordbreaking total of mergers for 1969: 4,550 firms disappeared through acquisition, 16 percent more than the total for 1968. Acquisitions by manufacturing companies continued to represent the largest single segment of the total, accounting for about 57 percent of all acquisitions recorded. Merger activity, however, grew more rapidly in other sectors of the economy. The most spectacular growth occurred in services. In 1969 more than 1,000 acquisitions were recorded in this sector, up 48 percent from the preceding year and more than triple the rate for 1967. As merger activity attained the record levels of recent years, its impact spread to embrace all major sectors of the economy.

The pattern of mergers within manufacturing and mining was similar to previous years. Most manufacturing and mining firms were acquired by other manufacturers, and the greatest number of acquisitions were made by firms classified in the electrical and nonelectrical machinery, chemical, and food industries. The trend toward a greater degree of variety in mergers accelerated last year. Of all acquisitions of manufacturing and mining companies in 1969, 19 percent were made by firms in other economic sectors. The corresponding figures for earlier years were 16 percent in 1968, 12 percent in 1967, and only 8 percent in 1960.

During the year, the Commission also completed and published Economic Report on Corporate Mergers, a comprehensive study of conglomerate mergers. The report includes an analysis of various aspects of the current merger movement, its general causes and motivations, its dimensions and structural characteristics, and its impact on competition and the centralization of economic power. It also describes the effect of the merger movement on the geographic centralization of corporate control. The report makes recommendations regarding future merger enforcement policy, suggests certain administrative and legislative steps designed to reduce financial and tax incentives for merger, recommends legislation to strengthen the rules against interlocking directorates, and makes recommendations for improvement of public corporate reporting.

AUTO INSURANCE STUDIES

During 1970, the FTC's Bureau of Economics completed two research studies for the Department of Transportation: Structural Trends and Conditions in the Automobile Insurance Industry and Insurance Accessibility for the Hard-to-Place Driver. These studies constituted the Federal Trade Commission's contribution to the 2-year study of the motor vehicle insurance and compensation system which the Congress in Public Law 90–313 directed the Department of Transportation to conduct.

The first of these staff studies, Structural Trends and Conditions in the Automobile Insurance Industry was published in April 1970. Its purpose was to outline current trends in such important structural characteristics as the number and size distribution of firms in the industry, the degree of specialization and diversification of auto insurers, geographic distribution of firms and the trend in mergers and acquisitions over the past 10 years. These characteristics determine in large part the nature and degree of competition in providing auto insurance services to the public.

The second of the FTC staff studies, Insurance Accessibility for the Hard-to-Place Driver, May 1970, was also published by the Department of Transportation. Its major purpose was to study the problems of insurance access and price variability for the hard-to-place driver, that is, the driver who is unable to obtain insurance from standard market companies.

The major finding of this report was that the hard-to-place driver problem is not confined to those with the poorest driving records. Both theory and market data indicate that the hard-to-place problem is a byproduct of underwriting competition and an integral part of the competitive functioning of the automobile insurance industry. Insurers do not find it profitable to grant coverage to all applicants because, even with the most highly developed rating classification systems, there are still some drivers within individual classifications who have distinctly higher than average loss potential. Insofar as the rating system fails to account for these differences, there is an opportunity for insurers to increase their profits through selective underwriting. Refusals to insure new applicants, refusals to renew, and cancellations are manifestations of these efforts.

CONCENTRATION INDUSTRY STUDY

Former Chairman Weinberger, in testimony before the Joint Economic Committee of Congress last July, voiced the Commission's concern with concentrated industries or oligopolies:

> Effective competition is the rule rather than the exception in the American economy. In most markets, competition serves as a self-regulating mechanism which prevents noncompetitive, interdependent pricing. However, market structure, particularly in a few key industries, apparently allows leading firms in these industries to exercise a significant degree of this discretionary power in concentrated industries which poses a serious problem for price stability.
>
> There are some empirical data showing that prices, profitability, innovation and other aspects of industrial performance are related to the structural characteristics of markets, and particularly the level of concentration in these markets. Level of concentration is customarily measured in terms of so-called concentration ratios, usually expressed as the percentage of industry production accounted for by the 4, 8 or 20 largest producers.
>
> Applying this measure to manufacturing industries as a group, about one-third of total production is in concentrated oligopolies where four firms account for more than 50 percent of industry production.
>
> We are concerned about this condition because, as I have indicated, when concentration is high, companies tend to develop communities of interest. One of these interests is to avoid those strategies most likely to lead to retaliation. Price cutting is usually the first such practice to be eliminated. Whether done collusively or not, the plain fact is that decreases in demand need not be met in these concentrated industries by reducing prices, but rather can be absorbed by cutting production and employment. While this path can, of course, be pursued by any company, it is obviously easier if there are only 3 or 4 real competitors to consider.

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> Another significant effect of concentration is in the area of employer-employee relationships. In the periodic wage negotiations between key industries and powerful labor unions, the ability of the industries to carry higher wage costs is the primary factor determining wage demands. The unions usually look at industry profit rates as the crucial indicator of this ability and studies, which statistically relate the level of market concentration to the effectiveness of competition, show that when four firms in an industry control more than about 40 to 50 percent of production, profits tend to be significantly higher. As a result, bargaining in these concentrated industries seems to be no more than negotiations over a division of profits between management and labor. However, these profit-inspired wage settlements have far wider implications.
>
> Wage settlements in excess of productivity set inflationary wage trends for the rest of the economy. Moreover, price increases which, in turn, are designed to re-establish target rates of return in concentrated industries follow the wage settlements, and add more fuel to the inflation fires.

After stating the Commission's concern, Chairman Weinberger announced that the FTC intended to launch a series of in-depth studies into concentrated industries, including steel, automobiles, drugs, electrical machinery, chemicals, and energy. The studies, coupled with a previously announced study of the cereal industry, said Chairman Weinberger, would involve a hard look at both structure and conduct, as well as performance variables, such as profits, innovation, and new investment.

He made it clear that these studies of concentrated industries were not being undertaken as interesting academic exercises by the Bureau of Economics. At this beginning stage, however, it would be neither useful nor appropriate to attempt to articulate a possible enforcement policy which could evolve from these studies.

Because there is a lack of firm legal precedent for attacking oligopolistic pricing practices, the real problem is the absence of hard data and evidence. Despite decades of intense concern with pricing under oligopoly, we actually know very little about the patterns of price leadership, price rigidity, market-share stability, nonprice promotions, and other market phenomenon which can be used as a basis for either invoking established doctrines of conspiracy or articulating new theories of collusive or quasi-collusive agreement. These studies will go a long way toward developing such data.

I am pleased to note that Chairman Kirkpatrick is proceeding apace with these economic studies. He has indicated that the examination of the cereal industry is already well along. This study is seeking to determine, among other things, whether and to what extent, the public may be denied the benefits of vigorous competition because of the industry's structure, the conduct of the industry's members or the interplay of the two. Hopefully, the study may also determine whether product promotion and brand proliferation leads to any problems.

The Commission has also started a vigorous investigation of practices and transactions in and affecting the energy field which present significant competitive and consumer problems.

The FTC has directed that the initial planning phase of the energy portion of the concentrated industries study be given high priority. This expedited planning phase of the energy portion of the concentrated industry study will provide a great deal of information which will help the Commission in developing the further scope of its intended investigation in this field.

The FTC staff has reviewed the current criticism relating to the reporting, estimation, and deployment of reserves by the natural gas industry. In order that the possibility of collusion or other unlawful conduct in this field may be more fully explored, the staff is today investigating the reporting, estimation, and deployment of reserves by the natural gas industry in one selected area of the country, including related trade association activity. This investigation is but one important part of the larger energy problem and will enable the Commission to properly appraise the antitrust, as well as consumer protection, significance of gas reporting methods and procedures presently employed.

In the energy field more generally, the staff is giving expedited, priority treatment to current merger activity in the energy field, including a number of pending matters.

ECONOMIC EVIDENCE

During recent months, some 70 investigations were undertaken by the Bureau of Economics. About 53 of these investigations concerned the competitive aspects of mergers and acquisitions. Economists prepared analyses and exhibits, testified as expert witnesses at hearings, and helped in other ways with the complaint and findings in nine formal cases, all involving acquisitions. An additional 10 matters were reviewed by staff members for probable economic effects where compliance with Commission orders was the problem.

Fiscal 1970 ended the first full year of operation of the premerger notification program and it proved that this program is, among other things, a valuable screening tool for the enforcement of section 7 of the Clayton Act. Under this program, all corporations subject to FTC jurisdiction and having total assets of $250 million or more are required to file a special report whenever an acquisition of a firm with $10 million or more in total assets is made by any of them. For purposes of this program, an acquisition may be either of assets or of 10 percent or more of voting stock. By the end of fiscal 1970, about 180 special reports had been received from the acquiring companies, of which about 21 were subject to further investigation. An additional 45 were cleared for investigation to the Department of Justice. The information received under this program also will be used to study trends in mergers and acquisitions among large firms.

FINANCIAL STATISTICS

Four issues of the "Quarterly Financial Report for Manufacturing Corporations" were published during the past fiscal year. Each issue was based on uniform, confidential, quarterly financial statements collected from a scientific cross section of 11,000 of the 200,000 manufacturing corporations in the United States. The purpose of this sample survey is to produce, each calendar quarter, an income statement and balance sheet for all manufacturing corporations in all manufacturing industries. These quarterly estimates account for more than 97 percent of all manufacturing activity, more than one-half of all corporate profits, and nearly one-third of the national income. Each issue contains estimated national totals for 13 items of income and retained earnings, 14 asset sizes, 16 items of liabilities and stockholders' equity, and 43 financial and operating ratios—including profit rates on sales and equity—for each of 34 industry groups and 10 asset sizes of corporate manufacturers.

It seems clear to me that the Commission has made great strides toward protecting the consumer by carrying out its statutory responsibilities. Former Chairman Weinberger observed:

> All of us are consumers and thus have a stake in the success or failure of the Commission's efforts to do the job required of it in a consistently better way.

Both Chairman Weinberger and Chairman Kirkpatrick have sought legislation to give the Commission what it needs in order to finish the job which it has now begun and it is to these needs which I now address myself as being in need of immediate attention.

EXPANSION OF THE COMMISSION'S JURISDICTION

First, the Commission's geographical jurisdiction under the Federal Trade Commission Act should be expanded to practices "affecting" commerce in order to enable it to proceed against consumer frauds and deception hitherto beyond its reach.

ADDITIONAL ENFORCEMENT AUTHORITY

The Commission should be granted the power to seek preliminary injunctions aimed at bringing to an immediate halt unfair, fraudulent, or deceptive practices in violation of section 5 of the Federal Trade Commission Act.

The Commission has often found that the cease-and-desist order is inadequate in many situations. It has proved cumbersome and time consuming. This additional enforcement tool will provide an effective weapon to the Commission and enable it to take efficient action to protect consumers in those matters where immediate action is warranted.

Issuance of the injunction will hasten the adjudicative process by discouraging unnecessary procedure delays.

Legislation should clarify the Commission's power to issue substantive rules to remove any doubts about its rulemaking authority. Any possible ambiguity in present rulemaking authority between Labeling Acts and the Federal Trade Commission Act should be eliminated.

The Federal Trade Commission was created to protect the interests of the consumer. In years gone by, its effectiveness has been challenged and proposals for new agencies have been made. Rather than proliferate Federal agencies in competition to the Commission, I believe the Commission ought to be given the expanded powers needed to perform

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its function and to represent the consumer interests in other commission and agency proceedings.

A recent article in a national magazine noted that, in the past, the FTC has been called the "Little Old Lady of Pennsylvania Avenue," but that today the little old lady has a vigorous kick.

I hope that legislation providing these powers and classification will be enacted by the 1971-72 session of Congress. I believe we can make the little old lady—and her kick—even more effective.

THE IDAHO CONSORTIUM—A CASE STUDY

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. HANSEN of Idaho. Mr. Speaker, the State of Idaho has achieved a position of leadership in the Nation in its participation in the programs of the Educational Professions Development Act. In order to mobilize and direct its limited resources to meet some of the State's most urgent educational needs, Idaho has organized a consortium of higher education, the State department of education, and the public schools.

The Idaho consortium is the product of the innovative leadership and cooperative efforts of the State's education leaders including members of the State board of education and D. F. Engelking, State superintendent of public institutions. Much of the credit for its development and success also belongs to Donald F. Kline, executive director for higher education.

The Idaho consortium offers a model that I believe many other States will find useful in developing the State-Federal partnership that is essential to the administration of many Federal education programs. The consortium has attracted the attention of national leaders in education and is the subject of a case study by Dr. James H. Beaird of Oregon.

Mr. Speaker, because I believe that other States can benefit from this kind of cooperative effort in dealing with their priority education needs, and in order to bring Idaho's experience to the attention of my colleagues, I include as a part of my remarks Dr. Beaird's study:

THE IDAHO CONSORTIUM—A CASE STUDY

(By James H. Beaird)

At the mention of Idaho most Americans conjure up an image of potatoes, Sun Valley, and mountains. A few school children would identify Boise as its State Capitol. Some of your colleagues would recall that there is a university at Moscow. A few Americans would remember that Bobby Kennedy skied and took a boatride there, and the small number of those who have traveled in both places would recognize the great agricultural similarity between Southern Idaho and the North Platte Valley of Nebraska and Wyoming. It would be unlikely that any readers of this document would identify Idaho as an exemplar of educational excellence. It is equally unlikely that those same readers would identify Idaho as an educational desert. Rather, Idaho education is a relatively unknown quantity.

An educational exemplar Idaho may never be. There appear to be too many factors which militate against the State ever attaining such a lofty position. At the same time, however, there is within the State an effort which exemplifies a level of concern, commitment, planning, and sacrifice that would reflect creditably on any group of forward thinking educators. Thanks largely to a relatively small group of dedicated individuals, the State has established a consortium of higher education, the State Department of Education, and public education in an effort to bring to bear its limited resources on some of the high priority educational problems with which it is faced.

What follows is an attempt to describe some of the activities of this consortium during the first year of its existence.

This is not an attempt to evaluate the Consortium nor to appraise the effectiveness of those individuals who have been involved. Rather, this statement will attempt to provide perspective which might be of value to others casting about in search of a model which might help them address their problems.

THE SETTING

It appears that there were three sets of forces which finally interacted to bring about the establishment of the Consortium. First was the establishment of the Educational Professions Development Act, federal legislation intended to upgrade the competence of those engaged in a wide variety of activities within the domain of public education. Second was a formidable array of problems facing Idaho education. And finally, a group of men who were cognizant of both the needs within Idaho and the potential opportunity to secure federal assistance in attacking those needs. Unlike many states, Idaho could speak directly to its specific needs. During a three-to-five-year period immediately preceding the establishment of the Consortium, the State Department and the two major teacher training institutions had initiated a wide variety of studies which brought to light most of the significant issues facing the state.

The salient need was to improve the quality of teachers found in the elementary and secondary classrooms of the State. In terms of the percentage of non-certified teachers employed, Idaho ranked 50th out of the fifty states. Over 26% of this elementary teaching force had less than "standard" certificates. The percentage for secondary teachers was 11.3%. These figures compare with national averages of 5.6 and 4.3 respectively. While certification alone does not guarantee classroom excellence, in the absence of other criteria such high percentage were rightfully a concern to the State.

A second concern highlighted by the studies was the mobility of the certified teaching force within Idaho. Of greatest concern was the fact that the mobility was directed away from the State. Relatively large numbers of qualified teachers were leaving the State and pursuing their professional careers elsewhere. Several factors contributed to this outward mobility but the most salient appeared to be related to salary. Those leaving the State were reporting salary increases averaging nearly $1,000 per year and as recently as two years preceding the establishment of the Consortium, the maximum salary of Idaho classroom teachers was well below the average salary of classroom teachers in the neighboring state of Oregon. A corollary concern to the Consortium founders was the fact that the State was losing a disproportionate number of experienced male teachers. As might be expected, Idaho is not a hotbed for the Women's Liberation Movement. Quality education requires the retention of a critical mass of professionally minded individuals. As yet, many women teachers do not so qualify and as a result the retention of males in the profession is essential. Undoubtedly the loss of qualified teachers through outward mobility contributed to the high frequency of non-certified teachers which must be employed within the State.

A third and related concern was the inability of the teacher training institutions within the State to provide qualified candidates in sufficient numbers to meet the needs of the State. In 1966, 1,462 teaching vacancies existed. The seven colleges and universities that train teachers graduated a total of 746 individuals. Of these only 284 accepted first year positions in Idaho. An equal number did not enter the teaching profession and 187 graduates sought employment outside of the State. It appears, therefore, that whereas Idaho is preparing only one-half of the number of teachers needed in any given year, it is compounding its fate by failing to offer sufficient stimulus for teaching in Idaho to 65% of those they do graduate.

When an employer has needs for individuals with a certain level of training, he has two options: fill the positions with those who have the training or if these are not available, fill with the best non-qualified applicant and provide him with training that will eventually make him fully qualified for the position. We might expect, therefore, to observe within Idaho a relatively high requency of inservice training programs in operation. Such is not the case. Rather, fewer than 40% of the schools provided any type of in-service training or orientation programs prior to the establishment of the Consortium. Further, it was noted that fewer than 9% of the Idaho teachers were involved in organized in-service programs during that time.

The needs thus far reviewed all address themselves to the establishment of a qualified teaching force. As impressive as this array of needs is, it by no means represents the total spectrum of problems within the State. Some of the other needs are equally impressive and demand attention.

As has been noted, there was an overabundance of non-qualified teachers working within the Idaho schools. At the same time it appeared that the administrative staffs might also have deficiencies. From a point of view of preparation, it appears that administrators within the State fall somewhat below those found across the nation. In Idaho administrators may be certified if they can provide evidence that they are working towards a master's degree. Approximately 64% of the 415 principals in the State hold a master's degree, 137 administrators hold less than a master's degree, and 14 elementary principals have not yet attained a bachelor's degree.

As with certification, the attainment of a graduate degree does not guarantee excellence of leadership, however, a series of doctoral studies combined to present a picture of the lack of educational leadership within the schools of Idaho. At a time when the educational world is clamoring for innovation, Idaho administrators were perceived as being nonoriented towards innovation. This causes a couple of problems. It can cause morale problems within the staff especially when the staff is asking, "Why aren't we doing some of the things that we read about?" Further, it causes problems at the State level for it is certainly difficult to face one's colleagues and be forced to admit that the schools in your state are falling behind the innovative practices other educators seem to love to discuss. In Idaho it even seemed to cause some problems of suspicion or the questioning of motive. On more than one occasion while in Idaho, I heard people indicate that the superintendent of one innovative school was pushing innovation to build his own image rather than to provide better educational opportunities for the students of his district. The need specifically expressed was that Idaho administrator must become thoroughly apprised of the many new practices and strategies available to the schools and encouraged to explore ways to implement these new practices in their schools.

It was additionally noted that several groups of students having special needs were not finding avenues within the Idaho schools to satisfy these needs. Special education programs were significantly lacking within the State. In 1966 only 268 teachers were employed to provide programs in special education. A citizens task force reported that only 12% of the schools they studied employed special education personnel who they could rate as having above average or superior abilities. This same task force rated no district program as superior and only 10% of the programs studied were rated above average. Over half of the programs studied by this committee were judged to be below average or inferior. Even the state department was delinquent in adequately addressing this need. Further, none of the State's school districts reported a specialized program for physically handicapped children.

Another special group of children whose needs were not being met were those who were preparing to enter the first grade. Kindergarten programs within Idaho are virtually nonexistent. No school district provided kindergarten experiences and in 1966, fewer than 500 of the 17,000 students entering the first grade had been exposed to kindergarten training. Programs in early childhood education were nonexistent in the state colleges and universities. Several of the recent legislative sessions have considered the establishment of kindergarten programs within the State schools. Although legislation in this area has not yet been passed, the probability appears high that such legislation will be enacted during the forthcoming legislative session. Two things are apparent. First, establishment of kindergarten programs in Idaho will require a dollar appropriation in excess of $4,500,000. Further, it will create an instant demand for more than 400 qualified teachers. In preparing for this eventuality, the Consortium recognized that the State's capability to train teachers for this age group must be enhanced.

Vocational education has also received little attention in Idaho. The curricula of most Idaho secondary schools appeared to be oriented toward the college-bound student. This situation obviously is not unique to Idaho. The fact remains, however, that the non-college-bound student in Idaho's secondary schools often finds it necessary to receive his vocational training, or even an orientation to the world of work, after leaving high school.

Another area highlighted by the studies conducted prior to the establishment of the Consortium was that of the educational offerings for the bicultural, migrant, or poverty groups with the State. Even though the population of the State is relatively homogeneous, there is a significant number of Indian students within the State. One study revealed that fewer than one out of every twenty Indian children who enroll in Idaho schools is graduated from high school. Much of this attrition can be attributed to the bicultural and bilingual background of these students. The institutions of higher education in Idaho are reported to have some excellent scholars insofar as the study of Indian culture, languages, value systems, and the like are concerned. There were, however, few programs in the elementary and secondary schools which are designed to accommodate the differences which Indian children present when they come to school. Further, there is a significant number of children of migrant farm laborers. There were few systematic educational programs provided for these children and their educational needs, which if met would perhaps enable them to break away from the migrant stream. Meeting the needs of these kinds of culturally different students requires teachers with special training and unique commitments.

A systematic look at Idaho education also reveals the need for improvement within the area of student personnel service. These services include counseling, vocational guidance, nursing, school psychology programs, and library services. Such services whcih are accepted in so may areas as commonplace appear to have been frills in many of the Idaho schools. Training programs for such personnel are lacking in both quantity and quality.

The needs of the State were apparent. They were well documented and were of such nature that they could be attacked readily. The question remained, how? Several people had been responsible, in isolation and at times cooperatively, in conducting need assessment studies. Certainly the State Superintendent of Education. D. F. Engelking, was an instrumental force. It was at his direction that many of the studies were conducted. The Deans of the two major universities of the State, Dr. Everett Samuelson, of the University of Idaho, and Dr. Richard Willey of Idaho State University were also instrumental as was Dr. Donald Kline, Executive Director of Higher Education. Each of these men, by nature of commitment or position or both, were capable of exerting influence on Idaho education. A final element was needed to trigger action.

The enactment by the U.S. Congress of the Educational Professions Development Act in 1967 proved to be the needed element. In the spring of 1968, U.S. Office of Education personnel conducted a series of meetings across the nation to acquaint the education community with the basic elements of the EPDA legislation. One of these meetings was conducted in Denver in May 1968 and a delegation of Idaho educators attended that meeting. Late during the first day of that meeting, several members of the Idaho delegation caucused informally to discuss the implications of the legislation for Idaho.

Several things were evident at the caucus. First, each member of the Idaho delegation represented an institution which had some interest in obtaining a portion of the EPDA action, in most instances a large portion of the action. Additionally, it was evident that if the institutions were to approach the legislation in isolation of each other, inevitable competition would occur. Further, isolated approaches to the legislation would likely result in the aggrandizement of specific institutions to the detriment of the State as a whole. Finally, almost all portions of the legislation were directly related to specific needs of the State.

The caucusing delegates rather quickly recognized that if approached properly, the EPDA legislation could provide needed resources to attack the many salient problems facing Idaho education. Almost as quickly, the group concluded that any significant attack on these problems would require optimum utilization of all resources within the State. The germ of the idea of a consortium was thereby planted. The germ was nourished later that evening.

Three basic guidelines were agreed upon. First, the Consortium had to have the representation of higher education, the State Department of Education, and the public schools. Second, the leadership for the Consortium had to be vested in that agency legally responsible for public education, the State Department of Education. Third, legal authority for the Consortium had to be established. The group moved quickly. The plan was outlined to the State Superintendent of Public Instruction, Engelking, who quickly called a meeting of significant Idaho educators. The plan was accepted in principle by this group. One final step was required, the establishment of a legal authority for the Consortium.

Legal authority could ensure cooperation. This was almost a necessity in Idaho for there was very little history of cooperative endeavors on the part of the three groups involved. Authority could be vested in the Consortium by the State Board of Education. To appreciate the importance of this, one must understand the unique character of this Board.

In Idaho, all educational endeavors are under the control of a nine member Board. Legally these nine members compromise four separate boards: the State Board of Education, which is responsible for public elementary and secondary education; the Board of Higher Education, which is responsible for public post-secondary education within the state; the Board of Vocational Education, responsible for secondary and post-secondary vocational training; and the Board of Special Education, responsible for the operation of the State schools for the deaf and blind. The nine members of this Board are appointed by the Governor. Seven members are appointed at large and the other two members are the State Superintendent of Education, an elected official, and the Director of Higher Education, an appointed official.

In Idaho a significant portion of the operating capital for public schools is provided through state allocation. Additionally, the State Department of Education is directly responsible to the Board of Education. Operating budgets for state institutions of higher education are approved by this Board. Obviously, the enactment by this board of a resolution vesting authority for the coordination of EPDA activities by the Consortium carries some weight. The resolution was drafted and presented by Superintendent Engelking to the Board at their June 1968 meeting. The resolution, cited below, was officially approved by the Board of Education on June 1, 1968.

RESOLUTION TO THE BOARD OF EDUCATION

Whereas, the educational institutions of the State of Idaho, both public elementary and secondary, and institutions of higher education, are desirous of cooperative and comprehensive planning and operation of programs under the provisions of the Education Professions Development Act and related legislation desinged to improve the quantity of teaching and,

Whereas, representatives of the several institutions have requested the State Board of Education, the Regents for the University of Idaho, and the Trustees of Idaho State University to indicate concurrence in this action,

Now, therefore, be it resolved that the State Board of Education, the Regents of the University of Idaho, and the Trustees for the Idaho State University do separately and jointly designate the State Department of Education, as Agent for the State Board of Education as the coordinating and fiscal Agent for the comprehensive planning, operation, and coordination of the Education Professions Development Act and such other Federal programs as may be directly related thereto.

The preliminary steps had been taken. The idea was conceptualized, leadership identified, and authority obtained. The next requirements were to make the Consortium a viable body, identify its objectives, and outline the initial scope of work whereby those objectives could be realized. Much work remained to be done.

FIRST STEPS

Almost simultaneously with the establishment of the Consortium by the State Board of Education, the Consortium undertook the preparation of a proposal to be submitted to the U.S. Office of Education for funds to be expended under EPDA auspices. The task of preparing the proposal fell to Drs. Donald

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Kline, Idaho State University, and Thomas Bell of University of Idaho, and Reid Bishop, State Department of Education, although many other persons participated in the actual proposal preparation. The proposal was unique in several aspects. It very ably outlined the needs facing Idaho education. Based upon these needs, the proposal established five major objectives:

1. To increase the number of graduates from teacher education programs at a minimum rate of 200 per year over the next five years.

2. To provide systematic programs of inservice training designed to improve the quality of teachers and other school personnel.

3. To establish teacher programs in early childhood education with special emphasis on the needs of bicultural and bilingual children. These programs to be designed to produce no less than 400 qualified teachers in the next five years.

4. To provide programs to improve both the quality and quantity of personnel engaged in people personnel service.

5. To improve the quality of administrative and supervisory personnel.

To accomplish these objectives, the Consortium concept was proposed and justified on the basis that through this kind of coordination, EPDA moneys could be used to satisfy the needs of the State rather than the individual needs of the various researchers, developers, and institutions within the State. The proposal outlined in broad form several areas of program activity. These included short-term workshops, yearly fellowships for higher education personnel, programs for trainers of teachers, preservice programing activities, experienced teacher fellowships, summer institutes and internships, and a teacher aide program which included funds for recruitment.

It was proposed that the specific projects to be carried out under each of these activities would be determined by the Consortium based upon the Consortium's perception of the needs of the State and resources the various institutions had available to them.

In essence, therefore, the proposal was requesting that the Bureau of Education Professions Development extend to Idaho a block grant to be used at the discretion of the State. The proposal called for an annual expenditure in excess of $2,250,000.

The initial reaction within the Office of Education was to deny the application. This was based upon a lack of project specificity of the proposal and the fact that the needs identified for Idaho were not totally consistent with the priorities established by Office of Education personnel. The act itself did not make provisions for block grants but relied instead upon the appraisal of the merits of each individual project submitted. Room was left for negotiation.

The negotiation was successful. Money was granted to the Consortium in the following areas: $300,000 for summer workshops, 32 of which were conducted during the summer of 1969. Additionally $50,000 was granted for program planning to be conducted in the following areas: vocational education, programs for elementary teachers, pupil personnel, improvement of instructional leadership, and consortium planning. Further, to initiate action on the improvement of services within special education, the Consortium endorsed a proposal to provide regular classroom teachers with training in handling these kinds of students. This proposal was funded at a level of $174,000 and titled, "Behaviorally Engineered Classrooms for Rural Areas (BECRA)." Further, $155,000 was granted to the State to conduct programs designed to attract college trained personnel into teaching. This program (referred to as B-2) was conducted in three cities within the State. Finally, Idaho was granted $10,000 to engage in planning for the Career Opportunities Program (COP).

The success of these negotiations should not go unheeded. The negotiations established first that if Idaho was to participate in EPDA it would participate largely on its terms. The acceptance of these terms by BEPD personnel indicate the first instance of an exercising of strength by the Consortium. It is to the credit of the leadership within the State that in the negotiations it held to its convictions rather than withdrawing under the pressure of BEPD policy which could have been tantamount to dissolution of the Consortium. The initial grant was effective on April 19, 1969.

FORMALIZING THE CONSORTIUM

Up to this time the Consortium was largely composed of key individuals who had been involved in the initial phases largely as a result of experience. While many individuals had been contacted and had participated during the formative stages, actual direction was provided by a small steering committee composed largely of the original founders of the concept. A set of Governing Principles was drafted and eventually approved by both the Consortium and the State Board of Education in October 1969. The Governing Principles established a Consortium Council to be composed to thirty-four members plus the executive director who served in an ex-officio capacity. Four of the council members represented the State Board of Education, three the State Department of Education, four the two State universities, two the two State colleges, three the private colleges within the State, two the junior colleges within the State, ten the public schools, two the State Legislature, and one each the State School Trustee Association, the private schools, and the news media. Further, a twelve man Executive Committee was established from the members of the Consortium Council. This Committee was composed of the State Superintendent of Public Instruction, one member from the State Department of Education, the State Director of Vocational Education, the Executive Director of Higher Education, Dean of the College of Education at the University of Idaho, the Dean of the College of Education at Idaho State University, the head of the Department of Education from one of the State colleges, the head of the Department of Education of one of the junior colleges, the head of the Department of Education at one of the private colleges, a superintendent from one of the public school districts, the representative of the State Trustee Association, and the Executive Director of the Consortium who again served in an ex-officio capacity.

During the first year of operation the Consortium has granted to the Executive Committee increasing power. By resolution the Consortium agreed to accept all recommendations of the Executive Committee. In fact, the Executive Committee is almost wholly responsible for conducting the business of the Consortium and meetings of the Consortium Council are typically limited to reports of activity of the Executive Committee. The Executive Committee determines priorities, reviews proposals, oversees the expenditure of funds, designates task forces and, in general, effects the coordination of the State resources.

From one point of view such a structure is justified in that it can reach decisions quickly, take the necessary action, and in general expedite activity. At the same time, such a structure can preclude active involvement on the part of those who do not hold membership on that Committee. Members of the Executive Committee perceive that the entire Consortium Council is actively involved and there is no evidence to the contrary. The Consortium Council meets approximately twice during the year, the Executive Committee somewhat more frequently. Minutes of these meetings reveal a rather consistent move towards solidifying the Consortium effort.

The original objectives of the Consortium were, during the years, reduced and generalized. The Consortium now holds as its objectives the following:

1. To seek ways of improving individual proficiency.

2. To make its programs relevant to existing teaching conditions:

(a) Define ways and means of utilizing all available methods and techniques to develop educational personnel.

(b) Look for outside sources of funds and personnel to supplement state and local efforts.

3. To strengthen the present teaching force and to recruit qualified personnel not now teaching.

Although less specific these objectives seem to provide sufficient direction for the Consortium as it attempts to provide for the educational needs of Idaho. The members of the Executive Committee do not perceive the generalized objectives as being a significant shift in the basic objectives of the Consortium. They appear to be well cognizant of the continuing needs within the State and continue to base their priorities upon the original assessment of needs and subsequent statements of objectives.

CONSORTIUM ACCOMPLISHMENTS

Many of the accomplishments of the Consortium have been described or alluded to. The Consortium has taken giant strides in formalizing its structure. It has established itself within the state as a creditable coordinating body. It has established an effective relationship with BEPD, a relationship again based on its creditability. But more importantly in the minds of those key individuals on the Executive Committee and in the eyes of others not on the Consortium, provided a forum whereby educational leaders within Idaho have been able, for the first time, to meet face to face, confront mutual problems, and iron out long existing differences.

To fully appreciate this accomplishment I would encourage the reader to consider the probability of success of this kind of a venture within his own state. This is not to say that everything is rosy. Not all suspicions have been removed. Conflicts exist. What appears to be happening however, is that a group of significant individuals is learning to have mutual trust and respect for each other. Development of trust and respect of this nature cannot occur overnight, but rather increases only through persistent long-term mutual involvement in specific problem solving situations. To many of those interviewed, the establishment of communication between the Deans of Schools of Education of the two major State universities has alone been of sufficient value to justify the establishment of the Consortium.

Finally, the Consortium has provided avenues through which the State Superintendent and the State Department of Education can effect a leadership role that was virtually impossible previously.

SOME THINGS TO BE DONE

The Consortium has moved quickly. One set of projects has been initiated and completed. A second set of projects has been negotiated and ground rules for further negotiations have been established. Amid all of this activity a couple of areas have been neglected.

Effective means for communication have not been established. There is little evidence of an organized attempt to formally keep Consortium Council members informed about the accomplishment of the projects sponsored by the Consortium. Greater attention must be paid to the intercommunication among the members of the executive committee as well.

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> Further, the Consortium must address itself to its own internal structure. A crucial first step needed is to make more explicit the role of the Executive Director of the Consortium. Much of the responsibility for the day-to-day operation of the Consortium apparently falls on his shoulders. At the same time, however, as an employee of the State Department of Education he is directly responsible to Superintendent Engelking, and in his role is responsible to the Executive Committee presided over by Dean Everett Samuelson and of which Engelking is a member. This relationship has not to date been confronted and while there is no apparent evidence that its existence has proven to be a debilitating influence on the Consortium's activities it presents a potential trouble spot and as such should be addressed with the same openness and honesty with which the Consortium has addressed other problems.
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> A further area of clarification that must be addressed is that of the role of the Consortium relative to the various divisions within the State Department of Education. In so many instances the activities of the Consortium are directly related to areas of responsibility represented within the divisions of the State Department of Education. Greater coordination between these two sets of responsibilities must be effected. This is presently being accomplished by the presence of Superintendent Engelking on the Executive Committee. But it would appear that the continuation of this practice might result in his having to act as a decision-maker rather than a contributor to policy.
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> FUTURE DIRECTIONS
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> The pervasive feeling of those associated with the Consortium after two years is one of satisfaction. Those interviewed expressed this satisfaction in many ways. They see the Consortium as a group whose viability will be maintained for many years. To many, EPDA has provided a reason for being that will likely pass and be replaced by other purposes. Superintendent Engelking views the Consortium as a potential long-range planning group upon which he can rely to effectuate change and progress in Idaho.
>
> Undoubtedly that potential exists. The potential can be realized, however, primarily to the extent that the Consortium is adaptive to conditions that will change and to the new members who over the years are brought in. Further, that potential will be realized to the extent that the Consortium can adopt to changing purposes. A group such as this with no purpose soon loses its viability and purpose generation is primarily a function of leadership.
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> The Idaho Consortium is in existence today because the challenge of leadership was accepted and effected. Strong leadership and sound planning provide the foundations for the Consortium. The Consortium represents an example of what can be done when these factors are present.

THE PRICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. DERWINSKI. Mr. Speaker, the Suburbanite Economist, Chicago, in a pre-Christmas editorial on Sunday, December 20, 1970, very thoughtfully analyzed complexities in establishing priorities as well as understanding the need for balanced judgment on controversial issues.

In this instance the commentary related to pollution and the Christmas season and in addition to its timeliness, the thoughtfulness behind the editorial impressed me as containing considerable insight. It follows:

> THE PRICE
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> We hear a lot about pollution caused by utilities producing electricity. Seldom, however, does anyone bother to discuss the reasons for the product whose by-product we all deplore. A main reason, of course, is our insatiable demand for conveniences. And while we don't want to be a Scrooge about the Christmas season, figures on the increase in Christmas lighting just happen to be available to provide timely and very dubious proof of our point.
>
> Just over 50 years ago, we are informed, a New York inventor sold only 100 lights when electric bulbs were introduced to replace the candles then used for lighting Christmas trees.
>
> The first lights, incidentally, were simply flashlight bulbs wired together and powered by batteries. For the next year the inventor, Albert Sadacca, turned the clear glass flashlight bulbs into a multicolored string of lights.
>
> This season, customers of Illinois' Commonwealth Edison alone will use over 300,000 kilowatts of electricity for decorative lighting inside and outside the home. That's four times the electricity required to light all of the city of Chicago's street lights, alley lights, traffic signals, subway lights and miscellaneous bulbs. It is estimated that the 300,000 kilowatts will turn on about 40 million Christmas lights.
>
> We enjoy the lights as much as anyone and we're not suggesting that even one be turned off. Nor are we condoning pollution in any form. We are saying that, to some extent, pollution is a price of public demand which we should keep in mind if we are to have an open and a balanced mind on the issue.

FRANCES BURNS HOYLAND

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. FALLON. Mr. Speaker, having served the Fourth District of Maryland in the House of Representatives for 26 years, I am concluding my congressional career with mixed emotions. I am at an age when I can look forward to retirement with some degree of pleasant anticipation. On the other hand, I know I will miss the daily association with Members, and others with whom I have worked.

I would be remiss, at this time, if I did not pay tribute to my administrative assistant, Mrs. Frances Burns Hoyland. Mrs. Hoyland joined my staff when I first came to Congress, in 1945. I have learned to depend on her business ability, her knowledge of congressional procedures, and her political acumen.

More than that, she has distinguished herself by her loyalty and her dedication to duty. She has shouldered a great deal of the arduous work of my office and has been unstinting in her efforts.

She has served the Fourth District for more than a quarter of a century with great enthusiasm, diligence, and professional skill.

IS FREE SPEECH FOR EMPLOYERS TOO?

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, although one noted law professor has credited the Warren court with being "uninhibited, robust, and wide open" in its decisions on free speech, two Kansas City attorneys, writing in the December issue of the American Bar Association Journal, discuss a glaring exception to that rule in the decision of *National Labor Relations Board* v. *Gissel Packing Co.*, 395 U.S. 575 (1969). In the article entitled, "Is Free Speech for Employers Too?" authors Harry L. Browne and Howard F. Sachs find that in the Gissel decision:

> The Supreme Court disregarded its own admonition in other cases that guarantees of free speech under the First Amendment fully apply in the context of a labor controversy.

In other words, the Court has established a double standard under which employers are more restricted than others in their exercise of free speech.

The final section of the Gissel opinion affirms the limitation on free speech in *National Labor Relations Board* v. *Sinclair Co.*, 397 F. 2d 157 (1st Cir., 1968). The Sinclair decision had reversed the results of an employee election in which the employees had voted against designating a certain union as their collective bargaining representative. It did so on the grounds that the employer's speech prior to the election was coercive and therefore in violation of section 8(c) of the Taft-Hartley Act.

Authors Browne and Sachs carefully trace the legislative and judicial history of free speech in labor-management relations, as well as the facts in the Sinclair case, and conclude that "the Court's ruling on this issue was ill-considered and unsound," and that the free speech issue was "obscured and mishandled."

In their words:

> The Court has gone a long way toward holding that union organizers have a constitutionally protected right to use all their powers of persuasion but an employer must repress his fears and his theories and must merely "describe facts."

And again:

> Previous precedent should have compelled a contrary conclusion—that Mr. Sinclair engaged in protected free speech and committed no unfair labor practice. Sinclair went "against the tide" and because of its misunderstood "facts" should not be regarded as sound precedent for future free speech cases.

Mr. Speaker, I found of special interest the authors' discussion of section 8(c) of Taft-Hartley which the legislative history makes clear was intended as an express guarantee of employer free speech. That section states quite explicitly that—

> The expressing of any views, argument, opinion, or the dissemination thereof . . . if such expression contains no threat of reprisal or force or promise of benefit, shall

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> not constitute or be evidence of an unfair labor practice under any of the provisions of this Act.

Despite the clear intent and content of this section, the NLRB and the Supreme Court have so twisted and misconstrued it as to severely restrict the employer's legitimate right to free speech. This abuse cannot be allowed to stand. If the courts do not rectify their mistake, it may be incumbent upon the Congress to further spell out its intentions by amending section 8(c).

Mr. Speaker, at this point in the RECORD I include the full text of the article by Browne and Sachs, and commend it to the reading of my colleagues. The article follows:

IS FREE SPEECH FOR EMPLOYERS TOO?

(By Harry L. Browne and Howard F. Sachs)

In *National Labor Relations Board* v. *Gissel Packing Company,* 395 U.S. 575 (1969), the Supreme Court decided four cases which presented, as the primary legal issue, the authority of the NLRB to impose bargaining orders on employers whose unfair labor practices rendered a fair election unlikely. The Court gave sweeping approval to the board's use of union authorization cards (in lieu of a secret ballot election) to determine employee selection or rejection of a bargaining representative.

A secondary issue in one of the cases was whether statements made to employees by one employer constituted such an election-voiding unfair labor practice as to fall outside the protection of the First Amendment and Section 8(c) of the National Labor Relations Act.[1]

The primary issue (the board's authority to utilize "card checks" as proof of union majority) has provoked considerable controversy in the law of labor relations and may now be deemed settled. However, the secondary issue, the free speech portion of *Gissel,* cannot be laid to rest and must be re-evaluated, for the issue is vital in the scheme of our national labor policy, particularly since, as will be shown, the Court's ruling on this issue was ill-considered and unsound.

In the *Sinclair* aspect of *Gissel,* First Amendment considerations and the will of Congress in specifically guaranteeing to employers the right to express their views and arguments received a surprisingly narrow construction in an opinion unanimously adopted by the Court.

Our comments do not purport to be a full-scale review of the subject treated exhaustively six years ago by Professor (now Dean) Derek Bok.[2] Rather they are intended as a response to the rationale and free speech implications of the *Sinclair* decision in the light of prior decisions supporting almost unlimited freedom of expression in labor controversies.

In a premature obituary on the Warren Court, published in December of 1968, Professor Harry Kalven, Jr., described the theme of recent Supreme Court decisions on freedom of speech in terms the Court itself used—"uninhibited, robust, and wide open".[3] If Professor Kalven had waited until the final days of service of Chief Justice Warren, the tone of his article might have been decidedly different, for in *Sinclair* the Chief Justice ruled that "employers as a class" have a peculiarly restricted freedom to talk. They were warned, indeed, to avoid "brinkmanship" in their communications to employees (395 U.S. at 620).

Sinclair reversed the results of an employee election in which the employees voted against designating Teamsters Local 404 as their collective bargaining representative. The First Circuit sustained an order of the Board requiring the employer to bargain with the Teamster local without another election, doing so on the grounds that the employer's speech prior to the election was "coercive". The Supreme Court agreed, rejecting argument that the ruling unduly restricted the employer's free speech. An analysis of the facts, however, demonstrates that the Supreme Court disregarded its own admonition in other cases that guarantees of free speech under the First Amendment fully apply in the context of a labor controversy.

The Sinclair Company, a producer of mill rolls, wire and related products in Massachusetts, had bargained with a union—not the Teamsters—from 1933 to 1952, when it experienced a three-month strike, which resulted in a reopening without a union contract. The employees remained unrepresented until the present litigation.

In September, 1965, the Teamsters local presented authorization cards signed by a majority of the employees and requested that the company bargain with it. Mr. Sinclair declined, asserting good faith doubt of majority status because of the inherent unreliability of cards. A labor board election was held on December 8, 1965, which the union lost by a vote of 7 to 6.

The company conducted a vigorous pre-election campaign. As detailed in the Supreme Court opinion (395 U.S. at 587), the employer:

". . . emphasized the results of the long 1952 strike, which [Sinclair] claimed 'almost put our company out of business.' He emphasized secondly that the Company was still on 'thin ice' financially, that the Union's 'only weapon is to strike,' and that a strike 'could lead to closing the plant,' since the parent company had ample manufacturing facilities elsewhere. He noted thirdly that because of their age and the limited usefulness of their skills outside their craft, the employees might not be able to find re-employment if they lost their jobs as a result of a strike. Finally, he warned those who did not believe that the plant would go out of business to 'look around Holyoke and see a lot of them out of business.' The president sent letters to the same effect to the employees in early November, emphasizing that the parent company had no reason to stay in Massachusetts if profits went down."

The Court upheld the board's finding that this communication was "interference, restraint, and coercion" and was not protected by the First Amendment and Section 8(c) of the act.[4]

There is reason to believe that prior to this decision, the employer's hardhitting campaign would have been judicially considered well within the bounds of protected "campaign oratory", under principles earlier established by the Court and by Congress, and under the growing protection accorded for "uninhibited, robust, and wide-open" discussion of controversial issues.

BOARD'S POLICY BASED ON TWO THEORIES

Under the Wagner Act of 1935, the NLRB sternly suppressed employer discussion in union election campaigns. The policy of the board, born of conditions in the depth of the Depression, was based on two theories: (1) An employer was deemed to be without proper standing to intervene in decision making by his employees. (2) It was presumed that employer views would unduly influence employee choice. As the crisis of the Depression began to lift, it was recognized that there were very strong countervailing theories: (1) Employers have a considerable economic stake in employee decisions on collective bargaining and often have a considerable emotional stake in the selection between a patriarchal system of business operations and collective bargaining. (2) Employees are not likely to be unduly influenced by persuasion from employers (or a union organizing group) when they have the protection of private choice by secret ballot. These policy arguments for and against employer free speech were overshadowed in the 1940s by the discovery that there were also overriding constitutional considerations.

Having announced in *Thornhill* v. *Alabama,* 310 U.S. 82 (1940), that employees have First Amendment freedoms that cannot be suppressed by government, the Supreme Court soon declared that employers likewise have a constitutionally guaranteed right to speak. *National Labor Relations Board* v. *Virginia Electric & Power Company,* 314 U.S. 469 (1941), reversed and remanded for reconsideration a labor board finding that an employer had committed unfair labor practices by interfering with employee choice and coercing employees to join an independent union. The Court concluded that the board had found that certain "utterances were unfair labor practices, and it does not appear that the board raised them to the stature of coercion by reliance on the surrounding circumstances. If the utterances are thus to be separated from their background, we find it difficult to sustain a finding of coercion with respect to them alone." Presented with argument that the First Amendment protects employer speech, Justice Murphy adopted the libertarian contention and announced: "The employer in this case is as free now as ever to take any side it may choose on this controversial issue."

Free speech in a labor context was given further constitutional protection in 1945, in expressions by five members of the Court who struck down a Texas statute requiring registration of union organizers before soliciting memberships in *Thomas* v. *Collins,* 323 U.S. 516 (1945). In a concurring opinion, however, Justice Jackson needled his colleagues with a charge of favoritism, asserting "we are applying to *Thomas* a rule the benefit of which in all its breadth and vigor this Court denies to employers in National Labor Relations cases". However, the majority assured Justice Jackson that they were ready to apply First Amendment rights equally to employers and to union organizers. Justice Douglas observed that freedom of speech applies "whether he be an employer or an employee. But as long as he [the employer] does no more than speak, he has the same unfettered right, no matter what side of an issue he espouses". Justice Rutledge also acknowledged that "employers' attempts to persuade to action with respect to joining or not joining unions are within the First Amendment guaranty. . . . The Constitution protects no less the employees' converse right. Of course, espousal of the cause of labor is entitled to no higher constitutional protection than the espousal of any other lawful cause. It is entitled to the same protection."

Significant to the new *Sinclair* decision are two points made by Justices Rutledge and Jackson in *Thomas.* The Rutledge opinion stated that attempts to persuade are constitutionally protected and that freedom of speech involves more than the right "merely to describe facts". Justice Jackson declared that "the same nature of problem" occurs in the selection of a bargaining representative and selection of governmental officials and concluded that "if free speech anywhere serves a useful social purpose, to be jealously guarded, I should think it would be" in a representation election.

CONGRESS MAKES CLEAR ITS INTENTIONS

When the Wagner Act was overhauled by Congress in 1947 by enactment of the Taft-Hartley Act,[5] an express guarantee of employer free speech was incorporated into Section 8(c).[6] Congress made clear its intention. The House report said:

"This guarantees free speech to employers, to employees, and to unions. Although the

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Footnotes at end of article.

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Labor Board says it does not limit free speech, its decisions show that it uses against people what the Constitution says they can say freely. . . . The bill corrects this, providing that nothing that anyone says shall constitute or be evidence of an unfair labor practice unless it, by its own express terms, threatens force or economic reprisal."[7]

The Senate report declared:

"Another amendment to this section would insure both to employers and to labor organizations full freedom to express their views to employees on labor matters, as long as they refrain from threats of violence, intimation of economic reprisal, or offers of benefit. The Supreme Court in *Thomas* v. *Collins* (323 U.S. 516) held, contrary to some earlier decisions of the Labor Board, that the Constitution guarantees freedom of speech on either side in labor controversies and approved the doctrine of *American Tube Bending* case (134 F. 2d 993). The Board had placed a limited construction upon these decisions. . . . The Committee believes these decisions to be too restrictive . . ."[8]

So when Congress acted in 1947 to define and limit the type of speech deemed an unfair labor practice, it established narrow rules for illegality: the vote-buying type of speech, which promises benefits for a vote against an undesired union, or the intimidating speech, which threatens force or other reprisal against employees voting in favor of the undesired union. The plain language of the 1947 statute declares that expressions of "views, argument or opinion" cannot be used as evidence of an unfair labor practice, so long as they contain "no threat of reprisal or force or promise of benefit".

While these limitations on "campaign oratory" might on occasion be difficult to apply, the test itself is not difficult to understand. The act was intended to shield from unfair labor practice charges all speech that did not offer a bribe or did not threaten employees with retaliation if they disobeyed the employer's wishes

It seemed that permissible limitations on free speech would be narrowly construed after 1966, when the Supreme Court had occasion to review the scope of protected free speech in labor organization campaigns in the first significant decision on the subject in more than twenty years. The Court divided five to four in sustaining a state court suit for damages, alleging defamation of a company manager by a union during the course of an organizational campaign in *Linn* v. *United Plant Guard Workers of America, Local 114*, 383 U.S. 53 (1966). The narrow issue was whether federal labor legislation precluded common law actions for defamation related to labor disputes. The majority, while sustaining the suits to a limited extent, recognized that free discussion in the labor field is traditionally inhibited. The majority observed that "representation campaigns are frequently characterized by bitter and extreme charges, counter-charges, unfounded rumors, vituperations, personal accusations, misrepresentations and distortions. Both labor and management often speak bluntly and recklessly, embellishing their respective positions with imprecatory language".

The majority opinion reviewed labor board practice in allowing "wide latitude" for free expression in organizing campaigns, including toleration of "intemperate, abusive and inaccurate statements" and generally leaving to " 'the good sense of the voters' " and the initiative of the opposing parties the correction of " 'inaccurate and untruthful statements' ". Moreover, four members of the Court in *Linn* would have granted absolute immunity for defamatory speech in labor disputes. Justice Black asserted absolute constitutional protection against damage suits for libel. In the labor law context, he found no Congressional purpose "to try to purify the language of labor disputes", in which "both sides are masters of the arts of vilification, invective and exaggeration".

Chief Justice Warren and Justice Douglas joined in a dissenting opinion by Justice Fortas, which agreed with all members of the Court that "hyperbole" is "characteristic of labor-management strife". The dissenters concluded that libel suits for malicious and reckless defamations were inconsistent with the intent of Congress that the "labor-management dialogue" should have a privileged status "untrammelled by fear of retribution for strong utterances".

It seems demonstrable that the applicable rules governing employer speech have been greatly altered by the *Sinclair* case. Unless it is modified by the Court or limited in practice. First Amendment rights in labor disputes will be widely disregarded, in exchange for a system under which there will be "minute dissection of each word and claim made in an election campaign in a nervous effort to prevent a voter from being wrong".[9]

As the Supreme Court summarized the *Sinclair* campaign in discussion of the First Amendment issue, it was said to convey the following message:

"That the company was in precarious financial condition; that the 'strike happy' union would in all likelihood have to obtain its potentially unreasonable demands by striking, the probable result of which would be a plant shutdown, as the past history of labor relations in the area indicated; and than the employees would have great difficulty in finding employment elsewhere."[10]

The Court then ruled that the board "could reasonably conclude that the intended and understood import of that message was . . . to threaten to throw employees out of work regardless of the economic realities", citing Dean Bok's article, which contains a section on "coercive speech".[11]

Dean Bok's article, however, gives little, if any, support to the Count's opinion. On the contrary, it contains repeated references to board decisions finding "coercive speech" wherein the writer doubted the result. On the page cited by the Court, Dean Bok refered to threats of a retaliatory shutdown as "a devastating and improper assertion", but he pointed out that "it is also important to avoid discovering veiled threats or sinister ambiguities by placing a strained interpretation on the employer's remarks".

The Supreme Court cited two cases—*Kolmar Laboratories*, 387 F. 2d 833 (7th Cir. 1967), and *Surprenant Manufacturing Company*, 341 F. 2d 756 (6th Cir. 1965)—but both are readily distinguishable, since both involved threats of reprisal. Neither goes as far as *Sinclair* toward suppressing normal economic debate. The *Sinclair* campaign was based on economic arguments and statements of fears of the employer, and it did not reasonably suggest an automatic, retaliatory shutdown on selection of the union or a strike by the union.

NO MEANINGFUL RATIONALE BEHIND COURT'S DECISION

A meaningful rationale behind the Supreme Court's contrary determination—that the board could conclude that Mr. Sinclair had threatened "to throw employees out of work regardless of the economic realities"—is difficult to fathom. The Court surmised that employees may erroneously construe rumors of plant closings as coercive threats, but there is no reason or authority for upsetting an election because of possible unfounded suspicions of some imaginative voters.

The Court then condemned "conscious overstatements" by employers in pre-election campaigns and found "coercion" because Mr. Sinclair had uttered what the Court regarded as a "misleading statement" as to the cause of other plant closings in the area. If so, the case has grossly broadened the reach of "coercive speech" as defined in Section 8(c) to include the entirely different subject of misrepresentation. Moreover, without attempting to vouch for Mr. Sinclair's motives, it appears the Court itself overstated the record when it concluded that he had "admitted" that he had no basis for connecting unionism with the closing of other plants in the area, for in fact he testified that the "companies [which closed] needed higher production and better quality to meet stiff competition that they were facing and that the union did not do anything to help them in this regard. They had restrictions, restricted production and caused higher labor costs and the result of all this was the companies went out of business. . . ."[12]

There being no other testimony regarding the economic factors leading to the plant closings, it can hardly be fairly asserted that Mr. Sinclair had "no support" (as the Court charged) for his statements to his employees, or that he advanced any contentions exceeding normal campaign hyperbole, familiar to every voter and to voter-employees.

With this inadequate basis, the Court stated the the board could reasonably conclude that Mr. Sinclair had "threatened" in the event of unionization "to throw employees out of work regardless of the economic realities." The board made no such unqualified finding, nor could it on the record in the case. The board found only that an assertion had been made that a strike by the union rather than the selection of the union "could lead to the closing of the plant." It concluded nevertheless that the employer's campaign "generated an atmosphere of fear of economic loss which completely polluted the free atmosphere which is indispensable to a valid election."[13]

The board was in error. Using its "laboratory test" concept, on which orders setting aside an election have been based, the board failed to center attention on the decisive statutory test for an unfair labor practice, whether the employer had threatened retaliation or reprisal.[14] But the Supreme Court went even further. Its ruling that a trier could conclude that Mr. Sinclair had threatened to discharge the employees "regardless of the economic realities" adopted a theory of malicious intent that went beyond any finding by the board or by the court of appeals, which had premised its decision on the assumption that the employer had a "sincere" belief "that unionization will or may result in the closing of the plant" (397 F.2d 157, 160).

The record contains no supportable basis for the Supreme Court's suggestion of malicious intent. On the contrary, not a word in the campaign directly or indirectly indicated an intention to close the plant without economic cause, in retaliation against selection of the union. Any inference of such an intent would necessarily rest on the sophisticated and inexact "code word" theory of campaigning, where words lose their ordinary meaning and the character of the campaigner leads one to believe he intends one thing when he says something else.

The "code word" argument is not entirely strange to labor relations. Professor Archibald Cox has stated that words have an impact that should be judged according to "environment and experience. . . . The dictionary meaning is *irrelevant;* the question is, what did the speaker intend and the listener understand."[15] Chief Justice Warren used the final portion of the Cox quotation, trimming from it the suggestion that dictionaries are no longer useful to the understanding of words. If the Court thought the Cox statement extreme, it nevertheless applied the "code word" concept in deciding the *Sinclair* case, without any indication in the record or in the decisions below that "environment and experience" demonstrated that a threat of retaliation could be fairly read into the statements of Mr. Sinclair.

Four years ago, in the *Linn* case, 383 U.S. 65, the Court drew a close anology between representation elections and the debate of

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public issues when it ruled that defamation standards applicable to claims by public figures should be adopted by analogy in defamation cases arising in a context of labor disputes. Shortly before deciding *Sinclair*, the Court said, "the language of the political arena, like the language *used in labor disputes* . . . is often vituperative, abusive, and inexact".[16] In *Sinclair*, however, it rejected the analogy which it had previously expressed and instead placed unique restraints on the employer's freedom to speak in union election cases.[17]

The Court has gone a long way toward holding that union organizers have a constitutionally protected right to use all their powers of persuasion but an employer must repress his fears and his theories and must merely "describe facts". Not only must employers distinguish between facts and opinions in making predictions; the facts relied on must be true, and the burden of proof is apparently cast on the speaker.

Hobbled by these restrictions, employer warnings about the consequences of unionization become so hazardous that cautious advisers may direct their clients to easier areas of argument, and the full debate so essential to intelligent choice will be effectively suppressed.

Former Chief Justice Warren bestowed upon the law of labor relations an unhappy last-minute legacy in the *Sinclair* portion of the *Gissel* decision, which may drastically reduce the effective scope of employer free speech. The Supreme Court has apparently created a new unfair labor practice, contrary to the expressed intent of Congress. The Court and the NLRB are not only importing into labor campaigns legalistic restrictions on "evidence" and arguments that are unsuited for lay campaigners, but are showing lack of confidence in the normal democratic process of debate and are underestimating the intelligence of employee-voters to come to a correct decision.

A generous appraisal of *Sinclair* is that it was the work of a Court which, having focused primarily on the board's authority to issue bargaining orders (where the remedy seemed relatively free of constitutional implications), gave insufficient attention to a vital secondary issue. The free speech issue was thus obscured and mishandled.

Previous precedent should have compelled a contrary conclusion—that Mr. Sinclair engaged in protected free speech and committed no unfair labor practice. *Sinclair* went "against the tide" and because of its misunderstood "facts" should not be regarded as sound precedent for future free speech cases. Rather, the Court's prior decisions, which encourage "uninhibited, wide open and robust" debate on controversial issues, recite the applicable and sound law. In the words of Justice Jackson, "If free speech anywhere serves a useful social purpose", its uninhibited mutual exercise in labor case must ever be "jealously guarded".

FOOTNOTES

[1] The views of the Court on this issue appear in the final section of the *Gissel Packing Company* opinion, which affirms the limitation on free speech in *National Labor Relations Board* v. *Sinclair Company,* 397 F. 2d 157 (1st Cir. 1968). For convenience, reference will be made in this article to the *Sinclair* litigation.

[2] Bok, *The Regulation of Campaign Tactics in Representation Elections Under the National Labor Relations Act,* 78 HARV. L. REV. 38, 67–74 (1964).

[3] Kalven, *"Uninhibited, Robust, and Wide Open"—A Note on Free Speech and the Warren Court,* 67 MICH. L. REV. 289 (1968).

[4] 29 U.S.C. § 158(c): "The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit."

[5] 29 U.S.C. § 157.

[6] 29 U.S.C. § 158(c). See footnote 4.

[7] H. REP. No. 245, 80th Cong., 1st Sess. 33 (1947).

[8] S. REP. No. 105, 80th Cong., 1st Sess. 23–24 (1947).

[9] Christensen, *Free Speech, Propaganda and the National Labor Relations Act,* 38 N. Y. U. L. REV. 243 (1963).

[10] 395 U.S. at 619.

[11] 78 HARV. L. REV. at 74–82.

[12] Appendix 80, No. 585 O.T. 1968.

[13] Appendix 184, No. 585, O.T. 1968, 164 N.L.R.B. 261, 266.

[14] In an almost identical case, *NLRB* v. *Golub Corporation*, 388 F. 2d 921 (2d Cir. 1967), the board found employer speech was likely to create and instill in the minds of the employees fear of economic loss or suffering. There, as here, the focus was not on the language used in the communication but on the "belief" which might be created. Judge Friendly rejected this approach: "This is reading the Act as if Sec. 8(c) did not exist; while there is a risk that an employer's prediction of adverse consequences from unionization may be taken as a threat to produce them, to hold that this danger alone suffices to convert a prediction into a threat of reprisal would go back to the very position of the early 1940's which Sec. 8(c) was adopted to change."

[15] COX, LAW AND THE NATIONAL LABOR POLICY 44 (1960) (emphasis supplied).

[16] *Watts* v. *United States,* 394 U.S. 705, 708 (1969).

[17] The remedy under the principles of the free debate "is for the union to answer them, not a cease and desist order". *NLRB* v. *TRW-Semiconductors, Inc.,* 385 F. 2d 753, 760 (9th Cir. 1967). Or, put another way, ". . . it is up to the participants in a campaign to find and counteract any statements that they deem inaccurate or misleading." *NLRB* v. *Hobart Brothers Company,* 372 F. 2d 203, 206–207 (6th Cir. 1967).

SOVIET EFFORT TO DESTROY JEWISH IDENTITY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. BOLLING. Mr. Speaker, the Soviet Union has made a mockery of justice and violated every Christian Judaic ethic in its trials and sentencing of Soviet citizens on charges of planning to hijack an airliner.

This blatant violation of every tenet of decency and fair play with its strong overtones of religious persecution must outrage every fair-minded citizen of the free world. The shock is heightened by the fact that the unusually harsh punishment which calls for capital punishment for two of the prisoners and sentences of 4 to 15 years in prison camps for nine others, seems to be based on the tribunal's interpretation of something as illusive as a man's thoughts rather than punishment for what the accused actually did.

The list of Soviet Jewish political prisoners, arrested and held incommunicado for more than 6 months, offers tangible evidence of the anti-Jewish thrust of the trial—a thrust which is clearly discernible in the recent context of overall Soviet policy toward its Jewish citizens.

All citizens of the free world must speak out in protest against this travesty of justice and against the Soviet effort to destroy Jewish identity. The shocking trials and cruel punishment add to the growing evidence of the Soviet efforts to still the voices of those Jews who seek asylum in Israel where they can maintain their identity.

THE ABDICATION OF STATE RESPONSIBILITY IN CALIFORNIA

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, December 30, 1970

Mr. METCALF. Mr. President, I have attempted to strengthen State government through legislation such as S. 607, the Utility Consumers Counsel Act. It would provide grants to the States for funding public counsel in utility cases, grants for funding a strengthened commission staff and it would provide commissions and the public with more basic information on electric, gas, and telephone companies.

With a few exceptions most State commissions do not seem interested in hardening their flabby muscle through either Federal or State legislation. Now we have the spectacle of a once great public service commission—California's—being enfeebled by the administration of a Governor who does not practice what he preaches about State rights.

Governor Reagan's office proposes to eliminate the jobs of members of the California Public Utilities Commission staff who have been trying to protect the public interest. The Governor further proposes to rotate strong staff members out of areas in which they have become knowledgeable watchdogs.

The stakes are high in this kind of a scheme, as they usually are in regulatory affairs. Early this year more than $400 million in rate increase requests, by electric, gas, and telephone companies, were pending before the California PUC. Some cases have been settled since then but more increase requests have been filed.

In California, as in about three-fourths of the States, members of the utility regulatory commission are appointed by the Governor. California Governors Warren, Knight, and Brown held to a proud, bipatisan position; they appointed knowledgeable commissioners who kept in mind their obligation to the public, and who fought for a strong staff to support them.

Only one of those commissioners remains in office, and his term expires the end of this month. Governor Reagan, whose candidacy was strongly supported by the utilities, will then have a commission entirely of his—and their—making. And if his latest move to emasculate the staff is successful there will be no one in an effective position to assist the captive California customers of the Governor's utility friends.

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An abdication of State responsibility such as this suggests that the modest, States rights approach of S. 607 may be insufficient. Governor Reagan and his utility advisors are inviting Federal regulation of retail rates and services.

Mr. President, the California situation is a good case study for Members of the Congress who share my concern over the failure of State regulation of energy corporations and the overwhelming political power of the major utilities. To broaden that record I ask unanimous consent to insert at this point in the RECORD an article which appeared this month in the McClatchy newspapers: The memorandum of December 9 from Edwin W. Beach, chief of Governor Reagan's Budget Division; a letter to Chairman Vukasin of the California PUC from 33 members of the PUC staff, and the October 26 article by Peter L. Petrakis in the San Francisco Bay Guardian, headlined "P.G. & E., Stanch Defender of Private Enterprise, Is the Biggest Welfare Recipient."

I also include a fascinating excerpt from an opinion by California PUC Commission Chairman Vukasin, who questions the propriety of a regulatory agency's exercise of its own judgment, rather than that of a utility's, in a complicated field.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM OF DECEMBER 9

(By Lee Fremstad)

SAN FRANCISCO.—The staff of the California public utilities commission was reeling today from budgetary and organizational blows delivered by the Reagan administration

The chief stunner was a memorandum—obtained by the Bee from a source outside the administration—"suggesting" the elimination of the assistant chief counsel and an unspecified number of other staff attorneys.

The memo was from Edwin W. Beach, chief of the budget division of the State department of finance. His directive also suggested by job title the elimination of five other positions, ranging from assistant chief examiner to two information officers.

"This is the first time in memory the Governor's office says what jobs to cut out," protested Commissioner A. W. Gatov, a Democratic appointee who will leave office Dec. 31.

"These are people who the chairman (J. P. Vukasin Jr.) doesn't like; people who serve the public too well. This is unique, it is aimed at personalities."

The impact of the organizational blow also became public today in a letter from some of the commission staff to Vukasin, an Oakland attorney, 1964 Barry Goldwater campaign leader and appointee of Gov. Reagan to the commission.

In response to the "manager development plan" issued this year by the Reagan administration, Vukasin announced a rotation for "all staff personnel."

It means, for instance, that a commission employee who has spent 20 or more years dealing with telephone company regulation will be transferred to the division which deals with gas companies.

In a letter signed by 33 concerned staff members, Vukasin was warned: "a near total staff rotation will destroy this present capability (of unbiased investigation) if not permanently, at least for many years.

"Utility regulation can be effective only if the regulator is able to know and understand the complexities of the utility's operations. Some of these utilities are among the largest corporations in California or even in the United States.

"We are proud to be a part of this commission, a nationally recognized leader in regulatory affairs. Your staff rotation plan, we are convinced, will drastically change this status and seriously reduce the quality of our service to the commission and to the public."

Said one engineer: "When the staff is castrated the facts are just not going to be presented. If we are turned off there will be nobody besides the utility to present facts for the record."

The rotation reportedly will include transferring a half-dozen experts experienced in regulating the multimillion dollar telephone utilities into the hydraulic branch, monitoring small water companies. One staff expert termed it "piddling stuff."

It is expected the job rotation will also shift into other areas attorneys who have spent years in opposing railroad discontinuances as advocates for the public or in multimillion telephone, gas and electric rate increase hearings.

"My opinion is that Vukasin is out to wreck this agency, and he's doing a good job," said Gatov. "He is against government and he is against regulation."

Gatov called "pure hogwash" Vukasin's rationale that job rotation will broaden staff talents.

"The time to change and give them broader education is when PGE and Pacific Telephone do the same," Gatov declared.

"We have to throw the best we have against these fellows because it is a contest. I see no justification for a gas expert all of a sudden to be doing legal reviews. I don't think it's fair to throw a new man against these pros from the utilities."

Vukasin could not be contacted but his aid, William Jennings, called the staff warnings "a matter of conjecture." He said their division chiefs do not share those feelings.

Declared Jennings: "It is the feeling of the directors of the various divisions that this can be done without any loss of efficiency, perhaps even achieve greater efficiency. Our intention is to move people around a little bit and get some fresh ideas."

Just how many of the agency's approximately 800 employees will be rotated is not known, although Vukasin when he first announced it said "all staff personnel." Jennings did not know and referred reporters to Commission Secretary William W. Dunlop, who refused to say, referring questions back to Vukasin, who could not be contacted.

There was little doubt among the agency staff that the job cuts suggested from Sacramento would be followed. Vukasin reportedly has sought to cut back the staff of 20 attorneys and he is known to have clashed with several of them over matters of public policy toward the regulated utilities.

Staff morale is noticeably down since Vukasin became chairman and in the wake of a series of commission reversals of staff expert recommendations in the last year or so.

Reversals include a weakening of the order on undergrounding of utility lines, permission for PGE to build a power line through Briones Regional Park in Contra Costa County, water rate increases of up to 73 percent in four bay area counties and permission for Pacific Telephone Co. to use a tax accounting method which will require more revenue from its customers.

All of those decisions by the commission, on which appointees of Gov. Reagan now hold a 4-1 majority, were taken in opposition to staff advice.

Vukasin is known to prefer utility advice to staff advice in some cases. On a General Telephone Co. tax matter Vukasin once declared: "I question the propriety of a regulatory agency such as this commission substituting its judgment for that of utility management in this unique and complicated field."

The general fund share of the commission's 1971–72 budget is scheduled to be cut back to $6.5 million under the Governor's austerity program. That is $92,000 below the 1969–70 figure.

THE 1971–72 PUBLIC UTILITIES COMMISSION BUDGET

1969–70: $6,592,621.

You should close the 1971–72 Public Utilities Commission General Fund budget at $6,500,000. Close attention should be given to potential areas of administrative levels that would lend themselves to reductions unrelated to workload.

It is suggested that you consider:

(a) The elimination of one assistant chief counsel and a reduction of the number of attorneys in the Legal Division.—Hector Annoids.

(b) The elimination of the assistant chief examiner.—Carl Silverhart.

(c) The elimination of one administrative assistant I position in the Utilities Division.—Mrs. L. Gray.

(d) The elimination of one administrative assistant I position in the Transportation Division.—Jane Bigley.

(e) The elimination of the 2 information officer I positions.—Raleigh–Carol Kretzer.

All reductions to be made in personal services are to be delineated in your budget submission. The salary savings estimate should reflect only your estimate of savings resulting from turnover and unanticipated vacancies.

In regard to the Transportation Rate Fund, you are requested to submit your budget using the guidelines contained in Mr. Orr's letter of July 10, 1970. This would provide for justifiable workload and price increases. Further Cabinet review will not be required if the Transportation Rate Fund budget does not exceed an earlier Department of Finance estimate of $6,028,000.

EDWIN W. BEACH,
Chief, Budget Division.

[1969–70]

Rate fund	$5,460,150
General fund	6,592,621
Total	12,052,771

[1971–72]

Rate fund	$6,028,000
General fund	6,500,000
Total	12,528,000

SAN FRANCISCO, CALIF.,
November 23, 1970.

J. P. VUKASIN, Jr.,
Chairman, California Public Utilities Commission.

DEAR MR. VUKASIN: We understand that the several Divisions of the Commission's staff are taking steps to put into effect the staff rotation plan directed by you in your July statement. It appears that with few exceptions all professional and technical personnel are to be assigned to a different branch of staff operations by the end of this year or shortly thereafter, if this plan is put into effect.

We wish to point out some of the probable effects of such action together with some of the reasons for these effects.

Utility regulation can be effective only if the regulator is able to know and understand the complexities of the utility's operations, as to costs of operation, plant investment, financial structure, quality of service and applicable law. Some of these utilities are among the laregst corporations in California or even in the United States. Individually, some have capitalization of several billion dollars, millions of customers, up to 100,000 employees, and annual revenues of over a billion dollars.

Your staff is practically the only source of independent, unbiased, investigation and analysis of the operations of these many

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large and small corporations serving California's twenty million residents. The ability to make such analysis is not easily acquired. Each utility has its own unique problems and peculiarities, and adequate regulation requires intelligence, hard work and particularly experience on the part of the Commission's staff to perform timely, efficient and reliable investigation. A near total staff rotation will destroy this present capability, if not permanently, at least for many years.

Another factor to consider is the need for continuity in the regulatory process. At least some of the staff dealing with the recurring large and small problems of regulation should have first hand knowledge of long term trends and patterns in such matters. Such historical trends can be gleaned, though not easily, from the record in those cases. But there are innumerable other matters that require the background of intimate experience. The rotation plan will wipe out this kind of staff background.

To speak constructively, we wish to endorse the principle that different items and conditions require change in the structure of an organization, and changes in staff assignment. To pursue this course let some competent management analysts, possibly the State Personnel Board, review the structure and procedures of your staff and recommend a rational program of changes which will increase not decrease, the staff's effectiveness and efficiency.

In sum, we are proud to be a part of this Commission, a nationally recognized leader in regulatory affairs. Your staff rotation plan, we are convinced, will drastically change this status and seriously reduce the quality of our service to the Commission and to the public.

Yours sincerely,

MEMBERS OF THE COMMISSION'S STAFF.

[From the San Francisco Bay Guardian, Oct. 26, 1970]

P.G. & E., STANCH DEFENDER OF PRIVATE ENTERPRISE, IS THE BIGGEST WELFARE RECIPIENT

(By Peter L. Petrakis)

In early June of 1970, a group of Pit River Indians occupied a campground along the Pit River in Northern California that was controlled by Pacific Gas & Electric Company. The Indians were re-occupying a small part of ancestral lands which had been stolen from their tribe. They were trespassing, said PG&E.

The campground lies within a 3.5 million acre parcel of land spreading over parts of four counties that, according to the Federal Indian Claims Commission, was unlawfully occupied by white settlers who drove out the native Pit River Indians in the late 19th century.

After that, the Federal Government took over some of the land and, in 1923, granted PG&E a license to erect power plants along the Pit River.

The nominal license fee did not grant ownership to PG&E. But PG&E nevertheless has tried mightily to create the impression that it does own the sites. A typical part of its characteristic "public relations" approach to disputing the Indians' claim:

1. Having them arrested for "trespassing," in collusion with the sheriff, district attorney and justice of the peace of Shasta County.

2. Asking the publisher of Hearst's San Francisco Examiner to send a reporter to Redding to cover the story when it became clear the Indians were getting sympathetic treatment by other papers (the Hearst Corporation has large holdings in the area).

3. Discovering a "tame" Indian, Ike Leef, then writting a statement for him condemning the Indian militants, flying him to Redding on a company-chartered plane and arranging a press conference for him in the sheriff's office (invitations to the press sent out by a PG&E public relations man, who also presided over the meeting).

THE OWNER?

Under white man's law, the existence of a license to occupy land is reasonable evidence. Why, then, didn't PG&E produce the government license to back up its assertions that it had a right to be on the Pit River? Why did it instead keep talking as if it actually owned the disputed property?

The probable answer: To bring up the matter of licenses in such a dramatic story, the subject of intense public interest, would have exposed a cover story that PG&E and the other private utility companies have been fostering for more than 50 years.

This is that they are bastions of individual initiatives, "taxpayers" carrying their own weight in society, competing under adverse circumstances with a government that intrudes unfairly in the domain of "private enterprise."

The plain fact is that the U.S. government set up the private power companies in the power business. PG&E, staunch defender of "private initiative:"

1. Has built its entire hydroelectric generating system on public lands and waterways under federal licenses which allow it to operate but own none of the power-generating sites.

2. Has captured the power generation of irrigation districts, water agencies and municipal, state and federal projects—representing a public investment of billions of dollars—and got power dirt cheap from the agencies and sold it back to the public at a large mark-up.

3. Has utilized a nuclear technology developed by the public at a cost of billions, uses nuclear fuel produced at expensive government plants by a publicly developed process that uses huge quantities of cheap public power, and has its nuclear power plants insured by the taxpayers because no private insurer will risk coverage.

RIVER GRAB

It started in the early part of the century, when technological advances were making it possible to generate power at locations remote from marketing areas. Private power companies were grabbing up power sites on the nation's rivers, despite efforts by President Theodore Roosevelt and others to develop the sites in the public interest.

By 1920, the private power lobby turned the tide in Congress. It passed the Federal Water Power Act, which vested ownership of water power sites in the people but also created the Federal Power Commission with authority to grant 50-year licenses to private and public utilities for power development on the nation's rivers. Only token charges were fixed for the use of the water, and public recapture of sites held by private power companies was made difficult.

Many licenses were issued to private power companies and public agencies over the next few years. So now, 50 years later, many licenses are due to expire. This means that 18 per cent of PG&E's hydroelectric capacity is subject to recapture by the public by 1975, and all of it by 2013.

To anticipate the license expirations, the Federal Power Commission in 1964 set up procedures to recapture or relicense power sites that made an already difficult recapture procedure even more difficult.

The FPC issued the original licenses on its own authority. But now it will send its recommendations to Congress for action, at least two years before a license expires. If Congress does not recommend recapture, a new license would be issued. The new procedure has been challenged, but not tested legally. So, for the present, a mere licensing arrangement has, through private power lobbying, been perverted into a virtual grant in perpetuity of public property to private corporations.

Over the past 70 years, several public agencies also have secured water and power rights on California rivers and, in 1913, Congress tried to keep private utilities from benefiting from this granting of public rights.

That came in the Raker Act, which prohibited the city of San Francisco from selling private utilities the power it developed on the Tuolumne River from the city's Hetch Hetchy project while operating under a Federal grant.

But when Congress passed the Federal Water Power Act in 1920, it buckled under severe pressures from utility lobbyists and deserted the public power principles of the Raker Act.

Under the Water Power Act, several irrigation districts and water agencies, as well as the State of California, are free to sell public power from public projects on public rivers to PG&E for resale to the public.

WATER ACT

PG&E is making a killing off this public power, precisely the sort of thing the Raker Act was designed to prevent. Thus, PG&E exploits the public, not only through its own plants, built on the public domain under its own FPC licenses, but also by capturing the power generated by public agencies at plants built on the public domain under their FPC licenses or federal grants.

Historically, any time a public agency has wanted to dam a California stream, PG&E has followed a consistent pattern: Get the power into the PG&E system, or fight the project.

For example, PG&E and other private utilities fought the formation of the East Bay Municipal Utilities District in 1923. But PG&E and EBMUD have since worked out a cozy relationship.

Since EBMUD completed Pardee dam in 1928, PG&E has been getting all EBMUD power. EBMUD has never made even a gesture toward getting into the power business, even though the Municipal Utility District Act of 1921, which permitted the creation of EBMUD, authorized the district to go into the power, water and even the telephone business.

TWO EXCEPTIONS

Over the years, PG&E has captured every power-generating irrigation district and water agency in northern California, with the exception of two—the Turlock Irrigation District and the Modesto Irrigation District.

In 1952, PG&E commissioned an official 367-page company history, titled "PG&E of California: The Centennial Story of Pacific Gas and Electric Company, 1852–1952," written by C. M. Coleman. In it is found this pithy summation of PG&E's attitude toward public developments on the public rivers: "Although the Company fought hard to preserve itself from government competition, it always willingly gave cooperation to worthy public water projects."

To PG&E, a "worthy public water project" is one in which the public surrenders its most lucrative product, electrical energy, to PG&E.

This, then, is the historic PG&E pattern:

1. Let a public agency build the most expensive parts of a hydroelectric project—the dams and canals—which PG&E would otherwise have to build and pay taxes on, then contract with that agency to deliver the falling water to the nearest PG&E power plant.

2. Or, better yet, let the public build hydro power plants too, then get the power into the PG&E system at low, fixed annual rates, under long-term exclusive contracts.

3. Make it clear to irrigationists and municipalities that PG&E will block public projects if the power contracts are not signed with PG&E.

4. All the while, wage vigorous publicity campaigns to convince the public that public water and energy from public water are

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logically and ideologically separable—that the public impoundment of water on a public river, and its distribution through public systems, is "a worthy public water project," while the distribution of the inevitable byproduct of the release of that public water—public power—is the expression of an alien and subversive philosophy.

5. Pose as an altruist and argue that PG&E's piddling payments for this public power are helping irrigationists and municipalities to pay for their water projects, which could not otherwise be built.

6. Condition the public to ignore the fact that, if PG&E had exercised its self-celebrated "individual initiative" and built these projects for its power purposes, water users would still be getting the benefits from stored water that they now enjoy.

Today, 10 public agencies in California generate power for PG&E. Seven of them are under exclusive long-term contracts to PG&E, delivering all their electricity at low fixed annual fees to the company. One of them, the State Department of Water Resources, is under contract to deliver 56 per cent of the power generated at the $500 million Oroville Dam to PG&E and the rest to Southern California Edison and San Diego Gas and Electric Co. until 1984. After that, all the power from Oroville Dam will go to PG&E.

BIG PROFIT

From all these public agencies, PG&E gets 10 per cent of the electricity it sells to the public. PG&E gets this power so cheap, and marks it up so high, that public power accounts for 25 per cent of the company's annual profits from electricity sales.

The Turlock and Modesto Irrigation Districts, the only two in California to do their own electrical retailing, charge 33 per cent less for electricity than PG&E does in the irrigation districts the company has captured. And the Turlock and Modesto Irrigation Districts pay for their projects without any "help" from PG&E, of course.

In reality, water at the tap and water power at the wall plug are merely different manifestations of the potential energy of water stored at high elevations. Yet, because of PG&E-generated confusion, citizens who would become enraged to learn that all the water behind a public dam had been diverted to a private corporation for resale to the public are not at all shocked to learn a private company is selling them their own electricity.

PG&E confuses the public at every turn. When PG&E builds a dam on a public river, it is called a "power dam," even though downstream water users may benefit from the resulting year-round water supply. When irrigationists, or municipalities, or the state or the federal government build a dam, PG&E propaganda conditions people to think of it as a "water supply," though electricity, in vast amounts, may be produced from it—for PG&E.

"WATER" PROJECT

Today's multi-billion dollar California Water Project should be called a "power and water project," since an immense amount of electricity will result from the state's impounding of Feather River water behind Oroville dam.

But PG&E and the other private utilities aren't openly fighting this project, for the simple reason that they are getting all the electricity from the public water project's $500 million Oroville facilities and selling it back to the public at exorbitant rates. That according to the classic PG&E line, makes it a "water plan."

The state Water Resources Department is more than a generator of power for private utilities. It also will buy power from them to help pump water through the California Aqueduct that will carry water from north to south in the California Water Project.

The Water Resources Department has contracted to sell the power output of Oroville Dam—3 billion kilowatt hours a year—to the private utilities for a low fixed annual fee of around $20 million.

MORE MONEY

The utilities, in turn, will sell this hydropower to the public during the peak daylight and early evening hours—and get an estimated $42 million a year in revenue for doing it.

Then to supply the Water Project with the power for its pumps, the utilities will turn around and deliver 10 billion kilowatt hours of their thermal power to the state during the off-peak hours. That will cost the state $26 million a year.

The utilities will sell the pumping power to the state at cost, but they nonetheless will profit greatly from it. For it will enable them to keep their power plants running steadily and not just during the peak hours of general public demand, and thus avoid the heavy costs involved in shutting down and starting up steam generating plants.

There's an ecological aspect to this, too. Since the amount of water to be let out of the water project's Oroville reservoir will increase as Southern California's population grows, more water will pass through the powerhouses to generate electricity. And since the private utilities have contracted for all of the power from Oroville Dam, the more overcrowded Southern California becomes, the more PG&E and the others will profit.

CANNOT LOSE

Even if political opposition or legal injunction were to stop the badly conceived and possibly illegal California Water Project, the private utilities will come out on top.

Oroville Dam already is built, the contracts for power have been signed, and the utilities are getting Oroville power.

Should the Project be blocked, or even delayed, the state would be relieved of part of its responsibility to husband water at Oroville, and would be able to make larger water releases for power generation to the private utilities.

If the Delta Peripheral Canal, last link between Oroville water and the California Aqueduct, is not built, political pressures will develop to find alternative sources of water to send south.

There would be a strong possibility that water would come from sea-water desalinization plants, operated by the private utilities.

PG&E and other coastal utility companies are moving fast to get into that field and, with the Department of Water Resources, are now studying desalinization in connection with thermal power generation, under an order from Gov. Reagan.

PG&E also has offered the U.S. Interior Department the use of its steam plants at Moss Landing and Morro Bay for experiments in desalinization in connection with power production.

NUCLEAR PLANTS

Nuclear power plants are enormous heat producers, and studies by the Atomic Energy Commission show that this heat can be used to convert sea water.

When President Johnson announced this in 1964 and indicated that the government would enter that area, shock waves were set up in the private power industry. The industry's trade publication, Electrical World, saw an "insidious" threat. "The alternative," said Electrical World, "is for electric utilities to assume a responsible role in the supply of potable water."

In other words, the private power companies are planning to get into the water business. Thus, historic trends are demolishing PG&E's carefully contrived cover story that water projects are public business and power projects are private business. To maintain their monopoly, PG&E and other private power companies must now get into the water business, too.

A further advantage to private power companies is that seawater desalinization could be done during those off-peak hours when shutdowns are so expensive.

The implication for principled ecologist-conservationist foes of the Water Project is that they may be getting some covert, and unprincipled, support from the giant utility corporations of California.

Because of their strategic position in the economic life of the state and their enormous political power, the private utilities have been able to rig things so that, whatever the fate of the Water Project, the net result will be a public capital investment for their benefit.

Although Gov. Reagan has stopped the Upper Eel River Development, the study is continuing. This project on the north coast river has a direct relationship to the Oroville power contract with the private utilities, and is specifically mentioned in the contract.

Section B–8 of the contract provides that, after 1985, the Department of Water Resources can release, for power generation, an amount of water from Oroville Reservoir greater than that to be released from the Upper Eel River Development.

MORE WATER

The Upper Eel River Development would build a 700-foot-high dam at Dos Rios, in the Coast Range in Mendocino County, about 20 miles north of Willits, and would create a vast reservoir that would drown 30-square-mile Round Valley with its Indian reservation and the town of Covelo, 30 miles upstream.

The plan for the Upper Eel River Development is to feed its water into the California Aqueduct at the Aqueduct's point of origin in the Sacramento-San Joaquin Delta and send it to Southern California.

This could relieve Oroville Reservoir of its role as "key conservation unit" of water for Southern California and allow the state to make greater releases of water through Oroville's powerhouses—not to meet water demands in the south, but to generate power for PG&E.

The development also could counteract conservationist opposition to the Delta Peripheral Canal. By using water from the Eel River to supply Southern California, the Sacramento River can be permitted to flow at higher volume, flushing out the Delta and preventing stagnation in San Francisco Bay. This will mean maximum releases of water through the powerhouses at Oroville, for maximum generation of power for PG&E.

"OR ELSE"

Politically, this would be the alternative presented to the public: "Let us build the Upper Eel River Development, or the Delta and San Francisco Bay will be destroyed by diminished flow of the Sacramento River."

PG&E will have maneuvered the state of California into building a hydropower facility for PG&E at Oroville whose generating potential nearly equals that of all the PG&E dams in California, plus a new source of public power for PG&E at Dos Rios, plus an off-peak market for PG&E's thermal power.

Alternatively, if the Eel River is not developed, there will be a brand new product to be sold by PG&E—desalinized seawater for the California Aqueduct, generated at PG&E's nuclear power plants.

STEAM PLANTS

The key to the control PG&E and the other private utilities have over public water power projects in California, apart from their ability to buy politicians and dominate newspapers, is their monopoly on thermal electric generating plants.

Hydro power, which is all PG&E permits the public to generate is variable. It fluctuates daily and seasonally, as well as from year to year, depending on annual precipitation. Therefore, to make it salable for modern power demands, which are comparatively steady, it must be firmed by thermal power.

Since private companies have a monopoly on steam plants in California, it gives them enormous coercive powers over public agencies in disposing of public power. The companies tell the public in effect, "You will sell your power to us, and on our terms, or you won't sell it at all."

In 1941, when the Bureau of Reclamation first asked Congress for funds to construct a steam electric plant at Antioch to firm the power from Shasta dam, and build transmission lines down the Sacramento valley, the result was a parade of PG&E executives, lobbyists and attorneys that has never stopped. Result: The Central Valleys Project still has no steam plants, the federal project still is at the mercy of PG&E.

The California Water Project was originally designed to include a stateowned nuclear power plant, which together with the hydro power, would have made the project independent of outside sources of power to operate its pumps. The plant has not yet been authorized, though any observer of the private utilities in action knows that is intended to mean forever. Result: The private utilities will get $39 million from Water Project power, plus an additional $26 million payment for power from the Project itself, plus more economical performance of their steam plants and therefore greater profits.

More recently, PG&E blocked legislation which would have given the Northern California Power Agency, an association of 11 small municipal power cities, authority to jointly finance and construct a thermal power plant to serve their growing power demands. The bill had been passed by the State Senate, 21 to 4. Originally scheduled for the Assembly Local Government Committee, where proponents thought their bill had a chance, PG&E lobbyists got the bill switched at the last minute to the heavily pro-private utility Commerce and Public Utilities Committee by Assembly Speaker Robert T. Monagan (R-Tracy).

Observers on the scene saw evidence that the private power lobby had done an advance job on the committee members. The lobbyists were well represented in the audience. Assemblyman Kent Stacy of Kern County wryly asked the bill's author, Sen. Fred Marler of Shasta County, how he felt about changing the bill to add a provision to tax all publicly owned utilities, "as private utilities are." He was referring, of course, to the private utilities' pet project, the Bagley bill to tax public power cities, AB 908, recently withdrawn for the time being by its nominal author, William T. Bagley.

The committee, made up entirely of southern California conservatives, and headed by Robert Badham of Orange County, did not give the northern California cities a single vote.

Having fought successfully for decades to keep the United States government and the government of California from building steam plants in the state, the private utilities are not about to let 11 little cities do it.

The cities' desperate search for new power sources is based on the fact that the Central Valleys Project cannot supply additional power to its preferred customers (public power cities) after 1980. In 1967, PG&E forced the Bureau of Reclamation into an agreement that prevents the Bureau from accepting new preference customers or any new source of supply without the consent of PG&E and limits the amount of power CVP can supply to its existing preference customers to their estimated 1980 requirements.

The leverage PG&E used to get this lopsided agreement out of CVP was its monopoly on steam plants, on which the CVP is forced to rely for firming and making salable its Shasta hydro power. The multi-billion dollar federal CVP, and the preferred customers that are eligible to receive its power, are securely in PG&E's vest pocket, barring future lawsuits for anti-trust violations.

The Federal Power Commission has retained jurisdiction to modify the 1967 PG&E-CVP agreement, but little hope lies in that direction: The chairman of the FPC is pro-private utility, and a vice-president of the Arizona Public Service Company is about to be appointed head of the FPC Bureau of Power (he will also continue on the company payroll).

Meanwhile, PG&E continues to encircle the 11 cities. During recent hearings before Sen. Philip Hart's Anti-Trust and Monopoly Subcommittee, R. W. Cowden, NCPA secretary, disclosed that PG&E has 1) refused to wheel public power to NCPA cities, 2) grabbed up all potential sources of non-PG&E power that the cities could use, including public power from irrigation districts and water agencies, surplus power from the Sacramento Municipal Utility District's Rancho Seco nuclear power plant under construction, also Union Oil's geothermal steam fields, 3) refused to join with the cities to construct power plants 4) sponsored the Bagley bill, 5) opposed legislation permitting cities whose charters are silent on the matter to issue revenue bonds for public electric systems, 6) had the NCPA banned from membership in regional utility councils. To this list must now be added PG&E's maneuvers to block the HUD loan, and the lobbying effort to block the cities from building their own thermal power plants.

PG&E's obvious intenton is to put the 11 public power cities out of business and consolidate its historic theft of the public domain.

Suggestion to NCPA: Move to recapture some PG&E licenses coming up for expiration in the next few years, under provisions of the Water Power Act of 1920.

And PG&E has even more ambitious plans for the future—a future of nuclear power.

PG&E already has one nuclear power plant at Humboldt Bay near Eureka, and another near completion at Diablo Canyon near San Luis Obispo. Several more are being planned. In late September, PG&E announced it will purchase a quarter billion dollars worth of uranium fuel in 1971.

The company will buy crude, un-enriched uranium fuel from mining companies and turn it over to the Atomic Energy Commission, which will purify it to increase the proportion of fissionable uranium-235, then turn it back to PG&E.

The enrichment process is carried out at three AEC plants, including those at Oak Ridge, Tenn., and Paducah, Ky., that are in the service area of the Tennessee Valley Authority.

According to the FPC, industrial TVA power costs about half as much as PG&E and other private power. So the cost to PG&E for having its uranium fuel perpared by the government will be greatly reduced by the government's use of cheap federal power from the TVA.

If the goverment had to buy power from a private utility to enrich uranium for PG&E, its power bills would practically double, and this would be reflected substantially in the cost of nuclear fuel for PG&E.

Thus PG&E will receive another indirect public subsidy in the form of cheaper nuclear fuel, processed with cheap public TVA power that PG&E and other private utilities condemn as "socialistic" when it is used directly by the public.

It will be just another typical chapter in the story of PG&E, a huge public parasite that dominates the political life of the state, compels the public to create vast public works in its behalf, usurps the public's lands, rivers and technology, buys off and intimidates the press and even picks the men who "regulate" it on the state Utilities Commission and the Federal Power Commission.

PG&E doesn't see it that way, however. Its official biographer writes:

> "PG&E's position at all times has remained essentially the same—that of a staunch defender against political invasion of a business successfully created and maintained by individual initiative and developed according to the needs of a growing state."

HOW P.G. & E. GETS $67 MILLION OF PUBLIC POWER

D. L. Bell, PG&E's vice president and treasurer, recently put on a poor-mouth act for the State Public Utilities Commission. PG&E, he maintained, must be granted $67 million more a year in electrical revenues so that it can "maintain its credit and financial standing" with major investors.

The Guardian examined PG&E's rate application exhibits and discovered that, although Bell hadn't said so, PG&E already gets a public subsidy of $67 million worth of public power.

The $67 million—$67.4 million to be precise—is that part of PG&E's annual revenue which comes from its sale of public power. This is power generated at public facilities such as dams, sold to PG&E cheaply and then transmitted and sold to the public by the giant utility.

It is by far the most profitable phase of PG&E's extremely profitable operations.

PG&E's own exhibits show the company made an incredible after-tax profit of 22 per cent in 1969 from the power it generated itself. However, its profits from the public power sales were even greater—a staggering 54 per cent.

In dollar terms, that was a profit of $138,357,000 on PG&E-generated power and $36,482,000 on the public power sales.

That made total profits of $175 million—a figure that would rise by $40 million if PG&E is granted its plea for $67 million more in revenue.

None of this would be passed on to the public agencies which have created huge tax-free capital investment and profit windfalls for PG&E. Their fees are fixed under long-term contracts.

EXCERPT FROM COMMISSIONER VUKASIN'S CONCURRING OPINION

I have serious misgivings about the imputation of accelerated depreciation with flow through. In the first place, the question of whether to accelerate or normalize depreciation is not a simple issue, subject to simplistic solutions. Whether to accelerate or normalize is a highly complex matter requiring consideration of a multitude of interrelated facts. It is a question which requires the most astute and enlightened judgment which management can muster. I question the propriety of a regulatory agency such as this Commission substituting its judgment for that of utility management in this unique and complicated field.

HON. PHILIP J. PHILBIN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. RODINO. Mr. Speaker, it is inadequate to sum almost three decades of public service in a few short paragraphs, but I do want to join in honoring PHIL PHILBIN for his long and loyal service to his constituents whom he served with compassion and sensitivity.

He is a man whose fidelity to the public trust has been unswerving—his loyalty and love of country, steadfast.

As a colleague and friend I have found him always to be a man of grace and generosity, of charm and conviction. PHIL is truly a beloved gentleman and I wish for him in the years ahead fulfillment and the continued enjoyment of life's blessings.

GANDHI'S RELEVANCE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. SHRIVER. Mr. Speaker, the Library Associates of Wichita State University in Wichita, Kans., have created a collection of works on nonviolent methods of effecting social change. Through the cooperation and assistance of the Embassy of India, and particularly its Minister for Political Affairs, the works of Mahatma Gandhi, and books about Gandhi have been donated to the Library Associates to comprise the cornerstone of this collection.

The Library Associates have just published an address by Maharajakrishna Rasgotra, the Minister for Political Affairs, Embassy of India in Washington, which was delivered on the occasion of the 101st birth-anniversary of Mahatma Gandhi on October 2, 1970. It also marked the formal presentation of the works of Gandhi to the university for the establishment of its collection on nonviolence. It was my pleasure to participate in this dedicatory program and to introduce Mr. Rasgotra.

Under leave to extend my remarks in the RECORD, I include the important address entitled "Gandhi's Relevance" made by Mr. Rasgotra:

GANDHI'S RELEVANCE

I feel privileged to be with you on this occasion of the 101st anniversary of Mahatma Gandhi's birth and to formally present to the Wichita State University Library Associates a collection of the Mahatma's works along with a few books on his life and teachings. The Gandhi Centennial Year, which concluded on 2 October 1969, saw a great deal of revival of interest in this country in his philosophy of non-violence. That interest and the celebrations held throughout the United States in his memory are flattering to his compatriots. The Mahatma himself would particularly appreciate, I think, the interest evinced by American Universities in non-violence. Throughout his active life he had devoted special attention to the youth and emphasized the need for the young to imbibe the spirit of non-violence in their lives. He was a man of great aims; and he knew that students and the young generally, more so than their elders, possess the ability to throw themselves into the service of great aims of the kind which he had set out to achieve.

Recollection of Mahatma Gandhi's life and work is often mingled with some scepticism or questioning about the applicability of his philosophy of non-violence to our problems. People ask: is Gandhi relevant to the world of today? Is he relevant to the West? Is Gandhian non-violence a practical proposition? Hasn't Gandhi's mission failed?

Gandhi, as I said, was a man of great aims and high ideals. His success, remarkable as it was, was, therefore, bound to be relative. Our own failures in India to keep to his path and carry forward his work also are failures only in a relative sense. Gandhi's aims and ambitions were too high to reach complete fulfillment in the short span of a century. But the character of his endeavour already lends impetus to the evolutionary process which leads mankind toward the goal of a life without hate and a world without war.

In the flow of time one age follows upon another, the past becoming the present today and turning into the future tomorrow. To that flow of time, endeavour toward human improvement will always be relevant. Gandhi's faith in Truth and non-violence, his belief that Truth is God or that in truly human conduct there is really no alternative to non-violence, sprang from the very depths of human experience. Gandhi will, therefore, remain relevant so long as life and time remain relevant.

In his three-dimensional life of an individual human being, a patriot and a world citizen, the human dimension took precedence in the sense that the experiences, beliefs and principles that flowed from it shaped the rest. Having found his humanity, he remained faithful to it till his last day.

Gandhi was a deeply religious man with profound reverence for life in all its forms. To him, religion was not a matter of form or compliance with a code: it was a deeply spiritual experience, a personal encounter with the Divine. He made no distinctions between temples and churches and mosques. He reached the heart of every religion through the heart of his own. In the process, he discovered the basic truths that there is but one God who permeates all that is, that different religions are but different roads converging to the same point and that despite its apparent diversity of color and creed, all humanity is one.

From these truths Gandhi proceeded to overcome the discords of human nature and the divisions within human society. He wanted to develop a new type of human being, free from fear, greed and hate, a being liberated from the vicious grip of violence and at peace with itself and its environment. Gandhi regarded man as being in the process of evolution towards the fulness of his inherent nobility. He had great hopes for man's improvement. While human life persists, those hopes remain relevant.

Gandhi viewed human society also as ceaseless growth or, in his own words, as an "unfoldment in terms of spirituality". He traced the course of human civilisation from cannibalism to stable community life as progress in the gradual adoption and practice of non-violence. He interpreted that progress as the law of human life; and since his concern fundamentally was with human condition, he wanted that growth or "unfoldment" not only to continue but to be accelerated. The acceptance of non-violence by the individual and by human society, therefore, became Gandhi's principal mission in life.

He saw around him the gathering violence of the age of the two World Wars and the harnessing of the power of atom for man's destruction as a challenge both to human life and human civilisation. He believed that the sum total of the energy of mankind could not have been intended to bring human beings down, but only to lift them up, and that the latter could happen as the result not of brute force but of the definite, if unconscious, working of the law of love—the law in other words of non-violence. That is the genesis of his message: the core of that message is:

"Destruction is not the law of the humans.

"Non-violence is the law of our species as violence is the law of the brute.

"The spirit lies dormant in the brute and he knows no law but that of physical might.

"The dignity of man requires obedience to a higher law—to the strength or the spirit."

Gandhi was no idle visionary. He was an idealist but a practical one. The problems of real life seldom escaped his notice. His solutions, often unconventional, were surprisingly realistic. Some of them seemed strange because smaller men than Gandhi had long ago given up the search for answers to the problems in question.

He was sensitive to the injustices of life in organised society. He saw around him discrimination and denial, disparity and exploitation, and the wrong and oppression of alien rule or domestic overlordship; he saw these and other ills perpetrated by force, and he saw the need for a superior force to rid these evils with and to reform their perpetrators. His answer was as simple as it was profound: evil persists, he said, because we pay it the homage of cooperation or submission; a slave is a slave because he consents to slavery; man must learn to say 'no' to what he ought not to accept or tolerate.

There was no need to defy wrong with violence or with arms, said Gandhi. For violence would only bring forth more violence aggravating the existing wrong. It would suffice to resist wrong by refusing to submit to it in any circumstance.

On the basis of the experience gained in facing and dealing with the humiliation and anguish of racial discrimination in South Africa, he built these homely truths into his method of Satyagrah. It is the method of simply insisting on one's just rights, of securing those rights by personally suffering for them, by dying in the process of suffering if need be and not by imposing suffering on others. The elevating power of love, the ennobling effect of sacrifice and the reformative quality of non-violence were his weapons in the battle for the supremacy of man's spirit.

Gandhi's non-violent non-cooperation aims its appeal at the opponent's heart with the object not of coercing but converting the wrong-doer. His method was the method of ridding man's mind of hate, of casting away vengeance and of allowing love to permeate the beings of the adversaries to bring their innate humanity to the fore. He was a man in the mould of the Buddha and Christ. His aim was to liberate man not only from the shackles of outer violence but also from that more insidious violence that preys upon the spirit from within—the violence of hate and ill-will and revenge. There are not many like him yet and there will, perhaps, never be many like him, but, at least, in his own life he gave us an example of the liberated man. In the ages to come, that example will be of relevance to human beings aspiring toward the fullness of their humanity.

Is Ghandi's non-violent method applicable to sociological, economic and political problems of modern society? There is no doubt that he intended it to be used by individuals as well as by communities, in personal, domestic as well as political affairs. In fact, he regarded the universal applicability of Satyagrah as proof of its permanence and invincibility. He made only one condition to its use: that those who employ it learn to differentiate between man and the brute and have faith in the superiority of human nature. He wrote:

"Only those who realise that there is something in man which is superior to the brute nature in him, and that the latter always yields to it, can effectively be passive resisters. This force is to violence and, therefore, to all tyranny, all injustice, what light is to darkness. In politics, its use is based upon the immutable maxim that government of the people is possible only so long as they consent either consciously or unconsciously to be governed. . . .

"Its use, therefore, is, I think, indisputable, and it is a force which, if it became universal, would revolutionise social ideals and do away

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with despotisms and the ever-growing militarism under which the nations of the West are groaning and are being almost crushed to death—that militarism which promises to overwhelm even the nations of the East."

It is clear that so far as Gandhi himself was concerned, he regarded Satyagrah as not only applicable to socio-economic and political affairs but as a necessary means of reforming and purifying politics and of reinforcing the democratic process. He demonstrated its relevance to the entire range of human problems by applying the technique of Satyagrah successfully and on a massive scale not only in India's struggle for independence from British rule but also in his campaign to eradicate evils, such as untouchability, which were corroding the structure of Indian society from within.

Throughout the struggle for independence, which Gandhi led over a period of three decades to final success in 1947, there was a school of thought within the independence movement that advocated the use of violent force to expel the British from our country. Gandhi was all for expelling the British, though that was not all he wanted. In the process of regaining India's independence, he wanted the masses of the Indian people to come into full awakening as to their rights and duties as constituents of a democratic State. He did not regard a mere change of foreign rulers for native ones as the real remedy for India's ills.

He felt deep concern for the dignity of the common Indian: he was concerned with his social disabilities and economic plight; he wanted him to exercise his right to be free and self-governing in the fullest sense of the phrase. He felt that the use of violent force to free India from British rule might carry with it the possibility of the Indian masses going under the dominance of some other rule by force, which would be equally repugnant. He wrote:

"The attainment of Swaraj (i.e. self-Rule) through warfare, on the whole, is an impossibility for any time that we can foresee. Warfare may give us another rule for the English rule, but not self-rule in terms of the masses".

Gandhi objected to violence not only because he was confident that freedom could be gained through nonviolent action but also because of his ethical concern that "the good that sometime seems to come from violence is only temporary whereas the evil it does is permanent". His concern was twofold: he feared the brutalising effects of violence applied on the scale of India's geographic and demographic dimensions, and he felt apprehensive about its consequences to the future system of government in India. In the course of a reflection on the growth of despotism, he wrote:

"History teaches one that those who have, no doubt with honest motives, ousted the greedy by using brute force against them, have in their turn become a prey to the disease of the conquered".

His aim, he said, was that while prosecuting their cause, the Indians should also arouse the best in the Englishmen and the two together be a force for human understanding and goodwill. As a result, the largest transfer of power in human history took place from Britain to India not in defeat for one and victory for the other but in shared understanding that it was good for both. On the domestic side, the stability of the democratic process in India is due largely to Gandhi's wisdom and foresight.

The historic character of the event of India's independence has, perhaps in a sense, overshadowed an equally grand achievement of Gandhi's non-violent method in the field of social reform. The practice of untouchability in the age-old framework of the caste system had alienated millions of Hindus from the Hindu society. Gandhi moved to eradicate the evil by identifying himself completely with the untouchables. For years he lived and worked among them setting aside, now and again, the calls even of the struggle for independence which was so close to his heart.

Gandhi knew that the practice of untouchability had not been intended by the lawgivers of Hindu Society, that there was no moral or religious sanction behind it and that it arose, perhaps, from a desire on the part of a privileged sector of the society to perpetuate its hegemony over a less fortunate sector. Obviously, it was a distortion which the passage of time had somehow sanctified. Gandhi revolted against it and called upon the Hindus to discard the practice which was both anti-religious and immoral. "Hinduism", he said, "has sinned in giving sanction to untouchability. It has degraded us, made us pariahs".

His campaign of work among the Harijans—he gave that name meaning children of God to the untouchables—punctuated with penitentiary fasts, prayers, marches and protests, and agitation against specific cases of denial or discrimination, while bringing new awakening and a consciousness of their political and social rights in the ranks of the Harijans, generated a sense of shame and remorse among the privileged castes. He thus created an atmosphere of response in which a coming together of the two could begin. In the process he set in motion forces which would release the Indian society as a whole from the grip of age-old inertia and stratification.

The abolition of untouchability through a provision to that effect in the Indian Constitution followed the awareness that Gandhi had injected into the Indian society of the existence of an evil within its folds. Social evils of this kind hardly ever disappear because of the adoption of a law to that end though Constitutional or political action helps. Social action is by far the more important and Gandhi's approach of peaceful defiance of the evil, of exerting moral pressure for its removal proved highly successful. In this way, by bringing about a change in group behaviour he averted a division leading to probable conflict. And what is more, through the impact of moral force he generated a whole process of change and guided it into channels of constructive and cooperative reform.

This idea of the impact of moral force is of unquestioned relevance to societies in which minorities suffer certain disabilities, or denial of their political and other rights, because of racial prejudice or other factors. Gandhi's method should be of special importance to such minorities as its success does not depend on the strength of numbers. In India the technique of Satyagrah was applied by a vast population in its legitimate struggle for independence from the rule of an alien minority. In those circumstances violence would also have succeeded by the sheer weight of numbers, though India's achievement would certainly not have been as glorious as it was. Minorities need far more than do majorities this invincible force of non-violence.

It is well to recall that Gandhi's method of persuasion through moral pressure by exposing to open view the injustice and inhumanity of the wrong sought to be removed was first devised and applied in South Africa where a minority community of Indians was denied its civil and political rights, discriminated against and subjected to all manner of other indignities. Since a minority's best hope is in securing recognition and acceptance of its legitimate rights, in converting to its just cause rather than seeking to coerce those who oppose it, Gandhian Satyagrah is a minority's surest weapon in the fight for a life of dignity and equality with others. For, this method is one in which, given the cause, the determination and sincerity and sacrifice of one man will make a difference by shifting the weight of injustice and wrong. Gandhi made that difference in India. And in this country the sincerity of purpose and the martyrdom of Martin Luther King have made a vital difference, even though some may be slow to perceive it.

King, like Gandhi, preferred non-violent action to vindictive force. He believed, as did Gandhi, that non-violence did not mean passivity. Like Gandhi, he regarded non-violent action as the necessary supplement and stimulant to the process of change. King's choice was not only politic and practical, it was wise and humane, and it arose from the conviction, which he shared with Gandhi, that "non-violence is the answer to the crucial political and moral questions of our time". He, therefore, advocated this method of non-violence, the method which rejects revenge and aggression, and retaliation, for resolving all human conflict.

King's short life ended, like Gandhi's, in martyrdom to non-violence and inter-communal peace. That two different men should arise at two ends of the globe and in circumstances not entirely identical should pay the supreme homage of martyrdom to this method of non-violence is itself evidence of its humanity, its universality and its continuing relevance to mankind.

The relevance of Gandhi's economic ideas has, perhaps, been much more in doubt than many other aspects of his philosophy. In his own lifetime, in India itself, several people regarded Gandhi's economic philosophy as idyllic, impractical and irrelevant to the age of great technological and industrial advances of the 20th century. He wanted 500,000 villages of India, where the vast bulk of Indian humanity lived and suffered in hunger, to develop self-sufficiency. For the villagers of India he wanted not affluence but a decent and dignified life full of work and free from hunger. The curse of their lives was unemployment or under-employment, and the emphasis of Gandhian economics, therefore, was rightly on the villager not only providing food for himself and the towns-folk but also employing his spare time in cottage industry like spinning and weaving for his own needs. Logically enough, Gandhi emphasized the unsuitability of indiscriminate industrialisation which was associated in his mind, from British experience, with exploitation.

He was not opposed to machinery as such: he was opposed to machinery displacing human labour. In India's conditions of surplus human labour and widespread under-employment as well as unemployment in the countryside, Gandhi's view makes excellent human sense. As the Green Revolution and the modernization of agriculture take hold in India, the unemployment situation may get aggravated; and we may have to eschew the temptation to mechanize farming and pay even greater attention than hitherto to cottage and small-scale industries in our villages and generally to reshape our priorities to better fit into the framework of Gandhi's concern for the Indian villager.

But Gandhi's economic philosophy and its ethical framework have another, larger, significance to underdeveloped countries and the world generally. Economic conditions in the India of the 30s and the 40s were even more atrocious than those which precipitated revolutions in the Soviet Union and China. Gandhi was suspicious of the aggressive, acquisitive instincts of capitalism. He did not, however, think that a revolution of the Marxist-Leninist variety was the answer in Indian conditions. Gandhi was the most thoroughgoing revolutionary of his time, but he did not accept the necessity of the destruction of the old order to build the new. Nor did he share the Marxian view that economic man is the whole man. For him, a revolution which touched only the economic side of man's life would be no revolution at all. A

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revolution of bloodshed and indiscriminate destruction, he thought, would do more harm than good; for, whatever else it did, it would certainly bring anger, humiliation and revenge in its wake: and brutalisation of the spirit of man he wanted to avoid at all costs. He was resolved to fashion the Indian revolution with the weapons of truth and non-violence.

To the wealthy and the privileged in India, he said that non-violent system of government was clearly an impossibility so long as the wide gulf between the rich and the hungry millions persisted. He told them to regard themselves as trustees of the poor and to dispense their wealth for the latter's well-being. He asked them to practice the ancient Indian ideal of surrendering for the common weal what they possessed in excess of their needs, the ideal of non-possession which he practised daily in his own life. When a wealthy capitalist with humanitarian pretensions asked Gandhi's advice as to what the rich might do for the well-being of the poor, his advice was: "Get off their backs." To the first popular Government of India he counselled shaping of its policies to fit the ends of social justice in peaceful change. He advocated planning and minimum necessary State control of capital as well as industrial production to ensure that the benefits of progress reach right down to the mass of Indian humanity.

Gandhi did not consider class war as inevitable; and it may now be said that even part-implementation of his ideas has helped India to avert one for which British rule of 200 years had amply prepared her. A part of Gandhi's relevance lies in the fact that he gave to a violence-ridden world this idea of peaceful change as a valid and practicable alternative to bloody revolution.

Gandhi once summed up his ideas about economic equality, which he regarded as the master-key to democracy and peace, in the following words:

"I suggest that we are thieves in a way. If I take any thing that I do not need for my own immediate use, and keep it, I thieve from somebody else . . . Nature produces enough for our wants from day to day, and if only everybody takes enough for himself and nothing more, there would be no pauperism. . . ."

There is some controversy these days in some of the more affluent lands as to the validity of the rationale behind financial and technical assistance for underdeveloped countries like India. This debate goes on in countries which with about 10 to 15% of the world's population collectively consume some 70 to 80% of the world's total resources while millions in the rest of the world go hungry. No one is asking them to unburden themselves of their affluence or possessions. The debate goes on in the context of a suggestion that rich countries spare 1% of their G.N.P. toward assistance for developing countries from whose resources they have benefited in the past in one way or another. And while this debate goes on, another division grows and widens pitting the poor of this Earth against its rich.

The world has come a long way since Gandhi's death 22½ years ago. Explorations of outer space seem to indicate that we should all have to continue to share this planet for our existence and that, therefore, it is time for us to think in terms of one, planetary economy. In that context, Gandhi's suggestion that those of us who take more than their need are thieves does appear to be of poignant relevance.

Gandhi is relevant and will remain relevant in yet another sense. He was a man of peace whose aim it was to prepare his fellow human-beings for life in a world without war.

He had no grandiose plans for disarmament or for a world government: he put forth no blueprint for international tribunals or police forces and the like to keep peace. While he was himself prepared to face an aggressor single-handed and un-armed, he was restrained in offering advice to governments, even to the government of independent India which he had helped bring into existence, about dispensing with armed forces. He gave moral sanction to the use of India's army in the defence of Kashmir against Pakistan's invasion in 1947. He would have whole-heartedly endorsed Nehru's call to arms to an India which was practically without arms when the Chinese invaded it in 1962. He had said in his lifetime on several occasions that he would prefer to see India defend herself with arms than submit to aggression in cowardice. Gandhi would have, of course, preferred to see India sacrifice herself in non-violent resistance to the aggressor, but he knew that the road to perfection in the practice of non-violence, especially between nation states, was bound to be hard and long.

There is too much of the arrogance of power of nuclear and other arms, too much of war and the odour of killing around us to give hope that Gandhi's dream of a warless world is close to realisation or that the world-order, such as it is, is ready to adopt Gandhian Satyagrah as the equivalent of war in dealings between nations. But it would not be fair to say that in his search for peace, which he ardently desired, Gandhi let his vision outrun the reach of human potential. He was a man of high hopes and grand designs, but he believed in reaching them step by step through humble approaches.

Gandhi taught us that the way to perfection or improvement of the life of a society or nation, and of the world community as a whole, lies through improvement and perfection of the individual. A society or nation can hardly live at peace with another until man can make peace with man. And man will not be at peace with man until after he has found peace within himself. That peace, Gandhi said, comes from the banishing of violence from man's heart. That truth will be forever relevant to life; so will Gandhi be forever relevant to the world.

NEW ECONOMICS NEEDED IN THE NEW YEAR

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. ULLMAN. Mr. Speaker, as we start a new year, it is worthwhile to review where we have been in 1970 and where we may be headed in 1971. We are still a strong nation today—still the best example of working democracy in the world, still the richest in natural resources and industrial wealth.

But if we are going to move forward, we will have to begin to act in 1971 to solve the problems that have undermined our progress in 1970. A basic source of our difficulties is an unstable economy. Despite all the talk in 1970 about fighting inflation, we begin 1971 with prices still rising at the rate of 6 percent or more a year. We continue to face inflationary wage settlements in major industries that force the cost of living higher and higher. We have to pay 8 percent or more on a new home mortgage, a rate so high that most people are forced out of the market.

Those who work may be able to manage to make ends meet. But the retired and others living on fixed incomes get farther behind each day as inflation eats away at their pensions and their savings. And increasingly, more and more men and women are pushed into the ranks of the unemployed. No matter how statistics are juggled, we cannot escape the cold fact that unemployment is nudging the 6-percent level.

We need answers to these problems in 1971. The administration must act on wage and price increases, establishing the tough guidelines that I have been urging for nearly 2 years. It must act to control credit so that interest rates can come down in meaningful places such as the housing market, rather than just for prime business customers of the big banks.

Hobart Rowen, the astute business and financial editor of the Washington Post, conducts his own review of the 1970 U.S. economy in an article today, and finds it in difficult straits. He observes that the essence of our economic problem is a crisis of leadership and confidence that the administration must resolve if we are to get the country moving again.

The article follows:

THE ECONOMY'S VICIOUS CYCLE

(By Hobart Rowen)

Any way you want to slice it, Mr. Nixon's year has been disappointing on the economic front. Unemployment is nudging close to 6 per cent, higher than it has been since 1953; by anybody's definition except Mr. Agnew's this is a recession and not just a slowdown.

On Christmas Eve, the administration had some "good" news—the November increase in the cost of living was "only" 0.3 per cent (an annual rate of 3.6 per cent), the second smallest increase of the year.

But this figure disguised the fact that the abatement in the rate of price increase was almost exclusively in food items (where prices have been dipping for three months). Everywhere else, the story was discouraging: the non-food items and services were up by 0.6 per cent (an annual rate of 7.2 per cent), meaning that inflation in those areas is just as bad as ever.

A year ago, Mr. Nixon faced 1970 with the forecasters divided over prospects for the economy; the optimists (including the Economic Council) thought that recession could be avoided, although economic growth would be slow, while inflation would be cut back some.

The pessimists were closer to the mark: they predicted a recession, unemployment reaching the 6 per cent level, and persistent inflation.

Some of the latter were too gloomy: Milton Friedman, for example, saw a 90 per cent chance of a recession as sharp as that in 1960–61. On the other hand, the fiscally oriented economists like Otto Eckstein, Paul Samuelson, Walter Heller, Arthur Okun and Joseph Pechman all predicted a gross national product around $900 billion (it's turning out to be about $977 billion) and a real growth rate of 2 per cent (it turned out to be zero).

Beryl Sprinkel, a leading monetarist, had a peculiar combination: his growth rate and unemployment guesses were right on the mark—but his GNP forecast was a clinker—$966 billion.

By and large, the monetarists' guesses were based on the assumption that the restrictive stance of the Federal Reserve in the last half of 1969 had pretty well cast the die for 1970, because of the lag between policy shift and its actual impact on the economy. But they calculated that tight money would work within a nine-month period to control inflation—and it hasn't.

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It was assumed a year ago by both groups of forecasters that the Federal Reserve System, soon to come under the direction of Arthur F. Burns, would gradually junk the tight money policy and move into an expansionist phase. This, indeed, began to happen at the end of February: in contrast with a zero rate in growth in the last half of 1969, the money supply has been allowed to expand by an annual rate of about 5.5 per cent this year.

Where the fiscal optimists missed the boat was in the assumption that elimination of the tax surcharge and the addition of new Social Security benefits would give the economy a boost. Moreover, they relied on surveys that indicated a continuing boom in business spending for plant and equipment.

(This is as good a place as any to observe that administration and Federal Reserve economists were more perceptive than private business analysts early last year in predicting that survey forecasts—including the government's own—for a bulge in P & E spending would not be sustained.)

The economy, in fact, did not get a combined business-consumer spending push, even though the government's fiscal posture turned from surplus (a tiny one) to a deficit (a big one).

Initially, it will be recalled, Mr. Nixon started with a projected surplus of $1.3 billion. But there were signs by spring that the "game plan" wasn't working, and Mr. Nixon shifted modestly toward expansion, nudged by the postal strike, and worries (well-placed) that began to be evidenced among the party faithful about the November election. As the economy did in fact move down (which reduced receipts), Congress overspent Mr. Nixon's budget and ignored his tax requests, with the result that the original $1.3 billion surplus has turned into an estimated $12–$15 billion deficit.

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There has been a comparable shift in the prospects for the so-called full-employment budget: a huge surplus anticipated earlier has been reduced to a much smaller one for fiscal 1971.

Most likely, the drop-off in business plans for expansion and in consumer buying reflects two things: high prices (including the extraordinary cost of money) and a lack of confidence in the future. So far as consumers go, this is shown in the record level of savings out of regular income.

The invasion of Cambodia, the subsequent stock market collapse, and the Penn Central bankruptcy—all of these contributed to anxiety about the future.

So long as unemployment remains high, it is doubtful that consumer spending, so much a key to recovery, will loosen up. Yet, it is a vicious cycle; so long as consumers keep their pocketbooks buttoned up, production, sales and hence jobs aren't likely to zoom upward.

Hence, administration economists led by Economic Council Chairman Paul W. McCracken are pressing hard on the Federal Reserve to push the money supply higher: instead of the 5 per cent money growth target, they'd like to see something around 7 per cent.

Their argument is that inflation in 1971 will respond to the cautious policies and recession of 1970; that the high level of unemployment has already applied the *brakes* to excessive wage settlements; and, thus, now is the time to press for expansion. In terms of the Gross National Product, they want economic growth that in real terms would have to exceed 8 per cent (over recent strike-depressed levels) for the next 18 months. And that's where they bump headlong into Arthur Frank Burns and the majority of the governors of the Federal Reserve. In the board's last policy statement (these are published with a 90-day lag) only "a few" wanted a faster money growth than 5 per cent. And "a few" governors warned, as well, about placing so much faith on any specific target for the money supply. Burns, it should be noted, is a devoted friend but not a convert of Friedman's.

The sticking point is that Burns doesn't believe the inflationary threat is over, especially from the wage side. He feels that business won't start again on a new expansion trend until it sees consumer spending moving up. Consumers, he feels, will be disposed to save, not spend, while the CPI keeps climbing; and he tells Mr. Nixon that the CPI will continue to mount, via the cost-push route, until the administration adopts the Burns notion of a Wage-Price Review Board.

To those around the White House (Burns calls them theologians) who insist that a direct attack on excessive wage and price increases (badly labeled an "incomes policy") won't work, the Fed Chairman says: "Try it."

He would have the board challenge certain companies and unions by public exposure of the facts, perhaps developing a sort of "case law" out of which a specific numerical guideline might emerge. In effect, Burns would tell the businessman and labor leader: "Be cautious and conservative or run the risk of a presidential crackdown."

So far, Mr. Nixon has resisted the Burns advice; and there is nothing to indicate that he has bought the CEA's expansion line. Given the weak track record of all the forecasters last year, he perhaps had a right to be dubious about anyone's assurance that he has divine economic wisdom.

But if Mr. Nixon, like John Kennedy in 1960, wants to get the country moving again, he'll have to find some way of restoring the sort of confidence that encourages businessmen and ordinary people to spend their money.

SHOULD COLLEGES RETAIN STANDARDS OF EXCELLENCE?

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. COLLINS of Texas. Mr. Speaker, it is amazing how much one learns by reading the newspaper. Did you read the stimulating column by Evans and Novak on "Open Admissions Wrecking Colleges."

This article discusses the results when anyone with a high school diploma can enter any of the colleges comprising the City University of New York. This CUNY system has built up national respect by academic standards of excellence. Now the politicians say everyone may go. I agree with the scholarly Professor Louis Heller who commented "Open enrollments—a political device for conferring a college degree without giving a college education."

One issue that is very plainly questioned is this—should everyone go to college. On a recent trip I took to South America, I was impressed with the problems arising with their college graduates. They have a degree with no place to go and no one needing their services. So they are frustrated and resentful of society.

Yesterday, I received a letter from a college administrator at home. He wanted me to help get them into a Federal college program for the low income, unemployed to become librarians. In my answer, I questioned whether this particular group would have the academic background to be librarians. If we put them through a 4-year, no-fail course, we would have many people listed as librarians but who could not measure up.

A college education has become a status symbol. It means dignity and prestige. But if a young man or woman gets a degree, and does not get an education, they are mixed up for life.

Let us have more emphasis on vocational education. A bricklayer makes about twice as much as a bank clerk and leads a healthier life. But the bank clerk wears a coat and tie, and has dignity. In my book, I prefer the man who is working, sweating, and is superior in his trade.

I could put on a Dallas Cowboy football uniform, but that does not mean I am good enough for the team. If I tried to race Hayes he would leave me in the shade. If I tried to catch a pass against Renfro, he would get it every time. If I tried to tackle Thomas, he would run over me. The Dallas Cowboys are my team and I am proud of them—but I realize that I am not qualified to play. And what is more, if I tried to play, I would be the most bruised, kicked around neglected, frustrated man on the field.

Let us leave the team of the pros. And let us leave college as a center of excellence in academics. University should be for those who are qualified.

Read this interesting report by national syndicated Rowland Evans and Robert Novak. This reprint is from the Dallas Times Herald of December 24, 1970:

OPEN ADMISSIONS WRECKING COLLEGES

(By Rowland Evans and Robert Novak)

Utterly baffled by the profundities of first-year history at City College of New York (CCNY), a newly enrolled freshman this fall told his professors he simply could not make sense out of the textbook "because too many words are just too long."

Such a heart-rending incident could not have occurred in years past. Such a student would have been academically ineligible for CCNY, the tuition-free college ranking among the nation's best liberal arts schools. Under the new open-admissions policy, however, anybody in the city with a high school diploma can enter City University of New York (CUNY, a sprawling educational complex of junior and senior colleges (including CCNY) and graduate schools.

Although CUNY's administrators deny it, faculty members complain the incident of the bewildered freshman is commonplace. Thus, the preliminary estimate of critical faculty members is that the quality of instruction is declining and will continue to decline. "To be perfectly frank," history Prof. Howard Adelson told us, "there are indications that this college is finished as a learned institution."

The avowed reason for open admissions is that a tax-supported institution must provide service for ALL the city's residents, regardless of qualification. The harshly practical reality, however, is that student radicals at CUNY would have blown the lid off the school if the policy had not been adopted. Moreover, some administrators privately praise the policy for an entirely different reason: taking slum youth off the street.

QUESTIONS OF POLICY RAISED

The financial cost is staggering. The burden of CUNY's 15,000 extra students under open admissions adds another $20 million to the $320 million annual budget without even providing space for the enlarged enrollment. Soon, the annual cost of CUNY will be $1 billion, to be borne by a society reaching the upper limits of its tax burdens.

But the academic cost is even more disturbing. CUNY administrators stress that unqualified freshmen are given remedial courses in reading and arithmetic. The flaw in the program is that the student receiving remedial reading can also take regular courses in history, science, or economics, drastically impairing the level of instruction.

Certainly, the end is near for CCNY as an "elitist" institution where sons and daughters of the poor could obtain a free education of Ivy League caliber. "I think the conception of academic standards is going to change," CUNY deputy chancellor Seymour Hyman told us.

NO FLUNKING OUT FOR TWO YEARS

Indeed, the concept is changing radically right now. The Negro or Puerto Rican youth, given a diploma in New York City high schools without regard to ability to read or write, will not be flunked out automatically at CUNY. An informal arrangement proposes that new students not be flunked out until after 1½ years, giving everybody a two-year free ride.

But worried faculty members fear that the two years may stretch to four, and the CUNY degree will become as meaningless as a New York City high school diploma. Hence, the formulation of classics Prof. Louis Heller: "Open enrollments—a political device for conferring a college degree without giving a college education."

Just how many faculty members agree with Heller is impossible to determine. Critical professors described for us a climate of fear, based on actual death threats to faculty members, professors beaten up in their classrooms in the violent spring of 1969, and a rising tide of student power giving students influence over the professional futures of the faculty. Thus, silence is understandable.

But such absence of criticism cannot deflect national academic attention from what is happening at CUNY and particularly at CCNY. In the months and years ahead the cost to higher education of egalitarianism-run-wild may be incalculable.

CHIEF HOSEA KUTAKO

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. LOWENSTEIN. Mr. Speaker, one of the great men of the 20th century died recently, and it is a measure of the isolation in which his people are kept that most of the world took almost no notice of his death, or for that matter, of his life.

Hosea Kutako, Paramount Chief of the Herero people of Nambia, lived his whole life in bondage in his own land. Such was his mind and spirit that had he been free to speak and travel he would have been one of those transcendent souls whose lives touch the whole of mankind and leave the world wiser, stronger, and kinder for the contact. As it was, he managed the miracle of touching his troubled land with his strength and goodness—even, one suspects, touching his warders in the process. He made his life a triumph over the most onerous adversity, but his death reminds us of the tragedy of his people, locked away behind deserts and fences and guns.

How much was lost to the human race because so little of it ever knew Hosea Kutako. How desperately it needed his presence, and how tragic that what it needed so desperately was on hand but denied to it by the successful arrogance of a few white men. How high a price we pay for racial arrogances, and how little we can afford them.

Chief Kutako lived to see four-fifths of his people exterminated by German settlers, and then to see the remnant, adopted as a "sacred trust" by the conscience of mankind, imprisoned and robbed by the sacred trustee. It is the wonder of this man that in the face of such oppression he yielded neither to the oppressor nor to the temptation to become in spirit or deed like the oppressor.

I know these things about Hosea Kutako because I had the extraordinary fortune of meeting him while I was in Southwest Africa with two other Americans a decade ago. We were collecting information about living conditions under the mandate to present to the fourth committee of the U.N., where for some years Rev. Michael Scott had been carrying on a lonely crusade against the way South Africa was administering the territory.

We met Chief Kutako clandestinely, in a cold hut in the desert at night, to hear his story and tape his views. Few moments have affected more enduringly my sense of what I would like to do with my life, and no single meeting could show more specifically the impact one man's greatness can have on everything around him.

While we were taping, a warning came that police were closing in. People panicked, and we started to flee. The old chief rose and began to talk. His calm settled everyone, and his great eyes looked through us. He told us not to "go in bitterness." He said:

> More bitterness can only bring more hatred, and in hatred lies help for no one. Go rather in peace . . . and tell of our sadness, for the Creator does not wish that any of his people should live as now my people must . . .
>
> My people are few. They are far away. There are so many other things, it must be easy to forget my people. What we suffer is perhaps insignificant. I would only remind those who are more fortunate that God sent His only Son to earth to die that men could live as brothers, that men would learn to share together and to love one another. If our suffering here is not important, surely it is important that so many of our brothers everywhere are weary and heavy-worn.
>
> It is our prayer that those who have so much will remember the sacrifice of God before it is too late. If they do not soon remember, I fear that they will one day suffer as my people do, for even the patience of God can run out.

Haunting words in a desert hut with danger close by, and even more haunting now. I wish I could believe we will begin to heed them before "the patience of God" has indeed run out.

Be that as it may, I am grateful for the opportunity of paying tribute in the Congress of the United States to Hosea Kutako, for myself, for my companions on that cold night, and for many others whose understanding of courage and honor has been exalted by exposure to this indomitable soul from another age and a distant continent. I am glad so many of my colleagues have joined on this sad occasion to reiterate our determination to do everything we can to keep the plight of Namibia before the conscience of the world until all the people who live there are free, and until "so many of our brothers" are not "weary and heavy-worn." That, after all, is the only way we can honor Hosea Kutako and the only way, for that matter, that we can show God that we are grateful for His patience with our awful failings.

I insert the following article from the Namibia News:

CHIEF HOSEA KUTAKO: THE FATHER OF NAMIBIAN NATIONALISM

"You are the great God the Creater of the heavens and the earth. You know all those whom you have created. We are only Thy creatures. You know also the good and the wrong that we do. Thou seest that we have no dwelling place—no resting place that we call our own. O Lord, help us who roam about. Help us who have been placed in Africa and have no dwelling place of our own. Give us back our dwelling place. . . ."

These were the words of Chief Hosea Kutako who died on the 18th July, 1970, and was buried in Okahandja on the 26th July. Namibia lost a great man, a strong leader and a fervent fighter for the rights of the Namibian people.

Hosea Kutako was born in the late 1870s. He was already a young man when the Germans hoisted their flag in Luderitz in 1894 and declared Namibia a German colony. When the Herero uprising against the Germans took place in 1904, Kutako became a leading officer in the Herero military establishment. This uprising began on the 12th January 1904. During the subsequent months the war was fought with such an intensity that the Germans saw it necessary to send for reinforcements. In June the notorious General von Trotha arrived with reinforcements bringing the total German force up to 400 officers and 6,000 men. In August the bloody battle of Hamakari took place where the Herero fought a bitter battle against the strong German forces. During this battle Kutako was wounded and taken prisoner-of-war. In the period that followed large numbers of Herero fled to Botswana, while other sought refuge in the desert.

After the war, Kutako trained as a teacher, and for some years he practiced his profession. It was obvious that he was a man of outstanding qualities. He was for some time with Chief Samuel Maharero who had led the Herero into Botswana. Chief Maharero was never allowed to go back to Namibia, and he therefore asked Hosea Kutako to lead those Herero people who had stayed behind in Namibia. In 1925 Kutako's chieftainship was officially recognized.

Although Hosea Kutako was a Herero chief, he was, during his time of leadership, more concerned with the welfare of the Namibian nation than the welfare of the Herero only. He showed statesmanship and independence of mind during his entire time as a leader. These qualities were illustrated during the following incident: In 1922—after the territory had become a mandate under the League of Nations, administered by South Africa—the Herero people were to get land on which to settle after having lived scattered around in various parts of the country. In 1924 Chief Frederick Maharero, Chief Hosea Kutako and other leading men were asked to look at the proposed area. Kutako was asked to comment. "It is a desert where no human being lived before," he said. "It is . . . only good for wild beasts. On top of that it is not healthy for the people or for

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the cattle . . . We are human beings, and we do not want to be changed into wild beasts."

After the second world war, when the UN had taken over the supervisory powers from the League of Nations, Chief Hosea Kutako played a crucial part in the new Namibian situation. Shortly after the UN had come into being, South Africa made a case at the UN for incorporating Namibia into what was then the Union of South Africa. This proposal met with strong opposition in Namibia, and one of the most outspoken opponents was Kutako. Here his role as a unifying national figure was clearly shown. At a meeting in Okahandja in 1947 representatives for the various ethnic groups in Namibia met representatives for the South Africa government to discuss the question. After the case had been put by the South African Government representatives, he was answered by Kutako, who completely rejected the idea of incorporation. This was contested by the South African representative who said: "Who is with Hosea?" The answer was a unanimous roar of support: "We are for Hosea! We are for Hosea!"

Hosea Kutako also was in the forefront in connection with the introduction of petitions at the United Nations. As early as 1949, the Rev. Michael Scott addressed the United Nations on behalf of the people of Namibia, and at a later date Chief Kutako himself wanted to go to the UN but was refused permission to leave the country.

Hosea Kutako did not stand alone, he worked in close co-operation with leaders for other ethnic groups in Namibia, such as the chiefs Witbooi Gariseb and others. This nation-wide spirit of opposition is illustrated in a petition to the United Nations Fourth Committee by Chief Witbooi:

"Should we be born and live and close our eyes under this unending imprisonment? Are we a cursed generation because our chiefs fought together for the freedom of their people, their nation, and their land?"—Chief David Witbooi.

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Hosea Kutako never gave up his role as an outspoken opponent of the South African illegal regime. The formation of political parties in Namibia did not alter his central position, nor did he feel himself threatened by them. Therefore, he never took steps to overshadow the young nationalists, but instead encouraged and supported them.

One of the last remarkable acts of defiance was his move from the Old Location to Aminius in 1968, when the inhabitants of the Old Location were forced to Katutura township. Together with hundreds of people he chose to go out of the Windhoek area instead of succumbing to the South African regime's rulings.

Hosea Kutako strongly wished to see Namibia free before he died. He did not live to do so. But his wish for a free Namibia, and his steadfastness and determination, will lead us on, we whom he left behind to continue the struggle. The Namibian people will always draw strength and inspiration from Hosea Kutako's example. We thank him for having created and sustained the spirit of unity among our people, it is because of him that one people, one Namibia is a reality today.

BILL MURPHY

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. FEIGHAN. Mr. Speaker, it has been my good fortune to have known Bill Murphy since he came to Congress. Bill is very personable and enjoys the friendship of the Members of Congress. He has worked untiringly for the general welfare of his constituents and the Nation. Bill is extremely knowledgeable in foreign affairs. He is probably the best informed Member of Congress on matters pertaining to Africa. Bill has served with distinction and will be sorely missed in Congress.

To Bill, his charming wife, and family, I extend my best wishes for continued good health and happiness in the years ahead.

THE NEWS MEDIA AND PUBLIC OPINION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. DERWINSKI. Mr. Speaker, a very impressive and, I would say, honest introspective commentary was carried by channel 5, WMAQ–TV, Chicago, at various times on December 18 and 19, 1970. Even though the commentary was based on the adoption of a new State constitution in Illinois, the analyses of the impact of editorial viewpoint is quite interesting. Therefore, I insert this editorial in the Record with the feeling that it is an unusual editorial analyses:

There is a popular assumption in this area, and in the nation in general, that editorials in the news media, both print and electronic, wield a powerful influence over public opinion.

A case could be made for this assumption by looking at this week's election. The new state constitution had the support of every Chicago newspaper, radio station and television station that editorializes. The management of this station recommended that you vote in favor of the new constitution. And a majority of the voters did approve the new state charter.

But it doesn't always work out that way. The election also offered a separate item on judges. You could vote either to retain the old system of electing judges in this state, or choose a new system of appointing judges.

There was almost total editorial support for the appointment of judges. If you paid any attention at all to the newspapers and the radio and television stations, you would have been advised frequently to vote for the appointment of judges. So what happened? In Chicago, a majority of the voters chose to stay with the system of electing judges.

The point here is that the news media can use editorials to make suggestions and recommendations that may seem to exert a strong influence on public opinion. And, perhaps that happens, if the public really does agree with those recommendations.

But we feel that people in general just cannot be manipulated. They have the intelligence to make up their own minds, and they do it.

Hopefully, editorial viewpoints from the news media contribute to the public's understanding of an issue. But we sincerely feel that public opinion is formed only by the public, and that's the way it should be.

THE END, WE HOPE, OF THE TFX AFFAIR

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the Washington Post for December 29 carried an editorial relative to the much-maligned F–111 program which is being carried on in this country. It is not often that I agree with much I read in the Washington Post, but for sure this is one editorial I concur in. I feel that the editorial places the entire matter in the right perspective and that this excellent program being conducted by one of this country's leading defense industries can now proceed unhampered:

THE END, WE HOPE, OF THE TFX AFFAIR

It was eight years ago this month when the Senate Permanent Subcommittee on Investigations first began poking into the contract that the Pentagon was about to sign for an airplane called the TFX. In the years since, no single military contract has stirred so much controversy, so much rancor, and so much distortion of the truth. The TFX is flying now as the F–111 and the Air Force says it is a superb airplane. Secretary McNamara, on whose head most of the rancor fell, has been gone from the Pentagon almost two years. But last week, in came the Senate Subcommittee with another report on the TFX just as full of bitterness and just as one-sided as was in its first round of hearings on this subject in 1963.

There is little doubt that many things went wrong in the management of the TFX development and production programs. The plane for which Mr. McNamara hoped never came into being and the cost of the comparatively few planes that will come out of the affair is astronomical. Secretary McNamara and the rest of the civilian brass at the Pentagon did make some bad mistakes and did get locked into a defensive posture about the TFX that led to the suppression of bad news about the plane's shortcomings. It may even be that Mr. McNamara was wrong in his original decision to proceed with the TFX, and did successfully hide for years from the Senate Committee some of the most damaging information about production problems. But even if all of this is true, as the Committee claims it is, that, in its proper context, hardly means Mr. McNamara was a disaster as Secretary of Defense. Yet it is difficult to read this report and reach any other conclusion; the committee uses such words as "capricious," "superficial," "unprofessional" and "inexcusable" to describe his conduct. Indeed, there seems to be little reason for the Committee to have written this report except to rub salt in old wounds.

You have to go back almost a decade to put this report in its proper perspective. In the early 1960s, the Air Force and the Navy were both in the market for a new tactical fighter plane and Mr. McNamara told them to see if they could design one plane which both could use. They said they couldn't do it because neither was willing to budge from the specifications it wanted in the *perfect* plane. Mr. McNamara ordered them to do it anyway, saying that the differences in specifications could be successfully compromised. That, according to the Senate Committee, was a stupid and costly decision. It is true that as a two-service plane the TFX was a flop; the Air Force is flying it in smaller numbers than originally planned and the Navy has just rolled out the F-14 to take the spot in which the TFX was to fit. But this alone, despite the Committee's views, doesn't prove that the original McNamara decision was wrong. Each service fought that decision as hard as it could and got from Capitol Hill support to encourage the belief that if they fought the idea long enough it would be discarded. It is not unreasonable to believe that the Air Force and Navy could use the same plane if forced to do so although it may be that the sophistication each wanted in the TFX made this particular plane ill-suited for common use. In other words, there is evidence that the military services wouldn't build a common plane just as there is evidence that they couldn't. But having decided that Mr. McNamara was wrong in the beginning, the Senate Committee ignores the former possibility and hangs the whole debacle on his original decision.

The Committee plays the same game in its second basic criticism of Mr. McNamara—that he wrongfully awarded the TFX contract to the high bidder, General Dynamics, rather than to the low bidder, Boeing, and it ties this award to charges of conflict of interest against two other top Pentagon civilians. Again, something may have been wrong with that award but the Committee conveniently forgets the atmosphere in which it was made. A decade ago, it was widely believed that military contractors were submitting unrealistically low bids to get contracts which then became profitable through cost overruns. That was what Mr. McNamara was trying to stop when he declared that General Dynamic's bid was more realistic, though higher, than Boeing's. Yet the Committee now says he was "mesmerized" by the idea of cost realism and clearly wrong. That's simply a second guess which can't be proved one way or the other.

Growing out of the way in which the Committee handles these two basic decisions are the most serious questions in the whole TFX affair, questions to which this committee does not and cannot address itself. They are the extent to which the civilians charged with running the Pentagon can properly overrule the military leaders on matters regarding the feasibility of weapons systems and the weight that Congress ought to give to the opinions of military men in overruling the Pentagon civilians. This committee came down squarely in favor of giving the military leaders total control over such matters almost as soon as it started probing the TFX and in doing so helped shape the events that led inevitably to the conclusions it now reaches. One wonders the extent to which bad decisions late in the TFX development program were a direct result of the feeling among Pentagon civilians that their competency—not just the correctness of one or two decisions—was at stake in making the TFX work. Mr. McNamara, at least, certainly appeared in 1963 to believe that was the issue and had cause to so believe, given the attack on him then by this same committee.

Although there is no excuse for the expensive errors that were made in this program, we find it impossible to believe that Mr. McNamara was the bumbling, lackadasical incompetent this committee report brands him to be. He lost the fight over the TFX to the military and this committee years ago. And this last report—we trust it really is the last we will hear of the TFX—reminds us more than anything else of a fighter who, having flattened his opponent, keeps kicking him from time to time to make sure he remembers who won.

MR. JOHN JAY HOOKER, SR.

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. FULTON of Tennessee. Mr. Speaker, on December 24, one of Tennessee's most distinguished lawyers, outstanding legal minds and able trial attorneys died suddenly, unexpectedly and prematurely.

He was Mr. John J. Hooker, Sr., a man I was privileged to know and a man whom I highly respected as a friend, counselor and human being.

As with all men of exceptional ability and intellect, Mr. Hooker's interests and activities were broad and profound.

Beyond the law, however, the pursuit he enjoyed most was probably politics. While never a seeker or holder of high elective office he was often considered a prime potential candidate for the office of Governor or U.S. Senator. His advice on political matters was widely sought and highly regarded by candidates and office holders alike.

He was an outstanding attorney and a grand gentleman who will be missed. Mr. Speaker, I include in the RECORD at this point the article reporting the passing of Mr. Hooker which appeared in the December 25 edition of the Nashville Tennessean as well as the editorial in tribute from that newspaper and from the Nashville Banner. I commend them to our colleagues for their consideration:

HOOKER, SR., SERVICES TOMORROW

Services for John J. Hooker Sr., 67, of Brentwood, one of Tennessee's most distinguished attorneys, will be at 2 p.m. tomorrow at First Presbyterian Church here.

Dr. Walter R. Courtenay will officiate. Burial will be at the Hooker home, Hooker Hills, on Clovercroft Road near Franklin, Tenn.

Hooker, the father of Democratic gubernatorial candidate John J. Hooker Jr., died of an apparent heart attack yesterday at his home. He was dead on arrival at Williamson County Hospital in Franklin.

Hooker had been in apparent good health before his death and spent Wednesday at his law office.

The senior partner of Hooker, Keeble, Dodson and Harris law firm, Hooker had practiced law in Nashville since 1929 and was active throughout his life in the Democratic party.

He was a special prosecutor in the Chattanooga trial in 1964 of Jimmy Hoffa, president of the Teamsters Union, and had participated in many of the state's most celebrated criminal trials.

"I hope the day I die I am trying some case," Hooker said in July, 1969, adding:

"I don't have any future plans because I never intend to retire."

At the time of his death, Hooker was planning the defense of novelist Jesse Hill Ford, author of "The Liberation of Lord Byron Jones," who is charged with the murder last month of a soldier who Ford said was trespassing on his estate near Humboldt.

Hooker was a big man, whose substantial bulk alone commanded attention, but it was his great booming voice, often described as "rasping" or "sawtoothed," that could wither an adversary in the courtroom.

In court, he was most often cool and calm—frequently wearing a fresh flower in his lapel—to the extent of being exceptionally polite to those in the witness chair. His competitors in court argeed he was a tough opponent.

Born in Lebanon, Sept. 9, 1903, Hooker was the son of the late A. W. Hooker and Mrs. Alice Hooker, of Lebanon, who survives. He attended Wilson County public schools and graduated in 1919 from Castle Heights Military Academy.

He received his AB degree from Cumberland University in 1923 and the following year, at the age of 19, the LLB degree from Cumberland Law School. For the next three years, he practiced law in Lebanon and in 1927 was a representative from Wilson County to the state legislature.

In 1929, Hooker moved to Nashville to practice law with his brother-in-law, Seth Walker. The partnership lasted until Walker's death in 1951, when the firm's name was changed to include Keeble, Dodson and Harris.

In 1944, Hooker was mentioned widely as a possible candidate for the governorship and the U.S. Senate, but chose not to run.

According to Tyree Harris, Hooker spent more of his time with civil rather than criminal matters although his public reputation was made as a criminal lawyer for both the defense and the prosecution.

In 1964, Hooker served as special Justice Department prosecutor of Hoffa, the Teamster's leader, in Hoffa's Chattanooga jury-tampering trial. Hoffa was convicted on two of three counts of conspiring to bribe or corrupt jurors in a 1962 conspiracy trial in Nashville.

The then U. S. attorney general, Robert F. Kennedy, sent personal congratulations to Hooker and James F. Neal, U.S. district attorney who now practices private law in Nashville.

Hooker had stated in the midst of a trial in 1969 that he worked 24 hours a day during a trial, regardless of how long the court held session.

"I can't forget a trial when I go home. I don't see how any lawyer can," he said.

For more than 45 years, Hooker had appeared as advisory or cocounsel in at least 100 cases with Jack Norman Sr., another celebrated Nashville attorney. Norman and Hooker, two years apart in age, once tried a case against each other that lasted 40 days.

Norman has been known to get down on his knees and cry—and make the jury cry, too. Hooker, traditionally more calm, could also become emotional if the occasion demanded emotion.

One of the last cases of wide notoriety in which the two attorneys were adversaries involved disbarred Nashville lawyer Z. T. Osborn Jr. in May, 1964. Norman was defense counsel for Osborn, accused of agreeing to bribe a prospective juror in Hoffa's jury-tampering trial. Hoover served as special prosecutor for the government.

It was in this trial that Hooker got down on his knees and told the jury of 10 men and two women:

"I have rolled and tossed all night, wondering if there was some way I could get out of this. I've gotten down on my knees at night and asked that only justice be done in this case."

Osborn was convicted, despite an emotional closing argument by Norman in which he charged the government with stooping to a new low in trying to "entrap" the defendant into wrong-doing.

Hooker always said this case was one of the hardest he ever had to prosecute because it involved a fellow lawyer.

Hooker and Norman confronted each other in court for the last time in the summer of 1969. Norman defended William E. (Bill) Powell, Nashville automobile dealer, charged with the murder of his senior business partner, W. Haynie Gourley. Hooker was special prosecutor. Powell was acquitted.

As a defense attorney, Hooker won many acquittals for his clients, most recently suc-

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cessfully defending Knoxville lawyer Fred J. Moses, Jr. in a two-week federal court trial in Atlanta on bank burglary charges in a multistate theft ring.

Hooker was a member of the board of trustees at Cumberland University where he received an honorary degree LLD in 1946. He was former president of the Nashville Bar Association, 1939–40; and former president of the Tennessee Bar Association, 1941–42.

He was a member of the American Bar Association and the International Academy of Trial Lawyers; a fellow in the American College of Trial Lawyers; member of the American Judicature Society, the American Law Institute; and the American Bar Foundation.

He was a Mason, Shriner, Knight Templar, Elk, and a member of SAE fraternity.

Survivors in addition to his mother include his widow, Mrs. Effie Sanders Hooker; a daughter, Mrs. Alice Buchtel, Los Angeles, Calif.; two sons, John J. Hooker Jr. and Henry Hooker, both of Nashville; and seven grandchildren.

Active pallbearers will include Charles and A. H. Kirkpatrick and Winston Bone, all of Lebanon; Harlan Dodson, Tyree Harris, Tyree Harris IV, John W. Kelley Jr., Harlan Dodson III and Gareth Aden, all members of the Hooker law firm; Ira Parker III, a former member of the firm; and Wilburn Hooker, Lexington, Miss.

Honorary pallbearers include Mack Brothers, Dr. Robert Magruder, Sam Fleming, Amon Carter Evans, John Seigenthaler, Dr. B. F. Byrd, Dr. B. F. Byrd Jr., all of Nashville; William Green, Atlanta; George Evertson, Lebanon; Justice William O. Douglas, Washington, D.C.; and all state and federal judges and members of the Nashville Bar Association.

JOHN JAY HOOKER, SR.

For nearly half a century, John Jay Hooker Sr. displayed in the courtrooms of Tennessee and elsewhere his extraordinary talents and knowledge as a trial lawyer. In the field of law to which he devoted a lifetime of service, Mr. Hooker was a skilled craftsman as both a prosecutor and defense attorney in some of the state's most celebrated criminal proceedings.

Mr. Hooker loved everything there was about a trial and the tougher the challenge the greater seemed his ability. The Tennessee Bar Association and the Nashville Bar Association, recognizing his outstanding contributions to his profession, elected him to head those organizations in which he maintained an active interest until his untimely passing Thursday. Mr. Hooker also earned many other honors from his colleagues in state and national legal circles throughout his distinguished career.

Mr. Hooker was keenly interested in politics, having represented his native Wilson County in the General Assembly but later rejecting suggestions that he offer himself as a candidate for statewide office. He chose instead to remain a lawyer, becoming the senior partner in one of Nashville's most highly-respected law firms and building a reputation as a giant in the legal profession.

Both in 1966 and in 1970, Mr. Hooker campaigned vigorously in behalf of his son's candidacy for the governorship but again quickly returned to the courtroom when the elections were over.

His death brings sadness to friends of all political persuasions throughout Tennessee and hundreds of lawyers who perhaps knew him best, feel a deep sense of loss.

The Banner joins with them in a statewide expression of sympathy to members of Mr. Hooker's family.

MR. JOHN JAY HOOKER, SR.

The death of Mr. John Jay Hooker, Sr. was shocking in its suddenness and has removed from the Tennessee legal scene one of its most outstanding lawyers who had stood so often and spoken up so effectively in defense of others that he had been almost a legend in his own time.

Born in Wilson County where he was graduated from the Cumberland University Law School, Mr. Hooker had steadily risen in the firmament of his profession. The courtroom was his prime arena, but not the only one.

He held, throughout his life time, a deep interest in politics. Early in his career he was elected as a member of the House from Wilson County. In later life, he had given thought to the idea of running for governor of Tennessee, but didn't. Instead, it was his son, Mr. John Jay Hooker, Jr., who was to seek the state's office twice.

In both campaigns, Mr. Hooker Sr. had participated personally and enthusiastically, lending his own persuasive force to his son's endeavors.

But the law and politics were by no means the extent of his endeavors. He had given much time and effort to civic concerns, to state and national causes, whether it was to benefit a local hospital or in behalf of wartime programs.

In his own profession, he had headed the state and local bar associations, been a member of the House of Delegates of the national bar and had won recognition far and wide for his part in great legal battles of his time, including that of being on the U.S. side of the trial of Mr. James Hoffa.

But none of this says enough about Mr. Hooker's zest of life, his resilient hopefulness, or his warmth and depth. He realized as too few do that those who serve the cause of liberty and justice must bring to the struggle not only stout hearts but abundant learning.

The scope of his reading and recollection was remarkable, and his mastery in the court room is upheld by the record of some of the most notable cases in the state.

Mr. Hooker was gregarious and possessed a keen wit. He was interested in people, in his community, state and nation, and his loss is one that is deeply and widely felt.

PHILADELPHIA'S IMPRESSIVE TRAFFIC RECORD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. EILBERG. Mr. Speaker, the National Safety Council reported that Philadelphia continues to lead the Nation's major cities in the reduction of fatal traffic accidents.

The Council's latest statistical report, covering the first 10 months of this year from January through October, shows that Philadelphia's traffic deaths dropped 22 percent as compared to a corresponding period in 1969.

This was reflected by a death toll dropping from 183 last year to 143 for this year, enabling Philadelphia to record 2.4 traffic deaths per 10,000 registered motor vehicles in cities of a million or more population.

Placing second was Chicago with 2.9, followed by Houston with 3.0, Detroit with 3.7, and New York with 4.2.

Alfred Blasband, chairman of Mayor James H. J. Tate's Traffic Safety Advisory Committee, said the reduced traffic death rate is particularly encouraging in view of the fact that nationwide there are almost 4 million more motor vehicles on the road than at this time a year ago.

He credited the lower traffic death rate to better trained drivers, stricter driver licensing procedures on a statewide basis and a crackdown by the police and courts on the drinking driver.

In this connection the mayor's Traffic Safety Advisory Committee, in order to keep the highways safe for pedestrians and motorists, especially over the Christmas-New Year's holidays, is urging drivers to bypass alcohol and "make coffee your last drink" for the road.

Posters printed in English and Spanish are being placed on display in bars, food markets, restaurants, buses, and other public areas throughout the city to focus greater public interest on the drive.

Cooperating organizations include the Keystone Automobile Club, the Greater Philadelphia Chamber of Commerce, the food of industry, Bartenders Union Local 115, the Philadelphia Hotel and Motor Inn Association, the Delaware Valley Hospital Council, and other units.

Blasband reminded motorists:

> Think of your life and the safety of your passengers before you get behind the wheel of your car. When you make the last holiday toast, make it a cup of coffee.

JEFF COHELAN—MAN OF CONSCIENCE

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. JOHNSON of California. Mr. Speaker, almost 12 years ago today, several of us took the oath of office as Representatives in Congress, and therefore, came into what was commonly known as the "86th club." One of those sworn into the Congress on that memorable day on which I first took this oath was a fellow Californian from the San Francisco Bay area, a man who I knew only slightly at the time, but with whom I have been fortunate to become good friends, JEFF COHELAN.

Our colleague is leaving the House of Representatives at the end of the 91st Congress. Before he goes, however, I want to take this opportunity to express not only my appreciation for the warm friendship, but also my admiration for his dedicated service to the people of his district, State, and Nation.

JEFF COHELAN is a skilled and trained economist whose excellence was demonstrated early in life when he was selected as a Rhodes research scholar to further his formal education at Leeds and Oxford Universities in England.

He served for several years as consultant to the University of California, Institute of Industrial Relations, and he further served with distinction as a member of the Berkeley City Council before his election to Congress in 1958.

JEFF COHELAN is a quiet and modest man, gifted with a wonderful sense of humor and a strong compassion for his fellowman. His contributions to the Nation, not only as a Member of Congress, but as concerned citizen, will be with us for many years.

As he leaves, I want to extend to him and his family best wishes for happiness and success. He leaves the Halls of Congress knowing that his devotion and dedication to duty served him in good stead, that his record is outstanding and his contributions are examples which all people, desiring to participate in their government, would do well to follow.

MOVING TOWARD NATIONALIZATION OF THE RAILROADS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. SCHMITZ. Mr. Speaker, the 1-day nationwide rail strike last month focused public attention on an increasingly serious problem which, unless present trends are soon reversed, could well bring about the biggest single step toward socialism in the United States since the early days of Franklin D. Roosevelt's New Deal: the nationalization of the railroads.

This would be a very heavy price to pay for having our Christmas packages delivered on time.

As a member of the House Interstate and Foreign Commerce Committee which, during December, heard and acted on two emergency railroad bills, I had the opportunity to review this crisis in depth. The first bill, passed just before the strike in an attempt to stave it off, imposed terms of settlement in the labor dispute which were highly favorable to the unions. Those of us who opposed this congressional intervention into collective bargaining were able to keep it out of the bill in committee, but it was later added on the House Floor. The bill as passed embodied a large wage increase demanded by the unions, but said nothing about the removal of obsolete work rules dating back to the early years of this century, which management had been insisting upon as an accompaniment to any substantial wage increase.

The second bill, coming just a week later, provided for the Federal Government—that is, the taxpayers—to "bail-out" bankrupt railroads, which evidently are going to become much more common once we start imposing pro-union wage settlements.

At the end of this road—and not very very much farther along it—lies nationalization, which some union spokesmen are now beginning to support openly. Just as some people who should know better are now beginning to call for federally imposed price and wage controls, out of frustration with continuing inflation, so some who are not Socialists may now be willing to give serious consideration to nationalization as a solution to a perennial rail crisis.

Not only would it cost the taxpayer no less than $60 billion—more than one-quarter of the presently vastly inflated annual Federal budget—to purchase present railroad assets in order to nationalize them, but nationalized railroads would no longer pay local property taxes. Railroads in the State of California alone now pay $36,448,873 in ad valorem property taxes. This annual property tax payment by the railroads would either be lost to local government altogether, or be replaced by a Federal subsidy which would further drain the taxpayers while depriving them of that much more local control over the raising and spending of local funds, principally for schools.

What is the alternative? Noted economist Dr. Clarence Carson, writing in the December 1970 issue of the Freeman, points out three ways in which the Federal Government has "throttled the railroads":

> In the first place, restrictive regulation took away crucial managerial authority from the railroads and vested it in the Interstate Commerce Commission. This was supplemented, in turn, by various legislative inhibitions of general application. In the second place, government subsidized and otherwise privileged competitive means of transport. In the third place, government fostered the organization of railway unions and aided them in various ways in circumscribing and hamstringing the use of rail facilities.

Rather than have Government nationalize the railroads, we should be working to ease its throttling grip which prevents them from meeting their present needs and even from remaining solvent.

PUBLIC BROADCASTING GRANTS DESERVE PROMPT APPROVAL

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. FASCELL. Mr. Speaker, as one of the original sponsors of the legislation establishing the Public Broadcasting Corporation, and a strong supporter of its programs, I am proud of my community and others in the Miami area for contributing over $245,000 to equip a public and ETV production center.

This center, which would serve the education and cultural institutions in south Florida, needs the approval of an application pending with the Department of Health, Education, and Welfare for $467,000 in matching Federal funds.

Because of the importance of Federal assistance to this and many other worthy projects in the public broadcasting field, I recently wrote to Secretary Elliot Richardson, seeking clarification of reports that public broadcasting facilities funds might be cut from the levels appropriated by the Congress.

I am happy to report to our many colleagues interested in this vital program that Secretary Richardson's office has assured me that there has been no decision to withhold permanently the funds appropriated for educational broadcasting facilities. Final decisions on the levels of new projects were merely delayed until action could be completed by the Congress on the Health and Welfare appropriation bill. I am further advised that the Office of Education is presently reviewing program plans so that it will be ready to award grants as soon as possible.

Mr. Speaker, this is very reassuring to those many supporters of this cultural and educational enterprise. Now that the House and Senate have approved the conference report on the Health and Welfare appropriations legislation, I look forward to quick action by the Department in the awarding of educational broadcasting facilities grants.

CRLA DESERVES FEDERAL GRANT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. ANDERSON of California. Mr. Speaker, our courts should provide equal protection for all Americans. All Americans—rich and poor—should have equal access to the courts.

I feel that the California rural legal assistance program has provided a needed service, not only for the poor, but for all Americans. Each of us is denied liberty when an individual is denied a constitutional right simply because he does not have the money to avail himself through orderly court procedures.

On Saturday, December 26, Governor Reagan disapproved a Federal grant for the continuation of California rural legal assistance program.

I joined with most of the California congressional delegation in signing a letter addressed to Frank Carlucci, the Director of the Office of Economic Opportunity. We urged Mr. Carlucci to overturn the action taken by Governor Reagan.

Mr. Speaker, I urge all of my colleagues to read the following editorial which appeared in the Los Angeles Times—a newspaper which is not known for its antipathy for Governor Reagan—and which, in fact, endorsed Governor Reagan in the recent California gubernatorial election. In addition, I encourage my colleagues to express their views on this topic to Mr. Carlucci.

The editorial follows:

[From the Los Angeles Times, Dec. 29, 1970]

CRLA DESERVES FEDERAL GRANT

The California Rural Legal Assistance, Inc. has achieved considerable success in representing the poor—and in antagonizing Gov. Reagan.

It came as no surprise, therefore, that the CRLA's new $1.8 million federal grant was vetoed by the governor, who strongly objects to such a publicly supported organization filing lawsuits against public agencies.

In announcing his veto Saturday, Reagan charged the CRLA with "gross and deliberate violations" of federal regulations and said that it had failed to represent the true legal needs of the poor. But his major complaint has been that CRLA lawyers represented the poor too well against the state, federal and local governments.

The U.S. Office of Economic Opportunity, which increased the CRLA grant for the coming year, obviously didn't agree with the governor. California Rural Legal Assistance is "commonly recognized as one of the best legal services programs in the nation," said

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OEO Director Donald Rumsfeld less than a month ago.

OEO can override the governor's veto. We believe it should be overridden, unless a compromise can be worked out with the Reagan Administration that does not diminish the effectiveness of the CRLA's efforts.

A group of lawyers providing legal services to migrant farm workers and the rural poor by means of public subsidies is bound to be controversial, especially when their lawsuits force major and potentially costly changes in such government programs as welfare and Medi-Cal.

CRLA nevertheless is endorsed and supported by the California State Bar, and the Los Angeles, San Francisco and other local bar associations as well as the Committee on Legal Services of the American Bar Assn.

It must be assumed that these organizations carefully examined the goals, policies and professional conduct of the CRLA before giving their endorsement.

Gov. Reagan based his veto upon a memo prepared by Lewis K. Uhler, state director of economic opportunity, who said that the CRLA has "failed in its mission because it has elected to devote much of its resources to objectives clearly outside the scope of serving the legal needs of the poor . . . These diversions from its major mission include, but are certainly not limited to, the representation of people charged with crimes, use of legal processes to harass public and private organizations . . ."

Some specific cases were cited by Uhler, presumably based upon a controversial questionnaire he circulated in search of "information" concerning CRLA activities.

Each complaint should, of course, be investigated and corrective action taken where justified. But unless Uhler's staff has found substantial flaws that have escaped local, state and national bar organizations, the CRLA should be allowed to continue serving as advocate for the needy.

"The poor must have effective legal representation," said Rumsfeld, now counselor to President Nixon, "if they are to have faith that justice is truly equal and that it can be achieved within the existing system of law."

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PLEA FOR CLEMENCY AT SOVIET TRIAL

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. RIEGLE. Mr. Speaker, last Thursday a Soviet court in Leningrad pronounced sentence on 11 Russian citizens—nine of them Jews—for allegedly conspiring to hijack a Soviet aircraft to Finland. The whole world was shocked to read that two of these citizens, Mark Dimshits and Eduard Kuznetzov, were sentenced to death by the firing squad, and nine were given extended prison terms ranging from 4 to 15 years.

Today in Moscow, these men's appeals are being heard by the supreme court of the Russian Republic. I would hope that the three judges sitting on this tribunal would wring the anti-Semitic bias out of these sentences and extend to these men the compassion and justice they deserve. These judges have an opportunity to demonstrate to the world their independence of the Soviet political system.

It is truly a tragedy that in the 20th century citizens living within the borders of the Soviet Union, such as nine of these defendants, are not allowed to visit or emigrate to Israel, their religious homeland. The Soviet Union continues to deny its citizens one of their sacred birthrights—the right to travel and live where they choose. They flagrantly refuse to hear the pleas of the many prominent American and Israeli leaders who have urged the repatriation of Russian Jews to Israel.

It was encouraging to hear that one eminent Russian scientist, Andrei Sakharov, spoke up in behalf of these men. This well-known civil libertarian has pleaded with Nikolai Podgorny, the President of the Soviet Union, to lessen these penalties. I admire his outspoken courage in the face of the massive propaganda that attempts to justify these sentences. The fact that many other Russian citizens know nothing of this trial demonstrates the questionable character of the charges and even the court proceedings.

Recognizing the unique nature of Soviet justice, this was truly a prejudiced trial and every Christian and Jewish citizen in the United States should feel outraged at the sentences. No Jewish citizen living in the Soviet Union today can feel secure until this kind of brutal treatment is eradicated and clemency is restored to these defendants.

VISTA MUST NOT DIE

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, we hear a good deal from the administration these days about its determination to reorder our priorities and to change our financial "game plan." To me these are euphemisms which disguise the real truth. The real attitude of the President and those who advise him is one of callous indifference to the human needs of this Nation. For all the high sounding rhetoric, the deeds of this administration speak louder than its words. The deeds of this administration are a dreary catalog of bloated expenditures for unnecessary gadgets such as the SST or wasteful defense expenditures like the ABM or military expenditures seeking an imaginary Army headquarters somewhere in the jungles of Cambodia. In contrast to these fiscal follies, we have a President who seems determined to achieve a balanced budget at the cost of a fair and just society. Lockheed and Boeing are sacrosanct institutions whose health cannot be jeopardized, but programs for people, for education, for health, for job training, for housing are vetoed with complete disregard for the real human needs they serve. Witness the veto of the manpower training program. This follows upon vetoes of the education appropriation bill and the housing appropriation bill, among others. At the same time the President threatens to call the Congress back into emergency session if additional public moneys are not approved for development of a supersonic transport which no one wants nor needs. This distortion of values is ludicrous.

Now there are reliable reports that the President's budgeteers have issued orders to destroy one of the most valuable people programs this Government has. This is VISTA: Volunteers in Service to America. The destruction of VISTA would result from a drastic, proposed 23 percent budget cut for the Office of Economic Opportunity in fiscal 1972. I think a reduction in OEO funds of this order would be tragic. But I am particularly concerned with the fate of the VISTA program. This domestic peace corps has had my support from the time the idea was suggested by President Kennedy. It was the first program at the beginning of the war on poverty. The hearing record on legislation to establish a domestic peace corps gave graphic documentation of the plague of poverty which afflicted America in the richest period of her history. A great deal of this information was gathered by an excellent task force headed by then Attorney General Robert Kennedy and directed by my distinguished colleague from Tennessee, BILL ANDERSON. For the first time America was forced to face up to one of her worst kept secrets: that there were thousands of Americans living in poverty, helpless to escape, and needing and wanting help.

The establishment of VISTA was one small but important step in the beginning of the "war on poverty." The evidence developed at the original hearings on a domestic peace corps convinced President Johnson that we should launch a full-scale attack on the problems of poverty and thus led to the creation of OEO. This is apparently another war that President Nixon has decided to take us out of: but this fight in contrast to Vietnam is a just and moral one, dealing with our own problems here at home.

The VISTA program provides a direct and practical way of using the talents, energy and idealism of our young people who are disenchanted with many aspects of our society. More than 60 percent of the VISTA volunteers are in the 20 to 24 age bracket. VISTA offers these young people who are concerned about the ills of our society a meaningful way to help improve the quality of life in that society. It is interesting to note that in fiscal year 1970, 34 percent of the volunteers reenlisted for another year's service. Surely this means that their VISTA experience was as important to them as it was to those they helped. To cut back this program now would be a slap in the face to the young people of America. It would say to them: "We don't need you and don't want your help. Just leave the poor, the migrant worker, the Indian on the reservation to the dead hand of bureaucracy. There is nothing you can do." What better way, Mr. Speaker, to drive our young people out of the system and into the streets.

I have watched the work of VISTA closely since its inception. I think it is a soundly managed program. For example, while the total VISTA budget rose to $35.3 million in fiscal year 1970, the number of staff positions actually declined from 374 to 282. At the same time the number of volunteers in fiscal year 1969 rose to 4,600. So there is evidence that these public funds are being used for practical work in the field, and VISTA is not burdened with a cumbersome bureaucratic superstructure. For fiscal year 1971, the budget figures show that administrative costs will decrease by $500,000. My colleagues will agree that this is quite unusual for any Federal program. It is projected that by the end of fiscal year 1971, volunteers will increase to more than 6,000. It is clear to me that we have a carefully managed program which has proved its worth. It is a program that gives human needs a proper priority; that does grassroots work in community planning, health care, housing and basic education so desperately needed by the hundreds of thousands of Americans who live under the crushing oppression of poverty. The VISTA volunteers in their quiet way have had an impact far greater than their actual numbers. They are in fact the walking and working conscience of America. It is surely a conscience that we must not let die.

COMPUTERCIDE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. MURPHY of New York. Mr. Speaker, the Federal Bureau of Investigation has reported that in the last 15 months 4,330 bombings have occurred in the United States. Forty people have been killed and another 380 injured. Damages have been estimated at $25 million.

These statistics underscore the magnitude of the problem, and the need for business and industry particularly to take steps to prevent "computercide"—the destruction of their computer center which are the nerve centers of corporations.

It is the contention of Louis Scoma, Jr., president of Data Processing Security, Inc., of Hinsdale, Ill., that the "guerrilla war" against the business establishment is feeding on recent successes and will most certainly widen its thrust in the months to come.

Incidents like the recent bombing of IBM's EDP center and destruction of the campus research building in Madison, Wis., will continue, he contends, until institutions begin to take the threat seriously.

Mr. Scoma emphasizes that companies must and can protect themselves from within, since accidents and fraud by their own employees with access to the EDP center can be equally harmful.

A magnet, the size of a quarter, can destroy a magnetic tape library of up to 50,000 tape reels in a matter of minutes, he points out. The crime is silent, neat, and clean. The scrambling effect on the data may go undetected for days until that particular tape or series of tapes is called from the library.

Mr. Scoma says further that conventional security at most firms can be broken. Management can find this out for themselves by having people masquerade as repairmen, cleaning men, and guards who enter a facility "and see if they are challenged by any of the personnel working there."

I believe that in light of the growing threat to business and industry it is important to call attention to the many devices which Data Processing Security, Inc., has developed to thwart computer theft and sabotage. One is an electronically controlled double door entry system—from corridor to computer center. Once a person enters the first door, he is subjected to an electronic search by concealed probes for magnets and other "illegals." If the person brings a magnet into the "buffer zone" between both doors, the electronic scanning detects the magnet, freezes the lock on the second door, and automatically alerts the company's security people. The buffer zone prevents a mob from entering a computer center. The security guard views his closed circuit television and can talk to the person who is now trapped between both doors.

Conversely, the DPS system will signal when someone attempts to remove a reel of magnetic tape from the computer facility. A special label is affixed permanently to each reel and it cannot be taken from the facility without triggering the alarm.

Mr. Scoma notes that many companies invite trouble because they regard their computer centers as showcases of their corporate facilities. They are proud when showing visitors the winking and blinking lights, the clean looking, tastefully done facility. But they do not realize the computer center is actually the nerve center of their company, vital to the organization's operations. How many banks put their vaults in the front window? How many financial institutions let visitors wander through the safe deposit box areas?

Computer centers and data banks should therefore be separate facilities within a company, otherwise both are easy prey for the guerrilla war now being waged against business and industry. Utilities—power, air conditioning, heating and water supplies—should also be hidden from view and provided with electronic protection.

In advancing solutions to a problem that has provoked deep concern throughout our Nation, and in the development of devices to prevent computer sabotage, Data Processing Security, Inc., is performing an important service to the business and industrial community, and they are to be commended for their diligent efforts and for their leadership.

RELIGIOUS OPPRESSION BY SOVIET AUTHORITIES

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. CABELL. Mr. Speaker, I cannot know what the fate may be for the two prisoners now under death sentence following their swift trial in Leningrad, but this is all part of a long history of religious oppression by Soviet authorities. Today's situation deserves the moral indignation not merely of all Jews, nor even of all Americans, but of the entire world. We are all shocked that any nation would attempt to put itself between a man and his God.

I call upon our own Government to make its position known to Moscow and upon private individuals, and, where possible, to take a personal stand in letters of protest to the Soviet Embassy in Washington.

EXCERPTS FROM A DECLARATION OF THE EMERGENCY CONFERENCE ON SOVIET JEWRY

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I commend to your attention the following excerpts taken from a declaration of the emergency conference on Soviet Jewry held in Washington this afternoon. In doing so, I would like to associate myself with the millions of decent citizens around the globe whose sense of justice and fairplay have been shocked by the glaring abuses which have recently been perpetrated in the name of Soviet justice, when two members of Russian Jewry were sentenced to death and others given long prison sentences for no other crime than trying to leave the country. The harshness of the sentence, the denial of the basic rights of defendants common to trial procedures in any civilized country, can only be viewed with complete dismay by decent citizens.

In Leningrad today, two Jews stand condemned to imminent execution by firing squad—a judicial murder ordered by a Soviet court. Nine others, including two non-Jews, have been sentenced to long prison terms. All had been accused of planning to seize a small 12-seater plane and flee the country. Other trials of Jews are contemplated.

All the known circumstances surrounding the Leningrad trial give evidence of a political provocation, officially inspired, meticulously prepared, and centrally coordinated, with the objective of intimidating the Jews of the Soviet Union. To avoid the scrutiny of the concerned and enlightened world, the trial was held in virtual secrecy; no foreign observers or correspondents were admitted. The suspicion is well-founded that the rights of the accused were not protected. The "confessions" extracted from the accused evoke the memory of the fraudulent self-condemnations mouthed by prisoners in past Soviet political trials.

The people sentenced in Leningrad are not criminals. Some are condemned to die a martyr's death and others to languish in jails because they dared to proclaim their identity as Jews and their determination to join their brethren as free men in Israel. For this offense, the Soviet court has meted out the death penalty. The condemned have been selected to serve as an object lesson for all the Jews of the Soviet Union. The clear purpose is to bludgeon into silence and submission Soviet Jews who wish to exer-

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cise the basic human right of religious, cultural and national self-expression, including the right to join their families in Israel.

This past week, Jews have observed the ancient holiday of Chanukah, commemorating the successful struggle of the Maccabees, 2,135 years ago, to resist tyranny and to preserve their Jewish heritage in freedom. The Jewish prisoners of conscience in the Soviet Union are the Maccabees of today. We cry out against the vicious attempt to destroy their spirit.

The chronicles of the Jewish people are an affirmation of the failure of tyrants to destroy this ancient nation and heritage. The might of Babylon, the power of ancient Rome could not kill the people's spirit, just as the savagery of Hitler and the madness of Stalin failed to destroy it. The present attempt, likewise, shall not succeed whatever the means employed.

We assert that a travesty of justice has been perpetrated in the Soviet Union. We call upon the Kremlin to right the wrong committed against the Leningrad defendants before the guns of the firing squad commit murder. We call upon the Soviet Government to put an immediate end to the acts of repression and discrimination against Soviet Jews and to grant them the right to live as Jews in Russia and the right to leave and live in the land of their choice.

So long as these injustices persist, men of conscience of whatever faith or nationality will not be silent. In anguish we raise our voice for the sake of those facing death and imprisonment. We speak out to champion the cause of human rights for Soviet Jewry which, day by day, demonstrates its collective resolve to preserve its heritage despite hardship, intimidation and outright suppression.

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THE ACTORS YOUTH FUND DINNER A TRIBUTE TO JOE KIPNESS AND A BOOST TO A GREAT CAUSE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. HALPERN. Mr. Speaker, I rise today to pay tribute to one of the most impressive events held in New York in recent years, the Actors Youth Fund Dinner honoring one of Gotham's truly great citizens: producer, restaurateur, and humanitarian, Joe Kipness.

The occasion, benefiting a most worthy cause—aimed at bringing new life, inspiration and opportunity to deprived youngsters—was held at the Americana Hotel on Sunday evening, December 13.

As a member of the national advisory committee to the Actors Youth Fund, I was privileged to be among the honored guests. It was a rare occasion indeed, for it combined a meaningful tribute to a beautiful human being with a tremendous boost toward the fulfillment of the youth fund's goals.

The loveable, brilliant president of the fund is Joey Adams, world-famous comedian, noted author, and consistent benefactor of good causes, under whose leadership as president of AGVA the youth fund was established. Joey Adams chaired this event with the skill and expertise of the outstanding pro that he is. What a memorable occasion that evening was. I was so impressed by it, so enthused over its purpose, that I want to describe it to my colleagues in the Congress. For, if ever an occasion epitomized good will toward men and offered new hope and opportunity for our deprived young people, it was this one.

The article by Joey Adams in the program "Heroes Without Guns," tells the story of the youth fund much better than I can. I would like, therefore, Mr. Speaker, to read this article with my remarks into the Record.

Before I do, I would also like to tell the Members of this House a little about Joe Kipness, the beloved guest of honor and star attraction of the evening, who, in being so honored, attracted the star-studded audience of community leaders, public officials from all levels of government, performers of stage and screen, philanthropists, business and professional men and women, and made possible the occasion's mammoth success.

Everyone loves Joe Kipness, and this event, which accomplished so much good for others, was the ideal means for Joe's friends and admirers to rally together and express their affection and esteem for him.

Joe Kipness, a modest man of humble beginnings, is a typical Horatio Alger story. Joey Adams' "Love Letter to Joe Kipness" presents a capsule picture of the Joe Kipness story. What a beautiful presentation this is of what can be achieved in this great country of ours by one who has the grit, determination, and courage to succeed and most uniquely, win the love of everyone along the way. That is what makes Joe Kipness so exceptional. Mr. Speaker, I will read into the Record this "Love Letter," together with letters of tribute from Vice President Spiro T. Agnew and Lauren Bacall, the star of Joe's latest hit, "Applause." There were many other tributes to Joe Kipness, ranging from labor unions to industrialists, opera stars to Hollywood idols, and all reflect what a broad spectrum of support and admiration Joe Kipness enjoys. For the sake of space, I shall not ask that all of the tributes be read into the Record.

Mr. Speaker, I wish to commend Actors Youth Fund President Joey Adams for the exemplary performance he gave that night. Beyond that, I wish to hail him for the leadership he has given to the fund to which he has been unequivocal in his devotion. I also want to compliment the other officers of the fund, in particular Sid De May, the executive director, William B. Williams, chairman of the youth activities committee, Harold Berg, counsel, and Sam Gutwirth in charge of public relations.

The fund is blessed with a superb board of trustees, and much credit for its success must go to these distinguished gentlemen: Sydney S. Baron, Harry Brandt, Hon. Samuel Di Falco, James A. Farley, Jr., Harold J. Gibbons, Jules Itts, Joseph E. Levine, Edwin S. Lowe, Joseph A. Schlitt, Sander Simon, and Jack Zucker.

May I include for this Record, Mr. Speaker, the names of the national advisory committee which provides a significant cross section of representation to this great cause: Stanley Adams, Marty Allen, Morey Amsterdam, Louis Armstrong, Max L. Arons, Harry Van Arsdale, Bert Bacharach, Burt Bacharach, Milton Berle, Hon. Neal S. Blaisdell, Alan Burke, John J. Cassese, Joan Crawford, Sammy Davis, Jr., Jack Dempsey, Jimmy Durante, Hon. Paul A. Fino, Donald Flamm, Dorothy Brown Fox, Dr. Benjamin Gilbert, James F. Gould, Virginia Graham, Paul Grossinger, Lionel Hampton, Hon. Seymour Halpern, Harry Hershfield, Hon. Hubert H. Humphrey, Ceil Jacobs, Hon. Jacob K. Javits, Georgie Jessel, Israel Kalish, Hon. Kenneth B. Keating, Theodore W. Kheel, Alan King, Dong Kingman, Al Knopf, Irving Kupcinet, Hon. Louis J. Lefkowitz, Jerry Lewis, Hon. John V. Lindsay, Joe Louis, Wallace Magaziner, Mitch Miller, Norton Mockridge, Charles McHarry, Horace McMahon, Jan Murray, Father "Bob" Perella, Jackie Robinson, Shepard B. Rosenthal, William Rowe, Robert Ryan, Phil Schaer, Beverly Schecter, Silas F. Seadler, Robert K. Shapiro, Nobie Sissle, Louis Sobol, William W. Stein, Sy Stewart, Ed Sullivan, Morton Sunshine, Bob Sylvester, Arthur Tracy, Hy Uchitel, Ben Vitale, Earl Wilson.

The material referred to follows:

HEROES WITHOUT GUNS

(By Joey Adams)

Psychologists claim the majority of teen-age toughs who commit crimes don't do so because they need money. Or because they need food. But because they have the need to show off. Therefore, it figures that the greatest show-offs of them all—show people—should be the ones to teach them to use their egos for good instead of evil.

That's how the Actors Youth Fund got into the act. As President of AGVA, I went into partnership with the City of New York ten years ago in an all-out show business war on Juvenile Delinquency. Knowing JD's have a kind of respect for sports figures and famous entertainers, our initial objective was to channel their hero worship towards the healthy version of a tough guy—the entertainer or the athlete. Our first step was book Class A celebrities into high delinquency areas.

Armies of baseball players, tap dancers, boxers and musicians, led by soldiers in grease-paint like Lionel Hampton, Eddie Fisher, Burt Bucharach, Louis Armstrong, and Sammy Davis, Jr., went forth to do battle in the blackboard jungle.

There was the time Rocky Marciano was introduced to a rough and tumble house of gangs. Arrogantly, they had shuffled into a gymnasium which was lined with police. "I'll fight any man in the house," challenged Rocky. For the usual personal appearance, this was his standard opener. But this wasn't a usual audience. Fifty waist-high moppets, all products of a high delinquency Manhattan neighborhood, leaped up itching to square off with the retired heavyweight champion.

I was MCing. Immediately I jumped to the center of the stage. "There'll be no fighting," I intervened. "Rock retired undefeated and let's keep it that way." Five hundred pre-teen youngsters rocked with laughter and settled back to enjoy the proceedings. We had won their attention and respect. We were home.

By prearrangement, our headliners and sports figures remained after the performance. They mingled with the children. They walked amongst them. Answered questions. Signed autographs. Shook hands. This was the opening wedge for Part 2 of our program: the establishment of classes whereby we teach the crafts of show business. Eagerly the children clustered around and registered for classes from boxing to magic, from dancing to mind reading, from ventriloquism and puppeteering to costume design and makeup . . . all geared to give them the tools whereby they may let off excess steam via health outlets rather than in irresponsible acts engendered by irresponsible surroundings.

In the beginning there's that chip on the shoulder. They're hostile. Inarticulate. Skeptical. Suspicious of motives of the do-gooders. They need a lot of convincing. At this state they often can't be reached by a priest, minister or rabbi. But our password is love, and, in effect, we're kind of the middleman for God. However, when they see us present our series of shows week after week and when week after week they meet our instructors—the same people they have seen on stage—they begin loosening up.

One thing we learned right off. Don't fool 'em. When you promise them Jackie Robinson, you'd better deliver. They don't want to know about a sudden sore throat, a plane being grounded, a last minute complication. If they came for Jackie Robinson, they'll never be satisfied, even if you substitute Willie Mays, Liz Taylor, Richard Burton, Sinatra, Belafonte and Barbra Streisand. Great stars like Mahalia Jackson, Lionel Hampton, Dianne Warwick, Louis Armstrong, Burt Bacharach, Robert Ryan, Sammy Davis, Jr., Jerry Lewis have forfeited paid engagements to appear when advertised. When we guarantee a star's appearance to our charges, the star must guarantee his appearance to us. Once, Sammy Davis' opening date of a two week night-club engagement in Boston conflicted with his long-scheduled Actors Youth Fund appearance. He had to push back the opening in Boston.

In one neighborhood on Manhattan's West Side, we billboarded Louis Armstrong. Only three rows in the auditorium at P.S. 191 were filled. Nobody believed they could see Louis Armstrong free. As one fellow capsuled it, "Like, man, why would Satchmo bother to come and entertain us?" Louis had promised, and to keep his word, he exited on a birthday party that was raging in his honor. The news spread through the crowded halls. Before he blew his first note, the auditorium was filled to overflowing with screaming, happy youngsters.

Originally, our plan was localized to East Side—West Side—all around the town of Manhattan. Later it spread throughout all five boroughs. Recently, Governor Rockefeller allocated funds for our band of minstrels to march statewide and set up shop in institutions, reformatories, and jails.

In one house of correction, the angel-faced cherubs were murderers, dope addicts and robbers. After the scheduled eight acts of variety, our handpicked professionals stayed around and taught them how to speak lines, how to sing a song, how to walk across a stage. We demonstrated the art of magic which is a lead course in rehabilitation. A magician, we tell them, works with his hands. Therefore, Lesson One: clean hands, clean nails. A magician must demonstrate there's nothing up his sleeve. Therefore, second lesson: clean cuffs. They're told the only way to acquire dexterity is by practice. The ensuing hours they would ordinarily put into troublemaking are now directed into rehearsing. We taught them to paint scenery, to make costumes, to light a theatre. You know what their first production was? "Peter Pan."

JD costs New York City approximately $300,000,000 yearly. With a few dollars and a lot of love, our ministers of goodwill have entered the crusade and are winning converts every day. Dozens of our pupils have joined the American Guild of Variety Artists and the Musicians' Union. Some have received recording contracts. One dancing group played Radio City Music Hall, others have appeared on the Ed Sullivan Show. Many are touring professionally. Several alumni have returned to the old neighborhood to teach others what they have learned.

This program is a tribute to our soldiers in greasepaint and our comics in striped pants who have made it possible and to all of you who have supported us in this fight for Juvenile Decency.

A Love Letter to Joe Kipness

The Actors Youth Fund,
December 13, 1970.

My Dear Broadway Joe: Did you ever think when you came from Odessa, Russia about 50 years ago that showbusiness would someday make you the Man of the Year?

And that the President of the United States would ask me to warmly thank you and all who honor you this day. And that the Vice-President would say, "With Americans like Joe Kipness and his outstanding leadership—we will meet the challenge."

When you were a cloak-and-suiter did you ever believe that the Mayor of your town and the Governor would ask me to embrace you as the Showman of the Year?

When you were driving a truck in the garment center, did you ever dream that you would some day be King of Broadway—with a hit show at the Palace Theatre and three S.R.O. restaurants right on the main stem—Dinty Moores, Joe's Pier 52 and Hawaii Kai?

When you were a sailor in the Navy did you ever imagine that one day you would be the Broadway Joe that would produce such all time hits as "La Plume De Ma Tante," "High Button Shoes" and "Applause," not to mention such all-time floppolas as "That's the Ticket." "Have I got a Girl for You?" and "Shooting Star," that never reached Philadelphia.

When you were a bootleg prizefighter at Coney Island did you ever imagine that everybody from Sinatra to Joe E. to every chorus kid that ever shook a leg for you, would want to do you honor?

Everybody loves Broadway Joe—from your gorgeous little daughter Janna to your beautiful Janie to your five grandchildren, son Ira and daughter Cynthia, as well as every busboy, waiter, chef, stagehand or grip that ever split a buck with you.

Don't misunderstand—we know you're not perfect. Its been rumored that you take a drink now and then. In fact, there was talk that Joe E. lost his honorary liquor license to you in '68. It's true that you have sewed a few wild oats. To be honest, you hemstitched and cross-stitched a few, too. So you didn't go beyond the third grade—but you always were great on figures—So what if you couldn't spel two goode.

It's been a love affair with you and Broadway from the moment you landed on our shores when you were only twelve years old—and Broadway now gets the chance to love you back.

They call you "Cryin' Joe Kipness" because you have always been a sucker for a sad story. You cry at "Sweet 'n Low" commercials or if a band marches by your window—and always with your hand out to help somebody. Tonight we pay you back—but with laughter and joy.

For all the actors you have helped, for all the kids you have embraced, for all the friends you have loved:

The Actor's Youth Fund thanks you. . . .
Broadway thanks you. . . .
Showbusiness thanks you. . . .
And I thank you.

Pal Joey
Joey Adams.

The Vice President,
Washington, November 16, 1970.

Mr. Joe Kipness,
New York, N.Y.

Dear Mr. Kipness: It is a pleasure to join with The Actors Youth Fund in extending congratulations to you for your outstanding leadership with young people.

The leaders of tomorrow are the youth of today; and with the help of Americans like you, the younger generation will meet the challenge.

Best wishes for your continued success.

Sincerely,

Spiro T. Agnew.

November 30, 1970

Dear Joe: Please accept my heartfelt congratulations on your selection as "Show Business Man of The Year." The Actors Youth Fund could not have made a better choice.

From your outstanding career as prominent Broadway restaurateur to your countless contributions as producer of "Applause," you have earned the distinction of this honor.

My fondest to you always,

Lauren Bacall.

SOVIET TRIALS DESIGNED TO INTIMIDATE THE JEWISH POPULATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. VANIK. Mr. Speaker, this afternoon it was my privilege to attend a briefing on the Soviet trials which resulted in the imposition of death sentences on two Soviet Jews convicted in Leningrad of being involved in a plot to hijack an airplane. This trial, as stated by Mr. William Korey, B'nai B'rith representative to the United Nations, is one in a series of trials designed to intimidate the Jewish population to submission and cruel subjugation.

The "crime" of these human beings is their desire to leave the Soviet Union. They have no ulterior design. They merely seek the right to leave a nation which has rejected them, which discriminates against them, which seeks to suppress and destroy their human rights to the preservation of their own culture.

Later today I hope that the House of Representatives will adopt a resolution which I have cosponsored to urge our President to exercise every power of his office to assure a commutation of these cruel and inhumane sentences and to restore to Jewish citizens the humanitarian rights enjoyed by all other citizens of the Soviet Union.

Today, the following representative citizens of Cleveland: Miss Goldie Robinson, 3100 Derbyshire Road, Cleveland, American Jewish Congress; Mr. Ray Leventhal, 16110 Parkland Drive, Cleveland, Jewish Community Federation; Mr. Jon Gottlieb, 21375 Shaker Boulevard, Cleveland, Cleveland Jewish Youth Council; Dr. Louis Rosenblum, 14308 Triskett, Cleveland, Cleveland Council on Soviet Anti-Semitism; and Mr. Edward Rosenthal, 1750 Euclid Avenue, Cleveland, Jewish Community Federation of Cleveland, called at my office and presented 20,000 signatures to the following petition:

Protest of the Citizens of Cleveland, Ohio, Against Soviet Barbarism

We protest the outrageous and inhumane action of the Soviet Union in sentencing two men to death for actions that by no rule of civilized law warrant such a penalty.

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As is always the case with secret trials, nobody can be sure of all the details, but these essential facts are agreed to by all:

No one has been hurt. The only "crime" alleged is a so-called conspiracy by a dozen Jews to leave the Soviet Union illegally since their request to emigrate—an essential right of all men—was brutally denied.

For this, two men are to be put to death and others sent to prison for long terms.

Since the punishment so far exceeds the claimed "crimes," the explanation for such vindictiveness can be found only in political objectives of the Soviet government, colored by its long practiced anti-Semitism. The victims are essentially being punished for insisting on their rights as free men and as Jews.

The vital moral interests of the free world are at stake. If this reappearance of crude anti-Semitism and contempt for individual rights go unchallenged, the world will have started back down the road to ancient hatreds and repressions.

We call upon our government, upon the United Nations and upon free men everywhere to protest this incredible sentence, and to demand its commutation as a first step toward restoring the essential right of free men to emigrate freely.

Following is a copy of the Emergency Conference on Soviet Jewry which was adopted December 30, 1970:

DECLARATION, EMERGENCY CONFERENCE ON SOVIET JEWRY, WEDNESDAY, DECEMBER 30, 1970

We, representatives of American Jewry, have assembled with our fellow citizens of all faiths to declare our solidarity with our courageous brothers in the USSR and to protest the brutal injustice being perpetrated against them.

In Leningrad today, two Jews stand condemned to imminent execution by firing squad—a judicial murder ordered by a Soviet court. Nine others, including two non-Jews, have been sentenced to long prison terms. All had been accused of planning to seize a small 12-seater plane and flee the country. Other trials of Jews are contemplated.

All the known circumstances surrounding the Leningrad trial give evidence of a political provocation, officially inspired, meticulously prepared, and centrally coordinated, with the objective of intimidating the Jews of the Soviet Union. To avoid the scrutiny of the concerned and enlightened world, the trial was held in virtual secrecy; no foreign observers or correspondents were admitted. The suspicion is well-founded that the rights of the accused were not protected. The "confessions" extracted from the accused evoke the memory of the fraudulent self-condemnations mouthed by prisoners in past Soviet political trials.

Barbaric sentences have been handed down for crimes that were never committed. There was no hijacking, not even an attempted hijacking. There was no seizure of a plane nor any flight abroad.

The people sentenced in Leningrad are not criminals. Some are condemned to die a martyr's death and others to languish in jails because they dared to proclaim their identity as Jews and their determination to join their brethren as free men in Israel. For this offense, the Soviet court has meted out the death penalty. The condemned have been selected to serve as an object lesson for all the Jews of the Soviet Union. The clear purpose is to bludgeon into silence and submission Soviet Jews who wish to exercise the basic human right of religious, cultural and national self-expression, including the right to join their families in Israel.

This past week, Jews have observed the ancient holiday of Chanukah, commemorating the successful struggle of the Maccabees, 2,135 years ago, to resist tyranny and to preserve their Jewish heritage in freedom. The Jewish prisoners of conscience in the Soviet Union are the Maccabees of today. We cry out against the vicious attempt to destroy their spirit.

The chronicles of the Jewish people are an affirmation of the failure of tyrants to destroy this ancient nation and heritage. The might of Babylon, the power of ancient Rome could not kill the people's spirit, just as the savagery of Hitler and the madness of Stalin failed to destroy it. The present attempt, likewise, shall not succeed whatever the means employed.

We assert that a travesty of justice has been perpetrated in the Soviet Union. We call upon the Kremlin to right the wrong committed against the Leningrad defendants before the guns of the firing squad commit murder. We call upon the Soviet Government to put an immediate end to the acts of repression and discrimination against Soviet Jews and to grant them the right to live as Jews in Russia and the right to leave and live in the land of their choice.

So long as these injustices persist, men of conscience of whatever faith or nationality will not be silent. In anguish we raise our voice for the sake of those facing death and imprisonment. We speak out to champion the cause of human rights for Soviet Jewry which, day by day, demonstrates its collective resolve to preserve its heritage despite hardship, intimidation and outright suppression.

We call upon the civilized world to join us in this, our appeal: Let Justice Prevail!

Following are editorials which appeared in the Plain Dealer and Cleveland Press:

[From the Plain Dealer, Dec. 27, 1970]

SOVIET DEATH SENTENCES UNJUST

There is no justification for the death sentences imposed on two Soviet Jews convicted in Leningrad of being involved in a plot to hijack an airplane. The sentences should be commuted.

The very word "hijacking' is misleading when applied to the incident. Lately, the word has come to connote the commandeering of an airplane while in flight. The scanty details available indicate that the 11 persons put on trial were going to attempt to steal a 12-seat plane and fly it out of the country.

They never even got to board the plane and it has been alleged they were tricked into the plot by a government agent.

The outrageousness of the death sentences is emphasized by the fact that no country in the world has imposed capital punishment even on a person who successfully hijacked a plane loaded with passengers.

We do not condone hijacking—in Russia or anywhere else. But the circumstances of the Leningrad case, including the secrecy in which the trial was shrouded, make us skeptical of the whole affair. In fact, the principal charge against the defendants reportedly is under a section of the Russian criminal code which makes it treasonous to try to flee the country.

There is good reason to suspect that the trial was staged with the intent of intimidating the thousands of Soviet citizens who have been petitioning for the right to emigrate.

What sort of nation is it that must use force to prevent its people from leaving?

[From the Cleveland Press, Dec. 28, 1970]

JUDICIAL MURDER IN RUSSIA

Sentencing in Leningrad of two Jews to death and nine other persons to prison camps for allegedly planning to hijack a Russian airliner is a brutal, repressive act that tells much about the Kremlin's police state.

Every thinking person opposes aerial hijacking—whether by Soviet Jews, Arab guerrillas, Black Panthers or assorted psychopaths. It is a crime that endangers innocent passengers and deserves to be punished.

But in the Leningrad case no hijacking took place. The worst that can be charged against the 11 defendants, nine of them Jews who wished to emigrate to Israel, is that they plotted to seize a Russian plane and fly it to Sweden. To put two "Zionists" before a firing squad for that is savagely excessive punishment.

The Free World has no way of knowing whether the 11 are even guilty as charged. Naturally, the trial was closed to the foreign press. No trial record has been or will be made public. The Russians say all 11 "confessed, pleaded guilty and repented their crimes."

That means less than nothing. After a few weeks in the basements of the dreaded KGB, the Soviet secret police, anybody will confess to anything.

Also, the efficiency with which the KGB rounded up the Leningrad 11 and some 20 other Jews indicates that the police knew about the alleged "plot" all along. It is even possible that a police agent instigated the escape effort. The tradition of police provocations in Russian goes back to czarist times.

Interestingly, the Leningrad Jews are charged with violating Article 64A of the Russian Federation Criminal Code. This makes it treason to flee the country. Any country that makes it a capital crime to try to leave is not a country but a concentration camp.

Recently, the Kremlin has been frightened by the stirrings of the more than three million Soviet Jews, many of whom wish to escape from government-fostered anti-Semitism and go to Israel.

The reaction of the ruling clique of Communist hierarchs, secret police officers and Soviet army marshals is in the purest tradition of the late despot Stalin: arrest, beat, exact confessions, stage show trials, execute—and thus terrorize the survivors into docility.

The new repression is not only aimed at Russia's unfortunate Jews. It is also meant to silence non-Jewish dissidents, scientists, writers and intellectuals who have courageously demanded civil rights and the freedom to think and speak.

In Russia there are no independent courts or judges in political cases. The guilty verdict and death sentences in Leningrad were decided by the Communist Politburo. If Mark Dymshits and Eduard Kuznetsov die before a firing squad, mankind will remember that the trigger fingers belonged to Brezhnev, Kosygin and their cohorts.

I hope the House of Representatives will adopt a resolution which will urge the President, first, convey to the Government of the Union of Soviet Socialist Republics the grave concern of the people of the United States and the Senate over these injustices, second, urge the Soviet Government to commute the two death sentences, and third, urge that Government to provide fair and equitable justice for its Jewish citizens.

THE SCHOOL DESEGREGATION STALL

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. HAWKINS. Mr. Speaker, in an editorial appearing today in the Washington Post, the Emergency School Aid

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Act of 1970 is listed among the unfinished business of this session, a session that has not been altogether a booming success.

Critics of the House bill have been more "critical than correct" as pointed out in my own remarks on final passage of the proposal in the House. However, it seems to me an excellent suggestion to them would be this:

If they consider the House bill unacceptable, then they should pass their own bill in the Senate and send it over to us. If they have found the long-sought answer to school desegregation, our children should not be kept waiting.

The editorial and my remarks that appeared in the Congressional Record of December 21, 1970, follow:

CONGRESS: WHAT REMAINS TO BE SAVED

There was a fine irony to the manner in which the Senate on Monday dealt with the President's Family Assistance Plan. Sweet reason—as it seemed—prevailed, if not downright statesmanship and a holy spirit of compromise. Only the result of all this was merely to detach the welfare plan from a conglomerate measure that was over burdened in the first place and to strip that measure (the Social Security Amendments of 1970) of a number of appended grotesqueries (from a trade bill to some punitive bits and pieces). So Russell Long and his minions on the Senate Finance Committee are now presumably to be commended for having undone their own disastrous handiwork—and in return for this latest blow to the welfare bill, we are promised that the Finance Committee, which held up the bill for half a year in hostile and capricious hearings will be happy to hold hearings on it again in the new Congress. We plan to come back to the subject of this bill, whatever its fate, but for now it may be a bit more to the point to concentrate on a couple of legislative items that still seem to have a chance of passage in decent form.

One of these is the so-called Emergency School Aid Act of 1970. This is the $1.5 billion two-year program for encouraging racial desegregation of the schools that was sent down by Mr. Nixon last spring and which has been improved by the House Committee on Education and Labor and passed by the House itself. About 10 days ago we lamented that only an act of divine intervention could rescue this measure from its antagonists in the House, one of whom—Rep. Durwood Hall (R-Mo.)—explained his angry obstruction on the grounds that "they reprogramed this dog they said was dead last night." Well, the "dog" lives, and we are prepared to believe that it does so only by the agency of the supernatural. Now, however, the bill faces a new set of hazards in the Senate.

Senate opposition has proceeded from two sources: Southerners who are fearful of the impact of the bill on the schools of the South, and Northern liberals who suspect its House version of being drawn in a way that could result in misdirection of funds. We believe that each side has a point, that both Southern apprehensions and liberal misgivings have a basis in reality. And while we tend to sympathize with the latter—the Nixon administration's record of steadfastness on this score is not inspiring—we believe that the House bill with perhaps a few additions from Senator Mondale's substitute should be passed—and passed now. This is a subject that has deeply divided the civil rights lobby, with numerous persons whose commitment to school desegregation cannot be challenged, arguing that the bill in its House-passed form is at once too weak and too susceptible of misuse to be worth passage. We disagree. To say that the Mondale bill is better, which we think it is, does not lead us to conclude that (1) Congress would have no say-so in the administration's use of the money authorized by the House version, or that (2) the latter version is worse than nothing. It is our view that there is much more to be gained than lost by schools and schoolchildren from the passage of this measure in a slightly amended House form.

Finally, there is the food stamp program. Congressman Foley of Washington intends to ask the House, by a floor vote, to instruct its conferees to modify the work requirement and benefit size of the conference bill negotiated last week. His move should be fought for and supported. For one thing, we are talking about improvements in the bill that only failed to pass in the House by a handful of votes and that are intended simply to soften the brutalities of Agriculture Committee Chairman Poage's measure. We are talking about preventing recipients from having to accept hazardous, underpaid farmwork for their stamps, about permitting children to receive food should an adult default on work requirement, about phasing the program over a year and a half from what the Agriculture Department calls an "emergency" diet allowance to what it calls a "low cost" diet allowance. The monetary difference is that between $106 a month and $134 a month for a family of four. These are not exactly princely sums; they are not expenditures too high for the country to afford. A "yes" vote to Congressman Foley's proposal is perhaps the most important and desirable step that could be taken by this Congress in its remaining days.

Mr. HAWKINS. Mr. Chairman, H.R. 19446, the Emergency School Aid Act of 1970, authorizes the first substantial sums for the express purpose of eliminating school segregation or preventing it.

In holding the administration accountable for meaningful enforcement of title VI desegregation operations—as opposed to main reliance on court action—we must make all the necessary tools available including the money without which many willing school districts will be hopelessly frustrated in their efforts.

Obviously just voting money is not enough. The manner in which the first $75 million was spent proves that. The six private civil rights organizations which charged that the money was often used for general school aid—not desegregation—were justified under the circumstances.

Personally, I respect the findings of these organizations and believe the pending proposal incorporates the kind of safeguards and assurances to correct, the abuses which they found.

Further, I believe these private organizations can assist committees of Congress in monitoring the expenditures under the Emergency School Assistance program in accordance with the criteria written into this bill.

H.R. 19446 is a far different proposal than the emergency program under which the first $75 million was expended and the greatest injury to education would be to do nothing on the assumption additional money may be used improperly.

First, the bill has been carefully drafted in order to prevent a slush fund which can be used to buy off recalcitrant, foot-dragging districts facing court order. Main emphasis is shifted to districts that in good faith seek to desegregate or to prevent the problem from developing.

Second, the allocation of money is not left entirely to the Secretary's—of Health, Education, and Welfare—discretion in the loose manner allowed without this more specific legislation. Instead of being confined to a few States which had dual school systems, the new proposal guarantees each of all our States a minimum amount based on the number of minority schoolchildren it has. Thus, a distinction between de facto and de jure districts is eliminated.

And third, section 8 of the bill outlines 12 specific assurances that every application for assistance must contain. These, which were not specifically included in the earlier program include guarantees that the applicant has not disposed of property to private schools, has not reduced its own fiscal effort, is not using a freedom of choice plan to segregate, and is without practices and procedures of assignment, hiring, and testing to discriminate against minority groups.

The pending bill might have included even more assurances and safeguards if we had obtained the kind of testimony and specific recommendations from the civil rights organizations that afterwards made the report to the public but failed to participate in the legislative hearings where their "input" was sought and could have been even more valuable.

In the heated debate that has developed over this bill, the specific purposes and impact of the expenditure of $1.5 billion in our various school districts now suffering from neglect has been overlooked by some honest critics. It is much easier to be critical than to be correct, and to find fault than to legislate—is an admonition worth remembering?

Some of us here in Congress find it popular to engage in "devil-hunting." Others, the conservative opposition, resort to emotion in order to arouse fears. But neither recrimination nor empty rhetoric will provide the kind of education so badly needed and sought by millions of our schoolchildren, white and black alike.

Billions of dollars of Federal aid is already being spent under laws less specific and with fewer safeguards than in H.R. 19446. Many compensatory programs are perpetuating segregation on black children. Administratively title VI of our Civil Rights Act has not been used in the vigorous and decisive manner we intended. For the first time. H.R. 19446 would give us a specific program of desegregation with the financial aid needed to obtain results and with criteria to measure enforcement.

If some liberals have placed the passage of this bill in jeopardy, then with even greater truth it can be said that the sponsors who put over the Steiger "Rob-Peter-To-Pay-Paul" amendment which struck section 3(c) from the bill performed an even greater disservice to the cause of American education.

This provision of the bill, section 3(c), safeguards the entire concept: that if desegregation is to proceed in an orderly and effective manner additonal money must be provided rather than merely shuffling around the current inadequate educational programs.

As Dr. Kenneth Clark has said:

"The goals of integration and quality education must be sought together; they are interdependent, one is not possible without the other."

Thus, to rob the Elementary and Secondary Education Act of badly needed funds or to deprive school districts of "impacted funds" in order to initiate this new program results in continued underfunding, further discouragement to desegregation, and the creation of hostilities among the various groups seeking Federal aid. This safeguard—section 3(c) should be retained by all means.

Much also has been said of the so-called busing amendment. It is sheer hypocrisy to equate school transportation with desegregation and to deny to some school districts the use of busing even where the local people have found the practice acceptable.

The vast majority of American school children use some form of public transportation to get to school; 40 percent of them in school buses. White children have been bused passed black schools for years in defiance of the neighborhood school concept.

Some of our finest school systems use busing to provide a higher quality of education than would otherwise be available. The city of Berkeley and Sacramento County in California are two such examples. Busing is merely one of the many purposes for which this emergency school money can be used and is perhaps the least important one, except in a few districts that have no alternative or have found it highly useful or acceptable.

In most instances those who oppose desegregation on the basis it means "forced busing" are also not willing to provide quality education for either black or white children in neighborhood schools, or elsewhere. Busing is their excuse for opposing Federal aid. They, as well as some liberals who insist on perfection before action, are content in sacrificing our children "on the altars of ideological and semantic rigidities" as long as their real concern can be hidden.

H.R. 19446 should with the additional changes I indicated be passed so that the House can in conjunction with the other body of Congress act to end segregation decisively and immediately.

The CHAIRMAN. All time has expired.

SOVIET HIJACK TRIALS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. BIAGGI. Mr. Speaker, the hijack conspiracy trials in Leningrad have generated an outcry from all corners of the world that is starting to match the severity of the sentences imposed by the Soviet courts. It is imperative, therefore, that this Nation also voice its concern over the fate of the imprisoned defendants. No more effective means can be used than to have the President exercise whatever diplomatic influence he has at his disposal to insure that justice for the defendants is achieved. Consequently, I am sending the following letter to the President:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 31, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The hijack conspiracy trials in Leningrad in which Jewish defendants have been tried, convicted and sentenced on charges having severe religious overtones, calls for an impartial and just review of all the relevant facts. Serious consideration should be given these cases, along with all of the moral implications, by the leaders of the major powers of the world.

While the sovereignty of the Soviet government in administering their internal judicial system must, of course, be considered in any call for an appellate review, the combined voices of world leaders may cause the Soviet government to carefully reconsider all of the factors involved during the appeal hearings.

Your personal intercession, together with whatever action is being considered by our Department of State and the heads of other nations, will, I am sure, further the cause of justice for the Leningrad 11 as well as for all other Soviet citizens of the Jewish faith.

I therefore urge you to exercise whatever diplomatic sources you have at your disposal to make the Soviet government aware of this country's concern with the fate of the Leningrad 11 and the promotion of basic human rights for all peoples of the world.

Sincerely yours,

MARIO BIAGGI,
Member of Congress.

U.S. DEFENSES

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. WYMAN. Mr. Speaker, on this sorrowful day of the funeral of our dear departed friend, the distinguished former chairman of the House Armed Services Committee, Hon. MENDEL RIVERS of the great State of South Carolina, it is fitting that note should be taken of the cause on which he labored so valiantly and so steadfastly to protect America. In the recent appropriations bill for the Department of Defense were funds—$417 million—included by the House for additional ships for our sorely outdated Navy. This money was added to the Defense appropriation at the request of MENDEL RIVERS. It was reduced by the Senate to zero and in conference all we were able to keep was money for one additional submarine and leadtime procurement items for one more. Gone were a sub tender and a destroyer tender. Gone were other needed vessels of the train.

The extent to which our Navy needs refurbishing and needs it now is shown by the following column by Henry J. Taylor. In the interest of U.S. defenses it behooves us to rebuild the U.S. Navy and fast.

SOVIETS EXPAND WORLDWIDE NAVAL OPERATIONS

(By Henry J. Taylor)

The Soviet swimming bear is back around its Cuban base. The bear is now operating regularly and continuously throughout the Caribbean, inside our own defense perimeter. During a recent top-secret Marine-landing exercise on a Caribbean beach, a Soviet submarine—obviously advised in advance in a major break of security—surfaced for photographs among our landing craft.

Fanning out eastward and westward from our coasts, the swimming bear patrols the entire Atlantic and Pacific. The latest large-scale Soviet maneuver included more than 200 Red war craft in the Atlantic and Pacific alone. Soviet intelligence ships are regularly posted in Hawaiian waters, usually lying still about 25 miles west of our Barber's Point Naval Air Station.

Russian naval units patrol the Arctic and the Anarctic. The boundary between the United States and the USSR was established by the U.S.-Russian convention of 1867 on the international date line in Bering Strait. Diomede Island, Soviet territory, is Russia's closest out island—only 22 miles from our Seward Peninsula. The Soviet has built Diomede into a powerful air base. Thus, the Soviet has an airfield within 22 miles of the United States.

The Soviet swimming bear dominates the Norwegian Sea. It blocks the Skagerrak and Kattegat, Sweden's outlets from the Baltic Sea. It is seen heavily in the Indian Ocean and the Persian Gulf and off both coasts of Africa.

I was in the Mediterranean when rumors swept the world that our 6th Fleet would intervene against the Palestine commando skyjackers holding Americans as hostages in Jordan. In truth, but undisclosed, our 6th Fleet was tied up tighter than a drum in the eastern Mediterranean.

Greece is the only country in the entire region where the U.S. 6th Fleet can congenially call. It cannot go to Turkey, long a solid base, without inciting street riots, protest bombings and internal strikes. West of Turkey and except for Israel, Tunisia and Morocco, the entire southern rim of the Mediterranean is not only hostile to us but shut. In contrast, Syrian, Egyptian and Algerian harbors are available to the expanding Soviet Mediterranean fleet.

Algerian President Houari Boumedienne's denials notwithstanding, the former immense French Mers-el-Kebir naval air base is Soviet-used and establishes the USSR within 260 miles of Gibraltar, prepared to block the Mediterranean strait or deny the Western navies' access to the vital, strategic Mediterranean.

Meanwhile, and worldwide, the great British navy on which we so long relied in this area and elsewhere on the seven seas has been reduced, over-all, to merely three aircraft carriers, two commando ships, eight nuclear powered submarines, three cruisers, and 87 large and small destroyers and frigates. In fact, during the September Lebanon crisis British naval strength in the Mediterranean (undisclosed) consisted of only the converted carrier *Albion* at Cyprus, the guided-missile destroyer *Fife* at Malta and the frigate *Euryalus* at Gibraltar.

The Soviet worldwide fleet, although boasting no aircraft carriers, now consists of 75 nuclear-powered and 320 diesel-powered submarines, 25 cruisers, 100 destroyers, another 100 destroyer escorts, 275 patrol vessels, 300 mine sweepers, 300 torpedo boats, 125 missile boats, two helicopter carrier vessels, 130 amphibious craft and literally thousands of support, auxiliary and service craft. This is confirmed by our Office of Naval Intelligence. And, vastly important, the Soviet ships are new.

The Soviet navy began when, during World War II, the British battleship *Royal Sovereign* and the U.S. cruiser *Milwaukee* were given to the Kremlin and became Russia's only capital ships. Today only 1 per cent of Russia's fleet is 20 years old.

But our ships? They are old, aging more and show an encroaching obsolescence. An alarming proportion was built during the 1939–45 war period and is 25 years old. It is obvious that the Kremlin does not see how we can compensate for time's natural wastage.

The quiet—oh, so quiet—expansion of Soviet maritime power was the military phenomenon of the 1960s. This is designed to be a relentlessly rising flood tide in the 1970s. Why? Those who believe we can depend on peace talks with the Kremlin for the security of the United States must be out of their minds—including Foreign Relations Committee Chairman J. William Fulbright.

TRIBUTE TO CONGRESSMAN WILLIAM T. MURPHY

SPEECH OF

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. NEDZI. Mr. Speaker, I am pleased to have this opportunity to pay tribute to our distinguished colleague, WILLIAM T. MURPHY of Illinois, who is retiring. It

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has been a distinct pleasure for me to have served with Bill Murphy. His mature judgment, his industriousness in preparation, and his quiet effectiveness have brought honor to this body.

Congressman Murphy has not drawn attention to himself by flamboyant conduct. Instead he has been one of that number who by their dedicated pursuit of legislative excellence and public high purpose have moved the House of Representatives and the Nation forward. I particularly am impressed with his depth of understanding and interest in Asian and Pacific affairs and with his performance as a subcommittee chairman of the House Foreign Affairs Committee.

I shall miss Bill Murphy and I hope that he will favor us with an occasional visit during his retirement.

TERROR IN SOUTH VIETNAM—THE PULPING OF A PEOPLE—III

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. SCHMITZ. Mr. Speaker, at this point in the Record I would like to insert some material dealing with the current Communist campaign of terror underway in South Vietnam. The first is a short clipping from the Wall Street Journal of December 15. The second is an article from the New York Times of December 17. The third is the most recent roundup of terrorist activities compiled by the National Police of South Vietnam, which I am continuing to insert in the Record on a regular basis.

This material is illustrative of a factor which should be kept in mind when assessing possible U.S. courses of action in Southeast Asia and should also remind us of important features inherent in the general nature of communism.

The Communist attitude toward religion is clearly brought forth in this material. From the Wall Street Journal and also from the terrorist roundup we learn of recent murders of Buddhist monks by the Red Fascists. This is not a deviation from the Communist norm. Rather it is the Leninist conception of religion carried to its logical consequences. Lenin stated in a letter to M. Gorky—Selected Works, volume XI, page 657:

> Every religious idea, every idea of god, even every flirtation with the idea of god, is unutterable vileness, vileness that is greeted very tolerantly (and even very favorably) by the democratic bourgeoisie—and for that very reason it is vileness of the most dangerous kind, "contagion" of the most abominable kind.

These incidents, and many others of a similar nature, put the lie to the assertion which is sometimes made purporting that the majority of Buddhists in South Vietnam are sympathetic to the Communist effort to conquer that nation.

The articles and the roundup of terrorist activities follow:

[From the Wall Street Journal, Dec. 15, 1970]

Vietcong terrorists tossed two hand grenades into a temple filled with praying Buddhists, killing seven and wounding 87. The attack on the temple 44 miles southwest of Saigon was the second such incident in as many days.

[From the New York Times, Dec. 17, 1970]

Thirty-two Killed and Twenty Wounded by Grenade and Bomb Attacks in Saigon

Saigon, South Vietnam, December 16.—One of the main United States military housing sections here came under a grenade attack and a bombing tonight, and bomb squads and military policemen responded to what turned out to be four false alarms from other American installations.

The United States command said that two American servicemen and one South Vietnamese civilian were killed in the two blasts, both of which were attributed to Vietcong terrorists. Seven Americans and 13 Vietnamese were reported wounded.

Enemy gunners also fired three rockets into the Bienhoa Air Base, 15 miles northeast of Saigon, but no damage or injuries were reported.

In one attack on the military housing section here, a fragmentation grenade was hurled into a group of American servicemen and South Vietnamese civilians standing around a beer and soda stand outside a Navy Seabee billet. The United States command said one United States serviceman and one Vietnamese were killed in that blast and seven Americans and 12 Vietnamese wounded.

Three hours later, a 35-pound explosive charge wrecked the lobby of Horne Hall, a United States officers billet about a mile from the scene of the grenade attack. The United States Command said one American was killed, and one Vietnamese was wounded.

Both explosions were near Tan son Nhut Air Base in the northwestern sector of Saigon, which has many American compounds and billets.

It was the second consecutive night of terrorism in Saigon, attributed to the Vietcong. A 30-pound bomb exploded in a United States officers' billet Tuesday while most of the residents were out to dinner. Two Americans suffered minor cuts and bruises and two Vietnamese were injured.

Guerrilla radio broadcasts have called for an offensive to mark the 24th anniversary of National Resistance Day on Saturday, the 10th anniversary of the formation of the Vietcong's National Liberation Front on Sunday and North Vietnamese Army Day next Tuesday.

Little fighting was reported from the battlefronts of South Vietnam.

Roundup of Terrorist Activities, December 3, 1970

Nine terrorist incidents have been reported in which eight Vietnamese civilians were killed, nine wounded and three kidnapped. Details follow:

DECEMBER 1

One civilian was wounded in an enemy attack on Vinh Thanh hamlet, Kien Hung dist., Chuong Thien Prov.

NOVEMBER 30

Six 82mm mortar rounds landed in Phung Hiep dist. town, Phong Dinh Prov. Two civilians were wounded.

NOVEMBER 29

The hamlet chief of An Thuan hamlet, An Nhon dist., Binh Dinh Prov. was assassinated.

The deputy hamlet chief and two RD cadre were killed when an enemy company attacked Khoan Hau hamlet, Song Cau dist., Phu Yen Prov. In addition, two RD cadre were wounded.

NOVEMBER 27

In Phong Dinh Prov., a mine explosion killed one woman and wounded two other civilians in Phong Thuan dist. town.

A hamlet chief was assassinated in Dai Binh hamlet, Tuy Hoa dist., Phu Yen Prov.

Also in Phu Yen, the enemy threw a grenade into a PSDF position in Phuoc Hoa hamlet, Dong Xuan dist. Two PSDF members were killed and two wounded.

NOVEMBER 26

The enemy kidnapped a young boy from Binh Nghia village, Binh Son dist., Quang Ngai Prov.

Two civilians were kidnapped from My Duc hamlet, Hoai Nhon dist., Binh Dinh Prov.

Roundup of Terrorist Activities, December 4, 1970

Twelve terrorist acts have been reported in which 10 Vietnamese civilians were killed, 12 wounded and 3 kidnapped. Details follow:

DECEMBER 3

Seven 82mm mortar rounds hit District Headquarters, Que Son dist., Quang Nam Prov. Three civilians were killed and two wounded.

DECEMBER 2

Three civilians were wounded when the enemy fired four 122mm rocket rounds into Quang Ngai city, Quang Ngai Prov. (Four ARVN soldiers were also wounded.)

DECEMBER 1

The police chief of Tan Rai village, Lam Dong Prov. was killed in an enemy attack on Minh Rong Sekang hamlet.

One civilian was wounded during a terrorist attack on Vinh Thanh hamlet. Kien Hung dist., Chuong Thien Prov.

Six enemy infiltrated Canh An hamlet, Phu Cat dist., Binh Dinh Prov. and assassinated the deputy hamlet chief.

NOVEMBER 29

One civilian was assassinated in Vo Tin hamlet, Hoai Duc dist., Binh Tuy Prov.

NOVEMBER 26

Two civilians were kidnapped from Son Tinh dist., Quang Ngai Prov.

The following incidents occurred in Binh Thuan Province

NOVEMBER 29

One civilian was killed in an enemy attack on Thien Long hamlet, Hai Long dist.

In the Hai Long dist., a civilian was killed when he stepped on a mine.

One civilian was killed and four others wounded by mortar fire which hit Phu Hung hamlet, Ham Thuan dist.

In Phan Thiet city, two mortar rounds killed one civilian and wounded two others.

NOVEMBER 27

One civilian was kidnapped from Liem Dinh hamlet, Hoa Da dist.

Roundup of Terrorist Activities, December 5, 1970

Twelve reports of VC terrorism have been received in National Police Headquarters. A total of seven Vietnamese civilians were killed, 19 wounded and 12 kidnapped. Details follow:

DECEMBER 2

25 rounds of mortar fire hit Quan Loi hamlet, An Loc dist., Binh Long Prov. One PSDF was killed and two PSDF wounded. Three civilian residents were also wounded.

Two civilians, walking in a field, were killed by a booby trap in Xuyen Ha village, Duy Xuyen dist., Quang Nam Prov.

One civilian was killed when an enemy mine exploded near Vinh Phu hamlet, Tuy Hoa dist., Phu Yen Prov.

Five civilians were wounded by enemy mortar fire in the Song Cau dist., Phu Yen Prov.

DECEMBER 1

Also in Phu Yen, one civilian was kidnapped from Tinh Son village, Son Hoa dist.

In Dinh Tuong Prov., one RD cadre was killed and five civilians wounded by VC mor-

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tar fire which hit Tay Two hamlet, Sam Giang dist.

NOVEMBER 30

A woman was killed when she stepped on an enemy booby trap mine in Thuong Lang village, Tan Uyen dist., Bien Hoa Prov.

Four civilians were kidnapped from Hoa Loi hamlet, Phu Cat dist., Binh Dinh Prov.

NOVEMBER 29

Another four civilians were kidnapped from Hoa Dong hamlet, Thien Giao dist., Binh Dinh Prov.

An unknown number of 122mm rockets impacted in the area of the Kontum city airfield (Kontum Prov.), killing one civilian and wounding four. (One ARVN soldier was also killed.)

NOVEMBER 27

Two women were kidnapped from My Khanh hamlet, Cu Chi dist., Hau Nghia Prov.

NOVEMBER 25

One civilian was kidnapped from On Ma Trai hamlet, Du Long dist., Ninh Thuan Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 7, 1970

National Police report a total of nine enemy terrorist incidents in which four Vietnamese civilians were killed, 23 wounded and 11 kidnapped. Details follow:

DECEMBER 3

One Buddhist monk was killed when the VC fired approximately 50 mortar rounds into Kien An dist. town, Kien Giang Prov. Three other monks and three civilians were wounded.

DECEMBER 2

The enemy attacked the local defense unit of Ha Thanh village, Son Ha dist., Quang Ngai Prov., killing two PSDF and wounding five PSDF and one civilian.

Two teenage boys were kidnapped from Binh Khanh village, Son Ha dist., Quang Ngai Prov.

A VC unit entered Nhuan An hamlet, Hoai Nhon dist., Binh Dinh Prov. The enemy hung a VC flag at the hamlet office and then set grenades around the flag pole. The hamlet chief and the PSDF came to lower the flag and detonated a grenade, wounding one PSDF member.

DECEMBER 1

One civilian was killed enroute to his home in De Duc hamlet, Hoai Nhon dist., Binh Dinh Prov.

Six 15-year old boys and one 14-year old girl were kidnapped from Phuoc My hamlet, Hieu Xuong dist., Phu Yen Prov.

NOVEMBER 30

Rocket and mortar fire wounded six civilians and three PSDF members in Tung Nghia village, Duc Trong dist., Tuyen Duc Prov.

NOVEMBER 28

One PSDF member and one civilian were kidnapped from Xuan Phong village, Dong Xuan dist., Phu Yen Prov.

NOVEMBER 24

One RD cadre was wounded when he stepped on a booby trap mine near My Loi hamlet, Phung Hiep dist., Phong Dinh Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 8, 1970

National Police Headquarters today released details of the six most recent incidents of enemy terrorism reported from the provinces. A total of five Vietnamese civilians were killed and two wounded. Details follow:

DECEMBER 5

Two civilians were wounded in a VC mortar attack on Vi Hoa hamlet, Duc Long dist., Chuong Thien Prov.

One inter-family chief was assassinated in Thanh Tay hamlet, Hieu Nhon dist., Quang Nam Prov.

DECEMBER 2

An enemy unit fired on two mortar bikes traveling along Highway 25 in Binh Duc village, Chau Thanh dist., Dinh Tuong Prov. One civilian was killed. (Two soldiers riding the other bike were wounded.)

DECEMBER 1

One child was killed in an enemy attack on Xuan Thieu hamlet, Hoa Vang dist., Quang Nam Prov.

NOVEMBER 29

A VC team entered Bao Cua hamlet, Duc Hoa dist., Hau Nghia Prov. and assassinated one civilian.

NOVEMBER 20

Four VC dressed in PF uniforms, stopped a three-wheeled bus outside Suoi Tre hamlet, Xuan Loc dist., Long Khanh Prov. The enemy assassinated the former deputy village chief of An Loc village, who was a passenger on the bus. Two PF soldiers who came out to investigate the incident were also killed.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 9, 1970

In the latest terrorist reports forwarded to National Police Headquarters, a total of 10 Vietnamese Civilians were killed, 24 wounded and 4 kidnapped in a series of 19 enemy terrorist incidents. Details follow:

DECEMBER 7

A young boy was killed when he stepped on a booby trap mine while cutting bamboo in a field near Dai Thien hamlet, Ham Thuan dist., Binh Dinh Prov.

DECEMBER 6

One Hoi Chanh was assassinated in Trung Thach hamlet, Vung Liem dist., Vinh Long Prov.

In Kien Hoa's Huong My dist., the enemy assassinated one resident of An Dinh village.

DECEMBER 5

An enemy unit directed small arms fire into Thu Pho Tay hamlet, Tu Nghia dist., Quang Ngai Prov. Two civilians were wounded.

In Quang Ngai city, one round of 107mm mortar fire landed in the airport area. One teenage boy was killed and two other boys were wounded.

While moving on the Nhin Binh village road, Thu Thua dist., Long An Prov. a three wheeled bus hit a mine. One woman passenger was killed and two men wounded.

Two women VC assassinated the hamlet chief of Chi Duc hamlet, Tuy An dist., Phu Yen Prov.

Two civilians were killed in an enemy attack on Tu Xuan hamlet, Duc Duc dist., Quang Nam Prov.

DECEMBER 4

One civilian was kidnapped from Hoa Bang hamlet, Son Tinh dist., Quang Ngai Prov.

12 rounds of enemy mortar fire hit Hoa Lac Trung hamlet, Cho Gao dist., Dinh Tuong Prov. Seven PSDF were wounded.

Two civilians were wounded in an enemy attack on Plei Lieh hamlet, Kontu Prov.

Three PSDF members were wounded in a VC attack on Khanh Hoa hamlet, Duc Thinh dist., Sa Dec Prov.

DECEMBER 3

One civilian was kidnapped from Hiep Tri hamlet, Tan Hiep village, Binh Tuy Prov.

One civilian was killed and four wounded by a mortar attack on a populated area in the Ham Tan dist., Binh Tuy Prov.

DECEMBER 2

Enemy mortar fire hit Chi Thanh hamlet, Tuy An dist., Phu Yen Prov. Two civilians were wounded.

One civilian was kidnapped from Phong Thai hamlet, Tuy An dist., Phu Yen Prov.

DECEMBER 1

A VC unit entered Vinh Dien hamlet, Gia Rai dist., Bac Lieu Prov., and assassinated one civilian.

One civilian was kidnapped from Trieu Son hamlet Song Cau dist., Phu Yen Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 10, 1970

A total of 12 terrorist reports have been referred to National Police Headquarters. In these terrorist acts, the enemy killed 19 Vietnamese civilians, wounded 12 and kidnapped six. Details follow:

DECEMBER 8

Three PSDF and one Hoi Chanh were killed and one PSDF wounded by enemy attack on Cam Son village, Hung My dist., Kien Hoa Prov.

DECEMBER 7

One civilian was kidnapped from Thuan Nhut hamlet, Binh Khe dist., Binh Dinh Prov.

In Thua Thien Prov., six VC kidnapped a man from An Nong hamlet, Phu Loc dist.

DECEMBER 6

A child was wounded and a man kidnapped during an enemy attack on Plei Bong You hamlet, Pleiku Prov.

DECEMBER 5

In Sa Dec Prov., an enemy unit infiltrated An Thanh hamlet, Duc Thinh dist. and kidnapped a civilian.

A VC squad entered Son Loc hamlet, Cu Chi dist., Hau Nghia Prov. and threw a grenade at a PSDF team. One member of the PSDF was wounded.

DECEMBER 3

The enemy attacked the resettlement center in Plei Cluk Prong village, Pleiku Prov. One PSDF was killed.

Eight civilians were killed when a VC company attacked Mang Ca hamlet, Ke Sach dist., Ba Xuyen Prov.

One policeman was killed and another wounded during an enemy attack on the Phung Hoang Center in Vinh Hoa village, Kien Long dist., Chuong Thien Prov.

DECEMBER 2

The enemy fired mortars and began an attack on Piei Hoby village, Pleiku Prov. In the PSDF counter attack, one member of the PSDF was killed and another wounded.

DECEMBER 1

Four civilians were killed and seven wounded when two enemy rockets landed on the Kontum city airfield, Kontum Prov.

NOVEMBER 30

Two civilians were kidnapped from Buon Cha hamlet, Pleiku Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 11, 1970

17 incidents of enemy terrorism have been reported to the Vietnamese police. A total of 23 civilians were killed, 40 wounded and 17 kidnapped. Details follows:

DECEMBER 8

One PSDF member was killed and one wounded when they were attacked while working in a rice field in Tan An Luong village, Vung Liem dist., Vinh Long Prov.

11 teenagers were kidnapped by a VC squad from Thuong An hamlet, Phong Dien dist., Thua Thien Prov.

Also in Thua Thien, a 49-year-old woman was kidnapped from Phuoc My hamlet, Phu Loc dist.

The enemy fired four B-40 rockets into a PSDF position in Vinh Thanh hamlet, Binh Phuoc dist., Long An Prov. One PSDF was killed and the hamlet chief and three other PSDF wounded. (Nine PF soldiers were also wounded in this attack.)

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In another Long An incident, a three-wheeled bus ran over an enemy mine in Vinh Cong village, Binh Phuoc dist., killing the driver.

DECEMBER 7

Ten VC guerrillas assassinated a Hoi Chanh in My Ai hamlet, Phong Dien dist., Phong Dinh Prov.

Two men were kidnapped from Mo Cong hamlet, Phuoc Ninh dist., Tay Ninh Prov. The body of one of the men was found the next day.

A village council official and a member of the RD cadre were wounded in an enemy attack on My Trang hamlet, Duc Pho dist., Quang Ngai Prov.

DECEMBER 6

Also in Quang Ngai, the VC attacked a PSDF unit in Duc My village, Mo Duc dist. Four PSDF and three civilians were killed and seven PSDF and eight civilians were wounded. Five VC were killed and seven wounded.

DECEMBER 5

One civilian was kidnapped from An Nghiep hamlet, Tuy Hoa dist., Phu Yen Prov.

Also in Phu Yen, a civilian was abducted from Phuoc Hue hamlet, Dong Xuan dist.

A VC group attacked the village administration office in Thanh An hamlet, Hoa Tu dist., Ba Xuyen Prov. Three PSDF were killed and seven wounded.

DECEMBER 3

In an enemy attack on Vinh Quang Ha hamlet, Gio Linh dist., Quang Tri Prov., four PSDF were killed and three wounded.

In Quang Tin Prov., three civilians were killed and the hamlet chief and five civilians wounded when an enemy platoon attacked Phuoc Ky village, Tien Phuoc dist.

DECEMBER 2

The wife of the deputy hamlet chief was kidnapped from Tan Truong hamlet, Hai Son dist., Quang Tri Prov.

DECEMBER 1

A 16-year-old boy was kidnapped from An Phu hamlet, Trang Bang dist., Hau Nghia Prov.

One PSDF member was killed and two others wounded in an enemy attack on Vinh Thanh hamlet, Tan Chau dist., Chau Doc Prov.

Roundup of Terrorist Activities, December 12, 1970

Reports of enemy terrorism, submitted to National Police Headquarters, totaled 13. In these, nine Vietnamese civilians were killed, eight wounded and two kidnapped. Details follow:

DECEMBER 11

Enemy rockets hit the Phu Pai Bridge in Thuy Phu Village, Huong Thuy District, Thua Thien Province. Two civilians were wounded.

DECEMBER 9

One civilian was killed and two wounded in a VC attack on An Hoi Village, Truc Giang District, Kien Hoa Province.

A 50-year old woman was assassinated in La Chu Hamlet, Huong Tra District, Thua Thien Province.

DECEMBER 8

One PSDF was killed and two PSDF wounded when a VA team attacked Bich Kieu Hamlet, Tam Ky District, Quang Tin Province.

A VC team entered Lap An Son Hamlet, Tien Phuoc District, Quang Tin Province and killed one PSDF.

One civilian was kidnapped from Truc Dao Hamlet, Phu My District, Binh Dinh Province.

DECEMBER 7

A woman was assassinated in An Lac Hamlet, Phu My District, Binh Dinh Province.

Two teen-age boys were cutting trees in the jungle area in Thai Thien Village, Long Thanh District, Pien Hoa Province. The VC kidnapped and later killed both of them.

DECEMBER 6

A civilian was wounded when he stepped on an enemy booby trap mine near Ap Dinh Thanh Hamlet, Tri Tam District, Binh Duong Province.

In an attempted assassination, a VC team wounded one man in Hung Hiep Hamlet, Xuan Loc District, Long Khanh Province.

DECEMBER 5

A sixteen year old girl detonated an enemy mine in a field outside Long Phi Hamlet, Hieu Thien District, Tay Ninh Province. The victim died en route to the Tay Ninh Hospital.

A policeman was assassinated in Binh Loc Hamlet, Xuan Loc District, Long Khanh Province.

DECEMBER 2

One RD cadre was kidnapped from Bao Ham Hamlet, also in Long Khan's Xuan Loc District.

Roundup of Terrorist Activities

Thirteen incidents of enemy terrorism have been reported to National Police Headquarters. A total of four Vietnamese civilians were killed, 19 wounded and 10 kidnapped. Details follow:

DECEMBER 10

In Chuong Thien Prov., two civilians were wounded when they detonated a booby trap near Ngan Vop hamlet, Kien Thien dist.

DECEMBER 9

A farmer was killed near Cay Da hamlet, Hieu Thien dist., Tay Ninh Prov. when he triggered a booby trap in a rice paddy.

Also in Tay Ninh, one woman was killed and a PSDF member wounded in an enemy attack on Ap Chanh hamlet, Hieu Thien dist. Two VC attackers were reported killed.

VC entered Trung Nghia hamlet, Giao Duc dist., Dinh Tuong Prov. and fired into a crowd of fishermen, killing one and wounding two others.

One PSDF member was kidnapped from Binh Chanh hamlet, Tuy An dist., Phu Yen Prov.

DECEMBER 8

In an attack against Tu Duy vilage, Tu Nghia dist., Quang Ngai Prov., the enemy wounded an adult and a teen ager.

In Phu Yen Prov., a civilian was kidnapped from Ban Thach hamlet, Hieu Xuong dist.

A truck was ambushed on Highway 14 in Pleiku Prov. Three civilians were wounded.

Three civilians were kidnapped from Binh Than hamlet, Tuy Phong dist., Binh Thuan Prov.

DECEMBER 7

A VC unit infiltrated Long Huong hamlet, Tuy Phong dist., Binh Thuan Prov. They fired B-40s into the district administrative building, then threw two grenades at a PSDF team. One PSDF was killed and seven others wounded.

A VC platoon entered Phu Son hamlet, Tuy An dist., Phu Yen Prov. The enemy confiscated rice, destroyed some bulletin boards and then kidnapped two civilians.

A five ton truck hit a mine on Highway 14 in Pleiku Prov. Two civilians and a soldier were wounded.

DECEMBER 4

Three villagers of Plei Mok Den village, Pleiku Prov. were kidnapped while cutting fire-wood in the jungle north of their homes.

Roundup of Terrorist Activities, December 15, 1970

The latest terrorist reports forwarded to National Police Headquarters describe six incidents in which six Vietnamese civilians were killed, seven wounded and one kidnapped. Details follow:

DECEMBER 12

At 1930 hours in Bau Vung Hamlet, Hieu Thien Dist., Tay Ninh Prov., a grenade was thrown into the home of the Village Information Officer, wounding the official, his three children and a policeman who was visting the house.

DECEMBER 10

A PSDF member was kidnapped from Dinh Khanh Hamlet, Phong Phu Dist., Phong Dinh Prov.

DECEMBER 9

A VC platoon entered Hiep An Hamlet, Phu My Dist., Binh Prov., firing their weapons. They gave a propaganda lecture using loudspeakers, left a number of leaflets, and assassinated a hamlet official prior to departure.

30 armed VC entered Long Thanh Hamlet, Rach Kien Dist., Long An Prov. They were engaged by the hamlet defense force and two PSDF were killed and one wounded before the enemy was driven off.

DECEMBER 8

Two women were killed when one stepped on a mine near My Loi Hamlet, Phung Hiep Dist., Phong Dinh Prov.

DECEMBER 7

While working in the fields near Tan Phu Hamlet, Duc Ton Dist., Sa Dec Prov., a man stepped on a mine. One man was killed and another wounded.

Roundup of Terrorist Activities, December 16, 1970

The National Police have received 10 terrorist incident reports in which a total of six Vietnamese civilians were killed, 14 wounded and four kidnaped. Details follow:

DECEMBER 13

Two PSDF were killed and one wounded in an enemy attack on Vinh Le hamlet, Duc Long dist., Chuong Thien Prov.

DECEMBER 12

One member of the PSDF was assassinated in Tan Thanh hamlet, Thanh Binh dist., Kien Phong Prov.

A VC mortar attack on Vinh Phuoc hamlet, Duc Long dist., Chuong Thien Prov. wounded a village chief, two deputy hamlet chiefs, three PSDF and two civilians.

A Hoi Chanh was assassinated in Dong Mieu hamlet, Gia Rai dist., Bac Lieu Prov.

DECEMBER 11

A group of workers was attempting to free a grenade booby trap when the grenade exploded. One PSDF and three civilians were wounded. The incident occurred in Vinh Loi village, Vinh Loi dist., Bac Lieu Prov.

DECEMBER 10

A mine detonated near a restaurant in the Phu Loc dist., Thua Thien Prov. wounding a girl.

A village official was assassinated in Minh Hiep village, Minh Long dist., Quang Ngai Prov.

The ex-hamlet chief of Triem Dong hamlet, Dien Ban dist., Quang Nam Prov. was assassinated.

DECEMBER 9

Three civilians were kidnapped from Binh Thanh hamlet, Tuy Phong dist., Binh Thuan Prov.

One civilian was kidnapped from Chanh Truc hamlet, Phu My dist., Binh Dinh Prov.

Roundup of Terrorist Activities, December 17, 1970

Reports of eight acts of enemy terrorism have reached National Police Headquarters in Saigon. A total of 13 Vietnamese civilians were killed, 15 wounded and 12 kidnapped. Details follow:

DECEMBER 14

The deputy hamlet chief and three PSDF members were kidnapped from My Hiep hamlet, Duc Long dist., Chuong Thien Prov.

Also in Chuong Thien, two civilians were wounded in a VC attack near Long Quy hamlet, Long My dist.

Two civilians were wounded when they detonated an enemy mine near Phuoc Thanh hamlet, Kien Hung dist. This was the third Chuong Thien incident of the day.

DECEMBER 11

An enemy mortar attack against a montagnard village in Ban Me Thuot dist., Darlac Prov., resulted in six civilians and seven RD cadre killed, nine persons wounded and three women kidnapped.

Four civilians were kidnapped from Tan Long hamlet, Tuy An dist., Phu Yen Prov.

DECEMBER 10

One PSDF member was kidnapped from the Mo Duc dist., Quang Ngai Prov.

DECEMBER 9

Near the Cay Chanh bridge in the Ham Tan dist. of Binh Tuy Prov., a cow stepped on a mine. A civilian walking nearby was wounded.

DECEMBER 6

A civilian was wounded when he detonated a VC booby trap mine near Dinh Thanh hamlet, Tri Tam dist., Binh Duong Prov.

ROUNDUP OF TERRORIST ACTIVITIES, DECEMBER 18, 1970

The National Police received details of 11 enemy terrorist incidents taking place throughout the country. A total of six Vietnamese civilians were killed, five wounded and 21 kidnapped. Organized by date, here are those reports:

DECEMBER 16

A civilian was assassinated in Binh Chanh village, Huong My dist., Kien Hoa Prov.

DECEMBER 14

Two civilians were wounded by an enemy unit near Truong Ninh hamlet, Thuan Nhon dist., Phong Dinh Prov.

A 17-year-old boy was assassinated in My Loc village, Can Giuoc dist., Long An Prov.

A VC squad entered An Nong hamlet, Phu Loc dist., Thua Thien Prov., and assassinated the brother of the hamlet chief.

An enemy platoon entered Tu Nham hamlet, Song Cau dist., Phu Yen Prov. They assassinated one civilian and wounded another.

In Kien Hoa Prov., two civilians were wounded in an enemy attack on Thanh Phu village, Thanh Phu dist.

DECEMBER 13

Two PSDF were kidnapped from Van Phu hamlet, Phu My dist., Binh Dinh Prov.

Five Hoi Chanh were kidnapped from Don Tien hamlet, Ham Long dist., Kien Hoa Prov.

DECEMBER 12

Three truck drivers and 11 woodcutters were kidnapped from the Ngo Trang forest area of Kontum Prov.

DECEMBER 11

An enemy platoon entered Chanh Toc hamlet, Song Cau dist., Phu Yen Prov. and assassinated one civilian.

A woman was assassinated in Tan My hamlet, Hai Yen dist., An Xuyen Prov.

ROUNDUP OF TERRORIST ACTIVITIES

DECEMBER 19, 1970

Communists fired two 122mm rockets into downtown Saigon Saturday morning, killing two adults and four children and injuring a national policeman, a civilian and six children. Four more civilians were injured when a plastic explosive of about 1.5 kilograms was detonated in front of the Tin Sang newspaper office at 124 Le Loi at 5:05 a.m. Sunday.

Three other terrorist reports have been received from the provinces in which one Vietnamese civilian was killed, two wounded and five kidnapped. Details of the provincial incidents follow:

DECEMBER 15

The deputy hamlet chief and one PSDF member were wounded when local defense forces engaged the enemy in Thien Nhan hamlet, Kien Thien distr., Chuong/Thien Prov.

A PSDF group leader, returning from work, was killed when he stepped on a booby trap mine near Bau Zing hamlet, Hieu Thien dist., Tay Ninh Prov.

DECEMBER 13

Five women were kidnapped from Truong Luu hamlet, Phu Khuong dist., Tay Ninh Prov.

NEED FOR LEGISLATION TO HALT ILLEGAL NARCOTICS TRAFFIC INTO THE UNITED STATES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. RODINO. Mr. Speaker, in my judgment one of the most serious threats to American society in our entire history is the problem of narcotics addiction, which has now reached epidemic proportions in our country.

I know that the Members of this body are fully aware of the gravity of the situation and the particularly devastating effect that such hard narcotic drugs as heroin, cocaine and morphine are having on our youth. Official estimates of the Department of Justice indicate that there are now between 140,000 and 200,000 narcotics addicts in the United States, and it is horrifying to note that some authorities believe the number of addicts to be closer to 600,000.

Recently, too, congressional committees considering the problem of drug abuse in the armed services have received startling testimony indicating appalling increases in the use of hard narcotics by servicemen. For example, in Southeast Asia in the period from January through October of this year, there were at least 26 proven deaths due to heroin—with the number of undetermined deaths due to heroin obviously much greater.

Clearly, one of the most effective ways to reduce the narcotics plague both in the United States and among our servicemen in Southeast Asia is to eliminate the supply of hard narcotics drugs at their source. There is little doubt that the epidemic will not be substantially abated until the flow of these hideous drugs into our country is cut off.

For this reason, I developed legislation providing for sanctions on governments which fail to cooperate in achieving effective international narcotics control. In addition, my legislation also provides for positive, affirmative assistance to the governments of those countries which do cooperate. This proposal, embodied in H.R. 18397 and a series of identical bills, has been cosponsored by more than 140 Members of the House.

I am glad to say that a majority of the House also agreed with me on the urgent need for action. On December 9 I offered my bill as an amendment to H.R. 19911, the Supplemental Foreign Assistance Authorization Act, and it was accepted by the House. Unfortunately, the amendment was deleted from the bill by the Senate Foreign Relations Committee and this action subsequently sustained by the conferees.

Despite my great disappointment that the legislation will not become law in this Congress, I have been heartened by a letter from the distinguished chairman of the Senate Foreign Relations Committee stating that it was not possible to give proper consideration to it because of the severe time pressures involved, and that if I renew the proposal the committee will give it careful attention.

Mr. Speaker, I certainly plan to reintroduce this legislation in the 92d Congress and to devote relentless effort and attention to bringing about its enactment. The evil of narcotics addiction is not abating, and in fact is increasing alarmingly, and I will not cease my efforts to attain approval of this essential step to eliminate this cancer that is tearing asunder our society and corrupting more and more of our young people.

HAS OUR GOVERNMENT GONE AMUCK?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. RARICK. Mr. Speaker, Gen. Thomas A. Lane, in his recent columns, "Public Affairs" for December 17 and 19 has given a man-of-the-street evaluation of the lame duck Congress affair.

I include his columns on the Federal drift and the war:

HAS GOVERNMENT RUN AMUCK?

WASHINGTON.—The general impression conveyed by the federal government is of a vehicle out of control. A President facing a serious deficit speaks of sharing income with the cities. A Congress which has fueled inflation with its own reckless spending strives to adjust social security to its own folly. No one intends to balance the budget nor to end inflation.

Some labor unions are getting excessive pay increases, the President says. But the unions say they should get increases for productivity plus inflation. When the government keeps inflation above 5% per year, the unions expect pay increases of 8% per year.

Industry cannot pay the higher scales without reducing employment and raising prices. Federal income drops sharply, welfare costs increase and inflation is accelerated.

House Minority Leader Ford speaks of a full employment budget. The idea is to consider government expense in a time of full employment as normal and to continue spending at that rate even as federal income drops. Thus, the increased deficit in federal accounts in times of economic distress would not be considered to be a deficit at all. Whom do we fool by such rhetoric?

Residents of the District of Columbia are facing a big increase in property insurance rates because local government is not meeting the crime and arson problem. How uncomplainingly citizens adjust to the idea that it is no longer safe to be on city streets at night! If the vehicle is headed for a crack-up, they will ride with it.

XUM

The scene illustrates the decadence of government. The federal bureaucracy has become so bloated that no one really has any comprehension of what it is doing. Our leaders in the Executive and in the Congress are preoccupied with petty problems of personal welfare, now raised to formidable proportions by the past solicitude of these officials. In wrestling with social problems, Congress never asks what its own functions should be.

Consider the question of comparability for federal pay. A congressional committee wrestles with the policy of comparability which Congress adopted for federal pay in 1962. Full parity is the kind of policy which politicians embrace naturally, without a thought to the consequences. Government had a long history of lagging behind industrial pay scales, and with good reason. Sound policy and equity required a differential.

When private employment slackens and the recession deepens, as in the present time, will government reduce its rolls or cut pay so as to reduce the tax burden on producing elements of society? No indeed! Mr. Ford says expenditures will continue as though there were no recession. That is the way governments act. Consequently, government employees have received in stability of employment what they lost in wage differentials.

Basically, government is a leech on society. It lives on taxes taken from working citizens. It is in some fundamental activities a necessary leech, but a leech all the same. Moreover, government by its nature cannot attain the high work productivity of private business.

Lifting government pay scales to the level of industry increases social pressures for governmental expansion. Government employment becomes premium employment, more attractive than industrial work. The leech swells and seems to have a life of its own, until it kills its host.

It is therefore prudent public policy to keep federal pay scales distinctly below comparable industrial wages and salaries. A differential of at least 15% should be maintained. If citizens then leave government employment to take jobs in industry, the consequence will benefit the nation. It is the flow from industry into government which must be stopped. Indifferent to these considerations, Congress presses comparability, even when it must borrow against future income to pay the bill.

Comparability is one small element of the federal drift. The headlong dash of the government into irrational policy on all fronts of its activities gives the impression that there is no one at the wheel.

WASTING WAR CONTINUES

WASHINGTON.—Nothing else so underscores the inadequacy of the Nixon administration as its inability to cope with war. Like its immediate predecessors, it temporizes with the deadly scourge instead of ending it.

In Southeast Asia, the area of combat has been extended to Cambodia. There too, a nation which acted to preserve its independence against communist aggression finds itself in a costly, continuing battle with the enemy. The concern of the Nixon administration is to *keep Cambodia fighting*. The object of policy should be to *end the fighting*.

While it served as a vassal state to Ho Chi Minh, Cambodia had an army of about 30,000 men. Now, to defend itself, the Cambodian government is increasing the army to about 180,000 men. Why does Cambodia require so large an army to defend itself? It is estimated that there are 60,000 North Vietnamese in Cambodia. The big buildup is required by the Nixon war policy.

To attempt to defend Cambodia while allowing the enemy a sanctuary in Laos is foolish and futile. This is a policy of war without end. We tried it in South Vietnam and it failed.

In the early stages of the war in South Vietnam, the South had a superiority of ten to one; but it had been prohibited by President Kennedy from striking enemy bases in Laos and it therefore could not secure its own territory. President Nixon is repeating the Kennedy error in Cambodia. 180,000 men will be unable to secure Cambodia under the Nixon war policy.

On the other hand, if President Nixon would allow South Vietnam to strike into Laos to cut off the enemy line of communications, the war would be ended quickly in both Cambodia and South Vietnam. The buildup of the Cambodian Army could then be limited to about 50,000 men, lightly armed with infantry weapons for internal security. When the aggression from outside is ended, internal security within Cambodia will not be a serious problem.

It is elementary in war that you must defeat the enemy quickly and economically, using the smallest force which can do the job. The illusion that war can be ended by negotiation before a decision is reached on the battlefield has escalated the cost of war in blood and treasure. We have built up military forces in allied countries, as though these forces alone could deter aggression. No force, however large, can assure security when the decision makers are deterred by peace propaganda from using the military force to repel aggression. Our refusal to use effectively the forces we have on the ground begets a steady enlargement of our commitments and of our casualties.

We see the culmination of this strategy in the Congress where Senators who are most vociferous in opposing decisive use of available forces in battle now balk at the cost of building the larger forces which their illusions compel. In continuing the Johnson policy of passive defense, the Nixon administration faces legislative opposition to the buildup it seeks.

President Nixon must learn that in war there is no substitute for sound strategy. When you seek escape from confrontation, the aggressor confronts your every move. Every evasion increases the cost of the final reckoning.

The critical need of the country today is a realistic address to war. Richard Nixon has not yet found the key.

NATO AND THE NEUTRON BOMB

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. SCHMITZ. Mr. Speaker, the following two articles dealing with NATO and the utility and necessity of tactical nuclear weapons should be of exceptional interest to all my colleagues who understand the necessity of national defense.

The first article appeared in the December 21 issue of the American Security Council's Washington Report. The author of this piece, Brig. Gen. Edwin F. Black, was formerly Chief of Staff to the Commander in Chief U.S. Army Pacific Area prior to his retirement.

The second article was written by Mr. Phillip A. Karber, formerly a research assistant to our distinguished colleague Hon. CRAIG HOSMER and now a fellow at the Center for Strategic and International Studies at Georgetown University. His article appeared in the summer 1970 edition of Orbis magazine, the quarterly publication of the University of Pennsylvania's Foreign Policy Research Institute.

Both of these articles are quite timely in light of recent demonstrations of Soviet conventional military capability. In March of this year the Soviets conducted an operation code named Divan. This operation carried out in White Russia was the largest Soviet military exercise conducted since the Second World War. In October of this year, the Soviets held a Warsaw Pact exercise utilizing Rumanian, East German, Polish, Czechoslovakian, Hungarian, and Bulgarian Armed Forces. This exercise, code named Comrades-in-Arms, was the largest Warsaw Pact operation to date.

These two operations when coupled with the successful Soviet global naval operation, code named Okean and held in April of this year, show a high degree of combat readiness on the part of the Soviet bloc forces. The two articles which follow outline possibilities for meeting this awesome challenge:

WASHINGTON REPORT: DECEMBER 21, 1970

NATO'S UNMENTIONABLE OPTION: TACTICAL NUCLEAR WEAPONS

Two recent developments are forcing the NATO nations, including the United States, to re-examine their strategy for the defense of Western Europe. They are:

1. The Nixon Doctrine, together with rising pressures within the Congress for troop reductions in the U.S. forces assigned to NATO after 1971.

2. The changing balance of strategic nuclear power which has seen the U.S. slip from a position of unquestioned preeminence to that of Number 2 behind the Soviet Union.

Given these new parameters, the question is: How can NATO maintain sufficient armed strength in Western Europe to deter an invasion by the Soviet Union and other Warsaw Pact powers as U.S. forces are cut back and redeployed? The political realities of international power politics at the start of the '70s are such that the NATO planners have little choice but to undertake a new review of the "unmentionable option": the use of tactical nuclear weapons from the outset of such a conflict.

Obviously this subject is necessarily complex and involves consideration of classified technical and intelligence data. However, certain basic elements of the equation can be identified and discussed on the basis of reputable authorities who have already placed important information in the public domain.

NATO defense issues

In April of this year, for example, the then British Secretary of State for Defense, Mr. Denis Healey, was discussing some of the issues arising from the nuclear defense of Western Europe with Dr. Laurence W. Martin, Professor of War Studies at King's College in London. Mr. Healey came right to the point:

". . . I think that it's as true today as it was in 1949 when NATO was set up, that there is no real possibility of defending Western Europe against an all-out Soviet conventional attack, and therefore if we ever have to face such an attack we would have to use nuclear weapons early. . . .

"I don't think it would, in fact, make sense for NATO to aim at an all-out conventional defense against an all-out Warsaw Pact conventional attack because all the Soviet exercises and training assume the use of nuclear weapons from the word 'go' so that, I think, an all-out conventional attack is very unlikely . . . the other side would use nuclear weapons to begin with and there's a great deal of evidence for that, both in the exercises they do and what they write in their strategic journals."

XUM

In making these observations, Healey was probably reflecting some of the thinking that went into an earlier NATO Council action of December 1969. At that time, the Council approved a document prepared by its Nuclear Planning Group titled, "Provisional Political Guidelines for the Possible Initial Use of Nuclear Weapons by NATO." This paper which, strange to say, provoked little public comment in Europe, emphasized the need for a modern NATO force equipped and trained to use tactical nuclear weapons in a fashion which is militarily effective, but which minimizes collateral damage.

Tactical weapons for strategy of the 1950's

Some years ago, the United States recognizing the glaring imbalance between the conventional forces of NATO and the Warsaw Pact powers, acknowledged that NATO *in extremis* may have to resort to the use of tactical nuclear weapons. Accordingly a NATO stockpile of some 7,000 such weapons was established in Europe under the control of specialized U.S. military units. The composition and the doctrine for the use of this stockpile was critically examined in a July 1970 report issued by two Los Alamos nuclear weapon scientists, one of whom was nuclear advisor to NATO's Secretary General Brosio for two years. Said Drs. R. G. Shreffler and W. S. Bennett:

"Our present tactical nuclear armaments were conceived and weaponized in the 1950's under assumptions that are ill-advised for the 1970's. Escalation was equated with desperation in an extension of a contestant concept of war. Ten or twenty kilotons was regarded as a 'small, tactical' yield, to be used in a European ground battle for real estate *after* a strategic exchange . . .

"Although the Kennedy Administration repudiated the strategy of massive retaliation, U.S. weapons programs continued their emphasis on structuring an invulnerable strike-second capability. Our forces in Europe had acquired a sizeable stockpile of 'tactical nuclear weapons'; unfortunately policy was opposed to their use although capabilities and tactics were being developed. Average yields were too high, thus assuring excessive collateral damage. Corrective efforts to improve this outmoded force concept and obsolete stockpile have been precluded ever since 1962 when Kennedy's Deputy Assistant Secretary of Defense, Alain C. Enthoven, enunciated his 'firebreak' philosophy—that *any* use of nuclear weapons would bridge the only gap that qualitatively separated us from escalating 'all the way up the destructive spectrum to large-scale thermonuclear war.' In the backwash of these events we have been left with thousands of 'tactical' weapons in NATO Europe with no credible political policy or military doctrine for their use.

"Throughout the sixties we pondered the problem of how to *remove* our 'tactical nuclear weapons' from Europe without impairing our allies' confidence. Certainly the effectiveness of the weapons was questionable because their use threatened to destroy too much of the Europe they were supposed to defend. Their presence did give aid and comfort to our allies, because it seemed to assure a coupling between any attack on Europe and our invocation of a strategic retaliation. Our allies placed their own existence in our hands: not in our ability to win a war, but in our ability to deter it . . ."

NATO tactical nuclear weapons obsolete

Some two years earlier, Representative Craig Hosmer, a senior member of the Joint Committee on Atomic Energy, voiced similar concern in a letter to President Johnson's Secretary of Defense, Clark Clifford. The time was July 1968. Said Hosmer:

"Grave doubts can be expressed regarding the credibility of our current tactical stockpile. There is not a single weapon in it for which a decision to produce was made after 1960. I am also not aware of any new weapon system in the tactical nuclear area which has a possibility of being turned over to the military forces before 1972 . . .

"Since I am aware of what the Atomic Energy Commission weapons laboratories have a potentiality to develop in the area of smaller, cleaner and more discriminate tactical nuclear systems to alleviate such devastation, and am aware of the daily increasing obsolescence of our present capability, I can only assume that the absence of an effective force modernization is a matter of conscious and deliberate decision within your office. . . .

"In an age when our potential enemies have an impressive and growing tactical nuclear capability, we need a similar force which realistically meshes with the requirement, both military and political, to fight a tactical nuclear war, which capability also goes far toward deterring such a war. Conversely, the lack thereof may encourage it. And should it come, our inability to respond in a manner less than strategic, i.e., by way of massive retaliation, seems like national suicide . . ."

Today's NATO tactical nuclear stockpile, though numerically large, is technologically obsolete. This very obsolescence which, in effect, builds into the weapons system unacceptable levels of collateral damage also destroys the credibility of NATO defense plans based on a tactical nuclear response to Soviet aggression. As long ago as November 1967, in the "Report of the United Nations Secretary General on the Effects of the Use of Nuclear Weapons" in the defense of the heavily populated European areas, it was concluded that "the destruction and disruption which would result from so-called tactical nuclear war would hardly differ from the effects of strategic war in the area concerned." This statement was derived from the results of "analyses of an extensive series of 'war games' relating to the European theater" which assumed the employment of as many as 400 weapons having "an average yield of 30 kilotons." When we recall that the Hiroshima bomb was a 20 KT weapon, it is not hard to visualize the "collateral damage" of such a tactical nuclear defense.

Technology for modernization now available

However, with current technology this situation is both unnecessary and avoidable. Today it is entirely feasible to provide the NATO forces with *fission* weapons of extremely low yield, comparable to high explosive bombs whose destructive force is measured in tons. These same weapons maximize the radiation effects of neutrons and gamma rays, which last but a split second yet produce casualties among enemy troops, while at the same time minimizing the blast and heat effects which cause the collateral damage normally associated with nuclear conflict.

It is also entirely feasible to develop predominantly *fusion* weapons for the defense of NATO. As long ago as March 1963, Adrian S. Fisher, then Deputy Director of the Arms Control and Disarmament Agency, informed Congress that "we have already made significant advances in the direction of tactical weapons with a smaller fission as compared with fusion component." Later, in September 1967, the Atomic Energy Commission informed the press that it was "conducting research on enhanced-radiation weapons—neutron bombs." Such a device, the AEC went on to say, "would be very 'clean'. The term 'very clean' would come from fission. The blast effect would be very small, but the radiation effect from neutrons would be predominant. The AEC also is conducting research on pure fusion weapons."

The point here is that fusion reactions release about 80% of that energy in the form of high energy neutrons, whereas in fission reactions only about 5% is released in this type of prompt radiation. Moreover, since most of the energy of the explosion is in the form of prompt radiation, the blast and heat effects are greatly reduced. Thus it is possible to design a weapon with a 1KT yield which would have the anti-personnel military effectiveness of a 15KT fission weapon, but with the blast and heat collateral effects of a fission weapon having a low subkiloton yield. Being a "very clean" device as the AEC has indicated, the attendant radioactive contamination could be as low as 1/100 of the Hiroshima-size fission bomb.

From the political point of view, if the NATO stockpile were modernized along the lines described above—that is, toward essentially clean enhanced-radiation weapons having yields predominantly in the low subkiloton range up to 1KT—the Enthoven "firebreak" philosophy would no longer apply, and the credibility of a tactical nuclear defense of Western Europe would be restored.

The Nixon doctrine

The Nixon doctrine, which sets the course of American foreign policy for the 70's, commits the U.S. to provide a nuclear umbrella for our allies as they assume the primary responsibility of providing the manpower for their own defense. The plain truth is that when the Soviets achieved nuclear parity this concept lost much of its credibility. But with the U.S. now in the position of the Number 2 strategic nuclear power in the world, our nuclear umbrella has become a sieve.

This is the message the American Security Council has been bringing to the American people through its *Operation Alert*. This is the message which Dr. John S. Foster, Jr., the Director of Defense Research and Engineering for the past five years, underlined in a recent *U.S. News & World Report* interview when he said:

"In 'throw weight'—the total usable payload on top of a missile—the Soviets have a capacity about twice that of the U.S., and they also surpass us in total megatonnage, which is a rough measure of total destructive power, but not in total number of warheads. However, their 'throw weight' advantage could be converted into more warheads—in which case they would surpass us in both numbers of weapons and in total destructive power."

President Nixon, for reasons which we must assume were primarily political to avoid being forced into drastic cuts in the U.S. forces in Europe, decided in early December that every effort should be made to strengthen NATO's capability to undertake a conventional defense against Soviet and other Warsaw pact forces. A few days later, the NATO foreign and defense ministers meeting in Brussels adopted this as NATO defense policy, knowing full well that they would never raise and maintain the conventional forces required to make this policy a reality.

Fortunately, the White House had already directed a complete review of the role of tactical nuclear weapons in the defense of NATO, to include a strategy for their employment. This study is to be completed by spring '71.

The Administration's willingness to take another look at the "unmentionable option" offers the only real hope of providing a practical, viable defense of NATO. Modernizing the NATO stock pile and updating our military doctrine for the tactical nuclear defense of Western Europe would help to stem the political erosion which has already begun as a result of the public's loss of confidence in the ability of the alliance to deal with the growing threat from the East. It would also buy time for us to correct the existing strategic imbalance between the U.S. and the U.S.S.R. which endangers the security of the entire Free World.

EDWIN F. BLACK,
Brigadier General, U.S. Army, Retired.

XUM

NUCLEAR WEAPONS AND "FLEXIBLE RESPONSE"[1]

(By Phillip A. Karber)

The Soviet-led invasion of Czechoslovakia challenged many of the basic Western assumptions that have achieved prominence in the last decade. This brutal and unexpected use of force raised fundamental questions about East European "liberalization," Soviet intentions, and NATO's capabilities to prevent such an occurrence in Western Europe. The invasion also carried two distinct, if unannounced, warnings—one to the East European communist states and one to the European members of NATO.

To the East Europeans the invasion was a warning of intent: that while latitude would be permitted among the client states, the Soviet Union continues to be vitally concerned with their internal developments and will intervene if national deviations transcend certain prescribed boundaries. Thus the respective communist parties must never lose control over internal developments; mass media criticism, if permitted, must be directed toward individuals and not the party; and talk of withdrawing from the Warsaw Pact will not be tolerated.

To the West Europeans, particularly those which have been standing guard for two decades against a Soviet sweep across Central Europe, the invasion was a warning of capability: that given the tactical surprise achieved in Czechoslovakia, the Warsaw Pact's armored, mechanized and airborne divisions could, within hours, overrun West Germany to the Rhine. The military strength the Soviets massed for the occupation stunned the NATO allies. In a period of twenty-four hours the Warsaw Pact moved twenty-five divisions into Czechoslovakia. Over half a million men were mobilized and five national armies were coordinated into the greatest display of force in Europe since the Second World War.

The invasion validated the Soviet doctrine developed since the 1967 Arab-Israeli war, that on the first day of attack armored forces are capable of reaching an operational depth of 125 miles without pausing for artillery support, supplies or reinforcements. The object of the invasion force was to employ this mobility as a psychological weapon, not to kill but to move; not to move to kill but to move to terrify, to bewilder, to perplex, to cause consternation, doubt and confusion in the rear of the enemy, which rumour would magnify until panic became monstrous. In short, its aim was to paralyze not only the enemy's command but also his government, and paralysation would be in direct proportion to velocity.[2]

During the last several years Soviet doctrine and Warsaw Pact maneuvers have indicated a reorientation toward conventional war in Central Europe in which the satellite armies would be given an active role. Once thought too politically unreliable to be used against the West, the East European armies were mustered for the Czechoslovak invasion, and their performance attested to the high degree of command integration within the Warsaw Pact. Thus the forces of East Germany, Poland, Hungary and even Czechoslovakia must be included when considering Soviet capabilities in Central Europe. For while many suggest that the invasion reduced the reliability of the Czechoslovak army, the contrary may be a more valid assumption: Czechoslovakia's non-resistance to the invasion her fear of West Germany as a traditional enemy the example of Hungarian participation in a sanctioning action which had once been applied against Hungary, and the tendency for greater alliance cohesion on the offensive, would all seem to indicate that, with reintegration, the Czechoslovak army will contribute substantial forces to any Warsaw Pact conventional attack.

Despite this forthright capability warning, the intentions of the Soviet Union toward Western Europe remain unknown. They are obscured by such contradictory symbols of Moscow's policy as bellicosity in Czechoslovakia and reassurances in strategic arms negotiations When considering Soviet paranoia over Germany, we must reason that the USSR would occupy her former enemy if such an operation could be concluded quickly and without the use of nuclear weapons. On the other hand, using the last quarter-century as an indication, we must infer that the Soviets would not attack if the costs appear excessive. The major problem in planning for the defense of Europe, therefore, is calculating the Soviet perception of excessive cost

The early U.S. doctrine of "massive retaliation" assumed that the Soviet Union would not risk her own destruction in order to conquer Western Europe. However, with the growth of the USSR s retaliatory power, "massive retaliation" lost its value as a deterrent to a Soviet conventional attack on West Germany. In the changed power equation its use would have been suicidal for the United States, and suicide is hardly a credible means of defending an ally.

Thus the concept of "flexible response" was devised to meet and defeat, with like force, a full range of Soviet attack possibilities. Emphasis was shifted to building the conventional forces within NATO necessary to meet a large-scale conventional attack by the Soviet Union and the Warsaw Pact. The doctrine of "flexible response," officially adopted by NATO in 1967, is based on three major assumptions: (1) that the West can field enough conventional forces in Central Europe to defeat an all-out conventional attack by the Warsaw Pact; (2) that there will be adequate warning of a strategic buildup so Western forces can be reinforced and tactical surprise will not provide substantial advantage to the attacker; and (3) that "under the most extreme circumstances," if the Warsaw Pact forces are winning, nuclear weapons will be employed by the West and the changeover to tactical nuclear weapons will favor the NATO forces.

II

NATO's conventional forces in Central Europe are not now and never have been capable of meeting a conventional Warsaw Pact attack on West Germany, defeating it, and driving the enemy forces back across the Iron Curtain. For years analysts have debated the amount of force needed by NATO in Central Europe. Utilizing a variety of indices, from spurious division counts to intricate systems analysis, the multitude of studies have had one conclusion in common: that NATO needs more conventional force.

Yet in spite of all the pleas for improvement in NATO's conventional posture, the invasion of Czechoslovakia appears not to have reversed the erosion of Western capabilities in Central Europe vis-à-vis the Warsaw Pact but merely to have arrested it for a time. Current trends suggest a weakening U.S. commitment and an inability and unwillingness on the part of our European allies to replace American capabilities, let alone to make essential improvements. In the United States budgetary restraints and a changing image of Soviet intentions have not only led to snowballing demands for massive troop withdrawals from Central Europe but have also made it convenient to ignore the conventional strength of the Warsaw Pact.

As the United States and the Soviet Union have become more dependent upon each other's rational behavior, they have altered their mirrored images of each other. From hostile leaders of mortally opposed rival blocs, they see themselves transformed into cooperating members of an exclusive superpower club attempting to stabilize the international system with arms control devices such as the Nuclear Nonproliferation Treaty and the Strategic Arms Limitation Talks. The limited success of nuclear arms control measures suggests a Soviet desire for stability at the level of strategic nuclear deterrence. While a stable nuclear balance effectively deters strategic nuclear attacks on vital areas, it does not deter conventional attacks on peripheral areas: in order to forestall the latter a nuclear power which did not have adequate conventional strength would have to be willing to commit suicide for an area defined as less than vital to national survival. Although the United States has been cautious to maintain strategic nuclear parity with the Soviet Union, NATO has not maintained conventional parity with the Warsaw Pact in Central Europe, thus creating an unstable asymmetry in force.

Implementation of current plans for massive American force reductions, which now appear inevitable, will critically destabilize Central Europe. Theoretically the European members of NATO could replace American manpower, although such a force would lack the symbolic "hostage" value of U.S. troops. But the Europeans are also faced with budgetary strains and détentist optimism, and they were never particularly enthusiastic about the doctrine of "flexible response." They have argued that any Eastern attack on West Germany would not be made by an isolated division but by the combined conventional power of the Warsaw Pact which, even if halted, could not be conventionally forced to withdraw from occupied territories. To Europeans the emphasis on conventional warfare created by the concept of "flexible response" reduces the risk of nuclear conflict and therefore encourages the type of warfare most favorable to the Warsaw Pact. They are also cognizant that the greater their conventional capabilities more dubious is the American commitment to the defense of Europe. Thus the doctrine of "flexible response" has served as a disincentive to the very force levels that were needed for its success.

Even if NATO's quantitative inferiority were obviated, the alliance would still suffer military disadvantages when compared with the Warsaw Pact. Unlike the enforced unity of the latter, NATO is a true alliance of sovereign states; and while this is politically admirable, such a voluntary coalition results in severe military weaknesses. Petty competition among NATO's membership over manufacturing profits has thwarted weapons standardization, leaving a hodgepodge of noninterchangeable equipment and supplies in deplorable contrast to the Warsaw Pact's efficient military integration. Because of the flexibility required of current doctrine, NATO's organizational anarchy is carried over into its command structure where formal consultation among the members is required for important battlefield decisions, such as when to employ tactical nuclear weapons. The danger of this delayed decision-making process is compounded by the defensive nature of the organization. By definition, NATO will always be the reactor responding to Soviet initiatives; delays in decision-making could result in a Soviet *fait accompli*.

We must conclude that the West cannot field the quantitative and qualitative conventional capabilities necessary to halt, let alone defeat, a surprise conventional attack

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[1] The author would like to acknowledge his debt to Congressman Craig Hosmer. It was he, in his position as ranking minority member of the Joint Committee on Atomic Energy, who first challenged the credibility and underlying assumptions of the U.S. tactical nuclear doctrine.

[2] J. F. C. Fuller, The Conduct of War: 1789–1961 (New Brunswick, N.J.: Rutgers University Press, 1961), pp. 256–257.

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on West Germany by the Warsaw Pact. The conventional war advocates have responded to this realistic appraisal by claiming that there would be adequate strategic warning of a Soviet military buildup so that Western forces could be reinforced by airlift from the United States and that tactical surprise would not provide an advantage to the attacker. However, the major problem of strategic intelligence is the willingness of political decision-makers to act on an ambiguous warning which contradicts many of their basic assumptions. Such was the case in Czechoslovakia. The Prague government was clearly aware of its communist allies' buildup of forces over several months but did not in any way prepare for an invasion. When the bloc forces struck, the surprised Alexander Dubcek exclaimed: "How can they do this to me?" Warnings of troop movements and increased capabilities tend to be dulled over time and by repetition.

If Warsaw Pact war games were conducted in East Germany and western Czechoslovakia, would NATO immediately initiate the "big lift" bringing thousands of troops into West Germany, or would the political authorities in this era of détente fear the appropriate military response as provoking a crisis out of innocent maneuvers? Would not the Western allies find their military strategy politically inoperable and equivocate with a wait-and-see attitude until it was too late?

Strategic intelligence is capable of measuring increases in enemy forces but it cannot predict if and when the force will actually be employed. This was certainly demonstrated in the 1967 Arab-Israeli war in which both belligerents correctly perceived mobilization on the other side but where Israel still achieved surprise in the timing of the attack, with devastating results. Likewise Western intelligence services had measured the buildup of Warsaw Pact forces; nevertheless, according to General Lyman L. Lemnitzer, Supreme Allied Commander in Europe, the invasion of Czechoslovakia came "without any tactical warning whatsoever." Given NATO's defensive character, it can hardly be expected to launch a pre-emptive conventional attack on the basis of strategic intelligence, as Israel did. Thus NATO is doomed to complete tactical surprise. This raises serious implications for a strategy of conventional response that depends on air support from too few overly vulnerable airfields and on inferior land forces which are slow to activate, highly concentrated, and without the benefits of adequate logistic supply.

Because of NATO's obvious inability to fight a conventionally superior Warsaw Pact, it is not surprising to find a Congressional investigation reporting that "unless the alliance nations provide sufficient conventional forces, it will become necessary to commit tactical nuclear weapons very early after the outbreak of hostilities."[3]

Even if we accept the optimistic hypothesis that NATO's conventional forces could halt a Warsaw Pact thrust at the Rhine without resorting to nuclear weapons, how, unless this last resort were used, could the Soviet-led forces be removed? The West has nothing of comparable value (in geographic and industrial terms alone) with which to bargain for a peaceful withdrawal of the occupying forces. NATO's conventional power would not suffice to remove them. Inevitably, in order to protect West Germany's territorial integrity, NATO would have to employ tactical nuclear weapons.

It is generally assumed that when the firebreak between conventional and nuclear weapons is crossed the change to tactical nuclear weapons will favor the NATO forces. However, in tactical nuclear firepower alone, NATO has no equivalent to the nearly 700 MRBM's, some in hardened silos, currently deployed by the Soviet Union against Western Europe.

The doctrine of "flexible response" requires that NATO be prepared to fight both conventional and nuclear warfare. Therefore its allotted forces must be employed as two distinct armies, one conventional and one nuclear, or these diverse functions must be compromised and combined within dual-capability weapons systems. With such multicapable systems, changeover problems are acute. NATO's current inventory of unprotected nuclear-armed missiles and aircraft will be extremely vulnerable to preemption as they await the decision to be employed, and once the firebreak has been crossed, conventionally-armed aircraft and artillery must be resupplied with nuclear explosives. Not only does a dual-capability requirement increase the vulnerability of delivery systems; it also means that the land forces concentrated for conventional combat will be undispersed for nuclear warfare.

There is, moreover, the possibility that the widespread use of tactical nuclear weapons in West Germany could destroy the very people NATO is supposed to protect. There are some 7,000 tactical nuclear weapons currently stockpiled in Western Europe, with an estimated average yield of over twenty kilotons per bomb. Such high yields prevent land forces from operating in close proximity to the target and increase the inaccuracy of target acquisition. To compensate for inaccuracy larger yields would be used. The vicious cycle of escalating yields thus created would compound civilian casualties.

NATO's armies, while supported with nuclear firepower, are hardly equipped to survive—or fight—in a nuclear environment. Little consideration has been given to decreasing the soldiers' vulnerability to the effects of nuclear weapons employed on the battlefield. None of NATO's tactical missile delivery systems provides effective shielding from thermal, initial and residual radiation for the crews who are expected to prepare, load and launch their missiles in danger of contamination. Armored vehicles, which furnish the only worthwhile protection from extended exposure, cannot be resupplied or refueled without contaminating the crews.

Given NATO's current capabilities, crossing the nuclear threshold would be so disastrous as to lose all credibility as a rational option. This does not mean that tactical nuclear warfare could not become politically credible. The cause for alarm is that the proponents of "flexible response" have ignored tactical nuclear capabilities in their preoccupation with the conventional defense of Europe.

It is surprising that those most concerned with limiting war in Europe have not defined what tactical nuclear weapons are, how they can be distinguished from strategic nuclear weapons, and how the escalation process can be controlled. While the uncertainty surrounding them may well add to deterrence, it also increases the probability of escalation should war occur. If the West could win a conventional war and the Soviet Union did not possess tactical nuclear weapons, the absence of a clear NATO doctrine developed for their use would not be so dangerous. However, these weapons are deployed by Soviet forces in Europe and tactical delivery vehicles have been evidenced in large numbers within the Warsaw Pact.

An inherent problem in depending on uncertainty as a factor in deterrence is that because of its imprecision and lack of definition it may be asymmetrically perceived. Rather than being deterred by the West's ambiguous doctrine for the employment of tactical nuclear weapons, the Soviet Union could perceive the uncertainty of this strategy as a tacit admission of NATO's unwillingness to cross the nuclear threshold. Not only could doctrinal ambiguity provoke a Soviet conventional attack, but it would inhibit NATO's response. For once the Soviet Union was committed to conventional action the foreboding onus of escalatory uncertainty would fall upon Western decision-makers; their choice would have to be conventional response and Soviet occupation of West Germany, or crossing the firebreak with the attendant threat of uncontrolled nuclear war.

With such alternatives to be faced, it is not remarkable to find centrifugal trends within the NATO alliance. France has long doubted the political credibility of the U.S. military doctrine for the defense of Europe. The West Germans have been worried that the use of tactical nuclear weapons, even though limited to the battlefield, would, nevertheless, decimate their population and reduce the country's industry and cities to ashes. Most of all, the European members of NATO have not believed that conventional power will deter the Soviet Union and have thus been reluctant to meet their assigned conventional responsibilities. Meanwhile the American public is growing tired of carrying what they believe to be a disproportionate share of NATO's costs, and Congressional resolutions calling for massive American troop withdrawals from Europe are receiving increasing support.

We must therefore conclude that the vital prerequisites for a doctrine of flexible response in Central Europe have not been and will not be realized. To epitomize the situation: (a) NATO's conventional forces cannot protect West Germany from occupation by the Warsaw Pact. (b) Should NATO observe a strategic buildup across the Iron Curtain prior to hostilities, it is unlikely to have the time or the will to counterbalance Warsaw Pact capabilities; and because NATO is bound to a reactionary strategy, it is susceptible to tactical surprise which will probably prove decisive. (c) Consequently, the only present alternative is to plan for the employment of tactical nuclear weapons. However, the inability of NATO ground troops to fight in a nuclear atmosphere, the vulnerability of current delivery systems, the likelihood that West Germany would be destroyed while being defended, and the lack of a limited nuclear war strategy combine to weaken the credibility of resorting to tactical nuclear weapons.

III

Tactical nuclear technology has moved ahead each year, making possible cleaner nuclear warheads, greatly improved yield-to-weight ratios, warheads with enhanced neutron outputs, and devices with neutron output suppressed; and ordnance technology is available which permits high-accuracy delivery systems, earth penetrating capabilities, and a variety of command and control concepts with implementing hardware. Yet the conventional warfare bias of the "flexible response" advocates has resulted in these options being ignored. Rather than a strategy for the employment of the latest technological developments in tactical nuclear devices, we have an obsolescent stockpile of overly high-yield tactical nuclear weapons without a credible doctrine. Current technology provides the means. What is needed is a strategy that will credibly demonstrate resolve without precipitating a nuclear holocaust.

The optimum deterrent to a Warsaw Pact attack on West Germany is an obvious will on the part of NATO to fight with tactical nuclear weapons from the beginning of hostilities and a capability to do only that, and to do it successfully. A strategy for the defense of Central Europe with nuclear weapons has three basic requirements: (1) willingness to employ tactical nuclear weapons at the initiation of a conventional at-

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[3] U.S. Congress, House, Committee on Armed Services, Review of the Vietnam Conflict and Its Impact on U.S. Military Commitments Abroad, 90th Congress, 2nd Session, 1968, p. 56.

tack; (2) a process of retaliating in proportion to the damage wrought by the attacking forces, so as to make continued attack dysfunctional for the aggressor yet keep the conflict from escalating into a nuclear cataclysm; (3) the capability not only to inflict limited retaliation but also to remove the invaders from West German territory.

NATO's major problem is to convince its members and those of the Warsaw Pact that in the event of a large conventional attack it would resort to tactical nuclear weapons. The development of nuclear demolition munitions provides a technological way to make this strategic intent apparent. Such weapons could include nuclear land mines implanted along the eastern border of West Germany and sub-kiloton devices located at critical bridges, tunnels, dams and autobahn junctions. Positioned adjacent to the frontier, these weapons would not only slow the advances of armored formations, thus blunting the shock effect of blitzkrieg, but more importantly would serve as a dramatic warning shot, demonstrating to the Soviet Union the danger of continued aggression.

By limiting this nuclear tripwire to preplanned explosions on the border, yet within West German territory the long-standing problem of when to detonate the first nuclear explosion is decided: it is set off by the first border incursion that cannot be halted by the frontier police. The burden of initiating the first use of nuclear weapons falls directly upon the aggressor, since it is he who has triggered the detonation. Moreover, the political credibility of nuclear demolition munitions is due to the absence of undesired collateral effects as well as to their nonescalatory nature. The subkiloton devices used on bridges can be as clean as conventional explosives, and although several hundred large-yield mines used for cratering would create a horizontal fallout drift of 100 to 300 miles per day, this would give West Germany an added deterrent to invasion because the normal airflow in Central Europe moves in an easterly direction. Thus the Soviet Union and Eastern Europe would feel the effects of fallout without nuclear weapons having been exploded within their borders.

However, while serving to demonstrate NATO's will to employ nuclear weapons at the initiation of a conventional attack and to absorb the shock of blitzkrieg, nuclear demolition devices cannot save West German cities from nuclear attack or occupation. If the Soviet Union and her allies ignore the nuclear warning at the border, NATO must have the weapons and doctrine necessary to prevent the Warsaw Pact from laying waste to West Germany, either intentionally or inadvertently in the heat of tactical nuclear battle, and then withdrawing across the Iron Curtain without receiving due retribution.

It is the West German people, their cities and their country that we consider valuable. We must therefore communicate their value to the Soviet Union by extracting a compensatory value from the Pact countries in the event aggression occurs. NATO should announce that for every West German city occupied by Warsaw Pact troops or destroyed by Pact nuclear weapons, a sister city in East Germany, Poland, Czechoslovakia or European Russia, nearly equal in population, economic, political and cultural value, will be the target of a retributive tactical nuclear strike. The farther Warsaw Pact troops advance into Western Germany the greater the pain—Lodz for Essen, Prague for Munich, Kiev for Bonn. Also, occupation or nuclear attacks on German cities beyond the Rhine or on the territory of another NATO member would have their equivalents within the USSR. Not only would this strategy of limited retribution make continued aggression dysfunctional for the Soviets; it would offer natural incentives to the client members of the Warsaw Pact to honor West Germany's territorial sovereignty.

As Thomas Schelling has noted, "coercion depends more on the threat of what is yet to come than on any damage already done." In order to provide the aggressor with a continued incentive to halt the attack, the sister city strategy must be restrained yet inevitable—as each West German city is destroyed or occupied, the retaliatory strike should be carried out against its sister city, and that city alone. To meet these requirements, NATO's retaliatory weapons must have a high degree of survivability and be deployed on the Continent in a considerable number of hardened silos, and on Polaris submarines.

Since the sister city strategy could coerce the aggressor into halting his attack without removing the invaders, land forces would still be required to repulse the Warsaw Pact armies from West German soil. A major weakness in the concept of "flexible response" is the assumption that a conventional army can fight successfully in a nuclear environment. In this case, if nuclear weapons are to be employed at the first border crossing, the land forces defending West Germany will have no need for conventional capabilities.

The prerequisites of a tactical nuclear army are dispersion, mobility, direct target acquisition, protection from initial and residual radiation, and extended operating range without dependence on resupply from vulnerable logistic services. Armored fighting vehicles have long been recognized as offering the necessary mobility; it is regrettable that, due to the past emphasis on conventional weapons, technological refinements have been ignored and de-emphasized to the extent that our current tanks and armor do not provide the capabilities necessary for successfully fighting a tactical nuclear war.

The armored vehicle is a natural weapons platform for tactical nuclear delivery systems. This concept is already being operationalized by the French, whose electronically guided SS–12, a nuclear and somewhat larger version of the famous SS–11, has a range of four miles and can be externally mounted and launched from tanks, light airplanes and helicopters. One obvious advantage of low-yield nuclear surface-to-surface direct fire missiles is their high kill ratio as anti-tank weapons, since mere proximity is equivalent to a direct hit. Improved yeld-to-weight ratios and miniaturization could even permit the army's Shillelagh gun-launched missile, which is deployed on the Sheridan, M60AIEI, and the forthcoming American MBT–70 tanks, to be used as a nuclear anti-tank or anti-personnel round.

Although these tanks could be utilize during the transition from a conventional to a nuclear arm, NATO needs a surface force that is prepared to fight in a hostile environment. To provide the surface mobility necessitated by dispersion, the nuclear armored force of the future must be logistically independent with an extended operating range. Technical developments such as composite polymeric radiation shielding for crew protection, and the use of data links, computer-assisted intelligence evaluation, and automated fire control for target acquisition, open new vistas for armored fighting vehicles. In addition, a wide range of tactical nuclear devices can now be used within less than a mile of shielded friendly forces. Besides clean nuclear weapons with yields equaling less than ten tons of TNT, these include devices with enhanced neutron output which would be a veritable death-ray to exposed troops but cause insignificant collateral damage to structures. A weapon of the latter type offers great possibilities for recapturing occupied cities or vital bridges without destroying them.

Such qualitative increases in firepower and mobility could redress the Warsaw Pacts' current quantitative superiority; and while the Soviet Union could convert the Warsaw Pact's armored and mechanized divisions into nuclear forces, such a conversion would be tacit admission that the Warsaw Pact had abandoned its conventional warfare option.

IV

The process of providing NATO with a realistic defensive—and thereby a credible deterrent—capability can be implemented gradually over the next decade. However, due to the importance of demonstrating our will to defend West Germany, the nuclear minebelt should be installed immediately. Prior to NATO's enunciation of a retributive sister city strategy, obsolete and vulnerable delivery systems on the Continent must be replaced with a hardened land-based MRBM capability backed up by a Polaris force. As obsolescent conventional land forces are replaced with more efficient systems designed specifically for tactical nuclear warfare, the European armies in Central Europe, and particularly the West German army, will be able to retain the proper force balance with a greatly reduced U.S. presence.

Although U.S. policy, law and treaty commitments require that all American-produced nuclear weapons deployed abroad remain in U.S. custody, technological developments in command and control locks for tactical nuclear weapons permit greater flexibility in arrangements with the Europeans regarding them without the complications of the discarded MLF. These locks can be fitted on any weapon or delivery system and can insure not only that the nuclear device is not used without authorization but that it is used on the correct target. Thus a nuclearized West German army would be under greater command control than is the present assortment of 7,000 tactical nuclear weapons deployed in Europe.

In recent years much has been claimed about the value of American troops as hostages. With 75 per cent of the current U.S. troop level withdrawn and their combat mission assumed by Europeans, the remaining American troops could provide the monitoring service on the border and in West German cities to authorize the use of tactical nuclear weapons. Such a presence would offer a much greater hostage visibility than the current stationing of undermanned and ill-equipped U.S. troops in southern Germany.

Central Europe needs to be defended by a credible tactical nuclear strategy. However, because such a doctrine is tailored to specific needs, it is not necessarily suited to contexts other than the one for which it was formulated. In situations other than a direct conventional attack on West Germany, such as maintaining stability in the Mediterranean, reinforcing the Berlin garrison, or coming to the aid of neutral Austria, NATO should create a quick-reaction force of several conventional divisions. By utilizing the latest airborne techniques, these fire brigades could be economically stationed in rear areas yet ready for immediate intervention. The strategy for the nuclear defense of Central Europe does not abdicate responsibility in the rest of Europe, nor should it overextend its credibility.

Despite the invasion of Czechoslovakia, many in the West believe Soviet intentions have become truly détentist, and therefore maintain that it is unnecessary to strengthen NATO. Even given this assumption, a tactical nuclear strategy offers greater European stability in an "era of negotiation" than does the doctrine of conventional response. NATO's emphasis on conventional force, which requires substantial numbers of foreign troops on West German soil, merely offers the Soviet Union a justification for controlling Eastern Europe by stationing large contingents of conventional Soviet troops in the client countries. Tactical nuclear weapons within the proper doctrinal framework would provide the nuclear umbrella under which

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mutual conventional force reductions could be carried out by NATO and the Warsaw Pact. If Soviet intentions are in fact peaceful, mutual conventional force reductions would not only alleviate inter-alliance tensions but would also reduce the means of Soviet intervention in Eastern Europe. On the other hand, if such reductions were not made in good faith, NATO would not have surrendered its ability to deter Soviet aggression.

A strategy that provides for a credible yet stable deterrent to aggression in Central Europe and has the potential to reduce the means for another Czechoslovakia is certainly worth consideration.

FLO KENNEDY'S TIME IS RESERVED FOR PEOPLE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. LONG of Maryland. Mr. Speaker, one of my Essex constituents, Florence Kennedy, has been helping people in the Essex and Middle River area for over 20 years. She was responsible for the first organized baseball leagues in the area in 1951. The league was then only composed of six teams. Today hundreds of boys in the area enjoy organized baseball in the summer.

Florence Kennedy's contributions to the community do not end there. The list is almost endless. I should like to honor this remarkable woman by including the following article in the RECORD:

FLO KENNEDY'S TIME IS RESERVED FOR PEOPLE

Little Jimmy Goff ran from the ballfield one summer day in 1949, tears streaming down on his 11-year-old face. He headed for the home of Florence Kennedy to tell of his plight in life. It seemed that the coach of his 1949 baseball team had cut him from the roster and, in Essex, at that time, there was nowhere else to go to play organized ball. One team, playing in the city, was all there was for the Baltimore County Eastern-area teammates. Jimmy was heartbroken.

Flo Kennedy, area resident, was also shocked at the lack of baseball facilities and after hearing the youngster's story, set out to do something about it.

The reason for her concern was as basic as a groundball play from the second baseman to first—the area needed leagues, teams and action in the way of sports. She decided to take on a one woman crusade and get baseball to Essex.

The results of the work put in by transferee from Brooklyn, New York, has brought the little lady a host of awards; among them one from now Vice-President Spiro T. Agnew—for being the most "Distinguished Citizen" in Baltimore County, October 1, 1967. She accomplished this by leading baseball teams, basketball teams and bowling leagues to city and county championships during her tenure as coach and manager since 1949.

Some of the best names in the baseball business were on her agenda of daily contacts. Flo Kennedy was at the helm of the Baltimore County Championship 16–18 baseball club which won the title in 1959. On that team was Baltimore Oriole relief pitcher, Dave Leonhard.

"I carried 12 men on the roster when I was coaching," smiles the active countian. "We had enough people to go around twice on each position and every player played on my team in each game."

When it came to outfitting these teams, Flo didn't run to the neighborhood to look for a handout, either. She used to outfit each player with uniforms and equipment paid for out of her own pocket.

"I only had two sponsors in my entire career of coaching."

Over the years her ballclubs won nine city championships and participated in six city and county playoffs, taking the 16–18 title in Baltimore County.

"When that little boy came crying to me in 1949 because he was cut from the team, I cried too," said the serious lady. "It was then that I decided to do something about this situation and have been working since 1949 to help the youngsters."

Flo Kennedy was responsible for the first organized league in the Essex-Middle River area; back in 1951. Six teams made up the league in '51.

Today hundreds of boys in the area participate in youth baseball during the summer months.

What's in it for Flo Kennedy? Nothing but the satisfaction that she's helping someone—that seems to be her forte in life.

"I just enjoy doing things for people—they need help, so I help in any way I can," she asserts.

Just how many people has Flo helped? She doesn't care to mention it. "It's something I do because I like doing it. That's not something one should boast about in the paper," she replies when queried concerning statistics.

It is estimated that more than 500 boys have been coached on and off the field by Florence Kennedy. On the field they learned the rudiments of baseball, basketball and bowling from the energetic woman. Off the field they would frequently join her at home on 625 S. Marilyn Avenue for tea, cokes, cookies, sandwiches and games. Flo's house was and still is open to any youngster who wishes to stop by.

"I'm always home for 'my kids,'" says the 50-year-old consumer-relations manager for Sears Roebuck, where co-workers say she's just as generous with her time and efforts, during the past 20 years, as she has been on the ballfield with the youngsters.

At one time the Essex-Middle River Optimist Football Club needed a backfield coach. Flo volunteered and worked the entire season with the boys who carry the "mail." So dedicated was she that even a broken leg, which occurred in mid-season, didn't keep her from working along the sidelines on crutches during a season which registered 10 victories and 1 tie in 11 games.

Still the work goes on for Florence Kennedy.

Chaueffering youngsters to and from ballparks, working with disabled young boys and girls in hospitals; taking elderly people to and from the hospital to visit relatives, go on vacation and sometimes shop.

And still Florence can't call it a day when it comes to working with and for others. She's presently working to restore the Essex-Middle River Boys' Club which burned down last month.

Organizing fund-raising drives, holding sales and hustling around the community, Florence Kennedy is on her bicycle again. "I've often said that we should have a recreation facility in the Essex area, independent from the high schools," claims Mrs. Kennedy. "Children should be able to get away from their all day environment and play games, both boys and girls, in different surroundings."

This is one of the reasons Flo felt so close to the Essex-Middle River Boys' Club plant. It remained open all the time to the youth, she explained, and still was a different building from the one they had become accustomed to in school.

Her analogy: "You don't want to work in a building all day, then go out with the boys one night a week to play cards in that same building, do you?

Receiving credit and awards is something Florence Kennedy shirks away from. She doesn't like to talk about her efforts, but the accomplishments of "her children" when confronted with the results of activities among her daily routine which includes getting off to work, herself, keeping her home, which she lives in alone, and keeping the neighborhood children, which keep her from being alone. All this and she still finds time to visit the hospitals during the evening hours, campaign for her favorite sports personalities, by writing letters to big league officials, making telephone calls and even making personal "door-opening" scenes in order to crusade for her favorite personality.

Flo Kennedy has that magnetic quality which keeps the business executive from closing his door to her crusade pitch. She has a way with people that brings the best results for other individuals—she gets what's best for her neighbors and friends.

What's in its for Flo Kennedy?

We can't answer that question, unless we join the dozens of area boys who have grown up in Essex-Middle River by calling her "Mom" and still stop by to pass the time of day, by acknowledging the force which makes her "untouchable" in a day when the "what's in it for me" label reaches all.

Flo Kennedy doesn't want anything in return for her outstanding work with humanity—she's that way.

THE SPEAKER OF THE HOUSE

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. JOHNSON of California. Mr. Speaker, as a freshman Congressman some 12 years ago, I entered these Halls full of admiration for the leadership you have given this Nation through the many trying times of recent decades. These include of course the great depression, World War II, the recovery of that total war, the Korean war, and the cold war.

Your vast experience and great ability, concern, and compassion for your fellowman, as was demonstrated by the great program of social legislation for which you fought successfully over the years, were the hallmarks of the best in representative government.

These earlier campaigns were climaxed in a series of dramatic Congresses, each of which saw you in the lead as Speaker of the House.

It is with pride that I had an opportunity to serve with you during this period in which the Nation made the greatest civil rights progress in more than a century, in which we achieved more in the education of our young people than has ever been accomplished before, in which we demonstrated our concern for the consumers of the Nation, and in which the Congress of the United States took vigorous and active leadership in the preservation of our environment.

The Nation and the world is a better place in which to live because of your service in the U.S. Congress. You have started us on the right path, and while there remains much to be done to meet the needs of the Nation, if we follow the footsteps which you have made along

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the way and observe the same devotion and dedication to our responsibilities, this Nation will always remain strong and progressive—a nation of men.

A TRIBUTE TO THE LATE GEORGE B. HARRIS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. RIEGLE. Mr. Speaker, I insert in the RECORD the account of a man who dedicated his life to working in Republican politics—the late Mr. George B. Harris, former judge from Cuyahoga County, Ohio. His daughter, Dr. Lucille Limbach, now living in Flint, Mich., which is part of my congressional district, carries on her father's example of vigorous citizen involvement as the best means we have to make our democracy work:

FORMER JUDGE G. B. HARRIS DIES

George B. Harris, former Cuyahoga County Common Pleas Judge from 1930 to 1934, county GOP chairman before World War I and a candidate for mayor in 1945 and county prosecutor in 1928, died yesterday in Pavillion Nursing Home here. He was 89.

Orphaned in early life, Mr. Harris, who was born in Findlay, O., was reared in the Ohio Soldiers & Sailors Home in Xenia. He worked his way through high school and Ohio Wesleyan University, from which he was graduated in 1900. Later he became a trustee of the college.

In 1901 he taught mathematics at the old Baldwin University in Berea and attended Cleveland Law School at night. He began to practice law in 1903 and had a continuous practice in Cleveland until 15 years ago with the exception of his four years as a common pleas judge.

For almost 70 years he worked zealously for the Republican party. He got started in 1900 working to get President William McKinley re-elected.

In the back rooms of the party, where planning and money-raising went on, he became big. But again and again he lost faith in the office holders and bosses he had helped. When that happened he split away, fought them and played the gadfly.

In 1912 when Republican agitation over Theodore Roosevelt and his Bull Moose movement stirred immense excitement, Mr. Harris was elected a Republican precinct committeeman. Through his acquaintance with the late Maurice Maschke, then U.S. collector of customs, Mr. Harris became chairman of the Central Committee.

Later that same year he had his first fight with Maschke. The Republican leader threw the Cuyahoga County delegation to the state convention behind President William H. Taft, although this county had expressed a preference for former President Theodore Roosevelt. Mr. Harris fought for Roosevelt, the people's choice.

In 1913 he was adviser to Harry L. Davis, then city treasurer, who decided to run for mayor against Mayor Newton D. Baker. When Davis won in another race in 1915, Mr. Harris remained as Davis' and Maschke's central committee chairman. But a silent fight began for control between Davis and Maschke. In 1918 Mr. Harris resigned, charging Davis and Maschke with being "selfish."

In 1920 Mr. Harris was a county organizer for U.S. Sen. Warren G. Harding for president. In 1924 he ran for the nomination for governor against Davis, was defeated and began to organize against the Maschke forces. One of his partners in this opposition was the late George H. Bender, then a state senator.

In 1928 Mr. Harris brought his fight with Maschke into the open by his candidacy for the Republican nomination for county prosecutor. He was defeated by the late Arthur H. Day, later to become a common pleas judge.

Gov. Myers Y. Cooper appointed Mr. Harris common pleas judge in 1930 to fill a vacancy. He was elected in 1932 and defeated in 1934.

In 1937 Mr. Harris waged another war against a fellow Republican. This time it was Bender, then head of the state GOP. He tried to find a candidate to oppose Bender for chairman. He forced Bender into court to make an accounting for party funds.

His last bid for office came in 1950 when he waged a hot campaign for the common pleas judgeship, then held by Frank J. Merrick. Again he was defeated.

In recent years he had worked for school integration, helped out in several political campaigns and was working on a book on Ohio politics.

He is survived by his wife, the former Fannie Davis; daughters, Dr. Lucille R. Limbach of Flint, Mich., and Mrs. Joshua S. Miller of Birmignham, Mich.; son David G. of Willoughby; 10 grandchildren and eight great-grandchildren.

Memorial services will be at 4 p.m. tomorrow in Fairmount Presbyterian Church, 2757 Fairmount Boulevard, Cleveland Heights. Contributions may be made to the American Cancer Fund.

CONGRESSMAN PHILIP J. PHILBIN—A CAREER PUBLIC SERVANT

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 21, 1970

Mr. JOHNSON of California. Mr. Speaker, all of us here in the House of Representatives recognize the values of dedicated hard work and I believe that as the 91st Congress closes we bid goodbye to one of the hardest working, most dedicated Members of this House, PHILIP J. PHILBIN, of Massachusetts.

I know of no one who has worked harder to serve the individual needs of his constituents in Massachusetts. He has been a diligent and consistent worker for the individuals and the organizations in his local communities in insuring that they get fair and equitable treatment from the Federal Government. It is interesting to note that throughout his 13 terms in the House of Representatives, he made it a point to return to his district as frequently as possible and in most cases, weekly, in order to give his constituents an opportunity to not only express their opinions and views on the issues of the moment but also to turn to their Congressman for help with their problems.

It has been estimated that PHIL PHILBIN has traveled about 50,000 miles a year moving back and forth between here and Massachusetts. Much of this, we all know, had to be at his own expense. In addition to his devotion to the citizens of the Third Congressional District of Massachusetts, PHIL PHILBIN was a patriotic and untiring worker for all the American people and for peace throughout the world. He has voted to combat poverty, provide equal rights for all citizens, and to assist in every way possible those in need. He is a member of the Armed Services Committee and has championed the cause of the serviceman and his dependents and has been a constant advocate of reasonable veterans benefits—an effort which earned him the highest decorative award by the National Veterans of Foreign Wars. The Nation and the world is a better place because of the service PHIL PHILBIN has given us in the House of Representatives. Let us, as he retires, dedicate our efforts to keeping up this fine work which he has carried on so well during the past quarter century.

METROPOLITAN HOUSING

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. MURPHY of New York. Mr. Speaker, under the leave to extend my remarks, I would like to call to the attention of my colleagues an interesting analysis of the current and future trends in housing, presented by Leona Mindy Roberts of Brown, Harris, Stevens, Inc., of New York City:

The cooperative apartment is becoming an increasingly important factor in housing. Although rental buildings have had substantial increases, the real villain is not the greed of the landlord but the high cost of money—high interest rates. The owner of the building finds that he still has an inequitable, low and sometimes unprofitable situation. His real estate taxes are high and rise each year. Labor costs advance each year. The cost of maintaining the building surges upward. Prices for oil, repairs, cleaning equipment, etc., are all up. Their costs are generally not covered by increases in rentals. Hence, the landlord does not feed adequately compensated for the large investment he has made. He, therefore, justifiably seeks to make a profit on his investment. Services are reduced, security becomes inadequate, general debilitation of the property is evident. The oppressed tenant, in spite of the increases in rent (which will only go higher) is being deprived of the following:

NEW HOUSING

The tight money market has made it impractical and unfeasible for new construction, thereby creating an acute housing shortage.

SECURITY

Vandalism is not any particular city's plight and problem. It is a nation-wide problem.

A co-op would provide adequate security, hence less crime.

LABOR

A landlord visits a building periodically. Whatever his schedule is—once a day, once a week—this schedule is clocked by the employees who don their Sunday clothes and manners for the expected inspection.

A cooperative building has a landlord "on the job" every time an elevator rides, a taxi arrives at the door or an apartment door opens. Hence, the employee does what he is paid to do and the building is maintained at its zenith, not its nadir.

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RENT VS. MAINTENANCE

Because of the rising cost in maintaining a building, tenants in rental buildings have received periodic increases. In addition to the increases, the landlord is entitled to make a profit on his investment. This profit is incorporated in the periodic increases to the tenant.

A cooperative eliminates the profit to the landlord. The tenant-owner will be pleasantly surprised to learn that it is possible to live in a cooperative apartment at a much cheaper maintenance than in a rental unit.

City fathers will not increase assessments on tenant-owned buildings as rapidly as they will on property owned by a landlord because each occupant will know how much his taxes have increased and will react accordingly.

Tenant-owners are usually happier than rental tenants because when tenant-owners are asked to pay a higher monthly maintenance charge they know exactly why the increase is necessary and have the right to protest if such an increase is unwarranted.

A cooperative eliminates a profit to the landlord. The total cost of running the building is devised by a Board of Directors comprised of tenant-owners. The cost is proportionately shared depending on the amount of shares allocated to each individual apartment. This amount is usually lower than the rent being paid to a landlord. In addition, a substantial tax deduction is realized, thus the maintenance usually becomes a palatable figure.

Everyone seeks a good return on an investment and rightfully so. This, too, is helping the "own-your-own-apartment-trend". A co-op is a great hedge against inflation. The stock market has fluctuated. The cooperative market has gone only one way—up! It has appreciated—not depreciated. Cooperatives have proven—more and more—to be a wise and profitable investment. There never has been a direct relationship between stock prices and inflation. On the other hand, history has proven that when purchasing power of the dollar shrinks, the value of real property goes up. Inflation is more likely to force stock prices down than up because the value of securities depends upon earnings.

A landlord owns a rental building and naturally dictates the policy of running the building at the lowest possible cost in dollars in order to realize a profit.

A cooperative elects a Board of Directors that establishes policy which is then dictated to a competent management firm. The management firm does the purchasing, the hiring and carries out any other function pertaining to the management of the building. Therefore, purchasing power is greater and such items as oil, cleaning materials, repairs, etc. can be less expensive. The result is a lower cost on the maintenance of the cooperative building.

Pollution and dirt on the streets are other malignant sicknesses affecting the well-being and aesthetics of the urban areas. A survey has shown that a large percentage of the streets embracing rental buildings are dirty and sometimes vermin-infested.

A cooperative purchaser takes pride in home ownership. Home ownership is not a new way of life. Home ownership dates back to the very formation of these United States and is part of our American heritage.

The owners of a cooperative will not only discourage, but will actively prevent the decay of public areas in and around the surrounding areas of their property. Streets will be hosed and snow and refuse removed; sidewalks repaved and perhaps even a tree planted on an otherwise barren urban area. Therefore, streets would be cleaner, pollution-free; it also follows that a great deal of vermin infesting the streets would be removed.

CIVIC PRIDE

Tenants living in rental buildings in urban areas have often been accused of being "cold and indifferent to their neighbors."

A co-op seems to kindle a common interest. New tenant-owners feel they are no longer tumble weed but rather a family planting roots in a place they plan to stay for a long time to come. They have a common interest and they meet to discuss their interests. They want the best schools, the safest district, well-maintained houses of worship, adequate policing of the areas, cleaner surroundings, etc. In their meetings and discussions they become friends and develop a healthy interest in their neighbors. They are no longer indifferent. They have something in common—civic pride.

I don't say that a co-op or condominium is the panacea to the existing housing crisis but I do say that it is a great part of the answer to many existing problems.

A recent ad in the Los Angeles Times (illustrated with a photo of an atomic bomb) gave this message: "Even if they drop a bomb on it (your land or building) you still own the hole. And when the dust settles, the property will still go up in value."

Large companies are now offering to guarantee mortgages for employees interested in buying a new home. The purpose of the guarantee is to provide an inducement for substantial people to join the companies and establish roots.

Demand for condominiums in Florida is greater than ever. Construction is currently progressing at the rate of 40,000 units per year and they are being sold for an average of $20,000 per unit. The reason it is possible to build at such an extensive rate is because money in that state is more plentiful than almost anywhere else in the country. Retired people who move there usually have large savings accounts accumulated through sale of their homes up north so they have the money needed to buy such units. Other states where condominium construction is proceeding at a rapid rate are California and Hawaii.

What has been termed as one of the most important moves ever contemplated by the Federal government with respect to the real estate industry has been announced by the President's Council on Environmental Quality. This group has appointed a 15-man panel to study the effect of current tax policies on the environment and to recommend changes which will provide economic incentives so that owners can place more emphasis on aesthetic values and social needs with respect to the properties they control. This, of course, means a complete examination of land uses, practices in this country and those practices that are encouraged by current tax laws.

The President's task force on suburban problems recently noted that current property tax laws encourage urban sprawl by giving speculators an incentive to hold on to vacant land in suburban areas, thereby forcing developers to build several miles further out from core areas. The Federal Government should encourage local communities to levy a tax that would persuade owners to develop the vacant land in metropolitan areas into substantial use. Tax policies should be designed to improve the environment of whole communities.

Large percentages of people are aware of the advantages of owning an apartment as opposed to renting. However, new financing programs should be introduced to facilitate the purchase of apartments at which time more people will soon see the advantages of owning, as opposed to renting.

Tenant-owned buildings will be kept in better condition because each occupant will be as interested as the former (or more?) landlord in protecting it from vandalism. They will also be pleasantly surprised to learn that it is possible to live in such apartments cheaper than they can in rental units. Institutional lenders claim they would be willing to charge lower interest on mortgages when a building is occupied by tenant-owners because there will be less risk of damage to property. Insurance will be able to be offered at lower rates when buildings are 100% occupied by tenant-owners because the possibility of fire due to arson is minimized.

Conferences between institutional groups and HUD officials will eventually result in the kind of loan programs which will enable people in all income groups to buy an apartment as easily as they would be able to buy a house. Insofar as low income people are concerned, Federal officials have already conceded that if government housing subsidies are necessary, it is better to provide a subsidy on interest rates which will result in apartment ownership than it is to subsidize rents in a building in which occupants will have no proprietary interest.

The own-your-own-apartment trend is gaining momentum throughout the country. While every state now has laws which permit the sale of individual apartments by converting multi-family apartments into cooperatives or condominiums, it is not possible to take full advantage of them until more liberal financing programs have been authorized. A new banking regulation permits banks to lend mortgage money for the purchase of co-ops. Regulation has been promulgated to stimulate the sale of cooperatives. Most large banks are getting involved. There are banks that will loan up to 100% if the applicant can qualify.

Private demand for real estate will increase to unprecedented levels. It is predicted that as soon as the money situation eases, large companies will be interested in sponsoring large communities of condominiums or cooperatives in which people will be able to buy on easy terms.

Personal housing decisions are undergoing a revolution. More and more people arc asking "What is a cooperative?" "What is a condominium?" In 1969, such distant areas as Michigan and New York have built more than 50 condominium developments. In the Metropolitan area of Chicago alone, over 7,000 condominium units have been constructed.

The cooperative market has become an increasingly important factor in housing decisions. Many balanced planning strategies in urban development almost take it for granted that a substantial segment of new residential housing will be of the cooperative type.

There is hope that the responsible lending institutions will encourage creative diversity in design for aesthetic as well as business reasons.

A prime factor that must be accepted as a challenge is the pressure to develop total population solutions. Responsible financing solutions will not come without a satisfactory balance between the investor and the community interest.

THE HONORABLE WILLIAM H. AYRES

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. WYLIE. Mr. Speaker, I would like to associate myself with the remarks of my colleagues in the Ohio delegation commending the Honorable WILLIAM H.

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AYRES for his 20 years of outstanding service in the House of Representatives.

I have known BILL AYRES since 1953 when he came to Columbus to help me campaign for city attorney. I have always highly valued his wise counsel. I remember when I was first elected to the 90th Congress, he gave the then freshman Members sage advice about the ways of the House of Representatives. During the 90th Congress and 91st Congress, as we served together, I came to appreciate the legislative skill which enabled BILL AYRES to so ably serve the people of the 14th Ohio District.

We are all going to miss BILL's presence and contributions in the House. I want to take this opportunity to extend my best wishes to him for success in all future endeavors.

VIETNAM—TOO LATE TO WIN?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. SCHMITZ. Mr. Speaker, some of the letters which it has been my pleasure to receive from constituents lately indicate that many who rightfully think we should have sought victory in Vietnam at the beginning of the conflict now feel that it is too late to win. This attitude is understandable, given the uncertain and protracted nature of the conflict.

It is easy to lose sight of the guiding principle that a nation must follow to maintain its existence as an independent state. It is never too late to win a war and it is never time to lose one.

The Second World War lasted for 4 years. At no time during this conflict was there a widespread feeling that we should surrender or that it was too late to win. The psychological atmosphere was, of course, entirely different in all essential aspects. In the first place everyone understood that we were going all out to defeat the enemy. The restraints which kept our forces from achieving quick victory were of a material nature rather than self-imposed restrictions making victory impossible.

There was no wide scale antiwar movement in the Nation. Anyone parading around with the enemy flag would have been given prime time in prison—not on the public airwaves. No Senator or Congressman got up when the U.S. forces stormed ashore on those French beaches at Normandy and denounced it disparagingly as "provocative and a dangerous escalation of the conflict." Escalation in those days was looked upon as a good thing since it made the situation extremely dangerous for the enemy. We took the war to the enemy with increasing increments of force, and won. When efforts were made during the Second World War to release American men from enemy prison camps, hardly a soul denounced it as dangerous folly.

Obviously, there were big differences between then and now. One factor, however, remained unchanged. It took us a number of years to defeat the enemy. It took time to win. We could not defeat the enemy immediately in the Second World War because we did not have the material capability to do so; and matter must be allowed its right in every war.

During the Vietnam war we have always had the material on hand in Southeast Asia to easily overthrow the enemy at any time that our will so disposed us to take the necessary steps. But the decisionmakers have not yet been so disposed. It is a different element of victory which we lack, but this should not be confused with an inability to win.

At this point there is all the more reason to press for victory. Tens of thousands of Americans have died in Southeast Asia. Over 2 million men have actually been to the theater of war to meet the enemy. This does not even take into account the tremendous losses suffered by our allies.

We now have a number of men in enemy prison camps. Does anyone wish to leave these men there? The North Vietnamese Communists have shown by word and deed that they are uncivilized barbarians who refuse even to honor the Geneva agreement relating to prisoners of war. Does anyone really want to surrender and sacrifice the object for which these men, and others, have paid so high a price?

Shall all these sacrifices have been in vain? Who is going to look the young men who have fought, the wives of the men who are left in enemy prisons, the wives and parents of the men who have died, in the face and say, "Sorry, it was just too late to win?" I will not.

The functional success of the prisoner of war rescue attempt—the operation got in and out only 20 miles from the enemy capital—showed the vulnerability of the enemy. It demonstrated beyond a shadow of a doubt that we have capability, if we use it, to successfully disorganize the enemy rear, North Vietnam, so that he can no longer maintain his armies in neighboring territories.

For those who might be concerned with their own safety, it might be well to note that the President's adviser in charge of national security affairs, Dr. Kissinger, has stated that he does not believe that there is the danger of a general war with the Soviet Union arising from anything we might do in Southeast Asia. If he is correct, we should act. The leadership decision to delay must not be allowed to push those who originally advocated victory into the camp of those who advocate surrender. If victory in 1965 was important, victory in 1971 is a national imperative.

During the next session of Congress, I will continue to advocate that unmentionable option that was so familar during World War II—victory. It is never too late to win. It is never time to surrender.

HON. WILLIAM T. MURPHY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. RODINO. Mr. Speaker, an old and dear friend will be greatly missed in these Halls. BILL MURPHY is a man who will be remembered with affection by those who have been privileged, as I have been, to know him as a warm friend.

BILL is a man of integrity, compassion, and ability. It is these qualities that have stamped his service in the House and have endeared him to his constituency.

His tenure has been marked by a reasoned and astute approach to his legislative dtuies in an effort to bring fulfillment to the high ideals which motivated him and earned him the respect and admiration of his colleagues.

I am proud to count BILL as my close friend and I wish him the joy and fulfillment which he has earned.

COMDR. FRED HOSKINS

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. LOWENSTEIN. Mr. Speaker, Mr. Fred Hoskins is being honored this year by the American Legion post of Seaford, N.Y., of which he is a past commander, and I want to join in this tribute to a rare man who personifies much that is good in America.

Commander Hoskins was an enlisted man in the Navy during the Second World War and brought credit to his uniform then, as he has brought credit to his post and his country ever since. He and the remarkable lady who is his wife have stood tall for basic American principles, sometimes almost alone in the face of pressures and difficulties that would have silenced anyone less committed to the American way or less courageous about their commitments.

Together Fred and Dorothy Hoskins have become a bulwark of good sense and good will, bridging misunderstandings and tensions that have divided our people. They have served their community with strength, humor, and a luminous integrity, seeking neither credit nor power, just doing the kind of good, hard work that more citizens should undertake and that all citizens benefit from.

It is therefore most appropriate that the Edwin Welsh, Jr., Post 1132 of the American Legion is honoring Past Commander Hoskins, who has also served as its publicity chairman and second vice commander. Under his command, Post 1132 received the 1969–70 Banner Award as the best post in Nassau County, and was further cited with an honorable mention for new memberships, with the division trophies for its Americanism and child welfare programs, and with the county trophy for work on veterans' rehabilitation problems.

But perhaps the most significant, if least tangible, distinction that Fred Hoskins helped bring his post was the respect and affection of people of all backgrounds and viewpoints in the village of Seaford. Old and young, hawk and dove, Jew and Gentile—veteran and nonveteran—recognized that this post cherished and protected the values that have made America great: Love of family and

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country, close ties to community and friends, open and honest discussions, concern about injustice, compassion for all men. What a standard for every civic group to aim toward.

Nor will Fred Hoskins' retirement as commander end his efforts to make his community and country a better place to live. With or without titles, the Hoskinses will be battling for the open mind and the open heart for years to come, and whether their specific goal at a given moment is fairer treatment for wounded veterans or fairer treatment of unpopular viewpoints, we are a better country for having such people in our midst. Legion Post 1132 honors itself as it honors this past commander who has earned the grateful best wishes of thousands of his countrymen.

PEACE PROPOSALS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. O'HARA. Mr. Speaker, earlier this year, two of my constituents, Mr. Nick Ciaramitaro and Mr. John Zajac, sent me their proposals for a cease-fire in Vietnam. I am no expert on the details of the negotiations going forward in Paris or elsewhere, and I cannot comment in an informed manner on the viability of these proposals, but I do think they are evidence of a willingness on the part of these two people to make some constructive suggestions instead of just griping about the war. In this spirit, Mr. Speaker, I call the proposal by Mr. Ciaramitaro and Mr. Zajac to the attention of the House:

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The undersigned representatives of the United States of America, The Democratic Republic of Viet-Nam, the Republic of South Viet-Nam, and the National Liberation Front agree to the following pending ratification by their respective governing bodies.

I. An immediate, total and permanent cease fire will be observed by all the signatories of this agreement within the accepted boundaries of Viet-Nam.

II. The political division of Viet-Nam at the seventeenth (17th) parallel will end six (6) months following the signing of this agreement. During this six (6) month period, the powers controlling territory at the time of the signing of this agreement will maintain control in their respective areas.

III. All prisoners-of-war will be released and returned to their previous status.

IV. Prior to the end of the six (6) month period referred to in section two (2) of this agreement a free, internationally supervised election will take place throughout Viet-Nam, the results of which will be considered valid. The purpose of this election will be to elect one representative from each province to a Constitutional Congress. The function of this Congress will be to temporarily govern all of Viet-Nam (henceforward in this document referred to as the united Viet-Nam) and to draw up and present to the people for ratification such constitutions until one is ratified by a majority of the electorate. But if said Congress does not succeed in presenting an acceptable constitution to the electorate within two (2) years of said Congress' assumption to office, it shall be dissolved and a new Congress shall be elected in like manner as the first and it's duties shall be the same as the first. ("Free" is herein defined to mean for the purposes of this agreement that all Vietnamese citizens over the age of ——— have the right to vote and all Vietnamese citizens over the age of ——— have the right to seek, campaign in any part of the country for, and be elected to public office. "Internationally supervised" for the purposes of this agreement is herein defined to mean that at every polling place there will be one (1) representative of Canada, one (1) representative of India, and one (1) representative of Poland.) Representatives of these nations (Canada, Poland, and India) will handle the vote tabulation.

The Constitutional Congress elected according to this provision will assume its responsibilities on the first (1st) day of the first (1st) month following the elections.

V. Beginning at the cease fire all Non-Vietnamese military personnel will be withdrawn from the boundaries of Viet-Nam within one (1) year.

Re-introduction of foreign troops will occur only at the written, public request of the government of the united Viet-Nam.

VI. No government in the united Viet-Nam will take any action preventing or restricting in any way the peaceful existence and activities of any political party or ideology for a period of at least fifty (50) years after the date of re-unification of Viet-Nam. (For the purposes of this agreement the "date of re-unification of Viet-Nam" is herein defined to mean the date on which the government elected according to section two (2) of this agreement assumes its responsibilities.)

VII. The United States will sponsor the admittance of Viet-Nam to the United Nations.

VIII. Complete amnesty will be granted for any and all alledged political and military crimes committed prior to and including the date of re-unification of Viet-Nam except those brought before the International Court of Justice.

IX. Freedom of movement within, into, or out of Viet-Nam is guaranteed during the period before election of the Constitutional Congress.

X. The United States will recognize the duly elected government of the united Viet-Nam.

XI. The United States will contrive substantial sums of money, services, and goods for the purpose of rebuilding Viet-Nam in the form of foreign aid.

Use of United States' weather satelites, communications satellites, mapping satellites and mineral research satellites will be granted to the united Viet-Nam for non-military and non-intelligence gathering purposes in accordance with the above pledge.

XII. The United States reaffirms its pledge to protect all of Southeast Asia against external aggression and internal subversion in accordance with the Southeast Asia Treaty Organization Agreement.

XIII. Viet-Nam will pledge itself to peace in the world and will refrain from all forms of aggression. Further, it will support and abide by the United Nations Charter.

The united Viet-Nam will sign and honor the Geneva Convention Agreements.

XIV. If any of the signatories of this agreement delegate their authority to any other power, that power shall be bound by this agreement.

XV. The powers in control of the two zones of Viet-Nam, or any part of Viet-Nam, prior to the date of reunification will adhere to the same agreements made by this document concerning the government of the united Viet-Nam during their tenure of office.

XVI. The encroachment of any section or any part of any section of this agreement by any Vietnamese power will render the entire agreement invalid. In the event of this agreement being rendered invalid the administration of Viet-Nam will be intrusted to the United Nations pending the correction of the situation to the satisfaction of the United Nations.

If any section of this agreement is broken by any non-Vietnamese power, the section(s) broken will be re-instated with United Nations' supervision and the power which encroached this agreement will pay a fine of an amount which shall be determined by the International Court of Justice and which shall befit the nature and severity of the offense to the duly elected government of the united Viet-Nam.

Any questions as to whether or not an encroachment of this agreement has occurred will be determined by the International Court of Justice.

Drawn up by Nick Ciaramitaro and John Zajac.

WHITESIDE, THE BRAIN

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. WYLIE. Mr. Speaker, occasionally a former boss gets a real feeling of pride when one of his charges receives special recognition. This was my reaction when I read a story which appeared in the Columbus Dispatch on Sunday, November 15, 1970, about Alba Whiteside, one of my assistants when I was city attorney of Columbus, Ohio. The way Judge Whiteside became an assistant city attorney holds fond memories. I had heard of a statement by the then dean of Ohio State University Law School in effect discouraging graduates from going into politics. I talked to the dean about his statement and before it was over I had hired the two top graduates in the class of 1956, the top graduate being Alba Whiteside. He is indeed an outstanding judge and student of the law. His wife, Virginia, is the sister of one of our distinguished colleagues, the Honorable WILLIAM AYRES, who undoubtedly gave him some political advice along the way.

Mr. Speaker, I insert the article from the Columbus Dispatch at this point in the RECORD:

ALBA WHITESIDE NICKNAMED 'BRAIN': JUDGE APPOINTMENT ASTUTE

(By Robert Horan)

Of The Dispatch Staff

If you passed Alba L. Whiteside on the street, you probably wouldn't give him more than a glance.

He's not a tall man—he doesn't reach 5-feet 8-inches on his tiptoes. There's nothing really spectacular about him visually in street clothes.

But, sitting on the Franklin County Common Pleas Court bench, he is rather awesome. He seems to embody and personify the dignity and decorum that has surrounded law and the courts for generations.

He is a quiet man—both off and on the bench.

But, even more important, he has probably forgotten more law than most lawyers and many judges even learned.

And that's the reason that sometime this week, he will be appointed to the 10th District Court of Appeals in Franklin County.

Governor Rhodes is expected to appoint Whiteside to the seat left vacant when

Judge Leonard Stern was elevated to the Ohio Supreme Court. Even though Whiteside ran unopposed for a full six-year term starting in January on the appellate court, he is needed there now because of the case load.

Whiteside is regarded by his colleagues on the Common Pleas Court as the "brain." He is the one consulted by other judges when a tricky legal question arises.

Born in Lilly Chapel, Ohio, four miles south of West Jefferson—the third of six children—Whiteside says he made his mind up when he was 15 years old in Chillicothe High School—where his family then resided—to be a lawyer.

"I really can't tell you why I wanted to be a lawyer. I just decided I wanted to be one," he says.

He went into the Army in 1945 just prior to the end of World War II and elected to stay three years "just to get the GI Bill." He was sent to Italy with the army of occupation.

When he returned to civilian life, he attended Ohio State University, where he was elected to Phi Beta Kappa, then continued on in OSU's College of Law, and was made a member of the Order of the Coif, a law school honorary society.

With his sheepskin, he spent 1954 in Cleveland in private practice, but decided he liked Columbus better and returned to the capital city.

He was with the Ohio Turnpike Commission from 1955, and in 1956, became an assistant city attorney, where he remained until 1968, when he successfully ran for Common Pleas Court.

Whiteside was guest of honor at a luncheon at the Press Club last week, attended by his fellow judges and those who work closely with the Common Pleas Court.

A center piece in front of his place was a small cardboard replica of a football field, with a batch of grass pasted on it, and the inscription, "When in doubt, Punt."

It was Whiteside who irritated football buffs by issuing a temporary injunction against OSU, prohibiting the board of trustees, under terms of a certain contract, from placing artificial turf at the stadium.

Displaying a finely-honed wit he usually tries to hide, Whiteside quipped, "After seeing how Ohio State made out against Wisconsin, maybe Woody's (Hayes) boys are better off on grass."

Whiteside claims he has never had high ambitions. But he says his wife, Virginia, whom he married in 1958 and who bore him a daughter, Elizabeth, now 10, has her own ideas.

"She says she knows I'll end up on the U.S. Supreme Court. But that's a joke," he states flatly.

Is it? Whiteside is only 40.

NANNY POLLITZER AT 100

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. LOWENSTEIN. Mr. Speaker, it is a remarkable occasion when anyone reaches the age of 100. But when the most remarkable person you know reaches 100, it is remarkable squared—an event of a century.

Ask anyone who knows Nanny Pollitzer and they will talk about her in ways that make her seem impossible. No one has ever been able to convey adequately her goodness and wisdom to anyone who has not been exposed to it. If you set out to describe her energy, integrity, and selflessness, you risk making her sound rather earnest and a bit stuffy, if well intentioned—unless you happen to know that she is also more fun—and funnier—than can be conveyed secondhand. What is more, her inner beauty is reflected in her face, and the effect of all this beauty is to light up people and places wherever she goes. Until she was in her late 90's she went places mostly by herself. "I'm glad I'm not with Nanny when she's alone," one of her granddaughters once remarked after coming upon her as she was descending alone from a New York City bus on a dark night when husky men might have preferred less risky adventures.

So it is difficult to talk about Nanny Pollitzer without making her sound incredible. But what really is incredible is that she is as real as she is incredible. She does not like anyone to make a fuss over her, but we must make a fuss over her anyway, not for her safe but for everyone else's. We are all likely to live out the rest of our lives without their ever being touched again by someone who is, literally, too good to be true, someone who makes the word "impossible" lose its meaning. And we make a fuss over her because we hear a lot about some of the ugliness America has produced and we need to be reminded occasionally that great beauty can come from our midst as well.

The project Nanny has cared most about during her most recent quarter century is the Encampment for Citizenship, which she launched when she was 75 years old in partnership with Algernon Black, the brilliantly creative leader of the Ethical Culture Society. The encampment has now graduated thousands of young Americans into lives that are fuller and more useful as a result of their experiences there. But to begin to grasp the dimensions of Nanny's usefulness you have to remind yourself that this same woman who is inspiring young people at the encampment to strive for justice today was seeking justice for their grandparents when their grandparents were children.

I include in the RECORD at this point a few letters about Nanny. But the most compelling testimonial has come from Nanny's little sister, Dr. Lucile Kohn, herself something of a legend in her own time. Lucile told a dinner honoring Nanny at 90 that she had been asked if her sister had always been as wonderful as she is now. "No," Lucile replied. "She gets better all the time. And I will repeat this reply when we celebrate her 100th birthday 10 years from now." That she did.

The Congress honors itself when it pays tribute to Nanny Pollitzer, and I am glad so many of my colleagues have joined in this event of a century. I must add that Nanny would be less displeased by all this fuss if it could somehow be turned to the benefit of her beloved encampment; and that we promise to try to do as soon as this discussion has ended.

The letters follow:

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N.Y., April 14, 1970.

Mr. DOUGLAS KELLEY,
Executive Director Encampment for Citizenship, Inc., New York, N.Y.

DEAR MR. KELLEY: Faced with what sometimes seem insurmountable problems of continuing war, poverty pollution and racism, some are tempted to yield to the temptation of despair.

But there are others. who, with special gifts of insight and energy, can convert despair into hope. Alice K. Pollitzer is one of the rare individuals whose life effort has inspired and nurtured belief in democracy and in the efficacy of social action The Encampment for Citizenship of which she was a founder, has provided for thousands of young people the opportunity to absorb the tenets of democracy—tolerance, egalitarianism, and a belief in the rights of man.

For what she has done and for what she represents, she has my deep respect and continuing admiration.

Sincerely,

JOHN V. LINDSAY,
Mayor.

U.S. SENATE,
May 18, 1970.

DEAR NANNY: I understand that today marks the celebration of the 25th anniversary of the Encampment for Citizenship, Inc., and your one-hundredth birthday.

May I join your devoted friends and admirers from throughout the nation in extending my greetings and congratulations to you.

Your life has, indeed, been a testament to your faith in mankind. As a pioneer for vocational and occupational guidance and social reform, you have known no equal over the past century.

And so I send my special birthday greetings, and my deepest admiration.

Sincerely,

EDWARD M. KENNEDY.

U.S. SENATE,
Washington, D.C., May 6, 1970.

Mrs. ALICE K. POLLITZER,
Encampment for Citizenship,
New York, N.Y.

DEAR MRS. POLLITZER: Congratulations and best wishes upon the occasion of your 100th birthday. Your family and friends bespeak for you many more years of the good life you have so generously shared with them.

May I also take this opportunity to commend you on your great contributions to human understanding of the youth of our nation.

My very best wishes to you for a continuing life of good health, happiness and all blessings.

With best wishes.

Sincerely,

JACOB K. JAVITS.

U.S. SENATE,
Washington, D.C., May 8, 1970.

Mrs. ALICE K. POLLITZER,
Encampment for Citizenship,
New York, N.Y.

DEAR MRS. POLLITZER: It is a very special pleasure for me to send to you my warmest congratulations on this very meaningful occasion!

I salute the dedication of heart and spirit that has led you to your 100th birthday and twenty-five years of success as co-founder of Encampment for Citizenship. You have devoted a considerable period of your life towards enriching and fulfilling other lives, and have done so in a profound and unique fashion.

Please accept my warmest best wishes on this joint celebration and know how honored

I am to wish you every success today and always.

Sincerely,

EDWARD W. BROOKE.

CONGRESS OF THE UNITED STATES,,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 30, 1970.
Mrs. ALICE K. POLLITZER,
Encampment for Citizenship,
New York, N.Y.

DEAR MRS. POLLITZER: I want to join with your countless friends and admirers in extending to you my best wishes and congratulations on your 100th birthday. Few people can point to even 25 or 50 years of accomplishment. You have the enviable privilege of being able to look back upon 100 years of worthwhile and admirable deeds. And I have the honor to offer my tribute to you for having done so much for so many.

Your wise counsel and compassionate understanding of human values have inspired the youth of America. It is indeed appropriate that your 100th birthday coincides with the 25th Anniversary of the founding of the Encampment for Citizenship, which you helped to found and have guided with such dedication. You can be proud of the leadership achieved by so many alumini of the Encampment.

Your commitment to your ideals, and your tireless efforts to better the lot of your fellow citizens, are hallmarks to which we should all aspire. Certainly at a time when America is facing so many critical problems, and it is so easy to become discouraged and doubt that these problems can ever be solved, your example counsels against any such discouragement. You have shown that a dedicated individual can make a difference. And that is lesson for us all.

Again, let me wish you the happiest of birthdays.

With admiration and affection,

Sincerely,

WILLIAM F. RYAN,
Member of Congress.

AMERICAN ETHICAL UNION,
New York, N.Y., May 11, 1970.

AN ANNIVERSARY TRIBUTE TO MRS. ALICE K. POLLITZER

The truest way to define an ethical movement is to point to someone who illustrates its spirit and does its work in the world. Mrs. Pollitzer personifies both for our Ethical Movement.

As her years have spanned the years of Ethical Culture, so have her concerns and labors illuminated the conscience of our Ethical Movement. We honor ourselves by being able to claim her; we congratulate ourselves on her long and useful life; and we wish her every happiness and satisfaction as she begins her second century.

Sincerely,

EDWARD L. ERICSON,
President, American Ethical Union.

TO ALICE K. POLLITZER—"NANNY"

John Lovejoy Elliott often spoke of the fact that we all are fortunate to have in our minds the images of a few favorite people who have influenced our lives profoundly. Tonight we are trying to express our respect and love for one such human being who has entered the life of each of us and has brought the warmth of human affection and faith to thousands.

Nanny is one of those rare spirits who go through the world without being corrupted or depressed by it. She seems to have the inner strength that enables her to stand against all kinds of destructiveness. She seems to have the kind of inner light that makes it possible for her to see her way even in darkness and to give light that illuminates the way for others.

When we think of her, we think of Alice in the Looking Glass. She believes the world is beautiful and that people are lovely and loving. And because Nanny's special grace of mind and personality brings out so much of the best in others, she, in turn, then sees and believes in the goodness she has evoked. Hers is a very special paradise, this reflection, which she has created out of her own light and love. It is very real and it is very wise.

In the beat of her heart, is the drum-beat of the feet of the children of the world, the youth of the world and whatever is good in the struggles and hopes of the human community.

The Encampment for Citizenship, its youth and those who have taught there, have benefited by her devotion and inspiration.

ALGERNON D. BLACK.

ABRAHAM PASCAL KANNER,
New York, May 11, 1970.

DEAR NANNY: Our joy at greeting you on your hundredth birthday is tempered only by our regret at not knowing you and Lucile for more of those years. Your accomplishments are a tremendous encouragement to those of us who want to be useful but are not always sure of what car be done. What you have done is what you will continue to do in the future. We thank you for the past and the future.

With love and admiration,

Yours,

MARCIE and ABE KANNER,
Encampment for Citizenship.

DEAR NANNY: Birthday cards can't possibly say what I want them to say to you, so I'll write this little note.

I feel very lucky to have lived in a time when I could know people like you. Now that you have reached that mighty goal of a century I am doubly proud. Your contribution has been a tremendous one—one in which you continue to put new ideas, thought, inspiration and—yes—youth.

The Encampment has had an impact upon my life that I cannot describe. I suppose I can only hope it shows in my own life's work. I feel its presence, anyway, at every turn.

And so to a great lady I am happy to say "Happy Birthday". May all your hopes and dreams for mankind come true, because I know they are humanitarian hopes and dreams.

I look forward to wishing you a Happy Birthday in 1971—1972—1973 etc. etc.

Love,

MARGARET BUCHER.

DEAR NANNY: Since the 1959 N.Y. Encampment where I met you, you have been in my thoughts always across the Pacific—for I was back in Japan till last September.

You cannot imagine how happy I am to be able to send this card wishing you a Very Special & Happy 100th Birthday & Many Happy Returns ! !

Thank you Nanny for what you are—what you've done—for every thing. It means so much to have known you.

CATHY MIYAZAKI KODAMA.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
New York, N.Y., April 16, 1970.
Mrs. ALICE K. POLLITZER,
Honorary Chairman, Board of Directors, Encampment for Citizenship, Inc., New York, N.Y.

DEAR MRS. POLLITZER: We of the National Association for the Advancement of Colored People are pleased to extend cordial greetings and warm congratulations to you on your Centennial. This tribute is an honor you richly deserve.

If it were possible to list even a few of your many and varied accomplishments, it would not adequately reflect the many qualities which have made you such an effective and respected leader.

Yours has been an uncommonly fruitful life. Through your long years of dedicated service and wise counsel, you have helped immeasurably to develop better understanding and establish lines of communication among the various ethnic groups. The Encampment for Citizenship program is, indeed, a notable contribution to our society.

With warm good wishes for many more anniversaries, I am

Sincerely yours,

ROY WILKINS,
Executive Director.

UNITED JEWISH APPEAL OF GREATER NEW YORK,
May 1, 1970.
Mrs. JEAN KOTKIN,
Encampment for Citizenship,
New York, N.Y.

DEAR MRS. KOTKIN: There is no generation gap between Mrs. Sigmund Pollitzer, who is on the eve of her 100th birthday, and us, who are considerably younger in years. She is our friend and our partner in the vital work of assuring Jewish survival through the United Jewish Appeal. We are also her heirs in that task which she began in 1939 when she helped found our Women's Division and to which she has given important leadership over the years.

Perhaps the greatest tribute we can pay this remarkable lady is to try to be worthy of her dedication and accomplishments. She has spent the greater part of her life being a concerned citizen and a concerned Jew. It is this concern which she translates into action even now. Mrs. Pollitzer is an Honorary Chairman of our Women's Division and regularly participates in functions sponsored by our Manhattan group. She takes a lively interest in the proceedings and always responds to UJA's needs in generous fashion. Needless to say her presence is gratifying and inspiring.

For all of us in the Women's Division, Mrs. Pollitzer personifies the real meaning of philanthropy: love of mankind. It is a love that is returned tenfold.

We wish her the happiest of birthdays and extend our congratulations to the Encampment for Citizenship for honoring her.

Sincerely,

Mrs. HARRY ETRA,
Mrs. ALEXANDER SACK,
Chairmen, Women's Division.
Mrs. ALFRED HERZ,
Director, Women's Division.

CITIZENS' COMMITTEE FOR CHILDREN OF NEW YORK, INC.,
New York, N.Y., March 16, 1970.
Mrs. ALICE K. POLLITZER,
New York, N.Y.

DEAR MRS. POLLITZER: At a time in which so many people are unable to sustain interest in people, commitment to human rights and dignity and vigor of mind and body for a single year, it is a wonderful privilege to know and honor someone who has done so for one hundred years.

With wonder, affection and good wishes.

Sincerely,

RAYMOND DEVERA.

OPEN DOOR CHILD CARE CENTER,
New York, N.Y., May 12, 1970.
Mrs. ALICE K. POLLITZER,
New York, N.Y.

DEAR NANNY: Your soft-spoken wisdom and faithful participation over many years have contributed importantly in shaping the character of Open Door. As a member of our Board, you have been a part of our growth and development, and yours has been an inspiring influence, enabling the rest of us to

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do an ever better job in helping the children and parents of the Community.

We are honored and grateful for the privilege of having shared your energies and enthusiasms with other groups whose interests in children and their needs on many levels have filled your busy life.

We thank you, Nanny, for bringing much joy and happiness to all of us at Open Door.

The children and staff, as well as the Board, extend loving good wishes on this, your One Hundredth Birthday.

Affectionately,

Mrs. Henry Jacoby,
President.

New York Society for Ethical Culture,
New York, N.Y., April 2, 1970.

Dearest Nanny: On the occasion of your 100th birthday may I express the hope that those of us who honor you and the values you embody will try to use all our years as wisely and as well.

Affectionately,

Saul M. Farbman,
President.

Fieldston, N.Y., *May 18, 1970.*

Dear Nanny; You are an inspiration to all. As a member of the Board of the New York Ethical Society, your presence alone commands utmost respect. You don't have to talk extensively on the issues at hand, but merely to speak a few well-chosen words that come to the point. I wish we all had your attributes. Continue to set an example for a long time.

Love,

Louis Sapir,
Chairman, New York Society for Ethical Cuture.

Ethical Society of St. Louis,
St. Louis, Mo., May 6, 1970.

Mrs. Alice K. Pollitzer,
Encampment for Citizenship, Inc.,
New York, N.Y.

Dear Nanny: Though our direct relations with the Encampment from St. Louis have been all too few and far between, we have always appreciated your special personal touch. Every alumnus here remembers you, if not from day-to-day management of a New York Encampment, at least from special events such as Encampment dinners and reunions.

So far as I can see, no one from St. Louis will be able to attend the birthday banquet in your honor. However, I am sending along under separate cover a little check toward the Alice K. Pollitzer Scholarship Fund.

Again, best wishes from the entire St. Louis Society.

Sincerely yours,

James F. Hornback.

The Ethical Culture Schools in
New York City,
New York, N.Y., May 13, 1970.

Mrs. Alice K. Pollitzer,
Encampment for Citizenship, Inc.,
New York, N.Y.

Dear Mrs. Pollitzer: It gives me great pleasure to have this opportunity to offer my heartiest congratulations to you on your 100th birthday.

Although I have not been a member of the Ethical Culture community for very long, my meetings with you and the conversations with others about you make me feel very proud to be associated with the Ethical Culture movement. Your many years of dedication to the Encampment and the Society is a source of great inspiration for so many of us at the present time and will continue to inspire the new generations that will follow us.

Again, my best wishes for a very happy birthday and for health and happiness in the years ahead.

Sincerely

Daniel Wagner,
Director.

HOUSE OF REPRESENTATIVES—*Thursday, December 31, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let Thy work appear unto Thy servants and Thy glory unto their children.—Psalm 90: 16.

Eternal God, who hast been our dwelling place in all generations, our fathers prayed at this altar and trusting in Thee were sustained all their lives. Give to us the realization, as we pray at the same altar, that Thou art with us and so undergird us that we may be upheld all our days.

Strengthen us to resist temptation, deliver us from constant moods of ill will, help us to help others—to feed the hungry, to clothe the naked, to set free the captive, to give liberty to those who are oppressed, and to promote peace in our world, justice among men, and good will in all hearts.

So may our Nation be blessed and become a blessing to all mankind.

In the Master's name we pray. Amen.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 19953. An act to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested a bill and a concurrent resolution of the House of the following titles:

H.R. 9551. An act to amend the act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police force, and the White House Police force to participate in the Metropolitan Police Department band, and for other purposes; and

H. Con. Res. 785. Concurrent resolution authorizing the printing as a House document the book entitled "Our American Government and How It Works: 1001 Questions and Answers."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4426. An act to amend the act of June 1, 1948, to increase the jurisdiction and policing power of General Services Administration special policemen, to increase the penalties for violations of rules and regulations promulgated thereunder by the General Services Administration for the protection of public buildings, and to prohibit certain conduct in or near offices of the Government.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 16199) entitled "An act to establish a working capital fund for the Department of the Treasury," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Long, Mr. Anderson, Mr. Talmadge, Mr. Williams of Delaware, and Mr. Bennett to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17550) entitled "An act to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Long, Mr. Talmadge, Mr. Ribicoff, Mr. Williams of Delaware and Mr. Bennett to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18515) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate agrees to House amendments numbered 1, 8, 59, and 66 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) entitled "An act to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) entitled "An act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes."

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The message also announced that the Senate agrees to the report of the committee of further conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17867) entitled "An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes."

And that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 6, 17, and 24 to the above-entitled bill.

And that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 19 to the above-entitled bill with an amendment.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

ESTABLISHING A WORKING CAPITAL FUND FOR THE DEPARTMENT OF THE TREASURY

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 16199) to establish a working capital fund for the Department of the Treasury, with Senate amendments thereto, and to consider the Senate amendments in the House. I intend to offer several amendments to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

Section 1. Short Title, Etc.

(a) Short Title.—This Act may be cited as the "Excise, Estate, and Gift Tax Adjustment Act of 1970".

(b) Wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TITLE I—ESTATE AND GIFT TAXES

Sec. 101. Estate Tax.

(a) Alternate Valuation.—Section 2032 (relating to alternate valuation) is amended—

(1) by striking out "1 year" each place it appears and inserting in lieu thereof "6 months", and

(2) by striking out "1-year" and inserting in lieu thereof "6-month".

(b) Time for Filing Estate Tax Returns.—Section 6075(a) (relating to time for filing estate tax returns) is amended by striking out "15 months" and inserting in lieu thereof "9 months".

(c) Certain Requests Subject to Power of Appointment.—Section 2055(b)(2)(C) is amended by striking out "one year" and inserting in lieu thereof "6 months".

(d) Discharge of Fiduciary From Personal Liability for Estate Tax.—

(1) Section 2204 (relating to discharge of executor from personal liability) is amended—

(A) by striking out "EXECUTOR" in the heading of such section and inserting in lieu thereof "FIDUCIARY";

(B) by striking out "If the executor" and inserting in lieu thereof "(a) General Rule.—If the executor";

(C) by amending the last sentence thereof to read as follows: "The executor, on payment of the amount of which he is notified (other than any amount the time for payment of which is extended under section 6161, 6163, or 6166), and on furnishing any bond which may be required for any amount for which the time for payment is extended, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge."; and

(D) by adding at the end thereof the following new subsection:

(d) Discharge of Fiduciary From Pertor.—If a fiduciary (not including a fiduciary in respect of the estate of a nonresident decedent) other than the executor makes written application to the Secretary or his delegate for determination of the amount of any estate tax for which the fiduciary may be personally liable, and for discharge from personal liability therefor, the Secretary or his delegate upon the discharge of the executor from personal liability under subsection (a), or upon the expiration of 6 months after the making of such application by the fiduciary, if later, shall notify the fiduciary (1) of the amount of such tax for which it has been determined the fiduciary is liable, or (2) that it has been determined that the fiduciary is not liable for any such tax. Such application shall be accompanied by a copy of the instrument, if any, under which such fiduciary is acting, a description of the property held by the fiduciary, and such other information for purposes of carrying out the provisions of this section as the Secretary or his delegate may require by regulations. On payment of the amount of such tax for which it has been determined the fiduciary is liable (other than any amount the time for payment of which has not been extended under section 6161, 6163, or 6166), and on furnishing any bond which may be required for any amount for which the time for payment has been extended, or on receipt by him of notification of a determination that he is not liable for any such tax, the fiduciary shall be discharged from personal liability for any deficiency in such tax thereafter found to be due and shall be entitled to a receipt or writing evidencing such discharge."

(2) Sections 6040(2), 6314(c)(2), 6324(a)(3), and 6504(9) are each amended by striking out "executor" each place it appears in the heading and text of such sections and inserting in lieu thereof "fiduciary".

(3) The table of sections for subchapter C of chapter 11 is amended by striking out

"Sec. 2204. Discharge of executor from personal liability."

and inserting in lieu thereof:

"Sec. 2204. Discharge of fiduciary from personal liability."

(e) Discharge of Executor From Personal Liability for Decedent's Income and Gift Taxes.—

(1) Chapter 71 (relating to transferees and fiduciaries) is amended by adding at the end thereof the following new section:

"Sec. 6905. Discharge of Executor From Personal Liability for Decedent's Income and Gift Taxes.

"(a) Discharge of Liability.—In the case of liability of a decedent for taxes imposed by subtitle A or by chapter 12, if the executor makes written application (filed after the return with respect to such taxes is made and filed in such manner and such form as may be prescribed by regulations of the Secretary or his delegate) for release from personal liability for such taxes, the Secretary or his delegate may notify the executor of the amount of such taxes. The executor, upon payment of the amount of which he is notified or 1 year after receipt of the application if no notification is made by the Secretary or his delegate before such date, shall be discharged from personal liability for any deficiency in such tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

"(b) Definition of Executor.—For purposes of this section, the term 'executor' means the executor or administrator of the decedent appointed, qualified, and acting within the United States.

"(c) Cross Reference.—

"For discharge of executor from personal liability for taxes imposed under chapter II, see section 2204."

(2) The table of sections for chapter 71 is amended by adding at the end thereof the following:

"Sec. 6905. Discharge of executor from personal liability for decedent's income and gift taxes."

(f) Reduction of Period for Discharge of Executor From Personal Liability.—Effective with respect to the estates of decedents dying after December 31, 1973, sections 2204 and 6905 are each amended by striking out "1 year" and inserting in lieu thereof "9 months".

(g) Holding Period of Property.—Section 1223 (relating to holding period of property) is amended by redesignating paragraph (11) as paragraph (12) and by inserting after paragraph (10) the following new paragraph:

"(11) In the case of a person acquiring property from a decedent or to whom property passed from a decedent (within the meaning of section 1014(b)), if—

"(A) the basis of such property in the hands of such person is determined under section 1014, and

"(B) such property is sold or otherwise disposed of by such person within 6 months after the decedent's death,

then such person shall be considered to have held such property for more than 6 months."

(h) Extension of Time.—The first sentence of paragraph (1) of subsection (a) of section 6161 (relating to extension of time for paying tax) is amended by striking out "6 months" and inserting in lieu thereof "6 months (12 months in the case of estate tax)".

(i) Place for Filing Returns.—

(1) Paragraph (3) of section 6091(b) (relating to place for filing returns or other documents) is amended to read as follows:

"(3) Estate tax returns.—

"(A) General rule.—Except as provided in subparagraph (B), returns of estate tax required under section 6018 shall be made to the Secretary or his delegate—

"(i) in the internal revenue district in which was the domicile of the decedent at the time of his death, or

"(ii) at a service center serving the internal revenue district referred to in clause (i), as the Secretary or his delegate may by regulations designate.

"(B) Exception.—If the domicile of the decedent was not in an internal revenue district, or if he had no domicile, the estate tax return required under section 6018 shall be made at such place as the Secretary or his delegate may by regulations designate."

(2) Paragraph (4) of section 6091(b) is amended to read as follows:

"(4) Hand-carried returns.—Notwithstanding paragraph (1), (2), or (3), a return to which paragraph (1)(A), (2)(A, or (3)(A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand-carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i), (2)(A)(i), or (3)(A)(i), as the case may be."

(j) Effective Date.—The amendments made by this section (other than subsection (f) shall apply with respect to decedents dying after December 31, 1970.

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Sec. 102. Gift Tax.

(a) Amendments to Subchapter A of Chapter 12.—

(1) Section 2501.—

(A) Paragraph (1) of subsection (a) of section 2501 is amended to read as follows:

"(1) General rule.—For the first calendar quarter of calendar year 1971 and each calendar quarter thereafter a tax, computed as provided in section 2502, is hereby imposed on the transfer of property by gift during such calendar quarter by any individual, resident or nonresident."

(B) Paragraph (4) of such subsection is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(2) Section 2502.—

(A) So much of subsection (a) of section 2502 as precedes the rate schedule is amended to read as follows:

"(a) Computation of Tax.—The tax imposed by section 2501 for each calendar quarter shall be an amount equal to the excess of—

"(1) a tax, computed in accordance with the rate schedule set forth in this subsection, on the aggregate sum of the taxable gifts for such calendar quarter and for each of the preceding calendar years and calendar quarters, over

"(2) a tax, computed in accordance with such rate schedule, on the aggregate sum of the taxable gifts for each of the preceding calendar years and calendar quarters.

(B) Subsections (b) and (c) of section 2502 are amended to read as follows:

"(b) Calendar Quarter.—Wherever used in this title in connection with the gift tax imposed by this chapter, the term 'calendar quarter' includes only the first calendar quarter of the calendar year 1971 and succeeding calendar quarters.

"(c) Preceding Calendar Years and Quarters.—Wherever used in this title in connection with the gift tax imposed by this chapter—

"(1) The term 'preceding calendar years' means calendar years 1932 and 1970 and all calendar years intervening between calendar year 1932 and calendar year 1970. The term 'calendar year 1932' includes only the portion of such year after June 6, 1932.

"(2) The term 'preceding calendar quarters' means the first calendar quarter of calendar year 1971 and all calendar quarters intervening between such calendar quarter and the calendar quarter for which the tax is being computed."

(3) Section 2503.—

(A) Subsection (a) of section 2503 is amended to read as follows:

"(a) General Definition.—The term 'taxable gifts' means, in the case of gifts made after December 31, 1970, the total amount of gifts made during the calendar quarter, less the deductions provided in subchapter C (sec. 2521 and following). In the case of gifts made before January 1, 1971, such term means the total amount of gifts made during the calendar year, less the deductions provided in subchapter C."

(B) The heading and first sentence of subsection (b) of section 2503 are amended to read as follows:

"(b) Exclusions From Gifts.—In computing taxable gifts for the calendar quarter, in the case of gifts (other than gifts of future interests in property) made to any person by the donor during the calendar year 1971 and subsequent calendar years, $3,000 of such gifts to such person less the aggregate of the amounts of such gifts to such person during all preceding calendar quarters of the calendar year shall not, for purposes of subsection (a), be included in the total amount of gifts made during such quarter."

(4) Section 2504.—

(A) Section 2504 is amended to read as follows:

"Sec. 254. Taxable Gifts for Preceding Years and Quarters.

"(a) In General.—In computing taxable gifts for preceding calendar years or calendar quarters for the purpose of computing the tax for any calendar quarter, there shall be treated as gifts such transfers as were considered to be gifts under the gift tax laws applicable to the years or calendar quarters in which the transfers were made and there shall be allowed such deductions as were provided for under such laws; except that the specific exemption in the amount, if any, allowable under section 2521 shall be applied in all computations in respect of previous calendar years or calendar quarters for the purpose of computing the tax for any calendar year or calendar quarter.

"(b) Exclusions From Gifts for Preceding Years and Quarters.—In the case of gifts made to any person by the donor during preceding calendar years and calendar quarters, the amount excluded, if any, by the provisions of gift tax laws applicable to the years and calendar quarters in which the gifts were made shall not, for purposes of subsection (a), be included in the total amount of the gifts made during such years and calendar quarters.

"(c) Valuation of Certain Gifts for Preceding Calendar Years and Quarters.—If the time has expired within which a tax may be assessed under this chapter or under corresponding provisions of prior laws on the transfer of property by gift made during a preceding calendar year or calendar quarter, as defined in section 2502(c), and if a tax under this chapter or under corresponding provisions of prior laws has been assessed or paid for such preceding calendar year or calendar quarter, the value of such gift made in such preceding calendar year or calendar quarter shall, for purposes of computing the tax under this chapter for any calendar quarter, be the value of such gift which was used in computing the tax for the last preceding calendar year or calendar quarter for which a tax under this chapter or under corresponding provisions of prior laws was assessed or paid.

"(d) Net Gifts.—The term net gifts as used in corresponding provisions of prior laws shall be read as 'taxable gifts' for purposes of this chapter."

(B) The table of sections for subchapter A of chapter 12 is amended by striking out the item relating to section 2504 and inserting in lieu thereof the following:

"Sec. 2504. Taxable gifts for preceding years and quarters."

(b) Amendments to Subchapter B of Chapter 12.—

(1) Section 2512.—Subsection (b) of section 2512 is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(2) Section 2513.—

(A) Section 2513 is amended by striking out "calendar year" each place it appears and inserting in lieu thereof "calendar quarter".

(B) Subparagraph (A) of subsection (b) (2) of section 2513 is amended to read as follows:

"(A) the consent may not be signified after the 15th day of the second month following the close of such calendar quarter, unless before such 15th day no return has been filed for such calendar quarter by either spouse, in which case the consent may not be signified after a return for such calendar quarter is filed by either spouse;".

(C) Subparagraph (B) of subsection (b) (2) of section 2513 is amended by striking out "such year" and inserting in lieu thereof "such calendar quarter".

(D) Subsection (c) of section 2513 is amended by striking out "15th day of April following the close of such year" and inserting in lieu thereof "15th day of the second month following the close of such calendar quarter".

(E) Subsection (d) of section 2513 is amended by striking out "such year" and inserting in lieu thereof "such calendar quarter".

(3) Section 2515.—Subsection (c) of section 2515 is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(c) Amendments to Subchapter C of Chapter 12.—

(1) Section 2521.—Section 2521 is amended to read as follows:

"Sec. 2521. Specific Exemption.

"In computing taxable gifts for a calendar quarter, there shall be allowed as a deduction in the case of a citizen or resident an exemption of $30,000, less the aggregate of the amounts claimed and allowed as a specific exemption in the computation of gift taxes for the calendar year 1932 and all calendar years and calendar quarters intervening between that calendar year and the calendar quarter for which the tax is being computed under the laws applicable to such years or calendar quarters."

(2) Section 2522.—Section 2522 is amended by striking out "year" each place it appears and inserting in lieu thereof "quarter".

(3) Section 2523.—Subsection (a) of section 2523 is amended by striking out "year" each place it appears and inserting in lieu thereof "quarter".

(d) Miscellaneous Amendments.—

(1) Paragraph (2) of subsection (d) of section 1015 (relating to increased basis for gift tax paid) is amended—

(A) by striking out "calendar year" the first place it appears therein and inserting in lieu thereof "calendar quarter (or calendar year if the gift was made before January 1, 1971)", and

(B) by striking out "calendar year" every other place it appears therein and inserting in lieu thereof "calendar quarter or year".

(2) Section 2012.

(A) Paragraph (1) of subsection (b) of section 2012 (relating to credit for gift tax) and paragraph (1) of subsection (d) of such section are each amended by striking out "the year" and inserting in lieu thereof "the calendar quarter (or calendar year if the gift was made before January 1, 1971)".

(B) Subsection (d) of section 2012 is amended by striking out "such year" each place it appears therein and inserting in lieu thereof "such quarter or year".

(3) Section 6019 (relating to gift tax returns) is amended to read as follows:

"Sec. 6019. Gift Tax Returns.

"(a) In General.—Any individual who in any calendar quarter makes any transfers by gift (other than transfers which under section 2503(b) are not to be included in the total amount of gifts for such quarter and other than qualified charitable transfers) shall make a return for such quarter with respect to the gift tax imposed by subtitle B.

"(b) Qualified Charitable Transfers.

"(1) Return requirement.—A return shall be made of any qualified charitable transfer—

"(A) for the first calendar quarter, in the calendar year in which the transfer is made, for which a return is required to be filed under subsection (a), or

"(B) if no return is required to be filed under subparagraph (A), for the fourth calendar quarter in the calendar year in which such transfer is made.

A return made pursuant to the provisions of this paragraph shall be deemed to be a return with respect to any transfer reported as a qualified charitable transfer for the calendar quarter in which such transfer was made.

"(2) Definition of qualified charitable

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TRANSFER.—For purposes of this section, the term 'qualified charitable transfer' means a transfer by gift with respect to which a deduction is allowable under section 2522 in an amount equal to the amount transferred.

"(c) TENANCY BY THE ENTIRETY.—

"For provisions relating to requirement of return in the case of election as to the treatment of gift by creation of tenancy by the entirety, see section 2515(c)."

(4) Subsection (b) of section 6075 (relating to time for filing gift tax returns) is amended to read as follows:

"(b) GIFT TAX RETURNS.—Returns made under section 6019 (relating to gift taxes) shall be filed on or before the 15th day of the second month following the close of the calendar quarter."

(5) Paragraph (1) of subsection (c) of section 6212 (relating to notice of deficiency) is amended by striking out "calendar year" and inserting in lieu thereof "calendar quarter".

(6) Subsection (b) of section 6214 (relating to determination by Tax Court) is amended to read as follows:

"(b) JURISDICTION OVER OTHER YEARS AND QUARTERS.—The Tax Court in redetermining a deficiency of income tax for any taxable year or of gift tax for any calendar year or calendar quarter shall consider such facts with relation to the taxes for other years or calendar quarters as may be necessary correctly to redetermine the amount of such deficiency, but in so doing shall have no jurisdiction to determine whether or not the tax for any other year or calendar quarter has been overpaid or underpaid."

(7) Subsection (b) of section 6324 (relating to lien and gift tax) is amended by striking cut "calendar year" and inserting in lieu thereof "period for which the return was filed."

(8) Paragraph (2) of section 6501(e) (relating to limitations on assessment and collection) is amended by striking out "during the year" and inserting in lieu thereof "during the period for which the return was filed".

(9) Section 6512 (relating to limitations in case of petition to Tax Court) is amended by striking out "the same calendar year" each place it appears therein and inserting in lieu thereof "the same calendar year or calendar quarter".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to gifts made after December 31, 1970.

TITLE II—CONTINUATION OF EXCISE TAXES ON PASSENGER AUTOMOBILES AND COMMUNICATIONS SERVICES

SEC. 201. RATES OF TAXES.

(a) PASSENGER AUTOMOBILES.—

(1) IN GENERAL.—Section 4061(a)(2)(A) (relating to tax on passenger automobiles, etc.) is amended to read as follows:

"(A) Articles enumerated in subparagraph (B) are taxable at whichever of the following rates is applicable:

"If the article is sold—	The tax rate is—
Before January 1, 1973	7 percent.
During 1973	6 percent.
During 1974, 1975, 1976, or 1977	5 percent.
During 1978	4 percent.
During 1979	3 percent.
During 1980	2 percent.
During 1981	1 percent.

The tax imposed by this subsection shall not apply with respect to articles enumerated in subparagraph (B) which are sold by the manufacturer, producer, or importer, after December 31, 1981."

(2) CONFORMING AMENDMENTS.—Section 6412(a)(1) (relating to the floor stocks refunds on passenger automobiles, etc.) is amended by striking out "January 1, 1971, January 1, 1972, January 1, 1973, or January 1, 1974", and inserting in lieu thereof "January 1 of 1973, 1974, 1978, 1979, 1980, 1981, or 1982".

(b) COMMUNICATIONS SERVICES.—

(1) CONTINUATION OF TAX.—Section 4251 (a)(2) (relating to tax on certain communications services) is amended by striking out the table and inserting in lieu thereof the following table:

"Amounts paid pursuant to bills first rendered—

	Percent
Before January 1, 1973	10
During 1973	9
During 1974	8
During 1975	7
During 1976	6
During 1977	5
During 1978	4
During 1979	3
During 1980	2
During 1981	1".

(2) CONFORMING AMENDMENT.—Section 4251(b) (relating to termination of tax) is amended by striking out "January 1, 1974", and inserting in lieu thereof "January 1, 1982".

(3) REPEAL OF SUBCHAPTER B OF CHAPTER 33.—Section 105(b)(3) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 266) is amended to read as follows:

"(3) REPEAL OF SUBCHAPTER B OF CHAPTER 33.—Effective with respect to amounts paid pursuant to bills first rendered on or after January 1, 1982, subchapter B of chapter 33 (relating to the tax on communications) is repealed. For purposes of the preceding sentence, in the case of communications services rendered before November 1, 1981, for which a bill has not been rendered before January 1, 1982, a bill shall be treated as having been first rendered on December 31, 1981. Effective January 1, 1982, the table of subchapters for chapter 33 is amended by striking out the item relating to such subchapter B."

TITLE III—TECHNICAL EXCISE TAX CHANGES

SEC. 301. CONSTRUCTIVE SALE PRICE.

(a) DETERMINATION OF CONSTRUCTIVE SALE PRICE.—Section 4216(b) (relating to constructive sale price) is amended by adding at the end thereof the following new paragraphs:

"(5) CONSTRUCTIVE SALE PRICE IN THE CASE OF AUTOMOBILES, TRUCKS, ETC.—In the case of articles the sale of which is taxable under section 4061(a) (relating to automobiles, trucks, etc.), for purposes of paragraph (1), if—

"(A) the manufacturer, producer, or importer of the article regularly sells such article to a distributor which is a member of the same affiliated group of corporations (as defined in section 1504(a)) as the manufacturer, producer, or importer, and

"(B) such distributor regularly sells such article to one or more independent retailers, the constructive sale price of such article shall be 98½ percent of the lowest price for which such distributor regularly sells such article in arm's-length transactions to such independent retailers. The price determined under this paragraph shall not be adjusted for any exclusion (except for the tax imposed on such article) or readjustments under subsections (a) and (f) and under section 6416 (b)(1).

"(6) DEFINITIONS OF LOWEST PRICE.—For purposes of paragraphs (1), (3), and (5), the lowest price shall be determined—

"(A) without requiring that any given percentage of sales be made at that price, and

"(B) without including any fixed amount to which the purchaser has a right as a result of contractual arrangements existing at the time of the sale."

(b) CONFORMING AMENDMENTS.—

(1) The first sentence of paragraph (3) of section 4216(b) is amended by striking out "paragraph (4)" and inserting in lieu thereof "paragraphs (4) and (5)".

(2) Paragraphs (3) and (4) of section 4216 (b) are amended—

(A) by striking out "Fair market price" in the heading and inserting in lieu thereof "Constructive sale price";

(B) by striking out "fair market price" each place it appears in the text and inserting in lieu thereof "constructive sale price"; and

(C) by striking out "paragraph (1)(C)" and inserting in lieu thereof "paragraph (1)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles sold after December 31, 1970; except that section 4216(b)(6) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall also apply to (1) the application of paragraph (1) of such section 4216(b) to articles sold after June 30, 1962, and before January 1, 1971, and (2) the application of paragraph (3) of such section 4216(b) to articles sold after December 31, 1969, and before January 1, 1971.

SEC. 302. CREDITS IN THE CASE OF CERTAIN FURTHER MANUFACTURING

(a) IN GENERAL.—

(1) Section 6416(b)(3) (relating to tax-paid articles used for further manufacture) is amended—

(A) by striking out "to a second manufacturer or producer, such tax shall be deemed to be an overpayment by such second manufacturer or producer if" and inserting in lieu thereof "and such article is sold to a subsequent manufacturer or producer before being used, such tax shall be deemed to be an overpayment by such subsequent manufacturer or producer if"; and

(B) by striking out "the second manufacturer" each place it appears in subparagraphs (A), (B), (C), (E), and (F) and inserting in lieu thereof "the subsequent manufacturer".

(2) Section 6416(c) (relating to credit for tax paid on tires or inner tubes) is amended by striking out the last sentence thereof.

(b) CONFORMING AMENDMENT.—Section 6416(b)(2) (relating to specified uses and resales) is amended by striking out subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall apply only with respect to claims for credit or refund filed after the date of the enactment of this Act, but only if the filing of the claim is not barred on the day after the date of the enactment of this Act by any law or rule of law.

SEC. 303. CERTAIN CAMPER UNITS.

(a) GENERAL RULE.—Section 4063(a)(1) (B) (relating to exemptions for camper coaches, etc.) is amended by inserting "or camping accommodations" after "living quarters".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall apply with respect to sales made on or after the date of the enactment of this Act.

SEC. 304. NEW CAR LABELS TO SHOW RATE OF APPLICABLE FEDERAL MANUFACTURERS EXCISE TAX.

(a) GENERAL RULE.—In the case of any new automobile distributed in commerce after March 31, 1971, on the sale of which by the manufacturer, producer, or importer tax was imposed by section 4061(a) of the Internal Revenue Code of 1954, any person required by section 3 of the Automobile Information Disclosure Act (15 U.S.C., sec. 1232) to affix a label to such new automobile shall include in such label a clear, distinct, and legible endorsement stating—

(1) that Federal excise tax was imposed on such sale, and

(2) the percentage rate at which such tax was imposed.

(b) PENALTY.—Any person required by subsection (a) of this section to endorse any label who willfully fails to endorse clearly,

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distinctly, and legibly such label as required by subsection (a), or who makes a false endorsement of such label, shall be fined not more than $1,000. Such failure or false endorsement with respect to each automobile shall constitute a separate offense.

Sec. 305. Change in Tax on Non-Turbine-Powered Aircraft.

(a) Exemption of First 2,500 Pounds.—Section 4491(a)(2) (relating to tax on use of civil aircraft) is amended by striking out clause (A) and inserting in lieu thereof "(A) in the case of an aircraft (other than a turbine-engine-powered aircraft), 2 cents a pound for each pound of the maximum certificated takeoff weight in excess of 2,500 pounds, or".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on July 1, 1971.

TITLE IV—TREASURY DEPARTMENT WORKING CAPITAL FUND

Sec. 401. Establishment of Fund.

There is hereby established a working capital fund for the Department of the Treasury, which shall be available, without fiscal year limitation, for expenses and equipment necessary for maintenance and operation of such administrative services as the Secretary of the Treasury, with the approval of the Director of the Office of Management and Budget, determines may be performed more advantageously and more economically as central services. The capital of the fund shall not exceed $1,000,000 and shall consist of the amount of the fair and reasonable value of such supply inventories, equipment, and other assets and inventories on order, pertaining to the services to be carried on by the fund, as the Secretary of the Treasury may transfer to the fund, less the related liabilities and unpaid obligations, together with any appropriations made for the purpose of providing capital. The fund shall be reimbursed, or credited with advance payments, from applicable appropriations and funds of the Department of the Treasury, other Federal agencies, and other sources authorized by law, for supplies and services at rates which will recover the expense of operations, including accrual of annual leave and depreciation of plant and equipment of the fund. The fund shall also be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund. There shall be transferred into the Treasury as miscellaneous receipts, as of the close of each fiscal year, earnings which the Secretary of the Treasury determines to be excess to the needs of the fund. There are hereby authorized to be appropriated such amounts as may be necessary to provide capital for the fund.

Sec. 402. Allowance of a Carry Back and Carry Forward in Computing Minimum Tax on Tax Preferences for Certain Income Taxes.

(a) section 56 of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended—

(1) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"(2) the sum of—

"(A) the taxes imposed by this chapter for the taxable year (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

"(i) section 33 (relating to foreign tax credit),

"(ii) section 37 (relating to retirement income), and

"(iii) section 38 (relating to investment credit); and

"(B) the tax carry backs and carry overs to the taxable years."; and

(2) by adding at the end of such section the following new subsection:

"(c) Tax Carry Backs and Carry Overs.—If for any taxable year—

"(1) the taxes imposed by this chapter (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

"(A) section 33 (relating to foreign tax credit),

"(B) section 37 (relating to retirement income), and

"(C) section 38 (relating to investment credit), exceed

"(2) the sum of the items of tax preference in excess of $30,000,

then the excess of the taxes described in paragraph (1) over the sum described in paragraph (2) shall be a tax carry back to each of the 3 taxable years preceding such year and a tax carry over to each of the 5 taxable years following such year, except that such excess may not be a carry back to any taxable year ending on or before December 31, 1969. The entire amount of the excess for a taxable year shall be carried to the earliest of the taxable years to which such excess may be carried, and then to each of the other taxable years to the extent that such excess is not used to reduce the amount subject to tax under subsection (a) for a prior taxable year to which excess may be carried."

(b) The amendments made by subsection (a) shall apply to taxable years ending after December 31, 1969. In the case of a taxable year beginning in 1969 and ending in 1970, the excess referred to in section 56(c) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall be an amount equal to the excess determined under such section (without regard to the sentence) multiplied by a fraction—

(1) the numerator of which is the number of days in the taxable year occurring after December 31, 1969, and

(2) the denominator of which is the number of days in the entire taxable year.

Amended the title so as to read: "An Act to establish a working capital fund for the Department of the Treasury to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications service; and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished chairman of the Committee on Ways and Means if he will explain the Senate added-on amendments? As I understand it, they have added an excise tax which did not pass this House on various articles such as automobiles and telephone calls. Is it the same as that which passed the House, and what are the other amendments, and what is the intent of the amendments the gentleman will offer?

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Arkansas.

Mr. MILLS. The bill that is being considered passed the House by unanimous consent on May 13, 1970, the bill providing for the working capital fund for the Treasury. Later on the House passed, the gentleman will recall, a bill involving a continuation of certain rates on automobiles and telephone calls, also a speed-up in the collection of gift and estate taxes. Rather than pass that latter bill as a separate item, apparently, the Senate decided to add it to the House-passed bill on the working capital fund. It has been added in the identical form that it passed the House, with certain changes which I shall explain.

Mr. HALL. It is identical to the House-passed bill?

Mr. MILLS. It is, with three exceptions that have to be, I think, accepted in order for us to carry out our original intent.

Mr. HALL. Are those the exceptions the gentleman intends to meet with his amendments?

Mr. MILLS. No. I want to make that clear now, if the gentleman will yield further.

Mr. HALL. I am glad to yield, with a simple observation that I was one of the ones who voted against a continuation of the excise tax originally, and I certainly object to the other body's way of doing such business as a tagged-on appendage to our House-passed bills. But, as I understand the gentleman's explanation so far, the amendments are germane.

Mr. MILLS. They are germane. Will the gentleman yield?

Mr. HALL. I am glad to yield.

Mr. MILLS. One of the modifications made by the Senate deals with the provision in the House bill which is concerned with the constructive sales price on which the tax is computed where a manufacturer of an automobile or truck regularly sells to an affiliated distributor, which then regularly sells to independent retailers.

The Tax Reform Act of 1969 and prior rulings of the Internal Revenue Service allows manufacturers to use a constructive sales price where the sale is made through an affiliated distributor. In some of these cases the constructive sales price, under present law, is 90 percent of the lowest price for which the affiliated distributor regularly sells an item in arm's-length transactions to independent retailers. The Ways and Means Committee became aware of the fact that this 90-percent rule, as applied to sales by all automobile manufacturers, would result in an excise tax reduction approaching 10 percent and could have resulted in a revenue loss to the Government of between $75 and $150 million a year.

To forestall this result, the bill, as passed by the House, contained a provision raising this constructive sales price in the case of automobile manufacturers to 97 percent of the price charged by the affiliated distributor to independent retailers. Further research on this point since the bill was passed by the House, discloses that in order to forestall a revenue reduction in this case the constructive price should have been placed at 98.5 percent of the lowest price for which the affiliated distributor regularly sells these items in arm's-length transactions to independent retailers. This amendment by the Senate seems to me to be a wholly appropriate one, and one to which we should readily agree.

In this same connection, the bill as passed by the Senate deleted the rule found in the House bill dealing with transportation charges in determining the lowest price for which an article is regularly sold under the prior rulings, the 1969 act constructive price rules, and the new rule under this bill. The Senate decided that this language of the House bill was unnecessary because it does not change the present administrative practice in determining the lowest price by taking into account the price of the article including the lowest amount of transportation charges. A letter from the Deputy Assistant Secretary of the Treasury Department, addressed to Senator LONG, and inserted in the Senate debate on this issue by him, confirms what I have said.

The Treasury letter does not, however, specifically cover the situation where an article is sold to independent retailers for a standard basic price without any transportation charge where bona fide arm's length sales have been made at such a price in great enough volume so that it is clear that these sales have not been engaged in primarily to establish a lower tax base. In such cases, it is my understanding that the basic price will be computed without any transportation charges being considered in the lowest price. We have had discussions with the Treasury Department and have confirmed that the statement that I have just presented to you correctly interprets their understanding of the law.

It is also my understanding that these constructive price rules do not apply when an automobile manufacturer sells an automobile to its affiliated distributor at the same price for which the affiliated distributor, in turn, sells to unrelated retailers or unrelated wholesalers. In such a situation the price by the manufacturer to its affiliated distributor clearly is not less than the fair market price. Since the constructive price rules apply only where the sale by the manufacturer is at less than the fair market price and, as I have just indicated, in this case the sale is not at less than the fair market price, it is clear that the constructive price rules do not apply in this case. As a result, the tax base in this case will be determined as though the original sale of the automobile had been made to an unrelated party and the manufacturer is entitled, in this case, to adjust the tax base in accordance with the provisions of sections 4216(a), 4216(f), and 6416(b)(1), dealing with transportation charges, cooperative advertising charges and other price readjustments.

I believe the outline I have given you of the way in which the constructive sales price provision works, is wholly consistent with the statement of the manager on the part of the bill in the Senate, and is also consistent with the interpretation of the law by the Treasury Department.

With this understanding, I see no need to modify either the percentage change made in the constructive price rule by the Senate or the treatment of transportation charges.

I insert at this point in the RECORD a letter I received from the Treasury Department confirming the interpretation I have just given you of the present treatment of the cost of transportation expenses:

DECEMBER 30, 1970.

Hon. WILBUR D. MILLS,
Chairman, Committee on Ways and Means,
Washington, D.C.

DEAR MR. CHAIRMAN: At the time of Senate passage of H.R. 16199, now known as the Excise, Estate and Gift Tax Adjustment Act of 1970, there was a floor discussion of the constructive sale price rule in Section 301 of the bill. The bill as reported by the Senate Finance Committee does not contain the provision of the House bill dealing with transportation charges in determining the lowest price for which an article is regularly sold. The letter which I sent to Senator Long was included in the Record (Congressional Record, December 29, 1970, 43889) to set forth the present administrative practice of the Treasury Department with respect to transportation charges. The bill as passed by the Senate does not include the transportation charge provision because it was concluded that the present administrative practice adequately dealt with the problem.

Immediately following the insertion of my letter in the Record, Senator Long stated that while the Treasury statement of its administrative practice does not appear to deal with the situation where an article is sold to independent retail dealers for a standard basic price without any transportation charge, it is understood that if bona fide arm's length sales have been made at such price in great enough volume so that those sales have not been engaged in primarily to establish a lower tax base, the basic price without any transportation charge will be considered the lowest price. Senator Long's statement is a correct statement of our present administrative practice.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

A second modification made by the Senate in the House-passed bill deals with the tax on the use of civil aircraft. This tax was added by the Airport and Airway Revenue Act of 1970. That act provided a series of revenue sources designed to pay for a substantial part of the operation of the airways and airport construction to the extent of Federal participation. Overall the revenue from this act has been estimated to raise close to $700 million in the fiscal year 1971, gradually increasing to something close to $1.8 billion in 1980.

The amendment added by the Senate, as I indicated earlier, relates to the use tax on aircraft. Under present law, this use tax is $25 per aircraft plus, in the case of aircraft weighing more than 2,500 pounds certified takeoff weight, 2 cents a pound in the case of piston-powered aircraft, and 3½ cents a pound in the case of turbine-powered aircraft.

The amendment added by the Senate, in the case of piston-powered aircraft, exempts from tax the first 2,500 pounds. This amounts to a saving on each aircraft of $50. As I have already indicated, aircraft weighing 2,500 pounds or less already are exempt from this tax so this amendment can only help aircraft weighing more than this amount. It is what we in tax terminology refer to as a "notch," in the sense that planes weighing more than 2,500 pounds pay this poundage tax not only on the weight over the 2,500-pound limit but also on the first 2,500 pounds as well. The Senate amendment removes this notch by granting all piston-powered aircraft an exemption from this 2-cent-a-pound tax, for the first 2,500 pounds of weight. The revenue cost of this is estimated at $2.9 million in 1972, gradually increasing to $4 million in 1980.

Actually the existing law probably does treat somewhat harshly those planes weighing just slightly more than 2,500 pounds. It is in this area that the amendment has its greatest effect and because of this I do not believe that objection should be raised to this amendment made by the Senate. However, it may well be that when this tax is next considered the decrease in revenue resulting from this larger exemption will have to be taken into account in establishing the then-applicable tax rate.

The third amendment made by the Senate to the House-passed bill adds a provision which modifies the minimum tax, which we added in the Tax Reform Act of 1969. The gentleman was on the floor the other day, I presume, when the gentleman from Louisiana (Mr. BOGGS) and the gentleman from Wisconsin (Mr. BYRNES) offered a series of bills reported from the Ways and Means Committee and also proposed to accept certain amendments added by the Senate to other bills. The gentleman will remember that in one instance the gentleman from Louisiana (Mr. BOGGS) and the gentleman from Wisconsin (Mr. BYRNES) declined to accept a Senate amendment. That is the identical amendment I am talking about now, but in the meantime, after this amendment was appended to this bill, the author of the amendment on the other side, the distinguished Senator from Iowa (Mr. MILLER) and the Treasury, and I conferred, and, if I am permitted to do so, I propose to offer an amendment to his amendment, which eliminates the objection that the staff had that was reflected through the gentleman from Louisiana (Mr. BOGGS) and the gentleman from Wisconsin (Mr. BYRNES) in their action, and the objection the Treasury had, and the concern I had about adding complications through the adoption of the so-called Miller amendment.

We will eliminate that, and it is an equitable resolution of what is now an inequitable situation. So these are the amendments I am talking about. They are all germane. Let me go ahead on it at this point.

In the Tax Reform Act we added a provision imposing a 10-percent minimum tax where an individual or a corporation has items of income or deduction which receive preference under the tax laws. However, this tax is imposed only where these amounts exceed $30,000 plus the regular tax liability of the individual or corporation involved. This Senate amendment would provide that to the extent an individual or corporation has regular tax liability in excess of his tax preference items, this excess amount may be carried back and used as a deduction in computing a minimum tax in any of the past 3 years, or if not used up in this manner may be carried forward and used to offset preference income otherwise subject to the minimum tax in any of the 5 succeeding years.

After considering various kinds of minimum taxes, the Congress settled on the present form in no small part be-

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cause of its simplicity. The tax rate is relatively low and the tax computation is simple. There are many adjustments which could be made to the base of this tax which we did not make in 1969 in order to maintain the simplicity of this tax. The Senate amendment represents the first step in a departure from this concept of a simple minimum tax.

An additional factor which should be taken into account is the revenue loss involved. The staffs of the Treasury Department and Joint Committee on Internal Revenue Taxation, taking into account the effect that this would have on both corporations and individuals, estimate that it would result in an annual revenue loss of close to $100 million. The significance of this is indicated by the fact that the minimum tax in total is expected to raise approximately $635 million a year.

The Treasury Department previously reported to us unfavorably with respect to this amendment both because of the added complexity which the amendment would bring about and also because of the significant revenue loss entailed. Because of their recommendation, when this amendment was added a few days ago by the Senate to H.R. 17473, we recommended resisting this amendment and as a result the House sent that bill back to the Senate deleting this minimum tax amendment.

The Senate, however, has insisted on this amendment and not to take some action on it now would run the possibility of endangering the loss of $3.4 billion which this bill raises in the fiscal year 1972. In view of this, the Treasury Department has recommended that we accept the Senate provision in a modified form which I believe will be acceptable to the Senate.

The most complicated aspect of this provision is the carryback of the ordinary tax liability to be used in prior years as an offset to the minimum tax. In place of the 3-year carryback and 5-year carryforward, I intend to present a motion amending the Senate provision to provide for a 7-year carryforward, and no carryback, of the ordinary income tax as a deduction in computing the minimum tax. This should substantially simplify the Senate amendment.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's detailed explanation. As usual, he and his staff obviously have done their homework and have the situation well in hand.

I would say in summary then that what the gentleman proposes to do, because this is the last day of the year and the "lame-duck" session of the Congress, and because the excise tax is due to expire at midnight tonight unless something is done, is to accept the questionably constitutional technique of the other body adding on about four different amendments to an otherwise House-passed bill and agree to an identical bill, including the continuation of the excise taxes which is almost identical to the way the House passed it. And in the name of another sacred cow and in the name of the need to continue the revenue, and in the name of the diminishing hours of the old year and the continuation of this Congress, we must accept this technique of doing things, and the amendments are generally germane. In fact, three of the amendments are simply technical conforming amendments, which both sides and the department downtown have agreed can be worked out by the amendments the gentleman proposes to offer.

Mr. MILLS. This is correct.

Mr. HALL. Since this is a true statement and the gentleman does confirm it, I would only ask if the minority leadership on the Ways and Means Committee was advised before asking unanimous consent to bring this bill up?

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I will be glad to yield to the gentleman from Arkansas.

Mr. MILLS. The gentleman from Wisconsin and I have discussed the matter. I thought he had been advised earlier today that I proposed to bring it up right after 12 o'clock if the Speaker would agree. I must apologize to my friend from Wisconsin, because the information was not relayed to him as I had thought it would be and as I had intended it to be.

However, miraculously, as he usually does, he showed up on the floor of the House at the beginning of the session at 12 o'clock, and he was here when I made my request. I believe my friend from Wisconsin agrees it is all right to go forward with it.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. This matter has been discussed previously with the chairman. I was admittedly taken by surprise when it came up at this time.

I have discussed with the gentleman from Arkansas the amendment he intends to offer to the Senate amendment concerning the minimum income tax. I have also discussed it with the Treasury.

I am not happy about the procedure used by the Senate, and I believe it is most unfortunate. I believe we should make it clear, that by accepting this amendment—which I consider satisfactory under current circumstances—we do not condone this method of procedure nor foreclose review of the minimum income tax. In fact, in my judgment the Senate amendment should be reviewed along with other items in that minimum tax area, early next year.

I do agree with the action being taken at this time, and the amendment which is intended to be offered by the gentleman from Arkansas.

Mr. HALL. Mr. Speaker, I am delighted to have the statements of both the chairman and the ranking minority member of the committee. As they both know, I have worked for the past 5 years on the reorganization of the Congress, and have been bartered with by representatives of the other body for the right to start and initiate appropriation, trade, taxes, tariffs, and other levies, and have had the carrot dangled in front of that special commission that we "could have a longer period between elections if we would allow this variance of our prerogative of the Constitution" to them. I admit I am very sensitive about it, and believe we should keep it, as indeed the people should be able to turn their representatives "out to pasture" every 2 years.

I do not believe in this way of doing business. I shall interpose no objection under the circumstances and the explanations and in view of the plea of timeliness, as explained by the gentleman on both sides of the aisle.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield further.

Mr. MILLS. I want to associate myself with the gentleman's statement and that of the gentleman from Wisconsin. I do not want it to appear in the RECORD that I approve, either.

Mr. HALL. It would seem, Mr. Speaker, we have telegraphed the word to the other body often enough that this is no way to do business, but let us continue to send it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Would the gentleman in as few words as possible explain the necessity for this capital working fund for the Treasury?

Mr. MILLS. Mr. Speaker, if the gentleman will yield further, the gentleman will recall we passed on two occasions a working capital fund bill for the Treasury. We passed it in the Congress prior to this. I explained it I believe upon a reservation of the gentleman from Wisconsin at that time. We also passed it this year, May 13, by unanimous consent. The purpose of that bill was to establish a working capital fund to provide an improved method of financing, managing and accounting for certain administrative service operations provided by the Department of the Treasury to its bureaus and offices. We placed a limitation of $1 million in it.

Mr. GROSS. A million dollars?

Mr. MILLS. Yes, $1 million. It is a matter that has been requested not only by the present Treasury officials but also in prior years it was requested, because they tell us that if we will give them the authority to set up this million-dollar revolving fund they can bring about savings in the operations in the Treasury. They pointed out to us it was a matter of savings to do it.

Mr. GROSS. It has no relation to the $5 billion cushion already provided?

Mr. MILLS. Not at all.

Mr. GROSS. I thank the gentleman.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

MOTION OFFERED BY MR. MILLS

Mr. MILLS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MILLS moves to concur in the Senate amendment to the text of the bill, with the following amendments:

Page 29, strike out lines 1 to 5, inclusive, of the Senate amendment and insert:

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"TITLE V—CARRY FORWARD IN COMPUTING MINIMUM TAX ON TAX PREFERENCES

SEC. 501. SEVEN-YEAR CARRY FORWARD

(a) IN GENERAL.—Section 56"

Page 29, line 22, of the Senate amendment strike out "carry backs and".

Page 29, line 23, of the Senate amendment strike out "years" and insert "year".

Page 30, line 3, of the Senate amendment strike out "Carry Backs and".

Page 30, line 18, of the Senate amendment strike out "shall be a tax carry back" and all that follows down through line 25 and insert "shall be a tax carry over to each of the 7 taxable years following such year. The entire amount of the excess for a taxable year shall be carried to the first of such 7 taxable years, and then to each of the other such taxable".

Page 31, line 4, of the Senate amendment strike out "(b)" and insert "(b) EFFECTIVE DATE.—"

The motion was agreed to.

MOTION OFFERED BY MR. MILLS

Mr. MILLS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MILLS moves that the House concur in the Senate amendment to the title of the bill.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may be permitted to extend their remarks at this point on the bill H.R. 16199.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

SENATE MAJORITY WHIP TAKES EXCEPTION TO REMARKS OF THE HOUSE MINORITY LEADER

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, the Senate majority whip has taken exception to remarks I have made on the floor of the House to the effect that the House has done its job well in this session but the Senate has prevented us from writing a truly impressive record of achievement. His remarks appear on page 44113 of the December 30 CONGRESSIONAL RECORD. There appears to be only one appropriate response to the Senator's criticism, and that is: The truth hurts. I need say no more.

AUTHORIZING THE EXTENSION OF CERTAIN NAVAL VESSEL LOANS

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15728) to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 3, strike out "and three submarines to the Republic of China".

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. ARENDS. Mr. Speaker, reserving the right to object, and I have no intention at all of objecting, because I perfectly approve of the action being taken by the chairman of our committee, the gentleman from Massachusetts (Mr. PHILBIN), but I hope the gentleman will explain to the House exactly what is involved here and I am sure the Members of the House will agree with the position which the gentleman has taken.

Mr. PHILBIN. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Massachusetts.

(Mr. PHILBIN asked and was given permission to revise and extend his remarks.)

Mr. PHILBIN. Mr. Speaker, on March 23, 1970, the House passed H.R. 15728, as reported by the Committee on Armed Services.

That legislation authorized the loan of naval vessels to various of our allies.

The Senate has now acted on this legislation. The Senate passage occurred on December 4, 1970. However, in acting on this legislation, the Senate did not concur in the original committee action which would have authorized the loan of three submarines to the Republic of China.

Under normal circumstances the differences between the House and Senate versions of this legislation would have been the subject of a conference.

Due to the fact that the 91st Congress will soon terminate, there appears to be no reasonable opportunity for the House to insist on a conference with the Senate to resolve the issue posed by the Senate amendment. However, we are aware that this legislation is vital to our national security program, with particular emphasis on our Vietnamization program. Included in the legislation is the provision for authority for the loan of two destroyer escorts to the South Vietnamese Navy. In anticipation of favorable action by the Congress, the administration has trained Vietnamese crewmen for this purpose. Failure of the Congress to provide its approval to this ship loan bill would seriously impact on the Vietnamization program and have a devastating effect on the morale of our South Vietnamese allies.

In view of these circumstances, I have discussed this matter with the leadership on both sides of the aisle, as well as the Office of the Secretary of Defense, and there is general agreement that the best course of action is to accept the Senate amendment and pass the bill, H.R. 15728.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, may I inquire of the distinguished gentleman from Massachusetts if I am correct in my understanding that three submarines were not given to the Republic of China?

Mr. PHILBIN. The gentleman is correct. Under the amendment of the Senate the three submarines that were provided in the bill were stricken.

Mr. GROSS. And that is the only amendment?

Mr. PHILBIN. That is the only amendment.

Mr. GROSS. The only amendment on the part of the other body?

Mr. PHILBIN. That is the only amendment on the part of the other body.

Mr. GROSS. Do I understand that no additional warships of any description were given to Latin American countries, or any other countries?

Mr. PHILBIN. No; there were no other additional warships of any kind given.

Mr. GROSS. Were there any warships taken from Latin American countries which may have used those warships to seize American fishing vessels on the high seas?

Mr. PHILBIN. Not under the terms of this bill. This bill is just under the loan program that we have had for a long time.

Mr. GROSS. The loans of warships to countries such as Chile, if we have ever given ship loans to them, or to Peru, or to Bolivia—that was not changed?

Mr. PHILBIN. No; there are no South American countries involved in this bill.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. ARENDS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 15728.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks concerning my special order on Hon. ALBERT W. WATSON, of South Carolina.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

LOCKHEED CONTROLS PENTAGON

(Mr. PIKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PIKE. Mr. Speaker, this year we paid the first installment of $200 million on Lockheed's problems with the Department of Defense and we have just gotten the next item of that bill and the total is now $758 million.

The letter from Secretary Packard to the Committee on Armed Services and the Committee on Appropriations would be funny if it were not so sad.

He says on page 2 that shortly after taking office, he became aware of these problems. This was 2 years ago. He says on the same page, "The time has now come when we must move promptly."

Mr. Speaker, it is rather interesting to see the Pentagon admit that Lockheed is now so big that the Pentagon cannot control Lockheed—but that Lockheed controls the Pentagon.

It is also interesting to see the Pentagon leading us into a form of military socialism. They have embraced the political and economic philosophy that small business and small people shall be allowed to go bankrupt but that big business with bad management shall be bailed out by the taxpayers and be allowed to go their merry way.

RENAME U.S. COAST GUARD CUTTER "VIGILANT," THE "SIMAS KUDIRKA"

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, when the 92d Congress convenes in January, it is my intention to offer the following resolution. I ask as many of my colleagues as wish to do so to join me in sponsoring this resolution.

Mr. Speaker, the resolution is as follows:

H.J. RES. —

Joint resolution to rename the U.S. Coast Guard cutter "Vigilant," the "Simas Kudirka"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the tragic lack of guidance and initiative surrounding the forcible return of the Lithuanian sailor, Simas Kudirka, to a Soviet ship from the American Coast Guard cutter "Vigilant" on November 23, 1970 should serve as a perpetual reminder to all Americans of the need for an understanding of the obligations of liberty. That static leadership, unclear authority, and a woeful absence of basic compassion resulted in Soviet naval personnel being permitted to board an American ship in American waters for the express purpose of capturing and subduing Seaman Kudirka and denying him the sanctuary to which he was entitled. That this tragedy and this man must not be forgotten by the free world. That the Congress of the United States therefore urges the President to adopt the suggestion of the Lithuanian American Congress and rename the Coast Guard cutter "Vigilant," the "Simas Kudirka" in memory of the right of all men to individual liberty and as a constant reminder to all American ships at sea that this tragedy shall never again be repeated by an American crew.

TRIBUTE TO HON. CHARLES YOST, U.S. AMBASSADOR TO THE UNITED NATIONS

(Mr. BUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BUSH. Mr. Speaker, on December 19, Senator CLAIBORNE PELL of Rhode Island put in the RECORD an exchange of correspondence between President Nixon and Ambassador Charles Yost, our representative at the United Nations. I would like to add a personal word to the fine and well-earned tribute that Senator PELL paid to Ambassador Yost.

President Nixon has nominated me to replace Ambassador Yost. Since this nomination, Ambassador Yost has been most cooperative to me in every way.

But then this is not surprising, for in the many discussions I have had about the United Nations one thing has become extremely clear; because of his qualities of character and essential decency Ambassador Yost has the confidence and admiration of all those around him.

As Senator PELL so aptly put it, I too hope his talents and abilities may be drawn upon in the future for the benefit of our Nation.

CONCERNING CONTINUED INJUSTICES SUFFERED BY JEWISH CITIZENS OF THE SOVIET UNION

Mr. MORGAN. Mr. Speaker, I offer a resolution (H. Res. 1336) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1336

Resolved, That the House of Representatives hereby expresses its grave concern over the continued injustices to which the Jewish people in the Union of Soviet Socialist Republics have been subjected by the Government of that nation, as manifested most recently by the cruel and unusual punishment imposed upon Jewish citizens of the Soviet Union for allegedly treasonous acts.

SEC. 2. The House of Representatives respectfully urges the President to (1) convey to the Government of the Union of Soviet Socialist Republics the grave concern of the people of the United States and the House of Representatives over these injustices (2) and urge that Government to provide fair and equitable justice for its Jewish citizens.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Speaker, reserving the right to object, are printed copies of the resolution available?

Mr. MORGAN. No, Mr. GROSS. There were printed copies of the original resolution, House Resolution 1321, but due to the recent act of the Soviet Supreme Court, we felt we should change our resolution by striking out on line 6 of the original resolution the words "of the death sentences" and the word "two", and on line 7 making the word "act" plural. We would then strike out clause (2) of section 2 beginning on line 12. Those are the only corrections.

Mr. GROSS. You would strike all of section 2?

Mr. MORGAN. Section 2 beginning at line 12.

Mr. GROSS. I assume you mean No. 2 in section 2?

Mr. MORGAN. That is correct.

Then the resolution would be exactly the same.

Mr. GROSS. Then the printed resolution will conform to this marked-up, hand-marked, reproduced sheet of paper?

Mr. MORGAN. That is correct.

Mr. GROSS. Has this resolution been introduced, or must it be amended on the House floor?

Mr. MORGAN. The resolution, House Resolution 1321, and identical resolutions have been sponsored by over 150 Members. Due to the recent changes, we have asked for immediate consideration of the corrected resolution.

Mr. GROSS. Of the corrected resolution, so it will not be necessary to amend it. Is that correct?

Mr. MORGAN. That is correct.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished gentleman yielding under his reservation.

I would like to ask the chairman of the Committee on Foreign Relations if this is not indeed becoming a moot question and, if so, why this act?

Mr. MORGAN. First, I wish to remind my distinguished friend and medical colleague that I am not the chairman of the Foreign Relations Committee.

Mr. HALL. The Foreign Affairs Committee.

Mr. MORGAN. But of the Foreign Affairs Committee.

If the gentleman will repeat his request——

Mr. HALL. Mr. Speaker, I am well aware that, according to the rules of the House, it is the Committee on Foreign Affairs of the House and not the Foreign Relations Committee. I appreciate being corrected. I do know the difference between the two bodies.

But my question—and I really have two questions and then perhaps an observation—is that in view of the action of the Soviet Supreme Tribunal of Justice—if there is justice in that nation—yesterday, whether or not this is not an academic or moot question and, if so, why such a resolution?

Mr. MORGAN. Of course, the gentleman knows that this resolution was originally scheduled to be brought up last night, but under the circumstances the leadership felt that it should not be brought up at that time. Some Members were getting restless.

Mr. HALL. I think that was just one or two Members.

Mr. MORGAN. That was the reason it has been necessary to correct the resolution today. As the gentleman said, maybe the resolution passed by the other body, which was the the same as the original resolution, House Resolution 132, or whether it was the action taken in Spain in reducing the death sentences which had been passed on their terrorist, that influenced the Soviet Union to reduce their sentences—I cannot answer the gentleman. But something occurred in that country to lead them to reduce some of the sentences. I feel it absolutely necessary for us to act today, because of the fact that we have over 150 House sponsors to this resolution. Many Mem-

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bers of the House have a real interest in this subject, and we ought to give them an opportunity to express their views.

Mr. HALL. I would like to continue my observation—and I appreciate the gentleman from Iowa yielding further—and I appreciate the distinguished chairman's explanation. I understand the pressures that will be brought for this altered and watered-down resolution, but just as sure as many have regretted the Tonkin Gulf resolution that passed this House in haste, so the axiom might be derived that legislation passed in haste in a lameduck session is putrid and unnecessary legislation.

Now, as to my second question, I wonder if this is not in violation of the Platt amendment, and certainly the distinguished gentleman from Pennsylvania, the chairman of the House Committee on Foreign Affairs, would know and have an observation about that.

Mr. MORGAN. This is only an expression of the sense of the House of Representatives. It does not have the significance of the resolution the Bay of Tonkin resolution, for instance, which was passed by both bodies and signed by the President.

Mr. HALL. The only comparison is the speed with which it was brought to the floor.

Mr. MORGAN. This is only an expression of the sense of the House of Representatives. I feel confident it is not a violation of the Platt amendment.

Mr. HALL. That is very reassuring. If the gentleman will yield for one last observation, that is to question just how effective this would be on the other nations to whom the resolution is directed, both of whom have beat us to the draw? I feel that just as sure as we have razorback hogs in the Ozarks, this will be just as effective as a fifth teat on one of those razorback boars.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. The gentleman will recall there were two points in the first resolution. One was concern over the continued injustices which the Jewish people in the Union of Soviet Socialist Republics have been subjected to by the government of that nation. That is a broad statement of policy. In the resolution which is not limited to the specific instance related later, which has been stricken, that part of the resolution is still valid, and that is the reason for bringing the resolution up on the floor in its present form.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, all Americans are rejoicing today over the commutation by the Soviet Supreme Court of the death sentences handed down by a lower court to two of 11 Jews accused of planning to hijack a Soviet airliner.

Our elation should be tempered, however, by the circumstances which gave rise to the entire incident—the probable entrapment by Soviet officials, the mockery of a trial, the stunningly heavy sentences, and now the reduction in sentences. After all, the reason the incident occurred is that the Soviet Union virtually bans the emigration of Russian Jews to Israel.

The fact that the Soviet Union is holding Jews in that country against their will is unconscionable. While it is true that the Soviets, in effect, are keeping all of their citizens prisoner, the situation is particularly heinous as regards the Russian Jews. The Jews have somewhere to go, and if they wish to emigrate to Israel they should be freely permitted to do so.

There is still another regrettable happening in connection with this incident.

A number of House Members—Democrats and Republicans—introduced resolutions last night expressing concern over the death sentences and urging the Soviet Union to commute them. It was contemplated that the basic resolution—jointly sponsored by Foreign Affairs Chairman THOMAS E. MORGAN, ranking Republican Ross ADAIR, Majority Leader CARL ALBERT and myself—be brought to the House floor for a vote under suspension of the rules. It would undoubtedly have been approved without a dissenting vote, just as an identical bipartisan resolution was approved on Tuesday by the U.S. Senate, with Senator DOLE as the principal sponsor.

Regrettably, the House was adjourned Wednesday evening without an opportunity for the resolution to be acted upon. I make this statement at this time so that the record will be clear. There was strong, and undoubtedly unanimous, support for the following resolution:

> *Resolved*, That the House hereby expresses its grave concern over the continued injustices to which the Jewish people in the Union of the Soviet Socialist Republics have been subjected by the Government of that Nation, as manifested most recently by the cruel and unusual punishment of the death sentences imposed upon two Jewish citizens of the Soviet Union for an allegedly treasonous act.
>
> SEC. 2. The House respectfully urges the President (1) convey to the Government of the Union of the Soviet Socialist Republics the grave concern of the people of the United States and the House over these injustices, (2) urge the Soviet Government to commute the two death sentences, and (3) urge that Government to provide fair and equitable justice for its Jewish citizens.

Mr. Speaker, it would have been far better from the point of view of timeliness and substance to have considered the original resolution last night. Be that as it may, I believe it is important that we consider the modified resolution today.

It does have important language which I hope will have an impact on the Soviet Government.

It might be interesting to the Members of the House to know that the Secretary of State, Mr. Rogers, made a personal appeal to the Soviet Union to reduce the sentences meted out to the Soviet Jews convicted of planning a plane hijacking. The appeal was in a letter to Soviet Foreign Minister Andrei Gromyko, before the Supreme Court of the Russian Federation commuted two death sentences and reduced the harsh sentences of at least three other defendants.

According to newspaper accounts, the Secretary of State's letter to Gromyko questioned how good relations between the two nations could be maintained if the Russians imposed punishment that arouses anti-Soviet sentiment in the United States.

It is interesting to note, also, that three American Jewish leaders who had met with the Secretary of State later held a 40-minute conference with President Nixon and said they were pleased with what they had been told and were impressed with the President's deep understanding of the problem and his genuine concern.

Even though we did not act last night, Mr. Speaker, I believe it is important for us to take some action today.

Mr. GROSS. Mr. Speaker, I am not sure I agree with the gentleman from Michigan that this resolution will have a beneficial effect. This might well have a very adverse effect under the circumstances. I hope and trust that it will not, but it could have an adverse effect.

I am unable to understand why the Jewish people are singled out in this resolution. There are other oppressed peoples in Russia. The gentleman well recalls that a religious cult appeared at the doors of the American Embassy in Moscow—I believe it was Moscow; either Moscow or Leningrad—not too long ago, members of a religious cult in Russia, and asked for asylum. They were taken in, and within a matter of hours turned over again to the tender mercies of Russia.

I am not sure how they could have been gotten out of Russia had the United States given them sanctuary, but in any event they were given sanctuary only for a few hours.

There are other oppressed peoples around the world, millions of them. I wonder if we are doing the right thing here today by singling out any racial minority in this situation, Mr. Speaker.

Mr. SCHMITZ. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. SCHMITZ. It is very hazardous for someone with a German name and a mustache, to speak on any such subject matter as this without having his remarks completely misinterpreted, but I believe my anti-Communist record in public life is such that I will at least not be accused of taking their side on this issue.

I should just like to ask the chairman of the committee, in light of the well-taken point by our colleague from Iowa whether, so long as we are in effect amending this resolution, by means of introducing a new resolution, he could not introduce still a third substitute resolution striking the word "Jewish" in three places?

Then the resolution would read:

> *Resolved*, That the House of Representatives hereby expresses its grave concern over the continued injustices to which the people in the Union of Soviet Socialist Republics have been subjected—

And at the end:

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urge that Government to provide fair and equitable justice for its citizens.

As long as we are bypassing the restriction against amending an item taken up under suspension, why not do a proper job?

I might make another observation about this resolution. The entire thrust of the resolution seems to be toward the object of the recent action in the Soviet Union, and there seems to be no mind to the subject of the action.

I would say there is good reason for us to address ourselves to the subject of the action which subject is a Communist police state.

I pose these questions to the gentleman while he is in effect amending the resolution. Why not amend it to emphasize the fact that this action is due to the nature of a Communist regime since such activity is not limited to a specific type or group? By the exclusive nature of this resolution does it not imply that this body does not bestir itself as much for moral as for specifically political reasons?

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Of course, I understand the gentleman from California's great concern about the oppressed people under the rule of the Soviet dictators. But everyone who lives in the Soviet Union should really be regarded as oppressed people. I can assure the gentleman from California that the Committee on Foreign Affairs had a Subcommittee on Captive Nations, and hearings were held on this matter before the gentleman from Connecticut (Mr. MONAGAN) and we fully developed many of the facts that the gentleman from California is concerned with.

I hope next year after the Foreign Affairs Committee is organized that the gentleman from Connecticut (Mr. MONAGAN) will be the chairman of the European Subcommittee and I know he is interested in the entire problem of oppressed people. I can assure the gentleman that there will be hearings held on these matters looking toward the preparation of legislation to assist the people behind the Iron Curtain.

Mr. GROSS. I am sure the gentleman from California understands from that answer that we will put off until tomorrow what we can and should do today.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Connecticut.

Mr. MONAGAN. I think the gentleman points to a very significant element, and that is the fact while we do approve what many of us have expressed, we do approve the objective and language of this resolution but that there is also a problem to which we must continue to point, and that is the deprivation by the Government of the U.S.S.R. of the common right to travel of all its citizens.

Mr. GROSS. That is what we are talking about here. This resolution should not be limited to one race or one group. It ought to cover all oppressed peoples under the dominion of the Soviet Union.

Mr. MONAGAN. Mr. Speaker, if the gentleman will yield further, I think we will not foreclose, if I may say to the gentleman, that possibility. Certainly, as the gentleman from Pennsylvania has indicated, I believe that we on the committee—you and I and all the others—should intensify our activities in this regard in the near future.

Mr. GROSS. Well, there is a suggested method for doing it right here and now.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Would not the timeliness of this resolution, despite the commutation yesterday of the two sentences, be emphasized by the fact that the Soviet Union is now planning another wave of further political trials and persecuting people of the Jewish faith in the Soviet Union? They have another trial coming up right behind this one and we do not know what the sentences will be. It seems to me it is wise and proper for the Congress to express its concern about these problems.

Mr. GROSS. There are a good many other oppressed people in the Soviet Union of other races. I know of no reason why this resolution should be limited to one race or one people.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. May I ask the chairman of the Foreign Affairs Committee a question? I understand the Russian Government is anti-God and atheistic. The reference to the word "Jewish" in the bill is to a faith and not to a race. I know this has been discussed but I think one gentleman made quite a point a moment ago when he expressed the view that we should direct in behalf of all oppressed people who believe in God.

Mr. MORGAN. Mr. Speaker, I believe that I answered the gentleman from California along that line. I feel that this is not the proper resolution for doing it but I assure the gentleman that under the leadership of the gentleman from Connecticut (Mr. MONAGAN) that we hope the committee will pursue this further next year.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield further to the gentleman from Mississippi.

Mr. ABERNETHY. As I understand it, this resolution has grown out of the recent so-called trials carried out in Russia ostensibly because of an attempt on the part of some people, or a conspiracy on the part of some people to hijack a plane. Is that correct?

Mr. MORGAN. If the gentleman will yield further, that is correct. The real story behind this is of course that the Soviet secret police set these victims up. They went and picked out a group of people and said, "Do you want to go to Israel?" They said "Yes." They said, "We will tell you how to do this," and they set up the whole plan. And then on the way to the airport they were arrested. They never got to the airplane.

Mr. ABERNETHY. If the gentleman will yield further, you have not included in this resolution all of the people invoved in this said conspiracy. As I understand it, there were nine Jews and two gentiles. Why did you leave out the two gentiles?

Mr. MORGAN. I was not aware that any gentiles were involved.

Mr. ABERNETHY. It is my understanding that two of such were so involved and that they were sentenced to prison. Why not some concern for them? Why the concern for the Jews only?

Mr. MORGAN. The story that was given to me was that there were 11 Jewish individuals involved.

Mr. ABERNETHY. That was not what I read. The news media also reported that two gentiles were convicted and sentenced along with a number of Jews.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I thank the gentleman from Iowa for yielding.

Mr. Speaker, I believe it is proper to point out that numerous peoples behind the Iron Curtain have been persecuted. For instance, in the Baltic States the people have been persecuted since 1944, and it has been going on for so long that we take that type of thing for granted. Although the immediate situation involved here has to do with the trial of these Jewish people I do think the gentleman from Iowa makes a proper point that we ought to keep in mind that the Soviet Union as such is a gigantic slave state. However, I think it is important to all of us that we note the tragedy that has been continuing over the years in the persecution of the peoples of Lithuania, Latvia, Estonia, the Ukraine, and in other non-Russian areas of the U.S.S.R. This involves Christians and Moslems as well as the Jews.

The immediate problem, though, is the pending trial of the Jews to which this resolution is directed.

I am impressed, Mr. Speaker, by the fact that the gentleman from Connecticut (Mr. MONAGAN) and the chairman of the full committee (Mr. MORGAN) have stated that this entire subject will receive immediate attention in the new Congress.

Mr. Speaker, as a cosponsor of this resolution, I certainly recognize that leadership on both sides of the aisle and Members of the House who are in attendance here today are joining so effectively in this necessary emphasis expressing our concern over the developing persecution of Jews in the U.S.S.R.

We must keep in mind that these tragic developments are thoroughly consistent with longstanding Soviet policy. We must also keep in mind that in the Soviet Union domestic and foreign policy consideration are closely related.

In my opinion the Soviet Union, facing as it does major economic problems, is attempting to make its Jewish population a scapegoat for the multitude of defects which afflict citizens of the U.S.S.R. Quite obviously, the deliberate revival of anti-Semitism is calculated to appeal to radical Arab groups as well.

The obvious desire of a substantial number of Jews in the Soviet Union to migrate to Israel will continue to be frustrated by Soviet authorities, since they do not wish this population source to be available in the further development of Israel.

There is very little we can do at this time to change the longstanding Soviet anti-Israel policies, nor can we immediately, and in an effective fashion, convince the Soviet Union to renounce its goal of world domination. We can, however, join in a concerted effort to bring the pressure of world opinion to bear upon Soviet authorities so that they might terminate the trials of Russian Jews that they are now commencing. This immediate humanitarian objective is what we pursue today.

Mr. EILBERG. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Mr. Speaker, I would like to withdraw my reservation of objection, but I will be glad to yield to the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Speaker, I thank the gentleman for yielding, and I would simply like to observe, if I may, that my comments are perhaps biased in terms of the fact that I happen to be one of the Jewish faith, but I would like to observe to the Members that I was in Russia 1 year ago, and there I learned at firsthand that there are some dozen religious groups presently active in the Soviet Union. And I personally took the opportunity to attend several of these religious groups. I attended the Baptist services, and I observed the Greek Orthodox services, and I visited two synagogues, and I found that among all of the religions that were operating that the Jewish religion was in fact the most persecuted. The others did publish newspapers, but there was none recognized as such for the Jews, and they were not permitted on the radio or on the television, and there are no opportunities to obtain Jewish food, or anything else.

I found by personal observation that all of the religions are persecuted in Russia, but that there is more persecution in Russia directed at those of the Jewish faith.

Mr. SCHMITZ. Mr. Speaker, if the gentleman will yield, will the gentleman from Pennsylvania tell me whether there is a Roman Catholic newspaper in the Soviet Union?

Mr. EILBERG. Let me respond to that by saying that the only Christian religion recognized in the Soviet Union is the Baptist faith. I am not aware that the Greek Orthodox are recognized.

Mr. SCHMITZ. If the gentleman will yield further, it was always my understanding that religious newspapers were very sparse in the Soviet Union, but the implication in the gentleman's statement is that the Jewish faith was the only one that did not have a newspaper. By implication this would mean that he felt the other ones did. I just asked the gentleman if he knew of a Roman Catholic newspaper in the Soviet Union.

Mr. EILBERG. I thought that I had already answered the question of the gentleman; that it was my information from observing these groups in the Soviet Union that there was more persecution directed toward people of the Jewish faith, in addition to the total disrespect for all religion that is apparent in the Soviet Union.

Mr. SCHMITZ. Is it not true that in the Soviet Union all of the religions which are permitted to operate do so under the control of a Commissar of Religion?

Mr. EILBERG. That is true, but if the gentleman from Iowa will yield further, I would say that from my observations the plight of religion which exists in the Soviet Union is more closely directed at persecution of the Jewish faith.

Mr. SCHMITZ. But they are all under a Commissar of Religion?

Mr. EILBERG. This is true, but if the gentleman went there and attended the services and could see the climate that appears in all those services whether they be Catholic, Greek Orthodox or Baptist or Jewish—one need only go there to see the truth of the remarks I have made.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. FLOOD. Mr Speaker, I would like to say this with reference to the pending resolution.

As the gentleman knows full well, and the House too, there has been for several years before the Committee on Rules of the House the so-called captive nations resolution. Every year for an hour we have a dedicated ceremony on both sides of the aisle.

The gentleman from Illinois (Mr. DERWINSKI) is a cosponsor with me of a captive nations resolution now before the Committee on Rules, and if that were reported out, it would do exactly what everybody wants done for all the captive nations—that is separate and distinct from this resolution.

Mr. GROSS. And it would, therefore, obviate the necessity of a resolution of this kind?

Mr. FLOOD. No, not as of today, because of the emergency.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania (Mr. MORGAN)?

There was no objection.

Mr. MORGAN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I rise in support of this resolution.

I should like to commend the chairman of the Committee on Foreign Affairs, the distinguished Speaker of the House and the majority leader for having brought this matter before the House of Representatives so that we have the opportunity to express our deep concern over the outrageous persecution inflicted upon Jewish citizens in the Soviet Union.

Because of the holiday recess, Congress was not in session when it was reported that death sentences had been imposed upon two Soviet Jews. When the House reconvened on Tuesday, I urged that the House of Representatives make its voice heard in protest, and I introduced House Resolution 1320 condemning religious persecution in the Soviet Union and urging that the Soviet Union allow those citizens who wish to emigrate to do so. The response of the House leadership and the chairman of the Foreign Affairs Committee was immediate and sympathetic. The result is that House Resolution 1336 is now before us.

Passage of House Resolution 1336 will demonstrate this body's condemnation of the religious persecution being visited upon the Jews of the Soviet Union. The most blatant evidence of this persecution is the conviction and sentencing of nine Jews in Leningrad for allegedly planning to hijack an airplane.

The death sentences imposed upon two of the nine have now been commuted, after the voices of governments and individuals around the world expressed the shock and abhorrence these sentences evoked. World opinion has induced the Soviet Government to reduce the severity of the sentences.

However, the continuing injustice of persecution and repression which the Jews of the Soviet Union are experiencing will not thereby be abated.

What the more than 3 million Jewish citizens of the Soviet Union are experiencing today—and have been experiencing for years—is a purposeful, coordinated effort to grind them under, to force them to sacrifice their religion and their culture.

Today, only a few rabbis serve these more than 3 million Jews. Synagogues are closed. Jewish schools are closed. The Jewish theater and the Jewish press are dead. Alone of the 108 nationality groups which make up the peoples of the Soviet Union, the Jews are being subjected to a planned assault on their very identity.

It is no wonder then, that so many Jews in the Soviet Union, deprived of their culture and of their religion, wish to emigrate. It is no wonder that about 100,000 applications for permission to emigrate are before the Soviet authorities. One can imagine how many more applications might be made, were the risk in revealing the desire to leave Russia not so great.

The trial which has just been completed is an effort to strike further fear into the hearts of the Jews. Its ramifications extend far beyond the 11 people convicted, only two of whom were not Jews. This trial was a piece of the cloth of repression which motivates the Soviet Government; it is a portion of the anti-Semitism which is tantamount to official policy.

It is reported that another trial will take place in Leningrad when 20 Jews are to be tried for alleged anti-Soviet activity. That prosecution should not be pursued. And equally important, the persecution being inflicted upon the Jews of the Soviet Union must end, and those who wish to emigrate must be allowed to do so.

In part, the resolution before us meets these issues. Its particular concern is the recent trial convictions. And these must

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be addressed. But I hope that the more general problems of religious and cultural repression and freedom of emigration will also be dealt with by the House.

On the first day of the 91st Congress I introduced a resolution which did in fact deal with this broad problem—House Concurrent Resolution 30. Then, to highlight the urgency of the situation, I introduced on December 29 a successor to that bill. This new legislation—House Resolution 1320—provides:

> *Resolved,* That the House of Representatives condemns the persecution of any persons because of their religion by the Soviet Union, urges that the Soviet Union in the name of decency and humanity fully permit the free exercise of religion and the pursuit of culture by all Jews and all others within its borders, and urges that the Soviet Union allow those citizens who wish to emigrate to do so.

I intend to reintroduce House Resolution 1320 in the next Congress as a fitting corollary to the resolution before us today. The repression being visited upon Soviet Jewry reminds us of the inhuman crimes perpetrated by Nazi Germany. This time the world must make eminently clear that anti-Semitism is the foul disease of depraved minds, and that any government which nurtures that disease is itself depraved.

The full text of House Resolution 1336 which is before us today follows:

> Resolution concerning the continued injustices suffered by Jewish citizens of the Soviet Union
>
> *Resolved,* that the House of Representatives hereby expresses its grave concern over the continued injustices to which the Jewish people in the Union of the Soviet Socialist Republics have been subjected by the Government of that Nation, as manifested most recently by the cruel and unusual punishment imposed upon Jewish citizens of the Soviet Union for allegedly treasonous acts.
>
> SEC. 2. The House of Representatives respectfully urges the President to (1) convey to the Government of the Union of the Soviet Socialist Republics the grave concern of the people of the United States and the House of Representatives over these injustices, and (2) urge that Government to provide fair and equitable justice for its Jewish citizens.

Mr. BRASCO. Mr. Speaker, I rise in support of the House resolution condemning the continued injustices to which the Jewish people residing in the Soviet Union have been subjected by the government of that nation.

The recent rigged trials of 11 Jews, whose only crime was that they wanted to leave the Soviet Union is the latest chapter in the campaign of terror against Soviet Jewry.

When I was first elected to Congress in 1967 I was apprised of the planned cultural genocide being practiced by the Government of the U.S.S.R. against Soviet Jews. The International League for the Repatriation of Soviet Jewry told it as it occurred and their ominous warnings were all true. The progression of repression has speeded up from the denial of religious, economic, and cultural freedom to rigged trials where one may be put to death.

Today, Mr. Speaker, it is important that we as leaders of the free world speak out in behalf of justice. History records unequivocally that silence in the face of injustice only leads to the conditions that all freedom-loving people despise.

Mr. Speaker, I urge the immediate adoption of this resolution.

Mr. MADDEN. Mr. Speaker, I join the sponsors and endorse and ratify the sentiment expressed in the pending resolution protesting the tyrannical actions of the leaders of the Soviet Union against Jewish population in the Soviet Union.

The actions of the Soviet leaders are reflecting the minds of the world to the worse days of persecutions and atrocities inflicted by Adolph Hitler and some of the tyrants of ancient history.

The modern Soviet leaders should have learned a lesson, if they read history, and learn concerning the eventual exit of all government leaders who practice persecution, mass murders, and inflict restrictions on human beings because of their race, religion, or theories of government which are not identical with their own particular policies and groups. The free world, almost unanimously, condemns the Soviet leaders on their continued infliction of tyranny on the Jewish people within their nation's borders.

The recent trials in Leningrad by a Soviet kangaroo court have been revealed and exposed as a frameup on a so-called air flight hijacking charge, in order to justify their actions against the Jewish defendants.

The world has become outraged by these recent developments and continued policy of the Soviet Government to outlaw and destroy the Jewish people and restrict them from leaving the Soviet domination for the free outside world, and Israel in particular.

I do hope that the Government of the United States will clearly read the meaning and purpose of the Soviet leaders to weaken the cause for continued freedom of Israel as an excuse to give support to the Arab military preparation to destroy their neighbor, Israel.

Unfortunately, the United Nations has abandoned its own real reason for existence—to safeguard peace and justice throughout the world. It remained silent when Arab terrorists, backed by Soviet Communists, murdered Jews in Israel and elsewhere. For some reason the United Nations, over the years, has been silent not only on the Communist attacks on free Israel, but they are also silent on other Communist military attacks in Iraq, Syria, the Sudan, and Algeria which were supported by the Russian Government.

I join in this resolution as a method of declaring the free world, including our Nation, solidarity with Israel as a matter of right and justice.

Mr. HALPERN. Mr. Speaker, I am certain that this resolution reflects the feelings of the American people who are outraged over the recent inhuman miscarriage of justice in Leningrad.

These feelings reflect the conscience of an enraged, shocked world over these latest developments directed by the Soviet regime against its Jewish citizens.

As I stated on this floor only yesterday, it would not be conceivable that Russia would turn her back on the wide expression of world opinion. This view is clearly evidenced by announcement today of the commuting of the death sentences.

But, Mr. Speaker, this commutation is only one step. It does not alleviate the blatant inequities of Russian anti-Jewish policy as so dramatically dramatized by the injustices of the Leningrad trial. This resolution, I trust, will buttress the President's hand in his diplomatic steps to the Soviet leaders on this entire question. This resolution also clearly attests to the opinions of the American people and identifies them as a part of the worldwide attention and reaction resulting from the Leningrad trials. I trust the resolution will be adopted unanimously.

Mr. FLOOD. Mr. Speaker, it was my privilege, to join as cosponsor with other Members of the House of Representatives, in voting to support House Resolution 1336, concerning the American Government's position on the grave injustices which the Jewish people in the Soviet Union have been rendered by their Communist Government.

It was a particular source of pride for me to do so, for I regard as one of the highlights of my career the fact that I was privileged to introduce in 1947 the original resolution in the Congress which gave our Government's sanction to the State of Israel.

While injustices and tyranny are anything but new to the Jewish people, and other nations who have felt the waves of anti-Semitism and attempts at genocide, crimes against nations have more than once occupied my attention in the Congress. Following World War II, I was appointed as vice chairman of a special congressional committee to investigate the Katyn Forest massacre, and I conducted hearings in Europe to investigate those brutal murders of Polish officers by the Stalin government.

I know well how peoples have suffered because of their birthright and religion, unfortunately, even today.

There is a real sense in which all Americans are with you in this national—and international—protest in behalf of the rights and liberties of the Jewish community in Russia. John Donne wrote centuries ago:

> Ask not, ask not for whom the bell tolls: it tolls for thee.

Whenever and wherever the rights of any human beings are violated, the rights of all human beings are involved. As Jews you will naturally feel a special kinship with fellow Jews who are the victims of cruel oppression. As Americans all of us share this deep concern. As human beings, we find it an inescapable obligation imposed by conscience.

We who are Americans are uniquely favored among the nations in that we enjoy the blessings of a government which gives, in the classic words of George Washington, "to bigotry no sanction." We know that these blessings are tragically rare in our troubled world today, and that untold millions do not share them. Foremost among these natural rights and liberties are freedom of worship and freedom of movement, the right of peoples freely to migrate from one nation to an-

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other. These are the issues which bring us together at this time to manifest our solidarity with those who are denied such basic freedoms.

The Jewish and the Russian peoples have been thrown together in a remarkable way by the course of history. Not since the days of the Roman Empire had any single power controlled the destinies of so many Jews as did Tsarist Russia. Well into this century over half the Jewish population of the world lived under Imperial Russian rule. The unhappy fate of that great community is all too well known. While the Russian people as a whole have never been predisposed to anti-Semitism, it has always been an instrument of policy by Russian governments from the Czars to Stalin—and now, alas, reappears today. Those of you who have read Joel Lang's The Silent Millions or similar studies will be familiar with the ways in which Russian Jewry is discriminated against by the Soviet State.

At the beginning of this century over 6 million Jews were living in Russian and Russian-occupied lands. Today, 50 years later, in the wake of two terrible wars and the dreadful Nazi massacres, there are only about 3 million Jews remaining in the Soviet Union. It is their sad plight to which we address ourselves; it is their survival which motivates our heartfelt concern.

Our immediate attention is centered in the fate of those who have been sentenced to death or to long prison terms at hard labor. America has always interceded in the past for oppressed groups in every land. Thankfully, the conscience of the world was aroused. It is interesting to note that voices are raised even in Russia: the physicist, Sakharov, the father of the Soviet hydrogen bomb, has had the courage openly to denounce the proposed executions as unjust brutality. Such a statement cold never have been made were it not for the scope of worldwide demonstrations, such as your gathering here today. It is good to know today that the death sentences have been commuted by the Soviet Government.

Our larger concern is the legal and moral right of Russian Jews—as of all men—freely to emigrate. A much-loved American spiritual portrays the cry of the Jews of old through the words of Moses to Pharaoh: "Let my people go!" This same cry rises today from the hearts and souls of the silent millions as from all men and women everywhere who believe in human dignity and freedom. May the common God and Father of us all bless your resolve in the days to come, sustained by the faith of the Psalmist of old:

> O pray for the peace of Jerusalem: they that love thee shall prosper.

Mr. MAILLIARD. Mr. Speaker, I rise in support of House Resolution 1321, which expresses grave concern over the continued injustices to which the Jewish people in the U.S.S.R. have been subjected by the government of that nation, as manifested most recently by the cruel and unusual punishment imposed upon Jewish citizens for allegedly treasonous acts.

While it has been reported in the press today that the death sentence imposed upon two Jewish citizens has been commuted by the court to 15 years, the trial and sentencing demonstrate once again that the Government of the Soviet Union does not provide fair and equitable justice for its Jewish citizens.

In fact, the trial has been an ominous reminder of Stalin's infamous "show trials" of 1936–40 when thousands of Jews and other Russian people were executed by the NKVD.

One possibly hopeful note in the present grim situation is the fact that the Soviet Government appears to have been responsive to the worldwide protest over the death sentences meted out to the two alleged hijackers. What we do not know, because of the closed society imposed upon the Russian people by their government, is the full extent of the persecution and denial of human rights to which Jewish citizens are subjected on a daily basis.

For these reasons, it is important that world opinion continue to be focused upon the Soviet Union so that the tragedy of the Stalin era will not reoccur.

Mr. SHRIVER. Mr. Speaker, I rise in support of this resolution, which I have sponsored, calling upon President Nixon to convey to the Soviet Government the grave concern of the people of the United States and the Congress over the continuing injustices to which it is subjecting the Jewish people in Russia.

Although we are heartened by the news of the commutation of the death sentences imposed by the Leningrad court upon two Jewish citizens, we must not now fall silent. The Soviet Government probably has heard the outraged voices of people throughout the world.

We should pass this resolution today to underscore to the Soviet Government how millions of Americans react to discrimination and injustice.

The treatment of Jews in the Soviet Union in recent years leads me to believe that those arrested are being victimized as part of a politically motivated campaign to intimidate those who persist in pressing their right for religious self-expression, and their right to leave the Soviet Union.

It is shocking to observe the prospect of a return to the discredited and repudiated policies of Stalinism in which show trials were an accepted practice and in which Jews were often used as scapegoats.

Putting an end to such secret trials and discriminatory practices would be a welcome contribution to better understanding and good will between the Soviet Government and other nations of the world.

Mr. EILBERG. Mr. Speaker, I am proud to be a cosponsor of this resolution condemning the continuing injustices visited on the Jewish people in the Soviet Union. I want to thank my friend and distinguished colleagues from Pennsylvania, the chairman of the Committee on Foreign Affairs, for the opportunity to join with him in sponsoring this resolution.

Yesterday it was my privilege to join 4,000 of my fellow Philadelphians in a rally at Philadelphia's City Hall Plaza. I bring this protest rally to my colleagues' attention as yet another example of the general and widespread outrage felt by all men of good will at home and abroad elicited by the continuing dreary, spectacle of Russian anti-Semitism.

Presiding at the rally was Rabbi Sidney Greenberg and participating were leaders from a wide range of religious and civic organizations. Among them were the Reverend Rufus Cornelsen, executive director of the Metropolitan Christian Council; the Reverend Francis Shearer, secretary of the Lutheran Synod of Southeastern Pennsylvania; City Councilman Thacher Longstreth; Philip Savage, tristate director of the National Association for the Advancement of Colored People; the Reverend John Hardwick of the Episcopal Diocese of Pennsylvania; Joseph T. Kelley, president of the Philadelphia Council of Industrial Organizations; Edward Toohey, president of the Philadelphia Council of the AFL–CIO; Jacob Kalish, president of the Justice Lodge of the B'nai B'rith; City Solicitor Levy Anderson, representing Mayor James H. J. Tate, and stage and screen star, Red Buttons.

In my remarks to the rally, I pointed to the worth of our demonstration and others like it all over the world. I made the point that the Kremlin remains sensitive to charges in the international community that the Russian Socialist state remain as guilty of anti-Semitism as the Czars it overthrew; those same czars whose pogroms drove the families of many of our fellow Americans, my own included, to these shores.

Our protests have been heard. The news this morning that the two death sentences have been commuted and that some of the other harsh prison sentences have been reduced is welcome and proves again that the Kremlin remains sensitive to world opinion. Had we remained silent, the news from the Soviet Union today might have been that the firing squad had done its duty.

The Second World War reminds us that to remain silent is to share the guilt in the most monstrous of crimes against humanity. I commend that lesson of history to our State Department.

In closing I urge once again that the full persuasive power of our Government and our people be brought to bear so that the Kremlin finally lives up to its announced policy of permitting emigration to those who wish to reunite with relatives abroad. The Russians could spare themselves, the rest of the world, and most particularly, the Jewish community in the Soviet Union, the agony of continuing oppression if they would simply let the Jews emigrate.

Mr. ADDABBO. Mr. Speaker, I have joined with several of my colleagues in introducing House Resolution 1336 expressing the concern and protest of the House against the treatment of the Jewish people of the Soviet Union and urging the President to convey the concern of this body and of the people of the United States to the Government of the Soviet Union.

For several decades we have witnessed the increasing oppression of Soviet Jewry

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and the policy of spiritual genocide implemented by the government of that nation. Protests against the treatment of Soviet Jewry have also increased over the years—both in the United States and in other free nations around the world. The most recent and shocking oppression of the Jewish people in Russia and the death sentence imposed on two Jews accused of treason have literally stirred the conscience of civilized people in all capitals of the world. Protests and pleas for clemency have poured in to Moscow during the past days and it is imperative that the United States add its voice to those pleas for justice.

The 11 persons accused of treason are specifically charged with violation of a Soviet prohibition against leaving that country. Their crime then, if any, was attempting to leave the Soviet Union. The desire to escape from captivity is a civilized desire and the punishment of that effort to escape by death can only be described as uncivilized.

This Nation must convey its official concern over this incident if we are to seriously consider ourselves the leader of the free world. The resolution which has been introduced today is identical to Senate Resolution 501 passed by the other body yesterday. It simply states the concern of the House over the treatment of the Jewish people in the Soviet Union and urges the President to convey the concern of the people of the United States to the Government of the Soviet Union and to urge the commutation of the two death sentences and equitable treatment for all Soviet Jews.

I urge my colleagues in the House to give speedy and unanimous approval to this resolution as an indication of the bipartisan and overwhelming protest by the U.S. Congress against the oppression of any minority group by any nation.

Mr. ABBITT. Mr. Speaker, I strongly support House Resolution 1336, expressing the sense of the House in the matter of treatment of Jews in the Soviet Union. This issue has been dramatized by the recent sentences imposed by the Soviet court in Leningrad, but the gravity of this situation far transcends this one incident.

There is no question about the calculated design of the Soviet authorities to impose undue restrictive measures against Jews in that country. For years the Kremlin has been repressing the rights and privileges of Soviet Jews, dating back to the Stalin era. Now the present Kremlin leadership is stepping up these tensions as part of a worldwide program for undermining the State of Israel. Surely the Russians did not expect that the actions in Leningrad would remain isolated and pass without notice in the world community. Obviously, they took into consideration the reaction which followed and one can only conclude that this was part of the effect they hoped to achieve.

The defendants in Leningrad were accused of treason, but their primary "crime" was that they wanted merely to leave the Soviet Union and go to Israel. The one non-Jew said he wished only to see Scandinavia. These are rights which any other country recognizes without question. The intimidation with which Soviet Jews have been confronted for many years creates situations in which those who seek freedom have little choice in the manner in which their objective must be obtained. In this case, the facts are not known. All we know are sketchy reports which have come out of the highly restricted Soviet judicial and communications systems. We may never know the truth, but what we do know is that the sentences meted out by the Soviet authorities were excessive in the extreme. If they are carried out, these victims will take their places alongside the countless millions of Jews who have suffered untold tyranny through the centuries.

The hypocrisy of the Soviet system is made clear in that on the one hand they profess to open court adequate appeal rights and thorough investigations, while on the other hand it is obvious that none of these rights are accorded in the sense in which our system guarantees. The Russians are quick to criticize the inadequacies of our civil rights guarantees while, by comparison, even at our worst, we attract foreigners to our shores, not discourage or intimidate those within our midst.

All of this points up a need to emphasize anew the world's concern for the mistreatment of Jews in Russia. Has the world forgotten the lesson learned in World War II when millions of Jews were exterminated during Nazi oppression? Surely, the lesson learned then was that oppression against Jews ultimately involved the whole of mankind, for those who used totalitarian methods against one body of people soon sought to increase their tyrannical goals.

The rallies held throughout this country are testimony to the concern which Americans feel and it is hoped that if our Government will indicate in the strongest terms possible its indignation, the weight of world opinion might yet bring a commutation of the sentences.

We believe that people should have a right to choose their own destiny and any nation which seeks to systematically repress the rights of a particular group is wrong. In this instance, it appears that the Soviets seek not only to repress Jews within their borders but to show their disdain for the State of Israel as a part of Soviet foreign policy. If this assumption is in error, the Russians can right a wrong by taking corrective action to make their intentions more clear.

Mr. BURKE of Florida. Mr. Speaker, the entire free world was shocked at the announcement on Christmas Eve that the Soviet Union planned to execute two Jewish citizens who were allegedly thwarted in an aborted attempt to hijack an airplane by which to escape to Israel. The bizarre handling of the secret "trial" of 11 Soviet nationals—nine of whom are believed to be Jews—is indeed reminiscent of the terrorizing purges of Josef Stalin.

What little information that has been made available, indicates that of the 11 involved in this trial, five had repeatedly asked to be able to leave the Soviet Union and emigrate to Israel.

As a rule, the Soviet Communist-controlled press does not print news of crimes of either a civil or a political nature. In this particular case, however, both Izvestia and Pravda had the story in their papers on the day following the arrests of these 11, and of the arrest of others allegedly a part of a conspiracy in four different cities.

It has been said, Mr. Speaker, that "Soviet Jews are the Jews of Silence," allowed to speak only with their eyes. But there has been in recent years a burgeoning Jewish culture rise, a pride, and determination, unmatched in Soviet Jewry for many years. It is this knowledge by Soviet leaders for a possible uprising against the relentless persecution of Godless communism that has led to a concerted and systematic terrorizing of the entire Jewish community in the Soviet Union.

These tactics of imprisonment, banishment to Siberia, and harrassment are essentially the same as used by Stalin in the purges of the Soviet doctors in 1953.

On June 22, 1969, the Soviet Union agreed to the United Nations International Commission on Racial Discrimination, and Article 13 of that document specifically commits signatory nations to allowing those who wish to leave their homelands to do so. The Soviet Union is specifically, therefore, in violation of a treaty to which it is formally committed.

It is, I think, a hopeful sign that the Soviet Union is sufficiently responsive to world opinion to have rescinded the death penalty and to have lowered the terms of imprisonment. But now it must heed the warnings of these and other attempts of Soviet nationals to leave the Soviet Union and abide by the agreement to which it has committed itself and allow those of its citizens who wish to emigrate to other lands to do so without fear or penalty.

Mr. BINGHAM. Mr. Speaker, I rise in strong support of this resolution expressing grave concern over the harsh penalties imposed by the Soviet Union on Jewish citizens charged with conspiring to hijack a Soviet airliner, their only means to escape Soviet persecution. I am happy to have been a cosponsor of this resolution.

I believe that the New York Times was correct in recently pointing out that "The real defendants in the court were not the handful of accused, but the tens of thousands of Soviet Jews who have courageously demanded the right to emigrate to Israel." That is why this resolution is still most timely, even though the death sentences have been commuted and other sentences reduced. This action was welcome and shows that the Soviet Union is not immune to world opinion. But it leaves the basic problem unresolved and indeed it leaves the sentences in this case cruelly harsh.

Coming during this holiday season which symbolizes the brotherhood of man throughout the world, the Soviet action was a clear reminder of the crass disregard for individual liberty and freedom that exists behind the Iron Curtain. The day after Christmas, I sent the following telegram to Soviet Ambassador to the United States Anatoly F. Dobrynin, whom I know personally:

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As you know I am not for cold war and hope to see peace and friendship between U.S. and U.S.S.R. As such I urge you to convey to your government the degree of shock and protest felt by the American people at the Leningrad sentences. The New York Times editorial today, entitled "Stalinism in Leningrad," expresses my feelings precisely. Your government should not make the mistake of believing that the sense of outrage felt by Americans is limited to those of the Jewish faith.

I also signed a joint communication sent on December 21 to Ambassador Dobrynin pleading on behalf of the defendants in this case before the verdict.

Mr. Speaker, I have spoken out many times on the Soviet oppression of its Jewish citizens and you may remember that in April 1967 I led an effort to focus attention on this most urgent of problems with the release of a long and detailed statement on Soviet Jewry, a statement signed by 300 Members of the House of Representatives. The statement condemned Soviet suppression of Jewish religious, cultural, and spiritual life. It was particularly significant that the signers of this resolution—185 Democrats and 115 Republicans, from every State in the Union—represented all shades of opinion, and that the list included the honored Speaker, Mr. McCORMACK, the majority leader, Mr. ALBERT, the minority leader, Mr. FORD, as well as the chairman and the ranking minority member of the House Foreign Affairs Committee.

When I released this joint statement, I said that—

> It is our devout hope that such an expression of strong disapproval of the Soviet Union's discrimination against the Jewish people will help to awaken the sensibilities of the Soviet Government to the worldwide condemnation of its policies in this respect and exert a positive influence for improvement.

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Clearly, the Soviet memory is short. They must be reminded that the world community will not sit by and watch with equanimity while they systematically ignore basic human rights. Freedom to emigrate was guaranteed by article 14 of the Universal Declaration of Human Rights, which the Soviet Union signed, and was further guaranteed by a convention ratified by the Soviet Union in January of 1969. When this right is denied, surely the individuals who sought the only means available to them to escape oppression, are "not guilty" in any moral sense and should surely not be severely punished.

The New York Times editorial referred to, reads as follows:

Stalinism in Leningrad

Incredulity and indignation have been justifiably and widely aroused by the Leningrad court that handed down death sentences against two of eleven defendants found guilty of having plotted to hijack a Soviet plane. The senseless brutality of this verdict is apparent from the fact that no hijacking actually took place, and the alleged conspirators were arrested before they ever boarded the plane. Moreover the information of the Soviet secret police about the whole matter was so complete that the suspicion must arise that the supposed hijacking plot was a provocation arranged by a government agent.

This trial would not have received world attention nor would it have ended with death sentences if it were simply an ordinary criminal proceeding. On the contrary, this was one of the most important political trials held in the Soviet Union since World War II. The real defendants in the court were not the handful of accused, but the tens of thousands of Soviet Jews who have courageously demanded the right to emigrate to Israel. The real purposes of the death sentences is not to punish individual criminals, but to terrorize Soviet Jews. This is an even more brutal technique than that Stalin used successfully to quell the upsurge of Zionist feeling among Soviet Jews immediately after Israel was born.

But Moscow may have miscalculated, in 1949, at the height of the dark night of Stalinist terror for all Soviet citizens, Soviet Jews were cowed by a ferocious newspaper campaign against "rootless cosmopolitans," a code term for Soviet Jews sympathetic to Israel. But this is 1970; Stalin has been dead for many years; and since his passing numerous peoples have won freedom or alleviation of their plight by Courageous struggle. Less than a week ago the Polish working class overthrew Wladyslaw Gomulka when he overstepped the bounds of dictatorial insensitivity to a people's wishes.

In the new atmosphere of the 1970's, the barbarous, Stalinist verdict in Leningrad—especially if the executions are carried out—will almost certainly react against the Kremlin. Inside the Soviet Union it will inflame many Jews and members of other non-Russian minorities as well. In the free world, it will deal a further blow to those who have argued that Russia has changed since Stalin.

The new distrust of the Soviet Union that this and other recent repressive measures has aroused is well reflected in the "grave concern" over Soviet justice that this city's five district attorneys have expressed in requesting permission to attend the trials of 20 other Jews arrested in connection with the alleged hijacking plot. Moscow, in short, would be far wiser if it opened the "seven locks," of which Nikita S. Khrushchev spoke in his memoirs and permitted free migration for all its citizens, Jews and non-Jews alike.

Mr. RARICK. Mr. Speaker, I want to compliment the Zionist leadership in the United States for their nobility of purpose in engineering House Resolution 1336 before the House today, and having the purpose of focusing public opinion against the deprivation of individual liberties and human rights under the Communist regime in the Soviet Union.

The toll in human cost after 50 years of iron-fisted rule by the Bolsheviks in Russia has been estimated to be 35 and possibly even 45 million lives. Some of these deaths may have been inflicted under the farce of Soviet trials, but many have been the program result of group persecutions and cultural genocide initiated by the Communist rulers in their mad obsession to force an unworkable system on subjugated minorities.

Millions of Christians, Moslems, Jews, and every ethnic minority have suffered persecution, exploitation, and injustice under this false aberration of social justice.

Yet, despite this record of massive deprivation of human rights to all of their people regardless of race, color, religion, or national origin, the world community has been blind to the Soviet terror until the recent indiscretions against Zionist sympathizers in the Soviet Union, who merely wanted to live in freedom in their homeland or flee Russia to resettle in Israel. These incidents alone have served to focus world attention and international scorn on the Communist tyranny and Russia's colonial subjugation of its minority subjects.

I feel confident that free men the world over—including those multitudes who still suffer enslavement behind the Iron Curtain—will join in lauding Zionists leaders for their role in exposing these acts of cruelty and in mobilizing world public opinion against the barbaric Soviet police state in Russia.

The courageous and fearless action undertaken here today may well have the effect of encouraging other oppressed minorities behind the Iron Curtain to likewise vent their persecutions as a result of blatant violations and denials of human rights by the Communists.

Our action here today can well initiate true wars of national liberation by the enslaved minorities behind the Iron Curtain.

Mr. Speaker, I include several related news stories in the RECORD:

Statistics of Communist Killings

CHRISTIAN ANTI-COMMUNISM CRUSADE,
Long Beach, Calif., November 15, 1970.

Under the title "The Human Cost of Soviet Communist" the Senate Internal Security Subcommittee has produced a documented record of the number of human lives exterminated by the communists during the consolidation of their conquest of Russia.

The report has been compiled by Robert Conquest who is the leading British authority on the communist world. His academic qualifications are impeccable. He has held fellowships in Soviet politics at the London School of Economics and Columbia University. Recently he wrote the book "The Great Terror" which is a definitive account of the purge trials and mass executions carried out by Joseph Stalin. Concerning this book, Bernard Levin in the Daily Mail writes:

"A passionate objectivity, a deadly sense of justice . . . an ability to marshall and present facts . . . I know of no modern history with which it can be compared . . . Robert Conquest deserves the thanks of humanity."

He concludes that at least 21.5 million persons have been executed or otherwise killed by Soviet Communism since the revolution. He classifies the deaths under Soviet rule as follows:

"Executed or died in prison camps during the postrevolution period (1919–23)	500, 000
Executed during the Stalin terror	2, 000, 000
Died in camps during the pre-Yexhov period of Stalin's rule (1930–36)	3, 500, 000
Died in forced labor camps during the Stalin-Yexhov terror (1936–38)	12, 000, 000
Died in the politically organized famine during the forced collectivization of the thirties	3, 500, 000
Total	21, 500, 000"

Mr. Conquest points out that this is a conservative estimate which is almost certainly too low and that the real figure might very well be 50 percent greater than this.

He does not include in this tabulation the deaths caused by the civil war, 1919–1921. During this war 9 million lives were lost from military action, executions, typhus, and famine while the great famine of 1921, which followed the civil war, cost another 5 million lives.

If these figures were added, a minimum estimate of human lives lost is 35 million while 45 million is more probable.

The principal source of information used by Mr. Conquest are reports published by the Russian authorities and eye-witness accounts written by survivors of prison camps.

The net result of this incredible slaughter is the Soviet Union today. Instead of being the promised paradise, it is a totalitarian state where a ruthless political elite seeks to perpetuate itself in power and to order every aspect of the people's lives.

The original communist conquerors of Russia promised abundance. The reality they have created is a state-owned sytsem of agriculture which, by destroying human motivation, has saddled the Soviet Union with the most backward and unproductive agriculture in any major nation.

The communist conquerors promised that they would produce a new superior man. This new man would produce artistic and cultural works of transcendent value. The reality is an artistic wasteland where literature and art are reduced to instruments of communist propaganda and where those brave individuals who seek to express their true artistic identity are sentenced to prison or forced labor or the insane asylum.

Mr. Conquest points out that the great majority of the murders were not forced on the communists by the opposition of their opponents or committed in the heat of battle. They are the direct consequences of communist philosophy and doctrine. Long before the communists seized Russia, they had convinced themselvs that a large segment of the bourgeoisie was intrinsically and incurably evil and should be eliminated. They had extolled mass terror and praised those who had used it. Consequently the record of merciless brutality is not a perversion of communism but its fulfillment.

[From Human Events, Nov. 21, 1970]

The Baltic Plight

(By Russell Kirk)

Now and again I wonder why certain Americans, who accuse the Greek military junta of brutally and lament our roughness with the Viet Cong, seem to have forgotten altogether the dreadful plight of the Estonians, Latvians and Lithuanians. The independence de jure of those countries still is recognized by Washington, but the very survival of the Baltic peoples is menaced by Soviet Russian tyranny.

In America, all three Baltic national groups maintain vigorous cultural and political associations; and I hear often from readers, escaped from Russian domination or destruction, who keep alive in this country the hope of national freedom. Recently I received a copy of the proceedings of the First Conference on Baltic Studies (obtainable from the Association for the Advancement of Baltic Studies, Pacific Lutheran University, Tacoma, Wash.).

This volume contains some 50 interesting papers divided into groups: communism and nationalism in the Baltic republics; the Baltic people and the Soviet Union; modern Baltic history; the contemporary religious situation in the Baltic states; postwar Baltic literature; problems in Baltic linguistics; postwar economic developments; scientific developments in the Baltics; proposals for the advancement of Baltic studies—even of a Baltic university, perhaps at Chicago.

The Rev. Joseph Prunskis' succinct essay on "The Religious Situation in Soviet Occupied Lithuania" may suffice to suggest the ghastly misrule inflicted by the Russian Communists upon those submerged republics. During the era of Stalin, Dr. Prunskis records, some 30,000 Lithuanians were either killed or exiled. One bishop was shot, a hundred priests were imprisoned, and 180 priests deported. About 145,000 Lithuanians still are kept in Siberia, a quarter of a century after the Soviet conquest.

"The Soviet war against religion was continued during the Khrushchev era," Father Prunski writes. "The occupational regime closed 424 churches and chapels. Children and young people under 18 were strictly forbidden to study religion. At the beginning of 1967, students in the secondary schools had to fill out a 16-item questionnaire.

"Some of the questions were: 'Are there any religious-minded people in your family?' 'Do the members of your family attend church?' etc. The Bolsheviks are thus forcing students to denounce their own parents, brothers, and sisters—to be spies for the occupiers."

Between 1940 and 1968, four bishops and about 170 priests were martyred in Lithuania. Communist persecution of Christians is equally ferocious in predominantly Lutheran Estonia and Latvia. Lutheran churches destroyed or badly damaged during World War II have not been replaced; the Lutheran cathedral in Riga has been converted into a concert hall.

Yet the Baltic cultures are not totally crushed. Discussing Soviet Latvian literature, Dr. Rolf Ekmanis remarks that "nationalist loyalties have survived more than two decades of intense Sovietization. Latvian literature, like every non-Russian Soviet literature, has become an arena for the struggle over national self-preservation against censorship and victimization. It also reveals . . . that Moscow's policy of colonization of the national republics has led not to friendship but to hostility."

As Jonah—the symbol of Jewish endurance in captivity—survived in the whale, so the Baltic peoples may yet outlive the merciless crew of ideologues in the Kremlin. They deserve the prayers of all of us.

Mr. MORGAN. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks on the resolution just agreed to.

The SPEAKER. Without obligation, it is so ordered.

There was no objection.

CONFERENCE REPORT ON H.R. 13000, IMPLEMENTING FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 456]

Abbitt
Adair
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashley
Aspinall
Baring
Bell, Calif.
Berry
Biaggi
Blackburn
Blatnik
Bow
Brock
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Caffery
Carney
Carter
Casey
Cederberg
Celler
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Collier
Collins, Ill.
Collins, Tex.
Conyers
Corbett
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
de la Garza
Delaney
Denney
Dent
Diggs
Dingell
Donohue
Dorn
Dowdy
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Gallagher
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gray
Griffiths
Grover
Gubser
Haley
Hanley
Hanna
Hansen, Wash.
Harvey
Hastings
Hawkins
Hays
Hébert
Henderson
Holifield
Howard
Hull
Johnson, Calif.
Johnson, Pa.
Karth
Kleppe
Kluczynski
Landrum
Langen
Lennon
Long, La.
Lowenstein
Lujan
Lukens
McClory
McCulloch
McDonald, Mich.
McEwen
McKneally
McMillan
MacGregor
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Minshall
Mize
Moorhead
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Nelsen
Nichols
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Pepper
Pirnie
Poage
Pollock
Powell
Price, Tex.
Purcell
Railsback
Randall
Reid, Ill.
Reifel
Rhodes
Riegle
Roe
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Rousselot
Ruppe
Sandman
Schadeberg
Scherle
Scheuer
Sebelius
Shipley
Sikes
Sisk
Smith, Calif.
Smith, N.Y.
Snyder
Stafford
Staggers
Steiger, Ariz.
Steiger, Wis.
Stephens
Sullivan
Taft
Talcott
Thompson, Ga.
Tiernan
Tunney
Ullman
Vigorito
Waggonner
Watts
Weicker
Whalen
Whalley
Wilson, Bob
Winn
Wold
Wright
Wydler
Wyman
Yatron
Zion

The SPEAKER. On this rollcall, 232 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 13000, IMPLEMENTING FEDERAL EMPLOYEE PAY COMPARABILITY SYSTEM

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of December 9, 1970.)

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

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There was no objection.

The SPEAKER. The gentleman from New York (Mr. DULSKI) is recognized.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. UDALL), the author of the bill.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. UDALL. I yield to the gentleman.

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. HALL. Is the gentleman in the well, my friend from Arizona, the author of the bill or the author of the conference report. If so, which bill—the bill that was in the other body or the bill that passed this body? The distinguished chairman said he yields to the gentleman from Arizona, my friend, who is the author of the bill. I am just not quite sure which bill we are discussing.

The SPEAKER. The Chair believes the inquiry should be directed essentially to either the chairman of the committee or the gentleman from Arizona.

Therefore, the Chair expects the parliamentary inquiry should be directed either to the chairman of the committee or to the gentleman from Arizona.

The Chair would like to be able to answer the question as a parliamentary inquiry, but the Chair does not think it proper to do so.

Mr. HALL. If the gentleman will yield, I would pose the same question, although I always address the Chair, to the gentleman from Arizona.

Mr. UDALL. I would be happy to enlighten the gentleman as to the history of this legislation.

In October of 1969, nearly 15 months ago, this House passed the bill H.R. 13000, of which I was one of the drafters and sponsors. The bill as then presented would have created a permanent system of fixing salaries of Federal employees.

The bill went to the Senate, where, in December 1969, it was stripped down into a plain old pay raise. We went to conference in 1970. Because of the postal strike and some intervening events, that conference was idle for many months, and in December of this year, 1970, the conference was reconvened to determine what we should do about pay for 1.3 million Federal civilian employees and, incidentally, what would be done for the nearly 3 million men in the armed services, because they will be affected by what happens to this bill.

I helped draft the conference committee substitute which is now before us. I also helped draft the original bill. I hope that answers the gentleman's question.

Mr. HALL. If the gentleman will yield further, it really does not. Your distinguished chairman and my friend yielded to you as the Member who was the author of the bill. All I want to know is whether it was the original bill, H.R. 13000, or whether it is the conference substitute or——

Mr. UDALL. We are dealing today with the conference substitute. I do not deny paternity of it, either. I had something to do with the drafting of both. I think the question, the narrow question, in these 40 minutes of debate, if we take it all, is whether this conference substitute is a good bill and whether it should be approved or defeated. I think it is a good bill and should be approved.

Mr. HALL. If the gentleman was the mother of the bill, who was the father?

Mr. UDALL. I do not know. I have not figured out the ancestry entirely. But I am prepared to defend the bill and explain it. That is what I hope to do in these 5 minutes, if they have not already expired.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. On October 14, 1969, when H.R. 13000 came to the floor of the House, I, along with 50 other Members of the House, opposed it. At that time it was, I believe, pretty well known that the administration was vigorously opposed to this legislation and I was also on the merits. I am now told that the content of the bill before us is quite different from the version that came before us in October 1969. Is that an accurate statement?

Mr. UDALL. The gentleman is correct. One of the main reasons the gentleman and others opposed the bill is that at that time we set up a permanent system of fixing pay regularly, in an orderly manner, and with comparability adjustments. In that procedure in the original bill the President was left out. We created a salary commission. When the salary commission acted, its findings and decisions would come to the Congress, we would vote it up or down, and then it would take effect.

The President felt very strongly, as overseer of the whole Federal establishment and as the one required to make up the Federal budget, that he ought to be taken into the procedure. We met that objection over months of negotiation with the Civil Service Commission and the Bureau of the Budget, and the President, I am told—and the gentleman is more of a spokesman for him than I am—now approves this bill and would like to see it enacted.

Mr. GERALD R. FORD. The executive branch of the Government has made known its views as to what ought to be the content of the legislation before us and, as I understand, the content before us does contain the recommendations that were made by the executive branch of the Government. So as of now the head of the Civil Service Commission endorses the legislation. The head of the Office of Management and Budget likewise endorses the legislation. The net result is that the objections originally raised by the President no longer exist. It is good legislation and I support it.

Mr. UDALL. I thank the gentleman from Michigan for that statement. I am proud and pleased that in this bill the Federal Government is taking the lead, because I foresee if we do not do something, if this is voted down today, next year the same trends and the same unhappiness in the Federal establishments that brought on the postal strike, and the same kind of unhappiness and frustration that brought on the slowdown of the aircraft controllers is going to erupt.

We have had all these problems in this country. We have seen raises in other fields of 20 percent or 30 percent. If this bill passes, what will happen is that we will have a Federal pay raise of probably 5 or 6 percent next year. Unless we pass this bill and unless we see to it that we will have some machinery to take care of the problem, I foresee we will have more and more teachers' strikes and strikes of all kinds of public employees.

This is an attempt to set up an orderly, rational, sensible system to make the adjustments in a decent way.

I am proud to say the AFL–CIO supports this, and President Nixon supports this, and the major employee independent union supports this. I think this is a fine way to discharge our responsibilities in the adjustment of Federal pay.

Mr. OLSEN. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Montana.

Mr. OLSEN. Mr. Speaker, the only thing we are talking about is comparability and competition in having people employed by the Federal Government on a comparable basis with those employed in private enterprise. That is all we are talking about.

Mr. UDALL. That is right. I thank the gentleman for the contribution he made as a conferee and as one of the people who helped put this conference report together.

Mr. Speaker, I want to answer some of the questions that have been raised by some of my colleagues about the application of this bill to the employees of the House, to the legislative branch employees. We wanted to have a permanent system that would apply to the employees in the executive branch, and the question arose about what we should do regarding our own employees. The bill approaches it in this fashion. If through this process, this regular annual adjustment process, the salaries of the regular employees are adjusted by 5 percent, let us say, then the allowance available for House employees, for the Members' staff allowance, would be automatically adjusted by 5 percent, or 6 percent, or whatever the figure is.

There have been many complaints previously that we automatically made increases to employees of Members, and to employees of the House committees. This bill takes a different approach. There will be no automatic increase, but the salary allowance of Members, the clerk-hire allowance of each Member will be changed. If there is a 6-percent increase for the classified employees, there will be an increase of 6 percent, for example, in the clerk-hire allowance. The Member who now has $133,500 in staff allowance would go to $141,510—but no employee would get that extra money unless the Member himself decided to allocate some of that. The Member could allocate some of it, or none of it, or all of it in increases. He could hire new staff members, for example, under the bill out of the House Administration Committee, which increases from 13 to 15 the number of staff positions allowed.

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So I think this is a sensible, sound way to handle that particular problem.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Indiana.

Mr. DENNIS. This question is basically for information. I was reading an account of what was purported to be in this bill. I want to ask the gentleman, as the father or mother of the bill, as the case may be, whether this account is substantially accurate. It says here that the procedure would be that each year an official designated by the President makes a report as to the new pay scale, then a board reviews it and makes its recommedations, and if the President orders the new scale into effect, that is the end of it. We have nothing further to do. Is that correct?

Mr. UDALL. That is correct.

Mr. DENNIS. If, however, the President sends in an alternate plan, we can veto that, but if we do, it goes back to the plan set by the board. Is that substantially correct?

Mr. UDALL. That is correct. Let me give the gentleman the philosophy behind that, because this is very fundamental to the permanent pay-fixing plan. I have always been an advocate of the philosophy that Congress ought to set the policy. This bill does not depart from that philosophy. In this bill we say Federal pay should be comparable to pay in private enterprise.

We delegate to the Bureau of Labor Statistics and to the Bureau of the Budget and to the President of the United States the power to determine what numbers are necessary, what dollar figures are necessary, to carry out that policy.

The SPEAKER pro tempore (Mr. SLACK). The time of the gentleman from Arizona has expired.

Mr. DULSKI. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. UDALL. If that policy is carried out, that is the end of it. There is no point in coming back to the Congress, any more than there would be for one of the gentleman's employees to come back to him if the employee had carried out his policy.

If, however, the President decides to say, "Sorry, I am not going to have a pay raise this year," or if for any other reason he makes any decision other than to achieve the comparability policy, then it will come back to us, and the bill guarantees that we will have a vote on it.

I believe that is a sound compromise between those who do not want to delegate anything—who want to wrestle every year with the salary fights, as we have since I have been engaged in in the Congress—those who want to continue as we have in the past and those who want to delegate entirely to someone else.

We make the policy and we delegate to someone else the mechanics of carrying out that policy.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Indiana.

Mr. DENNIS. I would point out that even the policy may be subject to some dispute, because personally I do not believe any Federal or public employee's pay is exactly in the same situation as pay in a private industry where there is the element of profit to consider. There are no profits available out of which to pay public salaries—every penny comes out of the taxpayers.

Passing that question, the cardinal point remains that under this bill we can do nothing as Members of the Congress except to chose between the pay scale set by the President and that set by the board, if the President disagrees with this appointed board.

Mr. UDALL. Yes. If we do not like this system we can change it. I want to try it around the track for a couple of years, to see if it works. There is something we can do. We can repeal the law, and I will be with the gentleman in repealing it if it does not work, if the President is going to abuse this power.

Mr. DENNIS. If it is better for some appointed board to discharge the functions of this body in this respect, why not let them do it all and get rid of the Congress?

Mr. UDALL. We set the policy, and give the appointed board the authority to carry out that policy.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to my friend from Iowa.

Mr. KYL. There is nothing in this bill which prevents the Congress from doing what it has always done, if we do not like the procedure.

Mr. UDALL. Precisely. We can pass a law at any time changing what the President did.

Mr. KYL. If the Congress does not like what the Board does, we can act.

Mr. UDALL. We can, indeed.

Mr. Speaker, I am happy to be able to rise today in support of the conference report submitted last week on H.R. 13000. The road has been a long and arduous one and I would like briefly to take the time to outline the path that has led us here.

On October 14, 1969, the Federal Salary Comparability Act (H.R. 13000) passed the House of Representatives. On December 12, 1969, a different version passed the Senate. The House version provided salary adjustments for Federal employees, established a permanent method of adjusting rates of pay of Federal employees in the statutory pay systems, and included certain miscellaneous employee fringe benefits. The Senate version, by and large, provided for a flat percentage increase in Federal pay.

The House disagreed to the Senate amendment and asked for a conference. The Senate in turn insisted on its amendment and agreed to the conference which convened March 25, 1970. The conference committee had several meetings during the early part of 1970 but came to no resolution.

Subsequently, Public Law 91–231 was approved in April providing for a 6-percent salary increase, retroactive to December 27, 1969, for all employees under the statutory pay systems, as well as for employees in the Agricultural Stabilization Service, and certain employees in the judicial, legislative, and executive branches whose rates of pay are fixed by administrative action.

Also, Public Law 91–375, the Postal Reorganization Act of 1970, approved in August, provided for an 8-percent pay increase for all employees of the Post Office Department, retroactive to April 16, 1970. If you will recall, Mr. Speaker, these legislative developments resulted from the settlement of the postal employees' strike during that period. Left unresolved and still before the conference committee was the question of a permanent method of adjusting rates of pay for Federal employees.

Realizing that the problem of Federal wages will not be solved until a rational, permanent method of establishing rates of pay is enacted into law, a number of my colleagues and I introduced H.R. 18403, a bill designed to implement the pay comparability system for Federal employees on a semiautomatic basis. The Chairman of the Civil Service Commission in turn submitted a legislative recommendation proposing similar permanent procedures for applying the pay comparability policy adopted by this great body in 1962. This proposal took legislative form in H.R. 18603, as introduced by Mr. CORBETT.

Both of these bills were referred to my Subcommittee on Compensation of the Post Office and Civil Service Committee. We held extensive hearings on the measures and worked out the proposal that ultimately was submitted to the conference committee on H.R. 13000. The conferees in turn accepted this substitute and on December 8, 1970, reported out the version that is before us today.

Let me briefly summarize the conference substitute for H.R. 13000 and contrast it with provisions of the original bill. We propose a permanent method of adjusting the rates of pay of Federal employees under the general schedule, Foreign Service, and for physicians, dentists, and nurses of the Veterans' Administration. These categories are commonly referred to as the statutory pay systems.

The greatest difference between H.R. 13000 as approved by the House on October 14, 1969, and the conference substitute is that under the latter the President is directed to make annual adjustments in the rates of pay, whereas under H.R. 13000 a Federal Employee Salary Commission was directed to submit recommended pay adjustments to the Congress which would become effective upon approval by Congress.

The procedure established under the conference substitute requires the President to direct such agent as he considers appropriate—normally the Chairman of the Civil Service Commission and the Director of the Office of Management and Budget—to prepare and submit to him annually, after considering the views and recommendations of Federal employee union representatives, a report—

First, that compares the rates of pay of the statutory pay systems with the pay in private industry;

Second, that makes recommendations for adjustments in rates of pay based on comparability; and

Third, includes the views and recommendations of employee organizations.

The President is required to make adjustments in statutory rates of pay as he determines appropriate to carry out the comparability principles effective October 1 of each year, except that in 1971 and 1972 such adjustments will become effective on January 1.

If, because of a national emergency or economic conditions affecting the general welfare, the President determines that it is not appropriate to make the pay comparability adjustments, he is directed to prepare and transmit to the Congress, before September 1, an alternate pay adjustment plan. The alternate plan would become effective on October 1 unless within 30 days after receiving it, Congress vetoed the plan. In such event, the President is required to put into effect the original comparability recommendations. The congressional veto of an alternate plan would follow the same procedures established for congressional disapproval of an executive reorganization plan.

Recommendations of Federal employee union representatives will be considered by the President through the newly established Federal Employees Pay Council. This group consists of five members chosen from representatives of employee organizations and is charged with the duty of consulting with the President's agent in implementing the comparability procedure.

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An advisory committee on Federal pay is also established for the purpose of recommending to the President pay proposals that will implement the comparability principle. This is an independent body consisting of three members appointed by the President from outside of the Government. Members will serve for 6-year terms.

The establishment of these two advisory bodies represents a significant feature of the committee substitute before us today, Mr. Speaker. The Federal Employees Pay Council will give our Federal employee organizations a significant voice in the fixing of Federal pay. Their views must be considered by both the President's agent and the President himself in devising pay plans and the President in turn must pass on to the Congress employee recommendations concerning pay.

The advisory committee on federal pay will give the President still another perspective as to the pay needs of our Federal employees. This group will consist of individuals not employed by the Federal Government who are generally known for their expertise and impartiality on pay matters.

This is not to say that members can not or will not have a labor or management background. Indeed we would be hard put to find anyone versed in the complexities of pay matters without such backgrounds. In fact, under the bill, any interested party such as a labor organization, may make nominations for membership on the committee. I fully anticipate that both labor and management organizations will have names to submit to the President and hope the President will give close scrutiny to these recommendations. But the advisory committee is not intended to be an adversary body. It is intended to give a hard, impartial look at pay questions and to serve as a valuable party in the fixing of Federal pay.

In the conference substitute we also included provisions authorizing administrative pay fixing authorities in the legislative, judicial, and executive branches to fix the rates of pay for those employees who are not covered by the statutory pay systems consistent with the annual adjustments. The authority under this section is entirely discretionary. This means that Members of the House of Representatives will for the first time have the authority to raise wages or withhold a raise in accordance with performance rendered by congressional staff employees.

The conference substitute contains some miscellaneous provisions as well. Allowances for employees at remote worksites and allowances for employees involved in floating plant operations with the Corps of Engineers are authorized. The nepotism provisions of law have been extended to employees of the U.S. postal service and additional supergrade positions for the U.S. Tax Court and for allocation by the Civil Service Commission among departments and agencies in the executive branch have been authorized.

Mr. Speaker, let me deal briefly with the subject of a pay raise for 1971. Many columnists have labeled this legislation a "pay bill", but this is really a misnomer. There is no comparibility increase ordered by the bill. It was our feeling that the Civil service commission and the Office of Management and Budget could better devise a pay plan to fit the needs of all employees in the statutory pay systems for 1971 and for that reason we refrain from including any mandatory pay increase.

This is not to say, however, that we do not anticipate a pay raise effective January 1, 1971. In the course of our negotiations we were assured time and again by individuals both within the Civil Service Commission and within the Office of Management and Budget that the President fully intended to use the authority that we have granted him under this bill to make a comparability increase for the upcoming year. I for one would like to go on record as being in favor of this increase; I think it is needed and I think we owe it to our federal employees to bring them up to full comparability as we guaranteed them under the 1962 law.

If the President does not see fit to make this adjustment, the matter will not end there. Once the bill becomes law the Congress will immediately have the authority to serve as overseer of the President's action on pay matters. The congressional machinery provided in the bill for overriding an alternative plan submitted by the President will be available to us immediately and I for one intend to hold this administration to the assurances that have been given us.

Lest there be any doubt concerning the availability of the congressional machinery for 1971 and 1972, let me quote you the language of the relevant section. Section 5308(c) of the committee substitute provides that the President may make the initial adjustment—(for 1971)—without regard to the Advisory Committe on Federal Pay and the Federal Employees Pay Council.

It further provides that notwithstanding any provision prescribing an effective date of October 1 for any pay provision made by the President, the initial adjustment shall become effective on the first day of the first applicable pay period that begins on or after January 1, 1971, and January 1, 1972, respectively. Finally, the President's agent for purposes of the 1971 and 1972 adjustments shall be the Director, Office of Management and Budget and the Chairman, U.S. Civil Service Commission.

Note, Mr. Speaker, that this section does contain language that suspends the role of Congress as overseer of the pay process for these 2 years. And indeed, why should it? It is nonsensical to think that the years 1971 and 1972 should be treated differently from any other year. Our interest in the well being of Federal employees is not cyclical—it is constant.

In other words, it was and is the intent of the conferees to make available the congressional machinery immediately upon enactment of this legislation. And in fact, this was and is the intent of the administration as well. At the end of my remarks I am including a letter from Chairman Hampton of the Civil Service Commission in which he states:

> It was definitely not our intent in fixing a January date for the first two adjustments to preclude the President from submitting an alternate plan. (It was our intent) . . . simply to permit the first adjustment to be made without reference to the President's Advisory Committee and to change the dates for the first two adjustments to accommodate to the present (BLS) survey schedule . . . We interpreted the Committee print to permit the submission of alternate plans these first two years.

Part and parcel to the alternate plan procedure is the congressional review procedure. Thus for 1971 and 1972, if the President determines that he cannot make the full comparability adjustment, he must submit an alternate plan to the Congress. Upon receipt of the alternate plan, the Congress has 30 days within which to act. If the President, because of congressional action, is required to make the full adjustment, increases in rates of pay will take effect on the first day of the first applicable pay period that begins on or after the day of congressional action.

I do want to urge my colleagues to support our efforts, Mr. Speaker. This is really an historic piece of legislation in every sense of that overworked term. For 6 years I have been trying to bring about some kind of rational, sensible, permanent method of approaching the problem of the adjustment of Federal salaries. In 1967 we took a big step in this effort by passing the Federal Salary Act.

That bill set precedent by directing Federal salaries of employees under the statutory pay systems to be adjusted automatically in 1968 and 1969. The Congress was partially taken out of the nonsensical position of fighting year in and year out over Federal pay legislation. Instead, Congress reviewed the decisions reached by the executive and maintained overall control of the process, and that is as it should be.

We took another big step in bringing permanence to wage fixing procedures last August. It was then we shifted pay setting for postal employees from Congress to a new quasi-corporate governmental agency. Blue collar workers have been under a similar system for almost 100 years. What I say we should do today is to complete the process by enacting this bill, the result being a systematic method of raising pay for nearly all Federal employees.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., November 9, 1970.
Hon. MORRIS K. UDALL,
Chairman, Compensation Subcommittee, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. UDALL: We have learned from the Committee staff that your Committee Print of October 8 is being interpreted to preclude the President's submitting an alternative plan with respect to the pay adjustments which would otherwise take effect in January 1971 and January 1972.

It was definitely not our intent in fixing a January date for the first two adjustments to preclude the President from submitting an alternative plan. The purpose of section 3 of the Administration's bill was simply to permit the first adjustment to be made without reference to the President's Advisory Committee and to change the dates for the first two adjustments to accommodate to the present survey schedule.

My testimony (see pages 57 and 58 of the printed hearings) makes clear our intent that the President could submit an alternative plan with respect to the January 1971 adjustment. We interpreted your Committee Print to permit the submission of alternative plans in these first two years. If you believe that the language of the Committee Print is not sufficiently clear on this point, I should be pleased to suggest amendments which would bring it into line with the Administration's position on this point.

Sincerely yours,
ROBERT E. HAMPTON,
Chairman.

Mr. GROSS. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, the deplorable maneuver of bringing this conference report to the House under suspension of the rules procedure is just one more sordid—and I emphasize sordid—example of the irresponsibility of this "lame-duck" session. The tactics invoked by the proponents of the conference report are an obvious admission that the handiwork of the conference committee fractured every rule of the conference and it could not on its merits be presented to the House in orderly fashion to stand the test of the House rules.

At this point I note the presence of the distinguished majority leader (Mr. ALBERT). I should like to ask him when the House last considered a conference report under suspension of the rules procedure which prohibits amendments and prevents the offering of points of order?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Of course I yield.

Mr. ALBERT. I do not remember the last time, but the Speaker has the authority to recognize for suspension of the rules.

Mr. GROSS. No one disputes that he has that authority.

Mr. ALBERT. And the majority leader never encroaches on that authority.

Mr. GROSS. I should like to address an inquiry to the distinguished minority leader (Mr. GERALD R. FORD).

Did the minority leader join in this enterprise—this irresponsible enterprise of bringing a conference report to the House floor under a suspension of the rules procedure?

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the minority leader.

Mr. GERALD R. FORD. I am sure the distinguished gentleman from Iowa knows that the prerogative for invoking this procedure is not in the jurisdiction of the minority leader. It is the sole prerogative of the distinguished Speaker.

I happen to be for this legislation, but I had no choice as to whether or not this conference report should come up under this procedure.

Mr. GROSS. The gentleman has not answered the question as to whether he approved this procedure.

The gentleman usually is consulted as to how legislation comes to the House floor in situations of this kind, especially the dying hours of a session of Congress.

Why have committees of the Congress if members of a committee can go into a conference with the other body and put anything—and I mean anything—into the legislation, come back to the House and be protected under a suspension of the rules by which it is impossible to raise points of order or offer amendments to remove the ungermane provisions? Why have committees if such dictatorial procedures are to be used?

Mr. UDALL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. No; not at this time.

Mr. Speaker, I was prepared to make a point of order against the conference report but being denied that privilege I want to submit for the RECORD and for the edification of the House those items which I contend are in flagrant violation of the rules and precedents of the House of Representatives.

The conference report contains at least three specific provisions which were not committed to the conference committee, which were not contained in either the House or the Senate amendments, and which are clearly not germane to the conference substitute.

First, the conference substitute, in section 8, contains an amendment to the Postal Reorganization Act (Public Law 91–375) dealing with "restrictions on Postal Service employment of relatives" which was not contained in either the House bill or the Senate amendment. It is completely nongermane and irrelevant to the general matter of Federal employee pay which was committed to the conference committee.

Second, the conference substitute, in section 9, provides for 20 adidtional supergrade positions to the supergrade pool administered by the Civil Service Commission and specifically creates five new such positions for the U.S. Tax Court. The matter of supergrade positions was not even remotely involved in the House bill or the Senate amendment and inclusion in the conference substitute is certainly not germane, and clearly introduces extraneous matter not committed to the conference committee.

Finally, Mr. Speaker, the conference substitute, in section 3(a) delegates to the President all authority in the future to set the rates of pay for employees under the statutory pay systems. This is a radically new concept incorporated in the conference substitute that was not in the House bill or the Senate amendment. This concept is not germane to the matter that was in disagreement and it is not a matter that was committed to the conference committee by either House.

This is a vitally important point, Mr. Speaker, since it is the very substance of the conference substitute, yet it clearly violates the rules and precedents of the House. Rule 28, clause 3, of the Rules of the House reads:

> Whenever a disagreement to an amendment in the nature of a substitute has been committed to a conference committee it shall be in order for the Managers on the part of the House to propose a substitute which is a germane modification—

I repeat, "a germane modification"—

> of the matter in disagreement, but their report shall not include matter not committed to the conference committee by either House.

The Senate bill was an amendment in the nature of a substitute for the House bill. The conference report is an additional substitute on the same subject. However, the conference report distinctly, clearly, and specifically includes matter not committed to the conferees by either House, and matter which cannot be held to be a "germane modification on the matter of disagreement."

Mr. Speaker, H.R. 13000 passed the House and Senate in late 1969—more than a year ago—and for all intents and purposes was abandoned and superseded by the enactment of Public Law 91–231, enacted in April of this year granting a 6-percent retroactive pay raise to all Federal employees.

It is clearly evident that this bill was resurrected as a convenient vehicle for ramming through the Congress, in the closing days of the 91st Congress, with complete disregard—yes, with complete contempt—for the orderly procedures of this body, an entirely new, radical, nongermane proposition for setting Federal pay.

I cannot in good conscience participate in such maneuvering and in such deception.

Mr. Speaker, aside from the incredible procedures being used to ramrod this legislation through Congress with a minimum amount of consideration, the conference report should be rejected entirely because it is dangerously bad legislation.

It represents a complete abdication of congressional responsibility in a vital area of national fiscal affairs. It is explosively inflationary, and completely contrary to the best interests of the American people.

What is here planned, simply stated, is for the Congress to turn over to the President for all time in the future blank-check authority to set the pay of all Federal employees. It is proposed here in the dying days of the 91st Congress to divest the Congress of a vital responsibility which it has properly exercised since the founding of the Nation.

The SPEAKER pro tempore (Mr. SLACK). The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I yield myself 3 additional minutes.

I submit, Mr. Speaker, that this bill does violence to the appropriation and revenue-raising responsibilities of the legislative branch. It turns over to the President—any President—sole responsibility for managing the $48.8 billion a year civilian and military payrolls of the United States with each 1-percent increase in those payrolls amounting to an automatic additional Federal expenditure of $361 million.

Under the procedure proposed in this bill, the sole role of Congress in the future with respect to setting Federal pay will be to find the money somewhere, somehow, to pay the bill. Congress will have absolutely no control over the amount of any future pay raise regardless of how critical the fiscal situation may be at any particular time.

In fact, under the specific provisions of this legislation the Congress can only act at such time as the President does not increase pay, or does not increase it enough—I repeat, does not increase it enough. And incredibly enough, the authors of this legislation have, in effect, told the President that from now on "you increase the pay of Federal employees on a periodic basis with the Congress looking over your shoulder to make sure you do so."

Mr. Speaker, it must be made abundantly clear that by reason of this conference report the President will be required to raise the pay of all Federal civilian and military personnel effective January 1, 1971—tomorrow—again on January 1, 1972, again on October 1, 1972, and on each October 1 thereafter. Thus, the first three pay raises will come in less than 2 years.

It is expected that the pay raise effective January 1, 1971—tomorrow—will approximate 6 percent and will increase the total budget by $2.3 billion. This money is not in the budget. It means adding another $2.3 billion deficit to a budget that is already in the red by over $10 billion and this during a critical period of rapid inflation and rising unemployment. The President himself has just recently pleaded with business and labor to make a special effort to exercise restraint in price and wage decisions. Any example of restraint should certainly begin in Federal Government wage decisions.

The action this House takes today goes far beyond any so-called inflation alert. If this bill is enacted it will be an inflation blast that will ring in the ears of all Americans for a long time to come. The consequences on our economy could be devastating.

The **SPEAKER** pro tempore. The time of the gentleman has again expired.

Mr. GROSS. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, just 3 years ago in this same month, in the closing days of a congressional session, I opposed the enactment of legislation which turned over to the President the final authority to set the pay of Members of Congress, judges, and Cabinet officials. I pointed out then, as I do now, that this is an important responsibility that belongs in the Congress which must be accountable for the expenditures of public moneys and the raising of tax revenues. I pointed out then, as I do now, the inflationary aspects of such action. I pointed out, too, the shameful step-by-step delegations of power to the President—powers and responsibilities no Congress should surrender.

On December 11, Donald Saltz, business editor of the Washington News, devoted his entire column to the consequences of our action of 3 years ago.

His first two paragraphs are as follows:

> One of the great mistakes of recent years occurred in early 1968 when Congress accepted a pay raise from $30,000 to $42,500 a year, or more than 40 per cent.
>
> What that did was to open a Pandora's Box of inflationary troubles which are hacking and kicking away at our economic structure. It has led to union demands for huge pay increases without corresponding rises in production.

Mr. Speaker, it is imperative for this Congress to decide here and now that it will not abdicate to the Chief Executive its role in managing a $48,800,000,000 total Federal payroll and that it will not recklessly feed the already intense fires of inflation.

Mr. Speaker, it is imperative for the general welfare of this Nation that we here and now reject this conference report.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I have promised to yield time to others.

The **SPEAKER** pro tempore. The gentleman from Iowa has consumed 13 minutes.

Following is the full text of the article by Mr. Donald Saltz in the Washington Daily News:

[From the Washington News, Dec. 11, 1970]

HILL RAISES STIMULATE INFLATION

(By Donald Saltz)

One of the great mistakes of recent years occurred in early 1968 when Congress accepted a pay raise from $30,000 to $42,500 a year, or more than 40 per cent.

What that did was to open a Pandora's Box of inflationary troubles which are hacking and kicking away at our economic structure. It has led to union demands for huge pay increases without corresponding rises in production.

Automobile workers, now rail workers, government employes and numerous other organized groups are seeking sharp additions of pay, under the guise of simply offsetting cost-of-living increases.

ABOVE INFLATION

The pay increases being sought and the sums received, in most cases, are more than enough to meet the rate of inflation. What they have the effect of doing is causing more and stronger inflation, and the cycle continues.

If selfish individual demands for more money continue, the U.S. will likely price itself out of more world markets. Already, about one of every nine cars bought in this country is foreign-made. American-made cars have gone up another $175 to $200 or so, as an after-effect of large wage settlements for auto workers.

A large rail pay settlement will mean higher freight rates which will be passed along to the consumer, and that means almost everybody because we all use products that are shipped by rail.

Federal government workers have come to expect annual raises "to bring the workers up to private industry scale," but many government people do not take into account the stability of their positions, their fringe benefits or even annual increments as a result of length of service.

An exact equal, on-the-surface pay footing for government workers stimulates private employers to pay a bit more to offset other advantages of government workers.

HANDICAPPED-RETIRED

As the Congress prepares to raise social security benefits, the other side of the coin shows social security taxes rising at a staggering rate. It offers another reason for workers to demand more pay, which in turn makes prices go up, and once again the retired persons on social security find their dollars inadequate.

The cycle will continue, interrupted only by breathing spells.

As salaries go up, taxes do more than rise proportionately. Higher incomes are assessed higher tax rates.

A large union could win long-time public favor if it would face contract time with a sensible approach and seek wage increases equal to productivity gains. If there has not been an increase in productivity, is it right to seek wage increases?

In some instances, probably, where underpayment is severe. For most lines of work, however, no real justification exists for higher pay on a regular basis.

How can we complain about a higher cost of living when we are responsible for it?

Voluntary restraint is one way to keep prices down. But as long as groups of people plunge headlong into a pool of pay-raise advocates and refuse to consider the longer-term effects of more money for the same work, the country's in trouble.

Mr. DULSKI. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, the legislation before us today is long overdue. As has been indicated previously the Congress is not abdicating its responsibility in this area of Federal pay legislation. What we are doing is creating an administrative mechanism which would enable the pay raise to reach the employees sooner to give some equity in the matter of comparability.

The legislative process is slow and cumbersome and, because this is so, Federal employees are always lagging behind in comparability.

The Congress of the United States promised Federal employees comparability in 1962, but it has been an empty promise since that time because we have been unable to respond to the cost of living increases in sufficient time to get the benefit to the employees when they deserve them.

Mr. Speaker, what this legislation before us today does is create a mechanism to get the raise to the employee quicker.

Mr. Speaker, the conference report on H.R. 13000, the Pay Comparability Act of 1970, provides in my opinion a rational and realistic approach to a problem which has beset the Post Office and Civil Service Committee, and the Congress, for too long. That is, the fixing of pay of Federal employees under the statutory pay systems.

In effect, what we are trying to do today is fulfill a pledge which the Congress made in 1962 to afford full comparability to Federal employees. That principle of comparability is as sensible and fair to-

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day as it was then, but it cannot ever be properly effected or in a timely manner unless we adopt a permanent pay-setting system as proposed in this legislation.

As one of the original cosponsors of this legislation, I hope this conference report now before us will be promptly approved.

In brief, the conference substitute to H.R. 13000 provides the following:

First, it requires the President to direct such agent as he considers appropriate—normally the Chairman of the Civil Service Commission and the Director, Office of Management and Budget—to prepare and submit to him annually, after considering the views and recommendations of Federal employee organization representatives, a report recommending pay adjustments in rates of pay of the statutory pay systems on the basis of comparability with private industry. The President is required to make adjustments in statutory rates of pay as he determines appropriate to carry out the comparability principles, effective October 1 of each year, except that in 1971 and 1972 such adjustments would become effective on January 1. Congress would not be involved in these adjustments.

Second. If, because of a national emergency or economic conditions affecting the general welfare, the President determines it inappropriate to make the pay comparability adjustments, he shall prepare and transmit to the Congress, before September 1, an alternative pay adjustment plan. The alternative plan would become effective on October 1 and would continue unless within 30 days after receiving it, Congress vetoed the plan. In such event, the President is required to issue the original comparability adjustments. The congressional veto of an alternative plan would follow the same procedure established for congressional disapproval of an executive reorganization plan.

Mr. Speaker, I recognize there will be some Members objecting to this procedure in fear the Congress is abdicating its responsibility of setting pay, but I do not agree that this is the case. To answer their anticipated arguments, I agree that we in the Congress are responsible for establishing basic pay-fixing policies, which we will be doing, but the long bitter history has shown that the Congress is just not very well suited to the administrative task of determining and fixing pay schedules. Federal employees who always have to wait inordinately for their much deserved pay raises, are the sufferers from Congress inability to respond to their need more promptly.

Our Post Office and Civil Service Committee has struggled for years to arrive at a solution to this problem of rate setting whereby our Federal employees and Federal Government would jointly share in a system affording fair and comparable pay to Federal employees, while allowing a competitive climate for our Government to retain and recruit the best possible employees.

As my distinguished minority leader has stated, the administration is not opposed to this legislation.

Mr. Speaker, I am convinced we have found in this legislation a workable solution, and I urge the adoption of the conference report by the required two-thirds vote.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. Hall).

Mr. HALL. Mr. Speaker, as a longtime student of the procedures of this body and having observed its proceedings since 1965 through the recent bill that was enacted into law on the reorganization of the Congress, I enthusiastically associate myself with the remarks of the gentleman from Iowa (Mr. Gross) about the technique of bringing this bill on the floor so that points of order cannot be lodged against it, nor can it be amended or properly debated.

I would like to ask the principal sponsor of the bill, my friend, the gentleman from New York, the distinguished chairman of the Committee on Post Office and Civil Service, was the substance of this conference report ever considered in any hearings held by the committee of this body?

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. DULSKI. Yes; it was.

Mr. HALL. Will the gentleman cite those hearings to me, please?

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. DULSKI. A compensation on the Federal classified system hearing before the Subcommittee on Compensation of the Committee on Post Office and Civil Service of the 91st Congress, second session, on H.R. 13000, July 27, 28, 29, 30, and 31 of 1970.

Mr. HALL. Is my distinguished friend by his answer implying that the substance of this conference report, and particularly the statement of the managers on the part of the House, evolved as a direct result of those hearings—is that correct?

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. HALL. When I ask the gentleman a question, I automatically yield to him to answer.

Mr. DULSKI. That is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. GROSS. I suggest you ask the chairman of the committee if there was any committee action on this substitute.

Mr. HALL. Would the gentleman care to respond to that?

Mr. DULSKI. The subcommittee acted on this.

Mr. GROSS. The question: Was there any full committee action on this substitute?

Mr. DULSKI. The gentleman knows very well that there was none.

Mr. GROSS. I am glad to have that established in the Record.

Mr. HALL. I think it is important to make this record, and I say to the Members who are sitting here under suspension of the rules that this is why points of order against portions of this conference report cannot be lodged, and I presume it is why the signers or the managers on the part of the House do not include all of those who were appointed to the conference.

I would further like to ask if the new supergrades included in the conference report for the Civil Service Commission are needed, and if those already assigned to the downtown pool have been exhausted and, in that same context, whether or not these include the level 4's for the advisory committee?

Mr. UDALL. Mr. Speaker, will the gentleman yield to me to answer that question?

Mr. HALL. I yield to the gentleman from Arizona.

Mr. UDALL. I ask unanimous consent to include at this point in the Record a letter dated December 7, 1970, from Mr. Robert E. Hampton, Chairman of the Civil Service Commission, which answers that specific question.

The SPEAKER pro tempore (Mr. Slack). Is there objection to the request of the gentleman from Arizona?

There was no objection.

The letter is as follows:

U.S. Civil Service Commission,
Washington, D.C., December 7, 1970.

Hon. Thaddeus J. Dulski,
Chairman, Post Office and Civil Service Committee, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This is a follow-up of my discussions with members of your committee about the need for 30 additional supergrade positions.

The increase of 150, which the Congress authorized in December 1969, was sufficient to meet only the most crucial, barebones needs that existed at that time. Attached is a list indicating our distribution of the 150 positions authorized by Congress. When I testified in support of the positions, I pointed out to members of your committee that we would review future program requirements to determine how many additional supergrades would be needed. We now conclude that a minimum of 30 new positions are required. Most of these new critical needs are in the following new or anticipated organizations and functions:

The Environmental Planning Agency. This newly founded agency desperately needs authority to appoint its top staff to permit it to begin its attack on national environmental problems.

The Office of Telecommunications Policy. Top-level positions need to be established to develop a national policy for this heretofore splintered function.

The National Oceanographic and Atmospheric Administration. Established from several different agencies, this new Administration needs to have sufficient executive manpower to coordinate and establish centralized control over the various programs assigned.

Inter-American Social Development Institute. This new organization, part of the President's program "Foreign Assistance for the Seventies," will strive to bring improvements in education, agriculture, health, housing, and labor to Latin America by working principally through private organizations, individuals and international organizations. Supergrade spaces are required for the top several positions in this new Institute.

In order to make most efficient use of quota spaces currently available, the Commission, on a daily basis, has been reassessing priority needs among the agencies and questioning priority needs within the agencies. Space control has been rigorously followed and spaces have been moved among agencies and within agencies after careful scrutiny of priorities and needs. The Commission has launched a program wherein positions that are not filled within 180 days are automatically returned to the Commission pool and

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reassigned to satisfy higher priorities. I have personally discussed these stringent control measures with the Under Secretaries of the major agencies. These efforts have been successful in getting maximum use from the existing quota, but we have now reached a point where we simply need additional spaces.

I would greatly appreciate a favorable reception to this request for 30 additional supergrades.

Sincerely yours,
ROBERT E. HAMPTON,
Chairman.

Distribution of 150 spaces

	Total
Agriculture	4
Bureau of the Budget	1
CAB	1
Commerce	4
Commission on Civil Rights	1
Council on Environmental Quality	4
Export-Import Bank	1
FCC	2
Federal Home Loan Bank Board	1
Federal Labor Relations Council	4
Federal Mediation and Conciliation Service	1
FPC	1
FTC	2
GSA	2
Government of District of Columbia	5
HEW	10
HUD	11
Indian Claims Commission	1
Interior	6
ICC	1
Justice	21
Labor	7
National Communication Consumer Finance	1
National Foundation on the Arts	1
Post Office	5
Pres. Comm., Empl. Handicapped	1
Selective Service System	10
Smithsonian	1
DOT	27
Treasury	3
Veterans' Administration	3
Office of the Vice President	4
Reserve	1
	150

Mr. UDALL. In that letter the Chairman of the Civil Service Commission says that they are exhausted, that they do need additional supergrades. In fact, they asked desperately for 50 for the new environmental agencies that have been set up. The gentleman from North Carolina (Mr. HENDERSON) negotiated with them and said, "We will not give you 50, but we will give you 20," and so it was at the request of Mr. HENDERSON that we put 20 in the conference report.

Mr. HALL. I thank the gentleman for his answer, but I submit to the Members who are attentive to the question of this violation of good procedure; that the House, after the bill is enacted, would have nothing more to do about those. We will have lost the committee's responsibility of surveillance, review, and oversight as to how these are allotted from time to time and whether or not, indeed, they are needed. I question whether they are, although I know the problem of recruiting.

Gentlemen, what we are here involved with, is the question of a sacred cow on the part of the big spenders versus the violation of a principle, a principle that goes back to the Constitution itself, wherein it says that the people's personal representatives, their Representatives in the House, will originate such proposals, pertaining to taxes, including stamps, tariffs, and levies, and it was for a violation of that principle that we fought King George in his effort to enforce the Stamp Act, and thus become a representative republic.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. HALL. Mr. Speaker, will the gentleman from Iowa yield me additional time?

Mr. GROSS. Yes. Mr. Speaker, I yield the gentleman from Missouri 2 additional minutes.

Mr. HALL. I appreciate the gentleman yielding further.

Mr. Speaker, this violation of the principle of nongermaneness, the right of the minority to strike by submitting points of order against that which, under any rule of the House, is not pertinent; and bringing back a conference-originated complete new bill is unconscionable, and the question is not merely whether we are going to have comparability. I believe maybe that could be a good thing, although I do not believe in all of the requirements of the bleeding hearts for comparability or that it can even be assayed. But the point at issue here, is that we are leaving Congress completely out of any effective action, which is required by the Constitution.

I would like to ask one other question in the short time remaining: Who is the "President's agent," as referred to in the conference report, and how is he derived or appointed?

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Arizona.

Mr. UDALL. He is paid nothing but his usual salary. The agent for the first 2 years will be jointly the Director of the Office of Budget and Management, Mr. Shultz, and the Chairman of the Civil Service Commission, Mr. Hampton.

Mr. HALL. So there are two agents, and it is Mr. Hampton, not Mr. HENDERSON. I appreciate the gentleman correcting that from his last statement.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. HALL. Be that as it may, I do not know how these men can act vis-a-vis the President's requirement, which we here impose upon him from the prerogatives of the House, including reports vis-a-vis the Civil Service Commission and vis-a-vis the gentleman's committee on which he acts, and for which he speaks.

Finally, I think we have had enough raises in this session of the Congress. We certainly have had enough in this Congress, the 91st Congress, starting out with a doubling of the President's salary, not at his request but at the request of an advisory commission previously submitted by a prior administration, and then we raised our own salary 41 percent.

Then we raised the salary of our help. Then we raised the salary of our own committees. Then we raised the salaries of House functionaries administration. Then we raised that of the Speaker and gave him an unconscionable going-away present only last week. There are other examples and the people are toting them.

Mr. GROSS. Mr. Speaker, I would point out there have been three pay raises in the last year for Federal employees and this legislation will trigger another raise, effective tomorrow, and costing more than $2 billion.

Mr. HALL. There have been pay raises and they have been in the interest of comparability and equity. It is the responsibility of the Congress to decide these things, whether they be in the military or in the Postal Service or in the General Service Act.

An often forgotten truth these days is that the Treasury tax funds are not the subject for charity or to be given away at the instigation of headline-hunters or those who would please individual segments by such legislation.

I recommend from the bottom of my heart, not only because of the procedure under which we consider this, but also because it is a violation and a raid on the Treasury, that it be voted down without the slightest compunction.

Mr. DULSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I strongly support this legislation. Congress and the House having once definitely decided we would pay Federal employees and postal workers on the basis of comparability, at salary wage and fringe benefit scales comparable with outside similar employees in the U.S. economy, we Members must live up to that firm policy decision and pledge.

The only alternative to this pay raise and benefit legislation is placing the burden of supporting the inflation and Federal Government deficits of the past years on these loyal and hardworking employees, who are working with substandard equipment in so many places.

I believe the pay raise is well merited and strongly urge that we should pass this legislation promptly. The time for higling and hagling, as well as name calling against those of us supporting this pay raise legislation has long since passed.

When the U.S. Congress and the House of Representatives formulates and adopts the policy of comparability for Federal employees and postal workers, I believe the words of the U.S. Congress should be good, and this well-deserved pay legislation adopted.

Mr. UDALL. Mr. Speaker, before the debate closes, I want to make two points. I was a little bit disturbed to hear that gentleman from Missouri, who served with distinction on the Armed Services Committee, talking about bleeding hearts and talking about the $2 billion cost of this bill. Over $1 billion of that $2 billion will go to the armed services. The cost of this bill includes 6 percent for the military. If anybody has been squeezed by the inflation in the last 2 years, it has been these people.

Second, the big point about germaneness and the talk about the 20 supergrades, that is less than 2 percent of the supergrades in the Federal service.

There is another point about the antinepotism provision. We passed in 1967—and the gentleman from Iowa (Mr.

SMITH), was the author of it, the father of it, and he had the support of the gentleman from Iowa—an antinepotism provision. I promised the gentleman on the floor when we passed postal reform and we left that provision out, that I would support a provision to get antinepotism provision made governmentwide.

So these are the two main things about which we are hearing in this order of business, about the increase of less than 1 percent in the supergrades, which is less than one-half of what the administration wanted, and the redemption of a promise some of us made that we would correct the oversight regarding the antinepotism provision, which was left out of the Postal Reform Act.

Mr. DULSKI. Mr. Speaker, this legislation originally passed the House over a year ago by a record vote of 311 to 51. As passed by the House, the bill provided salary adjustments for Federal employees, established a permanent method of adjusting rates of pay of Federal employees under the statutory pay systems, and included certain miscellaneous fringe benefits for Federal employees.

The Senate passed a different version of the bill, the bill was sent to conference, and the conferees held several meetings during the early part of 1970 but came to no resolution. Subsequently pay adjustments for employees under the statutory pay systems were enacted and became law under Public Law 91-231 and Public Law 91-375. However, the most important part of H.R. 13000 as passed the House, involving the question of a permanent method of adjusting rates of pay for Federal employees, remains unresolved.

On July 22, 1970, the Chairman of the Civil Service Commission submitted a legislative recommendation proposing new, permanent procedures for implementing the pay comparability policy adopted by the Congress in 1962. Additional hearings were held on the administration's proposal. The provisions that are before us today are basically the same as the provisions included in the administration's proposal of July 22, 1970.

The provisions have the complete support of the administration and are not objected to by the employee organizations representing employees under the statutory systems covered by the bill.

The primary purpose of the legislation now before the House is to prescribe the statutory procedures for fixing rates of pay under the comparability system for employees under the three statutory salary systems—the general schedule, staff officers and employees in the Foreign Service, and physicians, dentists, and nurses in the Department of Medicine and Surgery of the Veterans' Administration.

The procedure requires that an agent of the President—ordinarily the Chairman of the Civil Service Commission and the Director of the Office of Management and Budget—will prescribe a comparability pay survey to be conducted by the Bureau of Labor Statistics, prepare an annual comparative statement of the rates of pay based on the survey and submit recommendations for pay adjustments to the President.

An Advisory Committee on Federal Pay, to be composed of three Presidential appointees, will review the recommendations and report to the President its findings and recommendations.

The President is to make adjustments in the rates of the statutory pay systems as he determines necessary to carry out the comparability principle.

The provisions of the legislation also require the establishment of a Federal Employee Pay Council consisting of five members to be chosen from representatives of employee organizations. This pay council, as well as other representatives of employee organizations, has the right to consult with the President's agent and the Advisory Committee on Federal Pay on the procedures for implementing the comparability.

The pay adjustments will become effective in October of each year except that in 1971 and 1972, respectively, they would become effective on January 1. The action by the President in implementing the comparability increases would be final and does not require any action by the Congress. However, provisions are included so that the President, if because of a national emergency or economic conditions affecting the general welfare, considers it inappropriate to make the comparability adjustments, he may submit to the Congress an alternate plan providing pay adjustments other than those required by the comparability survey.

An alternate plan would become effective on October 1 and would continue in effect unless, prior to the end of a period of 30 calendar days of continuous session of the Congress, after the date on which the alternate plan is transmitted, either House of Congress adopts a resolution disapproving the alternate plan.

The legislation also authorizes adjustments to be made in the rates of pay of employees of the legislative, judicial, and executive branches of the Government whose rates of pay are fixed by administrative action. Such adjustments are required to be in amounts not exceeding the rate of any adjustments that may be made by the President for the general schedule employees.

In the case of the House of Representatives, provisions are included authorizing the Clerk of the House to adjust each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House. The Clerk is also authorized to adjust the monetary limitations and monetary allowances applicable to House employees. This includes the authority for the Clerk to adjust automatically the Clerk-hire allowance for Members. However, the legislation does not contain any provisions under which the pay of House employees would be adjusted automatically. It does contain authority for the pay of House employees to be adjusted at the discretion of the pay-fixing authority, such as by a Member, in the case of an employee in a Member's office.

Mr. Speaker, I wish to emphasize that this legislation does not contain any increases in rates of pay. It does prescribe a permanent system or method under which the rates of pay of the majority of employees of the U.S. Government may be adjusted on an annual basis to fulfill the comparability policy adopted by the Congress in 1962.

I urge that the House act favorably on this proposal here today.

I include a summary of the proposal approved by the conferees:

SUMMARY OF CONFERENCE SUBSTITUTE TO H.R. 13000

The Conference substitute provides a permanent method of adjusting the rates of pay of Federal employees who are paid under the statutory pay systems (General Schedule, Foreign Service, and Physicians, Dentists and Nurses of the Veterans' Administration).

The greatest difference between H.R. 13000 as approved by the House on October 14, 1969, and the Conference substitute is that in the substitute the President is directed to make annual adjustments in the rates of pay, whereas under H.R. 13000 a Federal Employee Salary Commission would submit recommended adjustments to the Congress which would become effective upon approval by Congress.

The procedure established under the Conference substitute requires the President to direct such agent as he considers appropriate (normally the Chairman of the Civil Service Commission and the Director, Office of Management and Budget) to prepare and submit to him annually after considering the views and recommendations of Federal employee union representatives, a report—

(1) That compares the rates of pay of the statutory pay systems with the pay in private industry;

(2) That makes recommendations for adjustments in rates of pay based on comparability; and

(3) Includes the views and recommendations of employee organizations.

The President is required to make adjustments in statutory rates of pay as he determines appropriate to carry out the comparability principles, effective October 1 of each year, except that in 1971 and 1972 such adjustments would become effective on January 1. Congress is not involved in these adjustments.

ALTERNATE PAY PROPOSAL

If, because of a national emergency or economic conditions affecting the general welfare, the President determines it inappropriate to make the pay comparability adjustments, he shall prepare and transmit to the Congress, before September 1, an alternate pay adjustment plan. The alternate plan would become effective on October 1 and would continue unless within 30 days after receiving it, Congress vetoed the plan. In such event, the President is required to issue the original comparability adjustments. The Congressional veto of an alternate plan would follow the same procedure established for Congressional disapproval of an executive reorganization plan.

FEDERAL PAY COUNCIL

A Federal Pay Council is established, consisting of five members chosen from representatives of employee organizations. The function of the Council is to consult with the President's agent in implementing the comparability procedure.

ADVISORY COMMITTEE ON FEDERAL PAY

An Advisory Committee on Federal Pay is established as an independent establishment consisting of three members appointed by the President for six-year terms. The function of the Committee is to review the report submitted by the Agent to the President, consider all recommendations, and report its findings and recommendations to the President.

PAY ADJUSTMENTS FOR EMPLOYEES NOT UNDER THE STATUTORY SYSTEMS

Provisions are included authorizing administrative pay fixing authorities in the Legislative, Judicial, and Executive Branches to fix the rates of pay for those employees who are not covered by the statutory pay systems consistent with the annual adjustments. The authority under this section is entirely discretionary.

MISCELLANEOUS

The Conference substitute contains provisions—

(1) Relating to allowances for employees at remote worksites and allowances for employees involved in floating plant operations;

(2) Extending the nepotism provisions of law to the employees of the United States Postal Service;

(3) Authorizing a total of five supergrade positions (GS 16, 17, and 18) for the United States Tax Court; and

(4) Authorizing 20 additional supergrade positions for allocation by the Civil Service Commission among departments and agencies in the Executive Branch.

Mr. DERWINSKI. Mr. Speaker, in order to place this proceeding in proper perspective, I want to emphasize a few points about the conference report on H.R. 13000, so that we realize the ramifications of our action here today.

Notwithstanding all the trappings of advisory and consultatory panels, what this legislation does is place in the hands of the executive branch the absolute authority over the expenditure of public funds for the Federal civilian and military payrolls.

I hope, Mr. Speaker, that we all realize that this legislation will permanently separate the Congress from any future determination on the size and scope of the Government employee payroll.

It must be noted, Mr. Speaker, that in this bill Congress is surrendering authority over salaries of Government employees while two weeks ago it arbitrarily mandated a pay raise to employees of America's railroads. Could there be a possible contradiction here?

The requirements of this legislation, and the statements made about it, seem to indicate that all future pay raises are mechanical reactions to the prevailing economic trends in private industry.

I understand that the Civil Service Commission favors in large part this package, but its inflationary consequences are clearly underestimated.

Therefore, Mr. Speaker, I offer these comments in the spirit of caution but wonder if the proponents of this elaborate package have truly anticipated these possible difficulties.

I do, Mr. Speaker, want to offer one word of commendation to the conference committee. Section 5 of the conference substitute, which deals with pay adjustments of employees in the House of Representatives, is a long overdue reform of congressional pay procedure.

Under the language of this section, each Member of the House is the pay-fixing authority for the employees on his staff and will be able to exercise his independent judgment on the merits of each annual adjustment. This new procedure is an enlightened departure from the past arrangement, and because I proposed the same change in many previous pay bills, I am especially pleased to find this bright spot in an otherwise doubtful legislative package. If this becomes law, then, for the first time, a Member of the House will be able to apply a consistent and progressive pay policy in the administration of his office.

Mr. SCHWENGEL. Mr. Speaker, today I shall vote "no" on the salary bill not because I am against adequate pay and salaries for Government employees, indeed with one exception in my 14 years in Congress I have voted for salary raises for Government employees. The principal reason for my "no" vote today is because of the low priority Congress has given the plight of our retirees—23,000,000 people on social security have to wait now to get their due—a raise just to meet the ravages of inflation. Mr. Speaker, we of the House first acted on the social security bill last April. What a shame that these people to whom we owe so much and give so little should have to wait so long—when oh, when will we make proper evaluation and set proper priorities when we deal with the well-being and needs of deserving people.

Mr. DENNIS. Mr. Speaker, this, in my judgment is a bad bill.

In the first place the much vaunted principle of comparability is itself subject to some question. Private and public employment are not entirely the same—there are essential differences. Private industry attempts, at least, to operate at a profit—and the profits are properly used, in part, to pay wages and salaries. There are no profits to draw on where public employment is concerned—every penny paid comes out of the hide of the taxpayer. Again, the high wages of industry are balanced by the changes or layoff; the public employee, if sometimes more modestly paid, under a civil service system at least, has a much greater degree of job security.

Laying the matter of comparability entirely aside, there is another, and overriding, reason why this is a bad bill; it is an abdication by the Congress, and by each individual Member of the Congress, of its and of his constitutional duties and responsibilities. We were sent here, as elected representatives of our people, to exercise our judgment on matters within our jurisdiction, including the rate of pay of employees of the Federal Government. By this measure we surrender this duty and responsibility to unelected employees of the executive branch—and, to a lesser degree, to the President of the United States.

Moreover, calls for an automatic annual pay raise, which the Congress, by this measure, so long as it remains upon the books, renders itself powerless to prevent. It is a clear surrender of the responsibility we owe to the American people who pay the bill, and it is a built-in invitation to a continued inflation.

With all respect and good will toward my colleagues who take a different view, I must say that I can see no justification for supporting legislation of this character.

The **SPEAKER** pro tempore (Mr. SLACK). The question is on the motion of the gentleman from New York that the House suspend the rules and agree to the conference report on H.R. 13000.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 183, nays 54, not voting 195, as follows:

[Roll No. 457]

YEAS—183

Adams
Albert
Annunzio
Arends
Ashley
Ayres
Barrett
Beall, Md.
Bennett
Bevill
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Burke, Mass.
Bush
Byrne, Pa.
Byrnes, Wis.
Carey
Chamberlain
Clark
Cleveland
Cohelan
Conte
Conyers
Corman
Coughlin
Culver
Daniels, N.J.
Davis, Wis.
Dellenback
Downing
Dulski
Duncan
Eilberg
Feighan
Findley
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frey
Fulton, Pa.
Galifianakis
Garmatz
Gonzalez
Green, Oreg.
Green, Pa.
Gude
Halpern
Hamilton
Hanna
Hansen, Idaho
Harsha
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Horton
Hosmer
Hungate
Hunt
Ichord
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Keith
King
Koch
Kuykendall
Kyros
Leggett
Lloyd
Long, Md.
Lukens
McCarthy
McCloskey
McDade
McFall
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Meeds
Melcher
Mikva
Miller, Ohio
Minish
Mink
Mizell
Mollohan
Monagan
Morgan
Morse
Natcher
Nedzi
Nix
O'Hara
Olsen
Patman
Patten
Pelly
Perkins
Pettis
Pickle
Pike
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Quillen
Rees
Reid, N.Y.
Reuss
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ruth
Ryan
St Germain
Saylor
Scheuer
Schneebeli
Scott
Shriver
Skubitz
Slack
Smith, Iowa
Springer
Stanton
Steed
Steele
Stokes
Stratton
Stubblefield
Stuckey
Taylor
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Ware
Watson
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Young
Zablocki
Zwach

NAYS—54

Abernethy
Alexander
Ashbrook
Belcher
Betts
Burke, Fla.
Burleson, Tex.
Cabell
Camp
Chappell
Clancy
Conable
Crane
Daniel, Va.
Dennis
Derwinski
Devine
Dickinson
Fish
Fisher
Flowers
Flynt
Fountain
Fuqua
Goodling
Gross
Hall
Hammerschmidt
Jarman
Jonas
Kyl
Landgrebe
Latta
McClure
MacGregor
Mahon
Mann
Marsh
Mayne
Mills
Montgomery
Nelsen
Obey
Pryor, Ark.
Rarick
Roberts
Roth
Satterfield
Schmitz
Schwengel
Symington
Teague, Tex.
Whitten
Wylie

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NOT VOTING—195

Abbitt
Adair
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Aspinall
Baring
Bell, Calif.
Berry
Biaggi
Blackburn
Bow
Brock
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Caffery
Carney
Carter
Casey
Cederberg
Celler
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Collier
Collins, Ill.
Collins, Tex.
Colmer
Corbett
Cowger
Cramer
Cunningham
Daddario
Davis, Ga.
de la Garza
Delaney
Denney
Dent
Diggs
Dingell
Donohue
Dorn
Dowdy
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Foreman
Frelinghuysen
Friedel
Fulton, Tenn.
Gallagher
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gray
Griffin
Griffiths
Grover
Gubser
Hagan
Haley
Hanley
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Hays
Hébert
Henderson
Holifield
Howard
Hull
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Karth
Kleppe
Kluczynski
Landrum
Langen
Lennon
Long, La.
Lowenstein
Lujan
McClory
McCulloch
McDonald, Mich.
McEwen
McKneally
McMillan
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Minshall
Mize
Moorhead
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Nichols
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Pepper
Philbin
Pirnie
Poage
Podell
Pollock
Powell
Price, Tex.
Purcell
Railsback
Randall
Reid, Ill.
Reifel
Rhodes
Riegle
Roe
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Rousselot
Roybal
Ruppe
Sandman
Schadeberg
Scherle
Sebelius
Shipley
Sikes
Sisk
Smith, Calif.
Smith, N.Y.
Snyder
Stafford
Staggers
Steiger, Ariz.
Steiger, Wis.
Stephens
Sullivan
Taft
Talcott
Thompson, Ga.
Ullman
Waggonner
Watts
Weicker
Whalen
Whalley
Wilson, Bob
Winn
Wold
Wydler
Wyman
Yatron
Zion

So (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Murphy of Illinois with Mrs. Chisholm.
Mr. Clay with Mr. Lowenstein.
Mr. Abbitt with Mr. McClory.
Mr. Howard with Mr. Anderson of North Dakota.
Mr. Johnson of California with Mr. Mize.
Mr. Murphy of New York with Mr. Hawkins.
Mr. Hanley with Mr. Buchanan.
Mrs. Hansen of Washington with Mr. Broyhill of Virginia.
Mr. Roybal with Mr. Diggs.
Mr. Gibbons with Mr. Schadeberg.
Mr. Gettys with Mr. Winn.
Mr. Collins of Illinois with Mr. Jacobs.
Mr. Purcell with Mr. Zion.
Mr. Pepper with Mr. Thompson of New Jersey.
Mr. Passman with Mr. Erlenborn.
Mr. Edmondson with Mr. Hastings.
Mr. Dorn with Mr. Esch.
Mr. Davis of Georgia with Mr. Denney.
Mr. Casey with Mr. Smith of New York.
Mr. Caffery with Mr. Riegle.
Mr. Aspinall with Mr. O'Konski.
Mr. Long of Louisiana with Mr. Brook.
Mr. Watts with Mr. Broyhill of North Carolina.
Mr. Randall with Mr. Mathias.
Mr. Roe with Mrs. Dwyer.
Mr. Rooney of Pennsylvania with Mr. McDonald of Michigan.
Mr. Rosenthal with Mr. McEwen.
Mr. Sisk with Mrs. Reid of Illinois.
Mr. Staggers with Mr. Berry.
Mr. Stephens with Mr. Rousselot.
Mr. Hagan of Georgia with Mr. Weicker.
Mr. Haley with Mr. Whalen.
Mr. Gaydos with Mr. Stafford.
Mr. Evans of Colorado with Mr. Del Clawson.
Mr. Edwards of Louisiana with Mr. Eshleman.
Mr. Delaney with Mr. Smith of California.
Mr. O'Neill of Massachusetts with Mr. Rhodes.
Mr. Waggonner with Mr. Bow.
Mr. Hébert with Mr. Bob Wilson.
Mr. Griffin with Mr. Edwards of Alabama.
Mr. Andrews of Alabama with Mr. Collier.
Mr. Henderson with Mr. Martin.
Mr. Lennon with Mr. Don H. Clausen.
Mr. Celler with Mr. Anderson of Illinois.
Mr. Addabbo with Mr. Michel.
Mr. Biaggi with Mr. Sandman.
Mr. Dent with Mr. Corbett.
Mr. Dingell with Mr. Price of Texas.
Mr. Donohue with Mr. Frelinghuysen.
Mr. Evins of Tennessee with Mr. Blackburn.
Mr. Fascell with Mr. Myers.
Mr. Fulton of Tennessee with Mr. Bell of California.
Mr. Gallagher with Mr. Broomfield.
Mr. Gray with Mr. Cederberg.
Mr. Rostenkowski with Mr. Pirnie.
Mr. Rooney of New York with Mr. Wydler.
Mr. Shipley with Mr. Whalley.
Mr. Sikes with Mr. Lujan.
Mr. Philbin with Mr. Harvey.
Mr. Nichols with Mr. Johnson of Pennsylvania.
Mr. Miller of California with Mr. Talcott.
Mr. Moss with Mr. Hutchinson.
Mr. Hull with Mr. Minshall.
Mr. Holifield with Mr. Langen.
Mr. Karth with Mr. Scherle.
Mr. Kluczynski with Mr. Mosher.
Mr. Yatron with Mr. Sebelius.
Mr. Moorhead with Mr. Railsback.
Mr. Edwards of California with Mr. Goldwater.
Mr. Burton of California with Mr. Ruppe.
Mr. Burlison of Missouri with Mr. Snyder.
Mr. Podell with Mr. Grover.
Mrs. Sullivan with Mr. Burton of Utah.
Mr. Ullman with Mr. Meskill.
Mr. Landrum with Mr. Morton.
Mr. Colmer with Mr. Pollock.
Mr. de la Garza with Mr. Roudebush.
Mr. Eckhardt with Mr. Steiger of Wisconsin.
Mr. Giaimo with Mr. Wold.
Mrs. Griffiths with Mr. Wyman.
Mr. Hays with Mr. Steiger of Arizona.
Mr. Harrington with Mr. Gubser.
Mr. O'Neal of Georgia with Mr. Foreman.
Mr. McMillan with Mr. Collins of Texas.
Mr. Brown of California with Mr. Powell.
Mr. Anderson of California with Mr. Cramer.
Mr. Anderson of Tennessee with Mr. Brown of Michigan.
Mr. Baring with Mr. Reifel.
Mr. Daddario with Mr. McKneally.
Mr. Dowdy with Mr. Kleppe.
Mr. Gilbert with Mr. Carter.
Mr. Ottinger with Mr. Cunningham.
Mr. Fallon with Mr. Button.
Mr. Farbstein with Mr. Adair.
Mr. Friedel with Mr. Cowger.
Mr. Carney with Mrs. May.
Mr. Taft with Mr. McCulloch.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have until midnight tonight to extend their remarks and to include extraneous matter on the conference report on H.R. 13000.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 1421, MAKING FURTHER CONTINUING APPROPRIATIONS, 1971

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 1337, Rept. No. 91–1804) which was referred to the House Calendar and ordered to be printed:

H. Res. 1337

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1421) making further continuing appropriations for the fiscal year 1971, and for other purposes, and all points of order against said joint resolution are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be considered as having been read for amendment. No amendments shall be in order to said joint resolution except amendments offered by direction of the Committee on Appropriations, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Appropriations may be offered to the joint resolution at the conclusion of the consideration of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I call up House Resolution 1337 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

PARLIAMENTARY INQUIRIES

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. YATES. Mr. Speaker, as I understand it, this is a rule that was reported by the Committee on Rules today.

In view of rule XI, section 22, will approval of this rule require a two-thirds vote, in view of the fact that the rule provides as follows:

> It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last three days of the session).

The parliamentary inquiry I address to the Chair is: Are we within the last 3 days of the session or without them, and is this rule subject to approval by a majority vote or a two-thirds vote?

The SPEAKER. The Chair is holding that we are within the last 3 days of the session and that consideration of this resolution is not subject to the two-thirds vote requirement.

Mr. YATES. Rather than a two-thirds vote?

The SPEAKER. In answer to the gentleman's inquiry, a two thirds vote is not required to consider the resolution during the last 3 days of a session of Congress.

Mr. YATES. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YATES. Will the Chair enlighten me by defining the 3-day period? Are they 3 legislative days or 3 calendar days?

The SPEAKER. The Chair will state to the gentleman from Illinois in response to his parliamentary inquiry that there are only 3 days remaining; which would be Thursday, Friday, and Saturday

Mr. YATES. Well, it is not within the 3 days end under that definition, is it, Mr. Speaker?

The SPEAKER. The Chair will state to the gentleman that Sundays are not counted within the purview of the rule. Former Speaker Longworth held that Sunday was "non dies" in a ruling in 1929—see also Cannon's Precedents, vol. VII, 944 and 995.

Mr. YATES. Mr. Speaker, for the edification of the membership and as a further parliamentary inquiry, are holidays considered to be Sundays for the purpose of that rule at this point?

The SPEAKER. The Chair does not have to pass upon the question of holidays. The Chair answered the gentleman's parliamentary inquiry which the gentleman very frankly presented and which the Chair answered to the effect that we are within the last 3 days of this session.

Mr. YATES. This is a closed rule that will not permit any amendments to be offered to the resolution itself?

The SPEAKER. The Chair will state to the gentleman from Illinois that that is a matter for the House to determine. In its present form, the gentleman's statement is correct.

Mr. YATES. If the previous question on this rule is voted down, will the resolution be open for amendment?

The SPEAKER. The Chair will state in answer to the gentleman's question, that it would be.

Mr. YATES. It would be.

I thank the Speaker.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, we are in the dying hours of this Congress. The action taken by this House on this resolution will largely determine, in the opinion of this humble Member, whether the Congress adjourns in the next 24 hours or possibly 12 hours, or whether we run on through the New Year's football games and half of the Sabbath Day that is usually reserved for church services. I said, "largely."

The other body that I refer to—I hope most respectfully will, of course, have to cooperate.

Now, under the law of the land this Congress should have adjourned on July 31. The chairman of the Appropriations Committee as well as the chairmen of the various House legislative committees, I think it can fairly be said, cooperated to this end.

The Committee on Appropriations and this body itself largely has passed, if not completely passed, all of the appropriations bills within the required time. Those money bills have been over in the other body for some 5 months. That body saw fit under its rules to debate great issues—issues that they thought were at least of great moment—at length. At one time when certain Senators from a certain section of this country resorted to that practice of extended debate it was known as a filibuster, but today it has a new connotation—it is just speaking at length. I recall—and I think it was on the Vietnam issue—that the Senate talked for months over there, and this House reacted in 30 minutes and disposed of the matter, once it had the opportunity.

As I said in the beginning, I would certainly not desire to be anything other than respectful to the other body, as indeed the rules require that I do. However, I could quote a couple of outstanding leaders in the other body as saying, I hope without violating any rules, that they have made themselves look foolish. Now, I am afraid that in so doing they have also made this body look foolish because we are, under the Constitution, a part of the Congress, although there are some people, some Members of the Congress, speaking of both bodies, who seem to think that the Congress is just one body, a unicameral body, the Senate, and that the tail can wag the dog, and the House must submit to the Senate.

Of course it is not necessary to point out to you that when the wise Founding Fathers set this Congress up they provided that this body, the House modeled after the English Parliament, was to be the important body, and provided that certain powers should be given exclusively to this body—initiating appropriations and revenue matters—in other words, let the body that came directly from the people, fresh from the people, control the purse strings so that when the electors became dissatisfied they did not have to wait indefinitely, but could kick the rascals out every 2 years, to use a term that was used at that time.

But, alas, we have been permitting the other body to arrogate onto itself powers that were never intended for them to have. So we find ourselves here in this dilemma, approximately 1 year after we convened—362 days after, or whatever it is—and we still do not know whether we are going to adjourn, or whether we are not going to adjourn before January 3, as provided by the Constitution.

My rules Committee met this morning, for the first time in a quarter of a century that I have been a member of the committee, on December 31, to get a rule—the rule that we now have under consideration.

Here is a bill that was passed by this House under the leadership of the able gentleman from Arkansas (Mr. MILLS)—the social security bill. It went over to the other body months ago. They were preoccupied with other matters which the Senators thought apparently of great national and public interest. The next thing that Mr. MILLS and the rest of us here knew as Christmas drew near, they began to adorn this social security bill with other ornaments to make it a veritable Christmas tree.

Whereupon the able gentleman from Arkansas and the members of his committee took the position, on both sides of the aisle, as I understand it, that they could not go to a conference with 100 odd amendments on the social security bill in the few days of the session. To add to the confusion the Senate then proceeded to tack its own versions of the controversial trade and welfare bills on to the social security bill. I might add that this practice of adding extraneous and nongermane amendments to House-passed bills should be stopped as I have advocated for several years.

I did succeed partially in the reorganization bill passed for at least 40 minutes debate and a separate vote on these nongermane amendments.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to my friend, the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I rise to ask the gentleman if he could give us any understanding of why this conference report is not being brought up under suspension of the rules so that we could have it disposed of or practically disposed of in this period of time had it been brought up and we would be ready for adjournment, I assume, in another hour or two so we could enjoy these football games tomorrow rather than sitting twiddling our thumbs.

Mr. COLMER. And do not forget to go to church on Sunday.

Mr. GROSS. I do not know about tomorrow or Sunday—I was anticipating adjournment tonight.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Texas (Mr. MAHON) the chairman.

Mr. MAHON. Mr. Speaker, the gentleman from Mississippi is presenting a rule which provides for the consideration of a continuing resolution on the transportation appropriation bill which has been the subject of considerable controversy and on which final action has not been taken by the Congress.

The rule would also cover the foreign assistance appropriation bill if that

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proves to be necessary but, no doubt, that bill will be cleared later today by the House and sent to the President.

The problem is that on May 27—7 months and 4 days ago—the House passed the transportation appropriation bill. Six months and 7 days thereafter—December 3—the other body passed the bill.

We went to the conference with the other body on the transportation bill and we reached an agreement on December 11. Then the House, on December 15, adopted the conference report by an overwhelming vote—319 to 71.

The conference report then went to the other body and it has not been adopted. There was a 14-day discussion or delay. There, the conference report was tabled and the bill was sent back to the House by a voice vote. It is pending on the Speaker's table.

So, whereas the House has voted on the conference report on the transportation bill, the other body has not done so.

We now propose a continuing resolution which would provide that the Department of Transportation and other agencies in the bill could carry on their functions to the same degree and in the same manner as provided in the transportation bill as modified on December 15 by the House when it adopted the conference report and acted on amendments reported in technical disagreement.

So, having failed to secure adoption of the conference report, this is a continuing resolution which to some extent modifies the situation because it continues the funds for the Department of Transportation not until next June 30, as is normally done for the fiscal year, but it would be until March 30, about one-half of the unexpired time of the current fiscal year. So it seems appropriate in the circumstances that we enact the conference report for a 9-month period rather than for a 12-month period, and we can reconsider this whole matter in the next Congress before March 30. This is an effort to break the logjam and prevent the Department of Transportation from going out of business when we adjourn on Saturday next.

We have air controllers to consider. The airlines would have to cease operation, and economic chaos would come if funds are not provided. The Coast Guard could not function. If no funds are provided, the Coast Guard could not carry on its ordinary functions, in addition to collaborating in efforts to prevent shipping and smuggling into this country of drugs and other forbidden merchandise.

So this is the situation in which we find ourselves, and this unusual situation calls for an unusual closed rule. It is true that we have less than 250 Members here. We have written the transportation bill. We wrote it when we had the full membership here. We cannot write another with 232 Members here. In the circumstances, the pending continuing resolution seems to be a reasonable settlement. That is the object of the proposed continuing resolution, which, in my judgment, the able, wise, and understanding gentleman from Iowa and a majority of the other Members will concur in.

I thank the gentleman for yielding.

Mr. YATES. Mr. Speaker, will the gentleman yield so that I may make a statement with respect to the question as to why the gag rule was imposed here?

Mr. COLMER. I yield briefly to the gentleman from Illinois.

Mr. YATES. Is it not obvious that the only reason for a closed rule at the present time is that the proponents of the SST program want to avoid the possibility of having a separate vote on that program and that appropriation at this time? It would have been perfectly proper for conferees to have been appointed. And yet those conferees were not appointed because I proposed to seek an instruction on the conferees to strike from the conference report language respecting the SST.

Ordinarily when a continuing resolution is brought before the House it is not brought under a closed rule. It is brought under an open rule, which would permit amendments to be offered.

I propose to offer an amendment to the continuing resolution which would strike funds for the SST program. That would be impossible if the closed rule were voted up by the House. That is why I propose to ask for a rollcall on the previous question in an effort to offer that kind of an amendment. But every obstacle has been placed in the way of obtaining a vote on the SST by the proponents of the SST. It is true the House has voted on it previously, but I submit that we are entitled to have a vote on the question every time funds for the Department of Transportation are brought up, and we are not being given that opportunity.

Mr. COLMER. The gentleman asked me a question on political strategy. I am not aware of any conspiracy against the gentleman or what the motives are. I do want to say this, that so far as I can now recall, this is the only rule that I have ever brought to this floor personally where it was closed; and I did so simply because of the situation that we now find ourselves in, because as I have tried to make clear, the other body has put us in an impossible situation. I am traditionally opposed to closed rules.

Now there are occasions when one must be realistic, so that is what I am doing here today. What I understand the Appropriations Committee is doing is to put an additional monkey on the back of those in the other body who are responsible for the situation in which we find ourselves.

We already have one, and when we pass this resolution, if we do, by the grace of the able gentleman from Illinois and others, we will then have put the other body in a position—and I am just spelling it out in so many words—of having to take additional responsibility and calling additionally to the minds of the public who is responsible for this situation, and try to get them to move.

I would like to go one step further.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I am always glad to yield to my friend, the distinguished Speaker of this House. I regret, Mr. Speaker, only that it will probably be the last time that I will have this opportunity and privilege to yield to the Speaker, my warm personal friend, who unfortunately is voluntarily retiring from this body after many years of able, distinguished service to his country.

Mr. McCORMACK. Whenever the gentleman yields to me, I am highly honored.

In addition to the presentation made by the able gentleman from Mississippi, who is my dear and valued friend, and who has helped me many times through stress and strain, which I personally appreciate, there is involved here the very fundamental question of representative government functioning.

Here we have a very important department of the Government, and this bill covers many fields of vital importance to the people of the United States, and the House is performing its duties in accordance with the highest traditions of the Congress of the United States, but we also certainly are doing it in accordance with the highest traditions of the House of Representatives.

I do not intend to go into detail. I think the remarks I have made convey to the minds of my colleagues what I have in mind, that representative government in these closing days has got to function. It is under strain because of conditions over which the House has no control, conditions over which probably the majority of the Senate has no control, but in any event, the very question of representative government functioning and enabling the departments of Government to carry on is involved.

This resolution is until March 30, a continuing resolution. It goes to the very depths and fundamentals of our representative government itself. Those even who oppose the SST should recognize this in these closing days, and I hope the membership will adopt the rule and pass the continuing resolution.

Mr. COLMER. Mr. Speaker, I yield myself 3 additional minutes.

I thank our able and beloved Speaker for the contribution he has just made to this cause. He has said more in 2 minutes than I have said here in 20 minutes as he usually does. It is a very valuable contribution.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to my friend from Texas.

Mr. MAHON. Mr. Speaker, I just wanted to make it clear that in this bill there are many items. If we do not have a continuing resolution and do not have this bill, for example, mass transit will operate on the basis of about $214 million a year rather than $600 million, as contained in this resolution and in the conference report we adopted. There are also funds for highways and otherwise.

This issue today is not an issue of the SST or no SST. The issue is the passage of this resolution in order to enable the Department of Transportation to function. At this point the SST is almost irrelevant.

The question is, as set forth by the Speaker, whether or not representative government in this country is sufficiently flexible to operate. I say it is, and I predict the House will overwhelmingly adopt the gentleman's rule.

Mr. COLMER. I appreciate the gentleman's contribution.

I had intended going into an explanation of the resolution, but that has been done in the colloquy.

I was about to say, in conclusion, I would like to go the third step. I throw this out for Members to think about. Perhaps some good may come of it; anyhow, it is not going to hurt. I should like to see a sine die resolution passed here today for a fixed time, either midnight tonight or tomorrow, to get through with this thing and to let us try to demonstrate that we are at least a part of this Congress, and that the Congress is capable of functioning and handling the business of the people.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

I may say, at the outset of my remarks, I agree with the statement made by our able chairman, the gentleman from Mississippi.

I also want to point out I am one of those who do not favor the SST, but I am in support of this resolution. We will have our day in court, so to speak, before March 30, 1971.

I believe we have amply demonstrated here many, many times our position on the SST. In the closing days of this session to constantly bring it up to delay adjournment of this Congress and to make this Congress look more foolish in the public eye I believe is quite ridiculous.

There is more involved in this resolution than the SST.

On May 27 of this year H.R. 17755 passed the House. That bill provided appropriations for the Department of Transportation and related agencies. On December 3 of this year the Senate passed the bill in amended form and the committee on conference met. The report of the committee on conference was agreed to by the House on December 15. Two days ago, on December 29, the Senate tabled the conference report. Since July 1 of this year, the beginning of the fiscal year, the Department of Transportation has been operating at the 1970 funding level rate, or the rate level provided in the bill as passed by the House, whichever was lower.

This continuing resolution is, in effect, an amendment to a similar continuing resolution passed on June 29 of this year. It does two things: First, it provides continuing funding for all Government departments and agencies not yet funded by appropriations bill until March 30, 1971. Second, with respect to related agencies and the Department of Transportation covered by H.R. 17755, such activities will be funded at the level of appropriations agreed to by the House on December 15 when it accepted the conference report on the bill.

This means that a number of Department of Transportation programs presently funded at 1970 fiscal year levels will be substantially increased.

OTHER THAN SST

Here are some of the principal changes:

Urban mass transportation grants will shift from an appropriation level of $214,000,000 to a level of $600,000,000;

Subsidy payments to air carriers will shift from an appropriation level of $27,327,000 to a level of $50,000,000;

Grants-in-aid for airports will shift from an appropriation level of $80,000,000 to a level of $250,000,000;

The aviation security program will be initiated at a rate of operation of $28,000,000;

The oil pollution fund will be established at a level of $20,000,000;

A program providing grants-in-aid for natural gas pipeline safety will be initiated at a rate of operation of $500,000;

High-speed ground transportation will shift from an appropriation level of $11,000,000 to a level of $18,000,000; and

Operations of the Federal Aviation Administration will shift from an appropriation level of $845,647,000 to a level of $951,885,000. A complete listing of the operational levels provided for under this resolution and the conference agreement are shown in the CONGRESSIONAL RECORD of December 15 on pages 41499 and 41501.

What of the SST? The present funding level is 184 million, the amount available for fiscal year 1970. The fiscal year 1971 budget request was for approximately $290 million. This is the figure agreed to by the House, while the Senate provided no funds.

Under the continuing resolution made in order by this rule, the funding level will be $210 million, which is the amount agreed upon by the conferees. This spending level will continue through March 30 of next year, and it is anticipated that $51,700,000 will be expended during the first quarter of 1971 if the continuing resolution is agreed to.

If problems with respect to funding of the SST are not resolved by next March, a further continuing resolution will be necessary. The Committee on Rules has been assured that at such time, an opportunity will be afforded to all Members wishing a rollcall vote on the funding of the SST.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. I thank the distinguished gentleman from Ohio.

Mr. Speaker, I just want to make this crystal clear: I voted against the SST in committee, I voted against the SST in conference, and I marched over to the other side last night and spent about 2½ hours. The leaders who are in opposition to the SST over there at the beginning of the discussion stated that they wanted a continuing resolution on the Department of Transportation bill until June 30, that they wanted a continuing resolution on the SST until March 31 at the $290 million level. After about a 2-hour discussion a compromise was about reached. The compromise offered was that we have a continuing resolution on the Department of Transportation bill, including the SST at the $210 million level until March 30, 1971.

At that time the opposition in the House, the gentleman from Illinois (Mr. YATES), and the opposition in the Senate could offer a motion when the continuing resolution comes up for consideration to exclude the SST from the continuing resolution so that we would have a clear vote on the SST on March 30, and vote up or down.

Now, Mr. Speaker, that is exactly what the opposition wanted. When we started the meeting at 8:30 p.m. in the Senate, but something happened on the way to the forum and now the ball game and the rules have been changed entirely.

Mr. Speaker, I stand up here still saying that I am opposed to the SST. But as a practical person I know that something must be done before January 3.

Mr. Speaker, air traffic controllers all over the country will go unpaid. This whole country could be thrown into a paralyzed position if these people walk out, and there is a good possibility that they will walk out if they are not paid.

Mr. Speaker, the Coast Guard which has the job of port security would go unpaid after January 3 and thousands of employees in the Department of Transportation would go unpaid. Now, I am afraid that these people who would reject this compromise are selfish.

Let us vote on the SST up or down at that time, but let us not permit employees all across the country to go unpaid after January 3 because of someone's selfish interest. We will get a clear vote up or down on the SST and this is what we wanted.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I shall be glad to yield to my colleague from Massachusetts.

Mr. BOLAND. I am delighted to associate myself with the remarks of my distinguished and affectionate friend from Massachusetts, the ranking minority member of the Subcommittee on the Department of Transportation. The gentleman states the case precisely as it is.

When we went into the informal conference last night, which was at the suggestion offered by one of those who opposed the SST—and this is exactly what we are coming to right now on this resolution—it was for the purpose of undertaking to break this legislative logjam, to see if it could be broken. So, I shall vote for the previous question so we can get this continuing resolution passed or the Senate will have to send over and request to take the papers from the Speaker's desk and ask that they be returned to the Senate and let them take from the table the conference report that was tabled in the Senate.

Mr. Speaker, as the gentleman from Massachusetts (Mr. CONTE) has said, there are a number of employees who will be affected by the action which might be taken or which could come about as a result of our failure to take some action on this resolution.

There are over 100,000 employees in the Department of Transportation, 45,000 of them in the Federal Aviation Administration, 40,000 in the Coast Guard, and innumerable other thousands spread throughout the entire department. Our concern is that government ought to function, and it cannot function with the kind of opposition that is now going on in other places in this building.

The conferees of the House backtracked a considerable way. In almost every conference there is give and take, and we have given, but they do not want to give at all, some of them over there. As a matter of fact, some of those who were in that conference last night, just as the gentleman from Massachusetts—

The SPEAKER. The time of the gentleman has expired.

Mr. LATTA. I yield 1 additional minute to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, will the gentleman yield further?

Mr. CONTE. I yield further to the gentleman from Massachusetts.

Mr. BOLAND. As a matter of fact, in that conference last night, just as the gentleman from Massachusetts opposes the SST, there were three Members of the other body who were there, who were also opposed to the SST, and who were willing to accept the compromise, and they are just as firm in their convictions against the SST as some of those who have been leading the fight.

The gentleman from Illinois (Mr. YATES) has questioned the fact, and says it would be easier to resolve this by going to conference. You could not get anywhere in a conference.

I refused to ask that conferees be appointed because, if we were to go back to conference, the conferees on the part of the other body would have sustained the position they took when we were in conference some weeks ago. And so there is only one way to solve this logjam—the only way we can go home tonight so we can conclude the second session of the 91st Congress—and that is by voting for the previous question, voting against the motion of the gentleman from Illinois, take up the continuing resolution, put the ball back in the court where it belongs, where it started, put it back over there in the Senate and then let them have the onus upon their shoulders.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, the gentleman from Illinois (Mr. YATES), a moment ago was so insistent that we have another vote, have yet another vote on this issue of the SST, which is not the only issue we are considering here this afternoon. The amazing thing to me, that reasonable men in the other body on the other end of the Capitol have not yet seen the light to stand up to this issue of the SST, and yet we have been on the record and have been willing to go on the record and stand on the record, but yet the other side have put themselves in the position where they have not faced up to the issue over there, by just simply tabling the resolution the other night, which they had no right to do. They should stand up and be counted.

Mr. CONTE. I might add that they have had this bill over in the other body for 7 months, and they have been dilly-dallying over there on the other side, and not facing up to the issue, and to the responsibility of voting on this. If they had, we could have met in conference months ago to join this issue and we could have concluded the battle a long time ago. We would have been able to come back to the House and even return to conference, if necessary, to insure that the majorities in both bodies could work their will. But now, because of the inexcusable procrastination in the other body, here we are at this midnight hour, with a gun pointed at our heads, with the threat of massive walkouts by unpaid workers facing us—and still there are those who would reject this reasonable step, so vitally necessary if we are to avoid a crisis.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. YATES. And why did they wait 7 months? Because it was apparently easier to wait until after the election before they brought up the measure.

Mr. CONTE. I doubt that very much, because the same is true with every one of the appropriation bills. We have not yet settled the foreign aid bill. Mr. Speaker, I hesitate to be critical of the other body, but my concern for the urgent necessity that the entire Congress be able to conduct its business in a mature fashion compels me to say this. If the other body does not change its rules, it will be completely paralized over there. And the effect of its present near-paralysis is painfully evident here today. Our responsibility to those who have elected us simply demands us to end this chaotic situation.

The SPEAKER. The time of the gentleman has again expired.

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, what a paradox we have here today. Our distinguished Speaker argues that representative Government has to function. Vote for the closed rule, he says. The gentleman from Massachusetts (Mr. BOLAND), says that Government has to function. He, too, urges a vote for the closed rule. Thus, a gag rule—an authoritarian procedure—is recommended for adoption in the name of representative government. No discretion, no thinking, just accept what is placed before this body. We cannot offer any amendments under this rule——

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. YATES. Three at once? Which one of the gentlemen should I yield to first? I will be glad to yield to the gentleman from Ohio, because he was kind enough to make time available to me.

Mr. LATTA. Mr. Speaker, I thank the gentleman for yielding, and let me just state to the gentleman that we do not have a gag rule here, because the House has to vote on this. We do not bring forth a rule without giving the House an opportunity to vote on it, and to work its will.

Mr. YATES. As I understand it, the Committee on Rules is recommending a gag rule.

Mr. LATTA. That may be true, but the House will have an opportunity to first vote on it, and work its will.

Mr. YATES. Yes, but how many times has it been willing to vote down the previous question on a closed rule?

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Massachusetts.

Mr. CONTE. The gentleman talks about a gag rule, but the gag rule is over there in the Senate where Senator PROXMIRE will not let them go to conference and vote it up and down.

Mr. YATES. If that is true, why should we follow that procedure in the House?

Mr. CONTE. Will the gentleman from Illinois agree with me that the conference we had was a fair and square conference, and that everything was laid out in the open on the table, and then when there was a vote on the SST the vote was taken, and three Members from the House were against the SST, and three Senators were against the SST. Is that true?

Mr. YATES. Would the gentleman permit me to conclude my statement?

Mr. CONTE. Is that true though?

Mr. YATES. The only time I have to speak is now because if the previous question is voted down and the closed rule is adopted there is no sense in saying anything on the continuing resolution.

The reason I am contesting this rule today is because I want to vote on the SST. It has just been said we have had two votes on the SST. Let us have another vote. We are entitled to vote on the SST every time the transportation bill vote comes to the floor, because it ought to be killed.

We have never had a direct vote on the SST and the last time we had a vote it was lost by what—it was lost by 20 votes on a peripheral issue.

The people in the country are opposed to the SST. Every poll shows it. More people every day realize what a bad program this is. And that is why the pro-SST people in this House do not want a vote on the SST at this time and will not let us get a vote.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. YATES. Of course, I yield to my friend, the gentleman from Illinois (Mr. ARENDS), the dean of the Illinois State delegation.

Mr. ARENDS. Will the gentleman please tell us why up to this time the Senate body would not vote on this issue.

Mr. YATES. I would suggest that the gentleman take that up with his friends in the Senate—I do not know why they do not vote on it in the Senate.

Mr. ARENDS. Might I say that at this moment my friends over there are somewhat limited.

Mr. YATES. I just want to make one point in conclusion.

The last time this bill was on the floor, our good friend, the gentleman from Massachusetts (Mr. BOLAND) made this statement and this appears in the RECORD of December 15:

> The gentleman from Illinois (Mr. YATES) is completely familiar with the record. It is the judgment of those who support this program, that if we sell 300 of the SST's, we will get the entire $1,300,000,000 back that

> we will spend for research and development, and that is the only extent to which this Government is being committed. Any number above 300 will bring a royalty, and if we sell 500 of the planes, we will get approximately $1 billion back in royalties.

The gentleman from Massachusetts failed to point out what Boeing's profits would be.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. YATES. I will yield to the gentleman if I have the time before my time expires.

What would Boeing's profits be in the event the 500 planes he referred to were sold?

This is a statement that was made by the junior Senator from Iowa on December 17 in another body. He said:

> The current plan calls for the U.S. Government to provide 90 percent of development costs of the SST.

That is true.

He continues:

> Despite this huge contribution, the companies will reap most of the profits. Boeing, it is estimated, will make a $150 million profit if 139 planes are sold—yet the Government will still be taking a $1.2 billion loss.

If that number of planes are sold—if the predicted 500 planes are sold that the gentleman from Massachusetts was talking about:

> If the maximum predicted number of planes are sold—450 or so—the Government will get back $1 billion more than it spent. Yet Boeing will make a staggering profit of $6.5 billion. That profit, for which Boeing risked only 10 percent of the development costs.

Yes, the Government will get back $1 billion more than it spent and Boeing will make a profit of $6.5 billion.

I have written to the Department of Transportation asking for verification of that enormous figure. Yes, we are getting more information about the SST program every single day.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. YATES. I will not yield to the gentleman at this time.

Mr. BOLAND. The gentleman mentioned my name. I wish the gentleman would yield to me.

Mr. YATES. I will yield to the gentleman when I finish my sentence.

I would thank the gentleman to let me finish my sentence.

We know that the SST will pollute the atmosphere. We know that the SST will create noise and the sonic boom.

We know of what the expense will be to the Government—twice the maximum that President John Kennedy said in 1963 when he first established this program. But we are getting more information every day respecting the unfortunate contract to build the SST.

Mr. Speaker, I yield now to the gentleman from Massachusetts.

Mr. BOLAND. I am delighted the gentleman has yielded.

Of course, all these arguments are the usual arguments being made by those who opposed the SST at the very start.

There are arguments on the other side, as you know, which I think balance and sometimes overbalance arguments that you put forward. Everyone knew what the return to the Boeing Co. was going to be at the very start.

Mr. YATES. The return? Do you know that? If you do, let us put it in the RECORD.

Mr. BOLAND. The contracts go to the General Accounting Office and the contracts go to the people within the Government who are familiar with the program.

The SPEAKER. The time of the gentleman has expired.

Mr. COLMER. Mr. Speaker, I yield to the gentleman the 2 minutes I promised him.

Mr. YATES. I thank the gentleman for yielding me the 2 minutes. Replying to the gentleman, neither the GAO or any other institution has informed us what Boeing's profit will be on the whole program.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is it not a fact that discussion about the SST at this point in time is academic since the principal opponent of this proposal in the other body has said that he is going to engage in extended debate until noon Sunday on this continuing resolution if we should send it over there with the SST provision, and we are going to be back in session at 12:01 on Sunday afternoon and, as sure as God made sour apples, you are not going to let down these controllers; you are not going to shut down the country. The Senator from Wisconsin has already served notice in the other body that he is going to continue debate until Sunday, and I do not believe the other body will vote cloture.

Mr. YATES. I merely wish to make one other point, and that is that what we have been discussing we should be debating under the resolution and not under the rule. We ought to be presenting our arguments for and against the SST under the continuing resolution rather than being required, under the strictures of limited time under this rule, to try to inform this House that this program should not again be voted for. That is why I say it is essential that we vote down the previous question, open up this rule, and give us a chance to state our arguments so that we can vote intelligently on the question.

The continuing resolution can be sent to the other body, a continuing resolution will go over there, whether it is amended or not. We ought to be able to offer amendments. I urge that we send it to the other body without funds for the SST.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Wisconsin.

Mr. REUSS. I would like to ask the gentleman from Illinois a question that I am sure about 80 million wistful, brokendown taxpayers are asking: Is there any reason under the sun why the greatest deliberative body in the world cannot work out a procedure whereby we might pass the transportation appropriation act less the SST, pay the controllers and leave the hot potato of the SST for consideration next month?

Mr. YATES. Exactly right. That sort of suggestion was offered; namely, to provide funds for the SST——

Mr. REUSS. Let us vote down the previous question.

Mr. YATES. For 60 days and approve the other appropriations for 6 months. Unfortunately, proponents of the SST in the other body refused to accept that proposal.

Mr. COLMER. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The gentleman from Mississippi has 3 minutes remaining.

Mr. COLMER. Mr. Speaker, I yield the remaining 3 minutes to the able and distinguished gentleman from Missouri (Mr. BOLLING), to close debate.

The SPEAKER. The gentleman from Missouri is recognized.

Mr. BOLLING. Mr. Speaker, I am opposed to the appropriation for the SST. I may at some later date, when we have larger sums of money available for more important matters, be for it again. But I am not for it now and I do not expect to be for it for a number of years. I think we have much higher priorities. I think we know too little about its effects on our environment.

But I honestly think that the argument that we should do other than to order the previous question and adopt this rule and concurrent resolution for continuing appropriations falls on the weight of evidence that has nothing to do with the SST.

One Member of the other body has said that he will prevent final action. He may. Under the rules of the other body it is his privilege.

But very soon from now, perhaps on the afternoon of this coming Sunday, a new Congress could meet, a new Congress already elected—not this Congress—another Congress—a new Congress—which presumably, since the Members would have to come to be sworn in, would have present substantially more Members than are here today. I think the last vote would indicate that there are under 240.

What we have before us now is the problem of arriving at a situation where everybody's rights are protected and that the institution does not look idiotic. I think you can make an argument for fairness and democracy on any side you wish. But I would suggest that the way to get us out of the difficulty into which we have gotten because of an excess of zeal on the part of people on both sides on the other side of this Hill is to adopt this continuing resolution and all the preliminaries necessary to it. That is the only issue before us here. It seems to me we should do that unanimously.

I have elicited from my friend, the chairman of the Appropriations Committee, the absolute, flat guarantee that next year in the new Congress, the one that has now been elected, he would have a straight up-and-down vote on the SST.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. No, I will not yield.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I speak as an individual who has strongly advocated unashamedly the full fund-

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ing of the SST. I would have personally preferred to have stood our ground, just because those on the other end of the Capitol continue to take the position that they would not let the matter come to a vote. I personally was willing to gamble that if there was no resolution of the problem because of the obstinacy of a few Members of the other body, the Department of Transportation would have gone without any appropriation. This would have been a very difficult position to take, but I personally was willing to take that position, and I am today, but in order to resolve the matter, I think in a responsible way, we should vote for the rule, we should vote for the previous question, and we should vote for the resolution. I hope we do all overwhelmingly.

Mr. COLMER. Mr. Speaker, I urge the adoption of the resolution.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. YATES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 145, nays 76, answered "present" 2, not voting 209, as follows:

[Roll No. 458]

YEAS—145

Abernethy
Adams
Albert
Arends
Ashbrook
Beall, Md.
Belcher
Betts
Biester
Blanton
Blatnik
Boggs
Boland
Bolling
Brinkley
Brooks
Brown, Ohio
Burke, Fla.
Burleson, Tex.
Bush
Byrnes, Wis.
Cabell
Camp
Chamberlain
Clancy
Clark
Colmer
Conable
Conte
Corman
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Devine
Dickinson
Duncan
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Frey
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Goodling
Green, Oreg.
Hagan
Hall
Halpern
Hammerschmidt
Hanna
Hansen, Idaho
Harsha
Hicks
Hogan
Hosmer
Hunt
Ichord
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Kee
Keith
King
Kuykendall
Kyl
Landgrebe
Latta
Leggett
Lloyd
Lukens
McCloskey
McClure
McDade
McFall
McMillan
Madden
Mahon
Mailliard
Mann
Marsh
Mayne
Meeds
Miller, Ohio
Mills
Mizell
Mollohan
Monagan
Montgomery
Natcher
Nelsen
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Poff
Preyer, N.C.
Price, Ill.
Quie
Rarick
Roberts
Rogers, Fla.
Roth
Ruth
Satterfield
Schmitz
Scott
Shriver
Skubitz
Slack
Springer
Stephens
Stratton
Stubblefield
Stuckey
Symington
Taylor
Teague, Calif.
Thomson, Wis.
Van Deerlin
Wampler
Ware
White
Whitten
Wiggins
Williams
Wilson, Charles H.
Wright
Wyatt
Young
Zablocki
Zwach

NAYS—76

Alexander
Ashley
Barrett
Bennett
Bevill
Bingham
Brademas
Brasco
Burke, Mass.
Byrne, Pa.
Carey
Cleveland
Cohelan
Conyers
Coughlin
Crane
Culver
Derwinski
Dulski
Eilberg
Ford, William D.
Forsythe
Fraser
Gonzalez
Green, Pa.
Gross
Gude
Hamilton
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Horton
Hungate
Jacobs
Jones, Tenn.
Kastenmeier
Koch
Kyros
Long, Md.
McCarthy
Macdonald, Mass.
Matsunaga
Melcher
Mikva
Minish
Mink
Morgan
Morse
Nedzi
Nix
Obey
O'Hara
Olsen
Pike
Pryor, Ark.
Pucinski
Rees
Reuss
Rodino
Ryan
Scheuer
Schneebeli
Schwengel
Smith, Iowa
Steed
Tiernan
Tunney
Udall
Vander Jagt
Vanik
Waldie
Widnall
Wolff
Wylie
Yates

ANSWERED "PRESENT"—2

Robison
Saylor

NOT VOTING—209

Abbitt
Adair
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Aspinall
Ayres
Baring
Bell, Calif.
Berry
Biaggi
Blackburn
Bow
Bray
Brock
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Caffery
Carney
Carter
Casey
Cederberg
Celler
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Collier
Collins, Ill.
Collins, Tex.
Corbett
Cowger
Cramer
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
de la Garza
Delaney
Denney
Dent
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Frelinghuysen
Friedel
Fulton, Tenn.
Gallagher
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gray
Griffin
Griffiths
Grover
Gubser
Haley
Hanley
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Hays
Hébert
Henderson
Holifield
Howard
Hull
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Karth
Kleppe
Kluczynski
Landrum
Langen
Lennon
Long, La.
Lowenstein
Lujan
McClory
McCulloch
McDonald, Mich.
McEwen
McKneally
MacGregor
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Minshall
Mize
Moorhead
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Nichols
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Pepper
Pickle
Pirnie
Poage
Podell
Pollock
Powell
Price, Tex.
Purcell
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes
Riegle
Roe
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Rousselot
Roybal
Ruppe
St Germain
Sandman
Schadeberg
Scherle
Sebelius
Shipley
Sikes
Sisk
Smith, Calif.
Smith, N.Y.
Snyder
Stafford
Staggers
Stanton
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Sullivan
Taft
Talcott
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Ullman
Vigorito
Waggonner
Watson
Watts
Weicker
Whalen
Whalley
Whitehurst
Wilson, Bob
Winn
Wold
Wydler
Wyman
Yatron
Zion

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Rhodes for, with Mr. Saylor against.

Mr. Bob Wilson for, with Mr. Robison against.

Mr. Hébert for, with Mr. Mosher against.

Mr. Waggonner for, with Mr. Wydler against.

Mr. Hays for, with Mr. Lujan against.

Mr. Rooney of New York for, with Mr. Riegle against.

Mr. Henderson for, with Mr. Addabbo against.

Mr. Lennon for, with Mr. O'Neill of Massachusetts against.

Mr. Daniels of New Jersey for, with Mr. Donohue against.

Mr. Evins of Tennessee for, with Mr. Burton of California against.

Mr. Fascell for, with Mr. Rostenkowski against.

Mr. Miller of California for, with Mr. Dent against.

Mr. Holifield for, with Mr. Burlison of Missouri against.

Mr. Fulton of Tennessee for, with Mr. Celler against.

Mr. Gray for, with Mr. Roe against.

Mr. Hanley for, with Mr. Rooney of Pennsylvania against.

Mr. Shipley for, with Mr. Powell against.

Mr. Sikes for, with Mr. Griffin against.

Mrs. Hansen of Washington for, with Mr. Gaydos against.

Mr. Nichols for, with Mr. Brown of California against.

Mr. Sisk for, with Mr. Biaggi against.

Mr. Staggers for, with Mrs. Chisholm against.

Mr. Gettys for, with Mr. Dingell against.

Mr. Annunzio for, with Mr. Clay against.

Mr. Bow for, with Mr. Eckhardt against.

Mr. Martin for, with Mr. Edwards of California against.

Mr. Price of Texas for, with Mr. Farbstein against.

Mr. Grover for, with Mr. Gallagher against.

Mr. Morton for, with Mr. Gilbert against.

Mr. Delaney for, with Mrs. Griffiths against.

Mr. Abbitt for, with Mr. Harrington against.

Mr. Anderson of California for, with Mr. Hawkins against.

Mr. Anderson of Tennessee for, with Mr. Howard against.

Mr. Anderson of Alabama for, with Mr. Karth against.

Mr. Casey for, with Mr. Lowenstein against.

Mr. Moorhead for, with Mr. Moss against.

Mr. Murphy of New York for, with Mr. Podell against.

Mr. Pickle for, with Mr. Caffery against.

Mr. Chappell for, with Mr. Diggs against.

Mr. Davis of Georgia for, with Mr. Edwards of Louisiana against.

Mr. Dorn for, with Mr. Evans of Colorado against.

Mr. Downey for, with Mr. Gibbons against.

Mr. Edmondson for, with Mr. Ottinger against.

Mr. Haley for, with Mr. Rosenthal against.

Mr. Hull for, with Mr. Roybal against.

Mr. Jarman for, with Mr. St Germain against.

Mr. Johnson of California for, Mr. Stokes against.

Mr. Kluczynski for, with Mr. Yatron against.

Mr. Teague of Texas for, with Mr. Vigorito against.

Mr. Pepper for, with Mr. Thompson of New Jersey against.

Mr. Randall for, with Mrs. Sullivan against.

Mr. Watts for, with Mr. Collins of Illinois against.

Mr. Goldwater for, with Mr. Andrews of North Dakota against.

Mr. Corbett for, with Mr. Eshleman against.
Mr. Broyhill of Virginia for, with Mr. Reid of New York against.
Mr. McClory for, with Mr. Steele against.
Mr. Hastings for, with Mr. Steiger of Wisconsin against.
Mr. Carter for, with Mr. Steiger of Arizona against.

Until further notice:

Mr. Aspinall with Mr. Anderson of Illinois.
Mr. Baring with Mr. Mathias.
Mr. Carney with Mr. Michel.
Mr. Daddario with Mr. Blackburn.
Mr. de la Garza with Mr. Myers.
Mr. Dowdy with Mr. Railsback.
Mr. Fallon with Mr. Broomfield.
Mr. Friedel with Mr. Ayres.
Mr. Giaimo with Mr. Bell of California.
Mr. Landrum with Mr. Adair.
Mr. Long of Louisiana with Mr. Berry.
Mr. Murphy of Illinois with Mr. Brotzman.
Mr. O'Neal of Georgia with Mr. Cederberg.
Mr. Purcell with Mr. Bray.
Mr. Rogers of Colorado with Mr. Don H. Clausen.
Mr. Ullman with Mr. Collier.
Mr. Del Clawson with Mr. Brock.
Mr. Cunningham with Mr. Collins of Texas.
Mr. Denney with Mr. Brown of Michigan.
Mrs. Dwyer with Mr. Cowger.
Mr. Edwards of Alabama with Mr. Broyhill of North Carolina.
Mr. Frelinghuysen with Mr. Cramer.
Mr. Burton of Utah with Mr. Buchanan.
Mr. Gubser with Mr. Button.
Mr. Harvey of Michigan with Mr. Erlenborn.
Mr. Hutchinson with Mr. Esch.
Mr. Johnson of Pennsylvania with Mr. Kleppe.
Mr. McEwen with Mr. Langen.
Mr. McKneally with Mr. McCulloch.
Mr. MacGregor with Mr. McDonald of Michigan.
Mr. Meskill with Mrs. May.
Mr. Minshall with Mr. Mize.
Mr. O'Konski with Mr. Pirnie.
Mr. Pollock with Mr. Quillen.
Mrs. Reid of Illinois with Mr. Reifel.
Mr. Roudebush with Mr. Rousselot.
Mr. Ruppe with Mr. Sandman.
Mr. Schadeberg with Mr. Scherle.
Mr. Sebelius with Mr. Smith of California.
Mr. Smith of New York with Mr. Stafford.
Mr. Snyder with Mr. Stanton.
Mr. Talcott with Mr. Thompson of Georgia.
Mr. Watson with Mr. Weicke.
Mr. Whalen with Mr. Whalley.
Mr. Whitehurst with Mr. Winn.
Mr. Wyman with Mr. Zion.

Mr. OLSEN changed his vote from "yea" to "nay."

Mr. SAYLOR. Mr. Speaker, I have a live pair with the gentleman from Arizona (Mr. Rhodes). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present".

Mr. ROBISON. Mr. Speaker, I have a live pair with the gentleman from California (Mr. Bob Wilson). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

XUM

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 19113. An act to provide for the free entry of 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind., and H.R. 19567. An act to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 14995. An act to provide for the free entry of a carillon for the use of the University of California at Santa Barbara; and H.R. 17984. An act to amend section 905 of the Tax Reform Act of 1969.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18582) entitled "An Act to amend the Food Stamp Act of 1964, as amended."

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to a bill of the House of the following title:

H.R. 16199. An act to establish a working capital fund for the Department of the Treasury.

The message also announced that the Senate agrees to the House amendment to the Senate amendment to the text and to the House amendment to the Senate amendment to the title to a bill of the House of the following title.

H.R. 370. An act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty.

FURTHER CONTINUING APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1421) making further continuing appropriations for the fiscal year 1971, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1421) with Mr. Price of Illinois in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Mahon) will be recognized for 30 minutes, and the gentleman from North Carolina (Mr. Jonas) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

We are now considering a continuing resolution which will provide that the Department of Transportation and related agencies affected can continue until March 30, 1971, under the provisions of the transportation appropriation bill as modified by the House on December 15, 1970, when the conference report and amendments outside the conference report were agreed to in the House.

This matter was debated considerably in connection with the rule.

This is the best way we know of to try to dispose of this final appropriation bill of the year. We have the foreign aid appropriation bill which will be taken up in a few moments but there are no issues unresolved. It will clear to the White House today.

I would hope, unless there are some questions, that I might leave the matter at that.

Mr. JONAS. Mr. Chairman, I yield myself such time as I may consume.

I concur in the views and expressions of the gentleman from Texas. In my judgment it is absolutely essential that we pass this joint resolution if we are not to paralyze the entire operations of the Department of Transportation.

Mr. Chairman, I have no requests for time.

Mr. YATES. Mr. Chairman, will the gentleman from Texas yield for a question?

Mr. MAHON. I yield for a question.

Mr. YATES. At any point in this debate would it be in order to move to strike out the last word in order to get time to discuss any question?

Mr. MAHON. Does the gentleman wish to have me yield him some time?

Mr. YATES. I would appreciate the gentleman responding to a question.

The gentleman contemplates that this resolution, if passed, will go to conference, unless the other body adopts it in the same form as we pass it?

Mr. MAHON. I would expect the other body to adopt it without change. I do not expect to go to conference.

Mr. YATES. The gentleman does not intend to go to conference?

Mr. MAHON. I do not believe it will be necessary to go to conference, because I believe it will be adopted by the other body.

Mr. YATES. There will be no opportunity in the other body to offer amendments?

Mr. MAHON. There will, I assume, be ample opportunity in the other body, I would say to the gentleman, depending upon the conditions under which the proceedings are held for the consideration of the continuing resolution.

Mr. YATES. Well, I have no desire to hold up the debate, Mr. Chairman, and I am not going to ask for additional time. However, I want to make the point that I would be very interested if the other body just tacitly accepts this resolution as proposed by this body. It is my opinion that there will be some discussion on the passage of this resolution.

Mr. MAHON. Mr. Chairman, I have no further requests for time.

RÉSUMÉ OF THE APPROPRIATION BUSINESS OF THE SESSION

Mr. MAHON. Mr. Chairman, under leave granted by the House, I wish to insert at this point for the information of Members and others, a very brief résumé of the appropriations business of the session in respect to appropriation bills handled by the Committee on Appropriations.

While the bulk of the outgo side of the budget annually acted upon by Congress is handled through these appropriation bills, there are a number of actions in nonappropriation bills out of the legislative committees that directly affect the overall results of congressional impact on the budget—so-called backdoor appropriation bills and provisions, certain legislative bills that mandate additional spending, inactions on a few budgetary proposals that are treated as so-called negative expenditures in the budget, and of course inactions on or changes in budget proposals related to the revenue side of the budget. The comprehensive budget scorekeeping reports issued periodically by the staff of the Joint Committee on Reduction of Federal Expenditures encompass all of these actions and inactions on the budget. A final session-end report will be issued next week.

In the meantime, I should like to include a résumé of the appropriation bills handled by the Committee on Appropriations.

APPROPRIATION BILLS, FISCAL YEAR 1971

Mr. Chairman, with respect to the appropriation bills dealing with budget requests for the current fiscal year 1971, Congress has processed 14 regular annual bills plus the usual session-end supplemental bill, a total of 15 bills. This excludes the original independent offices-HUD bill which was vetoed but includes the new bill which has been signed into law.

In the 15 bills, in respect to fiscal 1971 budget requests for new budget—obligational—authority, requests from the President totaled $140.1 billion. A total of $138.4 billion has been approved, a net reduction of $1.7 billion. I include the Transportation appropriation bill on the basis of the conference report agreed to in the House on December 15; final action on the bill has not been taken in the other body, but the continuing resolution approved today in the House would enact the funding levels in the Transportation bill through March 30, 1971.

Of the 15 bills enacted, four were above the related budget requests and 11 were below the related budget requests. The net overall reduction, as I mentioned, is $1.7 billion.

These figures represent new budget—obligational—authority, not budget expenditures—budget outlays—which in addition to expenditures from new budget authority include billions of dollars of expenditures from carryover balances of appropriations made in previous years, and also expenditures from certain so-called permanent appropriations, such as interest on the public debt and a number of trust funds which Congress is not required to act upon at each session.

FISCAL YEAR 1971 BILLS IN THE HOUSE

Mr. Chairman, the figures just recited represent the final congressional actions. The House, in the 15 bills, considered budget requests of $139.1 billion; approved $136.5 billion; for a net reduction of $2.6 billion. Three bills were above the related budget requests and 12 bills were below the related budget requests.

FISCAL YEAR 1971 BILLS IN THE SENATE

The Senate considered budget requests of $140.1 billion; approved $139.5 billion; for a net reduction, overall, of $600 million plus. It will be noted that the Senate considered about $1 billion in budget requests not considered by the House. Five of the 15 bills as passed by the Senate were above the related budget requests and 10 were below the related budget requests.

APPROPRIATION BILLS, FISCAL YEAR 1970

In addition to the appropriation bills relating to the current fiscal year 1971, the Congress at this session also considered certain supplemental requests relating to the fiscal year 1970 which ended last June 30th. These were considered and approved in the second supplemental appropriation bill, 1970. Budget requests considered totaled $6,430,171,902. The approved total was $6,021,535,005, for a reduction of $408,636,897. I should add that this reduction includes the sum of $275,000,000 with respect to a request related to the foreign military credit sales program.

TABULAR SUMMARY BY BILLS, FISCAL 1971 AMOUNTS

Mr. Chairman, the bill-by-bill totals with respect to fiscal 1971 are shown in the tabular summary which follows.

To repeat what I said earlier, these are the appropriation bills processed through the Committee on Appropriations. A more comprehensive summary of all congressional actions affecting the budget, including these appropriation bills, will be issued next week in the scorekeeping report of the staff of the Joint Committee on Reduction of Federal Expenditures.

The appropriation bill summary for fiscal year 1971 follows:

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS, FISCAL YEAR 1971

[As to fiscal year 1971 amounts only]

Bill	Budget requests considered	Approved	Change, increase (+) or decrease (−)
IN THE HOUSE			
1. Legislative	$356,043,285	$346,649,230	−$9,394,055
2. Treasury-Post Office (net of estimated postal revenues appropriated)	3,044,755,000	2,971,702,000	−73,053,000
3. Education (veto overridden)	3,807,524,000	4,127,114,000	+319,590,000
4. Independent Offices-HUD:			
Vetoed bill (H.R. 17548)	(17,216,823,500)	(17,390,212,300)	(+173,388.800)
New bill (H.R. 19830)	17,468,223,500	17,709,525,300	+241,301,800
5. State-Justice-Commerce-Judiciary	3,243,905,000	3,106,956,500	−136,948,500
6. Interior	1,610,757,600	1,610,026,700	−730,900
7. Transportation	$2,465,814,937	$2,429,579,937	−$36,235,000
8. District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000
9. Foreign assistance	2,876,539,000	2,220,961,000	−655,578,000
10. Agriculture	7,531,775,500	7,450,188,150	−81,587,350
11. Military construction	2,134,800,000	1,997,037,000	−137,763,000
12. Public Works-AEC	5,263,433,000	5,236,808,000	−26,625,000
13. Labor-HEW	18,731,737,000	18,824,663,000	+92,926,000
14. Defense	68,745,666,000	66,806,561,000	−1,939,105,000
15. Supplemental	1,701,836,738	1,525,365,538	−176,471,200
Total, House bills	139,091,898,560	136,472,075,355	−2,619,823,205
IN THE SENATE			
1. Legislative	421,414,899	413,889,653	−7,525,246
2. Education	3,966,824,000	4,782,871,000	+816,047,000
3. Independent Offices-HUD:			
Vetoed bill (H.R. 17548)	(17,468,223,500)	(18,655,019,500)	(+1,186,796,000)
New bill (H.R. 19830)	17,468,223,500	17,709,525,300	+241,301,800
4. Interior	1,839,974,600	1,835,337,500	−4,637,100
5. District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000
6. Agriculture	7,748,354,500	8,475,935,100	+727,580,600
7. Public Works-AEC	5,263,433,000	5,258,695,000	−4,738,000
8. State-Justice-Commerce-Judiciary	3,251,200,000	3,122,080,500	−129,119,500
9. Treasury-Post Office (net of estimated postal revenues appropriated)	3,046,693,000	3,018,079,000	−28,614,000
10. Military construction	2,134,800,000	2,057,871,000	−76,929,000
11. Labor-HEW	18,759,377,000	19,269,514,078	+510,137,078
12. Transportation	2,553,816,437	2,303,923,605	−249,892,832
13. Foreign assistance	2,876,539,000	2,603,639,000	−272,900,000
14. Defense	68,745,666,000	66,417,077,000	−2,328,589,000
15. Supplemental	1,928,985,264	2,089,107,792	+160,122,528
Total, bills cleared Senate	140,114,389,200	139,466,483,528	−647,905,672
ENACTED			
1. Education (veto overridden by House)	3,966,824,000	4,420,145,000	+453,321,000
2. Interior	1,839,974,600	1,835,474,700	−4,499,900
3. District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000
4. Independent Offices-HUD:			
Vetoed bill (H.R. 17548)	(17,468,223,500)	(18,009,525,300)	(+541,301,800)
New bill (H.R. 19830)	17,468,223,500	17,709,525,300	+241,301,800
5. Legislative	421,414,899,	413,054,220	−8,360,679
6. Treasury-Post Office (net of estimated postal revenues appropriated)	3,046,693,000	3,004,711,000	−41,982,000
7. Public Works-AEC	5,263,433,000	5,238,517,000	−24,916,000
8. State-Justice-Commerce-Judiciary	3,251,200,000	3,108,074,500	−143,125,500
9. Military construction	2,134,800,000	2,037,814,000	−96,986,000
10. Agriculture	7,748,354,500	8,090,856,550	+342,502,050
11. Labor-HEW	18,759,377,000	18,999,392,500	+240,015,500
12. Transportation	2,553,816,437	[1] 2,458,134,605	−95,681,832
13. Foreign assistance	2,876,539,000	2,534,310,000	−342,229,000
14. Defense	68,745,666,000	66,595,937,000	−2,149,729,000
15. Supplemental	1,928,985,264	1,853,372,792	−75,612,472
Total, bills enacted (15 bills)	140,114,389,200	138,408,257,167	−1,706,132,033

[1] Conference report not finalized. See H.J. Res. 1421, adopted in the House Dec. 31, 1970.

Source: Prepared Dec. 31, 1970, in the House Committee on Appropriations.

The CHAIRMAN. Under the rule, the joint resolution is considered as having been read for amendment.

The joint resolution is as follows:

H.J. RES. 1421

Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1970 (Public Law 91–294, as amended), is hereby further amended by striking out "the sine die adjournment of the second session of the Ninety-first Congress" and inserting in lieu thereof "March 30, 1971": *Provided,* That projects and activities provided for in the Department of Transportation and Related Agencies Appropriation Act, 1971 (H.R. 17755, Ninety-first Congress), may be conducted at a rate for operations, and to the extent and in the manner, provided for in such Act as modified by the House of Representatives on December 15, 1970.

The CHAIRMAN. No amendments are in order to the joint resolution except amendments offered by direction of the Committee on Appropriations.

Are there any committee amendments?

Mr. MAHON. Mr. Chairman, there are no committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 1421) making further continuing appropriations for the fiscal year 1971, and for other purposes, pursuant to House Resolution 1337, he reported the joint resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ROBISON

Mr. ROBISON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. ROBISON. I am opposed to the joint resolution, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ROBISON moves to recommit the joint resolution (H.J. Res. 1421) to the Committee on Appropriations

Mr. MAHON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. YATES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 180, nays 37, answered "present" 2, not voting 213, as follows:

[Roll No. 459]

YEAS—180

Adams
Albert
Alexander
Arends
Ashbrook
Ashley
Barrett
Beall, Md.
Belcher
Betts
Bevill
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brasco
Brinkley
Brooks
Brotzman
Brown, Ohio
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Camp
Chamberlain
Clancy
Clark
Cleveland
Colmer
Conable
Conte
Corman
Coughlin
Culver
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dulski
Duncan
Feighan
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Gross
Gude
Hagan
Hall
Halpern
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Harsha
Hathaway
Hechler, W. Va.
Hicks
Hogan
Horton
Hosmer
Hungate
Hunt
Ichord
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
Keith
King
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lukens
McCloskey
McClure
McDade
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Matsunaga
Meeds
Miller, Ohio
Mills
Mink
Mizell
Mollohan
Monagan
Montgomery
Morgan
Natcher
Nelsen
Nix
O'Hara
Passman
Patman
Pelly
Perkins
Pettis
Philbin
Pike
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Rarick
Roberts
Rogers, Fla.
Roth
Ruth
Satterfield
Schmitz
Schneebeli
Schwengel
Scott
Shriver
Skubitz
Slack
Smith, Iowa
Springer
Stanton
Stephens
Stratton
Stubblefield
Stuckey
Symington
Taylor
Teague, Calif.
Thomson, Wis.
Udall
Van Deerlin
Vander Jagt
Wampler
Ware
White
Whitten
Wiggins
Williams
Wilson, Charles H.
Wolff
Wright
Wyatt
Wylie
Young
Zablocki
Zwach

NAYS—37

Bennett
Brademas
Carey
Cohelan
Crane
Ford, William D.
Forsythe
Fraser
Helstoski
Kastenmeier
Koch
Long, Md.
McCarthy
Mayne
Melcher
Mikva
Minish
Morse
Nedzi
Obey
Olsen
Patten
Rees
Reuss
Robison
Rodino
Ryan
Saylor
Scheuer
Steed
Thompson, N.J.
Tiernan
Tunney
Vanik
Waldie
Widnall
Yates

ANSWERED "PRESENT"—1

Conyers

NOT VOTING—213

Abbitt
Abernethy
Adair
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Aspinall
Ayres
Baring
Bell, Calif.
Berry
Biaggi
Biester
Blackburn
Bow
Bray
Brock
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Caffery
Carney
Carter
Casey
Cederberg
Celler
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Collier
Collins, Ill.
Collins, Tex.
Corbett
Cowger
Cramer
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
de la Garza
Delaney
Denney
Dent
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Fish
Frelinghuysen
Friedel
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gray
Griffin
Griffiths
Grover
Gubser
Haley
Hanley
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Hays
Hébert
Heckler, Mass.
Henderson
Holifield
Howard
Hull
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Karth
Kleppe
Kluczynski
Landrum
Langen
Lennon
Lloyd
Long, La.
Lowenstein
Lujan
McClory
McCulloch
McDonald, Mich.
McEwen
McKneally
McMillan
Martin
Mathias
May
Meskill
Michel
Miller, Calif.
Minshall
Mize
Moorhead
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Nichols
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Pepper
Pickle
Pirnie
Poage
Podell
Pollock
Powell
Price, Tex.
Purcell
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes
Riegle
Roe
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Rousselot
Roybal
Ruppe
St Germain
Sandman
Schadeberg
Scherle
Sebelius
Shipley
Sikes
Sisk
Smith, Calif.
Smith, N.Y.
Snyder
Stafford
Staggers
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Sullivan
Taft
Talcott
Teague, Tex.
Thompson, Ga.
Ullman
Vigorito
Waggonner
Watson
Watts
Weicker
Whalen
Whalley
Whitehurst
Wilson, Bob
Winn
Wold
Wydler
Wyman
Yatron
Zion

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.

Mr. O'Neill of Massachusetts with Mr. Rhodes.

Mr. Waggonner with Mr. Smith of California.

Mr. Hays with Mr. McKneally.

Mr. Abbitt with Mr. Schadeberg.

Mr. Henderson with Mrs. May.

Mrs. Sullivan with Mr. Adair.

Mr. Holifield with Mr. Andrews of North Dakota.

Mr. Annunzio with Mr. Ayres.

Mr. Addabbo with Mr. Berry.

Mr. Teague of Texas with Mr. Bow.

Mr. Biaggi with Mr. Brock.

Mr. Karth with Mr. Button.

Mr. Hull with Mr. Denney.

Mr. Miller of California with Mr. Del Clawson.

Mr. Daniels of New Jersey with Mr. Bell of California.

Mr. Donohue with Mr. Martin.

Mr. Hanley with Mr. Lloyd.

Mr. Gray with Mrs. Heckler of Massachusetts.

Mr. Fulton of Tennessee with Mr. Johnson of Pennsylvania.

Mr. Gettys with Mr. Mize.

Mr. Garmatz with Mr. Myers.

Mr. Fascell with Mr. Brown of Michigan.

Mr. Evins of Tennessee with Mr. Don H. Clausen.

Mr. Eilberg with Mr. Corbett.

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Mr. Downing with Mrs. Dwyer.

Mr. Dent with Mr. Edwards of Louisiana.

Mr. Delaney with Mr. Esch.

Mr. Celler with Mr. Hastings.

Mr. Casey with Mr. Harvey.

Mr. Burton of California with Mr. Bob Wilson.

Mr. Burlison of Missouri with Mr. Whalen.

Mr. Lennon with Mr. Zion.

Mr. Kluczynski with Mr. Snyder.

Mr. Johnson of California with Mr. Sandman.

Mr. Yatron with Mr. Price of Texas.

Mr. Abernethy with Mr. Biester.

Mr. Anderson of California with Mr. Blackburn.

Mr. Anderson of Tennessee with Mr. Carter.

Mr. Andrews of Alabama with Mr. Bray.

Mr. Aspinall with Mr. Goldwater.

Mr. Baring with Mr. Collins of Illinois.

Mr. Brown of California with Mrs. Chisholm.

Mr. Caffery with Mr. Cederberg.

Mr. Carney with Mr. Diggs.

Mr. Chappell with Mr. Grover.

Mr. Daddario with Mr. Clay.

Mr. Davis of Georgia with Mr. Lujan.

Mr. de la Garza with Mr. Collier.

Mr. Eckhardt with Mr. Diggs.

Mr. Dorn with Mr. Erlenborn.

Mr. Dowdy with Mr. Broomfield.

Mr. Edmondson with Mr. Gubser.

Mr. Edwards of California with Mr. Collins of Texas.

Mr. Edwards of Louisiana with Mr. Broyhill of North Carolina.

Mr. Evans of Colorado with Mr. McClory.

Mr. Fallon with Mr. Cowger.

Mr. Farbstein with Mr. Hawkins.

Mr. Friedel with Mr. Stokes.

Mr. Gallagher with Mr. McCulloch.

Mr. Gaydos with Mr. Hutchinson.

Mr. Giaimo with Mr. Broyhill of Virginia.

Mr. Gibbons with Mr. McDonald of Michigan.

Mr. Gilbert with Mr. Eshleman.

Mr. Griffin with Mr. Cramer.

Mrs. Griffiths with Mr. Buchanan.

Mr. Haley with Mr. Fish.

Mrs. Hansen of Washington with Mr. Kleppe.

Mr. Harrington with Mr. Burton of Utah.

Mr. Howard with Mr. Frelinghuysen.

Mr. Jacobs with Mr. Langen.

Mr. Jarman with Mr. Cunningham.

Mr. Landrum with Mr. Pirnie.

Mr. Nichols with Mr. Michel.

Mr. Long of Louisiana with Mrs. Reed of Illinois.

Mr. O'Neal of Georgia with Mr. Minshall.

Mr. Moorhead with Mr. Roudebush.

Mr. Ottinger with Mr. Scherle.

Mr. Lowenstein with Mr. Pollock.

Mr. Moss with Mr. Reid of New York.

Mr. Pepper with Mr. Rousselot.

Mr. Murphy of Illinois with Mr. O'Konski.

Mr. McMillan with Mr. Meskill.

Mr. Pickle with Mr. Sebelius.

Mr. Podell with Mr. Reifel.

Mr. Murphy of New York with Mr. Smith of New York.

Mr. Purcell with Mr. Quillen.

Mr. Randall with Mr. Ruppe.

Mr. Roe with Mr. Morton.

Mr. Rogers of Colorado with Mr. Stafford.

Mr. Rooney of New York with Mr. Wyman.

Mr. Watts with Mr. Railsback.

Mr. Vigorito with Mr. Thompson of Georgia.

Mr. Rooney of Pennsylvania with Mr. Steele.

Mr. Rostenkowski with Mr. Mosher.

Mr. Sikes with Mr. Wold.

Mr. Staggers with Mr. Steiger of Wisconsin.

Mr. Rosenthal with Mr. Riegle.

Mr. Roybal with Mr. Steiger of Arizona.

Mr. St Germain with Mr. Whitehurst.

Mr. Shipley with Mr. Taft.

Mr. Sisk with Mr. Winn.

Mr. Ullman with Mr. Talcott.

Mr. Mathias with Mr. Watson.

Mr. McEwen with Mr. Weicker.

Mr. Whalley with Mr. Wydler.

Mr. CAREY changed his vote from "yea" to "nay."

The SPEAKER. The Chair observes that the gentleman from Wisconsin (Mr. KASTENMEIER) is present in the Chamber, and directs the Clerk to call his name.

Does the gentleman desire to vote? Otherwise, the Clerk will record the gentleman as "present."

Mr. KASTENMEIER. Mr. Speaker, I vote "nay."

The SPEAKER. The gentleman from Wisconsin votes "nay."

The Chair observes the gentleman from Michigan (Mr. CONYERS) is present in the Chamber, and directs the Clerk to call his name.

Does the gentleman desire to vote? Otherwise, the Clerk will record the gentleman as "present."

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair will state that the Chair is about to announce the vote.

One hundred and eighty Members voting in the affirmative, 37 Members in the negative, and one "present," and the Chair being present, making a quorum, the joint resolution is passed.

Without objection, a motion to reconsider is laid on the table.

There was no objection.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks in the RECORD on the continuing resolution just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO EXTEND REMARKS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks on the continuing resolution and include certain tables and pertinent extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House the Clerk be authorized to receive messages from the Senate and the Speaker be authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONFERENCE REPORT ON H.R. 19172, LEAD-BASED PAINT POISONING PREVENTION ACT

Mr. BARRETT. Mr. Speaker, I call up the conference report on the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation.

The Clerk read the title of the bill.

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 30, 1970.)

Mr. BARRETT (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire if this is the bill which we sent to conference the other day without objection, and if that conference has acted and this is the report thereon; also whether the Senate amendments are germane thereunto, and what is the change in the cost factor over that discussed on the floor of the House the other day?

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman, my friend from Pennsylvania.

Mr. BARRETT. There have been one or two technical changes, but no change in the substantive language. There is no nongermaneness in the report.

I do wish to comment that through the vigilance of the gentleman from Missouri, his observations on all these bills, and his objections, the House conferees were able to hold fast and sustain their arguments against the very strenuous argument put up by the Senate conferees, and we were able to come into the House with exactly the amount of money that we originally came in with in the House bill, namely, $10 million for the first year and $20 million for the second. You literally saved the taxpayers of this country about $43.5 million over the Senate amount.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement, and I certainly appreciate the action.

Do I correctly understand now that instead of a 3-year bill, the conferees have decided upon a 2-year bill as passed by the House in lieu of the 3-year bill as recommended by the Senate, and which it was originally recommended that the House accept, and that the money factor, instead of being $75 million a year for 3 years, is now $10 million for the first year and $20 million for the second year? Is that correct?

Mr. BARRETT. The gentleman is correct.

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Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection and compliment the managers on the part of the House for sustaining and improving our position and the Treasury.

The **SPEAKER.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PATMAN. Mr. Speaker, I rise in support of the conference report on the bill, H.R. 19172. This bill is designed to eliminate lead-based paint poisoning which has developed into a serious affliction of many children living in the deteriorated housing of our city slums.

The bill would achieve its purpose by giving grants to local governments for the detection and treatment of lead-paint poisoning and similar grants to eliminate lead-based paint where it poses a health hazard.

The Housing subcommittee of the Banking and Currency Committee held thorough hearings on this subject in June of this year. The bill received a unanimous vote when reported by the committee in September and passed this House without opposition.

There is a critical need for programs, such as this bill will provide, to permit local communities to take advantage of new treatment and detection techniques, to motivate parents, teachers, health aides, and others to become more aware of the problem; and to use available materials to remove lead-painted surfaces from exposure.

Certainly, this is one of the most humane bills to appear before this Congress and I urge its adoption.

XUM

Mr. BARRETT. Mr. Speaker, I rise in strong support of the conference report on the bill H.R. 19172, the Lead-Base Paint Poisoning Prevention Act. The House conferees believe that this report is a substantial victory for the House. As the Members may recall from yesterday when I attempted to have the House concur in the Senate-passed version of this bill, objections were raised regarding the amounts authorized for this program of lead paint elimination. The Senate-passed bill would have authorized 73.5 million dollars over a 3-year period in grants to be made by the Secretary of Health, Education, and Welfare for the purpose of assisting local communities in eliminating lead-base paint. The House version of the bill would have authorized the Secretary of Housing and Urban Development and the Secretary of Health, Education, and Welfare to make grants to assist local communities to eliminate the lead paint poisoning problem. The House-passed bill authorized 30 million dollars over a 2-year period.

I am happy to inform the House that the House conferees retained the 30 million dollar authorization over strong opposition from the Senate conferees who insisted on their full $73.5-million authorization.

Basically we have adopted the language of the Senate-passed bill in authorizing the Secretary of Health, Education, and Welfare to carry out this program rather than the House version which would have authorized the Secretary of Housing and Urban Development as well as the Secretary of Health, Education, and Welfare to carry out this grant program. We believe that the Secretary of Health, Education, and Welfare is the proper administration official since most of the problem involved here is a health problem. We have also provided for a demonstration and grant program to be conducted jointly by the Sceretary of Health, Education, and Welfare and the Secretary of Housing and Urban Development to seek to establish methods by which lead paint can be effectively removed from interior surfaces and exterior surfaces to which children are commonly exposed.

Mr. Speaker, I do not want to dwell any lnoger on the merits of who got the best deal out of the conference, but again let me direct my remarks to the House to say that we have retained the House authorization figure over the larger Senate figures. This bill is landmark legislation since it is the first time that the Federal Government will provide financial assistance to eliminate this growing crisis in our larger and older central cities. We are taking the first step to keep more children from dying of this dreaded lead poisoning.

Mr. Speaker, I urge the adoption of the conference report.

Mr. HALPERN. Mr. Speaker, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from New York.

Mr. HALPERN. Mr. Speaker, I urge acceptance of the conference report on H.R. 19172, the Lead-Based Paint Poisoning Act.

Two days ago when the gentleman from Pennsylvania (Mr. BARRETT) asked unanimous consent to pass the Senate version, there was objection to the passage of the large increased appropriation authorized therein.

I am pleased to say to you that we have since met in conference and the Senate has concurred in a reduction of the authorization to $30 million which was the amount contained in the House bill previously passed here.

The Senate bill also contained authorizations for 3 years, opposed to the 2-year authorization in the House bill. Here, too, the Senate has concurred with us.

We have concurred with the Senate on the question of what Federal agency should administer this program. After due consideration, we concurred with their view that it was more appropriate to have HEW administer this program than HUD. The administration concurs with this view.

I am pleased to report to you that H.R. 19172 as now offered to you is wholly consistent with the objectives of H.R. 19172 as passed previously by the House and, further that it is completely consistent moneywise and truewise with the program this House previously approved.

Mr. Speaker, I would make a plea for the enactment of this much needed program. During the debate on the unanimously consented request earlier this week, the point was made that the prevention of lead-based paint poisoning is essentially a parental and community responsibility. I agree wholeheartedly with this contention and want to point out that the whole thrust of this bill is directed to a better discharge of that responsibility.

One of the problems which our hearings brought out was that so many of the parents are either unaware that paint on surfaces in their homes is poisonous and/or are unaware until tragedy has struck that the ingestion of paint chips is harmful. The principal thrusts of the bill are . . . one, to provide some minimum assistance to communities in developing and carrying out programs to identify those existing surfaces which pose a threat—and two, to provide minimum assistance to communities in preparing and disseminating information to parents to educate them to the problem and means of protecting their children. Nothing in this bill involves the Federal Government in the discharge of these parental responsibilities. On the other hand, it does help them understand these responsibilities and how to shouder them.

I think the bill is meritorious too, in that it provides authority to get at the root causes of this problem. The prohibitions against future use of lead-based paint in residential structures provides assurance that this problem will not become a permanent part of our Federal activity.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, passage of the conference report on H.R. 19172, the Lead-Based Paint Poisoning Prevention Act, brings close to successful culmination 2 years of effort on my part, and on the part of hundreds of people across the country who have been working to this end.

A success like this is particularly sweet, because the good that will be accomplished is so indisputable, the vice attacked so apparent.

The problem of lead poisoning is severe throughout the Nation. It is estimated that 225,000 urban children between the ages of 1 and 6 are its victims; in New York City alone, some 30,000 children suffer from lead poisoning.

Yet the disease is preventable. It need not claim the thousands of children that it does—children who, eating the lead-tainted paint and plaster which fall from the walls and ceilings of their slum dwellings, experience illness, brain damage, and even death.

In March 1969, I introduced a package of three bills aimed at alleviating the disease. In the following months, 30 other Members of the House either cosponsored my legislation or introduced similar bills. Several bills were also introduced in the Senate.

H.R. 9192 authorizes the Secretary of Housing and Urban Development to make grants to local governments to develop programs designed to detect the presence of lead-based paint and to require that owners and landlords remove it from interior walls and surfaces.

H.R. 9191 establishes a fund in the Department of Health, Education, and Welfare from which the Secretary is to make grants to local governments to develop programs to identify and treat individuals afflicted with lead poisoning.

H.R. 11699 requires that a local government submit to the Secretary of Housing and Urban Development an effective plan for eliminating the causes of lead-based paint poisoning as a condition of receiving any Federal funds for housing code enforcement or rehabilitation. It also requires that these plans be enforced.

Following my introduction of these three bills, I undertook an intensive campaign, both within the Congress and among interested private and public organizations, to press for the passage of them. On November 12, 1969, my office arranged an informational breakfast for Members of the House and Senate. The program was conducted by the New York Scientists' Committee for Public Information, and in attendance were health officials, medical experts, and others interested in the lead poisoning problem. Senator KENNEDY, who joined me in cosponsoring the breakfast, introduced legislation similar to mine in the Senate with 19 cosponsors.

In my own district, I organized the 20th Congressional District Committee To Wipe Out Lead Poisoning, and in February of this year we sponsored a conference for residents of my congressional district whose theme was lead poisoning—its symptoms, its causes, and its cure.

This July, the Subcommittee on Housing held hearings on lead poisoning. These hearings were chaired by my distinguished colleague and friend, the chairman of the subcommittee (Mr. BARRETT). Recognizing the seriousness of the lead-poisoning problem across America, he undertook to introduce legislation dealing with the problem—legislation very similar to my own.

On October 5, the Lead-Based Paint Elimination Act of 1970 passed the House. This legislation in effect incorporated my bills H.R. 9191 and H.R. 9192.

The bill which passed the Senate on December 17 is that introduced by the distinguished senior Senator from Massachusetts (Mr. KENNEDY). It also incorporated my bills H.R. 9191 and H.R. 9192.

The conference report on H.R. 19172 provides, in effect, for three 2-year programs.

First, the Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government for the purpose of developing and carrying out local programs to detect and treat lead-based paint poisoning. For fiscal year 1971, $3,330,000 is authorized, and for fiscal year 1972, $6,660,000.

Second, the Secretary of Health, Education, and Welfare is authorized to make grants to units of general local government for programs to identify those areas that present a high risk to the health of residents because of the presence of lead-based paints and then to develop and carry out programs to eliminate the hazards of lead poisoning. For fiscal year 1971, $5 million is authorized, and for fiscal year 1972, $10 million.

Third, the Secretary of Housing and Urban Development is to conduct a research and demonstration program to determine the nature and extent of the lead-based paint poisoning problem, and methods of removing lead-based paints from interior surfaces, porches, and exterior surfaces of residential housing with which children might come into contact. The Secretary is to subsequently report to the Congress and suggest further legislative steps within 1 year. For fiscal year 1971, $1,670,000 is authorized, and for fiscal year 1972, $3,340,00.

In addition to these program activities, created by the Lead-Based Paint Poisoning Prevention Act, the bill also directs the Secretary of Health, Education, and Welfare to prohibit the use of lead-based paint in residential structures constructed or rehabilitated by the Federal Government, or with Federal assistance, after enactment of this bill.

It has taken almost 2 years to obtain passage of lead-poisoning legislation. But rarely in my career as a legislator have I felt my efforts so well rewarded. The legislation which should soon go on the statute books as public law offers hope to thousands of children—children mostly doomed to grow up in decaying slums where the lead-tainted paint and plaster chips, which are the carriers of the disease, befoul their homes.

It is the shame of America that these children do not yet have the opportunity to be born and raised in decent living conditions. It is the disgrace of America that we have done so little. But the lead poisoning legislation for which I, and so many dedicated individuals have been pleading, demanding, urging, and cajoling is on the verge of becoming law. It is only a small part of the enormous debt and obligation we owe all children who are deprived and disadvantaged, but it is an urgently essential and long, long overdue step.

It is fitting that, at a time of the year when so much lip service is paid to brotherhood and charity, the Congress is indeed bearing a gift to the little children.

Mr. MINISH. Mr. Speaker, as we approach adjournment of the 91st Congress, I am pleased that the leadership has seen fit to schedule final action on the conference report on the Lead-Based Paint Poisoning Act. We cannot afford to postpone enactment of such a vital and needed measure.

The legislation would authorize the Secretary of Health, Education, and Welfare to make grants to local governments to carry out intensive programs to eliminate the causes of lead paint poisoning as well as to develop detection and educational programs. The bill also prohibits the use of leaded paints in all Federal or federally assisted construction programs, and requires the Secretary of Housing and Urban Development to undertake a comprehensive study to determine the methods by which lead-based paint can most effectively be removed from existing structures.

Lead poisoning among young children in our urban centers is a grave problem. These children often eat peeling or chipping paint from the walls of older apartments and houses. Brain damage, mental retardation, cerebral palsy, and even death can result.

Approximately 200 children die from lead poisoning every year in the United States, and more than 12,000 are treated by doctors and hospitals. Even these statistics, however, do not illustrate the full extent of the problem. It has been estimated that for every child treated for lead poisoning, 25 are injured, perhaps permanently, but never treated.

Mr. Speaker, I urge passage of this important conference report.

Mr. BARRETT. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that all Members may have until midnight tonight to revise and extend their remarks on the conference report just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The Speaker laid before the House the following resignation from the House of Representatives:

DECEMBER 31, 1970.

Hon. JOHN W. MCCORMACK,
Speaker, U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation as the Representative-at-Large from the State of Delaware in the United States House of Representatives, effective midnight, December 31, 1970.

Sincerely,

WILLIAM V. ROTH, Jr.

CONFERENCE REPORT ON H.R. 15628, AMENDING THE FOREIGN MILITARY SALES ACT

Mr. MORGAN submitted the following conference report and statement on the bill (H.R. 15628) to amend the Foreign Military Sales Act:

CONFERENCE REPORT (H. REPT. No. 91–1805)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15628) to amend the Foreign Military Sales Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out and insert in lieu thereof the following: "shall not exceed $340,000,000 for each of the fiscal years 1970 and 1971".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 7. Unless the sale, grant, loan, or transfer of any International Fighter aircraft (1) has been authorized by and made in accordance with the Foreign Military Sales Act or the Foreign Assistance Act of 1961, or (2) is a regular commercial transaction (not financed by the United States) between a party other than the United States and a foreign country, no such aircraft may be sold, granted, loaned, or otherwise transferred to any foreign country (or agency thereof) other than South Vietnam. For purposes of this section, 'International Fighter aircraft' means the fighter aircraft developed pursuant to the authority contained in the proviso of the second paragraph of section 101 of Public Law 91–121 (relating to military procurement for fiscal year 1970 and other matters).

"Sec. 8. (a) Subject to the provisions of subsection (b), the value of any excess defense article granted to a foreign country or international organization under part II of the Foreign Assistance Act of 1961 shall be considered to be an expenditure made from funds appropriated under that Act for military assistance. When an order is placed under the military assistance program with the military departments for a defense article whose stock status is excess at the time ordered, a sum equal to the value thereof shall (1) be reserved and transferred to a suspense account, (2) remain in the suspense account until the excess defense article is either delivered to a foreign country or international organization or the order therefor is canceled, and (3) be transferred from the suspense account to (A) the general fund of the Treasury upon delivery of such article or (B) to the military assistance appropriation for the current fiscal year upon cancellation of the order. Such sum shall be transferred to the military assistance appropriation for the current fiscal year upon delivery of such article if at the time of delivery the stock status of the article is determined, in accordance with section 644 (g) and (m) of the Foreign Assistance Act of 1961, to be nonexcess.

"(b) The provisions of subsection (a) shall apply during any fiscal year only to the extent that the aggregate value of excess defense articles ordered during that year exceeds $100,000,000.

"(c) For purposes of this section, 'value' means not less than 33⅓ per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States.

"(d) The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress. Additionally the President shall also submit a quarterly report to the Congress listing by country the total value of all deliveries of excess defense articles, disclosing both the aggregate original acquisition cost and the aggregate value at the time of delivery.

"Sec. 9. In considering a request for approval of any transfer of a defense article to another country under section 505 (a)(1) and (a)(4) of the Foreign Assistance Act of 1961, and section 3(a)(2) of the Foreign Military Sales Act, the President shall not give his consent to the transfer unless the United States itself would transfer the defense article under consideration to that country. In addition, the President shall not give his consent under the aforesaid such sections to the transfer of any significant defense articles on the United States Munitions List unless (1) the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or (2) the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles, if not demilitarized, to any other foreign country or person without first obtaining the consent of the President.

"Sec. 10. (a) Notwithstanding any provision of law enacted before the date of enactment of this section, no money appropriated for foreign assistance (including foreign military sales) shall be available for obligation or expenditure—

"(1) unless the appropriation thereof has been previously authorized by law; or

"(2) in excess of an amount previously prescribed by law.

"(b) To the extent that legislation enacted after the making of an appropriation for foreign assistance (including foreign military sales) authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

"(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of this section which specifically repeals or modifies the provisions of this section.

"Sec. 11. For purposes of sections 8 and 9—

"(1) 'defense article' and 'excess defense articles' have the same meanings as given them in section 644 (d) and (g), respectively, of the Foreign Assistance Act of 1961; and

"(2) 'foreign country' includes any department, agency, or independent establishment of the foreign country.

"Sec. 12. The joint resolution entitled 'Joint resolution to promote the maintenance of international peace and security in Southeast Asia', approved August 10, 1964 (78 Stat. 384; Public Law 88–408), is terminated effective upon the day that the second session of the Ninety-first Congress is last adjourned.

"Sec. 13. No funds authorized or appropriated pursuant to this or any other law may be used to transport chemical munitions from the Island of Okinawa to the United States. Such funds as are necessary for the detoxification or destruction of the above described chemical munitions are hereby authorized and shall be used for the detoxification or destruction of chemical munitions only outside the United States. For purposes of this section, the term 'United States' means the several States and the District of Columbia."

And the Senate agree to the same.

Amendment to the title: That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

Thomas E. Morgan,
Clement J. Zablocki,
Wayne L. Hays,
E. Ross Adair,
William S. Mailliard,
Managers on the Part of the House.

J. W. Fulbright,
John Sparkman,
Mike Mansfield,
Frank Church,
George D. Aiken,
Clifford P. Case,
John Sherman Cooper,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15628) to amend the Foreign Military Sales Act, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Except for technical, clerical, and conforming changes made necessary by reason of the agreement reached by the conferees, the differences between the House bill and the conference agreement are noted below.

AUTHORIZATION OF FUNDS (SECTION 2)

The House authorized the appropriation of $275,000,000 for fiscal year 1970 and $272,500,000 for each of fiscal years 1971 and 1972.

The Senate authorized the appropriation of $250,000,000 for each of fiscal years 1970 and 1971. The Senate amendments did not contain an authorization for fiscal year 1972.

The House established an aggregate ceiling of $350,000,000 during fiscal year 1970 and $385,000,000 for each of fiscal years 1971 and 1972.

The Senate established an aggregate ceiling of $300,000,000 for each of fiscal years 1970 and 1971. The Senate amendments did not establish an aggregate ceiling during fiscal year 1972.

The Managers on the part of the House agreed to an authorization for each of fiscal years 1970 and 1971 of $250,000,000 and an aggregate ceiling of $340,000,000 for each of the fiscal years 1970 and 1971.

PROHIBITION ON THE SALE, GRANT, LOAN OR TRANSFER OF ANY INTERNATIONAL FIGHTER AIRCRAFT TO ANY FOREIGN COUNTRY OTHER THAN SOUTH VIETNAM (SECTION 8 OF THE SENATE AMENDMENT)

The Senate added an amendment which would prohibit the sale, grant, loan or transfer of any International Fighter to any country other than South Vietnam, unless it has been authorized by and made in accordance with the Foreign Military Sales Act or the Foreign Assistance Act of 1961, as amended, or is a regular commercial transaction not financed by the United States.

The House bill contained no comparable provision.

The House conferees receded and accepted the Senate amendment. There is sufficient authority available under both the Foreign Military Sales Act and the Foreign Assistance Act of 1961, as amended, to make this aircraft available to friendly countries and international organizations.

RESTRICTION ON GRANTS TO FOREIGN COUNTRIES OF EXCESS DEFENSE ARTICLES (SECTION 9 OF THE SENATE AMENDMENT)

This Senate amendment provided that the total value of excess defense articles that may be furnished in any fiscal year shall not exceed $35 million. Any amount given above that ceiling would be subtracted from funds available for grant military assistance and deposited in the Treasury of the United States as miscellaneous receipts. For valuation purposes, the amendment provides that excess defense articles be valued at not less than 50 percent of acquisition costs.

The House bill did not contain a comparable provision.

The Managers on the part of the House agreed to a ceiling of $100,000,000. The value of such excess defense articles shall be not less than one-third of the price paid for the the item by the United States.

The managers on the part of the House agreed that the Congress should have control over the amount of excess defense articles made available to friendly countries and international organizations each year.

The ceiling agreed to is high enough to permit the distribution of such excess articles to continue during the rest of the fiscal year.

MILITARY EQUIPMENT TRANSFER (SECTION 11 OF THE SENATE AMENDMENT)

The Senate amendment added a new section 11 to the bill which provided: in subsection (a) that the President shall not consent under the Foreign Assistance Act or the Foreign Military Sales Act to the transfer of a defense article by the original recipient country to another country unless the United States would itself furnish that defense article directly to the second country; and in subsection (b) that the original recipient (foreign country or private person) of a defense article from the United States must agree not to dispose of the defense article to a second recipient without obtaining the agreement of the second recipient that it, in turn, will not dispose of the defense article to a third recipient without the consent of the President and without obtaining the consent of the third recipient that it, in turn, will not dispose of the defense article to a fourth recipient without the consent of the President.

The House bill did not contain any comparable provisions.

The House receded with an amendment which reworded subsection (b). Existing law and Department of Defense regulations give the President the ability to impose controls over any successive transfers of defense articles. The Senate language would require the imposition of controls over "nth" countries and even upon private parties who buy demilitarized articles for salvage and smelting purposes.

The language agreed upon by the committee of conference limits controls to those of "significant defense articles on the United States munitions list." It also removes the unintended inclusion in the Senate text of nonweapon items such as clothing, automobiles, and typewriters.

REQUIRING APPROPRIATIONS TO BE CONSISTENT WITH AUTHORIZING LEGISLATION (SECTION 12 OF THE SENATE AMENDMENT)

The Senate amendment requires that any appropriation above the amount authorized by the Congress cannot be used and that any appropriations for which there is not an authorization cannot be expended.

The House bill contained no comparable provision.

The managers on the part of the House agreed that appropriations should not be made without prior authorization by the Congress.

DEFINITIONS (SECTION 13 OF THE SENATE AMENDMENT)

This provision adopts from section 644 of the Foreign Assistance Act of 1961, as amended, the definitions of "defense articles" and "excess defense articles."

The House bill contained no comparable language.

The House agreed that the definitions as contained in section 644 of the Foreign Assistance Act should apply.

REPEAL OF THE GULF OF TONKIN RESOLUTION (SECTION 14 OF THE SENATE AMENDMENT)

This Senate amendment would repeal Public Law 88-408, the Gulf of Tonkin resolution.

The House bill contained no comparable provision.

The managers on the part of the House accepted the Senate language. Recent legislation and Executive statements make the 1964 resolution unnecessary for the prosecution of United States foreign policy.

TRANSPORT OF CHEMICAL MUNITIONS FOR OKINAWA TO THE UNITED STATES (SECTION 16 OF THE SENATE AMENDMENT)

This Senate amendment, in addition to prohibiting the use of any funds authorized or appropriated under this Act or any other law to transport chemical munitions from Okinawa to the United States, authorized the appropriation of such funds as are necessary for the detoxification or destruction of such chemical munitions only outside the United States.

The House bill contained no comparable provision.

The managers on the part of the House accepted compromise language which makes it clear that the term "United States" means the several States of the Union and the District of Columbia.

AMENDMENT TO TITLE

The Senate amended the title of the House bill to reflect the action taken by the Senate.

The House receded.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
E. ROSS ADAIR,
WILLIAM S. MAILLIARD,
Managers on the Part of the House.

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (H.R. 15628) to amend the Foreign Military Sales Act, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Speaker, reserving the right to object, does the gentleman propose to take some time to explain what transpired?

Mr. MORGAN. Yes.

Mr. GROSS. I thank the gentleman, and withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORGAN. Mr. Speaker, after a long delay, the conference on H.R. 15628, the Foreign Military Sales Act, has reached agreement.

I believe that a fair compromise has been reached. There are provisions in the bill that I would prefer to have omitted. On the other hand, the Cooper-Church amendment which had proved a major stumbling block has been omitted. It is true that other legislation now includes most of the Cooper-Church language, so that its commission does not make too much difference.

The two most objectionable provisions of the Senate bill which were entirely new were one setting a ceiling on the value of excess military equipment which could be given to a foreign country and another provision requiring that any foreign country receiving a grant of military assistance was required to deposit an amount of its own currency to the account of the United States equal to 50 percent of the value of such assistance.

The conference agreed to the elimination of the provision requiring the deposit of local currencies, and the House accepted a ceiling of $300,000,000 for the deliveries of military excess which should be enough to permit deliveries to continue during the remainder of the fiscal year.

We agreed to a ceiling on the authorization for an appropriation of funds to finance military sales of $250 million for each of the fiscal years 1970 and 1971, which was the Senate figure. The House figure was $275 million. We were influenced by the fact that the figure in the appropriation bill is only $200 million.

The House had set a limit of $350 million on the total amount of credit sales which could be made during the fiscal year 1970 and $385 million for the fiscal year 1971. The Senate figure was $300 million for each of the 2 years. The conference agreed to a ceiling of $340 million for each of the 2 years.

We also accepted a Senate amendment which prohibited the transportation of chemical munitions from the Island of Okinawa to any of the United States.

The House conferees agreed also to an amendment terminating the joint resolution to promote the maintenance of international peace and security in Southeast Asia—sometimes called the Gulf of Tonkin resolution.

Our feeling was that changes in U.S. policy and provisions of law recently enacted have made this resolution no longer significant.

Mr. Speaker, the important thing is that we have brought back a military sales authorization which will permit us to continue to make sales of military equipment on credit. Without it, we would have been in a position where we could give military items to countries but could not sell to them on credit, even if they were ready to pay for them.

Mr. Speaker, I regret that we could not do better, but I believe that we have brought back a good bill, and I urge the approval of the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, where does the gentleman anticipate this $100 million of surplus military materiel now in Vietnam will go?

Mr. MORGAN. As the gentleman knows, this surplus military equipment amendment was not in the House bill. This was put in the Senate Foreign Relations Committee.

After any war, we go around and see the huge military depots full of weapons and equipment we can no longer use. I remember after World War II, we had many of the military depots in France where we had miles and miles of stored military equipment, and there was not any use bringing it back to this country, because it had no sales value. We do not have that kind of military equipment now, but we do have a great deal of surplus military equipment that we have to dispose of. It has a value of about 30 percent of the original cost.

I am sure the gentleman from Louisiana (Mr. PASSMAN) in his hearings dealt with this problem. We worked out a formula in this bill to help dispose of some of this excess military equipment.

Mr. GROSS. If the gentleman will yield further, I still do not have a very good answer about where the $100 million of military equipment will go and who will get it.

Mr. MORGAN. A great deal of this equipment will go to such nations as South Korea, where otherwise they would have to buy new equipment or we would have to buy it for them.

Mr. GROSS. I hope to high heaven we do not ship it to Okinawa and then move it again somewhere else, because we are about to do what we ought never to have done, which is to turn Okinawa back to the Japanese.

Mr. MORGAN. I could not agree more with the gentleman from Iowa. He and I share the same views with respect to giving up that essential military base.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Under the excess military equipment program, the equipment is declared excess and is no longer usable by our own military forces, and then we make it available to the recipient countries included in the military assistance program; is that true?

Mr. MORGAN. That is true.

Mr. PASSMAN. Under our present law we cannot sell military equipment to civilians, so if we do not provide the excess military equipment to these countries, it has to be sold at scrap value which is perhaps one-half of 1 percent on the dollar.

Mr. MORGAN. That is correct.

Mr. PASSMAN. In many cases the excess equipment is in the country that will receive it.

Mr. MORGAN. Often that is true.

Mr. PASSMAN. I thank the distinguished chairman.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from California.

Mr. MAILLIARD. I thank the gentleman for yielding.

I simply want to say that this bill has been tied up in conference for over 6 months. I believe the House conferees can say that we have brought back a bill we would have liked to bring back in this form several months ago, but the other body was adamant until today. We have removed from the bill the Senate amendments—and there were several of them—which were really mischievous and would have done great injury to this program in the national security interests of the country.

I believe the conference report we bring back is in good shape and the House should support it.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I wholeheartedly agree with the conference report. I hope the House will approve it unanimously.

Mr. Speaker, I rise in support of the conference report to the foreign military sales bill and urge its adoption by the House.

Mr. Speaker, I was one of the conferees on this bill and for almost 6 months we have been tied up because of certain amendments that were added by the Senate which were unacceptable to the House.

I am happy to say that the differences have been resolved and the bill is now acceptable. For example, the Senate bill added an amendment which would have restricted U.S. activity in Cambodia. This amendment was not in the House bill and we were successful in getting the Senate to drop it.

In another provision, the Senate version of the bill would have required a foreign country which receives military grant aid or excess defense articles to pay in its own currency 50 percent of the amount of grant aid or an amount equal to 50 percent of the fair value of the excess material furnished. Had this amendment stayed in the bill, it could have gutted the military assistance program.

Another amendment the Senate added required that any appropriation above the amount authorized by the Congress cannot be used and that any appropriations for which there is not an authorization cannot be expended.

Mr. Speaker, I have long believed that there should be no appropriations without prior authorization. The House conferees accepted the Senate language in this instance.

I am not going to discuss each and every one of the differences and compromises that were made during the course of the conference. The fact that we have any bill at all reflects great credit upon the chairman, Hon. THOMAS E. MORGAN, and the other House conferees, and I urge the adoption of the conference report.

Mr. MORGAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members have until the date of adjournment to place their remarks in the RECORD on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1971

Mr. PASSMAN. Mr. Speaker, I call up the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, together with the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 19 thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to Senate amendment numbered 19, as follows:

Strike out the period at the end of the said amendment and insert: ": *Provided, however,* That none of these funds may be obligated or expended until an authorization shall have been enacted into law."

The SPEAKER. The gentleman from Louisiana is recognized for 1 hour.

MOTION OFFERED BY MR. PASSMAN

Mr. PASSMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PASSMAN moves that the House concur in the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 19.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PASSMAN. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Has the other body acted on this conference report?

Mr. PASSMAN. They have adopted this conference report. We are merely concurring in the Senate amendment to our amendment on the military credit sales program and it will then be cleared for the President.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. PASSMAN. Yes.

Mr. GROSS. The other body has accepted the conference report or will accept the conference report with the concurrence of the House in this amendment? Which is correct?

Mr. PASSMAN. They have accepted the appropriation conference report. Of course, the Senate will have to consider the authorization conference report, but as I understand it they did reach agreement in conference and we feel we have protected the position of the House all the way on this bill. This should be the final action on the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HALL. How did the count come out?

The SPEAKER. What is the gentleman's inquiry?

Mr. HALL. How did the count come out that the Chair was making of the House?

The SPEAKER. How many has the Chair counted now?

Mr. HALL. That is correct.

The SPEAKER. This is considered strictly confidential and strictly off the record and no one else can be told, but the Chair has counted 133 and the Chair is still counting.

Mr. HALL. Mr. Speaker, considering the dilemma in which the Chair finds itself, I ask unanimous consent to withdraw my point of order.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

So the motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have until the end of

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the session in which to revise and extend their remarks in the RECORD on the motion which was just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PROVISION FOR SINE DIE ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 799) and ask for its immediate consideration.

The Clerk read as follows:

H. CON. RES. 799

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Saturday, January 2, 1971, and that when they adjourn on said day, they stand adjourned sine die.

Mr. GROSS. Mr. Speaker, would the gentleman yield?

The SPEAKER. The Chair will state to the gentleman from Iowa that the resolution is not debatable. If the gentleman would like to ask unanimous consent to proceed for 1 minute, he may do so.

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 minute.)

Mr. GROSS. Mr. Speaker, I would ask the gentleman from Oklahoma as to what this means with respect to tomorrow.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, it is my intention, since we have sent everything that we have available, so far as I know, to the other side of the Capitol, and have no other business pending here, to ask to go over until Saturday if this resolution is agreed to. I have checked this with the leadership on the other side of the Capitol.

Mr. GROSS. It is not intended that there be a session tomorrow?

Mr. ALBERT. I intend to ask unanimous consent to go over until Saturday if this resolution is agreed to.

Mr. GROSS. I would state to the gentleman from Oklahoma that the press and radio and TV are saying that nonessential business will not be conducted in the District of Columbia tomorrow, so I would assume the House would not be in session.

Mr. ALBERT. The gentleman from Iowa has made a very pertinent observation.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT OVER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it stand adjourned to meet at 12 o'clock noon on Saturday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman what the plan and schedule will be when we meet on Saturday next?

Mr. ALBERT. We have no scheduled business at this time.

The only matter of which I am aware that could possibly be in controversy is the continuing resolution we passed today. As I understand, the other body is going to take that up tomorrow—if not tonight.

Mr. HALL. Mr. Speaker, if this unanimous consent request is granted, do we have the assurance of the majority leader that there will be no new legislative business brought up on Saturday next or subsequently in this session prior to sine die adjournment.

Mr. ALBERT. I cannot speak for the other body, but so far as we are concerned, we have finished all legislative business except for matters that might come up under unanimous consent.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, would that preclude, may I ask of the majority leader, in view of the understanding that he has, unanimous consent to take from the Speaker's table a House-passed bill and to reject a Senate amendment or to agree to a Senate amendment—depending on whether or not it was satisfactory? Could that be done on Saturday?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. ALBERT. I had thought that the gentleman meant we would not take up any new legislation—that is, we would not take up some bill that had not come back from the Senate or some conference report.

Mr. HALL. Or some emergency measure out of the Committee on Rules with all points of order waived, et cetera, et cetera.

Mr. ALBERT. I do not believe we will have anything like that.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman.

Mr. MILLS. The reason I asked the question is that the Senate this afternoon is in the process of passing a number of bills that the House passed by unanimous consent on last Tuesday. Some of them will have amendments. Some of the amendments are entirely satisfactory and there is no objection from any source. Others of them are not acceptable and it would be my purpose, if I am not precluded by this arrangement, to ask unanimous consent to take from the Speaker's table several of these bills and agree to the amendments that are acceptable and object to the amendments that are not acceptable and send the bills back with that objection to the Senate—as I say, it would be my purpose to do that. Would I be precluded now from such action?

Mr. HALL. I would say insofar as that is concerned, on any agreement that was made prior to my withdrawal of the previous objection, that that would not be precluded.

Mr. ALBERT. Mr. Speaker, will the gentleman yield further?

Mr. HALL. I yield to the gentleman.

Mr. ALBERT. Matters pertaining to legislation in the Senate, such as the bill we sent over, and matters that can be handled by unanimous consent would not be excluded from consideration on Saturday.

Mr. HALL. That is the only way you can do it because you are never going to have another quorum.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman.

Mr. BURKE of Massachusetts. A very strong bill might come up under a unanimous-consent request, to pass. It has already passed the Committee on Ways and Means and an effort might be made by a Member on your side of the aisle.

Mr. GROSS. Dealing with the shoe industry?

Mr. BURKE of Massachusetts. It deals with green olives.

Mr. HALL. Mr. Speaker, I thought we disposed of all that with Spanish olives and onions and potatoes and tomatoes.

Mr. GROSS. No; these are new problems.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

Mr. FULTON of Pennsylvania. Mr. Speaker, reserving the right to object, may I ask the majority leader if this wonderful concurrent resolution that we hope the other body will now pass has been checked out to see that this wonderful resolution is not the Titanic running into the submerged iceberg of a filibuster in the other body? What happens?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, this has been cleared with the leadership of the other body. The date has been agreed upon. I would think it would be the Titanic running a race with itself because when we adjourn on Saturday, we are going to adjourn sine die anyway whether we are through or not.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. ARENDS. Mr. Speaker, reserving the right to object, might I simply ask this question: Is this a good time to say "Happy New Year" to everybody?

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE HOUSE MUST STAND FIRM

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, as the Members of the House know, the day before yesterday, by a voice vote, the Senate tabled the conference report on H.R. 17755, fiscal 1971 appropriations for the Department of Transportation and insisted on its amendments, requested further conference with the House and appointed new conferees.

Mr. Speaker, the House already has accepted the DOT conference report, and I do not see why we should begin our work all over again. The other body has dilly-dallied over this bill and its conference report and in every way possible has acted in a manner which is an affront to the House of Representatives.

Accordingly, Mr. Speaker, I want to urge the Members of the House and its leadership to stand firm on this body's earlier decision and refuse at this late date to return to conference or appoint new conferees.

If the Senate wants to accept the responsibility for turning down this conference report, then let the blood be on their heads. Anyone who reads the debate in the Senate can only come to the conclusion that certain Members of that body are bringing the legislative process into disrespect and acting, as I said, in a manner which is an affront to this House.

I urge our leadership to stand firm and uphold the dignity of the House.

A TRIBUTE TO THE WASHINGTON STATE DELEGATION

Mr. PELLY. Mr. Speaker, as this 91st Congress comes to an end, and as is the custom, Members of the House and Senate are paying tribute while saying farewell to departing colleagues who will not serve in the 92d Congress. Truly, we are losing some very able Members of both the House and the Senate and there are many whose names come to my mind who will be greatly missed. But, fortunately, continuity in the way of experience and knowledge will be assured by many valuable Members who will return next month.

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Public esteem for the legislative branch is not, perhaps, at a high level right now, and much criticism is, not doubt, well founded. However, we do have the finest system of government in the world. It is constantly being improved and will continue to be. And, let it not be overlooked that the shortcomings of the Congress are due to the needed expansion of services demanded by the public. These shortcomings also come sometimes from individual human failings of some Members.

Mr. Speaker, today as this session closes, instead of dwelling on faults, I want to emphasize the positive. For example, my own Washington State delegation, all of whom except myself next year will be members of the majority party, may sometimes differ in our views on legislation.

But, Mr. Speaker, these colleagues are my friends and regardless of politics, I respect them, and certainly it has been a privilege to work with them on all matters affecting both the Nation and the State.

Perhaps I should not mention anyone by name, but I am sure all of us in the delegation have a common admiration for the senior Member of the delegation Senator WARREN G. MAGNUSON. I have been greatly privileged to serve in this Congress with him, and I am grateful for his leadership and cooperation.

I regularly read the CONGRESSIONAL RECORD, and I follow the Senate debates. This brings the full realization of the tremendous burden carried by the Senator due to the vast jurisdiction of the Senate Commerce Committee.

So, Mr. Speaker, while kind words are properly being handed out to departing Members, let us not overlook those who remain. In this spirit, I thank all the Members with whom I will serve next year and pay tribute to their diligence and cooperation.

UNICAMERAL LEGISLATURE PROPOSED

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, the breakdown of the final step of the legislative process in the other body during the last few weeks has caused those concerned with the effective operation of our National Legislature to ponder the relevancy of our system to the needs of today.

Although the House had substantially completed its business weeks ago, the capacity of individual Members of the other body to filibuster caused a disastrous disruption of the legislative machinery and resulted in a failure to enact badly needed and much desired legislation.

The legislative process consists of and requires a series of compromises but its proper functioning demands also that a majority prevail and that obstructionism should not succeed. Progress involves at least minority acquiescence in solutions reached by the majority and cannot condone the destruction of months of effort and uncounted sums of money because the view of a minority is not accepted. "Either this or nothing" is not an acceptable motto for a legislator in a democracy.

The problem of the filibuster is not novel in Anglo-Saxon legislatures. It was used by Parnell and his associates to disrupt the operations of the British House of Commons so long as his combination remained effective and yielded only when the deplored remedy which Randolph Churchill called cloture was introduced.

In a later instance, the stubbornness of the House of Lords was overcome when George V privately let it be known that he would create sufficient peers to offset the opposition and follow the views of the House of Commons. Since that time the role of the House of Lords has been largely a ceremonial one. In effect the British Parliament consists of one House.

Perhaps we should consider the desirability of a unicameral national legislature. The Swedes have just changed their Parliament to a single chamber body and therefore such a move is not without modern precedent. Nebraska has a unicameral legislature. In addition, the equal representation requirement now imposed by the Supreme Court upon legislative bodies raises questions as to the constitutional position of the Senate as measured by this formula and in the case of Baker against Carr, Chief Justice Warren clearly found great logical difficulty in excluding the Senate from the operation of "one-man, one-vote" doctrine.

This proposal is a radical one and involves substantial constitutional change but no greater than those which took place between the property-holding days of the Constitution and the equality of franchise of today. Legislative demands are heavier today than ever, the volume of legislation is greater and its complexity increases with the broadening of the fields which are required to be covered. Efficiency of operation demands that unnecessary checks be eliminated. I certainly would not suggest the removal of necessary protective devices but I can see no liberty which would be effected by confining the enactment of our laws to a single body representative by regular redistricting of the population of the country in the manner of the present House.

Other suggestions have been made including the introduction of the rule of germaneness into the Senate legislation and the reduction of the margin required there to cut off a filibuster. In the House a simple majority suffices. It must be asked however whether these revisions would do the necessary job. I would tend to accept the conservative solution if that promised to be effective but I suggest that the broader change is one that should seriously be considered in the light of the impasse which has been created in the closing days of this 91st Congress.

TRANSFER OF FUNDS FROM THE CIVIL SERVICE RETIREMENT FUND TO THE CIA RETIREMENT FUND

(Mr. PHILBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PHILBIN. Mr. Speaker, the Congress recently passed S. 4571, a bill amending the Central Intelligence Agency Retirement Act of 1964.

The purpose of the bill was essentially to provide Central Intelligence retirees with the same benefits recently provided civil service retirees.

However, included in the legislation was a provision which authorized the Civil Service Commission to transfer to the CIA retirement fund all Government contributions previously accumulated in the civil service retirement fund when employees of the civil service transferred into the Agency's retirement system.

The purpose of this authorization was to insure the actuarial soundness of the CIA retirement fund. Testimony developed by the committee indicated that execution of this authority would result in the transfer of approximately $33 million from the civil service retirement fund to the CIA retirement fund. This sum would have represented past Government contributions for all Agency employees transferred to the CIA retirement system since 1964.

I am now advised that some staff people on the Civil Service Commission have questioned legislative intent in this regard. I am, therefore, making this statement to erase any doubt in the minds of any responsible authority as to the legislative intent of the Congress in this regard.

I trust that this will take care of the problem.

OPERATION NOEL

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, several weeks ago many of us had the opportunity to attend a Christmas party in the Longworth Cafeteria sponsored by Operation Noel. The purpose of the party was to say "Merry Christmas" and "Many Thanks" to our servicemen hospitalized in Washington area military hospitals.

Those of us who were there know what an outstanding success the party was, but few of us are aware of the hours of work that made it such a success, nor do we know of the many companies and individuals who contributed toward its success.

It takes the cooperation of many to put on a party such at this—to give our servicemen the tribute they so rightfully deserve. Without the help of concerns such as Anheuser-Busch and the American Medical Association, along with many other individuals too numerous to name, Operation Noel would have had a more difficult time.

The idea for Operation Noel was conceived last year by Joe Westner of Western Gear Corp. With the help of his wife, Fran, legislative assistant to Representative TOM KLEPPE of North Dakota, Kathy Pierpan, secretary to Representative OTIS PIKE of New York, and Jayne Gillenwaters and Pat Rinaldi, secretaries to Representative JOHN SCHMITZ of California, Joe Westner's Operation Noel put on a party the servicemen will never forget.

Mr. Speaker, I would like to urge my colleagues to join me in saying "Thanks" to these young people who are well on their way to establishing a "Hill" tradition—the Operation Noel Christmas party. As their organization progresses from year to year, their search for contributions and assistance will become easier and easier. They have already received tremendous support from many who recognize the importance of showing our hospitalized servicemen that they are not forgotten at Christmas.

Congratulations, Operation Noel, for a job well done, and best wishes for the future.

PROGRAM AID TO CORN GROWERS

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, in a meeting this week with high officials of the U.S. Department of Agriculture, I requested that in corn production areas of the Nation hit hard by the southern corn leaf blight, farmers be permitted to have soybeans considered as feed grains for purposes of maintaining their historical feed grain base.

I presented this request personally to Clarence D. Palmby, Assistant Secretary of Agriculture, and Carroll G. Brunthaver, Associate Administrator of Agricultural Stabilization and Conservation Service.

I also summarized my proposal in this letter:

Hon. CLARENCE PALMBY,
Assistant Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Official forecasts during the corn blight information conference recently at the Beltsville, Maryland, experiment station give validity to the concern being expressed by farmers throughout the corn belt and particularly in the West Central Illinois District I represent.

As you know many producers were hard hit by the blight this past year and now face the uncertainties of the 1971 season. The Department has already shown concern for their problem by designating 58 counties disaster areas, including 10 counties in the District I represent, making such farmers eligible for emergency low-interest loans from the Farmers Home Administration. This concern is much appreciated.

These farmers now face an additional peril in the approaching season due to the short supply of blight-resistant seed.

My purpose in writing is to urge that you permit corn producers in blight-disaster counties to count acres planted to soybeans in 1971 as corn for purposes of history under the feed grains program. This would be especially helpful to small farmers for reasons I set forth below. As you know, the Agricultural Act of 1970 gives you this authority. I make this request only for 1971 because it appears the seed problem will largely be corrected by 1972.

I make the request with full awareness that the privilege of indiscriminate substitution can bring pressure on soybean supplies and therefore prices. I hold to the view that substitution should be approved only sparingly, under circumstances of genuine hardship, and only when it will not threaten soybean prices.

The recommendation I have made, in my view, meets these conditions.

Substitution would be permitted only in counties where the Department of Agriculture has already certified the existence of emergency conditions caused by widespread blight infestation and other production problems. The market output for soybeans is exceptionally good for 1971, so much so some observers see the possibility of substantial shortage of supplies.

USDA economists this year have said American farmers need to increase soybean plantings by 8–10 million acres next year over 1970 to fulfill world market demand for American soybeans. The largest soybean acreage increase in any one year occurred in 1961 when American farmers increased soybean production 3.3 million acres. An increase of more than six million acres, it is felt, would cause harvest season price declines to near the price support level for a brief period during harvest time, but almost no source is forecasting such a large increase in 1971 soybean plantings.

Let me describe the seed supply program confronting two farmers typical of my home area, Pike County, Illinois, one of the counties designated as a disaster area due to blight. One is a commercial corn producer who, under the feed grains program, planted only 50% of his base last year. To plant the same acreage in 1971 he needs 20 bushels of seed corn, but, due to the shortage, can buy only 20%, that is four bushels, in a blight-resistant variety. In addition, his supplier will sell him eight bushels of blend. His quota is based on his purchases last year. For the balance he can buy only Texas sterile variety which is highly susceptible to blight. As you know, agricultural specialists have warned for years against planting this variety unblended.

Last year he suffered a 40% loss of normal yield due to the blight. Under the present circumstances he must face another year of very high risk in planting corn or lose history under the feed grains program by not planting corn.

Another farmer has a 25-acre feed grains base but cooperated under the program last year by planting no corn. Under the new legislation his option not to plant corn is gone. He must plant corn or lose history. But because he did not plant in 1970 he has no source for blight-resistant seed.

Both of these farmers cooperated under the feed grains program and both now face serious seed supply problems.

Under my proposal each could plant soybeans instead of corn in 1971 without losing feed grains history, that is entitlement as cooperators in future years. By shifting each would ease the seed shortage while imposing no adverse pressure on soybeans. The demand for soybeans is such that the extra U.S. production may actually enable the United States to keep major overseas customers happy with high-quality oil and meal they have come to expect from this country.

Approval of this request would impose no additional costs on the government. In fact, savings would accrue as production payments would not be required to farmers who shifted from corn to soybeans. The decision announced by the Department of December 8 disapproved substitution where payments would be made. As I have just mentioned, under my request payment would not be required.

Prompt approval of this request would help producers and their suppliers meet serious problems in planning for the coming season.

Sincerely,

PAUL FINDLEY,
Member of Congress.

THE 1971 COTTON PROGRAM

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, after carefully reviewing provisions of the 1971 cotton program, I am convinced the USDA has badly shortchanged cotton farmers in Arkansas and all across the Nation.

Cotton continues to be a major basic commodity in this country. Yet, the current proposals of the Federal program regulating the product's sale constitute a severe economic penalty against its producers.

When it was announced on December 8, the 1971 cotton program appeared on the surface to be one that the cotton producers could live with. More thorough analyses bring to light some very disturbing facts.

Among the most disturbing of these is the impression left by the USDA announcement that under the 19.50 cents per pound loan rate, the farmer will take a reduction of only three-quarters of a cent from the present loan level of 20.25 cents.

Actually the top loan price per pound was 20.70 cents. This included a 45 hundredths of a cent per pound premium for middling inch cotton with a 3.5 to 4.9 micronaire reading.

Thus, producers of premium cotton will take a reduction of 1.20 cents per pound. This does not end the reductions the cotton producers will take under the 1971 program.

No longer will the loan rate payment be made on the gross weight of the bale—which includes the cotton fiber plus the bagging and ties. Payment will, instead, be made on the bale's net weight—which excludes the bagging and ties.

The wrappings average 21 pounds in weight per bale. The loss to the farmer, from this change, distributed over a 500-pound bale will be eighty-hundredths of a cent per pound.

Thus the actual loss to the cotton producer on a bale of middling one inch cotton with a micronaire reading between 3.5 and 4.9 will be 2 cents per pound. This means a loss to the producers of $10 per 500-pound bale.

The switch to the net weight payment plan will also have an effect on price support payments.

Under the new proposals, the price support payment will be the difference in the average market price and the greater of 35 cents or 65 percent of parity. But, in no case will it be less than 15 cents per pound.

Since the market price of cotton is quoted on the gross weight of the cotton bale, the average market price will probably be around 20 to 20.25 cents per pound. The net weight provision, in other words, will artificially increase the market quotation by about 80 hundredths of a cent.

Thus, it will be difficult for the farmer ever to collect more than 15 cents per pound in price support.

The losses to the Nation's cotton producers, resulting from the 1971 proposed program, will amount to a whopping $10 per bale—a $120 million overall loss.

It is time for the USDA to begin representing the interests of the cotton producers, rather than favoring the cotton buyer.

The proposed 1971 cotton program must be changed to a more workable and sensible basis, if disastrous consequences are to be avoided throughout the Cotton Belt.

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TRIBUTE TO HON. BYRON ROGERS

The SPEAKER pro tempore (Mr. FOLEY). Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 15 minutes.

Mr. RODINO. Mr. Speaker, BYRON ROGERS is a gentleman who holds my deepest admiration and affection. He is a man of indefatigable energy and commitment to principle—a man truly whose personal interests have always been secondary to the tasks he has undertaken.

Champion of unpopular causes—unswerving devotion to justice—a man who cares deeply for his fellow man are but a small expression of the qualities of an individual who has earned the respect and has endeared himself to his colleagues for the manner in which he performed his service to our country. More than they will ever know, the people of our Nation owe BYRON a special debt of gratitude.

Mr. Speaker, there is an old maxim that goes—we are rich in what we give—poor in what we keep. Because of what he gave, BYRON has accumulated so many riches. BYRON is a fair, generous, warm human being. I feel privileged to have been touched by the warmth of his friendship and he will be missed by none more than me.

I wish my friend an abundance of joy and satisfaction.

TRIBUTE TO HON. JEFFERY COHELAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

(Mr. GONZALEZ asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, at this very late hour, both as to the year as well as to the session, with a great deal of regret I get up to note the great service that our colleague JEFFERY COHELAN of California has rendered the Congress, the Nation, and his State of California.

It was with extreme regret that in November last—in fact, prior to November—I read the account of JEFFERY COHELAN's defeat in his bid for renomination as a Congressman from his California district.

The reason for the regret is that ever since I came to the Congress I have gotten to know JEFFERY COHELAN and have been personally a witness to his excellent service and his expeditious manner of discharging his duties as a Representative.

We know that he served on the Armed Services Committee, and many districts throughout the country, including mine, have been greatly indebted to his expertise and to his spirit of sacrifice which enabled him to be present at practically every meeting the Armed Services Committee held while he was a Member. Through these processes of election and victory and defeat, we learn to accept what comes, but it certainly is with a very definite feeling of regret that we see a man of the talent and ability and dedication of JEFFERY COHELAN lost to us as a Member of this House.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I join with my colleague, the gentleman from Texas, in this personal salute to JEFFERY COHELAN. I first made the acquaintance of JEFFERY COHELAN as a member of the weekly prayer breakfast group during the period when Mr. COHELAN served that group as chairman, and I came to know him better than would otherwise have been the case.

I do thank the gentleman from Texas for taking this time. Mr. COHELAN has always struck me as a man of great conscience, great determination, and great idealism. Those are qualities that are never in oversupply in this body or anywhere else.

Mr. Speaker, I thank the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman from Illinois. I express gratitude for his apt and well spoken words.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I thank my friend, the gentleman from Texas, for yielding, because I wanted to associate myself with his remarks and those of the gentleman from Illinois who preceded me.

Mr. Speaker, I have learned to have a very high respect and a very warm regard for the gentleman from California. He is the type of person we need in the Congress. I certainly regret seeing him leave. He has been on the Appropriations Committee for some time and has rendered great service to his State and Nation. We will miss him here along with certain other very fine men who are leaving us, but it is a tragedy sometimes, I think, for men such as Mr. COHELAN to end their career here in Congress in defeat.

Mr. GONZALEZ. I thank the gentleman from Arkansas.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I certainly want to take this opportunity to associate myself with the remarks of my distinguished colleague, the gentleman from Texas, and my distinguished colleague, the gentleman from Arkansas, the chairman of the Committee on Ways and Means. Our colleague, JEFF COHELAN, was really a legislator's legislator. The thing that is really so remarkable about his work here is his courage. He was unswerving in his determination to serve the great human causes that called particularly from his district as well as throughout the Nation. There are many Members who have served a much longer time who have not been able to dramatize their work and energies here with significant developments in law, but everyone in the United States is aware of what JEFF COHELAN did in the Cohelan amendment to the education appropriation bills. These are significant things.

He was an instrument for better government. Certainly he was an instrument for developing a better education program. He was a courageous Member of this body. I am certainly regretful he will not be with us. I know and hope he will continue with his endeavors to make contributions to the public service. Certainly he will find a way to be vocal and active, and I wish him great success in his new endeavors.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman from Ohio.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, I join with my colleagues in commending JEFFREY COHELAN. As some of the Members may know, the California delegation is a close one. JEFFREY COHELAN has been our secretary for 12 years. He never missed a meeting. We met every week. One of the purposes of these meetings is to discuss among ourselves legislation we think is important. Every appropriation bill during the time JEFF was on that committee he has explained to us in detail and lucidly, and we have followed his leadership.

We will sorely miss that in the 92d Congress. I, too, hope that Jeff continues to serve in some capacity in public life, because he has the kind of insight, coupled with courage and dedication, which makes him an ideal public servant.

I am sure I speak for all his California colleagues when I say how very much we will miss him in the next Congress.

Mr. GONZALEZ. I thank the distinguished gentleman from California.

Our illustrious colleague, Mr. Vanik, has mentioned the fact that Jeffery was a legislator's legislator. This is very true. I can think specifically of Jeffery Cohelan not just as a Congressman from an individual local district but as a national Congressman.

I know I consider him, as many of my colleagues do, a man keenly devoted to the cause of education in our country.

Perhaps it has been written, and perhaps it has not been, but those of us who were witness to his heroic activity just a couple of years ago observed that he saved from disappearance certain specific school districts which depended almost entirely, for 90 percent of their entitlement, on impacted area funds. He saved them from going out of existence, and continued those particular schools, so we know that he has created a niche in history and has earned the warm regard in the hearts and minds of those educators who know that impact area fund was well on its way to disappearing, and that they would have had forcibly to close the school doors only 2 or 3 years ago but for his efforts.

That was a result of Jeffery Cohelan's keen interest, which, incidentally, could not help him politically one bit, because these districts were entirely outside the jurisdiction of the State of California.

Mr. Speaker, the hour is late, and there are other Members who have indicated their interest and their desire to participate.

Mr. MIKVA. Mr. Speaker, Jeff Cohelan leaves a big gap in the ranks of this House. As a freshman Member, I have a special awareness of the strength and vigor which Mr. Cohelan lent to this body. When an issue involving the people's weal came up, Jeff Cohelan was there to give it leadership and voice.

And what a full voice he has had. The beginning of the turning around of our priorities in this country is in no small part due to the efforts of the gentleman from California. On every issue which has shaped the new directions which this country must follow, Jeff Cohelan has been there—articulate and effective.

His colleagues will miss him, and so will the country. We can hope that the fortunes of reapportionment will renew his presence in the House at an early time. In the meantime, whether as a Member or as a private citizen, Mr. Cohelan will be heard.

Mr. RYAN. Mr. Speaker, I commend the gentleman from Texas (Mr. Gonzalez) for taking this time to pay tribute to our departing colleague from California (Mr. Cohelan). I have been privileged to serve with Jeffery Cohelan during the past 10 years, and I know his dedication to the public interest.

During his years in Congress, Congressman Cohelan has been a leader in many important fights. I am sure we all recall his leadership in the fight for adequate funding for education and his very significant role in the creation of the Redwoods National Park in his home State of California. His concern for those displaced by Federal projects was demonstrated in his efforts on behalf of the Uniform Relocation Act which passed the Congress during this session.

Economist, conservationist, educator, legislator—Jeffery Cohelan's talents and skills have made him an able and respected member of the House. I know that whatever path he may pursue in the future, he will make a meaningful contribution to social progress. I wish him great success in his future endeavors.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have the remainder of the time in this session to include their remarks concerning Jeffery Cohelan's exemplary service as a Congressman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

A TRIBUTE TO GEORGE E. BROWN, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Ryan) is recognized for 30 minutes.

Mr. RYAN. Mr. Speaker, I should like to take this occasion to note with sincere regret the departure from the House of a good friend and colleague, George E. Brown, Jr., of California.

It has been my privilege to serve with George Brown in the Congress since he first entered this Chamber four terms ago. In these 8 years, I have watched one of the truly sincere, courageous Members of the House constantly strive to achieve justice and peace.

During the course of these 8 years, this Nation has gone to war. It has become aroused to the degradation of our environment which is magnifying with terrifying speed. It has experienced the great struggle for civil rights for all Americans.

On each of these issues, George has taken a stand, early and clearly. He spoke out against the war when only a few of us opposed it. He spoke out against pollution long before the environment and ecology became popular concerns. He spoke out for equality of all Americans—black, brown, red, white—when far too many stood aside silently.

George Brown has never been one of the declaimers—his has been a quiet course. But, in his steady manner, and in his firm convictions, he has played a major role in this House and in the Nation. All of us are indebted to him for his having served here.

For George Brown, leaving the House is not an ending. It is just the beginning of a new venture. I am confident that, in the future, he will continue to speak out, and his voice will continue to be heard.

Mr. MIKVA. Mr. Speaker, George Brown was a special kind of Congressman. He created a conscience, not only for his colleagues, but for the country. He did not wait to see whether the political winds were blowing in the right direction before he took his stand.

He had a unique talent for using the forum of his office to great effect. He took seriously the notion that a Congressman represented the whole country, and represented people not only in voting on the issues, but in putting the issues before the country. Whether it was the Quakers at the Capitol steps or the students at the moratorium, George Brown was there—visible, vigorous, and outspoken.

And so it is that his colleagues here in the House will miss him particularly because the rest of the country will continue to hear George Brown's voice and feel the pressure of the conscience he creates. We will miss the special impact that he had in and on this body. We can only hope that the vacancies of reapportionment will conspire to return him soon to the House of Representatives.

Mr. ROSENTHAL. Mr. Speaker, I would like to take this occasion to express how much I believe the House of Representatives will miss the presence here of our colleague from California, the Honorable George E. Brown, Jr.

George Brown has displayed tremendous courage in taking on unpopular but worthy causes and he will be difficult to replace. His leadership in organizing the national protest against U.S. military involvement in Southeast Asia and his resolute support for justice to migrant workers are just a few of the noteworthy accomplishments he has recorded in this body.

I wish him well and look forward to seeing him many times in the years ahead.

Mr. ECKHARDT. Mr. Speaker, I rise to join the other Members of this body who have spoken of their regret at the imminent departure of George Brown, my dear friend and respected colleague in the last two Congresses.

George Brown has been the only conscientious objector in Congress. Indeed, in many ways, he has been the conscience of the Congress. Moral courage and dedication to principle have been at the heart of his approach to every issue.

In our work together in the passage of legislation, in efforts to move the executive branch of the Government to the vigorous enforcement of our laws, and in the protection of human rights on the international scene as well as at home, he has been an imaginative leader and a ready collaborator.

Wise and compassionate men of principle are far too few in Congress, as elsewhere, and we shall all have reason to regret the absence of George Brown.

Mr. KASTENMEIER. Mr. Speaker, I too, wish to rise and take this opportunity to say a few words about my friend, George Brown, of California.

Next month when we begin the work on the 92d Congress, we will sorely miss his presence. We will miss him because he has been a leader who cannot be easily replaced. In the quest for a national policy dedicated to peace rather than to war, GEORGE BROWN has stood head and shoulders above all others. His personal position and personal quest for peace have been unerring.

Nearly every elected official—and it is especially true of Members of Congress—says he is for peace. These statements, however, are not in the same category with those of GEORGE BROWN, for his commitment has been total.

He understands that investments in war machinery encourage war. He knows that any country investing what this country does in military hardware each year is going to find a place to use that hardware. He realizes, and is not afraid of the fact, that to turn back this war machine through the legislative process, it is sometimes necessary to restrain the Chief Executive, curtail his power to raise taxes to pay for military buildups and activity, curtail any attempts to promote foreign involvements, and inhibit any acquiescence to wars abroad—be they in the Dominican Republic, Laos, Cambodia, or Vietnam.

GEORGE BROWN has taken the initiative and provided the leadership when others have been afraid to act. Begrudgingly, even his strongest opponents admire and admit to his courageous and uncompromising commitment to world peace.

XUM

Of course, all this does not mean that his contributions are limited to one area. His desire to see America in peace has pervaded his every endeavor. In the areas of science, of human rights, and of personal dignity, GEORGE BROWN has stood for programs and policies to bring this dream closer to reality. Often these have been unpopular stands. But they have been consistent and singlemindedly true to their larger goal of peace and dignity for mankind.

One has only to look at his voting record and at his speeches to know that GEORGE BROWN's insight and his sense of values are faultless and uncompromising. In all his work in this body, he has been a tireless worker for the cause of peace. I know that I speak for all of Congress when I say that we will miss him deeply, not only as a friend, but as a peerless leader for peace, and against war.

Mr. BUSH. Mr. Speaker, one of the truly wondrous things about the House of Representatives is the friendships one makes here. My personal friendship for GEORGE BROWN prompts me to wish him well in the future in whatever endeavor he undertakes, except possibly as he may devote his energies to defeating Republicans.

There are many admirable things about GEORGE BROWN. His propensity for friendship and his sense of fair play come immediately to mind, but I particularly respect the fact that you know where the man stands and that he stands there because of deep conviction and motivation. We have canceled out a lot of each others votes I guess but the differences he had with me and any other Members in this body who disagreed with him were never personal or mean.

From one lameduck to another I want to wish our friend and colleague a happy and prosperous future.

Mr. FRASER. I join with my colleagues to pay tribute to the public service GEORGE BROWN has given to this Nation as a Member of the U.S. House of Representatives.

GEORGE and I came to Congress together in 1963 with a vision of hope and progress for the Nation under President Kennedy's leadership. We have served through years that saw the Military Establishment expand, taking on new roles, financed by a sharply increased budget. We watched as the Nation, neither critically examining the reasons nor apprehending the consequences, eased itself into a war in Southeast Asia.

We have witnessed a willingness by many Americans to ignore and invade the political and civil liberties of our citizens.

What I remember above all else was GEORGE's early understanding of these tragic events. Earlier than anyone else in the House he spoke out clearly against the policies which were so widely supported by others.

At the same time he has worked hard and given constant support to enlarging freedom and opportunity for our people.

Independent of his courageous prescience, I have enjoyed knowing and working with GEORGE as a colleague. He has been friendly, courteous and constant.

We wish him the best as he goes forward into new opportunities to serve our Nation and humanity.

Mr. UDALL. Mr. Speaker, it is always sad to bid farewell to good friends, and today is such an occasion. I want to join this salute to a great public servant from California, GEORGE BROWN.

GEORGE BROWN has been a staunch and stalwart defender of good causes and an able and vigorous opponent of proposals he considered inconsistent with the public good. He is truly a man of principle.

The adjective "courageous" is sometimes used rather loosely, but few would deny it applies to GEORGE BROWN. I know I join with many of my colleagues in the wish that he return to this House someday soon.

It has been a great pleasure and honor to serve with this distinguished son of California, and I will miss him.

PETITIONING CHAIRMAN OF WAYS AND MEANS COMMITTEE IN REGARD TO SENATE AMENDMENTS TO SOCIAL SECURITY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, I have a petition signed by 100 Members of the House of Representatives urging the Honorable WILBUR MILLS, chairman of the Ways and Means Committee to take the Senate amendments to the social security bill from the Speaker's desk to conference and accept those which: First, increase social security benefits by 10 percent; second, increase the social security minimum to $100; third, increase the retirement earnings test to $2,400; and fourth, increase the monthly minimum allowance for the aged, disabled, and blind on welfare to $130 a person or $200 per couple.

I can very well understand the frustrations that result from the failure of the other body to act on this bill while it languished in the other body for over 7 months. I also understand the frustration of Members who properly explained about the attempt to attach nonrelated legislation to the social security bill.

These considerations, however, should be put aside because of the need to adopt this legislation. A new bill next year is not likely to provide a 10-percent increase in benefits, nor is it likely to increase the minimum benefit to $100—nor is it likely to include an increase in the allowable retirement income to $2,400 per year; nor is it likely to increase the monthly minimum allowance for the aged, disabled, and blind on welfare to acceptable levels. Furthermore, if a new bill passes the Congress by April 1, increased benefit payments will not be received by 26 million recipients until after July 1.

The experience of this year indicates the manner in which the social security legislation is used as a delivery system for legislation which could not make it through this Congress on its own power. This abuse of the legislative process could be avoided if we pass out a social security bill this session.

Following is the petition signed by 100 Members of this body urging action before sine die adjournment of this Congress.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Ohio?

Mr. MILLS. Mr. Speaker, reserving the right to object, and I shall not object, of course, but I would think it would be the gentlemanly thing to do, and I am sure those who signed the petition would want done, and that is to accord the privilege to the chairman of the Committee on Ways and Means the opportunity to have the original copy of it and not just to read the signatures into the CONGRESSIONAL RECORD.

Therefore, I hope my friend from Ohio will provide that opportunity to the chairman of the committee.

Mr. VANIK. I have for the chairman the original. I got the 100th name just a couple of minutes ago and it is on my desk. I have a mimeographed copy of it.

Mr. MILLS. I appreciate the gentleman at least letting me have the original copy.

Mr. VANIK. I shall be glad to do so.

Mr. MILLS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, the petition referred to follows:

PETITION

We, the undersigned Members of the House of Representatives, hereby urge the Honorable Wilbur Mills, Chairman of the Ways and Means Committee, to take the Senate

Amendments to the Social Security Bill from the Speaker's Desk to Conference and accept those which (1) increase social security benefits by 10 percent, (2) increase the social security minimum to $100, (3) increase the retirement earnings test to $2400, (4) increase the monthly minimum allowance for the Aged, Disabled, and Blind on welfare to $130 a person or $200 per couple.

LIST OF SIGNERS

Brock Adams, Phillip Burton, Jonathan Bingham, James A. Burke, James Scheuer, Dominick Daniels, Michael Harrington.

Henry Helstoski, Lloyd Meeds, Donald Reigle, Joseph Minish, Robert Kastenmeier, William Ford, Robert Nix.

William Ryan, Edward Patten, Edward Koch, Sidney Yates, John Melcher, Edward Garmatz, Thaddeus Dulski.

Louis Stokes, William Hathaway, John Brademas, Fred Schwengel, Lucien Nedzi, Patsy Mink, Michael Feighan.

Richard McCarthy, Paul McCloskey, William Harsha, William J. Green, Donald Fraser, Jerome Waldie, James Fulton.

Robert Tiernan, Ken Hechler, Frank Clark, John Conyers, William Barrett, Richard Hanna, James Byrne, Samuel Stratton.

Melvin Price, Lester Wolff, Charles Carney, Lawrence Coughlin, Joshua Eilberg, David R. Obey, Abner Mikva.

Thomas M. Rees, Frank Brasco, Ray Madden, Seymour Halpern, William Moorhead, Clement Zablocki, Lionel Van Deerlin.

John Dingell, Otis Pike, Robert Leggett, Paul Findley, Roman Pucinski, James Kee, Peter Kyros.

Edward Roybal, Jeffery Cohelan, Frank Annunzio, Torbet Macdonald, Robert Mollohan, Frank Thompson, Peter Rodino.

Byron Rogers, Arnold Olsen, Cornelius Gallagher, Henry Reuss, Charles A. Vanik, William Randall, John Culver, James O'Hara.

Edward Boland, Ludlow Ashley, Bertram Podell, Spark Matsunaga, Joseph McDade, John Slack, Clarence Long, Robert Steele, Clarence Miller.

Also attached herewith is a Library of Congress memorandum relating to the financing of the OASDI system under the Senate version of the bill as compared with the House version:

MEMORANDUM

DECEMBER 29, 1970.

From: Francisco Bayo.

Subject: Comparison of the Financing of the OASDI System Under the Senate Version and House Version of H.R. 17550.

The attached Table I compares the financing adopted for the Senate version and the House version of the OASDI system under H.R. 17550. This comparison is made on the basis of level earnings assumptions and does not take into account the effect of the automatic benefit increase provisions or of their corresponding financing. The House version of these provisions is estimated to yield enough revenues, over the long-range future, to finance all the automatic increases in benefits. However, under the Senate version of the automatic provisions the system would slowly accumulate actuarial surpluses, unless the Congress acts in the future to either increase the benefits further or reduce the taxes.

On the basis of the level earnings assumption and disregarding the automatic provisions, the House bill has an actuarial imbalance for the OASDI system of −0.15% taxable payroll which is close to the permissible variation of .10% of taxable payroll. This was also the case under the Ways and Means Committee bill, which had an actuarial balance of −0.12% of taxable payroll and which was increased on the House floor to −0.15% of taxable payroll by a liberalization in the retirement test. However, this is not the case for the Senate bill which has an actuarial imbalance of −0.25% of taxable payroll and is beyond the acceptable limits of variation. It should be indicated that the bill reported by the Senate Finance Committee had an actuarial balance of −0.15% of taxable payroll, as in the House bill, and that the liberalization adopted on the Senate floor with respect to the earnings test and to grandchildren's benefits increased the imbalance by 0.10% to a total of −0.25% of taxable payroll.

The main differences between the two versions of the bill are presented in Table II which also indicates their long range cost effect. The level-cost of the OASDI system under present law and under both versions of the bill are presented in Table III.

TABLE I.—CHANGES IN ACTUARIAL BALANCE OF OLD-AGE, SURVIVORS AND DISABILITY INSURANCE SYSTEM AS PERCENTAGE OF TAXABLE PAYROLL OF HOUSE AND SENATE VERSIONS OVER PRESENT LAW

Item	Level-cost	
	House bill	Senate bill
Actuarial balance of present system	—0.08	—0.08
Effect of 1970 earnings	+.28	+.28
Increase in earnings	+.23	+.23
Age 62 computation point for men	—.12	—.07
Earnings test changes	—.13	—.22
Widow's benefits 100 percent of PIA at age 65	—.24	—920
Actuarial reduction changes	—.10	(1)
Eligibility for blind	—.01	—.08
4-month waiting period for disability	(1)	—.06
Family maximum for new beneficiaries	(1)	—.04
Miscellaneous changes [2]	—.01	—.02
General benefit increase	—.48	—.96
$100 minimum PIA	(1)	—.28
Revised contribution schedule	+.51	+1.25
Total effect of changes in bill	—.07	—.17
Actuarial balance under bill	—.15	—.25

[1] This change not included in this version of the bill.

[2] Includes the following: for both versions, child's benefits for children disabled at ages 18 to 21; workmen's compensation offset based on 100 percent of "average current earnings"; and reduced widower's benefit at age 60; for House version only, elimination of support requirement for divorced wife's and widow's benefits; for Senate version only, disabled-child 7 years reentitlement; broaden definition of adopted child: and benefits to children supported by grandparents.

TABLE II.—*Changes in actuarial balance of Old-age, survivors, and disability insurance system as percentage of taxable payroll of the Senate version over the House version of H.R. 17550*

[In percent]

Item:	*Level cost*
Actuarial balance under House bill	—0.15
Changes approved by Senate:	
Eliminate actuarial reduction changes	+.10
Age 62 computation prospective only	+.05
Earnings test of $2,400 exempt amount	—0.09
Limitation on widow's benefits	+.04
Liberalized eligibility for blind	—.07
Child's benefit on grandparent's account	—.01
4-month disability waiting period	—.06
Family maximum for new beneficiaries	—.04
10-percent benefit increase	—.48
$100 minimum PIA	—.28
Contribution schedule	+.74
Senate changes over House bill	—.10
Actual Balance under Senate bill	—.25

TABLE III.—LEVEL-COST AND ACTUARIAL BALANCE AS PERCENTAGE OF TAXABLE PAYROLL OF THE OASDI SYSTEM UNDER PRESENT LAW AND UNDER THE HOUSE AND SENATE VERSIONS OF H.R. 17550

[In percent]

	Level-cost		
		H.R. 17550 [2]	
	Present law [1]	House version	Senate version
Total cost of system	9.96	10.54	11.38
Contribution schedule	9.88	10.39	11.13
Actuarial balance	—.08	—.15	—.25

[1] Based on $7,800 earnings base and 1969 earnings levels.

[2] Based on $9,000 earnings base and 1970 earnings levels.

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

[H.R. 17550: 1st-year costs and number of persons affected under the version passed by the House of Representatives and under the version passed by the Senate]

Provision	1st-year benefit costs [1] (millions)		Present-law beneficiaries immediately affected [2] (thousands)		Newly eligible persons [3] (thousands)	
	House version	Senate version	House version	Senate version	House version	Senate version
Total	$3,970	$6,763	(4)	(4)	504	629
General benefit increase	1,729	5,003	26,300	26,300	6	6
Modified retirement test	404	625	650	650	380	380
Age 62 computation point	1,040	6	10,200		60	
Increased benefits for widows and widowers	689	649	3,300	2,700		
Shorten disability waiting period to 4 months	(5)	185	(5)	140	(5)	
Noncontributory credits for military service after 1956	35	35	130	130		
Children disabled at ages 18 to 21	11	13			13	13
Liberalized provisions for blind workers	$25	$240			30	225
Election to receive larger future benefits by certain beneficiaries eligible for more than 1 actuarially reduced benefit	17	(5)	100	(5)		(5)
Liberalized workmen's compensation offset	7	7	55	55	5	5
Eliminate support requirement for divorced wives and surviving divorced wives	13	(5)		(5)	10	(5)

[1] Represents additional benefit payments in fiscal year 1972.

[2] Present-law beneficiaries whose benefit for the effective month would be increased under the provision.

[3] Persons who cannot receive a benefit under present law for the effective month, but who would receive a benefit for such month under the provision.

[4] Figures not additive because a beneficiary may be affected by more than 1 provision.

[5] Provision not included.

PROGRESS OF OLD-AGE AND SURVIVORS INSURANCE AND DISABILITY INSURANCE TRUST FUNDS, COMBINED, UNDER PRESENT LAW AND UNDER SYSTEM AS MODIFIED BY HOUSE-APPROVED BILL AND BY SENATE-APPROVED BILL, SHORT-RANGE ESTIMATES.

[In millions of dollars]

	Income		Disbursements				
Calendar year	Contributions[1]	Interest on fund	Benefit payments[2]	Administrative expenses	Railroad retirement financial interchange	Net increase in funds	Funds at end of year
			Present law				
Past experience:							
1967	25, 518	896	21, 417	515	539	3, 942	26, 250
1968	27, 448	1, 045	24, 954	603	458	2, 479	28, 729
1969	32, 004	1, 342	26, 767	612	513	5, 453	34, 182
Estimated future experience:							
1970	35, 201	1, 821	31, 894	623	589	3, 916	38, 098
1971	39, 639	2, 102	33, 792	740	617	6, 592	44, 690
1972	42, 121	2, 513	35, 122	792	688	8, 032	52, 722
1973	48, 003	3, 150	36, 366	849	671	13, 267	65, 989
1974	50, 743	3, 979	37, 626	869	649	15, 582	81, 571
1975	53, 333	4, 904	38, 900	872	630	17, 835	99, 406
			System as modified by House-approved bill				
1971	38, 188	1, 953	37, 269	814	617	1, 441	39, 539
1972	41, 006	2, 088	39, 101	801	753	2, 439	41, 978
1973	43, 494	2, 322	40, 506	758	729	3, 823	45, 801
1974	46, 059	2, 617	41, 950	874	800	5, 052	50, 853
1975	56, 921	3, 186	43, 417	881	714	15, 095	65, 948
			System as modified by Senate-approved bill				
1971	39, 827	1, 930	39, 683	810	617	647	38, 745
1972	42, 935	2, 016	42, 015	812	780	1, 344	40, 089
1973	45, 543	2, 185	43, 503	869	863	2, 493	42, 582
1974	48, 232	2, 413	45, 021	885	847	3, 892	46, 474
1975	57, 099	2, 860	46, 570	892	835	11, 662	58, 136

[1] Includes reimbursements from general fund of Treasury for costs of noncontributory credits for military service and payments to noninsured persons aged 72 and over.

[2] Includes payments for vocational rehabilitation services.

Note: Estimates under the House-approved bill and under the Senate-approved bill assume no automatic increases in (1) benefit rates under the cost-of-living provision, and (2) the contribution and benefit base.

Source: Office of the Actuary, Baltimore.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 10875. An act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholster's pins free of duty;

H.R. 17917. An act to amend the Tax Reform Act of 1969;

H.R. 18693. An act to amend section 165(i) of the Internal Revenue Code of 1954;

H.R. 19242. An act to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves; and

H.R. 19881. An act: consolidated returns of life insurance companies.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to a bill of the House of the following title:

H.R. 17068. An act to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond.

SOCIAL SECURITY ACT AMENDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. MILLS) is recognized for 10 minutes.

Mr. MILLS. Mr. Speaker, I want to take time first to thank my friend, the gentleman from Ohio (Mr. VANIK), for all of his valuable assistance in trying to help me work out, along with other Members who would have been on the conference committee, these many knotty problems that we would have if we went to conference. His assistance is appreciated. And I am sure if we were in conference and could be in communication with the gentleman with respect to each of the 295 amendments that the Senate adopted to the bill, raising the size of the bill from 158 pages initially to an even 400 pages, that we could get some very valuable direction from the gentleman in making decisions as to what the House conferees should be expected to do on each of these amendments.

How long this would take, however, insofar as receiving that consultation and advice and then making a decision on the part of those of us who would be the conferees, I do not know. But I think the gentleman has been in the Congress long enough, I think he has been on the Committee on Ways and Means long enough—maybe he has not attended enough conferences to know—that it is humanly impossible within a short period of time to go to conference, hand pick four or five things out of a bill that the gentleman wants us to have, and come back with those four or five things, and turn down the remainder in the conference and get the other side to agree.

You know, a conference is a compromise between representatives of this body and of the other body. I have never known of a time when the other body just capitulated on the basis of suggestions that the gentleman from Wisconsin (Mr. BYRNES) and I, and other House conferees would say what we wanted on the House side, because invariably they tell us that Senator So-and-So has a most important amendment in this bill, and we just could not go back to the Senate without Senator So-and-so's amendment adopted in the conference "for fear that he would engage in what is referred to over there as 'unlimited discussion' on the weaknesses of the conference report without 'my' provision in it."

That has happened invariably with respect to every one of these so-called Christmas tree bills that the House has been presented with over the years, usually before Christmas, you understand, Mr. Speaker, but this one did not pass the Senate until December 29.

Actually, there were so many errors in it after passage in the other body that it actually took two prints and two revisions by the enrolling clerks, or whoever does it, in order to put the bill in some form that they could submit to the House. It has taken over 2 working days of the Government Printing Office and the enrolling clerks in the Senate to get out this 400-page document for the House. Now, nobody knows yet whether it is perfect or not, even as far as the clerical condition is concerned, but we do know we did not get it until today.

And as I look at my calendar it seems to me that today is the 31st day of December, is it not?

Now, I took the occasion this afternoon, after I received the print—because of the interest of my friend, the gentleman from Ohio, in something being done, and also my own interest—just to run through some of these things, and see just what the Senate had done that he, on yesterday, recommended so quickly when he sent a letter to everybody in the House saying that he acknowledged that these were good amendments, and stating in the first paragraph of his letter to all of his dear colleagues, dated December 30:

> Today the House will receive—

And it did not, but he said it would—

> the Senate-passed Social Security Act with a request for a conference. The Senate amendments to this bill merit adoption by the House en bloc. There is no need for a conference and delay.

Now, I hope my friend has changed his mind, because there are provisions within the Senate bill that my friend fought in the House Committee on Ways and Means when they were being discussed. For example, my friend would not be for a suggestion that the Secretary of Health, Education, and Welfare be directed to levy against any and all property that any person might have who happened to owe money to the medicare program. Surely not.

The gentleman opposed that in the Committee on Ways and Means, but the gentleman asked me yesterday to just proceed to take the bill with that kind of an amendment in it.

XUM

Another provision that my friend surely would not want is one in an effort to do, I think, a very implausible thing: subsidize employers to employ the hard core unemployed, giving a tax break of such nature that it is profitable to the employer to fire his long-time unionized members, and go to nothing but so-called hard-care employment.

That is one thing I have always been told by my friends in organized labor, that they feared and did not want to see happen in connection with any of these training programs.

Now that is another provision which, had I followed the gentleman's advice and taken the bill from the Speaker's table and adopted the Senate amendments en gross or en bloc, we would have had in this bill.

But the most serious part of it all really is here again—the irresponsibility of the matter. And I say this advisedly. It makes one's patience wear thin, when we have this sort of situation on a bill which reaches us on December 31 in the afternoon, which has 295 amendments, covering 268 pages of new provisions, which we were asked to accept even before the language of the amendments was available.

One thing that has happened every time the Committee on Ways and Means has acted on social security, and I wish my friend, the gentleman from Wisconsin, if I am wrong will correct me, the Committee on Ways and Means historically and certainly ever since I have been a member, and that goes back to 1942, has studiously acted to prevent this fund from ever becoming actuarially unsound.

We have never allowed such a bill to pass with our support even though every time, I may say without exception, we have had to patch it up in conference to prevent Senate amendments from making it actuarially unsound. We presented a bill to the President, which was sound, and we could say to the American people that it was actuarially sound, and we have maintained the integrity of the congressional position that you may rely with certainty upon these monthly payments when you are in retirement.

This bill, as we have it before us, is out of balance by 0.25 percent of payroll. Now that does not sound like very much does it? But what does 0.25 percent of payroll represent in dollars? That represents over $1 billion a year. We do not have enough in the fund to run the risk of spending more money within the life of the fund—more money than we can take in on an actuarial basis.

Now I could ask the gentleman to help me with respect to extending a lot of these other provisions, but I am not going to because I know now that my friend does not want us to take all of this. He has had a chance to know more about what is in the bill—and I am not criticizing him. I know that he has this zeal to help people. I have it myself. But if he will be patient with me and not be too anxious, and will let me go over some of these things with him and advise with him ahead of time, I may be able to help him to avoid making a mistake in this area because I have had some experience that he has not had an opportunity to have that I am sure my friend could use. What I am talking about is this.

No one has spent more time, in my opinion, working in this field in the effort to help people than the membership of our committee, in total, over all of these many years. I know I have spent a lot of time thinking about this. I have been proud of the fact that the benefits under social security have risen; and that the fund has grown more; the program has meant more during the period of time I have been on the committee, and may I say even during the period of time I have been chairman of the committee, than in all of the history of the program theretofore. I have taken great pride in that. It is a pleasure for me to have been the author of so many of the bills that have helped the program to go in this direction.

But I urge my friends who are petitioning me through the gentleman from Ohio (Mr. VANIK) to be a little patient with us—and I know that we will not do all that they ask of us, and I say that in all frankness—but I have a lot more optimism about the whole operation than my friend has. I am not a pessimist like he is.

I have said, and the gentleman from Wisconsin has said, and every member of the Committee on Ways and Means with whom I have discussed the matter has agreed with me that there will be reported from the Committee on Ways and Means as soon as possible after we reconvene a bill which will provide social security benefit increases across-the-board retroactive to January 1. The benefits in this bill would go into effect then.

It would be my intention that the bill would provide for those things that the House provided for in the social security measure insofar as outside earnings are concerned. We cannot go to the $2,400, without making our bill as actuarially unsound as the Senate bill is, except that we should increase taxes—and I do not know whether we want to do that or not—but what I would like to do is to report back a bill without a whole lot of discussion and a whole lot of divisiveness on the part of the committee, as quickly as we can. In my opinion, no hearings are necessary, I am sure my friend would agree. I think if we do that and make such adjustments as we want to with respect to the percentage across-the-board increase in benefits and let the House know that the bill that it voted on last year is similar to the bill that we are asking it to vote on next year with these exceptions that we will describe, the bill would go through by unanimous consent.

The SPEAKER pro tempore. (Mr. FOLEY). The time of the gentleman from Arkansas has expired.

(By unanimous consent, at the request of Mr. BYRNES of Wisconsin, Mr. MILLS was allowed to proceed for 5 additional minutes.)

Mr. MILLS. I thank the gentleman.

The bill could pass by unanimous consent, in all probability. There is no reason why we cannot do it by Lincoln's Birthday, if we get the House organized. I would like to repeat: if we get the House organized in time. I, of course, do not know whether we can do it. I do not know what the caucus is going to impose upon us in that respect. They may make it impossible for us, if we are not careful, to organize the House in a short period of time. It may take us the month of February. But if it does not, we can, as the Ways and Means Committee, meet and report this bill out, in my opinion, in a short time at the most and have it passed.

So I say I am far more optimistic than my friend from Ohio is. I am surprised that he is so pessimistic, and I hope he will not go home and go to bed tonight without that degree of optimism about this that I have.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I think there are others who share the chairman's optimism, and certainly there are people who are as concerned about the welfare of these people as is the gentleman from Ohio, the gentleman from Arkansas, or myself. I refer to the National Council of Senior Citizens, Inc.

If the chairman would permit, I would like to call to the attention of the gentleman from Ohio a letter that they sent to the chairman of the committee and also to myself as the ranking member, and this was done some time ago, acknowledging the impracticality of going to a conference.

Certainly, if the proposition the gentleman suggested yesterday had been presented, they would have been equally shocked—the idea that we should just accept the Senate amendments en bloc. I could not help but be breathless at the preposterousness of such a proposition in abdicating the responsibilities of the House and the responsibilities of the Ways and Means Committee.

Now today the gentleman presents us with a new proposition, and that is to follow this very selective method.

But let me read what the National Council of Senior Citizens wrote to the chairman and myself with respect to the matter at hand:

NATIONAL COUNCIL OF SENIOR
CITIZENS, INC.,
Washington, D.C., December 23, 1970.

Hon. WILBUR D. MILLS,
Chairman Committee on Ways and Means, U.S. House of Representatives, Washington, D.C.

DEAR WILBUR: This morning's press carried a story to the effect that you and Congressman Byrnes had issued a joint statement dealing with the practical impossibility of any House-Senate Conference completing action during this session on H.R. 17550, even in the unlikely event that the Senate could act on this legislation between now and the end of this Congress.

Let me say that we in the National Council of Senior Citizens were relieved to learn of this position taken by you and the ranking minority member. We have been concerned during the last several weeks lest the Senate might be pushed by the time factor into some hasty action on this complex and far-reaching piece of legislation and that a House-Senate Conference would be confronted with the task of reconciling the two measures made enormously more complex by all of the changes made in the bill as reported by the Senate Finance Committee. It is our view that the position that you and Congressman Byrnes have taken and your

> making the position public represents a responsible approach to the problem at this stage and we are grateful for it.
>
> We were glad to note also that the statement as reported indicated your readiness to consider improvements in the Social Security and Welfare programs early in the first session of the new Congress and that you expected that increases in Social Security benefits would be made retroactive to January 1. If you are successful in these efforts, the elderly will not have suffered any overall loss of benefits, though so many of them are living on the very edge of the margin that even delays in receiving benefit increases are very serious. Any such delay, however, would not be nearly as harmful to the elderly of this country as the effects of hasty and ill-considered legislation might be.
>
> In connection with the new proposals in benefits, we hope that the Ways and Means Committee will recognize that since the very modest increase of five percent passed the House early this year, it has already been used up by the effects of the inflationary rise in the cost of living which hits the elderly on fixed incomes the hardest. We would urge therefore that as you approach this problem in the new year you would consider substantially greater increases in the benefit schedules than those in the House-passed bill of 1970.
>
> With the season's best wishes, I am
>
> Sincerely yours,
>
> NELSON H. CRUIKSHANK,
> *President.*

That is the position the Chairman is taking, and it is the position I have taken, that we are here dealing with a trust we have that involves the future floor of protection for all the older people and the people who are working today, and that 20-some million who are dependent on this system. We cannot take risky action, we cannot take precipitous action, we cannot take ill-considered action if we are going to do justice by the rights of these people and their dependents under this system.

XUM

I compliment the chairman with respect to the position he has taken in our dealing with this legislation and with respect to the bill as it has come over from the Senate.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I would like to say I never intended to imply that what the other body prepared for us was a perfect bill. We have had many imperfect bills sent to us from the other body. There has been the trade bill, that included oil quotas and everything else under the sun that could be hooked onto it. I know neither the distinguished Chairman nor the distinguished ranking minority member of the Ways and Means Committee can tell me and assure this House that the social security bill will not again be used as a delivery system for the kind of conglomerate legislation that could not pass this House on its own.

The SPEAKER. The time of the gentleman from Arkansas has expired.

(On request of Mr. VANIK, and by unanimous consent, Mr. MILLS was allowed to proceed for 2 additional minutes.)

Mr. VANIK. Mr. Speaker, I would like to say I have always supported the integrity of this fund. As a matter of fact, I opposed the language of the House bill, and I cannot tell the gentleman right now whether it is in the Senate bill, the language reducing the tax rate or suspending the increase that was already provided in the law to take effect January 1.

And by that very provision they have diverted over $40 billion out of the trust fund during the next 10 years. I opposed that diversion in the House bill, as the gentleman knows.

I just want to say in closing on this point that it is not my patience that is at issue, and it is not the patience of our distinguished Chairman of the Ways and Means Commttee that is at issue, but it is the patience of the 26 million people plus the great body of other people that are affected by the other provisions of what the Senate has suggested in the four proposals I have made.

I certainly hope, with every hope that I can muster, that what we do next year will approach the high degree of service and accomplishments that is suggested by the four proposals I have asked the House Ways and Means Committee to adopt.

Mr. MILLS. If I have a minute or two left, I will say to the gentleman I do not like his fourth proposal either, because the House proposal of providing $220 to the couple as a minimum payment is better to me than the Senate's providing $200 per couple, but the gentleman will have a chance to vote further in the committee on it if he wants. I will not vote for it. I will vote for the more liberal provision the House will provide. I hope my friend from Ohio, on more reflection, will also.

But what I want to get my friend to understand—and I had thought the gentleman had been in Congress long enough never to accept a proposal from the other body with respect to a bill this big, to understand that never should anybody take such a package, and never recommend to one's colleagues again that the amendments should be taken en bloc until the gentleman himself has had a chance to study them and read them.

Never in my years of dealing with the Senate have I ever known that body to produce anything and send it here, never have I ever had to go to conference with them on something that I have taken en bloc. I have never done it. I will ask the gentleman from Wisconsin if he has ever known of a major product coming from that body which we have had to meet on that he would take en bloc?

This is what I want to caution my friend about, because I do not want him to make a mistake again if he stays here—and I think he will, because he is a valuable and able Member—but I caution my friend, the gentleman, just do not make that mistake.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has again expired.

(By unanimous consent, Mr. MILLS was allowed to proceed for 2 additional minutes.)

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to my friend from Ohio.

Mr. VANIK. I just want to say I certainly hope that the distinguished chairman and the ranking minority member of the Ways and Means Committee and other Members of this House will help us adopt rules that will make it possible for the other Members of this body better to see a bill that they vote on that is reported out of a conference.

I have to go to the Speaker's desk to read the amendments, because under the archaic procedure under which we operate today a conference report coming over from the other body is almost secret to most of the Members of the House. They have no way of knowing totally what is going on in the legislative process, not only at this stage of a legislative session but also at any stage of a legislative session.

Mr. MILLS. Would my friend yield back to me?

Mr. VANIK. Certainly.

Mr. MILLS. Now, do not castigate us any more about conference reports and things like that.

I have never brought up a conference report during the time I have been chairman of the committee which has not been printed and available to every Member of the House who wanted to get it before it was ever considered. All a Member has to do is to ask for it and read it.

The gentleman asked me, though, yesterday, to take a bill that was not even over here, which had not even been printed by the Government Printing Office, and to accept all the amendments en bloc. It did not become available to anyone until today. But the gentleman sent his letter out yesterday.

If the gentleman wants to criticize us about conference reports, do not do that any more, please.

Mr. VANIK. I want to point out that no Member of this House had access to that volume prepared by the other body unless he went to that desk. I believe the rules ought to be changed.

Mr. MILLS. It was not there. What I am trying to tell the gentleman is that the engrossed copy arrived today—I repeat, today—at the Speaker's desk, and I could not get a copy of this until today, which represents the bill as amended by the Senate, and the ink is not even dry on it now. No one could get a copy because it was not in print.

Mr. VANIK. I want to point out to my distinguished chairman, I thought the report would be delivered the day before. They personally told me in the other body it would be delivered.

Mr. MILLS. What I am trying to caution my friend—and to get my friend to see the wisdom of my advice—is not to send out a letter until he has had an opportunity to analyze and to know what is in the proposition he is asking the House to take. That is all I ask. He should not have sent out the letter on the basis of the bill having been sent to the House. He should have sent out his letter, in my opinion, on the basis of an actual examination and an indepth study of the amendments, because now I do not know whether in the future I want to go along with his recommendations that I do something or not, because I just will not know how far into the subject he has gone. That is what worries me.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has again expired.

(By unanimous consent, Mr. MILLS was allowed to proceed for 1 additional minute.)

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Ohio.

Mr. VANIK. I just want to point out to the distinguished chairman that no Member of this House had access to this bill at all until it was brought to the Speaker's desk. In my letter I assumed it was going to be brought over yesterday. That is the reason why the language was in the letter. But that is only a small part of the controversy I raise today.

Mr. MILLS. Pardon me, but there is no controversy between the gentleman and me. We are both trying to do the same thing, to help the old people.

Mr. VANIK. I just want to say, in concluding my remarks, I certainly hope and trust that the goals we both aspire for and aim for with respect to our social security program will be adopted in time next session to make it a realistic and early payout to the 26 million people who are involved some time before April 1.

Mr. MILLS. I just want the gentleman to be optimistic, to be in the committee, like he is, and to see to it that it is done. But be optimistic about it, I say to my friend.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from California.

Mr. CORMAN. I thank the gentleman for yielding.

I notice in the proposal of the gentleman from Ohio we are dealing with two subject matters, although both deal with the old people. One is the social security benefit and the other is public assistance.

I understand from the chairman that we may move rather rapidly into this whole field. It is my own feeling that when we talk about public assistance, people who are poor and may be hungry, we are talking about people who are too old to work, too sick to work, and too young to work. Am I to anticipate we will take care of all those people at the same time, since there are little resources in the States to pay their portion of the cost of this?

It seems we must not exclude any portion of the poor when we finally decide what the Federal Government wants to do and what we will attempt to get the States to do.

Mr. MILLS. I will state to the gentleman that if I had not already made that observation, I should have done so. We do not want just a social security bill. What we would want, if I could have my way in the matter, would be a combination of such matters as we have been talking about; namely, social security amendments, medicare amendments, medicaid amendments, welfare amendments, which would include the AFDC program and any changes in that area, and also your adult assistance, which applies to the aged, to the disabled, and to the blind, so that we will have a complete package in one bill.

Mr. CORMAN. Mr. Speaker, I appreciate the comments of the chairman. But I would rather, when we look at this total picture of assistance, believe the first thing involved is what the beneciaries are to get and how much out of the total amount of resources will be devoted to these programs; how much the Federal Government is going to put in the pot and how much the State and local governments will put in.

Further, with regard to the Federal Government contribution, it comes in two forms. One form is general funds and the other form is from social security. We are always tempted to raise it to a rather high level, the minimum of social security, depending upon public assistance, but in truth if you do that you then cut back on the amount of money you have to give as benefits to social security recipients who have paid a substantial amount of money over a long period of time. So, in truth you rob the workers to obtain the expenditures for the benefits you might otherwise not have.

Mr. MILLS. I think the gentleman from California is eminently correct.

Mr. Speaker, let me say this in conclusion: I regret that I had to conclude, along with the gentleman from Wisconsin (Mr. BYRNES), because of the time elements involved, that it would be an idle gesture and that it would be impossible for us to accomplish anything by going to conference. Therefore, you have to conclude that it would have been inadvisable to take the bill from the Speaker's table and engage in an idle gesture of asking unanimous consent for it to go to conference and die in the conference. I would rather that we not go through any such idle gesture here but recognize, all of us, just because we may at this particular session of the 91st Congress have lost a battle, it does not mean we have lost the war. I have received letters and telegrams from a number of organizations representing our older citizens commending us on our decision on this matter. There will be another Congress either on January 4 or January 21 or sometime next year—the beginning of the 92d Congress—and I can assure all of my colleagues, as I have said to my friend, the gentleman from Ohio (Mr. VANIK), with reference to the timing of this bill, it is my intention to move the bill as quickly as is possible and I have no thought of letting anything that might develop interfere with the carrying out of that purpose insofar as I can control it. Now, certainly, I know that my friend has confidence in me, as I have in him, and I know I can join him and I know he joins me in wishing a very happy New Year to all of those who are here as well as our colleagues who are not here, but certainly to those who have remained here long enough to hear the gentleman from Ohio and the gentleman from Arkansas settle this matter.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has again expired.

THE LATE HONORABLE NAN WOOD HONEYMAN

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, it is with sadness and regret that I report the death of a former Member of this House—and a friend and fellow Oregonian. They were restless, creative, and visionary years when the first woman, from my State of Oregon to serve in the Congress, took the oath in the well of this House. It was 1937—with a great depression still to unravel and a world war growing ever more imminent—the Nation could afford nothing short of the very best in representative government.

With an already well-established record of widely ranging public service, with a reputation for boundless energy, with an unflinching public commitment to "New Deal" philosophies and policy, with a close personal friendship with Franklin and Eleanor Roosevelt of many years, the United States could not have asked for a better combination of the "right person for the right time" than they found in Nan Wood Honeyman.

In the tradition of pioneer women, Nan Wood Honeyman was a self-reliant, independent, and strong-willed individual. Her legislative role in Washington and her work on behalf of the State of Oregon in a time of seemingly impossible difficulties for the country were characteristic of the fine pioneer family from which she herself descended. To be one of Nan Wood Honeyman's successors from the third congressional district is a genuine honor, and with my fellow Oregonians, I mourn her death. The following glowing testament to the late Congresswoman Honeyman appeared December 14, 1970, in the Oregon Journal:

NAN HONEYMAN RITES SCHEDULED WEDNESDAY

Funeral services for Nan Wood Honeyman, Oregon's first woman member of Congress, will be held at 11 a.m. Wednesday at Trinity Episcopal Chapel in Portland. Mrs. Honeyman, 89, died Thursday in Woodacre, Calif., where she resided in recent years.

Mrs. Honeyman was a close friend of two Democratic U.S. presidents many years before they were elected to the nation's highest office.

As Nanny Wood while attending college in the East, she first met Franklin D. Roosevelt and his wife, Eleanor, when they were all guests at a Roosevelt family wedding. The meeting evolved into a lifetime friendship.

She became acquainted with Lyndon B. Johnson when he was about 30 years old and that friendship also endured, particularly after all three were in politics.

Mrs. Honeyman was born at West Point, N.Y., while her Army father, Col. Charles E. S. Wood, was stationed there. When she was 2 the family moved to Oregon where Col. Wood gave up his military career to become a lawyer.

She received her education at Portland's St. Helens Hall and at a finishing school in the East. After completing her schooling she met and married David T. Honeyman, now deceased, of the Portland hardware store family.

A woman of seemingly boundless energy, Mrs. Honeyman reared three children but still had time to participate in many civic and social activities during the first decades of her married life. She came into the public eye as president of the League of Women Voters; chairman of the Women's Organization for Prohibition Reform (although she was a nondrinker), on the boards of Doernbecher Children's Hospital and the Oregon Mental Hygiene Society and as committeewoman for both national and state Democratic party groups, as well as being a leader in many other civic and social organizations.

It was her observance of the failure of prohibition and public sentiment against presidential candidate Al Smith because of his religion that impelled her to try the political field herself.

In 1934 she opened a campaign office in Portland to run for the Oregon Legislature three months after serving as hostess for the Portland visit of President and Mrs. Franklin D. Roosevelt. She won a two-year term in the November election and the Honeyman political career was launched.

She shortened her name from Nanny to Nan and set her sights on Congress in 1936. Col. Wood at that time wrote of his daughter to a friend:

"I can't see she has much of a chance. She gets up and says what she thinks . . . and she doesn't know how to pussyfoot. Intelligence and candor are doubtful assets in practical politics . . ."

During her campaign, Mrs. Honeyman said, "I am aware that politics was once considered a man's world . . . when government was largely concerned with men's affairs. Today's governmental problems are primarily women's . . . (because) government and the home are closely united."

She ran a strong campaign and in her platform advocated many things such as federal funds to complete the Wilson River-Wolf Creek highways to the Oregon beaches.

She defeated incumbent William A. Ekwall for the 3rd District post and was the only new woman member of the House.

In her first three months in office, Mrs. Honeyman made one speech of less than five minutes in the House but she often had private discussions with President Roosevelt at the White House. She bowed to the teasing of male constituents in the House for wearing black and said she would get a wardrobe of different colors.

Later she made a womanly pitch to have Congress drop the special tax on cosmetics but lost. When the secret of her 56th birthday leaked out in 1937 (she looked much younger), a Texas congressman proposed to "have Congress declare it's your 30th birthday." She blushingly told him to hush up.

Although she stayed in office only one term, Mrs. Honeyman led successful legislation for several Oregon projects including Bonneville Dam. Being a friend of FDR, she was a strong supporter of the New Deal.

Although she had the backing of many labor groups, Mrs. Honeyman was defeated for re-election in 1938. In 1940 the Democrats asked her to run for Congress again. She said then, "I have been accused of being a rubber stamp for President Roosevelt because I voted for many measures beneficial to the public when I was in Congress. If voting for bills that help better our social standards make one a rubber stamp, then I plead guilty."

Despite her eloquence she was defeated for another term but in 1941 she was sworn in to fill a State Senate seat made vacant by a death. She resigned four months later to take the post of Pacific Coast representative for U.S. Office of Price Administration.

She stayed in this job until December when President Roosevelt nominated her for District 29 customs collector with an office in Portland. She held the post 12 years, the last term following her nomination by President Truman.

During her career Mrs. Honeyman attended three national conventions of the Democratic party as a member of the Oregon delegation and at the one in 1936 she seconded the nomination of President Roosevelt to serve a second term.

Survivors include a son, David of Portland; a daughter, Mrs. Kent (Nancy) Robinson of Honolulu; a brother, Erskine Wood of Portland; five grandchildren and eight great-grandchildren.

Cremation will be at Riverview Cemetery. The family suggests flowers or memorial contributions to Doernbecher Children's Hospital.

GENERAL LEAVE

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have until the end of the session to extend their remarks on the subject of my 1-minute speech.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

A TRIBUTE TO THE HONORABLE WILLIAM C. CRAMER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE), is recognized for 30 minutes.

Mr. BURKE of Florida. Mr. Speaker, when this 91st Congress adjourns, not only will many of us in the House of Representatives lose a good friend but the people of our Nation will lose one of its most outstanding legislators.

I refer to my personal friend, the honorable WILLIAM C. CRAMER, the distinguished Congressman and statesman of Florida's 8th Congressional District.

Ever since BILL CRAMER was first elected by his constituents in 1954, he has served not only the people of his congressional district but his Nation also, with honor, distinction, and with dignity.

Congressman CRAMER was the first Republican elected in the South since reconstruction days, and although he is truly a partisan Republican—he is a strong advocate of a strong two-party system as distinguished from multiparty politics. But BILL CRAMER also believes in fair play and he recognizes the need for service has been outstanding and gives accurate testimony to his dedicated hard work.

The people of his district also gave testimony to his outstanding service and returned him to Washington as their Congressman in 1956, 1958, 1960, 1962, 1964, 1966, and 1968. There is little question that they would have done so once again in 1970, had Congressman CRAMER chose to run for reelection instead of deciding to run for election to the U.S. Senate. Unfortunately he did not succeed and despite a difficult successful primary, he lost in the general election to his Democrat opponent but when the fight for the Senate seat was over Congressman CRAMER emerged with his head high—a gentleman—confident of his own future and confident in the future of our country.

I am proud to let BILL CRAMER know how I feel about him. He is my friend—he is a great Floridian and an outstanding American. Change when changes becomes necessary for the well being of our Nation and its people.

There is no question that BILL CRAMER fathered and nourished the Republican Party in the State of Florida. He served in the Republican Party not only as a Congressman but as a State committeeman and national committeeman as well. He served also as a member of the executive committee of the Republican Congressional Committee—as vice chairman of the Republican Conference and as a member of the Republican Policy Committee.

But as I stated, despite his partisan loyalty—he is fair and he is an outstanding legislator. His outstanding service and capability while a Member of the U.S. Congress, is a matter of public record. His accomplishments in the legislative field are many. His work and accomplishments for people of his district, not only in public work programs but in personal and today as the sun begins to set on this 91st Congress—and its achievements, for better or for worse, are about to become history. I am sure most of my colleagues here in the House whether they agree with BILL CRAMER's politics or not, will concur in my conclusion, that he rates an outstanding legislator award and has been one during his time of service one of this body's most outstanding and hard working Members.

In closing, Mrs. Burke and I would like to wish BILL CRAMER and his wife, Alice, and his family good luck, good health, and a happy and prosperous future.

Mr. BENNETT. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Florida. I yield to my friend, the gentleman from Florida.

Mr. BENNETT. Mr. Speaker, I want to associate myself in paying tribute to Congressman CRAMER for the many fine things he did here during his membership in the House of Representatives and his position of leadership in the activities of the House.

When Congressman CRAMER came here he was the only Republican in the delegation, and naturally the delegation felt a little bit ill at ease temporarily. But we found we could work very cooperatively with him and we have watched his contributions to our country and to his district and to our state. I know I speak for all the members of the delegation and for their wives and families in expressing to Congressman CRAMER affectionate regards and our desire that he may find in his retirement or in whatever he goes into fulfillment for himself and for his family. We wish them well in all things in the future.

Mr. BURKE of Florida. I thank my colleague.

Mr. FINDLEY. Mr. Speaker, Mr. CRAMER was an outstanding Member of this body whose talents will be sorely missed in the 92d Congress.

I first became well acquainted with him when we were together as Members of the House Republican task force on NATO. He was a diligent member and helped to advance several imaginative constructive programs for free-world unity.

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He was effective in every endeavor he undertook on the House. I regret very much his retirement from this body.

GENERAL LEAVE TO EXTEND REMARKS

Mr. BURKE of Florida. Mr. Speaker, I ask unanimous consent that all Members may insert their remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ATTEMPTED EMIGRATION OF RUSSIAN JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, the story of the attempted emigration of a group of Russian Jews brings into acute focus a situation that has existed in the Soviet Union for many years.

We can no longer doubt that for Jews living in Communist Europe, there truly exists an Iron Curtain, closing off for them any hope of leaving a country that treats them with calculated contempt.

In Leningrad, 11 Jews have just been declared guilty of attempting to hijack an airplane, and have been sentenced to severe prison terms. This is the ultimate injustice, for anyone with any sensitivity to human suffering recognizes that these people were not planning an act of air piracy in the criminal sense, but were merely trying to escape the suffocating persecution in the Soviet Union. Theirs was an act of survival, and if a crime has been committed, the fault lies with the Soviet State.

The only victory for humanity to be found in this whole matter is that the original death sentences have been commuted. This was accomplished only through the untiring efforts of Jewish leaders such as Prime Minister Golda Meir of Israel, who brought worldwide pressure to bear on the Soviet Government.

In view of the tremendous problems that remain for Jews in Russia, this is but a small victory. Nevertheless, the struggle against injustice goes on. I am enclosing today two items that show that worldwide concern for Jews in Russia will not cease until they are free:

DECLARATION: EMERGENCY CONFERENCE ON SOVIET JEWRY, DECEMBER 30, 1970

We, representatives of American Jewry, have assembled with our fellow citizens of all faiths to declare our solidarity with our courageous brothers in the USSR and to protest the brutal injustice being perpetrated against them.

In Leningrad today, two Jews stand condemned to imminent execution by firing squad—a judicial murder ordered by a Soviet court. Nine others, including two non-Jews, have been sentenced to long prison terms. All had been accused of planning to seize a small 12-seater plane and flee the country. Other trials of Jews are contemplated.

All the known circumstances surrounding the Leningrad trial give evidence of a political provocation, officially inspired, meticulously prepared, and centrally coordinated, with the objective of intimidating the Jews of the Soviet Union. To avoid the scrutiny of the concerned and enlightened world, the trial was held in virtual secrecy; no foreign observers or correspondents were admitted. The suspicion is well-founded that the rights of the accused were not protected. The "confessions" extracted from the accused evoke the memory of the fraudulent self-condemnations mouthed by prisoners in past Soviet political trials.

Barbaric sentences have been handed down for crimes that were never committed. There was no hijacking, not even an attempted hijacking. There was no seizure of a plane nor any flight abroad.

The people sentenced in Leningrad are not criminals. Some are condemned to die a martyr's death and others to languish in jails because they dared to proclaim their identity as Jews and their determination to join their brethren as free men in Israel. For this offense, the Soviet court has meted out the death penalty. The condemned have been selected to serve as an object lesson for all the Jews of the Soviet Union. The clear purpose is to bludgeon into silence and submission Soviet Jews who wish to exercise the basic human right of religious, cultural and national self-expression, including the right to join their families in Israel.

This past week, Jews have observed the ancient holiday of Chanukah, commemorating the successful struggle of the Maccabees, 2,135 years ago, to resist tyranny and to preserve their Jewish heritage in freedom. The Jewish prisoners of conscience in the Soviet Union are the Maccabees of today. We cry out against the vicious attempt to destroy their spirit.

The chronicles of the Jewish people are an affirmation of the failure of tyrants to destroy this ancient nation and heritage. The might of Babylon, the power of ancient Rome could not kill the people's spirit, just as the savagery of Hitler and the madness of Stalin failed to destroy it. The present attempt, likewise, shall not succeed whatever the means employed.

We assert that a travesty of justice has been perpetrated in the Soviet Union. We call upon the Kremlin to right the wrong committed against the Leningrad defendants before the guns of the firing squad commit murder. We call upon the Soviet Government to put an immediate end to the acts of repression and discrimination against Soviet Jews and to grant them the right to live as Jews in Russia and the right to leave and live in the land of their choice.

So long as these injustices persist, men of conscience of whatever faith or nationality will not be silent. In anguish we raise our voice for the sake of those facing death and imprisonment. We speak out to champion the cause of human rights for Soviet Jewry which, day by day, demonstrates its collective resolve to preserve its heritage despite hardship, intimidation and outright suppression.

We call upon the civilized world to join us in this, our appeal: Let Justice Prevail!

(Sponsored by American Jewish Conference on Soviet Jewry and Conference of Presidents of Major American Jewish Organizations.)

THE PULPIT

The Soviet plot to annihilate Russian Jewry has come into focus with the Leningrad "trial" where two Jews were sentenced to death and seven others, with two non-Jewish "accomplices", sentenced to prison terms. Kremlinologists fear that this is the beginning of a wider conspiracy to entrap all Jews who are seeking to emigrate to Israel.

The macabre plots and counter-plots revealed in "Khrushchev Remembers" further raise the curtain on the ominous fate of Russian Jewry. Tied to Stalin's paranoic hatred of Jews, his exhumation by the present Soviet rulers portends lethal consequences.

Khrushchev even updates Soviet anti-semitism with quotes from the men assigned to guard him in his retirement, which leave little doubt about Russian intentions to Sovietize or liquidate the Jews in their midst.

"Brezhnev Remembers" and "Kosygin Remembers" when they are deposed are likely to reveal the machinations of their predecessor, and how he sought to solve the "Jewish problem." So it remains for the Soviet succession to indict its predecessors in a never-ending chain of persecution, bloodshed and judicial murder.

The drunken, carnivorous, brawling orgies of the vodka-crazed Bolsheviks must be exposed to the extent that every decent human being will come to recognize the Kremlin for what it is—a death laboratory for human extinction, rivaling Auschwitz, Dachau and Treblinka.

Even the Czarist pogroms were not government-sponsored, and Jews were free to escape their tormentors. Not so under the Communist regime. The Jew cannot escape, and if he dares express a desire to emigrate and join his kith and kin in Israel, he is entrapped by provocateurs in a bizarre hijacking that never took place.

I wrote the first draft of this Pulpit on Friday, December 25, a day "when everybody loves everybody else," but my rage was not eased by the environment around me. To the contrary, I lashed out in fury. The humiliation, pain and agony that we have been called upon to endure for nearly two millennia suddenly burst with the turn of events in Leningrad, so that I could no longer contain myself.

What you read, therefore, is a revision of my first draft. Still, I hope that there is enough rage stored in the veins of my fellow Jews to lash out at these criminals unrestrained by any restrictions imposed by a decadent society and an impotent free world.

"Thou shalt teach them diligently unto thy children:" teach them that their grandmothers and grandfathers or other kin died in the incinerators of Nazi Germany; tell them of the staggering toll in death; tell them, too, of the attempted genocide. If you don't, you will have stripped them of all defenses; and they might even join your executioners, as some have already done, laying bare your infidelity to your G-d and people.

Shouldn't you and I ask ourselves whether by doing little, we do nothing, and even aid and abet the conspiracy of silence? Should you and I restrict ourselves to lip-service and protests? Are you and I going to enlist the help of our neighbors to put out the fire in our hearts?

I would not be content, nor would I relax my vigil until Jewry, men, women and children of all ages throughout the world take such steps as would establish their solidarity with every Jew persecuted anywhere in the world.

The Soviet plot to annihilate Jewry and Israel must be met in a manner that would leave no doubt in the minds of our executioners that their crimes will not go unpunished.

I propose the following steps:

1. A night and day vigil of thousands of souls in and around the United Nations, with additional hundreds of thousands of souls covering the entire area upon which stands the United Nations, an impenetrable human wall that would spell out in unmistakable terms that the Soviet Union is an outlaw, and any concubinage with her by any nation or people is no less barbarous than the perpetration of the crimes being committed against Jewry.

2. Every seat of government in every capital from Washington to London to Paris, etc., should be encircled by hundreds of thousands of souls, and not just for an hour or a day, but until the hands of injustice are stayed.

3. An international mass closing of stores and businesses owned by Jews and their

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Christian sympathizers for one or more days, which days should be spent in the synagogues and churches to focus on the bestiality of the Kremlin.

4. Demand, not negotiate, severance of all diplomatic ties by so-called civilized nations with the Soviet murderers and persist in these demands.

5. A massive campaign must be inaugurated for the expatriation of all of Russia's Jews to Israel, and this be non-negotiable and the only valid terms to satisfy our fury.

6. This state of exigency must be relentless, and the momentum must increase to the extent of the brutalization endured by our people.

7. Should the above steps prove inadequate, I propose the creation of a vast intelligence network, stretching from Washington to London to Paris to Moscow for the sole purpose of avenging tenfold every Jew murdered by the Communists.

The hour is late and the distance between survival and extinction narrows. The seconds that pass swell the tolls of our martyrs. Don't let it happen again. Resolve: Never again!

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 60 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Every year more and more books and publications are made available to the American people. Since 1950 the number of new books and new editions published in the United States has increased 2½ times; 11,022 were published in 1950 compared to 29,579 in 1969.

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PLIGHT OF JEWISH PEOPLE IN U.S.S.R.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, like the hundreds of thousands of other Americans concerned with the plight of the Jewish people in the U.S.S.R., a committee of prominent Jewish residents in Wilkes-Barre, Pa., which I have been privileged to represent in the Congress for the past 24 years, have joined with other concerned civic leaders, students, religious and lay officials, to sponsor a program at the courthouse in Wilkes-Barre tomorrow, in sympathy with the plight of the oppressed Jewish peoples in Soviet Russia.

There is a real sense in which all Americans are with you in this national—and international—protest in behalf of the rights and liberties of the Jewish community in Russia. Wrote John Donne centuries ago:

> Ask not for whom the bell tolls: it tolls for thee.

Whenever and wherever the rights of and human beings are violated, the rights of all human beings are involved. As Jews you will naturally feel a special kinship with fellow-Jews who are the victims of cruel oppression. As Americans all of us share this deep concern. As human beings, we find it an inescapable obligation imposed by conscience.

We who are Americans are uniquely favored among the nations in that we enjoy the blessings of a government which gives, in the classic words of George Washington, "to bigotry no sanction." We know that these blessings are tragically rare in our troubled world today, and that untold millions do not share them. Foremost among these natural rights and liberties are freedom of worship and freedom of movement, the right of peoples freely to migrate from one nation to another. These are the issues which bring us together at this time to manifest our solidarity with those who are denied such basic freedoms.

The Jewish and the Russian peoples have been thrown together in a remarkable way by the course of history. Not since the days of the Roman Empire had any single power controlled the destinies of so many Jews as did Tsarist Russia. Well into this century over half the Jewish population of the world lived under Imperial Russian rule. The unhappy fate of that great community is all too well known. While the Russian people as a whole have never been predisposed to to anti-Semitism, it has always been an instrument of policy by Russian Governments from the Czars to Stalin—and now, alas, reappears today. Those of you who have read Joel Cang's "The Silent Millions" or similar studies will be familiar with the ways in which Russian Jewry is discriminated against by the Soviet State.

At the beginning of this century over 6 million Jews were living in Russian and Russian-occupied lands. Today, 50 years later, in the wake of two terrible wars and the dreadful Nazi massacres, there are only about 3 million Jews remaining in the Soviet Union. It is their sad plight to which we address ourselves; it is their survival which motivates our heartfelt concern.

Our immediate attention is centered in the fate of those who have been sentenced to death or to long prison terms at hard labor. America has always interceded in the past for oppressed groups in every land. Thankfully, the conscience of the world was aroused. It is interesting to note that voices are raised even in Russia: The physicist, Sakharov, the father of the Soviet hydrogen bomb, has had the courage openly to denounce the proposed executions as unjust brutality. Such a statement could never have been made were it not for the scope of worldwide demonstrations, such as your gathering here today. It is good to know today that the death sentences were commuted by the Soviet Government.

Our larger concern is the legal and moral right of Russian Jews—as of all men—freely to emigrate. A much-loved American spiritual portrays the cry of the Jews of old through the words of Moses to Pharoah: "Let my people go." This same cry rises today from the hearts and souls of the "silent millions" as from all men and women everywhere who believe in human dignity and freedom. May the common God and Father of us all bless your resolve in the days to come, sustained by the faith of the psalmist of old:

> O pray for the peace of Jerusalem: they that love thee shall prosper.

ACTIVITY AND ACCOMPLISHMENTS OF THE JOINT COMMITTEE ON ATOMIC ENERGY DURING THE SECOND SESSION OF THE 91ST CONGRESS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, at the request of Congressman CHET HOLIFIELD, chairman of the Joint Committee on Atomic Energy, I would like to present a report on the activities and accomplishments of the joint committee during the second session of the 91st Congress.

The joint committee has had almost a quarter of a century of legislative and "watchdog" responsibilities over the U.S. atomic energy program. It is with pride and a sense of accomplishment that I look back on these years of the development of this new source of energy for our Nation. The joint committee has been in the forefront of the struggle to strengthen the defenses of our Nation and develop peaceful uses for atomic energy. I believe that the Congress and the joint committee can take justifiable pride in having significantly contributed to the leadership of the United States in this vitally important field.

I believe that every member of the joint committee in the House, in the other body, and on both sides of the aisle would join me in expressing to CHET HOLIFIELD, chairman and charter member of the joint committee, our heartfelt appreciation for a job well done.

At this point in the RECORD, I submit a report summarizing the activities and accomplishments of the Joint Committee on Atomic Energy:

ACTIVITIES AND ACCOMPLISHMENTS OF THE JOINT COMMITTEE ON ATOMIC ENERGY IN THE 91ST CONGRESS, SECOND SESSION, 1970

FOREWORD

It has been the practice of the Joint Committee on Atomic Energy at the close of each session of the Congress to submit for the information of the Congress, the Executive Branch, and the public a report of its activities. (The report for the first session of the 91st Congress was printed in the Congressional Record of December 19, 1969, H–12826).

The Joint Committee on Atomic Energy was organized on August 2, 1946. It consists of nine Members from the Senate and nine Members from the House of Representatives. No more than five from each body can be members of the same political party. The chairmanship alternates between the Senate and the Houes of Representatives with each Congress.

Present membership is:

Chet Holifield, California, Chairman.
John O. Pastore, Rhode Island, Vice Chairman.
Melvin Price, Illinois.
Wayne N. Aspinall, Colorado.
John Young, Texas.
Ed Edmondson, Oklahoma.
Craig Hosmer, California.
John B. Anderson, Illinois.
William M. McCulloch, Ohio.
Catherine May, Washington.
Richard B. Russell, Georgia.
Clinton P. Anderson, New Mexico.
Albert Gore, Tennessee.
Henry M. Jackson, Washington.
George D. Aiken, Vermont.
Wallace F. Bennett, Utah.
Carl T. Curtis, Nebraska.
Norris Cotton, New Hampshire.

The Joint Committee is one of the few committees established by statute rather than by rule of each House and is unique in several respects. For example, it is the only joint committee of the Congress with legislative functions, including the receipt and reporting of legislative proposals. The committee is also charged by law with legislative responsibility as "watchdog" of the U.S. atomic energy program. As part of its responsibilities, the committee follows closely the activities of the executive departments and agencies, including the Atomic Energy Commission and the Departments of Defense and State, concerning the peaceful and military applications of atomic energy. The classified as well as unclassified activities are closely reviewed.

In all these activities, the Joint Committee on Atomic Energy, representing the Congress and the public, seeks to assure the implementation of the following national policy expressed in the Atomic Energy Act of 1954:

> The development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security.

During the 91st Congress, second session, the Joint Committee met on a total of 48 different occasions, 31 of which were public and 17 of which were executive meetings.

A total of 14 publications consisting of hearings, reports, and committee prints were published by the Joint Committee in its second session of the 91st Congress. These publications include testimony taken in executive session with classified material deleted before printing.

A list of the publications follows:

The 1970 (91st Cong., 2d Sess.) AEC Authorizing Legislation, Fiscal Year 1971:

Part 1, Hearings Feb. 3, 18, and 19.

Part 2, Hearings Mar. 3 and 5.

Part 3, Hearings Mar. 11.

Part 4, Hearings March 19.

Report (H. Rept. 91–1036; S. Rept. 91–852), May 4 and 11.

AEC Supplemental Authorizing Legislation, Fiscal Year 1971: Report (H. Rept. 91–1677; S. Rept. 91–1414), Sept. 7.

Atomic Energy Legislation Through the 91st Cong., 2d Sess., Committee Print, December. (Available when printed.)

Current Membership of the Joint Committee on Atomic Energy, Committee Print, March.

Environmental Effects of Producing Electric Power (Part 2): (Joint Committee supply exhausted.) Volume I, Hearings Jan. 27–30; Feb. 24–26. Volume II, Appendixes and index.

Naval Nuclear Propulsion Program—1970, Hearings Mar. 19 and 20.

Prelicensing Antitrust Review of Nuclear Powerplants (Part 2), Hearings Apr. 14, 15, and 16. Report (H. Rept. 91–1470; S. Rept. 91–1247), Sept. 24 and 29.

Uranium Enrichment Pricing Criteria, Hearings June 16 and 17. (Report same as Prelicensing Antitrust Review.)

I. LEGISLATIVE ACTIVITIES

A. Atomic Energy Commission fiscal year 1971 authorization act (Public Law 91–273)

The Atomic Energy Commission's request for authorization of appropriations for fiscal year 1971 was submitted to the Congress along with the total Federal budget on February 2, 1970. The Joint Committee on Atomic Energy convened its hearings on the AEC request the following day in order to consider the proposed authorization legislation (H.R. 15782, S. 3409). During the succeeding 14 weeks, the committee held 15 additional sessions, four of which were executive due to consideration of classified information. The record of the public hearings was published in four volumes entitled "AEC Authorizing Legislation, Fiscal Year 1971." A declassified record of the hearing on the naval nuclear propulsion program was published under the title "Naval Nuclear Propulsion Program—1970."

Following its deliberations on the proposed legislation, the Joint Committee voted to adopt certain amendments by way of reporting "clean bills." Representatives Holifield, Price, and Hosmer introduced H.R. 17405 on May 4, 1970, and Senator Pastore introduced S. 3818 on May 11, 1970. These identical measures were favorably reported on May 4 (H. Rept. 91–1036) and May 11 (S. Rept. 91–852) respectively.

The reported authorization bill recommended an increase of $7.707 million over the amount contained in the Administration's request, but more than $150 million less than was authorized for the preceding fiscal year. The bill was passed by the Senate without amendment on May 13, 1970, and the House approved the measure without amendment on May 19. The President signed the Act into law (Public Law 91–273) on June 2, 1970. The law authorizes appropriations to the Atomic Energy Commission for fiscal year 1971 in the amount of $2,290,907,000 as follows:

Operating expenses	$2, 013, 307, 000
Plant and capital equipment	277, 600, 000
Total authorization	2, 290, 907, 000

Among the highlights of the Joint Committee report, which accompanied the authorization bill, were the following:

The Joint Committee reiterated and emphasized its concern about assuring adequate *uranium enrichment capacity* to meet the anticipated increase in demand, both foreign and domestic, expected to accompany the growing use of nuclear powered electric generating plants. Of prime concern was timely action on the Cascade Improvement Program (CIP) to improve and upgrade the three gaseous diffusion plants owned by the Government which constitute the only domestic facilities for enriching uranium. The Atomic Energy Commission's request for authorization of $170 million had been reduced by the Administration to $5 million for architect-engineering work only. The committee restored $16.1 million to the plant and capital equipment budget, bringing the authorization to a total of $21.1 million, an amount sufficient to perform the A–E work and begin construction and long-lead procurement activities for the support facilities and the diffusion plants.

The Joint Committee also took action to preclude the use of any funds for the establishments, within the AEC, of a separate *uranium enrichment directorate* intended to operate the diffusion plant complex in a manner similar to a commercial enterprise. In so acting, the committee reduced the Administration's request for operating funds by $300,000 for fiscal year 1971 with an anticipated saving of $500,000 per year thereafter.

The Joint Committee reaffirmed its support for the liquid metal fast breeder reactor (LMFBR) as the priority project in the field of *reactor development and technology*. The committee recommended the authorization of $43 million, as requested by the AEC, which, when added to the fiscal year 1970 authorization of $7 million for the project definition phase, brought the total authorization to $50 million. Also approved was AEC assistance to a definitive government-industry cooperative arrangement, in the form of AEC-furnished services, facilities, or equipment, up to $20 million and waiver of fuel use charges not to exceed $10 million.

While the LMFBR remains the principal reactor development program in terms of priorities, the committee continued its support of alternate breeder reactor concepts—the light water breeder reactor (LWBR), the molten salt reactor (MSR), the gas-cooled fast reactor (GCFR)—by approving increased levels of support and restoring some of the moneys cut by the Administration in its budget review process. The committee also continued its endorsement of the high-temperature gas-cooled reactor concept (HTGR), as an alternative to present generation light-water reactors, by approving a modestly increased level of support. The civilian power and cooperative power programs were authorized at $130.6 million and $43 million, respectively, an increase of $3.4 million overall compared to the preceding year.

The Atomic Energy Commission's extensive *environmental program* received the full support of the Joint Committee which recommended the authorization of $71 million for research and development relative to the effects of radiation on man and his environment and related matters. These include, in addition to internal exposure to radiation and the interaction of radiation with biological systems, such areas of interest as land and fresh water environmental sciences, marine sciences, atmospheric sciences, powerplant siting, plant effluent control, and disposal of radioactive wastes. The thermal effects of warm water discharges are included in these studies.

The largest dollar addition by the Joint Committee to the operating budget request of the Administration was in the field of *naval nuclear propulsion systems*. The committee recommended, and the Congress approved, an increase of $4.8 million over the budget request thereby partially restoring the $6.2 million reduction of the Administration in the program for development work on improved nuclear submarine propulsion plants. The effect of the Administration's action had been to stretch out the program. The committee recommended the partial restoration in order to eliminate some of the delay in development programs. The committee's analysis and evaluation of Soviet nuclear submarine advances had led to the conclusion that additional effort is mandatory if the United States is to avoid further erosion of our technological advantage in nuclear propulsion systems. The obvious Soviet commitment to rapid, large-scale construction of nuclear submarines could permit them to numerically exceed our nuclear submarine fleet by the end of 1970. Under such circumstances maximum technological advancement is imperative to national defense.

The Joint Committee also urged the Congress to give serious consideration to a vigorous nuclear surface warship development and construction program. Nuclear-powered attack carriers and frigates were stressed as being vital to our strike forces' mobility and flexibility.

Despite concern over the Administration's reduction in AEC's request for funds in the *weapons program*—nuclear research and development, non-nuclear engineering and development, and on-continent testing—the Joint Committee reduced the authorization for weapons by reprograming $8.5 million to other programs. This action was taken to alleviate an imbalance among the AEC's 14 program areas.

B. Supplemental Authorization Act for fiscal year 1971 (Public Law 91–580)

The Administration requested $25.5 million supplemental funds.

* * * * *

This resulted in the filing of original committee bills by Chairman Holifield and Representatives Price and Hosmer (H.R. 18679) on July 28, 1970, and by Senator Pastore (S. 4141) on July 29, 1970. Thereafter, House and Senate bills were adopted by the committee without dissent and the committee's report accompanying the bills

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was filed on September 24 as H. Rept. 91-1470 and on September 29 as S. Rept. 91-1247. This report is the only report which the committee authorized to be issued and filed.

On September 30, the House passed H.R. 18679 by a roll call vote of 345 to 0. On December 2, the Vice Chairman of the Joint Committee, Senator Pastore, presented H.R. 18679 for Senate approval and proposed that section 11 of the bill, which would have amended the provisions of subsection 274 h. of the Atomic Energy Act of 1954, as amended, be deleted. As Senator Pastore stated on the floor of the Senate, the decision to delete section 11 from H.R. 18679 had been made with the acquiescence of Chairman Holifield. H.R. 18679, with section 11 deleted therefrom, was passed by the Senate on December 2. At noon the following day, when H.R. 18679, as passed by the Senate, was placed on the desk of the Speaker of the House, Chairman Holifield recommended that the Senate version be concurred in, and the House approved the amended version. H.R. 18679 as passed by the Congress was signed by the President on December 19, 1970 (P.L. 91-560).

On December 3, when Chairman Holifield asked the House to approve H.R. 18679, as amended, he made several observations about the deleted section 11 and explained that it would not have interfered with the prerogatives of the President or the functions of the Environmental Protection Agency. Among his remarks was the following comment:

"Nevertheless, as a courtesy to the new Environmental Protection Agency, I now urge the House to agree to the deletion of section 11 from H.R. 18679—not because the provisions are not worthwhile or are not fully in the public interest—but simply to give the new Environmental Protection Agency a reasonable period of time in which to become organized and—without the need of explicit statutory directions—to proceed under its present authorities, including the authority in present subsection 274 h. of the Atomic Energy Act, to carry out the objectives of section 11."

Chairman Holifield also referred to a letter he had written earlier that day to William D. Ruckelshaus, the Administrator of the Environmental Protection Agency, a copy of which he inserted in the Congressional Record. The letter included the following paragraphs:

"The deletion of Section 11 is really a courtesy to you and your Agency. I hope the contents of Section 11, the pertinent portion of the Joint Committee's report accompanying H.R. 18679, and my explanation to you of the Committee's underlying purpose will, in practical effect, remain tantamount to a word to the wise. I am also writing to the Director of the Office of Management and Budget to urge that he help assure the budgeting and allocation of sufficient funds to enable the consummation in the near future of the broadly scoped arrangements contemplated by Section 11.

"You are aware that the FRC has existing agreements with the National Academy of Sciences and the National Council on Radiation Protection and Measurements. The Committee is deeply concerned that expert scientific advice on the problem of radiation tolerance should be secured on a continuing and comprehensive basis, and it knows of no better or more credible expert sources than these two distinguished scientific bodies.

"As soon as reasonably practicable after the Agency is sufficiently organized, please advise this Committee if there appear to be any problems that could interfere with the initiation of such arrangements with the National Academy of Sciences and the National Council on Radiation Protection and Measurements. Also, as a general matter and in accordance with the responsibilities provided for in Section 202 of the Atomic Energy Act, I request that the Agency keep the Joint Committee fully informed, on a reasonably current basis, of significant events and activities pertaining to atomic energy.

"This Committee wishes the Agency, under your leadership, great success in its efforts toward fulfillment of its important mission to protect the environment. With respect to atomic energy fields, this Committee stands ready to assist and cooperate in every reasonable way."

D. Legislation affecting the basis for AEC charges for uranium enrichment services (H.R. 18679, S. 4141)—(Public Law 91-560)

As part of the proposed legislation pertaining to "practical value" and prelicensing antitrust review, the Joint Committee included a proposed amendment to subsection 161 v. of the Atomic Energy Act of 1954, as amended, to assure that the basis for AEC's charges for uranium enrichment services would continue to be the recovery of Government costs over a reasonable period of time. This measure was necessitated by an AEC action to change the pricing criteria originally established pursuant to subsection 161 v. (part of the Private Ownership of Special Nuclear Materials Act of 1964, P.L. 88-489) which action the committee deemed incompatible with the intent of Congress underlying this statute.

The Joint Committee received AEC's proposed amendments to the pricing criteria on June 11, 1970, and promptly requested a review thereof by the General Accounting Office. GAO reported that the AEC proposal was of questionable legality and stated its belief that AEC's proposed new criteria should not be adopted without further action by the Congress. Because AEC did not desist with respect to its planned action, the committee proceeded to adopt an appropriate legislative amendment to make even clearer by statutory language what the committee believed was abundantly clear from the legislative history supporting subsection 161 v. The committee's action followed its thorough review of the issue including public hearings on June 16 and 17, 1970. The clarifying amendment to subsection 161 v. of the Atomic Energy Act of 1954, as amended, was included as section 8 of H.R. 18679 (and S. 4141) which bill the President signed into law on December 19, 1970 (Public Law 91-560).

II. AGREEMENTS FOR COOPERATION

A. Civil

Under the provisions of the Atomic Energy Act of 1954, as amended, proposed agreements for cooperation in the peaceful uses of nuclear energy between the United States and other nations, and amendments thereof, must be submitted to the Joint Committee and a period of 30 days must elapse while Congress is in session before such agreements become effective. In accordance with such procedures, five civil agreements were submitted to the committee by the Department of State and the Atomic Energy Commission with the approval of the President.

One of the submitted agreements involved research activities only while the others affected both research and nuclear power programs. The research agreement with Indonesia was amended to extend its term for an additional 10 years. A new agreement for both research and power programs was executed with Finland. The power agreement with Norway was amended to permit that country to receive from Italy reprocessed U-233 derived from fuel elements removed from the now decommissioned Elk River Reactor in Minnesota. The dual research and power agreement with Sweden was amended to more than double the amount of special nuclear material to be made available as a result of Sweden's increase in its power reactor program from 6 to 12 reactors. The research agreement with the United Kingdom was amended so as to link that agreement with the power reactor agreement relative to transfers and uses of special nuclear material. The amended agreement also authorized the conversion and fabrication of nuclear fuel in each country and export to the other in keeping with general tariff agreements and similar understandings with Japan and Canada. All amendments were updated to reflect provisions of the private ownership of special nuclear materials legislation of 1964.

In addition, the Joint Committee consented to the AEC interpretation of the agreement with Italy, in keeping with private ownership, to permit transfer of fuel pins from Italy to the United States for irradiation in the Enrico Fermi fast breeder reactor and return to Italy. This is part of the Italian fast breeder reactor research program.

The so-called "four reactors agreement" between the United States and the International Atomic Energy Agency (IAEA) for application of Agency safeguards procedures to U.S. facilities was extended from January 31 to July 31, 1970, at which time it was allowed to expire. Negotiations are under way contemplating additional measures for improving safeguards techniques and procedures and the training of Agency personnel. The Joint Committee was also advised that trilateral safeguards agreements entered into force relative to agreements for cooperation between the United States and the Governments of Austria and Colombia. Under such trilateral agreements, the IAEA undertakes safeguards responsibilities relieving the United States of that burden.

B. Military

Under the Atomic Energy Act of 1954, as amended, proposed agreements for cooperation with another nation or with a regional defense organization involving development, utilization, and control of atomic energy for military purposes in the interest of mutual defense and security are required to be submitted to the Joint Committee for a period of 60 days while Congress is in session before becoming effective.

On March 6, the Joint Committee held a hearing in executive session on an amendment to the July 3, 1958, agreement between the United States and the United Kingdom for cooperation on the uses of atomic energy for mutual defense purposes. Representatives of the Atomic Energy Commission, Department of Defense, and Department of State presented testimony.

The amendment would provide for transfer of certain materials and equipment for atomic weapons. The amendment became effective on April 8, 1970, to extend until December 31, 1974.

III. INFORMATIONAL HEARINGS

A. Environmental effects of producing electric power

During October and November 1969, the Joint Committee held the first phase of its public hearings on the environmental effects of producing electric power. These hearings were continued in a second phase with public sessions on January 27, 28, 29, 30 and February 24, 25, and 26, 1970.

During phase I, testimony was received from Federal agencies and organizations having responsibility in matters related to the environmental effects of all kinds of electric powerplants. During phase II, testimony was received from representatives of State governments, private industry, environmental groups and the scientific community. These witnesses presented their assessment of the environmental effects resulting from the construction and operation of electric powerplants. They commented upon the criteria and standards developed by the Federal Government and the regulations promulgated and enforced by those Federal agencies having regulatory authority over various activities of the electric power industry. The testimony dealt with such subject areas as the problems of obtaining sites for the large powerplants planned by the utility companies, State government cooperation and legislation in this area, matters related to the adequacy of the present radiation protection guidelines, and the controversy, to the extent that one exists, concerning interpretation of the biological data available on possible deleterious effects resulting from exposure of humans to radiation.

The Joint Committee has published and distributed the record resulting from these hearings. Together with the preprint of selected materials issued earlier by the committee, the documents represent a total of over 3,000 pages of material, thoroughly indexed, pertaining to both nuclear and fossil fueled powerplants.

B. Safeguards under Limited Test Ban Treaty

The Joint Committee's continuing interest in the four safeguards established in connection with the Limited Nuclear Test Ban Treaty was manifested by the joint meeting held by the JCAE with the Nuclear Treaty Subcommittee of the Senate Armed Services Committee on February 17, 1970. Representatives from the Department of Defense, the Department of State, and the Atomic Energy Commission as well as AEC contractors were present.

In 1963 during the debate on the Limited Nuclear Test Ban Treaty, the Senate was assured by the Executive Branch that our national security would not be jeopardized if the treaty were signed because four "safeguards" were being instituted to insure that the United States would not be taken by surprise if the terms of the treaty were violated. These safeguards are—

(1) The conduct of a comprehensive, aggressive underground nuclear weapons testing program;

(2) The maintenance of modern nuclear weapons laboratories;

(3) The maintenance of the necessary personnel and facilities to resume atmospheric testing on short notice in the event of an abrogation of the treaty by the Soviet Union; and

(4) The improvement of our capability to monitor the terms of the treaty, to detect violations, and to maintain our knowledge of Sino-Soviet activities.

In the AEC fiscal year 1971 authorization hearings on February 3, the Chairman of the Joint Committee stated:

"Johnson Island has been deactivated and that is one of the things that has us worried somewhat. Both on the Senate floor and the House floor presentations were made at the time of the nuclear test ban treaty that we would keep these facilities in a readiness condition such that if there were a surprise resumption of atmospheric testing by another nation we would be in a position to protect ourselves by being able to conduct significant tests in as short a time as possible."

The Chairman's remark was prompted by the fact that the off-continent test readiness program budget was reduced from $16.5 million in FY 1970 to $7 million for FY 1971. This directly affected Safeguard 3.

The only bright spot in the readiness to test the program was the successful launch on September 21 of a Thor-High Altitude Test Vehicle (HATV). The HATV followed the programmed trajectory and provided much useful information.

The Joint Committee expressed concern that at least three of the four Safeguards adopted in 1963 are being eroded. In addition to Safeguard 3, it now appears that Safeguards 1 and 2 may be facing trouble because of the general reduction in funding for the weapons laboratories and because of the aging of many facilities with the attendant decline in efficiency.

Until such time as the Strategic Arms Limitation Talks produce concrete results, the Joint Committee is of the view that the United States would be ill-advised to unilaterally allow the Safeguards necessary to assure that our nuclear deterrent remains effective, to deteriorate.

C. Naval nuclear propulsion program

The Joint Committee, in executive hearings on March 19 and 20, 1970, made another thorough review of developments in the naval nuclear propulsion field. The classified material was subsequently removed from the hearing record and a committee print entitled, "Naval Nuclear Propulsion Program—1970" was published.

As indicated in the public record of this review, the Joint Committee obtained information on our own nuclear propulsion program and also reviewed all the information which could be obtained on the Soviets' program.

The Joint Committee found a number of disturbing factors concerning our Nation's position in this critical field. These concerns and recommendations for rectifying these unsatisfactory conditions were stated in a Foreword to the hearing record. Some of the principal areas covered in the Foreword were:

The rate of development of new nuclear submarines by the Soviets far surpasses the efforts of the United States.

The rate of production of nuclear submarines by the Soviets far surpasses the United States.

The lack of action in replacing our present conventional firstline surface warships with nuclear propelled warships.

D. Foreign enrichment cooperation

On September 16, 1970, the Joint Committee met in executive session to receive testimony from Atomic Energy Commission witnesses concerning the question of whether this Nation should cooperate with foreign nations in the field of gaseous diffusion technology by selling highly classified United States advanced technological information and equipment to foreign entities. During this hearing, concern was expressed that the Executive Branch did not have specific and detailed plans to propose to the Joint Committee on this subject.

The Joint Committee considers this possible course of action a very significant and fundamental change in the United States international atomic energy policy.

United States scientists have worked for more than a quarter of a century developing this highly sophisticated and highly classified technology. The Joint Committee plans to take a very hard look at any proposal that this tremendous technological asset be provided to foreign entities—not only from the "giveaway" aspects, but also from the point of view of its possible effects on our national security and our obligations under the Non-Proliferation Treaty (NPT).

If and when the Administration decides to take such a step, the Joint Committee expects to hold public and executive hearings on this matter because of the major policy implications involved and the need for clarification of the legal authority for such a proposed undertaking.

The Joint Committee has been assured that it and the Congress would be presented with a proposed specific plan prior to any negotiations or commitments by the Executive Branch with foreign entities. Such a plan, it is expected, would clearly spell out why the Administration believes it would be in our national interest to proceed with such an undertaking.

E. Confirmation hearings

The Senate section of the Joint Committee met in public session on June 23 to consider the nomination of T. Keith Glennan to be United States Representative to the International Atomic Energy Agency (IAEA). The Senate confirmed the nomination on June 25.

On July 16, the Senate section of the Joint Committee met in public session to consider the reappointment of Glenn T. Seaborg to the Atomic Energy Commission for the term of five years, expiring June 30, 1975. The Senate confirmed the nomination on July 20.

On September 11, 1970, the Joint Committee received the nomination of Dwight J. Porter to be Deputy United States Representative to the IAEA. Mr. Porter transferred from Lebanon, where he was United States Ambassador, directly to Vienna. He was not available for the confirmation hearings; however, it is expected that his nomination will be considered at the earliest opportunity at the beginning of the next session of Congress.

IV. CLASSIFIED ACTIVITIES

A. Intelligence briefings

Representatives of the Central Intelligence Agency, the Department of Defense, and the Atomic Energy Commission have presented briefings to the Joint Committee on intelligence matters with particular reference to Communist China and the U.S.S.R.

B. Strategic Arms Limitation Talks—SALT

The Joint Committee continues to follow very closely the SALT Talks between the United States and the Soviet Union. The committee believes that these discussions are having, and will continue to have, a significant impact on United States security.

V. OTHER MATTERS

A. IAEA

The Joint Committee follows very closely activities involving the IAEA in Vienna. Both members and staff of the Joint Committee have visited IAEA in Vienna to discuss developments in IAEA with particular reference to the so-called safeguard inspection procedures under Article III of the NPT. The Joint Committee is mindful of the importance of safeguards but is looking very cautiously at the growing safeguards program and what could develop into a need for increased funding to support the numbers of personnel which may be suggested as necessary to run the IAEA safeguards program.

B. Nuclear electric power in space

The SNAP-27 radioisotope thermoelectric generator, which the Apollo-12 astronauts put into operation on the moon on November 19, 1969, to power the Apollo Lunar Surface Experiments Package (ALSEP), is still functioning normally at above rated power. On December 9, 1970, Chairman Holifield of the Joint Committee participated in the ceremonies in which the engineering prototype of the SNAP-27 generator was presented to the Smithsonian Institution.

The Nimbus-III weather satellite, launched on April 14, 1969, continues to operate in earth orbit with most of the energy for its experiments now being supplied by the SNAP-19 nuclear generator which, like the SNAP-27, is fueled with plutonium-238. Both generators are from the family of radioisotope thermoelectric generators which are derived from the grapefruit-sized navigation satellite SNAP-3, launched in 1961. That navigation satellite has maintained its orbit and transmission of signals back to earth for nine years.

C. General

Due to the press of other business, the Joint Committee was unable to proceed, as it had planned, with the initiation of hearings respecting the granting of authority to States to regulate radiological discharges from nuclear powerplants. A number of bills had been introduced in this session to provide for such authority. The committee had also planned to begin hearings on several other bills relative to AEC's regulatory authority, including proposed legislation to require congressional approval for the licensing of nuclear facilities, and to provide for the transfer of AEC's regulatory regime to another agency. The committee also was unable to institute a complete new look at AEC's procedures for the lincensing of nuclear facilities. In a letter dated September 24, 1970, from Chairman Holifield and Mr. Hosmer to AEC Chairman Seaborg, concern was expressed at what appeared to be indications of serious deficiencies in AEC's procedural and administrative mechanism for the licensing of nuclear powerplants. The letter indicated that a high priority was being assigned to this matter in the scheduling of committee business.

D. Report on nuclear power and related energy problems—1968 Through 1970

At the request of the Joint Committee, Mr. Philip Sporn has from time to time provided the committee with comments on and analyses of the developing nuclear power industry. He prepared a report entitled, "Developments in Nuclear Power Economics, January 1968–December 1969," which was released by the committee to the public on January 20, 1970.

The Chairman of the Joint Committee invited comments on the report from many individuals in various sectors of industry, government, conservation organizations, and research foundations. The responses provide a graphic picture of the dynamic energy and related industries, the problems they are facing, and solutions they are finding and suggesting. These have been assembled by the Joint Committee staff into a report entitled, "Nuclear Power and Related Energy Problems—1968 Through 1970."

JOHN DEMPSEY RETIRES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. MONAGAN. Mr. Speaker, in the first week of January an outstanding American public figure will pass from the practice of active politics when Gov. John N. Dempsey of Connecticut retires from the office as chief executive of our State. There has never been a more warmly regarded Governor of Connecticut in all its history nor have we seen one who has been more devoted to the welfare of our people particularly those least fortunately situated in the social pattern.

Governor Dempsey has had a long and productive career in public office and I view his departure with regret both as a friend and a citizen of our State. I also welcome this opportunity to express my gratitude to him for his exertions over the years.

I found it difficult to put my appreciation of Governor Dempsey's contribution into effective words and I was therefore pleased to find that this job had been effectively and eloquently done by one who has known John Dempsey throughout his political career and who is perhaps the outstanding commentator on the political scene in the State of Connecticut.

As an expression of my own feeling and a tribute to the service of this noteworthy Governor and outstanding gentleman I am pleased to include herewith a column by Alan Olmstead concerning Governor Dempsey which appeared in the Waterbury Republican of December 24:

DEMPSEY: A MAN WITH ALL HEART

(By Alan Olmstead)

There isn't much doubt about who gets the Christmas card from those of us who have covered Connecticut politics for the past three decades.

It goes to Gov. John N. Dempsey, who first came upon the Hartford scene as a representative from Putnam in the House of Representatives in 1949, and who, in a few days, will be departing from the state political scene.

In all this 21-year span of service at Hartford, from one capacity to another, John Dempsey never, to our knowledge, committed one act which could possibly make him or his reputation hostage to anybody.

He came in clean and shining.

He goes out that way.

There were, as a matter of fact, only a few extraordinary privileges he claimed for himself or his office while he held the position of head of an administration. These were not the ordinary kind of privileges a successful politician on top might have demanded. He did not demand prestige for himself. Politicians could ignore him, if they wanted to, and his reaction would be mildly regretful rather than punitive.

The few extraordinary privileges he did insist on wringing out of his position as governor of Connecticut were all in the same classification. He never missed an opportunity to use the prestige and name of his office, along with his personal attention and devotion, to make more cheerful the lot of the state's institutionalized unfortunates and to call the attention of the outside world to the fact that they existed and were human beings and brothers and sisters even to the most magnificent figures out in the happier world.

It was when he turned the public eye toward these friends of his that he made his one and only extraordinary claim upon and use of the powerful prerogatives of being governor of Connecticut.

Friend and foe sometimes thought John Dempsey might be vulnerable, politically, because he had a smile. But the people of Connecticut penetrated that smile, to their own satisfaction, and found that there was behind it, a man who was all heart.

Now, in a few days, John Dempsey takes himself and his beautiful, gallant lady out of the tiresome trappings and the mixed rewards of the public life.

Merry Christmas to them both, from a Connecticut which has felt, and which returns their own affection for their state.

JEANNE BUSSARD TRAINING WORKSHOP

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, efforts to assist the handicapped are more and more taking forms which are enabling the handicapped to become employable, self-sufficient members of the community.

I would like to call the attention of the House to the Jeanne Bussard Training Workshop, which was founded in 1965 in Frederick, Md., with the assistance of the Bussard family as a living memorial to their handicapped daughter, Jeanne. I believe it utilizes an approach that is quite unique. While a behavior modification-reinforced operant conditioning approach is used, it is used to build on the inherent strength in each individual. When the workshop receives a contract beyond the physical capacity of the workers, equipment is modified to permit completion of the job. No job is turned away because the handicapped cannot complete it.

I would like to include in my remarks the following information which is pertinent to the Jeanne Bussard Training Workshop whose staff is experienced in: mechanical drawing, tool and die design, blueprint reading, assembly, tool and die making, quality control, fabrication and plant supervision:

THE JEANNE BUSSARD TRAINING WORKSHOP

The Workshop is based on the premise that the abilities of the handicapped can be utilized to meet industry's need for quality craftsmanship in an era of increasingly high cost automation. The services and products The Workshop supplies make it an integral part of the industrial sector of America.

Since its inception The Workshop has established itself as a necessary component of the Metropolitan Washington-Baltimore economy through its ability to provide quality supportive services to its many satisfied customers.

THE AIMS OF THE WORKSHOP

The Workshop aims are twofold. One is to train its workers for competitive employment in the economic sector of American society through actual work experience. To prepare our people to take their place on our production lines we maintain an evaluation and training program. It is during their twenty-two weeks in this program that our employees are prepared to join our production division by performing the simulated task components needed to produce a perfect product for our customers. When a young man or woman has achieved proper work behaviors and productivity, The Workshop places him/her with either government or industry, secure in the knowledge that these young people can compete economically and socially in the larger world of work.

The second aim of The Workshop is to become an indispensable arm of the industrial community by becoming a stable, reliable source of supportive services through its ability to relieve industry of the need to maintain non-technical, high-cost, low productive departments.

THE WORKSHOP AT WORK

In addition to its proven capability as a sub-contractor to industry, The Workshop manufactures a complete line of gift bows, star and pompom, Elegant Notes, Greeting Cards, disposable animal shipping crates and disposable dog kennels.

Industrial departments of The Workshop perform such diverse activities as printing, both letter and offset, personalizing gift and paper party items. Other production departments are geared to the ever changing needs of our customers in packaging, assembling, salvaging, etc.

ORDEAL OF SOVIET JEWS

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, the Leningrad trials have written another grim chapter in the continuing denial of human rights to Soviet Jews. A Soviet court meted out vindictive sentences on 11 Russian citizens, including nine Jews, for allegedly planning to hijack a plane to Finland. Two were given the death sentence, an action that outraged the world.

I am profoundly relieved that the Supreme Court of the Soviet Union has commuted the death sentences, and reduced several of the prison terms of the

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other defendants. Public and private expressions of shock and concern have undoubtedly had an impact on Soviet authorities.

The injustice of the Leningrad verdict is only the latest evidence of the worsening condition of 3 million Jews in the Soviet Union. More and more synagogues have been closed, and there is not a single school in the Soviet Union that teaches Hebrew, despite the fact that the Soviet Constitution purports to guarantee human rights to all ethnic groups and provides special language schools for even tiny minorities.

The Soviet policy of fanning the flames in the Middle East through support of Arab hostility to Israel has added another dangerous dimension to Soviet anti-Semitism. Soviet Jews are accused of disloyalty, and vicious caricatures and books have been published to popularize anti-Semitic propaganda. It is miraculous that the faith has survived this suppression, and no surprise that an increasing number of Soviet Jews wish, with little success, to emigrate to Israel.

Mr. Speaker, last October I delivered to the Soviet Embassy a letter signed by 48 House Members expressing our concern over the denial of religious and cultural rights to Soviet Jews. Although I was received with courtesy by Minister Counselor Yuly Vorontzov, acting head of the embassy, he refused to accept the petition on the ground that there was no ground for our concern about the plight of Soviet Jews. His words were empty then. Today they are emptier still. I am including a copy of the letter in these remarks as a renewal of our plea for assurance of religious and cultural rights to Jewish citizens of the Soviet Union.

The full text of the letter and a list of those who signed is as follows:

MY DEAR MR. AMBASSADOR: On Sunday, October 11th, some 1,500 Americans of the Jewish faith gathered near the Soviet Embassy to dramatize their concern over the treatment of Jews in the U.S.S.R. The demonstrators were peaceful and orderly. This demonstration was the latest in a widespread number of indications of concern by Americans of all faiths over reports that Jews are denied religious and cultural rights accorded other minority groups in the Soviet Union.

As members of the U.S. House of Representatives, and as citizens of the United States, we, too, are deeply concerned regarding these reports. This concern is in keeping with a long-standing and historic American tradition. We ask that you relay to your Government and to its leaders this expression of our concern.

Although our two nations do have political and social differences, we are not altogether dissimilar. Both were born in a revolutionary struggle to achieve freedom for their people. And, within our own memories and experience, we were wartime allies in a long and bloody struggle against Fascism. The American people retain true ties of sympathy and friendship with the people of the Soviet Union, and these ties motivate our plea.

It is our sincere hope that the Soviet Government will assure to its Jewish citizens a full enjoyment of the religious and cultural rights which, we are sure you will agree, are their due. Such an assurance would serve to strengthen the ties between our peoples which have brought us together in the past.

Sincerely,

SIGNERS

Gilbert Gude (R-Md.); Hamilton Fish (R-NY); Sam Steiger (R-Ariz.); Tim Lee Carter (R-Ky.); Donald W. Riegle, Jr. (R-Mich.); Edward S. Koch (D-NY.); and Frank Horton (R-NJ).

Ogden R. Reid (R-NY); Richardson Preyer (D-NC); Samuel N. Friedel (D-Md.); Silvio O. Conte (R-Mass.); Brad Morse (R-Mass); Richard D. McCarthy (D-NY); and Paul N. McCloskey, Jr. R- Calif.).

Edward R. Roybal (D-Calif.); Peter H. B. Frelinghuysen (R-NJ); Henry Helstoski (D-NJ); Richard L. Ottinger (D-NY); Daniel J. Flood (D-Pa.); Charles H. Wilson (D-Calif.); and Edward G. Biester, Jr. (R_Pa.).

Mario Biaggi (D-NY); Frank Annunzio (D-Ill.); Margaret M. Heckler (R-Mass.); Brock Adams (D-Wash.); Abner J. Mikva (D-Ill.); William V. Roth, Jr. (R-Del.); and Florence P. Dwyer (R-NJ).

Tom S. Gettys (D-SC); Charlotte T. Reid (R-Ill.); Lawrence G. Williams (R-Pa.); Thomas M. Pelly (R-Wash.); John M. Murphy (D-NY); Ken Hechler (D-W. Va.); and John J. Rhodes (R-Ariz.).

Howard W. Robison (R-NY); Joseph E. Karth (D-Minn.); Donald M. Fraser (D-Minn.); Richard C. White (D-Texas); George E. Brown, Jr. (D-Calif.); Fred Schwengel (R-Iowa); and Dan Kuykendall (R-Tenn.).

William S. Broomfield (R-Mich.); William C. Wampler (R-Va.); Thomas M. Rees (D-Calif.); Robert Taft, Jr. (R-Ohio); Charles A. Vanik (D-Ohio); and Martin B. McKneally (R-NY).

THE F-14

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, this morning's papers convey the sad news that the first test model of this country's new, multipurpose jet fighter—the F-14—crashed on its second test flight.

About the only thing we can be thankful for is that both test pilots escaped unharmed. In every other regard this development is most disturbing, particularly in view of the fact that we have already committed ourselves to purchase 26 of these planes at a cost of $658 million, over and beyond the 12 best models already purchased.

I have consistently argued that we should adopt and adhere religiously to a fly before you buy policy on complicated new aircraft like the F-14—that we should not commit millions of dollars to buy any sophisticated plane—other than test models—before we have flight tested it to see that it can perform its mission. We paid a very high price to learn that lesson in the development of the ill-fated FTX—a plane on which we spent hundreds of millions of dollars only to find it too heavy to be lifted by the elevators on most aircraft carriers, let alone meet combat flight requirements. We are now scrapping the FTX—F-111B—for the F-14 and other replacements.

The House Appropriations Committee in its report on the 1971 defense procurement bill strongly endorsed the "fly before you buy" concept. But it insisted, despite an amendment I offered, to exempt the F-14 from that policy and to appropriate funds, not only for test purposes, but for procurement. As a result, we now find ourselves facing a situation that looks frighteningly similar to the early days of the FTX—our funds committed and our plane faltering.

The full implications of this test failure of the aircraft are, of course, not yet certain. The problem may be a very minor one which has nothing to do with the total performance capability of this airplane. I certainly hope that is the case. I hope this airplane will prove to be all that its proponents in the Defense Department and elsewhere have promised it will be. I agree with the experts who say we need a new fighter for deployment in the very near future. But the crash of the F-14 in its second test flight dramatized once again that buying planes before they are flown is, at best, an extremely risky and potentially disastrous way to go about developing sophisticated new aircraft.

Mr. Speaker, today's New York Times report of the crash of the F-14 aircraft, which I think will be of interest to many Members and readers of the RECORD, follows:

NAVY'S NEW FIGHTER CRASHES IN L.I. TEST

(By Richard Witkin)

CALVERTON, L.I.—The Navy's new F-14 fighter plane, trying to land on its second test flight, crashed less than a mile short of the runway today after a series of troubles with the control system.

Both pilots made an escape, ejecting themselves from the craft about 300 feet up and landing safely by parachute.

"Oops, flight control, loss of flight control system," the pilot, William H. Miller, radioed as the swing-wing jet glided over the trees. "Just a second. No. I can't hold it. Eject! Eject it!"

The twin-tail jet, built by the Grumman Corporation and designed to be the backbone of the Navy's carrier-based fighter force starting in 1973, crashed into woods, sending up flame and black smoke.

The crash has set back for two or three months the testing of the supersonic plane, which is eventually to be able to fly at 1,650 miles an hour.

The craft is intended to replace the aging F-4 Phantom as a fighter plane to assure superiority in the air, and in its mission of defending the fleet it is to replace the cancelled F-111B, the Navy version of a craft originally intended to serve the Air Force and the Navy.

Grumman expressed confidence that the cause of the crash could be quickly determined and corrected.

So low above the ground was the plunging plane that observers watching from the runway edge at Grumman's test facility here were at first uncertain whether the pilots had survived

KNUCKLES ARE INJURED

Then, about 15 minutes after the crash, word was radioed from a helicopter, leading crash equipment to the scene, that Mr. Miller and his rear-seat colleague, Robert K. Smyth, were safe and virtually unscratched. Mr. Miller had a slightly cut knuckle or two that required bandages.

Word of their safety produced applause, as well as tears from several observers, including the company's president, Llewellyn J. Evans.

The mishap was the kind of setback that has hit many new warplanes since test pilots began winging out in the bi-wing, open-cockpit craft of World War I. And officials today voiced several variations of the old saw: "Well, that's why you have test programs."

But there was no hiding the shock of the loss of the first F-14, a plane that made its initial 10-minute flight Dec. 21, a month ahead of schedule. And there was no hiding the worry over how serious the problem might be.

HYDRAULIC SYSTEMS FAIL

The big concern, and mystery, was what kind of longshot malfunction might have led to crippling both the primary hydraulic sys-

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tems, which operate the plane's maneuvering surfaces and are almost totally independent of each other. Another question was whether the trouble might have been an associated difficulty that prevented the pilots from bringing the plane on a third emergency hydraulic system.

The flight had been programed as the first really extensive test of the plane's performance, a 90-minute excursion in which the movable wings were to have been moved for the first time and the plane was to have made its first faster-than-sound flight.

But less than half an hour after the 10:08 A.M. takeoff, the air-to-ground radio crackled:

"Seem to have got a power transient. Will go off the combined system, and are coming back to the field immediately."

This did not sound like anything to worry much about. It was known there were backup systems. It sounded like merely just a disappointment.

EVIDENCE OF DANGER

The sleek craft was at 13,000 feet, about 30 miles to the southeast of this North Shore facility, over the ocean. The radio messages from then on came in tones of total calm. But, when looked at later with the knowledge of what finally happened, they contained evidence that the plane might be in more trouble than it seemed to be.

Among the messages, radioed at considerable intervals, were:

"It's fluctuating, Bob, it's getting touchy here."

"Something buffeting, I think, we probably broke something."

"O.K., the oscillation has built up again. I can feel it somewhat in the airframe."

About three minutes before the plane should have glided onto the runway, the landing gear was lowered by use of a reserve nitrogen-gas pressure system. The pilots had known from the moment they headed back to the field that the conventional hydraulic system could not be used because of the initial hydraulic trouble.

PILOTS WERE CONFIDENT

"Beautiful" was the word from the cockpit as the wheels locked into place. The pilots appeared so confident they would make it in safely that they could engage in a little banter about the control stick.

"The geometry of this stick is miserable," one said.

"I wonder who designed it," the other said.

Moments later, the plane began to porpoise—climb and then dive lightly—and the vertical oscillations increased. This was evidence that the other primary hydraulic system had failed.

Mr. Miller, an Annapolis graduate, switched to the third emergency system, a limited-capacity innovation on Grumman planes. It is designed mainly to allow pilots of planes crippled in combat to retain stability long enough to fly to friendly territory. But it also is supposed to make it possible to land safely if this does not require excessively large maneuvers.

THIRD SYSTEM FAILS

The third system could not hold the plane on its guide path.

Mr. Miller then pulled the ejection mechanism down over his helmet, and within nine-tenths of a second both men had been rocketed upward, free of the plane, and their parachutes had opened automatically.

Mr. Smith, also a former Navy flyer, had a few more anxious moments. In an interview later, he said:

"I started coming down in the fireball. But I got some thermal lift. And I came down in the scrub oak. The chute was singed a bit."

"The ejection system worked as advertised," Mr. Miller said.

Mr. Evans, the Grumman president, expressed confidence that the Navy-Grumman investigating team would be able to pinpoint the trouble, that it could be readily corrected, and that the twin-jet fighter would live up to its promise.

The craft's projected speed is considerably below that of some of the Soviet Union's newer fighters. But the later versions, the Navy promises, will have "much higher air-to-air combat performance than any present or projected Soviet fighters." Much of this capability will be imparted by the wide variety of missiles it will carry.

Production planes will cost an estimated $9-million to $11-million each, depending on how big the total orders eventually are.

WARSAW WEEKLY BLAMES PARTY FOR PRICE RIOTING

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, the dramatic developments which have occurred in Poland this month serve to remind us of the hardships which have been endured by the Polish people. While we in this country cannot judge the causes and details of such an outburst, we certainly can bring to the attention of the world our deep sympathy for the just aspirations of the heroic Polish people.

Few nations have suffered throughout modern history as have the Poles. And few peoples are more deserving of peace and freedom.

We in the United States have strong historic ties with Poland. Our own revolution was greatly aided by the Polish leader Kosciuszko. Today there is hardly a city in the United States which does not have hundreds or thousands of citizens whose family roots are found in Poland.

As we enter 1970, it is my wish that life will be brighter for the people of Poland and that the ties between our two peoples will be allowed to flourish without impediment. Today's New York Times contains an article which provides some basis for hope that progress and improvements will be forthcoming for the peoples of that nation, and I include it here for the attention of my colleagues:

WARSAW WEEKLY BLAMES PARTY FOR PRICE RIOTING

WARSAW. A leading Polish magazine deplored "double-thinking" in Communist society today and blamed the ruling party for the pre-Christmas food riots.

A new wave of frankness about Poland's troubles began to spread through the press, with the outspoken weekly Polityka leading the way.

"Although there are various degrees of responsibility," it said, "the party is responsible for the causes that gave rise to the tragic events. Elements of stagnation were growing in the economy. The picture presented by propaganda was far from reality."

It then went on to admit the gap between propaganda and what people really thought.

"Such practices sanctioned the very dangerous social phenomenon of double-thinking—having one standard for show and another for private use and for close friends, uttered at the snack bar during breaks in public meetings and conferences and at the family table in a group of close friends, Polityka said.

The daily newspaper Zycie Warszawy said the riots happened because of a communications gap between the party and the people. It called for "an atmosphere of truth and of presenting all matters in a clearcut manner."

The party newspaper Trybuna Ludu said there was a need for "informing and holding a frank discussion with the industrial staffs."

Polityka all but justified the workers' protests in Gdansk, Gdynia, Szczecin, Slupsk and Elblag, which turned into clashes with the police and army after the Government had raised food prices by 20 per cent.

"Of course, the street demonstrations were not the correct forum to present political postulates, but we have to admit that conscious activity by the workers did not leave wide room for maneuvering by hostile and anti-social elements," the paper said.

Polityka said the riots were "an alarm signal indicating that illness still exists in the organism—all the more disconcerting since it has been heard for a second time in Poland's quarter century of socialism."

Similar riots occurred in Poznan in 1956.

"The impulse of anger was directed against the price regulation lacking in compensation but the motive behind it was against the causes that led to the regulations and failed to prevent them," the magazine said.

NEW PROBLEMS OF SOCIAL DEVELOPMENT

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, there are few men who have as great a knowledge of inter-American affairs and as deep an understanding of the problems of developing countries as does my good friend, Covey T. Oliver, presently serving on the faculty of the University of Pennsylvania Law School.

Having served as the U.S. Ambassador to Colombia, from 1964 to 1966, as Assistant Secretary for Inter-American Affairs from 1967 until his appointment as U.S. Executive Director of the World Bank group in 1969, Covey Oliver has contributed greatly to our understanding of the problems and to our perspective on development assistance.

He has recently written an outstanding article on new problems of social development for the November 1970 issue of the Foreign Service Journal, and I am pleased to bring it to the attention of my colleagues:

NEW PROBLEMS OF SOCIAL DEVELOPMENT

(By Covey T. Oliver)

The older problems of social development I came to know all too well while I was involved in inter-American affairs in the 1960s. They include:

Confusion about the meaning of social development.

Lack of usable doctrine (contrasted to economic development).

Rejection of modernity by vested interest groups in developing countries including cultural and educational vested interests.

The Marshall Plan's dead hand on US development operations (it was exclusively economic).

The unfortunate legacy of Bretton Woods as to national backstopping of international development activities by non-development institutions such as finance ministries.

The reluctance of foreign offices in developed and developing countries to accept development as a new type of international relationship.

These problems, all of which have links to the two new problems of social development that I shall attempt to analyze have so far always forced the center of gravity of external assistance toward the purely economic: infrastructure, productivity, import substitution, export intensification, for-

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eign exchange policy and national accounts management. This is particularly noticeable in the Alliance for Progress. Social and civic development objectives are set out in the Charter of Punta del Este, but in Alianza assistance practice, institutional development related to the above economic goals is about as far as social development ever got. And even this degree of institutional development gets only secondary treatment in the Secretary-Priorities Game that foreign assistance so far has had to be.

What is social development? As I use the term it is not necessarily the same as institutional development (a fairly neutral term—even a fascist or mercantilistic institution can be developed). And it is not exactly that rhetorical favorite, especially of some of the military, "nation building." Social development refers to modernization of the norms and processes for sharing benefits and burdens in societies. It is fairer sharing, especially on the benefits side: education, health, job opportunities (including job training), tax equity, effective administration (including honesty in government). Think of total development as light coming through a prism. Social development is a discernible area in the whole spectrum of development, and there are shadings from the equally discernible purely economic end all the way to the purely political end.

Some new lines of activity are still to be classified. Just recently we have all become conscious of ecological problems, and I think these challenges in developing countries should be included within social development.

Population control is harder to classify. It certainly is not yet purely economic; operationally it is still left to that portion of the political spectrum which in the game of nations as I know it might be called "Inviolable National Privacy."

Economic development, of course, has social effects; and some of these, undoubtedly, have been seen by ultra-nationalists and vested interests groups as impinging on "Inviolable National Privacy." To a considerable degree, the chant of "Trade, Not Aid" is the ploy of traditional export oligarchs, who find the so-called "foreign conditioning" of external assistance a threat to their internal advantages. Traditionalists, everywhere I suppose, incline to the "trickle-down" theory of human betterment. But the traditional export oligarchs that I have in mind are not even much for "trickle down," as may be seen by their strong and usually effective objections to greater taxation of them for the common good. Some exporters of traditional commodities are, of course, not oligarchs but little people. Export oligarchies vary as to countries and commodities. Sugar, for example, is hardly ever a mass man export interest.

On the whole, economic development practices and doctrines no longer fall within the taboo of "Inviolable National Privacy." One reason for this is the spread of economic development theories through graduate education of developing country nationals in developed country universities. Also, the feed-in of professional development economists into all development agencies has given the world a remarkably wide consensus of professionalism as to those items that above I listed as purely economic. How often is the cry of interventionism raised as to issues of monetary economics today? Not often, even as against the International Monetary Fund.

Purely political development is hardly ever attempted through foreign assistance, since political considerations are excluded by the articles of the multinational development institutions. Moreover, since much of the economic development is no longer controversial, it seems largely in the field of social development that resistance to change occurs. That it occurs results in part from the fact that the doctrines and the men needed for social development are themselves far below the present stage of growth of economic development technology. Further, some social development schemes tend to be vague and half-baked. Too often they reflect the drives and pressures of faddists and of well-intentioned determinists in the developed world.

Also, there are some fundamental doctrinal disputes, such as the very important one whether developed-country concepts of basic education are relevant to the needs of the poor countries as to the conditioning of their peoples for as happy and effective lives as reasonable projections of national and regional improvement show may be possible. Nonetheless, there is a solid core of social development doctrine and experience available. Basically, the expectations in the field of social development draw upon, not the national idiosyncracies of a single developed country, but upon the modern—if always challenged—way of life generally common in the free, Western, developed world.

Does this concept present problems? Of an ideological nature in terms of 18th and 19th century notions, from the Physiocrats through Marx, yes. In terms of the actual administration of modern societies, hardly. Thus it seems to me a mistake to give great weight to oligarchistically-sourced yells of "gringo intrusion" when what the shouters are really attacking under nationalistic cover is something that is not gringo but modern social practice, whether in the German Federal Republic, Sweden, Idaho, or Australia.

We USA-Americans are remarkably masochistic, and too often we swallow the bait I call "Inviolable National Privacy" when it should be left dangling.

On the other hand, there are areas where the United States' way of doing things socially is not the way that all developed countries do them. In such areas, whether the United States is using its leverage through bilateral or multilateral assistance, it should "knowledgeably eschew ethnocentric predilection." I know of no better examples of our failure to do so than in the administration of criminal justice. While I was Ambassador to Colombia, every time an American was held in detentive custody pending investigation by the examining magistrate, I got the same type of "make protest" instruction from Washington: demand arraignment, bail, and so on. Had no one in the Department ever heard of the continental penal law system, without grand juries, bail bondsmen and the Mallory Rule? I often wondered, as I would again repeat my little essay on very simple comparative law, assuring the Department that we were receiving all the cooperation possible from the Colombians, within the maximum that their system would tolerate without discrediting it.

Another instance in the same area: Why did AID persist in sending non-Spanish speaking, common law lawyers to Latin America to advise on the modernization of the criminal process? Why not some aid-financed Swiss, Italian, German, or French experts, considering that, on the whole Latin America deals with criminal charges in ways still essentially Napoleonic?

Social development, bedeviled as it long has been in the various ways sketched previously, must now contend with new difficulties. These new problems are very serious: First, attitudes underlying them tend to put social development beyond the sphere of external assistance, thus throwing such development as remains back to an exclusively economic base and leaving the listed problems of social development free of operating pressures that they be solved. Second, as the Installation Address on August 7 of the new President of Columbia suggests, the regressive austerity of economic development on the very poor masses must be leavened with "people programs."

Although I have attempted without much result to get analytical appraisal as to whether the recent "near thing" in Colombia might have a causal relation to imbalance between economic and social development, the words of President Misael Pastrana Borrero tend to suggest there was one. In any event, economic development with only incidental social betterment components is no more than "trickle down," a philosophy of peaceful revolution that has never worked anywhere in the developed world. All the more reason why it should not be expected to work in the far weaker distributive structures of the developing countries.

The Low Profile Doctrine is neither objectionable nor new insofar as United States development concepts are concerned. Certain implications to the contrary are offensively unfair to Kennedy-Johnson diplomacy. True, there has always been considerable insensitivity in the execution of various aspects of foreign assistance; and it is only for understanding that I note the corrosive effects of similar insensitivities in the actual operation of internal anti-poverty programs. The cure for insensitivity and ineptness in either case is better training or better people, not in prejudicing or ending the effort. The development-related aspect of the Low Profile Doctrine that concerns me here is whether social development may drop out of operations, leading to the counter-productive disequilibrium that the recent Colombian election case possibly may present. The "drop out" dangers that I see as potential, but avoidable, are lack of development-related dialogue on social development issues and enlargement of the taboo area.

"No dialogue" might result if the United States responds only to developing country initiatives that do not contain significant social development elements. Every experienced assistance man knows how difficult it is to get specific development initiatives from the government of a developing country.

There has been great shrinkage in the area of "Inviolable National Privacy" in the past few decades. Most would agree that this has been good. Nonetheless, it is possible that unless encouraged otherwise, United States spokesmen vis-à-vis developing countries today may take the Low Profile Doctrine as a broad hint to widen the taboo area. This is a danger, not only in bilateral diplomacy, but in multipartite-universal and multipartite-regional diplomacy. The area of development most vulnerable to widening of the taboo area is social development, considering that most political development is already within it. On a small planet, ever more widely divided between the very rich and the very poor, the nation state already stands all too frequently as a barrier between the grossly deprived within its territory and the possibilities of betterment that, not one developed country, but all planetary civilization, could provide.

What do we have, what can we reasonably expect, as to international development institutions and how can they do the things that cannot be done bilaterally as well as some would like? Thus we have the setting for the second of the new problems, "bankability" and social development.

With the exception of the United Nations Development Programme (UNDP) and a small Organization of American States development fund, the existing multilateral development assistance institutions are banks. These banks have soft loan appendages, such as the World Bank's International Development Association, or they administer funds earmarked for varying degrees of concessionality in lending. There is not, so far, a worldwide or regional *full range* development *agency* with an array of authorizations in the development field comparable to that of the United States Agency for International Development. It is most important, it seems to me, that the present lack of multilateral institutions to do the whole job of development assistance ought to be kept seriously and constantly in mind as the merits of shifting emphasis from bi-

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lateral to multilateral assistance are appraised.

There is nothing wrong with the multilateral approach to development assistance except that the existing, well-financed (UNDP is not) multilateral institutions are not structured to go much beyond development lending plus some free technical assistance (almost always loan related) paid for out of the international institution's earnings and profits. The development loan approach to development assistance, even in the economic assistance field, has been found to be inadequate without large grant assistance for both capital transfer and technical assistance. The existing relationship of loans to grants in the totals of assistance supplied to developing countries has already created a serious repayment problem, as the Pearson Report shows. But here I wish to stress that social development—the absolutely essential structural and distributive modernizations that will make the trauma of development tolerable to present generations—is particularly vulnerable should foreign assistance become mainly multilateral, without there being changes in the international development institutions. Why?

One reason is that the development banks cannot use their capital raised by public financing in ways that would undermine the financial soundness of the bank's bonds. This means that every "hard" development loan proposal must, in a convincing and credible way, be quantifiable and, as so quantified, meet cost-benefit and related tests of bankability. President McNamara deserves great credit for taking managerial initiatives in the World Bank toward enlarging the scope of lending from the Bank's traditional field of essential national physical infrastructure into virtually the whole array of development needs, including education and population. Nonetheless, a loan is a loan, and in the social development field the big basic limitations are those related to "credible quantification"—credible, that is, to the more traditional executive directors and to the world's "money community."

The Inter-American Development Bank is farther along with "social lending" than is the World Bank for the poor nations of the world, and at its soft window it has been more relaxed about pay out analyses. Nonetheless, even as to it, there are outer limits, not the least of which is the tendency of Congress to wish to ensure North American-type substantive audit oversight of lending operations.

Another reason changes are essential in international development institutions is that many social development projects are still highly controversial as to whether they are credibly quantifiable. It is not likely, for example, that national health, primary education, secondary education (other than vocational), and population limitation will in the near future be so measured.

As this is being written, the United States is putting into operation a new institution specifically directed toward social development in the Western Hemisphere. This institution, resulting from a laudable initiative in the House Foreign Affairs Committee, will attempt to insulate social development support from the United States Government, as well as to raise funds from various nongovernmental and multigovernmental sources. Its future is still before it.

Once established, truly international and universal, sub-institution that could become the world's full-range development agency is the International Development Association (IDA), usually thought of as the "soft lending" window of the World Bank. Inasmuch as IDA does not float bonds for its resources but depends upon periodic contributions from member governments, there is no reason why IDA has to function like a bank. But in practice an IDA loan has been analyzed exactly as a "hard" loan from World Bank bonded capital, except for the hard currency replayment capacity of the assisted country.

Originally, before serious limitations were imposed on IDA during its gestation, it was to be a grant, not a loan, agency. However, as finally constituted, IDA was authorized to give interest-free "credits." Is there a real expectation, deep down in the Jungian subconsciousness of the countries that have funded IDA that IDA "credits" are really payable like World Bank loans? Or, was the shift from grants to loans as IDA evolved a generally accepted sugar-coating of national reluctance to give to the poor countries as the United States had given to the developed but war-damaged Marshall Plan countries? Was the marked shift toward loans in bilateral assistance a similar benign avoidance? My inclination is that the IDA credit could and should be changed to a clear grant basis. But that aside, what is essential is that IDA assistance, even if still called "credits," be freed of the rigors of "bankability" as described above. Only then will we have a multipartite development agency that will have capabilities throughout the social portion of the assistance spectrum.

This shift will require wisdom over the whole spectrum and great objectivity about the institutions of development, whether bilateral or multilateral. Where should this leadership be lodged within the United States Government? It would be extremely difficult to answer this question in terms of what I recall from experience in service about the varying senses of mission of the various Executive Branch subinstitutions that have "interests" in the matter. Suppose USAID is "balkanized" as proposed by the Presidential message version of the Peterson Report and coordination of the "split-up" is transferred to the Executive Office of the President. If this happens, the direction of United States positions in all multinational assistance institutions ought to be there, provided a genuine, driving sense of mission about the validity, urgency, and national interest significance of development assistance exists there. Otherwise, I should be content to see leadership lodged with whatever participating agency gives promise of the most drive. Congressional committee interests must be honored in allocations of authority in the Executive Branch. In the Senate, all foreign assistance is pretty much a Foreign Relations Committee matter, while in the House, the Committee on Banking and Currency has a leadership role so far as multinational banks are concerned.

In this appraisal of what we might call the "institutional development needs of international development institutions," little has been said about the development funds of the United Nations and the OAS. Both have considerable potential for social development, especially in the grant-funded, technical assistance field.

Unfortunately for the UNDP, the widening chasm between the few rich and the many poor nations, each with eventual recourse to "one country, one vote," seems to have damaged seriously the prospects for significant capital transfers related to development in general through the United Nations. The noticeable lowering of Latin-American "drive" toward getting development assistance makes the outlook for expansion of the OAS fund poor.

The biggest danger to social development is that the new problems when added to its unsolved ones will submerge it in favor of strictly economic development "trickle down" and all that. The "trickle down" problem even exists in the field of social development in a rather insidious form. North Americans, especially well-intentioned lawyers, tend to assume that problems are automatically solved by improving institutions, norms and modalities. Social development inputs could easily take the form of tinkering exclusively with an array of institutions in developing countries, from university administration to stock breeders' associations, without coming to grips with the basic and urgent social justice problems that I believe lie at the heart of social development.

In taking this position I do not contest the overwhelming need for more adequate funding of economic development. No "numbers game" should be played with total amounts if foreign assistance goes mainly multilateral. All I seek to do here is to call attention to the most neglected part of an area of too much overall neglect, benign or otherwise.

CHANGE IN LATIN AMERICA AND THE INTERNATIONAL DEVELOPMENT BANK

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, T. Graydon Upton, Executive Vice President of the Inter-American Development Bank recently addressed the 57th National Foreign Trade Convention to give what I believe is one of the most realistic and perceptive assessments of the Latin American situation and its implications for the future, and for the direction of U.S. policy.

It is an outstanding and immensely valuable analysis which merits our close attention, and I include his remarks, entitled "Change in Latin America and the Inter-American Development Bank," at this point in the RECORD for careful reading:

INTER-AMERICAN DEVELOPMENT BANK,
Washington, D.C., November 17, 1970.

CHANGE IN LATIN AMERICA AND THE BANK

(By T. Graydon Ypton)

Over many years a most rewarding intellectual experience has been that of participating in your forums. At different times I have done so as a commercial banker and a member of your Declarations Committee, as discussion leader at your International Finance Sessions in my capacity as President of the Bankers' Association for Foreign Trade, as a member of the U.S. Government Delegation when Assistant Secretary of the Treasury, and most recently as a guest during your annual convention day devoted to the Americas.

INTRODUCTION—THE NATURE OF CHANGE

Your theme this year is the relevant one of "Trade and Investment in a Changing World Economy—The Need for Realistic Policies and Initiatives"—and I welcome the word "realistic." Consistent with your theme, I have entitled my talk "Change in Latin America and the Inter-American Development Bank"—omitting the word "economic" from the title. This is not because I minimize the economic factors, but because the nature of change in Latin America is social, political, and ideological, as well as economic.

Adjustment to change presupposes an understanding of the nature of that change—thus the purpose of my talk is to make a modest contribution to your already existing broad knowledge of that subject. I might add that the first year of a new decade is always a symbolic time, allowing one to review and evaluate the past, as doors to the future are opened.

By definition, development implies change, and, as Lester Pearson said in his report to the World Bank: "Change is, itself, intrinsically disruptive." The same thought was expressed with respect to the ability of the individual to adjust to change in a book by Alvin Toffler entitled "Future Shock," where the statement appears: "The roaring current of change is so powerful today that it over-

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turns institutions, shifts our values, and shrivels our roots. Unless man quickly learns to control the rate of change in his personal affairs as well as in society at large, we are doomed to a massive adaptional breakdown."

And Chancellor Heard of Vanderbilt University in his report to the President on student attitudes called attention to a factor of change characteristic of our younger generation, which has particular application to Latin America. It deals with the power of ideas: (I quote) "Power takes many forms in society. We are familiar with military power, financial power, governmental power, political power in organized groups and other effective influences. Intellectual power ought not to be forgotten. Time and again in the world's history, ideas have prevailed over other forms of power, from the teachings of Jesus, through those of Tom Paine and Karl Marx to those of Adolf Hitler. Intellectual power is at work in new ways in the United States." Latin America, I might add, has inherited a culture where intellectual power, and intellectual leaders in all fields, including that of economic development, have a great impact.

With these philosophical concepts in mind . . . let us begin by attempting an overview of the change which has taken place in the decade of the sixties in Latin America, from the economic, social and political angles. Subsequently, I will review the role which the Inter-American Development Bank has played during that decade, which coincides with its first ten years of activities. Finally, let me risk some crystal ball gazing on what the decade of the seventies holds in store.

Incidentally, no one can speak institutionally on the subject I have chosen—there are too many different viewpoints. What follows is a personal synthesis evolved from a constant exchange of views with nationals of different Latin American countries, and of different sectors of those countries, who hold a variety of different opinions.

CHANGE IN LATIN AMERICA IN THE DECADE OF THE SIXTIES

Economic change

The Alliance for Progress brought a new approach and consensus to international cooperation for economic development. For the first time, it was formally and officially recognized that economic development is indivisible from social progress and political development. Thus, the Alliance for Progress set a commitment, with the backing of the United States and Latin American Governments, to support a cooperative program with the following basic characteristics:

a. National effort is an essential prerequisite to development; international cooperation is necessary, but by itself alone is insufficient to support it.

b. The social dimension deserves high priority in the development effort; the people participating in the effort must be convinced by facts that its success will also imply improvement in their standards of living, instead of further concentration of wealth in the hands of the richest groups of the countries.

c. The participation of peoples in the development effort must also be expressed through democratic ways of government in order to ensure that development will serve their interests and aspirations.

On the basis of this philosophy, expressed in the Charter of Punta del Este, the member countries of the Inter-American System have developed a substantial effort during the past decade. The key institutions involved in this effort were the Inter-American Development Bank; the bilateral programs of the United States, coordinated by AID, and the OAS organizations, including CIAP.

A substantial amount of resources, both in the form of loans and technical assistance, were provided to Latin America during this period, and for the first time in history, in fields of social impact like land reform, urban development, education and administrative improvement. An important portion of the financing was made on very soft terms, almost equivalent in some cases to grants; a large part of the technical assistance was also given on a grant basis.

Many critics of the Alliance are of the opinion that this effort was a failure because it did not solve the development problems of Latin America in that decade. Nothing could be more unfair and unrealistic. It is absolutely inadequate to declare that the Alliance has failed because there have been military coups in Latin America, because growth has not been sufficient, because we don't hear a uniform choir praising the United States in the region, or because unemployment figures are still very high.

In fact, no amount of money or cooperative programs could have operated a miracle in the difficult world we actually live in. Let us look at ourselves in the United States and just think of the many acute problems that, in spite of our economic capacity and our technological development, have emerged in our own country.

We should rather credit the Alliance with the considerable improvement in public administration which is evident in many Latin American countries, with the pioneer programs benefiting low-income farmers; with the substantial improvement in the educational institutions, and with the institutional developments and betterment of conditions in the rapidly growing cities of Latin America.

It is true that aspirations and demands for progress and services have grown faster during the decade than the ability to fulfill them. However, it should be pointed out that Latin America is much better equipped today than it was ten years ago to deal with more complex problems, from an institutional point of view, and that a great part of this improvement must be credited to the Alliance.

Let us turn now to some of the indicators of the evolution of Latin America in the decade of the '60's. In 1969, Latin America had 260 million people versus 205 million in the United States. With a population 25 per cent larger, it had a GNP one-seventh that of the U.S. ($125 billion versus $930 billion.) It had an average per capita income of $480 versus $4,800 in the U.S. (The Latin American extremes incidentally were a high of $900 for Venezuela and a low of $70 for Haiti.)

With respect to rates of growth, the average annual Latin American growth rate in the last decade was 5 per cent, a figure which rose to 6.4 per cent in 1969—compared with a 4½ per cent average growth rate in the U.S. during the same period. While Latin America's overall growth rate appears good, once the region's population increase is taken into account, the result is poorer. Per capita growth was 2.2 per cent or only 70 per cent of the U.S. figure. In short, the already broad gap in living standards between the United States and Latin America continued to widen.

Within the manufacturing sector the growth rate was 5.7 per cent versus the world average of 6.8 per cent. But, despite restricted markets, eleven Latin American countries had a manufacturing growth rate of between 7½ per cent and 10 per cent a year versus 5.6 per cent in the United States. In short, Latin American manufacturing growth has been considerable.

As generally happens, agricultural growth was less marked than that of the rest of the economy, but still kept pace with the rate of population growth. It is noteworthy that increased attention was paid during the decade to the necessity of giving agriculture a higher priority in the development process. This compares with previous concepts of almost exclusive concentration of priority on industrial development. Among other indicators, this new attitude has been reflected in the lending operations of the Bank itself, where agriculture has been given first place in the use of our resources.

Foreign trade progress was very poor—Latin American exports growing some 40 per cent below the rate of growth of world exports. For example, U.S. imports from Latin America, though up in volume in 1969 over 1950, were only 12 per cent of its total compared with 28 per cent in 1950. A crucial factor for Latin America has been the limited degree of both commodity and market diversification, and the continued dependence on raw material exports such as petroleum, coffee, copper, cotton, wheat, sugar, beef, bananas, wool, fishmeal, lead, zinc, tin and cocoa—a list of raw materials making up 75 per cent of Latin American export value. These primary commodities had a typically limited growth rate of only 3.6 per cent annually and their prices were subject to rapid cyclical swings. In 1960 when the United States GNP dropped three-tenths of one per cent in six months, imports from Latin America fell by 9 per cent or about 30 times more than the drop in U.S. economic activity. As the saying goes, "When the United States sneezes, Latin America catches pneumonia."

In the meantime the price of manufactured goods imported by Latin America continued to climb substantially above the increase in their export prices. In 1968 the terms of trade were 16 per cent below the peak reached in 1954 (a year in which very high coffee prices existed). President Lleras pointed this out when he said a year and a half ago that a Latin American farmer in 1954 could buy a U.S. jeep by selling 14 sacks of coffee. In 1969, however, he would have to sell 43 sacks of coffee to buy the then current jeep model.

In spite of occasional impressions to the contrary, the domestic sector of Latin America, both public and private, is the engine of its own growth, not foreign loans and investment. For example, between 1960 and 1968 in a period in which gross investment increased from $12.1 billion to $20.5 billion, only 7 per cent was net external financing; 93 per cent came from within.

Latin America is still very much a private sector economy. It has generally been estimated that about two-thirds of the domestic investment in the region is undertaken by the private sector, and one-third by the public sector. There are, of course, considerable variations among countries. One should also remember that substantial public sector investments are in infrastructure which result in new investment opportunities for the private entrepreneur. The sensitive fields for private enterprise are mineral and mining, the extension of mineral and mining into related industries such as refining and petrochemicals, public utilities, major industries like steel, and banking. This is the shadow ground of conflicting development philosophies. The domestic private sector in many countries is dynamic, as the statistics on industrial growth show, although efficiency is frequently low because of over-protectionism, limited markets, and inability to achieve the economies of mass production due to a proliferation of small units in the same industry. Examples of this, in car assembly and household consumer goods, have been mentioned in this forum in the past.

The domestic private industrial sector in Latin America, which has shown growing strength and energy, has also been concerned with a number of problems. In the first place, while it has relied heavily on government support in the form of protection, incentives and low-cost financing, it has at the same time tried to avoid encroachments by these governments. In the second place, it is fearful of foreign competition or interference both by other Latin American countries and foreign investors. This fear has slowed the process of integration in the region. This preoccupation with foreign investors and multinational corporations has derived mainly from their take-over of domestic markets and companies, just as from their fear that foreign companies of more experience and business power could take over control of the Latin American Common Market.

With respect to U.S. private investment in Latin America in the decade just past, it increased in the industrial sector at an annual rate of over 12 per cent, with investment in finance and service industries rising at a rate of about 9 per cent, and in trade at almost 7.5 per cent. The decade showed a noticeable shift of emphasis from mining and petroleum to industry. The total figure at the end of 1969 was $13.8 billion.

One should not forget that in a broader interpretation the private sector also includes labor. The growth and maintenance of independent trade unions are vital to the existence of a healthy private sector and the work of the AIFLD (American Institute for Free Labor Development) in this field deserves the support of all of us here. There are, incidentally, at the present time only two countries in Latin America whose labor unions are heavily Communist dominated. However, the new protectionist attitude of the labor unions in the United States may I fear, diminish the effectiveness of cooperation of these unions with the democratic labor movements in Latin America. Recent public statements and the pressure of these groups to obtain protectionistic legislation in Congress will create resentment in those areas of Latin America that may be excluded from the United States market.

The International Community, for its part, is also paying increased attention to the private sector. There is in process a significant increase in the activities of the International Finance Corporation. The IDB is exploring with its member countries the feasibility of establishing a separate entity (COFIAL) to deal with the private industrial sector. A few years ago, corporations from the United States, Canada, Europe and Japan created ADELA to make equity investments and loans to private sector enterprises in Latin America, and an additional capital increase has just been approved. The Andean countries, including Venezuela, have recently organized the Andean Development Corporation, and there has been an important increase in new private investment companies in Brazil, Colombia, Ecuador, Central America and elsewhere.

Representative private sector groups have also increased their activities, in this country through the Council of the Americas and regionwide through the Inter-American Council of Commerce and Production (CICYP), as well as through a continuing series of special U.N. conferences, and local and national activities in Latin America.

The economic indicators just presented, are cold statistics—helpful to understanding—but difficult to interpret in human terms. Even had they been more satisfactory, it is still not necessarily sufficient for GNP to grow at an adequate statistical rate, or for exports to reach improved price and volume levels, or for investments to have taken place at a previously unrecorded pace. Man, himself, is the reason for, and the cause of, all economic activity. Consequently, we should look at man in Latin America and see how he is faring.

Social change

What you see depends on where you look. There is the world of the frequently prosperous capitals and big provincial cities, modern hotels, industry, and the middle and upper classes, which is what most of us see in our travels. But there is also the world of the slum dwellers, and there is the world of the rural peon and the Indian. Governor Rockefeller said in his "Report on the Americas" to President Nixon, "Everywhere in the hemisphere we see similar problems—problems of population and poverty, urbanization and unemployment, illiteracy and injustice, violence and disorder . . . Men have looked at the relative quality of their lives and found it wanting." Or, as has been said of the youth of Latin America, "Finding that the economic and social system offers no solution for the problems which trouble them, they turn from it in vehement repudiation."

I have mentioned that the average rate of demographic growth for Latin America in the sixties was close to 3 per cent per annum. This already high figure, suggesting a doubling of population in 23 years, obscures a 7 per cent per annum population increase of the urban centers in Latin America, and a 15 per cent annual population increase in the spontaneous settlements taking place all around the large Latin American cities, such as Rio de Janeiro (where they are called "favelas"), Lima ("barriadas"), Santiago ("callampas"), Caracas ("ranchos"), etc.

A crucial question appears therefore to be: Can a continuation of the current rate of development in Latin America—representing the level of efforts of the *Alianza* years—provide employment for all these new additions to the labor force and offer them sufficient income to become significant, rather than purely marginal, consumers? The answer has important political, as well as economic and social connotations. According to Raul Prebisch in the Report he prepared for the IDB, this answer is definitely in the negative. He believes there is insufficient growth of the Latin American economy at the present time, to solve this problem. I quote: "The Latin American rate of development has been too slow to meet the peremptory demands deriving from the population explosion, and a large amount of human potential is wasted in one way or another, to the detriment of economic growth, equitable income distribution and social harmony." He goes on to say that there is no contradiction between economic growth and social development ". . . when growth is sluggish, distribution is almost always unsatisfactory. The practice of social equity calls for a vigorous rate of development, as well as for the political art of distribution, a delicate business in itself."

The statistics he presents show that between 1950 and 1965 the labor force in the agricultural sector dropped from 50 per cent of the total labor force to 43 per cent. What is noteworthy is that there was no corresponding percentage growth of employment in the sectors of industry, construction and mining. Just the opposite occurred. Here the percentage also dropped; from 35 per cent to 31.8 per cent. It was the services sector, which statistically includes much open unemployment and underemployment which grew from 65 per cent to 68.2 per cent. Outright unemployment in Latin America has been, for example, estimated at 17 per cent in industry and around 36 per cent in agriculture, making an average of about 26 per cent for the region. This figure, incidentally, is particularly startling in light of the discussion in the U.S. about what is a maximum "acceptable" rate of unemployment in the fight against inflation.

Other indices, however, reveal that for many Latin Americans the quality of life has improved during the decade of the sixties. The advances made by the region in the social field are impressive; it is the magnitude of future needs which render them insufficient.

Infant mortality, for instance, dropped 12 per cent in four years. However, 44 per cent of all deaths are still of children under five years of age compared with 8 per cent in North America.

Water and sewage services in Latin America were significantly expanded during the last decade in spite of the population explosion. Whereas only 60 per cent of the urban population of Latin America in 1961 had access to water connections, by 1969 this figure had increased to 67 per cent; in the same period access to pure water in the rural sector went from 7 per cent to 18 per cent of the population. There has been a similar improvement in sewage services in urban areas. Housing, however, has lagged seriously behind population increases. Production of durable consumer goods has of course increased substantially. In short, one might conclude that there has been an improvement in living standards for the upper the middle classes, that there has been some improvement for many others—but that many millions more have been bypassed by the economic improvement.

Political change

Let us now turn to the political sector, where the aspirations and promise for future change are more important than what has been already achieved. The problem has been posed in the following way:

"The broad masses of the people, whom development has conspicuously failed to reach, have likewise been left behind in the political evolution of the Latin American countries. Their social and political integration is an imperative necessity, and for that very reason, greater vitality must be imparted to the economic system. Can this objective be attained without a lasting setback in the long and vicissitudinous process of Latin America's political development?" One might parenthetically observe that social change with political stability is much more likely in an expanding economy than in a stagnant one.

Seen in these terms, Latin America's quest for its own identity becomes more understandable. The search has proceeded along a dual course: on the one hand, increasing nationalistic attitudes are emerging in more and more Latin American countries; at the same time, there is a greater awareness among the same countries of their common interest, and a marked desire to identify and protect these common interests. This effort may, however, be impeded by conflicts of national interests and different philosophies of government.

Latin American integration is no longer in the rhetorical realm. The economic advances of the Central American Common Market, the painfully slow but constant bargaining taking place within LAFTA, the hurried aggressiveness of the recently constituted Andean Group, and the genuinely Latin Americanistic Declaration of Vina del Mar by CECLA (Spanish initials of the Special Committee on Latin American Coordination) are all aspects of this search for a total Latin American personality. These efforts represent a basic attempt in Latin America to enlarge the microscosm of each country's individual national life. Intra-Latin American cooperation is not only a requirement of modern economic development to achieve expanding markets and efficient production, but also a mature recognition that individually the Latin American countries cannot exercise much political weight in the world, but that together they can.

Unconventional economic experimentation and leaders dedicated to new nationalistic paths have come to the fore. No longer can we speak in simplistic terms of right and left nor group certain factions under traditional labels. Classical position of power groups are shifting so rapidly as to impede any attempt at rational forecasting. The military and the church are no longer "right," nor even "middle of the road," or "left of center"; in some countries indeed they are considered by the landed aristocracy as the extreme left. In one country democratic procedures have been followed to approve a Marxist approach which traditionally had been considered incompatible with the freely expressed will of the people. And despite the short time which has passed since that event, several other liberal Latin

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American leaders seem to be moving further towards the left. Once again, a quotation from Lester Pearson's Report is pertinent: "Development involves a profound change in national behavior and often creates threats to national unity and cohesion which may require strong appeals to each nation's unique historical experience. Economic organization, social policy, and the mobilization of the will to break with the past, will often require pragmatic policies appropriate to local circumstances. It has been amply demonstrated that the political evolution of developing nations follows no single path, nor seeks any other country's image."

In the past we have spoken of the future and what will happen *unless* economic development succeeds. But all of this is taking place *now*. Biological evolution might have taken millions of years, but social evolution is accelerating at a breakneck tempo. The great questions to be answered are: Can we be sufficiently patient in relationship with our impetuous sister nations in their headlong drive for development? Can we show enough flexibility and understanding? Will the U.S. be prepared to avoid hurting Latin America with unjustified protectionist measures? Will the U.S. be prepared to accept the recommendations of the Peterson Committee in order to increase the level of its development cooperation? Is the U.S. business community prepared to understand the need for a realistic approach in order to change conditions in Latin America, at the same time that it is faced with its own problems of change?

The decade of the sixties was characterized by the revolution of rising expectations. Now as we start the decade of the seventies, we must deal, at least in certain countries, with what Ambassador McComie of Barbados recently characterized as "the rising expectation of revolutions."

It is a confusing picture that Latin America presents at the end of the decade of the sixties, but it is not as pessimistic as is sometimes characterized.

THE INTER-AMERICAN DEVELOPMENT BANK

Let me now devote a few paragraphs to the IDB and its particular role in development in a changing Latin America. (An illustrated booklet, "Ten Years of York in Latin America," is available on the hall table, and additional copies will be mailed on request.) The Bank is a hemispheric development institution whose 23 members are independent countries of the hemisphere, belonging to the OAS, and including not only the 20 traditional countries (Cuba is not a member of the Bank) but more recently some of the newly independent countries of the Caribbean, Trinidad and Tobago, Barbados, and Jamaica. Its Governors are the finance ministers, or ministers of economy of its respective member countries, who meet annually in a different country. Its daily activities are guided by the President and a seven-man Board of Directors, six from Latin America, and one from the United States, (with Alternate Directors). The United States votes some 42 per cent of the stock, and has a veto power by the terms of the Charter of the Bank over the use of the Fund for Special Operations (the soft resources of the Bank, corresponding, in certain respects, to IDA of the World Bank Group) and has a strong voice in the use of the ordinary capital resources. (As a practical matter, with very rare exceptions, all decisions of the Bank represent the unanimous opinion of the Board of Directors). The Bank's headquarters are in Washington, and it has representatives in charge of project-control offices in most of its member countries. It has a staff of some 1,200 people, 80 per cent of whom are from Latin American member countries and 20 per cent from the United States.

The Bank, an aspiration of the Americas since 1898 when the first proposal went to the U.S. Congress, was founded in 1960, in large part due to the initiative and guidance of the Bank's first Governor, Robert B. Anderson, then U.S. Secretary of the Treasury, whom together with Douglas Dillon, we consider the U.S. fathers of the Bank. I had the privilege of signing the Bank's first loan in June 1961, for $3.9 million for a water and sewage system in Arequipa, Peru.

At the present time we have committed some $3.8 billion in loans, both hard and soft, for some 600 development projects in Latin America. This volume represents some 30 per cent of the total development assistance provided to Latin America by Washington-based multilateral and bilateral agencies in the last decade.

The 600 development projects are being carried out at a total cost of more than $10 billion, a figure which includes the substantial local contribution of some two dollars for every Bank dollar, made by the Latin American countries themselves. The loans have been made predominantly in the fields of agriculture, industry and mining, infrastructure, water and sewage, roads and ports, electric power, urban development, and education. The Bank has fostered the private sector in Latin America through direct loans and, more importantly, through loans to governmental and private development banks, which, in turn, relend, under terms and conditions specified by the IDB, to small- and medium-sized borrowers in the private agricultural and industrial sector. As I stated earlier, our Governors are going to examine the feasibility of expanding our activities in the private sector through the establishment of some type of corporate vehicle—the final form has not yet been determined—which will be able to take equity participation, and perhaps, participate in underwritings. In addition through studies, technical assistance, and training courses, as well as through policies laid down in our loans, we have been one of the foremost promoters of modern management and auditing standards in Latin America. These have been essential to business, to governments, and to our own loan protection. We are also active in studies and technical assistance in promoting capital markets—a subject which will be the theme of our next round table discussion at the time of our 1971 annual meeting.

In addition to the resources arising through our paid-in capital and the guarantee capital of the United States, we have had important resources entrusted to us by non-member countries, particularly Canada. Beyond this, not only have many traditional lenders of capital such as Germany, Switzerland, Italy, the Netherlands, Belgium and the United Kingdom assisted us through opening their capital markets and in some cases through special financial arrangements, but such non-traditional capital providers as Austria, Japan, Finland, South Africa, Spain, Israel and the Vatican have provided funds to the Bank—the latter being the first time in history that the Vatican has made funds available to a multilateral financial institution. Although the amount is modest, it is of considerable symbolic significance.

At the moment the Bank's Governors are studying ways to incorporate more closely in the activities of the Bank those industrial countries which have aided the Bank but are presently not eligible for membership.

The strength of the Bank has been demonstrated in two areas. First, in its capacity to combine traditional banking practices with an entry into fields formerly not considered bankable for Latin America—such as water supply, low-cost housing, and reform and colonization, and education. This capacity was sparked by the Social Progress Trust Fund supplied by the United States under the Act of Bogota in 1960, and was subsequently expanded and further diversified by the Bank's own capital (generally its soft loan fund) with new emphasis on financing pre-investment studies and integration through loans to develop regional projects in electricity, transportation and communications, and through studies and research through the Bank's subsidiary for integration studies in Buenos Aires—INTAL.

The second demonstration of strength of the Bank has come from its unusual inter-American character—a tribute to the foresightedness of its founders. Other multilateral institutions are administered essentially by creditor countries, or in one case a purely debtor country organization exists. The structure of the IDB is essentially inter-American. Its President is and will be a Latin American and a considerable majority of its staff are and will be Latin American. On the other hand, a significant number of key positions are held by U.S. citizens and the United States retains important decision making powers. Its principal language is Spanish. But in its loan and technical assistance projects, Latin American borrowers find themselves negotiating with both Latin Americans and North Americans. The Bank's field staff and its project control staff are also largely Latin American.

This predominance of Latin American language and culture gives the Bank an unusual ability to adapt to the national sensitivities of its borrowers and to solve inevitable conflicts of attitude and opinion within an inter-American group. It also means, as "Vision" pointed out in a letter early this year, that the administrative reforms borrowers must carry out and the sometimes onerous loan control procedures can be negotiated and carried out with greater success and less friction.

Finally, I would like to mention the least known aspect of the IDB's activities—the training of Latin Americans in modern techniques of development banking and related subjects. Some 6,000 Latin Americans have passed through our training courses in Washington or Latin America. These courses follow the whole cycle of development problems beginning with pre-investment activities and ending with post-investment follow-up and include such subjects as project formulation and evaluation, project management, mobilization of internal and external sources of financing, financial analysis and auditing, agricultural credit, etc.

In addition, a recent survey showed that a considerable number of former staff members and former Directors are now (or recently have been) in such key positions in our Latin American member countries as Ministers of Economy, of Finance, of Commerce, or of Justice; Presidents of Central Banks and public development banks; Directors of technological institutes and land reform; Directors and Deputy Directors of Planning Ministries and Offices; Ambassadors to the White House; General Managers of Private Banks and *Financieras*, Vice Presidents in ADELA and DELTEC, and last, but not least, the recently elected Mayor of Quito. Indeed in a recent presidential campaign in Ecuador, three present or past members of the IDB, all former cabinet officers, were publicly mentioned as Presidential candidates.

The formation of policies of the Bank during this difficult transitional period in Latin America will be, as in the past, primarily the responsibility of its Governors, the President and its Board of Directors. What is of particular importance is the fact that there is at hand an extraordinarily able and well trained inter-American group, and an effective institutional mechanism to put such policies into effect.

Before leaving the subject of the IDB and passing to my concluding remarks, I wish to pay tribute to our retiring President, Felipe Herrera, who originally hoped to be able to address you here today. His imagination, his energy and forethought, his knowledge of Latin America, and his unique ability to reach a compromise between Latin American and North American views, so that decisions acceptable to both could be achieved, has been outstanding. To have been President of the IDB during this period of growing polarization of philosophies, and inevitable inter-American frictions, and at the same time to fashion from the beginning a great institution, has been an extraordinarily complex task. He well deserves the thanks of the inter-American Community.

THE DECADE OF THE SEVENTIES

Let us now have a look ahead.

It is clear that in the sixties, economic and social progress, in a number of countries of the hemisphere has been insufficient to meet basic needs and aspirations. The Charter of Punta del Este in 1961 established both absolute and per capita income goals. The quantitative goals were met from abroad and exceeded by Latin America. The per capita goals were not met—primarily due to the population increase.

Lincoln Gordon, when he was Assistant Secretary of State of Inter-American Affairs, one of Charlie Meyer's distinguished predecessors, said in 1967 that unless there were substantial increases in growth rates in the next five years he foresaw severe crisis in Latin America. Five years is almost here and the crises are already here. However, Latin America is and has been a continent of crises but always with a great capacity for compromise and adaptation. I might also say, parenthetically, that I have noticed little direct correlation between per capita income and political structures—although obviously there is an indirect one. Latin America still represents a culture where the leadership of personalities with their varying political philosophies is of great importance, as contrasted with established political parties and programs of the right, center, and left.

There is still no agreed-on pattern for Latin American development objectives of the seventies, as was established in 1961 at Punta del Este, although the inter-American economic machinery has been substantially strengthened. The Rockefeller and Peterson Reports to the White House, the Jackson and Tinbergen Reports to the U.N., the Pearson Report to the World Bank, and the recently published Prebisch Report to the IDB have clarified the nature of the development problem, and contain a wide assortment of ideas and recommendations. The Alliance for Progress goals included a 5 per cent growth rate, Pearson has suggested the need for a 6 per cent growth for Latin America, Tinbergen from 6 to 7 per cent, and Prebisch 8 per cent, in order to create the type of dynamic development in which, it is implied, social adjustment can take place without fundamental political change.

Such a goal, or even a lower one, although hopefully to be stimulated by trade and development assistance from abroad, would largely have to be achieved by internal savings and investment. This would imply almost a trebling of the present 4 per cent annual investment growth rate by 1980.

The real question this raises is whether a "development discipline" can be created in Latin America through which it will be feasible to keep consumption from increasing as rapidly as production. You cannot have it both ways. Yet within a democratic society it is extremely difficult to shrink consumption—particularly when that of the masses of people is so low. The political aspects of this were recognized some years ago by Huxley, when he said in a seminar on demography, that rapidly increasing population pressures in the less developed countries, and the resulting increasing inability to meet the needs of the people for housing, public services, and employment would inevitably lead to authoritarian governments of the right and the left. This is happening to some degree in Latin America. Increasing numbers of countries are becoming polarized and authoritarian in their political processes.

This polarization may well continue, and left-of-center politicians may be forced further to the left. We may see increasing statism and government control in order to try and achieve a faster rate of internal savings and thus more rapid development. Action may go all the way from forced savings through taxes and monetary policies to more direct government intervention in productive activities. Social and political struggle will continue to be a fact of life (as it is increasingly becoming in our country) but a significant rate of economic development will be maintained.

We may also see a clearer emergence of a total Latin American personality—impeded as this is at the present time by different philosophies of government and national jealousies. Despite this, I believe a new Latin American regional cohesion will evolve.

Trade with the Soviet Bloc and China may expand during this decade, and more Latin American countries may be encouraged to establish diplomatic relations with them, as several have done during the last decade. This trend will be stimulated by the United States if it adopts protectionist measures that hurt its trade with Latin America and thus force Latin American countries to seek alternative outlets for their exports. In general, Latin America does not expect much in terms of competitive financial or technical assistance from the Soviet Bloc, and it is also aware that Communist countries make tough negotiators in commercial matters. However, the pressure for trade expansion will force the Latin American countries to keep on trying to increase their access to the markets of these countries. It is interesting to note that this development has no relationship with the ideology of Latin American Governments—among the countries most actively seeking commerce with Communist nations, we must mention President Carlos Lleras, one of the outstanding democratic leaders of Latin America, as well as the strongly anti-Communist military governments of Brazil and Argentina, and more recently another democratic leader, President Figueres of Costa Rica.

Latin America will speak in an increasingly independent voice to the world. We will understand better than in the past the reason for this, but it will not be easy to maintain mutual understanding and tolerance.

Now how will this possible scenario affect the private sector? At this time there are several countries where private investment is coming under increasing attack and restriction. There is no need to name them. However, as is usual in the short run, we read more about the problems and crisis, than we do about the solid achievements and successes.

If one looks at those countries which are receiving the bulk of foreign manufacturing investment funds in Latin America and which account for some 78 per cent of U.S. investment in industry in the region—Brazil, Argentina, Mexico, Venezuela—one finds very dynamic private sectors quite aware of the broader social picture and their obligation to work towards social improvement. In Latin America, too, the younger generations—who are graduating in increasing numbers from such business schools as INCAE, the Harvard Business School-sponsored project in Central America; ESAN, the Stanford-sponsored project in Peru; EAESP, the Getulio Vargas Foundation in Brazil; IDEA in Argentina, and others (many of them assisted by the IDB)—are moving into the business picture.

I suggest the dialogue between the private sector of the industrial countries—particularly the United States and Latin America—will become more intensive and more effective, and will result in attitudes increasingly more willing to seek compromise solutions—on both sides.

I suggest the multilateral institutions will begin a search to find greater security for the validity of contracts entered into freely and without reserve by both sides. I suggest U.S. and European development efforts, directed specifically towards the private sector, will increase.

Finally, I suggest that a sharp contrast will be shown in the rate of economic development between those countries which encourage a dynamic private sector in comparison with those which discourage it and that the lessons of this contrast will be of increasing influence in the development philosophy of many Latin American countries.

For all of us, North Americans and Latin Americans alike who share a profound conviction of the vital role of private capital in Latin American development, the realization of these expectations is the challenge of the decade of the seventies.

OPEN ADMISSIONS

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, for the consideration of my colleagues, I submit three thoughtful and provocative articles which may be classified under the general heading of "Open Admissions." In a recent issue of the Sunday New York Times, Mr. Thomas Sowell, associate professor of economics at UCLA, discusses the development of curious admissions policies for black Americans. Messrs. Rowland Evans and Robert Novak report on the implications of an "open door policy" to the future of City College of New York. And, finally, William Raspberry probes into the now threatened future of the "cherished" sheepskin.

A BLACK PROFESSOR SAYS COLLEGES ARE SKIPPING OVER COMPETENT BLACKS TO ADMIT "AUTHENTIC" GHETTO TYPES

(By Thomas Sowell)

Campuses across the country are full of optimistic official reports and demoralizing private discussions about programs for black students. As a black faculty member, I encounter more than my share of both. The private discussions revolve around underprepared black students who are in over their heads academically and those white faculty members who fudge their grades out of guilt, compassion or a desire to avoid trouble. Few faculty members are as blunt as the Cornell professor who said, "I give them all A's and B's, to hell with 'em." At least he understood the consequences of what he was doing. Others think they are doing a favor to the students, or to black people in general.

While it is uncertain what proportion of black students need, want or get special consideration of this sort, it happens often enough to throw a cloud of doubt over the performances of able black students and to risk the devaluation of their degrees and respect. The effect may be even more disastrous for those black students who are neither fully prepared nor incompetent, but who could make the painful transition to demanding educational standards if they had to, in an environment without easy or "understanding" professors.

The basic myths underlying current policies and practices regarding black college students have been elaborated into a whole system of social theology, interpreted by the anointed and defended against heretics and skeptics. These basic beliefs include the following:

(1) Inadequately prepared black students must be recruited, even for the most demanding colleges and universities, because those are essentially the only kind of black students available in substantial numbers.

(2) The major efforts in admissions, financial aid and counseling must be concentrated

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on the academically deprived, because the good black students "will make it anyway."

(3) Standardized tests contain too much white, middle-class material to be used in predicting the academic success of black students, relative either to white students or to each other.

(4) Black college students require very special handling, including an education centering on black studies and courses taught by black faculty members.

(5) Flunking black students in a course or putting them out of college for academic deficiencies deprives black people of potential leadership.

(6) There can be no honest or substantial reason for criticizing these ideas: whites who criticize them are insensitive or racist and blacks who criticize them must be middle-class snobs and certainly not "really" black. (This leaves a loophole for Orientals, but no theology is perfect.)

The consistency of these ideas with each other and with a certain vision of the social process is striking. What is even more striking is how little evidence can be produced to support them and how much evidence there is against them.

It is a fact—the basic, overwhelming fact—that the public-school education offered in Negro neighborhoods, or in low-income neighborhoods generally, is inferior to that offered in middle-class or upper income neighborhoods. This is true with the rarest exceptions, in all parts of the country and in communities of all sorts, including communities popualted by liberal faculty members. Only a pathetically small percentage of the students from sub-inferior schools score well on standardized tests or otherwise show strong academic capability. However, colleges do not admit percentages, they admit absolute numbers. And in absolute numbers, there are tens of thousands of black students in this country who score above the national average on standardized tests—far too many for the leading colleges and universities to be forced to have as many unqualified black students as they do. The real reason for their current mix of black students is in the institutions themselves, their philosophy and approach, and in the kind of people who tend to predominate in the running of programs involving black students.

One of the few real studies done in this area, where assertions abound, indicates that there are more than 50,000 black students who score above the national average on various standardized tests. A team of Columbia University researchers found that, among Southern Negro high school seniors planning on college, 38 per cent of those who intended to go to integrated colleges scored above the national average, as did 21 per cent of those who intended to go to predominantly black colleges.[1] At the time of the study, there were about 200,000 black students in college, split about equally between the two kinds of colleges. If the percentages among Southern Negro students also applied to their Northern counterparts, this would mean a total of 59,000 black students who scored above the national average.

But the real total of qualified black students is likely to be still higher than this for a number of reasons. Northern black students may have somewhat better academic performances than Southern Negroes, as some other studies indicate. There are also black students who have abilities not shown by standardized tests, and who simply do not take standardized tests, which many black colleges do not require for admission. Moreover, the total number of black students in college has increased enormously since the Columbia study was done in the mid-nineteen-sixties.

While no one knows exactly what happens to Negro students who belong in the top colleges and universities but who do not get there, what is known is disturbing. About 10,000 to 12,000 of the black students who score in the top half on standard tests attend the *lowest level* of Southern Negro colleges—nondescript and often unaccredited institutions—while many other black students without the necessary academic skills are being maneuvered through top-level colleges at a cost to the integrity of the educational process which is exceeded only by the psychic costs borne by the students themselves.

How can such a situation exist?

Judging from all the current sound and fury—always a poor basis for judgment—it may be hard to understand how there can still be untapped reservors of qualified black students when so many good colleges and universities have recruited so many obviously unqualified ones. The answer is that many of the special programs for black students do *not* seek to fill whatever number of places exist for black students with the best black students available. Some officials will openly state this, others will be evasive before admitting it, and still others will continue to deny it after the evidence has piled up.

One argument for taking less qualified black students over more qualified black students is that social conscience requires that help be concentrated on those who need help most. Sometimes this is accompanied by assertions that academically able black students come from "middle-class" backgrounds and "will make it anyway" without special attention—crucial assumptions of the social theology, not subjected to any factual test. Often intellectually oriented black students are *defined* as middle class in outlook, whatever their actual social origins, and may be passed over by programs seeking "authentic" ghetto types.

The comfortable belief that able black students requre no special attention ignores the gaps and weaknesses common in their education (especially in mathematics) and the equally damaging gaps in their knowledge of colleges and universiites. Many of those summarily labeled middle class are in fact the first members of ther families to go to college, and have no real basis for or guidance in distinguishing colleges, courses or careers.

The basic goal of helping those who need help most, rather than those who can use it best, is not confined to the campus, but pervades many programs sponsored by Government agencies and private foundations as well. The aim is not to cultivate the most fertile soil but to make the desert bloom. This is a more romantic achievement, but there is a serious question whether (1) black or white society can afford such romanticism at this point, and whether (2) it is not a misappropriation of funds designed to produce concrete results for black people if such funds are used to produce a glow of nobility in whites administering such programs.

Illustrations of these attitudes abound. A young black woman with an I.Q. of 142, and grades and recommendations to match, was told by a national organization which finances black law students that she would be eligible for financial aid in law school if her scores were *low* enough! Her scores were, of course, not low enough, so she is now going $2,000 into debt to finance her first year of law school.

A black young man with a brilliant academic record in difficult college courses was turned down by a leading foundation which provides a well-publicized doctoral fellowship for black students, after an interview centering on his sociopolitical orientation (not militant enough) rather than his intellectual abilities or interests. A black high-school girl with impressive credentials was offered inadequate financial aid by an Ivy League university, which she could have attended with the help of a National Merit award she won—except that the university reduced its offer when she got the additional award (she ended up attending a much lower quality college). The same university pours much larger sums than she needed into many inept black students, and even into bongo drums to celebrate Malcom X's birthday.

Another student with an excellent record (College Board scores in the 700's) was opposed for admission by members of the special black admissions committee because his record looked "middle class" to them. It turned out that his father was an alcoholic and his mother was a maid, but the committee member who brought this out was still unsuccessful in getting the others to vote favorably—and was herself later fired from her post as assistant dean for being out of step with the times.

How do the general attitudes and policies behind these particular cases develop? Probably no one knows fully, not even those who have such attitudes and shape such policies. However, several ingredients are usually present: (1) vague humanitarians who have never thought through whether their purpose is to be charitable directly to those individuals helped or to make such individuals the vehicles of intellectual skills to help the larger black community; (2) sociopolitical doctrinaires, seeking to implement their special vision and/or mitigate their own guilt feelings; (3) practical administrators much more concerned with the immediate problem of appeasing the most vocal blacks (and their white allies) than with any long-run consequences for the black community or the larger society; and (4) ignorance or apathy on the part of those outside the tight circle of decision-makers in such programs.

An additional factor at some institutions is the emergence of opportunists who consciously seek control of the admissions of black students, so as to have the kind of black student body that can be used for personal or political advantage. Here the bias is clearly against the academically able and acdemically oriented black student, who might not take as many black studies courses, might not need (or want) the special assistant dean for black students, and might be skeptical about the rhetoric designed to make him cannon fodder in various causes and movements.

What is remarkable about the current tragedy is how unchallenged its basic elements are. Most whites simply do not have the knowledge to challenge those individuals (black or white) who step forward boldly as the only true interpreters of black people and their needs. In an era of instant labels, the expression of doubts about or criticism of current policies could bring immediate charges of "racism." Blacks who do not go along with current practices are of course called "Uncle Toms," "Oreos" (black on the outside; white on the inside), and other such terms. But a glance through history shows that telling the truth—in any field—has never been easy or free of cost or dangers. Progress depends on the fact that there have been people who would do it anyway.

The current myths flourish because those who do oppose them are so readily dismissed—the whites for not being black, and the blacks for not being "really" black, in some ideological sense. However, the bulk of black people in this country are not "really" black by such standards. Many black people who are very militant about their rights as human beings do not automatically buy the rhetoric or program of those who claim exclusive rights to the "militant" label. This makes things inconvenient for those white people who think of black people not as individuals but as some amorphous mass represented by "leaders" or "spokesmen."

Inconvenient as the truth may be, it will have to be faced if there is to be any hope

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[1] These data are from a study by A. J. Jaffee, Walter Adams and Sandra G. Myers, published in an article in College Board Review, Winter 1967–68, and in a book, "Negro Higher Education in the 1960's," as well as from an explanatory letter from one of the authors.

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of rational discussion. Stereotypes will not merely have to be changed but abandoned, for the bulk of the black people do not represent anybody's stereotype. Most Negroes are not on welfare (most people on welfare are white), most black families are not fatherless, most Negroes are not anti-Semites, and most black people are not going to forgive anybody for enslaving their ancestors because of some insulting "reparations" or because guilty whites select some hoodlums or incompetents to be "representatives" of "the black community," in college or elsewhere.

There is an undeniable need for more highly educated black professionals and black leaders generally, but this need is not going to be met by handing out more embossed pieces of paper to black students as they leave college. What is needed is precisely what those papers are supposed to represent, together with some measure of confidence that credentials can be used as a rough guide to help sort out the competent from the incompetent. There has never been a shortage of half-baked people, in any race or community. Such people are an additional problem in themselves; partly because they force competent people to take time out from urgent work to oppose them or to undo the damage they cause. White faculty members who pass black students because they are black should at least distinguish generosity from irresponsibility.

Although standardized test results have been used as a handy device for estimating the number of black college students above the national average, such tests are neither perfect in themselves nor the only possible basis for judging ability. Some so-called "intelligence" tests, for example, contain items which really test an individual's knowledge of middle-class culture rather than his reasoning ability. However, such tests are neither valid nor invalid *absolutely*, but only so relative to a particular purpose. For example, if the purpose is to determine whether one class or race is biologically "superior" or "inferior" to another, then clearly this cannot be determined by tests which feature the cultural patterns of one of the two groups being compared.

The invalid uses of standardized tests have enabled some people to claim that those tests are completely invalid, not only for comparing black students with white students but for comparing black students with each other in terms of their relative prospects of doing good academic work. The "irrelevance" of standardized tests (and other academic criteria) for judging the relative academic prospects of black students has become a central article of faith in the current social theology.

What various studies show in fact is that (1) black students in the 600–700 College Board score range do significantly better academic work than black students in the 400–500 range, but (2) that, within the latter group, the rank order of scores has little correlation with the rank order of academic performance *at colleges geared for students with much higher scores*. At other colleges, geared for students in the 400–500 range, test scores for students in that range *do* correlate with performance, for black students as well as for white.[2] What all this means is that students who are in over their heads academically will sink or swim according to motivational factors rather than according to small score differences of only 60 points on a College Board scale that goes up to 800 points.[3] Other studies dealing with much larger ranges have shown the tests to be as predictive for black students as for white students.[4]

The test score "irrelevance" argument is part of a more general attempt to make black students something very mysterious, to be interpreted only by the believers in current social fashions. Such interpreters imagine themselves to be very advanced in their thinking, but they are in fact following a very old tradition, particularly strong in the South, of accepting any degree of incompetence or irresponsibility from the "right" kind of black person. The other side of the coin is suspicion or even hostility toward competent and hard-working blacks who do not exhibit the expected stereotype.

What constitutes the "right" kind of black person has varied greatly with the emotional needs of white people, but the great tragic fact of the black man's history in the United States is that his own ability has always been far less important than his satisfaction of white emotional needs. These emotional needs now include the discharge of guilt feelings, and special care for the incompetent and the abusive black student obviously discharges more guilt than the normal application of academic standards to competent and thoughtful black students.

One of the great untold stories of the academic world concerns the way academically able and intellectually oriented black students are often treated as expendable by "practical" administrators preoccupied with day-to-day problems. Not only do such able black students fail to elicit the zeal that goes into the recruitment and financing of more fashionable types, their interests are often directly sacrificed to appease organized and politicized elements.

Intimidation and physical assaults on non-politicized black students by their "brothers" with messianic (or simply hoodlum) instincts are resolutely ignored by college administrators. To white activist faculty members, it is either something to be blotted out of the mind or an incidental unhappy eddy in the backwash of the wave of the future. Compulsory indoctrination programs for entering Negro freshmen have been a demand of black militants on some campuses, and while it has not been formally granted in most cases, arrangements have been made which amount to the same thing *de facto*. Recruitment, prescreening for admission, and even control of financial-aid funds have been put into the hands of the politicized minority on many campuses, including some of the highest prestige institutions in the country—Harvard, Yale, Cornell, etc. Some of these things occur in every major education institution I know of, and in some institutions all of these things occur.

Even where the intellectually oriented black student makes his way into and through college without being directly harmed by all this, he cannot be unaffected by the double standard which makes his degree look cheap in the market and his grades suspect to those concerned with academic standards. Worst of all, he cannot even have the full confidence within himself that he really earned them.

The developing backlash, on college campuses as well as in the larger community, makes it clear that current trends cannot continue indefinitely. The only real question is whether policies and practices can be changed to accomplish the real goal of improving the education of black people, or whether current irrationality and expediency will be allowed to discredit the whole effort. When the failures of many programs become too great to disguise, or to hide under euphemisms and apologetics, the conclusion that will be drawn in many quarters will not be that these were half-baked schemes, but that black people just don't have it. This is what is galling to me as a black man, and what should be disturbing to everyone.

What can be done? Certainly nothing constructive is likely to be initiated by those college administrators who are so preoccupied with their immediate crises that they have no time for wider considerations or for thinking of the long run—the "long run" to them often meaning any time after next week. There are, however, many things that can be done, with the initiative and sustained pressure of the public, the faculty or the trustees. Such interest will undoubtedly be resented by those for whom "academic freedom" includes the right to spend other people's money without being held accountable for the results. But colleges and universities have long since forfeited any claim to a blank check.

Probably the No. 1 priority is to *bring out the facts* as to what is currently happening at each campus, in the recruitment, admission and performance of black students and the standards being applied in programs for them. In some cases, the facts will squelch ugly rumors that are being whispered around campus, and gain additional support for efforts that need and deserve it. In other cases, the facts will show sickening nests of opportunists and bush-league messiahs who are simply using the great educational and social problems of black people for their own ends. In still other cases, the facts will support the efforts of dedicated educators (of both races) who are currentlly struggling with the charlatans and the doctrinaires (also of both races).

Anyone at all familiar with educational programs—whether for blacks or whites—must know that such programs must be evaluated by someone *not* connected with the programs, if the evaluations are to have any shred of validity or credibility. Most educational programs are in fact, however, evaluated by those who run them, or by other individuals with similarly high stakes in the outcome. Anything as emotionally supercharged as programs for black students can only be evaluated by off-campus investigators, preferably by statisticians chosen for their professional integrity rather than their socio-political views.

Black studies programs are a significant part of the total educational picture for black students on many campuses and also deserve study. Such programs are neither good nor bad *a priori*, but only in terms of what they are actually doing. The field of human knowledge can be entered from any point, including black studies. For those students whose driving interest is in the problems of black people, this can be the best gateway. But whether it is in fact an avenue to wider knowledge or a detour into a blind alley of rhetoric and slogans depends upon the facts of the individual case. Some dedicated people are struggling to make black studies an enrichment of the mind rather than an exercise in glorified parochialism. The facts can only strengthen such people while exposing the frauds.

Black students, by and large, are very pragmatic about black studies programs and stay away from them in droves when they don't measure up, however much the local white faculty members may glorify or apologize

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[2] Journal of Educational Measurement, 1967, 1968, and Harvard Educational Review, 1967.

[3] The evidence is even weaker than this might suggest. One sub-group of black students did better academic work than another sub-group of black students who scored about 60 points higher on *one* portion of the College-Board exam, but this better-performing group scored about 60 points higher than the others on *another* portion of the same exam. Both groups put together added up to less than 300 students and many of them were at colleges whose average student scores were 100 or more points above theirs. This is the straw of inconclusive evidence which is used to support a mountain of social policy. The study in question is by Kenneth B. Clark and Lawrence Plotkin, "The Negro Student at Integrated Colleges," 1963.

[4] Journal of Educational Measurement, 1967, cites numerous other studies indicating this, as well as presenting its own evidence confirming those findings.

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for such programs. These students tend also to take or not take courses taught by Negro professors on the same pragmatic basis. Black people in general have had enough experience with inferior education not to want any more of it.

There are many sorts of educational reforms which might be instituted once the facts are known. In some cases, recruitment of black students by a consortium of colleges would avoid the painful human consequences of mismatching students and institutions. In some places, precollege training centers could beef up underprepared students and match them with schools where they could keep up with the pace. (In certain schools the sheer speed with which topics are covered leaves the underprepared student lost, even though he may be perfectly capable of learning the same things at a pace geared to the level of his academic preparation.) In other cases, the crucial changes that need to be made would be personnel rather than institutional changes. But more important than any particular reforms or innovations is the fundamental need to know the facts and to face them without euphemisms, catchwords or apologetics.

Any honest re-evaluation of programs for black students is bound to bring indignant outcries from predictable quarters, and attempts from other quarters to use such evaluations to eliminate or cut back efforts to educate black students. But the number of able black students available and the desperate need for their talents are both too great for us to allow fear of either of these reactions to interfere with doing what must be done and is long overdue.

THE WRECKING OF A COLLEGE

(By Rowland Evans and Robert Novak)

NEW YORK.—Utterly baffled by the profundities of first-year history at City College of New York (CCNY) a newly enrolled freshman this fall told his professor he simply could not make sense out of the textbook "because too many words are just too long."

Such a heart-rending incident could not have occurred in years past. Such a student would have been academically ineligible for CCNY, the tuition-free college ranking among the nation's best liberal arts schools. Under the new open-admissions policy, however, anybody in the city with a high school diploma can enter City University of New York (CUNY), a sprawling educational complex of junior and senior colleges (including CCNY) and graduate schools.

Although CUNY's administrators deny it, faculty members complain the incident of the bewildered freshman is commonplace. Thus, the preliminary estimate of critical faculty members is that the quality of instruction is declining and will continue to decline. "To be perfectly frank," history Professor Howard Adelson told us, "there are indications that this college is finished as a learned institution."

The avowed reason for open admissions is that a tax-supported institution must provide service for all the city's residents, regardless of qualification. The harshly practical reality, however, is that student radicals at CUNY would have blown the lid off the school if the policy had not been adopted. Moreover, some administrators privately praise the policy for an entirely different reason: taking slum youth off the street.

Thus, two grave questions of public policy are raised at CUNY with applications across the country: Is the enormous expense of higher education the best way to care for semi-literate high school graduates who might otherwise drift into crime? And is the high price of drastically lowered academic standards really necessary to achieve this goal?

The financial cost is staggering. The burden of CUNY's 15,000 extra students under open administrations adds another $20 million to the $320 million annual budget without even providing space for the enlarged enrollment. Soon, the annual cost of CUNY will be $1 billion, to be borne by a society reaching the upper limits of its tax burdens.

But the academic cost is even more disturbing. CUNY administrators stress that unqualified freshmen are given remedial courses in reading and arithmetic. The flaw in the program is that the student receiving remedial reading can also take regular courses in history, science, or economics, drastically impairing the level of instruction.

Certainly, the end is near for CCNY as an "elitist" institution where sons and daughters of the poor could obtain a free education of Ivy League caliber. "I think the conception of academic standards is going to change," CUNY Deputy Chancellor Seymour Hyman told us.

Indeed, the concept is changing radically right now. The Negro or Puerto Rican youth, given a diploma in New York City high schools without regard to ability to read or write, will not be flunked out automatically at CUNY. An informal arrangement proposes that new students not be flunked out until after a two-year free ride.

But worried faculty members fear that the two years may stretch to four, and the CUNY degree will become as meaningless as a New York City high school diploma. Hence, the formulation of classics Professor Louis Heller: "Open enrollments—a political device for conferring a college degree without giving a college education."

Just how many faculty members agree with Heller is impossible to determine. Critical professors described for us a climate of fear, based on actual death threats to faculty members, professors beaten up in their classrooms in the violent spring of 1969, and a rising tide of student power giving students influence over the professional futures of the faculty. Thus, silence is understandable.

But such absence of criticism cannot deflect national academic attention from what is happening at CUNY and particularly at CCNY. In the months and years ahead the cost to higher education of egalitarianism run wild may be incalculable.

ARE DIPLOMAS FOR EVERYONE

(By William Raspberry)

Somehow we have persuaded ourselves that it is the essence of American democracy to believe—or at any rate to keep saying—that everybody can make it.

On the other hand, it seems to be getting harder all the time for anybody to make it without a college degree.

And so it follows that, if American democracy is to be a fact, then every American must have a college degree.

And that's pretty much where we are now.

A part of what has brought us here is, as I have suggested, our strange view of what democracy is all about. But that isn't the only factor. There is also guilt over discrimination against minority members and a certain philosophical revulsion to elitism in any form.

And college is—or at least was—an elitist enterprise. The whole notion was to train not the workers, who needed to know only how to do their work, but the leaders and "professionals," who needed to know something of history and culture and philosophy: an elite corps.

Now what makes elitism repugnant is not so much that it is exclusive but that it excludes *us;* and the more automatic our exclusion, the more repugnant.

You don't have to have a genius IQ to discern that young persons whose parents have money have found themselves automatically members of the college elite. And the poorer the child, the less likely he is to be "college material."

That is, the college elite is based more on means than on native ability. The resultant perpetuation of class and caste distinctions does not square with the standard view of Americanism.

Early efforts to reach an accommodation between elitist practice and democratic theory were based on native intelligence as reflected on IQ tests.

College should be a possibility for anyone, no matter how poor, if he tested out as "college material." And so we built colleges for poor people. (They mostly turned out to be poor colleges.)

More recently, there has been pressure on the elitist universities of the Ivy League sort to admit disadvantaged blacks and other minorities. And the pressure has been to admit not just the super blacks, the untapped geniuses, but black high school graduates of fairly ordinary intelligence. (If they had been white and rich, they wouldn't have had any trouble getting into the good schools, would they?)

You begin by admitting freshmen as a matter of right, and it is safe to predict that pretty soon someone will be demanding that the freshmen be granted diplomas four years later, also as a matter of right.

The predictable, in fact, already is happening.

There is plenty of rationalization, of course. Since college courses are mostly irrelevant, college diplomas are useless except as job tickets. And that being the case, it is fair to demand that the black and the poor have their fair share of job tickets.

But even if the theory is correct—that college diplomas are simply privilege cards, like low tag numbers—it does not follow that anything is accomplished by giving everyone low tag numbers. With diplomas as with special license plates, they matter only to the degree that they set the possessor apart from most other people.

It should be possible to guarantee that any youngster of proven academic ability who wants to go to college should have the opportunity to do so.

But that means only the opportunity to enter college, not a guarantee of graduation.

But we must also recognize that any broad scale democratizing of college will mean automatic deflation of college degrees.

And the final insane result will be that college diplomas will be both perfectly useless and absolutely necessary.

BOB R. DORSEY OF GULF OIL

(Mr. FULTON of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FULTON of Pennsylvania. Mr. Speaker, I wish to point out to the Congress an excellent article in the Finance magazine issue of November 1970, showing civic-minded and progressive action by a fine Pittsburgh-based company active in U.S. domestic markets and world trade:

BOB R. DORSEY OF GULF OIL

(By James P. Roscow)

To call Bob Dorsey a corporately responsible executive is to say a number of things simultaneously about the state of American management thinking in today's awakening world of social awareness.

It recognizes, first, that an important new sense of responsibility is appearing in executive suites across the landscape of U.S. business. It suggests, second, that corporate responsibility is being defined far more broadly today than it ever has been during this country's development into the world's most mature industrial society. And it says that Dorsey himself is representative of an expanded executive view of matters that will be of concern to corporate managers during the next decades.

Dorsey, at 58, has been president of Gulf Oil Corp. for five years. In tandem with E. D.

Brockett, Gulf's board chairman and chief executive officer, Dorsey presides over a corporate energy complex whose $4.9 billion in 1969 revenues ranked it thirteenth in size among U.S. companies and fourth among the U.S. oil majors. Gulf's $8.1 billion in assets, its operations in 60 countries, and its 60,000 employees place the Pittsburgh-based company among the leading industrial enterprises in the world—by any yardstick. Its $610 million in 1969 profits, while off 2.6 per cent from 1968, still gave the company a 12.1 per cent return on invested capital—nicely above industry average.

Oil is a massive business made up of many proportionately massive companies as well as hosts of smaller ones. It is also a business that stands at the heart of some of the most central ecological questions of the day. It is a mammoth producer, refiner, and marketer of fuel products that are essential to meeting the presently-structured energy needs of the world. But these products are also charged with contributing—through either their manufacture or their use, or both—a large share of the world's environmental pollutants: automotive exhaust fumes and plant stack emissions into the air, plant effluents into the waterways. As the industry has expanded into petrochemicals, non-petroleum chemicals, and coal, its environmental vulnerability has grown apace.

The oil industry's financial immensity is matched by its geographic scope. It was virtually the first U.S.-based industry to move abroad in a significant way. Today it is inextricably involved in the worldwide business system wherever that system is active. This involvement has made the industry grow—and it also has brought problems.

Gulf itself is somewhat of a late-comer to the international development carried out by the original Seven Sisters among U.S., British, and Dutch oil companies (Jersey Standard, Standard of Indiana, Standard of California, Mobil, Texaco, Royal Dutch Shell and British Petroleum). But Gulf's international development has progressed rapidly in recent decades. Still, it has also suffered its proportionate share of grief with overseas host governments over the division of wealth brought up from foreign ground by the technical expertise of the oil internationals. Even today, Gulf is waiting to resolve an expensive difference of opinion with Bolivia, which, a year ago, expropriated the company's entire production and processing complex in the Santa Cruz, Rio Grande, and Caranda areas of the country.

At home and abroad, the oil industry also has been vulnerable to another social trust: pressure for equal employment opportunities for minority citizens in the U.S., and for foreign nationals abroad. As employers of huge numbers of people, oil companies are being asked to provide proportionate numbers of jobs to persons who have not in the past been meaningfully employed in the industry's activities.

Bigness always carries high exposure with it, and today it is difficult if not impossible for large companies to maintain low profiles. Gulf, however, has risen to the onslaught of this multiplicity of challenges. Rather than taking cover, the company has initiated some unusual programs that stand out—not only in its own cautious, confused, and profit-troubled industry—but in the business community in general.

Bob Dorsey is specifically credited by his associates, as well as by outside observers, with sparking these initiatives, and with causing Gulf, as a corporation, to begin moving rapidly in some startling directions. He has pressed innovative social programs on the management ranks below him and, through them, out across the corporate structure. He has sought opportunities to speak out on the social, economic, and industrial matters that concern him, and he has made it known that he expects the rest of Gulf's top management to do this too. In all of these actions, he has come to typify the executive who is aware of his corporation's and his own responsibilities in a newly-acknowledged world of needs and problems beyond the traditional boundaries of corporate interest.

Two events that occurred within weeks of each other last April are indicative of the climate in which Gulf—as well as a great many other large corporations—finds itself. They also show the way that Gulf, in the persons of Dorsey, Brockett, and other members of management, is responding.

On April 15, Dorsey spoke to the Pittsburgh chapter of the National Association of Accountants. His title was "Business Responsibility to Society." The speech (excerpted on pages 17–18) has been widely quoted and has enjoyed a flourishing reprint distribution.

Dorsey chose to express a number of thoughts, in direct language, that are infrequently encountered in public pronouncements of industrial executives, even as the process of business enlightenment, accelerates today. He stated, for example, that "maximum financial gain, the historical number one objective, is forced into second place whenever it conflicts with the well-being of society." He said that businessmen "must examine the proposition that the *first* responsibility of business is to operate for the well-being of society." He said that the potential profit of new actions can be "whittled downward by the cost of meeting the company's obligations to the public." In a usage still reserved mainly to academics and others outside the walls of the business community, he discussed "social costs, often made apparent by public pressure," as an eliminator of potential profit. He stated that "oil and its by-products are real and potential polluters of our air and water." And he talked in specific terms about the role that the oil industry and the business community in general must take in overcoming problems not only of pollution but of world poverty and the bringing about of world peace.

The speech was a comprehensive one, and Dorsey took an active role in its composition. The speaking date had been on Gulf's calendar for almost a year, with no topic assigned to it either by the sponsor or Gulf itself. In early March, Dorsey began to spell out to his staff what he wanted to say: that business has certain broader responsibilities to the society, that it had in fact been exercising them to one degree or another for some time—but that it had done a rotten job of telling anyone about it. He then stated his premise that the profit motive takes second place when it comes in conflict with the public interest.

The speech coincided with another development that Gulf shared last spring with many companies: a radical protest movement aimed specifically at the corporation.

The Gulf Action Project was formed early this year as a coalition of protest organizations ranging from moderate church groups to radical student groups. GAP appeared at the William Penn Hotel in an unsuccessful attempt to disrupt Dorsey's speech. Two weeks later, Gulf's annual shareholders' meeting at Carnegie Music Hall in Pittsburgh was the target of a more pointed invasion by highly vocal demonstrators and questioners.

Gulf had expected this. Chairman Del Brockett devoted a substantial portion of his remarks, not to the usual detailed summary of the past year's financial achievements and corporate developments, but to a point-by-point recitation of the social grievances being launched against Gulf and the company's response to each charge. Brockett cited figures where appropriate, corrected misinformation on both overseas and domestic activities, and dealt with an hour of questions.

Gulf's rising vocalism on the subject of corporate responsibility—30 speeches are on the calendar during the next two months—raises questions about how a major corporation in a controversial industry arrives at a corporate state of mind that fosters this degree of executive candor.

Sitting in his rather modest Pittsburgh office, Dorsey himself puzzles over this. "It's hard to go back and put your finger on just where this began to evolve," he told a FINANCE editor. "It was something that had been on our corporate mind for a long time; it didn't just come to our attention in 1969 or 1970."

Pursuing the question Dorsey finds a portion of the answer in two parts of his industry's own business environment.

Because of its extremely broad domestic marketplace, Dorsey believes that the oil industry was exposed early and plentifully to a broad range of information on what people in general worry about.

"Our industry interfaces with the entire society," he says. "Gulf deals with a million and a half customers a day—we do business with everybody, with all kinds of people."

Interestingly, Dorsey also feels that the industry's extensive involvement in dozens of countries abroad has been a source of social inputs. "A lot of us have spent a lot of our lives not working in head offices but out among working people around the world, doing their jobs, right down to the most basic jobs," he says. "Gulf people, a great many Gulf people, have worked in foreign countries around the world. Having done this, we've seen their problems, and we've perhaps become more aware of our problems at home."

Dorsey also acknowledges that some of Gulf's motivation can be traced to pressures that began to build up beyond the industry's direct interests. "We became aware of some of this about the time the Government itself did and part of that was through the National Alliance of Businessmen—the JOBS program," he says. "We were in it very truly not only because it was worthwhile, but because we employ such a high proportion of people. Was there ability that wasn't being utilized?"

Dorsey makes it clear that developing a sense of social responsibility can be an intricate process for a company. After the fact, its managers may never be certain of exactly how it came about. But some aspects of the situation that companies are facing today are quite specific. And it happens that some of them live very close to the oil industry.

"The matter of pollution was a strange thing," Dorsey says. "It came up overnight. It literally happened that we got right up to the point where we couldn't stand another drop of it."

Dorsey feels nonetheless that the problem was not totally unanticipated, even by the two industries that are being badgered today to solve it. "Both the oil companies and the automobile companies realized two years ago that automotive pollution wasn't going to go away—that something had to be done about it," he says. "Here, it is a situation of letting Government and the public know that you are doing something about it—and then doing it."

The problem, he feels, is a time problem. Even when action began to take place in Detroit and in oil company policy meetings, it was a case of five years of leadtime to a solution. "Probably the solution is a catalytic system, but there are 80 million cars on the road, and it will take three or four years to develop a plant to make the necessary number of mufflers and to make them so that they won't shake to pieces. And even then, you are talking about the new car market—you still aren't doing anything about older cars," Dorsey says.

If the auto industry's contribution to cleaner air awaits the mid-seventies the oil industry is making its play sooner. Taking the lead out of gasoline is not universally acknowledged as the ultimate solution, but Gulf, like other companies, is giving it a try. Dorsey calls Gulf's version "not a no-

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lead, but a minimum-lead fuel" and says it will reach the market in 1971, using the company's economy grade of gasoline, Gulftane, as its vehicle. In this there is some insight into how a company can be buffeted by conditions in a huge and competitive marketplace. Gulf introduced Gulftane in the early sixties as a low-octane fuel for compact cars. The market career of the cars was short-lived—but now Gulf enters the anti-lead era not only with a gasoline that lends itself to this market thrust but also with an existing third pump in every station to dispense it.

The de-leading of gasoline is a product problem. So is the desulphurization of fuel oil, another environmental sensitive area for the oil industry. And before products go to market, they must be manufactured, which raises yet the further issue of plant pollution.

EXISTING TECHNOLOGY

Lead in gasoline, sulphur in residual fuel oil, pollutants in plant effluents—all of these are problem areas, Dorsey agrees. But he feels that all are open to solution within the scope of present technology. "The technology exists," he states flatly. "It is a question of making the capital investment to use it, and this means exteremly high expenditures. But we started earlier than most—and what's more, we do not feel we are being pressured to spend more rapidly than we can stand."

For Gulf, this is important. Says Dorsey: "For us simply to stay in business, it will take reinvestment of approximately $600 million a year. And we must make a certain minimum return on this investment, which, for the oil industry, means earning back somewhere between 10 and 11 percent."

Gulf, again, does slightly better than this, and slightly better than almost every other major oil company. Perhaps because Gulf's balance sheet has held up in difficult business times, Dorsey as a businessman takes an atypical view on another corporate responsibility question: the rather advanced matter of "social cost" and where the money to meet it is to be found. Dorsey not only has firm thoughts about this; he documents them, as always, with data from his own industry.

In his speech to the NAA last April, he expressed his view of social cost not once but twice. "Society today is determined to solve the pollution problem. And I believe society is willing to pay the price for this solution—all members of society—you, me, shareholders, consumers, citizens . . . we've paid a high price to get where we are . . . we're ready to pay the even higher price to put us back into harmony with our environment," Dorsey said at one point in the talk. Later, he added: ". . . the people in this nation are ready to pay the price for clean air. We're trading up on our quality of life."

How does Dorsey know this is so? His answer is disarmingly simple. "Because the cost isn't that high."

Then, all but calling into play the slide rule that helped him to a chemical engineering degree at the University of Texas in 1940, he costs it out.

"Take oil-burning power plants. Coal is also used, but let's talk oil. If all the power for the New York metropolitan area were generated by plants using oil fuel, and if all that oil were desulphurized, the cost per barrel of oil would go up about 60 cents a barrel. Prorate that across the average family's fuel bill, and you add about 50 cents per month per family, or six dollars per year."

Now Dorsey turns to gasoline. "To get the lead out—to build gasoline another way—adds between two cents and three cents a gallon to its cost. The average motorist uses between 1,200 and 1,500 gallons of gas a year, so his gasoline bill goes up a maximum of $45 a year."

Add the two together, Dorsey concludes, and the family is paying "between four and five dollars a month at most to really overcome the two biggest problems in our environment."

In Dorsey's view whether you view this as "social cost" or simply the price a citizen must pay to live in an advanced industrial society that includes gasoline and fuel oil among its advancements, five dollars a month is not an excessive demand. If, on the other hand—he quickly points out—Gulf as a gasoline manufacturer were asked to absorb that three cents per gallon, "it would come very close to wiping out our entire domestic net income."

ART AND THOUGHT

Speaking to a hotel ballroom full of accountants, taking part in his company's stormy annual meeting, or talking to a reporter in his office, Dorsey seems to take an unusually thoughtful approach to everything he does. As he hears out questions, and sometimes as he answers them, he is apt to doodle abstractly on a pad of paper. His range of nonbusiness interests includes art: while his own office does not reflect it, the decor of his small adjoining conference room includes a multi-paneled antique Korean screen, his anteroom is hung with a pastoral and a still life by Claude Malherbe, a Dorsey-commissioned industrial sculpture by Virgil Cantini glistens in the executive floor elevator lobby, his collection at home includes two Salvador Dalis.

Dorsey also ranges broadly in his outside reading. Asked about recent enthusiasms, he mentions *The Martyred* by Richard Kim, E. B. White's *Trumpet of the Swan,* and part of an evening spent probing through a John Donne collection in search of a reference for his daughter Ellen. He is a regular reader of the *Atlantic* and the *Saturday Review.*

Possibly these personal notes explain a good deal more about why Bob Dorsey has chosen to speak out as an executive in a troubled society than anything that is happening within his industry—or even at the interface between the oil business and society. In any case, Dorsey is convinced that business in general must speak out more actively.

"A solid dialogue between the public and business is long overdue," he told the NAA audience. "It's a reversal of that tree falling without any sound because no one heard it. Too often the actions business takes for society don't exist because we failed to utter a sound." Elaborating on this for Finance, Dorsey says: "Communications is not going to solve the problem, but it is going to make your internal life easier while you do work out the actual solutions."

Once a company's management has decided to "utter a sound"—to articulate and to deal with new responsibilities—Dorsey feels the response down the line can be gratifying. "You can't do this alone, from the top," he says. "But often, after you've started your people going, you find that they themselves are more enthusiastic than you thought they might be."

At least one of Dorsey's associates at Gulf is enthusiastic for a different reason. Speaking of Gulf's new social thrust and where it has originated, he says: "You can't be with a company, even today, and just expect this new awareness of responsibility to happen to your management. But when it does happen, it is very gratifying—and very exciting."

AN EXECUTIVE SPEAKS OUT

(Mr. FULTON of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a real pleasure to include in my remarks the excellent address by B. R. Dorsey, president, Gulf Oil Corp., to the Pittsburgh Chapter, National Association of Accountants, April 15, 1970:

AN EXECUTIVE SPEAKS OUT

The times demand that businessmen present their views—not only about how we see our responsibility to society, but most importantly—how we are fulfilling that responsibility.

Not that businessmen have not spoken on this subject before. But our views of society have changed over the years—as society has changed. Today, society is a world concept. Today, we see the entirety of our world. We see the extremes within our global society: the beauty of the natural environment scarred by the ugly residue of productive nations; personal wealth of some and the poverty of many, one nation reaching the moon while another remains in the stone age, all of mankind seeking peace yet many trapped in war.

BASIC RESPONSIBILITIES

The traditional responsibilities business has to society have been long established by the nature of our free enterprise system: the responsibility to provide profits to our shareholder investors; to produce quality products desirable to customers, fairly priced and honestly advertised; to provide employment and to reward employees for their contribution to the success of the enterprise; to contribute a percentage of our income directly to the communities in which we operate; and to otherwise retain the goodwill of the local and national publics that permit us to conduct our business.

Essentially, these have been the full scope of our responsibility—until now.

Today, maximum financial gain, the historical number one objective, is forced into second place whenever it conflicts with the well-being of society. We now must examine the proposition that the first responsibility of business is to operate for the well-being of society.

As financial managers, you are the best witnesses of this shift in priorities. Your companies' obligations to society are a growing cost of doing business—not only by taxes and cash contributions, but also by capital and people invested in meetitng public needs—or meeting the more costly reactions to adverse public opinion. Take any new profit-expanding action proposed by your company. The potential profit of that action invariably is whittled downward by the cost of meeting the company's obligations to the public. I'm sure you've seen many profit proposals defeated in recent years because the social costs, often made apparent by public pressure, eliminated the potential profit. This is the major shift of responsibility that has occurred for business and it is the challenge that we face.

How do we meet this challenge? Our first step, of course, is to understand—and help the rest of society to understand—that business not only is a part of society but that it can and does play a leading role in improving it. Now that we're placed deep inside our society, let's look around to see what today's society is all about. At first glance, the picture appears chaotic. To understand it, we must unravel the chaotic condition.

Chaos comes when the world changes faster than its people do. And that is our present condition. We're living in an environment of change. Many forces are at work, making society more dynamic and complex than at any time in our history—unsurpassed wealth and education, *mobility* reaching the speed of sound, everybody watching—the instant mass transmission of events, of reactions to those events, of reactions to the reactions.

All news is now. Any event, good or bad, is witnessed by all, judged by all, and too often, judged incorrectly. Today's paradox is, that while mankind can transmit its ideas worldwide, it seems to misunderstand everything it receives. While emotion must be raised before society's mistakes can become public discussions, the same emotion scrambles our ability to communicate.

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Public issues shift in priority. Today it's ecology. Yesterday it was poverty. Last week it was war. Yet, all must be dealt with today and tomorrow, because they are far from being resolved. These are the key issues against which business is being judged today.

Business has always recognized the power of the public—especially in the marketplace. But now the *public* is recognizing its power. Motivated by a long-standing feeling that it had lost control, stimulated by its recent successes at speeding changes toward peace and racial equality, today's public—society—you and I—now have a new sense of confidence that we really can effect change.

BEGIN DIALOG

I see only one new move businessmen must take to meet the needs of today's society. To paraphrase the current idiom—we must tune in, turn on, and *drop in*, not *out*. Competitive pressures have held too much of our attention to the enterprise. We've seen too little of the world around us. Today, the world *around* us is our job.

A major result of tuning in, turning on, and dropping in will be an increasing awareness by the public of the contributions business *is* making to society. A solid dialogue between the public and business is long overdue. It's a reversal of that tree falling without any sound because no one heard it. Too often the actions business takes for society don't exist because we failed to utter a sound.

Let's limit ourselves for the moment to looking at those priority needs of society today—the most important ones as recognized by society right now. *First* is our obligation to the ecological balance—that mutual relationship between life and our environment; *then* the elimination of poverty—in our own nation's urban centers as well as in developing nations; and *finally*, the attainment of world peace through international understanding.

We know that our spaceship, Earth, has finite resources; that nature can accommodate a certain amount of waste materials and maintain a balanced, restorable environment. But the residue of our productive economy is overloading the system. Determining who is to blame is not only impossible, it offers no solutions. Is it the consumer's demand for more?

Is it industry's technological expansion to supply the demand? Is it the population explosion—the concentration of the populace in our urban centers? Who will stop using detergents, weed killers, convenience packaging? Who will give up his car or stop using trains, buses, planes and trucks? Who will stop heating his home or using electricity from the power plant? Who will shut down his factory—or wants the factory where he works to close down? Who will decide not to have children?

Society today is determined to solve the pollution problem. *And I believe society is willing to pay the price for this solution—all members of society—you, me, shareholders, consumers, citizens—all the labels we call ourselves—all of us are willing to clean up our house. We've paid a high price to get where we are. We're ready to pay the even higher price to put us back into harmony with our environment.*

THREE STEPS TO TAKE

There are three simultaneous actions necessary for us to reach this goal: the *first* is to continue developing a body of inter-disciplinary knowledge about our environment and the technology required to balance the residue of our economy with nature's regenerative powers. *Second*, we must also create or improve *pollution standards* along with the necessary controlling legislation to implement this knowledge as it is increased. The *third* concurrent move is to educate every member of society—each of us—to his individual responsibility to the environment.

I believe business will be the greatest force in the elimination of pollution. Industry has the largest body of knowledge about pollution abatement technology both in its production techniques and in the products it produces. Our first responsibility then, is to continue developing this body of knowledge and apply it to our production techniques and to the products we make.

Poverty, like pollution, is everyone's responsibility. The generation gap closes on these two issues.

But of the two, poverty is the one problem business already has the skill to resolve. The success story behind the National Alliance of Businessmen's JOBS progam is witness to this. Businessmen in 131 cities have placed 338,000 disadvantaged men and women, hired, trained, or in training for pomising careers.

The greatest goal business can work to achieve is world peace. I might add, world peace through international understanding and healthy economic growth—because this is exactly how business can contribute—by increasing the flow of goods, services, and people-to-people communication among the nations of the world.

Enlightened international corporations are the neutral force entwining nations, contributing to the economies of the haves, increasing the productive powers of the have-nots; contributing to housing, schools, dams, roads, and forming commercial sea, air, and land bridges between nations.

As legal corporate entities, international companies remain politically neutral. As human beings, each of us holds a whole range of atttiudes about the governments with which we deal. Within the limitations of being a guest in economically developing nations, we bring benefits directly to the citizens of those nations. We do our best to preserve the natural environment. We provide capital. We provide skills and know-how. We provide jobs and training.

And these benefits are most important to the emerging nations. Invariably, because an American company is doing business with a developing country, its citizens are better off than before. Their earning power is improved. They eat better, live more comfortably, get a better education, become better equipped to contribute toward improving the social well-being of their nation. Experience has shown that improved productivity has a great impact on the political style of a nation. Government is the result of an economic base. Only by improving that economic bases is there any substantial social improvement in government. In our lifetimes we have seen the territories that gained the greatest volume of foreign investments have been among the first to become self-governing.

This style of doing business abroad is being repeated by hundreds of U.S. corporations in virtually every nation in the Free World. The international language of commerce is spoken and heard by all. Emerging nations are acquiring a sense of respect for their advancement and hope for their future, and respect from the nations with which they trade. As their educational levels grow, their governments modernize and mature. World trade becomes a stabilizing force as nations become increasingly interdependent for goods and services.

INVOLVE EVERYONE

The new responsibilities business has for today's global society are much more complex, almost revolutionary when compared to those we faced a few decades ago. They cannot be fulfilled unless everyone is involved. Businessmen must stimulate every employee toward community involvement — whether the community is Pittsburgh or Angola.

And we must increase our dialogue with the public, who knows too little today about our activities, our problems, or our contributions to society. Business must communicate this information to the public with as much effectiveness as those who are now trying to destroy our economic system. Today, the society's majority is hearing only one voice. Tomorrow, there could be only one voice to hear. We must get out of our offices and board rooms and get into our communities. This is the only way we truly can meet society's needs and earn its understanding and support—by recognizing and reacting to changing social needs and by communicating our business goals, problems and actions.

The result will be the happy goal businessmen have always put in first place—a progressively improving society in which we live—and a reasonably profitable growth for our enterprises.

THE KENTUCKY COAL MINE TRAGEDY

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, all of us are deeply distressed by the worst coal mine tragedy in Kentucky's history. This deplorable loss of life need not have happened. It is high time that we stop standing around, wringing our hands, for this would not stop the slaughter in the coal mines.

We all know that enforcement of the Federal Coal Mine Health and Safety Act is woefully weak. We all know that in their pellmell haste to increase production, many coal operators are cutting corners and killing men. Elementary rules of safety are not observed. Even the undermanned inspection force of the U.S. Bureau of Mines has found countless, serious violations in the interconnected mines of the Finley Coal Co. where this tragedy occurred.

Last month there was a fatal accident at No. 15 mine at Hyden, Ky.—one of the two interconnected mines which blew up on December 30. Charlie Wagers, a tractor operator, was killed in the Finley Coal Co. mine. Two U.S. Bureau of Mines inspectors investigated the fatality which occurred on November 9. One of their findings was that "the overall safety program at the mine was not effective."

Since it was opened last March, No. 15 mine has been closed three times by the Bureau of Mines because an imminent danger existed. When the mine was closed by the Bureau for 3 days last June, the Bureau found—

> Dangerous accumulations of loose coal and coal dust were present along the shuttlecar roadways from the loading point to the faces of the six main entries, a distance of about 400 feet. Rock dust had not been applied to within 160 to 240 feet of the faces of the main entries.

In addition to the closing order, the inspector found 13 other violations of the law. One of these was the failure to have self-rescue masks for all men underground, as required by section 317(n) of the Federal Coal Mine Health and Safety Act of 1969. Each miner is required to have one of these devices to protect him "for 1 hour or longer" from deadly fumes, such as carbon monoxide.

On November 19, 1970, a spot inspection by the Bureau of Mines lists five more violations, including one for failure to have self-rescuers. All of these were to be abated by December 22, 1970, an order which I am informed was not abated by that date.

The text of these inspection reports is revealing, so I am submitting them for the RECORD:

COAL MINE INSPECTION REPORT NO. 15 MINE (M.I. 7008.7) FINLEY COAL COMPANY, HYDEN, LESLIE COUNTY, KY., JUNE 19 AND 22–23, 1970

(By C. E. Hyde, Federal Coal Mine Inspection Supervisor)

INTRODUCTION

This report is based on an inspection made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

GENERAL INFORMATION

The No. 15 Mine is on Hurricane Creek about 4 miles east of Hyden, Kentucky, off State Highway Route No. 80.

Mr. Holt Finley, Sibert, Kentucky, Mr. Stanley Finley, Manchester, Kentucky, and Mr. Charles Finley, Manchester, Kentucky, are co-owners and operators of the mine.

The No. 15 Mine was opened in March, 1970, by five drift entries into the Hazard No. 4 coalbed, which averaged 36 inches in thickness locally. The high-volatile bituminous coal dust is explosive. Of the 43 men employed, 39 worked underground on two shifts a day, five days a week, and produced a daily average of 600 tons of coal, which was loaded by a mobile loading machine into rubber-tired mine cars. Management estimated the life of the mine to be five years.

Surface structures consisted of a sheet-metal building, located 60 feet from the mine openings, and two mobile trailers used as a mine office and for supplies.

The five mine openings had been advanced about 1,600 feet underground. Entries were 22 feet wide on 60-foot centers. Crosscuts were about 60 feet apart. Rooms had not been turned. Pillars were not recovered.

The immediate roof varied from fragile shale (draw rock) to firm shale. Standards for roof support were adopted, utilizing conventional timbers and roof bolts. The plan was being followed. A new plan for roof control has been submitted.

Explosives and detonators were suitably transported into the mine as needed. Coal was blasted on shift with permissible explosives, fired with electric detonators and a permissible shot-firing unit. Coal was undercut to a depth of about 10 feet before shot holes were drilled. Water-filled plastic bags were used for stemming. The roof was tested before and after blasting, but tests for methane were not made.

The mine is classed nongassy by the State. Ventilation was induced by a properly installed 60-inch propeller-type fan, operating exhausting. The quantity of air reaching the last open entry crosscut was 12,000 cubic feet a minute, and face ventilation was adequate. Suitable preshift and daily examinations were made, but weekly examinations were not made. Daily fan examinations and weekly ventilation examinations were not made. The analytical results of the air sample collected in the immediate return at a point not less than 12 inches from the face, roof, or ribs, and listed in table 1, indicate that the air in the mine was of comparatively good quality. Tests were made with a permissible flame safety lamp and methanometer in all accessible places, and methane or an oxygen deficiency was not detected.

The mine surfaces ranged from damp to wet. A program had not been established for cleanup and rock-dusting in the face regions. Accumulations of loose coal and coal dust were observed during the inspection. Dust-control measures were not employed on the electric face equipment; however, excessive dust did not appear to be in suspension in the face areas. Rock dust was applied during the inspection to within 20 feet of the faces, and the applications appeared to be adequate. Due to moisture, dust samples could not be collected.

Coal was transported in rubber-tired cars by battery-powered shuttle cars from the faces to the dumping point. Adequate clearance was provided and crosscuts used as shelter holes were free of obstructions. Men were transported in solid-bottom rubber-tired mine cars, and a certified official was in charge of mantrips.

Electric power, at 4,160 volts alternating current and 300 volts direct current obtained from a rectifier, was used underground. Cutout switches were provided, but lightning arresters were not installed. An oil switch was provided on the surface for circuit protection. Automatic circuit breakers were provided for the cables on direct current electric face equipment during the inspection. Frame-ground protection was not provided for the direct-current equipment. The trailing cables for the direct-current equipment were of the flame-resistant type.

Tests for methane were made during the inspection before electric face equipment was taken in by the last open crosscut and every 20 minutes thereafter.

Suitable firefighting materials were available.

A map of the mine was available, but did not contain the necessary information.

Adequate escapeways were provided and direction signs were posted. Evidence of smoking was observed underground. Permissible electric cap lamps were used for portable illumination underground. A suitable checking system was in use. Permissible dust collectors were used to control the dust resulting from drilling roof bolt holes. Potable drinking water, sanitary toilet facilities, and a 60-minute self-rescue device were not provided for the miners.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—NOTICES AND ORDER

Violation—Section 303(f). Weekly examinations for hazardous conditions were not made. Notice of Violation No. 1 CH was issued June 1970, on Form 104(b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 1 CH pertaining thereto was issued June 23, 1970. This violation was abated on June 29, 1970.

Violation—Section 303(f). Weekly examinations for hazardous conditions were not made. A Notice of Violation No. 3 CH was issued June 23, 1970, on Form 104(b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 3 CH pertaining thereto was issued June 23, 1970. This violation was abated on June 29, 1970.

Violation—Section 303(g). Weekly ventilation examinations were not made. A Notice of Violation No. 2 CH was issued June 23, 1970, on Form 104b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 2 CH pertaining thereto was issued June 23, 1970. This violation was abated on June 29, 1970.

Violation—Section 305(d). The power connection points in the main entry section were in return air. A Notice of Violation No. 5 CH was issued June 22, 1970, on Form 104(b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 5 CH pertaining thereto was issued June 22, 1970. This violation was abated on June 29, 1970.

Violation—Section 305(e). A map of the mine electrical system was not provided. The foregoing violation exists because the personnel needed to abate it was not available to the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 305(g). Qualified persons were not used to maintain, test, and examine the electrical equipment. The foregoing violation exists because the personnel needed to abate it was not available to the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 305(p). Lightning arresters were not provided for the power circuits leading underground. A Notice of Violation No. 1 CH was issued June 22, 1970, on Form 104(b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 1 CH pertaining thereto was issued June 22, 1970. This violation was abated on June 29, 1970.

Violation—Section 307(b). Frame-ground protection was not provided on the direct current equipment. The foregoing violation exists because the equipment needed to abate it was not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 308(b). The high-voltage circuit was not provided with a grounding resistor. The foregoing violation exists because the equipment needed to abate it was not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 312(a). The mine map did not show the required information. The foregoing violation exists because the personnel needed to abate it was not available to the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 317(1). Sanitary toilet facilities were not provided on the surface and underground. The foregoing violation exists because the equipment needed to abate it was not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 317(n). Only nine self-rescue devices were provided for the 39 men underground. The foregoing violation exists because the devices needed to abate it were not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 317(s). Potable water was not provided underground. A Notice of Violation No. 5 CH was issued June 23, 1970, on Form 104(b), requiring that his violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 5 CH pertaining thereto was issued June 23, 1970. This violation was abated on June 29, 1970.

Imminent Danger—Section 104(a). Dan-

XUM

gerous accumulations of loose coal and coal dust were present along the shuttle-car roadways from the loading point to the faces of the six main entries, a distance of about 400 feet. Rock dust had not been applied to within 160 to 240 feet of the faces of the main entries. Trailing cables were run over unnecessarily. Evidence of smoking was present underground. Short-circuit protection was not provided on any of the cables for the direct current face equipment. Gas tests were not made before and after blasting. The trailing cable for the mining machine and mobile drill contained three uninsulated splices each. Gas tests were not made before electric face equipment was taken in by the last open crosscut or every 20 minutes thereafter.

Action taken. An Order of Withdrawal No. 1 CH was issued June 19, 1970, on Form 104(a), causing all persons, except persons referred to in Section 104(d), to be withdrawn from and prohibited from entering the main entry section inby the loading point. A Notice of Penalty No. 1 CH pertaining thereto was issued June 19, 1970. This Order was terminated on June 22, 1970.

TABLE 1.—ANALYSES OF AIR SAMPLES

[Date collected: June 19, 1970; Mine No. 15; Company: Finley Coal Co.; Collected by: C. E. Hyde]

Bottle No.	Laboratory No.	Location in mine	Percent in volume: Carbon dioxide	Percent in volume: Oxygen	Percent in volume: Methane	Percent in volume: Carbon monoxide	Percent in volume: Nitrogen	Cubic feet air per minute	Cubic feet methane in 24 hours
K3033	110669	Immediate return No. 2 entry	0.04	20.89	0.00		79.07	12,000	

Report of Nonfatal Coal Mine Explosive Accident No. 15 Mine (M.I. 7008.7) Finley Coal Co., Hyden, Leslie County, Ky., August 12, 1970

(By H. A. Jarvis and Gordon Couch, Federal Coal Mine Inspectors)

INTRODUCTION

This report is based on an investigation made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

An accident involving a premature detonation of explosives occurred in the 1 left section, No. 15 Mine, Finley Coal Company, about 6 p.m., Wednesday, August 12, 1970, in which two persons were injured. Rufus Whitehead, mobile face drill operator, received serious injuries to both eyes, chest, and right arm. Mack Collins, drill helper and shot firer, sustained a ruptured eardrum.

Gordon Couch, Federal Coal Mine Inspector, was notified of the accident about 6:45 p.m., Wednesday, August 12, 1970, by Charles Finley, operator, and an investigation was started August 14, 1970, and completed August 19, 1970.

Information for this report was obtained from company officials and employees, a visit to the scene of the accident, and from a statement by Mack Collins, drill helper and shot firer, who was an eyewitness to the accident.

GENERAL INFORMATION

The mine was opened by four drifts into the Hazard No. 4 coalbed, which averaged 36 inches in thickness locally. Of the 43 men employed, 39 worked underground on 2 production shifts a day, 5 days a week, and produced a daily average of 600 tons of coal, all loaded mechanically.

Coal was undercut to a depth of about 9 feet before shot holes were drilled. A Long-Airdox TDF–20 mobile face drill was used to drill the shot holes. The machine was provided with suitable overload protection, and short-circuit protection for the flame-resistant trailing cable was provided by an automatic circuit breaker. Permissible explosives, electric detonators, and a permissible blasting device were used in blasting operations. Water-filled plastic bags were used for stemming. At the time of the last Federal inspection, transportation, storage, and handling of blasting materials were in a satisfactory manner.

The following persons comprised the investigating committee:

Finley Coal Company

Charles Finley, operator.

Mack Collins, drill helper and shot firer.

United States Bureau of Mines

H. A. Jarvis, Federal Coal Mine Inspector.

Gordon Couch, Federal Coal Mine Inspector.

Fred Jones, Federal Coal Mine Inspector.

A PBR inspection of the mine was completed June 23, 1970.

DESCRIPTION OF ACCIDENT

The second-shift production crew entered the mine at 3:00 p.m., Wednesday, August 12, 1970, under the supervision of the second-shift mine foreman, and performed their normal duties without incident until the time of the accident. Upon completion of blasting operations in the face of No. 1 entry, 1 left section, the drill operator was tramming the drill to the intersection of the No. 1 entry, 1 left, and the No. 1 main entry in preparing to move to No. 6 entry, 1 left. At the intersection, the frame of the drill became lodged on a coal bottom stalling further progress. In the attempt to extricate the drill, the trailing cable was caught between the frame of the machine and mine floor causing a short circuit to occur. The resulting arc ignited coal dust, lubricants, and other combustible materials on the bottom of the mobile face drill. Collins (eyewitness) stated that he and Whitehead went to the No. 3 entry and directed a shuttle-car operator to go to the nip station and remove the power from the drill.

After receiving assurance that the trailing cable had been removed from the power source, Collins and Whitehead returned to the drill and, using rock dust, extinguished the small fire which was mainly confined to a container made from a section of a rubber innertube on the drill. This container was pushed off the left side of the drill and covered with rock dust on the mine floor. After determining that no further danger from fire existed, Whitehead and Collins had decided to eat their lunch while the trailing cable was being spliced, but had not left the area and the repairman had not arrived, when the blast occurred. Collins and Clifford Finley, repairman, stated that they thought the blast resulted from heat-weakened hydraulic hoses rupturing under normal pressure. Of the three hoses that ruptured, two were in the same circuit leading to the drill motor and the third connected to the drill bar swing jack. Metallic fragments and other materials were blown into the face, chest, and right arm of Whitehead. Mack Collins stated that a doctor's examination later revealed that he had sustained a rupture of the eardrum. Help was summoned and Whitehead was transported to a waiting ambulance on the surface and thereby to the Frontier Nursing Service at Hyden, Kentucky. Later, Whitehead was taken to the University of Kentucky Medical Center at Lexington, Kentucky, where an examination revealed severe injury to both eyes (possible total blindness) and a severe compound fracture of the right arm.

An examination of the drill and the ruptured hydraulic hoses revealed no indication of heat damage or charring; however, slight charring was present on the hydraulic hoses on the opposite side of the drill and on a wooden tamping bar carried on the drill. The rubber container that was burning and removed from the drill could not be found, and the employees stated that they had no knowledge of its contents or how it came to be on the drill. Mr. Charles Finley, operator, stated that in the past he had observed detonators in prepared explosive charges being transported on the drill in similar containers and that he had warned the crews of the danger involved and believed this practice had been discontinued.

A Withdrawal Order, Form 104(a) was issued at the time of investigation (spot inspection) for trailing cables being run over by mobile equipment and not being protected to prevent damage. The Order was terminated the same day.

It is the opinion of the investigating committee that the section of the rubber innertube contained one or more electric detonators and/or cartridges of explosives. The container was ignited, pushed off the left side of the drill, and the contents detonated by heat. The resulting blast severed the hydraulic hoses and the flying debris injured Whitehead and the concussion caused Collins' ear injury.

CAUSE OF ACCIDENT

In the opinion of the investigators, the accident was caused by improper handling and transportation of explosives on the mobile face drill and failure to protect the trailing cable from the mechanical damage by mobile equipment. Lack of proper supervision and permitting coal dust and combustible lubricants to accumulate on the mobile face drill were contributing factors.

RECOMMENDATIONS

Compliance with the following recommendations may prevent accidents of a similar nature:

1. Explosives and detonators shall be handled and transported only by approved means.
2. Trailing cables shall be adequately protected to prevent damage by mobile equipment.
3. Coal dust and other combustible materials, including lubricants, shall be cleaned from and not be permitted to accumulate on electric equipment.
4. On each coal-producing shift, the working section shall be examined for hazardous conditions as often as necessary for safety.

ACKNOWLEDGMENT

The cooperation of company officials and employees and others during this investigation is gratefully acknowledged.

Respectfully submitted.

Coal Mine Inspection Report No. 16 Mine (M. I. 7008.8) Finley Coal Company, Hyden, Leslie County, Ky., October 19, 20, and 22, 1970

(By Gordon Couch, Federal coal mine inspector)

INTRODUCTION

This report is based on an inspection made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

GENERAL INFORMATION

The No. 16 Mine is located on Hurricane Creek about 4 miles east of Hyden, Kentucky, off State Highway Route No. 80. The No. 16 Mine is opened by 4 drift entries into the Hazard No. 4 coalbed, which averages 36 inches in thickness locally. Of the 50 men employed, 48 worked underground on 2 production shifts and 1 maintenance shift a day, 5 days a week, and produced 800 tons of coal daily.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Notices

Violation—Section 202(a). Samples to determine the amount of respirable dust in the mine atmosphere were not taken. A Notice of Violation was issued October 5, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970.

Violation—Section 302(a). The roof support plan was not being followed in that roof bolts were installed more than 5 feet apart and crosscuts were more than 22 feet wide. A Notice of Violation No. 1 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m., on October 20, 1970, and a Notice of Penalty No. 1 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 20, 1970.

Violation—Section 303(b). The quantity of air reaching the faces of No. 5 and No. 6 main entries was too low to be measured with an anemometer. A Notice of Violation No. 2 GC was issued October 19, 1970 on Form 104(b), requiring that the violation be abated by 8 a.m. on October 20, 1970, and a Notice of Penalty No. 2 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 20, 1970.

Violation—Section 303(g). Weekly ventilation examinations were not made. A Notice of Violation No. 1 GC was issued October 22, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 1 GC pertaining thereto was issued October 22, 1970. The violation was abated by 8 a.m., on October 26, 1970.

Violation—Section 303(o). A ventilation system, methane and dust control plan has not been submitted by the operator. A Notice of Violation No. 1 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 1 GC pertaining thereto was issued October 20, 1970.

Violation—Section 303(t). The operator had not submitted a fan stoppage plan. A Notice of Violation No. 2 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 2 GC pertaining thereto was issued October 20, 1970.

Violation—Section 304(a). Float coal dust was deposited on the rock-dusted surfaces in all crosscuts along the main conveyor belt haulage entry from the portal to the loading point. A Notice of Violation No. 2 GC was issued October 22, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 2 GC pertaining thereto was issued October 22, 1970. The violation was abated by 8 a.m. on October 26, 1970.

Violation—Section 304(b). Water or water with a wetting agent was not used to abate the dust created by mining operations. A Notice of Violation No. 3 GC was issued October 20, 1970 on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 3 GC pertaining thereto was issued October 20, 1970.

Violation—Section 304(c). Rock dust had not been applied to within 200 feet of the face of No. 1 main entry. A Notice of Violation No. 3 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 20, 1970, and a Notice of Penalty No. 3 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 20, 1970.

Violation—Section 305(a)(4). The operator had not submitted a list of all electric equipment in use at the mine. A Notice of Violation No. 3 GC was issued October 22, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 3 GC pertaining thereto was issued October 22, 1970.

Violation—Section 305(g). Electric equipment was not examined, tested, and maintained by qualified persons. A Notice of Violation No. 4 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 4 GC pertaining thereto was issued October 20, 1970.

Violation—Section 305(m). The mine fan motor was not protected by an automatic circuit breaker. A Notice of Violation No. 4 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 4 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 26, 1970.

Violation—Section 306(d). The trailing cables for the loading machine and coal drill contained several temporary splices. A Notice of Violation No. 5 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 5 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 20, 1970, at the request of the operator.

Violation—Section 307(b). Frame-ground protection was not provided for any of the electric face equipment. A Notice of Violation No. 6 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 6 GC pertaining thereto was issued October 19, 1970.

Violation—Section 308(d). The 4,160 volt alternating current circuit leading underground did not contain a ground check monitor to insure continuity of the ground wire and monitor wire. A Notice of Violation No. 5 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 5 GC pertaining thereto was issued October 20, 1970.

Violation—Section 308(i). A disconnecting device was not installed at the branch line of the high-voltage circuit for No. 16 Mine. A Notice of Violation No. 6 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 6 GC pertaining thereto was issued October 20, 1970.

Violation—Section 313(d). Explosives were carried underground in their original shipping containers. A Notice of Violation No. 7 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 7 GC pertaining thereto was issued October 20, 1970. The violation was abated by 8 a.m. on October 26, 1970.

Violation—Section 317(c). A search program has not been submitted by the operator, to insure that the miners do not carry smoking materials underground. A Notice of Violation No. 4 GC was issued October 22, 1970 on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 4 GC pertaining thereto was issued October 22, 1970.

Violation—Section 317(i). A program for training and retraining of qualified and certified persons had not been established. A Notice of Violation No. 8 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 8 GC pertaining thereto was issued October 20, 1970.

Violation—Section 317(l). Sanitary toilet facilities were not provided. The foregoing violation exists because the facility needed to abate it was not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

TABLE 1.—ANALYSES OF AIR SAMPLES

[Date collected: Oct. 20, 1970; Mine No. 16; Company: Finley Coal Co.; Collected by: Gordon Couch]

Bottle No.	Laboratory No.	Location in mine	Percent in volume					Cubic feet air per minute	Cubic feet methane in 24 hours
			Carbon dioxide	Oxygen	Methane	Carbon monoxide	Nitrogen		
K3152	113015	Immediate return No. 1 entry	0.03	20.86	0.00	....	79.11	14,000	....

REPORT OF FATAL COAL MINE HAULAGE (BATTERY-POWERED TRACTOR) ACCIDENT, NO. 15 MINE (M.I. 7008.7) FINLEY COAL COMPANY HYDEN, LESLIE COUNTY, KENTUCKY, NOVEMBER 9, 1970

(By C. E. Hyde, Federal Coal Mine Inspection Supervisor, Gordon Couch, Federal Coal Mine Inspector)

INTRODUCTION

This report is based on an investigation made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742), to determine the cause of the accident, and to propose measures for prevention of similar accidents.

A haulage accident occurred in the subject mine in which Charlie Wagers, (battery-powered) tractor operator, was so severely injured Monday, November 9, 1970, at 6:30 p.m., when his head was caught between the tractor he was operating and a coal rib, that he was pronounced dead upon arrival on the surface by Dwayne Walker, Coroner of Leslie County, Kentucky. The accident occurred at the intersection of No. 2 entry, 3 right, and No. 6 main entry of the No. 15 Mine. Wagers had about 3 years experience in underground mines, and had been employed as a tractor operator for 3 months in this mine. Wagers was 24 years old and is survived by his widow.

The writer was informed of the accident by Charles Finley, operator of the mine, at 8 p.m., November 9, 1970, and an investigation was started the following day and completed November 13, 1970.

GENERAL INFORMATION

The No. 15 Mine is opened by four drift entries into the Hazard No. 4 coalbed, which averages 33 inches in thickness locally. Of the 43 men employed, 39 worked underground on 2 shifts a day, 5 days a week, and produced 600 tons of coal daily, which was loaded by a mobile loading machine into a rubber-tired mine car (trailer).

Information for this report was obtained from employees, officials and a visit to the scene of the accident.

There were no eyewitnesses to the accident.

The investigating committee consisted of:

Finley Coal Company

Charles Finley, operator.

Monroe Mitchell, superintendent.

Walter Hibbard, second-shift foreman.

George Gray, timberman.

Ernest Bowling, roof-bolt operator.

Kenneth Ray Morgan, maintenanceman (loading-machine operator at time of accident).

Merle Lipps, loading-machine operator.

Kentucky Department of Mines and Minerals

Everett Bartlett, district supervisor.

United States Bureau of Mines

C. E. Hyde, Federal coal mine inspection supervisor.

W. E. Duke, Federal coal mine inspector (electrical).

Gordon Couch, Federal coal mine inspector.

The preceding Federal inspection (PBR) was completed June 23, 1970, and a spot inspection was made August 14, 1970. An investigation of a non-fatal coal mine explosives accident (two men injured) was completed August 19, 1970.

DESCRIPTION OF ACCIDENT

The second-shift crew entered the mine at the regular time (3:15 p.m.), and work progressed normally until Wagers (victim) began experiencing trouble with his tractor; he summoned Kenneth Ray Morgan, maintenanceman, to repair the tractor. After the tractor was repaired (trouble was with forward and reverse contacts), Wagers continued to haul coal until his tractor was again disabled, and he summoned the maintenanceman to repair the tractor. The maintenanceman, along with the mine foreman, arrived at the tractor, and proceeded with the necessary repairs which were essentially the same as before. When the necessary repairs were completed, the mine foreman instructed Wagers to take the tractor to the surface and exchange it for an extra tractor if he had any more trouble with his tractor. The maintenanceman assumed his other duties until it was time for him to drive tractors while the regular tractor drivers ate lunch.

After completing this usual cycle, he rode to the loading machine with Wagers (victim) in the deck of the tractor and, arriving at the No. 2 entry, 3 left, where the loading machine was waiting, he relieved the loader operator to permit him (loader operator) to eat his lunch. The loader operator went to No. 6 entry, 3 right, where he had left his lunch at the beginning of the shift. The maintenanceman began loading Wagers' trailer, and had almost finished loading the fall of coal when he discovered that Wagers was having trouble with his tractor again, and was not able to place the trailer into a loading position; the maintenanceman decided to finish cleaning up the place by spilling the rest of the fall of coal onto the mine floor; after this was completed and the loader helper was placing the loader cable onto the loader, it was discovered that Wagers' trailer was fouled against the rib out by the loader, after making two attempts forward and reverse the tractor stopped against the rib on the third attempt in reverse. George Gray, timberman, yelled to other workmen that a man was injured. The loader operator (repairman) went to the tractor and saw that Wagers' head was caught between the rib and corner of the tractor, he proceeded to remove the cover from the starting box and free the "stuck" contact (reverse contact); he then proceeded to free the victim by tramming the tractor forward about 2 feet. Help was summoned from other workmen, and the victim was removed from the tractor, placed on a stretcher and transported to the surface. Wagers apparently died instantly from massive head injuries. The equipment involved was a battery-powered tractor, S and S Machinery 160, Serial No. 160-52. The tractor is 7 feet, 3 inches wide and 15 feet, 8 inches long, and the Kersey trailer involved is 16 feet, 6 inches long and 12 feet, 4 inches wide.

SUMMARY OF FINDINGS

1. The battery-powered tractor had a contact stuck in reverse, and any attempt to move forward would move the tractor in reverse; the position of the victim's body indicated that he was attempting to move the tractor forward.

2. The Kersey trailer is 2½ feet wider on each side than the tractor, which caused the trailer to hang against the rib.

3. The maintenance program was not effective, in that the contacts were not kept in good operating condition.

4. The overall safety program at the mine was not effective in that new tractor operators were not informed of the hazards that surround overall maintenance and operation of battery-powered equipment. The employees at this mine have not been trained in coal mine accident prevention and first aid.

CAUSE OF ACCIDENT

Management's failure to take the defective tractor from service for repairs, and to assure that the battery-powered equipment was in good mechanical condition before being placed in service was the direct cause of this accident. The excessive width of the mine car (trailer) was a contributing factor.

RECOMMENDATIONS

Compliance with the following recommendations may prevent accidents of a similar nature:

1. A maintenance program shall be established to insure that equipment is free of defects before being placed in service.

2. Trailers (mine cars) used for haulage should not exceed the width of the haulage unit.

3. Mine officials shall use closer and more strict supervision at all times in this mine.

4. A program should be provided to train and instruct employees in the proper and safe operation of equipment.

5. Operators of mining equipment should remain alert and should maintain control of equipment at all times.

ORDER

Imminent Danger—Section 104(a).—Battery powered tractor (Serial No. 160-52) (tractor involved in accident) did not have fuses for control circuit and arc shields were missing. Battery powered tractor (no numbers) did not have fuses in control circuit and three arc shields were missing. Battery powered tractor (unit No. LC) had defective brakes and one defective contact in starting box. Battery powered (Load-A-Tram) (Serial No. 468-1003) had two arc shields missing, defective brakes, and no fuse in power circuit.

The Order affects the equipment listed above.

Action taken—Order No. 1 GC was issued November 13, 1970, requiring that the equipment listed not be used until repaired. The Order was terminated on November 16, 1970.

ACKNOWLEDGMENT

The cooperation of company officials and employees, and State mine representatives during this investigation is gratefully acknowledged.

Respectfully submitted.

U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF MINES,
November 23, 1970.

I.D. 15-02593-0.

MEMORANDUM

To: T. R. Mark, Subdistrict Manager, Coal Mine Health and Safety District C, Barbourville, Ky.

From: Gordon Couch, Federal Coal Mine Inspector.

Subject: Spot inspection, No. 15 Mine (001-0 and 002-0 Sections), Finley Coal Company, Hyden Leslie County, Ky., November 19, 1970

INTRODUCTION

This report is based on an inspection made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Notices and order

Violation—Section 202(b)(1). The cumulative concentrations of respirable dust analyzed from four samples collected by the operator during an original sampling cycle conducted in the working environment of the coal cutting machine operator in the 001-0 section amounted to 33.9 milligrams of respirable dust. A Notice of Violation No. 1 GC was issued November 19, 1970 on Form 104(i), requiring that this violation be totally abated by 8 a.m. on December 22, 1970. The operator abandoned the section. An Order No. 1 GC was issued November 19, 1970, and remains in effect.

Violation—Section 305(g). Qualified persons were not used to maintain, test, and examine the electrical equipment. A Notice of Violation No. 2 GC was issued November 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on December 22, 1970.

Violation—Section 307(b). Frame-ground protection was not provided on the direct-current equipment. A Notice of Violation No. 3 GC was issued November 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on December 22, 1970.

Violation—Section 317(1). Sanitary toilet facilities were not provided on the surface and underground. A Notice of Violation No. 4 GC was issued November 19, 1970, on Form No. 104(b), requiring that the violation be abated by 8 a.m. on December 22, 1970.

Violation—Section 317(n). Self-rescue devices were not provided for the miners underground. The devices are on order and have not been received. A Notice of Violation No. 5 GC was issued November 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on December 22, 1970.

GORDON COUCH,
Federal Coal Mine Inspector.

TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, I take this opportunity to pay tribute to as fine a man as ever sat in this body, the distinguished Representative from Massachusetts, and the Speaker of this House, the Honorable JOHN W. McCORMACK.

Very few people in the history of the House of Representatives have exercised a greater influence on the course of the Nation and the administration of its lawmaking function. JOHN McCORMACK has presided over this body with great dignity and skill. He has successfully guided a vast amount of legislation through the congressional processes. Many of these legislative measures have been of crucial importance in the history of the Nation. Many have had profound impact upon the progress of our society. Yes, history

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records that John McCormack possesses the attributes of greatness as a leader.

No one has taken his responsibility to his country more seriously or worked with greater devotion and perseverance to meet his obligations. As a result, John McCormack has had the confidence, respect, and admiration of Members from both sides of the political aisle. He has proven himself capable of handling any complex parliamentary question, and has been firm, but consistently and objectively fair in his rulings from the Chair, regardless of differences of principle or political conviction.

I could dwell at length on his accomplishments and achievements as a leader of one of the greatest deliberative bodies of the world; however, I want to touch briefly on certain personal characteristics which have endeared him to all of us. One of the marks of his greatness, I believe, has been his willingness, in spite of many important projects in which he was engaged and the heavy demands on his time, to counsel new Members of the House in the sometimes difficult problems that they faced. My own personal experience amply demonstrated this facet of his character. It has been this genuine concern for his colleagues that has made John McCormack a beloved leader of the House of Representatives. He has been a leader of courtliness and kindness, of thoughtfulness and consideration, of good will and great strength. As a devout Christian he has based his ideals upon devotion to country and christianity. These qualities, along with his outstanding service in this body, will be a living and everlasting monument to him.

As his term of office draws to a close, I want to extend to him and his family best wishes for happiness and success. John McCormack has been a great leader and helpful friend. We shall miss his guiding hand. I shall miss the sincerity of his human understanding.

HAPPY END OF A BAD AFFAIR

(Mr. GROSS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, last February I called attention to the outrageous decision by the Small Business Administration to make a $27.4 million lease guarantee to a paper company called the Old Dominion Sugar Corp.

This paper corporation, which had neither factory nor employees and whose founders knew no more about refining sugar than I do, had incredibly talked the SBA into committing this fantastic amount of the taxpayers' money by—among other things—using a market study made by a firm which was paid in Old Dominion stock.

Following my criticism of this smelly deal, the House Select Committee on Small Business held hearings on the lease guarantee and, I was pleased to note, also concluded that the whole deal reeked.

I have just been informed, Mr. Speaker, that the Small Business Administration has seen the light and has pulled out of this affair lock, stock, and barrel, and I wish to congratulate the SBA on this decision.

It is to be hoped that the SBA's experience on this ill-advised venture will penetrate to the other lending agencies in this town and that the lesson will be of some benefit to the long-suffering taxpayers all over the country.

Mr. Speaker, I include a letter to me from the Small Business Administration for insertion at this point in the Record:

Small Business Administration,
Washington, D.C., December 28, 1970.

Hon. H. R. Gross,
House of Representatives,
Washington, D.C.

Dear Mr. Gross: This refers to our previous correspondence concerning the lease guarantee insurance application by Old Dominion Sugar Corporation.

We have completed our review of the application and have determined that issuance of a lease guarantee insurance policy to Old Dominion Sugar Corporation would not be in the best interest of the Government. Therefore, we have terminated the conditional commitment of the Small Business Administration dated December 2, 1969.

We thank you for your interest in this matter.

Sincerely,
Jack Eachon, Jr.,
Associate Administrator for Financial Assistance.

GENERAL LEAVE TO EXTEND REMARKS

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks on the special order today by the gentleman from New York (Mr. Ryan).

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Dent, for 3 days, on account of official business.

Mr. Pepper (at the request of Mr. Boggs), for today, on account of official business.

Mr. Henderson (at the request of Mr. Albert), for today and the remainder of the week, on account of illness.

Mr. Lennon (at the request of Mr. Albert), for today and the remainder of the week, on account of illness.

Mr. Johnson of California, for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gonzalez, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Ryan, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. Vanik, for 10 minutes today, to revise and extend his remarks and include extraneous material.

Mr. Mills, for 10 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Landgrebe) and to revise and extend their remarks and include extraneous matter:)

Mr. Burke of Florida, for 30 minutes, today.

Mrs. Heckler of Massachusetts, for 5 minutes, today.

Mr. Miller of Ohio, for 1 hour, today.

Mr. Frey, for 30 minutes, today.

Mr. Hosmer, for 30 minutes, on January 2.

(The following Members (at the request of Mr. Daniel of Virginia) and to revise and extend their remarks and include extraneous matter:

Mr. Ryan, for 30 minutes, today.

Mr. Flood, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Mills, during consideration of the bill H.R. 16199.

Mr. Passman.

Mr. McMillan.

Mr. Pelly, and to include extraneous matter.

All Members to have 5 legislative days in which to extend their remarks on the subject of Mr. Ryan's special order.

(The following Members (at the request of Mr. Landgrebe) and to include extraneous matter:)

Mr. Gude.

Mr. Brown of Michigan in three instances.

Mr. Anderson of Illinois in three instances.

Mr. Biester.

Mr. Bray in three instances.

Mr. Hogan in three instances.

Mr. Burke of Florida.

Mr. Saylor in two instances.

Mr. Hunt.

Mr. Schmitz in four instances.

Mr. Zwach.

Mr. Gerald R. Ford in 21 instances.

Mrs. Heckler of Massachusetts.

Mr. Widnall in two instances

Mr. Pettis.

Mr. Hosmer in three instances.

Mr. Findley.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Lowenstein in 10 instances.

Mr. Biaggi in eight instances.

Mr. Albert.

Mr. Daniels of New Jersey in 10 instances.

Mr. Waldie in three instances.

Mr. Marsh in two instances.

Mr. Bingham in 10 instances.

Mr. Leggett in three instances.

Mr. Dingell in three instances.

Mr. Johnson of California in three instances.

Mr. Eilberg in two instances.

Mr. Donohue in six instances.

Mr. Downing in two instances.

Mr. Harrington in two instances.

Mr. Ashley in three instances.

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Mr. MACDONALD of Massachusetts in three instances.

Mr. FEIGHAN in five instances.

Mr. BENNETT in two instances.

Mr. HAGAN in two instances.

Mr. ANDERSON of California in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 4426. An act to amend the act of June 1, 1948, to increase the jurisdiction and policing power of General Service Administration special policemen, to increase the penalties for violations of rules and regulations promulgated thereunder by the General Services Administration for the protection of public buildings, and to prohibit certain conduct in or near offices of the Government; to the Committee on Public Works.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 10482. An act to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes;

H.R. 10874. An act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes;

H.R. 13000. An act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes;

H.R. 17867. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 18515. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 18582. An act to amend the Food Stamp Act of 1964, as amended;

H.R. 19953. An act to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 437. An act to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes; and

S. 1626. An act to regulate the practice of psychology in the District of Columbia.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on December 30, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 4605. An act to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the United States mails articles for preventing conception;

H.R. 10517. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes;

H.R. 13493. An act to change the name of certain projects for navigation and other purposes on the Arkansas River;

H.R. 13810. An act for the relief of Lt. Col. Robert L. Poehlein;

H.R. 16745. An act to limit, in the case of certain special service vessels, the application of the duties imposed on equipments and repair parts purchased for, and repairs made to, United States vessels in foreign countries;

H.R. 19342. An act to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes;

H.R. 19590. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes; and

H.R. 19928. An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

ADJOURNMENT

Mr. BENNETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Saturday, January 2, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of XXIV, executive communications were taken from the Speaker's table and referred as follows.

2649. A letter from the Secretary of the Treasury, transmitting the Annual Report of the Secretary of the Treasury on the State of the Finances for the fiscal year ended June 30, 1970, pursuant to 31 U.S.C. 1027 (H. Doc. No. 91-360); to the Committee on Ways and Means and ordered to be printed with illustrations.

2650. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting the final report on the operation of section 401, Public Law 91-305, relative to the fiscal year 1970 outlay limitation on the budget (H. Doc. No. 91-436); to the Committee on Appropriations and ordered to be printed.

2651. A letter from the Deputy Secretary of Defense, transmitting the annual report entitled, "Real and Personal Property of the Department of Defense," as of June 30, 1970, pursuant to 10 U.S.C. 2701; to the Committee on Armed Services.

2652. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication "Statistics of Interstate Natural Gas Pipeline Companies, 1969"; to the Committee on Interstate and Foreign Commerce.

2653. A letter from the Board of Directors of the Tennessee Valley Authority, transmitting the 37th Annual Report covering the activities of the Tennessee Valley Authority during the fiscal year beginning July 1, 1969, and ending June 30, 1970; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

2654. A letter from the Comptroller General of the United States, transmitting a report on economies available by reducing preventive maintenance requirements for certain mechanized mail-handling equipment, Post Office Department; to the Committee on Government Operations.

2655. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in processing medicare claims for physicians' services in Texas, Social Security Administration, Department of Health, Education, and Welfare; to the Committee on Government Operations.

2656. A letter from the Comptroller General of the United States, transmitting a report on the adverse effects of producing drone antisubmarine helicopters before completion of development and tests, Department of the Navy; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE of Illinois: Committee on Standards of Official Conduct. Report of the Committee on Standards of Official Conduct (Rept. No. 91-1803). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1337. Resolution providing for the consideration of House Joint Resolution 1421. Joint resolution, making further continuing appropriations for the fiscal year 1971, and for other purposes (Rept. No. 91-804). Referred to the House Calendar.

Mr. MORGAN: Committee of conference. Conference report on H.R. 15628; with amendment (Rept. No. 91-1805). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Alabama (for himself and Mr. QUIE):

H.R. 20015. A bill to incorporate the Former Members of Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. MAHON:

H.J. Res. 1421. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes; to the Committee on Appropriations.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

657. By the SPEAKER: Petition of Speaker, Koza City Assembly, Okinawa, Ryukyu Islands, relative to removal of chemical munitions from Ryukyu Islands; to the Committee on Armed Services.

658. Also, petition of Alaska Native Brotherhood, Inc., Petersburg, Alaska, relative to establishing a natural gas supply for Wainwright, Alaska; to the Committee on Interstate and Foreign Commerce.

SENATE—*Thursday, December 31, 1970*

The Senate met at 9 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, who has watched over us in the year that is past and brought us to this hour, we thank Thee for the everlasting arms which have been underneath us to support us in our work, to rest us in our weariness, and to strengthen us for the journey into the year ahead.

Lead us forward from strength to strength, to serve Thee more perfectly, that we may achieve what is best for this Nation and that which advances the kingdom of righteousness, justice, and truth among the nations of the earth.

Now unto God's most gracious care and protection we commit you. The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious unto you; the Lord lift up His countenance upon you and give you peace. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., Decembr 31, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, December 30, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS—PARLIAMENTARY INQUIRY

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. Am I correct in stating that all committees have the right to meet until the conclusion of the morning hour and morning business without permission of the Senate?

The ACTING PRESIDENT pro tempore. The Chair would advise the Senator that until business is laid down, that would be the case. On the laying down of the unfinished business, then the right of committees to meet would end.

Mr. MANSFIELD. That applies to the unfinished business?

The ACTING PRESIDENT pro tempore. On any business.

Mr. MANSFIELD. Any business during the morning hour.

The ACTING PRESIDENT pro tempore. That is correct, yes.

Mr. MANSFIELD. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New York (Mr. GOODELL) is now recognized for 20 minutes.

Without objection, the clerk will call the roll to ascertain the presence of a quorum, without interfering with the rights of the Senator from New York (Mr. GOODELL).

The legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator from Illinois (Mr. PERCY) be recognized at this time, notwithstanding the previous order with regard to the Senator from New York, and that the Senator from New York may be thereafter recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. and the Chair now recognizes the Senator from Illinois (Mr. PERCY).

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield to me briefly?

Mr. PERCY. I am glad to yield to the Senator from Montana.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider all the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

IN THE MARINE CORPS

The legislative clerk read the nominations beginning with Thomas G. Arndt, to be second lieutenant, and ending Peter K. Williams, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 14, 1970.

The legislative clerk read the nominations beginning with Arthur A. Adkins, to be second lieutenant, and ending John J. Whitney, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 18, 1970.

The ACTING PRESIDENT pro tempore. Without objection, these nominations are considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS

Mr. MANSFIELD. Mr. President, I ask the Chair, Is the confirmation of these nominations considered as business?

The ACTING PRESIDENT pro tempore. That would be the pending business, yes.

Mr. MANSFIELD. Does that block the meeting of committees then?

The ACTING PRESIDENT pro tempore. Unless it is rescinded by unanimous consent; yes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees, except the Committee on Labor and Public Welfare, be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

TRIBUTES TO THE SENATOR FROM NEW YORK, CHARLES E. GOODELL

Mr. PERCY. Mr. President, several adjectives come immediately to mind when I consider the senatorial career of CHARLIE GOODELL—conscientious, competent, courageous, compassionate. They create a picture of a model legislator.

That he is conscientious has been evident in his scrupulous attention to the details of legislation and his unfailing willingness to meet his responsibilities in committee and on the floor.

His competence can be seen in his quick grasp of issues and his ability to sort out the nuances of complicated problems.

His courage has been demonstrated many, many times. Never has he tried to evade the controversial issues that could be politically damaging. He has always been forthright, even in the face of strong opposition.

His compassionate understanding of the needs of racial and ethnic minorities and his special rapport with the young have earned him well-deserved admiration.

With its 18 million people, with teeming cities, small towns, and rural farms, with every minority group, educational level, and economic condition represented in its population, New York State is as diverse as the Nation. Its problems are the Nation's problems.

A Senator from New York has a valid interest in virtually every issue which comes before this body. To represent his constituency well, he must understand all of these issues. It is no exaggeration to say that a Senator from New York must be a specialist in everything.

Quite obviously, this requires uncommon energy and talent—qualities that I believe are found in abundance in Charlie Goodell, and which have been amply demonstrated over the past 2 years in this body.

The range of legislation introduced or cosponsored by Senator Goodell has been extraordinarily broad. It would take more time than I have today to provide a full record of his accomplishments, but just a small sample gives an indication of his creativity and skill.

Senator Goodell is the coauthor of an amendment which would require an annual report on military expenditures. He was one of the first Senators to call for security guards on airlines and also introduced a bill to quarantine countries harboring hijackers. He has been an exponent of revenue-sharing for 10 years, proposing it long before the idea had gained broad acceptance. He has been a leader and an innovator in the fights for decent housing for the poor, improved community college systems, more effective manpower programs—and many more.

During the 1970 campaign, the New York Times offered this assessment of Charlie Goodell in its endorsement of him:

> Despite the constraints that normally doom a freshman Senator to obscurity, he has succeeded in the two years since his appointment to replace the slain Robert F. Kennedy in moving into the front rank of those fighting to recast national priorities and to dissipate the miasma of fear and regression that breeds conflict between groups, races and generations.

As Charlie Goodell returns to private life, after a distinguished career in both the House of Representatives and the Senate, he can look back on his years of public service with justifiable pride. He has never compromised with his principles, and he has never been silent when he felt it was his duty to speak out. He has won the respect of his colleagues, yet he will always be able to live with his conscience.

I am confident that, in the years to come, Senator Goodell will continue to offer his broad talents and his leadership to his country, his State, and the many friends he will always have in this body.

Mr. President, it has been my particular pleasure to serve on the Banking and Currency Committee with Senator Goodell where I have seen firsthand for a period of several years now his devotion to country, his devotion to his work in the Senate, and his devotion toward finding a way in which to make this country a better place in which to live and work.

I have been privileged to know his wonderful wife and children and to share with them the grief and anxieties of public life.

I have unbounded admiration for this wonderful family who have contributed and will contribute so much to our Nation.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, has the Senator from New York been recognized?

The ACTING PRESIDENT Pro Tempore. The Senator from New York has not been recognized. If he desires to be recognized at this time for the 20 minutes that have been allotted to him, the Chair will recognize him for that purpose and order that his remarks appear in the Record at the start of the proceedings of today.

Mr. SCOTT. Mr. President, if the distinguished Senator from New York would yield, in order not to either embarrass him or use too much of his time, I ask unanimous consent that I may extend my remarks about my good friend, the distinguished Senator from New York (Mr. Goodell) at this point in the Record.

I assure Senator Goodell that we have the warmest affection for him. I want him to know that a number of us will have something to say about him.

The ACTING PRESIDENT pro tempore. Without objection, the statement will be printed in the Record.

Mr. SCOTT. Mr. President, we bid farewell today to a strong-willed colleague who placed his political future on the line while proudly standing tall in his beliefs. He has never wavered.

The junior Senator from New York, Charles Goodell, undoubtedly became a household name in many areas outside of his New York.

Now the time is here that we say goodbye to this fine young man.

Charlie Goodell was a willing associate. He worked hard at being a Senator. Very little passed him by in his close working relationship with his constituents and his colleagues. He established a rapport with all of us that was deeply appreciated.

May I wish you well Charlie. You know the rules of the Senate—the privilege of coming to the floor is yours for life. Come back and see us often.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. GOODELL. I yield.

Mr. MANSFIELD. Mr. President, I join with my colleagues in their remarks being made today about the departure of one of the outstanding Senators in this body, the distinguished Senator from New York (Mr. Goodell).

He has fought a good fight. He has shown great courage. He has shown no hesitancy in espousing causes in which he devoutly believed.

We shall miss Charlie Goodell, who has made his mark in this body, in his State, and in his country.

Mr. GRIFFIN. Mr. President, I too will not infringe on the time of the distinguished Senator from New York.

I share the feelings and the sentiments expressed by the distinguished majority and minority leaders.

I, too, have remarks prepared which I will have printed in the Record and I am sure other Senators will do the same.

Mr. GOODELL. Mr. President, I thank my colleagues for their remarks. It has been a great privilege for me to serve under the majority and minority leaders and to have served with the Senator from Illinois (Mr. Percy), and the Senator from Michigan (Mr. Griffin).

The Senator from Michigan and I worked together for 11 years in the House on a number of measures trying to improve our Nation and our Republican Party.

I am very proud of the scars we bear from those endeavors.

I am very proud also of having served with the Senator from Illinois and thank him for what he did for me when I came here. He was extremely helpful. I have enjoyed working with him on the Banking and Currency Committee.

I am particularly appreciative that he took the time and the risk of coming to New York State and campaigning for me, striving there to elucidate the issues. It took courage.

I am very appreciative of the record he has written in the U.S. Senate and I know that he will continue to work here in behalf of the people of this country.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from New York.

S. 4612—INTRODUCTION OF POLLS PROCEDURE DISCLOSURE ACT

SENATE CONCURRENT RESOLUTION 88—SUBMISSION OF POLLS QUALITY STANDARDS RESOLUTION

Mr. GOODELL. Mr. President, I asked for time in order to discuss a very serious question that I hope will be faced by the U.S. Congress in the year ahead.

Mr. President, replicating the discovery of other candidates in previous elections, I became quite disturbed in the course of my recent campaign at the role that candidate-preference polls played in media campaign analyses and in voter choices. A dismaying number of voters appeared to be making election decisions upon the basis of poll results whose accuracy they could not evaluate.

The most prominent pollsters themselves became concerned at the role which survey results appeared to be playing in voter choices. Robert Bauer, incoming president of the National

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Council of Public Polls—NCPP—and Director of the Bureau of Social Science Research, Washington, D.C., for example, issued a statement on the day before election day which included the following:

> As a public opinion specialist, I feel the polls which try to predict election winners are a poor basis, in a democratic society, for voters to use in making their choices among candidates. Any citizen who decides how he will vote solely on the basis on poll results is abdicating his responsibility to choose his candidate on the basis of his qualifications for elective office.
>
> Voters who base their choice upon the conflicting New York polls, in particular, are placing their reliance upon ambiguous information that leads to no clear conclusion. It is impossible even for the experts to assess the reliability of many of the poll results that have been published, since very little information has been provided of sampling methods, sample size, exact question wording, rate of refusals, and so forth.

Burns Roper, president, the Roper Organization, and vice president of the NCPP, New York, John F. Kraft, president, John F. Kraft Associates, Inc., and Peter Rossi, former director of the National Opinion Research Center, Chicago, three of the most distinguished members of the public opinion research profession, issued a similar statement 2 days before the election, which included the following:

> We have been disturbed by media treatment of the results of various polls. There has been public confusion about what the polls indicate.
>
> Any voter who decides whom he will choose for the Senate based upon polls is abdicating his moral responsibility to make a choice of the best candidate available for a seat in the Senate. Any voter who bases his choice upon the conflicting New York polls, in particular, has not only abdicated but is also foolhardy.

Since those statements, I have had the opportunity to speak with members of the NCPP, at the gracious invitation of Dr. George Gallup, Jr. The sense one derives from speaking with the pollsters is that they are broodingly disturbed at the arbitrary uses to which their candidate-preference polls have become subject, and frustrated at their inability to generate enforcible self-regulation within the profession.

It is after extensive consultation with them, and with their endorsement, that I introduce today the Polls Procedure Disclosure Act and the polls quality standards resolution. It is the purpose of that act, which I hope will be reintroduced and examined in hearings before the Judiciary Committee during the next Congress, to establish a process through which a candidate in a Federal election may, upon the publication of poll results on the contest to which he is a party, compel the publication of the polling procedure employed in getting those results. A complete set of questions is provided in section 5(b) to define in detail the information requisite to a full grasp of polling procedure in any particular case. The goal is to provide the electorate and the media with the information requisite to evaluation of any poll. Since voters are free to employ poll results in making their voter choices as they please, the least that Congess can do is to establish a process which will insure that sufficient data is available for such evaluation.

The disclosure solution does provide the electorate and the media with information upon the basis of which they may reject substandard polls, but it does not go to the problem of insuring that the procedure of all polls meets those minimal scientific quality standards which have become embodied in the trade usage of the public opinion research profession. Should the profession fail to meet its responsibility of establishing and employing enforcible quality standards, Congress ought in the future to investigate into the merits of legislative establishment and implementation of such standards, sanctions, and mechanisms of enforcement thereof.

The first step of self-regulatory enforcible standards has not been, however, really yet attempted, and Congress ought therefore to confine itself to encouragement of pollster organizations, notably the NCPP and the American Association of Public Opinion Research (AAPOR), to take that step. It is to provide that congressional impetus that I introduce the polls quality standards resolution today, again with the generous support of prominent members of the public opinion research organizations. It is my hope that this resolution will be examined together with the act in hearings during the next session of Congress.

We should, finally, make it quite clear to the profession and its organizations that mere disclosure and even enforcement of quality standards is insufficient to optimize electorate and media utilization of poll results. As members of the NCPP affirmed during our recent meeting, it is the responsibility of the profession to educate those consumers of polls, in part because they are the objects of candidate manipulation of survey results. The media and the electorate ought to be made aware of the profession's minimum quality standards, of whatever sanctions and mechanisms of enforcement of the standards may be established, of the procedure requisite to triggering the employment of such enforcement mechanisms, and of the methodological limitations of polls and the implications for our democratic system of electorate use of poll results as the basis for voting choices.

It is quite clear that AAPOR and NCPP, having already attempted to employ nonenforcable procedure disclosure guidelines, feel inadequate to the task of inducing their members, much less nonmember pollsters, to provide the electorate with that procedural information necessary to enable voters to intelligently assess how much weight they should give various polls in making their candidate choices. Equally is it clear that the organizations have not adequately explored the potential of self-regulation for inducing pollsters to maintain minimum quality standards of survey procedure.

It is the objective of the act and the resolution which I now introduced to establish legislative regulation where self-regulation on disclosure has failed, and to encourage that self-regulation on quality control which has not yet been essayed.

I look forward to working with the public opinion research profession, whose members have invaluably contributed to the generation of this legislation, toward the achievement of those objectives in the next Congress.

Mr. President, I ask unanimous consent to have the text of the act and the resolution printed at this point in the CONGRESSIONAL RECORD.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill and the resolution will be received; and, without objection, the bill and the resolution will be printed in the RECORD.

The bill and concurrent resolution are as follows:

S. 4612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Polls Procedure Disclosure Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress of the United States finds that polls are currently widely employed in the course of elections by candidates, the media, and members of the electorate; that it is impossible for candidates, the media, or members of the electorate to evaluate the significance of poll results without detailed information about the procedure employed in concluding upon any given results; that such detailed information upon procedure is generally unavailable to those employees of the media and members of the electorate who are exposed to published poll results; that such detailed information has remained sequestered despite the organized effort of members of the public opinion research profession to establish guidelines which would lead to that information's disclosure upon the publication of poll results; and that provision of such information will enable the media and the electorate to make such evaluation in the processes of reporting and making voting decisions.

(b) It is the purpose of this Act to establish a procedure whereby a candidate in any Federal election may, upon the publication of poll results relative to the election contest to which he is a party, compel the publication of the procedure employed in concluding upon those results, in order that members of the electorate and employees of the media will be provided with the detailed information requisite to evaluation of the significance of those poll results.

DISCLOSURE ACTIONS

SEC. 3. (a) Upon the publication of poll results relative to a Federal election contest, a candidate who is a party to that election may institute a civil action for disclosure of the procedure employed in concluding upon those results. The district courts of the United States shall have original jurisdiction of such civil actions for disclosure.

(b) Such actions shall be instituted

(1) in the district court of the United States whose venue covers territory which incorporates more of the population of the affected Congressional district than that incorporated in the territory within that Congressional district covered by the venue of any other district court of the United States, in any case in which the affected election contest is held within a Congressional district,

(2) in the district court of the United States whose venue covers the capital of the state, in any case in which the affected election contest is statewide, and

(3) in the district court of the United States for the District of Columbia, in any case in which the affected election contest is nationwide.

(c) Such actions may be brought against

(1) the person who had commissioned the poll whose results are published, when his identity is available or

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(2) the public opinion research professional who had conducted the poll, when the identity of the person who had commissioned the poll affirms that the professional had not disclosed the procedure to him.

(d) (1) In the event that an action is instituted against the person who had commissioned the poll in question and the court finds that the results of that poll had indeed been published, the court shall enjoin that person to either

(a) disclose the procedure employed in concluding upon those results, or

(b) affirm that the public opinion research professional who conducted the poll had not disclosed the procedure to him, or

(c) state that he disclaims responsibility for affirmation of the accuracy of the published poll results and that he has no knowledge based upon the poll in question which would establish the basis for such affirmation of accuracy.

(2) In the event that an action is instituted against the public opinion research professional who had conducted the poll in question and the court finds that the results of that poll had indeed been published, the court shall enjoin that person to either

(a) disclose the identity of the person who had commissioned the poll, if the action was instituted against the professional because the identity of that person had been unavailable prior to the actions commencement, or

(b) disclose the procedure employed in concluding upon those results, if the action was instituted against the professional because the person who commissioned the poll had previously affirmed that the professional had not disclosed the procedure to him, or

(c) state that he disclaims responsibility for affirmation of the accuracy of the published poll results and that he has no knowledge based upon the poll in question which would establish the basis for such affirmation of accuracy.

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(e) It shall be an affirmative defense to such action that the procedure of the poll in question has been published prior to commencement of the action.

(f) The district court of the United States in which an action for disclosure is initiated shall expedite that action.

(g) In any action for disclosure, subpoenas for witnesses who are required to attend a district court in any judicial district may run into any other judicial district.

PENALTIES

SEC. 4. Any violation of an injunction issued pursuant to section 3 shall be punishable by contempt.

DEFINITIONS

SEC. 5. As used in this Act, (a) the term "poll" means a public opinion research survey or portion thereof which attempts and/or purports to measure the preference of the electorate with regard to candidates who are parties to any Federal election; (b) the term "procedure" means the procedure employed in design, conducting, and analysis of any poll, including answers to the following questions where applicable:

The sample

(1) What is the precise definition of the population covered in the sample frame?

(2) What is the size of the sample?

(3) What procedure was employed by field interviewers when respondents indicated prior to responding to a question that they were undecided?

(4) Were the respondents in each district selected on the basis of a quota sample or a probability sample or a sample with another selection procedure? What weighting procedures were used in selection of the respondents within each sample district? What procedure was (a) established, and (b) actually employed for substitution of respondents when selected respondents were unavailable or unwilling to answer?

(5) Which results, if any, are based on parts of the sample in lieu of the entire sample population? What procedure, if any, was employed to distinguish between respondents likely to vote and those likely not to vote? If so, what disposition was made of respondents likely not to vote?

(6) Upon the basis of what procedure were the sample districts chosen?

(7) What were the characteristics of the final sample? (For example: proportion of men and women, college educated people, age distribution.)

(8) What allowance was made for sampling error and how was it calculated?

(9) What statistical level of significance does the public opinion research professional who conducted the poll attach to it? Upon the basis of what procedure was that statistical significance calculated?

Pre-poll checks

(10) Was any check for poll reliability performed prior to that sampling which has been published?

("Reliability" is herein operationally defined, pursuant to trade usage, as ensuring that respondents answer a question with the same response when the question is put to them at different times.) Describe the procedures of the reliability check. What percentage of the sample population was the reliability check performed upon? Specifically who performed the check? Specifically who designed the check?

(11) Was any check for poll validity performed prior to that sampling which has been published?

("Validity" is herein operationally defined, pursuant to trade usage, as ensuring that the terminology of the poll question truly asks that which the poll administrators intend to ask.) Describe the procedures of the validity check. What percentage of the sample population was the check performed upon? Specifically who performed the check? Specifically who designed the check?

Interviewing Procedures

(12) What was the exact wording of the questions employed? Did interviewers have discretion to reword questions on the spot?

(13) What was the sequence of questions?

(14) How were the respondents contacted?

(15) Where were people contacted?

(16) During what time of day were interviews conducted?

(17) How were interviewers selected? Was current or previous employment by a member of the public opinion research profession as an interviewer a prerequisite for selection?

(18) Were interviewers provided with interviewer training? By whom? Describe the content and the procedure of the training.

(19) How were interviewers supervised? Was their work in any way validated? How?

Polling Organization History

(20) What has been the average percentage error five years by the public opinion research professional who has conducted the poll in question?

(c) the term "publication" means revelation to any person not an agent or employee of any person who has commissioned a poll or of the public opinion research professional who has conducted that poll; and

(d) the term "to commission" means to cause a poll to be taken by contracting with a public opinion research professional for the conducting of such poll or, where such professional initiates the conducting of a poll without a contract made with a commissioning client, to engage in such initiation. Where a poll is commissioned for a candidate who is party to a Federal election by a member of his staff authorized to act as his agent, such candidate shall be considered to be the person who has commissioned that poll.

S. CON. RES. 88

A concurrent resolution to encourage the public opinion research profession to speedily establish minimum quality standards of public opinion research procedure, sanctions, and mechanisms of enforcement thereof to insure adherence to such standards

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this Resolution may be cited as the "Polls Quality Standards Resolution."

Whereas candidate-preference public opinion research surveys (hereinafter, "polls") are currently widely employed in the course of elections by candidates, by the media, and by members of the electorate;

Whereas there is evidence that some polls are not conducted in accordance with the scientific quality standards of public opinion research procedure which are embodied in the trade usage of the public opinion research profession; and

Whereas it is desirable for candidates, the media, and members of the electorate to make and report on campaign and voting decisions upon the basis of accurate information: Now, therefore, be it,

Resolved by the Senate (the House of Representatives concurring, That it is the sense of the Congress that it is the responsibility of the members and the organizations of the public opinion research profession to speedily establish minimum quality standards of public opinion research procedure, and to establish and employ sanctions and mechanisms of enforcement thereof to insure that standards are adhered to by members of the profession.

Mr. GOODELL. Mr. President, in conclusion, with reference to the whole problem of polls I want to make it clear that I think it is perfectly proper for individuals to have information—accurate information—with reference to voter sentiments prior to an election.

In the last election, particularly in New York State with respect to the three candidates running for the U.S. Senate, it was very difficult to assess how the voters were going to vote. Until the last few days, I am told by the expert voter analysts, there were unusually large percentages of voters undecided, which made it particularly difficult to assess a survey or poll.

I am told that as a result of the New York Daily News straw vote there were significant changes in the voting pattern in the race for the U.S. Senate. I do not know the truth of these allegations. They have been given to me by objective public opinion survey experts, one of whom said that there was a shift of 10 percentage points in the last 4 days in the New York State race, to my detriment.

But, Mr. President, I feel very strongly that the electorate has the right to know all the information about how these polls are taken. In the present situation candidates can assert the existence of polls when there are no polls or can go out and make a telephone survey of 100 or 200 individuals and release it as a supposed accurate assessment of how 6 million prospective voters in a State of 18 million people are going to vote in an election.

In New York State in the last campaign we had what truly could be poll pollution. Polls were coming out of our ears. There was no way to control it. Of course, the least reliable poll methodology, according to the experts, is the straw vote, and that is unfortunately the technique employed by the New York Daily News in its poll.

Mr. President, I want to make clear that I believe the executives of the New York Daily News are reputable and enlightened men; they have differed with me and I have differed with them on issues. But I know full well that they were concerned, that they did not want the polls to significantly influence how voters would vote. They took the trouble, the unusual step of contacting me after the election and asking me to come to their office because they were disturbed about the question of whether their poll was inaccurate, and that an inaccurate poll had significantly influenced how the voters would vote.

I do not make that allegation here today. I have no desire to enter into that question. The campaign was run; it was run on a high level; and the voters indicated their choice in New York State. I accept that choice without bitterness and I look forward to working in another capacity, striving to solve the problems of our Nation.

However, I hope my colleagues will take into consideration that very serious problem of evaluating the procedural technique that has been employed when polls are released. I am introducing a very simple bill. It would require that if a poll were published, the candidate could go into Federal court and require the individuals who commissioned the poll, or go to the pollster himself and require him or that organization to reveal the full methodology of taking the poll.

I would emphasize that the way "published" is defined in the bill is very much in the way the word "published" is used in cases of libel and slander. The transmission to any individual outside of the immediate campaign organization or of the polling organization would be publication. Under those circumstances, where candidate-preference polls were taken and published, perhaps by "leak," a candidate could go to court, ascertain whether such a poll was taken, and require the disclosure of the techniques used in taking that poll.

The bill is pragmatic, for it provides for disclosure actions to be injunctive proceedings which may be speedily disposed of by the courts upon their commencement. Section 3(d) provides that the judiciary give docket priority to disclosure actions, in order to insure that they will be immediately disposed of upon their initiation. It is intended, in accordance with a rule of reasonableness, that the later in an election campaign a poll is released, the faster it will be expedited in accordance with the need for quick action. A disclosure action with regard to a poll released in July will not ordinarily require disposition upon the day that it is brought, while one commenced in October during an election campaign almost certainly will.

Section 3(e) which makes it an affirmative defense to such an action that the procedure of the poll in question has already been disclosed through publication, is intended to discourage the disclosure action's equivalent of politically motivated "strike suits."

This bill is not going to be nearly as informative and subjective as it might be. It would impose no great burden on any individual. It is limited to Federal election contests. It does not attempt to enforce specific standards upon the pollster. I personally believe that the establishment and enforcement of quality standards can be accomplished by the pollsters themselves.

That is why I have put in a joint resolution, a sense-of-the-Congress resolution, as a second step, urging proposals moving in the direction of setting up standards committees. Questions as to procedures could be looked into by the standards committees, which could inform the public of the probable inaccuracy of a poll.

Mr. President, I commend thesse two measures to my colleagues, and I stress that as action moves on them next year, I shall be coming back to testify or work to see if we can get such legislation on the books to cover the election campaigns of 1972 and thereafter.

I yield back the remainder of my time, but I ask unanimous consent that my staff be permitted to be on the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GOODELL subsequently said: Mr. President, I ask unanimous consent that the Polls Procedure Disclosure Act and the Polls Quality Standard Resolution, which I introduced earlier today, be jointly referred to the Committee on the Judiciary and the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO SENATOR GOODELL

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the senior Senator from New York for 40 minutes.

Mr. JAVITS. I thank the Chair. Mr. President, I have sought the time this morning so that, together with other colleagues we may pay, insofar as the formality of the Senate Chamber is concerned, farewell to our colleague from New York, Senator CHARLES GOODELL.

It is a matter of the most profound regret to me, Mr. President, that he shall not be with us. I have had other colleagues, beginning with probably as distinguished a Senator as New York ever produced, Irving Ives, when I first came. In every way, CHARLES GOODELL has measured up to that standard—a very different man, but a man of great quality and great insight, and, beyond all, great dedication and courage.

My association followed Kenneth Keating of New York, a brilliant lawyer, and one of the most lovable and pleasant men who has ever served in this Chamber.

Then, finally, that meteor of public life whom Senator GOODELL succeeded, Robert Kennedy. My cooperation and work with him was very intimate. In Robert Kennedy's case I would say that it hurts me even to discuss it, so tragic was the end of this unusual, flaming personality.

In CHARLES GOODELL, again from a different side of life, with a different concept of discipline, we again had a pearl from my State that makes me very proud.

There was much discussion, as Senator GOODELL began to serve here, that he had changed his ideology radically from the time he had left the House. This was probably the most significant individual factor surrounding his political career here in the Senate and his campaign for election as a Senator. I believe that it represents the most noble aspect of his character, and whatever he may have suffered because of misconstructions and misconceptions about it, I deeply feel that, as he is a relatively young man he will, as life goes on, bless the years in which he took the positions that he did, notwithstanding his positions in the other body—and there has been a great deal of exaggeration about those, anyhow. This is hardly the time to make the case, but there was not nearly the shift that his opponents, and many people, unhappily, read into his actions. But, Mr. President, the fact that he was willing to risk that challenge, in many cases amounting to opprobrium, with respect to decisions which were founded on patriotism and dictated by duty, is, in my judgment, the highest tribute that can be paid to a man. One often runs into a situation in life, as did Senator GOODELL, when he might please some and destroy himself; and he chose the course of pleasing fewer but redeeming himself.

He has done so much. He made a magnificent record in the Banking and Currency Committee, and two of his colleagues are here on the floor to testify to that. The initiative and ingenuity of his work there, especially in the field of slum, low income, and abandoned housing, was really brilliant. He showed unbelievable insight into the blind alley that is the Vietnam war, and heroic leadership, at all kinds of personal and political risk to lead us out of that morass. His success on the floor in consummating measures, even though he was a new Senator, his very able generalship learned in the House, where he rose to one of the leadership positions—all of these I testify to, and they move me and please me deeply as a colleague in the interest of service to my State. But nothing compares with his willingness to face the issue of his conscience to be the man nature and his intellect and heart intended him to be, and to be willing to endure the storms and stresses and defeat which that meant, for I attribute his reverse in New York, in my judgment, only to that fact.

I repeat, Mr. President, and when I am through I shall yield to colleagues who have so graciously come to the floor, that in the years ahead this will have turned out to be the most noble decision of his life. It will shape his life. It will make him again, as I am sure it will, an ennobled public servant of the American people. In saying this formal farewell, I bespeak the best of happiness and good luck to Senator GOODELL.

I yield now to the Senator from Illinois.

Mr. PERCY. Mr. President, I have already commented this morning on Senator GOODELL, and I know that this period is for tributes just for Senator GOODELL. But I should like to state here that in my experience in politics over a period of 25 years, in many different capacities, I have seen many personal and political friendships. But I have never seen devotion on the part of any friend such as that of the senior Senator from New York, Senator JAVITS, to his colleague, the junior Senator, Senator GOODELL. When he says "all out," he really means all out. He is as passionate in his devotion for what he thinks is right for this country and every cause he believes in as he is to his friends, and I am only giving voice to many private and public expressions that I have heard about my distinguished colleague, the senior Senator from New York from Senator GOODELL, who has so deeply appreciated the support and help of his colleague.

So, Mr President, this is really a tribute to two men, two colleagues who have worked side by side, in victory and defeat, and it has been truly an inspiring relationship for me to witness.

Mr. JAVITS. I thank the Senator very much. I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, this Nation was never intended to be one where all of its people looked alike, spoke alike, dressed alike, or, worst of all, thought alike. The greatness of this Nation is in its diversity, its magnificent pluralism.

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I think the greatness of a political party depends upon its diversity. It depends upon dissent, debate, and discussion, which is the basis for sound political judgment and sound foreign and domestic policy. I believe that the greatness of my own party, the Republican Party, depends upon diversity and upon dissent.

CHARLES GOODELL has stood for that in our party. He has stood firmly on his convictions. He is a man of strong convictions, and the courage to match them. As has been pointed out by his colleague from New York, he has stood up and made his views clear on the vital issues of today: the war in Vietnam and the domestic issues, especially those involving people who live in deteriorating housing in his State and throughout the Nation. He has served as a symbol for youth, and for people who are dedicated to the principle of peace on earth. I think that few men, if any, have served for as short a period of time and contributed as much as has our colleague CHARLES GOODELL. I have been privileged to serve with him on the Banking and Currency Committee, and to sit on the back bench with him, talk to him, listen to him, and be inspired by him.

As the Senator from Illinois has said about the friendship of the senior Senator from New York for the junior Senator from New York, it is difficult if not impossible not to be a friend of CHARLES GOODELL. He has raised his voice when many have lacked the courage to raise theirs. I think that he has contributed much to the grinding down of the war in Vietnam and the bringing home of the troops. For who knows, if he had not raised his voice, but that we might have been further involved in the war in Southeast Asia?

So I say, Mr. President, that CHARLES GOODELL leaves this body with a truly distinguished record of achievement. He leaves behind men and a woman all of whom, I am sure, have confidence and faith in his integrity, in his ability, and in his high principles.

Personally, Mr. President, I shall sorely miss him. But I was pleased to note that even on this day, perhaps the final day of this session, he is still at his job, filing important legislation which is sorely needed in this country.

CHARLIE, you were loved, respected, and admired by your peers. We wish you well, and we know that we will continue to have the benefit of your sound judgment and your strong and firm voice as this Nation moves forward in the years ahead. Godspeed.

Mr. JAVITS. I thank the Senator from Massachusetts very much, who has himself suffered so much to help so many, and has overcome so much, and I join him in his high approval of the continuance of Senator GOODELL in his work to this very day, and can assure my colleague from New York that my hand and those of the Senator from Massachusetts and others will take up the torch he has again lit this morning, and do something about it.

I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, during the last campaign in New York, it was reported that some of the young people developed their own button, which read, "You're a good man, CHARLIE."

I think that reflected the feeling not only of many citizens of New York, but of citizens throughout this country, that he was and is a good man.

It is very difficult to dissent. It is even more difficult to dissent when one's own President is in office, even though that dissent may be essential to his effective Government. Edmund Burke once said that a legislator owes his constituents more than his industry, he owes them his judgment; and I believe that Senator GOODELL has provided, in full measure, the benefit not alone of his industry but of his judgment, and that because he did so, he will be retiring at the end of this Congress.

There are many who would make of the Senate some sort of ministerial body, with only the power to agree. But in fact, Congress is at its best, and is performing consistent with the principles of our Constitution, only when it is a body of industry and of judgment, and performing well in both areas.

Senator GOODELL's record stands for equality, compassion, and understanding, and, of course, above all, courage—the willingness to lose office, if need be, in the service of one's conscience and one's beliefs.

So I am pleased to join with my colleagues in expressing my deep appreciation for the role of Senator GOODELL in the great issues that have faced this country during his service here in the Senate.

Permit me to close by expressing a personal note. The Goodell and Mondale families are very close. We live together in the central area of the District of Columbia. Our children go to school together. The Goodell children, with their red heads, infest much of the central District of Columbia. My children and his are very close friends, and we very much hope that that friendship can continue. Joan joins me, together with our children, in expressing our deep appreciation to him, to Jean, and to the children for our times together.

Mr. President, I yield the floor.

Mr. JAVITS. I thank my colleague from Minnesota very much for his generosity and for joining with us here this morning.

I now yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I thank the distinguished Senator for yielding to me.

Mr. President, today we bid farewell to our colleague, the distinguished junior Senator from New York, CHARLES GOODELL. It is never a very pleasant or happy occasion to bid goodby to a colleague, particularly when the occasion is his retirement by means of an election. Yet, I would say that Senator GOODELL leaves the Senate with a sense of having lived up to what he believed in, in the highest sense, with the highest degree of intellect and morality that anyone could apply to his job.

It would take only a cursory examination of the records of the Senate, of course, to show that he and I have been in disagreement, as expressed by our votes on many, many matters. Yet, as difficult as he sometimes found his position in living up to his principles as he saw them, there never has been between him and me—and I really cannot recall between him and anyone else on the Senate floor—any bitter or acrimonious words which he would have occasion later to wish he had not said or would want or feel he had to retract. This in itself, concerning the pressures under which the Senate operates, particularly in the 2 years when a man is running for office, is a great tribute to him.

He had a distinguished career in the House of Representatives, where he developed a very great reputation as a responsible progressive, with progressive approaches to the problems of our times. Despite the difference in our votes, I do not believe there is any great difference between the things he believes in, the things he wants to achieve, and the things that the Senator from Colorado believes in and wants to achieve. These have nearly all been a matter of methods of achievement and ways to achieve them for the good of our people.

He has been concerned with the problems of the big cities, and I am, too, Although my largest city is small in comparison with New York, Chicago, or Los Angeles, or some of the other large cities in this area, it still is of significant size, of approximately 1 million people; and we all have the same problems. Perhaps this is the occasion, upon the last day of this year, to start thinking in terms of new approaches, as I know CHARLIE would like to do, and new means and methods not only of rebuilding the cores of our inner-cities but also of keeping those inner-cities from decaying in the first place.

I am sure that we are in total agreement on one point, and that is on the question of civil rights. In this area, I am happy to stand with him and fight for something for which I have fought all my life.

Mr. President, I do not think we can afford any more fractionation of our society. We will only reach the fruition and the fulfillment of the America I dream about—and I believe that Charles Goodell feels the same way—when we have reached that state in which we neither look at a man's color nor his religion nor his national origin but, rather, at what lies within, which is not just intellectuality, but also the goodness of soul that I think all men should have; and without the soul, the intellectuality is worth nothing. I believe that Charley would agree with this, and in this area I have been happy to join with the things he desires.

As he leaves the Senate, a young man, I wish him and his wife, for my wife, Welda, and myself, the very best. This certainly is not the end of a career for him. There is far too much substance and far too much ability—far too much originality left there—for him to end a career. As he sits here today, I am sure that he has no idea that he is ending a career, but rather, is looking forward to a new one. In that, Charlie, we all wish you the very best of luck.

Mr. JAVITS. I thank the Senator from Colorado very much for his generous statement.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GRIFFIN. Mr. President, it will be extremely difficult for this Senator to adjust to a Congress which does not include Charlie Goodell.

My friendship and close association with Senator Goodell goes back a considerable distance in time—longer, I suspect, than his association with most, if not all, others in this Chamber.

I was still a fumbling freshman Member of the House of Representatives, when Charlie Goodell came to the House in 1959, after a special election. He was assigned to the Education and Labor Committee; we sat next to each other on that committee and worked very closely together. Our friendship and close association have continued for more than a decade.

In those days, as is still the case, the Education and Labor Committee of the House was very active. Much important legislation was channeled through that committee; and in the consideration of it, Charlie Goodell quickly demonstrated his great ability, his incisive intellect, and his keen judgment. The stamp of his unusual competence is deeply imprinted on the landmark bills that have come through that committee.

As is true with others who have freshman status in Congress, Charlie Goodell and I quickly found a kindred interest—or a dissatisfaction, perhaps—in things as they were in the other body. I shall always remember with deep personal satisfaction the experience of working closely with him to bring about some of the reforms which were achieved in the other body and which resulted in different and new directions for the Republican Party in the other body.

When I ran for the Senate in 1966, in a very difficult race, I had the encouragement and the help of Charlie Goodell. When he ran for election this year, I undertook to do what I could to help him. Unfortunately, my help was not nearly as or as important or effective as his help was to me.

When he came to the Senate a little more than 2 years ago, Charlie Goodell continued to demonstrate those characteristics which I found in him during our service together in the House. As a man of deep and strong convictions, he never hesitated to express those convictions in regard to the issues which came before the Senate. He argued for his positions vigorously. He exemplified the saying that what a man does well, he must do with all his heart and mind.

I have no doubt that he will continue do that in the future—and I am equally sure his efforts will contribute to a better and more dynamic America.

Along with all my colleagues in the Senate, I extend to Charlie and Jean Goodell my very warm best wishes for what I know will be a bright future for this very able, fine and great American.

Mr. JAVITS. I am very grateful to the deputy minority leader for that fine statement.

Mr. President, I ask unanimous consent that Senators may insert in the Record such statements as they may wish with regard to Senator Goodell. I also insert here a statement on behalf of the Senator from Delaware (Mr. Boggs).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOGGS. Mr. President, I wish to join my colleagues in paying tribute to the distinguished junior Senator from New York (Mr. Goodell) and congratulating him on his valued service to the Senate.

I have known Senator Goodell for more than 10 years; I consider him a great and trusted friend. Although he and I have not shared committee assignments, I have come to respect and admire his legislative skill.

In the 2 short years that Senator Goodell has served in this body he has managed to achieve an impressive record of legislative activity. Senator Goodell has sponsored important legislation dealing with such vital questions as urban renewal, job training for the unemployed, relief from air traffic congestion, and community college assistance. In addition, he has contributed in his characteristic articulate and thoughtful way to debates on a wide range of issues that have come before this body.

The views of Senator Goodell on national air quality standards, resource recovery and solid waste disposal in particular have been invaluable to the Pollution Subcommittee of the Public Works Committee on which I serve.

It has been a very great pleasure to know Senator Goodell and to work with him. I wish him every success in the future.

Mr. JAVITS. I now yield to my colleague, Mr. Goodell.

Mr. GOODELL. Mr. President, this is a very moving occasion for me. I want to thank my colleagues for their expressions here this morning. It has been an inspiration to work with them almost 2½ years.

The force demonstrated by this great body was expressed very well by the Senator from Massachusetts as being a diversity, that although there is disagreement, there is always respect.

I leave this body today with even greater respect for it than when I arrived. Intimacy with the inner workings of the U.S. Senate has not bred contempt in me. I feel that there are many things which should be changed. As all Senators know, I have been an advocate of rather dramatic and drastic change in a number of areas in these 2½ years, but having asked society and my colleagues here to adapt to change, I now find the unwanted opportunity and obligation to adapt to change involving other capacities in which I must serve.

I want to say to all my colleagues here that, for me, today is tinged with sadness but it is not a depressing day.

A few days ago, one of my colleagues remarked that these past few weeks in the Senate must make it a lot easier to leave.

I do not feel that way. I believe that I have been fortunate to serve in this body for a 2½-year period, and that the Senate has begun to reassert its independence in striving to solve the problems of this Nation and the world. I am therefore very proud to have had a small part in that.

I look with considerable confidence to the future. I fear for this Nation in many respects, unless we are more responsive, but I have seen here in the Senate over the last year signs that we are beginning to respond.

I have known very intimately, in a professional sense, men who are committed and dedicated who I know will continue to find new approaches to solving our problems.

I thank all of you for your comments. I particularly want to pay tribute to my senior colleague from New York (Mr. Javits).

Senator Javits is a Senator's Senator. No man could have a greater privilege than to serve as his junior in this body.

He has become in these 2 years my closest friend in public life. He has stood with me staunchly through the fires of controversy. We have not always agreed in every detail, but we have always been ennobled by a deep respect for our differences of opinion and for our agreements, as well as our commitments as human beings.

Thus, I look forward now to a new excitement and a new challenge. I shall be in there in one capacity or another, involved. It is a source of great satisfaction to me that I can leave this body knowing that there are so many here who will continue to serve and strive to overcome the intractable problems of our age.

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Mr. President, I should like to conclude by paying special tribute to those who have served with me on my staff.

To my administrative assistant, Brian Conboy, a man who gave completely of himself, who sacrificed himself and committed himself totally to the causes that I was attempting to serve. I am grateful to him.

To Steven Martindale, my executive assistant, a man without whom in the last year I do not think I could have functioned—certainly not with very much effectiveness.

To my legislative staff headed by Andrew von Hirsch, a man of superb qualities, and one of the most original and sensible individuals I have ever known.

To George Mitrovich, my press secretary, who also served with great dedication and imagination.

There are others—my personal secretary, Martha Ann Richardson. On the legislative staff, Alice Tetelman, Rick Tropp, Heidi Wolf, Patricia Massey—and doing case work so important to all of us—Nan Nixon, Donna Mitchell—and there are many others.

I know all of you will understand my taking this time to pay tribute to them, because without our dedicated staffs, we could not function.

I also pay tribute to the members of the staff of Senator Javits who have been so cooperative with me and my staff, particularly Jean McKee and his press secretary, Paul Leventhal, who took a leave of absence and went up to New York to become my campaign press secretary. He did an outstanding job, one for which I will always be grateful.

Mr. President, I thank my colleagues, not for their words, but for their deeds in the past 2 years that I have been here, deeds that have made an indelible impression upon me.

I look forward to working with them in other relationships in the future in anything I can do to assist them and our Nation in moving into a new era in which we will be solving our people's problems and giving them hope for the future.

Mr. JAVITS. Mr. President, I express my appreciation to the leadership for giving us this time this morning. With their permission, I yield a minute to the Senator from Kentucky.

Mr. COOPER. Mr. President, I regret that I was not here when our colleagues began their tributes to Senator Goodell. I do not think it would be appropriate for me to speak, after having listened to his very moving speech.

However, I want to express in the Record my appreciation of Senator Goodell as a Senator and man. I express my deep sorrow that a man such as Senator Goodell who has done such great work, is leaving the Senate. His service has been marked by integrity of mind and conscience, independence, courage, and compassion for his fellow man. I believe that he will continue in the service of our country and that he will return to the Senate.

Mr. SAXBE. Mr. President, a few months ago I took the floor of this body to say the following about the distinguished junior Senator from New York (Mr. Goodell):

> I know (him) as a serious and fairminded man, a progressive, social-conscious lawmaker who makes an important contribution to this body.

Mr. President, as Charles Goodell prepares to leave these surroundings, I want to say that there is no doubt in mind he has made an important contribution to this body and we shall miss him. Mr. Goodell has demonstrated that he is a man of integrity and honesty that he is a humanitarian and that he has a deep understanding of the root problems plaguing us today.

I further submit that Charles Goodell has exhibited the courage of his convictions, most recently during a long, hard-fought election campaign. While this is neither the time nor the place to hold post mortems on that campaign, I should like to say only that Mr. Goodell sincerely sought to represent his constituency during those long days and nights. In troubled times, we can ask little more of a man. I wish the junior Senator from New York Godspeed.

Mr. CASE. Mr. President, most of us have already made public our feelings about our colleague, Charles Goodell. A number of us had the privilege of participating, less helpfully than we would have liked, in his recent campaign.

He has been a fine Senator for his State and for the Nation, and a fine Senator for the period of his service in the Senate, so full of great issues, great challenges and momentous decisions. His influence will long be felt in this body and in the Nation as a whole, and the assurance that his absence from public life can only be a temporary one makes it a bit easier for those of his colleagues who have such respect and affection for him to say what we are assured is only a temporary farewell.

Mr. PEARSON. Mr. President, I rise to pay tribute to Senator Charles Goodell of New York.

Throughout his career in the House and Senate he has been a strong supporter of civil rights legislation. He is an expert in manpower training problems. He has long been concerned to rectify the imbalance in Federal and State revenue distribution. He has helped produce much of the Federal education legislation now on the books.

Mr. President, Charles Goodell had already attained prominence in the House of Representatives when he was appointed to the Senate from New York in September 1968. He was a leader in the House and as the first chairman of the Republican Policy and Research Committee, he brought about significant changes with respect to programs and planning. He first introduced revenue sharing legislation in the House in 1959.

Senator Goodell has an enormously varied background. He served in the Navy in World War II; he served in the Air Force in the Korean conflict; he is a lawyer and a former teacher.

The Senator from New York, Mr. President, is a man who has been pursuing the Greek ideals of excellence, of a sound mind and a strong body.

Not many people realize that Charlie Goodell once played semiprofessional baseball and turned down a professional baseball contract to go to Yale Law School. He was also an outstanding college football player.

He graduated from his college—Williams—Phi Beta Kappa, and he earned both a law and master's degree from Yale.

Senator Goodell is a man of compassion who emphasized to the American people the human suffering in Biafra during the civil war in Nigeria. He felt a special and deep concern about the war in Vietnam.

We are losing, Mr. President, a Senator who has stood for progressive, constructive, positive positions, and we will miss him.

Mr. SPARKMAN. Mr. President, I am pleased to have the opportunity of joining in this hour of tribute to Charles Goodell. During the time that he has been in the Senate he has been a member of the Banking and Currency Committee of which I am privileged to be chairman. This has given me a good opportunity to observe him in the grinding work of committee action. He has been a good committee member. He has been active in seeking and getting good legislation that would be helpful to the people of his great State and to the people of this Nation. Charles Goodell has been a conscientious and hardworking legislator. He has had his deep convictions and he has never allowed himself to be swerved from them. Personally, I shall miss Charles Goodell on the Banking and Currency Committee and here in the Senate. I wish for him and Mrs. Goodell and for their sons great happiness throughout the years.

Mr. HATFIELD. Mr. President, "the good of man must be the end of the science of politics," said Aristotle.

And it can be affirmed by those who know him that the good of his fellow man was always at the heart of the political art which Senator Charles Goodell practiced.

In carrying out his idea of the public good, however, he came athwart the will of men who were unwilling to grant him the right to describe and practice the good as he saw it, and his dissent was not respected by those in higher authority.

Mr. President, it is with sadness that I say goodby, for a time, to Senator Goodell who is leaving the Senate and returning to New York. I say for a time because I believe he will be returning to national politics.

For we need men like Charles Goodell in public office. He epitomizes the best that political life has to offer. He is dedicated to liberal Republican politics which addresses itself to meeting the needs of the common life of our country rather than narrow vested interests. Senator Goodell has responded to the need for aid to the poor, to the education of our young, to the retraining of our unemployed, to the civil rights of our minority groups. He is a man of modest means and of unquestioned honesty.

We all know that it is becoming extremely difficult for a poor but honest man to aspire to and achieve success in national office. Money not only talks loudly at primary and general election time; it buys crucial television and radio

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time which is unavailable to the poor man who cannot get his message across to the voting public.

Senator GOODELL is an intelligent and aggressive politician who cared about the issues which came before the Congress. He was a Phi Beta Kappa and cum laude graduate from Williams College and took his law degree from Yale. He came to Congress in 1959 as a Member of the House of Representatives. He served with distinction in that body, and was one of the most effective members of the House Education and Labor Committee as well as a leader of liberal Republicans in the House. GOODELL's work on that committee was effective in drafting the important Manpower Training Act which is one instrument in training men and women for work. He and the liberal Republicans on that committee were also responsible for making possible bipartisan aid to education legislation, for they cooperated with the majority members in writing landmark education measures which have done so much to meet the crisis in education which America has faced; aid to elementary and secondary education, vocational education and aid to the colleges and students—legislation which has been enacted during GOODELL's tenure on that committee, and with his responsible work.

GOODELL found his voice in the Senate as an opponent to the continuing war in Vietnam, and he made himself heard on the issue after he was appointed in September 1968, to fill the seat vacated by the martyred Robert Kennedy of New York State.

I came across another quote the other day by F. S. Oliver in "The Endless Adventure" which fits CHARLES GOODELL:

> If the conscience of an honest man lays down stern rules, so also does the art of politics. At a juncture where no accommodation is possible between the two, the politician may be faced by these alternatives: "Shall I break the rules of my art in order to save my private honor? Or shall I break the rules of my consicence in order to fulfill my public trust?"

This can be paraphrased slightly to fit CHARLES GOODELL. His conscience drove him to speak out against the war, and to take action in the Senate which was strongly opposed and resented. And his action in so doing, in the end—because he did not keep prudently silent as other men who opposed the war have done—brought him into disfavor with the extreme conservatives of our party who brook no opposition.

But in following the rules of his conscience, CHARLES GOODELL acted in the finest tradition of the greatest leaders of American public life. He will be remembered not as one who fell victim to the power of those intolerant of criticism, but as one who stood for what he knew to be true—and what history will show to be worthy and right.

Mr. METCALF. Mr. President, Senator GOODELL and I served together in the House of Representatives. It was there that I came to know and respect him as an able and careful and qualified legislator.

I was among the millions who welcomed his advent to the Senate. As a Senator he was courageous, effective, and tenacious. His kind of courage and his application to the needs of our country is sorely needed in the Senate. His departure will leave a vacuum that will take a long time to fill. I wish my friend and colleague all good fortune and I am proud that I had an opportunity to serve with him.

Mr. MATHIAS. Mr. President, following a trail blazed by the Vice President and the Republican national chairman, Rogers Morton, I was one of the many, meandering Maryland men who went to New York in 1970 to meet and eat and talk politics. When we got to New York, there was a fork in the trail and some of us supported the campaign of Senator GOODELL, while others, unfortunately, opposed it. I was proud to be able to speak for CHARLIE GOODELL and to point to the courageous and often lonely positions that he held as a matter of conscience and responsibility to his constituents. I am sorry that our efforts in Senator GOODELL's behalf could not have been more effective. The Senate and the Nation will suffer a loss when he leaves the Capitol.

I first met CHARLIE GOODELL when he came to my hometown of Frederick, Md., to represent the Republican Congressional Committee at a victory dinner after my election to the House of Representatives. Then as always, he stood ready to literally go the extra mile to serve his party, his State, and his Nation. He has never shirked either the most laborious party chore nor the most demanding responsibility of public office.

Senator GOODELL was elected to the House of Representatives in 1959. We both served there for 8 years and at one time were neighbors with offices on the same corridor of the first floor of the Cannon Building which we shared with the Senator from Kansas (Mr. DOLE).

I have worked with Senator GOODELL for the past 10 years and I have come to know a man of courage, conviction, honor, and dignity who works tirelessly for his State and Nation. I know many who do not agree with CHARLIE GOODELL, but I know of no one who does not respect him as a man of courage and conviction.

During his 2 years in the Senate, Senator GOODELL has compiled a record that has and will continue to have an impact on the pressing domestic and foreign issues of the day. He was one of the first Members of this body to publicly oppose U.S. involvement in the war in Indochina. He sponsored the so-called amendment to end the war in an effort to cut off funds with which to conduct our war efforts and bring the troops home. Although his amendment was defeated, it brought to a focus the Nation's dissatisfaction with U.S. participation in the Vietnam war. I predict it will help to bring about an earlier end to our involvement in the fighting there.

For this action, many questioned not only Senator GOODELL's judgment, but also his patriotism. These critics failed to take note of the fact that Senator GOODELL has twice risked his life and defended his country. In service with the Navy during World War II and with the Air Force in the Korean conflict, CHARLES GOODELL witnessed the horror of war.

On the domestic front, Senator GOODELL has sponsored a broad range of legislation dealing with a wide variety of problems from revenue sharing and pollution abatement to rat control and transportation. Goodell bills have dealt with drug abuse, providing sewer facilities and improving city water systems. More than 40 bills, resolutions, and amendments authored or cosponsored by Senator GOODELL were enacted into law this year alone.

That Senator GOODELL's post was a difficult one to fill was well expressed by the senior Senator from New York (Mr. JAVITS), who in a floor speech September 16 commented:

> There is no way to be an effective Senator from a state like New York without being prepared to deal with every issue, because in states like New York, every issue comes up all the time. It has been a matter of deep gratification to me in the years I have served in the Senate that the Senate has understood that the character of my state is such that I have an interest, as a Senator, in practically every issue that comes before us. So has it been with Senator Goodell as well.
>
> To be effective, a Senator must meet the challenge his state presents to him and in this case, the challenge in New York is to know our state, and to know its millions—we have 18 million people there, more than most countries in the world—and its myriad problems, and to have the intelligence to understand and the skill to devise solutions for those problems, and the determination to get things done. Senator Goodell has met the challenge in his first two years.

It was in this spirit of fulfilling his duty to the people of New York that Senator GOODELL introduced measures such as the one he cosponsored with Senators GOLDWATER and HATFIELD to end the draft. He took seriously the late President Eisenhower's warnings about the concentration of power in the military and worked closely with other Members of the Senate to see that the Congress plays its role in properly controlling the billions appropriated to the military annually.

Mr. President, in a little over 2 years here Senator GOODELL has introduced over 150 bills, amendments, and resolutions. It is these, I predict, that will be the lasting tribute to him and his work here. For while CHARLES GOODELL will not be here next year, his ideas, dreams, and initiatives will and I hope the two can one day again come together on the Senate floor.

Mr. HUGHES. Mr. President, few Senators, if any, in the history of this great deliberative body have had a more constructive impact in a short time than Senator CHARLES GOODELL.

He has been in the vanguard of the most important issues that have come before the 91st Congress.

From the standpoint of courage, clarity, and staying power, he has shown leadership in the Senate that by any standard is unusual for a man of his years and tenure, I have been impressed over and over again by his fresh approach, his depth of background, and especially by his courage and conviction in the causes that count.

It has been my privilege to work with CHARLIE GOODELL closely on bipartisan

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matters relating to national crises and national priorities. I have esteemed him as a colleague and prized him as a friend.

It was Charlie Goodell who established the principle of setting a date for withdrawal from Vietnam, when he filed a brief bill, S. 3000, just a little over 14 months ago. That bill served as the inspiration for "the Amendment To End the War," giving 40 Members of this body the opportunity to express their conviction that we must fix an early date for ending American participation in the war in Indochina.

That vote was the largest, most impressive Senate expression of opposition to the war, and I regard it as a lasting, memorable tribute to Charlie Goodell's dedication to principle, whatever the consequences.

With his retirement from the Senate, I am confident that Charlie's career of public service is only beginning. We will hear from this man, I am certain. In the years ahead he will be a powerful advocate and leader in the great causes.

My faith in this Nation's endurance and progress is based on the knowledge that we have men who will lead with the courage and vision of Charles Goodell.

Mr. SCHWEIKER. Mr. President, as one who had the privilege of serving four terms in the House of Representatives with Senator Charles E. Goodell, in addition to the 91st Congress in the Senate, I would like to join in this tribute today to him, and to his outstanding service to his State and to the Nation as a whole.

The needs of a large State like New York, with large urban and rural constituencies, are vast and complex, and Senator Goodell's imaginative legislative ideas and initiatives have been a credit to his constituents.

An idea whose time has apparently not quite come, but which is urgently needed, is Federal revenue sharing with the States, and Senator Goodell has been in the forefront in developing this concept and drafting practical proposals to implement it. If we can establish a revenue-sharing program in the 92d Congress ahead, we will owe much of our accomplishment to Senator Goodell's work in the 91st.

He has demonstrated real concern for improvement of the daily lives of all his constituents, both urban and rural, and thus has been in the forefront as well of developing programs to improve sanitation systems, housing, and to implement proposals to improve our treatment of the environment.

A problem which affects every citizen is the increase of crime, Senator Goodell has made significant proposals in the field of criminal rehabilitation, particularly with juveniles. Like many other areas of interest, he has been able to propose programs dealing with the causes of our problems and has inspired many of us to devote more attention to long-range solutions, not just short-range ones.

Senator Goodell is best known nationally, particularly among our younger citizens, for his legislative efforts to help wind down the war in Vietnam. Speaking out as he did to state his beliefs required personal courage, and he is to be commended for his openness, which is the heart of our democratic system.

I hope we will continue to have the benefit of Charley Goodell's ideas, and I extend to him my warmest wishes for success in all future endeavors.

Mr. FULBRIGHT. Mr. President, of the many contributions Charles Goodell has made to the Senate and to the Nation in his 2 short years in this Chamber, I believe the most significant has been his courageous efforts to bring about some sanity to our Government's military policy in Southeast Asia. He has spoken most articulately about this question and I commend him for his courage in stating his opinion so plainly. Of course, it goes without saying that I share his sentiments about the wisdom of this war. He has made many speeches on the subject. I think his reasoning is correct and is in the national interest.

One of the greatest tragedies, it seems to me, is that a man with the courage of the Senator from New York—and, I may say, the good judgment on matters of the most profound importance—was not returned to the Senate.

I do not know enough about the Senator's State to say whether this particular issue was a determining factor or not. But, looking at it from afar, I know how prominent he has been on this issue; and it is a source of great regret that his voice, in behalf of what I believe to be the most important and profound public interest, will no longer be with us after the first of the year.

I have endorsed the thrust of the Senator's arguments on this issue, and commend him for the very effective and forceful way he has presented them. On numerous occasions in the past and most recently on December 22, I think history will certainly justify the wisdom with which the Senator has viewed these matters. I congratulate Charles Goodell on the contribution he has made to the public thinking on this matter during the years he has been in the Senate.

Mr. President, I know that his stand on this and other issues brought great pressure from within his own party during his recent campaign, and I believe his determination to press his convictions under these circumstances will be long remembered in this body.

I wish Charles Goodell well on his return to private life and I know that he will continue to be an effective voice for the best interest of the people of this country.

ORDER FOR PRINTING OF TRIBUTES TO SENATOR GOODELL AS A SENATE DOCUMENT

Mr. JAVITS. Mr. President, I ask unanimous consent that the tributes paid to Senator Goodell be printed as a Senate document.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business with a time limitation of 3 minutes thereupon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD AT 11 O'CLOCK THIS MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the hour of 11 o'clock, which I understand concludes the morning hour, I be recognized for not to exceed 20 minutes in lieu of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MERCY IN MOSCOW AND IN MADRID

Mr. JAVITS. Mr. President, the whole world was heartened this morning by the dispatches from Moscow and Madrid that the death sentences imposed in political trials in both countries had been commuted.

Mr. President, these commutations will serve to ease the relationships between nations and to demonstrate that this is not quite as callous a world as many would suppose and that indignation can move even those with seemingly flinty hearts to some compassion.

However, deeper than that, I hope that these events and the way in which they have moved our country and the world will move the Soviet Union to take a really hard look at the treatment accorded the citizens of the Jewish faith. We of the United States, having our own minorities, know that such a reexamination is not an easy task. But any short-run discomfort experienced in probing the national conscience is more than compensated for by the long-term returns in the health and vigor of the society.

The sages once observed that he who saves one life is considered as if he preserved the entire world. We are all heartened by the news from Moscow and Madrid this morning, and are hopeful that it is more a portent of more humanity for the future than a gesture for the present.

A call to eliminate the persecution of Jews and other minorities in the Soviet Unon could be a true harbinger of a new attitude toward individual freedom in the Soviet Union and new relations with the rest of mankind and contribute enormously to relieve the world from the fears of confrontations.

The real issue is whether those who wish to emigrate and reunite with their families in Israel and other places will be permitted to do so.

The Soviet Union should look deeply into its own soul and learn from the experience of the world's reaction how much it can profit from letting these people go, and it would introduce a note of humanity into its own operations.

Mr. KENNEDY. Mr. President, will the Senator yield?

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Mr. JAVITS. I yield.

Mr. KENNEDY. Mr. President, I join the distinguished Senator from New York in bringing to the attention of the Senate the action taken by the Supreme Court of the Soviet Union in commuting the death sentences.

It was due, I believe, in large part to the Soviet Union's response to the overwhelming demonstrations that took place in many of the western European countries and in Israel, and to the comments that were made by Americans and by many other people in the Western Hemisphere as well.

I think that we are all heartened by the reaction of the Soviet Union in this matter, as we must be heartened by the reaction of General Franco in commuting the death penalty for the Basque insurgents of Spain.

Both of these events came about in a period of about 18 hours at the time of Christmas and the New Year.

This news is most heartening in a time of great troubles throughout the world, when we have seen the ravages of war and have seen the mass starvation that existed in the case of Biafra, and have seen the tremendous turmoil from the natural disaster in Pakistan. The two actions by the Soviet Union and by General Franco should be brought to the attention of the Senate and of the world as acts of charity.

Hopefully, these actions truly mark a turn away from the violence of official execution and political terrorism toward mutual respect and reason on the part of all. For many months we have witnessed an extraordinary degree of such violence, in all parts of the world. It not only grossly violates common decency and human dignity, but also tends to paralyze constructive efforts to ameliorate tensions and solve problems and meet the needs and aspirations of all people for peace and a better life. Let us hope the constructive efforts can work more of their will in the months ahead.

I commend both General Franco and the Supreme Court of the Soviet Union for the actions taken.

I thank Senator JAVITS again for reminding us of the plight of many of the Jews in the Soviet Union. He has brought to our attention a matter which needs continuing attention on the part of us all.

There are agencies like the Intergovernmental Committee for European Migration—ICEM—that can serve as important and useful vehicles to alleviate the plight of the Soviet Jewry. In this connection, I would like to repeat my hope that some means can be found to facilitate the free emigration of Soviet Jews and others who wish to join their relatives elsewhere. I appeal to the Soviet leaders for understanding and compassion in helping to accomplish this humanitarian objective. Our own Government should press forward on this issue through international bodies such as ICEM and through direct contact with the Soviet Government.

I think it is a particularly appropriate time of the year to draw attention to the plight of Soviet citizens who wish to join their families in other countries.

I join in the comments made by my friend, the Senator from New York.

Mr. JAVITS. Mr. President, I thank the Senator very much.

END OF TV CIGARETTE ADS

Mr. MOSS. Mr. President, TV and radio cigarette ads are singing their swansong this week, as we all know. Although the Congress ordered their demise some time ago, they will actually last be heard on Friday. Saturday the air will be clear of their enticements.

Their departure has scarcely been a serene and quiet crossing of the bar. Both in volume and number they have grown in rising crescendo in the past few weeks, and I am told that Friday the air will be filled with one last burst of bewitchery on smoking.

The great question now is: In what other ways will the tobacco industry seek to induce the American public to hook itself on cigarettes?

We know that the tobacco industry will have the $225 million it previously spent on radio and TV to spend somewhere else. Will the money go into wider newspaper and magazine advertising, bill boards, sports event advertising, or what?

In view of the undeniable proof of health damage from cigarette smoking—in view of the undeniable evidence that cigarette smoking can and does cause death—the extent and manner of cigarette advertising must continue to be a concern of the Congress. I hope to have some suggestions as to what we can and should do in the next session.

Meanwhile, I recommend to my colleagues the very fine summary of the problem which appeared in the Washington Post on December 30, and a similar story in the New York Times on December 31.

Mr. President, I ask unanimous consent that the two articles may be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

YOU CAN TAKE TOBACCO OFF TV, BUT . . .

(By Jerry Buck)

NEW YORK.—With only days remaining before cigarette commercials are banned from the airwaves, the question is still what the cigarette manufacturers will do with the $225 million they previously spent on radio television.

Secrecy surrounds the companies' plans for diverting that money into other advertising and promotional schemes after the prohibition goes into effect Jan. 2.

Because a primary purpose of advertising is to induce smokers to switch brands, the manufacturers are taking care to see that their competitors don't learn their promotion plans.

"The competition wants to know what we're going to do," says Dallas Kersey of Philip Morris. "We want to know what the competition is going to do. There are still many options open, but we haven't fully decided on where we're going."

A portion of the money will go into newspapers and magazines. Some of it will go into outdoor advertising, sales-force promotion, new coupon premium plans, various promotional programs and product diversification. A good bit of it may not be spent at all and be turned back into profit.

"We're anticipating somewhere between $50 million and $80 million in cigarette advertising in 1971," said Leo Bogart of the Bureau of Advertising of the American Newspaper Publishers Association. The figure for this year will run about $14 million.

Magazines are expecting an increase, but no one is willing to predict how many new pages of tobacco advertising they will run in 1971.

Tobacco advertising in magazines—the bulk of which is concentrated in Life, Look, TV Guide, Time, Playboy, Parade and Newsweek—totaled $47.7 million in 1969. In the first 10 months of this year it was $51.7 million.

More than a quarter of that went to Life, which carried $13.5 million in cigarette ads in all of 1969 and $13.4 million in the first 10 months of this year. In recent years Life has had about a 10 per cent annual increase in tobacco advertising, but a magazine spokesman declined to project an increase for 1971.

Look, No. 2 in tobacco advertising, published $8.5 million last year. Figures for 1970 were not available, but a magazine spokesman said he did not expect an increase for this year. A small increase is expected for 1971.

A Time spokesman said, "We anticipate an increase, obviously, but we don't know yet what the tobacco industry will do."

The ban on cigarette advertising on radio and television, passed earlier this year by Congress, is a result of the 1964 report of the Surgeon General. The report found a causal relationship between cigarette smoking and respiratory diseases. The cigarette companies have denied such a relationship has been proved.

The Agriculture Department said last week that cigarette smoking, which had been declining, shows a per capita increase in 1970. The department said that "new brands and a final push in radio and television ads" had helped cigarette manufacturers "substantially" increase sales in the second half of 1970.

Sales in 1970 are expected to reach 542 billion cigarettes, up from 528.8 billion in 1969.

The Federal Trade Commission has announced that it is suspending its plan to require to tobacco industry to disclose tar and nicotine content in its advertising. The FTC said it would give the industry an opportunity to adopt a voluntary plan.

After the first of the year the networks and stations will no longer be required by the Federal Communications Commission to carry antismoking commercials.

However, the three television networks and many stations have said they would continue to air the spots, although not as frequently as before. The FCC ruled Dec. 15 that stations carrying antismoking spots did not have to give time to prosmoking views.

The agency also said the decision on whether to air antismoking spots would be left to the stations, but included a strong hint that such announcements would be a "public service" to be considered at the time a station applied to renew its license.

The American Heart Association, the American Cancer Society and others which prepared the antismoking commercials have sent similar announcements to the print media. Most magazines said they would consider only those public service announcements approved by the Advertising Council. The council said it had not been asked to approve or distribute the antismoking announcements.

ADS ON TV MAY VANISH, BUT NOT CIGARETTES

(By Fred Ferretti)

Philip Morris has bought, for $1.25-million, the 11:30 P.M. to midnight commercial time on all three networks for tomorrow night, so if Dick Cavett, Johnny Carson or Merv Griffin is your habit, be prepared for a last-ditch spate of cigarette commercials.

Sports? The New Year's Day bowl games will be jammed at intermissions with rain-drenched cowboys; canoes inching along

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leafy waterways; modish people saying things like "Wow!" and "All Together!"; some grammar lessons, and slim, elegant women sneaking cigarettes in the cellar.

Then after the football and the talk shows, cigarette advertising—more than $200-million of it—will be gone from television. Or will it?

On Feb. 20, the American Broadcasting Company will televise a bowling tournament from Winston-Salem, N.C. It is being underwritten by the R. J. Reynolds Tobacco Company.

The name of the tournament, which will cost the sponsor $80,000, is the Winston Salem Classic. R. J. Reynolds makes Winston and Salem cigarettes. While sponsorship of the televising of the tournament will come from nontobacco companies, the words Winston and Salem will be difficult to ignore.

Philip Morris, which makes cigarettes called Virginia Slims, is underwriting a series of tennis tournaments to be known as the Virginia Slims Invitational Tournament Series. Efforts will be made to televise them.

Liggett & Myers Tobacco Company backed one auto race last year and plans to enter its own car, the L & M, Lola in 14 races it will sponsor. These might be televised on the Saturday and Sunday afternoon sports roundups.

Philip Morris is reported to be sponsoring a race in Bridgehampton, L.I., and R. J. Reynolds has announced that it will give a $100,000 Winston Cup Award to the top driver on the Grand National circuit. Many of these will be televised.

PIPE TOBACCO CHANGES

Senator Frank E. Moss, Democrat of Utah, has charged that the American Tobacco Company plans to rename its pipe tobaccos such names as Pall Mall, Silva Thin and Tareyton and package them similarly to their cigarette boxes to keep the names on the air. Federal Communications Commission regulations do not affect advertising of pipe tobaccos and cigars.

The Tobacco Reporter, an industry journal, suggested that during sporting events, spectators and supporters be photographed and holding cigarette packs with labels prominently displayed. The magazine went on, "It could even go so far as to have the football booster section displaying block cards that promote a particular brand."

There will be additional reminders of smoking for television viewers and radio listeners. The F.C.C. ruled two weeks ago that broadcasters, while not required to carry antismoking messages under the "fairness doctrine," will have to run antismoking messages because smoking is a "matter of public concern."

The agency also ruled that broadcasters would not be obliged to carry prosmoking messages in response to the antismoking ads. There was speculation for a time that broadcasters would petition the F.C.C. for such messages.

Where the money earmarked for TV will go is open to question. Last year, tobacco companies spent $206.5-million in network and local spot advertising on television and $13-million on radio. Both figures will be down slightly for 1970 because of the recession.

Increased advertising in newspapers, magazines, on throwaway advertising, on billboards and in giveaway contests are possibilities, but industry observers believe that the tobacco companies will spend only about one-third of the $280-million they spent last year. The rest is expected to be used for diversification.

The American Tobacco Company now a subsidiary of American Brands, Inc., owns companies that produce, in addition to cigarettes, crackers, fruit juices and canned fruits. Liggett & Myers owns Alpo Dog Food and a breakfast cereals company, R. J. Reynolds companies offer a canned Chinese food, punch, molasses and desserts.

The Brown & Williamson Tobacco Corporation is in the pickled-fish business.

With cigarettes off the air, the big sponsors are expected to become the auto manufacturers.

BASIC-AD TIME CUT

Viewers will soon see one direct effect of the vanishing cigarette commercial—the basic advertising spot will now be 30 seconds rather than one minute. Most cigarette ads ran a minute. Television is now wooing advertisers who had not been on TV before or who could not afford the one-minute network rates, which can go as high as $60,000 in prime time.

In places where one-minute commercials usually ran, viewers will see two 30-second commercials, and, if some advertisers have their way, three 20-second commercials.

The networks are faced with a loss of 10 per cent of their gross revenues because of the loss of cigarette ads. Network salesmen have been pressing national retail chains, credit card companies, insurance companies, brokerage houses and travel-oriented businesses to display their wares and messages on the tube. Thus far they have been only moderately successful in plugging the $220-million hole

Exactly how much money will be lost and how programming will be affected are matters that will not be known until next year's economic reports are released and until network programers line up next fall's schedule. As one executive put it, "Never before has such a hunk of our business been withdrawn at a single time."

TRADE LEGISLATION IN 1971

Mr. JAVITS. Mr. President, in a booklet published by the Emergency Committee for American Trade in June 1968, President Eisenhower wrote the following:

> United States trade policy since World War II has been successful and consistent. It has succeeded in helping Western Europe, Japan and North America achieve new levels of prosperity. It is consistent with our confidence in the private enterprise system and in cooperation among nations.
>
> This policy of trade expansion under international rules has also contributed to our goal of safer, more orderly, and more humane world. Trade expansion has made it possible for Western Europe to move towards unity and for poorer nations to benefit from a growing world economy. All this has been accomplished to the detriment of no nation and to the disadvantage of only a few producers hurt by changes that are familiar and inevitable in a dynamic economy.

It is a matter of personal sadness to me that despite President Eisenhower's historic words the 91st Congress came perilously close to reverting to protectionism in 1970 would have wreaked havoc on the economy of the United States and the economy of the world. It is now certain that for this session of the Congress the danger of trade war, the danger of the United States taking another step toward isolation has been averted. But even now, ugly rumors persist that protectionists are again planning another gambit in the opening days of the 92d Congress and would again use the social security bill as a hostage.

It is my hope that these are only rumors—the tactics of holding social security legislation hostage to special interest legislation is not worthy of any Congress.

The Congress, the Nation, and the world deserve better. Full consideration of trade policy is required and it is my hope that such consideration will not be completed and legislation will not be drafted until the report of the Presidential Commission on Trade and Investment—the Williams Commission—is available. The report should be available in June of 1971 and it is my hope that it will pinpoint the fact that the trade policy of the United States cannot be considered in a vacuum; but must be considered in the overall context of world peace and free world security the significant U.S. investment overseas, the continuing balance of payments problems facing our Nation, the implications to the resulting Eurodollar pool and changing world patterns resulting from the United Kingdom application for entry into the Common Market—to name just a few factors. The examination of these broader factors and a careful study of the implications of our changing domestic economy where better than 60 percent of employed Americans now work in the services sector will indicate all too clearly that we live not by virtue of employment in the textile, shoe, mink, and glycine industries alone.

Trade legislation in turn must represent a better mix than the Trade Act of 1970 so that one important sector of the American economy is not protected at the expense of other, perhaps more vital, dynamic sector.

In the trade bill of 1970, the Congress considered the passage of sweeping quota legislation, but in some minds the passage of such legislation was not an end in itself as it should have been. Rather the legislation had the serious ancillary purpose—and perhaps this was the primary purpose of the legislation to some legislators—of inducing Japan to enter into a textile agreement with the United States. I suggest that it is not the course of wisdom for a legislative body to allow itself to be used in such a fashion. It is my hope that the 92d Congress will turn over a new leaf in this regard.

The year 1970 was not one in which the highest national interest prevailed in either Japan or the United States in the setting of foreign economic policy. In both the United States and Japan, there is evidence that the tail—the domestic textile industry—was being allowed to wag the dog—foreign economic policy. In the United States there is also doubt whether all the positive consequences in good relations incident to the reversion of Okinawa to Japan were realized. The result has been a serious economic dispute between the United States and Japan that has resulted in an overall strain on our relations. One must ask—what price has already been paid for the lack of a textile agreement—a textile agreement that must be fair to both sides, an agreement that does recognize that certain categories of textile and apparel imports from Japan are seriously injuring sectors of the American textile industry, but an agreement that does not seek to restrict the entry of all categories of textiles without any regard to injury criteria. One thing is certain—if there is no agreement soon, the price will come higher and higher in the months ahead.

The need for leadership at the highest political level in both the United States

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and Japan remains evident. In our own country, we have seen the Secretary of State and the Secretary of Commerce give testimony before the Senate Finance Committee which could lead one to believe that they were speaking for different governments. In recent days we have the example of a key White House aide denying the charge of Senator WALTER MONDALE that an agreement or near agreement had been reached with Japan—only to be torpedoed by the undue pressures of the domestic U.S. textile industry. Shortly thereafter, on December 24, the Daily News Record, a highly responsible publication in the textile field stated.

> Despite reports to the contrary from the U.S. textile industry and the White House, Commerce Secretary Maurice Stans said Wednesday (December 23) that the industry did oppose the formula reached in the U.S.-Japanese textile talks. But Stans hedged by adding that the industry held no veto power.

It is clear that the personal intervention of Premier Sato and President Nixon is again needed urgently if this deplorable situation is to finally become resolved. It now should be clear to all parties in both countries that if the textile issue is not defused, the U.S. Congress is likely to pass restrictive trade legislation which again would put the President of the United States into a difficult political box with serious international repercussions. It must be urged that steps be taken now both in Japan and in the United States to avoid a replay of the disruptive series of events that took place in the trade area during the 2d session of the 91st Congress.

Avoiding this replay is the key to avoiding what could be a disastrous trade war in the years immediately ahead.

It would possibly be a fair judgment to say that in 1970, Premier Sato and President Nixon were immediately concerned with the political muscle of their respective domestic textile industries. Overriding even the unreasonable position of these industries had serious political implications. However, the events of 1970 have made it clear that the failure to override unreasonable wishes of the domestic textile industries have had even more serious political and international repercussions. The time has come to reach a political settlement. Such a settlement, if wisely drawn and if based on mutual compromise would serve the wider national interests of both nations. President Nixon and Premier Sato need to act now in the spirit of openmindedness.

RESIGNATION OF SENATOR WILLIAMS OF DELAWARE

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letter and telegram, relating to the resignation of the Senator from Delaware (Mr. WILLIAMS):

U.S. SENATE,
Washington, D.C., December 31, 1970.

The PRESIDENT OF THE U.S. SENATE,
Washington, D.C.
Attention Mr. Francis R. Valeo, Secretary of the Senate.

MY DEAR MR. VICE PRESIDENT: I am hereby resigning as United States Senator from Delaware effective midnight December 31, 1970. Governor Russell W. Peterson, of Delaware, has been officially notified of this resignation by telegram, a copy of which is enclosed.

Yours sincerely,
JOHN J. WILLIAMS.

Enclosure.

GOV. RUSSELL W. PETERSON,
State House,
Dover, Del.:

DECEMBER 31, 1970.

This is to inform you that I am resigning as United States Senator effective midnight December 31, 1970, in order to permit the appointment of William V. Roth, Jr., to fill my unexpired term ending noon January 3, 1971.

JOHN J. WILLIAMS,
U.S. Senator.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON OPERATION OF THE SECOND SUPPLEMENTAL APPROPRIATIONS ACT, 1970

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on operation of the Second Supplemental Appropriations Act, 1970 (with an accompanying report); to the Committee on Appropriations.

PUBLICATION ENTITLED "STATISTICS OF INTERSTATE NATURAL GAS PIPELINE COMPANIES, 1969"

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "Statistics of Interstate Natural Gas Pipeline Companies, 1969" (with an accompanying document); to the Committee on Commerce.

REPORT OF FINANCIAL ADVISORY PANEL OF THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Executive Secretary to the Panel, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, a report of the Financial Advisory Panel of the National Railroad Passenger Corporation (with an accompanying report); to the Committee on Commerce.

REPORT OF THE SECRETARY OF THE TREASURY ON THE STATE OF THE FINANCES

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the State of the Finances, for the fiscal year 1970 (with an accompanying report); to the Committee on Finance.

REPORT OF GENERAL SERVICES ADMINISTRATION

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a report of that Administration, for the year 1970 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Economies Available by Reducing Preventive Maintenance Requirements for Certain Mechanized Mail-Handling Equipment, Post Office Department, dated December 31, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Improvements Needed in Processing Medicare Claims for Physicians' Services in Texas, Social Security Administration, Department of Health, Education, and Welfare, dated December 31, 1970 (with an accompanying report); to the Committee on Government Operations.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. NELSON, from the Committee on Labor and Public Welfare:

Carol M. Khosrovi, of Virginia, to be an Assistant Director of the Office of Economic Opportunity; and

John Oliver Wilson, of Connecticut, to be an Assistant Director of the Office of Economic Opportunity.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOODELL:

S. 4608. A bill for the relief of Sandra S. Cohen; to the Committee on the Judiciary.

(The remarks of Mr. GOODELL when he introduced the bill appear below under the appropriate heading.)

By Mr. MATHIAS:

S. 4609. A bill for the relief of Kenneth Adam Andoll; to the Committee on the Judiciary.

By Mr. BELLMON:

S. 4610. A bill authorizing grants to be made to certain States and Federal institutions to assist such States and institutions in improving their penal and correctional programs; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 4611. A bill for the relief of Donald McIntire; to the Committee on the Judiciary.

By Mr. GOODELL:

S. 4612. A bill to establish a process for the mandatory publication of survey procedure employed in concluding upon published candidate-preference public opinion poll results; to the Committee on the Judiciary and Labor and Public Welfare, jointly, by unanimous consent.

(The remarks of Mr. GOODELL when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. COOPER:

S. 4613. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture and Forestry.

(The remarks of Mr. COOPER when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 4608—INTRODUCTION OF A PRIVATE BILL FOR THE RELIEF OF SANDRA S. COHEN

Mr. GOODELL. Mr. President, I am today introducing a private bill for the relief of Sandra S. Cohen, whose plight arises out of a shortcoming in the civil service retirement law.

Sandra S. Cohen was married on August 31, 1967, to a career employee of the U.S. Post Office Department, who had two children by his previous marriage. Approximately a year and a half after their marriage her husband died quite suddenly and unexpectedly of a heart attack, leaving Sandra Cohen with two stepchildren to care for.

In due course, Mrs. Cohen applied for the survivor's annuity to which she thought she was entitled under the civil service retirement law, title V, U.S.C. Her application for aid was denied on April 21, 1969, on the grounds that section 8341(a), title V, U.S.C., excludes from the definition of "widow" one who was not married to the covered employee

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for at least 2 years immediately preceding his death or has not had children by that marriage.

Denial of her application leaves the family in a precarious position financially. Sandra Cohen's only income is the $85 per week she earns as a part-time bookkeeper. She cannot work full time until her step-daughter is older. The only other income which the family receives is the civil service annuity awarded to the children as a result of their father's death—($60 each)—and the benefits derived from the children's own mother's social security coverage—($127 per month).

Upon review of the legislative history regarding section 8341(a), it appears that the intent in narrowing this provision to exclude cases like Mrs. Cohen's was to prevent ailing civil servants from marrying on their death beds for the purpose of providing pensions to avaricious females. Mrs. Cohen does not appear to fall within this category. Rather, she is a woman who is sacrificing to care for children who are not her own.

There seems to be a discrepancy within the civil service retirement law itself. Under paragraph (b) of section 8341, a survivor's annuity will be paid to the woman who survives a covered employee, no matter how brief the period of marriage, if his retirement occurred between the date of marriage and the date of his death. In a case of this kind, she is referred to as a "surviving spouse" rather than a "widow". This provision contrasts sharply with section 8341(a) under which benefits were denied to Mrs. Cohen.

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The effect of sections 8341(a) and 8341 (b) are notably different, with retirement itself the determining factor in awarding benefits. I would recommend that the Congress seriously review this matter to ascertain whether some change in the law is appropriate at this time.

It does not appear that amending the present law to cover cases similar to Mrs. Cohen's would result in great cost to the Federal Government. In a letter to me dated June 17, 1970, Andrew E. Ruddock, Director of the Bureau of Retirement, Insurance, and Occupational Health of the Civil Service Commission, stated that while statistics are not maintained on the number of survivor annuity applicants who are adversely affected by section 8341 of title V, United States Code, it is believed that this class is comparatively small in number.

The nature of Mrs. Cohen's particular problem is such that I would hope relief could be granted to her as soon as possible. Because the results of a congressional review of the existing law—if it is undertaken—and resulting congressional action will take considerable time, Mrs. Cohen will be left in a terribly difficult situation. Her plight will only be worsened with even further delay, and I would, therefore, urge prompt action on this bill.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 4608) for the relief of Sandra S. Cohen, introduced by Mr. GOODELL, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4613—INTRODUCTION OF A BILL TO AMEND THE TOBACCO MARKETING QUOTA PROVISIONS OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. COOPER. Mr. President, my State of Kentucky produces most—some three-fourths—of the burley tobacco, which is second only to Flue-cured or "bright-leaf" tobacco in volume, in its importance to the agricultural economy—about $400 million for the 1970 crop—and in its contribution to the cash income of thousands of farm families. Burley tobacco is grown on 282,000 farm allotments, most of them family farm operations. Production was restricted to 231,000 acres in 1970, which means that the average allotment is less than 1 acre, on which a typical farmer might produce over a ton of tobacco selling this year for a little over 70 cents a pound.

During my service in the Senate, I have each year followed the progress of the tobacco price support and production control program, which is so important to farmers in Kentucky and other States. In fact, it was my amendment, with Senator Barkley in 1947, which secured 90 percent price support for tobacco as a permanent provision of law, and with Senator JORDAN of North Carolina in 1960 I sponsored the amendment which further stabilized the guarantee of 90 percent price support for tobacco.

Over the years the burley tobacco program has worked well, and every 3 years farmers have expressed their approval by voting in referendum by overwhelming majorities of 97 or 98 percent to continue the program. It has operated generally without large losses to the Government or heavy subsidy by the taxpayers—which have been characteristic of many other farm commodity programs—because tobacco growers have been willing to abide by the production controls necessary to keep their program sound.

I must say, however, that the burley tobacco program is now in difficulty, and I believe modifications must be made to continue to keep the program sound, and to avoid the loss of public support which would result if large Government loan stocks are allowed to build up. This could happen because burley yields per acre have increased about one hundred pounds per acre annually in recent years, reaching 2,585 pounds in 1970, and there is no sign they would not continue to do so under the present acreage control program. At the same time, the domestic use of burley tobacco has declined for the second consecutive year, and with continued use of filter cigarettes and changing manufacturing techniques, this trend also may continue.

In 1965, a modified system of production control known as acreage-poundage was adopted for flue-cured tobacco, but was not adopted for burley tobacco by the required two-thirds vote of growers in all States, in the special referenda held in 1966 and 1967. Further, the cuts in acreage allotments ordered for burley tobacco in 1964, 1965, and 1966, and again in 1970, have resulted in a greater proportion of farm allotments at or below the one-half acre minimum—which under present law is protected from cuts. Less than half the burley farm allotments—in fact, only 40 percent—are now subject to the acreage reductions which until now have been the method of keeping supplies in line with demand.

Now we are informed that under existing law, a cut in 1971 crop acreage allotments of at least 25 percent, and theoretically as much as 40 percent, will be required to bring supplies into line with use. Such a cut would work an extreme hardship on tens of thousands of farms which depend on burley tobacco for a large part of their livelihood. Even so, it would not solve the problem which confronts us, for it would simply drive more allotments into the protected half-acre category, and make production control through acreage adjustments increasingly ineffective and impractical for future years.

Those of us familiar with this problem—in the Congress, in the Department of Agriculture, and among the leadership of farm and grower groups in Kentucky and other burley-producing States—have recognized for some time that the situation was becoming critical, and efforts have been made over the last year to develop a solution. It was for this reason that representatives of Kentucky farm organizations and burley tobacco groups, together with representatives of the Department of Agriculture, presented their recommendations at a hearing held by the Senate Committee on Agriculture on December 8, which was chaired by Senator JORDAN of North Carolina. I think the facts brought out at that hearing show clearly that if the price support program for burley tobacco is to be saved, the production control mechanism, upon which that price support depends, must be modified.

This ought to be done before the Secretary of Agriculture proclaims the national marketing quota for the 1971 crop of burley tobacco. That would ordinarily be done by February 1, but will now be postponed for 30 days by the resolution which I introduced following the Senate hearing—a resolution cosponsored by Senators COOK, BAKER, JORDAN of North Carolina, ERVIN, BYRD of Virginia, and SPONG, and identical to the resolution introduced by Congressman WAMPLER of Virginia—which has been passed by the Senate and the House of Representatives. Within 30 days following the proclamation, the regular referendum will be held, to determine whether burley growers will have a price support and production control program for the next 3 years, or no program, no price support, and unlimited production.

It is already late, and there will not be a great deal of time for the Committees on Agriculture of the Senate and the House of Representatives to hold hearings and act to revise the burley tobacco program for the 1971 crop. The changes which need to be made must be discussed by burley farmers and their organizations, and by all concerned segments of the tobacco industry. It is for this reason that I am introducing today a bill proposing modifications in the system of production control for burley tobacco—changes which I consider could keep the burley price support program on a sound basis by avoiding increased Government stocks, and by removing the present incentive for each farmer to increase production on his limited and often repeatedly reduced acreage.

I do not take the position that this proposal is the final one that I may offer, or farmers may support, but I consider it a necessary start. I emphasize that I am introducing the bill at this time in order to make it available to those who are interested in the future of the burley tobacco program, and so that this proposal and any others which may be suggested may be discussed and considered before the Congress returns in late January. When the Congress returns, I would propose to reintroduce the bill, or a similar bill, and at that time it may be that other Members of Congress from States producing burley tobacco may wish to join me in doing so, or present recommendations of their own.

While the general plan of this bill evolved from meetings during 1970 of farmers and grower groups, together with representatives of cooperative, warehouse, and dealer organizations in Kentucky and in other States as well, its specific provisions are not identical to the recommendations, for example, of the Kentucky Farm Bureau Federation, the Tennessee Farm Bureau Federation, the Department of Agriculture, or any other that I have seen. I have tried to settle on a plan which will be fair to all, and which will fulfill the essential requirement of limiting production to the amount of burley tobacco which will actually be used.

Primarily, the bill would shift production controls for burley tobacco from a limitation on acreage planted and harvested—the familiar farm acreage allotments—to a limitation on the number of pounds of burley tobacco which may be marketed and sold from any farm—a farm poundage quota. As I have pointed out earlier, acreage controls can no longer continue to work if yields per acre keep increasing—through the application of fertilizer, irrigation, new varieties and other intensive cultural practices—if domestic use of burley continues to remain stable or decline somewhat, and particularly if the reductions in acreage which have always been used to control production can only be applied to fewer and fewer farms. The poundage quota system of production control proposed by the bill would, however, be much less complicated than the acreage-poundage system formerly proposed, and I believe will be easier for farmers to understand and work with.

If we can bring burley production under control in this way, only a modest reduction—certainly far less than 25 percent—would be required for the 1971 crop. In subsequent years, I believe effective production control would be assured without drastic cuts or without any cuts, while permitting an orderly reduction over a period of years of Government stocks.

I know that farmers in Kentucky and other States will want to know how their farm poundage quotas would be calculated under this proposal. I will outline the main provisions of the bill:

First. The poundage system for burley tobacco would not be proclaimed, and growers would vote in March instead on the usual acreage program, unless an acreage cut of more than 15 percent is required for the 1971 crop, and unless the Secretary of Agriculture finds also that the present system of acreage allotments will not continue to work because of increasing yields and declining use of burley tobacco. However, I must say it now appears that both of these conditions would be met. In fact, the Department estimates that an acreage cut of at least 25 percent would be required for the 1971 crop under the old program.

Second. (a) For each farm now having a burley allotment, the yield per acre—that is, the number of pounds marketed per acre of allotment—would be calculated for the 1970 crop just sold, and for the 1969, 1968, 1967, and 1966 crops. The four highest of these yields for the last 5 years would be averaged. In this way, if a farmer has had a poor crop year for any reason, that year would not be included. Farmers would have the advantage of their 1970 crop—a good year.

A 4-year average yield in excess of 3,500 pounds per acre would be reduced to that figure. Individual years could be higher than 3,500 pounds, and I do not believe many farms would have a 4-year average that would have to be reduced.

This average "farm yield" would then be multiplied by the 1970 farm acreage allotment—the burley acreage permitted for the farm this last year. The result is called the preliminary farm quota.

The total of the preliminary farm quotas for all burley farms would then be considered by the Secretary of Agriculture in view of the supplies on hand and the anticipated demand for the 1971 crop. If the total would somewhat exceed expected demand, the Secretary could reduce all preliminary farm quotas equally—but not by more than 5 percent for the 1971 crop.

That would establish farm poundage quotas for the 1971 crop—for most farms within 10 percent of their 1970 crop sales. I should think this would be more fair, and more effective than a cut of 25 percent or more under the present acreage system.

Third. In future years, after the Secretary of Agriculture has calculated estimated use of burley tobacco and the total production needed, each farm quota for the previous year would be adjusted up or down accordingly, with all farmers treated alike. The bill provides that in setting the total national marketing quota for future years, the Secretary may not require a reduction of more than 10 percent below the estimated use of burley tobacco.

Fourth. The poundage plan includes a crop insurance feature. If a farmer does not sell tobacco one year, or markets less than his quota—whether because of hail, drought, or for any other reason—the unused quota would be carried forward to the next year, and could be grown and sold, with price support, at that time. Similarly, if weather is good and the farmer produces a little more than his quota, it would not have to be destroyed. He could sell and receive price support for 10 percent more than his quota—but on more than that—which would be deducted from his farm quota for the next year.

Fifth. The bill also provides for the first time for the leasing of burley quotas. Leasing is already permitted for other types of tobacco. I have opposed leasing in the past because I believed it could lead to a concentration in the hands of fewer growers, and would increase surplus supplies. But with a change in the program, leasing may be appropriate. A burley quota could be leased to another farmer in the same county having a burley allotment. Not more than 5,000 pounds of quota could be leased by any farm. That is the equivalent of about 2 acres of tobacco. It would mean that any farmer already having an allotment—perhaps a one-half acre allotment last year—could lease 5,000 pounds of quota, and so grow perhaps three or four times his present production. Or a larger farm could lease and grow the quota of three or four or five minimum farms, which would provide these farmers some income. That seems to me an ample amount, and as much leasing as should be permitted, at least until we see how it works out.

I have given this outline of the poundage proposal I have offered so that it can be discussed, and I hope there will be meetings of farm groups and consideration by leadership of the burley industry in the coming weeks. To be effective, such a proposal would have to be enacted by the Congress in time for the 1971 crop, and before the referendum at which burley growers will decide whether or not to have a price support program for the next 3 years.

If the Secretary proclaims quotas by March 1, that referendum must be held before April 1. If this plan, or a similar one, is enacted by the Congress, burley growers would then vote instead on whether it should be in effect for the next 3 years, or whether there would be no production control program and no price support for burley tobacco in 1971.

I recognize that it is a difficult matter to propose changes in the burley tobacco program—particularly changes that affect the minimum acreage—for the program affects the livelihood and the incomes of thousands of farm families. But I am deeply concerned that unless changes are made so that a surplus will not continue to build up, the price support program for burley tobacco will go down.

I think it is clear to all who have looked at the facts, and who think about the burley program, that we have come to the end of the line in attempting to control burley tobacco production through acreage alone, especially at a time when most burley growers have become exempt from acreage reductions.

I have talked to farmers in Kentucky, and I believe they want to save their burley tobacco program. I offer this proposal as a step in doing so.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point examples of how the 1971 poundage quota provided by the bill I have introduced would be calculated for a typical one-half acre burley farm, and for a larger Kentucky farm; a statement which I made before the Senate Committee on Agriculture at the December 8, 1970, hearing; and the text of the bill I have introduced today.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred; and, without objection, the bill and other material will be printed in the RECORD, as requested by the Senator from Kentucky.

The bill (S. 4613) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, introduced by Mr. COOPER, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 4613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", is amended by adding immediately following section 318 of new section 319 to read as follows:

"FARM POUNDAGE QUOTAS FOR BURLEY TOBACCO

"SEC. 319. (a) Notwithstanding any other provision of law, if the amount of any national marketing quota for burley tobacco as determined under section 312 of the Act will result in a reduction of more than 15 per centum in farm acreage allotments which are subject to reduction, and the Secretary finds that acreage allotments provided in section 313 of the Act as limited by Public Law 528, Eighty-second Congress (66 Stat. 597), as amended by Public Law 21, Eighty-fourth Congress (69 Stat. 24), approved March 31, 1955 (7 U.S.C. 1315), will not continue in future years to be effective in adjusting supplies to the reserve supply level, because of increasing per acre yields, decreasing useage or otherwise, the Secretary shall proclaim national marketing quotas for the next three years as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum of the farmers engaged in the production of the 1970 crop of burley tobacco to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis as provided in this section for the three marketing years beginning October 1, 1971. If the Secretary determines that two-thirds or more of the farmers voting in such referendum approve marketing quotas on a poundage basis, marketing quotas as provided in this section shall be in effect for those three marketing years. If marketing quotas on a poundage basis are not approved by at least two-thirds of the farmers voting in such referendum, no marketing quotas or price support for burley tobacco shall be in effect for the marketing year beginning October 1, 1971. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That national marketing quotas for burley tobacco for any marketing years subsequent to the marketing year beginning October 1, 1971, shall be proclaimed as provided in this section.

"(b) The Secretary shall determine and announce, not later than the February 1 preceding the second and third marketing years of any three-year period for which marketing quotas on a poundage basis are in effect under this section, the amount of the national marketing quota for each of such years. If marketing quotas have been made effective on a poundage basis under this section, the Secretary shall, not later than February 1 of the last year of three consecutive years for which marketing quotas are in effect under this section, proclaim national marketing quotas for burley tobacco for the next three succeeding marketing years as provided in this section. Within thirty days following such proclamation, the Secretary shall conduct a referendum in accordance with section 312(c) of the Act. If the Secretary determines that more than one-third of the farmers voting oppose the national marketing quotas, he shall announce the results and no marketing quotas or price support shall be in effect for such kind of tobacco for the first marketing year of such three-year period. Thereafter, the provisions of section 312 of the Act shall apply: *Provided,* That the national marketing quota and farm marketing quotas shall be determined as provided in this section. Notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by any referendum under this section shall insofar as practicable be mailed to the farm operator in sufficient time to be received prior to the referendum.

"(c) The national marketing quota determined under this section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his descretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 10 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the 'national reserve' from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in marketing quotas for old farms, and for establishing quotas for farms on which no tobacco was produced or was considered produced during the immediately preceding five years.

"(d) When a national marketing quota is first proclaimed under this section, the Secretary shall through local committees determine a farm yield for each farm upon which burley tobacco was produced or was considered produced during the immediately preceding five years. Such yield shall be determined by averaging the yield per acre for the four highest years of the five consecutive years beginning with the 1966 crop year: *Provided,* That if tobacco was produced on the farm in fewer than five of such years; the farm yield shall be the simple average of the yields obtained in the years during such period that burley tobacco was produced on the farm: *Provided further,* That if no burley tobacco was produced on the farm but the farm was considered as having produced burley tobacco during the immediately preceding five years, the farm yield will be appraised on the basis of the yields established for similar farms in the area: *And provided further,* That the farm yield for any farm shall not exceed 3,500 pounds per acre.

"(e) When a national marketing quota is first proclaimed under this section, a preliminary farm marketing quota shall be determined for each farm upon which burley tobacco was produced or was considered to have been produced during the immediately preceding five years by multiplying the farm yield determined under subsection (d) of this section by the farm acreage allotment (prior to any reduction for violation of regulations issued pursuant to the Act) established for such farm for the marketing year beginning October 1, 1970. For each farm for which such preliminary farm marketing quota is determined, a farm marketing quota for the first year shall be determined by multiplying the preliminary farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of all preliminary farm marketing quotas as determined under this subsection. *Provided,* That such national factor shall not be less than 95 per centum.

"For each such farm, the farm marketing quota for each succeeding year shall be determined by multiplying the previous year's farm marketing quota (prior to temporary adjustments and subsequent to permanent adjustments) by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of the farm marketing quotas (prior to temporary adjustments and subsequent to permanent adjustments) for the immediately preceding year for all farms which produced burley tobacco during such year. The farm marketing quota so computed for any farm for any year shall be increased by the number of pounds by which marketings from the farm during the immediately preceding year were less than the farm marketing quota. The farm marketing quota so computed for each farm for any year shall be reduced by the number of pounds by which marketings from the farm during the immediately preceding year exceeded the farm marketing quota subsequent to adjustments: *Provided,* That if on account of excess marketings in the preceding year the farm marketing quota is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made in subsequent marketing years.

"The farm marketing quota for a farm on which no burley tobacco was produced or considered produced during the immediately preceding five years shall be the number of pounds determined by the county committee with approval of the State committee to be fair and reasonable for the farm on the basis of the past burley tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices, and the soil and other physical factors affecting the production of burley tobacco: *Provided,* That the farm marketing quota for any such new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms upon which burley tobacco was produced or considered produced during the preceding five years: *Provided further,* That the number of pounds allocated to all new farms shall not exceed that portion of the national reserve provided by the Secretary for establishing quotas for new farms.

"(f) When a poundage program is in effect under this section, the quota next established for any farm shall be reduced by the amount of burley tobacco produced on any farm (1) which is marketed as having been produced on a different farm; (2) for which proof of disposition is not furnished as required by the Secretary; and (3) as to which any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the production or marketing of tobacco: *Provided,* That if the Secretary through the local committee finds that no person connected with such farm caused, aided, or acquiesced in the marketing of such tobacco, the next established farm marketing quota shall not be reduced under this subsection. The reductions required under this subsection shall be in addition to any other adjustments made pursuant to this section.

"(g) When a poundage program is in effect under this section, farm marketing quotas for burley tobacco may be transferred to other farms in the same county under the terms and conditions contained in section 316 of the Act: *Provided,* That (1) such transfers shall be on a pound for pound basis, (2) any credit for undermarketings or charge for overmarketings shall be attributed to the farm to which transferred, (3) the amount of the quota which is leased from a farm shall be considered for purposes of determining future quotas to have been produced on the farm from which leased and the production pursuant to the lease shall not be taken into account in establishing quotas for subsequent years for the farm to which such quota is leased, and (4) not more than five thousand pounds may be transferred to any farm under this section. The lessor shall be considered to have been engaged in the production of burley tobacco for purposes of eligibility to vote in the referendum.

"(h) Other than a new farm marketing quota, no farm marketing quota shall be established for a farm on which no burley tobacco was produced or considered produced in any of the five years immediately preceding the year for which farm marketing quotas are being established.

"(i) When marketing quotas under this section are in effect, provisions with respect to penalties for the marketing of excess tobacco and the other provisions contained in section 314 of the Act shall apply, except that:

"(1) No penalty on excess tobacco shall be due or collected until 110 per centum of the farm marketing quota for a farm has been marketed, but with respect to each pound of tobacco marketed in excess of such percentage the full penalty rate shall be due, payable, and collected at the time of marketing on each pound of tobacco marketed, and any tobacco marketed in excess of 100 per centum of the farm marketing quota will require a reduction in subsequent farm marketing quotas in accordance with section 319(e).

"(2) The provisions with respect to penalties contained in the third sentence of section 314(a) shall be revised to read: 'If any producer falsely identifies or fails to account for the disposition of any tobacco the Secretary, in lieu of assessing and collecting penalties based on actual marketings of excess tobacco, may elect to assess a penalty computed by multiplying the full penalty rate by an amount of tobacco equal to 25 per centum of the farm marketing quota and the penalty in respect thereof shall be paid and remitted by the producer.'

"(3) For the first year a marketing quota program established under the provisions of this section is in effect, the words 'normal production' where they appear in the fourth sentence of subsection (a) of such section shall read 'farm yield' and the said fourth sentence shall otherwise be applicable. For the second and succeeding years for which a program established under the provisions of this section is in effect, the provisions of section 319(e) shall apply when penalties, if any, on carryover tobacco are computed, and the provisions contained in the fourth sentence of section 314(a) shall not be applicable.

"(j) The Secretary shall prescribe such regulations as he considers necessary for carrying out the provisions of this section."

SEC. 2. Section 378 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding subsection (d) to read as follows:

"(d) In applying the provisions of this section to a farm for which a tobacco marketing quota has been determined under section 319 of this Act, the words "allotment" and "acreage", wherever they appear, shall be construed to mean "marketing quota" and "poundage" respectively, as required."

SEC. 3. Subsection (c) of section 106 of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(c) If acreage-poundage or poundage farm marketing quotas are in effect under section 317 or 319 of the Agricultural Adjustment Act of 1938, as amended, (1) price support shall not be made available on tobacco marketed in excess of 110 per centum of the marketing quota for the farm on which such tobacco was produced, and (2) for the purpose of price support eligibility, tobacco carried over from one marketing year to another to avoid marketings in excess of the farm marketing quota shall, when marketed, be considered tobacco of the then current crop."

The material, presented by Mr. COOPER, is as follows:

EXAMPLE: 1971 FARM MARKETING QUOTA—TYPICAL ½-ACRE BURLEY FARM

	Pounds marketed	Pounds yield per acre
1970 crop	1,292	2,584
1969	1,244	2,488
1968	1,186	2,372
1967 (omit low year)	1,137	(2,274)
1966	1,218	2,436
Total best 4 years of last 5		9,880
Farm yield, average		2,470
Multiply by 1970 acres		.5
Preliminary farm quota		1,235
Less possible 5 percent reduction applied to all farms by Department of Agriculture		−62
1971 farm poundage quota		1,173

EXAMPLE: 1971 FARM MARKETING QUOTA—2-ACRE KENTUCKY BURLEY FARM

	Pounds marketed	Pounds yield per acre
1970 crop	5,400	2,700
1969	5,210	2,605
1968	4,930	2,465
1967 (omit low year)	4,770	(2,385)
1966	5,130	2,565
Total best 4 years of last 5		10,335
Farm yield, average		2,584
Multiply by 1970 acres		2
Preliminary farm quota		5,168
Less possible 5-percent reduction applied to all farms by Department of Agriculture		—258
1971 farm poundage quota		4,910

STATEMENT OF SENATOR JOHN SHERMAN COOPER, SENATE COMMITTEE ON AGRICULTURE, HEARING, DECEMBER 8, 1970

Mr. Chairman, I recognize that this hearing was called to consider H.R. 18686, a bill passed by the House of Representatives earlier this year, which would authorize the leasing of burley acreage allotments, introduced and sponsored by Congressman Wampler of Virginia, who, I believe is here today, and also by Congressman Taylor of Senator Jordan's State of North Carolina, and others.

I had written Senator Ellender (on August 28 and again on October 15) pointing out that Kentucky farm groups had raised questions about leasing—particularly at a time when there are problems of overproduction—and asking that no action be taken on the proposal without a hearing. In fact, I secured the amendment, when the leasing of tobacco allotments was first authorized by law, in 1962, excepting burley tobacco from the leasing authority because I was concerned that leasing could result in the concentration of allotments in the hands of fewer large growers. I would oppose leasing now, as I believe it would bring additional acreage into production and add to the serious difficulty the burley tobacco program is in.

However, as part of a plan to modify the burley program so that it will once more be sound, I believe leasing might well be considered for next year's crop.

Our burley tobacco program is in serious difficulty. That should be known. Unless modifications are made to keep the program sound at a time of declining use, burley growers could lose their tobacco program. I think action must be taken, quickly, and this is the time to start—it is already very late.

It is for this reason that I view this hearing as an opportunity to bring to the Committee information about the immediate problems facing the burley tobacco program—and any recommendations which those who are most knowledgeable and experienced may be able to bring to us as to the future of the burley tobacco program. I hope representatives of the Department of Agriculture will give an appraisal of the current situation.

The Chairman, Senator Jordan, and I have worked together on tobacco matters in the past. In fact, it was our bill, in 1960, which further stabilized the guarantee of 90% price support for tobacco, which has brought farmers increased prices year after year, and record prices in this year. I hope he understands, and Congressman Wampler and Congressmen Taylor and Abbitt and others also understand, that I raise these larger questions because there is an opportunity now to work out solutions, and that any action on leasing allotments should be a part of that solution.

Mr. Chairman, it is generally agreed that our production adjustment and price support programs for tobacco have worked well over the years. Prices received by tobacco growers have been favorable. Supplies have been maintained reasonably well in line with demand. Costs to the Government have been held to a minimum.

Farmers receive annually about $1.3 billion from the sale of tobacco. This represents about 7 percent of the cash receipts from all U.S. crops. The cost that the Government has sustained in operating the price support program for tobacco from 1933 through fiscal 1970 has been only one-fourth of one percent of the cost of all farm commodity price support operations.

Indeed this is an outstanding record of which our tobacco farmers are justifiably proud. However, in the case of burley tobacco, which is grown in Kentucky and Tennessee and the surrounding states, excessive supplies have accumulated because of substantial increases in per acre yields, and a downturn in domestic usage.

During the five years, 1956–60, burley tobacco yields averaged 1,620 pounds per acre. In 1963, burley yields first reached a ton per acre, and they have continued to increase—reaching an all time high of 2,488 pounds per acre last year. The Department of Agriculture estimates that a new record of 2,585 pounds per acre is in prospect for this year.

Under existing law, increases in per acre yields require reductions in acreage allotments in order to prevent over-production and investment of Federal funds in surplus taken under loans. When acreage allotments are reduced, farmers use more fertilizer, plant their tobacco closer together, and use other practices to increase their yields. Thus, we are caught up in a never ending spiral—with each grower compelled to compete with every other grower in order to maintain his share of the market. Research indicates that further increases in per acre yield are obtainable.

In recognization of this problem, the Congress enacted legislation in 1965 which provided for farm quotas in both acres and pounds—the acreage-poundage program. This program has now been in effect for flue-cured tobacco for six years. It has worked well. Supplies of flue-cured tobacco have been reduced by 17 percent. Exports have increased. Quality has improved, resulting in higher prices to growers. In a referendum held last July, 98.4 percent of the growers voting favored continuation of the acreage-poundage program on flue-cured tobacco for the 1971, 1972 and 1973 crops.

The Secretary of Agriculture has, on two occasions, offered burley growers the acreage-poundage program. In each instance, Kentucky growers approved the acreage-poundage program by more than the two-thirds majority, the law requires to make acreage-poundage effective. However, growers in some other states did not favor the change in the program. On a national basis,

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the majority of burley growers favored the change, but the majority was less than the required two-thirds. As a result, the acreage allotment program has continued in effect for burley.

During the marketing year ending September 30, domestic use of burley tobacco totaled 507 million pounds—down 9 million pounds from the previous year, and 39 million pounds below the level prevailing two years earlier. This decline in domestic usage has occurred despite an increase in cigarette production, the principal use for burley tobacco. Because of (1) technological developments permitting fuller utilization of the entire leaf (2) increased proportion of filter tip cigarettes, (3) increased use of imported oriental tobacco, less U.S. grown tobacco is required today to make any given number of cigarettes—than formerly.

The continued increase in per acre yields coupled with the decline in domestic usage has resulted in the buildup of a burdensome surplus of burley tobacco—a substantial quantity of which is held under Government loan. The total supply of burley tobacco for the current marketing year—that is, carryover plus estimated production—1,896 million pounds—is sufficient to meet our domestic and export demands for 3.4 years at the level of usage and export prevailing last year. It is the law, based upon experience, that a supply of no more than 2.8 years' duration is desirable to permit proper aging of the leaf before it is manufactured into cigarettes.

In view of the excessive supplies, I am advised by officials of the Department of Agriculture that a substantial reduction of 25–40 percent in farm acreage allotments for 1971 would be required to bring supplies in line with demand—under the legislation governing the present acreage allotment program. Such a reduction could force many of our burley growers into bankruptcy or continuing farm losses, as there is no alternate crop to which they can turn to make up the loss in income. In view of this, it is likely that many growers will vote against the continuation of the marketing quota program for burley in the forthcoming referendum.

The Agricultural Act of 1949 provides that no price support shall be made available for any crop of tobacco for which growers have disapproved marketing quotas. If there are no production adjustment and price support programs on the 1971 crop of burley tobacco, I shudder to think what will happen, not only to our burley tobacco growers but to the entire economy in the areas where burley tobacco is grown.

Mr. Chairman, many burley tobacco growers in Kentucky are seriously concerned. They realize that, even though the acreage allotment program has worked well in the past when the use of burley—both in this country and abroad—was on the increase. They realize also that with the ability of growers to obtain ever-increasing per acre yields—and the downturn in usage—supplies will not be kept in line with demand on an acreage basis. The problem is further comlicated by the fact that 60 percent of the burley allotments in the United States cannot be reduced under present legislation—regardless of how much per acre yields increase, or how much usage declines in the years ahead.

I oppose the leasing of tobacco allotments, or their sale at this time. I believe that leasing or sale should be considered in connection with a full review of our burley tobacco program by growers, and by the Congress, in an effort to see if we can develop and agree upon some modification of the burley program that will keep it sound.

During my service in the Congress I have worked with other members to keep our burley tobacco program both sound and profitable. In my first service in the Senate, in 1947, I offered the amendment, joined by the late Senator Barkley, which established the 90% of parity support for burley and fixed levels of support for dark air cured and dark fire cured tobacco. In 1960, Senator Jordan and I secured the legislation which further strengthened burley support levels, and year after year I have worked with other Senators from tobacco states to defeat efforts made to abolish the tobacco program. Our position will become more precarious if over production continues and the investment of the Federal government in tobacco supplies increases.

I feel it my duty to bring the facts before the Committee on Agriculture and burley tobacco growers in my State.

SENATE CONCURRENT RESOLUTION 88—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE PUBLIC OPINION RESEARCH PROFESSION

Mr. GOODELL submitted a concurrent resolution (S. Con. Res. 88) to encourage the public opinion research profession to speedily establish minimum quality standards of public opinion research procedure, sanctions, and mechanisms of enforcement thereof to ensure adherence to such standards, which was referred jointly to the Committees on the Judiciary and Labor and Public Welfare, by unanimous consent.

(The remarks of Mr. Goodell when he submitted the concurrent resolution appear earlier in the Record under the appropriate heading.)

SENATE RESOLUTION 503—SUBMISSION OF A RESOLUTION AMENDING RULE XVI OF THE STANDING RULES OF THE SENATE

Mr. BYRD of West Virginia (for himself, Mr. Scott, Mr. Griffin, Mr. Baker, and Mr. Dole) submitted the following resolution (S. Res. 503); which was referred to the Committee on Rules and Administration:

S. Res. 503

Resolved, That Rule XVI of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"8. Whenever a general appropriation bill for a fiscal year has not been enacted before the first day of December of that year, and that bill has been reported by the Committee on Appropriations, a motion for the immediate consideration of that bill should be decided without debate. Consideration of any such bill shall be a highly privileged matter, and debate thereon shall be limited to two hours upon each amendment offered thereto and to ten hours upon the passage of the bill. Any procedural question arising in the course of such debate shall be decided without debate. Debate upon the report of a committee of conference upon any such bill shall be limited to ten hours upon agreement to the conference report and to one hour upon each matter reported in disagreement between the Senate and the House of Representatives. A motion to further limit debate upon any such bill so privileged, or upon the report of a committee of conference upon any such bill, shall be decided without debate. Whenever debate upon any bill, amendment, or report is limited under this paragraph, the time provided for debate thereon shall be divided equally between Senators in favor of the bill, amendment, or report and Senators opposed to the bill, amendment, or report. Notwithstanding the provisions of section 139(a) of the Legislative Reorganization Act of 1964, as amended, any bill subject to the provisions of this paragraph may be considered in the Senate at any time at which the report of the Committee on Appropriations thereon has been available to Members of the Senate for one calendar day." The above provisions of this paragraph shall not be applicable to any general appropriation bill appropriating funds not authorized by law or embodying legislation not approved by at least a three-quarters vote of the total membership of a Senate Committee.

(The remarks of Mr. Byrd of West Virginia when he submitted the resolution appear later in the Record.)

SENATE RESOLUTION 504—SUBMISSION OF A RESOLUTION CONTINUING FOR 1 MONTH CERTAIN AUTHORITY FOR INVESTIGATIONS BY THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. RIBICOFF submitted a resolution (S. Res. 504) continuing for 1 month certain authority for investigations by the Committee on Government Operations into the efficiency and economy of operations of all branches of Government, which was considered and agreed to.

(The remarks of Mr. Ribicoff when he submitted the resolution appear later in the Record under the appropriate heading.)

TO MAKE PERMANENT THE EXISTING TEMPORARY PROVISION FOR DISREGARDING INCOME OF OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND RAILROAD RETIREMENT RECIPIENTS IN DETERMINING THEIR NEED FOR PUBLIC ASSISTANCE—AMENDMENTS

AMENDMENT NO. 1183

Mr. LONG submitted amendments, intended to be proposed by him, to the bill (H.R. 19915) to make permanent the existing temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance, which were ordered to lie on the table and to be printed.

ADDITIONAL STATEMENTS OF SENATORS

THE RAILPAX ROUTE

Mr. MANSFIELD. Mr. President, earlier this week I addressed the Senate briefly about the Railpax plan and the various routes that are being considered as essential in preserving passenger train service throughout the Nation. The State of Montana is in a peculiar position in that we now have two transcontinental routes and we cannot afford to lose either one. I say this, not to be selfish, but Montana is a big State and there are approximately 300 miles separating the two Burlington-Northern lines as they move from east to west for 700 miles across the State. To permit discontinu-

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ance of passenger service on either the old Northern Pacific or Great Northern lines would mean that approximately half of the State would be without service. It is my desire and hope to see a plan worked out where there will be passenger service maintained on these two lines. In addition, I do not want to see my State become a mere roadbed for the transcontinental service between the Twin Cities and the west coast. The people of Montana are deserving of service at all of the larger cities on these two lines. It is my impression and belief that the Congress has agreed to this subsidized plan of preserving passenger train service for that basic reason alone and not to permit the railroads to reduce and retreat from this public transportation responsibility.

I have received a copy of an editorial which was in the Independent Record, published in our State capital, December 22, along with the publisher, George Remington's letter to the Secretary of Transportation, setting forth the desires of Montana's capital city, Helena.

Mr. President, I ask unanimous consent to have these two items printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE RAILPAX ROUTE

As of now, nobody seems to know how Montana will fare under the forthcoming Railpax system, except that there will be a reduction in rail passenger service in the state.

If the state gets a passenger train at all, of which there is some doubt, there will be only one each way between Chicago and Seattle, and the competition is getting lively over the routing. That was to be expected.

There is even some talk to the effect that if the route does go through Montana, the trains will whiz across the state without stopping. That would hardly seem to make sense, if the service intends to make a profit, which Transportation Secretary John Volpe says it does.

The logical routing of the train would be on the lines of the Northern Pacific division of Burlington Northern, with stops at Glendive, Miles City, Billings, Livingston, Bozeman, Helena and Missoula. This, of course, would leave Butte without a passenger train, and would make Butte very unhappy.

But the case for routing the train through Helena is a strong one, since the Capital City already is virtually an island as far as surface transportation is concerned.

Except for Burlington Northern's Mainstreeter, which has been in jeopardy for years, Helena has no east-west public ground transportation. The last east-west bus service was terminated this month. The east-west highway through Helena is narrow, slow and often hazardous. Butte has ample east-west bus service and an east-west four-lane interstate highway.

Helena's location also should be considered. Its nearly central location between Great Falls and Butte, linked by the north-south interstate highway, would make it more convenient for potential rail passengers.

Then there is the matter of Helena being the capital, which makes it necessary for many people to come here on state business, especially during legislative sessions, which are in the winter when highway travel is often dangerous.

If there is to be only one train across Montana, simple common sense dictates that Helena should be on its route.

DECEMBER 28, 1970.

Hon. JOHN A. VOLPE,
Secretary, Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: As publisher of this newspaper and as a member of the transportation committee of the Helena Chamber of Commerce I am concerned first that the Railpax Route between Chicago and Seattle may not come through Montana and secondly if it does come through Montana it will bypass our Capital City of Helena.

Rather than go into a lot of detail in this letter, I am enclosing a recent editorial from the Independent Record which I believe states the case for Montana and for Helena very well. I believe the proposed route suggested in the editorial would be the most profitable for Railpax since it would go through more population centers in Montana. It also would be the one that would serve the most people in Montana with a passenger train.

I am greatly fearful that the Capital City of Montana is becoming a transportation island. We have lost all our East-West bus service, we have a narrow and dangerous East-West two lane highway, and with the advent of larger planes our East-West Air Service is making fewer stops in Helena.

I hope you will agree that a State Capital should have adequate safe transportation facility and will take that into consideration when you make the decision on the Railpax Routing.

Sincerely,

GEORGE D. REMINGTON,
Publisher.

BIG THICKET PETITIONERS FOR A 200,000-ACRE NATIONAL PARK TOP 6,000 MARK

Mr. YARBOROUGH. Mr. President, the ranks of the active and concerned Americans who are petitioning for a Big Thicket National Park of 200,000 acres have swelled to more than 6,000 with the addition of over 2,000 signatures received in my recent mail. These citizens and thousands of other like-minded Americans are united in their goal of preventing this great wilderness area from being reduced to pulpwood and cut-over lands. The Big Thicket, which once spanned over 3½ million acres, has quite literally been cut down to less than 3,000, and each day that this horrible war of attrition continues unabated, the Thicket suffers the loss of another 50 precious acres. This nationwide citizen support is therefore both critical and timely. With it, this hard fought battle to save one of America's greatest remaining wilderness areas may be swiftly and successfully concluded by favorable action on my Big Thicket National Park bill, S. 4, by the House of Representatives.

Mr. President, I ask unanimous consent that a synopsis of these additional petitions be printed at this point in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

PETITION

We the undersigned believe and wish that 200,000 acres of the wilderness and virgin forest area described commonly as the Big Thicket be set aside and reserved as a national park and that these acres be adjoining each other and that as a wilderness area these 200,000 acres be desinated as the Big Thicket and that the Big Thicket as a national park be preserved and protected by the laws which govern the protection of other national parks as set aside by acts of the Congress of the United States of America.

Synopsis of additional signature received:

From the Denton, Texas Area: Thomas Sikorski, Robert F. Flournoy, Derek Taulman and 1,030 others.

From the Stillwater, Oklahoma Area: 60 individuals.

From the Atlanta, Georgia Area: David W. Moore and 285 others.

From the Albuquerque, New Mexico Area: Robert G. Alexandria and 21 others.

From the Lafayette, Louisiana Area: Dr. Marshall B. Eyster and 44 others.

From Texas Christian University, Fort Worth, Texas: John Lennart, Robin Hoover and 123 others.

From the Nashville, Tennessee Area: Richard L. Coleman and 23 others.

From the San Diego, California Area: Arnold G. Soderlund and 33 others.

From the University of Texas, Arlington, Texas: Howard Saxion, Douglas Wade, Donna Adams and 189 others.

From Talco, Texas: Mr. and Mrs. J. J. Smith.

From Carleton College, Northfield, Minnesota: Perry C. Mason and 66 others.

From New York, New York: 10 individuals.

From SSgt. George J. Zay, Jr. and 25 other U.S. servicemen in Vietnam.

A SILVER LINING

Mr. HANSEN. Mr. President, the noted British author, Ben Johnson, was quoted as saying he had never owned but one overcoat in his lifetime but that it had been in style several times.

The continuing attacks on the oil industry generally and State conservation and orderly production laws remind me that when these laws were first enacted, they were attacked by the industry but supported by economists and conservationists.

Now almost 40 years later, these same laws that brought order out of chaos to an industry that was being wrecked by overproduction and waste are supported by the industry and attacked by many economists, including some in the White House.

Mr. President, the recent action of the President in shifting control of oil and gas production on offshore Federal lands from State control to the Federal Government may, after all, turn out to be a blessing if it proves what one of the most knowledgeable men in the field of State conservation and production laws thinks it may.

William J. Murray, president of the Texas Independent Producers and Royalty Owners Association and former member of the Texas Railroad Commission which regulates oil and gas production in Texas, is quoted in a recent Oil Daily article as believing that Federal officials will find it in the national interest to apply the same production control regulations as have the States of Texas and Louisiana. As a result, Murray believes, there will then develop a better understanding of the important national service rendered by the State conservation bodies in regulating onshore and State controlled offshore areas.

In the interest of helping to explain the importance of producing oil and gas wells at the maximum rate of efficient production and the market demand system. I ask unanimous consent that the Oil Daily article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

OCS Order May Have Silver Lining

Houston.—The feeling that President Nixon's recent order shifting control of oil and gas production on the Outer Continental Shelf from the states to the federal government constitutes "an advance to the rear" may not be fully justified, the president of the Texas Independent Producers & Royalty Owners Association believes.

In an article to be published next month in the TIPRO reporter, association magazine, William J. Murray Jr said it should be acknowledged that the President's action "is a blow to the slightly improved but unfortunately rather poor public image of the petroleum industry.

"Furthermore, if the (U.S.) should ignore conservation and safety in the production of (OCS oil) and if the control of production is for price manipulation rather than conservation, then this action does constitute not only a setback to the petroleum industry but from the view of a conservation engineer, a far more serious blow to public welfare," he declared.

However, Murray said he can't believe this will be the outcome.

"It is my hope and prediction that the responsible federal agencies will recognize the importance to national welfare and the consuming public, as well as to the petroleum industry, of MER proration, and after proper study will establish MER limitations for production from the OCS," the former Texas Railroad commissioner wrote.

"It is believed they will recognize that MER does not stand for maximum efficient rate but . . . for the maximum rate of efficient production. When a field is produced at less than the MER, it usually will operate at even greater efficiency than at the MER. But when it is produced in excess of the MER, serious underground waste and loss of ultimate recovery likely will occur.

"Consequently, error on the low side is in the interest of conservation . . ."

Murray said he was encouraged by press statements that Interior Department officials are beginning MER studies.

But he expressed concern about the official view of market demand proration, saying there seems "much less understanding of its important security and consumer benefits."

TIPRO's president said it's not generally recognized that the market demand system alone permitted some states, notably Louisiana and Texas, to meet past petroleum supply crises with spare producing capacity.

Even though this was an economic burden on oilmen, its value to national security and its contribution to dependable consumer supply made the price well worthwhile, he maintained.

Unfortunately, there's no spare U.S. producing capacity left, he said, and this might make it seem pointless to discuss market demand proration, which can exist only when extra petroleum is available.

"But it is to be hoped that this energy crunch will not always exist and that the time may come when we again will have some reasonable measure of national security," he said.

He warned, however, that the redevelopment of spare capacity will be possible only if state and federal authorities prepare in advance to apply market demand proration as soon as it again can be effective.

Murray said he continues to oppose federal encroachment into areas properly the states'. But he also emphasized he considers federal regulation better than no regulation and is not nearly so concerned about which agency has jurisdiction as whether its practices will be sound and firmly administered.

"It seems likely . . . that federal officials will find it necessary in the national interest to apply MER and market demand regulations to the Outer Continental Shelf, and there will then develop a better understanding of the important national service rendered by the state conservation bodies in regulating onshore and state controlled offshore areas," he concluded.

"Perhaps we have only temporarily 'advanced to the rear'."

DRUG ABUSE

Mr. HUGHES. Mr. President, on November 12, 1970, Representative James Scheuer addressed the International Symposium on Drug Abuse at Ann Arbor, Mich. He decried the lack of a balanced national attack on drug abuse and described the necessary elements of such a program. His explanation of the inadequacies of our present approach to this growing problem and his prescriptions for change are highly relevant to the future deliberations of the Congress. Representative Scheuer's remarks show a keen understanding of the intricacies of the supply-demand equation of drug abuse. The district he represents in New York City is much more seriously affected by drug abuse than most, and he has spent many years seeking solutions to the problems this abuse creates and reflects. My distinguished colleague from the other House has given us a valuable new perspective on a crucial problem. I commend his remarks to the attention of my Senators, and ask unanimous consent that they be printed at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

The National Program on Controlling Drug Abuse Relying on the Criminal Sanction

(By James H. Scheuer)

The drug crisis has produced the kind of political response that ranks with a loud shout in a hen house. The anger, fear, anxiety and passion surrounding the issue have produced a universal concern which, in turn, has generated widespread, powerful pressures on public officials for corrective action.

There are somewhere between 200,000 and 250,000 heroin addicts, over 20 million marijuana users, and untold hundreds of thousands of speed freaks and amphetamine abusers in the United States. Any indicator you choose shows a meteoric rise in the multi-drug abuse problem in the United States. Arrests of juveniles for drug offenses in California, for example, have increased more than 500 percent from 1961 to 1969.

Drug abuse may simply lead to passivity and withdrawal, or to crimes of violence, prison, death. New York City records three deaths a day from drug abuse. Drug addicts steal between $300 and $500 million a year in Washington, D.C., and over $2.5 billion a year in New York City. 70 percent of those arrested for armed robbery in the District of Columbia are drug users. Well over ½ of all street crime in New York City is caused by addicts. There are many other less visible but just as devastating social costs that could be listed.

The Federal government simply cannot ignore problems as critical and as passionately perceived as drug abuse. Respond it must and the Congressman who does not express his shock, concern, and determination to mount a massive assault on drug abuse is scheduled for early involuntary retirement.

My colleagues and I introduced hundreds of bills in the 91st Congress to deal with the drug crisis, although we have passed only a few of them. The executive branch responded to the social hysteria by announcing "greatly expanded Federal programs" and the shift of resources from other areas to drug abuse programs, wrapped in predictions of great success. But nowhere is there evidence of the decisive leadership and thoughtful programming that is vital to developing a comprehensive, balanced national program on drug abuse. High administration spokesmen have admitted their lack of success to date in developing programs to curb drug traffic. I shall try to indicate to you today what the Federal response has been—its aims, its inadequacies and its oversights.

This is at least the third major drug abuse epidemic in the last 100 years, and the Federal government has responded in much the same way to all of them. To meet the first drug crisis at the turn of the century, when one in every 400 persons was addicted to morphine or codeine, Congress passed the Food and Drug Law and the Harrison Narcotic Act. These laws providing controls and penalties were the first ever enacted. They significantly reduced the problem by making most drug use illegal and applying the criminal sanction to all offenders of the narcotic laws.

Since this law enforcement approach was apparently successful, we tried it again after World War I to combat a cocaine abuse problem, convinced that narcotic addiction was an evil to be stamped out. We have amended these various laws several times, broadening them as the role of the Federal government expanded, increasing the number of drugs under control and the penalties for abusing them.

Facing our third drug abuse epidemic in the mid-60's, we found ourselves with a national policy consisting of harsh and inconsistent laws, punitive ostracism of the drug user, and only slight emphasis on prevention and rehabilitation. This has been based on a morality that condemns the symptoms of social deprivation while scarcely mentioning the intolerable pain, indignity and hopelessness that give rise to much drug abuse. This national policy, whatever its moral and political underpinnings, has provided only the slightest restraining tug on the growth of the drug abuse problem. The criminal sanction has not broken the supply-demand equation which perpetuates drug abuse. The criminal justice system has not been given the resources nor the reasonable and enforceable penalty structure which might have exerted some control over the problem. Indeed, the complex and erratic machinery of drug law enforcement is counterproductive in its impact on crime control; it diverts police time and energy vitally needed elsewhere, debases the quality of the entire law enforcement effort, and supplies a major corrupting pressure on police personnel. As in other non-victim crime—gambling, prostitution, loan-sharking—history teaches us that there are powerful incentives to complicity in the lucrative business of supplying drugs, which corrupt some law enforcement officials. Witness the determined effort to combat corruption by the new-appointed police commissioner, Patrick Murphy, in New York City.

In light of our historical approach to controlling drug abuse, our first and strongest response to the present crisis has not been at all surprising. Borrowing a football analogy the President himself might use, that response has been to "Hit 'em again, hit 'em again, harder, harder!" Our knee-jerk response to increasing drug abuse has been to crack down with more punitive laws and the empty promise of more extensive, harsher law enforcement, despite the fact that there is very little evidence that illegality and stiff

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punishments on the law books have a deterrent effect any longer. But all governmental institutions have difficulty abandoning unproductive policies when they are accustomed to using them. We cling to the comfortable and the familiar as do confused and frightened people everywhere.

The cornerstone of the federal drug control programs for the 70's is the Comprehensive Drug Abuse Prevention and Control Act of 1970 embodying the collective wisdom of two presidential commissions and two congressional committees, enacted into law a month ago. It is first and foremost a law enforcement bill, although a noticeable beginning has been made in approaching the other aspects of the problem. The cutting edge of the bill is in its reorganization and consolidation of the controlling regulations for narcotics and dangerous drugs into a system of schedules; the expansion of the licensing and regulation activities of the Federal government; the stronger penalties for pushers and those who sell drugs to minors; the provision for hiring up to 300 additional agents for the Bureau of Narcotics and Dangerous Drugs; and the no-knock powers granted to law enforcement officials. These no-knock powers; like stop-and-frisk and preventive detention, are representative of the terrible trade-offs we are making for failure; we give up Constitutional guaranteed liberties in return for the promise of reduced crime by virtue of harsher laws. But this trade-off serves no useful purpose, since it doesn't help to stop the steady increase in street crime or in drug use.

With all the bill's faults, it does establish the beginnings of a more realistic penalty structure, stepping down the penalty for the first-time user or possessor of any dangerous drug to a misdemeanor and permitting suspended sentences, probation and parole. Over a third of the states have taken similar action, revising such laws as Virginia's, which used to give mere possession of marijuana the same minimum penalty set for first degree murder. Apparently our ethic now is to punish marijuana users, but not to ruin them for life, since as much as half of today's college population could be called frequent or occasional users. Strict enforcement of even this reduced sanction can only increase disrespect for the law, diminish the deterrent effect of the arrest sanction, and alienate the young. Any system of law that applies the arrest sanction for a kind of conduct that is broadly accepted among significant groups of the population must reduce the deterrent power of that arrest sanction. Since *Playboy* magazine has published a poll indicating that 48% of today's college students have smoked marijuana at least once, it is apparent that the arrest sanction doesn't scare them into abstinence anymore. Is there any reason to hope for an abatement of the problem from this new law? 235,000 people were arrested for drug law offenses in 1969, an increase of over 500 percent since the beginning of the decade, and yet drug use has risen some 2,000 percent in the same period. The Bureau of Narcotics and Dangerous Drugs now employs 1,336 agents, a 350 percent increase since 1965, that has had no perceptible impact on drug abuse in this country. (It should be noted that B.N.D.D. agents represent only 5 percent of Federal law enforcement manpower.) All Federal law enforcement agencies have increased by 500 percent the resources applied to the narcotics problem in the last three years alone, while simultaneously rates of drug crimes, drug deaths, and drug use continue their upward spiral. Our nation has developed a tradition of goal-oriented government policies, measured by the results they obtain. The results of our policies on drugs show that we are nowhere nearer our goal of controlling their abuse than we were 70 years ago. Yet, we continue to cling tenaciously to the belief that strong rhetoric and harsh penalties on the lawbooks will erase the problem, and we search frantically for the perfectly efficient criminal sanction.

The new law will do little to reduce the problem of amphetamine abuse since it imposes no quota controls on their production. Noted medical authorities have testified that 1,000,000 pills would meet all legitimate medical needs (for narcolepsy and hyperkinetic behavior), yet 8 billion pills are produced annually. More than 50 percent of these are estimated to be diverted to illegitimate uses.

In this hue and cry about drug abuse, the Federal government is supposedly directing much of its effort toward stopping the flow of narcotics into the country. The Administration points with pride to the initiatives it has taken to cut off the flow of heroin and marijuana into this country from abroad. The shakedowns and inspections at airports are touted as part of our "first line of defense." The Administration has beefed up inspection and customs teams, added enforcement agents, and encouraged the French, the Turks, and the Mexicans to intercept and destroy the drugs before they reach our country.

Turkey, the source of 80 percent of the heroin that comes into the U.S., makes a multibillion dollar contribution to our drug problem. Yet, our total program to assist the Turkish government in limiting and controlling the opium crop and its illicit distribution consists of a paltry $3 million dollar loan spread over a number of years. About half of this loan is for crop diversification and half for enforcement programs.

Not surprisingly, Turkish opium production has not yet decreased at all. Even though they have reduced the number of provinces in which opium can be grown from 25 to 7, the Turks have increased the yield per acre so substantially that now they are producing as much or more as they were before. As far as our efforts with the French are concerned, it is clear that there has yet to be any real disruption of the refining plants in Marseilles where Turkish opium is processed into heroin and then shipped to the U.S. Only one refining facility has been detected in the last year. The United Nations agencies charged with regulating the flow of narcotic drugs have a budget of little more than $1 million. Nowhere is there evidence of the kind of massive attack that is needed, and years will go by before we see any results from our present insufficient efforts.

The approach we have taken is difficult and not at all likely to be successful. Once the opium has been harvested and sold by the Turkish farmer, the marijuana purchased by the college student in Mexico, it is almost impossible for law enforcement authorities to intercept it. Two to four tons of heroin would supply all the addicts in the U.S. for a year, an amount that would fit into a thousand shoe boxes. There are tens of thousands of places to hide a shoe box on a freighter, and over 450,000 ships and planes arrive in the U.S. every year. Sporadic seizures of smuggled drug shipments may make news, but they cannot make more than a passing dent in the supply of hard drugs. F.B.N.D.D. experts have estimated that a massively expanded police force can only seize 10 to 20 percent of the total illicit traffic coming into the country.

The most hopeful initiative has been the U.S. proposal to the United Nations for a U.N. fund for drug control to be applied to all aspects of the drug abuse problem. From this beginning, we must chart a major, long range program of concerted international action to stop the flow of opium and heroin by cutting them off, not at the pass, but at the source in the poppy fields of Turkey. This should be our first line of defense. I am sure the Congress will support such a program if and when it is proposed by the President. It would require a new, well-funded multinational body which would extend U.N. control from the licit traffic in drugs to the illicit, cutting off the 1,200 tons of opium produced over and above that needed for legitimate medical purposes.

This U.N. organization could fund subsidies to poppy growers for crop diversification and cultivation of other cash crops, like tomatoes, onions, melons, or soybeans; or for transfer of labor by programs of literacy and skills training and job creation, to other more productive sectors of the economy. Such a U.N. body could take effective action against any nation with uncontrolled production or distribution of narcotics by initiating trade embargoes, worldwide publicity, or other sanctions. It could provide technical assistance to establish and ensure the effective operation of appropriate national and international control machinery, programs for preemptive buying of opium crops, and licensing and inspection programs. This U.N. body could also include psychotropic substances under international control, and encourage the development of world-wide educational, treatment and rehabilitation programs.

Only an international program of this scope and ambitiousness promises any hope of success in breaking the international supply of illicit drugs. It would require $25 to $50 million to be effective, but this sum could save billions. International support for such a program would be strong. The number of nations falling prey to the problem of drug abuse grows every year. African and Latin American diplomats at the U.N. have seen the effects of drug abuse in New York City and fear the consequences of its spread to their own nations.

There are additional social controls which the Federal government applies in trying to combat drug abuse. However, in relying on the criminal sanction to limit and discourage supply and access to drugs, we have tended to treat these other controls as optional extras. Treatment, rehabilitation, preventive education, and research into the problems of drug abuse have only gradually begun to receive some of the attention they so desperately need. In the past decade, we have started to deal more humanely and effectively with the growing number of narcotic addicts and drug abusers. Incarceration is expensive and has no significant long term effectiveness. Over 80 percent of the addicts given compulsory treatment in U.S. prisons have reverted to drugs and crime on their release. Even if an enlightened humanism did not bring us to grips with his plight, the cost to society of the addict turned criminal has forced us to give more attention to rehabilitation.

The inadequately funded civil commitment programs of the Narcotic Addict Rehabilitation Act of 1966 proved incapable of handling the problem, even within the limited scope of its application. Only 822 addicts were civilly committed for treatment under this program in 1969, while more than 700 were turned away because they were deemed incapable of being rehabilitated. The Public Health Service and community mental health centers have been authorized to begin treatment programs. The major drug bill of 1970 brought to about $85 million the federal funds available for treatment programs in this fiscal year. That is about as much as the addicts in New York City steal in a week. The National Institute of Mental Health has been funding fewer than half of the treatment grant requests it receives and has actively discouraged applications because of the shortage of funds. Federal, state and private treatment programs are reaching only an infinitesimal portion of narcotics addicts, and are limping along on insufficient funds and turning addicts away from their doors. Only 8,000 of our nation's estimated 250,000 heroin addicts are in methadone programs—a shameful 3%. In England, 75% of the addict population is on methadone.

The lack of knowledge about the various methods of treatment further inhibits a fed-

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eral role in this area. There is no authoritative, comparative assessment of various forms of treatment, indicating which programs work for which types of people for which types of drug abuse. An ambitious effort in the Congress this past year to meet some of these needs and produce a federal treatment program adequate to the challenge was beaten back because of the priority given to law enforcement. Senator Hughes' bill, which I cosponsored in the House, would have consolidated the federal treatment programs within one office, giving it $26 million more than is now provided, and assigning this office to the status, the priority, and the programs needed for the job. The confused jumble of ideologically competing treatment programs made it easier for the Congress to conclude that the tools for a massive assault were not yet available or properly assessed. More modest efforts, therefore, were considered appropriate, while we concentrated our greatest energies on a legal crackdown which is primarily visible in the law books alone.

The federal government is showing increasing interest in attacking the demand for dangerous drugs by educating young people to their dangers. We have begun to see that the nonsense peddled throughout this century by the Federal Bureau of Narcotics was simply an inept scare tactic, based on ignorance and arrogance. The F.B.N. warning about the dangers of the "killer drug—marijuana" from the 1920's and 30's now appears in pop art posters on college dormitory walls. In more recent times, the able agents of the Bureau of Narcotics and Dangerous Drugs have not been much more effective in developing credibility on the campus. They have had the unenviable task of explaining and justifying the inadequately explored effects of drugs and the ineffective prohibitions on their use.

Consequently, the Administration has doubled the drug education budget to almost $20 million for this fiscal year, establishing crash programs of lecture, courses, information, advertisements, panel discussions. The motivation is admirable, but the effects are questionable. We are only beginning to separate fact from folklore about drugs, and it is unlikely that any state or community yet has an adequate drug education program. We know that drug abuse is triggered by curiosity, peer group pressure, and experimentation, alienation, hopelessness, but we don't yet know how to meet this mixed bag of motivations effectively. The medical and educational outcry on soft drugs to date has been so exaggerated that most young people now shrug off even the most reasoned scientific evidence about the dangers of using hard drugs.

A recent poll by CBS indicates that the entire population is still largely uneducated on the drug problem: People's opinions are still based on fears rather than facts. Eighty-one percent think that marijuana is addictive and habit-forming. Forty-four percent think it is equally or more dangerous than heroin. Seventy-nine percent think the legal penalties for marijuana drug use should be kept the same or made stronger. These kinds of public attitudes are the underpinnings of the law enforcement approach to the drug problem. Public education on drug abuse for all sectors of the population is an indispensable part of any more enlightened national policy.

Another area where there is a clear bias for law enforcement and against any other approach is in research on drug abuse and how best to deal with it. Although it is clear that we lack the concrete evidence necessary to formulate adequate or sensible controls over many kinds of drugs, until recently, research has been met with indifference, hostility, or outright harassment. It is astonishing, given the chronic public alarm, that so many fundamental questions remain unanswered. The $23 million to be spent this fiscal year on drug research and other support compares with $20 million on pesticides and insect research, $132 million on arthritis, $96 million on allergies. These are all necessary programs, but surely the levels of funding indicate that drug research should be far more liberally funded. Nonetheless, a bill I proposed a year ago to provide $25 million to the National Institute of Mental Health for drug research has languished in the Congress.

Federal and state laws have been stumbling blocks to research, since we have been more worried about leakage of drugs to illicit channels than we have been about answering the questions about drug abuse. Our need for information about all aspects of drug abuse has been ignored in our drive to stamp out the problem. Consequently, many of the standard generalizations, such as "speed kills" or "Marijuana users tend to experiment with progressively harder drugs" or "drug use leads to crime" are the conclusions on which we base our facts. Some of the most crucial areas for research seem to be almost totally ignored. Who is trying to develop a synthetic replacement for codeine and morphine—the only legitimate uses for the opium poppy—so that we can call for a world-wide halt on poppy culture and opium production and trade? Why have we only begun to experiment with blocking drugs or narcotic antagonists such as cyclazocine and naloxone? Where are the crash programs from government and the drug industry that could contribute so greatly to destroying the demand side of the drug abuse picture? Less than $4 million will be spent on opiate research this year. Why has there not been a careful evaluation of the British system for dealing with heroin addiction which seems to have been highly effective in reducing crime and other social problems associated with addiction? The legalized dispensing of heroin in state clinics has eliminated the black-market in this dangerous drug, discouraged the growth of a large addict population, and brought the addict back into contact with the supporting services necessary to break the pattern of addiction. It is hard to believe that we are really serious about our research effort until we begin extensive efforts in areas such as these.

Our so-called national program to control drug abuse is an impractical, fragmented approach to a poorly perceived problem, despite all the pledges for massive assaults that were zinging around our heads during the late, unlamented election campaign. Our misdirected, poorly funded attack on the problem promises only the faintest chance of quick success. The emphasis throughout this century on applying the criminal sanction as a solution is still prevalent today. In trying to break the supply of and demand for dangerous drugs, we are still cracking down on the suppliers and users with stronger laws but pathetically few law enforcers. We are only toying with an international effort to halt the flow of illicit drugs, relying on rhetoric and threats to cut off foreign aid instead of helping to supply the resources other nations need to combat the problem.

When drugs do reach the country, we pay only slight attention to education, treatment, and rehabilitation programs, applying band-aids to a cancer. We fumble around in the dark, grasping the weapon we feel most comfortable with—the harsh legal sanction. We put very little lead in our law enforcement pencil, however, relying on strong words to deceive ourselves and soothe the public panic. The limited scientific research of the past decades has produced little information to challenge the national conviction that this is the best and most effective approach.

We need a national program on drug abuse which will include as a minimum the following elements:

The development of a synthetic analgesic for morphine and codeine.

The development of a long-lasting, non-addictive blocking drug.

Research into both the sociology and pharmacology of marijuana, heroin, amphetamines, and barbituates, and how to combat their abuse.

Development of a realistic penalty structure.

Computer-bank control of drug pills throughout the production-distribution cycle, (manufacturer, wholesaler, jobber, druggist, prescribing physician), both nationally and internationally.

Application of advanced technology to the problems of detection of drug possession and manufacture, using such techniques as sniffers, infra-red detection, and satellite surveillance.

Increased appropriations for domestic enforcement personnel.

Increased support for UN sponsored programs for international control; such programs as crop diversification for opium poppy producing countries, road construction, light industry development, and preclusive buying of opium crops. The UN can also supply technical assistance for the development of national licensing and control programs to regulate drug manufacture and distribution, and satellite surveillance of poppy culture.

Education programs that have been carefully evaluated as to their ability to discourage drug use. These should be aimed not only at potential or actual users of drugs, but also at whole communities so that they may have a realistic understanding of drug problems and how to deal with them.

Development of a comprehensive, comparative assessment of various treatment methods so that we know which programs work for which types of people and which types of drug abuse.

Greatly expanded treatment and rehabilitation programs.

The drug problem shows no signs of melting away, and I don't expect to be joining any victory marches in the Bronx in the near future. We have to reach a national consensus on whether our drug programs should establish a high moral ethic enforced by criminal sanctions that fail to persuade or dissuade, or an intelligent, effective program based on careful research that addresses itself to the basic causes of drug abuse. We need a balanced attack on all aspect of the supply-demand equation, combining the criminal sanction with some of the other imaginative programs of international control, treatment, preventive education and research that together represent the social controls commensurate with the cost and the challenge.

VOLUNTARY AGREEMENTS OR MANDATORY QUOTAS—WHAT DOES THE TEXTILE INDUSTRY REALLY WANT?

Mr. MONDALE. Mr. President, on the 19th of December I reported what I felt to be a most serious change concerning the conduct of the American textile industry with respect to the United States-Japanese efforts to reach a negotiated settlement of the textile issue.

While my charges were unofficial and from a source which I could not and cannot now disclose, I thought they were so potentially serious and so vital to the trade legislation then under consideration in the Senate that they should be brought to the attention of the Senate and the Nation.

I revealed reports then that the American textile industry, despite its insistence that it seeks quotas only as a stopgap until a voluntary settlement can be reached, was in fact working actively to prevent any settlement and had recently forced our negotiators to back away from what very probably could have been a formal agreement with the Japanese.

Not surprisingly, this allegation met with immediate protest and denial from the White House and those supporting quotas.

But I would like to call to the attention of my colleagues the reports of Secretary Stan's news conference of December 23 in which he admitted that the textile industry had officially opposed a settlement formula and that the talks had now been "temporarily suspended."

The transcript of Secretary Stan's news conference, at least through yesterday, was still not being released, but I would like to insert at the close of my comments a number of press accounts of that conference.

I believe they fully corroborate the allegations I made earlier, and demonstrate that the textile industry, as long as the administration continues to make political promises of legislated textile quotas, will continue to sabotage any real negotiated settlement with the Japanese.

I should add that the blame is not really to be placed on the industry. As long as the administration promises legislated quotas for textiles and hope thus remains for any easy elimination of foreign competition, one must expect the industry to prefer this outcome—as undeserved and potentially disastrous as it may be. I renew my plea to the administration, then, to abandon its political game; get out from under the thumb of the textile industry; and begin an honest pursuit of a negotiated settlement with the Japanese.

Mr. President, I ask unanimous consent at this point that the articles referred to earlier in my remarks be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Daily News Record, Dec. 24, 1970]

U.S. MILLS DID OPPOSE THAT TEXTILE TRADE PLAN, STANS SAYS

(By Richard C. Sizemore and Richard Wightman)

WASHINGTON.—Despite reports to the contrary from the U.S. textile industry and the White House, Commerce Secretary Maurice Stans said Wednesday that the industry did oppose the formula reached in the U.S.-Japanese textile talks.

But Stans hedged by adding that the industry held no veto power.

Stans "guessed" that the current talks between Japanese Ambassador Nobuhiko Ushiba and Peter Flanigan, White House aide, would be "suspended" soon and renewed after a few weeks.

At the White House, Ronald Ziegler, press secretary, said, "I would prefer to say that nothing is scheduled for several weeks." The reason for the hiatus, according to Ziegler, is that the Japanese want to "go into further discussion back home" on the issues in the negotiations.

A Japanese Embassy spokesman said Ushiba was still awaiting instructions from Tokyo before requesting another meeting with Flanigan.

Stans said representatives of the U.S. textile industry met with him and other officials, whom he didn't name, last Monday night. That means the meeting came a few hours after Ziegler emphatically denied a charge by Sen. Walter Mondale (D.-Minn.) that Flanigan had "backed away" from an agreement with the Japanese after it had been rejected by U.S. textile manufacturers.

Ziegler agreed Wednesday with Stans that the domestic industry was unhappy with the way the talks were going, but he insisted the suspension had nothing to do with this. "I wouldn't draw that conclusion if I were you," he told reporters.

Ziegler denied that the meeting between Stans and the domestic mill men had anything to do with allegations made by Mondale to the effect that the mills had vetoed a prospective agreement.

He repeated that U.S. firms were only being "consulted" and "informed" on the progress of the talks.

On Tuesday a spokesman for the American Textile Manufacturers Institute (ATMI) denied the Mondale allegation. He said the industry hadn't been asked to accept or reject anything and didn't know the White House talks had reached the point where the industry could be asked for comment. That was the day after the industry group had met with Stans.

Stans told a news conference Wednesday that "stories yesterday that the American Industry doesn't believe the negotiations are pursuing the kind of formula that is workable" were "quite true." He didn't elaborate.

Stans said the American textile industry was concerned over the formula of the proposed agreement. He said it called for specific limitations on some categories of wool and synthetic textiles but no specific limitations on others.

It called for a trigger mechanism if certain textiles reached a significant level. But the negotiators bogged down over the mechanical formula for triggering a halt to imports at a certain level—over who determines when and where and other details, Stans said.

Stans, who was giving a year-end review of his accomplishments and disappointments, singled out the textile negotiations as his biggest disappointment. He said he had been involved in the negotiations for two years and added, "I guess it will be back with us next year."

He conceded he didn't know what the Japanese were thinking. "There are all kinds of theories as to what the Japanese are thinking," Stans said.

Looking ahead to next year, he said the position of the U.S. industry has worsened in the past year. He noted that the Presidential commitment to help the industry is as strong as it has ever been. "I think the problem is more critical now than ever," Stans said.

The Japanese, Stans said, "know we ran out of time with developments in the Senate, and they know the situation is getting worse all the time."

A Japanese Embassy spokesman said his country expects a new and possibly an even stronger U.S. trade bill next year. "We still feel that negotiating a bilateral agreement is necessary," he said.

Stans said he assumed that talks would be resumed at the White House next year. "I think Flanigan has met about 20 times (with the Japanese)," Stans said, "and I have met 40 times with him. We have a close working relationship and a strong total input" into the negotiations. "But it's very difficult to find an acceptable formula."

Stans was asked about renewed suggestions that U.S. and Japanese industry leaders meet to try for common ground. He said he doubted if anything significant would come from such a meeting. But Stans suggested something might be done if members of labor organizations on each side of the Pacific get together.

He claimed that the Japanese industry "is more splintered than ours and is unwilling to relinquish anything."

[From the New York Times, Dec. 24, 1970]

TALKS SUSPENDED ON TEXTILE CURBS

WASHINGTON, December 23.—White House negotiations with Japan over voluntary curbs on textile imports will be suspended until early 1971, Secretary of Commerce Maurice H. Stans said today.

Mr. Stans declared at a news conference that American textile manufacturers had advised him they felt the talks were not developing "the kind of formula that is workable."

Ronald L. Ziegler, White House Press Secretary, would not agree that the talks had been suspended, but said, "I don't think there are any talks scheduled for several weeks." He said Japanese authorities were in consultation on the negotiations in their homeland and anticipated a resumption of talks next year.

Industry representatives opposed the proposed mechanics of a draft agreement at a meeting with Mr. Stans in Washington Monday night, Mr. Stans noted.

"Under the circumstances I think there will be a short period of suspension," he said. "I assume there will then be a renewed attempt to find a solution in further talks at the White House."

Asked whether he felt the United States bargaining position had been weakened by the decision of Congress to recess without acting on a trade bill, under which mandatory import quotas could be imposed on textiles, Mr. Stans said:

"The Japanese know as well as we do that we just ran out of time because of delays in the Senate or there would have been a trade bill."

CONCERN EXPRESSED ON JOBS

The Japanese also are aware of the Administration's concern over the loss of an estimated total of 100,000 United States jobs in the textile and apparel industries in the last year, Mr. Stans added.

A major concern of his department in the next two years, Mr. Stans said, will be to strengthen the country's trade surplus. In three of four major foreign trade categories, the United States has either been failing to build surpluses or incurring larger deficits, he said.

The Secretary explained that in agricultural products the United States was approximately holding its own, in minerals and oil it was "building our deficit year by year" because of increased reliance on foreign supplies, and in low-technology manufactures, such as textiles and steel, "we are running very large deficits."

"Only in exports of high technology products do we have a substantial margin," Mr. Stans noted. "These include automobiles, computers, aircraft, nuclear power plants and other items—17 categories in all—in which we have been running a favorable balance of $8-billion a year.

"But in the past couple of years this surplus has not been increasing. The technology is being transported overseas. . . . We've got to pull out all stops to insure that we maintain our technological superiority."

PROGRESS ALSO NOTED

At the same time, Mr. Stans reported what he called a very gratifying record of progress in at least a dozen major programs in the last two years, including the merchant-ship building program, the census, the promotion of minority-owned business enterprises, the United States travel service and oceanography.

The two major current problems, pollution and consumer protection, are being approached through voluntary, industrywide efforts at cooperation, Mr. Stans said.

He cited, the work of the National Industrial Pollution Control Council, in collaboration with the Commerce Department, as an effective measure in remedying environmental problems.

The Secretary rejected the idea that the Government should pass a series of mandatory standards, calling it the "whipping-the-dog" approach. The benefits of the coopera-

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tive approach are shown, he said, by the progress made in abating mercury pollution.

"Within a few months the business community went to work on that and stopped 90 per cent of the mercury going into streams," Mr. Stans said.

AGREEMENT EXTENDED

In another development, the United States and Nationalist China extended for six months their agreement limiting the flow of cotton textile exports to this country, the State Department announced yesterday.

The agreement would have expired December 31.

The department said the extension would give both parties additional time to complete the negotiation of a new agreement.

Over the six-month period, the extension provides these ceilings: aggregate textiles, 39.3 million square yards equivalent, consisting of 14.8 million square yards of apparel and 24.5 million square yards of non-apparel.

The ceilings correspond to one-half the 1970 level but also include growth at an annual rate of 5 per cent.

TRIBUTE TO SENATOR DODD

Mr. METCALF. Mr. President, for the term of the 91st Congress it has been my privilege to sit next to Senator DODD of Connecticut. This relationship renewed and reinforced an old friendship that began when we were Members of the House of Representatives together. TOM got to the Senate before I did but when I arrived as a neophyte and newcomer he helped me in the orientation that is an inevitable part of the change from one body to another.

Senator DODD has been a valuable Senator. When for example we disagreed on such questions as gun control he was always courteous and understanding of differing points of view. His work on that bill, and many others, was of significant importance to the Nation.

The vote on Senator DODD's censure was the most difficult vote I have made since I came to Congress. Looking back perhaps he was more sinned against than sinning.

So I say farewell to a colleague and friend. Good luck TOM.

TRIBUTE TO SENATOR RALPH YARBOROUGH

Mr. McGOVERN. Mr. President, it was my great pleasure to take part in a unique celebration on December 15 in Austin, Tex.

There have been many victory dinners around the country since the November elections. But in Austin we paid tribute to a man who had suffered an earlier electoral defeat, the senior Senator from Texas, RALPH YARBOROUGH.

RALPH YARBOROUGH will be sorely missed in the Senate, by Texans, by those of us who have been privileged to serve with him, and by his constituents throughout the country.

But the Austin dinner was not an occasion for mourning.

Instead we honored a gifted public servant. We paid tribute to a record that is the obvious fruit of both boundless energy and matchless compassion. And we celebrated what has been, by any standard, a brilliant Senate career.

But perhaps the best portrayal of the spirit of that event can be found in the dinner program and in news accounts that appeared in succeeding days in a number of Texas newspapers.

I therefore ask unanimous consent that there be printed in the RECORD at this point a number of excerpts from the printed program, followed by several articles and comments from the Austin Times of December 17.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROGRAM

MIKE MANSFIELD

Not always is a public career distinguished at all times by high principle and great courage. I honor Ralph Yarborough as one of those in public life whose devotion to principle has been unwavering and whose immense courage, tested on countless occasions, has never been found wanting.

Leadership in the Senate of the United States is often a tedious and tiresome task. Faced with competing viewpoints, noble objectives are often sacrificed to the expedient of the quick compromise. That expedient, I am proud to say, was never adopted by Ralph Yarborough. Whether pressing for enactment of the Cold War GI Bill, or fighting to preserve the natural beauty of Padre Island, lying in the Gulf of Mexico, Ralph persevered to a victorious objective—and he did so without sacrificing those things in which he deeply believed.

The record is there. It is filled to the brim with such achievements; achievements that have been heralded across this nation. Without recounting them again for the people of Texas, it is enough to say that, in the field of education, he was the pioneer; on Veterans' benefits—where at all times he was out in front all alone—he saw his goals attained; his efforts in behalf of improved health benefits, of increased medical research, and of greater attention to the welfare of all Americans have been written into the law books for all time.

Frankly, I do not know which achievement Ralph would most prize. His record to preserve this nation's resources, its natural beauty and vast mineral reserves is one envied by many. Indeed, the great State of Texas is literally covered with monuments of America's heritage that will last for all time because of the foresight of Ralph Yarborough. There is, as well, his record to upgrade the status of the Federal worker. It has done much to instill needed pride and devotion throughout the Civil Service. But, perhaps his greatest achievement does not lie in any one legislative proposal or in any single project. Thus far, perhaps Ralph Yarborough's greatest success lies in the deep devotion to principle with which he has represented the people of Texas in the United States Senate for the past twelve years.

Surely, it is a great honor to be chosen to represent a State in the United States Senate and to render a judgment upon the great issues of the day. It is an honor as well to initiate proposals upon which those judgments were made during one's service. In Senator Yarborough's case, there were many proposals and they went a long way to change the very structure of American society in a lasting and most beneficial manner. Such great success can be attributed only to the greatest devotion to principle and it is for this that all future generations of Texans and, indeed, all future generations of Americans will be indebted to Ralph Yarborough.

Those generations will know that there are greater personal defeats than those suffered at the polls. There are the defeats suffered by the compromise of belief. On that score Ralph Yarborough has never suffered a loss.

He leaves the Senate a man of unimpeachable principle. He may stand proud with his shoulders back and his head high. Yarborough of Texas has left examples of integrity and courage that have made a better Senate and a better America.

LAWRENCE F. O'BRIEN

It was my great privilege, for eight exciting years, to serve Presidents John F. Kennedy and Lyndon B. Johnson as their liaison with Congress for the enactment of the historic legislation of the New Frontier and the Great Society. How senators and congressmen were going to vote was, you might say, for them to know and for me to find out.

But my staff and I never had to spend much time figuring out how Senator Ralph Yarborough would vote on those legislative matters of such urgent social concern.

Ralph Yarborough, we knew, would vote his conscience.

He would vote for what was best—the very best—for the people of the United States.

Ralph Yarborough's vote, we knew, would be a compassionate vote. It would recognize and seek to meet the critical needs of the people—in medicine, education, equal opportunity.

And it would be a courageous vote, dictated by no special interest but that of the people of his state and his nation.

As President Kennedy once said:

"This is a time when all of us who believe in government for the people, who believe in progress for our country, who believe in a fair chance for all of our citizens, who believe in the growth of Texas, who believe in the development of the United States, who believe in a strong United States as a great bulwark of freedom, who believe in a United States that is second to none in space, on the sea, on the land, a United States that stands for progress—all of those—I think Ralph Yarborough stands with them."

No senator ever devoted more time and energy to the people of his state than did Ralph Yarborough for his Texas constituents. In the months since his primary defeat last spring, it was a true measure of the man that he refused to recognize any so-called "lame duck" status, but seemed to drive his Senate office staff to even greater efforts to get every task in sight completed before his return to Texas.

The victims of Hurricane Carla in 1961, for example, will remember their senator's efforts—not only in prying loose assistance from the bureaucracies of Washington, but in slogging through the wreckage along the Gulf Coast asking, "What can I do to help?"

And now my good friend Ralph Yarborough is returning to Texas. But those who know him—and I believe I know him well—have no doubt that he will continue to be a major force for the Democratic Party, for Texas, and for his country.

JOE B. FRANTZ

Salud!—Although Ralph Yarborough has lived half as long as the State of Texas has been in existence, it is in the baker's-dozen years of his stewardship as its Senator that we salute him tonight. As Senator he has had his largest stage and therefore his greatest audience and opportunity.

Despite the noise engendered by a century and a quarter of Texas Senators, less than a half-dozen will survive the general anonymity of history: Sam Houston, John H. Reagan, Tom Connally, Lyndon B. Johnson—and Ralph Yarborough. Although temporary rejection, and sometimes bitter animosity, were not unknown among this quintet, they have surmounted the forgetfulness of time and their reputations continue to grow.

Why Ralph Yarborough among this group? In the first place, because the people sent him to Washington on three different occa-

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sions for one partial and two full terms, so that in an era of exciting and sometimes chaotic change he emerged into the upper quarter of seniority, with all the power and opportunity that such a Senatorial position permits.

But mainly Ralph Yarborough stands out in the pantheon of Senatorial heroes because he faced up to issues that had either been too long neglected or had never even been considered. When the heat of Viet Nam and campus riots has cooled, the Sixties will be remembered as the period when the United States finally wrestled with the Twentieth Century in terms of justice and humanity. Festering sores long untreated could not all be healed in one political generation, but the painful, often distasteful medication was at last begun.

Square in the middle of all this ferment stood Ralph Yarborough. No, not stood, for he seemed never to rest, not to let anyone around him rest. Probably the best-read public official in Texas' long history, he brought his broad-gauged mind to bear on specifics that are statistically shattering. To list the successful concerns of Senator Yarborough would be to echo the Biblical "Begats." The list, though not interminable, is long indeed.

Even the categories go on and on. But just to look at a few:

Texas has a national seashore and a second national park, largely because of Senator Yarborough. And something is being distilled now in the Big Thicket, a chunk of Texas make-believe that was vanishing before the Senator adopted its preservation as a personal mission. In education, he was co-author, sole author, or avid supporter of the National Defense Education Act, Cold War G.I. Bill, the public broadcasting act, and various national health acts. He has supported the farms, whether at the level of rural housing programs or through increased rural electrification; and he has supported the cities, co-sponsoring almost every urban assistance measure acted upon by Congress since he first went to Washington in 1957.

In his war on poverty President Johnson had no more staunch advocate than Senator Yarborough—Job Corps centers, Headstart, bilingual education, improvement in the migrant labor situation. As a reserve Colonel Yarborough has championed the Department of Defense where he felt it needed shoring up, and he has been its perceptive critic where he felt it erred. He steered the Fair Labor Standards Act Amendments of 1966 through the Senate, which not only raised the minimum wage and widened industry coverage, but brought 400,000 agricultural workers under minimum wage protection for the first time. He worked for minority rights, for postal reform, for consumer protection, and for the aged.

That his concerns were not wholly domestic is indicated by his tours of the battlefields of Viet Nam, his appointment to countless international delegations, and his work on international problems from the Peace Corps to the Chamizal. If ever a man deserved the term "ubiquitous," it was and is Ralph Yarborough.

And in this final session of Congress, lame duck though it may be labeled, Ralph Yarborough has been as busy as a brand-new Senator trying to make a reputation. He still pushes for legislation that he believes will serve the nation, he still serves his constituency, he still rides pell-mell through a 20-hour day without seeming to flag.

A curious man, Ralph Yarborough. He never seems to age; his smile is the half-inviting, half-guilty grin of an eight-year-old overalled imp; his voice is pure East Texas with very little corruption from years in a larger world; his pace is torrid; and his sense of dedication is unswerving. Although he attracts zealous advocates, he pursues principles and not people, with the result that he has enjoyed—and "enjoyed" is the precise word—some hellacious feuds with other public figures. He would split with his closest friend on a specific vote involving principle; he would lie down with the Devil himself to help one old person approach twilight with dignity. He can orate like a 19th century Populist; and he knows books as few other men in the nation. I once heard him give an off-the-cuff talk on a phase of the Civil War that was detailed and incisive absolutely without notes. I marveled, for not two Civil War professional historians in the entire South could have equalled him. I'm tempted to say none could equal him, but as an academic I must always hedge.

It has been a pleasure being a Texan while Ralph Yarborough was in the United States Senate, and to go about the world hearing praise of his greatness from people who are ordinarily critical of all things Texan. J. Frank Dobie once hailed him "for his enlightened intellect"; George McGovern for his "keen understanding of the needs of his State"; and John F. Kennedy for his desire to make the United States "a great bulwark for freedom"; while Lyndon Johnson told Texas voters that "no Member of the U.S. Senate has stood up and . . . fought for the people more since I became President than Ralph Yarborough."

These are the men with forums from which to speak and write. But in the factories and ghettos and *barrios*, and on the farms and over the counters millions more, voiceless but grateful, speak with their heart for a Senator who has cared and dared.

So, Senator Yarborough, *Salud!* Your present comfort lies in the satisfaction that you have done your best with a zeal that few men can match and none can surpass. And our satisfaction lies in the knowledge that for thirteen years we have had a Senator with the heart to serve, and with the unbounded courage and compassion to lead. No people could be luckier than we, your adherents.

As for the future, history will winnow the chaff of the critics, and the good grain which you have planted and nurtured will survive and grow, so that generations to come will honor you. We only wish they could have known you as we have been priviliged to know you. Only then could they understand why tonight our hearts overflow with affection.

GEORGE MEANY

When the 92nd Congress convenes in January, what we will miss most is the heart of Ralph W. Yarborough—that quality of warmth and devotion to people that so truly characterized his career.

Labor will be missing a valued friend. Texas will be missing a devoted public servant. The American people will be missing a man who was the Senator of all the people.

The occasion of a great Senator leaving that respected body is, of course, a sad one. But our sorrow is tempered by grateful memory of what Ralph Yarborough has left all of us as a monument.

There is the first major bill he authored, the National Defense Education Act of 1958, and the last, a plan for National Health Insurance, and his favorite, the renewal of the G.I. Bill of Rights. From the first to the last he never wavered from his dedication to people.

In conservation, civil rights, agriculture, veterans affairs, national defense, international relations, labor, maritime, education, health, job safety, highways, social security—in all these, Ralph Yarborough has been the legislative draftsman.

The committee he chaired, the Senate Labor and Public Welfare Committee, authored much of the great social legislation of the '60's. The New Frontier and Great Society proposed—the Senate Labor and Public Welfare Committee brought it to life.

Much of the time, the fighting was not easy. Each battle required a strong, articulate, tireless leader. Ralph Yarborough shunned the easy fights. He took on the hard ones, and the American people are thankful that he did.

Sometimes it is difficult to figure out how a Senator will vote. It wasn't so tough to figure where Ralph Yarborough stood. He voted with his heart—a big heart, filled with love and hope, strength and decency.

His legislative record is one of true meaning—the meaning of human respect and dignity; the meaning of a better life for all Americans.

And now Texas salutes Ralph Yarborough; Labor salutes Ralph Yarborough; the American people salute Ralph Yarborough.

And each and every one of us say "Thank you—and well done—Senator."

MARK ADAMS

Several decades ago a young fellow named Ralph Yarborough left the piney woods of East Texas. And out into the world with him he took a very special dedication to the great democracy and the green hills of his boyhood home.

Since then, whenever the ways of that homeland have seemed threatened by enemies, domestic or foreign, Ralph Yarborough has appeared in the combat zone fighting whoever or whatever threatened, wherever it might be—as if drawn to the center of the melee by some embedded magnet.

When the threat was foreign, in World War II, he was in the combat zones where the war was fought, both East and West. And when a world in turmoil made us vulnerable to the less easily identifiable protagonists of disorder and decay at home—still he was there in the middle of the fighting, aiming his blows, swinging with all his might—with little of the self-centered recklessness of the glory hunter, but with a steadfastness that made him conspicuous for his predictability.

We Texans learned to recognize him precisely for that trait.

In 1957 Ralph went to Washington as Senator from Texas.

No. As a little something more than that.

Neil Armstrong set foot on the moon, and he was ours, and we were proud of him. But when he spoke he didn't speak just for us, he spoke for mankind—and that was better still. Just so as we watched Ralph Yarborough through his first years in the Senate, it dawned on us that he wasn't just a Senator from Texas—he was a Senator of the United States. And that some others who were Senators of the United States recognized this and claimed him as one of their own. And with them he plunged into the thick of the fighting at precisely those points where the great democracy and the green hills were most vitally involved.

It was part of the pattern. In the confusion, cushioned with a flab called affluence, after the Korean crisis, the great democracy and the green hills of home were both imperiled as never before, by enemies all the more deadly for that they were as hard to identify as a Viet Cong villager, and for the same reason—except for a little matter of purpose in the back of the mind, they all looked like homefolks just a mite on the sophisticated and broadminded side. The combat zone was in Washington, D.C.

Schools are the first requisite for Ralph Yarborough's kind of world, and on that front he fought most persistently. Every school bill for a decade has borne his imprint.

For the youngsters whose schooling had been interrupted by war there was a special provision. In the areas where schools were handicapped by economic factors, he fought for federal funds.

And the green hills that give them room to grow were conserved in parks and monu-

XUM

ments that can be a refuge and re-creation for generations yet to be.

People are key to the quality of democracy. Yarborough's vote and his efforts were always for the people. The aged, the injured, the underprivileged never had to wonder before the votes were counted where Yarborough would be found. He is a stalwart, and that is that.

And the scraps where the point at issue is a contract or an appropriation for an inner circle of friends? They just annoyed him, and he was never particularly reticent about saying so. Truly he was a thorn in the side of the half smart and wholly corruptible little opportunists of the bureaucracy and even the congress. And they hated him. And that, also, was that.

Amid the changeable winds of opinion, his clear sense of direction made him a reference point. The battles in which he fought were the important ones. The little dust devils of personal financial opportunity can blind some politicians to the point where they can stand on the peaks for decades and never see the panorama at all; Yarborough's eye was on the overall battle and he fought where the fighting counts.

And now the combat veteran of the decades-long wars is coming home. We Texans have done some funny things to our cool-headed stalwarts. When Sam Houston tried to tell us not to get into the Civil War, we removed him from the governor's office. And for several generations we have paid the price he said we'd pay—and sort of tried to forget what we did to him for not helping us cut our own throats.

The combat veteran is coming home. And at least enough of us have been through a similar experience to know that the home folks, God bless them, can't really know what it was like out there on the battle line, or how the battles were fought, or even why. But still it's home.

And Ralph Yarborough must surely, somehow, find a special comfort and renewal back amid the fields, the shorelines, the forests—and the freedoms—he fought to save.

Welcome home, Ralph.

Nearly 4,000 Friends Honor Texas' Senior U.S. Senator

Nearly 4,000 people crowded into Austin's Municipal Auditorium Tuesday night to attend a dinner honoring U.S. Senator Ralph Yarborough. Yarborough lost the Democratic primary election and will return to Austin in January after 13 years in the Senate.

Former Vice President Hubert Humphrey, now senator-elect from Minnesota, headed a group of distinguished guests from Washington who came to Austin for the dinner. Sen. George McGovern of South Dakota and Sen. Harold Hughes of Iowa joined Humphrey and Congressman Bob Eckhardt of Houston in paying tribute to Yarborough.

McGovern and Hughes are both considered possible contenders for the Democratic presidential nomination in 1972.

McGovern told Yarborough supporters, "We have something to celebrate, something beyond the mere counting of votes. . . . We celebrate the courage of a statesman who returns to you with peace in his soul and steel in his spine."

McGovern called on the South to "reject that corrupt fraud which calls itself the southern strategy." He said Nixon's only answer to the fact that the South lags behind the rest of the nation economically is "to appoint a Carswell or a Connally." And he urged Southerners not to be taken in by this strategy. His reference to Connally brought laughter and catcalls from Yarborough partisans.

McGovern said "citizens of all ages are groping for new values—or rather they are looking for a restoration of old values in a modern context." He said America must return to its original concept of freedom and to the belief that "the individual is not just a solitary wanderer but a person whose place in his community and family is to be secured and respected.

"To those who carry the slogan 'America: love it or leave it' we shall reply 'we will change it so that we may love it the more,' " McGovern said.

He said the South more than any other section of the country "clings to a belief which values men more than their goods or bank accounts . . . (and) these beliefs now represent the common hunger of all America.

"The country is confused, uneasy and often in turmoil," McGovern declared. "As Americans and as Democrats we want to win elections, but the victory must be for something and about something. More important than victory is our responsibility to give the people of this country a liberating and a constructive alternative . . . to lay bare the malfunctions of the society and to discuss solutions that they may be painful.

"There can be no more noble opportunity and no greater burden," McGovern declared. "Keep up the battle. America's future may depend on the outcome."

McGovern was warmly introduced by Waco insurance executive Bernard Rapaport in what came close to being a campaign speech for McGovern. Rapaport is a member of the national council of Business Executives Move for Vietnam Peace. McGovern has spoken out against the Vietnam war since its beginning.

Hughes warmly praised Yarborough's work in the senate on behalf of health, education and environment legislation "not only for Texas but for the United States and all humanity in the world.

"Yarborough of Texas," Hughes said, "will never know defeat. He may be temporarily removed from Congress, but the spirit of what he has worked for, believed in and battled for will continue."

Democratic national committeewoman Mrs. William Patman, in her introduction of Humphrey, praised him for his role in ending crime and corruption in the city of Minneapolis when he served that city as mayor 25 years ago. She said he was the first big city mayor to institute "law and order"—and she stressed—"with justice."

Humphrey was keynote speaker for the evening. He often brought Yarborough supporters to their feet with his revival meeting style. Humphrey said Yarborough had suffered "only a momentary and temporary defeat" and he called on "concerned people everywhere" to work harder to fill the void.

Humphrey said that after his own defeat in 1968 he had returned home to Minnesota to his own people "for reflection and renewal." He said he hoped Yarborough would be able to refresh himself in the same manner and "return to public service again.

"I'm going to pick up where Ralph Yarborough left off," Humphrey declared. "This nation is leaderless. It does not need scolding, it needs to be uplifted. It needs hope in all its people—not doubt—not fear. Inspiration not polarization . . . There is a lot of good in America, and we need leaders who will call out the best that is in us."

Congressman Eckhardt arrived late aboard the same plane carrying Hughes. "I am tired of such words as rhetoric, image or charisma," Eckhardt said. "Give me honesty, concern and devotion."

Responding after the many warm tributes to his service, Yarborough said he would have to be careful such praise didn't make his head too big "and give me an exaggerated sense of my own importance." But, then he said he had to remember that "this is not, after all, a victory dinner."

He thanked the people of Texas for giving him the opportunity to pass legislation "affecting the lives of millions of people."

"I am not here tonight depressed in spirit . . . ," Yarborough said. "I lay this toga down as unsullied by any act or deed as the day you placed it upon my shoulders new and clean, nearly 14 years ago.

"We must act in the living present," he said. "It is time to go to work. I appreciate this welcome home, but I am not coming home to a rocking chair. So much remains to be done and there is so little time in which to do it.

"In order for Texas to play its true part in achieving the American dream, we must put our political house in order." Yarborough called for "a party purity law." He said, "Forty states in the Union have outlawed the raiding of one party's primaries and conventions by another political party. Only 10 states in the Union allow such political chicanery and skullduggery. Texas is one of the 10. The first order of political business of the new Legislature should be a law prohibiting a voter registered in one party from going into the primaries of another party.

"Texas has suffered from this mis-begotten system for scores of years," Yarborough declared. "It permits money to control men, and denies to political parties the right to select their own nominees. Reform is long overdue."

He also called for "effective and enforced limits upon spending in political campaigns, else we will soon have nothing but bought offices, empty of honor and devoid of independence of thought and action."

Yarborough called on the nation to reorient its priorities, "lest the basic strength of our nation be eroded away . . . "We have poured $110 billion down that rathole in Southeast Asia . . . and our resources are being squandered on far-flung and excess military adventures all over the globe.

"One Texas newspaper, the Dallas News, has been generous enough to state that I have passed more national legislation than any other Senator in the history of Texas, and I am grateful for that opportunity you gave me. There are great tasks as yet unmet—my pending national health insurance bill, our national goal to find the cause and cure for cancer by 1976 and the experts agree that the cure for cancer can be found by then with the proper funding. And still pending is my bill offering free public education, not just through the 12th grade, but through the 14th grade."

UT philosophy professor John Silbur, whose abrupt dismissal as dean of the college of arts and sciences last summer set off a statewide controversy, told the audience that "many of us come here with mixed emotions, for it is a bitter-sweet moment.

"We have seen a record of unmatched achievement brought to a thoughtless and premature interruption by men whose public statements and political accomplishments stand in stark and dismal contrast to Senator Yarborough's," Silbur said. "Let us cast aside our disappointments at once. Tonight . . . we speak of a man who, though he lost an election, returns to us in victory—in victory over greed, prejudice, and ignorance. We speak of a friend who returns home, after 13 years of public service, a whole person . . . It is a mark of Senator Yarborough's strength that more money had to be spent to defeat him than was ever before spent by a candidate for the Senate."

Others on the homecoming program included State Representative Joe Bernal of San Antonio, Mrs. James H. Means, and Federal District Judge Wayne Justice of Tyler.

General chairman Creekmore Fath interspersed the program by reading telegrams from Sen. Edmund Muskie, Sen. Edward Kennedy, Sen. Mike Mansfield, Gov. Preston Smith and Republican Senator John Tower.

A telegram from television star Dan Blocker (Hoss Cartwright), a native Texan, said he hoped Yarborough "will come back scrapping tooth and toenail for the other fellow's seat in the next election."

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Musical entertainment between some of the speeches was provided by singers Miss Linell Stevenson, Miss Kathleen Mott and Victor Chacon, accompanied by Frank White. Rev. John Barclay and Rev. Edmund Heinsohn delivered the invocations.

Ralph W. Yarborough: The Difficult Early Years

Ralph Yarborough is proof that it's hard to keep a good man down. In 1952 he ran for the Democratic nomination for Governor of Texas, making machine politics the target of his campaign. He lost to incumbent Governor Allan Shivers. Yarborough then went on to support the Stevenson-Sparkman presidential ticket, while Gov. Shivers, who wore the label of Democrat, was swinging the state to Republican Eisenhower.

In 1954, Yarborough opposed Shivers for a third gubernatorial term, making Shivers' bolt to Eisenhower the main issue. Two years before Yarborough lost by 2 to 1, but in 1954 he lost by a smaller 90,000 votes.

In 1956, Yarborough lost to United States Senator Price Daniel in an August runoff by less than 4,000 votes. He was getting closer all the time, narrowing the margin. Daniel was elected governor in November and on April 2, 1957, a special election was held to fill Daniel's Senate term which would expire in January 1959.

Thrice-defeated Yarborough with his customary energy and bounce filed as a candidate and this time he won. Yarborough was then sworn into the 85th Congress. He had won, probably, because the conservative vote was split between Congressman Martin Dies, Sr. and Republican Thad Hutcheson. In November, 1958, Yarborough won election to a full term and in 1964, was elected again.

A hard working man, with a wide range of interests in the Senate, Yarborough deserves much of the credit for helping Hubert Humphrey carry Texas over Richard Nixon in 1968.

Senator Yarborough, a big, friendly man, was the seventh child in a family of three boys and eight girls. He was born in Chandler in East Texas, where his father was a farmer and justice of the peace. The father wanted his boys to be lawyers, and today all three Yarborough boys are attorneys.

After his graduation from Tyler High School, Yarborough spent a year as a cadet at the United States Military Academy in West Point. He returned to Texas and for a few years he taught in small schools and took courses at Sam Houston State Teachers College.

Yarborough decided to study in Europe and worked his way to France aboard a freighter. He found a job with the American Chamber of Commerce in Berlin and entered the Standahl Academy.

After returning to the U.S., he entered the University of Texas, meeting expenses by working at a boarding house. One summer he earned tuition money by working with a crew threshing wheat through Oklahoma and Kansas, and in other summers he helped build oil tanks in Borger.

By 1927 he had received his LL.B and began the practice of law in El Paso. His testimony before a state legislative committee in 1931 was so impressive that it resulted in his being named an assistant attorney general, winning a wide reputation for his knowledge of oil and gas rights.

The same energy which worked in his youth continued to show up and provide the driving force which made him a key member of the United States Senate.

A Word to the Environmentalists

Texas conservationists, long staunch supporters of Sen. Ralph Yarborough, were understandably upset when the senator voted in favor of the SST, the gigantic multimillion dollar white elephant. But what environmentalists may not have appreciated is that by voting the way he did Yarborough was trading nothing for something.

Sen. Warren Magnuson and Sen. Henry Jackson, both from the state of Washington, were pushing hard for the SST since Boeing Aircraft is located in their home state and Boeing had the contract to build the SST. Yarborough's vote did not make the difference, since the SST was handily defeated without it.

Yarborough was heavily obligated to Magnuson, who is chairman of the Senate Appropriations Subcommittee on Health and Education. Magnuson had consistently reported Yarborough's health and education bills out of committee over the years with their appropriations still intact for the full amount. When Nixon vetoed Yarborough's Hospital Construction Bill, Magnuson stood by to help Yarborough override the veto.

By the same token, Sen. Jackson as head of the Senate Interior Committee, had recently favorably reported Yarborough's bill for a Big Thicket National Park. The bill had been bottled up in an Interior Subcommittee for a long, long time. The bill will now have a fair chance to be voted on on the Senate floor.

Yarborough's record on preserving the environment is one of the best in the U.S. Senate. He was voting to clean up the environment and preserve our natural heritage long before environment became a popular issue. He is the author of the bill creating the Padre Island National Seashore, the Guadalupe Mountains National Park Act, the Big Thicket National Park Bill, the Amistad National Recreation Area Bill and the Endangered Species Act. And Yarborough is co-author of the Water Quality Improvement Act, the Clean Air Act, and the Air Quality Control Act.

Yarborough is the first to admit that these bills do not have proper funding to do the job they need to do. But they are a step in the right direction, and given the multibillion dollar cost of the Vietnam war these bills have as much money in them as it is possible to get at this time.

Yarborough's vote on the SST should be seen in this perspective.

Where Did All the Money Go?: Not to Yarborough!

While the many friends of Ralph Yarborough salute his past achievements, many of them are still asking: "What happened? Why did he lose and where did all the contributions go to?"

Since seven months have passed since the primary, a clear picture is emerging of who gave how much. The big contributor was the Texas businessman and the big receiver was Lloyd Bentsen. Yarborough, in fact, banked heavily on financial support from organized labor—a support that turned out to be much less than he hoped for. Of the $247,652 that Yarborough reported as income, a relatively trivial $8,300 came from labor organizations.

The following article appeared last week in the Dec. 6 issue of the Washington Post. The headline on the story said "Texas Records Show Businessmen Are Biggest Political Givers":

"Most campaign money comes from businessmen." Sen. Russell B. Long (D-La.) told the Senate 3½ years ago.

It is impossible to test this theory in most of the 50 states. Some require an accounting for campaign contributions. Others, along with the federal government, have laws so loose that it is difficult for the public to find out to whom candidates may be obligated.

Texas, however, is a state with a law strict enough to give some insight into the pattern of political giving.

And a sampling of records in Austin and Houston indicates that oilmen accounted for almost 46 per cent of the individual contributions of $5,000 or more listed for this year's elections.

Bankers, investors, mutual-fund managers and others in the financial world accounted for an additional 19 per cent.

The sampling was taken from reports filed by five candidates for U.S. senator and governor and by one congressional aspirant.

They listed a total of almost $4 million in gifts. Those of at least $5,000 each—exclusive of loans and anonymous donations to committees—accounted for at least $550,155 of the total, according to an examination of the records made by The Washington Post.

Of the $550,155, oilmen gave $250,755. Oil was not among the industries listed by Russell Long in his Senate speech. On a later occasion, he described himself as the "darling" of that industry.

The financial donors were listed for an additional $103,900.

Together, donors from the oil and financial worlds alone accounted for slightly less than 65 percent of the $550,155.

The significance of the contributions is illustrated by the contests for the Texas seat in the Senate now held by Ralph W. Yarborough (D), who was defeated in the primary and who reported maximum personal gifts of $5,000.

The five who gave that much were banker Walter Hall, oilman J. R. Parten, Mrs. Parten, and lawyer Billy B. Goldberg, all Texans, and Mary Lasker, a New Yorker who donates widely to candidates who support such causes as heavy federal financing of research.

$1 MILLION EACH

But businessmen's contributions of $5,000 and more seemed to fall like confetti into the coffers of Lloyd M. Bentsen Jr., and Republican Rep. George Bush, a Houston oil multimillionaire who lost to Bentsen in the Nov. 3 general election.

In the primary and general elections, Bentsen and Bush each reported combined income (including loans) of about $1 million.

Just one donor to Bush, Edgar W. Brown Jr. of Orange, Tex., easily exceeded the reported total of gifts from labor organizations to Yarborough, chairman of the Senate Labor Committee and known as a friend to labor.

Bush listed Brown, a 76-year-old oil, timber and banking entrepreneur, for gifts totaling $5,000 in the primary and $12,500 in the general election.

Paul W. Eggers, who lost his second successive race for the governorship against incumbent Democrat Preston Smith, reported that Brown gave him an additional $3,500 and loaned him $2,500.

Thus Brown's grand total for the two candidates was recorded at $23,500.

Such listings illustrate why the Texas records are surprisingly revealing, even if they exclude gifts, and spending of which candidates swear they are unaware, and even if gifts to committees conceal the identities of ultimate donors.

Thus conservative Democrat Bentsen listed $10,000 in the primary just from Patrick R. Rutherford, a Houston oil producer who is also a director of the Texas Commerce Bank. And in the general election, Rutherford donated an additional $2,500 for a total of $12,500, and his son and business associate, Mike G., was down for $5,000. The Rutherfords together also gave Gov. Smith a reported $7,500. Their grand total was $25,500.

The Lambs Are Being Sheared Now by the Real Big Money . . .

Profile this week presents an interview with United States Senator Ralph W. Yarborough. The Senator spent three hours with the Austin Times recently before having to rush back to Washington to work with Senator Jacob Javits of New York to try to avert the railroad strike. The interview is presented unedited.—Robin Lloyd.

Lloyd. Now that you're about to retire—perhaps temporarily—from the field of politics, in looking back, what are the pieces of legislation that you are most proud of . . . that you either authored, co-authored or were very close to?

Yarborough. Well, Robin, I am most proud of the bills that have passed in the field of education and health because they helped so many millions of people. What I enjoyed most were my park bills . . . the Padre Island Seashore, Guadalupe National Park and all the others, and the one that I'm still working on—The Big Thicket National Park.

I say that I love those because I love the outdoors, and I want to save a part of our habitat for the people of the future. But—the ones that I'm *proud* of most are the bills that affect most people. Now, it became my opportunity, and my privilege and honor to be co-author or principal author of virtually all of the education and health legislation that the United States Government has passed in the past 13 years, because I became a member of the Health Sub-committee of the Senate and the Education Sub-committee in January of 1958.

Now as a member of those committees for the past twelve years, I was author of the Cold War G.I. Bill. It took eight years to pass that Act. I had a very long and difficult fight because it was opposed by both political parties, two Presidents, the Department of Defense, the Veterans Administration, and the Department of the Budget. Finally, I was able to push it through. There are 7,700,000 discharged veterans of the Cold War—2,200,000 have already been to school under my bill.

In January, 1967, I introduced the first Bi-Lingual Education Act ever introduced in either house of the United States Congress and, by December, I had pushed that law through to passage. That's the first Bi-Lingual Act in the history of this country. And also in my position on that committee it was my good fortune and privilege to be the author—in the Senate—of the Yarborough-Carey Education Media Act that provided for the placing of film-strips and projectors and other electronic teaching aids in the schools throughout the country.

Lloyd. . . . all the modern teaching aids.

Yarborough. Yes, all the modern teaching aids—that's exactly what that bill is. Now, these other acts that I'm about to mention might have become law *without* my authorship, but I feel certain that the Cold War G.I. Bill and the Bi-Lingual Education Bill would not have become law without the drive that I put back of those.

I also co-authored the National Defense Education Act of 1958 which the president of the Encyclopedia Britannica said ". . . sparked the modern explosion of learning," and was a landmark act. It required a rewriting of the Encyclopedia and they had to change 2 million out of 37 million words, to describe the way people live now in this age of technology. This is the age of knowledge and learning.

Lloyd. Senator, in all your work and research on national education standards, you have often been critical of the standard of education here in Texas. You have never seen the standard as where Texas should be in the educational scheme of things.

Yarborough. Texas should be one of the top 10 states in the Union in education, and it lags along about 30th. We haven't made the effort in education that we should make in Texas—we haven't made the commitment that we should. We have the resources—we're one of the richest states in the Union—we lag along 30th in education and 30th in per capita annual income.

There's a definite relationship there, too, between the annual income and the educational standards. Now, there are many reasons for this. One is that we permit children to drop out of school at the end of the 8th grade, and they do not have enough encouragement and drive to go back to high school. Just a few years ago only 36% of the children who graduated from the 8th grade in Texas went on to high school and graduated from high school. Now that's about 50%, but many states with a comparable ethnic background—Illinois, California—have a graduation rate from high school that's close to 90% of those who graduated from the 8th grade.

We haven't had, up until recent years, the junior college facilities available in our counties similar to those in California. The result was—three years ago—35% of all pupils in public junior colleges in America, were in public junior colleges in one state . . . California. Texas is playing catch-up but we ought to have tuition-free junior colleges as California has. We charge tuition in junior colleges. The time has come in this country to have tuition-free education. And I have a bill pending in Congress whereby the government will help the states' finances so that they can have public education free through the 14th grade.

Lloyd. Don't you have two other bills pending also?

Yarborough. Yes, I have three great bills pending. One is for universal health insurance. Everybody—not just Medicare for people over 65—but health insurance for everybody in the United States. We're the richest nation on earth but we're far behind Western Europe and Japan in the care of the ill people. We have an infant mortality rate that's twice as high as many of the countries in Western Europe. We are 13th amongst the nations in infant mortality rate. A male child, born in the United States, is going to live a shorter life on the average than a male child born in one of 20 other countries. We just haven't brought health care home to the people.

Now—my bill is not socialized medicine. England has socialized medicine. My bill for universal health insurance for everybody is more like the Scandinavian bills . . . Sweden, and those countries. This is a civilized thing and it's incredible that we should have the attainments that we have in growth and in education and not in health care for the people of this country. We're backward in that . . . we're far behind.

My other bill is a resolution for the conquest of cancer that I've introduced in the Congress for the conquest of cancer by 1976 . . . the bi-centennial year of American Independence. And the great experts have been testifying before our Health Committee for ten years that if we really wanted to conquer cancer in the United States we could do it, with a billion dollars a year.

Lloyd. Just a few days ago, Senator, medical authorities made that as a flat statement that if the Federal Government would break loose with the funds, that cancer can be eliminated.

Yarborough. That was appearing before my committee on a commission appointed by me. I've got a resolution through Congress this year, and I circularized the Senate and 53 Senators co-sponsored it with me. I got a $250,000 appropriation and appointed this great committee of cancer specialists—thirteen of them. They came up with a report after a few months that this country can find the answer for the cure. We now cure one out of three cases of cancer, but the incidence is increasing so we must find the cause and the cure.

This is the greatest plague and it's costing this country about $12 billion dollars a year. They say to me, "Why, Ralph . . . a billion dollars a year is too much money!" But, Robin, in 10 years we've spent $110 billion in Southeast Asia; we've *squandered* $110 billion there. We made a commitment to get a man on the moon and get him back alive, and in 10 years we've done that at a cost of $25 billion dollars.

Ten years ago, the cancer experts said, "Put a billion a year into cancer research for 10 years and we'll have the cause and the cure." Now that ten years has gone by and we didn't do it. I think it's ten years overdue and I think we should do it now.

Lloyd. I take it, Senator, that you are questioning some national priorities . . . SST and other big money projects that you feel should be spent elsewhere?

Yarborough. The biggest national priority that I question is $110 billion that we squandered in Southeast Asia. Now that 110 billion dollars would have taken care of the health needs and the education needs and the environmental needs and many other needs in this country. We could have cured many diseases with $110 billion. We need to reorient our priorities and that's the biggest rat-hole of all that we're draining our resources down.

Lloyd. Senator, I'm going to ask you a question now, that had I asked it after the primary, you might have been accused of sour-grapes or bitterness. But I think that, after this period of time has gone by, that such an accusation could not be made.

Your record is clear. You have worked long and hard on behalf of the poor and the disadvantaged, finding rational solutions to national problems . . . and yet you were defeated. What went wrong?

Yarborough. Well, a good friend of mine—a businessman in Waco has been studying this for six months. He inquired all over Texas, surveying it and he said, "Ralph, you didn't observe the proper priorities . . . you put your time in in Washington passing these bills when you should have spent the last two years working to get re-elected."

And I've been surveying this thing too, Robin, ever since the second of May. He's right! To get re-elected, I should have let all that legislation go that I worked on for the past two years . . . then I could have spent the time in every county and I don't think that the six and a half million dollars spent against me would have defeated me. But I did put top priority on passing remedial legislation. In fact, I thought I could put it off . . . thought that I could do both; pass the legislation and get re-elected, too. But the beneficial legislation that I passed for the people had little validity down here. It didn't get votes.

Lloyd. The Republican Party is saying that there is no recession but the people on the unemployment lines are saying that there is and a popular term now is "Blue Christmas." You relate to the man that stands in the unemployment line. Are you calling it a recession?

Yarborough. It is a recession! You have a 5 and 8/10ths percent unemployment rate and when you have say six out of every hundred wage-earners out of work . . . that's a recession. And bear in mind that the workers aren't on easy street. Hours have been cut back, overtime is gone and it represents partial employment for millions that aren't actually out of work. It's a blue Christmas for all those millions of families. This is the first time in the history of the country that we've had a recession and run-away inflation at the same time.

Lloyd. The way you present it—the rich are going to get richer and the poor are going to get poorer.

Yarborough. That's exactly what's happening under the Nixon Administration. You've got to be "big rich" though, Robin! A lot of people that *thought* they were rich are finding out that they aren't. The lambs are being

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sheared now by the *real* big money of the country.

LLOYD. What do you see down the road as the future of the Democratic Party now that the country has experienced the Republican Party?

YARBOROUGH. I think that all the Democratic Party has to do to win is just don't commit suicide. If the Democratic Party stays together—and alive—and doesn't commit hari-kari, they'll win in 1972.

YARBOROUGH HOSPITAL BILL BECOMES LAW

Sen. Ralph Yarborough is the author of the land-mark hospital construction and modernization bill which extends, expands and improves the Hill-Burton Hospital Construction program.

The Yarborough bill, which passed the Senate unanimously in April 1970, provides money to build new hospitals, remodel old hospitals, build additions to existing hospitals, build out-patient clinics, improve emergency treatment rooms, and modernize operating rooms.

Senate majority leader Mike Mansfield of Montana had high praise for Yarborough's work in securing passage of the hospital construction bill. Speaking in the Senate, Mansfield said:

"The expert and expeditious handling of the measure extending the all-important Hill-Burton program can be attributed solely to the distinguished chairman of the Senate Labor and Public Welfare Committee, the senior Senator from Texas.

"Senator Yarborough once again demonstrated his expertise in successfully guiding this extremely important bill. Its unanimous adoption by the Senate speaks well for his great legislative skill. . . . The Senate and the entire Nation is in his debt," Mansfield declared.

President Nixon vetoed the Yarborough hospital construction bill June 22 saying he thought the money ought to come from the private sector. Yarborough successfully rallied support to override the presidential veto on June 30.

The Yarborough bill will relieve the present acute shortage of hospital beds in the country. It provides $6 billion in loans, grants, and low-interest loans for hospital construction and remodeling over the next five years.

THE SUM OF THE MAN: "HE IS TOTALLY INCORRUPTIBLE"

"Ralph Yarborough has been in the arena for the little people of Texas for as long as I can remember. He has represented the *folks* from Diboll and Dallas . . . from Huntington and Houston . . . from San Augustine and San Antonio . . . from Kountze and Corsicana . . . and he has represented them with vigor, compassion and complete disregard for the special interest and the greedy.

"This is rare in a Texas politician. Too often the rest of us have to find a reason why we can't do what we know we should. Too often, we find it necessary to compromise with the special interest. Not Ralph Yarborough. He is totally incorruptible. His record of courage and consistency cannot be matched in the U.S. Senate.

"He is the only Senator from the old Confederacy who has dared represent the black man with votes rather than words. He is the only prominent Texas politician who would march with the brown man in their effort to obtain a decent minimum wage.

"His trail has been glorious but it's also been long and torturous. He is the most powerful.

"But he is loved by us. Loved because he does right . . . and loved because he is all we have."—State Sen. Charles Wilson, Lufkin, introducing Sen. Yarborough to a luncheon in 1969.

RALPH W. YARBOROUGH

"If I'm going to fight an organized machine, a conspiracy against democracy—then I might as well buck the lead dog."—on announcing his candidacy for Governor against Allan Shivers in 1952.

"To a political machine, the object is power, first, last, and always. And principles are just a propaganda device . . . A democrat tries to win friends . . . a political machine uses methods which are a tip-off to its goal—to destroy opposition, to destroy discussion—to rule by leaving the people no choice."—during 1954 campaign for Governor against Shivers.

"We are trying to avoid a crisis through education and job opportunities—a crisis that would be caused by unleashing legions of untrained, undisciplined, uncontrolled, unemployed young people in the streets of America."—after co-sponsoring the Elementary and Secondary Education Act of 1965.

"In America, we have a concept of a health industry, not health care. The Nation has not yet accepted a concept of health care for our people; the question of illness is treated as a business for profit."—on health care.

"Let's put the jam on the lower shelf so the little people can reach it."—during 1957 campaign for Senate.

"The shortage of doctors in this country is a national scandal. Each year, this great and affluent nation *imports* 2,000 doctors from foreign countries to make up for the demanding deficiencies in our health education system . . . By way of contrast, the Soviet Union has 600,000 doctors—twice the number we have—and it *exports* 2,000 to doctors to the under-developed countries of the world each year."—on the shortage of doctors.

"It is within our power to banish hunger and malnutrition from our land; we have a responsibility to exercise that power. Our unparalleled agricultural abundance must be shared with all our people here at home—no American should be malnourished."—on hunger and malnutrition.

NATIONAL LEADERS SAY

". . . Senator Yarborough is an outstanding American whose contributions in the Senate have earned for him a durable place in the Nation's history. He has represented the State of Texas with integrity, intelligence and ability." Senator Mike Mansfield, Majority Leader

"I know firsthand his absolutely unsurpassable leadership abilities. There is no greater fighter for legislation affecting health, education, welfare, veterans, the working man and farmers than Ralph Yarborough." Senator Walter F. Mondale, Minnesota

"Ralph Yarborough has indeed been a thorough, effective, dedicated Legislator. Equally important, he is a personal friend whom I deeply respect." Senator Edward Kennedy, Massachusetts

"I have been proud to serve with him because of his diligence and untiring efforts in behalf of his people. He has truly performed a great service for the people of Texas." Senator Ernest F. Hollings, South Carolina

"No other member of the Senate speaks more forcefully or more effectively for the disadvantaged members of our society than Ralph Yarborough. No other Senator has a record to match Ralph Yarborough's in the critical and difficult effort to improve our nation's health and education standards." Senator Joseph M. Montoya, New Mexico

"Members of the House of Representatives have long recognized Ralph Yarborough as a champion of the people of the United States. Time and time again we have seen legislation come from the Senate designed to improve the lot of the individual citizens of our beloved country, and that legislation clearly bears the imprint of Ralph Yarborough." John W. McCormack, Speaker of the House

"He is truly a man of vision—vision as broad as the plains of the State he represents. Add to this breadth of vision, his fighting qualities and you will understand why every Texan should be proud that he is their Senator." Senator Daniel K. Inouye, Hawaii

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A PROPHET IS NOT WITHOUT HONOR

"A prophet is not without honor except in his own country. . . .," according to the Biblical proverb. No where is this proverb more true than in the case of Ralph Yarborough.

Texans, except in rare instances, have been almost totally unaware of the vast amounts of important legislation that Ralph Yarborough has fought so hard to get through Congress. Through no fault of their own, Texans did not know—*could not* know because our newspapers didn't tell us—that Ralph Yarborough had either authored, co-authored or actively sponsored every major health, education or environmental bill to pass the Senate in the last thirteen years.

Ralph Yarborough's landmark legislation has a tremendous impact on the daily lives of millions of Americans. His legislative accomplishments will affect the quality of life we leave for our children—and their children. Yet other people in other parts of the country have known this better than we have . . . because their newspapers gave Yarborough credit when it was due him.

When Yarborough's Cold War GI Bill became law, the local daily had to report it because it was too important a piece of legislation to ignore. Yet the paper managed to report the story without once mentioning the name of the author of the bill. A conspiracy of silence? It's hard to prove where a conspiracy exists . . . but certainly Yarborough's name has been consistently kept out of the news of most of the major dailies of this state. That is, until recently. We have seen Yarborough's name in more headlines and news stories in the eight months since his defeat on May 2 than we have seen in the last eight years.

Except for the readers of a few small-town weeklies which tell it like it is, and perhaps readers of the *Corpus Christi Caller-Times,* Texans haven't had much opportunity to know what their senior senator has been up to the last thirteen years. Why haven't the other papers been willing to mention him? Well, maybe it's because ever since he first started running for office, he's always been bucking the machine.

Texans had no way of knowing of Yarborough's deep concern, of his caring for the mentally ill; of his concern that Mexican-American children be given a chance to break the cycle of poverty through a better education; of his concern that older Americans be afforded an opportunity to live enriched full lives with dignity, without having to know the crushing despair brought on by heavy medical expenses; that he cared about the education of all our children, that he was concerned about the health of our people.

His fellow Senators who came to pay him honor Tuesday night used that word over and over. He *cares,* they said. He cares. Anyone who looks at the list of his legislative accomplishments on this page can't help but know that he cares. Many politicians, when they get elected to high office, forget where they came from. Ralph Yarborough never forgot.

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It is fitting that a hometown newspaper should pay tribute to a citizen such as Ralph Yarborough, and acknowledge his qualities which have brought him to the foreground as a national leader of rare effectiveness: One of the best informed men ever to sit in the Senate; one of the most dedicated men for the common good; a man of rare insight and uncommon courage; intelligent, and with the

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integrity of fine steel; compassionate; just; and so much more.

For countless deeds of immeasurable worth, and for a whole man dedicated to all men, we are proud to join our fellow citizens in saying, "Thank you, Senator."

GOOD JOB, SENATOR

On that election night in 1957 when Ralph Yarborough was first elected to serve as United States Senator, a local lobbyist visited the Yarborough Headquarters where a crowd of jubilant supporters were celebrating the victory. Later in the evening he told members of the Capitol Press Corps:

"It was amazing. There wasn't a big shot down there—nothing but people."

Throughout his 13 years in Washington, where memories are often notoriously short, Yarborough never forgot that he was "the people's Senator." The legislation he authored, sponsored or fought for was always in the best interest of all the people—not the rich or powerful special interest groups greedy for personal-gain legislation.

As one of "the people," I was proud to "welcome home" Senator and Mrs. Yarborough at the Tuesday night appreciation dinner. The "big shots" were there, too, this time—but they were the kind of big shots who share the Senator's concern for the needs of the people.

It was a proud and happy occasion for "the people"—proud and happy despite the election defeat—because it gave them a chance to say, in person, "Good Job, Senator Yarborough!" I can only echo that sentiment, Senator, for all the voiceless people you represented so untiringly.—Claire Jones

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'BY HIS DEEDS . . .'

Some of Sen. Ralph Yarborough's accomplishments in his thirteen years in the United States Senate:

EDUCATION

Co-Author: National Defense Education Act.

Author: Bi-Lingual Education Act.

Author: Professors' Emeritus Act.

Senatorial Author: Yarborough-Carey Education Media Act.

Co-Author: Library Extension Act.

Co-Author: Higher Education Facilities Act.

Co-Author: Vocational Education Acts of 1963 and 1968.

Co-Author: Elementary and Secondary Education Act.

Author, Co-Author, or Principal Sponsor of every major educational bill to be passed by Congress since 1958.

HEALTH

Actively supported the Drug Industry Act which prevents such drugs as Thalidomide from being allowed on the American market.

Author: Community Mental Health Centers Law.

Author: Hospital Construction and Modernization Act.

Author: Migrant Health Act.

Author: Allied Health Manpower Training Act.

Author: Schools of Public Health Act.

Author: Medical Libraries Assistance Act.

Author: Regional Medical Programs.

Author: Communicable Disease Control Act.

Author, Co-Author or Principal Sponsor of all major health bills to pass Congress since 1958.

CRIME CONTROL

Active supporter of every crime control bill to pass Congress since 1957.

CONSERVATION AND PUBLIC WORKS

Author: Padre Island National Seashore Park.

Senate Author: Guadalupe National Park.

Senate Author: Alibates National Monument Act.

Principal Author: Big Thicket National Park and Amistad Dam Recreation Bill. (Now pending.)

As a member of the Senate Appropriations Committee, Yarborough helped obtain funding for dams, waterways and harbor and channel projects all over Texas.

Author or Working Co-Sponsor of all major conservation bills to pass Congress since 1958.

POLLUTION CONTROL

Co-author: Clean Air Act.

Co-author: Air Quality Control Act.

Co-author: Water Pollution Control Act.

Principal Author: Bill to plan U.S. participation in 1972 United Nations Conference on Human Environment. (Pending.)

AGRICULTURE

Yarborough has been Author, Working Co-Sponsor, or Active Supporter of all major and conservation measures since 1957.

Yarborough is a member of the Agricultural Subcommittee of the Appropriations Committee.

VETERANS

Author: Cold War G.I. Bill.

Author: Bill to build 760-bed Veterans Hospital in San Antonio.

Author: amendments which increased Veteran's benefits under G.I. Bill.

Author of Working Co-Sponsor of all major veterans bills affecting education and hospitalization to pass Congress since 1958.

SPACE

He has actively worked for all major space authorizations and appropriations since 1958.

SENIOR CITIZENS

Working Co-Sponsor: Medicare and Medicaid.

Active Supporter: Housing for the Aged.

Active Supporter: 15% increase in Social Security.

Active Worker or Co-Sponsor of all major legislation to expand and improve Social Security.

TAX REFORM

He was working Co-Sponsor of Amendment to increase personal income tax exemption from $600 to $1,000 (Congress compromised on $750.)

CIVIL RIGHTS

He supported the Civil Rights Act of 1964. He co-authored bills which launched the War on Poverty program. He voted for the 1965 Voting Rights Act. Because of his profound belief in the concept of neighborhood schools, Yarborough voted against busing as a means to achieve school integration.

THE FUTURE OF AMERICAN TRADE POLICIES

Mr. MONDALE. Mr. President, the protectionist trade bills of the 91st Congress are dead, but the forces of protectionisms, I very much fear, are merely dormant.

An awakening of millions of Americans to the dangers of these bills—the emergence of vigorous Senate opposition to a reenactment of the Smoot-Hawley debacle—and the last minute Senate logjam all combined to turn aside legislation which would have ushered in an inevitable and disastrous trade war.

But I am not so certain that such good fortune will prevail in the year ahead. The economy continues its downward plunge—always an inviting climate for self-defeating but politically attractive trade barriers. The textile industry, in the face of all facts to the contrary, continues to claim great injury due to imports. The negotiations with Japan continue at an impasse, hampered by intransigence on both sides. And most important, the President persists in supporting quotas on textiles in spite of this year's near tragic lesson which should prove beyond any doubt the impossibility of giving quota protection to a single industry as part of a political payoff while denying that protection to dozens of other equally or far more deserving industries.

It is for these reasons that I think we must take sober stock of the disaster we so narrowly averted this year and of the positive steps which must be taken now to avoid a repeat—with a less happy ending—of the situation next year.

NEW TRADE LEGISLATION

First of all, we must seize the legislative initiative in proposing a responsive, forward-looking trade bill in the next Congress. Only a vigorous, expansionary offensive in the trade field can ward off the protectionist bills which inevitably lurk in the congressional wings.

Those of us who opposed this year's protectionist legislation must respond now by providing a model of the kind of trade legislation which can meet the legitimate problems of our domestic industries and the need for an expansion of American export opportunities.

The escape clause must be liberalized in order to meet the objectives for which it was created in the 1962 Trade Expansion Act. None of us deny the occasional harsh reality of injury due to foreign competition. Higher tariffs and perhaps even quotas may at times be part of such relief. But we cannot loosen up the escape clause to the degree that we saw this year. Nor can we afford to tie the hands of the President, as these bills did, in the determination of appropriate relief.

Adjustment assistance, too, must be made more responsive to firms and workers in industries whose competitive edge is declining. The purpose of adjustment assistance is to protect the livelihood of the worker and promote the kind of adjustments needed to find new skills, new products, new techniques, and new markets without throwing up trade barriers and denying to all countries the benefits of regional specialization.

We must move forward in the elimination of some of our own remaining trade barriers, particularly the nontariff barriers in which our hands are little—if any—cleaner than many of our major trading partners. The utterly indefensible American selling price system which the House voted, to its credit, to eliminate should be the first to go.

And we must pass legislation not to overthrow the civilized rules of international trade—the GATT—but to strengthen our bargaining hand within those rules and to enable us to protect and pursue our legitimate interests in international trade negotiations. Europe, the Common Market, British entry, and the Common Agricultural Policy, for example, pose enormous problems for American trade. It is to these problems that our efforts should be directed, rather than to a preoccupation with Asian imports and the admittedly indefensible but steadily improving trade policies of Japan.

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USE EXISTING REMEDIES

In the meantime, the administration must begin to achieve some of these ends with the tools it already has on hand. Tragically, much of the impetus for protectionist trade legislation has stemmed not from the inadequacy of the laws now on the books but from the inadequacy of their administration. We could move aggressively, now, within the international rules of trade to force an end to unfair foreign competition and undue foreign restrictions on our own exports.

Under article XXIII of the GATT, we are given retaliatory power over countries which maintain illegal quotas against our products. I urge the administration to use this great bargaining lever in forcing a reduction of illegal foreign barriers to our trade.

Under the Antidumping Act, we can impose special duties on products which enter the United States at prices below those prevailing in the exporting country. The recent case against the Japanese TV's was an example of successful use of this device, but it has not been the potent weapon which it could be.

Under the Tariff Act of 1930, the President can impose countervailing duties to protect against unfair competition from subsidized foreign exports. Given the frequency of this complaint among those who urge U.S. trade barriers, it is strange that so little use has been made of this authority. If the law is truly insufficient, let us strengthen it. If, as I suspect, it has simply gone unused, let us seize upon this perfectly legal and legitimate weapon and use it to eliminate the obvious inequities of foreign export subsidies.

Under section 252 of the Trade Expansion Act, duties can be raised and, for agricultural products, quotas levied against nations which impose illegal restrictions against our products. Again, here is authority—legal and on the books—to get at the very problems which the protectionists are using to support their demand for U.S. trade barriers that would invite legal retaliation against us and simply exacerbate whatever problems may exist.

Mr. President, I cite these various devices to illustrate the great range of options open now to our administration if it is truly serious about meeting the legitimate grievances of our own industries and workers allegedly suffering from unfair foreign competition or trade barriers. It is time for the United States to move aggressively to defend its interests in international trade negotiations. We do need to bring pressure to bear upon nations who have lagged behind our lead in the trade liberalizations of the last decade.

But, Mr. President, let us use the great authority which we now have to force fairness from other nations. Let us not degrade our magnificent record on trade by stooping to barriers and quotas which fly in the face of all economic reason.

TEXTILES AND SHOES

Finally, we must find a way to resolve the problems—real and imagined—of the shoe and textile industries.

The problems of the shoe industry are due for an administrative decision in the immediate future, and the President has promised a comprehensive program to deal with the difficulties faced by this industry. In light of recent studies, I doubt whether quota protection will or should be advanced as the "solution." But certain firms and segments of the industry are ailing, and the Government owes them some responsive action.

The question of textiles is purely political—but perhaps that is the most difficult question of all. There is no doubt that the industry has failed to make any credible case for injury. In fact, it is significant that they have steadfastly refused to submit a case for escape clause review.

In fairness to the industry, they have been encouraged by the Administration into believing that quotas were not only possible but justifiable. Particularly in times of great economic difficulties—totally unrelated to foreign competition—it is not surprising to find an industry convincing itself that quota protection would be a good thing.

But a political deal kept alive by the anxieties of workers in a recession economy is not the stuff from which world trade policies should be developed.

The first thing we must do is to get out from under the thumb of our own textile industry in the attempts to reach a negotiated settlement with Japan. There is no doubt that the industry has done everything possible to sabotage any feasible settlement under the realization that such a settlement would mean the end of their chances to get legislated quotas. When I made this point on the floor a short time ago there was an outcry of denial from many of my colleagues, but I hope that Secretary Stans' news conference of December 23, reported in the press on December 24, should dispel any lingering doubt about the stand and the role of the textile industry in these talks. And it is perfectly clear that until the President declares his political debts paid in full and ends the charade of advocating quotas on textiles only, there will be no settlement.

Mr. President, we can, I am convinced, reach an accord with Japan if both sides—ours included—give a little and stand up to their domestic industries in behalf of a rational world trade policy.

At the same time, I propose that the question of textile imports be referred to the Tariff Commission—as any case should be which claims injury, and especially one which is apparently claiming injury greater than that felt by any other industry. Whatever facts and recommendations are then put forth by the Tariff Commission can form the basis either of a negotiated settlement if one has not yet been reached, or a Presidential determination of appropriate remedy as is standard in such cases, or needed legislation if it does appear that existing authority is incapable of relieving the problems of that industry.

ADMONITION TO FOREIGN GOVERNMENTS

Mr. President, we have been subjected to what may yet turn out to be an inexpensive lesson. I hope it has been learned well by the administration. But I also hope that it has been learned as well by our major trading partners.

To these nations—to their governments, ambassadors, and trade negotiators—I say: Put your houses in order before the tide of protection peaks again, because there may be no stopping another time.

Unless trading policies of other nations are turned around—and I am speaking primarily to the European Community and primarily of their agricultural trade policies—there will be a worldwide trade war. How it will start or what nation will precipitate it I do not know. But all will lose.

We cannot sit by—I cannot sit by—while our farmers, the most productive in the world, suffer from increasing discrimination at the hands of the common agricultural policy of the European Community. Many European governments reacted with fear and righteous anger to the prospect of a protectionist trade bill from our country. Their fear and anger may well have been justified, but their righteousness was not. They are in no small way responsible for the disaster which was very nearly upon us, and I hope they will now see the need for pursuing more equitable and sensible trade policies themselves.

And my warning must also apply to the Japanese. Those of us in the liberal trade community can hardly continue to admonish only our own administration for its capitulation to political pressures while the Japanese Government continues to be manipulated by its own "textile-industrial complex." There are lessons from this past year for the Japanese, as well, and I hope they will take heed.

Generally, I think that postmortems are best left to football games and bridge hands. But I do not think the death of the 1970 protectionist trade legislation should go unnoticed. Only great effort and more than a little luck kept us from enacting dangerous trade legislation this year.

Next year, the forces for progressive and expansionary trade policies must take the offensive. With the continued support of citizens and farm groups, workers and businesses, and with clear leadership from the administration, I think we can not only avert a trade war but also respond to the remaining problems of international trade and the legitimate grievances of American workers and industries.

ON THE DEPARTURE OF ALBERT GORE

Mr. CHURCH. Mr. President, this is a nostalgic week of farewells in the Senate, as we pay our respects to departing colleagues. In each case, I have found it hard to say goodby, but in no case has the task been more painful than that of ALBERT GORE.

For 32 years, ALBERT GORE has faithfully served the people of Tennessee in the Congress, 14 of them in the House of Representatives and 18 in the Senate. He, himself, sums up his service with only three lines in the latest edition of the Congressional Directory. His admirers cannot leave it at that.

Someone has described ALBERT GORE as a Senator in the grand tradition, one

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who could have sat with Webster, Clay, or Calhoun. I concur in that assessment. For ALBERT GORE exhibits not only the appearance and demeanor of a Senator cast in the classic mold, he possesses the capacity as well. Indeed, his stature as a statesman encompassed three dimensions: a keen intelligence, an impeccable integrity, and a strength of character which enabled him to stand alone when he believed it necessary.

I served with ALBERT GORE on the Senate Foreign Relations Committee, where he was first to perceive that if the United States and the Soviet Union were ever to stop poisoning the atmosphere with nuclear bomb tests, the initial arena of restraint would have to exclude subterranean detonations. From there, Senator GORE went on to enhance his record on the committee by becoming one of the early critics of the tragic, mistaken American involvement in the Vietnamese war.

But it was on the Senate Finance Committee that ALBERT GORE displayed that characteristic mettle which made him the nemesis of so many special interest groups. His was the frequent foot kicking at the snouts at the public trough, as he fought for tax reform, the elimination of favoritism, and greater equity for the ordinary taxpayer. In this, he was a populist with a difference, for ALBERT GORE always possessed the technical knowledge to support his cause, as many who opposed him discovered to their chagrin.

During his tenure on the Senate Public Works Committee, it was ALBERT GORE who sponsored the landmark 1956 Highway Act, which made possible the Interstate Highway System, and it was he who saw to it that the new freeways were paid for as they were built, out of a special trust fund. We have him to thank for the fact that the huge cost of the massive modern highway system has not been added, along with onerous interest charges, to the public debt.

In sum, ALBERT GORE leaves an impressive record behind him, as his long and distinguished service in Congress draws to a close. Caught in the riptide of change in Tennessee politics, it was the mark of his importance that Senator GORE became the No. 1 target of the political headhunting expedition conducted last fall by the Vice President.

He was my close friend and I shall miss him in these halls. Beyond that, the Senate will miss him. And the American people will lose a splendid advocate.

AN UNSUNG OCCUPATION

Mr. HOLLINGS. Mr. President, soldiering is an unsung occupation these days. But as we wring our hands and analyze and charge and countercharge about the war in Southeast Asia, the American fighting man continues to bear the brunt of battle. By a few in our midst he has been maligned, vilified, and condemned because of his participation in a generally unpopular war. By an even larger number his contribution has been overlooked. This is not the age of heroes, and far too often acts of individual heroism go unnoticed. But soldierly valor is no less real because it goes unpraised. The American serviceman in Indochina is discharging his duties with a distinction equal to or greater than that of his predecessors. All but an infinitesimal fraction subscribe to the traditional code of duty, honor, country—a soldier's code for a soldier's task witnessed in battle throughout the years from Valley Forge to the Ashau Valley. Our current records are as replete as our ancient annals with evidence of the soldier's bravery and dedication to the spirit of America.

It is with both pride and sadness that I cite for you today another example of this dedication. It is the record of a young American officer, Capt. John Alexander Hottell III—an obituary which he wrote himself prior to his death in Vietnam on July 7, 1970. Captain Hottell understood himself and he understood his comrades. Of the fighting man he wrote:

> They can still drive on and fight like demons, march like Jackson and soldier like the very dickens when they have to. . . . It fills me with inspiration. They are truly the great people of this war . . . the forgotten civilians who will probably never receive their due for their valor on the field of battle.

May we use these words as a reminder of our indebtedness and our hope that future crises will find the font of duty, honor, country filled to meet the challenges we will surely face. Of himself, Captain Hottell said:

> I deny that I died for anything—not my country, not my Army, not my fellow man, none of these things. I lived for these things, and the manner in which I chose to do it involved the very real chance that I would die in the execution of my duties.

Mr. President, I ask unanimous consent that this moving testimonial to the American soldier be printed in the RECORD.

There being no objection, the testimonial was ordered to be printed in the RECORD, as follows:

> I loved the Army: it reared me, it nurtured me, and it gave me the most satisfying years of my life. Thanks to it I have lived an entire lifetime in 26 years. It is only fitting that I should die in its service. We all have but one death to spend, and insofar as it can have any meaning it finds it in the service of comrades-in-arms.
>
> And yet, I deny that I died for anything—not my Country, not my Army, not my fellow man, none of these things. I lived for these things, and the manner in which I chose to do it involved the very real chance that I would die in the execution of my duties. I knew this, and accepted it, but my love for West Point and the Army was great enough—and the promise that I would someday be able to serve all the ideals that meant anything to me through it was great enough—for me to accept this possibility as a part of a price which must be paid for all things of great value. If there is nothing worth dying for—in this sense—there is nothing worth living for.
>
> The Army let me live in Japan, Germany, and England with experiences in all of these places that others only dream about. I have skied in the Alps, killed a scorpion in my tent camping in Turkey, climbed Mount Fuji, visited the ruins in Athens, Ephesus. and Rome, seen the town of Gordium where another Alexander challenged his destiny, gone to the Opera in Munich, plays in the West End of London, seen the Oxford-Cambridge rugby match, gone for pub crawls through the Cotswolds, seen the night-life in Hamburg, danced to the Rolling Stones, and earned a master's degree in a foreign university. I have known what it is like to be married to a fine and wonderful woman and to love her beyond bearing with the sure knowledge that she loves me. I have commanded a company and been a father, priest, income tax advisor, confessor, and judge for 200 men at one time; I have played college football and rugby, won the British National Diving Championship two years in a row, boxed for Oxford against Cambridge only to be knocked out in the first round and played handball to distraction—and all of these sports I loved, I learned at West Point. They gave me hours of intense happiness. I have been an exchange student at the German Jumpmaster school, I have made thirty parachute jumps from everything from a balloon in England to a jet at Fort Bragg. I have written an article that was published in Army Magazine, and I have studied philosophy.
>
> I have experienced all these things because I was in the Army and because I was an Army brat. The Army is my life, it is such a part of what I was that what happened is the logical outcome of the life I lived. I never knew what it is to fail. I never knew what it is to be too old or too tired to do anything. I lived a full life in the Army, and it has exacted the price. It is only just."

BALTIMORE CITY FAIR

Mr. MATHIAS. Mr. President, too often in the recent past we have watched a large metropolitan city victimized by violence and crime. The annual spring predictions of a long, hot summer have instilled in many citizens a helpless anticipation of further destruction. Sociologists have told us that many cities are in various stages of decay and that their inhabitants will soon no longer be able to withstand the increasing factors of stress which will have surrounded them on all sides.

When we hear such dire prophecies I believe it is well to consider for a moment the rebuttal of a city which, while not pretending to be Shangri-la, has demonstrated that its citizens have not forgotten how to enjoy their city and enjoy each other. I am referring to Baltimore City and its monumentally successful Baltimore City Fair which entertained well over 100,000 people last September 27–29. While Baltimore suffered from a record-breaking heat wave, its citizens flocked to the center of town to participate in a diverse collection of amusements, cultural exhibits, and musical presentations. The wide spectrum included displays concentrating on contemproary social problems as well as the always popular midway. There were symphony and jazz concerts, a German beer garden with band and a great deal of excitement was generated by the upbeat renditions of the U.S. Army Studio Band.

The overriding significance of the fair, however, were best summarized by the fair chairman, Christopher C. Hartmann, who said:

> The thing the people who are criticising this city have forgotten is the most important thing—its people.

I subscribe to that doctrine and request that at this point three newspaper articles from the News American and the Baltimore Sun describing the fair be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the News American, Sept. 26, 1970]

Hot Day Doesn't Cool Spirits of City Fair-Goers

OPENING DAY AT CITY FAIR DRAWS 20,000

The temperature soared to the mid-90's, but it didn't seem to bother about 20,000 pleasure-seekers who went right on snapping their bubble-gum, popping balloons and savoring every minute of opening day at the Baltimore City Fair.

Dads with kids perched on their shoulders, moms pushing baby buggies, office workers, ditchdiggers and people from all walks of life came to Charles Center to see what the excitement was all about.

What it was about is a new kind of togetherness that transformed the too-often vacant, lonely streets into a place of laughter, friendliness and fun.

Huge crowds are expected to continue pouring into the Charles Center area today when they'll be treated to a rock-and-fashion show, a New Repertory Theater performance, Bob Brady and the Concords, "The Censations" and Ethel Ennis, well-known jazz singer.

The City Fair opened to the joyous tooting of bands in a noontime parade and ended with a smashing symphony concert in Hopkins Plaza.

In between, fair-goers elbowed their way into a many-hued pavilion housing 22 neighborhoods, exhibits to view wares including handicrafts and paintings from the various sections of the city. Some stopped along the streets to have their portraits painted by sidewalk artists.

An open trolley clanged back and forth all day long carrying fair-goers between Charles Center and Pier 1 where a German beer garden was doing a landslide business and where tours of the harbor and the frigate *Constellation* were available.

The end-of-summer affair was opened by Mayor D'Alesandro who said, "This is a key event in the revitalization of our city," then cut a ribbon and released about 2,000 multicolored balloons.

His words were echoed by thousands of those present who told radio and newspaper interviewers. "This is the greatest thing that ever happened to downtown Baltimore."

Christopher C. Hartman, fair chairman, surveyed the crowd and commented, "The thing the people who are criticizing this city have forgotten is the most important thing—its people."

One official said he thought the heat would turn the fair into a Turkish bath, but attendees beat the blazes with cold drinks, glazes and ice cream.

Those who missed the opening day will have another chance to find out what they missed today and Sunday—from 10 a.m. until 10 p.m. today and beginning at 12 noon Sunday.

[From the News American, Sept. 27, 1970]

Downtown Vibrates as Throngs Make Inner City Live Again

FIREWORKS TONIGHT TO END FAIR

(By Peggy Cunningham)

"You can forget all your troubles, forget all your cares and go Downtown."

Baltimore went downtown Saturday. Residents and visitors came by droves, by throngs, by the tens of thousands. And they're coming back today.

They're converging on Charles Center and Pier 1 for the first Baltimore City Fair.

In addition to their happy faces and the good-natured bustle of the crowd, their sheer numbers prove that this City Fair venture is a success.

Although it was almost impossible to estimate the number of persons who visited fair sites during the first two days, the total may easily have topped 100,000.

This in the midst of a recordbreaking end-of-season heat wave which pushed temperatures close to 100 during the fair's first days.

To finish up with the traditional bang, the City Fair ends tonight with a huge, colorful fireworks display over the Inner Harbor, scheduled to start at 8:30 p.m. If you can't get a seat on Federal Hill or Pier's One or Two, the spectator show will be visible all around the harbor area.

Also on tap for today's program, listed in detail on Page 19A, are a kiddie show at noon, a live play, performance by a bagpipe band, the crowning of the Allied Queen of Flowers, music in choral, rock and Dixieland styles, and a spectacular demonstration by the city's fireboat.

To reach the last-mentioned event and the site of the fireworks, consider riding the old-fashioned summer trolley car from Charles Center to Pier One.

In between these special attractions, scores of booths offer merchandise, refreshments and information about what's happening in the city. These are scattered around the sparkling Charles Center area.

The biggest attraction Saturday night was a jazz concert by Ethel Ennis, backed up by the U.S. Army Studio Band.

Miss Ennis, one of the nation's top jazz singers, played to a packed audience with "squeezing room only." Between songs, she told them, "I am very proud to be a part of something that is really working here."

Even Miss Ennis had a little competition, though.

As she sang, three little girls climbed to the top of a wall nearby and began to dance to the beat.

Some of the crowd was dividing its attention between Miss Ennis and the Weaver sisters; Giovannda, 6, Joann, 4, and Pamela, 3, of the 3100 block Garrison Ave.

Both Miss Ennis and the little Weaver girls donated their services to make the fair successful, as have many others.

City Council President William Donald Schaefer pointed to this cooperation and spirit of working together as one of the most praiseworthy aspects of the event.

The fair is one of the greatest things that's ever happened to Baltimore," he said, adding that he would like to see it become an annual event.

While Schaefer was busy trying to see everything and admitting he was not succeeding, Dr. Thomas Sheldon, superintendent of city public schools, and Robert Embry, head of the city's Department of Housing and Community Development, were seen selling balloons and manning fair booths.

Hundreds of less illustrious but just as dedicated volunteers have been putting in uncounted manhours of work in the broiling sun to make the fair a success.

In addition to residents of virtually all the neighborhoods of Baltimore, the fair lured back many persons who long ago moved to the suburbs and don't make a habit of coming downtown.

They came, day and night. They brought their wives and children.

They found out the city can be bright and friendly, safe and happy. They learned that it is exciting, growing, throbbing with a limitless future.

"Listen to the music of the traffic in the city. Linger on the sidewalks where the neon lights are pretty. . . .

"And come downtown, downtown, downtown . . ."

[From the Baltimore Sun, Sept. 27, 1970]

City Fair Called Success "Beyond Wildest Dreams"

(By Fred Barbash)

Large crowds of delighted people showed up for the second day of Baltimore's City Fair yesterday, prompting fair officials to declare it "beyond our wildest dreams for success."

Chris Hartman, chairman of the festivities at Charles Center, announced jubilantly that about 75,000 people had visited the Fair Friday, and that by 4:10 P.M. yesterday, another 150,000 had attended.

And again yesterday, fair goers appeared most attracted to the quaint and the old-fashioned features and pleasant glimpses of by-gone days were in plentiful supply.

MAIN ATTRACTION

Every 20 minutes, 60 or 70 grinning people jammed a turn-of-the-century trolley car for a ride down to Pier 1. Its brass bells ringing and its oak-paneled walls creaking with age, the rubber-tired antique was probably yesterday's main attraction.

The two multi-colored bigtops, each displaying the pride of 24 Baltimore neighborhoods which produced displays, were also packed.

Grandmothers wandered through the tents, eyeing critically the homemade pastries, pies and cakes sold by several neighborhood groups.

Children were there too, their faces dripping with caramel apple and ice cream.

As always at a fair, the midway rides and games lured them in as well. Adults and children alike darted back and forth between the Tempest and the Loop-O-Plane, and the ring-pitch, the weight-guess, the pool shoot, the ball-throw and the nickel-toss and the balloon-bust.

And if the fairgoer avoided a glance upward at the tall buildings surrounding the midway, the authentic country dust and the music of a 50-year old military band organ might have convinced him he was in another era.

But the present was there yesterday, too. Many of the displays dealt with the need for urban renewal and fair housing, for population control and for liberalized education.

The very recent past was represented by about 20 demonstrators from the Black United Front, protesting what a spokesman described as the "disenfranchisement of black voters" in the September 15 primary. The fair ends today.

TRIBUTE TO SENATOR MURPHY

Mr. METCALF. Mr. President, when I was on the Montana Supreme Court I learned that if one of my colleagues wrote an erudite, or learned, or wise opinion, I did not try to top it with one of my own. I merely said "I concur."

It was my privilege to preside over the Senate while tributes were being paid to our departing friend from California, Senator MURPHY. They were moving and eloquent. I concur.

THE SENIORITY SYSTEM

Mr. SAXBE. Mr. President, one of the issues that Members of Congress will have to deal with as the new session gets underway in 1971 is whether changes should be made in the present seniority system. One of our colleagues, Senator PACKWOOD, is scheduled to appear on a nationally televised program on the Public Broadcasting Service that promises to be a stimulating debate on this issue. The program is "The Advocates," which will originate live from the Capitol at 9 p.m. on Tuesday, January 12, and will be telecast in Washington on WETA, channel 26.

The Advocates, a Peabody award-winner for its contributions to television education, will examine the question: "Should the seniority system in Congress be abolished?" Senator PACKWOOD will speak in favor of this proposal, along with Representative DONALD FRASER and columnist Jack Anderson. On the other side of the debate will be Representative PHILIP CRANE, columnist James J. Kilpatrick and Prof. Charles O. Jones of the University of Pittsburgh.

Another Member of this body, Senator Moss, will appear on a second program of The Advocates, which will be taped in Washington on Wednesday, January 13, and telecast nationally on Tuesday, January 19. That program will focus on the question: "Should the Federal Government set tar and nicotine limits on cigarettes?" Senator Moss will be joined by Dr. Ernest L. Wynder, president of the American Health Foundation, in arguing in favor of that proposal. Guests appearing in opposition will include Horace Kornegay of the Tobacco Institute.

ALBERT GORE

Mr. PASTORE. Mr. President, a few days ago there drew up to the doors of a building across the street, a small but fine appearing motor truck. It bore the symbol, "Gore Farms, Carthage, Tenn."

Aboard the truck went some of the Washington accumulations of a great man who is saying farewell to these halls where he has served so nobly these many years. These mementoes will take their places among the household goods and household gods in the town of his heart, close to the soil of his soul, the State of his undying love.

To me it was the simple and sincere drama of a son of the Volunteer State who had served that State, his country, and his conscience with a full measure of devotion.

In the height and heat of political battle, the fickle favor of a people had failed him for the moment. But he was returning without rancor or recrimination to the people he had not failed.

It is characteristic of ALBERT GORE that, in our official directory, he should restrict his biography to three lines. But the pages of the CONGRESSIONAL RECORD swell into infinity with the oratory of this man—silver tongued, clear minded, clean hearted.

Here he defended men whose character was being assailed—here he gave early warning against our Vietnam disaster—here he voiced the equities and opportunities that are the birthright of every American.

Here he rose to the responsibilities of Foreign Affairs in these days of crisis when all the continents of the world hold common cause with Carthage, Tenn.—these days when the hearts of the world have reason to hold fear.

Here was a man who, to my mind, held credentials for the high honors of his party and mine—his country and mine.

Whatever the future holds in store, ALBERT GORE's place in history is secure. But ALBERT GORE would not be thinking of his place in history—only his place in equity—human equity—in the highest meaning of America—upholding the very motto of his State—"Tennessee—America at its best."

His impression on this Senate and on our Republic will long endure—and our gratitude and our friendship for him is imperishable.

TRIBUTE TO THE LATE HONORABLE L. MENDEL RIVERS

Mr. HOLLINGS. Mr. President, A few of us of the same community who have experienced public office are in a position to know and appreciate the greatness of L. Mendel Rivers.

Three weeks ago, I had breakfast with the Congressman. He appeared hale and hearty. And today he is gone. This suddenness in passing was shock enough. But I have now received a greater shock; returning from the burial services in Charleston on yesterday I have just read in the New York Post of the same day the bitter article by Pete Hamill, entitled "No Sad Songs" calling Rivers a common drunk. Mr. Hamill concludes:

> He is gone and we are better off without him.

One can only feel pity for the hate-filled mind of Hamill. The thrust of his conclusions is that Mr. Rivers' only attainment was seniority—and this was abused.

Mendel was laid to rest near Gumville where he was born of the simplest and poorest of circumstances. He was never given anything other than the opportunity of America that we all receive. Taking this at its fill, Mendel won respect and love in his district long before the seniority system made him chairman. I know at times that many wanted him to run for Governor—for the U.S. Senate—or have him serve in the Judiciary. All of these were at his fingertips. But, the people of the district each time persuaded him to stay on as Congressman.

There is no magic in seniority with the folks back home. In the past two elections, over a dozen chairman of committees of the Congress, plus the minority whip, have been defeated at the hands of their own electorate. In the House, you are measured by primary and general elections every 18 months and to say that the people of the 1st district selected a common drunk is an outrage.

We have many, many correspondents in Washington. I know of only one news column that has ever referred to Mendel's drinking. The fact is that he did have a problem. But he controlled it—and this is to his credit. I have been with him socially and professionally on hundreds of occasions, both in the district, in our Nation's Capital and abroad. At no time did drinking interfere with Mendel's duty. And, for Mr. Hamill to infer that only those of the military honored Mendel because they had to—this is an outrage.

Billy Graham, who only last month spoke at the dedication of the L. Mendel Rivers Library at the Baptist College, appeared especially for the character and patriotism of the man. Certainly, Dr. Graham did not appear for a common drunk.

I wish Mr. Hamill could have seen the little people lining the streets and highway as the funeral cortege proceeded through Charleston, up into the county and over through Berkley County on yesterday. Hardly a uniform—just people—workmen, repairmen, women—grateful citizens of all walks of life, standing in respect and love. They knew that Mendel was a fighter—that he fought for the people of his district—that he fought for the military because no one ever claimed that they were overpaid. Mendel was always trying to improve their pay—their living conditions—and to preserve their dignity. And, too, they realized that Mendel was fighting always for the strength of his country.

It is said that when you come to the Congress you either grow or swell. Mendel Rivers grew. On many an occasion, he demonstrated unknowingly to me that he knew way more about the equipment and material and logistics of our Armed Forces than anyone in Government. He learned this because he worked at it from early morning until late at night. He cut a lot of red tape and he made a permanent mark on this Nation's military.

I wish Mr. Hamill could have ridden back on the plane of House Members that contained most of the Committee on Armed Services. I listened to their conversations. It was apparent to me that no one on that committee knew the military nearly as well as Mendel. To a man, they were agreeing that Mendel would have been their chairman without a seniority system.

And, back home where there is no seniority, Mendel was singularly the most loved and respected public servant of our time.

THE COSTS OF WAR

Mr. McGOVERN. Mr. President, the November issue of the Cornell Engineer, a highly respected publication of Cornell University, contains two articles which I believe deserve the attention of every Member of the Congress.

The first, by Associate Prof. Dennis Mueller, is an effort to estimate the real amounts exacted from our society by the war in Southeast Asia.

Professor Mueller points out that it is impossible to calculate all of the costs—political, sociological, and economic—because the impact has been so large and so diffuse. Yet in purely economic terms, he suggests that the outlays made thus far through the Federal budget are only a small portion of the total, and that as we have been spending some $150 billion to fight the war we have also been incurring up to $750 billion in additional obligations or losses as a direct result of it.

The second article was written by Associate Prof. Gary Bickel, and it applies a similar kind of analysis to all military programs in which the Nation is involved.

Professor Bickel cites some consequences of excessive military spending which are frequently ignored—among them the depletion of human capital in the research and development field, the severe distortion of the economy, and the ultimate assertion of governmental domination over a huge sector of the private economy.

The studies by these two distinguished economists should leave no doubt at all, if indeed there is any remaining after these many months of economic distress, that the war in Vietnam and the size of our overall military budget have both severely damaged this country's economic well-being. They strongly reinforce the argument of those who have called for meticulous scrutiny of all Pentagon programs.

I ask unanimous consent that the articles to which I have referred be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE COST OF THE WAR: MONEY AND MORE

(By Prof. Dennis Mueller)

What has been the cost of the Vietnam War to the United States? This is an impossible question to answer; there is no real way to measure the impact of an event as important as Vietnam on a society. How can one measure the costs or advantages of the United States participation in World War II? The most direct costs were, of course, the men and material that were used in fighting the war. The most direct benefit was the defeat of Nazism. An indirect cost was the launching of the cold war, which eventually led to Korea, McCarthyism, escalation of defense expenditures in the '50's and '60's, and finally to Vietnam itself. Clearly, there is no way that these benefits and costs can be combined. So numerous and complex are the ramifications of an event of this magnitude that it is not even possible to determine the sign of their net impact on America (i.e., whether our participation in World War II was a "good" idea or not), let alone the magnitude of this impact.

The same is true for Vietnam. While there is clearly a consensus now that Vietnam was a bad idea (just as there was that our participation in World War II was a good one), again it is not easy to predict all the ramifications of this event. Perhaps, Vietnam will be the limited war to end all limited wars as far as the U.S. is concerned, not because we successfully resisted "communist aggression" in Southeast Asia, but because the American people will no longer support an expensive limited war like Vietnam. Hence, the savings in not getting involved in future military involvements may be an indirect benefit of the Vietnam disaster. There may also be an additional indirect cost. In the future we may refuse to intervene in some local war, in which some citizens feel we should participate.

IMPACT OF WAR DEFIES CALCULATION

Enough has been said to illustrate the point. The impact of Vietnam is so gigantic and diffuse that no adequate calculation of all the political, sociological, and economic costs can be made. The most important effects, (on the probability of future limited wars, on the probability of World War III, etc.) are also the least quantifiable.

I shall turn to some direct calculations of the costs of the War. While I consider these figures a gross under-representation of the true costs of the war, they can perhaps serve to put the issue in some perspective.

While the United States has been supplying men and material to the South Vietnamese since the mid-1950's, the substantial build up of military expenditures in this area really only began toward the latter part of 1960's. Since then, our expenditures have averaged between $25 and $30 billion a year, or roughly ⅜ of our total defense outlays. For example, in 1969, roughly $27 billion out of the total $80 billion defense budget was spent fighting the war in Southeast Asia. This can be compared with the $30.5 billion spent on conservation, housing and community development, education and health combined, or to the $37.4 billion spent on social security. Thus social security payments could have been expanded by nearly 60% or the main components of the domestic program—housing, education, conservation and health could have been doubled if the funds used to fight the war nad been available for other uses. Even more directly, every American could have received free medical services with the funds used to fight in Vietnam.

Just to look at the immediate "out of pocket" costs of Vietnam grossly underestimates its economic impact, however, even if we limit ourselves to a dollar and cents measure of costs. Two other expenditures can be directly traced to the Vietnam War. First, because the initial expansion of the war was conducted by an administration that attempted to have both military victory abroad and major social improvement at home, a large portion of the Vietnam expenditure increase came at the expense of other Defense Department programs. These curtailments were regarded by the military leaders as temporary and they can be expected to put pressure on the President to expand the non-Vietnam components of defense expenditures significantly as funds are "released" through the winding down of the war. Indeed, this non-Vietnam expansion has already begun to take place. The non-Vietnam portion of the 1970 defense budget was up by more than 10% ($5 to $6 billion) over the fiscal year of 1969.

BIGGEST BILL HAS YET TO BE PAID

A second area of future budgetary expansions that can be traced directly to the Vietnam War comes in the area of veterans benefits. Returning G.I.'s are entitled to substantial government assistance in pursuing higher education under the G.I. bill of rights. Medical outlays for G.I. veterans stem far beyond the date at which actual combat finally ends. The widows and dependents of soldiers killed in Vietnam also receive payments far into the future that must be regarded as an additional cost of the war. While these future costs are hard to estimate, in the past they have been roughly five times the outlays for the war itself. Hence, by far the biggest bill on the War has yet to be paid.

Again it should be stressed that these dollar estimates grossly underestimate the *real* costs of the war. The medical payments and other compensation paid do not really measure the value of a lost leg or husband. Hence, the costs in pain and suffering caused by those participating in the war far exceed the compensations made by those paying for it.

Another cost of the war is borne directly by some of the soldiers fighting it in the form of the income, enjoyment and freedom forgone in having had to serve involuntarily in the armed forces. This is a difficult cost to calculate, but is conceptually equal to the difference in what a soldier is earning in Vietnam and what he would require as a salary to induce him to serve in Vietnam voluntarily. For example, if a soldier is earning $5000 per year in income and other benefits and *if given the choice* he would only serve in Vietnam if his pay were $25,000, then for this soldier the *real* cost of the war is $20,000. This is essentially a tax the country levies on him when it drafts him and sends him to Vietnam. If he were left at home he would presumably take a job which provided him with a level of income (monetary and psychic) roughly equal to what he would obtain by working in Vietnam at such a high salary.

UNEARNED MONEY AND WASTED LIVES

Some soldiers bear no tax of this type (those who would volunteer for service in Vietnam under present pay scales.) Others bear a very large one. Some indication of the magnitude of this figure can be obtained by looking at the estimates of the costs of abolishing the draft entirely and attracting the necessary level of manpower into the army by higher wages. The additional costs of a fully volunteer army of 3,000,000 have been estimated as running anywhere from $4 to $20 billion per year, with a figure between $12 and $16 billion termed most realistic. These figures have to be adjusted in two ways to make them relevant to the Vietnam issue. First, at most Vietnam has absorbed only about one sixth of our total manpower in the armed forces at any one point in time. Hence, a direct proportional allocation of the costs of a voluntary army would indicate a hidden cost of Vietnam of from $2 to $3 billion. Secondly, the above estimates are based on calculations made for a peace time army. Clearly the amount one might have to pay a typical draftee to coax him into serving in West Germany or Hawaii is likely to be far less than the amount he will require before he will volunteer to go to Vietnam. How much less, no one can really tell. Perhaps, a doubling of the above proportional estimate, say, to $5 billion, would not be a bad figure.

Beyond this one can make further, but even more questionable, cost estimates of the war. What does the country lose in the way of further economic production from the roughly 600,000 casualties it has suffered? If we assume that a typical soldier would earn on average $10,000 (in 1970 dollars) over his lifetime, then each of the 46,000 dead G.I.'s in Vietnam has cost this country approximately $200,000 in discounted future production. A total loss of over $9 billion. To this figure one could add the reduced productivities of the 550,000 injured soldiers returning from Vietnam. While these are real costs of the war, they are such cynical underestimates of the true costs of these tragedies that I do not include them in the final figures.

COSTS OF VIETNAM WAR APPROACH GNP

To summarize: The U.S. has probably spent about $150 billion fighting the Vietnam war. It has incurred obligations to pay up to another $750 billion over future years as a direct consequence of the war. These figures alone amount to roughly the Gross National Product for this country in 1969. Hence, every American alive in 1969 will spend approximately one year of his life working to pay for the cost of the Vietnam War. Since most of the real costs of the War are incurred in the future the young will have to pay more than the old.

IN SPITE OF GIGANTIC OUTLAYS THE COSTS ESCALATE

As large as these costs are, they would not be quite so disturbing if it appeared that we had actually bought something for them, if peace appeared a little closer, if future wars and military buildups would not be necessary because of this past giant expense. Such does not seem to be the case, however. Currently, the Vietnam War is only about one-fourth of the total defense budget. A number of weapons programs have been launched which will escalate in cost as they move from research to developupment and then to production. Among those already in the production stage are the following:[1]

	Billion
Minuteman III missiles	$4
Safeguard ABM	8
F-14 Navy fighter plane	20
F-15 Air-to-air combat fighter for the Air Force	--
Nuclear attack carriers	1½
62 Navy escort vessels	5
New amphibious assault ships	--
New Navy anti-submarine plane	2½
New continental air-defense	--

Among those in the planning and development phase include:

	Billion
AMSA (advanced manual strategic aircraft)	$10
New battle tank	1½
New advanced missile in super-hard silos	--
New Air Force atack aircraft	--
Major reconversion of a large number of Navy vessels	--

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[1] Figures are from testimony before the Joint Economic Committee in November of 1969 by Charles L. Schultze, former director of the Bureau of the Budget.

XUM

New continental air defense interceptor	--
New underwater strategic missile system	--

Keeping in mind that the eventual cost of a weapons program is on average more than 3 times the original estimates, and the above figures are only early estimates, we are clearly signed up for an expensive and long continuing flow of military appropriations even after Vietnam is over.

In closing, let me reiterate the following point. While the cost of Vietnam in dollars and cents is large (roughly a years total production in the United States) it is dwarfed by the nonquantifiable consequences of the war on future history and on the lives of the many people directly or indirectly affected by it (from Hamburger Hill to My Lai to Kent State). These are the most expensive aspects of the war and they should not be dwarfed by the price of a bomb or a bayonet. The Vietnam War costs are also overshadowed by the remainder of the military budget and the continual increases of defense outlays that are inherent in the arms race "defense strategy." This perpetual development and purchase of weapons continues and threatens to accelerate. It is this buildup that represents the greatest obstacle to our country's being able to free sufficient resources to solve its domestic problems. And it is here, therefore, that most public attention must be focused in the future.

THE DIVERTING OF THE ECONOMY

(By Prof. Gary Bickel)

The creation by United States governments over the past 20 years of the most stupendous military organization on earth has posed serious questions for American society, the hardest one being, can we survive our own creation? Eminent men who were in on the action have begun to view their handiwork as a Frankenstein monster, beyond the possibility of democratic control. Dr. Ralph Lapp says the U.S. "has institutionalized its arms-making to the point that there is grave doubt that it can control this far-flung apparatus," (*The Weapons Culture*, 1968.) Colonel James Donovan, a Marine for 23 years and staff planner to the former Commandant, says we have become "a militaristic and aggressive nation," driven by military ambitions that "dominate the country," (*Militarism, U.S.A.*, 1970.) Dr. Herbert York, former chief scientist and first Director of Research and Engineering for the Pentagon, now views our weapons systems as severely reducing our security and as virtually guaranteeing doomsday if we take the one-more-round of MIRV's and computer-controlled ABM's, (*A Participant's View of the Arms Race*, 1970).

This Frankenstein monster image—a machine out of control—will yield to the extent we understand it—and some parts of the question we can begin to answer: For example, how big is our military establishment?—How did it grow?—What does it all cost?, and who bears the cost? Has it benefitted the economy? Or damaged it? How serious is the economic disruption caused by the Vietnam war and the incredibly irresponsible way in which it was financed? Finally, is economist Seymour Melman correct, that the structure of our enterprise system itself is being fundamentally altered by a newly-created system of "state management," tightly centralizing all the federal government essential and characteristic *top* management functions—decision-power, planning, financing, and detailed surveillance and control—over a huge sector of "private" industry?—what others have called "military socialism" and Melman calls "Pentagon capitalism." (His book, *Pentagon Capitalism, the Political Economy of War*, McGraw-Hill, 1970, is indispensable reading for anyone concerned with what is happening to the U.S. private enterprise system, today.)

First, how big is our military enterprise, and how did it grow? In 1969 it included 3.5 million uniformed personnel, 1.2 million civilian Pentagon employees, and 7–8 million jobs in industry devoted directly to military research, development and supply—i.e. about 15% of the nation's labor force. It included Defense Department ownership of $202 billion of physical property assets (at official valuation; closer to $300 billion at realistic prices), of which $14.7 billion worth of fixed capital, mostly production equipment, was provided by the Pentagon, free of charge, to its industrial contractors in 1967. (Some $4–5 billion of operating funds or "working capital" was also provided, free of interest, in the same year.) It included 29 million acres of U.S. land owned, over 2000 bases occupied on foreign soil, and a single-year procurement budget of $45 billion (far greater than the total budgets of most governments in the world, and dwarfing by comparison the largest private corporations: General Motors, $22.8 Billion 1968 gross revenue; AT&T, $14.1 B; G.E., $8.4 B; U.S. Steel, $4.6 B; DuPont, $3.4 B.) Its command over resources is especially pronounced among highly-trained scientists, engineers and technicians, of whom 440,000 (63% of all U.S. research and development personnel,) were engaged directly or indirectly in military work in 1967.

In plain budgetary terms, all this cost us over the last two decades more than 1,000 billion—or one trillion—dollars. The net financial cost of the Vietnam war as such, (i.e. not attributing to it any Pentagon "overhead" or associated "real" costs,) by official estimate will reach $140 billion this budget year. (That's about $3800 worth of destruction for every man, woman and child in Vietnam north and south; each Vietnamese killed by U.S. action has cost us about $400,000; our total of bombs and other ordinance expended has now amounted to 12 tons per acres, surpassing all the explosives used by Allied forces in World War II.)

While U.S. military spending, grew from $14.1 billion in 1950 to $79.3 billion in 1969, its proportional share in the economy, established in the 1950's, remained remarkably constant at about 8–10% of the full-employment level of GCP (or "Gross Capacity Production"). Kenneth Boulding has noted this as one of "the three major structural changes in the American economy" in recent times, (the others being decline in agriculture and decline in the whole private sector in the face of expanding government.) Indeed, the expansion of *federal* government spending on goods and services, (representing real resources removed from the private economy,) from $6 billion in 1940 to $102 billion in 1969, was 80% military. The *non*-military part of federal purchases has grown astonishingly little in 30 years: in 1960 such expenditures were actually *below* their 1940 level and by 1969 had less than doubled in real terms, (i.e. measured in dollars of constant purchasing power). Per capita, federal government spending on goods and services was $72 in 1940 and $83 in 1969! (both in 1958 dollars). Annual military spending over the same period rose by eleven-hundred percent, (also constant dollars).

The tremendously expansionary U.S. military policy of the 1960's aimed for three things simultaneously: first, the expansion of our strategic nuclear forces far beyond the requirements of a credibile retaliatory threat, or "deterrence" as such. Since 1961 we have spent approximately $153 billion in expanding U.S. nuclear force, to a stockpile of 11,000 major "strategic" weapons and delivery systems, (4200 intercontinental in range,) and 25,000 smaller "tactical" weapons, (averaging 5 times the size of the Hiroshima bomb).

Second was the expansion and "diversification" of U.S. forces, conventional and "counterinsurgency"—what former Budget Director C. L. Schultze calls "the general purpose forces, which exist very largely to protect our interests and commitments abroad"—and which presently require ⅔ of our annual military budget. They are deemed adequate by U.S. military planners to fight the initial phase of "2½ wars" simultaneously, i.e. "major" wars in Europe and Asia, plus another "small war" somewhere else. If they are maintained in 1971 at "pre-Vietnam" levels, their cost will be $44 billion, according to Schultze. (*Setting National Priorities, the 1971 Budget*, Brookings Institution.)

And third was the sustained pursuit of the Vietnam war.

Second, what are the real costs to the American economy? We are re-learning some basic economic truths, that such massive expenditure of resources sustained over time necessarily imposes significant economic sacrifice on all other areas of national life: the quality and adequacy of public facilities, the maintenance of real standards of living, and the underlying productivity of the industrial system itself. What now appears near-incredible is the earlier assumption that massive military spending need *not* impose such sacrifice, as expressed for example in President Johnson's 1966 "guns *and* butter" speech, (which Senator Fulbright labelled at the time as reflecting "a kind of madness.")

It is of course true that military spending creates specific jobs and growth, just as does any other kind of public or private spending, but the trouble is that the products of all-these jobs are, in economic terms, completely non-productive. They constitute a drain of real resources of all kinds *from* the economy—manpower, capital equipment, raw materials—and in return put *into* the economy nothing but purchasing power. This is the single most substantial and fundamental source of the underlying tendency toward inflation ("too much money purchasing too few goods") plaguing the American economy. For two decades a thousand-billion dollars of potential capital goods, consumer goods and public facilities and services were *not* produced, while a thousand-billion dollars of purchasing power *was* pumped into the civilian economy through military spending.

While we have been learning the hard way the lesson that military spending is essentially parasitic on the economy, we could have read it in Adam Smith:

> "The labour of some of the most respectable orders in the society is, like that of menial servants, unproductive of any value . . . The sovereign, for example, with all the officers both of justice and war who serve under him, the whole army and navy, are unproductive labourers. They are the servants of the public, and are maintained by a part of the annual produce of the industry of other people." (*Wealth of Nations*, 1776.)

The principle applies by extension to all the industrial activity supplying the military as well: it too must ultimately be supported by "a part of the annual produce of the industry of other people" since it puts no real product back into the economic life of the country, but is entirely parasitic upon it.

MONTHLY WAR COSTS COULD TRAIN 100,000 SCIENTISTS

The economist's basic measure of cost is "opportunity cost"—the alternative uses of resources sacrificed or foregone. Clearly we have paid a mighty price, (in *private incomes* drained away in high taxes, in *personal savings* never accumulated, in *private business profits and investment* in productive plant and equipment never realized, in *public investment and programs* of all sorts starved for funds,) for the gigantic expansion of our military might for 20 years. In actuality, some mix of all these forms of resource use has been sacrificed. Considering just the category of private consumption, if it held now the same proportion of GNP as in 1929, it would be greater by more than $100 billion/year than its actual level, or an additional $2000 per American family annually.

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Or considering the potential public programs sacrificed these were some "opportunity costs" of the Vietnam war at its peak:

"Each *month* of Vietnam war cost—

"Could have financed the complete training of 100,000 scientists;

"Would finance the food bill for ending hunger among 10 million Americans;

"Could more than double the resources of the Agency for International Development annually;

"Could create four new Rockefeller Foundations;

"Could pay the full year's cost of state and local police in all states of the union;

"Could enable more than doubling the social security benefits paid to 20 million Americans."

(Melman, *Pentagon Capitalism*, 1970.)

The full extent to which the productivity and growth of the economy, and the adequacy of virtually all public services, has been damaged or depleted by the long-sustained pre-empting of resources for military priorities is probably impossible to assess, but evidence is abundant that such damage has been substantial. A few examples:

1. In 1950, there were 105 M.D.'s in private practice for each 100,000 citizens; now there are 98, and that number is maintained only by hiring thousands of foreign doctors now working in American hospitals.

2. The New York City hospital system has 7800 authorized and budgeted nursing jobs—in 1969 it could fill only about 2000 of them; a fourth of such jobs are vacant nationwide.

3. In 1950 the U.S. ranked 5th in the world in infant mortality—by 1967 we ranked 18th, with 23.7 infant deaths/thousand compared with Sweden's 12.6/thousand.

4. In 1968 the New York City Department of Buildings found 425 out of 927 school buildings in serious violation of the city's building code; some 85,000 children were attending classes in 109 schools built before 1900.

5. Some 22 million Americans are classified as functionally illiterate, not having completed the 8th grade; recent studies indicate that actual functional illiteracy, inability to read newspapers or simple instructions, is twice this level.

6. Over the decade 1958–68, 561,000 subsidized low-rent dwellings were built in the U.S., approximately a tenth of the number of dwelling units now rated as grossly substandard; the rate of deterioration *into* the substandard category is about 600,000 units/year.

SIXTY-THREE PERCENT OF 1967 R. & D. PERSONNEL WORKING ON MILITARY PROJECTS

These items indicate a deteriorating public sector and depletion of a vital part of our productive capital stock—the "human capital." Two more, items, however, are even more telling in the depletion process they reveal spreading through the U.S. economy:

7. The 1968 McGraw-Hill 5-year inventory of metal-working machinery in U.S. industry found that 64% of the metal-working machine tools used were then ten years old or older, making this country's machine-tool stock the oldest of all major industrial nations.

8. A 1967 survey by the International Organization for Economic Cooperation & Development counted 700,000 scientists, engineers and technicians working in U.S. research and development, but 63% were occupied on military projects. This leaves 259,000 R & D personnel engaged in U.S. civilian work, compared with 466,000 such personnel in Western Europe.

Not only the *size* of the military drain on resources is revealed, but its *qualitative* impact.

IMBALANCE IN RESEARCH ALLOCATIONS

While R & D has expanded greatly in the U.S. since 1950, without any formal planning it has undergone a process of nationalization: ¾ of the total budget is now supplied by the federal government, and over 90% of that is directed by DOD, NASA and AEC. The effect of the allocation of scientific, engineering and technical manpower is immense. As early as 1962 a distinguished committee of the Engineers' Joint Council reported on *The Nation's Engineering Research Needs, 1965–1985,* noting the imbalance in national research efforts, virtually stranding many industries and severely neglecting many of the most vital socially-relevant areas. In the words of the Report:

"The needs of people and society are not given sufficient attention in the allocation of research and development funds. Non-defense agencies do not have research and development programs that relate broadly to their entire mission or that reflect the enormous impact of technology on the lives of people and social organizations. . . .

"The importance of maintaining a competitive technological position to contribute to growth of the national economy is not recognized in the current allocations. . . . The aggressive programs for research and development . . . generated to advance the defense or quasi-defense programs are attracting many of the most competent individuals . . . U.S. industries' place in international economic competition is being threatened.

"There is much evidence that spill-over from military research to the civilian economy does not occur very frequently. Accordingly the military program must be recognized as utilizing a large fraction of the most talented individuals . . . and of denying to the civilian economy [their] services . . . the consequences of allocating such a large fraction of the national research talent to defense must be given careful consideration."

OUR DEPLETED SOCIETY

In an analysis completed before the escalation of American involvement in Vietnam, Seymour Melman, a Columbia University industrial economist specializing in the U.S. machine-tool industry, summarized the long-run effects as follows:

"The United States now is the scene of a drama different from that implicit in her confident ideology. A process of technical, industrial and human deterioration has been set in motion within American society. The competence of the industrial system is being eroded at its base. Entire industries are falling into technical disrepair, and there is massive loss of productive employment because of inability to hold even domestic markets against foreign competition. Such depletion in economic life produces wide-ranging human deterioration . . . The price of building colossal military power and endlessly adding to it has been the depletion of American society, a process now well advanced in industry, civilian technology, management, education, medical care, and the quality of life." (*Our Depleted Society,* 1965.)

The additional $140 billion of incremental or extra Vietnam war costs intensified and accelerated already-evident longer-run tendencies. By the late 1960's, the effects had become drastic: productivity growth in the domestic economy was slowing nearly to a standstill. Measured as annual rate of improvement in real output/man-hour, productivity growth in the private economy averaged about 4%/year in 1961–65, under 2%/year since 1965, and in 1969 less than 0.9%. (*Economic Report of the President,* 1970.)

The Vietnam war was sold to the American people and Congress upon false premises. Consequently, at each stage of its escalation the true scope and intensity of the U.S. involvement were obscured in the official explanations, and especially during the massive "Americanization" of the war during 1965 and '66. Similarly, the war's actual costs and financing—which, if made public, would clearly have indicated the course government policy was taking—were hidden during this crucial period of transition.

Between early 1965 when bombing of the North began and June, 1966—U.S. forces in Vietnam were increased from about 23,000 to over 300,000, and had taken over the bulk of offensive action against the Viet Cong, (though this so contradicted earlier policy that it was only revealed gradually). Defense Department obligations of funds—i.e. placing of military procurement contracts, rose from $48.2 B in 1st quarter 1965 to $86.4 B in 2nd quarter 1966, and the effects of these heavy new contracts were felt immediately in the civilian economy. The Federal Reserve Bank of New York commented, as did many other business analysts at the time, "The rapid growth of defense requirements was the largest single factor shaping the course of economic activity in 1966." (*Annual Report,* 1966.)

Actual military payments grew more slowly than new contract obligations, but even so, one-fourth of the rise in GNP in 1966 was due to expanded military spending. Between early 1965 and the 1st quarter of 1967, the increase in total military spending was about 50%, (40% in real terms).

GOVERNMENT HIDES ACTUAL COSTS OF WAR

The President's budget message in January, 1966, assigned new appropriations of $8.7 B and expenditures of $10.2 B to "special support of Vietnam operations" for the coming fiscal year. (The message also asserted: ". . . it would be folly to present a budget which inadequately provided for the military and economic costs of sustaining our forces in Vietnam.") A year later the official estimates for the same budget period, (by then half completed) were $22.0 B for appropriations and $19.4 B for expenditures! The actual war costs were virtually double those projected—but for nearly a year had been obscured from the country and even the Congress. How were these hidden war costs actually financed during this period?—Simply out of the vast reserves of unexpended Pentagon funds originally authorized and appropriated for other purposes.

Through most of 1966, Administration officials insisted publicly that their war budget was accurate—e.g. Treasury Secretary Fowler in March:

"Let me emphasize that our current estimates of Vietnam expenditudes remain, in the view of those most qualified to judge, an accurate evaluation of our needs so far as we can now foresee, and I would hope that, when the need for responsible restraint is so great, no one will base his economic decisions on the purely speculative assumption that our Vietnam needs will exceed current expectation."

On a Presidential news conference, as described by the *Nation*:

"Johnson was throwing up smokescreens . . . to shield the public from the true fiscal situation . . . reporters came away from the press conference of November 29 in utter confusion . . ."

Finally in December, 1966, the "error" in the war budget was acknowledged—and blamed on Pentagon accounting procedures! (The technical point was that military spending is finally recorded officially only after deliveries are made and payments completed, but this lag was already understood—the same thing had happened in the Korean War buildup in 1950 and been analyzed at that time.)

In a study for the Center for Strategic Studies of Georgetown University, Murray Weidenbaum described the period as follows:

"During much of 1966, it was becoming clear that the military spending rate was exceeding that implied in the January budget. However, the Administration did not issue the traditional midyear review of the Federal budget in the fall of 1966, which would have updated the estimates contained in the January budget. . . . A slowdown also occurred in the release of the most detailed public source of historical defense expenditure and obligation information, the Defense Department's "Monthly Report on the Status of Funds." Through the fall of 1966, when most business, financial, and other private observers were preparing and issuing economic forecasts for the calendar year 1967, the latest available issue was that for June, 1966. The July and August issues never did appear; the September issue appeared too late in December to be useful for most of the forecasting work for 1967." (*Economic Impact of the Vietnam War*, 1967.)

The moderate business group, Committee for Economic Development, described it this way.

"The economic decision-makers did not correctly foresee what the size of the Vietnam effort would be. To some extent this kind of error of forecasting is inevitable when military objectives are subject to change and enemy responses are uncertain. However, it seems also to have been true that the possibilities which the managers of the military effort had in mind were not always made clear to the managers of official economic policy." (*The National Economy & the Vietnam War*, 1968.)

A group of young Harvard economists has surmised:

"What seems to have occurred is the following: The Johnson Administration pushed its Great Society programs and attempted to keep the costs of the War hidden from the public and from the Congress. This budgetary tactic (quite successful in the short run) was based on Johnson's judgment that Congress would not vote much money for the Great Society if it knew the true cost of the war, and was justified by Johnson's wishful thinking that the War could be quickly ended." (*The Review of Radical Political Economics*, August, 1970.)

It is also possible that the Administration was primarily concerned simply with forestalling public criticism of its war policies, which were revealed in their true light only gradually. Be that as it may, federal spending on the Great Society programs, aid to education, health, housing, etc. did expand rapidly through at least 1967, while no additional tax revenues were sought and the war cost continued to mount rapidly.

ADMINISTRATION MISMANAGEMENT LEADS TO INFLATION

The impact on the economy was drastic and predictable: the triggering of a price-inflation that still remains to be brought under control. (Annual increases in the Consumer Price Index averaged 1.4% in the 1963–65 period, and 4.1% in 1966–69, reaching 6.1% in 1969. The most recent data—2nd quarter 1970—shows the GNP Price Index still rising at a yearly rate of 4.4%, faster than earlier in 1970.) The war tax finally enacted in the income tax surtax of 1968 was simply too little and too late. By then, cumulative Federal budget deficits for the three war years had reached an unprecedented $37.8 billion—and this on top of an essentially full-employment economy—an utter perversion of "the New Economics," and what has been called "the greatest inflationary shock to the economy in the post-World War II era." (For comparison, the comparable three years of the Korean War, financed with adequate tax increases and budget constraints, plus some mild wage-price controls, produced aggregate federal deficits of under $4 billion.) Actually, the fact that the American economy could absorb such incredible fiscal mismanagement with no greater disruption than has occurred is a testament of some kind to its great underlying strength—the economy "can take a lot of ruining."

Instead of open tax increases or domestic budget cuts, inflation was the chosen method of the Johnson Administration for financing the Vietnam war. As a CED report put it, "We paid the unfair and insidious tax of inflation rather than taxing ourselves openly and fairly." Inflation is a highly regressive form of taxation, reducing the purchasing power of low fixed incomes relatively most, but from the Administration's point of view it had the advantage of being a largely "hidden" tax—many people don't yet see the connection with military spending, which seems remote, and scape-goats are readily found: "labor unions," "big business," "welfare," etc. Inflation is also a widely spread tax, hitting (with a few exceptions) working people in general: the "real" or constant-dollar measure of "average spendable weekly earnings" of wage-earners as a whole *declined* between 1965 and 1969.

SOLUTIONS LEAD TO MORE PROBLEMS

After a time, as the inflationary "spiral" became self-reinforcing and self-perpetuating, the disruptive effects for economic activity grew more pronounced. While some business firms can take advantage of inflationary movements, many others cannot, and long-range business investment planning especially comes to be disrupted and hampered. Business profits began to be hard hit, (though not as greatly as real wages,)—during the four years prior to the "Americanization" of the Vietnam war, corporate profits after taxes rose 71.0%; from 1966 through 1969 they rose 9.2%. Simultaneously, the U.S. international payments balance deteriorated seriously as a result of the war and its attendant inflation: the U.S. balance on current account declined from a surplus of $7.8 billion in 1964 to about $4 billion in 1967, $1.4 billion in 1968, and under $1 billion in 1969. A good part of this progressive deterioration is accounted for by the large increase in foreign-exchange outflows associated with military purchases abroad.

Then, the subsequent efforts to halt the inflation of money prices and money demand in the economy, through the shot-gun monetary and fiscal methods that Abba Lerner has named "administered recession," produce still more serious economic costs of a different kind. Our basic anti-inflationary policy is still *deliberately* to achieve a reduction of employment, a reduction of production, a reduction of real growth—or in other words, a little recession—*in order* to lower total demand and, eventually, halt the rise of money prices. U.S. industrial production has been declining steadily now for two years, while unemployment has risen to 5.5% of the labor force, predicted to go higher.

This is, of course, a dangerous tightrope, since creating a little recession always runs the risk of triggering a more serious self-reinforcing decline in the economy. Nevertheless, the real costs of the policy should be recognized, since they also are true costs of the Vietnam war, given the way in which it was financed. The loss of real output and income in 1970 alone, through the enforced idleness of workers, machines and business skills alike, will be at least $20 billion, or about $400 per family.

THE GREAT AMERICAN MYTH

High interest rates, raised by the Federal Reserve to the highest levels in 100 years, are one of the main tools of anti-inflation policy, and thus are also part of the cost of the Vietnam war. By making it more expensive to borrow funds for consumption or investment spending, they reduce the demand for goods and services but small businesses and households are particularly hard hit, while large corporations are much less affected. The construction industry, especially, has been hurt badly by high interest rates. The cost of a home mortgage rose from 5½% in December, 1965, to 8½% in December, 1969. Thus, a $20,000 20-year mortgage now costs $35 more per month, or a total of $8,800 *more* than it did five years ago.

Fourth—How has all this come about? The answer must be complex: our great ideological fear of communism, the near-paranoia with which we repeatedly overestimated Russian military capabilities, leading us to a series of excessive over-reactions, (in turn goading the Soviets to strive to catch up—the familiar sequence of "self-fulfilling prophecy,") are part of it. More basic to our fear was the trauma of the nuclear age and its weaponry revolution, which made obsolete the possibility of "defense" in any meaningful sense, (protection from harm, or preservation,) and produced instead the rational but inescapably dangerous policy of "deterrence"—a global threat-counterthreat system, or "experiment in applied social psychology," of which we had little real understanding. The pressure of living exposed, defenseless against nuclear annihilation, pushed the rational, if risky, policy of deterrence into "overkill," the irrational pursuit of impossible "security," (a tipoff to the irrationality revealing itself in the Orwellian language.)

In this atmosphere, the unexpectedly great successes of the U.S. economy, both during and after World War II, encouraged us to overlook the costs of military spending and to accept instead what Kenneth Boulding calls the "great American myth," that war is good for the economy. Curiously, this Leninist doctrine, (in apparent preference to using more constructive Keynesian stimuli, when needed,) was gaining currency here about the same time Soviet theorists of U.S. capitalism were dropping it.

Then, we deliberately set out to create a "military-industrial-university complex" as well. President Eisenhower, who gave us both a warning and a name for it in 1961, undoubtedly remembered *General* Eisenhower's long-range policy memorandum of 1946, issued in his capacity as Chief of Staff of the U.S. Army: (reprinted in full in Melman's book):

"The future security of the nation demands that all those civilian resources which . . . constitute our main support in time of emergency, be associated closely with the activities of the Army in time of peace.

"The Army . . . has the duty to take the initiative in promoting closer relation between civilian and military interests. It must establish definite policies and administrative leadership which will make possible even greater contributions from science, technology and management than during the last war.

"It is our duty to support broad research programs in educational institutions, in industry, and in whatever field might be of importance to the Army . . .

"Close integration of military and civilian resources will . . . contribute to the nation's security, as civilians are prepared for their role in an emergency by the experience gained in time of peace."

Despite the evident scope of this directive, it did not result in "militarization" of U.S. society in the classic sense of civilian institutions patterned upon military models and values. As sociologist E. H. Powell has noted, "The U.S. military establishment is modeled after the business corporation, and not conversely; generals behave like board chairmen, soldiers like clerks." the "complex" of the 1950's remained an informal confederation of military and economic interests, a loose "power elite" in C. Wright Mill's term, for it—still largely operating through familiar market relationships. But this was not yet the final result, only a transitional phase.

The final development was provided by the Kennedy Administration's thoroughgoing reorganization of the Department of Defense in the early 1960's, in the name of "cost effectiveness" and "civilian control over the military," (and over objections of many professional military men.) It consisted of the creation of a centralized administrative control system within the Department of Defense, utilizing the most sophisticated techniques of modern business management, and extending over both the Pentagon's in-

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ternal organizational structure *and* its network of external suppliers.

THE OMNIPRESENT PENTAGON

This is the crux of what Seymour Melman has called the "State-management" system: all the normal powers and functions of corporate "top management" were gathered under the Office of Secretary of Defense, and the whole structure was rigorously formalized—especially in the relationship to its external contractors. Military suppliers no longer function as autonomous mangements or independent firms entering into a market relationship of buyer and seller, but function exactly as the branch divisions or subsidiaries ("sub-managements") of large U.S. corporations. As Melman comments, "the market was replaced by a management." Policy-making power over production is the heart of top-management function: detailed Pentagon policy rules are applied to literally every phase of each contracting firm's operations, with Pentagon officials exercising the authority to examine and supervise all aspects. This sample of the responsibilities and powers of a Pentagon Administrative contracting Officer indicates the scope:

(i) Review contractor's compensation structure;

(ii) Review the contractor's insurance plans;

(xii) Review, approve or disapprove and maintain surveillance of contractor's procurement system;

(xiii) Consent to the placement of subcontracts;

(xiv) Monitor contractor's financial condition . . . ;

(xx) Perform necessary screening, redistribution and disposal of contractor inventory;

(xxviii) Monitor compliance with labor and industrial relations matters under the contract . . . ;

(xxxii) Provide surveillance of contractor design, development, and production engineering efforts;

(xxxiv) Evaluate and monitor contractor engineering efforts and expenditures in * * * terms;

(xxxv) Conduct surveillance of contractor engineering practices with regard to subcontractors;

(xxxviii) Evaluate the adequacy of contractor engineering data control systems . . . ;

(xxxix) Monitor contractor value engineering programs;

(xliii) Evaluate the contractor management, planning, scheduling and allocation of engineering resources;

(liv) Assure timely submission of required reports.

(Armed Services Procurement Regulations, 1968, about four volumes.)

An elaborate reporting system is required on all phases of the contractor's operation: A recent PhD thesis study of one defense contractor counted 1,411 separate reports submitted over a one-year period. As Melman described the operation of the system:

"The top management operates a national network for enforcing compliance with the policy rules which it lays down . . . carried out by 15,000 men who arrange the terms of agreement (contract) by which a formally private firm comes within the orbit of control of this new, government central office. Approximately 40,000 men are involved in administering the terms of these agreements, that is in ensuring compliance with policies defined by the top management."

In all important respects, firms entering heavily into military contracting cease to resemble private enterprise. Their products are not subject to any market test, (only 14% of all Pentagon contracts were competitively bid, 1948–66); their personnel are not independently chosen, (submanagement must submit all key managerial and engineering personnel for Pentagon approval, and must establish procedures for checking on the political security of all personnel); their capital equipment and funds are drawn, in varying degree, from the Pentagon; their operations do not face normal profit-and-loss criteria, (government contracts have been used to sustain less effective firms, and even to rescue important submanagements from the consequences of losses made on the commercial side of their operations); their "profit" rates do not reflect actual costs or efficiency, (although their costing procedures are determined by elaborate standardized rules, cost "overruns" above contract terms are the normal case,—in 1962, estimated to average 3.2 times initial estimates on major systems—and normally are covered by the Pentagon.)

In fact, "profit" is a misnomer here in any traditional sense or reward for risk or enterprise, an accounting fiction designating what is actually a form of *bonus* payment from top management to subsidiary management. Melman has noted that:

"The main commodity which submanagement sells to top management is not so much a specific product, as its competence to perform operations in accordance with specifications given by the top management."

"[Thus, profit] . . . is discussed in the *Defense Procurement Handbook* as a regulated (cost) way of controlling contractor performance. From this standpoint, profit is a payment to submanagement for something, that is, for accepting and complying with decisions made by the top managers in the Office of the Secretary of Defense."

What appears to outsiders as excessive "waste" (e.g., the GAO identified $500 million of "waste" in a 5% sample of one year's Pentagon contracts,) is in reality an essential functional component of the whole system, serving to tie the far-flung network of subsidiary managements and industrial enterprise securely to the State-management's control.

The centralized State management in its turn simply follows its own inner law of organizational growth, subject to few external constraints—a Parkinson's Law of the Pentagon!

Its unrelenting drive to keep extending the scope and substance of its own decision—power demands that it protect, subsidize and expand the industrial enterprises at its base. The apparent "irrationalities" of the system are thus entirely rational after all—from the point of view of the Pentagon. And note that this is not a "devil theory," necessarily assuming sinister motives, but simply the application of what we know about the apparently inherent dynamic of the centralizing corporative form of organization. The only thing special about the Pentagon is the nearly limitless access to power that modern technologies and Cold War financing has placed at its disposal, which returns us to the original question, Will we survive it?

It appears that our society has not yet been "militarized," though our economic life has been hurt badly and in many ways; our military has been effectively, "corporatized"; and a large segment of our industry has been essentially "socialized," in a way reminiscent of the Elizabethan privileged monopoly system, but geared up, dynamic. The adequate checks against "the disastrous rise of misplaced power" remain to be achieved, but to stand in fear and awe before our creation will not achieve them; what men have put together, men also can take apart.

TRIBUTE TO SENATOR TYDINGS

Mr. JACKSON. Mr. President, I have the privilege of following the distinguished public career of JOSEPH TYDINGS since he graduated from college. I observed his outstanding legal ability as a lawyer and as a most able and effective U.S. attorney for Maryland. He was an outstanding member of the Maryland House of Delegates, where he was responsible for a number of measures that protected the public interest of the people of that State.

During his 6 years of service in the U.S. Senate, JOE TYDINGS was one of our most effective Members. He served with distinction as a member of the Judiciary Committee and as chairman of the District of Columbia Committee. He was a leader in improving the administration of justice in the Federal courts and has worked hard to strengthen the entire judicial and law enforcement system in the country.

JOE TYDINGS has demonstrated a deep interest in the problems of the poor and underprivileged. During his chairmanship of the District of Columbia Committee, he was in the forefront in identifying many of the difficult problems in the District and assisting in the creation of better opportunities for these people.

JOE TYDINGS stands in the tradition of his father who served with such great honor in this body for so many years. Like his father, he is a courageous man. He stands for the things he believes in, whether they are popular or unpopular.

On a personal side, my wife and I are very proud of our long personal association with JOE TYDINGS and his wonderful wife. This has been a warm friendship. The Tydings family has contributed much to the State of Maryland and the Nation.

I am convinced that with his record, JOE TYDINGS will be back in public service in the not-too-distant future. His State and our country will need his courage, his wisdom, and his judgment and great experience in the years to come.

My wife joins with me in extending to him and his wife Virginia, our best wishes.

TRIBUTE TO SENATOR YARBOROUGH

Mr. JACKSON. Mr. President, I want to join my colleagues in rising to salute the distinguished senior Senator from Texas, RALPH YARBOROUGH.

RALPH YARBOROUGH has had a long and distinguished record of public service. The thing that stands out in my mind above all else has been his outstanding courage in advocating those causes for programs that he thought were in the best interest of the people in his State and the Nation.

As a member of the Education and Labor Committee and later as chairman of that committee, he has been responsible for many important programs to improve the educational opportunities for our people and to provide for a better health program for our citizens.

I have had the opportunity of cosponsoring a number of measures with RALPH to help satisfy the country's ever-increasing health and education needs. Although I could mention a number of important areas in which RALPH has made an outstanding contribution, I single out his all-out attack on the Nation's second biggest killer, cancer. He has led the fight against this disease, and hopefully the Congress will continue to follow his direction.

RALPH YARBOROUGH has demonstrated during his service in the Senate has keen interest in conservation. He was the

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author of the Guadalupe National Park and the Padre Island National Seashore bills. He led the fight which culminated in the passage earlier this month of the Big Thicket National Park bill.

I am grateful to him for his leadership and help in connection with conservation and environmental matters that have emanated from the committee that I chair, the Interior and Insular Affairs Committee.

Ralph Yarborough cares; he cares about people. His presence will be missed in this Chamber, but I am sure he will continue to make a meaningful contribution to his State of Texas and the Nation.

MINNESOTA CITIZENS WOULD LOSE THROUGH PROTECTIONISM

Mr. MONDALE. Mr. President, one of the most significant developments in the emerging battle over the direction of our country's future trade policies is the emergence of a far better understanding on the part of all of our population as to the issues involved.

The opponents of the protectionism are by no means confined to economists and public officials. Farm groups, women clubs, and literally hundreds of citizens throughout my State have written to me urging my continued opposition to protectionism. Many of the newspapers have also spoken out strongly against the protectionist legislation which was pending, reflecting what I feel to be a most enlightened and progressive editorial stand toward this matter.

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I would like to insert at this point in the Record a number of these editorials from Minnesota newspapers. I would like to call a number of these editorials to the attention of my colleagues, and I ask unanimous consent that they be printed at this point in the Record:

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Pinheaded Protectionism

The present "protectionist" legislation before Congress is anything but. While it would protect the interest of a few, it would be destructive to the interests of many.

At a time when communications and air travel are shrinking the globe toward one-worldism, protectionism is anachronistic, shortsighted and destructive. It is the gospel of provincialism, a futile act to prevent inevitable developments in world trade.

While protectionism might line the pockets of a few in the short run, it would remove the seat of pants of many in the long run. It could leave the United States as an island in terms of international trade, isolated from world markets because of its own selfishness.

Minnesota Sen. Walter Mondale has been leading a fight against present protectionist legislation, likely to be debated this week. According to Mondale, the proposed quotas on imports of shoes and textiles could lead to price increases for Americans of $3-4 billion. And because the quotas would mean the disappearance of much low-priced clothing and footwear from American stores, the quotas would punish the poorest families and the thousands of merchants whose customers they are.

The proposed legislation also includes keeping the present oil quota system instead of changing to a tariff system. "The President's own Task Force on Oil Imports," Mondale says, "estimated the cost to the consumer of the present quota system at $5 billion a year—some $29 to every man, woman and child in my own state of Minnesota alone."

Aside from these drawbacks, Mondale estimates that approval of new import quotas could jeopardize the jobs of millions of Americans involved in making, handling and shipping some $40 billion worth of export goods a year.

Without question, some nations now are abusing their privilege of trading with the United States, particularly in the way they "dump" goods here. But tactful, fair negotiations are a better alternative to correcting these abuses than are import quotas. If a few quotas are allowed now, it is estimated that new quotas could be placed on more than 100 other items, from canned goods to cars, to brass band instruments.

The minor gains of import quotas would be outweighed greatly by the losses. World trade, more than any other force, is removing national barriers and making a community of nations. The United States should work to be part of that community, not isolate itself through archaic trade barriers.

Trade Bill Endangers Our American Economy

(By Gene O'Brien)

To accomplish "the greatest good for the greatest number" has been the underlying philosophy, at least theoretically, in enacting legislation in this country. Now comes the threat of "protectionism" to the American consumer, in the form of a trade bill already passed by the House, and now under consideration in the Senate.

U.S. Senator Walter F. Mondale calls the bill "violently and unequivocally anti-consumer." He further stated a responsible and fair trade policy can be achieved without sacrificing the American consumer to short-sighted special interest protectionism.

According to TRB in the NR, Mr. Nixon during the campaign gave the Southern textile industry, an IOU for quota protection and now, two years later, they are attempting to cash this in through the enactment of the broadly based protectionist trade bill. He predicted further that if the measure is passed, it will produce a world trade war with the worst victims being the American farmer, for Europe won't buy our farms exports if we restrict their finished goods.

Mondale trumps this observation in spades. "Under the guise of protecting American jobs, it (the bill) threatens to unleash a world trade war which could only, in the end, damage the American dollar, seriously retard the economic growth of the underdeveloped nations, and jeopardize the livelihood of millions of American farmers and workers dependent upon exports."

Under the imposition of legislated quotas, according to the American Retail Federation which represents 800,000 retail stores it is estimated that shoe and clothing prices would rise anywhere from 15 to 25 percent. Another estimate from the Federal Reserve Board Governor, Andrew Brimmer, indicates that quotas on shoes and textiles could cost the American consumer $3.7 billion by 1975.

Mondale stated, "That's like a tax of over $66 per family—and the most regressive possible kind of tax falling most heavily on the poorest families which buy most of the low cost shoes and clothing. For sheer regressivity this would be the most imaginative tax since the French kings put a tax on salt which ultimately cost the heads of most of the aristocracy of France."

The Minnesota Senator also critcized the bill for locking in the current oil quota system thus removing Presidential discretion for some alternative program for insuring a continuing supply of domestic oil at less cost to consumers.

"The President's own Task Force on Oil Imports last year recommended just such a switch—from quota to tariff system—primarily for the good of American consumers. This Task Force estimated the cost to the consumer of the present quota system at $5 billion annually—some $29 to every man, woman and child in my own State of Minnesota alone," the Senator asserted.

In calling for the defeat of the pending legislation, Mondale called for improved measures "to carry forward the spirit of the Kennedy round, but with greater assistance and sensitivity to problems of foreign dumping, declining industries, unemployment and the protectionism of other countries . . . these ends can be accomplished responsibly."

Minnesota Farmers Stand To Be Losers if Trade Bill Passes

The current controversy in Congress over the foreign trade bill may seem like a remote affair to most Minnesotans. However, the fact is that if the Senate passes a bill similar to the version the House has already approved, Southern textile mills may be the winners and Minnesota farmers the losers.

Without getting into all the complexities of the issue, it goes something like this: The legislation (known as the Mills foreign trade bill) would place quota restrictions on imported shoes, textiles and a number of other items. The quotas, lobbied for by Southern textile and New England shoe interests mainly, would roll imports on these products back to 1967-69 average levels.

Opposed to the bill are most of the nation's farm groups, including the Farm Bureau, the Farmers Union and National Grange, as well as soybean, wheat and feed grains growers associations. They fear that foreign nations whose industries are affected by the new quotas will retaliate against American farm experts, many of them from Minnesota and surrounding states.

Already, Japan, Spain and other foreign sellers to the U.S. have threatened retaliation by buying less of this country's agricultural commodities.

Minnesota Sen. Walter Mondale, one of the leading opponents of the bill, has called the pending legislation "disastrous to the American farmer and to all of rural America." Speaking to a Farmers Union meeting last week, he pointed out that farmers in Minnesota, Montana and the Dakotas last year exported $444 million worth of wheat, feed grains and soybeans.

"Over half of the country's soybeans, 40 percent of our wheat, and over 20 percent of our feed grains are exported," Mondale said. "Anything which jeopardizes these world markets is a grave threat to the farmers of our own region."

The legislation in effect would reverse the free trade tendency that dominated American policy in the 20th Century and establish restrictions in violation of the International General Agreement on Tariffs and Trade.

While we don't claim to be an expert on foreign trade, it seems that this bill would revert to the protection and economic isolation of the 1930s, something hardly in keeping with the 1970s.

What World Trade Means to Us

It's difficult in a town like Red Wing—which has approximately 1,100 shoe and leather-related jobs—to argue against the import restrictions just proposed by the House Ways and Means Committee. The Shoe Workers' Journal says, for example: "It is a fact, and has been a fact for more than 12 years, that shoeworkers have been suffering job losses, shortened work weeks, shoe factory closings, and steadily increasing resistance to wage needs. Foreign-made shoes coming into our U.S. shoe stores have already taken about 25 per cent of our normal market away from American shoe producers . . ."

Fortunately, the Red Wing story is considerably different. While the shoe and leather industry as a whole has been hurting, our own local firms have been expanding production year after year. Nevertheless, there is bound to be at least an indirect effect in time at the local level. And it's for that reason that the current trend toward protectionism in Congress is welcomed in many local circles.

We can't share the enthusiasm for this reversal of a 35-year trend toward freer trade, and we believe firmly in the principle the President voiced last month when he said: "Mandatory quota legislation is not in the interest of the United States. We are an exporting nation rather than an importing nation. It would mean in the end, while it would save some jobs, it would cost us more jobs in the exports that would be denied us; and, second, even more important, it is highly inflationary, as anybody who has studied tariffs and quotas through the years is well aware."

The question is not whether this principle is sound. Most all agree it is—protectionists and free traders alike. But the question is whether the U.S. is being victimized in the world market by those nations who are sharper dealers than we are. The New York Times says not. In an editorial reprinted on this page today it presents strong evidence that the U.S. has no need of new quotas. In another article on this page, the Drummonds reveal that a little bit of protectionism is like being a little bit pregnant—there ain't no such thing. In fact, more than 500 bills for import restrictions are pending in Congress.

Nonetheless, these arguments are not decisive proof that the bill before the Ways and Means Committee has no merit. Some of the reasons are examined below.

WHY PROTECTION?

Using shoe imports as an example, the argument for quotas follows these lines:

1. The U.S. shoe industry as a whole is facing what may be its least productive year since 1954. Some protection is required to prevent the very foundation of the industry from being eroded.

2. The industry doesn't argue that a flat ceiling be placed on imports. Instead, it is seeking import quotas that reflect the current foreign penetration of the domestic market, plus a right by importers to share in the growth of the market. This would have the effect of allowing competition (beneficial to the consumer) to continue, but at the same time preventing foreign shoes (sometimes produced by child labor) from further enlarging their share of the market.

3. The U.S. already has gone too far toward free trade without receiving equal concessions in return. An example is the sale of Japanees shoes and baseball gloves in the U.S., but a flat Japanese ban on the entry of U.S. leather into their country. Other examples include the value added tax in many European nations which raises prices on imports and reduces prices on exports; the restrictions by Japan of a free flow of capital; the limitations placed by the United Kingdom on coal imports, and the discrimination against U.S. agricultural products by the nations of the European Economic Community.

The protectionists further claim that the upsurge of textile imports—which have more than doubled in the last 10 years—has not had the beneficial effect claimed on prices paid by U.S. consumers. A consultant for the Amalgamated Clothing Workers of America says: "Price increases of apparel items were responsible for more of the total increase in the Consumer Price Index during the latter part of the decade—when the volume of imports was ballooning—than during the first part of the decade."

But the trouble with adopting a sympathetic stance to the textile plight—as has been done by the Nixon administration—is that it then becomes immediately impossible to control the other demands for protection.

Some solutions are examined below.

LET'S NOT ACT ALONE

The Washington Post reports from Brussels—headquarters of the Common Market—that foreign officials are not unsympathetic to the U.S. problem. They appreciate that the U.S. protectionists have been presented solid ammunition in the form of first, an economic boom and a resultant increase in imports; then came inflation, a balance of payments deficit, and, finally, a rise in unemployment. But sympathetic though they may be, foreign trade officials nevertheless are set to retaliate if the bill now in Congress is passed. Soybeans would be one major export certain to be hit. And just where does that leave the Red Wing shoe worker who has a crop of soybeans back home on the farm?

Therein lies the danger when one nation decides to tinker single-handedly with trade barriers. And we're not convinced the U.S. has exhausted its efforts before the General Agreement on Trade and Tariffs (GATT), the 77-member body which oversees most of the world's trading relations. Established GATT procedure allows any member, proven to be hurt by another's unilaterally imposed trade restrictions, to ask to take retaliatory measures.

If the Congress believes the President needs a bigger stick for the purposes of negotiation in these procedures, then perhaps the House bill is part of the answer. But if the bill results in our acting entirely out of concert with our world neighbors, we fear it is a mistake and a mistake that will haunt us.

Public Loses if Trade Bill Becomes Law

The consuming public in general and Midwest farmers in particular will lose money if the protectionist trade bill passed by the House of Representatives becomes law.

Consumers will have to pay higher prices for shoes and textile products as a starter, with the likelihood that other necessities will manage to get on the bandwagon later. Farmers stand to suffer reduced sales abroad of soybeans and other products if foreign countries retaliate against the proposed U.S. import bars, as they threaten to do. Lower farm income of course would mean less buying of American products by the farmers.

Andrew Brimmer, a member of the Federal Reserve Board, estimates that if the House bill passes the Senate and is signed by President Nixon, American families will pay nearly $2 billion more for their shoes in the next few years, and nearly another $2 billion in higher prices on textile goods. Other economists say a wide range of higher prices could up the cost of living by $3.5 billion a year.

This would come about by protecting American manufacturers from competition of imported goods. As the volume of imports go down, so also would the volume of American manufactured goods now sold abroad. To sell abroad, Americans also must buy from abroad. State Department officials warn that the House bill "could trigger a classic international trade war" injurious to the entire American economy. The President's Council of Economic Advisers strongly opposes the House bill.

The Nixon Administration inadvertently opened the door for the protectionist drive in Congress some months ago when it promised southern textile interests more support against foreign competition. Taking advantage of that opening, an influential lobby against foreign imports of many kinds went into action, broadening the House bill into a Christmas tree of special favors for various interests. Ironically, Brimmer and other economists assert the American textile industry is suffering more from inefficiency than from foreign competition.

The question now is what the Senate will do with the House bill, and whether President Nixon will veto a broadly protectionist measure if it passes. At one time he threatened a veto, but lately has indicated uncertainty.

Protectionists in the Senate threaten to tie the trade bill into a package involving Social Security benefits in order to make a veto more difficult.

Senators favoring continuing traditional United States open trade policies will try to defeat the House bill, but if that appears impossible they may be able to delay final action on it until time runs out for the present congressional session in December. In that event the whole issue would be thrown back into the hands of the House Ways and Means Committee for a new start in the 1971 session.

The legislation in its present form is injurious to the national interest and should be defeated.

A Threat To American Jobs

(By Harold Chucker)

High tariffs, the senator said, would breed "a high level of self-sufficiency." They would ease unemployment and get American business moving again.

That was Sen. Reed Smoot of Utah talking, and the year was 1930. He and his "partner," Rep. Willis C. Hawley, of Oregon, were the authors of what is now called the infamous Smoot-Hawley Tariff Act. The measure was opposed by a thousand members of the American Economics Association, but few people were listening to economists in those days, and it was passed and signed by President Hoover.

The tariff act did immeasureable economic damage to this country and to other trading nations. It did breed self-sufficiency, but in an interdependent world, self-sufficiency was a fantasy, carrying with it the germs of high unemployment and economic stagnation.

Five years after passage of the Smoot-Hawley Act, the laborious task of tearing down the high tariff walls began, and has been going on since. But memories, it appears, are short, and there is once again a strong effort to build up those walls through the use of import quotas. Economists are speaking up again in strong opposition, and so are a few congressmen and senators, notably Sen. Walter Mondale, DFL-Minn.

The protectionists, especially those in the shoe and textile industries, believe they have a strong case. In a period of high unemployment, they have sympathetic listeners when they relate the plight of New England shoe workers and employees of Southern textile mills who are losing their jobs because of "cheap" imports from Italy, Japan, Hong Kong, Taiwan and Korea.

There would be some who would gain, of course, from import quotas. The profits of some companies would be increased, and the jobs of some workers would be saved. But the American consumer, as Mondale said, would be sacrificed to "short-sighted special interest protectionism." He would have to pay higher prices for the goods protected from foreign competition—$3–4 billion more on shoes and textiles alone.

What about that issue of unemployed workers in the shoe, textile, and perhaps steel industries, then? Don't they deserve some special consideration?

Dr. Anne O. Krueger, professor of economics at the University of Minnesota, has examined the impact of U.S. import quotas on employment and has published an analysis showing that the final result of adoption of the import quotas would be a net loss of American jobs.

In some sectors of the textile, shoe and steel industries, she said, there are genuine problems associated with competition from imports, and policy measures (but not quotas) are needed. She noted, however, that "the likely employment effect of quotas and the inevitable foreign retaliation that would result is, in almost every instance, going to be negative."

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Dr. Krueger computed, on an industry-by-industry basis, what employment would be if all goods which were imported were produced domestically. She compared this with the direct plus the indirect employment actually generated by American exports. She found there would be an overall loss of employment if exports would be cut off because of foreign retaliation against our quota system.

Her analysis shows that in the nonelectric machinery industry—an important source of employment in the Upper Midwest—149,300 jobs are attributable to direct and indirect exports. If all imports of such machinery had been replaced with domestically-made goods, and assuming that costs would not rise and consumer demand would stay the same, 48,900 jobs would be provided by the needs of the domestic market. In other words, there would be a net decrease of 100,400 jobs in the industry if exports were shut off by a trade war.

There would be employment gains in some industries, of course: footwear, lumber and wood products, paper and allied products, petroleum refining, textiles and apparel. But the gains shown in the analysis assume that costs would not rise and demand would stay the same. As Dr. Krueger notes, "Of course, this is an extreme assumption."

The analysis shows that 1,031,000 American workers are dependent for their jobs on direct or indirect exports. If the import quotas were to be adopted and a trade war were to result, with all imports shut off, the total job potential to produce domestic substitutes for the imports would be 885,900. Therefore, according to Dr. Krueger, a trade war would mean the sacrifice of about 144,000 manufacturing jobs.

The net loss to American labor would be even greater than comparisons of job numbers alone might suggest, according to Dr. Krueger. The average wage in the export industries that would be big losers in a trade war—machinery, engines and turbines, transportation equipment, and chemicals—is more than half again as high as the wages paid in the textile and shoe industries.

Instead of quotas, Dr. Krueger argues, the "economically sound and fair solution" to the problem of industries hard hit by foreign competition would be an effective system of direct assistance to the firms and workers. "It would meet the problem of workers whose jobs were endangered by imports without inflicting the enormous costs on the rest of American labor—not to mention agriculture and the consumer—that quotas and the consequent shrinkage of our foreign markets would entail."

TAX DISCRIMINATION

Mr. MURPHY. Mr. President, shortly after I was elected to the Senate I received a letter from a constituent who wrote: "While I admit you know a lot about show business and a lot about the business world, do you know anything at all about taxes?" I responded to her that I had the makings of an expert having paid what I consider far more than my share of taxes during my lifetime.

During the time it has been my privilege to serve in this distinguished body it has come to my attention, that a far greater tax inequity than I have ever suffered exists. That is the inequity we impose upon the widow, the widower, the unmarried man or woman and to all who file as individual taxpayers.

These days when we are all working so hard to end discrimination in all its ugly forms, no one can deny we are discriminating unfairly against those who through circumstances beyond their control or choice, are taxed at a rate which imposes an unfair tax burden on them.

The penalties we heap upon the taxpayer filing as an individual can amount to an impressive amount over a lifetime of earnings. An unmarried school teacher for example after 30 years of service, retires with a net worth of some $30,000 less than her married associate because of the burden of the extra tax she has paid and interest she would have earned on those tax moneys.

In granting to individual taxpayers the right to file as unmarried heads of households, this Congress recognized the heavy inequity which exists. It was a step in the right direction, but it at best must be viewed as conscience legislation, as our recognition that we have been unfair to the individual taxpayer and that the time has arrived to correct the inequity.

In the past there have been those who have justified our tax discrimination on the grounds that it was doing something for the institution of matrimony, whatever its adverse effect on the individual taxpayer.

As one who has had 44 years of the finest marriage on earth, no one ever will convince me the institution of marriage needs the crutch of discrimination against the unmarried. I move we end that discrimination and I urge you who will be Members of the 92d Congress to work for legislation to accomplish it and see that it gets early and complete attention.

THE NEW HAMPSHIRE FARM BUREAU SPEAKS UP ON OIL

Mr. McINTYRE. Mr. President, despite some hopeful signs recently, the Northeast area of the United States still has critical needs for oil for home and business use.

Furthermore, there has been no price break and the shortage of oil has been accompanied by steadily rising prices.

The elderly and those on fixed incomes who must heat their homes in the midst of a bitterly cold winter are particularly hard hit.

Many businesses, schools, and public users of oil are suffering from the shortage and the prices.

There is increasing efforts by leading groups in New Hampshire to see that something is done. I have just received from Richard G. Kelley, the Executive Secretary of the New Hampshire Farm Bureau Federation a resolution recently passed by the voting delegates of that fine organization.

Mr. President, I want to bring that Resolution to the attention of the Senate because it represents the views of hundreds upon hundreds of the able and dedicated members of the Farm Bureau in New Hampshire.

This Resolution reads:

FUEL OIL SUPPLIES

Be it resolved, That the New Hampsire Farm Bureau commends and strongly supports legislative efforts to obtain sufficient supplies of fuel oil at reasonable rates for the New England area.

THE COTTON PROGRAM

Mr. TALMADGE. Mr. President, I am dismayed at the U.S. Department of Agriculture's actions in regard to the cotton program for 1971. I regret that this administration forced its unfavorable farm program on the Senate of the United States. At the time the Senate debated the conference report on H.R. 18546, the general farm bill, I pointed out that this was not good legislation—that its only virtue was that it was preferable to no farm bill at all.

I explained that I did not sign the conference report on the farm bill because I had concrete figures to show that the administration bill would mean a sharp reduction in income to cotton farmers.

However, I did express the hope that the Department of Agriculture would administer the new cotton program in such a manner as to avoid disastrous drops in cotton income.

My hopes were given a sharp jolt when the Department of Agriculture issued a press release announcing the new cotton program on December 8. While I realized that a fair implementation of the new law would mean a reduction in cotton income, I did not think that this administration would add insult to injury by using its administrative discretion to reduce cotton income even further.

The administrative action to which I refer is the change from gross weight to net weight in making cotton loans.

For years, farmers have been selling their cotton on a gross weight basis, which means simply that they are paid for the full weight of the bale, including the bagging and ties. After all, since the farmer pays about $4.50 for the bagging and ties, it is only fair that he regain some of the expense when he sells his cotton.

Actually, he does not now recoup all of his outlay. The average weight of these packaging materials is about 21 pounds. So if the farmer sells his cotton for 20.25 cents per pound, he presently gets back only $4.25 when the cotton is sold on a gross weight basis.

Now that the USDA has announced that price support loans will be made only on a net weight basis, farmers will get back nothing for the cost of the bale wrappings. This applies not only to cotton placed under loan with the Commodity Credit Corporation, but also to all cotton moving in normal trade channels.

As I pointed out on the Senate floor on November 19, cotton farmers will suffer a marked reduction in income because of the lower guarantee of the House bill. In 1970, cotton farmers realized a return of 38.55 cents per pound on middling 1-inch cotton. That was due to the fact that the cotton farmers received a 20.25 cent per pound loan level and payments of 16.80 cents per pound under the old law. These two figures total 37.05 cents per pound. In addition, the market price exceeded the loan level by 1½ cents per pound, which means that the cotton farmers received a total of 38.55 cents per pound for middling 1-inch cotton.

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As I stated, the new administration bill—which guarantees the farmer only 35 cents per pound—could mean a reduction in cotton income of more than 10 percent.

In the December 8 press release, the Department of Agriculture stated that the loan rate would be set at 19.50 cents per pound, and that the farmer would be guaranteed a payment of 15 cents per pound, with a guarantee that the farmer receives a total of at least 35 cents per pound for his cotton. Of course, it is hoped that the market price will exceed the loan rate to an extent that the farmer will get more than 35 cents per pound for his cotton.

However, the Department of Agriculture press release failed to emphasize a number of factors which will mean a substantial reduction in the price that the farmer receives for his cotton. One factor is that under the old law the farmer who produced cotton of average micronaire received a premium of .45 cent per pound. This premium for micronaire 3.5 through 4.9, is eliminated under the new program.

Mr. President, the Department of Agriculture has stated that it cost the American farmer an average of 35.8 cents per pound to produce cotton in 1969. I was opposed to the administration bill, which guarantees only 35 cents per pound, for I don't believe we should expect the American farmer to grow cotton at a loss. However, the 35 cent guarantee of the administration was better than no guarantee at all.

I must strenuously object, however, to administrative actions which reduce the farmer's guarantee even further. Because of the USDA's arbitrary action in changing to net weight trading, cotton farmers over the land will lose over $4 per bale. During the debate on the farm bill in the Agriculture Committee, I had my staff, together with independent experts, compute income projections for actual farms in cotton growing States over the Southeast. These examples showed that many cotton farmers would suffer a reduction in farm income as much as 25 percent, and some would suffer a reduction in cotton income of 50 percent. The administration's only response to my examples was that all of these cotton farmers would be better off to grow soybeans and forget cotton. The administration's action in regard to net weight trading indicates that it intends to force all cotton farmers in my State and the Southeast into the soybean business.

If there were any useful purpose to be served by transfering to net weight trading, the Department's decision would be easier to understand. However, I see no benefit other than the possibility of easing the bookkeeping load at the Department of Agriculture. Unfortunately, I don't believe that bureaucratic convenience is an adequate justification for action which would take millions of dollars out of the farmers' pockets.

Ironically, this change will cost the USDA money since they own or have loans on over 3 million bales of cotton—which was acquired on a gross weight basis. If this decision is not changed, the cotton will be sold on a net weight basis.

During the Senate debate on the farm bill on November 19, I stated that I would be looking over the Department of Agriculture's shoulder to see that the new farm bill was administered in a manner favorable to farmers. I pledged that the Department of Agriculture would hear from me loud and often. Therefore, I strongly object to the Department's decision with regard to net weight trading and I hope that the Secretary of Agriculture will reconsider this unfortunate decision.

GROWING INTEREST IN MY PROPOSAL TO COMPENSATE INNOCENT VICTIMS OF CRIME

Mr. YARBOROUGH. Mr. President, one of the things I have learned while I have been in the Senate is that many ideas cannot be enacted into law in a single Congress. I fought for 4 years to secure favorable action on my proposal to create a National Park in the Big Thicket in east Texas, which has passed the Senate but now languishes in the House. It took 8 years to pass my cold war GI bill over the opposition of three Presidents, the Pentagon, and the Bureau of the Budget. Many of my other bills have been passed only after long and arduous struggles.

In 1965 in the first session of the 89th Congress, I introduced S. 2155, a bill to provide for compensation of the innocent victims of crime. I have introduced similar legislation in each succeeding Congress as well as a bill to compensate innocent victims of crime in the District of Columbia, in the 91st Congress. My bill, S. 2936, which would enact such a program in the District, was given a hearing before the District of Columbia committee in December of last year.

I will be leaving the Senate at the end of this Congress, but I have been heartened by recent evidence that my proposal will be kept alive and perhaps enacted into law. The distinguished majority leader of the Senate has introduced a Criminal Injuries Compensation Act of 1971 on which the Congress will hopefully act favorably next year. On December 18, 1970, there was an article on victim compensation on the editorial page of the Washington Post. On December 19, 1970, one of the columnists for that paper, Mr. William Raspberry, had a column in the Post entitled, "Victims of Crime: Vexing Problem." I hope that these recent developments are indicative of a growing recognition of the illogic of a legal system which focuses entirely on the criminal and practically ignores his victim. I hope that these developments indicate further that this concept which I have so long championed will soon be adopted into our legal system.

Mr. President, I ask unanimous consent that the column entitled, "Victims of Crime: Vexing Problem," by William Raspberry which appears in the Washington Post of December 19, 1970 on page A-19 be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VICTIMS OF CRIME: VEXING PROBLEM

(By William Raspberry)

If a bank official embezzles your money and gambles it away, the federal government will see to it that you don't lose it all.

But let someone rob you on the street, perhaps breaking your head in the process, and the government does nothing for you.

To Herbert A. Rosenthal, this is gross injustice and he'd like to see something done about it. He's not yet sure just what he'd like to see done, but he expects to have a better idea soon. Rosenthal is one of a group of young lawyers who are investigating the problem for the D.C. Bar Association.

According to Rosenthal, we're come to take for granted federal compensation for certain unpreventable losses: hurricanes, bank swindles, avalanches, business burglaries and even severe crop losses.

But the citizen who is mugged and severely beaten gets little except sympathy.

"Our government has failed to provide reimbursement or restitution for the failure of organized society to shield its members from street crime," said Rosenthal.

"On the other hand, large-scale white-collar crime is coddled by federal insurance for the victims. In fact, bank presidents who are prodigal with the funds of their depositors do not have victims; the Federal Deposit Insurance Corporation sees to that."

Why has Congress moved to help one group of victims and not the other? Rosenthal suggests an answer.

"Floods, hurricanes, storms and other natural disasters . . . are morally and politically neutral, and all good Americans will gladly help the victims of these calamities," he says.

"However, this concept is not applicable to crime because government should do nothing which might encourage or abet crime and criminals."

That's not all there is to it, of course. For even if the decision is made to offer some federal help to victims of street crime, it is difficult to know just what form that help should take, or how to extend its coverage to poor people, who are more likely than the rest of us to be victims of street crime.

A number of states—including California, Hawaii, Maryland, Massachusetts and New York—have laws to compensate victims of crime. But the compensation is designed for such things as medical care, lost wages and—in some instances—pain and suffering.

And most of the statutes will pick up only those costs not covered through other means—medical insurance or sick pay, for instance.

None of the laws attempts to make restitution for actual property loss. It may be that state legislatures have decided that to do so would make fraud too easy. (How would you distinguish between the true robbery victim and the guy who concocts a robbery story to cover his gambling losses?)

The result is that the coverage in the states that have such laws is not nearly so broad as it appears. Most salaried victims would be covered already through insurance and sick-pay plans. The jobless would have no wage loss to be compensated, and most likely their medical care would be free.

That leaves the self-employed the casual laborer and the domestic, of course, and the legislation may be worth it for their coverage alone. These, after all, are the people most likely to suffer uncompensated losses through street crime.

One other thing bothers Rosenthal about most of the crime compensation acts, including the congressional proposal for the District of Columbia: Except in California, there is no requirement that crime victims be told of the availability of crime compensation.

TRIBUTE TO SENATOR YOUNG OF OHIO

Mr. HOLLINGS. Mr. President, I join my colleagues in expressing regret over the retirement of Senator STEPHEN YOUNG.

His long and distinguished public service to his State and Nation should be an example to us all. As he now embarks on yet another career, shunning the quietude of retirement, I wish his continued success in all his endeavors.

His independence, his wit, and his personality are to be greatly admired and are unique in the annals of political history. Senator YOUNG had a sense of duty which was understood and faithfully discharged. His contributions and accomplishments have been many—and his dedication and independent voice will be missed in the U.S. Senate.

SOVIET THREAT IN THE MIDDLE EAST

Mr. HANSEN. Mr. President, the able and distinguished Senator from Washington (Senator JACKSON) is recognized by this body as not only a great conservationist but an expert on military affairs.

In a recent issue of the Washington Post, excerpts from his report, "The Middle East and American Security Policy," emphasized the dependence of both Europe and Japan on oil from that area, an area containing about three-fourths of the known free world oil reserves.

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Europe, like the United States, is dependent on oil for the major portion of its industrial energy and its military machine. As Senator JACKSON pointed out in his report, 70 percent of Europe's oil now comes from that region. The growing influence of the Soviet Union in that area should be some warning to those who advocate more imported oil.

The United States has already lost its capability of self-sufficiency in petroleum and as imports increase, the gap widens. Following the Arab-Israeli war of 1967, and the embargo of oil shipments from that area to Europe, the U.S. petroleum industry under a preconceived emergency plan in cooperation with the Federal and State governments was able to take care of Europe's essential oil needs as well as our own east coast which even then was becoming dependent on imported oil.

That cushion of excess producing capacity has now been eaten up by the insatiable appetite for oil in the United States and the demand has grown at even greater rates in Europe as well as Japan.

Senator JACKSON warns that the capacity of our NATO allies to resist Soviet pressure over a prolonged crisis would be drastically impaired if the petroleum pipeline could be shut down by Moscow.

Mr. President, I ask unanimous consent that this excerpt of Senator JACKSON's sobering and timely report be printed in the RECORD:

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

FOR THE RECORD—SOVIET AND U.S. PRESENCE IN THE MIDDLE EAST

Three times since World War II—in 1948, in 1956 and then again in 1967—the Middle East has been torn by general war. In the intervals between these increasingly destructive conflicts, lesser violence has been the order of the day: raids, reprisals and acts of brutal terrorism. For the people of the region, mistrust and hostility, tension and insecurity have become inescapable burdens of daily life. But for the Soviet Union, these emotions are the fertile ground upon which its political influence has been able to take root and spread.

For some time, I have been warning that as the Soviet Union approached parity with the U.S. in strategic arms, its leaders would be likely to become energetic in trying to spread Soviet influence and more willing to run dangerous risks in the international arena. That this prospect was not groundless is indicated by the deepening Soviet penetration of the Middle East we have witnessed in recent years. One would expect this increased Soviet activity to be concentrated in those countries that are without formal ties with the United States; for it is in such areas that the Soviet would be tempted to conclude that the risk of a direct confrontation (perhaps escalating to the nuclear level) is minimal . . .

Soviet hegemony in the Middle East would gravely imperil the vital flow of oil, essential for industry and defense from the Middle East to Europe and Japan. Seventy per cent of Europe's oil now comes from that region; for Japan the figure is 80 per cent, and there are no near-term prospects for the development of adequate and economic alternative sources of supply. The capacity of our NATO allies to resist Soviet pressure over a prolonged crisis would be drastically impaired if the petroleum pipeline could be shut down by Moscow.

With the exception of Iraq, and to an increasing extent, Libya, the major oil producing and exporting countries of the Middle East are politically moderate, commercially aligned with the West and inclined to view with disfavor the growth of Soviet influence among their radical neighbors. Iran, Kuwait, Saudi Arabia and the Gulf states are, not surprisingly, extremely sensitive to the direction of American policy in the Middle East. Signs of American weakness in the Middle East in the face of increasing Soviet pressure would call into question our determination to contain Soviet influence there, thus weakening the capacity of the more moderate Arab states to resist the encroachments of Soviet influence. American vacillation or uncertainty in standing by its friends and allies in the Middle East could set in motion a crisis of confidence that would make accommodation with the Soviets, on Soviet terms, their only alternative to unremitting and unopposed pressure from Moscow.

There is another reason why the United States cannot remain indifferent to political developments in the Middle East. This country and Israel, whose security is threatened by the current crisis in that region, are bound together by shared values, cultural affinities and a common ethical and religious heritage. The United States actively participated in helping to create the State of Israel, and since its founding the people of this young nation have won the admiration of the great majority of Americans by the valor they have demonstrated in standing firm before their hostile neighbors. Unlike some countries in the Middle East, Israel is a stable democracy, and a profoundly egalitarian and spirited one. These qualities, too, feel something like a sense of personal involvement in the destiny of Israel. Today, Israel is serving as the front line of Western defense in the Middle East.

The peace and stability of the Middle East in now threatened by the aggressive ambition of the Soviet Union, which transcends the tragic conflict between Arabs and Israelis and, indeed, is based upon its exploitation. This policy of Russia to manipulate the conflict in the region for its own advantage is the key reality upon which American Middle East policy must be based.

By keeping the Middle East in a state of ferment, the Soviets hope to make the radical Arab countries so dependent on them for arms, economic assistance, technical expertise and diplomatic backing that, gradually and imperceptibly, these countries will be drawn firmly into the Soviet orbit.

I have often thought that, in its foreign policy, the Soviet Union is like a burglar who walks down a hotel corridor trying the handles of all the doors. When he finds one unlocked in he goes. Looking back on the history of the last decades, it is unfortunately all too clear that Egypt and the other radical Arab states were such unlocked doors. It is too late now to try to keep the Soviets out. But we *can* limit the amount of mischief they will be able to do from these bases of operation . . .

American policy in the Middle East has not been sufficiently sensitive to these considerations. We have often, and especially recently, acted on the assumption that because the Soviets do not want all-out war in the Middle East they must desire all-out peace. When we come to appreciate that between the desire to avert war and the desire for peace there is an enormous range of Soviet policy objectives, we shall have taken the first essential step in designing an effective Middle East policy.

Nothing is so likely to facilitate Soviet policy in the Middle East as a settlement imposed on Israel that leaves her in the vulnerable and exposed position that existed prior to the Six Day War. Such a settlement would guarantee that the tensions upon which Soviet policy is based would continue to be exploited with tragic consequences for Arab and Jew alike.

A DISMAL YEAR FOR TEXTILE MANUFACTURERS

Mr. TALMADGE. Mr. President, there appeared in Monday's edition of the Atlanta Journal a business page article entitled, "Hope for Upswing Scant in Textiles."

The article goes on to say that Georgia textile manufacturers are writing off 1970 as a "dismal year."

The guilty party in this year-end report of an American industry in trouble—as it has been for many years in the past—is cheap textiles from low-wage countries, principally Japan.

The news article notes, as I did in remarks in the Senate during recent debate on the trade bill, that 6,300 textile jobs in Georgia have been lost in the past year, and at one time during the year the loss reached 9,000. In addition, the related garment industry in Georgia lost 1,200 workers during 1970.

I regret very much that the Senate was unable to complete action on the textile import bill this year. But this legislation will be brought up again in the new Congress and the Finance Committee will hold hearings, as I have been assured by Chairman LONG.

The United States has attempted in good faith to negotiate, but to no avail. Consequently, the textile import situation has grown steadily worse and worse. Year after year, the importation of textiles and apparel set new records. Last year, it came to 3.6 billion square yards. It will be even higher when the figures are in for 1970.

The problem goes back more than just the past few years. Since 1958, textile imports have increased more than 600 percent.

This has thrown hundreds of thousands of Americans out of work. According to Commerce Secretary Stans 100,000 textile-apparel jobs have been lost in the past year alone.

The patience and tolerance of the Congress are not infinite. The time is now upon us to take legislative action to correct the textile import problem. Now is the time to stand up for the American worker, the wage earner. He is entitled to protection by the Government against being driven out of a job.

When the new Congress convenes next year and when this legislation is brought before us again, there will be but one principal question. That is whether or not the Senate is going to act to protect the jobs and well being of the 2,400,000 American people employed in the textile and apparel industries.

Mr. President, I bring before the Senate the Atlanta Journal article and ask unanimous consent that it be printed in the Record.

There being no objections the article was ordered printed in the Record as follows:

There being no objection, the article was ordered to be printed in the Record, as follows:

A Dismal Year—Hope for Upswing Scant in Textiles

(By Paul Troop)

With profits—where they can be found—drastically reduced and employment off by 6,300 workers, Georgia textile manufacturers are writing off 1970 as a dismal year.

Despite official statements proclaiming that the industry has bottomed out and that it will improve with a predicted upswing in the national economy, there is scant hope for joy.

The continued invasion of cheap textiles from low-wage paying nations will probably go on for another year. Attempts to get a restrictive textile import bill through this session of Congress are now seen as unlikely. And if the issue is held over to the next session the bill will have to begin the lengthy legislative process from the start.

The decline in Georgia is evident from the drop in textile employment, an estimated 6,300 people as of October compared to the number just a year ago. At one time during the year, textile employment was 9,000 less than for the previous annual period.

The separate but related apparel industry, which has some 69,200 Georgia employes, lost 1,200 workers during the year.

Five textile plants closed their doors during the October 1969–70 period. They were J. P. Stevens & Co.'s Exposition Plant in Atlanta, Crown Cotton Mills at Dalton, Piedmont Cotton Mills at East Point, Aragon Mills at Aragon and one unit of Canton Textile Mills in Canton.

Bibb Manufacturing Co., one of the state's largest employers with 8,500 textile workers, reported a $7.2 million loss during the year.

Industry executives are publicly but cautiously predicting that the downturn has bottomed out in the fourth quarter and that a general strengthening of the economy will pull up the textile and apparel markets.

L. P. Greer Jr., president of the Georgia Textile Manufacturers Association and vice president of Coats and Clark, Inc., of Toccoa, said the industry is still a "vital and important part of our economy in the Southeast, and its leaders are working in all areas to keep it so."

Greer noted that despite the economic slow down, the Georgia textile and industry along with the industry nationally passed on a general 6 per cent wage increase to its employes, the ninth in that many years. Black employment also continued to rise in the state, where it is now above 19 percent.

Nationally, according to preliminary estimates of the American Textile Manufacturers Institute, production was off 3.5 per cent in the year, sales down .5 per cent; and employment down 3.3 per cent. National sales were $21.2 billion compared to $21.3 billion in 1969. Profits were off 31 per cent.

At the same time textile imports set a record of $2.4 billion in 1970, a hike of 11 per cent. Exports were $768 million, leaving a textile trade deficit of $1.6 billion.

U.N. CONFERENCE OFFERS BEST HOPE OF SAVING SPACESHIP EARTH FROM POLLUTION; DEATH IS THE ALTERNATIVE

Mr. YARBOROUGH. Mr. President, this will be my last floor statement in Congress concerning the insidious threat to life on earth posed by the pollution of our environment.

The December 1970 edition of National Geographic contains an article which discusses in the most revealing manner how complicated and sensitive our life-support system really is. This article, entitled "Pollution, Threat to Man's Only Home," should be read by every American of reading age.

Its prolog contains this statement, which sums it up as it is:

> We are astronauts—all of us. We ride a spaceship called Earth on its endless journey around the sun. This ship of ours is blessed with life-support systems so ingenious that they are self-renewing, so massive that they can supply the needs of billions. But for centuries we have taken them for granted, considering their capacity limitless. At last we have begun to monitor the systems, and the findings are deeply disturbing.
>
> Scientists and government officials of the United States and other countries agree that we are in trouble. Unless we stop abusing our vital life-support systems, they will fail. We must maintain them, or pay the penalty. The penalty is death.

Mr. President, no nation, including the United States, no State or local government, no organization or entity, is doing enough to reverse the process of decay. Why is it the governmental units of the world are so slow to respond and to take effective action in the face of potential catastrophe?

I am not a prophet of apocalypse, and I am generally as optimistic as the morning call of spring. But, I am also realistic. The planet Earth, as a habitat for man, is dying a slow death. And all the while we fiddle away at trivialities—trivial by comparison to the enormity of what we must do to save ourselves.

Mr. President, the drastic action that is needed must be worldwide in scope because the problem is worldwide in scope. In the long run, we have as much at stake in cleaning up the Rhine as we do in revitalizing Lake Erie.

This is why my bill, Senate Joint Resolution 156, is so important. The United Nations is the only vehicle available for a worldwide approach to pollution control. At the 1972 U.N. Conference on the Environment, we have what may be our last opportunity to reverse the tide of decay before the process becomes irreversible. My investigation of this Nation's efforts to prepare for that conference revealed that we were not giving the conference the priority it should have—the executive branch is simply not taking the conference as seriously as it must. My bill would provide the structure and the monetary means for making adequate preparation for the conference.

Senate Joint Resolution 156 will not, of course, pass this session. But I fervently hope some Senator will offer it in the 92d Congress and I hope with equal fervor that it will be passed in the early days of the 92d so that time will be left for its implementation.

Mr. President, the greatest danger of pollution is that it is like the mortal affliction, emphysema. The disease sets in and progresses with such painless subtlety that a victim never feels a sense of urgency until it is too late. There is no signal when it crosses the threshold of irreversibility.

I know it is difficult to arouse the kind of urgency about pollution that will not be satisfied with strong rhetoric and trivial remedies. But, this we must do; otherwise the penalty is death.

Mr. President, I ask unanimous consent that the article by Gordon Young in the December 1970 issue of the National Geographic magazine entitled, "Pollution, Threat to Man's Only Home," be printed in its entirety at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Pollution: Threat to Man's Only Home

(By Gordon Young)

Air, water, and land—those are the systems. How do they work?

Look into a pond. A fish feeds there on tiny plants and animals called plankton. In time, the fish dies. Micro-organisms in the water break the creature down into basic chemicals, consuming oxygen from the water in the process. Plant plankton, nourished by those chemicals, produce oxygen to replace it. Animal plankton feed on the plants, fish eat the tiny animals, and the cycle begins anew.*

On land, too, nature moves full circle. Living things are nourished there, grow old and die, then decompose to enrich the land again.

A thin envelope of air surrounds the planet. We use its oxygen, exhaling carbon dioxide, which vegetation absorbs. Plants use the carbon for growth by the marvelous process called photosynthesis, and return oxygen to the atmosphere. Thus nature's delicate balance is maintained (see painting on the reverse side of The World map supplement).

CONSIDER FIRST OUR OVERLOADED AIR

For some "air pollution," let us give thanks. Dust and other particles in the atmosphere serve as nuclei about which raindrops form. But man has overloaded the sky. For centuries he has pumped particulate matter and gases into the atmosphere. As far back as 1661, a tract on air pollution was published in England: *Fumifugium: or the Inconvenience of the Aer and Smoake of London Dissipated.*

Today much of the world suffers from the eye-smarting, lung-scarring curse we call

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smog. In Los Angeles and other great cities it comes in large part from automobile engines.

Last March I braved the streets of Tokyo, in that careening, cacophonous time of day the Japanese call *rushawa*. I was there for the first International Symposium on Environmental Disruption, where scientists from 13 countries had gathered to exchange views.

"Environmental disruption" was easy enough to see from the window of my taxi. Where else in the world, I wondered, must traffic policemen pause regularly to breathe oxygen (page 747). Conditions became so bad last summer that all cars were banned from 122 Tokyo streets on Sundays—the busiest of Japan's shopping days.

In Essen, Germany, I saw disruption in another form—smog caused mainly by industries. The chief of air-pollution control and land protection for North Rhine-Westphalia, Dr. Heinrich Stratmann, showed me two small steel squares. The first was bright and new. The second, exposed to the Ruhr's smog for only two months, was chocolate brown and deeply corroded.

But the fight to clear the air was underway. In a laboratory I peered through electron microscopes, watched particle counters "talk" to computers, and visited special rooms where plants were being grown in scientifically polluted environments. Leaving, I ran into the laboratory's own rushawa. Forty Volkswagens flocked into the parking lot. Their drivers had spent the day taking air samples that would be analyzed and plotted on the daily air-pollution map.

The Ruhr's battle is far from won. Still, industry and power generation have doubled in the region during the past two decades, without an increase in air pollution; that is a victory, of sorts.

POLLUTED AIR CIRCLES THE EARTH

We can clean up land before we use it, and purify water before we drink it, but—except in air-conditioned rooms—we must breathe air as it comes to us. Scientists have tracked one type of air pollution—radioactive fallout—twice around the globe. The hazy air I am breathing now in Washington, D.C., may contain sulphur from a Pittsburgh steel mill and carbon monoxide from a Chicago taxi, for this continent's weather patterns often send a river of polluted air flowing southeastward. Someone in Norfolk, Virginia, will be using this air again when I am finished with it.

Automobiles, factories, heating furnaces, power plants, trash incinerators—each adds to the problem, so control is difficult. Compounding that difficulty has been the diversity of agencies responsible for control. Until the President this year established a new Environmental Protection Agency, air-pollution control came chiefly under the Department of Health, Education, and Welfare, water pollution under the Department of the Interior, and land pollution under the Departments of Agriculture, HEW, and Interior.

Now virtually all pollution control is to be directed by one federal agency. But it will still be a complex problem, with much responsibility devolving upon state, county, and municipal governments.

The National Air Pollution Control Administration is in the process of dividing most of the country into air-quality control regions. When such a region is designated, states falling within it have about 15 months (450 days) to set air-quality standards that meet federal requirements, and to begin putting them into effect. National standards have already been established to control automotive pollution.

HARD CHOICE FACES MANY COMMUNITIES

Most states today are ill equipped to monitor the thousands of air-pollution sources within their borders. And, because corrective measures can be tremendously expensive, years may pass before a factory stops spouting black smoke. If a plant has polluted the air for fifty years, and is operating on a close budget—can we, in good conscience, make demands that will drive it into bankruptcy? On the other hand, can we afford to risk our health by continuing to breathe the smoke?

Valley towns, especially, can be smog traps. Missoula, Montana, is such a town. When a layer of stable lifeless air hovers overhead, it holds industrial haze and dust in the valley and gives Missoula an air-pollution intensity that rivals New York City's (pages 756–7).

And, of course, there is Los Angeles. "Smog City, U.S.A.," some call it (following pages). But the Angelenos have tackled their problem head on. Air-pollution regulations there are broader than those the Federal Government has formulated, and the regulations grow tougher year by year. Still, new residents pour into the city, bringing their automobiles. Los Angeles, like the Ruhr, is just managing to keep its smog density from rising.

If Los Angeles can't live without its automobiles and can't live with them, what is the solution? Electric cars?

I asked the question of Ralph K. Longaker, regional air-pollution control director.

"The electric companies would love that," he replied. "Their lowest demand for power is at night—and that, of course, would be the time when people would be recharging all those electric-car batteries. But there would be such a tremendous increase in electric-power requirements that many more generating plants would have to be built. Would all those power plants be less harmful to the environment than automobiles? At this point, we just don't know."

KILLER FOGS LED TO LONDON'S AIR CLEANUP

Twenty years ago London could have claimed the title "Smog City, Europe." Three-fourths of its smoke is gone now—a remarkable change triggered by a series of killer fogs in the late 1940's and early 1950's (page 778).

The worst of these settled over London on December 5, 1952. For four consecutive days the city's normal daily death rate of 300 more than tripled; in all, some 4,000 extra deaths that winter were blamed on the incident. More such fogs came in the winters that followed. Each took its toll.

In 1956 Parliament passed the Clean Air Act, decreeing that factories and homes in critical areas of the city must switch from soft high-sulphur coal to less smoky fuels: hard coal, gas, electricity, or oil. Inevitably there were economic repercussions, both to householders and to industries. But, with each passing year, London's air grew clearer.

I visited the city last spring and found it a spirit-lifting experience after passing through to many smog-blanketed cities. In St. James's Park, deck chairs were filled with tanning Londoners (pages 778–9).

London has proved that the veil of smog can be cast off, but its success story stands almost alone. In sunny Spain, Madrid has joined the ranks of shrouded cities. In Italy, acid from smog eats into centuries-old sculpture (page 752). And each rain here in Washington washes more acid onto our marble buildings and monuments.

The massive struggle to clean our air began so recently that victory seems far off. But we have taken an important step—we realize we must do something. In the frequently quoted words of Pogo, Walt Kelly's cartoon possum, "We have met the enemy, and he is us."

One by one, the factory smokestacks stop gushing noxious smoke and gases—for it is easier to regulate one factory than it is to depollute ten thousand automobiles. But here in the United States, motor vehicles contribute nearly half our air pollution. A hundred and nine million exhausts spout carbon monoxide, oxides of nitrogen, lead, and a variety of hydrocarbons.

Tetraethyl lead, an additive to most gasolines, is an acknowledged poison, although experts disagree on the long-term effects of small amounts of lead in the human body. Primitive man carried about two milligrams of lead in his bones. Today's city dweller carries 50 to 100 times that amount—up to one-third of what many doctors consider dangerous.

While legislators frame stringent new laws, manufacturers redouble their efforts to develop more efficient emission-control devices and less harmful fuels.

What else can be done to reduce automobile pollution? Increased use of car pools and mass transit would help, say environmentalists. So, perhaps, would engines of more modest horsepower. Others feel such talk is defeatist, except as a short-term measure, and look to new technological advances for the answer.

Gasoline isn't the only fuel available. In San Francisco, I rode in an unusual car. Its engine burned propane, which gives off few pollutants. At least thirty colleges and a number of industrial firms are trying to develop low-pollution engines powered by steam, electricity, or natural gas (page 762).*

JET PLANES SPEW TONS OF WATER

No type of air pollution is more evident than the dark streaks trailing jet airliners. By 1973 this jet smoke will virtually be gone, for airlines are modifying their engines. But jets also spew less visible pollutants. And another contribution to environmental change is, strangely, water vapor. Burn a ton of jet fuel, and you produce 1¼ tons of water: the hydrogen in the fuel combines with oxygen from the atmosphere.

Some meteorologists think this has resulted in an increase in cloud cover—and a corresponding reduction in the amount of solar energy reaching the earth—since jet aircraft began to fly in the 1940's. The increase thus far has been estimated at as high as 10 percent, but no one yet knows whether it will prove harmful, nor has the effect on the world's rainfall been determined.

The much-discussed supersonic transport raises further important questions. Public controversy has focused on two points—economics and broken windows. But scientists point to the fact that the stratosphere—cruising level of the SST—has little vertical interchange of air. Pollutants there tend to remain in suspension longer, and water vapor might have even greater cloud-making capabilities.

What will be the total effect of the SST on our environment? We can't be sure. Military supersonic aircraft have not been numerous enough to give us answers. There is still so much that we don't know!

RIVERS OVERWHELMED BY MAN'S WASTES

Each morning in Washington, I drive to work across the Francis Scott Key Bridge, high above the Potomac River. Traffic often stops me there—Key Bridge has justly been called "the car-strangled spanner"—so I have time to look around.

Seemingly I'm poised between past and present. Upstream the river is tree lined and peaceful, looking much as it must have looked two hundred years ago. But the downstream view is more modern. Industry lines the northern bank, squatting low beneath the Whitehurst Freeway. Farther down, Washington's skyline is veiled in the mists of morning traffic fumes. A jetliner sweeps down to land at National Airport.

I prefer the upstream view, but even there the Potomac's beauty is only surface deep. The river lost its purity many years ago. In December 1897 an article titled "Pollution of the Potomac River" appeared in THE NATIONAL GEOGRAPHIC MAGAZINE. Its author's conclusion was this: "Until state or national legislation can be secured to regulate such matters, the Potomac . . . must serve as a sort of sewer into which towns and manufacturing establishments empty their refuse."

Why have so many of America's rivers become casualties as the country grew? Shortsightedness? Not at first. When only a few settlements dotted a river's banks, the sewage that poured in caused little harm. The organic wastes were recycled into nutrients that nourished the tiny forms of life that fed the fish. The river purified itself before it reached the next settlement.

What village could resist using such a convenient disposal system? Pour sewage in, and it disappeared downstream.

Then villages grew into towns. The river reeked a bit on hot summer days, but townspeople knew that the tainted water soon would be disappearing into the "boundless" sea. The answer to pollution was dilution.

Most towns today remove at least some of the sewage before pouring the wastes into the rivers. Primary plants settle out about a third of the solid matter. More-sophisticated treatment plants add a second step, using bacteria to convert the remaining organic material into inorganic nitrates and phosphates.

But even this disrupts the river's cycle. The "purified" water is too rich in these nutrients. Detergent wastes add more, and so do the fertilizers that wash in from farmland.

Nitrates and phosphates are food for the water plants such as algae. In the overnourished river, too many algae grow (pages 743–4). But algae need sunlight to live. When the algae layer becomes too thick for light to penetrate, the deeper-lying algae die and sink to the river bottom in a thick brown soup. Oxygen is consumed by the decaying algae, making the water uninhabitable by fish.

Thermal pollution, too, afflicts our rivers. When power plants gulp water to cool their steam generators, they return it warmer than before. A temperature rise of just a few degrees can disrupt the breeding habits of fish, "cook" some of the oxygen out of the water, and increase algal growth.

Industrial chemicals pour into rivers. Pesticides wash in from farm fields. Petroleum products from marine engines and industrial spillage coat the surface, inhibiting the river's oxygen intake. Ohio's oily Cuyahoga River (pages 740–42) actually caught fire last year and burned two railroad bridges.

Lakes can be even more vulnerable than rivers. Witness Lake Erie, second smallest (after Ontario) and shallowest of the five Great Lakes. No body of fresh water in the country has received more attention than Erie, a lake dying of too much nourishment.

"Lake Erie is suffering from eutrophication," I was told by Francis T. Mayo, Great Lakes Regional Director of the Federal Water Quality Administration. "That word comes from the Greek *eutrophos,* meaning 'well nourished.' A lake becomes overnourished as part of its normal aging process, but man accelerates the process tremendously by pouring in nutrients and industrial chemicals."

When I asked if Lake Erie could be saved, he nodded. "It *has* to be saved. Nobody can afford to write it off."

But salvation comes hard, I learned. Many industrial plants and municipalities around the lake must change their ways. The tributaries that flow into the lake must be cleaned up—including the inflammable Cuyahoga River. Sewage plants must be upgraded, and agricultural runoff must be controlled.

"Nitrates are very difficult to remove from sewage water," Mr. Mayo said. "About 80 percent of the phosphorus can be taken out chemically, though, and that should hold down algae. Once the pollution stops, Erie should begin to clean itself. Its flushing time is only three to five years—that's the time it takes to replace all its water."

If three to five years seems long, consider Lake Michigan's flushing time: one century! The lake's only outlets are the slow-moving Chicago River and the Straits of Mackinac. Thus Michigan rates special concern from Mr. Mayo and his associates. The lake's pollution load is light—by Erie standards, at least—but any pollution is bound to be there for a long, long time.

TAHOE'S SEWAGE WATER FIT TO DRINK

At an environmental conference in Washington last spring, I was given a glass of water to drink. I sipped with some misgiving, for it was the end product of a sewage plant.

There was an amused glint in the eyes of Frank Sebastian (page 774) as he watched how slowly I tilted the glass. Mr. Sebastian is Senior Vice President of Envirotech, a California corporation that makes among other things, tertiary sewage-plant equipment.

"It's purer than the water that comes from your faucets at home," he said comfortingly.

The water—which tasted like any other water—came from the sewage plant at South Lake Tahoe, California (pages 774–5).

Beautiful Lake Tahoe has long been known as one of the purest lakes in the world, but the number of tourists and residents on its shores has skyrocketed in the past two decades. Increasingly, Lake Tahoe was losing the purity that made it so attractive. But for once something was done in time.

"Even secondary sewage treatment wasn't enough," Mr. Sebastian said, "so more modern tertiary equipment was installed."

Although the nutrient content of the output water is low, it is not discharged into Lake Tahoe; instead, it is pumped 27 miles into another drainage basin. Dr. Charles R. Goldman, of the University of California, explained why. He is one of the Nation's leading limnologists—lake experts.

"Lake Tahoe has very little flushing action," he told me. "Its 37½ cubic miles of water are nearly permanent. We just can't add any nitrates and phosphates unnecessarily—even that sewage water. It would aggravate the lake's algal problem."

Algal problem? To me, Lake Tahoe looked as clear as blue crystal. Where were the algae getting their nutrient?

Dr. Goldman reminded me of construction I had seen around the lake. "If all that bulldozing isn't done very carefully—and often it isn't—topsoil washes into the lake during rains. Nutrients wash in with the soil."

We walked down to the shore. Dr. Goldman felt down between underwater rocks and came up with a handful of green strands.

"There is a lot more of this than there used to be," he said. "The lake is still clear enough for sunlight to penetrate about 300 feet and sustain plants down there. If it clouds over with algae or silt, its life-sustaining ability will be greatly reduced."

When residents of Seattle, Washington, head for the water—and most of them do at every opportunity—they have a choice. Puget Sound stretches along the city's western edge, 20-mile-long Lake Washington on the east.

That lake is important to the people. Ten years ago it was on its way to Lake Erie's fate. Inadequately treated sewage gushed in. A green scum could be seen on the lake's cloudy surface, and the unpleasant stench of dead lake life was hard to ignore on a hot summer day.

Puget Sound was in trouble, too, for seventy million gallons of raw sewage from the Seattle area poured in daily.

In September 1958 the citizens voted Metro into existence—the Municipality of Metropolitan Seattle—to solve the problem. Four up-to-date sewage plants were built, replacing 28 old ones. It was expensive but worthwhile. Discharge of treated wastes into Lake Washington has ended entirely. Output of raw sewage into Puget Sound has virtually stopped.

I asked Charles V. Gibbs, Metro's director, whether the lake had recovered.

"Salmon and steelhead trout are coming in from Puget Sound in increasing numbers, and crossing Lake Washington on their way to spawn upriver," he said. "Where else in this country can you catch salmon and trout in the middle of a city?"

"BOUNDLESS" SEAS ARE POLLUTED, TOO

A lake, with its clearly defined boundaries, fits comfortably into the human mind. We have no trouble thinking of it as a "thing." And if a thing is damaged, we feel that it can be fixed.

But now we realize that our oceans—those "boundless" seas that cover nearly three-quarters of the planet—are in trouble, too.

"Man puts at least three million tons of oil a year into the oceans," Dr. Max Blumer, of Woods Hole Oceanographic Institution, told me. "The yearly total may run as high as ten million tons, which doesn't include tanker wrecks, such as the *Torrey Canyon* disaster, or production accidents like those off Santa Barbara and Louisana, either" (pages 754–5).

Astounding statements, I thought. But Dr. Blumer is not a man to make extravagant claims for the sake of sensation. He is a senior chemist at Woods Hole.

"Unfortunately, most of the spillage happens in just the wrong places," Dr. Blumer said. "Spills occur in the coastal waters, where marine productivity is concentrated."

Like most laymen, I had thought of oil spills in terms of blackened beaches and dying sea birds. Dr. Blumer assured me that the effects were much more far reaching.

"We know more about oil's toxic properties now, because a spill near here—160,000 to 175,000 gallons of number 2 fuel oil—has turned out to be something of a lab experiment in oil pollution and its aftermath."

The spill occurred September 16, 1969, off West Falmouth, Massachusetts. Three days later oceanographers trawled the area. Ninety-five percent of their catch was dead, and the rest was dying.

"Now, a year later, bottom life is still being poisoned," Dr. Blumer said. "Toxic substances in the oil have entered the sediment. They seep out and spread with the current. Even after the poison has been diluted a thousand times, it kills shellfish. Where it doesn't kill, it gets into their meat—and it will persist there as long as they live."

More than two million tons of oil a year, Dr. Blumer estimates, come from tankers that flush out their tanks at sea (local laws prevent their doing so in port) and from vessels that pump out oily bilge water. All too often, their wastes drift ashore to foul beaches.

But Dr. Blumer and others are perfecting techniques that "fingerprint" oil—tell exactly where the oil came from. The day may come when the careless voiding of oil at sea can be traced to a specific ship, and the captain or owners charged with negligence.

In March 1967, when the tanker *Torrey Canyon* went aground off the British coast, 110,000 tons of oil spilled out. I asked Dr. Blumer what measures could be taken to clean up a huge oil slick of that kind.

"Speed is essential," he said, "since the most toxic elements dissolve quickly into the sea water. If the oil can be pumped into air-dropped bladders or into another ship . . . fine. If not, burning is probably the best answer, though that causes air pollution, of course. Containing booms haven't worked out well. Detergents or dispersants may get the problem out of sight, but they do it by sinking the oil down into the marine environment, where it can do more damage."

We talked of the oilman's new frontier, the Arctic.* "A spill up there would be very bad," Dr. Blumer warned. "Degradation of the oil would be slow in that cold climate, so toxic effects would last longer. Another factor worries me even more, though. Most organisms in the Arctic ice areas are dependent on the top few inches of ocean under the ice—it's the only region where solar energy penetrates to an appreciable degree. If an oil tanker ripped its bottom open, the oil would float in that top few inches of sunlit water."

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DDT—BOON AND HAZARD

In 1874 a German chemist named Othmar Zeidler created a new compound. Its jawbreaking name was dichloro-diphenyltrichloroethane. We know it as DDT.

Dr. Zeidler was unaware that he had found a potential insecticide. Sixty-five years passed before the insecticidal properties were recognized—just before World War II.

DDT was used extensively during the war, against mosquitoes and body lice, with great success. And thousands upon thousands of tons have been used since then, on forests, on farms, and to control household pests. Many an area has been freed at last from malaria.

But one of the compound's most attractive features—the fact that it remains active long after application—has had unpleasant ramifications, too. In the past decade it has become increasingly evident that creatures in water, in air, and on land—including man himself—have built up concentrations within their bodies. Sharp reductions in numbers of ospreys and other birds are attributed to DDT and its derivatives (pages 758–9).*

The pesticide has traveled through the ocean chain. Even penguins in the Antarctic, where DDT has never been used, have accumulated traces of the compound.

Another senior scientist at Woods Hole Oceanographic Institution, biologist Dr. H. L. Sanders, told me more about the problem.

"It has become apparent that DDT and the other chlorinated hydrocarbon insecticides aren't selective. They are toxic to many forms of animal and marine life. When a fish eats food organisms contaminated with the insecticides, the compound builds up in its fatty tissues. When a larger fish eats him, that predator will end up with the insecticide."

Dr. Sanders is also concerned about another group of toxic chemical compounds—the polychlorinated biphenyls, called PCB's.

"The PCB's have been around for 25 years or so," he told me. "But, until recently, we weren't too conscious of them. They are used in the manufacture of plastics, paints, and a great many other things—so they're present in a lot of the industrial waste that ends up in our rivers and oceans. When scientists began analyzing fish samples in a chromatograph to track DDT through the food chain, PCB's kept showing up.

"We've found that they act on marine life much as DDT does, traveling through the food chain. Their toxic effects, alone or in combination, are still largely unknown. Research is just beginning."

I left Woods Hole with a new attitude about those boundless seas of ours.

Last year Americans threw away 50 billion empty cans, 30 billion glass containers, 4 million tons of plastics, and more than a million television sets. Where did it all go?

Into the ground, mostly, in open dumps or into "sanitary landfill." Incineration posed problems: Much of the refuse was unburnable. Also, some burning plastics produce toxic smoke, plus fumes that damage an incinerator's pollution-trapping devices.

TRASH MOUNTAIN PROVIDES SKI SLOPES

Landfill poses problems, too. Leaching chemicals sometimes pollute ground water. Rotting garbage can generate methane gas. Dumping sites for a city's trash are getting more and more difficult to find.

Du Page County, Illinois, just west of Chicago, is trying out a creative solution. Its people are turning a mountain of refuse into a recreational asset. Each day's collection of garbage and trash is spread, tamped firmly, and covered by a six-inch layer of gravel and clay, which controls decomposition and unpleasant odors. So, layer by layer, the hill grows. By July 1971, it will be capped with more clay and soil and, rising some 120 feet, will stand as the highest elevation in the county. Six toboggan runs and five ski slopes will weave down its sides.

Even a garbage-filled mountain must be named. Locally it's called "Mt. Trashmore."

What can be done to reduce the astronomical number of discarded cans and bottles? In a number of U.S. cities, the Reynolds Metals Company is buying back aluminum cans for melting and re-use. Returnable bottles are becoming more popular with conservation-minded housewives—for each one reduces trash-disposal problems by making some 20 round trips in the course of its useful life.

I saw an intriguing answer to the bottle problem in Stockholm, Sweden. It was a plastic beer bottle that would gradually turn to dust after it had been drained and discarded. Sunlight's untraviolet rays work the transition. U.S. and other scientists are working on similar bottles that would break down in sunlight and dissolve in water.

Consider, now, the nine million cars that currently are disposed of each year. Many of them are simply abandoned on the streets, 150 a day in New York City alone—and the cost of hauling them to junkyards puts a heavy financial burden on city budgets.

Suppose a form of "bottle deposit" were added to the car's original price. As the car passed from owner to owner, each one would pay the deposit—say, $50—and recoup it when he sold the automobile. The final owner would be less tempted to abandon the car, for only by turning it in at an accredited collecting station could he get his deposit back. The funds would be placed in trust and the interest used to recycle worn-out cars back into their basic raw materials.

Among other early proponents, Dr. Conrad L. Wirth, former Director of the National Park Service, made such a suggestion years ago. Senator Jacob K. Javits, of New York, has proposed a similar idea in a bill now before Congress.

Even atomic scientists are working on the trash problem. Their incinerator would be a "fusion torch"—using controlled thermonuclear fusion to generate temperatures of millions of degrees. The incredible heat would vaporize trash, reducing it to its basic elements, such as iron, copper, or silicon, for reuse—the ultimate in recycling.

Environmental pollution is not exclusively a city problem. At Cornell University in Ithaca, New York, ecologist Lamont Cole told me about problems down on the farm.

"My grandfather was an Illinois prairie farmer," he said. "Granddad rotated his crops; every few years he'd grow alfalfa or red clover and plow it under to replace the humus and nitrogen in the soil. He used lime, but I doubt if he ever bought any artificial fertilizer. After harvesting a crop, he'd turn his animals into the field, and they'd fertilize it.

"Things are different now. Land out there is so valuable that farmers feel they can't afford to do anything except grow corn on it every year, using chemical fertilizers to boost the yield. But unfortunately those chemicals tend to leach out and add to our problems in rivers and lakes."

I asked Dr. Cole if manure was obsolete. He smiled. "Nowadays, it's more of a problem than it is a fertilizer. You don't turn cattle out into the field any more. You herd them into feed lots, and bring the feed to them. You wind up with a manure disposal problem in the feed lot and a shortage of organic fertilizer in the fields."

What should be done? Dr. Cole shrugged. "It seems to me that it would make a lot of sense to get more animal manure back into the fields, where it can do good instead of winding up as a pollution problem. I'd like to see the humus content of the soil built up again, by crop rotation and plowing under clover or alfalfa now and then. It would stop the fertilizers from leaching out so rapidly."

FIRST NEED OF ALL: POPULATION CONTROL

Dr. Cole made another point. I'd heard it made before by virtually every ecologist I had interviewed.

"One of our basic errors," he said, "is that we always equate growth with goodness. Everything has to keep growing—the population, the cities, the industries. We have to stop growth somewhere. And, if we don't stop the population explosion, there's very little chance of solving our other problems. It's the key to the whole thing.

"We have to recognize that we're dealing with systems," he continued. "For example, the World Health Organization went into Ceylon with pesticides to knock down the high mortality rate from malaria. It did a very good job of it. But its success has also contributed to Ceylon's severe overpopulation problem and strained economy.

"The human race," the ecologist continued, "may be in even more trouble than we think. Very possibly, man won't know he has passed the point of no return until it's too late."

A horrible idea! I asked him to explain.

"Life depends on quite a few microorganisms doing their job," Dr. Cole replied. "For example, at least six types of bacteria in soil and water are absolutely essential to keep nitrogen circulating from air into organic material, then back to the air again. If any of the bacteria stopped working, nitrogen in the atmosphere would be depleted—or possibly replaced by ammonia."

He shook his head slowly. "We're playing a kind of Russian roulette. We keep pouring new chemicals into the environment without testing to see what effect they'll have. If one or a combination of them should ever poison the nitrifying bacteria on a worldwide scale, the air would become unbreathable."

Nuclear power-generating plants produce only small amounts of radioactive wastes. But hot wastes resulting from the production of atomic weapons—that's another matter. Usually the material is encased in steel-and-concrete tanks buried in clay, to keep radioactivity out of the ground water. "There are millions of gallons of the stuff in storage depots near Richland, Washington, and Aiken, South Carolina," Dr. Cole told me. "Some of it is so radioactive that it boils and must be artificially cooled."

He rubbed his forehead wearily. "That's quite a legacy to leave our unborn generations. We'll have to tell them to keep close watch on the liquid, and to change the tanks when they begin to leak—and keep at it for the next six to ten centuries!"

Atomic scientists are trying to avoid passing that legacy on. They have succeeded in solidifying some of the hot wastes for burial—about 20 percent of the total, thus far.

What about nuclear power plants? Do they pollute the air with radioactivity? I asked the question of Mr. Harlan K. Hoyt, superintendent of Commonwealth Edison's Dresden Nuclear Power Station, 55 miles southwest of Chicago, Illinois.

"Some radioactivity is present in our stack gases," Mr. Hoyt said. "But if you lived at the fence line downwind of that stack, you would absorb only one-twentieth as much radioactivity in a year as you would get from one chest X-ray."

But environmentalists worry about *any* increase in atmospheric radioactivity, and note the growing number of nuclear power plants. When man takes something from his planet, they point out there may be hidden costs involved. A town lures a new industry by allowing it to contaminate the local river. A jet speeds 150 people across the country, and cloud cover may increase imperceptibly.

"We ecologists have a word for bargains like those," Dr. Cole said. "We call them trade-offs. Often the bargains are bad ones."

He paused, searching for the best example. "Take the Aswan High Dam on the Nile," he said. "It was put there to expand irrigation, to generate electricity, and to control the annual flooding of the Nile Valley. Actually, those floods had helped keep the farms productive by fertilizing the land with silt. The dam has virtually ruined a sizable sardine fishery along the Nile Delta, because the nutrient supply has been choked off. The catch has fallen from 18,000 tons a years to less than 500 tons. And there's another problem, too: Snails are spreading through the irrigation ditches, carrying the debilitating disease schistosomiasis."

If Lamont Cole seems to take too jaundiced a view of man's attempts to conquer nature, be assured that he has much company among his ecologist colleagues. Dr. Barry Commoner, Director of the Center for the Biology of Natural Systems at Washington University in St. Louis, Missouri, sums up the matter in speeches on college campuses. Dr. Commoner's three laws of ecology are these: (1) Everything is connected with everything else. (2) Everything goes somewhere. (3) There is no such thing as a free lunch.

INNOVATIONS CAN BACKFIRE

"It's time that we scientists begin making sure we've asked all the right questions," Dr. Donald W. Aitken said to me in Palo Alto, California. Dr. Aitken is chairman of environmental studies at San Jose State College.

"Too many times, some technological or engineering advance is conceived and immediately implemented, and ends up having harmful side effects," he continued.

Dr. Aitken cited the Welland Canal as an example. "Lamprey eels moved into the Great Lakes through the canal and seriously damaged sport and commercial fishing. What will happen, I wonder, if we build a sea-level canal across Central America and let predators from the Pacific and Caribbean invade each other's realms?"

Marine biologists are trying to find the answers at the Smithsonian Institution's research facility in the Canal Zone.

In Washington I interviewed Dr. Lee A. DuBridge, former President of the California Institute of Technology and until recently President Nixon's Science Advisor. I brought up that matter of asking all the right questions. Had they all been asked before long-lasting pesticides were put into use?

"The side effects of something like DDT show up only after massive use," Dr. DuBridge replied. "Similarly, the smog-creating qualities of automobiles weren't apparent until traffic had built up."

I asked him what we could do to reduce the danger of unexpected side effects.

"The new Council on Environmental Quality will help," he answered. "One of its functions is technology assessment, environmental prediction. Whenever another government agency or an industry is working on a project that might affect the environment, the council can demand a report on its actions and on the precautions it is taking. If the report is unsatisfactory, the council can insist on more comprehensive tests."

But Dr. DuBridge added a cautioning note. "It will have to be a rational process. If restrictions on introducing new ideas became too rigid, they would tend to stop all research and development."

Dr. DuBridge subscribes to the "no-free-lunch" theory. "There seems to be a law of nature that every benefit that is introduced to improve our happiness, our welfare, or our security has a cost factor someplace.

"Sometimes it's a dollar factor," he went on. "Sometimes it's an environmental factor. And that's the real job for human ingenuity today—to develop concepts that will let us measure the benefits against the risks."

MERCURY: MAN'S HELPER AND POISONER

All of us—including farmers, industrialists, and sewage-plant superintendents—want a clean and healthful world. Then why is our environment being polluted?

It comes down to this: Engrossed in our own activities, we have little awareness of side effects that those activities may be having on the world outside. Let me illustrate by following one pollutant—mercury—in its course from helper to poisoner of man.

The first mercury seed dressing was developed half a century ago, and became popular because it inhibited seed mold. Other industries were attracted by those fungicidal abilities. Mercury became common in such businesses as papermaking and diaper laundering; mercury is an important catalyst in the manufacture of a basic plastic, polyvinyl chloride.

But Dr. Barry Commoner's "no-free-lunch" rule comes into play at this point. Sweden's pheasant population was drastically reduced because the birds ate seeds treated with mercury. Canadians found mercury in partridges and fish. Almost 100 Japanese died from eating fish caught in Minamata Bay—a polyvinyl chloride plant dumped its waste there.

Americans became mercury conscious last July, when fish from 20 states and Canada were found to contain concentrations of the poison. The Department of Justice filed suits against eight U.S. chemical and paper companies, insisting on an immediate halt to water pollution by mercury.

STRIP MINES RAVAGE THE LAND

Perhaps our tardiness in combating mercury poisoning can be laid to its lack of visibility. But what of so visible a destroyer of our environment as strip mining?

This mode of extraction has brought devastation to parts of Kentucky, West Virginia, Pennsylvania, Ohio, and other mining states. Mountains are decapitated, farmlands gutted, wildlife habitats destroyed. Erosion runs wild through the denuded landscapes, choking streams with silt; rains and seepage add deadly acids.

After more than half a century of neglect, most affected states now have laws to curb some of the worst ravages of the strip miners. Today one can see teams of reclamation experts following in the tracks of coal-mining shovels. Aircraft spread tons of seed to revegetate disturbed terrain. Parks, lakes, shopping centers, housing developments are being built on mined lands.

This doesn't means the destruction has stopped. Reclamation often cannot undo all the damage caused by stripping. Even where it can, there are intervening years of eye-shocking landscape disfigurement. What's more, nobody takes responsibility for the thousands of square miles of "orphan banks"—lands mutilated and abandoned by strippers in decades past. The job of patching these up has been left to nature, which may take a century to restore them—if they can be restored at all.

SWEDEN TEACHES ITS CITIZENS ECOLOGY

Among European countries, one of the leaders in the fight against pollution is Sweden. In Stockholm, I lunched with Tage Erlander, Sweden's recently retired Prime Minister, who heads the planning committee for the International Pollution Control Conference to be held in the Swedish capital in 1972.

"When Rachel Carson's book *Silent Spring* was published here," he said, "it made quite an impact. About that time, too, we looked around to discover that our environment was deteriorating. But you don't just make a law saying there shall be no pulltion. To get it under control, we needed public support."

His eyes twinkled. "After all, this has been called a socialist country with a capitalist economy."

Education was the key. A Swedish student starts learning ecology in primary grades, and he'll be exposed to the subject all the way through high school. In college he can cross normal academic lines—for instance, he can major in biology and also in the legal aspects of pollution control. In 1968 adult courses were set up all over Sweden, financed by FOLKSAM, a large insurance cooperative. More than 150,000 adults took the courses in that first year—in a country of eight million.

Hans Palmstierna, secretary of the government's advisory committee on environment, explained the ultimate goal. "Our targets are the people at local government levels," he said. "Before a community agrees to let a new factory comes to town, we want its people to consider more than just the short-range economic gains. Will the new factory create environmental hazards? In our public-education courses, we teach adults to ask just such unpleasant questions."

Instead of allowing industrial plants to pollute their water and air, the Swedes are building a complex of ten special plants to process industrial wastes and used oils collected from all over Sweden. Some of the by-products, such as sulphur, can be sold for reuse to help defray operating costs. Sponsors of the project believe the plants may even become self-supporting some day.

"Recycling is one good answer to the pollution problem," Mr. Palmstierna told me. "Our natural resources, like everyone else's, are limited. It doesn't make sense to dig them up, use them once, and then throw them into the environment as pollutants. We want to use them over and over."

Remember one of Aesop's Fables—the story of the feckless grasshopper who frittered his summer away with no thought of barren months ahead? This has been a planet of grasshoppers.

But no longer. Anxious to mend our ways, we laymen are listening earnestly to a range of experts. The result, too often, in confusion. We're unsure of the priorities—is cleaner air more vital than cleaner water? What can an individual do to help? Must he give up his air conditioner and his car?

I make no claim of expertise—but I have had the rare opportunity of interviewing experts in many countries. Here is the gist of what I have learned.

Virtually every scientist I listened to—and they numbered in the dozens—emphasized that mankind must control population growth. They forecast widespread famine if population soars unchecked. Plagues, too—for in the megalopolitan sprawl of the future there will no longer be sparsely settled buffer zones around cities to curb epidemics.

We have been brought up to equate growth with success. A town should grow, we feel, so each town vies to attract more business and more inhabitants. But many ecologists point out that each resident's share of land and air and water is reduced by growth. At some point, the quality of life declines.

Ecologists think of towns that way. And nations. And the planet itself.

What are the priorities? Most ecologists answered something like this: Clean up the most threatened areas first. Work to unsnarl the fragmented, overlapping responsibility on national, state, and local levels. Focus research on finding environmental answers—there is so much yet to be learned.

Be realistic about immediate goals. At least for now, settle for making a river clean enough to serve its particular purpose. Later, it can be made clean enough to drink.

Get practical, enforceable pollution laws passed—standardized ones that will apply to both sides of a river, for instance, when it flows between two states.

Before using a new chemical, explore for side effects. And when a new product is developed, plan for its ultimate disposal. Work toward recycling; one factory's industrial waste can be another plant's raw material.

And make each individual aware of the problems—and his role in solving them.

"MASSIVE DEBT TO OUR ENVIRONMENT"

Said Russell E. Train, Chairman of the Council on Environmental Quality:

"The astronaut's view of the earth as a small, vulnerable infinitely precious object is a useful one as a point of departure for a report on pollution. But so is the view from this Washington office—or any city window.

"I can't help wondering whether man has looked carefully at that view recently. Maybe he's become blind to his surroundings and

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insensitive to his environment in a way he never was when he lived closer to the land. Perhaps we're evolving too quickly, moving too fast, traveling too hurriedly from place to place. Perhaps speed dulls the senses.

"Whatever the reason, we've lost track of the basic truth that man and his environment are interdependent. Pollution is just one symptom of that crucial imperception.

"What's the prognosis? I'm an optimist. I say we *can* get on top of our problems. It's easy to say that we've got a serious situation on our hands; of course we have. What has to be stressed is that its cure is going to take time.

"We're an impatient people. We like to see results. But in this instance we're going to have to be patient. We have barely begun to measure the task that faces us. We'll see improvements in the condition of our rivers in two to four years. Our air will be cleaner by then. But there will be pollutants cropping up that we don't even dream about now. And when it comes to land use, we're way behind most civilized countries. We still hold to the old frontier philosophy that a man can do as he pleases with what he owns, and there's plenty more land if he wears out what he has.

"We're going to have to get rid of that cherished notion, and a few others. We've got to replace them with hard knowledge of a sort we don't yet possess. We have to develop clear-cut national policies to unify our efforts; you can't work separately or segmentally on the several faces of pollution.

"But no policies will work unless people understand them and stand behind them. Our citizens must be informed, urgently and accurately. We need new attitudes: not those of endless abundance, of the ever-expanding frontier, but those of a mature, responsible society.

"If we're to be responsible, we must accept the fact that we owe a massive debt to our environment. It won't be settled in a matter of months, and it won't be forgiven us.

"We're all responsible. We all owe, and we're all going to have to pay. Nineteen seventy may go down in history as the year in which we began to settle our account with our environment, the year in which we made our first down payment on our debt to our world."

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AMENDMENT TO END THE WAR COMMITTEE ACCOUNTS

Mr. McGOVERN. Mr. President, the accounts of the Amendment To End the War Committee have been published periodically in the RECORD in order that any interested persons would be able to examine how the funds received by that committee have been handled.

It will be recalled that in the wake of the invasion of Cambodia, thousands of Americans supported the activities of the committee aimed at taking the case for a fixed timetable for the withdrawal of American forces from Vietnam to the American people.

The activities mentioned in the accounts of the committee have aided in increasing public sentiment for withdrawal. The major polls show a majority of Americans now favor a fixed timetable.

Because the television networks were not prepared to sell the committee all of the air time it requested, a reserve balance remains for further use in connection with efforts to legislate a withdrawal timetable.

In this last week of the 91st Congress, I submit the final 1970 report of the accounts of the Amendment to End the War Committee and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the account was ordered to be printed in the RECORD, as follows:

AMENDMENT TO END THE WAR COMMITTEE

[As of Dec. 21, 1970]

	Amount
RECEIPTS	
Contributions:	
Cash:	
To committee (net)	$449, 130. 04
Through NBC	6, 949. 00
Through Council for Livable World	24, 050. 00
Total cash	480, 129. 04
Other: Production services (Guggenheim productions)	20, 179. 43
Total contributions	500, 308. 47
Interest earned	229. 69
Other receipts:	
Loan (Stewart Mott)	30, 000. 00
Contributions received by NBC for The Council for a Livable World, forwarded through this committee	25, 105. 32
Total other receipts	55, 105. 32
Total receipts	555, 643. 48
DISBURSEMENTS	
For telecast, May 12, 1970 (half-hour):	
Air time (NBC)	58, 602. 30
Production (Guggenheim Productions):	
Paid services	(9, 820. 57)
Contributed services	(20, 179. 43)
Total	30, 000. 00
Film prints (25) (Telecolor Productions)	1, 290. 00
Air time, for reshowing in Los Angeles (Carl Ally, Inc.)	2, 000. 00
Total	91, 892. 30
For telecast, Aug. 24, 1970 (half-hour) (NET):	
Newspaper promotion (Carl Ally, Inc.)	30, 000. 00
Production:	
Gordon Webber, Benton & Bowles	29, 101. 23
Pelco Editorial	600. 00
Advertising People Against the War	2, 830. 00
Draper B. Gregory (legal services)	456. 16
Total	62, 987. 39
For production costs for telecasts, other than original (Guggenheim Productions)	3, 512. 04
For radio and TV spots:	
Air time (Carl Ally, Inc.) (net)	129, 838. 34
Air time (WDCA-TV)	600. 00
Production:	
Guggenheim Productions	(7, 885. 00)
Advertising People Against War	(5, 616. 78)
All other	(321. 56)
Total	13, 823. 34
Staff travel expenses (N.Y.)	97. 75
Telegrams (for TV availabilities)	388. 57
Total	144, 748. 00
For newspaper advertising:	
Spade:	
Carl Ally, Inc	(5, 847. 12)
Patrick McKeever	(625. 00)
Robert A. Mann	(150. 65)
Larry Kotkiloff	(120. 40)
Gateway Advertising	(3, 052. 56)
Enterprise Agency	(2, 985. 15)
Total	12, 780. 88
Production (Advertising People Against War)	7, 571. 67
Travel expenses:	
S. Cohen (Oregon)	(388. 05)
E. Lindauer (Oregon)	(25. 00)
Total travel expense	413. 05
Total newspaper advertising	20, 765. 60
For the House Committee for a Vote on the War: Administrative services	5, 320. 00
For the Congressional Committee for a Vote on the War:	
General report, printing (Creative Printing)	3, 528. 00
General report, reprints (Creative)	1, 606. 80
Legal report, printing (House Majority Room)	1, 581. 00
Legal report, reprints (House Majority Room)	764. 00
Telephone (C. & P. Telephone)	2, 185. 66
Organizational luncheon	64. 80
Letterheads (Acme Printing)	140. 17
For the Congressional Committee for a Vote on the War—Continued	
Furniture and typewriter rentals (standard typewriter, desk and furnishings)	$411. 84
Typewriter rentals (I.B.M.)	450. 00
Printing, Xeroxing (Gestetner Corp. and United Methodist Church)	458. 26
Supplies (I.B.M.)	3. 43
Subscriptions (Engage, Progressive)	89. 00
Less transfer of cash balance from congressional committee bank account	(3, 065. 14)
Total	8, 217. 84
For Bread and Peace Committee (telephone deposit)	200. 00
For the National Citizens Committee for the Amendment To End the War	15, 050. 00
Less refunds from:	
Carl Alley, Inc	(638. 34)
Citizens Committee	(5. 195. 94)
Total	9, 215. 72
For expenses in connection with the Conference on Feasible Timetable for Withdrawals	3. 842. 31
For all other expenses:	
Legal expenses (Kramer, re FCC; Covington, re general)	2, 246. 40
Stationery (acknowledgment cards, House Majority Room)	1, 164. 88
Volunteers' support	5, 083. 75
Postage and mailing	2. 601. 07
Telegrams to student leaders	10, 462. 70
Treasurer's bond premium	550. 00
Auditing expense	30. 00
All other (telephone, telegrams, bank charges, office supplies, duplicating)	1, 555. 29
Total	23, 694. 09
Total disbursements for expenses	374, 395. 29
Other disbursements (see Receipts):	
Loan repayment (Stewart Mott)	30, 000. 00
To transfer funds received from NBC for the Council for a Livable World	25, 105. 32
Total	55, 105. 32
Total disbursements	429, 500. 61
Reserve balance (and cash in bank, as of Dec. 21, 1970) (total receipts less total disbursements)	126, 142. 87

Respectfully submitted.

John W. Branner, Treasurer.

TRIBUTE TO CHAIRMAN OF SUBCOMMITTEE ON EDUCATION

Mr. JAVITS. Mr. President, as the 91st Congress draws to a close, having already expressed my tribute to the chairman of our committee, Senator YARBOROUGH, I feel special mention must be made of the Senator from Rhode Island, Mr. PELL, who became the chairman of the Education Subcommittee, taking over from a predecessor who had established an outstanding record in that capacity, Senator Wayne Morse of Oregon.

Wayne Morse was "a difficult act to follow." But CLAIBORNE PELL has acquitted himself most highly. The eight-title Elementary and Secondary Education Amendments of 1969, Public Law 91-230, which encompasses higher, vocational, and adult as well as elementary and secondary education, is a tribute to his leadership role both in the Senate and in the negotiations in the conference with the House.

In the past 2 years we have witnessed not only a continued careful building of the structure of Federal education programs but also the beginning of a codification and simplification of the growing mass of statutes in this field, as witness the General Education Provisions Act and the Education of the Handicapped Act.

As ranking minority member of the Labor and Public Welfare Committee, of which the Education Subcommittee is a part, I can attest that the minority has been accorded most equitable and even treatment by Chairman PELL, a treatment which we feel has made for the enactment of constructive measures, and we look forward to a continuing fine relationship with him and his staff.

Much difficult work lies ahead, as in the administration's emergency school aid program and higher education, and Senator PELL's hand at the helm will be most helpful in the new Congress.

REPORT ON ACTIVITIES OF THE MINORITY IN THE COMMITTEE ON LABOR AND PUBLIC WELFARE IN THE SECOND SESSION, 91ST CONGRESS, 1970

Mr. JAVITS. Mr. President, during the second session of the 91st Congress, the Republican minority of the Committee on Labor and Public Welfare, of which I am the ranking minority member, made a distinctive record of constructive contributions and effective legislative achievement. In a number of instances, the central concepts around which major legislation was built originated on the minority side. These contributions cover all areas of activity of the committee.

I ask unanimous consent that a report I have prepared on these contributions be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD:

EDUCATION

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1968

(*Public Law 91–230*)

First, focusing Federal resources on the improvement of educational opportunities for gifted and talented children—Senator Javits.

Second, assuring equitable participation of non-public-school students in title III (Supplemental Educational Centers) of the Elementary and Secondary Education Act—Senator Prouty.

Third, to assure incentive grants under title I, Elementary and Secondary Education Act, in States making a special effort in education based upon the State's resources and its expenditures—Senator Dominick.

Fourth, a new program of special grants for urban and rural schools serving attendance areas with the highest concentrations of low-income family children—Senator Murphy.

Fifth, extension of vocational education programs for disadvantaged students, residential facilities, work-study, curriculum development, and teacher training—Senator Schweiker.

Sixth, a new Adult Education Act to provide an opportunity to catch up for the 56 million adult Americans who have not had the opportunity to obtain an education as far as the 12th grade—Senator Javits.

Seventh, providing for additional funding authority when either House of Congress has not passed on formally rejected legislation extending the authorization for appropriations—Senator Prouty.

Eighth, providing for research on problems of financing elementary and secondary education—Senator Dominick.

Ninth, inclusion in the impacted areas education aid program of children residing in low-rent public housing—Senator Javits.

Tenth, requiring that title I, ESEA, reports include State evaluation findings and be in accordance with specific performance criteria—Senator Prouty.

Eleventh, strengthening local education agencies with the principal emphasis on innovation—Senator Javits.

Twelfth, providing for cancellation for military service of National Defense Student Loans—Senator Prouty.

Thirteenth, inclusion in the report of language clarifying computation of eligibility for impacted aid program (Public Law 874)—Senator Javits.

Fourteenth, calling for Departments of Justice and HEW to request funds necessary to carry out policy set forth in Act to insure that Federal guidelines dealing with school desegregation be applied uniformly throughout the nation—Senator Brooke.

Fifteenth, inclusion of nutritional, food use, and food purchase education in homemaking programs—Senator Javits.

Sixteenth, providing for an equitable allocation of funds for planning and evaluation to assure that needs of smaller States are satisfied—Senator Prouty.

Seventeenth, strengthening of enforcement of title VI of the Civil Rights Act—Senator Javits.

Eighteenth, improvement of education services in juvenile delinquency centers and penal institutions—Senator Goodell.

Nineteenth, inclusion of Puerto Rico as eligible for assistance for neglected and delinquent children—Senator Javits.

Twentieth, inclusion in the bilingual education program of Indian-controlled schools on reservations—Senators Fannin and Goldwater.

Twenty-first, allowing the State educational agency to assume responsibility for education of institutionalized delinquent and neglected children if the local educational agency cannot or will not provide for these special needs—Senator Prouty.

Twenty-second, inclusion of evaluation in the school nutrition program—Senator Javits.

Twenty-third, facilitating the dissemination of information on successful model education programs—Senator Prouty.

Twenty-fourth, requiring grants for migratory children to be based on the number to be served—Senator Prouty.

Twenty-fifth, clarifying amendments with respect to appointment of State advisory councils—Senator Javits.

Twenty-sixth, permitting use of most recent data for title I, ESEA, computations—Senator Prouty.

Twenty-seventh, including the special problems of rural areas in study of the distribution of title I, ESEA, funds—Senator Prouty.

Twenty-eighth, requiring model centers for teaching children with specific learning disabilities to establish procedures to disseminate new techniques—Senator Goodell.

Twenty-ninth, increasing from 4 to 5 percent, after June 30, 1970, funds used by the Commissioner in administering special grants to urban and rural areas under part C of title I, ESEA—Senator Prouty.

Thirtieth, allowing the Bureau of Education of Education for the Handicapped to allocate funds to States that subcontract services—Senator Prouty.

Thirty-first, increasing membership of Advisory Committee on the Education of Bilingual Children—Senator Prouty.

In addition to these, the minority members were responsible for numerous minor and technical improvements to the legislation.

NATIONAL COMMISSION ON LIBRARIES INFORMATION SCIENCE ACT

(*Public Law 91–345*)

First, inclusion of study and analysis of the special library needs of rural areas as a function of the Commission—Senator Prouty.

Second, giving to the Commission the responsibility of recommending overall plans on library and information services—Senators Dominick and Javits.

ENVIRONMENTAL EDUCATION ACT

(*Public Law 91–516*)

First, inclusion of labor in environmental preservice and in-service training programs and projects—Senator Javits.

Second, clarifying membership of National Advisory Council so that both the public and private sectors are represented—Senator Prouty.

Third, inclusion of interdisciplinary curricula development as eligible for grants and contracts—Senator Goodell.

Fourth, citation as a Congressional finding that deterioration of the nation's environment and its ecological balance poses a serious threat to the strength and vitality of the people of the nation—Senator Goodell.

LIBRARY SERVICES AND CONSTRUCTIONS AMENDMENTS OF 1970

(*Public Law 91– *)

The provisions of this bill are similar to those contained in the Administration measure, S–3549, introduced by Senator Javits. In addition, Minority members are responsible for the following:

First, increasing the minimum State allotment to $200,000—Senator Prouty.

Second, inclusion of urban and rural areas in statement of purpose—Senator Prouty.

HEALTH

MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1970

(*Public Law 91–296*)

This Act was the product of extensive consideration by the Committee on six bills, three of which were introduced by minority members. The first two were: S. 269, introduced by Senator Javits and cosponsored by Senators Dominick and Murphy; and S. 1733, a bill introduced by Senator Javits at the request of the Administration. The third was S. 2037, introduced by Senator Percy and cosponsored by Senators Brooke, Goodell, Goldwater, Hatfield, Mathias, Packwood, Schweiker, Scott and Stevens.

In its final form the Act contained many of the provisions of these bills as well as amendments suggested by minority members; of particular importance are the following:

First, health program evaluation by HEW Secretary—Senator Javits.

Second, retroactivity for health facility loan guarantees—Senator Javits for Senators Cotton, Cook and Cooper.

Third, provisions applicable to loans to public facilities and establishment of loan guarantee and loan fund—Senator Dominick.

Fourth, increased authorizations for construction grants to outpatient facilities—Senators Saxbe and Percy.

Fifth, authorizing transfer of intra-State allotments—Senator Prouty.

Sixth, extending grant eligibility to emergency medical transportation facilities—Senators Dominick and Prouty.

Seventh, requiring annual health report on marijuana—Senator Dominick.

COMMUNITY MENTAL HEALTH CENTERS AMENDMENTS OF 1970

(*Public Law 91–211*)

A bill introduced by Senator Javits and cosponsored by Senators Dominick, Murphy, and Prouty—S. 3121—at the request of the Administration, together with legislation introduced by the Chairman of the Labor and Public Welfare Committee provided the basis for this Act, to provide support to community mental health centers and expand services to alcoholics, narcotic addicts, disturbed children and encourage centers in poverty areas.

Minority amendments enacted into law:

First, rural and urban poverty areas given 18 months waiver for eligibility in providing all elements of comprehensive mental health services—Senator Javits.

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Third, with Senator Hughes, increased authorizations for programs for alcoholism and narcotic addiction—Senators Javits and Dominick.

MEDICAL LIBRARY ASSISTANCE EXTENSION ACT OF 1970

(*Public Law 91-212*)

The principal provisions of this Act were contained in the Administration bill, S. 2239, introduced by Senator Dominick for Senator Javits and cosponsored by Senators Murphy and Prouty.

AMEND PUBLIC HEALTH SERVICE ACT TO EXTEND HEALTH SERVICES ASSISTANCE TO MIGRATORY WORKERS

(*Public Law 91-209*)

The principal provisions of this Act were in a bill, S. 2660, cosponsored by Senator Javits, Murphy and Prouty.

AMEND PUBLIC HEALTH SERVICE ACT TO EXTEND AUTHORITY FOR FORMULA GRANTS TO SCHOOLS OF PUBLIC HEALTH, PROJECT GRANTS FOR GRADUATE TRAINING AND TRAINEESHIPS FOR PUBLIC HEALTH PERSONNEL

(*Public Law 91-208*)

The principal formula grant provisions of this Act were in a bill, S. 2809, cosponsored by Senators Brooke and Scott. Minority amendments written into law were the common expiration for the other provisions, project grants and traineeships—Senator Javits.

AMEND PUBLIC HEALTH SERVICE ACT TO AUTHORIZE GRANTS FOR COMMUNICABLE DISEASE CONTROL AND VACCINATION ASSISTANCE

(*Public Law 91-464*)

The provisions for vaccination assistance were in a bill, S. 2264, cosponsored by Senator Stevens.

HEALTH TRAINING IMPROVEMENT ACT OF 1970

(*Public Law 91-519*)

A bill introduced by Senator Javits and cosponsored by Senator Prouty, S. 2753, and a bill introduced by Senator Javits and cosponsored by Senators Dominick, Murphy, Prouty, Saxbe and Scott, S. 3718, on behalf of the Administration, together with the legislation introduced by the Chairman of the Committee on Labor and Public Welfare provided the basis for this Act.

Also included in the Act was a new section authored by Senator Javits, authorizing the use of appropriations for an additional fiscal year for emergency aid to medical and dental schools.

REGIONAL MEDICAL PROGRAMS AND COMPREHENSIVE HEALTH PLANNING SERVICES ACT OF 1970

(*Public Law 91-515*)

A bill introduced by Senator Javits and cosponsored by Senators Brooke, Dominick, Goodell, Murphy, Prouty, Saxbe, Schweiker, and Scott, S. 3443, on behalf of the Administration, and a bill introduced by Senator Javits, S. 2482, and cosponsored by Senators Aiken, Bennett, Fanin, Goodell, Hatfield, Miller, Murphy, Prouty, Schweiker and Scott, together with the legislation introduced by the Chairman of the Committee on Labor and Public Welfare provided the basis for this Act, to improve the qualtiy of care for heart disease, cancer, stroke and kidney disease and to extend and improve comprehensive health planning.

Amendments suggested by minority members of particular importance are the following:

First, authorize multiprogram project grants—Senator Javits.

Second, authorize as costs equity requirements and loan amortization—Senator Javits.

Third, broaden scope of section 351 of Public Health Service Act to include vaccines, blood and its components and derivatives and allergenic products—Senator Dominick.

Fourth, authorize Presidential environmental health study—Senator Smith of Illinois.

Fifth, authorize equal compensation rates for all Federal health advisory councils and Federal health advisory committee members—Senator Javits.

Sixth, broaden Institute of General Medical Sciences training authority—Senator Javits.

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION AMENDMENTS OF 1970

(*Public Law 91-517*)

A bill introduced by Senator Javits, S. 3277, at the request of the Administration, together with legislation introduced by Senator Kennedy and cosponsored by Senator Javits, S. 2846, provided the basis for the Act which assists States in providing services to mentally retarded and other persons affected by developmental diabilities originating in childhood.

An amendment suggested by Senator Javits provides 90% Federal funding for projects of National significance to meet needs of mentally retarded and developmentally disabled.

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

(*Public Law 91-513*)

In its final form the Act contained provisions of the Senate-passed amendment No. 1026 to H.R. 18583, cosponsored by Senators Javits, Prouty, Dominick, Murphy, Schweiker, Saxbe, and Smith of Illinois, relating to a broadened scope of and increased authorizations for rehabilitation programs for narcotic addicts and drug dependent persons.

Also included in the Act was a new section authored by Senator Dominick for a report on the number and functions of all HEW advisory councils by the Secretary of Health, Education, and Welfare.

FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970

(*Public Law 91-572*)

The Act contained many of the provisions in a bill introduced by Senator Javits and cosponsored by Senators Dominick and Prouty, S. 3219, on behalf of the Administration, and a bill consponsored by Senators Case, Packwood, Percy and Saxbe.

Also, included in the Act were sections, authored by Senator Javits, establishing within HEW an Office of Population Affairs and specifying its duties and functions.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT AND REHABILITATION ACT OF 1970

(*Public Law 91- *)

The principal provisions of this Act were in a bill, S. 3835, consponsored by Senators Javits, Prouty, Dominick, Murphy, Schweiker, Saxbe, Smith of Illinois, Bayh, Brooke, Dole, Goodell, Griffin, Gurney, Mathias, Packwood, Percy, and Tower and included provisions of a bill, S. 1997, introduced by Senator Javits and consponsored by Senators Baker, Brooke, Cooper, Fannin, Goldwater, Goodell, Hatfield, Mathias, Miller, Murphy, Packwood, Percy, Prouty, Schweiker, Scott, Stevens and Thurmond.

Also included in the Act was a section relating to formula grants to States to develop alcoholism programs by Senator Javits.

LABOR

OCCUPATIONAL HEALTH AND SAFETY

(*Public Law 91-596*)

The outstanding accomplishment of the 91st Congress in the labor field was the enactment of a Federal Occupational Health and Safety law which will provide minimum standards for workplace health and safety for over 50 million American workers. Senator Javits introduced the Administration's proposal for such a law (S. 2788) and the measure which finally emerged incorporated numerous initiatives of the minority, including:

First, a three-man independent commission to adjudicate contested enforcement cases and assets penalties—Senator Javits.

Second, a National Institute for Occupational Health and Safety to perform the research functions under the Act and recommend new health and safety standards—Senator Javits.

Third, National Commission to Study State Workmen's Compensation Laws to report to the Congress by July 31, 1971—Senator Javits.

Fourth, loan assistance to small businesses—Senators Javits, Dominick and Saxbe.

Fifth, requirement that standards be feasible—Senators Javits and Dominick.

Sixth, modification of the general duty clause to require employers to avoid recognized hazards—Senator Javits.

Seventh, protecting confidentiality of inspection reports by authorizing discretionary rather than mandatory disclosure—Senator Javits.

Eighth, provision for an Assistant Secretary of Labor for Occupational Health and Safety—Senator Javits.

Ninth, modification of State plan provision to exclude employees not under jurisdiction of State—Senator Dominick.

Tenth, protection of trade secrets by requiring the issuance of appropriate orders for protection of their confidentiality—Senator Dominick.

Eleventh, permitting an employer to reopen an abatement order where abatement is impossible because of circumstances beyond his control—Senator Dominick.

Twelfth, modification and clarification of the right of employees or their representatives to accompany inspectors and to be consulted during inspection—Senators Saxbe and Javits.

Thirteenth, requiring an inspection on request as soon as practicable if the Secretary determines there are reasonable grounds to believe that an alleged violation or danger exists—Senator Saxbe.

Fourteenth, requiring a copy of the inspection report, with names withheld, to be given to employer at the time of inspection—Senator Schweiker.

Fifteenth, payment by the government of the additional cost of research and medical examinations—Senator Saxbe.

Sixteenth, protection against precipitous shutdown of continuous process operation—Senator Schweiker.

Seventeenth, provision for granting temporary variance to employer where it is impossible for employer to meet standard—Senator Javits.

Eighteenth, requiring emergency locator beacons in certain aircraft—Senator Dominick.

PROTECTION OF THE NATIONAL HEALTH AND SAFETY AGAINST THREATENED NATIONWIDE RAILROAD STRIKES

(*Public Law 91-541*)

In April 1970 and again in December 1970 the nation was threatened with a nationwide railroad strike. In both instances the President sent up proposed legislation to avert a strike which was eventually enacted into law. The April 1970 resolution was introduced by Senator Griffin as S.J. Res. 178 and reported and managed on the floor by Senator Javits as S.J. Res. 190.

The December 1970 resolution (S.J. Res. 246) was introduced by Senator Javits and, as passed, incorporated an amendment cosponsored by him requiring the President to report on the progress of further negotiations and his recommendations for solution of the dispute by February 13, 1971.

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Science

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1971

(*Public Law 91–356*)

The principal provisions of this Act were contained in the Administration bill, S-3412, introduced by Senator Prouty.

Arts and Humanities

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES AMENDMENTS OF 1970

(*Public Law 91–346*)

First, authorizing contracts related to strengthening research potential in the humanities—Senators Javits, Murphy, Goodell, Goldwater, and Stevens.

Second, authorizing projects to assist and encourage artists to achieve wide distribution of their works and to work in residence at an educational or cultural institution—Senator Goldwater.

NEIGHBORS HELPING NEIGHBORS—AMERICAN DREAM REALIZED

Mr. McINTYRE. Mr. President, over the past weeks, the Senate has experienced a most trying period of debate and decision. The issues encountered have been wide-ranging and difficult of determination. Yet we are now emerging through this task.

At this time, it is perhaps appropriate to consider what our ultimate purpose and identity have been through all of this. We have, through all the doubt and debate, sought one major goal: The general welfare of our people. I believe that in total we have reached far toward this goal.

Above all, we can hopefully look back and see that the essence of our activities has been a focusing of intellect and sensitivity in an effort to identify and solve human problems. And above all, I am at peace with myself for the recognition that we were not alone. Throughout the country others had similar thoughts and concern.

A quotation from Mr. Thomas Wolfe's remarkable book "Look Homeward Angel," sums it up better than I:

> Which of us has known his brother?
> Which of us has looked into his father's heart?
> Which of us has not remained forever prison-bent?
> Which of us is not forever a stranger and alone?

None of us can be alone who has looked into another's heart with sensitivity and respect.

These words were brought to mind by a wonderful constituent, Winifred Clark of Sharon, N.H. Miss Clark had written me last week to indicate her views on certain topics. Along with her letter, she sent me copies of newspaper articles detailing the activities of an organization which she had founded, Neighbors Helping Neighbors.

I bring these articles to the attention of my colleagues in order that they share my feeling of gratitude and perspective. We are not alone. It struck me, as I read these accounts, that the best of our debates has been unspoken and unrealized. In seeking to solve the truly human problems which confront us, we rely on our basic instincts, the caring and sensitivity for others without which our society would be undistinguished. And as I read, I also came to realize that we do no more than express the best instincts of our people.

Miss Clark saw a need—a human need. Not a licensed driver herself, she knew that many like her lived alone and needed transportation for vital medical or social services. Seeing this need, she also perceived that there were many in her community that could help. She looked into the heart of her brother and found one wanting. In the heart of another she found a willingness to help. Through her efforts, hundreds of area residents are now involved in a round the clock assistance service.

I must confess that I am heartened by this activity. It is needed and it does manifest what is best in the American people. Seeing this kind of sensitive generosity renews my confidence that our problems, however great, are human problems, capable of human solution, if only we could and would look into the hearts of our brothers.

Miss Clark is not alone. Her identity is not "prison-bent", rather it is an individuality exuding concern for others. To her and to those who so faithfully participate in this work, I offer thanks. Their work is appreciated and their lesson is not wasted on myself or my colleagues in this body. They are a voice of calm in a time of chaos.

I ask unanimous consent that the following remarks: "Neighbors Helping Neighbors" which was printed in the November 5, 1970, issue of the Peterborough, N.H., transcript; "Phone-A-Ride," which was printed in the October 22, 1970, issue of the Keene, N.H. Sentinel.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Peterborough Transcript, Nov. 5, 1970]

NEIGHBORS HELPING NEIGHBORS

(By Winifred Clark)

Our first two emergency calls came the last 10 days of October. The first was from the wife of the Police Chief of Bennington, asking if we could take a Bennington child to Keene early the next morning for urgent x-rays. Not one of the group who usually drive this girl was available at the time. We stretched our limits a bit and a N–H–N volunteer took her.

The second was from the Monadnock Hospital. A man had been discharged but he had no way to get back to his home in New Ipswich. In 20 minutes one of our drivers was at the hospital to pick him up.

The many who have helped us get Phone-a-Ride rolling should be standing tall these days as the first month of our operation draws to a close.

Fifty-seven rides were arranged for the month of October. For November, we last week lined up 14 rides for the visitors Desk volunteers and began working on the transportation of some Franklin Pierce College girls to help at Crotched.

Our remarkable record of having the first driver asked accept the assignment remains intact with only one exception. This man had no car available that day but he offered to hire a car if no one else was available. This time it was the second volunteer who quickly agreed to go.

What an exceptional group of volunteers we have! Twenty-six have signed up to go as far as Boston and 30 to Hanover. There are 29 who are willing to drive at night when there is an emergency.

Of the 68 daytime volunteers, 14 want to drive twice a week; 13 once a week; nine, twice a month, and two once a month. Others are standbys, nearly all of whom are eager to serve if available. Don't you think these facts are exciting and heartwarming.

People have been taken to doctor's offices, to the hospital for x-rays, and I myself would have called on a N–H–N driver if I had not known a neighbor was going to Peterborough anyway. I carelessly sat on my glasses and until they came back all in one piece I could neither read nor write.

Four visitors' Desk volunteers were taken several times to the hospital and picked up, once by a nurse on the MCH staff.

But it was the deaf boy who is being taken from Crotched to Milford every Tuesday his Scout troop meets, and the three little children who were driven from New Ipswich to the Day Care Center that gave us the greatest joy.

Mrs. Marlene Larsen tells us that at a recent meeting of the New Hampshire Association for the Education of Children there was not one other person there who had any way of getting their children transported on a voluntary basis.

Our Day Care Center, housed at the Congregational Church in Peterborough, is doing a tremendous job for the children in our whole area. We were delighted to be able to help them in this way and hope to again. We learned firsthand what these dedicated women are doing to brighten the lives of these little ones. Did you know they need volunteers of all kinds?

We now have two enthusiastic young mothers doing the telephone matching up of the need-a-riders and drivers twice a week. We'd like more dispatchers. Won't you spread the word of our need here, there and everywhere?

The N-H-N number is 924–6674. After seven rings, 924–6941. We will welcome your call whether you need a ride, or want to volunteer to dispatch or drive. Even now, there are certain days at particular times when we do not have as many drivers to select from as we'd like to have.

Now that Neighbors Helping Neighbors is so well established this column will appear twice monthly except that special columns will be written whenever there is something I want to share with you quickly.

SHE HELPS GOOD NEIGHBORS TO BE EVEN BETTER NEIGHBORS

[From the Keene Evening Sentinel, Oct. 22, 1970]

(By Pat Haley)

SHARON.—Winifred Clark lived in New York City "most of my life." Now a Sharon resident, she is helping her good neighbors in eight surrounding towns be even better neighbors.

Her idea: Phone-A-Ride. By dialing a central number, people who need a lift to a hospital or doctor may share a ride with one of 104 driver volunteers.

"I can't drive," Miss Clark said. "When I needed a ride, I hesitated to call someone. But I felt if people like me knew there were willing drivers in their town, they wouldn't hesitate to call."

That was last spring.

"Everybody thought it was a good idea," she said. "But they were waiting for someone else to organize it. I decided to get this operation moving, I would have to begin."

By Oct. 1, Miss Clark's telephone was buzzing.

"The first volunteer driver called, in each instance, was reached right away. They were available and pleased to accept the assignment," she said.

COURTEOUS PEOPLE

"I can't tell you how courteous people have been. The bulk of the calls have been from people who needed a medical or dental appointment or an X-ray," Miss Clark said.

Phone-A-Ride's founder learned drivers were willing to drive people to appointments as far away as Concord, Manchester, and Boston.

"Many people, I found out, don't like to drive alone and enjoy the company," Miss Clark said.

How does she coordinate a New Ipswich driver with a Boston-bound passenger?

FILE SYSTEM

Miss Clark keeps a card file-color system arranging people by town, possible destinations and hours the driver is available.

"Some people can drive only days, others evenings and still others throughout the night," she said.

Under present guidelines, the calls must originate in Peterborough, Jaffrey, Rindge, New Ipswich, Temple, Greenfield, Sharon or Hancock.

The ride must be an essential one. Miss Clark said the caller should ask himself, "Would I be willing to ask someone to take me to this place?"

Going to the hairdresser, she said, is a good lift for a shut-in. "But it really isn't essential. We hope relationships will develop between driver and rider and once drivers learn of other needs, they will naturally offer other rides when they can," Miss Clark said.

The 104 volunteers include 14 staff members of the Monadnock Community Hospital in Peterborough who are willing to take visitors or volunteer staff home at 3 p.m.

An advisory committee for Neighbors Helping Neighbors has been formed. The committee includes Sydney Austin, Margaret Bean, Arthur Eldridge, Louise Grummon and Violet Newton.

Miss Clark now operates the service using a special number. "I love to talk on the telephone but I wouldn't enjoy talking if I knew I was holding an important call up," she said.

She said the next step is to select dispatchers on a rotating basis.

"We believe that stay-at-homers would like to participate in this way," she said. "People who are confined to their homes often welcome the opportunity to reach out."

But recently a young mother of four offered to help. "We are happy she wanted to help and will welcome any volunteers," Miss Clark said.

DELAYED JUSTICE

Mr. DOLE. Mr. President, we in this country take great pride in our system of civil justice—in its fair and impartial resolution of the competing claims of conflicting parties. However, from time to time there occur instances when the processes of justice become inordinately slowed, and often justice delayed becomes justice denied.

In an article published by the Memphis Commercial Appeal, Clark Mollenhoff described such a case of delayed justice which has been brought to the attention of the Department of Justice for administrative action.

I believe many Senators who share my interest in the functioning of our courts and more efficient administration of justice in our Federal courts would find this article of particular interest. Mr. President, I ask unanimous consent that this article from the December 26 Commercial Appeal be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Sorry Example of Delayed Justice

(By Clark Mollenhoff)

Washington.—An 80-year-old widow has not received a dime from a multi-million-dollar estate that has been in the federal court system in Indiana since 1941. At the same time, judges have approved payment of hundreds of thousands of dollars to lawyers involved in the case.

New complaints about the Indiana situation were called to the attention of the Nixon administration months ago, but, as yet, no action has been taken.

In August, 1961, Franklin Riter, a distinguished member of the board of governors of the American Bar Association, declared the court's handling of the Woodmar Realty Company reorganization reveals "so dreadful a story of judicial dereliction" that it is impossible to find a sequel.

Yet, nine years later, the situation has deteriorated still further.

Recently, Joseph E. Klen, mayor of Hammond, Ind., added his voice to those of Senator John J. Williams of Delaware, Representative H. R. Gross of Iowa and lawyers for the stockholders who have asked Atty. Gen. John Mitchell for an investigation.

Although the Woodmar Realty Company case in northern Indiana has been under the control of the federal judiciary for nearly 30 years, the owners of the firm haven't received a dime. Among the owners is Mrs. Helen M. Woods, 80-year-old widow of the firm's founder.

When Woodmar went into bankruptcy it had assets valued at 2.3 million dollars. The assets included more than a square mile of improved and partly improved business and residential property in Hammond, Ind. The property today has a value in excess of 25 million dollars.

There have been periodic complaints about the manner in which this case was being handled by two federal judges—United States District Judge Robert Tehan of Milwaukee and former United States District Judge Luther Swygert, now chief judge of the Seventh Circuit Court of Appeals.

The most recent complaints filed with Atty. Gen. Mitchell are that Judge Tehan engaged in "illegal distribution of substantial funds" from Woodmar, by paying checks totalling $500,000 on forged, destroyed, and inflated claims.

The checks were drawn pursuant to a plan devised by Carl A. Huebner, attorney for the original trustee who has since been disbarred by the Indiana Supreme Court for 82 specific acts of misconduct and fraud.

Judge Swygert, before his appointment to the bench, was associated with Donald C. Gardner in 11 state court foreclosures on City of Hammond improvement bonds involving the Woodmar property. Yet, Swygert took control of the Woodmar case when he went on the bench in 1943, and kept control until a dozen years later despite challenges for possible "conflicts of interest."

It was Judge Swygert who appointed Charles Surprise as trustee and Carl Huebner as lawyer.

Judge Swygert permitted a business firm, sales agent for the trustees, and two others in a fiduciary capacity, attorney Donald C. Gardner and a client, to buy Woodmar lands at bargain prices.

In 1948, Gardner, Surprise, Huebner, and another attorney, C. Ballard Harrison, were indicted on fraud charges involving the Woodmar property and other property. Harrison, Huebner, and Gardner were disbarred. Surprise died before either conviction or disbarment.

Judge Swygert permitted the indicted men—Surprise and Huebner—to retain control over Woodmar until 1952 when the fees being paid these men became a local scandal.

Continued complaints about Judge Swygert resulted in his bowing out of the case in 1956. District Judge W. Lynn Parkinson, of Lafayette, Ind., was assigned the case.

Judge Parkinson permitted Woodmar to defend the trust against special improvement bond claims, and he ordered the new trustee and lawyer appointed by Swygert to leave the case.

Before Judge Parkinson could enter his final order in 1957, he was elevated to the Court of Appeals, Chief Judge F. Ryan Duffy, of the Seventh Circuit, appointed his old Milwaukee friend, Judge Robert Tehan, to preside in the Woodmar matter.

Judge Tehan agreed to follow the law as set down by Judge Parkinson, but a petition filed with the Justice Department charges that he disregarded the law. In 1958 and 1959, Tehan rejected all Woodmar requests for hearings on lien claims.

Tehan had been appointed to the federal bench despite the fact he hadn't paid either federal or Wisconsin state taxes for several years prior to his appointment.

Then Judge Tehan resurrected the Carl Huebner distribution plan, that had been discarded by Judge Parkinson because it was filled with fraud and distorted allowance.

In 1968, Judge Tehan signed orders to pay money to Northwestern Investment Company, a firm formed by one of the disbarred lawyers in 1939 but later dissolved. Tehan also approved an award of $120,000 to attorney Herschel Davis, overruling the objection of Woodmar and the City of Hammond. The judge refused to permit cross-examination of Davis concerning the work he said he did that warranted the $120,000 payment.

In the meantime, Judge Swygert has signed a letter urging readmission of Carl Huebner to the practice of law despite perjury and fraud in the Woodmar case. Swygert said he did it because of his great compassion.

Those are only the highlights of the case now before the Justice Department. It will be strong challenge to the attorney general to sort out the sorry details of this example of delayed justice.

TRIBUTE TO SENATOR McCARTHY

Mr. METCALF. Mr. President, I have already expressed myself on Gene McCarthy as a poet. I ask unanimous consent that my remarks on December 10, 1969, be inserted in the Record at this point.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Euge Poeta

Mr. President, Congressman Podell of New York, on May 20, 1968, inserted in the Congressional Record the poem of our colleague, the senior Senator from Minnesota, Gene McCarthy, entitled "Three Bad Signs." This poem has now been awarded a prize by the National Endowment for the Arts. This award confirms Congressman Podell's evaluation of Senator McCarthy as one who "belongs in the front rank of American lyric poets."

As the Senator from Idaho, Mr. Church, has said, there is no record of another Senator achieving this distinction. For most of us poetry is not our cup of tea.

Senators have written erudite tomes, economic studies, historical reminiscences, essays, doggerel, but never has a Senator earned a prize for poetry.

In achieving distinction as a genuine poet, Senator McCarthy can bask in the opinion of Oliver Wendell Holmes who said:

"There was never a poet who had not the heart in the right place."

The poem, "Three Bad Signs" inserted in the Record by Congressman Podell and the poem "Ares" called to our attention by Senator Church, are genuine poetic accomplishments.

It used to be that poetry had to rhyme and scan. It was Dorothy Parker who declared:

"Fighting Words

"Say my love is easy had,
    Say I'm bitten raw with pride,
Say I am too often sad—
    Still behold me at your side.

XUM

Say I'm neither brave nor young,
  Say I woo and coddle care.
Say the devil touched my tongue—
  Still you have heart to wear.
But say my verses do not scan
  And I get me another man!"

The poetry of McCarthy is not that of the scanning and rhyming variety. It is the modern poetry of T. S. Eliot, E. E. Cummings, Marianne Moore, and others. It is of an excellence entitled to be considered with these paragons.

Therefore, I was disturbed that the Washington Star commented on McCarthy's prize-winning poetry as follows:

"Poet McCarthy

"The National Endowment for the Arts has awarded a $500 prize to Senator Eugene McCarthy for his poem, 'Three Bad Signs.' This confirms a long-held suspicion of ours that McCarthy is better at being a poet than he is at the other trades he's dabbled in, such as baseball and politics.

"It has been reported that McCarthy, on being informed of his windfall, expressed the hope that politicians would now stop criticizing his poetry. That seems fair enough. Only those with some knowledge of poetry are properly qualified to comment on the work of a poet.

"By the same token, it would seem reasonable to suggest that Poet McCarthy should stop sounding off on the work of professional politicians."

I wonder what test the Evening Star would put on professional politicians. Gene McCarthy has won five elections to Congress and two elections to the U.S. Senate. That is playing in the professional league for quite awhile. In addition, he has made a substantial showing in the presidential league. If not being professional means not winning a presidential nomination then there are few professional politicians. It being a professional means success in the highest professional challenge, then Gene McCarthy meets the test.

As only an amateur in the poetry business, I salute Senator McCarthy.

As one professional politician to another, I salute a pro for his achievement in an area in which most of us are dilletantes.

Euge Poetu.

TRIBUTE TO SENATOR TYDINGS

Mr. HOLLINGS. Mr. President, I join my colleagues in expressing deep regret that Senator Joseph D. Tydings will not be serving in the 92d Congress. His able and dedicated leadership will be missed by the Senate and the Nation. He leaves behind a legacy of impressive accomplishments during his tenure in this body. Due to his diligence, many laws are on our books which make our Nation a better place in which to live and work and raise our families. His contributions in his committee assignments and participation on the Senate floor have been most beneficial to the legislative process.

As chairman of the District of Columbia Committee, he handled many difficult and, seemingly unsolvable problems and, the Capital of our Nation has benefited from his untiring attention to this responsibility. Senator Tydings' efforts on anticrime legislation have been major in successfully combating organized crime in our society and in improving our criminal court and correctional systems. His leadership in authoring improvements in our consumer protection laws has been an inspiration to us all as guardians of a public trust.

I have been privileged to serve with Joe Tydings and, although we did not always agree on various issues, I have always admired the quality that he always possessed the courage of his convictions and never tried to avoid difficult issues or complex problems. During a period when our Nation faced some of the most difficult tests in her history, Joe Tydings spoke out and tried to provide practical solutions to our many domestic and international problems.

I know that whatever career Joe Tydings chooses to pursue at this point, it will continue to be one of outstanding service to his State of Maryland and to his country. He can hold his head high and be proud of his record. I wish him and his wife, Virginia, continued happiness and success.

ELECTRIC UTILITIES SPEND EIGHT TIMES AS MUCH FOR "SELL AND TELL" AS FOR R. & D.

Mr. METCALF. Mr. President, the 1969 data on electric utilities, as reported by the companies themselves, has now been at the Federal Power Commission for 8 months. Comparative statistics based on these reports will not be published, unfortunately, until well into 1971, after many of the utilities have obtained rate increases upon a record that did not include this recent, comparative information.

However, I have obtained from the FPC comparative 1969 data in two important areas of utility expenditures, advertising and sales promotion and research and development.

The 1969 data shows that the electric utilities, our Nation's largest industry, have embarked upon another deceptive advertising campaign. They are trying to meet massive technological problems by massive advertising and sales promotion—this despite the energy shortage—rather than by the needed massive research and development programs.

In fact, the investor-owned utilities spent eight times as much on advertising and sales as it spent on research and development in 1969.

Expenditures by IOU on advertising and sales increased 11.8 percent from 1968 to 1969, up from $289.6 million to $323.8 million. During the same period IOU expenditures on R. & D. increased only 6.9 percent, from $38.4 million to $41 million.

Among the 210 major electric utilities, 46 did not spend a cent on R. & D. in 1969. The expenditures of 61 companies on R. & D. were less than they were in 1969. Four were unchanged and 99 were higher.

What this means is that the IOU's are doing less but telling us more about power shortages and pollution. The industry's priorities are reversed.

These 210 companies took in more than $21 billion in 1969. Their net income amounted to almost $3.2 billion. Their Federal income taxes again decreased, from 9.2 percent of the revenue dollar in 1968 to only 8 cents on the dollar in 1969. Other taxes held steady at 11 cents on the dollar, the same as in 1968.

The reduction in Federal income taxes, from 9.2 percent to 8 percent of the revenue dollar, could have added many millions of dollars to the research and development budget. But this reallocation was not made. Instead, some of the companies are asking for tax incentives for research and development. I do not think an industry which will not apply tax reductions to R. & D. has much of a case to come before Congress, State legislatures or commissions for tax incentives for R. & D.

The superficial "sell and tell" technique embarked upon by the power industry is no substitute for the R. & D. which is essential to development of improved methods of power generation, reliable transmission and pollution abatement. I cannot, for the life of me, understand the myopic attitude of the industry regarding R. & D. expenditures. Order No. 408 of the FPC, issued on 26 August 1970 provides that some R. & D. can be included in the rate base, so utilities can actually make money on it. But even before that ruling R. & D. as well as advertising and sales were included in the operating expenses which were passed on to the customer.

The logical way to fund needed R. & D. in the energy field is through reallocation to R. & D. of funds now spent on overselling and overadvertising the utilities' scare product. To that end I shall ask the FPC to institute a rulemaking proceeding which would disallow inclusion of advertising and sales promotion as an operating expense. Under the proposed procedure utilities could still advertise and promote sales. But they would have to pay for it out of earnings, as nonutility businesses must.

State utility commissions bear most rate regulatory responsibility regarding electric utilities. However, a policy change by the FPC, despite its limited jurisdiction, could have a salutary supportive effect among State commissions

A State commission—in Vermont, the homeland of George Aiken and Charlie Ross—recently went beyond my suggested rule to propose that no electric or gas utility shall engage in advertising or in any promotional practice. This Vermont proposal has been subject to a good deal of criticism, especially from newspapers and broadcasters, who have become accustomed to regular and spacious utility ads, courtesy of the consumers.

The New England Press Association was moved to term the Vermont commission proposal "a denying to public utilities of the rights of communication with the public they serve." Surely even stern-faced, straight-laced utility executives must have smiled at that suggestion that utilities limit their "communication" to advertising and promotion payments.

A more candid comment came from a weekly publisher who objected that "to be denied this source of revenue—from utility ads—would indeed place a hardship on the Journal-Opinion." I would emphasize here that under my proposal the utilities could continue to advertise, but at the expense of their stockholders, rather than including it as part of the cost in their plush cost-plus method of operation.

And I would remind worried publishers that one of the greatest weeklies in the country, the Western News in my native Ravalli County, Mont., has sustained itself since the 1930's without the thousands of dollars which the local power company gives to weekly editors who carry its "institutional" ads and who do not subject the company to the independent and critical editorial judgment that Miles Romney of the Western News occasionally delivers.

Recent trends in utility advertising are toward what is termed "educational" emphasis, rather than load building. This country has been "educated" by utilities for decades. That is one of its problems. I am sure that most ratepayers would prefer to choose the type of education they pay for and receive. I never have seen a utility franchise which mentioned that the company's obligation extended to public education. I hope some of the strict constructionists on the FPC, and in the State commissions, find this point helpful as they rearrange some priorities that are badly out of place.

Mr. President, I shall also ask the Federal Trade Commission to review utility advertising content in relation to the companies' tiny expenditures on R. & D. Ads which suggest great effort and expenditure by utilities to protect the environment and insure reliability through R. & D. are patently deceptive and misleading.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the tables, provided to me by the FPC and based on the individual companies' 1969 Form 1 reports, which deal with expenditures for advertising and sales and research and development. I also ask unanimous consent to include in the RECORD Lawrence Lessing's article, "New Ways To More Power With Less Pollution," which appeared in the November 1970 issue of Fortune. I consider this article crucially important to an understanding of the energy and environmental morass in which this Nation now flounders.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADVERTISING AND SALES EXPENSES, 1969

Classes A and B privately owned electric utilities	Total sales expenses	Sales [1] advertising expenses	Institutional advertising expenses	Total advertising expenses
Alabama Power Co	$5,746,091	$994,540	$280,520	$1,275,068
Alaska Electric Light & Power Co			6,508	6,508
Alcoa Generating Corp				
Alpena Power Co	23,148	3,847	25	3,872
Appalachian Power Co	6,554,332	900,590	165,190	1,065,780
Arizona Public Service Co	1,615,087	615,560	33,775	649,335
Arkansas-Missouri Power Co	122,749	53,870		53,870
Arkansas Power & Light Co	2,775,006	649,020	413,891	1,062,911
Arklahoma Corp., The				
Atlantic City Electric Co	1,771,690	374,987		374,987
Baltimore Gas & Electric Co	1,855,030	743,693	321,518	1,065,211
Bangor Hydro-Electric Co	73,182	47,814		47,814
Black Hills Power & Light Co	239,373	68,005	11,547	79,552
Blackstone Valley Electric Co	501,769	99,669	8,882	108,551
Boston Edison Co	1,845,935	587,225	348,701	935,926
Boston Gas Co	4,511			
Brockton Edison Co	440,439	57,389	9,614	67,003
California-Pacific Utilities Co	138,233	28,725		28,725
Cambridge Electric Light Co	237,768	10,666	1,418	12,084
Canal Electric Co				
Cape & Vineyard Electric Co	610,556	21,495	2,097	23,592
Carolina Power & Light Co	3,032,867	725,542	355,140	1,080,682
Central Hudson Gas & Electric Corp	805,847	225,843	56,960	282,803
Central Illinois Light Co	467,530	106,610	139,396	246,006
Central Illinois Public Service Co	1,826,326	428,940	101,815	530,755
Central Kansas Power Co., Inc	41,694	23,059		23,059
Central Louisiana Electric Co., Inc	579,432	185,262		185,262
Central Maine Power Co	1,375,252	94,131	23,028	117,159
Central Power & Light Co	2,561,552	518,756		518,756
Central Telephone & Utilities Corp	394,664	110,491		110,491
Central Vermont Public Service Corp	308,624	24,075	9,949	34,024
Cheyenne Light, Fuel & Power Co	98,537	35,052	6,841	41,893
Cincinnati Gas & Electric Co., the	1,878,764	545,526	195,000	740,526
Citizens Utilities Co	79,723	38,063		38,063
Cleveland Electric Illuminating Co., the	5,942,876	1,126,423	835,195	1,961,618
Columbus & Southern Ohio Electric Co	2,399,304	510,602	148,636	659,238
Commonwealth Edison Co	10,692,937	2,651,834	340,023	2,991,857
Commonwealth Edison Co. of Indiana, Inc				
Community Public Service Co	666,537	539,922		539,922
Concord Electric Co	43,504	12,375	2,364	14,739
Connecticut Light & Power Co., the	3,504,507	753,908	180,729	934,637
Connecticut Valley Electric Co., Inc	33,173	1,968		1,968
Connecticut Yankee Atomic Power Co				
Conowingo Power Co	117,262	11,899	1,185	13,084
Consolidated Edison Co. of New York, Inc	6,443,163	1,287,609	333,168	1,620,777
Consolidated Water Power Co				
Consumers Power Co	5,080,225	891,217	511,825	1,403,042
Dallas Power & Light Co	3,044,583	967,376		967,376
Dayton Power & Light Co., the	2,695,364	633,623	130,583	764,206
Delmarva Power & Light Co	521,703	76,245	79,429	155,674
Delmarva Power & Light Co. of Maryland	272,755	43,849	21,811	65,660
Delmarva Power & Light Co. of Virginia	60,337	5,776	4,392	10,168
Detroit Edison Co., the	5,779,722	1,811,383	343,527	2,154,910
Duke Power Co	3,798,470	1,182,737	345,894	1,528,631
Duquesne Light Co	2,912,283	782,518	449,893	1,232,411
Edison Sault Electric Co	87,383	8,875	556	9,431
El Paso Electric Co	487,551	144,229		144,229
Electric Energy, Inc				
Empire District Electric Co., the	526,833	62,499	659	63,158
Exeter & Hampton Electric Co	68,977	11,026		11,026
Fall River Electric Light Co	174,607	60,002	3,515	63,517
Fitchburg Gas & Electric Light Co	125,470	25,245	7,090	32,335
Florida Power Corp	2,455,510	321,968	352,874	674,842
Florida Power & Light Co	7,612,768	1,678,681	67,446	1,746,127
Florida Public Utilities Co	84,472	7,997		7,997
Georgia Power Co	7,534,096	1,850,614	212,459	2,063,973
Granite State Electric Co	70,029	5,957	4,369	10,326
Green Mountain Power Corp	190,554	37,684	8,096	45,780
Gulf Power Co	743,493	140,818	131,941	272,759
Gulf States Utilities Co	3,147,427	624,866	278,243	903,190
Hartford Electric Light Co., the	1,603,741	361,230	227,462	588,692
Hawaiian Electric Co., Inc	1,134,458	181,132	86,400	267,532
Hershey Electric Co	1,463	1,463		1,463
Hilo Electric Light Co., Ltd	80,346	8,840		8,840
Holyoke Power & Electric Co	$2,479			
Holyoke Water Power Co	20,869		$12,864	$12,864
Home Light & Power Co	18,553	$13,218	1,172	14,390
Houston Lighting & Power Co	3,699,458	1,434,865	259,931	1,694,796
Idaho Power Co	1,128,466	146,127	29,939	176,066
Illinois Power Co	1,496,372	411,981	80,575	492,556
Indiana-Kentucky Electric Corp				
Indiana & Michigan Electric Co	4,569,309	708,905	166,216	875,121
Indianapolis Power & Light Co	1,825,325	544,018	39,187	583,205
Interstate Power Co	792,148	167,692	95,198	262,890
Iowa Electric Light & Power Co	1,004,057	174,296	156,540	330,836
Iowa-Illinois Gas & Electric Co	324,791	61,974	87,864	149,838
Iowa Power & Light Co	577,196	302,896	128,621	431,517
Iowa Public Service Co	484,875	155,526	58,905	214,431
Iowa Southern Utilities Co	404,921	46,031	52,606	98,637
Jersey Central Power & Light Co	1,651,703	339,095	94,952	434,047
Kansas City Power & Light Co	1,749,565	480,644	86,409	567,053
Kansas Gas & Electric Co	1,449,741	295,864	73,413	369,277
Kansas Power & Light Co., the	572,652	130,570	32,703	163,273
Kentucky Power Co	1,072,362	129,456	13,938	143,394
Kentucky Utilites Co	1,604,824	289,513		289,513
Kingsport Utilities Co	255,033	63,933	6,958	70,891
Lake Superior District Power Co	53,588	13,977	5,964	19,941
Lockhart Power Co	1,462	1,462		1,462
Long Island Lighting Co	915,916	204,677	170,327	375,094
Long Sault, Inc				
Louisiana Power & Light Co	2,499,387	566,542	169,044	735,586
Louisville Gas & Electric Co	243,804	72,076	82	72,158
Madison Gas & Electric Co	78,368	17,241	2,189	19,430
Maine Public Service Co	184,912	47,122		47,122
Massachusetts Electric Co	2,849,697	494,505	218,500	713,005
Maui Electric Co., Ltd	94,875	15,266	548	15,814
Metropolitan Edison Co	1,605,341	246,966	112,212	359,178
Michigan Power Co	208,563	82,725	5,388	88,113
Minnesota Power & Light Co	967,736	180,934	72,136	253,070
Mississippi Power Co	823,333	160,568	131,972	292,540
Mississippi Power & Light Co	1,589,362	338,680	234,139	572,819
Missouri Edison Co	71,901	24,720		24,720
Missouri Power & Light Co	313,206	85,753	5,893	91,646
Missouri Public Service Co	239,182	49,124		49,124
Missouri Utilities Co	26,146	16,326		16,326
Monongahela Power Co	3,137,578	365,766		365,766
Montana-Dakota Utilities Co	430,222	88,519		88,519
Montana Power Co., the	587,964	193,266	31,971	225,237
Montaup Electric Co				
Mount Carmel Public Utility Co	17,762	19,375		19,375
Nantahala Power & Light Co	0		1,412	1,412
Narragansett Electric Co., the	853,737	193,955	118,463	312,418
Nevada Power Co	323,854	157,903	22,768	180,671
New Bedford Gas & Edison Light Co	470,680	14,207	3,352	17,559
New England Power Co	30,571	26	78,216	78,242
New Jersey Power & Light Co	703,566	135,918	36,740	172,658
New Mexico Electric Service Co	127,280	11,837		11,837
New Orleans Public Service, Inc	1,221,107	257,714	163,784	421,498
New York State Electric & Gas Corp	2,030,251	326,365	219,831	546,196
Newport Electric Corp	130,296	21,750	3,898	25,648
Niagara Mohawk Power Corp	4,871,274	926,479	256,235	1,182,714
Northern Indiana Public Service Co	230,587	17,423	45,094	62,517
Northern States Power Co. (Minnesota)	6,512,872	1,696,861	82,993	1,779,854
Northern States Power Co. (Wisconsin)	779,040	180,314	336	180,650
Northwestern Public Service Co	224,483	46,843	25,001	71,844
Ohio Edison Co	5,075,004	1,451,454	142,207	1,593,668
Ohio Power Co	6,038,438	1,071,502	215,796	1,287,291
Ohio Valley Electric Corp				
Oklahoma Gas & Electric Co	3,376,060	749,039	111,205	860,244
Old Dominion Power Co	114,426	12,339		12,339
Orange & Rockland Utiiities, Inc	712,936	65,742	24,336	90,078
Otter Tail Power Co	764,060	326,679		326,679
Pacific Gas & Electric Co	5,793,532	1,275,903	462,507	1,738,410
Pacific Power & Light Co	3,679,236	990,736		990,736
Pennsylvania Electric Co	2,820,972	413,397	99,501	512,898
Pennsylvania Power Co	774,715	214,811	21,193	236,004
Pennsylvania Power & Light Co	6,086,712	921,016	11,929	932,945
Philadelphia Electric Co	7,595,247	1,267,075	886,690	2,153,765
Philadelphia Electric Power Co				
Portland General Electric Co	2,481,986	405,147	83,273	48,420
Potomac Edison Co., the	1,112,105	190,757	13,881	204,638

Footnotes at end of table.

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ADVERTISING AND SALES EXPENSES, 1969—Continued

Classes A and B privately owned electric utilities	Total sales expenses	Sales[1] advertising expenses	Institutional advertising expenses	Total advertising expenses
Potomac Edison Co. of Pennsylvania, the	$282,607	$45,263	$3,058	$48,321
Potomac Edison Co. of Virginia, the	404,259	56,635	5,338	61,973
Potomac Edison Co. of West Virginia	448,054	59,667	5,105	64,772
Potomac Electric Power Co	3,301,705	1,204,024	70,231	1,274,255
Public Service Co. of Colorado	1,787,477	520,210	172,990	693,200
Public Service Co. of Indiana, Inc	3,456,817	529,570	301,639	831,209
Public Service Co. of New Hampshire	1,122,803	61,687	129,941	191,628
Public Service Co. of New Mexico	572,989	171,757	56,550	228,307
Public Service Co. of Oklahoma	2,689,619	530,786	33,146	563,932
Public Service Electric & Gas Co	3,885,244	1,029,372	591,211	1,620,583
Puget Sound Power & Light Co	1,659,853	532,803		532,803
Rochester Gas & Electric Corp	1,125,999	322,510	137,087	459,597
Rockland Electric Co	250,688	16,666	5,185	21,851
Rumford Falls Power Co				
Safe Harbor Water Power Corp				
St. Joseph Light & Power Co	320,372	69,888	477	70,365
San Diego Gas & Electric Co	855,656	295,597	141,727	437,324
Savannah Electric & Power Co	724,868	123,874		123,874
Sherrard Power System	2,474	3,030		3,030
Sierra Pacific Power Co	331,956	127,633	3,552	131,185
South Beloit Water, Gas & Electric Co	34,994	3,667		3,667
South Carolina Electric & Gas Co	917,296	251,967	219,711	471,678
Southern California Edison Co	8,830,454	4,554,363	1,801,597	6,355,960
Southern Electric Generating Co				
Southern Indiana Gas & Electric Co	233,355	95,649	260	95,909
Southwestern Electric Power Co	2,323,768	326,393	26,215	352,608
Southwestern Electric Service Co	130,376	49,625	7,185	56,810
Southwestern Public Service Co	1,687,278	482,846	27,690	510,536
Superior Water, Light & Power Co	98,862	15,920	2,520	18,440
Susquehanna Electric Co., the				
Susquehanna Power Co., the				
Tampa Electric Co	$1,484,699	$351,712	$21,652	$373,364
Tapoco, Inc				
Texas Electric Serv ce Co	4,989,229	935,024	9,312	944,336
Texas Power & Light Co	4,945,928	777,904		777,904
Toledo Edison Co., The	1,941,194	597,562	136,796	734,358
Tucson Gas & Electric Co	82,629	69,065		69,065
UGI Corporation	254,278	113,769	8,613	122,382
Un on Electric Co	4,268,218	790,223	391,893	1,182,116
Union Light, Heat & Power Co., the	303,170	101,070	34,212	135,282
United Illuminating Co., the	1,787,011	284,525	45,327	329,852
Upper Peninsula Generating Co				
Upper Peninsula Power Co	294,887	90,971	6,124	97,095
Utah Power & Light Co	2,100,732	460,566	295,871	756,437
Vermont Electric Power Co., Inc				
Virginia Electric & Power Co	7,244,318	2,022,974	29,211	2,052,185
Washington Water Power Co., the	803,637	172,406	134,080	306,486
West Penn Power Co	3,971,267	840,472	15,985	856,474
West Texas Utilities Co	878,259	206,655	23,799	230,454
Western Colorado Power Co., the	107,494	25,683	10,155	35,838
Western Massachusetts Electric Co	1,238,920	244,221	163,457	407,678
Wheeling Electric Co	466,999	87,862	4,846	92,708
Wisconsin Electric Power Co	3,093,269	1,104,111	277,229	1,381,340
Wisconsin Michigan Power Co	268,781	70,584	2,010	72,594
Wisconsin Power & Light Co	1,211,572	155,667	163,630	319,297
Wisconsin Public Service Co	958,639	190,879	63,130	254,009
Wisconsin River Power Co				
Yadkin, Inc				
Yankee Atomic Electric Co			7,036	7,036
Total	304,889,549	70,843,626	18,957,359	89,800,985

[1] Sales advertising expenses (col. 2) are included in both total sales expenses (col. 1) and total advertising expenses (col. 4). Total sales and advertising expense is the sum of cols. (1) and (3).

RESEARCH AND DEVELOPMENT

Total expenditures by electric utility companies in 1969 for research and development in areas of interest and importance to the industry amounted to $41,026,000. Of the total $18,446,000 or 45 percent, was expended for research and development performed by the companies and $22,580,000 or 55 percent, for the support of research and development by others.

The general areas of expenditures in 1969 and 1968 were:

RESEARCH AND DEVELOPMENT PERFORMED

	1969		1968	
	Amount	Percent	Amount	Percent
WITHIN THE COMPANIES				
Powerplants:				
Hydro	$1,261,909	3.1	$1,137,295	3.0
Fossil fuel steam	4,979,007	12.1	4,349,318	11.3
Internal combustion	27,014	.1	55,976	.1
Nuclear	4,516,074	11.0	3,363,723	8.8
Direct conversion	13,010	0	8,137	0
System planning, engineering, and operation	$2,571,919	$6.3	$1,906,699	$5.0
Transmission	1,521,512	3.7	1,428,635	3.7
Distribution	1,285,184	3.1	1,034,137	2.7
Other	2,270,440	5.5	3,311,715	8.6
Total	18,446,069	45.0	16,595,635	43.2
OUTSIDE THE COMPANIES				
Research support to—				
Electric Research Council			132,429	.4
Edison Electric Institute	5,840,161	14.2	4,764,720	12.4
Nuclear power groups	11,962,832	29.2	11,620,600	30.3
Others	4,776,571	11.6	5,275,977	13.7
Total	22,579,564	55.0	21,793,726	56.8
Grand total	41,025,633	100.0	38,389,361	100.0

Expenditures by each of the companies for the years 1967 through 1969 are shown in the following table. The expenditures of 99 companies were higher in 1969 than in 1968, 61 were lower, 4 remained unchanged and 46, reported none. In aggregate, expenditures in 1969 were some 6.9 percent greater than in 1968 and 11.2 percent greater than in 1967.

The Commission in its review of its accounting and ratemaking treatment of expenditures made by natural gas and electric utility companies for research and development found an apparent low level of such expenditures, in relationship with total utility operating revenues. The Commission in its belief that technological advances must be made by the respective industries, issued Order No. 408 August 26, 1970, adopting policies to encourage a greater research commitment by industry.

In addition to expenditures for research and development made by the electric utilities substantial additional expenditures in areas of interest to the electric utility industry are also made by manufacturing firms who are suppliers of equipment to the industry.

PRIVATELY OWNED ELECTRIC UTILITY COMPANIES—CLASSES A AND B RESEARCH AND DEVELOPMENT EXPENDITURES

Company	1969	1968	1967
Alabama Power Co	$233,119	$233,822	$204,75
Alaska Electric Light & Power Co			
Alcoa Generating Corp			
Alpena Power Co			
Appalachian Power Co	398,503	635,349	507,280
Arizona Public Service Co	119,447	104,307	136,118
Arkansas-Missouri Power Co	22,757	26,217	17,925
Arkansas Power & Light Co	175,542	251,526	207,654
Arklahoma Corp., the			
Atlanta City Electric Co	66,559	26,547	62,188
Baltimore Gas & Electric Co	1,050,580	1,078,070	793,299
Bangor Hydro-Electric Co			
Black Hills Power & Light Co			
Blackstone Valley Electric Co	6,770	6,570	6,397
Boston Edison Co	1,946,699	1,195,846	1,020,503
Boston Gas Co			
Brockton Edison Co	7,000	6,799	6,083
California-Pacific Utilities Co			
Cambridge Electric Light Co	5,138	4,897	7,432
Canal Electric Co			
Cape & Vineyard Electric Co	8,805	4,626	4,194
Carolina Power & Light Co	56,681	746,130	976,653
Central Hudson Gas & Electric Corp	180,385	244,438	147,857
Central Illinois Light Co	37,477	43,087	40,591
Central Illinois Public Service Co	106,982	101,777	115,953
Central Kansas Power Co., the	8,135	9,289	9,437
Central Louisiana Electric Co., Inc	31,200	31,200	28,600
Central Maine Power Co	25,139	24,030	22,922
Central Power & Light Co	$96,772	$60,444	$85,123
Central Telephone & Util ties Corp	20,377	24,348	
Central Vermont Public Service Corp	10,000	6,642	2,300
Cheyenne Light, Fuel & Power Co	1,617	1,535	1,465
Cincinnati Gas & Electric Co., the	277,814	263,053	231,340
Citizens Utilities Co			
Cleveland Electric Illuminating Co., the	664,117	479,441	331,341
Columbus & Southern Ohio Electric Co	101,180	66,120	51,021
Commonwealth Edison Co	1,791,739	2,421,360	1,555,500
Commonwealth Edison Co. of Indiana, Inc			
Community Public Service Co	22,313	21,459	27,740
Concord-Electric Co	29	6	26
Connecticut Light & Power Co., the	233,925	86,608	60,867
Connecticut Valley Electric Co., Inc			
Connecticut Yankee Atomic Power Co	172,683	150,488	
Conowingo Power Co			
Consolidated Edison Co. of New York, Inc	1,343,528	1,418,855	1,315,188
Consolidated Water Power Co			
Consumers Power Co	2,292,544	2,167,298	2,222,325
Dallas Power & Light Co	181,842	235,739	177,903
Dayton Power & Light Co., the	131,279	91,795	110,313
Delmarva Power & Light Co	90,255	80,478	83,672
Delmarva Power & Light Co. of Maryland	35,000		
Delmarva Power & Light Co. of Virginia			
Detroit Edison Co., the	4,611,311	3,506,366	4,817,721
Duke Power Co	752,997	576,650	795,456
Duquesne Light Co	140,261	125,532	19,984
Edison Sault Electric Co			

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PRIVATELY OWNED ELECTRIC UTILITY COMPANIES—CLASSES A AND B RESEARCH AND DEVELOPMENT EXPENDITURES—Continued

Company	1969	1968	1967
El Paso Electric Co	$23,990	$21,500	$30,562
Electric Energy, Inc			
Empire District Electric Co., the	31,168	34,029	33,658
Exeter & Hampton Electric Co	1,407	1,261	1,103
Fall River Electric Light Co	3,512	3,355	3,243
Fitchburg Gas & Electric Light Co			
Florida Power Corp	173,973	42,000	42,000
Florida Power & Light Co	89,500	84,636	77,200
Florida Public Utilities Co			
Georgia Power Co	279,834	485,538	406,959
Granite State Electric Co	1,517	936	1,206
Green Mountain Power Corp	4,511	3,882	3,545
Gulf Power Co	54,854	54,490	59,255
Gulf States Utilities Co	258,531	272,042	271,71[illegible]
Hartford Electric Light Co., the	114,780	52,652	55,931
Hawaiian Electric Co., Inc	813,400	460,711	50,245
Hershey Electric Co			
Hilo Electric Light Co., Ltd			
Holyoke Power & Light Co	2,000		
Holyoke Water Power Co	9,904		623
Home Light & Power Co	1,950	1,818	1,677
Houston Lighting & Power Co	741,039	414,428	425,137
Idaho Power Co	618,743	606,985	788,796
Illinois Power Co	77,602	69,558	37,658
Indiana-Kentucky Electric Corp			
Indiana & Michigan Electric Co	371,248	453,003	382,296
Indianapolis Power & Light Co	121,448	95,812	71,279
Interstate Power Co	24,253	17,137	19,759
Iowa Electric Light & Power Co	7,693	6,102	11,386
Iowa-Illinois Gas & Electric Co	76,345	76,938	75,629
Iowa Power & Light Co	67,055	30,004	24,389
Iowa Public Service Co	24,099	18,470	33,925
Iowa Southern Utilities Co	9,402	1,961	3,199
Jersey Central Power & Light Co	177,220	199,360	290,915
Kansas City Power & Light Co	41,689	36,660	40,932
Kansas Gas & Electric Co	74,400	99,903	91,382
Kansas Power & Light Co., the	4,060	4,960	39,638
Kentucky Power Co	119,694	54,525	113,107
Kentucky Utilities Co	50,210	47,286	86,961
Kingsport Power Co	14,720	17,034	12,468
Lake Superior District Power Co	4,173		
Lockhart Power Co			
Long Island Lighting Co	747,907	778,155	880,000
Long Sault, Inc			
Louisiana Power & Light Co	282,578	326,589	235,032
Louisville Gas & Electric Co	48,721	21,587	28,592
Madison Gas & Electric Co	12,880	10,986	14,816
Maine Public Service Co			2,290
Massachusetts Electric Co	54,283	31,785	34,979
Maul Electric Co., Ltd			
Metropolitan Edison Co	443,981	465,993	829,384
Michigan Power Co	6,860	8,842	
Minnesota Power & Light Co	18,058	15,624	766
Mississippi Power Co	65,415	92,435	86,121
Mississippi Power & Light Co	91,359	128,790	105,492
Missouri Edison Co			
Missouri Power & Light Co	4,821	4,755	1,950
Missouri Public Service Co	40,215	31,689	26,771
Missouri Utilities Co	15,722	17,699	15,917
Monongahela Power Co	69,596	69,596	74,203
Montana-Dakota Utilities Co			
Montana Power Co., the	34,841	23,443	30,393
Montana Electric Co	1,645		
Mount Carmel Public Utility Co			
Nantahala Power & Light Co			
Narragansett Electric Co., the	26,792	19,486	20,210
Nevada Power Co	11,900	16,520	10,454
New Bedford Gas & Edison Light Co	7,023	6,390	6,096
New England Power Co	153,655	61,618	58,538
New Jersey Power & Light Co	64,136	51,499	67,735
New Mexico Electric Service Co	2,103	2,008	2,004
New Orleans Public Service, Inc	120,277	157,407	154,688
New York State Electric & Gas Corp	620,642	717,284	318,967
Newport Electric Corp	2,441	2,267	2,109
Niagara Mohawk Power Corp	711,384	887,898	454,323
Northern Indiana Public Service Co	315,779	202,942	613,987
Northern States Power Co. (Minnesota)	707,256	432,309	416,012
Northern States Power Co. (Wisconsin)	18,401	12,365	11,535
Northwestern Public Service Co	$2,631	$30	$2,[illegible]13
Ohio Edison Co	259,404	142,330	161,981
Ohio Power Co	639,251	593,890	540,510
Ohio Valley Electric Corp			
Oklahoma Gas & Electric Co	234,681	237,137	213,520
Old Dominion Power Co	1,486	1,400	1,296
Orange & Rockland Utilities, Inc	120,517	138,980	86,556
Otter Tail Power Co	71,583	16,532	27,006
Pacific Gas & Electric	1,151,586	807,749	575,851
Pacific Power & Light Co	131,564	370,344	182,434
Pennsylvania Electric Co	2,076,438	1,881,897	655,835
Pennsylvania Power Co	32,639	25,032	24,207
Pennsylvania Power & Light Co	697,008	580,700	785,648
Philadelphia Electric Co	1,653,200		869,687
Philadelphia Electric Power Co			
Portland General Electric Co	320,179	453,009	240,176
Potomac Edison Co., the	56,087	87,716	64,811
Potomac Edison Co. of Pennsylvania, the	3,265	5,075	4,576
Potomac Edison Co. of Virginia, the	4,516	8,364	6,415
Potomac Edison Co. of West Virginia, the	5,026	7,829	7,155
Potomac Electric Power Co	768,937	720,767	602,642
Public Service Co. of Colorado	262,620	141,173	156,615
Public Service Co. of Indiana, Inc	195,820	231,880	144,324
Public Service Co. of New Hampshire	362,077	68,220	126,071
Public Service Co. of New Mexico	12,662	18,420	18,420
Public Service Co. of Oklahoma	260,506	156,805	173,047
Public Service Electric & Gas Co	473,529	941,174	1,018,819
Puget Sound Power & Light Co	167,644	188,357	227,010
Rochester Gas & Electric Corp	218,020	596,577	234,781
Rockland Electric Co	143	134	127
Rumford Falls Power Co			
Safe Harbor Water Power Corp			
St. Joseph Light & Power Co	10,256	9,798	9,723
San Diego Gas & Electric Co	130,362	41,509	68,859
Savannah Electric & Power Co	7,710	6,678	6,883
Sherrard Power System			
Sierra Pacific Power Co	17,710	20,045	8,228
South Beloit Water, Gas & Electric Co			
South Carolina Electric & Gas Co	62,274	243,520	620,398
Southern California Edison Co	1,147,104	1,050,578	1,436,057
Southern Electric Generating Co	2,229	2,148	2,210
Southern Indiana Gas & Electric Co	42,013	40,339	80,959
Southwestern Electric Power Co	148,539	205,840	191,428
Southwestern Electric Service Co	2,250	2,123	1,983
Southwestern Public Service Co	44,358	47,688	62,078
Superior Water, Light & Power Co			
Susquehanna Electric Co., the			
Susquehanna Power Co., the			
Tampa-Electric Co	56,608	121,007	237,119
Tapoco, Inc			
Texas Electric Service Co	218,939	228,134	182,346
Texas Power & Light Co	186,611	208,395	168,363
Toledo Edison Co., the	40,931	147,019	51,500
Tucson Gas & Electric Co		9,100	9,100
UGI Corp	3,572	3,183	3,056
Union Electric Co	551,134	1,256,471	390,640
Union Light, Heat & Power Co., the	29,862	36,233	31,214
United Illuminating Co., the	75,311	98,436	63,454
Upper Peninsula Generating Co			
Upper Peninsula Power Co	1,600	1,600	1,600
Utah Power & Light Co	120,587	83,048	84,291
Vermont Electric Power Co., Inc	4,000	4,000	4,500
Virginia Electric & Power Co	478,094	387,708	861,796
Washington Water Power Co., the	74,385	1,596	8,523
West Penn Power Co	245,496	320,489	342,588
West Texas Utilities Co	35,256	34,352	49,175
Western Colorado Power Co., the			
Western Massachusetts Electric Co	70,317	30,497	31,252
Wheeling Electric Co	21,028	24,728	20,017
Wisconsin Electric Power Co	229,944	171,863	154,114
Wisconsin Michigan Power Co	24,704	10,689	9,837
Wisconsin Power & Light Co	96,602	153,939	111,692
Wisconsin Public Service Co	63,777	33,191	22,743
Wisconsin River Power Co			
Yadkin, Inc			
Yankee Atomic Electric Co			
Total	41,025,633	38,389,361	36,878,127

New Ways to More Power With Less Pollution

(By Lawrence Lessing)

As the pall of power dimouts and pollution creeps over the U.S., warnings are increasingly sounded, particularly by the utilities, that we must either do with less power or put up with more pollution. Some of the gloomier environmentalists go so far as to propose that the U.S. resign itself from here on to a lower standard of living. And the present energy crisis in fossil-fuel supplies, examined in the preceding article, may bring some taste of that. But these pessimistic views assume that basic developments in electric power are at an end. They ignore a great body of advanced, but largely neglected, technology that promises much more efficient ways of generating and transmitting electricity than those used at present, with much less pollution and defacement of nature.

Three major new power developments have come into view over the past decade, in sciences almost prescient, self-correcting way. One of these—called magnetohydrodynamics—is a method of generating electricity directly from a supersonic flow of hot ionized gases; this has already been demonstrated on a practical scale. Another development, still in the conceptual state but based on known and tested technology, is a method of gathering solar power in space. And finally, entering into these and other advanced methods of handling power, there is the revolutionary development known as superconductivity, the carrying of electric current without resistance or loss. These developments form a complex, synergistic mix that could begin to raise electric power to an entirely new level of efficiency.

Efficiency is the key. The higher the efficiency of an energy system, the more usable power is produced per unit of fuel, and the less pollution and waste. Conventional steam power plants, after nearly a century of refinement, barely reach an efficiency of 40 percent; the rest of the energy from burning coal, gas, or oil goes off in waste heat, smoke, and such partial-combustion products, or pollutants, as oxides of nitrogen and sulphur. The steam-generating process, which currently accounts for over three-fourths of the nations power, is essentially a ponderous three-stage mechanical system. Water is heated to high-pressure steam in a furnace boiler; the steam then spins a huge turbine, which in turn drives a big rotary motor generator, whirling a copper-wire armature through a magnetic field to produce electric current. Energy is lost at each stage, and more is lost in transmission lines. The whole system still reflects nineteenth-century attitudes that the earth's resources are so limitless that we can afford, as the shortest route to the greatest profit, to waste most of them.

Even more inefficient than conventional steam are the nuclear power plants. Con-

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trary to popular impression, they do not get electricity directly from the atom, but link a nuclear reactor to the old steam turbine. The reactor merely replaces the fossil-fuel furnace in heating the boiler. Efficiency reaches only about 30 percent, for only a small part of the nuclear heat is converted to electricity. The bulk of the heat, some 50 percent greater per unit of power than that from fossil-fuel plants, goes to waste in cooling water. While nuclear fuel eliminates nearly all air pollution, except for a minuscule amount of radioactive gases, the heated water, discharged into rivers, lakes, or oceans, raises the threat of thermal pollution and carries with it some additional radioactivity. By the year 2000, at the present rate of power growth, about a third of the average daily runoff of fresh water in the U.S. will be required to cool power plants. The excess heat raises the water temperatures around the discharge by ten to thirty degrees, with potentially disastrous effects on aquatic life.

These are the dimensions of the current dilemma. Since U.S. power capacity is projected to double again by 1980 to more than 600 million kilowatts, the next decade is crucial. Even with the most energetic measures to reduce the more noxious pollutants from present systems—patchwork at best—over-all pollution will continue to rise with this massive increase in capacity. Only by developing radical, more efficient means of generating and transmitting electricity can the power industry begin to cut pollution at the source. Unfortunately, the most promising alternatives so far have had only meager support from either the industry or the government. And in the present deep recession in science and technology, largely induced by federal budget cuts and tight-money policy, most of the work has been at a standstill for over two years. None of these alternatives offer any instant solutions, for much hard development still lies ahead, but they need vigorous support now to meet the goals of 1980.

A WAY TO OVERCOME RESISTANCE

The most basic of the forward-looking developments, running like a thematic thread through all of them, is superconductivity. In 1911 the Dutch Nobel Prize physicist Heike Kamerlingh Onnes discovered that at temperatures near absolute zero (minus 460° Fahrenheit) certain metals suddenly lose all resistance to an electric current and become perfect conductors. That is, they carry current without any heat or other energy losses. Ordinarily copper conductors, operating at normal temperatures in a power system, may run up cumulative current losses of 20 percent or more. Since conductors are the heart and arterial system of all electric equipment, this basic discovery of a means to carry power without energy loss early raised visions of revolutionary lightweight, highly efficient electromagnets, generators, motors, transformers, circuits, and transmission lines.

For more than forty years, however, superconductivity remained a laboratory wonder. All the elemental metals that were investigated and found to be superconducting, such as mercury, lead, and tin, carried so little current that they had no practical use. As increased current induced a higher magnetic field around the conductors, superconductivity was extinguished and the metals reverted to their normal conductive state. In 1953–54, however, physicist Bernd Teo Matthias, leading a research group at Bell Laboratories, discovered two bimetallic compounds that could withstand very high magnetic fields and therefore carry high superconductive currents. Both were compounds of the element niobium (also called columbium). One of them, niobium-tin, became superconductive at eighteen degrees above absolute zero, the highest transition temperature of any superconductor up to then. But it took nearly another decade to solve some of the basic technical problems posed by these complex new materials.

To reach the extremely low operating temperatures required, even by niobium-tin, it was necessary to bathe the superconductors in liquid helium, the coldest of liquefied gases at minus 452° Fahrenheit. This was a strange, forbidding region, not yet adopted to industrial use. Moreover, the new superconductors themselves were strange, brittle materials, difficult to fabricate. It took seven years to develop methods of forming niobium-tin wire, and longer to discover that the materials operated best in or on a copper matrix, which served as a support and as a heat sink and shunt in any disruption of the superconducting current. Efforts to get the materials into working circuits and machines encountered further problems. Researchers found that the superconductors carried only direct current without loss; when carrying alternating current, they ran losses nearly as high as in conventional copper. After the first burst of enthusiasm, many laboratories dropped out. Gradually, however, the problems gave way.

The first major use of superconductivity, employing one of its more magical features, was in electromagnets. Ordinary magnets of this kind are made of copper coils helically wound around an iron core, and require a constant and sometimes enormous input of direct current to maintain their magnetism. An electromagnet with superconductive coils, however, needs only one large injection of current, which then circulates in the coils almost endlessly without loss, so long as the coils remain supercooled. (Measurements on one coil indicate that the original current might run down in about 20,000 years.) Such powerful, economical magnets had an immediate appeal in high-energy physics and other areas of research, and a small industry sprang up to supply magnets or materials.

The biggest superconducting research magnet built thus far is a cylindrical giant, seventeen feet in diameter, which went into operation last year in the Argonne National Laboratory near Chicago. It is wound with some twenty-five miles of niobium-titanium copper strip, supplied by Norton Co., and generates a powerful magnetic field around a bubble chamber. A conventional magnet of the same capacity would have required 10 megawatts of power, enough to supply a good-size town, plus thousands of gallons of cooling water per day. The Argonne magnet requires only 300 kilowatts, most of it to run its helium refrigerator, at a saving in power costs of $350,000 to $400,000 a year—which gives some idea of the scale of superconductor economy.

Electromagnets are not confined to esoteric uses in laboratories; they are basic to all power production. Potentially, superconducting magnets could markedly raise the efficiency of generators, transformers, and motors, while greatly reducing their bulk and cost. In addition, as will be seen later, they are indispensable for developing new and cleaner forms of power generation, more efficient nuclear systems, and ultimately thermonuclear power. Yet the U.S. has done relatively little research and development in these industrial directions. Honors for the first industrial-scale development go to Britain, where this year International Research & Development Co., Ltd., installed in a power plant a 3,250-horsepower superconducting DC motor to pump water; it is the forerunner of lighter, more advanced designs for other heavy industrial uses. James Watt's famous steam engine, which powered the first industrial revolution, began with the same sort of task, pumping water from mines.

A REFRIGERATED MAGNET

A more immediate and greater role for superconductivity, many believe, lies in power transmission. Big losses of current are sustained in the distribution of power from central stations; superconductive lines could cut these losses, making more power available without added generating capacity and its accompanying pollution. The U.S., moreover, has done more basic work on superconducting cables than on generators or motors, largely through the efforts of one company, Union Carbide Corp.

Carbide had a basic interest in superconductivity from the start of Matthias' work with niobium. Its mining and metals division is the country's largest producer of niobium, a lustrous gray metal, long used as an alloy in stainless and tool steels. The Linde division is the leader in liquefied gases of all kinds and in cryogenic techniques. In the great acceleration of research on cryogenic liquids for fueling rockets and supporting space vehicles, Linde developed superinsulating materials to contain the liquid gases at their frigid temperatures almost indefinitely, with only slight losses. Such extremely low-temperature fluids as liquid helium and hydrogen became industrial materials, shipped by tank car, and handled with no more difficulty than other materials. Carbide therefore had no inhibitions about considering the use of liquid helium to supercool miles of superconducting cable.

The big problem was that in the U.S. nearly all electric power is transmitted as alternating current, which none of the superconductors then known could carry without excessive loss. Outside the U.S., high-voltage DC power transmission has had a wide resurgence in the past decade (see "DC Power's Big Comeback," FORTUNE, September, 1965). It can carry bulk power more economically than AC over long distances, underground, or underwater, and link big power grids more securely. So far, however, the only DC transmission line in the U.S. is the Pacific Intertie, which shuttles power between Oregon and southern California. In other areas, utilities say, conversion of DC to AC for local distribution would be too costly, though economical solid-state converters are available. A superconducting DC line would offer the ultimate in transmission without loss, but utilities show little interest.

To make superconductive power transmission feasible in the U.S., Carbide scientists began a search in the early Sixties for a superconductor that could handle AC. By 1967 they discovered that a thin film of ultrapure niobium, electroplated on a copper backing by a special process, carried AC with extremely low losses. Moreover, this film could carry some twenty-five times more current than the largest copper cable. So promising was the discovery that the Edison Electric Institute commissioned Carbide's Linde division to make a study. This culminated early last year in the successful demonstration of an experimental twenty-foot-long, supercooled cable. Potentially one full-scale, 345-kilovolt superconducting line, twenty inches in diameter, could carry more power than is now used in all of New York City. It would take twenty-two conventional cables, ten inches in diameter, to carry the same amount of power.

UNDERGROUND ADVANTAGES

Projecting such a development into a transmission line, however, is a complex technical exercise. The calculations have to weigh savings in current against capital costs. Superconductors entail the added expense of refrigeration, and moreover must run underground for the most efficient operation. At present power loads, niobium cable could not possibly compete in cost, at least at the start, with conventional overhead bare-copper transmission lines, which at high voltages minimize loss of current. But underground, niobium could show immediate advantages over conventional underground cable, which costs about ten times more per mile than overhead lines, and is limited to lower voltages with much higher current loss.

XUM

Because of its very high and concentrated operating temperatures, MHD promotes more complete combustion of hydrocarbons, producing about one-third less effluent from its stack than a conventional power plant of the same capacity. Because the MHD process requires the "seeding" of its gas stream with potassium crystals to enhance conductivity, and this "seed" must be economically recovered at the outlet for re-use, it has a built-in recovery system that can also be designed to remove nearly all particulate matter, as well as nitrogen and sulphur pollutants. Because MHD needs no cooling water to condense steam, it discharges no thermal pollution into bodies of water but dissipates its waste heat into the air. And since MHD produces more power per pound of fuel than steam generators, it could show a substantial saving in fuel. The Office of Science and Technology study estimated that development of MHD could effect a fuel saving at present coal prices of some $11 billion between 1985 and the year 2000, thus cutting costs as well as pollution.

These advantages were reviewed with some bite late last year when Arthur Kantrowitz appeared before a Senate subcommittee hearing on emerging power techniques. The sensible course of development as he saw it, since five years had been lost on the larger project, was to press on with construction of an MHD plant of the intermittent type for emergency and peak-power use, which would meet an immediate economic need, lay the foundation for a visable MHD industry, and provide additional technology for a full-scale MHD power plant. One of the major missing links is a more efficient method than is now available for recycling MHD's hot exhaust gases back into the system to get out the ultimate amount of power. The first MHD plants are therefore likely to be hybrids. The Soviet MHD unit is coupled at the exhaust end with a steam turbine to wring additional power out of the still-hot gases and reach a total of 75 megawatts. Such a hybrid will use less than half the cooling water of a conventional steam plant of equal capacity, and could have other nonpolluting features. Alternatively, MHD can be coupled to an air or a gas turbine, which would reduce water needs to virtually zero. Later, as more efficient means of recycling are found, MHD would reach peak efficiency on its own.

A FORERUNNER OF THERMONUCLEAR POWER

Despite these prospects, all that came out of that Senate subcommittee hearing was a $600,000 appropriation from the Department of Interior, promoted by western Senators, to investigate the burning of low-grade western coal for MHD power. This is hardly enough to get such a study off the ground. To bring MHD to its present stage, Avco has obtained contracts for $13 million, and has spent some $4 million in risk money of its own. Avco's work has shown that the use of powdered coal as a fuel is feasible, but presents such difficult problems of corrosion, erosion, and ash deposit that the better strategy would be to move first on cleaner, more easily handled oil or natural gas. But there is no over-all U.S. energy policy or strategy for following up such promising developments as superconductivity and MHD.

Yet MHD's significance goes well beyond getting more power with less pollution out of conventional fuels. The MHD principle also applies to the development of more efficient nuclear power plants. This application involves a different type of system, called closed-cycle MHD, on which various laboratories are working. Instead of getting power from a stream of combustion gases that pass through the apparatus and out the stack, closed-cycle MHD employs a high-velocity stream of liquid metals or helium gas endlessly circulating in a closed coil of pipes or tubes, heated by a nuclear source. Electric current is drawn off in a high magnetic field, as in open-cycle MHD. So far these closed systems are being applied only to small nuclear power sources for military and space uses. But they can be scaled up, once more advanced high-temperature or gas-cooled reactors are developed, to replace the inefficient steam turbine in converting nuclear heat to electricity; this would eliminate the great burden of waterborne thermal pollution. When and if sustained thermonuclear power is achieved, it will be by a further extension of MHD. For MHD is the intermediate step toward a thermo nuclear generator, in which an ultrahigh-temperature stream of hydrogen gas in an ultrastrong superconductive magnetic field will be fused into helium to produce electric current.

There is no lack of imaginative developments to solve the twin problems of power and pollution, given the will to pursue them. One of the most provocative is a scheme presented two years ago by Dr. Peter E. Glaser, head of engineering sciences at Arthur D. Little, Inc., for wresting electric power directly from the sun. He proposed development of a large space platform, composed of a mosaic of solar cells, that would convert sunlight to electric power (see diagram page 81). A flexible superconducting cable, two miles long, would convey the power to a satellite station, where it would be converted to microwave energy for transmission to earth. There it would be reconverted to usable power. All the working elements for such a system are here or close at hand.

* * * * *

Glaser calculates, in a recently refined systems study, that a thin, five-mile-square array of solar cells in stationary orbit some 22,300 miles above the equator could transmit enough power (10,000 megawatts) to supply New York City. The receiving antenna would have to be six miles in diameter, but it would consist of a flat, open mesh of wires, under which cows could graze, for its power density would be only one-tenth that of sunlight reaching the earth. All together, Glaser's calculations indicate, power could be delivered to earth at a capital cost of about $500 per kilowatt at the start, compared to $140 to $280 a kilowatt for steam power, about the same for MHD, and $200 to $400 for present nuclear plants. But "fuel" would be free and pollution nil.

This cost estimate is contingent on NASA's launching a space station and space shuttle service, which would reduce the cost of lifting bodies into orbit to $50 per pound. It also assumes development of techniques for fabricating large structures in space, on which the Soviets have made a start but the U.S. has not. The space program has now been so deeply cut, however, and has fallen so far out of favor with Congress, the Administration, and a distracted public, that it would be unrealistic to foresee construction of an experimental solar-power station much before 1985–90. A common complaint against the space program is that it has had few, if any, industrial spinoffs. But it already has greatly contributed to all these advanced power techniques, as well as to other forward technologies; the hitch is that they are not being industriously pursued and used.

THE DEVELOPED-COUNTY PROBLEM

It may well be asked why anything so far out as solar power from space is worth considering, since more advanced nuclear plants are coming along and the Atomic Energy Commission predicts that they will be providing half the total electric power by the end of the century. But projected energy needs in this period are immense, both for the U.S. and for the rest of the world if it is to reach any measure of equality with the U.S. Most authorities agree that the world will need to develop every available source of power, especially nonpolluting ones. This includes not only solar power, but also geothermal power (see "Power from the Earth's Own Heat," Fortune, June, 1969), generating electrity from hot water and natural steam trapped in the earth's crust.

To develop all the cleaner alternatives would take a sizable amount of money, but nothing like the more than $2 billion in federal funds spent so far to bring nuclear power to commercial status. It has been estimated that an investment of at least $500 billion will be required by the year 2000, in both conventional and nuclear power, to meet U.S. energy demands. With the preservation of clean air and water becoming a part of capital costs, the increasing added expense of antipollution devices, cooling towers, and the like should broaden the incentives for developing more direct alternatives. For, while conventional steam power is almost at the end of its development, the newer systems, such as MHD, are only at the beginning of theirs, in a position to make wide strides toward cleaner, more economical power systems.

So far the total amount of money spent on the new developments has been minuscule, considering the size of the problem and of the industry involved. It is noteworthy that the recent innovations were made not by the electrical industry proper, but by aerospace, chemical, and electronic interlopers. The electric-utility industry itself spends less than one-quarter of 1 percent of its operating revenues on research and development. And most of this, except for some token grants to advanced research projects, goes merely to improvements in present systems.

The government's support is little better than the industry's. Research spending in fiscal 1970 amounted to about $350 million, of which some 85 percent went directly to nuclear energy and the rest was thinly scattered elsewhere. Glenn Seaborg, Chairman of the Atomic Energy Commission, has said that someday using the heat of nuclear fission with MHD may produce spectacular results. More recently, before an international meeting of scientists, he unfolded a dazzling vision of a worldwide grid of electric-power generation and distribution via satellites, microwaves, laser beams, and superconducting transmission lines. But neither the AEC nor any other government agency is doing much to promote these promising developments, and the support of advanced research falls between the stools.

The problem of pressing new and beneficial technologies in a highly developed nation such as the U.S. is becoming more obdurate than any of the problems facing underdeveloped countries. The immense investment in the internal-combustion engine precludes any intensive development of the fuel cell or other electrical alternatives for a truly nonpolluting automobile. The dead capital weight of obsolete railroad and mass-transit systems, sucked dry, blocks the concerted development of advanced high-speed electric ground transportation systems, already appearing elsewhere in the world. And the U.S. electrical industry, which might be contributing to solutions in these areas, is showing some of the same capital inertia. The country that built the world's first central power station is now in danger of losing its leadership in the new level of technologies the times require. Snug in the complacency that U.S. technology leads all the world, the country has not kept its eye on the major index of modern industrial civilization—energy.

TRIBUTE TO SENATOR MURPHY

Mr. HOLLAND. Mr. President, I want to add my tribute of deep appreciation, admiration, and affection for Senator George Murphy of California to those many true things which have already been stated by many others of our brother Senators. There is no more popular or more highly regarded member of this body than he. Generous, kind, fearless, highly intelligent, devoted to the Senate, and to the preservation of its institutions, the senior Senator from the Golden State leaves here a record of which he and his family should be always proud.

It has been my pleasure and privilege to be among his close friends and I shall treasure the memory of our association and also my recollections of the battles in which we have fought together, particularly in endeavoring to protect the producers of our food and fiber from attacks by many—some of them conscientious people—who have not been well informed as to the difficulties under which agriculture is doing such a wonderful job for our Nation against greater and greater odds as the cost of everything they buy and use has skyrocketed and the selling prices of their products have not gone up proportionately, have frequently dipped downward, and have been subjected to competition from foreign sources which, with goods produced by cheap labor, have often flooded our markets and reduced prices below our cost of production. The result, both in his great State and in mine, as well as elsewhere, has been to drive American production and processing to foreign lands and to bring dismay and sometimes disaster to many of our soundest and best people—those who feed and clothe us and contribute substantially to our favorable balance of foreign trade as well as to the standards of life of millions of people in foreign lands.

Though a lifelong member of labor unions and a leader in that field he has sensed the impossibility of administering farm labor in the same way or with the same machinery by which industrial labor is regulated. I will always remember the gallant fight which he put up against a former Secretary of Labor, well intentioned but uninformed in the field of agriculture, in his efforts to force the organization of uneducated migrant field workers into conventional labor union patterns. Senator Murphy showed himself to be both courageous and resourceful in this fight and to me it was a very great pleasure to be associated with him in his efforts—sometimes successful, sometimes not so—but always leaving him ready for the next day and the next fray.

A leading Florida farm organization, the Florida Fruit and Vegetable Association, wanted him to be the principal speaker at one of its annual conventions, and he truly delighted the some thousand who were there. They and other Florida farm groups have besieged me ever since to get him back and I want him to know they and I will continue to invite him down to share with us his convictions in the important field I have mentioned or in any other American problem on which he may be willing to address us, because he is a true patriot in considering any American problem. His Irish wit and never failing good humor add spice to everything he says, just as has been so amply demonstrated in his years of good work on the Senate floor.

In closing I salute George Murphy as a great American and a splendid public servant. As he and I leave the Senate one of my unforgettable memories will be of my friendship with George Murphy and of the great job I saw him accomplish, unafraid, as he fought back successfully against ill health with imperturbable good humor and love of life and with unshaken belief in himself, as his own man, and in a kind Providence. My wife, Mary, and I wish for him, his wife, and his family many years of happiness and good health.

COST OF CLEAN WATER

Mr. DOLE. Mr. President, there have been various estimates of the cost required to provide the water and sewerage facilities necessary to restore the purity of our lakes and rivers. Soon after the convening of the 92d Congress the Senate Public Works Committee will have to decide on the necessary level for Federal expenditures to achieve that objective. The Public Affairs Department of the American Concrete Pipe Association has submitted a report on the Federal funds that will be required. Their report will be helpful during our deliberations. I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the report was ordered to be printed in the Record, as follows:

A Survey of the Water Pollution Control Programs

The abatement of water pollution begins with the proper funding of basic water and sewerage facilities which are under the jurisdiction of four Federal agencies—the Federal Water Quality Administration, Department of Housing and Urban Development, Economic Development Administration, and Farmer's Home Administration.

The repair of the total environment is the one issue which unites Democrats and Republicans, doves and hawks, rich and poor, and blacks and whites. A nation-wide movement has begun which is demanding results. The Federal Water Pollution Control Acts of 1956 and 1966 developed the foundation for water pollution control, but the authorized monies for environmental enhancement have yet to be matched with the needed funding.

Environmental pollution cannot be acted upon without an intelligent awareness of economic realities. It is mandatory that priorities be established, but isn't the use of water and the disposal of wastes by citizens, industry, and government as essential a priority as the basic need for clean air and adequate food supplies?

The need for adequate water and sewerage facilities remains one of the most pressing problems facing this nation's communities. Local sources of revenue continue to be severely taxed and, although many communities are making efforts to raise needed funds, the demand for Federal grants-in-aid increases. Communities cannot hope to attract new industry unless they provide ample water and sewerage facilities.

PRESENT AND FUTURE NEEDS

The Joint Economic Committee of Congress estimated in 1968 that a gross investment by all levels of government of $51.8 billion will be required to provide supporting water and sewerage facilities over a 10-year period, or an average annual level of $5.2 billion.

In appropriations hearings this session of Congress, the four Federal agencies which combine to administer the water and sewerage programs of our nation estimated that current financial needs to cover unfunded fiscal 1970 grant and loan applications amounted to about $5.3 billion. This figure represents current needs, not future forecasts. The breakdown of this amount appears in Table 1:

TABLE 1

Federal agencies	Number of pending applications	Grant amounts
FWQA	2, 509	$1, 739, 199, 948
HUD	4, 308	2, 496, 750, 000
EDA	100	90, 000, 000
FHA	5, 935	964, 088, 000

CONGRESSIONAL RESPONSE

With present needs of unfunded applications amounting to $5.3 billion, and the Congressional estimate of an annual, needed amount from 1968–1977 of 5.2 billion, Congress' response in the form of fiscal 1971 appropriations appears in Table 2:

Table 2

Federal agencies	1971 fiscal authorizations	1971 fiscal appropriations
FWQA	$1, 250, 000, 000	$1, 000, 000, 000
HUD	150, 000, 000	350, 000, 000
EDA	160, 000, 000	160, 000, 000
FHA	79, 000, 000	[1]100, 000, 000

[1] President Nixon's budget calls for an additional minimum of $50,000,000 in direct loans.

Total fiscal 1971 appropriations of $1.66 billion for water and sewerage programs do not match the 1970 backlog of $5.3 billion nor come close to the annual need of $5.2 billion. Part of this imbalance is understandable when one considers the present inflation and defense expenditures.

INSIDE THE AGENCIES

Federal Water Quality Administration

The FWQA of the Environmental Protection Agency (formerly FWPCA under the U.S. Department of the Interior) distributes grant funds up to 55% of the total costs to the states for allocation to local governments to construct and expand waste treatment plant facilities. A recent survey conducted by the National League of Cities and the U.S. Conference of Mayors, at the request of Senator Muskie, estimated that public funds needed *now* to control water pollution amount to from $33 to $37 billion. In addition, the survey provided the following breakdown of certain needed funds:

(a) For primary and secondary treatment	$8, 701, 541, 974
(b) For tertiary treatment	3, 904, 051, 553
(c) For intercepter and storm sewer improvement	7, 361, 438, 149

In addition to needs and fiscal appropriations for 1971, many states which prefunded projects under the provisions of Section 8(c) of the Federal Water Pollution Control Act are due outstanding reimbursement amounting to $894 million. The total amount which FWQA is obligated to fund the states in the forms of grants pending (2509 applications at a grant amount of $1.7 billion) and prefunded projects amounts to about $2.6 billion.

For fiscal 1971, the President signed the Public Works Appropriation Act which includes $1 billion for FWQA. The Act includes a stipulation that $200 million of the $1 billion appropriated should be used to reimburse those states which pre-funded FWQA projects.

U.S. Department of Housing and Urban Development

HUD provides grants to local governments to finance up to 50% of the cost of basic water and sewer projects. During the first 4 years of this grant program (fiscal 1966–1969), grants amounting to $514.6 million were made for 1,151 projects (48% for water projects, 41% for sewer projects and 11% for combined water-sewer projects).

An official of HUD, in response to two letters of inquiry from Senator Goodell, stated: "The average Federal grants participation is 31.5 percent," and that the average Federal grant for water and sewer projects is only 30 percent of the total project cost. The spokesman stated that the reason the Federal grant percentage is only 31.5 percent "is in large measure attributable to the fact that our ceiling on individual grants is $1.5 so that on large projects (ranging, say, from $4–$10 million) the Federal percentage is relatively low."

HUD officials in testimony before Congress this year reported that during fiscal 1970, 4,308 water and sewer applications remained pending with grants amounting to $2.5 billion and total project costs of $5.5 billion. After the Presidential veto of the original HUD 1971 fiscal appropriations bill, Congress has passed a redrafted bill which includes $350 million for water and sewer projects, (in the vetoed bill, the amount was $500 million).

Economic Development Administration

The EDA of the U.S. Department of Commerce provides grants of up to 50% of the total project cost in areas designated as "economic redevelopment areas." In addition, supplementary grants up to 80% are available for depressed economic areas which cannot meet the required matching share.

Since EDA originated on September 1, 1965, a total of 1,753 public works projects have been approved as of May 8, 1970. As of June 30, 1970, EDA reported that there is a backlog of about 100 sewer and water projects amounting to approximately $90 million. The 1970 fiscal adjusted appropriations amounted to $174.5 million, with an additional $90 million unfunded.

The fiscal 1971 appropriations for community development grants is $160 million with about 70 percent going to water and sewer projects.

Farmer's Home Administration

The FHA of the U.S. Department of Agriculture offers aid to rural areas which do not include part of a city or town with a population in excess of 5,500. If the rural area has less than 5,500 population, it qualifies to apply for loans to finance the development of water and sewer systems.

In December 1969, FHA conducted a survey to show the needs in its program areas. Water and sewer system needs amounted to $11.3 billion. As of December 31, 1969, FHA could not fund 5,935 applications amounting to $964 million.

In Senate testimony this year, Mr. James V. Smith, Administrator of FHA, stated that 34,763 communities do not have adequate central water systems and 44,507 communities do not have adequate sewerage facilities.

The 1971 fiscal monies available for water and sewer projects include $100 million for grants and a minimum (budgeted by the President) of $50 million for direct loans, instead of the actually appropriated $98 million.

SUMMARY

In President Nixon's State of the Union Message on January 22, 1970, he said that sewerage treatment plants would be built "in every place in America where they are needed."

The range of proposals pending before the 91st Congress is from the Administration's 4-year $1 billion program for a total of $4 billion in Federal funds to Senator Muskie's proposal in S. 3687 for a 5-year $2.5 billion program for a total of $12.5 billion in Federal funds. Last year the Senate voted to appropriate $1 billion for waste treatment facilities, but it was forced to compromise with the House at $800 million for fiscal 1970.

At the bare minimum, the credibility of the existing Federal commitment must be re-established by backing words of authorization and realized needs with monies of appropriation.

The construction of adequate water and sewerage facilities is "step one" in water pollution control priorities. Local communities and state governments cannot afford this expense without the financial assistance of the Federal government. The time for Congress to react is rapidly passing.

ELECTION LAW REFORMS

Mr. CANNON. Mr. President, I am very pleased to be a sponsor of S. 4607, a new wide-scope election bill. I sincerely hope that the Congress will accept its responsibility and move quickly to approve this needed legislation.

For many years the news media, political scientists and the public in general have been decrying the absence of a strong Federal law governing political finances.

Notwithstanding the common knowledge that the Federal Corruption Practices Act is shot full of loopholes and totally obsolete, there has been a failure of combined efforts by the Senate and the House of Representatives to face the issue and enact a meaningful law.

As chairman of the Subcommittee on Privileges and Elections, I have pleaded year after year for positive action in the area of election reform. Sometimes I have been partially successful and other times my efforts have failed.

S. 2436 passed the Senate in 1960; S. 2426 was approved in 1961; S. 2541 was reported in 1966. S. 1880 was adopted by the Senate in 1967 unanimously, and S. 734 was reported to the Senate in 1970.

None of the Senate-passed bills received the approval of the House and so a vacuum continues to exist in the area of political financing and disclosure.

Here, in the final hours of the 91st Congress, we are trying to recapture the interest demonstrated during the recent campaigns for revision of existing laws governing campaign receipts and expenditures, limitations on broadcasting expenses, and tax incentives to encourage a broader base of contributions.

This new bill contains three major sections.

First, a ceiling upon the amounts of money which may be expended by candidates, committees and others on the electronic media—7 cents per vote or $20,000, whichever is greater, for each Federal office;

Second, a sweeping disclosure provision requiring the filing of detailed reports of campaign receipts and expenditures by all candidates for Federal elective office and all political committees and others supporting them, including State and local political committees, and

Third, an alternative proposal which would grant to contributors either a tax credit of one-half of the amount of the contribution, not to exceed $20 per calendar year per individual, or a tax deduction of one-half of the amount of the contribution but not to exceed $100 per calendar year per individual.

As the Senate knows well, these reform measures are not being offered for the first time. The limitation on broadcasting expenditures was approved by both the Senate and the House in 1970 but unfortunately was vetoed by the President.

S. 1880, proposing specific and comprehensive disclosure by all candidates and committees, was unanimously approved by the Senate in 1967 and its successor, S. 734, which is on the Senate calendar today is even broader in scope since it includes not only the disclosure provisions of S. 1880, but also the tax credit and tax deduction alternative incentives like those of this new bill.

This latest effort is designed to incorporate in one bill the major needed remedies for election reform and to demonstrate this year a new determination to improve the existing system before it deteriorates any further.

This measure will be reintroduced at the beginning of the 92d Congress but now is the time for the Senate to begin its thinking and to prepare itself for the adoption of vitally needed reform early in 1970.

I urge all of my colleagues to lend their active support to this proposal so that it may receive the approval of the Senate early in 1971.

CBS: THE NATION—A YEAR-END REVIEW

Mr. DOLE. Mr. President, last Sunday night, I, like millions of other Americans, watched a CBS television program special entitled "The Nation—A Year-End Review."

At this time of year, it is customary for the news media to analyze the events of the past year and attempt to foresee future developments. These year-end reports can be interesting and illuminating if those performing the analysis are successful in relating daily events to general trends. Those engaged in this type of commentary are free of daily pressures and one would expect them to be fair and objective in their interpretation of events.

But the hour-long CBS program on Sunday did not achieve that goal. Instead, I found myself, as did other viewers, confronted with "grossly unfair and completely negative analysis of President Nixon's first 2 years in office. There was only a passing reference to the severity of the problems inherited by the President upon taking office. And practically no mention of his progress in dealing with these and other aspects of the Nation's affairs. In fact, in reviewing the content of the program, I find little difference between the thrust of this CBS news program and the Democrat National Committee's "Loyal Opposition" aired last summer by CBS.

Mr. President, any objective observer would have to conclude that the media's bias was evident during the program to the point where, in all fairness, the network should offer equal time to the Republican Party to provide its own year-end analysis.

They will not, of course. Frank Stanton, who is president of CBS, has made it clear that he interprets the fairness doctrine very narrowly, by allowing a one-sided presentation without contrasting views. Mr. Stanton has provided yet another opportunity for the Democrat Party to benefit from the use of the public airways.

One of my constituents has reached similar conclusions regarding this program and has provided me with his evaluation. I ask unanimous consent that pertinent portions of his letter be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 28, 1970.

DEAR SENATOR DOLE: I would like to call your attention to what I believe to be a serious problem.

Last evening, Sunday, December the 27th, 1970, at 9 P.M. central standard time the Columbia Broadcasting System had a one-hour special entitled, "The Correspondent's Report—Part I".

This was one of the most flagrantly biased broadcasts that I have ever witnessed.

Seven CBS correspondents expressed their personal opinions of the major events of 1970, and this turned out to be a thorough lambasting of the Nixon administration.

While I would be the first to agree that we must jealously guard the rights of an individual, or a group of individuals, to express their personal opinions, as guaranteed by the first amendment to our constitution, we must also recognize that there are limits to this right. As one Chief Justice has said, the right of free speech does not give a person the right to cry "Fire" in a crowded theatre.

There are two purposes to the right of free speech and the first, of course, is to give the right to the individual to freely express himself; however, there is another and equally important aspect to this right and that is *the right of the American citizen to fairly hear all sides of an issue.*

While it can be argued that a newspaper may express a biased opinion, and that if the reader does not like it he may put the paper down or buy another paper, this argument, of course, is not applicable to the medium of a television (notwithstanding the fact that the viewer does not have to watch).

Under the guise of letting individual reporters express their opinions, the CBS produced one of the most biased political indictments of this administration that I have yet heard. I think it would have been possible to get the seven leading Democratic Presidential candidates for the 1972 election and have received a fairer discussion of the present administration. Some of the CBS reporters so dislike this administration that it may be properly said that they "hate" it.

Obviously, we must find some way (by rules or laws) to allow an individual to freely express his personal opinions, and at the same time, not allow the networks to produce a patently biased program, whether by accident or design.

Can you do something about this?

Very sincerely,

—— ——.

THE C-5A PROBLEM

Mr. STENNIS. Mr. President, late yesterday I received from Deputy Secretary of Defense Packard a letter setting forth the Department of Defense proposal for resolving the various disputes between the Lockheed Aircraft Corp. and the Department of Defense on the C-5A problem as well as the Cheyenne helicopter program. This letter, which was also dispatched to the House Armed Services Committee and two appropriations committees, was released to the press.

I would emphasize the following points on this entire matter.

First, it should be recalled that the fiscal year 1971 Procurement Authorization Act as a portion of the C-5A funding authorized the so-called $200 million contingency fund for the C-5A with the stipulation that this amount could not be obligated until a plan for its expenditure had been submitted to the two Armed Services Committees.

The law does not require committee approval of the plan but there is a requirement that the $200 million cannot be obligated until 30 days after the submission of the plan to the two committees. I might observe that it was made clear last year that additional funds would be required for the C-5 in the forthcoming year to complete the program.

Second, this matter is highly complex and will involve the submission of much detailed information. I can assure the Senate that the Armed Services Committee will obtain exhaustive information on the proposal.

Mr. Packard's letter is in effect an outline of the background and the problem and the Department of Defense proposal. His letter sets forth two alternatives.

The first would be to continue paying Lockheed under the various programs and allow the courts to ultimately resolve the matter by litigation.

The second alternative and that which is preferred by Mr. Packard is to settle the entire dispute on the C-5 and other contracts by imposing a fixed loss of $200 million on the Lockheed Corp. and for the Government to continue paying the remaining costs for the completion of the C-5A program. I would point out that this plan has not been agreed to by the contractor. Mr. Packard in his letter recognizes that Lockheed may decline to settle for this fixed loss and prefer litigation.

Third, Mr. President, as chairman of the committee, I, of course, make no attempt to form a judgment on the proposal, either pro or con, and I again emphasize that the plan is not subject to the approval of the committee. It will, however, be a significant part of the discussion in connection with the new funds to be requested in the fiscal year 1972 authorization for the C-5 program.

In order, however, to have before the committee the full details of this proposal, I do intend to schedule a special hearing shortly after the convening of the new Congress in order for the Department of Defense to make their detailed presentation and for the committee to examine all aspects of the plan.

In the meantime the committee is in the process of requesting considerable additional information from the Department of Defense on this entire problem.

PEACE AND REFORM

Mr. DOLE. Mr. President, as America enters the second year of the decade of the 1970's, and the third year of President Nixon's administration, I am confident we will see the President's programs for peace abroad and reform at home begin to come to fruition. The results will be good for Kansas, good for the United States, and good for the world.

I am confident that before the year is out we will have seen the end of Americans fighting and dying in Southeast Asia. This does not mean that no American troops will be there, but it does mean that the war will be at a level that can be handled entirely by South Vietnamese troops. It means that most American troops will have come home, and it means that world opinion will have forced the North Vietnamese, if not to bargain in earnest, at least to begin the release of American prisoners of war.

I am confident, too, that the President's policies will have maintained peace in the Middle East and elsewhere in the world. And we will see in the coming year the beginning of President Nixon's hoped-for "generation of peace."

At home, I believe that despite a Congress controlled by the opposition, many of the President's reform proposals will pass. Public pressure, and demands from the Nation's Governors and mayors, I am sure will bring about passage of a welfare reform measure and a system of revenue sharing with the cities and States. Both of these are badly needed.

I believe we will also see further reform in the structure of the executive branch of Government and in the draft. I believe we will see President Nixon renew efforts to make the Federal Government more responsive to the needs of the people, and more cooperative in its dealings with lower echelons of Government and with the Congress.

Economically, all signs are that we will come out of this brief and mild recession we have had. Housing starts are already up. Other economic indications are on the bright side.

All in all, I think 1971 will be a good year for the American wage earner and American business and industry.

Finally, I think we will see significant advancement in the Nation's No. 1 problem—pollution. Already the President's tough stance is beginning to pay off. The laws Congress passes are no better than the executives' will to enforce them. President Nixon is one President who has shown he can and will enforce laws against pollution of air, water, and land.

Altogether I am confident that 1971 will see us making progress on almost every front and that it will be a good year for America and for Americans.

And to paraphrase an old statement "what is good for America is good for the world." I for one, welcome 1971 and I intend to do all I can to help President Nixon make it one of the best years of our lives.

IN LESS FLUSTERED TIMES

Mr. COOPER. Mr. President, on October 4, the Louisville Courier-Journal, under the caption, "It Was Different Then," published a story on the life of a 97-year-old distinguished citizen of eastern Kentucky, Hon. George Stephens of Whitley City.

Judge Stephens was a friend of my father, Judge John Sherman Cooper, who died in 1924. I have known Judge Stephens since 1927, when I first entered politics, and I am fortunate to have had his friendship and counsel since that time. Only last November I visited him in his law office in Whitley City, Ky., and found him hard at work preparing pleadings in an important case. He loves the law and continues daily in its practice. He is a classical scholar, and from his large and varied experience he understands and believes in his fellowman.

I am very glad that Mr. David V. Hawpe of the Louisville Courier-Journal has written this article about Judge Stephens, who has taken advantages of the opportunities provided by our country and who is respected by all who know him.

Because I believe this story will be of interest to many Americans, I ask that it be published in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

It Was Different Then—At 97, a Mountain Lawyer Recalls Less Flustered Times

(By David V. Hawpe)

WHITLEY CITY, KY.—George Stephens, enjoying his 60th year as a practicing attorney, is sort of a living daguerreotype . . . hair parted in the middle like a Princeton man at the turn of the century . . . stiff white collar pushing at his neck . . . pinstriped galluses in proper alignment.

"I come to the office every morning. I don't get many cases . . . too old," he said. "The young people have it all now, don't they? . . . I don't need it though . . . I have all the money I need. I just stay around to keep my mind busy."

Stephens has been keeping busy for 97 years. Ever since he was born into a family of five boys and five girls, back in 1873.

"There wasn't much at Wildcat, where I was born. Leby Steeley had a store and a post office there. Later on his sons Henry and Crit ran it. Good country store . . . there aren't many good country stores anymore." His mind stirs at old memories.

"I was 12 when Dad died, and it fell to me. I tended the grist mill after that. They'd bring wagon loads from all over Whitley County. The dry meal lasted all summer . . . you dont get that anymore, either."

When the summer meal was stacked away in wooden cupboards, there was school:

"Better than any school they've got now . . . when you learned, you learned . . . when the schoolmaster said 'the' you said 'the' . . . when he said 'a' you said 'a'. I taught in the free school myself for a while . . . common school, they called it."

After finishing the grades, Stephen traveled to Williamsburg to enroll in Williamsburg Institute, which eventually became Cumberland College. "I believe I'm the oldest living graduate of the college . . . came out in the fall of 1901."

He wasn't much with the girls in those days, by his own admission. "I wasn't very popular with the girls, and didn't much care," he said. "But from my 24th year on, I could have had all the girls I wanted. That's funny isn't it? . . . I've got more women friends than men friends . . . isn't that odd?"

SCHOOL OVER, HE MET THE WORLD

One of his close friends at Williamsburg was Elloit Wagner. "He was my roommate. He made a doctor, you know . . . lives in Washington State."

After graduation came a crucial trip to Washington, D.C. The great adventure, Young man meets the world.

He worked in the Government Printing Office, where he marveled at such things as one night in which they printed 20,000 copies of a book for the Navy.

"I didn't really like it there, though . . . just gossip, gossip, gossip, gossip."

He did meet a Washington girl—Nelly Irene Masterson—and he wooed her back to Kentucky when he returned in 1905. "She didnt' ilke the hills at first . . . she never complained, though. We had the best home in town.

"One Sunday we were walking in Washington, and we went through a house they had open to walk through, like they did then. I copied our home in Whitley City after that . . . planned it myself."

RODE A HORSE TO TAKE EXAM

When he came back from Washington, Stephens worked as a typist in his brother's law office. "E. L. Stephens . . . he was licensed in 1905. He was a real lawyer . . . office in Williamsburg. When Gatliff Coal Co. put in their camp in 1907 we took a contract to haul things over to their mill. I bossed that operation."

In his spare time, Stephens read the law books and, finally, in 1910 he made his way to London, looking for a judge to give him his bar examination. In those days you appeared before a judge and two lawyers, and they asked questions about Kentucky statutes and court procedure.

"I had to ride horseback from London over to McKee in Jackson County . . . took the exam before Judge Lewis. I knew I had passed, but I couldn't sleep a wink that night. You'd have thought I'd sleep like a baby, wouldn't you?"

When McCreary County was created two years later, with the county seat at Whitley City, Stephens set up practice and became the first elected county attorney. "Me and Judge Joe Williams were elected . . . he was elected county judge, and Mark Summer was elected surveyor. I ran against Henry Cline."

Whitley City was a frontier town.

RECALLS MOONSHINER CASE

"We had a time in those days. There were 2,000 indictments on the docket at one time . . . whisky and pistols were everywhere. . . ."

Stephens had his own explanation for the roughneck antics of the local populace. "This county was made out of the hind end of three counties," he said. "You can see what that meant."

Things got out of hand at times. Like the case he worked on "about 1920."

"That was back when there were big moonshiners here. They waylaid this fella and his 14-year-old son. There were three of them we had to defend on that thing. I'll never forget the fella that was prosecuting . . . he made an argument that got them to jump me."

The incident occurred at Bear Wallow. "This man was a harmless kind of man who just liked to nose around in the woods. He had his son with him. He found these moonshiners' still and they wanted to get rid of him."

The defense saved the three from the death penalty, Stephens said.

He is impatient with current complaints against the law.

"They're crying all over that everything is wrong. I've got no complaint about the law. Everything is in flux . . . That's the phrase, isn't it?

It was a different profession in the old days: "My life was land-lawing . . . did a lot of it when I was comin' up."

Young people were different, too: "To make a long story short, I think a lot of young people's problems are manufactured these days. . . about how much smarter they are than we were . . . I'm not so sure about that."

It's difficult to decide whether Stephens is asking you a deep metaphysical question, or whether he is joshing you a little. But it is asking you a deep metaphysical question,

"I like our governor now. Whether you like him or not he said you ought to be quiet on the campus . . . and they did."

He had to be a Republican: "My favorite politician . . . John Sherman Cooper, of course. His father was our superintendent of schools . . . His name was John Sherman, too. I borrowed 50 cents from him one time to get back to Pine Knot."

On Franklin D. Roosevelt: "I never had much for him. For instance, killin' those hogs and throwin' them away . . . Why couldn't he let them fed hungry people with those hogs? . . . Never did understand that."

Stephens flipped through the pages of Caesar's "Commentaries on the Gallic Wars" as he talked.

"I've always been too independent . . . That makes some people not like you. But I don't change my ways. I have a world of friends. My reputation behind me is good.

"I have three sons . . . Two teach here in town, and one has a good job in Cincinnati. I can't complain of anything."

He wants to stay in the mountains until the end. They give an independent spirit room in maneuver.

"There's good shade trees in the mountains, and land. My dad had 200 acres when he died, and he saved his board trees . . . I have about 1,500 acres myself. My house had the most beautiful trees around it you've ever seen."

The Baptist Church on Jellico Creek, where Stephens learned his religion, had 200 members in the congregation. "I'll bet not more than four or five were renters, and you could always get a good meal at a renter's house.

"We used to sing at church . . . 'Bringing in the Sheaves,' yes, we sang that. One fella told me I had a natural bass voice.

"Now they want to sing different words to the old songs . . . people don't sing much anymore.

"It's a shame," he concluded. "You can't beat singing for stirrin' people up."

He closed the red-cloth copy of Caesars "Gallic Wars," which he reads in Latin to pass the time.

He would walk home, to his big house where he lives by himself. The wind would sting his watery blue eyes.

"I usually have a whisky in the evenings . . . mix a little water and brown sugar. I always took whisky in moderation . . . Only had too much a time or two."

He reached up and turned out the light.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ASSISTANCE TO PUBLIC SCHOOLS

Mr. GRIFFIN. Mr. President, I move that the Senate proceed to the consideration of H.R. 19446, the Emergency School Aid Act.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (Calendar No. 1525, H.R. 19446) to assist school districts to meet special problems incident to desegregation and to the elimination, reduction, or prevention of racial isolation in elementary and secondary schools, and for other purposes.

The PRESIDING OFFICER. The question is on the motion to proceed to the consideration of the bill. The motion is not debatable.

Mr. ALLEN. Mr. President, I ask for a yea and nay vote.

XUM

The PRESIDING OFFICER. Is there a sufficient second?

Mr. ERVIN and Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. May we have a show of hands?

The question is on the motion to proceed to the consideration of the bill. The motion is not debatable.

Is there a sufficient second for the yeas and nays?

There is not a sufficient second.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from West Virginia for a unanimous-consent request, without losing my right to the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Mike Baroody of the Select Committee on Equal Educational Opportunities be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second for the yeas and nays?

Those Senators who are for the second must raise their hands to be counted.

There is not a sufficient second. The motion is not debatable.

Mr. PELL. What is the parliamentary situation?

The PRESIDING OFFICER. There is not a sufficient second.

Mr. GRIFFIN. I call for a vote.

Mr. ERVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the motion to proceed to the consideration of the bill.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ERVIN. Mr. President, as the Senator from North Carolina understands the rules of the Senate, this motion is not debatable.

The PRESIDING OFFICER. The Senator is correct.

Mr. ERVIN. But in the event the motion is carried, then the bill becomes debatable under the ordinary rules of the Senate without limitation as to time.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLEN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. Mr. President, after all, if this motion carries this motion will be before the Senate only until the hour of 11 a.m. Is that correct? Then, the unfinished business comes up, so we had better get to work.

The PRESIDING OFFICER. The Senator is correct.

Mr. PELL. Let us have a voice vote.

The PRESIDING OFFICER. All in favor will signify by saying "aye." [After a pause:] Those opposed will signify by saying "no."

The "ayes" seem to have it. The "ayes" have it. The motion is agreed to.

Mr. GRIFFIN. Mr. President, because of the difficulties of the time limitation which we face in the consideration of this very important legislation, I ask unanimous consent that, notwithstanding the morning hour, a vote on the pending bill be had at 12 o'clock, with the provision made that time for any amendment that is offered be limited to 30 minutes, 15 minutes to a side, and that the time extend beyond 12 o'clock for the consideration of such amendments.

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRIFFIN. This bill was passed by the House last Monday, December 21, after months of bipartisan work. It represents a strong and constructive response to President Nixon's initiative of last May 21, when he proposed a $1.5 billion program to help school districts meet the special problems arising from desegregation of the public schools, and to improve education in racially impacted areas.

H.R. 19446 is basically consistent with the President's recommendations. It would authorize $1.5 billion in new funds; if authorized, we can move ahead early in the new year to appropriate and make the funds available to schools districts throughout the country. If this bill is not enacted at this session, it is highly unlikely that the funds could be made avalable in time to help during the current school year—and the changes will grow dim even for effective use in the next school year.

Mr. President, at this point I ask that there be printed in the Record a State-by-State allotment table showing the funds which would be authorized by passage of H.R. 19446.

This bill is urgently needed by school districts across the Nation, to enable them to meet the added costs of special programs and staff required for effective desegregation, and for meaningful efforts to reduce, eliminate, or prevent the isolation of minority group children.

Mr. President, the importance of this bill cannot be overstated. As the President declared in his May 21 message to Congress:

> Few issues facing us as a Nation are of such transcendent importance: important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because our national conscience is at stake; and because it presents us a test of our capacity to live together in one nation in brotherhood and understanding.

I ask unanimous consent that the complete text of the President's message be printed at the conclusion of my statement.

H.R. 19446 takes the same general approach proposed by the President. It authorizes $500 million in fiscal year 1971 and $1 billion in fiscal year 1972 to meet special needs incident to the elimination of racial segregation and discrimination among students and faculty and to encourage voluntary reduction of racial isolation.

Ninety percent of the funds are allotted to the States on the basis of their proportional number of minority children. The Secretary may reallot funds remaining in a State's allotment if by 60 days before the end of the fiscal year there are no remaining project proposals which meet the criteria for approval. The remaining 10 percent of the funds are reserved to the Secretary for discretionary distribution for demonstration projects of national significance.

Eligibility under the bill is determined under three categories. In the first category are school districts implementing a final Federal or State court order requiring desegregation of schools, or districts operating under a plan approved pursuant to title VI of the Civil Rights Act of 1964.

In the second category are school districts which voluntarily adopt a plan for the elimination of racial isolation in all of their racially isolated schools.

In the third category are districts which voluntarily adopt a plan to eliminate or reduce racial isolation in one or more of its schools, or to reduce the number of minority children in racially isolated schools, or to prevent racial isolation reasonably likely to occur in any school with at least 10 percent but not more than 50-percent minority enrollment—the so-called tipping schools.

The Secretary may also make grants or contracts with any public or private nonprofit agency to carry out programs designed to support public school plans submitted in any of the three categories.

Financial assistance under the Act may be made available for a variety of activities, including remedial and other services; the provision of additional professional staff members and the training or retraining of staff; comprehensive guidance, counseling, and other professional services for children; development and employment of new instructional techniques and materials; innovative interracial educational programs involving the joint participation of minority children and other children attending different schools; repair or minor remodeling or alteration of existing facilities and the lease or purchase of mobile classrooms; the provision of transportation services for students; community activities including public education efforts; special administrative activities such as the rescheduling of students or teachers; planning and evaluation activities; and other specially designed programs or projects which meet the purpose of the act.

XUM

H.R. 19446 establishes a list of criteria to be applied by the Secretary in approving applications submitted by local educational agencies. These include:

First. The need for assistance, taking into account such factors as the extent of racial isolation, the financial need of the district as compared to other districts in the State, and the degree to which measurable deficiencies in the quality of public education in the district exceed those of others in the State.

Second. The degree to which the plan is likely to effect a decrease in racial isolation.

Third. The degree to which the plan is sufficiently comprehensive to offer reasonable assurance that it will achieve the purpose of the act.

Fourth. The degree to which the project affords promise of achieving success.

Fifth. The degree to which the plan involves to the fullest extent practicable the total educational resources of the community to be served.

The act provides that the Secretary shall not give less favorable consideration to the voluntary application of a local educational agency applying under the second or third categories of eligibility than to the application of districts which have been legally required to adopt a desegregation plan.

The bill provides that each project application must include assurances that:

First. The appropriate State educational agency has been given a reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary;

Second. Provision has been made where appropriate for participation by private nonprofit elementary and secondary schools if participation would assist in achieving the purposes of the act;

Third. Effective procedures for measuring educational and other change, and for continuing evaluation, have been built into each project;

Fourth. The applicant district has not, subsequent to the beginning of the 1969-70 school year, unlawfully donated, leased, sold, or otherwise disposed of real or personal property or services to a nonpublic elementary or secondary school practicing racial discrimination;

Fifth. The district has not reduced its fiscal effort for its public schools to less than that of the second preceding fiscal year;

Sixth. The applicant is not reasonably able to provide the necessary funds from non-Federal sources;

Seventh. The district will provide such other information needed by the Secretary to carry out the purpose of the act;

Eighth. The plan does not involve freedom of choice as a means of desegregation, unless the Secretary determines that the plan will achieve elimination of a dual school system;

Ninth. The district's current per pupil expenditure is not less than it was immediately preceding the implementation of a plan;

Tenth. Professional staff members will be hired, promoted, assigned, paid, demoted, dismissed, or otherwise treated without regard to their membership in a minority group.

Eleventh. The district is taking all practicable steps to avail itself of all assistance for which it is eligible under any program administered by the Commissioner of Education.

Twelfth. No practices or procedures including testing will be employed in the assignment of children to classes or other activities in such a manner as to result in the discriminatory isolation of minority children.

The act also provides that the Secretary may set aside up to 1 percent of the total appropriation for evaluation of the projects approved, and establishes a National Advisory Council to review the administration and operation of the act.

Mr. President, this bill is an emergency measure; it needs and deserves consideration by the Senate on an emergency basis. If the goal of equal educational opportunity is to be achieved, school district's need more than rhetoric—more than Supreme Court decisions—more than tougher laws—they need financial assistance. As Dr. James S. Coleman of Johns Hopkins University stated in his testimony before the House Committee on Education and Labor:

> It is foolhardy to attempt to carry out a large school reorganization without addition of necessary resources, yet that is what many districts have done. In part also it is the very isolation of the races throughout the rest of society that creates the need for extra efforts and extra resources in school.

The House committee report emphasized that "the schools are being made to bear a large part of the burden of integrating our society, and only at peril to the attainment of that goal do we deny them adequate funds to do the job."

The House has done its job; the Senate should now do its job to assure that $1.5 million in new funds is not lost to the schools for this year and perhaps for the next.

Mr. President, in addition to the other material to be printed I ask that a copy of a letter to Senator YARBOROUGH, already made public, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Estimated distribution of funds under proposed "Emergency School Aid Act of 1970"

	Estimated State amounts[1]
50 States and District of Columbia	$1,350,000,000
Alabama	42,957,165
Alaska	1,500,329
Arizona	16,263,719
Arkansas	17,144,839
California	167,203,416
Colorado	14,437,357
Connecticut	10,914,152
Delaware	3,871,410
Florida	58,311,850
Georgia	50,501,877
Hawaii	100,000
Idaho	869,636
Illinois	76,096,794
Indiana	19,195,789
Iowa	1,956,999
Kansas	6,451,287
Kentucky	10,237,042
Louisiana	50,977,369
Maine	484,903
Maryland	32,488,837
Massachusetts	8,906,748
Michigan	48,665,944
Minnesota	2,899,211
Mississippi	35,765,284
Missouri	22,344,310
Montana	961,353
Nebraska	2,693,000
Nevada	2,436,639
New Hampshire	113,729
New Jersey	40,651,322
New Mexico	20,479,985
New York	113,476,221
North Carolina	53,484,118
North Dakota	352,671
Ohio	48,523,344
Oklahoma	12,204,090
Oregon	2,474,761
Pennsylvania	44,785,761
Rhode Island	1,384,686
South Carolina	38,066,182
South Dakota	2,741,937
Tennessee	29,565,860
Texas	141,776,621
Utah	2,420,369
Vermont	100,000
Virginia	39,558,536
Washington	6,471,544
West Virginia	3,312,655
Wisconsin	7,979,530
Wyoming	1,155,154
District of Columbia	22,283,059

[1] Estimated distribution of $1,500,000,000 with 10% ($150,000,000) reserved for the Commissioner and balance distributed on the basis of estimated enrollment of minority group children (American Indian, Negro, and Spanish-surnamed American) in the public schools, Fall 1968 (S. 3883, Sec. 9(d)(1)(A)). Minimum of $100,000.

THE WHITE HOUSE,
Washington, September 26, 1970.

Hon. RALPH YARBOROUGH,
Chairman, Labor and Public Welfare Committee, U.S. Senate, Washington, D.C.

DEAR RALPH: I am writing to ask your help in obtaining action on the Emergency School Aid Act before the end of this session. This bill is one of the highest legislative priorities of the Administration.

On May 21, 1970, I asked for this $1.5 billion in emergency aid to school districts, North and South, undergoing desegregation either voluntarily or in compliance with court decisions.

As an interim measure, the Congress appropriated $75 million—half of my request for "start-up" money. More than 300 projects have been funded within only four weeks; these projects now demonstrate the urgent need for the full-scale legislation. At this rate of commitment the "start-up" appropriation will be exhausted by mid-October. But it is obvious that desegregating school districts will continue to need help.

Almost universally, administrators, teachers, students and parents in those districts have already set for the nation an outstanding example of how difficult social changes can be achieved in our nation—without violence. State Advisory Councils made up of educators, businessmen and other community leaders have given invaluable voluntary support to this effort.

Public school desegregation this Fall continues to be an impressive example of what can be achieved by cooperation rather than coercion. Nearly 700 districts are changing from dual to unitary school systems—more than in any single year of the past 16 years since the first Supreme Court decision. But there is nothing automatic about this achievement.

With desegregation proceeding thus far with such success, it would be a tragedy if Congress failed to authorize the broader legislation I proposed last May. Failure to act now would mean no additional funds for local school districts this year—when they are most needed.

I should emphasize also that the legisla-

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tion I requested would authorize far broader use of the funds than is now possible with the $75 million so far appropriated. It would encourage school districts, in the North as well as the South, to move forward on a voluntary basis to reduce racial isolation.

While the Secretary of Health, Education and Welfare testified in detail on our proposal in early June, and while he has since then provided a great deal of additional information, the subcommittee has not yet reported the bill to your full committee.

This legislation is designed to meet urgent needs affecting the education of our children; it has bipartisan support. Therefore, I urge you to do everything in your power to bring this bill to the floor for action at the earliest possible time in this session of the Congress.

Sincerely,

RICHARD NIXON.

To the Congress of the United States:

Successfully desegregating the nation's schools requires more than the enforcement of laws. It also requires an investment of money.

In my statement on school desegregation on March 24, I said that I would recommend expenditure of an additional $1.5 billion—$500 million in fiscal 1971, and $1 billion in fiscal 1972—to assist local school authorities in meeting four special categories of need:

"The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

"The special needs of racially impacted schools where *de facto* segregation persists—and where immediately infusions of money can make a real difference in terms of educational effectiveness.

"The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

"The financing of innovative techniques for providing educationally sound interracial experiences for children in racially isolated schools."

To achieve these purposes, I now propose the Emergency School Aid Act of 1970.

Under the terms of this Act, the four categories of need I outlined would be met through three categories of aid:

"(1) Aid to districts now eliminated *de jure* segregation either pursuant to direct Federal court orders or in accordance with plans approved by the Secretary of Health, Education, and Welfare, for special needs incident to compliance.

"(II) Aid to districts that wish to undertake voluntary efforts to eliminate, reduce or prevent *de facto* racial isolation, with such aid specifically targeted for those purposes.

"(III) Aid to districts in which *de facto* racial separation persists, for the purpose of helping establish special interracial or intercultural educational programs or, where such programs are impracticable, programs designed to overcome the educational disadvantages that stem from racial isolation."

In all three categories, administrative priority will be given to what I described on March 24 as "the special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation." In all three, also, there will be special attention given to the development of innovative techniques that hold promise not only of helping the children immediately involved, but also of increasing our understanding of how these special needs can best be met.

THE BACKGROUND

The process of putting an end to what formerly were deliberately segregated schools has been long and difficult. The job is largely done, but it is not yet completed. In many districts, the changes needed to produce desegregation place a heavy strain on the local school systems, and stretch thin the resources of those districts required to desegregate. The Federal Government should assist in meeting the additional costs of transition. This Act would do so, not only for those now desegregating but also for those that have desegregated within the past two years but still face additional needs as a result of the change.

The educational effects of racial isolation, however, are not confined to those districts that previously operated dual systems. In most of our large cities, and in many smaller communities, housing patterns have produced racial separation in the schools which in turn has had an adverse effect on the education of the children. It is in the national interest that where such isolation exists, even though it is not of a kind that violates the law, we should do our best to assist local school districts attempting to overcome its effects.

In some cases this can best be done by reducing or eliminating the isolation itself. In some cases it can best be done through interracial educational programs involving the children of two or more different schools. In some cases, where these measures are not practicable or feasible, it requires special measures to upgrade education within particular schools or to provide learning experiences of a type that can enlarge the perspective of children whose lives have been racially circumscribed.

This Act deals specifically with problems which arise from racial separation, whether deliberate or not, and whether past or present. It is clear that racial isolation ordinarily has an adverse effect on education. Conversely, we also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world.

This Act is addressed both to helping overcome the adverse effects of racial isolation, and to helping attain the positive benefits of integrated education. It is concerned not with the long range, broad-gauge needs of the educational system as a whole, but rather with these special and immediate needs.

HOW IT WORKS

The procedures under this Act are designed to put the money where the needs are greatest and where it can most effectively be used, and to provide both local initiative and Federal review in each case.

Two-thirds of the funds would be allotted among the states on the basis of a special formula. One-third would be reserved for use by the Secretary of Health, Education and Welfare for especially promising projects in any eligible district. In all cases, whether under the State allotment or not, the grants would be made for specific individual projects with each project requiring approval by the Secretary. Application for grants would be made by local education agencies, with the State given an opportunity to review and comment on the grant application.

The State allotment formula begins by providing a basic minimum of $100,000 in each fiscal year for each State. The remainder of formula funds for each fiscal year would be allotted among the States according to the proportion of the nation's minority students in each State, with those in districts required by law to desegregate and implementing a desegregation plan double-counted. This double counting is designed to put extra money where the most urgent needs are, recognizing that there is a priority need at the present time for the ending of *de jure* segregation swiftly, completely, and in a manner that does not sacrifice the quality of education.

If any given State's allocation of funds is not fully utilized under the terms of this Act, the remainder of those funds would then be reallocated on the same formula basis for use in other States.

Under Category I (*de jure* desegregating), any district would be eligible which is now implementing an approved desegregation plan, or which had completed implementing one within two years prior to its application. Those not yet doing so would become eligible upon submission of an acceptable plan. Funds would be available to help meet the additional costs of implementing the desegregation plan itself, and also for special programs or projects designed to make desegregation succeed in educational terms.

Under Category II (*de facto* desegregating), any district would be eligible if it has one or more schools in which minority pupils now constitute more than half the enrollment, or appear likely to in the near future. Funds could be provided to help carry out a comprehensive program for the elimination, reduction or prevention of racial isolation in one or more such schools within the district.

Under Category III (special programs in racially impacted areas), a district would be eligible if it has 10,000 or more minority students, or if minority students constitute 50 percent or more of its public school enrollment. Funds could be provided under this category for special interracial or intercultural educational programs or, where these proved impracticable, for unusually promising pilot or demonstration programs designed to help overcome the adverse educational impact of racial isolation.

In connection with this Category III aid, it is worth noting that such research data as is available suggests strongly that from an educational standpoint what matters most is not the integrated school but the integrated classroom. This might, at first glance, seem a distinction without a difference. But it can make a great deal of difference, especially where full integration of schools is infeasible. It means that, by arranging to have certain activities integrated—for example, by bringing students from a mostly black school and from a mostly white school together for special training in a third location—the educational benefits of integration can be achieved, at least in significant part, even though the schools themselves remain preponderantly white or black.

In a number of communities, experiments are already under way or being planned with a variety of interracial learning experiences. These have included joint field trips, educational exchanges between inner-city and suburban schools, city-wide art and music festivals, and enriched curricula in inner-city schools that serve as a "magnet" for white students in special courses. Other innovative approaches have included attitude training for teachers, guidance and counseling by interracial teams, and after-hour programs in which parents participated. I cite these not as an inclusive catalogue, but merely as a few examples of the kinds of experimental approaches that are being tried, and that give some indication of the range of activities that could and should be further experimented with.

Examples of the kinds of activities which could be funded under all categories are teacher training, special remedial programs, guidance and counseling, development of curriculum materials, renovation of buildings, lease or purchase of temporary classrooms, and special community activities associated with projects funded under the Act.

THE URGENCY OF ACTIVITY NOW

It now is late in the legislative year, and very soon it will be the beginning of the next school year.

In the life of the desegregation process, the fall of 1970 has special significance and presents extraordinary problems, inasmuch as all of the school districts which have not yet

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desegregated must do so by then. The educational problems they confront are enormous, and the related problems of community social and economic adjustment are equally so.

Some 220 school districts are now under court order calling for complete desegregation by this September; 496 districts have submitted, are negotiating or are likely to be negotiating desegregation plans under HEW auspices for total desegregation by this September; another 278 districts are operating under plans begun in 1968 or 1969; more than 500 Northern districts are now under review or likely soon to be under review for possible violations of Title VI of the Civil Rights Act of 1964. Quite beyond these matters of enforcement, we also must come seriously to grips with the fact that of the nation's 8.7 million public school students of minority races, almost 50 percent are in schools with student populations made up 95 percent or more of minority pupils.

Desegregating districts face urgent needs for teachers, education specialists, materials, curriculum revision, equipment and renovation.

Teachers and education specialists for the fall of 1970 are being recruited now. Materials and equipment must be purchased this summer to be on hand for the opening of school. Curriculum revision requires months of preparation. Contracts for renovation must be entered into and work commenced soon.

Administration representatives are now discussing with members of Congress possible ways of making the first of the funds for the purposes of this Act available when they are needed, which is now, through the use of existing legislative authorities.

Five hundred million dollars will be spent in Fiscal 1971. I recommend that $150 million be appropriated under these existing authorities, on an emergency basis, as "start-up" money. I recommend that the remaining $350 million for Fiscal 1971 and $1 billion for Fiscal 1972 be appropriated under the Emergency School Aid Act itself. It is this Administration's firm intention to spend these funds—$500 million in Fiscal 1971 and $1 billion in Fiscal 1972—in the years for which they are appropriated.

QUALITY AND EQUALITY

If money provided under this Act were spread too thinly, it would have very little impact at all on the specific problems toward which it is addressed. Therefore, the criteria laid down in the Act are designed to insure its use in a manner sufficiently concentrated to produce a significant and measurable effect in those places where it is used.

This is not, and should not be, simply another device for pumping additional money into the public school system. We face educational needs that go far beyond the range or the reach of this Act. But the specific needs the Act addresses are immediate and acute. It represents a shift of priorities. It places a greater share of our resources behind the goal of making the desegregation process work, and making it work now. It also represents a measured step toward the larger goal of extending the proven educational benefits of integrated education to all children, wherever they live.

Properly used, this $1.5 billion can represent an enormous contribution to both quality and equality of education in the United States.

With this help, the process of ending *de jure* segregation can be brought to a swift completion with minimum disruption to the process of education. It is in the interest of all of us—North and South alike—to insure that the desegregation process is carried out in a manner that raises the educational standards of the affected schools.

Beyond this, our goal is a system in which education throughout the nation is both equal and excellent, and in which racial barriers cease to exist. This does not mean imposing an arbitrary "racial balance" throughout the nation's school systems. But it should mean aiding and encouraging voluntary efforts by communities which seek to promote a greater degree of racial integration, and to undo the educational effects of racial isolation.

Nothing in this Act is intended either to punish or to reward. Rather, it recognizes that a time of transition, during which local districts bring their practices into accord with national policy, is a time when a special partnership is needed between the Federal Government and the districts most directly affected. It also recognizes that doing a better job of overcoming the adverse educational effects of racial isolation, wherever it exists, benefits not only the community but the nation.

This legislative recommendation should be read in the context of my comprehensive public statement of March 24 on school desegregation. In that, I dealt with questions of philosophy and of policy. Here, I am dealing with two aspects of the process of implementation: aiding the desegregation process required by law, and supporting voluntary community efforts to extend the social and educational benefits of interracial education.

The issues involved in desegregating schools, reducing racial isolation and providing equal educational opportunity are not simple. Many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive. Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive.

Few issues facing us as a nation are of such transcendent importance: important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because our national conscience is at stake; and because it presents us a test of our capacity to live together in one nation, in brotherhood and understanding.

The tensions and difficulties of a time of great social change require us to take actions that move beyond the daily debate. This legislation is a first major step in that essential direction.

The education of each of our children affects us all. Time lost in the educational process may never be recovered. I urge that this measure be acted on speedily, because the needs to which it is addressed are uniquely and compellingly needs of the present moment.

RICHARD NIXON.

THE WHITE HOUSE, *May 21, 1970.*

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield briefly, with the understanding that I not lose my right to the floor.

Mr. RIBICOFF. I am just curious. When did the bill pass the House?

Mr. GRIFFIN. As I have already indicated, it passed the House Monday, December 21.

Mr. RIBICOFF. Has this bill been referred to the Committee on Labor and Public Welfare?

Mr. GRIFFIN. I would say, as I have indicated in my opening statement, that this bill conforms very closely to the administration's proposal which was sent to the Congress last May 21. That bill was introduced and cosponsored by the distinguished chairman of the Education Subcommittee, the Senator from Rhode Island (Mr. PELL), and the ranking minority member of the Labor and Public Welfare Committee, the distinguished senior Senator from New York (Mr. JAVITS). That bill has been before the Labor and Public Welfare Committee since then.

Mr. RIBICOFF. But has this particular bill been referred to the proper Senate committee and considered by it?

Mr. GRIFFIN. This House bill, which has just been passed, has not been considered by the Senate committee.

Mr. RIBICOFF. How much money is involved in this bill?

Mr. GRIFFIN. $1.5 billion would be authorized.

Mr. RIBICOFF. As I understand it, then in the closing days of the Senate, the bill has not been considered by the Senate committee, and the leadership and the President expect us to pass a bill of such magnitude in the last day of the session.

Mr. GRIFFIN. I would say that it is my understanding that hearings have been held in the Labor and Public Welfare Committee on this legislation. When I say "this legislation," I base that on the fact that hearings was held by that committee on the administration's legislative proposal which is essentially the same as the House-passed bill now before us.

This is emergency school-aid legislation, and this is a time of emergency so far as the Congress is concerned. We are nearing the end of the session. I believe the Senate is adequately prepared and the committee is adequately prepared to proceed now with a full and meaningful discussion of the bill and to take action on it—if that is what the Members of the Senate really want to do.

Mr. RIBICOFF. We have had this emergency for a long time. It seems strange to me that the administration is trying to push a measure of this magnitude at such a late date without proper consideration by the Senate. It seems also strange to me that this committee of the Senate, which has been as good a friend of education as any group in this Nation, should be bypassed and not have an opportunity to consider the bill and report it back.

Mr. PELL. Mr. President, will the Senator yield?

Mr. GRIFFIN. I am sure the Senator would not attribute to the administration any blame for the fact that this bill has not been reported by the Labor and Public Welfare Committee; would he?

Mr. RIBICOFF. I will let the Committee on Labor and Public Welfare speak for itself, but the procedure, it seems to me, is most unusual—to try to force this measure down the throats of the Senate and the country at such a late date, without giving the committee an ample opportunity to consider it and come back with its report. I think the administration has lagged and lagged most sadly on the entire problem of desegregation. I think that the administration has ducked the issue of desegregation in this country and that the committee should have an opportunity to consider this measure.

Mr. President, I am deeply troubled by the administration's attempt at this late date to rush through the Congress H.R. 19446, the Emergency School Aid Act of 1970.

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This bill was not reported out of the House Education and Labor Committee until November 30, was quickly granted a rule and then passed the House 10 days ago at 11 o'clock in the evening.

Since then the administration has been totally unwilling to submit this bill to the orderly processes of the Senate. Last week, the members of the Education Subcommittee of the Labor and Public Welfare Committee offered to have the bill referred to Committee and reported back within a matter of hours. This would have given the committee the opportunity to make its views known and to give the Senate the benefit of its long and thoughtful consideration of this matter earlier this year. The administration refused to agree to this procedure and now insists on bringing this bill directly to the floor with, at the most, only three full legislative days remaining.

Many of us have fought long hours to bring to a vote legislation thoroughly considered by the relevant Senate committees. In several cases we have been unsuccessful, in large part because of the controversial and complex nature of the legislation and the shortness of the time remaining for consideration. But suddenly now, with even less time remaining, on at least as important and controversial a subject, and without the benefit of the views of the Senate committee involved, we are confronted with this bill by the administration.

The administration waited months before suddenly pushing this legislation. Admittedly, no problem more deserves our immediate attention and concern than the racial turmoil that threatens the very fabric of our society. Apartheid is spreading like a cancer across the face of our land. But it is the very seriousness of the problem that makes me believe that hasty, ill-considered action in the final hours of this session is not only unwise but could aggravate the problem rather than ameliorate it.

The weaknesses of this bill only reflect the unwillingness of this administration to attack the heart of the problem of segregation.

The President has talked about the need for leadership in this country. But he provides us with little leadership with this bill. He is quick to announce that he is against the forced integration of the suburbs. That, I suppose, is the beginning of some new suburban strategy designed to replace the now-discredited southern strategy.

What this country needs is fewer strategies and pat phrases like "forced integration" and more serious attempts to deal with the critical problems that face us.

Is it forced integration to allow a man to live near his job?

Is it forced integration to remove the existing barriers confronting low-income and minority members of this society that keep them from living where they would like?

Is it forced integration to provide this Nation with a national goal to end the racial isolation that threatens more than anything else to tear this country apart?

The people of this country are not fools. A malaise and feeling of uncertainty is sweeping this Nation as we seek to rediscover our sense of purpose and our confidence in our ability to govern our lives and our surroundings.

In this situation, we shortchange the American public and their commonsense and dignity when we assume that they will only follow politicians whose concept of leadership is to cater to the latest public opinion polls. The people of this country will respond to thoughtful, responsible attempts to deal with the critical problems that confront us all and we have an obligation to begin that process here.

Our first step must be to carve out in clear terms a national commitment to eliminate racial separation in our public schools and in the communities of this land, no matter what we call such segregation nor how it happened to occur. We should not delude ourselves that this can or will be accomplished overnight. It will take time, patience, leadership, and good will in the North as well as in the South.

Those of us in the North particularly must be willing to stop hiding behind the fiction that our brand of segregation is somehow less odious and harmful than that practiced elsewhere. The segregation existing throughout the North did not just "happen" to exist. There is nothing accidental about the fact that in city after city in the North, the blacks and the poor are concentrated in slums in the central cities while the whites increasingly are isolated in the surrounding suburbs.

Some have argued recently that we cannot make the finding that racial separation in the North in large part results from housing, zoning, educational and other economic, social, and political policies and decisions of government at all levels.

I had hoped we had passed the point of arguing who is to blame for the massive problem of segregation confronting us in the North. The impact of zoning practices, school districting decisions, municipal incorporations, and FHA housing policies are well known. As the Kerner Commission stated almost 3 years ago:

> What white Americans have never fully understood—but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.

Those who continue to hide behind the concept that de facto segregation is a better brand than de jure deserve the abuse heaped on them by blacks increasingly frustrated by our unwillingness to take action to implement our principles.

How ironic it is that those of us in the North who have so long urged integration upon the South are now hesitant, and suddenly tentative, when the issue is brought home to us.

H.R. 19446 is a perfect example of this phenomenon. The attempts to force this bill through the Senate indicate that its supporters fear it cannot withstand the cold light of reasoned reflection and consideration, especially by the Senate committee charged with jurisdiction over these matters.

I can understand the administration's unwillingness to submit this bill to close analysis for it is a bill with glaring omissions.

No one can argue that our school systems throughout this country do not need the $1,500,000,000 authorized by this legislation. In city after city we see the specter of schools and school districts going bankrupt financially as well as educationally. Local property taxes have long been an inadequate and regressive base upon which to build educational excellence.

Moreover, I applaud the principle in this bill that school districts engaging in desegregation should and must be provided the financial wherewithal with which to make such programs succeed.

But, unfortunately, I think the integration promised by this bill will prove to be a will-o'-the-wisp. Concerned citizens across this country, white and black, will look to this bill as a national attack on racial isolation—and they will be quickly and sharply disappointed. The integration in this bill is only a charade. It is simply more of the same as far as the basic problem we face is concerned.

This legislation sets no national policy or goal to end racial isolation throughout this country. Instead, it perpetuates the dual standard of forcing the South to do one thing while allowing the North in similar situations to exercise local option.

This bill, in effect, moves against the segregation in the North only where someone else is willing to take the political heat. If a local mayor or school board member is willing to assume the task of selling the goal of integration on the local level, some funds may be available under this act. But the Congress makes no decision whether this is a necessary or even desirable goal.

Moreover, this bill does nothing to attack the problem of segregation where it is most virulent—in the relationship between the suburbs and central cities across our country. The focus remains on individual school districts notwithstanding the evidence that all that will happen when we narrow our focus in this way is that whites will flee to the surrounding suburbs. The poor and the blacks will be left to share deteriorating schools and financially bankrupt cities.

One month ago I introduced two bills in this Chamber designed to attack the problem of racial isolation in the North as well as the South, in residential areas as well as in the schools, and in the suburbs as well as the central cities.

I would have preferred to have my ideas first considered at some length by the members of the Senate Labor and Public Welfare Committee. I am pleased to see that the bill prepared by the Education Subcommittee already includes $150 million for interdistrict cooperation along the lines suggested in my bill.

However, if the administration is prepared to rush ahead without further committee consideration and a Senate report, so am I. If we are going to spend one and a half billion dollars to begin to end racial isolation in the schools of this country, I think we have an obligation to consider more than the inadequate bill foisted upon us by the administration.

On the other hand, I do not plan to interpose my ideas as an obstacle toward meaningful progress in this area. I am not opposed to providing money to those school districts already engaged in meaningful desegregation pursuant to court or Executive orders. Nor do I insist that my suggestions for a metropolitan approach to this problem be accepted immediately. My bill itself provides for a 2-year planning period. As noted, the Senate bill envisions the spending of $150 million during the next 2 years in pilot and demonstration programs for interdistrict cooperation.

I see no reason why these two ideas cannot be wedded together to allow a demonstration peroid now followed immediately by implementation of the national planning effort proposed by my bill. This would allow us to take advantage of the experience gained during the pilot programs and would combine the best features of both bills.

During the 2-year pilot programs, experience can be gained locally and at the national level regarding the methods best suitable for implementing a national program. At the same time, it will be clear that the Congress has made a national commitment to deal with this problem with a national program soon to follow.

Such a national commitment is necessary from the start if the pilot programs are to succeed. This commitment will strengthen efforts by those local leaders and areas willing to begin to attack this problem now. Since the commencement of a national program will be inevitable, may school districts will be anxious to begin early to improve their schools with the money provided. No longer will local leaders also be forced to convince the local electorate that they should begin a program that is not required and will not be adopted by many other communities in the foreseeable future.

I am willing to do whatever I can to see that these matters are considered as expeditiously as possible. I am not willing, however, to see this country make a major initiative in the field of integration without an analysis of all the possibilities available to us. The problem of racial isolation in our schools and in our neighborhoods demands our urgent—but thorough—consideration.

Mr. GRIFFIN. Mr. President, I decline to yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. GRIFFIN. I do this most respectfully, because the time for the bill runs out at 11 o'clock. The Senator has made his point. I do not agree with it. Now, because I have mentioned their names, I would like to yield 1 minute to the Senator from Rhode Island, and 1 minute to the Senator from New York without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PELL. Mr. President, as the chairman of the Subcommittee on Education of the Senate Committee on Labor and Public Welfare, I would like to take more than 1 minute to express the views of the subcommittee—views acquired over days of hearings, many months of dealing with this problem an indepth study of both bills. On my own time, before the witching hour of 11, I would like to have the opportunity to put the whole picture in perspective. We have considered both bills. The subcommittee has come out with a proposal, which we think is the better bill. We would welcome the opportunity to consider the administration's bill with instructions to report back in 4 hours, if necessary, so that the Senate could consider the results of lengthy consideration on our part.

Mr. GRIFFIN. I yield 1 minute to the senior Senator from New York.

Mr. JAVITS. Mr. President, I do not know if we will get time before 11 o'clock to express ourselves. This seems to be one of those classic Greek tragedies, where everybody is right and nothing is going to happen. We have had our own hearings in our legislative committee, of which I am the ranking Republican member, and in the select committee chaired by the Senator from Minnesota (Mr. MONDALE), of which I am also the ranking Republican member. We learned a lot more about desegregation than we knew before. Hence we brought out a bill, which we think does the job better than the one originally proposed.

It took the House a long time to consider and pass this legislation. The administration had no way of knowing what would happen in the House until it happened only a few days ago. The administration must press for this proposal. It came in with a request for $1.5 billion for emergency school funds. They are showing good faith in this matter. Unfortunately, the delay is nobody's fault and recriminations are not going to get us anywhere.

I cannot say that any fault can be charged to the administration or anyone else. We will look at the proposal again in due course. What we should have done is provide $100 million in continuing money, so the work could go on, even if we could not give them a bill. I tried in every way to bring that about, but again, with no fault to anybody, it just could not be done. We did our best, and it is regrettable.

Mr. GRIFFIN. Mr. President, with time running out, and with no reference to when we will vote, I ask unanimous consent that consideration of this measure be extended until 12 o'clock.

Mr. ERVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRIFFIN. Mr. President, the suggestion has been made, and I wish to answer it immediately, by the distinguished Senator from Rhode Island (Mr. PELL) that he would make a motion, as I understand it, to refer the bill to the committee with instructions that at some later point in the day it be reported back.

That may or may not be a futile suggestion or exercise. It certainly would be at the present time, because, as I understand it, objection has been raised to the Committee on Labor and Public Welfare meeting today. Without unanimous consent, as I understand it, we would be sending a bill to the Committee on Labor and Public Welfare, a committee which cannot meet while the Senate is in session today, and that would very effectively kill this legislation.

So the Senator from Rhode Island has a suggestion which would take us nowhere, as I understand the parliamentary situation.

Mr. KENNEDY. Mr. President, will the Senator yield at that point?

Mr. GRIFFIN. I yield.

Mr. KENNEDY. There is no reason in the world why the committee cannot meet at the time when the Senate adjourns or recesses, and I think the chairman of the committee can speak for himself on that, as well as the Senator from Minnesota. He indicated, as a member of that committee, that they are prepared to meet at any time, not just to restrict it to the hours while the Senate is in session.

As a member of the Committee on Labor and Public Welfare, I resent the suggestion that the committee is not ready to meet its responsibilities. I think the point is well made by the Senator from Minnesota, the Senator from Rhode Island, and the Senator from New York that all we want to do is have it assigned to the committee. I think we are prepared—I know I am, and I shall let the other Members speak for themselves—to meet after the Senate adjourns, and there is nothing in the rules to prevent that.

Several Senators addressed the Chair.

Mr. GRIFFIN. I yield to the Senator from North Carolina (Mr. ERVIN) without losing my right to the floor.

Mr. ERVIN. Mr. President, will the Senator from Michigan accept the assurance of the Senator from North Carolina that the Senator from North Carolina proposes to speak against any motion to refer to a committee that has any time limitation annexed to it? As I understand, since that does not fall within the nondebatable rule, a Senator can speak at length on that question.

I propose to speak at length on that question, because I shall want to appear before the Committee on Labor and Public Welfare and expound at length on amendments that ought to be made to the bill, and point out the fact that the bill not only provides for an effort to bribe the States to violate the requirements of the interpretation placed upon the equal protection clause of the 14th amendment in a multitude of cases, which I would like to read to the committee, but it also proposes, as a condition precedent to any public school board receiving any payment under this measure, that the public school board shall violate the provision of the first amendment which prohibits the use of tax money for religious purposes or as gifts or grants to religious institutions.

This will require a considerable amount of time, and if my good friend from Rhode Island annexes any time to report back which would deprive the Senator from North Carolina of an opportunity to appear before the committee in behalf of these propositions, the Senator from North Carolina intends to speak against it. Otherwise, I would not speak against a simple motion to commit, provided I have the opportunity to appear before the committee and express the views, not only of myself, but of millions of other Americans on this subject.

Several Senators addressed the Chair.

Mr. GRIFFIN. Mr. President, if I have

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the floor, I yield to the Senator from Pennsylvania without losing my right to the floor.

Mr. SCOTT. Mr. President, I just wish to express what I think is the futility of these protestations by a committee which could have acted any time in the last several weeks or months, had the will to act existed, and to point out that the argument that it should be reported back to the committee is an exercise in complete nothingness, since the committee would report out a different bill, it would go to the House of Representatives, where a quorum is unlikely to be found and, of course, that is another way to kill the bill.

While some Senators may not like the House bill, and other Senators may not like the Senate bill, all we have before us is the House bill. It was at my suggestion that we adjourned last night rather than recessing, so this bill could be taken up. If Senators wish to be on record, they can vote up or down on this bill, or can vote on a motion to table. What this is is an effort to avoid a responsibility which rested on the committee, and which the committee has not exercised.

Mr. GRIFFIN. Mr. President, without losing my right to the floor, I yield to the Senator from California, a member of the committee.

Mr. MURPHY. Mr. President, as a member of the committee, I think, as my esteemed colleague from New York has stated, that there is great confusion here. As a member of the committee—and I have the greatest regard for the procedures of the committee—I think the minority leader has stated the question very clearly and plainly. There is one bill, the House bill, and as far as this member of the committee is concerned, I would be perfectly willing to let the Members of the Senate take that bill and vote it up or down.

Mr. President, the critical question before us at this moment is whether or not the Congress should authorize $1.5 billion to assist in the integration of the Nation's schools. This is the last opportunity we will have in the 91st Congress to demonstrate our concern and commitment to the goal of quality integrated education for the Nation's schoolchildren.

The bill before us is H.R. 19446, the Emergency School Aid Act, which has recently passed the House by a substantial margin. The Subcommittee on Education of the Committee on Labor and Public Welfare has recently reported a similar bill. These two bills have some important differences, but their underlying purpose is the same—to assist school districts throughout the country in meeting the additional costs which accompany the successful integration of the public schools. While I join many other members of the Subcommittee on Education in endorsing the bill which we reported, I also feel very strongly that we must take action now which will clearly demonstrate our commitment to assist school districts in solving this critical problem. We can move now by giving our approval to the House bill.

The differences between the House bill and the version reported by the Education Subcommittee center around the question of what constitutes an "integrated school." The subcommittee version defines an integrated school as one which reflects the minority-majority composition of the community, while the House version requires the substantial reduction or elimination of racial isolation or segregation in the school district assistance under the act, but it would also divert funds away from many districts with high concentrations of minority students which have the greatest need for assistance.

We have before us, in H.R. 19446, a sound proposal for a constructive approach to solving the problems of racial segregation and isolation in the Nation's schools. To delay action at this point would be to deprive the schools of an important commitment of Federal funds. By acting immediately and favorably on H.R. 19446, we are giving great encouragement to school districts throughout the country which are trying to deal constructively with the problem of racial isolation in the public schools.

Finally, Mr. President, as one who is acutely aware that the need is great—and the hour is late—let me urge my colleagues to support the President's initiative in this field. My own State of California desperately needs the kind of assistance this legislation would provide, and I know the needs of other States are similarly great.

The President has been consistent and unwavering in his commitment to the principles embodied in this bill, and we should be no less firm in our resolve to act affirmatively to help insure higher quality education for all children in our schools.

Mr. DOLE. Mr. President, I urge the Senate to adopt H.R. 19446, the Emergency School Aid Act of 1970. In his message of May 21, 1970, the President set as a national goal "a system in which education throughout the Nation is both equal and excellent, and in which racial barriers cease to exist." Essential to achievement of this goal is a recognition that the educational impact of racial isolation falls equally upon children, whether that isolation is the result of intent or chance.

The bill before us today recognizes this fact. It establishes three categories of eligibility for local educational agencies:

First, those school districts implementing a desegregation plan pursuant to a final court order or approved as adequate under the Civil Rights Act of 1964 by the Secretary of Health, Education, and Welfare or the Assistant Attorney General for Civil Rights;

Second, those districts voluntarily undertaking a plan for the complete elimination of racial isolation in all of the racially isolated schools in the district; and

Third, those implementing a plan to eliminate or reduce racial isolation in one or more schools, or to prevent such isolation from occurring.

The bill treats districts both North and South even-handedly. It expressly provides that a school district's application shall not be given low priority for funding simply because it is voluntarily seeking to desegregate, rather than under the compulsion of a legal order. The Secretary applies a single set of criteria in judging the applications for assistance, regardless of whether the segregation sought to be overcome is de jure or de facto in nature.

The problems of segregation are deep-rooted, and will not respond to partial or inadequate efforts at solution. To be successful, projects must be designed to deal specifically with a district's problems and must be supported at a level which will achieve demonstrable results. The proposed level of $1.5 billion represents a commitment to making the desegregation process work, and making it work now. The need for prompt action on the legislation before us is compelling and urgent. Too little has been done thus far to meet these problems in a constructive and positive way. Passage of the Emergency School Aid Act will be a vitally important step in the direction of providing quality integrated education for the Nation's children.

I urge my colleagues to support enactment of H.R. 19446.

Mr. GRIFFIN. Mr. President, without losing my right to the floor, I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, first of all I should like to make the request one more time that we be given an opportunity to vote up or down on this important desegregation matter; and therefore I ask unanimous consent that the Senate be permitted to vote on this matter at 5 minutes to 11, and if the consent is obtained, I shall ask for the yeas and nays.

Mr. ERVIN. I object.

Mr. SCOTT. Mr. President, objection is heard, as I expected.

Mr. PELL. Mr. President, a parliamentary inquiry. Who has the floor?

The **PRESIDING OFFICER.** The Senator from Michigan has the floor.

Several Senators addressed the Chair.

Mr. GRIFFIN. Mr. President, with the unanimous consent of the Senate, and the undertsanding that I not lose my right to the floor, I have yielded to the Senator from Pennsylvania.

Mr. SCOTT. Therefore, Mr. President, it is obvious that one point of view here in the Senate is not to let us vote up or down. Another point of view is to bring this thing back to the Senate committee, so that it can be abandoned, fatherless, and left in that ovate state in the other body. A third point of view is to prevent it from going to the Senate committee at all.

All of these objections we are hearing from the other side of the aisle. Therefore, the only thing remaining, it seems to me, is a motion to lay on the table. I would be against tabling this bill, but I am prepared, and I now move—and shall vote against my own motion—to lay on the table the bill which is before the Senate.

Mr. GRIFFIN. I ask for the yeas and nays.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

Mr. ERVIN. I object.

Mr. SCOTT. All right, Mr. President, it will go live. I will object to any further attempts to call it off.

The legislative clerk resumed the call of the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

Mr. SCOTT. Mr. President, the reason for not objecting to calling off the quorum at this time is merely a courtesy to the distinguished leader. Since the next order of business is the International Coffee Agreement, I am convinced that the tactics used here have effectively prevented action on the school desegregation bill and about $75 million that would go to certain States in the South may not go there now.

Therefore, under the circumstances, to continue the quorum to a live quorum would simply inconvenience those who wish to bring up certain measures so that I have decided I shall not do that.

I thank the majority leader.

Mr. ERVIN. Mr. President, will the Senator from Pennsylvania yield? I should like to say in reply——

Mr. BYRD of West Virginia. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is called for.

INTERNATIONAL COFFEE AGREEMENT ACT OF 1968

The PRESIDING OFFICER (Mr. Gravel). The Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

H.R. 19567, an act to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968.

The Senate resumed the consideration of the bill.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is now recognized.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may yield first to the distinguished Senator from North Carolina (Mr. Ervin), and then to the distinguished Senator from Minnesota (Mr. Mondale), without losing my right to the floor or having any of my time taken away.

Mr. GRIFFIN. Reserving the right to object, I should like, if I might, to have 3 minutes following the statement of the distinguished majority leader this morning.

Mr. MANSFIELD. Certainly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

SCHOOL DESEGREGATION

Mr. ERVIN. Mr. President, I want to say, in reply to the distinguished Senator from Pennsylvania (Mr. Scott), that not one penny will go to any Southern State under this bill. This is an authorization bill. We could not possibly get an appropriation bill processed and passed by Congress in time for any Southern State to be deprived of any money this year.

I just want to point that out. The distinguished Senator from Pennsylvania is in error in suggesting that any action here which prevented passage of any appropriations would go to a Southern State, or to any other State.

I thank the Senator from Montana for yielding to me.

Mr. MONDALE. Mr. President, I should like to yield to the Senator from Rhode Island (Mr. Pell) at this time.

Mr. PELL. Mr. President, I regret that in the mishmash during consideration of the school desegregation bill, I could not gain recognition to express, at any length, the views of the Subcommittee on Education, of which I am chairman.

I object to the fact that the subcommittee is being criticized for not doing its job. We held hearings and considered the administration's bill, which I introduced as a matter of courtesy with the Senator from New York. We considered the bill that the Senator from Minnesota (Mr. Mondale) and the Senator from New York (Mr. Javits) worked on, and decided that the latter was the best.

And it should be noted in the record, that with regard to the $75 million previously appointed for the purpose, the administration has informed me that the total amount of money is still being allocated or committed.

Mr. President, I ask unanimous consent to have printed in the Record the subcommittee's position, which is in the form of a statement.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Mr. President, I regret very much that the Senate is a this late hour presented with the very involved question of a massive school desegregation assistance bill. I say I regret it because it is my firm belief that any measure pertaining to this most important subject requires calm consideration through the normal Senate procedures. I would venture to say that any action taken in the closing hours of this Congress would not be the vehicle for a measure which would truly meet the problems we must face.

The Subcommittee on Education of the Senate Committee on Labor and Public Welfare, of which I am chairman, has been considering this subject since June 9 of this year, when it opened six days of hearings, which lasted through the month of August. The hearing record, which comprises 600 pages, contains many statements of opinion as to what the final form of any federal aid to desegregation or integration should be. At the same time, the Junior Senator from Minnesota, Mr. Mondale, was conducting in depth hearings to carry out the mandate of the Senate when it established the Select Subcommittee on Equal Educational Opportunities, of which he is the chairman.

At the completion of the hearing process, the Subcommittee members prepared a bill which in its final form, was viewed as a measure to both meet the Administration's request as an aid for desegregation of schools and also as an affirmative step in bringing quality education to our nation's children through the establishment of integrated schools which could serve as models for both north and south.

Unfortunately, our subcommittee work extended over many months. In all candor, this was due not only to a difficulty in getting Senators to attend sessions, but also to the very arduous task of coming up with a measure which satisfied the many views expressed by subcommittee members. However, we were able to report a bill which we believe deals evenhandedly with both the north and south, setting one standard for all. It was our hope that this bill would be the vehicle considered by the Senate.

By the time we had completed Subcommittee action, the House of Representatives sent over to the Senate its version of the school desegregation bill. This measure arrived in the Senate last Tuesday. Upon learning of this, I immediately requested the Chairman of the Committee on Labor and Public Welfare, Senator Ralph Yarborough, to convene a full committee executive session so that we could present to the Senate the Subcommittee bill and then go immediately to conference with the House. This request was granted and a meeting was called for 3:00 p.m., Tuesday afternoon. At that point, the Administration, through its leadership on the floor, stopped the normal procedures of the Senate and held the bill at the desk. The administration informed us that they wanted the House bill and that they would block any Senate action pertaining to the Subcommittee proposal.

As the past 9 days progressed, further consultations were held with the Administration, its representatives here in the Senate and the House members as to some accommodation which could be reached to the satisfaction of all parties. As late as yesterday afternoon, a proposal was made to the Administration which would have split the differences in an even way by simply dividing the fund authorization into two tracks but this was rejected.

We are now told that due to the lateness of the hour, we must accept the House bill if we wish to get any measure. I submit, Mr. President, that we are at this impasse due to the intransigence of the Administration. I further believe that the Senate should not be forced to accept the House bill per se under the pressure of time. Both measures have laudible sections which I believe could have been brought together through the normal process of the Senate. I believe that at this late hour, if the Senate sends the bill to the Commitee, we could bring back to the Chamber a compromise, acceptible to all and I would personally support such a move.

Mr. MONDALE. Mr. President, the only reason this measure was not given a chance to be responsibly acted upon was that the administration deliberately arranged for a filibuster through procedural objections. The administration directed that the bill as passed by the House be held at the desk, freezing and paralyzing any action by the appropriate committee for the past 10 days.

At the time the objection was interposed, I pled with those making the motion to let it go to the Committee on Labor and Public Welfare, where it should go under the rules, so that we could develop a measure, report it back out—which we were prepared to do—so the Senate could act on the bill responsibly.

Instead, the administration sponsored efforts kept the bill frozen at the desk. The Senate committee that has worked harder than any other committee on this measure, that knows more about it than any other committee, under the chairmanship of the Senator from Rhode Island (Mr. PELL), was never even permitted to consider and a House passed measure involving $1.5 billion.

Those of us who have held the most extensive hearings in the history of the country on the question of school desegregation and who served on the committee were not permitted to have 1 minute's deliberation.

I think it is an insult to the Senate, an insult to the education subcommittee committee, and an insult to the relationship that a healthy government needs in trying to deal in this fashion with this most controversial and explosive question of our time—the question of desegregation and integration.

I want to work with this administration, but I cannot recall in the 6 years I have been in the Senate seeing an issue dealt with as shabbily as this one has been.

Others share this view. I am authorized to say for the president of the NAACP, Roy Wilkins, and for Clarence Mitchell, that they think the bill as passed by the House should be referred to the committee. I ask unanimous consent that a telegram from Roy Wilkins be printed at this point in my remarks.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Mr. CLARENCE MITCHELL,
Director, Washington Bureau,
NAACP, Washington, D.C.:

We understand the Emergency Education Bill authorizing one billion five hundred million dollars in federal assistance in carrying out desegregation policy will be considered in the closing days of the session. This bill contains two amendments: One, prohibiting the use of any of the funds for the busing of children and two permitting tests of pupils to determine if they shall be entered in desegregated schools.

The NAACP is opposed to both of these amendments and accordingly cannot support the bill of which they are a part. The whole desegregation policy and the court orders thereon would be nullified by the prohibition against busing in cases where that is the only method through which desegregation can be achieved. To allow local authorities to give tests before according pupils the right to education in the unsegregated school system would be to sacrifice the future of little black children to a political maneuver designed to return public education to the status of the period before 1954.

Please advise Senators and Congressman of our stand.

ROY WILKINS.

NAACP, New York.

Mr. MONDALE. Mr. President, Whitney Young of the Urban League has authorized me to say the same thing today. But this administration, claiming to represent the interests of the minorities, claiming to represent those who believe in integration and desegregation, have persisted in this tactic which I believe have destroyed any chance for responsible action in this session of Congress.

The responsibility must rest with them.

Mr. GRIFFIN. Mr. President, will the Senator from Montana yield me 2 minutes now?

Mr. MANSFIELD. Yes, indeed; then I should like to proceed with my remarks. [Laughter.]

Mr. GRIFFIN. The Senator from Minnesota has made a statement which must have a response. He said something to the effect that the administration deliberately placed the House-passed bill on the calendar.

First of all, the administration does not do anything in this U.S. Senate. Senators do. Individual Senators make the motions and take the actions. It may be that the bill was placed on the calendar with the support of the administration. But that is a very flimsy excuse for the fact that the Committee on Labor and Public Welfare has not reported any bill. The administration's bill is, and has been, before the Committee on Labor and Public Welfare. That committee could have responded, and should have responded, by proceeding to report out its own version of the legislation, which would have gone on the calendar. If that had happened, the Senate would now be in a position to consider a Senate Committee bill. But the Labor and Public Welfare Committee did not do that. For that reason, the course taken by the minority leader—placing the House-passed bill on the calendar—was the only course available to assure that the Senate would at least have the opportunity to discuss in this session the emergency school aid legislation. By moving as he did, the minority leader at least made it possible for the legislation to be called up today.

Mr. MONDALE. Mr. President, will the Senator from Michigan yield briefly?

Mr. GRIFFIN. I do not have the floor.

Mr. MANSFIELD. I yield briefly.

Mr. MONDALE. I am sure the distinguished minority leader knows there was never any doubt that the Committee on Labor and Public Welfare, if it received this bill, would act on it and would have reported out a bill. This is not the case of a committee about which there is some question reporting out a bill on which they were prepared to act. The chairman of the subcommittee, the Senator from Rhode Island (Mr. PELL) made that commitment. The chairman of the full committee, the Senator from Texas (Mr. YARBOROUGH) also made that commitment.

The fear of the administration was not that we would not act, but that we would, and they would be confronted with a proposal that would really deal with this tragic issue.

Confronted with that tactic, they chose to freeze the bill at the desk so that no one could do a thing.

The administration said they would do it. That was what was done, and the record will show where the responsibility lies.

Mr. McCLELLAN. Will the Senator yield for a question?

Mr. MONDALE. I yield for a question.

Mr. McCLELLAN. Do I understand correctly that the House bill, 19446, has not had the benefit of being studied in depth by the appropriate Senate committee, on which the Senator from Minnesota serves so ably?

Mr. MONDALE. That is correct.

Mr. McCLELLAN. Will the Senator yield for a further question?

Mr. MONDALE. I yield for a further question.

Mr. McCLELLAN. I have not read or studied this bill in any depth. However, a cursory reading indicates to me that once again a dual standard is set forth for the North and the South with regard to matters concerning integration. I have had the pleasure of serving on the Select Committee on Equal Educational Opportunity, of which you are chairman. I think it is fair to say that on that committee we have had a great deal of testimony which indicates that there is segregation both in faculty and students in the North, occasioned by official acts which has not yet been challenged by Federal authorities. There are other occasions where a northern school district in a large city is in open defiance of Federal orders and has been for over a year. This bill appears to me to allow some of these districts to receive moneys for token integration programs. Further, it appears to me that this bill would impose additional onerous requirements on the South of increased Federal management of our local schools, without imposing the same requirement upon Northern school districts. I wish it to be clear that I believe that these requirements are improper and unwise. We have had a great deal of testimony before the select committee disparaging Federal control of local schools. This testimony has come from people of varying ideologies. Will you, if this bill goes to committee, put forth your best efforts to eliminate governmental discrimination as between the treatment of the North and the South with regard to integration? I ask this question with the full knowledge that you do not chair the Labor and Public Welfare Committee and that you only have one vote; I only ask that you use your best efforts to this end.

Mr. MONDALE. I want to assure the distinguished Senator that I will do all I can to shape a bill that does not contain a double standard. The bill the Education Subcommittee has agreed to already—the bill we hoped to consider in committee with the House bill—does contain a national uniform standard for funding integration. I will continue to work for that goal.

Mr. SCOTT. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I have had my attention called to two items of information which certainly would cast some doubt on the optimism of the Senator from Minnesota.

I have this second hand, but I am advised reliably that the Senator from Minnesota did not have the votes on the committee to get the bill reported out. I assume that if he had them, he would have had the bill reported.

What is even more cogent is that I have discussed the matter within the last 5 minutes with two Members of the House of Representatives who would normally by conferees. It is their opinion that there is no chance whatever of a Senate bill being acted upon if it were to come to the House. It would have less chance than

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a celluloid dog chasing an asbestos cat through the lower region.

Mr. PELL. Mr. President, the bill was reported by the subcommittee to the full committee. I personally believe—and having been on the committee for 10 years, I have some idea of the matter—that the Senator from Minnesota did have the votes on the full committee, if there had not been prolonged discussion which would postpone the matter. I think that he did have the votes to report the bill out of committee to the Senate.

Mr. CRANSTON. Mr. President, I have long been convinced of the need for Federal financial aid in bringing about meaningful desegregation of our Nation's schools. During the debate on the amendment which would have required application of desegregation guidelines, considered at length in this body earlier this year, I made clear my belief that racial isolation of our school children must be eliminated, and that the Federal Government must support school districts seeking to achieve this important goal by sharing whatever financial costs may be involved in total school desegregation.

I was heartened when the President announced last spring that he would ask Congress to provide Federal dollars to school districts implementing good-faith desegregation plans. I was disappointed, however, by the specific legislation which the administration subsequently submitted.

By focusing primarily on the problems faced by recalcitrant school districts—which, after 16 years, still have failed to comply with the constitutional mandate abolishing dual school systems—the administration's legislation failed to face up to the severity of racial isolation which persists throughout the country. It failed also to provide adequate safeguards against the misuse of Federal financial assistance.

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We well know the tragic consequences of failing to provide such safeguards. As the distinguished Senator from Minnesota has pointed out, there have been frequent, flagrant instances of misuse of the $75 million appropriated by Congress to help school districts which were under court order to desegregate this past fall.

The House Committee on Education, headed by the remarkably able Representative from Kentucky (Mr. PERKINS), wisely rejected the legislation submitted by the administration. Instead, it considered a bill that provided safeguards against misuse of funds and recognized the national character of racial isolation in our public schools. But that bill was substantially weakened by floor amendments, particularly an amendment prohibiting the funding of voluntary programs involving transportation in de facto segregated school districts. This amendment alone raises serious questions as to whether the House bill can benefit those school districts in my State currently undertaking desegregation efforts.

This is the bill now on our Calendar.

I recognize the importance which the President attaches to the approval by Congress of a measure to assist school districts in meeting the special problems arising from desegregation. So does the Senate Labor and Public Welfare Committee. The distinguished chairman of the Education Subcommittee has held extensive hearings on the legislation originally submitted by the administration. So has the distinguished Senator from Minnesota whose Select Committee on Equal Education Opportunity has explored almost every facet of the problems inherent in racial isolation.

As a result of their efforts, as well as those of other committee members of both parties, the Education Subcommittee has prepared a sound bill which I consider responsive to the problems of racial isolation. As the distinguished chairman of the Labor and Public Welfare Committee has repeatedly pointed out, our committee remains prepared to act on the subcommittee measure. We have not done so because we felt the House-passed bill should have been referred to our committee, as is the usual practice. Instead, the administration had the House-passed bill stopped at the desk.

Mr. President, this action by the administration effectively denies the Senate the opportunity to consider its own bill and to weigh the informed recommendations of its own committee. Given the difficult and delicate issues involved in the complex problem of racial isolation, I share the concern which the distinguished Senator from Minnesota has expressed so well this morning.

A SUMMARY OF THE LEGISLATIVE ACHIEVEMENTS OF THE 91ST CONGRESS

Mr. MANSFIELD. Mr. President, this is the last day of the year 1970. We are approaching adjournment sine die some day this week. I want to take this opportunity to express my personal thanks to the deputy majority leader, the distinguished Senator from Massachusetts (Mr. KENNEDY), and the secretary of the conference, the distinguished Senator from West Virginia (Mr. BYRD).

I also want to express my personal thanks and gratification to the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), the deputy minority leader, the distinguished Senator from Michigan (Mr. GRIFFIN), and to the other Members of the hierarchy of the Republican Party who comprise the leadership in that group.

Most important of all, I want to express my gratitude, thanks, and appreciation to every single Senator, Democrat and Republican, from the North, South, East, and West, from the Atlantic to the Pacific, for the cooperation and the understanding which they have shown throughout this entire session.

I only hope that this cooperation which has marked the 91st Congress will continue in the months and years ahead to the end that we will all put the country first and the party and our personal successes or lack of them second.

Mr. President, a number of assessments have already been offered of the 91st Congress—its record, its achievements, its failings, and its flaws. I hope that the Senate is of a mind at this time to take one more evaluation from the leadership. One can readily criticize the pattern of Senate performance these past 2 or 3 weeks. That it comes at the end of a long Congress of intense, exhausting and virtually continuous session is easily forgotten. The achievements of 2 years may well be overlooked in the procedural thickets of adjournment. As in other situations, the legislative good is often interred with the bones of an expiring Congress. Praise should neither be sought nor expected for doing what it is our responsibility to do.

Nevertheless, it ought to be said for the historic record that this Congress has coincided with the beginning of a difficult national decade. I think it was sensed at the outset that we would be meeting at the opening of an era of drastic change at home and abroad. The pressure for change has already become very evident in the Nation and the work of the Senate has mirrored it. Almost at the outset of the 91st Congress questions were raised concerning the need to reduce this Nation's antiquated commitments and accumulated involvements abroad, notably those of Vietnam. Heard, too, from the outset were the questions of the neglected needs of the people here at home.

This Congress—the 91st Congress—has played a decisive and fundamental role in setting forth these questions, both domestic and foreign, during the past 2 years. Moreover, the Senate has provided leadership and active participation in the search for answers to these questions.

If we know a little more clearly the dimensions of what now confronts the Nation, the work of the Senate has helped to induce that clarity. If the Federal Government has, at least, begun to move more emphatically against the backlog of national difficulties, whether they be the war in Vietnam, the disintegration of urban life, the needs of older Americans, pollution, crime or whatever, it is due in part to the activities of the 91st Congress. I am not talking about the passage of particular laws. To be sure, many laws have been passed. We do not, however, nor should we, measure the contribution by the number of items that have been run through the legislative computer.

The impact of the Senate and the Congress is to be viewed, more accurately, I believe, in terms of the cumulative impact of this one branch on the course of the Federal Government. The impact is to be seen, for example, in the many-sided efforts which, in the end, produced nearly a $10 billion reduction in Federal spending in this Congress, largely by cuts in excessive military and overseas activities. Its impact is to be noted in the fact that some of those billions have been rechanneled by legislation into more compelling domestic needs—into education, into health, into the resolution of urban difficulties, poverty, pollution control, and the like. In a very deliberate and responsible way, the Congress acted to bring about this shift without contributing further to inflationary pressures. It cut in one place as it added in another. But the overall appropriations which this Congress votes are expected to be less than the administration's requests for funds.

The record of this Congress also includes significant progress in the Senate in revitalizing the role of Congress with regard to foreign relations. The effort was dramatized during the extended debate on the Cooper-Church amendment last summer. To be sure, some found this effort unproductive and time-consuming at best. Some even have labeled it an intrusion on the powers of the Presidency. In my judgment, that is far from the reality. Cooper-Church was a necessary restraint on a pendulum which had swung the control of this Nation's affairs abroad too far away from the constitutional purview of the Congress. In truth, it was a restraint on a pendulum which was moving ever further away even from the control of our elected President. The impact of what was done here, in my judgment, has reinforced the President's desire to withdraw from Indochina. It has been an indispensable initiative, if the spread of our involvement in the war in Indochina was to be halted.

It should be noted that there has been criticism concerning the Senate's treatment of the President's legislative requests. That criticism is hardly that the Senate has failed to consider the President's requests. Few legislative matters to which the President attached personal importance have gone by the board in this Congress. The great bulk of the President's program has had fair hearing and substantial action in the Senate. I suspect, therefore, that the criticism must stem from the fact that in considering the President's program, the Senate has insisted on adding its own judgments. To be sure, these judgments on occasion have deviated from those of the administration's. To be sure, the Senate insisted, as the minority leader suggested a few days ago, that its own stamp be added to legislation.

I find it neither unusual nor undesirable that the legislative powers of the Congress be exercised in that fashion. They have been exercised, moreover, not by Democratic Senators or by Republican Senators, but by the Senate as a whole. They have been exercised by Members of both parties joined, time and again, in substantial numbers to forge the necessary majorities.

I am frank to say that there is one major item of the President's program which did not receive the treatment to which it was entitled. That is the family assistance plan. While the measure was in committee for a long time and directly before the Senate for a number of days, I regret that it did not get a proper decision. May I say that many Senators felt the same way. They wanted very much to have this program voted upon on the merits. But the Senate was unable to vote. Why it was unable to vote is now a matter of record.

The leadership apologizes to the President for this inability to act in the closing hours of the Congress. I can only reiterate the hope that already has been expressed that everything possible will be done to bring the matter to a head early in the next Congress.

As for most legislative items—whether initiated by the administration or here in the Congress—the record of the Senate, in my judgment, is highly respectable. That is very evident with respect to anticrime measures. The Senate passed virtually all anticrime proposals requested by the administration, and initiated and passed many more on its own.

With respect to the economy, the Congress has responded to whatever initiatives have been taken by the administration. We have responded with an eagerness to cooperate in coping with the severe decline in business and agriculture. We have sought, too, to alleviate the human hardships which are accumulating in the wake of this economic slide.

With regard to the inflation, every measure which the President has requested has recieved prompt action. We have cut overall expenditures in some areas so that in all likelihood, the final congressional appropriations will be, as I have noted, lower in total than what was requested by the administration. Congress is willing to do more to try to keep a lid on prices. In this connection, it has already given the President wage and price authority and selective-credit control authority.

To reduce unemployment, moreover, the Congress offered the President a manpower program that was designed to keep 300,000 Americans off the welfare rolls. The measure regrettably was vetoed. As a result, thousands of Americans are already or will soon be consigned indefinitely to welfare, burdening even more the hard-pressed resources of the cities and states.

There is room for legitimate criticism of this Congress—this Senate. It is obviously not helpful to effective legislation, to say the least—when complex, controversial and far-reaching measures of national import reach the floor of the Senate in the dying days of a Congress. To be sure, there are extenuating circumstances at this time. Nevertheless, the problem of the logjam is occurring with ever-increasing frequency. It must be faced. A confrontation with legislative avalanches at the end of a Congress leads in the end to more than a procedural mess. It leads also to serious substantive unreasonableness.

It is not accurate to saddle the blame for these circumstances on the administration alone; or on the House alone; or on the Senate alone. During this Congress, all parties in the Government bear part of the responsibility. In so saying, I do not seek to minimize the Senate's shortcomings. In the future, it seems to me the administration and Congress—and within Congress the Senate and the House—must take further steps to avoid a worsening impasse. The administration must get its legislative program to the Congress early in the year and then refrain from introducing last minute changes or sweeping additions. It seems to me, too, that the House which acts first must move appropriations and revenue bills to the Senate without prolonged delay. It seems to me, finally, that the Senate committees must redouble their efforts to bring to the calendar early in the session authorizing legislation and all other legislation that is obviously complex and controversial.

As for procedural problems of this kind, fresh approaches may be expected next year. I would not anticipate the Senate but there are indications that a serious examination of the cloture rule is in the offing. There may be further innovations designed, hopefully, to expedite the business of the Senate. The joint leadership, for example, has listened with great interest to several of the newer Members—Senators CRANSTON, HUGHES, SAXBE, and SCHWEIKER, in particular, who have advanced a number of helpful procedural suggestions.

We must look to our procedures because it has become quite apparent that congressional business has expanded immensely. During this session, the Senate has met in session more days and more hours than has any other Senate in at least a score of years. The fact is that we were faced with a very substantial legislative chore and the fact is underscored by the substantial legislative record which has emerged.

This record has been compiled in the Senate because Democrats and Republicans have joined to make it possible. To the Members on both side of the aisle, therefore, I wish again to express my deep appreciation for their contributions as well as their patience and understanding. The distinguished minority leader, Mr. SCOTT, has been a great strength. His consideration, his courtesy, and his cooperation have been as welcome as they have been essential to the responsible operation of the Senate.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a summary of Senate activity during the second session. I reiterate, this is the product of both parties. It is the product of a Senate which in the year 1970 has taken over 400 rollcall votes, more than ever before in the Nation's history. It is the legislative product of a Senate, which, notwithstanding the events of the past few weeks, has worked with great dedication and discernment to serve the interests of the people of the Nation.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

OUTSTANDING LEGISLATIVE ACHIEVEMENTS

Legislative Reorganization Act of 1970.

Comprehensive Drug Abuse Prevention and Control Act.

Omnibus Crime Control Act.

Organized Crime Control Act.

Military Construction Authorization.

Military Procurement Authorization.

District of Columbia Court Reform and Criminal Procedure Act.

District of Columbia Delegate to House.

Bank Holding Companies.

Defense Production Act Extension; Standby Wage, Price and Rent Controls.

Foreign Bank Secrecy; Unsolicited Credit Cards; Consumer Credit Reporting.

Elementary and Secondary Education Amendments.

Alaska Native Claims Settlement Act (No House action).

Pornographic Mail. (No House action.)

Rejection of Fndings and Recommendations of Commissions on Obscenity and Pornography. (Senate resolution.)

Postal Reorganization Act.

Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act.

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Developmental Disabilities Services and Facilities Construction Amendments.

Medical Facilities Construction and Modernization Amendments. (Passed over Presidential veto.)

National Air Quality Standards Act.

Regional Medical Programs and Comprehensive Health Planning and Services Act.

Emergency Home Finance Act.

Housing and Urban Development Act.

Gulf of Tonkin Resolution—Terminating (Senate resolution), (also contained in Military Sales bill).

Military Sales—Limitations on United States Involvement in Cambodia (in conference).

Voting Rights Act Extension (lowered voting age to 18).

Employment and Manpower Act (vetoed by the President).

Equal Employment Opportunities Enforcement Act. (No House action.)

Confirmation of Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States (also rejection of Carswell nomination).

Resource Recovery Act.

Wilderness Areas.

Employment Security Amendments.

Airport and Airways Development Act.

Federal-Aid Highway Act (a bill on House calendar).

Merchant Marine Act.

Political Broadcasting (vetoed by President).

Rail Passenger Service Act.

Urban Mass Transportation Assistance Act.

Occupational Safety and Health Act.

Consumer Protection Organization Act.

Securities Investor Protection Corporation.

Voting Rights Act Extension.

Federal Water Pollution Control Act Amendments.

Social Security Increases.

Family Practice Medicine (vetoed by President).

RECOGNITION OF SENATOR GRIFFIN

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Michigan is recognized for 5 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. GRIFFIN. I yield to the Senator from West Virginia.

ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the able Senator from Michigan, notwithstanding paragraph 3 of rule VIII, which deals with nongermaneness, I be recognized to speak out of order for not to exceed 20 minutes, keeping in mind that rule VIII has already been violated, out of courtesy to the majority leader and the assistant minority leader, and keeping in mind that this may, hopefully, be the last day of the session and we will not be too meticulous about insisting on the enforcement of that rule today. I ask unanimous consent that I may be recognized for not to exceed 20 minutes following the remarks of the Senator from Michigan, and that rule VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be recognized at the conclusion of the remarks of the Senator from West Virginia for 5 minutes. I have a report to give.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 91ST CONGRESS

Mr. GRIFFIN. Mr. President, I am mindful of the fact that the distinguished minority leader, the Senator for Pennsylvania (Mr. SCOTT), has already to read into the record a report, a summation, and an assessment concerning the record of this Congress. Of course, I would not endeavor to duplicate the effort represented by his excellent statement.

So far as the remarks of the distinguished majority leader are concerned, I wholeheartedly endorse and concur in much of what he has said. However, I believe it needs to be said that, regardless of how we seek to wrap it or describe it, this past session of the 91st Congress has not been one of the most glorious or proudest years in the history of the U.S. Senate. I say that with no indictment of the leadership.

Excluding, of course, the contributions by the junior Senator from Michigan, I believe the leadership on both sides of the aisle has been excellent. I refer particularly to the leadership of the distinguished Senator from Montana, who is loved and respected on both sides of the aisle. He is a very effective leader who, within the rules of limitations of the Senate, does a remarkable job.

Nevertheless, the fact is—a fact being recognized beyond the confines of the Senate—that we are bogged down in a tangle of archaic rules and procedures.

It is true as the majority leader indicated, that the Senate has achieved a great deal in this session, and I would not in any way belittle the achievements enumerated. However, it is unfortunate that this session of the Congress apparently will adjourn without providing social security increases for older people, without welfare reform, without enacting the emergency school desegregation assistance bill that President Nixon sought and which was discussed today. We will adjourn with achieving electoral reform; and without enacting pollution control legislation that President Nixon requested—I refer to the $10 billion program to finance sewage treatment facilities which are so desperately needed in this country.

Then I would point out that this Congress will adjourn without taking any action whatsoever on proposed reforms in our labor-management laws recommended by the administration.

As I have pointed out on the floor a number of times, new tools are needed to deal with threats of crippling nationwide strikes in the transportation industry. Early in the year President Nixon placed before Congress what I believe is a sensible and practical program—a program which at least deserved consideration by the appropriate committees of each House. But at no time was any consideration given to this important legislation.

Why have we had this kind of a session? I believe that it is probably due to a number of factors—not a lack of leadership—but other reasons. For example, we have the problem of divided government—an administration controlled by one political party while the Congress is controlled by the other political party. President Nixon is the first President in 120 years to enter the White House with both Houses of the legislative branch controlled by his political opposition.

As an institution, the Senate has faltered because the Federal Government, at an increasing, accelerating rate, has been taking over functions of State and local government, increasing the responsibilities and the business of the Congress at a time when the world is growing smaller and more complex, and when the international problems facing Congress increase in volume, in difficulty, and in complexity, and at a time when the increase in population throws a heavier and heavier burden upon the Congress and the Senate.

Furthermore, Mr. President, I suspect the fact that the Senate has developed into a launching pad for presidential candidates has increased the partisanship exhibited in this Chamber—and that has been a contributing factor to the difficulties which the Senate has confronted in this past session.

But, Mr. President, the most serious problem of all—one that the majority leader allowed to—is the problem of the Senate's archaic rules and procedures. Rule XXII is unrealistic in this day and age; and we must make progress in reforming it. Surely, when the Senate cannot get to a vote on conference reports—conference reports on appropriation bills in particular—the weaknesses of the Senate as an institution are laid bare. So, I hope when we begin a new year that we will follow the advice of the majority leader; that we will move toward reform of the rules of the Senate.

The junior Senator from Michigan supports, and has supported the effort to require a three-fifths vote rather than a two-thirds vote to invoke cloture. But I suggest that we should have even more stringent limitations on debate with reference to conference reports, and particularly conference reports on appropriation bills, which are obviously necessary to finance the Government of the United States.

As one Senator, I also believe that the rule of the Senate, or the lack of a rule in the Senate, which allows nongermane amendments to be offered should be corrected.

In addition I believe other steps should be taken to speed up the work of the Senate; for example, we could set a deadline for authorization bills, and we might shift the executive branch budget to a calendar year rather than a fiscal year. These would be helpful steps that would better enable the Senate to do the job that it is supposed to do—the job which it must do if our system of Government is to survive.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. GRIFFIN. If I have time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the acting minority leader for yielding to me. My remarks will be brief and well within the 3 minutes remaining of his time.

May I commend the acting minority leader, and associate myself with his remarks to the effect that this has been the least distinguished session in the 4 years that I have had the privilege of serving in Congress. I assign no blame for failure, and shall make no attempt to do so, as far as the leadership or personalities are concerned. I only say that I observe and the country observes that we have done less and done it in a more dilatory way than in any of the last four sessions of the Congress.

I feel that there are many factors that have come into play. I feel there is a real danger that we and the country will engage in acrimonious debate about who is to blame, and I want to avoid that; but for the moment I want to indicate a few things that I think can and ought to be done, and done soon.

I commend the Senator from Michigan for the suggestion that we might consider shifting our fiscal accounting system to a calendar basis. I have long advocated that, and advocated that we adopt a rule of Congress that all of our authorizing legislation be done in the first 6 months of the year, that we then have a mandatory recess to go home and see what the country thinks of the legislation that we have enacted; then come back and try to do the appropriating before the end of the calendar year. In that way we eliminate the uncertainty of the several agencies about their funding levels, and set about the task of trying to create a more orderly atmosphere in which we can do business.

I think it likely that we will have to make other changes as well. I might say parenthetically that I disagree with the suggestion for changing rule XXII. I have voted against cloture, I have voted for cloture, I have signed cloture petitions, and I have filibustered, all in their turn. I feel that rule XXII remains the last bastion of defense, as has often been said, against the tyranny of the majority. But I feel there are other rule changes that must be made, and I feel there is one matter that we have got to give grudging attention to, and that is the seniority system.

I have no present idea how to go about changing the seniority system, but I am now reluctantly convinced that we must do so. I am not sure yet what I would lend by support to, of the several proposals that have been placed before the Senate, but I am sure we have to examine it carefully. I point out that in recent years, the leadership, and the joint leadership, have played an increasing role in responsibility for legislation and charting the path of legislation in both Houses of Congress, and the leadership is not the product of seniority, but of an elective process. We may be headed in that direction with the committees as well.

I think, Mr. President, that the Senate is at the crossroads. We have gone through a difficult time. There will be ample blame; we do not need to worry about sharing it. There will be plenty to go around. There will be blame, in this body, of one another, and there will be blame by the public of the Senate. Last night I had dinner in the dining room of the House of Representatives, and I can report to my colleagues that there is blame aplenty in the House of the Senate procedures.

Mr. President, I feel that we must set about the business of cleaning up our own house, that we have to set things in order and get about the business, not only of facing the challenge of these times and the problems of the moment, but doing it in good time, when it is necessary to do it, and not in the last 60 days of the session on a crisis basis.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. STEVENSON). In accordance with the previous order, the Senator from West Virginia is recognized for 20 minutes.

Mr. BYRD of West Virginia. Mr. President, I ask for order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

THE SENATE—ITS RULES, PROCEDURES, AND PRECEDENTS

Mr. BYRD of West Virginia. Mr. President, I take the floor at this time for a number of reasons, one of which is to express my appreciation for and my support of the statement which has been made by our very distinguished majority leader today, anent the Senate's rules, anent the outstanding legislative achievements of this Congress, and also with respect to what he has said about the cooperation between the minority leadership and the majority leadership, and the Senators on both sides of the aisle, in working to effectuate a good legislative program.

Especially, Mr. President, would I agree with him in his statement that we should not measure the contribution of a Congress by the number of bills and resolutions that have been enacted into law by that Congress. As Voltaire said:

> A multitude of laws in a country, like a great number of physicians, is a sign of weakness and malady.

So a Congress should not be judged on the basis of the number of laws that have been cranked through the legislative mill, but it can more appropriately be judged on the quality of the laws that have been passed, and on the lack of quality of those laws which it rejected or failed to enact.

I would beg to differ, most respectfully, with my majority leader, however, when he says that the leadership apologizes to the President for the inability of the Senate to act in the closing days of the Congress. I do not think we owe the President any apology along that line, with all proper respect to the President, and I take it that the majority leader is particularly referring, in making that statement, to the failure of the Senate to act upon the so-called welfare reform legislation. In reality, I think, we have done the President a favor.

I hope that the majority leader will not take umbrage at what I say, even though I may not exercise as great care in orally stating my viewpoint, as I might otherwise do in writing it.

I do not find fault with Congress, particularly with the Senate, for its so-called failure to come to grips with this particular measure.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. I do agree with those who have referred to the welfare system as a "mess." But there are many factors which have contributed to the making of a mess of the welfare system; and one of the chief culprits in the equation is the Department of Health, Education, and Welfare itself, because, over the years, it has continued to relax and relax and relax its regulations to the point that it actually encourages individuals to get on welfare, and to subsist at the taxpayers' expense rather than to work for an honest living.

So when we talk about the welfare mess, the finger can be pointed at the Department of Health, Education, and Welfare, under this and the previous administration, because HEW, I would say, has made perhaps the greatest contribution of all—other than that of the Supreme Court of the United States, by some of its decisions—to the making of a mess in connection with the welfare system.

I do not happen to believe that we should necessarily have a Senate floor vote on every matter which any President submits to Congress. It may be that the only instrument by which we can avoid enacting into law a bad proposition is the instrument of extended debate; so perhaps the Senate acted in the long-run best interest of the Nation in denying a direct vote on the FAP and thus preventing the enactment of a program into law which would ultimately prove to be bad policy.

I think there should be welfare reform, but we do not reform welfare by simply spending more and more billions of dollars on welfare. We do not reform welfare by tripling the welfare caseload by legislative fiat. We do not reform welfare simply by calling it "work fare," when the present "WIN" program has proved to be a colossal failure.

I, as much as anyone, want to put people to work. I want to give them the opportunity to work. I want to train those persons who are willing to work, and I want to train them for jobs that will exist when they have graduated from their training courses. But I am not willing in the last days of a Congress to criticize Congress for not acting on a program which, on a direct vote, might have gotten through the Senate purely on the basis of ideology or emotion or loyalty to the administration or this or that or something else, when that program needs to be scrutinized more closely than resulted from the study of it in the other body. So I think that Congress—and especially the Senate—should be complimented for not allowing this particular measure to come before the Senate in the dying days of the session and be rammed through. I think we ought to take another look, a hard look, and a closer look, at this program.

I said to the President one day that he had been sold a bag of worms by people in the Department of Health, Education, and Welfare and that those who initiated this program, who were there on the takeoff, are not going to be there on the landing. They were not going to be the people who would have to administer this program. I know it sounds good in theory, but there is a great gulf between idealism and realism, between theory and practicality.

So I compliment the Senate for using the procedures, using the rules, using the precedents, in order to keep a bad measure from becoming enacted. On the other side of the coin, the procedures and the rules of the Senate were resorted to in connection with the nominations to the Supreme Court which were submitted some time ago by the President, and I have reference to the nominations of Mr. Haynsworth and Mr. Carswell. Although in those instances I favored the nominations, I think that Senators who opposed those nominations were quite right in utilizing the procedures, the rules, and the precedents of the Senate in order to protect their position. My position could have been wrong on those matters. It might have been a mistake to have confirmed the nominations of these men. I do not think it would have been a mistake. I supported their nominations. But those Senators who opposed the nominations may have been right, and I think they did the right thing from their point of view, in utilizing the procedures and the rules of the Senate in order to slow down and delay and debate and finally to defeat the nominations.

I say all this simply to say that, regardless of what side of a question I may be on, it may be a good thing for the country that the Senate has its rules, such as they are, because these rules have evolved over decades of experience, and the rules are devised to expedite good legislation and to protect the country from the enactment into law of that which is bad.

Mr. President, having said that, I think I should say, with respect to the suggestions that have been made regarding an executive session and a budgetary session, that I think we ought to explore this proposition. I think it is a good one.

I also agree with the suggestion that was made by the able Senator from Tennessee and I believe by the able assistant minority leader, which also was implied, at least, in the statement by the distintinguished majority leader, that we try to find a way to shift from a fiscal year basis to a calendar year basis.

I think these things should be done. Tremendous and complex problems would be encountered in such a change, but we have to try to find a way to surmount those problems.

Finally, I cannot agree that we just necessarily have to say that the seniority system is bad. Any system is going to have its flaws. I have never heard of a system that has yet been proposed which would be better than the seniority system. Of course, when Senators first come to the Senate, they would like to have the Senate operate under some system other than the seniority system.

Perhaps, for example, I would like to be chairman of the Committee on Appropriations. I have been on that committee now for 12 years. I would like, perhaps, to be chairman. But it might be a good thing for the country that I not be chairman of that committee at this time. Perhaps I need a few more years of exprience and work here before I should become chairman of the Appropriations Committee. If we throw away the seniority system and resort to a political system of electing whoever can buttonhole the most Senators and get the most votes, the country, in the end, may suffer intolerably therefrom.

So, Mr. President, while the seniority system has its flaws, I shall support it, until such time as somebody can come up with a proven system that is better than the seniority system.

Mr. President, I have a suggestion or two of my own, inasmuch as we have reached the time for turning over a new leaf, and quite properly so.

Various Senators have recommended that we take a new look at the cloture rule. I want to support the position that has been expressed by the able junior Senator from Tennessee in his opposition to a change in rule XXII. Rule XXII, depending upon what side one is on, is perhaps the best rule in the Senate or the worst one. But I note that all Senators and all blocs of Senators from time to time resort to the use of it. They say, "Well, as long as we have it, we might as well use it." They are glad we have it, when the time comes to use it, and I share their viewpoint.

Here, again, I say that, in the best interests of the country and for the good of the country, we should retain Senate rule XXII as it now stands. I think history will show that any measure which has any real merit will, in the long run, be enacted, regardless of rule XXII.

I am one of those who have voted for cloture—for the first time, the second time, and the third time this year. There comes a time when I think one ought to invoke cloture, so I voted as I did, because I thought the time had come.

Mr. President, rule XXII allows for extended debate. Call it a filibuster, if you will; call it by any name; but that rule allows the country to be informed as to the issue at hand. It protects a minority against a temporary majority, and it allows reason to prevail in the long run. In many instances, it has resulted in bad measures being improved and in the enactment finally of a good law.

Mr. President, I would, therefore, make a different suggestion. Our trouble in the last few days has not been with rule XXII. That which has created the logjam in these last days of the session has been a block of appropriation bills and conference reports thereon. These are must bills. Congress does not have to enact the family assistance program before it goes home, but it does have to enact the general appropriation bills. Otherwise, the agencies cannot operate and the people who work in those agencies cannot be paid. So these are must bills. We must pass them. That is why we are not home today, and it is why we are not going to adjourn until the last conference report on the last appropriation bill has been adopted or a continuing resolution with respect thereto has been adopted. So the logjam has been conference reports on appropriation bills. These are must bills.

But we do not have to change rule XXII to get to the neck of that problem. I do not quarrel with those, however, who want to change rule XXII. They have as much right to their opinion as I have to mine. I am not referring to rule XXII at this moment for the purpose of debating it, but I think a change has to be made somewhere. The Senate does look bad when it is caught in a logjam and cannot extricate itself. But let us not change the wrong rule.

I would suggest, therefore, Mr. President, that we add a paragraph to rule XVI of the Standing Rules of the Senate. Rule XVI deals, in the main, with appropriation bills, and to carry out my proposal, I am submitting a resolution today, and I will resubmit it when the new Congress convenes. As chairman of the Subcommittee on Rules of the Senate Committee on Rules and Administration, I shall expect to conduct hearings, or take whatever action is necessary to explore the feasibility of the resolution which I shall submit, plus any other prosposal that anyone wishes the subcommittee to study. I propose to hold hearings on that resolution, and other Senators will be invited to participate, and perhaps we can eventually add to the Standing Rules of the Senate this new verbiage which my resolution embodies and, with the good judgment of Senators who wish to express themselves on it, we may be able to improve it and come out with a feasible and workable addition to rule XVI which will protect the Senate and prevent it from getting into the kind of vexing logjam that we have found ourselves in during these past few days.

For the most part I am proposing a procedure with regard to appropriations measures that would be patterned after the procedures we follow in connection with reorganization plans, and on which debate is limited.

I would suggest, Mr. President, in my resolution that, come December 1 of any fiscal year, whenever a general appropriation bill for that fiscal year has not been enacted by that date, a motion for the immediate consideration of that bill be decided without debate.

I would also suggest that consideration of any such bill be a highly privileged matter and that debate thereon be limited to 2 hours upon each amendment offered thereto, and 10 hours on passage of the bill. I would further suggest that

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any procedural questions arising be decided without debate.

With regard to conference reports on appropriation bills, my resolution would provide that debate upon such conference reports be limited to 10 hours, with 1 hour upon each matter reported in disagreement between the Senate and the House of Representatives. A motion further to limit debate, for example, if someone wanted to reduce the time from 10 hours to 5 minutes, could be made and that motion would be privileged and would be decided without debate.

I would also provide that whenever debate upon any amendment, bill, or report is limited under the time provided for debate, the time would be divided equally between Senators in favor of the bill, amendment, or report, and Senators opposed to the bill, amendment, or report. Notwithstanding the provisions of 139(a) of the Legislative Reorganization Act of 1946—which provides that there must be 3 days on appropriation bills, during which reports, and so forth, are to be made available to Senators—I would provide that there be only 1 calendar day, beacuse once we reach December 1, then the time is short and we are in an emergency situation.

Mr. President, I ask unanimous consent to proceed for 10 additional minutes.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, we would have had 11 months, so that when we reach December 1 an appropriation bill, being a "must" piece of legislation, should be acted on more expeditiously than would otherwise be required during the preceding months. So it is important that we limit or cut down that 3-day period to 1 day, else with 5 conference reports, as we have been confronted with here recently, that would, under the Reorganization Act, be cumulative to a total of 15 days before the Senate could proceed to the consideration of the five conference reports, and that alone, under the present procedures.

Now, finally, I have included a provision after having talked with the able Senator from Arkansas (Mr. FULBRIGHT), and knowing that he has been concerned with respect to appropriations not previously authorized. The provision reads as follows:

> The above provisions of this paragraph—which would be an addition to rule XVI—"would not be applicable to any general appropriation bill appropriating funds not authorized by law or embodying legislation not approved by at least a three-fourths vote of the total membership of a Senate committee."

Mr. President, why do I add the provision with respect to a three-fourths vote of a committee? For the simple reason that in almost every appropriation bill that comes before the Senate there is language constituting legislation on an appropriation bill against which points of order could be made. But points of order are not often made against the legislation because it is not of a general nature or of a controversial nature. But it is quite possible that very controversial legislation could be written into an appropriation bill. So that I would suggest a three-fourths vote of the committee for approval of that legislation, else the limitation on time, which I am proposing for floor debate, would not apply.

I would think that anent controversial legislation, there would be at least more than one-fourth of the membership on a committee who would oppose the legislation and, consequently, all bets would be off and the limitation on debate would not be applicable.

I am glad to say, parenthetically, I think the Senator from Arkansas has contributed much to the preservation and integrity of the legislative process.

I must admit that I conducted seminars at American University Law School and taught my students that before an appropriation could be made, there first had to be authorizing legislation enacted into law.

I found only last fall, I believe it was, that I had been misleading those students. One cannot find this in the Senate rules anywhere, that appropriations must be previously authorized by law before they can be legitimately made. That is not in the Senate rules. The nearest thing to it is in rule XVI, and in the precedents. It may be found in the Budget and Accounting Act of 1921 or somewhere else. I have not researched it. But that is the way it should be. Otherwise, why not abolish the legislative committees.

My resolution may have some flaws in it, and someone may point them out today. But if we have hearings thereon, perhaps they will be found and cured. I do feel that this proposal is the real way to get at the bottleneck which has strangulated the Senate in the past month in the effort to pass appropriation measures.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished Senator from West Virginia. Once again, he is demonstrating his great understanding of the rules of the Senate as well as his creativity and resourcefulness in forging constructive reforms.

If the Senator would entertain cosponsors I would like to join him in cosponsoring the resolution. While we disagree upon the further need for revision of rule XXII, I wholeheartedly concur in his proposal to amend rule XVI as a way of limiting debate on appropriation bills and conference reports. For this limited purpose, the idea of the Senator from West Virginia to amend rule XVI—rather than rule XXII—is a good one. We might as well realize that there seems to be something sacred about rule XXII.

It would be more difficult to achieve his purpose by seeking to amend rule XXII.

Let me say that I, too, believe the resolution may be improved with hearings.

For example, it may well be that the December 1 date is not the right date. After more deliberation we might prefer a November or October date.

The resolution drafted by the Senator from West Virginia is a good one. I want to be associated with it and I want to support the Senator from West Virginia as much as possible in this endeavor.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator for his comments. I will join his name as a cosponsor of the resolution. I welcome the cosponsorship of others.

I am not wedded to every word, comma, and semicolon in the resolution. However, I am wedded to the idea. Perhaps the date should be changed to October 1 or November 1—or even earlier.

May I say, parenthetically, that I have been among those who have most rigidly resisted any further changes in rule XXII. But I want to remind at least my constituents, if not indeed my colleagues, that I was one of those who voted for a change in rule XXII in 1959 when we changed the requirement for cloture from a constitutional two-thirds to two-thirds of those present and voting. So, I do not think I have been unreasonable in my opposition to change of Senate rule XXII. But the Senator from Michigan has put his finger on a very vital point here. We would not be raising the red flag of rule XXII. We would not tamper with the cloture rule, which to some of us is sacrosanct. If we get into that fight, we will waste another month or 6 weeks of the Senate's time.

If we want to really get at the meat of the coconut and attack this bottleneck which has had us straitjacketed during the past 4, 5, or 6 weeks, the change I propose in rule XVI would provide the medicine with which to do it.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. BAKER. Mr. President, I commend the Senator on new and original techniques for improving the rules of the Senate.

I have certain reservations about the resolution. When I first asked the Senator to yield, he explained some of them. However, I would like to discuss with him an example of the proposal he has in mind. Particularly, I would like to make sure that that portion of rule XVI which provides a general prohibition against legislation on an appropriation bill is not subverted and that other aspects of the proposal would in turn not be subverted by the mere advocacy of legislation on an appropriation bill reported by three-fourths of the committee. Three-fourths of the committee are not likely to do that, but it is possible. I am not ready to vote to substitute three-fourths of the committee for two-thirds of the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I be permitted to continue for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, in such an event, if it were to occur, points of order could yet be made, as they can now be made, against legislation on an appropriations bill.

Mr. BAKER. Mr. President, I, too, am most heartened to hear that the Senator

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is working toward changing the rules of the Senate—and of the House of Representatives, if the other body will concur—so that we will have an orderly process for considering legislative business in the early part of the year and reserve the balance of the year for the consideration of appropriation bills.

I feel it important that Congress go about the business of devising a way to produce an orderly disposition of its business as well as an orderly consideration of its business.

I commend the Senator for his statement.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator. I agree wholeheartedly with the necessity for exploring these other matters. But here is one matter that lies within the purview of the Senate alone, to improve not only its procedures, but also its image before the country.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. SCOTT. Mr. President, I am very glad the Senator has proposed something which moves toward a limitation of debate.

As the Senator from Michigan has said, while the Senator from West Virginia and I do not agree on changes in rule XXII, I would support certain of those changes.

I have read the stories in the Christian Science Monitor of today and in the Philadelphia Inquirer, both of which are highly critical of the Senate's behavior as an institution.

No one is more sensitive to that than the distinguished Senator from West Virginia. As he has often pointed out, we would do better if we adhered to the rules more closely. The procedural changes he proposes are very good.

I would like to have the honor of having my name added as a cosponsor.

I would like to point out that other procedural and inhouse changes have been under consideration now for some weeks.

The Senator knows I have been handling that on the Republican side in the policy committee and elsewhere.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, if a Senator speaks and only one Senator wants to hear that Senator's speech, not only is the Senator speaking entitled to be heard, but the Senator who wishes to listen is entitled to hear.

I ask that attachés and aides be seated and the Senators in the Chamber cease conversations or leave the Chamber.

Mr. SCOTT. Which also is an improvement in the inhouse procedure.

Mr. BYRD of West Virginia. Mr. President, may I say it is one which is not invoked often enough.

Mr. SCOTT. Mr. President, I agree with the distinguished Senator from West Virginia.

I was saying that I have been working with my colleagues on this side of the aisle and with the Senator from West Virginia in his views and the very fine and progressive, some of them innovative proposals of four Senators, two from each party—Senators SAXBE, SCHWEIKER, CRANSTON, and HUGHES—who have made some very solid proposals.

They have been considered by the Senate Republican Conference and by the Democratic caucus.

On some of those I have made certain annotations.

We had a rather unusual experience the other day when two Republican Members addressed the Democratic caucus for the purpose of advancing an improvement in the procedures of the Senate. They were tremendously pleased and encouraged with the reception they received. So this is bipartisan.

Some of these suggestions, I think, are extremely good. The enforcement of certain rules is one suggestion I especially favor, and I hope we can persuade enough Senators to support it.

The PRESIDING OFFICER. (Mr. McINTYRE). The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. A suggestion that I believe would expedite Senate business would be for special orders, as the House calls them, to be transferred to the end of the day for the most part. There are many reasons for that. The House discovered why a long time ago. Any legislative body has its people who work in committees much of the time, those who work in their offices, and others who speak on the floor a greater percentage of the time. But if some Senator is so imbued with the importance of what he has to say—and it may be of tremendous importance to him, his State, and nationally, and I know his desire to be heard in the morning hour—I would hope they would do what I do frequently and that is to present a part of my speech and secure unanimous consent of the Senate to extend the remarks. That is why I do it. If a Senator were concerned about a deadline, and the afternoon papers, he could have his staff run it up to the gallery just the same. Those are his thoughts and they will be printed.

But if he wants to entertain himself and bore the heck out of the rest of us, I think he should do it in the sunset hours. The Senate is not propelled by its windmills, but it is tilted by them. I have great respect for all Senators to be heard, but why should it be at our expense, and why should it be at the expense of the Nation's business? Why must we all absent ourselves from the Chamber for hours at a time while a single Senator drones on to the disinterest of the galleries, to the absence of his colleagues, and, perhaps, if he has a sense of humor, to his own infinite boredom. If he wants to do that, let him do it as the day ends and the night falls.

That is why I am anxious to see this done. I know there will be opposition. It will not be advanced on the floor of the Senate, but it will be in the back rooms by people who like to feel the entire world is hanging on their words each day. I cannot believe the rotation of the spheres depends on any one of us. I occasionally get carried away with some of my own oratory, and that is an example of how one gets to like the practice.

I thank the Senator.

Mr. BYRD of West Virginia. The Senator should continue. He is a very learned and distinguished man. What the Senator is saying with respect to darkness causes me to remember what Napoleon said at Waterloo:

> Would that darkness or Blucher were here at this time.

Mr. SCOTT. I thank the Senator for another quotation which I have borrowed from him.

Mr. BYRD of West Virginia. It is attributed to Napoleon.

Mr. SCOTT. I am reminded that Napoleon also said that an army can do anything with bayonets except to sit on them, which is a good comment.

I hope both parties will adopt the very good suggestions of the Senator from West Virginia and the other four Senators. As the Senator knows I will support some change in rule XXII because I believe it would expedite the business of the Senate. But I will do it in good spirit and I recognize that many Senators disagree.

As to the seniority matter, perhaps we could consider some changes in it. The public generally thinks seniority is a matter whereby the vigorous and vital are ruled by the decrepit; others think that experience counts. So we have to solve that. But we have proposed changes in the seniority system. If they are specific I will be open and examine all of them.

Mr. BYRD of West Virginia. Mr. President, before yielding to the Senator from Illinois I wish to comment briefly on what the able minority leader has said. I add my congratulations to those Senators, four in number, who are, I think relatively new in this body but who have sought to come to grips with procedures here in order to bring a little better decorum and order in the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia Mr. President, I also commend the majority leadership and the minority leadership for considering the suggestions those four Senators have made.

I yield to the senior Senator from Illinois.

Mr. PERCY. Mr. President, my comments will be brief and I would like to ask one question at the conclusion of my remarks.

First, I welcome very much the analysis our colleague will be giving to this problem. He is in a remarkable position to give his incisive thoughts to how we can speed up our procedures.

If we modify our procedures in any way in the 92d Congress to speed up our work and facilitate it and make it more

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efficient than the dilemma in which we find ourselves this year, it will be a step in the right direction. We had a crisis this year that was of our own making to a great extent.

I believe the Senator from West Virginia is in a remarkable position to do this also because of his love for the Senate.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? There is no colloquy necessary at this point except the colloquy presently occurring here in the middle aisle of the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. PERCY. Probably no Senator has spent more time on the floor of this Chamber in my 4 years' experience than our distinguished colleague from West Virginia, who has such a high regard for the Senate and who wishes to see it operate efficiently and effectively. I shall do everything I can to support procedures that will carry on the tradition of the Senate in the best sense, but also to remove some of the procedures of the past which have not served their purpose.

I would like to ask this question. Would the distinguished Senator feel we should keep an open mind about the possibility of changing the fiscal year from July 1 to June 30 to a fiscal calendar year of January 1 to December 31? We are all creatures of our past thinking and past actions. There is something orderly in the procedure of getting ready for the new year. I feel that before we go home at yearend we should have our appropriation bills approved instead of hanging over into the next year. For instance, we find that the Department of Transportation is still operating on budget levels planned during the Johnson administration. The Nixon administration has not yet felt the full force and effect of a Department of Transportation appropriation bill that it can call its own program as working out with the Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

With respect to having an executive session and a budgetary session, and with respect to changing from a fiscal year system to a calendar year basis my mind is as open and as broad as the universe. I am open to that suggestion and I think we should explore it. It is an excellent one. But that would require the attention of both Houses. Here I am trying to get at something to help us resolve the kind of crisis we have faced in this body in the last few days, and mine is a proposal which can be put into effect by the Senate alone.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, the Senator from Vermont has been listening intently to the colloquy. I commend the Senator from West Virginia for trying to speed up the work of Congress. With respect to one change which might be beneficial in his resolution, I am wondering about the date of December 1, which is near Christmas and Members may be too full of the Christmas spirit, and I mean the spirit of Christmas.

Mr. BYRD of West Virginia. The Senator does not mean spirits in the plural.

Mr. AIKEN. No, I did not mean what the Senator from West Virginia was thinking. But I would suggest that if any proposal is made for extending the seniority system and leaving the selection of the chairman of committees up to the members of the committees that there be a provision made for the reporting of campaign expenses, and receipts. Otherwise I fear the door to opportunity and temptation might be found wide open by some, it would just mean putting on a political campaign for a committee chairmanship and a lot of extra work and possibly extra costs on the part of those who were interested in who was going to be chairman, and so forth.

Those are the only suggestions I have to make the date earlier than December 1 and in the other case, if we are going to have campaigns for committee posts, there should be a system of reporting receipts and expenses.

Mr. BYRD of West Virginia. I thank the Senator from Vermont. Perhaps it would be a good idea that we explore setting a date earlier than December 1. And his comments regarding the reporting of receipts and expenses are not without good reason. It is a very subtle and valid point.

Mr. AIKEN. May I add one thing? I remember when the Senator from New York (Mr. JAVITS), who is in the Chamber, was a freshman Senator, and I was appointed chairman of a committee to devise better means of making committee appointments, we did the best we could. We found that this had been a troublesome problem since 1789, the first time Congress met, and from time to time Congress had tried to devise better means. Because of the potential which I have just referred to and the influences that could be brought to bear to get committee positions, we found that, like the committees that had studied this problem before us for the last 175 years, we could not devise anything better at that time.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

Mr. AIKEN. I do think the Senator from Illinois had a suggestion, though, that on appropriations we perhaps should consider going to a calendar year rather than a fiscal year, in which case the December 1 date would probably apply, although even there October 1 or November 1 would probably be better.

Mr. BYRD of West Virginia. I thank the Senator from Vermont.

Mr. JAVITS. Mr. President, will the Senator yield to me momentarily, to be taken off my time?

Mr. BYRD of West Virginia. Yes.

Mr. JAVITS. I would like to associate myself with those who urge a calendar year for the United States rather than a fiscal year. This is a longstanding reform which has been urged by many long before us, and is now perhaps approaching its time because of our dissatisfaction with the way in which we get tangled up in our own processes. I hope very much that can be worked out.

With respect to the reference by the Senator from Vermont (Mr. AIKEN) to what we tried to do about seniority in the Republican conference, it is a fact that, with the Senator from Colorado (Mr. ALLOTT) and the Senator from Kentucky (Mr. COOPER), we did alleviate very considerably the seniority rule, and without disturbing our seniors, because what we did was to pick out some important committees, four in number, I believe, and limited seniority in those, so that one Member could not be on any two of those committees, and then the whole wheel went around again on the seniority question, thus spreading out the opportunities.

Immediately upon that being done, I might say just for illumination, the Senator from New Jersey (Mr. CASE), for example, went on the Foreign Relations Committee, and other Members, relatively new Members, went on the Armed Services Committee. That satisfied a great many of the pressures which we had been under and moved us more nearly to an equitable system. I suggest that as one of the many things that we did on our side which might be generally applicable.

Mr. BYRD of West Virginia. I thank the Senator for his contribution. I wish to state that at such time as my Subcommittee on Rules calendars the resolution which I am going to introduce today for consideration, all Senators will be informed, and in the meantime they may wish to submit to me, as the chairman of the subcommittee, any other suggestions which they would like to have the subcommittee explore.

We have reached a time for taking an inventory of ourselves, and I think quite rightly.

Mr. President, it will be my intention, as the chairman of that subcommittee, to try to explore such ideas as may be submitted by any Member of the Senate and which will, in the final analysis, prove to be feasible and acceptable and workable and enable the Senate to more expeditiously attend to the business of the people.

Mr. President, I do not impose on the Senate often, and I hope I shall not impose on the Senate very much longer. In closing, I wish to say I have had a great deal to say about decorum in the Senate, and especially have I been somewhat critical of the conduct, on the Senate floor, of aides to Senators.

Under rule XXXIII clerks to Senators are given the privilege of the floor when they are here in the actual discharge of their official duties. When they are here in the actual discharge of their official duties they are appropriately on the floor. I recognize that.

I think I should say, having been one who has been somewhat critical of clerks to Senators, that I have been thusly critical because I feel that the Senate is a great institution and that we best expedite the people's business when there is order and decorum in the Senate. I recognize the fact that when they are here on Senate business, they have a right to be on the floor but they ought to sit down and be quiet. Senators themselves ought also to be more quiet, but Senators are elected by the people to be here. We have to be here on the floor, and we should be here, even though we ourselves should be a little more decorous and a bit more respectful of the rights of other Senators to speak and be heard.

I just want to emphasize that I am not down on Senators' aides and clerks to Senators as such. I recognize that when they have to be here in the actual discharge of their official duties, then they have business on the floor. I respect them for it, and I shall protect their rights to have the privilege of the floor. But let them not forfeit their privileges by coming on the floor merely as onlookers.

Mr. President, while I have the floor and while I am on the subject, I have tried for 4 years here, as the secretary of the Democratic Conference, to bring about better order in the Senate. I have tried to be patient about it. Having been a Member of the House of Representatives, I often wonder what would happen in the House of Representatives if aides and if clerks to Representatives were allowed on the House floor. With 435 Members of the House of Representatives, there would not be room on the floor of the House of Representatives for the Members thereof if they allowed their clerks to come onto the floor as we allow ours.

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I do not say this with any disrespect toward any Senator, but I simply say all Senators ought to keep this in mind when they allow their clerks to be on the floor, and their clerks should not abuse the privilege of the floor.

I hope work will be expedited on the public address system. I know that work is being done on it. I know it takes a long time to lay 26 miles of wire and provide for 3,000 connections. I hope that in the interim, before the convening of the new Congress, the installation of the system will be completed, so that clerks can sit in the gallery which is set aside for that purpose.

I agree that they cannot hear what is being said now unless they come on to the floor. But with the installation of that system, they can sit in the gallery to my right and just behind me, which is set aside for them, and then they can advise their Senator if he needs advice when he comes on to the floor as to the status of a particular legislative measure.

Moreover, I do not think it is necessary for a Senator to have two clerks on the Senate floor at any one time, except when he is managing a bill or the situation is an exceptional one. I think the number should be reduced to one clerk. In fact, a Senator ought to be required, perhaps, to ask unanimous consent for his clerk to be on the Senate floor at any time, and I say this with due respect for Senators and particularly for their staff personnel. As a matter of fact, I claim a little credit for having put these divans in the rear of the Chamber on my left for the comfort of staff. There was a time when the clerks had to stand in the rear of the Chamber, and I asked the majority leader if I might recommend that the Sergeant at Arms put seats in for them. It is only when staff aides appear to add to the disorder and confusion that Senators become irritated. But, again, the blame is not with them in the final analysis, but with Senators for permitting this to happen.

Mr. President, I have taken an undue amount of time. I apologize to the majority leader. I do not want anyone to interpret anything I have said in any way adverse criticism of him or his statement.

I ask unanimous consent that the resolution to which I alluded earlier, which would amend rule XVI, be printed in the RECORD at this point, and I have added the names of those Senators who expressed a desire to be cosponsors.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolved, That Rule XVI of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"8. Whenever a general appropriation bill for a fiscal year has not been enacted before the first day of December of that year, and that bill has been reported by the Committee on Appropriations, a motion for the immediate consideration of that bill shall be decided without debate. Consideration of any such bill shall be a highly privileged matter, and debate thereon shall be limited to two hours upon each amendment offered thereto and to ten hours upon the passage of the bill. Any procedural question arising in the course of such debate shall be decided without debate. Debate upon the report of a committee of conference upon any such bill shall be limited to ten hours upon agreement to the conference report and to one hour upon each matter reported in disagreement between the Senate and the House of Representatives. A motion to further limit debate upon any such bill so privileged, or upon the report of a committee of conference upon any such bill, shall be decided without debate. Whenever debate upon any bill, amendment, or report is limited under this paragraph, the time provided for debate thereon shall be divided equally between Senators in favor of the bill, amendment, or report and Senators opposed to the bill, amendment, or report. Notwithstanding the provisions of section 139(a) of the Legislative Reorganization Act of 1946, as amended, any bill subject to the provisions of this paragraph may be considered in the Senate at any time at which the report of the Committee on Appropriations thereon has been available to Members of the Senate for one calendar day." The above provisions of this paragraph shall not be applicable to any general appropriation bill appropriating funds not authorized by law or embodying legislation not approved by at least a ¾ vote of the total membership of a Senate committee.

U.S. PRISONERS OF WAR

Mr. JAVITS. Mr. President, there have been a very considerable number of statements made here about the number of prisoners of war, in fact almost daily, and it has been a matter of policy on the part of the President's party to make those statements every day. I am making the statement today.

My own statement, Mr. President, deals with the implications of a film shown the other day throughout the country of two prisoners of war being interviewed by a newsman—not an American newsman—who asked them certain stated questions.

Mr. President, I watched this particular interview, so I am able to speak about it in direct terms. I think we all have the rather clear impression—and it is very understandable—that those two American officers were chosen to be interviewed, and that they knew it, and that they felt a sense of trusteeship for hundreds of other POW's, and hence were very, very considered and cautious in their responses.

Obviously, Mr. President, we can all see through the purpose of the film, which was strictly North Vietnam propaganda. Much as we are grateful for anything we get on these POW's, any knowledge that even one of them is being decently treated, and any concept that they are alive, such as has been manifested to us by the lists which have been furnished, indeed in part through the good offices of two of our Senate Members, Senators KENNEDY and FULBRIGHT, which pretty much paralleled the information which was already in the hands of our Government authorities, I think it is very important, Mr. President, that the country noted, those who had not seen the film as well as those who had, that it was entirely a propaganda film entirely intended to blunt or slow up the drive by many hundreds of Americans—it is the universal feeling of this country—to win for the U.S. prisoners of war at least the minimal humane treatment required by the Geneva convention, to which Hanoi is a signatory; and of course, again, the overtone is that the wives and families of these prisoners and other organizations which are equally intent on procuring for them humane, internationally agreed upon treatment, should be sort of satisfied with these explanations, and lulled into thinking that maybe things are not all that bad for our prisoners in North Vietnam.

We have lots of other evidence, Mr. President, on that subject, as to the real picture of the illnesses, the inhumanity of depriving them of communication, and the dangers to which these POW's have been submitted, in addition to the deep and profound interrogations and deep brainwashing to which they have been subjected. So I do not think anyone in this country will be taken in by this film. Nonetheless, it is important to sound that note of warning.

With that in mind, Mr. President, I think it is also important that we keep our own house in order. Much criticism has been made, for example, of how prisoners of war, North Vietnamese prisoners of war, fare in South Vietnam. Our country has acted most commendably in respect of doing its utmost to see that under our general aegis, there was not any situation of inhumane treatment or violation of the Geneva Convention. I urge very much that our country continue those efforts, as it is the best way in which to demonstrate the good faith of our seriousness and indignation over the kind of treatment which we know has been meted out to our prisoners of war.

Finally, I wish to say that what the civilized world must condemn in the most unmitigated terms is the silence and doubt in which hundreds upon hundreds of families have been left by the refusal of the North Vietnamese to disclose lists of the prisoners as well as their condition. There are so many wives and children who do not know whether their fathers and husbands are alive or dead. This is the most inhuman aspect of all which has characterized the conduct of the North Vietnamese, and I hope that Ambassador Bruce, our Ambassador to the Paris talks, will continue in the most vigorous way, and unceasingly, to demand disclosure, which is the most elementary aspect of the Geneva Convention, to which Hanoi is a party.

The **PRESIDING OFFICER**. The Senator's time has expired.

Mr. **JAVITS**. I ask for 1 additional minute on this particular subject.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **JAVITS**. Mr. President, in my judgment, this is the way in which our country ought to proceed in respect of this matter. World indignation, Mr. President, can get results, and I believe it will in respect of the POW's as well.

Mr. President, I yield the floor.

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **GRIFFIN**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

A TRIBUTE TO JUDGE SIMON E. SOBELOFF

Mr. **GRIFFIN**. Mr. President, in a time when there has been a great deal of criticism, often justifiable, of our Federal courts, it is a pleasure to rise in praise of an outstanding jurist—Judge Simon Ernest Sobeloff, who retires today from the U.S. Court of Appeals for the Fourth Circuit.

In his long and distinguished career, Judge Sobeloff served as Baltimore City solicitor, U.S. attorney for Maryland, chief judge of the Maryland Court of Appeals, Solicitor General of the United States, chief judge and judge on the U.S. Fourth Circuit Court of Appeals.

That career has been marked by dedication to his profession and the courage to pursue justice even when the particular cause was unpopular.

Nowhere has Judge Sobeloff's courage been more evident than in his role in ending legislative resistance to school desegregation in the South. Sworn in as circuit judge in 1956, Judge Sobeloff became chief judge in March 1958, a time in which his court was facing the strain of attempts at massive resistance in defiance of the Supreme Court desegregation decisions. Rather than avoid the local criticism and leave it to the Supreme Court to force the States in his circuit to integrate, the judge faced his responsibility and gradually untangled the obstructions to school desegregation.

However, rather than ram the unpopular decisions down the necks of the school boards in his district and merely lecture southern lawyers and communities on their responsibilities, a course that could have destroyed the public school systems, Judge Sobeloff reasonably led them, often with affection and wit, away from resistance and toward moderation. As a result he sometimes found as much disfavor from the more liberal of his civil rights supporters who regarded him as too much of a gradualist, as among the stanch segregationists.

His gradual approach to school integration reflected his philosophy toward the role of the judiciary in our society, an approach that should be considered by all our present judges. In a speech to the Judicial Conference on the fourth circuit after his appointment to the Federal bench but before his confirmation, Judge Sobeloff offered the following reflections:

> The (Supreme) Court may reject a case, not because the question is unimportant, but because it thinks the time is not ripe for decision. In our system, the Supreme Court is not merely the adjudicator of controversies, but in the process of adjudication it is in many ways the final formulator of national policy.
>
> For several years before taking the school . . . cases the court repeatedly turned away opportunities to decide questions in that area, perhaps they deemed them premature . . . In the decisions of great constitutional questions, especially those in the realm of political controversy, timing can be of supreme importance.

Other Senators have this week justifiably described and praised Judge Sobeloff's long years of service to his State and his Nation so I will not repeat their descriptions of his distinguished career. However, I feel that I should note one fact that may have escaped the notice of some of Judge Sobeloff's other admirers. We can be proud that Judge Sobeloff began his 64 years of public service here on Capitol Hill. At the age of 12, in 1906, he was appointed a page in the House of Representatives.

We hope and can expect that Judge Sobeloff's acceptance of senior judge status will not deprive us of his wisdom, wit, and humanity. We hope that he will enjoy many more years of health and happiness and that in that period he may find time to write and speak so as to continue his tradition of making the complexities of the law more lucid for us all and, to use Senator Mathias' description, to continue "humanizing" the law.

Mr. **JAVITS**. Mr. President, will the Senator yield?

Mr. **GRIFFIN**. I am glad to yield to the distinguished Senator from New York.

Mr. **JAVITS**. Judge Sobeloff is a friend of mine of long standing, as well as a most distinguished judge. I feel that the Senator from Michigan has done a very fine thing in making this tribute to Judge Sobeloff, and I should like to associate myself with the Senator's remarks.

Mr. **GRIFFIN**. I thank the Senator.

Mr. **CASE**. Mr. President, will the Senator yield?

Mr. **GRIFFIN**. I yield to the distinguished Senator from New Jersey.

Mr. **CASE**. Mr. President, I, too, have had the great privilege of friendship with Judge Sobeloff and have been an admirer of his as well for a long time. I join the assistant minority leader in his very best wishes to Judge Sobeloff on his moving over to inactive status. I know that all it means is that they will have another judge in that circuit, because he is going to keep as busy as ever.

Mr. **GRIFFIN**. I thank the Senator.

INTERNATIONAL COFFEE AGREEMENT

The Senate resumed the consideration of the bill (H.R. 19567) to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968.

Mr. **MANSFIELD** obtained the floor.

Mr. **JAVITS**. Mr. President, I should like to make one observation, with the indulgence of the majority leader.

Will the Senator yield to me?

Mr. **MANSFIELD**. I yield.

Mr. **JAVITS**. Mr. President, we have had some protests about this matter, and I have looked into them. On the whole, these protests have been related to the alleged damage which would result to consumers, as well as some complaints that coffee was being held off the market, especially by Brazil.

I ask unanimous consent that the cable I received from the President of the Green Coffee Association of New York be placed in the Record at this time.

There being no objection, the cable was ordered to be printed in the Record, as follows:

December 22, 1970.

Hon. Jacob K. Javits,
Senate Office Building,
Washington, D.C.

Recent action of the International Coffee Organization executive director withholding 5,000,000 bags of quota from the market forces prices artificially higher at the expense of both the consumer and consumption. We urge rejection of continued U.S.A. participation in the International Coffee Agreement.

Richard F. Wear,
President, Green Coffee Association of New York City, Inc.

Mr. **JAVITS**. Mr. President, however against this charge of a possible abuse, the enormous significance of this agreement to our Latin American neighbors must be weighed.

Western Hemisphere producers of coffee supply almost 70 percent of the dollar value of coffee entering international trade. They earned well over $1.6 billion from their coffee exports in 1969. For the 14 leading coffee-producing countries of Latin America, coffee exports provided on the average more than 17 percent of their total export earnings in 1969; and for six of these countries coffee provided from 27 to 57 percent of their total export earnings. Coffee is the breadwinner for some 11,500,000 workers in Latin America.

But the statistics that should concern us most directly here today are those that show the importance of the coffee trade not only for our neighbors but also for ourselves. The economic fact is that every dollar the producers earn from their coffee exports to the United States is a dollar more that they could

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spend for imports from the United States—and in many instances that is how they spend those dollars. In Brazil and Colombia, for example, more than half of the billion dollars they spent for U.S. goods and services in 1969 were dollars they had earned from their coffee exports to the United States. In El Salvador the proportion was 47 percent; in Guatemala, 38 percent; in Costa Rica and Honduras, some 20 percent. And in many of the countries where these percentages are smaller, the percentages are nevertheless very impressive in absolute terms. For example, 5 percent of Mexico's imports from the United States were paid for with dollars earned by Mexico's coffee exports to the United States; but that 5 percent represented some $64 million. Peru's coffee earnings in the United State provided 12 percent of the dollars Peru spent for U.S. goods and services, but that 12 percent represented nearly $23 million.

Actions that adversely affect the dollar earnings of the Latin American coffee producers also adversely affect the dollar earnings of many thousands of workers and businessmen in our own country, who produce or supply goods and services to these millions of coffee producers.

Therefore, on balance, Mr. President, I am going to stand with what the legislative committee has done and it is my view that the bill should pass. However, I do express the feeling that our authorities should look into the issue of the alleged improper withholding of coffee, which has been charged to Brazil, and I believe the Department of State is investigating this charge.

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Mr. KENNEDY. Mr. President, although I would prefer to see the International Coffee Agreement extended for its full term to 1973, I believe that the House measure should be adopted without amendment. It serves to extend the agreement until July 1, 1971, and will afford an opportunity to hold hearings on the question of a further, more substantial extension.

The short 7-year lifetime of the agreement has had a dramatic impact on the world coffee trade, and it offers substantial promise of being a model for a host of other commodities agreements between producing and consuming nations. The International Coffee Agreement has prevented the enormous fluctuations in the price of raw coffee which characterized the preagreement market situation. During the 1940's and 1950's, the range of fluctuation for green coffee exceeded 40 cents. In the past 7 years, that price spread has been cut in half. In fact, the price of raw coffee has actually declined from 41 cents per pound in 1965 to 38 cents per pound in 1969. Although an unexpected freeze and a severe drought in Brazil have distorted the price picture this year, the overall trend has been toward lower and more stable prices.

For the consumer, it also is clear that the agreement has meant declining prices relative to other items in the cost of living index. While the retail price for all foods has risen 24 percent between 1960 and 1969, coffee prices have increased only 1.6 percent.

By assuring an adequate supply during periods of low production, the International Coffee Agreement has held down the normal price increases. Brazilian crop failures in 1964 and 1969 posed dangers of vastly inflated consumer coffee prices; but in both cases, the International Coffee Organization released warehoused supplies and expanded quotas for other countries to prevent prices from skyrocketing. Presidents Johnson and Nixon both noted the importance of these measures to the U.S. consumer in their annual report to Congress on the agreement.

The agreement also has fulfilled its second purpose of stabilizing prices and preventing overproduction in the developing nations of Latin America, Africa, and Asia. In these areas, coffee is second only to petroleum as a source of foreign exchange earnings. Coffee exports provide over $2.5 billion in earnings to the less developed nations who participate in the agreement. To some nations, it is virtually their only source of dollar income.

Burundi, one of the newest African states, obtains over 80 percent of its export earnings from the sale of coffee; Columbia counts on coffee for 57 percent of its foreign earnings, and Brazil, despite its diversification, still depends on coffee for over 37 percent of its export sales. In addition, there are 14 countries whose foreign exchange receipts substantially rest on the coffee market. Instability in world coffee prices meant chaotic boom or bust economies for these nations in the decades prior to the International Coffee Agreement.

The United States has a significant stake in the prosperity of these developing nations. The 41 producing members of the agreement purchase $5.5 billion in American goods and services each year. A substantial portion of these U.S. exports are paid for with the dollars earned by the sale of coffee. President Kennedy noted that "A drop of 1 cent a pound for green coffee costs Latin American producers $50 million in export proceeds—enough to seriously undercut what we are seeking to accomplish by the Alliance for Progress." Today that 1 cent drop in world coffee prices means $72 million less in export earnings for the producing nations.

So, there can be little doubt that the International Coffee Agreement has realized its goals during its brief history and is worthy of extension by the United States.

However, a threat to its existence has been bluntly posed by the House Ways and Means Committee which has demanded that Brazil raise its export tax on soluble—instant—coffee bound for the United States. Without Brazilian acquiescence to this additional tax or a tariff imposed by the United States, the committee has stated it will refuse to consider extension of the entire International Coffee Agreement.

Before discussing this situation in detail, I would like to note that in the balance is the American consumer who has been protected from high coffee prices by the agreement, the 41 developing nations whose economies rest on the continuation of stable world coffee prices, and American firms whose $5.5 billion in exports depend on the purchasing power of these developing nations.

It is revealing to note that General Foods, the giant of the instant coffee field with some 50 percent of the U.S. market, is the only coffee company that has demanded an increase in Brazil's export tax. It claims that Brazil's share of the market has meant a decrease in U.S. employment and cites its own shutdown of a coffee plant in San Leandro, Calif., with 41 employees.

In fact, industry spokesmen say the plant closing was part of General Food's own modernization effort which resulted in much larger plants on the Gulf and East coasts, nearer to the source of its raw coffee producers. At the same time that General Foods has talked of a decrease in U.S. employment, it has been building plants in West Germany and England which are now exporting instant coffee to the United States.

General Foods has been virtually the only firm to register a demand for an increase in the export tax. The National Coffee Association, the U.S. coffee industry's major spokesman, has rejected General Food's demand for a threefold increase in Brazil's export tax on soluble coffee and adopted a resolution, which I ask to be printed in the RECORD at this point, disavowing the need for any increase in that tax at all.

The other firms apparently see no evil or unfair advantage in the fact that Brazil has taken the advice of the Punta de Este conference in 1967 attended by President Johnson calling for Latin American presidents to:

> Provide incentives and make available financial resources for the industrialization of agricultural production, especially through the development of small and medium industry and the promotion of exports of processed agricultural products.

Thus, Brazil has developed a fledgling instant coffee processing industry which since 1966 has been able to acquire 16 percent of the U.S. market. U.S. companies other than General Foods, do not see this as dangerous competition, and I seriously question whether the Congress should adopt the position of General Foods to the disadvantage of the American consumer. Prior to the United States adopting a policy of forcing Brazil to impose an additional tax on soluble coffee, I believe the Senate should hear from representatives of General Foods, consumer representatives and foreign policy experts. Therefore, while I urge passage of this bill to extend the International Coffee Agreement as passed by the House, I would question the reasoning contained in the committee report for the reduction in the time of the extension is still open to serious question and urge a serious inquiry by the House and Senate committees prior to the expiration deadline of July 1, 1971.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 19567) was read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, may I say, for the information of the Senate, that the joint leadership is taking up only unobjected-to items on the 20 or so bills which were reported just yesterday and which reached the calendar today. With respect to those which have "holds" on them, the holds will be honored.

PROVISIONS FOR THE FREE ENTRY OF CAST BELL CARILLONS FOR THE USE OF INDIANA UNIVERSITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1538, H.R. 19113.

The PRESIDING OFFICER (Mr. McINTYRE). The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 19113) to provide for the free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1550 and 1552, which are likewise clear, with no "holds."

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVISION FOR FREE ENTRY OF A CARILLON FOR THE USE OF THE UNIVERSITY OF CALIFORNIA AT SANTA BARBARA

The Senate proceeded to consider the bill (H.R. 14995) to provide for the free entry of a carillon for the use of the University of California at Santa Barbara which had been reported from the Committee on Finance with an amendment on page 1, after line 9, insert a new section, as follows:

SEC. 3. (a) The Secretary of the Treasury is authorized and directed to admit free of duty one MS–9 mass spectrometer (including all accompanying equipment, parts, accessories, and appurtenances) for the use of the New England Institute of Ridgefield, Connecticut.

(b) If the liquidation of the entry of any article described in subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to provide for the free entry of a carillon for the use of the University of California at Santa Barbara and a mass spectrometer for the use of the New England Institute."

AMENDMENT OF SECTION 905 OF THE TAX REFORM OF 1969

The Senate proceeded to consider the bill (H.R. 17984) to amend section 905 of the Tax Reform Act of 1969 which had been reported from the Committee on Finance with amendments on page 1, line 7, after "(3)", strike out "and (4)" and insert "(4), and (5)"; in line 10, after the word "new", strike out "paragraph" and insert "paragraphs"; on page 2, line 18, after the word "than", strike out "money." " and insert "money."; and, after line 18, insert:

"(5) The amendments made by subsections (a) and (b) shall not apply to a distribution of stock by a corporation organized prior to December 1, 1969, for the principal purpose of providing an equity participation plan for employees of the corporation whose stock is being distributed (hereinafter referred to as the 'employer corporation') if—

"(A) the stock being distributed was owned by the distributing corporation on November 30, 1969,

"(B) the stock being redeemed was acquired before January 1, 1973, pursuant to such equity participation plan by the shareholder presenting such stock for redemption (or by a predecessor of such shareholder),

"(C) the employment of the shareholder presenting the stock for redemption (or the predecessor of such shareholder) by the employer corporation commenced before January 1, 1971,

"(D) at least 90 percent in value of the assets of the distributing corporation on November 30, 1969, consisted of common stock of the employer corporation, and

"(E) at least 50 percent of the outstanding voting stock of the employer corporation is owned by the distributing corporation at any time within the nine-year period ending one year before the date of such distribution."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 16199) to establish a working capital fund for the Department of the Treasury, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills; and they were signed by the Acting President pro tempore (Mr. ALLEN):

S. 437. An act to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes;

H.R. 10482. An act to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes;

H.R. 18515. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes; and

H.R. 19953. An act to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

FOOD STAMP ACT—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. McINTYRE). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of December 22, 1970, pages 43325–43327, CONGRESSIONAL RECORD.)

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, this conference report deals with the food stamp bill. There were differences between the Senate and the House bills in 24 areas. I shall not undertake at this time to discuss each of those areas, but I will proceed to discuss five of the most important areas, and I will be glad to answer any questions that may be submitted.

Mr. President, the House bill was much more restrictive than the Senate bill. The conferees worked long and hard to reach a compromise which omits or tempers some of the provisions of each House.

Since there is no authority for the appropriation of funds for the program after the end of January 1971, it was almost imperative that a compromise be reached before Congress adjourns. The appropriation bill for the Department of Agriculture for 1971 provided $1.42 billion for the program contingent upon the enactment of authorizing legislation. The House food stamp bill would have provided open end authorizations for fiscal 1971, 1972, and 1973, while the Senate amendment would have authorized $2 billion for fiscal 1971 and $2.5 billion for fiscal 1972. The conference substitute authorizes $1.75 billion for fiscal 1971 and open end amounts for fiscal 1972 and 1973. This would give authority for the $1.42 billion already appropriated and allow for a supplemental amount if that should be necessary.

The most restrictive provision of the House bill would have required States to contribute to that part of the coupon allotment not covered by charges paid by program participants. The State contribution would have started at 2½ percent annually until it reached a maximum of 10 percent. The House conferees felt that this would provide for more responsible State administration, since it would give the State a financial interest in effective and efficient program control. The Senate conferees felt that this provision, particularly in view of the current financial situation of State governments, might discourage State participation and result in denial of the benefits of the program in many areas. The managers on both sides felt very strongly, but in the end the House receded completely on this provision.

Another provision strongly contested was the work requirement provision of the House bill. This provision would have denied food stamps to households containing an able-bodied adult between the ages of 18 and 65 who refused to work. It would not be applicable to students or persons having responsibility for the care of dependent children or incapacitated adults. It would not require anyone to work for less than the minimum wage. However, it was ambiguous in the case of employment not covered by minimum wage laws or regulations, and the conference substitute provides that in such case the wage would have to be at least $1.30 an hour. In addition, the conference substitute makes it inapplicable to persons working at least 30 hours per week and to lockout, as well as strike, situations. A suggestion was made that it be further limited to excluding only the household member who refused to work, but House conferees argued that it was not practicable to prevent any member of a household from sharing in the food placed on its table.

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The Senate amendment based program eligibility on income alone and made any family of four with an income of $4,000 or less per year eligible. The House took other financial resources into account, as well as income, and left the minimum standards to the Secretary of Agriculture. The conference substitute follows the House bill in this respect.

The Senate provided for free stamps to very low income families as a matter of right, while the House imposed a minimum payment of 50 cents per person or $3 per household of six or more. The House receded on this provision, permitting the Secretary to issue food stamps without charge to families with incomes of less than $30 a month for a family of four. This is still somewhat less liberal than the Senate provision for free food stamps for families with incomes of less than one-half the cost of a nutritionally adequate diet.

The Senate amendment provided for certification solely on the basis of an affidavit on the part of the applicant. The conference substitute adopted this provision but limited it to persons on public assistance, which should include the majority of applicants.

The Senate amendment would have extended the program to all areas not having a program by January 1, 1971. This provision was deleted in the conference substitute.

Mr. President, I have covered the principal differences between the House and Senate versions of this bill, and the manner in which they are covered by the conference substitute. I ask unanimous consent that a more detailed explanation of the differences and the conference substitute be printed in the Record.

There being no objection, the explanation was ordered to be printed in the Record, as follows:

Senate Committee on Agriculture and Forestry

EXPLANATION OF FOOD STAMP CONFERENCE REPORT (H.R. 18582)

I. Resolution of Major Differences By Conference Substitute For Senate Amendment to H.R. 18582 (Food Stamp Bill).

The conference substitute—

(A) provides that all financial resources shall be taken into account in determining eligibility, with national standards being set by the Secretary (rather than the $4,000 for a family of four standard of the Senate amendment) Able-bodied adults working less than 30 hours per week would be required to accept employment at $1.30 per hour or applicable minimum wages but would not be required to work in strike or lockout situations. Households consisting of unrelated individuals under age 60, or including 18 year or older dependents for Federal tax purposes of persons outside the household would be excluded.

(B) provides for a coupon allotment to provide a nutritionally adequate diet (currently about $106 per month for a family of four), adjusted to reflect changes in food costs, rather than to provide the "low-cost diet" (currently about $134).

(C) authorizes free stamps for households with incomes of less than the equivalent of $30 per month for a family of four. Other households would pay a reasonable investment, not exceeding 30 percent of income.

(D) provides for certification solely by affidavit of households receiving public assistance.

(E) does not provide for extension of the program to areas not requesting it.

(F) does not require State contribution to the coupon "bonus" value.

II. Other Provisions of the Conference Substitute.

In addition to the above, the conference substitute would amend the Food Stamp Act of 1964 to

(a) make it the program's objective to permit low-income households to purchase a nutritionally adequate diet;

(b) provide for the use of stamps by elderly persons to purchase prepared meals from certain nonprofit organizations;

(c) extend the program to Guam, Puerto Rico, and the Virgin Islands of the United States;

(d) permit concurrent Federal direct food distribution

(i) during temporary emergencies when commercial channels of food distribution have been disrupted (instead of emergencies caused by disasters),

(ii) during transition to the food stamp program, and

(iii) on request of the State agency, no household to participate in both programs simultaneously;

(e) provide for temporary eligibility standards for disaster victims after commercial channels again become available and for special lower eligibility standards and coupon allotment schedules for Puerto Rico, Guam, and the Virgin Islands;

(f) permit households to elect to receive lower coupon allotments for proportionally lower payments;

(g) provide that the State plan require the State to—

(i) inform, and insure the participation of, low income households, and

(ii) provide for fair hearings on grievances of households;

(h) permit deduction of charges for coupon allotments from federal-aided public assistance payments at the election of the household;

(i) extend criminal penalties to alteration of coupons and actions with respect to authorization to purchase cards;

(j) authorize the Secretary to pay 62.5 percent of the direct salary, travel, and travel-related costs of household grievance hearing officials.

III. Detailed Comparison of H.R. 18582, as passed by House, the Senate Amendment Thereto, and the Conference Substitute Therefor.

1. Policy statement language differences (section 1 and 1(1) respectively) do not appear substantive.

Conference Substitute adopts House language.

2. *Senate* (section 1 (2)) amends "food" definition to include products necessary for personal cleanliness, hygiene, and home sanitation.

House contains no similar provision.

Conference Substitute omits this provision.

3. *Senate* (section 1 (3)) redefines "household" to include an elderly person eligible for the "meals on wheels" program.

House does not do this (creating a question as to how elderly persons who do not have cooking facilities can obtain the coupons to be used by them to participate in the "meals on wheels" program).

Conference Substitute adopts Senate provision, plus a provision designed to exclude households consisting of unrelated individuals under the age of 60 (such as hippy communes).

4. *Senate* (section 1(4)) extends definition of retail food store to include nonprofit institutions, boarding houses, and schools providing meals to nonresident persons 65 years of age or over and Department of Defense commissaries.

House (section 2(a)) extends definition of retail store to political subdivisions and nonprofit organizations participating in the "meals on wheels" program.

Conference Substitute adopts House provision.

5. *Senate* (section 1(5)) extends program to the Trust Territory of the Pacific.

House (section 2(b)) does not so extend it.

Conference Substitute does not so extend it.

6. *House* (section 2(c)) defines elderly person as one 60 years or over.

Senate does not define elderly person, although section 1(4) defines retail store as including certain agencies providing meals to persons 65 or over.

Conference Substitute adopts House provision.

7. *House* (section 2(d)) defines an "authorization to purchase" card, and (section 7) provides penalties for their misuse.

Senate does not provide for an "authorization to purchase" card.

Conference Substitute adopts House provision.

8. *Senate* (sections 1(6) and 1(15)) provides for formulation of food stamp program without request of State agency.

House (section 3) conditions program on request of State agency.

Conference Substitute adopts House provision.

9. *Senate* (section 1(7)) requires commodity distribution in food stamp area—

(1) in certain *disaster* caused emergencies;

(2) until the number of persons participating in the food stamp program exceeds the monthly average number receiving commodity distribution just prior to initiation of food stamp programs; or

(3) on request of State, and payment by State of all in-State costs.

House (section 3) permits such distribution—

(1) in certain emergencies limited to disasters;

(2) to cover transition to food stamp program; or

(3) on request of State, but not to households simultaneously receiving food stamps.

Conference Substitute adopts House provision.

10. *Senate* (section 1(8) bases eligibility on income alone and assures eligibility to any household with an income not exceeding the equivalent of $4,000 for a family of four.

House bases eligibility on income and other financial resources, but leaves standards to Secretary. Any household which includes an 18 year old dependent (for tax purposes) of a person not a member of an eligible household shall not constitute an eligible household during the tax period for which such dependency is claimed and one year thereafter. Able-bodied adults (except students and those needed to care for dependents) would have to register for and accept employment at minimum wages, but could refuse to work at struck plants.

Conference Substitute adopts House provision, but modifies work requirement to make work requirement inapplicable to anyone who is employed 30 hours per week and excuse anyone from accepting employment at a locked out plant or from accepting employment at less than $1.30 per hour in cases where no minimum wage is fixed.

11. *Senate* (section 1(9)) provides coupon allotment cannot be less than the amount required to purchase the low-cost diet established by the Agricultural Research Service. (Currently about $134.)

House (section 5) leaves determination of the cost of a nutritionally adequate diet to the Secretary. (Currently about $106.)

Conference Substitute adopts House provision, but provides specifically for adjustments annually to reflect changes in food costs.

12. *Senate* (section 1(9) and 1(13)) provides charge for coupons shall not exceed reasonable investment or 25 percent of income, and coupons must be free to any household whose income is less than half the cost of the low-cost diet. Any household, as a matter of right, may purchase any amount of coupons less than its full allotment and pay a proportionate charge.

House (section 5) provides charge shall represent a reasonable investment, but shall not be less than 50 cents per person per month ($3 per household of six or more persons) nor more than 30 percent of income. Secretary could permit household to purchase a smaller coupon allotment for a proportionately smaller price.

Conference Substitute adopts House provision, plus a provision authorizing the Secretary to issue free food stamps to families with incomes of less than the equivalent of $30 per month for a family of four (in lieu of House minimum charge provision).

13. *Senate* (section 1 (10)) provides for economic and program instruction.

Conference Substitute omits this provision.

14. *Senate* (sections 1 (11) and 1 (14)) provides specifically for the issuance of coupons and collection of charges through post offices or other methods convenient to participating households. Law now permits this, but does not contain a specific provision.

Conference Substitute omits this provision.

15. *Senate* (section 1 (12)) provides for certification solely by affidavit. A household moving from one political subdivision to another would continue to be certified for 60 days.

Conference Substitute adopts this provision, but limits selfcertification to households already receiving public assistance.

16. *Senate* (section 1 (13)) requires coupon issuance at least once a week, permits household to purchase at each issuance date all or any part of its monthly allotment not previously purchased, and permits household to elect to have charge deducted from federally-aided assistance payment.

House (section 6 (a)) permits charge to be withheld from federally aided assistance payment at election of household and the joint approval of the Secretaries of Agriculture and Health, Education, and Welfare.

Conference Substitute permits household to have charge deducted from federally-aided assistance payment.

17. *House* (section 6 (a)) provides for hearings on grievances.

Conference Substitute adopts House provision.

18. *Senate* (section 1(15)) would require Secretary to administer a food stamp program in any political subdivision which does not have a program on January 1, 1971 and in certain other cases.

Conference Substitute adopts House prosion.

19. *House* (section 6(b)) limits organizations furnishing "meals on wheels" to tax-exempt organizations not using federally donated foods.

Conference Substitute adopts House provision.

20. *House* (section 7) makes minor changes in the enforcement provisions contained in section 14 (a) and (b) of the law.

Conference Substitute adopts these changes.

21. *Senate* (section 1(17)) provides that no person will be charged with a violation of any Act on the basis of information contained in an affidavit filed pursuant to section 6(d) (should be 10(c)), except for fraud.

Conference Substitute adopts this provision corrected to refer to section 10(c), the self-certification provision.

22.. *House* (section 9) requires State to pay a portion of that part of the coupon allotment face value not covered by payments by households beginning at 2½ percent for fiscal 1971 and rising to 10 percent by fiscal 1974.

Senate (section 1 (18)) requires Secretary to pay States the costs of issuing coupons and collecting charges.

Conference Substitute omits both provisions.

23. *House* (section 10) authorizes such sums as Congress may appropriate for fiscal 1971, 1972, and 1973. *House* (section 8) authorizes Secretary to pay 62½ percent of outreach and grievance hearing costs.

Senate (section 1(19)) limits appropriations to $2 billion for fiscal 1971 and $2.5 billion for fiscal 1972. Senate would also repeal the existing provision limiting the funds to be used to those specifically appropriated for the Food Stamp Act (so as to exclude use of section 32 funds) *Senate* would permit obligation 15 percent in excess of appropriation.

Conference Substitute authorizes appropriations of $1.75 billion for fiscal 1971, open end for fiscal 1972 and 1973; authorizes Secretary to pay 62½ percent of outreach and grievance hearing costs.

24. *House* would continue State plans in effect for up to 180 days after bill's enactment or until changed to accord with bill, whichever first occurs.

Conference Substitute omits this provision.

DECEMBER 29, 1970.

Mr. ELLENDER. Now, Mr. President, as I have just indicated, there were 24 points of difference. The main ones were the ones I have just mentioned. There was really a lot of give and take by the conferees on both sides of the table. I am happy that we came to this conclusion because the absence of an agreement would have meant no food stamps after January 15 of next year.

If, perchance, there is need for more funds than that appropriated in the fiscal 1971 appropriation bill for the Department of Agriculture which, as I said, is $1,420 million, a supplemental can be presented to provide up to $1,750 million for fiscal year ending June 30, 1971.

If there are any questions I shall be glad to answer them. If not, I understand that my good friend from South Dakota (Mr. McGOVERN) desires to make a statement and I yield to him for that purpose.

Mr. McGOVERN. Mr. President, the food stamp conference report that the Senate is now being asked to consider is, in my opinion, a mixed bag of groceries for America's hungry poor, some fresh and some stale, providing some hope on the one hand, and some discouragement on the other.

I had wished to be able today to stand on the Senate floor and tell the American people that the Congress had fulfilled President Nixon's pledge "to end hunger in America itself for all time." That, however, is not to be the case under the bill reported from the conference.

First, let me say what I find somewhat hopeful in the conference report. The authorization of $1.75 billion for this fiscal year is a step forward. It is five times as much money as the food stamp program had under the previous authorization and it is half a billion more than the administration requested for this fiscal year. This amount will permit continued expansion of the program. I have every hope that the full $1.75 billion will be appropriated through supplemental bills in the new Congress.

Second, the conference report provides for a national eligibility standard, replacing present State-by-State standards. While this is not specified as in the Senate bill, I have every expectation that this will be set by the Secretary of Agriculture at the Federal poverty level, as was done with the national school lunch program. This national eligibility level should permit millions more to take part in the program.

Third, the conference bill will permit elderly citizens, for the first time, to use food stamps to purchase already prepared meals. This will be of tremendous benefit to many aged individuals who have neither the energy or desire to shop and cook for themselves.

Fourth, it provides that families with less than $30 income a month shall receive their stamp allotment free. While this income level is less than half of what the Senate had set, it will be of benefit to about a million persons and it establishes the principle that our very poorest citizens are entitled to adequate nutrition without having to scrape together their last pennies.

These are the fresh groceries. Now for the stale ones, those that decided me to abstain from signing the bill as reported from the conference committee. Those that I sincerely believe represent steps backward from our commitment to feed hungry Americans.

The major piece of stale goods, the issue on which, in good conscience, I simply could not compromise was the so-called "Work Requirement." It has been said that I oppose a work requirement. It would be more accurate to say I oppose this work requirement which reads more like a declaration of serfdom for America's hungry poor. It cuts off food stamps to mothers and children where a father or even an older brother or sister refuses work.

The conference report also follows the House bill in that it makes no provision for suitability of work nor payment of the prevailing wage. Therefore a skilled worker or anyone else temporarily unemployed, a condition that grows more common in this Nation every day, could be made to take any job no matter how dangerous, or distant from his home, at grossly substandard wages.

Certainly the Senate had none of this in mind when it voted overwhelmingly for S. 2547 nearly a year and a half ago.

In conference, I offered what I believe was a more humane and realistic work requirement as a compromise. It provided for a proportionate decrease in stamp allotment for any family member who refused to accept a suitable job at the prevailing wage. The House conferees rejected this proposal. My only conclusion can be that the House conferees intended not so much a work requirement but an instrument to guarantee cheap agricultural and domestic labor, a view shared by George Meany, president of the AFL–CIO, who said,

> It is awful . . . The concept of requiring people to work under the most substandard conditions is a step backwards in America.

The conference report contains other significant steps backward, such as the provision dealing with the stamp allotment that provides only 29¢ per meal or $106 a month for a family of four. This is nothing more than a continuation of the economy diet plan, an unsatisfactory one which the Department of Agriculture has described as an emergency plan that is not nutritionally adequate. This diet demands that a homemaker be an expert in marketing and food preparation. In short, under this legislation even if we reach the still-hungry poor with food stamps there is no guarantee that they will not be malnourished.

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The Senate bill provided for the low-cost diet, or $134 monthly, an amount defined as "nutritionally adequate" by the Department of Agriculture.

In conference, I offered as a compromise, the formula of 90 percent of the low-cost diet, or, in effect, a splitting of the difference between the Senate and the House to set a level of about $120 monthly. The House conferees refused. In light of the fact that the value of bonus stamps is the single most important factor in improving program participation this report insures a slowdown in the fight to end hunger.

My third objection to the conference report regards the process of certification. In its early hearings, the Select Committee on Nutrition and Human Needs heard time and again that a major factor in limiting food stamp participation is the complexity of redtape required by Federal regulations and implemented by local administrators. In cities around the country, like New York, Chicago, San Francisco and Seattle, applicants must line up for days at a time before they are approved for stamps. It is essential that we eliminate these obstacles that are keeping food from hungry Americans. The House bill as adopted in this conference report does not.

Finally, the conference committee reported an authorization that in my view is unsatisfactory. The Senate bill specifically provided for $2 billion this fiscal year and $2.5 billion in fiscal 1972. The House bill left the authorization open-ended but provided for a program extending into fiscal 1973. It is my feeling that the open ended procedure is unsatisfactory because it would permit the program to be restricted by budgetary demands rather than being authorized by law to meet the obvious need. The House offered to accept a specific authorization of $1.75 billion for this fiscal year and provide open ended authority for the next 2 fiscal years. I accepted the $1.75 figure for this fiscal year but insisted on $2.5 billion for the coming year and $3 billion for the 3d year. The House conferees rejected that proposal.

In all, when the conference began there were some 26 differences between the two bills. In the first day of the conference, the Senate conceded on 14 differences, some of them not terribly significant but others of some importance and designed to facilitate participation in the program. Among these were a mandatory nationwide food stamp program, the use of post offices to distribute food stamps in rural areas where banks are not available, and the use of stamps to buy items of hygiene as well as food. Among the remaining 12 items, six were essentially identical between the two bills. That left six including the four I have cited above, as well as a provision for free stamps for the very poor and 10 percent sharing of bonus costs by the States, a provision that would have forced many States to drop out of the food stamp program, and was, I believe, meant to do just that. The House conferees agreed to drop the cost sharing and offered free stamps for families with incomes of less than $30 a month instead of the Senate level of approximately $66. I accepted that offer, which was the only real compromise offered by the House conferees.

Indeed, immediately after the conference I contemplated attempting to persuade the Senate to reject the conference report, an action that would certainly be most deserved. But upon careful consideration, I have decided against that course of action because the parliamentary confusion involved and the short time left to this Congress would too greatly jeopardize the continuance of the food stamp program.

It is only the lateness of the hour that will allow the repressive provisions of this report to become law, and one can only angrily contemplate the 15 months that the House Agriculture Committee let the Senate bill languish in its grip and the failure of this administration to use its influence to get a bill out of the House before the last month of this Congress—quite frankly that was a most odd manner to go about "ending hunger in America itself for all time."

Thus, the will of the majority is once again thwarted. But, Mr. President, more is at stake in this struggle than the honor of the Senate and its rightful position in the legislative process. What is at stake is this Nation's human dignity. We cannot preserve that dignity and practice inhumanity toward our children.

During the last several days, I have experienced firsthand the intense frustration that our poor have felt for years when confronted with our inability as a nation to deal with their most immediate suffering—hunger.

Thus, it should come as no surprise that I serve notice today that this fight is not over and that my first priority on the return of Congress next year will be to amend this legislation in such a way as to bring it into the 20th century.

At this point I ask unanimous consent that the following articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 22, 1970]

CONFERENCE FAILURES PLAGUE THE HILL

The conference committee was invented to enable the House and Senate to reconcile their differences. It is thus a vital part of the legislative process. Without it, most of the work on Capitol Hill would amount to little more than wheel-spinning. But in order to operate successfully the conference must be a reliable instrument of compromise. If it fails in this, as it has done in several instances in these chaotic last days of the 1970 session, it becomes just another instrument of obstruction.

The most conspicuous conference failure at the moment led to the SST filibuster in the Senate. The House had voted $290 million to continue work on the SST. The Senate voted to terminate the program. But the Senate's quota of conferees was packed with a majority of SST supporters who quickly agreed with the House conferees on an appropriation of $210 million for the project. It was not a compromise but a flagrant betrayal of the Senate's decision, which led to a filibuster by the irate foes of the supersonic plane.

In some respects a more flagrant abuse of the conference machinery is the deadlock among the conferees on the food-stamp bills. The House passed an ordinary sort of bill that was more a gesture than a genuine resolution to end hunger in America. The Senate passed a much more comprehensive measure, calling for a $2-billion antihunger fund this year and $2.5 next. It would make the funds available without cost-sharing because of the fiscal crises in many states and cities; the House would require $200 million in matching funds which the states probably could not raise. The Senate prescribed numerous reforms to eliminate red tape in administration of the program, reflecting a passion for results which the House did not share. With the two bills thus far apart, the House conferees insisted on scuttling the Senate bill as the price of any legislation at all. The conference broke up in disagreement, and although the respective chairmen have now agreed to meet again the outlook for an acceptable compromise is grim. A vast amount of work on one of the country's most urgent domestic problems may thus go down the drain because conferees failed to meet their obligations.

Frayed nerves at the end of the session may account for some of this arbitrariness, but a more basic weakness is also in evidence. Only the senior members of the legislative committees, who have attained their powerful positions on the basis of seniority, are selected to be conferees. These men may be grossly unrepresentative of the bodies for which they speak. In effect, therefore, seniority and the conservation that often goes along with long tenure in one-party districts tend to become a serious drag on a supposedly democratic legislature.

We can only hope that frustrated legislators as well as the disillusioned public will see the need for sweeping congressional reforms when the new session meets.

A CHRISTMAS STORY

Mr. McGOVERN. Mr. President, in the New York Times of December 22, 1970, Tom Wicker has written a sad Christmas story. It is the story of the attempt by the Senate and its Select Committee on Nutrition and Human Needs, of which I have the honor to be chairman, to help the Nixon administration to meet its commitment to end hunger in America.

At the time he wrote his column, Mr. Wicker felt compelled to conclude:

"Thus ends, it appears, this tale of putting an end to hunger in America for all time."

But this story will not have such an ending. There are those who are pledged to write a happy ending. We will do our best this year to help the administration meet its own commitment. But this year will not be the end of the story.

Next year, I hope that Mr. Wicker will be able to write a new and more positive chapter.

Mr. President, I ask unanimous consent that the article "A Christmas Story" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD.

A CHRISTMAS STORY

(By Tom Wicker)

WASHINGTON, December 21.—Once upon a time a wave of public indignation arose when persons as different as Robert Kennedy and Senator Ernest Hollings of South Carolina discovered that in prosperous America there were millions of hungry people, many of them helpless children.

So great appeared the public interest that the Senate established a Select Committee on Nutrition; at its hearings in 1969 a Public Health Service survey showed that malnutrition in America was as widespread and serious as in the underdeveloped countries, resulting in physical and mental damage to untold numbers of children, and thus imposing a tax on society far into the future.

These and other events produced a Presidential message to Congress in May 1969 in which Mr. Nixon said that "something very like the honor of American democracy" was at stake in the effort he demanded "to put an end to hunger in America itself for all time." The White House Conference on Food and Nutrition, later arranged by Mr. Nixon, specifically endorsed a measure called the McGovern-Javits bill to expand and reform the food stamp program.

Mr. Nixon had made his own food stamp proposals, but the bill went well beyond them, calling for a nationwide program (about a third of the nation's counties have no food stamp program), simplified procedures for receiving stamps, an increase from $106 to $134 a month in stamp allotments for a family of four (which still would provide only the so-called "low cost" food budget), and a funding level that would rise to $2.5 billion in fiscal 1972.

This measure passed the Senate by 56 to 39 in September of 1969. The Administration indicated that it could accept it, even though it had preferred a more modest effort to end hunger in America for all time. But when the scene shifted to the House, there was no carefully prepared study by a special committee; instead, the matter went to the dark, medieval chambers of the House Agriculture Committee, where it languished like an undernourished child.

The attitude of Chairman W. R. Poage of Texas has been well-expressed by Mr. Poage himself. "You know what happens in the beehive," he said. "They kill those drones. This is what happens in most primitive societies. Maybe we've just gotten too far away from the situation of primitive man."

Unmoved by ample evidence of widespread hunger in America, Mr. Poage ultimately produced a bill that wrote into the food stamp program a requirement that recipients had to work if they were able, and that cut off food stamps from an entire family if any one member refused to work. It also required states to pick up 10 per cent of the cost of the stamps, a proposal patently designed to keep hard-pressed states from expanding or even having a program since the cost-sharing could run into millions. Nor was there in the Poage bill any specific fund autorization, which left the program precariously dependent on the annual mercy of the Budget Bureau and the appropriations committees.

But last week in the House, Mr. Poage was able to produce a letter from Agriculture Secretary Hardin giving Nixon Administration endorsement of the Poage bill against a bipartisan substitute much nearer the Senate version. Even so, the Poage bill passed by only 119 to 116 in an unrecorded vote, which a number of members apparently missed because they were attending Christmas and farewell parties.

The Administration is reported to have hoped the Poage bill would force Senate conferees to scale down the McGovern-Javits bill. This reckoned without W. R. Poage and the House conferees, all of whom would have been right at home in Dickensian London. Instead of a reasonable compromise to put an end to hunger in America for all time, the House group is demanding that the Senate take the Poage bill or nothing.

Senator George McGovern and the other Senate conferees say they already have made fourteen specific concessions (eliminating free stamps for the very poor, for instance, as well as a provision that would have made it possible to buy soap and other hygiene articles with the stamps). They have further offered to accept a less drastic form of work requirement and split the difference between $106 and $134, if the House conferees would accept the simplified procedures for receiving food stamps and drop the state cost-sharing proposal. But Mr. Poage and the others have adamantly refused compromise, on the strength of their 119-to-116 mandate and their beehive mentality.

Rather than accept the regressive Poage bill, Mr. McGovern now plans to return to the Senate and ask that the present inadequate food stamp program be continued unchanged. Thus ends, it appears, this tale of putting an end to hunger in America for all time.

[From the Washington Post, Dec. 23, 1970]

CONFEREES AGREE ON FOOD BILL

(By Nick Kotz)

House-Senate conferees yesterday approved a food stamp bill backed by the Nixon administration but opposed by influential food aid reformers.

Sen. George McGovern (D-S.D.) and Rep. Thomas Foley (D–Wash.) said they would oppose the conference report and urge the Senate and House to demand legislation with higher food-stamp benefits and without a stringent "work requirement."

All the conferees except McGovern agreed to the conference report after House Agriculture Committee Chairman W. R. Poage (D-Tex.) made three concessions from the House-passed bill.

He agreed to eliminate the requirement that states share program costs, agreed that families with less than $30 monthly income should get free food stamps, and agreed to an authorization of $1.75 billion for fiscal 1971.

As reported by the conference, the bill closely resembles the original Nixon administration proposal, except that it contains a stricter work requirement.

However, the conference report provides substantially fewer food aid benefits than the Senate-passed McGovern-Javits bill and the Quie-Foley bill which was narrowly defeated in the House.

The food stamp reform bill approved by the conference committee contains several liberalizing reforms.

These are: free stamps for poorest, a national eligibility standard to replace a patchwork quilt of varying state standards, simultaneous operation of food stamp and commodity programs and the use of food stamps for "meals on wheels" feeding of the elderly.

The conference report, however, contains a new restrictive feature requiring all members of a family between ages 18 to 65, except mothers and students, to accept virtually any work offered at a minimum salary of $1.30 per hour.

The conference report continues food stamp benefits at the present level of $106 monthly for a family of four. The Senate-passed bill proposed raising this so-called "economy or emergency diet" to $134 monthly to provide a nutritionally adequate, "low-cost food plan."

In a letter to his Senate colleagues, McGovern branded the conference report as unacceptable and asked for support to modify the work requirement, raise stamp benefits to $120 monthly, provide simplified self-certification for all food stamp applicants, and provide a $2.5 billion authorization for 1972 and $3 billion for fiscal 1973.

If these changes are not made, McGovern said Congress should simply extend the present law for six months.

McGovern stressed that these last-stand positions and other changes he earlier accepted in conference all represent compromises from the bill passed by the Senate in September, 1969.

McGovern objected to the work requirement because it cuts off aid to an entire family if one member won't accept an offered job, makes no provision for suitability of work, and doesn't provide for payment of the prevailing wage.

"I find denying children food because some adult in the family is found unwilling to work to be such an obnoxious provision that it renders the rest of the bill unworkable," McGovern said.

In turning down McGovern's suggestion that only the unwilling worker be denied food stamp aid, Poage said: "We couldn't buy the idea that poppa would sit at the breakfast table and not eat that egg that was bought with the kids' stamps."

Rep. Foley and Sen. Ernest F. Hollings (D-S.C.) joined McGovern in criticizing the level of food aid, inadequate program authorization and failure to provide simple certification to break a "red tape" bottleneck that they said sometimes blocks families from receiving benefits for months.

"I'm very disappointed," Foley said, "that the conference did not report a bill that adequately meets the needs of the hungry and malnourished. It will not redeem the President's pledge that we should end hunger in America. It is a compromise brought about by a conference committee which for the most part is insensitive to the problems of hunger."

Said Hollings: "I'm just sick about it. I stand with Sen. McGovern and I'm sorry the other Senate conferees capitulated. It is not a realistic food stamp program. It continues all the inequities. It does not provide adequately and it contains an unrealistic work requirement which will further hamper feeding the hungry, who predominantly are children, the aged, and the infirm."

Rep. Albert Quie (R-Minn.), co-sponsor with Foley of a more liberal House bill, said he is disappointed in the bill, but will support it as the best that can be obtained from the House.

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[From the New York Times, Dec. 23, 1970]

Food Stamp Compromise Is Approved by Conferees—Bill Has "Must-Work" Provision but Frees States From Sharing Program's Cost—McGovern Threatens Filibuster

(By Marjorie Hunter)

WASHINGTON, December 22.—House and Senate negotiators agreed today on a food stamp bill that retains a stringent "must-work" provision but frees the states from sharing the cost of the program.

The compromise, hammered out after days of intensive bargaining, would also permit issuance of free stamps to the neediest.

The agreement was expected to win quick approval in the House but could be blocked by a threatened filibuster in the Senate by the sole dissenting conferee, Senator George S. McGovern, Democrat of South Dakota.

Senator McGovern said today that he would seek to have the Senate reject the agreement and send the bill back to conference. Otherwise, he said, he will launch a filibuster when the matter reaches the Senate floor after the Christmas recess.

Senator McGovern, the Senate's principal advocate of a liberalized stamp program, protested several features of the compromise, including the "must-work" requirement, the level of authorized funding and the ceiling on the amount of stamps issued to recipients.

The compromise was reached in mid-afternoon in a small Capitol conference room as labor representatives and other lobbyists for the poor gathered outside under a handsome crystal chandelier.

There was give and take on both sides as the conferees reconciled broad differences between the liberal Senate bill and the more restrictive House measure.

Under the program, due to expire Dec. 31, about 9 million poor Americans receive food at discount prices. The poor pay varying amounts, depending on their income, for stamps bearing, a higher face value when redeemed at grocery counters.

The compromise—far closer to the House position than to the Senate's—closely reflects requests by the Nixon Administration.

The compromise would do the following:

Require all able-bodied adults—except mothers with dependent children—to register for work and accept jobs to obtain food stamps for their families. There is no such provision in the present law.

Set a ceiling of $106 monthly on the face value of stamps issued to a family of four. The Senate had sought a ceiling of $134 monthly. The Secretary of Agriculture would be authorized to increase the ceiling to reflect rising food costs.

Delete a House-passed provision under which the states would have been required to share up to 10 per cent of the cost of the subsidies now wholly financed by the Federal Government.

Authorizes appropriations of $1.75-billion for the fiscal year ending next June 30, with open-ended authorizations for the following two years. The Senate version had called for $2 billion this fiscal year and $2.5 billion the following.

Permit issuance of free stamps to the neediest—such as a family of four with less than $30 monthly income. The Senate version had set the income ceiling at $60; the House version had not provided any free stamps.

Permit welfare clients to certify need on their own, with spot-checking to detect fraud, but requiring other stamp applicants to be certified under regulations set down by the Secretary of Agriculture.

FEAR FOR CHILDREN VOICED

The Senate conferees also receded on a number of points, including provisions authorizing the Secretary of Agriculture to set up stamp programs, even over the objections of states or localities, and the issuance of food stamps through post offices.

In asking the Senate to reject the compromise, Senator McGovern argued that "must-work" provision would deny food to children because their parents refused to work.

He also protested the $106 monthly stamp ceiling, saying that this "economy diet," providing 29 cents a meal a person, has been described by the Agriculture Department as "an emergency diet."

Rather than accept the compromise, Senator McGovern said that he would prefer a simple extension of the present law. In that way, he said, Congress could try again next year to enact "a meaningful stamp program."

[From the Washington Post, Dec. 24, 1970]

Books: Still Hungry, Still Politics

(Reviewed by Nick Kotz)

The Case Against Hunger: A Demand for a National Policy. By Senator Ernest F. Holling (Cowles, 276 pp., $6.95).

(The reviewer is author of Let Them Eat Promises: The Politics of Hunger in America and is a member of the national staff of the Washington Post.)

While 200 House members sipped cocktails or otherwise absented themselves last week, the House, following the lead of its Agriculture Committee, narrowly voted down generous food stamp aid for America's hungry poor. Why?

Two days later, the senior members of the House Agriculture Committee refused to give even a morsel to their Senate counterparts who favored more food for the hungry. Why? Why is the most affluent nation in history unwilling to feed helpless, hungry children?

Some penetrating and disturbing answers to these questions are provided in a remarkable new book by Sen. Ernest F. "Fritz" Hollings (D-S.C.).

"The politics of hunger undergirds our national farm program," writes Sen. Hollings. "The main thrust [of food aid programs] has always been to sustain the farmer, not to feed the hungry.

The title of Sen. Hollings' book is *The Case Against Hunger* but it just as well could be the case against the farm lobby, against Congress, and against all of us for tolerating so much human suffering in a land of such abundance.

The Senator sympathizes with the economic plight of the small farmer, but he describes in devastating detail the political and economic motives governing the Agriculture Committees of Congress, which control the food aid programs.

"The farmer saw the food stamp program as a threat to his security," Hollings writes. "He saw it as government meddling with his farm laborers. Slavery is gone but the system persists, for the laborer-tenant is completely dependent on the farmer . . . The breaking point, as the farmer sees it, is the cost of labor . . . Start distributing food to the tenants and you have played hell with the system. Economic ties of the tenant to the farmer, already threadbare, will be severed."

Thus, Hollings explains, the rationale behind the thinking of House Agriculture Committee Chairman W. R. Poage (D-Tex.)—"a 1970 Scrooge [who] observed at a congressional hearing that bees got rid of their drones and maybe it wasn't such a bad idea for the human race." Thus, Poage's committee this week insisted on a "work requirement" designed to reinforce serfdom for the rural black, brown, and white poor. In a recent year in Poage's home county, 89 farmers received $798,000 not to plant food while several thousand desperately poor received $108,000 in food aid.

The list of Senate-House conferees who are now being permitted to control the fate of the hungry poor reads like the first team of big American agriculture. In addition to Poage, these men are Reps. Thomas Abernethy (D-Miss.), Watkins Abbitt (D-Va.), John McMillan (D.-S.C.), William Wampler (R-Va.), Page Belcher (R-Okla.), and Charles Teague (R-Calif.); in the Senate they are Allen Ellender (D-La.), Spessard Holland (D-Fla.), Herman Talmadge (D-Ga.), Carl Curtis (D-Neb.), Jack Miller (R-Iowa), George Aiken (D-Vt.), and George McGovern (D-S.D.). Only McGovern has backed generous aid to the hungry. The question today is whether Congress and the country will permit this unrepresentative group—which has White House backing—to prevail. And again, the Hollings book is pertinent.

Describing himself as a "victim of the hunger myopia," Hollings tells how, as a governor and senator, he blandly accepted all the myths about the poor (they won't work, etc.), how he refused to see hunger, lied about it in the name of industrial progress, and put the issue aside when it threatened his political career. And then came the bitterly cold morning when Hollings says "my myopia lifted and I saw hunger face to face . . . when I began to feel what it is to live without hope."

He writes of an abandoned Army camp: "The water spigots left open to drip were frozen. I will never forget the four children and the crippled man who were piled in a bunch of old mattresses and trash. No heat, no electricity. No one would believe it unless he saw it."

Hollings questions how we can learn to understand things most of us never see. Hollings learned by experiencing, yet Herbert Klein, director of communications for the Nixon administration, called his education process "a televised circus." And Vice President Agnew told a South Carolina audience: "It's time for every sensation-seeking, TV-worshipping politician to stop running around the country plucking the emotional heartstrings of a compassionate people and get to work representing the people electing him."

Commenting on these remarks in a letter to Hollings, Agnew wrote: "I cannot deny that the intense publicity given your recent visits to impoverished areas in South Carolina qualifies you for inclusion in this quotation. I guess all of us fall victim to the desire to be re-elected. However, my remarks are not personal. . . . Please do not become too highly sensitized to political criticism. The Republicans would like to have another senator from South Carolina and this has no bearing on you as an individual."

For the record, Hollings has just been elected to another six-year term. But the point is: How do Richard Nixon, Spiro Agnew, all of us, become sensitive to other matters besides political criticism and the events of our own narrow worlds?

Hollings suggests that President Nixon might look at hunger in his birthplace, Whittier, Calif., near his winter vacation home at Key Biscayne, and 20 blocks from the White House. The rest of us might follow that example. Or will the hungry have to wait for a new generation to do something about hunger? The questions are unanswered, either in Hollings' book or out of it, as we approach Christmas, 1970.

[From the Washington Post, Dec. 24, 1970]

Congress on Christmas Eve

We take our Christmas Eve's day text from Congressman Poage, protector of the public till against the possible subterfuges of the hungry, and a man whose holiday season remarks make Scrooge look like St. Vincent de Paul. The question under consideration was whether, having appended a work requirement to the legislation authorizing distribution of food stamps to the poor, Congressman Poage would be content merely to see those food stamps denied to an adult who failed to take any employment offered—as distinct from denying food stamps to his children also. The answer was that Congressman Poage would not be, but rather in-

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sisted that it was worth denying the children food for the sake of preventing the offending parent from possibly eating any of it. Thus:

"We couldn't buy the idea that poppa would sit at the breakfast table and not eat that egg that was bought with the kids' stamps."

So much for a keen sense of the value of things: now there is no chance that "poppa" will deny a child his meal—the government will see to it that he has no meal in the first place.

The foregoing developed in relation to the conference report on the food-stamp program just before the legislators took off for a few days to celebrate Christmas. Elsewhere on the Hill other legislators had managed in the pre-Christmas rush more or less to do in the Family Assistance Program—or at least to make it next to impossible to pass that legislation in this Congress. We have not costed out exactly how Scrooge's employee, Bob Cratchit (at fifteen shillings a week, surely, a member of the "working poor") would make out under the Family Assistance Plan in its most recent Senate incarnation. However, we do know that under the present welfare laws the Congress has not seen fit to replace, poor old Cratchit wouldn't qualify at all. Medical aid for Tiny Tim, perhaps, but Cratchit would have to abandon his whole brood of them to qualify for federally aided assistance and—depending on various circumstances not described by Dickens—the government could also tax the salary of his working daughter (Martha) by reducing the AFDC benefit to the (deliberately fatherless) Cratchit family.

That is at least an approximate description of the kind of welfare statutes that have yet to be replaced. We believe that should the administration's welfare reform plan die in Congress, there will be more than enough blame to go around—between the branches of government and between the political parties. But for now we think it is worth noting that this debacle regarding both the food-stamp program and welfare reform would likely not have come about had the legislation in each case not got caught in the pressure politics of session's end. And they would not—in turn—have been caught there if there hadn't been so much leisurely dawdling and so little sense of pressure earlier on in the year. For the next legislative session we are ourselves considering introducing a bill that would provide a work requirement for Congress.

[From the Washington Post, Dec. 24, 1970]

FOOD STAMP BILL FACES A FIGHT ON WORK RULE

(By Nick Kotz)

Organized labor and civil rights groups said yesterday they would oppose a controversial "work requirement" attached to food stamp legislation, while the Nixon administration said it is studying its position on the issue.

The "work requirement" approved by a House-Senate conference committee will be challenged next week when Congress considers the conference report on food stamp aid for the poor.

Secretary of Agriculture Clifford Hardin said the administration favors the conference committee bill, but declined to say what position he would take on an effort to change the work requirement. He pointed out the administration had favored a less stringent requirement, and said he would now study the issue anew.

One administration source said he thought it was too late in the session to attempt modifying the conference report, while another source said the administration still favors a less stringent work requirement.

The work provision, initiated by the House Agriculture Committee, requires all members of a family between ages 18 and 65 except mothers and students to accept virtually any work offered at a minimum salary of $1.30 per hour. The requirement makes no provision for suitability of work or for payment of the prevailing wage. If one family member refuses to accept offered work, the entire family loses food stamp benefits.

Asked whether he favors cutting off food stamp benefits to children because an adult won't work, Hardin told a press conference: ". . . Of course, I don't. But you have to have responsibility in these programs and it may be necessary in some instances that there be such a requirement."

The Nixon administration originally favored a work provision identical to the one in its proposed Family Assistance program. In this provision, an entire family would not lose food or welfare benefits, but only the unwilling worker.

George Meany, president of the AFL–CIO, said of the work requirement contained in the conference report:

"We think it is awful and we are going to do everything we can to change it. The concept of requiring people to work under the most substandard conditions is a step backward in America and we are going to fight."

Clarence Mitchell, director of the Washington bureau of the NAACP, said: "There isn't any question that this work requirement is aimed at cheap farm labor. It's the old story of the people who come from these agricultural areas having more respect for animals than they do for people. They would never deprive beef cattle of food, but they will deprive children, invalids, and old people. It is unconscionable."

John Largamacino, deputy director and legislative director of Common Cause, said his organization strongly opposes the conference committee work requirement.

"This requirement penalizes children for the possible failure of a parent," said Largamacino. "It's a tragedy a bill like this can be distorted to penalize children rather than to help them."

Patrick E. Gorman, secretary-treasurer of the Amalgamated Meat Cutters and Butcher Workmen (AFL–CIO), said: "The conferees gave a Scrooge-like Christmas present to the hungry poor. Instead of fighting hunger, their action would make it more difficult for the needy to participate in the food stamp program. It is a question whether the conference report is a food stamp bill or a measure to provide cheap and exploited labor."

The bill approved by House-Senate conferees maintains present food stamp benefits, but for the first time provides national eligibility standards and free stamps for families with less than $30 monthly income.

The program is designed to supplement a family's food-buying power. For example, a four-member family with $200 monthly income pays $60 monthly to receive $106 worth of stamps to use at groceries. The Senate-passed, McGovern-Javits bill provides $134 monthly benefits.

Hardin stressed at a year-end press conference that long strides have been made toward fulfilling President Nixon's pledge to end hunger in America.

"Never in the history of mankind," said Hardin, "has any nation made as massive an attack on malnutrition as this administration in its first two years." He cited an increase in food stamp beneficiaries from 2 million to 8 million and in children receiving free school lunches from 3 million to 6 million.

[From the New York Times, Dec. 24, 1970]

THE LIVELY DUCK

The unusual post-election session of Congress was expected to be a lame duck, but it has proved much more lively than lame. The productivity of both houses has been obscured by the spectacular impasse which the Senate Finance Committee created when it merged several unrelated bills into one huge unmanageable package.

In the last month, Congress has enacted or reached virtually final action on nearly a dozen significant measures. The Housing bill is considerably more ambitious than the Nixon Administration desired this year and its new provisions for the financing of new towns may have considerable impact on this nation's future urban growth.

The Occupational Health and Safety Bill is an unexpected triumph for the House-Senate conference committee system which has been the subject of much justifiable criticism of late. Only the sunniest optimists really expected a bill to pass this year. But after several arduous sessions with Administration, trade union and industry lobbyists hovering about, the conferees reached compromises on several bitterly contested issues. For the first time, workers can now look forward to effective federally enforced safety and health standards where they work.

The manpower bill which President Nixon unwisely vetoed is another significant accomplishment. As almost any Mayor could tell the President, there is no alternative to federally financed public service jobs to meet the double crunch of rising unemployment and unbalanced municipal budgets. It is difficult to reconcile Mr. Nixon's veto attack on dead-end WPA-type jobs with his solicitude for the survival of financially shaky aerospace companies. Apparently, one man's Lockheed is another man's leaf-raking.

The House and Senate also reached agreement last week on the Air Pollution Bill with its stringent requirement of a pollution-free automobile by 1975 and its tough standards for new power plants and manufacturing plants.

Until recently, Congress's recent approval of a sizable Federal program to assist family planning would have been regarded as a breathtaking accomplishment. It is highly significant that population control has now ceased to be politically controversial. Congress in the last several days has also completed action on bills to insure the brokerage accounts of small investors, extend aid to the bankrupt Penn Central Railroad, improve the law-enforcement assistance provisions of the Crime Control Act of 1968, and amend the food stamp plan.

Only the food stamp bill remains in doubt. Representative Poage, Texas Democrat, and his conservative colleagues on the House Agriculture Committee finally made some substantial concessions on their atrocious bill, although it remains inferior to the compassionate, constructive bill put through the Senate by Senator McGovern. Forty years after the Great Depression began, the most durable illusion in Congress is that poverty is due to an individual's moral failings. No amount of government coercion or food stamp blackmail can make men work who either cannot or will not work.

Yet if this lame-duck session has stepped lively and accomplished more than might have been predicted six weeks ago, the failure of the Senate to overcome the irresponsibility of its Finance Committee casts a dark shadow over the session and, indeed, over the good repute of representative government in this country. Whatever the fate next week of the welfare reform or the import quota bill, the Senate leadership in the new Congress has to look squarely at this problem and seek effective answers, whether they be revised procedures in the Senate or new members on the Finance Committee or both.

[From the Washington Post, Dec. 24, 1970]

REVISED FOOD STAMP PLAN IS ACCEPTED BY HARDIN

Agriculture Secretary Clifford M. Hardin says he favors the food stamp plan accepted Tuesday by a House-Senate conference, although the work requirement for recipients differs from his original recommendation.

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Hardin told a news conference yesterday he originally supported a work requirement more in line with provisions spelled out in the Nixon administration's Family Assistance Program.

The conferees' food stamp plan includes a provision to cut off a family if a qualified adult member refuses to accept an available job at minimum wages.

The Family Assistance Program, now considered dead this session of Congress, is less restrictive. It would bar aid only to the individual in a family who refused work.

Sen. George McGovern, D-S.D., has sharply criticized the food stamp conference report and says he will seek changes, including a modification of the work requirement.

Hardin refused to say whether he would oppose or support a Senate move to change the bill produced by the conference.

At first he would not comment on the food stamp compromise, but later he said, "We're hoping that the bill will be passed."

[From the New York Times, Dec. 24, 1970]

A PLAGUE ON BOTH, ETC.

(By Tom Wicker)

WASHINGTON, December 23.— "When I was a Congressman I never realized how important Congress was," President Kennedy told the Economic Club of New York in 1962, "but now I do." As he gazes with the rest of us on the bald failure of Congress to get its work done, President Nixon must feel much the same; for if Congress is impotent, what of the nation itself?

In the brief Christmas recess, we are at least being spared for a while the dreary sight of so much ineptitude, indifference, frustration, selfish interest and lack of order in the name of order. But this momentary relief will not stop many an American from saying, with real feeling, "A plague on both your houses!"

There is little else to be said of a Congressional performance that includes but unfortunately is not limited to—

The sloth, delay and partisan infighting that left so complex and important a matter as welfare reform to be settled—but in fact frustrated—in the final week of a Congress that has been considering the matter for a year and a half.

The kind of personal autocracy that allowed Chairman Long of the Finance Committee to construct at his leisure a legislative monstrosity that lumps together welfare reform, Social Security benefits, trade legislation and medical insurance.

The supine showing of Senate conferees who allowed House conferees with weaker mandates but stronger spines virtually to reverse Senate decisions on the SST and food stamps.

Prevention by the Rules Committee of the House's right to vote on important consumer legislation and on strengthening laws against racial discrimination in employment.

There may be those who think that, at the least, what they consider bad measures—import quotas, SST development funds, welfare reform—are not being passed. But even if their judgment of these items is accepted, the tie-up of the Senate (which incapacitates the House, too) still cannot be defended.

Perhaps never before has unlimited debate been seen more nakedly for what it has become in the Senate—a device to prevent action on anything against which a minority of one-third plus one can be rounded up. And that is made no more defensible when the frustrated action is seen as undesirable.

Actually, there is a strong rationale for a certain kind of unlimited debate in a deliberative body that represents the major subdivisions of a continental democracy. It affords some protection, on great sectional and constitutional issues, against narrow or vindictive majorities, and it is occasionally useful in slowing or halting precipitate action until sober second thoughts can prevail.

In recent years, on major civil rights questions, it also was shown that a filibuster could not long be sustained against an aroused public opinion; given that imperative, unlimited debate might therefore be accepted as useful, not pernicious, in rare cases of grave national importance. But that is an intellectual concept that requires the tacit agreement and political restraint of those to whom the filibuster is available.

That concept has been so severely abused in the Senate as to mock the pretensions of those who argue the case. Filibusters are staged on almost any subject, on almost any occasion and without a shred of justification except the views and interests of those who prevent action. This year, a filibuster was mounted against a constitutional amendment to change the Electoral College—a parliamentary absurdity, since the amending process is itself the lengthiest, most difficult and most safeguarded of all American political procedures.

When Congress slunk off the public scene for Christmas, a filibuster was going against the SST conference report and against welfare reform. Another was threatened against trade legislation. Still another may be mounted against the food stamp conference report.

An ultimate of sorts may be reached next week if a $1.5-billion authorization to speed school integration is filibustered by liberals who think it soft on the South and by Southerners who consider it soft on the North—a strange sectional issue, indeed.

In every case, the filibusterers may have worthwhile causes, and the criticism is not so much of them as it is of a Congressional system—in which unlimited debate is only one part—designed primarily to prevent action rather than to take action. If Congress wonders why it has lost so much power to the executive, there is a major reason. And in a nation already racked with mistrust of its Government, the Congressional mess itself may be more important than the fate of any or all the bills caught in it.

[From the Baltimore Sun, Dec. 26, 1970]

FOOD STAMPS

The food stamp program has been a lifesaver for millions of Americans, probably literally in many cases. Federal subsidies provide food at much below normal retail cost for poor families under the program. But the program expires at the end of the year, and Senate-House differences imperil renewal of the program.

The bill which conferees agreed on just before the Christmas recess has several objectionable features, particularly one shutting off food stamps to a whole family if any member turns down a job. There is no such federal penalty in existing law, and there should not be one. The conference version also sets an unrealistically low limit on per family allotments, and authorizes less money for the program than is needed.

These are important sections of the bill, and it might be a good idea to take temporary steps to extend the life of the existing law, and then work out a new permanent program in the next Congress—if a new compromise can't be quickly worked out between the House version, which the conference bill resembles, and the more generous Senate version.

A better compromise is definitely called for, as the history of this legislation so far shows. The Senate voted for the more liberal provisions in its version by handsome margins. The House turned down similar liberal proposals by very close votes. A true compromise between House and Senate would much more closely follow the Senate bill. Though time is short, perhaps an adamant Senate can force a new conference and a better bill.

[From the New York Times, Dec. 27, 1970]

FRESH SKIRMISHES IN THE POLITICS OF HUNGER

It started with Mary Addison. The series of field trips that has taken the Senate Select Committee on Nutrition and Human Needs all over the country began almost two years ago with a visit to migrant labor camps in Collier County, Fla. Mrs. Addison, a deeply-wrinkled black woman of 65, had spent her life as a stoop laborer helping to harvest crops.

"What do you have to eat?" Senator George McGovern, chairman of the committee, inquired.

"Peas and beans," she answered, "and sometimes a piece of fatback."

Then there was Dolores Robinson, living at 203 Bates Street, almost in the shadow of the Capitol in Washington, D.C. She and her 11 children lived on welfare. Enrolled for a time in a food stamp program, she had received $148 worth of stamps redeemable for groceries at stores for $96 in cash. She sometimes could not raise the $96.

These are the people whom members of the select committee came to know. They heard testimony from nutrition experts on the existence of hunger in a land fat with agricultural surpluses and on the impact malnutrition can have on human lives, stunting the body, causing diseases such as rickets and goiter, dulling the mind.

"I wouldn't have believed these things existed in America," commented one of the hunger investigators, "if I hadn't seen them with my own eyes."

The public outcry that resulted from these revelations caused food bills to be introduced in both the House and the Senate. President Nixon, in a special message, declared that "the moment is at hand to put an end to hunger in America itself for all time."

As a result of Administration efforts and Congressional and public pressures, twice as many needy Americans are being helped by food programs today as a year ago. When the President sent his message to Congress in 1969, only 6.9 million of an estimated 25 million hungry Americans were receiving some form of food assistance, either through the commodity program (the free distribution of surplus foods) or the food stamp program (which permits the needy to buy stamps redeemable at bonus amounts at grocery stores). Today, 11.7 million Americans are being aided and efforts to expand the food stamp program have come in both the House and Senate. The present food stamp program expires at the end of this year.

The Senate passed a liberalized food stamp program some months ago, but the House delayed action and finally passed a much more restrictive bill, 119-to-116.

It was the view of Congressman W. R. Poage of Texas, chairman of the House Agriculture Committee, which prevailed—that the states ought to be made to assume some of the cost of the food stamp program, that the level of spending ought to be held down and that everyone who could work, at whatever job, ought to be made to work. "What this program needs," said one of his colleagues, Congressman Thomas G. Abernethy of Mississippi, "is a little sand."

For the past week, under pressure of adjournment, with the expiration of the present program imminent, a House-Senate conference committee tried to iron out the differences between the liberal Senate bill and the restrictive House version.

CONFEREES' VERSION

The version that emerged from the conference committee last week authorizes spending at a $1.75-million level (some $500-million more than the House or Nixon Administration wanted) and provides for free food stamp to the poorest of Americans (those in families of four with annual incomes of only $360). It calls for the setting of national eligibility standards, provides for the simultaneous use of both the food stamp and commodity programs by localities

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and allows the elderly to use food stamps to purchase prepared meals.

It also, however, contains a little sand. The requirement for state matching funds was dropped (at the insistence of Senator McGovern, who felt that to impose new costs on states would be to sabotage the whole program), but the stringent work requirement was retained. Those able to work are required to take any available job even at less than prevailing wage scales, or all members of a family will be dropped from the food stamp program.

George Meany of the A.F.L.-C.I.O. has termed this provision "awful." He and other labor leaders see it as an attempt to exploit cheap farm labor, especially in the South.

Where the Senate bill would have provided assistance to a family of four of up to $134 monthly (which translates into 42 cents a meal) the House version and the conference committee version provides for only the current level of assistance of up to $106 monthly (which translates into 29 cents a meal). Nutrition experts consider this amount enough to purchase only an "emergency" diet.

Senator McGovern refused to sign the conference report. Some members of the House, favoring a more liberalized food program, hope to bring up the issue on Tuesday when Congress reconvenes following its Christmas recess.

—John A. Hamilton.

[From the Washington Star, Dec. 28, 1970]

A Stone for the Hungry

Perchance enough of the Yuletide mellowness will prevail until tomorrow to prevent House approval of the stonehard food stamp bill which has come out of a conference committee. Perhaps the gastronomic excesses of the season will remind congressmen that there is still hunger beneath the opulence—that millions of Americans considered themselves lucky if they had hamburger for Christmas. We hope this knowledge will inspire the House to override the conference offering and recast the bill in the more beneficent pattern shaped by the Senate.

If it doesn't, the best course would be simply to continue the food stamp program as it is presently constituted, on a temporary basis, and leave the task of improvement to the 92nd Congress. The program is scheduled to expire at year's end, and its life must not be snuffed by a House-Senate deadlock. The time margin for engineering its survival is much too close for comfort, and the blame lies squarely with the House—both its conservative and liberal wings. But at least there seems to be agreement on minimum financing (a higher authorization of $1.75 billion), and a simple extension of the existing setup with that funding would be a conscionable emergency solution.

Something better may still be possible, however. House liberals and moderates are expected to make a final attempt, tomorrow, to weed out the miserly provisions embedded in the bill by Representative Poage, chairman of the House Agriculture Committee, and a majority of that panel. Certainly the liberals owe a strenuous effort at redemption; many were absent from the floor, attending festive events, when the Poage proposition passed by a three-vote margin on December 16. Possibly it can be overturned if enough congressmen find their way to the House chamber tomorrow.

The intolerable part of the House measure, and the conference proposal, is the "work requirement" which Poage has defended against all challengers, including the Nixon administration. Under it, a whole family could be cut off from food stamps if a member declined to accept offered employment in about any kind of labor, regardless of how paltry the wages. There is even an interstate provision which might oblige an unemployed technician to pick cotton in a neighboring state without any minimum wage protection. It is a cruel stricture that could cause many children to pay, in hunger, for the unwillingness of a parent, or even a brother or sister, to accept a certain type of work. And it would lead to more abandonment of families by fathers.

The number of Americans depending on food stamps has almost tripled in little more than a year and is up to about 9 million. It is unthinkable that Congress would turn to repression in this program in a time of rising unemployment, and in view of an estimate that at least 15 million should be receiving food stamps.

[From the New York Times, Dec. 29, 1970]

Hunger in the House

To say that there is hunger in America, as medical experts have said following extensive surveys in poverty areas, is to extend a fundamental challenge to the world's most prosperous people to eradicate it. To say further, as the experts have said, that this hunger has sometimes led to the stunting of physical growth, to diseases such as rickets and goiter and, in especially severe cases, to irreversible brain damage is to require hunger's eradication.

President Nixon has personally vowed "to put an end to hunger in America itself for all time." The Senate has also accepted the challenge by enacting an enlightened food stamp program that stretches the food dollars of the very poor to allow them to purchase at least an "economy" level diet. The Senate's bill provided for assistance of up to $134 a month for a family of four, or 42 cents a meal.

The House, however, has not done nearly as well. After unconscionable delay, it enacted a wholly inadequate program that provides nothing more than an "emergency" level diet and assistance of up to $106 a month, or 29 cents a meal. It tied this assistance to a stringent work requirement: if any able-bodied member of a family (except women with young children) refused to take a job, every member of the family would lose food stamp eligibility.

Harsher still, the House included no "suitability" modification in the work requirements; it denied any protection of "prevailing wages." Thus, a farm worker or carpenter or skilled mechanic or anybody else temporarily unemployed could be made to take any job at grossly substandard wages.

Other backward provisions of the House bill were dropped by the House-Senate conferees, but these remain. America can do better than this. The House can do better than this. Its restrictive bill passed narrowly, the key vote being 119 to 116, and it came late in the evening when many members had left the floor.

Tomorrow, the conference committee's report is expected to be offered for House approval. To end hunger in America requires that members reject it. Representative Thomas S. Foley of Washington, a leader in the anti-hunger fight, will urge that the House conferees be instructed to meet again with those from the Senate and to accept reasonable modifications in the present draft. It is important for most of his colleagues to stand with him in his last-ditch stand.

[From the Washington Post, Dec. 30, 1970]

Congress: What Remains To Be Saved

There was a fine irony to the manner in which the Senate on Monday dealt with the President's Family Assistance Plan. Sweet reason—as it seemed—prevailed, if not downright statesmanship and a holy spirit of compromise. Only the result of all this was merely to detach the welfare plan from a conglomerate measure that was over burdened in the first place and to strip that measure (the Social Security Amendments of 1970) of a number of appended grotesqueries (from a trade bill to some punitive anti-poor bits and pieces). So Russell Long and his minions on the Senate Finance Committee are now presumably to be commended for having undone their own disastrous handiwork—and in return for this latest blow to the welfare bill, we are promised that the Finance Committee, which held up the bill for half a year in hostile and capricious hearings will be happy to hold hearings on it again in the new Congress. We plan to come back to the subject of this bill, whatever its fate, but for now it may be a bit more to the point to concentrate on a couple of legislative items that still seem to have a chance of passage in decent form.

One of these is the so-called Emergency School Aid Act of 1970. This is the $1.5 billion two-year program for encouraging racial desegregation of the schools that was sent down by Mr. Nixon last spring and which has been improved by the House Committee on Education and Labor and passed by the House itself. About 10 days ago we lamented that only an act of divine intervention could rescue this measure from its antagonists in the House, one of whom—Rep. Durwood Hall (R-Mo.)—explained his angry obstruction on the grounds that "they reprogramed this dog they said was dead last night." Well, the "dog" lives, and we are prepared to believe that it does so only by the agency of the supernatural. Now, however, the bill faces a new set of hazards in the Senate.

Senate opposition has proceeded from two sources: Southerners who are fearful of the impact of the bill on the schools of the South, and Northern liberals who suspect its House version of being drawn in a way that could result in misdirection of funds. We believe that each side has a point, that both Southern apprehensions and liberal misgivings have a basis in reality. And while we tend to sympathize with the latter—the Nixon administration's record of steadfastness on this score is not inspiring—we believe that the House bill with perhaps a few additions from Senator Mondale's substitute should be passed—and passed now. This is a subject that has deeply divided the civil rights lobby, with numerous persons whose commitment to school desegregation cannot be challenged, arguing that the bill in its House-passed form is at once too weak and too susceptible of misuse to be worth passage. We disagree. To say that the Mondale bill is better, which we think it is, does not lead us to conclude that (1) Congress would have no say-so in the administration's use of the money authorized by the House version, or that (2) the latter version is worse than nothing. It is our view that there is much more to be gained than lost by schools and schoolchildren from the passage of this measure in a slightly amended House form.

Finally, there is the food stamp program. Congressman Foley of Washington intends to ask the House, by a floor vote, to instruct its conferees to modify the work requirement and benefit size of the conference bill negotiated last week. His move should be fought for and supported. For one thing, we are talking about improvements in the bill that only failed to pass in the House by a handful of votes and that are intended simply to soften the brutalities of Agriculture Committee Chairman Poage's measure. We are talking about preventing recipients from having to accept hazardous, underpaid farmwork for their stamps, about permitting children to receive food should an adult default on work requirement, about phasing the program over a year and a half from what the Agriculture Department calls an "emergency" diet allowance to what it calls a "low cost" diet allowance. The monetary difference is that between $106 a month and $134 a month for a family of four. These are not exactly princely sums; they are not expenditures too high for the country to afford. A "yes" vote to Congressman Foley's pro-

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posal is perhaps the most important and desirable step that could be taken by this Congress in its remaining days.

Mr. McGOVERN. Mr. President, I intend with some reluctance to cast my vote for this program which I regard as being a long way from being up to the level authorized by the Senate almost a year and a half ago. I do so only because I cannot bring myself to prejudice the continuance of the program which now reaches some 9 million people and which I hope over the next couple of years will be expanded by several million people.

Mr. President, I want to take a moment to commend my Senate colleagues in the food stamp conference, and the members of the Senate Agriculture Committee under their particularly able and distinguished chairman, ALLEN ELLENDER. I also wish to make special mention of all those who have served with me on the Select Committee on Nutrition and Human Needs, two of whom are on the floor with me this morning. Senator JAVITS, the ranking minority member, has been a tower of strength in moving this body and the Nation forward in the effort to end hunger, and Senator PERCY, likewise an important source of support in all our efforts. I commend also my good friend and colleague, Senator HOLLINGS, for his courageous contributions to this effort.

Finally, I would like to mention the staff of the Select Committee on Nutrition who have worked with intelligence and deep personal commitment, especially the able staff director, Kenneth Schlossberg, and the committee counsel, Gerald Cassidy.

Several Senators addressed the Chair.

Mr. McGOVERN. Mr. President, I yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, first, I express very great appreciation to the Senator from South Dakota. He has been gracious and entirely in accordance with the facts in stating that the other members of the conference on the part of the Senate who may not have agreed with him on many details of the Senate bill which was sponsored by the Senator from South Dakota had stuck by him throughout the conference, and I think that is the case.

I think the settlement which was made was the best that could be made and I think it does cover considerable concessions of the other body, which I shall mention in a moment.

I express appreciation to the Senator from South Dakota who has been most gracious and generous in his comments to the rest of us, and I wish to express to him my commendation.

Second, I think he is entirely practical in calling attention to the fact that the existing situation requires us to have a bill. That situation is this. The Agriculture Appropriation bill for 1971 includes, it is true, an appropriation of $1.420 billion for the food stamp program for this fiscal year. But, unfortunately, Mr. President, only $700.7 million of that total amount had been previously authorized, so that that was all that could be spent on the 1971 program in the absence of an additional authorization. The Senator form South Dakota, and I think my distinguished chairman, the Senator from Louisiana, correctly stated the situation when they said that some time in January—and there is a question of just when in January—that $770 million would have been exhausted but for the making of an additional authorization as provided in the conference bill.

The making of that additional authorization will make available all of the remaining amount in the appropriation bill for fiscal year 1971; that is, the difference between $1.420 billion and the $770 million which I have mentioned, and will also make available in the discretion of Congress a supplemental item if it be needed, and I am sure the Senator from South Dakota thinks it or part of it will be needed, to finish out 1971. So adoption of the conference bill will meet a practical situation which is obvious to anyone who looks at the situation as it now exists.

I am grateful for the practicality the Senator manifested in his statement. Everyone knows he would have preferred a more liberal bill, and I think he has stated the things he would have preferred and that he fought for in conference and on the floor of the Senate.

Mr. President, I have a list of 13 improvements which, in my judgement, have been made as contrasted with the House bill. Most of them are improvements as contrasted with existing legislation. I invite any comment as I go along with respect to these 13 points which I have had carefully prepared by the staff of the Committee on Agriculture and Forestry. Several of them have been mentioned by the distinguished Senator from South Dakota.

I call attention to the first item, in particular. The House provision requiring a State contribution to the bonus value of food stamps was dropped in the conference. That was one of the provisions most objectionable to the Senator from South Dakota and many other Members of the Senate, and many other Members of the other body.

There were three concessions made by the House from their original work requirement which I shall list, as I understand them to be, as follows:

First, the work requirement was made inapplicable to persons working 30 hours per week, which was not in the House bill.

Second, the work requirement was made inapplicable to lockout situations, which was not the case under the House bill.

Third, the work requirement was modified to provide for $1.30 minimum wage where no Federal or State statutory minimum or Federal regulatory wage was applicable.

To make that point clear, if the Federal minimum wage were applicable, $1.60 would be the minimum. If there were no Federal provision applicable but a State provision was, that would apply, and if neither were applicable, the $1.30 per hour would be required before anyone could lose his right to food stamps by reason of turning down jobs offered to him.

The Senator from South Dakota mentioned the remainder of the concessions made by the House, which was that the conference bill makes specific provision for the adjustment upwards of coupon allotments to reflect changes in food prices. The conference bill allows the Secretary to make changes from $106 per month for a family of four, which is provided by the bill—to make them upward as the rise of food prices may require in the event there is such a rise. That is a distinct change and liberalization of the provision of the House bill.

The next item, as mentioned by the Senator from South Dakota, is that free stamps were authorized for households with incomes of less than $30 per month for a family of four. No free stamps were provided at all under the House bill, and there was no clear provision for free stamps under current legislation.

Next, certification solely by affidavit was provided for households on public assistance or on welfare. The House would have required investigation and certification under rules provided at the Federal level or the State level in every case. The conference bill provides that for any family or individual who is on welfare, self-certification is permitted, and the investigation process need not be applied except in the case of applicants who are not on welfare.

This was a substantial concession from the provisions of the House bill and over the provisions of current legislation as far as nationwide legislation is concerned, although there are some States that now have different provisions.

The next change has been mentioned by the Senator from South Dakota, and I think it is peculiarly valuable.

It is that the term "household" is defined in the conference bill to include elderly persons, single persons, or others, so as to provide a method for making food stamps available for what we refer to as the "meals on wheels" program. In other words, the elderly person who does not have a home of his own, or who does not prepare food for himself, or cannot do so, may use his food stamps at a restaurant or wherever he cares to eat.

The next change was that the term "household" was further defined so as to exclude households consisting of unrelated individuals under the age of 60, such as "hippy" communes, which I think is a good provision in this bill.

The next is that the Senate provision with respect to having coupon charges deducted from Federally aided assistance payments was adopted. In other words, to simplify the process, families which are on assistance and are receiving welfare payments or similar assistance payments may have their food stamps so handled that they will be deducted from those payments, and do away with two separate operations and with applications monthly, or whenever it is that applications are required.

The next is that the Senate provision absolving anyone from charges of violation of any act on the basis of information contained in an affidavit filed pursuant to section 10(c)—except for fraud—was adopted.

The 12th one is that a specific maximum appropriation for fiscal 1971, intended to serve as a target, was agreed to.

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The amount specified is $1.75 billion, and, as I remember it, that is the amount offered as an amendment to the Senate appropriation bill, when it was being considered by the Senate, by the distinguished Senator from South Dakota. So that his own provision as enacted in our appropriation bill becomes a part of this bill.

The last of the provisions may not seem of great value, but I think it does have considerable value. The House provision keeping State plans in effect for 180 days was dropped. In other words, there is to be some latitude permitted to cover the cases that may be found by the Federal and State authorities as they go into the various new communities.

I am sure about these 13 changes, all of which I think have some meaning, and most of which meet either in part or in whole suggestions made by the Senator from South Dakota in his bill, which was adopted by the Senate.

I again express my appreciation to the Senator from South Dakota, and I especially appreciate the attitude of the distinguished Senator from Louisiana, who was most patient and most tolerant throughout this rather long conference, in some instances not highly agreeable conference, but in no instance disagreeable so far as the Senator from South Dakota was concerned. I think that is true with reference to all Senate conferees.

Mr. President, I am glad to yield the floor, unless there are questions.

Mr. MILLER. Mr. President, I was one of the members of the conference on the food stamp bill, and I would like to join with other Senators in expressing my appreciation to the Senator from South Dakota for taking a realistic position on some of the positions in the Senate-passed bill which he felt so strongly about.

There were a good many of us in the Senate Agriculture and Forestry Committee who had misgivings over the amendment by the Senator from South Dakota which was offered on the floor of the Senate to the food stamp bill well over a year ago. The distinguished chairman, the Senator from Louisiana, as I recall, warned at the time that, if that amendment, without any changes in it, were adopted, it could mean holding up the food stamp legislation for a long time. A majority of the Members of the Senate, however, did adopt the McGovern amendment. But I regret to say that the Senator from Louisiana's prediction came true, and it was not until almost the dying days of this Congress that the House saw fit to even appoint conferees, much less have a conference on this legislation.

There are some items in this conference report which the Senator from Iowa would rather not see in it, just as the Senator from South Dakota would rather not see them in it. But, as he has said, this is the last hour of this Congress, and we have to make a decision on whether the great amount of good in this legislation outweighs some of the points over which we do not agree.

The decision is quite obvious, because, if we do not act favorably on the conference report, the food stamp program will die before the next session of Congress begins.

Because of some unfortunately superficial comments by members of the press regarding the work requirement, I would like to make one thing clear.

In the first place, in fairness to the House conferees, I should say that, during our entire deliberations, I never heard one statement at all to the effect that they were seeking cheap labor. Whoever talked about cheap labor certainly did not hear it from the conference committee, and certainly not from the Senate side, and not from the House side.

I think I repeated this at least three times, so everyone in the conference would understand exactly what the House was asking. What the House asked for, and what is in the conference report, is simply that, if there is a job that one drawing food stamps is requested to take and that job is covered by the Federal minimum wage, then the Federal minimum wage will apply.

If there is a job which is not covered by the Federal minimum wage, but is covered by a State minimum wage, the State minimum wage will apply. And if there is a job that is covered by neither the Federal nor the State minimum wage, then the hourly salary will be not less than $1.30.

That was what was agreed to in conference and that is what is in the conference report, and I hope that those who have been writing to the effect that this is a $1.30 bill will read the language and will understand exactly what is in the bill.

There are two minuses and one plus, at least, in the work requirement. One of the minuses is that there is nothing in here regarding the stability of employment. The Senate Finance Committee spent long hours, along with their able staff, in trying to develop work requirements that would be fair and realistic in connection with the welfare reform bill. I sought to have the House conferees consider the language that we had developed, but they were adamant. They thought it was too long and too complicated, and I will grant that it is longer and more complicated than the language in the conference report; but we are not going to get the fairness and equity that we need in this program unless we go into more detail than we have in the conference report.

Another minus has been pointed out by the Senator from South Dakota, namely, the rather harsh rule that if, let us say, the father of a family refuses to take training or to take work, then the entire family loses its food stamp allotment.

I was the one who sought to get the House to change that, to provide for at most a proportionate decrease in the food stamp allotment to the family. I pointed out that we had developed a similar approach in the welfare reform bill in the Senate Finance Committee, under which, in connection with the $1,600 family allowance for a husband, a wife, and two children, if the husband refused to take work, there would be a $500 reduction of the $1,600 family allowance. That is more than a proportional reduction, but the Finance Committee felt that there ought to be more than a proportional reduction with respect to the adult members, at least.

Unfortunately, the House conferees were adamant on this point, and I told the Senator from South Dakota that next year I would be pleased to join with him in an amendment or in a bill to try to remove this harsh requirement, or certainly to modify it to make it more realistic.

On the other hand, I think that something should be said for the House position. The House conferees unanimously felt that if a father is so unwilling as to refuse to take training to work, or to work to support his family, under those circumstances the mother should seek a legal separation, in which case she and her children would continue to receive food stamps.

Frankly, I do not believe we will have many instances where this will happen And so many millions of other people will be eligible for food stamps that this certainly should not be a roadblock to passage of this legislation.

There is a plus in the conference report, and that is this: that the bill does exempt from the work requirement mothers of small children, and that is true even if day care centers are available. This is not what the Senate Finance Committee or the House Ways and Means Committee developed in connection with the welfare reform bill. In that case, both committees agreed that if there is a mother with small children—and I am not talking about babes in arms, but I am talking about those, certainly, of school age—and a suitable day care center is available, then, in that case, the mother should take training or should work.

However, in the conference report—and this was House language—there is no requirement of a mother to take work or training for work if she has small children, and so I suggest that is a more liberal position than we might have hoped for.

The Senator from South Dakota has referred to the amount of monthly allotment of food stamps in the case, for example, of a husband, wife, and two children, a family of four, amounting to $106. That could be a little confusing, in that the conference report does not contain that language.

The conference report contains the language of the House bill, which is simply that an adequate and nutritious diet will be provided for. It so happens that the way the Department of Agriculture is administering this program today, an adequate and nutritious diet for a family of four is deemed to cost around $106 a month. But, as the House conferees pointed out, they did not care whether it cost $50, $100, or $150; whatever it cost must provide for an adequate and nutritious diet. Then, as the Senator from Florida has pointed out, we do have an increase in the cost of food automatic escalation clause to cover future costs of program.

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The Senator from South Dakota wanted to have a $134 program—that is, as of now—which, of course, would escalate upward with increases in the cost of food. He pointed out that this is regarded as a low-cost diet, whereas the present Department of Agriculture program is the economy diet.

I attempted to get the two sides together by suggesting that we split the difference and go up to about $121 as our starting point, and I thought at one time that the House conferees were going to agree, but finally they refused to agree, and they said the adequate and nutritious diet provision in their bill meant exactly what it said, nothing more and nothing less, and refused to budge on it.

I will say this, in fairness to the House conferees: They did point out that if we went up to $134, which is the low-cost diet, we would find recipients of food stamps, especially those on welfare, who would be receiving a diet just as good as probably millions of low-income working people, who do not receive food stamps, but have to skimp along and get along on a low-cost diet, and it was felt by the House conferees that there ought to be some difference. Whether it ought to be on the basis of a low-cost diet as against an economy diet, or something in between, I do not pretend to know, but I will say that if the Department of Agriculture does not administer this program in a way which meets not only the letter but the spirit of the language "adequate and nutritious." I shall be happy to join with anyone in trying to do something about that, because it will be frustrating the clearly expressed intention of Congress.

On self-certification, Mr. President, I think that we arrived at a fair compromise, to exempt from investigation all who are now on welfare, which covers most of the people who will be receiving food stamps, and there is no need to have an investigation if they have already been investigated in order to get on welfare.

The others, however, will have to be subjected to an investigation. I would like to have seen a little different approach. I think the Senate Finance Committee arrived at a very good approach to this problem in connection with the Family Assistance Plan legislation. We provided that the States would have an option. If a State wanted to have self-certification, that would be all right. If another State wanted to have an investigation first, that is all right, too. Let the States determine it for themselves.

But I think that we came out pretty well on this point, and I do not believe there will be the long lines of people waiting for food stamps that we have heretofore found, because so many of them had to be subjected to investigation.

Finally, Mr. President, there is one thing that needs to be said about our welfare legislation. We ran into this in the Senate Finance Committee in connection with our problem on welfare reform. Many people have thought of welfare reform in terms of the Family Assistance Plan, and that is only a part of it. It was not until the House-passed bill came before the Senate Finance Committee that our able staff, for the first time, I think, in history, decided to put all of the categorical welfare programs side by side and see how they worked out. So we had the Family Assistance plan, food stamps, State supplements, medicaid, and in many cases low-income housing with rent supplements.

Unfortunately, the eligibility requirements for these various programs have never been integrated. One of the reasons, I suppose, is that the Senate Agriculture Committee has jurisdiction over the food stamp legislation, and the Finance Committee has jurisdiction over a good many of the other programs. I would hope that next year, when we shall be working on welfare reform again, we will be able, in conjunction with the Agriculture Committee, to work out uniform eligibility requirements for all of these categorical welfare programs. I think it will make the costs and difficulties of administration much less, it will be much fairer, and it is something that is long overdue.

Finally, Mr. President, I do believe that, on balance, this is going to be a better program than we have had before. I want particularly to commend my fellow conferees from the Senate side, who I think did a superb job of supporting Senator McGovern on some of the points over which we frankly had disagreed in the Senate Agriculture Committee. This is conference representation of the Senate in its finest sense, and I must say that I have never seen its equal in any previous conferences on which I have had the privilege of serving.

I yield the floor.

STATEMENT OF SENATOR JACOB K. JAVITS PROTESTING FOOD STAMP CONFERENCE REPORT

Mr. JAVITS. Mr. President, I speak as the ranking Republican member of the Select Committee on Nutrition and Human Needs, the so-called Hunger Committee—chaired so ably by Senator McGovern.

We face a very sorry situation. However the vote is taken, I shall vote "nay" on this conference report, because I feel that, in conscience, I am free to do that and should do it.

I have no criticism whatever of Senator McGovern's feeling that he has to vote, most reluctantly and with deep sorrow, for the conference report. I understand it completely. And I would say immediately that were I in his position, I probably would do the same thing; for he has the double responsibility of being both a member of the Agriculture Committee and a conferee and the chairman of the Select Committee on Nutrition and Human Needs. Probably, in the course of prudence which that joint committee membership would necessarily impose upon him, he is doing exactly what his conscience dictates, and I know that this represents no derogation whatever of his efforts in this field, which will continue to be unflagging.

Mr. President, I feel that I can get as I am because a protest really must be made against this conference report, and the only way Members have of protesting is by their action on it. I know that there is no point to some dug-in opposition, which I am not going to make, or some effort to block consideration, which I am not going to do; because, obviously, with Senator McGovern's most reluctant feeling that this is the best that can be done, that is the way it is going to be done.

I wish to express myself in protest of what is being done and to pledge my efforts, with those of Senator McGovern and—I was very pleased to hear—Senator Miller, to correct the real injustices which are being perpetrated. Specifically, I refer to the work requirement which I hope can and will be dealt with in future welfare legislation.

BELIEVES "SOME WAY" WOULD BE FOUND TO CONTINUE PROGRAM IF REPORT REJECTED

It is alleged by distinguished and prestigious Senators, that if we do not accept this conference report, this program is likely to die in the middle of January in the absence of a new authorization, which is represented by this bill.

I believe—and men can seriously differ—that with 9 million people participating in the food stamp program, we would find some way to continue the program, even if this conference report is rejected, until Congress returns on January 21. That is only a belief—a personal belief, and other Senators have the right to take the situation on its face.

So I draw no brief for my position beyond the fact that I think the deficiencies are so serious as to deserve a protest, which I am proposing to make.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, as a member of the Select Committee on Nutrition and Human Needs, I should like to state that the committee has benefited greatly from the inspired leadership of Senator McGovern and our ranking Republican member, Senator Javits. I think that because of this leadership and because of this committee, we have moved forward to our present level of support for food stamps.

Though I find myself dreadfully disappointed in the outcome of the conference report, I shall cast a vote for it, with tremendous reluctance—as much reluctance as I have had for any bill. I do so simply because I recognize the problem we face and that, therefore, we have no alternative but to support this conference report.

I am disappointed in the fact that we have at this point reached a level of support still well below the Department of Agriculture's minimum figure for a nutritionally adequate bill.

However, I commend the conference committee for bringing us from absolute darkness to a point where we can at least see the light at the end of the tunnel. I think we have really made a commitment that we are going to find the resources to solve the problem of inadequate nutrition for American citizens, young and old, black and white, South and North, rural and urban. Wherever these hungry Americans may be, we are going to find them and see that they have available adequate nutrition to build their minds and bodies. If we can deliver food 12,000 miles from here—and deliver it in adequate quantities—to our forces in South Vietnam and to our allied forces, we should be able to deliver it to our own citizens.

So I will not stop the good fight until we reach an adequate level of support for nutrition programs. I will oppose every low priority item, such as the SST, until such time as we have won this fight.

I feel that the only alternative I have available is to vote for the conference report. I express deep appreciation to the members of that conference committee, particularly Senator ELLENDER, who has done much in moving us ahead in this field. Though we would like to see faster progress, I think that when we look back and see what Senator ELLENDER has accomplished, we can all be grateful for his dedication to this program. We are also particularly grateful to a former Governor of a great State, Senator HOLLINGS, who also has helped awaken us and the country to the great need and has given us the will to find the way to fulfill this need.

Mr. JAVITS. Mr. President, I express my thanks to Senator ELLENDER and to Senator HOLLINGS—who really has had an extraordinary career in this matter—for all they have done. I agree with Senator PERCY that they have done a great deal and that we are much further than we ever were and ever dreamed of being. I should like very much, with deep conviction, to join in that sense of appreciation.

WORK REQUIREMENT "BARBARIC"—PRIMITIVE CONCEPT OF "WORK OR STARVE"

What breaks the camel's back for me, in terms of what we are about to do—and there is no question that we will—is the work requirement. It is absolutely right—and in respect to welfare and other matters we will undoubtedly, and we should, do our utmost to bring about conditions under which people learn and get jobs—that the so-called poverty syndrome should be ended.

The theory that if a father cannot or will not work, he is not eligible for stamps thereby cutting his family off from getting stamps can be called barbaric. This theory is pretty difficult to swallow. It really, in effect, is the primitive concept of "work or starve." Whatever may be the justification for applying it to any one human being, it certainly should not be visited upon those who cannot help themselves—to wit, the children in the family. I am not saying this for tear-jerking but because I cannot bring myself to support personally—and I mean it strictly personally—a conference report which has been imposed upon the Senate by the other body and which carries so harsh a requirement. I want to dedicate—as does the Senator from South Dakota (Mr. MCGOVERN) and others, including the Senator from Iowa (Mr. MILLER)—my efforts to alleviating what we call in the testament of my faith, the "stern decree."

SELF-CERTIFICATION

I feel that the self-certification provision is most unfair. It is true that self-certification will apply to welfare cases, that is, the poor on welfare, but they are entitled to food stamps, anyway, in most states, and they go through all the certification necessary. So really, this is a distinction without a difference. The fact is that the working poor, those whom we really should depend on for affidavit certification, those who feel most abused and oppressed when they have to qualify as welfare cases in order to get food stamps, and stand in line, and so forth, they are the very ones not subject to self-certification. That fact should be revealed in all its stark impact. They represent about 42 percent of all food stamp recipients, so that we are dealing with a very considerable number of people.

COUPON ALLOTMENT VALUE

Then, as the Senator from South Dakota (Mr. MCGOVERN) has so properly argued, the failure to adopt the low-cost food plan standard, which is minimal enough, represents another additional burden that this conference report has to bear.

OPEN-ENDED AUTHORIZATION

Finally, the fact that the last 2 years are left open, leaving us susceptible to the standard of budget exigencies rather than to need in the area of food and hunger, makes it impossible for me—and again I speak personally—to stay with this report.

JUSTICE AND HUMANITY REQUIRE CHANGES IN THE LAW

Let me conclude as I began, that I blame no one. I understand perfectly the views and feelings expressed by the other members of the special committee, of which I am the ranking minority member; but I feel that these matters I have named demand so much protest that, as I am in a position to do it, I wish to do it, and will dedicate myself to bringing about changes in the law which elementary justice and humanity require to be made.

Mr. President, I ask unanimous consent to have printed in the RECORD a telegram I have received from a very distinguished American, Dr. Kenneth B. Clark, professor of psychology, at the City University of New York.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NEW YORK, N.Y.,
December 22, 1970.

Sen. JACOB JAVITS,
Senate Office Building,
Washington, D.C.:

We urge that the Senate stand firm on the Food Stamp Program Bill. We make this plea in the names not only of the hundreds of thousands of New Yorkers, but also the millions of Americans throughout the Nation who have a right to protection against hunger in an affluent democratic nation.

Dr. KENNETH B. CLARK,
Professor of Psychology,
The City University of New York.

Mr. DOLE. Mr. President, I wish to commend the conferees for agreeing to legislation that will substantially improve and expand the food stamp program. If this conference report is not approved, the food stamp program will die on January 31; after being given a 1 month extension by the Appropriations Committee. We cannot allow this to happen.

For years, food programs were designed as much to get rid of surplus commodities as to feed hungry people. But in the past 2 years, tremendous progress has been made in meeting the food needs of the poor. A family food program—either food stamps or commodity distribution—is now operating in virtually every county in the Nation, and is reaching over 12 million needy persons—a record high. This is largely the result of major modifications made in the food stamp program last December. Families are now required to pay less for food stamps and receive more bonus stamps. Currently, about 9 million people are receiving food stamp benefits, up from 3.6 million last December.

Other changes in the program required legislative action. The conference report represents a further effort to eliminate poverty-related malnutrition. However, each of us has received a letter from the junior Senator from South Dakota (Mr. MCGOVERN) asking us to reject the conferee's report because of four specific objections he has to the report.

Contrary to the allegations contained in the Senator from South Dakota's letter, the work requirement requires that only certain unemployed able-bodied persons will be required to register for and accept employment. No person will be required to accept a job that is not covered by the State or Federal minimum wage laws or Federal wage regulations, or at less than $1.30 an hour if the job were not specifically covered by such laws. Is it unreasonable to require an able adult to register for and accept employment as a condition of providing his family adequately nutritious food? The conferees agreed to consider necessary changes in this requirement if a family assistance program is approved by the Congress and this will provide an opportunity to correct any inequities.

If my colleagues in the Senate truly want to provide a nutritionally adequate diet, and $134 is necessary to meet that goal, I fail to see how we can ever justify providing only $120. But the fact of the matter is that a monthly food stamp allotment of $106 for a family of four will allow them to purchase a nutritionally adequate diet. In describing the economy plan, which calls for $106 for a family of four, the Agricultural Research Service of the Department of Agriculture said, and I quote,

> Plans for adequate diets at still lower cost could be developed.

In addition, I ask unanimous consent that a letter from Assistant Secretary of Agriculture Richard Lying concerning the cost of an adequate diet be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., December 31, 1970.

Hon. ROBERT DOLE,
United States Senate.

DEAR SENATOR DOLE: you have inquired whether the Economy Food Plan would provide families with an adequate diet.

The Economy Food Plan, which is the least expensive of the food plans published by

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USDA, does provide families with nutritionally adequate diets. In fact, adequate plans can be developed at still lower cost.

It is obvious, of course, that the more expensive food plans published by the Department offer families a broader range of choice and allow them to utilize foods with lower nutritional value per dollar.

Thank you for your inquiry.

Sincerely,

RICHARD LYING,
Assistant Secretary.

Mr. DOLE. Mr. President, furthermore, the Senate provision requiring the Secretary of Agriculture to adjust the total coupon allotment annually to reflect changes in the prices of food will insure that the allotments continue to provide nutritionally adequate diets.

From figures supplied by the Department of Agriculture, it has been possible to calculate that a 1-percent increase in the coupon allotment will cause a 4.5-percent increase in the bonus cost of the program. Consequently, to raise the coupon allotment to $120 would increase the cost of the program by 60 percent—to a figure higher even than that proposed by the Senator from South Dakota. If the difference between $120 and $106 was the difference between an adequate diet and malnutrition, this argument would not be persuasive. However, since $106 does provide for an adequate diet, there is virtually no justification for the enormous increase in the cost of the program that would result from increasing the coupon allotment to $120 per month.

The $1.75 billion level of authorization for this fiscal year is identical to the level of appropriations in the Senate appropriations bill. The open end authority for the next 2 fiscal years will permit funding to be geared more realistically to meet the program's needs than the Senate bill.

The conferees agreed to the Senate provision for simplified certification of families receiving public assistance, but left unchanged the secretary's authority to establish procedures for determining eligibility of those not receiving any public assistance. Many of these people have uncertain income streams and sometimes significant month-to-month variations—they may be between jobs, working part-time or at substandard wages. Because the cash contribution of the family is related to income and family size, rather precise income determinations are necessary. The Department of Agriculture has already announced that it will provide States with guidelines to reduce "red tape" in the certification process. The conferees have provided the secretary the authority to modify the system to assure maximum participation and prudent administration.

In addition, this legislation will:

Direct the Secretary of Agriculture to establish uniform national eligibility standards. Under the present act, eligibility standards vary by States because they are geared to each State's welfare standards. Where welfare standards are low, food stamp eligibility standards are low. This bill will remove that inequity and—

Provide that no family will be required to pay more than 30 percent of its incomes for its food stamp allotment. Those with very low incomes will be given free stamps.

Allow participating families to purchase less than the full amount of the total food stamp allotment. This would increase program flexibility for the families.

Provide welfare families with an opportunity to purchase their stamps under a voluntary checkoff system; that is, by deducting the purchase price of food stamps from the welfare check. This system is a completely voluntary one, but it will make it easier for welfare families to participate in the program.

Provide for concurrent operation of the food stamp and commodity distribution programs. The family would elect to participate in one program or the other—but not both.

Require States to undertake outreaching efforts to inform eligible families about the program. This is vitally necessary if we are to reach those of the poor who need a dietary supplement. Food and nutrition education is a critical element in improving the diets of the poor.

Provide that elderly persons who are participating in the program will be permitted to use food stamps to purchase meals delivered to them if prepared by political subdivisions or nonprofit organizations.

Expand the program to the needy in Guam, Puerto Rico, and the Virgin Islands.

Contrary to the objections raised by the Senator from South Dakota, the modifications recommended by the conferees will improve and revitalize the food stamp program. By adopting this legislation, we will be making a great stride toward providing every American family a nutritionally adequate diet.

Mr. President, let me just add here, that I also serve on the Committee on Nutrition and Human Needs, as well as on the Committee on Agriculture and Forestry, and I certainly commend all those on both committees who have been dedicated and who have such a sincere interest in solving this very important problem.

It is my opinion that progress has been made, indeed, that great progress has been made.

Mr. ELLENDER. Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER (Mr. HUGHES). The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Mr. ELLENDER. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. TALMADGE and Mr. BYRD of West Virginia moved to lay the motion on the table.

The motion was agreed to.

DISABLED VETERANS' AND SERVICEMEN'S AUTOMOBILE ASSISTANCE ACT OF 1970

Mr. CRANSTON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 370.

The PRESIDING OFFICER (Mr. HUGHES) laid before the Senate the amendments of the House of Representatives to the amendments of the Senate to the bill (H.R. 370) to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty, which were in lieu of the matter proposed to be inserted to the text of the bill, insert:

That this Act may be cited as the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970".

SEC. 2. (a) Chapter 39 of title 38, United States Code, is amended to read as follows:

"Chapter 39.—AUTOMOBILES AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES

"Sec.
"1901. Definitions.
"1902. Assistance for providing automobile and adaptive equipment.
"1903. Limitations on assistance.

"$ 1901. Definitions.

"For purposes of this chapter—

"(1) The term 'eligible person' means—

"(A) any veterans entitled to compensation under chapter 11 of this title for any of the disabilities described in subclause (i), (ii), or (iii) below, if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II or the Korean conflict; or if the disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty;

"(i) The loss or permanent loss of use of one or both feet;

"(ii) The loss or permanent loss of use of one or both hands;

"(iii) The permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye; or

"(B) any member of the Armed Forces serving on active duty who is suffering from any disability described in subclause (i), (ii), or (iii) of clause (A) of this paragraph if such disability is the result of an injury incurred or disease contracted in or aggravated by active military, naval, or air service during World War II, the Korean conflict, or the Vietnam era; or if such disability is the result of an injury incurred or disease contracted in or aggravated by any other active military, naval, or air service performed after January 31, 1955, and the injury was incurred or the disease was contracted in line of duty as a direct result of the performance of military duty.

"(2) The term 'World War II' includes, in the case of any eligible person, any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

"§ 1902. Assistance for providing automobile and adaptive equipment

"(a) The Administrator, under regulations which he shall prescribe, shall provide or assist in providing an automobile or other conveyance to each eligible person by paying the total purchase price of the automobile or other conveyance or $2,800, which-

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ever is the lesser, to the seller from whom the eligible person is purchasing under a sales agreement between the seller and the eligible person.

"(b) The Administrator, under regulations which he shall prescribe, shall provide each eligible person the adaptive equipment deemed necessary to insure that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and so as to satisfy the applicable standards of licensure established by the State of his residency or other proper licensing authority.

"(c) In accordance with regulations which he shall prescribe, the Administrator shall (1) repair, replace, or reinstall adaptive equipment deemed necessary for the operation of an automobile or other conveyance acquired in accordance with the provisions of this chapter, and (2) provide, repair, replace, or reinstall such adaptive equipment for any automobile or other conveyance which an eligible person may subsequently have acquired.

"(d) If an eligible person cannot qualify to operate an automobile or other conveyance, the Administrator shall provide or assist in providing an automobile or other conveyance to such person, as provided in subsection (a) of this section, if the automobile or other conveyance is to be operated for the eligible person by another person.

"§ 1903. Limitations on assistance

"(a) No eligible person shall be entitled to receive more than one automobile or other conveyance under the provisions of this chapter, and no payment shall be made under this chapter for the repair, maintenance, or replacement of an automobile or other conveyance.

"(b) Except as provided in subsection (d) of section 1902 of this title, no eligible person shall be provided an automobile or other conveyance under this chapter until it is established to the satisfaction of the Administrator, in accordance with regulations he shall prescribe, that the eligible person will be able to operate the automobile or other conveyance in a manner consistent with his own safety and the safety of others and will satisfy the applicable standards of licensure to operate the automobile or other conveyance established by the State of his residency or other proper licensing authority.

"(c) An eligible person shall not be entitled to adaptive equipment under this chapter for more than one automobile or other conveyance at any one time.

"(d) Adaptive equipment shall not be provided under this chapter unless it conforms to minimum standards of safety and quality prescribed by the Administrator."

(b) The analysis of title 38, United States Code, and the analysis of part III thereof, are each amended by striking out

"39. Automobiles for Disabled Veterans .... 1901"

and inserting in lieu thereof:

"39. Automobiles and Adaptive Equipment for Certain Disabled Veterans and Members of the Armed Forces .... 1901".

And, in lieu of the matter proposed to be inserted by the Senate amendment to the title of the bill, insert: "An Act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, to extend benefits under such chapter to certain persons on active duty, and to provide for provision and replacement of adaptive equipment and continuing repair, maintenance, and installation thereof."

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, in a moment I will move that the Senate agree to the amendments of the House to the amendments of the Senate to H.R. 370, the Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970.

On Tuesday, the House acted on this measure and amended our amendments, adopted on September 25, 1970, to the bill. Our amendments had been proposed by the Labor and Public Welfare Committee in Report No. 91-1233.

TITLE I

With respect to title I of the bill as it passed the Senate, amending chapter 39 of title 38, United States Code, with regard to automobile assistance for disabled veterans and servicemen, the House has proposed a viable compromise coming closer to or accepting the Senate version on two of the three points in question.

The House amendment to our amendment raises the automobile allowance for seriously disabled service-connected veterans of World War II, the Korean conflict and the post-Korean conflict from the present $1,600 to $2,800. The Senate version raised it to $3,000 and the original House version had raised it to $2,500. So the other body has more than met us half way on the allowance amount.

On the second issue, the provision for Veterans' Administration installation and replacement of the necessary adaptive equipment, as well as for its continuing repair and maintenance, which the Senate version added, I am delighted to report that the House has accepted this fully. This is a new and added benefit that not only increases the overall quantity of assistance provided—since under present law the cost of adaptive equipment must be covered within the current $1,600 automobile allowance itself—but also the quality of adaptive devices available to our disabled veterans and servicemen. The provision specifically requires the Veteran's Administration to establish and enforce minimum standards for safety and quality on any adaptive equipment provided under the new provision.

However, on the third point of controversy in title I of the Senate version, I very much regret to advise my colleagues that the House action proposes no compromise, and I accept the House amendment on this point only with the greatest reluctance in view of the extremely late hour in this 91st Congress and my understanding that the other body is adamant in refusing to consider a more acceptable resolution.

This question regards the standard of service connection to be applied to Vietnam era veterans and servicemen—post-August 1, 1964—with respect to their eligibility for automobile assistance under the revised chapter 39 of title 38. Under present law, which covers only veterans and does not extend benefits to servicemen, all post-Korean conflict veterans—those with service after January 31, 1955—are subject to a stricter standard of service connection—the disabling injury or illness must have arisen or been aggravated in the line of duty as a direct result of the performance of military duty—than are veterans of World War II and the Korean conflict. It has long been recognized that this direct-performance standard is inequitable as applied to the wartime veterans of the Vietnam era. They should be treated exactly the same as veterans of prior wartime service—those of World War II and the Korean conflict—to whom the only standard applied is whether or not the disabling injury or illness arose or was aggravated during any period of active military, naval or air service in the qualifying service period: The Senate version removed this discrimination against Vietnam era veterans; whereas the original House version had continued it with respect to veterans but added the coverage of Vietnam era servicemen under the more liberal "wartime" standard, in which latter standard the Senate concurred.

Now, the House amendment before us restores the original House version disparity of standards between those applied to Vietnam era veterans and those applied to veterans of prior wartime service and even those applied to servicemen from the same Vietnam era service period. As the July 6, 1970, report of the Administrator of Veterans' Affairs and the Senate report on the bill noted—report pages 6 and 14-15—this disparity as well as being unfairly discriminatory against Vietnam era veterans might create certain administrative anomolies. A Vietnam era serviceman whose injury or illness arose in such a way as to meet the more liberal wartime service-connection criterion would lose his eligibility for automoble assistance upon becoming a veteran if he had not before discharge applied for it and if the circumstances surrounding the illness or injury were such as not to meet the stricter peacetime standard applied to all post-Korean conflict veterans by the House amendment. The difficulties with this result are clearly pointed out in the Senate report.

However, the problem now facing the Senate is very difficult in view of the firm view of the other body that the more liberal wartime standard of service connection should not be applied to Vietnam era veterans. Staff discussions between the Senate and House committees have disclosed that the other side would give consideration only to altering the Vietnam era servicemen's service-connection standard so as to apply the same stricter direct-performance standard to servicemen of that service period as it proposes to apply to veterans of that period. But, the other body apparently will give no further consideration to accepting the Senate eligibility requirements which remove all disparities by applying the more liberal service-connection standard to both veterans and servicemen of the Vietnam era, just as they are applied to

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veterans and servicemen of World War II and the Korean conflict.

Given the choice between, on the one hand, conceptual neatness and administrative convenience which would arguably be achieved by returning the bill to the House again for consideration of applying a more restrictive service-connection standard to servicemen as well as veterans of Vietnam era service and, on the other hand, extending automobile allowances and adaptive equipment provision, replacement, installation, and repair assistance to certain seriously disabled servicemen who might not qualify for such benefits if they left service and applied for these benefits under the stricter standard applicable to those in veteran status, I choose providing benefits to as many as possible of these most seriously service-connected disabled persons.

Thus, I propose the Senate accept the House provision on this issue but do so only with the following understandings:

First. The Administrator of Veterans' Affairs will do everything possible to ensure that every serviceman who might possibly be eligible for assistance under this revised chapter in light of the definition of "eligible person" in section 1901 (1)(B)—those on active military service—be fully advised of this possible eligibility and be urged to file an application for assistance under chapter 39—including both the allowance under subsection (a) of section 1902 and adaptive equipment under subsections (b) and (c)—immediately and, at all events, prior to separation from active duty. I also urge the Secretary of Defense and the Secretaries of the three armed services to cooperate fully with the Administrator of Veterans' Affairs, doing all possible to facilitate the Veterans' Administration's counselling of such disabled servicemen, to assist these servicemen to make immediate application for these benefits and to provide for that application to be transmitted to the Veterans' Administration immediately.

Second. An application for automobile assistance under chapter 39 shall be construed to include application for adaptive equipment and necessary repair, replacement, and reinstallation under that chapter.

Third. Such an application for benefits under chapter 39 will be considered to have been submitted on the date shown as the date of signature by the applicant.

Fourth. Submission of such an application, the assumption in the July 9 report of the Administrator of Veterans' Affairs to the contrary notwithstanding, shall render a serviceman an eligible person for purposes of all assistance under this chapter, regardless of when the assistance is actually able to be provided by the Veterans' Administration. It is our intention that no individual be cut off from assistance to which he is eligible as a serviceman, once he has applied for it, merely because the processing has not been completed on such application.

Fifth. A serviceman who has received assistance under chapter 39 shall thereafter be eligible under section 1901(1)(B) without time limitation and without regard to continued active duty status for repair, replacement, and reinstallation of the adaptive equipment which he shall have received under section 1902(c) in a vehicle he has purchased with assistance under this chapter or any automobile or other conveyance he shall subsequently acquire.

In sum, it is our understanding and expectation in agreeing to the House amendment that the Veterans' Administration—and the Department of Defense providing full cooperation to the VA—will do everything possible to see that all servicemen potentially eligible for benefits under this chapter apply for them while they are still in the service, actually receive them expeditiously, and are given every benefit of the doubt in interpretations regarding their eligibility for full benefits under this chapter, and will generally afford to the provisions of this chapter the broadest, most liberal and inclusive construction possible.

TITLE II

As to title II of the Senate version deleted by the House amendment, that title provided needed improvement and updating of the flight training and farm training programs. The farm and flight provisions have long been fought for by the senior Senator from Texas, my good friend, RALPH YARBOROUGH, who is on his way to the floor to comment on his deep interest and long efforts in this regard.

I want to pay particular tribute to his statesmanship in being willing to recede from this twice-passed Senate provision in view of the clear indication from the other body that there is no chance for its acceptance on that side.

As always, Senator YARBOROUGH is once more placing the welfare of this Nation's veterans above all else in order to ensure that the seriously injured veterans could receive benefits under the automobile assistance program provided in title I of the bill and will not be deprived of those badly needed benefits because the other body has adamantly refused to give consideration to Senator YARBOROUGH's provision in title II of the bill.

I know that the Senator from Texas wanted to go to conference on this matter. I know that he attempted to do so. I know that it was only in view of the late hour and the lack of an opportunity to come to grips with this matter that he decided not to seek that conference, but to take the magnanimous step he has taken to assure that this program will go to the White House to be signed by the President.

Although enactment of these important farm and flight training provisions would have been a fine tribute to RALPH YARBOROUGH's dedication to veterans affairs as his term in the Senate draws to a close, the gracious and wise course he has chosen today is also a fitting token and a tribute to his great work and his great devotion to the needs of the veterans of our Nation.

I thank him for his great cooperation on this bill, for his wise counsel, active participation, fierce advocacy for the Nation's veterans and outstanding cooperation in all of the veterans measures that we have considered in the Veterans Affairs Subcommittee, in the full Labor and Public Welfare Committee, and on the Senate floor, during my 2 years as chairman of that subcommittee.

Without his great concern for veterans benefits, the progress I feel we have made in veterans affairs over the last 2 years would have been absolutely impossible.

All the veterans of this Nation have been extremely fortunate that RALPH YARBOROUGH, a man who served as chairman of the Veterans Affairs Subcommittee for 7 years—longer than any other Senator—has been chairman of the full Labor and Public Welfare Committee during this crucial period for veterans benefits.

In that capacity, he has had the opportunity to be of unfailing assistance in all efforts to improve these benefits, and he has in every instance exercised the full powers of his chairmanship toward these ends.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CRANSTON. I gladly yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the comments of the able Senator from California concerning the distinguished Senator from Texas who departs the Senate to return to Texas are timely and they are deserved. I am sure that those of us who have had the responsibility of serving on the Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee have understood, as perhaps the membership generally has not understood, the expertise, the compassion, the diligence, and the effective work of the Senator from Texas (Mr. YARBOROUGH), during the years he was chairman of the subcommittee and, of course, during his chairmanship of the full Labor and Public Welfare Committee.

RALPH YARBOROUGH is a constant crusader. I think of him in that terminology because it is true.

In his efforts to aid the veterans who have served our Nation in various conflicts and in peace time, he has performed a vital task. He has been truly understanding of the needs of our veterans. He has always thought of the high purpose involved in these matters. He has realized also the necessity of effecting compromises—not as a retreat from principle—when the continuation or the improvement of benefits to our veterans require such compromise.

Certainly that to me is a continuing example of the efforts of the Senator from Texas.

Mr. President, what I have said about the Senator from Texas, I now take the opportunity to transfer, at least in part, to the able Senator from California who has chaired the Subcommittee on Veterans' Affairs and who has also been a crusader and a champion. He has been a realist as Senator YARBOROUGH has been a realist in these final hours in an attempt to bring forth legislation which will benefit the veterans of the Armed Forces of the United States.

Mr. CRANSTON. Mr. President, I thank the distinguished Senator from West Virginia. I, of course, concur fully in all that he has said about the distinguished Senator from Texas who, happily, came on the floor during the

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course of the Senator's remarks so that he heard part of them. I regret that he did not hear all of my remarks, but I have not finished what I have to say about RALPH YARBOROUGH.

I think that the Senator from West Virginia has been of great help on this committee, and he has provided great leadership in the past as chairman. He has been of great assistance to me in my freshman efforts to seek to continue the work that he and RALPH YARBOROUGH initiated in this committee.

I look forward to working with the distinguished Senator from West Virginia in the years ahead in the vital area of veterans affairs.

I yield now to the Senator from Texas, the chairman of the Labor and Public Welfare Committee, whose deep interest in this bill and in veterans affairs generally is well known and appreciated throughout the United States.

STATEMENT ON DISABLED VETERANS' AUTOMOBILE ASSISTANCE ACT, H.R. 370; TRIBUTE TO SENATOR ALAN CRANSTON'S GREAT WORK AS CHAIRMAN OF THE SENATE VETERANS AFFAIRS SUBCOMMITTEE AND REGRET AT THE HOUSE VETERANS AFFAIRS COMMITTEE'S OPPOSITION TO THE COLD WAR GI FARM TRAINING AND FLIGHT TRAINING

Mr. YARBOROUGH. Mr. President, I am tremendously grateful to my colleagues, the Senator from West Virginia, who was himself a very able chairman of the Veterans' Affairs Subcommittee, and the Senator from California (Mr. CRANSTON), the present chairman, for their kind remarks.

I will tell the Senators how my great interest in veterans affairs arose.

During World War II, I was on the staff of an infantry division, and after my division had taken part in combat in Europe, we were redeployed to the Pacific. While we were on the ship en route to the Pacific, in late August or early September of 1945, I had the opportunity to visit with many of the men, and I found that their greatest fear was the uncertainty of the future.

They did not know what job opportunities, if any, would be available to them upon their return to civilian life.

I decided then that if I were ever in a position to be of service to the veterans, I would try to help in this field of readjustment. That is why I worked so many years for the cold war GI bill.

I thank my distinguished colleagues for what they have done in this field while serving as chairman of the subcommittee. I was chairman for 7 years, longer than anyone else.

The distinguished Senator from West Virginia, despite his tremendous responsibilities as chairman of the Public Works Committee, took the chairmanship and compiled a great record of service.

At the beginning of this Congress, Senator CRANSTON agreed to chair this vital subcommittee and moved it to unprecedented heights of achievement.

I think it is a tribute to the Senate and its dedication to the welfare of people that with a small Subcommittee on Veterans' Affairs the Senate has done more to push veterans' rights than the other body with a full Veterans' Affairs Committee.

The Senate Labor and Public Welfare Committee passes veterans bills and the other body cuts these bills down. This is a good example. The Senate bill had an improved veterans farm training program in it. The farm organizations of the country, the agricultural colleges, and the many agricultural interests in this country were begging for this provision. The House struck it out. We begged them to go to conference on the matter but they refused to go to conference. We had an improved flight training provision, but the House also struck it out.

Mr. President, this bill is much better than the last House bill. The House bill came over to the Senate and the Subcommittee on Veterans Affairs under the leadership of the able Senator from California increased the benefits in the bill. Finally, the matter was compromised with the House. This is a far better bill for veterans and the people than the bill we would have had if we had taken the House bill that they had tried to get us to accept.

The people in the executive department do not push for benefits for those who fought this war. Everything that has been done for the disabled veterans has come from Congress.

I am proud of the fact that the Senate placed me on the Veterans Affairs Subcommittee, and it has been an honor for me to remain on that committee for 13 years.

I thank the Senator from California for focusing public attention on the matter of conditions in veterans' hospitals. His hearings which were held on conditions in veterans' hospitals gave wide attention to the situation that exists there. He exposed the acute shortages of medical manpower and facilities. The Senator has focused public attention on the matter and improvements have been made.

His hearings in connection with the unemployment of veterans show that veterans have a higher rate of unemployment than any other group.

Although our subcommittee is to be eliminated at the end of this Congress, I hope that the new committee will continue the work that has been done by the distinguished Senator from California and move forward with his proposals.

Mr. President, the present bill is designed to increase the automobile allowances for disabled veterans and also liberalize the eligibility requirements for receiving such allowances. As originally passed by the House, H.R. 370 would have raised these allowances for disabled veterans from $1,600 to $2,500. The Senate revised this bill in four principal ways.

First, the Senate raised the automobile allowance from $1,600 to $3,000 instead of the $2,500 as the House had provided.

Second, the Senate version of this bill requires the Veterans' Administration to provide the essential adaptive equipment for the automobiles as well as the allowances. Furthermore, under the Senate version of this bill the Veterans' Administration would be responsible for the repair and replacement of such adaptive equipment.

Third, the Senate enacted as title II of this bill my bill to provide a new farm cooperative training program for veterans and to establish a new loan program to assist veterans in obtaining a private pilot's license. Both of these programs have received strong support from veterans groups, flying groups, and farm organizations throughout the country and have on two occasions passed the Senate by unanimous vote. The first time these two programs passed the Senate they were part of the GI bill amendments of 1970. During the conference on that bill, it became apparent that the House would not agree to raise the educational allowances for veterans taking training under the GI bill unless the Senate agreed to drop these two programs. Because of the urgent need to raise the educational allowances, the Senate conferees agreed with me to delete these two programs from that bill. However, because of the great need for both of these programs, I reintroduced them in a separate bill at the beginning of the second session of the Congress. Again, both of these programs received widespread public support.

The farm training program that I proposed gained the support of such respected farm organizations as the National Farmers Union, the National Grange, and also is supported by the American Vocation Association and the National Vocational Agriculture Teachers Association. In addition to the support this program I have worked for has received from these farm organizations and vocational groups, this program has also received the support of State agricultural education experts in 26 States. These authorities in the field of agricultural training are all united in their belief that first, the present farm training program is not effective, second, the farm training program that I have proposed is a practical and workable program, and third, there are many veterans who would take training under the new practical program.

Despite the compelling need for both of these measures, the House has again refused to accept them. I regret that the House has been unable to see the wisdom of the Senate action in this matter. However, I will not allow the House and its unwise action on these two measures to jeopardize this bill which is so vital to our disabled veterans.

The bill as passed by the House does contain two of the provisions added by the Senate. First the House accepted the Senate's provision with regard to providing adaptive equipment for the automobiles of disabled veterans. Second, the House agreed that the automobile allowance should be raised from $1,600 to $2,800. Although I firmly believe the Senate's increase to $3,000 is well justified, the compromise figure of $2,800 is a major gain for these veterans.

Mr. President, I believe that this bill will greatly benefit the many disabled veterans of this country and should be passed.

It is also proper to note that this is the last veterans measure to be passed by the Labor and Public Welfare Committee. Under the Reorganization Act, jurisdiction for veterans affairs will be combined in a new Veterans Affairs Committee to be instituted at the beginning of the 92d Congress. Having served as chairman of the Subcommittee on Veterans Affairs for longer than any other man in history, 7 years, and as a ranking majority member of this subcommittee now and as a member of the Senate Veterans Subcommittee for the past 13 years, I take this opportunity to pay tribute to the distinguished chairman of the subcommittee, Senator ALAN CRANSTON, for his diligent efforts on behalf of all American veterans.

At the beginning of this Congress when I was working out subcommittee assignments, a number of Senators showed no interest in chairing the Veterans Affairs Subcommittee. Senator CRANSTON, however, was not only willing to serve in that capacity but was eager to work on projects to benefit all veterans both young and old. In the 2 years that he has chaired this subcommittee, he has left an indelible mark on the history of veterans affairs. Not only has he led the subcommittee in passing numerous bills, but he has also awakened the conscience of America to the plight of our veterans' health and hospital care programs.

During his chairmanship, the Subcommittee on Veterans Affairs has reported out favorably 14 bills, either separately or combined into other bills, all of which have unanimously been approved by the full Labor and Public Welfare Committee and the Senate. Ten of these bills are now law. Two of these bills still await House action. We are taking final action on the last of these measures today. This is a record of which Senator CRANSTON can take great pride. I am extremely pleased that I was either a sponsor or cosponsor of all of these measures and was able to work with Senator CRANSTON in obtaining approval of them.

In addition to legislation that has been passed, Senator CRANSTON performed an invaluable service for the wounded veterans of America by investigating the status of care in our Nation's Veterans' Administration's hospital. As a result of the facts that Senator CRANSTON's investigation uncovered, we in Congress were successful in obtaining an additional $105 million for veterans hospital and medical care.

As one of his last actions, Senator CRANSTON held extensive hearings on the problems of employment for returning Vietnam veterans. These hearings brought to light the tragic situation that many young men find themselves in when they return from the war. They are not only veterans of an unpopular and unwise conflict but many of them have also been denied opportunities for meaningful employment. I have encouraged Senator CRANSTON to push on in this area and I am hopeful that it will ultimately result in the passage of a "GI Reemployment Act" and when coupled with the Cold War GI bill will open new doors for our Nation's veterans.

In conclusion, Mr. President, I wish to thank Senator CRANSTON for his efforts and his dedication in this assignment. He has been a loyal and hard working subcommittee chairman. He has performed his duty with devotion which is above and beyond the usual call. As I leave the Senate at the end of this term, I am confident in the faith that the work for progress in this Nation will continue under the leadership of Senator ALAN CRANSTON.

Mr. CRANSTON. I thank the Senator from Texas. Thanks should go to him and not to this Senator for what has been accomplished over so many years in connection with veterans' affairs. He used his great talents, his compassion and his great skill as a legislator in his capacity as chairman first of the subcommittee and then of the full committee to obtain benefits for the veterans of our land, to whom we owe so much.

I now yield to the Senator from Kansas, a distinguished Member of this body, who is a disabled combat veteran, who has had firsthand knowledge from his own experience of the matters to which this bill relates.

Mr. DOLE. Mr. President, I thank the Senator for yielding. I want to say to the Senator from Texas, the Senator from West Virginia, and others that as a recipient of many disabled veteran benefits long before I became active in politics, I fully recognize the efforts of the Senator from Texas, and others concerning veterans.

I recall specifically when the first bill was passed by Congress and signed by the President with respect to automobiles for seriously disabled veterans. I remember the automobile received as a result of that legislation. I can recall some problem with respect to the second issue, of adapting equipment.

I applaud the Senator from California and others for this revision of the bill.

But above and beyond that I wish to say that through Congress as a whole certainly the American veteran, and particularly the disabled American veteran, has been cared for properly and, yes, with compassion and, yes, with reason and responsibility, because Members of Congress, the Senate and the House, whether Democrats or Republicans, do care about America's disabled veterans.

So I endorse the bill now before the Senate. But primarily rise to indicate my appreciation to the Senator from Texas and the junior Senator from California.

Mr. CRANSTON. Mr. President, I thank the Senator from Kansas for his very constructive and generous remarks.

I now yield to the Senator from Massachusetts, who is likewise a distinguished former chairman of the Subcommittee on Veterans' Affairs.

Mr. KENNEDY. I thank the Senator for yielding.

Mr. President, I wish to commend the Senator from California for the work he has done, not only in connection with this legislation but also in terms of the entire program of veterans legislation which we have been focusing on in the subcommittee and in the Committee on Labor and Public Welfare.

It has been a difficult challenge to follow the chairman of the full committee, the distinguished Senator from Texas (Mr. YARBOROUGH), whose efforts over the period of time he has served not only as a member of the full Committee on Labor and Public Welfare but also as its chairman have brought so many benefits to veterans. But Senator CRANSTON has chaired that subcommittee with distinction, and has been extremely effective in securing and expanding responsible programs for veterans.

As I listened to the colloquy about the cold war GI bill, I recall how many hundreds of thousands of veterans now will be able to receive a decent education because of the Senator's efforts. I think all of us, when we speak about veterans and legislation for veterans, have to recognize the Senator's extraordinary achievements.

I think the Senator from California has focused on some of the greatest needs which veterans in our country face at this time. All of us know the tragedy of Southeast Asia and realize that the greatest and highest percentage of wounded have come from South Vietnam because of the nature of guerrilla warfare, landmines, and booby traps. We realize that the losses of these servicemen have been extremely severe. They deserve the best attention we can provide, as a nation that prides itself in good medical care.

I think the Senator from California focused attention on this issue and helped dramatize it and awaken the conscience of the country on this matter, as well as on the legislation we are considering today.

I, too, join Senators in commending the Senator for the work he has done in this endeavor. It has not been easy work. It has been difficult and complex, and it has required a great understanding of the nature of these problems.

As a member of the full committee and a former chairman of the Subcommittee on Veterans' Affairs I commend him for the service he has performed.

Mr. CRANSTON. I thank the Senator.

Mr. President, I yield again to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I appreciate very much the kindness of the Senator from California in yielding to me again so that I may make an observation.

The Senator from Massachusetts also served as the chairman of the Subcommittee on Veterans' Affairs, and one of the great treasures of my service in the Senate has been the fact that I have served on the Committee on Labor and Public Welfare, with three brothers of one distinguished family. Each one of those three brothers was concerned enough for American veterans to seek and obtain service on the Veterans' Subcommittee. I served on that Veterans' Subcommittee with John F. Kennedy, with Robert F. Kennedy, and now with EDWARD M. KENNEDY.

I shall never forget the first time that the GI bill came out of that committee. We got it out in 1959, by a vote of three to two. The Senate passed it. The deciding vote was cast by the then Senator and later President John F. Kennedy, who came in from some engagement to cast the deciding vote, and with that we had the first cold war GI bill.

I want to thank the Senator from Massachusetts for the contributions of the three Kennedy brothers, who always have supported veterans legislation in the Veterans' Subcommittee.

I thank the Senator from Massachusetts for his individual efforts and for

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how devoted he has been. He has been concerned about the war in Vietnam. He has seen the conditions under which our GI's serve in combat and the difficulties of the service there.

I join the Senator from California in my gratitude for what he has done for the veterans of our country.

Mr. CRANSTON. Mr. President, I want to join the distinguished Senator from Texas in expressing my deep gratitude and the country's great debt to the Senator from Massachusetts for his tremendous work in behalf of veterans. I deeply appreciate his comments. I want to note that the Senator from Massachusetts (Mr. KENNEDY), just in the last year, made a tremendous contribution in the enactment of Public Law 91-219, wherein title II bears the imprint of his work in great new benefits and opportunities that were given to disadvantaged veterans under the GI bill we passed last March. That is landmark legislation that he and I worked together on to establish new programs, new procedures, that will be tried, that will be expanded, that are working, and that ultimately will benefit millions upon millions of Americans, not only veterans but others who it will be found can benefit from programs of that sort. The country's debt is one that can never be fully paid to the Senator from Massachusetts for that particular contribution.

I would like to proceed, before concluding, as the Senate considers this last veterans measure of the 91st Congress, to express my personal and deeply felt thanks to each member of the Veterans Affairs Subcommittee and each member of the full Labor and Public Welfare Committee, many of whom have been on the floor and have spoken during these moments. They have provided unanimous and bipartisan support for every veterans measure considered in subcommittee and in full committee, and I think we have achieved a record of sorts in going on to achieve unanimous action by the Senate in every measure that came out of our committee in the last 2 years.

The members of the subcommittee, in addition to myself and the Senator from Texas, are the Senator from West Virginia (Mr. RANDOLPH), who has just spoken, and has been a great ally and a great champion of veterans' benefits, having previously chaired this subcommttee as noted previously; the Senator from Minnesota (Mr. MONDALE); the Senator from Iowa (Mr. HUGHES); the Senator from Pennsylvania (Mr. SCHWEIKER), who has provided outstanding leadership for the minority side of this subcommittee and has always exercised the greatest degree of cooperation with me and the subcommittee on all matters; the Senator from Colorado (Mr. DOMINICK); and the Senator from Ohio (Mr. SAXBE).

I also wish to name the other members of the full Labor and Public Welfare Committee who have been so helpful:

The Senator from New Jersey (Mr. WILLIAMS); the Senator from Rhode Island (Mr. PELL); the Senator from Massachusetts (Mr. KENNEDY), who has participated in this colloquy and who has been another forceful former chairman of the subcommittee; the Senator from Wisconsin (Mr. NELSON); the Senator from Missouri (Mr. EAGLETON); the Senator from New York (Mr. JAVITS), who is also presently on the floor and has given us bipartisan support in the full committee; the Senator from Vermont (Mr. PROUTY); and my senior colleague the Senator from California, GEORGE MURPHY, who likewise is present at this moment.

I also want to note the contributions made by many staff members of the Labor and Public Welfare Committee during our work on veterans affairs legislation, Bob Harris, Jack Forsythe, Gene Godley, Boe Martin, Jay Cutler, Michael Gordon, Roy Millenson, and Marian Laster, and by Bette Noble, who left my staff only a short time ago, and Roger Shepard of my staff, both of whom have worked on many veterans matters. The veteran's subcommittee staff has been headed by the very able Jon Steinberg, its counsel, whose dedication, creativity, his care for the smallest detail as well as his capacity to conceive the broadest aspects of vast issues, has made him invaluable to me, to the other members of the committee, and to the veterans of America and their families. Happily, he has been assisted the last few months by another able staffer, Bill Reid, who came to the subcommittee to serve as Associate Counsel after devoted service on the staff of the distinguished Senator from Texas (Mr. YARBOROUGH).

Finally, I wish to pay tribute and express my great appreciation to the chairman of the House Veterans Affairs Committee, my good friend OLIN E. TEAGUE of Texas. Although we have not always agreed on all veterans measures, as we do not on a number of the provisions of the bill before us this morning, I have counted by association with him and our close cooperation on many, many matters—legislative and matters of oversight, such as our hospital investigations—as one of the very most significant aspects of my first 2 years of service in the Senate. He, and his very able staff members on the House Veterans Affairs Committee, led by Oliver Meadows, the staff director, "Pat" Patterson, the counsel, and Gene Howard, investigator, as well as many other Members of the House Committee have been unfailing in their courtesty, helpfulness and openmindedness on virtually every matter within our mutual interests during the last 2 years.

I want to say also that the Senator from Georgia (Mr. TALMADGE), my opposite number on the Veterans' Legislation Subcommittee on the Finance Committee, assisted by chief counsel Tom Vail and professional staff member, Michael Stern, has been a splendid example of cooperation on matters of mutual interest. He himself and his committee have likewise been able to work in a bipartisan and highly effective way to bring to the floor and to pass legislation of great significance to our veterans.

The same spirit of assistance has also pervaded the work of many, many staff individuals in the Veterans Administration—particularly in the Office of the General Counsel, the Department of Veterans Benefits, and the Department of Medicine and Surgery. Those individuals are too numerous to mention, but they all know who they are, and how grateful I am for their helpfulness to us.

In closing, I want to pay one last tribute to the great work which has always been done for the subcommittee by Mr. Hugh Evans of the Office of Legislative Counsel. The efforts of the attorneys in that office are absolutely indispensable to the orderly and effective functioning of the Senate and are too seldom noted. Hugh Evans' work has been of first-rate quality and consistency.

As we now come to the last act of the Veterans Subcommittee in this session, as I move that the Senate act on this legislation, let me say that we have much work yet to do in veterans affairs in terms of pursuing first class medical care for them, medical care that they do not yet have, which they fully deserve; and we must pursue that matter in the next session of Congress.

They have not yet achieved educational opportunities equal to those given veterans of other wars. We must pursue that matter.

The problem of unemployment among veterans ranks with that of blacks, browns, and the highly skilled technicians in the defense and aerospace industry, as being the greatest unemployment problem in our Nation. We must deal with that problem in the coming years.

I hope I will have an opportunity on the new Veterans Affairs Committee that will be established in the coming Congress to assist in this work. I shall do all I can in every way in that committee, and if I am not privileged to be included on that committee, to do everything I can to see to it that our Nation meets its obligations—obligations not now being met fully—to the veterans of all wars fought by this Nation.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to yield to the distinguished and dedicated Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I shall ask a question, or probably two questions, as the Senator concludes his very comprehensive remarks. His statement merits the commendation of the chairman of the committee and the members of the committee on which we are both privileged to serve.

Would the Senator, for the RECORD, indicate the number of veterans who are now eligible to receive one type or another of assistance in the United States?

Mr. CRANSTON. I cannot give the Senator a precise figure, but there are approximately 28 million veterans, of which somewhere between 7 and 8 million are receiving some form of assistance.

Mr. RANDOLPH. Seven or eight million former members of the armed services who are now veterans receive benefits and assistance?

Mr. CRANSTON. That is correct.

Mr. RANDOLPH. Can the Senator give us an estimate of the number of dependents, or those that are included within the families of those veterans? I recognize that many of these men are, of course, unmarried, but many of them

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support families, wives and growing children, or a father or a mother.

Mr. CRANSTON. I would be happy to respond, but first I would like to comment on the total number of veterans. There are 28 million veterans in the United States who are eligible for some form of benefit. The fact that this figure is so great is a sad commentary on the state of our world, when we have had so many wars and so many men in the armed services, in this time when peace has eluded our Nation.

In answer to the question, in terms of veterans and their families and dependents, we come almost to the figure of 100 million. It is 98 million, to be precise. This is almost half of the American population.

Mr. RANDOLPH. I thank the Senator for his responses. The figures alone do not tell the story; it is when the statistics are considered in terms of the welfare of all the people involved that we realize the importance of these programs. The numbers are important to show the tremendous population figure as compared to the total population, constituted by veterans and their families.

I thank the Senator.

Mr. CRANSTON. Yes. The figures do not portray the diseased and broken bodies or the destroyed lives of so many veterans. The Senator and I, who have visited veterans' hospitals, know of the veterans who lie on their backs in bed, not able to move a muscle, who require the assistance of someone else to meet their every need, and often that someone else, due to lack of adequate funds, is not present and the veteran must wait and wait.

Mr. RANDOLPH. I recall, on Veterans Day, November 11 of this year, I visited a veterans' hospital, and talked with some 60 veterans who were there. They had varying medical and health problems, and injuries. It was an experience to cause pause to persons who have the decisionmaking responsibility, as we do in part, with reference to placing men in actual combat. It is a big question mark. And yet those men were almost uniformly cheerful, talking much as able-bodied people talk about their problems, and they believe there is still a great future for this country and its people.

Mr. CRANSTON I thank the Senator, whose understanding of this country and the problems with which we are concerned is so great and whose sympathy is so deep.

In closing, I would like to say that as the Senate passes this important measure, I urge the President to sign it into law at the earliest possible moment in order to provide the badly needed increase and expansion of benefits for these so seriously disabled veterans eligible for special automobile assistance under this provision.

Mr. President, I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate to the text of the bill.

The motion was agreed to.

Mr. CRANSTON. I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate to the title of the bill.

The motion was agreed to.

Mr. CRANSTON. I yield the floor.

ORDER FOR RECOGNITION OF SENATOR RIBICOFF

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the able Senator from California (Mr. MURPHY), the distinguished Senator from Connecticut (Mr. RIBICOFF) be recognized.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—I should like to acquaint the deputy leader with my problem.

Mr. BYRD of West Virginia. May I say that the Senator did not ask me to do this.

Mr. JAVITS. I think it is fine; we will work it out. I wanted to use this moment to serve notice——

Mr. BYRD of West Virginia. He has been waiting patiently for a long time.

Mr. JAVITS. I have been waiting for the calendar to be clear, in order to call up a private bill that has been on the calendar for 6 months, and we simply must dispose of it. I have put myself at the convenience of the leadership, and I shall not object to this request. But I would greatly appreciate it if the Senator would let me know the earliest moment when we can get at this matter and dispose of it.

Mr. BYRD of West Virginia. Mr. President, I am aware of the matter which the Senator has mentioned, and I am sure that he has already discussed it with the majority leader.

Mr. JAVITS. I have.

Mr. BYRD of West Virginia. His request will be kept in mind.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is ordered.

AUTHORIZATION TO PRINT COMMITTEE REPORT

Mr. RANDOLPH. Mr. Persident, on behalf of the chairman of the Special Committee on Aging, the Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that the report entitled "Economics of Aging: Toward a Full Share and Abundance" be printed, with minority and additional views, during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RURAL LEGAL ASSISTANCE

Mr. MURPHY. Mr. President, I rise at this time to discuss a most serious and vexing problem which concerns not only the State of California, but many other States, and also the procedures followed in this body in the consideration of presidential nominations.

As most of my colleagues are aware, the Governor of California, Ronald Reagan, on December 26, 1970, vetoed a $1.8 million Federal grant that had been awarded to the California rural legal assistance program.

At the outset, I would like to point out that I am in complete agreement with the Governor's veto and his action. As one of the original supporters, in fact one of the originators of the legal services program in the OEO, I have consistently opposed the diversion of moneys which, in my opinion, should be used for legal assistance to individuals and families of the poor who cannot afford to hire lawyers. That was the original basis of the entire program, so that if a fellow who needed a lawyer did not have any money, we would provide the legal service for him. I share Governor Reagan's concern that too much of this money is being used by the California Rural Legal Assistance Group, not for causes based on individual personal or family needs, but for programs of legal reform, which is an entirely different thing, in the opinion of this Senator. I share Governor Reagan's concern that too much of this money is being used by the CRLA for programs of legal and social reform. I believe many of these activities are being instituted and managed by a group of young lawyers who want to develop these social reform programs—and perhaps rightly so—but in my opinion are undertaking to do so at the expense of the poor.

Let me make it clear I am not opposed to legal and social reform. Certainly my record here in the Senate for the past 6 years shows my compassion for the needs of the poor is second to that of no one in this Chamber. Sometimes I may have attempted to approach the problem on a more practical and more direct basis, such as getting the politics out of the poverty program, but my sensitivities are as acute as those of any other Senator. However, I believe those who want the type of legal services program that has been carried on by the CRLA should come before the appropriate committees of the Congress and outline their program and request for funds. What I strongly object to is their taking funds properly authorized for a program designed to provide legal assistance for individuals and families and putting them to another and entirely different use.

There is also confusion, Mr. President, on the matter of the Governor's veto, and this is very often mixed up with the matters of the use of these legal funds. I would recite that at the outset, in order to get the program of the OEO launched, there was an insistence that the Governors of the several States have the right to veto the programs within their States. Then the following year, there was a move made to remove or modify the Governor's veto. At that time, I thought, as did many of my colleagues, very carefully and cautiously for a long time as to whether the responsibility for the conduct of those programs should rest with the elected representatives of the people in the several States, or whether the control and responsibility should be vested in an appointee who would reside here in Washington, 3,000 miles away from California.

This has been a continuing disagreement. I have had it not only in connection with matters involving the rural legal assistance program, but many others, the FEPC, where lawyers from

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the Attorney General's office said that they and only they were properly suited to handle the matters of the FEPC. I think this is a ridiculous consideration.

I sincerely believe that the Governor should have the veto. In actuality, at the present time, he only has the veto in name. What it really amounts to is a substitute for the veto that was taken away, and the Governors was afforded only the opportunity to object.

Mr. President, I sincerely believe—and I have been quite interested in this, having been at least the godfather of the entire idea—that the California Rural Legal Assistance Group has failed to represent what I consider the true legal needs of the poor. I was enthusiastic about this program because there have been times in my life when I needed a lawyer badly and could not afford one, and I knew how important it was. That is why I was enthusiastic at the instigation of this program, at the beginning.

I point out that the activities of the CRLA in California have been under fire for what are considered violations of the OEO guidelines almost from the very beginning of the program. I recall that in their opening activity, they enjoined the Governor of the State, the State legislature, and the Secretary of Labor. This was the beginning of a series of suits that have confounded many people who do not understand exactly the purpose of these suits and only know that the general public and their taxpaying dollars are paying for these suits, which quite probably a great number of public would not want brought. This view is shared by many in California.

Mr. President, I ask unanimous consent to have statements of these people printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. I think that if Senators will look at these statements, they will find that these are not irresponsible people. Here is one from the foreman of the grand jury of Stanislaus County. Here is one from Senator Fred Marler of the California State Senate. Here is one from the chief administrative officer of Stanislaus County. I will not take the time of the Senate to read all these, but these are the types of objections.

I assure Senators that these letters are not lightly written, and the Governor did not do this without full consideration. This is not the prime reason, however, for my remarks today.

Yesterday, a distinguished citizen, Mr. Frank Carlucci, the President's nominee for Director of the Office of Economic Opportunity, appeared before the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare for the hearing on the confirmation of his nomination. At that time, he was questioned by my good friend and distinguished colleague the junior Senator from California as to what he intended to do about the Governor's veto of the CRLA grant. Mr. Carlucci indicated that he had not had a chance to review the supporting data submitted by the Governor. He also said that he wanted to discuss this question with interested parties, including representatives of Governor Reagan, who intended and planned to be in Washington next week. It seems to me that this was a proper request and a proper consideration for Mr. Carlucci.

As a result, Mr. Carlucci said that he would issue a 30-day grant to the CRLA so that they might continue their operation, giving him time to go over the facts, the information, with the representatives of the Governor, and then to make the decision as to whether or not he should override the Governor's veto. As I have pointed out, it really is not a veto. It appears to be a veto. In actuality, it is merely the right to object. I think that this request is understandable. I think it is completely fair. As a result, Mr. Carlucci said that he would issue the 30-day grant to the CRLA.

But this did not satisfy my distinguished colleague, who, after the hearing, issued a statement saying that he would block the nomination in this Congress, and further stated that in the event that the nomination was resubmitted, he would allow its approval only if the veto had been overridden and, in that event, how soon the override would take place.

Certainly, Mr. Carlucci's record, both in the Foreign Service, where he was cited for his work, and at the OEO, where he has held the No. 2 position, has been, to my mind, exemplary. By all standards we normally use in this body to judge a Presidential nomination, I would find Mr. Carlucci well qualified and that his nomination should be confirmed. I cannot find fault with his desire that there should not be a 30-day period during which he could study the reasons and details of the Governor's veto and then make his decision.

Mr. JAVITS. Mr. President, will the Senator yield on that point?

Mr. MURPHY. I yield.

Mr. JAVITS. Mr. President, one could put this question down, as between the two Senators from California, as an intra-California question. The Governor used his authority, which, as Senator MURPHY properly says, is not a veto, to challenge a particular funding; and, of course, the Governor can be overruled by the Director of the OEO. The difficulty is that Mr. Carlucci, who I think is eminently qualified to be the Director of the OEO, is caught in the squeeze. This is most unfortunate. I do not wish to add fuel to the flames in any way. I rise only as I am the ranking minority member of the committee, very greatly interested in this matter because I felt that the OEO has many problems, as we all know. It has just been funded by the HEW-Labor conference report we put through. Morale in the agency is of the greatest consequence. I still hope, although the hours are short, that we will find some way in which, completely consistent with his conscience and his principles the Senator from California (Mr. CRANSTON) might see fit to allow the Carlucci nomination to be acted upon, either by a meeting of the committee if that is humanly possible, or by polling the committee which is possible also, if there is no objection.

But I rise now to express my conviction that Mr. Carlucci will make a fine Director for the agency, that it would be extremely deplorable and regrettable if the agency is left, in fact, without a head because Mr. Rumsfeld has already said he is leaving and Mr. Carlucci has been designated. And if this problem, which really should not be a problem, as the Senator from California (Mr. MURPHY) says, is not resolved in some way—a morale problem may result.

I know a great deal about Mr. Carlucci's record. It is a most admirable and objective one. I think he would be a very non-partisan director of the agency. I hope very much that in the interests of holding to the war on poverty—which remains a crying need in this country right to this moment—we will find a way out of this momentary impasse and enable the agency to have a head and not cause a fine man, who is its nominee, to be caught in the crack, as it were. The Senator from California (Mr. MURPHY) is right about this if Mr. Carlucci does it under this kind of situation he will put me in doubt and others in doubt as to whether he is a suitable nominee to serve as director, because he would be deciding off the top of his head something which he has a statutory obligation to look into. So it is a tough one.

As I have said, I rise only to affirm my support of this man as the nominee and urge the highest exigency be given to this agency to have a head and to express the hope, as I say, without further muddying the waters, that we may find a way, even though our time is short.

Mr. MURPHY. I thank my distinguished colleague from New York. With his usual wisdom, which I have found characteristic, the Senator from New York has anticipated the hope that I was going to express. I believe that my colleague from New York will be pleased, as I am pleased, after a conversation with my distinguished colleague from California (Mr. CRANSTON) to report that there is a form of compromise in the works.

Exactly what the compromise would be, I do not know, but I wanted to take this opportunity to make my position clear, and to place into the RECORD the reasons and the letters, so that my colleagues in the Senate might have an opportunity to realize that the Governor of California had not done this lightly or done this in any kind of partisan manner, but had done it with some reason, as I am sure my colleagues will agree, when they have read it.

If Mr. Carlucci's nomination is blocked, it can be for none other than partisan reasons. I had hoped we had passed that point in approving Presidential nominations. Moreover, such a move can have no other result than to interfere with Mr. Carlucci's task in developing the fiscal year 1972 budget for his Department, as well as the enabling legislation that must be readied for introduction in the 92d Congress.

I believe that the issue of the Governor's objection or veto, if you will, Mr. President, to this CRLA funding is a matter that should be settled by Mr. Carlucci and the Governor, as is required by law.

I do not think that the senatorial power of confirmation used in this particular manner would be appropriate. I sincerely hope that my good friend will see fit, as the Senator from New York has suggested, to permit this important agency to have a Director immediately. During the 30-day period the evidence can be looked at, studied, and evaluated, and then at the end of that time the new Director, having been confirmed, can make the decision whether he would choose to override the Governor's veto.

I am sincerely thankful to my friend from New York for his support in this matter. I am quite certain that my dear colleague from California will understand my reasons for rising at this time to explain my position and my feelings.

I wish, once and for all, that we could get this entire matter of legal assistance unraveled.

We got into this simply and directly: If a man is so poor, he cannot afford a lawyer to look into the conditions he is going to find when he signs his name to anything, or to buy a car or a house, or for whatever purpose he needs a lawyer for. That is what it was all about. Then along came some young men and they started to reach out to create lawsuits. I spoke to one of the leaders on the telephone and he said, "But you do not understand, Senator." I said, "I do understand because I thought it up. What you are talking about is something entirely different. I do not object to it, but do not take the money provided for the individual purpose and use it for your plans, however extensive and important they may be. Come to Congress and tell them your plans and get your own money. In the meantime, leave this money alone so that we can do the job."

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I know the record. They bragged that they won 89 percent of the cases. That is easy to analyze. It cannot be faulted except one might say they made most of the cases themselves, because they put them together themselves, and it would be ridiculous if they could not put a case together that they could win, and they won 89 percent of them. But this entire matter has been confused beyond recognition. I have been attacked in the press as being against the poor man. Nothing could be further from the truth. It simply is that I opposed the designs of this group of young lawyers handing out this money for legal reform, to which I do not object. Legal reform is badly needed. Social reform is also badly needed. But let them please get their own money for it, and leave this money alone, so that the poor fellow who needs it to get a lawyer can use it, but leave the money alone for those purposes—for the purpose for which it was provided.

Thank you, Mr. President. I yield the floor.

EXHIBIT 1

EXAMPLES OF STATEMENTS RECEIVED BY THE CALIFORNIA STATE OFFICE OF ECONOMIC OPPORTUNITY IN OPPOSITION TO FURTHER FUNDING OF THE CALIFORNIA RURAL LEGAL ASSISTANCE

Newton Dal Poggetto, president, Sonoma County Bar Association (December 23, 1970): "The Santa Rosa CRLA office does not adequately service the existing needs of the poor in every day situations which require legal help."

James W. Houlihan, Deputy District Attorney, Santa Barbara County (December 8, 1970): "The case involved an 18-year old boy committing statutory rape on a 15-year old girl, and when the girl's parents objected, members of the CRLA office took the girl from her parents, taking her to Mexico and arranged for them to get married."

Currently, the Santa Barbara County District Attorney's Office is appearing on behalf of the people of the State of California in a case brough by CRLA . . . A criminal matter. . . .

"It has been my experience that Mr. Haynes, as a member of CRLA, would write false letters to the editor of the local paper containing falsehoods and made use of a 'back-door' policy in talking to judges outside the presence of opposing counsel.

"I do not believe that the poor of this community (Santa Barbara) would suffer if the CRLA Office was disbanded. However, as in any community of this size, we should have some workable legal aid for the poor, which is not CRLA. . . ."

Resolution adopted unanimously by the Madera County Board of Supervisors (January 2, 1968): "Whereas, CRLA has been given not only the opportunity to demonstrate, but it has wantonly and viciously used its authority, money and ability to attack governmental administration of schools, welfare and health, thus devoting taxpayers' money to attack and harass local governmental administration with silly, frivolous and absured grievances without understanding or appreciation of the individual's rights, or the rights of the public, or its counterpart, the Government . . .

"Whereas, the real need of the poor and the underprivileged is to represent such persons with care and understanding in domestic, contractual and tort litigation. However, the CRLA has turned some of these people away with the excuse of being busy and unavailable for such representation.

"Whereas, the activities of the CRLA have been distorted and misguided with an arrogant disregard of the desirable and benevolent assistance of the underprivileged. The underprivileged concept has been the excuse and the shield for the extravagant expenditure of public funds . . .

"Now, therefore, be it resolved that this board does recommend to the Governor of the State of California that he veto this . . . program until and unless some beneficial and truly helpful legal assistance program is formulated."

Donald M. Handly, Madera County Administrative Officer (December 17, 1970): "Although not current, these comments are still appropriate and reflect the grave concern of the Madera County Board of Supervisors toward the operation of CRLA."

John W. Martin, President, Stanislaus County Bar Association (December 9, 1970): "It is the opinion of the Stanislaus County Bar Association that CRLA is not adequately serving the needs of the poor, measured by the express purposes for which it was originally funded. It is, therefore, additionally the opinion of the Stanislaus County Bar Association that operations of CRLA should not be continued on their present basis.

"I am authorized to say that this letter reflects not only the opinion of the present officers and executive committee, but the opinions of 13 former presidents, who's names I am authorized to use."

Alexander M. Wolfe, District Attorney, Stanislaus County (December 14, 1970): "This is to request that you (Governor Reagan) veto any appropriation of funds for CRLA because of its preesnt operation. It is the opinion of this office that CRLA is not carrying out the purposes for which it was intended. . . . This request would not be made if CRLA were truly serving the needs of the poor.

"On November 30, 1970, CRLA filed a complaint in the Federal District Court for the Eastern District of California seeking a restraining order against the Stanislaus County grand jury and me from proceeding with any investigation of CRLA. In this action, CRLA labeled itself 'a Federal legal services project.' By virtue of this descriptive title, and having in mind the various types of actions which CRLA has filed and the course of conduct it has pursued, it would appear that the Federal Government, knowingly or unknowingly, is financing groups to undermine the operation, effectiveness and integrity of State and Federal Governments. I cannot believe that Congress or the President of the United States ever intended such a result."

Board of Supervisors, Stanislaus County (December 1, 1970): "Whereas this board of supervisors desires to express itself toward elimination of wasted money and manpower and duplication of efforts of existing governmental agencies . . . it is ordered by a majority vote of this board that the chief administrative officer be authorized and directed to draw a letter. . . . urging that CRLA be abolished."

Resolution adopted unanimously by the 1970 Stanislaus County Grand Jury (December 16, 1970): "There is growing public concern that CRLA is not carrying out its stated corporate purpose of providing adequate legal assistance for the poor.

"CRLA has refused to comply with the process of this grand jury in an investigation of the corporate activities of CRLA to determine whether it is providing adequate legal assistance for the poor.

"Therefore, the 1970 Stanislaus County Grand Jury hereby recommends to the Governor of the State of California that he veto funding of the legal services program of CRLA."

William Zeff, Superior Court Judge, Stanislaus County (December 23, 1970): Contrary to policy statements and opinions issued by CRLA . . . that it is not to become involved in fee-generating cases or cases in which the state is obligated to furnish counsel, the fact is that CRLA has, from time to time, persisted in becoming involved in just such kinds of cases when, for reasons best known to themselves, they decide that it is a proper case to assume.

"It has also been noted that in civil actions instituted by the CRLA in behalf of one who has been qualified to proceed in forma pauperis and having obtained an order of the court waiving the usual costs incident to such proceedings, there is no hesitancy to incur expense for services which are not normally employed even by privately financed litigants.

"It has been noted also that the local office almost uniformly assigns two lawyers to the presentation of each case without regard to how simple the case may be. In fact, I have on occasion asked of such counsel why it was thought necessary to have two lawyers present in the presentation of simple matters and when informed that this was the policy, I have stated that as an interested taxpayer, I regarded such policy as extravagant and a waste of public funds.

"The clear impression gained from observing the activities of the local CRLA office is that its primary concern appears to be with effecting social change and the originally expressed purposes of assisting the indigent have apparently been lost sight of."

Bertram N. Young, District Attorney, Monterey County (December 8, 1970): "It is my recommendation that California rural legal assistance shall no longer be permitted to operate in Monterey County. It has become a totally irresponsible and unrestrained operation of an agency funded by the Federal Government which has interfered with and has harassed county and state agencies and departments with almost total abandonment of its original concept to serve individual poor people in rural counties.

"I have noticed with disgust and alarm its repeated activities in criminal matters . . . my opinions are based not only on specific matters but have come to my attention by general discussion in past months with members of the local bar and members of my own staff who have sent indigent people to CRLA for help in matters involving divorce, bankruptcy law, landlord problems and problems with creditors. The almost uniform reaction has been that those indigent persons are told by CRLA in effect, 'We do not have time for your individual cases.'

"The actions of this agency have been a gross interference with and infringement upon the authority of the grand jury of the county, the board of supervisors of the county, and those fields in which the office of the attorney general of California could, and would, act for complaints within its authority.

"This agency has failed miserably to discharge its obligations to the indigent rural people, has wasted hundreds of thousands of dollars of our taxes, and has caused expensive and time-consuming involvement of our local agencies in answering its vicious attacks."

Dr. Clifford F. Loader, Mayor, City of Delano, President, League of California Cities (December 19, 1970): "After careful evaluation, I urge that you veto the funds for the California rural legal assistance program, known as CRLA. The damage done to democratic society far outweighs the service to poor people. A different way of giving legal aid to the poor should be devised that is free of activist political action.

Imperial County Bar Association (March, 1970): "CRLA does not function as a law office which specializes in what has come to be known as 'poverty law', but rather, it functions as a device for promoting special interest groups and only operates as a law office because it has determined that this is a convenient means to effectuate its ends.

". . . the Federal Government should not subsidize any particular salient social or political activity.

"This committee feels also . . . that some of the procedures and techniques utilized by the CRLA practitioners are not consistent with the commonly accepted canons of legal ethics under which our private attorneys practice. Further official sanction or sponsorship of CRLA by the local bar association . . . would, in our opinion, constitute an implied acquiescence and approval of professional legal practices incompatible with our own canon of legal ethics."

E. O. Steimle, Secretary, Board of Trustees, Brawley School District (December 17, 1970): "CRLA has repeatedly harassed and weakened the programs of our schools."

"Please limit the damage of CRLU by cutting off their funds."

William H. Staffers, Monterey County Counsel (December 16, 1970): "I am convinced that the taxpayers' money could be better spent through funding organizations who limit their activities through advising and representing poor individuals rather than litigating class actions and causes.

"I am opposed to future funding of CRLA as it is presently constituted. . . ."

Fred Marler, Jr., California State Senator, 2d District (December 18, 1970): "There is certainly a need for legal services for those who cannot afford them. But it is obvious to me that CRLA is not doing the job for which funds were provided. It is my sincere hope that you (Governor Reagan) will veto any further appropriations for this extremely unfortunate flaw in our Federal Government's attempt to help the poor."

Resolution of the 1970 Stanislaus County Grand Jury

Whereas, as the result of its investigations during its term of office, the 1970 Stanislaus County Grand Jury, representing the conscience of the community, recognizes the need for adequate legal assistance for the poor; and

Whereas, there is growing public concern that California Rural Legal Assistance, Inc. is not carrying out its stated corporate purpose of providing adequate legal assistance for the poor; and

Whereas, California Rural Legal Assistance, Inc. has refused to comply with the process of this Grand Jury in an investigation of the corporate activities of California Rural Legal Assistance, Inc. to determine whether it is providing adequate legal assistance for the poor;

Now, therefore, be it resolved that the 1970 Stanislaus County Grand Jury hereby recommends to the Governor of the State of California that he veto funding of the legal services program of California Rural Legal Assistance, Inc.; and

Be it further resolved that the 1970 Stanislaus County Grand Jury hereby recommends to the Governor of the State of California that he cause investigations to be instituted and conducted by appropriate federal, state and local agencies into the corporate activities of California Rural Legal Assistance, Inc.; and

Be it further resolved that a copy of this Resolution shall be forthwith transmitted to the Governor of the State of California, to all Stanislaus County members of the State Legislature, to the elected California representatives in Congress, and to the federal officials having jurisdiction in this matter for appropriate action consistent with this Resolution.

The foregoing Resolution was unanimously adopted, a quorum of sixteen members being present, at a regular meeting of the Grand Jury held on Wednesday, December 16, 1970, at Modesto, California.

JAMES P. LIVINGSTON,
Foreman.

DECEMBER 18, 1970.

Hon. RONALD R. REAGAN,
Governor of California, State Capitol, Sacramento, Calif.

DEAR GOVERNOR REAGAN: Since you will soon make a decision regarding continued funding for certain federally financed legal organizations, including California Rural Legal Assistance, Inc., this letter is written to respectfully ask that you decline to accept such funds.

I am convinced that this agency has fallen far short of its objective; namely, to provide legal aid for those who cannot afford it.

Naturally, during my years in the legislature many constituents have brought their problems to my attention or that of my staff. Upon evaluation of these problems I realized that there was no legislative or agency remedy for many of them. These particular constituents obviously needed an attorney and many of them could not afford one. Consequently they were referred to C.R.L.A.

This has been especially true in my district office in Yuba City. My field representative there, Mr. Blaine Graham, has informed me on many occasions that he has referred such cases to the Marysville office of C.R.L.A. and that these constituents have returned to him saying that C.R.L.A. would not accept them as clients even though they qualified for help insofar as financial inability to pay was concerned.

At my direction Mr. Graham contacted Mr. Richard Turner of your legal staff and has been supplying him with documented evidence which serves to show that this organization is not providing legal services for the poor per se.

He has also discussed this matter with Superior Court Judges, members of the local Bar Association, District Attorneys, County Welfare Directors and others and has found that nearly all of them agree with his conclusion.

Rather C.R.L.A. is engaged in devoting a major part of its time to so-called "class actions" and "landmark" cases.

For example, this organization brought suit against the Yuba City Unified School District when that district sought to take disciplinary action against three high school boys in connection with the length of their hair. It was later established that at least one of these boy's parents had the means to retain counsel but that the C.R.L.A. virtually insisted on acting as counsel in the action.

This organization has also carried on a program of harassment aimed at the Director of the Sutter County Social Welfare Department. It is my understanding that word of this particular activity of C.R.L.A. has already reached your office from other sources but it is true that the harassment is continuing. Mr. Graham recently personally witnessed a C.R.L.A.-led protest at the Sutter County food commodity distribution building. An anonymous note was pushed through Mr. Graham's office mail slot alluding to the protest in a somewhat ambiguous fashion. He found that newsmen and camera crews had already been summoned in advance of the "protest" and that many of the participants were not welfare recipients of this area but appeared to have been imported for the occasion.

There is certainly a need for legal services for those who cannot afford them but it is obvious to me that this organization is not doing the job for which funds were provided. Actually, C.R.L.A.'s activities have resulted in the taxpayer financing lawsuits against himself, a situation which I don't believe should be allowed to continue.

It is my sincere hope that you will veto any further appropriations for this extremely unfortunate flaw in our federal government's attempt to help the poor.

Sincerely,

FRED W. MARLER, Jr.

MODESTO, CALIF.,
December 11, 1970.

Mr. LEWIS K. UHLER,
Director, State Office of Economic Opportunity, Department of Human Resources Development, Sacramento, Calif.

DEAR MR. UHLER: Recently you sent a letter and a questionnaire to at least two members of our Board of Supervisors asking their evaluation of the CRLA program.

Rather than respond individually, they discussed the matter with their colleagues at a regular Board meeting.

As a result of this discussion, our Supervisors adopted a motion urging that the entire program be abolished. A copy of their Board order is enclosed.

Cordially,

GEORGE GAEKLE,
Chief Administrative Officer.

Urging That California Rural Legal Assistance Be Abolished

Whereas, the Department of Human Resources, Office of Economic Opportunity, has submitted a questionnaire for the purpose of evaluating the California Rural Legal Assistance; and

Whereas, this Board of Supervisors desires to express itself toward elimination of wasted money and manpower and duplication of efforts of existing governmental agencies; and

Upon motion by Supervisor Franzen, seconded by Supervisor Fahey, it is ordered by majority vote of this Board (Supervisor Vander Wall dissenting) that the Chief Administrative Officer be, and hereby is, authorized and directed to draw a letter in the place and stead of said questionnaire urging that the California Rural Legal Assistance be abolished.

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MODESTO, CALIF.,
December 14, 1970.
Re: California Rural Legal Assistance, Inc.
Hon. RONALD REAGAN,
Governor of California,
Sacramento, Calif.

DEAR GOVERNOR REAGAN: This is to request that you veto any appropriation of funds for California Rural Legal Assistance, Inc. because of its present operation. It is the opinion of this office that CRLA is not carrying out the purposes for which it was intended as enumerated in its Articles of Incorporation as filed with the Secretary of State on March 3, 1966. This request would not be made if CRLA were truly serving the needs of the poor.

Although CRLA was incorporated pursuant to the General Non-Profit Incorporation Law of the State of California, events of the past month would appear to indicate otherwise. Specifically, during the latter part of November, 1970, the Stanislaus County Grand Jury voted to undertake an investigation of the operation of CRLA. The local Directing Attorney of CRLA stated in the public press that he welcomed such an investigation. It was only after my office issued subpoenas to various officials of CRLA, including a number of subpoenas duces tecum, as well as a subpoena duces tecum issued to a Fresno bail bondsman, that CRLA claimed that it was immune from investigation by county grand juries by virtue of the Supremacy Clause of the United States Constitution.

On November 30, 1970, CRLA filed a complaint in the Federal District Court for the Eastern District of California seeking a restraining order against the Stanislaus County Grand Jury and me from proceeding with any investigation of CRLA. In this action, CRLA labeled itself "a federal legal services project." By virtue of this descriptive title, and having in mind the various types of actions which CRLA has filed and the course of conduct it has pursued, it would appear that the federal government, knowingly or unknowingly, is financing groups to undermine the operation, effectiveness and integrity of state and local governments. I cannot believe that Congress or the President of the United States ever intended such a result.

Very truly yours,
ALEXANDER M. WOLFE,
District Attorney.

MODESTO, CALIF.
December 9, 1970.
Mr. LEWIS F. UHLER,
Department of Human Resources Development, Office of Economic Opportunity, Sacramento, Calif.

DEAR MR. UHLER: It is the opinion of the Stanislaus County Bar Association that California Rural Legal Assistance is not adequately serving the needs of the poor, measured by the express purposes for which it was originally funded. It is, therefore, additionally the opinion of the Stanislaus County Bar Association that operations of CRLA should not be continued on their present basis.

I am authorized to say that this letter reflects not only the opinion of the present officers and Executive Committee of the Bar Association, but the opinions of the former Presidents, whose names I am authorized to use:

Douglas M. Sutter, William R. Lundgren, Alexander M. Wolfe, Lewis N. Hawkins, Carlos J. Badger, James P. Mower, E. Dean Price, Cleveland J. Stockton, J. Wilmar Jensen, Jared Hawkins, Elmer L. Winger, Ronald E. Bates, and Arthur R. Friedman.

Very truly yours,
JOHN W. MARTIN,
President.

December 19, 1970.
Hon. RONALD REAGAN,
Office of the Governor,
State Capitol,
Sacramento, Calif.

DEAR GOVERNOR REAGAN: After careful evaluation, I urge that you VETO the funds for the California Rural Legal Assistance program, known as CRLA.

The damage done to Democratic Society far outweighs the service to poor people. A different way of giving legal aid to the poor should be devised that is free of activist political action.

Respectfully yours,
Dr. CLIFFORD F. LOADER,
President, League of California Cities, Mayor, City of Delano.

REPORT OF IMPERIAL COUNTY BAR ASSOCIATION, SPECIAL COMMITTEE ON C.R.L.A.

It is the recommendation of this committee that the Imperial County Bar Association withdraw its representative from the C.R.L.A. Board of Directors and sever all official connection between Imperial County Bar Association and C.R.L.A., and further, that the Imperial County Bar Association urge the State Bar of California to reconsider its position with respect to C.R.L.A. toward the end of severing all official connection between the State Bar of California and C.R.L.A.

The committee has studied and observed the functioning of California Rural Legal Assistance. The committee feels that C.R.L.A. as it is operated and staffed exists primarily for the purpose of provoking social reform. The committee feels that C.R.L.A. does not function as a law office which specializes in what has become to be known as "poverty law", but rather, it functions as a device for promoting special-interest groups and only operates as a law office because it has determined that this is a convenient means to effectuate its ends.

When C.R.L.A. was originally formed with federal financing, it was represented to the Imperial County Bar Association by the then director, James Lorenz, that it would be an organization which provided legal services for poor individuals unable to hire their own attorneys. This is still its ostensible purpose. However, a study of the manner in which C.R.L.A. functions clearly shows that it is C.L.R.A.'s intention to promote whatever social reforms it determines will be helpful to the poor by means of legal actions. One needs only to read the C.R.L.A.'s current funding request and its house organ, NOTICIERO, to determine that its lawyers and other members of its staff consider this to be C.R.L.A.'s prime function.

It is the feeling of this committee that the federal government should not subsidize any particular salient social or political activity. We believe that neither themselves, the Imperial County Bar Association, nor the State Bar of California should, by participating in the functioning of C.R.L.A., put a stamp of approval on C.R.L.A.'s own particular concepts of social reform. To use an analogy, one cannot quarrel with the right of the A.C.L.U. to espouse particular political or social causes. It is hoped, however, that no one would propose that the A.C.L.U. should be subsidized by the federal government or sponsored by the American Bar Association, the State Bar, or the Imperial County Bar Association. It seems fairly obvious that A.C.L.U. and C.R.L.A. are birds of a feather.

This committee feels also, judging by the practices employed in this county, that some of the procedures and techniques utilized by the C.R.L.A. practitioners are not consistent with the commonly accepted canons of legal ethics under which our private attorneys practice. We feel that this is particularly so in the area of direct solicitation of litigation where the same can be justified as a technique to effect social reform. Further official sanction or sponsorship of C.R.L.A. by the local Bar Association and by the State Bar would, in our opinion, constitute an implied acquiescence and approval of professional legal practices incompatible with our own canon of legal ethics.

It is further the recommendation of this committee that the County Bar Association once again take over the function of the Lawyers Referral Service.

Respectfully submitted,
WILLIAM E. LEHNHARDT,
Chairman.
ORLANDO B. FOOTE,
RUSSELL H. YEAGER,
DAVID BLUME,
F. DOUGLAS MCDANIEL.

February 16, 1970.
Mr. JAMES H. CARTER, *President,*
Imperial County Bar Association,
El Centre, Calif.

DEAR MR. CARTER: At the last regular meeting of this Commission questions were raised regarding the availability of legal services to the low-income residents of Imperial County. It was pointed out that the California Rural Legal Assistance office were now handling very few domestic and individual cases so some other channels have to be found. The Commission would like some information as to what other channels are available at a cost relative to their income.

I have been requested to contact the Bar Association and ask if it would be possible to have a representative present at our next regular Commission meeting to give us some information or guidance on this question.

Our next meeting will be held at the Lion's Memorial Center in Brawley on Thursday, March 4, 1970 at 7:30 p.m. Will you please inform this office if a representative can attend.

Sincerely yours,
CAMERON HENDRY,
Executive Director.

MINUTES OF IMPERIAL COUNTY BAR ASSOCIATION MEETING, MARCH 13, 1970

The meeting was called to order by President James Carter, at 12:30 p.m., on March 13, 1970.

Guests introduced: Two guests were introduced, the first being John Netterblad, from San Diego, introduced by Russ Kirk, and Lawrence Sattinger, from San Diego, introduced by David Dotson.

Report on Conference of Bar Delegates: President Carter reported that he and Franklin D. McDaniel and David Dotson of the Imperial County Bar Association, attended the Conference of Delegates meeting on the week-end of March 6th and 7th.

Mr. McDaniel reported that the conference of delegates considered several resolutions and proposals including a possibility of establishment of a client's security fund for reimbursement to clients of embezzled funds; group legal practices in California; and appeals for scholarships for minority law students. Mr. McDaniel further suggested that the local bar association consider establishment of a scholarship for mexican-american law student.

California Rural Legal Assistance: Committee chairman William Lehnhardt reported that his committee had submitted a written report and recommendations to the Imperial County Bar Association, a copy of which report was mailed to each member of the Bar. Mr. Lehnhardt offered several comments on the report including the fact that no direct emphasis was to be placed on the local CRLA office. Mr. Lehnhardt further stated that he would resign his position from the Board of Trustees of California Rural Legal Assistance in the near future. Mr. Altshuler, of the California Rural Legal Assistance office of El Centro then replied to Mr. Lehnhardt's comments and Mr. Lehnhardt's committee report and suggested that an in depth

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study be made of the issues raised by the committee's report.

Mr. Charles Pinney moved that the Imperial County Bar Association adopt the Lehnhardt committee report and the recommendations contained therein, and that the Imperial County Bar Association pass a resolution withdrawing all support of California Rural Legal Assistance, withdrawing its members from the Board of Trustees, withdrawing the Lawyer's Reference Service from control of California Rural Legal Assistance and restoring its control to the Imperial County Bar Association, that a copy of the resolution and recommendations be forwarded to the State Bar and to the Board of Trustees at California Rural Legal Assistance. This motion was seconded by Mr. T. J. Sands and after substantial discussion the motion was passed.

Economic Opportunity Commission Request for services and guidance: President Carter then read a letter from Cameron Hendry the local director of the Economic Opportunity Commission. The letter stated in substance that the local office of the California Rural Legal Assistance had not been handling all matters concerning domestic relations cases of indigent clients and Mr. Hendry requested that representative of the Imperial County Bar Association meet with the Economic Opportunity Commission of Imperial County and render some guidance on the question.

Mr. Charles Pinney moved and Mr. Charles F. Sturdevant, Jr., seconded a motion that President Carter appoint a representative to the Economic Opportunity Commission meeting to render such requested guidance. President Carter stated to the assembled meeting that he would appoint this representative at a later date and inform this representative and the Economic Opportunity Commission of said . . .

Medical Insurance: Ron Lane informed the meeting that the Connecticut General Insurance Company's medical plan had gone into effect on March 1, 1970, and not on January 1, 1970, as originally planned.

Mr. Lane further informed the meeting that there were some claims between January 1, 1970, and February 28, 1970, amounting to approximately $300 to $400 and Mr. Lane suggested that the members of the medical insurance plan each be assessed on a pro-rata basis to cover the claims for January and February. Mr. William Byrd moved and Mr. McDaniel seconded that this plan be adopted to direct the administrator to bill the member of the plan on a pro-rata basis to pay these claims. After a short discussion the motion was passed.

Imperial County-San Diego County Bar Association Meeting: Mr. Lou Plourd informed the group that the San Diego Bar Association meeting with Imperial County would be held in Imperial County this year and after discussion it was suggested that the first choice of dates be April 17, the second choice to be April 24, and if neither of these dates is agreeable to the San Diego Bar Association then to suggest that the meeting be held on May 8th or May 15th. It was further suggested that a Golf Tournament be held in conjunction with the meeting at the Imperial Valley Country Club and that the committee, composed of Mr. Thomas Nassif, Mr. Charles Pinney and Mr. John Carter, be appointed to set up plans for the Golf Tournament.

Adjournment: The meeting was adjourned at 1:55 p.m. Respectfully submitted.

——— ———,
President.

Attest:

Mr. T. J. Sands,
Secretary Pro-Tem.

Salinas, Calif.,
December 8, 1970.

Re C.R.L.A.
Mr. Lewis K. Uhler,
Director, Office of Economic Opportunity, State of California, Department of Human Resources Development, Sacramento, Calif.

Dear Mr. Uhler: It is my recommendation that California Rural Legal Assistance shall no longer be permitted to operate in Monterey County. It has become a totally irresponsible and unrestrained operation of an agency funded by the Federal Government which has interfered with and has harassed County and State agencies and departments with almost total abandonment of its original concept to serve individual poor people in rural counties.

I have noticed with disgust and alarm its repeated activities in criminal matters, the details of which are set forth in the questionnaire sent to me and many other members of the Bar sometime ago. My opinions are based not only on specific matters but have come to my attention by general discussion in past months with members of the local Bar and members of my own staff who have sent indigent people to C.R.L.A. for help in matters involving divorce, bankruptcy law, landlord problems and problems with creditors. The almost uniform reaction has been that those indigent persons are told by C.R.L.A. in effect, "we do not have time for your individual cases".

The actions of this agency have been a gross interference with and infringement upon the authority of the Grand Jury of the County, the Board of Supervisors of the County, and those fields in which the office of the Attorney General of California could, and would, act for complaints within its authority.

This agency has failed miserably to discharge its obligations to the indigent rural people, has wasted hundreds of thousands of dollars of our taxes, and has caused expensive and time-consuming involvement of our local agencies in answering its vicious attacks.

Very truly yours,
Bertram N. Young,
District Attorney.

Santa Rosa, Calif.,
December 23, 1970.

Mr. Geoffrey L. Clark,
Office of Economic Opportunity,
Sacramento, Calif.

Dear Mr. Clark: Confirming our telephone conversation of December 21, 1970, reporting an action of the Executive Board of the Sonoma County Bar Association at their meeting on that date, the following is the resolution adopted by the Board:

RESOLUTION

Whereas, the Sonoma County Bar Association filed its application with the Office of Economic Opportunity for the funding of a proposed legal assistance program for Sonoma County in 1967, and

Whereas, the California Rural Legal Assistance corporation has been and still is funded by the Office of Economic Opportunity for legal services to be rendered to the indigent in Sonoma County, and

Whereas, this Board continues to believe that the legal care type program proposed in its said 1967 application is still the best type of program for the poor in Sonoma County,

It is resolved that the Executive Board of Sonoma County Bar Association re-affirms its position as set forth in said 1967 application for a legal assistance program in Sonoma County.

It is further resolved that the Sonoma County Bar Association and/or the Legal Aid Foundation of Sonoma County can best meet the needs of the poor in Sonoma County.

It is further resolved that this Executive Board re-affirms its position that local control by the Sonoma County Bar Association and/or the Legal Aid Foundation of Sonoma County can best implement the indigent legal services program and provide the most efficient utilization of Federal funds.

It is further resolved that the Sonoma County Bar Association accept funding by the Office of Economic Opportunity for indigent legal services in Sonoma County in place of the California Rural Legal Assistance corporation.

I am enclosing a photocopy of our 1967 legal services application, which was the result of a great deal of time and effort on the part of several members of our Bar Association. We studied the matter for several months and obtained approval of the Sonoma County Community Action Council. We did not obtain the approval of the Sonoma County Board of Supervisors. The Board of Supervisors refused to act on the ground that some of its members feared the program would create a divorce mill. It is doubted that the present Board of Supervisors would take this position.

It is my personal position that the lawyers I have talked to feel that the Santa Rosa California Rural Legal Assistance office does not adequately service the existing needs of the poor in every day situations which require legal help. We obtained figures from the Santa Rosa California Rural Legal Assistance office on their activities for 1970, and after our Board studied them, we were unable to conclude that the figures were meaningful.

The Resolution will be taken up at our January or February Sonoma County Bar Association meeting for action by the entire bar association. If we may be of any further assistance, please advise.

Sincerely,
Newton Dal Poggetto.

AFFIDAVIT

STATE OF CALLFORNIA AGAINST COUNTY OF SANTA BARBARA

I, James W. Houlihan, being duly sworn, depose and say:

That I am a duly appointed, sworn Deputy District Attorney of the County of Santa Barbara, State of California; that prior to being sworn in in this county on November 20, 1967, I was a legally appointed, sworn in Deputy District Attorney of the County of Tulare, State of California, from approximately the 1st lay of September, 1966, to November 20, 1967. Prior to that, I was a legally appointed police officer of the City of Los Angeles, retiring with the rank of Lt. of Police.

My first contact with the California Rural Legal Assistance was with a Mr. Gary Bello in Visalia, California. Mr. Bello's actions were so obnoxious, demanding and showed such a lack of any ethical standards that on at least one occasion he was ordered by the Judge to leave his courtroom. During the period of time, he or members of the staff of C.R.L.A. interfered with the prosecution of several criminal cases involving arrests made by the Visalia Police Department.

In Santa Maria, Donald W. Haynes was the Senior Attorney of C.R.L.A. During his tenure it was known by many of the other attorneys in town that he did not have enough legal work to do. However, in my official position, I found that he actively defended one, Michael Diaz, charged with the crime of contributing to the delinquency of a minor (P.C. Sec. 272), and appeared in court as attorney of record for said Diaz. The case involved an 18 year old boy committing Stat Rape on a 15 year old girl, and when the girl's parents objected, members of the C.R.L.A.'s office took the girl from her parents, taking her to Mexico and arranged for them to get married. (At least, this is what Mr. Haynes stated to the Court.) I seriously considered taking the case to the Grand Jury, charging Mr. Haynes and others with a felony. However, due to

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evidentiary problems and the press of other felony matters, I did not do so.

Mr. Haynes, in the case of *People v. Angel DeJesus* (another criminal case involving failure to provide for children), did represent said defendant in court as his attorney. I recall several other cases involving Failure to Provide where Mr. Donald Haynes did enter on the part of the defendant and, in one particular case, advised the defendant not to take blood tests.

In *People v. Santiago Arguijo,* (another criminal failure to provide case), both Mr. Wolpert and Mr. Burton Fretz of the C.R.L.A. have indicated that they were representing the defendant.

Currently, the Santa Barbara County District Attorney's office is appearing on behalf of the People of the State of California in a case brought by the C.R.L.A. on a Writ of Habeas Corpus in the case of *Tiburcio Cardoza v. Guadalupe Justice Court*. This is a criminal matter in which the C.R.L.A. is attempting to have the Superior Court set aside a plea of guilty entered in 1968 by Mr. Cardoza. There was one interesting point in that the Petitioner (Cardoza) claims not to be able to speak, read or write English, yet the petition for the writ is in English. There was no English to Spanish interpretation under oath. There were two affidavits attached and the facts of each differ to a point that I, as a non-Spanish reading person, could determine that there were different facts stated in each of the three documents. This is either a case of perjury or clerical error.

During the recent lettuce strike, a Mr. Charles Farnsworth, United Farm Workers attorney, came to town and did not have an office. During his stay in town I saw Mr. Farnsworth in constant company with Mr. Fretz of C.R.L.A. In fact, on one occasion, Mr. Joseph Gallas, an attorney at law, informed me that if I could not find Mr. Farnsworth at the Union Hall he would probably be at the office of the C.R.L.A. as he was using their law library and, by innuendo, possibly their staff to do legal work. On one occasion, after the arrest of Raul Santiago, UFWOC Union Labor Organizer, and two others for attempted murder, Mr. Fretz was the first attorney to appear for the UFWOC to interview and advise Mr. Santiago and the other two arrestees at the Sheriff's Station. In fact, he made at least two contacts with the defendants on that particular day.

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Since the conviction of Raul Santiago for a traffic offense in the Guadalupe Justice Court, Mr. Farnsworth and Mr. Fretz of the C.R.L.A. have been filing many disqualifications against Judge Stewart, causing undue hardship upon the court system. The only grounds for asserting such disqualification is Judge Stewart's alleged lack of sympathy with the lettuce strike. Judge Stewart, in my mind, even though he is a lay Justice, is probably the most respected and fair jurist in the County of Santa Barbara. The people of Guadalupe would have no one else as their Judge. He is continually striving to do an outstanding job.

It has been my experience that Mr. Haynes, as a member of the C.R.L.A., would write false letters to the Editor of the local paper containing falsehoods and made use of a "back-door" policy in talking to Judges outside the presence of opposing counsel. Mr. Fretz, in his appearances in court, has been very poorly prepared and most arguments are based upon emotion and a non-legal approach. His appearance and that of his associates in the courts here create a very unfavorable feeling toward the office. This is particularly true with regards to the long hair of the associates and their carrying of purses.

When I came to the City of Santa Maria, the C.R.L.A. would not take any cases for a poor person unless it was a "class" action. For a long period of time, I have followed the approach that when persons call our office for legal assistance I would refer them to C.R.L.A. On many occasions these people would call back and state that C.R.L.A. would not help them. I then informed the person to go back to C.R.L.A. and get a rejection in writing and inform C.R.L.A. that the purpose of this was to forward the said rejection to their Congressman. In almost every case, at least to my own knowledge, the case was taken and handled by C.R.L.A.

Apparently, they are now handling divorce actions, but not until the party has first gone to private attorneys and gotten rejections. This, of course, is in a geographical area where there are few private attorneys. Consequently, it causes a hardship on both the attorneys and the applicant. This referral procedure was not started until there had first been a movement started to furnish these poor people the proper forms and printed instructions so that they could proceed In Propria Personna. The Superior Court Judge has a very strong feeling about In Propria Personna representation and it is believed this judicial pressure is what caused the C.R.L.A. to start accepting a limited number of cases.

I do not believe that the poor of this community would suffer if the C.R.L.A. office was disbanded. However, as in any community of this size, we should have some workable legal aid for the poor, which is not the C.R.L.A., but rather a community action program or whatever program existed in the City of Visalia.

Dated at Santa Maria, California, this 8th day of December, 1970.

David D. Minier,
District Attorney, County of Santa Barbara.
By: James W. Houlihan,
Deputy District Attorney.
J. E. Lewis,
County Clerk.
By Francis Pedego,
Deputy Clerk.

Madera, Calif.,
December 17, 1970.

Lewis K. Uhler,
Director, State of California, Office of Economic Opportunity, Department of Human Resources Development, Sacramento, Calif.

Dear Mr. Uhler: Attached is the response of Supervisor John W. Schmitz Jr. to your inquiry regarding the 1971 refunding proposal for the California Rural Legal Assistance.

Also attached are copies of a letter dated November 12, 1968 which was directed to your office and a copy of Resolution No. 68–1. Although these documents are not current, the comments are still appropriate and reflect the grave concern of the Madera County Board of Supervisors toward the operation of the California Rural Legal Assistance program.

Sincerely,

Donald M. Handly,
County Administrative Officer.

Resolution No. 68–1

Whereas, the Board of Supervisors of Madera County was hopeful that the granting of E.O.A. funds to the California Rural Legal Assistance would benefit in some way the poor and underprivileged that may have escaped other governmental programs, and

Whereas, it did not raise its voice in opposition in the beginning because this Board wished to give any legitimate and worthwhile program an opportunity to demonstrate its benefits and efficiency, and

Whereas, the California Rural Legal Assistance has been given not only the opportunity to demonstrate, but it has wantonly and viciously used its authority, money and ability to attack governmental administration of schools, welfare and health, thus devoting taxpayer's money to attack and harass local governmental administration with silly, frivolous and absurd grievances without understanding or appreciation of the individual's rights, or the rights of the public, or its counterpart, the government, and

Whereas, the real need of the poor and the underprivileged is to represent such persons with care and understanding in domestic, contractual and tort litigation. However, the California Rural Legal Assistance has turned some of these people away with the excuse of being busy and unavailable for such representation, and

Whereas, the activities of the California Rural Legal Assistance have been distorted and misguided with an arrogant disregard of the desirable and benevolent assistance of the underprivileged; that the underprivileged concept has been the excuse and the shield for the extravagant expenditure of public funds for the devious objectives of the California Rural Legal Assistance.

Now, therefore, be it resolved that this Board does recommend to the Governor of the State of California that he veto this E.O.A. program until and unless some beneficial and truly helpful legal assistance program is formulated.

Be it further resolved that a copy of a prior resolution in connection with the lawsuit commenced by the California Rural Legal Assistance against the Madera Unified School District is attached hereto marked Exhibit "A" and made a part hereof.

Be it further resolved that a copy of this resolution be forwarded to The Honorable Ronald Reagan, Governor of the State of California, Congressman B. Sisk, Senator Howard Way and Assemblyman Ernest Mobley, U.S. Senators George Murphy and Thomas H. Kuchel, Congressman Harold T. "Bizz" Johnson, and Mr. Sargent Shriver.

The following Resolution was adopted this *2nd* day of *January,* 1968, by the following vote:

Supervisor Schmitz voted: Yes.
Supervisor Balmat voted: Yes.
Supervisor Thompson voted: Yes.
Supervisor Neufel voted: Yes.
Supervisor Cornwell voted: Yes.

Harold Balmat,
Chairman, Board of Supervisors.

Attest:
[SEAL] Hanora H. Dwyer,
Clerk, Board of Supervisors.
By Uarda Pezalla,
Deputy Clerk.

The foregoing instrument is a true and correct copy of the original on file in this office.

Attest: January 4, 1968.

Hanora H. Dwyer,
County Clerk and Clerk of the Board of Supervisors in and for the County of Madera, State of California.
By Cathy Aguirre,
Deputy.

Modesto, Calif.,
December 23, 1970.

California Office of Economic Opportunity,
Sacramento, Calif.
Attention: Mr. George Goff.

Gentlemen: I have been requested to comment with regard to the activities and the operations of the local California Rural Legal Assistance office, looking toward an evaluation to be made with regard to the legal services which are being afforded to those who are unable to pay for such services.

Since insufficient time has been allotted for the purpose of making an in-depth study concerning the matter, I am, of necessity, limited to a report of the gross impressions of the activities of the local C.R.L.A. office.

At the outset, it should be made unmistakably clear that I have no quarrel with the premise that the disadvantaged, the needy, the poor, and those for whatever reason who are unable to obtain legal services by reason of lack of financial ability, are entitled to have such services furnished at public expense, and that such legal assistance should be capable, efficient and competent.

A serious question is presented, however, as to whether locally there has not been a duplication of services, having regard for the fact that in civil matters, services of the Stanislaus County Legal Assistance are available, and in criminal matters, the office of the Public Defender is available, and that in fact there are other services which may overlap, but which are also available to some affected segments of our community when dealing with particular problems.

Contrary to policy statements and opinions issued by C.R.L.A. and reiterated from time to time by counsel for C.R.L.A., that it is not to become involved in fee generating cases or cases in which the state is obligated to furnish counsel, the fact is that C.R.L.A. has, from time to time, persisted in becoming involved in just such kinds of cases when, for reasons best known to themselves, they decide that it is a proper case to assume.

It has also been noted that in civil actions instituted by the C.R.L.A. in behalf of one who has been qualified to proceed in forma pauperis and having obtained an order of the court waiving the usual costs incident to such proceedings, there is no hesitancy to incur expense for services which are not normally employed even by privately financed litigants.

It has been noted also that the local office almost uniformly assigns two lawyers to the presentation of each case without regard to how simple the case may be. In fact, I have on occasion asked of such counsel why it was thought necessary to have two lawyers present in the presentation of simple matters and when informed that this was the policy, I have stated that as an interested taxpayer, I regarded such policy as extravagant and a waste of public funds.

The clear impression gained from observing the activities of the local C.R.L.A. office is that its primary concern appears to be with effecting social change and the originally expressed purposes of assisting the indigent have apparently been lost sight of.

Radical changes in the operating procedures of the C.R.L.A. are necessary to correct the existing situation if the originally expressed and noble objectives of the C.R.L.A. are to be implemented.

Very truly yours,

William Zeff, *Judge*.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 15728) to authorize the extension of certain naval vessel loans in existence and new loans, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 10874) to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes, and it was signed by the Acting President pro tempore (Mr. Metcalf).

SENATE RESOLUTION 504—CONTINUING FOR 1 MONTH CERTAIN AUTHORITY FOR INVESTIGATIONS BY THE COMMITTEE ON GOVERNMENT OPERATIONS

The PRESIDING OFFICER (Mr. Saxbe). At this time, by unanimous consent, the Senator from Connecticut (Mr. Ribicoff) is recognized.

Mr. RIBICOFF. Mr. President, I submit a resolution which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

Resolution

Continuing for 1 month certain authority for investigations by the Committee on Government Operations into the efficiency and economy of operations of all branches of Government

Resolved, That the authority to make investigations conferred upon the Committee on Government Operations by Senate Resolution 308, Ninety-first Congress, agreed to February 16, 1970, together with any authority contained in section 7 of such resolution, is extended until February 28, 1971. In carrying out investigations, holding hearings, and reporting such hearings under the authority of such resolution and this resolution, the Committee on Government Operations is authorized to expend any part of the amount specified in section 8 of such Senate Resolution 308 which remains unexpended on January 31, 1970.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. JAVITS. Mr. President, reserving the right to object, I want to ask the Senator a couple of questions. I have been consulted by the Senator. I am the acting ranking member of this committee because of the very sad illness of the Senator from South Dakota (Mr. Mundt). and I have been consulted by the Senator regarding this matter. I shall not delay action on it, but I did want to ask two questions for the Record.

One, is it assumed that this resolution will mean, aside from the continuance of the work of the committee, any change in existing law respecting whether there is any authority to extend the work, in view of the fact that we will have a new Congress?

Mr. RIBICOFF. Mr. President, not at all. My understanding is that basically, until the new committees are constituted, the work of the old committee will continue. The authority of this committee to act extends until January 31, 1971. There are some investigations now currently in process on which hearings are slated to be held in January and February. There will be no need for further funds. The committee has sufficient funds in its prior authority. I do not conceive of any new authority being given to the committee.

Mr. JAVITS. Mr. President, if I may make the situation clear to the Senate, will it be understood that if this resolution is considered and acted on, whatever the law provides with respect to the power to continue this authority will continue to be the law, unchanged by this resolution; and will it also be understood that this resolution represents no waiver of precedent or otherwise adversely affects the right of Senators who will be sworn in or who will continue as Senators in the new Congress to challenge the continuance of the rules of the Senate under the Constitution which provides that each body shall deal with its own rules in every new Congress.

Mr. RIBICOFF. That is my understanding of the situation.

Mr. JAVITS. Mr. President, I thank my colleague. I have no desire in any way to stand in the way of my own committee. However, I did not wish by allowing this resolution to go through to yield or compromise any of the rights in respect of the power of the Senate to write new rules in the new Congress.

ESTABLISHMENT OF A WORKING CAPITAL FUND FOR THE DEPARTMENT OF THE TREASURY

The PRESIDING OFFICER. (Mr. Saxbe) laid before the Senate the amendments of the House of Representatives to the amendments of the Senate to the bill (H.R. 16199) to establish a working capital fund for the Department of the Treasury, which were, on page 29, strike out lines 1 to 5, inclusive, of the Senate amendment and insert:

TITLE V—CARRY FORWARD IN COMPUTING MINIMUM TAX ON TAX PREFERENCES

Sec. 501. 7-Year Carry Forward.

(a) In General.—Section 56.

On page 29, line 22, of the Senate amendment strike out "carry backs and".

On page 29, line 23, of the Senate amendment strike out "years" and insert "year".

On page 30, line 3, of the Senate amendment strike out "Carry Backs and".

On page 30, line 18, of the Senate amendment strike out "shall be a tax carry back" and all that follows down through line 25 and insert "shall be a tax carry over to each of the 7 taxable years following such year. The entire amount of the excess for a taxable year shall be carried to the first of such 7 taxable years, and then to each of the other such taxable".

On page 31, line 4, of the Senate amendment strike out "(b)" and insert "(b) Effective Date.—"

Resolved, That the House agree to the amendment of the Senate to the title of the bill.

Mr. LONG. Mr. President, I ask unanimous consent that this matter be the pending question after the disposition of the resolution of the Senator from Connecticut.

Mr. JAVITS. Mr. President, reserving the right to object, may we know all

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about the matter. I was intending to call up a matter myself. Is this a conference report?

Mr. LONG. Mr. President, we accepted the amendment of the Senator from Iowa (Mr. Miller). This amendment provided that you could have a 3-year carryback and a 5-year carry forward of regular tax liabilities to the extent they are not used to offset references otherwise subject to the minimum tax. The House agreed to the essence of the Senate's amendment, but provided that taxpayers could have a 7-year carry forward of the regular tax liabilities rather than a 3-year carryback and a 5-year carry forward. As I understand it, the Senator who offered the amendment in the Senate is willing to accept the modifications.

Mr. MILLER. Mr. President, inasmuch as I am the author of the amendment which the House has amended, I believe I should advise the Senate that it should agree with the House amendment.

My amendment would have provided for a 3-year carryback and a 5-year carryover of Federal income tax in excess of the preferences taken into account for purposes of the minimum tax.

I understand that the Treasury Department contends that the 3-year carryback feature would pose the problems of reviewing previously filed tax returns and making tax refunds. This would not be true with respect to the carryover feature.

XUM

Accordingly, the House has removed the 3-year carryback feature; but in lieu of the 5-year carryover feature has provided for a 7-year carryover.

All of this means that taxpayers would have an 8-year period—counting the taxable year—for averaging out tax preferences and Federal income tax instead of 9 years as provided by my amendment.

This represents a fair compromise, and I believe the Senate should agree with the House amendment.

Mr. President, let me ask the distinguished chairman another question about the bill. It has been suggested that it is possible for different amounts of excise tax to be levied in the instance where a dealer or distributor purchases both the truck and the hoist from a single manufacturer and combines them for resale, as contrasted with the situation where the truck and the hoist are purchased from two different manufacturers and combined for resale. I would not think the bill we approved calls for such a result. Can the chairman of the committee enlighten me?

Mr. LONG. Mr. President, it is the Committee on Finance's intention that identical excise-tax results be obtained where a dealer or distributor purchases both a truck and a hoist from a single manufacturer and combines them for resale, and where a dealer or distributor purchases a truck from one manufacturer and a hoist from another manufacturer and combines them for resale. That is the way we understood the bill and that is the basis on which we approved it.

The PRESIDING OFFICER. The question is whether this will be the pending business after the conclusion of the resolution of the Senator from Connecticut.

Mr. LONG. Mr. President, I believe we should act on the bill now.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG. Mr. President, I move that the Senate agree to the House amendment.

The motion was agreed to.

ORDER FOR RECESS UNTIL 12 NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

SENATE RESOLUTION 504—CONTINUING FOR 1 MONTH CERTAIN AUTHORITY FOR INVESTIGATIONS BY THE COMMITTEE ON GOVERNMENT OPERATIONS

The PRESIDING OFFICER. The question recurs on the resolution of the Senator from Connecticut, continuing for 1 month certain authority for investigations by the Committee on Government Operations into the efficiency and economy of operations of all branches of Government.

Mr. RIBICOFF. Mr. President, I move the adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE NOMINATION OF FRANK CARLUCCI

Mr. CRANSTON. Mr. President, the junior Senator from California knows full well why the senior Senator from California felt it necessary to take the floor to discuss CRLA and the pending nomination of Mr. Carlucci to be the head of the OEO.

The senior Senator has exercised his customary restraint—a restraint that has marked the relations between both of us when we have differed. I will exercise the same restraint.

In no way have I indicated any position on the nomination of Mr. Carlucci or whether I feel he should be approved for the Senate office for which he has been nominated.

I have not indicated any plan or intention of seeking to block that nomination in the next session of the Congress.

Mr. Carlucci took the position before the Labor and Public Welfare Subcommittee yesterday which was considering his nomination that he could not act upon the California Governor's veto of CRLA funding until he had seen certain documents that somehow took more than a week to cross the continent from the Governor's office to his office in Washington.

I, in the same way, feel that I cannot vote intelligently upon his nomination, and I feel that the committee cannot act wisely upon his nomination, until we have seen the evidence upon which he bases his action, which is not now available to him or the committee, and until we have also seen the degree of dispatch which he is able to exercise in dealing with that veto and exercising his power to override or decline to override that veto.

Nothing else is involved in my action on the subject.

To make very plain that these are the only reasons, I ask unanimous consent to have printed at this point in the Record the closing statement I made yesterday in the committee hearings, stating my feelings at that point about his nomination. I also ask unanimous consent that I may have printed in the Record certain documentation presenting the other side of the issue, to help explain the documents to be printed in the Record by the senior Senator from California.

I exercise a great deal of restraint. I will not put into the Record the 471 communications, bound in these two volumes, from California and elsewhere in support of the CRLA.

Mr. GRIFFIN. Mr. President, reserving my right to object, I object.

The PRESIDING OFFICER. Objection is made to the inclusion of the material in the Record.

Mr. GRIFFIN. Reserving the right to object, the junior Senator from California, I take it, is indicating that he is going to block this nomination in this session of the Congress. Is that the understanding?

Mr. CRANSTON. It is not necessarily the intent of the junior Senator from California. As the senior Senator from California has stated earlier in his remarks, discussions are underway that might lead to a solution to the problem in time for the matter to be dealt with.

Mr. GRIFFIN. Mr. President, I shall object for the time being. I want to have the floor when there is an opportunity.

The PRESIDING OFFICER. Objection is heard.

Mr. CRANSTON. Mr. President, rather than having printed in the Record the material that I have been denied the right to have printed in the Record, I will read the closing statement I made yesterday which makes very plain the position I took in the committee yesterday. I will later seek, if it can be obtained, unanimous consent to have printed in the Record certain other documents in relation to the documents that will be printed in the Record by the senior Senator from California.

Mr. GRIFFIN. Mr. President, if I can get unanimous consent that I can be recognized for 5 minutes following this, I will withdraw my objection.

The PRESIDING OFFICER. Without objection, the Senator from Michigan will be recognized after the Senator from California.

Mr. CRANSTON. Mr. President, I ask unanimous consent to have printed in the Record at this point my closing statement at the Carlucci confirmation hearing.

There being no objection, the closing statement of the Senator from California at the Carlucci confirmation hearing was ordered to be printed in the Record, as follows:

CLOSING STATEMENT

After extremely careful consideration, I have decided to do what I can to see that any Senate approval of Mr. Carlucci as the new director of O.E.O. is withheld until such time as Mr. Carlucci indicates what action he will take regarding Governor Reagan's veto of the $1.8 million California Rural Legal Assistance Grant. I wish to say briefly why I have decided to do so.

Governor Reagan, relying upon a patently specious investigation, has attempted to discredit what everybody who has studied C.R.L.A. has declared to be the finest legal services program in the United States. Although Mr. Carlucci has the power to override that veto, he has stated this morning that he is unwilling to tell us today, or tomorrow apparently, whether he will do so. Whether Mr. Carlucci overrides the veto of C.R.L.A. and whether he does so in time to prevent disruption of the program and a disservice to its present clients, in my opinion, will be a crucial indication of what kind of director of O.E.O. he would be, were he to be confirmed by the Senate.

If the Economic Opportunity Act means anything, it means that the poor must be able to speak for themselves and to guide their own destinies Americans are proud that through the Office of Economic Opportunity the poor, whose interests were ignored for so long, have been given new reason to have faith in the American system.

The lawyers who have represented the poor have exemplified the best in the poverty program. California Rural Legal Assistance has led the way. It is the dedication of those lawyers to the true interest of the poor that has made them unpopular with Governor Reagan; it is that same dedication that has given them credibility with the poor.

We have raised the hopes of the poor. What happens to C.R.L.A. is far more important than what happens to one program. If the finest legal services program is lost to the poor, the message is clear—any program the poor have faith in, any program that truly represents their interests—is subject to the death penalty for purely political reasons.

The legal services program is generally conceded to be the most important part of the War on Poverty. If C.R.L.A. can be cancelled out, or can be subjected to harassment and excessive delay before it is refunded, on the basis of isolated charges which are deliberately raised at the eleventh hour, then the legal services program, throughout the rest of the country, is in very serious trouble. And, then, Mr. Carlucci as director of O.E.O. would not have shown his concern for and ability to protect the interests of this country's disadvantaged.

I have grave reservations about a 30-day extension in terms of its being of any substantive value. I know that 30-day extensions have been used to hamper, thwart and decimate legal assistance programs in Florida, Mississippi and for the Navajo Indians.

If the C.R.L.A. veto is not promptly overridden, many other governors will be encouraged to veto legal services programs in *their* states, or to try to seriously restrict the work of those programs. *Full* legal representation of the poor will be subjected to protracted threats, particularly where poor people seek judicial review of governmental decisions which are adverse to them. The message will go out to the poor that the rich man can sue the government, but the poor man cannot, that the peaceful redress of grievances under law is available to the rich but not feasible for the poor. This would indeed be disastrous at a time when an increasing number of people are questioning whether the American governmental system still permits peaceful change through law. And let me stress in C.R.L.A.'s case that its 86 percent success record for litigated cases shows convincingly that without effective access to the judicial process the system operates in numerous ways to deprive the poor of rights and benefits they are entitled to under law.

The question is, are we going to do all we can within the system to encourage peaceful change. Or, as the question is put at this confirmation hearing, is Mr. Carlucci going to use his best efforts to further peaceful change through law and our institutions of justice? We need to know very soon what Mr. Carlucci's answer is.

The Senate must be convinced that the next director of O.E.O. is dedicated to the purposes of his agency—protecting and encouraging the poor, and helping them to help themselves.

Does he as director-designate have faith in the orderly process within his own agency—a process which has produced an evaluation confirming the professional excellence of C.R.L.A.

Until we have answers to those crucial questions in terms of *his* action on the C.R.L.A. veto—until we see whether the acting director will serve the aim of the Economic Opportunity Act, I am not prepared to act on this most important nomination.

Furthermore, if the Senate does not act to confirm Mr. Carlucci's nomination during this Congress, then, when and if that nomination is before this committee in the 92nd Congress, the question I will ask if by then there *has* been an over-ride of Governor Reagan's veto in judging Mr. Carlucci's suitability to head the poverty program, will be:

Did he make the over-ride decision in time to prevent the disruption of this program, the destruction of current cases, the departure of present employees who would be forced to go elsewhere to earn livelihood for themselves and their families, and the disillusionment of those who were led to believe they could find justice under law.

Governor Reagan's veto is a direct challenge—a dare, if you will—to the Nixon Administration and, perhaps, to President Nixon himself.

The national office under the Nixon Administration has repeatedly and in various ways, endorsed, supported and encouraged C.R.L.A. and the concept of legal assistance to the poor. The Nixon Administration rejected the concept of regionalization which would have decimated C.R.L.A. and all programs for the poor in California and other states. The Nixon Administration gave C.R.L.A. and the poor people of California a resounding vote of confidence in recommending for C.R.L.A. a $1.8 million grant, a quarter of a million dollars more than their FY 1970 grant.

Governor Reagan has, in effect, thrown this money in President Nixon's face. Governor Reagan has, in effect, accused the President of conducting an Administration that is wasteful, and blind, and worse.

If the Reagan veto is sustained, the Nixon Administration will, in effect, be confirming the criticisms that Governor Reagan has directed at the operation of O.E.O. under President Nixon.

President Nixon and Mr. Carlucci must stand up for the poor people of California and the nation and stand up to Governor Reagan and those who would destroy the efforts of O.E.O. to help those who are trying to help themselves under the American system that is designed to help those who try to help themselves.

To deny due process of law to any American for any reason, let alone for reason of his low income status, attacks the fundamentals of our entire constitutional democracy.

The operative point here is *not* that C.R.L.A. lawyers have brought too many cases to court, the point is that they have won so many cases. In simple, non-legalistic terms, this shows that the courts have judged the state and federal governments to have acted illegally against poor people; it has been C.R.L.A. and the courts that have upheld law and order and justice in California against the onslaughts of those who would evade or undercut the law and the American concept of liberty and justice for all.

Mr. CRANSTON. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD the material that I requested to have printed in the RECORD a few months ago.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 26, 1970.

Mr. FRANK CARLUCCI,
Director,
Office of Economic Opportunity.

DEAR MR. CARLUCCI: This letter follows our telegram of this date advising you of Governor Reagan's disapproval of the 1971 refunding of California Rural Legal Assistance.

The Governor's disapproval power has been exercised pursuant to Section 242 of the Equal Opportunity Act of 1964, as amended. It is based upon the recommendation of the Director of the State Office of Economic Opportunity, Lewis K. Uhler and his capable staff. (Please see the attached memo to the Governor.)

The evidence obtained by the California SEOO during its extensive review of California Rural Legal Assistance indicates that this organization has misused taxpayer funds and has failed in its mandated purpose of serving true legal civil needs of the poor within its geographic area of operation. A program which has created such furor and turmoil and has lost credibility not only in the eyes of responsible leadership but many of the poor themselves cannot possibly be a viable means for meeting these legal needs. At the same time it is our plan to initiate an alternative legal services program as described in Director Uhler's report that the true needs of the poor can be served.

I have asked Mr. Uhler to arrange an early meeting with you and the appropriate members of your office so that we can brief you personally and can furnish our extensive file of evidence for your inspection.

Kindest regards,

EDWIN MEESE III.

DECEMBER 24, 1970.

Hon. RONALD REAGAN

DEAR GOVERNOR: Transmitted herewith is a report compiled by the State Office of Economic Opportunity regarding California Rural Legal Assistance. In the normal course of events this organization has been evaluated by our office pursuant to its refunding of Office of Economic Opportunity, Legal Services, Washington, D.C.

It is the recommendation of our office that you exercise your power to disapprove refunding of this grantee pursuant to the authority granted you in Section 242 of the Economic Opportunity Act of 1964, as amended.

Our recommendation is based upon the regrettable fact that the grantee has failed to comply with the conditions of its grant through gross and deliberate violation of Office of Economic Opportunity guidelines and has failed in its mandated mission, to wit, provide civil legal services to the rural poor. It appears that CRLA has failed in this mission because it has elected to devote much of its resources to objectives clearly outside the scope of serving the civil legal needs of the poor. These diversions from its major mission include but are certainly not limited to representation of people charged with crime, use of legal process to harass public and private organizations, solicitation of clients, counseling and organizing of students to challenge school authority-discipline systems, the undue fixation of energy on cases with extraordinary publicity value, etc.

A view of the cases and instances which cause this grave concern are set forward briefly;

1. A woman welfare recipient lost her husband due to a heart attack. She wished to adopt a child she has raised since he was three days old so that she might benefit from her deceased husband's social security. A CRLA attorney said that he would help the woman if she would agree to be plaintiff in a suit against the welfare department. The woman refused. CRLA called several times to restate the offer but refused to handle her legal problem unless she would also consent to sue the county (private counsel has agreed to handle the adoption without fee).

2. A CRLA attorney participated in a panel discussion before an American History class consisting of high school juniors. During the course of his presentation he used the word "——" or "——". Upon being reprimanded, the CRLA attorney thereafter wrote on the blackboard "—— vietnam".

3. CRLA filed a lawsuit on behalf of 16 named plaintiffs. Fifteen of the 16 attested that they had not engaged CRLA to represent them and knew nothing of lawsuit when it was filed.

4. A paid community employee of a CRLA office was arrested for possession of marijuana. He was defended in this criminal action by a CRLA attorney.

5. Two women seeking divorce were informed by CRLA that its office would handle same for a fee of $300 each and in one case CRLA demanded an immediate deposit of $75 (CRLA is prohibited from charging fees for Legal Services).

6. The President of a Bar Association stated "I feel that as a result of their class actions in connection with agricultural workers they have disrupted the economy of our local community and have polarized the community so that we have great problems which were never experienced prior to the advent of CRLA on the scene."

7. CRLA filed an action against a welfare department seeking allowance for a stove for a welfare recipient. A local merchant called CRLA and offered to donate a gas range to the welfare family. CRLA refused the offer of a stove and indicated that they would persist in a suit against the welfare department.

8. A deputy district attorney reports that a CRLA attorney defended a man charged with contributing to the delinquency of a minor. The case involved an 18 year old boy who was charged with statutory rape on a 15 year old girl. Despite parental objection members of the CRLA office participated in a scheme whereby the girl was spirited to Mexico where they arranged for a marriage between the 15 year old female and the defendant.

9. A CRLA attorney counseled United Farm Workers Organizing Committee strikers and demonstrators; in the field a CRLA employee directed the demonstrators with a bull horn.

10. CRLA attorneys counseled and encouraged a school demonstration and several of the participants were arrested for trespassing, defended them in criminal proceedings claiming that the criminal representation was done on their own time.

11. A district attorney has said "This agency (CRLA) has failed miserably to discharge its obligations to the indigent rural people. Has wasted hundreds of thousands of dollars of our taxes and has caused expensive and intensive time consuming involvement of our local agencies in answering its vicious attacks."

12. A county Grand Jury has requested the State of California to veto the CRLA grant in a resolution stating in part "California Rural Legal Assistance has refused to comply with the process of this Grand Jury in investigations of the corporate activities of the California Rural Legal Assistance to determine if it is providing adequate legal assistance for the poor."

This represents only a few of the alarming examples of CRLA's failure to accomplish its mission, comply with its grant conditions or control its sometimes outrageous and irresponsible conduct of its employees. While this office has accelerated its data gathering activities in the last few weeks and is now in possession of substantial amounts of information on CRLA's activities, we believe that this represents only a small portion of the real CRLA picture.

The failure of CRLA has been so dramatically brought to this administration's attention that there is no choice but to recommend the disapproval of CRLA's refunding. To do otherwise under these circumstances would be tantamount to gross neglect of our duty to uphold the interest of all of the citizens of California and to insure the proper use of Office of Economic Opportunity funds.

This administration's deep concern for meeting the legitimate civil legal needs of indigents has prompted us to devise an alternative to CRLA which holds enormous promise for truly serving the rural poor. In the process of the in-depth analysis of CRLA we have gained new insight into the legal needs of the poor which has provided us with the kind of background necessary to design the best possible legal system for the poor. In the comprehension of CRLA's failure, we stand on the brink of a major breakthrough in privately financed legal services for the poor which will insure not only local responsiveness but the mobilization and support of the entire community behind the legitimate legal needs of the poor.

Many of the complaints against CRLA received by this office involved allegations of misconduct and violations of professional ethics by the attorneys involved. A copy of our report and accompanying evidence will be forwarded to the State Bar of California for investigation and appropriate disciplinary action.

We intend to brief Federal Office of Economic Opportunity officials in Washington, D.C. with respect to the full details of this report as soon as a meeting date can be arranged.

It is requested that our detailed file of exhibits, statements, and evidentiary documents be kept confidential until after this meeting.

Respectfully submitted.

Lewis K. Uhler,
Director.

CRLA Calls for Override of Governor Reagan's Veto of Their 1971 Grant

California Rural Legal Assistance urged Frank Carlucci, Director, Office of Economic Opportunity, to immediately override Governor Ronald Reagan's veto of their 1971 grant. Attached is a telegram sent to Mr. Carlucci. The telegram emphasizes that CRLA is regarded as an outstanding legal service program which strikes a balance between service to individual clients and matters concerning larger segments of the client community related to basic problems of poverty.

Governor Reagan's veto is attributable to retaliation for successful actions brought against both public and private defendants and is reflective of the intent of Governor Reagan to oppose basic social welfare programs of the Nixon Administration. The veto is predicated upon a biased, one-sided investigation conducted by an ultra conservative member of the Reagan staff.

CRLA denies Governor Reagan's general and specific charges. The Governor's Office promised to make his report available prior to action but failed to keep his promise. Denials are based on charges as reported by the news media.

Cruz Reynoso, CRLA Director, summarized CRLA's position as follows:

Because CRLA has proven that a degree of social and economic change is possible within the system, that the system is available and open to the powerless, the veto should be promptly overridden. To delay in this decision would be to encourage opponents of legal services, intimidate and discourage legal service attorneys from initiating controversial actions on behalf of their clients, and threaten the independence of the national legal services program.

Support of CRLA was founded on recognition of a successful, balanced approach to Legal Services. CRLA serves thousands of poor every year handling day-to-day matters of problems with landlords and creditors. During the last year CRLA attorneys handled 18,823 legal problems, 749 involving court actions; and only 55, or 7 percent, were filed on behalf of a class. Over 2,000,000 senior citizens, consumers, food program recipients, and public housing residents were represented by CRLA attorneys in those 55 class actions, but obviously the bulk of CRLA efforts went into the 18,768 legal problems handled for individuals during the year. CRLA's success record in the courts and before administrative agencies provides clear evidence of the legitimacy of the legal problems its attorneys handle: of the 749 court and administrative decisions rendered during the last year, CRLA clients were upheld in 605 cases, or 86 percent of the time.

REPRISAL FOR SUCCESS

The Governor's veto appears to be a reprisal for successful suits initiated by CRLA curbing unlawful actions by public agencies and establishing rights for the disadvantaged.

The source of Governor Reagan's initial hostility was a lawsuit brought by CRLA in 1967 which successfully barred efforts to cut 200 million dollars in services under the California Medi-Care Program. The Supreme Court agreed that the State action violated State law and usurped the authority of the Legislature. A case filed in 1970 against a Medi-Cal cutback resulted in the invalidation of a State regulation on grounds that it was in conflict with federal law. The decision restored over two million dollars in benefits to the medically needy.

A provision of the California Constitution which disenfranchised thousands of Spanish-speaking citizens by imposing an English literacy requirement as a condition to voting was stricken, the California Supreme Court ruling on a case initiated by CRLA clients.

A provision of the California Constitution was stricken which conditioned the construction of low-income housing on the passage of a referendum frequently used to block decent housing for the poor.

The State-wide use of aptitude tests which had resulted in the classification of thousands of bright Spanish-speaking children as mentally retarded barring their economic advancement through education was enjoined. Subsequent legislation set minimum standards to assure that the aptitude of Spanish-speaking children would be tested on objective criteria.

A provision of the Constitution limiting the passage of school bond issue was stricken.

Litigation initiated by CRLA clients resulted in the establishment of federal food programs in seventeen California counties.

A suit filed against the State on behalf of fifty thousand female farm workers compelled enforcement of the newly established minimum wage initially resulting in the retroactive payment of hundreds of thousands of dollars in withheld wages to thousands of farm workers.

These major victories combined with the thousands of small decisions for the first time provided the California rural poor with effective access to the courts and the legislative, the traditional democratic channels for redress of grievances. CRLA's successes have demonstrated the need for such a voice, as well as the competence of the representatives of the poor, and the legitimacy of their claims. Had CRLA been less forceful, less energetic, less successful in seeking to provide to the poor the same access to democratic processes as are available to major growers, corporations and public agencies, the veto would not have come.

GOVERNOR'S VETO

Beyond the reprisal motive, Governor Reagan's criticism of the scope of CRLA's activities raises principles twice rejected by Congress. Congress refused to prevent legal service programs from suing public agencies and rejected a proposal to give governors the right to veto a program because of controversial nature.

The veto of CRLA by Governor Reagan can only be explained in terms of his consistent opposition to progressive social welfare programs of the Nixon administration. At its root is the belief shared by ultra conservatives that access to the courts and to the legislature is a privilege rather than a right. Inherent in the criticism of CRLA is the premise that the poor do not have the right to initiate action in the courts to obtain entitlements enacted by the Legislature for their benefit.

The appointment by Governor Reagan of Lewis K. Uhler as Director of State Technical Assistance Program [State OEO], an admitted former member of the John Birch Society and active campaign manager for the ultra-conservative Congressman John Rousselot, was harbinger of his intention to muzzle legal services programs.

STATE'S BIASED REPORT

The onesided report of the Governor's staff which recommended veto appeared to be no more than the justification of a prior political decision. The critique was initiated with a random survey to members of the bar and the judiciary requesting responses to questions which characterized CRLA unfavorably and encouraged an anonymous response.

The condemnation of CRLA by an anonymous district attorney dramatizes the lack of credibility of the anonymous questionnaire. The survey had been condemned in a formal resolution of the National Legal Aid and Defender Association.

Subsequent to the inquiry, State Technical Assistance fieldworkers conducted a patently hostile investigation in each region. The investigators encouraged local bar associations to recommend termination of CRLA in their community, reportedly promising them funds for locally sponsored programs as an inducement. Investigators reportedly sought to have prominent defendants in lawsuits initiated by CRLA sign deprecating affidavits. Over all, the methods employed by the State Technical Assistance Program opened old wounds, magnified controversies, polarized communities, and frustrated CRLA's efforts to maintain constructive dialogue with members of the bar and public officials.

SPECIFIC EXAMPLES UNFOUNDED

Considering the effort expended, the return was minimal. Specific examples cited by the State are distortions, half truths, at the most isolated indiscretions or are readily explainable. Dandruff has been represented as a fatal disease. The report, moreover, is deficient in that it fails to include the many endorsements of CRLA received by the State and fails to consider the approval of CRLA voiced by the client community.

Contrary to the report, CRLA does not handle criminal cases in violation of OEO guidelines.

Isolated instances in which criminal defendants have been represented and one case in which an attorney counseled representatives of the Farm Workers Union were done on attorney's vacation time and were therefore personal efforts rather than organizational. A CRLA attorney is permitted on his own time to provide public service work to any organization of his own choosing, be it the Republican Party or the United Crusade. Similarly, the defense of a community worker by a CRLA attorney was handled on the attorney's time off. A motion to quash the matter filed at the preliminary hearing was granted by the court. The motion was, in fact, typed by the attorney himself so as to avoid using the services of the CRLA clerical staff for a non-CRLA matter.

Another criticism which highlights the superficiality of the Uhler report and the danger of drawing conclusions from information received from only one side of a controversy concerns the "stove incident."

The CRLA Marysville Office sought to obtain a resolution of the problem created by the failure of numerous rural welfare departments to allow the payment of funds to meet the critical unmet shelter needs of welfare recipients. The Legislature had recently established this fund and had allowed for payments from it although a family may be receiving the maximum grant. The particular county welfare department had not expended any of these funds during the fiscal year and the State Welfare Department had proposed to withdraw these funds and allot them to urban areas. The merchant who offered the stove was told that the case was intended to deal with this broader problem. With the client's approval, the merchant was asked to hold his offer open for two days pending the resolution of the matter in court. This he agreed to do.

While CRLA intends to respond to each allegation the charges cannot now be answered with precision. The State, in breach of its agreement, failed to make the criticisms available to CRLA staff prior to formalization and veto. We depend at this point on news media reports of the charges against CRLA. The Governor's notion of justice appears to be condemnation without a hearing, a denial of due process.

CONCLUSION

Because CRLA has proven that a degree of social and economic change is possible within the system, that the system is available and open to the powerless, the veto should be promptly overridden. To delay in this decision would be to encourage opponents of legal services, intimidate and discourage legal services attorneys from initiating controversial actions on behalf of their clients, and threaten the independence of the national legal services program.

Cruz Reynoso,
Director, California
Rural Legal Assistance.

CRLA Evaluation Team

1. Alan Ashman, Team Captain, National Legal Aid and Defender Association.
2. Robert Bennett, Professor of Law, Northwestern University Law School, Chicago, Ill.
3. Winslow Christian, Judge, Calif. Appeals Court, San Francisco.
4. Tom Clark, Justice, U.S. Supreme Court.
5. Richard Ibanez, Pres.-elect, Lawyer's Club of Los Angeles County, Chairman of Executive Committee Mexican-American Legal Defense Fund.
6. Carl Johnson, Director of Legal Services, Calif. Office of Economic Opportunity.
7. Jay Lutz, Director of Legal Services, Calif. State Bar Association.
8. Henry Quevedo, Executive Director, Cabinet Committee on Opportunity for the Spanish Speaking.
9. George Ranney, Deputy Director, Bureau of Budget, State of Ill.
10. Jerome Shestack, Chairman of the ABA Committee on Individual Rights.
11. Michael Smith, Staff Attorney, U.S. Civil Rights Commission.
12. Gilbert Dorame, Reginald Heber Smith Fellow, Assigned to the Oakland Program.
13. John Velasquez, Private Attorney, Oakland, Calif.

Opportunity,
October 12, 1970.

Mr. Daniel Lucvano,
Chairman, Board of Trustees,
Beverly Hills, Calif.

Dear Mr. Lucvano: The OEO Team assigned to evaluate the work of California Rural Legal Assistance has now completed its report to this office, and I am happy to report to you that its findings were generally highly favorable. As is true in the evaluation of any project, however, there were several areas of concern which I wish to attempt to share with you in the following summary.

As you know, the CRLA team consisted of fourteen members—distinguished persons of widely divergent experience, background and viewpoint. Despite the geographic diversity of the CRLA offices, it is to the credit of these evaluators that they undertook to visit seven of your nine regional offices: Salinas, El Centro, Santa Maria, McFarland, Marysville, Madera and Modesto, as well as the Sacramento office and the Central office in San Francisco.

In the summary of their findings, they stated: "While not perfect, CRLA is an exemplary legal services program, providing a balanced approach between orthodox legal services and highly successful impact litigation."

Their comments regarding the calibre of CRLA attorneys were particularly gratifying. While noting that in some instances a few of the younger attorneys are occasionally over-eager, or suffer from a lack of experience, the general tenor of the report commends the attorney staff for its ability, competence, and professionalism. In this regard, the evaluators took cognizance of the difficulties, both for the attorneys and for their families, inherent in the location of the CRLA regional offices, and suggested that higher salaries and an opportunity for upward mobility should be provided for them.

The evaluators reported that although CRLA is best known for its cases which attract the attention of the media and the public, and which are often controversial, the fact is that the preponderance of the work done by both attorneys and community workers is individual client-oriented service work. They felt in this regard, however, that there is a failure to communicate this fact to the public at large, and bar association.

Analyzing the comparatively few impact cases brought in a given regional office, the evaluators found that they were begun after thorough investigation to satisfy legitimate client needs, and were pursued in a responsible lawyer-like manner.

Noting the youth and the lack of experience of many of the attorney staff, the evaluators commended CRLA for meeting this need through specialization, expertise, technical assistance from more experienced attorneys, a "task force" approach to problems common to several offices, and frequent office and regional staff meetings to provide everyday assistance to less experienced attorneys. One evaluator summed it up this way: "Two years' practice with CRLA is probably the equivalent of ten years' practice in a private firm."

The evaluators found that in the offices visited, relations with the client community are generally good. They reported that ongoing communication and understanding are maintained through well-integrated community workers, and often active and participating local advisory committees. It is hoped that all offices will soon have active advisory groups so that the priorities will be set by the local community. It was noted, however, that in interviews with members of the client community in several of the offices there was a desire to see an increased number of Spanish-speaking staff members, including attorneys, in order to provide as many persons as possible who share common ethnic and linguistic identity with the client community. Further evening office hours, and placement of satellite offices open and more convenient to the Compesenos was suggested especially in the Modesto area.

The evaluators also found that in the offices visited, relations with the community at large have improved considerably in the past year. They interpreted this as being due to several factors, at least one of which is the recognition by the community of benefits which accrue to the community at large through the channeling of inter-strata friction into judicial and legislative forms. In addition, community leaders have come to know and respect some CRLA attorneys as individuals, and this familiarity has to a great extent overcome any fear of an outsider who may have an inability to predict community interaction.

In the two offices where there have been specific community controversies, Marysville and McFarland, the evaluators investigated these thoroughly, talking with community leaders as well as CRLA staff, and reached the conclusion that in both instances the matters had been handled promptly and judiciously despite initial poor judgment and tension, and that it seemed unlikely there would be a recurrence of such situations.

In the evaluation of the Sacramento office, there was a considerable difference of opinion over the role of CRLA as a legislative advocate. Although there was an over-all judgment that an effort by legal services in the legislative arena was very important, there was some concern concerning the scope of the legislative advocate's activities. Specifically, the question arose whether the CRLA staff should provide information and technical assistance to legislators, support bills on behalf of clients, or go further and support legislation on behalf of other related constituencies as well. Despite this questioning, however, the evaluators regarded the Sacramento staff as both capable and responsible, and supported the legislative effort.

One other area which received special attention was the matter of CRLA's use of the public media, and on this issue the evaluators disagreed, some of them being critical of any commentary in the press, and others calling it an acceptable tool of the advocate and an effective tool in the adversary process.

The team reported favorably on the coordination of the program through the central office, and the balance maintained between regional autonomy and centralized technical assistance and policy implementation through intra-office projects and evaluations.

Justice Clark's evaluation of the program was conducted, due to his time problems, after the transcribed report. Because of this, I am taking the liberty of attaching his report as part of the letter and will send copies of his report to the other members of the team.

In conclusion, they indicated that because of CRLA's proven capacity to plan, initiate and constructively advance client interests, it was their recommendation that the project be refunded.

Sincerely,

FRANK N. JONES,
Deputy Associate Director, OEO Legal Services.

SUPREME COURT OF THE UNITED STATES,
Washington, D.C., September 3, 1970.

TIM HOFFMAN,
Office of Economic Opportunity,
San Francisco, Calif.

DEAR TIM: On Saturday, August 22, 1970, I met for approximately 2½ hours with the Central Office Executive Staff of California Rural Legal Assistance—Cruz Reynoso, Director; Robert Gnaizeo, Deputy Director; Martin Glick, Director of Litigation; Sheldon Greene, General Counsel; and Michael Bennett, Administrator.

I was impressed with the caliber of their staff. Indeed, my informal questioning of both the administrators and their counsel revealed an excellent grasp and understanding of their work. The administrators were well informed on all aspects of the central office operations as well as the regional ones. In this connection my experience back in 1940–1942 as Chief of the West Coast Offices [Los Angeles, San Francisco, Portland and Seattle] of the Antitrust Division, Department of Justice, served me in good stead. The lines of control, allocation of work load, overview of operations, etc., were all excellent. I also questioned each of the attorneys and found them to be both able and knowledgeable in their field of work as well as practical in its operation. From my twelve years experience in the Department of Justice [1937–1949] I would say that these attorneys compared most favorably with those in the Department at that time. Moreover, my study of the case load of the offices led to the conclusion that the administrators and counsel enjoyed a close, cooperative working arrangement that resulted in a most efficient operation, not only producing a high level and quality of work, but also a large quantity of work.

I do have two recommendations which might further improve the good job CRLA is doing. First, in light of the fact that CRLA employed over twenty law students in their regional offices during the summer and felt that the students contributed substantially to the quality and quantity of the work produced, I recommend that contacts be made with law schools toward the end of instituting programs throughout the school year to utilize law students in such activities as brief writing and research. The law schools should be urged to initiate pilot programs wherein law students are released from classroom study for six months or more in order to serve internships in CRLA's regional offices. Such programs should be designed, of course, so participating students receive academic credit for this clinical work.

My second recommendation is that contacts be made with prominent California law firms (e.g., John Sutro of Pillsbury, Madison & Sutro) to set up programs whereby the firms assign attorneys with some experience to serve for a year in CRLA regional offices. This would benefit CRLA by tying the organization closer to established practitioners and by making more experienced lawyers available to their younger staff attorneys and client community. It would also benefit the law firms in that such one year positions would be an attractive device for recruiting their own staffs. The overall result would be greater exposure by the bar to legal services and, I believe, wider acceptance of such programs.

Very sincerely yours,

TOM C. CLARK.

RESPONSE BY CRUZ REYNOSO, DIRECTOR, CALIFORNIA RURAL LEGAL ASSISTANCE, TO THE SPECIFIC "INSTANCES" CITED BY GOVERNOR REAGAN'S STAFF FOR THE VETO OF C.R.L.A.

Herein follows a few sentence response (with some attachments respecting cases we have been able to identify) which represent our best information as of this date.

1. We are not sure whether or not we have identified this case. One office reports a case of a couple who wished to adopt a child raised by them. The couple earned $758 per month and was thus ineligible for CRLA services. This may or may not be the case referred to by the Governor's staff.

2. One CRLA attorney from our Modesto office participated in a panel in an American history class. The topic of discussion was "The American Revolution and the Problems of Dissent—Then and Now." During the discussion, the attorney reportedly used the word "———." During a discussion on freedom of speech and the problems of dissent, the following was written on the board to demonstrate the issue of obscenity: "—*—/VIETNAM WAR." The asterisk and the slash are part and parcel of what was written. The class teacher reports that the attorney's comments were positive and that the students seemed to relate to what he was saying.

3. We have been completely unable to identify this case.

4. This case may refer to an incident wherein an employee was arrested and charged with possession of marijuana. One of our attorneys, on his own time, represented the employee. The charges were dropped. CRLA policy, as passed by the board, is that CRLA attorneys may represent individuals charged with crimes if it is on their own time and there is prior approval by the Director. No resources of CRLA may be used.

5. We have been unable to identify this case. CRLA does not accept fees. This seems like a referral to private counsel who would have charged a fee.

6. This appears to be the private opinion of an individual attorney. We and our clients most certainly disagree. Protecting the rights of farm workers makes for an orderly economic development. CRLA attorneys have often been cited for helping to ease racial tensions in the areas where we practice.

7. A CRLA client, an American Indian and his family, were in dire need of a stove. While entitled to a "special grant" from the Welfare Department, that department refused the request. According to the former Chief Deputy Director of the State Welfare Department: "Sutter County has gained the reputation of being the most regressive, most restrictive county, the one with the least human compassion of all the counties in California." The offer of a free used stove was not refused by the welfare family. It merely requested that the offer be kept open for approximately two days until the case was heard. The person making the offer readily agreed.

8. This charge is made by a Deputy District Attorney in an affidavit attached to the press release by the Governor's staff. See Exhibit I explaining this matter. The charge is totally false.

9. This matter (not a case) may refer to Imperial County where on December 11, 1970, a rally was called by UFWOC supporters to protest the jailing of Cesar Chavez. One of our attorneys attended (taking vacation time to do so). The CRLA El Centro office has an affidavit from the Deputy District Attorney stating that the CRLA attorney helped to police the crowd and urged the persons present (mostly students) to act peaceably.

10. This may refer to the series of events in Modesto. See Exhibit II.

11. The District Attorney mentioned appears to be the outgoing DA from Monterey County, who has been very hostile to CRLA. The incoming District Attorney, William Curtis, has met with the CRLA staff and there is a pledge of mutual cooperation. CRLA attorneys anticipate good relations with Mr. Curtis' office.

12. The Federal Court in Sacramento issued an order against the Grand Jury ruling that it had no authority to investigate CRLA. See Exhibit III.

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8. A Deputy District Attorney reports that a CRLA attorney defended a man charged with contributing to the delinquency of a minor. The case involved an 18-year old boy who was charged with statutory rape on a 15-year old girl. Despite parental objections, members of the CRLA office participated in a scheme whereby the girl was spirited to Mexico where they arranged for a marriage between the 15-year old female and the defendant.

DECLARATION

I, Martin Click, being duly sworn, hereby depose and say:

I am the Director of Litigation for California Rural Legal Assistance.

Upon receipt, this afternoon of materials handed out by Lewis Uhler to the press in Sacramento, and upon discovery that the above allegation was attributed to Donald Haynes, former Directing Attorney of our Santa Maria office and now in private practice in Santa Barbara County, I telephoned Mr. Haynes. In fact, Mr. Haynes had no knowledge of the case until the boy and girl, *already married* in Mexico and returned to Santa Maria, came into our office for help. A warrant was out for the arrest of both of them. Don Haynes told them that they should turn themselves in and make a full statement to the Sheriff. Don accompanied them to the Sheriff's office for that purpose. Since the girl was 15 and the boy 17 (when the alleged statutory rape occurred) Don made an appearance to have the case transferred to Juvenile Court. His recollection is that the motion was unopposed by the District Attorney's office. The Juvenile Court Judge dismissed all charges against both of them and the Superior Court decided that since the couple was married the girl should not be made a ward of the Court. The allegation from Mr. Uhler's office obviously bears no resemblance to the actual facts in the matter.

I declare under penalty of perjury that the foregoing is true to the best of my knowledge and belief.

Executed in San Francisco, California, on December 28, 1970.

MARTIN GLICK.

CRLA AND THE SCHOOL LUNCH CONTROVERSY

The allegation that CRLA attorneys represented criminal defendants and advised student demonstrators arises out of the Modesto school lunch controversy. Many poor parents were dissatisfied with the administration of the National School Lunch Program in the Modesto schools. In order to receive nearly a quarter of a million dollars in federal aid under the program, the Modesto school board had to promise to provide free or reduced price lunches to the more than 2,000 needy children in the schools. The parents found out that only 180 children per day were receiving free or reduced price lunches.

During the summer of 1969, CRLA attorneys assisted the parents in presenting their requests for reform of the lunch program to the school board. The attorneys hoped that by working with the school board they could avoid litigation. However, the school board would not agree to feed more than 400 needy children, a figure that would make at least 1600 children go hungry each day. At the request of the parents, the CRLA attorneys filed suit in the federal court in Sacramento.

The case was decided in February, 1970. U.S. District Judge Thomas J. MacBride agreed with the CRLA attorneys that the school board had failed to live up to its obligations under the National School Lunch Act, and he ruled that if the board wanted to continue to receive the benefits of the lunch program it must agree to feed all the needy children.[1]

Rather than comply with the court's order, the school board on March 2, 1970, voted to terminate its participation in the National School Lunch Program, citing as its reason the extra $19,000 it would cost to comply with the court order for the remainder of the year. The following day the CRLA attorneys obtained a commitment from the Emergency Food Program of OEO to provide the needed $19,000 so that the children of Modesto could continue to receive nutritious noon-day meals. Notwithstanding this offer by OEO to underwrite the lunch program, the school board refused to reverse its decision, thereby demonstrating to the poor people of Modesto that the board's position was politically rather than fiscally motivated.

The school lunch issue became a major political issue in Modesto in the subsequent months. The CRLA attorneys participated in meetings of the proponents of the lunch program, primarily providing technical advice and assistance.

Such technical assistance was also provided by the director of the Stanislaus County Welfare Department, and by the director of the Community Action Commission. At no time did any CRLA attorney advise any person to participate in a sit-in or in any illegal demonstration. When, after nearly two months of intransigence on the part of the school board, some of the lunch proponents decided to conduct a sit-in, they were told by the CRLA attorneys that if they remained in the school board building they would be arrested and convicted, and would face a possible fine or jail sentence. Sit-ins were held on two days in April. The CRLA attorneys were present as observers and to answer questions from the demonstrators as to their rights. The CRLA attorneys did not participate and did not encourage or advise other persons to participate.

Forty-three persons were arrested and charged with trespass violations. The CRLA attorneys were of the opinion that even though the defendants might have violated the law, they were entitled to a vigorous legal defense. Accordingly, they agreed to represent the defendants. On the other hand, they recognized that CRLA itself could not represent criminal defendants so they charged all the time they spent on the case to their vacation time. Clerical work was done by the defendants themselves, and CRLA was fully compensated for the almost negligible use of office supplies (paper, staples, Xerox costs, etc.)

Since CRLA was in the midst of a major local controversy for more than a year in connection with the Modesto school lunch program, it would be surprising if no mistakes at all were made. Taken as a whole, however, CRLA's conduct in the school lunch controversy was a model of the vigorous legal representation that should be provided to the poor through the legal services program, and at no time was there any violation of the spirit or the letter of federal regulations.

JUNE 15, 1970.

MR. JAY F. LUTZ,
Director of Legal Services, State Bar of California, San Francisco, Calif.

DEAR MR. LUTZ: Thank you for your letter of May 6, 1970. I am sorry for the delay in responding but this has been an unusually busy month for me as well as the CRLA attorneys in Modesto whose assistance I sought to thoroughly investigate the matter. To fully answer the inquiries in your letter, it will be helpful to provide you with a history of CRLA's involvement in the Modesto school lunch controversy.

The issue was not raised originally by CRLA, but by a group of low-income white parents who attended school board meetings beginning May of 1969 to urge the school board to expand the school lunch program to include all needy children in the schools. These parents had only limited success with the board and in June they contacted the CRLA office in Modesto to request that CRLA attorneys file a law suit against the school board. The attorneys, however, did not believe the parents had exhausted all possibilities of negotiating with or persuading the school board. Attorneys Philip Neumark and Daniel Lowenstein were assigned to the case and they agreed to accompany the parents to school board meetings and assist them in presenting their views to the board.

The attorneys attended numerous meetings with the parents and, at a meeting held on August 25, 1969, the board reached its final decision. The board decided to restrict the free lunch program to no more than 400 children per day. Since there were about 3,000 AFDC children in the schools and many others equally needy but not on welfare, the parents were extremely dissatisfied with this decision.

One member of the board, an attorney, told them, "If you don't like what we're doing, go ahead and sue us."

In the first week of September, the attorneys filed the complaint in the action of *Shaw, et al.* v. *Modesto School Board, et al.*, Civil No. S–1336, in the U.S. District Court for the Eastern District, based on Section 9 of the National School Lunch Act. That section provides that: "Lunches . . . *shall be served* without cost or at a reduced price to children who are determined to be unable to pay the full cost of the lunch." [Emphasis added]. The Court issued a temporary restraining order and subsequently a preliminary injunction preventing the school board from implementing the August 25 decision to which the people objected. The interlocutory orders, in suspending the August 25 criteria, compelled the School District in the interim to apply their 1968 standards. (The School District 1969 proposal contained criteria even more restrictive than their previous practice).

During the next several months discovery was conducted. As you may know, the whole subject of hunger and malnutrition has had a very substantial exposure in Modesto. During December of last year the Stanislaus County Board of Supervisors, because of unprecedented unemployment and resultant basic food needs, requested that the President and the Secretary of Agriculture declare a hunger emergency and provide food commodities to desperately needy families in the County. CRLA brought suit against Secretary Hardin and a Christmas Eve injunction resulted in provision of two truckloads of food to help tide over the hungry, many of whom have children attending Modesto schools and are eligible according to Federal law to receive free school lunches [See *Oakland Tribune* front page article dated December, 1969, Exhibit to this letter.]

The trial in the case began in late January, 1970. On February 19 the Court issued a permanent injunction ordering the school board to serve free lunches to all the needy children in the district. U.S. District Judge McBride concluded:

"But the Board made no determination of which *children* were unable to pay; its determination was based on how much the *schools* could afford to pay. That was where the determination was faulty and unacceptable under the Act. While there is nothing to indicate that the School Board was not acting in utmost good faith, it did not comply with the Act, and I must set aside its eligibility standards. [Slip opinion, pp. 7–8]."

A copy of the permanent order is attached to this letter.

When the permanent injunction was issued, the case seemed to have been an excellent example of the type of achievements hoped for from legal services programs. At the outset, our clients were encouraged to try to attain their goals themselves through the democratic process, the attorneys functioning in an advisory capacity. Only when all other channels were exhausted was the law suit filed. Because CRLA provided an outlet for resolution of their grievances through the orderly processes of law, our clients had an alternative to taking their case to the streets. Despite the length of litigation, the faith of these people in our system of justice was strengthened when District Judge McBride ruled in their favor. At all times innumerable low income persons were involved with the case as parties, witnesses and observers.

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[1] A copy of the complaint and the judge's decision are attached to this statement.

Just seven days after Judge McBride's decision, Dr. Bert C. Corona, superintendent of the Modesto school, announced publicly that he would recommend to the school board that it drop out of the National School Lunch program so as to avoid having to serve meals to all the needy children as the Federal Court ordered. Dr. Corona criticized Judge McBride for "trespassing upon the prerogative of local school districts," even though he indicated that the board would not appeal from Judge McBride's decision.

Although the school district had the legal option to terminate participation in the National School Lunch Program, it was immediately apparent to the low income community that the school board gladly accepted the benefits of that program until it was required to live up to its legal obligations under the program. The low income people asked our attorneys to take the school board back to court, and they expressed resentment against the CRLA when the attorneys told them that they had no further legal remedies.

On March 2, 1970, the board met and formally withdraw from the National School Lunch Program. The sole reason given was that the board could not raise the $19,000 it estimated it would need in local funds to comply with Judge McBride's order. On March 3, pursuant to our request, OEO Emergency Food program offered a special grant of $19,000 to the Modesto School Board which would fully underwrite the total cost of complying with the Court order. Together with representatives of the Community Action Commission and the local CAP, our attorneys immediately conveyed this information to Dr. Corona. Dr. Corona polled the school board by telephone and then announced that the board would not apply for the grant and would persist in its decision to drop out of the National School Lunch Program. This announcement took the low income community by surprise in that the only reason given by the board for its previous decision had been removed by the OEO offer. It became apparent to them that the school board was retaliating for its loss in court even at the cost of losing the lunch program and depriving needy children the benefits of a lunch.

The Community Action Commission requested the board to reconsider its decision regarding the OEO offer at its next meeting, to be held on March 16. At that meeting, however, the board refused even to discuss this proposal. In addition, the board refused to call a special meeting to consider the problem and refused to place the matter on the agenda for any subsequent meeting. A United States Senate investigating Committee on Nutrition and Human Needs held hearings in Modesto on March 23 and compiled facts showing that the Modesto School Board decision to drop the lunch program would mean a higher cost of lunches to every student and substantial reduction in the quality of the lunches. Thus no one benefitted from the decision to pull out.

After the March 16 school board meeting, leaders of the low income community, observing that neither legal action nor political persuasion had succeeded, formed an organization named "Citizens to Save the School Lunch Program." The organization placed informational picket lines outside the school administration building. CRLA attorneys from the Modesto office were present at the picketing at various times. Their role was to assure that picketing was lawful and to act as a liaison between picketers and police. At no time did the attorneys use any language or engage in any conduct disrespectful of any police officer. Nor was any such language or conduct on the part of other picketers observed by the attorneys. I am enclosing a copy of the affidavit of Gerald L. McKinsey, filed in the criminal action arising out of the sit-ins, which indicated that relations between the demonstrators and the police were cordial throughout this period. He notes:

"The atmosphere before, during, and after the closure order and the arrests was neither hostile nor strained between those arrested and members of the Modesto Police Department. There were no incidents of violence before, during and after the closure order and arrests. Neither was there any obstruction or resistance by the arrestees to the arresting officers. No one went "limp" or directed any derogatory remarks to the arresting officers. This was true both as to those arrested on April 7, 1970 and April 10, 1970."

The presence of CRLA attorneys helped to keep the demonstrations peaceful.

The school board next met on April 6, 1970, and again refused to discuss the school lunch controversy. At a meeting of the Citizens to Save the School Lunch Program held immediately after the school board meeting, the decision to sit-in at the school administration building was made. No CRLA personnel were present when this decision was made, but John Kelley and Philip Neumark, CRLA attorneys, entered the meeting shortly thereafter. Kelley advised against the sit-in and Neumark advised the people present of the legal consequences that could result if any violations of law occurred.

The sit-in began the following morning, Tuesday, April 7, at the school administration building. The demonstrators sat along the walls of the main corrider and in no way interfered with any business being conducted in the building. They made it clear that they would leave immediately if any member of the school board would meet with their representatives to discuss the school lunch problem. The sit-ins occurred each day that week, beginning in the morning and lasting until 5:00. It was agreed by everyone concerned, including the superintendent of schools and the chief deputy district attorney, that the demonstrators were within their legal rights at all times when the building was open for business, up to 5:00 p.m. Each day at 5:00 p.m. the superintendent demanded that the demonstrators leave the building and on two occasions some of the demonstrators declined to do so and were arrested and charged with violating Penal Code § 602(n).

Two CRLA attorneys, Lowenstein and Neumark, were present at various times during the sit-ins. They were present in their capacity as attorneys, giving legal advice to the clients and acting as liasion with school officials and police officers. Each day at 5:00 p.m. they advised the demonstrators that if they remained in the building, they would be subject to arrest and very likely would be convicted. They further advised the demonstrators that the question of whether to remain in the building was an individual decision and that no one should remain solely because a majority of the group elected to remain. I am satisfied that at no time did any of the CRLA attorneys in any way encourage any person to remain in the school building after 5:00 p.m. or to commit any other unlawful act.

In each case, the CRLA attorneys left the building when the closing announcement was read. On Tuesday, April 7, the persons who were arrested were cited, and the attorneys simply collected the names and other pertinent information regarding the arrestees. On Friday, April 10, the persons who were arrested were taken to the county jail and booked. The attorneys did not know in all cases which demonstrators had been arrested and which ones had left the building prior to the arrests. Accordingly, when the attorneys arrived at the jail they did not have a list of all the arrestees, and they informed the Captain of the jail that they represented all the persons who had been arrested at the school building.

It is not true that a bail bondsman from Fresno was "on the scene" at the time the demonstrators arrived at the jail. After the arrests had been made, a Fresno bail bondsman was called and the delay in his arrival was partially responsible for the fact that the arrestees remained in jail for several hours before being bailed out. The bondsman was called by two persons who had been active in the school lunch controversy. CRLA played no role in contacting him and he was not known by any CRLA personnel.

The municipal court judge had ordered that while some of the arrestees would have to be released on bail, he would consider releasing others on their own recognizance. The persons who were released on their "O.R." spent several hours in jail and when our attorneys asked the reason for the delay, the Captain of the jail stated that distributing the O.R. application forms, having the arrestees fill them out, collecting them and processing them were the main causes of the delay. Accordingly, the attorneys asked the Captain if blank forms could be made available and filled out in advance so as to save time in the event of any future arrests. The Captain stated that this would be possible. Our attorneys were not contemplating any such future arrests and, in fact, no such arrests occurred. The attorneys simply wanted to expedite matters in case there were more arrests.

Your letter raised the point that a few of the members of Citizens to Save the School Lunch are not indigent. OEO has encouraged Legal Services Programs to represent groups of poor people. Such groups from time to time include persons who are not poor. However, if the subject matter of the lawsuit pertains to the interests of the low income community, such groups may be represented by a legal services program. OEO recognizes that middle class people should not be precluded from joining the poor in seeking social justice. In the present case the vast majority of group members (as well as those arrested) are low income persons.

After the arrests of group members, the question of CRLA representation of those charged with criminal acts arose. Of course the CRLA attorneys who handled the civil matter had intimate knowledge of many of the relevant facts and had the confidence of the people involved. Both OEO and CRLA (our guidelines are attached as Exhibit) recognize that in certain unusual circumstances it is in the best interests of the clients of the program for CRLA attorneys to undertake such representation. We have submitted the relevant information to OEO and are awaiting a decision as to whether this is a proper case for CRLA to represent criminal defendants. Until such time as we receive an affirmative response, we cannot, as CRLA attorneys, represent these defendants and I have so informed our attorneys. They have been permitted to take leave to represent these clients in the interim.

I want to add two further thoughts. First, I believe that attorneys must be very careful not to permit confusion to arise as to their function. There has been an element of confusion in this case. On occasion our attorneys participated in the picket lines instead of strictly limiting their role to that of advisor. I have issued guidelines, a copy of which is attached as exhibit. These guidelines have been issued to all CRLA attorneys.

Second, the "school lunch" issue became a volatile one because the government body involved, the School Board, refused to abide by the spirit of a Federal Court order. How sad it is that those who had faith in the law were disappointed and especially, as to the young people involved, how much more difficult it has now become to convince them to peaceably channel their grievances.

XUM

It should be noted that the explicit congressional mandate to assure that needy children receive a free school lunch was enacted to prevent further academic retardation of America's poor children. Many needy children who regularly go without lunch also go without breakfast and have nothing to eat during an entire school day. Their consequent hunger causes them to suffer headaches, intestinal discomfort, and lower concentration spans. In short, the child who does not eat does not learn. This dispute did not occur over some obscure technicality of the law but over one of vital concern to every low income family in California. I am proud of the efforts of our Modesto office in guiding the dispute into court, obtaining a legal victory, and in encouraging those embittered by School Board intransigence to protest non-violently.

I appreciate your interest and hope the foregoing is helpful. If I can be of further assistance, I am at your disposal.

Sincerely,

CRUZ REYNOSO.

THE STATE BAR OF CALIFORNIA,
San Francisco, Calif., May 6, 1970.

CRUZ REYNOSO, Esq.,
Director, California Rural Legal Assistance,
San Francisco, Calif.

DEAR MR. REYNOSO: Pursuant to the recently established arrangement for the handling of non-disciplinary "complaints" received by the State Bar with respect to CRLA, as more particularly described in my letter to you dated April 15, 1970, I am hereby forwarding for your investigation and advice certain inquiries and "complaints" concerning the activities of CRLA attorneys and community workers in the Modesto office.

Specifically questioned are the participation of CRLA personnel in organization and execution of a "sit-in" conducted at the school board office in Modesto during the end of the week of April 5, 1970, or the beginning of the week of April 12, 1970, and the representation of persons arrested at such "sit-in" by CRLA attorneys. The factual allegations which give rise to the "complaints" are set forth below in capsulized form and without representation as to the accuracy thereof.

It is reported that prior to the "sit-in" there were demonstrations on the streets and sidewalks outside the school board office in which CRLA attorneys participated to the extent of referring to police officers present as "pigs" and the like plainly within the hearing of other demonstrators.

It is reported that CRLA personnel were present at the scene of these demonstrations and engaged in photographing the activities of demonstrators and police.

It is reported that two CRLA attorneys were present among the demonstrators within the school board building at such time as a school board official announced that the building was being closed and that all present should leave, that while leaving the premises the CRLA attorneys exchanged comments with several of the demonstrators, and that thereafter the "sit-in" commenced.

It is reported that, immediately following the arrest and incarceration of approximately thirty participants in the "sit-in," two CRLA attorneys appeared at the jail, requested that they be allowed to see the people who were arrested, and announced that they represented the same. A captain in the sheriff's office was summoned and he asked the attorneys the names of the defendants whom they wished to see. The attorneys replied that they did not know the names of the clients. After one of the jailers had inquired of those arrested whether they wished to speak with the attorneys and been advised in the affirmative, the attorneys were allowed to speak with all such arrestees.

It is reported that a bail bondsman from Fresno was "on the scene" and ready to provide bail to at least some of those arrested.

It is reported that while the arrestees were completing application forms for release on their own recognizance (this may be in conflict with the report concerning the bail bondsman) the CRLA attorneys requested a substantial amount of blank "OR" application forms for future use.

It is reported that approximately six of those arrested and represented at arraignment by CRLA attorneys were children of local families having substantial financial resources.

The complaints which this office has received and which are based upon the foregoing reports are as to whether CRLA personnel participated in the "sit-in," whether such personnel advised or encouraged the "sit-in" or otherwise gave counsel concerning the "sit-in" of such nature or in such manner as to promote the same, whether CRLA personnel are or plan to be somehow involved in future and similar activities, whether CRLA has engaged in representation beyond the scope of its authority or in contravention of any condition or the like of OEO funding, whether CRLA has engaged in representation beyond the scope of any OEO approval of representation in criminal matters arising out of the Modesto problems, whether CRLA engaged in representation in such criminal matters prior to any OEO approval therefor being obtained, and whether CRLA provided representation in such criminal matters to persons financially able to procure the assistance of private counsel. Your advice with respect to the accuracy of the foregoing reports and these complaints will be appreciated.

It has also been reported that the CRLA attorneys who appeared at arraignment on behalf of those arrested at the "sit-in" then stated to the court that they so appeared individually, that is, not in their capacity as members of CRLA's professional staff. I would appreciate your advice and comments with regard to CRLA policy concerning how and under what circumstances CRLA attorneys can or may act individually in matters beyond the scope of CRLA's "authority," for a question has been raised as to how salaried members of CRLA staff can effectively disassociate themselves and their actions from CRLA in select cases, particularly under circumstances such as those of the Modesto situation.

Any other advice and information which you feel would be helpful with respect to the Modesto situation will, of course, be appreciated.

If you have any questions with respect to the foregoing please do not hesitate to telephone me. Thank you for your attention to this matter.

F. JAY LUTZ,
Director of Legal Services.

CRLA AND THE COUNTY GRAND JURY

In 1969 CRLA represented a group of poor mothers and their children who alleged that the Modesto School Board was depriving 2,000 needy children of free lunches in violation of the National School Lunch Act. On February 27, 1970, federal Judge Thomas MacBride held that the Board's program did not comply with the school lunch act and issued a permanent injunction against the Board which made more than 2,000 additional children eligible for free lunches.

A couple of months after the school lunch law suit, Modesto CRLA lawyers represented the plaintiffs in an action against the Department of Agriculture alleging that the high rate of unemployment in Stanislaus County made it an economic disaster area requiring the Secretary of Agriculture to release surplus foods to the hungry citizens of Stanislaus County. On Christmas Eve, federal judge Robert Peckham issued a temporary restraining order mandating the Department of Agriculture to release twenty thousand pounds of surplus food to the hungry in Stanislaus County.

Both of these cases received wide-spread national publicity including a front page article in the New York Times. As press articles began appearing, indicating that Stanislaus County appeared to be unwilling to do very much about its hunger crises, county officials began a campaign to discredit CRLA Modesto office. The county administrator told the New York Times CRLA presented one-sided picture of the plight of needy families. The vice-president of the Modesto School Board told the U.S. Senate Committee CRLA's lawyers were "agents provocateur and agitators" who "wantonly slandered the reputation of the hard working and industrious citizens of Modesto and of all Stanislaus County." As a part of this campaign, the Stanislaus County Grand Jury conducted a secret investigation of the local community action agency and issued a report criticizing that agency for distributing food to needy families on Christmas Eve. The community action program, of course, had no opportunity to present any evidence whatever to refute this criticism.

When the Grand Jury announced that it intended to investigate "complaints of possible misuse of funds by California Rural Legal Assistance attorneys," CRLA requested that any investigation be held in public so that the community could hear all sides of the story and pledged its cooperation with the public investigation. In response to CRLA's offer, the Grand Jury served on its attoneys a Subpoena Duces Tecum requiring CRLA to appear before the Grand Jury in secret session and to bring with it "any and all books, records, and accounts of the Stanislaus County office of California Rural Legal Assistance." When CRLA requested of the Grand Jury and the District Attorney the legal basis of this investigaton, they were unable to supply CRLA with any California law authorizing such an investigation.

Faced with what appeared to CRLA to be an illegal witchhunt, the office felt that it had no choice but to take legal action to protect its clients' confidential records. For this reason, it brought an action in the Sacramento Federal District Court to enjoin the Grand Jury from proceeding with its investigation. Federal district judge Thomas MacBride issued both a temporary restraining order and a preliminary injunction against the Grand Jury holding that a local state grand jury had no authority to investigate the relationship between a legal services program and the Office of Economic Opportunity. (A copy of the Complaint is attached as Exhibit 1.)

Shortly after the temporary restraining order was issued, the Stanislaus County Grand Jury sent a resolution to Governor Reagan requesting him to veto the CRLA grant. The Grand Jury alleged that it had received a number of complaints from poor people who said they were unable to obtain legal services from CRLA either because the attorneys were not in the office or said they were too busy to handle their cases. (A copy of the newspaper story is attached as Exhibit 2.)

CRLA pointed out that it uses an appointment system in all but emergency cases in order to permit its attorneys to perform high quality legal services for their clients.

A couple of days later, the Modesto Bee strongly condemned the Grand Jury's action against CRLA as "reckless and irresponsible." (A copy of the Modesto Bee editorial is attached as Exhibit 3.)

DECLARATION

Ralph Santiago Abascal hereby declares:

I was formerly employed by California Rural Legal Assistance from 1967 to September, 1970. During the latter year of my employment I served as Directing Attorney in the Marysville Office.

I have read Senator Frank W. Marler, Jr.'s letter of December 18, 1970, to Governor Ronald R. Reagan. Many of the parts in Senator Marler's letter have been dealt with by others and I would like to amplify on the reference to the organization of the demonstration to which Senator Marler refers. I was Directing Attorney of the office at the time the demonstration occurred.

The demonstration was a reaction of the poor community to our loss of the "stove incident" case. Approximately three hours after the hearing, Jose Luis Vasquez, Magdeleno Botello and several other leaders of the Mexican American community in the area came to our office. They expressed deep disappointment in the loss of the case and said that they felt that it exemplified their undue reliance on the legal system; in their own words, they said that they were taking the matter into their own hands and were going to conduct a march on the Welfare Department. I tried to convince them that we did not consider the legal issues underlying the "stove incident" case to be finally resolved by the loss on that day. We told them that we were going to write a detailed letter to Robert Martin, Director, State Department of Social Welfare in an attempt to resolve the issue. They told me that they felt that to be even less effective. Thereafter, there was absolutely no involvement of the CRLA office in the demonstration. We did not encourage them to demonstrate, plan the specifics of the demonstration nor did we in any way deal with the press. I am one of the staff attorneys who was at the Welfare Department during the initial part of the demonstration.

Senator Marler's confusion as to the location (the commodity warehouse) results from the fact that another issue then pending was the administration of the surplus commodity program by the Sutter County Welfare Department. At that time, only two hundred families were participating in the program because local eligibility standards excluded all welfare recipients. Approximately two weeks after the demonstration our office filed an action in Federal Court in Sacramento challenging the administration of the Commodities Program in Sutter County. Eight days later County counsel stipulated that the County would thereafter comply with all state and federal laws regulating the program and within weeks distribution had increased to over three thousand persons.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Francisco, California, on December 28, 1970.

RALPH SANTIAGO ABASCAL.

MEMORANDUM

December 28, 1970.

To: Cruz Reynoso.

From: Ed Kerry.

Subject: Alleged Demonstrations in which CRLA Staff had been involved in the Marysville area.

Jim Smith indicated that a letter from Senator MARLER representing the Marysville-Yuba City area charged that CRLA staff had been involved in demonstrations in that area. The letter was extremely vague and failed to give any dates of the demonstrations, any locations for the demonstrations, any subject of the demonstrations, or identify the persons, by group, who were involved.

The only possible demonstration that I recall would involve picketing of the Sutter County Welfare Department and a student march in Yuba City from the Post Office to the High School and back.

With regard to the picketing of the Welfare Department, to the best of my knowledge this took place in early or late spring of 1970 and was completely organized and planned by Jose Luis Vasquez. I am sure that the contacts were not initiated by the CRLA office. At the demonstrations, perhaps 100 picketers paraded around in front of the Sutter Welfare Department with signs stating that Mrs. Quitorino was unfair, that she discriminated against poor people, that she ignored the needs of children, that type of thing. Both Ralph Abascal and I believe Rick Rogers, stopped by to view the demonstration to insure that it was an orderly one and to witness any type of abusive treatment meted out to the demonstrators. There was no other CRLA involvement to the best of my knowledge.

In regard to the second possible demonstration, this involved a march from the City High School to the Yuba City Post Office and back by perhaps 50 to 75 students. Each student apparently wrote a letter to the President urging him to review our Vietnam policy and counseling withdrawal from Vietnam. For publicity purposes, each of the students carried the letter in hand as they made the 11 or 12 block march to and from the Post Office. The entire march was organized by one of the high school students whose name I do not recall. He was a junior who ran for student body president. CRLA was informed of the march and of the approximate time it would take place. There were members of the press covering the march, but to the best of my knowledge, there were no CRLA staff members who attended even to witness the demonstration.

The allegations were so very vague and lacking in details that I am unable to pinpoint any possible reference incident. At any rate, these are the only two incidents of which I have any knowledge that would even approach the definition of a demonstration or a march.

CALIFORNIA RURAL LEGAL ASSISTANCE,
December 28, 1970.

Memo to: Cruz Reynoso.

From: Phil Jiminez.

Re Alleged participation by CRLA in demonstrations in the Marysville area.

It has come to my attention that Mr. Uhler received a letter from Senator Marler serving the Yuba City-Marysville area, in which it is alleged that CRLA personnel took an active part in organizing a demonstration or demonstrations in the Marysville area.

Since my arrival in Marysville in September of this year I know of no demonstrations having taken place, much less a demonstration in which CRLA personnel were involved.

Senator Marler's letter was very vague and totally lacking in any specific details, such as dates, times, subjects, and etc., but even then I know of no such event in the area which could be reasonably termed as demonstrations.

ALLEGATION IN AFFIDAVIT FROM JAMES HOULIHAN

My first contact with the California Rural Legal Assistance was with a Mr. Gary Bello in Visalia, California. Mr. Bello's actions were so obnoxious, demanding and showed such a lack of any ethical standards that on at least one occasion he was ordered by the Judge to leave his courtroom. During the period of time, he or members of the staff of C.R.L.A. interfered with the prosecution of several criminal cases involving arrests made by the Visalia Police Department.

DECLARATION

I Martin Glick, being duly sworn, hereby depose and say:

I am the Director of Litigation for California Rural Legal Assistance.

Upon receipt of the above allegation I contacted by telephone Mr. Gary Bellow, former CRLA Deputy Director and presently a Professor on the faculty of the University of Southern California Law School. I might note that Mr. Bellow was the first recipient of the award given annually to the best legal services attorney in the United States. Mr. Bellow stated that he remembers only one contact with the District Attorney's office in Tulare County. On that occasion—prior to the adoption by OEO of instructions on handling of criminal cases—he tried a motion to dismiss a criminal complaint on the ground that he had not been provided with a speedy trial. The motion was granted and all charges were dismissed. Mr. Bellow denies ever having been asked to leave a courtroom.

On the basis of my own personal contacts with Mr. Bellow, I would unequivocally state that I know of no attorney with higher ethical standards or higher dedication to service for the poor.

I declare under penalty of perjury that the foregoing is true to the best of my knowledge and belief.

Executed in San Francisco, California, on December 28, 1970.

MARTIN GLICK.

[Sacramento (Calif.) Bee, December 30, 1970]

AUTHOR OF DOCUMENT CITED BY REAGAN IN VETO VOICES SUPPORT OF RURAL LEGAL AID PROGRAM

(By Bruce Keppel)

The author of a document used by the Reagan administration to discredit the California Rural Legal Assistance Program and justify Gov. Ronald Reagan's veto of its $1.8 million federally-funded budget, says it was misrepresented and reaffirms his support for CRLA.

And another document—suggesting that the league of California cities urged Reagan's veto—turns out to have been the expression only of the league's president, Clifford F. Loader, who stated his view on league stationery. He is mayor of Delano in Kern County, where CRLA attorneys have been involved in a dispute between growers and farm workers over union representation.

Both documents were made public Monday by Lewis K. Uhler, director of the State Office of Economic Opportunity, to justify his recommendation that Reagan veto CRLA's budget.

The first document was a letter to the president of the Imperial County Bar Association by Cameron Hendry, executive director of the Economic Opportunity Commission of Imperial County, Inc. In a letter addressed yesterday afternoon to Frank Carlucci, director-designate of the Federal Office of Economic Opportunity, who can override Reagan's veto, Hendry asserts:

"It was not the purpose of my letter to criticize the operation of the California Rural Legal Assistance, and its use in such a context compels me to clarify my position."

In that letter, Henry asked the Imperial County Bar Association to send a representative to discuss with the commission means of obtaining legal aid for divorce cases sought by the county's poor. CRLA at that time—last February—was unable to handle these because of lack of manpower, a situation since remedied, Hendry wrote.

"In fact, the very board member who originally raised the question of divorces, has expressed total satisfaction with the present arrangement," his letter states.

"Secondly, let me emphasize that my letter was not in any way intended to condemn the operation of CRLA. My feelings are quite the contrary.

"Through my staff—particularly my grassroots workers—I am aware that CRLA handled hundreds of individual cases a year and, in so doing, provides services not elsewhere available.

"Our office refers to CRLA constantly in our daily dealings with the poor of Imperial

County, and I personally endorse their program and urge its refunding."

Hendry's position thus differs sharply from that of the Imperial County Bar Association, which split with CRLA earlier this year and withdrew its support. Uhler's pile of documents contains the association's position—along with similar criticisms from the Sonoma County and Stanislaus County Bar Associations.

Carlucci, the recipient of Hendry's letter supporting CRLA, is President Richard Nixon's appointment to head the OEO.

OEO itself has in the past referred to CRLA as "the flagship" of its legal-assistance programs for the poor.

The letter Delano Mayor Loader wrote to Reagan on League of California Cities stationery last Dec. 19 states:

"After careful evaluation, I urge that you veto the funds for the California Rural Legal Assistance Program, known as CRLA.

"The damage done to Democrat society far outweighs the service to poor people. A different way of giving legal aid to the poor should be devised that is free of activist political (missing line here . . .)

A spokesman for the league said yesterday afternoon that its board of directors has taken no stand on CRLA. He suggested that Loader may have been speaking either personally or as Mayor of Delano. Loader signed the letter, however, as president of the league first, and Delano Mayor second.

(Loader, a dentist, confirmed today that he was expressing the opinion of the city of Delano which, he said, considered the local CRLA "nothing but trouble during the Cesar Chavez-led drive to organize farm workers. Loader said he used League of California Cities stationery to express the Delano view, "because I happen to be president this year.")

Uhler emphasize at his press conference Monday that the documentation made public then was merely a "random sample" from a pile "yea high."

In his letter to Reagan urging the Governor's veto, Uhler asked that the bulk of the documentation be "kept confidential" until after a meeting with Carlucci's staff in Washington, D.C., "with respect to the full details of this report."

Until then, the public justification for the veto of CRLA's budget remains:

The dozen as yet anonymous cases outlined in Uhler's letter to Reagan.

Five documents from public authorities in Stanislaus County were farm-workers activity has been heavy and CRLA active.

A strongly worded letter from the Monterey County district attorney where the lettuce boycott led by the followers of Cesar Chavez and his United Farm Workers is centered.

The letter from the Mayor of Delano written to Reagan on League of California Cities stationery.

The letter Hendry says was misrepresented.

A response by a Madera County supervisor to a controversial questionnaire sent out by Uhler seeking criticism—even anonymous—of CRLA.

A letter from State Sen. Fred W. Marler Jr., Shasta County, urging a veto of the appropriation. Marler said his office has referred poor persons to CRLA for help and the help has been refused. He also claimed CRLA has "insisted" on representing three high school youths in Yuba City suffering disciplinary action because of long hair, even though the parents of one of the youths could afford to hire a lawyer.

And an affidavit by a Santa Barbara deputy district attorney alleging misconduct and unprofessional conduct by individual CRLA attorneys.

California's Democratic Sen. Alan Cranston yesterday urged Carlucci to investigate both the Reagan charges that CRLA had failed in its job and the Reagan Administration's investigative procedures underlying them.

SUPPORT LETTERS

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PUBLIC OFFICIALS AND ORGANIZATIONS

Meade, Kenneth A., Assemblyman-Elect, 16th District.

Sands, Michael S., Councilman, City of Sacramento.

Legaspi, Luis M., Councilman, City of Calexico.

Espinoza, Frank, Board of Directors, Kern County E.O.C.

Bollinger, Oran, Executive Director, Community Action Organization, Kings County.

Hays, Walter V., Councilman, City of San Jose.

Hammericksen, Mark, Probation Officer, Salinas.

Gualco, Eugene T., Supervisor, Fourth District.

Grinnell, Thomas H., Probation Officer, Monterey.

Gonzales, Robert E., Board of Supervisors, San Francisco.

Sprinkles, Ernest, Executive Director, EYOA, Los Angeles County.

Caro, Ernesto, Project Director, Poverty Program, Imperial County.

Ayer, William E., Director, Parks & Recreation Department, Gilroy.

Zenovich, George N., Assemblyman, Thirty-Second District, Fresno County; Chairman, Democratic Caucus.

Z'Berg, Edwin L., Assemblyman, Ninth District.

Wilson, Charles H., House of Representatives, 31st District, Calif.

Waldie, Jerome R., House of Representatives, 14th District, Calif.

Vasconcellos, John, Assemblyman, Twenty-Fourth District.

Gregorio, Arlen, State-Senator Elect.

Van Deerlin, Lionel, House of Representatives, 37th District, Calif.

Thomas, Vincent, Assemblyman, Sixty-Eighth District.

Song, Alfred H., State Senator, Twenty-Eighth Senatorial District.

Short, Alan, Sixth Senatorial District, Sacramento-San Joaquin Counties.

Sieroty, Assemblyman, Fifty-Ninth District Los Angeles County.

Royal R. Edward, 30th District, California House of Representatives.

Ralph, Leon, Assemblyman, Fifty-Fifth District, Los Angeles, California.

Petris, Nicholas C., Eleventh Senatorial District, Alameda County, California.

Pierson, David C., Assemblyman-elect, 65th Assembly District.

Moscone, George, Tenth Senatorial District, Democratic Floor Leader, Senate.

Mills, James R., Fortieth Senatorial District, Senator for San Diego and Imperial Counties.

Miller, John J., Assembly Minority Leader, Assembly California Legislature.

Meade, Kenneth A., Assemblyman-elect, 16th Assembly District.

McCarthy, Leo T., Assemblyman, Nineteenth District, Assembly California Legislature.

McAlister, Alister, Assemblyman Elect, 25th Assembly District.

Foran, John Francis, Member of Assembly, Twenty-Third District.

Dunlap, John F., Assemblyman Fifth District, California Legislature.

Dymally, Mervyn M., Senator, California Legislature.

Burton, Phillip, Member of Congress, House of Representatives.

Burton, John L., Assemblyman, Twentieth District, California Legislature.

Brown, Willie L. (Jr.), Member of the Assembly, Eighteenth District, California Legislature.

Beilenson, Anthony C., State Senator, Twenty-Sixth Senatorial District.

Bee, Carlos, Chairman on Intergovernmental Relations, California Legislature.

Bagley, William T., Member of the Assembly, Seventh District, Marin-Sonoma Counties, California Legislature.

LAWYERS AND JUDICIARY

The Sacramento Barristers, Anthony Dick, President.

Lawyers for CRLA.

American Civil Liberties Union of Southern California, Eason Monroe, Executive Director.

Richard Adams; A. Richard Backus; D. Richard Barelli; Antonio M. Bautista; Carlos Bea; Steven Allen Becker.

Berns & Steinberg, Ralph J. Steinberg; Nordin Blacker.

Clyde M. Blackmon, Phillip L. Isenberg, and John F. Moulds, III.

Guy Blase; Gerard A. Blaufarb; George O. Brekke; James A. Brennan; James L. Brown; Jay Cantor.

Donald B. Cantwell; Jose Castorena; Gertrude D. Chern; William G. Clark; Ronald F. Coles; William H. Cozad.

Thomas A. Craven; Thomas H. Crawford; Andrew H. D'Anneo; John Duddy; William J. Elfving.

Elizabeth Ent; Pauline Epstein; Peder W. Eriksson; A. M. Fernandez; J. Brian Finegan; J. Robert Foster.

Fredericks & Swenson; Richard Day; David Freidenrich; Fresno County Legal Services, Inc.; Alan V. Friedman.

Morris Futlick; Florentino Garza; Joseph S. Genshlea; Former Chief Justice Phil S. Gibson.

Richard A. Giesberg; Lawrence Gluck; Robert H. Gonzales; Stephen H. Greenleaf; Laddy H. Gross.

James A. Gualco; Paul N. Halvonik; Richard K. Harray and Nancy Harray; James J. Herrick; Robert K. Lancefield; Daniel N. Hoffman.

William P. Hoffman; Hopkins, Jordan, Mitchell & Sullivan, David W. Mitchell; George L. Houck; Richard A. Ibanez.

Jackson, Donovan & Anton, Daniel E. Donovan; William S. Jarvis; Thomas S. Jordan, Jr.; Lawrence K. Karlton; Franklin T. Laskin; Louis N. Hiken.

Legal Defense Fund—William Bennett Turner.

Meldon E. Levine; Rudolph Limon; Little & Evans, Richard G. White; Lopez & Reinhart, Ralph R. Lopez.

Howard L. Lund; D. F. Lundgren; Bruce Maclin; Charles F. Mansfield; Peter J. Marx.

LAWYERS AND JUDICIARY

Mandel, William, Monterey.

Mering, Peter, Supervising Assistant, Public Defender, Sacramento County.

Mosk, Stanley, Associate Judge, Supreme Court of California.

Garcia, Louis, President, Mexican American Bar Association.

Obledo, Mario, General Counsel, Mexican American Legal Defense & Educational Fund.

Meyers, Stephen Z., Beverly Hills.

Miller, Marteen J., Public Defender, Sonoma County.

Minkus, Leslie, Research Attorney for Justice Louis Burke.

Montejano, Rodolfo, Santa Ana.

Epstein, Eugene, President, Monterey County Bar Association.

Moore, Jack J., Sacramento.

Moreno, J. Hector.

Moskovitz, Adolph, Sacramento.

Mull, Archibald, Sacramento.

XUM

Nedom, Norwood, San Jose.
Nervo, Frederick, San Francisco.
Nobler, Alan, San Jose.
Nyomarkay, Cecily, Los Angeles.
O'Brien, Colin M., Judge, Imperial County.
O'Donnell, Thomas, San Jose.
O'Farrell, Robert, Monterey.
Page, Charles, Monterey.
Parker, William, San Jose.
Helding, Neil A., Hanford.
Pinto, Robert, Hollister
Portman, Sheldon, President, Calif. Association of Public Defenders.
Dossa, Alfred, San Jose.
Reyes, Anthony, Los Angeles.
Rodriguez. Armando, Fresno.
Rosenbaum, Fred, Los Angeles.
Rosenfelt, Daniel, Del Mar.
Sater, Rex, Santa Rosa.
Sawyer, Thomas, Santa Rosa.
Alschuler, Leon, Los Angeles.
Schwartz, Herbert, Pacific Grove.
Scott, Howard, San Diego.
Sillas, Herman, Castillo, Jose, Gutierrez, Gabriel, Corrales, Arthur, Los Angeles.
Skjerven, Richard, Santa Clara.
Slaff, George, Hollywood.
Smith, Chalmers, Palo Alto.
Spottiswood, David, Sacramento.
Standifer, Joseph, Santa Clara.
Stephens, Joseph, Oakland.
Stewart, William, Judge, Salinas Municipal Court.
Stewart, W. K., Pacific Grove.
Stromer, Peter, San Jose.
Tochterman, Ronald, Deputy District Attorney, Sacramento County.
Treaster, Eugene; Samuel Joseph, Sacramento.
Urias, Frank C., Ventura.
Valentine, Paul, Palo Alto.
Vian, Theodore, Los Altos.
Villa, Al, Fresno.
Vizzard, James, Bakersfield.
Walker, William, Sunnyvale.
Howard, Norman C., San Jose.
Weddell, Willard, Public Defender, Kern County.
Wylie, Richard, San Jose.
Younger, Milton, Bakersfield.
Ziskind, David, Los Angeles.
Zulch, Thelma, Palo Alto.

CLIENTS, CONCERNED CITIZENS AND BUSINESSMEN

Abbot, Veronica and Sydney, San Francisco.
Aguire, Juanita, Sacramento.
Aguilera, Vicente.
Aldridge, Robert C. and Janet, Santa Clara.
Allen, R. L., Salinas.
Alter, Ruth and Silvia, Los Angeles.
Alvarez, Blanca, Salinas.
Anker, Bernard, Modesto.
Alvarez, Jose.
Arizmendi, Leonida, Salinas.
Awonti, Tony, Soledad.
Armenta, G.
Avila, Dolores.
Avila, Ralph.
Avila, Ruben.
Bedford, Anthony, Modesto.
Baumann, Ann, Santa Rosa.
Bell, Jo, Modesto.
Benitez, Connie, Salinas.
Berwanger, Conrad, Torrance.
Bergtholdt, Chris, Marysville.
Bulaicli, John.
Bennett, Brenda.
Blair, Marilyn and Bruce, Whittier.
Blagg, Frederick, Guerneville.
Brink, Howard.
Brown, Beatrice, Los Altos.
Beneficial Finance System, Nickel, George D., San Francisco.
De Los Santos, Angeliqsus, Soledad.
Diaz, Margarita, Madera.
Diaz, Sergio, Salinas.
Deffano, Eligio.
Dinwoodie, S. David, Petaluma.
Duncan, Mildred A., Salinas.
Dosado, Antonio, Sastroville.
Eraustu, Peter E., Fresno.
Farfan, Maria de.
Florer, Doris, Pacific Grove.
Forte, Riss and Mary.
Forthman, Susan, Northridge.
Formaker, Gayle, San Francisco.
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Foster, Herbert H., Santa Cruz.
Fraire, Josephine, McFarland.
France, Sylvia.
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Friedland, William H., Santa Cruz.
Fieno, Ramon, El Centro.
Goskood, Erasmo, Calexico.
Garza, Nives.
Gold, Sam, Salinas.
Galindo, Sevatian.
Galindo, Maria.
Gavia, Carmen, Loomis.
Griswold, Frank, Sacramento.
Glenday, David and Margaret, Turlock.
Glaspie, Ola Mae & Plant, Edna, Stockton.
Bruce, Katharine E., El Granada.
Blanquie, Vivienne, San Francisco.
Burton, Katherine, Los Angeles.
Brunsting, Mr. and Mrs. C. W., Long Beach.
Calderai, Rosalie.
Casatu, Helen, Castroville.
Contreras, Mr. and Mrs. Angel.
Carpenter, Ernest L., Sebastopol.
Castillo, Donaciana, McFarland.
Castillo, Edward.
Castro, Jesse, Madera.
Castro, Alberto and Maria, Lamont.
Catuiza, C. F., Madera.
Churchill, Mae, Beverly Hills.
Coravieler, Pacific Grove.
Clark, Grace E., San Francisco.
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Cohan, Carolyn, Pebble Beach.
Conaghan, Albert L., Monterey.
Cornejo, Ruben.
Cornejo, Frances.
Cornejo, Jose J.
Carillo, Sam C., Salinas.
Comstock, Pamus, Salinas.
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Cirillo, Rosie, Stockton.
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DeLaRosa, Leocadio, Soledad.
Gerking, Helen, Carmichael.
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Gonzales, Juan.
Gonzales, Stella.
Garza, Lorenzo, Madera.
Garza, Isabel, Madera.
Garvin, Leonard.
Guiterrez, Trinidad, Modesto.
Galindo, Emiliano, Salinas.
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Gracia, Odilon, Soledad.
Guicho, M. G., El Centro.
Goreia, Ernesto, Greenfield.
Hukindorn, Royce W., Jr.
Hargens, Marguerita, Salinas.
Hooper, Mrs. Jeffie, Stockton.
Harris. Diane, Salinas.
Hodges, Barbara, Salinas.
Hodges, Jeff, Salinas.
Holmes, Judith, Marina.
Holgren, Carol, San Francisco.
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Hudson, Arlene, Sacramento.
Houston, Tom, Pebble Beach.
Houston, Geraldine, Pebble Beach.
Hernandez, Jerry, Salinas.
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Jensen, Mrs. R. B., Salinas.
de Jesus Juarez, Maria, Calexico.
Johnson, Tom.
Juarez, Luis, Calexico.
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Kuhl, R. J., Fresno.
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Ledesma, Frank.
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Longoria, Gregory, Salinas.
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Lopez, Ruth, Salinas.
Lorenz, Roger, Monterey.
Lorenz, Joan, Monterey.
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Liukkonen, Patricia Ann, Modesto.
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McCaughna, Mrs. Rose, Pacific Grove.
Moreno, Julio, Salinas.
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Maxwell, Dorothy, Modesto.
McAfee, Melvin, Turlock.
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Martinez, R. J., Concord.
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Montemayor, Maurico.
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Montalvo, Richard, Madera.
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Morales, Ramon.
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Martinez, Raul.
Martinez, Amelia.
Madril, Candy, Madera.
Martinez, Jose Angel.
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Naccarato, John, Alhambra.
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Ojinaga, Antonio M.
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Salinas, Santos Jose, McFarland.
Prieto. David, McFarland.
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Piercy, Darlene Escalon.
Smith, Stanton, Escalon.
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Proctor, Dorothea E., Santa Rosa.
Revey, Naomi, McFarland.
Rankin, Jeannette. Carmel.
Reyes, Andrea, Kings County.
Reyes, Jose, Salinas.
Robinson. Elizabeth. Manhattan Beach.
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Rivas, Yolanda.
Rivera, Juan
Rivera, Maria.
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Romero, Maria Loreta.
Ross, James A., Waterford.
Ross, Dolores, San Francisco.
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Ramirez, Maria, Salinas.
Rufener, Sharon, San Francisco.
Robinson, Opal.

Rubio, Reyes, Jr.
Sanchez, Jessie S., Sacramento.
Caevedra, Molly, Calexico.
Salinas, Beatrix, McFarland.
Salazar, Victor.
Salazar, Mary.
Salazar, Margaret.
Sanchez, Juanita, Calexico.
Arce, Ramon, Calexico.
Sandoval, Adelina, Calexico.
Sandoval, Yolanda, Calexico.
Sandoval, Irma, Calexico.
Scluff, Jusita, and Cleavor.
Segovia, Trinidad, Mrs.
Seloza, Bertha.
Selz, Mrs. Anne J.
Serna, Guadulupe.
Soriano, Arthur.
Severson, A. C., Modesto.
Shumpert, Deborah, Los Angeles.
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Stein, Louis, San Francisco.
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Strong, James.
Switzer, Rose M., Modesto.
Heier, June, Modesto.
Toner, Fannie L., Salinas.
Torres, A. Thomas, Venice.
Todd, Ella K., San Luis Obispo.
Vargas, David J., Cabrillo.
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Vargas, Rose, Calexico.
Vargas, Jose, Calexico.
Valdez, Jesus.
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Vigil, Juan S., San Jose.
Viros, Adeline, McFarland.
Vera, Jose R., Gilroy.
Valenzuela, Gilberto, Calexico.
Valenzuela, Rosa, Calexico.
Whitcomb, Ruth M., Carmel.
White, Douglas, Santa Barbara.
Walker, Robert C.
Wherrett, Norman L., San Mateo.
Williams, Joseph J., Madera.
Wilson, Mildred, Modesto.
Webb, Glen and Shirley.
Wiltz, Mrs. Robert, San Francisco.
Winter, Robert, Calexico.
Zozueta, Carmen.
Jones, Nolan and Emma, Arvin.
Block, James C., Arvin.
Hastings, Etta, Arvin.
Dickey, Marion, Arvin.
Dickey, Jean, Arvin.
Gray, Mrs. and Mr. E., Arvin.
Jones, Emma, Arvin.
Harl, Mr. and Mrs. G., Arvin.
Glover, Edith, Arvin.
Ellis, Gladys, Arvin.
Thurncond, Pearl, Arvin.
Thurmond, Hillard, Arvin.
Ellis, C. W., Arvin.
Quisick, Vennie, Arvin.
Musick, M.S., Arvin.
Satterfield, Mitchell, Arvin.
Satterfield, Edna, Arvin.
Lutrel, Walter, Arvin.
Lutrel, Mabel M., Arvin.
Jennings, James Allen, Arvin.
Beringer, Barbara, Pasadena.
Hawley, Helen, Pasadena.
Hawley, Victor, Pasadena.
Pool, Robert, Pasadena.
Matacovich, L., Pasadena.
Hawley, Christine, Pasadena.
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Damovesdky, Maxine, Pasadena.
Anderson, Anne, Pasadena.
Valencia, S., Monterey Park.
Valencia Salavador, Monterey Park.
Marquez, J. D., Monterey Park.
Yanez, Romelia, Monterey Park.
Martinez, Bertha, Monterey Park.
Lunsford, Arlene, Monterey Park.
Lunsford, Ross H., Monterey Park.
Bellinger, Opel, Monterey Park.
Bellinger, Jack C., Monterey Park.
Kakome, Ben, Monterey Park.
Kakome, Marge, Monterey Park.
Esparza, Tony, Monterey Park.
Jones, Arthur, Monterey Park.
Torres, Arthur, Monterey Park.
Hoffman, Rosa, Sonoma.
Buttz, Mary, Sonoma.
Vallee, Gloria, Vineburg.
Vallee, Glenda, Vineburg.
Tininger, Mary Ann, Sonoma.
Wade, Harold M., Sonoma.
Crain, Mrs. Ronald, Sonoma.
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Wilson, Earl, Sonoma.
Wilson, Luetta, Sonoma.
Hardesty, Mr. and Mrs. H., Sonoma.
Smithe, Dorothy, Boyes Springs
Buttz, Bess, Sonoma.
Vandecar, Harold, Sonoma.
Vandecar, Jacqueline.
Seaman, John.
Vallee, Ray, Vineburg.
Romp, Elina, Boyes Springs.
Romp, Frank, Boyes Springs.
McNaught, Virginia V., Sonoma.
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Bond, Nancy, Santa Rosa.
Chapman, Dorothy F., North Fork.
Chapman, Ava, North Fork.
Goodwin, Margaret, Madera.
Woodward, Myrtle, Madera.
Garcia, Hope, Madera.
Phillips, Wes, Chowchilla.
Cubbs, Damon, Chowchilla.
O'Brien, T. D., Madera.
Moreno, Sally, Fresno.
Castro, Esther, Fresno.
Benavedez, Sally.
Casfire, Eliza.
Casper, Arthur M., Madera.
Del Rio, Esther, Madera.
Park, Alvin, Chowchilla.
Park, Mary Ann.
Guidino, Porfirio, Madera.
Sepulveda, Florencio, Madera.
Sepulveda, Dionicia, Madera.
Estrada, Jose Ruben, Merced.
Eustar, Ofelia, Madera.
Carrillo, Antonio, Merced.
Aguilar, Frank, Madera.
Nunez, Linda, Madison.
Madril, Angelita, Madera.
Johnson, Tommy, Madera.
Madril, Candelaria, Madera.

Health, Education, and Welfare

Stuart Allan, Administrator, Rural Health Project.

Paul M. Allan, Jr., Director, Sonoma County Social Service Department.

Peter L. Besag, Ph. D.

Robert P. Binns, Superintendent, Salinas Union High School District.

Dr. and Mrs. George Blum.

Dr. Louis Bernoff, Administrator, Los Angeles City Schools.

Erwin H. Braff, M.D.

Dr. Ben G. Burnett, Professor of Political Science.

Olivia L. Campos, Health Aid for Family Planning.

Catholic Welfare Bureau, Msgr. James T. Mulligan, Director.

Carmen G. Chavez.

William Dale Crist, Assistant Professor, Department of Economics, Stanislaus State College.

Haven R. Doane, D.D.S.

Joanne Donsky, Coordinator, Ambulatory and Community Medicine at S.F. General Hospital.

Walter A. Eagan, Superintendent, Sonoma County Office of Education.

Mrs. Jane Eger, M.S.W.

Donna English.

Michael English.

David F. Flanagan, M.D.

R. J. Frie, M.D.

Frederick B. Gillette, Director, County of Santa Clara Welfare Department.

Donald Higgins, M.D.

Thomas L. Hodges, Principal.

Venture Huerta.

A. Karperos, Director of Special Services, Yuba City Unified School District.

Anne E. Kenyon, Mathematics Department, Whittier College.

Richard Kueny.

Peter Lee.

Dario L. Marenco, D.D.S.

Anna Marie Maitel.

Ismael Mejia, Gaulian College.

Karen Ott, Juvenile Group Supervisor, San Mateo County Juvenile Hall.

John Peshkoff, Special Services, Monterey County, Office of Education.

Robert W. Peterson, Associate Professor of Law, University of Santa Clara.

Mrs. Sue Powell, Vice President, Early Childhood Education Center.

Don C. Quisenberry, Director, Stanislaus County Welfare Department.

John Ornealz, EOP Director, Gaulian College.

San Francisco Home Health Service, John L. Bricker, President.

William A. Schmick.

Gary C. Shaw, Assistant Professor, Department of Political Science, Stanislaus State College.

Robert F. Thompson, M.D.

John S. Williams, Associate Professor of Humanities.

Russell Williams, M.D.

Labor and Organizations

AFL-CIO, Los Angeles County Federation of Labor, Sigmund Arywitz, Executive Secretary.

American Friends Service Committee, Incorporated, Northern California Regional Office.

American Friends Service Committee, Pacific Southwest Region.

Building & Construction Trades Council of Monterey County, Russel S. Hansen, Secretary.

California Farmer-Consumer Information Committee, Grace McDonald, Executive Secretary.

Schmidt, Mrs. T. R., Member California Migrant Commission.

Case De Amistad Community Center, Albion Kovar, Director.

Chicano Organization for Political Awareness, Joe Serna, President.

Community Service Organization, Madera, Calif.

Confederation De La Raza Unida, Jose Vasquez, President.

Construction and Shipyard Laborers Union, Local 802, Elmer B. Lowery, Secretary-Treasurer.

Council for Civic Unity of the San Francisco Bay Area, John Riordan, President; Eugene B. Block, Executive Director.

Harbor Human Relations Council, Idalia Chestnut, President.

Human Relations Council of Conejo Valley, Betty Langlois, President.

Iglesia de Nuestra Senora de Guadalupe, Rev. Keith B. Kenny.

Inland Area Urban League, Affiliate of the National League, Jesse Wall, President.

League of Women Voters of California, Mrs. Edward Rudin, President.

Mexican American Political Association, Northern Region.

Mexican American Political Association, Roseville Chapter.

Mexican American Political Association, Main Office, John G. Contreras, MAPA Chairman.

National Association for the Advancement of Colored People, Richard O. Bass, President, Los Angeles Branch.

XUM

National Association for the Advancement of Colored People, Leonard Carter, Regional Director, New York.

National Association for the Advancement of Colored People, Lucian James, President, Imperial Valley Chapter.

National Association for the Advancement of Colored People, Curtis Collier, President, Madera Branch.

National Association for the Advancement of Colored People, Charles E. Belle, President, San Francisco Chapter.

National Organization for Women, Member, Brenda Brush.

National Organization for Women, Aileen C. Hernandez, President.

Central California Development Corp., Alfred Navarro, Executive Director.

National Organization for Women, Mrs. Lois H. Scott.

Protective Council of California Senior Citizens, Inc., James DeWitt, President.

Retail Stores Employees Union, Local 428 AFL-CIO, Victor J. Lazzaro, Business Representative.

Border Development Program, Imperial County, Joe Rodriguez.

The Sacramento Central Labor Council, Joseph J. Selenski, Executive Secretary.

The Sacramento Fair Housing Group, Edwin Irwin.

Sacramento Single Mens Self-Help Group, Inc., Abel Chacon, President.

San Francisco Civic Center Forum, Edward Valenzuela.

San Francisco Senior Center, William R. Rothier, Executive Director.

Self Help Housing Program, Juan Tamez, Director.

Senior Citizens Organizations in California, James Carbray, Executive Board Member.

Sierra Club, Michael McCloskey, Executive Director.

The Social Planning Council of Santa Clara County, Robert E. Lawson, President.

Soledad Development Corp., Joe Ledesma, Chairman of the Board.

Spanish Speaking Community Action Center, Inc., Oakland, Raymond Hernandez, President of the Board.

Spanish Speaking Unity Council, James Delgadillo, Chairman.

Stanislaus National Council of Senior Citizens, Inc., E. G. Hackler, Director.

University of California Clerical, Technical & Professional Employees, Local 1695, American Federation of State, County & Municipal Employees AFL-CIO, Susan Druding Jones, Secretary.

Ver-Ni Quality Homes, Inc., Vertis D. Spigner, President.

Windsor Home Owners Association, Antonia Mendoza, Secretary.

Women for Legislative Action, Helen Selden, Legislative Co-Chairman.

Woodville Independent Tenants Association, Clemente Benavidez, Secretary.

LAW SCHOOLS, FACULTY, LAW STUDENTS

University of Southern California, School of Law, Faculty and Administration.

Golden Gate College School of Law, Dean J. Lani Bader.

University of California, Berkeley School of Law, Student Margo Hagaman.

Loyola University School of Law, Leo J. O'Brien, Dean.

The University of Santa Clara School of Law, Dean George Alexander.

Stanford Law School, Thelton Henderson, Assistant Dean.

University of California, Berkeley, School of Law, Student Petition.

University of California, Los Angeles, School of Law, Law Teacher, Kenneth Karst.

University of California, Los Angeles, School of Law, Acting Professor, Henry McGee.

University of California, Los Angeles, School of Law, Dean Murray L. Schwartz.

University of California, Los Angeles, School of Law, Associate Dean and Professor, Visiting Professor, Thomas L. Shaffer.

Student, Ruth A. Valpey.

RELIGIOUS ORGANIZATIONS—INDEX

Sister Anthony Maria S.A., Superior, Our Lady of Guadalupe Convent.

Father Sid Austodu.

Father Albert Battayliola.

Reverend William Macchi, Associate Director, Catholic Charities, Diocese of Oakland.

Catholic Community Services (Rev. Kenneth P. Bubb, Assistant Director).

Centro San Felipe (Rev. Joseph E. Bishop, Director).

Assistant Pastor John J. Cloherty.

Chicano Priests' Organization (Rev. James P. McEntee, President).

Congregation, Christ the Good Shepherd Episcopal Church.

Rev. and Mrs. George L. Collins.

Commission on Social Justice, Archdiocese of San Francisco (Rev. Eugene J. Boyle).

Community Services, Roman Catholic Diocese (William Espinosa, Director).

Thomas K. Farley.

Reverend Ruth Gumm.

Reverend M. Huerta.

Reverend Naaman N. Haynes.

J. Davis Illingworth.

Japanese Evangelical Missionary Society (Rev. Dr. Paul M. Nagano, Executive Director).

Los Angeles Jewish Cultural & Fraternal Club (Nathan Garfield, President).

Vincent Martin, O.S.B.

Kenneth McClain.

Thomas S. McMahon.

Russell S. Orr.

Parish of St. Peter (Rev. Lawrence Purcell).

Presbyterian Interracial Council (Rev. Charles W. Doak, President).

Walter S. Press.

Santa Clara County Council of Churches (J. Kenneth Tjoflat, President).

Senate of Priests, Archdiocese of San Francisco (Very Rev. J. Warren Holleran, President).

Synod of the Golden Gate (J. Davis Illingworth).

United Church of Christ, Southern California Conference (Fred P. Register, Conference Minister).

West Coast Coalition of Priests & Sisters (Rev. James P. McEntee, Chairman).

MISCELLANEOUS—LATE ARRIVALS

Sonoma County People for Economic Opportunity, Peter Martinez, Chairman, SCPEO Board of Directors.

General Truck Drivers, Warehousemen and Helpers Union, Local No. 980, Stanley C. Maxwell, Secretary-Treasurer.

Western Region Legal Services Directors Association, John O. Stewart.

Legal Aid Society of Cleveland, C. Lyonel Jones, Director.

Rodda, Albert S., State Senator.

Karabian, Walter, Assemblyman.

League of Women Voters of California, Mrs. Edward Rudin, President.

Gualco, Reynold J.

Sacramento Central Labor Council, Joseph J. Selenski, Executive Secretary.

Teale, Stephen P., State Senator.

Warren, Charles, Assemblyman.

City of Carpinteria, Allan R. Coates, Jr., Mayor.

Murphy, Joseph P. Jr., Judge of the Superior Court County of Sonoma.

American Jewish Congress, Joel D. Brooks, Director.

Gibbons, Earle J., Judge, Bakersfield Municipal Court.

Locke, John, Judge of the Superior Court.

Retail Clerk's Union, Local No. 137, Mel Rubin, Secretary-Treasurer.

Bradley, Thomas, Councilman, City of Los Angeles.

Davis, De Willian, M.D., Rodrigo Terronez Memorial Clinic, Delano.

De Flores, Julia Pina.

Hill, Dennis.

United Mexican-American Council, Saints Gonzalez, Chairman.

Gonzales, Lolo, Delano.

Cruz, Bonnie, Lamont.

Schuetz, Finkelstein, Frey, Attorneys at Law, Bakersfield.

Our Lady of Guadalupe Church, Father Ed Fronske.

Inego, Mercedes.

BAR SUPPORT

The Bar Association of San Francisco.

Los Angeles County Bar Association.

Sacramento County Bar Association, newspaper quotation.

Santa Clara County Bar Association, attorney quotation.

Monterey County Bar Association.

EDITORIALS

Los Angeles Times.

Sacramento Bee.

Santa Barbara News-Press.

[From the Los Angeles Times, Dec. 29, 1970]

CRLA DESERVES FEDERAL GRANT

The California Rural Legal Assistance, Inc. has achieved considerable success in representing the poor—and in antagonizing Gov. Reagan.

It came as no surprise, therefore, that CRLA's new $1.8 million federal grant was vetoed by the governor, who strongly objects to such a publicly supported organization filing lawsuits against public agencies.

In announcing his veto Saturday, Reagan charged the CRLA with "gross and deliberate violations" of federal regulations and said that it had failed to represent the true legal needs of the poor. But his major complaint has been that CRLA lawyers represented the poor too well against the state, federal and local governments.

The U.S. Office of Economic Opportunity, which increased the CRLA grant for the coming year, obviously didn't agree with the governor. California Rural Legal Assistance is "commonly recognized as one of the best legal services programs in the nation," said OEO Director Donald Rumsfeld less than a month ago.

OEO can override the governor's veto. We believe it should be overridden, unless a compromise can be worked out with the Reagan Administration that does not diminish the effectiveness of the CRLA's efforts.

A group of lawyers providing legal services to migrant farm workers and the rural poor by means of public subsidies is bound to be controversial, especially when their lawsuits force major and potentially costly changes in such government programs as welfare and Medi-Cal.

CRLA nevertheless is endorsed and supported by the California State Bar, and the Los Angeles, San Francisco and other local bar associations as well as the Committee on Legal Services of the American Bar Assn.

It must be assumed that these organizations carefully examined the goals, policies and professional conduct of the CRLA before giving their endorsement.

Gov. Reagan based his veto upon a memo prepared by Lewis K. Uhler, state director of economic opportunity, who said that the CRLA has "failed in its mission because it has elected to devote much of its resources to objectives clearly outside the scope of serving the legal needs of the poor . . . These diversions from its major mission include, but are certainly not limited to, the representation of people charged with crimes, use of legal processes to harass public and private organizations . . ."

Some specific cases were cited by Uhler, presumably based upon a controversial questionnaire he circulated in search of "information" concerning CRLA activities.

Each complaint should, of course, be investigated and corrective action taken where justified. But unless Uhler's staff has found substantial flaws that have escaped local, state and national bar organizations, the CRLA should be allowed to continue serving as advocate for the needy.

"The poor must have effective legal representation," said Rumsfeld, now counselor to President Nixon, "if they are to have faith that justice is truly equal and that it can be achieved within the existing system of law."

Bar Leaders Urge OEO Action on Reagan Veto of California Legal Services Program

Washington, D.C.—Leaders of the organized bar today urged immediate action by OEO to assure the continuance of the California Rural Legal Assistance Program (CRLA). The CRLA grant application for 1972 was vetoed by Governor Reagan on December 26.

In a telegram to OEO Acting-Director, Frank Carlucci, the bar leaders stated that reports of Reagan's action raised serious questions regarding the timing of the veto and the observance of minimum standards of administrative due process. The telegram further noted that CRLA had been cited as the "outstanding legal services project" by the National Advisory Committee on Legal Services in 1968 and had gained a national reputation for significant victories on behalf of the poor.

The telegram was signed by John W. Douglas, President of the National Legal Aid and Defender Association; Edward F. Bell, President of the National Bar Association; Jacob D. Fuchsberg, Past-President of the American Trial Lawyers Association; and John D. Robb, Chairman of the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants.

Governor Reagan of California announced on Saturday, December 26, his veto of the CRLA OEO grant application for 1972. Reagan's veto, five days before the expiration of the Program's current funding, can be overridden by the Director of OEO.

Following is the text of the telegram to Carlucci:

"Bar organizations gravely concerned over veto of California Rural Legal Assistance grant by Governor of California. Reports raise serious questions regarding timing of veto and observance of minimum standards of administrative due process. Program was cited as 'outstanding legal services project' by the National Advisory Committee on Legal Services in 1968. Also merited consistent approval in intensive OEO evaluations and earned national recognition for significant victories on behalf of the poor. Urge immediate action to assure continuance of CRLA."

San Francisco, Calif.,
December 30, 1970.

Senator Alan Cranston,
U.S. Senate Office Building,
Washington, D.C.:

Text of following message sent to Frank Carlucci, Acting Director: CRLA serves society as a whole by exemplifying judicial vindication of the legal rights of the poor. Governor Reagan's veto appears to represent refutation of the defense of those rights. We urge you to fund CRLA over Governor Reagans veto.

Signed Abraham Goldstein, Dean Yale Law School; Derek Bok, Dean Harvard Law School; Bayless Manning, Stanford Law School; Michael Sovern, Dean Columbia Law School; Bernard Wolfman, Dean University of Pennsylvania Law School.

San Francisco, Calif.,
December 30, 1970.

Senator Alan Cranston,
Senate Building,
Washington, D.C.:

Override of Reagan's veto C.R.L.A. funding vital. Suggest no confirmation of Carlucci until override established.

Riccardo A. Callejo,
Counsel, Spanish-Speaking Sur-Named Political Association.

Pasadena, Calif.,
December 30, 1790.

Senator Alan Cranston,
Senate Office Building,
Washington, D.C.:

As citizens who are concerned about the needs of the poor people of California, We, P.E.H.N.O. are in favor of a full Federal grant for the California Rural Legal Assistance.

Pasadena Commission on Human Needs and Opportunities.

Montebello, Calif.,
December 30, 1790.

Senator Alan Cranston,
Washington, D.C.:

MAPA wishes to make known our full support for CRLA. Mr. Frank Carlucci's appointment should be withheld should he choose to heed the need of the people as opposed to the deeds of Governor Reagan in his recent veto of CRLA program.

Paula Jimenez,
Metro Regional Director.
Abe Tapia,
National President (MAPA).

Tiburon, Calif.,
December 30, 1970.

Senator Alan Cranston,
Washington, D.C.:

The members of the League of Women Voters of Southern Marin support your effort urging an override of Governor Reagan's veto of the California rural legal assistance program. We feel this program is vital in attempting to achieve equal justice for all citizens.

Mrs. Marlene Kaulum,
President.

Berkeley, Calif.,
December 30, 1970.

Senator Alan Cranston,
Senate Office Building,
Washington, D.C.:

Urge overturn Reagan's veto California rural legal assistance and full funding of their grant.

Berkeley League of Women Voters.

Inglewood, Calif.,
December 29, 1970.

Senator Alan Cranston,
U.S. Senate Building,
Washington, D.C.:

I request, on behalf of the entire California LULAC membership, that you take the necessary action to withhold the confirmation of Frank Carlucci as Director of the U.S. Office of Economic Opportunity until the refunding of the CRLA program is assured. I strongly urge your support to this action.

Frank Galaz,
California State Director, League of United Latin American Citizens.

Saratoga, Calif.,
December 29, 1970.

Senator Alan Cranston,
Senate Office Building,
Washington, D.C.:

We urge your continued support of California rural legal assistance despite Governor Reagan's veto.

Joyce Reese,
President.

San Francisco, Calif.,
December 29, 1970.

Senator Alan Cranston,
Senate Office Building,
Washington, D.C.:

We, the California GI Forum, are outraged by Governor Reagan's veto of CRLA; CRLA has helped many of our members. We want you to do everything possible to see to it that this veto is overridden. We understand that Mr. Carlucci, the President's appointee as Director of OEO, is coming up for confirmation on Wednesday, December 30, 1970. We respectfully request that, unless Mr. Carlucci overrides the CRLA veto, you should oppose its confirmation.

Yours very truly,
L. H. Lou Cortez,
President, California GI Forum.

Garden Grove, Calif.,
December 29, 1970.

Senator Allen Cranston,
Washington, D.C.:

CRLA essential to protect legal rights of rural poor. Encourage Carlucci approval.

League of Women Voters of
Anaheim-Garden Grove.

San Rafael, Calif.,
December 29, 1970.

Senator Allan Cranston,
Washington, D.C.:

Bravo for your support for the CRLA program. Our members believe that this program is a vital step in the process of guaranteeing equal opportunity to all California citizens and we are working hard to restore the program for our State.

James Good,
President, League of Women Voters of Central Marin.

December 28, 1970.

Senator Alan Cranston,
Senate Office Building,
Washington, D.C.:

The 700 members of the Stanislaus County Tenants Rights Assn., urge you to take leadership and fight to have CRLA funds maintained.

John Lasswell,
President.

Pom Auburn, Calif.,
December 29, 1970.

Senator Alan Cranston,
Senate Office Building,
Washington, D.C.:

Protest Governor's veto of CRLA. Counties first priority. Legal service demand veto override.

David Pollard,
Placer Community Action, Inc.

Washington, D.C.,
December 29, 1970.

Hon. Alan Cranston,
New Senate Office Building,
Washington, D.C.:

Immediate continued funding of California rural legal assistance program is vital to the interest of poor people in California and to continued access to the Courts. Frank Carlucci should not be confirmed as director of OEO until he has assured such funding and overridden Reagan veto.

Charles R. Halpern,
Director.

Salinas, Calif.,
December 29, 1970.

Senator Alan Cranston,
Washington, D.C.:

If law and justice has any meaning override CRLA Veto.

Judy Giesey.

XUM

COSTA MESA, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Please lend support to override of Reagans veto of CRLA program.

HELENE HOLLINGSWORTH.

SAN DIEGO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

I encourage your efforts toward an override of Governor Reagan's Veto on CLRA appropriations.

LA DONNA HATCH.

WASHINGTON, D.C.,
December 29, 1970.

Senator ALAN CRANSTON,
New Senate Office Building,
Washington, D.C.:

We wish to protest the veto of California Rural Legal Assistance by Governor Reagan and hope your committee can persuade Mr. Carlucci to override the veto. CRLA was designated the best legal services program in the country. We have had expensive dealings with this project and have found them to be highly professional, ethical, and dedicated to the interest of the poor. They have been of immeasurable assistance to senior citizens in California and have been a great resource for our OEO funding details at your request.

WILLIAM R. HUTTON,
Executive Director, National Council of Senior Citizens.

PACIFIC PALISADES, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

As California taxpayers we oppose Governor Reagan's veto of CRLA funds.

WILLIAM and ROSEMARIE SCHALLERT.

DELANO, CALIF.,
December 29, 1970.

Senator ALAN B. CRANSTON,
Washington, D.C.:

Don't allow discontinuance of legal services from CRLA for our rural poor.

TOM ARIZON,
Kern and Kings Counties Director, Self-Help Housing Enterprises.

EL CENTRO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Do not confirm Carlucci unless he overrides Reagan's CRLA veto.

OLLIE RODGERS,
President, Imperial County NAACP.
GOLBERT LOPEZ.

MERCED, CALIF.,
December 29, 1970.

Senator ALLEN CRANSTON,
Washington, D.C.:

Urge you to work to override bad veto by Reagan of appropriation for CRLA.

M. BESSEMER.

RICHMOND, CALIF.,
December 29, 1970.

Hon. ALAN CRANSTON,
U.S. Senate Building,
Washington, D.C.:

Support President Nixon in approval of $1.8 million CRLA fund vetoed by Governor Ronald Reagan.

THE OFFICIAL BOARD AND PASTOR DAVIS CHAPEL.

DELANO, CALIF.,
December 29, 1970.

Senator CRANSTON,
Washington, D.C.:

Please override the CRLA veto. We need legal assistance for the poor. They're great.

NEW HORIZON CLUB.

DELANO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

Override veto CRLA. We need them. We need legal aid for the poor.

MCFARLAND, CALIF.

HUNTINGTON BEACH, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Please lend support to overriding Governor Reagan's veto of CRLA.

MRS. JACK TURK,
President, League of Women Voters.

BAKERSFIELD, CALIF.,
December 29, 1970.

Hon. ALAN CRANSTON,
U.S. Senate Building,
Washington, D.C.:

1,100 California retail clerks urge you override CRLA fund veto.

MEP RUBEN,
Secretary-Treasurer, Retail Clerks Union, Local 1376.

DECEMBER 29, 1970.

Hon. ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Large numbers of lawyers in my firm deplore Governor Reagan's veto of the CRLA appropriation. Copies of our letter to the governor urging him not to veto the appropriation have been forwarded to you and to Frank Carlucci who I understand will shortly be before you for confirmation. We are unaware of his views. I know that it is unnecessary for us to urge you to do all in your power to persuade the administration to uphold the appropriation. It would be a tragedy if this fine organization were to be cut off from its essential and highly successful mission. With all best wishes to you and Geneva for the coming year.

FRANCIS M. WHEAT.

WASHINGTON, D.C.,
December 29, 1970.

ALAN CRANSTON,
U.S. Senate,
Washington, D.C.:

California rule legal assistance program has long been recognized as one of the most creative and effective program offering legal assistance to the poor. Governor Reagan veto of CRLA is politically inspired and wholly unsupported. Urge you to oppose the confirmation of Frank Carlucci as Director of OEO until he demonstrates his commitment to the cause of poor people by overriding without any conditions Governor Reagan's veto.

WASHINGTON RESEARCH PROJECT ACTION COUNCIL.

SAN BERNARDINO, CALIF.

Senator ALAN CRANSTON,
Washington, D.C.:

Please help override Governor Reagan's veto of CRLA program.

BERNICE SMAHA,
President, League of Women Voters.

EL CENTRO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Do not confirm Carlucci unless he overrides Reagan CRLA veto.

OLLIE RODGERS,
President.

MODESTO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Strongly urge you to take leadership in pressing for immediate override of CRLU veto.

STEVEN HABERFELD.

DELANO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

In interest of justice for poor urge you take leadership in saving CRLA.

SAL SANTOS.

SACRAMENTO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Add our names to signatures on Tunneys letter to Mr. Carlucci Laqs for government also.

Mr. and Mrs. AMOS J. SWARTZ.

DELANO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

We urge you uphold Governor Ronald Reagan's veto of California rural legal assistance. We have seen much misuse of this agency in the schools of this area and also against our city government.

HAROLD, GLORIA, CHERYL, KATHLEEN, LAWRENCE NELSON.

DELANO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

We urge you to use your power as Senator to get veto of CRLA over-ridden.

SIS. CARMEN MARIA DURON,
Mr. and Mrs. MARIO SOT,
LILY AVVAREZ,

BAKERSFIELD, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

Communicating support Governor Reagan's veto of cancerous California rural legal assistance grant. Let it die.

NURL RENFRO.

LOS ANGELES, CALIF.,
December 30, 1970.

ALAN CRANSTON,
U.S. Senate Office Building,
Washington, D.C.:

We urge you to support the commendable effort by Governor Ronald Reagan to save the taxpayers wasted dollars by vetoing CRLA funds. Every taxpaying voter in California will appreciate your positive support of the Governor in this matter.

Sincerely concerned voters,
Mr. and Mrs. M. M. GUERRERO.

XUM

LOS ANGELES, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
U.S. Senate Office Building,
Washington, D.C.:

Urge you to use all influence possible to counter Reagan veto of CRLA funds.

JOHN TRIMBLE.

STOCKTON, CALIF.,
December 27, 1970.

ALAN CRANSTON,
Senator,
Washington, D.C.:

Worse fears realized. Reagan vetos CRLA. Join others and apply pressure to Carlucci.

JOHN S. WILLIAMS.

STOCKTON, CALIF.

Senator ALAN CRANSTON,
Washington, D.C.:

We implore you to do whatever you can to override Reagan's veto of CRLA funds.

JOHN and LOIS PEARSON.

SAN DIEGO, CALIF.

Senator A. CRANSTON,
Washington, D.C.:

I am strongly opposed to Regan CRLA veto. Please act to reinstate funds.

WILLIAM BROCKETT.

STOCKTON, CALIF.

Senator ALAN CRANSTON,
Washington, D.C.:

Please oppose Reagan veto CRLA with all your might.

LEONARD and BARBARA FASS.

HIGHLAND, CALIF.

Senator ALAN CRANSTON,
Washington, D.C.:

Please support override of Reagan's veto CRLA Grant. Carlucci will need backing from Congress.

Mr. and Mrs. KENNETH M. HORI.

ALTADENA, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

I agree with California Bar Los Angeles County Bar, San Francisco Bar, that California rural legal assistance must be fully funded. Please support CRLA.

Mrs. WILLIAM BRECKENRIDGE.

PASADENA, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Senate Office Building, Washington, D.C.:

The League of Women Voters of the Pasadena area urges full Federal funding of the California Rural Legal Assistance Program. Governor Reagan's criticism is warranted and based on an inaccurate and questionable report approving success as an aid in the war on poverty. The program deserves support from every level of government.

CAROLINE COOPER.

BURLINGAME, CALIF.,
December 30, 1970.

ALAN CRANSTON,
Senate Office Building, Washington, D.C.:

League of Women Voters of San Mateo support override Governor Reagan's veto legal aid fund.

MASAKO NAGUMO.

BRAWLEY, CALIF.,
December 30, 1970.

Senator ALAN B. CRANSTON,
Senate Office Building, Washington, D.C.:

Please do everything possible to override governor's veto of CRLA funds.

MEL SCROGGINS.

SAN FRANCISCO, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Senate Office Building, Washington, D.C.:

Excellent move on your part. 100 percent support.

MARV PARKER.

RICHMOND, CALIF.,
December 31, 1970.

Senator ALAN CRANSTON,
Rayburn Building,
Washington, D.C.:

We heartily support your stand of the Carlucci appointment. California rural legal assistance should—must be allowed to continue their legal constructive efforts in aiding the poor. Mr. Carlucci should—must override Governor Ronald Reagan's veto on their 1970-71 grant. We are hopeful that other courageuos senators will join you until CRLA has again been funded.

JOSEPH BAILEY,
FRED READING,
SANDRA J. READING.

SANGER, CALIF.,
December 31, 1970.

Senator ALAN CRANSTON,
Senate office Building
Washington, D.C.:

Command you and urge you continue maximum effort to override Reagan's veto CRLA grant. Have served on CRLA board as farmer member over two years and have nothing but praise for its efforts to provide legal services for rural poor.

BERGE BULBULIAN.

PASADENA, CALIF.,
December 30, 1970.

Senator ALAN CRANSTON,
Senate office Building,
Washington, D.C.:

As citizens who are concerned about the needs of the poor people of California, we, P. E. H. N. O. are in favor of a full federal grant for the California rural legal assistance.

PASADENA COMMISSION ON HUMAN NEEDS AND OPPORTUNITIES.

DAVIS, CALIFORNIA,
December 30, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

The Association of Mexican American Educators urge that you strongly support the refunding of the California rural legal assistance program. We feel that the veto by the Governor and his staff at this time has overtones of racial bigotry in as much as most of the (class actions) which go through the judicial process are related to minority group issues and/or the poor. To cut off the only hope of our people would of itself be a miscarriage of justice.

MANUEL BANDA, JR.,
State President, AMAE.

MONTEBELLO, CALIFORNIA,
December 30, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

MAPA wishes to make known our full support for CRLA. Mr. Frank Carlucci's appointment should be withheld should he choose to heed the need of the people as opposed to the deeds of Governor Reagan in his recent veto of CRLA program.

PAULA JIMENEZ,
Metro Regional Director.
ABE TAPIA,
National President, (MAPA).

BERKELEY, CALIFORNIA,
December 30, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.:

Urge overturn Reagan's veto California rural legal assistance and full funding of their grant.

BERKELEY LEAGUE OF WOMEN VOTERS.

SAN FRANCISCO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
U.S. Senate Office Building,
Washington, D.C.:

Text of following message sent to Frank Carlucci, Acting Director, OEO Office, 1200 19th NW., Washington, D.C.: CRLA serves society as a whole by exemplifying judicial vindication of the legal rights of the poor. Governor Reagan's veto appears to represent refutation of the defense of those rights. We urge you to fund CRLA over Governor Reagan's veto.

Abraham Goldstein, Dean Yale Law School; Derek Bok, Dean Harvard Law School; Bayles Manning Stanford Law School; Michael Sovern, Dean Columbia Law School; Bernard Wolfman, Dean University of Pennsylvania Law School.

SAN FRANCISCO, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
U.S. Senate Office Building,
Washington, D.C.:

Override of Reagan's veto C.R.L.A. funding vital. Suggest no confirmation of Carlucci until override established.

RICCARDO A. CALLEJO,
Counsel, Spanish Speaking Sur-Named Political Association.

TIBURON, CALIF.
December 30, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

The members of the League of Women Voters of Southern Marin support your efforts urging an override of Governor Reagan's veto of the California Rural Legal Assistance Program. We feel this program is vital in attempting to achieve equal justice for all citizens.

MRS. MARLENE KAULUM,
President.

WEST LOS ANGELES, CALIF.,
December 29, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

Urge your support of OEO funds for CRLA this valuable constructive work must be continued.

AARON AND HANITA DECHTER.

SACRAMENTO, CALIF.,
December 26, 1970.

FRANK CARLUCCI,
Director, Office of Economic Opoprtunity:

This is to formally advise you that the California Rural Legal Assistance otherwise known as CRLA, grant No. GC-7172 D/1, in the amount of one million, eight hundred eighty-four thousand, one hundred one dollars, is hereby vetoed.

EDWIN MEESE III.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senator from Michigan is recognized at this time.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. MURPHY. Mr. President, I would like to point out that I was given a copy of what was purported to be the position and statement of the junior Senator from California, my distinguished colleague.

If I misunderstood, and I hope I did, I got the impression that the Senator said he would block the nomination. I am pleased to hear him say now that he did not say that nor does he apparently intend to do that until the facts and the information are made known and hearings can be held. If I am in error, I hope the matter will be clarified. If I am correct I congratulate the Senator.

Mr. CRANSTON addressed the Chair.

Mr. GRIFFIN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. CRANSTON. Mr. President, will the Senator yield to me for 1 moment?

Mr. GRIFFIN. I yield 1 minute to the junior Senator from California.

Mr. CRANSTON. Mr. President, first of all, as far as I am concerned, I stated I would not seek to block the nomination in the next session of Congress. I would not have the power to block it. I do not know at this time if I favor Mr. Carlucci's approval by the Senate for this purpose because all of the facts are not yet in on Mr. Carlucci and his qualifications.

My present position is I object to the polling of the members of the Committee on Labor and Public Welfare or its Subcommittee on Employment, Manpower, and Povery on Mr. Carlucci's nomination since a polling means members who did not attend the committee hearing yesterday, who had no opportunity to evaluate Mr. Carlucci's qualifications by his responses or nonresponses, who have had only a secondhand opportunity to hear about his performance yesterday before the committee from others, and who are not aware of all the issues in this matter relating mostly to my State of California would have simply a "yes" or "no" opportunity to pass upon his qualifications without a meeting to discuss what happened yesterday, and to discuss whatever the pros and cons may be that exist in connection with Mr. Carlucci.

Second, I presently object to a meeting of the committee while the Senate is in session, since for a good portion of the time there are Senators on that committee who are involved here in the Chamber, as they were this morning at great length, on matters emanating from that committee, and matters emanating from other committees.

I think there should be an opportunity for a session of that committee when the Senate is not in session, that would be fully attended by as many members as are in Washington, to go into the matter fully. At that time the committee could decide what action it wishes to take and that action could then be reported to the floor of the Senate.

Mr. GRIFFIN. Mr. President, I am very sorry to hear the junior Senator from California take the position that he has taken on the floor of the Senate with respect to the nomination of Mr. Carlucci. It disturbs me very much. First of all, I am informed that the committee on Education and Labor, of which the Senator is a member, was polled with respect to two other nominees, Mr. Wilson and Miss Khosrovi. Furthermore, I understood that the junior Senator from California gave his consent to reporting those two nominations which were approved by the committee via the polling procedure.

So it cannot be the polling procedure to which the junior Senator from California objects.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. GRIFFIN. I shall yield to the Senator shortly but first I wish to proceed for a few moments.

It becomes very clear that the Senator from California is holding up this nomination because Mr. Carlucci will not commit himself to override a veto by Governor Reagan concerning a rural legal assistance project in California, a project, incidentally, about which I know nothing whatever.

In a release from the office of the junior Senator from California which came to my attention today, and which I assume was issued yesterday, he made the following statement:

> I have decided to do what I can to see that any Senate approval of Mr. Carlucci as the new director of OEO is withheld until such time as Mr. Carlucci indicates what action he will take regarding Governor Reagan's veto of the $1.8 million California rural legal assistance grant.

In other words, if Mr. Carlucci will state to the junior Senator from California—if he (Mr. Carlucci) will make a decision in advance as to what he will do concerning that particular veto of a potential project, than as I understand the statement, the junior Senator from California will let the nomination go through.

I would have no respect for Mr. Carlucci, and I would have great difficulty in voting for his nomination myself if he gave any such commitment to any Senator in advance.

Furthermore, it would be illegal for him to do that. The criminal laws of the United States make it illegal for one nominated for high public office to make a promise or commitment in order to obtain an office. The position of OEO director would involve a higher salary for the nominee Mr. Chairman. I suggest that the junior Senator from California has put the nominee in a very difficult and untenable position.

I will not cite chapter and verse, but let me call attention to the fact that the Federal code as well as an Executive order on ethics issued by the President of the United States specifically preclude any nominee from making any such commitment or promise as the junior Senator from California is demanding.

Furthermore, if Mr. Carlucci were confirmed, he would be obligated to sign an oath which would include the following statement:

> I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

I regret to bring these matters to the attention of the Senate. I wish the junior Senator from California had not risen on the floor of the Senate and taken the position publicly that he has taken. But now I have no choice but to point out that the demand of the junior Senator from California not only places the nominee in a very difficult position but it also raises a serious question for the Senate to consider.

I yield now to the Senator from California.

Mr. CRANSTON. Mr. President, I thank the Senator for yielding.

First, in regard to the two nominations to which neither I nor any other member of the committee raised any objection to the polling on the nomination, Mr. Wilson and Mrs. Khosroovi, there was no controversy, no difference of opinion, no question about them or their qualifications to fill these positions, which separated them from the nomination under consideration.

Second, let me say that I have at no time asked Mr. Carlucci for any commitment as to what he will do. I asked him what his decision will be and I have not asked him for any commitment to me about it.

I have never said that my judgment of him and my vote of either yes or no would be based on whether or not he approved of or whether he overrode the Governor's veto. I have said I would like to see the same evidence he is waiting to see and would then judge him by how he acted on the basis of that evidence.

I further stated yesterday that even if he overrode the veto I might find myself not inclined to support him or to vote for his confirmation if he did not act in time to prevent total havoc for this program and despair for those who have cases in court depending on CRLA. I will read the language I used yesterday in making that statement.

> If the Senate does not act to confirm Mr. Carlucci's nomination during this Congress, then, when and if that nomination is before this committee in the 92nd Congress, the question I will ask if by then there *has* been an over-ride of Governor Reagan's veto in judging Mr. Carlucci's suitability to head the poverty program, will be:
>
> Did he make the over-ride decision in time to prevent the disruption of this program, the destruction of current cases, the departure of present employees who would be forced to go elsewhere to earn livelihoods for themselves and their families, and the disillusionment of those who were led to believe they could find justice under law.

In effect, I feel that if Mr. Carlucci needs time to examine the evidence to make decisions—and I can understand that fully—then I have every right to seek to have time to examine the same evidence and then judge his response to that evidence. In the light of that, if the evidence overwhelmingly indicates that there should be an end to CRLA, I would respect his decision not to override the Governor's veto, but I will not know about that until we learn how he acts, when he acts, and on the basis of what evidence he acts.

Mr. GRIFFIN. With all deference to the junior Senator from California, I

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think the message to the nominee in the press release was quite clear: if Mr. Carlucci were willing to indicate in advance his decision on overriding the Governor's veto—and if he would override the veto, then the nomination could be confirmed in this session of Congress. I think that implication—that requirement is quite obvious.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. MURPHY. I must agree that that is what I read from the press release which was given out by my distinguished colleague from California, and that was the impression I had and that was the purpose of my remarks today—that the overriding of the veto was to be a condition of the confirmation, and that if the nomination was not confirmed in this session of Congress, the confirmation would be based on whether or not he would override the veto in the next Congress, and how quickly he would do it.

It is unfortunate if the Senator did not mean that, but that is what I read from his press release last night. That is why I made the remarks I made, hoping that I could clarify the confusion that has dogged this entire program from the very outset, mainly because men came in with new ideas to take funds designed for another purpose and used them for social reform, when they were intended for legal services. Right here is the base of the entire problem, as I see it.

I sincerely hope that the next Congress will straighten that out, and if I can be of any help from the outside, I will make myself available.

Mr. GRIFFIN. Let me make crystal clear what it is that disturbs me about this situation. I serve on the Judiciary Committee; of course, we must pass on the nominations of judges. Oftentimes it is tempting for members of the Judiciary Committee to question a nominee as to how he would decide a case if he were confirmed. Those questions should not be asked but sometimes they are. However, the appropriate response—and the only sensible response for a nominee to make—is that he could not, and should not, decide the case in advance.

This nominee does not even have the facts upon which Governor Reagan's veto was based. As I understand it, the veto was handed down a couple of days ago. The nominee should not pass judgment at this point; and it should not be a factor in whether or not his nomination should be confirmed.

Of course, it is understandable that a Senator would want to question a nominee about his philosophy, about general principles, about his ideology, his experience, or anything else that might affect his judgment—that might bear on the fitness of a nominee. But to put a nominee in a position where, in effect, he must decide a case in advance in a particular way or forfeit confirmation is to put a nominee in an intolerable position—and the Senate should not tolerate such actions on the part of any Senator.

I hope the junior Senator from California will not persist in his position, because he will make it very difficult for other Senators. He has publicly assumed an untenable position—and I wish he would realize that.

I can understand the feelings of the junior Senator from California. We all have situations in our own States where we would like to have the discretion of administration officials exercised in our favor. There are times when we can exert legitimate pressures on the administration. But I strongly suggest that this is not a legitimate pressure. This puts the nominee in the position of having to violate the law as well as his oath of office if he is to be confirmed because of the position of one Senator.

So I plead with the junior Senator from California to reconsider his position and to allow this nomination to go through. The problem I have described should be avoided if possible.

I do not think that the junior Senator from California would intentionally have put himself into this kind of situation. So, I hope he will resolve it. I hope he will agree to approval of the nomination. I do not know anything about the merits of Governor Reagan's veto but the record of the Director of the OEO in the past, as far as overriding vetoes is concerned, has been a good record. Mr. Carlucci has been the deputy to Mr. Rumsfeld, the OEO Director, and I am confident Mr. Carlucci will give every consideration to the case of those who believe the veto should be overridden.

Mr. KENNEDY. Mr. President, I just came into the Chamber during the exchange between the assistant minority leader and the Senator from California. I was not present at the time the distinguished Senator from California interrogated Mr. Carlucci, although I was in attendance at the meeting for the better part of the morning.

As a member of the committee and as one who is extremely interested in the whole question of legal services, I must say I was very much distressed by the general comments that Mr. Carlucci gave in response to questions on the whole legal services operation. I think there have been few programs which have been undertaken by OEO or by the agencies of Government that have been battered around as much as legal services. I think there have been few programs under OEO or in any other agency of Government which are more worthwhile.

In the initial part of the questioning, Many of us were trying to develop at least a better understanding of Mr. Carlucci's exact view of legal services, how important he felt legal services were, what its future would be next year, in terms of appropriations, whether he anticipated any questions or reorganization.

We are all aware of a program put forward only a few weeks ago in terms of regionalization, which many of us felt would have blunted effectively the whole thrust of legal services. There has been talk of an independent agency for legal services. A number of questions were raised, which I raised, which the Senator from Minnesota (Mr. MONDALE) raised, and which other members of the committee raised.

I must say, in all frankness, it was extremely distressing to us not to be able to receive from Mr. Carlucci a very clear, precise, and definite expression, either of his own personal view about the importance of this program, or any really very clear identification as to the direction the program was to go in the future.

So, at least for me, it was somewhat understandable when, I believe I can say, having some knowledge of the California legal services program, and being aware, that OEO had done a detailed study of the program only a few short weeks ago, and that the program had come through with flying colors, and from everything we had been able to discover, in talking with the members of that program and studying the program, and being aware who were the people involved in it, that this is really one of the most effective legal service programs of its kind existing in the country today. I am aware, Mr. President, that the actions that were taken by the distinguished Governor of California came at the final hour to effectively terminate this program. No opportunities were afforded for consultation and deliberation, or even an opportunity for Mr. Carlucci to give the mater the kind of thoughtful consideration that I am sure any director of OEO would want to give. This was tossed upon his desk, so to speak, with very little time to act. There are those who have suggested, in looking through the reservations, or the initial reasons for the veto, who think that there is strong reason to believe that the veto was motivated by political reasons.

I think any fair reading and review of the various allegations and charges that were made would suggest this. But be that as it may, we can think of what alternatives or remedies were available to the director, or the incoming director, or, if Mr. Carlucci was approved, what might be available to him. There are things that can be done in connection with the possibility of overriding a veto.

First, let me say that any veto by a governor obviously has the dramatic effect of bleeding a legal services program. This has been shown, in the past, by the example of the Florida program. When a Governor says, "This program is vetoed," despite the dedication and the high morale of the people involved in those programs, there is a serious deterioration in the program. So there is a real urgency about this kind of effort, and that has been shown time and time again, or at least in the three principal instances where Governors have vetoed the programs and where there have been short extensions of the programs, for we have seen in each case very serious deterioration of the program.

So immediate action is essential and necessary, and immediate action is necessary in this particular program. There are very serious questions, if Mr. Carlucci were to provide a 30-day extension, whether the Governor has the right to veto that as well. I think that is an open question, on which we are very much undecided, even as members of the committee.

So what we have, Mr. President, is a nominee who had a very distinguished public service record in the Foreign Service of our country, who was involved in

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some of the most difficult, complex negotiations in the Congo in 1960, and who carried those responsibilities through with extraordinary capability and diligence, but here we have this sort of a hot potato thrown at Carlucci.

We were unable, in the early part of that hearing, to understand the extent of Mr. Carlucci's clear understanding, grasp, concern, and commitment for this program generally, across the country. We have what many of us believe is the real jewel of the program in the California Legal Services operation.

What I think many of us were very interested in, as a case in point, was to find out how Mr. Carlucci would react and respond to this particular crisis that was thrown at him. Because I am sure he must realize, as all of us do, that with the passing of every hour, effectively there is increasing threat to the program generally.

No one expected that Mr. Carlucci would come up and clear up the whole matter before the committee, but the distinguished junior Senator from California did advise Mr. Carlucci that he would be pressed on this particular problem. This is not unusual. Any of us, when we have a nominee, have areas of special interest in terms of programs, such as the OEO programs, such as I have in terms of Neighborhood Health Services and special impact programs, the Senior Citizens programs under OEO, and such as the Senator from California and many others have in terms of legal services.

So the nominee was on notice that he would be asked to comment on this program in some detail. Particularly in the light of the earlier responses to those questions, I was interested in how he would handle this kind of a challenge and problem, whether it involved California, Massachusetts, Mississippi, or any of the other situations.

We hoped to be able to at least gather from his reaction to those situations how he would handle the legal services programs on into the future. I think it was in this light that many of us were distressed at the lack of responsiveness. I do not think any of us—and I am sure the junior Senator from California was not holding out that he was going to hold out in support of overriding the veto, and prevent the nomination from going to confirmation—but rather, he was eliciting from the nominee his interest and concern and commitment to the cause of legal services generally, and particularly as to the future of this program.

We in Massachusetts would be desirous of having the programs continued. Every one of us knows, and certainly all of us on that committee realized, that every hour and every day the veto continues, that program is being weakened and bled.

Therefore, there is a sense of urgency. I wanted to make this comment, Mr. President, because I think at least as one who was aware of this program, as one who was aware that the Senator from California was going to quiz the nominee about legal services and about this program in California, and as one who heard a part of the questioning of the nominee, it seemed to me that the distinguished Senator from California was attempting to elicit in a positive and constructive way the concern of the nominee for legal services generally, and especially in terms of this problem, and to get from him what future course of action he would take, perhaps not only in California, but on other situations. So I wanted to add just this comment to the record as one who is greatly concerned about the California legal services program.

I quite sincerely believe that the Senator from California would be raising this issue whether it was California or whether it was Massachusetts, Illinois, or any other State, because the California legal services program is really, perhaps the jewel of the whole legal services program, and therefore it is important and significant, and should not be lost in any kind of other attack.

Mr. President, I yield the floor.

Mr. COOK. Mr. President, I have listened with interest to the remarks of the Senator from Massachusetts, and philosophically I guess I would agree with all of them.

But, Mr. President, how much better it would have been had the Senator from Massachusetts or the Senator from Minnesota asked that the nomination be held up. How much better it would have been if the Senator from Massachusetts or the Senator from Minnesota, who is also disturbed about these same things, would have said that he objected to the fact that the committee was to be polled and was not to meet. Because the real question has not been answered, the real philosophical question.

The Senator from California knows that we came here together, and that he is a friend of mine, and I admire him a great deal. But has the philosophical question been answered, if you turn it around?

Has the question been answered as to whether a nominee who is up for nomination were to go to a Senator and say, "Senator, I will overrule the Governor if you will vote for my confirmation"? If 99 other Senators knew that was the case, 99 other Senators would not vote to confirm that nomination.

That is the real question. That is the real philosophical issue. The philosophical issue is found in the report on the ticker tape, in one small paragraph:

> Senator Alan Cranston (D-Calif.) sought unsuccessfully to get Carlucci to agree to immediate reversal of Reagan's veto of a $1.8 million grant to the California Rural Legal Assistance program.

The Senator from Massachusetts said in essence that Mr. Carlucci was there on trial, and I would suggest to the Members of the Senate that he passed that case and passed it very well. He came through with flying colors.

I would only hope, as a matter of fact, along with the distinguished Senator from Massachusetts and along with the distinguished Senator from Michigan, that the Governor of California is overruled on this. But I must say that I have not been totally successful since I have been here. I have not heaped on the Justice Department my "nay" vote every time a Justice Department matter came up here because I have been unsuccessful in attempts on certain positions in my own State, and the Senator from Michigan knows that. This is not a body of retribution. This is a body where solutions are found to problems. And the solution to the problem is to prove the case. The solution to the problem is to prove the merits, not to shackle the individual whose responsibility it is to determine the merits.

So I would say, with all due respect, that the remarks of the Senator from Massachusetts were fine, but they did not hit the issue. The issue is, put the words in this release in reverse. Put the words in the mouth of a nominee who wishes his nomination to be confirmed. Have him ask a Senator for his support if he will do a certain thing, approve a certain program, and then let this body pass judgment on a nominee who would do that.

I yield the floor.

Mr. CRANSTON. Mr. President, I should like to respond to the comments of the distinguished Senator from Kentucky. He is my friend. We came here together. We understand each other. We have worked together on many matters.

The Senator was not present at the committee session yesterday, and if he would consult Members of the Senate from his side of the aisle who attended that session, I think he would modify his statement that the nominee came through with flying colors.

I have discussed what occurred there yesterday with Republican as well as Democratic members of the committee. The day before the nominee came before the committee, I sent him a letter making plain that I intended to ask many questions about OEO, and particularly about legal services—not all of them, by any means, relating to this veto. The fact is that after approximately 24 hours in which to prepare himself, he was unable to answer an astounding number of questions, and he did not bring with him anyone who could answer those questions.

Mr. COOK. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. COOK. I cannot disagree at all with what the Senator has said. I had reference to the remark the Senator from Massachusetts made relative to his evaluation of this particular program in regard to the veto. The import of my remarks, if the Senator would not mind, was that for him to have said on that occasion, "Yes, Senator, I will immediately overrule it," would have meant to me that the candidate had flunked the course. That was the remark I intended to make.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. KENNEDY. I think that what we were looking for were guidelines as to what he was going to do, some input as to what factors he could consider in arriving at a judgment. Mr. Carlucci refused to give us even that. He refused even to make a comment as to whether this program was going to be retracted or expanded or reorganized, whether there were any memoranda in the department

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as to future OEO programs. He was completely unresponsive on this.

I asked questions, Senator MONDALE asked questions, Senator CRANSTON asked questions. We were trying to get some measure of what he was going to do. Nobody was going to suggest nor has anyone suggested that he would have to say right there and then that he was going to override the veto in order to win the support of the members of the committee. But we wanted to get some kind of guidance as to what he was going to base that judgment on, and we were unable to do so. I think any fair reading of the record would indicate that. I think that those who were there at the time would see that.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. COOK. Mr. President, will the Senator from California yield for one other comment?

Mr. CRANSTON. I yield first to the Senator from Kentucky, and then I will yield to the Senator from Minnesota.

Mr. COOK. I say to the Senator from California and to the Senator from Massachusetts that it may be fine, and I am sorry that I did not have the occasion to be there. I really do not wish to pursue this matter a great deal further, except to read from the news release of the Senator from California, the second paragraph:

> After extremely careful consideration, I have decided to do what I can to see that any Senate approval of Mr. Carlucci as the new Director of OEO is withheld until such time as Mr. Carlucci indicates what action he will take regarding Governor Reagan's veto of the $1.8 million California Rural Legal Assistance grant. I shall say briefly why I have decided to do so.

If the reason for holding up the confirmation of this nomination is that he failed to answer other questions, because he failed, to the satisfaction of the members of the committee and the Senator from California, to give affirmative answers relative to the size of the department, it would have been far better to have said so.

But the fact is that the issue we are discussing is the fact that the action that was taken was taken because there was a veto of a $1.8 million program and the fact that an overruling of that ruling was requested.

Mr. CRANSTON. Mr. President, if I may respond before yielding to the Senator from Minnesota, I stated later in the statement that the Senator from Kentucky just read, that even if Mr. Carlucci overrode the veto, I might find in my own mind that he was not qualified to serve. So the overriding or not overriding has not been a precondition. I want to see, as I stated earlier today, the evidence upon which Mr. Carlucci acts before I judge him and whatever actions he takes. He has not seen that evidence, and I have not.

I will say that, based upon the charges Governor Reagan has made, all of which have been given to the press and with which I think we are all familiar, even if the documentation, which is slowly wending its way across the country to Washington, supposedly backing up those charges, proves that they are all 100 percent true, I do not believe that those charges, proves that they are all whole program and a veto. They may justify remedial actions. Based upon the present evidence available, I do not believe that they justify canceling the program.

I yield to the Senator from Minnesota, who attended a great part of yesterday's session and who is very familiar with the problem at hand.

Mr. MONDALE. I thank the Senator for yielding.

May I say that I think the Senator from California is acting responsibly and conscientiously in his capacity, as a Senator, to resolve one of the most important issues to come before this Congress. The issue of the CRLA is not a question of one project in one State. It really involves the best legal services program in the country. As one of the chief sponsors of the legal services program, who has listened to days and days of testimony over the past 2 or 3 years, as one Senator on the Migratory Committee and the Hunger Committee and the Education Committee, I have heard from young lawyers from legal services programs around the country, and I can say that this is a national test of whether the legal services program will continue to be the remarkable program it is—in which law and its remedies are as available to the poor as they are to the rich—or whether the legal services program instead will degenerate into a program where lawyers can only bring cases on behalf of the poor which might have been brought in the days of Charles Dickens.

This is a fundamental issue of that nature. CRLA is not an isolated case. From every possible vantage point, this administration has tried to cut the heart out of the legal services program, even through use of the Internal Revenue Service. The Commissioner of Internal Revenue tried to deny tax deductibility for public interest law firms—for lawyers who brought lawsuits to save the environment and protect the public interest. So this has been a fight being waged on many fronts to make certain that the law is as available for public purposes—to assert the constitutional rights and the legal rights of the poor, the rights of consumers, the rights of those seeking to protect the environment—as it is for commercial rights. This is a fundamental, basic dispute, and that is why the Governor of California vetoed the CRLA program. He has opposed this program from the beginning, because this group of gifted lawyers has brought suits on behalf of migrant farmworkers, suits on behalf of welfare recipients, suits on behalf of poor tenants, suits on behalf of would-be recipients of food stamps who were denied food stamps, suits against the attorney general. The Governor of California wants to deny lawsuits for the poor that lawyers would bring on behalf of rich folks when they hire a lawyer. Those who believe that the poor should not have equal access to the courts, who deeply resent this legal services program, will applaud the Governor's veto. Thus, the question of this veto and whether it will be overridden is one of the fundamental questions affecting the whole poverty program.

The Senator from California, in a responsible, restrained and measured way, has sought to determine from the nominee whether he would look favorably upon an override of that veto by the Governor of California. I intend to vote for Mr. Carlucci's confirmation but I must say, in all candor, that his answers yesterday were very unimpressive.

Mr. President, the previous OEO Director earlier tried to dismantle the legal services program by regionalizing it and putting it under control of regional directors—many of whom for political reasons wish to diminish the scope and effectiveness of the program. There was a long and bitter fight over this effort. Finally, after months and months, we were able to persuade the OEO Director that this was an unwise decision. After these months of arguments, those proposals for regionalization and decentralization were withdrawn. But the legal services program can be killed not only in that kind of bureaucratic restructuring, but it also can be killed by singling out and destroying the best legal services program in the country—CRLA.

Late this year, OEO hired a group of independent consultants, including former Supreme Court Justice Tom Clark, who went to California and made a review of the CRLA program. They came back with glowing reports and stated that it was one of the finest programs in the country. Nevertheless, for political reasons, the program has been vetoed by the Governor of the State of California. If that veto is sustained, in my opinion, the legal services program in this country—its basic promise and hope—is dead. If those of us on the Committee on Labor and Public Welfare and on the Manpower and Poverty Subcommittee are not permitted to ask these kinds of questions—are not permitted to negotiate in this way—then the meaning and the effectiveness of our committee would be substantially reduced.

So I simply want to say that not only do I think the Senator from California has acted properly, but I think he is acting courageously to assert the public interest on a profound and sweeping issue that affects the whole question of whether the poor will have justice before the law. I admire the Senator from California (Mr. CRANSTON) all the more for his fight.

Mr. CRANSTON. Mr. President, I am deeply grateful to the Senator from Minnesota for his remarks and for his deep understanding of the true issue with which we are grappling here.

I should like to say, in response to the suggestions that have been raised about violations of the law, that nothing has occurred in the Senate, or by any Senator, that relates in this matter to any violations of the law. What we are talking about here, and the main issue involved here, is whether violations of the law by Government and private agencies have been prevented and brought to light and dealt with in our institutions of justice by attorneys from CRLA and from attorneys looking at other aspects of legal

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assistance programs in other States in the Union.

Mr. President, let me give you one example. In California, suit was brought by attorneys, charging in court that actions by the government of the State of California were illegally denying $200 million worth of medical aid under medicaid to Californians entitled to that aid, too poor to hire attorneys of their own to establish through the institutions of justice their right to that medical assistance. CRLA was successful in that case, as it has been successful in 86 percent of all the cases they have brought in California thus far.

The court found the State of California to be in violation of Federal law, and they were ordered to proceed to make that $200 million available to poor people in California.

The basic issue here is whether the law of the land is available to all of the people—rich and poor—for justice, or is justice available only to those able to hire their own attorneys—people with fat bank accounts—or are the poor to be given assistance in order to see to it that they, too, receive their rights under law——

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. CRANSTON (continuing). As the law is observed in regard to the——

Mr. MURPHY. Mr. President, will the Senator from California yield?

Mr. CRANSTON. In one moment I will be glad to yield to the Senator from California.

Mr. CRANSTON. Mr. President, the issue basically is whether we are going to encourage those who seek peaceful changes under law in our land—those who feel that a change is required—or are we to deny access to the institutions of justice, to the foundations of our Republic, to these people, turning them into victims who must say that we have a nonresponsive society that only provides "law and order" but no justice.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. MURPHY. Mr. President, the senior Senator from California resents the implications, as one of the cosponsors of this original measure, that there is any dishonor and intention on anyone's part to deny justice to any class of people in this country, whether they be rich or poor, black, white, yellow, or red. I have listened to this statement in this Chamber many times. I find it unfortunate. I find it unproductive. I find it without basis.

The actual facts of this matter are clear. I have stated them in simple language. Since I have made the original statement, there has been a further attempt to again confuse this entire issue.

I have never heard the Governor of California say that he wants to completely stop the activities of CRLA. Nor do I think anyone else has said so. This is a figment of someone's imagination. It is completely in error as far as I am concerned.

It is unfortunate that politics are once again creeping back into the poverty program. I want to tell my distinguished junior colleague that before he came here, I spent my first year trying to get politics out of the poverty program. I got an amendment agreed to in the State. I got it through the House. And after the 11th hour—it lacked 3 minutes of 12—Mr. John Macy came up and said that if the amendment were left in the bill, the bill would be vetoed by the President.

I see nothing to be proved by continuing this. I made the statement and gave my point of view, which I am entitled to do.

I resent the implication that I am trying to deny anything to anyone.

I believe my record of performance, not just in the 6 years I have been here, but over the last 40 years I have been in public life, shows what I have done in behalf of the poor and underprivileged and those who need help. It is a pretty good record.

I would hope we could find an end to this implication. It is a most unproductive manner of approaching a very important question.

I think that the Governor of California has a right to present his evidence. I think the committee has the right and the duty to hear the evidence. I think that the Senator from California, if he agrees with the evidence, should confirm Mr. Carlucci or not confirm him. But I do not think he should make the condition which is stated in his press release. I do not think he has a right to make that a condition of the confirmation. If the Senator from California says, "I am not satisfied," that satisfies me. But to say that he must agree to override the veto and, not only that—now that the discussion is protracted—the press release says:

> I will look at how long it takes him to do it.

This is unfortunate. I regret the implication that has been made that this is an attempt to deny anything to the poor. That is not the case.

I have lived in California for 35 years. I have known the Governor for close to 30 years. I assure the Senator that is not the case.

I do not believe the statement should be made. It creates confusion where there is already too much confusion.

I thank my colleague.

Mr. CRANSTON. Mr. President, inasmuch as at the moment the two Senators from California are debating this matter, I would like to make it very plain that this is not just an issue for California. My actions do not relate only to the people of California. A national issue is involved here.

The American Bar Association, among other national bodies of repute and respect, has endorsed the CRLA. They do this because CRLA has been widely recognized as the best of all the legal assistance programs in the many States of this Union.

It is widely believed that if CRLA can be eliminated by a veto, then legal assistance in many other States will face a like fate in one way or the other.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. CRANSTON. Mr. President, I am glad to yield to the Senator from Minnesota.

Mr. MURPHY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The junior Senator from California has the floor.

Mr. CRANSTON. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, the Senator from California (Mr. CRANSTON) states the case correctly. The reason that the legal services program of this country has been so remarkable and why it has been recognized as the best of any of the poverty programs is precisely because it has been a program of great integrity—which has attracted and inspired the most gifted young lawyers in the country.

If this becomes a program in which the Canons of Ethics are compromised because a politician will decide which lawsuit can or cannot be brought, not only will the program lose its promise, but also those bright and gifted young people who have joined the program will stop joining it.

These are not so-so lawyers. The best lawyers from Harvard and the other top law schools in the country have sought employment with the legal services program because they have seen it as an opportunity to use their genius and skill in bringing about social reform in this country by using the process of the law.

It is a conservative program because it offers due process reform. It is a way of getting disputes out of the streets and into the courts. It is a way of restoring the confidence of the poor in American institutions because the law begins to mean something to them. It works for them as well as for others. Their grievances get a fair hearing.

The heart of the program is that it has this integrity—the reputation of having that kind of independence. If the best legal services program in the country is vetoed and that veto is sustained, those gifted young men will no longer participate in the effort to provide legal services to the poor. Above all, they are bright enough to spot a phony program when they see it. If this veto is sustained, that is what the legal services program will become.

Mr. CRANSTON. Mr. President, I yield to the distinguished chairman of the Labor and Public Welfare.

Mr. YARBOROUGH. Mr. President, as chairman of the Labor and Public Welfare Committee, I have had a deep and continuing interest in the progress of OEO, and have been an active supporter of that program since its inception.

The matter of the Carlucci nomination has been discussed with me by a good many people since the nomination was made. I have been urged by a good many friends that this matter should be pushed through. I have been urged by others that there should be a hearing in depth because this man should not be confirmed.

As chairman of the Labor and Public Welfare Committee, I have had experience in these matters. We have had nominations in the past where there was considerable objection. In the nomination of Mr. Marlan for commissioner of education, there was considerable objection and considerable support. It has always been our policy to have fair and comprehensive hearings, hearings similar to those conducted by a court of law.

We have not had time to properly investigate this matter. I have received protests from many people. I have not blocked Mr. Carlucci nor have I tried to induce the committee to push him through.

My attention has been called to the Washington Monthly item that discusses the ordeal of the legal services of OEO. It states that Mr. Carlucci gives us the benefit of his great educational career, his Harvard business school experience, his career in foreign service, and so forth.

There is no doubt in my mind that legal services has been one of the great programs of the OEO. It is well respected by lawyers and others and I feel that Congress is in large measure responsible for this. From time to time after the program started, I have opposed giving the Governors a veto of the program because many Governors—and when the chips were down—vetoed programs that helped the poor. A former Governor of my State was in the forefront. His action was not against the legal services program; it was something less controversial than legal services.

Having been a supporter of that original program since 1964, and having tried to prevent Congress from giving away the power of the veto to Governors, I take the position I take today. We all owe a responsibility to the citizens of this country. To delegate to the Governors of the States how to run a program we created fragments of the program into 50 separate divisions.

As the chairman of that committee, when I saw that the full committee would not have time to properly investigate this nomination, I delegated this responsibility to the chairman of the Subcommittee on Employment, Manpower and Poverty. The distinguished Senator from Wisconsin (Mr. NELSON) held hearings. It never came to the full committee. It never came from the subcommittee.

Unless the committee is willing to act, I do not think I should exert pressure on anybody on the committee or on the subcommittee to force something on them. I have had appeals which asked, "Please confirm anybody to head it. Just put anybody in to save it." If we were facing a 4-month delay, that might appeal to me, but a new Congress is coming in on January 21 and that is only 20 days away. The subcommittee has not reported this matter and as the chairman of the full committee I do not see how in these waning hours of Congress a slowdown could be prevented. Slowdowns occur in committees just as they do on the floor of the Senate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CRANSTON. Mr. President, first, I thank the distinguished chairman of the committee for his very fine and appropriate comments. I would like to say that the Senator from Louisiana is waiting to give us something of a legislative nature to work on. I yield briefly to the Senator from New York. Afterward I will yield the floor.

Mr. JAVITS. Mr. President, I beg Senators to desist now. Here is a man who may be director of this agency. I think he is a good man. Nothing that has been going on does him or the OEO any good. That is all I urge the Senator in whose heart this program is as dear as it is to mine. I have been with it from the beginning. Everyone's point has been elucidated. I am deeply concerned that there be a good government servant and a solid program.

Mr. CRANSTON. I thank the Senator from New York.

Mr. President, I yield the floor.

SOCIAL LEGISLATION IN THE 91ST CONGRESS

Mr. LONG. Mr. President, among the great men with whom I have had the privilege of serving in this body was the former Senator from Oklahoma, Robert S. Kerr, who would today be chairman of the Senate Committee on Finance had he not driven himself to an early grave helping the late John F. Kennedy enact the Revenue Act of 1962. Bob Kerr used to say to me, "when people lie about you, laugh at them—laugh at them." Without that philosopy, Bob Kerr could never have been the great governor and the great Senator that he indeed was.

I did not regard it as a laughing matter, but I prefer to laugh rather than complain about smears, misstatements, and falsehoods that have been told about me during this year. But I do believe that it would be well to state for the record at the close of this year what the actual truth is so that some historian at a future date may be privileged to set the record straight.

The fact of the matter is that this Congress has failed to enact the social legislation which the Nation had a right to expect because the administration—with good intentions but poor advice—was determined to enact a fantastically complex and unworkable monstrosity, referred to as a family assistance plan. Had this plan become law, it would have increased the number of people on public welfare by more than 130 percent. It would have retained all of the evils of the existing welfare program—including fabulous amounts of welfare cheating that is already taking place. It would have made it virtually impossible for people to obtain domestic help; laundry workers, waiters; restaurant and hotel cooks; taxi drivers and persons to do low paying—although necessary—work in our economy.

The truth of the matter is that the shortcomings of the plan were discovered by the senior Senator from Delaware, JOHN WILLIAMS. It was JOHN WILLIAMS, above all others, who deserves the credit for exposing the ridiculous contradictions contained within the plan and the erroneous assumptions upon which it was based.

The senior Senator from Delaware was ably assisted in his statesmanlike endeavor by a number of other Senators, including the Senator from Nebraska (Mr. CURTIS), the Senator from Wyoming (Mr. HANSEN), the Senator from Georgia (Mr. TALMADGE), and the Senator from Virginia (Mr. BYRD). These able men knew that the unworkable plan to which I have referred might well have become law because of a failure of the press to faithfully report to the American people what a complete fiasco the entire thing was.

For my own part, Mr. President, I was willing to vote to give the plan a trial provided that the Nixon administration would also agree to try some alternatives which made a great deal more sense before putting the family assistance plan into effect.

There was never any problem insofar as the Finance Committee was concerned in authorizing and providing money to have a pilot program to provide an honest test for the family assistance plan as well as the alternatives to it. The final and complete failure of the proposal resulted from the fact that the Secretary of Health, Education, and Welfare, speaking for the administration, doggedly insisted that the administration must have the right to trigger this grandiose scheme into full effect, nationwide, after a 1-year trial period, even if a great number of people in Congress had, by that time, concluded that the plan was an utter and complete failure—which it showed every prospect of being.

During the consideration of the plan by the Senate Committee on Finance, the administration changed its plan at least a dozen times, trying to meet criticisms and obvious shortcomings.

The administration proponents of the plan made the full cycle. They tightened up on work requirements and other loose provisions of the bill to attract conservative votes until they ran off liberal supporters, then they loosened up on the tight ends until they ran off conservative supporters.

If one assumes—as most of us do—that a proper welfare plan would remove from the rolls a great number of persons names who never had any business being there in the first place then that is the one failure of the existing program which the administration never sought to change. Some of us pointed out that individual welfare cheaters are on the rolls in some States as many as five and 10 times. The President's plan provided far better for illegitimate children than it did for children born in wedlock. The plan provided better for people who declined to work than it did for people who did work.

All of these failures of the existing welfare program were thus to be grandfathered in as a part of the grandiose new scheme under the White House proposal.

Some of us who have led the charge to try to provide more fully for the poor did not want to be accused, even falsely, of voting against something for the benefit of poor people. It is for reasons of this sort that some of us went along with the family assistance plan to the extent that our consciences would permit, but now that the whole fiasco has gone down the drain for this Congress, it is about time someone pointed out that you do not clean up the welfare mess merely by making it twice as big and twice as costly.

Now that the effort to enact the family assistance plan has failed, it might be well for the record to reflect that even its most ardent advocates in the Senate

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have informed the President and the Secretary of Health, Education, and Welfare that if they want to try welfare reform next year, they had better send up a completely new proposal.

The record might well reflect also that everyone agrees that the family assistance plan could probably not pass the House again if it were the same plan that the House passed in this Congress. At least 25, and maybe 50, Members of Congress who voted for the plan have announced that they would not vote for it again.

Let the record also reflect that it is this latter fact—the fact that the family assistance plan fiasco could not now be repeated in the House of Representatives which explains why the House is declining to act on a very fine social security bill which passed the Senate by a vote of 81 to 0. It is the intention of those who sent the family assistance plan to the Senate last year to send us next year's version of the family assistance plan inside a package with the desperately needed cost-of-living social security increase because they doubt they could pass the FAP were it standing alone on its own merits.

The truth is, Mr. President, that 26 million social security recipients and 3 million needy aged, blind, and disabled people are having their desperately needed increases in social security and welfare payments held up in the hope that by delaying their much-deserved increases, it may improve the prospects of enacting next year's version of the family assistance plan—FAP—which by now might better be described as "flap," may be enacted.

After all the shouting and unsupported statements about welfare reform it might be well to note how little effect all the propaganda and misrepresentation has had on the general public.

Yesterday, in my presence, one of the most ardent advocates and leaders of the fight for the family assistance plan asked one of its principal opponents how many letters he had received from prospective beneficiaries of the plan. The other Senator responded he had received only one and that was from a Governor of the State who was hoping that the scheme would lighten the welfare burden on State resources by shifting more of it to the Federal Government.

Even that poor Governor was misinformed, because many of them have now discovered what the welfare people of Louisiana have pointed out to me—that all factors considered, the theoretical relief on the State welfare budget would have been more than wiped out by other requirements of the overall plan.

I have reviewed my own mail to see how much protest I had received from the 13 million proposed new welfare recruits to express their disappointment at my failure to run roughshod over the Senator from Delaware (Mr. WILLIAMS) and his associates.

Frankly, Mr. President, my name has been the subject of scorn and villification in some of the largest newspapers of New York and Washington for the last 6 months, in connection with this matter. And how many letters do I have from the 13 million proposed new welfare recruits? None.

In other respects my mail is running 10 to 1 against the FLAP.

Now, Mr. President, I have always said and I now repeat that I stand ready and I am sure that the Committee on Finance stands ready to pay a subsidy to employers in order that those employers can pay a living wage to their workers. I have always favored whatever might be necessary to bring about this result.

Amusingly enough, a great deal of the abuse hurled in my direction resulted from the fact that the Committee on Finance, by approximately the same percentage as the Senate, itself, voted to add an amendment to restrict the importation of textiles and footwear. And why did we do this? In the effort to make jobs available to poor people those who toil to produce textiles and footwear are generally low-paid industrial workers, but they value their jobs and they would rather make an honest living producing clothes and shoes than sit around living on welfare.

In the last analysis, are not the jobs of millions of workers relevant to the subject of workfare rather than welfare?

Furthermore, if the jobs of millions of honest workers were to be retained, it would have to be done in spite of the opposition of some very large newspapers who were willing to put more than 12 million additional people on welfare but unwilling to help a lesser number of people stay at their hardworking honest employment.

We failed to protect the jobs of honest American workers from the increase in the tide of imports—but we tried—and I am proud that we did.

We failed to pass a social security bill to provide adequate increases to those who rely upon their social security pensions for their existence—but we tried. We are still trying. I am glad that we did.

We failed to provide working people with economic protection against catastrophic illness—but we tried .I know I tried and I am glad that I did.

We failed to enact a plan to adequately supplement the earnings of a poor workingman who has a large family to support—but at least we did not enact a proposal that would have given every idle man and woman in America an incentive to stay home and produce illegitimate children rather than go to work and do what they could to improve themselves and provide for their loved ones.

There will be a workfare plan—not a grandiose doubling or quadrupling of welfare loafing enacted next year. It will happen because courageous men—in this regard I particularly salute the senior Senator from Delaware who is retiring this year—had the courage to risk the displeasure of their President, the scorn and the misunderstanding that could be pointed in their direction.

The New York Times has referred to the very fine bill which finally passed the Senate 81 to 0 as "Long's Folly." Where have I heard a phrase of that sort before? It seems to me that a New York newspaper once referred to an effort by a citizen of that area to make a boat move under its own power as "Fulton's Folly." It proved to be the forerunner of the ships which even this day proudly ply the seven seas and the inland waterways of the entire world. Then there was "Seward's Folly"—the purchase of Alaska for a few million dollars.

Long's folly, the social security increases, the more adequate welfare income standards, the child care for children, the prosecution of families from the backbreaking cost of catastrophic illness, the reasonable protection of jobs of working people, will all become law in the near future, and a lot of these measures will be parts of broad sweeping bills which contain more than a single subject.

The bills will not bear Long's name, because they will be parts of revenue bills that must originate in the House, but they will contain a great number of Long's suggestions and amendments.

This time we failed to enact a much better social security bill than the House sent us. We failed because the administration did not want it to become law unless the FLAP could be made part of it.

This sort of thing has happened before. Invariably it resulted in a better law in the following year. That is also what will probably happen this time.

THE NOMINATION OF FRANK CARLUCCI

Mr. GRIFFIN. Mr. President, I ask unanimous consent that what I am about to say and the insertions which I shall request be printed in the RECORD; be placed appropriately in conjunction with the colloquy that occurred earlier in connection with the nomination of Mr. Carlucci.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I am glad that the junior Senator from California (Mr. CRANSTON) is still on the floor. To make the record complete, because of my earlier reference to certain items, I want, first of all, to be sure the full text of the press release, to which I referred, has been printed in the RECORD. Perhaps the request has already been made by the junior Senator from California.

Mr. CRANSTON. I believe that is the statement I placed in the RECORD. There was no press release, just an announcement of my statement. Yes; that is in the RECORD.

Mr. GRIFFIN. It is in the RECORD.

Mr. President, I have before me a transcript of the hearings which were held on December 30 before the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare; on page 161 of the transcript, the junior Senator from California said:

> I will object to any committee session while the Senate is in session until such time as Mr. Carlucci indicates what action he will take regarding Governor Reagan's veto of $1.8 million to California rural legal assistance grants.

Mr. President, I also referred earlier to the oath of office which an appointee must take. I ask unanimous consent that the affidavit which is required to be signed be printed in full in the RECORD.

There being no objection, the affidavit was ordered to be printed in the RECORD, as follows:

APPOINTMENT AFFIDAVITS

Important.—Before swearing or affirming to these appointment affidavits, you should read and understand the attached information for appointee.

Executive Office of the President, The White Office, Washington, D.C.

I, ——— ———, do solemnly swear (or affirm) that—

A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

B. AFFIDAVIT AS TO SUBVERSIVE ACTIVITY AND AFFILIATION

I am not a Communist or Fascist. I do not advocate nor am I knowingly a member of any organization that advocates the overthrow of the constitutional form of the Government of the United States, or which seeks by force or violence to deny other persons their rights under the Constitution of the United States. I do further swear (or affirm) that I will not so advocate, nor will I knowingly become a member of such organization during the period that I am an employee of the Federal Government or any agency thereof.

C. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof. I do not and will not assert the right to strike against the Government of the United States or any agency thereof while an employee of the Government of the United States or any agency thereof. I do further swear (or affirm) that I am not knowingly a member of an organization of Government employees that asserts the right to strike against the Government of the United States or any agency thereof and I will not, while an employee of the Government of the United States or any agency thereof, knowingly become a member of such an organization.

D. AFFIDAVIT AS TO PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

Mr. GRIFFIN. Mr. President, I also made reference to chapter 11, title 18 of the United States Code, which indicates that it would be unlawful for a nominee like Mr. Carlucci to make such a decision in advance. I ask unanimous consent that chapter 11 of title 18 of the United States Code be printed in the RECORD at this point.

There being no objection, the statute was ordered to be printed in the RECORD, as follows:

CHAPTER 11—BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

§ 201. Bribery of public officials and witnesses.

(a) For the purpose of this section:

"public official" means Members of Congress, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror; and

"person who has been selected to be a public official" means any person who has been nominated or appointed to be a public official, or has been officially informed that he will be so nominated or appointed; and

"official act" means any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in his official capacity, or in his place of trust or profit.

(b) Whoever, directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent—

(1) to influence any official act; or

(2) to influence such public official or person who has been selected to be a public official or person who has been selected to be a public official to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(3) to induce such public official or such person who has been selected to be a public official to do or omit to do any act in violation of his lawful duty, or

(c) Whoever, being a public official or person selected to be a public official, directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself or for any other person or entity, in return for:

(1) being influenced in his performance of any official act; or

(2) being influenced to commit or aid in commiting, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(3) being induced to do or omit to do any act in violation of his official duty; or

(d) Whoever, directly or indirectly, corruptly gives, offers, or promises anything of value to any person, or offers or promises such person to give anything of value to any other person or entity, with intent to influence the testimony under oath or affirmation of such first-mentioned person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or with intent to influence such person to absent himself therefrom; or

(e) Whoever, directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself or for any other person or entity in return for being influenced in his testimony under oath or affirmation as a witness upon any such trial, hearing, or other proceeding, or in return for absenting himself therefrom—

Shall be fined not more than $20,000 or three times the monetary equivalent of the thing of value, whichever is greater, or imprisoned for not more than fifteen years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

(f) Whoever, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly gives, offers, or promises anything of value to any public official, former public official, or person selected to be a public official, for or because of any official act performed or to be performed by such public officials, former public official, or person selected to be a public official; or

(g) Whoever, being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself for or because of any official act performed or to be performed by him; or

(h) Whoever, directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or for or because of his absence therefrom; or

(i) Whoever, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself for or because of the testimony under oath or affirmation given or to be given by him as a witness upon any such trial, hearing, or other proceeding, or for or because of his absence therefrom—

Shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

(j) Subsections (d), (e), (h), and (i) shall not be construed to prohibit the payment or receipt of witness fees provided by law, or the payment, by the party upon whose behalf a witness is called and receipt by a witness, of the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at any such trial, hearing, or proceeding, or in the case of expert witnesses, involving a technical or professional opinion, a reasonable fee for time spent in the preparation of such opinion, and in appearing and testifying.

(k) The offenses and penalties prescribed in this section are separate from and in addition to those prescribed in sections 1503, 1504, and 1505 of this title. (Added Pub. L. 87–849, § 1(a), Oct. 23, 1962, 76 Stat. 1119.)

Mr. GRIFFIN. Mr. President, I also made reference to an Executive order issued by Lyndon B. Johnson prescribing standards of ethical conduct for Government officers or employees and for those who are nominated for service as a Government official. I ask unanimous consent that pertinent portions of that Executive order be printed in the RECORD at this point.

There being no objection, the Executive order (No. 11222) was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER 11222—PRESCRIBING STANDARDS OF ETHICAL CONDUCT FOR GOVERNMENT OFFICERS AND EMPLOYEES

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

PART I—POLICY

Sec. 101. Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his government. Each individual officer, employee, or adviser of government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

PART II—STANDARDS OF CONDUCT

Sec. 201. (a) Except in accordance with regulations issued pursuant to subsection

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(b) of this section, no employee shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from any person, corporation, or group which—

(1) has, or is seeking to obtain, contractual or other business or financial relationships with his agency;

(2) conducts operations or activities which are regulated by his agency; or

(3) has interests which may be substantially affected by the performance or nonperformance of his official duty.

(b) Agency heads are authorized to issue regulations, coordinated and approved by the Civil Service Commission, implementing the provisions of subsection (a) of this section and to provide for such exceptions therein as may be necessary and appropriate in view of the nature of their agency's work and the duties and responsibilities of their employees. For example, it may be appropriate to provide exceptions (1) governing obvious family or personal relationships where the circumstances make it clear that it is those relationships rather than the business of the person concerned which are the motivating factors—the clearest illustration being the parents, children or spouses of federal employees; (2) permitting acceptance of food and refreshments available in the ordinary course of a luncheon or dinner or other meeting or on inspection tours where an employee may properly be in attendance; or (3) permitting acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans. This section shall be effective upon issuance of such regulations.

(c) It is the intent of this section that employees avoid any action, whether or not specifically prohibited by subsection (a), which might result in, or create the appearance of—

(1) using public office for private gain;

(2) giving preferential treatment to any organization or person;

(3) impeding government efficiency or economy;

(4) losing complete independence or impartiality of action;

(5) making a government decision outside official channels; or

(6) affecting adversely the confidence of the public in the integrity of the Government.

AMENDMENT OF TARIFF SCHEDULES RELATING TO AIRCRAFT

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17068.

The PRESIDING OFFICER (Mr. SAXBE) laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 17068) entitled "An act to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond," with an amendment as follows:

> On page 1, line 5 of the Senate engrossed amendments, after "engines" insert: *manufactured or produced abroad.*

Mr. KENNEDY. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES AND FOR THE PRESIDENT PRO TEMPORE OR ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS

Mr. KENNEDY. Mr. President, I ask unanimous consent that from the close of business today until noon tomorrow, the Secretary of the Senate be authorized to receive messages from the House of Representatives and from the President of the United States, and that the President pro tempore or Acting President pro tempore be authorized to sign duly enrolled bills.

THE PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO SENATORS—SENATE DOCUMENT

Mr. KENNEDY. Mr. President, during the past 2 weeks, periods of floor time have been set aside to permit the Senate to pay tribute to Senators whose service in this body will end with the adjournment sine die of this Congress.

Two Senators, the Senator from Tennessee (Mr. GORE) and the Senator from Connecticut (Mr. DODD) have declined that honor, although others have indicated a desire to participate in paying tribute to them.

I therefore ask unanimous consent, Mr. President, that the RECORD remain open for 10 days following adjournment sine die, to permit Senators to insert materials in tribute to the Senate service of these two Senators, and that the tributes to each be gathered together, and printed as separate Senate documents.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I also ask unanimous consent, Mr. President, that the RECORD remain open for 10 days following adjournment sine die for the insertion of materials by Members of this body in eulogizing those Senators to whom tributes were delivered on the floor, and that these materials be included in the Senate documents already ordered printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE POCKET VETO

Mr. KENNEDY. Mr. President, 2 days ago, I wrote to Attorney General Mitchell requesting clarification of the administration's interpretation of the pocket veto clause of the Constitution. The President sought to use the pocket veto power last week to disapprove S. 3418, the Family Practice of Medicine Act, thereby preventing Congress from having the opportunity to override the veto. This action by the President has raised extremely serious questions about the distribution of power under the Constitution between Congress and the executive branch in the enactment of Federal legislation, and it was for this reason that I sought clarification of the administration's position.

Today, I have received a reply from Assistant Attorney General William H. Rehnquist, of the Office of Legal Counsel in the Department of Justice, explaining the position of the administration on this issue. Although a substantial area of disagreement continues to exist over Mr. Rehnquist's interpretation of the clause and my own interpretation, I am delighted by both the thoughtfulness and the promptness of his reply, and I commend the Attorney General, the Assistant Attorney General, and the Department of Justice for their constructive approach to the legal questions raised by the controversy that has erupted over the pocket veto.

The principal difference between us is over the interpretation of the Supreme Court's precedents on the pocket veto clause of the Constitution. The Assistant Attorney General relies heavily on the *Pocket Veto* case, 279 U.S. 655, which was decided in 1929 and which contains dicta apparently giving extremely broad leeway to the President in the exercise of the pocket veto power.

It is clear, however, that these dicta of the Supreme Court were not essential to the holding of the case, which involved an adjournment sine die at the end of a session of Congress. I believe that sine die adjournments—either at the end of a Congress or at the end of a session of Congress—are the only situations in which the pocket veto clause of the Constitution was intended to apply. I also believe that this is all that the Supreme Court's decision in the pocket veto case holds on this issue. As Mr. Rehnquist's letter expressly recognizes, the pocket veto case did in fact involve a sine die adjournment at the end of a session of Congress—albeit a sine die adjournment of only one House. In the circumstances of that case, the House of Representatives had adjourned sine die, and the Senate had adjourned for several months to a date certain.

It is difficult, therefore, to understand the logic of Mr. Rehnquist's assertion that the Supreme Court's decision in the pocket veto case has expressly rejected my view that the pocket veto provision is intended only to apply in sine die adjournment situations.

Indeed, the specific holding of the pocket veto case is clearly in accord with my view. The House of Representatives had adjourned sine die. Therefore, it was impossible for Congress to act to override the veto. Under the Constitution, a two-thirds majority in both the Senate and the House is required to override a veto. Since the House had adjourned sine die, it was clear that the House could not act to override the veto, and the fact that the Senate's adjournment was not sine die was irrelevant. This is the precise situation in which the Founding Fathers intended the pocket veto clause of the Constitution to apply. Where there is no opportunity for Congress to override a veto by the President, the Constitution resolves the question of the status of legislation enacted within the 10-day period before adjournment by specifying, in effect, that the bill does not become law unless approved by the President. In other circumstances, of course, where a sine die adjournment of Congress does not intervene, a bill be-

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comes law even without the approval of the President, unless the President acts positively to veto it, and thereby triggers the opportunity for Congress to override the veto.

Strong additional support for my view is contained in *Wright* v. *United States*, 302 U.S. 583 (1938), which was decided almost a decade after the pocket veto case, and which substantially clarified the Supreme Court's earlier decision. In the Wright case, which was decided 6–2 by the Court, the majority opinion by Chief Justice Charles Evans Hughes discusses the holding in the pocket veto case as turning on the question of whether there has been a sine die adjournment. As the opinion states:

> In the *Pocket Veto Case*, the Congress had adjourned. The question was whether the concluding clause of paragraph 2 of § 7 of article I was limited to a *final* adjournment of the Congress or embraced an adjournment of the Congress at the close of the first regular session. The Court held that the clause was not so limited and applied to the latter. [Emphasis in original.] 302 U.S. 583, at 593.

The Court's holding in the Wright case appears to be two-pronged. First, the Court clearly held that—since the House of Representatives was still in session, even though the Senate had adjourned for a brief period—there was no "adjournment" of Congress within the meaning of the pocket veto clause of the Constitution. Therefore, the Court held, the pocket veto clause was completely inapplicable.

Second, the Supreme Court appears to have held in the Wright case that, even though the Senate itself was in a brief 3-day recess, the President was not "prevented" from returning the vetoed bill with his objections to the Senate, within the meaning of the pocket veto clause, since the Secretary of the Senate was available to receive the President's veto message. In other words, it may be argued, there are two requirements before the pocket veto clause comes into play—first, Congress must be in adjournment, and, second, the adjournment must prevent the return of the vetoed bill to Congress.

If a 3-day recess of the Senate did not prevent the return of a vetoed bill in the Wright case, it is difficult to believe that the 5-day adjournment of the Senate in the present case prevented the return of the vetoed Family Practice of Medicine Act.

One additional point is worth noting. In his letter, Mr. Rehnquist states that not only was the President authorized to exercise a pocket veto on the present legislation, "but if he wished to disapprove it at all, he very probably had no choice as to the form of veto."

Surely, if the President wishes to disapprove a bill in such a situation, he can return it to Congress with his veto message in the usual fashion. Even if such a return of the legislation is invalid because Congress is in adjournment, as Mr. Rehnquist appears to be arguing, the President will still be in the position of not having signed the bill. In other words, even if a formal veto is invalid, a pocket veto can still apply, since the bill has not been signed. Moreover, the language of the Wright case may be easily read as implying that the court will sustain the validity of a return of legislation when Congress is in a brief adjournment within a session.

To be sure, as Mr. Rehnquist's letter shows, there is a sporadic practice of pocket vetoes by the President during relatively brief adjournments of Congress. In large part, however, the practice is a tribute to the difficulty of challenging a pocket veto in the courts, rather than a tribute to the validity of administration's reasoning. Now that a substantial legal controversy has begun, it is my hope that this difficulty in mounting an appropriate challenge can be overcome. It is my understanding that a private bill was also subject to a pocket veto by the President during the Christmas recess. Since questions of standing are less likely to thwart the jurisdiction of the courts in cases involving private bills, it may be possible for the claimant under the recent private bill to challenge the pocket veto of his bill, and thereby obtain a court test that would be squarely applicable to the vetoed Family Practice of Medicine Act.

Finally, it is worth pondering the implications of the administration's position. Nothing in the Constitution suggests any stopping point for the administration's logic. In the present case, involving the brief 5-day Christmas adjournment by Congress, the President is already close to pushing the pocket veto power to the limit of its logic. If the pocket veto clause applies to a 5-day adjournment, why should it not also apply to an adjournment of 3 days, or 1 day, or even overnight?

The 10-day constitutional period for the President's consideration of legislation presented by Congress expires on midnight of the 10th day. Since Congress is virtually always in adjournment at midnight, the reductio ad absurdum of the administration's logic is that virtually every piece of legislation is subject to a pocket veto, in spite of the clear contrary language of the Constitution.

Conceivably, the Supreme Court might attempt to establish a "rule of reason" to resolve the pocket veto controversy, under which the pocket veto clause might be applicable in cases involving relatively long adjournments during a session of Congress, in addition to cases involving sine die adjournments. Even by this standard, however, it seems clear that the 5-day adjournment involved in the present case would be far too short to trigger a pocket veto.

To me, it is much more likely that the Court will decline to be drawn into any effort to set an arbitrary time period for adjournments during a session, beyond which a pocket veto would be valid. By drawing a clean dividing line at adjournment sine die, the Court can avoid the ambiguities inherent in a "rule of reason" approach and clear up the controversy entirely.

In closing, let me emphasize again the importance of the issue raised by the President's recent exercise of the pocket veto. The President has challenged one of the most basic perrogatives of Congress. His action has vital implications for the checks and balances in our constitutional form of government between the legislative branch and the executive branch, and I hope that we will make a thorough exploration of this area in the 92d Congress.

Mr. President, I believe that my exchange of correspondence with Mr. Rehnquist will be of interest to all Members of Congress, and I ask unanimous consent to have it printed in the Record.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

Washington, D.C.,
December 29, 1970.

Hon. John N. Mitchell,
Attorney General, Department of Justice,
Washington, D.C.

Dear Mr. Attorney General: As you know, on December 26 it was announced that the President would not sign S. 3418, the "Family Practice of Medicine Act," and that the bill would therefore be subject to a "pocket veto," under which Congress would have no opportunity to reconsider the legislation in light of the President's objections.

Whatever the merits of this particular bill—and I strongly supported it in the Senate—the President's action raises extremely serious questions that far transcend the bill itself and that go to the heart of the distribution of power under the Constitution between Congress and the Executive Branch with respect to the enactment of Federal legislation. Surely, contrary sporadic practice notwithstanding, the Pocket Veto provision of the Constitution—Article I, Section 7, Clause 2—was intended to apply only in circumstances involving an adjournment *sine die* at the end of a Congress or at the end of a session of Congress, and was not intended to apply to brief adjournments of Congress during a session such as the recent Christmas period. This is all that the leading decisions of the Supreme Court appear to have held. See *Wright* v. *United States*, 302 U.S. 583 (1938); *Pocket Veto Case*, 279 U.S. 655 (1929). Indeed, in *Wright v. United States*. the Supreme Court expressly suggested that the Pocket Veto provision might not be applicable in a case involving a brief adjournment within a session.

In light of the discrepancy between the theory and practice involving the Pocket Veto provision, I would be grateful to receive a clarification of the Administration's position on this issue.

Sincerely,

Edward M. Kennedy.

Department of Justice,
Washington, D.C., December 30, 1970.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: The Attorney General has asked me to reply to your letter to him of December 29 relating to the pocket veto of S. 3418, inasmuch as I had given the advice to the White House that under the circumstances a pocket veto by the President would be appropriate.

In your letter you state that the pocket veto "was intended to apply only in circumstances involving an adjournment *sine die* at the end of a Congress or at the end of a session of Congress, and was not intended to apply to brief adjournments of Congress during a session such as the recent Christmas period." You also state that "in *Wright* v. *United States*, the Supreme Court expressly suggested that the pocket veto provision might not be applicable in a case involving a brief adjournment within a session." Suggesting a "discrepancy between the theory and practice involving the pocket veto provision", you have requested a clarification of the Administration's position on this issue.

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The position of this Administration on the "pocket veto" issue is, as nearly as I can determine, entirely consistent with that of preceding Administrations which have considered the question. The two decided Supreme Court cases, both of which are cited in your letter, have, with one exception, pretty well marked out the boundaries of the pocket veto power, and in my opinion the President's exercise of that power in declining to sign S. 3418 conforms both to these judicial precedents and to the consistent practice or other Presidents during the last quarter century.

The Pocket Veto Case, 279 U.S. 655 (1929), decided by a unanimous Court, seems to me to have expressly rejected your contention that the pocket veto provision was intended to apply only in circumstances involving an adjournment *sine die* at the end of a Congress or at the end of a session of Congress. Although the adjournment of Congress there involved was for a period of several months, it was neither an adjournment at the end of the session nor at the end of the Congress, since the Senate adjourned on July 3rd until November 10th, while the House adjourned on July 3rd *sine die*. Notwithstanding the difference in length of time of adjournment between that case and the situation respecting S. 3418, the Court in the *Pocket Veto Case* was required to interpret the following language from the constitutional provision authorizing the "pocket veto": " . . . if any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law." (Art. I, § 7, United States Constitution.)

The bill which was pocket-vetoed by President Coolidge in the *Pocket Veto Case* had been presented to him on June 24, 1926, and the adjournment of Congress took place on July 3rd. The Court said:

"The specific question here presented is whether, within the meaning of the last sentence—which we have italicized—Congress by the adjournment on July 3rd prevented the President from returning the bill within ten days, Sundays excepted, after it had been presented to him. If the adjournment did not prevent him from returning the bill within the prescribed time, it became a law without his signature; but, if the adjournment prevented him from so doing, it did not become a law. This is unquestioned." 279 U.S. at 674.

The Court went on to say that the term "adjournment" as used in the constitutional provision authorizing pocket vetoes did not refer only to the final adjournment of Congress. It pointed out in support of this conclusion that the word "adjournment" is used both in section 5 of Article I in reference to the power of a smaller number than the majority of each House to "adjourn" from day to day, and in the fourth clause of the same article, in reference to the prohibition that neither House during the session of Congress shall, without the consent of the other, "adjourn" for more than three days.

The Court then stated:

"We think that under the constitutional provision that the determinative question in reference to an 'adjournment' is not whether it is a final adjournment of Congress or an interim adjournment, such as an adjournment of the first session, but whether it is one that 'prevents' the President from returning the bill to the House in which it orginated within the time allowed. It is clear, and as we understand, it is not questioned, that since the President may return a bill at any time within the allotted period, he is prevented from returning it, within the meaning of the constitutional provision, if by reason of the adjournment it is impossible for him to return it to the House in which it originated on the last day of that period." 279 U.S. at 680.

The Court then concluded that since Congress had adjourned prior to the expiration of the ten day period given President Coolidge by the Constitution in which to decide whether or not to veto the particular bill there involved, the pocket veto provision became operative. It seems clear to me that the Court's decision did not turn on the length of the adjournment, any more than on its finality, but that it turned instead on the fact that the adjournment commenced within the ten day period allotted the President by the Constitution to decide whether or not to veto the measure in question.[1]

The most recent formal expression on the pocket veto provision appears in the opinion of Attorney General Biddle of July 16, 1943. 40 Op. A.G. 274. The Attorney General after reviewing the cases and the historical practice, advised President Roosevelt that an adjournment of Congress within a session was an occasion for a pocket veto.

In the memorandum on the same subject transmitted to the White House in November, 1968, by my predecessor in this office, the precedents then existing were summarized in this language:

"The experience of the past quarter of the century discloses the following practice. If the tenth day (Sundays excluded) after the presentation of the bill fell into a period in which neither House was in session, Presidents uniformly exercised their pocket veto power, even if the period of adjournment were short, or if Congress reconvened on the day following expiration of the constitutional period."

The following instances were relied upon in support of this statement:

(1) In the spring of 1944, the Congress adjourned from April 1st to April 12th. A private bill had been presented to the President on March 30, 1944. 90 Cong. Rec. 3380. The tenth day (Sundays excepted) following the day of presentation was April 11, 1944, *i.e.*, the day preceding the reconvening of the Congress. On that day, President Roosevelt signed a memorandum of disapproval. The bill was considered to have been pocket-vetoed. 90 Cong. Rec. 3408.

(2) In the spring of 1956, both Houses of Congress adjourned from March 29th to April 9th. A private bill had been presented to the President on March 22nd, and the tenth day following the day of presentation was therefore April 3, 1956. President Eisenhower withheld his approval from the bill, and it was considered to have been thereby pocket-vetoed as of April 3, 1956. 102 Cong. Rec. Index 732.

(3) In the summer of 1964, both Houses of Congress adjourned from August 21 to August 31 during the Democratic presidential nominating convention. A private bill had been presented to the President on August 14, 1964, and the tenth day following the day of presentation was August 26, 1964. President Johnson signed a memorandum of disapproval on August 24, 1964, which was communicated to the House of Representatives on September 2, 1964. 110 Cong. Rec. 21409.

Most recently, in the summer of 1968, President Johnson pocket-vetoed a bill relating to cotton importation during an adjournment of both Houses of Congress of approximately one month. 4 Weekly Comp. Pres. Docs. 1222.

Similar precedents may be found going back a good deal further than the quarter century period covered in the memorandum described above. Those which occurred prior to 1928 are collected in House Doc. No. 493, 70th Cong., 2d Session. They include pocket vetoes during Christmas adjournment of Congress by Presidents Andrew Johnson, Benjamin Harrison, and Grover Cleveland.

In *Wright* v. *United States*, 302 U.S. 583 (1938), a majority of the Court held that where only one House had adjourned, and the adjournment of that House was for a period of only three days, "Congress" as that term is used in the constitutional provision authorizing pocket vetoes, had not adjourned, and therefore a pocket veto was not available to the President in that situation. The Court's majority declined to speculate on the result if one House had adjourned for more than three days.[2]

The Court in *Wright* summarized its ruling in these words:

"We hold that where the Congress has not adjourned and the House in which the bill originated is in recess for not more than three days under the constitutional permission while Congress is in session, the bill does not become a law if the President has delivered the bill with his objections to the appropriate officer of that House within the prescribed ten days and the Congress does not pass the bill over his objections by the requisite votes." 302 U.S. at 598.

In the situation confronting President Nixon with respect to his disapproval of S. 3418, both Houses of Congress had adjourned for a period of longer than three days—the Senate from December 22nd to December 28th, and the House from December 22nd to December 29th—and by their adjournment had prevented the President from having the full ten day period allotted him under the Constitution to decide whether or not to veto in the ordinary manner the bill in question. In my opinion, therefore, on these facts the general rule of the *Pocket Veto Case*, rather than the exception to that general rule carved out in the *Wright* case, governed, and the President was not only authorized to exercise a pocket veto, but if he wished to disapprove it at all, he very probably had no choice as to the form of veto.[3]

You state in your letter that the President's action raises extremely serious questions far transcend the bill itself and that go to the "heart of the distribution of power under the Constitution between the Con-

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[1] The Court in that case also said (though the statement does not appear to have been necessary to its holding) that even though one or both Houses of Congress were to authorize an agent to receive messages from the President, "the delivery of the bill to such officer or agent . . . would not comply with the constitutional mandate." 279 U.S. at 684. While *dicta* is not entitled to the same weight as is a holding, the fact that the language is subscribed to by a unanimous Supreme Court, and the fact that it is found in one of the only two cases from that Court dealing with the question, make it the best available authority on the point.

[2] The Court majority in *Wright* rejected the argument that because the originating House was the one which had adjourned for three days, the President was prevented from returning the bill within the meaning of the constitutional language. While some of its reasoning, in so doing, if lifted out of context, could be said to undercut the reasoning in the *Pocket Veto Case*, the fact that the *Wright* Court reserved the question of the effect of an adjournment of even one House alone for more than three days would indicate that its language is to be confined to the fact situation there presented.

[3] There is undoubtedly a legal "gray area" with respect to the question reserved in the *Wright* case—whether a pocket veto is appropriate during an adjournment for more than three days by one House of Congress. Advice from this office in the past has been to the effect that in this situation, without any controlling judicial decision to guide him, the President ought to disapprove a bill by the normal veto message and return, rather than by the pocket veto.

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gress and the Executive branch with respect to the enactment of federal legislation". While I believe that the President was on very firm legal ground in taking the action he did, there is no doubt that the use of the pocket veto power has been a bone of contention between the President and the Congress throughout the years. Indeed, the *Pocket Veto Case, supra*, apparently resulted from an effort on the part of the House of Representatives to repudiate the traditional interpretation of the pocket veto clause—by then more than a century old—and to limit the exercise of that form of veto to the final adjournment of Congress. This effort on the part of the House was, of course, unsuccessful. Again in 1940, Congress passed a bill, H.R. 3233, 76th Congress, which purported to repeal as of the date of their "enactment" all bills and joint resolutions which prior to the beginning of the 76th Congress had been pocket-vetoed, during an adjournment of the Congress other than a final adjournment. President Roosevelt vetoed the bill on the ground that it was inconsistent with the constitutional practices going back to President Adams, as well as with the Supreme Court's interpretation of the Constitution in the *Pocket Veto Case*. 86 Cong. Rec. 8024. The veto was sustained.

Thus, while the Administration's position with respect to presidential use of the pocket veto provision is largely at odds with the position taken in your letter, I believe it is consistent both with the decided cases and with quite well established historical practice.

Yours very truly,
WILLIAM H. REHNQUIST,
Assistant Attorney General,
Office of Legal Counsel.

TRIBUTE TO SENATOR GORE

Mr. KENNEDY. Mr. President, when the 92d Congress convenes next month, none of our colleagues will be missed more deeply or more affectionately than the distinguished senior Senator from Tennessee. For 32 years, 18 of them in the Senate, covering one of the most important eras in the history of the Nation, ALBERT GORE has graced the U.S. Senate with his extraordinary gifts of intelligence, persuasion, eloquence, and wit. Time and again, his insights and perceptions have been translated into significant and far-reaching legislation. Time and again, where others drifted with expediency, Senator GORE has stood on principle. Time and again, where others were content to follow, Senator GORE has chosen to lead, and the Nation is the richer for his service.

Historians will catalog the full richness of his long and remarkable career in public service, and his major contributions in foreign relations and domestic affairs. His association with my family in the Senate goes back many years. Indeed, ALBERT GORE and John Kennedy came to the Senate together in 1952. Later, Senator Kennedy preceded Senator GORE as the chairman of the Subcommittee on Africa, and they shared many common interests together in the Senate.

In many ways, however, the 91st Congress itself has been a microcosm of the ALBERT GORE we love and respect, and we will carry away many warm recollections of recent months to inspire us:

In the fall of 1969, he was among the first to challenge the secret American military involvement in Laos, and to begin the critical examination of the extent to which the military establishment has been determining the foreign policy of the United States.

His votes against the confirmations of Judge Haynsworth and Judge Carswell to the Supreme Court rank with the greatest profiles in political courage in our history.

His leadership against the ABM in 1969 put him in the forefront of those in the Senate determined to shift our national priorities and begin to attack the overriding domestic issues of our day—issues like poverty and unemployment, health and education, the problems of the elderly, and all the other urgent issues we face.

Many of Senator GORE's victories in the Senate were single-handed triumphs of his legislative skill. A striking example of his outstanding success was in the Tax Reform Act of 1969, where, after days of debate on the Senate floor, he persuaded us to rewrite the crucial tax reduction provisions, in order to give a far greater measure of tax justice to the ordinary taxpayer.

These brief remarks today can only scratch the surface of the enormous contributions ALBERT GORE has made to his country. In the January 1971 issue of Harper's magazine, David Halberstam comments that it is easy to imagine Senator GORE seated here, next to Webster, Calhoun, and Clay. The comparison rings true, because in so many ways, ALBERT GORE is cut from the same mold as the Senate giants of the past. Indeed, if we see more clearly today on any of dozens of difficult issues, it is because we stand on the shoulders of giants like ALBERT GORE.

We know the enormous odds against him in the recent election campaign—the southern strategy, the No. 1 target, the visits to Tennessee by President Nixon, General Westmoreland, and Vice President AGNEW, and the uphill fight on the emotional issues of race, war, gun control, busing, prayer, and fear. He ran a race that any of us could be proud of—a race that left him inspiring the Nation even in defeat. But that has always been the way with ALBERT GORE, and that is why we shall miss him so deeply in the Senate.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, would the Senator be kind enough to let me deal with a calendar matter with the majority leader while he is here?

Mr. KENNEDY. I understand there will be some discussion of the matter.

Mr. JAVITS. No. Very little.

Mr. KENNEDY. I yield.

ALFRED F. LORMAN

Mr. JAVITS. Mr. President, for 6 months there have been on the calendar Nos. 167 and 215, private bills which have come over from the House and which have been reported by the Senate committee, and which I introduced.

The full description of the situation which brought on this bill is contained in the report of the Committee on the Judiciary. I ask unanimous consent that as much of that report as I may desire be printed in the RECORD, which will show the facts.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

The committee in the 90th Congress reported favorably S. 2393, as amended, is identical to S. 797, as amended. In its statement on S. 2393 the committee set forth the following:

The Commission's records disclose that a claim (No. W–16004) was filed jointly by Ernest H. Lorman and Alfred F. Lorman under title II of the War Claims Act of 1948, as amended (Public Law 87–846), based upon losses of two metal factories, machinery, equipment, and inventory in Vienna, Austria, which occurred as a direct consequence of military operations on June 26, 1944, and February 11, 1945, during World War II. Each of the two claimants owned a three-eighths interest in the subject property on the dates of its loss.

Title II of the War Claims Act of 1948, as amended, among other things, directs the Foreign Claims Settlement Commission to determine the validity and amount of claims of nationals of the United States for the loss or destruction of, or physical damage to, property located in Austria as well as certain other central European countries, which loss, destruction, or physical damage occurred during the period beginning September 1, 1939, and ending May 8, 1945, as a direct consequence of military operations of war or special measures directed against property because of the enemy or alleged enemy character of the owner, which property was owned by a national of the United States at the time of such loss, damage, or destruction.

The act further provided that no claims shall be allowed unless the property upon which it is based was owned by a national or nationals of the United States on the date of loss, damage, or destruction, and unless the claim was owned by a national or nationals of the United States continuously thereafter until the date of filing with the Commission.

Ernest Lorman became a national of the United States on December 18, 1942. Alfred Lorman acquired U.S. nationality on February 28, 1945.

Based upon the evidence of record, the Commission determined that the claimants suffered losses as indicated above and their claim would come within the provisions of title II of the War Claims Act of 1948, as amended, if otherwise qualified. However, inasmuch as claimant Alfred Lorman did not become a national of the United States until after the dates of loss, that portion of the claim for his interest in the subject property was found not compensable under the act and was denied as not having been owned by a national of the United States on the date of loss.

Ernest Lorman, who had acquired U.S. nationality prior to the date of loss, received an award of $74,370.15 for this three-eighths interest.

The effect of the bill, S. 2393, would permit the consideration of the claim of Alfred Lorman as a national of the United States on the date of loss which undoubtedly would result in the issuance of an award in an amount equal to that made to his brother, Ernest Lorman.

The requirement of title II of the War Claims Act of 1948, as amended, as to U.S. nationality at the time of loss is based upon the well-established principle of international law to the effect that a government will not espouse the claim of one of its nationals against a foreign government unless the claim was owned by one of its nationals at the time it arose.

As of June 30, 1967, a total of $223,750,000 had been deposited into the war claims fund

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for the payment of awards rendered under title II of the War Claims Act. All statutory priority payments have been authorized to be paid and those awards which are subject to proration above $10,000 have been authorized to be paid $10,000 plus 61.3 percent of the balance of all such awards, by the Secretary of the Treasury from the fund. It is currently estimated that an additional $25,650,000 will be made available during fiscal year 1968, raising the total to $249,400,000.

In view of the foregoing, it is obvious that the money in the war claims fund is, or will be, insufficient to pay all awards subject to proration payments in full. The award made to Ernest Lorman fell within this category.

It is to be noted that approximately 8,000 claims were filed under title II of the War Claims Act by late nationals which represent an asserted claimed amount of well over $500 million. Contrasting the foregoing statistics with the amounts expected to be available for payment on awards from the war claims fund demonstrates the insufficiency of the proceeds. Moreover, it would appear that the enactment of any proposal to permit the consideration of claims of late nationals for compensation under either public or private legislation would have no significant meaning due to the lack of funds.

In light of the foregoing, the Commission is of the opinion that if S. 2393 is enacted, it would be discriminatory to the other 8,000 late national claimants whose claims were also denied for failure to meet the nationality provisions of title II of the War Claims Act of 1948, as amended. Moreover, there does not appear to be any compelling reason for singling out Alfred Lorman for special relief or that he is more deserving than others to receive such relief.

The committee does not agree with the Foreign Claims Settlement Commission that there does not appear to be any compelling reason for singling out this claimant for special relief or that he is more deserving than others to receive such relief. The committee feels that this legislation seeks to do equity not just between persons who suffered war damage but to do equity between two brothers having identical claims, having filed for citizenship at the same time, and to remove the injustice of one being rewarded for having entered the American military service involuntarily and the other brother penalized for doing as he was told by the American authorities in wartime.

In the autumn of 1938, the Lorman brothers came to this country from Austria at the same time and filed for American citizenship on the day after their arrival in New York City. Alfred obtained a position in a chemical plant, and his younger brother, Ernest, became engaged in a variety of short-term jobs. Both were classified under Selective Service as I–A. The U.S. Government determined to construct a chemical plant in Peabody, Mass., and Alfred was requested to move to Boston and assist in the erection and operation of the plant. Ernest was drafted in the U.S. Army, and Alfred continued his civilian employment under authority of his draft board. Both brothers had identical interests in an industrial property in Austria which was damaged during World War II. Both made application for compensation under the War Claims Act. Ernest was granted relief because of his citizenship by reason of military service. Alfred was denied relief, because he was not a citizen at the time of the damage even though the delay in granting a citizenship was in part due to the failure of the Post Office Department and the Immigration and Naturalization Service to note his change of address, as well as being ordered by his draft board to remain in essential war work, where he was classified by his draft board as 2–B.

It is worthy of note that the date of loss occurred February 11, 1945, and that the claimant obtained final citizenship on February 28, 1945, only 17 days after the date of loss, and had not circumstances occurred beyond the control of Alfred Lorman he would have acquired citizenship in 1944 rather than in 1945. The claimant diligently endeavored to have his final citizenship papers processed but, because of the failure of the Post Office Department and the Department of Justice to ascertain his correct mailing address, he did not obtain his final citizenship papers until February 28, 1945.

The claimant has filed a sworn affidavit with the committee dated November 17, 1967, wherein he states in part as follows:

"That your deponent having been employed in Malden, Mass., by a chemical concern, the Commercial Solvents Corp., engaged in important work for the War Production Board and was unable to obtain the necessary time and furlough to immediately file application for final citizenship papers but, nevertheless, filed it in early 1944.

"That your deponent was advised that the examination of the witnesses necessary for final citizenship would take place in New York on June 13, 1944, so that your deponent could expect naturalization within the next 30 to 60 days.

"That your deponent did not hear from the Department of Justice until November 1944 at which time he was informed by Mr. Stewart Hanan, residing at Westbury, Long Island, N.Y., who inquired on his behalf with the U.S. Immigration and Naturalization Service, that this Service did not have your deponent's then address on file and that a communication addressed to your deponent had been returned to the U.S. Immigration and Naturalization Service undelivered although your deponent had definitely notified the U.S. Department of Justice, Immigration and Naturalization Service as well as the New York local post office and the draft board of the change of his address in September 1944.

"That in spite of my continuous efforts in writing and oral inquiries, I did not succeed to obtain my final citizenship papers before February 28, 1945.

"That I certainly would have been naturalized at an earlier date if my application would have been diligently processed by the U.S. Immigration and Naturalization Service and the Post Office Department given effect to my instructions regarding change of address."

The committee is of the opinion that as stated above in the affidavit this claimant made every effort to secure final citizenship papers, and certainly would have acquired such citizenship long before the date of the loss had not there been a failure on the part of the various Government agencies in processing the claimant's application for final papers. Furthermore, the committee believes it inequitable because of circumstances beyond the control of this claimant to deny him his entitlement to participate on an equal basis with his brother solely by reason of the fact that he was engaged in essential war work and his date of final citizenship was delayed by reason of his draft classification in essential war work, and the failure of the Government agencies to process his application for citizenship diligently.

For these reasons, the committee is of the opinion that this case merits relief, and accordingly recommends favorable consideration of S. 2393, as amended.

The committee adheres to its recommendation on S. 2393 of the 90th Congress and recommends that the bill S. 797, as amended, be considered favorably.

Mr. JAVITS. Mr. President, normally, bills are brought up and dealt with which are on the consent calendar to which no one in the committee objected. But these bills have proved objectionable—and the leader will correct me if I am wrong—to the Democratic Policy Committee.

I contemplated the possibility in the last days of the session of calling up these bills so that they may be disposed of one way or the other. I am now convinced that if I did that, it is a guaranteed defeat for this claimant, considering the atmosphere, the end of the session, and the objections of the Democratic Policy Committee.

I have discussed this matter with a lawyer for the claimant who is a former Member of the other body, Sterling Cole, and he has agreed with me that, though it is on the Consent Calendar, there is this objection, and that in all fairness to the claimant I should not call up the bills, for this reason. Rather than accept the guaranteed defeat in a matter in which I deeply feel, as a lawyer—I have examined the claim very closely—there is real equity for action by Congress, and thereby to ruin it forever, the man should have another chance in the new Congress to assert his claim.

I wish to point out that the feeling of the Democratic Policy Committee, as explained to me very frankly by the majority leader, is based upon the fact that they see a door opening to thousands—and they literally make that figure—8,000 other claims. I am deeply convinced that they can be convinced and the leader can be convinced—he is a fair man—that this is a claim which is, in legal terms, sui generis, that it really is a unique case which deserves the magnanimity of the sovereign, which is what a private bill amounts to.

For those reasons, I have advised the leader, who has been very understanding about this matter, that I will not call up these bills. I rely very heavily upon the legendary—and I use that word advisedly—fairness of the leader, that even though he feels strongly about it now, I believe that he can ultimately be convinced that this is fair rather than unfair; and I do not want to jeopardize the conviction which I feel he will ultimately have in this matter by pressing it now, in the very bad atmosphere which almost guarantees defeat of the bills.

Mr. MANSFIELD. Mr. President, I will not belabor this matter, but I do want to assure the distinguished Senator from New York (Mr. JAVITS) that any bill reported by any committee, be it private or otherwise, will most certainly receive the attention of the Democratic policy committee, just as it receives the attention of the Republican policy committee.

But this particular bill falls in a category dealing with private relief. Its status is shared by a number of other measures now on the calendar, some having remained there for almost the full 2 years of the Congress. Those measures remain in such a status not for any reason of substance. This is a question for the committee concerned. Rather, they obtained such status because the leadership, be it on this side of the aisle or the other, has determined, through its respective scheduling committees, that the schedule of the Senate should not accommodate the particular matter because of a possible adverse precedent involved or because the priorities of the Senate's business dictate otherwise.

I repeat: The leadership on both sides of the aisle has enjoyed a certain degree of discretion in matters dealing with private relief. As a matter of comity and accommodation, these decisions have been honored consistently by the leadership in setting forth the Senate's business agenda.

The Senator from New York (Mr. JAVITS) advised me beforehand of his actions, and for that I wish to extend my personal thanks. But the simple fact is that this bill has not been designated for the Senate's agenda by the leadership, for the reasons I have stated.

Mr. President, I ask unanimous consent to have printed in the RECORD a communication received from Edward D. Re, Chairman of the Foreign Claims Settlement Commission, which explains in more detail than I care to go into at this time just what is involved in this particular matter.

There being no objection the communication was ordered to be printed in the RECORD, as follows:

FOREIGN CLAIMS SETTLEMENT COMMISSION, OF THE UNITED STATES,
Washington, D.C., November 28, 1967.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Further reference is made to your letter of September 9, 1967, requesting a report by the Foreign Claims Settlement Commission on S. 2393, 90th Congress, "A Bill to fix date of citizenship of Alfred Lorman for purposes of War Claims Act of 1948."

The bill provides that for the purposes of the War Claims Act of 1948, Alfred Lorman shall be deemed to have become a citizen of the United States on the same date as that of his brother, Ernest Lorman, and directs the Commission to receive and determine the claim of Alfred Lorman in accordance with all the other provisions of the War Claims Act of 1948, as amended. Any award made by the commission is to be paid by the Secretary of the Treasury out of the War Claims Fund.

The Commission's records disclose that a claim (No. W–16004) was filed jointly by Ernest H. Lorman and Alfred F. Lorman under title II of the War Claims Act of 1948, as amended (Public Law 87–846), based upon losses of two metal factories, machinery, equipment, and inventory in Vienna, Austria, which occurred as a direct consequence of military operations on June 26, 1944, and February 11, 1945, during World War II. Each of the two claimants owned a three-eighths interest in the subject property on the dates of its loss.

Title II of the War Claims Act of 1948, as amended, among other things, directs the Foreign Claims Settlement Commission to determine the validity and amount of claims of nationals of the United States for the loss or destruction of, or physical damage to, property located in Austria as well as certain other central European countries, which loss, destruction, or physical damage occurred during the period beginning September 1, 1939, and ending May 8, 1945, as a direct consequence of military operations of war or special measures directed against property because of the enemy or alleged enemy character of the owner, which property was owned by a national of the United States at the time of such loss, damage, or destruction.

The act further provided that no claims shall be allowed unless the property upon which it is based was owned by a national or nationals of the United States on the date of loss, damage, or destruction and unless the claim was owned by a national or nationals of the United States continuously thereafter until the date of filing with the Commission.

Ernest Lorman became a national of the United States on December 18, 1942. Alfred Lorman acquired U.S. nationality on February 28, 1945.

Based upon the evidence of record, the Commission determined that the claimants suffered losses as indicated above and their claim would come within the provisions of title II of the War Claims Act of 1948, as amended, if otherwise qualified. However, inasmuch as claimant Alfred Lorman did not become a national of the United States until after the dates of loss, that portion of the claim for his interest in the subject property was found not compensable under the act and was denied as not having been owned by a national of the United States on the date of loss.

Ernest Lorman, who had acquired U.S. nationality prior to the date of loss, received an award of $74,370.15 for this three-eighths interest.

The effect of the bill, S. 2393, would permit the consideration of the claim of Alfred Lorman as a national of the United States on the date of loss which undoubtedly would result in the issuance of an award in an amount equal to that made to his brother, Ernest Lorman.

The requirement of title II of the War Claims Act of 1948, as amended, as to U.S. nationality at the time of loss is based upon the well-established principle of international law to the effect that a government will not espouse the claim of one of its nationals against a foreign government unless the claim was owned by one of its nationals at the time it arose.

This principle has been applied, as appropriate, in all programs administered by the Commission. The one exception in the Commission's experience has been in the case of claims against the Government of Italy under section 304, title III of the International Claims Settlement Act of 1949, as amended, as to which the usual nationality requirement originally was applied. By August 8, 1958, it was apparent that the Italian claims fund was more than sufficient to pay anticipated awards against the Government of Italy. On that date, the statute was amended to permit awards to persons who were nationals of the United States on August 9, 1955, the date of enactment of title III of the act, and who had filed timely claims, even though their claims were based upon property lost at an earlier date.

Legislative proposals to liberalize the requirements of nationality in other past programs have failed of enactment. The Congress, on occasion, has made clear its position that funds insufficient for full payment of awards to be made in these claims programs should be preserved for those who suffered losses while nationals of the United States.

Amendments to include claims of so-called late nationals were proposed in the Senate during the consideration of legislation (H.R. 7283, 87th Congress) which was later enacted as Public Law 87–846 (title II of the War Claims Act of 1948, as amended). However, during the conference on the bill, it was agreed to recede from such amendments with the understanding that in the event there remain a balance in the war claims fund after payment in full of claims presently authorized under the act, consideration would be given to legislation providing for these claims.

Upon completion of the war claims program under title II of the War Claims Act of 1948, on May 17, 1967, awards in the aggregate amount of approximately $340.5 million had been certified or recertified to the Secretary of the Treasury for payment out of the war claims fund.

As of June 30, 1967, a total of $223,750,000 had been deposited into the war claims fund for the payment of awards rendered under title II of the War Claims Act. All statutory priority payments have been authorized to be paid and those awards which are subject to proration above $10,000 have been authorized to be paid $10,000 plus 61.3 percent of the balance of all such awards, by the Secretary of the Treasury from the fund. It is currently estimated that an additional $26,650,000 will be made available during fiscal year 1968 raising the total to $249,400,000.

In view of the foregoing, it is obvious that the money in the war claims fund is, or will be, insufficient to pay all awards subject to proration payments in full. The award made to Ernest Lorman fell within this category.

It is to be noted that approximately 8,000 claims were filed under title II of the War Claims Act by late nationals which represent an asserted claimed amount of well over $500 million. Contrasting the foregoing statistics with the amounts expected to be available for payment on awards from the war claims fund demonstrates the insufficiency of the proceeds. Moreover, it would appear that the enactment of any proposal to permit the consideration of claims of late nationals for compensation under either public or private legislation would have no significant meaning due to the lack of funds.

In light of the foregoing, the Commission is of the opinion that if S. 2393 is enacted, it would be discriminatory to the other 8,000 late national claimants whose claims were also denied for failure to meet the nationality provisions of title II of the War Claims Act of 1948, as amended. Moreover, there does not appear to be any compelling reason for singling out Alfred Lorman for special relief or that he is more deserving than others to receive such relief.

For the reasons outlined above, the Commission would be opposed to the enactment of S. 2393.

Advice has been received from the Bureau of the Budget that there would be no objection to the presentation of this report to your committee.

Sincerely yours,

EDWARD D. RE,
Chairman.

Mr. MANSFIELD. Mr. President, again I want to thank the distinguished Senator from New York, and I want to say publicly that no one could have worked harder on behalf of this man than the sponsor of the bill. I again want to assure the Senator that this matter will be given full and earnest consideration next year. I want to congratulate the Senator. He has made the best possible move at this time in light of all the circumstances involved.

Mr. JAVITS. That is very generous on the part of the majority leader and I thank him.

MODIFICATION OF NURSING SERVICE REQUIREMENTS

Mr. LONG. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from the further consideration of H.R. 19470.

The PRESIDING OFFICER (Mr. MCINTYRE). Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H.R. 19470).

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LONG. I should like briefly to explain what the bill does. I might mention that it was included as part of the social security bill that was passed by the Senate. The bill would make it possible for small rural hospitals that are having difficulty meeting medicare standards, as regards having registered nurses available around the clock, to provide medical and hospital care under the medicare program. This legislation has been strenuously urged by the Senator from Texas (Mr. YARBOROUGH), and in view of the fact that this provision was included as part of the social security bill already passed by the Senate, and since it now appears the social security bill is not going to become law, it seems to me that this House-passed bill concerning small hospitals should be passed by the Senate.

Mr. KENNEDY. These are hospitals that would lose their certification who are still trying to retain their eligibility for medicare; is that correct?

Mr. LONG. Yes. This measure has been agreed to unanimously by the committee. It has to do with small hospitals that cannot obtain enough nurses and thus cannot quite meet the medicare standards even though they are doing the best they can to obtain nurses.

Mr. KENNEDY. We had a situation like that even in the Boston City Hospital. There was also one in St. Louis, and in the Cook County Hospital, where accreditation was being threatened for a number of reasons, although I think they were all providing great services but were in danger of losing the opportunity for social security payments. There were a number of us, I know, about a year ago, who were trying to urge this kind of legislation to permit the hospitals to operate who are trying to meet these critical needs. In many instances, they are hospitals which are providing services to the poor and the indigent and, of course, they are the most heavily overburdened and are in considerable need. If I understand the explanation of the Senator from Louisiana correctly, it is a matter of great interest, and I want to say that I think it is of great value.

Mr. LONG. This particular bill, however, applies only to rural hospitals, and it is mainly concerned with the problem in the rural areas of getting sufficient numbers of registered nurses. If the hospital cannot get them, it will still be permitted to continue to operate under medicare with the personnel it can get until January 1, 1976. Of course the Secretary of HEW does not have to waive the nursing requirement, but he can waive the requirement of having a registered nurse around the clock if he is satisfied the hospital is doing the best it can to find them but it cannot get them.

Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of this provision.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROVIDE FOR REASONABLE APPROVAL OF RURAL HOSPITALS

According to policy established by the Social Security Administration, a hospital or extended care facility is certified for participation in medicare if it is in full compliance (meets all the requirements of the Social Security Act and is in accordance with all regulatory requirements for participation), or if it is in "substantial" compliance (meets all the statutory requirements and the most important regulatory conditions for participation). Thus, while an institution may be deficient with respect to one or more standards of participation, it may still be found to be in substantial compliance, if the deficiencies do not represent a hazard to patient health or safety, and efforts are being made to correct the deficiencies.

It has been recognized that there is a need to assure continuing availability of medicare-covered institutional care in rural areas, many of which may have only one hospital, without jeopardizing the health and safety of patients. To achieve this objective, the approach has been adopted by Social Security of certifying "access" hospitals while documenting their deficiencies and requiring upgrading of plant and staff. State agencies have also been required to provide consultation and assistance to these facilities in an effort to help them achieve compliance with the standards. Certain "access" hospitals, to the extent that they are capable, have succeeded in overcoming deficiencies; however, other hospitals have not demonstrated sufficient willingness to take the steps necessary to correct deficiencies and have instead been willing to continue as "access" hospitals with all the limitations in quality care that this status entails. In other areas, some rural hospitals despite good faith efforts have been unable to secure required personnel or otherwise comply.

To deal with the dilemma created by the need to assure the availability of hospital services of adequate quality in rural areas and the fact that existing shortages of qualified nursing personnel generally make it difficult for some rural hospitals to meet the nursing staff requirements of present law, the committee's bill would authorize the Secretary, under certain conditions, to waive the requirement that an access hospital have registered professional nurses on duty around the clock. This requirement could be waived only if the Secretary finds that the hospital:

(a) has a registered nurse at least on the daytime shift and has made and is continuing to make a bona fide effort to comply with the registered nursing staff requirement with respect to other shifts (which, in the absence of an R.N., are covered by licensed practical nurses) but is unable to employ the qualified personnel necessary because of nursing personnel shortages in the area; and

(b) is located in an isolated geographical area in which hospital facilities are in short supply and the closest other facilities are not readily accessible to people of the area; and

(c) nonparticipation of the "access" hospital would seriously reduce the availability of hospital services to medicare beneficiaries residing in the area.

Under the provision, the Secretary would regularly review the situation with respect to each hospital, and the waiver would be granted on an annual basis for not more than a one-year period. The waiver authority would be applicable only with respect to the nursing staff requirement; no waiver authority would be provided under the amendment with respect to any other conditions of participation relating to health and safety.

The proposed waiver authority would expire December 31, 1975.

Mr. MILLER. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. MILLER. The Senator from Louisiana has stated the position of the Finance Committee correctly. We deliberated on this at considerable length. It was pointed out in the case of many of the smaller hospitals in the smaller communities that, at this time, present requirements would be impossible to meet. As the Senator from Louisiana has said, they are doing the best they can but cannot overcome the impossible situations they are confronted with at this time.

If the program for increasing the number of nurses in this country continues, we may hope that this will be achieved; but, in the meantime, it is important to take action.

I strongly support the bill that the Senator from Louisiana (Mr. LONG) has asked the Senate to approve.

Mr. LONG. Mr. President, I ask that the bill be approved.

The **PRESIDING OFFICER.** If there be no amendment to be ordered, the question is on the third reading and passage of the bill.

The bill (H.R. 19470) was ordered to be read a third time, was read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 19 to the bill (H.R. 17867) making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19172) to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation."

The message further announced that the House had passed a joint resolution (H.J. Res. 1421) making further continuing appropriations for the fiscal year 1971, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. ALLEN):

S. 1626. An act to regulate the practice of psychology in the District of Columbia;

H.R. 13000. An act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes;

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H.R. 17867. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes; and

H.R. 18582. An act to amend the Food Stamp Act of 1964, as amended.

HOUSE JOINT RESOLUTION PLACED ON THE CALENDAR

The joint resolution (H.J. Res. 1421) making further continuing appropriations for the fiscal year 1971, and for other purposes, was read twice by its title and placed on the calendar.

THE CALENDAR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the Calendar to which there is no objection, beginning with Calendar No. 1532, 1533, 1535, 1536, 1537, and 1539 through 1541.

The PRESIDING OFFICER (Mr. McINTYRE). Without objection, it is so ordered.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954 RELATING TO BEER

The bill (H.R. 6562) to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1522), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. SUMMARY

This bill, H.R. 6562, makes a series of amendments to the beer tax provisions of the present law, which in general are designed to remove restrictions no longer needed for effective enforcement of the revenue and regulatory aspects of these provisions. They can be summarized as follows:

(1) The bill permits credits or refunds if beer is returned to another (instead of only the original) brewery of the same brewer. Also, it permits offsets (instead of merely a credit or refund) if the beer is returned to the brewery from which it was removed even though the beer is not returned on the same day it was removed.

(2) The bill permits credits or refunds in the case of loss by theft (without the collusion of the brewer's employees of those with whom he deals) and also where the beer is rendered unmerchantable (even though it is not actually destroyed).

(3) The bill permits tax-free removals of beer from a brewery for research and development.

(4) The bill permits the bonding requirements to be met by certifying the continuation of an existing bond, in place of the present requirement that a new bond be secured.

(5) The bill codifies present regulations defining the area of a brewery and permitting certain facilities to be near the main facilities, rather than requiring them to adjoin the main facilities.

(6) The bill eliminates the requirement of separate facilities for the bottling of beer and cereal beverages.

(7) The bill codifies present regulations permitting the establishment of experimental breweries.

The Treasury Department has indicated that it has no objection to the enactment of this bill.

II. REASONS FOR THE BILL

Each of the changes in present law made by the bill is designed to relax Internal Revenue Code regulatory provisions dealing with beer, but only under such regulatory authority and other restrictions as are designed to assure efficient supervision of operations and collection of tax by the Internal Revenue Service. The relaxation of these requirements should facilitate the brewing of beer without giving rise to any difficulties as to the collection of taxes.

AMENDMENT OF THE TARIFF SCHEDULE

The bill (H.R. 7626) to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1523), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 7626 is to amend item 155.40 (relating to molasses, including dried molasses, for use other than the commercial extraction of sugar for human consumption) of the Tariff Schedules of the United States (TSUS) by broadening the article description to make certain other products derived from sugarcane and sugar beets dutiable at the existing rate (0.102 cent per pound of total sugars) imposed by such item. Further, the bill would establish a procedure for making such duty treatment applicable to such products which were entered after August 30, 1963, and before the date of enactment. Finally H.R. 7626 would provide for the liquidation or reliquidation of certain specified entries of sugar at Philadelphia at the rate of 0.012 cent per pound of total sugars.

GENERAL STATEMENT

Invert or high-test molasses, the principal product covered by this bill, is produced from the concentrated juice or sap of the sugar beet or sugarcane (in the form of sucrose) by treating it to convert part of the sucrose into invert sugar. By such treatment, crystallization is prevented, and the product may be stored for considerable periods of time. This product is usually used for other than human consumption or commercial extraction of sugars. Its primary uses are for the distillation of alcohol, as livestock feed, and other industrial uses.

Prior to August 31, 1963 (the effective date of the TSUS), imports of "invert or high-test molasses" were dutiable at the rate of duty applicable under paragraph 502 of the former tariff schedules (section 1 of the Tariff Act of 1930) to molasses imported for use other than the commercial extraction of sugar for human consumption. The assessment of duty at this rate was based on the "similitude" provision in paragraph 1559 of such section 1. The same duty treatment, by similitude, was also accorded to certain other products containing over 6 percent by weight of soluble nonsugar solids which products resulted from a manipulation in bonded warehouse consisting of the admixing of sugars and molasses. The Bureau of Customs practices based on similitude under such paragraph 1559 were not of public record, and these particular similitude practices were not called to the attention of the Tariff Commission when it drafted item 155.40 of the new tariff schedules. As a result, the products which were covered by such practices are presently dutiable under the TSUS at rates considerably higher than the rate of 0.012 cent per pound of total sugars imposed under item 155.40.

In the absence of the change in classification as proposed by H.R. 7626, as amended, imports of these products will remain dutiable at rates considerably higher than they were prior to the new tariff schedules.

PROVISIONS OF THE BILL

The first section of the bill as reported by your committee would amend the item description for item 155.40 to include: "sugars, sirups, molasses, and mixtures thereof; all the foregoing derived from sugarcane or sugar beets and containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the products) equal to over 6 percent by weight of the total soluble solids, if imported for use other than (a) the commercial extraction of sugar, or (b) human consumption." The item description as provided in the bill as reported will provide greater clarity and certainty in classification and in particular, will avoid a conflict with the definition of liquid sugar as set forth in the Sugar Act of 1948 (7 U.S.C. 1101(f)).

Section 2 of the reported bill provides that the amendment made by the first section will be effective on or after the date of enactment of the bill. Section 2 further provides that the entries of articles described under 155.40 (as amended by the first section of the bill) which were made after August 30, 1963, and before the date of enactment, may be liquidated or reliquidated as though such entries or withdrawals had been made on the date of enactment. This provision for retroactive liquidation or reliquidation is subject to a request being filed therefor with the customs officer concerned on or before the 120th day after enactment.

Section 3 of the bill, as amended, provides for the liquidation or reliquidation of certain entries of sugar at Philadelphia, Pa., at the rate of duty of 0.012 cent per pound of total sugars, upon the furnishing of appropriate evidence that the sugar was not used for human consumption or for the commercial extraction of sugar.

A misunderstanding between the Bureau of Customs and the importer making the entries of the sugar referred to in section 3 with regard to warehouse manipulation privileges and the requirements as to end use resulted in a higher duty assessment than that originally indicated by the Bureau of Customs or anticipated by the importer. The Committee on Finance agrees with the Committee on Ways and Means of the House that in this instance, the rate of duty of 0.012 cents per pound of total sugars should be assessed providing the importer furnishes appropriate evidence as to end use.

Favorable reports on H.R. 7626 were received from the Departments of State, Treasury, Agriculture, Labor, and Commerce, and the Office of the Special Representative for Trade Negotiations. An informative report was received from the Tariff Commission.

PROVISION OF FLOOR STOCK REFUNDS IN THE CASE OF CEMENT MIXERS

The bill (H.R. 17658) to provide floor stock refunds in the case of cement mixers was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in

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the Record an excerpt from the report (No. 91-1525), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

I. SUMMARY

Until July 1, 1968, cement mixer bodies and parts and accessories were held not to be subject to the truck tax or to the tax on truck parts and accessories. As of that date, however, the Internal Revenue Service held these bodies and parts and accessories to be subject to these taxes. In the Tax Reform Act of 1969, Congress removed the tax on these cement mixer bodies and parts and accessories effective as of January 1, 1970. This bill, H.R. 17658, provides for floor stocks refunds in the case of taxpaid cement mixer bodies and parts and accessories which were in the hands of dealers on January 1, 1970.

The Treasury Department indicated it has no objection to the enactment of this bill.

II. REASONS FOR BILL

Until 1968, the excise tax on manufacturers' sales of automobile truck bodies was not applied in the case of concrete mixers where the actual mixing of the concrete occurred in the tank mounted on a truck chassis. In 1967, the Internal Revenue Service changed its position effective July 1, 1968, and held that these concrete mixers were not designed and adapted by the manufacturer for purposes predominantly other than the transportataion of property on the highway. In the Tax Reform Act of 1969, the Congress concluded that the prior position of the Internal Revenue Service with respect to concrete mixers better expressed the intent of Congress as to the apprpropriate tax treatment of cement mixers. As a result, in that Act the truck tax and truck parts and accessories tax were made inapplicable to cement mixer bodies and to parts and accessories for those bodies sold on and after January 1, 1970. No provision was made for floor stocks refunds in the 1969 Act, however, for those items upon which tax had been paid and which were still in the hands of dealers on the date the tax was repealed.

Because of the absence of the usual floor stocks refund provision, dealers have had to absorb excise taxes ranging up to $700 or $800 for each mixer in inventory on January 1, 1970, on which tax had been paid. This not only places heavy financial burdens on dealers with tax-paid stocks of cement mixers but also places them at a competitive disadvantage as compared with dealers who purchased stock from manufacturers tax free in 1970 (or acquired stock on a consignment basis tax-free in 1969, and still had the mixers in stock on January 1, 1970).

The granting of refunds for tax-paid floor stocks in cases like those involving cement mixers is customary, although omitted in the 1969 action. Present law, for example (sec. 6412 of the code), provides for refunds on floor stocks of automobiles, trucks, and tires and tubes, on the dates these taxes are scheduled for reduction or elimination. Similarly the Excise Tax Reduction Act of 1965 provided for floor stocks refunds in many cases where taxes were reduced or repealed by that act.

Refunds generally are allowed in the types of situations referred to above so the dealer will not be required to bear the full burden of the tax at a time when the tax is reduced or eliminated and also to remove a competitive discrimination against the dealers with large inventories at the changeover date. The committee believes that the same reasons dictate the allowance of floor stocks refunds for tax-paid stocks of cement mixers in dealers' hands on January 1, 1970.

It has been estimated that the total amount of refunds will be approximately $200,000 to $250,000.

III. EXPLANATION OF PROVISION

The bill provides that a dealer is to be entitled to floor stocks refunds (without interest) if, on January 1, 1970, he held any new cement mixers which had been subject to the truck tax during the period between June 30, 1968 (the effective date of the Internal Revenue Service ruling that such articles were subject to the truck tax), and January 1, 1970 (the effective date of the 1969 legislation on this point).

Under the bill, by the end of the sixth calendar month beginning after the date of enactment of the bill, the dealer must submit a request to the manufacturer for the refund. By the end of the ninth calendar month beginning after the date of enactment, the manufacturer must file a claim with the Internal Revenue Service for credit or refund of the tax on those floor stocks. By that time, the manufacturer also must have either reimbursed the dealer for the amount of the tax or have obtained written consent from the dealer for the allowance of the credit or refund.

AMENDMENT OF SECTION 47 OF THE INTERNAL REVENUE CODE OF 1954

The bill (H.R. 17988) to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1526), explaining the purposes of the measure.

There being no objection, the excerpt war ordered to be printed in the Record, as follows:

I. SUMMARY

In general, H.R. 17988 provides that there is not to be a recapture of an investment credit previously allowed with respect to an airplane by reason of the use of the airplane outside the United States, if the airplane is not used in this manner for more than one-half the time period taken into account in determining the amount of the investment credit originally allowed (that is, 4 to 6, 6 to 8, or 8 or more years). This treatment is to be available, however, only with respect to airplanes leased from U.S. air carriers after April 18, 1969, under leases which comply with the applicable Federal aviation statutes. Under present law, a previously allowed investment credit generally is recaptured if in any one taxable year the airplane is used outside the United States for more than half of the year.

The Treasury Department has indicated that it has no objection to the enactment of this bill.

II. REASONS FOR BILL

The amount of the 7-percent investment tax credit previously allowed to a taxpayer with respect to investment credit property when it was placed in service was determined with reference to the length of time the property would be used by the taxpayer.[1] The full 7-percent credit was allowed if the period was 8 or more years, two-thirds of a full credit was allowed if the period was 6 to 8 years, and one-third of a full credit was allowed if the period was 4 to 6 years. If property with respect to which the investment credit was previously allowed is disposed of, or ceases to be qualified investment credit property, before the end of the period (that is, in 0 to 4, in 4 to 6, or in 6 to 8 years) used in determining the amount of the credit originally allowed, then the previously allowed credit is recaptured in whole or in part. The amount recaptured is the excess of the credit previously allowed over the amount of the credit which would have been allowed if it had been determined on the basis of the period of time it was actually used in the specified manner by the taxpayer.

For an airplane to qualify initially as investment credit property and to continue to qualify, it must be principally used in the United States or (if it is registered with the Federal Aviation Agency) operated either to and from the United States or under contract with the United States. This requirement has been interpreted by the Treasury Department to mean that the plane must be used in the specified manner for more than half of each taxable year. If an airplane with respect to which an investment credit was previously allowed ceases to be used in the manner specified above for a taxable year before the end of the expected period of use, then the airplane ceases to qualify as investment credit property and the investment credit previously allowed is recaptured in whole or in part.

In recent years, U.S. air carriers have acquired (or are under binding obligations to acquire) airplanes based on a projected demand which took into account to a significant degree governmental airlift requirements, particularly those associated with Southeast Asia. Governmental airlift needs, however, have been decreasing from past levels and, as a result, a number of U.S. airlines find they have excess equipment. The only practical use of the excess airplanes at the present time, other than letting them remain idle, is to lease them on a temporary basis for use outside the United States. If this were done, however, there could be a recapture of the investment credit previously allowed with respect to the airplane.

It is possible at the present time to avoid the application of the recapture rules by rotating the individual aircraft used outside the United States so that in any 1 taxable year an airplane is used more than one-half the time in the United States. This procedure, however, generally is quite expensive and in some cases may not be possible—for example, where the airplane is leased for a temporary period of more than one-half a year to a foreign air carrier and the lease does not permit the substitution of airplanes.

Since a large part of the excess equipment which U.S. air carriers presently have (or have on order) was acquired in view of governmental needs which no longer exist, the committee agrees with the House that it is not appropriate to require U.S. air carriers, in order to preserve the investment credit they previously received with respect to the airplanes, either to let their excess planes remain idle or to go through an expensive and often impractical rotation procedure. The committee agrees with the House that it, in general, would be appropriate not to apply the investment credit recapture rule where an airplane is used outside the United States (under a lease which complies with Federal aviation statutes) for less than half the period taken into account in determining the amount of the investment credit previously allowed. In effect, this is applying the concept of the present Treasury regulations on the investment credit which require an airplane to be used principally in the United States during each taxable year, but over the longer period used in computing the amount of the credit allowable with respect to the airplane, instead of on a year-by-year basis. At the same time, this rule will allow aircraft to be used in a profitable and economic manner without investment credit recapture consequences.

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[1] Although, as a result of the repeal of the investment credit, an investment credit generally is not available with respect to property acquired after Apr. 18, 1969, in some cases property acquired after that date qualifies for the investment credit by reason of one or more of the transition rules which were adopted in connection with the repeal of the credit.

III. EXPLANATION OF BILL

In general, the bill provides that a new airplane which qualified for the investment credit under the rules of present law for the year it was placed in service may be used outside the United States without a recapture of the credit for up to half of the period taken into account in determining the amount of the credit allowed with respect to the airplane. This provision only applies, however, if the airplane is used outside the United States under a lease from a U.S. air carrier which is made after April 18, 1969 (in general, the date of the repeal of the investment credit) and which complies with the provisions of the Federal Aviation Act of 1958 and the Civil Aeronautics Board's rules and regulations under that act. A lease entered into after April 18, 1969, to replace a lease made on or before that date, or the renewal or extension after that date of a pre-April 19, 1969, lease, is to be considered a lease made after April 18, 1969, for purposes of this provision.

Inasmuch as the maximum period which may be taken into account in computing the amount of an investment credit is 8 years, the bill provides that there is in all cases to be a recapture of the investment of lease described above (or is registered under the laws of a foreign country) for more than 4 years. The amount of the credit to be recaptured in this event is to be determined under the rules described below.

As indicated above, the basic concept of the bill is that an airplane may not be used outside the United States for more than half the period taken into account in determining for recapture purposes the amount of the investment credit allowable with respect to the airplane. Accordingly, the bill provides that if an airplane which is used outside the United States in the manner described above is disposed of or otherwise ceases to qualify as investment credit property before the end of the period taken into acocunt in determining the amount of the credit originally allowed, then the amount of the investment credit to be recaptured is to be determined in the manner specified below. In computing the period of time the aircraft is considered to have been actually used by the taxpayer, the calendar months during any part of which it was used outside the United States under the type of lease described above may be taken into account only to the extent of the number of calendar months during all the days of which the plane was used in the United States (or was operated to and from the United States or under contract with the United States). The plane also must have been registered with the Federal Aviation Agency during these months. (However, the bill provides that an aircraft (after it is placed in service) for any calendar month in a taxable year ending before 1971 is to be treated as used in the United States if the plane was qualified investment credit property under present law for that year.)

The application of the recapture rule provided by the bill may be illustrated by the following example. Assume an airplane was placed in service by a U.S. air carrier in the middle of a taxable year and was used for the remaining 6 months of that taxable year and the entire following taxable year solely in the United States. Assume further that the airplane was then leased (under a lease of the type described above) for use outside the United States for a period of 3 years and was, in fact, used in that manner for the 3-year period. Assume further that at the end of the 3-year period the plane was sold by the U.S. air carrier. Although the air carrier has actually had the plane for a period of 4½ years, it is considered under the bill to have used the plane for a period of only 3 years. This results from the fact that only 1½ of the 3 years the plane was used outside the United States may be taken into account since the plane had been used in the United States for 1½ years. Accordingly, upon the sale of the plane, there would be a recapture of the entire investment credit previously allowed with respect to it since no credit is allowed with respect to property used less than 4 years.

The amendment made by this bill is to apply to taxable years ending after April 18, 1969.

AMENDMENT OF SECTIONS 902(b) AND 902(c) OF THE INTERNAL REVENUE CODE OF 1954

The bill (H.R. 18549) to amend sections 902(b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1527), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. SUMMARY

H.R. 18549 modifies in two respects the indirect foreign tax credit presently allowed domestic corporations for foreign income taxes paid by a first-tier or second-tier foreign corporations on earnings which are distributed to the domestic corporation. First, the indirect foreign tax credit is to be available for foreign income taxes paid by a third-tier foreign corporation in which the second-tier foreign corporation has at least a 10-percent ownership interest. Second, the required ownership of a first-tier foreign corporation in the second-tier foreign corporation also is reduced from 50 percent to 10 percent. A credit is not to be available in either of these situations, however, unless the domestic corporation has at least a 5 percent indirect ownership interest in the second- and third-tier foreign corporations.

The Treasury Department has indicated that it does not oppose the enactment of this bill.

II. REASONS FOR THE BILL

Under present law, U.S. taxpayers are allowed a credit against the tax on their foreign income for foreign income taxes paid by them with respect to that income. In addition, a domestic corporation is allowed a foreign tax credit against its U.S. tax for foreign taxes paid on income earned by a foreign corporation which in turn is paid as a dividend to the domestic corporation. This type of credit is referred to here as an indirect credit. In order to claim an indirect credit on dividends received, a domestic corporation must own at least 10 percent of a foreign corporation. An indirect foreign tax credit is also allowed for foreign income taxes paid by a second-tier foreign corporation which is at least 50 percent owned by the first-tier foreign corporation in those cases where its earnings are distributed through the first-tier corporation to the domestic corporation.

In the past it has not been clear why the credit has not been available in the case of third-tier corporations except possibly because of the manner in which the provisions developed. In 1918 when the foreign tax credit was first adopted, a domestic corporation was permitted the indirect credit for taxes paid by first-tier foreign subsidiaries. In 1942 the indirect credit was first permitted for second-tier foreign corporations but at that time the second-tier foreign subsidiary had to be wholly owned by the first-tier foreign corporation. In 1951 this 100 percent requirement for ownership of the second-tier corporation was reduced to 50 percent. At that time it was stated "on administrative grounds there is a basis for requiring majority ownership but not complete ownership."

It has become increasingly common for U.S. taxpayers to engage in joint ventures at the second-tier level in foreign countries where there is not a 50-percent ownership between the first- and second-tier levels. In addition, foreign law often requires a substantial degree of local ownership so that it may be difficult for a first-tier foreign subsidiary to have a 50-percent ownership in a second-tier foreign subsidiary. Moreover, it has become increasingly common (and at times necessary) for U.S. taxpayers to engage in business in foreign countries through foreign subsidiaries at the third-tier level. The committee agrees with the House that the principle of allowing an indirect foreign tax credit in these situations is the same as in the case of the indirect credit allowed under present law. The extension of the indirect credit to these situations also would conform the tax law with current business practices. Moreover, the committee does not believe that allowing the credit in these cases would present significant administrative difficulties for the Treasury Department in auditing claimed foreign tax credits for two reasons: First, extensive information reporting requirements are presently imposed on U.S. taxpayers with respect to foreign corporations in which they have an ownership interest. Second, under present law, a taxpayer is not allowed a foreign tax credit unless the taxpayer has established to the satisfaction of the Treasury Department the amount of the tax for which a credit is claimed and all other information which is necessary to verify and compute the foreign tax credit.

The Treasury Department indicated that it believes there are a number of other problems in our present tax laws as they relate to the taxation of foreign income. In this regard it should be made clear that by taking action on this bill at this time the committee does not intend to foreclose the future consideration of other problems involving U.S. taxation of foreign income which may be presented to it.

III. EXPLANATION OF BILL

For the reasons discussed above, the bill extends the indirect foreign tax credit to foreign income taxes paid by third-tier foreign corporations in which the second-tier foreign corporation has at least a 10 percent ownership interest (determined by voting power).

The bill also reduces the required ownership for allowance of the indirect foreign tax credit between first- and second-tier foreign corporations from 50 percent to 10 percent. The indirect credit is to be allowed for foreign incomes taxes paid by a second- or third-tier foreign corporation, however, only where the domestic corporate shareholder has an indirect ownership interest (determined by voting power) of at least 5 percent in the second- and third-tier foreign corporation. This continues what is, in effect, the 5 percent indirect ownership requirement under present law with respect to second-tier foreign corporations (under present law this indirect ownership requirement arises as a result of the requirement that the domestic corporation own at least 10 percent of the first-tier foreign corporation and that it own at least 50 percent of the second-tier foreign corporation).

The amendments made by this bill are to apply to taxable years of domestic corporations ending after the date of enactment of the bill, but only with respect to dividends which are paid by one corporation in a chain to another corporation in the chain after the date of enactment. Thus, a domestic corporation is to be allowed an indirect foreign tax credit for foreign income taxes paid by a third-tier foreign corporation which meets the ownership tests provided by the bill only to the extent the taxes were paid with respect to earnings which are distributed as a dividend to the second-tier foreign corporation by the third-tier foreign corporation after the date of enactment of the bill. Similarly foreign income taxes paid by a second-tier foreign corporation, which meets the ownership tests provided by the bill but which is less than 50 percent owned by the first-tier foreign corporation, are to be eligible for a foreign tax credit (when subsequently distributed to the domestic corporation) only when the distribution occurs after the date of enactment of the bill.

AMENDMENT OF SECTION 278 OF THE INTERNAL REVENUE CODE OF 1954

The bill (H.R. 19242) to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves was announced as next in order.

Mr. LONG. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. LONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

That (a) subsection (a) of section 7275 of the Internal Revenue Code of 1954 (relating to requirements of showing total cost on airline tickets) is amended by—

(1) inserting "and" at the end of paragraph (1) thereof,

(2) striking out paragraph (2) thereof, and

(3) renumbering paragraph (3) as paragraph (2) and striking out in such paragraph "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1)".

(b) Subsection (b) of such section (relating to requirements of showing total cost on airline advertising) is amended by striking out the word "only" in paragraph (1) and by amending paragraph (2) to read as follows:

"(2) if any such advertising states separately the amount to be paid for such transportation or the amount of such taxes, shall state such total at least as prominently as the more prominently stated of the amount to be paid for such transportation or the amount of such taxes and shall describe such taxes substantially as: 'user taxes to pay for airport construction and airway safety and operations'.".

SEC. 2. The amendments made by the first section of this Act shall apply to transportation beginning after June 30, 1970.

Mr. LONG. Mr. President, this amendment has to do with the ticket tax on airplane tickets. There had been some question that the airline tax bill that passed the Senate in the Spring did not permit one to show the breakdown of the ticket cost between the tax and the cost before the tax. Similarly, this breakdown could not be shown in the advertising. This amendment would simply provide that one can show on the ticket and can show in the advertisement the amount of the tax but in any event he must show the total price of the ticket including the tax.

If he wants to provide truth in advertising, it will be perfectly all right to break down the cost of the fare into its components—as to the tax and the ticket charge—so long as he shows the total.

Mr. SAXBE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LONG. Mr. President, I withdraw the amendment.

AMENDMENT OF SECTION 165(g) OF THE INTERNAL REVENUE CODE OF 1954

The bill (H.R. 19369) to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE TARIFF ACT OF 1930

The bill (H.R. 19391) to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1531), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 19391 is to amend section 557(b) of the Tariff Act of 1930 in order to grant to the transferee of merchandise in bonded warehouse the right to administrative and judicial review of customs decisions.

GENERAL STATEMENT

H.R. 19391, as passed by the House and approved by the Committee on Finance, would restore to the transferee of merchandise in bonded warehouse, after withdrawal of the goods the liquidation of the entry, the same right to file a protest pursuant to section 514 of the Tariff Act of 1930, as amended, as was possessed by the importer of the merchandise.

As a result of customs court decisions with regard to the notice of liquidation to transferees and in consideration of the cost of separately notifying the transferee of merchandise of the liquidation of import entries, the Treasury Department recommended the withdrawal of the right of the transferee of merchandise in bonded warehouse to file protests under section 514. That recommendation was adopted by the Congress in the Customs Simplification Act of 1953.

The Treasury Department has informed the committee, in submitting the proposal contained in H.R. 19391, that it is now recognized that the denial of this protest right to transferees may result in inequities. Under existing law, the transferee has the legal obligation to pay additional duties and must put up a bond to insure payment of such duties. In the absence of this legislation, however, the transferee has no direct right to secure administrative and judicial review of customs decisions affecting his merchandise, except in extremely limited and unusual circumstances. The importer of record, who has the right to file protests on behalf of the transferee, may be unable or unwilling to do so. Thus, without an independent right to file protests, transferees in such situations are without a remedy.

The committee on Finance agrees with the Committee on Ways and Means of the House that the independent right of a transferee of merchandise in a bonded warehouse to file protest to secure administrative and judicial review of customs decisions affecting his merchandise should be restored.

The bill provides that the notice of liquidation shall be given to the transferee in the form and manner prescribed by the Secretary of the Treasury. The committee is informed that if such notice cannot be handled satisfactorily in the daily bulletin of liquidations, then adequate and timely notice of liquidation would be mailed to the transferee.

The act would become effective with respect to articles entered for warehousing on or after the date of enactment.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954 WITH RESPECT TO CERTAIN STATUTORY MERGERS

The bill (H.R. 19562) to amend the Internal Revenue Code of 1954 with respect to certain statutory mergers was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1533), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. SUMMARY

This bill amends the tax law to permit a tax-free statutory merger when stock of a parent corporation is used in a merger between a controlled subsidiary of the parent and another corporation, and the other corporation survives—here called a "reverse merger."

The Treasury Department has indicated that it has no objection to the enactment of this bill.

II. REASONS FOR THE BILL

In 1968 Congress added a provision to the tax laws permitting statutory mergers where the stock of the parent of the corporation making the acquisition was used in the acquisition (sec. 368(a)(2)(D)). At the time that statute was enacted, the use of stock of a parent corporation was permitted in the type of reorganization involving the acquisition of stock (subparagraph (B)) and in the type of reorganization involving the acquisition of assets (subparagraph (C)) but was not permitted in the case of a statutory merger of a subsidiary. After noting this fact, the House committee report went on to explain the reasons for the amendment as follows:

"Apparently the use of a parent's stock in statutory mergers was not initially provided for because there was no special concern with the problem at the time of the adoption of the 1954 code. However, this is no longer true. A case has been called to the

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attention of your committee in which it is desired to have an operating company merged into an operating subsidiary in exchange for the stock of the parent holding company. Your committee sees no reason why tax-free treatment should be denied in cases of this type where for any reason the parent cannot or, for business or legal reasons, does not want to acquire the assets (even temporarily) through a merger.

"For the reasons set forth above your committee concluded that it was desirable to permit the use of the stock of the parent corporation in a statutory merger in acquiring a corporation in essentially the same manner as presently is available in the case of other tax-free acquisitions. (House report on H.R. 18942 (90th Cong.).)"

Thus, under existing law, corporation X (an unrelated corporation) may be merged into corporation S (a subsidiary) in exchange for the stock in corporation P (the parent of S) in a tax-free statutory merger. However, if for business and legal reasons (wholly unrelated to Federal income taxation) it is considered more desirable to merge S into X (rather than merging X into S), so that X is the surviving corporation—a "reverse merger"—the transaction is not a tax-free statutory merger.

Although the reverse merger does not qualify as a tax-free statutory merger, it may, in appropriate circumstances, be treated as tax-free as a stock-for-stock reorganization (subparagraph (B)). However, in order to qualify as a tax-free stock-for-stock reorganization it is necessary that the acquisition be solely for voting stock and that no stock be acquired for cash or other consideration. Thus, if a small amount of the stock of X (the unrelated corporation) is acquired for cash before the merger of S into X, there often may be doubt as to whether or not the transaction will meet the statutory requirements of a stock-for-stock reorganization.

The committee agrees with the House, that there is no reason why a merger in one direction (S into X in the above example) should be taxable, when the merger in the other direction (X into S), under identical circumstances, is tax-free. Moreover, it sees no reason why in cases of this type the acquisition needs to be made solely for stock. For these reasons the amendment makes statutory mergers tax-free in the circumstances described above.

III. EXPLANATION OF THE BILL

The bill amends the tax laws to permit a tax-free statutory merger of one corporation into another when stock of the corporation in control (here called the "controlling corporation") of the merged corporation is given in the transition to the shareholders of the survivor corporation in exchange for their stock. Under the new provision (sec. 368(a)(2)(E)) such a statutory merger may be a tax-free reorganization if it meets several conditions.

First, the corporation surviving the merger must hold substantially all of its own properties and substantially all of the properties of the merged corporation (except stock of the controlling corporation distributed to the transaction).

Second, in the transaction, former shareholders of the surviving corporation must receive voting stock of the controlling corporation in exchange for an amount of stock representing control in the surviving corporation. Control for this purpose (defined in sec. 368(c)) means that the amount of stock in the surviving corporation surrendered for voting stock of the controlling corporation must represent stock possessing at least 80 percent of the total combined voting power (in the surviving corporation), and also stock amounting to at least 80 percent of the total number of shares of all other classes of stock (in the surviving corporation). If voting stock of the controlling corporation is used in the exchange to the extent described, additional stock in the surviving corporation may be acquired for cash or other property (whether or not from the shareholders who received voting stock). Of course, this additional stock in the surviving corporation need not be acquired by the controlling corporation.

The amendment applies not only when the only assets of the merged corporation are the nominal capital required to organize it and the stock of its parent which is to be used in the merger exchange but also when the corporation has substantial properties.

In discussions on this bill, the Treasury Department has expressed concern that the corporate reorganization provisions need review and modification. The committee in agreeing to this amendment does not intend to foreclose consideration of any substantive changes which the Treasury may propose in the corporate reorganization provisions in any future presentations.

AMENDMENT OF SECTION 1372 OF THE INTERNAL REVENUE CODE OF 1954

The bill (H.R. 19627) to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income was considered, ordered to a third reading, read the third time, and passed.

SUSPENSION OF THE DUTIES ON CERTAIN BICYCLE PARTS AND ACCESSORIES UNTIL THE CLOSE OF DECEMBER 31, 1973

The bill (H.R. 19670) to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973, was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-1536), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Purpose

The purpose of H.R. 19670 is to suspend to the close of December 31, 1973, the duties on imports of certain bicycle parts and accessories. The temporary suspension of duties would only apply to imports from countries to which the United States extends most-favored-nation treatment, under column 1 of the Tariff Schedules of the United States.

General Statement

The Committee on Ways and Means of the House received testimony from representatives of the domestic bicycle industry with regard to their difficulties in competing with imported bicycles. H.R. 19670 is intended to improve the competitive ability of domestic producers of bicycles by temporarily suspending the duty on imports of certain bicycle parts and accessories, thereby reducing their costs.

The bill would temporarily suspend the duty on generator lighting sets for bicycles provided for in item 653.39 of the Tariff Schedules of the United States (TSUS). Imports under TSUS item 653.39 are dutiable at 19 percent ad valorem, and such duty is not scheduled for further reduction pursuant to any trade agreement concession. Generator lighting sets for bicycles are not produced domestically and apparently no domestic manufacturer is interested in making such sets.

H.R. 19670 would also suspend the duty on derailleurs, caliper brakes, drum brakes, three-speed hubs incorporating coaster brakes, three-speed hubs not incorporating coaster brakes, click twist grips, click stick levers, and multiple freewheel sprockets. These parts and accessories presently are dutiable under TSUS item 732.36 at the rate of 21 percent. The rate of duty under item 732.36 was subject to a tariff concession pursuant to the Kennedy Round of Trade Negotiations and is scheduled for further reduction to 15 percent ad valorem by January 1, 1972.

The committee is informed that with the exception of coaster brakes and click stick levers the parts and accessories imported under TSUS item 732.36, on which the duty would be suspended temporarily, are not produced domestically. With regard to coaster brakes, which are produced in the United States, the bill would assure that only coaster brakes that are physically joined to three-speed hubs would be accorded duty-free entry. The committee understands that the domestic producer of click stick levers, who is a manufacturer of bicycles, does not object to the temporary duty suspension on this article. As to the other articles included under TSUS item 732.36 on which the duty would be suspended by H.R. 19670, the committee is informed that there appears to be no domestic manufacturer interested in making the articles for sale in competition with low-priced, foreign-made articles.

In view of the above, the temporary suspension of duty on the bicycle parts and accessories provided for in H.R. 19670 would be beneficial to domestic manufacturers of bicycles, particularly in competing with imported bicycles.

Your committee received no objection from any interested government agency to the bill.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954 MAKING PROVISION FOR THE RELIEF OF SPOUSE LIABILITY ARISING FROM A JOINT INCOME TAX RETURN

The bill (H.R. 19774) to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return was considered, ordered to a third reading, read the third time, and passed.

INCOME TAX TREATMENT OF CERTAIN SALES OF REAL PROPERTY BY A CORPORATION

The bill (H.R. 19790) relating to the income tax treatment of certain sales of real property by a corporation was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE TARIFF SCHEDULES RELATING TO THE IMPORTATION OF UPHOLSTERY REGULATORS, UPHOLSTERER'S REGULATING NEEDLES, AND UPHOLSTERER'S PINS FREE OF DUTY

The Senate proceeded to consider the bill (H.R. 10875) to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty which had been reported from the Committee on Finance with an amendment on page 2, after line 8, insert a new section, as follows:

Sec. 3. (a) Schedule 3, part 1, subpart F of the Tariff Schedules of the United States is amended by striking out item 312.10 and inserting in lieu thereof the following:

"	Tops, roving and yarns, all the foregoing wholly or in part of animal hair (including human hair but not including wool and hair provided for in subpart C of this part) whether or not in chief value of other fibers:		
312.08	Containing over 20 percent by weight of animal hair (including human hair but not including wool and hair provided for in subpart C of this part), if suitable for making fabrics of the type provided for in item 366.82....	22½¢ per +40% ad val.	22½¢ per +40% ad val.
312.10	Other, of animal hair (including human hair but not including wool and hair provided for in subpart C of this part).	6% ad val.	20% ad val. "

(b) Schedule 3, part 4, subpart C of such Schedules is amended by striking out item 356.80 and inserting in lieu thereof the following:

"	Woven fabrics, in the piece or in units, chiefly used for paddings or interlinings in wearing apparel:		
356.80	Of vegetable fibers (except cotton), not containing wool or other animal hair (including human hair), containing over 30 yarns to the square inch (counting the warp and filing) and weighing not over 12 ounces per square yard..	6% ad val.	55% ad val.
356.82	Containing over 10 percent by weight of animal hair (including human hair but not including wool and hair provided for in subpart C of part 1 of this schedule)..............	40¢ per lb. + 40% ad val.	40¢ per lb. + 40% ad val. "

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

(d)(1) The rates of duty in rate column numbered 1 of items 312.10 and 356.80 of the Tariff Schedules of the United States (as amended by subsections (a) and (b)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

(2) The amendments made by subsections (a) and (b), insofar as such amendments relate to items 312.10 and 356.80 of the Tariff Schedules of the United States, shall not affect the authority of the President contained in section 201(a)(2) of the Trade Expansion Act of 1962.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty, and for other purposes."

AMENDMENT OF SECTION 165(i) OF THE INTERNAL REVENUE CODE OF 1954

The Senate proceeded to consider the bill (H.R. 18693) to amend section 165(i) of the Internal Revenue Code of 1954 which had been reported from the Committee on Finance with an amendment at the top of page 3, insert a new section, as follows:

SEC. 2. (a) Section 172(b)(1)(D) of the Internal Revenue Code of 1954 (relating to carryover of foreign expropriation losses) is amended by inserting before the semicolon at the end thereof the following: "(or, with respect to that portion of the net operating loss for such year attributable to a Cuban expropriation loss, to each of the 15 taxable years following the taxable year of such loss)".

(b) Section 172(b)(2) of such Code (relating to amount of carrybacks and carryovers) is amended by inserting before the period at the end thereof the following: ", and, if a portion of a foreign expropriation loss for the loss year is attributable to a Cuban expropriation loss, such portion shall be considered to be a separate foreign expropriation loss for such year to be applied after the other portion of such foreign expropriation loss".

(c) Section 172(k) of such Code (relating to definition of foreign expropriation loss) is amended by adding at the end thereof the following new paragraph:

"(3) The term 'Cuban expropriation loss' means, for any taxable year, a foreign expropriation loss sustained by reason of the expropriation, intervention, seizure, or similar taking of property, before January 1, 1964, by the government of Cuba, any political subdivision thereof, or any agency or instrumentality of the foregoing. The portion of a foreign expropriation loss for any taxable year attributable to a Cuban expropriation loss is the amount of the Cuban expropriation loss."

(d) The amendments made by this section shall apply in respect of foreign expropriation losses sustained in taxable years ending after December 31, 1958.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to amend provisions of the Internal Revenue Code of 1954 relating to the treatment of certain losses sustained by reason of the confiscation of property by the government of Cuba."

CONSOLIDATED RETURNS OF LIFE INSURANCE COMPANIES

The Senate proceeded to consider the bill (H.R. 19881) entitled "Consolidated returns of life insurance companies" which had been reported from the Committee on Finance with an amendment on page 4, after line 8, insert a new section, as follows:

SEC. 3. (a) For purposes of applying section 1212(a) of the Internal Revenue Code of 1954 (as amended by section 512 of the Tax Reform Act of 1969) in the case of a corporation which makes an election under subsection (b), any net capital loss sustained in a taxable year beginning after December 31, 1969, may not be carried back to any taxable year beginning before January 1, 1970, for which it was subject to taxation under section 802 of such Code, if the carryback of such loss would result in an increase in such corporation's income tax liability for any such taxable year.

(b) An election to have the provisions of subsection (a) apply shall be made by a corporation—

(1) in such form and manner as the Secretary of the Treasury or his delegate may prescribe, and

(2) not later than the time prescribed by law for filing a claim for credit or refund of overpayment of income tax for the first taxable year beginning after December 31, 1969, in which such corporation sustains a net capital loss.

(c) The Secretary of the Treasury or his delegate shall prescribe such regulations as he determines necessary to carry out the purposes of this section.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act relating to consolidated returns of life insurance companies, and for other purposes."

Mr. **KENNEDY**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1546), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. SUMMARY

H.R. 19881 as passed by the House resolves the principal ambiguities which have arisen under the Life Insurance Company Income Tax Act of 1959 regarding the manner in which the provisions governing the taxation of life insurance companies are to be correlated with the provisions of the tax law governing the treatment of affiliated companies which file consolidated income tax returns. In general, the bill provides that life insurance companies which file consolidated tax returns are to compute the amount of their investment yield which is taken into account in determining their taxable income as if they were filing separate returns. In addition, it is provided that life insurance companies which previously filed consolidated returns under the 1959 act may elect to refile on a completely separate basis for those prior years. The committee accepted this House-passed provision without change.

The committe also added an amendment to the bill which deals with the application in the case of life insurance companies of the 3-year carryback for capital losses which was provided for corporations in the Tax Reform Act of 1969. The amendment allows an insurance company whose tax for a year before 1970 would be increased by reason of a carryback of a capital loss sustained in 1970 or a later year to elect not to have the carryback provisions apply to its capital losses which otherwise would be carried back to pre-1970 taxable years.

The Treasury Department has indicated that it does not oppose the enactment of this bill as amended.

II. REASONS FOR BILL

Treatment of consolidated returns

In the Life Insurance Company Income Tax Act of 1959, Congress extensively revised the income tax treatment of life insurance companies. This revision, however, did not include rules dealing with the taxa-

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tion of a group of affiliated life insurance companies which elected to file a consolidated income tax return. The Internal Revenue Code as well as the Treasury regulations under both the life insurance company provisions and the consolidated return provisions have remained silent on the manner in which these two complex areas of the tax law relate to each other and are to be applied.

In the past, faced with this ambiguous situation, life insurance companies which elected to file a consolidated tax return eliminated intercorporate dividends from the various life insurance company tax computations. The elimination of intercorporate dividends is what is provided for in the Treasury Department consolidated return regulations as a general rule. A recent court case (*Jefferson Standard Life Insurance Company v. United States*, 408 F. 2d 842 (CA. 4, 1969)), however, held that this method of computing an insurance company's taxable income was incorrect. The court held that intercorporate dividends should not be eliminated in computing the amount of each life insurance company's investment yield. The basis for the court's position was that the elimination of intercorporate dividends allowed a life insurance company to deduct a portion of those dividends twice. First, by eliminating the dividends from the life insurance company computations, the companies had in effect, deducted the entire amount of the dividends. Second, a portion of the dividend, in effect, was again deducted as a part of the deduction allowed life insurance companies for additions to their policyholder reserves.

It would appear to the committee that the principle enunciated by the court (namely, that life insurance companies filing consolidated tax returns should compute the amount of their investment yield which is taxable to them as if they were filing separate returns) is appropriate in view of the method provided in the tax law for taxing life insurance companies.

The committee, like the House, is concerned, however, with the effect this principle could have in the case of prior years where there was a lack of any official guidance as to the manner in which these provisions of the tax law were to be coordinated. The principle of the court deprived life insurance companies of the advantages they anticipated receiving from filing consolidated returns (primarily the elimination of intercorporate dividends) while not returning to them various benefits each company in the group would have had if completely separate returns had been filed (principally not having to pay the 2-percent penalty tax imposed prior to 1964 on companies which filed consolidated tax returns).

In view of these considerations, the bill adopts the principle that life insurance companies filing consolidated tax returns are to compute their share of their investment yield as if they were filing separate tax returns. This rule is made applicable as of the effective date of the Life Insurance Company Income Tax Act of 1959. In addition, the bill deals with the problem of those insurance companies who, faced with a complex and unclear law, chose to file consolidated tax returns on the basis of the method of computation which it has subsequently been decided was incorrect. In these cases the bill provides that these companies may file separate tax returns for all prior years to which the Life Insurance Company Income Tax Act of 1959 was applicable beginning with the first year for which a consolidated return was filed. If this is done, the companies are to be allowed any credit or refund of tax, or reduction in a deficiency of tax, which may result solely from filing their returns on a separate, rather than a consolidated, basis. It is important to note that for this treatment to be available, however, the companies must file separate returns for all prior consolidated return years to which the 1959 act is applicable (other than years for which there has been a court decision or a closing agreement). In other words, the previous consolidation must be completely undone for this rule to apply.

Capital loss carryback

Another problem involving life insurance companies was called to committee's attention. This problem arises as a result of the provisions of the Tax Reform Act of 1969 which provide a 3-year capital loss carryback for corporations in addition to the 5-year capital loss carryover previously allowed. It has been called to the committee's attention that this provision, which was intended to provide relief to corporate taxpayers, can have the effect in the case of a life insurance company of increasing the company's tax for a pre-1970 year (i.e., a year prior to the enactment of the 3-year capital loss carryback) if the capital loss is carried back to such a year. Although the carryback would initially reduce the life insurance company's tax which was imposed on its capital gains which are offset by the loss carryback, that would be a reduction of the 25 percent capital gains tax. However, the carryback could result in a so-called phase III tax to the life insurance company and this tax is imposed at the ordinary income tax rate of 48 percent. The 48 percent tax could more than offset the reduction of the 25 percent capital gains tax thus resulting in a net increase in tax to the life insurance company as a result of the loss carryback.

In view of the fact that the 3-year capital loss carryback was intended to be a tax relief provision, the committee believes that it is appropriate to allow those life insurance companies who would have an increase in tax for a pre-1970 year as a result of the capital loss carryback to elect not to have the capital loss carryback provision apply in the case of carrybacks to a pre-1970 year.

III. EXPLANATION OF BILL

Treatment of consolidated returns

The bill provides that a life insurance company which files (or is required to file) a consolidated tax return for a year is to compute its share of its investment yield (i.e., the amount of its investment yield remaining after deduction of the policyholders' share of the investment yield) as if it were filing a separate tax return. This rule is to apply to the computation of the life insurance company's share of the investment yield under both phase I and phase II of the life insurance company tax provisions. Any determinations and computations which must be made in determining investment yield are to be made on a separate basis. Thus, each life insurance company included in the consolidated return is to separately determine its gross investment income, its deductions in arriving at its investment yield, its current, average, and adjusted earnings rates (including determinations based on the amount of its assets), and its policy and other contract liability requirements independently of the other companies included in the consolidated returns. The same is true of the computation of the company's share of investment yield for purposes of the phase II life insurance company tax. The bill however, does not affect the manner in which other determinations which are necessary to arrive at the life insurance company's taxable investment income and gain from operations are to be made (i.e., determinations other than those which must be made in arriving at the insurance company's share of the investment yield).

This provision is to apply to all taxable years to which the Life Insurance Company Income Tax Act of 1959 is applicable (i.e., years beginning after December 31, 1957).

In addition, a rule is provided which allows those companies which filed consolidated income tax returns under the 1959 act for years ending prior to the enactment of the bill to file completely separate returns for those years up to 1 year after the enactment of the bill. This refiling on a separate basis is to be allowed for a taxable year notwithstanding any law or rule of law which would otherwise prevent it, unless there has been a court decision with respect to that year or the taxpayer has entered into a closing agreement with respect to that year.

The election provided by the bill may be made only if certain requirements are satisfied. First, the previous election to file consolidated returns must have been first made for a taxable year ending before March 13, 1969.[1] Second a life insurance company which wishes to file a new separate return for a previous consolidated return year must elect (in the manner prescribed by the Secretary of the Treasury) this treatment and must file consents to the application of the election by all other companies which were members of the same affiliated group as the electing company for any taxable year beginning after 1957 and ending before March 13, 1969. Finally, the electing and consenting life insurance companies must file a separate return for the first taxable year under the 1959 act for which a consolidated return was filed and for each subsequent taxable year ending prior to the enactment of the bill (whether a separate or a consolidated return was previously filed for any of those subsequent years). A separate return is not to be filed, however, for any taxable year if the allowance of a credit for that year is barred by a court decision (res judicata) or a closing agreement. The election by a life insurance company to file its returns on a separate basis, the filing of the consents to that election of the other affiliated companies, and the filing of the separate returns must be made within 1 year after the date of enactment of the bill.

Since it is intended that life insurance companies which previously filed consolidated returns under the 1959 act and which make the election to file separate returns completely undo the previous consolidation, the bill provides that if the statute of limitations on the assessment of a deficiency, or the allowance of a credit or refund, of income tax for any taxable year for which a refiling is required either ran or would run before the expiration of 2 years from the enactment of the bill, then a deficiency may be assessed, or a credit or refund allowed, for that year until the end of that 2 year period (whether a separate or a consolidated return was previously filed for that year). This waiving of the statute of limitations is only applicable however, to the extent the deficiency or overpayment is attributable to the election to file separate, rather than consolidated, returns. For example, assume a life insurance company previously filed a consolidated return for a taxable year with respect to which the statute of limitations has run and eliminated intercorporate dividends from the computations of its taxable income (contrary to the rule provided by the bill) and paid the 2-percent penalty tax. If it makes the election provided under the bill and files a separate return, the election in general will extend the statute of limitations in two respects. First, there may be an assessment of the additional tax which arises from including the intercorporate dividends in the computation of the life insurance company's investment yield. Second, the life insurance company will be allowed to credit against that additional liability the amount of the 2-percent penalty tax it previously paid.

It is further provided that no interest may be assessed with respect to a deficiency of this nature and that no interest is to be allowed on any credit or refund of this nature for any period prior to 1 year after the enactment of the bill. Of course, if the statute of limitations for a prior taxable year with respect to which there is an outstanding deficiency has not run and the refiling of the company's tax return for that year on a separate, as opposed to a consolidated, basis results in a decrease in the amount of the deficiency, the company will not be assessed interest on the amount of the reduction in the deficiency (i.e. the amount for which it is no longer liable), but will be required to pay interest as compared under the normal rules with respect to the amount of the reduced deficiency. In addition, the committee intends that no additions to tax based on negligence or intentional disregard of rules and regulations should be imposed with respect to an underpayment which arises as a result of a life insurance company's failure to previously compute its income tax liability on the basis prescribed by the *Jefferson Standard Life Insurance Company* case and the first section of this bill.

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[1] This is the date on which the *Jefferson Standard Life Insurance Company* case decision was rendered and, thus, is the date on which the taxpayers were first aware of judicial acceptance of the principle embodied in the first section of this bill.

Capital loss carryover

As indicated above, the committee added an amendment to the bill concerning the applicability to life insurance companies of the 3-year capital loss carryback provided for corporations by the Tax Reform Act of 1969. Under the committee amendment, a company may elect not to carryback the net capital losses which it sustains in 1970 (or a later year) to a year beginning before 1970, if the company was a life insurance company for a pre-1970 taxable year and if the carryback would increase the company's tax for a pre-1970 year. If an election under this provision is made, it is to apply with respect to all carrybacks of net capital losses of the electing company to any pre-1970 taxable year if the company's income tax liability (as a life insurance company) would be increased by the carryback for a pre-1970 year.

The election provided by this amendment is to be made in the form and manner the Secretary of the Treasury prescribes. The election may be made by a company at any time before the expiration of the limitations period on the filing of a claim for credit or refund of income tax for the company's first taxable year beginning after 1969 in which it has a net capital loss.

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AMENDMENT OF THE TAX REFORM ACT OF 1969

The Senate proceeded to consider the bill (H.R. 17917) to amend the Tax Reform Act of 1969 which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

That (a) section 401(1) of the Internal Revenue Code of 1954 (relating to certain union-negotiated pension plans) is amended—

(1) by striking out "Multiemployer" in the heading, and

(2) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) such trust was created pursuant to a collective bargaining agreement between employees representatives and one or more employers,".

(b) The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1953, and ending after August 16, 1954, but only with respect to contributions made after December 31, 1954.

The amendment was agreed to.

Mr. McCARTHY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, insert:

That, upon the effective date of this Act, all right, title, and interest in and to the stadium and related facilities constructed or operated pursuant to the District of Columbia Stadium Act of 1957 shall vest in the United States, and shall thereafter be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") pursuant to the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and pursuant to such substantive authorities, as he shall deem advisable, granted to the District of Columbia Armory Board (hereinafter referred to as the "Board") in section 5 of the District of Columbia Stadium Act of 1957.

SEC. 2. The Board shall transfer to the Secretary all its records, contracts, plans, financial statements, and other documents pertaining to the stadium, together with all funds and equipment utilized in the administration of the area, and it shall execute and deliver to the Secretary any other instruments deemed necessary by him to carry out the purposes of this Act.

SEC. 3. The Secretary is authorized and directed to take such action as he shall deem necessary to provide within one year from the effective date of this Act for the payment in full, and retirement of, any and all indebtedness, both principal and interest, which may remain outstanding by reason of construction of the stadium.

SEC. 4. Notwithstanding any other provision of law, the Secretary shall provide for the imposition and collection of a tax at the rate of 5 per centum on the sale of or charges for admissions to professional sports activities in the stadium, which shall be collected and paid into the Treasury of the United States until such time as there has been reimbursement of the amount expended pursuant to section 3 of this Act, for retirement of the indebtedness remaining outstanding by reason of the construction of the stadium.

SEC. 5. Notwithstanding any other provision of law, until such time as certification is made by the Secretary to the Commissioner of the District of Columbia that full reimbursement to the Treasury of the United States has been made in accordance with the provisions of section 4 of this Act, no taxes of the District of Columbia applicable to paid admissions to sport activities at the stadium shall be charged or collected.

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Mr. McCARTHY. Mr. President, this is an amendment approved by the subcommittee of the House District Committee. The effect of it is to transfer title to the District Stadium to the Department of Interior and also provide a 5-percent tax on all admissions to the stadium for athletic events to meet the cost of approximately $20 million of bonded obligation which the Department of the Interior would pay to the District to the commission that now operates the District Stadium.

There was a special problem, as far as baseball is concerned. Negotiations with the District Committee make it almost impossible to work out any kind of reasonable arrangement.

I am informed that the Interior Department did not agree to this transfer to the House. The problem is really one of timing. It was agreed to in the subcommittee and generally accepted by the executive branch of the Government. But the time does not allow for hearings on the Senate side nor for the orderly consideration of this particular amendment.

I am hopeful that the spokesman for the District Committee and the leadership might accept the amendment.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SPONG. Mr. President, if I understand what the Senator has said, although a bill similar to this amendment has been introduced on the Senate side, there have been no hearings.

Mr. McCARTHY. The Senator is correct.

Mr. SPONG. I would like to say to the Senate that I am a fan of the Washington Senators, although my enthusiasm has diminished somewhat toward the end of the last season. I know that the District Committee on the Senate side would entertain hearings and would give consideration to this entire problem. But I believe it would be much better if that committee had an opportunity to do so. I think that not only the Department of the Interior but also those who have administered the stadium should be heard from on this side.

I assure the Senator that there would be hearings on this matter were it to be reintroduced at the next session.

Mr. McCARTHY. Mr. President, this does not involve in any way what may be worked out concerning arrangements with the owners of the Senators, whatever agency of Government might be in control. It would simply open the way to negotiations which might come out exactly as the present situation. But at least it would open up the way to negotiations which, I am informed, are not possible at this time.

Following the objection of the Senator from Virginia and the indications that hearings will be held, I withdraw the amendment and withdraw my hold on the bill.

The PRESIDING OFFICER. The amendment is withdrawn and the hold on the bill is withdrawn.

The question is on the engrossment of the committee amendment and third reading of the bill.

The committee amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 17917) was passed.

The title was amended, so as to read: "An Act to amend the Internal Revenue Code of 1954 with respect to the period of qualification of certain union-negotiated pension plans."

AMENDMENT OF SECTION 367 OF THE INTERNAL REVENUE CODE OF 1954

The Senate proceeded to consider the bill (H.R. 19686) to amend section 367 of the Internal Revenue Code of 1954 which had been reported from the Committee on Finance with amendments on page 2, line 23, after the word "an", strike out "exchange." and insert "exchange." "; and, after line 23, strike out:

"(d) CONTRIBUTIONS OF CAPITAL TO CONTROLLED CORPORATIONS. For purposes of this chapter, any transfer of property to a foreign corporation as a contribution to the capital of such corporation by one or more persons who, immediately after the transfer, own (within the meaning of section 318) stock possessing at least 80 percent of the total combined voting power of all classes of stock of such corporation entitled to vote shall be treated as an exchange of such property for stock of the foreign corporation equal in value to the fair market value of the property transferred unless, before such transfer, it has been established to the satisfaction of the Secretary or his delegate that such transfer is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes."

(b) Section 1492 of such Code (relating to nontaxable transfer) is amended—

(1) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and "or"; and

(2) by adding at the end thereof the following new paragraph:

"(3) To a transfer to which section 367(d) applies."

(c) The amendments made by this section shall apply to transfer made after December 31, 1967; except that sections 367(d) and 1492 of the Internal Revenue Code of 1954 (as amended by this section) shall apply only with respect to transfers made after December 31, 1970.

And, in lieu thereof, insert:

(b) The amendment made by subsection (a) shall apply to transfers made after December 31, 1967.

Mr. KENNEDY. Mr. President, as I understand it, the committee has agreed to disagree to the House amendment.

Mr. LONG. Mr. President, the committee amendment was to strike certain language from the House passed bill. Since reporting the bill, we have discussed the matter, and we have concluded that we should not agree to the committee amendment. As a result the bill can be passed as the House sent it to us. To do otherwise might leave a rather serious loophole in the tax law.

That being the case, I ask unanimous consent that the committee amendment be disagreed to with the effect that the bill is left as the House passed it.

Mr. HANSEN. Mr. President, reserving the right to object, I ask unanimous consent that there be printed in the RECORD a letter to Senator WILLIAMS of Delaware to John S. Nolan, Deputy Assistant Secretary, pointing out and confirming what the distinguished Senator from Louisiana, the chairman of the Finance Committee, has referred to, by saying that it is apparent that, as the bill was amended by the Finance Committee, there was a tax loophole created of which none of us was then aware.

I thank the distinguished chairman of the committee for his willingness to reinsert the clause as stricken by the Finance Committee so that the bill may be approved by the Senate as it came from the House.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 29, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: As I told you by telephone, the Finance Committee today voted to approve a series of tax bills passed by the House. The action on one of these bills, H.R. 19686, is of major concern to us.

This particular bill, as passed by the House, contained a provision treating contributions to capital to a foreign corporation by U.S. controlling shareholders as subject to the advance ruling requirement in section 367 of the Internal Revenue Code. Thus, under section 367 if a U.S. parent company transfers assets, such as inventories, plant and equipment, or patents to a foreign subsidiary in exchange for stock of the subsidiary, the transaction results in taxable gain to the U.S. transferor unless a ruling is obtained in advance that the purpose of the transfer is not tax avoidance. This prevents transfers of appreciated inventory or other assets, the unrealized gain in which might otherwise escape U.S. tax. A court case has held, however, that this advance ruling requirement does not apply to "contributions to capital" where no stock is taken back in exchange. Obviously in the case of a wholly-owned subsidiary, it is of no consequence whether or not additional stock is taken back.

At our urging, H.R. 19686 was amended to include the contribution to capital rule, was then favorably reported by the House Ways and Means Committee, and was passed by the House. It insures that we will not suffer avoidance of U.S. tax on assets transferred abroad if the court decision should be followed by other courts. Unfortunately, the Finance Committee today in approving the bill deleted this contribution to capital provision on the ground that public hearings should be held before it is enacted.

I do not think public hearings are necessary in this case. The position of the Internal Revenue Service has been firm and consistent for years that contributions to capital require an advance ruling. The court decision is highly questionable, but a substantial potential revenue loss is involved. There is no difference in substance between a contribution to capital to a wholly-owned subsidiary and an exchange of property for stock of such a subsidiary. While the bill extends to cases where the transferors or related persons own 80 percent or more of the stock (rather than being limited to transfers to wholly-owned subsidiaries), this is a reasonable dividing line.

We urge that a floor amendment be adopted restoring the deleted provisions of the House bill. These are contained in proposed section 367(d) of the "ram's-eye" print on page 7 of the enclosed House Committee report. The explanation is at pages 4 and 5–6.

We do not oppose the other provisions of H.R. 19686 which permit the ruling to be obtained after an exchange which involves only two foreign corporations where there is merely a change in form and where the foreign corporations are commonly controlled.

Sincerely yours,
JOHN S. NOLAN,
Deputy Assistant Secretary.

The **PRESIDING OFFICER.** Is there objection to the unanimous consent request of the Senator from Louisiana? The Chair hears none, and it is so ordered. The Senate amendment is rejected.

If there be no amendment to be offered to the bill, the question is on the third reading and passage of the bill.

The bill (H.R. 19686) was ordered to a third reading, was read the third time, and passed.

AMENDMENT OF SECTION 278 OF THE INTERNAL REVENUE CODE OF 1954

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1539, H.R. 19242.

The **PRESIDING OFFICER.** The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill (H.R. 19242) to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LONG. Mr. President, I have discussed with the other side the amendment I had offered and I believe we have reached an understanding.

I again offer the amendment I offered with regard to what is shown on air tickets and in the advertising with respect to the tax on airplane tickets.

The **PRESIDING OFFICER.** The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Louisiana proposes as an amendment the language of S. 4367, which reads as follows:

At the end of the bill insert: That (a) subsection (a) of section 7275 of the Internal Revenue Code of 1954 (relating to requirements of showing total cost on airline tickets) is amended by—

(1) inserting "and" at the end of paragraph (1) thereof,

(2) striking out paragraph (2) thereof, and

(3) renumbering paragraph (3) as paragraphs (2) and striking out in such paragraph "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1)".

(b) Subsection (b) of such section (relating to requirements of showing total cost on airline advertising) is amended by striking out the word "only" in paragraph (1) and by amending paragraph (2) to read as follows:

"(2) if any such advertising states separately the amount to be paid for such transportation or the amount of such taxes, shall state such total at least as prominently as the more prominently stated of the amount to be paid for such transportation or the amount of such taxes and shall describe such taxes substantially as: 'user taxes to pay for airport construction and airway safety and operations'.".

SEC. 2. The amendments made by the first section of this Act shall apply to transportation beginning after June 30, 1970.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, there was objection when this amendment was offered earlier because it had not been cleared. The statement of the chairman of the Committee on Finance is accurate. The matter has been cleared with the ranking minority member, to whom I now yield.

Mr. WILLIAMS of Delaware. Mr. President, I support this amendment. It would instruct the airlines to show on the ticket the amount of tax being paid. If the price of the ticket were $46, and the tax were $4, for a total of $50, that information would be shown, including the tax.

A previous proposal was interpreted to mean that the airlines did not have to show the tax.

There has been considerable complaint and this should clear up the matter.

Mr. LONG. Mr. President, if I may explain further, at the time we passed the

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airplane tax the Senator from Louisiana insisted that the practice be stopped of advertising an airline ticket at a price which did not include the tax so that when a passenger would go to the airport he would find that the cost of the ticket was not $60 but rather $63 because the tax had not been advertised.

In order to stop that practice, I insisted that the price advertised be the total price. Since then the ticket agents have informed me they want to break the total down into its components to show the tax and price before taxes. That is all right with me so long as the total also appears. This should make everyone happy.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

The **PRESIDING OFFICER**. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1529), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. SUMMARY

Present law requires that expenditures incurred in the first 4 years of the development of a citrus grove must be capitalized and written off over the life of the grove rather than expensed and deducted in the year the expenses were paid or incurred. This bill extends the same rule to almond groves. The provision applies to trees planted on and after December 30, 1970.

The Treasury Department has indicated that it has no objection to the enactment of this bill.

II. REASONS FOR THE BILL

Generally, taxpayers engaged in the business of farming can use the more liberal cash accounting rules which are available for computing income or loss from farming but which are not generally applicable to other forms of business. The Tax Reform Act of 1969 limited the application of this provision, however, in the case of those engaged in the farming business of purchasing, planting, cultivating, maintaining, or developing a citrus grove. In this case that act provided that expenses incurred for the purposes specified above through the fourth taxable year (beginning in the year in which the trees were planted) were to be treated as capital expenditures rather than as currently deductible expenses. As a result in this case, the expenses must be written off over the life of the grove rather than in the year the expense is paid or incurred.

The provision described above, however, does not apply in the case of expenditures incurred in the development of an almond grove. As a result, because of the cash accounting rules referred to above, the expenditures of purchasing, planting, cultivating, maintaining, and developing an almond grove during the early years of the life of the asset can be expensed and the deductions taken currently.

The special cash accounting rules which apply to farming were adopted to relieve farmers of bookkeeping burdens. These rules, however, can be used to obtain current deductions against other income by taxpayers who are not primarily engaged in farming during the period of the development of a grove even though there is no economic loss from incurring the expenses of planting and developing an almond grove. In later years, when the taxable income from the grove increases and the development expenditures are largely completed, the grove in many cases can be sold with the income realized in the form of capital gains subject to a maximum tax rate between 25 percent and 35 percent.

The combination of a current deduction against ordinary income for expenses of a capital nature and the capital gains treatment available on the sale of the almond groves produces significant tax advantages and tax savings for high-income taxpayers. This treatment can also lead to unfavorable economic consequences for the almond industry. It can, for example, result in large speculative tax-motivated plantings of almond groves which bid up the prices of land suitable for the groves. As a result, there also may be an overproduction of almonds that causes declines in their prices. Both effects may operate to the detriment of bona fide almond grove operators who rely upon the income from a grove as their source of livelihood.

The situation in the case of almond groves is substantially the same as that which formerly existed in the case of citrus groves. This was corrected in the Tax Reform Act of 1969 which provided that costs incurred in developing a citrus grove must be capitalized.

The committee joins with the Committee on Ways and Means in requesting the staffs of the Treasury Department and the Joint Committee on Internal Revenue Taxation to undertake a study to determine in what other areas similar conditions exist with respect to development expenditures which appropriately should be capitalized but presently are being expensed.

III. GENERAL EXPLANATION

The bill amends the provision of present law (sec. 278) which requires the capitalization of expenditures incurred in developing a citrus grove to also make it applicable to almond groves. This bill provides that the expenditures attributable to purchasing, planting, cultivating, maintaining, or developing an almond grove must be capitalized, if the expenditures are incurred prior to the end of the third taxable year after the year in which the grove is planted. Thus, expenditures incurred during this period cannot be deducted as a current expense, but instead must be charged to capital account.

This capitalization rule does not apply to expenditures incurred in replanting an almond grove which was damaged or destroyed (while in the hands of the taxpayer) by freeze, drought, disease, pests, or casualty.

The provision applies to trees planted on or after December 30, 1970.

FEDERAL SPENDING IN FISCAL 1971

Mr. ELLENDER. Mr. President, I ask unanimous consent to have placed in the RECORD another tabulation of amounts included in the President's fiscal year 1971 budget request and appropriations enacted during the second session of the 91st Congress grouped in functional categories.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1971 APPROPRIATION BILLS

[In thousands of dollars]

	Fiscal year 1971 budget request	House bill	Senate bill	Final
Defense-Military:				
Civil defense (IO-HUD bill).	73,800	72,100	72,100	72,100
Military construction bill	2,134,800	1,997,037	2,057,871	2,037,814
Defense bill	68,745,666	66,806,561	66,417,077	66,595,937
Military assistance (Foreign Aid bill)	350,000	350,000	350,000	350,000
Atomic Energy Commission (Public Works bill)	2,363,000	2,325,600	2,271,270	2,282,760
Supplemental bill:				
Atomic Energy Commission	25,000		25,000	25,000
Military assistance	840,000	840,000	840,000	840,000
Subtotal	74,532,266	72,391,298	72,033,318	72,203,611
Welfare:				
Labor-HEW bill:				
Public assistance	8,651,950	8,651,950	8,651,950	8,651,950
Work incentives	170,000	120,000	98,000	98,000
Rehabilitation	571,640	566,640	579,140	570,390
Medicaid (to trust fund)	1,245,282	1,245,282	1,245,282	1,245,282
Uninsured (to trust fund):				
Health	878,688	878,688	878,688	878,688
Retirement	370,916	370,916	370,916	370,916
Agriculture bill:				
Food for needy children	216,579		216,579	216,579
Food stamp	1,250,000	1,250,000	1,750,000	1,420,000
Subtotal	13,355,055	13,083,476	13,790,555	13,451,805
Foreign assistance: Economic:				
Foreign aid bill	2,526,539	1,870,961	2,253,639	2,184,310
Supplemental bill	195,000	150,000	210,000	162,500
Subtotal	2,721,539	2,020,961	2,463,639	2,346,810
All other, domestic (except defense, foreign aid, and welfare)	49,505,529	48,976,340	51,178,972	[1] 50,406,031
Total, 1971 appropriations	140,114,389	136,472,075	139,466,484	138,408,257

[1] Includes Transportation bill at conference figure.

Mr. ELLENDER. Mr. President, the appropriations for defense-military totaled $72,203,611,000, a reduction of $2,328,655,000 below the budget request. In the category of "Welfare," the Congress appropriated $13,451,805,000, an increase of $96,750,000 over the President's budget request. The appropriations for foreign economic assistance to-

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taled $2,346,810,000, a reduction of $374,729,000 below the budget request. For all other domestic activities and programs the Congress appropriated a total of $50,406,031,000, an increase of $900,504,000 over the President's budget.

Perusal of this tabulation points out that the Congress reduced the President's budget in the areas of defense and foreign aid by some $2.7 billion and increased the budget request for welfare and other domestic programs by $1 billion to have a net total reduction of $1.7 billion.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation of all appropriation bills handled during the second session of the 91st Congress. The significant item of this summary is a total amount of $138,408,257,167 in appropriations for fiscal year 1971, which is $1,706,132,033 below the total budget estimates covered by the Senate for fiscal year 1971.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

BUDGET ESTIMATES OF NEW BUDGET AUTHORITY CONSIDERED IN APPROPRIATION BILLS, 91ST CONG., 2D SESS., AS OF DEC. 31, 1970 (BUT SUBSEQUENT TO MAR. 5)

[Does not include budget or spending authority in legislative bills; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year (1)	Budget requests considered by House (2)	Approved by House (3)	Budget requests considered by Senate (4)	Approved by Senate (5)	Public Law (6)	Increase (+) or decrease (−), public law compared with budget requests (7)
A. Bills for fiscal 1971:						
1. Education (H.R. 16916):						
Fiscal year 1971 amounts	$3,807,524,000	$4,127,114,000	[2] $3,966,824,000	$4,782,871,000	$4,420,145,000	+$453,321,000
Fiscal year 1972 amounts	1,339,050,000		1,339,050,000			[3] −1,339,050,000
Total Education (veto overridden by House and Senate)	5,146,574,000	4,127,114,000	[2] 5,305,874,000	4,782,871,000	4,420,145,000	−885,729,000
2. Legislative (H.R. 16915)	356,043,285	346,649,230	421,414,899	413,889,653	413,054,220	−8,360,679
3. Treasury-Post Office (H.R. 16900) (net of estimated postal revenues appropriated)	[4] 3,044,755,000	[4] 2,971,702,000	[4] 3,046,693,000	[4] 3,018,079,000	[4] 3,004,711,000	−41,982,000
(Memorandums: Total including authorizations out of postal funds)	(9,565,755,000)	(9,492,702,000)	(9,567,693,000)	(9,539,079,000)	(9,525,711,000)	(−41,982,000)
4. Independent Offices-HUD:						
Vetoed bill (H.R. 17548) (veto sustained by House)	(17,216,823,500)	(17,390,212,300)	(17,468,223,500)	(18,655,019,500)	(18,009,525,300)	(+541,301,800)
Increased limitations for annual contract authorizations—housing programs:						
Fiscal 1971	(369,300,000)	(322,200,000)	(369,300,000)	(349,300,000)	(329,300,000)	(−40,000,000)
Fiscal 1972	(360,000,000)		(360,000,000)			(−360,000,000)
New bill (H.R. 19830)	17,468,223,500	17,709,525,300	17,468,223,500	17,709,525,300	17,709,525,300	+241,301,800
Increased limitations for annual contract authorizations—housing programs:						
Fiscal 1971	(369,300,000)	(329,300,000)	(369,300,000)	(329,300,000)	(329,300,000)	(−40,000,000)
Fiscal 1972	(360,000,000)	(..............)	(360,000,000)	(..............)	(..............)	(−360,000,000)
5. State, Justice, Commerce, and Judiciary (H.R 17575)	3,243,905,000	3,106,956,500	3,251,200,000	3,122,080,500	3,108,074,500	−143,125,500
6. Interior (H.R. 17619)	1,610,757,600	1,610,026,700	1,839,974,600	1,835,337,500	1,835,474,700	−4,499,900
7. Transportation (H.R. 17755)	2,653,825,937	2,579,579,937	2,741,827,437	2,453,923,605	[5] 2,608,134,605	[3] −133,692,832
(Fiscal year 1971 amounts only)	(2,465,814,937)	(2,429,579,937)	(2,553,816,437)	(2,303,923,605)	(2,458,134,605)	(−95,681,832)
8. District of Columbia (H.R. 17868):						
(Federal funds)	109,088,000	108,938,000	109,088,000	108,938,000	108,938,000	−150,000
(District of Columbia funds)	(825,158,000)	(642,906,000)	(825,158,000)	(670,493,000)	(636,118,200)	(−189,039,800)
9. Foreign assistance (H.R. 17867)	2,876,539,000	2,220,961,000	2,876,539,000	2,603,639,000	2,534,310,000	−342,229,000
10. Agriculture (H.R. 17923)	7,531,775,500	7,450,188,150	7,748,354,500	8,475,935,100	8,090,856,550	+343,502,050
11. Military construction (H.R. 17970)	2,134,800,000	1,997,037,000	2,134,800,000	2,057,871,000	2,037,814,000	−96,986,000
12. Public Works-AEC (H.R. 18127)	5,263,433,000	5,236,808,000	5,263,433,000	5,258,695,000	5,238,517,000	−24,916,000
13. Labor-HEW-OEO (H.R. 18515)	18,731,737,000	18,824,663,000	18,759,377,000	19,269,514,078	18,999,392,500	+240,015,500
14. Defense (H.R. 19590)	68,745,666,000	66,806,561,000	68,745,666,000	66,417,077,000	66,595,937,000	−2,491,729,000
15. Supplemental (H.R. 19928)	1,701,836,738	1,525,365,538	1,928,985,264	2,089,107,792	1,853,372,792	−75,612,472
As to fiscal 1971	139,091,898,560	136,472,075,355	140,114,389,200	139,466,483,528	138,408,257,167	−1,706,132,033
As to fiscal 1972	1,527,061,000	150,000,000	1,527,061,000	150,000,000	150,000,000	−1,377,061,000
B. Bills for fiscal 1970:						
1. 2d supplemental (H.R. 17399)	5,918,073,131	5,764,115,791	[2] 6,430,171,902	6,702,375,083	6,021,535,005	[6] −408,636,897
Increased limitations for annual contract authorizations—housing programs, fiscal year 1970	(55,500,000)	(75,000,000)	(55,500,000)	(75,000,000)	(75,000,000)	(+19,500,000)
C. Cumulative total for the session:	146,537,032,691	142,386,191,146	148,071,622,102	146,318,858,611	144,579,792,172	−3,491,829,930

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[1] The budget for 1971, as submitted Feb. 2, estimated total new budget authority for 1971 at $234,818,000,000 gross ($218,030,000,000 net of some $16,788,000,000 interfund and intragovernmental transactions and certain so-called proprietary receipts handled as offsets for budget summary purposes only). Of this total, an estimated $86,706,000,000 does not require current action by Congress; it involves so-called permanent appropriations such as interest, various trust funds, etc., already provided for in various basic laws. The remainder, $148,113,000,000, is for consideration at this session (mostly in the appropriation bills). About $11,300,000,000 of the $148,100,000,000 was shown in the February budget as being "for later transmittal" for new or expanded legislation, pay increases, and contingencies, and about $35,396,000,000 of the remainder requires legislative reauthorization through various annual authorization bills or where the authorization expires periodically. These totals would be somewhat modified by proposals in President's messages of April 3 and 16, relating to pay, postal reform, and postal and other revenues.

[2] Request of $150,000,000 for emergency school assistance originally considered by Senate in 2d supplemental for 1970 but denied. Request reconsidered in education bill for 1971 where the estimate is now reflected.

[3] The February budget requested advance fiscal 1972 funding of $1,527,061,000 ($1,339,050,000 for elementary and secondary education—disallowed in the law—and $188,011,000 for Washington Metropolitan Rapid Transit Authority, of which $150,000,000 was approved by the 2 Houses.

[4] These figures do not reflect the 1971 budget proposals for postal rate increases and adjustments, valued in the February budget at $1,174,000,000 for fiscal 1971. They operate as offsets to new budget authority and outlays, and are so netted out in the budget. Nor do they reflect the additional revenues—or budget authority—that would be involved if the President's recommendations—messages of April 3 and 16—for an 8-cent stamp, etc., were adopted.

[5] Includes $210,000,000 to continue development of a supersonic passenger traffic aircraft for fiscal year 1971. Matter in conference and unresolved.

[6] Reflects cut of $275,000,000 for foreign military credit sales.

H.R. 19915—DISCHARGE OF COMMITTEE FROM FURTHER CONSIDERATION—BILL PLACED ON CALENDAR

Mr. LONG. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 19915. I would like to put this matter on the Calendar so Senators can look at it overnight.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

THE NOMINATION OF FRANK CARLUCCI

Mr. CRANSTON. Mr. President, reluctantly I rise once again to comment on the CRLA situation to seek to make clear the present situation. I want to announce something that is unknown to many Senators who participated in today's deliberation on this matter.

Governor Reagan has announced that he has agreed to accept, not to veto, the 30-day CRLA grant announced yesterday by Mr. Carlucci when he appeared before the Committee on Labor and Public Welfare. This relieves, to some extent, the time pressure involved in this unfortunate matter.

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A number of Republican Senators and Representatives, indicating to me that they had been requested by administration officials to explore the matter with me, have asked me if during the next 24 hours there was any mutual acceptable way to resolve the situation.

I have at all times indicated my willingness and desire to effect a solution through negotiations. I today told them I would be willing to withdraw my objections to committee consideration of the Carlucci nomination on the following conditions:

First, OEO to convene its National Advisory Committee on Legal Services next week to consider the CRLA matter, and to advise OEO on it.

Second, OEO to make available to its advisory committee all material and information submitted to it on this matter by Governor Reagan and by CRLA.

Third, OEO to be in no way bound by the advice of its advisory committee, but to give high value to its recommendations.

Fourth, OEO to make its decision regarding the veto by January 21, 1971.

Those are the suggestions I made today. Some have objected to the current situation on the grounds that it has placed Mr. Carlucci in an intolerable situation under too difficult pressure. Certainly, my proposal, if accepted would make the situation tolerable and substantially reduce the pressure he is presently under.

Before closing, I would like to read a list of the members of the National Advisory Committee on Legal Services. It has 15 members.

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MEMBERS OF THE NATIONAL ADVISORY COMMITTEE ON LEGAL SERVICES

Donald Lowitz—O.E.O. General Counsel.

S. Clinton Bamberger, Jr.—Dean, Catholic University Law School.

Gary Bellow—Deputy Director, Western Center on Law and Poverty, University of Southern California.

Mrs. Jean Cahn—Washington, D.C.

Edward Q. Carr—Director, New York Legal Aid Society.

Attorney General John N. Mitchell.

John W. Cummiskey—Attorney, Grand Rapids, Mich.

Jacob D. Fuchsberg—Attorney, New York Former President, American Trial Lawyers Association.

William T. Gossett—Attorney, Detroit Former President, American Bar Association.

Professor Harold Horowitz—U.C.L.A. Law School.

Judge Edward F. Bell—President, National Bar Association, Detroit.

William Mahoney—Attorney, Phoenix, Ariz.

James Lorenz, Jr.—C.R.L.A.

As to Mr. Lorenz, I assume he would disqualify himself from sitting if this suggestion were followed.

Thomas Gilhool—Attorney, Philadelphia, Pennsylvania.

F. William McCalpin—Attorney, St. Louis, Missouri.

Judge Theodore McMillian—Board Chairman, Human Development Corporation, St. Louis, Missouri.

Judge Philip M. Newman—Los Angeles, California.

Revius O. Ortique, Jr.—Attorney, New Orleans, Louisiana, Former President, National Bar Association.

John D. Robb—Chairman of A.B.A. Standing Committee on Legal Aid and Indigent Defendents, Albuquerque, New Mexico.

Jerome J. Shestack—Attorney, Philadelphia Chairman, A.B.A. Section of Indigent Rights and Responsibilities.

Maynard J. Toll—Former President, N.L. A.D.A., Los Angeles (presumably replaced by John Douglas, new President).

Theodore Voohrees—Attorney, Washington, D.C.

Miss Elizabeth Wickenden—City University of N.Y., Graduate Center.

Bernard Segal—Past President, A.B.A., Philadelphia.

Oliver Lofton—President of Priorities Investment Corp., Newark.

Earl Johnson, Jr.—Attorney, Manhattan Beach, Calif., Former Director, O.E.O. Legal Services.

Edward L. Wright—President, A.B.A., Little Rock.

Leon Jaworski—President-Elect, A.B.A., Houston.

LETTER FROM DEPARTMENT OF THE TREASURY RELATING TO SENATOR JAVITS' AMENDMENT TO SOCIAL SECURITY BILL

Mr. WILLIAMS of Delaware. Mr. President, earlier the Senate approved an amendment offered by the Senator from New York (Mr. JAVITS) as a part of the social security bill. This amendment would change the existing Treasury rule regarding tax treatment for private pension plans.

I ask unanimous consent that the letter of the Treasury Department calling attention to the adverse effects of the amendment be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 29, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Another matter of concern to us is the Javits' amendment to the Social Security bill concerning offset benefit plans. As I advised Senator Javits, we have dealt with this problem effectively by revenue rulings which preclude offsetting future increases in social security against pension amounts. However, in doing so, we adopted a reasonable transitional rule so that plans in existence on July 5, 1968 would become subject to the new rule only with respect to persons retiring after December 31, 1971. This is absolutely necessary to deal fairly with companies which have funded their plans and established their benefit levels in light of the long existing prior practice of permitting offset in the case of integrated plans. The effect of Senator Javits' amendment is simply to override this transition rule.

I think his amendment is unnecessary and would impose hardships on the companies affected.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

A SORRY EXAMPLE OF DELAYED JUSTICE

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that an article appearing in the Commercial Appeal, by Clark Mollenhoff, entitled "A Sorry Example of Delayed Justice." be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SORRY EXAMPLE OF DELAYED JUSTICE

(By Clark Mollenhoff)

WASHINGTON.—An 80-year-old widow has not received a dime from a multi-million-dollar estate that has been in the federal court system in Indiana since 1941. At the same time, judges have approved payment of hundreds of thousands of dollars to lawyers involved in the case.

New complaints about the Indiana situation were called to the attention of the Nixon administration months ago, but, as yet, no action has been taken.

In August, 1961, Franklin Riter, a distinguished member of the board of governors of the American Bar Association, declared the court's handling of the Woodmar Realty Company reorganization reveals" so dreadful a story of judicial dereliction" that it is impossible to find a sequel.

Yet, nine years later, the situation has deteriorated still further.

Recently, Joseph E. Klen, mayor of Hammond, Ind., added his voice to those of Senator John J. Williams of Delaware, Representative H. R. Gross of Iowa and lawyers for the stockholders who have asked Atty. Gen. John Mitchell for an investigation.

Although the Woodmar Realty Company case in northern Indiana has been under the control of the federal judiciary for nearly 30 years, the owners of the firm haven't received a dime. Among the owners is Mrs. Helen M. Woods, 80-year-old widow of the firm's founder.

When Woodmar went into bankruptcy it had assets valued at 2.3 million dollars. The assets included more than a square mile of improved and partly improved business and residential property in Hammond, Ind. The property today has a value in excess of 25 million dollars.

There have been periodic complaints about the manner in which this case was being handled by two federal judges—United States District Judge Robert Tehan of Milwaukee and former United States District Judge Luther Swygert, now chief judge of the Seventh Circuit Court of Appeals.

The most recent complaints filed with Atty. Gen. Mitchell are that Judge Tehan engaged in "illegal distribution of substantial funds" from Woodmar, by paying checks totalling $500,000 on forged, destroyed, and inflated claims.

The checks were drawn pursuant to a plan devised by Carl A. Huebner, attorney for the original trustee who has since been disbarred by the Indiana Supreme Court for 82 specific acts of misconduct and fraud.

Judge Swygert, before his appointment to the bench, was associated with Donald C. Gardner in 11 state court foreclosures on City of Hammond improvement bonds involving the Woodmar property. Yet, Swygert took control of the Woodmar case when he went on the bench in 1943, and kept control until a dozen years later despite challenges for possible "conflicts of interest."

It was Judge Swygert who appointed Charles Surprise as trustee and Carl Huebner as lawyer.

Judge Swygert permitted a business firm, sales agent for the trustees, and two others in a fiduciary capacity, attorney Donald C. Gardner and a client, to buy Woodmar lands at bargain prices.

In 1948, Gardner, Surprise, Huebner, and another attorney, C. Ballard Harrison, were indicted on fraud charges involving the Woodmar property and other property. Harrison, Huebner and Gardner were disbarred. Surprise died before either conviction or disbarment.

Judge Swygert permitted the indicted men—Surprise and Huebner—to retain control over Woodmar until 1952 when the fees being paid these men became a local scandal.

Continued complaints about Judge Swygert resulted in his bowing out of the case in 1956. District Judge W. Lynn Parkinson, of Lafayette, Ind., was assigned the case.

Judge Parkinson permitted Woodmar to defend the trust against special improvement bond claims, and he ordered the new trustee and lawyer appointed by Swygert to leave the case.

Before Judge Parkinson could enter his final order in 1957, he was elevated to the Court of Appeals. Chief Judge F. Ryan Duffy, of the Seventh Circuit, appointed his old Milwaukee friend, Judge Robert Tehan, to preside in the Woodmar matter.

Judge Tehan agreed to follow the law as set down by Judge Parkinson, but a petition filed with the Justice Department charges that he disregarded the law. In 1958 and 1959, Tehan rejected all Woodmar requests for hearings on lien claims.

Tehan had been appointed to the federal bench despite the fact he hadn't paid either federal or Wisconsin state taxes for several years prior to his appointment.

Then Judge Tehan resurrected the Carl Huebner distribution plan, that had been discarded by Judge Parkinson because it was filled with fraud and distorted allowance.

In 1968, Judge Tehan signed orders to pay money to Northwestern Investment Company, a firm formed by one of the disbarred lawyers in 1939 but later dissolved. Tehan also approved an award of $120,000 to attorney Herschel Davis, overruling the objections of Woodmar and the City of Hammond. The judge refused to permit cross-examination of Davis concerning the work he said he did that warranted the $120,000 payment.

In the meantime, Judge Swygert has signed a letter urging readmission of Carl Huebner to the practice of law despite perjury and fraud in the Woodmar case. Swygert said he did it because of his great compassion.

Those are only the highlights of the case now before the Justice Department. It will be a strong challenge to the attorney general to sort out the sorry details of this example of delayed justice.

AN ANALYSIS OF THE ADMINISTRATION'S PROPOSED FAMILY ASSISTANCE PLAN

Mr. **WILLIAMS** of Delaware. Mr. President, I ask unanimous consent to have incorporated in the body of the RECORD an analysis of the administration's proposed family assistance plan—or what is more accurately described as a guaranteed annual income.

This is the bill which was rejected by the Senate earlier this week and which had been offered by the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Utah (Mr. BENNETT) as an amendment to H.R. 17550.

When the bill was first presented to the Congress it was described as a reform of our welfare system; however, when it was analyzed it developed that there was no reform, but quite the contrary, it merely extended the existing welfare inequities to 14 million more people.

There being no objection, the analysis and insertions were ordered to be printed in the RECORD, as follows:

Mr. President, the Administration's Family Assistance Plan has been sold to the American people under the slogan "Workfare vs. Welfare."

The present welfare program has been recognized by all concerned as a program full of inequities. Secretary Richardson in his testimony before the Finance Committee described the present program as a "gigantic failure," and the Administration's new Family Assistance Plan was described as a "major reform."

When the term "reform" is used in connection with legislative proposals it means one of two things; either it proposes to take away from someone something which he is now receiving but to which he is not entitled, or it is to give to someone something which he is not getting but to which he is entitled.

While there is general agreement on the part of all concerned that our existing welfare program is in need of a major reform it should be emphasized that the Administration's bill as it is now pending before the Senate Finance Committee does not embrace reform of the existing law.

In fact, the Secretary of Health, Education, and Welfare admitted to the Finance Committee that under H.R. 16311 not one welfare recipient in America will get a dime less than that which he is now getting under existing law. We must therefore proceed on the premise that there is no reform in this bill. Quite the contrary, all inequities in the existing law will be frozen into the new program.

Before discussing the merits of the bill I wish to dispel the thought that the Finance Committee is responsible for the bill's being before the Senate at this late date.

Questions have been asked as to why so much delay by the Senate Finance Committee in considering the Administration's Family Assistance Plan, and some in the Administration have been implying that this delay was entirely the result of the dilatory actions of the Finance Committee. Let us get the record straight.

H.R. 16311 was first recommended by the President on October 2, 1969. The Ways and Means Committee reported the bill on March 11, 1970, and it passed the House of Representatives on April 16, 1970.

On March 25, 1970, while the bill was pending before the House of Representatives, I placed an inquiry with the Secretary of Health, Education, and Welfare asking for a statistical analysis of the bill as reported by the House Committee with specific emphasis upon the amount of payments that would be made to the respective recipients in two large states and in two small states. It was upon my suggestion that the Finance Committee insisted that this information be furnished.

While the request was filed with the Department of Health, Education, and Welfare, on March 25 it was not until about 9:30 p.m. on April 28, the evening before Secretary Finch was to testify, that the material was received.

During Secretary Finch's testimony the charts showing a statistical analysis of H.R. 16311 were presented to the Committee by Secretary Finch and his associates, and the mathematical results of this legislative proposal shocked both the Committee members and the Department itself.

The information which I requested through the Finance Committee was that all existing programs dealing with welfare be taken into consideration and the question asked was: Assuming the bill passed the Senate in exactly the form which it passed the House just how much would the welfare recipients in the four selected states receive? What we were determining was to what extent inequities in the existing program had been corrected.

I ask unanimous consent that the four charts furnished by the Department of Health, Education, and Welfare appear at this point in the record.

TABLE 1.—COMBINED BENEFITS AND REDUCTION RATES UNDER SELECTED INCOME-TESTED PROGRAMS FOR A 4-PERSON, FEMALE-HEADED FAMILY IN PHOENIX, ARIZ. (P. 372 OF COMMITTEE HEARINGS)

Earnings	FAP benefit	State supplement [1]	Total money income	Federal income tax [2]	State income tax [3]	Social security tax [4]	Food stamp bonus or surplus commodity value [5]	Average medium vendor payment per AFDC family [6]	Public housing bonus [7]	Total including money and in-kind from all sources	Cumulative marginal reduction rate (percent)
0	$1,600	$404	[8] $2,004				$441		$1,176	$3,621	
$720	1,600	404	2,724			$37	441		1,176	4,304	5
$1,000	1,460	357	2,817			52	441		1,176	4,382	72
$2,000	960	190	3,150			104	441		1,104	4,591	79
$3,000	460	23	3,483			156	441		1,032	4,800	79
$3,140 (State breakeven)	390		3,530			163	441		1,032	4,840	71
$3,920 (FAP breakeven)			3,920	$17		204			948	4,647	125
$4,000			4,000	28		208			936	4,700	34
$5,250			5,250	212	$18	273				4,747	96

[1] Calculated according to the family assistance State supplementary formula, but assuming exercise of secretarial discretion to hold reduction rate to 67 percent as authorized in sec. 452(b)(2).

[2] Federal income tax calculated on the basis of the tax provisions in effect in 1972, assuming no surcharge.

[3] Current State tax schedule.

[4] Social security tax of 5.2 percent will be in effect Jan. 1, 1971.

[5] Arizona has no food stamp program, but has a surplus commodity program with an income eligibility ceiling of $3,072 for a family of 4 with no earniigs and $3,552 for a similar family with earnings. Not all eligible families participate in the commodities program. Such families' benefits and cumulative reduction rates would be lower.

[6] Arizona has no title XIX program.

[7] Public housing bonus is the public housing agency estimate of comparable private market rental ($1,680 yearly) minus amount of public housing rent paid. Calculated for 3-bedroom unit from data supplied by local housing authority, including any allowable deductions for employment costs and payroll deductions, but not including deductions for day-care costs, health-related expenses, earnings of minors, or any other deductions allowed. Maximum admission limit is $4,200 of countable income; for continued occupancy $5,250. These figures should be used with caution since the great share of AFDC recipients do not live in public housing, and hence would neither receive subsidized housing or face the high cumulative reduction rate. Precise figures unavailable for Phoenix, Ariz., of number of AFDC recipients living in public housing.

[8] A woman with 3 minor children where State pays $2,004 to a family with no other income.

TABLE 2.—COMBINED BENEFITS AND REDUCTION RATES UNDER SELECTED INCOME-TESTED PROGRAMS FOR A 4-PERSON, FEMALE-HEADED FAMILY IN WILMINGTON, DEL. (P. 373 OF COMMITTEE HEARINGS)

Earnings	FAP benefit	State supplement [1]	Total money income	Federal income tax [3]	State income tax [3]	Social security tax [4]	Food stamp bonus or surplus commodity value [5]	Average medium vendor payment per AFDC family [6]	Public housing bonus [7]	Total including money and in-kind from all sources	Cumulative marginal reduction rated (percent)
0	$1,600	$188	[5] $1,788				$661	$437	$480	$3,366	
$720	1,600	188	2,508			$37	661	437	540	4,109	([6])
$1,000	1,460	141	2,601			52	661	437	540	4,187	72
$1,850 (State break-even)	1,035		2,885			96		437	540	3,766	150 63
$2,000	960		2,960			104		437	528	3,821	108
$3,000	460		3,460			156			432	3,736	
$3,920 (FAP break-even)			3,920	$17	$12	204			348	4,035	68
$4,000			4,000	28	13	208			342	4,093	18
$6,450			6,450	417	60	335				5,638	37

[1] Same as table 1.

[2] Delaware has no food stamp program but has a surplus commodity program with an income ceiling of $2,580 net income (earnings less mandatory payroll deductions). Not all eligible families participate in the commodities program. Such families benefits and cumulative marginal rates would be lower.

[3] Based on estimates of medical vendor payments, May 1969. In view of the seasonal variation in medical care costs, it was assumed that May 1969 represents 1/13 of the annual 1969 payments. Income eligibility is AFDC cutoff for AFDC recipients or $3,000 for medically indigent nonrecipient family of 4.

[4] Public housing bonus is the public housing agency estimate of comparable private market rental ($1,560 yearly in city-leased housing) minus amount of public housing rent paid. Calculated for 3-bedroon unit from data supplied by local housing authority, including any allowable deductions for employment costs and payroll deductions, but not including deductions for day-care costs, health-related expenses, earnings of minors, or any other deductions allowed. Maximum admission limit is $4,800 of countable income; for continued occupancy $6,000. These figures should be used with caution since the great share of AFDC recipients do not live in public housing, and hence would neither receive subsidized housing or face the high cumulative reduction rate. For example, only 29 percent of AFDC recipients in Wilmington, Del., live in public housing.

[5] A woman with 3 minor children where State pays $1,788 for a family with no other income.

[6] The increase in the public housing benefit increases money income by 103 percent of earnings

TABLE 3.—COMBINED BENEFITS AND REDUCTION RATES UNDER SELECTED INCOME-TESTED PROGRAMS FOR A 4-PERSON FEMALE-HEADED FAMILY IN CHICAGO, ILL. (PAGE 374 OF COMMITTEE HEARINGS)

Earnings	FAP benefit	State supplement [1]	Total money income	Federal income tax [1]	State income tax [1]	Social security tax [1]	Food stamp bonus or surplus commodity value [2]	Average medium vendor payment per AFDC family [3]	Public housing bonus [4]	Total including money and in-kind from all sources	Cumulative marginal reduction rate (percent)
0	$1,600	$1,496	[5] $3,096				$408	$789	$1,116	$5,409	
$120	1,600	1,496	3,816			$37	312	789	1,116	5,996	18
$1,000	1,460	1,449	3,909			52	312	789	1,116	6,074	72
$2,000	960	1,282	4,242			104	312	789	1,116	6,355	72
$3,000	460	1,115	4,575			156	288	789	1,116	6,612	74
$3,920 (FAP break-even)		972	4,892	$17		204	288	789	1,116	6,864	73
$4,000		908	4,908	28		208	288	789	1,116	6,865	99
$5,000		241	5,241	172	$11	260	288	789	1,116	6,991	87
$5,362 (State break-even)			5,362	230	14	279			1,116	5,955	38

[1] Same as table 1.

[2] Food stamp bonus is the difference between the value of the coupon allotment and the purchase price of the coupons. Based on current food stamp schedules, with mandatory payroll deductions subtracted from gross income in determining purchase price and eligibility. Income eligibility limit is AFDC breakeven for AFDC recipients or $3,600 net for nonrecipients. Not all eligible families participate in the stamp program. Such families would have lower benefits and cumulative reduction rates.

[3] Based on estimates of medical vendor payments, May 1969. Income eligibility ceiling is AFDC breakeven for AFDC recipients or $3,600 for medically indigent nonrecipient family of 4.

[4] Public housing bonus is the public housing agency estimate of comparable private market rental ($2,076 yearly) minus amount of public housing rent paid. Calculated for 3-bedroom unit from data supplied by local housing authority, including any allowable deductions for employment costs and payroll deductions, but not including deductions for day-care costs, health-related expenses, earnings of minors, or any other deductions allowed. Maximum admission limit is $6,000 of countable income; for continued occupancy above $8,400. Since continued occupancy at higher incomes for increased rent is permitted, no cutoff point for eligibility for public housing is shown in this table. These figures should be used with caution since the great share of AFDC recipients do not live in public housing, and hence would neither receive subsidized housing or face the high cumulative reduction rate. Approximately 18 percent of all AFDC recipients in Chicago, Ill., live in public housing.

[5] A woman with 3 minor children where State pays $3,096 for a family of 4 with no other income.

TABLE 4.—COMBINED BENEFITS AND REDUCTION RATES UNDER SELECTED INCOME-TESTED PROGRAMS FOR A 4-PERSON FEMALE-HEADED FAMILY IN NEW YORK CITY. (PAGE 375 OF COMMITTEE HEARINGS)

Earnings	FAP benefit	State supplement [1]	Total money income	Federal income tax [1]	State income tax [1]	Social security tax [1]	Food stamp bonus or surplus commodity value [2]	Average medium vendor payment per AFDC family [3]	Public housing bonus [4]	Total including money and in-kind from all sources	Cumulative marginal reduction rate (percent)
0	$1,600	$2,108	[5] $3,708				$522	$1,153	$2,052	$7,435	
$720	1,600	2,108	4,428			$37	522	1,153	2,052	8,118	5
$1,000	1,460	2,061	4,521			52	522	1,152	2,052	8,196	72
$2,000	960	1,894	4,854			104	522	1,153	2,052	8,477	72
$3,000	460	1,727	5,187		$6	156	522	1,153	2,052	8,752	72
$3,920 (FAP breakeven)		1,574	5,494	$17	21	204	522	1,152	2,052	8,979	75
$4,000		1,520	5,520	28	26	208	522	1,153	2,052	8,985	92
$5,000		853	5,853	172	53	260	522	1,153	2,052	9,095	89
$6,000		186	6,186	336	80	312	522	1,153	2,052	9,185	91
$6,279 (State breakeven)			6,279	386	90	326			2,052	7,529	694

[1] Same as table 1.

[2] New York City has a surplus commodity food program with an eligibility ceiling of AFDC breakeven levels for AFDC recipients or $4,200 for other low-income families of 4.

[3] Based on estimates of medical vendor payments, May 1969. Income eligibility ceiling is AFDC breakeven for AFDC recipients or $5,300 for medically indigent nonrecipient family of 4.

[4] Public housing bonus is the public housing agency estimate of comparable private market rental ($3,264 yearly in city-aided apartments) minus amount of public housing rent paid. Calculated for 3-bedroom unit from data supplied by local housing authority including any allowable deductions for employment costs and payroll deductions, but not including deductions for day-care costs, health-related expenses, earnings of minors, or any other deductions allowed. Maximum admission limit is $6,900 of countable income; for continued occupancy $8,800. These figures should be used with caution since the great share of AFDC recipients do not live in public housing, and hence would neither receive subsidized housing or face the high cumulative reduction rate. Approximately 8 percent of all AFDC recipients in New York City live in public housing.

[5] A woman with 3 minor children where State pays $3,708 to a family with no other income. The standard in New York State was adjusted to include the rent as paid to a public housing authority ($101 a month) for a typical unit. Does not reflect increased standards as of May 1, 1970.

The Finance Committee after reviewing these charts and after three days of testimony by Secretary Finch in executive session unanimously recommended that further hearings be suspended until such time as the Department of Health, Education, and Welfare had rewritten the bill and eliminated some of the flaws and loopholes which the charts exposed.

It was upon my motion that hearings were suspended and that the Department was requested to rewrite the bill. As evidence that this opinion was shared by other Committee members I quote a statement by Senator Harris, of Oklahoma, on April 30, 1970. He was directing his remarks to Secretary Finch.

"With all due respect, gentlemen, I believe this is the most ill-prepared presentation that I have seen since I have been in the Congress of the United States. I am really amazed that some of these very simple questions do not get a very quick and easy response—such things as just asked a minute ago about medicaid, and the questions I asked yesterday about the day-care costs. It seems to me that those are things which ought to have been easily available, because they ought to have been thought out in advance when you put this plan together."

The Department of Health, Education, and Welfare returned this bill to the Finance Committee in five installments beginning on June 11, and the final amended version of H.R. 16311 was delivered to the Finance Committee on June 23, 1970. A couple of days prior thereto we were advised that Secretary Finch had resigned and that a new Secretary of Labor was to be appointed. This delayed the Committee hearings since the Department wanted the new Secretary, Mr. Richardson, who was confirmed on June 11, to have an opportunity to familiarize himself with the bill.

In a schedule approved by the Secretary of Health, Education, and Welfare, Mr. Richardson, hearings were resumed on July 21. Then they were adjourned on Thursday, July 23, at the request of Secretary Richardson in the midst of his testimony in order that he could take a week-end trip west with the Presidential party.

Hearings were resumed by the Finance Committee on Tuesday, July 23. At this point I ask unanimous consent that there appear in the Record the charts showing how payments would be made in the same four states under amended version of H.R. 16311.

INSERTION V.—*Benefits Potentially Available to Four Person Female-Headed Families*

These tables were prepared, pursuant to a request by Senator John Williams to show the cash and housing benefits potentially available under H.R. 16311 as revised by the Administration in June, but including current law food and Medicaid programs instead of the Administration's June 11 revisions of these programs.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
July 22, 1970.

BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN PHOENIX, ARIZ.

Earnings	FAP benefit	State supplement	Total gross money income	Federal, State, and social security taxes	Current schedule food stamp bonus	Total average medicaid payment to AFDC family	Total net money in kind	Housing bonus to family under proposed 1970 Housing Act [1]	Total net money and in kind
0	$1,600	$608	$2,208		$690	(2)	$2,898	$1,118	$4,016
$720	1,600	608	2,928	$37	480	(2)	3,371	974	4,345
$1,000	1,460	613	3,073	52	408	(2)	3,429	945	4,374
$2,000	960	653	3,613	104	360	(2)	3,869	837	4,706
$3,000	460	694	4,154	156	312	(2)	4,310	711	5,021
$4,000		707	4,707	246	288	(2)	4,749	573	5,322
$5,000		313	5,313	457	288	(2)	5,144	422	5,566
$6,000			6,000	689		(2)	5,311	250	5,561
$7,000			7,000	944		(2)	6,056		6,056
BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN WILMINGTON, DEL.									
0	$1,600	$188	$1,788		$828	$437	$3,053	$722	$3,775
$720	1,600	188	2,508	$37	624	437	3,532	578	4,110
$1,000	1,460	328	2,788	52	552	437	3,725	522	4,247
$2,000	960	828	3,788	104	360	437	4,481	322	4,803
$3,000	460	852	4,312	156	312	437	4,905	192	5,097
$4,000		664	4,664	249	288	437	5,140	104	5,244
$5,000		93	5,093	460	288	437	5,358		5,358
$6,000			6,000	699			5,301		5,301
BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN CHICAGO, ILL.									
0	$1,600	$1,556	$3,156		$408	$790	$4,354	$1,349	$5,703
$720	1,600	1,556	3,876	$37	312	790	4,941	1,201	6,142
$1,000	1,460	1,509	3,969	52	312	790	5,019	1,178	6,197
$2,000	960	1,342	4,302	104	312	790	5,300	1,095	6,395
$3,000	460	1,175	4,635	156	288	790	5,557	1,011	6,568
$4,000		987	4,987	236	288	790	5,829	923	6,752
$5,000		416	5,416	443	288	790	6,051	816	6,867
$6,000			6,000	669			5,331	670	6,001
$7,000			7,000	912			6,088	420	6,508
$8,000			8,000	1,134			6,866	170	7,036
$9,000			9,000	1,369			7,631		7,631
BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN NEW YORK, N.Y.									
0	$1,600	$2,156	$3,756		$312	$1,153	$5,221	$989	$6,210
$720	1,600	2,156	4,476	$37	288	1,153	5,880	811	6,691
$1,000	1,460	2,109	4,569	52	288	1,153	5,958	788	6,746
$2,000	960	1,942	4,902	104	288	1,153	6,239	705	6,944
$3,000	460	1,775	5,235	156	288	1,153	6,520	621	7,141
$4,000		1,587	5,587	237	288	1,153	6,791	533	7,324
$5,000		1,016	6,016	460	288	1,153	6,997	426	7,423
$6,000		459	6,459	703	288	1,153	7,197	315	7,512
$7,000			7,000	971			6,029	180	6,209
$3,000			8,000	1,219			6,781		6,781

[1] Assumes 2-bedroom unit. (Includes public housing which will be available to only 6 percent of family assistance families nationwide.)

[2] No medicaid program.

Secretary Hodgson, Department of Labor, began his testimony on this bill on August 4, and once again upon his request committee hearings were suspended until Thursday, August 13, in order that the Secretary could attend the Governor's Conference.

I outline this chronology in order to illustrate that the Administration must accept some responsibility for the confusion and delay on this bill.

In the first place, had the bill been properly analyzed and prepared by the Department before presenting it to the Congress this confused situation would not have developed.

The plain fact is that while the Administration in its press releases outlined a meritorious goal toward reforming the welfare system, the actual bill they presented to Congress failed miserably in achieving that objective.

One major argument in support of the Family Assistance Plan as presented to the House Ways and Means Committee was the alleged favorable results of an experiment on guaranteed annual income which had been conducted in New Jersey by the Office of Economic Opportunity.

The Ways and Means Committee relied heavily upon this testimony; I quote from the committee report:

"We believe that these preliminary data suggest that fears that a Family Assistance Program could result in extreme, unusual, or unanticipated responses are unfounded.

"Furthermore, we believe these preliminary data from the New Jersey project indicate that a Family Assistance Program is practical. The data suggests that: There is no evidence that work effort declined among those receiving income support payments. On the contrary, there is an indication that the effort of participants receiving payments increased relative to the work effort of those not receiving payments."

Later in testimony before the Senate Finance Committee Secretary Finch, Secretary Richardson, and Secretary Hodgson all referred to the alleged successful results of the guaranteed annual income experiment in the New Jersey area as a basis for their confidence that the Administration's Family Assistance Plan would work.

But the Finance Committee received information which indicated that the results of the New Jersey experiment were quite the contrary and requested the General Accounting Office to examine the results of this project and report to our Committee.

On August 18, 1970, the General Accounting Office testifying before our Committee emphatically stated that the results of the New Jersey experiment showed that it had been a dismal failure. In effect the G.A.O. charged the agency with manipulating the statistics in order to arrive at a preconceived favorable conclusion.

I quote an excerpt from the General Accounting Office report, a complete copy of which was made in part of the Committee records:

"We believe it is premature to conclude generally that, 'There is no evidence that work effort declined among those receiving income payments.' The data reflected in the OEO report represents less than a years activity. Moreover, on the basis of the material in the OEO report and the other material to which we were given access, we do not believe the data has been subjected to sufficient analysis to support conclusions from it. Finally, we believe that such conclusions as may eventually be drawn from this data are likely to vary with the plans and strata defined in the experiment. In such cases, premature conclusions drawn from the aggregated data could be misleading.

"We believe it is wrong to conclude that, 'On the contrary, there is an indication that the work effort of participants receiving payments increased relative to the work effort of those not receiving payments.' The only evidence we find in the OEO report to support this statement is Chart IV on page 11. We believe there are defects both in the underlying data and in the preparation of that chart sufficient to preclude conclusions from it."

At this point I insert the complete General Accounting Office report dated June 1970.

XUM

Preliminary Comments on the New Jersey Graduated Work Incentive Experience

(Prepared by the staff of the U.S. General Accounting Office, June 1970)

SUMMARY

This paper deals with work performed by GAO in connection with OEO's New Jersey Graduated Work Incentive Experiment, and more specifically, with a report issued by OEO in February 1970, describing the results of that experiment. Our review was limited by constraints on our access to the full data base accumulated during the experiment.

We believe that a number of important qualifications which are omitted from the OEO report are necessary to a proper understanding of the issues which the report seeks to address. We found problems in the collection and analysis of data supporting the OEO report—and in the completeness of the presentation of the data in that report.

We believe our findings raise serious questions as to the appropriateness of the conclusions drawn in the OEO report. Our own overall conclusions are found on page 16 of this paper.

BACKGROUND AND SCOPE OF THE GAO WORK

The Office of Economic Opportunity (OEO) initiated the New Jersey Graduated Work Incentive Experiment in 1968. The experiment, which is scheduled to be completed in 1972, is being conducted by a contractor (Institute for Research on Poverty, Madison, Wisconsin) and a sub-contractor (Mathematica, Princeton, New Jersey).

On February 18, 1970, OEO issued a 26 page report describing preliminary results of the experiment. The report emphasized questions of work effort behavior and income patterns of families included in the experiment, and suggested that certain conclusions might be drawn from the preliminary data being reported.

The material we are presenting in this paper for the information of the Committee is addressed to the content of the OEO report and the data supporting it. More specifically, we centered our inquiry on those parts of the report concerning the income and work effort and characteristics of the families included in the experiment. We have not yet inquired into those parts of the report concerning spending behavior, family stability, and administrative costs.

After preliminary contacts with OEO and OEO's contractors, we began work on April 13, 1970 at the offices of Mathematica, where most of the material supporting the OEO report is maintained. Our work proceeded with some difficulty because of objections raised by OEO and OEO's contractors as to the propriety of GAO's access to data which they considered preliminary and experimental. In the interest of expediting our work and as an accommodation to the concerns expressed by OEO and OEO's contractors relative to the unique character of the experiment, we have proceeded to date to carry on our work under the following constraints: We agreed not to insist on access to the complete data base accumulated during the experiment, and we agreed to test certain of the data presented in the report by means of a sampling procedure which we devised.

These constraints clearly limit our ability to report more fully to the Congress on the status of the experiment. While our access was adequate to permit us to prepare the charts in our Appendix II and to make the other observations on the OEO report which are contained in this paper, our ability to provide additional information and explanations would be severely limited unless complete access were to be allowed by OEO and the contractors.

INTRODUCTION

Page 2 ("Introduction") of the OEO report stated:

"The New Jersey data now available were gathered from August, 1968, through October, 1969, in Trenton, Paterson, and Passaic from 509 of the 1,359 participating families. They are based on the experiences of 364 families receiving various levels of support payments and a control group of 145 families not receiving payments. The control group is used for purposes of comparison with the experimental group, since their characteristics at the beginning of the experiment were similar to those of the experimental group. We can therefore tell whether the payments have had any effect at the end of the experiment by looking at any differences between the two groups."

We are bringing to the attention of the Committee a number of facts not stated in the OEO report which we believe bear on the usefulness of the OEO report and which relate to the data described in the paragraph quoted above. Some of these facts we believe quite seriously affect the conclusions which, according to OEO, are suggested by the data. Other of these facts are of lesser importance but do relate to matters of accuracy and understanding of the report.

CHARACTERISTICS OF FAMILIES IN THE EXPERIMENT

Pages 6 and 7 of the OEO report describe ". . . the characteristics of the families in the experimental group at the beginning of the project."

We believe that the reader of the report should be made aware—and the OEO report fails to point out—that these data on family characteristics do *not* relate to the 509 families from whose experience the income data described later in the report were drawn. The data relate, instead, to the larger group of 1,359 families, which include those from Jersey City, New Jersey, and Scranton, Pennsylvania, as well as those from Trenton, Paterson, and Passaic, New Jersey.

The importance of this distinction is that some of the characteristics of the larger and the smaller groupings are different—for example, ethnic composition. When all five cities are included, the ethnic composition is correctly described on page 6 of the OEO report, as follows:

"About 36 percent of the families were white, another 36 percent were black, and the remainder were principally Spanish-speaking Puerto Ricans."

However, other data in the OEO report (e.g., work effort) were not obtained from the five cities, but only from three of them: Trenton, Paterson, and Passaic. The ethnic composition of the 509 families from whom data were drawn in these three cities was about 13 percent white, 45 percent black, and 42 percent Spanish-speaking Puerto-Rican.

We make this point as a matter of accuracy since we believe that pages 6 and 7 of the OEO report are somewhat misleading insofar as the rest of the OEO report is concerned. In order to clarify the actual characteristics of the 509 families on whom the OEO report was based, we asked OEO's contractor to prepare the descriptive material which we are including as Appendix I for the information of the Committee.

WORK EFFORT BEHAVIOR

On pages 10 and 11, the OEO report briefly describes work effort behavior and provides a chart comparing the earnings of the experimental and control groups. The contents of these two pages from the OEO report are reproduced below:

ACTUAL WORK EFFORT BEHAVIOR

"Chart IV indicates actual work effort on the part of the participants. On the basis of these data, we can say that work effort did not decline for the group analyzed, but rather that it followed a pattern close to Line B on Chart III. There is, in fact, a slight indication that the participants' overall work effort actually increased during the initial test period."

(GAO note: Chart III is attached as our Appendix III.)

CHART IV.—ACTUAL WORK EFFORT BEHAVIOR

[In percent]

	Control	Experimental
Percent of families whose—		
Earnings increased	43	53
Earnings did not change	26	18
Earnings declined	31	29

We believe that readers of Chart IV should be aware of several facts concerning it which are not made explicit in the OEO report:

(1) The chart is based on only 318 of the 509 families participating in the experiment in the cities of Trenton, Paterson, and Passaic. The data on 191 of the families (37 percent of the families) was not used by OEO's contractor in preparing Chart IV because of the problems in the interviews and coding of the data.

Based on generally accepted statistical standards we believe that conclusions are made highly questionable if drawn from data in which this large an attrition has occurred.

(2) The basis used by OEO's contractor for determining whether a family's earnings changed was a comparison of weekly earnings. A family's earnings for the week preceding an interview conducted ten to twelve months after the pre-enrollment interview. Approximately twenty percent, or greater, change in the weekly earnings between the two periods was the criterion used to determine whether the family's earnings would be considered to have increased, to have decreased, or not to have changed.

The two weekly periods used in making the comparison for the Trenton families differed from the two weekly periods used for the Paterson and Passaic families. For the Trenton families, earnings for a week in August 1968 were compared with earnings for a week in August 1969.

For the Paterson and Passaic families, earnings for a week in November or December 1968 or in January 1969 were compared with earnings for a week in either November or December 1969.

We believe that combining the data from the two different periods into Chart IV represents a violation of good statistical practice and precludes the application to Chart IV of appropriate tests of statistical significance. In summary, we believe that any conclusions drawn on the basis of Chart IV are highly questionable based on the data from which the chart was constructed.

INCOME PATTERNS OF THE EXPERIMENTAL GROUP

Page 12 of the OEO report describes income patterns of the experimental group and page 13 of the report contains Chart V showing the average monthly income of experimental families over 10 consecutive four-week periods, extending from December 28, 1968 through October 3, 1969. The time period covered by the chart was not identified in the report.

We believe readers of Chart V should be aware of several other facts concerning it which are not made explicit in the OEO report:

(1) Chart V reflects the income experience only of families in Paterson and Passaic, New Jersey. The income experience of families in Trenton, New Jersey—the city longest in the experiment—is not shown.

(2) The income data for the first month ($340 on Chart V) was obtained in a different manner than the income data for the subsequent 9 months. The first month's income data was obtained by interview (from the stated recollection of the interviewees) and was not supported by income statements, and payroll stubs, as was the data for subsequent months after families had been enrolled. We have no evidence that the manner in which the first month's income data was obtained reflects any upward or downward bias, but we do believe that readers of the chart should be aware of this difference in derivation of the data.

(3) Chart V was based on data from income statements submitted every four weeks by families in the experimental group. Similar data was not collected from families in the control group, and so it is not possible for OEO's contractor to directly relate the monthly experience of the control group families to the monthly experience of the experimental group families.

We believe that, in general, this seriously diminishes the utility of the control group as a means of isolating the effects of the experiment. With respect to Chart V, we believe that the absence of comparable data from the control group makes extremely difficult and tenuous any attempt to draw conclusions from it relative to *the effects of the experiment* on the income patterns of the families reflected in it. That is, Chart V should be read as reflecting not only the effects of the experiment but such factors as changing economic conditions as well, e.g., changes in the prevailing wage scales.

(4) As stated above, the OEO contractor had accumulated data from income statements submitted by the families in the experimental group every four weeks. This data was accumulated by city (Trenton, Paterson, and Passaic) and by the level of income the families stated they were earning when they entered the program. These latter, termed "income strata" by the contractor, reflected three levels:

Families whose stated incomes were within the defined poverty standard at the time they were enrolled in the experiment. These were identified as Stratum I.

Families whose stated incomes were up to 25 percent above the defined poverty standard. These were identified as Stratum II.

Families whose incomes fell between 25 and 50 percent above the defined poverty standard. These were identified as Stratum III.

Most of the families enrolled in the experiment fell into Strata II and III, i.e., those whose stated pre-enrollment incomes placed them above the defined poverty standard.

While we would caution that data such as that shown in Chart V is inconclusive, we believe that to the extent that the Committee chooses to consider it, the Committee would benefit by having the data accumulated by the contractor presented more comprehensively, and with further refinement, than was presented in the OEO report. For this reason we have prepared, and are furnishing as Appendix II the following charts:

A corrected Chart V. Chart V, as published by OEO, contains a number of minor arithmetic errors in its construction. The errors were not serious and are shown in our Appendix II, page 20 along with the corrected chart prepared by us. This chart combines Strata I, II, and III families.

Charts depicting for the Paterson-Passaic families the average family income over the 12 consecutive four-week periods from December 28, 1969, through November 28, 1969 for each of the three income strata (See Appendix II, pages 21, 22, and 23). Data has not as yet been made available to us to extend these charts into 1970.

Charts depicting average family income for the Trenton families over 21 consecutive four-week periods extending from August 3, 1968, through March 13, 1970. This data is presented for all Trenton experimental families (Appendix II, page 24) and by income strata (Appendix II, pages 25, 26, and 27).

THE DIFFERENT PAYMENT PLANS

The allocation of the families in the experiment among the various income maintenance plans being studied in the experiment is not addressed in the OEO report. We believe a brief discussion of this allocation is useful in understanding the data being accumulated and reported by OEO and OEO's contractors.

The 1,359 families in the full experiment and the 509 families in the three cities on which the OEO report is based are distributed among 8 different income guarantee plans and to a control group. The variations among the 8 plans are the result of combinations of the two specific factors: the "guarantee" and the "benefit reduction rate."

The guarantee is the amount of money a family will receive if they have no other income. The guarantee is expressed as a percentage of the poverty level, which varies according to family size. The guarantees in this experiment are 50 percent, 75 percent, 100 percent, and 125 percent.

The benefit reduction rate is the rate (percentage) of income earned by which the benefits are reduced. For example, if the benefit reduction rate is 30 percent, the benefits will be reduced by 30 cents for each dollar of earned income.

The control group is made up of a similar mixture of families which receive no benefits under the plan other than small fees for cooperating in the periodic interviews and reporting changes of address. These fees have been adjusted to increase the incentive to co-operate. We have not as yet, reviewed these payments but we understand that a family may receive from ten to twenty dollars per month depending upon the information required of them in the month.

As stated in the OEO report, 364 of the 509 families in Trenton, Paterson and Passaic were assigned to plans under which they were guaranteed a certain income. The eight plans and the number of families assigned to each plan are as follows:

ALLOCATION OF FAMILIES TO PLANS

Plan	Percentage guarantee	Benefit reduction rate	Number of families, preenrollment family income (expressed as percentage of poverty level)			Total
			Stratum I (0-100)	Stratum II (101-125)	Stratum III (126-150)	
Paterson-Passaic:						
A	50	30	0	0	10	10
B	50	50	23	21	0	43
C	75	30	19	0	17	36
D	75	50	0	10	34	44
E	75	70	7	28	1	36
F	100	50	17	7	9	33
G	100	70	6	6	31	43
H	125	50	9	8	14	31
Subtotal			81	80	116	277
Trenton:						
A	50	30	5	5	3	13
B	50	50		5	6	14
C	75	30	6	4	3	13
D	75	50	5	7	1	13
E	75	70	4	4	1	9
F	100	50	6	2	6	14
G	100	70	4	4	3	11
H	125	50	0	0	0	0
Subtotal			33	31	23	87
Total			114	111	139	364

The following is an example of how the experiment works. A family of four assigned to Plan B, which most closely approximates the Family Assistance Plan, is guaranteed an income of $1,741. If the family's other income for the year is $1,000, the benefit received from the experiment will be reduced 50 percent of that amount. The family's total income would be:

Other income	$1,000
Income from experiment guarantee	1,741
Less 50 percent of $1,000	500
Subtotal	1,241
Total	2,241

The data drawn from the 364 experimental families and 145 control families (total of 509) was presented in the OEO report in an aggregated way without reference to the operation of the 8 different plans within the experiment. The experiment was deliberately designed to provide data which presumably would be sensitive to the varying effects of these plans. Such conclusions as may eventually be drawn from this data are likely to vary with the plans and strata defined in the experiment. For this reason, we would caution readers of the OEO report that the aggregated data reported is not necessarily representative of the operation or effects of any particular income maintenance plan.

CONCLUSIONS

On page 3, the OEO report concludes the following from the preliminary data obtained in the three cities:

"The data suggest that:

"There is no evidence that work effort declined among those receiving income support payments. On the contrary, there is an indication that the work effort of participants receiving payments increased relative to the work effort of those not receiving payments."

We believe it is premature to conclude generally that, "There is no evidence that work effort declined among those receiving income payments." The OEO report represents less than a year's activity. Moreover, on the basis of the material in the OEO report and the other material to which we were given access, we do not believe the data has been subjected to sufficient analysis to support conclusions from it. Finally, we believe that such conclusions as may eventually be drawn from this data are likely to vary with the plans and strata defined in the experiment. In such cases, premature conclusions drawn from the aggregated data could be misleading.

We believe it is wront to conclude that, "On the contrary, there is an indication that the work effort of participants receiving payments increased relative to the work effort of those not receiving payments." The only evidence we find in the OEO report to support this statement is Chart IV on page 11. We believe there are defects both in the underlying data and in the preparation of that chart sufficient to preclude conclusions from it.

CHARACTERISTICS OF FAMILIES IN EXPERIMENT, TRENTON, PATERSON, AND PASSAIC

	Experimental families	Control families
Sample size:		
Trenton	87	39
Paterson/Passaic	276	107
Total (509)	363	146
Average age of family head (years)	34.4	34
Average family size:		
3 cities combined	5.9	5.5
Trenton	6.1	6.1
Paterson/Passaic	5.9	5.3
Education of family head:		
Average number of years of schooling:		
3 cities combined	8.0	7.5
Trenton	8.3	8.2
Paterson/Passaic	7.9	7.2
Percentage of high school graduates:		
3 cities combined	12.9	11.7
Trenton	12.8	17.9
Paterson/Passaic	12.9	9.4

	Experimental families		Control families	
	Number	Percent	Number	Percent
Race:				
3 cities combined:				
Black	160	44.7	67	47.5
White	47	13.1	17	12.1
Spanish	151	42.2	57	40.4
Total	358	100.0	141	100.0
No response	5		5	
Trenton:				
Black	53	60.9	27	73.0
White	16	18.4	7	18.9
Spanish	18	20.7	3	8.1
Total	87	100.0	37	100.0
No response	0		2	
Paterson/Passaic:				
Black	107	39.5	40	38.5
White	31	11.4	10	9.6
Spanish	133	49.1	54	51.9
Total	271	100.0	104	100.0
No response	5		3	

	Experimental families	Control families
Family earnings in year before enrollment:		
3 cities combined	$4,001	$4,008
Trenton	3,860	3,798
Paterson/Passaic	4,045	4,085

	Experimental families		Control families	
	Number	Percent	Number	Percent
Occupational status:				
3 cities combined:				
Skilled[1]	220	63.0	93	64.6
Unskilled[2]	129	37.0	51	35.4
Total	349	100.0	144	100.0
No response	14		2	
Trenton:				
Skilled[1]	41	47.1	22	56.4
Unskilled[2]	46	52.9	17	43.6
Total	87	100.0	39	100.0
Paterson/Passaic:				
Skilled[1]	179	68.3	71	67.6
Unskilled[2]	83	31.7	34	32.4
Total	262	100.0	105	100.0
No response	14		2	

[1] Includes professional, technical, managerial, and clerical workers, salesmen, foremen, and operatives.

[2] Includes persons employed in private households, in the service industries, and laborers.

Source: Prepared by Mathematica at GAO's request. This data was not verified by GAO.

	Experimental families	Control families
Employed at time of enrollment (percent):		
3 cities combined	89.3	93.7
Trenton	82.6	82.1
Paterson/Passaic	91.6	98.1

Dr. Harold W. Watts, who originally designed the New Jersey project, stated in a May 1969 paper read before the American Economic Foundation that any reliable results of this New Jersey experiment would not be available until the project had run at least two years.

As evidence that the so-called favorable report of the New Jersey guaranteed annual income experiment was a political analysis rather than a factual one I quote from an article by Fred J. Cook which appeared in the New York Times Magazine of April 24, 1970. The Dr. Wilson referred to in this article was the agency representative who gave the favorable testimony to the Congressional Committee.

". . . O.E.O. started making payments in the Trenton area in August 1968. The experiment was to run for three years. In August 1971, the data would be compiled and assessed. But unforeseen political events disrupted this neat schedule.

"President Nixon, to the amazement of most of Capitol Hill, proposed his income-maintenance plan. The Nixon program is similar to the one being tested by O.E.O. but includes a couple of extra features—a provision for childcare centers so that the mothers of young children could work, and a job-training plan so that any head of family receiving assistance could upgrade his talents and get a better job.

"The Nixon proposal went into deep freeze in the conservatively controlled House Ways and Means Committee, and early this year committee sources began complaining that the President's plan would encourage shiftless recipients to live a life of leisure on the dole. The income-maintenance idea seemed to be in trouble, and the White House—through its intellectual in residence, Daniel Patrick Moynihan—sought to counter the objections. They turned to Wilson for ammunition.

"'I sat down to write a report,' Wilson recalls with a rueful grin, 'and I took it to Pat Moynihan. Pat jumped all over me. He stomped around the room, waving his arms, that Irish temper of his flaring. "Wilson," he said, "you mean to tell me that you've had a $5-million experiment running in New Jersey for almost two years now and you don't know what you've got?"

"'I tried to explain that you had to let the experiment run its course before you could evaluate your data. "Wilson," Pat snorted, "the fact is that you haven't got any answers. Why don't you have answers? That's the trouble with you economists—you never have any facts until it is too late."

"'He got so mad that I said, "Dam it, I'll get some answers."'"

The projected cost of the Family Assistance Program as presented to the House Ways and Means Committee is admittedly unrealistic. In the committee report on H.R. 16311 the Administration projects the cost of the new F.A.P. program at $8.2 billion annually. This compares with the 1970 costs of welfare payments under present law of $4.5 billion. The amended version as submitted to the Finance Committee on June 23 projects the cost of H.R. 16311 at $9.1 billion, or an increase of $900 million over the House bill.

Following questions raised by Senator Byrd of Virginia during committee hearings H.E.W. furnished an amended report to the Committee confirming that some of the costs had been overlooked in the previous estimate and that the new projected cost was $10.8 billion. This is a 25 per cent increase over the estimate of the cost of the program as presented to the House just a few months ago.

At this point I insert a letter dated August 1, signed by Secretary Richardson, and addresed to Senator Byrd of Virginia, wherein he confirms the $10.8 billion projected cost for the amended version of H.R. 16311 in fiscal 1971.

AUGUST 1, 1970.

Hon. HARRY F. BYRD, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: During the recent hearings before the Senate Committee on Finance, you requested that the Department submit a reconciliation of previous and current estimates of the costs of the Family Assistance Plan. We appreciate an opportunity to clarify this very important matter for you and your colleagues; the reconciliation of costs is attached.

Your questions during the recent hearings contributed significantly to the discussion and I look forward to working with you and your colleagues as you write legislation to reform the current welfare system.

If you desire any additional materials, please do not hesitate to call upon me.

Sincerely,

ELLIOTT L. RICHARDSON,
Secretary.

RECONCILIATION OF PREVIOUS AND CURRENT ESTIMATES OF THE NET COSTS OF THE FAMILY ASSISTANCE PLAN

Federal costs of H.R. 16311, with the revisions suggested by the Administration, are estimated to be $4.1 billion in excess of what the FY 1971 cost would be under existing legislation.[1] This represents an increase of $400 million over the net costs of the House-passed version. The increase results chiefly from the proposal to provide for joint administration of the food stamp program with the Family Assistance Plan. (A much higher degree of utilization can be expected if recipients can purchase food stamps from and through the same process as they obtain cash assistance.) Costs under H.R. 16311 as amended, and under current law are compared in the attached table.

These estimates are not directly comparable to earlier ones, especially those that have been presented for Fiscal Year 1968. When *net* costs are presented, those for different years reflect different actual (or estimated) costs under existing legislation as well as

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[1] Most of the cost estimates are provided for FY 1971 rather than FY 1972, so that consistent estimates of the impact on State costs and caseloads can be presented. The State-by-State figures require projections of current program costs and caseloads from the individual States to serve as benchmarks. These projections are presently available only for FY 1971.

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differences in what total Federal costs would be under the Family Assistance legislation. Federal costs under current legislation have shown a marked increase over the last few years and are projected to continue increasing. In contrast, costs under Family Assistance are estimated to have a much slower rate of increase. The combined effect is a decline over time in the estimated *net* costs of Family Assistance.

There are three additional reasons why the estimates recently submitted to the Senate Finance Committee should not be compared directly to estimates published earlier: 1) Components of the proposed Family Assistance Act have varied as it has moved through the legislative process; 2) Estimating procedures are continually being updated and improved; and 3) Estimates of the costs of welfare under present legislation have been increasing with more current reports from the States.

All of these factors are relevant in reconciling the differences between estimates appearing in the House Report and those recently presented to the Senate Finance Committee. For example, the following table compares two estimates of payments to families.

COMPARISON OF 2 ESTIMATES OF FISCAL YEAR 1971 COSTS OF PAYMENTS TO FAMILIES

[Dollars in billions]

	Estimates appearing in—		
	Senate committee print	House report	Difference
Gross payments to families[1]	$4.1	$3.8	$0.3
Adjustment for increasing unemployment	.1		—.1
Subtotal	4.2	3.8	.4
30 percent matching of state supplemental	.8	.8	
Total Federal cost of payments to families	5.0	4.6	.4
Federal share of AFDC payments	−2.8	−2.5	—.3
Costs of payments to families attributable to H.R. 16311	2.2	2.1	.1

[1] Gross payments are total payments to low income families under pt. D.

The estimate of the *total* cost of payments to families increased by $400 million. This increase can be attributed to the use of more current data and improved estimating procedures as described in pages 17 through 22 of the Senate Committee Print as well as certain proposed changes in the legislation although the latter are less significant in explaining cost differences. (In fact, a good part of the increase derives from the adjustment in the CPS data that is described on page 22.) The striking thing about the table, however is that the estimated *net* cost is virtually the same. This is because the projection of Federal costs of AFDC payments in FY 1971 has increased in the last months. Both the projection appearing in the House Report and its counterpart in the Senate Committee Print were taken from what were then the latest available estimates from the States.

As presently computed, estimates of gross payments to families are in no way tied to projections of AFDC and do not change as the latter are updated. In contrast, the estimated Federal share of adult category costs with the Administration's proposals do change as projections of the current program are revised. In the adult category, then, a change in the estimated *net* cost due to the Administration's proposal was more offset by applying it to a more recent—and higher—estimate of costs under current law. This is shown below.

COMPARISON OF TWO ESTIMATES OF 1971 COSTS OF PAYMENTS IN ADULT CATEGORIES

[Dollars in billions]

	Estimates appearing in		
	Senate committee print	House report	Difference
Additional cost due to proposed changes	$0.6	$0.7	−$0.1
Estimated cost under current law	2.2	2.0	.2
Total cost	2.8	2.7	.1

One objective of the preceding discussion has been to demonstrate that changes in estimating procedures, conversions to more current data, and the use of updated projections interact in different ways in determining the estimated net costs of H.R. 16311. But beyond this, and as indicated earlier, there have been changes in the proposed legislation which can also affect cost. Such changes can cancel each other out in terms of their cost impact. For example, H.R. 16311, as passed by the House, differs in several important ways from the Administration's original proposal, but the costs remained the same.[1] This is illustrated below.

NET COST COMPARISON: INITIAL ADMINISTRATION PROPOSALS VERSUS H.R. 16311

[Dollar amounts in billions]

	Estimated 1968 costs of—		
	Initial administration proposal	H.R. 16311	Difference
Payments to families	$3.0	$2.6	−$0.4
Payments to States	.1	.4	.3
Increased costs of adult categories	.4	.5	.1
Training and day care	.6	.6	
Administration	.3	.3	
Total	4.4	4.4	

Other than its proposals regarding food stamps, the revisions in H.R. 16311 suggested by the Administration are far less significant than the kind of change that produces the different figures shown above. Also, the proposed revisions interact with one another so that their combined impact on costs is not simply the algebraic sum to their individual impacts taken one at a time. Still further, the changes were generally incorporated into the estimating procedures as these were being revised and up-dated. For these two reasons, it is not easily possible to quantify the precise extent to which the proposed revisions alone explain the differences in cost estimates.

The difference in estimated costs of H.R. 16311 between those that appeared in the House Report and those that are presently before the Senate Finance Committee have understandably caused confusion. The preceding discussion has attempted to show that no factor can alone explain the differences. A number and variety of factors must be considered including changes in data, improved estimating procedures, and more current projections of current program costs, as well as changes in the proposed legislation. Only the most thorough and time consuming analysis could fully attribute the exact impact on the cost estimates to each single factor.

Much has been said about this program as being one which would provide $1600 cash benefits to a family of four with proper cash work incentives, but under the Administration's bill this $1600 is but the beginning and represents only that portion of the welfare benefits which are 100 percent federally financed.

It does not take into consideration the state supplements which are automatically triggered in and become mandatory and upon which states will pay 70 per cent of the cost. Nor does it include the food stamps, public housing, rent supplements or free medical services which are triggered in with the other welfare payments. For example, let us examine the chart for New York on page 44507.

COMPARISON OF COSTS OF MAINTENANCE PAYMENTS, RELATED SUPPORT ACTIVITIES, AND FOOD STAMPS UNDER CURRENT LAW AND ADMINISTRATION PROPOSALS

[In billions of dollars]

	Fiscal year 1971			Fiscal year 1972		
	Current law amended	H.R. 16311 as amended	Difference	Current law amended	H.R. 16311 as amended	Difference
Maintenance payments:						
Payments to families:						
Direct payments	(1)	$4.2		(1)	$4.1	
Payments to States	(1)	.8		(1)	.9	
Subtotal	$2.8	5.0	$2.2	$3.2	5.0	$1.8
Payment in adult categories	2.2	2.8	.6	2.4	3.0	.6
Savings clause	(1)			(1)	.1	.1
Total, maintenance payments	5.0	7.8	2.8	5.6	8.1	2.5
Related support activities:						
Administration	.3	.6	.3	.3	.6	.3
Training	.1	.3	.2	.1	.3	.2
Child care	.1	.5	.4	.1	.5	.4
Total, related support activities	.5	1.4	.9	.5	1.4	.9
Total, maintenance payment and support activities	5.5	9.2	3.7	6.1	9.5	3.4
Food stamps	1.2	1.6	.4	1.9	2.3	.4
Grand total	6.7	10.8	4.1	8.0	11.8	3.8

(1) Not applicable.

Note: Food stamp costs for both current law and H.R. 16311 assume enactment of the administration's proposed food stamp legislation. Additionally, since the fiscal year 1972 President's budget has not been prepared, estimates for training and child care are based on a level cost assumption.

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[1] Page 43 of the House report contains a discussion of these changes.

BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN NEW YORK, N.Y.

Earnings	FAP benefit	State supplement	Total gross money income	Federal, State, and social security taxes	Current schedule food stamp bonus	Total average medicaid payment to AFDC family	Total net money in kind	Housing bonus to family under proposed 1970 Housing Act	Total net money and in kind
0	$1,600	$2,156	$3,756		$312	$1,153	$5,221	$989	$6,210
$720	1,600	2,156	4,476	$37	288	1,153	5,880	811	6,691
$1,000	1,460	2,109	4,569	52	288	1,153	5,958	788	6,746
$2,000	960	1,942	4,902	104	288	1,153	6,239	705	6,944
$3,000	460	1,775	5,235	156	288	1,153	6,520	621	7,141
$4,000		1,587	5,587	237	288	1,153	6,791	533	7,324
$5,000		1,016	6,016	460	288	1,153	6,997	426	7,423
$6,000		459	6,459	703	288	1,153	7,197	315	7,512
$7,000			7,000	971			6,029	180	6,209
$8,000			8,000	1,219			6,781		6,781

Under H.R. 16311 as amended a female-headed family of four in New York will receive not just the $1600 referred to but an additional state supplement of $2156 in cash, which makes total cash receipts (nontaxable) of $3756. In addition she will receive a $312 food stamp bonus (nontaxable), $989 in rent supplements or free rent (nontaxable), and free medical benefits for her entire family, which, based on past experience of Medicaid, has been costing $1153 annually per family.

Thus altogether this family of four in New York City with no work and no earned income will be receiving a total of net cash and payments in kind of $6210. Yet if this same head of the family takes training and works, earning $7000 per year her total income after taxes, money and in kind, is only $6209, or $1.00 less than when she was on welfare with no income.

On the other hand, if this same individual increases her earnings to $8000 she will have a total of $6781 after taxes. But suppose instead of working harder and earning $8000 she drops her earnings back to $6000; her total income is then $7512 after taxes, including cash and welfare payments.

Thus, with an earned income of $6000 she has a total income of cash and in kind of $7512 while at $7000 salary her income drops to $6209 or $1.00 less than her welfare payments with no work and no earned income.

Yet this bill was labeled as a work incentive program when in reality there is a cash government subsidy paid not to work. The same discrepancy on work disincentive exists in every state examined.

For example, let us examine the results in Illinois.

BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN CHICAGO, ILL.

Earnings	FAP benefit	State supplement	Total gross money income	Federal, State, and social security taxes	Current schedule food stamp bonus	Total average medicaid payment to AFDC family	Total net money in kind	Housing bonus to family under proposed 1970 Housing Act [1]	Total net money and in kind
0	$1,600	$1,556	$3,156		$408	$790	$4,354	$1,349	$5,703
$720	1,600	1,556	3,876	$37	312	790	4,941	1,201	6,142
$1,000	1,460	1,509	3,969	52	312	790	5,019	1,178	6,197
$2,000	960	1,342	4,302	104	312	790	5,300	1,095	6,395
$3,000	460	1,175	4,635	156	288	790	5,557	1,011	6,568
$4,000		987	4,987	236	288	790	5,829	923	6,752
$5,000		416	5,416	443	288	790	6,051	816	6,867
$6,000			6,000	669			5,331	670	6,001
$7,000			7,000	912			6,088	420	6,508
$8,000			8,000	1,134			6,866	170	7,036
$9,000			9,000	1,369			7,631		7,631

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[1] Assumes 2-bedroom units. (Includes public housing which will be available to only 6 percent of family assistance families nationwide.)

In Illinois a person with a family of four earning $6000, after taxes will have, including his rent supplement, etc., an expendable income of $6001, or just $298 more than she would have if she did not work at all.

If she reduces her earning capacity from $6000 to $5000 she can increase her income by $866, or to $6867, whereas if she works harder and increases her income from $6000 to $7000 she would only have $6508.

In other words, a person earning $6000 in Chicago, Illinois, will have $141 less at the end of the year than would that person if she only earned $720 and $866 less than the person who earns $5000.

This $6000 wage earner in Chicago would have $751 less than the person earning $4000, etc.

How can anyone call this bill a work incentive program?

How can this be labeled as a reform of our welfare system?

Now let us examine the welfare payments under this bill for Delaware.

BENEFITS POTENTIALLY AVAILABLE TO 4-PERSON FEMALE-HEADED FAMILIES IN WILMINGTON, DEL.

Earnings	FAP benefit	State supplement	Total gross money income	Federal, State, and social security taxes	Current schedule food stamp bonus	Total average medicaid payment to AFDC family	Total net money in kind	Housing bonus to family under proposed 1970 Housing Act [1]	Total net money and in kind
0	$1,600	$188	$1,788		$828	$437	$3,053	$722	$3,775
$720	1,600	188	2,508	$37	624	437	3,532	578	4,110
$1,000	1,460	328	2,788	52	552	437	3,725	522	4,247
$2,000	960	828	3,788	104	360	437	4,481	322	4,803
$3,000	460	852	4,312	156	312	437	4,905	192	5,097
$4,000		664	4,664	249	288	437	5,140	104	5,244
$5,000		93	5,093	460	288	437	5,358		5,358
$6,000			6,000	699			5,301		5,301

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[1] Assumes 2-bedroom unit. (Includes public housing which will be available to only 6 percent of family assistance families nationwide.)

ANALYSIS OF H.R. 16311 AS PASSED BY THE HOUSE

In Delaware a four-person female-headed family with no earned income is eligible to receive the $1600 family assistance payment and would receive $1766 additional benefits in the form of cash, surplus food, free rent, and free medical expenses, or a total of $3775.

If this same person earns $1000 her total income (money and in kind from all sources) would be $4247. If the same party works twice as hard and doubles her earned income to $2000 she has a total income (money and in kind from all sources) after taxes of $4803.

If she increases her earnings to $6000 her total income of money and in kind is $5301, or $57 less than if she earned $5000.

Her net income after taxes with a $5000 salary will be $5358, or $1583 more than that of the welfare recipients with the same size family who has no earned income.

The above described inequities and loopholes in H.R. 16311 both as passed by the House and as later amended by the Administration for presentation to the Senate illustrates why in the opinion of many it would be better to run a series of two- to three-year pilot projects to determine the best method of reforming the existing welfare rolls before we enact a bill which is estimated to cost an additional $4 to $6 billion annually.

Another point that cannot be overlooked is that the Administration's family assistance plan would extend welfare payments to an additional 14 million Americans in the form of a guaranteed annual income. This means that Medicaid, which is now recognized by all concerned as a financial failure, would be extended to about 3.5 million additional people as a result of their newly established eligibility for welfare.

About 13 million people are now receiving medical protection under Medicaid at an annual cost of about $3.5 billion.

Expanding the Medicaid rolls by 25 percent will cost another $800 million; yet it appears that in its cost estimate H.E.W. has allowed only $100 million. This represents at least a $700 million underestimation of the cost factor of this bill.

H.E.W. recognizes that Medicaid is a costly disaster which needs drastic revisions, and they promise to present to the Congress early next year a proposal to repeal the present Medicaid law and replace it with some form of national health insurance.

Likewise we were told that the present food stamp and surplus food plans are scheduled for complete revisions next year. In testimony before the Finance Committee Secretary Richardson not only pledged that new plans for both food stamps and free medical attention would be submitted next year but also confirmed that a part of this will be to charge a part of the cost of the new health insurance to the various recipients.

This will mean that a person on 100 per cent welfare will have his projected cash welfare benefits proportionately reduced next year to pay for a part of his health insurance.

This means that if H.R. 16311 is enacted before the November elections, as it was projected, the welfare recipients will be promised certain payments under the bill while at the same time plans are already on the drawing board to take a part of these benefits from him next year or after the 1970 elections.

It would be pure political hypocrisy to promise these welfare recipients something before an election while at the same time knowing that the Congress has no intention of ever allowing the full benefits to become law.

Let us examine the work requirements of this bill. The only requirement as far as work is concerned is that they must register for work. The penalty for failing to accept a job which is offered would be the loss of $300 per year in benefits under the House bill and $500 under the amended version of the Administration's.

Under present law Delaware has 23,860 federally aided welfare recipients or 4.4 per cent of its population.

Under H.R. 16311 as passed by the House the number on welfare would be increased 130 per cent, or to a total of 55,000 welfare recipients; this would mean slightly over 10 per cent of our population would be on welfare.

Welfare rolls in the states of New York and New Jersey would be increased by over 60 per cent.

South Carolina welfare rolls would increase 485 per cent above existing law, representing over 18 per cent of its people.

In the state of Mississippi there would be an increase of 282 per cent over the present number on welfare. One third of its people would be eligible for welfare.

The welfare rolls in North Dakota would be increased 485 per cent.

In Nebraska there would be an increase of 285 per cent.

North Carolina would increase 394 per cent.

In Minnesota there would be a 196 per cent increase.

In New Hampshire the increase would be 179 per cent; and in Indiana, over 400 per cent.

Under the present law there were 10,436,197 federally aided welfare recipients as of January 1970. Under the Administration's bill as passed by the House this number would be increased to 23,784,300, or more than double.

At this point I insert table 2 as furnished by the Department of Health, Education, and Welfare showing the percentage increase of welfare recipients in each of the respective states as a result of the enactment of this bill.

INSERTION XI

TABLE 2.—INCREASE IN WELFARE RECIPIENTS UNDER ADMINISTRATION REVISION

	Federally aided welfare recipients January 1970	Welfare recipients under administration revision	Percent increase
Total United States	10,436,197	23,784,300	128
Alabama	255,400	665,800	161
Alaska	10,274	25,100	146
Arizona	72,440	204,600	183
Arkansas	115,000	369,700	222
California	1,655,400	2,323,400	41
Colorado	114,100	368,000	221
Connecticut	97,140	187,900	93
Delaware	23,860	55,000	130
District of Columbia	47,490	65,900	39
Florida	295,900	683,600	131
Georgia	328,400	1,025,500	212
Hawaii	29,072	62,700	116
Idaho	22,100	54,400	146
Illinois	446,100	806,300	81
Indiana	98,100	876,900	400
Iowa	92,300	235,700	155
Kansas	73,940	158,600	114
Kentucky	211,200	523,500	148
Louisiana	346,500	934,200	170
Maine	48,920	145,400	197
Maryland	157,850	262,800	67
Massachusetts	282,500	438,500	55
Michigan	316,200	646,400	104
Minnesota	108,120	320,300	196
Mississippi	211,000	806,600	282
Missouri	255,200	443,100	74
Montana	18,880	52,200	176
Nebraska	43,500	167,700	285
Nevada	15,570	37,000	138
New Hampshire	14,260	39,800	179
New Jersey	318,720	508,800	60
New Mexico	69,260	194,400	180
New York	1,227,400	1,979,300	61
North Carolina	194,600	960,600	394
North Dakota	16,583	96,900	485
Ohio	355,400	799,800	125
Oklahoma	188,700	366,200	94
Oregon	93,800	143,500	53
Pennsylvania	511,800	634,800	24
Rhode Island	45,810	67,200	47
South Carolina	83,900	490,800	485
South Dakota	22,110	107,400	386
Tennessee	205,400	741,800	262
Texas	478,800	1,521,500	218
Utah	42,760	55,100	29
Vermont	18,000	46,800	160
Virginia	109,400	431,300	294
Washington	153,450	312,300	104
West Virginia	115,580	275,300	138
Wisconsin	101,180	238,400	136
Wyoming	7,447	20,000	169
Puerto Rico	264,930	800,000	202
Guam	2,072	3,400	64
Virgin Islands	2,319	2,100	−9

I next insert another chart listed as Table 1 showing the per cent of the population in the various states which will be on welfare if H.R. 16311 is enacted.

TABLE 1.—PROPORTION OF POPULATION ON FEDERALLY AIDED WELFARE UNDER PRESENT LAW AND ADMINISTRATION REVISION

		Federally aided welfare recipents, January 1970		Welfare recipients under administration revision	
	Civilian resident population	Number	Percent of population	Number	Percent of population
Total United States	203,796,700	10,436,197	5.1	23,784,300	11.7
Alabama	3,505,000	255,400	7.3	665,800	19.0
Alaska	252,000	10,274	4.1	25,100	10.0
Arizona	1,685,000	72,440	4.3	204,600	12.2
Arkansas	1,996,000	115,000	5.8	369,700	18.5
California	19,213,000	1,655,400	8.6	2,323,400	12.1
Colorado	2,065,000	114,110	5.5	368,000	17.8
Connecticut	3,009,000	97,140	3.2	187,900	6.2
Delaware	537,000	23,860	4.4	55,000	10.2
District of Columbia	783,000	47,490	6.1	65,900	8.4
Florida	6,332,000	295,900	4.7	683,600	10.8
Georgia	4,565,000	328,400	7.2	1,025,500	22.5
Hawaii	747,000	29,072	3.9	62,700	8.4
Idaho	717,000	22,100	3.1	54,400	7.6
Illinois	11,031,000	446,100	4.0	806,300	7.3
Indiana	5,136,000	98,100	1.9	876,900	17.1
Iowa	2,785,000	92,300	3.3	235,700	8.5
Kansas	2,288,000	73,940	3.2	158,600	6.9
Kentucky	2,192,000	211,200	9.6	523,500	23.9
Louisiana	3,724,000	346,500	9.3	934,200	25.1
Maine	967,000	48,920	5.1	145,400	15.0
Maryland	3,732,000	157,850	4.2	262,800	7.0
Massachusetts	5,475,000	282,500	5.2	438,500	8.0
Michigan	8,798,000	316,200	3.6	646,400	7.3
Minnesota	3,714,000	108,120	2.9	320,300	8.6
Mississippi	2,336,000	211,000	9.0	806,600	34.5
Missouri	4,637,000	255,200	5.5	443,100	9.6
Montana	688,000	18,880	2.7	52,200	7.6
Nebraska	1,437,000	43,550	3.0	167,700	11.7
Nevada	452,000	15,570	3.4	37,000	8.2
New Hampshire	720,000	14,260	2.0	39,800	5.5
New Jersey	7,128,000	318,720	4.5	508,800	7.1
New Mexico	976,000	69,260	7.1	194,400	19.9
New York	18,369,000	1,227,400	6.7	1,979,300	10.8
North Carolina	5,110,000	194,600	3.8	960,600	18.9
North Dakota	600,000	16,583	2.8	96,900	16.2
Ohio	10,786,000	355,400	3.3	799,800	7.4
Oklahoma	2,545,000	188,700	7.4	366,200	14.4
Oregon	2,044,000	93,800	4.6	143,500	7.0
Pennsylvania	11,797,000	511,800	4.3	634,800	5.4
Rhode Island	886,000	45,810	5.2	67,200	7.6
South Carolina	2,636,000	83,900	3.2	490,800	18.6
South Dakota	650,000	22,110	3.4	107,400	16.5
Tennessee	3,971,000	205,400	5.2	741,800	18.7
Texas	11,097,000	478,800	4.3	1,521,500	13.7
Utah	1,049,000	42,760	4.1	55,100	5.3
Vermont	444,000	18,000	4.1	46,800	10.5
Virginia	4,514,000	109,400	2.4	431,300	9.6
Washington	3,386,000	153,450	4.5	312,300	9.2
West Virginia	1,819,000	115,580	6.4	275,300	15.1
Wisconsin	4,242,000	101,180	2.4	238,400	5.6
Wyoming	317,000	7,447	2.3	20,000	6.3
Puerto Rico	2,763,000	264,930	9.6	800,000	29.0
Guam	87,700	2,072	2.4	3,400	3.9
Virgin Islands	59,000	2,319	3.9	2,100	3.6

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It is clearly evident that this bill has been improperly labeled as a reform package; for example, it does not correct the problems of existing law wherein illegitimacy and family breakups are encouraged.

Suppose under H.R. 16311 as revised by the Administration the father and mother are both unemployed and have two children, no earnings. If the father will desert his family the income for the mother and the two children would be increased as follows:

In Delaware she would get an additional $440 when the father deserts the family. In Arizona she would get an additional $236.

In Illinois the deserted family would have their income increased by $1394, while in New York the mother with two children would have her income increased by $1808 as the result of the father's desertion.

I insert at this point a table prepared by the committee staff outlining these payments.

PAYMENTS TO FAMILY IF UNEMPLOYED FATHER WITH NO EARNINGS DESERTS

	Unemployed father, mother, and 2 children	Mother and 2 children if father deserts	Increase or decrease
Phoenix, Ariz.:			
H.R. 16311	$2,208	$1,836	−$372
Administration revision	1,600	1,836	+236
Wilmington, Del.:			
H.R. 16311	2,172	2,004	−168
Administration revision	1,600	2,004	+404
Chicago, Ill.:			
H.R. 16311	3,252	2,964	−288
Administration revision	1,600	2,964	+1,394
New York, N.Y.:			
H.R. 16311	4,032	3,408	−624
Administration revision	1,600	3,408	+1,808

The following chart shows how under this bill the government will pay $1300 more to a family with an illegitimate baby than it will if the couple is married and the baby arrives a year later.

SELECTED CASES: FEDERALLY SHARED WELFARE BENEFITS UNDER ADMINISTRATION REVISION

	Phoenix, Ariz.	Wilmington, Del.	Chicago, Ill.	New York, N.Y.
All persons unemployed, no income other than welfare				
1. Welfare benefits to 2 families, each headed, by a woman:				
Family A—boy 17, girl 12, and girl 6	$2,208	$[1] 2,172	$[1] 3,252	$[1] 4,032
Family B—girl 16, boy 11, and girl 8	2,208	[1] 2,172	[1] 3,252	[1] 4,032
Total	4,416	4,344	6,504	8,064
2. Welfare benefits to same families if boy 17 marries girl 16 and establishes separate household:				
Family A	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family B	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family C—boy 17 and girl 16	[2] 0	[2] 0	[2] 0	[2] 0
Total	3,672	4,008	5,928	6,816
3. Welfare benefits to same families if boy 17 marries girl 16 after she has had a baby:				
Family A	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family B	1,836	[1] 2,004	[1] 2,964	[1] 3,408
Family C (with baby)	1,300	[1] 1,300	[1] 1,400	[1] 1,300
Total	4,972	5,308	7,228	8,116
Increase over case 2	1,700	1,300	1,300	1,300

[1] Eligible for medicaid surplus food, and housing.

[2] Eligible for food stamps.

The next chart shows how an unemployed father, mother, and four children (no income) can increase their benefits by $936 in Phoenix, Arizona; $1104 in Wilmington, Delaware; $2064 in Chicago, Illinois, and by $2508 in New York City merely by splitting up the family. The father would take two children and the mother would keep two, thereby qualifying for relief as two separate family units.

INCENTIVE FOR FAMILY TO SPLIT UP UNDER ADMINISTRATION REVISION

	Welfare payments to unemployed father, mother, and 4 children with no income if—				
	Family lives as 1 unit	Parents split, each with 2 children			Increase in family income
		Mother	Father	Total	
Phoenix, Ariz	$2,200	$1,836	$1,300	$3,136	$936
Wilmington, Del	2,200	[1] 2,004	1,300	3,304	1,104
Chicago, Ill	2,200	[1] 2,964	1,300	4,264	2,064
New York, N.Y	2,200	[1] 3,408	1,300	4,708	2,508

[1] Also eligible for medicaid.

Now let us examine the cost factors of some of the various proposals which are offered as a substitute for H.R. 16311.

1. The Harris amendment would raise the FAP for a family of four from the Administration's $1600 figure to $2400 with gradual escalation to $3200. Additional costs of the Harris proposal based on estimates furnished by H.E.W. for 1972 vary from a low of $12 billion to a maximum of $17 billion. When fully implemented to the $3200 figure in 1974 the estimate on the cost of the Harris amendment ranges from a low of $24 billion to a high of $37 billion annually. These figures are estimates in addition to the cost of H.R. 16311 as before the committee.

2. The McCarthy amendment would provide a guaranteed annual income of $5500 to every family. Lowest estimate cost on the McCarthy proposal to $50 billion above existing welfare costs. Under the McCarthy proposal it is estimated that over 90 million would be eligible for welfare, or over 40 percent of our population.

3. McGovern's food stamp bill would guarantee a minimum of $800 in food stamps for every family with the proviso that no offsetting reduction be made from cash payments and other allowances. The estimated cost is $1.5 billion extra over existing law beginning with 1972.

4. The Ribicoff amendment would provide a one-year pilot project plus guaranteed employment at the end of the training period. Lowest estimated additional costs when fully implemented in 1974 is $4.7 billion.

5. The series of Javits amendments are estimated to cost $5 billion over H.R. 16311 as amended by the Administration's revision.

At this point I insert the Department's letter containing the estimated costs of the Javits amendments.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., September 14, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am writing in response to your letter of July 15 inquiring about Senator Jacob Javits' amendments to H.R. 16311.

The most important of these amendments, in terms of their impact on cost estimates, would make the following modifications to the Administration's proposal:

(1) The basic Family Assistance allowance of $1,600 a year for a family of four would be increased to an amount equal to 50% of the poverty line income in FY 1974. Subsequent annual increases would be made such that the basic allowance would be set at 100% of the poverty line in FY 1979.

(2) The 30% rate for Federal sharing in State supplementation of Family Assistance would be raised to the medical assistance percentage applicable to each State. Thus, the Federal reimbursement rate would range from 50% in the highest income States to 83% in the lowest income states.

(3) During FY 1972 and FY 1973, States now making the lowest AFDC payments would be required to supplement Family Assistance up to an income of at least $1,800 for a family of four with no other income.

(4) States would be required to make supplemental payments to the "working poor", as well as to families now categorically eligible for AFDC.

The following chart shows a five-year projection for the Federal costs these amendments would add to the costs of the Administration's bill:

ESTIMATED ADDITIONAL FEDERAL COSTS OF SENATOR JAVITS' AMENDMENTS TO H.R. 16311

[In billions of dollars]

	Fiscal years				
	1972	1973	1974	1975	1976
Increased family-assistance payments			4.5	4.8	5.1
Increased Federal payments to States for supplementation of FAP	1.8	1.9	.7	.6	.5
Total	1.8	1.9	5.2	5.4	5.6

While I sympathize with the Senator's goal to offer further assistance to low-income Americans, as reflected in his amendments to the Family Assistance legislation, I could not support these new commitments of greatly increased Federal spending at this time. The Administration's proposal represents the largest initiative we can take under current fiscal constraints. Any future improvements should be based on evaluation of the new program's performance and on the budgetary conditions that may prevail in future years.

Please let me know if I can provide any further information on these amendments.

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

I next insert a table showing a breakdown of the projected costs and coverage under the McCarthy plan as embodied in S. 3780.

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Welfare reform legislation introduced by Senator Eugene McCarthy (S. 3780) would provide an annual allowance of $5500 to a family of four with no other income. The following chart shows HEW's estimate of this bill's costs and coverage for 1971 and 1976:

COSTS AND COVERAGE OF S. 3780

	Program costs (billions)	Program coverage (millions)	
		Households	Recipients
Data for:			
1971	$55.8	29.4	97.8
1976	42.8	22.1	69.8

These projected costs are staggering, particularly when we consider our present financial situation.

Our Government closed the last fiscal year with a deficit of over $13 billion. The deficit for fiscal 1971 is estimated to be between $15 and $20 billion with very little if any prospect of this being brought in balance in the 1972 fiscal year.

Additional taxes will be mandatory next year particularly if this welfare plan is enacted. Furthermore, the bulk of these increased taxes will be levied against the middle income taxpayers, who today are already bearing the load of the Government's extravagance.

For example, let us not overlook the Social Security Bill, H.R. 17550, which is presently before the Senate and which proposes to levy all of the increased taxes necessary to pay for the increased social security benefits and increased medicare costs under both the pending bill and all future benefits in the next twenty years on those workers earning between $7800 and $22,200.

It is ironical to note that the high income group is protected against these increased taxes in that under the so-called tax reform bill passed in December 1969 a 50 per cent maximum tax rate was placed on all earned income.

At this point I insert two charts, the first showing the projected tax rates and amount of taxes under present law, and the second chart showing the increased tax rates and amount of taxes that will be due under H.R. 16311 if it is enacted in this Administration's amended form.

Year	Projected wage base and employer-employee combined tax rate				Projected maximum employer-employee combined taxes		
		In percent—					
	Wage base	Cash benefit tax rate	Medicare tax rate	Total tax rate	Cash benefits	Medicare	Total
PRESENT LAW							
1970	$7,800	8.4	1.2	9.6	$655.20	$93.60	$748.80
1971-72	7,800	9.2	1.2	10.4	717.60	93.60	811.20
1973-74	7,800	10.0	1.3	11.3	780.00	101.40	881.40
1975	7,800	10.0	1.3	11.3	780.00	101.40	881.40
1976	7,800	10.0	1.4	11.4	780.00	109.20	889.20
1977-78	7,800	10.0	1.4	11.4	780.00	109.20	889.20
1979	7,800	10.0	1.4	11.4	780.00	109.20	889.20
1980	7,800	10.0	1.6	11.6	780.00	124.80	904.80
1981-82	7,800	10.0	1.6	11.6	780.00	124.80	904.80
1983-84	7,800	10.0	1.6	11.6	780.00	124.80	904.80
1985-86	7,800	10.0	1.6	11.6	780.00	124.80	904.80
1987-88	7,800	10.0	1.8	11.8	780.00	140.40	920.40
1989-90	7,800	10.0	1.8	11.8	780.00	140.00	920.40
1991-92	7,800	10.0	1.8	11.8	780.00	140.40	920.40
1993-94	7,800	10.0	1.8	11.8	780.00	140.40	920.40

Year	Projected wage base and employer-employee combined tax rate				Projected maximum employer-employee combined taxes		
		In percent—					
	Wage base	Cash benefit tax rate	Medicare tax rate	Total tax rate	Cash benefits	Medicare	Total
H.R. 17550							
1970	$7,800	8.4	1.2	9.6	$655.20	$93.60	$748.80
1971-72	9,000	8.4	2.0	10.4	756.00	180.00	936.00
1973-74	10,200	8.4	2.0	10.4	856.80	204.00	1,060.80
1975	10,800	10.0	2.0	12.0	1,080.00	216.00	1,296.00
1976	10,800	10.0	2.0	12.0	1,080.00	216.00	1,296.00
1977-78	12,000	10.0	2.0	12.0	1,200.00	240.00	1,440.00
1979	13,200	10.0	2.0	12.0	1,320.00	264.00	1,584.00
1980	13,200	11.0	2.0	13.0	1,452.00	264.00	1,716.00
1981-82	13,800	11.0	2.0	13.0	1,518.00	276.00	1,794.00
1983-84	15,000	11.0	2.0	13.0	1,650.00	300.00	1,950.00
1985-86	16,200	11.0	2.0	13.0	1,782.00	324.00	2,106.00
1987-88	18,000	11.0	2.0	13.0	1,980.00	360.00	2,340.00
1989-90	19,200	11.0	2.0	13.0	2,112.00	384.00	2,496.00
1991-92	21,000	11.0	2.0	13.0	2,310.00	420.00	2,730.00
1993-94	22,200	11.0	2.0	13.0	2,442.00	444.00	2,886.00

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that a series of articles relating to abuses under the existing welfare law be printed along with the previous request.

The significant point is that none of these abuses were corrected under the administration's family assistance plan, but, as pointed out earlier, they were merely extended and made available to a greater number.

I also ask unanimous consent that these be followed by an article written by Clark Mollenhoff as appearing in the Des Moines Register of December 12, 1970, expressing criticism of the Hirshhorn Museum as a memorial to Mr. Joseph H. Hirshhorn. I concur in this criticism and express the hope that this project can be stopped.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

$12,000 FAMILIES GET A FOOT IN ADC'S DOOR—HEALEY: "RULE SETS WELFARE UP FOR KILL"

(By David Tishendorf)

Mr. A. earns $9,600 a year as an electrician's helper in Sarpy County. He has three children. His wife is "incapacitated" and the family budget includes an allowance for a housekeeper.

Mr. A also receives $170 a month under the federal Aid to Dependent Children program, making his total income $11,628, considerably higher than most ADC caseworkers are paid in Sarpy County.

Mr. A's family also is eligible for federal food stamps and medical aid under the ADC program.

In Douglas County, Miss B earns $565 a month as an employe at a meat packing plant, $50 a month more than a beginning caseworker.

Miss B, who attended college for one year, has two children and receives a monthly ADC check of $118, bringing her total monthly income to $684.

As with Mr. A, Miss B and her children are eligible for food stamps and medical assistance.

Mrs. C, who lives in Sarpy County, is divorced and has two children. She is employed by the Omaha Works of Western Electric, where she earns $618 a month.

A monthly ADC payment of $140 brings Mrs. C's total annual income to more than $9,000. She and her family are eligible for food stamps and medical assistance.

Mrs. D is employed at a Sarpy County grocery, where she earns $468 a month. She also receives $53 a month from her former husband for the support of her two children.

In addition, she is paid $140 a month under the ADC program and she uses the federal food stamps, which enable her to save money on her grocery bill. Her total annual income is nearly $8,000.

Mrs. E, mother of two children, works as a presser in a cleaning business in Douglas County at a monthly salary of $455. She also receives a monthly ADC payment of $132, making her total yearly income more than $7,000.

Mrs. E's family also is eligible for food stamps and medical assistance.

NEW GUIDELINE

In each of these cases, which were documented by the State Welfare Department, the families' monthly income, without the ADC payments, is more than enough to take care of its needs.

And none of the families would be eligible for ADC if it were not for a new federal guideline known as the "35—one-third income exemption."

Under this guideline, which was adopted by Congress in 1967 but was not implemented until April of this year, a welfare agency must disregard the first $35 of a family's monthly income, plus one-third of the remainder of the income.

If a family for example, had a $635 monthly income, $35 would be disregarded, leaving $600. Then one-third of the remainder or $200, also would be disregarded, meaning that the family's eligibility for ADC would be determined on a basis of a monthly income of only $400.

The purpose of the 35—one-third exemption, said Douglas County Welfare Director Michael T. Healey, was to provide an incentive for ADC recipients to go to work.

And while it has done this to some degree, Healey said, it has taken very few persons off the welfare rolls. Instead, the main effect of the new guideline may be to give the ADC program, and welfare in general, such a bad reputation in the public mind that the very existence of welfare will be threatened, he said.

The guideline, Healey said, "has set welfare up for the kill."

Technically, the families cited here are welfare cases, Healey said. But realistically, he added, they do not deserve to be welfare recipients "by any stretch of the imagination and, as welfare director, I cannot defend them as such."

Eventually, Healey fears, the taxpayers "will get to the point, where they almost are now, where they will say: 'Anything, even nothing, is better than the welfare programs we have now'."

Healey said that only 55 families out of the approximately 5,000 families receiving ADC in Douglas County would not qualify if it were not for the 35—one-third income exemption.

Sarpy County Welfare Director Bessie Peterson said the exemption has enabled from 25 to 35 families in Sarpy County to qualify for ADC who otherwise would not be eligible. The total ADC caseload is about 250, she said.

Mrs. Peterson said that although military personnel from Offutt Air Force Base can be eligible for ADC, there are none receiving it as this time. Some military families, however, are using food stamps, she said, and some have received ADC in the past.

Mrs. Peterson described the income exemption as "Dangerous. It isn't working as it was meant to work."

Healey said the full impact of the exemption has not yet been felt. It could triple the cost of welfare eventually, he said.

The "evil' of the new guideline, Healey said, is the contrasts its produces.

It is possible for a family with a yearly income of $10,000 to $12,000, and under the right circumstances even more, to be able to qualify for ADC because of the 35—one-third income exemption

On the other hand, Healey said, the majority of ADC recipients, who cannot work and are totally dependent on ADC, continue to live on a level that is subsistent.

For example, an ADC mother with four children who cannot work . . . because of health problems can receive a monthly payment of $200, the ceiling set by the State of Nebraska.

Thus, the truly needy families, Healey said, will suffer as a result of the income exemption and the unfavorable public reaction that it may produce.

"A family totally dependent on ADC receives 61 per cent of its basic needs. But with the disregarded income it is possible, taking into consideration all sources of income, for a family to receive 140 per cent of its needs.

"The inequity is obvious and it needs to be corrected "

The 35—one-third income exemption makes welfare more vulnerable to public criticism at a time when there are "enough myths and misunderstandings," Healey said.

"SCAPEGOAT"

"The reason there are second and third generations of poverty families is that we are never able to put our full attention on the really needy families," he said.

"There is always a scapegoat to make us lose sight of those families. In this case, it is the income exemption.

"The welfare system desperately needs to be changed, but it has to be a constructive change."

The Douglas County Board, at Healey's urging, has passed a resolution calling on Congress to eliminate the 35—one-third exemption and put an "appropriate ceiling on earnings to which such exemptions can be applied."

Healey said he would like to see other changes also.

"Although the work incentive is desirable, I feel that too much emphasis has been placed on getting welfare recipients employed, especially when 37 per cent of our total ADC caseload who are capable of working are already employed," he said.

"The original philosophy underlying ADC was to permit mothers to remain in their homes to care for children who are already missing one parent."

Healey said he believes the ceiling on ADC payments should be increased so the basic needs of poor families can be met.

THREAT

The federal government has threatened to withhold welfare funds in Nebraska, charging that the state has not made cost-of-living adjustments in the ADC payments standards or in dollar maximums, which under the law should have been made by July 1, 1969.

Healey said he also believes that welfare should be given on the basis of need, rather than to families simply because they fit into a certain category.

He said there also should be more frequent investigations to determine if ADC recipients are eligible.

About a year ago, a new "declaration form" was introduced for use in applying for ADC. The form allows persons to receive welfare payments on the basis of their own statements of need.

Previously, it was necessary to investigate persons who applied to determine whether they needed public assistance.

Healey said the purpose of the new form was to free caseworkers from investigation duties so they could devote more time to providing services to recipients.

MORE OFTEN

The State Welfare Department still makes random, periodic eligibility investigations, Healey said, although he said he believes the checks should be more frequent.

But welfare's most important need, Healey said, is the need to educate the public.

"More money, by itself, won't do the job. Welfare is in such a mess that a concentrated public information service is needed," he said.

"We must ask the taxpayers to get involved personally, to work with poor families. There needs to be an exchange of ideas and values.

"The welfare problems are of such magnitude now that I don't see them being solved by bringing in more professionals. What we need is to gain the public's understanding of what we're up against."

CLAIMS WELFARE TEST "RIGGED"—GAO SAYS FIRST REPORT "MISLEADING"—FAMILY AID PLAN BASED ON PROJECT

(By Clark Mollenhoff)

WASHINGTON, D.C.—New Jersey tests that were the basis for Nixon administration confidence in the family assistance plan were "rigged," Senator John J. Williams (Rep., Del.) said Saturday.

He told The Register that the record of the Senate Finance Committee will demonstrate that White House Counselor Daniel Patrick Moynihan had a key role in "the rigging" of reports to make them appear favorable.

Moynihan argued that the Office of Economic Opportunity (OEO) reports on the New Jersey graduated work-incentive experiment showed "no evidence that work effort declined among those receiving income support payments."

"On the contrary," Moynihan said, there is "an indication" that those receiving the welfare payments "increased . . . the work efforts."

SEQUENCE TOLD

The Senate Finance Committee record shows the following:

Moynihan was put on notice by Dr. John Wilson, OEO research director, that the test period was too short and the data inadequate.

Moynihan directed that Dr. Wilson prepare the report, and under this pressure the report was prepared last February.

The White House staff used the OEO report to prepare charts to sell the family assistance program to President Nixon and to sell it to the House Ways and Means Committee.

The Senate Finance Committee directed the General Accounting Office (GAO) to examine the OEO report on the New Jersey project. The GAO said the OEO conclusions were "premature," prepared on the basis of "inadequate data," and were "misleading."

Senator Williams said he will make an issue of the "rigged" record when the family assistance program comes before the Senate in the next week.

TELLS OF OBJECTION

Senator Williams said he is certain President Nixon had no knowledge of the manner in which Moynihan and the Department of Health, Education and Welfare used the OEO tests to sell the family assistance plan.

Senator Williams said that he questioned Dr. Wilson and obtained verification that he had objected to using the data, but had given in.

The OEO funded the New Jersey experiment in late 1963. Some parts of the program in Trenton, Paterson and Passaic had been under way less than a year when Dr. Wilson was directed to make a report.

Dr. Harold W. Watts, who designed the project, stated in a paper read before the American Economic Foundation in May, 1969, tht any reliable result of the New Jersey experiment would not be available until the project had run at least two years, Senator Williams noted.

He said Dr. Wilson had acknowleged that there was a "colorful" exchange with Moynihan at the White House in which Moynihan's temper flared as he criticized economists as "never having an answer until it is too late."

It was in that setting that Dr. Wilson had snapped back: "I'll get some answers."

Dr. Wilson said he told Moynihan of the difficulty of drawing conclusions on the program, but insisted that the report he presented in February, 1970, was his best judgment in the light of the limitations.

DEFINES "REFORM"

Senator Williams said he is in favor of "reform" of the present welfare programs, but that the present family assistance program is not the, "major reform" it was hailed as by former HEW Secretary Robert Finch and the present secretary, Elliot Richardson.

"When the term 'reform' is used in connection with legislative proposals it means one of two things," Senator Williams said, "Either it proposes to take away from someone something which he is now receiving but to which he is not entitled or it is to give someone something which he is not getting but to which he is entitled."

Williams declared that the so-called "reform" of welfare now pending before the Senate is filled with "disincentives" that flow from reports such as the one from New Jersey. He said members of the Senate Finance Committee became aware of the lack of "reform" in the plan, and this explains why the majority of the Republican committee members have been opposed to it.

The fact that the House Ways and Means Committee relied upon the New Jersey OEO report is found in the committee report that states:

"We believe that these preliminary data suggests that fears that a family assistance program could result in extreme, unusual, or unanticipated responses are unfound.

"Furthermore, we believe these preliminary data from the New Jersey project indicate that a family assistance program is practical. The data suggests that: There is no evidence that work effort declined among those receiving income support payments. On the contrary there is an indication that the effort of participants receiving payments increased relative to the work effort of those not receiving payments," the report said.

The General Accounting Office found "serious questions as to the appropriateness of the conclusions drawn" about the same program.

"The data reflected in the OEO report represent less than a year's activity," the GAO stated. "Moreover, on the basis of the material in the OEO report and the other material to which we were given access, we do not believe the data has been subjected to sufficient analysis to support conclusions from it. Finally, we believe that such conclusion as may eventually be drawn from this data are likely to vary with the plans and strata defined in the experiment. In such cases, premature conclusions drawn from the aggregated data could be misleading."

Senator Williams said the GAO report stated flatly that "it is wrong to conclude" that the persons on welfare roles increased their work effort when compared with those who are not receiving government checks.

"The only evidence we find in the OEO report to support this statement," said the GAO, is a chart that has "defects both in the underlying data and in the preparation of that chart sufficient to preclude conclusions from it."

The GAO stated that the report it was making could not be based upon access to full data because the OEO placed "constraints on our access to the full data base accumulated during the experiment."

GAO auditors said: "We believe that a number of important qualifications which are omitted from the OEO report are necessary to proper understanding of the issues which the report seeks to address. We found problems in the collection and analysis of data supporting the OEO report—and in the completeness of the presentation of the data in that report.

"Our work proceeded with some difficulty because of the objections raised by OEO and OEO's contractors as to the propriety of GAO's access to data which they considered preliminary and experimental," the GAO explained.

QUESTIONABLE CONCLUSION

In one instance a controversial chart is based on only 318 of the 509 families participating in the experiment in Trenton, Paterson and Passaic.

"The data on 191 of the families (37 per cent of the families) was not used by OEO's contractor in preparing Chart IV because of problems in the interviews and coding of the data," the GAO stated "Based on generally accepted statistical standards, we believe that the conclusions are made highly questionable if drawn from data in which this large an attrition has occurred."

It was noted in the GAO report that the OEO contractors' basis for determining whether family earnings changed was a comparison of weekly earnings.

The study compared the family's weekly earnings in the period prior to the enrollment interview with earnings 10 to 12 months later. The criteria for determining whether a family's earning had increased or decreased was that it must be 20 per cent up or 20 per cent down to register as either an "increase" or a "decrease." Otherwise, it was registered "not to have changed."

The GAO called attention to the combining of periods of one year and 10 or 11 months in the same chart, and also noted that in one city the comparison was in August and in the other it compared income in January with November and December.

This practice is "a violation of good statistical practice" and it termed the conclusions drawn from this key chart as being "highly questionable."

Senator Williams said the cost figures presented before the House Ways and Means Committee are now "admittedly unrealistic."

In the committee, the administration had initially projected a cost of $8.2 billion annually, compared to present welfare cost of about $4.5 billion.

The amended version submitted to the Senate Finance Committee June 23 projects $9.1 billion—an increase of $900 million over figures mentioned only a few weeks earlier.

Following the questions raised by Senator Harry F. Byrd, jr., (Dem., Va.) during the hearings, HEW has now projected costs of $10.8 billion—a 25 percent increase over estimates made just a few months ago.

MORE RECIPIENTS

Williams asked "what kind of a reform is it" that boosts the number of welfare recipients from 10,436,000 to 23,784,000—a 128 percent increase. He noted that in many states the number of welfare recipients will increase more than 400 percent.

Iowa had 92,300 on welfare rolls as of January, 1970, but under the Nixon administration's program the number would be increased to 235,700—an estimated 155 percent.

Williams noted that an agricultural state like North Dakota had only 16,583 on welfare in January, 1970, but would have 96,900 on welfare under the Nixon administration program—an increase of 485 percent.

South Dakota had 22,110 on welfare rolls last January, but under the bill would boost welfare rolls to 107,400—an increase of 386 percent.

WANT NAME OF HIRSHHORN OFF MUSEUM

(By Clark Mollenhoff)

WASHINGTON, D.C.—New impetus was developing Friday to remove the name of Joseph H. Hirshhorn from the $15 million museum and sculpture garden being constructed on the Washington Mall.

The House subcommittee on library and memorials, headed by Representative Frank Thompson (Dem., N.J.), has written a still-secret report that is highly critical of the manner in which President Lyndon Johnson and S. Dillon Ripley, secretary of the Smithsonian Institution, pushed the project through Congress in 1966.

The report said that the question still remains "whether Joseph H. Hirshhorn was worthy of being memorialized on the Mall of the nation's capital in a position of prominence perhaps equal to the memorials of George Washington and Abraham Lincoln."

It points out that there has been testimony that Hirshhorn, a wealthy international speculator and art collector, "had been arrested twice during World War II for violations of Canada's foreign exchange laws and had come close to being indicted in New York for attempted stock fraud in 1950." He was convicted on the two Canadian charges.

Chairman Thompson and Representative Fred Schwengel (Rep., Ia.) have been among those who have raised the question of whether the Hirshhorn museum was properly authorized, and whether Hirshhorn was a proper person to have been memorialized.

The still-secret report questions the whole manner in which the Hirshhorn project was handled so that it bypassed the subcommittee on memorials that would have had the responsibility of a most careful study into the background of anyone who was to be memorialized.

It was passed over to a subcommittee of the House Public Works Committee, headed by Representative Kenneth Gray (Dem., Ill.) and was given only the most superficial hearings before that committee because Gray believed that the Smithsonian had already taken the proper steps to assure that Hirshhorn was a proper person to be memorialized.

WANT HEARINGS

Although the subcommittee on library and memorials recognized that the "generosity" of Hirshhorn would greatly enhance the nation's collection of art, it questioned whether he should be honored with his name on the third of the three axes of the Mall.

The report stated that there are now two axes extending from the Mall, and each has a special significance. "The first extends from the Washington Monument to the White House, symbolically linking the first President of the United States to the present one," the report said.

"The second axis extends from the Washington Monument to the Lincoln Memorial—thus from the traditional father of the nation to its 'saviour' ruling (during) the Civil War," the report said.

The third axis is not complete, the report said but added: "Now, without fanfare and the careful consideration such a project traditionally receives, the axis is formed with the Joseph H. Hirshhorn Museum as the structure opposite the Archives Building . . ."

The House subcommittee indicated an interest in more hearings, presumably with Hirshhorn as a witness under oath, to explore his background. The report said that "in the absence of more information about Mr. Hirshhorn and the significance of the third axis," no final decision can be made.

Representative Phil Crane (Rep., Ill.) a member of the House subcommittee, said Thursday that he believed that it will be essential to call Hirshhorn because "of the testimony given against him. It would seem to me to be the least we could do, and if we don't get better answers, we should consider eliminating his name," Crane said.

SHARE BLAME

The subcommittee report states that the blame must be shared by President Johnson, the Smithsonian's Ripley and by the Congress itself.

The report reviews the manner in which Mr. Johnson pushed for the approval, but does not make mention of the fact that former Supreme Court Justice Abe Fortas, a friend of Hirshhorn, was one of those who sold President and Mrs. Johnson on acceptance of the gift under the conditions set down by Hirshhorn.

Ripley has defended the procedure of going directly to the Public Works Committee of the House on grounds that the Hirshhorn museum was not a "memorial" to Hirshhorn requiring the approval through the House subcommittee on memorials. The House subcommittee report rejected the Smithsonian's reasoning that it is not a "memorial" and went into some detailed explanation of why it was in fact comparable to the Washington Monument and the Lincoln Memorial in the manner in which it is placed on the Mall.

Ripley had told The Register earlier that the cost of the art work in the Hirshhorn collection was probably about $4 to $5 million, but that Hirshhorn could have reason to believe it will be valued at $40 to $50 million as a gift to the government.

The House subcommittee report is critical of the agreement that put Hirshhorn in the position of bargaining for a memorial. The gift of art was to be made only if the Smithsonian agreed to these conditions:

That it would be housed in a building on the Mall.

That the museum would be named in perpetuity the Joseph H. Hirshhorn Museum and Sculpture Gardens.

That Congress would approve legislation to appropriate $15 million to construct a museum building and pledge to maintain the building (at a cost of about $2 million a year) in perpetuity.

In addition, Hirshhorn is given the authority to nominate persons to fill at least half of trustees, and he and the secretary of the Smithsonian were authorized to jointly select both the architect and the director of the museum.

The report states that the subcommittee should have been "more diligent," and explains that the subcommittee headed by Gray did not understand its full responsibility.

"The legislation was written as if the Joseph H. Hirshhorn Museum and Sculpture Garden had already been established and the Smithsonian was merely seeking appropriations to construct a museum building for it," according to the report.

"The effect of this action was to severely limit public and congressional inquiry into the wisdom of accepting Hirshhorn's gift under the conditions he demanded," it said.

The House report said that "the hearings (on the museum) were a one-sided affair with the Smithsonian and the President providing all the 'expert' information about the Hirshhorn collection."

The only objection noted in the record was a letter to Mrs. Lyndon B. Johnson from Sherman Lee, director of the Cleveland Museum of Modern Art. In his letter, Dr. Lee praised the collection, but warned about accepting it under the conditions Hirshhorn had stipulated because of the "disadvantage to the U.S. government and the unnecessary burden on the American taxpayers."

The report said Lee had argued against naming the museum after Hirshhorn because it would tend to discourage other contributions of art.

The report stated that rising building costs, the war in Vietnam, and other complications prevented construction on the

Hirshhorn museum from getting underway until Mar. 23, 1970.

"During the intervening time, disturbing questions concerning the Hirshhorn gift, and about Hirshhorn himself began to surface, first through the inquiries of private citizens and finally in the press," it said.

"The principle of not imposing expenses on taxpayers without careful examination of all the facts by their duly elected representatives should have been more carefully followed," the report said. "The subcommittee recommends that no federally financed structure be named for any individuals without public disclosure of that person's background and character before final action is taken."

The subcommittee noted there are many reasons for memorials including valor in war, statesmanship, good deeds, and other acts, including "generosity," but concluded:

". . . Never should a memorial be negotiated at federal expense as a prior condition to the act for which the memorial is intended."

When the report is released in a week or two, it is expected that there will be requests for Hirshhorn to appear and testify as to his background. Committee members have accepted the fact that they do not now have possession of the art, and that this effort to question him may result in Hirshhorn simply abandoning the agreement.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

XUM

AMENDMENT OF FOREIGN MILITARY SALES ACT—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15628) to amend the Foreign Military Sales Act.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CRANSTON). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of today.)

Mr. SPARKMAN. Mr. President, I am pleased to report that the Senate's overwhelming vote on the foreign aid conference report last night has produced results. The House conferees on the foreign military sales bill have met with the Senate and an agreement has been reached. I ask that the conference report on H.R. 15628 be laid before the Senate.

I believe that the conference agreement represents a fair and reasonable compromise on the issues involved. The Cooper-Church amendment had, in the past, been the principal obstacle to agreement. That issue was effectively removed from the conference issues in dispute by the passage of the supplemental foreign aid authorization bill. Therefore, the Senate receded on the amendment.

There were only two other amendments that caused great difficulty, both provisions in the Senate bill. The first would have imposed a congressional ceiling on the amount of excess arms and materials that can be given to foreign countries. A compromise ceiling was reached which will permit a maximum of $100 milion in excess materials, valued at not less than one-third original cost, to be given away in each fiscal year.

The second amendment related to partial payment by a foreign country, in its own currency, for military grant aid we give them. The House conferees were adamant on this provision and the Senate conferees reluctantly receded. The Committee on Foreign Relations will give further attention to this question in connection with its work on next year's foreign aid legislation.

There are a number of other significant provisions in the Senate bill that were accepted by the House conferees. They agreed to the Senate provision prohibiting the expenditure of appropriations for foreign aid or military sales which had not been authorized—the very issue before the Senate last night.

A provision was agreed to which greatly strengthens the restrictions on transfers of U.S. arms to third countries by recipients of our aid.

The provision preserving the committee's jurisdiction over distribution of the international fighter aircraft to countries other than Vietnam was retained.

Finally, and perhaps the most significant item agreed to, was the repeal of the Gulf of Tonkin resolution, which this body has twice repealed—first as an amendment to this bill and later by concurrent resolution. The repeal of this resolution should help to clear away some of the debris and controversy over executive-legislative branch powers and responsibilities that arose as a result of the war. I would have preferred that the resolution be repealed by a concurrent resolution as the terms of the Tonkin Gulf resolution provide, but the House had not chosen to act on the repeal resolution passed by the Senate.

Mr. President, I believe that, on the whole, this report represents a reasonable compromise with the House. I move the adoption of the conference report.

Mr. FULBRIGHT. Mr. President, I very much regret that I do not share the enthusiasm of the Senator from Alabama about this compromise.

As a matter of fact, the Senate, because of the lateness of the day and the lateness of the hour, gave away the most significant restraints, particularly the ceiling on the so-called excess military equipment. The actual ceiling will be $300 million, measured in acquisition costs. The effect on this agreement is to agree to a vast loophole which the military can use to circumvent the Congress' actions on military grant aid and sales ceilings.

On the whole, I think that the Congress or the public realize how extravagant we have been in giving away and selling arms to foreign countries.

The staff prepared a short table which shows that in the current year, approximately $7 billion in arms and military material, or other assistance will be given away or sold on credit or cash.

I ask unanimous consent that the table be printed in the RECORD at this point:

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Proposed foreign military assistance and sales fiscal year 1971

[Approximate sums in millions]

Military portion (MAP) of Foreign Aid, including supplemental request for Cambodia, etc.	$775.0
Supporting Assistance	570.0
Foreign Military Sales	1,824.5
Cash	(1,173.4)
Credit	(235.0)
Commercial	(416.1)
Special FMS for Israel	500.0
International Military Headquarters	57.3
MAAG's, missions, etc.	167.3
Permanent military construction overseas	190.2
DOD appropriations for military assistance	2,260.3
DOD appropriations for economic assistance	117.0
MAP grant excess defense articles (acquisition costs)	502.
	6,963.6

Mr. FULBRIGHT. Mr. President, some of the sales are for cash, of course. However, even the cash sales are deceptive because such so-called sales include arms for Western Europe, particularly Germany, which are merely transactions which partially offset the cost of maintaining our troops there. There is no economic advantage in such arrangements to the economy of the United States as a whole. It may be an economic advantage to a particular manufacturer of arms, but it is no economic advantage to the taxpayers or to our balance of payments problem, because all we are doing is using that money partially to pay for the upkeep of our troops in Western Europe.

So this whole program of foreign military sales and grants, I think, should be greatly curtailed. It should have been cut back drastically long before now. However, it has become ingrained into our economic system and it really costs a great deal more than the average person realizes.

As I say, it is difficult when we deal with this piecemeal. As we do normally, it does not seem to be an outrageous figure, but put it all together and $7 billion in this activity does become outrageous, because it does not include our own expenses, for example, in carrying on the war in Vietnam. The only part of that nearly $7 billion included in here for Vietnam is actual military assistance given to the South Vietnamese. There is an item in there of about $2 billion for arms which we give to Vietnam.

But, in any case, I did not sign the conference report. I do not wish to labor the matter. I only wish to say that I regret the House was so adamant in its attitude toward these two items.

I had thought that, last summer, since the House had emphasized primarily their objection to the Cooper-Church amendment, and having been willing to give way on that, and having appropriated $200 million in the bill passed yesterday for foreign aid, they would be reasonable and accept the Senate's position on these 2 items.

One other item. Since we considered this bill last June, another $1 billion has been added to the total military and related aid we give to other countries. The total figure, as I recall in the supplemental appropriation bill, was a little over $1 billion. Included in that is foreign economic assistance that is related to military programs.

I thought—and I made the argument to the House—that in view of the fact that due to the supplemental process $840 million in military aid was provided, they would not insist upon changing the Senate's ceiling on the excess arms which they can give away for nothing, or the item with respect to partial payments in foreign currency.

I wish to say that twice this year the Senate rejected attempts to increase the ceiling in this bill on the excess military arms that can be given away. Twice we have gone on record against doing what was done in this conference agreement.

On the other item, about the local currencies, that was put in there to try to save our own Treasury some of the vast sums we now pay out in dollars to buy local currencies for official U.S. uses—$71 million could have been saved in 1969 if the compromise we offered had been accepted. In countries like Korea, Turkey, Greece, the Philippines we could save a great deal of money by requiring that they make partial payment in their own currency for our grant aid. This compromise was rejected. The House was adamant on this.

I would only conclude by saying that I feel we made very little progress in trying to bring our foreign military sales under control.

The limitations are largely a matter of form, rather than substance, because $300 million is not a very small ceiling to put on the giving away of excess arms.

I am very pleased, of course, that the House left in the statement which we have already affirmed, that appropriations could not be expended except when authorized.

This is a principle which is retained in this report. We reaffirmed that yesterday.

I think the Senate is now committed to uphold this principle. So while under the necessities of the case, and in view of what happened yesterday, a conclusion had to be reached. I simply was not able to bring myself to approve it and did not sign the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. DOLE. Mr. President, I will take only a moment, but I feel it is important to note, as the Senator from Alabama pointed out, that repeal of the Gulf of Tonkin resolution is included in the conference report on the Foreign Military Sales Act.

As I said at the time I offered the amendment to effect repeal, the Gulf of Tonkin resolution is inappropriate to today's realities in Southeast Asia. It is a vehicle of escalation, and there is now and has been a fundamental policy of deescalation in Southeast Asia for the past 2 years.

The Tonkin Gulf resolution has never been used by President Nixon, and he has no intention of using it. Indeed, he has made it clear that he has never relied upon it in the conduct of American policy in Vietnam.

In any event, I think it has been superfluous, and it is superfluous. It was heartening that the Senate adopted this amendment to repeal the Tonkin Gulf resolution in June and it is heartening that the House recognized the importance of repeal and agreed to this provision of the Senate bill in conference.

I certainly feel repeal, is as the Senator from Alabama pointed out, something that may clear away some of the debris. When the Gulf of Tonkin resolution is finally laid to rest, some of the distrust which grew out of its original interpretation may be cleared away.

I commend the Senator from Arkansas for his efforts on this bill and commend the Senator from Maryland (Mr. MATHIAS) for his original efforts with reference to the repeal of the Gulf of Tonkin resolution.

It is a great step forward for the Congress to agree on repeal. It does clear the air, and the hour of repeal enables the President, by signing the bill, to participate in the repeal process.

Mr. President, I ask unanimous consent to have the Gulf of Tonkin resolution printed at this point in the RECORD, so the record may be clear.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Vietnam Resolution—Tonkin Gulf Resolution—Public Law 88-408, Approved August 10, 1964

Joint resolution to promote the maintenance of international peace and security in southeast Asia

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Repsentatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Mr. SPARKMAN. Mr. President, I am glad the Senator from Kansas made the comment he did. The Senator from Kansas was the one who offered this repeal amendment when the military sales bill was before the Senate. The Senate agreed to it. We had no particular difficulty with the House conferees on this subject. It remains in the bill intact.

I commend the Senator for having taken that step.

We had a resolution before the Foreign Relations Committee which was passed by the Senate. So, on two different occasions the Senate has acted to repeal the Gulf of Tonkin resolution.

Mr. DOLE. Mr. President, the President by signing the bill will signal his desire that the Gulf of Tonkin resolution be repealed.

Mr. SPARKMAN. The Senator is correct.

Mr. President, I move the adoption of the report.

The PRESIDING OFFICER (Mr. GRAVEL). The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

ORDER VITIATING THE ORDER FOR THE SENATE TO CONVENE TOMORROW AT NOON—ORDER FOR RECESS UNTIL 11 A.M. SATURDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order providing for the Senate to convene tomorrow at noon be vitiated and that, instead, when the Senate completes its business today—and that will be shortly—it stand in recess until the hour of 11 o'clock Saturday next.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

XUM

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAPPY NEW YEAR

Mr. MANSFIELD. Mr. President, as long as this is New Year's Eve, may I on behalf of the Democrats wish for all of the Republicans a peaceful new year.

Mr. SCOTT. Mr. President, may I on behalf of the Republicans wish all Democrats a peaceful and productive new year.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. ON SATURDAY, JANUARY 2, 1971

Mr. KENNEDY. Mr. President, I ask unanimous consent that the previous order be changed to provide that the Senate adjourn until 11 a.m. on Saturday next, instead of recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. SATURDAY, JANUARY 2, 1971

Mr. KENNEDY. Mr. President, I move that the Senate stand in adjournment, in accordance with the previous order.

The motion was agreed to; and (at 6 o'clock and 28 minutes p.m.) the Senate adjourned until Saturday, January 2, 1971, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Dec. 31, 1970:

U.S. Air Force'

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be brigadier general

Col. Harold A. Strack, 555-28-3432FR, Regular Air Force.

Col. Gerrit L. Hekhuis, 513-18-2851FR, Regular Air Force, medical.

Col. Russell G. Ogan, 196-12-6015FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. John H. Wilkins, 448-10-7649FR, Regular Air Force, medical.

Col. Wiltz P. Segura, 437-14-7389FR, Regular Air Force.

Col. Conrad S. Allman, 577-28-5895FR, Regular Air Force.

Col. George E. Schafer, 312-18-8633FR, Regular Air Force, medical.

Col. Lewis S. Norman, Jr., 224-52-8321FR, Regular Air Force.

Col. Edmund A. Rafalko, 026-16-2078FR, Regular Air Force.

Col. Charles J. Adams, 528-18-8385FR, Regular Air Force.

Col. John R. Kern, Jr., 195-12-5990FR, Regular Air Force.

Col. Malcolm P. Hooker, 412-26-0926FR, Regular Air Force.

Col. Gerald G. Fall, Jr., 025-12-6858FR, Regular Air Force.

Col. Ray B. Sitton, 260-22-9821FR, Regular Air Force.

Col. Colin C. Hamilton, Jr., 239-26-3415FR, Regular Air Force.

Col. Edward P. McNeff, 138-18-0859FR, Regular Air Force.

Col. Van N. Backman, 476-09-7952FR, Regular Air Force.

Col. Howard P. Smith, Jr., 255-24-3618FR, Regular Air Force.

Col. William W. Gilbert, 552-24-2248FR, Regular Air Force.

Col. Edgar S. Harris, Jr., 230-20-4927FR, Regular Air Force.

Col. Frank J. Simokaitis, 498-12-7282FR, Regular Air Force.

Col. James A. Knight, Jr., 461-24-9717FR, Regular Air Force.

Col. Harry M. Chapman, 413-22-8441FR, Regular Air Force.

Col. Robert L. Edge, 559-20-4849FR, Regular Air Force.

Col. James M. Breedlove, 404-09-6241FR, Regular Air Force.

Col. Donald G. Nunn, 471-16-0163FR, Regular Air Force.

Col. Lawrence J. Fleming, 391-16-4572FR, Regular Air Force.

Col. Howard M. Fish, 473-12-1956FR, Regular Air Force.

Col. Ralph S. Saunders, 230-05-1295FR, Regular Air Force.

Col. Thomas A. Aldrich, 455-14-9333FR, Regular Air Force.

Col. Jeanne M. Holm, 543-14-63648FR, Regular Air Force.

Col. Howard M. Lane, 422-16-1628FR, Regular Air Force.

Col. Lester T. Kearney, Jr., 452-26-9273FR, Regular Air Force.

Col. Kendall Russell, 562-54-3484FR, Regular Air Force.

Col. Keith L. Christensen, 529-18-0615FR, Regular Air Force.

Col. Alden G. Glauch, 370-03-8914FR, Regular Air Force.

Col. Edwin W. Robertson II, 251-64-1819 FR, Regular Air Force.

Col. Charles F. Minter, Sr., 257-16-5667FR, (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Herbert J. Gavin, 545-12-7697FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Andrew B. Anderson, Jr., 225-26-6387 FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Eugene F. Tighe, Jr., 559-18-8235FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Abbott C. Greenleaf, 117-18-0310FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Larry M. Killpack, 529-18-4475FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Grant R. Smith, 559-01-9443FR, Regular Air Force.

Col. Henry L. Warren, 449-14-7651FR, Regular Air Force.

Col. Henry Simon, 143-16-1172FR, Regular Air Force.

Col. Milton E. Nelson, 417-24-4964FR, Regular Air Force.

Col. Donald L. Werbeck, 077-18-0925FR, Regular Air Force.

Col. Slade Nash, 545-28-5350FR, Regular Air Force.

Col. John C. Bartholf, 081-32-9395FR, Regular Air Force.

Col. Travis R. McNeil, 467-20-0153FR, Regular Air Force.

Col. Robert F. Trimble, 223-24-3737FR, Regular Air Force.

Col. Jack Bellamy, 334-20-3822FR, Regular Air Force.

Col. Harry M. Darmstandler, 309-18-5938 FR, Regular Air Force.

Col. William C. Burrows, 578-22-9420FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Robert C. Mathis, 466-22-0558FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Wilbur L. Creech, 481-24-3515FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. George A. Pappas, Jr., 138-03-9527FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Hubert O. Johnson, Jr., 450-16-4947 FR, Regular Air Force.

Col. Charles E. Buckingham, 341-16-1210 FR, Regular Air Force.

Col. James L. Stewart, 523-14-6138FR, Regular Air Force.

Col. Eugene W. Gauch, Jr., 156-01-8682 FR, Regular Air Force.

Col. Lawrence A. Fowler, 549-20-3589FR, Regular Air Force.

Col. Evan W. Rosencrans, 188-14-0620FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Brent Scowcroft, 528-20-7372FR, Regular Air Force.

Col. Jesse M. Allen, 344-20-7703FR (major, Regular Air Force), U.S. Air Force.

Col. James A. McDivitt, 348-20-8618FR (major, Regular Air Force), U.S. Air Force.

Col. Earl J. Archer, Jr., 294-22-0131FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Raymond B. Furlong, 178-20-8867FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Walter P. Paluch, Jr., 345-20-6534FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Lincoln D. Faurer, 208-12-8092FR (major, Regular Air Force), U.S. Air Force.

Col. James G. Randolph, 077-32-7853FR (major, Regular Air Force), U.S. Air Force.

Col. Billy J. Ellis, 436-32-2398FR (major, Regular Air Force), U.S. Air Force.

In the Navy

Vice Adm. Ralph L. Shifley, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Rear Adm. Charles S. Minter, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

In the Marine Corps

The nominations beginning Thomas G. Arndt, to be second lieutenant, and ending Peter K. Williams, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on December 14, 1970, and

The nominations beginning Arthur A. Adkins, to be second lieutenant, and ending John J. Whitney, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on December 18, 1970.

SENATE—*Saturday, January 2, 1971*

The Senate met at 11 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, who makest all things new and abidest forever the same, grant us to begin this year in Thy faith, to live it under Thy direction, to conclude it in Thy favor, and at the end to hear Thee say, "Well done, good and faithful servant."

In the name of Him who came not to be ministered unto but to minister and give His life for many. Amen.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILL SIGNED

Under authority of the order of the Senate of December 31, 1970, the Secretary of the Senate, on December 31, 1970, received a message from the House of Representatives, which announced that the Speaker had affixed his signature to the enrolled bill (H.R. 16199) to establish a working capital fund for the Department of the Treasury; to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services; and for other purposes, and it was signed by the Acting President pro tempore (Mr. METCALF) on December 31, 1970.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 31, 1970, he presented to the President of the United States the following enrolled bills:

S. 437. An act to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes; and

S. 1626. An act to regulate the practice of psychology in the District of Columbia.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, December 31, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATIONS FOR INSERTIONS IN THE RECORD FOLLOWING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senators may be permitted to make insertions in the RECORD following the adjournment of Congress until the last edition authorized by the Joint Committee on Printing is published; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of Congress. I wish to advise that the time for filing information to be included in the RECORD will be up to January 11, 1971.

SENATOR FROM DELAWARE—ADMINISTRATION OF OATH

Mr. SCOTT. Mr. President, I present the certificate of appointment of the Honorable WILLIAM P. ROTH, JR., as a Senator from the State of Delaware and ask that it be read.

The ACTING PRESIDENT pro tempore. The certificate will be read.

The legislative clerk read as follows:

CERTIFICATE OF APPOINTMENT

To the PRESIDENT OF THE SENATE OF THE UNITED STATES,
Washington, D.C.
Attention: Francis R. Valeo, Secretary of Senate, U.S. Capitol:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Delaware, I, Russell W. Peterson, the Governor of said State, do hereby appoint William V. Roth, Jr., a Senator from said State to represent said State in the Senate of the United States for the unexpired term ending at noon on the third day of January, 1971, caused by the resignation of The Honorable John J. Williams.

Witness: His excellency our Governor, Russell W. Peterson, and our seal hereto affixed at Dover this 1st day of January, in the year of our Lord 1971.

By the Governor:
[SEAL] RUSSELL W. PETERSON,
Governor.
RICHARD H. CALDWELL,
Acting Secretary of State.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a letter from the former Senator from Delaware (Mr. John J. Williams), which the clerk will read.

The legislative clerk read as follows:

U.S. SENATE,
Washington, D.C., December 31, 1970.
The PRESIDENT OF THE U.S. SENATE,
Washington, D.C.
(Attention Mr. Francis R. Valeo, Secretary of the Senate.)

MY DEAR MR. PRESIDENT: I am hereby resigning as United States Senator from Delaware effective midnight December 31, 1970.

Governor Russell W. Peterson of Delaware, has been officially notified of this resignation by telegram, a copy of which is enclosed.

Yours sincerely,
JOHN J. WILLIAMS.

The ACTING PRESIDENT pro tempore. If the Senator-designate will present himself at the desk, the oath of office will be administered to him.

Mr. ROTH of Delaware, escorted by Mr. SCOTT, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Acting President pro tempore (Mr. METCALF); and he subscribed to the oath in the official book.

[Applause, Senators rising.]

RECESS

Mr. MANSFIELD. Mr. President, in view of Senator ROTH's connection not only with Delaware but also with the State of Montana, of which we are proud, I ask unanimous consent that the Senate stand in recess for 2 minutes for the purpose of greeting our new distinguished colleague.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Thereupon, at 11:04 a.m., the Senate took a recess for 2 minutes.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer (Mr. STEVENS).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 799) providing that the two Houses of Congress shall adjourn on Saturday, January 2, 1971, and that they stand adjourned sine die, in which it requested the concurrence of the Senate.

ORDER FOR ADJOURNMENT SINE DIE

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives just received.

The PRESIDING OFFICER (Mr. STEVENS) laid before the Senate House Concurrent Resolution 799, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Saturday, January 2, 1971, and that when they adjourn on said day, they stand adjourned sine die.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the concurrent resolution (H. Con. Res. 799) was considered and agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider two nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations on the Executive Calendar will be stated.

OFFICE OF ECONOMIC OPPORTUNITY

The legislative clerk read the following nominations in the Office of Economic Opportunity:

Carol M. Khosrovi, of Virginia, to be an Assistant Director of the Office of Economic Opportunity.

XUM

John Oliver Wilson, of Connecticut, to be an Assistant Director of the Office of Economic Opportunity.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

FRANK CARLUCCI

Mr. JAVITS. Mr. President, I must express my deep regret that we could not get Mr. Frank Carlucci's nomination confirmed. I hope very much that the President will not be discouraged. I think the general feeling is that he is a very fine man but it did, unhappily, get into a difficult situation in a matter with which he had absolutely nothing to do, and on which he had absolutely no opportunity to pass. I hope very much that the world will not regard this as any passing over of a man, or a refusal or failure to approve him, or that we have any real doubts about him but will understand the situation as being somewhat beyond his control.

I think he will make a very fine administrator and I hope very much that he will be confirmed very early in the next session of Congress.

Mr. MANSFIELD. I appreciate the statement of the Senator from New York. I am delighted that he made it.

Mr. JAVITS. I thank the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

Thes PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 1553, H.R. 18251, and calendar No. 1558, H.R. 19915.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954 TO PROVIDE REFUNDS IN THE CASE OF CERTAIN USES OF TREAD RUBBER

The Senate proceeded to consider the bill (H.R. 18251) to amend the Internal Revenue Code of 1854 to provide refunds in the case of certain uses of tread rubber which had been reported from the Committee on Finance with an amendment on page 3, after line 18, insert a new section, as follows:

SEC. 2. Section 2(b) of the Act entitled "An Act to continue for three years the existing suspension of duties on certain alumina and bauxite, and for other purposes", approved October 21, 1968 (82 Stat. 1210; Public Law 90-615), is amended by striking out "the date of the enactment of this Act" and inserting in lieu thereof "January 10, 1967".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1543), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY

The bill, H.R. 18251, as it passed the House amends the tax laws to provide credits or refunds of the manufacturers excise tax on tread rubber where tax-paid tread rubber: (1) is wasted in the recapping or retreading process, (2) is used in the recapping or retreading of tires the sale of which is later adjusted, or (3) is used in the recapping or retreading of tires which are exported, are sold to State or local governments, are sold to nonprofit educational institutions, or are sold as supplies for vessels or aircraft.

The committee accepted the House-passed provision without change. The Treasury Department has indicated that it has no objection to enactment of this provision.

The committee added to the bill a provision dealing with an amendment enacted in the 90th Congress, relating to drawbacks of tax on distilled spirits used for nonbeverage purposes. The provision added by the committee makes the drawback amendment effective as to claims for drawback filed on or after the first day of the 90th Congress.

II. REASONS FOR THE BILL

Excise tax on tread rubber

There are several instances under present law where a manufacturers tax is imposed on tread rubber when in a similar situation a manufacturers tax would not be imposed in the case of a new tire.

First, the tire tax is imposed on the weight of the new tire after completion of the manufacturing process. Rubber wasted in manufacturing does not figure in the tax base for the new tire. The tax is imposed when the completed tire is sold and is imposed only on the material actually in the completed tire. In the case of the tax on tread rubber, the tax is imposed before the completion of a major manufacturing process—the recapping or retreading of the used tire. Wastage of tread rubber in that process occurs after the tread rubber tax liability has been determined, and under present law no refund or credit is provided for any portion of the tax imposed on the tread rubber which is wasted.

Second, under present law, where the sale of a new tire is adjusted on account of a tread mileage or road hazard guarantee or other similar arrangement, a credit is allowed for the portion of the tax equal to the proportion of the reduction in price of the replacement tire. However, if the sale of a retreaded tire is adjusted under the same circumstances, present law does not permit any credit or refund of the tread rubber tax.

Third, under present law, a credit or refund of the tax on new tires is available when the tire is exported, sold to a State or local government, sold to a nonprofit educational organization, or sold as supplies for a vessel or aircraft. A credit also is available on account of the tire tax when a new tire is mounted on a new automobile that is then disposed of in any of the above ways. However, no credit or refund is available for the tread rubber tax when a recapped or retreaded tire (or the car on which it is mounted) is disposed of in any of those ways.

The committee agreed with the House that the differences described above between the tread rubber tax and the new tire tax, are not warranted and, as a result, that it is desirable to provide for refunds in the above types of cases.

Effective date of distilled spirits drawback—refund

The committee has added to the bill a provision relating to an amendment enacted by the 90th Congress to extend from three months to six months the time by which a refund claim must be filed for drawbacks of distilled spirits for use in medicines, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for beverage purposes. The 90th Congress agreed to extend the time for filing these claims for drawback because it concluded that the three months period allowed by prior law was too short, especially in light of the fact that the statute permits no exercise of discretion in the case of hardship. The committee believes that, since Congress concluded that the request for relief was meritorious and amended the law to grant relief, then Congress ought not to deny relief to those who brought the matter to Congress attention. Precedents for such action are numerous—in particular, the recently passed provision in H.R. 17473, relating to floor stock refunds under the Excise Tax Reduction Act of 1965.

III. GENERAL EXPLANATION

Excise tax on tread rubber

Under present law, a manufacturer's excise tax of 5 cents a pound is imposed on the sale of tread rubber (sec. 4071(a)(4)). A credit or refund of this tax is allowed if the tread rubber is used or sold for use otherwise than in the recapping or retreading of tires of the type used on highway motor vehicles (sec. 6416(b)(2)(L)). The bill makes a credit or refund of the tread rubber tax available in three other situations.

The first situation in which the credit or refund is to be available is where rubber is destroyed, scrapped, wasted, or rendered useless in the recapping or retreading process.

Second, the credit or refund is to be available where the tread rubber is used in the recapping or retreading of a tire if the sale price of the tire is later adjusted because of a warranty or guaranty. Where a sale of a retread tire is adjusted, the overpayment (that is, the amount available for credit or refund) is to be the same proportion of the tax as the adjustment in the sales price of the retreaded tire is of the sale price. For example, assume that a retreaded tire is returned because of road failure after being used only 40 percent of the guaranteed life. Under the guaranty, the owner of the tire in this case is entitled to reduce the price of a replacement tire by an amount equal to 60 percent of the price of the original tire. In this case, therefore, a credit or refund is allowable for 60 percent of the tread rubber tax paid on the returned retread tire.

Finally, where a retreaded tire is sold by a subsequent manufacturer on or in connection with another article (for example, a truck) manufactured by him, the bill provides that credit or refund of the tread rubber tax is to be allowed to the further manufacturer (in this example, the truck manufacturer) if the article (in this example, the truck) is by any person (1) exported, (2) sold to a State or local government for the exclusive use of a State or local government, (3) sold to a nonprofit educational organization for its exclusive use, or (4) used or sold for use as supplies for vessels or aircraft. In addition, a credit or refund of the tread rubber tax is to be available for the tread rubber on a recapped or retreaded tire resold for any of the uses listed above if it is exported or sold by any person for one of those purposes. Also, a credit or refund of the tread rubber tax is to be available to the manufacturer of the recapepd or retreaded tire if that retreader sells the tire on or in connection with any other article manufactured by him, and that other article is exported or sold by any person for one of the purposes described above.

These changes are intended to permit credit or refund of the tax on the tread rubber used on a recapped or retreaded tire, under the circumstances where a credit or refund would be available under present law for a new tire.

The amendments made by this bill are to take effect on the first day of the first calendar month which begins more than 10 days after the date of the bill's enactment. That is, they apply where, on or after the effective date, (1) tread rubber is destroyed, scrapped, wasted, or rendered useless in the recapping or retreading process, (2) adjustments are made with respect to recapped or retreaded tires, and (3) recapped or retreaded tires (or the articles on or in connection with which they are sold) are exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft.

Effective date of distilled spirits drawback-refund

The provision added by the committee changes the effective date of a 90th Congress enactment. Public Law 90-615 (sec. 2(a)) amended the distilled spirits provisions of the internal revenue laws (sec. 5134(b)) to extend from 3 months to 6 months after the close of a calendar quarter, the time by which a claim for drawback of tax on distilled spirits used for nonbeverage purposes must be filed as to that calendar quarter. That provision (in sec. 2(b) of the act) applied the change to claims filed on or after the date of enactment—namely on and after October 21, 1968. The provision added by the committee to this bill applies the change to claims filed on or after January 10, 1967—the first day of the first session of the Congress that enacted Public Law 90-615.

MAKING PERMANENT THE TEMPORARY PROVISION FOR DISREGARDING INCOME OF OLD AGE, SURVIVORS, AND DISABILITY INSURANCE AND RAILROAD RETIREMENT RECIPIENTS IN DETERMINING NEED FOR PUBLIC ASSISTANCE

The bill (H.R. 19915) to make permanent the existing temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance was announced as next in order.

Mr. GRIFFIN. Mr. President, reserving the right to object, I understood there was an amendment to be offered on this bill.

Mr. MANSFIELD. Mr. President, if there is an amendment to be offered, then I believe, in view of that situation, I shall withdraw consideration of the bill.

Mr. President, I withdraw consideration of this bill.

The PRESIDING OFFICER. The bill will be withdrawn.

Mr. MANSFIELD subsequently said. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1558, H.R. 19915; that it be made the pending business, and that an amendment to it be considered.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read the bill by title, as follows: A bill (H.R. 19915) to make permanent the existing temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

Mr. MANSFIELD. Mr. President, there is an amendment at the desk.

The ACTING PRESIDENT pro tempore. The amendment will be read.

The legislative clerk read the amendment in the nature of a substitute as follows:

Strike out all after the enacting clause and insert:

"That section 1007 of the Social Security Amendments of 1969, as amended by section 2(b) of Public Law 91-306, is amended to read as follows:

" 'SEC. 1007. In addition to the requirements imposed by law as a condition of approval of a State plan to provide aid to individuals under title I, X, XIV, or XVI of the Social Security Act, there is hereby imposed the requirement (and the plan shall be deemed to require) that, in the case of any individual found eligible (as a result of the requirement imposed by this section or otherwise) for aid for any month after March 1970 and before January 1972 who also receives in such month—

" '(1) a monthly insurance benefit under title II of such Act, the sum of the aid received by him for such month, plus the monthly insurance benefit received by him in such month, shall not be less than the sum of the aid which would have been received by him for such month under the State plan as in effect for March 1970, plus either

" '(A) the monthly insurance benefit which was or would have been received by him in March 1970 without regard to the other provisions of this title plus $4, or

" '(B) the monthly insurance benefit which was or would have been received by him in March 1970 under the provisions of this title,

whichever is less (whether this requirement is satisfied by disregarding a portion of his monthly insurance benefit or otherwise), or

" '(2) a monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, the sum of the aid received by him in such month, plus the monthly payment of such annuity or pension received by him in such month (not including any part of such annuity or pension which is disregarded under section 1006), shall (except as otherwise provided in the succeeding sentence) not be less than the sum of the aid which would have been received by him for such month under such plan as in effect for March 1970, plus either

" '(A) the monthly payment of annuity or pension which was or would have been received by him in March 1970 without regard to the provisions of any Act enacted after May 30, 1970, and before December 31, 1970, which provides general increases in the amount of such monthly payment of annuity or pension plus $4, or

" '(B) the monthly payment of annuity or pension which was or would have been received by him in March 1970, taking into account the provisions of such Act (if any), whichever is less (whether this requirement is satisfied by disregarding a portion of his monthly payment of annuity or pension or otherwise).' "

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MILLER. Mr. President, the reason for the amendment is that the substance of this legislation was included in the social security bill. It was anticipated, at the time the Senate Finance Committee took action on this measure, that the House would agree to a conference and that we would have a social security bill. Unfortunately, those expectations have not been fulfilled, and in order to do equity, it is necessary to have this legislation. It is hoped that there will be a social security bill next year, and therefore, it is necessary to extend the application of this legislation only for 1 additional year.

That is what the purpose of the amendment is, and I hope the Senate will agree to it.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An Act to extend the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance."

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I might say, for the information of the Senate, that the reason we are passing the bill with an amendment today is that the distinguished chairman of the Ways and Means Committee in the other body is over there, and we hope this measure can be expeditiously adopted.

THE SENATOR FROM DELAWARE

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield briefly, I simply would like to serve notice that at this time I would normally have a number of things to say about our new Senator, but we are aware that this is the last day of the session, and I know Senator ROTH of Delaware would understand if we do not say many things that are in our hearts that we would like to say about him. He is a great man. He comes from the first State which started the Nation. We are immensely proud of that and of him.

Mr. MANSFIELD. Was the Senator referring to Delaware or Montana?

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Mr. SCOTT. I was referring to Delaware, although Delaware has very fine Montana connections, which can be seen in the visages of children. They have that Montana expression of happiness and vigor.

Mr. MANSFIELD. I thank the Senator.

REPORT OF THE SENATE DEMOCRATIC POLICY COMMITTEE ON THE ACCOMPLISHMENTS OF THE 91ST CONGRESS—PRINTED AS A SENATE DOCUMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate Democratic Policy Committee be permitted to have printed in the RECORD and as a Senate document its report of the accomplishments of the 91st Congress, together with a statement made by the majority leader on Thursday, December 31, 1970; as well as a summary as of the time of adjournment today.

I ask unanimous consent that that statement be again printed in the RECORD to insure continuity and that it be considered as if spoken.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, a number of assessments have already been offered of the 91st Congress—its record, its achievements, its failings and its flaws. I hope that the Senate is of a mind at this time to take one more evaluation from the leadership. One can readily criticize the pattern of Senate performance these past two or three weeks. That it comes at the end of a long Congress of intense, exhausting and virtually continuous session is easily forgotten. The achievements of two years may well be overlooked in the procedural thickets of adjournment. As in other situations, the legislative good is often interred with the bones of an expiring Congress. Praise should neither be sought nor expected for doing what it is our responsibility to do.

Nevertheless, it ought to be said for the historic record that this Congress has coincided with the beginning of a difficult national decade. I think it was sensed at the outset that we would be meeting at the opening of an era of drastic change at home and abroad. The pressure for change has already become very evident in the Nation and the work of the Senate has mirrored it. Almost at the outset of the 91st Congress questions were raised concerning the need to reduce this Nation's antiquated commitments and accumulated involvements abroad, notably those of Vietnam. Heard, too, from the outset were the questions of the neglected needs of the people here at home.

This Congress—the 91st Congress—has played a decisive and fundamental role in setting forth these questions, both domestic and foreign, during the past 2 years. Moreover, the Senate has provided leadership and active participation in the search for answers to these questions.

If we know a little more clearly the dimensions of what now confronts the Nation, the work of the Senate has helped to induce that clarity. If the Federal Government has, at least, begun to move more emphatically against the backlog of national difficulties, whether they be the war in Vietnam, the disintegration of urban life, the needs of older Americans, pollution, crime or whatever, it is due in part to the activities of the 91st Congress. I am not talking about the passage of particular laws. To be sure, many laws have been passed. We do not, however, nor should we, measure the contribution by the number of items that have been run through the legislative computer.

The impact of the Senate and the Congress is to be viewed, more accurately, I believe, in terms of the cumulative impact of this one branch on the course of the Federal Government. The impact is to be seen, for example, in the many-sided efforts which, in the end, produced nearly a $10 billion reduction in Federal spending in this Congress, largely by cuts in excessive military and overseas activities. Its impact is to be noted in the fact that some of those billions have been rechanneled by legislation into more compelling domestic needs—into education, into health, into the resolution of urban difficulties, poverty, pollution control and the like. In a very deliberate and responsible way, the Congress acted to bring about this shift without contributing further to inflationary pressures. It cut in one place as it added in another. But the overall appropriations which this Congress votes are expected to be less than the administration's request for funds.

The record of this Congress also includes significant progress in the Senate in revitalizing the role of Congress with regard to foreign relations. The effort was dramatized during the extended debate on the Cooper-Church amendment last summer. To be sure, some found this effort unproductive and time consuming at best. Some even have labeled it an intrusion on the powers of the Presidency. In my judgment, that is far from the reality. Cooper-Church was a necessary restraint on a pendulum which had swung the control of this Nation's affairs abroad too far away from the constitutional purview of the Congress. In truth, it was a restraint on a pendulum which was moving ever further away even from the control of our elected President. The impact of what was done here, in my judgment, has reinforced the President's desire to withdraw from Indochina. It has been an indispensable initiative, if the spread of our involvement in the war in Indochina was to be halted.

It should be noted that there has been criticism concerning the Senate's treatment of the President's legislative requests. That criticism is hardly that the Senate has failed to consider the President's requests. Few legislative matters to which the President attached personal importance have gone by the board in this Congress. The great bulk of the President's program has had fair hearing and substantial action in the Senate. I suspect, therefore, that the criticism must stem from the fact that in considering the President's program, the Senate has insisted on adding its own judgments. To be sure, these judgments on occasion have deviated from those of the Administration's. To be sure, the Senate insisted, as the Minority Leader suggested a few days ago, that its own stamp be added to legislation.

I find it neither unusual nor undesirable that the legislative powers of the Congress be exercised in that fashion. They have been exercised, moreover, not by Democratic Senators or by Republican Senators, but by the Senate as a whole. They have been exercised by Members of both parties joined, time and again, in substantial numbers to forge the necessary majorities.

I am frank to say that there is one major item of the President's program which did not receive the treatment to which it was entitled. That is the Family Assistance Plan. While the measure was in Committee for a long time and directly before the Senate for a number of days, I regret that it did not get a proper decision. May I say that many Senators felt the same way. They wanted very much to have this program voted upon on the merits. But the Senate was unable to vote. Why it was unable to vote is now a matter of record.

The Leadership apologizes to the President for this inability to act in the closing days of the Congress. I can only reiterate the hope that already has been expressed that everything possible will be done to bring the matter to a head early in the next Congress.

As for most legislative items—whether initiated by the Administration or here in the Congress—the record of the Senate, in my judgment, is highly respectable. That is very evident with respect to anticrime measures. The Senate passed virtually all anticrime proposals requested by the Administration, and initiated and passed many more on its own.

With respect to the economy, the Congress has responded to whatever initiatives have been taken by the Administration. We have responded with an eagerness to cooperate in coping with the severe decline in business and agriculture. We have sought, too, to alleviate the human hardships which are accumulating in the wake of this economic slide.

With regard to the inflation, every measure which the President has requested has received prompt action. We have cut overall expenditures in some areas so that in all likelihood, the final Congressional appropriations will be, as I have noted, lower in total than what was requested by the Administration. Congress is willing to do more to try to keep a lid on prices. In this connection, it has already given the President wage and price authority and selective-credit control authority.

To reduce unemployment, moreover, the Congress offered the President a manpower program that was designed to keep 300,000 Americans off the welfare rolls. The measure regrettably was vetoed. As a result, thousands of Americans are already or will soon be consigned indefinitely to welfare, burdening even more the hard-pressed resources of the cities and States.

There is room for legitimate criticism of this Congress—this Senate. It is obviously not helpful to effective legislation, to say the least—when complex,

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controversial and far-reaching measures of national import reach the floor of the Senate in the dying days of a Congress. To be sure, there are extenuating circumstances at this time. Nevertheless, the problem of the logjam is occurring with ever-increasing frequency. It must be faced. A confrontation with legislative avalanches at the end of a Congress leads in the end to more than a procedural mess. It leads also to serious substantive unreasonableness.

It is not accurate to saddle the blame for these circumstances on the Administration alone; or on the House alone; or on the Senate alone. During this Congress, all parties in the Government bear part of the responsibility. In so saying, I do not seek to minimize the Senate's shortcomings. In the future, it seems to me the Administration and Congress—and within Congress, the Senate and the House—must take further steps to avoid a worsening impasse. The Administration must get its legislative program to the Congress early in the year and then refrain from introducing last minute changes or sweeping additions. It seems to me, too, that the House which acts first must move appropriations and revenue bills to the Senate without prolonged delay. It seems to me, finally, that the Senate committees must redouble their efforts to bring to the calendar early in the session authorizing legislation and all other legislation that is obviously complex and controversial.

As for procedural problems of this kind, fresh approaches may be expected next year. I would not anticipate the Senate but there are indications that a serious examination of the cloture rule is in the offing. There may be further innovations designed, hopefully, to expedite the business of the Senate. The Joint Leadership, for example, has listened with great interest to several of the newer Members—Senators CRANSTON, HUGHES, SAXBE, and SCHWEIKER, in particular, who have advanced a number of helpful procedural suggestions.

We must look to our procedures because it has become quite apparent that Congressional business has expanded immensely. During this session, the Senate has met in session more days and more hours than has any other Senate in at least a score of years. The fact is that we were faced with a very substantial legislative chore and the fact is underscored by the substantial legislative record which has emerged.

This record has been compiled in the Senate because Democrats and Republicans have joined to make it possible. To the Members on both sides of the aisle, therefore, I wish to express my deep appreciation for their contributions as well as their patience and understanding. The distinguished Minority Leader (Mr. SCOTT) has been a great strength. His consideration, his courtesy and his cooperation have been as welcome as they have been essential to the responsible operation of the Senate.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a summary of Senate activity during the second session. I reiterate, this is the product of both parties. It is the product of a Senate which in the year 1970 has taken over 400 rollcall votes, more than ever before in the Nation's history. It is the legislative product of a Senate, which, notwithstanding the events of the past few weeks, has worked with great dedication and discernment to serve the interests of the people of the Nation.

OUTSTANDING LEGISLATIVE ACHIEVEMENTS

Legislative Reorganization Act of 1970.

Comprehensive Drug Abuse Prevention and Control Act.

Omnibus Crime Control Act.

Organized Crime Control Act.

Military construction authorization.

Military procurement authorization.

District of Columbia Court Reform and Criminal Procedure Act.

District of Columbia Delegate to House.

Bank holding companies.

Defense Production Act extension; standby wage, price, and rent controls.

Foreign bank secrecy; unsolicited credit cards; consumer credit reporting.

Elementary and secondary education amendments.

Alaska Native Claims Settlement Act (no House action).

Pornographic mail (no House action).

Rejection of findings and recommendations of Commission on Obscenity and Pornography (Senate resolution).

Postal Reorganization Act.

Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act.

Developmental disabilities services and facilities construction amendments.

Medical facilities construction and modernization amendments (passed over Presidential veto).

National Air Quality Standards Act.

Regional Medical Programs and Comprehensive Health Planning and Services Act.

Emergency Home Finance Act.

Housing and Urban Development Act.

Gulf of Tonkin resolution—termination (Senate resolution; also contained in military sales bill).

Military sales—limitations on U.S. involvement in Cambodia (in conference).

Voting Rights Act extension (lowered voting age to 18).

Employment and Manpower Act (vetoed by the President).

Equal Employment Opportunities Enforcement Act (no House action).

Confirmation of Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States (also rejection of Carswell nomination).

Resource Recovery Act.

Wilderness areas.

Employment security amendments.

Airport and Airways Development Act.

Federal-Aid Highway Act (a bill on House calendar).

Merchant Marine Act.

Political broadcasting (vetoed by President).

Rail Passenger Service Act.

Urban Mass Transportation Assistance Act.

Occupational Safety and Health Act.

Consumer Protection Organization Act.

Securities Investor Protection Corporation.

Voting Rights Act extension.

Federal Water Pollution Control Act amendments.

Social security increases.

Family practice medicine (vetoed by President).

SENATE LEGISLATIVE ACTIVITY (91ST CONGRESS, 2D SESSION) (BY SENATE DEMOCRATIC POLICY COMMITTEE)

Days in session	208
Hours in session	1425:04
Total measures passed	984
Public Laws	413
Treaties	10
Confirmations	61,162

Symbols: P/H—Passed House; P/S—Passed Senate.

Following is a brief summary of major Senate activity:

AGRICULTURE

Agricultural Act of 1970: Provided 3-year programs for milk, wool, wheat, feed grains, and cotton; limited annual subsidy payments per person per crop under the wheat, feed grains, and cotton programs for the 1971 through 1973 crops to $55,000; provided for a long-term cropland retirement program; extended the provisions of Public Law 480, 83d Congress, which authorized donations and long-term dollar credit and foreign currency sales of farm commodities to underdeveloped nations; committed Congress to a sound rural-urban balance; and contained other provisions. Public Law 91-524.

Agricultural exports expansion: Makes it possible for representatives of the domestic wine industry to participate in market development activities carried out with foreign currencies made available under title I of Public Law 480, 83d Congress. H.R. 14169. P/H 3/10/70. P/S amended 12/17/70.

Almond marketing orders: Amended the marketing order law to authorize provision for paid advertising in marketing promotion activities under almond marketing orders; permitted a handler's direct marketing promotion expenditures to be credited against his assessment under an almond order; and provided that inclusion of marketing promotion provisions in a marketing order shall not preclude similar provisions in a State order. Public Law 91-522.

Animal Welfare Act: Expanded protection to more animals and provided additional regulation of people handling, exhibiting, buying, selling, or transporting animals or who use them in the pursuit of medical and scientific knowledge. Public Law 91-579.

Apple marketing orders: Extended to apples those provisions of the marketing law which now authorize paid advertising to be provided for in marketing orders for cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados. Public Law 91-363.

Conservation and development projects: Authorized the Secretary of Agriculture to bear part of the cost of installing public fish and wildlife or recreational developments in so-called resource conservation and development projects but not to exceed one-half the cost of the land and minimum basic public facilities needed in connection with such development. Public Law 91-343.

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Custom slaughtering: Amended the Federal Meat Inspection Act to permit custom slaughterers to buy and sell meat and meat food products without losing their exemption as slaughterers; exempted from inspection requirements the custom preparation for the use of the owners and their households of carcasses and parts of carcasses of (1) cattle, sheep, swine and goats slaughtered by their producers, and (2) game animals; and permitted the Secretary of Agriculture to exempt custom slaughtering and processing performed by an inspected establishment. Public Law 91-342.

Dairy products donation: Amended the Agriculture Act of 1949 to provide that dairy products acquired by the Commodity Credit Corporation through price support operations may be donated, prior to any other disposition, for use in the United States in nonprofit school lunch and other nonprofit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals. Public Law 91-233.

Egg Products Inspection Act:

Provide for the inspection of certain egg products by the Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this Act. S. 2116. P/S 2/2/70.

Prohibited the distribution of unwholesome shell eggs or their use in food products; provided for mandatory continuous inspection of egg product processing plants; applied to intrastate as well as interstate and foreign commerce; provided for exemptions, identification of egg products not intended for human food, recordkeeping, and Federal-State cooperation; prohibited, generally, States from imposing requirements conflicting with the bill, or certain other Federal laws; and required imports to meet the same requirements as domestic products. Public Law 91-597.

Emergency assistance to provide nutritious meals to needy children: Amended the National School Lunch Act to enable the provision of free or reduced-price meals to needy children and authorized the Secretary of Agriculture to use $30 million of funds from Section 32 of the Act of August 24, 1935 to supplement funds heretofore made available to carry out programs during fiscal year 1970 to improve the nutrition of needy children in public and nonprofit private schools participating in the National School Lunch Program under this Act or the school breakfast program under the Child Nutrition Act of 1966. Public Law 91-207.

Food Stamp Act of 1964 amendments:

Authorized $1.75 billion for fiscal year 1971 and such sums as may be necessary for fiscal years 1972 and 1973; clarified the persons and the jobs which are specifically covered by the Act; provided that certain able-bodied persons, including those employed and working for less than 30 hours per week, would be required to register for and to accept employment for jobs covered by State or Federal minimum wage laws or Federal wage regulations; provided that jobs not covered by such laws or regulations would not be considered available unless an hourly wage rate of $1.30 is provided; provided that refusal to accept work at a plant or site which is subject to a lock-out will not be the basis for denying food stamp assistance; established the value of the coupon allotment to food stamp recipients at a level which the Secretary of Agriculture finds will provide a "nutritionally adequate diet;" required the Secretary to make an annual adjustment to reflect increases for food in the "Cost of Living" index published by the Department of Labor; provided authority for the Secretary to give free stamps to those who are in the greatest need of assistance; established the criteria that families of four persons having an income of less than $30 per month may receive free stamps; provided for self-certification of persons on public assistance; and contained other provisions. H.R. 18582. Public Law 91- .

Forest service contract renewal without advertising: Authorized the Forest Service to provide for procurement and operation of aerial facilities and services for the protection and management of the national forests and other lands administered by it. Public Law 91-435.

Guam agricultural services: Provides for the continuation through June 30, 1975, of authority for the Secretary of Agriculture to maintain an agricultural program in Guam, which authority expired September 7, 1969. S. 2991. P/S 5/11/70.

Hawaiian papayas — advertising: Added Hawaiian papayas to the list of commodities for which paid advertising can be provided for in marketing orders. Public Law 91-384.

Inspection of imported livestock products: Provides for thorough health and sanitation inspection of all livestock products imported into the United States and imposes a charge to cover inspection costs. S. 3942. P/S 9/21/70.

International animal quarantine station: Authorized the establishment of an international animal quarantine station in United States territory through which animals may be moved from any foreign country into this country to make it possible to improve livestock breeds; provides measures to prevent the introduction of and dissemination within this country of livestock or poultry disease or pests; and set penalties applicable to the movement of animals contrary to regulations to be issued. Public Law 91-239.

Milk, tomato, and potato promotion: Provided authority for promotion programs for milk, tomatoes, and potatoes, and provided that if domestic orders adopt standards controlling grade, size, quality and maturity, with respect to the marketing of olives (other than Spanish-style green olives), raisins, and prunes, then imported commodities must also comply with these same standards. S. 1181. Public Law 91- .

National agricultural library: Authorized the Secretary of Agriculture to receive gifts for the benefit of the National Agriculture Library. Public Law 91-591.

Peanut acreage allotments transfer: Made the authority of the Secretary of Agriculture to permit transfers of peanut acreage allotments permanent. Public Law 91-568.

Plant Variety Protection Act: Provided for the issuance of "certificates of plant variety protection" assuring developers of novel varieties of sexually reproduced plants of exclusive rights to sell, reproduce, import, or export such varieties, or use them in the production of hybrids or different varieties, for a period of 17 years; established a Plant Variety Protection Office in the Department of Agriculture to administer the law; and exempted celery, okra, peppers, tomatoes, carrots, and cucumbers from the act's provisions. Public Law 91-577.

Productiton research: Authorized inclusion in marketing orders for commodities other than milk of provisions for production research supported by handler assessments and made such research and development projects as now authorized by the Act, a purpose of the Act. Public Law 91-292.

Rural telephone bank: Creates a rural telephone bank to provide supplemental financing for rural telephone systems and provides that the rural telephone account consists of such net collections from the 2-percent telephone loan program received after July 1, 1968 as may be necessary to provide for the Government's investment in the bank. S. 3387. P/S 4/2/70. H.R. 7. H. Cal.

School lunch and child nutrition amendments: Improved and revised the child feeding programs conducted under the National School Lunch Act and the Child Nutrition Act of 1966 to provide better child feeding operations reaching all children, particularly the poor. The Act provided: authorization of appropriations 1 year in advance; school lunch apportionment based on lunches served 2 years prior; apportionment of nonfood assistance based on need; direct distribution of foods to schools and service institutions; matching requirements (beginning at 4 percent and rising to 10 percent); free and reduced price (not more than 20 cents) lunch for any public school child in a household which has an income below the poverty level, determined by the Secretary of Agriculture; apportionment of funds to States based on the number of children aged 3 to 17 in households with incomes of less than $4,000 per year and to schools on the basis of need; Federal funding of 100 percent of the program costs; annual plans describing the proposed extended State lunch program; a National Advisory Council on Child Nutrition; an increased appropriation authorization for fiscal 1971 for the breakfast program (from $12 million to $25 million); and other changes. Public Law 91-248.

Special milk program extension: Permanently extended the authority for the special milk program scheduled to expire June 30, 1970, at the current authorization level of $120 million. Public Law 91-295.

Tobacco allotments: Made permanent the authority for leasing of tobacco acreage allotments as provided by section 316 of the Agricultural Adjustment Act of 1938; placed limitations on such leasing; and excepted specified tobaccos. Public Law 91-284.

Tobacco quotas: Extends until March 1, 1971 the time for the proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971. S.J. Res. 249. Public Law 91- .

Tomato advertising: Adds tomatoes to the list of commodities for which paid advertising can be provided in promotional programs under marketing orders. S. 1862. P/S 1/30/70.

Water Bank Act: Authorized the Secretary of Agriculture to enter into 10-year renewable contracts with landowners and operators in important migratory waterfowl nesting and breeding areas for the conservation of water on specified wetlands. Public Law 91–559.

Wheat referendum deferrals:

Permitted the wheat marketing quota referendum for the 1971 crop to be deferred until the earlier of October 15, or 30 days after the adjournment of Congress. Public Law 91–348.

Permitted the wheat marketing quota referendum for the 1971 crop to be deferred until not later than 30 days after adjournment sine die of the second session of the 91st Congress. Public Law 91–455.

Wheat research and promotion: Authorized the Secretary of Agriculture to enter into agreements with organizations of wheat growers, farm organizations, and other such organizations as appropriate to carry out a program of research and promotion designed to expand domestic and foreign markets and increase utilization for U.S. wheat. Public Law 91–430.

APPROPRIATIONS

1970

Continuing appropriations:

Continued appropriations through February 28, 1970. Public Law 91–193.

Made further continuing appropriations for fiscal year 1970 to provide for authorized salary and compensation payments provided for in the Second Supplemental Appropriations Act, 1970. Public Law 91–257.

Foreign aid: Appropriated $2,502,413,000 for foreign assistance and related agencies. Public Law 91–194.

Labor-HEW:

Appropriated $19,747,153,000 for the Departments of Labor and Health, Education and Welfare, and related agencies. H.R. 13111. President vetoed 1/26/70. House sustained veto 1/28/70.

Appropriated $19,381,920,000 for the Departments of Labor and Health, Education and Welfare, and related agencies. Public Law 91–204.

Second supplemental: Appropriated $6,021,535,005 for the fiscal year ending June 30, 1970, for various program supplementals, pay increase costs due to comparability adjustments and resulting from the enactment of the Federal Employees Salary Act of 1970; and revised the ceiling on 1970 budget outlays. Public Law 91–305.

1971

Agriculture: Appropriated a total of $8,090,856,550 for the Department of Agriculture and related agencies. Public Law 91–566.

Continuing appropriations:

Continued appropriations through July 31, 1970. Public Law 91–294.

Continued appropriations through October 15, 1970. Public Law 91–370.

Continued appropriations through the sine die adjournment of the second session of the 91st Congress and increased from $300 million to $600 million the advance appropriations for the food stamp program and its availability to January 31, 1971. Public Law 91–454.

Continued appropriations through March 30, 1971, for the Department of Transportation and related agencies. H.J. Res. 1421. Public Law 91– .

Defense: Appropriated $66,595,937,000 for the Department of Defense. H.R. 19590. Public Law 92– .

District of Columbia: Appropriated $636,118,200 for the District of Columbia. The appropriated Federal payment is $108,938,000. Public Law 91–337.

Education: Appropriated $4,420,145,000 for the Office of Education. Public Law 91–380. Congress overrode Presidential veto.

Foreign aid: Appropriated a total of $2,534,310,000 for foreign assistance and related programs. H.R. 17867. Public Law 91– .

Independent offices—Housing and Urban Development:

Appropriated $18,655,019,500 for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development. H.R. 17548. President vetoed 8/11/70. House sustained veto 8/13/70.

Appropriated $17,709,525,300 for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development. Public Law 91–556.

Interior: Appropriated $2,028,524,700 in new budget (obligational) authority and appropriations to liquidate contract authority for the Department of the Interior. Public Law 91–361.

Labor-HEW: Appropriated $18,999,392,500 for the Departments of Labor and Health, Education and Welfare, and related agencies. H.R. 18515. Public Law 91– .

Legislative: Appropriated $413,054,220 for the Legislative Branch. Public Law 91–382.

Military construction: Appropriated $2,037,814,000 for military construction for the Department of Defense. Public Law 91–544.

Public Works—Atomic Energy Commission: Appropriated $5,238,517,000 for public works for water, pollution control, and power development and the Atomic Energy Commission. Public Law 91–439.

State, Justice, Commerce, the Judiciary, and related agencies: Appropriated $3,108,074,500 in new budget (obligational) authority for the Departments of State, Justice, Commerce, the Judiciary, and related agencies. Public Law 91–472.

Supplemental: Appropriated $2,089,107,792 for supplemental appropriations for fiscal year 1971. H.R. 19928. Public Law 91– .

Transportation: Appropriated $2,534,310,000 for the Department of Transportation and related agencies. H.R. 17755. P/H 5/27/70. P/S amended 12/3/70. House adopted conference report 12/15/70. Senate tabled conference report 12/29/70. In conference.

Treasury, Post Office and Executive Office: Appropriated $3,004,711,000 in new budget (obligational) authority for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies. Public Law 91–422.

ATOMIC ENERGY

Atomic Energy Act amendments: Amended the Atomic Energy Act of 1954 principally to abolish the concept of a finding of practical value; clarify the procedure for prelicensing antitrust review; authorize variation of disciplines in composition of atomic safety and licensing boards; and reaffirm with greater clarity the intention of the Joint Committee on Atomic Energy and of Congress underlying a provision of the Private Ownership of Special Nuclear Materials Act enacted into law as Public Law 88–489 on August 26, 1964. Public Law 91–560.

Atomic Energy Commission authorization, 1971: Authorized $2,290,907,000 for fiscal year 1971 ($2,013,307,000 for operating expenses and $277,600,000 for plant and capital equipment). Public Law 91–273.

Atomic Energy Commission supplemental authorization, 1971: Provided a supplemental authorization of $25.5 million for the construction at various locations of improvements to further enhance fire protection, safety, and operating conditions of the Atomic Energy Commission's nuclear weapons production and research facilities. Public Law 91–580.

Western Interstate Nuclear Compact: Gave congressional consent and approval to a compact between the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming to enter the western interstate nuclear compact. Public Law 91–461.

CONGRESS

Joint committee on the environment: Provides for the establishment of a Senate-House Joint Committee on the Environment to improve congressional capacity for gathering relevant information on present and emerging environmental problems and to create a well-staffed congressional institution that can make a continuing assessment of the relationship between man and his environment. H.J. Res. 1117. P/H 5/25/70. P/S amended 11/24/70. In conference.

Legislative Reorganization Act of 1970: Improved the operation of the legislative branch of the Federal Government by revising procedures of Congressional Committees; permitting recording of quorum calls and teller and roll call votes in the House of Representatives; changing the name of the Senate Banking and Currency Committee to that of "Committee on Banking, Housing and Urban Affairs" and adding to its jurisdiction "Urban Affairs generally; creating a Senate Committee on Veterans' Affairs; making changes respecting assignments to Senate Committees; providing for standardization and means for making available to Congress budgetary, fiscal and related data; designating the Legislative Reference Service in the Library of Congress as the Congressional Research Service and expanding its functions; creating a Joint Senate-House Committee on Congressional Operations to make a continuing study of the or-

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ganization and operation of Congress and establishing under that committee's supervision, an Office of Placement and Office Management; forming a Capitol Guide Service to give the public free guided tours of the Capitol; providing that in non-election years, Congress shall have a summer August recess; authorizing the construction of a dormitory and school for Congressional pages; and making additional improvements. Public Law 91-510.

Library of Congress—James Madison Memorial Building: Increased from $75 million to $90 million the authorization contained in the Act of 1965 providing for the construction of the third Library of Congress Building to be known as the James Madison Memorial Building. Public Law 91-214.

Library of Congress—Office Equipment and Furniture: Transferred from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress. Public Law 91-280.

Library of Congress Security: Extended the present authority of the Library of Congress for policing its buildings to embrace the rental space it utilizes at certain other locations in Washington, D.C. Public Law 91-281.

Senate Office Space: Authorizes the Architect of the Capitol to acquire the Plaza Hotel property in square 724 in the District of Columbia to be held to meet future Senate office needs. S. 3594. P/S 5/21/70.

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CRIME-JUDICIARY

Additional district judges: Provided for the creation of 58 new permanent district judgeships throughout the United States and made amendments to the Judicial Code to enable the Federal courts more efficiently and expeditiously to handle their business. Public Law 91-272.

Admission to residential community treatment centers: Authorized the Attorney to admit to residential community treatment centers persons placed on probation, released on parole, or mandatorily released. Public Law 91-492.

Bankruptcy act amendments: Amended the Bankruptcy Act to authorize the bankruptcy courts to determine dischargeability. Public Law 91-467.

Circuit court executives: Improved the administration of justice in the Federal appellate courts by providing for the appointment of a circuit court executive for each judicial circuit. H.R. 17901. Public Law 91- .

Civil rights commission authorization: Increased the annual authorization of the Civil Rights Commission from $2,650,000 to $3,400,000 for each fiscal year, beginning with fiscal year 1970, and ending with January 1, 1973, the termination date of the Commission, to reflect statutory pay increases and other increases in expenses; increased the per diem amount payable to Commission members and consultants from $75 to $100; amended the Civil Rights Act of 1957 to provide that any person defamed, degraded, or incriminated by a Commission report shall be provided an opportunity to answer the charges or allegations contained therein. Public Law 91-521.

Comprehensive Drug Abuse Prevention and Control Act: Provided additional authority for Federal programs of rehabilitation of dangerous drug abusers and the prevention of drug abuse through education; amended the Community Mental Health Centers Act to increase appropriation authorizations to $40 million, $60 million and $80 million for fiscal years 1971, 1972, and 1973, respectively, for rehabilitation centers, and expanded the scope of this program to include, in addition to narcotic addicts, persons with drug abuse and drug dependence problems; authorized a program of grants for drug abuse education, and provided authorizations of $3 million, $12 million and $14 million for fiscal years 1971, 1972, and 1973, respectively; authorized a program of grants for special projects for treating and rehabilitating addicts or drug dependent persons and authorized therefor $20 million, $30 million, and $35 million for fiscal years 1971, 1972, and 1973, respectively; provided construction and staffing grants to Federal institutions for up to 100 percent of the cost for expansion of treatment and research programs and facilities concerned with addiction, drug abuse or drug dependence; established five basic schedules of substances subject to varying degrees of control, and established criteria for classification of substances; authorized the Attorney General to control and classify dangerous substances; authorized registration of manufacturers, distributors and dispensers of controlled substances; revised offenses and penalties for drug offenses; provided for "no-knock" search warrant authority under certain circumstances; established a Commission on Marihuana and Drug Abuse; established regulations and controls and registration in connection with importation and exportation of certain dangerous substances; and contained other provisions. Public Law 91-513.

Congressional assassination, kidnap or assault: Made it a Federal offense to kill or kidnap any Member of Congress or Member-of-Congress-elect, to attempt or to conspire to commit such offenses, or to assault such an individual. S. 642. P/S 10/8/70. H.R. 17825. Public Law 91- .

Controlled Dangerous Substances Act: A comprehensive measure providing for Federal regulation and control over defined "controlled dangerous substances" to help manage the drug abuse problem and criminal traffic in drugs on the international, national and State levels. S. 3246. P/S 1/28/70. (Many of the provisions of S. 3246 are contained in H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act, which became Public Law 91-513.)

Copyright protection extension: Continued until December 31, 1971, the renewal term of any copyright subsisting on the date of this resolution, or the term as previously extended by Public Law 87-668, Public Law 89-442, Public Law 90-141, Public Law 90-416, and Public Law 91-147. S.J. Res. 230. Public Law 91- .

Court leave for employees of the United States and the District of Columbia: Alleviated financial hardship now imposed on employees of the United States and of the District of Columbia resulting from their service as a witness, a juror or an official representative from the agency they serve. Public Law 91-563.

Criminal Appeals Act Amendments: Designed to resolve serious problems which frequently have arisen with respect to the right of the United States to appeal rulings which terminate prosecutions other than by judgments of acquittal, or which grant motions to suppress evidence before trial or in subsequent proceedings ancillary to the trial, and to further that purpose amends the Criminal Appeals Act. S. 3132. P/ 10/8/70. H.R. 17825. Public Law 91- .

Criminal Justice Act amendments: Amended the Criminal Justice Act of 1964 (relating to representation of defendants financially unable to obtain an adequate defense in criminal cases in United States courts), by expanding its coverage from the arrest stage to appeals, post-conviction proceedings, and ancillary proceedings related to the criminal trial; provides for the creation of Federal defender offices operating under the guidance of the district and appellate courts, but independent of both the Federal judicial and prosecution systems; and changes various other provisions to improve the operation of the act. Public Law 91-447.

Criminal Justice Act proceedings—transcripts: Amended title 28 of the United States Code, section 753, to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act. Public Law 91-545.

Customs Courts Act: Modernized procedures in the Customs Court and related administrative processes in the Bureau of Customs. Public Law 91-271.

District court sites: Provided for holding district court for the Eastern District of New York at Westbury, New York; provided that the district court for the District of Maryland shall sit at one additional site at a location in Prince Georges County; provided for holding district court for the Western Division of the Southern District of Mississippi at Natchez and Vicksburg; and provided for holding district court for the Southern Division of the Southern District of Mississippi at Biloxi and Gulfport. Public Law 91-546.

Executive Protective Service: Changed the name of the White House Police force to the Executive Protective Service; placed the force under the direction of the Director of the U.S. Secret Service; increased the scope of the Protective Service's duties to include protection of foreign diplomatic missions located in the metropolitan area of the District of Columbia and such other areas of the United States, its territories, and possessions, as the President, on a case-by-case basis, may direct; and provided that the size of the new Executive Protective Service may consist of up to 850 members. Public Law 91-217.

Expediting Act amendments: Amends the Expediting Act so as to require that final judgments and interlocutory orders in certain civil antitrust cases, if appealed, be heard by the circuit court of appeals and provides that appeal from a final judgment in a civil antitrust action brought by the United States shall lie directly to the Supreme Court on a finding that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice by order of the district judge upon application of a party. H.R. 12807. P/H 7/6/70. P/S amended 9/25/70. In conference.

Explosives—illegal use, transportation or possession: Amends the Federal criminal explosives statute by broadening its scope, improving its effectiveness, and increasing its penalty provisions. S. 3650. P/S 10/8/70. (Text also contained in H.R. 17825, the Omnibus Crime Control Act, as it passed the Senate amended 10/8/70.)

Federal Youth Corrections Act: Amended the Federal Youth Corrections Act to permit examiners to conduct interviews with youth offenders. Public Law 91-339.

Great seal use: Protected the great seal of the United States and the Presidential and Vice Presidential seals against misrepresentation, misuse and commercial exploitation; authorized Secret Service protection of visiting heads of foreign states or foreign governments and, at the direction of the President, Secret Service protection of other distinguished foreign visitors to the United States performing special missions abroad. H.R. 14645. Public Law 91- .

Immigration and Nationality Act amendments: Facilitated the entry into the United States of certain classes of non-immigrant aliens and altered the provisions of the Act regarding the applicability of the 2-year foreign residence requirement for aliens in the United States as exchange visitors. Public Law 91-225.

Immigration and Nationality Act amendments: Struck from section 213 of the Immigration and Nationality Act the requirement that cash accepted by the Attorney General, under his discretionary authority to admit certain excludable aliens upon the giving of a bond or posting of cash, be deposited in the postal savings system and provided instead that the cash received as security on bonds be deposited in the Treasury with interest thereon payable at a rate not to exceed 3 percent per annum. Public Law 91-313.

Interstate Agreement on Detainers: Provided that the Interstate Agreement on Detainers be enacted into law and entered into by the United States on its own behalf and on behalf of the District of Columbia. H.R. 6951. Public Law 91-538.

Jurisdiction of U.S. courts—Contract Claims: Provided courts of the United States with jurisdiction over contract claims against the following nonappropriated fund activities: Army and Air Force Exchange Service; Navy, Marine Corps, and Coast Guard exchanges; and exchange councils of the National Aeronautics and Space Administration and required that the United States be reimbursed for any judgments it pays as a result of a contract claim against one of the specified instrumentalities of the United States. Public Law 91-350.

Jury Duty Summonses: Eliminated needless effort in the serving of summonses for jury duty by authorizing the clerk or the jury commission, or their authorized deputies, to mail summonses for jury duty. Public Law 91-543.

Metlakatla Indian community, Alaska—Jurisdiction over crimes and offenses: Restored to the Alaska Indians of the Metlakatla Indian Community the self-government they possessed prior to the enactment of Public Law 85-615. Public Law 91-523.

Mississippi district court:

Provided for holding terms of the United States District Court for the Southern District of Mississippi at Gulfport, Mississippi. Public Law 91-546.

Provided for holding terms of the United States District Court for the Western Division of the Southern District of Mississippi at Natchez, Mississippi. H.R. 18126. Public Law 91-546.

Newspaper Preservation Act: Provided, under certain conditions, for exempting from the antitrust laws, price fixing, profit pooling, and market division by competing newspapers if not more than one newspaper involved is a newspaper other than one "in probable danger of financial failure" or at the time a joint newspaper operation was entered into not more than one of the newspapers involved "was likely to remain or become a financially sound publication." Public Law 91-353.

Nominations (Action by roll call vote):

Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States: Nomination confirmed 5/12/70 (94-0).

George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States: Nomination rejected 4/8/70 (45-51).

Admiral Thomas H. Moorer to be Chairman of the Joint Chiefs of Staff for a term of two years: Nomination confirmed 6/17/70 (78-2).

Omnibus Crime Control Act: Made a variety of amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) that established the Law Enforcement Assistance Administration; authorized appropriations of $650 million for fiscal year 1971, $1.15 billion for fiscal year 1972, and $1.75 billion for fiscal year 1973; revised the administrative management of the Law Enforcement Assistance Administration; relaxed in defined areas on a showing of need the matching requirements for discretionary and block grants; relaxed certain of the restrictions on the use of grant funds for salaries; authorized waivers of the mandatory requirement that specified percentages of State planning funds be made available to local units; revised the provisions under which a part of each State's block action grant must be made available to local units; provided that each State must allocate an adequate share of the benefits of title I block grant funds to areas characterized by high law enforcement activity; provided for State contribution, on an aggregate basis, to the local share of funding; established a new program for the construction, acquisition, and renovation of correctional facilities and programs; expanded the law enforcement education programs; made numerous changes in the administrative provisions of title I of the Act designed to increase the operational efficiency and staff capability of the Administration; and provided for an overall Attorney General's Annual Report on Federal Law Enforcement and Criminal Justice Assistance Activities, which would bring together information from crime control and related programs throughout the Government. The Act also provided stricter sentences for criminals using firearms in the commission of felonies; authorized appeals in certain classes of criminal cases; provided Federal protection to Members of Congress against assassination and assault; provided Federal protection for the President in his travels and his temporary residences; and reestablished and strengthened the Federal Commission on Wiretapping. H.R. 17825. Public Law 91- .

Organized Crime Control Act: Embodied a comprehensive, integrated program designed to deal with the menace of organized crime in the United States; established, in addition to regular grand juries, special grand juries to sit in major population areas or elsewhere by designation of the Attorney General; unified and expanded existing Federal law dealing with the granting of immunity from self-incrimination in legislative, administrative, and court proceedings; dealth with recalcitrant witnesses; created a new false declaration provision applicable in grand jury and court proceedings; authorized the Attorney General to protect and maintain Federal or State organized crime witnesses and their families; authorized, subject to constitutional safeguards, the taking of depositions in criminal cases; provided a statute of limitations on determining the derivative evidentiary consequences of law enforcement conduct; respecting syndicated gambling—contained special findings dealing with the effect of such gambling on interstate commerce, made it unlawful to engage in a scheme to obstruct the enforcement of State law to facilitate an "illegal gam- maximum of $35,000, and to provide that bling business," as defined, or to engage in the operation of such a business, and provided penalties for violations, as well as providing electronic surveillance in aid of enforcement of these prohibited "business" activities; established, effective in 2 years, a Presidential Commission to conduct a comprehensive review of present Federal and State gambling law enforcement policies and their alternatives; made unlawful certain "racketeering activity" and provided penaties for violations; and provided for increased sentencing (up to 25 years) for defined dangerous adult special offenders; established Federal controls over the interstate and foreign commerce of explosives and provided penalties for violations; and established, effective in 2 years, a National Commission on Individual Rights to study and review Federal laws and practices relating to special grand juries and special offender sentencing authorized under this act, wiretapping and electronic surveillance, bail reform, and preventive detention, no-knock search war-

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rants, and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action. Public Law 91–452.

Protection of the President: Designed to protect the physical safety of the President and the orderly functioning of his office by extending additional Federal protection for certain conduct to his specifically designated temporary residences and offices and to posted, cordoned off, or otherwise restricted areas where he is or will be visiting. S. 2896. P/S 10/8/70. H.R. 17825. Public Law 91– .

Puerto Rico District Court jurisdiction: Continued the jurisdiction of the United States District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970. Public Law 91–450.

United States land titles: Amended section 355 of the Revised Statutes, as amended, to provide that the Attorney General is to be responsible for the approval of the sufficiency of titles to land acquired by the United States; to preserve the existing law permitting the Tennessee Valley Authority to approve land titles as to land acquired by that Authority; and for other purposes. Public Law 91–393.

Voting Rights Act extension: Extended the Voting Rights Act of 1965 for 5 years; extended the suspension of literacy tests and of other tests and devices to all states; limited residence requirements for voting in presidential elections by establishing nationwide, uniform standards for such elections; and lowered the voting age to 18 in Federal, State and local elections. Public Law 91–285.

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War Claims Act amendments: Altered the existing order of payments under the War Claims Act of 1948 to provide that the next payments out of the War Claims Fund should be made to nonprofit organizations operated exclusively for the promotion of social welfare, religious, charitable or educational purposes up to the full amount of the unpaid balance of their award, and payments thereafter made on the unpaid balances due to individual and corporate claimants up to a maximum of $35,000, and to provide that the last priority would go to individual and corporate claimants whose unpaid balances exceed $35,000. Public Law 91–571.

West Virginia District Court: Provides for the holding of the United States District Court for the Northern District of West Virginia at Morgantown, West Virginia. S. 4262. P/S 12/10/70.

Air evacuation patients: Authorized subsistence, without charge, to officers of the uniformed services, civilian Government employees, and dependents, who are air evacuation patients. Public Law 91–481.

Boy Scouts World Jamboree: Authorized the Secretary of Defense to lend Army, Navy, and Air Force equipment and provide transportation and other services in support of the world jamboree of Boy Scouts to be held in Japan in 1971. Public Law 91–539.

Civil Defense Act: Amended the Federal Civil Defense Act of 1950 to extend from June 30, 1970, to June 30, 1974, the President's standby authority to deal with the effects of an enemy attack upon this Nation. Public Law 91–299.

Coast Guard authorization, 1971: Authorized $100 million for the Coast Guard for fiscal year 1971 ($62,295,000 for vessels, $12,865,000 for aircraft, and $24,840,000 for shore facilities and aids to navigation and pollution control equipment). Public Law 91–261.

Coast Guard officers—Interservice transfers: Place the Coast Guard on the same parity as their counterparts in the military departments by providing that Coast Guard officers be included within the stipulation that the President may, within authorized strengths, transfer any commissioned officer with his consent from his service branch to, and appoint him in, another service branch. Public Law 91–392.

Coast Guard omnibus: Revised titles 14, 10 and 37 of the United States Code to make more uniform the laws relating to the Coast Guard and the other Armed Forces. Public Law 91–278.

Coast Guard Reserve laws: Modified the law affecting the Coast Guard Reserve to meet the particular problems of the Coast Guard and to conform more closely to practices obtaining in the other Armed Services. Public Law 91–402.

Command of the U.S.S. "Constitution" by retired U.S. Navy officers: Provided that a retired officer of the U.S. Navy may command the U.S.S. "Constitution," a historic naval vessel maintained "in commission, active status," and permanently berthed at the Boston Naval Shipyard. Public Law 91–394.

Cost-of-living allowances: Affirmed the computation of overseas cost-of-living allowances for uniformed services personnel; and validated the existing system which breaks down overseas cost-of-living allowances into two parts, one for housing and another for elements of the cost of living except housing. Public Law 91–486.

Defense Production Act extensions: (See Economy and Finance.)

Disposals from national and supplemental stockpiles: Authorized disposal from the national and supplemental stockpiles of various materials, as follows:

Asbestos: Chrysotile, 2,844 short tons. Public Law 91–329.

Bauxite: Surinam-type metallurgical grade, 2,600,000 long dry tons. Public Law 91–326.

Bismuth: 300,0000 pounds. Public Law 91–318.

Cadmium: 4,180,000 pounds. Public Law 91–314.

Castor oil: 18,500,000 pounds. Public Law 91–319.

Chromite: Refractory grade, 826,000 short dry tons. Public Law 91–328.

Cobalt: 40,200,000 pounds. Public Law 91–317.

Corundum: 1,952 short tons. Public Law 91–330.

Fluorspar: Acid grade, 212,637 short dry tons. Public Law 91–320.

Graphite: Natural Ceylon amorphous lump, 386 short tons. Public Law 91–327.

Magnesium: 12,000 short tons. Public Law 91–321.

Manganese, Type A: Chemical grade, 111,900 short dry tons. Public Law 91–322.

Manganese, Type B: Chemical grade, 65,800 short dry tons. Public Law 91–323.

Manganese Ore: Natural battery grade, 173,800 short dry tons. Public Law 91–331.

Molybdenum: 3,500,000 pounds. Public Law 91–333.

Shellac: 4,300,000 pounds. Public Law 91–324.

Tungsten: 100 million pounds. Public Law 91–325.

Headstones or markers for medal of honor recipients: Authorized the furnishing of headstones to mark the graves of Medal of Honor recipients regardless of the character of the discharge granted for their last term of service. Public Law 91–396.

Leave for uniformed services members in hostile fire areas: Extended until June 30, 1972, the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas. Public Law 91–302.

Marine Corps band: Removed the restrictions on the grades of the director and assistant director of the Marine Corps band (now limited to lieutenant colonel and captain, respectively) to eliminate an inequity in their promotion opportunities. Public Law 91–197.

Marine Corps officers: Permitted adjustment of the dates of rank for Marine Corps major generals on the same basis that obtains for major generals in the Army and Air Force. Public Law 91–491.

Memorial services: Provided for the furnishing of a flag and a reimbursement allowance for memorial services to be paid to next of kin in cases where the remains of certain deceased members of the Armed Forces are not recovered. Public Law 91–487.

Military allowances: Restored the family separation allowance to approximately 47,000 service families whose entitlement to the $30 monthly allowance was terminated on December 1, 1968, as a consequence of a ruling by the Comptroller General of the United States. Public Law 91–529.

Extended the payment of a family separation allowance ($30 a month) to a member of a uniformed service whose dependents occupy Government quarters, and who is otherwise entitled to such an allowance. Public Law 91–533.

Provided a family separation allowance of $30 a month to any member of a uniformed service, with dependents, who is in a "missing status" on or after February 28, 1961, within the meaning of such term as defined in section 551(2) of title 37, United States Code, during the period he is in that status, if he is not otherwise entitled to this allowance because of military grade or residence of his dependents. Public Law 91–534.

Military claims: Provided that the authority for payment of military claims under title 10 of the United States Code be increased to $15,000, the amount authorized for foreign claims. Public Law 91–312.

Military construction authorization, 1971: Provided construction and other related authority for the military departments, and the office of the Secretary of

Defense, within and outside the United States, and authority for construction of facilities for the Reserve components in the total amount of $1,667,154,000. Public Law 91–511.

Military procurement authorization, 1971: Authorized appropriations of $12,493,489,000 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles; $7,101,600,000 for research, development, test, and evaluation; and $334,000,000 for military construction authority for the Safeguard antiballistic missile system; continued the authority for merging military assistance financing for South Vietnam and other free world forces and local forces in Laos and Thailand with the funding of the Department of Defense; authorized the personnel strengths for fiscal year 1971 for the Selected Reserve of each of the Reserve components of the Armed Forces; imposed certain limitations with regard to specific procurement actions; and contained other provisions. Public Law 91–441.

Naval flight officers' command: Permitted naval flight officers, in addition to naval aviators, to be eligible for command of naval aviation schools, air stations, or aviation units organized for flight tactical purposes; provided eligibility for similar Marine Corps commands by naval flight officers of the Marine Corps. Public Law 91–198.

Naval vessel loans: Authorized the following: extension, for an additional 5 years, of loans of two submarines originally loaned under previous congressional authorization, one to Greece and one to Pakistan; new loans of two destroyer escorts to the Republic of Vietnam, and two destroyers and two submarines to Turkey; extension of the existing loans and the making of new loans for periods of 5 years; and an additional 5-year extension of these loan agreements, at the President's discretion. H.R. 15728. Public Law 91– .

Officers' pay: Provided that enlisted members of a uniformed service who accept appointments as officers or warrant officers shall not receive less than the pay and allowances to which they were previously entitled in their enlisted status. Public Law 91–484.

Power of attorney executed by an Armed Forces member missing in action or held as a prisoner of war: Extends the expiration date in a power of attorney executed by a member of the armed services missing in action or held as a prisoner of war to enable the wife or any other person designated as attorney in fact for the serviceman in a missing status, to continue to manage the private affairs for the family or for the services. S. 3795. P/S 9/28/70.

Savings deposit program for certain uniformed services members: Removed the $10,000 limit on deposits which may be made to the Uniformed Services Savings deposit program in the case of any uniformed services member who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict. Public Law 91–200.

Selection boards: Provided that the number of active duty officers who serve on selection boards for the grades of rear admiral to captain may be increased from the current number of nine, and removed the requirement that members of selection boards for nonactive duty promotions have a permanent grade higher than those being considered for promotion. Public Law 91–199.

Transportation to home ports: Entitled a member of the Navy, Coast Guard, or Environmental Science Services Administration, whose dependents are residing at his home port to round trip transportation to the home port where he is permanently attached to a ship overhauling away from the home port. Public Law 91–210.

United States flags—presentation to parents of deceased servicemen: Provided that United States Flags may be presented to parents of deceased servicemen, in addition to flags presented to the surviving spouse or next of kin. Public Law 91–397.

War claims act amendments: Authorized payment to members of the Armed Forces captured and held prisoner by the forces of North Vietnam, and to persons captured by North Korea while assigned to duty on board the U.S.S. "Pueblo", for the period of their captivity at the rate of $5 per day of captivity, and provided for payment to civilian American citizens held by the forces of North Vietnam at the rate of $60 per month. Public Law 91–289.

DISTRICT OF COLUMBIA

Adoption proceedings: Amended the District of Columbia Code so as to eliminate the requirements of consent to a proposed adoption from the father of a prospective adoptee born out of wedlock unless the birth is subsequently legitimatized according to the laws of the District. Public Law 91–488.

Alcoholic Beverage Control Act Amendments: Amended the Alcoholic Beverage Control Act respecting authority of the Alcohol Beverage Control Board to issue summons to secure testimony of witnesses in connection with enforcement; use of facilities of licensees, employment of persons by licensees in their businesses; classification of beverages; places of storage; prohibition of certain credit transactions; and allowing restaurants operating on the premises of a facility which has as its principal purpose the presentation of the performing arts to sell alcoholic beverages to seated or standing persons. Public Law 91–535.

Anatomical Gift Act: Provided in the District of Columbia a comprehensive and uniform legal environment for organ donation and transplantation consistent with the recommendations of the National Conference of Commissioners on Uniform State Laws made in 1968. Public Law 91–268.

Bail Agency Act: Removed the ceiling of $130,000 on the annual authorization of appropriations for the District of Columbia Bail Agency. Public Law 91–232.

Blood components transfer: Authorized the Commissioner of the District of Columbia to determine that blood platelets and other blood components in general use in the States may be transferred from local licensed blood banks in which they are produced to licensed physicians, District of Columbia hospitals, and licensed private hospitals and other medical facilities within the District, thereby placing the District in the same position as the States. Public Law 91–256.

Cooperative Association Act Amendments: Exempted from the District of Columbia laws regulating the loaning of money and interest rates cooperative associations formed under the District of Columbia Cooperative Association Act and their financing transactions with members. Public Law 91–385.

Court Reform and Criminal Procedure Act: Completely reorganized the present court system in the District of Columbia, including provision for a local court system for the adjudication of all local criminal and civil matters, and added a number of new judgeships, as well as providing for modern court administration; transformed the Legal Aid Agency into a Public Defender Service; expanded the Bail Agency and enabled it to make recommendations to the courts on the full range of pretrial release conditions and to supervise persons released on nonfinancial conditions; replaced the existing three-judge juvenile court with an expandable Family Division; established a modern juvenile code; made various changes in criminal procedure and provided revisions in sentencing practice, including new sentencing alternatives for habitual criminals; contained an improved wiretapping and electronic surveillance law; provided for no-knock search warrants under certain conditions; permitted a pretrial detention alternative for certain dangerous defendants; authorized an additional $5 million Federal payment to the District of Columbia to defray the first-year costs of court reorganization and to aid in the payment for other crime control provisions of the legislation; and made other reforms. Public Law 91–358.

Criminal Code Amendments: Amends statutes relating to the possession of certain dangerous weapons and interference with firemen in the performance of their duties; and authorizes the Commissioner of the District of Columbia to enter into the Interstate Parole and Probation Compact. S. 3749. P/S 10/13/70.

Delegate to House of Representatives—Commission on D.C. Organization: Provided a 12-member District of Columbia Government study commission, said Commission to report to Congress within 12 months those changes necessary in the organization and practices of the District Government to promote economy, efficiency, and improved municipal services; provided a nonvoting Delegate to the U.S. House of Representatives from the District of Columbia, said Delegate to be chosen biennially by the qualified voters of the District; and made technical amendments to the election laws of the District. Public Law 91–405.

Estates—settlement: Updates and modifies procedures dealing with the settlement of estates in the District of Columbia. S. 3747. P/S 10/13/70.

Exemption from Attachment of Wages for Nonresidents of the District of Co-

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lumbia: Eliminated a practice involving the attachment of wages of nonresident debtors through actions initiated in the District of Columbia courts whereby creditors, by suing in the District, have been able to evade an exemption that may be granted to a nonresident debtor by the laws of the State in which he resides. Public Law 91–475.

Fees: Vests authority in the District of Columbia Council, after public hearing, to set a variety of municipal fees, including fees for certain licenses and permits. S. 3906. P/S 8/13/70.

Fraud—Strengthened laws: Strengthened the provisions of certain criminal laws in the District of Columbia relating to persons who defraud hotel, motel, or other commercial lodging proprietors by means of forgery, issuance of bad checks, or by departing without payment for goods or services received. Public Law 91–497.

Freeway airspace utilization: Authorizes the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia to allow fuller utilization of space by making available for private and public purposes such airspace as will not impair the full and safe use of freeways. S. 3647. P/S 7/30/70.

Health services improvement: Improves health services and regulatory functions of the Public Health Department of the District of Columbia; authorizes commitment of mentally ill persons, previously sent only to public hospitals, to other equally suitable health facilities; eliminates duplication of inspection of milk producers and dairy farms; provides for mandatory tuberculin testing of all children entering school for the first time; and contains other provisions. S. 3648. P/S 7/30/70.

Housing revolving fund and unclaimed property: Establishes a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia and provides for the disposition of unclaimed property in the District. S. 3011. P/S 5/13/70.

Industrial safety act amendments: Provides for a more general application of the rules and regulations of the safety code of the District of Columbia to protect employees and restores the jurisdiction of the Industrial Safety Board to enforce the code. S. 2820. P/S 5/5/70.

Interstate agreement on qualification of educational personnel: Allows the District of Columbia to enter into contracts which should reduce or eliminate duplication of administrative effort in checking teacher records already evaluated by competent authorities in the States. S. 3944. P/S 10/12/70.

Joint tenancies—elimination of straw party deeds: Eliminated the common law requirement, which is presently applicable in the District of Columbia, that creation of a joint tenancy in real property by act of one of the parties thereto, must be accomplished through a third, or so-called straw, party. Public Law 91–530.

Liability of hotels: Revised certain civil laws in the District of Columbia Code relating to the liability of commercial lodging proprietors for the property of their guests or patrons; the lien rights of such business establishments as to the property of their guests and patrons; and procedures for the disposal of unclaimed personal property left with such lodging operators. Public Law 91–537.

Metropolitan Area Transit Act: Grants congressional consent to the public acquisition and operation of mass transit bus facilities in the Washington metropolitan area and authorizes payments by the District of Columbia government to assist in maintaining reasonable fares for District residents. S. 1814. P/S 4/15/70.

Metropolitan Police Department Band: Permits members of the District of Columbia Fire Department, the White House Police force, and the United States Park Police force to be detailed by the District of Columbia Commissioner, the Secretary of the Treasury, and the Secretary of the Interior, respectively, to participate in the activities of the Metropolitan Police Department Band. H.R. 9551 P/H 7/28/69. P/S amended 12/30/70.

Mortgages and loans: Temporarily permits, through March 31, 1971, mortgages insured by the Federal Housing Administration and the Veterans' Administration to be made in the District of Columbia even when the effective rate of interest therein exceeds the 8 percent ceiling provided in the District's interest and usury laws. S. 3313 P/S 4/1/70.

Pay Increase for Police, Firemen and Teachers: Increased by an average of 13 percent retroactive to July 1, 1969, the salaries of police and firemen and Executive Protective Service personnel; increased by an average of 13 percent, retroactive to September 1, 1969, teachers' salaries; revised the personal income tax of District of Columbia residents; authorized a special Federal payment of $8 million to the District to help defray the costs of the pay increases; and made other changes in existing law. Public Law 91–297.

Pensions for widows of retired policemen and firemen: Provided that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such an officer or member after his retirement may qualify for survivor benefits under the Policemen's and Firemen's Retirement and Disability Act. Public Law 91–532.

Policemen and Firemen's Retirement and Disability Act Amendments: Provided increases in retirement benefits for officers and members retiring under the Policemen and Firemen's Retirement and Disability Act, as well as increases in benefits for survivors receiving or entitled to receive annuities under the Act. Public Law 91–509.

Practice of Psychology Act: Protected the public from unqualified and unethical practitioners of psychology in the District of Columbia. S. 1626. Public Law 91– .

Protective eye devices: Requires that, in certain circumstances, students, teachers and observers in the District of Columbia must wear protective eye devices. H.R. 9528. P/H 11/24/69. P/S amended 5/7/70.

Public Assistance Act Amendments: Limited those relatives required to give financial aid to recipients of public assistance to spouse for a spouse and parent for a child under age 21. Public Law 91–531.

Public day-care services: Authorizes the District of Columbia Council to prescribe, within the limits of available appropriations, regulations establishing a program to provide public day care services for the care of children whose parents are working, seeking work, enrolled in training, absent from the home, or who are for other reasons unable to provide parental supervision. S. 3010. P/S 10/12/70.

Rental of space for District of Columbia agencies and activities: Enables the District of Columbia government to more efficiently lease privately owned space in buildings or in improved or unimproved property for the accommodation of District agencies and activities. S. 3649. P/S 7/1/70.

Revenue: Provided for an annual Federal payment authorization of $126 million; increased the ceiling on the general fund and named special funds to provide a total borrowing authority of $843 million for 1971 and $845 million for 1972; provided for increased revenues through increased fees for operation of certain trucks, sales and use tax on rental of textiles and authority of the District of Columbia Council to set water and sewer fees; amended the District of Columbia minimum wage act; included Washington Technical Institute with Federal City College for the purpose of receiving land-grant college funds in the District. S. 3903. Public Law 91– .

Snow removal: Authorizes the District of Columbia Council to make regulations requiring removal of snow and ice from paved sidewalks, with the costs of such removal to be assessed as a tax against the abutting property in case of noncompliance. S. 3748. P/S 10/13/70.

Tax exemption for international telecommunications satellite consortium: Provided complete immunity from all District of Columbia taxation for the International Telecommunications Satellite Consortium (INTELSAT), its foreign participants, and any successor organization to INTELSAT. Public Law 91–494.

Taxation of regulated investment companies: Ensures that investment companies domiciled in the District of Columbia will be accorded treatment under the laws of the District similar to that they are accorded under Federal law. Public Law 91–391.

Teachers' retirement amendments of 1970: Provided the same retirement benefits for the teachers and other professional employees of the District of Columbia Board of Education as are presently afforded the classified employees of the Federal and District of Columbia governments who retire under the Civil Service Retirement Act as amended by Public Law 91–93. Public Law 91–263.

Vacation work permits for minors: Amends the present District of Columbia law with respect to the issuance of vacation work permits to certain minors, in order to expedite and encourage the

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issuance of such permits. H.R. 12671. P/H 7/28/69. P/S amended 10/12/70.

Validation of defects in land records: Validated certain deeds and acknowledgments recorded in the land records of the District of Columbia prior to January 1, 1969. Public Law 91–536.

Voluntary admission of patients to Forest Haven institution: Authorized voluntary admission of substantially retarded persons to the District of Columbia Training School, whose name is changed to Forest Haven, and required that a prerequisite to such admission be a finincial arrangement with the District on behalf of such person when he or his relatives are financially able to pay for all or a part of the expenses involved. Public Law 91–490.

Water and sanitary sewer rates: Makes it possible for the District of Columbia City Council, by appropriate increases in the rates to be charged for water and sewer services, to meet operating costs and debt retirement need involved in furnishing these municipal services and leaves the setting of water and sewer rates to the Council on the basis of recommendations by the Commissioner. S. 3905. P/S 8/13/70.

ECONOMY AND FINANCE

Bank holding companies; Eisenhower silver dollar: Modified the Bank Holding Company Act of 1956 to bring one bank holding companies under Federal regulation and to permit bank holding companies to engage in activities which are "so closely related to banking as to be a proper incident thereto"; provided for exemptions; contained an anti-tie-in provision; gave standing to competitors of bank holding companies and others to enter proceedings as parties in interest; and amended the Coinage Act of 1965 to provide (1) phasing out by January 1, 1971, of the use of silver in half dollars and authorizing a cupronickel 50-cent coin of the same composition as the quarter and the dime; (2) minting of a new cupro-nickel-clad coin of $1 denomination for general circulation, bearing the likeness of the late President Dwight David Eisenhower, and, on the other side, a design emblematic of the symbolic Eagle to Apollo 11 landing on the moon; and (3) transfer of 3 million rare coins from the Treasury to the General Services Administration (GSA) for sale to the public, and (4) minting of 150 million of the new $1 pieces to be 40 percent silver content. Public Law 91–607.

Consumer Products Warranty Guaranty Act: Requires a supplier of a consumer product or service actually costing more than $5 who decides to warranty or guaranty to his product against defect or malfunction to follow certain guidelines; requires a clear and conspicuous disclosure of the contents of warranties and guaranties; and provides remedies for failure to comply with certain provisions of the legislation. S. 3074. P/S 7/1/70.

Credit unions:

Federal share insurance: Provided a Federal system of share insurance for savings in credit unions and the regulatory authority necessary to operate such a share insurance system; provided mandatory coverage for federally chartered credit unions, for State-chartered credit unions, and for credit unions operating under the Department of Defense jurisdiction if they elect to be covered and agree to comply with the requirements of the program; changed regular reserve requirements of Federal credit unions; authorized Federal credit unions to invest in other insured credit unions; and authorized certain Federal credit unions serving low-income persons to accept funds from non-members. Public Law 91–468.

Independent agency status: Elevated the Bureau of Federal Credit Unions in the Department of Health, Education and Welfare to the status of an independent agency in the executive branch to be known as the "National Credit Union Administration" and created a National Credit Union Board to consist of a chairman and one member from each of the Federal credit union regions. Public Law 91–206.

Defense Production Act extension; standby wage, price, salary and rent controls: Extended the Defense Production Act until June 3, 1972; provided for the establishment of uniform cost accounting standards for certain defense contracts to be promulgated by a five member Cost-Accounting Standards Board appointed by the Comptroller General who would be designated as Chairman of the Board; limited loan guarantees under the Act to a maximum of $20 million per contractor, except with congressional approval; and gave the President standby authority until February 28, 1971 to stabilize prices, wages, salaries, and rents at levels not less than those prevailing on May 25, 1970, except that adjustments can be made to avoid inequities. Public Law 91–379.

Defense Production Act temporary extensions:

Extended the effectiveness of the Defense Production Act of 1950 to July 30, 1970. Public Law 91–300.

Extended the effectiveness of the Defense Production Act of 1950 until August 15, 1970. Public Law 91–371.

Disaster Relief Act: Provided a permanent, comprehensive program for Federal disaster assistance; provided orderly and continuing means of alleviating suffering and damage by revising, and broadening existing major disaster relief programs, encouraging development of comprehensive State disaster plans and achieving greater coordination and responsiveness of Federal major disaster relief programs; authorized Federal agencies to assist disaster areas, including utilization or lending of personnel, facilities, supplies, equipment, and other resources to State and local governments, distribution of medicine, food and other consumable supplies and rendering of emergency services through relief and disaster assistance organizations, donation or lending of Federal surplus equipment and supplies, and performing on public or private lands or waters of any emergency work essential for the protection and preservation of life and property; provided for Federal grant-in-aid programs; provided for the formulation by the States of comprehensive plans and programs for preparation against major disasters and their losses; authorized the provision of temporary housing or other emergency shelter, including mobile homes, for those who as a result of a major disaster require it; made changes in the Small Business disaster loan program, Farmers Home administration emergency loans, and Veterans' Administration loans; authorized sums necessary to carry out the provisions of the Act; and contained other provisions. Public Law 91–606.

Eisenhower dollar: Designed to authorize the minting of silver dollars and cupro-nickel dollars bearing the likeness of the late President of the United States Dwight David Eisenhower. S.J. Res. 158. P/S 10/15/69. P/H amended 10/15/69. Senate concurred in House amendment with an amendment in the nature of a substitute 3/19/70. H.R. 6778. Public Law 91– .

Eligibility of American Samoa banks for Federal Deposit Insurance: Establishes the eligibility of the banks in American Samoa for Federal deposit insurance. S. 3366. P/S 7/1/70. H.R. 19436. P/H 12/3/70. P/S amended 12/8/70.

Emergency Community Facilities Act: Stated congressional findings on the urgent need for public facilities to provide basic safeguards for the health and well-being of our citizens, check widespread water pollution, and provide an effective and practical method of combating rising unemployment; reenacted the balance of the authorization for basic water and sewer facilities provided for in title VII of the Housing and Urban Development Act of 1965 and provided for an additional authorization of $1 billion; and extended for 1 year (until October 1, 1971) the time within which a community may qualify for a basic water and sewer facilities grant even though its program for an area-wide system, though under preparation, has not been completed. Public Law 91–431.

Employment security amendments: Extended coverage of the unemployment compensation program to more than 4.7 million additional jobs; established a permanent program of extended benefits for people who exhaust their regular State benefits during periods of high unemployment; improved the financing of the unemployment compensation program; and made other changes to strengthen the unemployment compensation system. Public Law 91–373.

Export-Import Bank: Allows for greater expansion of the export trade of the United States by excluding Bank receipts and disbursements from the budget of the United States Government and from any annual expenditure and net lending limitations imposed thereon. S. 4268. P/S 12/18/70. Failed to pass House 12/30/70.

Federal National Mortgage Association: Clarifies the payment of certain accounts owed by the Federal National Mortgage Association (FNMA) to the Secretary of the Treasury in connection with the reorganization of the FNMA. S. 3207. P/S 1/30/70.

Foreign bank secrecy; credit cards; consumer credit reporting: Required U.S. banks and other financial institutions to

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maintain records of, and make certain reports on, financial transactions; required persons who export or import currency or its equivalent in amounts greater than $5,000 on any one occasion to file reports; required U.S. citizens to keep records of their transactions with foreign financial agencies; and extended to U.S. borrowers the restrictions on purchasing securities on margin whereas the existing law only applies to lenders; also prohibited the issuance of unsolicited credit cards except in renewal of, or in substitution for, an accepted credit card; limited consumer liability for a lost or stolen card to not more than $50, unless there is a lesser liability under other applicable law or under an agreement with the card issuer; set penalties for unauthorized use of credit cards; also provided for fair credit reporting, by giving consumers access to all of the information in their credit files to enable them to correct inadequate or misleading information, requiring that whenever a person is turned down for credit or insurance or employment because of an adverse credit report, he must be given the name and address of the credit reporting agency; and establishing safeguards to preserve the confidentiality of credit information in credit bureau files and to protect consumers against an undue invasion of their right to privacy. Public Law 91-508.

Gold and silver content: Amended the National Gold and Silver Stamping Act to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver. Public Law 91-366.

Investment Company Act amendments: Amended the Investment Company Act of 1940 to define equitable standards governing relationships between investment companies and their investment advisers and principal underwriters; contained provisions pertaining to investment company management fees, mutual fund sales commissions and periodic payment or contractual plan sales commissions; and amended other provisions of that act and the Investment Advisers Act to update and improve their administration and enforcement. Public Law 91-547.

Public debt limit increase: Provided an increase in the permanent debt limitation from $365 billion to $380 billion, and provided for a temporary additional increase of $12 billion, making an overall limitation of $395 billion for fiscal year 1971. Public Law 91-301.

Public Works and Economic Development Act extension: Amended the Public Works and Economic Development Act of 1965 to extend the authorization of funds for titles I through IV through fiscal year 1971, and authorized to be annually appropriated $770 million through June 30, 1971 ($500 million for grants for public works and development facilities and $170 million for other financial assistance; $50 million for technical assistance research and information; and $50 million for economic development districts). Public Law 91-304.

Purchase of U.S. obligations by Federal Reserve Banks: Extended for 1 year, from June 30, 1970, to June 30, 1971, the authority of the Federal Reserve Banks to purchase U.S. obligations directly from the Treasury. Public Law 91-360.

Savings Bond—interest increase: Increased from 5 to 5½ percent the rate of interest payable on series E savings bonds. Public Law 91-388.

Securities Act exemption from registration for small businesses: Amended the Securities Act of 1933 to assist small businesses in raising capital by giving the Securities and Exchange Commission power by rule or regulation to increase from $300,000 to $500,000 the size of an offering of securities that may be made without compliance with the full registration requirements of the act. Public Law 91-565.

Securities Exchange Act—additional consumer protection: Amended the Securities Exchange Act to provide additional protection for investors by augmenting the provisions of Public Law 90-439 to encompass acquisitions of and tender offers for equity securities of insurance companies; to extend the act's full disclosure provision to acquisitions and tender offers of over 5 percent of a company's stock; to extend the substantive provisions which protect stockholders involved in cash acquisitions and tender offers to stock for stock exchange offers; to give the Securities and Exchange Commission additional rulemaking power to deal with certain types of fraudulent, deceptive, and manipulative practices; and to give the Commission rulemaking power to differentiate between control persons and issuers in applying certain requirements of section 13(e) of the Securities Exchange Act. Public Law 91-567.

Securities Investor Protection Corporation: Established the Security Investor Protection Corporation to afford financial protection for the customers of registered brokers and dealers and members of national securities exchanges, said Corporation to maintain and administer funds to provide coverage against customer losses up to a total of $50,000, not more than $20,000 of which can be in cash, resulting from broker-dealer firms' insolvency, which fund would initially aggregate $75 million in lines of credit and cash raised by assessment of member firms and eventually total $150 million composed entirely of cash; gave the Securities and Exchange Commission plenary authority over the Corporation's exercise of its powers and responsibilities. Public Law 91-598.

Silver certificates: Authorizes further adjustments in currencies outstanding issued after June 30, 1929; permits the writeoff of Federal Reserve bank and national bank notes; and removes the limitation of $200 million on the aggregate face value of silver certificates outstanding that the Secretary of the Treasury is authorized by law to write off after he has determined that they have been lost or destroyed, or are held in collections, and will never be presented for redemption. S. 3825. P/S. 6/17/70.

Small business act amendments: Amended the Small Business Act to increase the amount of loans, guarantees, and commitments which can be outstanding at any time from the business loan and investment fund of the Small Business Administration, and extends the Economic Stabilization Act for 1 month, through March 31, 1971. Public Law 91-558.

Authorizes the Small Business Administration (SBA) to participate in making loans with persons and organizations not normally engaged in lending activity as well as with banks and other lending institutions; authorizes the SBA to make interest subsidy grants to certain small business concerns; increases from $25,000 to $100,000 the limitation on economic opportunity loans; authorizes SBA to guarantee loans made by private lenders to small business investment companies; permits certain activities respecting minority enterprise by small business investment companies; gives priority to those loan applications of small business concerns which SBA determines will further the development of utilization of new methods of pollution control and provides for economic disaster loans to those small business concerns (a) forced to upgrade their facilities because of new pollution control standards or because of the requirements of the Wholesome Meat Act, or (b) which suffer from the pollution of streams; and contains other provisions. S. 4316. P/S 9/18/70.

Social security and railroad retirement benefits: Extended for 4 months the period for States to assure aged, blind, and disabled social security beneficiaries who also receive welfare an increase of at least $4 in their combined income from social security and welfare, and accords similar treatment to increases in railroad retirement benefits which may become law in 1971. Public Law 91-306.

Unsolicited credit cards: Regulated the issuance of credit cards, created liability for unauthorized use of credit cards, and provided criminal penalties for certain unauthorized uses. S. 721. P/S 4/15/70. H.R. 16542 P/H 9/9/70. P/S amended 9/15/70. (Provisions incorporated in H.R. 15073 (Foreign Bank Secrecy; Credit Cards; Consumer Credit Reporting)—Public Law 91-508).

White House Conference on the National Economy: Declared it to be the sense of the Senate that the President should call immediately a White House conference to study and to recommend proposals to cure the Nation's present economic plight of rising inflation and widespread unemployment. S. Res. 496. Senate adopted 12/17/70.

EDUCATION

Demonstration Elementary School for the Deaf: Authorized the Board of Directors of Gallaudet College, Washington, D.C., to maintain and operate Kendall School as a demonstration elementary school for the deaf and authorized the School to provide day and residential facilities for elementary education for persons who are deaf in order to prepare them for high school and other secondary study, and to provide an exemplary educational program to stimulate the development of similar programs in the Nation. Public Law 91-587.

Drug Abuse Education Act: Provided training programs for teachers, coun-

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selors, law enforcement officials, and other public service and community leaders; authorized the Secretary of Health, Education, and Welfare (HEW) to make grants to local educational agencies and other private and nonprofit organizations for community information programs on drug abuse and for community-oriented education projects; provided for technical assistance by HEW and the Justice Department to assist local educational agencies, public and private nonprofit organizations, and institutions of higher education in the development and implementation of programs on drug abuse education; and authorized $5 million, $10 million and $14 million for fiscal years 1970, 1971, and 1972, respectively, for drug abuse education projects, and for community education projects, authorizations in the same amounts. Public Law 91-527.

Elementary and Secondary Education Amendments: Authorized approximately $24.5 billion for fiscal years 1971 through 1973 for carrying out various educational programs; amended the Elementary and Secondary Education Act of 1965 (special educational needs of educationally deprived children; school library resources, textbooks, and other printed and published materials; supplementary educational centers and services; strengthening State departments of education; bilingual education programs; school dropout prevention; school nutrition and health services for children from low-income families); extended and amended impacted areas programs legislation; amended the Adult Education Act; enacted a "General Education Provisions Act" relating to the administration of education programs and the operation of the Office of Education; extended and revised provisions of present law relating to cancellation and repayment of loans under Federal student loan programs; created, as an independent act, the "Education of the Handicapped Act"; amended and extended vocational education programs; and made miscellaneous amendments to various education loans. Public Law 91-230.

Impacted Areas Aid: Authorized the Secretary of Health, Education and Welfare to make to local educational agencies emergency payments for the current school year to provide 100 percent funding for fiscal year 1970 for the education of 3-A children (children whose parents live or work on Federal property) under Public Law 874, the aid to impacted areas program; and authorized for this purpose the expenditure of $2.5 million out of existing appropriations. Public Law 91-237.

Land-Grant Status for College of the Virgin Islands and the University of Guam: Gives land-grant status to the College of the Virgin Islands and the University of Guam and authorizes endowment grants of $714,000 to the former and $1,019,000 to the latter, as well as providing eligibility for annual grants to each college. S. 1148. P/S 4/15/70. H.R. 14169. P/H 3/10/70. P/S amended 12/17/70.

Library services and construction amendments: Extended programs authorized by the Library Services and Construction Act for 5 years, through June 30, 1976, and improved the administration, implementation, and purposes of such programs; for Title I (library services) authorized $112 million, $117.6 million, $123.5 million, $129.7 million, and $137.2 million for fiscal years 1972 through 1976, respectively; for Title II (public library construction) authorized $80 million, $84 million, $88 million, $92.5 million, and $97 million for fiscal years 1972 through 1976, respectively; and for Title III (Interlibrary Cooperation) authorized $15 million, $15.8 million, $16.5 million, $17.3 million, and $18.2 million for fiscal years 1972 through 1976, respectively. H.R. 19401. Public Law 91- .

National Commission on Libraries and Information Science: Established a 15-member National Commission on Libraries and Information Science as an independent agency in the executive branch to develop and recommend overall plans for carrying out the national policy with respect to libraries and information science, and authorized $500,000 for fiscal year 1970 and $750,000 for fiscal year 1971 and each succeeding year to carry out the provisions of the Act. Public Law 91-345.

FEDERAL EMPLOYEES

Air traffic controllers: Changes the computation factor for determining civil service retirement benefits from 1.0 to 1.4 for each year of air traffic controller service and provides that the special provision apply only to air traffic controllers and "first-line" supervisors directly supervising such controllers; makes a controller or a supervisor eligible to retire after completing 30 years of service regardless of age if he has at least 10 years of service in such a capacity. S. 3959. P/S 7/13/70.

Airport police forces pay: Increases the salaries of police officers at National Airport, Washington, D.C. and Dulles International Airport. S. 3958. P/S 9/23/70.

Central Intelligence Agency Retirement Act amendments: Made certain changes in the Central Intelligence Agency Retirement Act of 1964 which will conform to provisions enacted into law with respect to the Civil Service Retirement Act. S. 4571. Public Law 91- .

Civil service retirement: Provided that when an employee retires he may elect to take a reduced annuity and provide a lifetime survivor benefit equal to 55 percent of his reduced annuity for his spouse in the event he dies before his spouse, and increased the salary of former Presidents from $25,000 to $60,000. S. 437. Public Law 91- .

Civil service retirement of temporary employees: Repeals section 115 of the Social Security Amendments of 1954 to permit social security-covered service of temporary and indefinite employees in the field service of the Post Office Department, temporary and indefinite employees of the Federal Deposit Insurance Corporation, temporary census-taking employees of the Census Bureau, employees on a contract or fee basis, persons receiving nominal pay of $12 a year or less, and patient employees in Federal hospitals to be counted under the civil service retirement system or other retirement system for Federal employees. S. 2984. P/S 9/23/70. H. Cal.

Federal firefighters: Extended to Federal employees whose duties "are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment" the same hazardous-duty retirement provisions of title 5, United States Code, now provided for certain Federal law-enforcement officers. S. 578. Public Law 91- .

Federal Pay Comparability Act of 1970: Provided for a permanent system to adjust the salaries of civil service employees on an annual basis in accordance with pay comparability provisions of the Federal Employees Salary Reform Act of 1962; authorized the President to effectuate a pay increase on January 1, 1971 and January 1, 1972 based on the Bureau of Labor Statistics Surveys for 1970 and 1971, respectively, thereafter, annual adjustments may be made by the President effective on October 1 of each year beginning in 1972, said adjustment to be based on recommendations submitted by an agent appointed by the President and a 3-member Advisory Committee on Federal Pay; required the President to submit an annual report to Congress on Federal pay increases together with the recommendation of the President's agent and the Advisory Committee on Federal pay; and provided for the President to submit an alternative pay plan if he decides for a national economy or emergency reason that the recommendations are not in the best interest of the country. H.R. 13000. Public Law 91- .

Federal pay increases: Provided 6-percent across-the-board increases for the salaries of Federal employees who are paid under statutory salary systems (the postal field service, the general schedule of the classified civil service, the Department of Medicine and Surgery in the Veterans' Administration and the Foreign Service) and employees paid under other salary systems (legislative employees; judges of the District of Columbia, Court of General Sessions, Court of Appeals, and Tax Court; and staffs of former Presidents), except wage board employees in the legislative, executive and judicial branches of the Government; and provided a 6-percent increase to military personnel under the provisions of Public Law 90-207; made pay retroactive to the first day of the first pay period which began December 27, 1969. Public Law 91-231.

Foreign Service retirement adjustments: Brought the retirement benefits and financing of the Foreign Service Retirement and Disability System into line with those contained in legislation relating to the Civil Service Retirement System which became effective on October 20, 1969 (Public Law 91-93). Public Law 91-201.

Government Printing Office—Overtime compensation: Authorized the Public Printer to grant employees paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work. Public Law 91-369.

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Government Printing Office—Special policemen: Authorized the Public Printer or his delegate to designate employees of the Government Printing Office to serve as special policemen to protect persons and property in premises and adjacent areas occupied by or under the control of that office. Public Law 91-359.

Health benefits: Increased the amount to be paid by the Federal Government toward the cost of the premium charged for health insurance authorized by the Federal Employees Health Benefits Act from $1.62 (for self only) or $3.94 (for family coverage) for each biweekly pay period (which in practice was about 24 percent of the average cost of high option family insurance) to a permanent level of 40 percent of the average premium charged for high option coverage offered by the six largest insurance programs operating under the act; becomes effective January 1, 1971. Public Law 91-418.

Intergovernmental Personnel Act of 1970: Provided for improving the quality of American Government by strengthening State and local governments through improved personnel administration and more efficient recruiting and training of personnel and provided the first comprehensive Federal aid program for improving and strengthening State and local personnel administration. S. 11. Public Law 91- .

Job Evaluation Policy Act: Improved position classification systems within the executive branch by establishing an orderly procedure for the study of ways to improve current classification with a view to the establishment of a comprehensive plan for the establishment of a coordinated system of job evaluation and ranking and by providing for the appointment by the Civil Service Commission of a special organizational unit within the Commission to prepare the plan and requiring the Commission to complete its activities within two years at which time it shall submit its recommendations to the President who shall submit recommendations to Congress. Public Law 91-216.

National Oceanic and Atmospheric Administration Commissioned Officer Corps: Clarified the eligibility of commissioned officers of the National Oceanic and Atmospheric Administration (NOAA) for veterans' benefits under Title 38 of the United States Code, and extended benefits of The Soldier's and Sailor's Civil Relief Act of 1940 to the Commissioned Officer Corps of NOAA; and granted certain benefits commonly enjoyed by personnel of the Armed Forces to commissioned officers of NOAA and their dependents. H.R. 212. Public Law 91- .

Protecting Privacy and Rights of Federal Employees: Prohibits indiscriminate executive branch requirements that employees and applicants for Government employment disclose their race, religion or national origin, submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests, or polygraphs, or support political candidates or attend political meetings; makes it illegal to coerce an employee to buy bonds or make charitable contributions; provides a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings; accords the right to a civil action in a Federal court for violation or threatened violation of the act; establishes a Board on Employees' Rights to receive and conduct hearings on complants of violation of the act and to determine and administer remedies and penalties; and contains other provisions. S. 782. P/S 5/19/70.

Public Health Service Officer Transfer to Environmental Protection Agency: Affords to officers of the Public Health Service commissioned corps whose positions are transferred, or whose positions are materially related to functions being transferred, to the Environmental Protection Agency an opportunity, subject to Civil Service Commission regulations, to transfer to competitive positions in the Agency. S. 4269. P/S 9/21/70.

Wage Board Employees: Provided an equitable system for fixing pay scales for prevailing rate employees of the Government by establishing one system of rules under one agency's jurisdiction to insure that Federal employees in the same area working for different agencies will be paid the same rate for doing the same kind of work, that the same criteria are used by one agency as by another in surveying prevailing rates to establish Federal wages, and that employees have adequate and fair representation within the groups vested with carrying out the established policies, and established a Federal Prevailing Rate Advisory Committee to study the rate system and advise the Civil Service Commission thereon. H.R. 17809. Public Law 91- .

GENERAL GOVERNMENT

Alaska Native Claims Settlement Act of 1970: Provides for final legislative settlement of the claims of the Alaska Native people to the lands which now comprise the State of Alaska and extinguishes all Native claims to said lands; provides as compensation for the extinguishment of these claims substantial land grants to both individuals and to Native village corporations; appropriates Federal funds of $500 million to be paid over a 12-year period; grants the Alaska Native people a right to share in revenues derived from the mineral resources of Alaska until $500 million has been received; provides for the organization of corporate enterprises to administer funds granted by the bill; protects subsistence resources used by Alaska Native people; and authorizes the Secretary of the Interior to dispose of oil and other leasable minerals on the public lands in Alaska by competitive bid where there is competitive interest in the lands to be leased. S. 1830. P/S 7/15/70.

American Battle Monuments Commission: Provided that Commission members will be entitled to receive per diem in lieu of subsistence of $25 when in travel status in this country in connection with the work of the Commission and for official travel overseas the per diem allowance for the members will be $40 instead of the present $20 established in 1956. Public Law 91-480.

American Revolution Bicentennial Commission: Authorized $373,000 for fiscal year 1971 for the Commission's activities, and regulated use of commemorating symbols certified by the Commission. Public Law 91-528.

Bankruptcy Laws Commission: Established a Commission on the Bankruptcy Laws of the United States to study, analyze, evaluate and recommend changes in the Bankruptcy Act and to submit a comprehensive report of its activities and recommendations to the President, Chief Justice, and Congress within 2 years of enactment. Public Law 91-354.

Canal Zone Government—Cash Relief Payments: Adjusted cash relief payments (to be paid from Canal tolls at no cost to the Federal Government) to noncitizen former employees of the Canal Zone Government whose services terminated prior to 1958 and extended the eligibility for such payments to surviving widows of such former employees. Public Law 91-355.

Coalinga Canal, California: Changed the name of the Pleasant Valley Canal, a feature of the San Luis unit of the Central Valley project in California, to the Coalinga Canal. Public Law 91-336.

Commission on Obscenity and Pornography Findings—Rejection: Declared that the Senate rejects the findings and recommendations of the Commission on Obscenity and Pornography. S. Res. 477. Senate adopted 10/13/70.

Commission on population growth and the American future: Established a Commission on Population Growth and the American Future to conduct and sponsor studies and research and to make such recommendations as necessary to provide information and education to all levels of government in the United States, and to the public, regarding a broad range of problems associated with population growth and their implication for America's future. Public Law 91-213.

Comptroller General of the United States: Designed to assign new responsibilities to the Comptroller General in analyzing and auditing Federal expenditures and to reduce certain outmoded statutory auditing requirements relative to Government corporations and certain other special Federal operations; changes the name of the General Accounting Office to the Office of the Comptroller General of the United States; and contains other provisions. S. 4432. P/S 10/9/70.

Consumer protection organization act: Establishes a Council of Consumer Advisers to assist the President in formulating consumer policy, said Council to assist the President in formulating consumer policy, said Council to consist of three members (one of whom would be the Director of the Consumer Protection Agency) appointed by the President with the advice and consent of the Senate; provides for the creation of a Consumer Protection Agency to perform several important functions for consumers and for its activities provides for the funding of consumer programs at the State and local level, authorizing $7.5 million, $15 million, and $25 million for fiscal years 1971, 1972, and 1973, respectively, for Federal grant assistance to State and local consumer programs. S. 4459. P/S 12/1/70.

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Delta Queen: Permitted the historic steamboat "Delta Queen" to operate until November 1, 1973. H.R. 6114. Public Law 91- .

Disposition of executive boards: Abolished the Joint Committee on the Disposition of Executive Papers and transferred its functions to the General Services Administration, operating in collaboration with the National Archives, and provided for the disposal of Government records insufficiently valuable to merit retention. Public Law 91-287.

Domestic travel promotion: Amended the authority of the Secretary of the Interior to encourage, through the National Park Service, travel within the United States by increasing the authorization for this program from the existing $100,000 ceiling to $250,000 for fiscal year 1971, and $750,000 for fiscal year 1972. Public Law 91-549.

Family Planning Services and Population Research Act: Established an Office of Population Affairs in the Department of Health, Education and Welfare, to be headed by a Deputy Assistant Secretary for Population Affairs, to serve as a focus within the Federal Government on matters pertaining to population, research, and family planning; authorized $382 million over fiscal years 1971, 1972 and 1973 for family planning programs; provided that acceptance of services or information be a voluntary prerequisite to eligibility for or receipt of any other service or assistance; and provided that none of the funds appropriated shall be used in programs where abortion is a method of family planning. Public Law 91-572.

Federal Property and Administrative Services Act Amendment: Amends the Federal Property and Administrative Services Act of 1949, to remove a preference now accorded to the District of Columbia over State governments in the disposition of excess real property. S. 2867. P/S 10/1/70.

Fire protection contracts on public lands: Conferred on the Secretary of Interior authority parallel to that of the Secretary of Agriculture with respect to the suppression of fires on large areas of the public lands and allows him to enter into contracts for tanker aircraft, and for other kinds of aircraft, supplies, and services, for an entire fire season, and to renew such contracts not more than twice. Public Law 91-429.

Fire Research and Safety Act authorization: Authorizes for fiscal years 1971 and 1972 not to exceed $5 million and such sums as may be necessary for succeeding fiscal years to carry out the purposes of the Fire Research and Safety Act of 1968. S. 3766. P/S 7/31/70. H.R. 16538. H. Cal.

Florida-Georgia compact: Granted the consent of Congress to an agreement between the States of Florida and Georgia establishing a boundary between those States; authorized the Secretary of Commerce to survey the boundary and to authorize the appropriations for this work; and reserved to Congress the customary right to alter, amend, or repeal this act. Public Law 91-498.

Franklin Delano Roosevelt Memorial Commission: Authorized $75,000 for the continued operation of the Franklin Delano Roosevelt Memorial Commission. Public Law 91-398.

Full Opportunity Act: Establishes full social opportunity for all Americans as a national goal, and declares this goal to be a continuing responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments; establishes institutions and procedures for advancing this broad social goal, specifically: (1) a Council of Social Advisers in the Executive Office of the President; and (2) an annual social report by the President to Congress; and creates within Congress an Office of Goals and Priorities Analysis to submit an annual report to Congress setting forth goals and priorities. S. 5. P/S/ 9/10/70.

General Services Administration special policemen: Strengthens the authority of the Administrator of General Services in carrying out his assigned duty relative to the care and protection of property of the United States, and to give additional protection to Government employees in the performance of their duties. S. 4426. P/S 12/29/70.

Government systems and equipment purchasing: Authorized the Administrator of General Services to determine the systems and equipment required for operation, and to purchase such additional systems and equipment as he finds to be other than customary for standard passenger motor vehicles, without regard to the maximum price limitations established by law. Public Law 91-423.

"Johnny Horizon" symbol: Protected the symbol of Johnny Horizon (created by the Bureau of Land Management as part of an intensive public service antilitter program, with the theme: "This Land is Your Land—Keep it Clean") from unauthorized use and permitted the Department of the Interior to license its use for commercial purposes with the provision to collect royalties. Public Law 91-419.

Micronesian claims and Micronesian Claims Commission: Implements an Executive Agreement, dated April 18, 1969, between Japan and the United States providing compensation equivalent to $10 million to inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the Second World War; authorizes the adjudication of certain claims of Micronesians; establishes a Micronesian Claims Commission responsible for determining the validity of the claims that may be filed; and authorizes the appropriation of $25 million to make payments on claims adjudicated by the Commission. S.J. Res. 211. P/S 10/8/70.

National Foundation on the Arts and the Humanities Act Amendments: Authorized $40 million, $60 million, and $80 million for fiscal years 1971, 1972, and 1973, respectively, for the National Foundation on the Arts and the Humanities provided that from the sums appropriated for any fiscal year, not less than $65,000 shall be allotted to each State and that any funds remaining after such an allotment shall be distributed among the States in equal amounts; and made other amendments to the Act. Public Law 91-346.

National Science Foundation Authorization: Authorized appropriations to the National Science Foundation for fiscal year 1971 of $537,730,000 out of money in the Treasury not otherwise appropriated and $2 million in foreign currencies which the Treasury Department determines to be in excess to normal requirements of the United States. Public Law 91-356.

Oil and gas leases: Conferred discretionary authority on the Secretary of the Interior to prevent, administratively, termination of certain oil and gas leases on Federal lands and to reinstate terminated leases under certain limitations and conditions. Public Law 91-245.

Payments in lieu of taxes for former reconstruction finance corporation properties: Extended for 2 years from December 31, 1968, the period for which payments in lieu of taxes may be made to State and local taxing authorities by the Federal Government with respect to certain real property on which payments were authorized by Public Law 388, 84th Congress. Public Law 91-466.

Plymouth-Provincetown Celebration Commission: Created a commission to develop suitable plans for and conduct of the celebration in 1970 of the 350th anniversary of the landing of the Pilgrims at Provincetown and Plymouth, and authorized $100,000 for the Commission's work. Public Law 91-474.

Pornographic mail: Protects a person's right of privacy by providing for the designation of sexually oriented advertisements and for the return of any such unrequested advertisements at the expense of the sender; provides that the following notice be printed on the cover of such advertisements: "The Enclosed Material Is Sexually Oriented Advertising, And May, If Unrequested By The Addressee, Be Returned To The Sender Unopened At No Cost To The Addressee"; provides that any unrequested sexually oriented advertisement may be returned to the sender at no cost to the addressee who shall pay return postage plus a service charge of not less than 50 cents, such charge to be determined by the Postal Service; provides that a sender who fails to mark the cover or who refuses to pay the postage or service charge will be subject to a civil penalty of $5,000 for each such failure; and grants jurisdiction to the United States district courts to hear civil actions to collect any such civil penalty. S. 3220. P/S 9/23/70.

Postage counterfeiting: Strenghened the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system. Public Law 91-448.

Postal Reorganization Act: Established the United States Postal Service as an independent establishment within the executive branch; provided that all powers of the Postal Service shall be directed and exercised by an eleven-member Board of Governors, nine of whom shall be appointed by the President (no more than five of whom may be members of the same political party), the Postmaster General to be appointed a governor by the nine, and the Deputy Postmaster General to be a governor chosen by those ten; established a thirteen member Advisory Council to advise the Postal Service on all aspects of postal operation; authorized collective bargaining over wages, hours, grievance procedures, seniority rights, promotions and other matters subject to collective bargaining in the private sector, with final and binding arbitration to resolve impasses in lieu of the right to strike; provided that right-to-work laws shall be applicable to postal employees; made postal employees members of the Postal Career Service, which shall be a part of the Civil Service; prohibited political influence in the selection or promotion of postal personnel; empowered the Postal Service to raise up to $10 billion through the issue of bonds; required that postal rates to afford the annual revenues necessary to operate the Postal Service be recommended to the Board of Governors by an independent five-member Postal Rate Commission, subject to veto by a unanimous decision of the Board or by the Courts; prescribed an annual appropriation of approximately 10 percent of the postal budget to be phased out over a 12-year period; and provided an 8 percent salary increase to postal employees to be effective retroactively to the first day of the first pay period that began on or after April 16, 1970. Public Law 91–375.

Program Information Act: Provides for the publication and quarterly distribution of a catalog of Federal assistance programs, which catalog shall identify the program, describe the program structure, provide financial information, state the obligations on the part of the recipient receiving assistance or support, identify the appropriate officials to contact, provide a general description of the application process and identify closely related programs. S. 60. P/S 10/7/70.

Sea Grant College and Program Act amendments: Authorized $20 million, $25 million, and $30 million for fiscal years 1971, 1972 and 1973, respectively, for the National Sea Grant College and Program. Public Law 91–349.

Smithsonian Institution:

Additional Members of Board of Regents: Authorized the appointment of three additional citizen regents to the Board of Regents of the Smithsonian Institution, increasing the membership of the Board from 14 to 17 members. Public Law 91–551.

Facilities Construction: Authorizes the Board of Regents of the Smithsonian Institution to plan and construct museum support and depository facilities and limits the authorized appropriations to $500,000. S. 209. P/S 7/17/70.

Museum Programs Authorization: Authorizes $1 million for each of fiscal years 1972, 1973, and 1974 for purposes of the National Museum Act of 1966, and an additional $300,000 for each of those fiscal years for museum assistance programs to be allocated equally among specified museum assistance programs of the Smithsonian Institution, the National Endowment for the Arts, and the National Endowment for the Humanities. S. 704. Public Law 91– .

Social Security amendments: Made permanent the existing temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance. H.R. 19915. Public Law 91– .

Social security amendments of 1970: Provides with regard to social security cash benefits as follows: 10% social security increase with a minimum benefit increase from $64 per month to $100 per month; 5% increase in special payments to certain persons age 72 and over; guarantees that social security benefits will keep up with increases in the cost of living; increases widow's benefit from 82½% to 100% of deceased husband's benefit; permits men to disregard three additional low earning years for purposes of calculating benefits, putting men on the same basis as women; increases the social security earnings limit from $1,680 to $2,400; reduces the disability insurance waiting period for beneficiaries from 6 months to 4 months; liberalizes disability benefits for the blind; funds benefit increases through raises in the tax base from $7,800 to $9,000 and increases in tax rates. Provides with regard to medicare and medicaid as follows: Permits individuals not covered by medicare to buy into medicare; includes chiropractor services under medicare; establishes professional standards of review under medicare; establishes an Inspector General for Health Administration; includes various other amendments designed to control costs of medicare and medicaid. Provides with regard to welfare as follows: Establishes guaranteed minimum income for needy aged, blind and disabled persons ($130 for an individual and $200 for a couple); guarantees aged, blind and disabled welfare recipients under social security a minimum $10 in social security increases ($15 in the case of a couple); establishes uniform national definitions of blindness and disability for welfare purposes; provides fiscal relief for States with respect to the non-Federal share of payments to aged blind and disabled welfare recipients; provides for improved work incentive payments for families of working poor; increases Federal matching for family planning services from 75% to 100%; increases Federal matching for child care services from 75% to 90%; requires States to provide emergency assistance to needy migrants working with families. Other provisions are as follows: Increases the retirement income credit; and penalizes private pension plans that reduce benefits by the amount of the social security increase. H.R. 17550. P/H 5/21/70. P/S amended 12/29/70.

Tennessee Valley Authority—revenue bond financing: Increased from $1.75 billion to $5 billion the amount of revenue bonds which TVA may have outstanding to finance additions to its power system. Public Law 91–446.

Trust Territory of the Pacific Islands: Increased the authorization from $50 million to $60 million for fiscal year 1971 and authorized $60 million for each of fiscal years 1972 and 1973 for the Trust Territory of the Pacific Islands for civil works and administrative programs. Public Law 91–578.

Uniform relocation assistance: Provided for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs, and established uniform and equitable land acquisition policies for Federal and federally assisted programs. S. 1. Public Law 91– .

Use of personal checks to pay postal services: Permits the acceptance of checks and nonpostal money orders in payment for postal charges and services; relieves postal employees of personal financial liability for accepting personal checks from postal patrons in the course of business; provides penalties for presenting bad checks and bad postal money orders in payment for postal charges and services. S. 3397. P/S 3/4/70.

HEALTH

Air pollution compacts:

Mid-Atlantic States: Gives Congressional consent and approval to a compact between Connecticut, New Jersey, and New York to enter into an interstate compact on air pollution and grants consent to Pennsylvania and Delaware to join in such compact. S.J. Res. 53. P/S 6/26/70.

Ohio-West Virginia: Gives Congressional consent to the interstate compact on air pollution between Ohio and West Virginia and grants consents to Pennsylvania and Kentucky to join in the compact. S. 2707. P/S 2/2/70.

Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970: Authorized $300 million over a 3-year period for a program dealing with the overall problem of alcoholism; established in the National Institute of Mental Health a new Institute to be known as the National Institute on Alcohol Abuse and Alcoholism; established a program of formula grants to the States for programs dealing with the problems of alcohol abuse and alcoholism; provided for the establishment of a program of project grants for specific projects in the States dealing with this problem; and provided for establishment of a program by the Civil Service Commission to deal with alcoholism and alcohol abuse among Federal employees. S. 3835. Public Law 91– .

Cancer conquest: Expressed the sense of Congress that the conquest of cancer is a national crusade to be accomplished by 1976 as an appropriate commemoration of the two hundredth anniversary of the independence of our country and that sufficient funds be appropriated to carry out said crusade. H. Con. Res. 675. Public Law 91– .

Clean Air Act and Solid Waste Disposal Act Extensions:

Extend the authorization for the Clean Air Act and Solid Waste Disposal Act programs for 60 days through August 31, 1970, at their present level. Public Law 91–316.

Extended the authorization for the Clean Air and Solid Waste Disposal Act programs for 90 days through November 30, 1970. S. 4319. P/S 9/1/70.

Clean Air Act Amendments of 1970: Amended the Clean Air Act to require designation of major air quality control regions within a statutory deadline; set

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procedures to achieve air quality standards that would insure the protection of health and after standards and goals are set, the States will have 9 months to develop a plan to implement the standards; required that implementation plans be designed to achieve conformance with air quality standards within 3 years; allowed States to adopt even stricter air quality standards than those set by the Federal Government; authorized regulations to require that new industries meet emission performance standards based on the latest control technology, processes, and operating methods; provided for civil—$10,000—and criminal—up to $50,000 and 2 years—penalties for violations and authorizing pollution abatement orders; required that national emission standards also apply to vessels and aircraft, provided that 1975 model cars must achieve at least a 90-percent reduction in polluting exhaust from the 1970 standards, and impose penalties up to $10,000 per vehicle; require a warranty of 50,000 miles on a vehicle's emission system performance and authorize the Administration to have cars road tested and recall those produced if they do not meet standards; authorized certification of low-emission vehicles for research and development purposes and for Federal acquisition of such vehicles for demonstration purposes; authorized $125 million in research for fiscal 1971, $150 million for 1972, and $175 million for 1973 for research relating to fuels and vehicles; authorized research concerning health effects of air pollution and authorize therefor $15 million for long term contracts to carry out investigations; provided 3-to-1 funding to States and for the option assignment of Federal personnel in place of cash grants; permitted citizens to file suits to enforce standards, authorizing $725 million for 3 years for enforcement, grant assistance, and administration; establish an Office of Noise Abatement and Control in the Environmental Protection Agency, and authorized $30 million therefor; created a Federal low-emission vehicle procurement program to stimulate development and production of such vehicles. Public Law 91–604.

Communicable disease control: Authorized a 3-year program or project grants to States and local governments for continuing assistance in eliminating diseases susceptible to vaccination or communicable disease control programs; and authorized $60 million, $75 million, and $90 million for fiscal years 1970, 1971, and 1972, respectively. Public Law 91–464.

Community mental health centers amendments: Improved and extended for 3 years the Community Mental Health Centers Act; authorized for construction grants $80 million, $90 million, and $100 million for fiscal years 1971, 1972, and 1973, respectively; authorized for grants for initial operation of community mental health centers $45 million, $50 million, and $60 million for fiscal years 1971, 1972, and 1973, respectively; extended the program for facilities and services for alcoholics and narcotic addicts for 3 years and authorized therefor $30 million, $35 million, and $40 million for fiscal years 1971, 1972, and 1973, respectively, and reduced the authorization for fiscal 1970 from $25 million to $15 million; added a program of special facilities, personnel and services for children and authorized therefor $12 million, $20 million and $30 million, for fiscal years 1971, 1972, and 1973, respectively. Public Law 91–211.

Developmental disabilities services and facilities construction amendments of 1970: Extended for 3 years and amended the Mental Retardation Facilities Construction Act of 1963; authorized $60 million, $105 million, and $130 million, respectively, for fiscal years 1971, 1972, and 1973 for grants for services and facilities for persons with developmental disabilities; authorized the Secretary of Health, Education, and Welfare to use up to 10 percent of appropriations for formula grants for projects of special national significance to assist the developmentally disabled; provided for formula grants for State and local planning, administration, and technical assistance for construction, maintenance, and operation of facilities, for provision of services, for training of specialized personnel, and for developing and demonstrating new or improved techniques of service and authorized therefor $15 million, $17 million, and $20 million for fiscal years 1971, 1972 and 1973, respectively; and established a National Advisory Council on Services and Facilities for the Developmentally Disabled. Public Law 91–517.

Family practice of medicine: Authorized for grants to public and private nonprofit medical schools and hospitals appropriations of $50 million, $75 million and $100 million for fiscal years 1971, 1972, and 1973, respectively, for programs, facilities and training related to family practice of medicine; authorized $8 million for planning and development grants to assist medical schools and hospitals in getting programs and projects underway, and to expedite the development of programs; provided for the Secretary of HEW to appoint an Advisory Council on Family Medicine to advise and assist in the preparation of regulations and as to policy matters, and to consider all applications for grants; and authorized the Secretary of HEW to conduct a study, in cooperation with health professional manpower schools, of the feasibility and desirability of establishing courses at such schools in the fields of nutrition and problems relating to malnutrition and authorized $5 million for grants, programs and pilot projects therefor. S. 3418. President Vetoed 12/26/70.

Federal Drug Abuse and Drug Dependence Prevention, Treatment and Rehabilitation Act: Provides a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence and authorizes for fiscal years 1971 through 1973 $190 million for formula and project grants to assist State and local programs. Establishes a national Institute for the Prevention and Control of Drug Abuse and Drug Dependence, a 15-member National Advisory Council on Drug Abuse and Drug Dependence within the Public Health Service, and an Intergovernmental Coordinating Council on Drug Abuse and Drug Dependence. S. 3562. P/S 11/24/70.

Health Service Corps-establishment: Provided for the establishment of a National Health Service Corps within the Public Health Service to assign health needs in needed areas; authorized appropriations of $10 million, $20 million and $30 million for fiscal years 1971, 1972, and 1973, respectively; provided that a request from a State or local health agency is a prerequisite to assigning health personnel to an area. S. 4106. Public Law 91– .

Health Training Improvement Act of 1970: Extended for 3 years and improved the Allied Health Professions Personnel Training Act of 1966 and authorized for fiscal years 1971, 1972 and 1973 $90 million for construction, $45 million for basic improvement grants, $125 million for special improvement and special project grants, $30 million for traineeships, $3 million to encourage full utilization of allied health professions, $15 million for scholarships, $12 million for work-study, and $18.5 million for loans. Public Law 91–519.

Lead-based Paint Elimination Act: Provided Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning; established a Federal demonstration and research program to study the extent of the lead-based point poisoning problem and the methods available for lead-based paint removal; and prohibited future use of lead-based paint in Federal or federally assisted construction or rehabilitation. H.R. 19172. Public Law 91– .

Medical facilities construction and modernization amendments: Authorized $1.29 billion in grants to the States for construction or modernization of hospitals and other health facilities for fiscal years 1971, 1972, and 1973; established a new 3-year program of guaranteed loans to cover up to 90% of the cost to private nonprofit agencies for medical facility construction or modernization and a program of direct loans for construction or modernization of public facilities and for such loans authorized $1.5 billion for fiscal years 1971, 1972, and 1973, but not more than $500 million per year; provided a new 3-year $20 million per year program of project grants to assist in the modernization or construction of emergency rooms in general hospitals and transportation systems; provided for reports on the health consequences of the use of marihuana; and made other legislative changes. Public Law 91–296.

Medical Library Assistance Extension Act: Extended for 3 years the program to provide financial assistance for the construction of health library facilities; support training of health librarians and other information specialists; expand and improve health library services through the provision of grants for library resources; support projects of research and development in the field of health communications, and related special scientific projects; support the development of a national system of re-

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gional medical libraries; and support selected biomedical scientific publications projects; and authorized for funding these programs $63 million for fiscal years 1971 through 1973. Public Law 91-212.

Migrant health services: Extended until June 30, 1973, the authority of the Public Health Service Act to improve health services and the health conditions of domestic agricultural migratory workers and their families, and provided for this purpose increased funding authorizations of $20 million, $25 million, and $30 million for fiscal years 1971, 1972, and 1973, respectively. Public Law 91-209.

Poison Prevention Packaging Act: Amended the Federal Hazardous Substances Act to provide for child-resistant packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting any hazardous household substance; provided for nonconforming packaging to meet the needs of the aged, handicapped, or households without children; authorized the Secretary of Health, Education, and Welfare to determine those substances to be specially packaged and to establish packaging performance standards; set penalties for failure to conform to those standards; and created a technical advisory committee to advise the Secretary. Public Law 91-601.

Public Health Cigarette Smoking Act: Prohibited all broadcast advertising of cigarettes after January 1, 1971; strengthened the warning on cigarette packages by changing it from "Caution: Cigarette Smoking May Be Hazardous to Your Health" to "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health"; prohibited States from regulating cigarette advertising; and suspended until July 1971 a Federal Trade Commission rule which would require warnings in print cigarette advertising. Public Law 91-222.

XUM

Public health training: Extended the authority to make formula grants to schools of public health and authorized therefor $9 million, $12 million and $15 million for fiscal years 1971, 1972 and 1973, respectively; extended project grants for graduate or specialized training in public health and authorized therefor $14 million, $15 million, and $16 million for fiscal years 1971, 1972, and 1973, respectively; extended project grants for traineeships for professional health personnel and authorized therefor $16 million and $18 million for fiscal years 1972 and 1973, respectively. Public Law 91-208.

Regional Medical Programs and Comprehensive Health Planning and Services Act: Extended regional medical programs for 3 years through fiscal year 1973 and authorized therefor $525 million; also authorized $247 million for demonstrations relating to health facilities and services, $1,013,500,000 for comprehensive health planning, and $60 million for health surveys and studies; added "kidney disease" to the original three programs covered—heart disease, cancer and stroke; created a National Advisory Council on Comprehensive Health Planning Programs; facilitated the group practice of medicine; directed the President to make a study pertaining to the health and safety hazards presented by environmental pollution and make pertinent reports to Congress. Public Law 91-515.

Water pollution: Potomac Valley conservancy district compact amendments: Granted the consent of Congress to the Maryland and West Virginia and Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin. Public Law 91-407.

HOUSING

College housing debt service grants: Provides an additional $2.6 million authorization for college housing interest subsidy grants, thereby making the total available for fiscal year 1971 $6.8 million. S.J. Res. 196. P/S 5/15/70.

Emergency Home Finance Act: Increased the availability of mortgage credit for the financing of urgently needed housing; authorized $250 million to subsidize the interest on loans made by Federal home loan banks to savings and loan associations and other member borrowers of the Federal Home Loan Bank Board (FHLBB) system, and required the FHLBB to establish a maximum "spread" between the rate charged by the home loan bank and that charged by the savings and loan association, thus passing maximum benefits to the home buyer; expanded the scope of the Federal National Mortgage Association (FNMA) to include conventional as well as Federally insured and guaranteed mortgages in its secondary market operations; established an identical secondary market institution through the FHLBB for conventional and Federally insured and guaranteed mortgages; contained new Government National Mortgage Association (GNMA) special assistance authority amounting to $750 million and transferred another $750 million from the congressional authority to Presidential authority, and removed the existing par purchase restriction on the use of the $2 billion balance of funds now under congressional authority of the GNMA, thus making available for immediate use a total of $2.750 billion for federally assisted low and moderate income housing; established a new interest subsidy program for middle-income housing through FNMA; renewed the authority of the Secretary of Housing and Urban Development to set the maximum allowable interest rates for FHA and VA mortgages; made technical changes designed to assist savings and loan associations to increase their deposits and thus make more mortgage funds available to the housing market. Public Law 91-351.

Farmers Home Administration real estate loans limitation increase: Increased the maximum indebtedness against the farm or other security which could result from a farm ownership loan under the Consolidated Farmers Home Administration Act of 1961 to $100,000 (from $60,000); extended veterans' preference for loans under that act to Vietnam era veterans; and exempted veterans from the requirement that borrowers have a farm background. H.R. 11547. Public Law 91- .

Federal Housing Administration's insurance authority extensions:

Extended until November 1, 1970, certain Federal Housing Administration insurance programs slated to expire on October 1, 1970. Public Law 91-432.

Extended until December 1, 1970, certain Federal Housing Administration insurance programs slated to expire on November 1, 1970. Public Law 91-473.

Extended until January 1, 1971, certain Federal Housing Administration insurance programs slated to expire on December 1, 1970. Public Law 91-525.

Housing and Urban Development Act: Provided a 1-year extension of the Federal Housing programs, principally Federal Housing Administration programs, urban renewal, model cities and public housing; authorized $2,881,500,000 for housing and urban programs; and made significant changes in existing public housing, urban property insurance, and new community programs. H.R. 19436. Public Law 91- .

Loans to Lessees of Nonfarm Rural Land: Authorizes the Farmers Home Administration to make rural housing loans under title V of the Housing Act of 1949 to lessees of nonfarm rural land. S. 3330. P/S 8/28/70.

Paraplegic Housing Program: Authorizes the Veterans' Administration to make direct loans to eligible disabled veterans for assistance in acquiring specially adapted housing as defined in chapter 21 of title 38, United States Code. S. 3775. P/S 8/28/70.

INDIANS

Chemehuevi tribe: Authorized the disposition of judgment funds awarded to the Chemehuevi Tribe of Indians. Public Law 91-417.

Cherokee, Chickasaw, Choctaw, and Seminole nations of Oklahoma: Provided that when a member, or the descendant of a member, of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dies without a will and has no heirs, his interest in any trust or restricted land, or in the rents therefrom, will escheat to the tribe. Public Law 91-240.

Cherokee tribe, Oklahoma: Authorized the sale to the Cherokee tribe of Oklahoma of a small parcel of land to be used by the tribe to continue industrial development. Public Law 91-478.

Choctaw tribe, Oklahoma. Repealed the act of August 25, 1969, with respect to the final disposition of the affairs of the tribe. Public Law 91-386.

Coeur D'Alene Indian reservation: Authorizes the Secretary of the Interior to approve the sale, exchange, or encumbrance of tribal lands and to sell or exchange, or encumbrance of tribal lands and to sell or exchange individually owned trust lands or interests therein held in multiple ownership to other Indians if the sale or exchange is authorized by the owners of at least a majority of the interests in such lands. S. 3487. P/S 9/1/70.

Confederated bands of Ute Indians: Provided for the disposition of judgment funds awarded to the Confederated Bands of Ute Indians in the Court of Claims, and to the Ute tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians by the Indian Claims Commission. Public Law 91–240.

Confederated tribes of the Umatilla Indian reservation: Authorized the tribes to use a judgment recovered against the United States in the Indian Claims Commission, and accumulated interest. Public Law 91–259.

Confederated tribes of Weas, Piankashaws, Peorias, and Kaskaskias: Provided for a per capita distribution of 3 judgments by the Indian Claims Commission recovered on behalf of the Confederated tribes and provided that any per capita share the Secretary of Interior is unable to deliver within 2 years shall revert to the Peoria tribe. Public Law 91–364.

Eastern band of Cherokee Indians, North Carolina: Authorized a conveyance to the Eastern band of any Federal lands within the Cherokee reservation that may become excess to the needs of the Bureau of Indian Affairs. Public Law 91–501.

Educational facilities for Indian children: Authorizes the appropriation of $27,400,000 annually for each of fiscal years 1971, 1972 and 1973 to aid public school districts near Indian reservations in the construction of classrooms, housing and other necessary educational facilities for Indian children attending these schools. S.J. Res. 144. P/S 5/19/70.

Five civilized tribes and Osage tribe of Oklahoma: Amends certain Federal laws relating to the administration of the affairs of members of the Five Civilized Tribes and of the Osage Tribe to remove a hiatus brought about by the adoption in Oklahoma of a constitutional amendment establishing a new judicial department for that State. S. 2362. P/S 4/30/70.

Five civilized tribes of Oklahoma: Authorizes the Secretary of the Interior to convey to certain individual members of the Tribes interests in former restricted lands acquired by the United States pursuant to the Oklahoma Indian Welfare Act of 1936. S. 1498. P/S 4/27/70.

Five civilized tribes of Oklahoma: Authorized each of the Five Civilized Tribes of Oklahoma (Cherokee, Choctaw, Creek, Seminole and Chickasaw) to select its principal officer in accordance with procedures approved by the Secretary of the Interior. Public Law 91–495.

Fort Belknap Indian irrigation project, Montana: Authorized the Secretary of the Interior to transfer title for the facilities of the Brown unit of the Fort Belknap Indian irrigation project to the owners of the lands served by the unit; provided that the landowners assume responsibility for operation and maintenance; cancelled all outstanding operation and maintenance charges and deferred construction charges on the project. Public Law 91–251.

Fort Belknap Indian Reservation, Montana: Amends the Act of March 3, 1921, which provided for allotment of lands on the Reservation, to provide for the reservation of all minerals for the benefit of tribal members in common. S. 786. P/S 5/15/70.

Fort Berthold Reservation, North Dakota: Authorizes the mortgaging of tribal land on the Reservation acquired after the date of enactment of this legislation and provides that resulting funds be used to buy lands within the Reservation to improve the tribal land base. S. 774. P/S 5/11/70.

Hopi Indian tribe, Arizona: Gave the governing body of the Hopi Tribe the authorities it needs to develop the Hopi Industrial Park. Public Law 91–264.

Hualapai tribe, Arizona: Authorize the use of a judgment recovered against the United States by the Tribe in an Indian Claims Commission Docket. Public Law 91–400.

Inter-Tribal Council, Inc., Miami, Oklahoma: Authorizes and directs the secretary of the Interior to convey without consideration 114 acres of surplus Federal land in Oklahoma to the Inter-Tribal Council Incorporated, which will encourage labor-oriented industries to locate on this acreage, thus raising the socioeconomic level of the tribal members residing in the area through the creation of jobs and better housing. S. 886. P/S 5/15/70.

Lac du Flambeau band of Lake Superior Chippewa Indians, Wisconsin: Conveys the beneficial interest in 40 acres of federally owned land to the Lac du Flambeau Tribe, subject to valid existing rights-of-way and the right of Wisconsin to use the fire observation tower located on the land, as well to a possible set-off of the value of the beneficial interest conveyed against any claims against the United States. S. 1751. P/S 4/30/70.

Loans to Indian tribes: Provided authority for the Farmers Home Administration (FHA) to make loans to Indian tribes for the purchase of land within their reservations; permitted any tribe to mortgage its land as security for such a FHA loan; permitted the tribe to waive immunity from suit without its consent as a part of its loan agreement; excepted trust lands from the FHA Act provision that land mortgaged to secure a loan shall be subject to local taxation; permitted the title to land acquired with loan funds to be taken in trust; provided that in addition to making direct loans from its direct loan account the FHA may insure loans to tribes made by commercial lending institutions; specified that the eight Indian Reorganization Act corporations in Alaska are eligible for loans to buy land although they do not have reservations. Public Law 91–229.

Makah Indian Tribe, Washington: Gave to the Tribe 719 acres of land set aside by Executive order in 1893 as a reservation "for Ozette Indians not now residing upon any Indian reservation." Public Law 91–489.

Mississippi Sioux Indians: Provides for the disposition of judgment funds awarded to the Mississippi Sioux Indians in the Indian Claims Commission. H.R. 14984. P/H 6/15/70. P/S amended 10/14/70.

Nez Perce tribe: Authorized a judgment of the Indian Claims Commission to be divided between the Nez Perce Tribe of Idaho and the Confederated Tribes of the Colville Reservation, Washington, and authorized the use of the money after it is divided. Public Law 91–542.

Potawatomi Indians, Oklahoma: Authorized the use of judgment funds recovered by the Citizen Band of Potawatomi Indians in an Indian Claims Commission Docket. Public Law 91–401.

Quapaw Indians, Oklahoma: Extended for an additional period of 25 years from March 3, 1971, the restrictions, tax exemptions, and limitations affecting lands of the Quapaw Indians extended to that date by the act of July 27, 1939. Public Law 91–290.

Reno-Sparks Indian Colony, Nevada: Grants to the Colony the beneficial interest in and to a small parcel of land the Colony has been using and occupying since the land was acquired by the Federal Government, and authorizes the governing body of the Colony, with the approval of the Secretary of the Interior, to make long-term leases of land to members for homesites, dedicate lands for public purposes, contract for public facilities and other services, enact zoning, building, and sanitary regulations, and take action to establish proper boundaries of Colony lands. S. 3196. P/S 9/1/70.

Sac and Fox Tribes of Oklahoma: Authorized the use of judgment funds recovered by the Tribes in an Indian Claims Commission Docket. Public Law 91–404.

Sioux Tribe of the Port Peck Indian Reservation, Montana: Provided for a per capita distribution among the members of the Tribe of judgment funds. Public Law 91–283.

Snohomish, Upper Skagit, and Snoqualamie-Skykomish Tribes: Disposes of three separate awards of the Indian Claims Commission to the Tribes. S. 4078. P/S 9/1/70.

Soboba Band of Mission Indians: Designed to provide a water supply for the Soboba Indian Reservation, Riverside, California. Public Law 91–557.

Taos Indian Land Act: Granted to the Pueblo de Taos Indians in New Mexico trust title to approximately 48,000 acres of federally owned land within the Carson National Forest. Public Law 91–550.

Tlingit and Haida Indians of Alaska: Authorized the disposition of judgment funds amounting to $7 million awarded to the Tlingit and Haida Indians for land taken, principally the Tongass National Forest. Public Law 91–335.

Tulalip Reservation, Washington: Gave the Tulalip Tribes of the Tulalip Reservation in Washington additional authority to acquire, manage, and dispose of tribal property. Public Law 91–274.

Ute tribe of the Uintah and Ouray reservation, Utah: Authorized the Secretary of the Interior to reimburse the Ute Indian Tribe of the Uintah and Ouray Reservation for tribal funds, and interest thereon, used for the construction, operation, and maintenance of the Uintah Indian irrigation project, Utah; and transferred the title to four pieces of land purchased by the United States in connection with this project to the United States to be held in trust for the tribe. Public Law 91–403.

XUM

Washoe tribe of Nevada and California: Set aside 80 acres of public domain in Alpine County, California to carry out a program to assist certain Washoe Indians. Public Law 91–362.

Yakima tribes: Provided for the disposition of three awards totaling $2,210,-991.40 awarded to the Yakimas by the Indian Claims Commission as compensation for the value of reservation lands omitted through erroneous surveys of the boundaries of the Yakima Indian Reservation established by the treaty of June 9, 1855. Public Law 91–413.

Amends section 7 of a 1946 statute that restricts the right to inherit trust property of deceased members of the Yakima Tribes. H.R. 380. Public Law 91– .

Yankton Sioux tribe, South Dakota: Declared that a small parcel of Federal lands are held in trust for the Yankton Sioux Tribe, but if the Tribe recovers any judgment against the United States, in the Indian Claims Commission, the Commission will consider the value of the land as a possible setoff. Public Law 91–471.

Yavapai-Prescott community reservation, Arizona: Authorized lands on the reservation to be leased for periods up to 99 years if a long-term lease will be in the best interest of the Indian owner. Public Law 91–275.

INTERNATIONAL

Aircraft hijacking: Expressed the sense of the Senate that the full influence of all governments and all international airline associations be brought to bear for the release of all passengers and aircrews detained involuntarily in Jordan and that such governments and associations should take such actions as may be necessary to prevent any further hijacking of aircraft. S. Res. 459. Senate adopted 9/16/70.

XUM

Arms Control and Disarmament Act amendments: Authorized $17.5 million for fiscal years 1971 and 1972 for operations of the Arms Control and Disarmament Agency. Public Law 91–246.

Convention on offenses and certain other acts committed on board aircraft—implementing legislation: Amended the Federal Aviation Act of 1958 to permit the United States to implement certain provisions of the Tokyo Convention, approved by the Senate on May 13, 1969 and which is designed to promote aviation safety through establishment of continuity of jurisdiction over criminal acts occurring onboard aircraft. Public Law 91–449.

Convention relating to arbitral awards—implementing legislation: Implemented the Convention on the Recognition and Enforcement of Foreign Arbitral Awards approved by the Senate on October 4, 1968, creating a new chapter under title 9 of the United States Code (the Federal Arbitration Act) dealing exclusively with the recognition and enforcement of awards pursuant to the provisions of the convention. Public Law 91–368.

Foreign assistance—supplemental authorization: Authorized $550 million in additional appropriations for foreign assistance for fiscal year 1971, as follows: $155 million ($85 million military aid; $70 million in supporting assistance) for Cambodia; $100 million ($40 million in military aid; $60 million in supporting assistance) to replace funds transferred for use in Cambodia; $150 million in military aid for Korea; $30 million in military aid for Jordan; $13 million in military aid for Indonesia; $5 million in military aid for Lebanon; $65 million in supporting assistance for South Vietnam; $17 million to restore the military assistance program to its planned levels; and increased the contingency fund from $15 million to $30 million, with the addition earmarked for relief, rehabilitation, and reconstruction assistance in East Pakistan; authorized the Defense Department to transfer defense articles now being utilized by U.S. forces in Korea to the Republic of Korea, the amount of which is estimated at between $117 million and $122 million; authorized the appropriation for 1 year of unallocated excess foreign currencies held by the United States in Pakistan, said currencies to be available for disaster relief and reconstruction in East Pakistan; prohibited funds from being used to finance the introduction of U.S. ground troops into Cambodia or to provide U.S. advisers to or for Cambodian military forces in Cambodia; provided that U.S. military and economic assistance provided to Cambodia shall not be construed as a commitment by the United States to Cambodia for its defense; and placed a limitation on the provision of the additional assistance to Cambodia provided in the act. H.R. 19911. Public Law 91– .

Foreign service buildings operations: Authorized $15 million and $15.9 million for fiscal years 1972 and 1973, respectively, for the operation and maintenance of Foreign Service buildings. Public Law 91–586.

Gulf of Tonkin resolution—termination: Provided that under the authority of section 3 of the joint resolution commonly known as the Gulf of Tonkin Resolution and entitled "Joint resolution to promote the maintenance of international peace and security in Southeast Asia," such joint resolution shall be terminated effective upon approval of both Houses of Congress. S. Con. Res. 64. Senate adopted 7/10/70.

International biological program: Authorized all Federal departments and agencies having functions or objectives related to the International Biological Program (IBP) to obligate or transfer money from appropriate funds and to provide such other support as may be appropriate to that effort; expressed the support and endorsement of the Congress for the IBP; and declared that the United States provision of adequate financial and other support for the IBP is a matter of priority. Public Law 91–438.

International Coffee Agreement: Continued until July 1, 1970, the authority of the President contained in the International Coffee Agreement, 1968, which authority expired on September 30, 1970. H.R. 19567. Public Law 91– .

International expositions: Established a Federal procedure for determination of endorsement of and participation in international expositions held in the United States; called on the President to make findings as to official recognition of a domestically proposed international exposition and to submit to Congress such proposals considered appropriate for Federal participation; and authorized appropriations not to exceed $200,-000 in any fiscal year. Public Law 91–269.

International financial institutions: Increased United States quota in the International Monetary Fund by $1,540 million and the United States Subscription to the International Bank for Reconstruction and Development (World Bank) by $246.1 million, of which all but $24.6 million would take the form of callable capital, or a contingent liability; increased the resources of the Inter-American Development Bank comprised of both callable capital in the amount of $673.5 million and a paid-in capital subscription of $150 million payable in a letter of credit in three equal annual installments, and a United States contribution to the FSO of $100 million for the first year. Public Law 91–599.

Military sales—limitations on United States involvement in Cambodia: Authorized $250 million for foreign military sales for each of fiscal years 1970 and 1971 and set a credit ceiling of $340 million in each of those fiscal years; repealed the Gulf of Tonkin resolution effective at the end of the second session of the 91st Congress; required that any sale or grant of the "International Fighter" aircraft, other than to Vietnam or sales through commercial channels be made under the regular military grant aid and sales programs; placed a $100 million ceiling on the amount of excess defense articles that may be given to foreign countries in any fiscal year; and made other changes in, or additions to, existing law. H.R. 15628. Public Law 91– .

Pan American Institute of Geography and History: Authorized an increase in the United States annual contributions to the Pan American Institute of Geography and History from $90,300 to $200,-000 and authorized the appropriation of $386,050 for the payment of arrearages incurred during fiscal years 1965–1969. Public Law 91–340.

Pan American Railways Congress Association: Authorized an increase in U.S. contributions to the Pan American Railways Congress Association from the current $5,000 a year to $15,000 a year. Public Law 91–553.

Peace Corps Act amendments: Authorized $98.8 million for activities of the Peace Corps in fiscal year 1971; proposed new authorities to attract more highly skilled married volunteers with children; broadened the language of the Peace Corps Act to encourage the development of, and participation in, international voluntary service programs and activities and authorized up to $300,000 therefor in fiscal year 1971. Public Law 91–352.

Prisoners of war in Southeast Asia: Placed the Congress on record in support of humane treatment for the United States prisoners of war and focused world attention on the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva Convention on the treatment of prisoners of war. H. Con. Res. 454.

House adopted 12/15/69. Senate adopted 2/18/70.

Rainy River bridge, Baudette, Minnesota: Deleted the legal requirement that the cost of the bridge and its approaches be amortized within 30 years from the date of the completion thereof, and that the bridge be maintained and operated free of tolls after funds sufficient for its amortization have been so provided. Public Law 91–493.

Retirement age for foreign service career ministers: Amends the Foreign Service Act of 1946 to lower the mandatory retirement age of career Ministers from age 65 to 60 except while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate; and to provide for a retirement schedule for those career Ministers past the mandatory retirement age. S. 3691. P/S 6/19/70.

St. Lawrence River bridge, Cape Vincent, New York: Authorized the Thousand Islands Bridge Authority, a political subdivision of the State of New York, its successors and assigns, to construct, maintain and operate an additional toll bridge across the St. Lawrence River, from a convenient point at or near Cape Vincent, Jefferson County, New York, to a point at or near Kingston, Province of Ontario, Canada. Public Law 91–520.

South Pacific Commission—U.S. Participation: Raised the authorized limit on annual U.S. contributions to the South Pacific Commission from not to exceed $200,000 a year to $250,000. H.J. Res. 1162. Public Law 91– .

Spanish bases agreement: Expressed the sense of the Senate that nothing in the Agreement of Friendship and Cooperation between the United States and Spain signed on August 6, 1970 shall be deemed to be a national commitment by the United States. S. Res. 469. Senate adopted 12/11/70.

Support of United States peace initiative: Expressed the sense of the Senate that President Nixon's peace initiative of October 7, 1970, is fair and equitable and lays the basis for ending the fighting and moving toward a just settlement of the Indochina war. S. Res. 474. Senate adopted 10/8/70.

Suspension of further deployment of offensive and defensive nuclear strategic weapons systems: Expressed the sense of the Senate that prompt negotiations between the Governments of the United States and the Soviet Union to seek agreed limitations of both offensive and defensive strategic weapons should be urgently pursued, and that the President of the United States should propose to the Government of the Soviet Union an immediate suspension by the United States and the Soviet Union of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification of such other measures of observation and inspection as may be appropriate. S. Res. 211. Senate adopted 4/9/70.

Treaties:

Convention on the privileges and immunities of the United Nations: Accords certain privileges and immunities to the United Nations, as an organization, and to the representatives of its Members, United Nations officials, and experts on missions for the United Nations. Ex. J (91st, 1st). Resolution of ratification agreed to 3/19/70.

Extradition treaty with New Zealand: Covers 32 extraditable offenses including, for the first time, aircraft hijacking and offenses relating to narcotics and other dangerous drugs. Ex. C (91st, 2d). Resolution of ratification agreed to 5/27/70.

Intellectual and industrial property conventions: Both Conventions refer to patents and copyrights. The Convention Establishing the World Intellectual Property Organization is to be responsible for the overall administrative activities of related organizations and the promotion of the protection of intellectual property on a worldwide basis, and the Paris Convention for the Protection of Industrial Property revised the Industrial Property Convention to bring its finances and structure and that of its Secretariat into line with the more modern principles of international organization. Ex. A (91st, 1st). Resolution of ratification agreed to 2/28/70.

Protocol to the Northwest Atlantic Fisheries Convention: Provides for the removal of the Convention's restrictions relating to (1) the number of commissioners on each of the special panels established by the Convention; and (2) the kinds of measures which the International Commission for the Northwest Atlantic Fisheries may propose in order to achieve optimum utilization of fish stocks in the Convention area. Ex. I (91st, 1st). Resolution of ratification agreed to 3/19/70.

Radiotelephone stations agreement with Canada: Provides for the reciprocal issuance of permits by the United States and Canada to licensed private operators of radiotelephone stations of one country while temporarily in the jurisdiction of the other. Ex. A (91st, 2d). Resolution of ratification agreed to 5/27/70.

Supplemental extradition convention with France: Principally designed to add to the list of extraditable offenses that of aircraft hijacking, and to clarify and expand the offenses relating to narcotics, which now will include hallucinogenic and other dangerous drugs. Ex. F (91st, 2d). Resolution of ratification agreed to 9/21/70.

Tax convention with Belgium: This convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income relates to such matters as the definition of a permanent establishment, the treatment of income from real property, business profits, dividends, interest and royalties, and the taxation of social security payments and private pensions and annuities. Ex. I (91st, 2d). Resolution of ratification agreed to 11/25/70.

Tax convention with Finland: This convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and property covers such matters as the definition of a permanent establishment, taxes on dividends, interest, royalties, income from real property, capital gains, private pensions, alimony, annuities, social security payments, income from the operation of ships or aircraft and the taxation of industrial or commercial profits, personal service income from teaching or research, and tax exemptions for students and trainees. Ex. E (91st, 2d). Resolution of ratification agreed to 11/25/70.

Tax convention with the Netherlands: This convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on estates and inheritances relates to such matters as the tax treatment of immovable property and property forming part of a permanent establishment, taxation on the basis of domicle and citizenship, and credits for taxes imposed by either country. In addition, there is a related protocol which sets forth understandings regarding certain matters of interpretation and application of the convention. Ex. G (91st, 1st). Resolution of ratification agreed to 11/25/70.

Tax convention with Trinidad and Tobago: This convention for the avoidance of double taxation, the prevention of fiscal evasion with respect to taxes on income, and the encouragement of international trade and development relates to such matters as the definition of a permanent establishment, taxes on business profits and the income from the operation of ships or aircraft, interest, royalties, and dividends. The treaty was approved by the Senate subject to the following reservation: "The Government of the United States does not accept article 7 of the convention relating to tax deferral for technical assistance." Ex. D (91st, 2d). Resolution of ratification agreed to 11/25/70.

United Nations headquarters expansion: Authorizes a $20 million appropriation to the Secretary of State for a grant to be made to the United Nations to defray a portion of the cost of the expansion and improvement of its headquarters in New York City. S.J. Res. 173. P/S 7/10/70. P/H amended 12/21/70.

U.S.-U.S.S.R. political exchange program: Authorizes travel to the U.S.S.R. for not more than 1,000 elected U.S. officials—including Members of Congress—and their spouses during a period of 5 years beginning February 1, 1971; provides for efforts to facilitate comparable trips to the United States by Soviet officials; authorizes up to $5 million for the program over the 5-year period S. 3127. P/S 4/20/70.

Water pollution research—Fifth International Conference: Seeks the cooperation of the Federal and State Governments and all interested persons and organizations to assist in the Fifth International Conference on Water Pollution to be held in San Francisco, California, from July 26 through August 1, 1970, and which will be reconvened in Honolulu, Hawaii, from August 2 through August 5, 1970. S.J. Res. 162. P/S 3/19/70.

World environmental institute: Expressed the sense of the Senate relating to the creation of a World Environmental Institute to aid all nations of the world in solving common environmental problems of both national and international scope S. Res. 399. Senate adopted 10/9/70.

XUM

LABOR AND MANAGEMENT

Employment and Manpower Act: Creates a new system of prime sponsors of manpower programs; authorizes for employment and manpower training programs $2 billion, $2.5 billion, and $3 billion for fiscal years 1972, 1973, and 1974, respectively, with a third earmarked for comprehensive manpower services programs (title I), a third for public service employment (title III), and a third for occupational upgrading (title II) and consolidated special Federal responsibilities and programs (title IV), with authority given to the Secretary of Labor to transfer 25 percent out of any title to any other titles; authorizes an additional $200 million, $400 million, $600 million and $800 million for fiscal years 1971 through 1974, respectively, for the new public service unemployment program; authorizes for emergency employment assistance $200 million if national unemployment equals or exceeds 4½ percent for three consecutive months and $200 million more if it equals or exceeds 5 percent for three consecutive months; creates new special programs (title VI) for Indians, migrant and seasonal farmworkers, Spanish-speaking and other persons of limited English-speaking ability, and middle-aged and older workers; and contains other provisions. S. 3867. President Nixon vetoed 12/16/70. Senate sustained veto 12/21/70.

Employment opportunities for the blind: Amends the Randolph-Sheppard Act to enlarge the employment opportunities of qualified blind persons through the operation of vending facilities on federally controlled property. S. 2461. P/S 9/28/70.

Employment opportunities for the blind and severely handicapped: Amends the Wagner-O'Day Act to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference, and to expand the category of contracts under which the blind and severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after enactment. S. 3425. P/S 9/28/70.

Equal Employment Opportunities Enforcement Act: Amends title VII of the Civil Rights Act of 1964 to provide the Equal Employment Opportunity Commission with a method for enforcing the rights of those workers who have been subjected to unlawful employment practices; includes the issuance of a complaint by the Commission after an investigation and efforts to conciliate followed by a full administrative hearing on the record, the issuance of a cease and desist order by the Commision, and an opportunity for review by an appropriate court of appeals; provides that the Commission may seek court enforcement in cases pending at the time of enactment and permits the transfer of the Attorney General's pattern or practice action to the Commission in 3 years; expands coverage, over a 2-year period, of employers and labor organizations, from those having 25 or more employees or members to those having eight or more employees or members and includes coverage of State and local employees; expands from 90 to 180 days the time limitation on a direct filing charge to the Commission and from 210 to 300 days a filing charge first brought under a State or local law; and contains a number of administrative changes. S. 2453. P/S 10/1/70. H.R. 17555. H. Cal.

Occupational Safety and Health Act: Designed to reduce the number and severity of work-related injuries and illnesses through programs of research, education and training, and through the development and administration, by the Secretary of Labor, of uniformly applied occupational safety and health standards; established a three-member Occupational Safety and Health Review Commission to adjudicate enforcement cases, with further review available in the courts; encouraged Federal-State cooperation and authorized financial assistance to enable States, under approved plans, to administer programs for achieving safe and healthful jobsites for the Nation's workers; provided penalties for violations under the act; authorized for each fiscal year such sums as Congress deems necessary; and provided that the act take effect 120 days after enactment. Public Law 91-596.

Railroad Adjustment Board: Amended the Railway Labor Act to revise the organizational structure of the first division of the National Railroad Adjustment Board made necessary by the merger of unions representing the trainmen, firemen, conductors, and switchmen into a new union, the United Transportation Union. Public Law 91-234.

Railroad retirement: Provided for a tax on railroad employers to cover the costs of the supplemental annuity program for employees; placed that program on a permanent basis; and provided that any individual who renders service as an employee for compensation after the "supplemental annuity closing date" applicable to him will not be entitled to a supplemental annuity. Public Law 91-215.

Railroad Retirement Act amendments: Amended the Railroad Retirement Act of 1937 to provide temporarily (until June 30, 1972) a 15-percent increase in annuities retroactive to January 1, 1970; provided that a study of the railroad retirement system and its financing be made by a 5-member Commission which is to submit its recommendations to the president and Congress no later than July 1, 1971; and, in order to produce additional income for the retirement account, provided for a change in the procedure under which special obligations issued to the retirement account are redeemed to make benefit payments, as well as a change in the interest computation rate on obligations to the account. Public Law 91-377.

Amends the Railroad Retirement Act to provide that employment as an elected or appointed public official shall not be regarded as "compensated service," from which the individual would normally be required to retire to qualify for an annuity, so long as the compensation for such employment does not exceed $5,000 per year and if such individual also has a current connection with the railroad industry at the time of his retirement. S. 988. P/S 10/9/70.

Railroad Safety Act and Hazardous Materials Transportation Control Act: Designed to promote safety in all areas of railroad operation and to reduce railroad-related accidents, and to reduce deaths and injuries to persons and damage to property caused by accidents involving any carrier of hazardous materials; authorized $21 million for each of fiscal years 1971, 1972, and 1973 for Title II (Railroad Safety) and $1 million for each of those fiscal years for Title III Hazardous Materials Control). Public Law 91-458.

Railway labor-management disputes: Prevented a nationwide strike on railroads throughout the United States scheduled to occur at midnight, March 3, 1970, and provided that for the 37-day period beginning with the enactment of this legislation (until April 11, 1970), strikes and lockouts occurring as a result of this dispute were prohibited. Public Law 91-203.

Prevented a nationwide strike on railroads throughout the United States which was previously prohibited by Public Law 91-203 by putting into effect a "memorandum of understanding," dated December 4, 1969, which memorandum was agreed to by the railroads and negotiators for the four shopcraft unions involved in the dispute and which is subject to renegotiation commencing September 1, 1970, for changes effective on or after January 1, 1971. Public Law 91-226.

Extended until March 1, 1971, a temporary prohibition of strikes or lockouts with respect to a labor-management railway dispute, and provided for the railway employees concerned a 5-percent pay increase effective retroactive to January 1, 1970, and a 32-cent hourly increase retroactive to November 1, 1970. Public Law 91-541.

Vocational Rehabilitation Act extension: Extended for 1 year through fiscal year 1972, programs under the Vocational Rehabilitation Act, and authorized therefor $1,010,000,000. H.R. 19401. Public Law 91- .

MEMORIALS AND TRIBUTES

Apollo 13 astronauts: Expressed the Senate's commendation of the Apollo 13 astronauts—James Lovell, John L. Swigert, Jr., and Fred W. Haise, Jr.—for their fortitude and courage. S. Res. 388. Senate adopted 4/14/70.

Clifford Davis Federal Building: Named a Federal building in Memphis, Tennessee for the late Clifford Davis who served in the House of Representatives. H.R. 19890. Public Law 91- .

Commendation of heroism of airline pilots: Expressed the sense of the Senate that Eastern Airlines Captain Robert M. Wilbur, Jr., and his co-pilot, the late James E. Hartley, be commended for their heroic action in averting a major air disaster on March 17, 1970. S. Res. 375. Senate adopted 3/24/70.

Dr. Enoch A. Bryan Reservoir: Designated the reservoir created by Little Goose lock and dam on the Snake River,

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Washington, as Lake Bryan, in honor of Dr. Enoch A. Bryan, prominent author, economist, and educator, in recognition of his outstanding contributions to both the State in which the project is located and to the Nation. H.R. 13862. Public Law 91- .

Everett McKinley Dirksen Building: Named the existing Federal Office Building and United States Courthouse in Chicago, Illinois, in memory of the late Everett McKinley Dirksen, who served as a Member of Congress from Illinois from 1933 to 1969. Public Law 91-237.

Federal Buildings named for John W. McCormack, George H. Fallon, and William C. Cramer: Named the U.S. Post Office and Court House located in Boston, Massachusetts, as the "John W. McCormack Post Office and Court House"; the Federal Office Building located in Baltimore, Maryland, as the "George H. Fallon Federal Office Building"; and the Federal Office Building located in St. Petersburg, Florida, as the "William C. Cramer Federal Office Building." H.R. 19857. Public Law 91- .

General Charles De Gaulle: Expressed to his family and to the people of France the deepest sympathy of the Senate upon learning of the death of General Charles de Gaulle, former President of the French Republic. S. Res. 481. Senate adopted 11/16/70.

Goddard Rocket and Space Museum: Provided congressional recognition of the Goddard Rocket and Space Museum of the Roswell Museum and Art Center, Roswell, New Mexico, as a fitting memorial to Dr. Robert H. Goddard, an outstanding pioneer in American rocketry. S. Con. Res. 49. Senate adopted 4/7/70. House adopted 9/14/70.

Harry S. Truman Dam and Reservoir, Missouri: Renamed the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Missouri, in honor of the 33rd President of the United States, the Honorable Harry S. Truman. Public Law 91-267.

Henry Holland Buckman Lock: Renamed the St. John's lock of the Cross-Florida Barge Canal the "Henry Holland Buckman lock." H.R. 956.

Honor America Day: Granted Congressional recognition to the importance of the July 4, 1970, Honor America Day celebrations. H. Con. Res. 669. House adopted 6/29/70. Senate adopted 7/1/70.

Jewish Citizens of the Soviet Union: Expressed the concern of the Senate regarding the continued injustices suffered by Jewish citizens of the Soviet Union. S. Res. 501. Senate adopted 12/29/70.

John H. Overton Lock and Dam: Designated as the John H. Overton Lock and Dam, the lock and dam authorized to be constructed on the Red River near Alexandria, Louisiana, in recognition of the outstanding accomplishments made in the water resources development of our Nation by the late Senator John H. Overton. H.R. 14683. Public Law- .

Jose Antonio Navarro commemorative medals: Authorized the Secretary of the Treasury to strike and furnish to the San Antonio Conservation Society 100,000 medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro. Public Law 91-244.

Mary McLeod Bethune Memorial: Extended for 4 years the existing authority for the erection in the District of Columbia of a memorial in honor of Mary McLeod Bethune, a prominent Negro educator, and in commemoration of the 100th anniversary of the signing of the Emancipation Proclamation. Public Law 91-277.

McClellan-Kerr Arkansas River Navigation System: Renamed the Arkansas River navigation and comprehensive development program the "McClellan-Kerr Arkansas River Navigation System" in honor of Senators McClellan and Kerr who played a major role in the development of the Arkansas River project, and renamed certain other projects on the Arkansas River. H.R. 13493. Public Law 91- .

Michael J. Kirwan Dam and Reservoir: Changed the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir in honor of the late Michael J. Kirwan who served in the House of Representatives. H.R. 18858. Public Law 91- .

Newt Graham lock and dam: Designated lock and dam No. 18 on the Verdigris River, Oklahoma, as the Newt Graham lock and dam, and the lake created thereby as the Newt Graham Lake, in honor of Newton R. Graham who contributed to the comprehensive development of the Arkansas River Basin. Public Law 91-585.

Ohio Northern University commemorative medals: Authorized the Secretary of the Treasury to strike and furnish to Ohio Northern University 16,000 national medals commemorating the 100th anniversary of the founding on August 15, 1871, of Ohio Northern University located in Ada, Ohio. Public Law 91-381.

Ohio Northern University's 100th anniversary: Extended Congress congratulations and greetings to Ohio Northern University on the occasion of the 100th anniversary of its founding. H. Con. Res. 575. House adopted 4/29/70. Senate adopted 6/26/70.

Ohio State University's 100th anniversary: Extended Congress congratulations and greetings to Ohio State University on the occasion of the 100th anniversary of its founding. H. Con. Res. 573. House adopted 4/29/70. Senate adopted 6/26/70.

Pakistan cyclone and tidal waves: Extended the deepest sympathy of the Senate to the President and people of Pakistan in their suffering and distress resulting from the cyclone and tidal waves on November 13, 1970. S. Res. 484. Senate adopted 11/19/70.

Peruvian earthquake: Extended the sympathy of the Senate to the President and the people of Peru in their suffering and distress resulting from an earthquake on May 31, 1970. S. Res. 424. Senate adopted 6/29/70.

Pick-Sloan Missouri River Basin program: Designated the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program in honor of W. G. Sloan and General Lewis A. Pick who contributed to the development of the water resources of the Nation and the Missouri River Basin. Public Law 91-576.

Prisoners of war: Expressed the sense of the Senate that during the half-time activities in the Army-Navy football game on November 28, 1970, there be appropriate ceremonies and activities designed to express concern for those individuals missing in action in Southeast Asia or being held captive as prisoners of war by the Government of North Vietnam. S. Res. 475. Senate adopted 10/12/70.

Prisoners of war held captive by North Vietnam—joint Army-Air Force liberation effort: Provided that the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners of war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed in this hazardous and humanitarian undertaking which has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere. S. Res. 486. Senate adopted 12/19/70.

Sam Rayburn Memorial Veterans' Center: Renamed the Veterans' Administration center at Bonham, Texas, the Sam Rayburn Memorial Veterans' Center for the late Sam Rayburn, who served as Speaker of the House of Representatives longer than any other Member of the House in the history of the United States. Public Law 91-421.

Senate Majority Leader Mike Mansfield: Extended to Mike Mansfield the gratitude and admiration of the Senate for his outstanding performance as a Senator and as a Majority Leader, whereas he completed, on June 19, 1970, 9 years and 167 days as Majority Leader of the United States Senate, a period of service exceeding that of any previous Majority Leader in the history of the United States Senate. S. Res. 423. Senate adopted 6/25/70.

Stone Mountain Memorial medals: Authorized the Secretary of the Treasury to strike and furnish to the Stone Mountain Memorial Foundation 500,000 medals in commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy. Public Law 91-254.

Tribute to General Omar N. Bradley and Allied World II victory in Europe: Expressed the sense of Congress that, on the occasion of the 25th anniversary of V-E Day, and the formal opening of the General Omar N. Bradley historical collection, appropriate ceremonies be conducted at Carlisle Barracks, Pennsylvania. H. Con. Res. 207. House adopted 5/19/69. Senate adopted 2/10/70.

U.S.S. "Utah": Authorized the Secretary of the Navy to provide for erection of a flagpole on the remains of the battleship, U.S.S. "Utah", the flying of the American flag over the remains of such battleship and the raising and lowering of such flag each day—such action in honor of the heroic men entombed in her hull on December 7, 1941. Public Law 91-456.

William "Bill" Dannelly Reservoir, Alabama: Changed the name of the Miller Ferry lock and dam, Alabama River, Alabama, as a tribute to Judge William "Bill" Dannelly, for his role in the de-

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velopment of the water resources of the Alabama-Coosa River Basin. Public Law 91–583.

William G. Stone Navigation Lock, California: Designated the lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock in honor of the late William G. Stone, whose efforts contributed so much to the development of this project. Public Law 91–574.

PROCLAMATIONS

Clean Waters for America Week: Authorized the President to issue a proclamation designating the first full calendar week in May of 1971 "Clean Waters for America Week." Public Law 91–594.

"Day of Bread" and "Harvest Festival Week": Designated October 6, 1970, as "Day of Bread" and the week of October within which it falls as a period of "Harvest Festival". Public Law 91–433.

Father's Day: Authorized the President to designate the third Sunday in June of 1971 as "Father's Day". Public Law 91–595.

International Clergy Week: Authorized the President to issue a proclamation designating the week commencing February 1, 1970, as "International Clergy Week in the United States". Public Law 91–192.

International Petroleum Exposition: Authorizes the President to invite by proclamation or otherwise the States and foreign nations to participate in the International Petroleum Exposition to be held in Tulsa, Oklahoma, from May 15 through May 23, 1971, for the purposes of exhibiting products used in the production and marketing of oil and gas and bringing together buyers and sellers for the promotion of foreign and domestic trade and commerce for such products. S.J. Res. 127. P/S 2/17/70.

Law Officers Appreciation Week: Authorizes the President to proclaim the period October 25 through 31, 1970, as Law Officers Appreciation Week. S.J. Res. 225. P/S 9/18/70.

Mineral Industry Week: Authorized the President to issue a proclamation designating the period of February 13–19, 1970, as "Mineral Industry Week". Public Law 91–195.

National Arbor Day: Authorized the President to proclaim the last Friday of April 1970 as "National Arbor Day". Public Law 91–236.

National Blood Donor Month: Authorized the President to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month". Public Law 91–507.

National Clown Week: Authorized the President to issue a proclamation designating the week of August 1 through August 7, 1971, as "National Clown Week". Public Law 91–443.

National Employ the Handicapped Week: Established the first week in October of each year as "National Employ the Handicapped Week" so as to broaden "National Employ the Physically Handicapped Week" to all handicapped workers. Public Law 91–442.

National Employ the Older Worker Week: Authorized the President to designate the first full calendar week in May of 1971 as "National Employ the Older Worker Week". Public Law 91–593.

National Machine Tool Week: Authorized the President to designate the period beginning September 20, and ending September 26, 1970, as "National Machine Tool Week". Public Law 91–395.

National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks: Authorized the President to designate the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks". Public Law 91–592.

National Park Centennial Year: Requested the President to designate 1972 as "National Park Centennial Year" and created a special commission to prepare and execute the plans for the commemoration of the 100th anniversary of the establishment of the world's first national park, Yellowstone, on March 1, 1872. Public Law 91–332.

National PTA Week: Authorized the President to designate the period beginning October 5, 1970, and ending October 9, 1970, as National PTA Week. Public Law 91–434.

National Retailing Week: Authorized the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week." Public Law 91–526.

National Volunteer Firemen's Week: Authorized the President to proclaim the period October 24 to October 31, 1970, as National Volunteer Firemen's Week. Public Law 91–445.

Prisoners of war and servicemen missing in action in Southeast Asia: Expressed the sense of Congress that May 1, 1970, be commemorated as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia; that avenues be sought to insure treatment of these men in accord with the Geneva Convention standards; that every possible effort be made to secure their early release from captivity; and that the President designate Sunday, May 3, 1970, as a National Day of Prayer for humane treatment and the safe return of these brave Americans. H. Con. Res. 582. House adopted 4/23/70. Senate adopted 4/27/70, amended. House agreed to Senate amendments 4/28/70.

Project Concern Month: Authorized the President to issue a proclamation that the month of October 1970 be observed as "Project Concern Month." Public Law 91–436.

RESOURCE BUILDUP

Anadromous Fish Conservation Act Amendments: Extended and expanded the program for the conservation, development, and enhancement of the Nation's anadromous fish and the fish in the Great Lakes that ascend streams to spawn; and authorized for the program $6 million, $7.5 million, $8.5 million and $10 million for fiscal years 1971, 1972, 1973, and 1974, respectively. Public Law 91–249.

Andersonville National Historic Site, Georgia: Established the Andersonville National Historic Site, Georgia, authorizing the appropriation of $362,000 for the acquisition of lands and $1,605,000 for development of the area. Public Law 91–465.

Apostle Islands National Lakeshore, Wisconsin: Authorized the establishment of the Apostle Islands National Lakeshore in Wisconsin, exclusive of Indian trust lands, and authorized to be appropriated $4.25 million for land acquisition and $5 million for development of the project. Public Law 91–424.

Arches National Park, Utah: Establishes the Arches National Park in the State of Utah, consisting of some 73,154 acres, the greater part of which are now in Federal ownership, and protects, for a limited period, existing uses respecting grazing and the trailing and watering of livestock. S. 532. P/S 7/1/70.

Big Thicket National Park, Texas: Establishes the Big Thicket National Park in Texas to preserve an area of outstanding botanical and zoological values, together with scenic and other natural attributes of great significance. S. 4. P/S 12/16/70.

Blue Lake, California: Designated the lake formed by the waters impounded by the Butler Valley Dam, California, as Blue Lake. H.R. 19855. Public Law 91– .

Canyonlands National Park, Utah: Extends the boundaries of the Canyonlands National Park by adding to the park approximating 257,640 acres four additional tracts which, for the most part, are public lands totaling approximately 79,618 acres. S. 26. P/S 7/15/70.

Cape Cod National Seashore, Massachusetts: Authorized the appropriation of an additional $17,401,000 to assure the acquisition of all remaining non-Federal lands needed to make the Cape Cod National Seashore a meaningful unit of the national park system. Public Law 91–252.

Capitol Reef National Park, Utah: Establishes the Capitol Reef National Park in Utah and provides for a total park area of 230,837 acres. S. 531. P/S 7/1/70.

Central and Western Pacific Tuna Fishery Development Act: Authorizes the Secretary of the Interior to institute a 3-year program for the development of latent tuna resources of the central and western Pacific and authorizes to be appropriated for the period July 1, 1970, to June 30, 1973, the sum of $3 million to remain available until expended. S. 3176. P/S 5/22/70.

Central Valley reclamation project, Black Butte project: Integrated the existing Black Butte project into the financial and operation plan of the Central Valley reclamation project in California. Public Law 91–502.

Cherokee Strip, Kansas-Oklahoma: Directed the Secretary of the Interior to cause a study to be made of the feasibility and desirability of establishing a unit of the national park system commemorating the opening of the Cherokee Strip to homesteading, the recognition of the historic trails of the old Southwest, and the restoration of some of the outstanding examples of the natural prairie scene. Public Law 91–462.

Chesapeake and Ohio Canal National Historical Park: Established and developed the Chesapeake and Ohio Canal National Historical Park in the District of Columbia and the States of Maryland and West Virginia, and would thus pre-

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serve an outstanding recreational, natural, and historical resource for public enjoyment and appreciation. H.R. 19342. Public Law 91- .

Classification and Multiple Use Act and the Public Land Sale Act extensions: Extends the Classification and Multiple Use Act and the Public Land Sale Act for a period of 5 years to December 31, 1975. S. 3728. P/S 7/8/70.

Coffeeville Lock and Dam, Alabama: Designated the Jackson lock and dam on the Tombigbee River, Alabama, as the Coffeeville lock and dam. H.R. 8933. Public Law 91- .

Connecticut Historic Riverway: Establishes a Connecticut Historic Riverway along the southernmost section of the Connecticut River in Connecticut, to consist of some 23,500 acres, and authorizes $23 million to carry out the provisions of the legislation. S. 4090. P/S 10/7/70.

Coral reefs conservation: Authorized the Secretaries of Interior and the Smithsonian Institution to expend $4.5 million until June 30, 1970 in cooperation with the territories of Guam, American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs. Public Law 91-427.

Craters of the Moon National Monument, Idaho: Designates 40,785 acres of the Craters of the Moon National Monument in Idaho as part of the national wilderness preservation system. S. 1732. P/S 6/15/70.

East Greenacres Unit, Rathdrum Prairie Project, Idaho: Authorized construction, operation, and maintenance of the East Greenacres unit of the Rathdrum Prairie Reclamation Project in northwest Idaho, which unit would supply irrigation water to 5,230 acres and municipal and industrial water, and provide fish and wildlife conservation and public recreation benefits. Public Law 91-286.

Environmental Education Act: Established within the Office of Education, an Office of Environmental Education which, under the supervision of the Commissioner of Education shall be responsible for the administration of the grant and contract projects and programs authorized and the coordination of activities of the Office of Education which are related to environmental education; authorized $5 million, $15 million, and $25 million for fiscal years 1971 through 1973, respectively, for carrying out the provisions of the act. Public Law 91-516.

Everglades National Park, Florida: Provided for acquisition by the National Park Service of the remaining inholdings within the Everglades National Park boundaries consisting of some 58,400 acres of privately owned lands and for such land purchases authorized an additional $20 million. Public Law 91-428.

Falls of the Ohio Interstate Park compact: Granted the consent of Congress to the Falls of the Ohio Interstate Park Compact to carry out an agreement between Indiana and Kentucky to create and develop an interstate park known as Falls of the Ohio Interstate Park, located on the Ohio River in Clark and Floyd Counties, Indiana, and Jefferson County, Kentucky, and to create a six-member commission to operate the park. Public Law 91-390.

Federal Water Pollution Control Act Amendments: Amended the Federal Water Pollution Control Act to declare a U.S. policy that there should be no oil discharges into navigable waters of the U.S., adjoining shorelines or waters of the contiguous zone; to authorize the President to determine by regulation what harmful quantities of oil cannot be discharged without violation of the Act, and to designate those discharges, other than oil, which constitute dangerous substances; to provide penalties for failure to give proper notification of a knowing discharge of oil and violation of restrictions; to authorize the President to act to remove oil unless properly done by the responsible owner or operator; to provide for a National Contingency Plan for removal of oil; to provide, in the event a marine disaster has created a substantial threat of a pollution hazard, for removal of the threat; and, unless an act of God, war, U.S. government negligence or an act or omission of a third party to be shown, liability to the U.S. for a discharge shall be not to exceed $100 per gross ton or $14 million, whichever is lesser, for a vessel and $8 million for an onshore or offshore facility, unless the discharge resulted from willful negligence or misconduct, when there shall be full liability for the costs. The Act also included provisions for control of sewage from vessels, area acid and other mine water pollution control demonstrations; pollution control in the Great Lakes; training grants and contracts with institutions for training in water quality control; Alaska village demonstration projects; cooperation by all federal agencies in the control of pollution; and establishment of an Office of Environmental Quality. Public Law 91-224.

Fish and Wildlife Restoration Act Amendments: Encouraged comprehensive planning by the State fish and game departments, increased the revenues available to the States for wildlife restoration projects, and provided funds to be used by the States to carry out programs supporting hunter safety. Public Law 91-503.

Fisheries loan fund extension: Amended the Fish and Wildlife Act of 1956 to extend the life of the fisheries loan fund an additional 10 years, from June 30, 1970, until June 30, 1980. Public Law 91-387.

Ford's Theatre national historical site: Designated Ford's Theatre, the Lincoln Museum, and the House Where Lincoln Died, as the Ford's Theatre National Site, and added to that complex certain property in the District of Columbia adjacent to the Theatre. Public Law 91-288.

Fort Point channel, Boston, Massachusetts: Granted the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Massachusetts. H.R. 17750. Public Law 91- .

Fort Point National Historic Site, California: Authorized the establishment of the Fort Point National Historic Site in San Francisco, California, and authorized an appropriation of $5,250,000 for development of the site, Public Law 91-457.

Geothermal resource development: Opened to exploration and development, through private enterprise, the geothermal steam and associated geothermal resources underlying certain of the public domain lands of the United States. Public Law 91-581.

Glen Canyon National Recreation Area, Arizona and Utah: Affords permanent, statutory protection to the scenic Glen Canyon National Recreation Area, which is presently administered under an Executive Order, S. 27. P/S 7/15/70.

Golden Eagle program: Renewed until December 31, 1971, the Golden Eagle passport program but increased from $7 to $10 the annual cost of the permit allowing entry into Federally administered outdoor recreation areas; provided advance contract authority to enable Federal agencies to acquire land for outdoor recreation. Public Law 91-308.

Historic properties: Extend the national historic preservation program established by Congress in 1966 (Public Law 89-665) and authorized $7 million, $10 million and $15 million for fiscal years 1971, 1972 and 1973, respectively; provided for an increase in the size of the Advisory Council on Historic Preservation: authorized limited United States participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property, and in this connection, authorized a maximum appropriation of $100,000 in each of fiscal years 1971, 1972, and 1973. Public Law 91-243.

Homestead National Monument, Nebraska: Provided for the addition of the Freeman School and the 1.2 acres of land on which it is situated to the Homestead National Monument of America in Nebraska, and authorized appropriations of $50,000 for rehabilitation and development of the school. Public Law 91-411.

Hudson River Compact negotiations: Extended until 1973 provisions of the act of September 26, 1966, which expired on September 26, 1969, with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway and required the Secretary of the Interior to report on the progress of the negotiations on the Hudson River Compact by July 1, 1970, and annually thereafter. Public Law 91-242.

Ice Age National Scientific Reserve, Wisconsin: Authorized a limited appropriation of funds for Federal participation in the development, operation, and maintenance of the Ice Age National Scientific Reserve in Wisconsin, said Federal appropriations to supplement funds appropriated by Wisconsin for this purpose and other moneys from the State's share of allocations under the Land and Water Conservation Fund Act. Public Law 91-483.

International Peace Garden, North Dakota—authorization: Increases by $1,054,000 the authorization for the appropriation of funds to complete the International Peace Garden. S. 233. P/S 10/8/70.

Jellyfish control: Extended for an additional 3 years, through June 30, 1973, the program to provide for the control or elimination of jellyfish and other such pests in the coastal waters of the United States. Public Law 91–451.

King Range National Conservation Area, California: Directed the Secretary of the Interior to establish the King Range National Conservation Area in California; directed the Secretary to consolidate and manage the public lands within the area under a program of multiple use and sustained yield; and provided the Secretary with the necessary authority and management tools to block up the public lands, by acquisition or by exchange, with private holdings to eliminate the existing checkerboard land pattern. Public Law 91–476.

Lake Koocanusa, Montana: Designated the lake formed by Libby Dam, Montana, as Lake Koocanusa. H.R. 7334. Public Law 91– .

Lake Ocklawaha: Renamed the Rodman Pool of the Cross Florida Barge Canal, Lake Ocklawaha. H.R. 12564. Public Law 91– .

Lake Tahoe, Nevada and California: Directed the Secretary of the Interior to conduct a study of Lake Tahoe to determine the feasibility and desirability of establishing a national seashore on its shoreline and to transmit a report of findings and recommendations, including alternatives of accomplishing the environmental objective without disrupting present ownership patterns, to the President and Congress simultaneously, with 1 year, and authorized $50,000 for conduct of the study. Public Law 91–425.

Marine Resources and Engineering Development Act Amendments: Extended to June 30, 1971 the National Council on Marine Resources and Engineering Development which expired on June 30, 1970. Public Law 91–414.

Middle Snake River: Suspends for 8 years the authority of the Federal Power Commission to accept applications or grant licenses or permits under the Federal Power Act for the construction of hydroelectric power projects on the reach of the Middle Snake River extending along the Idaho-Oregon and Idaho-Washington borders for 100 miles between the existing Hells Canyon Dam and the authorized Asotin Dam. S. 940. P/S 5/15/70.

Minam River Canyon wilderness: Adds up to 80,000 acres of Minam River Canyon area to the 220,000-acre Eagle Cap Wilderness, located in the northeastern section of Oregon, and which was established by the Wilderness Act of 1964. S. 1142. P/S 10/13/70.

Minute Man National Historical Park, Massachusetts: Authorized the Secretary of the Interior to revise the boundaries of the Minute Man National Historical Park to conform to the relocation of a State highway if he determines such relocation would be desirable for the administration, management, or interpretation of the park, and authorizes additional appropriations to complete the land acquisition program within the existing boundaries of the park. Public Law 91–548.

Missouri River Basin: Authorized $32 million for fiscal years 1971 and 1972 (including $13,838,000 in the fiscal year 1971 budget) to continue the program of the Bureau of Reclamation for investigations and construction of the comprehensive plan for the Missouri River Basin project. Public Law 91–218.

Missouri River Basin project, Minot extension, Garrison diversion unit, North Dakota: Authorized construction, operation, and maintenance of the Minot extension of the Garrison diversion unit, Missouri River Basin project. Public Law 91–415.

Missouri River Basin project, Narrows unit, Colorado: Authorized construction, operation, and maintenance of the Narrows unit of the Missouri River project, which would be located on the South Platte River in northwestern Colorado to supply supplemental irrigation water to 166,370 acres and to provide flood control, fish and wildlife conservation, and recreation benefits and potential future municipal industrial water supplies; authorized $68,050,000, for construction of the unit. Public Law 91–389.

Missouri River Basin project, Riverton extension unit, Wyoming: Consolidated the Riverton reclamation project, presently in operation, and the lands of the former Riverton extension unit of the Missouri River Basin project now in Federal ownership within a single authorized unit of the Missouri River Basin Project to provide a new repayment plan for the entire unit including necessary rehabilitation and betterment of existing facilities, writeoff of costs associated with the development of lands found to be nonproductive, and provision of repayment assistance from power revenues of the Missouri River Basin Project. Public Law 91–409.

Mount Baldy, Pine Mountain, and Sycamore Canyon Wilderness, Arizona: Designates areas in three national forest primitive areas in Arizona as the Mount Baldy Wilderness, Pine Mountain Wilderness, and Sycamore Canyon Wilderness, as part of the national wilderness preservation system. S. 710. P/S 6/12/70.

National mining and minerals policy: Established a national mining and minerals policy to foster and encourage the development of the domestic mining and minerals industry, the development of domestic mineral resources to meet industrial and security needs, mining, mineral, and metallurgical research, and study and development of methods for the disposal, control and reclamation of mineral waste products and reclamation of appropriations authorized for project

National park system administration: Updated and clarified the law with respect to the administration by the Secretary of the Interior of the various units of the national park system. Public Law 91–383.

Navajo Indian irrigation project, Colorado-New Mexico: Increased the amount of appropriations authorized for project construction from $135 million to $206 million and included 8 additional townships in the area from which the project lands may be obtained. Public Law 91–416.

Pacific marine fisheries compact amendments: Granted the consent of Congress to amendments to the Pacific marine fisheries compact as follows: by recognizing the adherence of Idaho and Alaska to the compact in addition to the three original member States (California, Oregon, and Washington); modifying the reference to the Pacific Ocean by the additional wording "and adjacent waters" in recognition of the State of Alaska's jurisdiction over the Bering Sea; and providing a more equitable way of apportioning costs of the activities of the Pacific Marine Fisheries Commission. Public Law 91–315.

Parks and recreation: Amended the Federal Property and Administrative Service Act to provide for the sale or lease of surplus Federal property to State and local governments at discounts up to 100 percent, for park and recreation use, and increased the minimum funding level of the land and water conservation fund from $200 million to $300 million a year beginning July 1, 1970. Public Law 91–485.

Point Reyes National Seashore, California: Authorized an additional $38,365,000 to assure the acquisition of all remaining non-Federal lands needed to make the Point Reyes National Seashore a meaningful unit of the national park system. Public Law 91–223.

Public Land Outdoor Recreation Act: Grants the Secretary of the Interior authority to acquire land deemed necessary to provide public access to public land; authorizes exchange land, subject to the land being located in the same State, and an equalization of values requirement; provides sanctions for violations of the public land laws and regulations of the Secretary, who would be authorized to designate personnel to make arrests for such violations; places violations of Department regulations relating to the public land on the same basis as violations of regulations applicable to land administered by the Forest Service and the National Park Service. S. 3389. P/S 10/7/70.

Public ownership of lands in Federal reclamation projects: Clarified the acreage limitation provisions of the Federal reclamation laws with respect to lands owned by a State or local government entity or subdivision. Public Law 91–310.

Public works authorizations, 1970, rivers and harbors—flood control and multiple-purpose projects: Authorized $683,599,000 for construction of certain navigation, beach erosion control, flood control, multiple purpose and related projects. H.R. 19877. Public Law 91– .

Resource Recovery Act of 1970: Authorized $460.75 million over 3 fiscal years, ending fiscal year 1973, for new and expanded programs under the Solid Waste Disposal Act; emphasized recycling, local planning, and training functions; authorized research programs; replaced 50 percent State grants for planning activities with 66⅔ percent grants to single municipalities and 75 percent grants for planning solid waste programs in the area of more than one municipality or State; provided that grants may be used for (1) making surveys of solid waste problems, (2) preparing solid waste disposal plans (especially those emphasizing recycling), (3) developing proposals for demonstration and construction grants, and (4) preparing plans for collecting and recovering abandoned motor vehicle hulks; provided for grants to varying sizes of communities to demonstrate resource recovery systems; directed the Secretary of Health, Education and Welfare to prepare guidelines on solid waste management practices for circulation to State and local governments and required him to recommend model codes and ordinances and issue technical information on solid waste and resource recovery methods to solid waste agencies; provided training grants to assist in the development of personnel trained in the design, operation and maintenance of solid waste disposal and recovery equipment and systems; required Federal installations and federally licensed activities to meet solid waste guidelines; authorized a 2-year study to create a system of national disposal sites for hazardous materials; created, and authorized $2 million for a National Commission on Materials Policy to report by June 30, 1973; authorized an on-going study with annual reports on issues in resource recovery. Public Law 91–512.

River basin plans and civil works: Authorized additional appropriations of $810 million to cover a period of 2 years ending calendar year 1971 for certain comprehensive river basin plans previously approved by Congress for flood control, navigation, and other purposes. Public Law 91–282.

Rogue River Basin Project, Oregon: Authorized the construction, operation, and maintenance of the Merlin division, Rogue River Basin reclamation project in Josephine County, Oregon, which division is a multiple-purpose water resource development serving irrigation water to more than 9,000 acres, for public outdoor recreation, fish and wildlife conservation, area redevelopment, and flood control. Public Law 91–270.

Saline Water Conversion Program: Authorized $28,873,000 for fiscal year 1971 to continue the desalting research program of the Office of Saline Water, Department of the Interior. Public Law 91–221.

Sleeping Bear Dunes National Lakeshore, Michigan: Established in Michigan the Sleeping Bear Dunes National Lakeshore which is to encompass 71,168 acres of land and water, and for land acquisition authorized $19,800,000 to be made from moneys in the land and water conservation fund and $18,769,000 for development of the area. Public Law 91–479.

Susquehanna River basin compact: Brought the Federal Government into partnership with New York, Pennsylvania, and Maryland in a formal compact in order to form a Susquehanna River Basin Commission to facilitate Federal-State, interstate, and interagency cooperation in long-range comprehensive water resources planning for the Basin. Public Law 91–575.

Toiyabe National Forest, Nevada: Extended the boundaries of the Toiyabe National Forest to include 12,920 acres along the Nevada side of Lake Tahoe to aid in the protection and management of the various resources of the area, including the protection, improvement, and maintenance of the watershed, wildlife, recreation, and natural environment values of the lands in the Lake Tahoe Basin, and to promote the management and protection of these lands under the principles of multiple use and sustained yield. Public Law 91–372.

"Totten Trail Pumping Station": Designated the pumping station at the Snake Creek arm of the reservoir formed by Garrison Dam, North Dakota, as the "Totten Trail Pumping Station." H.R. 3107. Public Law 91– .

Touchet—Walla Walla Project, Oregon-Washington: Authorized $22,774,000 for the construction and operation of the Touchet division of the Walla Walla reclamation project in southeastern Washington which will supply irrigation water to approximately 9,960 acres of land. Public Law 91–307.

Volunteers in the park program—establishment: Authorized the Secretary of the Interior to enlist the services of volunteers in programs directly related to the public service mission of the National Park Service and authorized $100,000 annually for this purpose. Public Law 91–357.

Voyageurs National Park, Minnesota: Provided for the establishment of the Voyageurs National Park in the State of Minnesota. H.R. 10482. Public Law 91– .

Washakie Wilderness, Wyoming: Designates the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in Wyoming. S. 1468. P/S 10/14/70.

Water Resources Research Act amendments: Amends the Water Resources Research Act to increase the amount authorized to be appropriated for a water resource research center in each of the States from $100,000 to $200,000 annually for each center; provides for the establishment of information retrieval and dissemination activities at each research center; and makes the District of Columbia, Guam, and the Virgin Islands eligible to receive grants. S. 3553. P/S 9/1/70.

Wichita Mountain Wilderness, Oklahoma: Places 8,900 acres of the 59,000 acre Wichita Mountains National Wildlife Refuge in Oklahoma within the National Wilderness Preservation System, including the 5,000 acre Charons Garden Unit and the 3,900 acre North Mountain Unit. S. 3222. P/S. 4/27/70.

Wilderness areas: Designated as wilderness certain lands located within several national wildlife refuges, national parks and monuments, and national forests which areas are located in 12 States and together total 201,000 acres, as follows: Bering Sea Wilderness, Bogoslof Wilderness, Tuxedni Wilderness, St. Lazaria Wilderness, Hazy Island Wilderness, and Forrester Island Wilderness of Alaska; Three Arch Rock Wilderness and Oregon Islands Wilderness of Oregon; Washington Islands Wilderness, Washington; Salt Creek Wilderness, New Mexico; Island Bay Wilderness, Passage Key Wilderness, and Pelican Island Wilderness of Florida; Wichita Mountains Wilderness, Oklahoma; Seney Wilderness, Huron Islands Wilderness, and Michigan Islands Wilderness of Michigan; Wisconsin Islands Wilderness, Wisconsin; Moosehorn Wilderness, Maine; Monomoy Wilderness, Massachusetts; Craters of the Moon National Wilderness area, Idaho; The Petrified Forest National Wilderness Area and Mount Baldy Wilderness of Arizona. Public Law 91–504.

Wilson's Creek National Battlefield, Missouri: Authorized additional funds for the development of the unit of the national park system presently known as Wilson's Creek Battlefield National Park and redesignated the area as "Wilson's Creek National Battlefield." Public Law 91–554.

Youth Conservation Corps: Established a 3-year pilot Youth Conservation Corps program for young men and women, 15 through 18 years of age, who would participate in summer work and educational projects in national parks, forests, recreation areas, wildlife refuges and other public lands administered by the Departments of Interior and Agriculture. Public Law 91–378.

Yuma Mesa irrigation district, Arizona: Authorized for the Yuma Mesa irrigation District, Gila Project, Arizona, "Irrigation works and facilities" to be constructed in addition to drainage facilities and authorized the existing repayment contract to be amended accordingly. Public Law 91–408.

SPACE

NASA authorization, 1971: Authorized $3,410,878,000 for fiscal year 1971 for the National Aeronautics and Space Administration ($2,693,100,000 for research and development, $34,478,000 for construction of facilities, and $683,300,000 for research and program management). Public Law 91–303.

National Aeronautics and Space Council: Provided that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council. Public Law 91–406.

TAXATION

Application of investment credit recapture rule to leased aircraft: Provided that there is not to be a recapture of an investment credit previously allowed with respect to an airplane by reason of the use of the airplane outside the United States, if the airplane is not used in this manner for more than one-half the time period taken into account in determining the amount of the investment credit originally allowed. H.R. 17988. Public Law 91– .

Articles intended for preventing conception: Removed the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception. H.R. 4605. Public Law 91– .

Beer tax amendments: Made a series of amendments to the beer tax provisions of the present law, which in general are designed to remove restrictions no longer needed for effective enforcement of the revenue and regulatory aspects of these provisions. H.R. 6562. Public Law 91– .

Capitalization of costs of planting almond groves: Extends to almond groves

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the provisions of the present law requiring that expenditures incurred in the first 4 years of the development of a citrus grove must be capitalized and written off over the life of the grove rather than expensed and deducted in the year the expenses were paid or incurred and requires that airline tickets and advertising show the total cost of taxable transportation by air. H.R. 19242. P/H 12/22/70. P/S amended 12/31/70.

Cemetery corporations: Extended the tax-exempt status presently granted under the Internal Revenue Code to cemetery corporations which are chartered for burial purposes to cemetery corporations which operate a crematorium, either alone or in conjunction with their burial activities. H.R. 16506. Public Law 91- .

Certain Cuban expropriation losses: Amends the provisions of the tax laws relating to the deduction of Cuban expropriation losses of individuals to permit the carryback and carryover of losses of an individual resulting from the Cuban expropriation of investment property. H.R. 18693. P/H 12/22/70. P/S amended 12/31/70.

Consolidated returns of life insurance companies: Amended the Internal Revenue Code of 1954 relating to computation of investment yield on life insurance company consolidated tax returns. H.R. 19881. P/H 12/22/70. P/S amended 12/31/70.

Credit for foreign taxes paid by certain foreign corporations: Modified in two respects the indirect foreign tax credit presently allowed domestic corporations for foreign income taxes paid by a first-tier or second-tier foreign corporations on earnings which are distributed to the domestic corporation. H.R. 18549. Public Law 91- .

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Discriminatory State taxation of interstate carries: Eliminates the long-standing burden on interstate commerce resulting from discriminatory State and local taxation of common and contract carriers transportation property by (a) amending the Interstate Commerce Act to declare unlawful, as an unreasonable and unjust discrimination against and an undue burden upon interstate commerce, a State or local tax rate, assessment, or collection upon the transportation property of a common or contract carrier at a higher level than upon property in the same taxing district, and (b) procedurally, by providing a remedy in the Federal courts for common and contract carriers against the collection of the excessive portion of any tax based upon such unlawful assessment or rate. S. 2289. P/S 1/30/70.

Distilled spirits: Made a series of amendments to the distilled spirits tax provisions of the Internal Revenue Code, which in general are designed to remove restrictions no longer needed for effective enforcement of the revenue and regulatory aspects of these provisions. H.R. 10517. Public Law 91- .

Duty exemption for shrimp boats and other "special service" vessels: Exempted in certain instances, shrimp vessels and other "special service" vessels from the duty imposed on repairs made to, and repair parts and equipment purchased for, U.S. vessels in foreign countries. H.R. 16745. Public Law 91- .

Duty on parts of stethoscopes: Provided that the rate of duty on parts of stethoscopes shall be the same as the rate of duty on stethoscopes. H.R. 7311. Public Law 91- .

Duty suspensions:

Bicycle parts: Suspended the duties on certain bicycle parts and accessories until the close of December 31, 1973. H.R. 19670. Public Law 91- .

Copper: Continued from July 1, 1970 through June 30, 1972, the present suspension of duties applicable to unwrought copper (except nickel silver), copper waste and scrap, and copper articles imported to be used in remanufacture by melting; and continued the suspension of the additional duties applicable to the copper content of certain copper-bearing ores and materials for the same period. Public Law 91-298.

Dyeing and tanning materials: Continued for 3 years, until the close of September 30, 1972, the period during which certain dyeing and tanning materials may be imported free of duty. Public Law 91-388.

Electrodes: Continued until the close of December 31, 1972, the suspension of duties on electrodes imported for use in producing aluminum. H.R. 16940. Public Law 91- .

L-Dopa: Amended the Tariff Schedules of the United States by adding a new item to suspend for a period of 2 years the duty on L-Dopa, a new drug used in the treatment of Parkinsonism. Public Law 91-309.

Manganese ore: Continued until June 30, 1973, the existing suspension of duties on manganese ore. Public Law 91-306.

Manganese ores: Amended the definition of the term "metal-bearing ores" in the Tariff Schedules of the United States in order that imports of manganese ores which have been roasted and sintered will be classified as manganese ore under tariff schedules. H.R. 6049. Public Law 91- .

Duty treatment of certain previously exported aircraft: Amended the Tariff Schedules of the United States to provide for a partial exemption from duty thereunder for returned American aircraft which were manufactured in the United States with the use of foreign articles which had been admitted duty free under bond. H.R. 17068. Public Law 91- .

Duty-free entry of carillon for the University of California (Santa Barbara): Provides duty-free entry of a carillon for the use of the University of California at Santa Barbara. H.R. 14995. P/H 12/22/70. P/S amended 12/31/70.

Duty-free entry of carillons for Indiana University: Provided for the duty-free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Indiana. H.R. 19113. Public Law 91- .

Duty-free treatment for certain sample materials: Provided that imported articles on which the duty has been paid and which are subsequently exported, but reimported for failure to meet sample or specifications abroad shall be accorded duty-free treatment in certain instances. H.R. 9183. Public Law 91- .

Elimination of multiple customs duties on horses temporarily exported for use in racing: Amended Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing. Public Law 91-570.

Excise, Estate, and Gift Tax Adjustment Act of 1970 and Treasury Working Capital Fund: Establishes a working capital fund for the Treasury Department; extends for two years the existing excise tax rates on automobiles and telephone service (7% and 10%, respectively); provides for accelerated collection of estate and gift taxes; shortens the period for filing estate tax returns from 15 months to 9 months, after decedent's death; and requires gift tax returns to be filed quarterly instead of annually. H.R. 16199. Public Law 91- .

Floor stocks refunds for cement mixers: Provided for floor stocks refunds in the case of taxpaid cement mixer bodies and parts and accessories which were in the hands of dealers on January 1, 1970. H.R. 17658. Public Law 91- .

Income tax treatment of certain sales by a corporation of real property held more than 25 years: Provided that a corporation which had held land for more than 25 years at the time of its sale and which acquired that land before 1934, as a result of a foreclosure of liens, may subdivide and sell that land and pay capital gains tax, rather than ordinary income tax, on the proportion of the gain exceeding 5 percent of the selling price. H.R. 19790. Public Law 91- .

Joint income tax return: Amended the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return. H.R. 19774. Public Law 91- .

Losses on worthless stock: Reduced from 95 percent to 80 percent the amount of stock a parent corporation must own in a subsidiary corporation in order to claim an ordinary loss deduction for the stock it holds in the subsidiary corporation if this stock becomes worthless. H.R. 19369. Public Law 91- .

Manufacturers claims for floor stocks refunds and transitional rule for moving expenses: Extended the period for filing certain manufacturers claims for floor stocks refunds under the Excise Tax Reduction Act of 1965; modified the transitional rule for moving expenses to cover cases where the deduction for moving expenses relates to amounts paid or incurred before January 1, 1971, so long as the employees were notified by the employer of the move before December 19, 1969; and provided for a charitable tax deduction on a $5 million gift made to the University of South Carolina. H.R. 17473. Public Law 91- .

Passive investment income: Amended section 1372 of the Internal Revenue Code of 1954, relating to application of the passive investment income test on the liquidation of a corporation. H.R. 19627. Public Law 91- .

Protest of customs decision by transferees of warehoused merchandise:

Amended section 557(b) of the Tariff Act of 1930 in order to grant to the transferee of merchandise in bonded warehouse the right to administrative and judicial review of customs decisions. H.R. 19391. Public Law 91– .

Refunds in the case of certain uses of tread rubber: certain distilled spirits drawbacks: Amended the tax laws to provide credits or refunds of the manufacturers excise tax on tread rubber in certain instances and added a provision dealing with an amendment enacted in the 90th Congress, relating to drawbacks of tax on distilled spirits used for nonbeverage purposes. H.R. 18251. Public Law 91– .

State income taxation of interstate carrier employees: Limited power to require withholding for tax purposes from income of interstate carrier employees to either the State in which such employee earned more than 50 per centum of the compensation paid to him by such carrier or the State of his residence; limited the power to require the filing of information returns to the State of residence and the State by which withholding may be required; and provided that the amendments shall become effective on the first day of the first calendar year after enactment. Public Law 91–569.

Statutory mergers: Amended the tax law to permit a tax-free statutory merger when stock of a parent corporation is used in a merger between a controlled subsidiary of the parent and another corporation, and the other corporation survives—here called a "reverse merger." H.R. 19562. Public Law 91– .

Tariff classification of certain sugars, sirups, and molasses: Amended item 155.40 (relating to molasses, including dried molasses, for use other than the commercial extraction of sugar or human consumption) of the Tariff Schedules of the United States (TSUS) by broadening the article description to make certain other products derived from sugarcane and sugar beets dutiable at the existing rate (0.102 cent per pound of total sugars) imposed by such item; established a procedure for making such duty treatment applicable to such products which were entered after August 30, 1963, and before the date of enactment; and provided for the liquidation or reliquidation of certain specified entries of sugar at Philadelphia at the rate of 0.012 cent per pound of total sugars. H.R. 7626. Public Law 91– .

Tax Reform Act of 1969 amendments: Amended the transitional rule provisions of the Tax Reform Act of 1969 to provide that gain is not be recognized upon the distribution of appreciated property to a shareholder in redemption of part or all of his stock in the corporation (under sec. 311(d) of the code), where the transaction satisfies certain conditions. H.R. 17984. P/H 12–22–70. P/S amended 12-31-70.

Tax treatment of certain transfers of property to foreign corporations: Modified, in general, the advance ruling requirement which applies in the case of exchanges involving foreign corporations (sec. 367) to allow the required ruling under that provision to be obtained subsequent to the exchange in the case of a transaction involving merely a change in the form of organization of a second or lower tier foreign subsidiary. H.R. 19686. Public Law 91– .

Tax treatment of interest on Farmers Home Administration insured loans: Provided in an amendment to the Consolidated Farmers Home Administration Act that interest or other income paid to an insured holder on an insured loan sold out of the Agricultural Credit Insurance Fund is for income tax purposes to be included in gross income of the recipient of the interest. H.R. 15979. Public Law 91– .

Transition rule for moving expenses: Modified the transitional rule for moving expenses to cover cases where the deduction for moving expenses relates to amounts paid or incurred before January 1, 1971 so long as the employees were notified by the employer of the move before December 19, 1969. H.R. 17917. P/H 12/22/70. P/S amended 12/31/70.

U.S.S. "Pueblo" crew—taxes: Provided that, for purposes of the Internal Revenue Code of 1954, members of the crew of the U.S.S. "Pueblo" who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone and will receive an exclusion from income tax for their pay for service in the Armed Forces; waived unpaid income taxes and Federal death taxes for the member of the crew killed during this period; and extended the time for filing tax returns, paying taxes, etc. for all personnel on the ship. Public Law 91–235.

Upholstery regulators, pins, and needles: Amended the tariff schedules of the United States and made duty free the imports of upholstery regulators, upholsterers' regulating needles, and upholsterers' pins. H.R. 10875. Public Law 91– .

TRANSPORTATION AND COMMERCE

Accessibility of public facilities to physically handicapped: Provided that buildings and structures which must be used by the general public, such as subway stations and surface stations, constructed under the authority of the National Capital Transportation Acts of 1960 and 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact, be so designed and constructed as to be accessible to the physically handicapped. Public Law 91–205.

Airport and Airways Development Act: Provided for the expansion and improvement of the Nation's airport and airway systems; repealed the Federal Airport Act; required the Secretary of Transportation to formulate and recommend to Congress within one year a national transportation policy; established a Presidential Aviation Advisory Commission; authorized expenditures of $75 million for planning grants, at $15 million each year; $250 million for air carrier and reliever airport development for each of 5 fiscal years beginning in fiscal year 1971, and $30 million for non-air-carrier airport development for each of such fiscal years, and beginning in fiscal year 1971, contract authority up to $840 million for 5 fiscal years, with each obligation of $280 million restricted to 3 years and $250 million for air navigation facilities for each of 5 fiscal years; imposed new or increased user taxes as follows: 7 cents a gallon tax on gasoline and other fuels used in non-commercial aviation; 8 percent on gross amounts of domestic airline passenger fares; 5 percent tax on air freight waybills; $3 tax per person using international travel facilities; an annual civil aircraft user tax, plus an additional poundage tax in the case of certain aircraft. Revenues from the aviation user taxes are to be placed in a new Airport and Airway Trust Fund similar in nature to the existing Highway Trust Fund. Public Law 91–258.

Amateur radio operators: Amends the Communications Act of 1934 to permit the Federal Communications Commission to issue, consistent with certain security safeguards, licenses for the operation of amateur radio stations by aliens who have filed a declaration of intention to become citizens of the United States. S. 1466. P/S 10/14/70.

Aviation war risk insurance extension: Extended the authority to provide aviation war risk insurance and reinsurance under title XII of the Federal Aviation Act of 1958 for 5 years through September 7, 1975. Public Law 91–399.

Cruise ship regulations: Amended the Merchant Marine Act of 1936, as amended, to eliminate certain provisions of existing law which unnecessarily restrict cruise operations of subsidized American-flag passenger vessels, to enable these vessels to compete more effectively with foreign-flag passenger vessels, and to vest permissive authority in the Secretary of Commerce to make available regularly scheduled vessel passenger service to the public, including service in some areas which now have none. Public Law 91–250.

Emergency Rail Services Act of 1970: Authorized the Interstate Commerce Commission to provide financial assistance to the Penn Central Railroad, the nation's largest transportation system, and three other railroads serving critically important centers in the Northeast; provides that this legislation is an interim measure to avert an immediate crisis; applied only to essential rail services which now face cessation and will reach them only when self-help can no longer find the cash needed to continue. H.R. 19953. Public Law 91– .

Federal-Aid Highway Act: Authorized a 2-year extension of the Interstate System through fiscal year 1976, and authorized $4 billion a year from the highway trust fund for this program; authorized other trust fund expenditures of $1.896 billion for 1972 and $1.914 billion for 1973; authorized from the General fund $413 million for 1972 and $422.5 million for 1973; authorized $125 million for each of 1972 and 1973 for a special primary-secondary program; authorized $100 million annually for 1972 and 1973 for the traffic operations program to increase capacity and safety (TOPICS); provided that each State will receive a minimum of one half of 1 percent of the National Interstate authorization; created an Urban Highway System; provided, regarding the Federal-State road program, for a 70 percent Federal share

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of the cost of highway construction starting in 1974; authorized construction of exclusive or preferential bus lanes, highway traffic control devices, and bus passenger loading areas and facilities; established the construction of fringe and corridor parking as a permanent part of the highway program; authorized $2 million each for the Virgin Islands and Guam and $500,000 for American Samoa for each of the 3 years beginning with fiscal year 1971 for a highway program; provided for a program of training and research fellowships to upgrade the skills of Federal and State highway department personnel; directed the Secretary of Transportation to report to Congress by January 1972 and make recommendations on the future direction of the Federal highway program in the period 1976 to 1990; established a Highway Beautification Commission; and authorized appropriations from the General fund for a 3-year period for a beautification program. Public Law 91–605.

Federal Low-Emission Vehicle Procurement Act: Designed to stimulate the development, production and distribution of motor vehicle propulsion systems which emit few or no pollutants by requiring the Federal Government to purchase available low-emission vehicles in lieu of other vehicles, thereby creating a guaranteed market which additionally provides controlled conditions for field testing of new concepts in automotive propulsion; authorizes $50 million annually to carry out the Act. S. 3072. P/S 3/26/70.

Fishing fleet improvement: Extended and broadened the construction assistance program under the United States Fishing Fleet Improvement Act to include reconditioning, conversion, and remodeling; increased the authorization for appropriations from $10 million annually to $20 million for fiscal years 1970, 1971, and 1972; provided for a class differential rather than the present individual determination, and eliminated several time-consuming provisions resulting in savings of time and administrative costs. Public Law 91–279.

Flammable Fabrics Act amendments: Authorizes $9 million for a period beginning July 1, 1970, and ending July 30, 1972, to carry out provisions of the Flammable Fabrics Act, as amended; provides for certification by the Secretary of Commerce of an approved testing program designed to prevent or minimize the manufacture and introduction in commerce of any product, fabric, or related material not in compliance with flammability standards; provides that any failure to certify shall be considered an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act; imposes penalties for violations under the act; and provides that the provisions dealing with certification and related penalties shall become effective 1 year after enactment. S. 3765. P/S 9/23/70.

High-Speed Ground Transportation Act extension: Extended the High-Speed Ground Transportation Act for an additional year, until June 30, 1972, and 'authorized $21,700,000 for fiscal year 1971. Public Law 91–444.

Horse Protection Act: Designed to end the inhumane practice of deliberately making sore the feet of Tennessee walking horses in order to alter their natural gait, by prohibiting the shipment of any horse in commerce, for showing or exhibition, which a person has reason to believe is sored; by making unlawful the exhibiting of a sored horse in any horse show or exhibition in which that horse or any other horse was moved in commerce; and by prohibiting the holding of any horse show in which a sored horse is exhibited if any of the horses in that show were moved in commerce. Public Law 91–540.

International Travel Act amendment: Provided Federal grants to assist States, cities, and regional groupings of States in attracting foreign visitors, and set the Federal share of cost of any relevant program at 50 percent of its cost; established in the Commerce Department a United States Travel Service to be headed by an Assistant Secretary of Commerce for Tourism (to replace the present Travel Service headed by a Director); created a National Tourism Resources Review Commission to study and make recommendations to the President and Congress regarding travel needs and policies and authorized $750,000 for this purpose; and authorized appropriations of $15 million for each of fiscal years 1971, 1972 and 1973 to carry out the provisions of the Act. Public Law 91–477.

Maritime authorization, 1971: Authorized $429,420,000 for the Maritime Administration for fiscal year 1971 ($199,500,000 for acquisition, construction or reconstruction of vessels, and construction—differential subsidy and cost of national defense features incident to the construction, reconstruction or reconditioning of ships; $193 million for payment of obligations incurred for shipping operation subsidies; $19 million for research and development expenses; $4,675,000 for reserve fleet expenses; $6.8 million for operation of the Merchant Marine Academy at King's Point, New York; $2,445,000 for financial assistance to State marine schools; and $4 million for continued operation of the nuclear ship *Savannah*). Public Law 91–247.

Merchant Marine Act of 1970: Stated the policy of Congress to be that there should be authorized and appropriated sums sufficient to construct 300 ships over the next 10 years; made shipyards as well as shipowners eligible to apply for construction subsidy; permitted negotiated procurement of ships as well as competitive bidding; created a Commission on American Shipbuilding to determine if the construction differential can be reduced from the present rate of 50% to 35% by 1976; extended the operating subsidy to bulk carriers; tied the operating subsidy to a new wage index; gave newly subsidized operators 20 years in which to divest their foreign-flag bulk ships; extended tax deferment privileges to all operators in foreign trade, Great Lakes, noncontiguous trade (Alaska, Hawaii, etc.) and the fisheries; increased the authorization for mortgage insurance from $1 billion to $3 billion; gave the Secretary of Commerce authority to promulgate regulations as to the administration of the cargo preference laws (cargoes restricted to U.S. vessels); established a new Assistant Secretary of Commerce for Maritime Affairs; and cancelled accrued interest of $22.4 million, as well as future interest obligations, on the debt owed by the St. Lawrence Seaway Corporation to the Treasury. Public Law 91–469.

National Traffic and Motor Vehicle Safety Act amendments: Authorized $23 million for fiscal year 1970 and $40 million for each of fiscal years 1971 and 1972; broadened the definition of "motor vehicle equipment" to include related automotive safety devices used exclusively to safeguard motor vehicles and passengers and other highway users from risk of accident, injury or death; provided that the Secretary of Transportation obtain information relating to agricultural tractor safety and report thereon to Congress; and amended the act in several other respects. Public Law 91–265.

Penalties for illegal fishing in fishery zone: Increased the protection of the fisheries resources of the territorial sea, the exclusive fishery zone of the United States, and those fishery resources of the Continental Shelf which appertain to the United States; authorized an increase in the maximum penalty for illegal fishing in such waters from $10,000 to $100,000; authorized the utilization of equipment of any Federal department or agency, to assist in carrying out enforcement responsibilities under the act; and contained other provisions. Public Law 91–514.

Political broadcasting: Amended section 315 of the Communications Act of 1934, as amended, to repeal the equal-time broadcasting requirement relative to presidential and vice presidential candidates; limited the charges for use of broadcasting stations by candidates for public office to no more than the station's lowest unit charge for the same amount of time in the same time period; defined "major elective office" to mean President, United States Senator or Representative or Governor or Lieutenant Governor of a State; placed a ceiling of 7 cents per vote cast for all legally qualified candidates for such office in the last preceding general election for such office or a total of $20,000, whichever is higher, on the amount candidates for major elective office, or others on their behalf, may spend for use of broadcasting stations in a general election; placed a ceiling of one-half the amount determined applicable with respect to the general election for that office on the amount candidates may spend for use on broadcasting stations in a primary election for nomination to a major office, other than President; and established effective dates for the provisions to go into effect. S. 3637. President vetoed 10/12/70. Senate sustained veto 10/23/70.

Urban Mass Transportation Assistance Act: Provided a Federal commitment for $10 billion in funds over a period of 12 years for urban mass transportation programs; authorized the Secretary of Transportation to incur contractual obligations up to $3.1 billion for all au-

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thorized programs under the amended 1964 act, restricting disbursement by limitations from a maximum of $80 million prior to July 1, 1971, which is increased by specified limitations for subsequent years reaching a maximum of $1.86 billion on July 1, 1975, and $3.1 billion thereafter, with further authorization requests, and recommendations for adjustment in the schedule of liquidating appropriations, to be submitted by the Secretary at 2-year intervals starting not later than February 1, 1972, and running through not later than February 1, 1978; and authorized the Secretary to conduct a study of the feasibility of providing Federal assistance to help defray the operating costs of mass transportation systems and report his findings to Congress within 1 year after the date of enactment. Public Law 91-453.

Water carrier mixing rule: Amended the Interstate Commerce Act to modernize certain restrictions requiring segregation of tows as between regulated and dry bulk exempt commodities and limiting the number of dry bulk commodities which may be moved within a single tow. H.R. 8298. Public Law 91- .

VETERANS

Advance educational assistance allowance and work-study program: Amends chapters 31, 34, 35 and 36 of title 38, United States Code to provide for advance payment of the GI bill educational assistance allowance at the start of a school term and prepayment of the allowance of the first of the month thereafter; to establish a student-veteran's work-study program whereby GI bill trainees would receive a $250 advance work-study allowance for performing various services in Veterans' Administration programs; to provide that servicemen may begin to use GI bill benefits for post-secondary education and training after 180 days of active duty; to permit the GI bill entitlement to be applied to repay prior Federal direct or guaranteed education loans; to accelerate the date on which GI bill allowances are increased for acquisition of dependents; and contains other provisions. S. 3657. P/S 9/25/70.

Benefits for families of servicemen missing, captured, or interned: Amended chapters 35 and 37 of title 38, United States Code, to authorize educational benefits for children and wives of members missing or captured who are so listed for more than 90 days; to authorize home loan benefits (guaranteed or direct) to wives of such members; to terminate the entitlement to both educational and home loan benefits when the member is no longer so listed but still allows completion of the current semester or other period in an educational program; to deduct any educational entitlement used from any subsequent entitlement of the wife or child under chapter 35; to limit the period of eligibility for educational benefits to the standard GI bill 8-year period; to limit the wife's home loan entitlement to one loan; and to provide that the wife's entitlement does not reduce the husband's entitlement to a home loan under chapter 37. Public Law 91-584.

Definition of "child" for veterans' benefit purposes: Revised the definition of "child" for veterans' benefit purposes to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree. Public Law 91-262.

Disabled veterans' automobile assistance: Amended chapter 39 of title 38, United States Code, by raising the disabled veterans' automobile allowance from $1,600 to $2,800, and contained other provisions. H.R. 370. Public Law 91- .

Group life insurance: Increased from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services. Public Law 91-291.

Home loan entitlements and mobile home purchases: Amended chapter 37 of title 38, United States Code to restore all entitlements of World War II and Korean conflict veterans which were unused and had expired; to remove the future expiration dates for the loan guaranty and direct loan program for all eligible war veterans (World War II, Korean conflict, and post-Korean); to establish a guaranteed and direct loan program for mobile homes and lots to place them on; to eliminate the fee (one-half percent of the total loan amount) now collected only from post-Korean veterans on VA direct and guaranteed home loans; to extend regular home loan guaranty and direct loan entitlement to refinancing of existing mortgage loans made on regular houses; and to extend regular home loan guaranty and direct loan entitlement to loans for the purchase of single family residential units in condominiums approved by FHA. Public Law 91-506.

Medical benefits for older veterans: Provided that a veteran who is in receipt of a Veterans' Administration pension would no longer be required to sign under oath a statement of inability to defray the necessary expenses of hospital or domiciliary care in order to gain admission to a VA hospital for a non-service-connected disability. Public Law 91-500.

Recoupment of disability severance pay: Liberalized the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans. Public Law 91-241.

Special health care benefits for certain surviving dependents: Permits the surviving dependents of members of the Armed Forces who die while eligible for receipt of hostile fire pay, or from a disease or injury incurred while eligible for such pay, who are receiving benefits under the special program for the physically handicapped or mentally retarded provided the civilian health and medical program of the uniformed services to continue to receive such benefits until they pass their 21st birthday. S. 4148. P/S 8/14/70. H.R. 9413. P/H 2/16/70.

Specialized medical resources: Provided greater flexibility in the Veterans' Administration hospital and medical care program by providing the Administrator with greater administrative discretion in the appointment of nurses, in the internship and residency program, and in the appointment of dentists of high academic and research standing on a temporary full-time or part-time basis. Public Law 91-496.

Veterans' Administration regional office in the Philippines: Extended for 4 years, until July 3, 1974, the authority of the Veterans' Administration to operate and maintain a regional office in the Philippines. Public Law 91-338.

Veterans' disability compensation increase: Increased by 8 percent the compensation payments to veterans rated 10, 20 and 30 percent disabled; increased by 11 percent the compensation payments to veterans rated 50 percent to 90 percent disabled; increased by 12 percent the compensation payments for the totally disabled; increased the allowances to dependents of disabled veterans whose disability is rated at 50 percent or higher; made the compensation increases effective July 1970; and contained other provisions. Public Law 91-376.

Veterans Education and Training Amendments Act: Increased by 34.6 percent the basic "GI bill" monthly educational assistance allowance rates for veterans, and the allowances for farm training and apprenticeship programs; increased by 22.7 percent the vocational rehabilitation training subsistence allowance; provided a special supplementary assistance allowance for educationally disadvantaged veterans; established a predischarge educational program to assist servicemen in preparing for future education while still on active duty; and expanded the veterans' outreach service program covering the Veterans' Administration counseling services to advise veterans of their entitlements and assist them in gaining employment. Public Law 91-219.

Veterans' pension increase: Increased the rates, income limitations, and aid and attendance allowances relating to payment of pension and parents' dependency and indemnity compensation; excluded certain payments in determining annual income with respect to such pension and compensation; made the Mexican border period a period of war for the purposes of eligibility; and for other purposes. Public Law 91-588.

CONTINUING APPROPRIATIONS, 1971

Mr. ELLENDER. Mr. President, I move that the Senate proceed immediately to the consideration of calendar No. 1557, House Joint Resolution 1421, making further continuing apropriations for the fiscal year 1971, and for other purposes.

The PRESIDING OFFICER (Mr. STEVENS). The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

> Calendar No. 1557 (H.J. Res. 1421), a joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to and the Senate proceeded to consider the joint resolution.

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Mr. ELLENDER. Mr. President, as Senators are aware, the purpose of continuing resolutions is to enable the departments and agencies of the Federal Government to function in the absence of new obligational authority for the current fiscal year 1971.

The original continuing resolution for this fiscal year (Public Law 91–294) provided for the financing of such activities during the month of July 1970. Subsequently, on August 1, 1970, Public Law 91–370 was enacted, extending the financing until October 15, 1970. On October 15, 1970, Public Law 91–454 was signed by the President, which amended the previous resolution by striking out "October 15, 1970," and inserting in lieu thereof "the sine die adjournment of the second session of the Ninety-first Congress."

The resolution which is before us and which has passed the House of Representatives, amends the original resolution by striking out "the sine die adjournment" date and inserts in lieu thereof the date of March 30, 1971. In the pending resolution, a new provision has been added, which has the effect of providing financing for those agencies and programs funded in the Department of Transportation Appropriation Act (H.R. 17755, 91st Congress) at the level provided for in such act as passed by the House of Representatives in the conference report on December 15, 1970.

In quick summary, then, this enactment will permit the Department of Transportation to operate through March 30, 1971, at the rate of operations, and to the extent and in the manner, provided for in the conference report on H.R. 17755, adopted by the House on December 15, 1970.

The Senate is aware of the necessity for this resolution, and I will not belabor the point. Under the circumstances in which we find ourselves, with the mandatory adjournment date of this session of Congress facing us, I strongly urge the adoption of this resolution.

Mr. BIBLE. Mr. President, I shall speak briefly on the joint resolution which is now the pending business before the Senate of the United States.

We know what this is all about. The resolution, as described by the distinguished acting chairman of the full Appropriations Committee, has been correctly stated.

I think I should first lay the monetary figures out before the Senate so that we are clear what we are talking about.

Mr. NELSON. Mr. President, may we have order? I cannot hear the Senator.

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senate is not in order. The Senate will please be in order.

The Senator from Nevada may proceed.

Mr. BIBLE. Mr. President, the items in the joint resolution to which the Senator from Louisiana just referred, insofar as the one which is the difficult item in the transportation appropriations bill, the SST, was for $210 million.

To date, approximately $105 million of this has been spent. This resolution means that the remaining $105 million will be spent at the rate of approximately $17 million during January, approximately the same amount during February, and approximately the same amount during March for a total of $51.7 million.

The exact figures for the RECORD, as secured by the staff from the Department of Transportation, show that in January, it would be funded at a level of $17.3 million; in February, $16.8 million; and in March, $17.6 million, for a total of $51.7 million, which is very close to one-half of the $105 million in the 3 months just ahead of us, January, February, and March.

This continuing resolution does expire on March 30, and at that time it will be necessary to consider a further determination for the other departmental items over and above the SST item.

At that time, this would come back, first to the House, of course, and then to the Senate of the United States. Depending upon the action taken by the House of Representatives—and certainly I do not know what action it will take—Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. May we have order in the Senate? Will the Senate please be in order?

The Senator may proceed.

Mr. BIBLE. Mr. President, I cannot forecast the action of the House at that time. I do not intend to try to forecast the action of the House, nor for that matter, that of the Senate.

It would come before the House at some time, I would hope, early in March. I would hope that without any great amount of discussion we can have a vote, first on the House of Representatives side straight up on the one item of the SST, and then on the Senate side—first in the Appropriations Committee, to which it would normally be referred—and then on the floor for a vote straight up on the item of the SST.

This is really what this is all about, so that there would be, I think, two votes at that time in the Congress of the United States, one on the House side and one on the Senate side.

There is no use in anyone having any false hopes about this problem. What we are doing today does not completely resolve the problem. It simply puts it off until March. In March we will have the same general problem again, and the arguments have been made both pro and con. I certainly have no intention of engaging in those arguments this morning and spending a lot of time on them.

This has been a cost complex problem. It seemed almost insoluble.

I think that in the repeated meetings which we have had with our Senate conferees, along with the additional Members of the Senate that were added—the Senator from Wisconsin and the Senator from New Hampshire—we have worked out of this the best we could under the circumstances.

To get an up and down vote on the conference report sent to us by the House of Representatives, it became clear that it would be necessary to secure a cloture motion. We know the results. On two different occasions. The cloture failed.

This left us again just about where we started out. I think that every one of us is very well aware that there are items in the Department of Transportation's Appropriation bill which under no circumstances could be permitted to die at noon tomorrow.

There are many items involved, all of which are important, and all of which I think should go forward. Typical are the Coast Guard items, the pay items for those who man the control towers, the money for additional air guards that we have authorized recently, the lack of funds for all of which would wreak havoc if we were to have stopped this part of the Government tomorrow, January 3, at noon.

We knew of no particular way out of this dilemma. It would take the House some time to organize if we came back tomorrow at 12:01 p.m.; and it would take the Senate possibly even a little longer to organize because we are going into a new Congress. So that was the dilemma.

Out of this we have attempted to work our way as best we could, but it has not been easy. I am the negotiator, I guess, in my acting capacity on the Department of Transportation Appropriation bill, so what we do today is admittedly temporary in nature and will come up again in March. Depending on what is done, I suppose we could have this as a recurring exercise because it would probably come back again if the proponents of the SST should not prevail in March. I think there would be another appropriation coming up to carry it until 1972.

I know we will have the same exercises on the House side and on the Senate side. I do not want to delude anyone into thinking that our action today will solve the problem. We have postponed it temporarily. I certainly urge that after we are organized, at least early in March, we get right to grips with the problem so that we avoid the last minute deadline because all of the transportation items are important. I personally think the SST is important, although others think differently. The question is exactly where do we start. There are those who want to kill the SST completely and there are those who want to keep it alive. It is hard to find a middle ground between those two concepts.

We have here a bill which does not completely solve the problem but which does get us out of our impasse until March.

Several Senators addressed the Chair.

Mr. BIBLE. I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I want to be sure I understand what we have done. The House approved the conference report on December 15——

Mr. STENNIS. Mr. President, may we have order? Senators cannot hear.

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. BIBLE. Mr. President, will the Senator please restate his question?

Mr. STEVENS. The resolution before us, on page 2, refers to the act as modified by the House December 15, 1970.

Mr. BIBLE. Yes.

Mr. STEVENS. As I understand it, that is the date they approved the conference

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report, and the conference report did contain some of the increases made by the Senate committee. Am I correct in my understanding that the action the Senator refers to is approval by the House of the conference report, and I take it they modified the bill that day by that action.

Mr. BIBLE. I think the correct answer is that it was the conference report plus their modifications which they made on December 15, 1970. To illustrate, there were some items which we considered which they did not consider, such as the water pollution fund item, the Air Guard item, and others. That has reference only to the add-ons by the Senate, which the House had not considered because they did not have authorizing legislation or a budget request and we put it in in some instances subject to the enactment of authorizing legislation. Those are the items it refers to.

Mr. STEVENS. Does it include some increases recommended by the Senate committee and later approved in the conference report?

Mr. BIBLE. Yes, it includes all of them.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. SPARKMAN. Mr. President, will the Senator yield to me briefly so that I may file a report?

Mr. PROXMIRE. Mr. President, I send an amendment to the desk, which I will explain.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

H.J. Res. 1421

On page 1, line 7, strike Mar. 30, and insert Feb. 15.

On page 2, line 2, insert the following:

"*Provided further,* That funding for the Civil Supersonic Aircraft Development program be continued at the rate of operations for fiscal year 1970, i.e., $184,000,000 per annum."

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama without losing my right to the floor or having my subsequent remarks counted as a second speech.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alabama is recognized.

ACHIEVEMENTS OF THE COMMITTEE ON BANKING AND CURRENCY DURING THE SECOND SESSION OF THE 91ST CONGRESS

Mr. SPARKMAN. Mr. President, Mr. Dudley L. O'Neal, Jr., Staff Director of the Committee on Banking and Currency, has prepared a report on the achievements of the Committee on Banking and Currency during the second session of the 91st Congress.

I ask unanimous consent that the report may be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Achievements of the Banking and Currency Committee During the Second Session of the 91st Congress

During the second session of the 91st Congress the Senate acted favorably on 32 bills and resolutions which were handled by the Committee. One-third of these[1] may be considered major legislation. Of the 32 measures dealt with by our Committee 29 have become Public Law.

I am listing below information concerning each of the bills handled by the Committee in this session.

S. 336 (Mr. Sparkman); passed Senate August 13, 1970; P.L. 91–565; amends section 3(b) of the Securities Act of 1933 to permit the exemption of security issues, not exceeding $500,000 in aggregate amount, from the provisions of such act. (S. Rept. 91–1082, August 10, 1970; passed House December 7, 1970; approved December 19, 1970.)

S. 721 (Mr. Proxmire); passed Senate April 15, 1970; would safeguard the consumer by requiring greater standards of care in the issuance of unsolicited credit cards and by limiting the liability of consumers for the unauthorized use of credit cards, and for other purposes. Included as Title V of Public Law 91–508. (S. Rept. 91–739, March 13, 1970.)

S. 823 (Mr. Proxmire); passed Senate November 6, 1969; would enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information. Included as Title VI of Public Law 91–508. (S. Rept. 91–517, November 5, 1969.)

S. 2224 (Mr. Sparkman); passed Senate May 26, 1969; P.L. 91–547; would amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes. (S. Rept. 91–184, May 21, 1969; passed House September 23, 1970, approved December 14, 1970.)

S. 3154 (Mr. Williams of New Jersey); passed Senate February 3, 1970; P.L. 91–453; would provide long-term financing for expanded urban public transportation programs, and for other purposes. (S. Rept. 91–633, December 22, 1969; passed House September 29, 1970; approved October 15, 1970.)

S. 3207 (Mr. Sparkman); passed Senate January 30, 1970; relating to the liabilities of Federal National Mortgage Association to the United States. (S. Rept. 91–644, January 29, 1970; included in H.R. 19436, the Housing Act of 1970, approved December 31, 1970.)

S. 3302 (Mr. Proxmire); passed Senate July 9, 1970; P.L. 91–379; would amend the Defense Production Act of 1950, and for other purposes. (S. Rept. 91–890, May 21, 1970; passed House July 31, 1970; approved August 15, 1970.)

S. 3330 (Mr. Metcalf); passed Senate August 28, 1970; would authorize rural housing loans to lessees of nonfarm rural land, and for other purposes. (S. Rept. 91–1129, August 20, 1970; included in H.R. 19436, the Housing Act of 1970; approved December 31, 1970.)

S. 3366 (Mr. Fong); passed Senate July 1, 1970; would make banks in American Samoa eligible for Federal deposit insurance under the Federal Deposit Insurance Act, and for other purposes. (S. Rept. 91–996, June 30, 1970; included in H.R. 19436, the Housing Act of 1970; approved December 31, 1970.)

S. 3431 (Mr. Williams of New Jersey); passed Senate August 18, 1970; P.L. 97–567; would extend the coverage of sections 13(d), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors. (S. Rept. 91–1125, August 14, 1970; passed House December 7, 1970; approved December 22, 1970.)

S. 3435 (Mr. Talmadge); passed Senate April 27, 1970; provided for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy. (S. Rept. 91–768, April 23, 1970; passed House May 4, 1970; approved May 14, 1970.)

S. 3685 (Mr. Sparkman); passed Senate April 16, 1970; would increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes. (S. Rept. 91–761, April 7, 1970; passed House June 25, 1970; approved July 24, 1970.)

S. 3775 (Mr. Sparkman); passed Senate August 28, 1970; would amend section 1811 of title 38, United States Code, to authorize the Veterans' Administration to make direct loans to any veteran who is determined to be eligible for assistance in acquiring specially adapted housing under chapter 21 of title 38, United States Code. (S. Rept. 91–1130, August 20, 1970; included and approved in Veterans Housing Act of 1970.)

S. 3822 (Mr. Bennett); passed Senate September 2, 1970; P.L. 91–468; provides insurance for member accounts in State and federally chartered credit unions, and for other purposes. (S. Rept. 91–1128, August 19, 1970; passed House October 5, 1970; approved October 19, 1970.)

S. 3825 (Mr. Sparkman); passed Senate June 17, 1970; would authorize further adjustments in the amount of silver certificates outstanding, and for other purposes. (S. Rept. 91–929, June 12, 1970.)

S. 3889 (Mr. Sparkman); passed Senate June 11, 1970; P.L. 91–360; would amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury. (S. Rept. 91–918, June 9, 1970, passed House July 20, 1970; approved July 31, 1970.)

S. 4316 (Mr. McIntyre); passed Senate September 18, 1970; would clarify and extend the authority of the Small Business Administration, and for other purposes. (S. Rept. 91–1158, September 1, 1970.)

S. 4536 (Mr. McIntyre); passed Senate November 25, 1970; P.L. 91–558 would amend the Small Business Act. (S. Rept. 91–1366, November 23, 1970; passed House December 7, 1970; approved December 17, 1970.)

S. 4268 (Mr. Sparkman); passed Senate December 18, 1970; would amend the Export-Import Bank Act of 1945, as amended to allow for greater expansion of the export trade of the United States, to exclude bank receipts and disbursements from the budget of the U.S. Government, and for other purposes. (S. Rept. 91–1462, December 16, 1970.)

H.R. 2 (Mr. Patman); passed Senate February 4, 1970; P.L. 91–206; amends the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes. (S. Rept. 91–518, November 5, 1969; passed House July 28, 1969; approved March 10, 1970.)

H.R. 6778 (Mr. Patman); passed Senate September 16, 1970; P.L. 91– amends the Bank Holding Company Act of 1956, and for

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[1] H.R. 6778, One-Bank Holding Company; S. 721, Unsolicited Credit Cards; S. 823, Fair Credit Reporting; H.R. 15073, Foreign Bank Secrecy; S. 2224, Mutual Fund Reform; S. 3685, Emergency Home Financing Act of 1970; S. 3822, Share Insurance for Credit Unions; H.R. 19436, Housing and Urban Development Act of 1970; and H.R. 19333, Federal Broker-Dealer Insurance.

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other purposes. (S. Rept. 91–1084, August 10, 1970; passed House November 5, 1969; conference report agreed to by House December 16, 1970, and by Senate December 18, 1970; December 31, 1970.)

H.R. 13959 (Mr. Gonzalez); passed Senate April 27, 1970; P.L. 91–244; provides for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro. (S. Rept. 91–769, April 23, 1970; passed House December 15, 1969; approved May 9, 1970.)

H.R. 15073 (Mr. Patman); passed Senate September 18, 1970; P.L. 91–508; amends the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes. (S. Rept. 91–1139 on S. 3678, August 24, 1970, passed House May 25, 1970; approved October 26, 1970.)

H.R. 15118 (Mr. McCulloch); passed Senate August 3, 1970; P.L. 91–381; provides for the striking of medals in commemoration of the 100th anniversary of the founding of Ohio Northern University. (S. Rept. 91–1042, August 3, 1970; passed House July 6, 1970; approved August 17, 1970.)

H.R. 17795 (Mr. Patman); passed Senate September 21, 1970; Public Law 91–431; amends title VII of the Housing and Urban Development Act of 1965. (S. Rept. 91–1189 on S. 3938; passed House September 10, 1970; became law without signature October 6, 1970.)

H.R. 19333 (Mr. Moss); passed Senate December 10, 1970; P.L. 91–598; would provide greater protection for customers of registered brokers and dealers and members of national securities exchanges. (S. Rept. 91–1218 on S. 2348, September 21, 1970; approved December 30, 1970.)

H.R. 19436 (Mr. Patman); passed Senate December 8, 1970; (Public Law 91–) provides for the establishment of a national urban growth, policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes. (S. Rept. 91–1216 on S. 4368; passed House December 3, 1970; Senate agreed to conference report December 18, 1970, and House agreed December 19, 1970; approved December 31, 1970.)

S.J. Res. 158 (Mr. Bennett, Mr. Sparkman, and Mr. Nelson); passed Senate October 15, 1969; Eisenhower Dollar. (S. Rept. 91–451, October 8, 1969; passed House amended October 15, 1969.) Provisions included as Title II of H.R. 6778.

S.J. Res. 196 (Mr. Sparkman); passed Senate May 15, 1970; would increase the authorization for college housing debt service grants for fiscal year 1971. (S. Rept. 91–863, May 12, 1970; included in Emergency Home Financing Act of 1970; approved July 24, 1970.)

S.J. Res. 201 (Mr. Sparkman); passed Senate June 25, 1970; P.L. 91–344; extends the reporting date of the National Commission on Consumer Finance. (S. Rept. 91–939, June 23, 1970; passed House July 6, 1970; approved July 20, 1970.)

S.J. Res. 242 (Mr. Proxmire); passed Senate October 13, 1970; P.L. 91–473; provides for the temporary extension of the Federal Housing Administration's insurance authority. (S. Rept. 91–1334, October 13, 1970; passed House October 13, 1970; approved October 21, 1970.)

H.J. Res. 1366 (Mr. Patman); passed Senate September 25, 1970; P.L. 91–432; provides for the temporary extension of the Federal Housing Administration's insurance authority. (S. Rept. 91–1206, September 18, 1970; passed House September 16, 1970; approved October 2, 1970.)

Eight nominations were acted on by the Committee and approved by the Senate.

CONTINUING APPROPRIATIONS, 1971

The Senate continued with the consideration of the joint resolution (H.J. Res. 1421) making further continuing appropriations for the fiscal year 1971, and for other purposes.

Mr. PROXMIRE. I introduced an amendment which I sent to the desk to ask unanimous consent that it not be read. Mr. President, it is now 11:27 a.m., Saturday, January 2, 1971. Under the resolution which I understand we adopted earlier we would adjourn at midnight tonight. That could be changed. At any rate, 24-plus hours from now Congress adjourns sine die, and every bill and every resolution that has not passed the House and the Senate dies. That includes the resolution now pending.

This resolution containing an appropriation for the Department of Transportation, including the SST, until March 30, is not going to become law today or tonight or tomorrow until we receive certain clear assurances on the record. There is no way that the appropriation resolution can pass without the consent of any Senator who is willing to keep the Senate in session until noon tomorrow, and any Senator is able to do so. I am prepared to do that to kill this appropriation until full assurances are received on the record before the resolution will pass.

On Thursday last, December 31, 1970, in the office of the majority leader, I agreed not to kill this resolution by delaying it if these assurances were given on the record. I intend to make sure those assurances are provided fully on the record, or no bill.

It is necessary for me to explain in detail why these assurances are so vital and why, unless we get these assurances on the record there will be no SST funding and also no Department of Transportation appropriation bill, with all of the grief which I understand so well could come about. It means the air traffic controllers would not be paid; it means the Coast Guard would not be paid; it means transportation would suffer a cataclysmic crisis, and all of us want to avoid that.

The course of the 1971 $290 million proposed appropriation for the SST has been characterized by calculated use of delay, endless month after month delay, explicit violations of certain Senate rules and finally, persistent refusal to allow an up and down vote on the SST in the House at any stage, and even in the Senate at crucial stages, as I intend to show.

On May 27 the Department of Transportation appropriation bill came to the Senate. It came to the Senate in an atmosphere in which the distinguished Senator from Montana (Mr. MANSFIELD) and the Committee on Appropriations pleaded with the Senate to act on legislation and especially appropriation bills as promptly as possible and to get those bills reported early. I am chairman of the District of Columbia Appropriation Subcommittee.

We were able to report that bill 1 week after it came from the House, and it passed in June. Other appropriation matters were passed in a matter of weeks. One took, as I recall, as long as a month and a half after it came from the House. But no appropriation bill was held up anything like the Department of Transportation bill was.

It could have been reported to the Senate early in June, in response to the request of the Senator from Georgia (Mr. RUSSELL) and the majority leader (Mr. MANSFIELD) plea—certainly by July. It was not reported in August, it was not reported in September, it was not reported in October. It was not until November 25, a full 6 months after the bill came from the House, that the Senate Appropriations Committee finally reported it to the floor. It took much longer, months longer, than any other appropriation bill after it was received from the House.

Why should the Department of Transportation bill be exempt from pleas by the majority leader and the chairman of the Appropriations Committee? Why the delay? Powerful subcommittee members were holding it until the last possible chance to get it through Congress, under the most favorable circumstances. It permitted, in the first place, time for months of intensive lobbying by the Department of Transportation and by the new, high pressure SST operation in the Department of Transportation, under a Mr. Magruder, who is an extraordinarily able man, and who had 118 people working for him in the Department of Transportation that could be characterized, at least in part, as a powerful public relations outfit whose commitment was to sell the SST; to sell it to the press, to the public and to the Congress.

Of course, it took time for that to be done. In the first place, the SST forces had to see to it that they turned the administration around, many agencies of which, in 1969, after President Nixon ordered a review of the SST, had come out overwhelmingly and almost unanimously against the SST. That adverse recommendation on the SST came from the Council of Economic Advisers, the Treasury Department, the Labor Department, the office of Science and Technology, the Interior Department, the Health, Education, and Welfare Department. Virtually every group on that panel was against the SST. Of course, it took time—months—to turn this group around, and that was the intention of the Magruder commitment.

Then it was necessary to get action out of the AFL–CIO, with their great power in the country and, of course, their influence on the Congress; and that took some time. The DOT bill was delayed while pressure was put on the AFL–CIO, and they in turn responded, because jobs were involved. They went to work and did their best to grease the skids for the SST.

Then also this group had to have time—months—in order to counteract the adverse environmental findings which had been developed by responsible scientists and conservationists and others.

One of the things they did was to set up the Magruder environmental panel. The so-called Environmental Council or panel was appointed to attempt to counteract the tremendous amount of information from the scientific community which was adverse to the SST and which documented the fact that pollution was a very definite and dangerous threat if the SST were to be permitted to go ahead.

This environmental panel was dominated by two departments, the Commerce Department and the Transportation Department. In the 1969 ad hoc group that had been appointed by President Nixon last year, virtually all of the many agencies were reported as being against the SST, with one conspicuous exception in addition to the Department of Transportation, and that was the Department of Commerce. The Department of Commerce was not given just one position on this newly appointed Magruder panel, but at least three. In addition, the Department of Defense—that is, the Navy—was represented. Space—NASA—was represented. McDonnell-Douglas Aircraft Corp. was represented. American Airlines was represented. All of this was on the environmental panel, but there was no representation of the Department of Health, Education, and Welfare, which, of course, has great expertise and responsibility in adjudging the effect of pollution on human health. There was no representation from Interior, the No. 1 environment agency or the Office of Science and Technology, the agencies that are principally competent and responsible in the area of the environment. They were excluded completely from the environmental panel.

Furthermore, Mr. President, private organizations were on it, but there was no representative of the Sierra Club and no representative of any other group which, incidentally, would not have any financial ax to grind, as McDonald-Douglas and American Airlines who were on the panel would have.

That was done for the purpose of allaying the fears that the SST might become an environmental hazard. We were assured, after all, that the panel would sift the information that came through it, to determine whether or not the SST was in fact hazardous to the environment; and the Department of Commerce, the Department of Transportation, American Airlines, McDonald-Douglas would be the judges of that.

In addition to that, it was necessary to delay the bill in order to pressure the airport controllers council, which had indicated definite hostility to the legislation and recognized tremendous additional sideline noise the SST represented.

It took time to work on them.

Now, Mr. President, the meaning of such delay is that prompt action is required on appropriation legislation by the Senate leadership and by the Appropriations Committee leadership, except for those who have the real power on the subcommittee and want to hold it up. Then it is something else. The delay in this case was not a week or 2 weeks longer, but months.

But, Mr. President, the most conspicuous delay on the SST was in October. Congress, Senators will recall, was pressing hard to finish up its business before we adjourned. All hearings had been completed on the SST months before. The majority leader had been pleading for legislation to be reported to the floor and especially appropriation bills.

Why was the Department of Transportation appropriation bill held up at that time? It was held up, very simply, not because additional information was required, not because additional witnesses were needed, but because the Senators controlling the DOT appropriation subcommittee knew that the SST was unpopular in the country. Of my certain knowledge, some Senators said—in fact, they told me directly and personally—that they could not vote for the SST before the election, because that vote could cost them votes, and if they were in a close election, it could conceivably cost them the election itself.

Think about that for a minute. It means that the SST could not come to a vote, like everything else in the Senate, because the people could be so concerned about the SST and so adverse to it that the results could be painfully adverse to those Senators who would vote for it. They could not get away with it politically.

So the SST was held up until after the election. It was sheltered from the impact of voters in the election, as it has consistently been sheltered from votes on the floor of the House of Representatives, as I shall document a little later. It was made an exception to the majority leader's plea to the Appropriations Committees to report legislation when ready, in order to give the SST every advantage.

Finally, the Department of Transportation bill came to the Senate floor. Those of us who wanted to knock the SST out were up against this combination: the full commitment, at that point, on the part of the President and his Cabinet, beefed up by the Department of Transportation's special Magruder team. Second, aviation industry pressure, reinforced by the FAA, with its peculiar power over the airlines. Third, a highly effective personalized SST drive by the two Senators from Washington themselves.

The Senators from Washington are both highly popular in this body, both committee chairmen, both in positions of great power and authority, one of them the chairman of the Commerce Committee and also chairman of the Labor-HEW Appropriations Subcommittee, the other chairman of the Committee on Interior and Insular Affairs and one of the ranking members on the Senate Armed Services Committee.

There are few other Senators—I doubt if more than five or six—who have anything like the clout, the power, the authority, and the influence in this body of Senators MAGNUSON and JACKSON. In addition, Senator MAGNUSON, of course, is a leading member of the Transportation Subcommittee, and as a senior member of the subcommittee, a conferee when the matter goes to conference.

In spite of all this, the Senate knocked the SST out of the bill, and the vote was not close. It was a clearcut 52 to 41.

At this point, the House opponents of the SST tried to get a vote against the SST by a motion to instruct their conferees in advance of their going to conference. They did get a vote on that, and were defeated. But just think what a tough motion they were required to make: they were forced to try to persuade their colleagues in the House of Representatives not to vote up or down on the SST, but to bind their colleagues so that they would have no discretion in conference, but would have to vote a certain way.

This is highly contrary to the way we usually operate in both bodies. That is a very difficult vote for House Members to make. But that was the only kind of vote the House Members have had the opportunity to make on the SST. No up and down vote on the SST in the House.

Then what happened? Well, the DOT bill went to conference. And who were appointed as conferees? Of the seven Senate conferees, four were in favor of the SST, although the Senate had voted against the SST, and only three of the conferees were against it.

The rules of the Senate are very clear on this. On page 212 of "Senate Procedure," by Charles L. Watkins and Floyd M. Riddick, there is a section entitled "Conferees Represent Senate and Not Committee Only."

The rule, as explained in that section, is as follows:

> The conferees in theory are appointed by the Presiding Officer, but in fact are designated by friends of the measure, who are in sympathy with the prevailing view of the Senate.

Cleves' Manual says the same thing, on page 284.

But in this case a majority of the managers for the Senate represented the minority viewpoint. No one has argued that there was any legitimacy for appointing conferees of the minority view, except those who say there may have been other matters in dispute. But, Mr. President, this was the only matter in substantial dispute within the Senate itself. In fact, after we voted on the SST, it was only 5 or 10 minutes until the whole bill was passed. There were no other rollcall votes, there was no other hard effort to knock decisions by the committee out of the bill. This was the only matter in important dispute in the Senate itself; yet the conferees represented a minority, and not the prevailing view but the failing view in the Senate.

It may be said that, after all, those Senators who went to conference, even though it was against their view, fought hard for the Senate position. Well, let us take a look and consider how long these fights usually take. Conferences involving controversy usually take weeks, often months. Now it is true that this was close to the end of the session, but at least one might expect the conferees to fight for a week, 5 or 6 days; 2 or 3 days, anyway.

But they came back in less than a day. And they came back with an agreement to fund 70 percent of what the adminis-

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tration had asked for. I know they say that $105 million had already been spent; but on that basis the argument could have been made to stop right there. They had spent nearly half the money. But they went on and provided another $105 million. This, in my view, was going 75 percent of the way on the money issue, but there was no protection whatever from the conference on the big issue which we raised in the Senate, the environmental problem. We pointed out that the SST environmental council which was given millions in this bill was loaded, that the noise is insufferable—in fact, Senator MAGNUSON himself secured passage of his bill which would have prevented the commercial SST from flying over the continental United States because the sonic boom could cause such difficulties, and also prevented the contracts from being honored, until they got the sideline noise decibels down below 108. That bill had passed the Senate unanimously, now that bill has had no hearings in the House. It is dying there, and will be dead in 24 hours.

But there was no mention of that by the conferees, no recognition of it. But especially, Mr. President—and this is most important of all—the conferees refused to take advantage of the clear provision in the law to provide that when you have an impasse between the House and the Senate, you can go back to the House or back to the Senate in disagreement. This, in our view, is what should have been done. Under those circumstances, there would have been an opportunity to vote in the Senate, and if we had taken the position that the conferees should sustain our position, should stop funding the SST, then they would vote in the House of Representatives up and down on the SST. In my opinion, under those circumstances, there was an excellent chance that the House would have concurred in the adamant position of the Senate, and knocked out the SST. But it was never done. The Senate conferees claimed that the House conferees were adamant, that it was not possible to get them to yield, there was nothing they could do to sustain the Senate; so there was something they could do. They could report the SST to the floor of each House as an amendment in disagreement but they did not do that. They did it on the foreign aid appropriation bill a few days ago, but they did not do it on the Transportation appropriation bill. They have done it again and again in the Senate; it is not rare, but they did not do it here.

The result of all this is that the conferees had succeeded in keeping the SST alive in spite of the decisive vote in the Senate to kill the bill, and they kept it alive, of course, by keeping it wrapped tightly in the conference report, with the full DOT appropriations. So there was no way we could get at the SST as long as it stayed in the conference report and as long as the conferees refused to permit a vote on the SST as an amendment in disagreement.

When the Department of Transportation bill did go back to the House, with SST funds knocked out, the only motion available at that time was to recommit the conference report and instruct the conferees.

I have talked with a number of House Members; they say this is a very rare and unusual action. It is a direct affront to the House leadership and to the House committee leadership. It is a disadvantageous motion to reject the conference report with instructions. The vote on that, in spite of that disadvantage, was 205, not to affront the House leadership or in effect, for the SST and 185 against it. Again, in my view, this is a remarkable vote. If there had been an up and down vote on the SST, I think there was an excellent chance that they would have voted to recede, and the SST would have been taken out and it would have been killed.

There was another vote. There was a vote on the conference report itself; the whole appropriation including the SST could be killed, but voting on the conference report, because of the very vital programs to the country funded by the bill far more important than the SST, the conference report was agreed to.

But this insistence by the SST proponents that it be wrapped snugly and safely in the Department of Transportation bill is why we fought hard day after day on the floor, at the end of December, and used our right to delay the conference report as a bargaining weapon to try to get the Senate to go back to conference and split off the SST from the DOT in the coming year.

Our method was to provide that the Department of Transportation appropriations would go through the year to June 30 but the SST would be funded only until March 30. We wanted an earlier date. We preferred it to be in February or perhaps the first of March. This would mean that the SST would come up by itself in 1971, and it would take the same risk, under those circumstances, as all other legislation. That means that if it were killed by either House, it would be dead. That is not harsh action. That is what we do with every kind of bill, especially something as controversial as this and on which there is this kind of division. We would not have to kill it in both Houses. Either one would do.

If we voted it down in the Senate or in the House, the bill would die, and that is what happens with all bills. That would have been the result of the Mansfield resolution to fund the SST alone until March 30, 1971, the rest of the bill until June 31, 1971. That was proposed but was not pressed and was finally withdrawn.

The Senate agreed to table the conference report to see if the Mansfield proposal or something like it could be worked out in the new conference. Then ensued a remarkable and little noted ploy to prevent the House from voting on the SST, and this is how: After the Senate tabled the conference report, it appointed two additional conferees. Let me take a minute to point out that the two additional conferees at that point were clearly to go to conference on the SST and nothing else. One conferee, myself, was against the SST; the other conferee, Senator COTTON, was for the SST. Once again, the conferees were loaded for the SST, and certainly at that point it was very clear that the only purpose of the conference was to discuss the SST. Everything else had been settled. That was in direct violation of the rules and Cleaves' Manual.

The main argument I want to make is that the House was really prevented from voting at this point on the SST in a very clever way. The House at this point could either let DOT appropriations die, and that was impossible—that was not really an alternative—or it could move for a new conference and reappoint conferees. They did not do either one.

Why not appoint new conferees? Why not move for a new conference? Because then a simple motion to recede to the Senate on the SST, killing the SST, was in order. It might have won; and the managers of the DOT in the House did not want to take that risk.

As a matter of fact, I have talked with some of them, and they told me that, in their view and under the circumstances at that point, the SST would have been defeated in the House if it had been allowed to come to a vote. They did not risk it. They did not permit a new panel of House conferees to be appointed. A new conference was obviously the whole point of the Senate appointing a new conference.

In fact, there was never a conference after this point, although we did get together for informal discussions. We went through the formality in the Senate of appointing new conferees, including this Senator, and no conference took place. Why? Why no conference?

The answer:

To avoid an up and down vote on the SST in the House, instead of a new conference the House followed a different route to protect themselves from a direct SST floor vote. This was to introduce the resolution that is before us now. To have a discussion with the new Senate conferees they followed a completely extra-legal procedure. The House appointed no new conferees. After Senator COTTON and I were appointed, there was no legal conference, because the leadership over there did not want to risk a vote on the SST. An informal meeting was held with the House conferees—incidentally, minus Representative YATES. The other conferees were there, but the really hard opponent of the SST. Representative YATES, a member of the Appropriations Committee in the House, who was on the Transportation Subcommittee, and who was a duly elected House conferee was never there. I talked with Representative YATES, and he said that he was never informed of this meeting between Senate and House conferees. He did not know about it. It was news to him that we were holding that conference. He was excluded. But the House conferees—that is, minus Representative YATES—did talk to us and did oppose the Senate separate termination date for the SST so that it would have to come back by itself next year.

Mr. BIBLE. Mr. President, will the Senator yield at that point for what I think he will admit is a clarification?

Mr. PROXMIRE. Mr. President, I ask unanimous consent to yield to the Sena-

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tor from Nevada, with the understanding that I will not lose my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIBLE. It is true that the Representative from Massachusetts, Mr. CONTE, who is an opponent of the SST, sat through the conference.

Mr. PROXMIRE. That is true.

Mr. BIBLE. I wanted to clarify that. There may have been others in that conference. Representative YATES was not there. I do not know the reason for it. I do not have the slightest idea. I can only account for what we are doing here. I do not know why they did what they did there, and perhaps they do not know why we did what we did here.

Mr. PROXMIRE. Representative CONTE was there, but the most vigorous opponent of the SST, the man who had introduced the motions in the House and led the fight there against the SST for several years and was a conferee, was not even notified and was not present.

Then the Senate conferees had a second meeting, in the majority leader's office, and voted, 7 to 2, with Senator CASE and myself voting "Nay"; but the majority of the conferees voted to notify the House that they would accept a continuing resolution, which is before us—that is, with the entire Department of Transportation and SST together expiring on March 30, 1971.

Let me reiterate that the House never has to this day asked for a new conference. Instead, a resolution was introduced to the floor of the House under a closed rule. At least, at this point one would think the House leadership would permit the resolution to come in under an open rule and permit an amendment to be submitted on the SST. But they would not take that chance. They did not want the House to have a chance to vote up and down on the SST.

Mr. President, the options available to the House opponents of the SST were sadly limited. But the SST opponents took advantage of those options. First the anti-SST forces had the chance to oppose the House Rules Committee and say, "No" to the closed rule—really bucking city hall over there, something that is hard to do, a tough procedural motion. They lost it, although they got quite a few votes. They also had an opportunity to vote down the conference report, and that was no real alternative. It never has been an alternative. Once they got on the conference report, with everything that is in it, the SST was home free. Of course that has been the saving grace of the SST from the beginning: wrap it snugly in the transportation appropriation bill in the House without a vote on the SST itself. After that majority opposition in Congress is helpless. It does not mean a thing.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield, with the understanding that I will not lose my right to the floor.

Mr. MILLER. Could the Senator tell us whether or not there was a rollcall vote on the motion to reject the closed rule?

Mr. PROXMIRE. There was a rollcall vote on the motion to reject the closed rule, and there was a rollcall vote on the conference report. My argument is that both of those were procedural motions that were very difficult. It was not like receding to the Senate. It was not like voting up and down on the SST. It gave every advantage to the proponents of the SST.

Mr. MILLER. Does the Senator recall approximately what date that vote was taken?

Mr. PROXMIRE. That was last Thursday.

Mr. MILLER. I thank the Senator

Mr. PROXMIRE. Mr. President, I am very concerned about this dreary record, and I will oppose this resolution and not let it become law unless I get certain clear assurances from Senators STENNIS, BIBLE, and MANSFIELD. That what has happened this year—which I shall be specific about—will not happen in March. I want to be sure that the SST is not tucked away in the Department of Transportation, impregnable from any further up and down vote and home free after the Senate has voted not to fund it. I know that the present resolution provides, or may provide—as a matter of fact I found out this morning that some previous information I had from people whom I thought were expert parliamentarians in the House was wrong, that it will still be possible in the House not to permit an up and down vote on the SST in March when we come in to extend the DOT Appropriations. We do have some kind of informal understanding that the DOT resolution will be given an open rule in March. But this unfortunately, has not been buttoned up completely because it is informal, nothing in writing, nothing said on the floor of the House about it, but an informal understanding. It is vague, completely uncertain, but there is some assurance that House Members will have a right to vote, an informal understanding, that will do this, in the House on the SST under an open rule. This might just might permit a vote on the SST at that point in the House but that is all we have, a vague general understanding with certain House leaders.

The resolution now before us cannot provide anything else. I am determined to get a commitment not to repeat the sorry record of hiding and nursing the SST with procedural protections from a vote up or down in the House, at all stages, so that the story I have just described will not be repeated in March.

Let me quickly recapitulate the history of the refusal to permit the SST to come to a vote on its merits in the House, and then to the Senate.

The initial authorization—if an appropriation of $1 million, $100 million, or $1 billion is made, we certainly expect to have an authorization. On the authorization of the SST, the initial authorization in the act of 1958 merely provided for the FAA to develop experimental aircraft. That is the basic authorization. No amount, no limitation, no conclusion. That is the only authorization we have ever had for the SST. That vague language was relied upon as authorization for the program on which Congress has spent hundreds of millions of dollars, and possibly will require billions of dollars. There was no direct vote even on this.

In 1965, when the Department of Transportation was established, it was given jurisdiction over civil supersonic programs. Some people claimed that was some kind of subtle authorization. But this was strictly jurisdictional with no substantive authorization of the program. In any event, there was no vote on that at all.

Through the end of 1969, despite growing opposition to the program, there were no record roll call votes relating to this issue in any way whatsoever in the House of Representatives. House opponents were only permitted to use the teller vote, which avoids having a Member recorded on the issue by name.

In May 1970 this year, Representative YATES succeeded in having a record roll call vote on moving the previous question (he lost 176 to 162) but this was a procedural move and did not involve a direct up and down vote on the SST.

When the SST came over to the Senate at the end of May, it encountered a 6-month delay in the Appropriations Committee. Proponents of the SST were unwilling to report the DOT appropriation bill to the floor prior to election day for fear of a vote.

Senate vote did not take place until early December, more than 6 months after the bill came over from the House.

When the DOT bill was about to go to conference, YATES moved to recommit to conference with instructions to delete the SST. YATES' motion was opposed on procedural grounds in the House and lost 213 to 174. Not a direct up and down vote on the SST.

After conference committee gave SST $210 million and conference report went back to House, YATES sought to have the report recommitted with instructions to take out the SST. Vote was procedural, opposed by leadership, lost 205 to 185.

After Senate filibuster (which we held in order to prevent an up and down vote on the conference report which would not have reflected the Senate's views on the SST) the conference report was tabled and new Senate conferees were appointed. House refused to formally appoint its conferees for fear of an instruction motion by YATES. Vote was again avoided.

Continuing resolution for 3 months brought up in the House under a closed rule (prohibiting amendment to delete SST funds) in order to avoid a vote.

Mr. FULBRIGHT. Mr. President, will the Senator from Wisconsin yield for an observation?

Mr. PROXMIRE. I am happy to yield to the Senator from Arkansas for an observation, without losing my right to the floor.

Mr. FULBRIGHT. Mr. President, I assume the Senator is now getting ready to discuss in more detail what he believes to be necessary. I first want to congratulate him on such an excellent and concise review of what actually is taking place.

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I have been in the Senate for 26 years and I do not recall ever having an account of this kind of maneuver, especially when it involves the majority will of the Senate and possibly of the House. We do not know positively about the House, but——

Mr. PROXMIRE. May I say to the Senator that I think in the House a majority has never really had a chance to express itself at all on the SST itself—not once—never.

Mr. FULBRIGHT. I do know about the Senate. I suspect that is true in the House. I believe the Senator mentioned $750 million which has already gone over that amount. There has been much misinformation spread about this in the past. What I particularly want to raise is, first, that I have had the greatest admiration for the way the Senator from Wisconsin has conducted himself in the face of a difficult program. He has made the greatest single contribution, perhaps, in trying to maintain the integrity of the Senate as a institution, by his insistence that we be given an opportunity to vote upon this program.

I also wish to say I have told the Senator that unless we could have a fair up and down vote, I would be perfectly willing to take the full responsibility that he has borne primarily to defeat this program. I want the RECORD to show that I personally completely support the position of the Senator from Wisconsin. If, in his wisdom, he would decide to proceed to the last hour of this Congress, I would be perfectly willing to share the burden, whatever it may be, of physically delaying this matter. I say this because I feel as strongly as does the Senator from Wisconsin about it. I think he has been eminently correct in his judgment as to its significance, which goes symbolically far beyond just the SST. If we are to preserve the democratic system and the integrity of the Senate, we cannot allow this procedure to succeed. So I want the RECORD to show that I fully share the Senator's attitude for the way this matter has been handled, and I await the explicit and specific guarantees, which would justify our allowing this present resolution to be adopted. But for fear that I might not get another opportunity, I cannot say too strongly how much I admire the tenacity, the perseverance, and the great physical burden the Senator from Wisconsin has borne, as well as the great mental anguish from the pressures put upon him. The Senator has endured much during these past several months in the interest of the public welfare of our people.

Unfortunately, in our system, public welfare is so diffused as to be difficult to put in focus, because those who represent special interests are encouraged in many different ways, I think then that the Senator has rendered a great service to his country and this body in what he has been doing. I support him completely.

Mr. PROXMIRE. I cannot thank the Senator from Arkansas enough. He has been a tower of strength on this. He has been very firm. Of course, he has the experience and the knowledge of Senate operations having been through this kind of thing himself often. He has been tremendously helpful.

Mr. MILLER. Mr. President, would the Senator yield for a question?

Mr. PROXMIRE. I yield.

Mr. MILLER. Mr. President, do I understand that the Senator is insisting upon and hoping for an agreement which will insure a vote on the SST item separately some time on or before next March 30?

Mr. PROXMIRE. I will spell that out in a minute, if the Senator will permit. I want to ask the majority leader, the Senator from Montana (Mr. MANSFIELD), the Senator from Nevada (Mr. BIBLE), and the Senator from Mississippi (Mr. STENNIS) that question in the next 5 minutes or so. However, I want to proceed with this matter so that we will know what we are talking about. I think that I will answer the question of the Senator from Iowa as I proceed.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. PROXMIRE. I yield.

Mr. MILLER. Mr. President, if this is so, do I understand there would be a continuing resolution running through March 30?

Mr. PROXMIRE. There is, as the Senator knows, pending at the desk and pending before the Senate, a continuing resolution through March 30, 1971, which does provide for the entire Department of Transportation's appropriations, and that continuing resolution terminates March 30.

Mr. MILLER. The Senator from Iowa is aware of that. What I want to find out from the Senator from Wisconsin concerns what efforts were made, and with what reaction, to an attempt to have the continuing resolution run to an earlier date.

Mr. PROXMIRE. Mr. President, the Senator from Wisconsin tried hard. The amendment at the desk would have this continuing appropriation run until February 15. I wanted the date of January 28. But after very long and difficult discussion about the matter, I became convinced that because of the difficulty of organizing the House and the Senate and because of the rule XXII fight, that would not be fair or realistic. It would be too late to press that probably. I am introducing this amendment so that we will have something to talk about.

I will talk until noon tomorrow if necessary in this matter. This amendment could not very well be pressed, because if it were agreed to by the Senate, the House could not get a quorum. That would kill the whole thing. I do not want to be put in that position.

Mr. MILLER. The Senator will recall that an earlier date was suggested.

Mr. PROXMIRE. The earlier date is in the pending amendment now. That would be February 15.

Mr. MILLER. But even if the Senate should approve the amendment to make it February 15, then, as I understand it, that would be an empty gesture.

Mr. PROXMIRE. It would be fatal. It would mean the end of the bill. We cannot agree to an amendment by which the whole thing would be killed.

Mr. MILLER. Is the House not in session?

Mr. PROXMIRE. The House is in session, but the House had trouble getting a quorum on Thursday. A quorum in the House now is virtually impossible. Perhaps they could get a quorum, but it would involve a very serious risk.

Mr. MILLER. The point is that if a satisfactory agreement, which the Senator from Wisconsin is seeking to obtain, is not worked out, there might be action on an amendment to make February 15 the date, thus leaving it up to the House. And if one Member of the House wants to object, that is too bad. But the burden is on them.

Mr. PROXMIRE. I do not think we have to do it. That is not necessary. The Senator from Iowa or the Senator from Wisconsin or any other Senator could talk until noon tomorrow and that would be the end of it. But that will not happen if we get the assurances we require.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Washington without losing my right to the floor.

Mr. MAGNUSON. The Senate voted on the SST.

Mr. PROXMIRE. Indeed it did.

Mr. MAGNUSON. What the Senator is talking about now concerns the entire legislative process, not just the Senate. The Senate voted against the SST and the House voted for it. We arrived at a compromise in conference, a compromise that reduced the amount of funds for the SST previously approved by the House.

Mr. PROXMIRE. The Senate voted against the SST and the House never really had a chance to vote on the SST. A compromise was arrived at which was completely unsatisfactory to me.

Mr. MAGNUSON. The Senator from Wisconsin did not like the compromise.

Mr. PROXMIRE. The Senator is correct.

Mr. MAGNUSON. But are the facts not correct, that the Senate voted against the SST and the House voted for the SST, and there was a compromise in the House-Senate conference which the Senator does not like.

Mr. PROXMIRE. There has not been a straight up and down vote on the SST in the House.

Mr. MAGNUSON. That is the Senator's personal opinion, but I am trying to get a yes or no answer. The Senator does not like the compromise.

Mr. PROXMIRE. That is part of the answer, yes. I do not like the compromise.

The principal disadvantage to those of us who oppose the SST is that it does not call for a vote in the House. Under the rules, we may or may not have a vote on the matter in the House.

The main advantage of this is very simple, and that is that it provides pressure that by next March 30, the SST matter will be settled and that we will be required to come to a vote when we come back under circumstances in which there will not be pressure because we will not have a vacation ahead of us and will not have circumstances in which Sena-

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tors are very weary from having worked very hard for an entire year, and they will not have a feeling that they will lose their vacations if they vote against the SST, and the House members will not have that feeling. We will not be in a position of having our own supporters feel that they should agree under those circumstances.

We have been through this SST fight, and I think that the members of the Congress are much more aware of the demerits or the SST now than they were before.

For all of these reasons, I think we have some advantage in the negotiations.

It is certainly not something that we could count as a failure. And it is not something that we could count as a victory as of this time. Whether we can claim it as a victory depends upon the action of Congress next March. I think we will have to see what happens when we come back in March before there is any determination of whether we have won a victory. We could lose without an up-and-down vote on the SST, because it was protected by the Department of Transportation bills. We know what that means from bitter experience. We have just gone through it. It means that the SST is covered in, in the House without a direct vote.

There is an old saying: "Fool me once, shame on you. Fool me twice, shame on me."

It would be shameful, it seems to me, if we permitted the House to get away with this again.

That is why we seek reasonable assurance so that the resolution will not become law. I will talk on the matter if necessary all day today and until noon tomorrow unless these assurances are forthcoming now. If the SST is supported in one House and killed in the other House, the question is will the conferees then go back to the floor of the House and Senate with the conference in disagreement on funding the supersonic transport. Those of us who are opposed to the SST would like to see both Houses decide by an up-and-down vote on the SST whether it should continue.

Mr. STENNIS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. STENNIS. Mr. President, I make this observation. The Senator from Wisconsin wants these assurances. What about giving us a chance to give them to the Senator? We had a discussion on Thursday.

Mr. PROXMIRE. That is exactly what I am seeking now.

Mr. STENNIS. I do not want any atmosphere to be created that would make it look as if I am acting under the threat of duress.

I have already discussed this in a spirit of compromise. I said on Thursday night what I was willing to do to get the bill. That was in a spirit of give and take. But the idea of the Senator's saying that unless we give those assurances, he will do so and so sounds to the press and to the public like duress that I do not think the Senator intends to imply.

I think that he has handled himself very well with respect to this matter.

Mr. PROXMIRE. Mr. President, the Senator from Mississippi is a gentleman and a man of complete honor. But it is very important that we have this on the RECORD.

Mr. STENNIS. I think the Senator is correct.

Mr. PROXMIRE. There have been misunderstandings. Private agreements in the past I think we should have this on the RECORD and in public.

Mr. STENNIS. The majority leader is entitled to speak first, I think. That is why I am not insisting on this. I think the Senator from Nevada should have a chance to speak.

Mr. PROXMIRE. I would like to have the majority leader, the Senator from Mississippi, and the Senator from Nevada all respond to my request that in the event of disagreement between the House and the Senate on the SST part of the bill, the conferees agree to come back to the Senate in the first instance in disagreement so that it will be possible for the Senate and House to work their will.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. Mr. President, I want to say that, as majority leader, I can assure him I will make every effort to see that that is done to the extent possible within the rules of this body.

I would be very hopeful that the suggestion—not demand, but suggestion—just made by the distinguished Senator from Wisconsin would be acceded to, and I can give him my personal word that as far as I am concerned I will make every effort to see that which he desires comes to pass.

Mr. PROXMIRE. I thank the distinguished majority leader. That is most helpful.

Mr. BIBLE. Mr. President, would the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Nevada.

Mr. BIBLE. Mr. President, since I am the acting chairman of the matter in which we are involved at the present time, I want to comment on the assurance that the Senator is requesting. I think there is no doubt in the world that the Senator will have a straight up and down vote in the Senate on the SST on further funding for fiscal 1971. I think he understands that because he has the right to amend the House version. As for the House, I am not in a position to speak for the House. I can speak for only one person, and that is myself. But I think the House would likewise indicate that they would give assurance that they will have a straight up-and-down vote on the SST in March. We have to face up to that, up or down.

I concur with the majority leader. I will do my best to see the Senator does get a straight up and down vote.

Mr. PROXMIRE. I want to make clear what we are discussing. What I am talking about is if there were an up and down vote in the House to begin with and they vote for it, and then, there is an up and down vote in the Senate and we vote against it, at that point I want the Senator to agree that the conferees would then come back to the Senate in disagreement on the SST so we would then have the opportunity to vote up and down on the SST, and if we sustained our initial position, it would go to the House and they would have the opportunity to vote.

In other words, we want two cracks at it. That is our condition for not killing this bill tonight or tomorrow.

Mr. BIBLE. I understand. I concur in the assurance of the majority leader that I will use my best efforts to see, should the problem arise as the Senator from Wisconsin described it, that if it would be brought back in disagreement that there would be an opportunity for another vote. I cannot bind other conferees. I may not be a conferee myself next year. I think I will stay on the Interior Appropriations Committee where we do not have quite as many problems. But as far as I am concerned the Senator has been given my assistance. I certainly cannot bind other Senators.

Mr. PROXMIRE. I wish to say to the distinguished Senator from Nevada that there is no way you can button this up completely. It is possible there will be new members on the subcommittee, but that is not likely. The expectation is that the Senator from Nevada will be on the committee, and that the ranking minority member on the committee will be the Senator from New Jersey.

If I can get assurance from those Senators, we will be in a position where there is reasonable assurance that that procedure will be followed.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. The Senator referred to the fact that he has achieved "some advantage." In my opinion, the Senate has achieved an outstanding victory and a lot, lot more than I thought would be possible. But my reason for asking the Senator to yield at this time is to inform him and the Senate that this morning I requested the acting chairman of the Appropriations Committee, the senior Senator from Louisiana (Mr. ELLENDER), to take me off the Subcommittee on Transportation and to give every possible consideration to placing the distinguished Senator from Wisconsin, who now has the floor, on the committee in my place.

Mr. PROXMIRE. I thank the distinguished Senator very much.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me.

Mr. President, may we have quiet, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, I appreciate being yielded to so we can have this understanding appear in the RECORD. As I said before, Thursday evening, about 6 o'clock, in the majority leader's office, and in a spirit of conference and compromise we reached an understanding, and I made certain promises and offered to come on the floor of the Senate as soon as we reached this at that meeting. However, for good reasons the Senator

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from Wisconsin wanted some time. Here is the agreement I made, as I understand it:

That if I am a member of the conference when this matter comes back before the Senate in, prospectively, March 1971, and the SST funds are kept in the bill by the House and are voted out of the bill by the Senate, then at the conference my position would be—speaking only for myself, although I would argue in favor of the position being adopted—that the SST item be brought back to the Senate in disagreement.

Is that the recollection of the Senator from Wisconsin?

Mr. PROXMIRE. That is exactly correct. What the Senator said is precisely our understanding. I very much appreciate his assurances on the record.

Mr. STENNIS. It occurs that the course the matter might take after that one could not tell. There might be action there that would change the figures, and so forth; but that, I understand, gives the Senator what I thought he was entitled to get.

Mr. PROXMIRE. That is correct.

Mr. STENNIS. Let me say this as a Senator: I do not favor the idea of making pledges in advance. I think a conference is for the use of discretion and judgment, and I think it sets bad precedent; but I was influenced by the fact—and I am not any more interested in the SST than in the hundreds of other items we pass on in the course of a year—that we are confronted with a situation where we are going to have a constitutional adjournment for this Congress without any kind of appropriation bill being passed for a department of Government that is so large it has a Cabinet member at its head and so vital, in that it contains, for instance, FAA funds, including the air controllers, and a great many other items. It is inconceivable we could let that happen. It would be a failure of the legislative branch to act. We would be subject to severe censure by the people and we would deserve it.

I never had any doubt about the obligation and duty to try to avoid a situation coming up like that—a failure to function in a disagreement of Congress. That is more important than the Department of Transportation.

I commend the Senator for the fight he made, for the persistence and skill he has shown. But I think he is incorrect on some of the allegations he related here this morning as to any kind of conspiracy to do some diabolical act to get this measure passed. Other bills have been delayed. The Department of Defense bill was just passed this week.

Mr. PROXMIRE. That passed October 8, I understand—the bill.

Mr. STENNIS. I mean the Department of Defense appropriation bill. We just finished it here last week.

Mr. PROXMIRE. But it passed the House on October 8. But this DOT bill, the pending bill was passed by the House May 27.

Mr. STENNIS. I just reiterate that no one Senator can have his way. I cannot. I found that out a long time ago. Talking about coming back from conference, there was an item in which I was vitally interested. It got smothered in the conference, but I have not been complaining bitterly about that. That is part of our process.

I commend the Senator for the fine fight he made.

I want to check the record now to see that I get my agreement spelled out.

Mr. PROXMIRE. I thank the Senator.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I shall yield to the Senator in just a moment.

I thank the Senator from Mississippi. I want to assure him at no time did I feel there was any conspiracy or diabolical act, but no one can challenge the facts I have stated about the SST. I think the facts I have set forth are truthful and they are an indictment of how this matter was handled without a real opportunity for the House to vote on the matter, having been under the protection constantly of the DOT transportation bill and the conferees who were very friendly to it.

Mr. MAGNUSON. I hope the Senator will realize I am a member of this conference. I do not know whether next year I will be or not, but if I am, I have made no commitment of any kind.

Mr. PROXMIRE. That is correct. There is no question about that.

Mr. MAGNUSON. Second, I want to say that I think it is a poor thing when we have to commit Senators for something 2 or 3 months down the road in a new Congress in order to accommodate someone who did not like the procedures of the House and the Senate. I do not like some of the rules, but that is how it is until they are changed. I think it is a sad commentary on Congress when we have to commit Senators as individuals—we cannot commit a new Congress to begin with—to something that may or may not happen. I do not know what is going to happen. I think we had an honest DOT conference. Conference committees will be here, even though the Senator from Wisconsin may not like them, when he and I are both dead and gone. Legislation will never be passed unless there is give and take in a conference.

Mr. PROXMIRE. Of course there must be give and take in conference, but how can we settle a matter when the House has one view and the Senate has another view?

Mr. MAGNUSON. But we settled it.

Mr. PROXMIRE. When we go to conference the Senate conferees should fight for the view of the Senate for weeks, if necessary. They fought 1 day. Then, if there is a dispute, it there is an absolute confrontation, we should go back to the House and Senate in disagreement. This is all we are asking.

I ask unanimous consent to yield to the Senator from New Jersey without losing my right to the floor. I would like to ask the Senator from New Jersey (Mr. CASE), who is the ranking Republican member of the Transportation Department Subcommittee, his views on reporting the SST in disagreement if the funds for the SST are kept in by the House and taken out by the Senate.

Mr. CASE. Mr. President, I certainly do not intend to add to any acrimony that may suffuse this body on the last day of its existence, and I shall not, I am sure.

The Senator from Wisconsin has done an extraordinary job, in the opinion of the Senator from New Jersey. It has not been in abuse of any of the rules of the Senate or of the conference or its traditions, in my opinion. It is, rather, done in the use of those rules and procedures to accomplish a just end.

Just as I respect and admire the Senator from Washington and his colleague for the diligence with which they have pursued a matter from a side in which they are deeply committed, in the use of all the procedures available to them in committee, formal and informal traditional and all the rest, in bringing the matter to the conclusion that they thought right, so I commend the Senator from Wisconsin for using all the procedures of this body, including the right of indefinite speech, to the same end. I think nobody needs to be unhappy or ashamed about it.

As to the specific question which the Senator directed to me, I am every happy to join several of my colleagues who have said that, in the event of a disagreement in conference when the matter comes up next, I certainly do intend to support the proposition that the issue of the SST, or any other issue at that time that we think ought to be in question—but specifically that—be reported back to each House in disagreement so that there must be a separate vote on that issue. I think this is quite true.

It is a fact that if we had separate votes on all authorizations in all bills, the legislative process would break down. Indeed it would. But then any proposition pressed to those terms would present all of us with an absurdity, and it is never done.

This is a large matter. It is a matter which is inherently separable from the ordinary business of running the Department of Transportation or the transportation system of this country, and I think that is wholly right. And here I do have a disagreement with the Senator from Washington, for those who so feel that we state that this is our intention in the event of a disagreement in conference next March.

Again I want to commend the Senator from Wisconsin. I do not think he has abused, in any sense, his privileges and his rights as a Member of this body in the way he has handled himself. In fact, I think he has used them to produce a measure of justice and has made a contribution to a wise decision that I would venture would not have been done earlier this year.

Mr. PROXMIRE. I thank the distinguished Senator.

Mr. CASE. May I say one further thing, Mr. President?

Mr. MAGNUSON. Mr. President?

Mr. CASE. "Mr. President" is the formal address to the Chair, with the permission of the Senator from Wisconsin. May I say that there were certain other statements made by prominent members of the House Appropriations Committee, at the informal conferences, that may

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not be appropriate to state here, but they were encouraging to me as assurances that the procedures of that body would be furthered to get a separate vote in that body.

Mr. PROXMIRE. I thank the Senator.

Mr. BIBLE. Mr. President, will the Senator yield to me?

Mr. PROXMIRE. I yield to the Senator from Nevada.

Mr. BIBLE. Because I think we have given the assurances formally that the Senator sought, and because I must leave for the West—the Forty-Niners are to play the Cowboys, and I wish to be there—I simply wish the Senator a Happy New Year and say that he fought a good fight, and I will be back in the same arena next session. I wish him a Happy New Year.

Mr. PROXMIRE. May I say that as long as the Green Bay Packers are not involved, my best wishes go with the Forty-Niners. [Laughter.]

Mr. STENNIS. Mr. President, if the Senator will yield, I want to thank the Senator for the long days and weeks he devoted to this matter. I got myself out of that situation and got him into it, and I want to thank him for his efforts.

Mr. BIBLE. I think perhaps we are over the rough spot. If the Senator from Mississippi will yield, with the permission of the Senator from Wisconsin, I would hope that the Senator from Mississippi may be able to leave. I understand they have a team called Mississippi with Archie Manning on it that is going to play sometime today. I hope he is able to see that game.

Mr. President, this was a fine education for me. I have learned more about parliamentary procedure, and I think I am almost up to what Dr. Riddick, our able Parliamentarian, has been able to do so many times; but we will be back next session to labor in the vineyard, and I am sure men of goodwill will work it out. So I merely wish a happy New Year to you.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. May I say that no one has been more determined, more obdurate, more obstinate, more stubborn than the distinguished Senator from Wisconsin, and no one has been more considerate, more fair, more tolerant, more understanding than the Senator from Nevada; and it appears to me, as one who is on the side of the Senator from Wisconsin, that what we have had, in a parliamentary sense, was almost a collision of an immovable force and an irresistable body. We are not over the hump yet, but things are looking up. I want to say that on the question of demands, of course no Senator could, or should, or would give in to any demand.

But what we have done is give our personal word that, to the best of our ability, we will assure the distinguished Senator from Wisconsin that we will do all we can, individually and collectively, to achieve the end which he desires, which I think is reasonable, and which I think is an objective which hopefully can be achieved, and the Senator from Wisconsin satisfied, on the basis of the long, determined fight that he has waged in opposition to the SST.

Mr. PROXMIRE. Mr. President, I thank the Senator.

Mr. MAGNUSON. Mr. President, will the Senator yield so that I might engage the majority leader in colloquy for a moment?

Mr. PROXMIRE. I yield for that purpose.

Mr. MAGNUSON. I want to wish everyone a Happy New Year, too—a better new year, and a better year in Congress. I was here in 1969 on the night before Christmas. I think the majority leader and I and two or three other Senators were on the floor with another pesky problem—the HEW appropriations bill. I remember, after we got it through, after that long time that I suggested again that there must be a better way to run Congress. And there has got to be a better way. I hope we come back here next year, regardless of SST's—or the HEW bill, which again this year was here in the Senate until day before yesterday and that we will sit down and see if we cannot change the rules of Congress to get at these matters immediately, up or down, without all we have gone through here for the last 3 weeks.

Mr. MANSFIELD. Mr. President, may I say I agree fully with the distinguished Senator from Washington, and I think the answer would be what he has been advocating for more than a quarter of a century, to my personal knowledge, and that is to operate on a calendar year basis, and to operate each session on a two-shift basis, part legislative and part appropriation. Senator MAGNUSON's bill has been considered by the committee, it does have 65 cosponsors, and in my opinion it is one way to bring about a change in line with the times. I give the Senator credit for what he has been trying to achieve, especially on his own, in this field for the last quarter of a century, though I do not expect the Senate will give it the attention it deserves.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Arkansas, without losing my right to the floor.

Mr. FULBRIGHT. Mr. President, I cannot let pass a comment a moment ago that I do not think the Senator from Mississippi intended, for I am sure that neither he nor I nor anyone is alleging any conspiracy or anything against the rules.

I think both sides, of course, have been fully interested in this matter, and have taken full advantage of the rules as they see them. Being intensely interested, of course, they naturally would do that.

I do wish to comment that it is hard for me to think of a case in which the Senator from Mississippi has not had his way. He said he did not always get his way. I began to think about that, and I cannot recall from memory any instance in which he has not had his way.

Likewise for the Senator from Washington. I have the greatest admiration for both these Senators. I have always envied the Senator from Washington and the Senator from Mississippi for the way they seem to be able to get everything their constituents could possibly imagine could be in their interest.

This has been going on for a very long time, and I have had nothing but envy and admiration for the Senators' capacity and ability. But this is a different case, and I think the Senator from Wisconsin has correctly analyzed the significance of this particular issue. It is not directly—certainly I do not consider it such—a matter for the benefit of the Senator from Washington, the Senator's constituents, or anyone else. This is a national issue, quite different from the things I had in mind when kidding the Senator from Washington about such projects as dams on the Columbia River. All of us, of course, have an interest in public works programs within our States. Unlike those, this is a national issue.

This understanding we have been discussing is based on the assumption that we have the same conferees on this bill the next time. So I ask the Senator from Wisconsin what happens if there are different conferees? Would not that mean that all he has undertaken to establish here would be nullified?

Mr. PROXMIRE. There is no way we can protect against that, to my knowledge. The acting chairman of the Appropriations Committee could perhaps make a statement on that. I do not think that it is necessary. I think there is every likelihood that we will have the same makeup of the subcommittees. These subcommittees are pretty stable. I have been on the Appropriations Committee now for 7 years; and I think it would be very unlikely that all the members would get off and an entirely new set of members come in.

If that did happen, then I think we would have a weapon left, which is, of course, the same weapon we have right now. This continuing resolution expires on March 31, and we will be up against the gun.

Mr. FULBRIGHT. The reason I raise the question is because the Senator has already called attention to one of the traditions of the Senate, that the majority of the conferees should be in accord with the Senate's position. If they are not the same, I am raising no point that they should not be; I am just raising the point that the present Members have had very explicit understandings. I accept that with the greatest good faith. But if the conferees are different, it seems to me the understanding ought to be that they would be in accord with the traditions and rules the Senator has already stated, that is, that the majority would be in favor of the Senate's position.

Mr. PROXMIRE. That is important. We did not press that at the time it came up; so we were perhaps as delinquent as the others. It was in our interest to press that rule, and we did not.

However, even if the conferees were in favor of the Senate's position, it is possible that the SST could be continued without going back for a vote. There are all kinds of SST opponents, including some who might feel differently on some kind of extension of the SST.

Mr. FULBRIGHT. The Senator raised that point. I just thought possibly some of these Senators, after these long and time-consuming experiences, may not want to be on this conference. I would not blame them. One would not go out seeking to be on a conference as controversial as this. They very well may have other matters of more importance. I was just anticipating this, because the Senator mentioned that rule, which I had also thought was the practice of the Senate.

I would hope that would be implicit, at least, in these understandings, but if there should be new conferees, they should be in accord with that rule.

Mr. PROXMIRE. That is right. And again, we want to avoid any necessity, in our feelings, to go ahead after March 30 and delay action on the whole transportation bill until April and beyond; we want to avoid that at all costs. But if we are driven to the wall, and feel we have been treated very unfairly, and so on, we might well do that.

Mr. FULBRIGHT. I want to make clear that my interest, and I believe of the Senator from Wisconsin, is not to force the Senate to do anything other than to have a clear opportunity to vote on these matters, up or down. That is the only objective the Senator from Wisconsin has had, I believe, and it is certainly my own objective. I am not so interested in this matter that I would want to filibuster forever to try to force an issue which I thought was against the will of the Senate. It was simply to carry out the will of the Senate that all of this has taken place.

Mr. PROXMIRE. Mr. President, I yield to the Senator from Louisiana, without relinquishing my right to the floor.

Mr. ELLENDER. Mr. President, I do not believe there will be any change on the subcommittees, except that the Senator from Montana (Mr. MANSFIELD) has asked to be relieved from being on that committee, so that the Senator from Wisconsin can get on the committee, and as far as I am concerned, I shall be glad to concur with that, if I am still acting as chairman.

I shall be anxious to have the distinguished Senator from Wisconsin on that committee—that is, the conference committee—so that he can see for himself what he is up against when he meets with the House Members.

Mr. PROXMIRE. I thank the distinguished chairman of the Appropriations Committee.

Mr. STENNIS. Mr. President, if the Senator will yield to me, I want to make clear that I have no intentions of trying to leave the subcommittee—not according to anything I know now—but I think the Senator from Wisconsin is eminently correct in not trying to push this thing farther than just to obtain the expression by some individual Senators as to what they would do. I think if we get beyond that, it is transgressing on the other Members and on the Senate in its functioning power. I just thought maybe next time this matter must go before the full committee, anyway, this continuing resolution, instead of a subcommittee. It has gotten to be such a mountain of controversy that maybe the full committee would want to consider the continuing resolution originally. I have not mentioned that to anyone; it just occurred to me.

Mr. ELLENDER. They now come before the full committee.

Mr. STENNIS. That is correct. It will go before the full committee first.

Mr. PROXMIRE. I yield to my colleague from Wisconsin.

Mr. NELSON. Mr. President, first, I want to commend my distinguished colleague from Wisconsin, who initiated the fight over the issue several years ago and fought a lovely battle with, as I recall, only 15 to 22 Members of the Senate supporting his position. He is to be commended for his persistence on this issue and the effectiveness with which he has debated it.

I know that the two distinguished Senators from Washington as well as the other proponents of the SST in this body have supported it on the merits, in their conviction, that it is a sound enterprise for the United States, and that their conviction that they are correct is as strong as our conviction on our side of the issue.

I should like to mention one thing that I think Congress and the country will have to address itself to, which is peripheral to the issue before us. The Boeing Corp. has gone from 101,600 employees about 2 years ago down to some 46,000 now. I note that it is estimated that just in the normal course, without regard to what happens with the SST, Boeing's employment level will drop to somewhere around 35,000; and that if the SST were defeated, it would drop another 5,000 to 7,000. In any event, without regard to the debate over the SST, Boeing Corp.'s employment has gone from 101,600 people some 2 years ago down to a predicted 35,000.

This is just one example of the kind of rapid replacement of people in jobs in various types of industry that is occurring now and will continue to occur in the future. It is unlike the situation 30, 40, or 50 years ago, when economic, technological, and social change was much slower than it is now. Now we have a situation in which highly trained, highly skilled, highly dedicated, hard-working people, who have a significant contribution to make to the welfare of this country, are being displaced rapidly. Boeing is just one tragic example. There are others all over this country, and we will continue to see them. We have to address ourselves to the problem of how we meet that situation, in which, because of rapid change in this country, we displace hard-working, well trained people, by tens of thousands throughout the country.

Sweden is far ahead of America. Sweden is able to maintain, by its approach to this problem, a level of unemployment that rarely if ever exceeds 1½ percent, because they have planned and worked on this problem.

We cannot continue in this country without developing a program which will involve the Federal Government in depth, without developing a program to be certain that people who want to work, are capable of working and who are needed in this country will have an opportunity for employment. We have circumstances now in which able people, well trained, from Boeing and other corporations around this country, go to the unemployment office and are told, "You don't have the skill, the exact skill, we need, and it will cost the employer too much to train you for the 6 months or 12 months to develop the skill necessary to take this job." In the meantime, we have a college educated man, highly skilled and technically qualified, who nobody is going to train. Who is going to do it? The Government does not do it. The company does not want to assume the cost. So we will run people all the way through a 6-year college course, to reach the level achieved by this displaced person in 6 or 12 months because he has all the previous education necessary and the technical qualification, and he just needs a few more months' training.

We have to address ourselves to this problem, because the tragedy we see going on in Seattle, Wash., and elsewhere around the country is just one of many that will confront us year after year with much more frequency than it ever has in the past.

It used to require 20, 30, or 50 years for some skill to be automated out, giving time for the skill to be replaced by something else. No one I know of ever saw an unemployed blacksmith in this country. We still have one in my hometown. He is not unemployed. But it took 50 years to phase out the horse, and in those periods we did not add to that skill. Now it takes 1, 2, or 3 years. We have never faced that problem before, but we have to face it now.

I want to say, also, that I am personally elated with the whole course of events surrounding this debate. Whether or not either side is absolutely right, nobody can know for some time to come. What I am pleased about is that for the first time in the history of this country we have really addressed ourselves to the serious problem of national priorities, and we have cranked into our decisionmaking, for the first time in the history of this country, an environmental test. Neither of these things has ever happened before. From now on, regardless of the outcome of this debate, regardless of the merits of the position taken by the proponents or the opponents, the fact is that the American public is now demanding that environmental considerations be cranked into the technological, development, and expansion decisions. From now on, that will be part of the politics in this country.

We will never see again in America a campaign such as the campaign of 1968, just 2 years and 3 months ago or less, in which not one of the three candidates considered the environmental question serious enough to justify a major speech or even a minor speech. That was just 2 years and 2 months ago. Now, in every campaign the issue of the status of our environment is going to be in the debate as a major issue, and I think every politician in the country now knows this. That is a healthy development and a necessary development in this country.

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Mr. President, the extension by resolution of the DOT budget to March 30 with the opportunity for both Houses to again vote on SST funding is a commendable solution to a very serious political impasse. Continuing debate for 1 more day to the end of this Congress would not have resolved the issue since it would either force the Senate to vote cloture or the President to call a special session of Congress to fund the operations of the DOT with no absolute guarantee that we would be afforded an opportunity for separate debate and consideration of SST funds. Furthermore, our position has been significantly enhanced by assurances of the majority leader, Mr. MANSFIELD, that should the Senate again reject funding of the SST, he would undertake to the extent of his authority and influence to assure the Senate continued separate consideration of this item should it again be in dispute in conference.

The Senator from Mississippi (Mr. STENNIS) and the Senator from Nevada (Mr. BIBLE) have made similar individual assurances. This quite adequately preserves the rights and interests of the opponents of the SST, who from the beginning, have never insisted on anything more than this exact point.

We have been prepared from the first day of debate to vote without one minute delay on the specific item of SST funding. It is the supporters of the SST who have opposed separate consideration of this issue.

The vote on the SST was the first major crunch in the battle to come between those who believe that quality in American life is more important than development for the sake of development, or exploitation for the sake of exploitation.

The Senate vote is, I think, impressive enough to demonstrate that the environmental issue has come of age, that the people of this Nation are concerned about quality in life, that there is a growing feeling of dismay over our distorted sense of priorities and that after all there is something more to greatness than sheer power, speed, gross national product, and progress for the sake of progress.

The decisive vote on SST funds said all of that and more, too. It signals a dramatic change in the politics of this country.

There will never be another political campaign like the one in 1968 when not one of the three candidates for President considered the environment an issue worthy of a major speech. It is nothing short of remarkable how rapidly this issue has been thrust into the politics, the conversation and the literature of the country.

Furthermore, it is not just a passing fancy. It will not just go away as so many writers and politicians predicted after Earth Day last April 22. It is here to stay because the environment is here, and its quality is measurably and visibly deteriorating at an ever accelerating pace.

There is a growing sense of alarm over what we are doing to the planet and an ever expanding realization that we are tampering with the quality of our lives, as well as the very survival of endless numbers of living species.

Concern over the status of our environment has been developing and spreading across this country among the people for more than a decade now. Finally it flowered in a vast, peaceful public demonstration of concern on Earth Day in April.

Literally tens of millions of people participated, from grade school students to elder citizens in every corner of the Nation. It was not initiated I emphasize, it was not initiated or led by any political faction, economic group or establishment organization. It came from the grassroots. It was unplanned and unorganized except for the selection and announcement of a date and the establishment of an information clearinghouse here in Washington, D.C. The people did the rest in their own way in thousands of schools, colleges, villages and cities across the Nation.

It was a remarkable event that marked a changing point in the politics of the country. A new issue had been born, and it is here to stay.

It is a strange phenomenon that during the whole germinating period of this environmental concern the politicians, the establishment, the press and the media were, for the most part, quite unaware of what was happening.

The debate over the SST will resume when we return in January. We will continue to explore in depth the question of national priorities and the environmental implications of the SST. It is a valuable dialog, long overdue. If it all means what I think it does, that henceforth in this country we intend to crank the environmental test into our decisionmaking and seriously debate the question of national priorities, then we have traveled a long way, indeed.

Mr. MAGNUSON. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. MAGNUSON. I appreciate what the Senator had to say about the unemployment problem in our local area. I think the Senator has pointed out something that will be a problem in his own State in the future. We know that a great amount of pollution comes from the internal combustion engine. I was the author of the first low-emission automobile procurement bill in Congress and the Senator joined me in that, as well as on the question of noise and fumes.

The great State of Wisconsin has 14 manufacturers of leading internal combustion machines going all the way down to the Evinrude outboard motor. There are 25,000 people employed in the manufacture of these machines in Wisconsin alone—80 percent in northern Illinois and Wisconsin. If we get further into this field of pollution, something will have to give. They cannot go ahead making these machines as they are now; they will have to make them differently.

I shall be most concerned with that problem when it arises, as I know it will be of great concern to both Senators from Wisconsin.

About 60 to 80 percent of our air pollution comes from the automobile which, added to other engines such as outboard motors, will demand an answer in the context of what the Senator from Wisconsin has just been saying.

Maybe we can phase out the internal combustion engine. It is not the fellow who is making the machines—the individual workman—that is causing the pollution, of course. This is a problem that will have to be given much thought, especially in Wisconsin, where it will be a real problem unless we can solve it properly. When that problem comes up, I hope none of us has to go through it as we did the SST.

Mr. PROXMIRE. Mr. President, if the Senator will yield, the position my colleague, the gentleman from Wisconsin (Mr. NELSON), has taken on the problems of the internal combustion engine are well known. This is an example of the remarkable courage of my colleague, the gentleman from Wisconsin (Mr. NELSON). There are a large number of jobs in Wisconsin directly related to the internal combustion engine. He was the first Senator, the first public figure to my knowledge, who spoke out, calling for the replacement of the internal combustion engine, which was a remarkable position to take at the time he did it.

He has put his finger on what has been the main reason why the opposition to the SST has picked up. It is not that we worked any harder—we worked hard before—but that the conservation forces in this country, the convictions on the part of so many people about it caught fire. My colleague, the gentleman from Wisconsin (Mr. NELSON), has been out in front demonstrating his real interest in this problem. He has been out there fighting for a long time. He was doing so when he was Governor of Wisconsin, insisting that the limited State budget be devoted in considerable part to increasing funds to combat environmental pollution—this particular fight on which we have made some progress. One reason we have made progress is that we had the conservation groups who were willing to work and work hard with the public, with Congress, and with the news media, to dramatize and disclose the effect of the SST on the environment. Groups like the Sierra Club, the coalition against the SST, the Wilderness Society, the National Wildlife Federation—15 dedicated organizations that began their work in protest of the SST shortly after the vote last year in the Senate of 58 to 22 on the SST. Their work and the work of the conservationists was essential in turning this vote around. We could not have succeeded in this effort without their help. We could not have even come close.

For this I thank Senators FULBRIGHT, NELSON, PERCY, HUGHES, YOUNG of Ohio, CASE, HARRIS, MCGOVERN, MUSKIE, EAGLETON, GOODELL, COOK, BYRD of Virginia, BAYH, and I am sure there were many others.

I especially thank my legislative assistant, Mr. Richard Wegman. He did a marvelous job in preparing the complex material that we have used in our effort. It is a very complicated problem. I do

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not know of anyone on the committee staff or on any Senator's staff who did a more expert and competent job than he did in this case.

I do not say this because the fight is over. It is not finished by any means. But we have made some progress.

Mr. FULBRIGHT. Mr. President, I hope that, while the decision has not been made here, the Senator will consider that it is not to be interpreted as in any way a surrender or defeat.

I believe that, while this decision is being delayed, there is every reason for the Senator from Wisconsin to believe that for the many reasons the Senator has already described he will prevail when this comes up again.

I say this because it is not proper, perhaps, for the Senator to be immodest. I would like to say that I do not think the agreement which has been discussed and entered into as a gentleman's agreement means the defeat of the Senator's objective.

I think it should be characterized otherwise. The Senator has won more than half of the battle. I think he has deferred it.

I am told on good authority—and I believe it is correct—that when the bill comes up for action in March, it cannot be extended as another continuing resolution. The bill must start from the beginning, a new bill on this subject. That again, as a procedural matter, is a further guarantee that the Senate will have an open opportunity to vote on this matter up or down. That is what the Senator sought all along.

He believes, and I think correctly, that when that opportunity comes, the result will be in favor of the position taken by both Senators from Wisconsin.

I congratulate the Senator from Wisconsin again. I do not think that he has waged a losing battle. I think that he has waged a winning battle.

He and his colleague from Wisconsin have made the matter perfectly plain. I do not know of any other Senator who would have had the persistence or the skill to do this.

The Senator has rendered a very great public service to all of the people in the country, and I congratulate him.

Mr. PROXMIRE. I thank the Senator very much.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MILLER. Mr. President, I was going to make a comment with reference to the statement made by the junior Senator from Wisconsin. First, however, I would like to ask the senior Senator from Wisconsin a question with reference to the list of Senators whom he stated had been with him in this fight.

Mr. PROXMIRE. Mr. President, of course the list should include the name of the Senator from Iowa. These were Senators who have spoken on this matter. There were other Senators, as well, who strongly opposed the SST. The Senator from Iowa has been very helpful. Other Senators have been also. Fifty-two Senators voted against the SST. Among those were many who gave us a lot of support in many ways.

It is always risky to mention names. I know that the Senator will understand that this did not mean to be an all-inclusive list of those Senators who supported our fight. The Senator from Iowa has been a wonderful help.

Mr. MILLER. Mr. President, the junior Senator from Wisconsin had something to say about the jobs. This aspect of the SST battle has been the most difficult, I think, of all the problems for those who oppose the SST.

I would like to say to both Senators from Wisconsin that those of us who oppose the continuation of the SST are not heartless and unmindful of the great personal tragedies of the workers and their families involved in the closing out of this project.

I think that this is something that has been going on in Congress, I believe, for the last 2 years, which concerns a proclivity to reduce expenditures, especially in the Defense Department and in the space agency, without enough thought being given to what happens then to the employees and their families.

It has been said that we should not continue on with a project which is not economically sound just for the sake of providing employment.

I think most of us would agree to that as a principle. But that principle is not enough. What we need to do is to go forward and not only adhere to that principle, but adopt another principle, and that is the principle that when there is such an impact on jobs that action by the Congress and the Federal Government is necessary, there should be some kind of a proposal which would enable those industries and individuals affected to have preferential treatment in connection with other types of Government contracts.

If we do not do this, we will have these people moving away and going through a horrible traumatic experience that none of us would like to have to go through.

I believe there is a new proposal that needs to be evolved and probably enunciated by the Congress which would see to it that the Federal Government lives up to its responsibility through its contractual system so as to enable the affected individuals and industries and companies to be assured of a minimal amount of disruption. That minimal amount is going to be substantial enough as it is.

I thank the Senator from Wisconsin.

Mr. NELSON. Mr. President, I just want to respond a bit to the comment of our distinguished colleague, the Senator from Washington (Mr. Magnuson), respecting the question of air pollution and the whole broad question of the implications of taking vigorous action, which we should have done a long time ago, to stem the accelerating spread of pollution in the atmosphere and the waters of the ocean and the world.

The solution to any of these problems is uniform, strict enforcement of the law and expansion of our research.

As to the question of air pollution, it is certainly correct that we are the largest manufacturers of internal combustion engines, nonautomotive, I believe, of any State. We are also the largest producers of the internal combustion engines for automobiles and the largest single employer in my State.

I introduced two amendments. One would remove the internal combustion engines from the marketplace and require the substitution of another source of power for automobiles.

Another, and a more modest one, would provide that internal combustion engines could be manufactured to meet a very low emission standard.

The Public Works Committee adopted the amendment. It became the law and required a very low emission standard from automobiles, a reduction of 90 percent of the pollutants by 1975, with one legal opportunity for an extension for a year under certain circumstances.

If that is accomplished, as I think it can be, then we will have removed something approaching 50 percent of all pollutants going into the air of this country.

Then if we proceed, as the city of Los Angeles already has, over a period of 20 years to establish standards for the control of emissions from stationary sources, we will within a decade be able to remove from the air somewhere around 75 percent to 80 percent or more of all the pollutants now being introduced into the air enveloped around the world. All these things create problems, of course, and involve some expense, too. But I simply say to those who talk about the expense that the cost of abating or substantially abating air pollution is within the means of this country to accomplish from the standpoint of investment and allocation of resources. We are able to do it. We can pay the price, but the price of failing to do it we cannot pay because the ultimate price of failing to do it is a disastrous worldwide pollution of the water, air, and soil of the whole planet, and that is underway now. I shall not go into detail at this time; it has been discussed in this Chamber a number of times before.

I simply point out that the cost of polluting the ocean so that it loses all of its productivity, as it will in another quarter of a century to a half century, is higher than we would pay to stop the majority of the introduction of pollutants into the ocean. The same is true of the air.

What we need to do in addition to expanding our research dramatically to refine pollutants out of the air and water is to expand our research and establish a rather simple standard. That standard is, that as far as air and water pollution are concerned, all polluters, municipalities and industries, shall be required to install that equipment that meets the highest current state of the art in refining pollutants from the air and water. Everybody must be required to install them. Then as we expand our research and develop more sophisticated techniques, the new standard shall become the practical state of the art. In that way, over a period of years, it is possible to substantially enhance the quality of the environment over what it is now.

Mr. President, I conclude by again commending Senator Proxmire from my State, who persisted so long in this fight, and so effectively, and accomplished so much. I am one of those who thinks it is

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the victory of this decade and maybe longer on the issue of environment because for the first time it has involved a major ongoing technological program of worldwide significance, and that is a victory of tremendous proportions, in my judgment.

I commend the Senator for his long persistence in this effort.

Mr. PROXMIRE. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I withdraw my amendment.

The amendment was withdrawn.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on its third reading and passage.

The joint resolution (H.J. Res. 1421) was ordered to be read the third time, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, for the information of the Senate, I wish all Members would remain in the Chamber after the distinguished Senator from Nevada completes a brief statement he is going to make.

Mr. GRIFFIN. Mr. President, will the Senator from Nevada yield to me briefly?

Mr. BIBLE. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator from Nevada has been recognized.

Mr. BIBLE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a summary showing the budget estimates and the House and Senate versions of H.R. 17755, and the rate for operations through March 30, 1971, as established by House Joint Resolution 1421, making further continuing appropriations for the fiscal year 1971.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

Summary of 1971 budget estimates, House and Senate versions of H.R. 17755, and the rate for operations through March 30, 1971, as established by H.J. Res. 1421.

Agency and item (1)	[1] New budget (obligational) authority fiscal year 1970 (2)	Budget estimates of new (obligational) authority fiscal year 1971 (3)	New budget (obligational) authority recommended in House bill (4)	New obligational authority recommended in Senate bill (5)	Rate for operations through Mar. 30, 1971, (H.J. Res. 1421) (6)
TITLE I.—DEPARTMENT OF TRANSPORTATION					
Office of the Secretary:					
Salaries and expenses	$12,541,000	[3] $19,510,000	$17,230,000	$17,840,000	$17,535,000
Transportation planning, research, and development	11,000,000	22,000,000	14,500,000	14,500,000	14,500,000
Grants-in-aid for natural gas pipeline safety		1,000,000		1,000,000	500,000
Consolidation of department headquarters	4,520,000	[3] 4,845,000	4,845,000	4,845,000	4,845,000
Civil supersonic aircraft development	85,000,000	289,965,000	289,965,000		210,000,000
Total, Office of the Secretary	113,061,000	337,320,000	326,540,000	38,185,000	247,380,000
Coast Guard:					
Operating expenses	415,967,258	426,740,000	423,500,000	423,500,000	423,500,000
Appropriations for debt reduction	131,370	137,063	137,063	137,063	137,063
Subtotal, operating expenses	415,835,888	426,602,937	423,362,937	423,362,937	423,362,937
Acquisition, construction, and improvements	67,700,000	100,000,000	90,000,000	100,000,000	94,000,000
Retired pay	58,750,000	64,530,000	64,530,000	64,530,000	64,530,000
Reserve training	27,350,152	10,000,000	25,900,000	25,900,000	25,900,000
Research, development, test, and evaluation	14,500,000	24,000,000	19,500,000	23,000,000	22,500,000
Oil pollution fund (S. Doc. 91–104)		35,000,000		35,000,000	20,000,000
Total, Coast Guard	584,136,040	660,132,937	623,292,937	671,792,937	650,292,937
Federal Aviation Administration:					
Operations	845,647,000	951,885,000	923,885,000	[4] 951,885,000	951,885,000
Facilities and equipment	224,000,000	190,000,000	190,000,000	190,000,000	190,000,000
Research and development	41,280,000	47,500,000	45,000,000	47,500,000	45,000,000
Operation and maintenance, National Capital Airports	10,150,000	10,600,000	10,500,000	10,500,000	10,500,000
Construction, National Capital Airports	1,900,000	11,000,000	4,000,000	4,000,000	4,000,000
Grants-in-aid for airports	50,000,000				
Limitation on obligations		[5] (100,000,000)	(220,000,000)		(250,000,000)
Total, Federal Aviation Administration	1,172,977,000	1,210,985,000	1,173,385,000	1,203,885,000	1,201,385,000
Federal Highway Administration:					
Office of the Administrator, salaries and expenses:					
Appropriation	1,813,183	[6] 525,000	500,000	525,000	512,500
Trust fund limitation (transfer)	(13,865,869)	(14,956,000)	(14,721,000)	(14,826,000)	(14,773,500)
Bureau of Public Roads: Limitation on general expenses	(63,369,913)	[7] (77,913,000)	(68,488,000)	(70,433,000)	(69,460,500)
Federal-aid highways (trust fund—appropriations to liquidate contract authorization)	(4,419,279,000)	(4,360,000,000)	(4,350,340,000)	(4,352,390,000)	(4,351,365,000)
Right-of-way revolving fund (trust fund—appropriation to liquidate contract authorization)	(40,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(35,000,000)
Highway beautification:					
Appropriation	1,100,000	800,000	500,000	500,000	500,000
Appropriation to liquidate contract authorization	(5,000,000)	(20,000,000)	(16,500,000)	(16,500,000)	(16,500,000)
Limitation on obligations	(16,100,000)	[8] (8,552,000)	(5,500,000)		(8,500,000)
Motor carrier safety	2,510,301	4,118,000	3,443,000	3,718,000	3,580,500
Forest highways:					
Appropriation to liquidate contract authorization	(25,000,000)	(20,000,000)	(15,000,000)	(20,000,000)	(17,500,000)
Limitation on obligations	(18,000,000)	[8] (33,000,000)	(22,500,000)	(33,000,000)	(27,750,000)
Public lands highways:					
Appropriation to liquidate contract authorization	(7,000,000)	(15,000,000)	(13,000,000)	(15,000,000)	(14,000,000)
Limitation on obligations	(8,000,000)	[8] (16,000,000)	(10,000,000)	(16,000,000)	(13,000,000)
Chamizal Memorial Highway	4,000,000				
Total Federal Highway Administration	9,423,484	5,443,000	4,443,000	4,743,000	4,593,000
National Highway Safety Bureau:					
Traffic and highway safety:					
Appropriation	30,171,665	[10] 53,075,000	40,435,000	47,601,000	42,935,000
By transfer	(2,071,221)	(2,611,000)	(2,611,000)	(2,611,000)	(2,611,000)
State and community highway safety:					
Appropriation to liquidate contract authorization	(30,000,000)	(61,000,000)	(51,000,000)	(51,000,000)	(51,000,000)
Limitation on obligations	(70,000,000)	[8] (80,000,000)	(70,000,000)	(80,000,000)	(75,000,000)
Total, National Highway Safety Bureau	30,171,665	53,075,000	40,435,000	47,601,000	42,935,000
Federal Railroad Administration:					
Office of the Administrator, salaries and expenses	1,135,000	1,600,000	1,395,000	1,395,000	1,395,000
Bureau of Railroad Safety	4,333,000	4,550,000	4,500,000	4,500,000	4,500,000
High-speed ground transportation research and development	11,000,000	21,688,000	([9])	21,688,000	18,000,000
Railroad research	300,000	1,500,000	900,000	1,005,000	950,000
Total, Federal Railroad Administration	16,768,000	29,338,000	6,795,000	28,588,000	24,845,000

See footnotes at end of table.

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Agency and item (1)	[1] New budget (obligational) authority fiscal year 1970 (2)	Budget estimates of new (obligational) authority fiscal year 1971 (3)	New budget (obligational) authority recommended in House bill (4)	New obligational authority recommended in Senate bill (5)	Rate for operations through Mar. 30, 1971, (H.J. Res. 1421) (6)
TITLE I.—DEPARTMENT OF TRANSPORTATION—Continued					
Urban Mass Transportation Administration:					
Salaries and expenses	$1,600,000	$4,000,000	$3,200,000	$3,450,000	$3,325,000
Research, development, and demonstration				20,000,000	6,000,000
Urban mass transportation fund	[11] 214,000,000				
Limitation on commitments		[8] (850,000,000)	(214,000,000)		(600,000,000)
Total, Urban Mass Transportation Administration	215,600,000	4,000,000	3,200,000	23,450,000	9,325,000
St. Lawrence Seaway Development Corporation: Limitation on administration expenses	(652,000)	(700,000)	(700,000)	(700,000)	(700,000
Total, title I, Department of Transportation	2,142,137,189	2,300,293,937	2,178,090,937	2,018,244,937	2,180,755,937
TITLE II.—RELATED AGENCIES					
National Transportation Safety Board: Salaries and expenses	5,478,474	6,120,000	6,000,000	6,000,000	6,000,000
Civil Aeronautics Board:					
Salaries and expenses	11,395,100	11,134,000	11,134,000	11,134,000	11,134,000
Payments to air carriers	33,500,000	27,327,000	27,327,000	58,300,000	50,000,000
Total, Civil Aeronautics Board	44,895,100	38,461,000	38,461,000	69,434,000	61,134,000
Interstate Commerce Commission:					
Salaries and expenses	27,742,660	25,600,000	27,000,000	27,000,000	27,000,000
Payment of loan guarantees (S. Doc. 95)		3,313,500		3,216,668	3,216,668
Total, Interstate Commerce Commission	27,742,660	28,913,500	27,000,000	30,216,668	30,216,668
Washington Metropolitan Area Transit Authority: Federal contribution	126,112,000	[12] 368,039,000	[13] 330,028,000	[13] 330,028,000	330,028,000
Total, title II, related agencies	204,228,234	441,533,500	401,489,000	435,678,668	427,378,668
Total, titles I and II, new budget (obligational) authority	2,346,365,423	2,741,827,437	2,579,579,937	2,453,923,605	2,608,134,605
Consisting of—					
Appropriations:					
Fiscal year 1970	(2,132,365,423)				
Fiscal year 1971	(214,000,000)	(2,553,816,437)	(2,429,579,937)	(2,303,923,605)	(2,458,134,605)
Fiscal year 1972		(188,011,000)	(150,000,000)	(150,000,000)	(150,000,000)
Memorandums:					
Appropriations to liquidate contract authorizations	(4,526,279,000)	(4,511,000,000)	(4,480,840,000)	(4,489,890,000)	(4,485,365.000)
Appropriation for debt reduction	(131,370)	(137,063)	(137,063)	(137,063)	(137,063)
Grand total	(6,872,775,793)	(7,252,964,500)	(7,060,557,000)	(6,943,950,668)	(7,093,636,668)

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[1] Includes Public Law 91-305 2d supplemental, 1970 $29,585,793 (indefinite appropriations) in title III.

[2] Reflects decrease of $610,000 (H. Doc. 91-333).

[3] Includes $595,000 contained in H. Doc. 91-333.

[4] Includes $28,000,000 increase (S. Doc. 91-103).

[5] No limitation proposed. February 1970 budget document indicated an estimated $220,000,000 obligational level. This estimate was subsequently revised to $100,000,000.

[6] Excludes $2,225,000 considered under "Traffic and highway safety" (H. Doc. 91-333).

[7] Includes $289,000 by transfer from "State and community highway safety" (H. Doc. 91-333)

[8] No limitation proposed.

[9] Deferred; lacks authorization.

[10] Includes $2,225,000 transferred from "Office of the Administrator" (H. Doc. 91-333).

[11] Advance funding for 1971.

[12] Includes $188,011,000 advance for 1972.

[13] Includes $150,000,000 advance for 1972.

Mr. BIBLE. Mr. President, now, with pleasure, I yield the floor.

ORDER OF BUSINESS

Mr. MURPHY and Mr. GRIFFIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for just a moment?

Mr. MURPHY. I am glad to yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

PETITION TO HANOI FROM 26 MILLION AMERICANS

Mr. GRIFFIN. Mr. President, I know those Senators who are still in the Chamber would like to be apprised of the fact that Joseph McCain, the son of Admiral McCain, and the brother of U.S. Navy Lt. Comdr. John S. McCain III, who was a prisoner of war held in North Vietnam, is on the steps of the Capitol with Lt. Robert Fishman, of La Jolla, Calif., who was released by North Vietnam after being held captive for 683 days.

These two gentlemen have for a year been collecting names on a petition to be sent to Hanoi. It is very interesting that some 26 million Americans have so far signed the petition.

On many occasions I have expressed my deep concern regarding the plight of Americans being held prisoner of war in Southeast Asia.

These gentlemen are on the steps of the Capitol to afford Members of the Senate the opportunity to add their names to this petition before it is sent to Hanoi.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the petition which has been signed by 26 million Americans.

There being no objection, the text of the petition was ordered to be printed in the RECORD, as follows:

> To the office of the President of the Democratic Republic of Vietnam:
>
> We the American people request that your nation abide by the terms of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War which requires: (1) a list of all prisoners of war; (2) regular inspection of all POW camps by a neutral intermediary; (3) medical care, adequate food and proper treatment for all prisoners; (4) free flow of mail between prisoners and their families; and (5) all other rights and privileges under the Geneva Convention for all prisoners.

RESIGNATION OF SENATOR MURPHY

Mr. MURPHY. Mr. President, the final legislation of this session has been disposed of, and this is the final session of the Senate at which I shall be honored to serve. It has been a long and difficult session in which many issues and reports have been before us for consideration. It has been complicated by political and parliamentary procedures never before experienced, I am told.

In simpler times, Congress would have been in recess and many of the retiring officeholders would by now have tendered their resignations so that their successors could begin their service.

However, in this session—the first "lame duck" Congress in decades—many issues of overriding importance have remained to be resolved by the incumbent Senators.

Because I determined that I must, in good conscience, vote on those issues, I have chosen to remain as senior Senator from California until all those pending legislative issues were resolved.

Now, at last, the final vote of this session has been taken and the 91st Congress is drawing to a close.

Therefore, because the best interests of the State of California remain pre-

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dominant in my thoughts, I have decided to resign immediately in order to allow my good friend, Gov. Ronald Reagan of California, the opportunity to appoint my successor to serve the remaining days of my term. I have so notified the Governor.

I wish my successor, Mr. Tunney, the very best in his new duties and I hope that both he and Senator Cranston will call on me whenever they feel that I can be of help. When I agree with their senatorial performances, I shall applaud them happily, and, when I feel they are in error, I shall not hesitate to dispute and even be critical. For even though my service in the Senate is now at an end, my commitment to serve the best interests of our great State in every way I can and with all the energies I have continues.

Mr. President, I know that farewells are best when briefly said, but I could not leave this gracious and historic Chamber without taking the opportunity to bid a fond farewell to my colleagues in the Senate. I trust I will always be able to call those with whom I have served my friends.

There are few things dearer than the comradeship of those with whom we have braved the battle and stood the public test. Even with those Senators who have stood on the opposite side of the great issues confronting us, I bid them goodby with the fondness and respect due worthy adversaries. Though our disagreements at times have been sharp, I know I share with them the deeper bond of seeking the best course for America and for all her people.

In retiring from the ranks of active Senators, Mr. President, I do not intend to cease from activity. We will, I hope, be seeing a good deal of each other.

It is my most sincere hope that all of us may in the future continue to work together for the peace, prosperity, and progress of our beloved country.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. CRANSTON. On behalf of all the people of California, Democrats, Republicans, and Independents, because it will serve the interest of all of them, I thank the senior Senator from California for the gracious deed that he has just now performed.

I also want to say to the senior Senator from California (Mr. Murphy), hail but not farewell. I know we will be seeing a lot of each other; and that the Nation and our State will see a lot of you in the days and years ahead. I look forward to continuing the friendly cooperation that you and I have maintained over such a long time. The Senate will miss George Murphy, but not the Nation, because George Murphy will continue to be an important part of the Nation.

Mr. MURPHY. I thank my distinguished colleague.

Mr. President, I ask unanimous consent that my resignation be shown as having taken place at 30 minutes after 1 on January 2. The appointment of my successor is at the desk, having been authorized and sent by the Governor of the State of California. And, believing that all things are now in order, I yield the floor.

Mr. MANSFIELD. Mr. President, would the Senator mind remaining an active Member of the Senate for an additional 7 or 8 minutes?

Mr. MURPHY. I would be most pleased to remain an active Member of the Senate for that time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIGARETTE ADVERTISING

Mr. MOSS. Mr. President, I did not hold out until midnight last night to see the cigarette commercials end. I had an inclination so to do, but four football bowl games and endless cigarette commercials later and my resolve was gone.

There should have been joy in watching the end of a shameful and tragic era when nearly a quarter of a billion dollars a year was spent to induce, cajole, and persuade Americans to court death and disablement from lung cancer, emphysema, and coronary disease through the smoking of cigarettes. But instead of being certain that we are rid of cigarette advertising we may only be seeing a change of media and artful dodging of the intent of the law: that cigarette advertising disappear from television and radio.

Well, Congress, the Federal Trade Commission, the Public Health Service, the American Cancer Society, the Heart Association, the Tuberculosis and Respiratory Diseases Association, the American Medical Association, and all others who have real concern for the health of Americans—who would spare thousands and hundreds of thousands from ill health, loss of work, loss of income, hospitalization, and death—must continue their vigilance and their educational warnings against tobacco.

I ask unanimous consent that an article appearing in the Washington Post on New Year's Day be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE SMOKE CLEARS AT MIDNIGHT, AN ERA ENDS

(By Phil Casey)

(Note.—As of midnight tonight, all TV and radio commercials for cigarettes are banned by federal law, since tobacco has been alleged hazardous to health and because of the apparent statistical relationship between smoking and high death rates from lung cancer, heart disease and emphysema.

(The chances are, though, that the tobacco men won't let up on us. It's expected they'll divert much of the money spent on TV and radio advertising (about $225 million a year) to newspapers, magazines and billboards.

(And there'll still be slogans, though not on the air. They've been around for more than 50 years, helping us to smoke up a storm, and they've done well for the tobacco men. This year, for instance, we smoked about 540 billion cigarettes, an increase of about 11 billion over last year. The slogans have sold us by emphasizing sex, beauty, health, pleasure, humor and, sometimes, taste.)

Oh, there was that great and wrong Old Gold slogan, back in the dear, dead past: "Not a Cough in a Carload," and there was that midget in the bellhop uniform who ran around screaming "Call for Philip Morris."

Those were the days.

The Old Gold slogan is revealing. Even way back then, in the 1920s and 1930s, we were worried about what cigarettes might be doing to us, and Old Gold was out to reassure us. It was said in those days that cigarettes would stunt your growth, but small boys persevered anyway.

Tomorrow, it'll be a different world for us. No longer will all those apparently virile and handsome males and beautiful girls be on our TV screens exuding sex and smoke, and those slogans won't be pounding at us on TV and radio.

And, oh, those slogans, then, and now. They're a part of us.

There was "I'd Walk a Mile for a Camel" and then, of course, there was Lucky Strike, very big on slogans.

Like "Reach for a Lucky Instead of a Sweet," "L.S.M.F.T. (Lucky Strike Means Fine Tobacco)." And when the company changed its package color in World War II and gave up its green ink, it proclaimed, "Lucky Strike Green Has Gone to War."

Later, comedian Fred Allen observed that "Lucky Strike Green went to war and never came back."

Those were relatively innocent days in cigarette advertising. When TV came along, things got sexier. The virile Marlboro man in the cowboy hat, the alluring women puffing away on all brands, but mostly filter cigarettes.

There were women saying "Blow some my way." and the Silva Thins commercials, which featured a man who preferred cigarettes to women and was forever deserting girls for a smoke. "Cigarettes are like girls," a voice would say, "The best ones are thin and rich."

Virginia Slims had that old-fashioned woman caught smoking in the cellar by her husband and sent to her room, and then that modern girl who smoked with abandon. And that women's lib jingle: "You've come a long way, baby."

And who will ever forget that perhaps most irritating of all commercial slogans: "Winstons taste good, like a cigarette should."

We may be in for culture shock without those jingles. For years we've been going around humming them unconsciously, and we may miss all that banality.

In Thomas Whiteside's recent New Yorker magazine piece, "Annals of Advertising," he quotes Mary Wells Lawrence, head of Wells, Rich, Greene, which handled the campaign for Benson & Hedges 100s. This was the ad showing men getting their long cigarettes stuck in elevator doors or burning holes in newspapers. The episodes were funny and brief.

Mrs. Lawrence told Whiteside how she thought of her ad campaign; the new, longer cigarette was "an elegant, classy product, tied in with affluence, appealing to mass buyers between 20 and 40 who are slightly higher in education than most, and more sophisticated—people who've seen their supermarkets turn into the Folies-Bergeres, people who are used to being entertained, people who are winner-oriented."

She must have known what she was doing, for Whiteside notes that sales of the 100s rose from 1.6 billion cigarettes in 1966 to 14.4 billion in 1970.

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The TV and radio cigarette commercials constantly appealed to people's desire to be cool, urbane, clever, sexy, young and "in." They tried to make smoking seem the thing to do. And they succeeded.

Cigarette consumption jumped when TV came along, although it had been increasing steadily since 1880, when cigarette-making machinery was introduced.

In 1880, one billion cigarettes were produced for a population of about 50 million. In 1970, cigarette production was 500 times greater for a population that was only four times greater. In other words, only four times as many people were smoking more than 125 times more cigarettes.

And how it all happened isn't clear. It can't all be blamed on television and radio, for we were smoking wildly in the 1920s, when only newspapers, magazines and billboards were urging us to smoke. There seems no doubt that TV and radio gave us more inspiration to smoke, but our cigarette consumption doubled between 1920 and 1930 and doubled again by the late 1940s, before TV got a chance to spur us on.

We're smoking at an all-time high now and it is assumed that the tobacco men will try to keep us turned on. They are expected to sponsor sporting events in which the names of their products will appear on TV and radio. These could include auto races, bowling tournaments, golf and tennis matches, and possibly football, baseball and other events.

But, the hope of the anti-smoking groups is that the death of TV and radio commercials will reduce the number of young people who take up smoking and make it easier for smokers to quit and avoid all those diseases. The tobacco men, still contending their products has not been proved harmful, cite increased cigarette consumption in England, Italy and other countries where cigarette commercials also are banned.

We'll probably be seeing far fewer anti-smoking commercials, since the TV and radio stations will no longer have to carry them, but all three networks and many stations say they plan to continue carrying some of these.

And there's this: two court actions could change the situation. In one, owners of six radio stations have asked a federal court to declare the law banning cigarette commercials unconstitutional.

The other, filed by the cigarette industry, claims that the same "fairness doctrine" that brought antismoking messages should, in the absence of cigarette commercials, require pro-smoking messages to answer the anti-smoking messages. The Federal Communications Commission disagreed, but the industry has appealed to a federal court.

What did TV do to us, and what was the appeal of the TV commercials that hammered at us? What sort of culture did they reflect?

Richard J. Lord, a New York advertising man who used to work on cigarette accounts, says the key media word is "association." The commercials emphasized "pretty girls, scenery, masculinity," appealing to everyone, and they wanted to be "with it."

"When I started, back around 1956, the market was the 18- to 35-year-olds," he said, "and you didn't see many people over 25 in the TV commercials. Then the market shifted. The cigarette companies decided they didn't want to show people too young smoking. So after that you didn't see many people under 25 in the commercials."

"You always have girls," he said. "The only one I can think of offhand that did without them was Marlboro, with their Marlboro man," aimed specifically at the masculine audience.

Lord, who is president of Lord, Geller, Federico and Partners, gave up selling cigarettes long ago and has done TV commercials at cost for the American Cancer Society. But while he was on cigarettes, he did such slogans as "Kent is the Answer" and a "Hint of Mint" for Newport cigarettes.

The William Esty Co., Inc., known as "the cigarette agency" in the advertising world had the accounts for Winston, Salem and Doral. An official there said he couldn't talk about the accounts because the R. J. Reynolds Tobacco Company had asked that all calls be referred to the company's public relations department.

But Lord can talk, and does. He sees, as we all do, that TV commercials encouraged smoking by making it look like the thing to do. Children grew up wanting to become old enough to smoke.

"What was the motivation for a 10-year-old to want to smoke?" he asked. "It was to have pleasure, to be in and be with it."

The cigarette admen hit us from all sides, even way back when it all began.

Camel outdid even Old Gold on the health kick. In 1921, a billboard near the newsstand at 43d street and Broadway showed a handsome man in a tuxedo and flanked by a beautiful woman, and the sign proclaimed:

"For Digestion's Sake Smoke Camels."

After World War II, and not long before the Surgeon General's report on the effects of tobacco smoke on tissues from lips to lungs, Camel advised us, for our health and comfort's sake, to smoke its product for the benefit of our "T-Zone." Advertisements showed "T's" superimposed on smokers' portraits, from lips down to lungs.

LAND-GRANT COLLEGE STATUS FOR THE COLLEGE OF THE VIRGIN ISLANDS AND THE UNIVERSITY OF GUAM

Mr. MOSS. Mr. President, I ask unanimous consent to print in the Record at this point a proposed amendment to the International Coffee Agreement which was approved on Thursday.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

H.R. 19567

At the end of the bill add the following:

Sec. 3. The College of the Virgin Islands and the University of Guam shall after the effective date of this Act be considered land-grant colleges established for the benefit of agriculture and mechanic arts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C. 301–305, 307, 308).

Sec. 4. In lieu of extending to the Virgin Islands and Guam those provisions of the Act of July 2, 1862, as amended, supra, relating to donations of public land or land scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated to the Virgin Islands the sum of $714,000 and to Guam the sum of $1,019,000. Amounts appropriated under this section shall be held and considered to have been granted to the Virgin Islands and Guam subject to the provisions of that Act applicable to the proceeds from the sale of land or land scrip.

Sec. 5. The Act of August 30, 1890, as amended, and the related portion of the Act of March 4, 1907 (26 Stat. 417; 34 Stat. 1281, 1282; 7 U.S.C. 322–326) are further amended—

(1) by striking the words "and Territory" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking the words "and Territories" wherever they appear and substituting in lieu thereof the words ', Puerto Rico, the Virgin Islands, and Guam";

(3) by striking the words "or Territory" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, or Guam";

(4) by striking the words "or Territories" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, or Guam"; and

(5) by striking the words "or Territorial" where they appear.

Sec. 5. Section 22 of the Act of June 29, 1935, as amended (49 Stat. 439; 7 U.S.C. 329), is further amended—

(1) by striking the words "and Puerto Rico" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking the figure "$7,800,000" and substituting in lieu thereof the figure "$8,100,000"; and

(3) by striking the figure "$4,320,000" and substituting in lieu thereof the figure "$4,324,000".

Sec. 6. The Act of March 4, 1940 (54 Stat. 39; 7 U.S.C. 331), is amended—

(1) by striking the words "and Territories" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, and Guam";

(2) by striking the words "or Territories" wherever they appear and substituting in lieu thereof the words ", Puerto Rico, the Virgin Islands, or Guam"; and

(3) by striking the word "State" wherever it appears in the third proviso of that Act and substituting in lieu thereof the words "State, Puerto Rico, the Virgin Islands, or Guam".

Sec. 6. Section 207 of the Agricultural Marketing Act of 1946 (60 Stat. 1091; 7 U.S.C. 1626), is amended by striking the period at the end of the section and adding the following words: ", and the term 'State' when used in this title shall include the Virgin Islands and Guam."

Sec. 7. Section 3 of the Act of May 8, 1914, as amended (38 Stat. 373; 7 U.S.C. 343), is further amended by redesignating subsection (b) as paragraph (1) of subsection (b) and adding new paragraphs (2) and (3) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated out of money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.

"(3) Four per centum of the sums appropriated under paragraph (2) for each fiscal year shall be allotted to the Federal Extension Service for administrative, technical, and other services provided by the Service in carrying out the purposes of this section."

Sec. 2. Section 10 of the Act of May 8, 1914, as amended (supra), as added by the Act of October 5, 1962 (76 Stat. 745; 7 U.S.C. 349), is amended by striking the words "and Puerto Rico" and inserting in lieu thereof the words ", Puerto Rico, the Virgin Islands, and Guam".

Sec. 9. Section 4 of the Act of October 10, 1962 (76 Stat. 806; 16 U.S.C. 582a–3), is amended by striking the period at the end of the first sentence thereof and adding the following language: ", except that for the fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement hereof shall not be applicable to the Virgin Islands and Guam, and sums authorized for

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such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research."

SEC. 10. Section 8 of the Act of October 10, 1962 (76 Stat. 807; 16 U.S.C. 582a–7), is amended by striking the period at the end thereof and adding the words ", the Virgin Islands and Guam."

SEC. 11. Section 1 of the Act of March 2, 1887, as amended (7 U.S.C. 361a–361i), is amended by striking the period after the second sentence and adding a comma and the words, "Guam and the Virgin Islands," and deleting "and" between the words "Hawaii and Puerto Rico."

SEC. 12. Section 3 of the Act of March 2, 1887, as amended (7 U.S.C. 361a–361i), is amended by redesignating subsection (b) as paragraph (1) of subsection (b) and adding new paragraphs (2) and (3) to subsection (b) to read as follows:

"(2) There is authorized to be appropriated out of money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands and Guam, $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands and Guam pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this Act, the amount available and budgeted for expenditure by the Virgin Islands and Guam for the purposes of this Act.

"(3) Three per centum of the sums appropriated under paragraph (2) for each fiscal year shall be allotted to the Secretary of Agriculture for administrative, technical and other services provided by the Service in carrying out the purposes of this section."

SEC. 13. With respect to the Virgin Islands and Guam, the enactment of this Act shall be deemed to satisfy any requirement of State consent contained in laws or provisions of law referred to in this Act.

Amend the title so as to read: "An Act to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968, and to constitute the College of the Virgin Islands and the University of Guam land-grant colleges, and for other purposes."

Mr. MOSS. Mr. President, Although I had the amendment at my desk. I did not offer it. To do so would have been futile and would have served no purpose but to dramatize my outrage and frustration by causing the termination of the Coffee Agreement. It could have caused further disruption and failure, but I would not have accomplished the positive good which my amendment represents.

Mr. President, the only areas under the American flag which have schools of higher learning and do not participate in our land-grant college program are the Virgin Islands and Guam.

Early in this Congress the Interior Committee and the Agriculture Committee of the Senate unanimously reported my bill to include the College of Virgin Islands and the University of Guam in the land grant college system which obtains in every State and the District of Columbia. The Senate unanimously passed the bill.

In the House the bill was assigned to the Committee on Agriculture where a subcommittee by a 2 to 2 tie vote refused to report the bill.

Consequently, I offered the bill as an amendment to a House passed bill from Agriculture. The amendment and the House Bill passed the Senate unanimously. But again the Committee on Agriculture intercepted the measure, refused to even consider the amendment and let its own bill die rather than vote on the school bill for the Virgin Islands or Guam.

Rather than kill the Coffee Agreement as well, I have to let the matter die.

This is a matter of public education, a matter of territorial administration, a matter of fair treatment and equity. I shall reintroduce my bill this year.

THE 91ST CONGRESS

Mr. MOSS. Mr. President, we are in our last day of the 91st Congress. It is a time to view our accomplishments, which have been considerable, and to consider our shortcomings which have been many and painful.

Here we are, meeting in 1971 in a Congress which began in January 1970. Surely this is a shameful record. Today we adopt a stopgap continuing resolution on an appropriation for a great Federal Department, and already we are in the last half of the fiscal year for which the appropriation is needed.

Unless we can improve and modernize our rules of procedure and unless we Members of Congress can direct our efforts to the common good in a spirit of cooperation which involves some degree of compromise, our system will die in the frozen web of inaction, delay and futility.

For some reason we shower recognition on those in the minority who strive to stamp their will on the majority. Of course, we expect spirited, hard driving debate. No Senator would be worth his salt if he did not put up a fight for his point of view. And no worthy colleague challenges his motives or good faith. But I say, also, that no Senator is worth his salt when he insists that the majority bow to his will or, like Sampson of old, he will pull down the pillars of the temple and crush us all in the debris.

A citizen who seeks election to a legislative body does so knowing—for surely he must know—that he cannot have his way on every single issue that comes before that body. And he that seeks to stamp his minority view through the use of delay or disruption does a disservice to the parliamentary system. How critical we are of dictatorships and juntas, yet we see similar minority domination practiced in what we are wont to call "the greatest deliberative body in the world." How can we deliberate when we are prevented from reaching a conclusion? "Decide the issue my way or I shall prevent the reaching of a conclusion" is the motto.

So today I feel great disenchantment with the 91st Congress. I'm not sorry to see it end. With all my heart I hope that we can do better—much better—in meeting our Nation's needs and requirements in the 92d Congress. And to do better, we must have better rules of procedure.

Mr. President, I yield the floor.

APPOINTMENT OF FRANK CARLUCCI AS DIRECTOR OF THE OFFICE OF ECONOMIC OPPORTUNITY

Mr. GRIFFIN. Mr. President, the day before yesterday I had a colloquy with the distinguished junior Senator from California (Mr. CRANSTON) concerning the nomination of Mr. Frank Carlucci. At that time, Senator CRANSTON indicated publicly a certain proposal. Because of the indirect nature of the communication, Mr. Carlucci has replied with a letter to me, and I have furnished a copy of the letter to the Senator from California.

I ask unanimous consent that the letter be printed in the RERORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., January 2, 1971.

HON. ROBERT P. GRIFFIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRIFFIN: I am advised that late Thursday evening Senator Cranston indicated that he will remove his objection to my nomination as Director of the Office of Economic Opportunity providing I agree to a specific procedure for deciding the issue.

In response to your request for my comments on Senator Cranston's proposal as to how the Office of Economic Opportunity should proceed in the matter of the California Rural Legal Assistance Program, I am pleased to give you my best judgment.

Regrettably, I do not find myself in a position to accept such an arrangement. In this connection, I am enclosing a copy of a statement which I issued December 31, prior to this latest proposal suggested by Senator Cranston.

While the Senator may feel his proposal is reasonable, the issue is whether a nominee for the Directorship of the Office of Economic Opportunity can or should make an arrangement, even procedural, which could be seen—and in view of the extensive press coverage of his previous positions, would unquestionably be seen—as an exchange for a confirmation. I am advised by my General Counsel that such an arrangement, whether public or private, might make my subsequent decision subject to question, legally, ethically and certainly in the eyes of the public.

The Governor of California has now approved the 30-day grant to CRLA. The representative of the Governor's office is coming to Washington on January 6 to present the evidence to support the Governor's charges against the program. CRLA officials have held lengthy discussions with the Acting Director of Legal Services and will be given additional opportunity to respond to the charges.

I can assure you that, irrespective of what action may be taken on my confirmation, the decision on CRLA will be based on a careful evaluation of the evidence and on a judgment of what is in the best interest of the poor.

I appreciate your support of the Legal Services Program and your interest in this matter.

Sincerely yours,

FRANK CARLUCCI,
Acting Director.

Mr. GRIFFIN. I also ask unanimous consent to have printed in the RECORD a UPI report of the colloquy referred to.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

UPI ACCOUNT

WASHINGTON.—Acting antipoverty Director Frank Carlucci said today he will not bow to "pressure" to override Gov. Ronald Reagan's veto of a $1.8 million legal services grant to remove objections to his appointment by Sen. Alan Cranston, D-Calif.

Carlucci, appointed director of the Office of Economic Opportunity to replace Presidential Counselor Donald Rumsfeld, appeared before the Senate Labor Committee Wednesday.

Cranston, a member of the committee demanded Carlucci use his authority as acting OEO chief before he is confirmed to overrule the California Republican Governor's objections to a 1971 fund grant for the controversial California rural legal assistance agency.

Carlucci said he intended to investigate Reagan's charges the California program violated OEO regulations and failed to serve the poor. He ordered a $139,880 temporary grant for the program for 30 days while he considers the veto.

In a statement issued from OEO headquarters today Carlucci said it "appears that the confirmation of a new director for OEO during this session of Congress depends upon my making judgments on a Governor's veto of one program in his State without having the opportunity to review the evidence."

"I would not be the kind of director the poor deserve to act as their spokesman if I were to start off by yielding to this kind of pressure in order to facilitate by confirmation," Carlucci said.

"I intend to bring the strongest possible leadership to this agency, but I will not act in an arbitrary manner or in a manner inconsistent with the (economic opportunity) act."

Cranston was accused today of trying to force Carlucci to take "illegal" action to win confirmation.

The charge was made on the Senate floor by Senator Robert P. Griffin, R-Mich., who urged Cranston to let the Senate vote on Carlucci's nomination.

Griffin said it would be a violation of Federal law for Carlucci to accede to Cranston's demand.

Griffin rejected Cranston's contention that he had merely asked that Carlucci take some action on the issue—and not that he override the Governor's veto.

"I have at no time asked Mr. Carlucci for any commitment as to what he would do," Cranston said on the Senate floor in response to Griffin's charges.

"I think the message was quite clear to Mr. Carlucci that if he were willing to give an indication as to what decision he would make and would override the veto, he would be confirmed for this post," Griffin replied. "I think that's quite obvious."

The Michigan Republican said Carlucci was placed into "an intolerable" position by Cranston because it was a clear violation of the Federal law to make any advance promise as a condition for getting any Federal office.

"I wish the junior Senator from California had not got up on the Senate floor and taken the position publicly that he has taken," Griffin said.

The Michigan Republican's attack on Cranston came after the question of Carlucci's nomination was brought up by Senator George Murphy, R-Calif., who is serving his last days in Congress.

Murphy said "my good friend and colleague, Mr. Cranston" was blocking Carlucci's nomination even though the 40-year-old Foreign Service officer had "an exemplary" record.

Murphy defended Reagan's veto of the fund for the California Rural Legal Assistant (CRLA) program, saying the Governor had good reasons to do so and that the action was not politically motivated. He said CRLA lawyers had diverted funds intended to provide legal aid to poor families and individuals to "legal reform" programs.

Sens. Edward M. Kennedy, D-Mass., and Walter F. Mondale, D-Minn., came to Cranston's defense, contending that Carlucci had not been "responsive" to their questioning even though he had been told well in advance that he would be asked about Reagan's veto.

In addition to Griffin, Sens. Jacob K. Javits, R-N.Y., and Marlow W. Cook, R-Ky., attacked Cranston's stand and urged him to let Carlucci be confirmed before Congress adjourns.

Javits said it would be "extremely deplorable and regrettable" if the OEO were left without a Director until the next Congress convenes.

Except for Murphy, no one rose to defend Reagan's veto. Even Griffin said he hoped Carlucci would override the veto.

Griffin, noting that he sat on confirmation hearings of judges as a member of the Senate Judiciary Committee, said there were many questions that could be asked a nominee. He said there also were "legitimate pressures" that a Senator could apply to gain his ends.

"But this is not a legitimate pressure," he told Cranston. "This puts him in the position of having to violate the law if he is going to be confirmed in this session."

Cranston said at one point that negotiations for a compromise were underway and that he hoped something could be "worked out."

Carlucci said earlier that he would not bow to "pressure" by Cranston and also announced that he would make a 30-day grant to keep the program going pending a decision of the veto.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

WELFARE REFORM

Mr. LONG. Mr. President, I believe that this year will be the year of welfare reform. I say that as one who struggled for 1 long year with "Moynihan's monstrosity."

Proper welfare reform, Mr. President, would mean that we would begin by taking off the welfare rolls people who have no business being on welfare.

I noticed by the press of yesterday that the number of welfare recipients in Washington, D.C., increased by more than 60 percent this last year. Can you imagine that, Mr. President? An increase of more than 60 percent in the city with the highest per capita income in the entire United States. There is a group of restaurants here which make some nice hamburgers. As you drive toward one of them, you can see a "Help Wanted" sign on it for a mile down the road before you get there. But notwithstanding that, and notwithstanding the fact that we have the highest per capita income in the world in this city, the number of welfare recipients in Washington increased 61 percent last year.

Mr. President, I will make President Nixon a sporting proposition, if he will put the FBI to work on it. I will buy him the finest meal he ever ate in his life if he can show me that that whole 61 precent, or the majority of them, are not drawing at least two, and that 10 percent of them are not drawing at least 10 welfare checks, many of them at the same address. I am not saying by the same name, but I think it is fair to say that some of them are even using the same name.

One could ask, "Why do we do things so absolutely and utterly stupidly?" The only response to that I can think of, Mr. President, is that the road to hell is paved with good intentions. When Lyndon Johnson was President, trying to do the most any President ever did legislatively to help people, he asked that every department send up every idea that anybody could generate—not pass judgment on them, just send them up and let the President pass judgment on whether they appeared to be a good idea. We enacted most of that stuff, and called it a poverty program.

One of the things we did, for example, was to pay a bunch of OEO lawyers to sue the States to make those States put on the welfare rolls people who had no right whatever to be there.

Just the other day, a lady walked into the welfare office in my hometown of Baton Rouge. On her way out of the office, after she had been certified to go on welfare, a little caseworker who passed her on the way out said:

> I am surprised that Susan Jones did not come to see me; I thought I was taking care of her.

The other caseworker who had certified her said:

> Her name is not Susan Jones; her name is Rachel Smith.

So they went to the address of the recipient, and they found out that right to that same address they were already mailing four welfare checks, and getting ready to mail the fifth one.

As a deathbed request, our good friend Wilbur Cohen told the States they had to test our putting people on welfare based only on their own certification of need, without the first word of inquiry as to whether they were qualified, deserving, or anything else.

The States did not want to do that. Some of them are even in violation of that Federal mandate, and still trying to investigate their cases to see that they are not paying their money out to people who do not belong there; but some of them have chosen to go along with all this.

Every one of the mistakes of the present welfare mess would have been "grandfathered in" had we passed Moynihan's monstrosity last year. My only regret for the last year is that I cooperated with the scheme to the extent I did. I applaud the distinguished senior Senator from Delaware for opposing it.

I made my views clear to the President in a meeting earlier this week. So far as I am concerned, if they send that back to us again next year, I am going to fight it as hard as I know how.

So far as the family assistance plan, the FAP, is concerned, I think we ought

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to call it the FLAP. It would more appropriately be called the "FLOP." But it should not be passed.

We should have welfare reform. We should let every person who has any claim at all to the generosity of the Federal Government be on the welfare rolls once, not five times, not 10 times. Once. It would make better sense, than the program they sent us, to put just about everybody in America on the welfare rolls one time.

So, Mr. President, I want to assure the Senate that I will do everything in my power to pass a program that makes commonsense, but not to pass something that, in my judgment, could utterly and completely destroy this country.

There has been some talk about the House's refusal to go to conference on the social security bill that passed the Senate by a vote of 81 to 0. Let us say for the record why the House would not talk to us, and I am here the day after New Year's to explain this to the Senate. The House's failure to meet with us has been excused on the grounds that the Senate bill has complicated amendments. But all the talk about complications in that bill is ridiculous. All one need talk about is whether we are going to pay the 5- or 10-percent increase—or something in between—to the fine old people. The rest of the Senate amendments could be quickly disposed of in conference, either by being accepted or dropped. But the real reason we are not conferring on that bill is because the President wants the chairman of the Ways and Mean Committee to push the FLOP back through the House again, and they do not think they can pass it in the House unless 26 million social security beneficiaries are held hostage.

The 26 million people who desperately need a cost-of-living increase in their social security checks and the 3 million needy aged, blind, and disabled people whose welfare payments would be increased are to be denied their increases because the President is going to try to use them as hostages to send the FLOP back to us. If we pass that FLOP, we will not be deserving of sitting in the Senate, and we will be unworthy of our oaths, when we say we are going to uphold the Constitution and the laws of this country, because this kind of proposal, which encourages people to stay home and produce illegitimate children rather than go to work, is not approved by the people of this country. The more they hear about it, the more they resent it. My mail is 10 to 1 against it.

The people who live among welfare recipients who are on the welfare rolls one, three, five, or even 10 times, under false and fraudulent names, know about this. They bitterly resent paying taxes to finance that kind of program.

I think that the welfare program will be reformed, and I think we will reform it next year. We would not have reformed it if we had passed the FLOP, I can assure the Senate. But I think that next year we can insist that every poor person be accepted, that his income be supplemented, that he be subsidized if need be, but that we will not encourage and subsidize crime, corruption, stealing, falsehoods, and the other kinds of things that happen.

I regret to say that the poverty lawyers are absolutely ridiculous. For example, one case they won held that a mother need not be required to say who she thought the father of her child was when she applied for the welfare money even though the Federal law requires the State to seek to establish paternity of illegitimate children. For all we know, the father might be a millionaire. He might be the president of the largest bank in America. Notwithstanding that, the court requires that we put the woman on welfare to support the child, even though the child may be amply cared for to begin with. That was one of the cases the poverty lawyers won.

Another case they won held that the welfare caseworker cannot go inside the house to see whether the people live there. A young lawyer erected a monument to himself by winning the case. Suppose a lady comes up and says she has 50 children, and the worker says, "Gee, that's a lot of children for one person."

She says, "I work hard at it."

Then you want to see whether 50 children actually live at the house, so you want to go around and see if 50 children are there. For all you know, there may not be any children. If the welfare worker showed up to ask the first simple question, they could insult the caseworker and turn him away if he tried to ask the question as to whether any child actually is in that home. That is another great decision won by the poverty program.

They won another one. Even though the law clearly stipulated that every State could have some kind of duration residency requirement so that it would not have to put all these people on welfare the minute they enter the State, another great landmark decision skirted the law completely and concluded that the States had to do exactly what the Federal law says they do not have to do. That is one more thing that should be corrected in this mess.

Mr. President, if we would insist that needy people be put on the rolls only once, only one time, and in one State or one city, think how much better we could do for those who really need it than we do by spending all this money, subsidizing States for paying welfare to people who should not be entitled to it.

So I would just say, Mr. President, that the welfare program is a mess; it must be reformed. I hope that we will reform it. My only regret is that this year we did not have the first, single word of help from the administration in trying to do the obviously simple thing that should be a part of welfare reform, and that is to quit spending such fabulous amounts of money, paying out billions of dollars to people who have no right whatever to be drawing that money. Instead, the money should be paid to those deserving, needy people who have every right to be and who, indeed, should be the beneficiaries of the Federal Government's largesse.

The Senator from West Virginia (Mr. BYRD) studied this matter some years ago. He found right here in the District of Columbia situations similar to those about which I am talking. I see him nod. He knows that to be correct. He was the object of scorn and calumny for some time, but he prevailed over a period of time in trying to do something about it.

I hope that next year we will succeed not only in doing a lot better for those who are deserving of the Federal Government's assistance, but also doing a lot less for those who have no right whatever to make these demands upon us.

SENATOR FROM CALIFORNIA

Mr. MANSFIELD. Mr. President, I present the certificate of appointment of the Honorable JOHN V. TUNNEY as a Senator from the State of California.

The PRESIDING OFFICER. First, the clerk will read a letter from the former Senator from California.

The legislative clerk read as follows:

JANUARY 2, 1971.

THE VICE PRESIDENT,
Executive Office Building,
Washington, D.C.

DEAR MR. VICE PRESIDENT: I herewith submit to you my resignation as a member of the United States Senate effective as of 1:31 p.m. today.

Sincerely,

GEORGE MURPHY.

The PRESIDING OFFICER (Mr. STEVENSON). The certificate of appointment will be read.

The legislative clerk read as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of California, I, Ronald Reagan, the governor of said State, do hereby appoint John V. Tunney a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the resignation of George Murphy, is filled by election as provided by law.

In Witness Whereof, I have set my hand and caused the Great Seal of the State of California to be affixed hereto this 2nd day of January, 1971.

[SEAL] RONALD REAGAN,
Governor of California.

Attest:

H. P. SULLIVAN,
Secretary of State.

The PRESIDING OFFICER. If the Senator-designate will present himself at the desk, the oath of office will be administered to him.

Mr. TUNNEY of California, escorted by Mr. CRANSTON, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Presiding Officer (Mr. STEVENSON); and he subscribed to the oath in the official oath book.

[Applause, Senators rising.]

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GRIFFIN:

S. 4614. A bill to provide for the establishment of a Council to be known as the National Advisory Council on Migratory Labor; to the Committee on Labor and Public Welfare.

By Mr. YARBOROUGH:

S. 4615. A bill to establish a Federal Fair Campaign Practices Commission, and for

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other purposes; to the Committee on Rules and Administration.

(The remarks of Mr. YARBOROUGH when he introduced the bill appear below under the appropriate heading.)

By Mr. GRIFFIN:

S. 4616. A bill to provide that no regular appropriation act for a fiscal year shall become effective until enactment of the last regular appropriation act for that year; to the Committee on Government Operations, by unanimous consent.

(The remarks of Mr. GRIFFIN when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

S. 4615—INTRODUCTION OF THE "FEDERAL FAIR CAMPAIGN PRACTICES ACT OF 1970"

Mr. YARBOROUGH. Mr. President, I offer for appropriate reference a bill to create a Federal Fair Campaign Practices Commission. I delayed the introduction of this bill until after the general election to eliminate any possible inference of motivation to influence campaigns in progress. Obviously, it is too late for action in this Congress, but I offer this proposal with the hope that the 92d Congress will make it one of their prime legislative objectives.

I offer this bill out of an alarmed concern for the stability of our elective process. This concern springs from many sources, including the general election campaigns of 1970.

Mr. President, it has been obvious to the commentators and press covering the campaigns of 1970 and it has been obvious to us, that in far too many instances these campaigns were conducted at the lowest ethical denominator since the early 1950's. Too many were designed to appeal to the baser instincts of man, to resurrect the tactics of guilt by association and innuendo, and to inflame the emotions of the electorate by distorting the record of the opposition or the meaning of that record.

Too often in the past we have seen good and honorable men beaten by such tactics, but after the campaigns ended we generally shrugged away our disgust in the assumption that politics will always be that way. Our lack of indignation and our inaction served only to embolden those who have no moral or ethical restraint about what they do to secure the power and prestige of office.

Tragically, the recent turmoil and conflicts within our society have presented such candidates with unusual opportunities to exploit the fears and doubts of our people. Instead of speaking the voice of reconciliation, which our Nation so desperately needs, these candidates have spoken the voice of division, seeking instead to exacerbate the gashes in the American psyche.

Mr. President, there will probably always be some degree of unethical campaigning; it is impossible to legislate away completely all political improprieties. The right of free speech, particularly in election campaigns, is at the foundation of our representative system and any effort to deal with campaign abuses must not encroach upon on that right. A candidate must have the unencumbered right to inform the electorate about himself or about his opponent, because an informed electorate is the cornerstone of a democratic society. But this right is founded upon a responsibility, the responsibility to disseminate only the truth, unfettered by innuendos, demagoguery, distortions, and half truths. When candidates engage in the latter, and are successful, we justify the cynical conclusion of Nikolai Lenin when, in speaking of democratic peoples, he said that—

> People always have been and they always will be stupid victims of deceit and self-deception in politics.

We, who are candidates and officeholders must take the lead in setting high ethical standards of campaigning if we are going to put the lie to Lenin's disparagement of democracy. The Senate exercised that kind of leadership in another era of low-road campaigning. In 1951, it investigated charges against John Marshall Butler arising out of his bitter campaign of 1950 against the late Senator Millard Tydings. Although the bipartisan committee investigating the charges of defamation declined to take the drastic step of unseating Senator Butler, it did unanimously state that—

> We vigorously denounce such acts and conduct and recommend a study looking to the adoption of rules by the Senate which will make acts of defamation, slander, and libel sufficient grounds for presentment to the Senate for the purpose of declaring a Senate seat vacant.

The committee had this further comment about the campaign tactics of Mr. Butler:

> Such campaign methods and tactics are destroying our system of free elections and undermine the very foundation of our Government.

Butler had circulated a tabloid entitled, "From the Record," which contained "misleading half-truths and false innuendos" which, as the committee report pointed out, though it may not have employed the "big lie" technique it certainly did employ the "big doubt" technique. It attempted to create the impression that Senator Tydings was disloyal to his country and one of the examples cited in the brochure was the innuendo that he had encouraged Earl Browder, Communist leader, to say that Owen Lattimore and others being investigated by Senator Tydings' Armed Services Committee were not Communists.

This tactic is analogically the same as the ones employed so frequently in the campaigns of this year, for example:

First. A film is shown of the riots and violence at Chicago and Washington with the voice of the candidate accusing his incumbent opponent of "fanning the fire of violent dissent by encouraging demonstrations" and in the same breath asking if we should "tolerate a handful of extremists who are bent on tearing this country apart?"

Second. A newspaper advertisement is run asserting that the electorate should be "shocked" because his opponent "voted against prayer in schools"—referring to the Dirksen amendment—and then asks "Is this the man you want to vote for—a man who votes against prayer?"

Third. A candidate accuses his opponent of "supporting the Vietcong" because he opposed the Vietnam war.

Fourth. Candidates are called radical-liberals in an attempt to associate them with the violent radicals.

Fifth. Candidates are recurringly castigated for permissiveness, which is allegedly responsible for the violence in our society; their loyalty is impugned by innuendo by the assertion that their opposition to the war has aided the Vietcong, and they are made to appear that they oppose all religion by an oversimplification of the Dirksen amendment vote.

Mr. President, these are but a few of the instances of abusive campaigning which afflicted the democratic process this year.

As a result of the pernicious 1950 campaigns, action was taken to upgrade elections. Miss Anna Lord Strauss, a recent president of the League of Women Voters of the United States; Gardner Cowles, publisher of Look, and Palmer Hoyt, editor and publisher of the Denver Post, formed a nucleus for a National Fair Campaign Practices Committee.

Its first action was to adopt the code of fair campaign practices, based upon a draft code from the Senate Subcommittee of Privileges and Elections at the time of its 1951 recommendations. The second step was to prevail on the national leaders of the two major parties, Republican Chairman Leonard W. Hall and Democratic Chairman Stephen A. Mitchell, to join Miss Strauss in a Washington press conference to endorse the code and commend it to their fellow politicians.

Since 1954, the Fair Campaign Practices Committee has tried to do a job within the confines of its function and purpose. As a private, voluntary body, it has no power to go into court and its decisions have no legal sanction. They do not even lay a predicate for legal action. The committee has made a great deal of progress through voter education but the tenor of the campaigns this year make it obvious that we are losing ground at a dangerously rapid rate in the fight against unethical campaign practices. Unless the abusive campaign tactics of this past year are halted, we are going to have bought offices, a bought Congress, a loss of our democratic institutions.

Perhaps one of the reasons for the recent upsurge in abusive campaigning can be traced to the Supreme Court decision in New York Times against Sullivan, which in effect held that a candidate cannot sue a political opponent for libel, even though the opponent has lied about him, unless he also meets the heavy burden of proving that the lies were maliciously uttered. That decision, and others in consonance with it, for all practical purposes eliminate political libel as a restraint upon unethical campaigning.

Mr. President, it is my view that it is urgent that we forthwith give legislative sanction to a commission designed to lead to honest campaigning for Federal office.

The purpose of my bill is to create a commission that will have the staff and means to do an effective job, and will have the power to take judicial action. More importantly, it will be required to

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act within a very short period of time—the hearing examiner must make his recommendations within 4 days after the filing of complaint—except in special situations. This time limitation provision is, I believe, essential to a meaningful law because time is so much of the essence in a hard-hitting campaign.

Obviously, it is difficult to draft any law, much less a comprehensive one, in this complicated, sensitive area. And I will concede at the outset that my proposal could under no stretch of the imagination constitute a panacea. But it is the best approach to a problem that must be dealt with. In the aftermath of the elections of 1970, if we do nothing we will be compounding the disillusionment of so many, young and old alike, with the democratic system. If any think that the degree of disillusionment is insignificant, they are only fooling themselves. The crisis of confidence we hear so much about will become justified if we attempt to look away from this crisis in campaign ethics.

The New York Times made an assessment of the 1950 campaigns which could apply with equal force to this year's election:

> A nightmare of immersion in billingsgate. . . . So complete is the character assassination in some cases that those who reach public office will have lost the confidence of the voters who put them there. The most serious result of all, perhaps, is that if this sort of thing continues, it will become increasingly difficult to get decent men and women to stand for public office because of the unjustified abuse suffered en route.

Mr. President, we must once again surface from the murky waters of billingsgate. This bill is a step in that direction. I ask unanimous consent that the bill be printed in full at this point in the RECORD.

The PRESIDING OFFICER (Mr. STEVENSON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4615) to establish a Federal Fair Campaign Practices Commission, and for other purposes, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Commitee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

S. 4615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Fair Campaign Practices Act of 1970".

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) For the purposes of establishing standards by which the fairness of campaign practices may be judged and regulating unfair campaign practices in order to provide consistent and high standards of ethical conduct in campaigns for nomination for election and election to the Senate, the House of Representatives, and the Presidency there is established a commission to be known as the Federal Fair Campaign Practices Commission (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of 5 members as follows:

(1) 4 members, not more than 2 of whom shall be members of the same political party, appointed by the President by and with the advice and consent of the Senate; and

(2) 1 member chosen by the appointed members, who shall serve as chairman.

(c) Appointed members of the Commission shall serve terms of four years, and the member chosen by the appointed members shall serve a term of two years.

(d) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission, and three members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 3. The Commission shall—

(1) promulgate fair campaign practice standards and guidelines for use in conducting campaigns for election to the House of Representatives, the Senate, the Presidency, or Vice Presidency in accordance with such standards; and

(2) investigate complaints of unfair or unethical campaign practices in accordance with the provisions of section 4 and take appropritae action, except that complaints of unlawful campaign practices shall be referred to the appropriate law enforcement agency.

COMPLAINT PROCEDURE

SEC. 4. (a) Upon receipt of a complaint by a candidate for nomination for election or election to the House of Representatives, the Senate, the Presidency, or the Vice Presidency, or a person authorized by such a candidate, relating to unfair, unethical, or otherwise substandard campaign practices engaged in by such candidate's opponent or by any other person on behalf of such candidate's opponent, the Commission shall notify the person charged with such practice of the complaint and of a hearing on the complaint. The hearing shall be conducted in accordance with the provisions of sections 554 through 557 of title 5, United States Code, within 2 days after the receipt of the complaint by a hearing officer appointed by the Commission. Prior to such hearing the person charged with such practice may admit the practice as charged and enter into an agreement with the Commission to cease and desist from such practice, and, in the event of such agreement, no hearing or further proceedings under this section shall be conducted with respect to the charges made for so long as such person complies with the terms of the agreement.

(b) Within 2 days after such hearing, the hearing officer shall submit his decision, including findings and recommendations, to the Commission and furnish copies of his report to the parties involved in the hearing. Either party may appeal the hearing officer's decision within two days after receiving it. If no appeal is made, the decision of the hearing officer is final. If the hearing officer's decision is appealed, the Commission shall promptly grant a hearing, in accordance with the provisions of section 557 of title 5, United States Code, and, if it finds that the practice complained of is an unfair, unethical, or otherwise substandard campaign practice, shall issue a cease and desist order in the case. Any such order may be enforced, upon request made by the Commission, by the district court of the United States for the district in which the person against whom such order is directed resides, does business, or can be found.

(c) Whenever a decision by a hearing officer becomes final, or a decision is issued by the Commission, the Commission shall cause such decision to be published in a newspaper of general circulation in each congressional district in which the candidate for whose benefit the practice was intended is a candidate for election or nomination.

(d) The Commission may, for good cause shown, extend any period provided under this section for the holding of a hearing after an initial complaint or for appealing a decision of a hearing officer.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) In carrying out its duties under this Act, the Commission shall have the authority conferred upon the Federal Trade Commission by sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50), except that the attendance of any witness shall not be required outside of the State in which he is found, resides, or does business, and the production of evidence may not be required outside of the State in which it is kept.

(b) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power—

(1) to appoint and fix the compensation of such hearing officers, attorneys and other staff personnel as he deems necessary, including an executive director who may be compensated at a rate not in excess of that provided for GS–18 of the General Schedule under section 5332 of title 5, United States Code, and

(2) to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(c) All members, officers, attorneys, and employees of the Commission shall be subject to the provisions of sections 7324 and 7325 of title 5, United States Code, notwithstanding any exemption contained therein.

(d) The Commission shall have an official seal which shall be judicially noticed.

(e) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all of its powers at any other place.

(f) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning its activities, including the names and duties of all individuals employed by it, the complaints received by it and the disposition thereof. The Commission is authorized to make such additional reports on matters within its jurisdiction, together with recommendations for additional legislation, as it may deem appropriate.

COMPENSATION OF MEMBERS

SEC. 6. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(94) Members, Federal Fair Campaign Practices Commission."

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 4616.—INTRODUCTION OF A BILL TO PROVIDE THAT NO REGULAR APPROPRIATION ACT FOR A FISCAL YEAR SHALL BECOME EFFECTIVE UNTIL ENACTMENT OF THE LAST REGULAR APPROPRIATION ACT FOR THAT YEAR

Mr. GRIFFIN. Mr. President, I introduce a bill and ask unanimous consent that it be referred to the Committee on Government Operations.

The PRESIDING OFFICER (Mr. STEVENSON). The bill will be received and appropriately referred and, without objection, the bill will be referred to the Committee on Government Operations.

The bill (S. 4616) to provide that no regular appropriation act for a fiscal year shall become effective until enactment of the last regular appropriation act for

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that year, introduced by Mr. GRIFFIN, was received, read twice by its title, and referred to the Committee on Government Operations by unanimous consent.

ADDITIONAL COSPONSOR OF BILLS

S. 817, S. 3183, S. 3589, S. 3883, S. 4591

At the request of the Senator from Michigan (Mr. GRIFFIN), his name was added as an additional cosponsor of the following bills:

S. 817. A bill to provide for strike ballots in certain cases.

S. 3183. A bill to amend the Federal Water Pollution Control Act to provide for the establishment of a national policy and comprehensive national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's estuarine and coastal zone.

S. 3589. A bill to amend the Welfare and Pension Plans Disclosure Act.

S. 3883. A bill to provide financial assistance to improve education in racially impacted areas and to assist school districts to meet special problems incident to desegregation in elementary and secondary schools, and for other purposes.

S. 4591. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion.

SENATE CONCURRENT RESOLUTION 89—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF HOUSE TO SIGN ENROLLED BILLS AND RESOLUTIONS

Mr. SCOTT submitted a concurrent resolution (S. Con. Res. 89) authorizing the President of the Senate and the Speaker of the House to sign enrolled bills and resolutions, which was considered and agreed to.

(The remarks of Mr. SCOTT when he submitted the concurrent resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 505—SUBMISSION OF A RESOLUTION TO PERMIT TELEVISION AND RADIO COVERAGE OF SENATE DEBATES

Mr. GRIFFIN submitted the following resolution (S. Res. 505); which was referred to the Committee on Rules and Administration:

S. RES. 505

Resolved, That (a) the Standing Rules of the Senate are amended by adding at the end thereof the following new rule:

"RULE XLV

"BROADCASTS AND TELECASTS OF SENATE PROCEEDINGS

"The proceedings of the Senate may be broadcast and telecast at such times and under such conditions as may be specified in rules, regulations, or resolutions adopted by the Committee on Rules and Administration."

(b) The second sentence of paragraph 2 of Rule XXXIV of the Standing Rules of the Senate is amended by inserting therein, immediately after the words "radio, wire, wireless", a comma and the word "television".

SENATE RESOLUTION 506—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRESIDENT OF THE SENATE TO MAKE CERTAIN APPOINTMENTS AFTER THE SINE DIE ADJOURNMENT OF THE PRESENT SESSION

Mr. MANSFIELD submitted a resolution (S. Res. 506) authorizing the President of the Senate to make certain appointments after the sine die adjournment of the present session, which was considered and agreed to.

(The remarks of Mr. MANSFIELD when he submitted the resolution apear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 507—SUBMISSION OF A RESOLUTION APPOINTING A COMMITTEE TO NOTIFY THE PRESIDENT CONCERNING THE PROPOSED ADJOURNMENT OF THE SESSION

Mr. MANSFIELD submitted a resolution (S. Res. 507) appointing a committee to notify the President concerning the proposed adjournment of the session, which was considered and agreed to.

(The remarks of Mr. MANSFIELD when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 508—SUBMISSION OF A RESOLUTION TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. SCOTT submitted a resolution (S. Res. 508) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberation of the Senate, which was considered and agreed to.

(The remarks of Mr. SCOTT when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 509—SUBMISSION OF A RESOLUTION TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. KENNEDY submitted a resolution (S. Res. 509) tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

(The remarks of Mr. KENNEDY when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 510—SUBMISSION OF A RESOLUTION TENDERING THE THANKS OF THE SENATE TO THE ACTING PRESIDENT PRO TEMPORE.

Mr. MANSFIELD submitted a resolution (S. Res. 510) tendering the thanks of the Senate to the Acting President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate, which was considered and agreed to.

(The remarks of Mr. MANSFIELD when he submitted the resolution appear later in the RECORD under the appropriate heading.)

ADDITIONAL STATEMENTS OF SENATORS

THE NATIONAL ANTHEM

Mr. MATHIAS. Mr. President, throughout the years, there have been numerous attempts to replace the Star-Spangled Banner as the national anthem of the United States. So it was no surprise to me when I read in a newspaper recently that opera star George London, the Artistic Administrator of the Kennedy Center, has urged that the Star-Spangled Banner be replaced. Mr. London is quoted as saying:

> We are stuck with a pretty bad anthem. I have always wished that we had another national anthem.

He suggested that Julia Ward Howe's Civil War song, the Battle Hymn of the Republic might be a suitable replacement for the Star-Stangled Banner which he contended is difficult for most people to sing.

Mr. President, I do not intend to argue with Mr. London on the musical merits of the Star-Spangled Banner, but I do feel that he is out of tune with the rest of the Nation when he says we are stuck with a bad national anthem. Mr. London's talented and powerful voice has been enjoyed by opera lovers around the world, but he sounds a bit flat to me when he suggests that the national anthem should be chosen solely on the basis of octave and range. His suggestion to replace the Star-Spangled Banner is out of tune with the mood of the Nation. An anthem must be more and the Star-Spangled Banner is and, for Mr. London's benefit, I would like to run through the scales of history to refresh him on the historical background of our national anthem.

The Star-Spangled Banner was written during the bombardment of Fort McHenry in Baltimore during the War of 1812. The United States entered the war for three basic reasons: First, Britain, while blockading French ports, seized American ships trading with France; second, Britain, refusing to recognize naturalization of American sailors, seized 4,000 by 1810 and impressed two-thirds into British servitude; and third, Britain armed Indians who raided western borders of the United States.

On September 13, 1814 and the following day, a British naval squadron, under the command of Admiral Cockburn attempted to capture Baltimore but were stopped by the guns of Fort McHenry from entering Baltimore Harbor. Francis Scott Key witnessed the British bombardment of Fort McHenry from an English ship. It began at 7 a.m. September 13 and lasted, with intermissions, for 25 hours. The British fired over 1,500 shells, each weighing as much as 220 pounds.

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However, they were unable to approach closely to the fort because its defenders had sunk 22 vessels in the channel.

Key wrote the first stanza of the Star-Spangled Banner on the back of an envelope while witnessing the battle. The next day at Indian Queen Inn in Baltimore he wrote out the poem and gave it to his brother-in-law, Judge J. H. Nicholson. Nicholson suggested the tune, Anacreon in Heaven, and had the poem printed on broadsides, two of which survive today. On September 20, the poem appeared in the Baltimore American.

The flag that Key kept watch for till the dawn's early light was made by Mary Young Pickersgill of Baltimore. Her home has been made a national historical landmark. The flag is preserved in the Smithsonian Institution.

The Star-Spangled Banner was ordered played by the military and naval services by President Wilson in 1916, as the Nation prepared to enter World War I. It was designated the national anthem by act of Congress on March 3, 1931. In doing so, the Congress ratified what was in the hearts of the Nation's citizenry.

I made this recitation to point out that the Star-Spangled Banner is more than just a song. It is an epic of the courage of our ancestors during troubled times. Key would not have been in a position to witness the bombardment of Fort McHenry had he not offered himself as a hostage in return for the freedom of a friend who was being held by the British.

So, Mr. President, I am not in harmony with those, like Mr. London, who would replace an epic with a song. As I stated earlier I will not argue the musical merits of the Star-Spangled Banner, but I do submit for inclusion in the RECORD John Philip Sousa's opinion of efforts to replace the Star-Spangled Banner as the national anthem. I urge those who would lobby for a new national anthem to study Sousa's words and the history behind the stanzas of the Star-Spangled Banner. Perhaps this exposure will strike a note of patriotism in their hearts and bring them into concert with those of us who cannot sing but love our national anthem just the same.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE OPINION OF JOHN PHILIP SOUSA CONCERNING THE STAR-SPANGLED BANNER AS THE NATIONAL ANTHEM OF THE UNITED STATES

(Written for the Home of Chief Justice Taney, Frederick, Md.)

Contests to obtain a new National anthem to supplant "The Star-Spangled Banner" should give little worry to those who love the soul-stirring song written by Francis Scott Key.

When I was Director of the United States Marine Band, there was a concerted effort to establish a new National anthem. Because of my position with the Marine Band, I was told that I should do my share by entering the competition. Three very eminent judges considered the contributions of the contestants. I entered the contest, but I didn't get the prize. Some time later I met the author of the poem who was awarded the prize, and he told me that he hadn't sold a copy of his song. What I want to point out is that no matter how distinguished the judges may be, they cannot judge for the people at large.

It is true that James Whitcomb Riley's "America" is quite suitable for an anthem. I wrote the music for this poem. It has been very popular, but it has never once threatened "The Star-Spangled Banner."

There has been at times some criticism that Americans do not know the words of their National anthem. In reply let me ask how many Nations know more than the first few lines of their National song? And what does it matter? It is the spirit of the music that inspires.

There are others who assert that our anthem is not suitable for march music. This is not true. "The Star-Spangled Banner" makes splendid march music. No matter how many critics our anthem may have, none of them can dispute the fact that it was a very satisfactory anthem during the World War and played an enormous part in arousing enthusiasm and patriotism.

It would be as easy to make a stream run uphill as to secure a new National anthem as the result of a prize contest. The only possible chance that we might have a new National anthem would be when the eyes of all Americans are directed toward some particular cause and another genius captures the spirit of the moment in a thrilling song of patriotism. Until that time I do not believe the veneration for Francis Scott Key's anthem will ever be displaced.

TRIBUTE TO SENATOR GORE

Mr. MANSFIELD. Mr. President, as I have risen in recent days to add my farewell to departing colleagues, there was no tribute more difficult to deliver than the one I am about to offer.

ALBERT GORE is my close friend. To be sure, there is much of his character and his capacities that are admired; there is a record of legislative accomplishment that ranks among the greatest ever achieved; there is a man who during his career has become a living symbol of integrity. But for me, knowing him as a friend has been the honor above all others.

I noted that many of our colleagues in the Senate exhibited certain surprise at the three-line entry in the Congressional Directory with which ALBERT GORE has summarized his career. Interestingly, those three lines do suggest the entire story.

They refer first to his family. To his children and wife the dedication and devotion of ALBERT are well known indeed. Next is indicated the 14 years spent as a Member of the House of Representatives. It was there that ALBERT mastered the skills and abilities that brought him success unsurpassed as a legislator. Finally, there is noted his last 18 years in the Senate. And it has been here in the U.S. Senate that ALBERT GORE has reached the pinnacle of his career.

There are occasions—though rare—when a man passes through this Chamber whose outstanding character and talents are formed in such fashion that he is set apart. The contributions of such a man are truly unique. Such a man is ALBERT GORE. Because of him it is a better Senate.

Because of him, too, it is a better Nation. For it was on the most important national issues that ALBERT GORE made his most significant marks. Frankly, I do not know which achievement ALBERT would most prize. His contribution to the matter of East-West relations and a better understanding thereof has been profound. His leadership in behalf of tax reform was absolutely indispensable in bringing relief and equity to those in low- and middle-income groups who had been saddled for too long with the major onus of income taxes.

May I say finally, that not always is a public career distinguished consistently by courage, high principle and deep conviction. ALBERT GORE's career has been an exception in this regard. Though faced often with competing interests and attitudes, the objectives he sought were never sacrificed to the expedient of compromise. For that, succeeding generations of Americans will be forever in his debt. Those generations will know that there are greater personal defeats than those suffered at the polls. There are defeats suffered through the compromise of conviction and belief. ALBERT GORE has never experienced such a defeat and he leaves the Senate a man of unimpeachable principle whose legacy of courage and conviction stand as monuments to this man from Carthage, Tennessee.

Mr. President, I ask unanimous consent that an editorial "The Old Gray Fox of Tennessee" which appeared in the Washington Post in November be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE OLD GRAY FOX OF TENNESSEE

"I called on Vice President John Nance Garner who welcomed me as a Congressman-elect, and offering me a glass of bourbon—which I declined—told me: 'Young man, I never saw a Congressman defeated for something he didn't say and didn't do.'" Well, there was something to that—the advice given young Representative Albert Gore from on high more than 30 years ago when he arrived in Washington. But John Nance Garner, as it turned out, was only the first in a series of Vice Presidents whose admonitions Albert Gore chose to defy. The latest of course has been Vice President Agnew, who labored mightily in Tennessee this year to ensure the defeat of the three-term senator, otherwise known as the Old Gray Fox of Tennessee. And, in the increasingly cornball parlance of the hardfought campaign the old fox was finally "treed." Despite an extraordinary battle and a relatively close result, Senator Gore was defeated by Congressman Brock for re-election Tuesday, after a distinguished 32-year career in Congress.

In those 32 years, and well before Spiro Agnew came upon the scene, there were plenty of other potentates Albert Gore didn't mind taking on—from Tennessee's venerable and formidable Senator Kenneth McKellar (whom he deposed) to Senate Democratic Leader Lyndon Johnson, against whom he once led a memorable revolt. One biographical sketch a while back described Senator Gore, the independent and curiously austere legislator, as "an unclassifiable Democrat whose most familiar habitat is somewhere off the reservation." Over the years—from on *and* off the reservation—his record on the great national issues was impressive—TVA, Dixon-Yates, the oil-depletion allowance and other more abstruse tax matters on which he became expert on the Finance Committee, arms control and disarmament and nuclear affairs generally which he came to be specially skilled at and specially interested in as a consequence of his years on the powerful Joint Committee on Atomic Energy.

If we were to single out any particular actions of Senator Gore's that were likely to

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linger in the minds and memories of Washingtonians among whom he has lived for so many years, we would cite first his courageous—even reckless—refusal to sign the so-called "Southern Manifesto" condemning the Supreme Court's school desegregation decision in 1954. More recently there have been his decisions, taken in full knowledge of the price likely to be paid in this current election, to vote against confirmation of two nominees to the Supreme Court of whom he could not approve and also to resist the congressional effort to override the court in the matter of prayer in the public schools. So you could say it began with one Vice President and ended with another, but—to his credit—no one can say that Albert Gore was finally defeated for things he didn't say or didn't do.

COMPREHENSIVE ALCOHOLISM BILL

Mr. KENNEDY. Mr. President, I am pleased that President Nixon has now signed into law S. 3835, the comprehensive alcoholism bill sponsored by the Senator from Iowa (Mr. Hughes). This legislation will be of tremendous benefit to the more than 50 million Americans whose lives are affected by alcoholism because a family member has this illness. And this major new program against alcoholism is a tribute to the thorough, dedicated, effective work of the bill's sponsor, Senator Hughes.

As chairman of the Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare, Senator Hughes has focused more attention and constructive action on this crippling national problem than ever before in Congress. He held extensive hearings over the last 20 months. He developed a comprehensive program—recognizing that alcoholism is a serious illness which badly needs a far greater commitment of Federal resources and overall priority. And he translated his concern into action, guiding S. 3835 through the Senate and to final passage.

Mr. President, I am privileged to serve on the subcommittee which the Senator from Iowa chairs. I have been tremendously impressed by the depth of his commitment to the problems of alcoholism and drug abuse, by the thoroughness of his efforts in developing facts and proposing responsible programs, and by his steady effort to increase understanding here in the Senate and in the Nation at large about these illnesses.

The Senator's legislative contributions, during just the first 2 years of his term, are remarkable. I commend the Senator for his successful work, one example of which is final enactment of S. 3835.

Mr. President, I also ask unanimous consent that certain remarks prepared by the Senator from Iowa in connection with the signing of S. 3835 be inserted in the Record at this point.

There being no objection, the statement by Senator Hughes was ordered to be printed in the Record, as follows:

Statement by Senator Hughes

Mr. President, I would like at this time to pay tribute to President Nixon for signing into law S. 3835, the most potent and comprehensive legislation in our Nation's history to alleviate the critical problem of alcoholism in America.

Knowing, as I do, how this new law will benefit our entire society—and particularly some 50 million Americans whose lives are directly affected because some family member is afflicted with this deadly illness—I can only think of the familiar saying: "The pen is mighter than the sword."

It seems particularly appropriate that the President has signed this bill in the blessed season of Christmas and the New Year because in this period, more than at any other time of the year, the joyous dream of Christmas and the promise of the New Year are turned into nightmares for many families because of the blight of alcoholism.

On behalf of the millions who know from firsthand experience what alcoholism can mean in terms of human misery, I say: "Thank you, Mr. President."

There are, according to the best estimates now available, over nine million Americans who suffer from alcoholism and severe alcohol dependence.

Dr. Chafitz, the Acting Director of the Division of Alcohol Abuse and Alcoholism in the National Institute of Mental Health, has testified that the figure should probably be as high as 18 million.

If you consider the family members and others affected by the deadly impact of alcoholism, the total is well over 50 million adversely affected.

One out of three arrests in America is for simple public intoxication—a fact which throws an intolerable burden on our system of criminal justice.

The economic waste caused by alcohol abuse has been estimated as high as $7 billion annually.

At least 50 percent of our highway fatalities are connected with problem drinking. So we are talking of at least 25,000 deaths annually—substantially more than the annual fatalities in Vietnam. Problem drinking is involved in some 800,000—I repeat the incredible figure—800,000 auto crashes each year.

As an Academy Award-wining actress put it—a plucky woman who conquered her own alcoholism and had the courage to admit it publicly—"Alcoholism is a plague, an epidemic in our country . . . It is our Nation's disease. Our disregard of it is our Nation's disgrace."

These are the reasons that point up the importance of the stroke of the pen by which President Nixon translated this landmark legislation into law.

The President has stated his preference for "comprehensive" rather than "categorical" legislation in the health field.

With this principle, I am in agreement.

However, as the Advisory Council on Alcoholism to the Secretary of Health, Education and Welfare recommended: "Significant categorical investments in alcoholism-related research, training, demonstration and evaluation (should) be developed and maintained policy should stress the inclusion of adequate attention to problems of alcohol abuse in the planning and development of all Federally supported comprehensive programs for health and human well-being."

In other words, the critical urgency and unique nature of the problem justify the exception in this case.

This legislation represents the combined efforts of many dedicated publics leaders—both in government and in the private sector.

It passed the Senate unanimously. It was modified somewhat by the House and also passed that body unanimously. The Senate accepted the House version and sent it to the President who has now signed it into law.

It deals with subject matter that the Subcommittee on Alcoholism and Narcotics has been studying in depth for 20 months—with testimony from the Administration and with hearings conducted in major cities across the length of the land.

The bill was strongly endorsed by the American Medical Association, the chairman of the Secretary of Health, Education and Welfare's Advisory Council on Alcoholism, the North American Association of Alcoholism, the National Association of State Mental Health Program Directors, the American Public Health Association, and a number of individual citizens of national reputation.

Much credit should go to the Senate Labor and Public Welfare Committee under the chairmanship of Senator Yarborough. Credit should go also to the Senator from Utah (Mr. Moss) and the Senator from New York (Mr. Javits), whose work on alcoholism in previous years and whose assistance in drafting S. 3835 was invaluable, as well as to the Senator from Colorado (Mr. Dominick) and the other members of the subcommittee and parent committee for the magnificent assistance they gave to this cause.

Great credit should also go to Congressman Staggers, Chairman of the Interstate and Foreign Commerce Committee of the House; to Congressman Jarman, Chairman of the Subcommittee on Public Health and Welfare, which handled the bill in the House; and to Congressman Paul Rogers, who has also shown his devout dedication to the task of alleviating the problems of alcoholism; as well as to many other conscientious members of the House.

This has been a classic example of constructive joint action by the two Houses and by the Executive Branch.

We know that we are facing a drug abuse crisis in America today. We also know that alcohol is the most widely abused dangerous drug in our society. The impact of its abuse— in human and economic terms—outstrips the impact of all others.

Here, then, I believe, is an instance in which the Legislative and Executive Branches of our government have worked together constructively to keep faith with the people of the United States.

A TRIBUTE TO SENATOR SPESSARD L. HOLLAND

Mr. GRIFFIN. Mr. President, I wish to join with my colleagues on both sides of the aisle in paying tribute to the distinguished senior Senator from Florida (Mr. Holland) as he prepares to conclude 50 years of service to his State and the Nation.

He leaves the Senate after nearly a quarter of a century in this body.

Senator Holland brought strength and dignity to the Senate, always reflecting reason and calm judgment which are the attributes of enlightened leadership.

In another time and under different circumstances, Edmund Burke wrote:

> A disposition to preserve and an ability to improve, taken together, would be my standard of a statesman.

Our distinguished colleague from Florida has demonstrated those characteristics in many different ways.

His contributions to the Nation's welfare are too vast and wide ranging to be enumerated. As one who is very much interested in improving our electoral system, I want to say a word of praise for Senator Holland for spearheading the drive for the constitutional amendment abolishing the poll tax as a requirement for voting in national elections. That was statesmanship of a high order—coming as it did from a Southerner whose interests, one might expect, would be in a different direction.

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As one rather junior Member of this body, I wish that we might have Senator Holland with us for many more years. At the same time, one can appreciate that he is entitled to retire after so many years of public service.

As one Senator, I am grateful for the opportunity to have served in the same Senate with Senator Holland. I have profited by it and I shall continue to profit from the example he has set for us all. And I wish for him and his charming wife a most rewarding retirement, in serenity, happiness, and good health in their beloved State.

TRIBUTE TO SENATOR DODD

Mr. MANSFIELD. Mr. President, Tom Dodd has served the Senate and the Nation with great distinction. He will be missed.

But a man whose long and varied public career consists of the achievements like those attained by the Senator from Connecticut will never be forgotten. His skill as a prosecutor and investigator led him into diverse areas of expertise where his contributions have been most significant.

I do not know what achievement Tom Dodd prizes most. I do know that he led a courageous fight against tremendous odds to update an antiquated gun control—and I stress the word control—law. He succeeded in the face of some of the most severe pressure ever witnessed on any issue. But it was deep conviction and perseverance of unique proportions that assured Tom's success. Those same abilities attached to all matters that gained his interest.

In the field of foreign affairs, he similarly made his mark. And though we did not always agree personally on the vital security needs of this Nation, I admired Tom for his sincerity and for the articulate and forceful manner with which he urged his views.

Again, I say, the Senate will miss Tom Dodd. He has served faithfully. He has accomplished a great deal. He can be proud.

THE HOUSING AND URBAN DEVELOPMENT ACT OF 1970

Mr. SPARKMAN. Mr. President, during the rush to complete action on the Housing and Urban Development Act of 1970, H.R. 19436, the statement of managers on the part of the House inadvertently omitted an important action of the conferees dealing with the problem of welfare payments to public housing tenants.

In the Housing and Urban Development Act of 1969, the conferees recognized the "growing practice of stretching an inadequate welfare budget by placing in public housing increasing numbers of families who cannot pay even the operating costs of the units they occupy"; and requested the Secretaries of Health, Education, and Welfare and Housing and Urban Development to study the feasibility of "developing a uniform policy concerning the rents which shall be paid in public housing for families whose rents come from public assistance." The results of this study have not yet been made available to the Congress although a preliminary report was submitted to the Congress last month.

This year the Senate included in its bill a provision not contained in the House bill which would have prohibited welfare payments to public housing tenants from being reduced because of rent reductions made possible by new public housing rent provisions. The conferees did not adopt this Senate provision.

Instead, they directed the Secretaries of Housing and Urban Development and Health, Education, and Welfare to report to the Congress the results of the study requested to be undertaken in the 1969 Housing Act. The conferees believe there is an urgent need for a uniform national policy in this area and urge the Health, Education, and Welfare and Housing and Urban Development Secretaries to complete the study quickly and make recommendations so that the Congress may resolve this problem as soon as possible.

In addition, the conferees wish to reemphasize that the 25-percent rent-to-income ratio established by the 1969 Housing Act is intended to be a ceiling on rental levels established by public housing authorities, and that it is not intended that all tenants in public housing pay 25 percent of income for rent.

TFX CONTRACT INVESTIGATION

Mr. DOLE. Mr. President, the report on the TFX military aircraft issued by the Government Operations Permanent Investigations Subcommittee is a startling and profoundly disturbing document. It is startling in its revelations of mismanagement, disregard of patent and convincing facts, disdain for expert and reliable opinion, flouting of established decisionmaking procedures and in its disclosure of ethical irregularities, brazen distortion and misrepresentation of the truth and lack of mere commonsense in the civilian control of our national defense system. The report is disturbing because these disclosures concern the very highest level of policy and decisionmaking in the Department of Defense during most of the past decade.

The TFX project was from the start controversial. Its primary purpose, to provide one aircraft which would fill the dissimilar requirements of the Navy and Air Force, was a highly disputed concept, although its basic appeal in avoiding costly interservice systems, duplication was compelling. Nonetheless, as the report meticulously details, even after the original decision to build the aircraft was made, mistake after error after blunder were compounded to the end that what had started as an endeavor over which reasonable men could differ became a multibillion dollar monument to individual perversity and collective ineptitude. As the report summed it up, mismanagement was the primary cause of the TFX disaster.

FIVE MAJOR MANAGEMENT ERRORS

One's imagination staggers at the seemingly endless catalog of hopelessly incompetent and questionable actions as the TFX program proceeded. The subcommittee cited four principal management errors after the original 1961 decision to undertake the project. It would be difficult to rank them in any order of magnitude, but their chronological sequence is sufficient to make a lasting impression:

The November 1962, choice of the second-best TFX proposal at the higher price.

The February, July, and October 1964, refusals to heed warnings of technical difficulties in the Navy version of the TFX and permit redesign of that plane.

The August 1966, assumption of personal management control of the TFX program by the Office of the Secretary of Defense.

The April–May 1970, decision to continue line production of the obviously deficient F–111–A model.

THE MOST VULNERABLE DECISION

To my mind, the single most indefensible and inexcusable point of the whole record was the choice—in the face of the profound difficulty of realizing the TFX concept as a practical weapons system at the hoped-for cost savings—of the second-best and most costly proposal. Not only is the decision itself open to criticism and condemnation, but the way in which the decision was reached shows an almost unimaginable disregard for and subversion of elemental management principles as well as serious questions of conflict of interest by principal decision-makers.

Standard source selection procedures were followed in the evaluation of proposals submitted by the six contractors who competed for the TFX contract. These procedures began with a special evaluation group made up of Air Force, Navy, and NASA experts which compiled a detailed and exhaustive report on the submitted proposals. This report in turn was examined by a systems source selection board composed of Navy and Air Force personnel. The SSSB's overall analyses and recommendations on the contract award were given to the Air Force Council of Senior Staff Officers which finally submitted its recommendations to the Air Force Chief of Staff and the Chief of Naval Operations. Four times the entire evaluation procedure was set in motion, and four times came back the recommendation that the Boeing Co. be selected as the contractor for the TFX. At no time during these four evaluations was any other company given a positive recommendation, and in the final evaluation Boeing was unanimously recommended for, among other reasons, "superiority in all major aspects of operational capability" and "lower quoted cost."

After a fourfold investigation, expert opinion was unanimous in recommending the contractor it felt could deliver the best plane at the lowest cost. But when the decision came up for ultimate review by the civilian heads of the Defense Department, the decision, reached after 11 months of exhaustive investigation, was summarily reversed, apparently only with a five-page nontechnical memorandum as substantiation or justification, and the contract was awarded

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to General Dynamics Corp. This turnabout was accomplished in slightly more than 2 weeks, without consultation between civilian officials and their senior military advisers or even with other civilians having expertise in the field, and with little communication among those who participated in the decision.

The subcommittee found that the deliberations leading up to reversing the recommendation were "cursory" and that the "efforts in arriving at the decision can best be described as capricious, lacking in depth, and without factual substantiation." The chief criteria which appeared to underlie this reversal were that the Boeing plan insufficiently embodied the concept of "commonality" and that the General Dynamics plan showed superior "cost realism"—even though Air Force revision and correction of the figures for the two bids showed Boeing's proposal to be $416 million below General Dynamics.

A question naturally arises which cannot be resolved by any of the statements or documentation purporting to justify this decision: Why, if Boeing claimed it could make a better aircraft and make it at a lower cost, did the Government not jump at the chance and write a contract holding the company to its representations? In private life or the ordinary conduct of private business, one would naturally take advantage of a bargain. But obviously, after all the talk of saving a billion dollars on the TFX, the firm commitment must have been to rhetoric and jargon rather than to economy, for General Dynamics was not even held to its revised and corrected cost estimates—the ultimate costs of the program will be more than $3.3 billion over those estimates. It is simply inconceivable that a decision of this magnitude could have been made in the first place and that it could be made with so little basis in reason or fact.

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QUESTIONABLE CIRCUMSTANCES

The full set of facts surrounding this decision may never be known. There may indeed have been very good reasons, or there may have been no good reasons. The whole situation is unfortunate enough on its face, but certain facts concerning principal figures in the Defense Department brought to light in the subcommittee's investigation cast even deeper shadows on the whole affair. And these disclosures are the most disturbing, because they involve the very highest-level Department of Defense personnel.

SECRETARY M'NAMARA

Secretary of Defense Robert McNamara was singled out for major criticism, because his was the final authority in the TFX program. And, in addition to the exercise of that final authority he took major initiatives in formulating and insisting upon the TFX concept—especially the "commonality" aspect. And he usurped primary management authority for the project from regular DOD channels as it moved from delay to difficulty to debacle.

Numerous errors in judgment were ascribed to the Secretary in the report, and these constituted the major examples of mismanagement cited. But in all candor it would be difficult to fault a man who took a controversial step and stood by it in hopes of achieving substantial savings in Defense Department procurement of major weapons systems. However, the totality of the Secretary's conduct during the course of the TFX project raises serious questions about his judgment, his sense of propriety and his concept of an administration official's responsibilities to the Congress, the public and the Government which he serves.

Having had a primary role in the TFX project from its very start, Mr. McNamara could be expected to have been a vigorous advocate and persistent proponent of the aircraft. But he went far beyond the bounds inherent in such a role, as the subcommittee showed through numerous examples of the Secretary's testimony before the Senate Armed Services and Appropriations Committees relative to the progress of TFX. One bit of testimony was described as "deliberately deceptive." One termed "a deliberate deception," another labeled "an obvious and artful attempt to avoid telling the truth," and still another called a "deliberate attempt to conceal the truth and to mislead and deceive." These actions would be reprehensible even if committed by a minor aide in the bureacracy. But to have a Secretary of Defense behave in such a fashion before two of the most important and prestigous committees of the Congress is totally inexcusable and without precedent.

I believe the subcommittee clearly framed the issue of secretarial propriety in its report, but perhaps it did not go far enough. After establishing the record, the subcommittee might have taken the next step and called Mr. McNamara to make a full account of his statements and actions. He has certainly not made any attempt to come forward on his own initiative to do so. And it would appear to this Member of the Senate that Mr. McNamara owes a full explanation—if one can be made—to the committees before which he gave testimony, to the Congress as a whole and to the taxpaying American public which no doubt relied on his statements before these committees.

One would suppose Mr. McNamara might wish to clarify or at least attempt to explain his conduct. I am sure many Members of Congress and a large segment of the public are curious to know what light the former head of the Defense Department could shed on these matters. In any event, I believe the record is clear, and the burden now rests on Mr. McNamara to come forward and refute it or accept the conclusions which flow from it.

Mr. McNamara was the highest but by no means the only Defense Department official whose role in the TFX case was singled out by the subcommittee for criticism. Indeed there was a regular Pentagon quintet which throughout the course of the controversy played the major role in propelling the ill-fated aircraft into the depths of total disaster.

DEPUTY SECRETARY GILPATRIC

Second to Mr. McNamara in the Department was Deputy Secretary Roswell Gilpatric. He may have been second in authority, but as the subcommittee disclosed, in the TFX matter, he had one of the foremost cases of conflict of interest that has been exposed in recent Washington history. A Wall Street lawyer, Mr. Gilpatric had had far reaching and substantial contacts with the aircraft industry—and General Dynamics Corp. in particular—and as Deputy Secretary he was a major figure in TFX contract proceedings. Over a significant period Mr. Gilpatric had served as a de facto member of General Dynamics' board of directors, not merely as an occasional adviser or legal specialist. All this in spite of the fact that Mr. Gilpatric was intimately connected with General Dynamics and so fundamentally involved in the decision to grant the TFX contract to the company is damning in and of itself. But the report shows he "deliberately attempted to mislead the subcommittee regarding his relationship with the General Dynamics Corp. As it existed before he accepted the appointment as Deputy Secretary."

The subcommittee's conclusions were simple and clear cut: "He obviously should have disqualified himself from taking any part in the decision." And by not doing so he was "guilty of a flagrant conflict of interest in the TFX award."

SECRETARIES KORTH AND ZUCKERT

The two Secretaries of the services involved in the TFX contract, Navy Secretary Fred Korth and Army Secretary Eugene Zuckert, were also singled out for criticism by the subcommittee: although their roles were less crucial than those of the Secretary of Defense and his deputy. Secretary Korth, because of his association with certain banking interests and an urban area which had a prime interest in the contract award, had a potential conflict of interest in the TFX matter. He apparently played an insignificant role in the decision, but the subcommittee felt it was an impropriety for him not to have formally disqualified himself in the matter, and thus avoid even the appearance of impropriety.

Secretary Zukert assumed the role of principal defender of the TFX award and prepared the only documented justification for the decision. He was not found to have had any conflict of interest in the case, but the subcommittee felt his memorandum did not "appear to be either a sincere or accurate attempt to reflect the secretarial reasons for the award."

ASSISTANT SECRETARY SYLVESTER

Rounding out the Pentagon quintet was a man whose name is nearly synonymous with the term "credibility gap," Assistant Secretary of Defense for Public Affairs Arthur Sylvester. Mr. Sylvester will probably best be remembered for his contribution to the cause of freedom of information in his statement to the effect that the Government had a right to lie to the public. As I recall this remark was made sometime after the Cuban missile crises of 1962, so the caveat was manifest to those dealing with Mr. Sylvester on the TFX issue. While apparently not involved in the contract decision, he was a major figure in the controversy surrounding the TFX as it proceeded to its rendezvous with calamity.

Mr. Sylvester's role appears to have been chief obstructionist and information-suppressor toward all those seeking to determine the actual state of affairs in the TFX program. No clearer portrait of his role could be drawn than on page 72 of the report:

> March 5, 1964.—Assistant Secretary of Defense (Public Affairs) Arthur Sylvester issued instructions on the F-111 to the Air Force and Navy that said, "The aircraft will be described in such a manner as to make it clear that the advanced fighter will meet the requirements of the Air Force's tactical mission, the Navy's carrier-based fighter mission, and the fighter mission of the Marine Corps." This was 3 weeks after the Navy had recommended a halt to production of the F-111B pending submission of a redesigned airplane that would be capable of meeting Navy requirements (p. 422). The reason for the Navy request, of course, was that the F-111B would not meet the Navy's carrier-based fighter mission requirements. This was a clear directive from the Department of Defense to the Air Force and to the Navy to practice deliberate deception on the press and the public by reporting untruthfully so as to conceal the known glaring deficiencies in the airplanes.

In addition to this sort of general distortion of the truth, Mr. Sylvester was the principal Department agitator and antagonist to the Senate subcommittee during the conduct of its investigation. He maligned the motives of the subcommittee in undertaking its inquiry and falsely imputed undue interest in the contract award and unfairness in the conduct of the investigation to members of the subcommittee. He also complained to the press over the conduct of the subcommittee's investigation. Thus Mr. Sylvester, whether acting on directions or his own initiative, was a primary force in much of the controversy surrounding the TFX and the subcommittee's investigation of it—a controversy about which Defense Department officials complained on many occasions.

LARGER QUESTIONS

Mr. President, the report on the TFX is a serious and important document not only for its own disclosures, but for the larger questions it raises about how major decisions were made and vital national defense policy issues resolved during the Kennedy-Johnson-McNamara years. If the TFX is any indication of normal procedures and practices, what conclusions are we to draw about the handling of other great crises and questions in those years?

Did the United States withhold its promised support for the Bay of Pigs invasions merely because Secretary McNamara had a personal whim one morning that maybe the "cost realism" of the venture was not sufficient to justify the risk that freedom might be restored in Cuba?

Did our country go to the brink of nuclear war during the confrontation with Russia over missiles in Cuba on the strength of a five-page memorandum drafted off the top of someone's head?

Was the C-5 cargo aircraft contract awarded to a bidder who, like General Dynamics, had an advocate in the policy-making levels of Mr. McNamara's Department?

And the biggest question of all: Did the United States become hopelessly mired in the Vietnam conflict because jargon-spouting, computer-minded proteges of Secretary McNamara ignored or rejected the counsel of their military advisers? Have tens of thousands of American lives been squandered in Southeast Asia because Secretary McNamara and his underlings were too enamored of "cost effectiveness," "commonality," and "systems analysis" to care about "killed in action," "prisoner of war," or "permanently disabled?"

So, as I mentioned, the TFX case raises many larger and profoundly more disturbing issues which go beyond mere dollars and individual conduct. These issues go to the very heart of our national philosophy and to the mood of our people whose daily lives and destinies are touched, sometimes indelibly so, by the Federal Government.

SENATOR M'CLELLAN

In conclusion, Mr. President, I wish to pay special tribute to the distinguished Senior Senator from Arkansas (Mr. McClellan), who as chairman of the Government Operations Committee has become known throughout the country as the Senate's watchman and guardian of the public interest. His initiation and direction of the permanent investigations subcommittee's inquiry on the TFX is just the latest item on an unparalleled list of achievement during his many years of service in this body.

SENATOR ROBERT C. BYRD PAYS TRIBUTE TO RETIRING SENATORS

Mr. BYRD of West Virginia. Mr. President, having already participated in earlier expressions of tribute to retiring Senators Spessard Holland, John Williams, and Eugene McCarthy, I take the floor on this last day of the 91st Congress to pay tribute to Senators Dodd, Gore, Murphy, Young of Ohio, Yarborough, Goodell, and Tydings.

I first served with Tom Dodd in the House of Representatives, during the 83d and 84th Congresses. Both he and I were elected to that body in 1952. We both served on the House Committee on Foreign Affairs, and we both came to the Senate in that large class of 1958.

Tom Dodd is a congenial, amiable, friendly man, and he is a very able man. He has performed a great service as a member of the Senate Committee on the Judiciary, where we have served together.

He has been a conscientious Senator, and one whose service went beyond the boundaries of his State or region. His has been a supreme dedication to the security of the Nation against subversive elements. His work in the field of drug abuse has been outstanding and, although my viewpoint and his have not concurred with respect to every aspect of gun legislation, he fought for the principles in which he believed and I honor him for this.

Tom Dodd leaves a warm place in the hearts of his colleagues, and I want to wish him and his devoted wife, Grace, health and happiness in the days and years ahead.

Albert Gore is among the best orators I have heard during my 24 years of service in legislative bodies. His is a fine legal mind, and I have always admired him for his forthrightness and his courage. As a member of the Senate Committee on Finance, his contributions to tax legislation and social security legislation have been large. I have not always agreed with him in the positions he has taken, but I have always respected him and admired him. His dedication to principle has been an inspiration to me.

The memory of his friendship will remain with us in all of the years ahead. I hope for him and his wife, Pauline, a long and useful and happy life together.

George Murphy is undoubtedly one of the most affable and likeable men we will ever know. It was not my privilege to serve with him on any committee, but my observations of him on the Senate floor have filled my heart with admiration and respect for him. He has been an active Senator and has participated often in the debates of the Senate. He has never hesitated to take a stand for the high principles to which he is dedicated, and I am sure that, although his service here is at an end, he will continue to work for the good of the Nation and the preservation of the things which have made this a great Republic. My good wishes will follow him.

Steve Young is another of those colleagues who entered the Senate following the election of 1958. I have enjoyed his friendship, and I hope that he will remain in Washington where he will still be close to the Senate and we can continue to see him often. He is tough, yet compassionate, and he has never hesitated to take a stand even though he might stand alone. His has been a distinguished career and a lengthy one, and he has given much to his country not only in Congressional service, but also in the military service.

I wish him well as he departs from among us.

Ralph Yarborough is perhaps the most fluent speaker in this body. I have often said that he could put more words into a period of 60 seconds than could any other Senator. He is noted as a historian, and his capacity for work is almost boundless.

His contributions to legislation with respect to health and education are great, and they reflect the humanitarianism of this man. As a fellow member of the Senate Committee on Appropriations, I have had ample opportunity to observe his dedication, his diligence, and his effectiveness.

I hope that his future years will be rewarding ones and that he will continue to have opportunities to apply his many talents to the betterment of the people.

Charles Goodell has never failed to take a stand, even though he was often in the minority. He has been a hard worker and a full participant in floor debate. He is the kind of man who will go out of his way to defend his fellow man against a wrong. He is courageous, intelligent, and diligent.

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My good wishes will attend him in his future endeavors.

JOE TYDINGS has been a remarkable young Senator. He has been courageous, he has shown himself to be effective, and he has displayed a marvelous capacity for work.

He is a Senator who has never hesitated to indicate where he stood on any given issue, and he has never been afraid to fight for the principles in which he believed.

He is a young man; his past political service has been an inspiring example; and I hope his future years may also be promising and rewarding.

Mr. President, we shall miss these departing colleagues, and I wish for all of them and their wives and families health, happiness in their work, and God's blessings always.

TRIBUTE TO EVELYN DUBROW

Mr. WILLIAMS of New Jersey. Mr. President, it is gratifying indeed to know that one of New Jersey's favorite daughters has received the national recognition we have known so long she highly deserves.

The Ladies Home Journal of January 1971, in an article written by Donald Robinson, chooses a gallery of significant American women. One of the 75 most notable women in the United States chosen by this article is Evelyn Dubrow, legislative representative of the International Garment Workers Union.

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Miss Dubrow brings grace, beauty, and an abiding love for humanity to her work on Capitol Hill. These qualities are supplemented by a fire, zeal, and effective persistence that have made her most notable as a legislative representative working to meet the needs and the best hopes and aspirations of working women and men.

Mr. President, I concur and I know the people of New Jersey concur in the selection of Evelyn Dubrow as one of America's 75 most competent women.

TRIBUTE TO SENATOR JOHN WILLIAMS OF DELAWARE

Mr. GRIFFIN. Mr. President, I share with others a deep feeling of sadness and regret that the service in the Congress of Senator John Williams has come to an end. It is difficult to imagine what the Senate of the United States will be like in January when we return to find that he is not among us—to find that he is not in his customary seat, ever alert and quietly protecting the Nation's interests.

As much as I regret his leaving, still I can understand why he would retire—for, once again, he is doing what he believes is right.

It is impossible to find words to express the esteem and affection I hold for Senator Williams. I could not begin to describe the extent or importance of his distinguished record of service. So far as this Senator is concerned, I am aware of no one in the long history of the Senate who has served the Nation or the people of any State with more devotion, selflessness, and dedication to principle than the great Senator from Delaware.

When he was first elected, one columnist with an utter lack of foresight wrote that John Williams would be out of place in the Senate. As it turned out, John Williams was so out of place that the American Political Science Association selected him in 1959 for its first annual award for distinguished service.

In a 1960 Newsweek Magazine poll, Washington news correspondents selected John Williams as one of the 10 most effective Members of Congress. In December 1969, the Nation's Business magazine paid tribute to him as the "giant" in the Senate.

The record of his service reveals that he often stood alone, or nearly so, in some of the positions he took. But, I am sure that never bothered him at all. As Thoreau once said:

> Public opinion is a weak tyrant compared with our own private opinion. What a man thinks of himself—that it is which determines, or rather indicates, his fate.

As a private citizen, long before I came to Congress, I had heard much about Senator John Williams. For example, I knew of his courageous crusade against those in the hierarchy of the Internal Revenue Service who betrayed the trust they assumed. I marveled then at his persistence—and I still do.

Here in the Senate, he carried on many battles in a calm, quiet, but very effective way. As a result of such efforts, he is often referred to as the Watchdog of the Senate, the Conscience of the Senate, and a 1-man FBI. As apt as those descriptions may be, they represent but a meager description of his great service to the people of the United States.

In a positive way, he supported much legislation designed to improve the life and opportunities of ordinary citizens. At the same time, in an era of spend and spend, he consistently stood like a rock, championing the interests of the most put-upon people of all—the American taxpayers.

As the Senator from Wyoming (Mr. HANSEN) has already observed, it would be impossible to place a dollar sign on the value to the country of John Williams' service as a Member of the Senate. But, even if such a dollar value could be computed, it would be an inadequate, misleading measurement. For his greatest contribution, I believe, was summed up in a recent article with these words:

> Insistence on the highest standards of morality . . . is the essential message Senator Williams has for his country.

When John Williams first came to the Senate back in 1947, I understand he was rather proud of the fact that he was then the youngest grandfather in the Senate. As he leaves he has still another claim to distinction—he is the youngest great grandfather in the Senate.

While his Senate colleagues will miss him very much, they can rejoice in the knowledge that John Williams will have more time to spend with his devoted wife and with a wonderful family: his daughter, Mrs. Blanch Baker; his three granddaughters, Mrs. Janet McCarty, Mrs. Holly Baker, and Miss Lora Baker; and, of course, his great grandson, Michael McCarty.

Several times I have heard John Williams say, in effect:

> I had one career before I came to the Senate. I've had a very rewarding second career in the Senate. And now, I shall look forward to a third career.

What the third career of John Williams may be, I do not know. But of one thing I am certain: He will continue to provide the Nation with an example of integrity and principles.

As John Williams retires, the junior Senator from Michigan hopes there will be many opportunities in the future for those of us who remain in this body to visit with him, to talk with him over a plate of homemade ice cream—to have the privilege of continuing to learn from him—and to have the opportunity to absorb more of his wisdom.

Along with the rest of his colleagues in the Senate, I fervently hope that great happiness and good health will attend him for many, many years on the journey that lies ahead.

TRIBUTE TO SENATOR ALBERT GORE

Mr. YOUNG of Ohio. Mr. President, I salute ALBERT GORE as one of the great Senators of this body. He is a man who refused to compromise his values in the face of changing political winds. He spoke, as always, with determination and courage.

The men who spent so much money and effort to unseat the "Gray Fox" are not really winners, except in the most shortsighted and temporal sense. Men of ALBERT GORE's character, courage, and stature are needed in public life in this time of disillusionment and cynicism.

As author David Halberstam has commented in a recent article about ALBERT GORE in Harper's magazine:

> One can almost imagine him seated with Webster, Calhoun, and Clay.

Like them, ALBERT GORE is a man of integrity motivated by loftier principles than mere political survival. He is a man of the people, a great Southern populist.

It has always been considered admirable for a U.S. Senator to adopt a position on the basis of his own beliefs. It has been considered courageous when a Senator has done this when his beliefs were not well represented within his own constituency. But it is representative of an even greater degree of conscience and nobility when a Senator speaks out and votes courageously for his own convictions and beliefs disregarding altogether that he is espousing an unpopular cause or speaking out on an issue where he knows that his political fortune is at stake and that he might have to make some personal sacrifice to maintain his commitment to these views.

President John F. Kennedy wrote a book dedicated to the memory of men who made such sacrifices. It is entitled Profiles in Courage. I sincerely believe that when a sequel to this volume is written, that the senior Senator from Tennessee, ALBERT GORE, deserves a place of honor in such a book. He has expressed his opposition to the war in Vietnam in a State where such opposition was unjustly considered unpatriotic by a majority of its citizens. Senator GORE refused to aline himself with those dedicated to doctrines of racial supremacy at a time when and in a section of the country where such an alinement was considered necessary to political survival.

I cannot help but find a touch of irony in the fact that the strong stands taken by ALBERT GORE on these issues not only helped to turn the tide from intolerance to tolerance and from ignorance to understanding, but also are considered partly responsible for the fact that he will not be a Member of the 92d Congress. It is ironical, as some political writers have observed, that a tremendous sum of money poured forth from the forces of reaction to defeat Senator GORE for reelection. This is a State where the great prosperity of Tennessee and adjoining States resulted from the Tennessee Valley Authority sponsored by President Franklin D. Roosevelt always supported by leaders of the Democratic Party and opposed by big business in Tennessee which opposed Senator GORE.

Such ironies are a part of American political life, however. It is a political system which ALBERT GORE strongly believes in. He will take with him, I am positive, not the bitterness of an election defeat, but the consummate satisfaction of recognizing the correctness of his stands and the dignity with which he upheld them.

SENATORS WILLIAMS AND JACKSON CALL FOR PUBLIC HEARINGS ON COAL MINE DISASTER

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared for delivery today by the Senator from New Jersey (Mr. WILLIAMS) and an insertion.

There being no objection, the statement and insertion were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILLIAMS OF NEW JERSEY

Last week a disaster struck the small mining town of Hyden, Kentucky. The lives of thirty-eight coal miners were claimed by an explosion in a coal mine which opened less than one year ago. During the course of that year the mine has been cited for numerous violations of the new Coal Mine Health and Safety Act, it has experienced a previous explosion and has already suffered one fatality, prior to the disaster.

Reports received by the Labor Subcommittee raise serious questions about whether this disaster could have been averted if the provisions of the recently enacted landmark Federal act had been complied with not only by the operator of the mine but also by the Federal Bureau of Mines.

Today, Senator Jackson and I have called upon the Secretary of the Interior to conduct a public hearing, in accordance with Section 103(d) of the Act to determine the causes of the disaster as well as to determine whether it could have been averted.

We must do whatever is necessary to end this carnage in the mines.

I ask unanimous consent that our letter to the Secretary be printed in the record as well as copies of the previous inspection reports:

U.S. SENATE,
Washington, D.C., January 2, 1971.

Hon. FRED J. RUSSELL,
Acting Secretary, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: We, in the Congress, were greatly distressed by the recent tragedy which struck the small mining town of Haydn, Kentucky. As we are certain you will agree, the mine disaster which claimed the lives of thirty-eight coal miners must never be permitted to occur again.

In writing the Federal Coal Mine Health and Safety Act of 1969, this Congress took great care in providing you with all the tools to assure safe working conditions. We also provided you the necessary authority to conduct after the fact investigations to ensure that the Bureau of Mines would be able to learn from past disasters. That authority includes provisions for public hearings (Section 103(d)).

The public has a right to know what caused this disaster and how future disasters can be averted.

We strongly urge that such a public hearing be convened as soon as your inspectors have concluded the underground phase of their investigation.

Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Labor.
HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs.

COAL MINE INSPECTION REPORT NO. 15 MINE (M.I. 7008.7) FINLEY COAL COMPANY, HYDEN, LESLIE COUNTY, KY., JUNE 19 AND 22-23, 1970

(By C. E. Hyde, Federal Coal Mine Inspection Supervisor)

INTRODUCTION

This report is based on an inspection made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

GENERAL INFORMATION

The No. 15 Mine is on Hurricane Creek about 4 miles east of Hyden, Kentucky, off State Highway Route No. 80.

Mr. Holt Finley, Silbert, Kentucky, Mr. Stanley Finley, Manchester, Kentucky, and Mr. Charles Finley, Manchester, Kentucky, are co-owners and operators of the mine.

The No. 15 Mine was opened in March, 1970, by five drift entries into the Hazard No. 4 coalbed, which averaged 36 inches in thickness locally. The high-volatile bituminous coal dust is explosive. Of the 43 men employed, 39 worked underground on two shifts a day, five days a week, and produced a daily average of 600 tons of coal, which was loaded by a mobile loading machine into rubber-tired mine cars. Management estimated the life of the mine to be five years.

Surface structures consisted of a sheet-metal building, located 60 feet from the mine openings, and two mobile trailers used as a mine office and for supplies.

The five mine openings had been advanced about 1,600 feet underground. Entries were 22 feet wide on 60-foot centers. Crosscuts were about 60 feet apart. Rooms had not been turned. Pillars were not recovered.

The immediate roof varied from fragile shale (draw rock) to firm shale. Standards for roof support were adopted, utilizing conventional timbers and roof bolts. The plan was being followed. A new plan for roof control has been submitted.

Explosives and detonators were suitably transported into the mine as needed. Coal was blasted on shift with permissible explosives, fired with electric detonators and a permissible short-firing unit. Coal was undercut to a depth of about 10 feet before shot holes were drilled. Water-filled plastic bags were used for stemming. The roof was tested before and after blasting, but tests for methane were not made.

The mine is classed nongassy by the State. Ventilation was induced by a properly installed 60-inch propeller-type fan, operating exhausting. The quantity of air reaching the last open entry crosscut was 12,000 cubic feet a minute, and face ventilation was adequate. Suitable preshift and daily examinations were made, but weekly examinations were not made. Daily fan examinations and weekly ventilation examinations were not made. The analytical results of the air sample collected in the immediate return at a point not less than 12 inches from the face, roof, or ribs, and listed in table 1, indicate that the air in the mine was of comparatively good quality. Tests were made with a permissible flame safety lamp and methanometer in all accessible places, and methane or an oxygen deficiency was not detected.

The mine surfaces ranged from damp to wet. A program had not been established for cleanup and rock-dusting in the face regions. Accumulations of loose coal and coal dust were observed during the inspection. Dust-control measures were not employed on the electric face equipment; however, excessive dust did not appear to be in suspension in the face areas. Rock dust was applied during the inspection to within 20 feet of the faces, and the applications appeared to be adequate. Due to moisture, dust samples could not be collected.

Coal was transported in rubber-tired cars by battery-powered shuttle cars from the faces to the dumping point. Adequate clearance was provided and crosscuts used as shelter holes were free of obstructions. Men were transported in solid-bottom rubber-tired mine cars, and a certified official was in charge of mantrips.

Electric power, at 4,160 volts alternating current and 300 volts direct current obtained from a rectifier, was used underground. Cutout switches were provided, but lightning arrestors were not installed. An oil switch was provided on the surface for circuit protection. Automatic circuit breakers were provided for the cables on direct current electric face equipment during the inspection. Frame-ground protection was not provided for the direct-current equipment. The trailing cables for the direct-current equipment were of the flame-resistant type.

Tests for methane were made during the inspection before electric face equipment was taken in by the last open crosscut and every 20 minutes thereafter.

Suitable firefighting materials were available.

A map of the mine was available, but did not contain the necessary information.

Adequate escapeways were provided and direction signs were posted. Evidence of smoking was observed underground. Permissible electric cap lamps were used for portable illumination underground. A suitable checking system was in use. Permissible dust collectors were used to control the dust resulting from drilling roof bolt holes. Potable drinking water, sanitary toilet facilities, and a 60-minute self-rescue device were not provided for the miners.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—NOTICES AND ORDER

Violation—Section 303(f). Weekly examinations for hazardous conditions were not made. A Notice of Violation No. 3 CH was issued June 23, 1970, on Form 104(b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 3 CH pertaining thereto was issued June 23, 1970. This violation was abated on June 29, 1970.

Violation—Section 303(g). Weekly ventilation examinations were not made. A notice of Violation No. 2 CH was issued June 23,

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1970, on Form 104(b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 2 CH pertaining thereto was issued June 23, 1970. This violation was abated on June 29, 1970.

Violation—Section 305(d). The power connection points in the main entry section were in return air. A Notice of Violation No. 5 CH was issued June 22, 1970, on Form 104(b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 5 CH pertaining thereto was issued June 22, 1970. This violation was abated on June 29, 1970.

Violation—Section 305(e). A map of the mine electrical system was not provided. The foregoing violation exists because the personnel needed to abate it was not available to the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70-C-50-D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 305(g). Qualified persons were not used to maintain, test, and examine the electrical equipment. The foregoing violation exists because the personnel needed to abate it was not available to the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70-C-50-D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 305(p). Lightning arrestors were not provided for the power circuits leading underground. A Notice of Violation No. 1 CH was issued June 22, 1970, on Form 104(b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 1 CH pertaining thereto was issued June 22, 1970. This violation was abated on June 29, 1970.

Violation—Section 307(b). Frame-ground protection was not provided on the direct current equipment. The foregoing violation exists because the equipment needed to abate it was not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70-C-50-D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 308(b). The high-voltage circuit was not provided with a grounding resistor. The foregoing violation exists because the equipment needed to abate it was not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70-C-50-D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 312(a). The mine map did not show the required information. The foregoing violation exists because the personnel needed to abate it was not available to the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70-C-50-D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 317(l). Sanitary toilet facilities were not provided on the surface and underground. The foregoing violation exists because the equipment needed to abate it was not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70-C-50-D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 317(n). Only nine self-rescue devices were provided for the 39 men underground. The foregoing violation exists because the devices needed to abate it were not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70-C-50-D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Violation—Section 317(s). Potable water was not provided underground. A Notice of Violation No. 5 CH was issued June 23, 1970, on Form 104(b), requiring that this violation be abated by 8 a.m., on June 29, 1970, and a Notice of Penalty No. 5 CH pertaining thereto was issued June 23, 1970. This violation was abated on June 29, 1970.

Imminent Danger—Section 104(a). Dangerous accumulation of loose coal and coal dust were present along the shuttle-car roadways from the loading point to the faces of the six main entries, a distance of about 400 feet. Rock dust had not been applied to within 160 to 240 feet of the faces of the main entries. Trailing cables were run over unnecessarily. Evidence of smoking was present underground. Short-circuit protection was not provided on any of the cables for the direct current face equipment. Gas tests were not made before and after blasting. The trailing cable for the mining machine and mobile drill contained three uninsulated splices each. Gas tests were not made before electric face equipment was taken in by the last open crosscut or every 20 minutes thereafter.

Action taken. An Order of Withdrawal No. 1 CH was issued June 19, 1970, on Form 104(a), causing all persons, except persons referred to in Section 104(d), to be withdrawn from and prohibited from entering the main entry section by the leading point. A Notice of Penalty No. 1 CH pertaining thereto was issued June 19, 1970. This Order was terminated on June 22, 1970.

TABLE 1.—ANALYSES OF AIR SAMPLES

[Date collected: June 19, 1970; Mine No. 15; Company: Finley Coal Co.; Collected by: C. E. Hyde]

Bottle No.	Laboratory No.	Location in mine	Percent in volume: Carbon dioxide	Percent in volume: Oxygen	Percent in volume: Methane	Percent in volume: Carbon monoxide	Percent in volume: Nitrogen	Cubic feet air per minute	Cubic feet methane in 24 hours
K3033	110669	Immediate return No. 2 entry	0.04	20.89	0.00		79.07	12,000	

REPORT OF NONFATAL COAL MINE EXPLOSIVE ACCIDENT NO. 15 MINE (M.I. 7008.7) FINLEY COAL CO., HYDEN, LESLIE COUNTY, KY., AUGUST 12, 1970

(By H. A. Jarvis and Gordon Couch, Federal Coal Mine Inspectors)

INTRODUCTION

This report is based on an investigation made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

An accident involving a premature detonation of explosives occurred in the 1 left section, No. 15 Mine, Finley Coal Company, about 6 p.m., Wednesday, August 12, 1970, in which two persons were injured. Rufus Whitehead, mobile face drill operator, received serious injuries to both eyes, chest, and right arm. Mack Collins, drill helper and shot firer, sustained a ruptured eardrum.

Gordon Couch, Federal Coal Mine Inspector, was notified of the accident about 6:45 p.m., Wednesday, August 12, 1970, by Charles Finley, operator, and an investigation was started August 14, 1970, and completed August 19, 1970.

Information for this report was obtained from company officials and employees, a visit to the scene of the accident, and from a statement by Mack Collins, drill helper and shot firer, who was an eyewitness to the accident.

GENERAL INFORMATION

The mine was opened by four drifts into the Hazard No. 4 coalbed, which averaged 36 inches in thickness locally. Of the 43 men employed, 39 worked underground on 2 production shifts a day, 5 days a week, and produced a daily average of 600 tons of coal, all loaded mechanically.

Coal was undercut to a depth of about 9 feet before shot holes were drilled. A Long-Airdox TDF-20 mobile face drill was used to drill the shot holes. The machine was provided with suitable overload protection, and short-circuit protection for the flame-resistant trailing cable was provided by an automatic circuit breaker. Permissible explosives, electric detonators, and a permissible blasting device were used in blasting operations. Water-filled plastic bags were used for stemming. At the time of the last Federal inspection, transportation, storage, and handling of blasting materials were in a satisfactory manner.

The following persons comprised the investigating committee:

Finley Coal Company

Charles Finley, operator.

Mack Collins, drill helper and shot firer.

United States Bureau of Mines

H. A. Jarvis, Federal Coal Mine Inspector.

Gordon Couch, Federal Coal Mine Inspector.

Fred Jones, Federal Coal Mine Inspector.

A PBR inspection of the mine was completed June 23, 1970.

DESCRIPTION OF ACCIDENT

The second-shift production crew entered the mine at 3:30 p.m., Wednesday, August 12, 1970, under the supervision of the second-shift mine foreman, and performed their normal duties without incident until the time of the accident. Upon completion of blasting operations in the face of No. 1 entry, 1 left section, the drill operator was tramming the drill to the intersection of the No. 1 entry, 1 left, and the No. 1 main entry in preparing to move to No. 6 entry, 1 left. At the intersection, the frame of the drill became lodged on a coal bottom stalling further progress. In the attempt to extricate the drill, the trailing cable was caught between the frame of the machine and mine floor causing a short circuit to occur. The resulting arc ignited coal dust, lubricants, and other combustible materials on the bottom of the mobile face drill. Collins (eyewitness) stated that he and Whitehead went to the No. 3 entry and directed a shuttle-car operator to go to the nip station and remove the power from the drill.

After receiving assurance that the trailing cable had been removed from the power source, Collins and Whitehead returned to the drill and, using rock dust, extinguished the small fire which was mainly confined to a container made from a section of a rubber innertube on the drill. This container was pushed off the left side of the drill and covered with rock dust on the mine floor. After determining that no further danger from fire existed, Whitehead and Collins had decided to eat their lunch while the trailing cable was being spliced, but had not left the area and the repairman had not arrived, when the blast occurred. Collins and Clifford Finley, repairman, stated that they thought the blast resulted from heat-weakened hydraulic hoses rupturing under normal pressure. Of the three hoses that ruptured, two were in the same circuit leading to the drill motor and the third connected to the drill bar swing jack. Metallic fragments and other materials were blown into the face, chest, and right arm of Whitehead. Mack Collins stated that a doctor's examination later revealed that he had sustained a rupture of the eardum. Help was summoned and Whitehead was transported to a waiting ambulance on the surface and thereby to the Frontier Nursing Service at Hyden, Kentucky. Later, Whitehead was taken to the University of Kentucky Medical Center at Lexington, Kentucky, where an examination revealed severe injury to both eyes (possible total blindness) and a severe compound fracture of the right arm.

An examination of the drill and the ruptured hydraulic hoses revealed no indication of heat damage or charring; however slight charring was present on the hydraulic hoses on the opposite side of the drill and on a wooden tamping bar carried on the drill. The rubber container that was burning and removed from the drill could not be found, and the employees stated that they had no knowledge of its contents or how it came to be on the drill. Mr. Charles Finley, operator, stated that in the past he had observed detonators in prepared explosive charges being transported on the drill in similar containers and that he had warned the crews of the danger involved and believed this practice had been discontinued.

A Withdrawal Order, Form 104(a) was issued at the time of investigation (spot inspection) for trailing cables being run over by mobile equipment and not being protected to prevent damage. The Order was terminated the same day.

It is the opinion of the investigating committee that the section of the rubber innertube contained one or more electric detonators and/or cartridges of explosives. The container was ignited, pushed off the left side of the drill, and the contents detonated by heat. The resulting blast severed the hydraulic hoses and the flying debris injured Whitehead and the concussion caused Collins' ear injury.

CAUSE OF ACCIDENT

In the opinion of the investigators, the accident was caused by improper handling and transportation of explosives on the mobile face drill and failure to protect the trailing cable from the mechanical damage by mobile equipment. Lack of proper supervision and permitting coal dust and combustible lubricants to accumulate on the mobile face drill were contributing factors.

RECOMMENDATIONS

Compliance with the following recommendations may prevent accidents of a similar nature:

1. Explosives and detonators shall be handled and transported only by approved means.
2. Trailing cables shall be adequately protected to prevent damage by mobile equipment.
3. Coal dust and other combustible materials, including lubricants, shall be cleaned from and not be permitted to accumulate on electric equipment.
4. On each coal-producing shift, the working section shall be examined for hazardous conditions as often as necessary for safety.

ACKNOWLEDGEMENT

The cooperation of company officials and employees and others during this investigation is gratefully acknowledged.

Respectfully submitted.

COAL MINE INSPECTION REPORT NO. 16 MINE (M. I. 7008.8) FINLEY COAL COMPANY, HYDEN, LESLIE COUNTY, KY., OCTOBER 19, 20 AND 22, 1970

(By Gordon Couch, Federal coal mine inspector)

INTRODUCTION

This report is based on an inspection made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

GENERAL INFORMATION

The No. 16 Mine is located on Hurricane Creek about 4 miles east of Hyden, Kentucky, off State Highway Route No. 80. The No. 16 Mine is opened by 4 drift entries into the Hazard No. 4 coalbed, which averages 36 inches in thickness locally. Of the 50 men employed, 48 worked underground on 2 production shifts and 1 maintenance shift a day, 5 days a week, and produced 800 tons of coal daily.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Notices

Violation—Section 202(a). Samples to determine the amount of respirable dust in the mine atmosphere were not taken. A Notice of Violation was issued October 5, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970.

Violation—Section 302(a). The roof support plan was not being followed in that roof bolts were installed more than 5 feet apart and crosscuts were more than 22 feet wide. A Notice of Violation No. 1 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m., on October 20, 1970, and a Notice of Penalty No. 1 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 20, 1970.

Violation—Section 303(b). The quantity of air reaching the faces of No. 5 and No. 6 main entries was too low to be measured with an anemometer. A Notice of Violation No. 2 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 20, 1970, and a Notice of Penalty No. 2 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 20, 1970.

Violation—Section 303(g). Weekly ventilation examinations were not made. A Notice of Violation No. 1 GC was issued October 22, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 1 GC pertaining thereto was issued October 22, 1970. The violation was abated by 8 a.m., on October 26, 1970.

Violation—Section 303(o). A ventilation system, methane and dust control plan has not been submitted by the operator. A Notice of Violation No. 1 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 1 GC pertaining thereto was issued October 20, 1970.

Violation—Section 303(t). The operator had not submitted a fan stoppage plan. A Notice of Violation No. 2 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 2 GC pertaining thereto was issued October 20, 1970.

Violation—Section 304(a). Float coal dust was deposited in the rock-dusted surfaces in all crosscuts along the main conveyor belt haulage entry from the portal to the loading point. A Notice of Violation No. 2 GC was issued October 22, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 2 GC pertaining thereto was issued October 22, 1970. The violation was abated by 8 a.m. on October 26, 1970.

Violation—Section 304(b). Water or water with a wetting agent was not used to abate the dust created by mining operations. A Notice of Violation No. 3 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 3 GC pertaining thereto was issued October 20, 1970.

Violation—Section 304(c). Rock dust had not been applied to within 200 feet of the face of No. 1 main entry. A notice of Violation No. 3 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 20, 1970, and a Notice of Penalty No. 3 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 20, 1970.

Violation—Section 305(a)(4). The operator had not submitted a list of all electric equipment in use at the mine. A notice of Violation No. 3 GC was issued October 22, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 3 GC pertaining thereto was issued October 22, 1970.

Violation—Section 305(g). Electric equipment was not examined, tested, and maintained by qualified persons. A Notice of Violation No. 4 GC was issued October 20, 1970, on form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 4 GC pertaining thereto was issued October 20, 1970.

Violation—Section 305(m). The mine fan motor was not protected by an automatic circuit breaker. A Notice of Violation No. 4 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 4 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 26, 1970.

Violation—Section 306(d). The trailing cables for the loading machine and coal drill contained several temporary splices. A Notice of Violation No. 5 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 5 GC pertaining thereto was issued October 19, 1970. The violation was abated by 8 a.m. on October 20, 1970, at the request of the operator.

Violation—Section 307(b). Frame-ground protection was not provided for any of the electric face equipment. A Notice of Violation No. 6 GC was issued October 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 6 GC pertaining thereto was issued October 19, 1970.

Violation—Section 308(d). The 4,160 volt alternating current circuit leading underground did not contain a ground check monitor to insure continuity of the ground wire and monitor wire. A Notice of Violation No. 5 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 5 GC pertaining thereto was issued October 20, 1970.

Violation—Section 308(i). A disconnecting device was not installed at the branch line on the high-voltage circuit for No. 16 Mine. A Notice of Violation No. 6 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 6 GC pertaining thereto was issued October 20, 1970.

Violation—Section 313(d). Explosives were carried underground in their original shipping containers. A Notice of Violation No. 7 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on October 26, 1970, and a Notice of Penalty No. 7 GC pertaining thereto was issued October 20, 1970. The violation was abated by 8 a.m. on October 26, 1970.

Violation—Section 317(c). A search program has not been submitted by the operator, to insure that the miners do not carry smoking materials underground. A notice of Violation No. 4 GC was issued October 22, 1970 on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 4 GC pertaining thereto was issued October 22, 1970.

Violation—Section 317(i). A program for training and retraining of qualified and certified persons had not been established. A Notice of Violation No. 8 GC was issued October 20, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on November 17, 1970, and a Notice of Penalty No. 8 GC pertaining thereto was issued October 20, 1970.

Violation—Section 317(l). Sanitary toilet facilities were not provided. The foregoing violation exists because the facility needed to abate it was not available for purchase and installation by the operator prior to the inspection. Therefore, in compliance with the restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

TABLE 1.—ANALYSES OF AIR SAMPLES

[Date collected: Oct. 20, 1970; Mine No. 16; Company: Finley Coal Co.; Collected by: Gordon Couch]

Bottle No.	Laboratory No.	Location in mine	Percent in volume					Cubic feet air per minute	Cubic feet methane in 24 hours
			Carbon dioxide	Oxygen	Methane	Carbon monoxide	Nitrogen		
K3152	113015	Immediate return No. 1 entry	0.03	20.86	0.00		79.11	14,000	

Report of Fatal Coal Mine Haulage (Battery-Powered Tractor) Accident, No. 15 Mine (M.I. 7008.7) Finley Coal Company Hyden, Leslie County, Kentucky, November 9, 1970

(By C. E. Hyde, Federal Coal Mine Inspection Supervisor, Gordon Couch, Federal Coal Mine Inspector)

INTRODUCTION

This report is based on an investigation made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742), to determine the cause of the accident, said to propose measures for prevention of similar accidents.

A haulage accident occurred in the subject mine in which Charlie Wagers, (battery-powered) tractor operator, was so severely injured Monday, November 9, 1970, at 6:30 p.m., when his head was caught between the tractor he was operating and a coal rib, that he was pronounced dead upon arrival on the surface by Dwayne Walker, Coroner of Leslie County, Kentucky. The accident occured at the intersection of No. 2 entry, 3 right, and No. 6 main entry of the No. 15 Mine. Wagers had about 3 years experience in underground mines, and had been employed as a tractor operator for 3 months in this mine. Wagers was 24 years old and is survived by his widow.

The writer was informed of the accident by Charles Finley, operator of the mine, at 8 p.m., November 9, 1970, and an investigation was started the following day and completed November 13, 1970.

GENERAL INFORMATION

The No. 15 Mine is opened by four drift entries into the Hazard No. 4 coalbed, which averages 33 inches in thickness locally. Of the 43 men employed, 39 worked underground on 2 shifts a day, 5 days a week, and produced 600 tons of coal daily, which was loaded by a mobile loading machine into a rubber-tired mine car (trailer).

Information for this report was obtained from employees, officials and a visit to the scene of the accident.

There were no eyewitnesses to the accident.

The investigating committee consisted of:

Finley Coal Company

Charles Finley, operator.

Monroe Mitchell, superintendent.

Walter Hibbard, second-shift foreman.

George Gray, timberman.

Ernest Bowling, roof-bolt operator.

Kenneth Ray Morgan, maintenanceman (loading-machine operator at time of accident).

Merle Lipps, loading-machine operator.

Kentucky Department of Mines and Minerals
United States Bureau of Mines

Everett Bartlett, district supervisor.

C. E. Hyde, Federal coal mine inspection supervisor.

W. E. Duke, Federal coal mine inspector (electrical).

Gordon Couch, Federal coal mine inspector.

The preceding Federal inspection (PBR) was completed June 23, 1970, and a spot inspection was made August 14, 1970. An investigation of a non-fatal coal mine explosives accident (two men injured) was completed August 19, 1970.

DESCRIPTION OF ACCIDENT

The second-shift crew entered the mine at the regular time (3:15 p.m.), and work progressed normally until Wagers (victim) began experiencing trouble with his tractor; he summoned Kenneth Ray Morgan, maintenanceman, to repair the tractor. After the tractor was repaired (trouble was with forward and reverse contacts), Wagers continued to haul coal until his tractor was again disabled, and he summoned the maintenanceman to repair the tractor. The maintenanceman, along with the mine foreman, arrived at the tractor, and proceeded with the necessary repairs which were essentially the same as before. When the necessary repairs were completed, the mine foreman instructed Wagers to take the tractor to the surface and exchange it for an extra tractor if he had any more trouble with his tractor. The maintenanceman assumed his other duties until it was time for him to drive tractors while the regular tractor drivers ate lunch.

After completing this usual cycle, he rode to the loading machine with Wagers (victim) in the deck of the tractor and, arriving at the No. 2 entry, 3 left, where the loading machine was waiting, he relieved the loader operator to permit him (loader operator) to eat his lunch. The loader operator went to No. 6 entry, 3 right, where he had left his lunch at the beginning of the shift. The maintenanceman began loading Wagers' trailer, and had almost finished loading the fall of coal when he discovered that Wagers was having trouble with his tractor again, and was not able to place the trailer into a loading position; the maintenanceman decided to finish cleaning up the place by spilling the rest of the fall of coal onto the mine floor; after this was completed and the loader helper was placing the loader cable onto the loader, it was discovered that Wagers' trailer was fouled against the rib out by the loader, after making two attempts forward and reverse the tractor stopped against the rib on the third attempt in reverse. George Gray, timberman, yelled to other workmen that a man was injured. The loader operator (repairman) went to the tractor and saw that Wagers' head was caught between the rib and corner of the tractor, he proceeded to remove the cover from the starting box and free the "stuck" contact (reverse contact); he then proceeded to free the victim by tramming the tractor forward about 2 feet. Help was summoned from other workmen, and the victim was removed from the tractor, placed on a stretcher and transported to the surface. Wagers apparently died instantly from massive head injuries. The equipment involved was a battery-powered tractor, S and S Machinery 160, Serial No. 160–52. The tractor is 7 feet, 3 inches wide and 15 feet, 8 inches long, and the Kersey trailer involved is 16 feet, 6 inches long and 12 feet, 4 inches wide.

SUMMARY OF FINDINGS

1. The battery-powered tractor had a contact stuck in reverse, and any attempt to move forward would move the tractor in reverse; the position of the victim's body indicated that he was attempting to move the tractor forward.

2. The Kersey trailer is 2½ feet wider on each side than the tractor, which caused the trailer to hang against the rib.

3. The maintenance program was not effective, in that the contacts were not kept in good operating condition.

4. The overall safety program at the mine was not effective in that new tractor operators were not informed of the hazards that surrounded overall maintenance and operation of battery-powered equipment. The employees at this mine have not been trained in coal mine accident prevention and first aid.

CAUSE OF ACCIDENT

Management's failure to take the defective tractor from service for repairs, and to assure that the battery-powered equipment was in good mechanical condition before being placed in service was the direct cause of this accident. The excessive width of the mine car (trailer) was a contributing factor.

RECOMMENDATIONS

Compliance with the following recommendations may prevent accidents of a similar nature:

1. A maintenance program shall be established to insure that equipment is free of defects before being placed in service.

2. Trailers (mine cars) used for haulage should not exceed the width of the haulage unit.

3. Mine officials shall use closer and more strict supervision at all times in this mine.

4. A program should be provided to train and instruct employees in the proper and safe operation of equipment.

5. Operators of mining equipment should remain alert and should maintain control of equipment at all times.

ORDER

Imminent Danger—Section 104(a).—Battery powered tractor (Serial No. 160–52) (tractor involved in accident) did not have fuses for control circuit and arc shields were missing. Battery powered tractor (no numbers) did not have fuses in control circuit and three arc shields were missing. Battery powered tractor (unit No. LC) had defective brakes and one defective contact in starting box. Battery powered (Load-A-Tram) (Serial No. 468–1003) had two arc shields missing, defective brakes, and no fuse in power circuit.

The Order affects the equipment listed above.

Action taken—Order No. 1 GC was issued November 13, 1970, requiring that the equipment listed not be used until repaired. The Order was terminated on November 16, 1970.

ACKNOWLEDGMENT

The cooperation of company officials and employees, and State mine representatives during this investigation is gratefully acknowledged.

Respectfully submitted.

U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF MINES.
November 23, 1970.

I.D. 15–02593–0.

MEMORANDUM

To: T. R. Mark, Subdistrict Manager, Coal Mine Health and Safety District C, Barbourville, Ky.

From: Gordon Couch, Federal Coal Mine Inspector.

Subject: Spot inspection, No. 15 Mine (001–0 and 002–0 Sections), Finley Coal Company, Hyden Leslie County, Ky., November 19, 1970

INTRODUCTION

This report is based on an inspection made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Notices and order

Violation—Section 202(b)(1). The cumulative concentrations of respirable dust analyzed from four samples collected by the operator during an original sampling cycle conducted in the working environment of the coal cutting machine operator in the 001–0 section amounted to 33.9 milligrams of respirable dust. A Notice of Violation No. 1 GC was issued November 19, 1970 on Form 104(i), requiring that this violation be totally abated by 8 a.m. on December 22, 1970. The operator abandoned the section. An Order No. 1 GC was issued November 19, 1970, and remains in effect.

Violation—Section 305(g). Qualified persons were not used to maintain, test, and examine the electrical equipment. A Notice of Violation No. 2 GC was issued November 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on December 22, 1970.

Violation—Section 307(b). Frame-ground protection was not provided on the direct-current equipment. A Notice of Violation No. 3 GC was issued November 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on December 22, 1970.

Violation—Section 317(1). Sanitary toilet facilities were not provided on the surface and underground. A Notice of Violation No. 4 GC was issued November 19, 1970, on Form No. 104(b), requiring that the violation be abated by 8 a.m. on December 22, 1970.

Violation—Section 317(n). Self-rescue devices were not provided for the miners underground. The devices are on order and have not been received. A Notice of Violation No. 5 GC was issued November 19, 1970, on Form 104(b), requiring that the violation be abated by 8 a.m. on December 22, 1970.

GORDON COUCH,
Federal Coal Mine Inspector.

THE NAVAL AIR RESERVE REORGANIZATION AND OVERALL NAVY RESERVE STRENGTH

Mr. THURMOND. Mr. President, as the 91st Congress draws to a close I wish to go on record as expressing my deep concern regarding the recent downturn in strength of the Navy Reserve program.

Despite mandates from the Congress on the strength of the Naval Reserve actions have been taken which have resulted in substantial personnel losses.

Directly related to these personnel losses is the Naval Air Reserve reorganization which has reduced the size of the Naval Air Reserve and relocated many units from populous areas to sites where adequate reserve manpower is questionable.

In the last year five Naval Air Reserve stations have been ordered closed for reasons of economy. These stations include Twin Cities, Minn.; Olathe, Kans.; Seattle, Wash.; Floyd Bennett Field in Brooklyn, N.Y.; and Los Alamitos, Calif.

All of these stations are located in population centers and it is my view that we may be practicing false economy with these closures. In any event, the Nixon administration should not dispose of these valuable property assets until: First, a review of the Naval Air Reserve reorganization is undertaken; and second, the plan to strengthen our reserves, as we draw down on regular forces, is more fully understood and implemented. In fact, a freeze of these closures would undoubtedly be in the interest of our national security.

Secretary of Defense Melvin Laird issued a memorandum August 21, 1970, entitled "Support for Guard and Reserve Forces" which I heartily endorse.

Briefly, this memo calls for increased reliance on the combat and combat support units of the Guard and Reserve. One of the key points in this memo called for action to "support and maintain minimum average trained strengths of the Selected Reserves as mandated by Congress."

The reorganization of the Naval Air Reserve runs counter to this requirement in that it has already resulted in a personnel loss of around 20 percent in that program's manpower. Especially disheartening is the high loss of pilots, technicians, and enlisted air crewmen. The Navy should be taking steps to attract these types of people to their Reserve programs, not following courses which result in their leaving the program.

On April 3, 1970, Assistant Secretary of Defense Roger T. Kelley issued a memorandum to provide policy guidance on the National Guard and Reserve base closures. Among the points which he said must be considered were "maximum use and retention of trained personnel" and maintaining average strength at the current level authorized by the Congress. Again, the Naval Air Reserve planners seemed to have ignored these requirements.

Mr. President, I ask unanimous consent that these two memorandums be placed in the RECORD at this point in my remarks.

There being no objection, the memos were ordered to be printed in the RECORD, as follows:

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS CHAIRMAN, JOINT CHIEFS OF STAFF, DIRECTOR, DEFENSE RESEARCH AND ENGINEERING, ASSISTANT SECRETARIES OF DEFENSE, DEPARTMENT OF DEFENSE AGENCIES

Subject Support for Guard and Reserve Forces.

The President has requested reduced expenditures during Fiscal Year 1970 and extension of these economies into future budgets. Within the Department of Defense, these economies will require reductions in overall strengths and capabilities of the active forces, and increased reliance on the combat and combat support units of the Guard and Reserves. I am concerned with the readiness of Guard and Reserve units to respond to contingency requirements, and with the lack of resources that have been made available to Guard and Reserve commanders to improve Guard and Reserve readiness.

Public Law 90–168, an outgrowth of similar Congressional concern, places responsibility with the respective Secretaries of the Military Departments for recruiting, organizing, equipping and training of Guard and Reserve Forces. I desire that the Secretaries of the Military Departments provide, in the FY 1972 and future budgets, the necessary resources to permit the appropriate balance in the development of Active, Guard and Reserve Forces.

Emphasis will be given to concurrent consideration of the total forces, active and reserve, to determine the most advantageous mix to support national strategy and meet the threat. A total force concept will be applied in all aspects of planning, programming, manning, equipping and employing Guard and Reserve Forces. Application of the concept will be geared to recognition that in many instances the lower peacetime sustaining costs of reserve force units, compared to similar active units, can result in a larger total force for a given budget or the same size force for a lesser budget. In addition, attention will be given to the fact that Guard and Reserve Forces can perform peacetime missions as a by-product or adjunct of training with significant manpower and monetary savings.

Guard and Reserve units and individuals of the Selected Reserves will be prepared to be the initial and primary source for augmentation of the active forces in any future emergency requiring a rapid and substantial expansion of the active forces. Toward this end, the Assistant Secretary of Defense (Manpower and Reserve Affairs) is responsible for coordinating and monitoring actions to achieve the following objectives:

Increase the readiness, reliability and timely responsiveness of the combat and combat support units of the Guard and Reserve and individuals of the Reserve.

Support and maintain minimum average trained strengths of the Selected Reserve as mandated by Congress.

Provide and maintain combat standard equipment for Guard and Reserve units in the necessary quantities; and provide the necessary controls to identify resources committed for Guard and Reserve logistic support through the planning, programming, budgeting, procurement and distribution cycle.

Implement the approved ten-year construction programs for the Guard and Reserves, subject to their accommodation within the currently approved TOA, with priority to facilities that will provide the greatest improvement in readiness levels.

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Provide adequate support of individual and unit reserve training programs.

Provide manning levels for technicians and training and administration reserve support personnel (TARS) equal to full authorization levels.

Program adequate resources and establish necessary priorities to achieve readiness levels required by appropriate guidance documents as rapidly as possible.

Memorandum for Assistant Secretaries of the Military Departments (I&L)

Subject Policy Guidance on National Guard and Reserve Base Closures

The Defense Department policy concerning National Guard and Reserve Forces is that the readiness of these forces will be strengthened and improved as reductions in the Active Forces occur. As the Secretary of Defense has stated publicly and in Congress, he strongly supports the provisions of the Reserve Forces Bill of Rights and Vitalization Act (Public Law 90–168). In connection with base closure actions, as well as in other areas, we must be governed by this policy.

The success of Reserve programs is completely dependent on population—unlike the Active Forces, the Reserves can exist only in or adjacent to population centers to gain personnel. The transfer of a Reserve unit from one area to another is not a simple procedure and can result in serious personnel losses. The funds required to recruit, equip and train additional personnel necessary for the unit to attain meaningful readiness may offset any savings indicated through disestablishment of the original unit.

We can appreciate that the civilian reservist is dedicated to his mission, and we should endeavor to apply the same Human Goals established for the Active personnel across the total force structure to include the National Guard and Reserves. In this connection, even though the Reserve bases were identified as one area to explore for potential savings, this may not be feasible if a proposed realignment results in the redistribution of Reserve units over a wide geographical area which exceeds a reasonable commuting distance.

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I want to make it crystal clear that I am not against the closure or transfer of Guard and Reserve installations provided the action does not impair force readiness and is properly phased and supported. However, it is most important in managing the organization and support of all Reserve Components that we act in accordance with the policy stated above.

In considering base closures for Guard or Reserve Forces, the following factors should govern:

1. Maximum collocation of Guard and Reserve and Active Forces should be achieved on Active military installations whenever the location of the Active installation will not be an unacceptable detriment to operations of the Active Forces, the missions of Guard and Reserve personnel.

2. Maximum collocation of Army and Air Guard, Army, Navy, Marine Corps, and Air Force Reservists into common facilities and common locations, preferably on Active installations.

3. Army and Air Guard, Army, Navy, Marine Corps, and Air Force Reserve flying forces should be consolidated on Active military airfields or as tenants on civilian-operated airfields wherever possible without restriction by service affiliation. This is not only a matter of economy and improved logistical and administrative support, but it is also a matter of continuing to reduce operations in highly congested metropolitan areas.

4. Maximum use of existing facilities through the elimination of support functions not necessarily required for a training facility.

5. Maximum use and retention of trained personnel.

6. Recommended actions will not result in the average strength for the Guard or Reserve Component involved being reduced below current authorized level.

In addition, when Guard and Reserve bases are recommended for closure, such actions should be formally coordinated, as required by statute and Department of Defense Directive, with the Office of the Deputy Assistant Secretary of Defense for Research Affairs. The rationale for the recommended action should include, but not be limited, to the following:

a. Effect on unit and individual readiness.

b. Plans for reassignment of units and personnel.

c. Military construction required to support reassigned units.

d. Support personnel required at new facility.

e. Other Guard and Reserve Forces affected.

f. Estimated personnel losses occasioned by move and proposed action to maintain authorized personnel strength.

g. Information on the planned use of the trained personnel from the Reserve Component unit programmed out by the closure action.

h. Comments from the Chief of the Guard and/or Reserve Components concerned.

The above guidance is provided to insure that, while we are interested in effecting significant savings in Defense expenditures, we do not create new problems through violation of existing laws, through failure to provide adequate training facilities for the Guard and Reserve Forces, or failure to maintain their mobilization readiness and combat capability.

Since the Naval Air Reserve reorganization went into effect last July 1 hundreds of reservists have written me raising sound questions as to the wisdom of the Navy's actions. As a result of this correspondence and the petitions containing thousands of signatures by concerned parties, the Senate Preparedness Investigating Subcommittee has been looking into the Naval Air Reserve reorganization.

The findings of the subcommittee staff indicates to me hearings would be useful for all concerned. It is my hope such hearings will be held.

The Navy appears to have taken a very shortsighted view of the losses which are currently being sustained in the Naval Air Reserve program through base closures and the transfer of Naval Air Reserve squadrons or units incident to the concept of single siting. It is the Navy's contention that they have no recruiting problem now and will not have in the future. In the light of the possibility of an all-volunteer force it is believed that this assumption is fallacious. The military is not in good repute at the moment and the difficulties encountered by the Regular Forces in retaining skilled personnel should indicate that the Reserve will be in for the same trouble, particularly without a draft.

The reorganization of the Naval Air Reserve force, which the Navy says is unrelated to base closures, has resulted in some increased readiness of the two new air groups and air wings. However, in the event that additional requirements are laid on the Naval Air Reserve force, the elimination of large geographical and particularly metropolitan areas as potential recruiting grounds will contribute to a manpower shortage. With a smaller Regular Navy, fewer numbers of trained people will be released to inactive duty, further aggravating the situation.

The architects of the present reorganization of the Naval Air Reserve force seem oblivious to requests that the plan be reviewed and modified as necessary on the basis of changes in basic assumptions and conditions which existed when the plan was conceived. Specifically, the following conditions have changed since the original planning: First, anticipated improvement in airlift capacity has not materialized and is not in sight; second, replacement of trained personnel will be more difficult if we go to an all-volunteer military force; third, recent directives from the Secretary of Defense have placed increased reliance on the Reserve Forces and directed their buildup.

It appears that problems such as we are now experiencing could have been avoided if we had had an Office of Deputy Chief of Naval Operations—Naval Reserve—which would provide, at the highest planning level, a continuous awareness of the requirements of the Naval Reserve. The Army and Air Force Reserves have representatives at these high planning levels. The 92d Congress will certainly want to consider such a proposal.

Finally, Mr. President, it is my hope the Navy will take some tangible steps to meet the problems resulting from the Naval Air Reserve reorganization.

Such actions should certainly include actions by the Defense Department to freeze the Naval air stations pending a review of the Naval Air Reserve reorganization and a determination as to what facilities will be needed as we strengthen our reserve programs in the 1970's.

This country is undoubtedly going to reduce its Active Forces as we draw down in Vietnam. It is foolish to let the economy ax fall on reserve bases which will probably be needed if we are to build up our reserves and depend upon them for future emergencies.

BEST WISHES TO DEPARTING SENATORS

Mrs. SMITH. Mr. President, I want to extend to all the Members of this legislative body who are leaving, my best wishes for health, happiness, and success in their future endeavors and activities. They will be missed in the Senate and I am sure that they will miss the Senate.

The pressure and the pace of activity and work of a U.S. Senator is such that the change will require considerable individual adjustment. Only a rare few people know the activity, the pace, and pressures of senatorial life.

May the adjustment for all those leaving us be pleasant—and may the talents and the rare experience of our departing colleagues be put to the best use possible and not be permitted to be wasted simply because they are no longer in the Senate.

FRANK CARLUCCI

Mr. DOLE. Mr. President, I was extremely dismayed to read in the papers that prospects for Senate confirmation of Frank Carlucci as Director of the

Office of Economic Opportunity in the closing days of this Congress were dealt a damaging blow Wednesday in a hearing before the Labor and Public Welfare Subcommittee.

The press reports that for the price of confirmation as Director of OEO, Frank Carlucci must override Governor Reagan's veto of the California rural legal services assistance program.

Where, may I ask, in the Constitution of the United States, are Members of this body given the right to confirm only those Presidential appointees who agree to conform on certain issues as the price for confirmation?

I believe it should be pointed out that during the course of the Wednesday hearing, Mr. Carlucci pledged that he would make a careful and critical assessment of the Governor's veto as soon as all the facts are presented. He added that a decision would be forthcoming as soon as possible, and that in the interim period, a 30-day grant would be approved to keep the California legal services program in operation without disruption of the services it provides.

Apparently, this was not sufficient and Carlucci was instructed to make a decision early next week on overriding the veto. It was implied rather strongly that if the decision were not made in the specified time period, he might not be confirmed at all.

To Mr. Carlucci's credit, he did not yield to this blackjack pressure in order to expedite his confirmation. I believe this points out rather clearly that Frank Carlucci is a man of principle. He is a man who will display strong leadership in his role as Director and will devote his full energy to strengthening OEO programs.

He is to be commended for his decision to withhold judgment without having an opportunity to review the evidence. It is time to quit playing games like the carrot and the stick with his confirmation, Mr. President. It is time to quit playing politics with programs that are designed to help the poor.

TRIBUTE TO SENATOR ALBERT GORE

Mr. YARBOROUGH. Mr. President, I pay tribute today to one of the giants of the U.S. Senate, ALBERT GORE. As this session ends today, this Congress and this Nation will lose one of the finest men to serve this Nation in this century.

ALBERT GORE is a courageous, honorable, dedicated man who has devoted many years of his life to his State and Nation. His service on the Committee on Foreign Relations, his early opposition to the unwise war in Southeast Asia, and his constant advocacy of justice and decency will guarantee that history will rank ALBERT GORE with the true heroes of this Nation in our era.

ALBERT GORE reminded all of us of something which too many had the tendency to forget, that the true heritage of the American South is not bigotry, not hatred, not intolerance, but gentility, honor, and a concern for the well-being of other men. He has served in the finest tradition of the great statesman that the South has given this Nation.

ALBERT GORE and his gracious wife, Pauline, have been fast friends to me and to my wife during the time that I have served with him in the Senate. I shall always remember the graciousness and courtesy that these two wonderful people have shown us and the other member of my family, and I shall treasure this friendship all the rest of my life.

I became acquainted personally with ALBERT GORE during the 1950's when ALBERT GORE, with his eloquence, reasoned logic, convincing manner, and courtly bearing, campaigned in Texas for Adlai Stevenson for the Presidency. Stevenson did not win, but ALBERT GORE convinced many Texans that he was presidential material himself. And many other Americans watching this competent, calm, courageous Tennessean, thought so too. So much so that in 1960 Esquire magazine singled him out as a singularly gifted man who could be the Democratic dark horse at the 1960 Democratic National Convention.

Three times I was elected to the Senate on a platform of increasing the personal exemption on income taxes. Year after year and Congress after Congress, I introduced bills to increase the personal exemption, but the bills failed. In the 91st Congress, ALBERT GORE promised, as I presented the matter to the Finance Committee, to take the lead in presenting the amendment to his Finance Committee and on the floor of the Senate. He did. The original amendment he and I presented under his leadership, was reduced, but the people do now have an increase in the personal tax exemption, a modest increase, but the first increase in that exemption in about a quarter of a century. It was the longest overdue tax reform to aid the people which has been passed during my nearly 14 years in the Senate, but it could not have been passed without the leadership of that brilliant Tennessean, ALBERT GORE. He is in the mold of Andrew Jackson, Andrew Johnston, Davy Crockett, and Sam Houston, four others who served Tennessee in the National Congress.

ALBERT GORE was defeated, not by the people of Tennessee but by the age-old tactic of fear and misrepresentation fueled by the vast sums of money supplied by selfish special interest whom ALBERT GORE did not hesitate to challenge and who were threatened by his very presence in this body. Though it is possible to remove ALBERT GORE from the Senate, it is not possible to destroy the record he has made, or the fact that during the 1950's and 1960's when this Nation called for leadership, he served with honor the people and the Nation he loved.

COMMITTEE JURISDICTION

Mrs. SMITH. Mr. President, this past Wednesday the Senate engaged in its annual December quarrel about the respective jurisdictions of the Committee on Appropriations and the Committee on Foreign Relations and about having unauthorized items in an appropriations bill.

As was the case the year before—December 1969—again it was the senior Senator from Florida (Mr. HOLLAND), who brilliantly placed the issue in accurate and proper perspective. Again it was Senator HOLLAND who told us the simple legislative facts of life and who gave us a lesson in legislative fundamentals.

We shall miss the keeness and alertness of his mind and the depth and wealth of his experience and wisdom. We need more like him in the U.S. Senate.

LOOKING BACK AT THE 91ST CONGRESS

Mr. DOLE. Mr. President, as the 91st Congress comes to an end, perhaps this is an appropriate point to survey the record we have compiled and to look forward at what we hope the 92d Congress will be able to accomplish.

At the outset, I suppose no one who is a Member of the Senate or the House—and especially the Senate—can take very much pride in the efficiency of this Congress. When legislative accomplishments are compared to number of days supposedly spent legislating, the 91st must stand as a monument to wheelspinning. This has been the longest-running Congress in 30 years, and, looking back, it seems that much of what was achieved was with the expenditure of two or three times the energy, time and publicity which should ordinarily be required or expected.

We are ending in a lame duck session, called because many of the basic appropriations bills for the fiscal year begun last July had not been passed. The most likely lasting mark of this lame duck exercise will probably be the record for simultaneous filibusters.

We took three tries to finally confirm a Supreme Court Justice.

We took 7 weeks to shape a congressional declaration of Presidential responsibility as Commander in Chief of the Armed Forces.

We took several months in total to provide this country with an adequate antiballistic missile system.

Several weeks were spent reworking and paring excessive expenditures from vetoed bills.

All in all, one could say that Congress did get its work done, but only the absolute bare bones requirements. And much was left undone.

Welfare reform was the victim of committee difficulties and shifting sources of support.

Trade legislation suffered a confusing and drawn-out death.

Water pollution legislation never made it to the floor for a vote.

Revenue sharing never got off the ground.

The supersonic transport is barely up in the air.

Social security increases were the victim of the crush of adjournment.

There are numerous other items which could be added to the 91st's list of nonaccomplishments. However, the difficulties, delays and disappointments of this Congress may serve as a powerful stimulus for more efficient and productive efforts in the 92d.

In any event, we can expect that the senatorial contenders for the 1972 Democrat Presidential nomination will be

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bending every effort to have the maximum possible time available for pursuit of their elusive goal. And with such a significant number on the other side of the aisle committed to that common goal, we can look forward to earlier sine die adjournment for the new Congress.

So, given Republican dedication to providing President Nixon with the legislative cooperation and partnership he needs and deserves and Democrat commitment to full-time campaigning, I believe the new Congress will be more productive and more efficient as well. It can hardly fail to exceed the 91st in these categories.

A NEW YEAR FOR HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, although today is the last day of this session of Congress, it marks the first day of the new year. A new year to consider the human rights conventions.

This session of Congress has seen the first significant progress in passing the human rights conventions by the United States. The Foreign Relations Committee has, for the first time, reported out favorably the Genocide Treaty. Although we did not have a chance to vote on it because of the press of business, I have great hope the Senate will continue to move forward and finally pass these vital treaties.

TRIBUTE TO SENATOR WILLIAMS OF DELAWARE

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Mr. ROTH. Mr. President, this is indeed a momentous day for my family and me. I am proud to have the opportunity to serve in this distinguished body. I am especially proud to represent the First State here.

While this is a memorable day for me, it is also a day of regret, as the career of one of our truly great Senators has come to an end. Senator John J. Williams is loved and respected not only in Delaware but throughout the United States. His contributions to good government are many and varied. He stands for integrity in Government, dedication to duty and sincerity of purpose. He became known as Mr. Integrity as the watchdog of the Senate. I heard a distinguished Cabinet member of the previous administration personally thank him for saving the American dollar. It is indeed a great honor and challenge to succeed a man of Senator Williams' stature.

However, more than just as a statesman, I cherish Senator Williams' friendship, his warm wit and his wise counsel. The Senate and the Nation will miss his services. We will also miss his companionship. Fortunately, we can take some consolation from the fact that even in retirement he will continue his services to his country.

In conclusion, I ask unanimous consent to include as part of these remarks an editorial and article praising the services of this distinguished Senator.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Dec. 26, 1970]

THERE ARE FEW SUCH

One of our fellows used to have a toast which went like this: "Here's to the best of us; there are few such."

Sen. John J. Williams of Delaware is a standout among the "few such." He was elected to the Senate in 1946, and now he is retiring because he thinks he is too old (66) to run again.

In his 24 years, Senator Williams has taken his shafts and won some glory. But that gives hardly any line on the man.

He is unique. Shafts didn't upset him; glory didn't faze him. And, in fact, he got a minimum of each.

Sen. Williams practiced a type of politics few politicians understand. He just played it straight, with himself and with his constituents. He was affectionately known as "Whispering Willie" because his natural voice was just above a whisper. He never raised it. He never made a senate speech, unless he had something to say. He didn't go on junkets. He read the legislation, and knew not only what it said but what it meant.

He made no pitch for the limelight, sought no favors from anyone, aspired to no other office, stamped his trademark on no special legislation, cottoned to no cliques.

The Senator's reputation in Washington largely was built on his absolute impartiality and his everlasting pursuit of deceit and corruption and bungling. He literally has been the "watchdog" of the senate. Meticulously and patiently, he hounded cheats in any administration, Truman's or Eisenhower's. He could disagree with a Nixon as easily as with a Johnson, if a principle were involved.

Here has been no Daniel Webster of eloquent oratory, no Henry Clay of ambition and lofty statesmanship, no Bob LaFollette of crusading fame, no Lyndon B. Johnson or adroit maneuvering.

He has been merely one damned fine United States Senator.

And he leaves behind him a proposed constitutional amendment which would stipulate that no U.S. Senator could be sworn into office after age 65, no representative after 68 and that federal judges would be required to retire within 30 days of their 70th birthday.

It has little chance of enactment, but it should have. The country would benefit greatly. It's a legislative legacy worthy of the man.

"IT'S TIME TO MOVE OVER": SENATE'S "WATCHDOG" IS LEAVING

(By Dan Thomasson)

In 1949 a prominent Delaware businessman went to his state's then-freshman Republican U.S. Senator, John J. Williams, with a seemingly fantastic tale of organized tax corruption that reached into the highest levels of both the Justice Department and the Internal Revenue Service.

"Don't ask me how I know this," said the constituent, who happened to be a Democrat, "but it's all there if you're of a mind to dig it out."

Sen. Williams was. And after nearly a year of painstaking investigation he took the Senate floor to outline a scandal that would shake the foundations of the Truman Administration.

It would also launch Sen. Williams, now 66, on a career as Senate investigator and watchdog of government ethics. He is voluntarily bringing that career to a close Jan. 3, retiring after 24 years of Senate service.

But among dozens of spectacular investigations, it is that initial disclosure of tax cheating in high places that he counts first among his accomplishments as self-appointed guardian of the government's conscience.

It led to a series of grand jury probes which involved eight regional IRS directors and five high Washington officials including an assistant attorney general, the late T. Lamar Caudle, who went to prison as a result. It also brought about a reorganization of the Treasury Department and IRS.

Why was this a high point?

"Because," Sen. Williams explains, "our tax system functions on a voluntary basis. It works only when the public has confidence in those who administer it. The tax investigation showed the public we aren't going to tolerate those who break faith with the public trust."

Defending that trust and helping shape the nation's fiscal policy as the now-senior Republican on the Finance Committee, have been the major interests of his lively Senate career.

The chiseling and boondoggling he has exposed have become legend.

An early target was President Truman's Agriculture Secretary, Charles F. Brannan, who called Sen. Williams a liar for charging the department's Commodities Credit Corp. hadn't made an annual report in three years because its books were $350 million out of balance.

A subsequent investigation showed Sen. Williams had erred only by understatement. The books actually were $366 million out of balance.

His latest big case resulted in Senate Democratic Secretary Robert G. (Bobby) Baker's conviction on tax evasion and other charges.

Thruout the years Sen. Williams variously has:

Exposed widespread waste in the nation's foreign aid programs, showing at one time that funds were being used to buy such things as fancy wine glasses and bubble gum.

Launched a campaign that ultimately brought the resignation of a top member of President Eisenhower's staff, Sherman T. Adams.

Led an investigation of abuses in Medicare and Medicaid that has resulted in a tightening of regulations and presently pending law changes to make cheating difficult.

Conducted an annual fight against farm subsidies that this year resulted in the first limit on these subsidies.

Sen. Williams reminisced about his career recently over a dish of ice cream in a favorite haunt—a corner of the Senate restaurant where thru the years he has met privately with trusted newsmen. Such meetings are as close as Sen. Williams ever has come to a press conference.

He recalled that after this election in the 1946 campaign the late columnist Drew Pearson had rated him "D"—unqualified. And, in fact, little in his background forecast the distinction of his public service.

A poor boy, frustrated by meager resources in his ambition to study law, he launched a feed and broiler business on the chicken-producing Delaware peninsula—and became a millionaire.

A shy, stammering man, fed up with big government, he was nominated by his party largely because he could finance his own campaign. No one expected him to unseat the popular Democratic incumbent James M. Tunnell.

He not only whipped Sen. Tunnell, but in 1952, when national Republicans were running on a pledge to clean up the "mess" in Washington—an issue Sen. Williams gave them with his IRS investigation—he ran ahead of Dwight D. Eisenhower in Delaware.

Then and since his style has baffled the proponents of slick politics. He has been a loner in a town used to organized spectaculars. No TV cameras, big hearing rooms and bigger staffs of ex-FBI agents have produced his disclosures.

He has depended on his own shoe leather, a small group of dedicated secretaries in his office and a small army of tipsters inside and outside the government who trust him never to disclose a confidential source.

Thus, during an investigation of alleged kickbacks and fraud in regional operations of the Federal Housing Administration, Sen. Williams flew to Texas, walked into a regional FHA office unannounced, quietly introduced himself and demanded to see the files.

"They turned green," Sen. Williams chortled in the raspy half-voice that has earned him the nickname "Whispering Willie" in the Senate press gallery.

And in the midst of the Baker investigation, he made several trips to California to nail down evidence Baker had received $100,000 in political contributions from that state's savings and loan association officials. The contributions eventually were the heart of the Justice Department's case against Baker. The Supreme Court Monday refused to review Baker's conviction.

Over the years Sen. Williams, a conservative, lent credibility to his Methodist sense of what's right by targeting on the programs or personalities of either party with a fine impartiality.

He describes a former leader of his own party, whom he declines to name publicly, as the man for whom he had least respect during his four Senate terms. Conversely, he has the most respect for Democratic Leader Mike Mansfield, "a gentleman of great integrity, always an American first."

He is winding down his career with an all-out fight against the Nixon Administration's welfare reform plan. During his Senate career he has been awesomely consistent in opposing oil depletion allowances, increased pay and retirement benefits for congressmen and farm subsidies that would have aided his own enterprises.

And in one of his final acts he has done what has become his hallmark—challenge his colleagues on a matter of principle. Last week he introduced a constitutional amendment stipulating that no senator shall be sworn into office after age 65, no representative after 68 and no judge after 70.

Says Sen. Williams, still in good health at 66: "It's time to move over for the younger folks. I think most of us should get out at 65—before we starting failing and someone has to whisper behind our backs that 'he was a good man but he sure is failing.' "

What else should congress do to improve its image?

"Pass a tough law requiring accurate reporting of political contributions and expenditures," Sen. Williams says. "Then approve a campaign."

"Also, congress is overorganized. There are too many subcommittees with high-priced staffs that spend their time collecting unusable, inane material, all so everybody has a little patronage."

When Sen. Williams leaves the Senate, the records and documents gathered in scores of investigations will go with him. Much of the material they contain has never been disclosed.

What will a man who has been so involved in public life do when he quits it?

"I'll keep busy," he said. "But that will be another story for you."

DR. JULIUS AXELROD SHARES THE NOBEL PRIZE FOR MEDICINE

Mr. TYDINGS. Mr. President, Dr. Julius Axelrod, head of the National Institute of Mental Health's pharmacology laboratory in Bethesda, recently shared the Nobel Prize for medicine. His research in brain chemistry has led to the development of drugs to treat mental illness.

Many psychiatrists believe that depression is caused by a lack of noradrenaline in the brain, making possible the development of antidepressant drugs. Also, Dr. Axelrod believes that a successful chemical treatment for schizophrenia, one of the most common of mental illnesses, may soon be developed.

I commend Dr. Axelrod for his excellent contributions to solving the mysteries of mental illness and the development of its potential cure. I ask unanimous consent that the article from the Washington Post for October 16, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

NIMH Scientist Shares Nobel Medicine Prize

(By Stuart Auerbach)

An international trio of scientists—including a researcher at the National Institute of Mental Health—yesterday shared a Nobel Prize for medicine for studies into brain chemistry that have led to the development of drugs to treat mental illness.

All three men—Dr. Julius Axelrod of NIMH in Bethesda, Sir Bernard Katz of London and Dr. Ulf S. von Euler of Stockholm—made pioneering discoveries in the way chemicals released by nerve endings in the brain affect behavior, from sleep to antisocial acts.

Their studies into the chemistry of the sympathetic nervous system, which controls involuntary actions, also have application in the treatment of heart disease and high blood pressure.

"Their discoveries concerning the regulatory mechanisms in the nervous system are fundamental in neurophysiology and neuropharmacology, and have greatly stimulated the search for remedies against nervous and mental disturbances," the Caroline Institute of Stockholm said in announcing the award of the $76,800 prize.

Dr. Axelrod, dressed informally in a brown-checked sport shirt, learned of the award yesterday morning while sitting in a dentist's chair.

"I'm overwhelmed," he told a news conference after a morning celebration, which included champagne in paper cups, with co-workers in his lab.

"Every scientist has a secret dream of winning the Nobel Prize."

Axelrod credited von Euler, 65, with paving the way for the laureates' discoveries. The Swedish scientist, whose father, Prof. Hans von Euler-Chelpin, won the Nobel Prize for chemistry in 1929, discovered in 1946 that the chemical noradrenaline carries messages between nerve cells.

But von Euler, in Stockholm, said that Axelrod's discoveries during the past 13 years have been the most important.

Axelrod, 58, found out how noradrenaline—which he couldn't spell at the news conference—is regulated in the brain cells. The chemical's effects are turned on and off by an enzyme, called catechol-o-methyl transferase, which Axelrod discovered.

Sir Bernard, 59, a biophysicist, worked in another area of the sympathetic nervous system.

He discovered how a chemical called acetylcholine is released at the junctions of nerves and muscles. His work, done over the past 35 years, is important in understanding how information bridges the tiny gaps between nerve cells and the muscles they affect.

Sir Bernard, at the University of California at Berkeley for four lectures, was awakened at 7 a.m. (PDT) by a university policeman who said he had won some sort of an award.

The scientist went back to sleep, but was awakened a half hour later by Dean Sanford S. Elberg.

The three winners have never worked together, although von Euler and Axelrod have exchanged papers on their research.

Nevertheless, said Axelrod, "There is a common thread."

This thread is the understanding of how the brain works. Knowing that, said Axelrod, means that scientists can design "better more effective and safer drugs" to treat a wide variety of diseases.

These could include abnormal blood pressure, heart disease, respiratory illness and digestive problems, since the sympathetic nervous system controls all of them.

But the first practical application of the pioneering basic research of the three winners has been in the field of mental illness.

Axelrod cited as an example the development of anti-depressant drugs, which interfere with the way the brain handles noradrenaline. Depression, many psychiatrists believe, is caused by a lack of noradrenaline in the brain, the NIMH scientist said.

He also cited the development of L-dopa for the treatment of Parkinson's disease as a direct benefit of fundamental research into brain chemistry.

And in the future, he said, knowledge being developed in his laboratory may produce a successful chemical treatment for schizophrenia, one of the most common of mental illnesses.

Dr. Bertram S. Brown, director of NIMH, said in introducing Axelrod that the winning of a Nobel Prize by a government scientist is especially important now because of "an anti-intellectual and anti-research bias" in some parts of the country.

Axelrod, blinded in the left eye by a laboratory accident 35 years ago, has headed NIMH's pharmacology laboratory in Bethesda since 1955. A native of New York City and a 1933 graduate of the City College there, he did not bother to get his doctorate until 1955. Then he received his Ph.D. from George Washington University here in six months.

He is married to the former Sally Taub and they have two children. The family lives at 10401 Grovenor Pl., Rockville.

MAMIE EISENHOWER

Mr. DOLE. Mr. President, a recent Gallup poll of the woman people most admire revealed what many of us already knew, that Mamie Eisenhower remains number one. Although she has not sought personal publicity, Mamie Eisenhower, in her quiet way, is an example for all of us.

I ask unanimous consent that an editorial tribute to Mamie from today's Washington Daily News be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mamie the Most!

One of the pollsters annually asks the people he polls to tell him what woman in the world they most admire.

For the second year running, his voters favor a lady who is not much in the news these days—Mamie Eisenhower.

The pollster didn't ask our opinion, but we hasten to cast our vote—for Mamie.

The pollster says Mamie has rated the "top 10" on his admiration list ever since 1952 when her husband first was elected President.

Well, Mrs. Eisenhower has lived an outstanding life: as a lady, as a partner of a great general and a two-term President. She has been the same thru tough times and more gloried times. She has never written a blab-all book, or used her position or popularity to make herself important.

She is and always has been Mrs. Eisenhower, pal of Ike, kind, helpful, generous and a lady of eminently good taste. Bless her heart.

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TRIBUTE TO SENATOR YARBOROUGH

Mr. NELSON. Mr. President, the distinguished senior Senator from Texas, Mr. YARBOROUGH, is completing this week almost 14 years of outstanding service in the U.S. Senate.

For the past 8 years, I have served with Senator YARBOROUGH here in the Senate. For 6 years I have served on the Labor and Public Welfare Committee with him, the last two as chairman of the Employment, Manpower, and Poverty Subcommittee while he served as chairman of the parent committee.

Senator YARBOROUGH has been a tremendously helpful and supportive committee chairman, in addition to being a distinguished Senator from his home State. Without his valuable support, advice, and encouragement, our subcommittee could never have accomplished the things we did in this session in extending the war on poverty, winning more realistic appropriations for badly needed programs such as Headstart, and winning strong bipartisan congressional approval for a badly needed reform in our manpower training programs—the latter bill which was unfortunately vetoed by the President.

Even before I was privileged to serve with him in the Senate, RALPH YARBOROUGH was a highly respected figure to me because he represented the same great progressive tradition in Texas as was represented in Wisconsin by the late great Senator Robert M. LaFollette, Sr., and his two distinguished sons, Robert M., and Philip.

From his first entrance into public life, RALPH YARBOROUGH, like Bob LaFollette before him, has been a fighting champion of the public interest, trying to make government an effective friend and helper of the public, rather than an oppressor or a servant of special interests.

History has shown that the road of such champions of the public interest is a rocky one. Senator YARBOROUGH, like Bob LaFollette, had to fight his way up on the strength of his own personal resources, stumping the State against formidable odds, pressured and threatened every step of the way by powerful forces which sought to still his voice before it could be heard.

But he made it, largely on his own, supported only by the great mass of citizens who finally heard his message and came to appreciate the truth it held for them.

Senator YARBOROUGH's personal triumph in the stormy arena of Texas politics, against overwhelming odds and despite successive defeats, must stand in American history as one of the great personal success stories of all times—and as one of the greatest victories ever won by those who labor in the public interest.

There followed a long series of legislative triumphs, which have profound impact on the entire Nation, not just the State of Texas. In his leadership role on the Labor and Public Welfare Committee he played a major part in the great liberal programs launched during the Kennedy-Johnson years. But it is interesting to note that the victories for which he is most remembered are those which involved the under-represented members of our society—veterans needing help in education and job training, persons handicapped by a lack of fluency in English, school dropouts who need a program such as the Jobs Corps to get back into the mainstream of society, low-income citizens who can't get the kind of medical care they need. These are the people on whose behalf RALPH YARBOROUGH has been willing to make that great special effort. And these are the things for which he has become so highly respected.

The Labor and Public Welfare Committee will not be the same without RALPH YARBOROUGH. The battles he fought in the past must be fought again next year, and the year after, and his powerful voice will be greatly missed.

But I am confident that he will continue the struggle he has wagered so courageously in the past, identifying the public interest, fighting to make certain that it is protected, and never giving up, no matter what obstacles are placed in his path.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "YARBOROUGH Isn't Through Yet."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YARBOROUGH ISN'T THROUGH YET

U.S. Senator Ralph Webster Yarborough has been in public life for nearly 40 years. And, by State Department protocol at least, he is the highest ranking Texan in government.

Perhaps curiously, he identifies in Texas history with Sam Houston: He considers Houston to have been, as he considers himself, a misunderstood and under-appreciated public servant. Yarborough also thinks Houston was Texas' "premier and ideal senator." He ranks himself, modestly, not far below.

Houston, of course, was kicked out of office in 1861 when, as governor of Texas, he refused to take the oath of allegiance to the Confederacy. As a result of his defeat in the Democratic primary, Yarborough ends his current Senate career the day before the 1971 Congress convenes—ironically at the height of his power as a senator. His successor will be chosen in the November general election.

Historians might argue over the relative significance of the deposing of Houston and Yarborough, but the fact that Yarborough mentions the implied parallel is an insight into this man. For even if he is not misunderstood by Texas voters, at least he is rarely seen in his full dimensions.

When he was asked how he felt about his failure to win renomination for the Senate, he gave, by Yarborough-watchers' standards, an unusually concise answer, one both stoical and egotistical: "If you do things, you are apt to get voted out of office. Winston Churchill, at the end of World War II, is a classic example. I've done things, too, and taken chances. I'd rather be doing something than just coasting along, although coasting along makes you more likely to stay in office. I never have coasted, and neither have the other men who have accompanied things in this world."

Many Texas Democrats who voted in the May 2 primaries obviously did not like some of the things the senator had done. Or, in the senator's view, what they were told he had done. Yarborough readily admits that everything he has done in the Senate has not been popular.

"I've been in tune with progress," he asserts. "I realize I don't always have 100 percent support (in Texas), but the people are for me. The Texas press and the establishment, for example, have been opposed to the education, antipoverty and health programs of the last six years that have moved the country and Texas forward dramatically. But the people of Texas are for those programs. So it's the establishment people who are out of tune with me and the people."

Possibly true, although the "establishment" certainly does not include all the 816,000 or so persons who voted against Yarborough in the primary.

When he "retires," the 67-year-old senator will receive a pension for the rest of his life. But, he points out ruefully, "it is only about one third of what federal judges get." At one point, Yarborough's major goal was to be a federal judge.

He wants to practice law in Austin, on his own, and "be free to speak out on public issues about which I have some knowledge and on which I can make a contribution."

He plans to do more writing and speaking about public affairs and also has signed a contract to write a book about the Big Thicket area in East Texas which he wants to make into a national park. "That's my native habitat," he says, "and the thicket bill would be my choice if I could only pass one bill before Congress adjourns."

No one expects Yarborough to be retired completely from politics. Indeed, he delights in encouraging speculation about his personal political ambitions. He always has wanted to be governor of Texas and, under the right circumstances, he might make his fourth try for the job. He lost gubernatorial races in 1952, 1954 and 1956.

He prides himself on being something of a mystery. This quality extends beyond his political behavior to his personality. One would guess that his biggest disappointment in public life would have been his defeat this year. But, illustrating his history-mindedness and ability to bear a grudge, the senator says it reaches back 16 years to his loss of the governor's race to Allan Shivers in 1954. That was when Shivers accused Yarborough, who always had heavy support from labor groups, of being responsible for a strike in Port Arthur, as well as for other strikes in Texas.

Why does he choose that race, rather than his Senate defeat, as his biggest disappointment?

"Because I had that (1954) election won and had earned it," Yarborough says. "Shivers took it away from me. Beat me with the Port Arthur lie. And more importantly, at the time it looked like I would never have another opportunity to do anything in public life, there had been such a smear campaign."

Yarborough does not consider Texas voters "ungrateful" for what he has done in Washington. He simply thinks they are not informed about his worth to the state and the nation. Characteristically, he accuses the press of being responsible: "They have been screening me out of the news for 13 years—not the working press, but the management people."

The alleged prejudice of the press has been one of the most persistent Yarborough refrains of the last two decades. Whether the allegation is right or wrong, it is something the senator feels quite deeply. So deeply, in fact, that he has been accused of being almost paranoid in his dealing with some reporters and some newspapers, which has tended to make the issue circular.

There was a time during last spring's campaign when Ralph Webster Yarborough considered becoming a Texas version of Spiro Theodore Agnew.

"I've criticized the press in the past, of course," he admits, "and I could have done it again this year. But I didn't because I

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thought I would be wasting my time. You can't change the press, anyway. But I may have made a mistake. Agnew is popular as hell for doing it."

Yarborough spends a lot of time these days talking about what he might, or could or should have done to prevent his defeat. But his pondering and worrying goes beyond his own situation. He talks constantly about "the cause of progressive government," because his idea of what that means is what, fundamentally, moves him. He avoids the term "liberal" because it "means something different to everyone." But he constantly uses "conservative" and even "reactionary" to describe those with whom he disagrees.

No one, not even his most bitter political enemy, questions Yarborough's legal skills. He was a brilliant young lawyer, a teacher of law and a respected judge before World War II. Undoubtedly he could have made a lot of money and become a financial backer of "the cause of progressive government" instead of Texas' most prominent liberal politician, and probably the most controversial, of the 1950s and 1960s.

What moved him to get involved in elective politics rather than staying on the sidelines as perhaps a wealthy financier of liberal politicians?

"You have to have the feeling," he says, "that you can accomplish something for mankind that you could not have accomplished if you hadn't gotten involved. And I have that feeling, particularly about the legislation I have passed through Congress."

When he says his biggest contribution to Texas is "the whole body of legislation I've passed and the image I've given Texas because of it," Yarborough claims he is not being arrogant or egotistical. He simply states it as his version of the truth.

Whatever his reputation in Teaxs politics, Yarborough's standing (as opposed to popularity, which he disdains) with his fellow senators is high. He is chairman of the Senate's influential Labor and Public Welfare Committee and his name is probably attached to more legislation than that of any other senator in Texas history.

Yarborough is fond of pinning down the authorship of legislation by pointing out, "when (former) President Johnson, as Senate majority leader back in the 1950s, was passing all those bills, most of them had somebody elses' s name on them." By contrast, LBJ, when called on recently for praise of Yarborough, quoted the late J. Frank Dobie: "I salute him for his sense of civilized values, for his sense of justice, for his enlightened intellect, for his decency as a human being and for his integrity."

Asked to specify the significant legislation that he had a major role in passing, Yarborough began with education. He was author or principal cosponsor of a number of landmark laws including the National Defense Education Act of 1958, which laid the groundwork for federal aid to education, and the Elementary and Secondary Education Act, which extended the federal aid concept to the public schools below the college level.

The senator also personally created and saw through to passage the Cold War GI Bill, the Bilingual Education Act, Professors Emeritus Act and measures to extend educational media aid to schools and assist education of the handicapped.

He has been the chief Senate sponsor of the Padre Island National Seashore and Guadalupe Mountains National Park. Yarborough rewrote and got passed over President Nixon's veto an expansion and total reform of the Hill-Burton hospital aid act. He authored a number of other major health programs, including those to establish regional mental health centers, provide migrant health care, aid medical libraries and expand schools of public health.

The Texas senator, while deemed contentious, argumentative and uncooperative by many of his fellow Texans, is regarded as a legend of sorts in Congress. For one thing, he is the only chairman of a Senate committee who represents a state with more than 10 million people. "In most of the big states you either get beat so often, or die trying to stay in, that you don't build up enough seniority to be a chairman," he says. For another thing, he spends almost all his time on committee work. He is a shrewd legislative architect, to start with, and a rugged compromiser, to end with. In between, as one of his colleagues said in private, "He's hell on wheels if you cross him and a friendly collie if you play ball with him."

That analogy may seem inconsistent with the way Yarborough has appeared to much of the Texas electorate. On the stump, he is a courthouse-lawn orator; the arch foe of the entrenched and the big and the rich; a master of political bombast. But it is not at all surprising that the senator's view of himself differs from his public image. He describes himself as a "calm, sedate, studious type of person—a careful man, a teacher, a lawyer, a judge." He prefers a few hours' reading (mostly about legislative matters and history, his favorite field) to attending a party. Perhaps this is because he does not drink and does not really approve of it.

The Yarboroughs live as simply and privately as a senator from a big state who chairs a major committee can. They do little partying other than official and quasi-official functions they have to attend. Their unpretentious, 6-room Washington apartment in the Methodist Building is the one they have rented for 12 years. It is a 5-minute walk to the senator's office.

They are not wealthy, by any means. Other than a modest older, twice-redecorated home in Austin, where they will live after he leaves office, they own only "a few shreds of land" in West Texas that he got as fees in lawsuits years ago.

"I haven't lined my pockets in public office," he asserts, "unlike many of those who have opposed me. I don't want to name any names—no."

Yarborough likes to recall his earlier campaigning days when the automobile caravan, rather than the corporate airplane, carried the candidate and his entourage, and the old-time "give-'em-hell" speech was the trademark of a candidate, rather than a slick television commercial. That was when the primaries were held in late July, with the runoffs in August, and even in the Texas heat Yarborough was an indefatigable campaigner.

"These new fellows couldn't beat me in a summer campaign," he claims. The senator frankly misses the old style of campaigning perhaps because, though he won't admit it, he isn't particularly effective in the new mass-media advertising style.

For Ralph Webster Yarborough, born just three years after the turn of the century, the politics and politicking of the plain people were simple. You came to a small town, shook all the available hands at the courthouse, dropped by to have coffee with the local folk, kissed a few babies, made an eloquent if perhaps slanderous attack on your opponent and moved on to repeat the performance elsewhere.

Yarborough knew the system well, virtually from birth. His family had been involved in politics for years in East Texas where he was born in Chandler, Henderson County, on June 8, 1903. Young Yarborough didn't take the direct path to politics. He did some rather strange things for an East Texas boy, like spending a year at West Point before dropping out; working for the American Chamber of Commerce in Berlin; entering The University of Texas law school at age 20 and later graduating with highest honors, though he was essentially a college dropout.

The young lawyer served as an assistant state attorney general and in 1936 as a state district judge, but even with that background he lost a 1938 race for attorney general to a former SMU all-American quarterback, Gerald Mann. He spent World War II as an army infantry and military government officer, then returned to a postwar law practice. After his 1952 and 1954 defeats by Shivers, he challenged U.S. Senator Price Daniel for governor in 1956, only to lose again. But in the 1957 special election to finish Daniel's term in the Senate—which Daniel had resigned tc become governor—Yarborough finally won, and against 18 opponents.

Yarborough won the Senate seat again in 1958 against William "Dollar Bill" Blakley, as he called his Democratic opponent, and Republican Roy Whittenburg. Again in 1964, with then-President Johnson's help, he beat Democrat Gordon McLendon and GOP challenger George Bush.

"A political career is terribly difficult on your family," the senator says. "You take a terrific loss financially if you play it straight, so your family suffers, of course. You have to regret all the hardships on your family. (He has a son, Richard, who is a member of the U.S. Indian Claims Commission.) But I don't regret at all having gotten into politics. I am always encouraging young people toward public service, although I warn them about the sacrifices and the pressures and the disappointments. But I certainly have no regrets about my own career."

His lack of regret shows in his work. He continues to act as if he were going to be a senator for another dozen years. All his new legislative proposals, obviously, are not earth-shaking, but some of the senator's work in his lame duck months probably will be vintage—controversial, fight-provoking and worth remembering. For example, he wants to build the legislative groundwork for a national system of health insurance.

There are moments when Yarborough slows down. He likes to recall that in his years in the Senate, he has accumulated 383 packing cases of mail. He's kept it all, this correspondence about subjects as far-reaching as legislation of national import or as personal as getting a son out of an Army stockade.

He also has 350 or so boxes of books, Congressional studies and other papers that he wants to keep. Cataloging his Senate papers and getting them ready for a voter-decreed trip to Texas tends to slow the senator's pace. "Next to losing the election and this office," he says, "the worst thing is having to move."

Talking at his usual fast clip, and at all angles, he mentions a "leisure" activity: "I have only hunted and fished nine days in more than 13 years. I used to do it four to six weeks a year. I want to get that going again."

But, characteristically, his conversation turns again to his Senate work—about how much time he has left, how Congress is likely to be late adjourning this session, and how, therefore, there is more time to be spent passing bills. But, mostly by implication, he is talking about how little time there is left for him—and how much there is for him to do for the nation.

Then, unable to resist one of his career-long favorite roles, he becomes the political enigma again: "If I live as long as my father did (to age 100, plus 11 days), I will be around for a long time." That works out to 33 more years, plenty of time to run for public office again.

Yarborough identifies with Sam Houston in history as an underappreciated public servant. There have been many under-appreciated politicians in history. But when the senator claims he is a misunderstood man, the least one can say is that he has always seemed to enjoy that status.

Sometimes, by accident or otherwise, a politician will bare part of his soul in a speech. That happened to Sen. Ralph Yarborough last June when he testified at hear-

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ings in Beaumont on creation of a Big Thicket National Park.

It was an acutely political occasion, of course, as the Big Thicket began to gain attention as a place worth preserving for future generations. In supporting the park bill, Yarborough disclosed a sentimental, reflective side of his nature that the public seldom sees.

He was talking about his own experiences as a young man in the thicket area of East Texas:

"The forest fed me, with wild plums and mulberries in spring and summer, grapes in abundance in summer and fall, muscadines and persimmons, red haws, and black haws, chinquapins and hickory nuts, mayhaws and the kernels of nettles. I ate from the field and forest and fried my fish on the river bank, carrying only salt with me.

"As I sat alone on the banks of springs or creeks or rivers and fished and watched the birds and wildlife—as free as an Indian boy except for my store-bought clothes—the wind rustled the leaves of trees and I imagined, as a boy will, that the trees were talking to me. But the trees seemed to be saying Indian words, like I had read from Hiawatha, that I did not quite understand.

"Now I understand that they were crying out for the salvation of our trees, wildlife and rich heritage. Now a fenced-up America has ended wild, free, open and uncrowded woods forever. I have worked for years to help save a part of this heritage in the hope that many generations yet to come can catch a glimpse of the continent as it was when our ancestors first saw it. I feel akin to the things that I saw, hunted, lived with and loved in these East Texas woods a half-century ago."

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THE PASSING OF JACOB BLAUSTEIN

Mr. TYDINGS. Mr. President, the story that Jacob Blaustein started in 1910 when he and his father founded the American Oil Co. in an old livery stable in Baltimore recently ended with his death at age 78. Until the father and son team created the first drive-in gasoline station, known as the Lord Baltimore Filling Station, Inc., cars were clumsily serviced at the curb with pumps that never indicated the amount of gasoline injected. These were the first of many innovations that Jacob Blaustein made, innovations which extended far beyond his oil concerns to include a career of diplomacy in human rights, in international statesmanship, and in support of the arts.

Among Jacob Blaustein's most outstanding achievements were his efforts to obtain relief for war victims through his vice presidency of the Conference on Jewish Material Claims Against Germany, his generous support for the formation of the State of Israel, and his career of diplomacy in human rights for five American Presidents—Roosevelt, Truman, Eisenhower, Kennedy, and Johnson.

I mourn the passing of this outstanding citizen. I ask unanimous consent that the article from the Baltimore Sun be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Blaustein, 78, Dies; Headed Oil Empire

Jacob Blaustein, a former door-to-door salesman who became head of a financial empire and a spokesman for human rights, died at 9:30 p.m. last night at his 200-acre farm, Alto Dale, near Pikesville.

Mr. Blaustein, 78, had been in failing health for several days as a result of complications from abdominal surgery performed in January in Chicago.

Funeral services will be held at 12 p.m., Wednesday at Temple Oheb Shalom, 7310 Park Heights avenue.

Mr. Blaustein was a founder of the American Oil Company and president of American Trading and Production Corporation which has vast holdings in oil companies, explores for and produces crude oil, operates a fleet of ocean-going tankers and is in electronics, banking, insurance and real estate.

The oil magnate was a virtual whirlwind of activity in his lifetime. His interests ranged from promoting the cultural life of his native Baltimore to obtaining relief for war victims through his vice presidency of the Conference on Jewish Material Claims Against Germany.

He was one of Israel's most influential and indispensable backers during the state's formative years and often met with chiefs of state to discuss issues of world-wide importance.

He performed missions for five American presidents—Roosevelt, Truman, Eisenhower, Kennedy and Johnson—missions concerned with human rights and world peace.

He had negotiated with Russia's Mikoyan and Molotov, Chancellors Adenauer and Erhard, of West Germany; Prime Minister Ben-Gurion, of Israel; the Shah of Iran, Foreign Minister Rapacki, of Poland, and President Frondizi of Argentina.

Those who knew much of his work, some of it done quietly and without portfolio, say he often played a decisive part in correcting misunderstandings between the United States and the infant state of Israel. And, it is said, he played an important role in getting Israel into the United Nations.

His career of diplomacy in human rights began in 1945 when he and judge Joseph Proskauer, of New York, were summoned to the White House by President Roosevelt and authorized to attend the formative meetings of the United Nations in San Francisco as consultants to the United States delegation.

HISTORIC ACHIEVEMENT

There, working against a frustrating indifference, particularly from Moscow, they helped put human rights provisions in the United Nations Charter, an historic achievement.

"None of us ever was sure whether Molotov spoke English," he recalled later. "He would look at us as we spoke, his face a complete deadpan. And when we stopped speaking he would say, without the slightest change of expression, 'Nokay,' No one really understood whether he means yes or no. It was usually no."

"By the time we got back to Washington to give our report, Roosevelt had died so we reported to Truman. For me it was the beginning of a long association and I was pleased to watch the new President grow to enormous stature in his high office."

It was during the Truman Administration that Mr. Blaustein suggested to Prime Minister Ben-Gurion that Israel should be an ally of the United States. At the same time, in 1950, he obtained from Mr. Ben-Gurion the historic statement clarifying the relationship between Israel and Jews in other free countries.

It eliminated any question of dual nationality, stating:

"Citizens of the United States are Americans and citizens of Israel are Israelis; this we affirm with all its implications."

Mr. Blaustein was a member of Mr. Truman's Advisory Board on Mobilization Policy during the Korean war, giving advice on petroleum matters. He did similar work during World War II.

President Eisenhower took into consideration the oil magnate's experience in high-level public affairs and appointed him to the United States delegation to the United Nations in 1955.

During his United Nations service, Mr. Blaustein became a close friend of United Nations Secretary General Dag Hammarskjold.

HAMMARSKJOLD MEMORIAL

Mr. Blaustein donated an $85,000 statue in memory of the late Mr. Hammarskjold which was installed in front of the United Nations building in New York.

Secretary of State Dulles said, after Mr. Blaustein had finished his United Nations work: "Our success in securing the Assembly's overwhelming indorsement of the United States position on important questions . . . was due in large measure to the persuasive arguments he brought to bear, and to his understanding of our foreign policy objectives."

One of these successes was the Assembly's rejection of a Soviet proposal that all refugees from Russia and other countries behind the Iron Curtain return "voluntarily" to their homeland.

"Of course," Mr. Blaustein said, "voluntary" was a euphemism. What they meant was forced repatriation. . . . My experience in dealing with the Russians, is that we must be as sure as we can that we are right and fair and always lead from a position of strength.

WORKED A LONG DAY

Mr. Blaustein, who worked sixteen to eighteen hours a day, also was one of the negotiators representing the Conference on Jewish Materiel Claims Against Germany when West Germany awarded $822,000,000 to rehabilitate in Israel or elsewhere those who had been persecuted by the Nazis. West Germany also agreed to indemnify individual Nazi victims, Jewish and non-Jewish.

In 1960, he was instrumental in winning from the Krupp armament makers awards of $1,300 for each slave laborer employed there during the war. "It is not very much for what they suffered but I imagine it will be an important amount to many of them," he said.

Mr. Blaustein was a philanthropist as well as a businessman and statesman. For five years, he was national president of the American Jewish Committee and was associated with Baltimore's Jewish charities since his middle twenties.

All this while he served as a director of Standard Oil Company of Indiana, Pan American Petroleum and Transport Company, Pan American Refining Company, Mexican Petroleum Corporation, Pan American Pipe Line Company, Carib Marine Corporation, Pan American Gas Company and the American Oil Company.

A 1968 study by *Fortune* magazine named Mr. Blaustein as one of the wealthiest men in America.

ONLY PARTIAL LISTING

This partial listing does not include his position with American Trading or in the management of the Blaustein building, the 30-story $12,000,000 skyscraper he built at Charles and Fayette streets. It opened in 1963.

The glass and aluminum tower was reportedly built by Mr. Blaustein in a fit of pique after his proposal for the construction of One Charles Center, with a design by Marcel Breuer, was rejected in a spirited competition.

His building at One North Charles street was allegedly designed deliberately as a slight to be taller than One Charles Center.

He was active in community endeavors such as supporting the Baltimore Symphony. Speaking of culture, he said:

"A community must be well rounded and it must have character, in which culture plays a significant role." He called on business men to contribute, saying "it is incumbent upon them, even for the good of the business itself, to conform themselves with other aspects of community life."

In 1962, he was named to the board of the Dag Hammarskjold trust and in 1963 was made a member of the Advisory Committee on International Business Problems.

In 1964, Mr. Blaustein received the Synagogue Statesman Award from the Synagogue Council of America and the Herbert Lehman Award for leadership in the development of Israel.

In March of 1965, he returned to European statesmanship. He went again to West Germany to confer with Chancellor Erhard and former Chancellor Adenauer on behalf of survivors of the Nazi rule, who could not file claims for indemnity by the 1953 deadline because they were in Iron Curtain countries. He also discussed diplomatic relations between Israel and Germany and the status of German scientists working in Egypt.

In all, he averaged three trips abroad each year on various missions.

The Blaustein story started in 1910 when Jacob, then 18, and his father, Louis, then 40, teamed up to form the American Oil Company. It started in an old livery stable at Clarkson and Wells streets. It was a horse and wagon, door-to-door concern.

Their one tank wagon carried 280 gallons of kerosene and Jacob would sit next to the driver and dart in and out of stores taking orders and making deliveries. The tank wagon was an innovation in the business, one of many made by the Blausteins.

Another more sophisticated development was the introduction of the first special anti-knock motor fuel which revolutionized the gasoline and automobile industry and made possible the use of the high-compression engine.

They also designed and opened the first drive-in gasoline station in the United States. Known as the Lord Baltimore Filling Station, Inc., it was located on Cathedral street.

"Until we got the idea," Mr. Blaustein recalled, "you had to service autos at the curb. It was a clumsy operation."

Up to that time, motorists bought from pumps which had no indicator so the customers did not know if he were getting the proper amount of gas.

The Blausteins rigged up a 10 gallon jar on top of the pumps with gallonage marked on the side. Then the motorists could, as the advertisement soon said, "See What You Get, Get What You See."

After a long and complicated litigation between the Blausteins and Standard Oil of Indiana, American Oil Company became a totally owned subsidiary of Standard in 1954. The Blausteins became large Standard Oil stockholders and Jacob was made a member of the board of directors.

Mr. Blaustein was born on September 30, 1892. He was married on June 10, 1925 to Hilda Van Lee Katz.

In addition to his wife, he is survived by a son, Dr. Morton K. Blaustein, of Baltimore; two daughters, Mrs. David Hirschhorn, of Baltimore; and Mrs. David E. Roswell, of Summerville, N.J.; a sister, Mrs. Henry A. Rosenberg, of Baltimore, and eight grandchildren.

FAREWELL TO THE SENATE

Mr. YARBOROUGH. Mr. President, on this final day of the 91st Congress, I wish to take a few moments of the remaining time to say farewell to the great institution of which it has been my privilege and honor to have been a part for nearly 14 years. In those years, I have had the rare opportunity of playing a role in the golden age of social legislation in America. During this period of time, Congress has moved our country further toward the realization of the priceless American dream of equal opportunity for all than at any time in our history. To have been able to contribute to this great age of progress is an opportunity that comes to very few people and I shall always be grateful to the people of Texas for choosing me to be their voice during this time.

Although the Senate is the greatest legislative institution in the world, the essence of its greatness comes not from the Chamber, the process, or the procedures, but from the men who serve in it. America is blessed with being represented by more creative and dynamic individuals in the Senate than in any legislative body in any other country in the world. Every reasonable point of view and philosophy is represented here by people of the highest integrity who work diligently for the benefit of the people. Unlike so many segments of our society, these diverse views and philosophies exist together in a congenial atmosphere of fierce competition. Despite the sharp differences on issues and approaches to problems that develop in this body as the great issues of the day are debated, the Members of the Senate have always remembered the advice of Edmund Burke that in being patriots we must not forget to be gentlemen. This truly democratic approach to our Nation's problems is what makes service in the Senate such a pleasure. The rest of our country could benefit from the example set by this body.

During my years in the Senate, it has been my privilege to serve with some of the truly great statesmen of this country. The three Kennedy brothers, Lyndon Johnson, BARRY GOLDWATER, HUBERT HUMPHREY and MIKE MANSFIELD, Wayne Morse, and Paul Douglas, the great Everett Dirksen, Lister Hill—the guardian of the health of the Nation, Senator Estes Kefauver, just to name a few.

However, during this 91st Congress it has been especially pleasing to me to serve with the very able members of the Labor and Public Welfare Committee. These dynamic men of both parties have made my job as chairman of the full committee much easier and have enabled the committee to continue its great tradition of service to the needs of the people.

Time after time, they put aside their own philosophical beliefs and partisan positions, and worked together to produce legislation which would improve the quality of life in America. To each of them, I wish to say thank you from the bottom of my heart for the help and cooperation they have given me. These distinguished champions of the people are: Senators JENNINGS RANDOLPH, HARRISON WILLIAMS, CLAIBORNE PELL, EDWARD KENNEDY, GAYLORD NELSON, WALTER MONDALE, THOMAS EAGLETON, ALAN CRANSTON, HAROLD E. HUGHES, ADLAI E. STEVENSON III, JACOB JAVITS, WINSTON PROUTY, PETER DOMINICK, GEORGE MURPHY, RICHARD SCHWEIKER, and WILLIAM SAXBE.

I also wish to add a personal note of thanks to the ranking minority member of the committee the distinguished Senator JAVITS, for his help, advice, and cooperation. He has been an able partner in my fight for beneficial social legislation, in the fields of health, education, civil rights, and other fields.

I am also grateful to the distinguished chairman of the Appropriations Committee, Senator RUSSELL, for his many courtesies to me and for allowing me to secure funds for many important programs and projects for the people of my State of Texas. My work on the Appropriations Committee has been one of the high points of my career in the Senate.

I cannot leave the Senate without paying tribute to the distinguished majority leader, Senator MANSFIELD, and the distinguished majority whip, Senator KENNEDY. Despite the great burdens of their offices, they have always gone out of their way to work with me and the members of my committee in passing the legislation we worked so hard for. Their efforts are evidence of their deep commitment to helping our people achieve a better standard of life. We are truly blessed to have men of their quality serving the public.

It would be a great oversight on my part if I concluded my remarks without mentioning the work of my personal staff and my committee staff. After my defeat in May, these dedicated men and women did not give up but rather stayed with me and continued to fight the people's fight, even though it cost many of them valuable job opportunities. I shall never forget their efforts nor will the people of my State cease to benefit from them. I give a special note to my son, Richard Yarborough, who faithfully remained with me for 10 years as legislative assistant, during which time so much of the progressive legislation I sponsored was passed.

The privilege of serving in this great body was given us by the people of Texas, who three times elected me to the Senate, giving me the opportunity to serve 13 years and 8 months, a longer period of time than any except four of the 26 Senators who have served Texas since it became a State.

For my election, with little money and less press support, I owe thanks to many thousands of dedicated volunteer workers, without whose help I could never have been elected.

Foremost among those who sacrificed for me were my beloved wife Opal, and my eight brothers and sisters, with their spouses and children. They sacrificed much, she and everyone, the call even of blood relationship. To my family, the heritage of physical strength, character, and mental stability, the habit of work and a belief in justice, I owe to my beloved late father and mother. All my brothers and sisters helped mold my life, and they have put their good names and family position in the lists with me time after time.

I am not a self-made man, I am a product of my family, my heritage, my environment, my area, the inspirational teachers I had in school, from the primary through the University of Texas. With their aid I have tried to build on the foundation they gave me. I hope and believe that my service here has been of benefit to my State and Nation, to our

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society and to civilization and our environment, so believing, I pay tribute to my own heritage and environment.

In conclusion, Mr. President, my wife and I thank all of those Senators who have said so many kind things about us and who have shown us so many courtesies over the years. I leave this body with no regrets and with a heart full of love for those who continue to serve here. As you face the challenge of the new year and the new Congress, be assured that you are always in my thoughts and prayers.

For 13 wonderful years, thank you.

TRIBUTE TO SENATOR STEPHEN YOUNG

Mr. NELSON. Mr. President, the retirement of Senator STEPHEN YOUNG, brings to an end the distinguished and colorful career in the U.S. Congress.

The progressive Ohioan always showed a marvelous independence and a zestful, and often acid sense of humor. He never hesitated to speak out toughly in a manner that earned him the enviable reputation as a man who was honest to his convictions and who "pulled no punches."

His own political career was that way. In 1958 he won his Senate seat from the distinguished Senator John Bricker when the best political experts were predicting his defeat. In 1964, he was reelected running against the powerful Ohio political name of Taft, while all the political experts were predicting his defeat.

In the Senate, Senator YOUNG dynamically reminded America of its yet unfulfilled obligations to the poor, the blacks, and the other disadvantaged groups in our society. He was early in his opposition to the war in Vietnam and spoke out angrily against the senseless and tragic shootings at Kent State University in his home State.

Senator YOUNG's dedication and independence will be missed in Congress and I hope he will continue to spread out in his special dramatic fashion in the years to come.

A TRIBUTE TO JUDGE SIMON ERNEST SOBELOFF

Mr. TYDINGS. Mr. President, on December 31 of this year Judge Simon Sobeloff, U.S. Court of Appeals for the Fourth Circuit, will accept senior judge status, thus stepping down as a fully active member of the Federal judiciary.

Judge Sobeloff is surely one of the giants of the legal profession. As an attorney, as a judge, and as a man Simon Sobeloff has displayed the qualities of wit, wisdom, compassion and intelligence that are the marks of greatness.

Few in Maryland are unfamiliar with the achievements of Simon Sobeloff. He is truly one of Maryland's finest sons. Born in Baltimore and educated in the Maryland public schools, Judge Sobeloff worked his way through the University of Maryland Law School. After law school the list of his achievements cannot fail to impress even those only casually familiar with his record of public service. He served successively as assistant, deputy and city solicitor of the city of Baltimore, as U.S. attorney for Maryland, as chief judge of the Maryland court of appeals, as Solicitor General of the United States and as associate, and chief judge of the U.S. Court of Appeals for the Fourth Circuit. Moreover, his influence went far beyond the achievements signified by these official titles. He was the trusted advisor and confidant of many public figures, including President Dwight D. Eisenhower.

As an attorney, and a juduge and a public servant, Simon Sobeloff has won the respect of all of those who have had the privilege of dealing with him, including the most downtrodden litigant to appear before him. Indeed, Simon Sobeloff's finest work arose from his deep feeling and appreciation for the rights and liberties of all Americans.

I am certain that as a senior judge, Simon Sobeloff will continue to serve his country with the brilliance, the humanity and the vision with which he has served so long.

TRIBUTE TO SENATOR McCARTHY

Mr. NELSON Mr. President, for more than 20 years Senator EUGENE McCARTHY served the people of Minnesota and of the Nation in the U.S. Congress.

Senator McCARTHY's career has been one of special achievement and distinction during the 10 years he served in the House of Representatives and the 12 years he worked in the Senate.

Senator McCARTHY has been a good friend from the neighboring State of Minnesota and I watched his special brand of independent leadership develop from Congressman to presidential candidate.

To many people all across the country and throughout the world, Senator McCARTHY will be remembered for his courage in the early opposition to this country's expanding commitment in the South Vietnamese civil war.

Senator McCARTHY's name has a special meaning, however, to the youth of this Nation who saw in him a commitment to responsible government and the courage to take his convictions to the country.

The U.S. commitment to the war in Vietnam now seems to becoming to an end. But when Senator McCARTHY started speaking out against the American involvement in that tiny Southeast Asian nation, there were very few who stood beside him and virtually the only voices in opposition were heard from the youth who had to fight and die there.

Senator McCARTHY is leaving the Senate and his voice will be missed. It is doubtful, however, that that will be the last the Nation will hear from Senator McCARTHY. The Minnesota Senator is too dynamic and committed a man to stay silent for very long on the significant issues that face this country.

REPORT TO THE PEOPLE OF MISSISSIPPI FOR 1970

Mr. STENNIS. Mr. President, as we reach the end of the calendar year 1970 and the completion of the second session of the 91st Congress, I wish to make a report to the people of the State of Mississippi as to those matters to which I have devoted particular effort, and what has been accomplished.

I have great respect for the responsibilities vested in me by the citizens of Mississippi, and am pleased to have this opportunity to make a report of my efforts to them, and to record same in the CONGRESSIONAL RECORD.

I warmly thank my constituents for the trust they have placed in me, for their unfailing support and assistance to me in carrying it out, and for electing me to serve a fifth term in the Senate. I am also indebted to the other members of the Mississippi delegation in Congress, whose cooperation and help I deeply appreciate.

My colleagues in the Senate have offered me many courtesies and frequent assistance, and I am grateful for the privilege of working with them to reach solutions to our national problems. The staff of my office, and the staffs of the committees on which I hold membership, have demonstrated competence and loyalty, and a proper determination to help me be of service to the people of our State and the Nation. My family and friends have sustained me, and I have been fortunate to be blessed with good health and spiritual support. For all of this, I am deeply grateful.

The year 1970 has been a deeply troubled one for our country, perhaps more so than any year in memory. We have had bitter internal strifes, grave economic problems, difficult foreign situations, and the continued burden of a war from which we are gradually withdrawing, turning it over to the people we have been defending, now that they are armed and trained to undertake their own defense.

However, there have been many accomplishments in the Nation, and in the Congress. Of those in which I have been privileged to have a part, I report herewith to the people of Mississippi under several subjects and activities.

A SINGLE NATIONAL POLICY ON SCHOOLS

During 1970 I continue to devote a great deal of effort to drawing national attention to the fact that this Nation has two standards of school desegregation. One is imposed on the South by the Federal courts, the Department of Health, Education, and Welfare, and the Department of Justice. The other exists throughout the rest of the country, almost entirely ignored, deliberately tolerated because the stern measures imposed on the South would be unacceptable in the North, East, and West.

The reason that I have fought for a single policy on school desegregation is, of course, that if all the country were asked to impose in their own communities the rules they demand of the South, the people would reject them out of hand, and would soon let the Congress and the administration know this. The result would be, I believe, that when a single national policy became adopted, it would have to be one of moderation. It would have to recognize the fallacy in attempting to use schools as instruments of social change, of destroying children's educational opportunities by insisting on

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balancing races in schools, and ignoring the neighborhood school concept. In my view the single national policy is the best approach we can follow to be permitted to rebuild the public school system in the South so that it can properly perform its functions.

With the intent, therefore, of exposing the national hypocrisy of having a dual standard, I made a series of speeches on the Senate floor last fall and winter, in which I pointed out in terms of specific facts the highly segregated school systems that are accepted without question in the most populous States in the Northeast, the Middle West, and west coast. This focusing of the public spotlight on these situations appeared to cause considerable discomfiture, and of course elicited replies. Since the facts could not be disputed, the replies generally defended school segregation outside the South as justifiable because of being de facto or caused by housing patterns, and not de jure, or based on vestiges of dual school systems established by law. In other words, segregation outside the South was acknowledged, and the claim made that nothing could be done about it. This was not lost on the news media, and there was considerable national exposure of the situation, and a growing realization that the country does in fact have two school policies, and not one.

These speeches from October to December paved the way for the actions I took in January 1970, when the Senate was scheduled to consider the authorization bill for public school assistance programs, the Elementary and Secondary Education Act.

On January 27, I introduced my amendment No. 463. During the subsequent debates, which lasted until April 1, this amendment became known in the Congress and in the national press as "the Stennis amendment."

I attempted to write my amendment in very brief, clear language, to make its intent unmistakable. It said simply that there shall be a single national policy, applied uniformly in all regions of the United States, in dealing with conditions of segregation by race in schools, without regard to the origin or cause of such segregation.

Between January 27 and February 18 my amendment was debated very extensively, for it became apparent that the issue had simple justice on our side, and that the practice of skillfully avoiding in the North the procedures that have been forced upon the South was about to come to a clear and open vote in the Senate. During this time my amendment was strongly supported by southern colleagues in the Senate, by others from the West, and by one northern Senator who forcefully acknowledged that the situation represented a monumental hypocrisy in the north. I am glad to say that when my amendment came to final vote on February 18, we were joined by many Senators from outside the South, and the amendment was passed by a vote of 56 to 36. For a time, at least, we had achieved a long-sought objective, and a single national policy on school desegregation had become a legislative practicality.

However, the Stennis amendment was, of course, not in the House version of the education bill when it was passed by the body. This meant that it became a matter to be resolved in a joint conference committee, and I did not have much hope of it surviving that process uncompromised. It was too much to expect it to come out as the same clear mandate for the North to act in accordance with the demands it had made on the South, which in effect would have meant that they would moderate those demands until they would meet acceptance by northern communities and northern parents.

The report of the conference committee came back to the Senate on March 24, and was adopted on April 1. It did, of course, compromise my amendment. They wrote it to sound imposing but mean little, other than to officially sanction the double standard of de facto and de jure. I might add that the compromise wording was singularly similar to the policy statement made by the President on March 24, the day the conference report was released.

So it would appear that many months of effort had come to nothing. I believe, however, that this is not the case. The long exposure of the true facts in the debate in the public forum surely have made it impossible for any American to deny that there are two standards. No longer can a northern speaker belabor the South on desegregation without raising in the minds of his listeners the question of what he proposes to do in the North, and this certainly has the effect of lessening the temptation to speak on the subject. No longer can the courts completely ignore the dual standard, for it is too much in the public mind, and too present in the public conscience. It is too clearly a matter of justice, and I believe in the American public's sense of justice.

It will take time to correct this situation—time we bitterly begrudge, while our schools are practically destroyed. But I think and hope that in time we will have a single national policy; and because everyone will have to follow it, it will have to be moderate, practical, sensible, and be aimed at the true purpose of schools, which is to educate children.

NATIONAL FOREST FUNDS FOR SCHOOLS

Federal law provides that counties which contain national forest land shall receive a share of the forest income. One-fourth of the money received by the forest for timber sales, grazing, mineral sales, and other income is divided among the counties concerned, according to the acreage of national forest land within the counties. The money paid each county is to be divided equally between schools and county roads.

We have six national forests in Mississippi, involving lands in 33 different counties. The income of the national forests is substantial, especially from timber sales, and the returns to counties in Mississippi are among the highest in the United States. For fiscal year 1970, the money divided among the counties was $1,347,728.

For several years we have had a problem in connection with that part of the money which was to be paid our schools. Beginning with fiscal year 1967, the Federal Government wrongfully withheld money from certain of our county schools under the provisions of title VI of the Civil Rights Act of 1965. The money, which normally would have been paid to the schools through the State treasurer, was impounded on the ground that the schools of those counties were not properly integrated. I contended at every turn the money from forest sales belonged to the counties under general law that had no relation whatsoever to the Civil Rights Act.

For 4 years, I have been endeavoring to obtain the release of these impounded funds. I am glad to say that as of November 23 of this year, the last of the money was released, and paid to its rightful recipients, the county school districts.

THE DISASTER ASSISTANCE ACT OF 1970

After Hurricane Camille struck our gulf coast in August of last year, I introduced a bill to provide disaster assistance. Various provisions of my bill, and those of Senator EASTLAND and Mississippi House Members were considered by a conference committee of the Senate and House Public Works Committees, and formulated into the Disaster Relief Act of 1969, which was signed into law by the President on October 1, 1969.

This was far quicker legislative action than had ever been taken in a natural disaster of this kind. There were certain provisions in my bill, however, which were not incorporated in the act of 1969; and it was agreed at the time, on the Senate floor, that these aspects would be considered by the Senate Public Works Committee, in hearings to be held within a few months, and if then adopted by the Senate in a subsequent bill, they could be made retroactive to cover Hurricane Camille. The most essential element which I felt should be so treated was one which would assist communities which had suffered such a heavy loss in their tax base that they had no way to finance their local governmental activities.

This year the Senate passed the Disaster Assistance Act of 1970, on September 9, 1970, and sent it to the House for action. The bill is intended to be permanent legislation, to cover all future natural disasters, and I was a cosponsor of the bill in the form in which it passed the Senate. I am glad to say that it gives consideration to the situation about which I was so concerned at the time of the 1969 act. The 1970 act provides grants for local governments, which suffer a substantial loss of tax base in a natural disaster, to finance their governmental activities, over a period of 3 tax years beginning with the year in which the disaster occurred. The effective date of this section was made retroactive to August 1, 1969, so as to include Hurricane Camille. This is very important to our coastal region and much constructive development has come and more will come from this law.

FEDERAL ASSISTANCE FOR RURAL ROADS

In 1949, I introduced a bill to extend Federal highway aid beyond the secondary highway system, to rural county roads. My bill as an amendment was incorporated into the Federal-Aid Highway Act of 1950, and has remained a part

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of the national highway program since that time.

I am pleased to say that the Federal-Aid Highway Act of 1970, which was passed by the Senate in October, continues to authorize this system of improved roads to serve rural communities. This has been a tremendously important program to our State. Since 1950, several thousand miles of secondary rural roads in Mississippi have been improved or constructed, by investment of over $214 million. Almost half of this was money from Federal funds that came through my amendment of 1950. This program is known in Mississippi as the State aid road and is administered by the State highway department and the local board of supervisors in each county. The boards have done an outstanding job. I shall continue to see that the amendment of 1950 is reenacted in each Federal Aid Highway Act.

PUBLIC WORKS APPROPRIATIONS

I enjoy the opportunity to serve on the subcommittee of the Senate Appropriations Committee which handles the funding of public works. Our water resources in Mississippi are a very important part of our natural heritage, and their systematic and timely development is essential for the growth of our economy and the wellbeing of our people. The two Federal agencies which have the most to do with water resources, for navigation, flood control, water supply, water quality control, and recreation, are the Corps of Engineers and the Tennessee Valley Authority. The appropriations for these two agencies are under the jurisdiction of the subcommittee to which I refer.

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I think we have had excellent success this year in the funding of the water resources projects that are of particular importance to Mississippi.

One of the projects which has vast potential for Mississippi is the Tennessee-Tombigbee Waterway, which will run generally north and south along the eastern part of the State, and will provide barge navigation connecting Pickwick Lake on the Tennessee River with the existing Tombigbee-Warrior system which leads to Mobile. This year we obtained the first construction money for this project, in the amount of $1 million. This is an extremely important step, for it is just the first one on the way toward a vast project which will take about 9 or 10 years to fully complete. For the next fiscal year, I am vigorously pushing for a substantial increase up to 6 or 8 million dollars for further substantial construction. This project must move forward.

Last year the Congress provided $200,000 for the engineering design of Tallahala Reservoir, in Jasper County. This money was not spent by the administration, for reasons of fiscal restraint, but it was carried over to this year, and the Congress added $100,000, for a total of $300,000. The start of design means we can now expect steady progress toward construction and completion of this dam and reservoir, which will provide water supply, flood control, and recreation. Congressman WHITTEN and I have teamed up on this following his initiation of the important project.

For the flood control project on the Tombigbee River and tributaries, $350,000 was carried over in budgetary reserve by the administration. This has been released, and the Congress has raised the amount to $1.7 million. This will give a strong start to this project, which will take several years to complete.

Approval was given this year for a total of $1,250,000 for Yellow Creek Port. This project is jointly sponsored by State agencies and TVA, and is to built as a barge traffic terminal on Pickwick Lake, in Tishimingo County. This project will be an economic boost for northeast Mississippi, and with the money now available we can hope to see it completed in as little as 3 years. Congressman JAMIE WHITTEN and I have paired up on this important and valuable project following its initiation by him in the House.

The largest expenditures for water resources development in Mississippi are made each year for flood control and navigation channel work on the Mississippi River and its backwater areas. This work is funded under the Mississippi River and tributaries project, to cover work in the several States of the Lower Mississippi Valley. This project is crucial, of course, for the mainstem level system protects us at high water and the channel work gives us barge navigation during low water. I think that the present sum is reasonably adequate, but I hope to see that figure increased in future years.

Other important funds include those for the Jackson and East Jackson flood control project, money for maintenance of our gulf coast ports, and for our Mississippi River ports.

We are fortunate to be a water-rich State, and this fact will play an important part in our economic future. We must insure that the water resources are developed, year by year, in a systematically planned manner, as for example in the plans for the Pearl and Pascagoula basins, which are discussed elsewhere in this report, and for the Big Black, the plan for which was completed 2 years ago. With proper planning and appropriate controls on pollution, we can have economic prosperity and still maintain the quality of the environment that we all enjoy.

As a member of the Appropriations Committee I have pushed these and other water projects, and some which are completed, for many years, and shall continue to do so to the limit.

PEARL RIVER BASIN STUDY

A comprehensive plan for the long-range development of water and related land resources of the Pearl River Basin has been completed in draft form by a Federal-State committee. Participants were the States of Mississippi and Louisiana, and the Departments of Army, Agriculture, Interior, HEW, Commerce, Transportation, and the Federal Power Commission.

A public hearing was held at Jackson on September 9, 1970, at which the plan was presented to the public, and comments invited. After revisions and refinements are completed, the State-Federal Interagency Coordinating Committee will forward the report to the Water Resources Council in Washington for approval.

The plan projects water resource needs in the basin of the Pearl River and its tributaries until the year 2015. As in the case of the similar study in the Pascagoula Basin, an overall, long-range plan is established, for general guidance, to be updated periodically. An early-action defines the anticipated needs of the next 10 to 15 years. The projects in the early-action plan would be the subjects of specific authorizing reports to Congress in the next 2 or 3 years. After authorization by Congress, they would become eligible for funds for design and construction, through the annual public works appropriations bills.

The early-action program for the Pearl River Basin includes a navigation boatway, three Federal multiple-purpose reservoirs, and 30 federally assisted upstream watershed projects.

The Pearl River boatway would include 302 miles of cleared and snagged channel, from the mouth of the Pearl to the vicinity of Edinburg in Leake County, for use by recreational boaters. Eighty-two associated recreational areas, with boat ramps, would be provided. In the long-range plan, the boatway would be expanded into a commercial navigation barge channel as far as Jackson, and would include eight new navigational locks.

The three major reservoirs would be Ofahoma, in Leake County; Edinburg, in Neshoba County; and Carthage, also in Leake County. First costs for the three reservoirs would total $79.3 million; for the headwater watershed project, $87.3 million; and for the Pearl River boatway, $6.4 million; or a total of $173 million for the early-action program.

Naturally, I am pleased with the results, so far, of this far-reaching water resources study. It has taken a number of years of effort to obtain authorization for the basin study, and funds to carry it out. There is much yet to be done. This year I expect the study to be finalized, and it should then go to the Water Resources Council for approval. Thereafter, it will be a matter of obtaining funds for the preparation of authorizing reports for the specific projects, getting the reports approved by the Public Works Committee for inclusion in an omnibus bill, and then getting design and construction funds.

I intend to devote my all out and vigorous efforts toward these projects year after year as in the past, and press for rapid development. They will have tremendous effects thoughout the Pearl River Basin and in our State as a whole.

PASCAGOULA RIVER BASIN STUDY

A comprehensive plan was prepared by a Federal-State committee for the long-range development of the water and related land resources of the Pascagoula River Basin. The participants in the study were the States of Mississippi and Alabama, and the Departments of Army, Agriculture, HEW, Interior, Transportation, and Commerce, and the Federal Power Commission. The plan received final approval from the Federal Water Resources Council on April 15, 1970, and was transmitted by the President to the Congress on that date.

The plan projects water resource needs in the basin of the Pascagoula River and its tributaries until the year 2015. To meet these demands the study establishes an overall plan, which will be reviewed and updated periodically, and an early action plan. The latter consists of projects which are necessary over the next 10 to 15 years, and it is this element of the comprehensive plan that is of immediate interest to our citizens, and to the Federal agencies which must build these projects. Those agencies are beginning preparation of authorizing reports on the early action projects this fiscal year, for submission to Congress. When the Congress authorizes the projects specifically, they become eligible to receive funds for design and construction. Other projects in the early action are planned to be constructed by the State and local interests.

The early action plan contains four new major reservoirs which, when authorized, would be built by the Corps of Engineers, and 17 upstream watershed projects which would be federally assisted, under the auspices of the Soil Conservation Service.

The four reservoirs would cost $121,647,000, and the upstream projects $33,373,000. The reservoirs are Harleston in George and Jackson Counties; Taylorsville in Smith County; Bowie in Covington County; and Mize in Smith County.

This sum of money, over $150 million, will be very important to Mississippi, and the water resource projects will have tremendous economic effects. I am very pleased to have the basic plan approved by the Water Resources Council, and intend to press vigorously for authorization and finally the money for each of the projects by Congress as soon as possible.

In the years ahead, I believe that water transportation, waterways as sites for industrial development, natural and manmade lakes and reservoirs, as well as natural rainfall will be our State's greatest assets. I am determined to do my part in the development.

WATERSHED PROJECTS

The Soil Conservation Service program for watershed projects provides technical and financial help for land treatment and structures for flood prevention, fish and wildlife development, recreation, and water supply in upstream watersheds up to 250,000 acreas in size. These developments have been used with great effectiveness in Mississippi, and the program can be expected to be a continuing effort over many years as land uses are more fully developed.

During 1970, Federal funds in the amount of $1,776 were invested in watershed projects in Mississippi, together with substantial amounts contributed by our local watershed development districts.

The watershed program has a substantial effect not only on our agricultural activities but on our economy as a whole. It will continue to have my strong support and my continued careful attention. It is a vital element in the development of our water resources and their related land uses for the long-term growth and prosperity of Mississippi.

APPALACHIAN REGIONAL DEVELOPMENT

In 1967 I undertook a strong effort to have the northeastern counties of our State designated as a part of the Appalachian region, so that they might receive the economic benefits established under the Appalachian Regional Development Act of 1965. I testified before the Senate Public Works Committee, got them to reconsider their first action which denied Mississippi admission and later got it approved by the Senate. The members of our congressional delegation got the amendment passed by the House and thus the 20 northeast counties were included under the act.

The Appalachian program is carried out by the Appalachian Regional Commission, which consists of the Governors, or their representatives, of the 13 States of the area, and a Federal member appointed by the President. The States prepare proposals aimed at economic development of all kinds. If these are approved by the Commission, then they receive special Federal funding. The projects can include roads, health projects, educational facilities, water resources projects, airfields, public utilities, and other works designed to stimulate economic growth.

Accomplishments under this program have been very impressive. Since 1967, Mississippi projects with a total cost of $20,779,000 have been built. Of this sum, over $13 million was in Federal funds. The projects included such work as the Golden Triangle Regional Airport, buildings at several colleges and universities, libraries, and public utilities in many locations. Eleven projects were approved in 1970, and number of others are under active consideration. In addition, access roads in a total amount of $8,573,000 have been built.

This is an excellent and needed program for the 20 counties that are included in it, and I am vigorously supporting the creation of similar development regions which would cover the rest of the State.

RURAL WATER AND WASTE SYSTEMS

The rural water and waste system program of the Farmers Home Administration is particularly important to Mississippi. Under this program, nonprofit organizations or local public bodies can obtain grants and loans to plan and construct water and sewer systems in rural areas and in towns of a population of 5,500 or less.

On a per capita basis, I am proud Mississippi is the leading user of this sound and useful program, and in total grants and loans to date ranks second among the 50 States.

During calendar year 1970, grants were made in the amount of $2,207,000, and loans in the amount of $11,959,000.

These are imposing figures, and the money is accomplishing a great deal for many of our communities. Nevertheless, more Federal funding is badly needed. In Mississippi alone, we have an unfunded backlog of $30,000,000. Throughout the past several years, I have had a major part in substantially increasing the annual funding of this fine rural program, and I am pledged to continue those efforts with vigor.

As I have indicated elsewhere in this report, under agriculture appropriations, the effort to increase the funding has been particularly successful this year in the committee and on the Senate floor, and this should have substantial effects in our State during 1971. Money spent in this way is a constructive instrument and will pay big dividends in the future. This is the very opposite of the giveaway programs.

WATER QUALITY IMPROVEMENT

The Federal Water Quality Administration has the primary Federal responsibility for improving the quality of the water in our rivers, lakes, and coastal areas. This agency works with our Mississippi Air and Water Pollution Control Commission in Jackson in establishing water standards, and endeavors to encourage all efforts aimed at keeping waters at maximum possible cleanliness.

Among other actions, the Water Quality Administration awards grants to municipalities for the construction of waste treatment plants. These grants finance 30 percent of the costs of the plants. Actions now under consideration in our State government may in due time make it possible for the Federal grants to be as high as 50 to 55 percent of the project cost.

I am glad to be able to say that I have stayed in close touch with the applications from Mississippi for these grants, and that we have been quite successful in obtaining Federal funds. Since January 1, $4,400,000 in Federal funds has been made available for sewage treatment plants in our State. These grants will stimulate projects having a construction cost of over $14 million.

I hope that in 1971 and future years we can continue to increase this excellent and essential program, so that as our economy and population grow, we will be getting the maximum financial assistance from all appropriate Federal agencies in preserving the cleanliness of the waters of our State.

URBAN WATER AND WASTE SYSTEMS

The urban water and waste systems programs of the Department of Housing and Urban Development are similar to the rural systems of the Farmers Home Administration, but are used in towns of a population over 5,500.

Mississippi has made good use of these programs during 1970. Federal funds in the amount of approximately $3,500,000 have been made available to share in the cost of new water and sewer systems in our larger towns, of which about two-thirds is in loans and one-third in grants. The projects are in 10 cities, in as many different counties.

We have in Mississippi ample amounts of clean water. We must see that it is kept clean, and that it is adequately distributed for industrial and domestic water supplies. If we are to do this, we must take advantage of all of the Federal programs that are available for water and waste systems, of which this Housing and Urban Development program is but one. Others include the Farmers Home Administration, the Economic Development Administration, the Federal Water Quality Administration, and, for parts of our State, the Appalachian Regional Development Administration. I am doing my utmost to give all possible assistance to the processing of applications for grants and loans for utilities systems under these programs. This effects our industry developments in future years.

ECONOMIC DEVELOPMENT PROJECTS

The Economic Development Administration in the Department of Commerce was established by the Congress in the Public Works and Economic Development Act of 1965. Its purpose is to assist in developing the economy of areas which may have family income rates that are lower than average, or where unemployment may be consistently high. The EDA does this by making business loans for potential industrial facilities, and by making grants and loans to local governments for public works which will provide the necessary utilities to encourage economic expansion.

During the calendar year 1970, public works projects in Mississippi received $18,242,000 in grants and $926,000 in loans. To develop private businesses, EDA loans were made to individuals and corporations in the amount of $7,040,000. As the year drew to a close, additional applications for $6,560,000 in public works money were under review with a good chance of approval.

Again, these are excellent programs, and we need to use them to the maximum in developing our State. I am glad to have helped in these matters, and am pleased at the extent of success we have had to date.

XUM

MISSISSIPPI TEST FACILITY

With the approaching conclusion of the Saturn rocket program of the National Aeronautics and Space Administration, it was apparent that unless something were done about it, the Mississippi test facility, in Hancock County, would be closed down, and cease entirely to be an operating installation. The MTF, as it is called, in conjunction with a NASA computer center at nearby Slidell, La., had been the testing ground for all of the Saturn rockets, which after test firing were then shipped by barge to Cape Kennedy for space shots.

The closure of MTF would have been, in my judgment, an uneconomical action from the point of view of the Federal Government, which had made a very substantial investment at the facility. Available there for other uses was an area of 13,250 acres, with some 60 buildings and structures, including laboratories and shops of all kinds. Further, it appeared very important that the test stands and accompanying piping and in-instrumentation should be preserved, against the day when Saturn or similar rockets might again be in the program.

Besides the national interest in making the best use of an existing facility, it is obvious that to completely phase out the MTF would be a disastrous economic blow to the southern part of our State.

Accordingly, I have devoted much time and effort in trying to interest various Federal agencies, as well as other activities, in locating programs at MTF and using the Slidell computer facilities as well. I am glad to say that with the help of colleagues in the Senate and House, we have had some success in this effort, and expect additional accomplishments as time goes on. Certainly, it is now assured that MTF and Slidell will not close, but will continue to operate, with several diversified programs.

The transitional period, with NASA phasing out as other agencies were planning to move in, appeared to be very critical. Accordingly, I worked for the inclusion of a sum of money in the NASA appropriation for this fiscal year which could be used to provide support services at MTF for other Federal programs. This effort was successful. The money has been appropriated, and will be very useful in the establishment of new work at MTF.

The National Data Buoy project, operated by the Coast Guard under the supervision of the National Oceanic and Atmospheric Administration of the Department of Commerce, is firmly committed to the use of part of the facilities at MTF. This program is an element of the research effort toward better understanding, prediction, and control of conditions on the surface of the sea and under it.

The Bureau of Commercial Fisheries has announced that it will locate one of its newer programs at MTF. It is aimed at management of offshore fisheries, using remote sensing data obtained from aircraft and satellites.

The Department of Commerce has firm plans for the permanent location of the Mississippi River Flood Forecast Center at MTF, and is planning on other programs there in the future. One is part of an observational program on meteorology and pollution, and one is concerned with tropical oceanographic experiments.

The Atomic Energy Commission is considering placing two new programs at MTF. One involves development of electric power for future space missions, and one would be a demonstration facility to allow industries to test uses of certain new AEC developments.

Discussions are underway concerning a solid waste treatment laboratory for the new Environmental Protection Agency, and an estuarine laboratory. If the gulf environmental program materializes, Gulf Universities Research Corp., a group of universities in the United States and Mexico, may well use MTF. Various private industries are also considering the ways in which MTF facilities might be used on a reimbursable basis.

Continued effort on the part of your delegation will be needed to insure that MTF is properly utilized, but this effort is needed on behalf of the southern part of our State, and it will continue to receive my close attention and active support.

MERCHANT MARINE PROGRAM

Because of our fine Mississippi deep-water seaports, our many maritime commercial enterprises, and our large, modern shipbuilding facilities, I have taken a strong continued interest in the merchant marine program of the United States. In addition, of course, there are reasons of national interest for supporting a revitalized merchant marine, such as national defense and balance-of-payments aspects.

This year, I am glad to say, the Congress has passed an act which will revitalize our merchant fleet by a shipbuilding program of 300 ships, over a 10-year period. Federal subsidies are provided in order to make this program possible.

Our U.S.-flag fleet is now 967 ships, of which only 650 are in foreign trade. It would decline to 310 ships by 1980 if none were built. Our fleet now ranks fifth in the world on a tonnage basis.

The impact of the new shipbuilding program will begin to be felt in 1974, which is the same year the last of the World War II vessels will be phased out. I am pleased with the new legislation, and confident that its effect will have significant benefits in our gulf coast ports and to shipping oriented industries statewide.

COMMITTEE WORK

The preceding headings have dealt with subjects which I consider to be of particular importance and of special interest to Mississippians. They do not of course include many other legislative matters in which I have been involved. They touch only briefly on my committee duties which I welcome because they afford many opportunities for constructive accomplishments that benefit our Nation and our State.

I serve as chairman of one of the major committees of the Senate, the Armed Services Committee, and the Preparedness Subcommittee. I chair the Select Committee on Standards and Conduct for the Senate, and serve as a member of the Aeronautics and Space Committee, which is a major committee. As a member of the Appropriations Committee, I chair one subcommittee and serve on six others. In this capacity it also falls my duty to serve often on important conference committees which resolve differences between the Senate and the House in appropriations bills and in fact write the final form of the bills.

These assignments are time consuming, but they enable me to work closely with detailed legislation when it is in the formative stages, and frequently to insure that our State is not slighted in any way in the many national programs. It is time well spent, and I am pleased to have the chance to serve in such a broad variety of committee assignments.

CONCLUSION

Looking back on 1970, I think this year has been a productive year in the Senate, though in many ways a very difficult one. I believe the groundwork has been laid for many other constructive actions that will be pursued in 1971. I look forward to the challenge, and will devote my every effort to meeting it.

Finally, I want to thank the people of Mississippi. They keep me informed, and stimulate my attention to matters which interest and trouble them. They give me their loyalty and receive mine. I am deeply grateful to them for all that they do to help me, and thankful when I can help them. With this inspiration to sustain me, I look forward with anticipation to 1971 and the first session of the 92d Congress.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes, for the purpose of welcoming the new Senator from California.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

At 2:01 p.m., the Senate took a recess for 2 minutes.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer (Mr. STEVENS).

ROLLCALL ATTENDANCE RECORD OF SENATOR BYRD OF WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, there have been 422 rollcall votes in this session. I gave 24 live pairs and actually missed six of these votes.

My rollcall attendance record for the year 1970, therefore, was 98.5 percent, even though I had to campaign for reelection as a Senator from the State of West Virginia.

My rollcall record of attendance during 6 years in the West Virginia Senate and House of Delegates, and my 6 years in the U.S. House of Representatives was 94.6 percent.

During my 12 years in the U.S. Senate, I have voted on 95.5 percent of all rollcalls. My Senate record is broken down as follows:

Year	Number of rollcalls	Rollcalls missed	Percentage of attendance
1959	216	5	97.6
1960	207	16	92.3
1961	206	3	98.5
1962	227	7	96.9
1963	229	20	92.0
1964	312	27	91.3
1965	259	20	92.3
1966	238	18	92.4
1967	315	2	99.4
1968	280	10	96.4
1969	245	7	97.2
1970	422	6	98.5
Total (12)	3,156	141	95.5

AUTHORIZATION FOR THE PRESIDENT OF THE SENATE TO MAKE CERTAIN APPOINTMENTS AFTER SINE DIE ADJOURNMENT OF THE SENATE

Mr. MANSFIELD. Mr. President, I submit a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. STEVENS). The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 506) as follows:

S. RES. 506

Resolved, That, notwithstanding the final adjournment of the present session of the Congress, the President of the Senate be, and he is hereby, authorized to make appointments to commissions or committees authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

AUTHORIZATION FOR THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE TO SIGN ENROLLED BILLS AND RESOLUTIONS

Mr. SCOTT. Mr. President, I submit a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Con. Res. 89) as follows:

S. CON. RES. 89

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the sine die adjournment of the two Houses, the Speaker of the House of Representatives and the President of the Senate, the President pro tempore, or the Acting President pro tempore be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

NOTIFICATION TO THE PRESIDENT

Mr. MANSFIELD. Mr. President, I submit a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 507) as follows:

S. RES. 507

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join a similar committee of the House of Representatives to notify the President of the United States that the two Houses have completed their business of the session and are ready to adjourn unless he has some further communication to make to them.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The PRESIDING OFFICER. The Chair appoints the Senator from Montana (Mr. MANSFIELD) and the Senator from Pennsylvania (Mr. SCOTT) as Members to notify the President, as required by this resolution.

THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. SCOTT. Mr. President, I submit a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 508) as follows:

S. RES. 508

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Spiro T. Agnew, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the Ninety-first Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. KENNEDY. Mr. President, I submit a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 509) as follows:

S. RES. 509

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Richard B. Russell, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the Ninety-first Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

THANKS OF THE SENATE TO THE ACTING PRESIDENT PRO TEMPORE

Mr. MANSFIELD. Mr. President, I submit a resolution and ask for its immediate consideration. It seems to emphasize what the assistant majority leader and the minority leader have already said.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 510) as follows:

S. RES. 510

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Lee Metcalf, Acting President pro tempore of the Senate, for the courteous, and impartial manner in which he has presided over the deliberations during the second session of the Ninety-first Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I think that takes care of the President of the Senate, President pro tempore, and the Acting President pro tempore on a permanent basis, my distinguished colleague from Montana (Mr. METCALF).

Now, Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, while we give the President the welcome news.

The PRESIDING OFFICER (Mr. STEVENS). Without objection, it is so ordered.

Thereupon, at 2:05 p.m., the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 2:15 p.m., when called to order by the Presiding Officer (Mr. STEVENS).

REPORT OF PRESIDENTIAL NOTIFICATION COMMITTEE

Mr. MANSFIELD. Mr. President, we are about to report that we have informed the President of the pending adjournment sine die of the Senate. We asked him if he had any further work for us to do.

He said, "No, not at this time."

He was courteous enough to compliment us on what we had accomplished.

We both thought it was about time for the executive and legislative branches to take a brief respite from our daily labors.

Mr. SCOTT. Mr. President, if the distinguished majority leader would yield, I would like to comment only to this extent, that the President, as the distinguished majority leader has said, expressed his thanks for the work done and indicated that he would see us all again at the time of the state of the Union message on the 22d, which will probably be delivered at night, rather than at noon, the purpose of which the Senators are familiar with.

He also wished the two of us a happy New Year and inquired solicitously as to our vacation plans.

We expressed the same thoughts to him. He asked us to express his happy New Year greetings to all Senators, members of the staff, and employees of the Senate as well.

Therefore, it is a pleasure to report that the business is finished and we draw very close to the two most beautiful words in Senate language, "sine die."

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

XUM

AUTHORITY FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives after the sine die adjournment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, may I ask the Parliamentarian if there is anything the joint leadership has forgotten to request at this time?

The PRESIDING OFFICER. The Chair is informed there is nothing.

ADJOURNMENT SINE DIE

Mr. SCOTT. Mr. President, with mixed emotions, almost all of them happy, I now move, in accordance with the terms of House Concurrent Resolution 799, that the Senate of the United States adjourn sine die.

The motion was agreed to; and (at 2 o'clock and 29 minutes p.m.) the Senate adjourned sine die.

APPROVAL OF BILLS AND JOINT RESOLUTIONS SUBSEQUENT TO THE SINE DIE ADJOURNMENT

The President of the United States, subsequent to the sine die adjournment of the second session of the 91st Congress, notified the Secretary of the Senate that he had approved and signed the following acts and joint resolutions:

On December 30, 1970:

S. 1785. An act for the relief of Irene Sadowska Sullivan;

S. 2162. An act to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes; and

S. 3318. An act to amend the Library Services and Construction Act, and for other purposes.

On December 31, 1970:

S. 704. An act to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act;

S. 719. An act to establish a national mining and minerals policy;

S. 2102. An act for the relief of Percy Ispas Avram;

S. 2984. An act to permit certain Federal employment to be counted toward retirement;

S. 3619. An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes;

S. 3835. An act to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism;

S. 4106. An act to amend the Public Health Service Act to authorize the assignment of commissioned officers of the Public Health Service to areas with critical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes;

S. 4571. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes;

S.J. Res. 173. Joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States; and

S.J. Res. 249. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the three marketing years beginning October 1, 1971.

On January 2, 1971:

S. 1. An act to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

On January 5, 1971:

S. 11. An act to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

On January 8, 1971:

S. 437. An act to amend chapter 83 of title 5, United States Code, relating to survivor annuities under the civil service retirement program, and for other purposes.

S. 1626. An act to regulate the practice of psychology in the District of Columbia.

On January 11, 1971:

S. 1181. An act to provide authority for promotion programs for milk, tomatoes, and potatoes, and to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes.

MESSAGE FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

Under authority of the order of the Senate of January 2, 1971, the Secretary of the Senate on January 2, 1971, received a message from the House of Representatives which announced that the House had agreed to the amendments of the Senate to the bill (H.R. 17917) to amend the Tax Reform Act of 1969.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 17984) to amend section 905 of the Tax Reform Act of 1969.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 18693) to amend section 165(i) of the Internal Revenue Code of 1954.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 19242) to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 19881) on consolidated returns of life insurance companies.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 19915) to make permanent the existing temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance.

The message further announced that the House had agreed to the amendments of the Senate to the resolution (H. Con. Res. 785) authorizing the printing as a House document the book entitled "Our American Government and How It Works: 1,001 Questions and Answers."

ENROLLED BILLS AND JOINT RESOLUTION SIGNED SUBSEQUENT TO SINE DIE ADJOURNMENT

Subsequent to the sine die adjournment of the Senate, the Acting President pro tempore (Mr. METCALF), under authority of Senate Concurrent Resolution 89, signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives, and examined and found truly enrolled by the Secretary of the Senate:

On January 2, 1971:

H.R. 370. An act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, to extend benefits under such chapter to certain persons on active duty, and to provide for provision and replacement of adaptive equipment and continuing repair, maintenance, and installation thereof;

H.R. 6562. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes;

H.R. 7626. An act to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes;

H.R. 15628. An act to amend the Foreign Military Sales Act, and for other purposes;

H.R. 15728. An act to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes;

H.R. 17068. An act to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond, and for other purposes;

H.R. 17658. An act to provide floor stock refunds in the case of cement mixers;

H.R. 17917. An act to amend the Internal Revenue Code of 1954 with respect to the period of qualifications of certain union-negotiated pension plans;

H.R. 17984. An act to amend section 905 of the Tax Reform Act of 1969;

H.R. 17988. An act to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit;

H.R. 18549. An act to amend sections 902 (b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met;

H.R. 18694. An act to amend provisions of the Internal Revenue Code of 1954 relating to the treatment of certain losses sustained by reason of the confiscation of property by the Government of Cuba;

H.R. 19113. An act to provide for the free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind.;

H.R. 19172. An act to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation;

H.R. 19242. An act to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves;

H.R. 19369. An act to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities;

H.R. 19391. An act to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions;

H.R. 19470. An act to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic insofar as they apply to smaller institutions;

H.R. 19562. An act to amend the Internal Revenue Code of 1954 with respect to certain statutory mergers;

H.R. 19567. An act to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968;

H.R. 19627. An act to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income;

H.R. 19670. An act to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973;

H.R. 19686. An act to amend section 367 of the Internal Revenue Code of 1954;

H.R. 19774. An act to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return;

H.R. 19790. An act relating to the income tax treatment of certain sales of real property by a corporation;

H.R. 19881. An act relating to consolidated returns of life insurance companies, and for other purposes;

H.R. 19915. An act to extend the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their needs for public assistance; and

H.J. Res. 1421. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 2, 1971:

Office of Economic Opportunity

Carol M. Khosrovi, of Virginia, to be an Assistant Director of the Office of Economic Opportunity.

John Oliver Wilson, of Connecticut, to be an Assistant Director of the Office of Economic Opportunity.

XUM

HOUSE OF REPRESENTATIVES—*Saturday, January 2, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

As I was with Moses, so I will be with you: I will not fail you or forsake you. Joshua 1: 5.

O God, our Father, by whose mercy we have come to the portal of another year, grant that we may enter it with humble and grateful hearts. Confirm us in our resolution to walk more closely with Thee in Thy way and to labor more faithfully for the good of our country and the peace of the world. Thus may this year be a better year and our Nation a better nation because we live and work and pray during these coming months.

Bless Thou our beloved Speaker and his lovely wife. Looking forward, may they feel the support of Thy grace, be sustained by our affection, and find security in their faith in Thee and in our country. Guided by Thy Spirit, may they and we walk along the path that shineth more and more unto the perfect day of Thy heavenly kingdom.

May Thy blessing abide with us and our Nation now and forevermore. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, December 31, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 6562. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes;

H.R. 7626. An act to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes;

H.R. 17658. An act to provide floor stock refunds in the case of cement mixers;

H.R. 17988. An act to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit;

H.R. 18549. An act to amend sections 902 (b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met;

H.R. 19369. An act to amend section 165 (g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities;

H.R. 19391. An act to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions;

H.R. 19470. An act to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic insofar as they apply to smaller institutions;

H.R. 19562. An act to amend the Internal Revenue Code of 1954 with respect to certain statutory mergers;

H.R. 19627. An act to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income;

H.R. 19670. An act to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973;

H.R. 19686. An act to amend section 367 of the Internal Revenue Code of 1954;

H.R. 19774. An act to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return; and

H.R. 19790. An act relating to the income tax treatment of certain sales of real property by a corporation.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 18251. An act to amend the Internal Revenue Code of 1954 to provide refunds in case of certain uses of tread rubber; and

H.R. 19915. An act to make permanent the existing temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate (to the bill (H.R. 15628) entitled "An act to amend the Foreign Military Sales Act."

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, December 31, 1970, he did, on that day sign the following enrolled bill of the House:

H.R. 16199. An act to establish a working capital fund for the Department of the Treasury; to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services; and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** laid before the House the following communication from the Clerk of the House of Representatives:

JANUARY 2, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 8:00 p.m. on Friday, January 1, 1971, said to contain H.R. 17809, An Act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, and a veto message thereon.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS, *Clerk,*
U.S. House of Representatives.

H.R. 17809, POLICY ON FEDERAL EMPLOYEE WAGE SCALE FOR "BLUE COLLAR" EMPLOYEES—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 91-437)

The **SPEAKER** laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning, without my approval, H.R. 17809, a bill which would fix in law the pay practices applied to Federal "blue collar" employees.

A uniform government-wide wage system for these employees already exists. The Coordinated Federal Wage System which is now in effect is flexible and can respond to changing labor market conditions. The responsiveness of the present method has been demonstrated recently as it provided average wage increases of 9.5 percent during Fiscal Year 1969 and 8.1 percent in Fiscal Year 1970.

H.R. 17809 would also have adverse economic implications. At a time when the Administration is most concerned about inflationary wage settlements in the private sector, this bill would mean that many Federal Employees in a given locality would be paid at much higher rates than those prevailing in the private sector of the same locality. Under the present system, most Federal blue collar workers are already paid four percent more than prevailing rates. This bill would mean that about two-thirds of these workers would be paid at rates eight percent above prevailing rates.

The costly and unwarranted pay features of H.R. 17809 would add still further to a $4 billion blue collar Federal payroll. Since the majority of the employees covered by the proposed bill are employed by the Department of Defense, the only way in which the substantial added costs of the enrolled bill could be met would be through further reductions in employment levels. The Department of Defense has been undergoing substantial employee reductions in the past two years and further reductions would not be acceptable at this time.

Finally, it should be noted that when the wages of Federal employees go up, even greater pressures are placed on private employers to raise their own wages—and thus the fires of inflation are fueled.

In order to keep the administrative wage structure flexible, to fight inflation, and to maintain sufficient employment levels, I must disapprove this bill.

RICHARD NIXON.

THE WHITE HOUSE, *January 1, 1971.*

The **SPEAKER**. The objections of the President will be spread at large upon the Journal.

The veto message was referred to the Committee on Post Office and Civil Service and ordered to be printed.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS DURING THIS CALENDAR DAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it shall be in order during this calendar day for the Speaker to declare a recess at any time, subject to the call of the Chair.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, can the majority leader give us some indication of what is proposed for this day?

Mr. ALBERT. Mainly the normal end of the session activities and resolutions, a few unanimous-consent amendments to be agreed to, offered by the Committee on Ways and Means, and, of course, we are awaiting the final disposition of the Department of Transportation appropriation bill in the Senate. We expect that to be done, I will say to the gentleman, today, and we hope and expect that it will be done early today.

Mr. GROSS. I will ask the gentleman if that is the only business to come from the other body?

Mr. ALBERT. The only thing I know of, except the adoption of the concurrent resolution for sine die adjournment.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I do anticipate that the Senate will message over two bills that were passed by the House unanimously, to which an amendment has been in each instance added by the Senate. They are on the way over, I think, now.

Mr. GROSS. Mr. Speaker, could the majority leader put in any kind of time frame the expected adjournment of the House?

Mr. ALBERT. We hope it will be early today. I will say to my friend, but I do not have, and neither does the House, complete control over the situation.

Mr. GROSS. I am well aware of that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. ALBERT. Mr. Speaker, I offer a resolution (H. Res. 1338) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1338

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The **SPEAKER**. The Chair appoints as members on the part of the House of the committee to notify the President the gentleman from Oklahoma, Mr. ALBERT, and the gentleman from Arizona, Mr. RHODES.

PRINTING OF REVISED EDITION OF RULES AND MANUAL OF THE HOUSE OF REPRESENTATIVES

Mr. ALBERT. Mr. Speaker, I offer a resolution (H. Res. 1339) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1339

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the Ninety-second Congress be printed as a House document, and that 1,600 additional copies shall be printed and bound for the use of the House of Representatives, of which 700 copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House for distribution to officers and Members of Congress.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR ALL MEMBERS TO INSERT REMARKS IN "EXTENSIONS OF REMARKS" SECTION OF CONGRESSIONAL RECORD

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members of

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House have the privilege of inserting their own remarks in the "Extensions of Remarks" section of the CONGRESSIONAL RECORD and to include therewith brief related extraneous material on one or more subjects; this order to be effective until publication of the last edition of the RECORD authorized by the Joint Committee on Printing, but it shall not apply to any subject matter which may have occurred, or to any speech delivered after adjournment of the Congress.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR CHAIRMEN AND RANKING MINORITY MEMBERS OF STANDING COMMITTEES AND SUBCOMMITTEES TO EXTEND REMARKS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the chairmen of all the standing committees and the subcommittees of the House may extend their remarks up to and including the publication of the last RECORD and to include a summary of the work of their committees; also that the ranking minority member of such standing committee or any subcommittee may have the same permission to extend their remarks and to include a summary, if they desire, from their point of view, separately from that of the chairman.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPEAKER JOHN W. McCORMACK STATESMAN PAR EXCELLENCE

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, today the 91st Congress passes into American history.

Today when our great Speaker raps the sine die gavel, he completes 42 years of illustrious and devoted service in this Chamber. Fifty years ago, in 1920, Speaker McCORMACK was elected to the Massachusetts House of Representatives. Three years later in 1923 he was elected to the Massachusetts senate where he served 2 years as leader. In 1928 the Speaker was elected to Congress and has been reelected 21 successive times.

Eighteen years as majority leader and 9 years as Speaker sparkles the completion of public service that ranks JOHN McCORMACK with the top dozen of our greatest legislators in the history of our Nation.

He is the last of the old school of self-made statesmen.

By reason of his father's early death he was the prime support of his mother and family during his grade school years. Thus he missed a high school and college education.

Regardless of his financial handicaps in his youth, he served his State and country for 50 years, rising to the third-highest office in the Nation.

No American statesman of this century possesses a record that demonstrates America's opportunity for its youth more than the life of Speaker JOHN McCORMACK.

The history of his astoundingly successful career, extending through his adult life should be must reading for every American boy.

Mr. Speaker, I include with my remarks excerpts from an interview with Commentator William F. Arbogast and the Speaker which was reported in the Gary, Ind., Post Tribune on December 23, 1970:

BOSTON'S JOHN McCORMACK NO LONGER TOUGH OLD POL

"Politics," said John W. McCormack of Massachusetts, Speaker of the U.S. House of Representatives for the past nine years, "is the art and science of government.

"To be a successful politician, thereto, one must be close to those governed and must understand their needs and desires. I believe the best way to gain this knowledge of what the people want is to remain close to them, to mingle with them and to keep in touch with them.

"Politics, when properly practiced, is an honorable profession, one which should attract the best men and women."

John McCormack, congressman from South Boston, top lieutenant to the legendary Sam Rayburn and finally speaker himself, will leave Capitol Hill when the 91st Congress adjourns.

It will mark the end of 42 years of uninterrupted service in the House, including a record nine consecutive years as speaker.

He did not seek re-election this year, making him the first speaker to voluntarily retire to private life in more than a century.

EXPERT DEBATER

"I believe the people are entitled to see their representative in government and to hear his views personally and ask questions, and not through the medium of electronics or press agentry," he said in a private interview.

He is his own press agent. He doesn't like prepared speeches. He is best when speaking off-the-cuff and has earned his reputation as one of the best rough and tumble debaters ever to serve in the House.

Some of his ad-libs have been classics.

He once verbally cut down an opponent during House debate by telling him of his "minimum high regard."

McCormack's sharp tongue also served him well in "the little back rooms" where big and tough decisions were made. A lifetime of Boston politics, and three terms as chairman of Democratic convention platform committees, taught him how to knock heads together.

McCormack and his wife of 50 years have no children, and their devotion to each other is a subject of frequent comment in the capital.

Seldom do they fail to have their morning and evening meals together. They avoid the Washington social whirl, spending their evenings together in a Washington hotel into which they moved when they came to the capital. When Mrs. McCormack, the former Harriet Joyce, and a member of the Metropolitan Opera, was hospitalized several months ago, the speaker rented an adjoining room to be with her.

PEOPLES LEGISLATE

The McCormack imprint is on much major legislation enacted this century. He was a leader in fights for wage and hour laws, Social Security, health programs, job safety regulations, federal aid to education and lowering of the voting age to 18 years.

A self-made man, McCormack won political success the hard way. His father, a stonemason and bricklayer, died when McCormack was 13.

The future speaker, who was to serve in Congress under eight presidents, left school at that age to help support his widowed mother and two younger brothers. The boys had a paper route. McCormack later got a full-time job as a messenger boy in Boston's financial district for $3.50 a week.

He left that job for a 50-cent raise and a job in a law office that gave him the chance to read law books. He taught himself the law, and eventually was admitted to the bar.

Of the many memorable events in McCormack's life, two stand out in his memory.

"The most memorable," he said, "was the day in 1920 when we were married."

The other was in January 1965, when McCormack administered the oath of the office of vice president to Hubert H. Humphrey.

Until that moment, McCormack was next in line to become President. Lyndon B. Johnson had no vice president for more than three years after the assassination of John F. Kennedy.

"A great load was removed from me," McCormack said. "I have had many happy moments, but that was one of the most memorable."

ACTIVE RETIREMENT

Does McCormack think he will have any difficulty adjusting to a life of leisure?

"No. I do not anticipate any difficulty. I'm going to miss the House very much, but so far as adjustment is concerned, I think I have a philosophical mind and there'll be no difficulty in that respect."

Does he have any plans to travel?

"I have no specific plans for the present. As to the future, those are matters that take care of themselves."

How does he feel about Congress trying to limit or restrict presidential action in foreign affairs?

"Congress can express itself, but I think it could be harmful to the national interest to completely tie the President's hands, to freeze his judgment in the field of foreign affairs."

What prompted his decision to retire?

"I had been planning to retire since 1968. I never intended to stay here as long as I did, anyhow. But if I had quit in 1968, with a presidential election on, it might have been construed as desertion of the Democratic party. I would not do that. The Democratic party has been very good to me."

GOVERNMENT WAS HIS PROFESSION

Why did McCormack decide to get into politics?

"Politics is a way of life in Boston," he said. "In 1917 I was elected a member of the Massachusetts constitutional convention. Then there were two terms in the Massachusetts House and four in the state Senate."

The only losing political battle in McCormack's long career was in 1926 when he failed in his initial campaign for election to Congress. Two years later he won, and he never lost again.

McCormack said he is concerned about the growing cost of running for public office. It is "serious threat to our form of government," he said, "and could become a wealthy man's field or an area where candidates are subsidized by vested interests.

"There should be an opportunity for citizens to make reasonable contributions to their candidates or parties, with limited deductions on their income taxes."

EXPRESSING THE THANKS OF THE HOUSE TO THE HONORABLE JOHN W. McCORMACK, SPEAKER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER. The gentleman from Virginia (Mr. POFF) will take the chair.

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Mr. POFF assumed the chair.

The SPEAKER pro tempore (Mr. POFF). The Chair recognizes the gentleman from Arizona (Mr. RHODES).

Mr. RHODES of Arizona. Mr. Speaker, I offer a privileged resolution (H. Res. 1340) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1340

Resolved, That the thanks of the House are presented to the Honorable John W. McCormack, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over the deliberations and performed the arduous duties of the Chair during the present term of Congress; and be it further

Resolved, That the House of Representatives hereby extends to its beloved Speaker, the Honorable John W. McCormack, sincere wishes for a long, pleasant, and well-earned retirement.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, it is a proud duty which I perform in offering this resolution in appreciation to our great Speaker, the Honorable JOHN McCORMACK of Massachusetts.

Mr. Speaker, JOHN McCORMACK has been a legislator since the year 1920. He was a member of the Massachusetts House of Representatives from 1920 to 1922 and a member of the Massachusetts Senate from 1923 to 1926, during which time he served as the Democratic leader of that body.

He was elected to the 70th Congress in a special election and has served as a Member of this body ever since that time.

And, I might say parenthetically, Mr. Speaker, that the first time I was ever in this body was when I was visiting in Washington with my parents. The Congressman from my district, the Fourth District of Kansas at that time, the Honorable Homer Hoch, took us into the gallery. That was during the 70th Congress. I undoubtedly saw the gentleman from Massachusetts, who is now the Speaker of this House, as a very junior Member of this body during the 70th Congress.

Mr. Speaker, JOHN McCORMACK has been a Member of the leadership of 13 Congresses. He was elected either majority leader or whip from the 79th Congress to the 87th Congress. He has been the Speaker of the House since the second session of the 87th Congress to the present date.

I think it is worthy of note that at least a portion of this time of which the gentleman from Massachusetts, our Speaker, served in the leadership, could well be called the Massachusetts era. Having graduated from Harvard Law School, I have a great affection for the Commonwealth of Massachusetts and also for the people who have represented that great Commonwealth in this body.

The gentleman from Massachusetts, Joseph W. Martin, Jr., was either the minority leader or the Speaker of the House of Representatives from the 76th Congress to the 85th, and during most of that time JOHN McCORMACK was also either the majority leader or the Democratic whip. The parallel of these two outstanding citizens of the Commonwealth of Massachusetts is so striking that certainly it would not commensurate with the dignity of this occasion not to mention it at this time. They were both great Members of this legislative body. They shared not only a great love for Massachusetts, but a great love of America, a great regard for the privileges and traditions of the House of Representatives. Each of them, in the great positions they held, protected and preserved the rights and traditions of the House and its individual Members to an outstanding degree.

My own relationships with the Speaker started when I was a very junior Member, having lunch with my colleague from Arizona, the late Harold A. Patten. The present Speaker came past the table and "Porque" Patten, in his usual outgoing style, grabbed him by the sleeve and said, "Mr. Whip, I would like to have you meet my new colleague from Arizona." And not only did I meet JOHN McCORMACK at that time but he sat down and exchanged ideas with us. He was so considerate and so kind to a very junior Member of the House that I have never forgotten it, Mr. Speaker, and I appreciate it to this day.

The kindness I received from our beloved Speaker on that occasion has been duplicated and expanded so many times that it would be almost impossible to chronicle all the times that I have received better treatment at the hands of our Speaker than anybody should deserve.

I think, however, my main memory of Speaker McCORMACK will be an event which occurred not over 3 days ago. We had a rather important conference report which the House was considering. A very important portion of that report had to do with the conduct of foreign relations by the President of the United States. The Speaker was not in the chair at that time. He came across the well of the House and motioned to me, and I met him right in front of this podium. He said to me, "Is this all right?" I said, "Yes, Mr. Speaker, it is." He said, "I do not want to ever tie the hands of any President in conducting foreign affairs."

I think if there was any particular hallmark of his public service, it might well have been epitomized by that statement, because he never did tie the hands of any President in the conduct of foreign affairs. He is a loyal Member of the legislative arm of this Government, but he is also an American who realizes that politics ends at the water's edge, and that there is no room for partisanship when it comes to the conduct of the foreign affairs of this country.

Another memory of the Speaker which I will treasure is the fact that he always said that he would protect the rights of every Member, and he always did. I do not know how many times when a Member would be clamoring for attention, that the Speaker would say "The gentleman knows that I will protect the rights of every Member of this House." The great trust which every Member has in the Speaker was always evident, because invariably that Member would resume his seat and invariably also, the Speaker recognized the Member at the appropriate time and made sure that he did not lose any privileges or any rights, to which he was justly entitled.

Now, I do not intend to have the RECORD show that JOHN McCORMACK is a completely nonpartisan individual. He was not. He was a Democrat, and proud of it. But he knew no politics in protecting Members and their rights.

JOHN McCORMACK is undoubtedly the finest combination of gentleness and toughness that I have ever seen.

As I have said, he is a Democrat, and there is no doubt about the fact that he enjoys it most when the Democratic Party is in the majority in the House and in the Senate—and I say that is great, because this Republic of ours has its cornerstone in the two-party system. If there is ever a time when we do not have strong, partisan Members of the House and the Senate, then this two-party system will be on the way out.

This two-party system has served the country well and JOHN McCORMACK, as one of its chief proponents has also served his country well by promoting it.

On these occasions, we traditionally thank the Speaker, for his great efforts in the session of the Congress, just past. This occasion is different because of our realization that, not having been a candidate for reelection to this body, our Speaker will not resume his office in the 92d Congress.

So not only am I saying to him, "Mr. Speaker, thank you for your great work in the 91st Congress." I am saying also on behalf of myself and my party, Mr. Speaker, for all you are—for all you have been through the years—for the great kindnesses you have shown the Republicans in the House as a party and as individuals—for the great patriotism and for that great gift of oratory and for all the things that have made you a great American, sir, we thank you. We wish you and Mrs. McCormack in the years to come the best of everything and Godspeed. You will never be alone, Mr. Speaker, because the affection and regard of the Members with whom you have served in this House will also be with you wherever you are, whatever you do.

I yield to the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I rise in strong and unqualified support of the resolution which my friend, the gentleman from Arizona, has offered and I join him in every comment he has made relative to the Speaker of the House of Representatives.

In the 92d Congress we shall miss all of our colleagues who will not be returning to it from the 91st Congress.

There is a giant among those who will be missing—a giant among men and a giant among legislators. No footnote can do justice to this man or to his career or to his influence on all of us and on the Nation—nor can any words of mine adequately express the sense of loss that we shall all feel when our beloved Speaker is gone from our midst. He would have been drafted for the Speakership had he sought reelection in his own district.

JOHN W. McCORMACK in his own lifetime has become a symbol, bearing witness to the validity of the American

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dream. His public career is a demonstration that our society has during the past generation attained in fact the genuine pluralistic character which previously existed in theory but which was far from true in reality.

The 50 years following the Civil War saw this Nation welcome to its shores an unprecedented wave of immigrants representing diverse national, ethnic, geographic, and religious origins. The successful incorporation of a multitude of widely divergent national strains into American life in 2 generations constitutes a remarkable achievement without historic precedence. Its attainment has, in my view, been an accomplishment comparable to the winning of the West in the 19th century.

Just 50 years ago many immigrants and their children for the most part were still, to use Thomas Jefferson's expression, "the hewers of wood and the carriers of water." With all too rare exceptions, they were confined to the backbreaking menial jobs which no one else wanted. For the most part they lived in intellectual and physical isolation from native-born Americans.

In American history, politics and government have undoubtedly provided the most effective ladder of upward mobility, enabling disadvantaged or depressed groups to rise and attain full participation and power in our society.

JOHN W. McCORMACK is of that generation of Americans of Irish descent who educated the ethnic masses of our great cities as to their potential political power. He and his contemporaries, now for the most part departed, then led them some 30 or 40 years ago in what was, while bloodless, one of the most fundamental political revolutions in the Western World.

How hard it is for us who did not experience the trials and traumas to appreciate the superhuman effort required by the non-Anglo-Saxon peoples of this Nation to climb out of their ethnic enclaves and parochial environment. The immigrant was more often than not the victim of repression on the part of the government of the country from which he had come. There was inbred in him, therefore, an instinctive suspicion and fear of all government and its agents. So deepseated was this feeling that it was generally transmitted to his children—the first-generation Americans. These people were thus inherently nonpolitical in nature. It was the John W. McCormacks who roused them from their lethargy. He and his peers inculcated in these urban masses first an awareness of and then a desire to participate in our domestic political process.

It seems to me that in honoring JOHN W. McCORMACK, a political figure perhaps the like of which we will not see on the national scene again, we are doing more than paying tribute to a successful individual. JOHN W. McCORMACK, rising as he did from the tenements of South Boston to become Speaker of the House of Representatives, is in reality the capstone of success in the struggle of his generation of Americans to achieve full and rightful participation and power in determining the destiny of this Nation.

His retirement is, in itself, a historic act. He is the first Speaker to retire from office voluntarily in more than a century, a man who could have remained Speaker for the rest of his life. We have reluctantly and sadly accepted the fact as we accept the inevitable; but we shall feel the sharp reality of it yet more keenly when the 92d Congress convenes and we find that our friend and leader—our helmsman through five Congresses, is not there. The words "Mr. Speaker," will always bring to mind the face of JOHN W. McCORMACK, who has occupied the office of Speaker with nobility and impressive distinction.

He has been our Speaker and our leader. But he has been much more than that. He has been a friend and mentor to all of us.

We have been enriched by his example as a dedicated public servant, incomparably skilled in the legislative process, unassailably honest and sincere in his dealings with all men, and unquestionably loyal to the principles of democratic government.

We have been inspired by his idealism and his humility. He has worn the cloak of high office with dignity and responsibility, with never a trace of false pride or arrogance of power, for JOHN McCORMACK is a natural gentleman and a true born Democrat. I do not mean Democrat in the partisan sense, although his loyalty to the Democratic Party has always been an integral part of his life. But despite his sometimes frank and fierce partisanship, he has treated all men fairly, and his reputation for fairness has won him the trust and affection of his colleagues on both sides of the aisle.

We have been imbued by his sense of history Because he has served through the historic administrations of Franklin Roosevelt, Harry Truman, Dwight Eisenhower, John Kennedy, and Lyndon B. Johnson and the first term of Richard Nixon's administration, he has participated in events and decisions that have shaped our national destiny and the destiny of the world. Because of this rich background in government, he has helped us to see ourselves and our obligations in historical perspective.

His warm, humanitarian spirit and his abiding faith in his fellow man, born of his deep religious convictions, have brought out the best in us as we have struggled to perform our legislative duties without falling prey to prejudice, personal animosity, or the urge to achieve power for power's sake.

We have been blessed by his wisdom, his tolerance, his human understanding. Because we have been so enriched by his presence and his leadership, we shall be all the more impoverished by his absence.

As part of the inevitable and orderly change of government, he takes leave of this House. He may be absent in person, but no one will take his place in our hearts. His influence and example will be with us into another generation of politics. We shall miss his daily presence and his guidance. We cannot find it in our hearts to say "farewell"—but from the depths of our hearts we say "Thank you, Mr. Speaker and Mrs. McCormack, and Godspeed."

Mr. RHODES. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. BURKE).

(Mr. BURKE of Massachusetts asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, on the occasion of the imminent retirement from our beloved House after 43 years of uninterrupted and distinguished service to our Nation, our State, our city and last, but by no means least, his district, I would like to join in tributes with the citizens of the Ninth Congressional District, the city of Boston, the Commonwealth of Massachusetts, and the whole Nation and at the same time express my own personal sense of loss and debt of gratitude, to JOHN McCORMACK.

To him it has fallen, as to few others, to occupy positions of leadership throughout all but one of the turbulent decades of this century. Since World War I, not a year has gone by when our State or our country have not entrusted to him the highest confidence and high office. It is not going to be easy to get accustomed to the years ahead without the leadership of JOHN McCORMACK; it is going to be especially difficult for a man from Massachusetts, such as myself, to get used to the idea. For those of us of the Commonwealth, go back further in history with JOHN McCORMACK than the 70th Congress. JOHN McCORMACK and Massachusetts have been inseparable since the time when a young man from South Boston first attracted the attention of his political elders with his contributions to the historic constitutional convention of 1917–18. Elected office soon followed in the lower chamber of the general court of the Commonwealth and later on, in the senate, where JOHN McCORMACK very early displayed qualities of leadership which catapulted him into the front ranks of his party in that august body. When a still very young JOHN W. McCORMACK took the train to Washington to fill the unexpired term of the late Congressman James Gallivan, he left as Democratic leader of the State senate.

Washington and the House did not have to wait too long for JOHN McCORMACK to make his presence felt as a Representative with considerable legislative experience already behind him. The depression and the misery it unleashed provided JOHN W. McCORMACK with countless opportunities to contribute through constructive legislation solutions to the domestic problems which beset the Nation. No stranger to poverty himself as a young man, JOHN W. McCORMACK proved himself to be a fighter in the best tradition for the economically deprived and unfortunate. The legislative accomplishments of the New Deal are in no small part testimony to the pragmatic reforming zeal of the Representative from South Boston, Mass. And his party did not take long to realize his contributions and recognize his qualities of leadership and staying power and before World War II broke out, he was entrusted with the position of majority leader.

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In the years that followed, whether as majority leader or whip, John W. McCormack played a continuing role in the highest councils of Government in all the countless deliberations between President and Congress during the dark days of wartime and the immediate postwar period. The team of Rayburn and McCormack was a vital team for over 20 years to whomever was in the White House.

The rest is recent history and needs no recapitulation here. Upon the death of his dear friend Sam Rayburn, John McCormack was elected Speaker of this House, unquestionably one of the most powerful offices in the land. To the office, he brought in a real sense the wisdom of the ages—or at least a half century in Government service. The past few years have not been easy on the Nation and at times our problems have appeared well-nigh insoluble. But the Speaker during this period has been a man for whom hard times are nothing new and who has not only seen his share of the seemingly insoluble problems solved but has actively contributed to their solution. As the trusted confidante of Presidents, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and now Nixon, John McCormack has been privy to most of the serious threats to this Nation over the past 30 years and actively participated in whatever solutions have been achieved. Without attracting the headlines or stealing the show, more interested in seeing a bill pass than having his own name on it, John McCormack has been content to work behind the scenes in conferences and committee sessions where the real work is done. Contributions such as his are too often left unsung, because they are not the things of which high drama or opera is made, but both the Nation and his district, as well as his party will sorely miss him. Experience, practical wisdom and guidance such as his are never in such plentiful supply in any country that the citizens are not that much poorer when they lose it. For John W. McCormack will not be leaving the national scene as any glorified elder statesman, but as an activist right in the thick of things up until the final bell. Natural inclination and recent history have combined to make it that way.

Of lesser importance, perhaps, than the loss to the Nation and his district and this body with the departure of this patriot-legislator is my own personal sense of loss. I am losing a valued associate and counselor. If there is any consolation in all of this it is the fact that we in Massachusetts can take some comfort in the hope that we shall continue our association in the years ahead as we welcome home our most distinguished citizen. Well done thou good and noble servant.

Mr. Speaker I include a news column written by one of the Nation's ablest political analysts, that appeared in the Boston Herald Traveler, December 31, 1970, by Cornelius Dalton:

THE GREAT CONCILIATOR

By Cornelius Dalton

The long political career of John McCormack, which is now coming to an end, has been marked by an interesting paradox.

Throughout most of his years in public life McCormack has been a bigger man in Washington than he has been in Boston.

Here his political domain has been confined to one small congressional district. He has never run for statewide office, and he has never been the leader of his party in his home state.

His real power and prestige have been in Washington, where he has been a Democratic congressman for 43 years and, since 1962, speaker of the House of Representatives, often called the second most powerful office in the federal government.

In the ninth Congressional District, which includes 15 of Boston's 22 wards, McCormack has reigned supreme since he succeeded the late James A. Gallivan in 1928. No Massachusetts congressman is more admired by his constituents. And no constituents in any district have been better served.

But it is in the nation's capital, or more accurately, on Capitol Hill, that John McCormack has spent most of his time, most of his energy, most of his talent.

During his early years in Congress four decades ago McCormack was known as "the fighting Irishman from South Boston."

He has never stopped being a fighting Irishman, but he made an important discovery long ago during the rough and tumble of congressional debate—you can win more fights with a pat on the back than with a hard jab to the jaw.

So McCormack was the great conciliator throughout most of his many years in politics, without losing his love for a lively forensic fray.

If politics is the art of compromise, McCormack has been one of its most artful practitioners.

A Northern liberal who has battled for civil rights legislation, he always has maintained close and friendly relations with Southern Democrats.

This occasionally has irritated some of the younger liberals among the Democrats in Congress, who prefer militancy to mediation.

"What they neglect to appreciate," says Congressman Thomas P. O'Neill, Jr., of Cambridge, "is that the Democratic party is divided into different groups. Speaker McCormack has kept the party intact and has put through the Democratic programs throughout the years."

McCormack's effectiveness as a conciliator also has been evident at Democratic national conventions when he has guided the deliberations of the platform committee. More often than not, he got little credit for preventing damaging party splits before an election.

But there is a difference between compromise and surrender, and McCormack doesn't have to defend his record as a fighter for liberal causes. It is there for anyone to see, in the roll calls of the House and in the reports of the floor fights he engaged in over the past four decades.

When McCormack bangs down the gavel on the rostrum of the House of Representatives for the last time it will be the end of an era because, as one of his colleagues remarked, he almost certainly will be the last speaker who never attended high school.

But it is worth remembering that John McCormack would want it that way. He did a lot during his 43 years in Congress to make it easier for young people to get an education than it was when he was a boy in South Boston many years ago.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, this should really be a time of rejoicing for the House when we Members unanimously say to the gentleman from Massachusetts, Speaker John McCormack, a hearty, "Well done." It is a very fine, good-sounding phrase, and we Members all echo "Well done," with sincere admiration, to our friend, John McCormack.

I have served with Congressman John McCormack since the 79th Congress as he rose through the confidence of his fellow Members to the most powerful position in the U.S. Government, the Speaker of the U.S. House of Representatives.

I have served closely with John McCormack on the House special Select Committee on Space, where he acted as chairman. The Speaker, then the late Honorable Sam Rayburn, appointed a Select Committee on Outer Space to look into and explore the unknown beyond the world and the atmosphere. To his everlasting credit Speaker Rayburn appointed one of our most progressive thinkers of the House, John McCormack, then majority leader, as chairman of that select committee to raise U.S. policy and activities off this earth's surface and out of the atmosphere, into the exploration of the limitless universe in which our tiny Earth exists. What exciting discoveries, perils, and exploration lay ahead, no member could even guess the half of the discoveries so far. This committee work was very rewarding and took a great deal of learning to become competent to formulate U.S. policy among the conflicting views, conjectures, and guesses of scientists, astronomers, researchers, chemists, engineers, and pure visionaries. The select committee of distinguished House Members formulated the legislation for a new and startling U.S. agency that we now know as the NASA—National Aeronautics and Space Administration. The authorization to set up that agency, NASA, was adopted by the Congress with slight amendment in the Senate, and became operational in October 1958.

This legislation also set the directions in space that the United States would take, for the U.S. Government to do the research and development to proceed into space by peaceful means and for peaceful purposes with the discoveries being made for benefit of all mankind. That, to me, is a tremendously resounding phrase that should sound through countless ages of space exploration and is a phrase that I think epitomizes the leadership of Speaker John McCormack of Massachusetts.

I have likewise served since the original appointment of the members of the House Committee on Science and Astronautics of which John McCormack was first chairman. John McCormack was also instrumental in setting up the committee through his agreement and understanding, and the confidence of Congressman Carl Vinson, longtime chairman of the House Armed Services Committee. The Science and Astronautics Committee is the product of John McCormack's vision, and political sagacity. This House committee served as a vehicle to bring into play the vision and imagination of this great man and the distinguished men who served on the original select committee.

Of course, at various times many Members will recall the ridicule, good natured fun, and jocularity these early

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Members interested in outer space took from our more practical minded and precedent minded fellow Members: "Space Cadets"; "where is your bubblehead?"; "how are your feet on the ground?"; and "head in the clouds"; "how are you orbiting this morning?", and "where did you get back from?"; "have you ever seen any little green men with pointed heads," and so forth.

But, the answer to our present beginnings of space exploration is that it took someone like John McCormack with his respect and vision to say this is serious, this is the new frontier, this is the course for America: adopt a gigantic program of exploration of the universal sea in which the world, carrying all of us, floats and its being.

Under John McCormack's leadership, when the record book is quoted in the House of Representatives to decide whether Congress should undertake to carry out a $22 billion scientific research and engineering program of incredible daring and skill, for the United States to go to the moon, the leadership and effective generalship shall certainly rest with John McCormack.

It was a privilege to me as a Member to be one of those Members consulted for opinion—could the United States go to the moon, is it possible, are the scientific difficulties too great for this generation, can the United States afford the greatest joint peacetime project and the most daring in human history. Luckily for the American people, John McCormack responded with a firm yes—the Senate majority leader Lyndon Johnson said yes, several Members consulted said yes, and President John Kennedy said yes, making his magnificent and stirring statement for the U.S. to land man on the moon and return safely in the decade of the sixties. What a thrilling time to be alive, what dreams, plans, preparations, and excitement.

When the record vote came on the House floor on the authorization, which I demanded, every Member of this House unanimously decided in favor of the Apollo project outlined when President John Kennedy had made the proposal, that in the decade of the 60s the United States would land on the moon safely a man or men and return them safely.

The amazing thing about it is that the United States has accomplished landing two U.S. astronauts on the moon twice, not just once. But that took leadership.

The important question had been whether outer space, the moon and planets would become militarily a new field of conflict by the Great Powers, or whether it would be a kind of a limitless area that would be, first, devoid of the military; secondly, would be productive for mankind and mankind's progress and, third, would be for the benefit of all mankind all over the world.

Now, our U.S. space research and development have been done on the basis that it has been for the benefit of all mankind, which is different from any other country in the world. I ascribe that to the leadership of John McCormack specifically and particularly.

Likewise, I think one of the best phrases is the one that I have heard John McCormack say, and that is, "Space is pretty big, Jim Fulton, but it is not big enough for politics."

So, there have been no politics on the Science and Astronautics Committee nor in this House, nor the U.S. Congress in outer space. We Members of both parties have joined together as a team and when we have come to the floor we have been united. I must say that this House has been wonderful in backing the U.S. projects in space, and every Member during this period deserves credit of high order.

When we consider where we Americans are now in space research, development, and exploration, because of John McCormack's leadership in space, we owe John McCormack a deep debt of gratitude. I repeat, as I have said many times, the United States would never have landed on the moon at all if it had not been for John McCormack, his leadership, his enthusiasm, and his willingness to gather we younger fellows into a team. We should look at ourselves in the United States to see what has happened in space up to now. We have worldwide communications from space, we have reconnaissance satellites orbiting the earth for military and peaceful purposes. This is now an open world of open skies, just as President Eisenhower said it should be. As a matter of fact, the United States can now monitor every ship, plane, train, truck, and automobile on most of the earth's surface, in any direction or wherever we want to. The United States can tell if anybody builds a 10-foot extension on a house, and we can even monitor soccer or football games all over the world in case we want to. So that what we have now is worldwide telephoning, worldwide radio, worldwide television—not only worldwide television, but moon television from 240,000 miles away, both black and white as well as color. This can be used to educate the developing peoples of the world.

Space speeds are increasing so tremendously that it is almost the difference between the horse and the automobile. We have performed fly-bys of the planets Mars and Venus, and I have watched real time live action television in black and white as our U.S. capsules glow over Mars. What a thrilling experience. For instance, on the Mariner II fly-by on its pass of Venus, Mariner II was going in excess of 80,000 miles an hour. It was incredible, even in the 60s, to think of such speeds. Also U.S. programs are moving up into bigger chemical boosters, both solid and liquid fuels with higher specific impulse, and the U.S. moves up into construction of nuclear powered orbiting vehicles such as the Nerva, under the leadership of John McCormack which had the vision to lead research and development through the years. We can expect to have speeds that will be five times the speed of any other country or any other vehicles in space, and have space-durable vehicles and have space-storable fuels that we can maneuver by merely moving a stick in and out of the reactor through ground control.

I have heard just recently, and wish to tell the House, of some of the changes which have occurred in world communications. For instance, from London to New York you can now dial by telephone via satellite, a New York number, and be charged only for the time you are connected and without a minimum charge, only pay approximately 20 cents a second for just the time you use the phone, which is very cheap.

We are now checking weather, storms, hurricanes from space, checking forests and fields for disease and fire, checking amounts of snow on mountain ranges to prevent floods, and to answer adequate irrigation.

We have made incredible advances in medicine, geodetic astronomy, knowledge of man, miniaturization of instruments and machines, development of engines, valves, fittings, components, and parts, metals, alloys; yes, and even industrial management, and construction and engineering techniques that were not possible without leadership in space, and not possible to even comprehend or visualize a short 12 years ago.

John McCormack has been a mainspring in these scientific and technological developments, which I know from firsthand knowledge and experience in working with him through the years, as ranking minority Member on the House Science and Astronautics Committee, as well as an adviser on space to our U.S. mission to the United Nations.

Our U.S. research and development in space is opening up the world. It has made our many peoples advance to a world community of interconnected and mutually dependent links that give us all hope for tremendous progress and peaceful development in the future.

I want to say in conclusion that it has been wonderful years. What a privilege it has been to serve on such a fine committee as the Committee on Science and Astronautics under such leadership as John McCormack has given. This mutual service has made us not only good friends but great boosters. And to you, John, we always want you to remain a big booster to the House, and a big booster of space research, development, and exploration. The stars are no limit.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. RHODES. Mr. Speaker, I yield to the distinguished Democratic whip, the gentleman from Louisiana (Mr. Boggs).

Mr. BOGGS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there is little that I can add to the splendid remarks that have been made by the gentleman from Arizona, the distinguished majority leader, and the gentleman from Pennsylvania, but I think I can say for all of the Members here that we are experiencing a feeling of great sadness

Our sadness arises from the knowledge that these are the closing moments in this House of a brilliant career of a man who has served for 42 years here, and years before that in his native State.

We are proud, though, in the knowledge that under the leadership of John W. McCormack, we have lived through the most challenging period in the history of our country, and we have seen our country meet those challenges.

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One can think of World War I, the great depression, World War II, the cold war, Korea, Vietnam, the coming of the space age, and the great growth in strength of the United States, all during the period of time that JOHN McCORMACK served here.

He has contributed to the greatness of this institution. Our Founding Fathers made this the House of Representatives the representatives of the people.

From the very beginning, the Members of the House of Representatives have had to be elected. It has only been in recent times, in this century that the Members of the other body are elected. So this has indeed been the place where the people are heard.

The story is told of one of the early Congresses held over in the first Hall of the House of Representatives about Alexander Hamilton, a great American, bringing a visitor to the gallery over there. The visitor looked down and saw some of pandemonium that sometimes prevails on the floor and he said to Mr. Hamilton, "What goes on there?"

Mr. Hamilton said in response, "There, sir, the people go."

Well, that is true today as it was then because many men have passed on their love of this institution and their knowledge of this country and their devotion to its institutions to the men who came along behind them.

The distinguished majority leader spoke of all the lessons he had learned—and I might say in all humility of all the lessons I have learned, working day-in and day-out, session after session with JOHN McCORMACK, and of his patience in imparting his knowledge of this institution to us and to all the Members of this body.

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I was pleased to what the gentleman from Pennsylvania (Mr. FULTON) said about the space program. I might say that only this morning, as he was leaving his last press conference, I heard a member of the press turn to Speaker McCORMACK and say, "How do you look at the future?" His reply was, "I look to the future as I have looked during the years I have served here—with hope and with optimism."

That has been the code of JOHN McCORMACK. It was not surprising that he should head up the space program—that he should chart and build the framework of this program because during all of the years he has served, he has not been afraid of change—he has sought innovative methods to meet the problems of our country in the 20th century. We have met those problems in large measure because of JOHN McCORMACK's leadership.

I recall one day in 1941 when Hitler had practically overrun all of Europe and by one vote—one vote—we kept the American Army intact. That was just 6 months before Pearl Harbor. There was great dissension then in the country, and JOHN McCORMACK was doing what he did then and what he has been doing since then, namely, as he has said so many times, "If I have to err, I want to err on the side of strength rather than weakness."

I dread what would have happened had he not been able to mobilize that majority of one vote in 1941.

His love for this body is traditional—it is legendary.

I recall another day, in 1963—an event that shocked this Nation and that shocked the world—an event that occurred in a great city in our country, in Dallas. I rode out to Andrews Air Force Base, and I watched Air Force No. 1 land. I remember the event so vividly, as I saw that lovely lady get off that aircraft, splattered with blood, I saw the body of the late President removed and the new President walk off the plane.

We came back here and went to his office. The Speaker asked me, "Who is that out in the office?"

I did not know, but it was an FBI agent or a Secret Service agent. JOHN McCORMACK had become in a matter of minutes the second ranking man in the hierarchy of the United States. But true to his devotion to this institution and the profound doctrine of the separation of powers, he refused to let anyone, whether it be the FBI, Secret Service, private police, or whoever it may have been, guard his person, because he felt that to do so, he would then become a member of the executive branch rather than the legislative branch.

Mr. Speaker, during the time you have served here you have seen the enactment of legislation which would take many days to categorize and label. But just to name a few of them, they include child labor laws, minimum wages, social security, medicare, broad programs in education, in health, in environment, and in consumer legislation. These you have pursued with a passionate devotion to the people of this country because, as the majority leader has so aptly said, despite the heights that you have attained, you have never lost touch with the people.

One of your great strengths in this body, Mr. Speaker, has been your close and intimate association not only with the Members of this body but with the people who work for this body. Many times I have seen you pick up the telephone and call the clerk of a committee or even one of the secretaries and know that person on a first-name basis. I see Mr. John Martin, the distinguished counsel of the Ways and Means Committee, nodding his head. I know how many times you have called him and others. This has been one of the secrets of your success.

The essayist, Emerson, wrote an essay some years ago entitled "Friendship." He said that a man was fortunate, as he went down the path of this life, to have one friend—to have one man that he could truly call his friend.

Mr. Speaker, you are very wealthy indeed, because as you look about this body and as you recall the memory of the thousands with whom you have served in this body, they are all, without exception, without respect to party, friends of JOHN McCORMACK.

Finally, as I was sitting and listening to the others speak, I looked up above the Speaker's rostrum and I saw the only quotation that one can find in this whole body. One can look about and see the figures which depict the great lawmakers of all of history. But the only quotation is above the Speaker's dias, above the clock, and it reads as follows:

> Let us develop the resources of our land, call forth its powers, build up all of its institutions, promote all of its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.

That was said by a great citizen of Massachusetts, Daniel Webster. If ever a man has lived up to that statement, it is JOHN McCORMACK.

Mr. Speaker, your not being here is something I find difficult to contemplate, because I remember among the dearest people I have ever known JOHN McCORMACK and his wife. They have been my friends, my wife's friends, my family's friends, and I hope, Mr. Speaker, that you will come back many times and visit with us, because although you leave in person, your spirit, your dedication, your devotion, your example will live with all of us who have known you as long as we live.

Mr. RHODES. I thank the gentleman from Louisiana.

I now yield to the gentleman from California, who is about to accept gracefully his demotion to the other body.

Mr. TUNNEY. Mr. Speaker, I want to thank my friend from Arizona for being so kind as to yield to me out of order.

Mr. Speaker, I asked for the opportunity to be heard out of order because in about 10 minutes I am going to be sworn in as a Member of the other body.

I wanted very much to have the opportunity to tell you today my thoughts about your leadership and my thoughts about the friendship that you have displayed to me.

I remember when I was first elected to the House in 1964, I got a handwritten letter in the mail from the office of the Speaker, a letter that you wrote to me congratulating me on having won election to the prestigious body, the House of Representatives, this great lawmaking body, perhaps the greatest in the world. I think it is the greatest. I remember your saying that you knew my father very well and that you had the opportunity on numerous occasions to discuss philosophy and religion with my father, and you said, "I know that you are going to have a great career, and anything that I can do to help you, please let me know."

I was tremendously touched by that gesture, because here you were in such a powerful, preeminent position, and you took the time to write a letter by hand to a freshman Member and to make him feel important.

I think that is what the gentleman from Louisiana, HALE BOGGS, was talking about when he said you, Mr. Speaker, have this extraordinary empathy, this extraordinary compassion for other people, no matter how high they are or how low they are in the pecking order of society. I think this is the thing that really distinguishes great men from lesser men, the ablity to empathize and put themselves in the position of another man and say, "How would I feel?"

I think one of the reasons that you have achieved the greatness you have achieved and the reason that you became the Speaker was that you understood how important it was to other people to feel they were important.

I cannot speak the way others can, so fluently about the things you have accomplished in your record in the House of Representatives, because I have been here for only 6 years, and you have served for 42 years, but I just want you to know that as a man speaking to another man whom I greatly admire, I want to thank you for what you did for me, for the courtesies you showed me continually while I was in this body, for the fact that I could always pick up the phone and speak to you if I wanted, and you would always return my call, and the fact that you would on occasion put me into your office and philosophize with me about the House of Representatives and the meaning of being a Member of Congress and the honor it was and the responsibility that it entails.

I am reminded of a fragment of a poem by Boris Pasternak, that great Russian humanitarian, who wrote:

> To win before you die the friendship of the spaces
> And hear the future speak, means living a life and not a lie.

I think that is what you have done. You have lived your entire life, a life for other people, and that is why I have such deep respect for you. I thank you so much.

Mr. RHODES. Mr. Speaker, I yield now to the gentleman from Michigan (Mr. Chamberlain).

Mr. CHAMBERLAIN. Mr. Speaker, I am pleased to join in the many expressions of appreciation and best wishes being extended the distinguished gentleman from Massachusetts on the occasion of his retirement as Speaker and as a Member of this House.

It is difficult indeed to imagine this Chamber without his presence. He has served the people of his Boston district since 1929. He has held the speakership for 9 years. In terms of consecutive service this is longer, I am told, than any of the other 48 Speakers who have presided over this body since the First Congress convened in 1789. Before becoming Speaker, he served his party as majority leader for a total of some 16 years. Although the list of honors and awards that he has received over the years is indeed long and impressive, there is no better testament to the high regard with which he has been held than his extraordinary record of service as Representative and party leader—for it springs directly from the people and his colleagues.

It has been my privilege to serve in the Congress throughout his term as Speaker, and even though we come from different sides of the aisle, I have always been impressed by his fairness to all Members regardless of party. This is a true measure of greatness for any Speaker. I also wish to take this opportunity to express my gratitude for the many personal courtesies and kindnesses he has extended me since I have been a Member of this body.

When Speaker McCormack leaves this Hall, he takes with him a very large, eventful and important chapter in the history of the House of Representatives and of our country. He also takes with him the high admiration of his colleagues and the best wishes of the Nation he has served so devotedly.

As Speaker McCormack concludes his service in the Congress, both he and Mrs. McCormack have my very best wishes for their health and happiness in the years to come.

Mr. RHODES. Mr. Speaker, I now yield to the gentleman from New York (Mr. Stratton).

Mr. STRATTON. Mr. Speaker, I appreciate the opportunity which the gentleman from Arizona has provided for us, in connection with his splendid resolution, to join in paying tribute to our beloved Speaker on the occasion of his retirement from the House of Representatives.

I do not want to repeat what has been said, but I should like to make just a couple of remarks which come from my own experience and which may be somewhat unique with respect to the service and the life of John W. McCormack.

As many Members are aware, I first had the privilege of coming to the House in 1941 as a secretary to a Member of Congress from Massachusetts, former Congressman Thomas H. Eliot of Cambridge. As a matter of fact, I believe it is clear that getting one's start in politics in Massachusetts is always very helpful. They play politics for keeps in that State, and I have always treasured the opportunity I had to get my initiation in the State of Massachusetts.

I came down here as a very young secretary, one whose eyes were wide open to take in all these most impressive experiences. Although I had not had the privilege of meeting him personally during the preceding campaign, I knew that John McCormack was not only majority leader of the House but also one of the most respected men in Massachusetts. When I arrived here in Washington I had the opportunity to meet him personally.

I often watched the action on the floor from the galleries, probably more often than I should. Probably I should have been back in the office handling the mail, but it was too great a temptation to come over here and follow the debates.

To me the most exciting part of those debates was when the majority leader, John McCormack, tangled with the minority leader, Joe Martin. It has been said that off the floor the two were the best of friends, but certainly the debates which took place were sharp and spirited. As I am sure all of us who have seen the distinguished Speaker engaged in that kind of debate know, nobody ever could match John McCormack. He played a very important role in the legislation of those days. I know the Speaker has often recalled his activities in those days.

I was in the gallery at the time when they had that cliff-hanging vote by which the draft was continued in August of 1941 by a single vote. John McCormack was certainly active on the floor during that tense period when it was not quite sure whether we were going to continue to have an Army or not. He had a lot to do with the final, successful outcome.

Incidentally, it was quite an opportunity for any young secretary to meet with Gene Kinnaly, the late Gene Kinnaly, who had been Mr. McCormack's secretary through so many years. He was a secretary's secretary. If one wanted to know how to handle a congressional office, Gene Kinnaly would always take time to explain how it was done.

No one could have been returned from any district, no matter what its composition, as many years as John McCormack has been returned unless he had an office which operated efficiently and effectively in representing the desires and the interests of the people of his district. And they respected him and loved him for that service.

Then in 1958 when I was fortunate enough to come back here on my own, having been impressed so much by this House that I was determined to see if I could do it on my own, I went to the Speaker, and I remember the gracious way in which he received me in his district office up in Massachusetts. I asked for his help to get on the Armed Services Committee. He promised me he would do what he could. He did not make any commitments, but somehow I ended up on that committee, and I have always been grateful to the Speaker for it.

Those who were in this Chamber when Speaker McCormack was still majority leader will remember that that same forensic brilliance which I had observed earlier, was displayed particularly when he and Charley Halleck were debating on this floor.

Indeed, one of the sad features of your having been elected to the speakership, Mr. Speaker, is that we have not seen as many of those exciting exchanges that we used to see in those earlier days. It was something, certainly, to gladden the heart of anyone who hoped to be able to emulate that kind of debating ability, even though few of us will ever be able to match it.

There is one other thing that deserves to be mentioned. We who read the papers frequently know that the columnists and the experts tell us that a Speaker of the House ought to be someone who can crack the whip over the various committee chairmen and have them meekly fall into line, with the membership also falling in line. Well, I do not think that any real American would want to be a part of a legislative body that was operated in that way in a democracy.

In a democracy, leadership is provided by understanding and the ability to persuade, and this is the kind of leadership which John McCormack has provided as our Speaker.

I had a very graphic example of this point brought to my attention just a few weeks ago, in regard to the legislation which turned out to be the final piece of legislation brought to the floor of this House by our late beloved former chairman of the Armed Services Committee, the late Mendel Rivers, a resolution of commendation for those who had par-

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ticipated in the Sontay raid to try to rescue our prisoners of war.

It was a resolution which came out of the Armed Services Committee. The day the prisoner resolution came up Speaker McCormack called me into the lobby and made reference to the final sentence contained in that resolution, since it was my resolution. He said, "You know I think this probably could be misunderstood. I think, perhaps, we ought to make a change in the wording."

I said, "Well, I would have no objection, since I understand what you mean. This wording was added in the committee," I said, and pointed out that Chairman Rivers had been largely responsible for the wording. So the Speaker went over to Chairman Rivers, who was even then planning, unbeknown to most of us, to go into the hospital the next day for open heart surgery, in an effort to persuade him to agree to make a change in that language. Mr. Rivers was reluctant to have that language changed, but the Speaker and he talked the subject over for several minutes, and finally the Speaker came up with an alternative suggestion.

Mr. Rivers countered with an alternative of his own; and eventually a new wording was agreed upon, a wording that in my judgment more accurately reflected the views of the Members of the House. The bill was then passed overwhelmingly.

That is the kind of thing we really mean by leadership in a democracy. That is the kind of leadership that John McCormack has always provided, not by cracking the whip, because you cannot do this in this body or any other body of real men, but by knowing the people he is dealing with and having the skill and wisdom and charm and all of the other characteristics that we know so well about John McCormack to get his point across by persuasion and persistence.

Mr. Speaker, I want to pay this small tribute to you as one who has had an excellent association with you, over a longer period of time than most other Members of this body except the very senior ones.

To me it has been a privilege and a thrill to be a part of this team and to experience your brand of leadership. I am sure that all of us here in this body hope that when we come to the end of our legislative service we will have a record just half as good as the job that you have done over all these many years. We salute you and wish you and Mrs. McCormack long life and Godspeed.

Mr. HOGAN. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it may be somewhat presumptious of me, a freshman Member and of the opposite political persuasion, to participate in this eulogy, but in a sense, and indirectly, I am probably here today because of our beloved Speaker. I was born in Boston, Mass., of Irish parents. I was particularly interested in what our distinguished majority leader said in this regard. And it is because of men like John McCormack that my father, a lifelong Democrat, I might add, was so interested in politics.

I believe that my figures are right—that the beloved Speaker was elected to Congress the year I was born, and all throughout my early life I noted the reverence with which the name of John McCormack was mentioned in my family. The fact that I took a turn in the road in politics from that of my father and the beloved Speaker has diminished in no measure my respect for him and his devoted service to the country. Even though I do not know the Speaker as well as most of the more senior Members here on the floor, I did want to pay him tribute. I want to say that in the short time I have been here I have come to respect and admire him and to be aware of his wisdom and his fairness, but, in addition to that, my knowledge of him goes back a long, long time, from the time I was a young child. I wish him Godspeed in the years ahead.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Illinois (Mr. Pucinski).

Mr. PUCINSKI. Mr. Speaker, it is a privilege to join our colleague from Arizona in urging support of this resolution honoring the distinguished Speaker of this House, John W. McCormack.

I believe our colleague, the gentleman from Indiana (Mr. Madden) stated the case most succinctly when he said that historians will list John McCormack as one of the 10 most important Americans in the history of our Republic. There is no question but that in the years he has been here, both as a Member of the House and as a majority leader, and now as the Speaker of the House of Representatives, People's assembly, his great wisdom, his philosophy, his deep understanding, his compassion for the complexities of freedom, have brought this country to the highest pinnacle ever reached by any society. John McCormack indeed today takes his place as one of the 10 most important and significant Americans in the history of this Republic. He joins such immortals as Washington, Jefferson, Lincoln, and others. It is a privilege for every one of us as Members of this House to have been able to serve with him. I feel sorry for the new Members of the 92d Congress who will not have that privilege, for all of us are so much the wiser because, indeed, John McCormack has taught us, above all, compassion. That has been his hallmark—compassion for the problems of people, compassion for the oppressed, compassion for those suffering; compassion for man's own weaknesses. Yes, John McCormack has been a great leader.

What an enormous source of pride it must be to the Speaker and to his lovely wife, Mrs. McCormack, and to his whole family, including his brilliant young nephew, Eddie McCormack, to know that on five successive occasions the majority of this House has elected John McCormack as their leader, starting in 1962, on January 10, and right on through the 91st Congress. And what a great source of pride it must be for a man to know that in this assembly where each of us has to go into our respective districts every 2 years to be elected or reelected, that the majority of those elected then went a step further and elected John McCormack as their Speaker.

We Americans have a tendency to glorify our Presidents and in some cases to glorify the Chief Justice of the Supreme Court.

But too often Americans forget that the Congress of the United States is a coequal branch of our Federal Government—coequal—one of the three branches of government. The Speaker of the House of Representatives is the traditional leader of this coequal branch of government. John McCormack, as Speaker, has brought dignity to this coequal branch of government.

John McCormack has that fantastic faculty to be able to see the enormity of the Republic—200 million people, 50 States, rich people and poor people—laboring people—and people who are princes of industry. One of the great strengths of John McCormack has been his ability to see the entire picture of the Republic. Each of us fights tenaciously for the parochial interests of our respective congressional districts, and properly so, for if there is any validity in representative government, it is our duty to look at things in the interest of the people who sent us here. But it was John McCormack's enormous problem and challenge to see the totality of the Republic and to measure every issue that came before this House in terms of not only how it would help a particular group but also how it would help the entire country.

He has been the keeper and the protector of the whole country, to make sure that what we did here did not hurt any particular group or any particular segment of the Nation while it might help other groups and other parts of the country. So I tell you that this has been an awesome job. I do not believe the American people realize what an awesome responsibility the Speaker of the House bears on his shoulders. Those of us who have served in this House have certainly seen the magnificent way in which he has discharged that responsibility. There have been times when many of us would run to the Speaker and think that he ought to do things our way because we thought our way was the best way. Perhaps when viewed in the light of the parochial interests of our own district, it might have been best—but his enormous task was to look at the whole picture and see how it would affect the whole country.

I tell you that it has been a great source of pride to serve with John McCormack for John McCormack could have been Governor of the State of Massachusetts. He could have been a Senator from his State—he could have been Vice President of the United States, and I dare predict that had he sought it, he could have had the nomination of the Democratic Party for the Presidency.

Yet, he chose to stay here in the people's assembly—because this is the heartbeat of the Republic. This is where men and women assemble who are elected by

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their peers and who transact the business of the Republic. He chose service here because he saw the opportunity to serve the people of America.

They will not have to build any monument to John McCormack. There are monuments to his ideals all over America. You can walk through any university campus—visit the new libraries and the dormitories and the school buildings themselves—they all represent a tribute to John McCormack—a leader in the field of education.

You look at the 28 million American veterans in this country who are enjoying veterans' benefits under Federal law and you see a living monument to John McCormack, who has been a great friend and has always understood their needs.

Look at the hospitals in America. Had John McCormack not provided the leadership in this field under the Hill-Burton Act and various other acts that have been passed by the Congress during the time that he has been Speaker of the House, we would not have had them.

Look at the 22 million Americans on social security, 72 percent of whom today find their sole source of income through social security. John McCormack was in the forefront of that.

We have enjoyed 25 years of major peace simply because John McCormack looked at those monuments out there on Pennsylvania Avenue in front of the Archives Building. One of them says, "What is past is prologue," and the other says, "Study the past."

We remember well what unpreparedness has meant to America and how it dragged us into World War II simply because we were unprepared. John McCormack has been in the forefront and has been the champion of a strong Defense Establishment as the only guarantee for lasting major peace.

So we see here more than four decades of great and profound leadership by a man who had vision and understanding. I might say, Mr. Speaker, it is going to be very hard to have anybody fill your shoes in the years to come.

You can look today to the future of America and say, "Yes, I have built a firm foundation." I am not surprised that you told the press today that you look at the future with hope and confidence, because you have built a foundation, as a leader of this Congress; you have forged a base, a foundation upon which this Republic now rests, stands, and will grow.

You saw this country go through the most horrible depression that any nation has suffered, and under your leadership you saw us enjoy 10 uninterrupted years of economic growth and progress, to the point where, this year, we have observed and celebrated a one trillion dollar gross national product, a pinnacle of success never before reached by any civilization and, I dare say, never dreamed of when the Founding Fathers created this Republic.

So, Mr. Speaker, it is a privilege to pay tribute to you today in joining others speaking on the resolution.

I remember one little footnote, John McCormack's life is full of footnotes. Every one of us can add a new, exciting, inspiring footnote. I remember the one that I heard about the great decision which had to be made on the hydrogen bomb. Scientists were saying, "You can't do it. It won't work. You are going to waste a lot of money."

John McCormack sat in on those discussions. John McCormack saw the threat. John McCormack realized that America had to be ahead if she were to survive. It was he who prevailed upon President Truman to move ahead with the project, and we can all say a prayer of thanksgiving for his wisdom, understanding and dedication, for, indeed, it was only 10 months later that the Soviets discovered their own hydrogen bomb. The whole course of history could have been changed had John McCormack not prevailed on Truman.

So in every single experience and aspect of our social endeavor we see imprinted the great understanding of John McCormack.

John McCormack, as Mr. Rhodes has said in his remarks, will never be alone, for he has a grateful nation and grateful Members of Congress constantly and eternally thanking him that he walked by here and gave us the chance to glory in his great experience of leadership.

Mr. Speaker, I wish you many years of health and happiness. I have only one additional wish. I know there is a great tendency for everyone to write a book. If anyone should ever write a book, the Speaker of this House ought to write one so that the social scientists and political scientists for generations to come can look back and understand the great and glorious epoch of American devleopment under his leadership. We were a primitive nation, so to speak, until coincidentally you came into the Congress, and as your leadership grew and as your impact grew and as you found answers to difficult problems, the country flourished and moved forward. I do believe that you owe it to a free people, you owe it to the political scientists of this country, to record for posterity what it took to put together these fantastic combinations that brought America to where it is today.

I want to wish you many, many years of health and happiness in retirement so you can continue serving your country in that way.

Mr. RHODES. I appreciate the remarks of the gentleman from Illinois.

I now yield to the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Speaker, I want to take this time on the closing day of the 91st Congress to pay tribute and express my gratitude to the distinguished Speaker of this House for the past 10 years—the Honorable John McCormack.

When I came to this body 16 years ago, he was the majority leader, the counselor, and devoted friend of every Member of this body. He was kind, understanding, and compassionate. When he became Speaker, he retained all of these fine human virtues—and he remained accessible to every Member.

In these past 10 years, Speaker McCormack has provided a new dimension to the dignity of the individual Member. He gave every Member of this body an equal and fair opportunity to present his case and take his position. He "protected" the rights of every Member—including occasions when he vigorously disagreed with that position or action. He never used the discretionary power which the Speaker possesses to suppress the individual Member's right to parliamentary action. He was fair beyond duty.

Mr. Speaker, you have brought great honor to the Nation, to the State of Massachusetts, and to your community. But you have also brought great and often unrecognized honor to the individual Members of this House. In your time as Speaker, individual Members were encouraged to stand up and take part and positions on every vital issue. You have given them courage to be strong; to represent their positions; to be stand-up men and women. The great reforms which are underway were begun by your inspiration, by your kindling the initiatives which have already produced great reform and which are still at work. If from this, Congress is made more responsive and responsible—if new great leaders emerge, as they will—it results from your handiwork and encouragement.

Speaker McCormack, you have championed and labored over every legislative act which has moved this Nation dynamically toward its obligation to serve the people. No living American has done more to make the law serve so many.

I do not know where history will place the work of this fine man as Speaker—but it must be near the summit. Our Speaker has set for every Member an example as to how to serve in dignity. He demonstrated how partisanship can achieve legislative goals without compromising patriotism for the Speaker's loyalty to the Nation—to this House and to his own principles—provide the widest dimension to the term.

This fine man of the House gives all of us an inspiration to serve our fellowman with dedication and high purpose.

I hope, Mr. Speaker, that in your retirement—and may your days be many and of good health—that you will write of your times and of your experience. We have Cannon's volume on "Rules of Procedure." I hope we can have the benefit of "McCormack on Leadership," a manual to guide those who lead and those who must understand the mission and the problems of such service.

My thanks to you, Mr. Speaker, for your invaluable contributions to our democracy and the institutions which make it work.

Mr. RHODES. Mr. Speaker, I thank my friend, the gentleman from Ohio.

I yield now to the gentleman from Hawaii (Mr. Matsunaga).

Mr. MATSUNAGA. Mr. Speaker, I thank the gentleman from Arizona for yielding.

I rise in support of the resolution.

Mr. Speaker, today we mark a truly historic occasion. This is the first time that a Congress of the United States will be adjourning sine die on the day before the new Congress legally convenes, but history will definitely record and it will be better known that this day was the day on which the already legendary John W. McCormack retired as Speaker and as a Member of this House.

It is said, Mr. Speaker, that great events make great history, but on close analysis we find that great men make those great events which make history, and JOHN W. MCCORMACK will be listed high among those men who have made our system of government the greatest that mankind has ever known.

Mr. Speaker, what has been said here on the floor I fully subscribe to, and I do hope that some historian will compile the remarks made here today, so that future generations may be inspired by the life of one who rose from the humblest of origins to the heights of greatness.

But what is even more important in times of shifting values, as we are witnessing today, is that JOHN MCCORMACK will be known even more for his goodness than for his greatness.

I recall distinctly, Mr. Speaker, when, in one of our first informal and friendly conversations in his office, Speaker MCCORMACK inspired me with one of his many inspiring remarks. In effect, he said to me: "If I were given a choice to be known as a great man or as a good man, I would choose to be known as a good man."

Who can deny that in JOHN W. MCCORMACK we have the rare combination of true greatness and genuine goodness? History will record, if it will record fully and accurately, that here was a man who brought heart and goodness to Government.

Mr. Speaker, as one of more than 200 million grateful Americans, with tears of gratitude swelling in my heart, I say, "Thank you for having contributed so much to the greatness of this Nation and to the betterment of mankind."

Mr. RHODES. Mr. Speaker, I thank my friend from Hawaii, and I yield to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, I add my voice to the others that have been heard here this afternoon in tribute to you, both because I am a citizen of the country which you have helped to preserve and also because as an individual I have benefited from your personal friendship.

I especially enjoy the privilege of conveying the good wishes of my father to you, Mr. Speaker—my father who respects you, sir, as one of the dearest friends he has on this earth.

Finally I should like to say that as one who has agreed with you, sir, far more often than not, yet who has not on some occasions, I have deep gratitude for your tolerance of any Member or any person who follows his conscience even if his conscience carries him on a different path from your own.

So I wish you God speed in your retirement, which, as has been said, will hardly seem like a retirement, because I believe, sir, you will continue to make great contributions toward the leadership of this country, towards progress and peace for all mankind.

Mr. RHODES. Mr. Speaker, I thank the gentleman from Indiana.

I yield to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. I thank my colleague for yielding.

Mr. Speaker, it is a great privilege to associate myself with the remarks of my colleagues who have heretofore addressed this House in paying tribute to a dear and a great American. This is an occasion, as noted, which is truly historic. We are present in this Chamber during the final hours of the career of one of the most remarkable lawmakers in all history.

I share the emotions which are evident in this Chamber today, the feelings of sadness and regret as the clock ticks away and we watch this historic moment approach.

Mr. Speaker, I count myself as fortunate in the extreme that my service in the House of Representatives commenced 2 years before your service in this Chamber terminated. I will treasure the friendship and the association that I have gained from those 2 years. I will be forever grateful that the Speaker whose time and energies are subject to so many awesome demands has always had the time for a freshman Member and, indeed, a freshman Member from the minority side of the aisle.

As I review the 2 years that it has been my privilege to know you, there are, of course, many personal characteristics that stand out and will live in my own memory. Many have been referred to here earlier today. There is that sense of fairness, gentleness, kindness, and understanding that have always characterized your service. But if I were to identify one characteristic that will perhaps be most vivid in my own memory, it is one of strength. Even after 42 years of service in this body and at the close of some very long and difficult days, you have always projected strength, strength of voice, and of conviction. We always knew that our Speaker was in command, in a way that inspired confidence among the Members of this House. We are grateful for a strong leader. We are deeply in your debt, Mr. Speaker. All of us who have been privileged to serve with you and have benefited from your remarkable talents, all of us whose lives have been enriched by your leadership and your service, all Americans, indeed, all throughout the world who love freedom, are deeply in your debt.

After today, our Speaker will no longer be with us as our Speaker and colleague. JOHN MCCORMACK will have left this House as a Member and as Speaker and he will be greatly missed.

I know that the spirit of JOHN MCCORMACK will never leave this House, moreover, that it will always be here to provide inspiration, encouragement, strength and guidance for those who will serve here.

As you depart this Chamber today for the last time, as our leader and colleague, Mr. Speaker, I know that I echo the sentiments of the millions who love you when I bid you on this occasion goodby and God bless you.

Mr. CAREY. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from New York.

Mr. CAREY. I thank the gentleman from Arizona for yielding to me. Mr. Speaker, I wish to join in these comments the valedictory—and I choose that word because I prefer to think we are not indulging in a eulogy for JOHN MCCORMACK here today, but a valedictory. We have been fortunate to have been here during the time of his service to the country and address him now as an alumnus, one who leaves an illustrious institution, a great institution, in the best possible condition because of his leadership.

I am delighted that my colleague, the gentleman from New York (Mr. STRATTON), took the time today to express what I think is the combined judgment of the entire New York delegation in paying respect and deep affection to our great Speaker.

As the largest delegation in the majority in the House of Representatives, we in New York like to think that JOHN MCCORMACK belongs to us and, indeed, to history as much as he belongs to the State of Massachusetts and to all the people of the United States.

We tend today to think back upon the personal moments that we have had with our great Speaker. Some 10 years before I was a Member of this body, and a little in awe of all of the great figures in Washington, I was called upon in behalf of a veterans organization to come to Washington and seek redress, to seek the easing of a burden which had inequitably fallen upon the family and the person of a veteran. We had exhausted all the doors and places of remedy available. Through the aegis of a former Member of Congress I was brought to the door of the rooms of the majority leader, and thought that it would be some assistant or functionary in the office of this great man we would see but instead we saw no less than the majority leader himself. Within a matter of hours things were done for a veteran, and for his family, to help us redeem the belief we all must have in the fact that this Government lives for its people.

Ten years later, when I was privileged to take the oath and to cast the first of my five votes for JOHN MCCORMACK, I felt in a sense I was taking part in the making of history that let us participate in the greatness of JOHN MCCORMACK by voting five, or 10, or as many times as we would with him, because he has always voted his conscience thinking of all the American people.

I heard with great interest also the reference made by our distinguished majority whip to the words that appear above the Speaker's rostrum, the words of Daniel Webster, I believe, in terms of what should be our commitment to the people whom we serve in this Chamber. I am reminded of what is not an anecdote, but something which actually took place to show that JOHN MCCORMACK belongs to the young people of this country as much as he belongs to history and to our predecessors.

One of my sons was with me in the Chamber—and I had cautioned him to be still and silent, and not to intrude his presence verbally on the deliberations of the Chamber. I had to do this more than once—like father like son, I might add. He looked around, and he looked up at the Speaker's rostrum, and

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said, "Why can't I speak? Are we in church?" I said, "No, we are not in church, but we are in the Chamber of the House of Representatives." My son Paul, looked up at the Speaker Mr. McCormack and said, "Well, then, what is God doing up there?"

Well, to some of us John McCormack looks like God when he sits up there. Yet, in all cases, he would dismiss such a thought immediately. The only place we note God in this Chamber day after day, and I hope for the infinite future of the country, is in those words that are up above the Speaker's rostrum, "In God We Trust." I think it is an open secret that John McCormack caused those words to be placed there, because he is a man of the people, a man of his party, a man of the country, Speaker of the House of Representatives, who has placed his trust in God and held his country's trust most deeply in his heart. He has always been a man of God, deeply committed to the opportunities and obligations which God has given him.

He, of course, has lived during the most vivid moments of history of our lifetime, second only to the President of the United States in possibly the greatest crisis of our generation, surely the greatest crisis of this decade, in the dark days of November 1963, and responsive to that crisis in terms of readiness, preparation, ability, and stability to meet it.

It has been my experience that whenever we walked into this Chamber, and the House was in session, whether the Speaker was in the chair or not, or whether he had yielded the gavel to one of us lesser Members of the House so that we could have a moment in that chair, you always knew who the Speaker was, whether he was in the chair or not.

So in a sense, in my valedictory today I do not want any other hope for the Speaker in retirement, as he terminates his sevice in this Congress, but that he will continue his life of momentous service to the American people.

We could offer him all the orisons and all the compliments which he has always brushed aside, because he has always been a simple man, a common man. He has never sought any kind of personal honor, and has eschewed personal preference, but has always sought to have the highest honors for this body among the men whom he loves and serves.

I would like to think that the valedictory we could give him today would be that we go on and try to carry on the work of John McCormack. He does not leave us with a void or vacuum of leadership. In a sense John McCormack has challenged everyone of us, in the majority and in the minority, to try and equal his gift of service and his gift of greatness during his forty-two years of dedicated and devoted service to this body and to the country.

We have a model to emulate and we have no vacuum or void of leadership because there will be among us men and women whom we will choose to fill the various vacancies created by the retirement of Mr. McCormack and other Members. I trust we will choose according to the style of leadership and the depth of commitment and the democracy of leadership which has been the hallmarks of the Speakership of John McCormack.

That democracy of leadership is exemplified by the fact that the door at the end of the hall has been open to all of us at any time, day or night, whether we might be the chairman of a committee or the lowest ranking member. You could go to the Speaker and sit with the Speaker and counsel with the Speaker and so improve your service to your people through his guidance and counsel and devotion.

Although we are all losing a friend here today, we can make a great contribution to the country if we will dedicate ourselves to doing from here on in just as much as we can to live up to the legacy John McCormack gives us. I hope he will always be available to us to give us his counsel in the days ahead as we proceed forward on the path of the progress that he has clearly marked for us.

I asked him the other day if there would be any rooms in the Capitol where we could find him in the 92nd Congress or any future Congress, room where we could find John McCormack during his presence in the Capitol—and I hope his visits to the Capitol will be most frequent. I realized at once, that it was an inappropriate inquiry to make of the Speaker.

He said, "Oh, no, no, I will not have any room here." Then I thought to myself—of course, not—because every room in this Congress has an open door for John McCormack just as his door has always been open to us. In a sense—this Chamber and all of the rooms in this Capitol have the touch of John McCormack upon them.

I hope, Mr. Speaker, you will consider yourself, among other things, an honorary Member of the largest delegation in the House—a full fledged member of the New York delegation. Because you have done so much for us and so much for our State and so much for the American people and so much for this body in which we have been privileged to serve under you as Speaker of the House of Representatives, we of New York welcome you as one of us.

I say to you, Mr. Speaker, hail and farewell. May we see you on many, many days here and around our country exerting that great force for good and for leadership which has been so characteristic of your days as majority leader and as Speaker of the House.

I hope you will remember that John McCormack is not going into retirement so far as the affairs of this country are concerned. If I have to demonstrate that, let me recall that we have a bigger majority now in this body since the last election because of the work John McCormack has done for this party. I think the best statements that were made just prior to the last election were those which originated from the Speaker and which appeared in the press throughout this country when he spoke in the leadership of his party and spoke in such a way that he helped every contending majority Member of this body to gain election and return to this body.

Mr. Speaker, as you spoke last November, may you be speaking through all the months and years to come as a great leader of the Democratic party and as a great leader of the United States.

So far as I am concerned, you are the leader in statecraft in this country in this century because of your Speakership in this great body.

Mr. RHODES. I now yield to the gentleman from Minnesota (Mr. Nelsen).

Mr. NELSEN. I thank the gentleman for yielding.

Mr. Speaker, I wish to add my voice to the many Members who have been delivering eulogies to a great American. I believe it is a privilege to have this opportunity.

One of the qualities that the Speaker embodies is taking time to exercise some of the niceties of life. I well remember a visit I had from some of my people back home, the Sharkey family. We stopped at the Speaker's office and dropped in to visit Mr. McCormack. You can well imagine the wonderful time that the Sharkeys and the McCormacks had. Good old Ireland showed through.

This family returned to their home. One of the greatest events in their visit to Washington was the fact that the Speaker of the House, Mr. McCormack took time to say to those people from back in the Midwest, "Howdy, folks."

Reference has been made to the humble background of Mr. McCormack. I think perhaps many of us share that kind of background. But Mr. McCormack makes people feel comfortable in his presence. When you walk into his office, he makes you feel at home, and that is a tribute to him.

For many years we have seen his fierce advocacy of causes in which he believes; yet, at the same time, we have always seen his fairness in dealing with those who may have a different opinion.

I know I speak the feeling of the entire Minnesota delegation when I say, "Thank you, Mr. Speaker. We wish you Godspeed. You are a great American."

Mr. RHODES. Mr. Speaker, I yield to another distinguished Member of this House from the State of Massachusetts who will be missed by all of us in this Congress, a good friend, the gentleman from Massachusetts (Mr. Philbin).

Mr. PHILBIN. Mr. Speaker, I deeply appreciate the opportunity given me to say a few words about our dear friend whom we all love so dearly.

Throughout his long, illustrious career in this body, our beloved Speaker John W. McCormack has made tremendous contributions to the American people, this Nation and the world.

He is admired and loved by all who know him, and his fame, outstanding leadership, and achievements are recognized, not only in our own country, but throughout the world. His are among the most noteworthy, significant contributions in the history of this Nation.

As our greatest Speaker takes leave of this famous, democratic body after 42 years of magnificent, dedicated service to the Nation and the world, anything I might say concerning this great leader, and beloved friend, would be all too in-

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adequate. Truly, one of the great leaders of the Congress is leaving the House.

Speaker McCormack has served and given unselfishly of himself for many years, and this distinguished service has been far beyond the call of duty.

This great House, and Government, and everyone in this country, is better for his memorable accomplishments, his concern for the poor, the helpless, the sick and the elderly, and those who, in large measure these days, must depend on Government to assist them, for his determined, successful work in building and strengthening our Nation, providing proper defense for its security in this very dangerous world, and his laudable, persistent efforts, and effective leadership, in providing the climate, the legislative tools and laws to promote the prosperity and well-being of the Nation in an era of marked growth and expansion in almost every field of human endeavor.

It would be impossible in the time allotted to touch upon all the great things this famous American has done for our country and the people. History will record his memorable work, his great deeds, his dynamic labors, his creative leadership, his zeal for social, economic advancement and his untiring efforts for world peace to which he has given so much of his valuable time.

I want to express my deep appreciation for all he has done for me during my service in this body, his wise counsel, his invariable support and encouragement, and his loyal friendship that has helped me so much in performing my duties to constituents and the Nation.

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I want to thank him for his tremendous contributions to the House, the country, and the nations of the world.

His leadership and labors will always be a brilliant chapter in the history of America, always an inspiration to those who seek to serve, always a guide and a source of encouragement to those who continue to serve in this House, and who will be the leaders of the future. They will learn a great deal from his example in brilliant political leadership, of sound, far-sighted, forward-looking statesmanship, and compassionate service to the Nation and the American people.

May the good Lord shower his choicest blessings upon our beloved friend, Speaker McCormack, and his lovely helpmate and wife and devoted companion, Mrs. Harriet McCormack, who has inspired and assisted him in ways that are both innumerable and without stint or limit, and to whom she is so deeply devoted in love and loyalty.

While he is leaving this great House which he has so brilliantly adorned for years and the public service on which he has made an indelible mark, I wish for him, his wife, and lovely family all choicest blessings of the Divine Master in whom his stanch faith and devotion has been such a dominant part of his life.

May he, our great Speaker, and his dear ones enjoy good health, peace of mind, and happiness, and may his contributions in the form of counsel, guidance, and direction in our national affairs continue for many years to come.

Mr. RHODES. Mr. Speaker, I yield to the gentleman from Florida (Mr. Bennett).

Mr. BENNETT. Mr. Speaker, I rise in strong support of this commendation of the Speaker. America has been indeed fortunate to have had Speaker McCormack in a great leadership position for the many years of his public service. He came to the House of Representatives as a veteran of World War I and as a veteran in Massachusetts legislative leadership, having been democratic leader in the Massachusetts Senate. His voice has always been raised here in such a spirit of personal conviction that he automatically attracted his listeners to his point of view. I have never heard a more persuasive speaker; and I attribute it primarily to his strong personal convictions and his consequent commitment to the point of view taken on the issues at hand.

His force has been on the side of protecting this country from its enemies abroad and at home, on the side of helping the poor and the unfortunate wherever they might be; and on the side of progress for every section and component of our great Nation. America is greater because of him. He and his lovely wife, his teammate, go from here with the gratitude and love not only of all of use here but of every thoughtful and true American.

I want to say that one of the most inspiring things about the Speaker, to me, is that he was never parochial about anything he did in this House of Representatives.

All of us are deeply grateful to him for the personal kindnesses he has shown to us. I believe, above it all, however, that we appreciate the fact that he was never parochial. He is the greatest advocate I know of in public life; but he has done it in a way to be always a part of the answer and never a part of the problem.

I am reminded of a very recent event which occurred in our joint life, and I shall conclude with this. It was when he and I walked over together for a little prayer service for our beloved departed Member, Mendel Rivers, not long ago, at the prayer room of the Capitol.

To me the unifying thing about our Speaker, is that he truly believes in the brotherhood of man, because he really understands that God is our Father, and he really understands we are all each other's brothers.

The greatest expression I have ever had from the Speaker, since I have been an associate of his in these many years, is his greath faith in our Father above. I am grateful for that.

Mr. RHODES. I thank the gentleman from Florida.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. Brademas).

Mr. BRADEMAS. Mr. Speaker, I appreciate very much the gentleman's yielding to afford me an opportunity to make one observation which may touch upon another facet of the career of our beloved Speaker, one which especially struck me when I first came to the Congress some 12 years ago.

Our present Speaker was, of course, then majority leader. Sitting on the floor of the House of Representatives while he was speaking, I was struck by the great and fiery eloquence with which he conducted himself in prosecuting the case for the majority side of this body in debate with another Member of the House at that time, a man from my own State, the gentleman from Indiana, Mr. Halleck. I must say I had never before heard, and have seldom heard since, such skill in debate and such effective oratory.

Mr. Speaker, we here in the House of Representatives are all—most of us, in any event—men and women who enjoy combat, who enjoy strife, who enjoy the give-and-take of what the late Adlai E. Stevenson used to call combat politics. But I believe I have observed few Members of Congress or indeed few men in public life who have so clearly enjoyed and taken zest in the combat of our free and open political system as the Speaker of the House of Representatives whom we today honor.

I remember sitting a few weeks ago in the office of the distinguished majority whip, the gentleman from Louisiana (Mr. Boggs), at a meeting of the whips, when Speaker McCormack was present with us and when the Speaker was engaging in some reminiscences of his earlier experiences in politics. I count that opportunity to have been on hand when Speaker McCormack was engaged in that period of reminiscence as one of the real privileges I have had since coming to the House of Representatives because the Speaker so obviously, enormously enjoyed recalling his earlier political battles, most of which, if I recall correctly, he had won.

I said to him, as he and I walked out of the majority whip's room together, how much I had enjoyed being present, and the Speaker then told me something which I am sure he will not scold me for here repeating, because I was urging him to undertake what some historians in the country now are doing a great deal of, to contribute to an oral history project. I urged the Speaker to make available his reminiscences and recollections to historians of this period of Congress, and he said that, indeed, from time to time in recent weeks he has been engaged in, I believe I am correct in saying, oral interviews with scholars in which he is commenting on some of his many experiences in public life.

I believe the Speaker here gives further evidence of his sensitivity to the important role that he has played in the life of our country and still more particularly to the important role which the Speakership of the House of Representatives symbolizes in our American constitutional system, for Speaker John W. McCormack is a living repository of some of the most important decisions taken in the history of the United States in modern times.

I am therefore, pleased to have today this opportunity to join in paying tribute to Speaker McCormack—for his skill as an orator, for his leadership of his party, for his fairness as presiding officer of the House, for his sense of history, and for his kindness to all of us. I wish finally here to thank him for his great kindness to me.

Thank you, Mr. Speaker.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Iowa (Mr. Schwengel).

Mr. SCHWENGEL. I thank the gentleman from Arizona for yielding to me.

Mr. Speaker, paying of tribute and saying "Thank you" for a job well done happens too infrequently in our society. So Mr. Speaker, I am glad to join this accolade of a much deserved tribute to a great American. I will be very brief but I do want to point out some very important points that I think need pondering upon in a situation like this, and this opportunity presents itself very well to do this.

Here is a man who has been a part of history for 42 years. He was helping to make history, and some rather important history, that we comment upon here today.

One of the things I like about him is that he could and did speak for the House as a body and he could defend each individual Member if they needed to be defended in their right to be heard and to speak, to have his day in court.

Mr. Speaker, I have a very close and personal interest in one activity and one for which I am grateful for the assistance of the Speaker, and that is the Capital Historical Society designed to bring about a better understanding and a better display of history, an endeavor in which the Speaker never failed to cooperate.

Mr. Speaker in the words of Edwin Markham when writing about Lincoln said:

> Here was a man to hold against the world,
> a man to match the mountain and the sea.

They are apt and appropriate as we speak of John McCormack.

I am glad to join in this genuinely deserved accolade to a great American.

Finally Mr. Speaker, good luck and God bless you as you carry on from here and seek to serve your fellow man in another opportunity.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, although my voting record could hardly be said to be in complete accord with the gentleman from Arizona, there is no resolution which has been sponsored in this House that I support more enthusiastically than the resolution introduced by the gentleman from Arizona (Mr. Rhodes).

I join in these richly deserved tributes to the Honorable John W. McCormack. There is not a single American whose life has not been affected for the better as a result of the work he has done and leadership which he has shown. In fact, this is true of the people all over this world. The schoolchildren who enjoy a better education, the college students, the sick who now have medical care, the workers whose hours and wages are now adjusted fairly, the elderly who have social security—and millions of others, even those yet unborn, who owe so much to the leadership and vision of our great Speaker.

In the larger issues involving the strength of this Nation, the Speaker has always exerted his influence on behalf of strength.

But it is in his relations with the individual Members of the House that he has most of all earned the title of "The Member's Speaker."

We wish the Speaker well, along with Mrs. McCormack, in his years of richly deserved retirement. As we bid him farewell, I recall so much personal incidents which speak highly of his character, his leadership, and his qualities as a human being. Thousands of young people had the rare opportunity to meet and exchange ideas with him, and derive inspiration from his informal answers. On many occasions when I know the Speaker was extremely busy, he unfailingly took time out to meet with large groups of young people on the House floor, in his office, or on the steps of the Capitol. And he always had time to work out what probably seemed to each Member larger human problems—yet he always through his helpfulness made every problem seem small.

I salute you, Mr. Speaker.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I thank my colleague from Arizona for yielding.

I take this time to pay my tribute to the Honorable John W. McCormack.

It seems just yesterday when I was privileged to be elected to this body although the calendar says it was 1949. It was the first special election following the year of 1948, the so-called Truman landslide. In that first election for a seat in the House it was my good fortune to be selected by the people of the 26th District of Pennsylvania to represent them in the Congress of the United States.

After receiving the greetings of the other Members, I shall never forget the beloved Speaker, who was then the majority leader, coming up and welcoming me to this body.

There had been a great deal of fanfare and a great deal of publicity from coast to coast in the election in which I had been successful, and John McCormack gave me some words of wisdom that I would like to recall to him, and to the other Members of the House of Representatives. He said to me, "Young man, I welcome you to this body. I want you to know that no Member was ever defeated by the speech he did not make." And, 22 years later, Mr. Speaker, I just want to say that I have tried to follow your advice. The only time Members should come on the floor and make a speech is when they know more about the subject than any other Member, so that in the debate that takes place in this great body they are able to handle any issues that are presented to them from either side, and it is only when you know your subject and know your business that you are able to survive.

One of the reasons you have been a great Speaker in the House of Representatives is that you have never in the 22 years it has been my privilege to be here and to serve with you, taken this floor in any debate in which you did not know more about the subject matter than any other Member of this body. That is a great record. And as you leave us, with the great honor of having served longer continuously than any other Speaker, and as the first Speaker in the history of this country to ever retire, you are a man who has made a great mark in the history of our country, and so I say to you and to your dear wife that in your retirement I wish you and she all of God's great blessings.

Mr. RHODES. Mr. Speaker, in closing, I merely wish to comment to the Speaker pro tempore on how well you look as occupant of the chair of this great body. And I hope that it is not the last time that you will occupy this great chair.

Mr. Speaker, I wish you everything that is good, and I even wish you this, sir: The winters in Massachusetts are hard. I know that they are, because I have spent winters in Massachuetts, and it would be my hope that you and Mrs. McCormack might decide to come to Arizona. I understand it is something like 70 or 72 degrees in Phoenix today, and not only because of that, but I can assure you of a most enthusiastic welcome by all of the citizens of Arizona. There is only one proviso I would like to make, sir, and that is if you should happen to come to Arizona that you not run for the House of Representatives, because while I am not unduly alarmed about my own future, you would be possibly a constituent and a possible candidate.

Mr. Speaker, I am sure that the outpourings of good will which have been registered here indicate to you the feelings of all of the Members of the House of Representatives, because they all feel that way.

I note that the gentleman from New York (Mr. Ryan) is on his feet. Does the gentleman desire that I yield to him?

Mr. RYAN. Mr. Speaker, I would appreciate it if the gentleman from Arizona would yield to me.

Mr. RHODES. I yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, as the congressional career of Speaker John W. McCormack draws to a close, it is fitting and proper that the House pause to pay tribute to a great American who has served our Nation with total dedication throughout four critical decades: the 1930's, the 1940's, the 1950's, the 1960's—each a crucial decade, each a decade marked by crisis at home and abroad. During this period John McCormack led the House of Representatives in seeking solutions to the critical problems of the times. As majority leader from Franklin D. Roosevelt to John F. Kennedy, he was in the forefront of legislative change from the New Deal to the New Frontier. As Speaker under Presidents Kennedy, Johnson, and Nixon, he has presided over the House of Representatives for a longer continuous period than any other Speaker. When the history of this era is written, the name of John W. McCormack must necessarily loom large and luminous.

During the past 10 years it has been a privilege for me to know and to serve with John McCormack. I have always

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enjoyed those times I have spent with him in his office, at luncheon, and on the floor. We have had many discussions. Although there were times when we disagreed—sometimes quite sharply over fundamental policy issues—he has always been willing to listen and to respect my point of view. I have always found him courteous, fair and frank—even when I did not succeed in convincing him.

But there were occasions when I was able to persuade him. I recall the genuine humaneness and compassion of the Speaker on more than one occasion when I went to him to ask his intervention on behalf of civil rights leaders who were subjected to harassment and arrest for exercising first amendment freedoms. I found that he would recognize injustice and quietly and without fanfare act affirmatively to help.

My most recent experience with the Speaker occurred on Tuesday of this week when he responded immediately, sympathetically, and affirmatively to my suggestion that the House formally protest the persecution of Soviet Jewry by passing a resolution. And we did so on December 31.

And earlier on December 7, when he realized the harm that might be done to Vietnam peace negotiations at Paris by the language in the prisoner of war resolution reported out by the Armed Services Committee, the Speaker prevailed upon Chairman Mendel Rivers to change that resolution. The magnanimity of the Speaker was demonstrated when he later thanked me for using the parlimentary tactics that gave him time to go to work and convince the chairman of the Armed Services Committee to change the resolution.

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As this session adjourns out of respect to our beloved Speaker, I want to wish him great happiness in the years ahead. I hope they will be years of continued fulfillment for him. As he leaves us, he fully deserves to carry with him the respect and affection of his colleagues in Congress and the gratitude of all the American people for his devoted years of service to our country.

Mr. RHODES. Mr. Speaker, I yield to the gentleman from Ohio (Mr. Feighan).

Mr. FEIGHAN. Mr. Speaker, it is a distinct privilege to join with my colleagues in paying honor and tribute which is so richly deserved to our great Speaker.

No man within memory has served this body with more dedication and distinction than our beloved Speaker. It will be difficult to match a career such as Speaker McCormack has had. He was always available for advice and counsel to new Members as well as to a chairman of a major committee. His sincerity and willingness to give guidance was a boon to old as well as to new Members.

The Speaker exemplifies all that is good. His sterling qualities, his righteousness, his consideration for others, and his brilliant mind are some of his attributes that have endeared him to all Members and to others fortunate enough to have known him.

He treated every Member with kindness and helped each attain the best results from his individual efforts.

Heavy responsibilities rested upon his shoulders, especially in crucial times when the welfare, in fact, the preservation of our Nation, was hanging in the balance.

He has consummate faith in Divine Providence and I feel that his decisions on these critical occasions were answers to prayer.

To the Speaker and his devoted wife, I join with my colleagues in extending to them my very best wishes for happiness and good fortune in the future.

Mr. STOKES. Mr. Speaker, I rise to join with my colleagues in the House to pay honor to you today. Few men have enjoyed the respect which men freely give to you. It is difficult for me, as a freshman, to characterize to you the deep and abiding admiration which I shall always hold for you.

I had been in Congress for less than a week when I called upon you for help. As I approached your office I suppose I should have done so with some degree of trepidation. I confess that I had no fear because I needed help and from all that I had heard about you, I somehow knew that you would help me. Mr. Speaker, you lived up to your reputation. You helped this new Member of Congress. My problem was in the nature of a dispute with a Member of the other body over office space in my congressional district. The statement had been made that the Member of the other body was senior to me since I was in the House. This bristled you, Mr. Speaker, because you have long insisted that both Houses are co-equal branches of Government and the rights and privileges of the Members of this House are not subordinate to those of the Members of the other body. I want to thank you again for coming to my aid on that occasion and utilizing your expertise in solving my problem regarding office space.

Mr. Speaker, during my 2 years in Congress you have counseled with me on many occasions. Your door has always been open to me. I will never forget how you advised me recently on the proper manner to get recognition on the floor for the purpose of sending a preferential motion to the desk. When I expressed some reservation about getting on my feet timely, you smiled and comforted me by saying, "I'll protect you." Those words, Mr. Speaker, have come to symbolize you to the Members of this House. All of us know that as long as you were informed of what we were attempting to do, you would protect our rights.

Mr. Speaker, I happen to be one of nine black Members of this House. You and I have had many discussions regarding your philosophy and your dedication to the eradication of discrimination in every walk of Amercan life. Indeed, you have been steadfastly concerned that the House of Representatives reflect itself as an equal employment opportunity employer. Your record and your philosophy in this respect is impeccable. As a liberal, your name has been associated with every piece of liberal social legislation to come out of this body for the last 42 years. I know of no other American who has such a record.

Mr. Speaker, it is a great honor to serve in the House of Representatives. It is an even greater honor to have served under your speakership. I hope that you enjoy your well earned and deserved retirement. History in its own way will record what each of us says here today. It has also recorded for posterity what you have done here for 42 years. I am sure that historians, in writing of you, will say as I have said on many occasions, "He is truly a great Speaker."

Mr. MARSH. Mr. Speaker, one of the high privileges and great pleasures of the 8 years during which I have had the honor of serving in this House has been the opportunity of association with the distinguished Speaker, Mr. McCormack.

As has been his unvarying habit with new Members, he was friendly and helpful to me when I came first to the Congress, and I realized at once that his respect and love for the House were matched by his sincere concern for the Members and, indeed, for his every fellow man.

I found the Speaker always accessible, and generous with his counsel and assistance.

It would be superfluous for me to attempt to recount the Speaker's achievements, but I did want to add these few words of respect and regard for him in these final hours of the 91st Congress.

I wish to him and Mrs. McCormack the very best for the future.

Mr. VAN DEERLIN. Mr. Speaker, one can scarcely find words of praise for John McCormack which have not already been spoken. I will add only a personal anecdote.

On the occasion of his impassionate and tremendous speech to the House in support of the 18-year-old vote, Mr. McCormack's galleried listeners included my 15-year-old son Jeffrey.

At home, later, Jeffrey told me how moved he had been by Speaker McCormack's address, then asked: "Why is Mr. McCormack retiring."

During those few minutes in the well of the House, I realized, John McCormack had successfully bridged a chasm equivalent of two-thirds of a century.

May we all strive to do as well.

Mr. MONTGOMERY. Mr. Speaker, I rise to pay tribute to an outstanding statesman and servant of the American people, the Honorable John W. McCormack, Speaker of the U.S. House of Representatives.

His long history of outstanding and dedicated service to his country is without parallel in this century. For his many personal legislative achievements and those legislative accomplishments performed under his direction as majority leader and Speaker, the American people are much the better. His legislative skill and great personal diplomacy have resulted in legislation being passed which seemed to be hopelessly tangled in the legislative process.

I personally appreciate the Speaker's many individual acts of kindness. He found time in an incredibly busy schedule to give wise counsel and advice to me as a junior Member and guide me in the procedures and customs of the House. I am certain I could not have learned at the hands of a more wise, experienced or understanding mentor. I only hope that I will be as considerate of and patient with the special needs of new Members as the Speaker was with mine.

Mr. McCormack's kindness to my mother will always be an especially fond remembrance I have of him as a gracious and hospitable man who was never too busy to remember those small personal acts of courtesy which to me are the mark of a truly understanding gentleman.

All too often we do not recognize the good deeds of a great man and I am extremely pleased that the House has paused to pay tribute to an uncommon American who, when this body reconvenes on January 21, 1971, will most assuredly be missed.

Mr. DORN. Mr. Speaker, it is my great honor and privilege to join my colleagues in paying tribute to the Speaker of the House, the Honorable John W. McCormack. Our great Speaker has meant much to each Member of this body. His fairness to each Member, and his many individual acts of courtesy are well known by his colleagues and by the American people.

Not so often recognized about our Speaker, however, is that fact that, although he represents one of our greatest urban areas, he has consistently supported legislation designed to aid our rural sections. Those of us who represent less urbanized areas appreciate his interest, for example, in soil conservation programs and in agriculture legislation. This is just one indication of his national outlook and his nonparochial approach to the problems which have faced this Nation during the four turbulent decades of his service in the House of Representatives. I could go on for pages in praise of his unprecedented service in this body. But in a sense, all that is unnecessary for the very legislative history of the past 40 years is in large measure a living record of his service. National defense, aid to the poor and disadvantaged, and assistance to our veterans, their widows and orphans; these are all a part of his record.

John W. McCormack is a world figure, a man intimately involved in those great decisions since the time of World War II that have shaped world history. He is known and respected the world over; in the histories of this epoch, he will rank with those great international leaders such as Truman, Eisenhower, Kennedy, and Johnson. And yes, when we think of that tragic event of November 22, 1963, we think also of the days that followed, when John W. McCormack, as Speaker of the House of Representatives, was but a heartbeat away, in line of succession, the Presidency. His strength of character and resolute service helped in leading our Nation through that sad time with stability and confidence.

John McCormack's service to a grateful Nation began with his answer to the call in World War I, followed by his service in the Massachusetts Legislature and then his four decades in the U.S. House of Representatives. This service to Nation will, we hope, continue as John W. McCormack recounts for the benefit of future generations, his unique store of knowledge concerning the operation of this great body.

My constituents and all the people of South Carolina, as well as Mrs. Dorn and my family, join me in wishing continued good fortune and happiness for our great Speaker, John W. McCormack.

Mr. ZABLOCKI. Mr. Speaker, I want to commend the distinguished gentleman from Arizona for proposing the resolution which is presently before the House. I agree with him that it is fitting and proper for the House to pay tribute to one of its great Members in this manner, and I urge that the resolution be adopted.

There is little that I can add to the eloquent speeches that have been delivered earlier today in this Chamber. They have most fairly expressed the affection and admiration which I believe all of us have for our beloved Speaker, the Honorable John W. McCormack.

It was exactly 22 years ago today that I first met Speaker McCormack. I was elected 2 months earlier to the 81st Congress and before leaving for Washington, had a conversation with a distinguished industrialist of Milwaukee who happened to be a good friend of Mr. McCormack. He told me how fortunate I was to be going to our Nation's Capital at a time when the Congress of the United States had two outstanding leaders—the late Speaker Rayburn and the then majority leader, John W. McCormack. My Milwaukee friend, although a Republican, counseled me to emulate the majority leader and to follow his leadership.

I have tried to do so in the 22 years which have elapsed since that winter of 1948–49. And I must say that serving in the House with Speaker McCormack, and working under his leadership, has been a most rewarding experience.

The Speaker's many talents and virtues—all but one—have been described in some detail by my colleagues. The one which seems to have received little attention has always impressed me the most: it is the Speaker's virtue of patience and understanding.

I have stood here in the well, time and time again, and watched the Speaker handle the most trying situations without once losing his temper.

I have seen him subjected to personal attacks, to the anger of others, and to various other pressures. Never, however, have I seen him respond in kind to his detractors, or to abandon the courtesy which he has always shown to others.

The late President John F. Kennedy said on one occasion that true courage is grace under pressure.

In all the years I have had the privilege of knowing him, Speaker McCormack has been an embodiment of that definition.

Mr. Speaker, we shall miss you greatly. You have been a tower of strength and an inspiration to your colleagues and to the people of our Nation during the 42 years that you have served in the Congress. You have been steadfast in upholding the highest ideals of our Constitution, and in championing the public good. And you have earned a place in the heart of the American Nation that few will ever attain.

We wish you and Mrs. McCormack our Lord's choicest blessings in the years that lie ahead—and we hope that you will return frequently to the Capitol and continue to share with us your wise counsel and your friendship.

Mr. PRICE of Illinois. Mr. Speaker, how can anyone add to what already has been said here in testimony to the greatness of our beloved Speaker, as a leader and as a man, except to voice agreement a thousandfold with every word uttered by those men and women of the House who love and respect him so much?

John McCormack had already established himself as an effective leader of the House by the time I came to Congress in 1945. Like Sam Stratton, of New York I had had the opportunity to observe him in action for many years prior to the beginning of my first term in the House. Like Mr. Stratton, I, too, had spent 10 years as a congressional secretary. I remember the Speaker's great ability as a floor leader and his demonstration of the qualities of leadership which eventually carried him to the speakership.

Our beloved Speaker retires voluntarily after having set the record for continuous occupancy of the Speaker's chair, and after a legislative career that stamps him as one of the greatest statesmen in the history of our Nation.

The Democratic whip, Hon. Hale Boggs, has enumerated the major legislative achievements of John McCormack and the main areas of his interests. He devoted a lifetime of service to mankind—and the energy and experience he put into the enactment of social reforms indicated his concern for his fellow man.

To say John McCormack was my friend is to repeat what every Member of this House can say. He loved the House and he drew no distinction among its membership—every single Member was important to him. Everyone received the same fair treatment from him. It is to be regretted that the new Members who will join us in the 92d Congress will not have the opportunity to serve under John McCormack's speakership and to know him as all of us know him.

My wife, Garry, joins me in expressing every good wish to the Speaker and to his beloved wife, Harriet. We shall think of them always and keep them in our prayers.

Mr. REUSS. Mr. Speaker, today marks the end of a career of a great American and a great man. For nearly 42 years, John W. McCormack has been the House and the House has been John W. McCormack. His devotion to the House has only been surpassed by his devotion to his wife and his country. He has been a champion of liberal causes who has never forgotten the little man.

All of the Members of the House have been touched by the many acts of kindness bestowed by our devoted Speaker, and I know that I join all of the Members of this body in wishing Speaker and Mrs. McCormack "Godspeed."

Mr. YOUNG. Mr. Speaker, words are weak in expressing our affection for and appreciation of our dear friend, colleague, and leader, the Honorable John W. McCormack of Massachusetts. He has been a help and inspiration to us all in more ways than we could possible count, but if any quality stands out above his many great attributes it is the sterling example that he has set for all of us as a Christian gentleman and a patriotic American. His

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fierce and yet gentle devotion to his church and his country characterized his great personal power for good and has given all of us a flawless goal of emulation. Mr. McCORMACK has left the country and the Congress much the better for his having been a part of it and we will long miss him in the House of Representatives.

Mr. FLOWERS. Mr. Speaker, in our system of Government, the Speaker of the House of Representatives can only be compared with the President of the United States in power and prestige. The Speaker's position stems partly from the method of his election, partly from his duties and responsibilities, and partly from his role as chief of one of the principal branches of the Federal Government. The Constitution merely says that: "The House of Representatives shall choose their Speaker and other officers," but remains silent upon his status and functions. The Speaker has always been elected, like the President and Vice President, on a national basis, for he is chosen by the Representatives of the whole people. He has been the elect of the elect. No law can be enacted without his signature, and in the event of the death or disability of the President and Vice President, the Constitution now provides that the Speaker succeed as President.

Perhaps some have wondered, what kind of person becomes a leader within Congress? Usually he is one who recognizes that measure of individuality or independent freedom necessary to the other Members. He is a man with a great "feel" for the national interest. He rarely behaves autocratically, even in little things, and only within certain limits in great things when the public interest dictates. He evokes admiration for his skill and sureness of touch, for his sense of fair play and his hard work.

All of these things and more I have observed in Speaker JOHN McCORMACK. He is warmly admired and respected by everyone, a great leader, but above all other qualities, he brings to my mind the definition of the true gentleman which was learned in my college days:

The true gentleman is the man whose conduct proceeds from good will and an acute sense of propriety; whose self-control is equal to all emergencies, who does not make the poor man conscious of his poverty; the obscure man of his obscurity or any man of his inferiority or deformity; who is himself humble if necessity compels him to humble another; who does not flatter wealth, cringe before power or boast of his own possessions or achievements; who speaks with frankness but always with sincerity and sympathy; whose deed follows his word; who thinks of the rights and feelings of others rather than his own; a man with whom honor is sacred.

We will all miss seeing JOHN McCORMACK in the Speaker's chair, but we still look forward to his companionship and leadership in the years ahead.

Mr. DONOHUE. Mr. Speaker, it is a particular personal privilege to join with all the Members of this House in this well merited "parting" salute to my Massachusetts colleague, the Honorable JOHN W. McCORMACK, as one of the greatest men, greatest legislative leaders and greatest Speakers in all our Federal legislative history.

Since 1928, the heart, the voice, and the hand of JOHN McCORMACK has been influentially associated with the advance and adoption of every substantial legislative measure for social progress that has occurred from that time to this day.

Through these years, and by virtue of his recognized character and integrity, diligence and dedication, competency, and compassion, he was consistently endorsed by his party colleagues for progressive positions of legislative responsibility and leadership up to the third most powerful and important office in the U.S. Government.

For more than 40 years, as an ordinary Member, majority leader, and Speaker, the dedicated hand and voice and heart of JOHN W. McCORMACK has made a substantial contribution to the adoption and operation of every legislative proposal designed to promote the social welfare of his fellow Americans, expand their economic opportunities and to keep them secure from all enemies. His is an unparalleled record of constructive legislative service and his image will be forever enshrined in the most glorious pages of our national legislative history.

But above and beyond these accomplishments it is for the example of his high character that this Nation will remain forever indebted to him.

Throughout his life JOHN W. McCORMACK has become universally recognized for not only his tolerance of the beliefs of others, but by his gentlemanly graciousness to others with whom he differs. He has presented his own beliefs with all the vigor and persuasion within his command, but he has been equally vigorous in proclaiming the right of others to freely and fully speak their own beliefs, and in the rare instance where his own causes could not prevail he has reserved no rancor. With his devout faith in God and his sympathetic understanding of his fellow men the spiritual nature of the gentleman from Massachusetts, JOHN McCORMACK, could not permit him to act otherwise.

He has, throughout his glorious career, consistently developed and demonstrated, in his public and private life, the basic virtues of indestrucible integrity, unswerving patriotic devotion and unsurpassed competence in leadership. He is now and will ever be a legendary inspiration for all fellow Americans, and the personification of the traditional American without whose attributes this country could not have begun and only in the practice of which it can endure.

As our distinguished colleague and beloved Speaker leaves this House I know you will join in my prayer that the good Lord will bestow His choicest blessings upon the Honorable and Mrs. John W. McCormack, because they have, together and in truth, been "good and faithful servants."

Mr. PATMAN. Mr. Speaker, it has been my privilege to serve in this House under many distinguished Speakers—Longworth, Garner, and Rayburn. But none of these men were more courageous, more just, or more able than the great Speaker who now presides over this House—the distinguished gentleman from Massachusetts, the Honorable JOHN W. McCORMACK. And when we speak of such great men—men who have made an indelible mark on the national fabric of this country—we are inclined to speak in glowing terms of qualifications and accomplishments which call up images of some distant and ideal portrait in classic marble or unmoving bronze. But JOHN McCORMACK is much more than a great leader and statesman—he is a great man and a warm and loyal friend.

No position reveals so clearly the true stature of a great man than that of Speaker of this House where legislative crosscurrents are constantly at work and where the most tranquil surface can in a moment become a vortex of conflicts. A great Speaker must possess the technical skills of an inspired parliamentarian, the wisdom of a philosopher king, and patience as time defying as interplanetary space. These are the remarkable attributes that JOHN McCORMACK possesses. But beyond all of that, our Speaker is a grand human being with the tang of everyday salt in his style and makeup. He has boldly mingled in the fray of countless battles, and his proud scars speak of brave endurance when most have fled the field. And if he has enemies, they stand in deep shadow where his sharp eye cannot find them.

Speaker McCORMACK's leadership has been a wonderful inspiration to all of us; his wisdom has enlightened us and has so often pierced the dense clouds surrounding the most complex and trying of issues. Every speech he has made has taught me something, and usually a great deal. And although I am not a member of his church, I feel that every Member of the House of Representatives shares in his abiding faith and that every Member is the fortunate beneficiary of his great and singular devotion.

True greatness has broad dimensions that are not easily summarized, and a few words of eulogy cannot succeed in adequately portraying or praising what a great and profound man has accomplished over the course of a lifetime. But if I were to attempt to characterize our beloved Speaker in one sentence, I would simply say this: JOHN McCORMACK is a man of indomitable conscience.

Mr. NATCHER. Mr. Speaker, I want to take this opportunity to add my words of tribute to one of this country's outstanding public servants, the Honorable JOHN W. McCORMACK of the Ninth Congressional District of Massachusetts, who came to Congress 42 years ago in the 70th Congress, following a splendid career in the Massachusetts State Legislature.

When history records the story of JOHN W. McCORMACK's tenure in the Congress which will end with his service as Speaker of the House of Representatives, the highest honor that can come to a Member of either House of the Congress as a whole, it will state that he served as chairman of the Select Committee on Astronautics and Space Exploration. After the Soviet Union succeeded in placing Sputnik I in orbit on October 4, 1957, a select committee composed of 13 Members of the House and 13 Members of the Senate was named and after conducting hearings for a period of 1 year prepared and passed through the

House and the Senate the legislation creating the Space Agency and shortly thereafter the necessary resolution setting up the Committee on Science and Astronautics.

On the initial select committee we had seven members on the Democratic side composed of JOHN W. McCORMACK, chairman, together with Representatives Overton Brooks, Brooks Hays, Leo H. O'Brien, LEE METCALF, WILLIAM H. NATCHER, and B. F. SISK. On the Republican side we had as the ranking minority Member, the Honorable Joseph W. Martin, Jr., together with Representatives LESLIE C. ARENDS, Gordon L. McDonough, JAMES G. FULTON, Kenneth B. Keating, and GERALD R. FORD.

Mr. Speaker, again I want to say that, in addition to having served a long and honorable record in the Congress, history will indeed record the fact that one of the outstanding assignments performed by JOHN W. McCORMACK during his entire tenure in political life was when he served in his important capacity on this particular select committee.

The chairman of the Select Committee on Astronautics and Space Exploration in the Senate was Lyndon B. Johnson who, at that time, was the majority leader.

Mr. Speaker, I do appreciate having this opportunity to pay my respects to one who has served so long both as a majority leader and Speaker during many of the most crucial and momentous years of our Nation's history.

Mr. GONZALEZ. Mr. Speaker, I have just come from the Speaker's office, and a mixed feeling of regret, sadness, and nostalgia, pervades my mind and soul.

My mind flashed back to the first encounter with the great American, Speaker JOHN McCORMACK, on the day I was sworn into the Congress, January 10, 1962; a host of memories continue to invade the mind: the constituents I have brought into the Speaker's room to have them meet the third ranking American leader in Government, the ever-present charm and hospitable reception, the fulsome praise for the Member—all of these thoughts inundate the mind as I contemplate the empty offices of the Speaker. But it has been said the true memorial are not those of stone and marble and steel, but those in the hearts and minds of our fellow men. By this standard JOHN McCORMACK will live on forever.

What a tremendous and awe-inspiring record: A noble but humble American, of poor Irish stock comes to the House and almost immediately is recognized and assigned prestigious posts.

He authors and guides the most definitive and dramatic legislation affecting the American people over a period of 45 plus years. There is social security, lend-lease, declaration of war, minimum wage, and so forth—all these bear the imprimatur of JOHN McCORMACK.

It can be said: very seldom, if ever, have so many owed so much to one man.

Mr. BURLESON of Texas. Mr. Speaker, I join my colleagues in praising our beloved Speaker, JOHN McCORMACK, as he takes his leave from the House of Representatives, after his many years of distinguished service in this body.

Mr. Speaker, it seems to me that about the greatest thing to be said of any man is that he is good man JOHN McCORMACK is a good man. It has been my privilege now for 25 years to have known the Speaker. I am better off in many ways for having had his association. His influence will live forever in these Halls of Congress and his service here is a living monument.

Mr. Speaker, I wish for you and Mrs. McCormack the very best of health and happiness and that in your retirement you will find contentment and immeasurable satisfaction in the knowledge that you have contributed so much to our Nation.

Mr. WRIGHT. Mr. Speaker, many are the accolades which in solemn truth could be expressed upon this occasion. Your career is a beacon and your life an inspiration. For many years to come, the deeds you have done will provide light for the way to those entrusted with the public weal.

To describe you as one of the truly outstanding lawmakers of all time is surely no exaggeration; yet it seems a redundancy to speak of this. Above your legislative triumphs, which are legion, arises something even more profound—your very example of manhood, your standard of leadership.

Kipling put it well when he wrote:

> If you can talk with crowds and keep your virtue, or walk with kings nor lose the common touch.

Surely those words are preculiarly descriptive of the career of JOHN McCORMACK. You have been in the finest sense of the term a leader of men. Your leadership has been that of example, of inspiration, of rational persuasion; never that of coercion or intimidation. Consistently you have appealed to the best in each of us, never to the worst.

And so on this occasion, as much as could be said and truly should be said, I simply want to add that because of what you are each of us has become a little better. I know of no greater tribute that could be spoken of any man. In earnest and abundant truth it applies to JOHN McCORMACK.

GENERAL LEAVE

Mr. RHODES. Mr. Speaker, because there are so many Members of the House who could not be here today but who would want to extend their remarks on the subject of the retirement of the Honorable JOHN W. McCORMACK, I ask unanimous consent, first, that all Members be allowed to extend their remarks on the subject of the retirement of the Honorable JOHN W. McCORMACK from the House of Representatives.

The SPEAKER pro tempore (Mr. POFF). Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was unanimously agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. McCORMACK), the distinguished Speaker of the House of Representatives.

Mr. McCORMACK. Mr. Speaker, my distinguished colleagues and dear friends, I am deeply touched by the resolution that has just been adopted by the House and by the kind and generous remarks made about me and about the character of my public service and what I represent, as JOHN McCORMACK—an individual and a human being.

It is only natural that taking leave of the House of Representatives after my 42 years of service and hearing in mind the honors that have been conferred upon me by my party in the House of Representatives brings forth in me great feelings of emotion.

Next to God and Mrs. McCormack, I love the House of Representatives. To me the House of Representatives is the greatest legislative body that has ever been devised by the creative mind of man.

During my service here, as a Member, occupying positions of party leadership and the position of Speaker of the House, I have always insisted that the rights and prerogatives of the Members of the House and the dignity of the House of Representatives be preserved and strengthened.

I hope I leave with the feeling of my colleagues that I have been fair and that I have carried out and enforced the rules of the House of Representatives in a manner that has protected the rights of all of my colleagues. Even in disagreement at times with some of my colleagues, I have always respected their views and their right to entertain their views in disagreement with myself.

It is not my purpose to make lengthy remarks about the legislative history of our country during the past 42 years on either domestic legislation or from the angle of national defense and a firm foreign policy.

My record in support of and fighting for progressive legislation and for legislation against discrimination, racial or otherwise, since the days preceding World War II, when Hitler came across the scene, and the necessity for a strong national defense and a firm policy, is well known and is a part of the congressional record of all time.

My purpose in my last remarks as a Member of the House is to express to my colleagues my deep feelings of appreciation for the many kindnesses and the considerations they have extended to me, not only my colleagues of today, but also my colleagues of yesterday.

I have said that I love the House. I have been happy being here serving our country in this Chamber and in meeting colleagues from all sections of the country and in the making of friendships, which I shall always treasure.

I have fulfilled my brightest dreams in this Chamber in association with my colleagues. I have gained the greatest wealth that a human being could have gained, the opportunity to serve in the House of Representatives, the opportunity of meeting men and women from all sections of the country who are elected to this body, representing the greatness of our country, and in the

XUM

making of friendships with them, because friendship is of paramount importance. It overshadows party.

You have heard me say that the middle aisle sinks into insignificance where friendship is involved, and it is the friendships I have made that are most meaningful. My coming into the Chamber with a "Hello, Jim," "Hello, Don," "Hello, Pat"—those friendships, those salutations, more than anything else, I will miss. Sitting down at the table at which Members have an opportunity of penetrating my thoughts or when, we might say, outside the Chamber, they might rib me—how much I have enjoyed it. And, I might say, it gave me an opportunity to find out some things also.

The people of my congressional district have been very kind to me. I shall always treasure their confidence and support, without which I could not have been elected by my Democratic colleagues to the important position of majority leader and, in 1962, selected in caucus by my Democratic colleagues to be the nominee to the great office of Speaker and elected by the House of Representatives as its Presiding Officer.

While I shall no longer be a Member of the House, my heart will always be in this Chamber. I will also have uppermost in my mind the friendships that I have made.

I intended—and I hope my remarks are of a personal and warm nature and will be so construed—I intend them as not "goodbye," but as "good day."

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As I conclude particularly I pay my respects to my dear and distinguished friend, the exceptionally distinguished majority leader, Carl Albert. He has been a bulwark of strength to me during these past 9 years. His kindness and his acceptance of my weaknesses—and I thank all of you for your kindness and acceptance of my weaknesses, because we all are human—and his loyalty and devotion have made an impression upon me and upon all Members of the House.

I also want to pay my respects and appreciation to the outstanding majority whip, Hale Boggs, of Louisiana, whose friendship and loyalty I greatly value.

I want to express, also, my deep gratitude to John Moss, the deputy whip for his splendid and understanding cooperation, and Dan Rostenkowski, as chairman of the Democratic caucus.

I might say, relating to my friend Carl Albert again, and all of these gentlemen I have mentioned, that they have served with remarkable ability throughout my tenure as Speaker, and their closeness and loyalty to me is something that has been a bulwark of strength in the performance of my duties.

I want to pay my respects also to Ray Madden, who is chairman of the steering committee, for the wonderful cooperation he gave me and for his friendship throughout the years.

I wish to thank the chairmen of the various committees and subcommittees and also the members and the Democratic whip for their splendid cooperation and for their loyalty and devotion to me.

I am particularly appreciative to our very able minority leader, Gerald R. Ford, and the able minority whip, Les Arends, whose services to their party and to the House of Representatives have been outstanding. Their courtesy to me personally as Speaker has been particularly impressed upon my mind. Our cooperation and understanding have been always very close. They have their responsibilities as leaders, as have Mr. Albert, Mr. Boggs, and I, as leaders of our party, but there always existed between us understanding minds and friendship.

Looking back on the past years, I am fully aware of the important roles played by the many employees of the House who have performed their duties with diligence, and who certainly deserve the thanks of every Member, and I extend to them my thanks. I wish time permitted me to mention each of them. I do, however, want to pay my respects to the Clerk of the House of Representatives Pat Jennings, to the Doorkeeper Bill Miller, the Sergeant at Arms Zeake Johnson, and the Postmaster Hap Morris, and our beloved Chaplain, Dr. Latch, but over and above that, I want to extend my very special gratitude to that great human being, that man equally brilliant and practical, that fount of wisdom, our great Parliamentarian, Lewis Deschler.

I also desire to express my thanks to Bill Cochrane, and to my own staff in the Speaker's office. Therefore, I express particularly my thanks to John Monahan, and to those in my district office, to my staff at present headed by Mrs. Edythe Pargament, and I want especially to express appreciation to my staff in Boston, to Mr. James V. Hartrey, who has been with me for many, many years. My Boston office has always been very loyal I say to those who constitute my secretarial staff, I am most appreciative for your years of devotion to me.

I also want to pay my respects to John Barriere for his valuable assistance as staff director of the democratic steering committee. He has been most helpful to Chairman **Madden** and to the majority leader and to our majority whip and to me in helping us process our legislative programs.

I also want to extend my thanks to the Official Reporters of Debates of the House as well as the Official Reporters of committees.

I also thank the pages.

They are a very important part of our work, and I am very proud of them. They serve us in a very able, loyal, and diligent manner.

These Halls and Chambers have been the scene of whatever triumphs I may count; and, yes, the scene of reverses, too.

I only hope, that as I leave, you may honestly say of my time here, that when the fighting was the fiercest, John McCormack was in it; honestly fighting for what he believed in, seeking ever to influence and never to destroy and, as Speaker, always protecting the rights of Members of the House of Representatives and the dignity and prerogatives of this great body.

I hope that you may say of John McCormack—that it may be said of me—"He was a good representative of the people." But I hope in your minds, my dear colleagues and friends, you will say of me that **John McCormack** was a Member's Speaker. I would leave here happy if that characterization of **John McCormack** accompanied me. In addition to whatever service I may have rendered during my 42 years as a Member of this body, as a Speaker of the House of Representatives, I always preserved the rights and dignities and prerogatives of the House and the rights of every Member under the rules of the House—and a little bit beyond the rules of the House, if necessary—and if, in the minds of my colleagues, **John McCormack** leaves here as the Members' Speaker, I will be very happy.

So as I take my final leave of this Chamber I love so deeply, of friends without regard to the middle aisle for whom I have an affection, may I take liberty with Tennyson's verse to fit my own feelings:

> Twilight and adjournment bell, and after that we part
> And may there be no sadness of farewell as I embark.

God bless you all.

[Prolonged applause, the Members rising.]

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House, the following resignation from the House of Representatives:

1:25 p.m., January 2, 1971.

Hon. John McCormack,
Speaker of the House of Representatives, Washington, D.C.

Dear Mr. Speaker: Effective immediately I hereby resign from the House of Representatives.

Sincerely,
John V. Tunney.

AMENDING SECTION 905 OF THE TAX REFORM ACT OF 1969

Mr. BOGGS. Mr. Speaker, I might say, by way of introduction, I have a series of bills to call up, which passed the House and to which the Senate has offered some amendments. It is my understanding that the gentleman from Wisconsin has examined all the amendments which will be called up and concurs therein.

Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 17984) to amend section 905 of the Tax Reform Act of 1969, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 7, strike out "and (4)" and insert "(4) and (5)".

Page 1, line 9, strike out "paragraph" and insert "paragraphs".

Page 2, line 17, strike out "money.'" and insert "money."

Page 2, after line 17, insert:

"'(5) The amendments made by subsections (a) and (b) shall not apply to a distribution of stock by a corporation organized prior to December 1, 1969, for the principal purpose of providing an equity participation plan for employees of the corporation whose stock is being distributed (hereinafter referred to as the "employer corporation") if—

"'(A) the stock being distributed was owned by the distributing corporation on November 30, 1969,

"'(B) the stock being redeemed was acquired before January 1, 1973, pursuant to such equity participation plan by the shareholder presenting such stock for redemption (or by a predecessor of such shareholder),

"'(C) the employment of the shareholder presenting the stock for redemption (or the predecessor of such shareholder) by the employer corporation commenced before January 1, 1961,

"'(D) at least 90 percent in value of the assets of the distributing corporation on November 30, 1969, consisted of common stock of the employer corporation, and

"'(E) at least 50 percent of the outstanding voting stock of the employer corporation is owned by the distributing corporation at any time within the nine-year period ending one year before the date of such distribution.'"

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

Mr. **BYRNES** of Wisconsin. Mr. Speaker, reserving the right to object, and it is not my intention to object, we have a lot of bills that will be called up. I think it might be well, rather than to go into each one individually, to make a general statement with respect to them.

As the gentleman from Louisiana has said, the amendments in all cases are germane to the five bills that relate to the Internal Revenue Service Code. The amendments all relate to the Internal Revenue Service Code, is that correct?

Mr. **BOGGS**. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. **BYRNES** of Wisconsin. And, the final bill has to do with the Social Security Act. It has to do with the bill we passed last week providing for what we refer to as the $4 pass through. The amendment in that case relates to the pass through. Our bill made it permanent. This makes it just for 1 year, but in all cases the amendments are germane. The staffs have checked them all and as far as I personally am concerned, I approve of the amendments that have been made. I think they represent improvements in the code in the various instances and so I shall not take time on each bill to go into the subject matter but expect any Member who has a question to feel free to make a reservation.

Mr. **BOGGS**. I appreciate the gentleman's statement. And, I might say for the benefit of the House it is my intention to ask unanimous consent to put a full explanation of each amendment in the Record as they are considered.

Mr. **BYRNES** of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

Mr. **BOGGS**. Mr. Speaker, the bill is H.R. 17984. As passed by this body, this was an amendment to section 905 of the Tax Reform Act of 1969 adding an additional transitional rule. As you will recall, the 1969 act provides that a corporation is, in general, to be taxed on appreciation in value of property used by it to redeem its stock. As originally adopted, the 1969 act contained a number of transitional rules, to save from the effect of the amendment, corporations which had already begun a plan of redemption. Our amendment in this bill added one more transitional rule to cover a case in which a redemption was planned before the 1969 act and a large part of the plan had already been executed before enactment.

The Senate adopted our bill without change and added an amendment providing an additional transitional rule to cover a special case. The transitional rule added by the Senate provides for situations which arose because of the desire of a corporate employer to provide a type of deferred compensation for its employees. In these cases the stock of a corporate employer—which is an operating company—was placed in a holding company and employees of the operating company were permitted to purchase convertible common stock in the holding company which was to be converted into the stock of the operating company at the time of the employee's retirement or earlier.

Under the amendment made by the 1969 act, the distribution of the operating company's stock to an employee at the time he converts will give rise to a taxable gain to the distributing holding company and may also generate ordinary dividend income to the employee. Since these tax liabilities were not foreseen when the compensation plans were first arranged it is appropriate to make provision for nonrecognition of gain under a transitional rule, to the extent these arrangements were entered into with existing employees before the adoption of the Tax Reform Act. Accordingly, the Senate amendment providing for no recognition of gain in situations in existence when the 1969 act was passed should be accepted by this body.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TO AMEND SECTION 165(i) OF THE INTERNAL REVENUE CODE OF 1954

Mr. **BOGGS**. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 18693) to amend section 165(i) of the Internal Revenue Code of 1954, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, after line 3, insert:

"Sec. 2. (a) Section 172(b)(1)(D) of the Internal Revenue Code of 1954 (relating to carryover of foreign expropriation losses) is amended by inserting before the semicolon at the end thereof the following: '(or, with respect to that portion of the net operating loss for such year attributable to a Cuban expropriation loss, to each of the 15 taxable years following the taxable year of such loss)'.

"(b) Section 172(b)(2) of such Code (relating to amount of carrybacks and carryovers) is amended by inserting before the period at the end thereof the following: ', and, if a portion of a foreign expropriation loss for the loss year is attributable to a Cuban expropriation loss, such portion shall be considered to be a separate foreign expropriation loss for such year to be applied after the other portion of such foreign expropriation loss'.

"(c) Section 172(k) of such Code (relating to definition of foreign expropriation loss) is amended by adding at the end thereof the following new paragraph:

"'(3) The term "Cuban expropriation loss" means, for any taxable year, a foreign expropriation loss sustained by reason of the expropriation, intervention, seizure, or similar taking of property, before January 1, 1964, by the government of Cuba, any political subdivision thereof, or any agency or instrumentality of the foregoing. The portion of a foreign expropriation loss for any taxable year attributable to a Cuban expropriation loss is the amount of the Cuban expropriation loss.'

"(d) The amendments made by this section shall apply in respect of foreign expropriation losses sustained in taxable years ending after December 31, 1958."

Amend the title so as to read: "An Act to amend provisions of the Internal Revenue Code of 1954 relating to the treatment of certain losses sustained by reason of the confiscation of property by the government of Cuba."

Mr. **BOGGS**. Mr. Speaker, H.R. 18693, as passed by the House, permits Cuban expropriation losses on property held by a taxpayer for investment to be carried back 3 years and carried forward 5 years. Cuban expropriation losses with respect to other classes of property may be carried back or carried forward under present law.

The bill, as passed by the House, also permits the carryback and carryover of Cuban expropriation losses with respect to personal-use property acquired by the taxpayer after December 31, 1958, which is the cutoff date under present law.

The Senate accepted the House passed provisions without change. In addition, it added an amendment to the bill to increase the net operating loss carryover period for Cuban expropriation losses on property used in a trade or business from 10 to 15 years.

In the Revenue Act of 1964, we included a provision allowing taxpayers to elect a 10-year carryover for foreign expropriation losses, instead of using the normal 3-year carryback and 5-year carryover period. We provided this 10-year carryover because of the magnitude of some foreign expropriation losses, particularly those that resulted from the Cuban expropriations. The Senate Finance Committee added the amendment extending the 10-year period to 15 years because it was informed that some taxpayers had losses so large that they could not be used up against income even in the 10-year period. This is particularly true of small businesses that cannot generate large amounts of income each year to offset their expropriation losses.

The Treasury Department has indicated that it does not oppose the enactment of the bill as amended.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TO AMEND SECTION 278 OF THE INTERNAL REVENUE CODE OF 1954

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 19242) to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 17, insert:

"SEC. 3. (a) Subsection (a) of section 7275 of the Internal Revenue Code of 1954 (relating to requirements of showing total cost on airline tickets) is amended by—

"(1) inserting 'and' at the end of paragraph (1) thereof,

"(2) striking out paragraph (2) thereof, and

"(3) renumbering paragraph (3) as paragraph (2) and striking out in such paragraph 'paragraphs (1) and (2)' and inserting in lieu thereof 'paragraph (1)'.

"(b) Subsection (b) of such section (relating to requirements of showing total cost on airline advertising) is amended by striking out the word 'only' in paragraph (1) and by amending paragraph (2) to read as follows:

"'(2) if any such advertising states separately the amount to be paid for such transportation or the amount of such taxes, shall state such total at least as prominently as the more prominently stated of the amount to be paid for such transportation or the amount of such taxes and shall describe such taxes substantially as: "user taxes to pay for airport construction and airway safety and operations".'.

"SEC. 4. The amendments made by the first section of this Act shall apply to transportation beginning after June 30, 1970."

Mr. BOGGS. Mr. Speaker, H.R. 19242, as passed by the House, provides generally that expenses incurred in planting and maintaining an almond grove in the first 4 years of its existence are to be capitalized rather than expensed. This is the same treatment which applies since the Tax Reform Act of 1969 to citrus groves.

The Senate accepted the House-passed provision without changing it. However, it added an amendment dealing with another tax provision of the Internal Revenue Code. This last fall the House passed as a part of another bill a provision which removed the prohibition against separate statement of the airfare and ticket tax for domestic flights, both on the airline ticket and in the airline advertising, but continued to require that the tickets show and the advertising—if it refers to the cost of transportation—state the total of the fare and the tax to be paid by the passenger.

The Senate did not act on the basic bill to which this amendment was attached by the Committee on Ways and Means. However, it has added to H.R. 19242 a provision which is substantially like the House-passed provision. The only substantive difference between the House-passed provision and the Senate amendment is that if the tax or fare price is shown separately in the advertisings the Senate amendment requires the total to be shown at least as prominently as either the ticket cost without the tax itself. This is a minor difference from the House version.

In view of the fact that the amendment added by the Senate is substantially similar to a previously House-passed provision and also due to the fact that it removed an unintended restriction on how airline tickets are made out and advertising occurs, I believe that it is entirely appropriate for the House to accept this amendment.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CONSOLIDATED RETURNS OF LIFE INSURANCE COMPANIES

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 19881) consolidated returns of life insurance companies, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 4, after line 7, insert:

"SEC. 3. (a) For purposes of applying section 1212(a) of the Internal Revenue Code of 1954 (as amended by section 512 of the Tax Reform Act of 1969) in the case of a corporation which makes an election under subsection (b), any net capital loss sustained in a taxable year beginning after December 31, 1969, may not be carried back to any taxable year beginning before January 1, 1970, for which it was subject to taxation under section 802 of such Code, if the carryback of such loss would result in an increase in such corporation's income tax liability for any such taxable year.

"(b) An election to have the provisions of subsection (a) apply shall be made by a corporation—

"(1) in such form and manner as the Secretary of the Treasury or his delegate may prescribe, and

"(2) not later than the time prescribed by law for filing a claim for credit or refund of overpayment of income tax for the first taxable year beginning after December 31, 1969, in which such corporation sustains a net capital loss.

"(c) The Secretary of the Treasury or his delegate shall prescribe such regulations as he determines necessary to carry out the purposes of this section."

Amend the title so as to read: "An Act relating to consolidated returns of life insurance companies, and for other purposes."

Mr. BOGGS. Mr. Speaker, the Senate accepted the provisions of H.R. 19881 as passed by the House. These provisions deal with the manner in which life insurance companies which file consolidated income tax returns are to compute the amount of their investment yield which is taken into account in determining their taxable income.

In addition, the Senate added a provision to the bill to ameliorate an unintended hardship which can arise in the case of life insurance companies from the application of a relief provision contained in the Tax Reform Act of 1969. That act provided corporations with a 3-year capital loss carryback in addition to the 5-year capital loss carry-forward previously allowed. Although this provision was intended to give relief to corporate taxpayers, it can result in increasing a life insurance company's tax for a pre-1970 year—that is, a year before the enactment of the 3-year carryback—if a capital loss is carried back to such a year.

This can happen in the following manner. Initially, the carryback would reduce the life insurance company's tax on its capital gains which are offset by the loss carryback. In other words, there would be a reduction of the 25-percent capital gains tax. Then, however, the carryback could cause a so-called phase III tax to the company, and this tax is imposed at the ordinary tax rate of 48 percent. This 48-percent tax could well more than offset the reduction of the 25-percent capital gains tax. Accordingly, the loss carryback could result in a net increase in tax for the life insurance company.

Since the 3-year capital loss carryback was intended as a tax relief provision, the provision added by the Senate to this bill, in effect, allows those life insurance companies who would be adversely affected for a pre-1970 year by reason of a capital loss carryback to elect not to have carryback provision apply. In other words, it is provided that if a carryback of a 1970—or later—capital loss to a pre-1970 year would increase a life insurance company's tax for any pre-1970 year, then the company may elect to not carryback the capital losses to a pre-1970 year.

In view of the stated purpose of the 3-year capital loss carryback provision, the Senate amendment to this bill appears to embody an appropriate and desirable means of correcting an unintended situation. It prevents the occurrence of an unintended hardship from the application of a relief provision—a hardship which could neither have been foreseen nor otherwise avoided by a life insurance company.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TO AMEND THE TAX REFORM ACT OF 1969

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 17917) to amend the Tax Reform Act of 1969, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

"That (a) section 401(i) of the Internal Revenue Code of 1954 (relating to certain union-negotiated pension plans) is amended—

"(1) by striking out 'Multiemployer' in the heading, and

"(2) by striking out paragraph (1) and inserting in lieu thereof the following:

"'(1) such trust was created pursuant to a collective bargaining agreement between employee representatives and one or more employers,'.

"(b) The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1953, and ending after August 16, 1954, but only with respect to contributions made after December 31, 1954."

Amend the title so as to read: "An Act to amend the Internal Revenue Code of 1954 with respect to the period of qualification of certain union-negotiated pension plans."

Mr. BOGGS. Mr. Speaker, H.R. 17917, as passed by the House, contained provisions relating to a transitional rule for the moving expense modifications made by the Tax Reform Act of 1969. Since substantially the same provisions were included by the Senate in H.R. 17473, which has been passed by the Congress and has been sent to the President, the Senate deleted those provisions from this bill.

In addition, the Senate amended the bill to provide for retroactive qualification of certain union-negotiated pension plans. More specifically, the bill, as amended, authorizes the Treasury Department to treat as qualified pension plans for tax purposes union-negotiated pension plans entered into between union representatives and a single employer, as well as with multiemployer plans which presently qualify for such treatment. This treatment is conditioned, as under present law with multiemployer plans, on the Treasury Department determining that the plans meet all requirements of law, that no disbursements in past years were made contrary to the provisions of law, and that contributions to such plans were not used in a manner which would jeopardize the interests of the beneficiaries. Since this treatment is presently available for multiemployer plans, there appears to be no reason why this same treatment should not be extended to cover union-negotiated single-employer pension plans.

The Treasury Department has indicated that it does not object to this bill as amended.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DISREGARDING INCOME FROM OASDI AND RAILROAD RETIREMENT FOR PUBLIC ASSISTANCE RECIPIENTS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 19915) to make permanent the existing temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Strike out all after the enacting clause and insert: That section 1007 of the Social Security Amendments of 1969, as amended by section 2(b) of Public Law 91-306, is amended to read as follows:

"Sec. 1007. In addition to the requirements imposed by law as a condition of approval of a State plan to provide aid to individuals under title I, X, XIV, or XVI of the Social Security Act, there is hereby imposed the requirement (and the plan shall be deemed to require) that, in the case of any individual found eligible (as a result of the requirement imposed by this section or otherwise) for aid for any month after March 1970 and before January 1972 who also receives in such month—

"(1) a monthly insurance benefit under title II of such Act, the sum of the aid received by him for such month, plus the monthly insurance benefit received by him in such month, shall not be less than the sum of the aid which would have been received by him for such month under the State plan as in effect for March 1970, plus either

"(A) the monthly insurance benefit which was or would have been received by him in March 1970 without regard to the other provisions of this title plus $4, or

"(B) the monthly insurance benefit which was or would have been received by him in March 1970 under the provisions of this title,

whichever is less (whether this requirement is satisfied by disregarding a portion of his monthly insurance benefit or otherwise), or

"(2) a monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, the sum of the aid received by him in such month, plus the monthly payment of such annuity or pension received by him in such month (not including any part of such annuity or pension which is disregarded under section 1006), shall (except as otherwise provided in the succeeding sentence) not be less than the sum of the aid which would have been received by him for such month under such plan as in effect for March 1970, plus either

"(A) the monthly payment of annuity or pension which was or would have been received by him in March 1970 without regard to the provisions of any Act enacted after May 30, 1970, and before December 31, 1970, which provides general increases in the amount of such monthly payment of annuity or pension plus $4, or

"(B) the monthly payment of annuity or pension which was or would have been received by him in March 1970, taking into account the provisions of such Act (if any), whichever is less (whether this requirement is satisfied by disregarding a portion of his monthly payment of annuity or pension or otherwise)."

Amend the title so as to read: "An Act to extend the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance."

Mr. BOGGS. Mr. Speaker, H.R. 19915, as passed by the House on December 22, 1970, would have continued indefinitely a provision of law which guaranteed aged, blind, and disabled people on welfare that they would benefit by at least $4 a month from the 15 percent social security benefit increase, effective in January 1970. This provision was enacted in conjunction with that 15-percent benefit increase as a temporary measure and it expired at the end of last October.

I am pleased that many of the States have taken action to meet the $4 pass-along requirement by increasing their payments for adult recipients generally, but there are still a number of States that need to have the pass-along provision extended to permit them to continue applying their income disregarding provisions.

The Senate has passed H.R. 19915 with an amendment which would extend the pass-along provision through December 1971. I urge the House to adopt this bill as amended by the Senate. This will guarantee that the $4 provision will continue to be effective. There will be sufficient time during the first session of the 92d Congress to take further action on this matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment, a joint and a concurrent resolution of the House of the following titles:

H.J. Res. 1421. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes; and

H. Con. Res. 799. Concurrent resolution providing that the two Houses of Congress shall adjourn on Saturday, January 2, 1971, and that they stand adjourned sine die.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 89. Concurrent resolution authorizing the President of the Senate and the Speaker of the House to sign enrolled bills and resolutions.

The message also announced that the Senate passed the following resolution:

S. Res. 507

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join a similar committee of the House of Representatives to notify the President of the United States that the two Houses have completed their business of the session and are ready to adjourn unles he has some further communication to make to them.

TO AMEND THE TARIFF SCHEDULES OF THE UNITED STATES WITH RESPECT TO THE RATE OF DUTY ON OLIVES PACKED IN CERTAIN AIRTIGHT CONTAINERS

Mr. BURKE of Massachusetts. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 18564) to amend the Tariff Schedules of the United States with respect to the rate of duty on olives packed in certain airtight containers.

The Clerk read the title of the bill.

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The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

Mr. **VANIK**. Mr. Speaker, reserving the right to object—and I shall not object—I do so for the purpose of asking the gentleman if he will explain the purpose of the bill.

Mr. **BURKE** of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. **VANIK**. I yield to the gentleman from Massachusetts.

Mr. **BURKE** of Massachusetts. Mr. Speaker, I would say to the gentleman that this is an attempt to provide a separate tariff classification on the importation of green olives which are packed in airtight containers, each of them holding not more than 9.5 pounds.

I might bring to the attention of the Members of the House that the bottlers of green olives have established a business in this country over the past 100 years in setting up and creating these airtight containers, and they have created a market, and they now find themselves in a position where Spanish green olives are being imported into this country in airtight containers that weigh less than 9.5 pounds, where the price of bulk olives has been increased in price as high as 15 percent that are shipped into this country in casks weighing up to 650 pounds. And then we find that the importers of green olives in small 2-ounce jars—and you realize that there is a lot of labor attached to that in trying to push these olives down into these 2-ounce bottles, and they can ship those bottles of olives into this country without paying any duties on the bottles or the labels, or the bottle tops, and this results in a very unfair disadvantage to the bottlers of green olives here in this Nation.

This bill merely tries to equalize or give the bottlers in this country a competitive position where they can deal not only with the low-cost labor that these foreign imports have, that gives them an advantage over the bottlers here, but it also gives them a chance to take care of this unfair increase in price of 15 percent on bulk olives.

In other words, if we do not pass this legislation it is going to mean the extinction of the green-olive bottlers in this country.

Mr. **VANIK**. Mr. Chairman, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

Mr. **KYL**. Mr. Speaker, I object.

The **SPEAKER**. Objection is heard.

AUTHORIZING PRESIDENT OF THE SENATE AND PRESIDENT PRO TEMPORE OF THE SENATE OR ACTING PRESIDENT PRO TEMPORE OF THE SENATE AND SPEAKER OF THE HOUSE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED

The **SPEAKER** laid before the House the following Senate Concurrent Resolution, which was read:

S. CON. RES. 89

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the sine die adjournment of the two Houses, the Speaker of the House of Representatives and the President of the Senate, the President pro tempore, or the Acting President pro tempore be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REPORT OF THE COMMITTEE TO NOTIFY THE PRESIDENT

The **SPEAKER**. The Chair will receive a report.

Mr. **ALBERT**. Mr. Speaker, your committee appointed to join a committee of the Senate to inform the President that the Congress is ready to adjourn, and to ask him if he has any further communications to make to the Congress, has performed that duty. The President has directed us to say that he has no further communication to make to the Congress.

AUTHORIZING PRINTING OF "OUR AMERICAN GOVERNMENT AND HOW IT WORKS: 1001 QUESTIONS AND ANSWERS"

Mr. **GETTYS**. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 785) with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Page 1, line 11, strike out all after "printed" over to and including "thousand" in line 1 on page 2 and insert *"nine hundred and eighty-one thousand"*.

Page 2, line 2, strike out "two hundred and six thousand" and insert "one hundred and three thousand".

Amend the title so as to read: "Concurrent resolution authorizing the printing as a House document of the pamphlet entitled 'Our American Government. What Is It? How Does It Function?'."

The **SPEAKER**. Is there objection to the request of the gentleman from South Carolina (Mr. GETTYS)?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

THE 91ST CONGRESS

(Mr. **ALBERT** asked and was given permission to address the House for 1 minute.)

Mr. **ALBERT**. Mr. Speaker, I take this time to thank all Members of the House for the many courtesies they have shown the leadership on this side of the aisle.

Mr. Speaker, today, at long last, the work of the 91st Congress will be completed. This has been a long Congress. It has been a hard Congress. In my opinion, it has been a good Congress.

Members of this House can be justly and rightly proud of the manner in which they have exercised the trust bestowed upon them by the people of the United States. Both last year and this year this House has labored late in the year in order to fulfill our Constitutional responsibilities as representatives of the American people. Certainly none of us will agree with all of the decisions which have been made in this House this year and last year but we can agree, I believe, that we have done our job. We have lived up to the burden and the responsibilities of office.

I am proud of the record of this House and will, as customary, insert in the RECORD at an early date a comprehensive report on our activities. While it has been a long session, it has been a productive one, and I believe we can be proud of our record and the passage of landmark legislation such as the Voting Rights Act extension and the 18-year-old vote, the postal reorganization bill, the legislative reorganization bill, increased support for education, health, and water pollution and environmental control.

As this session comes to a close, we look forward to a new year, a new Congress, and a new generation of legislators to carry on the tasks that are never finished.

There is always a flurry of excitement, a fresh charge of hope and optimism, with a new session. But there is an undercurrent of sorrow, too, for the loss of those members who will not be with us when we reconvene on January 21.

Before this session passes into history, I would like to pay personal tribute to our colleagues who began the session with us, who worked side by side with us in common cause, and who will not be returning with the 92d Congress. We shall miss them. They have earned the friendship and admiration of all of us, the gratitude of the constituents they served, and their own footnote in history.

Mr. Speaker, in a separate address I will pay tribute to our respected and beloved Speaker.

I want to thank my good friend and distinguished colleague from Louisiana, the Democratic whip, HALE BOGGS, and his valuable assistant whips without whose untiring efforts the work of this House could not go on and without whom the Democratic Party in the House of Representatives could not function. We are all deeply appreciative of the fine and dedicated service the whips have given us, the House of Representatives, and this country.

Also, I take this time to salute my good friends across the aisle. I want particularly to thank my coworker and friend, the distinguished minority leader, for the cooperation he has given me and the leadership on this side of the aisle. While we have stood on opposite sides of many issues, we have always stood together in zealously trying to guard the prerogatives of the House of Representatives and the rights and privileges of each Member of the House.

I want now to express my appreciation to his distinguished assistant, Republican whip LES ARENDS, and other leaders on the minority side, who have constantly worked with the Democratic leadership

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to carry forward the legislative program. Not only the members of the Republican Party but indeed all Members of the House are appreciative of the service they have rendered and the leadership they have given.

I must express my appreciation personally and the appreciation of all Members, to our great Parliamentarian, Lew Deschler, without whom we would constantly find ourselves in a parliamentary morass. Lew's advice and counsel has contributed immeasurably to the good works of this body. Without him we would be lost. He has always acted fairly, impartially, and judiciously and I know my friends on both sides join me in expressing to him our deepest thanks.

Mr. Speaker, I extend the thanks of all of us to the other officers of the House of Representatives. To our distinguished Clerk, W. Pat Jennings, to William M. "Fishbait" Miller, our distinguished Doorkeeper, to Zeake Johnson, the able Sergeant at Arms, to H. H. Morris, our fine Postmaster, and to Dr. Edward Latch, our beloved Chaplain, goes my deepest appreciation.

Mr. Speaker, a special word of thanks to the other employees of the House of Representatives who labor long and hard without much recognition in order that we may be able to accomplish our tasks. To them—to the employees in the cloakroom, the clerks at the desk, the fine official reporters, the doormen, the pages, the custodians, and the others—we owe a great deal. I am confident that no other agency of Government, legislative, executive, or judicial, has a more competent staff of loyal employees than does the House of Representatives. Again, to all Members on both sides, I extend my deepest and most sincere thanks for your friendship and for all that you have done to assist me in my duties.

NOTRE DAME VANQUISHES TEXAS IN COTTON BOWL

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute.)

Mr. BRADEMAS. Mr. Speaker, as the 91st Congress prepares to adjourn today, after a lengthy and often fatiguing second session, I rise to express my great delight at one very happy event ushering in the New Year.

Mr. Speaker, as many of my colleagues know, I have the great privilege of representing in Congress the district in which is located the Nation's No. 1 football team, the University of Notre Dame.

Although my colleagues from Nebraska may wish to dispute that judgment, I am confident that my friends in this body from the State of Texas will not wish to do so.

For, Mr. Speaker, all who yesterday watched the mighty Irish of Notre Dame, coached by that great Irishman, Ara Parseghian, vanquish the outstanding University of Texas team in the Cotton Bowl, by a decisive score of 24 to 11, will, I am sure, agree that the Notre Dame team is a superb one and played superbly in one of the most exciting football games within memory.

To Coach Parseghian, to his coaching staff, to all the members of the Notre Dame team, I extend my warmest congratulations.

To my friend and colleague, the gentleman from Texas (Mr. PICKLE), with whom I entered into a wager on the outcome of the game—a wager he won last year—I extend my condolences. The bet, by the way, was a football signed by the coach and all the members of the winning team. Mr. PICKLE, we are now even—and I look forward to seeing Notre Dame make it 2 to 1 a year from now in another Notre Dame-Texas Cotton Bowl encounter.

Mr. Speaker, I insert the text of the following news article from the New York Times of today, January 2, 1971:

ARTICULATE PRIDE OF SOUTH BEND: ARA ROUL PARSEGHIAN

DALLAS, January 1—When Ara Parseghian arrived for his first Cotton Bowl news conference several days ago, he looked at the battery of microphones in front of him on the dais and smiled.

"It looks like a couple of presidential candidates are here," he said. Parseghian then sat down next to Darrell Royal, the Texas coach, and awaited the first question, but a silence followed.

"Want to talk about Vietnam?" Parseghian said to Royal.

Ara Roul Parseghian is at home in the world of the Wishbone-T, the Wall Street Journal, world politics or behind a piano. He plays the piano remarkably well for someone who never took a lesson.

"You could be a nightclub entertainer," a friend once told Parseghian, after listening to Parseghian play a medley of tunes.

"I couldn't stand the pressure," Parseghian replied.

BUILDER OF WINNING TEAMS

Since 1964, when he was hired to rebuild the sagging football fortunes of Notre Dame, Parseghian has withstood the pressures of college football's most difficult coaching assignment. Including today's 24–11 victory over Texas, which snapped the Longhorns' 30-game winning streak, Irish teams under Parseghian have won 58 games, lost only 10 and tied four.

Yet even this impressive record had failed to quiet a critical minority that continually insisted before today that Parseghian "couldn't win the big ones," or "would blow at least one game a year."

"Success in football is relative," Parseghian said, earlier this season. "If you take a job at a school that finished with a 1–9 won-lost record the year before, you're a good coach if you finish 5–5 with the team in your first season."

A GOOD LISTENER

Parseghian inherited a Notre Dame team that had finished 2–7 in 1963. In his first season, the Irish won 9 of 10 games. No Parseghian-coached team at Notre Dame had lost more than two games in a single season and today's triumph brought the Irish record for this year to 10–1.

Despite his image as tense and close-mouthed. Parseghian is known as a "needler" among friends. He also is considered one of the more enlightened coaches in a profession that has come under fire in recent years for its rigid authoritarian concepts.

"I sometimes wish Ara would drive us a little harder," one Notre Dame player said, before the Cotton Bowl. "But he seems to feel that we should learn to accept some responsibility."

Last spring, during the various campus disorders that flared across the country, Parseghian listened intently to a group of players who asked about issuing a protest statement against the war on behalf of the team.

PIZZA, ARMENIAN STYLE

"It would be hypocritical for Ara to tell his kids not to be involved, when he's so active politically," said Roger Valdiserri, the Notre Dame sports publicist. Parseghian publicly endorsed John Brademas, a Democrat from South Bend, for re-election to Congress in the last election. Some friends believe that his ultimate goal after coaching might be politics.

He is a member of the National Multiple Sclerosis Board, Boy Scouts of America and Big Brothers.

Parseghian was born May 21, 1923, in Akron, Ohio, of Armenian parents. One of his favorite lunch snacks, in fact, during the football season is a type of Armenian cracker-bread with cheez-whiz, which he kiddingly calls "Armenian pizza."

Parseghian enlisted in the Navy after graduating from high school and played football under Paul Brown at Great Lakes Naval Training Center. After his discharge, he entered Miami University in Oxford, Ohio, known as the "cradle of coaching" because so many of its graduates have become successful coaches. He played briefly with the Cleveland Browns after graduation. An injury ended his playing career.

His first head coaching job was at Miami for five years—from 1951 through 1955. He moved to Northwestern in 1956 before accepting the Notre Dame assignment.

Parseghian has turned down several head coaching positions in pro football and has been mentioned in connection with current vacancies. But yesterday, he again reaffirmed that "right now, I have no intention of going into pro ball."

Parseghian remains active athletically, playing golf (he shoots in the low 70's) and handball. He also runs two miles every morning before work.

He married the former Kathleen Davis. They met while they were students at Miami. They have two daughters, Karan 20, and Kristan, 18, and a son Mike, 15.

Yes, Mike plays football.

Mr. BURLESON of Texas. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I am pleased to yield to my friend, the distinguished gentleman from Texas (Mr. BURLESON).

Mr. BURLESON of Texas. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, alibis are never in order, but I think it will be interesting to Members to know that there is a lot involved other than just the results of this game yesterday. As a matter of fact, we are becoming a little self-conscious about what possibly might develop into a bitter jealousy. There is a deep philosophical motive involved here. The Texas University football team felt that they would render a service by passing this thing around a little bit and so they were willing to relinquish it for this year, and looking forward and on down through the years, we feel that in this way we can keep that great rapport with the rest of the Nation which we so fervently desire.

Mr. BRADEMAS. Mr. Speaker, I appreciate the gentleman's observations and I was glad to yield to him today just as I was glad to see Texas yield to Notre Dame yesterday.

THE NOTRE DAME-TEXAS FOOTBALL GAME

(Mr. CABELL asked and was given permission to address the House for 1

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minute and to revise and extend his remarks.)

Mr. CABELL. Mr. Speaker, I wish to concur in the remarks of the distinguished gentleman from Indiana that as of January 1, 1971, Notre Dame unquestionably was the No. 1 team, as of the year 1971.

I would like the Record also to reflect that there was no question as to who the No. 1 team for the year 1970 was: Texas. Furthermore, we shall determine by the end of 1971 whether that distinguished team from South Bend, Ind., can retain their present position of No. 1, for the entire year. I wish to also pay tribute to our neighbor to the north, the University of Arkansas, to whom was awarded the trophy for the finest sportsmanship for the year—1970—by the Southwest Conference.

VICE PRESIDENT JOSEPH COFFEE OF EISENHOWER COLLEGE SPEAKS OUT ON STUDENT LEADERSHIP

(**Mr. STRATTON** asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, the recent Supreme Court decision which upheld the act of Congress giving 18-year-olds the right to vote in Federal elections will give young people a greater voice in the affairs and decisions of the Nation than ever before. It will also allow the silent majority of youth to be heard—the responsibile young people who have been largely overlooked in the avalanche of publicity afforded to campus radicals.

With this new responsibility it is more important than ever that young people gain experience in responsible civic service. Many methods to provide this experience have been proposed.

Joseph D. Coffee, Jr. recently made a new and different proposal, which I believe would be of great interest to my colleagues. Mr. Coffee is the executive vice president of Eisenhower College in Seneca Falls, N.Y. As a member of Eisenhower's board of trustees, I have become acquainted with Mr. Coffee's keen awareness of the problems that face campuses today and his positive approaches to dealing with those problems.

Mr. Coffee's proposal, entitled "Can Youth Develop Representative Leadership" follows:

Can Youth Develop Representative Leadership?

(By Joseph D. Coffee, Jr.)

I am not interested in patronizing youth, nor do I want to be considered unfairly critical of my contemporaries. There are, however, problems in our society which have not changed except to worsen over the years and which demand solution. This is what exercises all thoughtful youth today.

The question I pose: "Can Youth Develop Representative Leadership" should have been answered in an affirmative program years ago. Unfortunately, so many who can find a podium at which to speak or a column of copy to fill are prone to criticize the extremes of youth or the ineffectiveness, or spinelessness of college administrators or faculty in failing to maintain peace on the campus. Few, if any, have come forward with proposals which seek to eliminate the communication barriers which frustrate the expression and prevent thoughtful consideration of the ideas of responsible youth. What a loss!

Out of real concern for the imminent dangers in continuing on such a blind course, I will risk the role of fool and make a proposal, which in purpose, if not in specific content, might lessen tension and, of even greater importance, encourage *responsible* youth to declare themselves.

I am sure to be interpreted by some as moralizing or lecturing. That is not my intention for I am truly groping for an answer to the question of how to give youth a more meaningful voice in society.

To a great extent the college graduate is prepared at graduation to make a living and to live, yet I question whether they are prepared to assume a forceful and deliberate role as citizens. I would hope so but I doubt that we have given them adequate opportunity to test themselves in the give and take of decision making in pursuit of a better society—not anymore chance than I was given at their age. Those in college now have that chance in part, at least. They have a final free chance to engage in critical discourse on values and what will be the purpose of their lives. Never again. I'm afraid, will they have such an opportunity to weigh the meaning of active citizenship in charting a purposeful life.

It was good to hear Michael Collins last Friday on this campus declare how small the gap was between the generations and of how much alike were the objectives of youth and adults. His was a calming and reasonable voice. However, as in medicine and law or in architecture, theology, in journalism or politics there seem to be no final answers. Look at the contradictions in the opinions of the most prestigious leaders of this and other countries. I am not suggesting I have a final answer, yet in the context of there not being "Final Answers" I hope I will spark your thought and action.

In looking back to my own graduating year—30 years ago—I can say that today's youth are more aware of the world around them and of the circumstances of life than I or my contemporaries were then, and possibly even now. In that relatively short span of years there has been an amazing change in the sophistication of young citizens. To what avail, however? Does this sophistication also imply commitment?

As a teenager, I had the vicarious thrill of seeing a younger brother serve as Boy Governor of New York. Thrilling as it was for him and all of the other boys who served in that one day administration, I can only state that it was a mightly empty honor. Surely, it was a well intentioned effort to inspare youth toward achievement but it lacked true involvement. In the intervening years there has been noble effort to raise the degree of youth involvement in governmental affairs through Boys State and Girls State. But this isn't enough.

Those on the verge of full citizenship, likely soon to be lowered to 18 years of age, need fuller opportunity to deal with the realities of society to help prepare them for the day when they will have the controlling responsibility.

I seek a means whereby the best constructive thought of youth can be researched and refined—whether of conservative or liberal persuasion, Democrat or Republican in origin.

The history of youth revolt, in this country and abroad, makes shockingly clear, how poorly youth has been represented—causing all youth to be maligned as irresponsible and dangerous yet what sincere effort has there been made to listen to the opinions of youth, even when youth has demonstrated to obtain a hearing.

While it is easy to criticize the campus condition—and I am not overlooking the problems there—there has been very encouraging progress in new and effective communications on large numbers of campuses.

As I look back to my own college days when I served in Student Government, it was a mighty empty experience. Today, on this campus and elsewhere, there is substantial movement toward student involvement in important advisory or decision making roles while in colege. This is good, although long overdue.

Too easily, the expression or resignation of growing numbers of our citizens is that they are confused. And, for you and for me this can be devastating for the more we talk about being confused the more it will become true.

It may sound simple but I commend to you the value of seeing how fortunate we are and that we should strive to improve matters rather than accept defeat which too many have already accepted.

So long as there are ills in our society—and who can dream we will ever eliminate all ills—we must stimulate creative and uninhibited solutions to our problems.

My appeal to youth is that they commit themselves to sharing in the deliberations to determine the best possible solutions, and that they help to devise new procedures for sustained involvement of youth in the legislative process.

I am not oversimplifying nor do I wish to hide the problems which exist but I do wish to suggest there continues to be reason for optimism—that we can, if we wish, benefit from the conflicts which have shaken so many campuses. We admire the concern of our Eisenhower students about the problems of society and we are proud of the ways they have devised to involve the student community and the larger community in free discussion, thereby, enlarging the understanding of each group in national and local problems and in seeking solutions to these problems.

Yet, I am convinced that we have not found the *means* to encourage the full involvement of our youth in the affairs of the country. Rather, it is my observation that we blunt the interest of the large numbers who would like to work for the improvement of society while permitting free reign to those whose interest is destructive, not constructive.

The passing of time guarantees that from each youth generation some of the leaders of this country will come in the years ahead. To what extent, though, in anticipation of this responsibility, have they as individuals or as representatives been involved in studying and advising on the goals of society which they believe should be realized in their lifetime. When will they have that chance? Do they have regular communication with their Congressman or State Legislator. Do Congressmen or State Legislators communicate with those who represent youth, other than superficially at election time? I doubt it! I doubt that it happens anyplace in this country—with the country being the loser.

I am talking about enlivening our representative democracy—with great emphasis on representative.

I don't see this as feasible among the older generations. They have been satisfied for too long to do without. There must be a new spirit, a new belief in the representative system and it can come only from youth who can believe in the worth of new, sustained and imaginative involvement.

The present political party organizations, much as I believe in their essential function, do not answer the need of vitalizing and renewing our procedure of electing representatives.

Similarly, the young Republicans and young Democrats do not fill the need.

The present party structure exists to present candidates who can win specific elections. They deal principally with issues—not ideas—in my judgment, and, in most cases the issues are manufactured for the visibility of candidates at election time.

No national student organization or conference fills the need in my opinion.

It was interesting to observe the plans for the second annual President to President's Conference two weeks ago in Washington. The conference was sponsored by the Association of Student Governments and aimed to assemble the leaders of the campus and the nation to "Explore the problems that plague the Nation."

It was a commendable purpose but hardly possible of real achievement in two and one-half days. I'm not opposing the idea but merely that it can't do more than scratch the surface of the problems and can hardly provide real understanding of the interrelationship of Government and the campus.

President Nixon, in his greeting recently to the members of the Association of Student Government, said so clearly, "Young people today have an unparalled opportunity to participate in the search for solution to the many problems which confront us as a Nation and as a people". In full agreement, I say we must provide the opportunity to participate.

While the President, in extending his greetings, focused on the problems of the college and university campus it seems to me that we should also examine the problems inherent in our present elective structure which inhibits consideration of the ideas of youth and their willingness to help solve even larger problems.

Ad hoc conferences, in my judgment, will not suffice to meet this need and the heavy emphasis on the campus as *the* problem area is out of focus. Campus unrest is the result in large measure, I judge, in their being no way for responsible youth to be heard by their elected officials or representatives.

We need a new, ongoing, permanent structure to provide representation of the opinions and creative judgment of our youth. Don't misunderstand me. I am not advocating a means to encourage revolutionary thought and destructive action. I do advocate, however, the establishment of an elective procedure which insures consideration by our legislative leaders of the best thought of able representatives of all of our youth. It will take time to develop but it can be worth it.

I could enter into a long discourse on the campus scene but I would be troubled in doing so for I can see no value it it. It can have only negative results. To talk about the campus scene in general is unfair to the large number of campuses which have resolved their problems without conflict or out of conflict have found new relationships within the campus community which provide for effective communication. I would rather focus on what I believe contributes to unrest and what has brought about new demands from youth.

Do we know what motivates people to community service? We have explored and tested people's motivation toward every other commercial and personal interest but in an area of such great meaning to the country, I would be delighted to hear that research had been conducted which might enlighten us on the way to attract everyone to play their part in making their own community a better place in which to live.

If we are to have responsible representation at the Federal, State and local level, five, ten or fifteen years from now there must be a new means of encouraging voters that their opinions and judgments are being listened to by the elected representatives. This might well be one conclusion of such research.

Failure to do so will result in a continuing and worsening apathy on the part of the electorate leading to decision by demonstration, a frightening prospect for this country.

Great as is my respect for the Academy, I fear the likely drift into rule by an intellectual elite unless we strengthen the representative system.

The growing plea of those who wish to take advantage of the built-in apathy of the large, poorly informed percentage of our electorate whose votes, if they are exercised at all, are given in response to superficial claims and promises, is that we should leave the decisions to those who know.

I have been a successful candidate for office—not high office I'll concede—but I have had first hand observation of the difficulty in arousing voters to do other than respond to emotional appeals. Too frequently the response has been to deny rather than to affirm the basic rights of citizens. And, the inconstancy of voters in exercising their voting rights is shocking to me. I trust it is just as shocking to you. It will require great determination by large numbers if we are to change this trend. Continuation of the trend can lead only to loss of the rights of the citizen and abdication to those who want to control.

We can't claim that adults have meaningful representation today because to a great extent they have already aborated their rights, and have lost desire to be involved. They too were frustrated in youthful days and, to a great extent, never became involved.

Frankly, I don't believe that the best thought of youth has a chance for full consideration today, for outside of superficial opinion polls, there is no way to determine what youth does think. Those who speak so loudly do not necessarily represent youth and it is this judgment which prompts me to place before you thoughts, hardly final or necessarily right, which could lead to the development of a way for youth to be heard with respect and appreciation.

It is essential that we do more to educate and train those who will enter careers in Government.

The greater need, in my judgment, is that we educate and involve the largest possible percentage of the electorate in governmental affairs. And, we have no choice but to start with youth.

Youth has been given a bad image—they all suffer for the disruption caused by a *few*. Too easily, adults indentify adolescent with delinquent yet a very small percentage of youth have ever bordered on delinquency, and this has been true throughout history. Actually, as E. M. Eppel of the University of London points out: "The earliest recorded lamentation on the behavior of young people seems to have been about 3000 B.C. It has continued in each generation as the older people seem to conclude that the current younger generation is morally more reprehensive than its own. The more you are engaged in discourse on morality the better prepared you will be to examine and re-examine and possibly change your values out of personal experience and knowledge. Yet we must look at the large percentages who have found and believe in humanitarian causes in the obvious belief that it is people that matter." Yet we continue to treat the balance of youth as if they were all of the same stripe.

There is a new striving for participation in the election process whereby some colleges will close for a period of time preceding the major elections to allow students a direct role in campaigning. I believe it is worth the try when the academic calendar will permit it but I fear it will lead to further frustration, and disenchantment, because of the short period of time available in which to sense achievement and real involvement. Our Eisenhower students have devised, again, an interesting method of being involved in the election process yet not requiring the close of College. They will operate an office in Seneca Falls up to election time on behalf of all candidates—serving as an information center and persuader to exercise the right to vote.

It is easy today to blame campus disorder on international conspiracy, the affluent age, permissiveness, ineffective institutional administration, or the new freedom. Take your pick of one or more reasons and you are likely to be partly right. Each of these may have contributed to our present uneasy situation but I would like to argue for an additional cause—one which I believe brought about the demise of college student government when I was in college, and which in the intervening years has made for general student frustration, now triggered into violence—on some campuses. It is lack of real involvement in the decision process. Not, in making final decisions but significant involvement in the decision process.

Officials on many campuses have studied this factor and have initiated ways to involve students in the decision making process on campus. Unfortunately, the problems which have created the greatest frustration are not campus problems but are national, state or local questions. Yet there is little avenue for effective dialogue with the national, state or local legislator so it is the campus which has suffered.

Until youth finds a means of effective and continuing dialogue with their legislative representatives and community leaders I predict a continuation of tension and unrest.

In questioning the sincerity of many who have led the violence, I declare respect for the sincerity of most students who do not seek to overturn but who wish to correct what they see to be inequities in human terms and what they judge to be unsound policies and procedures in organizational terms.

For the lack of procedures which give them a chance to be heard and to be answered they have had no choice but to demonstrate. In many cases those most responsible and dedicated young leaders have lost credibility because policy and decision makers have not listened. The result has been to undermine the reasonable approach and play into the hands of those who seek to destroy.

I am not happy in arriving at this conclusion for I believe much of what has happened to create unrest on our campuses could have been avoided if we had been willing to be flexible in agreeing to suggestions made earlier by responsible leadership but now adopted under pressure.

I am not trying to whitewash the failures of the campus. I do insist, however, that representatives of youth, those on and off campus, must find ready and continuing access to their representatives in the legislative halls. This is not to assume the correctness of the conclusions of youth. It is to state that our legislators need accurate information on the attitude of youth so they can avoid expedient decisions or capitulation to the demonstrators.

The college campus and the community in which the college is located can serve as a learning center in the world of politics and civic affairs but I doubt that it will ever serve as the scene of real involvement for large numbers of students.

I believe that must be done in the home communtiy of each student who becomes motivated to express his or her views or to become involved in some peaceful action group working toward some good purpose. And, most important, to work closely with that 50% of their own age group who did not go to college. Another frightening prospect for the country will be a continued polarization of the college educated and the citizen who did not attend college. In my experience, many of the most constructive and dedicated citizens are among those who chose not to attend college. We must not permit a wall to develop between these major groupings in society.

Impractical or visionary as you may think me to be I can see no alternative, if we wish to maintain a representative system of gov-

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ernment—and I do—to the election on all levels of government of youth representatives, young men and young women, between the ages of 18 and 25, who will be authoritatively positioned as informed spokesmen for youth. In no other way can I foresee the opinions and creative ideas of youth gaining respectful attention by our legislators. Accordingly, I propose the following:

SPECIFIC PROPOSAL TO ORGANIZE YOUTH COUNCIL AND PROVIDE FOR ELECTION OF YOUTH REPRESENTATIVES

In view of the need for representative spokesmen of youth on questions of public policy and in view of the intolerable situation which exists today in the United States (and in other countries) in the excesses of nonrepresentative youth, and in view of the need of our elected legislative representatives to have realistic advice on the attitudes of youth as well as the need for the involvement of large numbers of youth in the processes of government, it is proposed:

1. Youth Councils on Public Policy to be organized on a Congressional District basis as well as on state legislative district basis.

2. Non-partisan considerations should govern in the nomination of 30 outstanding young people between the ages of 18–25 from lists of candidates proposed by each Superintendent of Schools within the particular district. Membership of Councils to be appointed by appropriate legislator for specific term of office, probably for no longer than two years.

3. Youth Councils to be composed of young persons of the broadest possible representation covering all economic, social and political backgrounds, including but not limited to those who attend or have attended college.

4. Youth Councils to serve in an advisory capacity to legislator on attitudes and beliefs of youth on pertinent public issues of the day or of the future.

5. Youth Councils to select Chairman who will have right to announce for public attention the various advisory judgments of the Council after presenting their views to legislators who appointed them.

6. With proof of the effectiveness of Youth Councils, state and national funding can be provided to underwrite expenses of full time youth representatives for each member of the Congress and each state legislator. The Youth Representative would continue to work with his Youth Council in developing representative and responsible statements of the views of youth.

I believe more of this youth generation are more concerned about injustice, intolerence and social inequality than preceding generations. With such conviction they can do wonders in retaining and reinforcing the spirit of this country. If it is to be done, they will do it—provided they are given the opportunity to be heard.

HOUSE RESOLUTION 1336 CONCERNING CONTINUED INJUSTICES SUFFERED BY JEWISH CITIZENS OF THE SOVIET UNION

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, as one who was privileged to be a cosponsor of the resolution condemning continuing injustices suffered by Jewish citizens in the Soviet Union, I am delighted that the House adopted this resolution (H. Res. 1336) by an overwhelming voice vote on Thursday, December 31.

Mistreatment of Jewish citizens within the Soviet Union has been a deplorable reality for sometime, but the imposition of death sentences on two Jewish citizens the other day suddenly brought this whole deplorable situation to worldwide attention in a most dramatic way.

I am glad that the Soviets finally did back down in the face of world humanitarian opinion, and commuted those death sentences, just as General Franco did earlier in the case of the Basque separatists. But the problem of injustices to and mistreatment of Jewish citizens in the U.S.S.R. continues. Only the sustained. aroused anger, and concern of freedom-loving peoples around the world can be effective—as it has already been in the commutation of these death sentences—in ending the many injustices still being meted out to Jewish people in the U.S.S.R.

That is what House Resolution 1336 today is designed to do. I hope it will help to keep this worldwide concern and pressure alive in the months ahead, so that we can indeed begin to see a genuine improvement in the lot of Jewish citizens residing in the Soviet Union, as well as a willingness on the part of the Soviets to let those Jewish people who desire to do so, emigrate to Israel.

CORTLAND COUNTY, N.Y., SETS AN OUTSTANDING EXAMPLE OF FRIENDSHIP AND CHRISTMAS GOODWILL FOR AMERICAN GI'S SERVING IN VIETNAM

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, early in December the late beloved chairman of the House Armed Services Committee, the Honorable L. Mendel Rivers, successfully persuaded the Pentagon and the CAB to approve a unique Christmas present to American servicemen serving in Vietnam. This was the arrangement permitting any GI who was eligible for the customary R and R leave in Vietnam, following at least 5 months of combat service, to get in place of those 5 days of R and R the opportunity for a 2-week leave back home over Christmas at very drastically reduced rates, something under $400 for a round trip from Saigon to California.

This was, of course, a tremendous opportunity, and the cost involved was probably less than many of these GI's would have spent during their R and R in Bangkok, Sydney, Hong Kong, Tokyo, Taipei, or Honolulu.

Nevertheless, even at these drastically reduced rates the opportunity to come home for Christmas was still out of reach for many Vietnam servicemen, or represented too severe a financial hardship on them and their families.

Recognizing this situation, a very able, imaginative, and distinguished lady legislator in Cortland County, in my 35th District in central New York, Mrs. Florence Fitzgerald, chairman of the Cortland County Board of Supervisors, began a campaign in Cortland County to raise enough money to bring back home for Christmas all the Cortland servicemen who were eligible to take advantage of this unique new opportunity, with Cortland residents paying the round trip airfare.

In a very short time Chairman Fitzgerald succeeded in raising nearly $10,000 and arranged for the return of some 16 Cortland servicemen from Vietnam on the day after Christmas.

Nothing nicer could possibly be imagined as representing the true spirit of Christmas. Mrs. Fitzgerald and all the people of Cortland County have won the admiration, the affection, and the gratitude of all the people of America. No community has done more to honor and aid and support our brave men in Vietnam, and at a time when this has not always been easy to do.

The press accounts of this great humanitarian action deserve to be included in the CONGRESSIONAL RECORD, and I am happy at this point to do so:

[From the Cortland Standard, Dec. 24, 1970]

ALL 14 SERVICEMEN ARE ELIGIBLE FOR FLIGHT HOME FROM VIETNAM

The project to bring local servicemen in Vietnam "Home for the Holiday", begun one short week ago by Florence Fitzgerald, chairman of the Cortland County Board of Supervisors, has reached fruition and can be termed a complete success.

All 14 men who were termed eligible from the local standpoint, have been granted leaves by their respective commanding officers, and the drive for funds to pay their round-trip fares has exceeded the goal completely beyond imagination.

According to Mrs. Fitzgerald, confirmation has been received this morning, both through Congressman Samuel Stratton's office and through the local Red Cross office in cooperation with the American Red Cross Field Director's Office, that the 14th local serviceman, Spec. 4 Edward Barrella, will be on the plane from Saigon, due to leave there tomorrow at 1 p.m. Saigon time, along with the other local men. The flight will arrive at Kennedy Airport, N.Y., at 12:30 a.m. Dec. 26, and private planes, arranged by Robert Crocker, manager of the Cortland County Airport, will transport the men to the local airport. According to Crocker this morning, the weather looks good and the local arrival is slated for about 2 a.m.

Harry Taw, president of the First National Bank, who has served as treasurer of the "Home for the Holidays" fund, said this morning, "I can hardly believe it myself," in reporting the total of $9,250 collected in such a short time. This is well above the goal of $7,700 which is needed to cover the fares of the 14 servicemen.

According to Mrs. Fitzgerald and her cochairman, Ralph Jordan, executive vice-president of the Cortland County Chamber of Commerce, the excess funds will be used either to bring other men home for a holiday at a later date, or to sponsor telephone calls home by servicemen in Vietnam not eligible for the current project.

A complete financial accounting and list of donors will be released at the conclusion of the program.

Mrs. Fitzgerald today cited the many persons who contributed their time and support to the program. In addition to the many telephone calls made by herself and Mr. Jordan, several persons made the initial fundraising contacts with all the organizations in the county. Included were Mrs. Jay Peck, Robert Blatchley, Miss Shirley Cobb, Mrs. David Hobart, Grayden Haynes, Walter Goodale, Ted Doty, John Morgan, Bart Gifford, John Talbot and Ira Blixt.

Numerous other contacts were necessary within each organization, she added.

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[From the New York Times, Dec. 27, 1970]

Hearts Soar in Cortland As 12 Servicemen Fly In

(By Murray Schumach)

Cortland, N.Y., December 26.—"Must be an antiwar rally. They can't be waiting for us."

This was the comment today of Andrew Barber, a Navy engineman-fireman, as the light plane in which he was riding taxied to a stop in the early-morning darkness past scores of faces squinting into wind-driven snow at the airport here.

The laughter in the plane was tonic. He and the 11 other servicemen in three light planes had become increasingly worried that they would break down emotionally in reunions with families, sweethearts, friends and members of the community, who raised more than $10,000 to pay their way home from Vietnam for a two-week Christmas leave.

But as soon as the servicemen leaped from the planes, they forgot their fears amid the cheers, embraces, tears, handshakes, backslapping and shouts.

In a matter of minutes, bottles were being opened and Christmas toasts were being drunk from paper cups.

Soon, parents were content just to be touching their sons as they stood in the snow or in the little whitewashed hangar.

"It's all a dream," said Specialist 4 Frederick Lindley, as he and his parents and brothers formed one of the many small clusters in the community gathering of about 150.

He is the sixth member of his family to have been in service in the last 13 years.

"This is something to remember for the rest of our lives," said his mother, Mrs. Maurice Lindley.

Some of the servicemen rather shyly embraced Mrs. Florence Fitzgerald, chairman of the County Board of Supervisors, who started the drive for funds that spread across Cortland County, involving almost everyone from schoolchildren to senior citizens' groups.

"People thought I was crazy," she recalled.

It sounded just as unbelievable to the servicemen when they were told in various parts of Vietnam to get ready to leave for home for Christmas.

All of the servicemen who were questioned said they would not have been able to get home if the community had not raised the money for them.

They are home under the new Army program doubling the leave period to permit visits to the United States, providing the serviceman can pay the round-trip fare. The chartered airlines have put greatly reduced rates into effect to enable the servicemen to return.

In the light planes that picked them up at Kennedy International Airport in New York City at 2 A.M. today, after they arrived by chartered Trans International Airlines from Saigon, they recalled their first reactions.

Sgt. James Evener of the Air Force, was about to take off in a helicopeter in Vietnam when he was pulled off and told to see his commanding officer.

"I was scared," he recalled. "Then when I saw my commanding officer, he told me he had a message from home. I was even more scared.

"Then he told me I was going home for Christmas. I thought he was joking. He handed me the message. I just looked at it and dropped it on the floor. I'm going to frame that message."

VIETNAM NOT MENTIONED

Since their arrival here virtually no one has been asleep. The one unwritten rule of this homecoming seems to be that no one must mention Vietnam until they prepare to leave on Jan. 8.

Another unwritten rule seems to be that no one is wearing a uniform during this leave.

In many homes here, Christmas dinners were postponed pending the arrival of the servicemen.

No effort was being made by city officials or civic groups to set up a formal program over this weekend. The assumption in this city of 22,000 surrounded by seven snow-covered hills was that the time belonged to the servicemen and their families to do with as they wished.

NO PLANS MADE

And parents, taking a similar view, did not try to tell their sons how to spend their leaves.

Some went into town and just chatted with friends in Chaffee's Coffee Shop at Main and Church Streets.

"They wouldn't take my money," said Specialist Lindley. At the Barber home, in nearby Homer, Mrs. Barber laughed and said her son had just taken off with friends and she did not know where he was.

"This house has been a madhouse," she said happily. "Nobody has been to bed. We just sat around and the phone keep ringing. We're going to have a ball. I don't know how, but it's going to be a ball."

At the Evener home in Marathon, the sergeant had been to visit his grandparents and had returned.

"We're going to munch on the Christmas dinner, we just couldn't eat yesterday waiting for him to come home," said his mother.

Pfc. Donald Snell was sitting contentedly at home watching the Baltimore-Cincinnati football game on television.

Though the community paid for 16 servicemen, three had returned on other flights and a fourth was met at Kennedy International Airport and had gone to St. Albans Hospital to visit his wounded brother.

For all of the servicemen who came home on this community project the action was just proof that their home town was a wonderful place to live.

Even the snow as they were flying up in the morning, which would have bothered most airplane passengers, pleased the servicemen, nearly all of whom had been born in and around here.

"What can you say about something like this?" Private Snell asked.

"They're just wonderful people," he said.

"And look at this beautiful Cortland snow," Sergeant Evener said. "No mosquitoes." As their plane began to descend, they peered intently out of the windows.

Then, suddenly with loud explanations, they called out landmarks at home.

They shouted out the dark winding Taftioka River, the yellow lights of Homer High, the sprawling buildings of Cortland State College.

"The most beautiful sight in the world," said Engineman Barber, and the others.

Seven Home in Kansas

Olathe, Kans., December 26.—Seven Olathe servicemen—their trip from Vietnam paid for by local residents—barely made it home for Christmas.

Eighteen days after the community of 18,000 launched a drive for funds to bring all its eligible servicemen back for the holidays, a private jet landed at Kansas City Municipal Airport. The time was 11:55 P.M. Christmas Day.

The men wore summer khaki uniforms. Some were in short sleeves, but the glow of being home and with their families apparently helped them shrug off the 26 degree temperature and brisk winds.

Most of the men had a stubble of beard as a result of the long flight from Saigon via Chicago. The arrival was two hours behind schedule.

Specialist 5 Fred Clark saw his three-week old son for the first time after descending from the private jet supplied for the trip from Chicago by United Utilities, Inc., a telephone company in Westwood, Kans.

[From the Albany (N.Y.) Times-Union, Dec. 27, 1970]

Cortland GI Home for Christmas, Thanks to Fund Drive and Representative Stratton

Cortland, N.Y.—Two days ago, Army Spec. 4 Edward Barella was on an intelligence mission in Vietnam's Mekong Delta as part of a seven-man unit.

Saturday, the 21-year-old soldier, wearing a sports shirt and jeans, stepped out of a small plane into 15-degree weather for a two-week Christmas reunion with his family here.

The event climaxed a two week fund-raising drive by local citizens who raised $9,200 to finance the leaves for 16 servicemen from this Central New York county.

Barella was the final one to be confirmed, and could only be located through a last-minute effort involving the Red Cross, the Pentagon and Rep. Samuel Stratton, D-N.Y.

"It was only a few hours before he had to leave that they got hold of him," explained Barella's father, Louis, a city fireman.

"Then on the jeep trip to Saigon, there were a few shots fired at them and he said to the other guys, 'Not now. Just let me get home.' "

About 150 persons, from families and community organizations, were at the Cortland County Airport as the three small, chartered planes landed from New York City at 3:55 a.m.

The servicemen, wearing light fatigues and civilian clothes, stepped into the glare of television lights and chilly weather as their families ran to meet them.

"Such happy faces, you never saw," said Mrs. Florence Fitzgerald, who spearheaded the fund-raising effort. Not many words were exchanged between the men and their families.

Mrs. Rose Roe called the return of her son, Army Spec. 4 Robert Roe, the "nicest Christmas gift I've ever had."

"It's great to be back," Roe said. "But it's cold. It was cold when we landed in Japan and it got colder all the way back."

Roe, assigned to Davis Station near Saigon, said his only definite plans were "to do some skiing."

Mrs. Betty Sheridan said her son, Army 1st Lt. Joseph Sheridan, a helicopter pilot, was called back from a mission to go home.

"They radioed RTB—return to base—," she said. "And he came back in the same clothes he was wearing then."

Sheridan returned on Christmas Eve, two days before the others. A 16th soldier was met in New York City by his parents to visit a relative in St. Albans Naval Hospital.

The fund drive was started by Mrs. Fitzgerald Dec. 15, after she learned of a similar effort in Olathe, Kan. Civil groups joined resources to raise the $500 needed for air fare per man. The area GIs were found by the Red Cross, the United Service Clubs of New York City and in one case, by a congressman.

"We couldn't find Barella," Mrs. Fitzgerald explained, "so I called Sam Stratton and got him out of bed at midnight the 21st. He checked with the Pentagon, and they contacted Barella."

Barella's father said his son, a teletype operator, was not allowed to reveal his position.

"The last letter we got was marked Dec. 15," he said, "and he said things were getting quite hairy."

Of the 16 returnees, at least nine knew each other well from high school. Mrs. Fitzgerald, who is chairman of the Cortland County board of supervisors, said she is now trying to arrange a meeting between the men and the local benefactors about mid-week.

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[From the New York Times, Dec. 28, 1970]

Cortland Has Prayers and Parties for Its Sons, Home on Vietnam Leave

(By Murray Schmach)

Cortland, N.Y., December 27.—This was a day for special prayers and parties in this city that raised $10,000 to fly back 16 of its servicemen from Vietnam for a two-week Christmas leave.

Twelve of them arrived about 4 a.m. yesterday, to be greeted with tears and cheers at the airport by parents and friends. Three others returned on other flights and one went to St. Albans Naval Hospital in Queens to visit his wounded brother.

In churches here today pastors called for a prayer that the war would end soon. And in the homes of those who flew back, relatives and friends pitched in to make Christmas feasting last until Jan. 5, when the men have to leave from New York City for Vietnam. The two weeks at home were made possible under an Army program doubling the leave period to permit such visits. The servicemen must pay their own round-trip fare.

The city itself seemed to catch the right atmosphere. The fresh snow covering the seven hills that surround this central New York City of some 22,000 were brilliant in sunshine. On the slope of Beaudry Park, children went bellywhopping. There was not even a puff of smoke from factories. Holiday silence was profound over Cortland State College. Very little traffic moved along Main Street.

MOTHER SPEAKS IN CHURCH

Frederick Lindley, one of those flown back early yesterday, attended services in the Second Congregational Church, a small, white frame building.

During the simple service, the pastor, the Rev. Roger C. Marmon, invited the young man's mother to talk to the congregation about her son's return.

She walked to the front of the church with her son, and, standing before the altar, said:

"I didn't believe it until I saw the planes coming in. At that moment I think I was closer to God than at any time in my life."

A little later, in accordance with a tradition in this church, those who had a birthday during the month were invited to make a contribution in a tiny model of the church on a table before the altar.

A young woman walked to the front with an envelope. The congregation of about 35 then sang its usual birthday song.

Friends later said that she was Debbie Packard, 19 years old. The boy she had grown up with in Virgil, near here, and to whom she was engaged—Charles Puderbaug—was one of 17 from this area killed in Vietnam.

Just before the congregation sang "Silent Night, Holy Night," Mr. Marmon pleaded for an end to war but asked that "we remember the boys who are serving the United States in Vietnam and other places."

At the more spacious St. Anthony's Roman Catholic Church, the Rev. Carl Denti observed that the faith of this community that had prompted it to raise the money to bring its men from Vietnam for the holidays "is the kind of faith we should have, the kind of religion we should have."

Lou Berella, father of Edward, one of the servicemen, was at this service, but not his son.

"This was one time we felt he needed some sleep", he said. "He's catch up with church later."

MEALS BY HIS ORDER

The Berella home was one of those in which festivities were continuing for the second day. The son had requested macaroni and sauce for today and eggplant parmesan for tomorrow.

"I've been waiting for this kind of food a long time," he told his family as he left the house to tinker with his car, pick up his girl and bring her back to the house for dinner.

His 18-year-old sister, Valerie, was preparing the sauce, supervised by her mother, who had injured a leg.

At the home of Andrew Barber, another of the servicemen, a rollicking family gathering was getting under way. His mother, after getting to bed at 6 o'clock this morning, was awakened two hours later so that she could start on the cooking. She prepared a venison stew.

At the home of James Evener, his mother was laughing as she learned that the number of guests already invited for today's party had passed 40.

"How often does something like this happen," she said.

At the St. Anthony rectory, Father Denti, who was the moving force behind the erection of an eternal light on carved black granite in memory of the Vietnam dead from this area, remarked:

"I hope there will be no more names to put on this stone."

IT IS NOT A HAPPY NEW YEAR ON THE FARMS AND RANCHES OF AMERICA

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. MELCHER. This is not a Happy New Year for farmers, Mr. Speaker.

The U.S. Department of Agriculture on December 31, in its monthly Agricultural Prices Report, revealed that farm prices on December 15 stood at 67 percent of parity, the same as in December 1933—37 years ago—near the depths of this Nation's worst economic crisis.

The principle difference between then and now is that in 1933 there was a national administration initiating new, and what was then daring, programs to get farm prices back up. Currently, the administration in power has released the bad news of low farm prices together with a brand new statement on the front page of the Agricultural Prices report which says:

> These ratios reflect changes in these relationships (prices and costs) since the base period of 1910–1914. They are only price comparisons and do not take into account changes in efficiency, technology, volume of production or other factors. No such ratio realistically reflects the current status of the income or welfare of farmers.

Whenever a ratio of prices to costs fails to reflect on the income or welfare of farmers we will be living in a new sort of economic system, Mr. Speaker.

One USDA spokesman told reporters that the parity ratio is as imprecise as taking the temperature of an individual—it does not reflect the extent or seriousness of his or her illness.

The parity ratio, of itself, does not register the exact nature of agriculture's illness but, as in the case of the thermometer, it certainly indicates whether the patient is sick, or hale and hearty.

Agriculture is sick—desperately sick, economically, and the fact that the parity ratio has dropped seven points in a year to 67 is evidence of that.

The Department of Agriculture is trying to make a case that low prices are not important; that productivity, volume and technology have changed all that.

But the administration has very poorly concealed a certain amount of joy over declining farm prices. The Secretary of Labor and the President and two economic aides went on TV last month to hail a decline in the rate of inflation as a result of a decline in food prices. They showed a great deal of satisfaction in announcing that the rate of inflation or increase in the cost of living in November was the lowest this year. They gave no indication whatever of concern for the farmers and ranchers at whose expense this supposedly "good" news was made possible.

Mr. Speaker, as a veterinarian, I do not think my profession or the medical profession ought to throw away their thermometers, and as a Congressman I do not think this country ought to throw away the parity standard as to price-cost relationships in agriculture, and I intend to call together like-minded Members of the House of Representatives in both parties later this month, first, to defend the parity standards, and second, to see what can be done to get the patient's temperature back up to a healthy 100 percent of parity.

It is my hope that the Department of Agriculture will cooperate in that effort, in keeping with the Department's proper role as their spokesman and representative in the Government. Unfortunately, at this moment there is every indication that the Department is pulling grain out of reseal, setting price supports low and gearing farm programs—not to achieve parity for farmers as at least three enacted laws direct—but to knock prices down for the benefit of the grain trade and to make more Brownie points on inflation.

Farmers and ranchers know that the parity index is an excellent barometer of their well-being. They know the need for it as a measure of their prices and costs. That is what the parity index does. It shows them that prices, now at 396 on the parity index, have climbed far faster than their prices, which are at 265 on the index, or only 67 percent of the old ratio of prices to costs.

When 1933 ended with parity at 67 percent there was a bipartisan effort to revive agriculture and to improve farm income, to help lead this country out of the great depression.

It is mandatory that there again be a bipartisan effort to bring agriculture out of its worst depression since 1933, to reverse the low price policies now being pursued, to end the liquidation of farmers and the rural migration to cities which already have their own crises, and to rebuild a sound economy for our primary producers.

To that end, it is my hope that we can build a bipartisan rural coalition when the new Congress convenes which, like the farm bloc of the 1930's, will operate without regard to party to save the people of rural America.

CRITICISM OF THE HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA

(Mr. McMILLAN asked and was given permission to address the House for 1

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minute, to revise and extend his remarks.)

Mr. McMILLAN. Mr. Speaker, in the Evening Star of December 31, 1970, under the byline of Stephen Green, a story appeared relating to the House Committee on the District of Columbia. This story appears to have originated from a criticism of the committee by a Member of Congress whose statements are so devoid of truth and fact as to provide little color of accuracy.

As chairman of the House Committee on the District of Columbia, I feel it a duty to set the record straight since the members of this committee have fulfilled their legislative duties as fully and as carefully as any other committee of this Congress. This comment is directed to some of the major distortions and misrepresentations contained in the criticism which has been reported in the press.

The criticisms are made of the actions of the committee as a whole. The statement that the committee has "consistently" violated its own rules is without basis in fact. In effect the complaint is that the committee did not adopt rules preferred by the critics.

NOTICES OF COMMITTEE MEETINGS

Contrary to the complaint, the committee records show conclusively that notices of hearings, subcommittee meetings, and executive sessions of the full committee were placed in the mails at least 2 days in advance of scheduled meetings, except in the case of a committee session which was to be continued on the following day, and in those cases notices were given to the offices of Members, whether they had been present or absent.

During the 91st Congress there were 30 full committee executive sessions. Such meetings were scheduled on the first Monday of the month, as stated in the committee rules, when possible. When the House was in recess, or when a sufficient number of committee members was not available to make a quorum, other days were set for the convenience of the committee.

No rule requires notice to the committee members of subject matter to come before such committee meetings, contrary to the statement in the press. When the meeting was for consideration of specific subject matter, the notice so stated. When the meeting was for the purpose of receiving reports from subcommittees, the notice so stated. At meetings called for the latter purpose, subcommittee chairmen have the privilege of bringing up for action by the full committee any legislation reported by the subcommittee.

FILING OF REPORTS

Issue is raised concerning the filing of minority or additional views to legislation ordered reported by the committee. Although it is not a committee rule, the committee observed the practice of permitting any committee member to timely file for inclusion in the report his separate views. At the time legislation is ordered reported to the House for action, every member of the committee is on notice of the imminence of filing of a report on it and of the need to give notice of his intent to prepare and submit his statement within the time limits set by the House for receipt of such report.

AVAILABILITY OF COMMITTEE REPORTS AND AMENDED BILLS

As to the complaint of nonavailability of committee reports in advance, during the entire 91st Congress, as in past Congresses, this committee has filed its reports and amended bills as promptly as possible after approval by the full committee of such legislation. In every instance, the date and time of such filings have been such as reasonably to assure the availability of this material to the Members of the House prior to the day set for floor consideration thereof. The fact is, however, that conditions at the Government Printing Office, particularly during the past year, have been such as to cause delays in printing which have, in some instances, resulted in these documents not being delivered to the committee until the day for floor consideration.

The chairman has regretted this situation, and has made every effort to assure the availability of this material to the members as early as possible. However, as with other committees, it has not been possible for this committee in all cases to adjust its schedule of legislative action so as to offset this problem of log jam at the printing office.

SUBCOMMITTEE DESIGNATION BY NUMBER

As to the complaint about subcommittee designation by number and not name, at the organizational meeting of the House Committee on the District of Columbia for the 91st Congress, held on February 20, 1969, the question was raised as to whether the subcommittees should continue to be designated only by numbers, as has been the practice for a good many years, or designated by legislative subject areas as is the case in the Senate District of Columbia Committee. Several veteran members of the committee offered reasons why the present system of numerical designation has proved more practical in the operation of this committee, and it was decided to continue this practice.

Thus, the will of the committee on this subject was expressed, and the chairman was guided thereby and continued, as in the past, to assign bills to subcommittees according to his best judgment. The record of legislative accomplishment of this committee for the 91st Congress, published in the CONGRESSIONAL RECORD of December 29, 1970, is eloquent testimony to the efficacy of this system.

APPOINTMENT OF HOUSE CONFEREES

As to the selection of conferees, it should be known to all Members of Congress that the chairman of a committee does not appoint conferees on the part of the House in regard to bills on which the two houses of Congress are in disagreement. The chairman can only recommend names for such conferees to the Speaker, who can actually appoint as conferees any Members he wishes. It is true, however, that the present Speaker, as well as those who have preceded him in that office, has without exception accepted the recommendations of the chairman of this committee in regard to conferees, and this is an evidence of the Speakers' confidence in the chairman.

In recommending conferees on House-approved bills reported by this committee, the chairman has endeavored in every instance to request representation by members of the subcommittee which handled the particular bill, and also conferees who will support the position of the House of Representatives in conference with the Senate. The importance of both of these standards for conferees is self-evident.

"CHARTER COMMISSION" BILL

As to the complaint of nonaction on the so-called Charter Commission bill, on July 13, 1970, Subcommittee No. 3, voted to postpone action on this bill until a later time, when it might be considered in connection with H.R. 18562, Congressman BROYHILL's bill to reorganize the District of Columbia government.

On July 28, 1970, Subcommittee No. 3 considered and approved H.R. 18562, with amendments, and in view of this action the Charter Commission bill was not further considered.

Hence, the Charter Commission bill failed of approval in subcommittee and thus was never brought up for consideration by the full committee.

DISTRICT BUDGET

The committee reported out two revenue bills for the District of Columbia during the 91st Congress, one in October 1969 and the other in December 1970. In addition, during the second session, the committee has, when legislation resulted in increased costs to the District, included in the bill, revenue to cover those costs. For the past 7 years the District has come to the Congress with an out-of-balance budget—a matter of great concern to many Members, particularly because the increases in the budget soar—and in those 7 years, the committee has reported out five revenue bills. The committee has been responsive to the fiscal needs of the District and has acted on revenue measures as expeditiously as is judicious.

THE CHAIRMAN'S AUTHORITY AND RESPONSIBILITY

The committee in its organization meeting, by vote, set rules and gave powers for carrying out rules to the chairman specifically authorizing him to appoint subcommittees, refer legislation, appoint personnel, recall legislation from a subcommittee, and to exercise other powers. The criticism based on these points resolves into the simple allegation that the majority of the committee was wrong because it did not follow some personal proposal is conceived by the critic. In other words, the unhappy complainant would have the committee and its business controlled by the minority. Thus, when the chairman indicated the possible recall and rereferral of a bill in conformity with the committee rules, the committee is accused of some nebulous impropriety and the chairman is branded as "arbitrary."

DISTRICT PROPOSALS

The committee has not ignored legislation recommended by the District of

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Columbia government. In fact, many of the District's proposals have been approved and are already Public Law. Specifically, complaint was made of 18 draft bills which it is erroneously charged have not been subject to any hearings. Apparently reference is made to those introduced in July 1970. At that time, more important matters such as the delegate bill and revenue proposals were being studied. Actually, hearings were held on some of these bills or the subject thereof, and some have been passed. However, one of them, much sought by the District government; namely, to establish a revolving fund for the development of housing for low- and moderate-income persons, has been given no action by complainant's Subcommittee No. 2 to which the bill was referred on July 21, 1970.

As has been reported earlier, some 306 bills and resolutions have been referred to the committee during this Congress; hearings were held on 121 of them. It is not possible to conduct hearings on each piece of legislation referred to the committee.

TRIBUTE TO HONORABLE WILLIAM MURPHY OF ILLINOIS

(Mr. FULTON of Pennsylvania asked and was given permission to extend his remarks at this point in the Record.)

Mr. FULTON of Pennsylvania. Mr. Speaker, as the time approaches when we shall part to go our separate ways, we realize that one of our most distinguished colleagues will not be returning. Congressman Bill Murphy of Illinois is a good friend we will all greatly miss.

I have had the opportunity to work closely with Congressman Murphy as a member of the House Foreign Affairs Committee. His wise counsel and pleasant help in the areas of Asian and African affairs were an immense assistance to us in our dealings with the burdens of the U.S. Government policy. His leadership of the Subcommittee on Asian and Pacific Affairs is a fine example of a dedicated American who has served his country with distinction. His retirement is a great loss to us who know him so well.

I remember the trips we took as fellow members of the Foreign Affairs Committee where his personal knowledge of foreign policy and world conditions enlightened all who participated.

Bill Murphy's understanding of the complexities which this country faces in the area of foreign relations is outstanding. Few men I know have the breadth of his background on the history, peoples, and conflicts of China, the Asian Continent, and the island chains of the Pacific.

Rose and Bill Murphy are a well-liked and well-loved couple in the U.S. House of Representatives. We as personal friends send with them at this time our best wishes for a happy and rewarding future, and hope that our paths will cross many times in the future as loyal, devoted, and admiring friends.

SORRY ENDING

(Mr. GROSS asked and was given permission to address the House for 1 minute.)

Mr. GROSS. Mr. Speaker, the 91st Congress is coming to an ignoble end—an end forced by what is left of a warped and eroded Constitution of the United States.

Despite the inflation that was then gnawing into the vitals of the Nation's economy, the 91st Congress began 2 years ago by handing the President a 100-percent increase in pay, by increasing the salaries of Members of Congress 41 percent, and equal or greater percentage increases to the Federal judiciary and executive branch of Government.

The 91st Congress ended by giving millions of class act and military personnel a pay increase costing more than $2 billion, although each of these employees had one or more pay increases in the last 2 years.

The 91st Congress spent billions of dollars that must be borrowed for things not needed or which could have been deferred. It leaves as a legacy a deficit of perhaps $20 billion; a national debt that is approaching $400 billion, rampant inflation, vast delegations of powers to the President, and a confusion and insecurity the people of this Nation have not known in modern times.

This is not a proud moment in the history of Congress.

This is the time and place for a funeral dirge.

BENEFITS TO VETERANS IN THE 91ST CONGRESS

(Mr. TEAGUE of Texas asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE of Texas. Mr. Speaker, I do not know whether what the gentleman from Iowa has said is true, but I do know that in my 20-and-some years of service in the Congress, this has been the greatest Congress ever so far as veterans affairs are concerned. This Congress has done more for veterans than any Congress since I came to the Congress.

VETERANS' AFFAIRS

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, I rise in order to give due recognition to the chairman of the House Committee on Veterans' Affairs, who has just very accurately reported a year of accomplishments with respect to the veteran and the benefits rightly accruing to the veterans of this country. But I think in all modesty the chairman forgot to mention it was his single-minded, energetic intention to bring about these changes over the course of years that finally paid off in the second session of this Congress. I think we ought to recognize the achievements of our fellow Texan. We call him "Tiger Teague," and there is a good reason why we call him "Tiger."

In all due justice we shall recognize his achievements and the contributions that he has made as chairman which have made it possible for us to say that this has been the greatest Congress for achievements in behalf of the veterans of the United States.

THE SUCCESSFUL 91ST CONGRESS

(Mr. FULTON of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. FULTON of Pennsylvania. Mr. Speaker, the question arises, as we finish this Congress, whether we House Members go out with a whine and a growl, or whether we go out with our heads up, proud to have served in this 91st Congress. It is a rewarding privilege to have worked hard these 2 years in the 91st Congress with my fellow Members of both parties.

For one Member, I am sure, and every Member here, looks around and says, "You are fine patriots. You are fine Members." We Members have had tremendous problems. We have done our best.

I believe the 91st Congress has been a successful Congress. I believe that we Members have aimed forward for progress for this country—yes, and for peace for all mankind. I believe we have supported the President in effectively reducing the Vietnam war, both in casualties and cost. I believe we have also reduced the Federal budget much below what it could have been with the tremendous demands by various groups, each claiming the highest priority of their special field of interest. I honestly believe that the present budget level has been maintained below the expected increase due to inflation and new programs but is below what the administration had requested. Our current budget figure for fiscal year 1971 will be much below the administration's budget recommendations for fiscal year 1972.

In closing, I would like to say, too, that it comes with ill grace for any one of us in this House to say that any others of us have not done a good job. I believe that for the American people who have elected this Congress, that the Members have produced a good job. So to those Members who stay for the 92d Congress, "congratulations," because over 90 percent of the Members of the 91st Congress that ran again on November 3, 1970 for the 92d Congress have been reelected to the 92d Congress by the American people, which is a tremendous pat on the back.

To those Members who are voluntarily retiring or have lost the election, it has been a pleasure to serve with you. As a Member from the Republican side of the House, I congratulate my House Democratic colleagues as well as my House Republican colleagues through cooperation and bipartisan effort on a good job and a fine job well done in the 91st Congress, for the benefit of every U.S. citizen.

THE WORK OF THE 91ST CONGRESS

(Mr. VANIK asked and was given permission to address the House for 1 minute.)

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Mr. VANIK. Mr. Speaker, I merely wish to say that in looking over the record of this Congress, I believe we have performed a great work in moving this Congress toward its constitutional responsibilities. I believe this is one of the greatest and perhaps the most significant of the achievements of this Congress. In addition, this Congress has enacted a Legislative Reform Act, which, although it does not meet all of the goals and expectations of every Member, it will be a great milestone and it will be a great instrument in making the legislative process in this body more effective.

I want to join my colleagues who have directed attention to these hallmarks of achievement. I think the process is infinitely better than before we came.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, does the gentleman think that the chicanery that has held up the normal operations of the Congress will be eliminated in the new Congress when the new rules are in effect that the gentleman has spoken of?

Mr. VANIK. I think we have come a long way. I think we have made a tremendous improvement in the legislative process. It is not a perfect achievement. It is a beginning, and it is an improvement many of us never expected.

SLAUGHTER IN THE COAL MINES

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 15 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, shortly after noon on Wednesday, December 30, the Finley Coal Co.'s interconnected coal mines Nos. 15 and 16 on Hurricane Creek near Hyden, Ky., blew up and killed 38 coal miners. This tragedy occurred on the first anniversary of the enactment of the Federal Coal Mine Health and Safety Act of 1969, and was the worst coal mine disaster in Kentucky's history.

This Congress enacted landmark legislation when it passed the 1969 Coal Mine Safety Act. You, Mr. Speaker, were one of the great leaders in helping to forge this important law. I recall your influence behind the scenes in insisting that both the health and safety provisions be tied together in one piece of legislation, at a time when some lobbyists were attempting to weaken the effort of Congress by separating out the health and safety features. As a result, the 1969 law is a strong and effective law. Ever since its passage I have repeatedly called attention to the failure to enforce this excellent law, and the Kentucky mine disaster furnishes a number of glaring examples of what can happen when good legislation is not properly enforced.

The Finley Coal Co. mines are comparatively new, No. 15 having been opened in March 1970 and No. 16 in June 1970. They are both located on Hurricane Creek, about 4 miles east of Hyden, Ky., off State Highway Route 80 in southeastern Kentucky. The coowners and operators of the Finley Coal Co. mines are Holt Finley, Stanley Finley, and Charles Finley. No. 15 mine produced a daily average of 600 tons of coal, while No. 16 mine produced 800 tons a day.

SHOCKINGLY DANGEROUS CONDITIONS

The inspection records prior to the December 30 tragedy reveal shockingly dangerous conditions in these mines. The owners and operators should have corrected these dangerous conditions. There is a serious breakdown in the inspection system, for if the law had been properly enforced the lives of these 38 men would have been saved.

On June 19, 1970, only 2 months after the No. 15 mine had been opened, Federal inspectors ordered the mine closed because of imminent danger. Listen to this inspection report on the hazardous conditions which constituted an imminent danger:

> Dangerous accumulations of loose coal and coal dust were present along the shuttle-car roadways from the loading point to the faces of the six main entries, a distance of about 400 feet. Rock dust had not been applied to within 160 to 240 feet of the faces of the main entries. Trailing cables were run over unnecessarily. Evidence of smoking was present underground. Short-circuit protection was not provided on any of the cables for the direct current face equipment. Gas tests were not made before and after blasting. The trailing cable for the mining machine and mobile drill contained three uninsulated splices each. Gas tests were not made before electric face equipment was taken in by the last open crosscut or every 20 minutes thereafter.

NO CIVIL PENALTIES ASSESSED

At the time of the June 19 closure of the mine, 12 violations were found. In the case of most of them, the inspector noted that:

> In compliance with the Restraining Order issued on April 23, 1970, Civil Action No. 70–C–50–D, United States Court of the Western District of Virginia at Abingdon, Virginia, this Notice is for information purposes only and no penalty will be assessed.

Therefore, the civil penalty of $10,000 provided by Congress under the 1969 act was not assessed because of the court action, and the tortured interpretation by the Department of the Interior that the court action tied their hands from assessing penalties.

The No. 15 mine was closed for 3 days between June 19 and June 22. At the time of inspection, the Bureau of Mines commented on this condition within the mine:

> The high-volatile bituminous coal dust is explosive.

The notation was also made that the mine is classified as nongassy. On frequent occasions, Mr. Speaker, during debate on the Federal Coal Mine Health and Safety Act, I pointed out that a coal miner can be killed just as dead in a so-called nongassy mine as in a gassy mine.

SAFETY RECOMMENDATIONS IGNORED

On August 12, 1970, one coal miner was blinded and a second received a punctured eardrum as a result of an explosion in No. 15 mine. The mine was closed but reopened the same day, with the following comment by the inspector:

> A withdrawal order was issued at the time of the investigation (spot inspection) for trailing cables being run over by mobile equipment and not being properly protected to prevent damage. The Order was terminated the same day.

At the time of the investigation of August 19, four recommendations were made, as follows:

First. Explosives and detonators shall be handled and transported only by approved means.

Second. Trailing cables shall be adequately protected to prevent damage by mobile equipment.

Third. Coal dust and other combustible materials, including lubricants, shall be cleaned from and not be permitted to accumulate on electric equipment.

Fourth. On each coal-producing shift, the working section shall be examined for hazardous conditions as often as is necessary for safety.

Mr. Speaker, obviously, these steps were not taken.

TWENTY SAFETY VIOLATIONS IN OCTOBER

Matters got worse. An inspection report on October 19, 20, and 22, 1970, revealed no less than 20 violations in No. 16 mine of the Finley Coal Co. Here are some of the violations: samples of respirable dust in the mine atmosphere were not being taken. The roof support plan was not being followed, in that roof bolts were installed more than 5 feet apart, and crosscuts were more than 22 feet wide. The quantity of air reaching the faces of No. 5 and No. 6 main entries were too low to be measured by an anemometer. Weekly ventilation examinations were not made. A ventilation system, methane and dust control plan were not submitted by the operator. Float coal dust was deposited on the rock-dusted surfaces in all crosscuts along the main conveyor belt haulage entry from the portal to the loading point. Water or water with a wetting agent was not used to abate the dust created by mining operations. Rock dust had not been applied to within 200 feet of the face of No. 1 main entry. The operator had not submitted a list of all electric equipment at use in the mine. The trailing cables for the loading machine and coal drill contained several temporary splices.

All these violations and more were cited only a little over 2 months before the December 30 tragedy. Once again, civil penalties as authorized under the 1969 law were not assessed because of the Department of the Interior's interpretation of the Abingdon, Va., court injunction.

FATAL ACCIDENT ON NOVEMBER 9

On November 9, 1970, Charlie Wagers, a tractor operator, died instantly from massive head injuries sustained when his head was caught between the rib and corner of the tractor, after mechanical trouble with the tractor, which got stuck in reverse while Charlie Wagers was trying to move it forward. The inspector-investigators made this comment on the cause of the fatal accident:

> Management's failure to take the defective tractor from service for repairs, and to assure that the battery-powered equipment was in good mechanical condition before being placed in service was the direct cause of the accident.

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The investigation report added this recommendation:

> Mine officials shall use closer and more strict supervision at all times in this mine.

The inspectors added this significant comment:

> The overall safety program at the time was not effective.

An imminent danger order was issued that the tractor not be used until repaired, and the order was lifted on November 16, 1970.

SELF-RESCUE MASKS NOT SUPPLIED

The last inspection of the fatal Finley Coal Co. mine prior to the December 30 tragedy occurred on November 19, 1970—51 days prior to the disaster. This was a spot inspection. Five violations were cited. Among them was the direct violation of section 317(n) of the Federal Coal Mine Health and Safety Act which requires that all employees be provided with self-rescue masks to enable them to survive in noxious fumes like carbon monoxide for an hour or more. The inspector noted that the self-rescue devices "are on order and have not been received." An order was issued requiring that they be on hand by December 22, 1970—8 days before the tragic explosion. I am informed that these self-rescue devices were not in the hands of the men who were killed on December 30. It is conceivable that had these self-rescue devices been available as required by law, some of the men and perhaps all of the men might have been able to use the hour or more to proceed to safety, or barricade themselves and later be rescued.

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In addition to the above violation, the November 19, 1970, spot inspection revealed that the cumulative concentrations of respirable dust analyzed from four samples collected by the operator during an original sampling cycle conducted in the working environment of the coal cutting machine operator amounted to 33.9 milligrams of respirable coal dust. A notice of violation was issued, requiring, as with the other violations cited, that the violation be abated by December 22, 1970.

NO REINSPECTION ON DECEMBER 22

Mr. Speaker, it is unfortunate that once again the inspection system broke down and a recheck was not made to ascertain whether the Finley Coal Co. had complied by December 22, 1970, with the orders issued on November 19.

As reported by that able writer Ward Sinclair in an article in the Louisville, Ky., Courier Journal of January 1, 1971:

> The Barbourville, Ky. office of the Bureau of Mines, which is staffed by six men, last week went on to a holiday schedule. On the 22d, when the Hyden mine should have been rechecked, two of the six men were on leave. The next day, December 23, three of the six were off. On Dec. 24, five of the six were off. On Dec. 28, four of the six were still on leave after the long holiday weekend. Tuesday, the day before the tragedy struck Finley No. 16 and its interconnecting No. 16 mine, two men remained on leave.
>
> A Bureau spokesman said that the Hyden mine was not revisited because the men who were on duty were assigned to other "high priority" work such as inspection of ventilation systems and roof controls elsewhere—important elements in mine safety.

SHORTAGE OF INSPECTORS

Mr. Speaker, the shortage of mine inspectors is well known, and the massive new responsibilities required by the 1969 legislation have, of course, increased the demand for more trained inspectors. I am not going to engage in a numbers game, because official sources disagree on how many inspectors are authorized, available, needed, in process of being trained and projected. An accurate reporter, Mr. Ward Sinclair indicated the following in his January 1, 1971, dispatch:

> In August, the U.S. Senate Labor Subcommittee held hearings to review criticism of the safety program and to hear the Interior Department's side of the story. The department argued that it was doing the best it could, given the shortage of trained personnel.
>
> Assistant Secretary Hollis Dole said that because of the personnel-hiring problem, the department would not be in a position to conduct all the legally required inspections at least until next June.
>
> The new law requires four yearly inspections at each mine, plus regular spot inspections at mines where excessive amounts of methane gas are liberated or where other dangerous conditions exist.
>
> A Bureau of Mines memorandum of Aug. 17 said the bureau expects to be able to make about 30,000 inspections—something like 85 per cent of the required number—during fiscal 1971.
>
> But at the present rate of hiring and adding new men to the inspection force, most bureau officials concede that the agency will be hard put to meet the June deadline set out by Dole at the subcommittee hearings.
>
> The bureau's plans call for increasing the inspection and supervisory force from 350 men to 1100 during the present fiscal year. About 300 of these would be supervisors and technical specialists—not necessarily on-the-line inspectors.
>
> The best available figures yesterday indicated that the bureau now has only 231 men actually inspecting, with 151 still in training—a total of 382. Some 172 more are said to be "in the process of being employed."

Mr. Speaker, it would be too simplistic to point the finger of blame for the tragedy exclusively at the dedicated inspectors out on the firing line who went home for Christmas. Also, it is not entirely correct to say that all we need are more inspectors in order to stop this slaughter in the coal mines. It is my own feeling that even if you had inspectors swarming over every mine every day, you would still have accidents as long as the coal operators in their pell-mell pressure for more production continue to cut corners and refuse to comply with basic safety regulations.

SAFETY-CONSCIOUSNESS STARTS WITH THE PRESIDENT

Now, Mr. Speaker, how do you obtain a safety-consciousness up and down the line? I say it starts with the President of the United States himself.

Let me quote from a New York Times dispatch of January 1, 1971, written by a very astute observer, Ben A. Franklin:

> The White House issued a statement today extending the President's "deepest sympathy to the family and friends" of the dead miners and pledging "every appropriate step" to prevent future disasters. That was the first public statement of concern about mine safety from the White House since the law was passed a year ago.
>
> STRIKES WERE STAGED
>
> Last summer there was a series of wildcat strikes in the mine fields to protest alleged lack of enforcement of the new law. But although Administration spokesmen expressed some concern then about the impact of such walkouts on critically short coal supplies, the White House and the Interior Department appeared to pay scant attention to the safety complaints.
>
> The Bureau of Mines is an agency of the Interior Department.
>
> At a time when the demands of enforcing the complex new law were taxing the bureau more strenuously than at any point in its 60-year history, the agency had no director for seven months. President Nixon dismissed John F. O'Leary, a Democrat, last March 1 and did not select his successor, Dr. Osborn, former vice president of Pennsylvania State University, until Oct. 7.
>
> The disaster yesterday raised the 1970 death toll in coal mines to 250, the highest since 311 were killed in 1968. That year 78 miners were lost in an explosion and fire at the Consolidated Coal Company's No. 9 mine at Farmington, W. Va. Since the 1969 safety act went into effect on March 30, the death toll has been 204.
>
> The White House press secretary, Ronald L. Ziegler, told newsmen this morning that Mr. Nixon had talked by telephone twice since last night with Kentucky's Governor, Louie B. Nunn, and would have flown from Washington today to the disaster scene except for a heavy Appalachian snowstorm that closed all the nearby airports.
>
> White House spokesmen said that a plan to send to Kentucky a "special task force" of high-level Presidential aides, headed by Robert H. Finch, counsel to the President, was still under consideration tonight.
>
> Mr. Nixon's statement today declared:
>
> INSPECTIONS RECALLED
>
> "Those who go into the mines perform a vital task on which the country depends. The nation owes them its very best efforts to reduce their risks and to improve their working environment. In recent years we have made great strides in this direction, particularly since the new Coal Mine Health and Safety Act went into effect last spring.
>
> "The explosion along Hurricane Creek reminds us, however, that the work of ensuring mine safety is not yet complete and impels all concerned to carry that work forward with greatest urgency."

DOES THE PRESIDENT REALLY CARE?

I am pleased to note that the President has now expressed concern. During the consideration of the Federal Coal Mine Health and Safety Act, the White House lobbied behind the scenes to weaken the bill. For example, the White House unsuccessfully attempted to retain the infamous Federal Coal Mine Health and Safety Board of Review, stacked with coal operators, to review and reverse orders designed to protect the health and safety of the miners. The White House also sent word threatening a veto of the bill if it contained the highly beneficial provisions making payments to those suffering from pneumoconiosis. The President waited until his allowable 10 days had almost expired before signing the bill, and declined to receive a group of widows of the Farmington tragedy who made a special trip to Washington to urge him to sign the bill. The President then signed the bill without ceremony, almost furtively, and immediately boarded a plane for San Clemente, Calif., leaving behind a statement which was less than enthusiastic about all the provisions of the bill.

The President was quoted as informing Senator Cook that he would support additional legislation if necessary. I do not feel that additional legislation is necessary; the Federal Coal Mine Health and Safety Act of 1969 is a tough and effective piece of legislation, if it were enforced. The President is in a position to insist that it be enforced.

LAW AND ORDER

Let him send out the word that if he is really interested in law and order, here is the place to start.

Let him send out the word that the coal miner deserves just as much protection under the law as the mineowner who keeps pleading that safety is slowing down his production.

Let the President send out the word that he will relentlessly oppose the permissiveness that allows the coal operators to get away scot free with the violations of the law cited in the inspection reports I have cited.

VIOLATIONS OF LAW BY UMWA

Let the President send out the word that his own Department of Labor is not enforcing the law against the violations by the leadership of the United Mine Workers of America. Nine months ago, the Department of Labor went to court to void the 1969 election of Tony Boyle as president of the United Mine Workers of America, on grounds of election irregularities, but the Labor Department has done little or nothing to press the case. The Labor Department has refused to press to trial the 6-year-old court case against UMA trusteeship, and waited until after the recent district 5 election was over before moving in to impound the absentee ballots which had been tampered with.

Mr. Speaker, we will never have safety in the coal mines until the coal miners themselves are represented by a strong union and a clean union, a union which obeys the law, a union which stands up for the rights of the individual miners, and which every day calls attention to the safety violations such as exist at countless mines throughout the land.

Is it any wonder that coal miners continue to be killed, maimed, gassed, and crushed when the highest law-enforcement officials in the land wink at nonenforcement of the law?

Mr. Speaker, I have said very little publicly about the new Director of the Bureau of Mines, Dr. Elbert Osbourn. He has received a good press up to now. We have all given him a honeymoon to see if he can rise to the responsibilities of his job. But I hope that Dr. Osbourn will repudiate a quotation attributed to him in the January 1, 1971 New York Times. He declared:

> But this disaster was not unexpected. We've had two good years since the last disaster at Farmington and I think we can almost expect one of these a year.

DOES FATALISM CONSTITUTE LEADERSHIP?

Mr. Speaker, that is the kind of fatalism which has encouraged apathy toward coal mine accidents down through the years. When you have fatalism in the top position of leadership, you cannot expect much better throughout your organization. The Director of the Bureau of Mines must be determined to put a stop to the slaughter in the coal mines. He must work night and day toward that end. He must insist that the coal industry be imbued with a radically different attitude toward safety.

Mr. Speaker, I introduced several bills last year which would transfer the Bureau of Mines to the Department of Labor. I feel that the Department of the Interior is production-oriented, rather than employee-oriented. The Department of the Interior has traditionally taken the side of those eager to increase the production of coal, rather than protect those who mine the coal. Yet as long as the present Secretary of Labor takes such a supinely permissive attitude about enforcement of the law against the United Mine Workers of America, I hesitate to renew the suggestion that coal mine safety be transferred to his jurisdiction.

LACK OF LEADERSHIP AT CABINET LEVEL

Unfortunately, Secretary of the Interior Stewart Udall was interested in too many other useful projects to concern himself with coal mine safety. Not until John F. O'Leary took office as Director of the Bureau of Mines just 1 month before the Farmington tragedy in 1968 was there any appreciable activity in the Department of the Interior on behalf of protecting the safety of coal miners. To be sure, President Johnson did send up a new coal mine safety bill in the closing weeks of the 1968 session of Congress, but it received little attention. Secretary of the Interior Walter Hickel, despite the fact he surprised many people by the vigor of his activity on behalf of conservation, did little to further the cause of adequate enforcement of the new Coal Mine Safety Act. In fact, Secretary Hickel's major action was a negative one, the firing of Bureau of Mines Director John F. O'Leary last March 1. Then followed a long period during which the Bureau of Mines was completely leaderless in the crucial early months when the new act went into effect. The President appointed a man who was completely unqualified for the job, and there was additional delay before his nomination was withdrawn, and finally Dr. Osbourn was appointed.

WHAT WILL ROGERS MORTON DO?

Now we will have a new Secretary of the Interior, our distinguished and able colleague, the Honorable Rogers Morton Will he be able to rise to his responsibilities? Will he as prior Secretaries of the Interior have done, allow the Bureau of Mines to drift without leadership or direction, subjected to the traditional heavy pressures of the coal operators and the abdication of its responsibility to the coal miners exhibited by the United Mine Workers of America? With the highest respect to our able colleague who is taking office as the Secretary of the Interior, I hope he does not follow the path of least resistance and let matters drift and take their own course—or else the slaughter will continue in the coal mines.

I am somewhat heartened by the fact that the Director of the Bureau of Mines feels that the coal industry must be made to feel more safety conscious. The New York Times of January 1, 1971, quotes the Director of the Bureau of Mines as stating:

> The industry must become more safety conscious. The coal industry does not have a really tough safety sense. We must have more safety education, among the miners and at the management level, before these accidents stop.

THOSE DROWSY SAFETY SEMINARS

Well, of course, but why not try enforcing the law at the same time? I don't put much stock in safety seminars where overweight coal owners doze in overstuffed chairs listening to dull lectures on safety. All that is meaningless window-dressing. We are dealing with matters of life and death.

In the entire calendar year 1969, 203 coal miners were killed. More than that number have been killed in 1970 in the shorter period since the safety provisions of the 1969 law went into effect on March 30, 1970. It now appears that the total number of miners killed since March 30, 1970, is 204, and the total for the entire calendar year 1970 appears to be 250.

This is a sad commentary on one of the Nation's most economically healthy businesses. The demand for coal has increased by leaps and bounds in the past several years. The Nation's coal executives are striving mightily to meet this demand. They have found new and improved techniques to increase production. The coal operators have placed heavy pressure on the coal foremen and other supervisory personnel to increase production so these executives can supply the coal needed by this Nation and for foreign exports.

HIGH PRODUCTION, LOW PROTECTION

These production-conscious executives excel in providing effective training and modern equipment for increased coal production. They show great initiative, along with the mining machinery manufacturers who helped develop the fabulous continuous miner—a great producer, but scarcely a lifesaving machine.

The outstanding production record of the coal operators shows a brand of excellence which they fail to display when it comes to enforcing the safety standards of the 1969 law. They opposed those standards when Congress was developing them, because they cried that if they were to comply with them production would be cut down and our Nation faced with a fuel shortage. The coal barons argued that they could not withstand what they said would be a huge public outcry if a shortage of coal resulted in a shortage of power. They fail to recognize that the people of this Nation are human beings who demand the end of the slaughter of other human beings.

The coal barons have urged that the Bureau of Mines inspectors should balance health and safety enforcement with the need for production—of course with greater weight given to production.

This tortured logic of the coal executives has at least the tacit support of the Bureau of Mines and the Department of the Interior. When miners are killed by twos and threes, very few people notice. But when a Farmington or a Hyden tragedy occurs, suddenly the limelight shines and shows up the unsafe practices and conditions in the coal mines. The public is outraged.

The Farmington tragedy produced the 1969 law. Yet the coal monarchs considered the law to be oppressive, and they sought ways to flout it. The officials of the Department of the Interior always seem ready to accommodate these coal monarchs.

THE ABINGDON, VA. SUIT

The suit of the 77 small mine operators in Abingdon, Va. is a case in point. The Federal district court, although it granted an injunction against certain aspects of the law, also warned that the law must be enforced. The Department of the Interior reacted in an incredible fashion, expanding the fruits of the lawsuit to the entire Nation, not alone to the coal mines owned by the 77 owners who filed suit. Thus, all the coal monarchs benefited from the lawsuit.

Amazingly, even new mines not yet in existence when the law was signed also benefited from this injunction. The Hyden mines, just opened this year, were such beneficiaries. The operators of the Hyden mines were not required to meet the provisions of the new law before opening Mines 15 and 16 on Hurricane Creek. As the record shows, these two mines were extremely hazardous, have an atrocious safety record, and were allowed to operate with many safety violations that should have been abated even before the mines opened.

PENALTIES NOT ASSESSED

When the lawsuit was finally dropped by the 77 coal operators, with the consent of the Department of the Interior, this Department then "wiped out" some 2,300 violations of the new law, according to a statement in the January 1, 1971 New York Times. This incredible action is explained in the following excerpt from a dispatch by Ben A. Franklin:

> Officials at the Bureau's Board of Mine Operations Appeals, for example, said today that although the new Act provides, for the first time in any Federal safety law, stiff cash penalties of up to $10,000 for each safety infraction, not a penny in penalties has yet been levied.
>
> "This is true although the Bureau, in the first few weeks of operations under the law last spring, accumulated a docket of about 2,300 citations for mine safety violations, all of which were subject to penalties.
>
> "The entire docket of 2,300 penalty cases was 'wiped out', one official explained, when a handful of small-mine operators from Kentucky and Virginia filed a suit in Federal Court last April alleging that the Bureau had hastily and improperly promulgated the detailed standards and regulations for safety enforcement.

RESPONSIBILITY OF COAL OPERATORS

Although the enforcement of the new law is woefully weak, I still feel that the major share of responsibility rests on the shoulders of the coal operators. They are the ones who are short-circuiting the safety standards every day in their pressure for higher production. They are the ones who continue to lobby to weaken both the law and its enforcement. They are the ones who could take the initiative to make the mines safer through self-policing, through cleaning up violations when they occur, and by putting the priority where it belongs—that a human life is worth more than a ton of coal.

WHO RUNS CONGRESS?

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 15 minutes.

Mr. PUCINSKI. Mr. Speaker, the unprecedented mess in which the other body found itself in the closing days of this Congress raises some very serious questions about whether the growing needs of America can be served by a bicameral Congress.

The spectacle of seven filibusters going at the same time in the other body, obviously makes all of us wonder not only what goes on in the other body, but who actually runs the other body. I believe that unless there are some very strong reforms enacted by the other body, there will be a growing demand on the part of the American people to carefully consider a constitutional amendment which would create a unicameral Congress.

The criticisms being hurled against the other body are intensified when one reads articles like one that recently appeared in the New York Times Magazine section by Mr. Robert Sherrill, entitled, "Who Runs Congress?"

Mr. Sherrill's penetrating and well-documented article raises some very serious questions which all Americans ought to be thinking about.

No Member of the House can suggest reforms for the other body, but it does occur to me that the Members of the other body themselves ought to be seriously concerned with revelations such as those by Mr. Sherrill. I appreciate the fact that a bicameral Congress does provide, hopefully, a system of checks and balances, which, at least in theory, prevent major legislation from being enacted in haste or under emotional stress of a nation.

I respect those who argue in favor of a bicameral Congress, but I believe we should study the merit of those who urge that a unicameral Congress can more efficiently and rapidly fulfill the needs of the Nation.

I am not too sure that it would not be wise for the country to consider a a constitutional convention which could create a unicameral Congress and provide wider powers for a line-item veto power to the President.

Under our Constitution, it would take a constitutional convention to make such changes.

While I am not prepared at this time to argue that such a change would be desirable, perhaps, it would be wise for the House next year to appoint a committee of distinguished citizens and spokesmen from both the House and the Senate to start a national dialog on whether or not a unicameral Congress will serve our needs more efficiently than our present system.

Indeed, if the revelations by Mr. Sherrill have any merit, it does occur that two Senators representing a populous State like California or New York or any of the other populous States of our Union, do, indeed, have difficulty in staying abreast of all the issues.

I noted with interest Mr. Sherrill's statement that Members of the House are better informed on individual issues than Members of the other body.

The New York Times and Mr. Sherrill have performed a notable public service by bringing the problems of the other body to public attention.

It is my hope that Mr. Sherrill's timely article will provoke a national dialog and that the American people will respond with workable alternatives.

Mr. Sherrill's article follows:

WHO RUNS CONGRESS?

(By Robert Sherrill)

WASHINGTON.—When Senator John Williams of Delaware said he was going to quit Congress this year, he explained that he did not want to hang around until he became so mentally broken down that his work had to be done by staff aides, a fate he said had befallen some senile colleagues.

It was the kind of wholesome remark that Williams—grown somewhat forgetful but still very sharp—knew would get a sympathetic response from a public that often wonders if the old boys of the Federal Legislature (the average age of the powerful committee chairmen is 68) are really able to cope.

But Williams must also have known that it was a misleading statement. It implied that, with the exception of those who have drifted comfortably into the euphoria of age, members of Congress are always vigorously and intimately involved in the writing of our laws, are attentive to the details of committee work and preside over their staffs like elephant-borne maharajas directing beaters on a tiger hunt.

That's not quite the way things are. The old complaint attributed to Czar Nicholas I—"Not I but 10,000 clerks rule Russia"—could be adapted to the democratic context and restated by the czars of Capitol Hill, most of whom are critically dependent upon their office and committee staffs.

This dependency has only a routine relationship to most of the 10,000 or so men and women on Congressional payrolls; naturally, the lawmakers can't personally attend to the case work and massive trivia that inundate Congress. Senator Fred Harris was determined to do just about everything when he came to Washington from Oklahoma. He would read what his constituents wrote and answer every letter; each morning the mail was dumped on his desk and he waded in. The deluge of mail accompanying the Medicare debate washed out that resolve in two months.

Clerks and typists and secretaries and lesser functionaries are not the topic here, not those on personal staffs, who often serve valiantly (some members of Congress have been known to hurl books at workers), and certainly not those strange lifeless creatures in some committee offices who seem to be preserved forever in an odorless, colorless bureaucratic formaldehyde.

But at the top of the heap, among the ex-newsmen and lawyers and economists and professors who have gone to work for Congressmen and Senators in the feudal spirit of being totally their "men," the transfer of responsibilities is complete enough that one can, practically speaking, say that the power is divided almost equally between legislators and staff members.

For instance, Senator Mike Mansfield, as the Majority Leader, has the last word; but Charles Ferris, 37, whose main responsibility is to Mansfield, can do many things his boss cannot. When the Democratic Policy Committee meets to decide which bills to let through for debate and when to let them come up, there is only one man who is sure to have ready every bill or at least every committee report on the bills, and that one man isn't Mansfield, it's Ferris. A former physicist, graduate of Boston College Law School ('61), former Justice Department trial lawyer and since 1963 the chief counsel for the policy committee, Ferris has made himself indispensable, especially as a floor technician, to the Democratic party. When it comes to parliamentary tactics, most members of Congress are babes. No more than a dozen Senators know much about parliamentary procedure (most of these are Southerners, who are more interested in winning a point than in making an issue); the others would literally be lost if somebody like Ferris weren't there to advise them not merely on what the rules are but also on how to *manipulate* the rules to advantage. Sometimes, too, he helps members write amendments on the spot, and he is constantly telling them when to offer their amendments. "Timing is the key to much of this," he says. "I've seen many amendments get through that two hours earlier wouldn't have had a chance. The mood changes. Few Senators are on the floor for long periods, but I'm there most of the time and I can see the mood change." Knowing that he is constantly watching this pendulum, members sidle up to him all day.

There are plenty of exceptions, of course, and there are degrees of involvement, but as a rule it is the administrative assistants, the legislative assistants, the staff counsels and the staff economists—not the members—who think up the legislation, make the deals, listen to the lobbyists, keep the back-home political pipes flushed out, determine what mail the member sees and what he misses and determine who gets to see him and who has to settle for a flunky. They rewrite The Congressional Record to make their employers sound coherent. They write the immortal speeches, the magazine articles and books that carry their bosses' names (Senator William Proxmire recently remarked, "I was reading a book the other night . . ." and then decided that was not quite the way to speak of a work he was supposed to have written).

New pressures have increased the importance of the staff. Jerome N. Eller, Senator Eugene McCarthy's administrative assistant, has been around the Capitol long enough to retire and says almost seriously: "In 1948 we got letters. In 1954 we started getting wires. By 1959 it was telephone calls. And around 1964 people started showing up. Now you get here in the morning and you find people waiting." Understandably, this frightening development has resulted in the building of a higher and thicker dike of personnel. Most staffs have tripled in size in the last two decades. Of the aides at Eller's level McCarthy explains: "You need them for protection—to go to lunch for you."

The dike has become inhospitably thick. Shortly after the Cambodian invasion, a trainload of New York lawyers came to Washington to lobby for peace. There they were, many of them reeking of Wall Street retainers, carrying alligator briefcases and the best of credentials, a few of them even representing President Nixon's old law firm, and all buoyed up with the textbook innocence of those who think that Washington politicians welcome visits from solid citizens. In many offices they couldn't get beyond the pound-cake smile of the receptionist. Well, they can take comfort in knowing that even financial backers sometimes run into the same problems. Says one administrative assistant: "What I wouldn't give for a gal to sit out there and know on sight the difference between the Mr. Jones who is important to me and my boss and the Mr. Jones who has a sewer backed up."

One of the few outside pressures with a noticeably progressive effect on Congressional staffing has been the ascendancy of the executive branch. Since World War II, there has been a sharp decline in the theoretical cooperation between the White House and Congress in war-making and treaty-making activities. When the Senate is asked for advice, the request usually arrives with deceptive or incomplete information, and when the Senate is asked for consent, it is usually after the fact.

Chairman William Fulbright and his sympathetic colleagues on the Senate Foreign Relations Committee, being pretty rigidly orthodox, were slow to move until a lack of information had put them in a number of embarrassingly stupid positions. Finally, though, they shifted to a new concept, permitting the committee's staff to develop into Congress's own foreign service.

The committee now deals with the Pentagon and the State Department almost as one country with another; and before taking the word of any department on an important issue, the staff director, Carl Marcy, now dispatches his own "diplomatic" team to bring back independent data. Out go the staff investigators: William Bader (since moved to the Ford Foundation) to uncover the Pentagon's peddling of arms to underdeveloped countries or to try to reconstruct the steps by which the Senate got suckered into passing the Tonkin Gulf Resolution; James G. Lowenstein and Richard M. Moose, who put together last year's report on Vietnam and this year's report on Cambodia, and Walter Pincus, a troublesome bird of passage who moves back and forth between careers in journalism and government. He's the fellow who won awards in the early sixties for exposing the unsavory conduct of foreign agents in this country, and his was the hand that recently turned up the secret war in Laos and the hiring of mercenary troops to fight in Vietnam.

That last example is illustrative of Fulbright's work with the staff. He simply told Pincus to find out anything he could about the pseudo-diplomatic games generals play. So, with the help of Senator Stuart Symington, Pincus obtained a five-volume top-secret thing from the Pentagon that told, with as little candor and as much militarese as possible, where and how we are giving armed assistance. Somehow Pincus managed to stay awake through the whole thing, and his vigilance was rewarded. He came upon an intriguing phrase—"Thai contingency plan."

How, Pincus asked, could we have a contingency plan with Thailand when we have no bilateral treaty with that country and contingency plans almost always hang from such treaties? That began the slow ritualistic process of trying to drag a full and candid response from the Pentagon. Letters went out. Several months later, letters came back with incomplete answers. Then more letters, both ways. The answer that finally emerged was: The agreement was made between our generals and Thailand without the advice or knowledge of Congress.

Like the State Department, the Fulbright committee has in recent years produced its own white papers—the "old myths and new realities" speech of March, 1964, something of a landmark at the time, which Fulbright later turned into a book; and the lectures Fulbright collected into a book with that catchy title Lyndon Johnson hated so much, "Arrogance of Power"; and the 83-page speech Fulbright made a couple of months ago, with considerable fanfare, suggesting that Israel be offered a mutual defense pact in return for pulling back from the territory seized in the 1967 war with the Arabs. They all sounded solidly professorial, as was natural, not because they were written by Fulbright, a former college president; they weren't. They were written by Seth Tillman, an assistant professor of political science at M.I.T. before he joined Fulbright nine years ago. He's one of the best speech writers around. Of course, Tillman demurs, "I don't want to be a goodie-goodie aide, but the truth is that Fulbright had a great deal to do with those things."

Certainly. Rhodes scholars seldom sit still for total spoonfeeding. But the "great deal" usually consisted of Fulbright's having an idea or approving an idea proposed by Tillman or another staffer, then telling Tillman to "think it over"—which meant that in a couple of weeks or so, Tillman returned with the finished product, subject to Fulbright's editing, of course.

If it is true, as some claim, that the work load of the men and women of Congress has been doubling every five years, the accumulation does not seem to be measured so much by weight as by speed. In talking to aides one gets the feeling of desperate haste, of their bosses' rushing to keep ahead of some out-of-control machine. William B. Cherkasky, executive assistant to Senator Gaylord Nelson, says: "If somebody calls in here from another office and asks me to read a bill and see if Nelson would like to co-author it, I never call back. If he can't give me a brief oral description of the bill or a note describing it, forget it. I haven't got time to read bills." What's true for Cherkasky is twice as true for his and every other Senator.

Wes Barthelmes, who has worked for two Senators and two Representatives, says: "The primary means of communication is by voice. Usually any memo or any piece of written matter that runs more than two pages they balk at. You haven't got a lot of academicians or scholars up here—they want to get it quick and fast. The one I work for now [Senator Frank Church], he's a real reader and very studious and well-read, but for the most part it's on the fly, it's cursory. Lots of things go by them that they catch in the corner of the eye, like a quarterback."

How else can a Senator from a major state operate? New York's Jacob Javits sits on seven committees and 19 subcommittees. He may be confronted with half a dozen hearings in a single morning; in which case, he becomes a political wraith, floating from one to another, usually giving none of them more than 30 minutes. He makes the best of an impossible situation by assigning an aide to each of the hearings to keep tabs. When Javits arrives, the staff man greets him with a fast summary of what's been done. Javits tries to push in a question out of turn, to make the record reflect the presence of a body, then he is off to the next meeting.

Meanwhile, the morning mail has brought a thousand or so letters from constituents (during the Cambodia debate the mail went up to several hundred thousands a day); political queries are coming in by phone from New York, and he has yet to review what he's going to say on the Senate floor.

But Javits will be saved by his faithful retainers. Among them Charles Warren, a 1965 Columbia Law School graduate and former Wall Street lawyer who is chief legislative assistant. Doubtless anticipating his own future, Warren says that the turnover of aides under Javits is heavy because "you get ground down. You run out of ideas, and he loves ideas." Warren handles Javits's legislative schedule, recommends which committee hearings to attend, writes speeches and memos in the areas of housing, crime, Social Security, environment and taxation, gets the bills drafted in those fields, makes sure Javits knows what's coming up on the floor and what amendments he will offer, and, if Warren has time to spare, looks over the letters that have come in relating to his specialities.

There are still other delicacies to be considered, best described by oldtimes like Stewart McClure, who was with the late Senator Guy Gillette of Iowa before shifting to committee-staff work. "When you see an aide mumbling something over the shoulder to his Senator at a hearing," says McClure, "the range of the coaching can be indefinite. He certainly isn't always talking about the legislation. When the staff guy leans in, he's

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likely to be saying, "That sure would work hell in Phoenix," or "The White House is hot for that." He's got to know the political input, what the lobbies are saying, what the constituent reaction is liable to be—as well as the content of bills."

The classic representation of aide-legislator relationship is the famous photo taken at the 1954 Army-McCarthy hearings: Roy Cohn, McCarthy's dour counsel, and his hand a conduit to his mentor's ear. Cohn may have been advising some official mischief about the investigation at hand; but he may just as easily have been telling McCarthy to show more of his left profile to the TV cameras. An aide must always be tuned to petty as well as lofty considerations.

William Welsh, now among those trying to shore up the Democratic National Committee but previously an assistant to Senators Herbert Lehman, Philip Hart and Hubert Humphrey, says: "The key to being an aide is to organize the flow of information. You can walk down the hall with Hart or Humphrey and say, 'These are the six things you have to remember—tick, tick, tick, tick, tick, tick.' And they'll remember every detail. But it wouldn't have done a damn bit of good to give them the information a week ahead.

"There is the process of putting things into the current framework, starting the recall process. 'Remember, Senator, three years ago we tried to get this bill through, and the situation has changed in these ways,' et cetera.

"Or you may say, 'If you get into a Q-and-A situation, I suggest you handle it in this way.' The Senator may argue like hell with you—maybe he really disagrees or maybe he's just testing the material.

"The most important thing I could do for Phil was to walk down the hall with him to a subcommittee hearing and say, 'While you're there, take this up with so-and-so and get us a reading on this.' Much of the Senate work is done on a one-to-one basis. Some things simply can't be accomplished on the staff level or in writing.

"There are some very basic guideposts. The channel has markers on it, which an aide begins to understand in terms of a politican's philosophy, his ethics, his relationships with other Senators, the realities of his home state, other irons he has in the fire. And there are two other things you've got to remember. These guys are human, they're tired and they have families. Also, you have to understand that the Founding Fathers set up this Government machinery in such a way as to keep things from happening—to keep the President from becoming king—or otherwise you'd go out of your bloody mind."

Other things may nearly drive an aide to that point. "You're sitting there on a stool beside the Senator during debate," says McClure, "and boy, oh boy, sometimes they won't listen to you and they make an ass of themselves and you have to fix up The Record. And after you fix your Senator's mistakes, you may have to call the staff of the other Senator and say, "How about changing your guy to saying something else so my guy will make sense?" You're not supposed to correct the contents of The Record, but we do—it's better than having the wrong thing in there because the courts use it for guidance.

"Maybe the Senator has been to lunch with a constituent and he's come in late and he hasn't seen the bill for six months, and you have to fill him in fast. Whether he listens depends on whether he has confidence in you or wants to play god. Usually everything is moving so fast in debate he has to trust you. You just say, 'Look here' and stick the information in front of him and brief him in a phrase, and he catches on and goes boom, boom, boom.

"These guys are smart. They catch on fast. Maybe there aren't as many experts as there used to be—Bob Taft used to read the Treasury's report at 7 o'clock every morning, and that kind of expertise seems to be losing ground—but all of the members are smart just by osmosis. It's almost impossible not to know a lot around here."

And while that advisory approach is common, there are exceptions. Miss Frances Henderson, administrative aide to Senator Clifford Case, says: "He does not like to be whispered at during debate."

Members of the House, who generally are expected to be familiar with the legislation of only one important committee, have more time to do their own thinking, reading and writing. This is especially evident when they confront Senators to haggle over bills in conference.

When the Federal aid to higher education bill reached a conference committee in 1963, an aide who was on hand recalls: "The House members weren't John Deweys, but they knew what was in the bill. On the contrary, the Senators simply didn't. The Senators started turning to education-committee staffers and asking them questions. 'What's the definition of a life science?' or 'How many dollars are in that bill?' And pretty soon Senate aides like Jack Forsythe and Charlie Lee, edging up so they could hear the questions better, would find themselves up at the conference table instead of deferentially three paces to the rear. In fact we hadn't held many sessions before they were carrying on negotiations with the House. At one point, I remember, Mrs. [Edith] Green asked 'Senator Lee, do you mind if I ask Senator Morse a question directly?' "

Loyalty—which appears to be genuine and unfeigned with all the important aides—has its dangers. At one end it frazzles out in a kind of servility. The administrative aide for a New England Senator says: "I don't think you should have an opinion different from your boss's. I have no right to an opinion. I don't have any opinion before he announces his own, and after that his opinion is mine."

At the other end, the staffer passes beyond loyalty and begins to see himself as the Congressman or Senator. "They enjoy saying 'I'm introducing such-and-such bill today,' " says Eller. "They don't even say 'we.' Or they may be generous enough to include their boss by saying something like, 'Ned Kenworthy is covering us this week.' Kennedy guys are prone to say 'we' and 'us.' "

It can take a nasty turn, as illustrated in the career of Martin Sweig, who for a generation was the administrative assistant to House Speaker John W. McCormack and not only spoke too often for him but enjoyed imitating McCormack on the phone when talking to agency officials he wanted to impress. Sweig is now appealing a conviction for perjury.

Two Washington Post reporters, Richard Harwood and Laurence Stern, who have covered the Capitol for years, believe that the Sweigs and the Bobby Bakers are not uncommon. "Quite often," they have written, "these unknown 'public' servants become shadow Senators and Congressmen for private-interest groups—businesses, unions, industrial lobbying groups, churches, Government agencies, sometimes even foreign powers."

One reason you don't read more stories about aides fronting for special-interest groups is that a lot of Washington reporters wouldn't agree with Harwood and Stern. Jerry Landauer, who covered the Capitol for two years for United Press International and for four years for The Wall Street Journal, says: "That sounds awfully exaggerated to me. I'm not acquainted with many aides on the House side, but over the years I've known a couple of dozen really well on the Senate side, and at the moment I can't think of any that would fit that category. They're shadow Senators, all right—some of them are Senators—they make key decisions and so forth, but not for churches and foreign states." William K. Wyant, who makes the rounds for the St. Louis Post-Dispatch: "I'm pretty selective, I guess. In the fields I cover and the aides I deal with, I find most are on the side of the angels, by my definition. And often the surrogates are far better than the men they're working for."

When aides do front habitually for special-interest groups, it is probably because this, too, is an extension of their employers' positions. Otherwise the odds are they would be spotted and fired. As another newsman put it, "The politicians around here worth talking about are strong-minded men, continually sniffing the air for hostiles. That's how they got here. They're very wary, of their staffs as well as others. They've been burned a number of times, they've been ambushed—and most of them are pretty skeptical."

Until the Senate recently changed the rules to avoid what appeared to be a drift toward corruption, pushy aides could in fact sign their Senators' names to special-interest bills and drop them in the hopper without their bosses knowing. The results were sometimes embarrassing, occasionally funny. One young lady from Senator Nelson's staff, motivated by conservationist impulses, signed his name to a bill that would have turned the famous tourist spa, Catalina Island, off the coast of California, into a national park. When then Senator Thomas Kuchel learned of that, he threatened to introduced a bill that would have made the entire state of Wisconsin a national park.

The closest relationships and the most comfortable transfers of power seem to occur between those lawmakers and aides who started out together in pre-Washington politics, pairings like Senator Birch Bayh and Robert Keefe, or Harold Hughes and Park Rinard, or Edmund Muskie and Don Nicoll. Nicoll met Muskie in 1954, the year Muskie first ran for Governor of Maine and Nicoll became secretary of the state Democratic party. After a tour on a House staff, Nicoll moved to Muskie's office in 1960 and became his administrative aide in 1962. "I have to commit him sometimes without talking to him, but there's no question about who casts the votes and who's got the best political judgment," says Nicoll. "The most difficult thing an aide does is learning to draw the line of his authority. He's in a position of enormous power and the temptation is to say, 'I know what should be done.' It's easy to fall into the trap of thinking you can make decisions you shouldn't make."

A lobbyist who once served a Western Senator for 14 years says: "You're the Senator's alter ego in 60 to 70 percent of the work. And even when he has to make the decisions, he'll do only that much and tell you, 'You handle it from here on.' Some of the assistants get mixed up and begin upstaging the boss. It's easier to see from the outside looking in. The Senator isn't aware of it because the assistant's demeanor is different around the boss, and an outsider, especially a lobbyist, isn't going to say to the Senator, 'Hey, your aide is upstaging you.' "

The most striking contrast in approaches to upstaging is between the top men on the two armed services committees. In the Senate this is Ed Braswell, who is an extremely potent influence in his own right but shies from publicity. It was reportedly Braswell who, by persuading Chairman John Stennis, got the Senate committee to block further defense authorizations for equipment to be used in Cambodia beyond the sanctuaries—an unexpected support for the doves who wanted to close down our part of the Cambodian operation.

Braswell's counterpart is John R. Blandford, in whom staff omnipotence—if not upstaging—reaches its zenith. Blandford is the 52-year-old chief counsel of the House Armed Services Committee, a tough-talking Marine Corps Reserve general who has been given carte blanche by committee Chairman Mendel Rivers. Blandford, born in Buffalo, graduated from Hobart College cum laude, Phi Beta Kappa, in 1939, served with the Marines in South Pacific hot spots during World War II and got his Yale law degree in 1946. He joined the committee staff the next year and has run it since 1963. "I find it hard to imagine the Armed Services Committee operating without him," says Rivers. "I think it's safe to say that he knows more about the armed services than any one in the Pentagon—or anywhere else around Washington." Blandford has much the same opinion of himself. Washington newsmen have noticed that in photos of the committee Blandford is always in the center, with other staffers gathered at his feet like disciples. It is commonplace for him to scold Congressmen who seem vaguely to criticize River's actions, and he has been known to upbraid Cabinet officials, too, for veering from the Rivers line. He warned Secretary of the Air Force Robert C. Seamans Jr. that if the Secretary failed to support the development of the F–5 with money, "you are liable to wind up supporting it out of your own hide." As for newsmen, their questions are sometimes turned away with: "I answer to Mr. Rivers, not to the public."

For the most part, though, top aides seem to settle for the kick of building up their employers, getting headlines for them. It is done quite calculatingly.

Vic Reinemer, Senator Lee Metcalf's executive assistant, is in the midst of a propaganda drive aimed at a new plan to bring private utilities—telephone, electric, gas companies—under tighter regulation. "Now, winning that in a fight with the most powerful corporations in the country," says Reinemer, "is obviously a long-term project. Our timetable is to bring it to fruition in 1973. I've got a list of 1,200 names—newspapers, consumer groups, state legislators, etc.—and we keep our stuff going to them. I got my idea from Joe McCarthy. Sitting on The Charlotte News desk in the McCarthy days, I saw how the McCarthy frank was educating the press. It showed me how a lot of people were getting their information."

Welsh recalls that when he began to set up Hart in the Senate, "We went in to him and said, 'Here are the kinds of things you can build a reputation on. Here are the long-term investments—you won't accomplish them in one or two years.' What I was able to do for Senator Hart was to say to him, 'No matter what committee assignments you get, we'll make good use of them.' Well, there he was sitting on the Agriculture Committee with Eastland and Holland—hardly the likeliest company—but we carved out an area for him in conservation and school lunches and the food programs.

"I remember one day we were sitting around the office and trying to figure out how to use Kefauver's offer to let Hart chair a few antitrust subcommittee hearings. We wanted to cut out a new area for him. Somebody wandered in with an article from the Consumers Union magazine and said, 'How about this?' It was about consumer packaging. [Former Senator Paul] Douglas has already coined truth-in-lending. So we came up with truth-in-packaging."

The fellow who wandered in with the clipping was Jerry S. Cohen, later chief counsel to the Antitrust and Monopoly subcommittee and now a private attorney in Washington. As Welsh said, it turned out to be a long-term project; Cohen worked on it for the next five years, but it paid in newspaper space.

Former Senator Maurine Neuberger gets public credit for the cigarette-label warning: staffers say the mastermind was Michael Pertschuk, 37, a Yale law graduate who is now chief counsel to the Senate Commerce Committee. Senator Nelson gets credit for leading the fight that blocked the intrusion of the world's largest jetport into Everglades National Park; it was John Heritage, formerly a conservation writer on The Minneapolis Tribune and now one of Nelson's five legislative aides, who talked him into taking on the fight and led him through it. Senator Proxmire is credited with the law that permits civil-defense agencies to give their millions of dollars in stockpiled drugs to nonprofit institutions rather than burning them (it took five years to get that law); the aide who thought up the project was Tom van der Voort. Senator Russell Long got quite a reputation as a man of the people by tying amendments to appropriations bills to prevent the giving away of Government-sponsored developments to private industry; the man who steered him into and through these fights—including the famous, futile filibuster to prevent the Government's space communications program from being looted by private industry—was Ben Gordon, staff economist on the Small Business Committee who for years was known sardonically around the Capitol as Long's "man for populism." Just about every lively staff has such a proud ghost, which is to be expected; that's what they're hired for.

The C–5A budgetary debacle became a public affair on Nov. 13, 1968, when Senator Proxmire, in a hearing held by the Joint Economic Committee, asked of Ernie Fitzgerald, a Deputy Assistant Air Force Secretary, "Is it true that the costs of that contract will be approximately $2-billion more than was originally estimated and agreed on?" Fitzgerald at first fudged, saying, "I don't believe that that is a correct figure for any single contract." But Proxmire kept hammering away, and eventually Fitzgerald conceded that the C–5A contract cost overrun might be 100 per cent. Then he kept talking to the point that he was fired and became one of the second-team heroes of the anti-Pentagonists.

The real hero of this episode, however, was a truncated, curly-headed staff economist by the name of Richard Kaufman whose coaching of Senator Proxmire has transformed the Joint Economic Committee—though it has no legislative powers—into Washington's best substitute for a real military-program watchdog.

In May, 1968, Proxmire told Kaufman he was tired of piddling around with paint-up, fix-up hearings and wanted to really squeeze some of the big military-hardware programs to look for waste. When Kaufman moved on to the Pentagon, he ran into the expected counterattack. Twelve officials took him into a conference room and worked him over with charts, graphs, slides and a pep talk on the excellence of the total package-procurement concept. Kaufman kept interrupting with questions steering them back toward the C–5A; they said if he didn't want to listen, they had other things to do. Over the next five months Kaufman kept poking around. He found some Pentagon officials willing to talk a little, fitting together scraps from here and there and shortly before the November hearing that broke everything open, was convinced—and convinced Proxmire—that the overrun might indeed reach $2-billion, the biggest budgetary goof for one item in Pentagon history. Thus Proxmire's question.

Considering the size of its debts and the chaos of its management, the Penn Central Railroad would probably have foundered anyway, but its failure to get an anticipated $200-million loan under the Defense Production Act doubtless speeded the bankruptcy process. The Congressman most responsible for throwing the switch was Wright Patman, the politely cantankerous member from Texarkana. He kept jawing so loud about the illegality of the loan that finally President Nixon, at least partly motivated by the desire to shut Patman up, decreed that no loan would be made.

But Patman's role should be clarified; on this occasion he fits Senator Williams's description of an old member, leaking steam, who is pumped up again by ingenious aides. Earlier on the day Nixon made the decision to refuse the loan, Pennsy officials, including the company president, Paul Gorman, had met with Patman in a last-ditch effort to win him to their side. With Patman in that meeting were four of his men, including Dr. Paul Nelson, staff director of the Banking Committee, and Jake Lewis, best described as a Patman troubleshooter. Nelson and Lewis are as populistic as Patman and are longer in the tooth.

The Penn Central officials came away with a strong inkling of what had been going on. "Patman and his staff absolutely licked their chops," one railroad man told a reporter. "It was a complete farce. Nobody lost their temper, but Patman's staff was especially provocative."

The railroaders might have been even more furious with the staffers if they had known that Patman's intransigence was to a great degree their handiwork. A week earlier, after Patman first learned of the railroad's troubles and was told about the pending $200-million Federal loan, he had not been ready to take any action that could bring down on his head the blame for crushing one of the nation's major corporations. Then Nelson and Lewis began to work on him, reminding him that this was a once-in-a-populist-lifetime chance to show the decadence of big business. Patman, under their haranguing, was soon Patman once again.

The most impressive effort since World War II to whittle the Pentagon budget began—if a movement so sprawling can be said to have a precise genesis—in a memorandum William Miller, Senator John Cooper's special assistant for foreign affairs, passed to the Senator one day during the military-appropriation debate of late 1968. Miller, who had come to Cooper's staff from the State Department says: "I had got very interested in the ABM after I had talked to one of its inventors and he said it wouldn't work like the Administration said." Miller's memo suggested that an amendment be introduced to delay deployment until the Pentagon could prove that the device would perform as the generals claimed and that it would cost what they said it would cost. Cooper scribbled one on the spot.

The amendment lost, 31 to 28, but losing that narrowly in a challenge to the sacred Pentagon budget was as electrifying as Billy Conn's lasting 13 rounds with Joe Louis. Suddenly it seemed that something might be won after all. Members on both sides of Congress began squeezing into their schedules meetings with anti-Pentagon science experts. Seminars on military gadgets were started for the Congressional aides.

John Holum, who handles this area for Senator George McGovern, recalls: "By developing a competence on the ABM, members and their staffs saw that the issue of arms wasn't that complicated. It could be understood. One of the things that had held members back was that they had not wanted to be made a fool of by Stennis.

"We felt that we had discovered ABM by accident, and that if it was that bad, other weapons systems must be worse."

Hart, Cooper, Church, McGovern, Goodell, Hatfield and like-minded Senators are the names the public will remember from the debates to cut back or delete funds for the B–1 bomber, the nuclear aircraft carriers, the main battle tank, MIRV and military manpower; but in a way just as responsible for the budgetary putsch were these aides from the Senate and House: Wes Michaelson, Steve Engelberg, Steve Vossmeyer, Sam Black, Peter Stockton, Robert Sherman, Holum and Miller. They prepared the arguments.

It started something. Congressional staffs ordinarily are as isolated as mountaineer families, but "in the wake of the military budget fight," says Holum, "there's been a lot more getting together on any legislation,

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the Vietnam amendment, hunger, the Supreme Court fights. Twenty-five or thirty aides will turn out for these affairs to trade information."

Their near-anonymity prevents staff men from becoming legends, but some are treated with considerable awe. Like Ben Stong and John Blair. Stong, a former editor of The Knoxville Times, whose brother, Phil Stong, wrote "State Fair," is the wise man on the Hill on farm matters, and he used to be one of the big guns on water resources and conservation. It was his unseen hand that kept pushing former Senator James E. Murray and Senator Clint Anderson through seven years of hearings that resulted in the Wilderness Act, setting aside 14 million acres to be preserved in their original state.

McGovern became leader of the farm bloc by one thoughtful action—he hired Stong for his staff. Then Congressman John Melcher got to sponsor the coalition farm bill in his freshman year simply by hiring Stong away from McGovern.

Although Blair was dumped earlier this year in an intraoffice feud, after which he retired to a scholarly roost in the Library of Congress, he must still be considered a ghost staffer; there are plenty of Congressional offices that can't break the habit of calling him for advice on economic subleties.

Quarrelsome—"impossible" is the way some former colleagues describe him—Blair was chief economist for the Senate Antitrust and Monopoly subcommittee. When he came to Washington in 1938 carrying a B.A. degree from Tulane, he fell in with what Spiro Agnew would call a bad crowd—"radical liberals" like Maury Maverick Sr. and Gardiner Means. In those days some of the important men around Washington still thought they could actually force big capital to be competitive and could do away with endemic price-fixing and the like. After a variety of so-so bureaucratic jobs, Blair went to work for Senator Estes Kefauver. Over the next 13 years Blair became a hated figure to many in the business world as he called on the carpet such men as Roger Blough of U.S. Steel, George Romney of American Motors and John Connor of Merck—uncovering 1,000 per cent markups in drug prices, automobile parts of fraudulent quality and collusion in the oil industry which Blair says costs the consumer $7-billion a year. Hearings he put together and directed fill 41 volumes, a total of 24,614 pages. After Kefauver died in 1963 and Hart took over the chairmanship, the fun of assaulting errant capitalists was apparently never again quite the same for Blair, although it was in the Hart period that he did some of his most impressive studies of the concentration of economic power.

Blair believes the character of Congressional staffs has changed for the worse. Disappearing, he says, are the "oldtime, intractable, dedicated, difficult staffers who say, 'Goddammit it, no!' to their bosses. Today we're getting ooze creeping up to the top. The new staffers aren't dumb and they aren't yes men. They're sharp. But they are imbued with the idea that they are more skillful politicians than their bosses. They temporize where he wouldn't. It is a 180-degree change from what the attitude was when I first came. That is the one principal reason why today you are getting such little leadership."

But for all their faults, says John Blair—who has lectured at European universities and, while there, poked around in the machinery of other legislative bodies—the staffs on Capitol Hill are unique.

"There is a heartfelt need by members of all other parliamentary bodies—in Germany, France, England—for what exists only in the Congress of the United States," he says. "Those bodies are rubber stamps. If a member is with the Government, he votes for the Government's legislation. If he isn't, he doesn't. They would like to make contributions of their own. They can't because they don't have staffs. The U.S. has—in a way that hasn't been recognized anywhere in print that I know of—responded correctly to what is an absolute necessity for a technological age: a competent staff."

That appraisal of the U.S. response is not shared unanimously. The executive assistant of a Western Senator thinks staff competence is highly overrated. "It's not bad enough that the Senators rely so totally on us," he says. "We rely on the executive branch's bureaucracy downtown. I can't tell you if we need a bill for V.A. benefits until I check with the Veterans Administration. We make hundreds of calls a day to the agencies. All these bills are so complex we can't understand them without help from the bureaucrats. At the conference-committee hearing on an education bill, say, somebody is constantly running out in the hall to ask one of the H.E.W. flunkies hanging around the door to call down and find out what a particular formula means. We're in their hands. There's only one branch of Government—the executive."

A legislative assistant for a Midwest Senator adds: "It's unusual for the staff to take on a deep study of anything. Congress is quite an accidental institution. Its oversight duties are a joke."

Another Midwestern aide is particularly depressed by the fact that "we are least prepared in the area of most importance—the budget. The only place to get information is from the appropriations subcommittees that handle the various sections of the budget, and each chairman holds everything in his fist. Have you ever seen an appropriations bill? Well, it's a monstrous riddle, and two days after it comes out of committee it's up for a floor vote. You're flying by the seat of your pants. You hope that whoever is handling it knows what he's doing, is protecting the party and the people. But God help you as to finding a way to brief your Senator on it."

Granting the accumulative evidence of the presence of bright, imaginative staffers, the production of Congress also indicates that more often than not both management and labor are grossly over-rewarded. Let us, for laughs, illustrate with the House Foreign Affairs Committee. Aside from periodically changing the Foreign Assistance Act and the Peace Corps Act, the committee has considered what its survey of activities calls "a wide range of critical world problems," such as a resolution favoring active participation by Federal agencies in the Ninth International Congress on High-Speed Photography and a resolution to pay our share of the U.S.-Mexico Commission for Border Development and Friendship. Assisting the committee in its deliberation of these profound topics is a staff of 12. Three are paid $35,505 a year; one gets $33,835; two $33,342, and the others $25,970, $24,822, $22,084, $20,291, $19,708 and $16,281. The top five salaries are more than Congressmen earned two years ago. Drop by the committee offices in the Rayburn Office Building sometime and observe, if you can, the activity these salaries inspire.

Traditionally Congressional payrolls have given our lawmakers a chance to show that they are friendly folk, eager to do favors for colleagues and, sometimes, for their own families.

A former Veterans Administration official who had allowed his pension rights to lapse 20 years earlier was fixed up with a sinecure by Speaker McCormack for a few months so that he could revive his pension and go home to Massachusetts to live it out.

Representative James Collins of Dallas carried a Texan on his payroll at $1,008 a month while the young man completed his final quarter at Stanford University, in Palo Alto, Calif. "There was nothing illegal about it. I checked. He was supposed to be working for me out there," says Collins. "But I'm not sure just what he did. He reported to my administrative assistant. I understand that's the way offices are supposed to be run." The long-distance staffer never did get to Washington, or even to Collin's Dallas office; after graduating, he went into other employment.

Congressman Otto Passman assured me that relatives are sometimes the very best people for staff jobs. He hired his brother, Otis, at $9,212 to handle the work in one of his Louisiana district offices because "much of the area is too rough to ask a woman to travel around for you, and the man I hired turned out to be a drunk who was sticking my mail pouches in the back end of a garage and forgetting about them. Well, I never had hired a relative before, but I asked a local banker and the local TV station if they thought it would be all right and they thought I would be stupid not to."

Congressman Samuel Friedel of Maryland, Chairman of the House Administration Committee, through which all House staffing must be processed, has been one of the most effective wardheelers, placing friends on payrolls all over Capitol Hill. Among the Friedel staff names worth mentioning are David Mandel ($20,276), who is an uncle of Maryland's Governor, Marvin Mandel, and Suzanne Hays ($7,643), the niece of Congressman Wayne Hays of Ohio. Now that Congressman Friedel has been turned out by the voters, Congressman Hays is scheduled to take the chairmanship and will be in a position to return the favor.

But money and cushiness are not the only attractions of committee staffs. Some also offer travel. Congressman Rivers sent five of his secretaries on a Government junket for two weeks in Spain, Italy, Germany and England. The rationale was that during their three days in Spain they would investigate "dependent's housing." When journalists asked to see the secretaries' report, Rivers said it couldn't be shown for national security reasons. When Congressman Barrett O'Hara was dumped by Illinois voters two years ago, the 86-year-old Chairman of the House Foreign Affairs subcommittee on Africa decided he would take one more inspection tour abroad for his country. So—accompanied by the several staff members who could tear themselves away from writing resolutions—he spent two fun months touring South Africa, Somalia, Malagasy, Senegal and Guinea.

It is probably this kind of thoughtfulness that accounts for whatever efficiency exists on some of the staffs of the 300 or so committees and subcommittees (the count may be low; they keep splitting like amoebae). As for the personal office force, if work is sometimes required, the lawmakers are not ungrateful. Or at least they aren't often ungrateful. But Jim Haught had his doubts. Haught was a top reporter for The Charleston Gazette in West Virginia when he was recruited to be the legislative aide for Senator Robert Byrd. "One weekend when I was cutting Senator Byrd's lawn," Haught recollects, "and I had just been given orders to return the next weekend to wallpaper the hall, I decided it was time to give my old editor another chance."

More often, however, the satisfactions are like those arising from the relationship between Eller and McCarthy. When McCarthy leaves the Senate at the end of this session, Eller will retire also. He has served his master well, as McCarthy concedes: "Jerry's been a good aide—I guess—I never had any other. But I didn't exploit him. He's going out with as good a liver as he came in with."

Which, at the staff level, may be an excellent measure of what the Founding Fathers had in mind.

RECORD OF THE 91ST CONGRESS IN THE FIELD OF CRIMINAL JUSTICE

The SPEAKER. Under a previous order of the House, the gentleman from

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Virginia (Mr. POFF) is recognized for 15 minutes.

Mr. POFF. Mr. Speaker, the 91st Congress has been a long one, and only history can be the true judge of its legislative accomplishments. Today, however, I wish to review only the field of anticrime legislation. As we all know, from its early days this Congress received a number of clear and urgent requests from the executive branch for the enactment of specific legislation to combat various aspects of crime. What happened to these requests will be the subject of my discussion.

ORGANIZED CRIME

On April 23, 1969, the President advised us of his concern with deep penetration of organized crime into broad segments of American life. In his first major crime message, President Nixon indicated that the Attorney General had delineated a need for new legislation in this area, and urged swift action on his proposals. While it would be stretching the word to describe our subsequent actions as "swift," I believe we were ultimately responsive when we presented the President with the Organized Crime Control Act of 1970—Public Law 91-452.

In his message, the President asked for a broad general witness immunity law, to enable the Government to obtain the testimony of recalcitrant witnesses, especially in organized crime cases. Title II of the act contains such a provision. The act, in title V, also authorizes the Attorney General to provide facilities to protect witnesses who fear to testify due to intimidation.

The President also asked for legislation making it a Federal crime to participate in a large-scale illegal gambling business, or to obstruct the enforcement of State or local criminal laws with the intent to facilitate an illegal gambling business. Title VIII of the act enacted these measures.

The organized crime message asked for the enactment of the new procedural remedies contained in S. 30, the proposed Organized Crime Control Act of 1969. All of the procedural provisions of that original bill were approved by the Congress and are contained in the new law.

President Nixon asked for the development of legislation to prevent the infiltration of organized crime into fields of legitimate business, and to apply the theories underlying our antitrust laws as weapons in this effort. Title IX of the act provides these measures.

The President asked for the enactment of the wagering tax amendments, to reinstate the tax on wagers as an organized crime measure. This measure, H.R. 322, was passed by this body on December 22, 1970, and is on the Senate Calendar.

DRUG ABUSE CONTROL

When the President proposed his 10-step plan for combating drug abuse on July 14, 1969, he selected as the No. 1 item new statutory tools. He indicated that the Attorney General would forward to Congress a comprehensive proposal to improve and update the inadequate and outmoded drug control laws then in existence. He also revealed that the Attorney General would submit an interim measure to close a gap in the Marihuana Tax Act which, because of a Supreme Court decision, made Federal prosecutions for marihuana possession impossible.

While the interium proposal never was enacted, the comprehensive revision did take place in a manner fully acceptable to the administration. The Comprehensive Drug Abuse Prevention and Control Act of 1970—Public Law 91-513—which became law on October 26, 1970, contains the requested modernization in the form of streamlined drug control procedures, more rational penalties, and more effective law enforcement tools. It also obviated the need for any interim changes in the Marihuana Tax Act by eliminating the power to tax the basis for drug control legislation, relying instead on the power to regulate interstate commerce. In enacting this measure, the Congress also added increased authorizations for funding in the areas of education and treatment.

Although the legislative course followed by this comprehensive drug control act was an arduous one, and many frustrations were encountered along the way by all parties involved, the major reforms it brings to the law should enable the administration to take the appropriate steps to control this serious national problem.

DISTRICT OF COLUMBIA CRIME

Shortly after taking office, President Nixon made a statement calling for major revisions of the criminal justice system in the District of Columbia. In response to that call the Department of Justice submitted a package of legislation to the Congress on July 11, 1969. This package was signed into law as the District of Columbia Court Reform and Criminal Procedure Act of 1970—Public Law 91-358. Among the many revisions this law makes in the District of Columbia criminal justice system are:

Creation of a new Superior Court of the District of Columbia which will have jurisdiction over all local civil and criminal matters over which the District of Columbia Court of General Sessions, the District of Columbia Tax Court, the Juvenile Court of the District of Columbia and the U.S. District Court for the District of Columbia now have jurisdiction;

Designation of the District of Columbia Court of Appeals as the highest court of the District of Columbia;

Revision and codification of the criminal procedure code;

Revision of the juvenile procedure code to state clearly the rights of juveniles and their parents in all types of juenvile proceedings;

Authorization to judges to consider danger of a criminal defendant in setting pretrial release conditions and to detain certain dangerous defendants up to 60 days prior to trial after a hearing with procedural safeguards—legislation to accomplish this purpose in the entire Federal court system was introduced in the House July 14, 1969 as H.R. 12806, and hearings were held, but no further action was taken;

Expansion of the functions of the District of Columbia Bail Agency to include supervision of criminal defendants released prior to trial; and

Expansion of the District of Columbia Legal Air Agency into a full-fledged Public Defender Service capable of representing up to 60 percent of the criminal defendants unable to afford adequate representation and assisting in the preparation of defenses for the remaining 40 percent of these defendants.

OMNIBUS CRIME CONTROL

Early in 1970, the administration submitted legislation to strengthen the Law Enforcement Assistance Administration, which was established by the Omnibus Crime Control and Safe Streets Act of 1968. This agency is the focal point of the Federal effort to reduce crime on a nationwide basis. The Omnibus Crime Control Act of 1970, which is awaiting the President's signature is the amended version of that legislation and incorporates all of the major features of the original bill.

The act makes specific provision for the improvement of correctional programs throughout the country. Federal assistance in funding and planning support will enable many of our States and units of local government to achieve greatly needed improvements in the treatment of offenders. We know that this aspect of our battle against crime cannot be overemphasized when one considers the current recidivism rate. Renovation of programs as corrections facilities should result in a sharp reduction in that rate.

EXPLOSIVE LEGISLATION

Following the President's statement of March 25, 1970, on bombings and bomb threats, the administration sent to the Congress two measures designed to help deal with this menace: a bill to broaden the scope of and increase the penalties under existing Federal law which prohibits the transport of explosives across State lines for illegal purposes; and a bill to make explosive materials less accessible to criminal elements by regulating the importation, manufacture, sale, and storage of explosives.

After the antibombing bill was amended, as later requested by the President, to cover campus bombings, both measures were added to the Organized Crime Control Act, and enacted as title XI of that act.

CRIMINAL JUSTICE ACT AMENDMENTS

While not the subject of an initial message by the President, the administration nevertheless endorsed and urged the passage of a proposal to amend the Criminal Justice Act of 1964. That act was originally enacted to promote the cause of criminal justice by providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States.

The proposed amendment recognized the limited nature of the original act and took into account the judicial broadening of the right to counsel since 1964. The President urged the passage of this proposal, as well as other bills dealing with crime, in his message to Congress of September 11, 1970. The measure was enacted and became Public Law 91-447 on October 14, 1970. This was a truly significant step in insuring adequate representation for criminal defendants who are indigent, a step which improved the quality of criminal jus-

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tice in America. The new law broadens the applicability of the act to situations not originally covered, such as parole revocation hearings, habeas corpus proceedings, and other collateral actions affecting the rights of criminal defendants. It also permits more adequate compensation of court appointed counsel and provides for the establishment of public defender organizations in those districts where the volume of criminal cases is heavy.

CRIMINAL APPEALS ACT

On October 29, 1969, the Congress received from the Justice Department a proposal which would amend the Criminal Appeals Act to permit the Government to appeal all adverse decisions in criminal cases which are not judgments of acquittal. It also was designed to facilitate appeals by the Government by permitting more appeals to be taken to a court of appeals rather than directly to the Supreme Court. This proposal subsequently was enacted as title III of the Omnibus Crime Control Act of 1970 now awaiting Presidential approval.

FOREIGN DIGNITARY PROTECTION

Information regarding abuses to some of our national symbols led the administration to propose legislation providing increased protection for the great seal of the United States and the Presidential and Vice Presidential seals against misrepresentative use and commercial exploitation. This proposal passed the House and then, in the Senate, was amended to include another administration proposal authorizing the Secret Service to protect visiting foreign dignitaries. This amendment was agreed to by the House and cleared for the President on December 21 and will be signed into law shortly.

FEDERAL YOUTH CORRECTIONS ACT

In March 1970, the Department of Justice submitted a proposal to facilitate the procedures for consideration of youthful offenders by the U.S. Board of Parole by permitting hearings before hearing examiners. This measure was enacted into law on July 17, 1970 as Public Law 91-339.

OBSCENITY LEGISLATION

In May of 1969, the President called upon the Congress to enact three measures in response to the stringent objections of citizens concerned about the caliber of the material being delivered to their homes. Hundreds of thousands of letters have been received by executive agencies and Members of Congress protesting the unsolicited delivery of salacious materials to persons who do not want to receive them and who are offended by their blatant appeals.

Yet, two of the President's proposals—H.R. 11031 and H.R. 11032—have not been enacted. These measures—to protect children from materials which may be harmful to them and to proscribe unsolicited salacious advertisements—have long awaited congressional approval. This approval has been withheld in spite of the fact that nearly 300 bills on this subject have been introduced in this Congress.

One of the administration's bills, and an important one, was enacted, as an amendment to the Postal Reorganization Act. This measure will allow postal patrons to reject all sexually oriented advertisements by filing such a request with their postmasters. This is an important step, but it is not an adequate solution to the total problem.

SHERMAN ANTITRUST ACT

In September 1969, the administration proposed to increase from $50,000 to $500,000 the maximum fine which may be imposed for violations of the Sherman Antitrust Act.

At the time the present fine schedule was enacted, the maximum fine was reasonable. Presently, however, it is hardly a deterrent to corporate violations of the antitrust laws. Unfortunately, the Congress has failed to enact this legislation.

CONCLUSION

This summary reflects a record of accomplishment in which I am honored to have played a minor role. At a period in our history when concern with crime and criminal justice has reached an all-time high among the general population, I believe the 91st Congress as well as the administration will be remembered for the forthright and progressive legislative steps it has taken to provide criminal legislation to meet one of the chief concerns of the Nation. While the full effects of these laws may not be felt for some time, it is safe to say that in this legislative area, we have outdone any other Congress in history with the measures we have enacted.

This is not to say, however, that we may rest on our laurels. Our work is not done. As our methods in detection and prevention of crime improve, the criminal element grows ever more resourceful and devious. There are still more effective measures left to be conceived, drafted, and enacted.

Not the least among these are corrections reform and new, more imaginative techniques of prisoner rehabilitation.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. In 1969 Americans owned twice as many clothesdryers and three times as many dishwashers as they did in 1960.

MAIL ON BEHALF OF AMERICAN PRISONERS OF WAR

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 10 minutes.

Mr. MONTGOMERY. Mr. Speaker, I am sure most Members of the House are familiar with the effort by the National League of Families to gather 100 tons of mail on behalf of our American prisoners of war and send it to the North Vietnamese delegation at the Paris peace conference. This effort has been highly successful and today at 12:30 representatives of the National League of Families—three brothers of servicemen now being held captive, also Lt. Bob Frishman, former American POW—will be on the Capitol steps to gain the signatures of Members of Congress for this humanitarian effort.

The growing voice of worldwide public opinion has had a definite effect on the North Vietnamese. The last few weeks have witnessed an increased amount of news about our POW's. My visit on December 22 and December 23 with officials of the North Vietnamese Embassy in Vientiane, Laos, proved beyond a doubt that world opinion does influence the North Vietnamese.

I can think of no better way to close the 91st Congress than for each Member to evidence his concern for our POW's by joining with me in signing the petition of the American League of Families.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FOUNTAIN (at the request of Mr. ALBERT), for today, on account of official business.

Mr. JOHNSON of California (at the request of Mr. ALBERT), for today, on account of official business.

Mr. PEPPER (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KYL) and to revise and extend their remarks and include extraneous matter:)

Mr. POFF, for 15 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. ALBERT) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALES, for 15 minutes, today.

Mr. MONTGOMERY, for 10 minutes, today.

Mr. MATSUNAGA, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BRADEMAS to revise and extend his remarks and include a newspaper article.

Mr. GERALD R. FORD (at the request of Mr. RHODES) to follow the remarks of Mr. ALBERT today in paying tribute to the Honorable JOHN W. MCCORMACK.

Mr. DORN, in three instances, and to include extraneous matter.

Mr. HECHLER of West Virginia, today, for 15 minutes, to revise and extend his remarks, and to include extraneous matter.

Mr. PUCINSKI, today, for 15 minutes, and to include extraneous matter.

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ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 370. An act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, to extend benefits under such chapter to certain persons on active duty, and to provide for provision and replacement of adaptive equipment and continuing repair, maintenance, and installation thereof;

H.R. 6562. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes;

H.R. 7626. An act to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes;

H.R. 15628. An act to amend the Foreign Military Sales Act, and for other purposes;

H.R. 15728. An act to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes;

H.R. 16199. An act to establish a working capital fund for the Department of the Treasury; to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services; and for other purposes;

H.R. 17068. An act to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond, and for other purposes;

H.R. 17658. An act to provide floor stock refunds in the case of cement mixers.

H.R. 17917. An act to amend the Internal Revenue Code of 1954 with respect to the period of qualification of certain union-negotiated pension plans;

H.R. 17984. An act to amend section 905 of the Tax Reform Act of 1969;

H.R. 17988. An act to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit;

H.R. 18549. An act to amend sections 902(b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met;

H.R. 18693. An act to amend provisions of the Internal Revenue Code of 1954 relating to the treatment of certain losses sustained by reason of the confiscation of property by the government of Cuba;

H.R. 19113. An act to provide for the free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind.;

H.R. 19172. An act to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation;

H.R. 19242. An act to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves;

H.R. 19369. An act to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities;

H.R. 19391. An act to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions;

H.R. 19470. An act to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic insofar as they apply to smaller institutions;

H.R. 19562. An act to amend the Internal Revenue Code of 1954 with respect to certain statutory mergers;

H.R. 19567. An act to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968;

H.R. 19627. An act to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income;

H.R. 19670. An act to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973;

H.R. 19686. An act to amend section 367 of the Internal Revenue Code of 1954;

H.R. 19774. An act to amend the Internal Revenue Code of 1954 to provide that in certain areas a spouse will be relieved of liability arising from a joint income tax return;

H.R. 19790. An act relating to the income tax treatment of certain sales of real property by a corporation;

H.R. 19881. An act relating to consolidated returns of life insurance companies and for other purposes;

H.R. 19915. An act to extend the temporary provision for disregarding income of old-age survivors, and disability insurance and railroad retirement recipients in determining their needs for public assistance; and

H.J. Res. 1421. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following dates, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On December 31, 1970:

H.R. 10482. An act to provide for the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes;

H.R. 10874. An act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes;

H.R. 13000. An act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes;

H.R. 16199. An act to establish a working capital fund for the Department of the Treasury; to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services; and for other purposes;

H.R. 17867. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 18515. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 18582. An act to amend the Food Stamp Act of 1964, as amended; and

H.R. 19953. An act to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

On January 2, 1971:

H.R. 370. An act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, to extend benefits under such chapter to certain persons on active duty, and to provide for provision and replacement of adaptive equipment and continuing repair, maintenance, and installation thereof;

H.R. 6562. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes;

H.R. 7626. An act to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes.

H.R. 15628. An act to amend the Foreign Military Sales Act, and for other purposes;

H.R. 15728. An act to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes;

H.R. 17068. An act to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond, and for other purposes;

H.R. 17658. An act to provide floor stock refunds in the case of cement mixers;

H.R. 17917. An act to amend the Internal Revenue Code of 1954 with respect to the period of qualification of certain union-negotiated pension plans;

SINE DIE ADJOURNMENT

Mr. ALBERT. Mr. Speaker, as a further mark of respect for our beloved and distinguished Speaker, I move that the House do now adjourn sine die.

The motion was agreed to.

The SPEAKER. In accordance with the provisions of House Concurrent Resolution 799, the Chair declares the second session of the 91st Congress adjourned sine die.

Thereupon (at 3 o'clock and 13 minutes p.m.), pursuant to House Concurrent Resolution 799, the House adjourned sine die.

H.R. 17984. An act to amend section 905 of the Tax Reform Act of 1969;

H.R. 17988. An act to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit;

H.R. 18549. An act to amend sections 902(b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level corporations in the tax credit structure if the 10-percent test is met;

H.R. 18693. An act to amend provisions of the Internal Revenue Code of 1954 relating to the treatment of certain losses sustained by reason of the confiscation of property by the Government of Cuba.

H.R. 19113. An act to provide for the free entry of a 61-note cast bell carillon and a

42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind.

H.R. 19172. An act to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation;

H.R. 19242. An act to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves;

H.R. 19369. An act to amend section 165 (g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities;

H.R. 19391. An act to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions.

H.R. 19470. An act to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic in so far as they apply to smaller institutions;

H.R. 19562. An act to amend the Internal Revenue Code of 1954 with respect to certain statutory mergers;

H.R. 19567. An act to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968;

H.R. 19627. An act to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income;

H.R. 19670. An act to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973.

H.R. 19686. An act to amend section 367 of the Internal Revenue Code of 1954.

H.R. 19774. An act to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return;

H.R. 19790. An act relating to the income tax treatment of certain sales of real property by a corporation;

H.R. 19881. An act relating to consolidated returns of life insurance companies, and for other purposes;

H.R. 19915. An act to extend the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their needs for public assistance; and

H.J. Res. 1421. A resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the House of the following titles:

On December 30, 1970:

H.R. 18306. An act to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes; and

H.R. 19333. An act to provide protection for customers of registered brokers and dealers and members of national securities exchanges.

On December 31, 1970:

H.R. 212. An act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes;

H.R. 380. An act to amend section 7 of the Act of August 9, 1946 (60 Stat. 9681);

H.R. 956. An act to rename a lock of the Cross-Florida Barge Canal the "Henry Holland Buckman lock";

H.R. 3107. An act to officially designate the Totten Trail Pumping Station;

H.R. 4982. An act for the relief of Thomas J. Beck;

H.R. 4983. An act for the relief of James M. Buster,

H.R. 6049. An act to amend the definition of "metal bearing ores" in the Tariff Schedules of the United States;

H.R. 6100. An act for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla.;

H.R. 6114. An act for the relief of Elmer M. Grade and for other purposes;

H.R. 6400. An act for the relief of Reddick B. Still, Jr., and Richard Carpenter;

H.R. 6778. An act to amend the Bank Holding Company Act of 1956, and for other purposes;

H.R. 6854. An act to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass.;

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis;

H.R. 7334. An act to designate the lake formed by the waters impounded by the Libby Dam, Mont., as "Lake Koocanusa";

H.R. 8933. An act to provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigbee River, Ala., shall hereafter be known as the Coffeeville lock and dam.

H.R. 9183. An act to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation;

H.R. 10150. An act for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.;

H.R. 10704. An act for the relief of Samuel R. Stephenson;

H.R. 11547. An act to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans;

H.R. 12128. An act for the relief of William Heidman, Jr.;

H.R. 12564. An act to rename a pool of the Cross Florida Barge Canal "Lake Ocklawaha";

H.R. 12621. An act for the relief of Lt. Robert J. Scandon;

H.R. 13182. An act for the relief of Frank E. Dart;

H.R. 13676. An act for the relief of certain retired officers of the Army, Navy, and Air Force;

H.R. 13806. An act for the relief of Irwin Katz;

H.R. 13862. An act to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Washington, in honor of the late Dr. Enoch A. Bryan;

H.R. 14271. An act for the relief of Jack A. Duggins;

H.R. 14683. An act to designate as the John H. Overton lock and dam the lock and dam authorized to be constructed on the Red River near Alexandria, La.;

H.R. 15270. An act for the relief of Thaddeus J. Pawlak;

H.R. 15272. An act for the relief of David L. Kennison;

H.R. 15505. An act for the relief of Jack B. Smith and Charles N. Martin, Jr.;

H.R. 15549. An act to amend title 10, United States Code, to further the effectiveness of shipments of goods and supplies in foreign commerce by promoting the welfare of United States merchant seamen through cooperation with the United Seamen's Service, and for other purposes;

H.R. 15979. An act to provide that the interest on certain insured loans sold out of the Agricultural Credit Insurance Fund shall be included in gross income;

H.R. 16199. An act to establish a working capital fund for the Department of the Treasury; to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services; and for other purposes;

H.R. 16502. An act for the relief of Gary W. Stewart;

H.R. 16506. An act to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations;

H.R. 16940. An act to extend until December 31, 1972, the suspension of duty on electrode for use in producing aluminum;

H.R. 16965. An act for the relief of Richard N. Stanford;

H.R. 17255. An act to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air;

H.R. 17473. An act to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, and for other purposes;

H.R. 17750. An act to grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Mass.;

H.R. 17867. An act making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 18858. An act to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir;

H.R. 19401. An act to extend for one additional year the authorization for programs under the Vocational Rehabilitation Act;

H.R. 19436. An act to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes;

H.R. 19504. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

H.R. 19855. An act to designate the lake formed by the waters impounded by the Butler Valley Dam, Calif., as "Blue Lake";

H.R. 19877. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes;

H.R. 19890. An act to name a Federal building in Memphis, Tenn., for the late Clifford Davis;

H.J. Res. 1162. Joint resolution to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission; and

H.J. Res. 1417. Joint resolution extending the dates for transmission to the Congress of the President's Economic Report and of the report of the Joint Economic Committee.

On January 1, 1971:

H.J. Res. 1416. Joint resolution fixing the time of assembly of the 92d Congress.

On January 2, 1971:

H.R. 17825. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; and

H.R. 17853. An act for the relief of Carlo Bianchi & Co., Inc.

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H.J. Res. 1421. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

BILLS AND A JOINT RESOLUTION APPROVED AFTER SINE DIE ADJOURNMENT

The President, subsequent to the sine die adjournment of the Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the House of the following titles:

On January 5, 1971:

H.R. 7311. An act to amend item 709.10 of the Tariff Schedules of the United States to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes;

H.R. 13493. An act to change the name of certain projects for navigation and other purposes on the Arkansas River.

H.R. 14645. An act to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President, and to authorize Secret Service protection of visiting heads of foreign states or governments, and for other purposes;

H.R. 16745. An act to limit, in the case of certain special service vessels, the application of the duties imposed on equipments and repair parts purchased for, and repairs made to, U.S. vessels in foreign countries;

H.R. 17901. An act to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit;

H.R. 19857. An act to name certain Federal buildings;

H.R. 19885. An act to provide additional revenue for the District of Columbia, and for other purposes;

H.R. 19911. An act to provide additional foreign assistance authorizations, and for other purposes; and

H.J. Res. 1420. Joint resolution authorizing the Honorable John W. McCormack, Speaker of the House of Representatives, to accept and wear the Cavaliere di Grande Croce, of the Order Al Merito della Repubblica, an award conferred by the Government of the Republic of Italy.

On January 8, 1971:

H.R.10482. An act to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes;

H.R. 10517. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes;

H.R. 10874. An act to provide for the establishment of the Gulf Islands National Seashore, in the State of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes;

H.R. 13000. An act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes;

H.R. 13810. An act for the relief of Lt. Col. Robert L. Poehlein;

H.R. 19342. An act to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes; and

H.R. 19953. An act to authorize the Secretary of Transportation to provide financial assistance to certain railroads in order to preserve essential rail services, and for other purposes.

On January 11, 1971:

H.R. 370. An act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, to extend benefits under such chapter to certain persons on active duty, and to provide for provision and replacement of adaptive equipment and continuing repair, maintenance, and installation thereof;

H.R. 18515. An act making appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 18582. An act to amend the Food Stamp Act of 1964, as amended;

H.R. 19113. An act to provide for the free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind.;

H.R. 19590. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes; and

H.R. 19915. An act to extend the temporary provision for disregarding income of old-age survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance.

On January 12, 1971:

H.R. 6562. An act to amend certain provisions of the Internal Revenue Code of 1954 relating to beer, and for other purposes;

H.R. 7626. An act to amend the Tariff Schedules of the United States with respect to the tariff classification of certain sugars, sirups, and molasses, and for other purposes;

H.R. 15628. An act to amend the Foreign Military Sales Act, and for other purposes;

H.R. 15728. An act to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes;

H.R. 17068. An act to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for aircraft manufactured or produced in the United States with the use of foreign components imported under temporary importation bond, and for other purposes;

H.R. 17658. An act to provide floor stock refunds in the case of cement mixers;

H.R. 17917. An act to amend the Internal Revenue Code of 1954 with respect to the period of qualification of certain union-negotiated pension plans;

H.R. 17984. An act to amend section 905 of the Tax Reform Act of 1969;

H.R. 17988. An act to amend section 47 of the Internal Revenue Code of 1954 to allow aircraft to be leased for temporary use outside the United States without a recapture of the investment credit;

H.R. 18549. An act to amend sections 902 (b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met;

H.R. 18693. An act to amend provisions of the Internal Revenue Code of 1954 relating to the treatment of certain losses sustained by reason of the confiscation of property by the Government of Cuba;

H.R. 19242. An act to amend section 278 of the Internal Revenue Code of 1954 to extend its application from citrus groves to almond groves;

H.R. 19369. An act to amend section 165(g) of the Internal Revenue Code of 1954 which provides for treatment of losses on worthless securities;

H.R. 19391. An act to amend the Tariff Act of 1930 to grant to the transferee of merchandise in bonded warehouse the right to administrative review of customs decisions;

H.R. 19470. An act to amend title XVIII of the Social Security Act to modify the nursing service requirement and certain other requirements which an institution must meet in order to qualify as a hospital thereunder so as to make such requirements more realistic insofar as they apply to smaller institutions;

H.R. 19562. An act to amend the Internal Revenue Code of 1954 with respect to certain statutory mergers;

H.R. 19567. An act to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968;

H.R. 19627. An act to amend section 1372 of the Internal Revenue Code of 1954, relating to passive investment income.

H.R. 19670. An act to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1973;

H.R. 19686. An act to amend section 367 of the Internal Revenue Code of 1954;

H.R. 19774. An act to amend the Internal Revenue Code of 1954 to provide that in certain cases a spouse will be relieved of liability arising from a joint income tax return.

H.R. 19790. An act relating to the income tax treatment of certain sales of real property by a corporation; and

H.R. 19881. An act relating to consolidated returns of life insurance companies, and for other purposes.

On January 13, 1971:

H.R. 19172. An act to provide Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a Federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in Federal or federally assisted construction or rehabilitation.

On January 18, 1971:

H.R. 4605. An act to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the United States mails articles for preventing conception; and

H.R. 19928. An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2657. A letter from the Attorney General, transmitting a report on the enforcement of title I of the Consumer Credit Protection Act of 1968, for the calendar year 1970, pursuant to section 114 of the act; to the Committee on Banking and Currency.

2658. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, as well as a list of persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

2659. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, as well as a list of the persons involved, pursuant to section 244(a)(2) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

2660. A letter from the Acting Secretary of Agriculture, transmitting the annual report on scientific and professional positions established in the Department during 1970, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

XUM

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Select Committee on Crime. Report on juvenile justice and corrections (Rept. No. 91-1806). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Select Committee on Crime. Report on amphetamines, with amendment (Rept. No. 91-1808). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Select Committee on Crime. Report on heroin and heroin paraphernalia (Rept. No. 91-1808). Referred to the Committee of the Whole House on the State of the Union.

PETITIONS, ETC.

Under clause 1 of rule XXII.

659. The SPEAKER presented petition of the Gushikawa City Assembly, Okinawa, Ryukyu Islands, relative to removal of poison gas weapons from the Ryukyu Islands; to the Committee on Armed Services.

EXTENSIONS OF REMARKS

GENERATION GAP

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Thursday, December 31, 1970

Mr. TALMADGE. Mr. President, there has come to my attention one of the finest addresses I have ever had the pleasure to read. This was an address delivered by Dr. Thomas A. McGoldrick, Jr., of Savannah, Ga., at a meeting of physicians at Sea Island, Ga., last fall.

Dr. McGoldrick's speech deals with the so-called "generation gap" that troubles so many of us today. It contains an eloquent message for anyone who has children and who are concerned about young men and women today. It should be especially meaningful to youth.

I bring this fine message to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

REMARKS OF DR. THOMAS A. MCGOLDRICK, JR.

(By Dr. Thomas A. McGoldrick, Jr.)

We were to meet at 4:30 that first morning, and it was understood that we would have our talk on the second night.

There was much to be done, the tanks, the nets, the cushions, the ice chest, the lunch.

I had left out an old skivvy shirt of mine but you preferred your leather vest; and I had left out a can of insect repellent.

Sometimes at low water we have clouds of tiny gnats, the "no-see-ems" we call them, that have a way of getting into one's nose and ears, and I was a little apprehensive over what they might do in your shoulder length hair. But you left it behind.

I told you to select your own tackle, and you chose a heavy casting rod with a large reel. I took my light spinner.

In the first gray of dawn we slipped into a shallow creek and the water was alive with the shrimp we would use for bait. I was amazed at your quick dexterity with an unfamiliar shrimp net. We had a chest full of bait in no time and we talked about ways of handling shrimp and keeping them alive.

We ran down the sound and the morning was early October crystal. The eastern rim of sky was a rosy blaze and the water was blue as the sea.

We turned up a small river with the tide at dead low and anchored off a point of shells. Never had the water looked more fishable. We cast in and no nibble, we talked about depth and the ways to thread shrimp and the color of floats, and nothing.

Then suddenly both our floats were down and I knew we were in the fish. I was leading mine in when you gave a great yank and the hook flew out of the fish's mouth.

I had my fish in the boat and another on the line when you cast in hastily and I looked and saw that your reel was caught in a horrendous back-lash. I finally persuaded you to take my rod while I worked on that back-lash.

There are few tests of frustration quite equal to working on a fouled reel while the fish are biting like mad . . .

You were catching fish, good fish, missing some, and after a long time I had you rigged. Finally, we were both back in the water—and the fish were gone . . .

We had a minor mishap a little later when we had changed drops. You turned quickly to cast in another direction and your hook buried in the fleshy part of my upper arm.

You are obviously distressed and wanted to help pull it out, but I showed you that with the barb on these hooks (as on other things) there was no way to retract it.

Fortunately I have always kept in my tackle box a syringe and some Xylocaine and a sterile surgical blade, and after a good bit of clumsy surgery I was able to dig the hook out; there was a fair amount of bleeding and the edges were jagged but I pulled this together with some band-aids.

You were looking gray. I assured you it was not the first time that this had happened.

We sat a long time waiting for high water drops and in the meantime you had taken the top off the motor and were making some adjustments. It was obvious you had considerable proficiency in things mechanical.

At the same time I had misgivings, this was an old motor and it had never failed me, and there is a saying in this part of the country "If your outboard motor's running pretty good, don't start tinkering with it."

The fishing was sometimey that afternoon, we caught an occasional school bass on the high water, but we never really got into the fish.

By now afternoon was lengthening and we headed for home; when we came to a point about a mile and a half from the dock my faithful motor suddenly conked, and I knew it had been adjusted too fine.

We coaxed and cajoled, but no motor, and I saw that with the wind and tide still against us we were losing way. We each took an ore and sat shoulder-to-shoulder and started to row.

I watched you row easy and strong, but the boat was heavy in the water and I was beginning to pant, I was after all close to forty years your senior. But I vowed I would stay with you if I collapsed in the boat.

We rowed until I knew I could not pull another stroke, when we finally nudged the floating dock and threw the line around a cleat, and then we both fell forward across the oars.

We were away early the next morning and I noticed that you were wearing my skivvy shirt and that your hair was coated with insect repellent, and in the boat I saw that you had selected one of my light spinning rods.

We commented on none of these things.

It was late, near time to head home, when you suddenly said "BIG BITE." I looked and your float was down but your line was slack, and you said, "He's gone." And I said, "Be careful, sometimes a big fish will swim up your line."

You tightened the slack and suddenly there was a great swirl in the water and your reel sang as the fish headed for deeper water. Four times you brought that fish in and four times he made another run for the river.

Once again you brought him in, this time close to the boat near enough for me to get a glimpse. And I said, "My God, that's a huge stag bass."

The fish was tiring, but he made another run. I wanted to give you advice a dozen times, but I thought no, this was your fish, and anyway, you were handling him beautifully.

I have fished a thousand hours, and I don't think I have ever prayed about a fish before, but I watched that mono-filament line and I found myself praying, "Please God, don't let's lose this fish."

Once again you brought the fish in near the boat and I made a lunge with the net and this time I had him—and suddenly we had fish and net and line flopping all over the boat, and we were both standing, shouting, laughing, crying, pounding each other's chest—and in that moment that's all there was in the world—the sky, the river, that fish and us.

We ate a tremendous supper, fresh fish broiled in lemon sauce, corn and tomatoes from the back garden, homemade ice cream with fresh sliced peaches, and we laughed and talked of nothing but that fish, 14 pounds of stag bass, the largest ever caught in these waters.

We both helped clean up.

It was dark when we walked down to the Bluff and sat in those rickety, wooden easy-chairs.

This was the second night.

The tide had turned and we watched a gentle whisper from the southwest sway in the Spanish moss and started a strumming in the palm fronds. Overhead was a canopy of dusky blue with only a few stars.

We sat a long time, exhausted, sunburned, and I think, both deeply contented. The breeze freshened and we could hear the water lapping at the boat.

The sky had turned a paler blue and now was dusted with a million tiny diamonds.

After a while, I don't know how long it was, you stood up and watched the river, now dark blue with the tide running. Abruptly you turned and said, "Thank you, sir, and good night."

And this had been our talk.

You left sometime during the night; and I was not to hear from you or see you again until June, when by chance I was on campus on the day of your commencement.

You had graduated magna cum laude and you were standing tall in a group of excited friends, all of whom had shoulder-length hair and peace symbols on the sleeves of their gowns.

It was not important, but I noticed that your hair was trim and that you were not wearing a peace symbol.

XUM

I elbowed my way through the group and clasped your hand. We did not speak but our eyes met, and for a moment they were merry, and then they were shadowed quickly in sadness.

We were thinking about that fish. And other things.

I walked away from the crowd and over to a grassy slope, where I sat against an elm overlooking your historic river.

And as I sat I thought with all of the knowledge and all of the brilliance so, superior to mine, how little do they know?

How little do they know that a tolerance of frustration will be the price tag on things they will prize most highly in life.

How little do they know of the benignity of patience; and that this is something different from benign neglect.

How little do they know of the barbed hooks of personal tragedy, of a pretty 16-year-old cheerleader daughter with acute leukemia, or of an accomplished wife who has become a secret alcoholic.

Or of the faces some men wear every day as masks of quiet desperation.

How little do they know of the pesky gnats of life, of tonsils and fillings and tap-water enemas.

How little do they know of the way strangers will stand shoulder-to-shoulder in times of common peril, and of the unspoken friendships born in unexpected moments that may last a lifetime.

How little do they know that boredom is a fertility pill to sterile and undisciplined minds, and that strikes with an immediacy of demands for impossible goals are senseless.

How little do they know that fire bombs are the playthings of idiots.

How little do they know that the imperfections they find in leaders and government are less than the imperfections that have existed in leaders and government through all the ages; that as far back as the very beginning even the Almighty had to fire some of His best Archangels out of Heaven.

How little do they know that later on they will awake in the still hours of some morning and make for themselves startling new discoveries of profound philosophical truths, to find in the reflective calm of day they have stumbled upon the same eternal verities men had discovered two thousand years before.

How little do they know, that knowledge is a cheap, over-the-counter, glamour stock; and that it is the beginning of wisdom that is the long-range, preferred blue-chip.

How little do they know that for all of its scarred and weather-beaten appearance the outboard motor of this government is still running "pretty good."

How little do they know that in a brief 175 years American democracy has become mankind's most splendid achievement in self-government.

And how little do they know, and how little do some of their brilliant and tax-supported faculty know, that if they destroy this now, then this will have been mankind's most unspeakable desecration.

THEY'RE WORKING THEIR WAY THROUGH JAIL

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. BIESTER. Mr. Speaker, I would like to call to the attention of my colleagues in the House an excellent article from the New York Times regarding the warden of the Bucks County Prison, John D. Case. Warden Case has done an outstanding job in operating the prison and has used the work release program in an extremely effective manner.

The article follows:

THEY'RE WORKING THEIR WAY THROUGH JAIL

(By Michael T. Kaufman)

DOYLESTOWN, Pa.—The tall graying man is an Annapolis graduate with a background in law. For the last eight months he has been working as a teacher at a local high school here. During this period he has also been an inmate of the Bucks County jail.

Another man, middle-aged, with a history of alcoholism, completed a two-year sentence for burglary six weeks ago. He is still in jail, voluntarily. He spends his days at a clerical job that he started while under sentence and returns in the evening to the room he shares with three convicts. Like the working inmates, he pays $17.50 a week for board while making the transition to full freedom.

FERTILE FOR REFORM

The yellow brick dormitory where the two men live contrasts sharply with most of the nation's 3,000 county jails, where as a rule rehabilitation is subordinated to security. At the Bucks County facility these traditional priorities have been reversed under the direction of John D. Case, a retired Marine major.

Mr. Case freely acknowledges that Bucks County, with its manicured farms and its largely well-to-do population of 400,000, may be unusually fertile ground for penal reform. But, he feels, too, that many of the programs he has instituted in his eight years as warden can be adapted advantageously by most county and city jails.

In addition to a work release program, which involves more than half the sentenced prisoners, and a half-way house for men coming out with no particular place to go, there are a number of other innovations as well.

For one thing, a citizens' committee, formed with the warden's encouragement, plays an active role. One of the members, Mrs. Faye Baer, commutes every day from her home 24 miles away to work as a volunteer bookkeeper and serve as a full-time friend to prisoners. Recently she has taken into her home the young wife of a prisoner, a woman whose home was in another state.

Inside the prison, guards address inmates as "mister." Books and mail are not censored. The building itself has neither bars nor locked gates. Escape is as easy as walking. In some cases, in fact, it is even easier since a number of the working convicts are permitted to have and use their own cars.

The other day, Warden Case explained his rationale for these innovations. "We're in the salvage business," he said, his 6-foot 4-inch frame and 300-pound presence filling a leather chair in his office.

"I don't think you can rehabilitate a man in prison, you do that in the community. What the jails have is the responsibility to give a man the motivation to change, give him the possibilities with which to change.

"What I believe is that taking away a man's freedom is punishment enough for the average inmate. By and large, though, the public feels there's some kind of magic about bricks and bars that will change a man. And the public is right. It'll make him worse."

Mr. Case attributes most of his views on penology to Howard Gill, a sociologist at American University. He says that back in the 1940's, when he was running the brig at Camp Lejeune, N.C., he thought nothing of putting a man on bread and water for 30 days.

But then a study ordered by the Secretary of the Navy concluded that many men given bad conduct discharges had become serious problems to the Marine Corps only after they had been put in the brig for minor infractions. It seemed that in many cases it was the brig experience that turned good marines into "bad conduct strikers."

PUPIL AND MENTOR

As a result, Mr. Case was sent to take a course with the penologist who has become his mentor. "I guess I was Gillanized," he remarks.

As of this week, there were 175 men in detention in the county facilities. Of these, 125 were awaiting trial on charges ranging from public drunkenness to man-slaughter. These men are housed in a stone jail in the center of town.

The 50 other prisoners, serving terms of up to two years, live in a seven-year-old building just outside town. Twenty-eight of them work at jobs found for them by a full-time vocational counselor. There are also eight former convicts living here as paying guests.

The warden says he is lucky that the county judges are sympathetic to his views and that they frequently recommend men for the work release program.

This concept, he explained, was first developed in Wisconsin in 1912 but has been used sporadically since. It is again coming into vogue in some places. In New York City, 33 of the more than 14,000 prisoners are participating in work release programs.

ECONOMIC BENEFIT

Warden Case points out that there is an economic as well as a therapeutic benefit in the program. To build a traditional prison with bars and cells would have cost about $1-million, he says. His dormitory-style structure was completed at a cost of $160,000.

In addition, the men who work pay a percentage of their salaries to support their families, thus reducing welfare burdens. They also pay court costs and fines. By the time they leave prison they may have saved as much as $2,000.

On occasion, Mr. Case says, particularly after an escape, there have been some cries of coddling. The escape rate at the open prison has been about 4 per cent.

Although that is relatively high—the escape rate at prison farms is usually around 1 per cent—the warden has won the backing of the county's officials.

"We must be willing to take the risk of a few walkaways in the hope of rehabilitation doing some good," said one of the three county commissioners.

And the view of the inmates?

"It's the greatest thing since they invented green money," said a convicted burglar now in the work release program.

REPORT ON ECONOMIC COOPERATION PROJECT BETWEEN GREECE AND TURKEY

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, December 31, 1970

Mr. JAVITS. Mr. President, since my first report to the Senate of January 3, 1965, I have annually reported on the work which was initiated by the then NATO Parliamentarians Conference, now the North Atlantic Assembly, and which looked toward cooperation of Turkey and Greece in the field of economic development.

I now propose to put before the Senate a report which covers events in respect of this work during calendar year 1970.

It is my firm belief that there is a strong consciousness in Turkey among responsible persons in all political parties other than those of the far Left of the desirability of a firm and friendly relationship with the United States. It is realized that such a relationship is a two-way street, and that Turkey benefits from this relationship quite as much as does the United States. It is important to say this now since there have been some anti-American demonstrations, and mainly during such high-visibility events such as the visits of the U.S. fleet.

Turkey is not only an important ally, and one in whose economic progress the United States has been deeply interested but also a country whose economic wellbeing is essential to the prosperity of a large region. It is and has been a major recipient of development loans from the United States, from the I.B.R. & D. and the European Investment Bank, and from the nations, including the United States, which make up the Turkish Consortium of the OECD. The economic development of Turkey benefits the free world. It helps to achieve objectives to which we all are dedicated.

It is my conviction that monetary aberrations and sporadic strains will in no way affect this fundamental mutuality of interests between the United States and Turkey. The friendship which has characterized our relationships for so many years shows every likelihood of continuing.

As to Greece:

Of even more long standing is the friendship which had characterized for so long the relations between the American people and the people of Greece. The United States has been the country to which Greek migration over the years has been strongest. We have greatly benefited from the infusion of the Greek character and the Greek skills and cultural heritage. The Western cultural tradition was built on Judaic/Hellenic roots. Much of the excellence in the western world had its origins in the great traditions of classical Greece.

It is therefore a source of especially poignant regret to all friends of Greece and of the Greek people, as to all friends of democracy the world over, that greater progress has not been made in the course of the last year toward the reestablishment of constitutional democracy and freedom in Greece. Some steps have been taken, but they were inadequate. Those, such as myself, who expected that there would be steady and accelerated movement toward the reestablishment of a constitutional democracy and personal freedoms were disappointed.

It is my profound hope that the strength of the inexorable tide which carries men toward free expression of their thought will soon be recognized by the Greek authorities, and that those measures will be removed which now prevent reestablishment of a working democracy and personal freedoms in the very country which fathered the Athenian democracy, and which has for so long struggled for independence and freedom.

II

I now turn to the record of the Greek/Turkish Economic Cooperation Project, which has been administered these last several years by a nonprofit unincorporated organization, the Eastern Mediterranean Development Institute—EMDI.

It may be recalled that as long ago as 1965, when this project was first launched, I stated that the project's goal was the establishment of on-going institutional arrangements. The establishment of viable, self-sustained institutions is essential, in order that recommendations emerging from reports and from studies may be carried out, and not remain to gather dust in file cabinets.

From the outset, those who have directed this project have subscribed to this guiding principle. Thus, it was decided that Greek and Turkish participants would predominate in the overall direction of the effort; and this is in fact the case, with Greek and Turkish directors having the majority on the Board of Directors of the EMDI.

The studies which have been carried out by the EMDI and its predecessor organization, have therefore been formulated with the full and initial participation of the Greeks and Turks. The work on these studies has been their work, as well as that of outside experts. The recommendations of the studies are recommendations in which the Greeks and Turks have participated, which they have molded, and which they are in a position to carry out. No outside organization can hope to see to it that expert proposals, however meritorious, result in action. But here, the stress has been placed on establishing organizations within Greece and Turkey, and on the formation of national committees of leading businessmen, industrialists, investment bankers and professionals. And these national groups clearly acknowledge and accept their active responsibility.

A number of the specific projects which have been initiated by the EMDI illustrate this principle, none perhaps more well than the project for the development of the valley of the Evros/Meric River. That river, which forms the boundary between Greece and Turkey in Thrace, has been the subject of an extensive prefeasibility study, carried out by Greek, Turkish and German scientists and experts, and financed through the generous help to EMDI of two West German foundations.

The study was important, first, for the results which it has brought about. Its recommendations have been or are being implemented. Further work, again financed by German foundations, has been undertaken on the Turkish side of the river, with the possibility of parallel development projects in the corresponding Greek area. Both Greece and Turkey have indicated to the United Nations Development Programme their desire for its help. The UNDP has now appointed a corrdinator whose task is to bring about an even greater degree of rapport for the purpose of economic development between Greece and Turkey. It is also significant that the Evros/Meric project has made clear the desirability and the possibility of cooperation with Bulgaria, in whose territory the river originates. Bulgaria controls that portion of the river in which electric power developments are possible. Bulgaria has also indicated an interest in cooperating with its riparian neighbors in the mutual benefit of all. Thus an East-West, as well as a Greek-Turkish, cooperative and nonpolitical project may prove to be entirely feasible.

These are important and significant accomplishments. Those who have supported the work of EMDI—notably the Ford Foundation and a public-spirited group of American businessmen, bankers and industrialists—have reason for considerable satisfaction with these accomplishments. And, important also, is the demonstrated ability of Greece and Turkey to work together to the extent of overcoming border restrictions and other anticipated hinderances in the interest of the common objective. Also the project has contributed to establishing a good working relationship between scientists on the two sides of the border. The working relationships thus established in the course of this joint effort are likely, in my opinion, to be of fundamental importance, and to provide a seminal and beneficial influence on Greek/Turkish relations for years to come.

Other projects similarly have produced this kind of relational benefit. Studies on tourism have been made. These have resulted in meetings of officials and businessmen, with resulting visible progress—roads being built, ferries established, a protocol on cooperation in tourism development signed, and so forth. Again, the truly important fact, the one which will yield future dividends, is that Government officials and the private sector alike have come to know and respect each other, have demonstrated the possibilities of cooperation, and have gained experience in working together. Where once participants from the two countries feared that publicity would result in difficulties for them at home, now cooperation and joint meetings are taken for granted.

Nowhere is this new attitude, which has replaced the suspicions formerly endemic in the area, more evident than in the record of a highly important meeting of industrialists and businessmen which took place in Istanbul and in Izmir during the week of October 11, 1970. That meeting was in a sense a counterpart to a meeting which was held in Athens at the invitation of the Greek Federation of Industries, in the period just prior to the outbreak of the Cyprus difficulties. Annexed to this statement is a list of the Greek and Turkish participants at this important meeting.

The Istanbul/Izmir meeting of October last underlined the strong interest of the private sectors of both Greece and Turkey in the economy of the other.

The Executive and European Directors of EMDI, the Honorable Seymour J. Rubin and M. Albert Zumbiehl, were present during these meetings, which were jointly sponsored by the Federation of Turkish Industries and by the EMDI, under the leadership of The Honorable Kasim Gülek, a Turkish legislator of international standing, who was one of the sponsors of EMDI and remains as its Deputy Chairman. The program of the meetings involved a series of visits to Turkish industrial establish-

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ments, to the offices of the Federation of Industries, and so forth.

Greece and Turkey are both associate members of the European Common Market, and may move toward full membership in the near future. The problems of termination of the transitional period are somewhat parallel in the two countries, and in both cases, are substantial. The discussions between business and industrial leaders and investment bankers on these problems, on methods of handling them and on cooperation between Greece and Turkey in the interests of a beneficial regionalism, were most impressive. The unanimous conclusion of the meeting was that there should be additional visits, not for purposes merely of tourism or for ordinary convention attendance, but for purposes of serious examination of the economic problems and the economic possibilities of the two countries.

The Istanbul sessions decided to set up two committees of economists, to be provided by the leading banks and industrial institutions on the two sides. Each of these committees was to examine the problems involving Greek-Turkish as well as relations with third countries. Two studies were to concentrate on relations between Greece and Turkey and the Common Market—an issue which as indicated above, is very much in the forefront of thinking of business and commercial leaders in both countries. Thereafter, the two groups were to bring their analyses together. Arrangements have now been made by EMDI for a meeting to be held early in 1971 in Paris in which the Greek and Turkish groups will participate. The distinguished Secretary General of the OECD, Mr. Emile van Lennep, has indicated the full support of his organization and its willingness to participate in this contemplated meeting.

I dwell on this matter for two reasons.

First, the Istanbul session is substantively important. It has demonstrated the capacity of a private organization like EMDI to mobilize the forces of reason and cooperation on the two sides and to provide a channel through which business, banking, and industrial interests which have much in common can come together for the common good. It has already resulted in suggestions of participation on the one side and industrial development projects on the other, where economics of scale indicate the necessity of a Greek-Turkish market, rather than a market limited by the national boundaries of either country.

The Istanbul meeting was an effective demonstration of the success of the method which has been followed from the outset by the Greek/Turkish Economic Cooperation project and by EMDI. That is, though EMDI was certainly an important catalytic influence, the program of the meeting was worked out by the Greeks and the Turks. The arrangements were made by them, the decisions as to the areas of industry or banking on which they would concentrate were made by them, the discussions were at all times led by the Greek and the Turkish representatives. Emphasis was not only put on their leadership, but that leadership was fully and freely assumed. The significance here is that it can truly be said that a lasting basis has been constructed which could result in ongoing cooperation, independent of an organization like EMDI.

The hope has been expressed on both sides that EMDI will continue, despite the fact that the generous financial support which has been given to it by the Ford Foundation terminates as of the end of 1970. The continuation of EMDI would in my opinion be highly desirable; certainly it can continue to provide a catalytic influence. Nonetheless, it now seems clear that in time a food offices organization such as EMDI will hopefully no longer be essential to the continuation of the Greek-Turkish economic cooperation.

It is thus on a note of real accomplishment that I can submit to the Senate what may be perhaps my final report on the project for Greek-Turkish Economic Cooperation. Clearly, at the outset of the project, an outside initiative was essential, and this outside initiative provided the major part of the impetus for such subsequent cooperative economic effort as came about. It is equally clear that the situation at present is reversed. Initiative in Greece and in Turkey will now, as it should, take over the major responsibility, with EMDI confining its activities to lending its good offices to the facilitation of meetings, helping from time to time to provide channels of communication with potential sources of financing and similarly acting as a friend of both peoples.

The assumption of responsibility by the Greeks and the Turks, and particularly by the private enterprise and voluntary and educational communities of these two countries, is the major matter which I wish to stress in this report. I congratulate my colleagues and coworkers on this achievement. Attitudes have been changed, patterns of human and material behavior have been improved. This, in a day when techniques and expertise are readily available, but in which national attitudes remain the major barrier to a peaceful and better world, is a significant accomplishment.

GREEK INDUSTRIAL MISSION TO TURKEY—ISTANBUL MEETING

Industrialists: Mr. John Mitsos, Mr. Anthony Georgiou C.E., Mr. George Karantzos, Mr. Constaninos Ladas, Mr. Iason Stratos, Mr. Alexander N. Zullas.

Bankers: Mr. George Gondicas, Mr. Denis Kotsonis, Mr. Gregory Panas.

Advisers: Prof. George Coutsoumaris, Mr. Ev. Kourakos, Mr. Manos G. Safarikas.

TURKISH PARTICIPANTS—ISTANBUL MEETING

Senator Kasim Gülek: Deputy chairman of EMDI, president of Akdeniz Havzasi, Gelistirme Dernegi.

Bankers: Mr. Resid Egeli, board member of EMDI and managing director, Turkish Industrial Development Bank; Mr. Resid Aksan, board member of EMDI and manager, Ottoman Bank; Mr. Bulent Yazici, chairman of the board, Turkish Industrial Development Bank.

Industrialists: Mr. Nejat Eczacibasi, chairman, Eczacibasi Holding A.S.; Mr. Rahim Koc, director, Koc Holding A.S. and member of board of EMDI; Mr. Hussein Gülek, president, Matas Trading Co.; Mr. Melih Birsel, architect and city planner; Mr. Tewfik Ercan, businessman.

Organizer: Mr. Ahmet Ramazanoglu, member of board of EMDI.

REPRESSION OF SOVIET JEWS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, I am proud to be a cosponsor of the resolution reported from the House Foreign Affairs Committee, "Concerning the Continued Injustices Suffered by Jewish Citizens of the Soviet Union." The harsh sentences meted out in the recent Leningrad "show trial' is but another dark chapter in the long history of injustices suffered by Soviet Jews.

Although the charge against the 11 defendants in the Leningrad trial was "treason," their only real crime, as one of them put it, was that "they were born Jews and wished to remain Jews"—something which, for all practical purposes is impossible in a state which not only severely limits the right to worship, but which is notorious for its persecution of its Jewish citizenry.

To compound the frustration, despair and persecution is the further denial of the right to emigrate, a right recognized by the Universal Declaration of Human Rights. The Soviet Union has repeatedly and heartlessly denied all requests by Jews to return to their Israeli homeland. As a consequence, Soviet Jews have endured long years of both religious persecution and political repression at the hands of the Soviet Government.

Mr. Speaker, it is my understanding that today the Supreme Court of the Soviet Union is hearing the appeals of those 11 defendants against the harsh verdicts handed down in Leningrad. It is my sincere hope and prayer that reason and justice will prevail in that appeal, that the two death sentences will be commuted and the other sentences reduced. This is not only the thrust of our resolution, but the plea being made by persons of all nationalities and faiths throughout the world.

At this point in the Record I include three articles from today's New York Times:

Soviet Court Acts on Appeal Today—11 in Leningrad Hijacking Case To Get Hearing in Speeded Procedure

(By Bernard Gwertzman)

Moscow, Dec. 29.—The Supreme Court of the Russian Republic announced today that it would hear appeals tomorrow of 11 persons—nine of them Jews—who were convicted of treason in Leningrad last week for planning to hijack a Soviet airliner.

By Soviet law, the court could have waited until mid-January to rule on the defense argument against the harsh verdicts, which included two death sentences and prison camp terms ranging from four years to 15.

But the court has moved with unusual speed to dispose of the case. Russians and

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Westerners presume that this reflects concern over the furor abroad and signs of uneasiness over the severity of the sentences against the group, whose Jewish members had sought unsuccessfully to emigrate to Israel.

The latest Soviet appeal against the verdict was made by Andrei D. Sakharov, the physicist and civil libertarian, who pleaded with President Nikolai V. Podgorny to prevent the death sentences from being carried out and to lighten the prison terms.

The significance of the prompt appeal hearing was not clear, but the prevailing view was that the Supreme Court would probably uphold the verdicts.

Under Soviet procedure, the Supreme Court has four alternatives. It can leave the verdict unchanged, vacate the judgment of the Leningrad City Court, order a new trial or reduce the sentences.

Since the 11 defendants have all pleaded guilty to plotting the hijacking, which would have taken them to Sweden or Finland, the most likely possibilities are that the Supreme Court will accept the verdicts or reduce the sentences. It is rare in cases involving the Soviet state's reputation that the Supreme Court asks for a new trial or overturns the verdict of a lower court.

HEARING NOTICE POSTED

The announcement of the appeal hearing was posted in the Supreme Court Building not far from Red Square. It said the court's criminal section would hear the appeal at 10 A.M. tomorrow.

Such hearings take one day. The defense lawyers and the prosecutor make their arguments and the court, consisting usually of three judges, retires and returns with its decision. No additional appeal is possible through the court system The two sentenced to death, Mark Y. Dymshits and Eduard S. Kuxnetsov, can, however, ask for commutation of their sentence by the Presidium of the Russian Republic's Supreme Soviet, or legislature.

In cases of this importance, the Communist party leaders can influence decisions since there is no strict separation of powers between the judiciary and the party.

Informed sources said the defense lawyers would probably plead that the accused should not have been judged under Article 64–A, the section dealing with treason, but rather under other articles on stealing state property and illegally leaving the country, neither of which carries the death penalty or long prison terms.

The trial has had no impact on the average Russian, since he probably knows nothing about it. Except for two brief articles in a Leningrad newspaper at the start and end of the trial, the Soviet media have been mute on the case. The results of the trial, however, are known to many Moscow Jews and intellectuals. There seems a general sense of shock at the severity of the verdicts. Many Jews take as a good sign the fact that the press had been quiet and has not tried to make a "Zionist plot" of the case.

APPEAL FOR ANGELA DAVIS

Mr. Sakharov, the physicist, who made available to correspondents an open letter addressed to both President Nixon and President Podgorny.

To Mr. Nixon, he expressed the hope that American courts would judge the case of Angela Davis with "full impartiality" and with "humanity." The Soviet press has carried on a vigorous campaign on behalf of Miss Davis, a Communist party member, who faces murder charges in California.

The Soviet press has also given publicity to the conviction of the Basque nationalists in Spain and has launched a campaign against the six death sentences.

Mr. Sakharov asked Mr. Podgorny for clemency on the ground that the hijacking plot had been prompted by "restrictions placed on the legal right of tens of thousands of Jews to leave the country.

"Comrade Chairman," Mr. Sakharov said to the Soviet President, "don't allow the execution of Dymshits and Kuznetsov. This would be unjustified brutality. Lighten the punishment of the other accused."

Assail Repression of Soviet Jews

To the Editor: Is there an anguished conscience left in the world to witness and protest the outrage being perpetrated by the Soviet Government against Soviet Jewry, the last great remnant of East European Jewry that survived the Nazi holocaust?

The Jews who were sentenced to death or to harsh prison terms in Leningrad on Dec. 24 were charged with having planned to hijack an airplane and divert it to Finland. In fact they were tried for the crime of being Jews.

They were not accused of an actual hijacking, or of a physical or violent attempt to hijack, or of actual or planned violence of any sort. They were not accused of hostile acts or plots against the state, or of subversion, revolution or even of the language of subversion, violence or criticism. It is obnoxious to moral sensibility that some should be executed, some imprisoned at hard labor for long years merely for having discussed and planned emigration to Israel.

But their real crime, as one of them put it, "was that they were born Jews and wished to remain Jews." They are among 34 young Jews arrested and held incommunicado since last June 15 in Leningrad, Riga. Tbilisi and Kishinev, as part of a nationally concerted secret police action aimed at militant Jews who have time and again applied for exit permits to Israel, addressed appeals to world opinion, and secretly dared to study Jewish history and the Hebrew language.

These people are heroes and martyrs, not criminals. They have been chosen as object lessons to intimidate the untold numbers of Soviet Jews who wish to maintain their Jewish identity and want to exercise their elementary human right to leave the country. The gravest apprehensions must be felt about the "justice" meted out in this and other trials yet to come.

In our lifetime, virtually in our presence, six million Jews were slaughtered because they were Jews. We can not escape that witness. The shadow of death hovers over any country tainted by anti-semitism. It lurks in the U.S.S.R. today. We cry out against the cruel, inhuman attempt to destroy the spirit of Soviet Jewry.

THEODORE M. HESBURGH, ARTHUR MILLER,
HANS J. MORGENTHAU, BAYARD RUSTIN,
TELFORD TAYLOR.

NEW YORK, *December 25, 1970.*

(NOTE.—Twelve other scholars, scientists and writers also signed this letter.)

Protests Here and Abroad Continue on Soviet Jews

The storm of protest stirred by the outcome of the Leningrad hijacking trial continued unabated yesterday as individuals and groups denounced the sentences and appealed to the Soviet leadership for clemency.

Today was proclaimed a "Day of Concern" in New York City by Mayor Lindsay, who urged New Yorkers to gather in Foley Square for a rally at noon.

Mr. Lindsay called the trial "legalized injustice" that has "shocked the conscience of the world," saying that the "only real crime" of the 11 defendants, two of whom received death sentences, "was their profession of mankind's oldest faith."

Nine of the 11 defendants, including the two sentenced to death, are Jews. The Soviet authorities have denied that the fact that the defendants were Jews was a factor in the trial.

"The simple decency of caring about life and liberty compels us to speak out for those Soviet Jews who cannot speak for themselves," the Mayor said in his proclamation.

"We must appeal to Soviet leaders for compassion and clemency. We must hope they will respond."

About 100 members of the Young People's Socialist League picketed the headquarters of the Communist party to protest the treatment of Jews in the Soviet Union. A Communist party spokesman said the organization was in no way connected with the Soviet Union.

In Toledo, Ohio, a 24-hour vigil of protest began at 6 P.M. last night in Levis Square, where an interfaith mass rally was scheduled to be held in a Methodist church at noon today.

MEETING TODAY IN CAPITAL

A group of Jewish leaders planned to meet today in Washington. A spokesman said they would visit foreign embassies, Senators and State Department officials.

Among those appealing to the Kremlin leadership was Arthur J. Goldberg, former United States delegate at the United Nations, who sent a telegram to Premier Aleksei N. Kosygin of the Soviet Union.

Mr. Goldberg said the goal of "a wide-reaching détente will be substantially prejudiced if the sentences in Leningrad are carried into effect, particularly the death sentences."

A cablegram reportedly signed by more than 900 American scientists from campuses throughout the country was sent to Mr. Kosygin last night.

"We, the undersigned American scientists, appeal for commutation of the Leningrad death sentences," the cablegram said.

Ninety college and university professors, including three Nobel Prize winners from the Boston area, sent telegrams to Ambassador Antaoly F. Dobrynin in Washington and to Yakov A. Malik, the Soviet delegate at the United Nations.

The Nobel winners among the signers were George Wald, the biologist, of Harvard University, and Salvador Luria and Paul Samuelson of the Massachusetts Institute of Technology.

Among others in the academic community who sent telegrams or attached their names to protests were Edwin C. Reischauer, former United States Ambassador to Japan, and David Reisman, both of Harvard.

Six Princeton University professors have also sent a telegram of protest to Mr. Kosygin and Mr. Dobrynin, expressing "horror and revulsion" at the death sentences.

The professors were Carlos Baker, John Bonner, Marvin Bressler, William Browder, Richard Falk and Edward Freiman.

President Hans-Peter Tschudi of Switzerland said yesterday that the death sentences had "dismayed" the Swiss people. He went on to say that the Swiss Government "shares the dismay of our people and hopes that the appeals for clemency for the sentenced men and for the respect of human rights will be heard."

Chief Rabbi Immanuel Jacobovits of Britain warned that "The Leningrad trials may be the tip of an iceberg" of repression against Soviet Jews.

"Deep concern" at the circumstances under which the trial took place was expressed by Britain's Labor party in a statement that said also that restrictions on the freedom of Soviet Jews to emigrate was a "root cause of anxiety and distress among the Jewish community in the U.S.S.R."

A statement expressing the Canadian Government's concern about the death sentences was given yesterday to the Soviet Ambassador, Boris P. Miroshnichenko, in Ottawa.

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THE APPOINTMENT OF DR. JOHN R. SILBER AS PRESIDENT OF BOSTON UNIVERSITY

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, December 31, 1970

Mr. YARBOROUGH. Mr. President, it is with great pleasure that I report to the Senate that one of America's foremost educators, Dr. John R. Silber, has been appointed as the seventh president of Boston University. As most of my colleagues know, Dr. John Silber was until recently dean of the College of Arts and Sciences at the University of Texas at Austin. In that position, Dr. Silber brought great distinction to the university by his devoted and tireless efforts to improve the quality of education.

It has been said that great men "light up their time." Certainly this is true in the case of Dr. Silber. Boston University, one of this Nation's oldest and most respected centers of higher learning, was attracted by the bright glow from Dr. Silber's achievements as a teacher and an administrator and has chosen him to lead the university during the coming years. As one who is well acquainted with Dr. Silber and his achievements, I can say without hesitation that Boston University has made a wise decision.

In academic circles throughout the world, Dr. Silber is recognized as an authority on the philosophy of Kant. He also has gained national recognition as an administrator. However, Dr. Silber's activities are not confined solely to the campus. On the contrary, Dr. Silber has made one of the truly great contributions to public education of this century by his important work on Project Headstart. Dr. Silber was the first to bring this highly successful program to the attention of the Johnson administration and is responsible for its inclusion in the original Economic Opportunity Act. During those days, I worked with Dr. Silber in gathering support for this program and can attest to his vision, resourcefulness and dedication.

Mr. President, Dr. Silber is the type of man the youth of America need at the helm of our colleges and universities. He is a man of strength, character, conviction and ideals. His loss has left a great vacancy in the academic life of Texas; however, Texas' loss is Boston's gain. I wish Dr. Silber every success in his new endeavor.

Mr. President, I ask unanimous consent that the following article entitled "Dean Who Was Ousted at Texas Is Named President of Boston U." by Robert Reinhold which appeared in the Friday, December 18, 1970, issue of the New York Times be printed in the Extensions of Remarks today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEAN WHO WAS OUSTED AT TEXAS IS NAMED PRESIDENT OF BOSTON UNIVERSITY—SILBER, AN AUTHORITY ON KANT, TO ASSUME POST IN 1971—PUSEY TO JOIN FOUNDATION

(By Robert Reinhold)

BOSTON, December 17.—Dr. John R. Silber, the philosopher who gained national attention last summer when he was dismissed as dean of arts and sciences at the University of Texas in a battle with the school's conservative regents, was appointed today as the seventh president of Boston University.

He succeeds Dr. Arland F. Christ-Janer, who resigned last January. The school has been headed in the interim by Dr. Calvin B. T. Lee, dean of liberal arts. Dr. Silber will assume his duties early in 1971.

Dr. Silber, who is nationally respected authority on Kant, is a 44-year-old native of San Antonio who was educated at Yale. He is hard-driving, eloquent and adept at raising money qualities that he is said to have used skillfully in raising the Austin campus of the University of Texas to the first rank academically in many areas.

His qualities, according to his allies, also made him a threat to the Texas regents, dominated by Frank C. Erwin, who has little patience for student activism.

OUSTED ABRUPTLY

In a dispute that left the campus bitterly divided, the popular Dr. Silber was dismissed abruptly, apparently without being told why. It was widely assumed that the force behind the action was Mr. Erwin. A clean sweep of most of the rest of the university's top administrators was also said to have been engineered by Mr. Erwin.

At Boston, Dr. Silber will have to deal with a campus that is no less politicized, although on a different level. The 102-year-old school has been plagued with demonstrations and bomb threats in recent months. Dr. Silber has sometimes taken conservative, and sometimes liberal stands on student disorders.

His stature as a scholar is high. His output is prodigious. A listing of his professional positions, honors, publications and speeches takes up 41 pages, typed single spaced.

After receiving his Ph.D. at Yale in 1956, he was appointed professor of philosophy at Texas, eventually moving up to dean of arts and sciences in 1967. His appointment at Boston was recommended by a 21-member search committee, which for the first time included students.

BUSH HAS THE STUFF TO DO A GOOD U.N. JOB

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, one of the best appointments that has been made by President Nixon is that of Congressman GEORGE BUSH of Texas to be Ambassador to the United Nations. I know of no one in Congress who possesses Congressman BUSH's combination of energy, intelligence and innate sense of diplomacy, all qualities that will make him an outstanding ambassador in a difficult assignment. Further, he has a sharp awareness of world problems and ample ability to master the intricate mechanics of international politics. I am sure that my colleagues will be interested in a column that appeared in the Boston Globe on December 25, 1970, written by Darius S. Jhabvala. Mr. Jhabvala has been covering affairs at the United Nations for 20 years, lending his comments the weight of long experience in this field. I insert the following article in the RECORD.

BUSH HAS THE STUFF TO DO A GOOD JOB

(By Darius S. Jhabvala)

WASHINGTON.—Enthusiasm, a dash of idealism and much willingness to learn are the ingredients of a refreshing mix of attitudes which George Bush will bring with him to the United Nations next month.

In an arena which has long been dominated by the staid or the dilettante in striped pants, such attitudes are not common.

The old-school diplomat has been seasoned by posts elsewhere. Many go through the routine without any elan, biding their time for a transfer or pension.

The political or filial appointee, the pet of the party in power or of his uncle, the foreign minister or the President, has to be taught how to tie his diplomatic shoe laces as soon as he gets off the plane at JFK.

Both have made little meaningful contribution to the world organization.

Bush falls in neither of the two categories. He was born in the political family of Sen. Prescott Bush, has had a grade-A education, has been a multimillionaire businessman and has been honed in partisan politics since 1966.

All that is under his belt at the age of 46. In the House, where he represents the Seventh District of Texas, he is known as one of "Nixon's 10 advocates." He has served on the Ways and Means Committee and on the Republican Task Force on Earth Resources and Population Control.

This is a way of saying that he has no direct experience in foreign policy affairs, in international relations or in diplomacy.

But it must be admitted, also, that most of his predecessors—Warren Austin, Henry Cabot Lodge, Adlai Stevenson, Arthur Goldberg and the Washington Post's J. Russell Wiggins—were equally green in such matters when they were appointed to head the United States Mission.

By his own admission, Bush knows little about the arcane structure on the East River. He has heard of, but never directly participated in, big power arm-twisting, in scoring propaganda points in debates, and in fighting back prejudices, polemics, dogmas and what else one finds in the disconcerted world of international relations.

But it is hardly such experiences that make the difference between a good and a poor diplomat. Rather, intelligence, pertinacity, idealism, a sense of realism, of what is important and unimportant are the make-up of the former.

Bush is not pretentious. He is frank and admits with boyish candor his lack of know-how about reading the charts of his new journey.

"But I want to learn and I will learn what the UN is about and what we can do to help it towards its goal," he says with believable conviction.

"I think I can make a meaningful contribution. I want to do my share for world peace and I think I can," he adds.

He says all that not with the characteristic sly smirk of Andrei Gromyko, but with the open sincerity of John Lindsay.

Bush is a visceral politician and as such is sensitive to the unseen humanity and to its problems. "Deep down, I know what the UN is trying to do. I know of the problems of hunger and disease and ignorance. I know about the social indignities in our world. We have to solve them. We have to find a way of living, all of us together."

What more can one ask of a potential diplomat than awareness and honesty?

Unrealistic? He confides that he has the ear of President Nixon. That means a lot. It means that he can avail himself of the power and the prestige of the decisionmakers at the White House.

Last week, Bush visited the U.S. mission. After talking with Ambassador Yost and his staff, he lugged off a three-foot high pile of background papers and documents for study during the congressional recess.

What will he gather from it? He will find out the chronic list of the world's complaints, he will find out what are our national interests and how they rub against those of other countries, he will discover the wiles and guiles of diplomacy.

But somewhere between the lines and in very faint but indelible print he will read the words: "We the peoples of the United Nations, determined to save succeeding generations. . . ."

"I am sure we can," Bush says.

TRIBUTE TO GEORGE H. FALLON

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. JOHNSON of California. Mr. Speaker, GEORGE H. FALLON, years ago had the very practical vision that what the country needed greatly was a system of modern highways to meet the needs not only of American industry and business but also to serve the desire of millions of American people to really become mobile and see their own country without great expenditures of money and in safety. It is indeed true that GEORGE FALLON, by the record, deserves the oft applied tag "Father of the Interstate Highway System."

A new Federal building in his home town of Baltimore has been named for him, an honor to which I gave enthusiastic support. But GEORGE FALLON's real monument stretches from Portland, Maine to Key West, Florida in the East and from Portland, Oregon to San Diego in the West, from San Francisco to New York City—the Interstate Highway System. Who can say how much pleasure it has given to our people? Who can calculate how much it has done to enhance the Nation's prosperity and above all the saving of lives and injury to our people and damage to property? These cannot be measured.

In addition it was through the efforts of our colleague that the Baltimore-Washington Parkway was constructed and again through his efforts it will be widened.

One of the main things I would like to point about this gentlemen is that by serving 26 consecutive years he established a new record for any Member from the State of Maryland, and he steps down as the dean of the delegation.

Since I was elected to the House of Representatives in the 86th Congress it has been a pleasure and a privilege to serve with him in the House and on the Committee on Public Works.

GEORGE H. FALLON leaves this Congress with a record that is unequaled as a legislator, a record which unfortunately is not appreciated as much as it should be. But we, his colleagues, know and will remember what he has done. We commend him for a job well done and wish him every success as he returns to private life. We will miss him.

ON PORNOGRAPHY

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, December 31, 1970

Mr. SCOTT. Mr. President, one of the subjects titilating the minds of our citizens these days is pornography, and particularly the purveying of pornography for profit. This is a puerile occupation in which, unfortunately, there are all too many people engaged. At the same time there are many others who are drawn against their will into this filthy occupation, because of their job. I refer to the managers of stores who are told by syndicated agencies what they shall sell, and to the men who run the machines in movie houses where the management, or the syndicate, schedule an objectionable film. A most perceptive letter published this morning in the Washington Post deals with the dilemma faced by such people, themselves upright citizens. The letter to which I refer was written by Mr. Leonard C. Whitsitt, chairman, Obscenity Laws Committee, Moving Picture Operators' Union, Local 224. It is a thoughtful letter, and it clearly states the difficulties faced by the members of his profession. As Mr. Whitsitt says, he and his associates welcome suggestions from the Congress, the public, and anyone else who can offer the solution to the dilemma they are in. The problem is not of their making.

Mr. President, this letter cogently states the problem of decent people caught in the current wave of obscenity, and it suggests where the solution must lie. I ask unanimous consent that it be printed in the Extensions of Remarks at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PROJECTIONISTS ON THE SHOWING OF "OBSCENE" MOVIES

Reference your article "Projectionists Remain Subject to Obscenity Law," page C4, Dec. 15. Everyone but the projectionist has offered opinions on the obscenity laws, may we present ours?

Representative Wiley Mayne (R-Iowa) argued that enactment of the bill (H.R. 2745, to exempt projectionists from arrest for showing obscene film) would "pull the rug out from (under) every upright citizen who happens to be a movie projectionist in his attempt to stem the tide of smut." Newspaper items stated that Congressman Mayne issued a victory statement, saying "It is time for Congress to start strengthening the laws against pornography, rather than weaken them."

We wholeheartedly agree with his victory statement. We, too, would like to see the laws against pornography strengthened. However, contrary to Congressman Mayne's first statement, the defeat of H.R. 2745 on Monday, December 14, 1970, has pulled the rug out from under about 260 upright citizens who happen to be movie projectionists in the Metropolitan Washington area, in their attempt to stem the tide of smut.

It is ironic that Congressman Mayne's projectionist constituents in the State of Iowa are currently enjoying the protection that he would deny the projectionists in the District of Columbia. The Iowa Legislature (of which Congressman Mayne is a former member) enacted protective legislation for his State in 1967, the second state of the 16 which has done so. The District of Columbia does not have its own legislature but must rely on the Federal Congress. The District Government, through its Corporation Counsel, has recommended enactment of protective legislation for us. If we had our own legislature, we most likely would have had the protection for several years.

No projectionist in our area wants to show obscene films. They are innocent people "caught in the middle." Congress has been unable to enact laws to prevent the making and distribution of obscene films. The Supreme Court has been unable to come up with a concise definition of obscenity. How can the projectionist be expected to act as a judge of obscenity and, according to Congressman Mayne's suggestion, refuse to show obscene film? The projectionist is too busy with the mechanics of his job to view the film for obscene content—he is not qualified as a judge of obscenity. Where does he draw the line? There were lines in the picture "Guess Who's Coming To Dinner?", which was widely acclaimed as a good picture, that were offensive to me. Should I have refused to project it? I have seen no more than a half-dozen scenes of the picture I am currently showing and none of them were objectionable, but I have heard some of the dialogue on the booth monitor that is offensive to me. Should I refuse to project this film? It was given a favorable review in a local newspaper.

If Congressman Mayne will furnish us a list of the films that he wishes us to refuse to project, we will gladly comply if he will defend us against any breach of contract suit for failure to provide the services contracted for.

Among the States that have already enacted protective laws are: California, Colorado, Connecticut, Idaho, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, Ohio, Oregon, Rhode Island, Washington and possibly others. States in which similar bills are pending are: District of Columbia (H.R. 2745, defeated December 14, 1970), Florida, Illinois, Michigan, Missouri, Nebraska, New York, North Dakota, Oklahoma, Texas and possibly others.

In the majority of instances the projectionist has not been arrested for showing obscene films but because minors were in attendance at "adults only" films. The projectionist, isolated from the audience and the theater entrance, cannot observe who is being admitted. He is only a mechanic, working for an hourly wage. He has no voice in management and no voice in the selection of the films shown. His primary concern is to do a job of professional quality and earn the wage he is paid.

The problems we face in regard to obscenity, pornography, etc., are too numerous and complex for the projectionist to solve alone. He needs the protection of fair legislation, the help of the Congress to enact adequate laws for the control of smut at its source, and the understanding of the good people among the general public. The projectionist is as much against obscenity and pornography as anyone. We welcome suggestions from the Congress, the public and anyone who can offer a solution to the dilemma we find ourselves in; it is not of our making.

LEONARD C. WHITSITT,
Chairman, Obscenity Laws Committee.

THE LATE MRS. ROSE McCONNELL LONG

HON. OTTO E. PASSMAN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. PASSMAN. Mr. Speaker, I take this occasion to rise in remembrance of one of Louisiana's great citizens, the late Mrs. Rose McConnell Long, a former U.S. Senator; the wife of a former U.S. Senator, the late Huey P. Long; and the mother of my esteemed friend, Senator RUSSELL B. LONG. Mrs. Long recently passed away at the age of 78. The news of her passing leaves all Louisiana saddened.

Mrs. Rose Long, the late Senator from Louisiana, was one of the most remarkable and talented members of one of Louisiana's renowned political families.

Mrs. Rose Long was a gentle woman, a Christian woman, a faithful and helpful wife, and a devoted mother. She possessed great strength, strong character, and a deep sense of duty to her fellow Louisianians. Her life made a deep mark on the history of our beloved State.

Throughout her long and useful life, she was loved and admired by the people of Louisiana. She was indeed a friend to all, but more especially to the underprivileged. She championed their cause, as did her great husband, the late Huey P. Long, and this humanitarian spirit is indeed being continued by her son, Senator RUSSELL B. LONG.

Her memory will linger long in the hearts and minds of the people of Louisiana. Indeed, this world is a better place in which to live for Mrs. Rose McConnell Long having lived in it.

THE SUPREME COURT AND 18-YEAR-OLD VOTING

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. FLOWERS. Mr. Speaker, an interesting commentary on the recent Supreme Court decision involving the Voting Rights Act extension and its "18-year-old vote" provision appeared in the December 20 issue of the Washington Post. I believe this article by Mr. Merlo J. Pusey should be of great interest to my colleagues and others.

In these times of questioning the propriety and wisdom of many decisions and actions by that Court, it is well to note that basic and fundamental issues of constitutional construction often turn on the opinion of a single human being—provided that he happens to be a Justice of the Supreme Court of the United States. I insert the following article in the RECORD.

COURT'S CLOUDING OF THE 18-YEAR VOTE

(By Merlo J. Pusey)

Will the Supreme Court's decision in the 18-year-old vote case prove to be another "self-inflicted wound"? That term was originally used by Charles Evans Hughes, later Chief Justice, to describe the consequences of the Dred Scott decision and various others that brought disrepute upon the court. The current decision has proved to be popular, insofar as it permits citizens aged 18 to 21 to vote in national elections, but five wide-ranging opinions from the justices have churned the law on voter qualifications into a chaotic state.

The decision had to be communicated to the public with no one really speaking for the Supreme Court. Justice Black announced the judgment that 18-year-olds could vote in national but not in state and local elections; not one of his colleagues joined him in the opinion he wrote. Justices Brennan, White and Marshall (and Justice Douglas in a separate opinion) argued with considerable force that the equal protection clause of the Fourteenth Amendment is broad enough to allow Congress to override all laws fixing the voting age at 21. Justice Stewart, with the support of Chief Justice Burger and Justice Blackmun, accepted the Black thesis that the Constitution obviously leaves voter qualifications in local elections to the states (except in cases of invidious discrimination) but they parted company with Justice Black by insisting that the Constitution means what it says in providing that voter qualifications in congressional elections shall be the same as those for the most numerous branch of the state legislature. Justice Harlan rejected the basic idea of applying the equal protection clause to voter cases.

The effect is to leave the 18-year-old vote law hanging by the flimsiest thread. Justice Black acknowledged that the founding fathers had tied together voter qualifications in congressional elections and in state elections. Then he proceeded to pull them apart. His performance must be regarded as one of the strangest feats in the long history of American jurisprudence.

Where did the justice find authority for this bizarre conclusion? Article I, Section 4, of the Constitution provides—

> The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations . . .

Justice Black read this as giving Congress sweeping authority over federal elections. But it says nothing whatsoever about any authority for Congress to change the qualifications of voters in defiance of the language in other parts of the Constitution.

Justice Stewart pointed out that the founding fathers were well acquainted with the word "qualifications." They used it in Article I, Section 2, when they said in very specific terms who was entitled to vote in congressional elections. They did not give Congress any authority to alter this section. Madison, Mason and others argued vehemently in the Constitutional Convention against giving Congress power to fix voter qualifications, and the Committee on Detail voted seven to one against a motion to let Congress exercise such power. On the basis of this Hamilton noted in "The Federalist" that the qualifications of voters in congressional elections "are defined and fixed in the Constitution and are unalterable by the legislature."

In the face of this history and the unquestioned language of the Constitution itself, the real question before the court was whether enactment of the Fourteenth Amendment gave Congress power it did not previously have to fix a national and state age limit for voters. Justice Brennan and his supporters did not pretend to find anything specific in the Fourteenth Amendment giving Congress such power. They acknowledged that the authors of the equal protection clause "papered over their differences with . . . broad, elastic language." These justices were willing to let Congress inflate that "elastic language" into a balloon because they believe in the primacy of federal power.

Justice Black, to his credit, was not willing to go that far. But having substantially deflated the balloon fashioned from "elastic language," he turned and seemed to cut the ground from beneath his own position:

> As broad as the congressional enforcement power is, it is not unlimited. Specifically, there are at least three limitations upon Congress' power to enforce the guarantees of the Civil War Amendments. First, Congress may not by legislation repeal other provisions of the Constitution.

Congress has, however, with Justice Black's approbation, repealed that portion of Article I, Section 2, which prescribes the qualifications of voters in congressional elections. The whole thrust of Justice Black's lone opinion is to allow Congress to do what he later says that it may not do. He goes on to recognize that "Congress has exceeded its powers in attempting to lower the voting age in state and local elections," without acknowledging that the Constitution puts federal voting qualifications in the same package. It is difficult to avoid the conclusion that he is willing to stretch with the elasticity school in the case of national elections because he regards congressional control over national voter qualifications appropriate in 1970 regardless of what the founding fathers may have written into the Constitution nearly two centuries ago.

In any event, the performance of the Supreme Court is a shabby sequel to a shabby gesture in Congress. The clean and proper way to lower the voting age to 18 was, and is, a constitutional amendment. After all the squirming and twisting and inflation of elastic language, an amendment is still necessary. Much confusion and weakening of constitutional safeguards could have been avoided by approaching this reform in the right way in the first place. The court should have been spared the unquestioned wound it has inflicted upon itself.

HON. WILLIAM T. MURPHY

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. ICHORD. Mr. Speaker, one of the more quiet—yet more distinguished—Members of our beloved House has chosen voluntarily to leave our ranks by retirement.

The Honorable WILLIAM T. MURPHY of Illinois' Third District has had an impact on this Nation's destiny far out of proportion to the attention accorded him by news media.

As a senior member of the Foreign Affairs Committee—and chairman of its Subcommittee on Asian and Pacific Affairs—BILL MURPHY has played a most important role in shaping foreign policy concerning an area of key importance to the United States.

As we all know, BILL MURPHY has an incisive legal mind that served him well while he unravelled the tangled knots of problems in Asia and the Pacific. But at the same time he has always been a warm, personable human being, devoted to his family and church. He has chosen to leave us, and we shall miss him for those qualities.

Prior to his election to the 86th Congress, BILL MURPHY was keenly concerned about the future of his hometown, the great, sprawling, vigorous city of Chicago.

He was a member of the Chicago City Council for 25 years; chairman of its committee on labor management for 7 years; committee chairman for planning for 8 years; and chairman of the Chicago Planning and Housing Committee for 4 years. His honors at those tasks were many.

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But despite that outstanding community service, BILL MURPHY felt unfulfilled and sought, successfully, election to Congress. Here he has served for 12 years and served well and ably.

But now he has elected to return home to Chicago. Knowing BILL MURPHY, I doubt that he will be satisfied to remain idle. His loss to this House and its Foreign Relations Committee will be a great one. But I am certain that he will continue to serve the citizens of Chicago in some other capacity.

As our colleague from Illinois departs this Chamber, I extend to him best wishes for good health and happiness.

RESERVE OFFICERS ASSOCIATION HONORS STEED AS PREPAREDNESS CHAMPION

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. ALBERT. Mr. Speaker, the Reserve Officers Association at its recent fall services meetings honored our distinguished colleague, TOM STEED, by naming him as a member of its Minute Man Hall of Fame. Formal induction ceremonies were held at the ROA session at Hot Springs, Ark.

The Reserve Officers Association cited Mr. STEED particularly for his successful efforts this year in leading the fight to save the Coast Guard Reserve from extinction by a budgetary cutback.

Army Reserve, in its November-December issue, contains an article regarding this award. In the Officer, publication of the ROA, its executive director, Col. John T. Carlton, described TOM STEED in his excellent column, "Across the Executive Desk."

I include at this point the two articles mentioned above:

CONGRESSMAN STEED HONORED BY ROA

The Honorable Tom Steed, Representative from the 4th Congressional District of Oklahoma since 1948, was introduced into the Reserve Officers Association's Minute Man Hall of Fame at the Fall Services Meetings at Hot Springs, Ark., on 24 October.

Reelected to Congress in November to his 12th consecutive term, Mr. Steed was honored for his service in the House of Representatives, where he has been a champion of military preparedness. Most recently he has been instrumental in preventing the dissolution of the Coast Guard Selected Reserve. In his remarks he said in part:

"It is an old story . . . that our military Reserves, the civilian soldiers, win our wars. The American concept of a small and skilled professional military, backed up with trained and equipped civilian Reservists, is still valid in these times. In the light of the situation which confronts us now, I believe this concept is even more compelling than ever before."

During the morning session, Lieutenant General William R. Peers, Chief, Office Reserve Components, and Major General W. J. Sutton, Chief Army Reserve, spoke to the Army Affairs Section. They both stressed the increased emphasis on the Army Reserve Components as the drawdown in Vietnam continues and the DOD budget is reduced.

Major General Sidney S. McMath, U.S. Marine Corps Reserve, and former two-term Governor of Arkansas, was the principal speaker at the Army Section luncheon. He expressed his concern that, "a professional army would lack the diversification found in the Army Reserve, National Guard and the present military system."

Host for the Fall Meeting was Brigadier General Moise B. Seligman, supported by members of the 122d ARCOM, Little Rock, which Gen. Seligman commands and which has subordinate units in Arkansas, Oklahoma, Texas and Louisiana.

REP. STEED USES VERY FEW WORDS WHEN HE GETS READY FOR ACTION

(By Colonel John T. Carlton)

There is an increasing aversion, it seems to me, in this day when it is perfectly legal to lie about a public official without fear of the libel laws, to shy away from office holding some of the most gifted and dedicated patriots the country has produced.

On the other hand, I think that unless we wish to become enslaved by cynicism we must recognize that Americans simply are not born to be afraid.

One of the leaders in ROA used to go around patting people on the back, and telling them about this old prospector up in Montana who gave him the wisest counsel man has yet devised, for those who go out to face the rough and tumble battle which is life. This secret formula you have heard, but it is worth repeating, in good sound Elizabethan English, "Don't let the —— get you down."

The thought I started out to develop however relates to our annual Fall Conferences, which will be in Hot Springs, Arkansas on 23–24 October, and the culminating 48th Anniversary banquet.

We usually try to do richly deserved token honor to one of the rugged, and oftentimes heroic men, of the Congress at this banquet, because ROA was born of a desire and a need for a citizens group to work with the Congress to prevent disarmament, and unpreparedness, and resultant disaster, in this country.

The man selected for 1970 is one of the most remarkable personalities in the Congress, and I am pleased as I could possibly be that some several hundred of our members are going to have the opportunity of hearing him talk.

He is the Congressman from Oklahoma's Fourth District, Rep. Tom Steed, who knows as much about the United States Government, the techniques of legislating, and the way the ball bounces, I reckon, as anyone on The Hill.

Mr. Steed can tell you how when he goes home on visits—and he does frequently, and talks with his constituents—that he finds out what is going on by getting on the trucks and riding around with the garbage collectors. They are the ones who really know what is going on, because what happens in the back alleys is what you really measure a town by. He'll tell you about . . . well, I can't go on all day, because I simply want to mention briefly how this one man saved the Coast Guard Reserve . . . and did it with so few words . . . and he didn't get any opposition.

Mr Steed knows a lot about the Government, as I said above, and he knows a powerful lot about the Coast Guard. You don't tell him about that subject: you simply mention it, and then you can sit back and learn some things you did not know before.

Well, when the shooting got pretty heavy, we called up Mr. Steed one morning, and he invited three of us to lunch with him over in the House restaurant. We talked about a lot of things, and most of us were doing the listening.

Then, with his fourth cup of coffee, he said something like this:

"Now, let me tell you what we are going to do about the Coast Guard Reserve. There are seven on our Subcommittee, but only three of us are going to support continuance of the Coast Guard Reserve. No use of trying it there, but we'll make a record.

"When the bill gets to the floor, I'll offer an amendment to put the money back. No use trying it in the full committee; no use getting things all complicated. So we'll do it on the floor."

Now in case you happen to be one of those rare ROA members who thinks 'on the floor' means something else, let me just explain that he means when it comes before the entire House of Representatives—all 435 of them, or as many as choose to be present.

Anyway, the word was passed among a lot of people; and sure enough, it came out just like Mr. Tom Steed said.

Personally, I love to deal with a person who knows what he is talking about . . . and especially a man who talks for pleasure, and has not a great deal to say about his actions. He's from down in the Indian country, and we're putting him in the Hall of Fame for good!

LET'S NOT KID OURSELVES ABOUT THE BOMBING

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. LEGGETT. Mr. Speaker, there has been considerable discussion in recent weeks regarding our "understanding" with North Vietnam. It has centered on such questions as whether the understandings included free flight of American reconnaissance planes over North Vietnam, whether the understandings were unilateral or bilateral, and whether they existed at all.

The central thrust of these discussions is the question of whether North Vietnam is living up to the bargain it made with us in return for our stopping the bombing. The implication is that we will resume the bombing if they do not live up to their part of the bargain.

Mr. Speaker, who is kidding who?

We did not stop the bombing in return for an agreement or an understanding. We stopped the bombing because it was a failure. We stopped it because it was counterproductive.

It is said the North Vietnamese hated the bombing, and that this proves it was doing some good. Certainly they hated it. Nobody likes to be bombed. They hated it so much they forgot their domestic quarrels, they united against the threat they could see in their skies every day, and they turned their energies to supporting the war in the South.

Discussing the effects of the bombing in hypothetical round numbers so as not to give away classified information, we might say that, before the bombing, North Vietnam sent 10 tons of war materiel per day to the South, along with a commensurate number of troops. At the peak of the bombing, we are cutting their delivery by, say, 70 percent. But they were sending not 10 but 100 tons per day to the South. So 30 tons—three times as much as before, and three times as many men—got through to kill American troops.

We raised the cost to the North Vietnamese, but they, and the Russians and

Chinese who supplied them, were willing to pay it.

Any general, or any public official, who judges the success of a bombing campaign by the amount of supplies destroyed and number of people killed is guilty of gross incompetence and does not deserve to hold his office. It is not the supplies and troops we destroy that count—they can and will be replaced. What counts is the amount that gets through. The fact is the harder we bombed, the harder the other side tried, the more it got through, and the more American men paid with their lives.

President Johnson recognized this in 1968, when he stopped the bombing he never should have started. If President Nixon now resumes it, he will be signing the death warrants of thousands of American troops.

In the words of former Secretary of Defense Clark Clifford:

> I might say that if there is any one lesson that I've learned maybe with 5 years of experience about Vietnam, it is that the application of military force—in this instance, the increased application of military force—will not bring peace in Vietnam. That's why I think this policy could turn out to have tragic results.
>
> We've been all through the bombing of Vietnam. We started in 1965, and in '66 and '67 and '68 we bombed North Vietnam. It was not effective then, and it will not prove to be effective now. It did not bring peace then, and I assure you it will not bring peace now. I tell you what the bombing will do, if he starts it again. It will mean more war, and more destruction, and more fighting, and more dying.

Joseph Kraft made the same point in greater detail in an excellent column in the Washington Post of December 20. I insert this column, entitled "Same Old Vietnam," in the RECORD at this point:

SAME OLD VIETNAM

(By Joseph Kraft)

> Cute statements from the White House and Pentagon combine with recent bombing raids to make it seem that there is a new way out of Vietnam—the exit through air power.
>
> But close inspection shows that it is still the same old Vietnam; so much so that what the President is now doing is just painting himself into an old corner.
>
> Withdrawal of American troops, in line with the Nixon Doctrine and now spurred by declining morale, remains the basic element in the policy. Probably Mr. Nixon will have all American forces that do battle on the ground out of Vietnam by the 1972 elections.
>
> He wants to keep a residual force, at a level of about 100,000 American troops. These troops are to be chiefly engaged in air operations. They will fly close support missions for the forces of friendly governments. They will be available to bomb North Vietnam. And they are thus supposed to cover the American withdrawal and to keep intact the noncommunist regimes of South Vietnam, Cambodia and Laos.
>
> At first glance, that recipe looks very inviting. Hardly anybody in this country is going to oppose a policy which guarantees Southeast Asia at the mere cost of a few bombing strikes.
>
> But a closer look reveals that the exit through air power is full of weaknesses. For one thing, there is the attitude of the North Vietnamese themselves. In recent conversations with visiting foreigners, they have indicated that they are perfectly prepared to take a new dose of American bombing rather than abandon efforts in the South. The threat of devastation from the air, in short, is not going to make Hanoi lie doggo.
>
> Additionally, there is the past record of air action. Bombing did not conclusively interdict the flow of men and supplies in World War II or Korea. The intense strikes that ran from 1965 through 1968, far from stemming the flow of supplies to the South, was accompanied by an increase in traffic. So, bombing or no bombing, Hanoi can be expected to keep a formidable force in being as a threat to South Vietnam.
>
> Then there is the impact of air power on the local population. Strategic bombing and close air support are hell on civilians. Homes and farms are destroyed, refugees created by the thousands and local governments, weak to begin with, are even further weakened.
>
> Finally, there are the diplomatic consequences. Extensive bombing of North Vietnam triggers hostile attitudes toward the United States—even among such allies as Britain. The Soviet Union is bound to support the resistance of its socialist allies—hence the recent warnings against resumed bombing from Moscow. And with such strong international pressures coming to bear, it is even doubtful how long Americans would support a full resumption of the bombing.
>
> So what looks like a new course turns out to lead back to a patch of familiar ground. If the President really tries to follow the exit by air, he will find himself a year or two hence just where President Johnson was back in 1964.
>
> There will be a small and vulnerable force of Americans in Vietnam. The other side will be building up its troop strength and boring powerfully from within. It will be a question of letting Vietnam go down the drain or intervening on a massive scale in the air.
>
> Nobody knows which path Mr. Nixon would choose. Maybe he would wind up the war again after the fashion of President Johnson. More likely, he would breathe fire, and then allow the position to disintegrate. But neither way out is very good. How much better it would be to alter the negotiating stance in Paris and try for an agreed settlement with Hanoi.

HON. MICHAEL A. FEIGHAN

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. DENNIS. Mr. Speaker, it has not been my good fortune to serve here with the distinguished gentleman from Ohio, Mr. FEIGHAN, for as long a period as some Members have; but during my period of service I have had the opportunity of serving under his leadership as chairman of the subcommittee on immigration of the Committee on the Judiciary and have consequently come to know him in the working atmosphere of that subcommittee.

I am happy to have the opportunity to say, and to place the statement upon the record that the gentleman from Ohio, Mr. FEIGHAN, has at all times been a most courteous and considerate chairman of that subcommittee—and he has extended that consideration and courtesy in its fullest extent to this member and to other junior members of his subcommittee. Our mutual relationship, by consequence, has been an harmonious and a happy one, and has served as a most pleasant introduction to the work of congressional committees.

Regrettably, the fortunes of political war, to which all of us here are subject, have recently been unkind to the gentleman from Ohio, after his years of distinguished service in this body, and so we part, as colleagues, I am truly sorry that this is the case; and I take genuine pleasure in wishing him all the good fortune which he has earned by his many years of honorable service in this body.

LILLIAN B. MATHEWS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. EDMONDSON. Mr. Speaker, under leave granted I include in the RECORD a glowing tribute by Frank Spencer, editor of the Journal-Capital daily newspaper of Pawhuska, Okla., to Miss Lillian B. Mathews upon her retirement. Lillian Mathews has been a distinguished and outstanding career public servant and a good personal friend of our family for many years. I am delighted that this fine Oklahoma newspaperman has recognized her so appropriately with his tribute which follows:

> Dedication to duty coupled with an unequaled ability, utilized to its utmost for the betterment of the government service is a combination that is a rarity. Such a combination—unflagging devotion to duty and an uncanny mental capacity and near total recall, is the record of Miss Lillian B. Mathews during her 32 years of service to the Bureau of Indian Affairs and the Osage Tribe of Indians of Oklahoma.
>
> Miss Mathews, during her term of government service, performed not only the required duties of her various positions which ranged from Museum Curator, supervisor of mails and files, statistician, but also was able to provide the Osage Indian Agency, the Area Office of the Bureau of Indian Affairs, individual tribal members and attorneys with a wealth of information and family history which was at her command through her irreplaceable memory and deep concern for the Osage Tribe, its history and traditions. Miss Mathews has made it a life-long project to become probably the most knowledgeable individual in the BIA on the family background, history and lineage of Members of the Osage Tribe. This information has proven invaluable not only for historical purposes but of great value to the individual Tribal members in their search for accurate, reliable and useful information concerning their legal claims and rights.
>
> As an indication of the reliability of Miss Mathews' knowledge, since her retirement she has been called upon many, many times by agency officials, the legal profession, the courts and others—including many individual Indians—for information of an exacting nature. She has been unfailing in her willingness to provide the information from memory and to be able to cite the location of documentation for the information that she has committed to memory.
>
> Miss Mathews first became associated with the Osage Indian Agency at Pawhuska as the first curator of the first Tribal Museum in the United States. Prior to the museum's opening she was responsible for the collection of artifacts and historical documents and photos for display in the museum. She catalogued the entire collection. Her wide and undisputed expertness in the history of the tribe made her the most valued person in this position.

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After the opening of the museum until her transfer to the Agency proper, Miss Mathews oversaw the museum's growth and development and carefully carried out the systematic development of the museum which is one of the most complete of any Tribal museum in America and boasts of probably the best documented and historically correct collection available on the Osage Tribe.

After her association with the Agency proper at Pawhuska, Miss Mathews, through her statistical work and close association with the members of the tribe, their family ties and history; became increasingly knowledgeable of the many facets of tribal and family activity within the tribe.

This expanded knowledge developed through a deep and unvarying devotion not only to the Agency, the BIA and the Tribe but to people in general, became increasingly beneficial to the Service and to the Tribal members. As an indication, her extensive knowledge of family relationships played a large part in the establishment of Social Security, Medicare and other beneficial programs for individual Osage Tribal members who might otherwise have been deprived of them due to lack of knowledge of family background, history and the intricacies of securing such benefits. This painstaking research and work was done "above and beyond" the call of duty in her position in the Service at the time. However, her genuine concern for the individual Tribal members was the motivating force that made it her personal project to complete each and every application.

Her indefatigable devotion to the Service and to the tribe during her years with government service—and continuing even now after retirement—is an indication of her devotion to her job and to her people.

It is often that we fail to note the unselfish and dedicated federal worker, one who completes not only appointed and required tasks with dispatch and efficiency but goes "the extra mile" to perform services with compassion and effectiveness. Such an employee was Miss Mathews and her outstanding record—which is being continued because of her concern for people and the good of the Service—deserves recognition not because it is expected or wanted but because it is deserved and should be recognized as an example for others who aspire to truly dedicated public service.

XUM

MARINES WILL NOT CHANGE: CHAPMAN

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. DOWNING. Mr. Speaker, I was greatly heartened recently by statements made by Gen. Leonard F. Chapman, Jr., the Commandant of the U.S. Marine Corps.

General Chapman took the occasion of a press conference held at the Armed Forces Staff College at Norfolk, Va., to voice very strongly the views which I feel are held by the great majority of the citizens of this country. At a time when we see social structures crumbling under the weight of permissiveness his voice was a welcome relief from what appears to be a growing trend.

I am pleased to include in the RECORD the report of General Clark's remarks as carried in my hometown newspaper, the Daily Press, Nov. 18, 1970, Newport News, Va.

MARINES WON'T CHANGE: CHAPMAN

(By Norman Covert)

NORFOLK.—Gen. Leonard F. Chapman Jr. turned on the expected U.S. Marine Corps image here Tuesday, stating without reservation the traditional corps attitude towards discipline will remain tough no matter what other services do.

Chapman, commandant of the Corps, said, "We expect no changes. If anything we are trying to tighten up discipline and appearance, military courtesy and performance of duty in all areas.

"We want to get back to, as rapidly as we can, a professional, tough, lean outfit of the highest standards."

Speaking at a press conference here at the Armed Forces Staff College, General Chapman said he did not mean to infer the Corps has slackened its demands.

"It is just that there are areas where we can tighten up and we're doing it!"

Newsmen questioned Chapman on policies other services have changed to fit the changing sociological standards of the civilian community. He would not comment on a recent decision by U.S. Navy Chief of Operations Elmo Zumwalt to ease hair regulations.

"It's not my business to comment on what heads of other services change, but I will say as far as the Marines, we will not change our regulation. It requires hair to be neat and closely trimmed; no beards or eccentric mustaches. There will be no changes."

General Chapman said the corps has no severe problems. He said reducing its size is "good. The Marine Corps got awfully big, but I don't think we got any bigger than we had to be to support the load we were carrying in the Far East."

Concerning a reported rise in drug use and alcoholism, General Chapman exuded an equally tough attitude.

"Our policy is simple. We are carrying out an extensive education program to try to dissuade every Marine from experimenting with drugs.

"If he elects to experiment with drugs we take action. We punish him. If he becomes a user we discharge him."

There are no rehabilitation programs for addicts at present, Chapman said. "There is no place in the corps for a drug user.

"If anyone has the poor judgment to take up using drugs, he can expect to no longer be a Marine!"

The Corps is changing in one area, however, Chapman admitted many officers have been reduced in rank saying more will be forced to accept a lower grade before the Corps is finally geared to peacetime.

He said job authorizations also are being changed. Jobs formally requiring a lieutenant colonel are being reduced to a major slot. Company commanders now must be at least first lieutenants.

Chapman says the changes will allow junior officers a better chance to "carry the load."

The Corps also is withdrawing troops from Vietnam at a fast rate. The 26,000 Marines left in Vietnam consist of two-thirds of the First Marine Division and one-third of a Marine air wing.

Any turbulence created in the Corps during recent years has been due to one-third personnel on overseas deployment.

The reduction in size, Chapman noted, results from the withdrawal of Marines from Vietnam where 84,000 fought a year ago. The proportionate number of Marines overseas has not changed however, since the pre-buildup days of the early '60s.

Chapman observed, "Vietnam could end tomorrow if the North Vietnamese would go back where they belong and stay there.

"I think we are doing the right things at this point and the Cambodian operation propelled us. History will record Tet '68 and the Cambodian operation as the turning points in the war."

IMPEACHMENT POWERS OF CONGRESS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. WALDIE. Mr. Speaker, some time ago I sought counsel from a professor of law at Boalt Hall of W. C., Berkeley, regarding the impeachment powers of Congress.

That opinion was recently provided me and I include it in the RECORD.

Prof. Preble Stolz is an acknowledged expert in the field of constitutional law and is presently visiting professor of law at Yale Law School.

YALE LAW SCHOOL,
New Haven, Conn., November 16, 1970.

Hon. JEROME R. WALDIE,
Member of Congress,
Cannon House Building,
Washington, D.C.

DEAR CONGRESSMAN WALDIE: You have asked for my comments on the briefs which have been submitted to the Judiciary Committee on the scope of the impeachment power. These briefs were stimulated by the charges against Justice Douglas and raise the constitutional question: Can Congress impeach a federal judge for non-criminal conduct that it regards as non-good behavior? Initially, I would urge you not to let the legal question interfere with a personal evaluation of the charges made. Having no knowledge of the nature of the conduct charged, I am in no position to comment on that issue but I am firmly of the view that an evaluation of the factual allegations is or ought to be the first question you consider. Assume that Congress has the power to impeach a federal judge for any conduct it thinks improper—do you now believe the acts alleged concerning Justice Douglas would justify his impeachment? In forming a judgment on that question, you will, I am sure, give great weight to the principle of judicial independence. Indeed, unless you are persuaded that the reputation and integrity of the Federal bench and its judgments would be seriously compromised by Justice Douglas' continuance in office, I would urge you to vote against his impeachment.

Thus, I would reach the legal question of the power to impeach Justice Douglas for non-criminal conduct only after I had concluded that not removing him would be a major embarrassment to the administration of justice. Framing the legal issue in that factual setting does tend to prejudice its resolution (one does not lightly assume that Congress is impotent to preserve the quality of the judicial system), but it is, I believe, the only correct way to consider it. The alternative course is tempting in that if it could be decided that Congress lacks power to impeach for the conduct charged you would be spared both the task of evaluating the gravity of the charges and the pain of sitting in judgment on a person whose office, if nothing else, entitles him to great respect. But that very temptation may lead you to an unduly restrictive view of congressional power which may at some future time inhibit a clearly needed exercise of the power.

* * * * *

I. The Problem.

The relevant Constitutional provisions are:

Art. 1, Sect. 2: "The house of representatives . . . shall have the sole power of impeachment."

Art. I, Sect. 3: "The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside. And no person shall be convicted without the concurrence of two thirds of the members present.

"Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law."

Art. II, Sect. 4: "The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of, treason, bribery, or other high crimes and misdemeanors."

Art. III, Sect. 1: "The judges, both of the Supreme and inferior courts shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office."

The problem is easily seen. The argument for a restricted power of impeachment rests on Article II, section 4, which says that civil officers can be impeached for "treason, bribery or other high crimes and misdemeanors." That list, it is contended, restricts the power of Congress to impeach to the described types of misconduct, all of which, it is claimed, are crimes. The converse argument rests on Article III's provision, giving judges tenure in office "during good behavior". That tenure provision, unique to judges, implies that Congress has the power to remove from office a judge who has behaved in a non-good fashion; non-good is surely more inclusive than non-criminal. Or, to phrase it differently, with respect to judges, the word "misdemeanor" in Art. II means something more than that which is prohibited by the criminal law.

The issue of the power of Congress to impeach a federal judge for noncriminal conduct and the closely related question of the power to impeach any civil officer including judges for conduct (except treason and bribery), unconnected to the performance of his official duties, has been around since President Jefferson's time. If its correct resolution is defined as discovering the original meaning of the draftsmen, the right answer, if it ever existed, is now beyond us, since it depends largely on a correct understanding of 18th century usage.[1] If the right answer is what the Supreme Court has or would decide, we can only speculate since the Court has not spoken and, in any event, it is not at all clear that the Court is properly regarded as the final voice on this particular legal issue. The only authority which speaks directly to the point is congressional; twice, possibly three times Congress has impeached a federal judge for non-criminal conduct. Although much discussed in the briefs, I do not believe those precedents should be regarded as conclusive for at least three reasons: (1) the impeachments themselves are inherently ambiguous since we cannot be confident of the factual conclusions of the individual senators who voted to convict (some senators may have believed the Judge guilty of criminal behavior), (2) given that the precedents are now more than thirty years old on a doubtful constitutional issue, the doctrine of stare decisis even in a court would be less than compelling, and (3) assuming that Congress is a "court" of impeachment, the general rule that no Congress can bind a future Congress is not self-evidently inapplicable.

Some things are tolerably clear, although they do not advance us very far. A limitation on the power of impeachment was undoubtedly intended by the clause that "civil officers . . . shall be removed from office on impeachment . . . of, treason, bribery, or other high crimes and misdemeanors." In England, private citizens could be impeached for anything and punished in anyway therefor. The "civil officers" and "removed from office" clauses were thus limitations on congressional power. It is plausible to suppose that the treason clause is similarly limiting, although that does not tell us what "misdemeanor" means, and it does not help much that the extradition clause (Art. IV, sect. 2) speaks of: "treason, felony or other crime." The "good behavior" clause was also a limitation. It is directly derived from the Act of Settlement and was designed to prohibit the executive (the Crown of England) from removing a judge from office. Was it intended to do more than that; to broaden, if you will, the impeachment power of Congress with respect to Judges—we do not know.[2]

a. The Original Intent.

Early drafts included broader language than that now in Article II, sect. 4. They spoke of impeachment for "malconduct or neglect", but that was felt to be too broad and to subject the President to congressional supervision. For present purposes, the shortcoming with the debate in the Constitutional Convention is that the participants were not focusing on judges, but on the executive. There was an effort to make the "good behavior" clause parallel the Act of Settlement by including removal by address. (Joint resolution of Congress.) It failed. That seems to me to cast no light at all on the problem.

The Federalist Papers are similarly opaque. The relevant one is No. 79 (Hamilton). Hamilton is clear that judges may only be removed by impeachment but in stating the impeachment power he uses the word "malconduct" which today we would understand as broader than criminal misconduct. He argues that "inability" is properly not made a ground for removal because the competence/incompetence line is too difficult to draw. He concludes that "The result (of permitting removal for inability) except in cases of insanity, must for the most part be arbitrary; and insanity, without any formal or express provision, may be safely pronounced to be a virtual disqualification." By definition, insane conduct could not be criminal, but whether Hamilton meant that an insane judge could be impeached or that the problem was too inconsequential to be of importance is uncertain. Some early commentators saw the problem (Story and Wilson, most importantly) but not mucn more.

b. The Impeachment Precedents.

Impeachment got off to a very poor beginning with the overtly political move by President Jefferson to clean out the federalist bench. To establish the precedent that impeachment would lie for abuse of power short of criminal misconduct, Jefferson started with a pathetic district judge from New Hampshire named Pickering who was either insane or a drunkard or possibly both. Pickering did not appear and was convicted (the main charge was that Pickering returned a ship to its owner without posting a bond as required by law and then refused to let the government appeal his ruling; he was also charged with being drunk and abusive on the bench). Whatever value a default impeachment can give as a precedent was rather weakened by the later acquittal of Justice Chase. The acquittal is, of course, ambiguous—more than a third of the senators may well have thought Justice Chase guilty of no serious misconduct and thus never reached the issue whether they could impeach for non-criminal misconduct.

Since then there have been six attempts to remove a judge by impeachment, three succeeded. The acquittals are necessarily ambiguous on our question. One of the convictions was by default and, in any event, probably charged treason. (The judge supported the confederacy.) The other two convictions are relatively recent; Judge Archbald in 1912 and Judge Ritter in 1936. In both a strong argument can be made that criminal misconduct was not the basis of the conviction. The question of impeachment for non-criminal conduct was debated at length in both cases and it seems likely that at least some senators voted for conviction because they believed they had the power to remove from office a federal judge who had acted unlawfully, although not necessarily criminally.

c. Policy Considerations.

The position of those who would limit the impeachment power as to judges to criminal misconduct rests ultimately on a fear, perhaps a belief, that Congress might use a broader impeachment power for political purposes. Certainly there is a danger of politically motivated reprisals against judges. Justice Chase is the worst instance in our history; Professor Kurland has found some others that did not actually reach the impeachment stage. Granting that the danger is a real one, the issue is whether constitutional language is an important protection. To my mind history suggests that at least since the Civil War Congress has been fully sensitive to the value of judicial independence. If, as seems most unlikely, the time should come when a powerful majority in Congress was prepared to disregard that value, I find it hard to believe that such a majority would be seriously discouraged by any constitutional language, certainly not by words as ambiguous and historically obscure as the "high crimes and misdemeanors" clause. The great protection against political encroachment on the judiciary is not the Constitution but a responsible Congress. If we posit a House and Senate indifferent to judicial independence, the Constitution will not protect judges—nothing can.

The proponents of a limited power consistently treat impeachment as if it were a criminal trial. That may mislead—the rhetoric is like criminal law, acquit or convict, for example—the objective of impeachment is not to punish but to protect the public service. The remedy is limited to removal from office and disqualification from holding any other office. Punishment, if any, is to follow an independent criminal trial. It is not clear who has the burden of proof on impeachment, or whether the proof has to be beyond a reasonable doubt. To my mind the criminal standard of proof is inappropriate for a process whose purpose is limited to protecting the public from unworthy public servants. It should be possible to lift a lawyer's license without being able to prove beyond a reasonable doubt that he stole the client's funds.

If we consider impeachment as limited to protecting the public service it is odd to restrict the power to instances of criminal misconduct. What is to be done with the insane judge or the judge who ruthlessly disregards the plain language of the law for no reason beyond the psychic satisfaction he gets watching people squirm. Neither can be said to have committed a crime, the insane judge because he could not and the martinet because, by hypothesis, he was getting no personal profit. It is hard to believe that government is impotent to rid itself of such judges—that we have to endure them until they die or choose to retire.

On the other hand, the broad position that Congress may impeach for any conduct it regards as "non-good" is an extraordinary assertion of power that denies any limiting function to the "treason, bribery or other

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Footnotes at end of speech.

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high crimes and misdemeanors" clause. What is perhaps most troublesome is its violation of the spirit if not the language of the Bill of Attainder clause (Art. I, sec. 9); under the broad view a judge could be impeached for conduct which so far as he or anyone else could tell at the time was entirely proper. That possibility, however remote it may be as a practical matter, is so remote from our traditional notions of fairness that it is hard to believe it was intended. At the same time it should be remembered that in 1789 the concept of common law crimes was familiar and the use of common law crimes necessarily involves a constantly evolving or changing substantive criminal law with the bulk of the changing being done after the fact by judges. Nonetheless, there is, I think, at least a difference in degree between shifts as to what constitutes reliance for purposes of the crime of obtaining property by false pretences and deciding that a judge may be impeached for having a drink at a bar association convention.

It is possible to assume a middle ground between the extremes that Congress can impeach only for criminal misconduct on the one hand and on the other hand Congress can classify as non-good behavior anything it thinks evil. The trick is to read "misdemeanor" as including any substantial departure from the clear purport of the law regardless of whether that law is civil or criminal. Thus persistent neglect of duty (not a crime so far as I know) would be an impeachable misdemeanor. Similarly, Judge Pickering's wrongful release of a ship and arbitrary refusal to permit an appeal would be impeachable. At the borderline this could be a very difficult conception; only a shadow differentiates an erroneous interpretation of the law from a willful disregard of its terms. But there are clear cases of willful illegal behavior (but non-criminal) by judges that could reasonably be included in the range of matters for which a judge might be impeached. By making illegality an element of the standard for impeachment we would protect judges against whimsical after-the-fact determinations of wrongdoing.

The middle ground is where I ultimately come out for three reasons: (1) It is not inconsistent with history and the probable intent of the founders (which is not to say that the language of the Constitution or its history compels this result); (2) It recognizes a broad congressional power especially in the future (Congress can prospectively make impeachable anything it wishes); (3) This construction is somewhat protective of the judges' independence since it would permit impeachment only where the judge had been guilty of a fairly plain departure from the terms of the law whether it be criminal or civil.

As I indicated earlier, I am not familiar with the charges against Justice Douglas and thus I am unable to comment on whether any of the conduct charged (assuming it to be true) violates this standard.

Respectfully submitted,

PREBLE STOLZ.

FOOTNOTES

[1] Since this was written, I have read an early draft of what will ultimately be a chapter in a book on Impeachment by Raoul Berger. Mr. Berger, a personal friend and at one time a Regents' Professor at Berkeley, has done a most scholarly job of digging out the English precedents. The English law on impeachment stopped just about the time of the drafting of the Constitution and it is a fair question (which Mr. Berger fully recognizes) how much of the law he has been able to find now was known to the draftsmen of the Constitution in 1789. Assuming that they did know, Mr. Berger concludes that "high crimes and misdemeanors" were terms of art with a technical if not very precise meaning and which included: misapplication of funds, abuse of power, and neglect of duty. Plainly, these are broader than criminal misconduct as we understand those words today. I would encourage you to contact Mr. Berger if you are interested in exploring this point further. His address is: 140 Jennie Dugan Rd., Concord, Mass. 01742.

[2] Again, Mr. Berger has views on this question also. His discussion will be published in the next issue of the Yale Law Journal.

THE SHAPE OF TOMORROW' LIES IN THE HANDS OF THOSE WHO ARE WILLING TO FIGHT FOR IT TODAY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. SCHMITZ. Mr. Speaker, among the great mass of events which blend together to form the present, there are many which tend in the direction of preserving national independence and freedom's spirit. Some of these occurrences have not received the mass media coverage they deserve.

The nonreporting of events which give heart to the enemy, or the misinterpretation of such events, is one of the basic weapons in any sophisticated psychological warfare campaign. Demoralization of the opponent is a primary aim in any effort to break down the enemy's resistance. Once a person feels there is no hope, that the situation is so bad that it cannot be rectified by anything he may do, he stops contending. He yields to a fate which seems preordained.

Just as one buries a social order by convincing its members that it is not worth defending, one also buries a society by convincing its members that it cannot be successfully defended. Recent events show that those who convince themselves of the truth of either of these twin pillars of defeat are in error.

Several of these recent "events" indicate that the United States may be adopting a more realistic attitude toward the United Nations.

For the first time in history, funds were cut to one of the subsidiary organizations of the United Nations—the International Labor Organization—ILO. The ILO was rightly denounced as an anti-American propaganda forum. For those of us who have never been able to understand why we should subsidize our slanderers, this action was most gratifying.

For the first time in history we said "No" in the Security Council. We voted against the use of armed force to "bring Rhodesia to heel." This is very significant.

For the first time in history we abstained when the vote was taken in the General Assembly budget committee in favor of a $192 million budget for United Nations operations. The United States also abstained on a Security Council vote which condemned Portugal for the alleged invasion of pro-Communist Guinea.

These occurrences, three of them historical precedents, are convincing proof that some headway is being made in the effort to show that the United Nations is more of a mental refuge for the moral cowards who refuse to accept the responsibility for beating down messianic communism than "mankind's last great hope for peace."

Another hopeful incident occurred in October of this year when we resumed full military aid to our NATO ally, Greece. A look at any world map will show the strategic importance of this nation on the northern shores of the Mediterranean. It would be a catastrophe of the greatest magnitude if this nation were to fall into Communist hands. The protracted leftist propaganda campaign against the present anti-Communist government did not bear the hoped-for fruit. National interest prevailed over emotionalized and misleading mass media agitation.

Many of you heard about the arrest of Special Forces Sfc. James R. Kerns for tearing down a Vietcong flag at the Vietnam victory rally held in Washington in October. Not so widely reported was the fact that not only were the charges against Sergeant First Class Kerns dismissed, but the judge who dismissed the charges told reporters after the trial that if he had been at the rally he would have helped Sergeant First Class Kerns take the enemy flag down. The judge then found Sergeant First Class Kerns in the lunchroom and shook his hand.

The outstanding recent event was the brave attempt which was made to free our men being held prisoner by the North Vietnamese Communists. Despite all the efforts being made to downgrade this fine and courageous operation, I think most Americans realize that this is an example of the spirit that made our Nation great.

In this endeavor perhaps we witness the beginning of a changed course for a great nation: a nation rising once again to meet the challenge which the era thrusts upon us. We must work to insure that events evolve in this direction.

APPEAL FOR ENACTMENT OF THE EMERGENCY SCHOOL AID ACT OF 1970

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, time is running out on enactment this year of one of the most important pieces of legislation that we have had come through this House and sent to the other body, the Emergency School Aid Act of 1970. As chairman of the House Subcommittee on General Education, it is my fervent hope that the other body will accept this legislation and send it on to the President for signature.

The Washington Post this morning pointed out that one of the most important bills still awaiting action is the so-called Emergency School Aid Act of 1970. This is a $1.5 billion 2-year program, designed to assist schools undergoing racial desegregation. This measure was proposed by President Nixon last spring, and was approved by the House Committee on Education and Labor, and subsequently by the House itself.

The subcommittee has worked very hard to approve this bill. In my judgment it will go a long way. With all due respect to my colleagues in the other body, I do not believe that this bill is unacceptable as has been stated by one of the Senators. I believe that this bill was sent to the Congress by the President because the President recognizes, as we did in our committee, that one of the most serious problems in America today is the resegregation of schools. Testimony before our committee shows that schools which had been segregated all white, became integrated, and then resegregated within 36 months. This is a national crisis; and this legislation now before the other body would make a significant contribution toward dealing with this problem.

It is my fervent prayer and hope that the gentleman in the other body at this late moment will take another look at our bill and see that it does make a significant contribution toward the solution of this problem, pass it, and sent it on to the President for his signature.

NEW YORK COLLEAGUES THAT WILL BE MISSED

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. KOCH. Mr. Speaker, I should like to join my colleagues from New York in expressing my feelings about those members of the New York delegation with whom I have served over the past 2 years, and who are not only able colleagues but good friends.

I came to Washington 2 years ago as a freshman with ALLARD LOWENSTEIN who, because of his outstanding talent in mobilizing the anti-Vietnam war sentiment in this country, is probably one of the most well-known young men in the United States. His dedication to this major and overriding cause was seen during his term of office here in Washington and will be continued so long as the war continues. He is an extraordinary man who has performed a magnificent service to our Nation.

Mr. Speaker, another colleague that I will miss and one of the first Members with whom I spoke when I came to Washington looking for guidance was RICHARD D. MCCARTHY, known by all as MAX. Prior to coming here I knew him only by reputation as a fighter against the highway trust fund. But I soon learned that he is also a gentle, considerate man with a marvelous sense of humor and in the short space of 2 years we became good friends and I value that friendship which I hope will long endure.

I know he will continue with the fight to prevent our landscapes and urban areas from being cemented over by the highway builders. I consider mass transit to be one of the major areas of need in this country and I consider MAX MCCARTHY a major leader espousing that concept.

Mr. Speaker, another colleague leaving and, one I have known for about 14 years is LEONARD FARBSTEIN. I came to know him even better since my election to the House in 1968. Few people in this country realize that it was LEONARD FARBSTEIN who first proposed the elimination by law of the polluting internal combustion engine and who last year introduced the first amendment to provide a time limit for Detroit to produce a nonpolluting vehicle. His amendment was rejected then as too visionary but, less than a year later it was incorporated in the Clean Air Act Amendments of 1970 and now Detroit must produce a nonpolluting engine by 1976.

Mr. Speaker, one other good friend who will be leaving this House and whom we will miss is RICHARD L. OTTINGER. DICK involved himself in the environmental cause long before it was fashionable and was the first to invoke in the State of New York the little known Refuse Act of 1899. Fortunately for the country he is going to continue in the environmental area mobilizing public opinion in support of saving our water, air and land for the generations to come.

These men have made important contributions to improving the quality of life in this country and their presence will be sorely missed in this Congress. Fortunately they will continue to improve the quality of life in their new endeavors. I wish them well and all success.

HON. MICHAEL A. FEIGHAN

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. McMILLAN. Mr. Speaker, I want to join Congressman MICHAEL A. FEIGHAN's host of friends in expressing my regrets that he will not be a Member of this body during the 92d Congress.

Mr. FEIGHAN was an outstanding member of the House Judiciary Committee and assisted me on a number of occasions with problems confronting some of my constituents. His services will be greatly missed and I want to wish him and his family all the happiness possible in future years.

RESPONSE FROM SECRETARY OF STATE ROGERS GRATIFYING

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. FINDLEY. Mr. Speaker, recently I wrote to Secretary of State William P. Rogers to commend him for his initiative which has brought at least temporary peace to the Middle East, and also to urge that every effort be made by our country to resume diplomatic relations with the United Arab Republic. The response to my letter was gratifying, and I know it will be read with approval by Jews and Arabs alike who believe in and labor for a permanent peace.

Writing for the Secretary, his assistant, David Abshire stated plainly:

> We too would like to resume diplomatic relations with the U.A.R. We have let the Egyptians know, both publicly and privately on a number of occasions since 1969, that we would be prepared to reestablish relations at any time.* * * We have placed no preconditions on a resumption of relations, and are hopeful that the Egyptians will agree in due course.

This is the correct policy for the United States to follow. It is a policy which is in the interest of world peace. Formal diplomatic relations at the highest level would facilitate communications so essential to understanding and cooperative action.

The establishment of relations at the ambassadorial level is a step which many Americans and Arabs desire. Since my letter to the Secretary of State was written, prominent U.S. citizens sympathetic to the cause of the Arabs have written to me to state their own agreement.

The establishment of formal diplomatic relations between our two great nations is the next logical step which we must take. It is in the national interest of each, as well as of world peace. The sooner it is taken, the better.

I commend the Secretary of State for his constructive leadership in the cause of peace, and also for his labors to better relations between the United States and the United Arab Republic. I earnestly hope that the United Arab Republic will respond in the same spirit.

Below are the texts of the two letters:

DECEMBER 18, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

Dear Mr. Secretary: In my view, the time has come for two great nations, the United States and United Arab Republic (Egypt), to resume normal diplomatic relations.

The severance in relations which occurred during the Seven Days War is now in its fourth year. Its continuation handicaps the United States in its efforts to be a force for peace and justice in the Middle East, because it makes awkward the communication, both public and private, so essential to understanding and cooperative action.

In both nations new leaders have taken office since the break occurred and I sense a greater inclination toward cooperation today than at any time in ten years. Your diplomatic initiative which has produced a cease fire in the Middle East has reaffirmed

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America's desire for good relations with all States in the area.

Certainly, sentiment on Capitol Hill in Washington has moderated in recent years and normal diplomatic relations would, I believe, be welcomed by a majority of both Houses of the Congress.

The people of the United States recognize that Egypt has always been, and will continue to be, so to speak, the political center of gravity in the Arab world, and therefore of vast importance to our country. Our interests in the Middle East are not confined to Israel, and therefore it is highly important that we achieve the maximum understanding with the one country which is the acknowledged leader of all the Arab states and is so important to the aspirations of all the people in the Middle East.

Your fine leadership in this area is a credit to U.S. diplomacy, and I commend you for it.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

DEPARTMENT OF STATE,
Washington, D.C., December 30, 1970.
Hon. PAUL FINDLEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FINDLEY: Secretary Rogers has asked me to answer your letter of December 18, in which you proposed that we reestablish diplomatic relations with the U.A.R. He also wanted me to thank you especially for the kind wishes you expressed in your letter.

We too would like to resume diplomatic relations with the U.A.R. We have let the Egyptians know, both publicly and privately on a number of occasions since 1969, that we would be prepared to reestablish relations at any time. Secretary Rogers said in a speech on December 9, 1969:

"We remain interested in good relations with all states in the (Middle East) area. Whenever and wherever Arab states which have broken off diplomatic relations with the United States are prepared to restore them, we shall respond in the same spirit."

We have placed no preconditions on a resumption of relations, and are hopeful that the Egyptians will agree in due course. However, they have told us on a number of occasions, the most recent since President Nasser's death, that they do not think that the circumstances are propitious for resumption of full relations.

In the meantime, as you know, our communications with the Egyptians are generally satisfactory and there are frequent high-level contacts between representatives of our two governments both here and in Cairo. We remain ready, however, to take any step to improve relations further when this desire is reciprocated by the UAR.

I hope this information will be helpful to you. If we can be of further assistance, please let us know.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

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TRIBUTE TO MR. FRANCIS J. KANE

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. McMILLAN. Mr. Speaker, I insert in the RECORD a statement in behalf of Mr. Francis J. Kane of Washington, D.C., who has just been reappointed for a 3-year term effective October 13, 1970, to serve on the District of Columbia Armory Board.

Mr. Kane has performed outstanding service for the people here in the Nation's Capital and it is refreshing to know we have people with Mr. Kane's standing in this community and throughout the country who will take their valuable time to perform the duties of a member of the District of Columbia Armory Board, a position which carries no salary.

It is my hope that all the good reputable citizens in the Nation's Capital will begin to take an active interest in the District government in an effort to see that all positions are filled by capable citizens of this community. I feel certain that if we can have more people of Mr. Kane's ability take an interest in the District of Columbia, we can substantially decrease the expenses of operating the government and give better services to the average citizen.

Again I want to congratulate Mr. Kane on his willingness to accept this position for another 3 years.

POLISH MIGRANTS THROUGHOUT THE WORLD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. EILBERG. Mr. Speaker, at a time of great national stress in Poland, when Gomulka has been replaced by Gierek, and there is great economic stress within that country, it is interesting for me, as a member of the Immigration and Nationality Subcommittee of the House Committee on the Judiciary, to look at emigration from Poland in a worldwide way. An excellent discourse on this subject appears in the November–December 1970 issue of Migration News. Migration News is a bimonthly publication of the International Catholic Migration Commission—ICMC—devoted to the subjects of migration, population, land settlement, and refugees. I call to the attention of my colleagues to an article in the publication by Dr. T. Stark of Geneva entitled "Polish Migrants Throughout the World." The article follows:

POLISH MIGRANTS THROUGHOUT THE WORLD

(By Dr. T. Stark)

There are few subjects which give rise to greater controversy than the question of how many Polish migrants live outside Poland. Various figures are circulated and quoted in articles and reviews, and it would therefore be useful to examine what the actual number of Poles abroad might be and what criteria should be applied to determine it.

When migrant statistics are spoken of, the first source of misunderstanding is the definition of who is to be considered as a "migrant." Receiving countries maintain that those who leave their country of origin cease to be considered as migrants when they become socially or economically integrated into the life of their new country. Others consider as migrants those born in other countries. Others go even further, considering not only those of the first generation as belonging to this group, but also all their descendants who bear a foreign name, keep in touch with the country of origin or take part in the life of the foreign community. The broadest concept of "foreign origin" is that which goes back to second, third or even further generations.

On the other hand, the official statistics of immigration countries consider as "Polish immigrants" or "Polish population" only those who have Polish passports (Polish citizenship). They thus restrict the notion of "non-integrated migrants" to those who are not naturalized. However, population censuses are often based on sociological points of view and consider as "Poles" all those who declare themselves as such and express the desire to be considered as such. That would mean that this is a subjective notion and cannot be determined by objective signs such as a passport or birth certificate. However, it is also true that for reasons of opportunity and also psychological reasons, people sometimes avoid declaring their origins in a new country, preferring to be considered as "people of the country".

As far as Polish immigrants are concerned, for historical reasons further misunderstanding may arise. In the 18th and 19th centuries, indeed, right up to 1921, Poland was not a free country, as a result of its partition between Austria, Germany and Russia, and the Poles who emigrated traveled under the passports of these countries and appear in the statistics for these countries. After the Second World War, history repeated itself, as Polish emigrants from Europe were mostly refugees, already living outside their country. They thus appear as residents of their countries of departure or are counted as stateless persons.

The most interesting thing from a sociological point of view is, of course, the broadest notion of "origin" which does not take into account the aspects of either integration or citizenship. It is this notion that we shall adopt for this study, taking as the down limit of the cessation of "migrant status" the lack of desire expressed by the people themselves to be considered as Poles i.e. their lack of contact with Polish community life in immigration countries.

TRADITION OF POLISH EMIGRATION OVERSEAS

Emigration is of a long-standing tradition in Poland and reasons for it are mainly of an economical and political nature, i.e. precarious economic conditions, lack of religious freedom and political persecution.

The first Polish emigrants had already reached North America in 1608, when a group of Polish artisans arrived in Jamestown, Virginia, to work in the glass and soap-making industry. In 1762, Mr. Olbracht Zaborowski settled in New Amsterdam, thus creating the oldest Polish family in the United States. "Zabriskie". After the Wars of Independence, 1776–1777, in which the part played by two Polish generals, Pulaski and Kosciuszko is well known, it is estimated that some 10,000 Poles, former soldiers or newcomers resettled there. The first Polish priest emigrating to the States in 1808 was a Jesuit (Fr. Korsak). Another priest arrived in 1854, this time accompanied by a whole village from Silesia and founded, together with these hundred or so Polish families, a rural settlement called Panna Maria, Texas.

The success of this first attempt caused a chain reaction and led to a massive migration movement in the following decades of the 19th century and into the 20th century. The climax of these currents was reached between 1912 and 1913, when 175,000 Poles entered the United States.[1]

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[1] Many peasants departed with German passports and were helped by *St. Raphaels-Verein*, the oldest voluntary migration organization in Europe and an affiliate to the International Catholic Migration Commission (ICMC).

In Canada, the first Polish agricultural settlement—Wilno, Ontario—dates back to 1872 and was originally founded by 300 Poles coming from Northern Poland (Kaszuby).

Finally, the first settlers from Poland going to Brazil had already arrived in 1824, and were amongst the founders of the city of Santa Cruz do Sul. The first priests to accompany Polish peasants, arrived in Brazil from Cracow in 1849. From 1868 on, larger groups of immigrants began to arrive in the State of St. Catherina, then moving further on to Curitiba, the Capital of Parana. Some 16 families founded the colony of Pilarzino (Pilgrimage), which today is a suburb of Curitiba, and five years after this they were joined by 64 other Polish families. Hence, between 1875 and 1878 mass immigration into Parana took place and about 10 settlements were founded, officially called "Nova Polonia", (New Poland), a name given to it by the "Kolonial-Zeitung" published in Vienna. Already in 1894, during the Brazilian Wars, Polish migrants constituted a regiment which fought on the Federal side, and in 1911 the first Pole (E. S. Saporski) from Parana was elected as a Brazilian Congressman.

MAIN RESETTLEMENT COUNTRIES

This brief outline already shows that migration from Poland from the beginning chose two main overseas directions; towards North America, i.e. the United States and Canada, and towards South America, namely, Brazil.

The first movements were spontaneous rather than organized. The only possible organizer was a German ship-agent, and the movements therefore also follow the trends of German migration movements of that time, which were directed towards the United States and Brazil. Hence both Poles and Germans sometimes headed for the same destinations—Wisconsin, Illinois and New York in the States and Santa Contherina, Rio Grande do Sul and Parana in Brazil.

Between the First and Second World Wars, during the period of Polish independence, the Polish State took this immigration policy in hand and directed movements to new South American targets—Argentina, Uruguay and Paraguay.

The aftermath of the Second World War, with its thousands of refugees who found themselves outside Poland, added new countries to the existing trends of Polish migration, besides increasing the intake of "older" targets such as Canada, the United States and South America. Up to 1968 the fresh intake in Canada was 136,420 Polish immigrants and in the United States 192,903. Among the new destinations mentioned must be made of Great Britain, which became a resettlement country for numerous soldiers and their families from Poland. Indeed, as a result of World War II, Polish migrants spread themselves yet further, settling in some 11 European countries. Besides migration within Europe, this post-war period opened up two extremely important new migration destinations yet further afield; Australia and New Zealand have since the war absorbed altogether almost 90,000 Polish migrant refugees.

Let us examine the present numbers of these migrants, country-by-country.

UNITED STATES

Without a doubt, the United States is the first and most typical of Polish migration destination countries, and there are between 6 and 8 million Americans of Polish descent in the States. These Poles have already lived there for four or five generations and are generally conscious of their origin. Indeed, these immigrants now constitute an integral part of the vast American nation and only their names (if they have not been changed) bear witness to their past origins. In fact, according to official population censuses, of foreign white stock in the States in 1930, 3,342,000 were of Polish origin, and in 1950, 2,727,000, i.e., 8.4–8.5% of the total foreign white stock.

If we speak of those who actually participate in Polish community life and who speak or understand Polish, they number between 800,000 and 1,000,000. These are members of Polish organizations and Polish national parishes and preserve, more or less faithfully, Polish customs.

Two separate groups of Polish immigrants must here be defined; the so-called "old" migration, mainly rural in origin, but which today has reached a higher educational level, and "new" migration, composed of post-war refugees. This latter group numbers over 200,000, belonging mostly to the intellectual and professional categories.

In Polish community life, two organizations have played an important role; the Polish National Alliance and the Polish Roman Catholic Union, which each have a quarter of a million members. They find a useful complement in the Polish Women's Alliance, which has some 100,000 women members.

Poles in the States have no separate Polish church-structures, but are integrated into local American dioceses. However, there are a considerable number of priests of Polish origin serving Polish and American parishes. For an onlooker, the following figures seem almost unbelievable; there are 900 Polish-American parishes, served by 2,500 priests of Polish origin, and about 10,000 Polish sisters. They maintain some 800 parish schools and 100 lay schools. Among the present American Bishops, there are six of Polish origin and one Cardinal. The Polish Seminary in Orchard Lake has an excellent reputation for helping the American Church to preserve the faith of those Poles who were not at first able to take part in the English-spoken mass and confession. Up to now it has instructed over 2,000 priests for the care of Polish immigrants.[2] Yet another Polish religious center is the Pauline Fathers' Shrine of the Holy Virgin at Doylestown, which each year brings together over half a million Polish Americans on various religious occasions. The Pauline Fathers use 26 broadcasting stations to diffuse religious programs.

Indeed, this shows great dynamism on their part and also proves the contribution made by Polish immigrants to American Catholicism. They realise that they should maintain their national values, and integrate them into the American concept of life. One eminent American Bishop of Polish origin, A. J. Wycislo of Green Bay, Wisconsin, in the study he made in 1959, entitled "The Polish Catholic Immigrant" rightly stressed the fact that when we speak of Polish Americans, we think *ipso facto* of Polish Catholics. Indeed, the traditional faith of Poland has been a potent force in shaping Polish American life and providing it with a unitive power.

BRAZIL

The second agglomeration of Polish migrants is to be found in Brazil where there are some 400,000 persons of Polish descent. Of these, over 200,000 are still taking part in Polish community life. Many, however, do not speak Polish and are completely integrated into the Brazilian way of life.

The official population census of 1940 put the total number of foreign population of Polish stock at 250,000 persons. Of these, the largest number was settled in Parana (100,000) in the green belt around Curitiba, where many localities bear Polish names or the names of saints. The second state, Rio Grande do Sul accounted for some 80,000 immigrants of Polish origin, mainly agricultural workers and artisans. In Santa Catarina there were some 20,000, in São Paulo, 10,000. There are also numerous colonies of Polish origin in Espirito Santo, Minas Gerais, etc.

A further increase in these migrant groups was somewhat hampered by a lack of newly arriving immigrants from Poland and especially a lack of immigrants of a professional status. The International Refugee Organization (IRO) brought 8,000 Polish refugees to Brazil in addition to 500 former soldiers who arrived from the United Kingdom, France and elsewhere. However, at present, new immigration of Poles into Brazil has almost entirely ceased.

The former flourishing organizational life, which consisted of over 700 Polish organizations before the last war and some 300 Polish schools is now static. There are, nevertheless, at the moment over 90 Polish priests in Southern Brazil, most of whom are of the "priest-agriculture" type, since they are obliged to earn their living.

ARGENTINA AND OTHER LATIN AMERICAN COUNTRIES

In Spanish-speaking Latin America there are at present about 150,000 immigrants of Polish origin. Some 100,000–120,000 of them live in *Argentina*. The official population census of 1960 gives the number of Poles in Argentina as 107,915 i.e. 4% of the total foreign population. This migration dates back only about 50 years and most of this has taken place in the inter-war 1919–1939 period It mainly consists of agricultural workers and almost all of these have settled near Buenos Aires, following the example of immigrants coming from Spain and Italy. Most of the others settled in Missiones (20,000), but some went to cities like Rosario, Santa Fe, Mendoza, Cordoba and Tucuman. In some of these cities even the third generation speaks Polish.

The post-war influx of Polish immigrants to Argentina has been rather limited, amounting to 6,563 refugees transported by IRO to Argentina from Germany or France during the years 1947–1951.

Paraguay and Uruguay also had small Polish settlements established before the last war. Post-war influx (with the help of IRO) has been fairly small; Venezuela 2,814, Paraguay 1,433 (of whom some went on to Argentina) and Chile 516. Small colonies of 200–300 persons exist in Uruguay and Peru. These are mainly composed of former members of the Allied Armies or refugees.

CANADA

Similar to the United States, Canada, already possessed a sound economy when the mass influx of migrants from Poland got under way, but various favorable factors, such as a small population per square kilometer and the numerical disproportion between the two main population groups—the British and the French—favored the acceptance of these new immigrants. Indeed, contrary to the etymology of its name, which Spanish scholars maintain evolved from the arrival of the first explorers from Spain, who, on discovering the country, went back to their ships saying, "Aca-nada"—"There is nothing here"—Canada has grown to be one of the most important economic powers of the world, thanks to its wealth of agriculture and raw materials. To show its population possibilities, its surface is 32 times that of Poland (311,000 square kilometers).

Thanks to these favorable conditions, Canada quickly acquired the third largest agglomeration of Polish migrants, who arrived there in three waves. After some more or less successful attempts at individual migration, the first main wave dates back to before the First World War and was chiefly of an agricultural and rural character. The second took place between the two World Wars and was composed of middleclass men, especially merchants. The last wave came after the Second World War, bringing with it

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[2] All the figures quoted are taken from a report published in 1969 by Rev. W. J. Ziemba, Rector of the Seminary in Orchard Lake, Michigan.

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mainly refugees of a higher education and professional status. Up to now, these migrants have converged on urban centers—63% are presently living in cities.

The total contribution of Poles to the demographic development of Canada is put at some 350,000 persons. The 1961 census spoke of 323,517 immigrants born in Poland. The present numbers of those keeping in touch with Polish community life are estimated at 230,000 persons, including the post-war intake of 136,420 (1945–1968). The International Refugee Organization alone resettled 47,000 Polish refugees in Canada up to 1951.

As to their actual location in Canada, the largest numbers are to be found in the provinces of Ontario and Quebec; Toronto, Montreal and Ottawa have the highest number. In the province of Manitoba, the largest concentration is to be found in Winnipeg (about 15,000), but others can be found in St.-Boniface, Transcona, etc. Here they often neighbor with Ukranian migrants who left Poland at the beginning of this century. It should be stressed that of the total Catholic population of Winnipeg, numerically the Poles hold first place, even ahead of French and British Catholics. Sixty-four churches have been built by Poles and 20 of these are still serving the purpose of Polish pastoral care.

Polish migrants are also to be found in Saskatchewan (Saskatoon), in Alberta (Edmonton—11,000) and Columbia (Vancouver—8,000), to mention only the most important centers. There are 75 priests of Polish origin taking care of these immigrants, dispersed over the whole of the country; many of them are members of religious orders.

AUSTRALIA

Polish migration here goes back only 20 years and accounts for some 85,000 persons who have been integrated into this newly constituted and growing Australian population. In fact, before 1939 there were only 1,000 Poles in Australia.

According to official statistics, of the intake between 1945 and March 1969 of 84,513 migrants born in Poland, 67,287 are now naturalized together with their children and possess Australian passports. However, the first generation of immigrants takes an active part in Polish community life. Most of them came from refugee camps in Germany, others passed through Russia, Iran and India; yet others were soldiers in Great Britain. Following two-year contracts to work on the construction of roads, railways and offices, most of these settled in towns.

Polish organizations are members of the Council of Polish Organizations, which has its seat in Sydney. Polish priests are also responsible for Australian parishes. St. Vincent de Paul missionaries evicted from China began this work and were later on supplemented by priests coming from Germany and France. The Polish shrine of Czestochowa was consecrated in 1966 at Marayong by Cardinal Gilroy in the presence of 18,000 Polish immigrants.

FRANCE

Recently, a member of the French parliament quoting the numbers of immigrants in France placed Polish migrant workers with their families in fourth place after Spaniards, Italians and Portuguese with a total of 300,000 persons. Before the last war, in fact, this was the largest Polish colony, which according to Professor Vernant consisted of 460,000 Poles. Professor Zubrzycki in "Population Studies" has analysed the influx of Poles between 1919 and 1938 and arrived at the net figure of 423,000 Poles in France before the war.

A recent inquiry made amongst Polish priests in 1965 in France revealed some 270,000 persons of Polish origin who keep in touch with Polish organizations and benefit from the pastoral care of Polish priests. Official statistics, which do not include those possessing French passports, do however, show a lower figure. Whereas the 1962 population census showed 177,181 Poles, the 1968 one indicated only 131,280.

The Polish group in France is mainly composed of workers, miners and rural migrants. They enjoy many facilities for their religious life and also for their traditional ceremonies to which they are very attached. The mere enumeration of existing Polish organizations would take some pages; suffice it to say that they can be found throughout the whole of France, though more especially in the North where the majority of Poles live.

GREAT BRITAIN

A distinction should be drawn between two separate regions here as regards Polish settlement; England and Wales on the one hand, and Scotland on the other. Migration to these areas has taken place in the post-war era, and as a result of the war in which the Polish Army took part in Great Britain, remaining behind when it was over.

At present, of the 162,000 Poles of the 1959 census and 127,000 of the 1961 census, some 75,000 take part in Polish community life in England and Wales. Another 6,000 are to be found in Scotland, but only half of them remain in touch with Polish community life. A specially organized Medical Faculty has educated 400 Polish doctors and 160 other graduates. There is a Polish priest in Edinburgh, Falkirk, Glasgow and Kirkcaldy.

Community life in England and Wales is very active thanks to over 100 Polish priests serving in 72 parishes. There are in all 13 Polish churches in England, namely two in London, one in each of Bolton, Bradford, Coventry, Hereford, Huddersfield, Kidderminster, Leicester, Manchester, Melton Mowbray and Northwich. Some 30 Polish Parish Houses (4 of which are in London) gather Poles together every day from the surrounding districts. Some 30% of all Polish migrants live in London.

From the beginning stress was placed by the Poles in Great Britain on the education of youth and therefore many schools were organized for boys and girls, mostly run by Catholic nuns and priests. Among religious orders, mention should be made of the Polish Marianists, Jesuits and Societas Christi, and the Sisters of the Holy Family of Nazareth and of the Resurrection. A Polish College has been established at Fawley Court, Oxon, for boys and at Pitsford Hall, Northampton, for girls. Many publications are printed, chiefly in London—Veritas Publications, the Sunday Gazette, Sodalis Marianus; others are published in Hereford and Brighton.

OTHER EUROPEAN COUNTRIES

It was stressed at the beginning of this article that after the Second World War Polish refugees and migrants resettled in more than 10 European countries. Here is some estimated data, according to official and unofficial sources:

Federal Republic of Germany (of whom 35,000 stateless of Polish origin)	53, 000
Belgium (of whom 24,000 Polish refugees)	34, 000
Sweden	8, 000
Denmark	6, 000
Netherlands	4, 000
Austria	3, 500
Switzerland	2, 000
Italy	1, 500
Luxembourg	1, 000
Turkey	300
Spain	300
Portugal	200
Total	111, 800

Most of these are former refugees who are now integrated into the economic life of the above countries. In Germany, some of them still belong to the American Guard Companies as a part of the U.S. army. Pastoral care is well-organized in Germany and there are over 30 Polish priests there. In Belgium there are 17 priests and 200 sisters. There are also small numbers of migrants in the Lebanon (3,000), South Africa (2,000), Israel and India.

POSITIVE CONTRIBUTION OF IMMIGRANTS

Many publications dealing with the contributions of Polish immigrants to the social, religious and economic life of the receiving countries, speak of them as "positive assets" in resettlement countries.

It can be said that of the several millions who emigrated either directly from Poland or from refugee camps outside Poland, some two million have maintained contact with Polish community life and still speak Polish. Over a million live in North America (U.S. and Canada), some 500,000 in South America (mainly Brazil and Argentina) and a further 400,000 in Europe (France, Great Britain, Germany and Belgium). Their children are, of course, integrated into the new life. The positive contribution made is based on the fact that, if these immigrants tried to maintain their original characteristics and traits in the first two generations, it was not for political reasons, such as secession, but for religious reasons, because for them original nationality and religion are often one and the same thing.

MENACE ON THE HIGH SEAS

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. MARSH. Mr. Speaker, increasing attention is being directed to the buildup of Soviet naval power. The following newsletter from the American Security Council shows why there is real reason for concern about this increasing threat and, therefore, I bring it to the attention of the Members:

THE GLOBAL SOVIET NAVAL CHALLENGE

Despite the tremendous technological progress made in air transportation and stategic weapons systems in this country, free use of the seas which cover three-fourths of the earth's surface—continues to be essential to the security of this country, whether to defend ourselves or our allies. Ninety-seven percent of all the material sent to Vietnam has gone by sea.

Fully cognizant of our dependence on seaborne transportation, the Soviet Union has developed a naval strategy aimed at interdicting our sea lanes. Since World War II they have placed increasing priority on submarines, aware of the fact that the last two world wars were almost lost because of the Allied problem in keeping the sea lanes open.

EXPANDED ROLE OF THE SUBMARINE

With the rapid advancement of technology since the end of World War II, the role of the submarine in naval warfare has expanded. Nuclear power, long range missiles, sophisticated electronics, computers—all combine to make the submarine many times more potent and versatile than before. The nuclear-powered ballistic missile submarine has become our most viable deterrent strategic weapon. The Soviets are presently engaged in a massive construction program to build a fleet of similar submarines, and a part of

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this fleet is now on station off our coasts. Present projections indicate that by mid-1974 their ballistic missile submarine fleet will equal ours. The Soviets are also building large numbers of high-speed, torpedo-firing nuclear-powered submarines which can fire long-range cruise missiles, capable of being armed with conventional or nuclear warheads. Ships of the Soviet Navy are systematically present in all oceans, challenging the Allied control of the seas.

SOVIET CONSTRUCTION PROGRAM EXCEEDS OURS

Starting with 200 diesel-powered submarines at the end of World War II, the Soviets embarked on the largest "peace-time" submarine construction program in history, producing over 570 modern submarines in 25 years most designed for long-range operations. During the same period we built 105 submarines. In two years alone—1955 and 1956, the Soviets completed 150 submarines, one and one-half times the total number of submarines produced in this country during the past 25 years. The Soviets now possess the largest and most modern submarine building yards in the world, giving them several times the nuclear submarine construction capacity possessed by the United States. In addition, ten times as many naval architects and marine engineers are graduating in the U.S.S.R. than in the U.S. According to the latest unclassified data the Soviets now have between 355 and 363 submarines, all built since 1945, with at least 75 being nuclear-powered. The total U.S. force is 147, of which 88 are nuclear-powered. Based on current force levels and estimated Soviet nuclear submarine building rates, they will be ahead of us numerically by the end of this year.

One of the new Soviet sub designs is the Yankee class nuclear-powered ballistic missile boat, introduced in 1968. These submarines are very similar to our Ethan Allen Polaris submarine, and are capable of launching 16 ballistic missiles submerged. The Soviets now have 13 of the Yankee class operational and they are building 12 a year. It is estimated that they will surpass our Polaris fleet by mid 1973.

SOVIET NAVY A WORLD-WIDE FORCE

The Soviet submarine force, like the entire Soviet Navy, has become capable of sustained open-ocean operations and is being used in support of foreign policy in many areas of the world. During the recent large-scale naval maneuvers that included over 200 ships in both Atlantic and Pacific Oceans and nine adjoining seas, the Soviets deployed a large number of nuclear submarines away from their home bases, supplied by large sea-going tenders capable of remaining at sea for six months, servicing and repairing submarines while underway. Commenting on these maneuvers, Soviet Admiral Gorshkov, Commander-in-Chief of the Soviet Navy declared: "Whereas until quite recently some areas of the world's oceans were considered restricted areas in which the navies of the imperialist powers ruled supreme and where our ships seldom ventured, now there are no such areas."

The Soviet are pulling ahead both in the speed of their submarines and in submarine weaponry. They possess a torpedo capability comparable to our own, and they have also successfully developed and put to sea some 65 submarines capable of firing long-range cruise missiles. These boats represent a threat to our world-wide surface shipping, our naval surface forces, and our free use of the seas. We do not possess a comparable weapons capability.

By the end of 1975, when we put into operation the last submarine currently authorized, the United States will have a total of 109 nuclear submarines. During the same period the Soviets will probably add at least 70 nuclear subs for a total of between 145 and 153—giving them a numerical superiority of fifty percent in nuclear submarines. We are building only three submarines a year, while the Soviets are building ten to twelve.

Admiral Hyman Rickover, among others, have recommended that the current high speed attack submarine (SSN 688 Class) building program be increased from three to at least five per year. He also recommends commencing on a new design high-speed submarine capable of firing long-range submarine-to-surface cruise missiles. To increase the invulnerability of the Polaris submarine, Admiral Rickover advocates increasing the range of the missile—thus providing greater ocean areas to hide in. This means pushing ahead with the development of the Underseas Long Range Missile System (ULMS).

There is some evidence that the Soviets have developed a base in Cienfuegos, Cuba, which can service its submarine fleet in this part of the world. One of the many advantages of the base would be facility for the repair and adjustment of ballistic missiles carried by the Yankee class sub. The development of this base provides the Soviets with an additional option for offensive strategy.

With the achievement of superiority in ICBM's, the development of space weapons, the rapid build-up on the seas and the elaborate and sophisticated support given to subversive movements in this hemisphere, the Soviets would appear to be on the threshold of a major break-through, far exceeding the temptation of 1962 which led to the Cuban missile crisis.

SEA-BASED ESPIONAGE

For some time now, the Soviets have been conducting an elaborate program of espionage against our military and space installations all along the Atlantic coast. The port of Charleston is one of the bases for our Polaris nuclear submarines. Soviet spy ships have been repeatedly sighted near the harbor waters at Charleston, sometimes anchoring right by the harbor buoy at the entrance to the port, to record the "sonic signatures" of the Polaris submarines and other U.S. naval vessels entering or leaving the port. A notorious case concerns the activities of the Soviet trawler *Laptev*, in its efforts last July and August to monitor the test firings of the Posiedon missile from the U.S.S. *Madison*, based at Charleston. The harassment by the *Laptev* actually caused the postponment of the Poseidon test launch, and almost involved a serious accident at sea.

The *Laptev* is a Soviet intelligence collection ship—AGI—and only nominally a trawler. Designated as the *Khariton Laptev*, this vessel is listed by Jane's[1] as an oceanographic survey ship of the *Nikolai Zubov* class. The Soviet Union has deployed intelligence collection ships in electronic surveillance operations against U.S. naval and land targets since the end of the Korean war. Soviet AGI's have operated along the east coast of the United States with patrols lasting about two months. Their main area of interest has been the Virginia Capes, amphibious training areas off the North Carolina littoral, naval operating areas off Charleston, and Cape Kennedy. Such patrols also cover the Puerto Rico naval operating areas and U.S. space vehicle recovery areas. Soviet AGI's which have operated off the east coast during the past year are as follows: *Teodolit* (12 Aug. 1969 to 1 Nov. 1969), *Krenometr* (28 Oct. 1969 to 3 Jan. 1970), *Lotlin* (20 Jan. 1970 to 2 April, 1970), *Teodolit* (31 March, 1970 to 13 June, 1970), and *Laptev* (2 June, 1970 to present).

THE CARIBBEAN

With respect to the Cienfuegos submarine base, when it becomes fully operational, the Soviets will have the capability not only of reaching our south, southwest and midwest, but also the Panama Canal and much of central and South America. Nuclear missiles fired against the United States from a Caribbean launching area would, of course, outflank our IBM defenses in Montana and the Dakotas. Thus all the more urgency to place part of our IBM defenses at sea in the Navy's mobile Sabmis[2] system.

The threat of Soviet subs in Cienfuegos is not limited to that posed by Yankee class missile boats. The Caribbean is our principal highway for transportation of South American strategic raw materials to this country; it is also the Atlantic approach to the Panama Canal, as well as the route that tankers must traverse to move Venezuelan oil to the United States and Europe.

Those who forever argue against any strengthening of our armed forces to meet Soviet escalation have said: "How can we blame the Russians for the Cienfuegos base if we have Polaris bases in Scotland and Spain?" One answer is that Holy Loch (Scotland) and Rota (Spain) are a thousand miles from the U.S.S.R. while Cienfuegos is but 150 miles from the United States. In 1962 the doves equated our belated response to the Soviet build-up in Cuba to the initial placement of IRBM's[3] in that country. They fail to distinguish between the use of force for offensive and defensive purposes.

THE MEDITERRANEAN

Of almost equal concern is the Soviet naval build-up in the Mediterranean. The Soviet fleet has port facilities at its disposal in Port Said, Alexandria and Latakia (Syria). It has also made use of facilities in Algeria. Thus far Soviet fleet activities appear to have primarily political and intelligence objectives. But there are situations where the Soviet fleet could threaten vital communications routes of the three southern flank countries—Greece, Italy and Turkey—which depend on sea routes to carry the great bulk of their imports and exports. The Soviet fleet is in a position to hinder British, French and American submarines and the Sixth Fleet. The presence of landing vessels in the Soviet fleet gives it the capability of carrying out operations which could adversely affect Albania, Yugoslavia, Israel and Lebanon. Finally, increased Soviet activity in the Persian Gulf and in the Middle East oil-producing states and the presence of the Soviet fleet in the Mediterranean could be viewed as part of a long-term strategy aimed at establishing a major influence in the oil-producing states.

Soviet activity in the Mediterranean has not been confined to the build-up of a permanent fleet. Soviet technicians and military advisers have been placed in Egypt, Syria, Algeria, and perhaps Libya as well. The post-1967 build-up in Egypt has led to the present crisis, including the Egyptian violations of the cease-fire. The strategic naval base of Mers-el-Kebir could be used by Soviet submarines and naval vessels to track the passage of western submarines and naval vessels between the western Mediterranean and the Atlantic

Soviet naval expansion in the Mediterranean is part of a new Soviet global naval strategy, which encompasses the North Atlantic, Caribbean and Indian oceans and the Persian Gulf. Soviet naval strength has changed in recent years from being primarily a defensive fleet to being a more aggressive one, particularly in view of the greater emphasis on long-range submarines, landing craft and the introduction of Helicopter carriers.

Soviet Fleet Admiral Gorshkov said recently: "The pride of our navy is atomic submarines, which are fitted out with missiles of various purposes which can be launched from under water. The submarines, together with naval missile-carrying and anti-submarine aviation having high-speed, long-range airplanes, are the basis of the striking might of the Navy."

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[1] Jane's Fighting Ships, 1970.

[2] Sabmis—Seaborne Anti-Ballistic Missile Intercept System.

[3] IRBM's—Intermediate Range Ballistic Missiles.

The Soviet challenge is there for all to see. What will our response be?

KISSINGER'S STAFFER HOLDS TROUSERLESS ORGY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. RARICK. Mr. Speaker, it appears that the District of Columbia social event of the year was a trouserless orgy and was held by a member of the staff of Dr. Henry Kissinger, special assistant to President Nixon for national security affairs.

This immodest event was reportedly attended by Adm. Rembrandt Robinson of the staff of the Chief of Naval Operations, a large number of Kissinger's national security affairs staff, other White House staffers and some employees from Capitol Hill and other branches of government.

One of the suspect perverts was so unpatriotic and shameless that his underwear was made from an American flag.

It is little wonder that our young people over the country have become disillusioned with this so-called establishment, when such total disregard for decency and morality is flaunted by people who are related to as representative of our Government. If the other members of the Paris peace talks delegation are of the same character as exhibitionist Richard Smyser, we can now begin to understand why even the Vietcong cannot communicate with them.

And this is the way servants of U.S. taxpayers entertain?

I insert the story of this recent debauchery at this point in the RECORD.

[From the Washington Post, Oct. 25, 1970]

BLACK TIE, BUT NO PANTS

(By Maxine Cheshire)

The engraved invitation read: "Black Tie, *sans pantalons*"—meaning that male guests should arrive without trousers.

The party was given two weeks ago by John Lehman, a member of the staff of Dr. Henry Kissinger, special assistant to President Nixon for national security affairs. Kissinger did not attend.

The event should be forever memorable in an administration where the social highlight of the week can be Julie Eisenhower having her girl friends over for an afternoon cup of tea and a movie showing of "Othello."

Visualize, if you can, Adm. Rembrandt Robinson, Kissinger's liaison with Chief of Naval Operations Adm. Thomas Moorer, resplendent topside in gold braid and artistically attired below in flower-bedecked skivvies trimmed in ruffles.

There was Richard V. Allen, key Nixon campaign adviser on foreign affairs and formerly deputy to Kissinger, wearing a tuxedo jacket over a pair of women's knee-length bloomers dyed psychedelic colors.

A stockbroker from Villanova, Pa., Lehman noted, wore a costume that could get him arrested in some states. His underwear was made from an American flag.

Richard Smyser, Kissinger's Vietnam expert and former member of the Paris peace talks delegation, wasn't trying to remain anonymous in the crowd.

He had his name stenciled in large letters across the back of his shorts.

The host, John Lehman, wore his Cambridge University rowing blazer over a pair of boxer shorts that had been tie-dyed and then stitched strategically by his girl friend with a toad in needlepoint.

The toad is the emblem of the Cambridge dining society to which Lehman belonged in his student days, the Ancient Order of Gonville Loungers.

Trouserless parties are a tradition with that group according to Lehman a former University of Pennsylvania faculty member and a cousin of Princess Grace of Monaco.

The Gonville Loungers, whose members include television's David Frost, recently celebrated their 511th anniversary at a *sans pantalons* gathering for which Lehman flew to England.

This is the second trouserless party that Lehman has staged in Washington with the help of two bachelor roommates who share his Georgetown row house.

Last year's was held in December. "But some people complained of getting a little chilly," Lehman explains. "So this time we moved it up to a warmer month."

He had a six-piece rock band and most of his guests had a rollicking time. "But there is always someone," he says, "who stands around looking very sheepish in his garters."

Women guests all wore elegant long dresses. Men who did not take the invitation's wording seriously were met at the door by a maid who insisted they remove their trousers. She provided boxer shorts for those who came in briefs.

Only one man resisted. Kent Crane, of Vice President Agnew's staff, firmly refused to shed his dignity or anything else.

The guest list included a large number of Lehman's colleagues on Kissinger's National Security Affairs staff, various other White House staffers, plus a few from Capitol Hill and other branches of the government.

Kissinger, who gets asked almost everywhere else in Washington, did not get an invitation. "I knew he was going to be out of town," said Lehman.

ANNAPOLIS MIDSHIPMEN AID PRISONERS OF WAR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. WALDIE. Mr. Speaker, the concern that all Americans share relative to the treatment of our men held as prisoners of war by the North Vietnamese is shared by our midshipmen at Annapolis.

These young men, all potential naval officers, have organized an effective campaign of letters to Hanoi urging more humane treatment of these prisoners.

The response from all over the Nation to their efforts has been superb. They have been receiving thousands of letters of support.

One of my appointees to the Academy, Midshipman Mark Pistochini, has been active in this worthwhile endeavor. Mark put it well to me in a recent letter when he said:

> This campaign will work with proper support and a little help from God.

My congratulations to all the midshipmen at Annapolis and my prayers that they and our men held as prisoners receive that "help from God."

TROOP WITHDRAWAL IS GOING WELL AND SHOULD DO EVEN BETTER

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. Speaker, in all of the controversy over the war in Vietnam there is one fact that is not debatable: President Nixon is withdrawing our troops from Vietnam. He has already reduced our forces in Vietnam by 37 percent since he took office and another 60,000 are scheduled to be out of that country by May 1.

On December 17, 1970, the Kansas City Star discussed the withdrawal situation in a concise and factual editorial entitled "Troop Withdrawal Is Going Well and Should Do Even Better." I include this editorial in the RECORD:

TROOP WITHDRAWAL IS GOING WELL AND SHOULD DO EVEN BETTER

It appears to be straight ahead for the Vietnam troop withdrawal of the Nixon administration. The latest troop level figure shows a drop to below 344,000. This means that President Nixon was able to beat his own pullout timetable by three weeks before the next deadline on January 1. In reaching the lowest level in more than four years, the U.S. military establishment in Vietnam is approximately 200,000 smaller than it was at its all-time peak of 543,000 in April of 1969.

Moreover, the reduction process will continue although it may slow to a trickle in the weeks immediately ahead. The slowdown that has been hinted at would be a hedge against a potential offensive by the enemy during the Tet lunar year holiday at the end of January. U.S. officials have come to regard this as the most dangerous time of year since the Communists' damaging Tet assault in 1968. But the enemy was left weakened by its heavy casualties and has mounted no major offensives since then. The hope is that the Communists are incapable of another Tet-type blow. But our side cannot count on it.

Yesterday, Melvin R. Laird, secretary of defense, noted that the infiltration of men and supplies from North Vietnam was higher last month than in November a year ago. But he also said that the level of infiltration and fighting for this year as a whole has been lower than that of 1969.

Thus the withdrawal program moves ahead with some apprehension that Hanoi might try to change present battlefield conditions. If so it would not be the Communists' purpose to interefere with the U.S. pullout but to disrupt the related Vietnamization program. The South Vietnamese are now doing most of the fighting for the allied side and bearing most of the casualties. A stronger South Vietnam is bad news for Hanoi—and the army of Saigon, on the basis of its combat record since last spring, shows increased strength. Whether it has the will to fight on indefinitely is the main question ahead.

As for the United States, Secretary Laird said yesterday that this country will maintain its military "presence" in South Vietnam as long as U.S. prisoners are held in North Vietnam. But the size of that force will

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continue to decline. In addition to the 37 per cent reduction already carried out, a further cut of 60,000 men is to be accomplished by May 1. According to unconfirmed reports, all U.S. combat troops will be out of Vietnam by the summer of 1972. Only air and ground support units would remain after that, but in as yet unannounced numbers.

President Nixon has recognized a mandate to extract the U.S. from its war entanglement in Southeast Asia as rapidly as seems prudent and feasible. His continuing success in doing just that will measure also the continuing neutralization of the war in Vietnam as a divisive national issue.

JACK GORE

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. LOWENSTEIN. Mr. Speaker, it is tempting to say that Jack Gore died at the very moment when he was most desperately needed, but it would be more accurate to say that Jack Gore was the kind of man who would have been desperately needed whenever he died. It is the fact of his death that is so hard to accept, for he was a vibrant and giving man, and he was so important a part of everything that was most hopeful in the political life of the country.

That that importance was recognized most clearly in his home State of Colorado simply means that more people there had come to be aware of his achievements despite his indifference to credit or fame. But his impact was national, and we have a better chance of making America the land it ought to be because of his efforts. We would have an even better chance if we would learn more from his example and his vision: His example of a single individual applying enormous energy and intelligence to help the common good, working quietly and unselfishly at tasks where noise and flash so often substitute for results; his vision of a strong and just America living up to her pledge at home, and leading the way toward peace on this tormented little globe.

What a man this was: tough, kind, organized, and spontaneous, a man who could see beyond the immediate to know what needed to be done, and a wizard at the mundane daily chores that make things get done. He charted how to do what is possible on the way to doing what was necessary even if it seemed impossible. Because he wanted nothing but the public good, he embarrassed political tinkerers and cynics into considering the public interest. Because he wanted results for the public good, he prodded the diverse energies of crusading reformers into rational and constructive effort. As I have said, it is hard to think when such a man would not be desperately needed; it is in fact hard to think what sort of man is more desperately needed.

We grieve for his beautiful family that shared him so generously with their country, and that now bears this awful loss that none can share with them. We grieve for the institutions and organizations he loved and helped the most—for the University of Colorado, for the Democratic Party of Colorado, for SANE, for the new Democratic coalition, all of them now shorn of a great and irreplaceable asset. Most of all, we grieve for his country, which he loved so dearly and served so indomitably.

But grieving is not enough, or it becomes an excuse, an evasion of what Jack Gore spent his life trying to tell us. So in our grief and beyond it, we set out to work harder and do better for peace and for social justice, wiser in our course for his example, clearer in our purpose for his vision. And we recall the lines of Alfred Lord Tennyson:

Come my friends,
'Tis not too late to seek a newer world.
Push off, and sitting well in order smite
The sounding furrows; for my purpose holds
To sail beyond the sunset, and the baths
Of all the western stars, until I die.
It may be that the gulfs will wash us down:
It may be we shall touch the Happy Isles,
And see the great Achilles whom we knew.
Tho' much is taken, much abides;
and tho'
We are not now the strength which in old days
Moved earth and heaven; that which we are, we are;
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.

(From "Ulysses" by Alfred Lord Tennyson.)

I include at this point in the RECORD an address by Jack Gore to the Boulder, Colo., Democratic Women's Committee Conference, and a tribute to him that appeared in the same publication:

ADDRESS BY JACK GORE: BOULDER DEMOCRATIC WOMEN'S COMMITTEE CONFERENCE, JANUARY 31, 1970

Twelve years ago this fall I moved to Boulder and I have participated actively in Boulder, Colorado, and the United States' five general elections of 1960 through 1968. Two (1960 and 1964) were significant national Democratic party victories, but only one out of five (1964) was a significant victory for Colorado Democrats. The question is why? Was it communication, organization, candidates or issues, or money? I submit that while all are important and in fact indispensable, the crucial variable in 1964 and for the future is issues.

Why is this so? Several basic political facts of life are too little known by our democratic activity and should be listed. (Nationally about 45 per cent are registered Democrats, 30 per cent Independents, and 25 per cent Republicans.)

First, not more than 5 per cent of the population participated in the political process of both parties actively, including financial contributions, outside of voting and even were only 61 per cent participated in 1968. The democratic primaries of 1968 were very exciting precisely because hundreds of thousands of new youth and adults participated for the first time, primarily because they had a stake in the issues. We are now in the process of squandering this capital by not moving fast enough to enfranchise the 18 year old youth and bring major democratic procedural reforms in opening up the party structures and broadening the franchise.

Second, millions of people interpreted the primary victories of Kennedy and McCarthy as a referendum to end the war in Vietnam which was won in the primaries and lost in the Nixon policy of "Vietnamization" or winning by proxy and continuing an open-ended involvement of the United States indefinitely—Vietnam, Laos, Thailand, and possibly other places. The Gallup and Harris Polls in the Poll of 1969 and the October 15 Moratorium clearly demonstrated a majority position for rapid withdrawal. The fact that the present pace of withdrawal and disengagement will take a minimum of six years has left a bitter and cynical taste in many people's mind about the working of the political process.

Third, the Phillip's strategy of a Southern-Heartland coalition of conservative forces in America seems extremely possible and discouraging to many who have studied how realistic this possibility is. (For those not familiar with the Southern-Heartland strategy, this simply calls for Nixon to erode the Southern Wallace vote, carry practically all the states West of the Mississippi and ride back into the White House in 1976. It means further that Nixon, being a political Republican, unlike General Eisenhower, will lay the organizational base for a conservative Republican-Dixiecrat-Military coalition that will continue to control the legislative, executive, and judicial branches of the Federal Government for at least a generation.)

This is a realistic and dangerous possibility. The counter-strategy of building a youth, black, brown, intellectual and minority blue collar change coalition, against Mr. Nixon's status quo or "no-change coalition", appears very difficult to achieve, not the least of the problems being that national Democratic leaders like Humphrey, Muskie and Harris have accepted Mr. Nixon's Vietnamization strategy almost uncritically and have moved very slowly and ineffectually to champion the rights of blacks, chicanos, youth and a more open electoral system.

The "loyal opposition" of the Democratic Party has predominantly failed to give vigorous and creative leadership to tax reform, proposals to end inflation (by dramatically cutting back the military), proposals to end the crisis in health care, proposals to deal with pollution which we only have 10 to 20 years to solve, radical reforms and restructuring of educational institutions and labor markets to invest 100 billion over a decade in the poor, particularly our black and brown fellow citizens, and most important, a dramatic cut-back in the military expenditures to $30–40 billion, or none of the above can be accomplished! As Profesor Boulding said three weeks ago in Denver at a Hearing on National Priorities of Colorado Citizens, it is simply a myth that America has all the resources to do whatever it wants to do. The wasteful space program must be abandoned or cut 90 per cent, the 50 per cent of our scientific and engineering personnel involved in space and military work must be transferred and their considerable skills applied to problems of mass transportation, air and water pollution, education, medical research and application, and a thousand and one domestic needs. The cold war myths of dangerous and imminent attack from the Soviet Union and now China must be destroyed (Communist China's entire national output (GNP) is less than our military budget, and Nixon this morning has announced support for the second phase of an open-ended 40 billion plus military commitment.)

Does the United States and the Democratic Party as an instrument of public policy change have the necessary time to turn around before an atomic war and/or the pollution strangulation of our people? The answer, it seems to me, is neither sure nor clear. Only if a rebirth of hope in the political process takes place! Only if a political leadership emerges with guts enough to raise the hard questions taking on the military-indus-

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trial-complex head on and educating the American electorate.

In this context the Boulder Democratic Women Clubs, the Young Dems in Western States, the New Democratic Coalition in some states, the McGovern Commission on Party Reform and similar groups, along with some peace, business, youth, religious, black and brown organizations (i.e., Mexican American Political Association) offer hope for creating the demands and the leadership to lead us out of the woods.

Will we do it? Only if there is much more dedicated involvement of many more grass roots leaders like those here today in the political process, with a greatly increased financial commitment (all Dems, McCarthy, Humphrey, Kennedy, spent approximately 30 million in 1968 while the Republicans spent near 100 million) can we hope to turn the country around!

JACK GORE: 1924–1970

It is uncommon for SANE World to publish an obituary. Only when a very rare human being who has made a special contribution to the cause of peace passes from the scene do we review his life's work. Jack Gore was such a rare human being, but his work was largely unsung.

Organizer of the Colorado Citizens Committee on Vietnam, a founder of the "Dump Johnson" effort, a member of the SANE staff during the 1968 election year, and leader of an informal network of activists throughout the western states, Jack Gore occupied a unique place in the American peace movement. At the memorial service for Jack in Boulder on February 11, Arnold Kaufman recalled:

"I remember his telling me once that 40% of the SANE literature used nationally was distributed among the 2% of the people who reside in Colorado. His method was to take aim at one group of opinion-makers after another—doctors, businessmen, clergymen, trade unionists, teachers—any group that he could reach with his arguments and his moral passion. David Schoenbrun spent a brief period in Colorado in 1966, and came away convinced that Jack was an authentic political genius. Only a few weeks ago Sam Brown told me that Colorado had been the most responsive state in the nation during the drive to have anti-war messages sent to Nixon. And he added. 'We both know why.' Neither of us had to say the name, 'Jack Gore.' "

On the same day, political columnist Tom Gavin of the Denver Post wrote: "He never gained great celebrity—or notoriety—in his home state. But Jack Gore was one of the national leaders of the long fight against the war; an effort which, no matter what he says to the contrary, brought down a sitting President and forever altered a great political party which had once thought to ignore their challenge."

Now, Jack Gore is dead by his own hand at the age of 45. His act stunned thousands of his friends throughout the country. But no one outside his immediate family knew of the deep inner torment and physical disability which he suffered for years. His well hidden suffering had nothing to do with politics, except in the indirect sense that his extraordinary capacity to identify with the plight of others made it impossible to refuse claims upon his energies. He gave of himself until he had no resources left to fend off the agony.

His act was not a judgment upon the causes to which he devoted his genius or the possibilities of bringing change through the political process. In his last conversation with Sanford Gottlieb, in mid-January, he offered to help organize more SANE chapters in the West. His plane and hotel reservations had been made in anticipation of the NDC convention in Chicago. The day he died, he made plans to meet with the new Vietnam Moratorium staff in Denver.

In his last public address, on January 31, Jack Gore asserted:

"We must continue to have faith in the political process;

We must continue to have a dedicated involvement at the grass roots;

We must continue to demand political leadership with guts enough to raise the hard questions.

As we do these things we can avert atomic war; prevent the strangulation of our people by pollution; and successfully confront head-on the military-industrial complex.

It is those of you who are here today that offer the hope of fulfilling these demands and finding the leadership to get us out of the woods."

There is only one fitting memorial to Jack Gore, a very personal commitment by each of us to carry on his work to get us out of the woods.

CONGRESSMAN MURPHY

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. MONAGAN. Mr. Speaker, this session marks the culmination of 12 years of outstanding service in the House of Representatives by our distinguished colleague and my good friend, the gentleman from Illinois (Mr. MURPHY). I should like to take this opportunity to pay tribute to BILL and say to him and his wonderful family that we shall miss them when the 92d Congress convenes.

As a fellow member of the Eighty-sixth Congressional Club I have enjoyed BILL MURPHY's friendship for 12 rewarding years. As a colleague on the House Foreign Affairs Committee I have appreciated his extensive knowledge of foreign affairs, and I realize more than most how much the Congress and the country will miss his service and his expertise. His depth of understanding, his thoroughness, and his commitment to the development of a responsible American foreign policy have been vital elements in Foreign Affairs Committee operations. Nowhere was this more evident than in his 2 productive years during this Congress as chairman of the Subcommittee on Asian and Pacific Affairs. He is the greatest expert on Africa that I have ever met and his knowledge of Southeast Asian politics, history, and economics is extensive and profound.

After putting himself through law school, BILL gave 24 years of dedicated service to the Chicago city government as an alderman. He was successful in his first try for the Congress in 1958 and has served in that capacity ever since. He now retires of his own volition, which in and of itself is a step to be admired and applauded.

I should like on behalf of my wife, Rosemary, and our family to join all Members in wishing our dear friends, BILL and his wife, Rose, many years of happiness and success in their future pursuits.

LATIN AMERICA: SHAKY IN THE 1970's

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. HAMILTON. Mr. Speaker, Writer James Nelson Goodsell of the Christian Science Monitor has written a penetrating series of six articles entitled "Latin America: Shaky in the 1970's." The topics covered include nationalism, the church, the military, population control, urbanization, and economic/political integration. I recommend the series to my colleagues:

NEW NATIONALISM SHOWS WIDE IMPLICATIONS: REVOLUTIONARY FERMENT AGITATES LATIN AMERICA

(By James Nelson Goodsell)

SANTIAGO, CHILE.—One year into the 1970's, Latin America is being shaken with vigorous revolutionary ferment.

Moreover, there is every evidence that the shaking will mount as the decade progresses, with broad implications for Latin America and its millions and for the United States and its hemisphere policies.

Already, a Marxist-oriented government has taken power in Chile via the ballot box. Military regimes in Peru and Bolivia are maneuvering to undercut the traditional economic power structures in those two Andean nations. And rumblings of social change can be heard in many other countries.

At its core, this ferment involves a new sense of economic and social nationalism—sometimes seen as a search for national identity—on a scale unprecedented in Latin America's 150 years of independence.

The region's fast-growing population, now totaling 290 million and increasing at 3 percent a year, is inexorably linked to this new nationalism. In fact, it is perhaps the most essential ingredient—for Latin America's population surge affects virtually every aspect of life in the hemisphere.

How Latin America manages to feed, clothe, house, educate, and find jobs for the burgeoning population will remain the major issues of the 1970's.

BEYOND IDEOLOGY

There is, of course, the growing clash of ideology between traditional approaches linked to Western European and United States democracy and the newer calls of Marxism in a variety of forms. This has made the region an important battleground in the East-West confrontation.

But the current ferment is far deeper, more important that the ideological confrontation.

To be sure, some of the violence that erupted in the late 1960's had its origin in the ideological struggle. Yet there is a tradition of violence in Latin America, and the evidence of turmoil in the past decade springs only in part from calls for violent overthrow of the existing order such as those made by Cuban Prime Minister Fidel Castro.

Since the end of World War II, the ferment for change and reform has grown markedly throughout the hemisphere. In Cuba it reached a peak in the victory of Dr. Castro over the dictatorial regime of Fulgencio Batista. It garnered strength and new focus in the early years of the 1960's under the Alliance for Progress and with the forces of the democratic Left in Venezuela, Colombia, Costa Rica, and other nations about the same time as Chile's Christian Democratic advent under Eduardo Frei Montalva in the mid-1960's.

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CALM VERSUS CATACLYSM

During the last half of the 1960's, the story of Latin America's search for change is wrapped up in the contrast between the violent change espoused by Dr. Castro and the peaceful revolution urged by Mr. Frei.

But as the new decade dawns, the focus is again shifting. It shows itself in the nationalistic, reformist military governments in Peru and Bolivia, where social and economic change affecting business and industry, as well as foreign capital investment, is under way.

It comes out in Chile, where a leftward-moving electorate has chosen a Marxist government to rule for the next six years. And it evidences itself in half a dozen other nations where the clamor for national purpose and identity is leading to changes within governments and national policies in a degree seldom reached in years past.

"We are reasserting our rights to the land and all that lies underneath the ground," a Peruvian colonel in the Foreign Ministry says.

In Brazil, his counterpart notes: "No one, no nation is going to tell Brazil what is best for Brazilians. That's up to us to decide! . . . We're nationalists; we're Brazilians; and we're free!"

CONCERN FOR THE LAND

These shrill voices of nationalism are ever more insistent. The prime focus centers on land and what lies under the land. There is much to suggest that the era of foreign control of mining and large business and industry in many of the hemisphere nations is coming to an end. Peru, Bolivia, and Chile—constituting what some regard, albeit perhaps too quickly, as a "west-coast axis" in South America—are all moving to take over foreign-owned—principally United States-owned—land and mineral holdings. The trend clearly shows signs of spreading and could with time engulf most of the hemisphere south of the Rio Grande.

Actually, there is nothing new in this trend. But what is new is the fervor with which it is being implemented in the west-coast nations.

As the decade of the 1970's gets under way, here are some of the more important ingredients of the Latin-American story:

A spiraling population growth, which if the present 3 percent rate holds, means the population would double in 20 years. Moreover, at present 1 of every 2 Latin Americans is under the age of 18, a trend which will be even more impressive at the end of the 1970's, when 1 of every 2 will be under the age of 14.

URBAN MAGNET INTENSIFIED

A continuing urbanization, which at the moment shows that almost 50 percent of all Latin Americans live in cities, with the migration from the countryside to the glitter and glamour of the city expected to mount in the years ahead. By the end of the decade, urban populations will total about 60 percent of all Latin Americans.

A growing militancy on the part of the Roman Catholic clergy, with many churchmen in the vanguard of the revolutionary changes going on. Yet with the militancy of the churchmen, there is evidence that the church itself is having less and less influence over the lives of the hemisphere millions who are nominally Roman Catholic.

An evolving military structure in many countries, which suggests that the hemisphere's military leaders are more and more inclined to take the lead in espousing change and reform. While there is some cynicism about the reasons for the nationalistic bent of Peru's military leaders, there is little doubt that they are changing Peru in a way in which the nation will be unable to return to traditional political and economic forms.

An increasing sense of unity of purpose on the part of many Latin-American nations, spawned at least in part by the similarity of the calls for nationalism in most of them. This unity, if it continues to show itself, will have profound effect on relations with the United States to the point of setting up a major power bloc often opposed to Washington's ideas for the world.

CHURCH IN LATIN AMERICA: A RISING TIDE OF CHALLENGES AND QUESTIONS

(By James Nelson Goodsell)

RIO DE JANEIRO.—A furtive figure crouched against a wall, looking both ahead and behind, then darted into a doorway and up a flight of stairs to a darkened corridor.

With a quickness born of experience, the individual reached a darkened door on which he rapped six times rapidly and six times slowly. The door was unbolted on the inside, then swung open and shut with just enough time for the individual who knocked to enter.

That scene which took place here recently was the arrival of a Roman Catholic priest to a cell meeting of a far-left radical-guerrilla group bent on disrupting the government of Gen. Emílo Garrastazú Médici. The priest, known simply as "Father X," has committed himself to the guerrilla cause because, as he puts it:

"There is no other way for us to bring about the social justice upon which Christianity is founded."

He went on: "A military, imperialist regime won't do it. The exploiters—Brazilian and foreigner—won't do it, for all they want to do is get rich on the backs of the millions of poor people. The church itself won't do it, for it is little more than an imitation of what Christianity is all about."

And so Father X, like so many other Roman Catholic churchmen in Latin America, has cast his lot with the extreme Left. In his case, Father X writes much of the propaganda material which his fellow guerrillas distribute among Rio de Janeiro's poor. And once, he says, he drove a getaway car for cell members who had robbed a bank.

In an era when the influence of the Roman Catholic Church throughout Latin America is being challenged and questioned, churchmen like Father X are engaged in a variety of activities which the church hierarchy often views as tantamount to heresy. Numerous priests have been defrocked because of these activities; others have been censured and disciplined; and many have left the priesthood of their own volition because formal religion does not, in their view, offer the avenues for bringing about reform and change in Latin America.

OPEN ALLIANCE URGED

Fully one-third of all Roman Catholic churchmen, as evidenced in church gatherings and borne out by interviews with the hierarchy in half a dozen key countries, could well be called left of center in political and economic ideology, and many of these believe in an activist role for the churchmen.

Some go so far as to espouse open alliance with Communist and Marxist elements; and some even claim to be Communists.

While Father X here in Rio de Janeiro has chosen to practice his activism in a clandestine way, many another churchman has gone the road in the spotlight of public attention. The Rev. Camilo Torres Restrepo, the Colombian priest who was killed in a clash between soldiers and guerrillas in 1966, had been the chaplain of students at the National University of Colombia in Bogotá in the early 1960's.

His contact with students and professors, concerned about Colombia's social and economic backwardness, fueled his own concern about these issues and he became increasingly radicalized. He eventually joined forces with the Ejercito de Liberación Nacional (ELN), a leftist guerrilla group and went into the countryside with them to combat Colombian soldiers.

In the hagiography of guerrilla warfare in Latin America, the Camilo Torres name is high on the list, rivaling that of Cuban Premier Fidel Castro and the Argentine-born Castro associate and friend, Ernesto (Ché) Guevara, who was killed in Bolivia in 1967.

But if Fr. Torres became the most noted revolutionary priest of modern times in Latin America, others have done as much. In Colombia, Guatemala, Ecuador, Peru, Brazil, Argentina, and other countries, churchmen have with increasing frequency aligned themselves with forces opposed to the government in power.

Here in Brazil, the church is the one element in society providing a base for opposition to the military government. Almost all traditional politicians and all political parties have been banned, and the military brooks very little opposition. So far it has not been able to silence the churchmen who want to oppose it, although some claim to have been tortured for their beliefs.

Moreover, it is in Brazil that Dom Helder Câmara, perhaps Latin America's most quoted churchman, operates as the Archbishop of Recife and Olinda in the north of this vast nation. Dom Helder is clearly a churchman of radical bent, although his own religious nature often tends to downplay this aspect of his makeup.

Dom Helder, who was considered for the Nobel Peace Prize this year, has been an outspoken critic not only of the present government in Brazil, but also of the present establishment in most Latin-American lands. His controversial opinions are well known and quoted throughout Latin America.

POLITICAL POSTS REFUSED

But this controversy has not in the past prevented him from being considered by Janio Quadros as his vice-presidential running mate and by Juscelino Kubitschek as his minister of education—both posts he turned down, arguing that his place was in the church and not in politics.

Yet his beliefs and his call for radical economic and social change have clearly been factors in Brazilian politics.

Dom Helder, for example, wants a form of socialism adapted to the Latin-American scene as the economic vehicle for these underdeveloped nations. He says that a mixture of capitalism and socialism as now practiced in Brazil and in other Latin lands will not work.

"Capitalism is not the line of development for my continent, nor is socialism as it is at present," he says, "I want for my continent socialism without liaison with the great powers and materialism without models."

Actually for Dom Helder, the great powers have perpetrated the "economic imperialism of neocolonialism," and Brazil's present government has supported this situation. Even his own church, he says, is responsible—a sort of "internal colonialism," is the way he puts it. Without this internal colonialism, there would be less threat from the economic imperialism of the great powers, an obvious reference to the United States, but Dom Helder would also include the Soviet Union in this.

Dom Helder does not hold out much hope for Marxism per se as an instrument for bringing about social change. Thus he is anathema to many of the leftist guerrillas and revolutionaries who call on churchmen for assistance. In fact, many a revolutionary regards Dom Helder as reactionary.

Actually Dom Helder represents the stand of a growing number of Brazilian bishops who began to speak about reform in the mid-1950's. They were particularly incensed

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over the failure of governments to take care of the countryside while spending large sums on public works in the cities.

The church hierarchy, with Dom Helder a leading figure in the movement, called for land reform, basic education for the peasants, and peasant trade unions. This latter call came after Marxism began to organize the sugarcane workers in the northeast of Brazil.

In the process, young priests and Catholic students in the universities began to push for reform and to take a more active role in political movement known as Ação Popular, springing from the Catholic youth organization, began to make itself felt in the universities and eventually won electoral control of the National Student Union. Moth Ação Popular and the National Student Union have been banned by Brazil's military government which regards them as subversive.

"MOST NOVICES ARE RADICAL"

In some instances, the radical church stand taken in countries such as Guatemala springs from the presence of foreign priests in those communities. In Guatemala, Maryknoll priests were particularly active in the 1960's until their activism was stalled by expulsion and threats from the government.

But such expulsions and threats are, in the view of observers of the church, only a temporary situation.

"If the church is temporarily kept from exercising itself in social and political ways," says a Guatemalan bishop, "it is only a question of time, and when it again begins to operate in these areas, the force of its intention will be felt all the more."

There is a consensus in Latin America among knowledgeable church officials and observers that the increasing radicalization of the church will be seen throughout the 1970's. In fact, the general view is that the church as an institution may well suffer losses in the coming decade, but that churchmen will have an impact far exceeding that of the past decades of this century.

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"Most of the young novices we are getting for training," says a bishop in Colombia, "are radical and determined to take the ministry to the people who need it most and get them to work for themselves against the established order which so often has held them down."

That bishop is obviously committed to the radicalization of the priesthood, but his observation is also borne out in the words of a very conservative bishop in Brazil who has been responsible for the training of young priests:

"We don't get very many novices these days for the priesthood is not held in the high esteem of earlier years, but those we get are not like the novices of earlier years. These young men want to make the church more of a social instrument and use it to solve the vast number of social and economic problems facing Latin America. We ought to be more involved with saving souls than saving bodies, but that isn't the way we are going."

This sort of churchman, however, is less and less in the majority.

A growing number of churchmen, for example, would probably agree with a Roman Catholic archbishop who said without equivocation: "When it comes to a choice between the dictates of the church heirarchy in Rome and the needs of my people, I'll choose the needs of my people. They are uppermost in my thought and they are the reasons I am in the church."

This churchman added significantly: "They need to have society reformed—and not tomorrow, but today."

That sort of injunction seems to motivate the churchmen who have adopted this more militant role in the past decade—and it will likely be the sort of motivation that will be predominant in the decade ahead.

SOCIAL ACTION ON THE MARCH: PERUVIAN MILITARY ADDS REFORMIST GROOMING

(By James Nelson Goodsell)

LIMA, PERU.—Almost all top government posts in the military regime here in Peru are held by Army officers who have gone through what must be the most unique military school in Latin America.

The influence of the school stretches far beyond the normal role of military schools, with their standard courses in battlefield tactics. This unusual school, known as the Centro Avanzado de Estudios Militares (or CAEM, for short), is giving officers broad training in social and economic change.

With courses in Marxist theory, developmental economics, social planning, reformist politics, Peru's military is being exposed to a variety of solutions to national problems.

Located in a quiet Lima suburb amid a very unmilitarylike atmosphere, the school has played a significant role informing a generation of Peruvian officers to a social responsibility beyond that of the military elsewhere in the hemisphere.

And the military appears to be taking the training to heart.

The government of Maj. Gen. Juan Velasco Alvarado has a sharply nationalist tone—with strong reformist touches to it. Already, it has embarked on a wide-ranging program of economic and social reform, including the expropriation of the International Petroleum Company, a subsidiary of Standard Oil Company (New Jersey), a sweeping agrarian-reform program, changes in the nation's banking system, and a number of other economic changes designed to help in redistributing wealth here. What is perhaps most significant in all this is a new role for the military. No longer does the Peruvian military appear to be aligned with the traditional economic power structure of the country.

CHANGE OF COURSE INDICATED

Moreover, in reshaping many of Peru's institutions and traditions, the military seems to have embraced a new mentality. There is much talk of a "new military" not only in Peru, but elsewhere in Latin America. While only time will tell how valid this judgment is, there is little doubt that the actions of Peru's military and those of similar forces in half a dozen other Latin-American lands suggest the military is indeed embarking on a new course.

Here in Peru, a certain elite spirit surrounds the actions and attitudes of the officers who are graduates of CAEM. In sparking the coup d'etat of October, 1968, which toppled the civilian government of Fernando Belaúnde Terry, they acted—according to General Velasco—"to save the nation from chaos."

Those words are similar to the language so often used by military leaders when they seize power in a Latin-American land. But few such take-overs have spawned so much basic change in a nation's economic and social structure.

Hemisphere military leaders have often gone the way of coups d'etat when a civilian government, or in some instances a military government, did not do things the way the leaders felt they should be done. During the 1950's, military take-overs were frequent. In the early 1960's, the number dwindled. But as the 1970's get under way, half the nations of Latin America are ruled by military governments or are under strong military influence. In some instances, as in Peru, this military trend is reformist in character; in others, as in Paraguay, it is more the traditional military dictatorship.

LINEUP SKETCHED

In almost all cases, a military government rules in a somewhat dictatorial fashion, limiting opposition, and forcing through its measures either with or without a legislature.

The lineup today:

Seven nations have military governments that came to power through the overthrow of existing governments—Argentina, Bolivia, Brazil, Honduras, Panama, Paraguay, and Peru.

Three nations have elected military leaders—El Salvador, Guatemala, and Nicaragua.

One nation has a civilian government, but currently operates under military controlled martial law—Ecuador.

One nation has a civilian government that seized power and is propped up by military and paramilitary forces—Haiti.

One nation has a civilian government that seized power and has the most impressive military forces in Latin America—Cuba.

This sort of breakdown is, at least in part, an artificial one and somewhat arbitrary. A great deal, for example, separates the military governments of General Velasco in Peru and Gen. Alfredo Stroessner in Paraguay. There are, for another example, great differences between the rightist repressive government of Dr. Francois Duvalier in Haiti, which is kept in power by military and parliamentary might, and the leftist government of Cuban Premier Fidel Castro, which enjoys considerable support from the populace though it has military underpinnings.

NEST FEATHERING PREVAILED

Traditionally, military governments have come and gone in Latin America with considerable frequency. Few instituted reforms. Most seemed to feather their own nests against the time that they, too, would be overthrown. And this trend could become a factor even in some of those nations, such as Peru, where a new military does appear to have emerged.

Yet there is a sharp difference in approach by the new military, which is best seen here in Peru.

If CAEM here in Lima is important, so are other factors. Most of Peru's senior and junior-grade officers come from a provincial, middle-class background. They have had only limited contact with the traditional elites and forces of economic power. For the most part, these officers have risen or are rising through the ranks. That is certainly true of General Velasco and his key aides. They feel little closeness with, or evidence little fondness for, the urban elite of the coastal areas, particularly that of Lima, and are by nature suspicious of civilian politicians. Moreover, and this is perhaps one of the most significant aspects of their makeup, they are suspicious of the foreigner.

SUSPICION SPREADS

More and more as one travels about Latin America, this suspicion of the foreigner comes through, particularly when the foreigner is from the United States.

Military men are suspicious of foreign economic domination of their nation's business and industry; they are suspicious of the motives behind North American urgings on birth control ("a plot to keep us in a client state with small populations" is how a Brazilian general phrased it when talking of Brazil's almost 100 million people); they are suspicious of church groups, Protestant and Roman Catholic, that preach reform, for these groups are linked with church bodies outside Latin America; they are suspicious of diplomats, the Peace Corps and similar groups, and other officials from abroad, and this extends to their participation in inter-American gatherings through the Organization of American States, although it does not apply to the United Nations.

What it amounts to, at least in the case of Peru, is a sharply nationalistic tone to government and an orientation of national development. "Make no mistake about it," Francisco Morales Bermúdez, Peru's Finance Minister said, "we are out to recreate Peru in more positive terms." Like many another officer in Peru, he is firm on this point. And observers here tend to agree that no individual, group, or nation can intimidate Peru's military.

VACILLATION VERSUS WEAKNESS

The military may tend to vacillate on the course to take in specific issues. But this vacillation "should not be seen as evidence of weakness," a longtime European diplomat here said. "It is just the response to diverse opinions within a general concept of national solidarity among the military on the broad outline of what needs to be done. When pressed by outside influences, the military coalesces and responds in unison."

While such a response does indeed seem true here, Brazil's "revolutionary government" across the continent is clearly much less cohesive, although it talks a sharp nationalist line. Many of its top officers are more oriented to traditional power blocs, while the junior officers are similar to those in Peru—a fact that suggests that Brazil could, with time as the younger officers advance, adopt a more reformist tone. Argentina's military is also undergoing change, though the eventual outcome is not clear. Bolivia's military talks a nationalistic, reformist line, but the actions of the military have not led to the sort of changes underway in Peru.

One thing seems certain: More Latin Americans today live under military rule than live under civilian, constitutional governments. And the destinies of these people are therefore in the hands of military men who seem bent on reform and change in an increasing degree.

If there is then a new military developing in Latin America, as is suggested in Peru and elsewhere, this fact alone could mark a significant change in the lives of millions of Latin Americans, something which could not be said with traditional military take-overs of the past in the hemisphere.

EIGHT MINUTES: 100 MORE PERSONS: A CONTINENT RESISTS BIRTH CURBS

(By James Nelson Goodsell)

BOGOTA, COLOMBIA.—Estela Jaramillo was expecting her 12th child earlier this year. When asked how she and her illiterate, jobless husband would be able to support another child, she looked uncomprehendingly.

"The more children I have, the more security I will have in my old age," she said. "There isn't much money in these parts, but the children are a hope to me that I will be cared for when I am no longer able to work."

Her answer to the question of having more children is common in this country, where the annual population growth rate of 3.2 percent matches the overall Latin-American increase. If the hemisphere rate continues through the 1970's and '80's the population south of the Rio Grande will double.

By 1990, if present projections hold up, there will be close to 600 million Latin Americans—aggravating every economic and social problem now facing the hemisphere. How to feed, clothe, house, educate, and find employment for the growing legion of young people are the essential questions in the 1970's.

At this moment, 1 of every 2 Latin Americans is under the age of 18; by the 1980's 1 of 2 will be under 14.

Mrs. Jaramillo here in Colombia, and countless others like her not only in Colombia but in virtually every one of Latin America's 24 independent nations, are fueling this tremendous population explosion. Only in Argentina, Barbados, and Uruguay is population relatively stable from year to year.

The increasing number of births is obviously the key factor. But of immense importance also is the sharp cutback in the 1960's in the rate of infant mortality due to better health and sanitation methods. Here in Colombia, for example, infant mortality was cut 70 percent during the decade. Now fewer than 40 children per 1,000 fail to survive their first birthday.

A less important but nevertheless significant factor in the population increase is longevity. Colombians, like all Latin Americans, are living longer. Life expectancy here is running to 55; a decade ago it was 47.

NATIONAL "PUTDOWN" CHARGED

Though a few countries, and Colombia is one example, have tried family-planning arrangements to cut back on the number of new births each year, these efforts are only just beginning.

Moreover, a number of Latin-American nations actively oppose birth-control efforts. Brazil's military government sees family planning as an effort of the more industrialized nations to keep Brazil in a semideveloped state of bondage to the more developed nations.

"Birth control is the work of American imperialists," insists a colonel attached to the staff of Gen. Emilio Garrastazu Medici, Brazil's military President. "We have plenty of unused land and we need more people to populate it."

There is considerable criticism from within Brazil over this policy—calling it "rabbit arithmetic"—but the government is oblivious to the criticism and calls officially "for a growing population of young people to populate the interior."

OPPOSITION IS MANIFOLD

A similar opposition to birth-control practices comes from Mexico, where Luis Echeverria Alvarez, the new President, has taken a strong stand against promoting birth control for his country of nearly 50 million people.

Like Brazil, where the population is nearing 100 million, Mexico's growth rate in population is 3.5 percent a year. At that rate, Mexico, as well as Brazil, can expect a doubling of its population in less than 20 years.

Opposition to birth-control practices, or family planning as many Latin Americans term it in deference to local sensitivities, comes from a variety of sources:

Estela Jaramillo's view that more children constitute security. This widespread belief results from the fact that most Latin Americans are poor and that social security or other welfare measures are only faintly developed. There is little security outside the family for millions of Latin Americans.

Traditional Roman Catholic opposition to birth control. This opposition, however, is withering on the personal level, though Roman Catholic official practice in Latin America adheres to the Vatican dictates on the question. At the local level, many priests and bishops actively urge family planning for their communicants.

GOVERNMENT ASSISTANCE LACKING

Lack of funds and support from either governments or private groups. Only a few nations actively assist governmentally in birth-control clinics. Colombia is an example, as is Chile, where government-sponsored efforts are advanced enough to cut back on the population spiral. Jamaica has a similar program, and huge billboards around Kingston, the capital, tell Jamaican women in large letters: "You don't have to get pregnant."

Ignorance and backwardness, which make difficult the use of contraceptives and other birth-control devices. Moreover, it is generally the woman who must engage in birth-control practices, as Latin America's traditional "machismo," which translated means manliness or male virility, prevents the man in Latin societies from engaging in birth control.

Yet, despite these difficulties encountered in one degree or another, there is considerable success in the fledging efforts at birth control across the hemisphere.

CLINICS SPREAD

Here in Colombia, Dr. Fernando Tomayo, a pioneer in family planning, has developed a program called Pro-Familia, a private agency that fosters birth control. Since 1965, when he first began disseminating information and contraceptives once a week at a special clinic in his office, the Pro-Familia clinics now number 26. Last year 42,000 Colombian women in Bogota participated in the program.

In addition, under arrangements with the Pan American Health Organization, 340 government clinics now offer birth-control information and contraceptives and 20 major hospitals are offering planned-parenthood programs.

Much of the work here is with the lower classes. Dr. Tomayo, for example, says 85 percent of his patients have family incomes of less than $50 a month.

The privileged few, the wealthy and the educated, have long practiced birth control. But the poorer classes have only had it opened to them in recent years in limited measure and only in a few countries. Where it has been offered, it has been accepted with relative success.

A PRIEST SPEAKS OUT

Even the Roman Catholic Church through individual clergymen has come out in support of family planning. A priest in Ecuador, who has long urged family planning on his communicants, was recently urged by his bishop to preach against birth control. He thought about the order for some time. He went to a deserted chapel and delivered a long, fiery sermon against birth control, then went on to his other church and there counseled for family planning.

It is obvious then, that family planning is beginning to have an impact, albeit limited. Perhaps, if the impact grows, the forecasts for a doubling of the population will not prove true. But at this point the forecasts still appear valid.

Put another way, perhaps more dramatically, in the time that it has taken to read this article (average speed, about eight minutes), the population of Latin America has grown by about 100 persons. No other statistic can illustrate as vividly the impact of Latin America's population dilemma.

1970'S SEES GROWING NATIONALISM: LATIN-AMERICAN INTEGRATION?

(By James Nelson Goodsell)

BUENOS AIRES.—Latin America moves into the 1970's hopeful of greater economic and also political integration.

Such togetherness has in the past proved illusive despite a long history of efforts at cooperation. During the 1960's, the efforts were often frustrated by crossfire from Left and Right, warfare, civil strife, and outside interference.

Latin Americans are under no delusions that the 1970's will offer a millennium in regard to political and economic integration.

The mood at the outset of the 1970's is one of growing nationalism, Latin American solidarity, and a feeling throughout the hemisphere of letting Latin America be responsible for its own destiny.

This might suggest that Cuban Prime Minister Fidel Castro's call for a break with

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the United States political and economic domination had been successful. But at the same time, Latin America has not gone the way of violent revolution and a complete social and economic change that was an integral part of Dr. Castro's call. The United States call for peaceful change and major reform, embodied in the Alliance for Progress, has characterized the many innovations of the 1960's.

POLITICAL CHANGE CATALOGED

The 1960's were also characterized by intense political change that included one war, 18 border disputes, one civil war, one major United States military intervention and another United States-sponsored invasion attempt, 21 military coups d'etat, and almost 60 changes of government in the 24 nations of Latin America.

"That is a record we do not want to repeat in the 1970's," a leading hemisphere statesman said here. "We would hope that the 1970's would be a period of peaceful changes in government without internal violence and outside interference."

A survey of leading Latin-American statesmen, politicians, and other thinkers suggests there is some unanimity on these points:

Latin America is more unified today on how to deal with the United States than it was in the early 1960's. In fact, Washington probably will be presented with a more united Latin America on political and economic issues than in the 1960's.

Efforts at economic integration throughout the hemisphere most likely will proceed on a regional level, with considerable success, as in the Andean bloc of five West Coast South American nations—Colombia, Ecuador, Peru, Bolivia, and Chile.

CUBAN REINTEGRATION SEEN

The reintegration of Cuba into the hemisphere system will almost certainly be a step in the 1970's. Already Chile, first with economic and now with diplomatic ties, has broken the hemisphere isolation of the island. Other nations are preparing to do the same despite strong pressures from Washington.

The presence of a Marxist government in Chile, while upsetting in some degree to many of Chile's neighbors, has not caused the consternation that was forecast when Salvador Allende Gossens won the presidency. And while there is little expectation that other nations will follow Chile's example, there appears to be a willingness on the part of other Latin lands to live and let live with Dr. Allende's government.

A growing integration of the Caribbean into Latin America's political framework and economic setup can be expected. The English-speaking nations—Barbados, Trinidad and Tobago, and Jamaica—are calling themselves "Latin American." As strange as this sounds to many, there is a growing acceptance of these island nations as part of the Latin-American picture. This will continue in the 1970's for these three nations as well as for whatever other constitutional arrangements develop over the remaining English-speaking island dots of the eastern Caribbean. Some sort of economic regional integration of the Caribbean may well emerge also—to include not only English-speaking areas, but also Spanish- and French-speaking islands.

EUROPEAN INVOLVEMENT TO GROW?

European involvement in Latin-American economic matters is expected to grow, perhaps cutting back on United States economic domination of the hemisphere. Investment, technical assistance, and other foreign aid from Europe will increase, as it will from Japan and Canada.

United States influence in the area will probably be less and less effective, partly because of President Nixon's own low-profile image and more importantly because of Latin America's own desire to free itself from the coattails of the United States. This does not mean that anti-Americanism per se will grow, but that there is a mounting feeling in the hemisphere that only Latin America should look after Latin-American interests—political and economic.

All of this is bound to have a profound effect on the relationships that Latin America has within the region and without. If the view of these Latin-American leaders is correct, then the character of Latin relationships at the end of the 1970's should be considerably different from what it is today.

The Organization of American States (OAS), the regional grouping that binds the actions of the Western Hemisphere together, could become a more effective sounding board for Latin-American desires and aims than it is today. In such a process, United States influence in OAS deliberations certainly would be lessened.

IDEOLOGICAL CONFLICTS

It seems obvious to many observers of Latin America that the region is tired of the conflict of ideologies that characterized much of the 1960's, a conflict in part characterized by the struggle of Cuba and the United States for influence in the area. As many observers look back on the past decade, that struggle was inconclusive and far from a success for either side.

What seems to characterize much of the Latin-American hope for the 1970's is a desire to be free of all outside influences—from the United States, the Soviet Union, or elsewhere. This desire has been present before. But there are clear signs that this time, a growing Latin-American unity and solidarity may make it possible.

There are of course major question marks on the horizon: What of Cuba and Chile? Both have Marxist governments, although the one in Chile came to power through the ballot box and therefore is on balance more acceptable to Latin Americans than the one in Cuba. Do these governments pose a threat to the rest of Latin America? Is Cuba still bent on exporting revolution? Whether they are correct or not, the majority of Latin Americans tend to believe that it is up to Chile and Cuba to follow their own courses and that their forms of government will not have too much of an impact on the rest of the hemisphere.

WHAT OF DEPENDENCE?

What of the dependence of Latin lands on the whims of the international market? Of the world supply and demand requirements for the raw materials upon which Latin America heavily depends for export earnings? Of the world market price for these raw materials? If prices fall, as they appear to be doing in copper, what will this do to the copper-dependent economies of Chile and Peru?

There is some concern that such falls could shove either nation into more extreme positions that could cause ripples across the hemisphere and, in the case of the West Coast Andean regional economic bloc, could upset efforts at economic integration.

What of growing agitation on the part of the people of Latin America for a better life? Can the governments now in power—civilian as well as military governments—answer the expectations that have been aroused in the peoples of Latin America through the 1960's, with the Alliance for Progress, and the very heavy emphasis on change and reform? There is obviously a concern among Latin leaders that the expectations are so great that no achievable amount of change can measure up. Already there are signs that this is the case in Cuba as many original supporters of Prime Minister Castro question whether his government has achieved as much as it promised.

CASTRO STILL IN POWER

Interestingly enough, however, Dr. Castro is one of the few leaders in power in the early 1970's who was in office when the 1960's began. The other two are Haiti's President for life, François Duvalier, and Paraguay's strongman President, Gen. Alfredo Stroessner. Trinidad and Tobago's Prime Minister Eric Williams was in power before independence in 1962 and has remained so since.

This suggests the frequency with which Latin lands change their leaders and their governments. The same can well be expected in the 1970's. With a younger generation pressing for political and economic power, it is likely that the leaders of the 1970's will be a younger group than those of the 1960's. Yet, a contrary trend is worth noting: In both Argentina and Colombia, younger people have aligned themselves with elderly former dictators—Juan Domingo Perón, the 74-year-old Argentine now in Spanish exile, and Gustavo Rojas Pinilla, the 70-year-old Colombian who almost won a comeback in last May's presidential vote.

Thus, no absolute can be valid in looking ahead at Latin America in the 1970's. But change and growing independence on the part of the diverse 24 nations—speaking Spanish, Portuguese, French, and English—in Latin America are certain.

And there is a determination that the 1970's are used to live up to the goal set by OAS Secretary-General Galo Plaza Lasso for Latin America by the year 2000: "I believe that by the turn of the century Latin America will be master of its own destiny and a strong, prosperous partner in the world community."

Latin Americans Flock to Cities

(By James Nelson Goodsell)

Mexico City.—Each year, this capital city grows by more than 350,000 people.

If the rate continues, the present population of 8 million will just about double in 20 years.

Of course, there could be a slowdown in the population growth, but the statistics and projections suggest something of the growing urbanization dilemma facing not only Mexico City, but also Latin America as a whole.

For over the whole hemisphere, slightly more than half of the population live in cities. By 1980, the total will be 60 percent; and by 1990 or a little thereafter, it will be 75 percent.

Galo Plaza Lasso, secretary-general of the Organization of American States (OAS), said recently that while the needs of yesterday were in the countryside, the needs of today are in the cities.

"Let's begin by facing the fact that current rates of urban growth will not decline within our generation," he said. "The prospect is that they will continue to rise even more rapidly in the foreseeable future."

FROM 50 PERCENT GROWTH TO 100 PERCENT

Putting it another way, Mr. Plaza stated: "Latin America's urban population increased by 50 percent in the past 15 years.

"But in the next 15 years, it will double. Latin America, which is already more urbanized that Europe, will add 100 million city dwellers in the next decade and a half."

The root of Latin America's urban dilemma is too many people. While the population of the hemisphere overall is growing at the rate of 3 percent a year, the population of the cities is growing at the rate of 5 to 7 percent a year.

There is, moreover, small comfort in Latin America, an area of developing economies, that the plight of the cities is universal. Some Latin Americans may realize that the cities of the United States are also faced with decay and poverty. But they are more impressed with the problems they them-

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selves face: the growing population with an inability to cope with this rise economically or socially.

All Latin-American cities have slum conditions and problems that would stagger U.S. city planners. With the unchecked population spiral and the massive migration of country folk to the glamour and glitter of the cities, these slum conditions have gone from bad to worse.

"FROM BAD TO WORSE"

Again Mr. Plaza: "In Latin America, the slum problem is passing from bad to worse, and we lack the capital to cope with it."

Millions of Latin Americans in Mexico City, in Rio de Janeiro or São Paulo, in Buenos Aires or Santiago, in Lima or Bogotá, live in poverty conditions which are unacceptable by any standards. The OAS estimates that fully half the population of Latin America's cities are in sub-subsistence situations and that this percentage will grow in the next decade.

For Mr. Plaza, the time has come to do something about the situation. "It is time to say bluntly that Latin America cannot hope to achieve the economic development and the social well-being it seeks under the banner of the Alliance for Progress unless it arrests the decay of its cities."

He has some solutions, but he admits that these are only partial answers. However, like many another thinker on the urban problem, Mr. Plaza would urge quick action to meet the dilemma with whatever solutions are available now and hope for others.

SOLUTIONS CONSIDERED

Here are some of the solutions now under consideration.

Solve the housing shortages. Latin American nations must construct 1 million dwellings in urban areas each year during the next five years to overcome the present housing gap. By 1975, this will need to rise to 1.5 million dwellings a year. The cost of such construction could mount to $50 billion by 2000, a large portion of which would have to be financed from outside the area.

Integrate urban problems into overall national goals. More international money must come into housing, schools, and transportation being diverted from the huge infrastructure projects of the 1960's.

Redistribute population. Latin-American nations are going to have to go the way Mexico has already begun moving—the cluster city outside the major metropolitan areas, where all essential services and jobs are available.

Admittedly, these are only partial answers. But they are at least starts. Latin America is suddenly aware of the problem that has been growing within its midst for several decades and is scurrying about to find solutions. São Paulo, the Brazilian city which had 800,000 people in 1940 and expects 13 million by 1990, has a master plan. But it is only now being put into operation, and Paulistas, as residents of the city are called, will not hazard a guess about its success. Yet the most basic problem—finding ways to keep people from coming to São Paulo—has not been found.

PATTERN INTERLOCKS

And there is little likelihood that the urban population spiral in São Paulo will be met any sooner than the overall national population spiral in Brazil. Thus in the question of family planning, the urban areas are intertwined with the nation as a whole. The same pattern is true in other cities and countries.

Some city planners, including members of the staff of former Mexico City Mayor Alfonso Corona del Rosal, wonder if migration from the countryside to the city can be curbed.

Unhappily, this seems unlikely simply because the countryside in many instances is overpopulated. Farm families have large numbers of children, many of whom cannot be effectively employed on the farms, and agricultural mechanization is increasingly cutting back on the number of farm workers needed.

Moreover, the city continues to have its glitter for the farm family. For a young boy, perhaps watching his father eke out a poor income on marginal land, there is little desire to follow in his footsteps and the distant, albeit with uncertainties, looks more promising.

This reporter remembers talking to one such youth in Colombia several years ago. He was having a difficult time in the city. Work was scarce; his housing in a slum area was inadequate; there were no schools for his three youngsters; and health and social care was minimal. Yet he would not go back to the soil near Ibaqúe, where his father still worked.

"I cannot return to that life with its certainty of no rewards," he said in effect. "At least here in the city there is hope."

That "hope" is elusive to so many millions. Still, the migrant keeps coming. He is simply not content with his rural lot. He wants something better for himself and his family. Uncertainties of city life seem less real and overpowering than those problems of the countryside.

More likely than not, the migrant simply moves into a slum area—call it a "callampa" (literally a mushroom) in Chile, a "favela" in Rio, a "barriada" in Lima, a "villa miseria" (misery town) in Argentina, or whatever, the slum is much the same from city to city.

That elusive hope is perhaps less elusive in Mexico City than elsewhere. Here in Mexico, it is possible for a child born into poverty to lift himself out of poverty in a lifetime, for there is opportunity.

SOVIET JEWRY

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. CELLER. Mr. Speaker, prior to the commutation of the death sentence of the condemned Soviet Jews, I stated:

> No voice can be too loud in condemnation of the Soviet Union imposition of the death penalty on two Soviet Jews alleged to have planned to hi-jack a Soviet airliner. No civilized form of jurisprudence would permit that kind of barbarism. It is altogether understandable that heads of governments have directly expressed their shock at such horror.
>
> There was no overt act; no plane was hijacked. The 11 in the Leningrad case were arrested as they were about to board a small Aeroflot plane for which tickets had been purchased. No other passengers were scheduled to be on that plane.
>
> The plan of the Soviet Union is clear. It is all part and parcel of the anti-Jewish campaign to intimidate both those who wish to leave the Soviet Union, and those who seek, at the very least, their cultural self-expression within the Soviet Union. Is it a crime for people to wish to retain their religious identity? What comprehensible reason exists for any country to refuse exodus to people who wish to emigrate?
>
> It is believed that 20 other Jews are in custody on similar charges, and 12 other Leningrad Jews are awaiting trial for anti-Soviet propaganda and anti-Soviet organizational activity.
>
> I recommend that the Soviet Union send some of its citizens to the United States to learn how a truly open society conducts an open trial in open court so that all the world may see and judge.
>
> The world dare not ignore so patent a design to crush the spirit of the Jews in the Soviet Union.

It is sentiment such as I expressed above, shared by all civilized men commingled in a chorus that emerged as a single voice, which resulted in the commutation of the sentence. May the voice of humanity never be quiet.

EDITORIALS HAIL HOUSE SUBCOMMITTEE REPORT CLEARING JUSTICE WILLIAM O. DOUGLAS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. FRASER. Mr. Speaker, recently, the House received a report from a special House subcommittee which inquired into allegations made against Justice William O. Douglas. That report effectively refutes the contention that grounds exist for impeachment of that distinguished jurist.

The subcommittee inquired into the allegations against Justice Douglas with thoroughness. As the Washington Post said editorially, the report "makes it clear that the congressional attacks on him were politically motivated and full of demonstrably false statements and malicious innuendos."

The New York Times commented:

> When the history of his more than thirty years on the bench is written, he will be regarded as a judge of constructive and forceful influence on the judicial issues of his time.

Mr. Speaker, a number of similar editorial comments have been circulated by America's most distinguished newspapers and commentators. I insert some of them in the RECORD in order that they will be available to all the Members of the House:

[From the New York Times, Dec. 16, 1970]

THE CAMPAIGN AGAINST DOUGLAS

The finding of a House Judiciary subcommittee that no convincing basis exists for the impeachment of Associate Justice William O. Douglas should bring to an end this sorry episode in the relationship of the Nixon Administration, the House of Representatives and the Supreme Court.

An aggressive though covert effort to drive Justice Douglas off the bench began with a press campaign nourished by "leaks" from a White House aide. Then, a year ago, Representative Gerald Ford, the House Republican leader, urged Justice Douglas' impeachment. Last April, Vice President Agnew announced his belief that Justice Douglas should be investigated. On April 15, Representative Ford returned to the attack. In response to this and other pressure, a House Judiciary subcommittee—working with two counsel, one appointed by the Democrats and one by the Republicans—has spent months exhaustively following up every lead. No evidence has been found of any corruption, wrong-doing or conflict of interest.

The accusations against Justice Douglas have two main themes. One is his service for several years as the paid president of the

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Parvin Foundation, which gives fellowships to foreign students. The foundation was established by a businessman who has had investments in Las Vegas and associations with figures in the gambling fraternity. But Representative Ford's innuendos notwithstanding, no link has been found between the Parvin Foundation's innocent activities and Mr. Parvin's business activities. The other theme of the attack is that Justice Douglas has permitted his book publisher to reprint excerpts of his writings in magazines like the Evergreen Review, which also publishes erotic stories and illustrations.

Justice Douglas has a free-swinging style which does not always commend itself to us or to many other people. He has always asserted his view that judges should not dwell in ivory towers and that when he became a judge he did not forfeit his right as a citizen to speak out on conservation, foreign affairs and other nonjudicial issues. This is a tenable view of the judge's role, although it is much more difficult to sustain than the self-denying, self-limiting role which most judges prefer to adopt. Granting his conception of his role, Justice Douglas still made a serious error of judgment in accepting a salary for any outside activity. Furthermore, he could have been more discreet in deciding where to permit his writings.

The central issue in this affair, however, does not lie in the realm of prudence or discretion. The issue is whether an ugly, persistent effort to intimidate Justice Douglas can be permitted to continue. He is under reactionary fire because he is an extreme liberation and a radical. Those are rare attributes in a Justice of the Supreme Court and are certain to invite attack. It is not necessary to agree with all of Justice Douglas' opinions to recognize that when the history of his more than thirty years on the bench is written, he will be regarded as a judge of constructive and forceful influence on the judicial issues of his time.

There is no need for further investigations or for public hearings. It is time for President Nixon and Representative Ford to call a halt to this squalid campaign, which threatens the integrity and the independence of the Supreme Court.

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EXCERPT FROM CBS EVENING NEWS WITH WALTER CRONKITE

SEVAREID

Little is certain or fair in love, war and politics, but there seems a reasonable prospect that the Supreme Court can now find shelter from the harshest winds of political controversy and get about its business. Already the post-Warren Court has handed down two rulings that partly nullify previous opinions expanding the rights of defendants in criminal cases, and now the House subcommittee investigation of Justice Douglas repudiates the various personal charges leveled against him by congressional conservatives.

For several years Warren Court liberalization of the rights of defendants was a hot political issue, and millions were apparently persuaded these rulings had a causative relationship to the national rise in crime. This was always a highly dubious and debatable proposition; the scandalous condition of delay and case congestion in many courts in many cities is a far more obvious contributing factor. Now the Court has changed, its line of reasoning is changing to some degree, and this issue may well fade away.

The Douglas issue has faded, with the subcommittee report, but not yet away. It can be and may well be raised again on the House floor, though the long odds now are that the accusations will get nowhere in particular. Anyone seriously trying to impeach Douglas would have to go beyond the work of the House subcommittee, whose report runs to nearly a thousand pages, whose investigators spent seven months at the task, in the course of which they went through the whole of Douglas' personal files, totaling around a half million pieces of paper, and Internal Revenue agents spent 30,000 man hours checking the Parvin Foundation, of which Douglas was the paid president. The subcommittee majority finds him clean. Even the dissenting member finds no case for impeachment but thinks the group should have considered whether Douglas did not deserve some kind of official scolding from the House.

Justice Douglas' life style, with his passionate interest in civil rights, exploring, botany, folk music, conservation and foreign policy, is by no means everybody's idea of what a Justice should be doing in his spare time. But it's his style, and it's not likely to change. In the meantime his critics are calling the committee report a whitewash, while his defenders call the original charges a blackwash.

The overall drift of the Court, however, is toward greater circumspection. Appearances, for this Court, are important, and the best condition probably ought to be one in which no Justice holds any outside investments or paid positions of any kind.

[From the Washington Post, Dec. 18, 1970]

THE COMMITTEE REPORT ON JUSTICE DOUGLAS

The report of the House special subcommittee that has been looking into the affairs of Justice William O. Douglas needs to be read from two quite different perspectives. One would relate its findings to the proper standard of conduct for a member of the Supreme Court; the report makes clear in this regard that Justice Douglas did things off the bench that no member of the Supreme Court should do. The other perspective would relate the committee's work to the charges made against Justice Douglas last winter and spring by Rep. Gerald Ford, the Republican Leader in the House, and other members of Congress. Viewed from this perspective, none of the things Justice Douglas has done provides any legitimate ground for his impeachment and the documentation in the report makes it clear that the congressional attacks on him were politically motivated and full of demonstrably false statements and malicious innuendos. Indeed, Mr. Ford's speech of April 15, when examined alongside this report—both quoted elsewhere on this page—is an example of this technique.

Justice Douglas' extra-curricular activities, in our view, demonstrate deplorable lapses in taste, sensitivity and judgment. A justice of the Supreme Court ought not to engage in partisan political debate, ought not to take on major non-judicial activities, and ought not to add substantially to his income by accepting pay for his outside activities. There is no doubt that Justice Douglas has done all these things. He has argued publicly and passionately for policies in national and international affairs which he believes are right. He has spent much time on such things as the Parvin Foundation and the Center for the Study of Democratic Institutions. And he earned more money off the bench than on it during the 1960s. It is easy, therefore, to find documentation in this committee's report of a course of conduct that we and, we suspect, most Americans find deplorable for a member of the Supreme Court.

It is impossible, however, to find in all that we deplore even the smallest bit of evidence that Justice Douglas has done anything for which he could properly be impeached and that, after all, is what this investigation was about and what Mr. Ford and others demanded last spring. Indeed, the dissenting member of the House committee, who wants the investigation to continue, does not argue that impeachment is even a remote possibility; instead, he argues for further study looking toward censure. And in doing so, he never even mentions the heart of Mr. Ford's attack on Justice Douglas—a charge that cleverly linked the Justice and the Parvin Foundation (of which he was president) with Bobby Baker, Nevada gambling, specifically named members of the organized crime syndicate and efforts by that syndicate to penetrate the Dominican Republic. It is worthwhile, it seems to us, to explore briefly that particular charge for the light it sheds on the methods used in this attempt to drive Justice Douglas from the bench.

We will deal here with two of the specifics that Mr. Ford used to document his case cited elsewhere on the page. He said that Mr. Baker was in Las Vegas in 1962 when a hotel employee wrote on his registration card "is with Douglas." From this, Mr. Ford concluded, "So it is unclear whether the note meant literally that Mr. Justice Douglas was also visiting Las Vegas at that time or whether it meant only to identify Baker as a Douglas associate." Note that Mr. Ford did not provide for a third possibility, that one the House committee says is right—the name on the card was not that of Justice Douglas. Indeed, the hotel, the card and Baker were in Los Angeles not Las Vegas and Justice Douglas not only was in Chile at that time but had never been to Las Vegas. Mr. Ford's second specific was that the assertion that Mr. Baker, Justice Douglas and Mr. Parvin were all in the Dominican Republic at the same time in 1963; he said he didn't know why the justice was there but added that the gambling figures were there to get gamblinig concessions from Douglas's friend, Juan Bosch. The facts are that the justice was in Washington when Mr. Baker was in Santiago and that when the justice went there a week later it was to discuss a literacy project that had the blessing and financial support of the American government.

These are simply examples of how the critics of Justice Douglas have used coincidences and non-facts to manufacture a case against him. Indeed, it has never been clear why Mr. Ford regards the Parvin Foundation as "mysterious." Its principal function in its 10 years of life has been to fund fellowships at Princeton and UCLA for graduate students selected by the universities from foreign countries. Its first trustees besides Justice Douglas and Mr. Parvin were Robert M. Hutchins of the Institute for the Study of Democratic Institutions, Robert F. Goheen, president of Princeton, and Judge William J. Campbell of Chicago.

This discredited effort to link Justice Douglas with organized crime was only part of the charge aimed at him by those in the House who sought his impeachment. The other accusations fall into two general categories. One is that it was unbecoming for the justice to publish articles in certain magazines regarded by the congressmen as offensive. The other is that he holds "inflammatory" political opinions. The notion that either of these is grounds for impeachment is absurd. The final word on this score was spoken in defense of Justice Samuel Chase during his impeachment trial: "Is it not lawful for an aged patriot of the Revolution to warn his fellow-citizens of dangers, by which he supposes their liberties and happiness to be threatened?" Surely an American citizen does not forgo the right of free speech by ascending the bench, even though, in this particular case we agree that Justice Douglas exercised that right too freely.

The fundamental trouble with this entire investigation by the House into the affairs of a justice is that it was born out of political pique. Irate at the liberals for opposing the confirmation of Judges Haynsworth and Carswell, Representative Ford and others set out to remove a liberal from the bench. In their eagerness to do so, they paid no heed to the common decency that should guide the affairs of men and they have indicated no regret for slandering a distinguished official. Fortunately for the country, this political vendetta has been carried on with all the finesse of a baby elephant and the committee's report makes it only too clear how clumsy that can be. Unfortunately for the country, the leaders of the impeachment party have deprived the House of an opportunity to help set the standards that should guide judges. Instead they have turned the whole affair into a Roman circus.

[From the Chicago Daily News, Dec. 21, 1970]

Call Off the Hounds, Gerry

A special House subcommittee spent a year investigating Supreme Court Justice William O. Douglas and put its findings into a 924-page report. The upshot was that the principal allegations of improper conduct off the bench were not supported by the evidence. True, Douglas had accepted $12,000 a year in salary from the Albert Parvin Foundation, for various writing chores and counsel on foreign affairs. Parvin has an interest in Las Vegas gambling casinos. In nine years Douglas also earned $377,260.19 in fees for other writing and lecturing. One article appeared in a "mod" magazine that also had pictures of nude women.

While Douglas has established that the magazine article was used without his permission, there is little doubt that his discretion has frequently not been up to the standard expected of Supreme Court justices. He has been obliged to disqualify himself in numerous cases before the Court to avoid possible interest conflicts. Supreme Court justices are paid to put their full-time talents at the disposal of their country.

But House Republican leader Gerald Ford, howling for vengeance for the Senate's rejection of two Nixon nominees to the Court, has demanded Douglas' impeachment and pledges to keep up the fight to get it.

Justice Douglas' indiscretions are simply not impeachable offenses. There has been absolutely no showing of misfeasance, malfeasance or corruption of any kind. Meanwhile Justice Douglas' conduct on the Court has uniformly reflected a deep understanding of the law and a profound respect for the Constitution and the freedoms it ensures.

For Ford and his bassett hounds to go on baying through the woods is therefore silly and must be starting to seem so even to Ford's fellow Republicans.

Excerpt From ABC Evening News With Howard K. Smith

With great respect to Congressman Gerald Ford, who has led his party in the House skillfully in hard times, one hopes he now leaves Justice Douglas and the Supreme Court alone.

One suspects the cause of the attack on Douglas was anger at a Liberal court. Well, yesterday's ruling shows the desired end has been obtained: the Court is less liberal.

As for Justice Douglas, the study of his alleged misdemeanors was exhaustive. It took seven months. Mr. Douglas opened every letter and file of his own to the search. The FBI, the CIA, and Internal Revenue all joined the hunt.

Internal Revenue alone spent 30,000 man-hours on the investigation. That, we are told, is equal to one agent spending more than 15 years doing nothing else.

The conclusion was "not the slightest evidence of any wrong-doing."

That is more generous than even I would be. In fact, he has done two wrong things. He chronically languishes unquestioning praise on today's youth, abetting the present epidemic of youthful self-righteousness. I think I know them better than he does, and they are not that good—not 'til they prove it, which they haven't done, yet.

Also, he has written a perfectly lousy book on rebellion.

However, if poor utterances is actionable, every politician who gets his speeches into print would be liable to impeachment.

To promote governmental harmony, I am prepared to launch a Don't-Impeach-Gerald-Ford-For-His-Speeches campaign. . . . if Congressman Ford will join my Leave-Justice-Douglas-Alone group.

[From the Evening Star, Dec. 15, 1970]

Wise Moves on Douglas

A special House Judiciary subcommittee has, we believe, acted prudently in dampening the move to impeach Supreme Court Justice William O. Douglas. If its report is accepted by the full Judiciary Committee, a distractive and unnecessary hubbub will be avoided, and the country will be better off for having missed the spectacle.

The subcommittee decided that it had uncovered no evidence to justify the impeachment and removal of Douglas from the court. There have been hints that its official report, still to be released, nonetheless will be sharply critical of the justice, and that certainly would be justified.

He is not our model of a Supreme Court justice. Some of his extra-judicial excursions have been offensive, but we doubt that they warrant an ouster proceeding. The Constitution's stipulation of "good behavior" for justices is nebulous, and none has ever been removed under it. Such an attempt would almost certainly prove futile in this case, and the only returns from the effort would be more division in the country and diminished respect for one of its main institutions.

Douglas has been conspicuously overactive off the bench. He is accused of writing "revolutionary" material which was published in a "dirty" magazine, but disgusting and improper as that might be, in the view of some citizens, it is no ground for action under the law. More serious are charges that he used his position for profit, deriving considerable off-bench income. His salaried leadership of the Parvin Foundation, which received some financing from gambling interests, assuredly merits some chastisement.

Probably Douglas' greatest weakness is that his passion for causes gets in the way of the judgment which is expected of a Supreme Court justice. Even in his seventies he is a man of extraordinary energy and mental vitality, but perhaps this flurry in the House will cause him to curtail his pulpiteering. We hope so.

Clearly, there never was more than a wisp of a chance that the required majority of the House and two-thirds of the Senate would vote for his impeachment. Hence the ouster effort by House Minority Leader Gerald R. Ford and others has appeared to be feverishly political, stemming from pique over the failure of the nominations of Judges Haynsworth and Carswell. Probably there also was the thought of putting liberal congressmen on the spot in advance of this year's elections.

Now the elections are over, a new justice has been confirmed, and it is time to call off the chase after Douglas. Congress has mountainous piles of much more urgent business.

HON. MICHAEL FEIGHAN

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. FLOWERS. Mr. Speaker, I am delighted to join with my colleagues in tribute to our distinguished friend, the gentleman from Ohio.

Although I have had the privilege of knowing Mike Feighan only during this 91st Congress, even such a short time was sufficient to bring about a genuine feeling of respect and admiration for him.

I wish for him and his family every happiness that the future might bring.

WASTE IN THE POVERTY PROGRAM

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. PIKE. Mr. Speaker, I have tried in the past to support programs which appeared to be worthwhile, oppose those which appeared to be wasteful. All of us want to help our poor, particularly our poor children, and I have always supported programs whose avowed purpose was to break the devastating cycle of poverty causing ignorance causing hopelessness causing poverty. To this end the Congress, in the past decade, has voted billions of dollars and I have joined in those votes.

As I watch some of the results of the program in my own area, however, I have become increasingly concerned about the waste which is so obvious. From the window of my own home I have watched excellent and expensive playground eqiupment, slides, swings, seesaws, jungle-gyms, and so on, bought for the benefit of children with OEO money, lie rusting, abandoned, and uncared for, but this is a small item. Today I have knowledge of a large one.

At this time the OEO conducts its program for farmworkers in my district in five buildings which it rents for a total of $20,500 per year. The buildings contain, OEO says, 13,500 square feet. OEO now proposes to "conserve approximately $20,500 per year" by taking over the following from an abandoned Air Force base: one bowling alley, one gymnasium, one NCO club, one service station, one water treatment facility tennis courts—number unknown—one swimming pool, one wading pool, and one bathhouse for the swimming pool.

Omitting from the calculations the swimming pool, wading pool, and tennis courts, they will have gone, in their effort to conserve the taxpayers' money, from 13,500 square feet of space to 29,387 square feet. They will have acquired facilities greater than those owned by most schools in our district, facilities which have cost the taxpayers $716,100. They will not have begun to consider the cost of maintaining those facilities, and if the past is truly prolog, they will probably simply let them run down.

The OEO, in its correspondence to me seeking to justify this egregious empire-building, says:

> The savings to be gained by concentrating all program operations in one geographic area are obvious.

Obvious poppycock. The farmworkers are spread out where the farms are. Transportation needs will be greater, time on the road will be greater, costs will be greater. One might say the log-

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ical conclusion of this particular fallacy would be to concentrate all program operations in Washington, D.C. This would hardly help the farmworkers or their children.

Reluctantly, I conclude that while the adults on the payroll of the poverty program would undoubtedly love to see the taxpayers' money spent in this manner, the vast majority of the people whom I represent would not, and if OEO persists in acquiring luxuries beyond the happiest dreams of average taxpayers under the label of caring for the poor, they will have to do it without my support.

SOVIET TREATMENT OF JEWISH CITIZENS

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mrs. DWYER. Mr. Speaker, I am heartened to hear of the recent commutation of the death sentences for the two Soviet Jews accused of attempted air hijacking.

And I was proud of the role played by the administration, in the person of Secretary of State Rogers, in expressing the strong U.S. sentiment against the previously announced death penalties.

However, this certainly does not settle the affair. The central issue, in my opinion, is not the sentences imposed in these show trials, but rather the evidence presented to determine the innocence or guilt of the accused. For in fact, as we all know, these hijackings did not occur. The crime was merely alleged conspiracy. And to anyone moderately familiar with Soviet jurisprudence, the trials of over 30 people, the very vast majority of whom were Jewish, indicates that these trials were in actuality just further examples of anti-Semitism as practiced by the Soviet Union.

Such actions are directly in opposition to stated Soviet policy. In January of 1969 the Soviet Presidium approved the provisions of the International Convention on Racial Discrimination. And it has always been a stated Soviet objective to reunite the Jewish families that were scattered throughout the world during and after World War II.

Yet, at the same time, the Soviet Union has all but completely cut off the emigration of Soviet Jews to Israel.

It is obvious that the real Soviet policy toward Jews is one of systemic repression. And such a policy is repulsive to every sensitive human being.

It is good to hear that the death sentences in the recent trial were rescinded. But the Soviet Union still has a long way to go in assuring equal rights to her Jewish citizens.

It was encouraging to note the concern expressed by so much of the American Jewish community. Their concern for the ideals of justice and freedom for all is most gratifying. Hopefully, one day soon, such conditions will exist throughout the world for all citizens, regardless of their race, religion, or nationality.

A TRIBUTE TO HON. MICHAEL A. FEIGHAN

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. GARMATZ. Mr. Speaker, it is always a sad and difficult task to pay tribute to a departing colleague. But I find my task especially difficult in bidding farewell to one of the most talented and effective Members of this Congress—the Honorable MICHAEL A. FEIGHAN, who is retiring after serving 28 long and dedicated years.

I have been privileged to know Mr. FEIGHAN, both as an associate and as a friend, for many of those years, but I would like to speak for a moment about his distinguished service on the Committee on Merchant Marine and Fisheries. As chairman of that committee, I have been personally aware of the contributions this talented man has made—both to the maritime industry and to the State of Ohio, which he has so ably represented.

An excellent example of how Congressman FEIGHAN fought for his constituents and his State can be provided by a brief discussion of the so-called Merchant Marine Act of 1970, which was signed by the President October 21, 1970. The original legislation to implement this long-range program to revitalize the American merchant marine was submitted by the President to the Congress in October 1969. When our committee proceeded to hold extensive hearings on this administration bill, it became clear that one important aspect of that bill, which provided certain tax benefits to certain segments of the American maritime industry, did not provide this benefit to owners of vessels operating in the Great Lakes.

This tax deferment plan was designed to permit ship operators to place in a reserve fund a certain portion of their profits, and taxes on these funds would be deferred, as long as this money was used to construct new replacement vessels in American shipyards. But the administration bill proposed to make this benefit available only to those American steamship operators participating in the foreign commerce of the United States, and such a provision would, naturally, exclude most of the Great Lakes operators.

During extensive hearings held by my committee on the maritime program, industry representatives from the Great Lakes area testified and argued that they urgently needed this tax benefit in order to replace their obsolete vessels. Congressman FEIGHAN immediately took up the fight to gain this benefit for Great Lakes operators. Despite strong administration opposition to extension of this privilege to the Great Lakes, the congressional pressure exerted by Congressman FEIGHAN and other members representing Great Lakes areas finally overcame the Executive opposition, and this privilege was included in the final version of the Merchant Marine Act of 1970.

I could cite many other illustrations of this Representative's tenacity and dedication—including his work to produce much significant legislation designed to protect our environment and to conserve our great natural resources. He has sponsored some of the most important conservation and environmental legislation introduced into Congress in many years. Foremost among these are the Endangered Species Act, Public Law 91–514, which will help enforce our 12-mile exclusive fishery zone and help conserve and protect America's invaluable fishery resource; and the bill to establish a National Environmental Data System, which has passed the House and is now pending in the Senate. He has also enthusiastically supported other landmark conservation measures, such as the National Environmental Policy Act, the Anadromous Fish Conservation Act and the Water Bank Act.

These are a few of the many contributions this distinguished legislator has made to this Nation and his State, and I am sure the people of Ohio appreciate the value of this outstanding public servant.

As chairman of the House Committee on Merchant Marine and Fisheries, I want to personally say that I shall miss the support of MICHAEL FEIGHAN, and I wish him the best of success in all of his future endeavors.

HON. MICHAEL A. FEIGHAN

SPEECH OF

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. STANTON. Mr. Speaker, it is with pleasure that I join my colleague and neighbor, Congressman CHARLES VANIK, in expressing my best wishes to Congressman MICHAEL FEIGHAN on his last day in Congress.

The name of MICHAEL A. FEIGHAN has stood for honesty, integrity, and dedication to public service in northern Ohio for many decades. The Feighan family were outstanding leaders in the Cleveland metropolitan area long before I ever knew there was a Congress of the United States. They have served their fellowman in the judicial and legislative branches of local, State, and national governments with a sense of dedication that has earned them universal respect.

MIKE FEIGHAN was a close friend of my father over 40 years ago. The friendship of the Stanton and Feighan families always transcended partisan political considerations. Congressman FEIGHAN's devotion to our Catholic faith has been an inspiration to all of us. His lovely wife, Florence, has shared so meaningfully these years of public service and together, they have made a team that has not only produced an outstanding family, but has also shared their blessings with hundreds of fellow Clevelanders.

Mr. Speaker, to Mr. and Mrs. Mike Feighan, I extend Peggy's and my sincere best wishes for the years that lie ahead. All of us who know MIKE know

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that they will be active and productive. Congressman FEIGHAN's 28 years of service in the Congress of the United States shall long be remembered.

A TRIBUTE TO DAN GURNEY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. ANDERSON of California. Mr. Speaker, during the decade of the 1960's when American technology and brave, dedicated men were putting our astronauts on the moon, Daniel Sexton Gurney was pushing our technology into a different field—international auto racing.

Gurney was born on April 13, 1931, in Port Jefferson, N.Y., the son of Metropolitan Opera bass John Gurney. When Dan grew up in Riverside, Calif., after his father's retirement, he found his music in the highly tuned notes of a racing engine.

After 18 months of combat duty in Korea with the Army, Gurney returned to Riverside in 1954 and went to work for a small engineering firm. He had no degree in engineering, but quickly demonstrated his natural aptitude for research and development by working the bugs out of a continuous casting machine for sheet aluminum.

Gurney was also applying his mechanical skills in another direction—repairing his own cars for amateur sports car racing. Late in 1958, he was offered a sponsored ride in a Ferrari for the first Los Angeles Times Grand Prix and finished second in the race. That race at Riverside Raceway was the turning point that sent him to Europe as a contract driver for the Ferrari team.

From 1959 to 1965, Gurney drove for four of the best teams in international racing—Ferrari, BRM, Porsche, and Brabham—but one thing continued to disturb him. All of the cars were made in Europe, a galling thought for as proud an American as Dan Gurney. In 1966, he launched his own All American Eagle Team. A year later he made history by becoming the first American in 46 years to win an international championship race by driving an American car. Incidentally, he designed and built the car himself.

In 10 years on the Formula One Circuit, he won seven grand prix races—more than any other American driver has ever won. He is also the only driver to have scored major victories in each of the four principal types of auto racing—Formula One, USAC, in the Indy-type championship cars—stock cars, and sports cars.

Dan Gurney drove his final race earlier this year, but he will not be leaving racing entirely. Although he has retired as an active driver, he will continue as president of All-American Racers, Inc., of Santa Ana, Calif., to build USAC championship cars, and will be the owner-manager of his Eagle Racing Team.

On January 10, 1971, Gurney will be honored with special ceremonies at the "Motor Trend 500" stock car race at Riverside International Raceway. No more appropriate race could have been selected to pay tribute to Gurney since he has won this event five times in its 7-year history and Riverside has long been considered his hometown track—even though he no longer lives in Riverside but is now claimed by nearly all of California.

Mr. Speaker, I think it is appropriate that we join in saluting Dan Gurney who has become an authentic American hero, especially to the younger generation. He has set an example of courage, individual accomplishment, and of true patriotism which can be proudly recommended to all Americans.

AMERICA'S FARMERS ARE CONCERNED

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. ZWACH. Mr. Speaker, the discontent among our rural people over low farm prices is very aptly illustrated in a clipping I received the other day from Cliff Mitchell of KASM radio in Albany, in our Minnesota Sixth Congressional District.

I insert this article in the CONGRESSIONAL RECORD and urge my colleagues to read it:

> The pot is starting to boil! America's farmers and ranchers and feeders are concerned. They are worried. They are approaching the position of being forced into fighting for survival and you know what kind of a fight that is.
>
> The red meat industry in the last six months has suffered the worst blows it has seen in years and years. Hog feeders and hog men, cattle feeders and cattlemen, bankruptcies are occurring all over the place. Why? Because our government insists upon a cheap food policy that does not produce cheap food. All that it is doing is allowing for an exhorbitant profit picture to the big food chains of America.
>
> I'm sure that any of you who may be sports fans or follow sports will agree that when you have a constantly losing team; when the players aren't strong enough, when the coaching staff is inadequate, that in order to get on the winning side, you rejuggle both players and coaches and tactics. It's as simple as that.
>
> And many in agriculture today are screaming for new players, for new tactics. 'Time is very short. The farmers and ranchers who have bought tickets to attend this game are broke. They do not have any more money to buy any more tickets. They are tired of supporting a losing team. They are demanding better results and they are entitled to better results.
>
> America's farmers and ranchers and feeders are sick and tired of the political handling that America's largest industry receives. They are sick and tired of being used as a price depressant at every turn. And they are, by golly, mad that administration after administration as a head coach continues to use a cheap food policy.
>
> Costs and services to America's largest industry rise, the products that this industry sell bring less and the American voter and worker and urbanite continues to pay more for food at the retail level when she and he ought to be paying less. We have been very poorly coached, ladies and gentlemen, and our players who represent the farm and ranch organizations are weak and out of shape.
>
> Name me one major farm ranch or feeder group that came forward last June or July and argued and asked for facts from the USDA when they released two very unfair, inaccurate and yes, unneeded big livestock reporting intentions. One was in February and one was in July. They're the two reports that broke the pork industry's back.
>
> Facts and figures will show you that the kill up through September 1970 was actually less than a year ago. And pork prices plummeted in that same period because of the psychological warfare the chain store meat buyers could use on the supplies saying this great huge amount of meat coming was going to break their back.
>
> Have the chain stores had any trouble selling meat? Have they been giving it away at bargain prices?
>
> I'll tell you and the world, they have not! Is there a huge backlog of beef in freezers across the country in the last six months when fed cattle have dropped $4 to $7 a hundred. I'll tell you there isn't. There is in fact, 32% less in cold storage than there was a year ago.
>
> I'm like Eddie Collins of the Garden City Telegram, Kansas, when he says, "Just one time before I die, I'd like to see the leader of any University Ag system or the Extension Service or the USDA fight for the farmer. I'd like to see one leader not afraid to face up and tell other Department Secretaries and political VIP's in Washington to go to Hades to face up to represent their people, to tell them that high farm prices are for the betterment of the USA. Truthfully, I'm tired of bungling lawyers and inexperienced educators laying a role of compromising Ma Perkins."
>
> This man, Eddie Collins is on the mainline and he has my respect.
>
> President Nixon now is changing his players and he is changing his coaching staff. Hickel was the first weak sister, he thought, that had to go. Many think that Hardin, Secretary of Agriculture, is the next one because Hardin does not agree with the cheap food policy and Nixon does. Rogers C. B. Morton, Republican National Chairman may be relieved of his playing position, because Nixon is discouraged with the 1970 Republican loss.
>
> Secretary of the Treasury, David Kennedy is on thin ice, George Romney is also on thin ice and could be replaced with a new player because his wife got whipped in Michigan, and so it goes.
>
> Well, as the administration is changing their coaches and their teams, don't you think that agriculture should get some new coaches, some new players who have new tactics and enough guts and intestinal fortitude to take a swing at the opposition.
>
> Really folks, agriculture must win in the next game or two or there won't be anymore games.

HON. BILL AYRES

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. MILLER of Ohio. Mr. Speaker, all who have known and worked with BILL AYRES are singularly impressed by his affable manner and exceptional ability.

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In his 20 years in Congress, BILL has represented the people of the Akron area with an unswerving dedication and concern. The oft voiced slogan, "Ayres Cares" had particular meaning for the constituents of Ohio's 14th District.

As the ranking minority member of the House Education and Labor Committee, he was a persuasive spokesman for the hard-working, taxpaying public. A man of reason and responsibility, BILL AYRES has left his mark on much of the legislation that has emanated from this committee during his membership. His stamp of approval was a significant step in gaining final House approval of many measures which would otherwise have been doomed to failure.

Ohio and the Nation owe a great debt to BILL AYRES. He knew his job and he did it well. I would like to close by wishing BILL well in his future endeavors. I am confident he will bring to them the same spirited enthusiasm and farsighted expertise he has displayed as a Member of this body.

THE MINORITY BUSINESS ENTERPRISE PROGRAM MAKING SUBSTANTIAL PROGRESS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. GERALD R. FORD. Mr. Speaker, while it has been little heralded, the evidence is clear that substantial progress is being made in aiding minority businessmen under the minority business enterprise program established by President Nixon.

In an Executive order dated March 5, 1969, the President directed Secretary of Commerce Maurice Stans to oversee and coordinate all Federal programs—and to the extent possible, all private programs, too—which could help promote the economic status and the pride of minority group members by involving them more fully in our private enterprise system.

Recently Secretary Stans reported to the President on progress being made under the minority business enterprise program.

While much remains to be done, the accomplishments through June of 1970 are indeed significant and reflect the administration's determination to dramatically increase participation by minority groups in the Nation's free enterprise system. A few highlights of the report will serve to demonstrate this point:

In financial grants, loans, and guarantees, $315,236,045 were made by Federal agencies to minority business enterprises. This compares with an estimated $200,000,000 in the preceding year.

Government procurement contracts worth $21,814,292 went to minority firms through SBA's 8(a) program, compared with $8,884,141 in the previous year.

In an entirely new effort starting at midyear, 100 private commitments were obtained to create Minority Enterprise Small Business Investment Companies (MESBIC's). Twenty of these are already operational with an average capital of almost $90,000,000 for minority investments, with much more to be available when the others are operative.

SBA direct and guaranteed minority business loans were 8,432 in number, compared with 4,930 in the previous year.

In a completely new program, following efforts to stimulate minority-owned franchise, 114 of the 230 franchising Companies actively solicited have reported that the number owned by minority individuals grew from 405 to 743. The estimated total increase in all minority franchise holders for the year is about 500.

Similarly, the number of minority-owned service stations increased from an estimated 10,800 to over 13,000 within the year, based on reports from the oil companies enlisted in the program. Automobile manufacturers have reported an increase from 14 to 82 in the number of minority-owned automobile dealerships.

Thirty local community organizations located in 25 major cities have been financed to serve as local affiliate offices for the Office of Minority Business Enterprise, to "deliver" the resources of the program to these cities.

The Economic Development Administration to conducting an Indian program at a cost of almost $20 million which has already helped over the 50 tribes in establishing minority enterprises.

A major legislative program to assist minority enterprise has been submitted to the Congress by the administration and awaits enactment.

A census of all minority businesses in the country is now under way and will be completed in 1971. The Office of Minority Business Enterprise has also completed a series of opportunity books identifying Federal assistance programs, franchise opportunities, local assistance centers, educational aids and many other minority enterprise tools.

In reporting on the Minority Business Enterprise Program to President Nixon, Secretary Stans said:

> There were no precedents for this kind of coordinated effort. There was no rule book (no existing plan of action). We had to start by composing a whole set of guides. During the first 15 months we found ourselves continually revising our efforts as we learned from our own experience and listened to those who worked and participated with us. Fifteen months of study, self criticism and very hard work have gradually produced the solid beginning for a serious long-range undertaking. As this report shows, there has been progress—dramatic progress in terms of the base from which we started, however limited we might consider it in comparison to the road we still must travel.

HON. WILLIAM T. MURPHY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. DULSKI. Mr. Speaker, the close of the 91st Congress will bring the departure from our ranks of a very close friend and fellow member of the Eighty-Six Club.

The gentleman from Illinois (Mr. MURPHY) was first elected to Congress in November 1958, at the same time I first was elected. Thus, we entered the House together in January 1959 and became members of the Eighty-Six Club.

BILL MURPHY has achieved a fine record as a legislator, both in devotion to his duties here in the House and in his service to his constituents.

He has been an active member and a subcommittee chairman on the Committee on Foreign Affairs, where he has distinguished himself in this important field.

BILL and I came to the House with similar credentials. Both of us had served previously in elective municipal office—he as a member of the Chicago City Council and myself as a member of the Buffalo Common Council. This, I submit, is excellent background for a Congressman whose responsibility is to serve his municipality and its residents at the Federal level.

It has been a great privilege to work with BILL MURPHY in this House.

The Eighty-Six Club and this House are losing a valuable friend and colleague from active membership.

My best wishes go to him and to his lovely wife.

REPORT TO THE NINTH DISTRICT RESIDENTS—JANUARY 4, 1971

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following observations on the 1970 elections—the second of two weekly reports:

> WASHINGTON REPORT—JANUARY 4, 1971
>
> (By Congressman LEE H. HAMILTON)
>
> EDITOR'S NOTE—This is the second of two weekly reports dealing with my observations on the 1970 elections.
>
> The results of the 1970 election perhaps can best be described as a "mixed bag".
>
> The Democrats showed a net gain of 11 governors, nine members of the U.S. House of Representatives, and 244 seats in State Legislatures. The Party gained control of four State Legislatures and retained control in 23. The Republicans showed a net gain of one U.S. Senate seat.
>
> In the U.S. Senate before the election, there were 57 Democrats and 43 Republicans. After the election there were 54 Democrats, 44 Republicans, one independent and one conservative. The Democrats lost three and the Republicans gained one.
>
> In the U.S. House of Representatives, there were 246 Democrats and 189 Republicans before the election. This Session, there will be 255 Democrats and 180 Republicans, a gain of nine for the Democrats.
>
> In the States before the election, there were 32 Republican governors and 18 Democratic governors. After the election, there were 21 Republican governors and 29 Democratic governors, a gain of 11 for the Democrats.
>
> Obviously, the most significant shift in political power was in the State Houses. In

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the gubernatorial races, however, the Democrats had no place to go but up. In the same sense, the Republicans had no place to go but up in the Senate races.

The results—at least in my view—do not justify either party's claim to a smashing victory. As a politician, I did not see that the voters gave any mandate for any candidate in the past election. I did not detect a tide of conservatism or liberalism. The Senate may be a shade more conservative and the House slightly more liberal, but it would take an expert to detect it.

If there was a Party edge, it was in State House turnovers. Political observers should be careful, however, in relating state shifts in voting to national issues. Local issues generally control gubernatorial races, and this year, local issues centered on such fiscal matters as property taxes, income and sales taxes, and a general range of local economic issues.

I think the Republicans plainly underestimated the economy issue in the election. Inflation and unemployment cut more deeply than they realized, and they failed to sense how fast the issue was growing.

People these days are putting more and more of the responsibility for economic progress upon the President. The impact of the Federal budget and the publicity attending the economic decisions in Washington make the President a target for both praise and for blame.

One of the lessons the President will have drawn from the election is that he's got to pay more attention to the economy. Indeed, this already is evident in the actions he has taken to expand the economy and to fight unemployment.

Nationally, the vast majority of the Democratic Congressmen ran stronger in 1970 than in 1968. Without doubt, it is giving rise to optimism about the Presidential race in 1972.

Senator Edmund Muskie of Maine now emerges as the No. 1 challenger to President Nixon. The nomination will not be handed to him, however. There are plently of traps along the way. Without taking anything away from the Senator, I think one of the reasons he has a lead is because the public generally has no clear idea of where he stands on many important issues.

The public does have a better idea where Senator-Elect Humphrey and Senator Kennedy stand, and these two men—although they have strong support—also stir great opposition. Senator Muskie doesn't—as yet, anyway.

HON. PHILIP J. PHILBIN

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. FEIGHAN. Mr. Speaker, Phil Philbin was not only my colleague, we were office neighbors for several years, and we have been personal friends since we came to Congress in 1943. I have always had high regard and great admiration for Phil for his total dedication to his constituents, for his patriotism, and for his devotion to his official duties as a Member of this body. He was a most valuable member of the Armed Services Committee, and as a veteran of World War I, he had an especially keen grasp of complex military problems and the hardships of military life endured by our servicemen.

Phil Philbin's interests ranged over a broad field of subjects. He was an articulate and knowledgeable legislator, and an able lawyer. He came to Congress well equipped by experience in the several high offices he had held in Massachusetts. He enjoyed the confidence and respect of his constituency, and was courageous and faithful to the trust with which they had honored him.

Phil Philbin has been a popular Member of this body and he has left his mark in these halls, where he will be sorely missed. I know Phil will be successful in any undertaking he decides upon and I hope our paths will cross in the future.

To Phil I wish many years of good health and happiness and as we part, I want him to remember that he takes with him my deep appreciation for his warm and steadfast friendship.

SMITHSONIAN INSTITUTION SCHEDULE FOR JANUARY 1971

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the Congressional Record the schedule of events for the Smithsonian Institution for the month of January 1971.

Once again visitors to the Smithsonian will find a great variety of outstanding exhibits and programs, and I urge those who can to visit the Smithsonian Institution during this coming month.

Calendar of the Smithsonian Institution

Continuing Exhibitions

TWO FAMOUS PLANES EXHIBITED AT SMITHSONIAN

(By Tom Haney)

Two graceful airplanes of the 1930's that made pathbreaking polar flights—*Sirius* and *Polar Star*—are on exhibit in the East Hall of the Arts and Industries Building through March.

Polar Star, a Northrup Gamma monoplane, flown by the American explorer-flyer Lincoln Ellsworth and a Canadian, H. Hollick-Kenyon, made the first trans-continental hop across the Antarctica continent in 1933.

Sirius, a Lockheed floatplane, was flown by Charles A. Lindbergh and his wife, Anne Morrow Lindbergh, on their famous 1931 Great Circle survey hop across Canada and the North Pacific to Japan, to gather first-hand information on possible trans-Pacific airline routes for the future. The directions they charted are still flown by Pan American Airwest Airlines. *Sirius* was on display last summer at Osaka's Expo 70.

Both planes are in the collections of the Smithsonian's National Air and Space Museum. In storage for many years, neither has been exhibited before in Washington, D.C.

ARTS AND INDUSTRIES BUILDING

World Bazaar, Museum Shops sales/exhibition featuring many one-of-a-kind objets d'art and crafts from 50 countries.

Pakistani Prints. Prints resulting from a creative printmaking workshop held in Pakistan during 1967. Sponsored by the International Art Program of NCEA. Through Jan. 31.

Hand of Man on America. Photographs by David Plowden depict man-made objects and their impact on the American continent—past, present and future. Through Jan. 31.

The Genteel Female. Lithographs depict the romantic view of the American woman of the 19th century. Through Jan. 31.

Early Bird Replica. An operating backup model of the world's first communications satellite. On display indefinitely.

Beechcraft. The history of the Beech Aircraft Co. traced through the use of scale models. On display indefinitely.

SNAP-27. A duplicate of the nuclear device that supplies electric power for the package of experiments placed on the moon by Apollo 12 astronauts. On display indefinitely.

Astronautical Art. From the collection of the Air and Space Museum, including works by Norman Rockwell and other well-known artists. On display through Easter.

FREER GALLERY OF ART

Whistler's Landscapes and Seascapes. Forty paintings show Whistler in his forgotten role as an avant garde artist. On display indefinitely.

Whistler's Etchings. Twenty-six prints and 16 canceled copper plates. On display indefinitely.

MUSEUM OF HISTORY AND TECHNOLOGY

Founders Day. Commemorates 350th anniversary of the pilgrims landing in North America.

Do It the Hard Way: Rube Goldberg and Modern Times. Featuring cartoons, writings, sculptures and cartoon "inventions." On display indefinitely.

Contemporary Counterparts of Early American Craftsmen. Jeweler Merry Renk is featured. Hall of Everyday Life in the American Past. Through Jan. 31.

Iron and Steel Hall. Exhibit of the American iron and steel business dealing with modern practices and some of the historical background. On display indefinitely.

MUSEUM OF NATURAL HISTORY

Moon Rock Research. Finds of research on lunar samples by Smithsonian scientists. On display indefinitely.

NATIONAL COLLECTION OF FINE ARTS

Paul Manship: Drawings and Sculptures. Fifty drawings and 15 small figurative and animal sculptures. Through Jan. 31.

Winslow Homer. Fifty-one oils, watercolors, drawings, and graphics, mostly from the artist's popular early period. On display indefinitely.

A Look at the World: Mid-Century. Twenty-six American paintings and small sculptures give an individualist view of the 1950s. On display indefinitely.

NATIONAL PORTRAIT GALLERY

Pres. Monroe Portrait. A recently acquired painting by John Vanderlyn. One of only six life portraits known to have been painted of Pres. James Monroe. Permanent.

Along This Way. Portraits, photographs, death mask, and other artifacts of black culter exponent James Weldon Johnson. A teaching exhibition. Through June 30.

Tuesday, January 5

Lecture-discussion: Order and Disorder by eminent dancer-choreographer Paul Sanasardo. Sponsored by the Smithsonian Associates: 8:30 p.m. Natural History Building auditorium. Public invited.

Wednesday, January 6

Exhibition: East 100th Street—Bruce Davidson. An exhibition of 80 photographs by Davidson taken during 1967–68 of East 100th Street between First and Second Avenues, New York City. These pictures, in addition to their photographic interest, constitute a significant social document of the area, much of which has since been renovated. Arts and Industries Building through March 8.

Lunchbox Forum: The U.S. Buzz Bomb of World War I. An informal presentation and discussion led by Cole Morrow, Chief of Planning Research at the Federal Aviation

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Administration. Sponsored by the Smithsonian National Air and Space Museum. Noon. Room 2169, Arts and Industries Building.

Thursday, January 7

Creative Screen: Two Castles, produced by Bruno Bozzetto of Italy—A wry, little animated film in which a determined knight encounters something he did not expect; Since Time Began, produced by Time Magazine—the most important happenings in history and communication between 1923 and 1970 presented with musical backgrounds of the times. Continuous half-hour showings beginning 11 a.m.; last showing at 2:30 p.m., National Collection of Fine Arts.

Saturday, January 9

Afro-American Poetry: a program by Joanna Featherstone. As well as appearing in the United States and on National Educational TV, Joanna Featherstone has performed in London, Paris and Liberia. Sponsored by the Smithsonian Associates and the Division of Performing Arts in the Natural History Building auditorium, 8:30 p.m. $2.75 Associates; $3 non-members. For information call 381-5407.

Creative Screen: Two Castles; Since Time Began. Repeat. See Jan. 7 for details.

Tuesday, January 12

Illustrated Lecture: The Drinking Vessels of Persia by Charles K. Wilkinson of the Brooklyn Museum. Final lecture in the 1970–71 series on Oriental art. Freer Gallery of Art, 8:30 p.m.

Illustrated Lecture: Songs of the Humpback Whale by Dr. Roger S. Payne, Asst. Prof., Rockefeller University, Sponsored by the Smithsonian Associates. 8:30 p.m. Natural History Building auditorium. Public invited.

Wednesday, January 13

Lunchbox Forum: When Jets Joined the Navy. An informal presentation and discussion led by Rear Adm. A. B. Metsger (Ret.), president of Technology Services, Inc. Sponsored by the Smithsonian National Air and Space Museum. Noon. Room 2169, Arts and Industries Building.

Friday, January 15

Exhibition: John Muir, 1838–1914. In teaching something about the conservation movement in the United States at the turn of the century, this exhibition relates to the present concern about ecology. The display is centered around Muir, a Scotsman who immigrated to the United States at age 11 and became known as a great naturalist and the father of the National Park Service. National Portrait Gallery through June 1.

Saturday, January 16

Exhibition: . . . Toward Freedom. The civil rights movement from 1954 to the present time is covered in observance of the birthday of Dr. Martin Luther King, Jr. Anacostia Neighborhood Museum, 2405 Nichols Avenue, S.E. Through March 15.

Panel Discussion: The Art of Print Collecting. Moderator, Clifford T. Chieffo, Chairman of the Fine Arts Department, Georgetown University; panel members, Franz Bader, Barbara Fendrick and Sidney Michelson. 3 p.m., Lecture Hall, National Collection of Fine Arts.

Wednesday, January 20

Lunchbox Forum: *Japanese World War II Bombing Balloons*. Informal presentation and discussion led by Robert C. Mikesh, Curatorial Assistant of the Aeronautics Department, National Air and Space Museum. Noon. Room 2169, Arts and Industries Building.

Exhibition: American Impressionists. A newly opened gallery in the National Collection of Fine Arts will display approximately 30 paintings by 10 artists, most from the late 19th century with a few from the early 20th. 2nd Floor, East Wing.

Thursday, January 21

Creative Screen: *Little Blue Apron*—a whimsical animated commentary that was the 1967 Academy Award nomination from Czechoslovakia; *Calder: From the Circus to the Moon*—Alexander Calder creates a bizarre circus and with the witchery of his camera, Hans Richter touches it with moon-beams. Continuous half-hour showings beginning 11 a.m.; last showing at 2:30 p.m., National Collection of Fine Arts.

Friday, January 22

Perceptions 3: *The Paul Sanasardo Dance Company with Manuel Alum.* One of the leading modern dance companies in the *Footnotes*, and *Cut Flowers*, with an additional work to be announced. Presented by the Smithsonian Division of Performing Arts and the Smithsonian Associates. 8:30 p.m. Lisner Auditorium, 21st and H Sts., N.W. $3 and $4 Associates; $3.50 and $4.50 nonmembers. For information call 381-5407.

Saturday, January 23

Creative Screen: Little Blue Apron; Calder: From the Circus to the Moon. Repeat. See Jan. 21 for details.

Monday, January 25

Audubon Lecture: Birds of the Southern Ocean, by Dr. George E. Watson, Chairman of the Smithsonian Department of Vertebrate Zoology and a Director of the Audubon Naturalist Society. Dr. Watson will introduce some of the current research efforts in the Antarctic and the sub-Antarctic being made in determining the evolutionary and ecological relationships of Southern Ocean sea birds. Sponsored by the Audubon Naturalist Society. Natural History Building auditorium. 8 p.m. only. Open to the public.

Wednesday, January 27

Lunchbox Forum: A Decade of Ocean Engineering. Informal presentation and discussion led by William L. Sparks, Marketing Manager of the Underseas Division, Westinghouse Ocean Research and Engineering Center. Sponsored by the Smithsonian National Air and Space Museum. Noon. Room 2169, Arts and Industries Building.

FOREIGN STUDY TOURS

Tours concerned with archaeology, the arts, museums, private collections and natural history are available to national and local Associates in 1971.

Sicilian Archaeological Sites and Opera in Italy: Feb. 1–22. Directed by Mrs. Constance Mellen of the Washington Opera Society and Dr. R. H. Howland. A few spaces still available.

East African Safari and Cruise: March 20–April 15. Five days in game reserves; two-week cruise from Mombasa to islands in the Indian Ocean. A few spaces still available.

Cyprus and Turkey: May 11–June 1. Archaeological sites in central and southern Turkey, as well as better-known excavations near the west coast. Waiting list only.

Architectural and Historical Tour in Scotland, Wales and Ireland: May 31–June 20. Visits to private properties in conjunction with the Irish Georgian Society and the Scottish National Trust. Directed by Dr. R. H. Howland. Waiting list only.

"No-Tour" Tour. May 26–June 16. Air France Excursion-Dulles/Paris/Dulles. Members make their own arrangements for travel in Europe. $270.

Roman Archaeology: July 1–22. Inexpensive excursion for students, teachers and parents.

South America: Aug. 2, 21 days. Brazil, Peru, Ecuador and Colombia, with emphasis on archaeology, old and new architecture, museum and private collections plus a short visit to the upper Amazon.

Russia. Sept. 20–Oct. 12. Samarkand, Kiev, Vladimir, and Novgorod, with extended visits to Moscow and Leningrad. Directed by Dr. R. H. Howland and Prof. George Riabov. Tour full. Second group departs Oct. 15 (through Nov. 19).

For itineraries and details, please write to Susan Kennedy, Smithsonian Institution, Washington, D.C. 20560, or call 381-5520.

RADIO SMITHSONIAN

Radio Smithsonian is broadcast every Sunday night on WGMS-AM (570) and FM (103.5) from 9–9:30 p.m. This weekly program presents conversation and music growing out of the Institution's exhibits, research, and other activities and interests. Program schedule for January:

3rd—*The Jazz Scene.* Part I. Julian Euell, former bassist, sociologist, and now Special Assistant for Public Service at the Smithsonian, and Dr. Donald Byrd, noted jazz trumpeter, composer, and Chairman of the Department of Jazz Studies at Howard University, in a musicated conversation about jazz and jazzmen—a major aspect of American cultural history past and present.

10th—*The Jazz Scene,* Part II.

17th—*The Jazz Scene,* Part III.

24th—*Bugging the Bugs,* Dr. Barnard Burks, Research Entomologist in Systematic Entomology Laboratory; *Curtain Going Up,* William Blair, General Director of the John F. Kennedy Center for the Performing Arts.

31st—*Talking to the Animals,* Warren Iliff, Special Assistant to the Director, National Zoological Park; *Commodore Perry: East to the Rising Sun,* Roger Pineau, Managing Editor of the Smithsonian Press.

Also heard on WAMU-FM (88.5) Tuesdays at noon; WETA-FM (90.0), Mondays at 9:30 p.m.; and on WNYC-AM/FM in New York City.

CLASSES AND TOURS

Sponsored by the Smithsonian Associates

Winter classes for adults and young people begin in January and continue for adults for 10 weekly sessions and for young people, 8 weeks. All are by subscription only (call 381-6159). Adult classes (unless otherwise stated) and beginning dates are:

Jan. 11: Art and Archaeology of Egypt; Basic Photography.

Jan. 12: History of Photography; Intermediate Film Making; Stitchery.

Jan. 13: Basic Photography; Fabric Design and Decoration; Fabric Construction; American Democracy.

Jan. 14: Spaceflight—Past, Present and Future; Intermediate Photography; World of Sculpture.

Jan. 15: Basic Photography, Animal Behavior; Photography Workshop; Basic Film Making; Jewelry Making Workshop (one day).

Jan. 16: Jewelry Making Workshop (one day); Film Making for Teenagers; Photography for Teenagers; Film Making for Young People (ages 6–10). Information is also available on other classes for young people in art, birds, minerals, astronautics, aeronautics, sea life, electronics and earth science.

Jan. 17: Basic Film Making.

Jan. 20: Creative Cinema.

Jan. 29: Traditional Crewel Embroidery Workshop (one day).

Jan. 30: Traditional Crewel Embroidery Workshop (one day).

Tours. By subscription only (phone 381-5159)

Jan. 22–24 *Associates Winter Weekend.* "Open fires—roasting chestnuts" and other amenities of 19th century hospitality at Old Sturbridge Village, Mass. Associate members.

Feb. 21–26 *Our Natural Heritage.* Six-day study trip to Arkansas National Wildlife Refuge, Padre Island, and selected private areas in southern Texas. The unique bird population of south Texas will be emphasized.

HOURS

Smithsonian Museums: 10 a.m.–5:30 p.m., 7 days a week.

XUM

Cafeteria: 11 a.m.–5 p.m. daily, MHT.

Snack Bar: 10 a.m.–3 p.m. daily, MHT.

National Zoo Buildings: 9 a.m.–4:30 p.m., 7 days a week. ZOO CLOSED NEW YEAR'S DAY.

Anacostia Neighborhood Museum: 10 a.m.–6 p.m., weekdays; 1–6 p.m., weekends.

DEMONSTRATIONS

Museum of History and Technology

Musical Instruments—from the Smithsonian's collection. Monday, Wednesday, Friday, 3 p.m., Hall of Musical Instruments, 3rd floor.

Power Machinery—steam engines and pumping engines. Wednesday, Thursday and Friday, 2–3:30 p.m.; Saturday and Sunday, 10:30–noon and 1–3:30 p.m., Power Machinery Hall, 1st floor.

Spinning and Weaving—Tuesday and Friday, 10–noon, Special Exhibits, 1st floor.

Dial-a-Museum—737–8811 for daily announcements on new exhibits and special events.

Dial-a-Phenomenon—737–8855 for weekly announcements on stars, planets and worldwide occurences of short-lived natural phenomena.

The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs. Editor: Lilas Wiltshire. *Deadline for entries in the February Calendar: January 6.*

MUSEUM TOURS

Walk-In Tours (beginning Jan. 6)

Museum of History and Technology (meet in Pendulum area): Tues.-Fri. 10:30, 11:30 a.m., 1 p.m.; Sat. and Sun. 10:30 a.m., noon, 1:30, 3 p.m.

National Collection of Fine Arts—Mon.-Fri. 11:30 a.m., 1 p.m.

School or Adult Group Tours by Appointment

Museum of History and Technology, Museum of Natural History, National Collection of Fine Arts—381–5019; 381–5680.

Freer Gallery of Art—381–5344.

National Portrait Gallery—381–6347.

National Zoological Park—332–9322.

Mailing list requests and changes of address should be sent to the Smithsonian Calendar, 107 Smithsonian Institution Bldg., Washington, D.C. 20560.

GODSPEED FOR THE DEPARTING MEMBERS OF THE NEW YORK DELEGATION

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. CELLER. Mr. Speaker, it is with a deep sense of sadness that I view the departure from Congress of some of my colleagues from New York. They served their State and country well. Representatives Leonard Farbstein, Jacob H. Gilbert, Allard K. Lowenstein, Richard D. McCarthy, Richard L. Ottinger, and Adam C. Powell shared a common goal, the uplifting of mankind to a life deeper and richer than it had known before, and they understood together that in my Father's house there are many mansions. We can only be grateful for their diversity in personality and outlook, because in that diversity they were truly representative of the shadings, the colors, and variety which bespeak the vitality of a people. We did not always agree, but we respected our differences.

Certainly I shall miss the persistent fighter in Leonard Farbstein, who was outraged by any kind of injustice; the lucid, clever understanding which Jack Gilbert brought to every issue enhanced by his contagious sense of humor; the intensity of the idealism of Allard Lowenstein; the earnest, quiet selectivity of Richard McCarthy; the challenger in Dick Ottinger, unawed by the powerful; and the insouciant flair of Adam Clayton Powell.

For me, the 92d Congress will be a little lonelier because their faces, their voices, and their individual flavor will not be with us.

I wish them Godspeed. May they each, in their own way, continue to serve the ideals which formed them and, in turn, helped form the House of Representatives, so much a basic part of their lives.

RUDY LAMONICA

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. LOWENSTEIN. Mr. Speaker, Rudy Lamonica was the pride of his village of Oceanside, N.Y., not just because he was a great athlete who brought luster to her teams. He was as unassuming and gentle as he was talented and tough, and his courage and goodness were contagious blessings on all who knew him. That so rare a human being should have contracted cancer and then died so soon in life is a tragedy beyond words. It could overwhelm us if we did not keep reminding ourselves how fortunate we are that we had him in our midst for a few years at least.

When a whole community feels a loss so powerfully, it is heartbreaking even to try to contemplate what the burden must be on the bereaved family. Our prayers go especially to Rudy's parents, themselves people of remarkable strength and spirit. I include at this point in the Record the beautiful message they have written in response to the outpouring of the grief that has come to them since Rudy first had to have his leg amputated when he was 16 years old:

A Million Thanks to You

Rudy's recent illness has shown to us that in time of need the whole human race will rise up to help. The whole community of Oceanside opened up their hearts to us, but we were also aided and encouraged by many people from neighboring villages. We also received letters and calls from people all over Long Island. The response was world-wide as a Polish soccer team donated their services to play against a New York City all-star team which also played free of charge in a benefit game at Hofstra College.

The aid and comfort that we received from you was overwhelming. Your prayers, the steady stream of visitors to the hospital and your words of encouragement were a great comfort to us. The college scholarship fund that was created by you for Rudy was looked upon by all of you as a personal thing. Everyone helped in their own way to contribute to it. Coaches, classmates, teammates, adults, teen-agers, fraternity brothers, civic leaders and business people all did their utmost to help make it as successful as it turned out to be.

As we now settle to resuming as normal a life as possible, our hearts are gladdened to know that you wonderful people forgot your troubles and did your utmost to lessen ours. The smiles that we greet you people with have been put their mainly by you.

We now take this opportunity to thank everyone for all that they have done for us and we give a special thanks to the people of Oceanside. God bless you.

Phil and Bessie Lamonica.

Rudy was fortunate that he did best what he loved most—playing soccer. There was a harmony in his life that few achieve, and he knew what he wanted to do with his life long before most boys have even started to think about such matters. But it is exactly this single-minded devotion to soccer, and the great successes that marked his brief playing career, that made the last months of his life so remarkable. After his right leg was amputated, and with it his dreams, Rudy showed no bitterness, no discouragement, no self-pity. He kept on cheering up those around him, and made plans for the future with a zest for living that seemed undiminished. He learned to swim and drive, and was thrilled when his soccer coach, Arthur Wright, of Oceanside High School invited him to be assistant coach of the team he had led to the Nassau County championships for 2 consecutive years.

The gallantry of his response to the loss of his leg made him even more of a hero and inspiration that he had been when he was simply setting soccer records. Oceanside students staged a marathon 537-inning softball game to help a college scholarship fund for him, taxing themselves for every hit and run. The Southern New York Soccer Association staged a benefit game between the New York All Stars and a championship Polish team for that fund, and soccer players from all over the State helped raise money for it. Among the thousands of fan letters he received was the following one from President Nixon himself:

The White House

Dear Rudy: Mrs. Nixon and I were saddened to learn of your illness but we were assured that the same courage and determination you always displayed on the soccer field has made you an inspiration to others as you get well.

You have many friends cheering you along the road to recovery and our family just wanted you to know we are among them.

With our best wishes.

Sincerely,

Richard Nixon.

Mr. Speaker, Rudy Lamonica brought glow to all who knew him. He has left those who survive an extraordinary example of joy in living and of self-discipline to learn from. He showed a generation of his peers that great achievements and real humility are partners, and he led a polarized community toward better understanding, by uniting it in admiration and love for a favorite son who transcended division of age, attitude, and background. His vibrance and his skills are needed desperately in the land, but the memory of his life will long inspire in men a new appreciation of their great good fortune at being alive and in America at a time of such opportunity and challenge.

I am grateful that so many Members of the House have joined in this moment of thanks to God for the life of Rudy Lamonica, and I know they join now in my salute to his remarkable family.

SOVIET DEFEAT AT U.N.

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. BINGHAM. Mr. Speaker, some mortal enemies of the United Nations continue to argue that the United Nations is dominated by the Soviet Union—indeed is part and parcel of the international Communist conspiracy. The facts are that over the years the Communist bloc has suffered many defeats at the United Nations—in the General Assembly and other bodies. The following article of December 12, 1970, in the New York Times illustrates the point:

Soviet Bloc Loses Space Pact Vote—U.N. Plan Covers Damages From Launched Objects

United Nations, N.Y.—An isolated group of Soviet bloc states voted today against a proposal urging speedy completion of a treaty covering damages caused by objects launched into space. But the proposal was approved by the General Assembly's top political committee in an 85-to-8 vote.

Soviet objections were directed at key provisions saying that a "full measure of compensation" should be paid to victims of space mishaps and claims should be settled quickly.

The Soviet Union during seven years of drafting work on the treaty by committees, subcommittees and the Assembly, has continued to object that the provisions relating to compensation clash with the Soviet legal system.

The Russians have not elaborated on their objection. The United States, however, has warmly endorsed the rapid completion of such a treaty.

Resentment against the Soviet position has become increasingly outspoken from small countries, in particular, which regard themselves as possible victims of the space activities of the superpowers.

Mrs. Alva Myrdal of Sweden voiced this anxiety, remarking that the arguments given for opposing agreement after seven years had remained unconvincing.

During discussions, the smaller countries have been insistent that as space launchings increase, the danger of injury to citizens and damage to their properties also will increase.

The discovery of space debris has been reported by Japan, Nepal and Colombia, among other countries. The United States is still waiting for the Soviet Union to collect four fragments that have been recovered in the last few months. One, a 600-pound piece, fell last August in the Middle West.

A particular source of resentment among the small powers is that they feel they cooperated by agreeing to a treaty concerning the rescue of astronauts in case of accident, which the space powers desired. As the small powers see it, the space powers are now under a moral obligation to complete the present text, which, they argue, protects their interests. India, the United Arab Republic and Lebanon all have complained about the seven year delay.

The next round of meetings on the incomplete treaty is scheduled for June in Geneva by the Legal Subcommittee of the Outer Space Committee.

DEPARTURE OF NEW YORK CONGRESSIONAL MEMBERS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. RYAN. Mr. Speaker, with the closing of the 91st Congress, several of our colleagues from New York will be leaving this Chamber. I want to take this opportunity, then, to express my regard for them, and to extend my best wishes for their future endeavors.

From my own city of New York, three Members are departing—Leonard Farbstein, Jacob Gilbert, and Adam Clayton Powell. Each of them has, in his way, contributed much to this House, and thereby well served his constituents, as well as the country.

Leonard Farbstein has been particularly significant in the field of foreign affairs, working both within in the Committee on Foreign Affairs, where he has served as chariman of the Subcommittee on Europe, and on the floor. In addition, he has been a leading Member in the fight to enact strong, meaningful antipollution legislation.

Jack Gilbert has served ably and with dedication in the House. As a member of the House Ways and Means Committee, he has been involved in the drafting and enactment of some of the most significant legislation to come before the House—legislation concerning social security, taxes, and trade.

Adam Clayton Powell leaves the House after having been involved in some of the most vital issues of our times. His service on the House Committee on Education and Labor, of which he was chairman, was extremely instrumental in producing the innovative, seminal legislation which has been passed in the fields of education and labor.

Two Members from areas close to my own district are closing—at least temporarily—their congressional careers this year: Allard Lowenstein and Richard Ottinger. Both have clearly left their mark on this House. Al Lowenstein has always been in the forefront on the issues of justice and peace. I am confident he will continue to be there.

Dick Ottinger has been one of the chief spokesmen in the House for halting the degradation of our environment. I know that Dick intends to continue speaking out and working against the tide of pollution which is degrading our water and air, and I know that the country will be the better for that.

Richard D. "Max" McCarthy leaves the House, but he certainly can feel proud of his service here. His efforts were instrumental in arousing the Nation to the terrible tools of chemical and biological warfare which the Defense Department has been amassing. Today that same Department claims to have foresworn its previous activities, and "Max" McCarthy can take satisfaction in that.

Daniel Button has been one of our most enlightened and progressive Members. His service in the House has been marked by a sincere commitment to justice, to peace, and to the betterment of the lot of all Americans.

Finally, I should like to note the departure of one of our former colleagues, now a Member of the U.S. Senate, from Congress—Charles Goodell. He, too, will be missed, but I am sure he will not remain unheard from. And for that the country will be the better.

To all these men—my colleagues and my friends—I wish the best in the future. They have served well, and they should be proud of that. They will be missed.

STEPHEN A. POLLICINO

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 14, 1970

Mr. LOWENSTEIN. Mr. Speaker, we sometimes forget what blessings one active and generous citizen can bring to his community. Today I want to call to the attention of Congress the remarkable contributions of Mr. Stephen A. Pollicino to the village of Island Park, whose fine public library stands as a monument to his dedication and vision.

Mr. Pollicino was instrumental in establishing the Island Park Library, and served as a trustee for 32 years. He was president of the board from 1939 to 1954, and guided the library's growth from one room in the village's first elementary school to its present modern quarters, housing a full range of services for all ages and interests.

Largely as a result of his work, Island Park, although one of the smallest communities on Long Island, maintains a dedicated and qualified library staff and an unusually fine collection of books and other materials. It is humbling and enormously encouraging, both, to think of the educational and cultural advantages that have been brought to the people of Island Park, and how many lives have been enriched, as a result of his efforts.

Now Mr. Pollicino is retiring, and it is good that his friends and neighbors have paused to honor him for all he has done so selflessly for so many years. But he has never rested on past achievements, and he will of course keep right on helping to maintain the dynamic approach that led Island Park to become one of the charter mebers of the Nassau County library system, and to participate in several pilot projects that were to become standard services throughout the county.

America needs more men like Stephen Pollicino whose love for books and people have done so much for his community. I am glad so many Members of the House have joined to wish him well and to tell him how grateful we are for the example he has set of public service at its best.

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CONSTITUTIONAL CONFUSION ON VOTING AGE STATUTE

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. PETTIS. Mr. Speaker, the recent fragmented opinions handed down by the Supreme Court on the voting age statute have done nothing to clear up the constitutional question of who, exactly, holds the power to set voting age qualifications.

The Justices' decision to lower the eligible voting age to 18 years only for national elections confirms my strong opinion that Congress does not have the power to set age eligibility for the several States. Any change of voting age requirements instituted on the National level should be attempted only by constitutional amendment.

Let me add, I am not opposed to lowering the voting age, but I do decry the manner in which the recent change was effected. Hopefully, the 92d Congress will take prompt steps to provide a constitutional amendment which can be submitted to the States for ratification and can clear up the constitutional confusion which now clouds this issue.

At this point, I insert an article which appeared in the Washington Post on December 30 in the RECORD. Written by Mr. Merlo J. Pusey and entitled "Court's Clouding of the 18-Year Vote," it presents an excellent analysis of the ramifications of the Court decision on the voting age statute, and well represents my own views on the matter. I commend it to everyone who is interested in this important legal question.

COURT'S CLOUDING OF THE 18-YEAR VOTE

(By Merlo J. Pusey)

Will the Supreme Court's decision in the 18-year-old vote case prove to be another "self-inflicted wound"? That term was originally used by Charles Evans Hughes, later Chief Justice, to describe the consequences of the Dred Scott decision and various others that brought disrepute upon the court. The current decision has proved to be popular, insofar as it permits citizens aged 18 to 21 to vote in national elections, but five wide-ranging opinions from the justices have churned the law on voter qualifications into a chaotic state.

The decision had to be communicated to the public with no one really speaking for the Supreme Court. Justice Black announced the judgment that 18-year-olds could vote in national but not in state and local elections; not one of his colleagues joined him in the opinion he wrote. Justices Brennan, White and Marshall (and Justice Douglas in a separate opinion) argued with considerable force that the equal protection clause of the Fourteenth Amendment is broad enough to allow Congress to override all laws fixing the voting age at 21. Justice Stewart, with the support of Chief Justice Burger and Justice Blackmun, accepted the Black thesis that the Constitution obviously leaves voter qualifications in local elections to the states (except in cases of invidious discrimination) but they parted company with Justice Black by insisting that the Constitution means what it says in providing that voter qualifications in congressional elections shall be the same as those for the most numerous branch of the state legislature. Justice Harlan rejected the basic idea of applying the equal protection clause to voter cases.

The effect is to leave the 18-year-old vote law hanging by the flimsiest thread. Justice Black acknowledged that the founding fathers had tied together voter qualifications in congressional elections and in state elections. Then he proceeded to pull them apart. His performance must be regarded as one of the strangest feats in the long history of American jurisprudence.

Where did the justice find authority for this bizarre conclusion? Article I, Section 4, of the Constitution provides—

The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations . . .

Justice Black read this as giving Congress sweeping authority over federal elections. But is says nothing whatsoever about any authority for Congress to change the qualifications of voters in defiance of the language in other parts of the Constitution.

Justice Stewart pointed out that the founding fathers were well acquainted with the world "qualifications." They used it in Article I, Section 2, when they said in very specific terms who was entitled to vote in congressional elections. They did not give Congress any authority to alter this section. Madison, Mason and others argued vehemently in the Constitutional Convention against giving Congress power to fix voter qualifications, and the Committee on Detail voted seven to one against a motion to let Congress exercise such power. On the basis of this Hamilton noted in "The Federalist" that the qualifications of voters in congressional elections "are defined and fixed in the Constitution and are unalterable by the legislature."

In the face of this history and the unquestioned language of the Constitution itself, the real question before the Court was whether enactment of the Fourteenth Amendment gave Congress power it did not previously have to fix a national and state age limit for voters. Justice Brennan and his supporters did not pretend to find anything specific in the Fourteenth Amendment giving Congress such power. They acknowledged that the authors of the equal protection clause "papered over their differences with . . . broad, elastic language." These justices were willing to let Congress inflate that "elastic language" into a balloon because they believe in the primacy of federal power.

Justice Black, to his credit, was not willing to go that far. But having substantially deflated the balloon fashioned from "elastic language," he turned and seemed to cut the ground from beneath his own position:

As broad as the congressional enforcement power is, it is not unlimited. Specifically, there are at least three limitations upon Congress' power to enforce the guarantees of the Civil War Amendments. First, Congress may not by legislation repeal other provisions of the Constitution.

Congress has, however, with Justice Black's approbation, repealed that portion of Article I, Section 2, which prescribes the qualifications of voters in congressional elections. The whole thrust of Justice Black's lone opinion is to allow Congress to do what he later says that it may not do. He goes on to recognize that "Congress has exceeded its powers in attempting to lower the voting age in state and local elections," without acknowledging that the Constitution puts federal voting qualifications in the same package. It is difficult to avoid the conclusion that he is willing to stretch with the elasticity school in the case of national elections because he regards congressional control over national voter qualifications appropriate in 1970 regardless of what the founding fathers may have written into the Constitution nearly two centuries ago.

In any event, the performance of the Supreme Court is a shabby sequel to a shabby gesture in Congress. The clean and proper way to lower the voting age to 18 was, and is, a constitutional amendment. After all the squirming and twisting and inflation of elastic language, an amendment is still necessary. Much confusion and weakening of constitutional safeguards could have been avoided by approaching this reform in the right way in the first place. The court should have been spared the unquestioned wound it has inflicted upon itself.

JERUSALEM'S STATUS AND FUTURE DISCUSSED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. HAMILTON. Mr. Speaker, one of the foremost stumbling blocks to any stable Mideast settlement is the city of Jerusalem. Writers of the Christian Science Monitor discuss the present status of and future prospects for this city, which is hallowed ground for both Moslem and Christian, in the pair of articles that follow. I recommend them to my colleagues:

ISRAELI VIEW OF JERUSALEM: NATIONAL AND SPIRITUAL CAPITAL

(By Francis Ofner)

JERUSALEM.—On the via Dolorosa in the Arab sector of Jerusalem is the solid stone building of the Sisters of Zion. About 100 persons, mostly young men, were sipping tea and milling about on the roof terrace of the building.

It was an intermission between some evening courses—Hebrew language courses for Arabs and Arabic for Jews.

Five thousand students have attended these courses since they began about three years ago, Kalman Yaron said. He is the initiator and the driving force of the project which also includes social meetings as well as outings of mixed Arab-Jewish groups.

So far, about one thousand Jewish adults have attended the courses.

"This shows the Arabs that the 'victors' too take the trouble to learn the language of the other side," Mr. Yaron remarked.

"It may help us to understand one another," a middle-aged Arab student said.

"My learning has nothing to do with politics," another one added.

"I just want to know Hebrew so I could talk to my customers better in my souvenir shop," a young man explained.

REASSURANCE SENT

The idea for the project was born on the day when Israeli troops conquered the Jordanian town of Ramallah, some 20 miles north of Jerusalem, in the 1967 war. "A lone Arab, carrying a white flag, appeared in the deserted streets," Mr. Yatron recalled.

"I have a sister in San Francisco with serious heart trouble," the Arab told Mr. Yaron. "Worrying about the family could make her condition critical. Could you please send her a cable telling her that we are all safe?"

"He eagerly dug into his pocket and offered me a few dollars, but I refused to take them until I had sent the cable. I took his address and visited him after having reassured his sister."

This episode sparked a friendship between

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the Jordanian, Yussaf Michael, and Mr. Yaron. In those days, immediately after the six-day war, hopes began to emerge on both sides. The Israelis believed that their Arab neighbors were ready to accept them and peace would come. And the Arabs in occupied territories were pleasantly surprised to see that, contrary to their expectations, the Israelis were not raping their women nor massacring the men.

OBSTACLES TORN DOWN

The climate of goodwill reached its peak after the Israeli Government tore down barbed wires and other physical obstacles which had previously separated the Jewish and Arab parts of Jerusalem for 19 years. A great number of Israelis began pouring into the Arab-inhabited old city on sightseeing and shopping treks. And entire Arab families, in a relaxed picniclike mood, were flooding into the new city, where the Jews live.

But the honeymoon was over by the end of the same year. Soon Palestinian guerrillas were again fighting the Israelis.

Several Jewish-Arab-owned restaurants have been among the places bombed in the old city. But the owners continue to operate their businesses.

The Israeli authorities clamped down by expelling to Jordan a number of prominent Arabs. These were accused of inciting the Arab inhabitants and organizing underground resistance against the Israelis.

But the friendship between Yussuf Michael and Kalman Yaron continued almost undisturbed. They went on visiting each other in their homes.

GOODWILL "BATTLE" WAGED

Another Israeli who is waging his personal goodwill battle among Arabs in Jerusalem is Zvi Arie Sebald, a social welfare officer of the municipality. Born in the Jewish quarter of the old city nearly half a century ago, Mr. Sebald was already a grown man when the Jordanians drove out the Jews in 1948.

"Under Israeli administration, nine times more people in the Arab parts of the city receive aid than they did under Jordanian rule," Mr. Sebald said. Then 73 families were on welfare, "and not one of them Christians." Now there are some 620 families who are receiving grants, and about one-sixth of them are Christians, he says.

Nearly 100 of these welfare checks go to families of Arab guerrillas detained by the Israelis.

Not only in social welfare and language courses, but in many other spheres too, Israeli Jews and also some Israeli Arabs are persistently trying to plant the seeds of goodwill in the ocean of Arab-Israeli hostility.

YOUTH CLUBS ESTABLISHED

To keep teen-agers off the streets, youth clubs have been set up by the Israelis.

The Histadrut, Israel's trade union federation, has organized 6,000 Arab workers from East Jerusalem into its ranks, and is striving for better wages and work conditions.

The most dynamic fighter in Jerusalem for better Arab-Jewish relations is Mayor Teddy Kollek. Vienna-born Mr. Kollek, who for many years was former Prime Minister David Ben-Gurion's right-hand man, is fearless in fighting both Arab and Jewish extremism.

The Mayor had just come from a round of courtesy visits to Arab mukhtars (head men) on the occasion of the Moslem Id el-Fitr feast when he received this reporter in his office.

"'Where do I have my greatest difficulties?' you ask. Not with the Arabs, but with Israel's Finance Minister, who will not give me all the funds I would like to have to develop Jerusalem," Mr. Kollek said with a broad smile.

Municipal development, however, is not Jerusalem's biggest problem. The question of Jerusalem's future looms as one of the most controversial issues in the Arab-Israeli conflict.

POLICY SPELLED OUT

The official Israeli policy was defined by Foreign Minister Abba Eban in a statement to the United Nations General Assembly: "Israel does not seek to exercise unilateral jurisdiction in the holy places of Christianity and Islam."

"We are willing in each case," Mr. Eban went on, "to work out a status to give effect to their universal character. We would like to discuss appropriate agreements with those traditionally concerned. Our policy is that the Christian and Moslem holy places should come under the responsibility of those who hold them in reverence."

Officials of the Israel Ministry of Justice point out that, contrary to general belief, East Jerusalem—the Hebrew name for the Arab parts of the city—was never formally annexed by Israel.

Under Israeli law, Arab inhabitants of East Jerusalem continue to be regarded as Jordanian citizens. They continue to retain their Jordanian passports and use them for traveling to Arab countries. The Israeli changes entitled Arab Jerusalemites to vote in municipal elections but not in elections for the Israeli Parliament.

RECOGNITION NOT GRANTED

At the same time, officials here point out that Jordan's own annexation of East Jerusalem, following its occupation of the city in 1948, has never been recognized by the world. The only countries which did extend formal recognition to Amman for its annexation of Jerusalem were Britain and Pakistan.

Whatever a future peace accord may bring, the Israelis are determined to prevent a renewed partition of Jerusalem and are opposed to returning the Arab part of the city to Jordan. The Israeli stand is based on several considerations:

They want to make it impossible that Arab soldiers would once more be capable of shooting from the old city wall at Israeli passersby, as they did before the 1967 war.

They seek ensuring unhampered access to the Wailing Wall and other places of worship for Jews, who were forbidden to pray there during the years of Arab rule.

They aim at preventing additional destruction and desecrations of places of religious importance for Jews. According to official Israeli findings 35 synagogues and houses of worship were razed, hundreds of Torah scrolls burned, and thousands of tombstones broken to pieces and used as building material for Arab houses during the years of Jordanian rule.

CEMETERY LEVELED

Part of the cemetery on the Mount of Olives—throughout ages the most sacred burial place for pious Jews—was leveled and converted into a filling station and a parking lot.

Although Israelis are quick to disagree on many an issue, there is a surprising degree of consensus regarding the government's insistence on bringing Jerusalem under full Israeli sovereignty in any peace settlement.

The prevailing view was summed up by Rabbi Ezra Spicehandler, Director of Jewish Studies of the Hebrew Union College here.

"A renewed partition of Jerusalem? An Israel-Jordanian condominium? The internationalization of the city or part of it? Which is the suitable solution?" Rabbi Spicehandler asked. "The Jordanians disqualified themselves from administering this city of universal importance," he answered.

Furthermore, there is no precedent for a workable condominium or internationalization, at least not in our age, he pointed out. Not only Israel but Jordan, too, has opposed internationalization.

ARABS HOLD MAJORITY

The Arabs have a case for their control over East Jerusalem, many an Israeli acknowledges. They are the majority in the old city. The Harem es Sherif in Jerusalem is one of Islam's three holiest places. And third, East Jerusalem was under Arab rule for 19 years, between 1948 and 1967.

Jewish claims, however, are stronger, Rabbi Spicehandler said:

"Every Moslem or Christian nation has its own national capital: and has in addition to it also Rome or Mecca. But for the people of Israel there is only one city: Jerusalem. It is both the national capital and the religious-spiritual center. All in one.

"The overwhelming majority of Jerusalem's inhabitants are Jewish: more than three-quarters of the city's 280,000 population. The Jews have been the majority for more than 100 years.

"In a political sense," the State of Israel is more concerned with Christian and Moslem sensitivities, than is an Arab administration. "There are 14 Arab states in the United Nations and only a single Israel—the latter looking eagerly for international recognition. Jews simply can less afford to alienate Christians and Moslems," Rabbi Spicehandler concluded.

FLEXIBILITY POSSIBLE

The Israeli vision for Jerusalem's future foresees flexible arrangements for preserving Moslem and Christian interests. Mayor Kollek said: "If needed, I personally, shall support Arab demands for having their own municipal boroughs in a united city."

Some Israeli leaders even see no objection to flying the Jordanian or other Arab flags on Moslem holy shrines. Talks of two Vaticanlike enclaves—one for Christian and the other for Moslem holy places—have been alive ever since Foreign Minister Abba Eban was received by Pope Paul VI last year.

"Without Jerusalem, we are like a body without a heart," the late Prime Minister Levi Eshkol used to say. "We know that Jerusalem has a special meaning for Moslems and Christians as well. We are therefore ready for a dialogue. . . ."

The dialogue is only at its beginning. In the meantime, those mostly concerned—the people of this disputed city—are constantly discussing the city's political future, their future.

Whatever the hopes, whatever the fears, most of them—Arabs and Jews—agree that their beloved Jerusalem must remain united, that the wall and the barbed wires separating a living city that nightmare of the past, should never come back again.

One day, Michael, the Arab, told Yaron, the Jew, that he had a dream. "I dreamt that again there was a wall between Arabs and Jews in Jerusalem," he said. "I felt most uncomfortable. I did not know how to talk to you. My only hope was that perhaps they forgot to cut the telephone line. I woke up drenched in sweat."

"My Arab friend's dream made me more aware than ever of the depth of the problem," Mr. Yaron explained to me. "I began building more 'telephone lines.' . . ."

ARAB VIEW OF EAST JERUSALEM: A REJECTION OF ISRAELI RULE

(By John K. Cooley)

BEIRUT, LEBANON.—At this Christmas season, as during the three proceding ones since the Arab-Israeli war of 1967, Jerusalem lies at the heart of all efforts to find peace in the Middle East.

No thoughtful or responsible Arab, either Muslim or Christian, wants a restoration of the walls and barriers that divided Jerusalem before Israel's conquest of the entire city in June, 1967. But virtually all Arabs and the world's vast nonArab Muslim communities reject Israeli rule over Arab East Jerusalem and the changes it has brought.

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Prof. Walid Khalidi, professor of political studies and public administration at the American University of Bierut, is a Jerusalem Arab whose forebears have lived continuously in Jerusalem for the past 1,000 years.

Professor Khalidi recalls his last conversation with Teddy Kollek, now the Israeli Mayor of Jerusalem. It was in the salon of a Cairo hotel in 1946, two years before Israel came into being.

Mr. Kollek, who had been buying arms for the Zionist movement in the United States, was reading a classic work on Egyptian manners and mores.

Mr. Khalidi, browsing through a book on French impressionist painting, remarked conversationally to Mr. Kollek, "You believe in practical reading."

NO MORE MISTAKES

"Yes," Mr. Kollek replied, "there's nothing like knowing one's neighbors. . . . In any case, we don't plan to make the same mistake the Crusaders made in the Holy Land in the Middle Ages."

"Oh?" asked Mr. Khalidi. "What was that?"

"The Crusaders didn't bring in enough people to make their presence last. But we will!" answered Mr. Kollek.

Throughout 1970, Jerusalem' Arabs have been witnessing the fulfillment of Prime Minister Golda Meir's often repeated pledge to make "the whole City of Jerusalem Israel's capital."

Of all of Israel's 1967 territorial conquests, this is the hardest for Arabs to swallow. It is certain to be one of the toughest items on the agenda of any Arab-Israeli peace talks.

ARABS PUSHED OUT

Since the 1967 war, nearly 5,000 of the approximately 66,000 East Jerusalem Arabs living there when the war came have left their homes or been expelled from them. This year, somewhere in the neighborhood of 4,000 acres of Arab land within the new, greatly expanded city limit were expropriated. The amount seized since East Jerusalem was annexed to Israel in June, 1967, now is well over 5,000 acres.

Last May 17, Israeli Minister of State Shimon Peres announced a plan to double the present Jewish population of 200,000 within five years.

Arabs noted with dismay an Israeli city plan presented last August to extend still farther the city's boundaries, taking in another purely Arab area, Beit Jala, just north of Bethlehem. This coincides with the start of work to build new Jewish quarters and Jewish settlements in the West Jordan Arab city of Hebron, south of Bethlehem, where small settlements of Jews existed before the Arab-Jewish communal fighting of 1929.

APARTMENT BUILDINGS RISE

Big Israeli apartment projects are being rushed to provide housing for fresh Jewish immigrants from abroad to East Jerusalem. The most spectacular, and the most alarming to Arabs, is the new Ramat Eshkol quarter, including 2,500 housing units on 150 acres of seized Arab land.

Ramat Eshkol is placed in a crescent around the eastern border of West Jerusalem. According to Israeli Housing Minister Zeev Sharef, only 150 units of it are to be allotted to Arabs.

Jacob Talman, a Jewish professor of modern history at Jerusalem's Hebrew University, wrote in the Israeli newspaper Haaretz Aug. 20 that Jewish settlement "only confirms Arab fears that there is no intention of withdrawing from the occupied areas."

Not a single member of the world community has recognized Israel's annexation and changes in East Jerusalem as legal. Charles W. Yost, former United States Representative to the United Nations, told the UN Security Council on July 1, 1969:

"The expropriation or confiscation of land, the construction of housing on such land, the demolition of buildings, including those having historic or religious significance, and the application of Israeli law to occupied portions of the city are detrimental to our common interests in the city."

REPRISALS TAKEN

Yusuf Sayegh, a Palestinian economist, in detailed testimony to the UN group last April summed up the economic hardships of the Israeli occupation for the Arabs of Jerusalem and elsewhere.

These include destruction of houses and capital goods as reprisals for real or suspected anti-Israeli underground or guerrilla activity.

Several hundred prominent Jerusalem Arabs, active in civic affairs, professions or religion, have been expelled to East Jordan on Israeli administrative orders without a court case ever being brought against them.

Jerusalem's thousands of Arab shopkeepers, resisting as best they can the onerous Israeli tax and licensing laws, find they must buy from Israeli wholesalers or sell out. As soon as the Arab leaves, his shop is seized under Israel's absentee property law of 1950, the same law which enabled Israel to seize hundreds of thousands of acres of the best Arab-owned land inside pre-1967 Israel.

"The forced evacuation of homes," says Mr. Sayegh, "is often done not even under the pretext of security or for public-welfare projects but simply to make room for Jewish settlers.

"One illustrious example of this is a house that had to be vacated to make room for Gen. Yigal Allon [Israeli Deputy Prime Minister]" in the Old City.

Arab hotel keepers, tourist guides to the holy places, and taxi drivers in East Jerusalem are in dire straits because of the loss of tourism.

Last Easter, according to official Israeli reports, there were less than 400 Christian Arabs in the traditional Good Friday procession and only about 2,000 pilgrims, as against 30,000 last year, half of them Arabs.

EARLY HOPES DASHED

The tearing down in June, 1967, of the barriers along the 1949 Jordan-Israel armistice line raised some hopes that Jews and Arabs would freely mix. After some early curiosity by both sides, visits thinned out to a trickle. Most Arab residents, except menial laborers who go to jobs there, avoid the western city.

There have been many proposals to internationalize Jerusalem including the UN partition plan of 1947. Another, almost-forgotten proposal that may be raised in any eventual peace talks, was made by Sir William Fitzgerald, an official of Britain's pre-1948 mandatory government, in August, 1945, but never implemented.

MIXED COUNCIL PROPOSED

He proposed that a mixed Arab-Jewish council administer the municipality which would be divided into two municipal "boroughs as the County of London is divided." Each borough, the Jewish and the Arab one, would choose its own mayor and governing council and would run most of its own affairs. Four persons from each borough would serve on the central council.

King Hussein of Jordan has discussed with President Nixon and with Arab rulers proposals raised by Israel's and some West Bank Arabs for formation of a Palestinian Arab state on West Bank territory. King Hussein has found little support for the idea.

Both the Palestinian guerrillas and the Israeli Government totally reject it.

Israel would prefer such a state to include the present territory of East Jordan, with its capital at Amman. Both Palestinians and Israelis realize that any Arab state confined to the Palestinians of the West Bank could have only one natural capital: Arab Jerusalem.

EULOGY FOR MARGARET WALDMAN

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. LOWENSTEIN. Mr. Speaker, Mike Waldman is one of the most respected men in the Washington Press Corps. He is respected for his integrity and compassion, and for the thoroughness of his reporting. More than that, he is beloved in a city where that is not the customary emotion reserved for men of his profession.

It will sadden countless people whose lives have been brightened by contact with Mike Waldman and his wonderful wife, Jean, to learn that their daughter died suddenly and almost without warning at the age of 8. Margaret was a sparkling child, brilliant and warm, as beloved among her peers as are her parents among theirs. She loved life and made life more lovable for all who knew her. The heart breaks to think what the loss of such a child must do to her immediate family.

We are grateful that Margaret Waldman was with us for a few years, and desolate that the years were so few, that so much joy is now denied forever to all who survive her. We grieve for the Waldman family, one of those marvelous families whose members enjoy each other and share that enjoyment ungrudgingly with everyone else. Our prayers are with them, and we wish there were some way we could ease their burden. I am glad so many Members of the House have joined to pay tribute today to this rare spirit taken so suddenly from our midst. I am including in the RECORD some remarks about Margaret by her teacher at the Parkwood School, and a number of poems Margaret had written. Those who knew Margaret will cherish these tokens of her memory, and those who did not know her may share a hint of the radiance she added wherever she went.

EULOGY FOR MARGARET PAULINE WALDMAN

August 9, 1962—November 28, 1970

(By Audrie Allen)

In the course of most of our lives, there flashes across the horizon of one's consciousness a star—like a bright and shining jewel that illuminates the lives of every soul touched by its radiance.

Mararet Waldman was such a rare and beautiful person who for a little while we were privileged to have among us.

Margaret was in my first grade class at Parkwood School, and at the end of the school year the teacher was allowed to be promoted to the second grade with this fine group of children. So for two years, I had the good fortune to be Margaret's teacher: And what a joy it was to have this wonderful child in my room!

Margaret was a brilliant child, but the qualities which so greatly endeared her to me, the other teachers, and to the boys and girls, were a consumate sweetness and a selflessness which were manifested even at an early age. Even when it was occasionally necessary to admonish her with a word, she always responded with a smile and a willingness to do as she was asked.

Margaret possessed an unusual ability to assume leadership among her friends. She

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loved to direct little plays, to lead in group singing to create her own stories and poems—in all of these areas she excelled. She was patient and always willing to help other children.

Margaret came from a happy home. She spoke lovingly of her two brothers, Norris and Danny. The influence of Jean and Myron Waldman was embodied in the development of this remarkable and lovable child. It is only with the nurturing of a precious soul by loving parents that brings to fruition a person like Margaret.

I HEART

I am a little heart on a shelf
And I am lonely
Along comes my love
And I am not lonely

COLORS

White is for the eggs, that we sometimes eat,
White is the clouds, that look so sweet.

Gold is the sun, shining so bright
Gold is so pretty, what a beautiful sight!

Red is a beautiful evening gown,
Red is the bricks all over the town.

Yellow is the lemon that is always sour
Yellow is almost all full of power!

Green is for St. Pateriks Day,
Green is like the month of May.

Blue is the beautiful morning sky,
Blue is the beautiful heavens so high.

SUMMER! SUMMER! SUMMER IS HERE!

Soon summer will be hear. And then
I hear you yell, in my ear, "Summer! Summer!
Summer is hear! All the butterflies are flying.
Babies in the park are crying! Let's have fun just like a hot bun!

Summer is almost hear! And then I hear you yell in my ear,
Summer! Summer! Summer is hear.
All the butterflies are flying, babies in the park are crying!
Let's have fun, Just like a hot bun.

THE WEATHER

All the colored leaves are blowing—Blowing swiftly. As the leaves go, Past me, I get cold.—Dust blows in My eyes. Someday it will snow.

FALL IS HERE

Fall is here. Summer is gone. No one wares bathing units any more. Now we go to school. No more bathing suits.

MARGARET

Planets. tickle,-touch tightly, causing little thrills, shivers, or wriggles. sod,-ground covered with grass. hammock-hanging bed—or couch.

NO TITLE

Hello jump rope. Hello swing. Good-by winter. Hello spring!

THE WALDMAN FAMILY

ME

See Me. My name is Margaret. I like to play with my farm set.

MOTHER

This is Mother. Her name is Jean. She is pretty.

FATHER

This is father. He is sweet. His name is Myron.

MY BROTHERS

I have two brothers. Their names are Morris and Daniel.

MY HOUSE

See my house. It is pretty.

ME

(By Margaret Waldman)

One day my mother
got married
to my father.
Soon my father took
my mother
to the hospital.

My mother
had a baby.
It was a girl.
Soon my mother went
home. She
called the little girl
Margaret.

Soon I was
1 years old.
I had a nice
Birthday
Party.

But in two
years—or 1
another
baby was born.

When I was
3 my mommy
gave me
reading lessons
like this.

When I was
3 I had friends
like this.

When I was 4
I had a Big
Birthday Party.

When I was 5
I moved in
To a House
Like this.

When I was 6
I went to
school
like this.

MARGARET

To Mommy
and
Daddy
Dear Mo—
mmy and
Daddy, I love you very m—
uch. There are
no other
Mommys or
Daddys in
the world like
you.
love,
Margaret

SANTA CLAUS

Do not cry,
Do not fight,
Santa's coming
Tonight!

JACK FROST

Today I woke up early.
Was it snow? No.
Was it silver spider webs?
No. It's Jack Frost!

MOTHER SUN

Old mother sun, she's warm and fun.
She gives us light, she's warm and bright.
"Will she ever die?" "I don't know why!"
"How many babies does she have?" "One, two, three,
four, five, six, seven, eight, nine! Now that's Fine'"

OLD, GOOD SUN

Old, good sun, she's warm, she's fun.
She gives us light, she's warm she's
bright. Who gives us warmth? Who gives
us light? She does! She does! She's
all right.

IN SPRING

(By M. P. Waldman)

In Spring there are butterflies
and bees. There are baby birds.
But I think the most wonderful thing
about spring is that I can go
barefoot.

NO TITLE

I love you!
I Love you!
I Love
YOU!

DECREASE IN NATIVE-BORN POPULATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. RARICK. Mr. Speaker, judging from the figures released by the Census Bureau, the population control people are barking up the wrong tree with family planning.

According to statistics, immigration control and not abortion and limitation of children is the answer to the U.S. population explosion.

Mr. Speaker, I insert several related news clippings in the RECORD:

[From the Washington Star, Dec. 30, 1970]

NONWHITE IMMIGRATION ROSE SHARPLY IN SIXTIES

DETROIT.—U.S. Census Bureau figures showed Tuesday that nonwhite immigration in the United States jumped sharply between 1960 and 1970, according for 13.6 per cent of all immigrants.

This compares to 4.4 per cent for the previous 10 years, reported Robert Warren, a Census Bureau official who announced the figures at the Allied Social Sciences Convention.

He said the increase stemmed from the Immigration Act of 1965, which for the first time allowed large-scale immigration from countries outside of northern Europe.

He said nonwhite immigration was 132,000 in the 1950s, compared to 524,000 in the last decade.

Warren said he could not provide figures on specific rates, but said that the immigration of Asians appear to be predominant.

He said the "nonwhites" category includes Negroes from Africa, Central and South America, and Chinese, Japanese and other Asians.

Warren said immigration from 1960–70 was about 3.9 million persons, which was a 900,000 increase over the previous decade.

He said immigation has become increasingly important, noting there were decreased rates of births in the United States.

Warren also said that immigration accounts for about 20 per cent of total population growth, while it was 11 per cent a decade ago.

He noted that about 250,000 persons left the United States in the 10-year period to go to other countries.

[From the Washington Star, Dec. 18, 1970]

34,175 ABORTIONS

ALBANY, N.Y.—The State Health Department says 34,175 induced abortions were reported in New York State during the first four months the liberalized abortion law was in effect.

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OBSTRUCTIONISM WITHIN CONGRESS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. GERALD R. FORD. Mr. Speaker, the failure of the Congress to act on important legislation during the session now drawing to a close is inexcusable. The Nixon administration has sent numerous proposals to the Congress on critical issues, and yet it is now evident that much of these legislative proposals will not have been enacted when the present Congress adjourns.

There are several reasons for this impasse but paramount is the obstructionism practiced by some members of the political opposition in Congress.

Mr. Speaker, these points are especially well made by Mr. David Lawrence in a recent column entitled "Obstructionism Within Congress" which appeared in the Washington Star on December 23, 1970. I insert Mr. Lawrence's column for reprinting in the RECORD at this point:

OBSTRUCTIONISM WITHIN CONGRESS

(By David Lawrence)

The American people are being given a dramatic example of the confusion in their governmental system brought about by the fact that the executive department is controlled by one party and the legislative branch is dominated by a majority from another party.

The country today is witnessing the interjection of numerous obstructive devices which are preventing necessary legislation from being passed by the lame-duck session of the 91st Congress. There is not much prospect that the new Congress, which begins in January, will be able to do any better toward a prompt disposition of the many pressing measures.

President Nixon is so disappointed by the failure of the Senate to act on increases in Social Security benefits that he has announced he will resubmit the measure to the next Congress and will propose that the rises be retroactive to Jan. 1, 1971. He expresses the hope that no Social Security recipient will be harmed by the Senate's failure to pass this bill.

Nixon has been urging Congress to deal not only with Social Security, but with other vital bills, such as welfare reforms, appropriation bills and the supersonic transport plane.

He feels that there should be plenty of time to do what's necessary before the current Congress expires on Jan. 3. If the Senate is unwilling to adopt these measures, however, he is going to resubmit them all when the new session of Congress starts.

The 92d Congress is due to convene on Jan. 21, but there has been talk that the President might call it into session on Jan. 3 in order to accelerate action.

The food-stamp program, for instance, was deadlocked for some time. It allows for food to be bought at discount prices by 8.8 million poor Americans. The program provides that recipients may purchase a specified amount of food stamps. These are then cashed in for groceries worth more than the stamps cost. Thus, a family of four with a monthly income of $200 can pay $60 for stamps worth $106 in groceries. The federal government makes up the difference.

Involved in the stalemate was a provision that requires all adults—except mothers of young children and students in a food-stamp family—to accept work or forfeit the family's entire stamp allotment. There is still a chance that the whole plan will be rejected.

Also, the President is complaining because Congress did not accept his plan to eliminate a special milk program costing $104 million, which provides cut-rate milk for schoolchildren regardless of family income.

He insists the government should support food programs that concentrate on helping the needy, instead of subsidizing rich and poor alike. While he considered vetoing the bill, he decided to sign it because there isn't time enough in the present session to pass a better measure.

Can it be expected, though, that the incoming Congress will do any better than its predecessor?

The primary trouble is in the conference committees. The general public knows very little about the negotiations between the Senate and the House conference groups.

Although measures may have passed both houses, there are often differences in them which have to be reconciled so as to prepare one bill that each house can accept. It is very easy, therefore, for individual senators who have axes to grind and who want to block legislation to demand certain changes and hold up compromises.

Plenty of influence is exerted by individuals who are chairman of committees or who are leaders of other committees which handle important legislation. So when the time comes for negotiating a settlement in a conference committee, it often takes a long while for an agreement to be worked out. Also, what may be acceptable to a majority in Congress isn't always satisfactory to the President.

The general public, of course, knows very little about the details of what goes on in congressional negotiations. At the moment, many vital pieces of legislation are being delayed.

Thus, it is possible that an early session of the next Congress will be called to secure passage of essential measures that the President feels should be acted upon at once. The whole situation hardly reflects an orderly process of government.

HON. RICHARD D. McCARTHY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. MIKVA. Mr. Speaker, "MAX" MCCARTHY will be missed in the House of Representatives. He will be missed in the country. He stands as proof that one Member does make a difference—a big difference. While the issue of chemical and biological warfare may have been Congressman MCCARTHY's most dramatic triumph, it was not the only time that he made the difference.

Whether it was the war, or reform of the procedures of this House, or the great issues of mass transportation—time after time he gave conscience to the issues which ought to be before us and need the voice and vigor of a representatives who cares.

Mr. Speaker, MAX MCCARTHY was a Congressman who cared, and the people are the better for his having been here. We will miss him, and can be grateful that his vigor and enthusiasm will continue to be given to the cause of moving this country forward.

THE LATE HON. ROBERT W. LISHMAN

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. MACDONALD of Massachusetts. Mr. Speaker, the recent death of Robert W. Lishman, counsel for the Special Subcommittee on Investigations of the Interstate and Foreign Commerce Committee, was noted in a number of newspapers and periodicals. These articles provide a review of some of the details of Mr. Lishman's career with the committee and his achievements as subcommittee counsel. Many Members will remember personally some of the important investigations held by the subcommittee during the period of Mr. Lishman's service. In the interest of preserving an official record of these journalistic accounts that were published on the occasion of Mr. Lishman's death. I offer them for inclusion at this time in the CONGRESSIONAL RECORD. His career with the subcommittee led to investigations of considerable consequence and historical importance. In a democracy, there can be no more important function than insuring the integrity of the men and practices involved in Government and in the important industries, such as broadcasting, that are regulated by the Government. Mr. Lishman's work for the House of Representatives contributed to both areas.

The articles follow:

[From the New York Times, Dec. 16, 1970]

ROBERT LISHMAN, INVESTIGATOR, 67; COUNSEL WHO LED SHERMAN ADAMS INQUIRY IS DEAD

WASHINGTON, December 15.—Robert W. Lishman, chief counsel of the House Commerce Committee's subcommittee on investigations, died today of cancer at Sibley Hospital. He was 67 years old.

MAN OF VARIED TALENTS

Robert William Fishman, a fly-fisherman, a student of the history and philosophy of ancient Greece and a doubles tennis player, came to public attention as a soft-spoken but indefatigable Congressional investigator.

During the Eisenhower Administration, he directed the inquiry into the conduct of Sherman Adams, secretary to the President, and his relationship with Bernard Goldfine, the industrialist. He also investigated the rigging of television quiz shows.

When Mr. Lishman took the subcommittee post in 1958, he commented:

"I accept the appointment on the distinct understanding with the subcommittee that within the limits of their procedure I am to be independent and won't pull any punches. . . . It is my belief that the counsel is best seen and not heard unless the subcommittee tells him to be heard."

Mr. Lishman, who was born in Boston, was graduated from Harvard University and the Harvard Law School. In 1934 he was named Assistant Corporation Counsel of New York by Mayor Fiorello H. La Guardia. He represented the city before the Interstate Commerce Commission and other Federal regulatory agencies.

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He went to Washington at the beginning of World War II as an official of the Reconstruction Finance Corporation, where he specialized in the conversion of manufacturing plants from peacetime use to the production of defense materials.

Mr. Lishman returned to Washington in 1954 and in 1958 became chief counsel of the then special subcommittee on legislative oversight of the House Interstate and Foreign Commerce Committee.

It was in this post that his investigation led to the resignation of Mr. Adams and the disclosure of the television and radio quiz contest and payola scandals.

Mr. Lishman engaged in private practice for five years but rejoined the special subcommittee early in 1966 at the request of its chairman, Representative Harley O. Staggers, Democrat of West Virginia.

He leaves his wife, Elinor; a daughter, Mrs. Ellen M. Robertson; two sons, Robert W. Jr. and a granddaughter.

A memorial service will be held on Friday at St. Alban's Episcopal Church in Washington.

[From the Washington Post, Dec. 16, 1970]

Congressional Committee Counsel Robert Lishman Dies at 66

(By Ellen Hoffman)

Robert W. Lishman, 66, counsel to the House subcommittee that investigated rigged television quiz shows and the dealings of industrialist Bernard Goldfine, died Tuesday of Cancer at Sibley Hospital.

At the time of his death, Mr. Lishman was chief conusel of the Special Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee. He had been in the post since 1966.

From 1958 to 1961, Mr. Lishman served as chief counsel to the Legislative Oversight Subcommittee, which preceded the Investigations Subcommittee.

At the hearings on the financial and political dealings of Goldfine in 1958, Mr. Lishman produced a list of the names of 37 congressional and White House employees to whom the New England industrialist had written checks as "Christmas gifts."

On the list was the name of secretary to presidential aide Sherman Adams. Adams later resigned after it was revealed that he had received a vicuma coat and other gifts from Goldfine.

Following the hearings Goldfine received a one-year suspended sentence and a $1,000 fine for contempt of Congress.

Mr. Lishman was also counsel to the Committee during the 1959 hearings on rigging of television quiz shows. The hearings included testimony from participants who revealed that they had received questions and answers in advance of their television appearances.

Mr. Lishman was born in Boston and was a graduate of Harvard University and Law School. In 1929 he joined the New York firm of Fletcher & Brown.

He became assistant corporation counsel in New York under Mayor LaGuardia in 1934. While in that job his assisted in the development of LaGuardia Airport and the city's rapid transit system.

He became a utility and franchise expert, representing the city before the Interstate Commerce Commission and other government regulatory agencies.

At the beginning of World War II, Mr. Lishman came to Washington to work for the Reconstruction Finance Corp., where he specialized in conversion of manufacturing plants from peacetime to wartime uses.

After the war he was a partner in the law firm of Knox, Matthews and Lishman, and later in the firm of Harter, Calhoun, Williams and Lishman.

He was a member of the Chevy Chase Club, the University Club, the Harvard Clubs of New York and Washington, the National Lawyers Club, the Barristers Lodge and the National Capital Democratic Club.

Mr. Lishman is survived by his wife, Elinor, of the home, 4853 Rockwood Pkwy. NW; a daughter, Ellen M. Robertson of Gaithersburg; two sons, Robert W., Jr. of Atherton, Calif. and John M. of La Jolla, Calif., and a grandchild.

[From Television Digest, Dec. 21, 1970]

Robert W. Lishman

Robert W. Lishman, 67, chief counsel of House Special Subcommittee on Investigations, died Dec. 15 in Sibley Hospital, Washington, of cancer. Native of Boston and graduate of Harvard Law School, he directed many headline-making investigations into broadcasting—ex parte contacts with FCC members, rigged quiz shows, payola, ratings, Pot Party, trafficking in licenses, Commission renewal policies. He first joined Subcommittee in 1958 at height of ex parte investigations, left in 1961, returned in 1966. His last act for Subcommittee was letter to Staggers criticizing FCC renewal policy (Vol. 10:49 p1) which accompanied critical staff report (see p. 2). Survivors include wife, daughter. 2 sons.

[From the Washington Daily News, Dec. 16, 1970]

Robert Lishman

Services will be held at noon Friday at St. Alban's Episcopal Church for Robert W. Lishman, 66, chief counsel of the Special Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee.

Mr. Lishman, who died yesterday at Sibley Hosiptal, had worked with various Hill committees since 1958 and was counsel to the House group which probed rigged TV quiz shows in 1958. He also was counsel in the 1958 investigation against industrialist Bernard Goldfine, who was convicted of contempt of Congress and fined $1,000. Among recipients of "gifts" from the industrialist, according to the hearings, was White House aide Sherman Adams, who later resigned.

[From Traffic World, Dec. 21, 1970]

Lishman, Counsel to House Investigations Unit, Dies

Robert W. Lishman, chief counsel to the special subcommittee on investigations of the House interstate and foreign commerce committee, died of cancer December 15 at Sibley hospital in Washington, D.C. He was 67 years old.

Mr. Lishman was first named chief counsel in 1958 when the subcommittee was known as the special subcommittee on legislative oversight. He resigned to enter private practice for a period of five years and rejoined the subcommittee again in 1966 as chief counsel at the request of Representative Harley O. Staggers (D-W. Va.) chairman of the committee.

Mr. Lishman, though in failing health in recent years, was regarded as an indefatigable investigator. Scandals unearthed by the subcommittee during Mr. Lishman's years of service included the radio and television payola cases and alleged payoffs involving then White House aide Sherman Adams, resulting in Mr. Adams' resignation.

In recent months, Mr. Lishman had trained his guns on the Interstate Commerce Commission producing evidence of improper conduct of some ICC officials with members of the industries regulated by that agency.

In one of the more dramatic incidents of that investigation, ICC Secretary Neil Garson publicly resigned from the Commission (T.W., Aug. 3, p. 11).

Mr. Lishman is survived by his wife, Elinor; a daughter, Mrs. Ellen M. Robertson; two sons, Robert W., Jr., and John M., and a granddaughter.

[From the Washington Evening Star, Dec. 16, 1970]

Robert W. Lishman Dies; Congressional Counsel

Robert W. Lishman, 67, chief counsel of the Special Investigations subcommittee of the House Interstate and Foreign Commerce Committee, died of cancer yesterday in Sibley Memorial Hospital. He lived at 4853 Rockwood Parkway NW.

As the subcommittee's chief counsel, Mr. Lishman presided over hearings into alleged influence peddling involving Boston industrialist Bernard Goldfine and President Eisenhower's assistant, Sherman Adams, the television quiz show scandals and "payola" in radio and television.

Mr. Lishman was born in Boston and graduated magna cum laude from the Harvard University Law School in 1929. Later that year, he joined the New York law firm of Fletcher & Brown.

He became New York's assistant corporation counsel in 1934 under Mayor Fiorello La Guardia. Recognized as a utility and franchise expert, he assisted in the development of La Guardia airport and the city's rapid transit system.

Mr. Lishman began his federal service with the old Reconstruction Finance Corp. during Warld War II as a specialist in converting manufacturing plants from peacetime to wartime uses. He also participated in the Manhattan project.

He left the federal government in 1944 to become a partner in the District law firm of Knox, Matthews & Lishman. In 1954, he joined the firm of Harter, Calhoun, Williams & Lishman here.

In 1958, he accepted an appointment by then House Speaker Sam Rayburn to serve as chief counsel of the special subcommittee.

Mr. Lishman returned to private law in 1961 but rejoined the subcommittee in 1966 to serve again as chief counsel at the request of its chairman, Rep. Harley O. Staggers, D-W. Va.

He was a member of the state bars of New York and Massachusetts and of the District Bar. He also was a member of the American Bar Association, the Association of the Bar of New York City, the Federal Power Bar Association and the Interstate Commerce Bar Association.

Mr. Lishman was chairman of the board of trustees of Landon School for Boys and a member of the Chevy Chase Club, the University Club, the Harvard Club of New York and the District, the National Lawyers' Club, the Barristers' Lodge and the National Capital Democratic Club.

He leaves his wife, Elinor; a daughter, Mrs. George A. Robertson of Gaithersburg, Md.; two sons, Robert W. Jr., of Atherton, Calif., and John M., of the District, and a granddaughter.

A memorial service will be held at noon Friday at St. Alban's Episcopal Church, Massachusetts and Wisconsin Avenues nw. Burial will be in Philadelphia.

The family requests that expressions of sympathy be in the form of contribution to a favorite charity.

[From Broadcasting Magazine, Dec. 21, 1970]

Robert Lishman

Robert W. Lishman, 67, chief counsel of Special Subcommittee on Investigations, House Interstate and Foreign Commerce Committee, died Dec. 15 at Sibley Memorial hospital, Washington, of cancer. Mr. Lishman presided over proceedings concerning rigged

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TV-quiz show scandals and payola. He is survived by his wife, Elinor, one daughter, and two sons.

[From Time Magazine, Dec. 28, 1970]

ROBERT LISHMAN DIED

Robert Lishman, 67, indefatigable congressional investigator; of cancer; in Washington, D.C. As chief counsel of a House subcommittee, Lishman directed the 1958 inquiry that led to the resignation of Presidential Assistant Sherman Adams for accepting gifts from Industrialist Bernard Goldfine; a year later, Lishman was instrumental in exposing rigged TV quiz shows.

HOLDING THE LINE ON FEDERAL SPENDING IN 1971

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. SCHMITZ. Mr. Speaker, the moment of moving into a new year and a new Congress is a particularly auspicious one for taking a hard look at the perennial problem of burgeoning Federal spending, now over $200 billion and still climbing.

That is almost exactly one thousand dollars apiece for every man, woman, and child in these United States.

No longer can we say that these astronomical totals are required by, or primarily due to, the needs of national defense. The Congress, just completing its work, substantially cut defense expenditures despite the fact that the budget as a whole continues to grow. More and more, the lion's share is going to nondefense spending—most of which is in reality the redistribution of wealth by government. We used to call that socialism.

The following survey of annual nondefense spending at 10-year intervals, prepared at my request by the Legislative Reference Service of the Library of Congress, demonstrates better than any lengthy verbal explanation the enormity of our commitment to letting government do for us what we can do for ourselves:

Nondefense Federal outlays, 1890–1970

1890	$251, 391, 667
1900	330, 133, 001
1910	380, 619, 969
1920	3, 999, 706, 226
1930	2, 481, 193, 939
1940	7, 256, 624, 257
1950	26, 104, 391, 103
1960	48, 254, 505, 857
1970	119, 000, 000, 000

Contemplating figures like these, one is very much inclined to say, as Garet Garrett did in his famous essay on the first 5 years of Franklin D. Roosevelt's New Deal, "The revolution was."

And still it continues, though it would be hard to find a man who could point to any major task in the economy which government performs better than free enterprise. One need only think of the Post Office.

On December 16 the House of Representatives debated this years' food stamp bill. It affords one of the best examples I have yet seen of how Federal programs grow to such monstrous proportions, and come to be used and abused in ways their original architects—or at least those who first voted for them—never dreamed of.

The original purpose of the food stamp program, viewed superficially, made some sense. The one indispensable need of man is food. Some people do not get enough to eat. By issuing food stamps we would "cut out the middleman" and provide the genuinely poor and needy with their "daily bread."

Yet the food stamp program was not enacted as a substitute for or improvement on any existing welfare program, but as an addition to them. Welfare recipients were given both money and stamps. And the food stamp program grew just as nondefense spending in general has grown. The ranking Republican on the House Agriculture Committee pointed out in the debate on the bill that in 1967 Congress appropriated $115 million for food stamps; in 1968, $187 million; in 1969, $251 million; in 1970, $610 million; and in 1972 the food stamp appropriation is expected to be $1.42 billion. Food stamp boosters are already calling for $2 billion a year.

Food stamps are now readily available to striking union members, which means that the taxpayers are subsidizing one side in labor disputes. One of the principal supporters of the food stamp bill admitted in the December 16 House debate that 18,461 out of 60,000 General Motors auto workers recently on strike in Detroit qualified for food stamps. An attempt to restrict strikers' eligibility for food stamps was approved by the House on a nonrecord teller vote, but then reversed on a record vote by a margin of 183 to 172. Yet if the public in general had been voting on this, I am certain they would have rejected food stamps for strikers by an overwhelming majority.

At the very least, let's stop the budget skyrocket for 1 year—this coming year of 1971—at $200 billion plus. It would be best if Congress refused to vote a single nondefense spending increase during the coming new year; and there can be no possible justification, in light of the record just reviewed, for increases in any program or benefits exceeding the annual inflation rate.

MICHAEL A. FEIGHAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. DINGELL. Mr. Speaker, it has been a particular pleasure for me to serve with my distinguished colleague from Ohio, Congressman MICHAEL A. FEIGHAN. He has served his people with distinction. He has been a most valuable member of my Subcommittee on Fisheries and Wildlife Conservation, and a leading participant on the side of the public in a number of conservation fights. He has been particularly effective in the effort for full funding of the Clean Water Restoration Act, which resulted in an appropriation of $800 million last year, and $1 billion this year.

He has been a distinguished and valuable Member of this body and will be sorely missed as a good friend by all of us who have had the privilege of serving with him.

THE KISSINGER VARIANT

HON. JOHN G SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. SCHMITZ. Mr. Speaker, the Armed Forces Journal of December 21, 1970, contained a most thoughtful and cogent letter written by Maj. Gen. Thomas A. Lane, U.S. Army retired.

General Lane feels that if we continue to allow the North Vietnamese Communists to have secure rear areas in the form of sanctuaries the maintenance of a non-Communist Southeast Asia is highly unlikely.

General Lane also points out that "the horrendous error of both the Rostow and the Kissinger theses is the premise that the nuclear age rules out victory. The general, in my opinion, is entirely correct on this point. It is not the nuclear age which makes victory unobtainable. Victory is not achieved in Vietnam and elsewhere because it is never sought. Limited wars, of the no-win variety stem directly from the limited minds of the men who formulate our national strategy. Victory is achieved when the enemy powers of resistance, material, and morale, are sufficiently lowered so that he no longer has the capability to wage further organized resistance. This holds true whether it be the nuclear age or the stone age.

While General Lane feels that the fear of goading the Soviets into initiating a strike on the continental United States has been the motive behind limiting the operations of our forces to the point where they cannot defeat the enemy, Dr. Henry Kissinger has recently dispelled this notion as the basis of our no-win policy in Vietnam. In a news conference on the 26th of June this year Dr. Kissinger clearly stated:

> Incidentally, I would have to say that if there is the danger of a general war in this Administration, I do not believe, and we do not believe that it will come from Southeast Asia. It is very hard to see what we could do in Southeast Asia that would produce a direct confrontation with the Soviet Union.

Although the United States continues to abjure victory, the one bit of logic behind this renunciation—unacceptable as it was both in theory and in fact—has vanished. It is time to take the war to the enemy in a serious and determined fashion. The fact that it is the twentieth century does not mean that it is time to start losing wars. We have the means on hand in Southeast Asia to bring the war to a quick and honorable end. Let us use them.

THE KISSINGER VARIANT

The commentary of Col. William E. Simons (Journal 16 Nov.) on the Naval War

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College statement of Walt W. Rostow (Journal 27 June) gives an interesting insight into current war policy. Col Simons is of course stating the Kissinger variant of the Rostow thesis. As he noted, he can do no more.

But both the Rostow thesis and the Kissinger variant are clearly disastrous policy choices. The United States is accepting defeat at the hands of North Vietnam. If Americans cannot see the calamitous portent of that event, they are blind indeed. The historical reality is that American political leadership collapsed at a time when American military power was supreme.

Col. Simons endorses the Rostow statement of the "de Tocqueville oscillation," viz. that American purpose vacillates between wanting to ignore military problems and wanting to fight all-out war. Simons approves the Rostow statement that "there is no rational place for total war in a nuclear age." These are indeed vaporous remarks.

The myth of the impetuous American who must be restrained by more prudent insights derived from British experience was first propounded in my presence by a British diplomat speaking to the Air War College in 1947. It has been used since that time to restrain U.S. defense of its vital interests, especially in the Far East. It is used by Sir Robert Thompson in his book *No Exit from Vietnam* to sustain his argument for allowing sanctuary to the enemy in Cambodia and Laos. Under the spell of this myth, Americans accepted British guidance in China, in Korea and in Vietnam; and Col. Simons seems minded to continue to subservience.

The record of American performance is quite different from this British myth. Before Korea, Americans showed sound and discriminating judgment about war. In time of peace, they reduced armament to the level required for national security. But when they mobilized for war, they won the war quickly because they knew that was the way to restore peace.

What is "all-out" war? In World War II, the United States did not use poisonous gases even when it had overwhelming air superiority. That must have been a limited war. The important fact is that the object of the fighting was victory.

The horrendous error of both the Rostow and the Kissinger theses is the premise that the nuclear age rules out victory. This is sheer illusion. War continues on a subnuclear level just as it continued in World War II at a sub-poison gas level. The absolute certainty is that if you don't win, the enemy will. The world judges us—and the world knows that we have accepted military defeat in both Korea and Vietnam.

In both wars, the United States accommodated the enemy strategy of protracted war designed to frustrate our purposes, undermine our perseverance and dismay our people. The enemy strategy succeeded admirably—for him. But why did American leaders give such odds to the enemy? Why, in particular, did they give the enemy sanctuary from which to attack the ally we were bound to defend?

Col Simons renounces his once-held thesis that we could influence "enemy decisions compatible with our objectives by precise applications of minimum force." But the thesis is sound. It was just that our leaders did not have the wisdom nor the gumption to do what was necessary to influence those decisions. This is precisely what you do when you defeat the enemy. Only the illusion that you could defeat the enemy without defeating him was irrational.

Col Simons asserts that the country did not in 1965 (when U.S. combat troops were committed) consider Asia to be threatened by the domination of a hostile power. That is specious talk because he has no evidence to support his conclusion. We know that the U.S. did in 1954 consider Asia so threatened after France surrendered North Vietnam to Ho Chi Minh. It then created SEATO for just such action as the United States took in 1965. Col Simons mistakenly confuses the psychology of the nation now losing the war with the purposes of the minority which opposed our defense of South Vietnam. The anti-war protest has prevailed not from any merit in its cause but from the refusal of our leaders to win the victory which the people wanted. The popular will was illustrated in our national unity at the time of the Tonkin Gulf incident.

Col Simons rightly points to the conflict between Rostow concepts of regionalism and our almost solo support of South Vietnam. But he too misjudges the conflict. The breakdown of regionalism was compelled by U.S. strategy. However willing the United States may be to submit to a long war of attrition, our allies cannot join us in that posture. No political leader can send his soldiers off to fight a war which the United States refuses to win. Regionalism is possible only when the allies are agreed on a winning strategy. The United States outlawed such strategy in Vietnam.

The Simons surmise that fear of nuclear war did not influence U.S. strategy in 1965 disregards the basic issues. Fear of nuclear war is the cornerstone of U.S. foreign policy. It is the continuing determinant of U.S. actions. President Johnson committed U.S. troops in Vietnam in 1965 when the alternative was U.S. defeat and expulsion from the country. President Johnson is not a good loser, thank God. But that dire choice was the product of earlier refusal to allow South Vietnam to attack the North Vietnamese bases in Laos. And that decision was based on idle—really preposterous—fears of nuclear war. When President Kennedy compelled Laos to accept the tripartite government demanded by the Communists and then withdrew U.S. troops from Laos, Lord Home, then as now British Foreign Secretary, congratulated the President for his statesmanship in avoiding a Third World War!

Col Simons suggests that our domestic problems may be more serious threats to our national security than the prospect of nuclear war. Quite so. More nations are destroyed politically than militarily. But these are not the alternatives he implies. The domestic problems have been exacerbated not by the diversion of funds to war but the incapacity of our leaders to win the war. Domestic problems have received constantly rising allotments of federal funds, even as they worsened. They are derived not from any shortage of funds but from the inability of our political system to cope with internal conflict. The ineffectual quality of our leadership operates on both domestic and international affairs.

In suggesting that we can trade some war resources for domestic needs without inviting the disaster which Mr. Rostow feared, Col Simons of course speaks the Kissinger variant. Whether we can do so will depend on decisions unmentioned by Col Simons. If President Nixon persists in the fear that eliminating the enemy sanctuary in Laos would expand the war, South Vietnam will be unable to survive U.S. withdrawal. But if he reserves the Kennedy decision and allows South Vietnam to attack enemy forces in Laos, the enemy will be defeated and South Vietnam will be secure.

The whole course of this war has hinged on the simple fact that you cannot defend a country against an enemy who is allowed sanctuary across a border too long to be sealed against aggression. It is tragic that our military leaders did not forcefully point out to our political leaders in 1961 the predictable consequences of such military policy. All other disasters of this war have flowed from that error. Apparently we have still not learned the lesson. The enemy still enjoys sanctuary in Laos.

Maj. Gen. THOMAS A. LANE,
U.S. Army retired.

MCLEAN, VA.

THE PUBLIC AND PRIVATE SECTORS: PARTNERSHIP FOR PROGRESS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, I would like to draw to the attention of my colleagues two items of interest to all of us who participate in the continuing dialog over economic and social problems that goes on in this Chamber. The first is a newspaper article by Erich Heinemann, which appeared in the December 27 New York Times, and the second is a speech by David Rockefeller, chairman of the board of the Chase Manhattan Bank, before the Pittsburgh Chamber of Commerce on December 7, 1970. Mr. Heinemann, at the end of a very interesting article, raises a question that has been all too often unasked; and Mr. Rockefeller goes a long way toward answering it in the course of his very perceptive and wide-ranging comments before the chamber in Pittsburgh.

Mr. Speaker, in the continuing dialog to which I have referred, much attention has been focussed on the supply of money and credit available—through both public and private sources—for the ongoing tasks of our society. The Federal Reserve Board, as we know, has been moving in recent months to ease controls over the public sources of the money supply, but we have also seen a corresponding movement in the private sector, with the Nation's large banks moving to lower interest rates and increase credit for housing starts, consumer loans, and other spending needs. Pointing out that the banks reflect as well as create the conditions which determine the supply and demand for money at any given time, Mr. Heinemann writes that it is erroneous to view the banking system as an arbitrary and independent force manipulating interest rates at will to squeeze the last shred of profit out of the money market. Then he asks:

> But if the banks don't control interest rates—and most economists would agree that they do not—a more serious question is whether their allocation of funds is adequate to the needs of society. Why, for example, has housing been starved for funds, while until recently loans to big corporations have been bounding upward?

Mr. Speaker, I think we are beginning to see a new awareness on the part of many large corporations of their responsibility to take social needs as well as profits into account. In the case of the banks, this concern ought to extend to the point of asking whether mortgage rates and home building loans—to cite but one pressing area where new funds

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are greatly needed—should be more costly than capital expansion loans to corporations in certain sectors of the economy. This is an area of controversy into which we are just beginnnig to delve, and I for one would like to see more dialog between Government and the private sector as to how we can best use private resources, as well as public ones, to meet social goals. The strength of our American system, economically and politically, is in partnership, and it would be my hope that this precedent will again prove fruitful in meeting the unresolved challenges of the 1970's.

Mr. Rockefeller addresses himself precisely to this point in his very thoughtful speech of December 7. He has rejected both the extreme views of a Charles Reich—who sees business simply as a bogey, and a Milton Friedman—who still contends that businessmen trespass if they step for a moment outside the path of profit, pure and simple. He addresses himself to the key question Mr. Heinemann has raised, and in my view his answer, while not final, is one of the most suggestive ones yet proposed by a leading representative of the private sector. I was especially pleased to note his reference to the success of "turnkey" projects for low-income housing, because the first of these projects to be completed was in my own hometown of Rockford. Both businessmen and politicians may differ on several of the many points Mr. Rockefeller raised, but I commend his speech to all as a thoughtful and imaginative discussion of the role and responsibility of the private sector in the continuing partnership we all seek to serve. At this point I insert both Mr. Heinemann's article and Mr. Rockefeller's speech in the RECORD:

BANKS: DOING ALL RIGHT DESPITE THE RECESSION

(By H. Erich Heinemann)

Lenin, in planing the Soviet takeover of Russia, put nationalization of the banks at the top of his list of "principal measures" of revolution. "The banks," he said, "as we know, are the centers of modern economic life, the principal nerve centers of the whole capitalistic economic system."

The analysis was apt. In all societies, whether Western or Communist, the banks play a key role—not only in providing for the flow of money through the economic bloodstream, but more importantly, in portioning out a limited supply of capital among alternative uses. Lately, with the cost of money in this country skidding downward throughout the economy, the banks have been making headlines with one rate reduction after another.

Last week, the Chase Manhattan Bank in New York took the lead for the third time in a month and a half in initiating a cut in the "prime rate" (the minimum charge on loans to the biggest and most credit-worthy companies)—this time to 6¾ per cent from 7 per cent. It was the fifth such cut in 1970, toppling the rate from its historic high of 8½ per cent which it held from June, 1969, through last March.

But though the banks have repeatedly reduced the prime rate, their profitability has not really been affected; bank stocks were standout performers on the New York Stock Exchange last week. Chase Manhattan, for example, closed the week at $51.75 a share, up $2 from the previous Friday. The key to this seeming anomaly lies in the complex, little-understood role of interest rates in the banking system.

There are 13,678 banks in the United States, and they are far from homogeneous in character. The Canmer Deposit Bank in Canmer, Ky.—which is the smallest bank tabulated by the American Banker, the industry's daily newspaper—is as different from the Bank of America in San Francisco, the nation's largest bank, as a one-room schoolhouse is from Harvard University.

MANY FUNCTIONS

The major banks, which are heavily concentrated in New York, Chicago and San Francisco, perform a bewildering array of functions. Subject to the limits set down by the Federal Reserve System's credit policy, banks create money by making loans and investments; they act as middlemen (or, as the economists put it, "intermediaries") in bidding for funds from depositors and then lending them to others; they manage investments for pension funds and personal trust accounts; overseas, they are free to wheel and deal in the securities markets and invest in everything from steel mills to cemetery plots.

While the Canmer Deposit Bank is largely concerned with providing safekeeping for funds and making loans in its local community, the economics of a money-market giant such as the First National City Bank or the Chase Manhattan (each with well over $20-billion in assets, and ranking number two and three in size, respectively), depend on the interplay between interest rates.

All the large banks, and especially those in New York, purchase—or to be more precise, borrow—a major portion of the funds they lend. Chase, for example, paid out $409,-million in interest in the first nine months this year, which was by far its biggest expense item.

Thus, the profits of a bank are to a considerable degree the result of its skill in managing the differential between what it pays to borrow funds and what it gets from loans.

The banks have come through this recession-scarred year with their profits unscathed simply because the cost of their purchases of money has gone down even faster than the bank prime rate. Then, too, some lending rates haven't gone down at all. Chase Manhattan cut its consumer loan charges early this month, but other banks in the metropolitan area so far haven't been willing to go along.

THE BANKS' ROLE

Although without question the principal banks represent a tremendous concentration of economic power—the 50 largest banking organizations tabulated by Fortune magazine had $249-billion in assets at the end of last year, or almost half the assets of all banks in the country—it is hard to demonstrate that they control interest rates in any general sense.

By and large, banks react to economic developments rather than initiate them. Interest rates have gone down in 1970 because business has been slack, industrial production is down and the demand for short-term borrowing is weak. The Federal Reserve System, for its part, has become substantially more generous in providing funds for the economy.

But if the banks don't control interest rates—and most economists would agree that they do not—a more serious question is whether their allocation of funds is adequate to the needs of society. Why, for example, has housing been starved for funds, while until recently loans to big corporations have been bounding upward?

There is no consensus on this question—or even on what criteria might be used to set guidelines for allocation. But given the central role that banking plays in the society—which Lenin understood so clearly—it is obvious that more will be heard on the subject in the months to come.

PUBLIC RESPONSIBILITIES OF PRIVATE BUSINESS IN THE 1970'S

(By David Rockefeller)

I have looked forward to this occasion with particular pleasure because, frankly, I have long admired the forthright manner in which the Pittsburgh business community has dealt with urban and environmental problems.

As even the occasional visitor knows, you were among the first to recognize and respond to the many complex and interrelated issues of ecology and urban renewal. You did so with imaginative approaches that, in many cases, have since been adopted by other major cities.

During the 1950's and '60's, urbanologists and early environmentalists were still unable to get a serious hearing in many parts of the country. Yet here in Pittsburgh, you already had a functioning alliance of concerned business and civic leaders headed by Dick Mellon whose memory should be revered by all. Under this kind of capable leadership, you moved forward with a broad base of community support to reverse the tide of urban deterioration and environmental pollution.

In view of your record of accomplishment, you have better reasons than most to resent the current wave of attacks charging business with an utter lack of social concern. It is no exaggeration to say that American business today is facing its most severe public disfavor since the Depression era of the 1930's.

We are told in the most forceful terms by a wide range of critics that we are at once profligate and miserly, evangelistic and hypocritical. Indeed, there seems to be a fixed belief, in some quarters at least, that businessmen are constitutionally incapable of performing a selfless act. When one occurs, the critics are sure it must have been done for the wrong motives. And if no questionable motives can be assigned, then it is assumed to have been an accident!

We cannot escape evidence of this public disfavor even in the toy departments where we do our Christmas shopping. Where once the game of "monopoly" dominated the scene, we now find a proliferation of new ones with such topical names as "Smog: The Game of Environmental Awareness," and "Extinction: The Game of Ecology."

Ours is the dubious honor of having gone from "Monoply" to "Extinction" in one generation!

The net effect of this shifting public sentiment toward businessmen was summarized amusingly in a recent article in Finance Magazine. It ticked off the typical headaches of today's average executive in these words:

"Two citizens' groups have brought suit (against his company) . . . the press keeps making outrageous claims . . . consumers are trying to organize a boycott . . . a Federal agency is making a study . . . some fellow in Washington, acting independently with some law students, is about to slip a report to a Congressman . . . a nearby college has 150 scraggly potsmokers who are talking about bombing his office . . . and his children call him an imperialist pig!"

In such a climate of confrontation, it should come as no surprise that socially concerned businessmen are caught in a devastating cross-fire of criticism from both ends of the ideological spectrum.

At one pole, Professor Charles Reich has pronounced America's businessmen guilty of the social "crime" of creating an anti-human "Corporate State." In his current best-seller, "The Greening of America," Professor Reich views this supposed monolithic machine as a destroyer of individual dignity and holds it responsible for a catalogue of social ills ranging from depersonalization to pollution. In his view, business—as an oppressor of the human spirit—cannot make a positive social contribution.

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Professor Reich's goals are admirable. Surely no one will contest a creed that places individual dignity and self-realization at the center of our social and economic efforts. But his analysis fails, I believe, when it attempts to make business the scapegoat for the inevitable dislocations produced by rapid progress. His view of business as a rigid, machine-like structure bears little resemblance to today's flexible, responsive, consumer-conscious corporation.

Material prosperity and automation have immeasurably improved the lives of millions and greatly shortened the work week, freeing people for the aesthetic, intellectual and recreational pursuits that Reich himself espouses. Business now is making substantial inroads against the by-products of technological advance through anti-pollution efforts, urban programs and a host of other activities. Further, business has moved away from arbitrary authority toward participative management and individual initiative in many of its operations.

In short, business concern for the individual and the community has moved us toward Professor Reich's most worthy goals. To use one of his own terms, his revolution has been "co-opted" by American business.

Attacking from an opposite point of view, Professor Milton Friedman contends that business has only one responsibility—to maximize profits for its shareholders. Beyond this, he insists, corporate social efforts are only "hypocritical window-dressing" and "unadulterated socialism." This is surely too narrow a perspective.

Even Professor Friedman recognizes that the donations made by businesses to various community service organizations on an annual appeal basis are appropriate under customary and conventional ethical standards of good citizenship. But what he fails to appreciate, in my view, are the many innovative social contributions of business which are perfectly consistent with the profit incentive. The construction of "turnkey" public housing, for example, in which private industry works with government to create much-needed housing for low-income families, has proven both profitable and socially beneficial.

XUM

Profits are, indeed, the lifeblood of business. But our own consciences as well as rising public expectations make it increasingly clear that modern managers must come up with more new and imaginative approaches like "turnkey" housing, to reconcile their expanding responsibility to society with the investment interest of their shareholders.

Responding to critics is tempting and I think businessmen should give in to the impulse more often—not to apologize but to set the record straight. I would hope, however, that we would not spend so much time and energy in answering critics that we have none left for reexamining our own performance to spot new areas for improvement.

This is a time of profound reassessment throughout our society, a time for reordering values and priorities at all levels.

Business must participate fully in this reassessment by redefining its own relationship to society.

The last time we went through such a national reappraisal—in the 1930's—business tended to stand aside and leave the initative to government. In retrospect, I think all of us would acknowledge that this was a mistake. The result was a serious erosion of our economic freedom. This time, unless business rolls up its sleeves and gets into the fray, there is likely to be not only a further erosion of economic freedom but of individual freedom as well.

The amount of freedom business retains will depend decisevly on the quality of management's response to changing public expectations and on the degree of its involvement in public responsibilities.

Certainly, I recognize the temptation to cut back on programs for social progress during a period of diminished profits, especially when we are being roundly criticized for these very commitments from certain enclaves of tradition. But I would argue that it is precisely at this time, when social expectations and needs are greatest, that we must weigh our options calmly and employ our most far-sighted business judgment.

Far from cutting back, it seems to me highly desirable that we step up our social involvement, at this critical juncture, in at least three distinct areas.

The first, of course, is within our own companies. Many businessmen have been doing a good deal, individually, to make their corporations more socially responsive to the changing environment. But, for the most part, they have done this as a kind of "add-on" to their regular business—programming a response to each challenge as it appears. For example, they have stepped up financial contributions to deserving urban projects, developed more playgrounds in the ghettos, and provided more counseling services for the disadvantaged. In other words, they have responded with good intentions but usually with the self-limiting presumption that social improvement programs must be carried on the loss side of the company's ledger. They presumed that business and social responsibilities would not mix. I believe it is now time to question that presumption.

The immediate task, as I view it, is to learn how to discharge our social responsibilities as an integral part of our overall corporate planning and performance. We should think not so much in terms of how to hold down the cost of these programs, but rather how to make them more efficient and more effective so that they contribute to long-range profitability. Briefly stated, the essential job is to reconcile what happens in the marketplace with what has already happened in society. This may mean liberalizing our hiring practices to include more from the minorities or broadening our services to extend into disadvantaged neighborhoods.

This may also mean taking a longer range view of profits. It may mean lowering our profit sights in a particular year, in the interest of helping to shape an environment in which business can continue to prosper ten or twenty years into the future. In a sense, this is a kind of capital investment in community well-being which will produce future dividends in the form of a more viable business and living environment.

The latest surveys by the Opinion Research Corporation reveal that a solid majority of the American people now considers corporate responsibility for maintaining a pollution-free environment equal in importance with supplying customer needs at reasonable prices. So, besides being a matter of good conscience and good citizenship, it is also a matter of good business judgment to structure ourselves, within a sound application of free-market principles, to respond to the will of the majority of our potential customers. To narrow our individual corporate objectives solely to the pursuit of profits would place us almost at once in direct conflict with the many publics on whom those profits depend.

A second area in which businessmen can and should be involved in a socially responsive way is at the industry and even the multi-industry level.

The "pilot projects" of individual companies have been very much worthwhile, and have taught us valuable lessons about what can and can't be done with limited resources. But the need now, as I see it, is for more massive collaboration by groups of several corporations in diverse fields to tackle those truly major problems that surpass the resources of a single company.

One of the most promising avenues for expansion would be to select, from among the many trial-and-error experiences of separate companies, those ongoing projects which show the greatest potential for multi-industry application.

For instance, in my own industry, I think the "Key Cities Program" of the American Bankers Association, which is committing one billion dollars by 1975 in minority business financing across the country, is an important program. It will focus initially on 50 critical urban areas. In these, coordinating committees of local bank executives will see to it that this financing is responsive to unique local needs and problems. Supporting this funding program will be teams of visiting specialists who will bring their proven experience to bear through a series of Urban Development Seminars. The "Key Cities Program" is particularly attractive for multi-industry involvement because it offers wide-ranging opportunities for almost every kind of industry to supply its own particular technical, managerial and product support in local areas under local supervision.

The various manpower development programs of the National Alliance of Businessmen have proven themselves capable of far wider applicability, given the inter-industry base that has already been established. The lessons learned in these programs could be applied more extensively to the development of training capacities for moving workers up from entry-level competence toward managerial positions.

Although still in development stages, the National Corporation for Housing Partnerships and HUD's "Operation Breakthrough" are both promising prototypes for a total business-sector initiative. With its recent development grant from HUD, Westinghouse is already exploring the feasibility of modular and prefabricated housing on a broad scale.

In the underlying and, in many ways, most critical problem of educational deficiencies, the various "partnership projects" between corporations and schools have nationwide and industry-wide potential.

In the past several weeks, two major educational studies have been released—one by the National Association of Secondary School Principals and the other by the Carnegie Commission on Higher Education. Both studies concluded that the present educational system in this country is too rigidly degree-oriented and lacks the flexibility needed to guide young people with a wide range of talents and ambitions into suitable professions and occupations. They proposed that big cities create new models of secondary schools adapted to their own community needs rather than remain firmly anchored in the past and the present.

The validity of this proposal is supported by recent statistics revealing that almost one-quarter of all high school students drop out before graduation. And roughly half of those who enter college quit before taking the bachelor's degree.

Until now, the business sector has tackled this enormous problem largely on a company-by-company basis, setting up separate programs for the industrial and basic skills training of "drop-outs." These individual programs are often costly and inefficient, and the new educational techniques learned by one company are not transmitted quickly to others.

How much better it would be if we had a nationwide system of industry-supported vocational schools of sufficient scope to exert a real impact. Ideally, these institutions would not close off the possibility of subsequent academic training, but would provide a viable alternative route toward higher learning. Those who, for personal or family reasons, felt the need for early employment could have the opportunity and the flexibility to complete their high school education in these industry-sponsored vocational schools and then continue on to college if and when they desired.

By breaking down the rigid correlation between age and formal schooling, an approach such as this might go a long way toward making education a lifelong process with men and women entering college from the ranks of labor, commerce and industry—perhaps under employee or trade union scholarship programs. Nowhere is it written that education in America must be a hectic scramble by everyone, regardless of incentives and qualifications, to accumulate the maximum number of degrees in the minimum amount of time.

The major industries could establish a loosely-tied national chain—steel, transportation, utilities, communication and banking—building the buildings, defraying salaries and other operating costs and offering employment options to the graduates.

The schools that I propose would not be in competition with other public schools. They would be supplemental and would be fully certified and accredited by local educational authorities—differing not in educational standards but in educational emphasis and in the fact that they were financed in part by the private sector.

To work out the details of such a project in full cooperation with the present secondary school system and to ascertain what tax incentives might apply, this proposal would clearly require the concurrence of educators, leaders of business and labor and various governmental authorities. But I have outlined the proposal here in order to illustrate the dimensions of future commitment that I believe business must undertake at the multi-industry level.

The third major area in which this sense of commitment must be manifested is in the national debate over policies, programs and priorities.

Businessmen have been generally reluctant to enter into public debate on issues other than those of direct company concern. They will talk volubly about why they need higher tariffs or lower taxes. But they tend to become reticent when the discussion turns to the need for an improved welfare program, broad-gauged trade legislation, or more realistic safety standards. The supposed risks of alienating other businessmen or consumers are often regarded as unacceptably high. As a result, we too often end up with uninformed, catch-all legislation.

By restricting the range of topics to those directly related to their livelihood, businessmen have seldom achieved wide public recognition. It is precisely by avoiding social debate, that they have given currency to the notion that they are concerned solely with profits and have little of substance to contribute to the developing dialogue of democracy.

The great need here, as I see it, is to coordinate the business community's efforts, talents and influence in a way that will give it genuine impact not only at local and state levels, but at the national level as well.

Some coordination in the social realm already exists in activities of the National Alliance of Businessmen, the National Corporation for Housing Partnerships, the Chamber of Commerce, the National Association of Manufacturers, the Conference Board, the Committee for Economic Development and others.

But what is needed additionally, in my view, is an all-out determination to mobilize the opinions and resources of the business community behind workable large-scale approaches to urban problems. With a guiding consensus of our own, we would then be in a better position to enlist the support of the Administration and Congress to do the job that must be done. The influence and ideas of businessmen are needed now as never bfeore to speak out more forcefully and more frequently on social and urban legislation.

Because of this very urgency and because of your own enviable past record in setting examples for the large business community, I am taking the liberty now of urging upon you—the business leadership of Pittsburgh—this additional task. I know of no body of businessmen anywhere that is better equipped, by experience and achievement, to show us how the country's business sector can bring its influence to bear on forward-looking social legislation in city hall, state house and in Washington.

I do not mean to suggest that such a leadership role can or should be played in isolation. Its effective implementation will require the same kind of close cooperation with the academic and intellectual communities that you have achieved in the past. And it will require the same cordial working alliance with labor to impact effectively on Government at all levels.

But I believe that the first driving thrust could well come from the concerned and committed business sector of Pittsburgh. I would add only that the time is short and present problems across the nation are rapidly outrunning their solutions.

For those across the country who boggle at the immense urban tasks still before them, there would be great encouragement in the realization that "the spirit of Pittsburgh" was on the move once again.

In a larger sense, there is reassurance for the nation's businessmen, too, in recalling that since the days of Karl Marx, critics have been predicting the downfall of the American industrial system and the demise of the corporation. Yet through the years that system has proven remarkably durable and resilient. It has been highly resourceful in adapting to change involving employees, customers and society in general.

I personally am confident that it can and will demonstrate equal adaptability in the decade of the Seventies. I think it is more than capable of rising to the challenges posed by Professors Reich and Friedman by coming up with fresh solutions to many problems within the context of the free-market system.

Tradition holds that the first draft of the Declaration of Independence dedicated this new nation to "life, liberty and the pursuit of property." It was only at the urging of those who insisted on greater concern for the *quality of life* in America, that Thomas Jefferson struck out "property" and placed "the pursuit of happiness" in a position of high prominence.

Now, nearly two centuries later, we are witnessing a strong resurgence of this national goal. Those of us in business are being asked to contribute more to the quality of life than mere quantities of goods and services. I believe that "the spirit of Pittsburgh" could well supply us with the precedent and vision necessary to achieve this goal.

A TRIBUTE TO THE HONORABLE MICHAEL A. FEIGHAN

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. ASHLEY. Mr. Speaker, it is with a deep sense of personal loss that I rise to join my colleagues in paying tribute to the Hon. MICHAEL A. FEIGHAN of Ohio, a man who has served his country both long and well.

During his 28 years in Congress, MIKE FEIGHAN has performed devoted service to both his constituents and to the Nation. As second-ranking majority member of the Judiciary Committee, he had a long and well-deserved reputation as an expert in matters affecting the Federal bench and the judicial branch generally. And, as chairman of the Subcommittee on Immigration and Nationality, he was in no small measure responsible for the United States having immigration and naturalization laws which are among the most enlightened in the world.

Personally, it has been a great pleasure and privilege to have served with MIKE FEIGHAN on the Ohio delegation for the past 16 years. I will not soon forget his many kindnesses and help.

In closing, I would just like to wish him and his devoted family all the best wishes for continued good health and happiness for many years to come.

LEGAL SERVICES TO THE POOR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. WALDIE. Mr. Speaker, too often attacks have been made on programs seeking to render legal services to the poor without any understanding of these programs or without any compassion for the poor who receive these services. Govenor Reagan, in his recent veto of CLRA funds, exemplifies that ignorance and lack of compassion in full measure. Had he read the enclosed article by Sheldon Greene, general counsel for CRLA, he might have acted differently:

LAWYERS FOR THE POOR: "SOMEBODY IS ALWAYS OFFENDED"

(By Sheldon L. Greene)

The poor, wrote John Adams in 1765, are too weak to organize in opposition to the powerful. The strong try to deprive the poor of "the knowledge of their rights and wrongs and the power to assert the former and redress the latter." That is why white panthers dressed as Indians polluted Boston Harbor with English tea. And it is why the Congress appropriates more than $50 million a year to pay the salaries of 2,000 lawyers to do nothing but represent the nation's poor.

Conservatives have sought to curb the powers of those poverty lawyers, and they seem to have won a round with the publication of regulations dismembering the national legal services program and with the dismissal of its national director, Terry F. Lenzner, by Donald Rumsfeld, director of the Office of Economic Opportunity.

The Office of Legal Services is one of the smaller components of the OEO, accounting for less than 5 percent of the annual budget for the war against poverty. The money is apportioned among 265 local nonprofit corporations which have contracted, in free enterprise fashion, to provide legal representation for at least some of the 3 million Americans who live below the poverty line.

Legal services is an improved model of an old function, the public advocate. Public defenders and court-appointed counsel financed with taxpayers' funds have long represented indigent defendants. In large cities since the turn of the century, bar associations and private charities have passively supplied legal services to the poor, mostly through volunteers. Attorneys employed by nonprofit foundations and special interest groups such as the NAACP and the American Civil Liberties Union maintain and provide legal services in public interest matters.

The new breed of public advocate is a full-time salaried specialist in poverty-related law, with a steady if not always sufficient source of funds. The Federal legal service program is national; its storefront law offices are now found in Nome, Alaska; Window Rock, Ariz.; or in the Hough district of Cleveland—wherever poverty is apparent. The program has its own national recruitment component, the Reginald Heber Smith Fellowship, which orients young lawyers and subsidizes their initial years in legal services. There is a national poverty law reporter, a periodical, a related memory bank, and back-up centers attached to universities, each specializing in a problem area such as housing, health and welfare.

Supplementing the attorneys is a corps of community workers and lay advocates drawn primarily from ethnic and minority groups in the client communities. These paraprofessionals handle tasks ranging from the simple service of papers to the representation of clients in welfare hearings. They often serve as a bridge between the low-income community, with which they share a common background and experience, and the professional staff.

Except for public interest firms like the Washington-based Center for Law and Social Policy, which rely on such private resources as the Ford Foundation, the lawyers are subject to federal regulation that ranges from rational to stultifying. For example, OEO-funded programs must raise 20 percent of their resources through voluntary in-kind contributions of expert services computed at 1932 hourly rates. Imagine the incredulity of Lockheed executives if defense contracts included a similar condition. Out of deference to the bar, poverty lawyers can handle no fee-bearing cases, no criminal defense, and cannot represent anyone who can afford to pay a fee. They are excluded from the government's higher salary scales and from its retirement programs. Possibly their greatest obstacle is the problem of redundant control. While only the National OEO can veto a program, everyone who approves the annual funding grant—conservative boards, bar associations, ambitious local Community Action Program directors, regional OEO directors and state poverty agencies—wants a say in running things.

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Who are the new legal service lawyers? Aside from the common character traits of iconoclasm, intensity and dedication, generalities do not apply. They are Buckley conservatives, Lawyers Guild activists, disaffected corporation lawyers and wandering scholars. For the most part they share a disdain of working primarily for money, a belief in their own ability and in the capacity of the law as a limited vehicle for positive, nonviolent change.

Annual budgets for individual legal service programs run from a high of $4 million for the sprawling New York City program to a small-town two-attorney office operating on a grant of $50,000. But whatever the size of the project, the bulk of national legal service energy is invested in the endless daily problems of the poor—eviction, bankruptcy, consumer fraud and welfare entitlements. Legal service attorneys spend their time on delaying an eviction or preventing the repossession of a family car. Only the landlords and finance companies kick about these cases.

But a minority of problems and a minority of attorneys have aroused the indignation of numerous public officials, and precipitated multiple attacks on legal services and the judicial process. The first such explosion came when California Rural Legal Assistance, a statewide program aiding the rural poor, blocked attempts by California to cut $200 million in services from the state Medicaid program; and almost simultaneously obtained a restraining order against the Federal Department of Labor that temporarily stopped the importation of *bracero* farm workers. With a double stroke, poverty lawyers, acting not for one client but for a whole class of the poor, blocked the implementation of major state and federal administrative decisions. Both cases successfully alleged that the public agencies were in fact lawbreakers, since they were disregarding their legislative authority, and that the suits sought no more than to require public agencies to adhere to the same standards of compliance with the law as is demanded of motorists.

The reaction from conservative circles was in character. Sen. George Murphy, a supporter of agricultural interests, questioned the propriety of a federally funded lawyer suing a public agency. Legislation was introduced in Congress to restrict legal services to suits against private parties. Attorneys, it was felt, should not bite the hand that feeds them. But Congress disagreed, and the measure failed.

Similarly controversial litigation quickly developed in other parts of the country. In northern Mississippi, the legal services program ran into opposition when it sought to advance the desegregation of local schools. Agricultural interests in New Mexico screamed when the Navajo program attempted to press Indian claims for water. Action initiated on behalf of exploited Caribbean farm workers in south Florida provoked a whirlwind attempt, led by Congressmen and the Governor, to terminate the regional legal services program.

As in California, a persistent cause of such impact suits has been failure to comply with the law. Federal agencies have become Daddy Warbucks to state and local bureaucracy, establishing but not enforcing conditions on the use of money they supply for education, health, welfare and law enforcement.

The pressure on California agriculture resulting from multiple attacks on violations of minimum wage and field sanitation statutes, the widespread employment of illegal entrants, and a challenge to the use of pesticides harmful to consumers and farm workers, provoked a second legislative effort to muzzle legal services. Senator Murphy introduced a bill that would have given a governor the veto on all or part of all OEO-funded programs. Presented as a rider to the OEO authorization, it took liberals by surprise and cleared the Senate, but like its predecessor, was defeated in the House, thanks to the activities of the American Bar Association, the media, and a squad of legal service attorneys who canvassed Congressmen.

However, the battle to maintain autonomy did not end there, for Rumsfeld, who is a special adviser to the President as well as director of the Office of Economic Opportunity, still seemed eager to placate critics and insulate the Administration from abrasion. The object of the defeated Murphy amendment was to be achieved on a test basis under the Oklahoma plan, which provided governors with primary funding authority over OEO programs, with the possible, but not certain, exception of legal services. While initially the plan seemed to get no further than Oklahoma, a later proposal to decentralize legal services threatened to reverse the original promise of relative autonomy to the National Legal Services Office. Authority to fund programs and terminate grants would be transferred to OEO regional directors, who are the Oklahoma plan's chief opponents.

The need to insulate legal service from regional control is made evident by a recent decision of the Northwest regional director to cut off funding to an Idaho legal service program before he had investigated a subsequently discredited report that the attorneys had provoked a wildcat strike among harvest workers. Opposition to the latest regionalization plan came to a head in a critical Senate subcommittee hearing, where witnesses suggested that the change would contradict the will of Congress when it rejected the Murphy amendment.

While the embryonic plan died from exposure, regulations announced on November 18 accomplish the same object by indirection. The new system places ostensible authority to monitor and fund programs in regional legal service directors. However, a rococo system of checks and appeals (one OEO aide termed it "an administrative nightmare") delivers effective control to the regional OEO directors. When the regulations take effect, it is likely that programs faced with termination or emasculation or hung up in bureaucratic indecision, may be forced to use their lawyers' tools of litigation and public hearings simply to save their own necks.

Two days after announcing the new regulations, Rumsfeld on November 20 fired Office of Legal Services Director Lenzner and his deputy, Frank Jones. Since both men carry scars from numerous battles for the independence of legal service programs, the dismissals suggest a shift of policy away from controversial activities.

Neither Lenzner nor Jones meets Agnew's pejorative description of effete intellectuals. Lenzner is a burly former college football player who struck back by calling for the Director's own resignation, claiming that Rumsfeld was the proponent of "bargain basement justice." Jones, a husky black lawyer with a Dayan eye patch, stated that the legal services program "was now in the hands of Southern bigots and right-wing politicians across the country." As evidence, the deposed attorneys submitted that new appointments to the Office of Legal Services staff would require the backing of local or state Republican politicians. The effect of local political influence, they noted, is to be seen in Director Rumsfeld's willingness to suspend several large programs for violations, uncorroborated of OEO guidelines. For example, New Orleans Legal Services was censured for its representation of twelve defendants in a criminal case, although participation in the suit had been authorized. Approval of refunding for CRLA, the Navajo program, and the national senior citizens' project on November 30 came as a partial refutation of Lenzner's charges. The response of OEO to a possible veto of CRLA by ultraconservative state officials, willingness to modify the controversial decentralization plan, as well as the choice of a new legal services director will be further test.

The Administration's reaction to controversial litigation has not been limited to OEO-funded programs. Even the private nonprofit law firms, immune from a loss of federal funding, were recently threatened by the Internal Revenue Service with the loss of tax-exempt status for their role in ecology-oriented litigation.

Along with the attack from within the government, conservative lawyers, long eager to divide the $50 million legal services pie among private practitioners, are exerting increased pressure for a fee-for-services system employing private lawyers. But tests of private "judicare" have proved costly and deficient as a service mechanism.

When the dust settles it is easy to see that public advocacy is about as effective as a good pair of sun glasses on the desert—it relieves some of the discomfort but does not change things much. The opposition of some conservatives, while not justifiable, is understandable. Some of them are willing to acknowledge the public layers' usefulness as a safety valve against less palatable means of protest. Some, including Rumsfeld, consider the legal process to be a constructive outlet for the energies of the poor.

But others fear that federally funded legal service programs will attract radical or simply immature lawyers who will, by the use of legal issues, manipulate impoverished communities into a position of violent confrontation with the community at large.

Other detractors, perhaps more honest, simply oppose any change, whether by litigation or by legislation. Yet they overestimate the potential of public advocates to effect change, for the American system contains built-in dampers to minimize the effect of any departure from the *status quo*, whether legislative, judicial, or executive.

The judiciary, for the most part, approaches matters which cross social or economic strata with some timidity. Attacks on the Supreme Court in the wake of decisions relating to civil rights and to the rights of the accused have encouraged judges to turn away from broad-based social or economic problems, out of fear that the judicial nostrum—in the context of contemporary racial conflict and the alleged rise of crime—might do more harm than good. Such matters, they say, should be left to the legislatures.

Similarly, legislatures, federal and state, are poor incubators for change. They tend today to place a higher value on intangible social services than they did in the past, but are still unwilling to authorize sufficient funds to make a substantial attack on any problem, whether underemployment, job retraining, housing or health. Change comes piecemeal from legislatures, because every problem is caught in a maze of economic interests.

By attacking public advocacy, law-and-order conservatives denigrate action that is consistent with their own ideology. Conservatives who used to complain of arrogant bureaucracy should be gleeful when a decision compels a public agency to be subservient to the will of the legislature. Yet that is seldom the reaction, for it is not the principle but the interest that is bruised and seeks retribution. No one can argue with decisions which increase wages to make low-income workers less dependent on public assistance. No one that is, but the people who must pay the higher wages. Who can disagree with the determination that an English literacy requirement which results in the disenfranchisement of a few hundred thousand Spanish-speaking Americans is unconstitutional? The answer is, candidates who fear that they might be unpopular with the Spanish-speaking.

"The trouble with this work," said CRLA's Marty Glick, of California's Rural Legal Assistance, "is that somebody is always offended by what we do. No one should complain about a decision preventing local school boards from classifying otherwise bright but Spanish-speaking children as mentally retarded because they flunked a middle-class English-language aptitudes test, but school psychologists fought like hell to defend their position." The decision barring arbitrary classification of minority schoolchildren as mentally retarded was implemented by only a few counties, and Glick had to pursue the change in the legislature. His innocuous bill to set minimum standards for mental retardation barely overcame vigorous opposition from the psychologists.

All but the mouthpieces of special interests should by now recognize the virtue of public advocacy in providing the mute and disenfranchised with both a voice and some small power against bureaucratic anarchy. Honest concern about the ill effects of excessive zeal or bad judgment on the part of public interest lawyers should be expressed by encouraging conditions which foster a responsible approach to litigation, rather than by intemperate criticism that creates hostility, insecurity and disaffection in the attorneys. Establishing conditions that encourage reasonable tenure for a nucleus of the most experienced and capable legal service attorneys is one step that could be taken. Insuring a steady influx of qualified recent graduates is another. Turning from annual refunding to a two-year grant would be a further means of providing greater stability and insulating the programs from demoralizing political attack.

Rather than push for regionalization, policy makers should establish an independent national legal foundation as a parent for all legal services. Such an agency could be structured to assume both proximity to the source of funding and insulation from recurent external coercion. Administrative policy may be moving in that direction: the proposed OEO budget excludes legal services and the American Bar Association has been asked to prepare a report on possible alternatives to the present room-and-board arrangement in OEO.

Finally, lawyers and non-lawyers concerned with the future of legal services should recognize that controversy is an incident of the legal process. Observers should be concerned only when there is none at all.

AN INTERVIEW WITH PEACE CORPS DIRECTOR BLATCHFORD

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, although the Peace Corps does not receive the same attention from the media today as it did in the early sixties when it was overworked as a symbol of New Frontier idealism and sacrifice, the fact remains that some exciting "new directions" have been charted for that agency to prepare it for the decade of the seventies. The man behind those "new directions" is 36-year-old Joe Blatchford, who took over the helm of the Peace Corps as President Nixon's appointed director in May of 1969. Blatchford brought to that appointment his vast experience as founder of a private volunteer agency, ACCION, which made a substantial contribution to the development process in several Latin American countries.

Over the last year and a half I have carefully followed the "new directions" being implemented at the Peace Corps by Joe Blatchford, and he has earned my great respect and admiration for his efforts and his accomplishments. Joe Blatchford has made his mark as one of the outstanding administrators of the Nixon administration, and I want to wish him continued success as we approach the new year.

Perhaps too much emphasis has been placed on Blatchford's attempts to recruit volunteers with special skills and experience. To listen to some critics, you would think the Peace Corps had become an R. & R. haven for blue collar workers or a carbon copy of AID. That is not the case. As Blatchford himself points out, the young single person, just out of college, is still the backbone of the Peace Corps and the main force behind it. It is true that the young volunteer is being better trained and more specially equipped than his predecessors. And it is true that the Peace Corps has made special efforts to recruit older volunteers with special skills and experience. This is one of the "new directions" at Peace Corps—a direction taken in direct response to the requests and needs of the countries which the Peace Corps serves.

If I were to choose two words to characterize the Peace Corps under Blatchford, I would choose "responsiveness and diversity." As I have already mentioned, the Peace Corps is especially responsive to the development needs and priorities of developing countries, as defined by those countries. In the past I think we have too often tried to force our ideas and nostrums for development down the throats of those countries. This has often backfired in two ways: first, it has generated resentment against the United States for being too pushy and paternalistic; and second, our prescriptions often proved to be wrong because we did not know enough about the nature of the problem or the people.

Joe Blatchford is changing all this by involving the host country nationals in every level of the decisionmaking process as it relates to that country. They are involved in planning, programing, recruitment administration, and evaluation. For the first time we are truly becoming what the Pearson Commission has called partners in development.

The Peace Corps has become more responsive in another way; it has become more responsive to the ideas and recommendations of its volunteers and staff in the field as well as its returned volunteers. This valuable input has had a lot to do with the new directions and helps to insure that the Peace Corps does not become the captive of the armchair development engineers in Washington who have been responsible for so many of our past mistakes.

The new diversity at Peace Corps is a result of special efforts to recruit volunteers from a wide range of backgrounds; to recruit more minority group volunteers, more skilled volunteers, and more volunteers of all ages. While diversity in, and of itself, may not be a positive value, in this instance it is because it enhances the possibilities for special contributions. This in turn provides a greater diversity in programing and volunteer assignments. The Peace Corps is no longer predominantly an overseas teacher corps. As a consequence, the Peace Corps today is in a much better position to make a special contribution to a wide range of development problems.

Mr. Speaker, while I have only touched the surface of the "new directions" being undertaken at the Peace Corps, I think I have given you some idea as to why I feel so strongly about what Joe Blatchford has been doing in his brief 1½ years as Director. As I mentioned at the outset of my remarks, some of this is not the stuff that headlines are made of, but I think it is the kind of thing that makes a difference in the third world, the kind of thing which does improve our badly tarnished image abroad, and the kind of thing of which we all can and should be proud. I for one have been proud to have supported the Peace Corps over these past 9 years because I think it has been one of our most successful foreign as-

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sistance ventures. I commend all those volunteers, past and present, for the difference they have made. And I especially commend Director Joe Blatchford for the new life and enthusiasm he has brought to that agency.

Last summer, the Volunteer magazine carried an in-depth interview with Joe Blatchford which I think all my colleagues should read. I think they would be impressed both with his personal qualities of candor and courage, and with his administrative abilities and ideas. I insert in the RECORD the text of that interview in full:

VOLUNTEER INTERVIEW JOSEPH H. BLATCHFORD

(By John Osborn)

Joseph Blatchford, formerly of ACCION (Americans for Community Cooperation in Other Nations) and California politics, has directed the Peace Corps since May 5, 1969. Some say he is the most imaginative director the Peace Corps has had in its nine-year history. Others say he is trying to "Nixonize" the organization.

What is his background?

How does he stand on current issues facing the Peace Corps?

What are his plans for the agency as it moves into a new decade?

In January, the Volunteer asked its correspondents to submit questions they would like to ask the Director.

Over the next three months letters trickled in from Morocco, Ceylon, Bolivia, Fiji, Thailand, Tonga, Dahomey, Brazil, Uruguay, Columbia, Peru and Ghana, while the magazine went through a staff change and a major restyling.

In late April, I sat down with the questions in hand and put together an interview script, written to cover broad topics—like dissent, the draft and "New Directions"—and Joe's personal philosophy of development. More specific questions, such as those dealing with the readjustment allowance or vehicle policy, were set aside for future articles.

On May 5, I took the script and, accompanied by Editorial Assistant Paula Mayo and photographer Susan Biddle, dropped into Joe's office for an interview session.

We could not have picked a worse time: a week after President Nixon's Cambodia speech, and one day after the shootings at Kent State University.

We talked for an hour and fifteen minutes, at which point I ran out of recording tape and Joe ran out of wind.

The transcript of our session was 42 pages long.

It's been cut by about 20 percent, dropping redundant passages and retouching everybody's grammar. Had there been more time and space, we could have talked for another six hours.

Joe is well-versed in Middle Eastern and Oriental religion. He is an opera fan, a serious one. He has strong ideas about the Peace Corps stemming from his work with ACCION.

He is an atypical Nixon appointee. He lives in Georgetown among Democrats instead of at the Watergate with Administration Republicans. He rides a motorcycle, does impersonations of famous people and has a great nostalgia for San Francisco and its "beat" period.

The three most prominent hangings on his office walls are a photograph of his swearing-in by President Richard Nixon; a copy of the earth-rising-over-moon picture taken by the crew of Apollo 8 in 1968; and a psychedelic poster of Bob Dylan. A unique office, but one gets the impression he would rather be out in the field.

Joe will be 36 years old in June. He and his wife, Winnie, a former ACCION volunteer, are expecting their first child in mid-September.

Osborn: This is the anniversary of your appointment [as Director of the Peace Corps], I think.

Blatchford: Yes, as a matter of fact. About this hour, it was the same kind of day. We had a nice day.

Osborn: As soon as you were appointed, you made a quick trip abroad to see Volunteers and to talk to some of the governments we're helping. You conducted a poll of returned Volunteers, you held task force meetings, and met your country directors in September. After that, you proposed a series of "New Directions" for the Peace Corps in the '70's.

Blatchford: That's right.

Osborn: Now, I think one of the "New Directions" which created a lot of confusion is your call for Volunteers with more training and more experience in specialized jobs. Many people thought you were saying that you no longer wanted the young college graduate who had been a major part of the Peace Corps before, is that really true?

Blatchford: No; it's not true at all. As a matter of fact, all of our press releases and all of my testimony in public record before the Congress emphasize that we consider the young person, single, out of college, as the backbone of the Peace Corps. What we will try to do is give him better training, better programming, where he'll have a specified job, fit into that job, be supported in that job by the local government, so that he can accomplish more than he's been able to. But he'll still be the main force behind the Peace Corps.

Now, unfortunately, though incorporated in all our press releases, that message is not in the newspapers. What's news is that farmers are going to join the Peace Corps. That's different from the public image of the Peace Corps Volunteer as a young liberal arts grraduate right out of college.

When I went overseas, I constantly heard the cry from governments, people of all stripes—villagers, village leaders, school teachers and people who worked with the Peace Corps or were in charge of programming them—that, "We need a wide diversity of skills. We're more sophisticated in our development now than we were in the early '60's."

In the early '60's, newly independent African countries needed teachers en masse because they didn't have enough academically trained people to staff the civil service. So they put all their money into education and they asked for school teachers from all over the world to come.

As the decade ended a number of things happened. First, they found that they were training enough people for their civil service, in fact, training too many. Many countries said, "We're educating our revolution because we're training people academically without giving them skills which they can practice and use to earn a living." So now it's time to phase down some of that work and increase vocational training, agriculture, urban planning, and other things like this.

Second . . . nationalism. These new governments in Africa—I think the same applied to Latin America—were flushed with idealism. They were setting five and ten year plans in conjunction with the Alliance for Progress. They set almost visionary goals. And as those goals and hopes began to crumble, and as they saw that the process of social change, political turmoil . . . social change being too difficult, political turmoil not permitting them to even be in office long enough to project and accomplish these goals, they became disillusioned and they became more hardnosed and specified what they needed.

So the decade ended with, I think, overseas governments and institutions simply saying "We want Volunteers with more specialities, more experience"; and they told me this in no uncertain terms. The role of the generalist out of college—as teacher; as community development worker; as public health worker—is not up to their present needs. He is still needed, but not exclusively.

What I am saying is that everywhere, this is what the countries are saying, and too often our staff and our overseas people think that they've got the answers when their eyes aren't open and they're not watching the changing needs. They have to keep their ears to the ground and listen for change. And we have to be an agency which responds to that change.

Osborn: I think that's a point that's often missed. People think that the "New Directions" have just been generated here in Washington. But, in fact, it is a response.

Blatchford: It's a response to what I heard on my trips, what [Deputy Director Tom] Houser's heard, what our country directors have told us. We wrote a letter to everyone who worked for the Peace Corps and asked them for their ideas. We asked all our overseas staff and all Volunteers to write to me. We got hundreds and hundreds of letters in about a 60-day period which were all read. Out of that, plus the task force's work, came the New Directions. Not everyone participated—you can't have 11,000 people all participate—but I'd say over 1000 did.

What's interesting is that those who came into the Peace Corps with Shriver in the very early days thought this was the original idea of the Peace Corps. In the beginning they asked themselves, "How can we give an opportunity to B.A. Generalists when most of the requests will probably come for skilled workers, professional people, experienced teachers, agricultural degrees and so forth?"

But what happened was that they couldn't convince these skilled people to join the Peace Corps. They weren't interested. And that's why so many are saying today that we can't do these "New Directions" because people won't join. They're talking about their experience. They couldn't get them in the early '60's, but today's different. It's the opposite. Today Americans are more mobile. They don't stay in a job for 30 years. They move; they go; they want new horizons. They want the experience that the young guy gets. They're always saying to me, "It'd be great. I wish I were young enough; I could join the Peace Corps. I wish I didn't have responsibilities. I wish I didn't have a family. I wish I was just coming out of college; I could join the Peace Corps." You hear that all the time. So now we're simply saying, "Yes, you can. We'll twist and bend and make it so, because you're needed, and because you can make a contribution."

At the same time, the campus fellow who was there in the early '60's and available—his interest now has exploded into all kinds of other things. Some of them are still interested in the Peace Corps. Certainly enough to meet the demand. But so many others are withdrawing; searching for new things. They are concerned with urban problems; disenchanted with what government can accomplish or what they as individuals can do. The newness has worn off. Maybe they're waiting for some new call. Or maybe it will just be like the smoke drifting by and there'll be a renewed interest in this kind of thing. So that person is less "available." The rest of the country is opening up.

I guess the biggest criticism has been from some former staff people who have been quoted as saying, "This is really a disaster," or, "It's an idiotic scheme because you're taking the idealism out of the Peace Corps."

I think that's foolishness. I think that an American, at whatever age, who is willing to leave home and do this, knowing he's going to have to live differently, knowing he's going to have to live on a minimum subsistence allowance, giving up a career and a job to do this, is as idealistic as a person coming out of school who may not have any plans or any burdens or responsibilities. The question of motivation, idealism is always hard to judge and should not be applied to just those coming out of college.

But the main point is that countries are asking for these individuals, and it's the job and the responsibility of the Peace Corps Director and the staff to supply them and not to tell those countries what kinds of people they ought to have.

OSBORN. Now, when you talk about skilled workers, what really do you have in mind?

BLATCHFORD. What's usually associated with the trade skills: people who work with their hands; carpenters, machinists, plumbers; mostly the construction trades are what are called for overseas.

OSBORN. What about graduates? Someone out of a business school or someone who has a Master's Degree in computer programming.

BLATCHFORD. Yes. In education there's a call for experienced teachers; people who have studied to be teachers or have the motivation and the practice in teaching.

Another category is professional skills. They would be your architects, lawyers, engineers, chemists, math and science experts, and so forth.

Then, we have agriculture, people with a strong agricultural background, or a degree, or those who actually were farmers, or are farmers.

OSBORN. How did the Peace Corps ever become saturated with generalists in the first place if, as you indicate, there is such a great demand overseas for skilled people?

BLATCHFORD. People tend to recruit people like themselves. Soon the Peace Corps becomes a homogeneous outfit internally. Those who are recruiting, processing applications, setting up application procedures, screening procedures, tend to set them up for the kind of person they imagine. In the past the Peace Corps has unintentionally discriminated and screened out members of minority groups, skilled workers, older people and so forth.

Take the language. The language test itself and the language course. Most older people probably couldn't get through that. They're not learning at the intensity level that a young college graduate is. And they're going to fall behind if placed in with 25 young liberal arts grads. They're going to fall behind and get discouraged, and they will bounce outside of the system.

OSBORN. Does this mean that the FSI (Foreign Service Institute) language requirement for an older person training will not be as high as that for a younger Volunteer?

BLATCHFORD. Well, I think we have to take a look at it. A person who is a teacher overseas has to have a degree of proficiency greater than a person who is working with his hands and is demonstrating. Some of the skilled workers who have gone overseas have testified to this. They have to be clued in to language, but they may not need the same degree of fluency to begin because of their ability to communicate with their hands.

We had some Indian officials here the other day, and some of our host country recruiters have been up here. They made this point very strongly; that we should be more flexible in our language requirements because many people, farmers and so forth, need less actual fluency in language—because of the nature of their work—than others who are teaching math or something like that, and that we have to examine that possibility. The ability to communicate ideas is the main thing, and not to pass a certain language test.

OSBORN. I've been looking at some of the matrix charts and as you say the requests for these kinds of people are quite high this year. How is the recruiting going? Are you getting these kinds of people in?

BLATCHFORD. I think we'll be successful enough to feel it's worth pursuing and that it can be done. The big question is, in this first attempt this spring, can this be done? Is it ridiculous and impossible, and should we just stay on the campus with the B.A. Generalists?

I say, no, we can't for two reasons. One, these are the requests that are coming in and we have to honor them the best we can. That's what we've said we'd do, and overseas our creditability depends on it. Secondly, there are lots of other Americans that would like to serve and we shouldn't exclude them. After all, the Peace Corps was to represent American society abroad, to give everyone an opportunity for this type of service. We should give it all we have to try to get this message across. And we can't do it in one recruiting season. It's May and we're just getting some of our television and radio recruiting advertising out. People with careers and professions—jobs—are less likely to just pull up roots overnight. They want to think about it. Many of the people we're reaching now will decide in a few months and maybe join next summer. So, it's going to take time to change or enlarge and widen the image that the Peace Corps has. We're doing well enough to give us hope that it can be done.

This summer we have some 300 or 400 more requests from overseas, firm requests, than we had last summer. And, they mainly represent agriculture, trade skills and things like this. They'll be hard to fill. I'm not saying we will fill them all. But I think we'll get 80 percent of them.

OSBORN. Last September you said that the Peace Corps is "lily white", and that you wanted to make it possible for blacks and Spanish-speaking people to join the Peace Corps. Has any progress been made on that?

BLATCHFORD. Some. But we haven't really made enough. We haven't gone all out, and that's the only way we can really make an indentation. Applications from black colleges are up 70 percent this year. That sounds good. But in absolute numbers, what is it . . . 1 percent to 1.7 percent. That's still not good enough.

So we've just set up a special office of minority recruitment. I've got a letter right here to presidents of all black colleges asking their advice and support. We have two inter programs now with Shaw and Atlanta, and last fall we did send the first all black group of Volunteers to Kenya. This is the way of the future. Only we've got to put more effort into it. If we do, I think we can recruit 1000 black Volunteers every year, I think we ought to.

OSBORN. Well, many Volunteers, and especially returned Volunteers wonder, will the older skilled individuals be able to develop the close ties with their communities and to learn the languages. You know, this is what seems to have characterized the Peace Corps in the past as different from A.I.D. or other organizations. What's your feeling about this?

BLATCHFORD. Well, too often the technical advisor of the past has been a very highly paid technician who doesn't live with the people, who lives like American businessmen and diplomats in the American section and doesn't learn the language and really deal with the people; who simply disseminates his expert knowledge in written or conference form to ministries who do with it what they want at the very top.

The Peace Corps hits a different level. It hits the lower middle class or the very poorest level of society. It deals directly with people. And, it will continue to do so. Communicating, learning a language, living modestly, getting to know people, is the sine qua non of development. You don't transfer knowledge and skills just on paper, you do it by this process of identification with the people you're working with. I think that should be the new direction of all American technical assistance in the 1970's.

OSBORN. Do you still think there will be a distinction made between A.I.D. and the Peace Corps overseas?

BLATCHFORD. There is a distinction, and there always will be. Now let's look at it in the eyes of the foreign national. When he thinks of the Peace Corps—he calls them kids or something—he thinks of young people working with the people. He doesn't think of them as part of the embassy or A.I.D. or our foreign aid program. That's good, and I think that will remain as long as whoever we bring learns the language, and works with the people. The countries ask for more skilled, more professional Volunteers, but they tell me they want to maintain this people-to-people approach.

OSBORN. In the 1968 Presidential campaign, I believe one of President Nixon's platforms called for closed coordination between various overseas missions such as A.I.D. and the Peace Corps. Is there any attempt being made to merge our efforts?

BLATCHFORD. No attempts are being made to merge the efforts. The Peterson Report and a number of other reports written on foreign aid, including those of a number of senators and congressmen, have recommended the complete dissolution or reformation of A.I.D. In this next year the future of that will be decided. I don't know what will happen to it. It may be stripped and broken down into parts. I recommended that technical assistance be taken away completely from political considerations; taken away from the economic considerations, the political support we give overseas. And certainly, by all means, it should be divorced from being in the same package with military assistance. Whatever military or shortrun aims the United States Government has should be separated entirely from our genuine interest in providing technical assistance overseas. That should be nonpolitical. It should not depend on boundaries nor should it follow our diplomatic relationships.

The President feels very strongly about that too. But he also feels that one of our primary responsibilities, my primary responsibility, ought to be to increase the contribution Volunteers make to the countries they live in, to make the Peace Corps less marginal to their development and more helpful to them on their terms. It's nice to have the experience that the American gets. This is one part of the Peace Corps. No one is negating that. But we shouldn't justify our existence overseas simply on the cross-cultural experience alone; on what the Volunteer learns when he comes home. That's educational exchange. And while I'm 100 percent for it, there is so much misery and poverty in the world that we can't justify the expenditure of this much money and this many people if we're not making a real contribution to a country. And that's where I stand; that's where I came from. I worked in Latin America for six or seven years and learned to look at the thing through the eyes of Brazilians and Venezuelans and Peruvians and I'm really interested, first and foremost, in whether anyone who comes into that country that I lived in comes to make a contribution. Otherwise, call it something else. Call it good will. And I hear this from Latins and others who say we've simply got to make the Peace Corps work better for them, not just for us.

OSBORN. Let's go back to that. You call yourself a returned Volunteer since you spent so many years in ACCION working in Latin American countries. How did you first get interested in the idea of sending Volunteers overseas?

BLATCHFORD. Well, I first got interested in it on a good will tour that I made through Latin America Playing tennis exhibitions, trying to use sports and music as a door opener, handles as they say, to get to know

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students, politicians, labor leaders. We came back rather critical of American foreign policy and American ways of doing things in these countries. I saw the conditions and I saw the feeling of frustration that young people in Latin America had about not being able to forge their own futures. They saw many of their own elite in their own governments neglecting the social problems that existed. And they were frustrated, particularly when they saw a great power like the United States with very talented people and lots of money willing to align themselves with these governments, and not show any concern whatsoever for the really underprivileged and the poor barrios (city slums). It seemed that with just a little less neglect and a little bit of concern and very small amounts of money and people that were willing to spend their lives there, that we might identify with their problems and help them. I thought the U.S. should do something and I didn't know exactly what.

I went back to law school and during the second year, in 1959, did a lot of reading on America. I wrote a lot of things and talked about a new frontier, and the need for young Americans to get involved. What would we do now with our lives? We needed some vehicles . . . we needed some vessel to put our energy and talent into.

I was reading an essay by William James. He wrote about war and the crowd mind and his opposition to the Spanish-American War, which was very well known. He wrote that militarism will always dominate a society because it's the only way of gaining the national cohesion which every society needs. The military gains great credence in times of war and plays a dominant role in society and the country tends to depend upon it, almost turn to it in times of emotional need. He said the concept of peace was alien to the American or western culture. And therefore, if war became impossible or absurd like it has since the Second World War, there had to be some kind of alternative; "moral equivalent," he called it; something which would stress the marshall virtues and the strife, difficulty and national purpose. And so he talked about conscripting the "gilded youth," as he called them, off to far-flung parts of the world.

I was tremendously excited by that idea when I first read it. I said to myself, "This is the answer. There is just no question about it."

It was soon after that I typed up a proposal which I later developed into a plan for ACCION.

OSBORN. Back in the early days, when Sargent Shriver and the other people were first talking about voluntary action, you were one of those who said that voluntary service overseas should be run by a private organization of some kind. And now you are Director of the Peace Corps, a government organization. How do you feel about private action as opposed to government action now?

BLATCHFORD. Well, I have mixed feelings. I was on the platform at Notre Dame the other day with Harris Wofford. Harris is the man I came to see in Washington [in 1961]. We argued day and night. He wanted to make the Peace Corps a government operation. So did Shriver and Kennedy. They wanted a massive American presence overseas. It bordered on jingoism.

I thought a Peace Corps should start quietly. Eugene Burdick was working with me. And Burdick counseled me, when I first came up with the idea, "Don't go around making lots of speeches about it until you know what you're talking about." And I took his advice.

But Shriver said, "There's enough poverty to go around." It was all a very simplistic notion of how to fight poverty. We thought that it was probably a lot more difficult than that and we ought to quietly, in private, experimental ways, work the idea out for two or three years before announcing a massive program. We also felt that being part of the U.S. Government, we'd be suspect, that we'd be too bureaucratic, and that we would be hindered by American foreign policy and the embassies and all the other things that I had seen on my trip.

But Harris favored a government-sponsored Volunteer agency.

So we were on the platform together again [in 1970], and he was advocating that the Peace Corps be turned into a private corporation. I was standing up there as the head of the Peace Corps. We were on the opposite side of the thing again after nine years.

As I say, I have mixed emotions because I think it turned out so much better than I expected. The charge that we are government spies is still there. But I think the Peace Corps did a fantastic job and that Sargent Shriver did—in maintaining its independence. Volunteers were given a pretty free hand, and mainly because it was started by the President of the United States' brother-in-law. A very unique way to start any government agency. Not to be expected or anticipated. With that zest and push, it was really put on the map in big ways all over the country, all over the world, in ways it couldn't have been through starting small and starting privately.

But I still think it has problems, problems that have finally come home to roost. You can't have it both ways. We are part of the government and a part of the United States political system. That decision was made nine years ago. So, therefore, we do have to coordinate with other arms of the United States Government. There will certainly be suspicion on the campus or anywhere else that we are part of the government. That has to be overcome by all of us. The fact that we work for the government creates lack of trust. In the early days people believed in Kennedy and they believed in the mission of the United States Government. They believe less in this today.

So I have mixed emotions about it—being in this position.

OSBORN. Well, the Peace Corps represents such a cross-section of American society, now, that I think we find ourselves of many different opinions about American foreign policy overseas. I was sitting in on a host country recruiters conference a few weeks ago and they themselves started talking about the issue of dissent overseas. One of the things they said was that they didn't want Peace Corps Volunteers to practice politics in their country. But they felt very strongly that if a Volunteer had an opinion, if they asked him a question, he should be free to respond. What would you tell Volunteers who disagree with the government or with some of our actions overseas right now? How can they express their disagreement?

BLATCHFORD. Well, I think, if they disagree so strongly and heartily that it really limits them emotionally from making the commitment necessary to do the job, they ought to leave the Peace Corps, come home and go to work for the opposition to the present government or whatever; dedicate themselves to it. If they still believe that the best way that they can serve intellectually and emotionally is to do what they're doing in the Peace Corps, they ought to continue and simply say what they wish; say that they don't agree. If they want to officially somehow register their conscience with their associates back home or colleagues back home who feel this way, they ought to be allowed to, but keep a very quiet profile overseas within the host country.

Most foreign nationals expect people to speak their mind when asked. People in the village, the teachers, those they are working with—Volunteers can talk to them like they were talking to anyone else. They can have an open discussion with the people they live and work with. No problem. It's an open society at home and that's the kind of society we want to represent.

Now, if they want to take more formal means, I think they should be taken "in-house." We have internal disagreements in this country, and I think we have an obligation not to thrust our dirty laundry upon the people we are working with, whether they agree or not. They don't understand, and in most cases, don't appreciate our publicly raising our foreign policy issues in front of them. So we ask Volunteers to go and visit the ambassador. We ask them to write petitions to me and to the President. These will be read; they'll be listened to by officials in the United States Government. But to dedicate time and energy to public protests—they ought not to do it within the Peace Corps.

OSBORN. Has the prolonged war in Southeast Asia had any effect on the Peace Corps?

Blatchford: I think the war has had a pervasive influence on all American society, and all our institutions are affected by it, all of our attitudes. We're so caught up in it, so desirous it will end as soon as possible that this, I think, influences the Peace Corps. The emotional, negative context of our involvement in this war spills over into many of the things that our people, our universities, and our government agencies, such as the Peace Corps, are doing in a positive way.

In my travels I don't find that other countries are caught up in it to the same degree. They read the papers, they wonder about the war and our involvement, but certainly they look at it more as an American problem, an American war, and, it does not affect the life of the villager, the *barrio* dweller, the average government official who is so concerned and worried about his own problems of finding the money and help to develop his own people.

Those of us involved in idealistic work are more naturally sensitive and susceptible on the issue. However, it is terribly important that the Peace Corps not become another casualty of the Vietnam war, and that we maintain its survival in this era of cynicism, and doubt, and crisis of belief in government and in our institutions, and that we continually work quietly and strongly for peace through constructive change in the lives of the people we serve. And then prevent, hopefully, future Vietnams, and future causes of conflict.

We in the Peace Corps are interested in representing the idealistic and the positive, constructive emotions of the American people in their desire to help people overseas, to work in cooperation with people overseas, to give opportunities to Americans to share the experience and rewards that come from Volunteer service. And we must champion and maintain that institution which provides this opportunity and try hard not to let it fall victim to the overspill of the war effort which is being carried on.

We must work quietly here and overseas—progressively—for the kind of change we believe in, which would include a swift end to the war, so that we can divert that amount of money and energy towards constructive purposes which this war has left undone.

But for the Peace Corps publicly to be an agency identified with one political stance or another on which the President has the right or wrong policy for ending the war would not be helpful to our efforts at this time, nor would it be well understood or appreciated by many of the governments that we work with.

OSBORN. In your post as Director of the Peace Corps, do you consider yourself a member of President Nixon's Administration with an obligation to support his policies publicly? What degree of freedom do you see yourself as having within the Administration?

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BLATCHFORD. I was appointed by the President, and serve at the pleasure of the President. But he has given me a free hand to develop the ideas for making the Peace Corps a vital and exciting means of carrying out its original mission in the 1970's. He has given me plenty of backing on this. He has met with all our country directors. He met the other day with members of our national advisory group, some of our staff. He's spent a good deal of time with us emphasizing the importance of the Peace Corps, and he's particularly emphasized the importance of having returned Volunteers go to work on the problems of American society. In much of the criticism we've received from members of Congress, he's backed me up. And in our efforts to broaden the Peace Corps and maintain the right of free speech overseas, we've had his consistent backing.

I do not feel the obligation to do other than speak out forcefully for Volunteer service, for the concept of the Peace Corps, and no need to one way or the other insert the Peace Corps publicly into issues beyond its original mission.

OSBORN. Do you feel any obligation to represent the views expressed in petitions from Volunteers overseas against the war to the President?

BLATCHFORD. Yes, I do. And the Secretary of State and the President are aware of this and the Vice President. They are aware of the feelings of Volunteers, as they are aware of the feelings of young people, and I think I have a special responsibility to constantly champion and be a spokesman within this Administration for the viewpoints of developing nations and America's young people, let us say, idealists of any age. We must maintain our hope for what can be done and what must be done in this world.

OSBORN. Have you forwarded the petitions you have received from Volunteers to the President?

BLATCHFORD. Yes, I have, and I will continue to do so.

OSBORN. Do you think it is wrong or unpatriotic for Volunteers to disagree openly with the official foreign policies of the United States Government?

BLATCHFORD. No, I do not. A Volunteer retains all of his rights as an American citizen while he is overseas. That means he may express himself within the U.S. on American issues.

But when he goes abroad, he agrees to remain apolitical while serving in his host country, and therefore not to engage in any political activity within that country.

All the rights he would have had if he remained in the U.S.—such as writing his congressman or senator, are retained and defended. I made that very clear in the letter I sent to all country directors in October last year.

OSBORN. Many people see your program to recruit older, skilled workers with families as an attempt to weed out Volunteers who might be opposed to the war in Vietnam. Is that true?

BLATCHFORD. No. Of course not. As I have said, our attempt to recruit greater numbers of skilled and mid-career Volunteers is a direct response to requests we are receiving from countries overseas, not to any domestic political pressure.

Besides, as I have also said, the recent college graduate remains—and will remain—the backbone of the Peace Corps.

OSBORN. In May, President Nixon abolished all draft deferments. But at the same time he sent a proposal to Congress for an all-volunteer army. You've always said that you thought Peace Corps service or VISTA service or Teacher Corps service were just as important as military service and should be made alternatives to service in the army. How is that proposal doing in the light of all of the changes that have taken place in the draft system over the past year. Do you think that Congress is more ready to accept the idea?

BLATCHFORD. Well, as you know, this debate went on for several weeks and I fought very hard to either maintain the Peace Corps deferment or to defer military service of drafted volunteers for the duration of their work in the Peace Corps. The Secretary of State backed me on this and the President allowed us our second proposal. But only after quite an exhaustive debate within the government. I think this will be only a temporary measure. I hope that the President will go to an all-volunteer army and there will be no draft.

But let's assume for the moment that even after this war is over there's a peace time army; that there's still some kind of draft call. I advocated before Senator Kennedy's subcommittee that three years of service at home and abroad, three years of your life helping people overeas as well as at home, should be an alternative to the draft, and that you should be able to elect that alternative age 18, 19, 20 or whenever you wanted to. I still think so, but I don't think its fair to go ahead with this until this Vietnam shooting is stopped. While others are getting killed, it's not fair to totally exempt people from the draft.

OSBORN. Let's talk about the Peace Corps as it moves into the '70's again. What would you like the agency to be doing over the next five to ten years? What would you like to see it become? Would you like to see it get back to its original size—say the size it was in '66 when we had 15,000 overseas—or do you think it should be smaller than that?

BLATCHFORD. Well, we're going to do something very, very important right now. We're going to ask every country director to write a four year country plan, to totally assess where that country is; where it's going; what it needs in manpower assistance through Volunteer service. We've nine years experience in many of these countries and four or five in others. And we ought to be able to take this kind of a look. We expect three or four months devoted effort, and then we'll be able to say, I think, the numbers that we'll have overseas.

I don't believe in just recruiting lots of people, putting them overseas and finding things for them to do. I just don't. That's just not the way I look at it. I look at it from the other country's point: "What is the need? How can Volunteers serve?"

But, also, I don't think we ought to just go to a government and say, "Where are your needs? We'll hand them to you." I think it takes tremendous imagination to search through all the private agencies, voluntary agencies, private enterprises, government, universities, school districts throughout a particular country—Peru, Venezuela, wherever—and find all the kinds of jobs Volunteers could be doing—institution building; innovating in new types of projects, possibly in the environment, in educational television, in low-cost housing and vocational training—things that maybe that government isn't working on but they'd like to, if they could have some expertise and some Volunteers to develop new projects.

At the same time, there are many jobs to be filled. And I don't know, I think that—I'm guessing—there probably is a limit of maybe 20,000 or so Volunteers that really could be effectively utilized overseas. And I say "effectively" utilized. We have to be very cautious. We don't want to replace the French and the British in Africa with a kind of volunteer imperialism. We don't want to give the image suddenly that the British and French left but that there's all these Americans swarming all over the place. New countries terribly need to gain their own sense of identity, culture, pride in their institutions. It is terribly important that we stay in the background and help quietly.

For the next two or three years, it's more important to improve the quality and the diversity of the people that go into the program, and the contribution that we can make. If the numbers go down temporarily, that doesn't bother me at all, because the Peace Corps should be measured on what it can do in the eyes of the host country nationals.

OSBORN. I thought of another question when you said you were going to ask the country directors to submit four or five year plans. One of the things that's always puzzled me is why there is so much tension between in-country staffs and Volunteers. When I was a Volunteer, I often had the feeling that my country director wasn't really interested in what I was doing. I never saw him except for the occasional trips he'd make out around the country. I think many Volunteers feel that decisions are made over their heads. That they should have greater say. While staff members feel that Volunteers aren't really informed about how the decisions should be made and what the variables are. Is anything being done to try to bring staff and Volunteers closer together?

BLATCHFORD. We're asking them to hold mid-service conferences, but I'm insisting that any policy decisions be communicated immediately to Volunteers. I think that there has to be a two-way flow. Volunteers have told us many things and I am insisting that those reports be read so that they go into the whole hopper of policy decisions when those policy decisions are made here. Washington offices have got to communicate with Volunteers. Oftentimes staff members are remiss in that they read these things and they study them and they're involved, but they don't go back and call the Volunteers together and explain it. We have an obligation to Volunteers to let them know what the Peace Corps is up to. We can't get mass participation in every decision. But we can weigh opinion from time to time and mainly communicate to them what we're trying to do and why. I think that's very important. Volunteers are very reasonable. They want to be a part of the Peace Corps.

I personally would like to eliminate—and maybe this is heresy—but I'd like to eliminate a lot of this giant gap between Volunteers and staff. The staff are always talking about a Volunteer like he's something in a gilded cage; some kind of a rare being filled with emotional sacrifice and dedication and with a completely different set of attitudes and background which we don't touch. Whereas staff are kind of hired hands, paid employees with responsibilities to help the Volunteer here and there. I think this is a certain mythology that shouldn't exist.

I think everyone in the Peace Corps, in a sense, is a Volunteer. How do you judge sacrifice or idealism or dedication to some cause? It's very hard to judge. To one staff member it may be sacrificing more than a Volunteer. I saw staff members work 24 hours a day practically, when I was in India. They were as dedicated and hard-working as I've seen anywhere. And I've seen the same with Volunteers.

Sure there's a hierarchy. Every organization this large has to have a hierarchy; it has to have a decision-making process; it has to delegate responsibilities. But I'd like to see distinctions eliminated. . . . Everyone is working very hard. They're all working for the Peace Corps; they're working for the government of India or Chile or Dahomey or Chad, and they're dedicated to that particular purpose. I think we're all really members of a team.

OSBORN. One criticism made in some of the letters I received was that the Peace Corps overseas staff is so large compared to other volunteer agencies such as the British VSO's or the Canadian volunteers.

BLATCHFORD. We're making a survey of this right now. We range greatly from one country to another in the size of our staff. And

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this eludes me at the moment. We hope that by the end of the summer we'll have a survey of this and be able to know what the size ought to be. And this will be included also in each country plan.

We've cut back the staff 10 percent overseas, as you know, and the Washington staff 22 percent in the last 12 months. This is just something that has to be done to any big organization every so often.

Osborn. One of the things I found out when I started doing research for the interview was that you never owned a car until you came to Washington, D.C., that you have always had a motorcycle. I was told the other day that you finally bought a family car for your wife [a Toyota].

Blatchford. That's right . . . that's the first car I bought. No, I bought a car for $125, an old Buick once in Berkeley; but I never used it. It blew up, I think, after a bit, one trip.

Osborn. Do you have any plans for after you finish with the Peace Corps? What does a retired Peace Corps Director do?

Blatchford. I don't think I've ever thought ahead more than six months. I feel very sympathetic and very strongly about some of our young people on campuses. I had dinner a few months ago with Tommy Smothers and Paul Simon and we talked about how young people don't feel they have a future. Future is a meaningless word. During the late '50's when I was studying, that's all anybody talked about. It wasn't: "Are you happy now? Are you enjoying life? Are you doing something you think is worthwhile?" Everything had to be geared to your future, to your career, to wherever you were going to be 20 or 30 years from then. That was the cry and I rebelled very strongly against it. That's why I took off . . . it's heresy to take off a year of law school right in the middle and go to South America. I told my parents, "Well, I'm going to learn Spanish—that'll help me in the future." That was a kind of bone I tossed to them and their way of thinking. But at that time I never thought about it; and I still don't. I don't think it's worth it. I never dated a girl five days ahead of time because I didn't know if I'd really want to go out when I got there. So it's the same way. I serve at the pleasure of the President . . . times the way they are now, you never know how long you're going to be here.

RICHARD D. "MAX" McCARTHY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. BINGHAM. Mr. Speaker, it is with great pain that I rise to take note of the departure from our midst of my colleague and friend from New York, Richard D. "Max" McCarthy. I fervently hope that his departure will be merely temporary and that he will be back with us in the 93d, if not before.

Max and I were both among the large number of Democrats who first served in the 89th. Max was from the first one of the outstanding members of that distinguished group.

He deservedly made a national reputation in his courageous fight against chemical and biological warfare weapons, and he can properly take much of the credit for the steps the U.S. Government has reluctantly taken to forswear the use of biological warfare and to exercise greater care in the storage and transportation of chemical warfare weapons.

On many issues Max has shown great courage. He has dared to challenge some of the most important lobbies that operate in Washington, including the military-industrial complex and the gun lobby. Max McCarthy has been one of the leaders in pressing for reasonable regulation of firearms and I have been privileged to work with him in that long and painful struggle.

To Max McCarthy and his delightful wife we say only "Au revoir." We expect to see you back here before long. In the meantime, we know you will contribute one way or another to making life brighter for a multitude of people.

MR. HOOVER AND THE FBI

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. LOWENSTEIN. Mr. Speaker, I want to thank the distinguished gentleman from Tennessee (Mr. Anderson) for bringing this matter to the floor of the House. We are reminded again that he is one of those rare public figures whose integrity and courage help raise the quality of public debate. His presence here adds greatly to public esteem for the House. We are in his debt as Congressmen and as Americans, and I am glad to have this opportunity to salute him and to express my gratitude for his long and indomitable service to his country.

Congressman Anderson has discussed the odd and dangerous performance of Mr. J. Edgar Hoover, in the Berrigan situation. I must also express my deep resentment—and the deep resentment of, I believe, a majority of the American people—over Mr. Hoover's utterly offensive and professionally incompetent remarks in impugning, among other things, the courage of Spanish-speaking Americans. Is it really proper for high Government officials to categorize groups of Americans in a way that imputes inaccurate and unattractive qualities to people of one or another ethnic background?

It is also time to review the implication and consequences of Mr. Hoover's predilection for announcing his views about leading citizens he does not like. The ordinary citizen wonders who is safe from personal attack by the Director of the FBI if men of the stature of Robert F. Kennedy, Ramsey Clark, and Martin Luther King, Jr., are not. As it happens, a great many Americans admire these men very much.

Two of them held the highest law enforcement position in the U.S. Government. Robert F. Kennedy was perhaps the most widely revered American of his generation. Ramsey Clark's father was a distinguished Justice of the U.S. Supreme Court, and Robert Kennedy's brother was one of the greatest and most beloved Presidents of the United States. Martin King is regarded by most Americans and by much of the rest of the world as one of America's greatest sons. He was awarded the Nobel Prize for peace, and his birthday may soon be a national holiday. It is Mr. Hoover's right to disapprove of these men, but if he wishes to voice his disapproval publicly while heading a Federal agency, he should not be surprised if a vast company of Americans begin to voice their disapproval of him.

But that is not the central point. Dr. King, Senator Kennedy, and Mr. Clark need no defense from me. Mr. Hoover has not hurt them with his peculiar attacks on them, which simply served to disclose his own bias and to show a fundamental misapprehension about his job. He has, sadly enough, hurt himself. That may be his business, but he has also hurt the FBI, and that is our business here, and the business of every American.

The basic question posed by Mr. Hoover's behavior is whether someone publicly alined with a particular political viewpoint should be the head of the Government agency charged with protecting the Nation against crime and subversion, "The Bureau must be divorced from politics," Mr. Hoover said as one of his "terms" for accepting his appointment as head of the FBI. Can it be "divorced from politics" when its head engages in bitter running controversies about alleged ethnic traits and belittles political leaders who are heroes to millions of Americans? More than almost any other agency, the FBI must be above suspicion of political bias or personal malice. Mr. Hoover has made that very difficult to achieve, whatever the individual merits of thousands of dedicated FBI agents. Is this situation good for the FBI or for the Republic?

At a time when political fanatics and organized crime threaten our security and well-being, there should be no doubt among the American people that their chief law enforcement agencies are impartial and effective. There should be no division in our support of the effort to protect the public from terrorists and hoodlums. But if you are black or Spanish-speaking, or if you love Robert Kennedy or Martin King, how do you trust an agency headed by a man with the views continually proclaimed by J. Edgar Hoover.

The plain fact is that Mr. Hoover has managed to create the impression that the FBI suffers from political and racial prejudices. Even an impression of this kind is damaging, but as long as Mr. Hoover is head of the FBI, it is clear that the impression is correct, at least as far as the man who heads the agency is concerned. Not many people will easily believe that Mr. Hoover is a "jellyfish" or "softie" whose strongly held views do not affect the actions of his subordinates.

The health of a free society depends in substantial measure on citizens having confidence in the fairness of the law and in the fairness of the way the law is enforced. People of all backgrounds must feel certain that the law treats them equally. That is so basic to our system

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that it has become one of our national mottos. In no field of government, therefore, are personal vendettas and racial, religious, or political prejudices less tolerable.

It is essential that public confidence in the FBI be restored—and deserved. Unfortunately that can no longer be achieved simply by Mr. Hoover's learning discretion. His intemperate outbursts have revealed a state of mind. and it is the state of mind, not the outbursts, that must go, if the FBI is to do its job properly—and, more than ever, we need an FBI that can do its job properly.

Mr. Hoover has done much over the years for the FBI and for the Nation. He can do no less now, for both the FBI and the Nation, than to retire. Many of his public statements sound, in fact, as if he thinks he has already retired. If he would retire now, there will be time to honor his achievements. But if he does not retire soon, he risks having those achievements buried in the storm of controversy and suspicion that he is making. More than that, he will have put the agency to which he has given so much of his life under a cloud from which it may take years to emerge.

That would be calamitous for the FBI, and tragic for the Nation.

CARE OF THE DIABETIC

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. BROWN of Michigan. Mr. Speaker, constituents in the Third Congressional District of Michigan are very concerned about the controversy which is presently pending over the use of oral antidiabetes products, which controversy was initiated by the rumors of its content and release of a study conducted under the designation "University Group Diabetes Program," commonly referred to as the UGDP study. This study was endorsed by the Food and Drug Administration and aroused considerable controversy among the members of the medical profession. In turn, I am sure, constituents in my district who were using these oral antidiabetes products suffered, and continue to suffer, serious anxiety regarding the validity of this study which seriously questioned present methods of care of diabetes victims.

One such constituent wrote to me and her message bears repeating:

> As I am one of the many hundreds of elderly people who has greatly benefited by the use of Orinase, it is only natural that I am much concerned by the widespread news coverage listing the "so-called" ill effects of this drug. These claims I believe to be very untrue, judging from my personal experience.
>
> About five years ago, during one of my visits at my doctor's office, I stressed the fact that I was feeling rather badly. No ambition, not much interest in daily affairs, sleeping was a problem; in fact, I had to force myself to perform daily household tasks, all of which was entirely foreign to my nature. A complete physical examination revealed a diabetic condition—a mild borderline case. This was controlled for a time by strict dieting; however, when this failed, my doctor prescribed Orinase, with the result there was almost immediate improvement in my general condition. Only one Orinase tablet daily accomplished wondrous results.
>
> Although I'm nearly 79 years young, and was nearly killed in an auto accident about a year ago (made a remarkable recovery), I take care of my housework and flowers, rake leaves and shovel snow on occasion—what more could one ask? Couldn't do it without Orinase!
>
> * * * * *
>
> Better give this matter much thought before banning its use if you don't want 800,000 senior citizens on your collective backs.

Although the claims and counterclaims have continued since late last spring, a recent meeting of specialists concerned in the field is deserving of note and I think it desirable that it be brought to the attention of my colleagues who no doubt have received the same type of inquires I have received regarding the FDA action.

An ad hoc committee of distinguished diabetologists, organized as the Committee on the Care of the Diabetic, met recently in Boston to consider the propriety and justification for endorsement by the FDA of a study conducted under the auspices of the National Institute of Arthritis and Metabolic Diseases which challenged current methods of diabetic therapy.

These diabetologists who met in Boston adopted a resolution challenging the UGDP study and its endorsement by the Food and Drug Administration. They have raised, by their action, serious questions with respect to the conduct and judgment of the FDA which should be of concern to everyone interested in insuring proper medical care.

The historical sequence of developments which gave rise to the adoption of this resolution warrants comment. They are disturbing in their indication of the role performed by nonscientific sources which reflect a questionable influence upon the FDA in the exercise of its authority. Furthermore, the medical and scientific controversy which characterizes the UGDP study appears to indicate that FDA endorsement was impulsive and premature; if so, this is an adverse reflection upon the proper exercise of its authority which should be of concern to us all.

The adverse reaction among members of the medical profession, particularly those specializing in the treatment of diabetes both here and abroad, to FDA endorsement of the UGDP study is premised in part, certainly, upon its failure to publish this study for peer review before it took such action. This culminated in the Boston meeting on November 30 of 40 diabetes experts. After a thorough review of available information, these research scientists and leading clinicians from 23 medical centers adopted their resolution. Since then, the study at last has been published. Subsequently, the FDA granted a 30-day delay in requiring label changes. This permits, finally, commencement of scientific debate.

One wonders, however, under the circumstances which characterize FDA treatment of this matter what damage has been done to the 1½ million people who use these oral agents. It may be difficult to measure the unjustified fear caused to these individuals as well as physician distrust generated and confusion created through FDA conduct.

The Committee on the Care of the Diabetic points this out in its resolution adopted on November 30, 1970, when it says:

> The erroneous and insensitive manner in which purported information has been disseminated for the past six months has further burdened both physicians and the diabetic population at large with unwarranted anxiety over the treatment of the disease. The FDA action has been taken despite many contrary studies both here and abroad.
>
> The recommendation restricts and all but prohibits the use of any and all oral agents in the treatment of diabetes, despite overwhelmingly favorable clinical experiences to the contrary. Furthermore, the therapeutic implications outlined are ambiguous and impossible to fulfill in accordance with established medical practice. The recent FDA recommendations for the treatment of diabetes seriously undermine the progress made on behalf of the diabetic through years of hard work and education, in the following respects:
>
> (1) Diabetics and their families are confused, anxious, and uncertain of their physician's ability to guide their treatment. Progress in employment and insurance status will, in many instances, be pushed back a number of years by the enforced use of insulin treatment.
>
> (2) The physician has had no basis for making his own decisions concerning the validity of the UGDP Study. Yet, he is now forced, at least indirectly, into the use of principles in diabetic treatment prescribed by the FDA. Potentially, he is exposed to an unprecedented series of malpractice suits based on any occurrence of cardiovascular problems. Though these occur with great frequency in all diabetic patients, they may now be blamed upon the taking of an oral hypoglycemic agent.

Inasmuch as I think it would be valuable to all of my colleagues to have the benefit of the full context of the resolution and because of the importance of this issue to all our unfortunate citizens afflicted with diabetes as well as the practice of medicine generally, the complete resolution follows:

STATEMENT ON THE TREATMENT OF DIABETES

Uncritical and premature recommendations of the Food and Drug Administration regarding the treatment of diabetes mellitus are to be deplored. This is the conclusion reached by forty diabetes specialists who met on November 30, 1970, at the Sheraton-Boston Hotel to discuss their mounting concern for more than one million diabetic patients who have become increasingly disturbed because of newspaper stories alleging adverse effects from long term use of oral anti-diabetes agents.

The current controversy arose following a scientific presentation on June 14, 1970, at the annual meeting of the American Diabetes Association in St. Louis. At that time a group of 12 university centers known as the University Group Diabetes Program (UGDP) presented the results of an 8-year study of more than 800 diabetic patients subjected to different forms of treatment. This prospective cooperative clinical study *appeared* to show that administration of a sulfonylurea drug (tolbutamide) to mild adult-onset diabetics led to a greater death rate from cardiovascular disease than was found in three other groups treated with diet alone, a fixed dosage of insulin or a variable dosage of

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insulin. The report received widespread news coverage. Subsequently a letter sent by the FDA to its membership on October 27, 1970, supported the validity of this study, as did a report from the American Medical Association's Council on Drugs.

In late October, an official Food and Drug Administration "Current Drug Information" bulletin was sent to all physicians in the United States. Although based upon still unpublished findings, the letter contained far-reaching implications regarding the future treatment of diabetics. Portions of the FDA statement that may significantly affect diabetic management and greatly compromise the freedom of the physician to prescribe for his patients are as follows:

(1) "Oral hypoglycemic agents should be used only in diabetics with adult-onset, stable disease which cannot be controlled by diet alone and for whom insulin is unacceptable or impractical. A recently published study shows no evidence that, in diabetics with adult-onset, stable disease, therapy with a fixed dose of one such agent (tolbutamide) and diet is more effective in prolonging life than diet alone. The study also suggests that such a regimen may be less effective insofar as cardiovascular mortality is concerned than diet alone or than diet and insulin combined."

(2) In the words of Dr. Charles C. Edwards, Commissioner of Food and Drugs, "The initial and essential foundation for the management of adult-onset diabetes mellitus is diet and weight control. When the symptoms of the disease are adequately controlled by these measures, no other therapy is indicated. All oral hypoglycemic agents should be employed with caution and, if prescribed, then only when serious application of diet, or diet plus insulin has been proven ineffective in the judgment of the physician.

"A physician using hypoglycemic agents should familiarize himself with the cautionary material in the package inserts for these drugs and should adjust the dosage according to the individual patient's needs."

(3) Recommendations that extend the interpretation of the results of the UGDP study to the use of all currently available oral hypoglycemic agents are as follows: "The Food and Drug Administration recommends that the use of Orinase (tolbutamide) and other sulfonylurea type agents, Dymelor (acetohexamide), Diabinese (chlorpropamide), Tolinase (tolazomide), should be limited to those patients with symptomatic adult-onset nonketotic diabetes mellitus which cannot be adequately controlled by diet or weight loss alone and in whom the addition of insulin is impractical or unacceptable. The oral hypoglycemic agents are not recommended in the treatment of chemical or latent diabetes, in suspected diabetes, or in pre-diabetes, and are contraindicated in patients with keto-acidosis."

The actions of the FDA are based exclusively upon this solitary report by the UGDP. Yet, the absence of any similar observations during vast experience with large numbers of diabetic patients, both here and abroad, for periods up to 15 years in the use of tolbutamide and other oral hypoglycemic agents prompted this re-examination of the UGDP report.

The assembled group of diabetes specialists recognized numerous limitations of the UGDP study, including the following:

(1) There was no significant difference in overall mortality among the four treatment groups. Regarding the alleged excess of cardiovascular deaths in patients treated with tolbutamide, the lack of homogeneity of baseline risk factors in the 12 treatment centers invalidates statistical evaluation of the findings.

(2) Disagreement persists concerning the evaluation of the data by UGDP statisticians, since the application of different statistical methods has yielded contradictory results. For example, one independent analysis found no significant difference between tolbutamide and placebo groups with respect to cardiovascular deaths, either when tested separately within each of the 12 treatment centers or when the summed results of all 12 centers were analyzed.

(3) Spontaneous levelling of the claimed excessive mortality in tolbutamide-treated patients during the eighth and last year of the UGDP study suggests that the alleged increase in cardiovascular deaths is not due to the administration of the drug.

Other matters were criticized severely by the group. The application of an arbitrary, constant dosage of tolbutamide differs radically from the customary clinical usage of the drugs. The fact that therapy seemed to have little or no effect on maintaining normal blood sugar levels was attributed to the use of the fixed dosage of tolubtamide, which is also the shortest-acting of the sulfonylurea compounds. Furthermore, the well-known phenomenon of secondary failure known to occur in 30 percent or more of patients so treated was apparently ignored in this report as a possible cause for the elevated blood sugar levels observed.

Findings such as these made the group feel that the established treatment of diabetes was under significant pressure on the basis of experimental results of dubious validity.

The consensus of the meeting was that, before any further action is taken by regulatory agencies, the raw data should be made available to the scientific community at large.

The disastrous consequences of this report stem from the fact that it will tend to restrict treatment of patients with latent or asymptomatic hyperglycemia who do not respond to diet alone.

We categorically oppose the uncritical and premature recommendations of the FDA based on the single and still unpublished report of the UGDP, which is scientifically unacceptable to many specialists in diabetes. This unprecedented interference with the treatment of patients in a controversial area is not only outside the province of a governmental regulatory agency, but it has also damaged the welfare of more than a million diabetic patients.

The erroneous and insensitive manner in which purported information has been disseminated for the past six months has further burdened both physicians and the diabetic population at large with unwarranted anxiety over the treatment of the disease. The FDA action has been taken despite many contrary studies both here and abroad.

The recommendation restricts and all but prohibits the use of any and all oral agents in the treatment of diabetes, despite overwhelmingly favorable clinical experiences to the contrary. Furthermore, the therapeutic implications outlined are ambiguous and impossible to fulfull in accordance with established medical practice. The recent FDA recommendations for the treatment of diabetes seriously undermine the progress made on behalf of the diabetic through years of hard work and education, in the following respects:

(1) Diabetics and their families are confused, anxious, and uncertain of their physician's ability to guide their treatment. Progress in employment and insurance status will, in many instances, be pushed back a number of years by the enforced use of insulin treatment.

(2) The physician has had no basis for making his own decisions concerning the validity of the UGDP study. Yet, he is now forced, at least indirectly, into the use of principles in diabetic treatment prescribed by the FDA. Potentially, he is exposed to an unprecedented series of malpractice suits based on any occurrence of cardiovascular problems. Though these occur with great frequency in all diabetic patients, they may now be blamed upon the taking of an oral hypoglycemic agent.

The recommendations of the FDA tend to constitute the practice of medicine by specifying the order in which therapeutic programs are to be employed in the treatment of patients. This directive, if taken literally, will also prevent or seriously hamper future clinical research in this field. Furthermore, the FDA denies the value of chemical control of the disease, which emasculates any programs of diabetes detection as well as all public health measures in this area.

We request:

(1) Suitable modifications of the FDA Drug Information Letter. (2) Immediate reconsideration of currently proposed revisions of the package inserts demanded of the manufacturers of oral hypoglycemic agents, and (3) Further independent statistical and clinical analysis of the UGDP study based on raw data so far not available to the scientific community.

Signing the position statement are:

Robert F. Bradley, M.D., Medical Director, Joslin Clinic, Boston, Mass.

Peter H. Forsham, M.D., Director, Metabolic Research Unit, University of California Medical Center, San Francisco, California.

Henry Dolger, M.D., Clinical Prof. of Medicine Mount Sinai School of Medicine, City University of N.Y., New York, New York.

Holbrooke Seltzer, M.D., Chief of Endocrinology, Veterans Administration Hospital, Southwestern Medical School, Dallas, Texas.

James B. Ashmore, M.D., Professor of Pharmacology, Indiana University School of Medicine, Indianapolis, Indiana.

Samuel B. Beaser, M.D., Lecturer in Medicine, Tufts Medical School, Boston, Mass.

David R. Challoner, M.D., Associate Professor, Assistant Chairman, Department of Medicine, Indiana University School of Medicine, Indianapolis, Indiana.

Rafael A. Camerini-Davalos, M.D., Associate Professor in Medicine, Director, Diabetes, New York Medical College, New York, New York.

Dewitt E. DeLauter, M.D., Georgetown University School of Medicine, Washington, D.C.

Harold L. Dobson, M.D., Associate Professor of Medicine, Baylor College of Medicine, Houston, Texas.

Robert Feldman, M.D., Director of Metabolic Research, Kaiser Permanente Foundation, Oakland, California.

Philip W. Felts, M.D., Assistant Professor of Medicine. Vanderbilt University School of Medicine, Nashville, Tennessee.

Gerald J. Friedman, M.D., Director of Diabetes, Beth-Israel Hospital, New York, New York.

Richard L. Fulton, M.D., President, Ohio Medical Association, Columbus, Ohio.

Edwin W. Gates, M.D., Niagra Falls, New York.

Robert R. Hare, M.D.. Past President, Oregon Diabetes Association, Portland, Oregon.

Edgar A. Haunz, M.D., Professor and Chairman, Dept. of Medicine, University of North Dakota, Grand Forks, North Dakota.

Wyman E. Jacobson, M.D., St. Louis Park Medical Center, President, Minneapolis Diabetes Association, Minneapolis, Minnesota.

Gerald Kent, M.D., Associate Clinical Professor of Medicine, University Hospital, Case Western Reserve University, Cleveland, Ohio.

Leo P. Krall, M.D., Director of Education, Joslin Diabetes Foundation, Boston, Mass.

Arthur Krosnick, M.D., Coordinator, Diabetes, Endocrine, and Metabolic Disease Program, Div. of Chronic Illness Control, Dept. of Health, Trenton, New Jersey.

Alexander Marble, M.D., President, Joslin Diabetes Foundation, Boston, Mass.

Glen W. McDonald, M.D. (Ret.) Former Chief, Diabetes and Arthritis Control Program, U.S. Public Health Service, Norman, Oklahoma.

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Leona Miller, M.D., Associate Professor of Medicine, University of Southern California School of Medicine, Chief, Diabetes Service, Los Angeles, California.

James M. Moss, M.D., Clinical Professor of Medicine, Georgetown University, Washington, D.C.

Henry J. Oppenheimer, M.D., Associate Professor of Clinical Medicine, St. Louis University School of Medicine, St. Louis, Missouri.

John B. O'Sullivan, M.D., Chief, Diabetes and Arthritis, Field Research Unit, U.S. Public Health Service, Boston, Mass.

Marjorie Peebles-Meyers, M.D., President, Michigan Diabetes Association, Detroit, Michigan.

O. Peter Schumacher, M.D., Cleveland, Clinic, Cleveland, Ohio.

Charles Shuman, M.D., Professor of Medicine, Temple University Health Services Center, Philadelphia, Pennsylvania.

Abraham A. Silver, M.D., Physician-in-Chief, North Charles Hospital, Baltimore, Maryland.

Charles W. Sisk, M.D. Regional Research Coordinator, Veterans Administration, Washington, D.C.

J. Stuart Soeldner, M.D., Associate Professor of Medicine, Harvard University School of Medicine, Boston, Mass.

John W. Stephens, M.D., Portland, Oregon.

George Welsh, M.D., President, New England Diabetes Association, University of Vermont Medical School, Burlington, Vermont.

GROUND-LEVEL "BOOM" AGAINST THE SUPERSONIC TRANSPORT

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. SAYLOR. Mr. Speaker, one of the loudest ground-level disturbances that has come to the attention of the Members of the 91st Congress has been from increasing numbers of American citizens exercising their opposition to the supersonic transport program. For the past 2 years, the voice of the public has created its own "sonic boom" about the proposed "flying boom doggle."

Part of the growing majority against the SST is represented by those interested in preserving our vanishing wildlife species now centered in and around the national parks, national forests, and national wilderness areas. These persons, perhaps unconvinced of the Government's promises regarding overland flights of the proposed SST, have petitioned me to introduce legislation which would prohibit sonic booms over such areas.

The petition reads:

> We, the undersigned, oppose the use of any public-owned outdoor recreation and wilderness areas for the loosing of sonic booms.
>
> Herewith, we submit our names in petition for and immediate enactment of legislation which will permanently prohibit sonic booms for occurring over, or within effective range of, all present and future national park and forest areas, without exception.

As you know, pending legislation would accomplish the ends sought by the petitioners and I am supporting such legislation. It is my hope that a law will be passed to prohibit sonic booms, irrespective of the outcome of the current battle over the funding of the prototype development of the airplane itself. Passage of such a law would mean that Congress recognizes the need for environmental parameters for the development of any aircraft program—government or private.

Although the total of names listed below is just over 1,000, I believe they would gladly join forces with the over 40 million individual members of the organizations who are represented in the coalition against the SST and who are supporting a total congressional rejection of the SST program. The list of petitioners follows:

LIST OF PETITIONERS

ARIZONA

Margarita Kay, Tucson; Sharon Urban, Tucson; Richard Vivian, Tucson; Wilma Kaemlein, Tucson.

Grace Heffelfinger, Tucson; James Ayres, Tucson; Mildred Ogg, Tucson; Robert Lovegren, Grand Canyon.

Maxwell Hancock, Grand Canyon; Richard Raynes, Grand Canyon; W. N. Mattesen, Grand Canyon; Warren Hill, Grand Canyon.

Darrow Dolan, Tucson; Curtis Wienker, Tucson; Harry Getty, Tucson; Roger Kelly, Tucson.

Harriett Martin, Tucson; Joyce Resnick, Tucson; Mark Harlan, Tucson; Alice Lehet, Tucson.

Martha Morrow, Tucson; Daniel Matson, Tucson; Clara Tanner, Tucson.

William Longacre, Tucson; Michael Real, Tucson; J. D. Brillhart, Tucson.

CALIFORNIA

Ken Harris, Mill Valley; Mabel Jin, San Francisco; Roberta Halpern, San Francisco; Betty Lederer, Concord.

M. R. Smith, Walnut Creek; Florence Klinger, Martinez; Jean Holden, Concord; Richard Holden, Concord.

Edith B. Draemel, Concord; Ann Cavanaugh, Concord; David Bortin, Walnut Crek naugh, Concord; David Bortin, Walnut Creek; A. P. Lindenmann, Concord.

Barbe Forster, Orinda; William H. Debe, Fairfield; Debbie Byrne, Orinda; Christine Payne, Orinda.

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Raymond Angler, Washington; David Vlabor, Washington; Joel Semvels, Washington; Barbara Wallis, Washington.

Beverly Lyons, Washington; A. J. Bavoody, Washington; Paul Farras, Washington; Rev. Ralph Monteiro, Washington.

J. William Cooksy, Washington; Christopher Cooksy, Washington; Karl M. Kosee, Sr., Washington.

WE MUST FREE THE PRISONERS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. SCHMITZ. Mr. Speaker, at this point I insert in the RECORD an article which appeared in the December 23, 1970, edition of the Review of the News magazine. The author of this piece is Mr. R. D. Patrick Mahoney, a man who has spent many years in Southeast Asia fighting against the totalitarian advance.

Mr. Mahoney comments on the sickening attempt, bravely resisted to this point, to utilize the wives of the men being held by the Communists as a pro-North Vietnamese lobby to agitate for our withdrawal. The people responsible for this effort are beneath contempt.

Mr. Mahoney feels that one of the reasons the recent attempt to rescue some of our men being held by the Communists failed was because the last administration had withdrawn our ground reconnaissance teams which had been surveying the scene in the enemy rear. Aerial reconnaissance is of limited efficacy—a fact we should keep in mind should an agreement be reached at the SALT talks. The question is why don't we put these reconnaissance teams back in? This is, of course, a variation of the real question, which is why don't we send the Marines or the 82d Airborne into the enemy rear?

A quote from an American flyer who was a prisoner of the North Vietnamese makes plain the ridiculous nature of our self-imposed restrictions as they apply to allowing the enemy complete freedom of action and organization in the material base from which he is launching attacks on three neighboring countries. This man was still in enemy hands when we curtailed our limited bombing efforts in North Vietnam. "The day we stopped bombing the North. I remember wondering what the hell happened—did we lose the war or what?" The article follows:

WE MUST FREE THE PRISONERS

(By R. D. Patrick Mahoney)

Seven members of the U.S. Special Forces team fighting in Vietnam had just been captured by the Vietcong. The *Boston Record American* quotes the typical reaction of a fellow Green Beret: "If we don't go grab those guys out of the bag, they're going to die, and their death will be on the hands of all Americans. Some of those people are my friends. I soldiered with them, and I'd gladly fly back out there right now to help get them." So would I. So would any other American aware of what the Enemy is doing to those men.

Yet what is being done to free them from captivity?

Damn little.

The *New York Times* of November 26, 1970, carried a description of a military operation called S.O.G., which it says "stands for Studies and Operations Group. Its assignment throughout the war has been to move into Laos, Cambodia and North Vietnam to gather military intelligence on such things as location of enemy troops, supply dumps and concentration of Air Defenses." The mission of some of those teams was the location by eyes and ears of the Enemy's P.O.W. camps. But the S.O.G. teams, providing ground reconnaissance, were withdrawn at the time of the bombing halt over two years ago. When President Johnson did this the effect was to assure the North Vietnamese that they could do what they pleased with the American prisoners in their hands; that no one would know; that they could continue to torture, harass, starve, and murder American P.O.W.'s with impunity; that the camps weren't even under surveillance. The nation that had committed those men to war had permitted their abandonment by a sick government hell-bent on going to Paris to "negotiate."

The fact is that President Nixon's recent Son Tay rescue attempt, for all the bravery of the Air Force pilots and Green Berets involved, failed because of the withdrawal of our S.O.G. intelligence teams from the North. That CH–53 helicopter assault from Thailand failed to return with freed American prisoners because a President of the United States had crippled the intelligence apparatus necessary to its success.

It is brutally clear what happened. Read between the lines when Air Force Brigadier General Leroy J. Manor tells the *New York Times* in one sentence, "I would say the intelligence on the camp was not good in that it had been identified *some time ago* as a POW facility," and then states, "Intelligence was excellent because we knew just how to *approach* the camp." That's a dead giveaway—we knew where the camp was from *two-year-old* intelligence. We did not know that the prisoners had been moved because a President of the United States had ordered our S.O.G. intelligence teams out of the North.

Everyone in Vietnam knows or suspects that contingency plans have long existed for hitting those camps simultaneously with a massive rescue operation. That would be routine. But any such plan would have required accurate, up-to-date intelligence to ensure the success of the mission. This could not be had at San Toy because the S.O.G. ground teams had two years before been pulled out of the areas around every enemy prison camp by order of the Commander-in-Chief.

And so the debasement, terror, and inhumanity to America's P.O..W.s continues. It continues because of a failure of grit on the part of three successive Administrations. It continues because they have been more interested in political grandstanding than freeing those prisoners. Cut it any way you like, it adds up to that.

Lieutenant Bob Frishman and Petty Officer Douglas Hegdahl, both of whom have been prisoners of the North Vietnamese, testified in December before the House Committee on Internal Security. Frishman said that en route to prison from his downed aircraft he was "pelted with rocks, beaten with sticks, and poked with knives," despite the fact that he was suffering from a severe wound in his arm with an exposed bone and profuse bleed-

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ing. He said that from conversation with other prisoners he knew that his experience was typical. For contradicting his captors' charge that he was not a Prisoner of War but a political criminal, for instance, Doug Hedgdahl was put into solitary confinement for seven months and ten days.

The House Committee summarized the testimony it heard from released prisoners, noting that Americans in the hands of the Enemy are regularly suffering "grossly deficient medical care; binding and hanging men from the ceilings; beatings; inadequate food and water, sometimes deliberately withheld; isolation in dark rooms; confinement in cages; and, the rebreaking of broken bones during interrogation sessions."

Lieutenant Bob Frishman knows all about it. As a result of Enemy tortures he left one elbow in North Vietnam. Colonel Norris Overly is another who knows what he is talking about. He says the North Vietnamese prison camps are "worse than the Nazi stalag or the North Korean compound." He speaks of "being placed in an 8 by 11 cell and left to rot, month after month, and year after year." This after the Enemy had paraded him through its villages—where he was beaten, spat and urinated upon, and made to suffer every conceivable brutality and indignity at the hands of North Vietnamese mobs.

At the time Colonel Overly was captured, we were still bombing North Vietnam. They "wired him to a fifty-gallon drum full of gasoline and put him on a truck for transport to a P.O.W.–M.I.A. camp." The idea was that if our fighter-bombers hit the convoy, prisoner Overly could be certain of a horrible death.

Petty Officer Hegdahl tells of thirty letters he wrote to send home. After his release he found that only five were received. When the Enemy allowed Christmas packages to be sent by wives and families, every item that might help to ease the loneliness of their hours was confiscated from the boxes. Both Frishman and Hegdahl talked of the treatment of other prisoners. They spoke for instance of Admiral John S. McCain's son, Lt Commander J. S. McCain, who has suffered at least five broken bones and been kept by the Enemy in solitary isolation since April of 1968. Men are kept in cages too small to permit them to stand, forced to sit in their own excrement, for months on end; they are chained in caves and sealed in rooms without windows; they are caged and hung from trees; they are starved, and refused water, and beaten.

But, brutal as such treatment is, something far worse can happen to an American serviceman in the hands of the Enemy. On April 29, 1970, Congressman Mendel Rivers, Chairman of the House Armed Services Committee, testified about this before a House Subcommittee investigating the plight of American Prisoners of War in Southeast Asia:

Mr. RIVERS. Oh, yes. I had one young man come to our committee, he rolled off the names of five members of the other body [the U.S. Senate] so fast that it would make your head swim, and he said: "Every day, every day, every day, their speeches were played over" to them, just poured out of these loudspeakers, speeches of members of the other body. . . . This boy said he had nothing else to do but go crazy. He said his buddy died.

Mr. ZABLOCKI. Mr. Chairman, I am sure the members of the subcommittee fully are aware of who the members of the other body might very likely be—the five members.

The "young man" referred to by Chairman Rivers was Major James N. Rowe. Human Events of December 13, 1969, quotes Major Rowe as follows: "In the latter part of 1967 they ceased quoting any of their sources, dropped them completely, and began drawing from American sources, our own news media in the U.S. They started drawing from statements made by prominent individuals within our government (Senators Mansfield, Morse, McGovern, Fulbright)." American publications cited by Major Rowe is used by the Enemy to help break the morale of American prisoners included Time, Life, Look, the Washington Post, and the New York Times. So effective was Communist torture when the will of our soldiers was broken by the Communist propaganda from these media and those Senators, said Major Rowe, that his buddy died of it. Died of the shame of it! He could take the beatings but not the betrayal.

"The day we stopped bombing the North," says Lieutenant Frishman, "I remember wondering what the hell happened—did we lose the war or what?" For twenty-two months he had been permitted to read only "special articles" from the *New York Times*, or speeches by Benjamin Spock, or quotations from the Vietnik speeches of Senator George McGovern. One day, he remembers, a new prisoner "told me about what 'super hawk' Mendel Rivers was doing—trying to win the war. Hell, I never felt so good in my life. It was almost worth another chapter of Benjamin Spock."

The government of North Vietnam currently acknowledges holding as prisoners some 324 Americans; our government says it has solid evidence of 457 in captivity. But as many as 1,500 Americans are missing in Southeast Asia. How many of those are yet alive in Communist prison camps is a matter known only to the Enemy. The Communists aren't saying. But, for the wives and families of those listed as P.O.W.'s, and those in that limbo status of M.I.A., the waiting is the same. The anguish, the tears, the hollow look, the terrible lonely hours leave an indelible mark. It's in their faces. You meet one of them and you know.

Those listed as prisoners by the North Vietnamese are now permitted an occasional six-line letter home. Packages from home are sometimes allowed, but the contents rarely get through intact. There is heavy censorship both ways, and the only thing that the wives of those men "declared" to be P.O.W.s can be assured of is that on the date of the last six-line letter their husbands were alive. That sounds like so little. Yet the wives of our men listed as Missing In Action would give the world for just such a meager assurance. It is a heartbreaking world those wives live in. I know their plight personally. I know many of them, and I know their husbands, fathers, mothers, brothers, and sisters. I am proud to know them. They understand what the Green Berets mean when they say: "You have never lived 'til you've almost died. For those who fight for it, life has a flavor the protected will never know."

For years these families listened as faceless men in our government double-talked and lied to them. They were boldly told to keep their mouths shut or face reprisals. It was over a year and a half ago that Mrs. James Bond Stockdale, accompanied by relatives of ten other prisoners, moved into Defense Secretary Melvin Laird's office to urge a major campaign to free the prisoners. According to the *New York Times* of July 29, 1969, they were there "seeking aid and comfort." But, says the *Times*, they received "little comfort and even less aid."

That did it! They would fight. And they would fight even their own government if necessary. Within weeks some three thousand women had banded together to form "The National League Of Families Of American Prisoners And Missing In Southeast Asia." They immediately began, as Mrs. Stockdale put it, "to try to educate the public."

The Congress of the United States soon got a taste of what they meant by education. In the spring of 1970, Hearings were held before the House Subcommittee On National Security Policy And Scientific Developments. The wives would be heard. Mrs. Jane Denton of Virginia Beach, Virginia, was the first of these courageous ladies to testify. She spoke proudly:

"In May of 1966 my husband appeared in a television interview released by a Japanese news agency and shown around the world. I saw him, gaunt and haggard, subjected to an inquisition the obvious object of which was to force him to repudiate his country. Instead he expressed his loyalty.

"We saw that night a shell of the man who had left here the year before. It was not easy to see one's husband or father in that condition and not be able to reach out and help him. It is still painful to visualize him that way, but that is the mental picture I carry of him to this day.

"That was 4 years ago. What must his condition be now? How long will he have to wait? And have I waited too long to speak out? These are questions which torture me."

Why was this gallant lady speaking out now? She explained that the Communists had promised the P.O.W. issue would be discussed following the bombing halt of eighteen months before. "How," she asked, "could I be patient any longer?"

Mrs. Lorraine Ramsey of Jacksonville, North Carolina, was just as angry. She is the wife of a Marine Corps major, missing since January of 1968. She said she was disgusted with "piecemeal" tactics. "If pressure is the solution," she said, "then I urge you to put our military leaders on notice to end this war, giving them the support needed to accomplish the task. If this war is allowed to continue, as a war of death and mutilation in Vietnam, and a war of polemics here in the safety of our shores, then all of the sacrifices of these loyal and brave men have been for naught."

Mrs. F. Harold Kushner of Danville, Virginia, told of those who had journeyed around the world on behalf of their men, "not knowing their own status—were they wives or were they widows." Chairman Rivers told her to "keep the faith." She replied: "I have never lost faith in my husband, but at times I wonder if my country has lost faith in him . . . I come before you today to tell you that I am tired, I am tired of traveling and I am tired of publicly baring my private anguish. And I am most tired of Presidential platitudes and Congressional convocations. They no longer reassure me, and they have never brought any relief to the men involved." Only one word could be added to that. Amen.

And what of those Presidential platitudes? In October of this year the National League Of Families Of American Prisoners And Missing In Southeast Asia held a convention in Washington. Once again the wives were rebuffed by the Administration. And the Defense Department began to apply pressure to their leaders to quiet down or else. The new president of the League, Mrs. Carole North of Wellfleet, Massachusetts, addressed a group of wives and families on the steps of the Capitol. She declared that the Nixon Administration was doing all it could. The wives who had elected her were horrified! According to the *Boston Globe* of October 6, 1970, "she was drowned out by a chorus of *No* from the men and women on the steps behind her." These people will not be fooled and they will not be sold out.

The *Richmond News Leader* interviewed Mrs. Paul E. Galanti, Mrs. H. E. Richeson, Mrs. T. S. Clifford, and Mrs. Wilmer N. Grubb—all wives of prisoners—in its issue of November 11, 1970. I remember an account about Mrs. Grubb in *Air Force And Space Digest* for October 1969. Author Louis R. Stockstill had written of her: "The day Mrs. Grubb heard of his capture, it was snowing, two of her three sons were ill, and she was three months pregnant."

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The courage of Evelyn Grubb has been tested almost beyond endurance, but she is a valiant lady who will not break. It was she who told the *Richmond News Leader* that "in all the history of warfare, this is the first time that the wives and families have had to work to free their men. Never before has this kind of thing happened. And I am not too sure that it is something that our country can be proud of. To hear nothing from a country that can produce a list of the names of the My Lai massacre civilians in five days and cannot produce a list of prisoners in five years is beyond belief."

The plight of these women is a national disgrace. Little indignities are repeated and repeated. The *News Leader* tells of Mrs. Galanti being over-charged for repairs on her car; of Mrs. Grubb not being able to get a credit card because her husband can't sign the application. These brave ladies can't even buy or sell a home because their powers of attorney have expired. They talk of seeking legislation—not for handouts, but to extend their powers of attorney, permitting them to act in the financial interests of their families. Yet they know that such a bill will kick around the hoppers of Congress for two years while that same Congress is speedily passing legislation to send strategic goods to Russia and the satellite nations supplying arms to our Enemy in the field. Mrs. Galanti put it very well. She said: "I would cut off any trade . . . *with any* . . . *countries* that are supplying our enemy." And she added, "Congress *can* do it. And this *is* the most obvious solution." Few in Congress will even listen.

Mrs. Galanti speaks of the day when the prisoners can come home. But she speaks not of the joy of reunion. Not of families reunited. She is a military wife and she looks at it this way: "It is going to be very hard for them to see that very few people have really cared that they have been over there and it hasn't achieved anything . . ." And she speaks not of herself, but of others: "Take for instance Mrs. Grubb's situation. Although her husband knew she was pregnant before he was shot down, he doesn't even know that he has another little boy."

People like this are an honor to America. And the voices of these families are beginning to capture the attention of the American people. *They* will not give up. *They* will fight on and on and on. And they *will* be heard.

The Communists know it. They fear that the prisoner issue might stiffen the backbone of America. To counter the efforts of the wives and families of American Prisoners of War, Vietnik radicals have been organized into a hate group called the Committee Of Liaison With Families Of Servicemen *Detained* In North Vietnam. It was founded by self-confessed Communist David Dellinger and Cora Weiss, a radical fugitive from a broomstick.

You will remember Cora from the insurrection in Chicago during the Democrat National Convention. She is cited as one of the organizers of that ugly business in the Hearings of the House Committee on Un-American Activities published as *Subversive Involvement In Disruption Of 1968 Democratic Party National Convention*. Mrs. Weiss has also been active in such subversive operations as The New Mobilization To End The War In Vietnam and the scabrous Women Strike For Peace.

No one was surprised when the Liberation News Service reported on March 14, 1970, that the North Vietnamese government "chose to work with the anti-war Liaison Committee because it believes that the families of the pilots should join the anti-war movement." The Liaison Committee is now busy mailing Communist propaganda to the families of America's imprisoned servicemen from Cora's headquarters above a nudie peep show at 365 West 42nd Street in New York City.

Cora's husband Peter is meanwhile working with the National Lawyers' Guild—officially cited as "the foremost legal bulwark of the Community Party"—on behalf of the Clergy and Laymen Concerned About Vietnam. Their announced intention is to subject American prisoners to Nuremberg-type trials. Reporting on a radical meeting in Toronto with representatives from North Vietnam, John H. Vincent described the strategy in *Twin Circle* for May 17, 1970, noting that the group was seeking to "prepare the groundwork for 'trying hundreds of American servicemen,' now prisoners of war in North Vietnam, *also* as 'war criminals.'"

While Peter Weiss works to gather "evidence," Cora is pressing wives of American Prisoners of War to trade leniency on their husbands for work against the best interests of their country. It is a pincers movement of shame—and perfidy—for which both Cora and Peter Weiss should be tried and executed for treason.

Radical Cora Weiss now travels at will to Hanoi, bringing back six-line letters to P.O.W. dependents who are the target of Red propaganda. The theme is plain. If you want your husbands, sons, and brothers to survive—join the Communist team. Asked about the matter, an Assistant Secretary of Defense recently told a House Subcommittee: "I would say this: that we, of course, are very pleased to see the information, any information on our prisoners, come out through any source." The ugly game goes on and on, and our government is "pleased" to see it develop as a means of acquiring "information on our prisoners."

Returning from North Vietnam, Cora Weiss also brings out lists of the dead—prisoners murdered or tortured to death—on behalf of the North Vietnam Committee For Solidarity With American People. Its complement in the United States is called the American Committee For Solidarity With Vietnamese People, and counts among its sponsors such identified Communists as Holland Roberts and Herbert J. Phillips.

In late November, Cora Weiss carried six letters from Hanoi to six families in the United States. Mrs. Wilmer N. Grubb, the outspoken anti-Communist, was one of the six who received a short note from Cora and her Communist friends. After five years of being separated from her husband, Evelyn Grubb would no longer worry about him. "Newk" Grubb's youngest son, Roy, born while he was in captivity, would never look into the face of his father. Jeffrey, Roland, and Stephen Grubb would never see their Dad again. Cora Weiss had delivered a Christmas message from the Reds. Her husband, it said, was dead—probably tortured to death in North Vietnam.

Sitting in front of me as I write is a picture of Wilmer "Newk" Grubb, Major, United States Air Force. He was shot down while piloting an unarmed reconnaissance plane over the North during a truce. Released by Communist sources through U.P.I. on February 22, 1966, it is a photograph showing "Newk" shortly after capture and in excellent health. But Evelyn Grubb had refused to cooperate with the Communists; "Newk" Grubb had remained loyal to his oath and had refused to betray his country. The message Cora Weiss sent was clear: Merry Christmass, Mrs. Grubb and Jeff and Roland and Stephen and Roy—we have killed your husband and father. Merry Christmas from Hanoi.

On Page 114 of its annual report for 1969, the House Committee on Internal Security revealed that the group led by Cora Weiss has been permitted by our government to engage "in activities which exploit suffering American Prisoners Of War for Communist propaganda purposes and thereby render aid and comfort to a nation with which the United States is engaged in armed conflict." Our Constitution defines that as treason. By that definition Cora and Peter Weiss are traitors.

My friend Frank Cortese puts it well when asked why he stays in the fight, year after year, to expose such Communist activity. "I'll tell you why," he says angrily, "I'm waiting for the treason trials!" So are the nearly 3,000 members of the National League Of Families Of American Prisoners And Missing In Southeast Asia. When they are asked to believe that all is being done for men like "Newk" Grubb that can be done, they look at the activities of Cora and Peter Weiss and they know it is a damned lie.

As our government has proved ever more cowardly, the Enemy has become steadily more brazen, to the point that it is now using Prisoners of War to blackmail American families into supporting the Communists in America's streets. It is an act of such infamy as to enrage the nation—if it but knew the story. If it but knew! But Americans *don't* know. They don't know because *Time* and *Look* and the others don't want it known, lest Americans also discover the role that they have played in this betrayal. There is a conspiracy of silence.

Just before I left the battlefields of Southeast Asia in late August, two gallant men of our Air Force presented me with a plaque. One was Captain Frank Kricker, still a Forward Air Controller somewhere in Southeast Asia. The other was Major Ron Marzano, an extraordinary pilot who had often been the difference between a man being picked up behind Enemy lines or taken prisoner. The plaque they gave me was engraved with a message, and it reads like this:

"War is an ugly thing, but not the ugliest of things; the decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. A man who has nothing for which he is willing to fight; nothing he cares about more than his own personal safety; is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself."

Men like the late "Newk" Grubb. In my opinion, one "Newk" Grubb—one tortured American in the hands of a brutal Enemy, one man tortured to death because he and his wife would not betray America—is worth whatever it takes to get this war over. Whatever it takes, dammit!

The Chairman of the House Armed Services Committee evidently agrees. In his testimony before the Subcommittee looking into the P.O.W. atrocities, Congressman Mendel Rivers made that clear:

Mr. ZABLOCKI. The proposal of issuing an ultimatum to Hanoi has been made in some circles. Would you venture a timetable?

Mr. RIVERS. Absolutely. Absolutely.

Mr. ZABLOCKI. In your opinion, what would be the ultimate date?

Mr. RIVERS. I would have made it yesterday. Yesterday was too late. I would say, "After such and such a date, we are putting you on notice, we will not be responsible for our actions, because of your treatment of the POW's." I would dress it up in some of this high falutin' language that these State Department people can dress up stuff, but I would figure it so they could understand it.

Chairman Rivers' proposal can be easily backed. And it won't even require any of that "highfalutin'" language from the State Department. The solution is at this minute bottled up in the House Foreign Affairs Committee as I write. It is House Joint Resolution 1378, introduced by President Nixon's Congressman, the Honorable John G. Schmitz of California's 35th District. This Joint House-Senate Resolution is written in language the Enemy can understand. It reads in part as follows:

". . . unless within thirty days following passage of this joint resolution the government of the Democratic Peoples Republic of Vietnam indicates a genuine desire for peace in Southeast Asia by (1) the release of all United States prisoners of war and also (2) the large scale withdrawal of its fighting forces back within its own territorial limits indicating to the satisfaction of the President of the United States that their aggression is ended, the state of war between the United States and the Communist government of the Democratic Peoples Republic of Vietnam which has been thrust upon the United States is hereby formally declared.

By passing it, Congress would be telling the Enemy to return our prisoners and get out of South Vietnam or face total destruction. Call it, if you will, the "Newk" Grubb Resolution.

I write, in the days just before Christmas, with the hope that as President Nixon sits down to Christmas dinner with his family and his conscience he can spare a thought for another family whose father and husband died in captivity in North Vietnam. She and her four sons, Mr. Nixon, live at 307 Norwood Drive in Colonial Heights, Virginia. Cora Weiss sent them a Christmas card this year. Merry Christmas, it said, we have killed your husband. Unlike you, Mr. Nixon, she would not back off. She would not surrender. God bless her. God bless them every one.

FISHERMAN MUST BE PROTECTED

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. ANDERSON of California. Mr. Speaker, lately, the effects of pollution on our society have received wide attention. There has been an emphasis on the effects of pollution on our health, yet, we rarely hear about the economics of the issue. I, too, feel that our prime consideration should be protecting our environment so that our health is not impaired, however, pollution is also hurting our economy and ruining some of our vital industries.

A case in point is the fishing industry. Recently, tuna fish have been found with amounts of mercury which have been termed excessive by the Food and Drug Administration. In other recent action, the Food and Drug Administration seized 8,000 pounds of kingfish because of excessive DDT content. This is the first such action involving saltwater fish and DDT.

Mr. Speaker, today, the Clean Air Act Amendments became law. Congress decided that all of us would be better off if the air were breatheable. Why should we all suffer because of automobile exhaust emissions? In the same vein, Congress should not allow the fisherman to suffer because of mercury pollution and DDT contamination over which they have no control.

I am not suggesting that we abolish our statutes and regulations which protect consumers from unhealthy foods. As a matter of fact, I feel they should be more stringent in some cases. I am suggesting that we get to the root of the problem by enacting strict penalties for the discharge of mercury into our atmosphere and I am suggesting that we prohibit the use of DDT except in special situations.

But, until the day comes when mercury and DDT no longer contaminate our fish, I suggest that we enact an interim measure—a measure such as H.R. 18274 which I cosponsored which would provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government because of deterioration in the quality of the aquatic environment.

Mr. Speaker, through no fault of their own, fishermen have had to suffer. I feel that we must take immediate remedial action and enact interim measures to correct this potentially disastrous situation.

THE 91ST CONGRESS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. GERALD R. FORD. Mr. Speaker, as each Congress comes to an end, we all feel a little wistful about it and also a litle weary of it. We take pride in certain accomplishments and are disappointed that we have not done more. So it has been, I suppose, since the 1st Congress; so it is, surely, with the 91st.

The 91st Congress has been neither the best nor the worst of the 11 Congresses in which I have had the honor of serving; it has been neither a do-nothing Congress nor a can-do Congress; it has not justified the wildest fears nor the headiest hopes which were current when we first convened 2 years ago. In purely partisan terms it is difficult to say of the 91st Congress, as it was of the recent election, exactly who won and who lost.

One reason the record of the 91st Congress is hard to capsulize is the vast difference in the performance of its two bodies. Standing alone, the labors of the House of Representatives have been considerable and generally constructive, responsive to public needs and reasonably free of excessive partisanship. In this season of goodwill I shall not dwell on the Senate's record since it speaks—unendingly—for itself.

For living Americans the past 2 years have been unique in the operation of their Federal Government. The Presidency and the executive branch have been in the hands of Republicans, returned to power in 1969, while the 91st Congress continued under Democratic majority control. So this Congress cannot fairly be compared with its predecessor or, indeed, with any Congress of modern times.

Not since 1849 has a new Administration entered the White House with the opposition party commanding Capitol Hill. The burning issue before the country 120 years ago was slavery and secession. President Zachary Taylor and the 31st Congress are mainly remembered for the Compromise of 1850 which brought California into the Union as a free State.

President Taylor was a nonpolitical career soldier from Louisiana who owned slaves but opposed secession. He died after 16 months in office and Vice President Millard Fillmore of New York, an upstate lawyer, became the last Whig President.

The 31st Congress, while Democratic, was as divided as the Nation itself. The House took 63 ballots to elect a Speaker. The first session set a new record of 302 days but Congress recovered enough sense to wind up its second session on March 3 and adjourn sine die.

The spotlight during the 31st Congress was all on the Senate. There the Great Debate on the slavery question pitted the rising political stars of Stephen A. Douglas, Jefferson Davis and William H. Seward against the giants of an earlier era—Clay, Webster and Calhoun, whose hopes for the Presidency had faded. There are interesting parallels here but I shall not belabor them. Suffice it to say neither brilliant debate nor ingenious compromise was able to resolve the grave crisis that threatened the Nation.

To return to the 91st Congress, chosen at the same time the American people gave their mandate for change to a Republican President. There were many misgivings at the time of President Nixon's Inauguration as to how his program of reform and redirection would fare at the hands of a Democratic Congress.

It is fair to say the worst such fears proved unfounded. Thanks in large measure to the steadying influence of our Speaker and responsible House leadership on both sides, the 91st Congress cannot be branded narrowly obstructionist and a substantial portion of the Nixon program has become law.

Bipartisan majorities have enacted landmark legislation in the war against crime, drug abuse and obscenity; long needed and fundamental reforms of the Postal Service, Federal taxation and Selective Service; voting rights including the 18-year-old vote; major overhaul and expansion of our merchant marine, airport and airways programs; important environmental control and related antipollution statutes; improvements in occupational safety laws, unemployment insurance and veterans benefits.

But the 91st Congress also failed to finish its work in many urgent areas. It failed to come to grips—even with a long lame duck session to do so—with President Nixon's bold and comprehensive proposals for basic changes in our outrageously ineffective welfare system, for fundamental restructuring of Federal and State revenues, for protection of the public interest in national strike emergencies, for permanent improvements in social security.

These are pressing problems which must be solved by hard legislative labor. They will not go away. The duty of Congress is not solely to criticize but to create practical solutions for real conflicts in our society. In the 91st Congress the House showed more consciousness of this obligation than the other body, but not enough.

The finest hours of the 91st Congress, in my judgment, came when this House by decisive nonpartisan votes upheld President Nixon's efforts to win a just peace in Vietnam, serving clear notice to friends and enemies abroad of the essential unity of the American people behind his endeavor to bring about a full generation of peace.

Looking ahead to next year and the 92d Congress, I hope this spirit will continue to prevail in foreign and defense affairs, and on the domestic side, that much more of President Nixon's program can seriously be considered and at least brought to a vote. If rejected, superior substitutes for the President's recommendations should be sought by the Congress, for the problems he addresses are real and urgent. I am mindful that 1972 is a Presidential election year and that this campaign already has begun. But the American people will continue to reward with their confidence those elected Representatives who put the country's good above partisan advantage or personal publicity.

Under the new Legislative Reorganization Act the House has begun a much needed modernization of its internal machinery which I hope will materially improve and expedite our conduct of public business. The 92d Congress can help halt the erosion of confidence in the legislative process by prompt consideration of a realistic and comprehensive clean elections law and re-enactment of the electoral reform amendment.

When the 92d Congress meets there will be many old friends' familiar faces missing, most notably the beloved gentleman from Massachusetts who has so long guided this body from the Speaker's chair. I shall greatly miss him, and with him all of our colleagues who will not be returning next year. I wish for each of them the best the future can bring and thank them all for their help and friendship.

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As this Congress closes I would also express my appreciation and that of all minority Members for the fine service and assistance we have received from the officers and employees of the House who labor in anonymity but with great loyalty to this body and its traditions.

To the distinguished majority leader, my good friend from Oklahoma; to my strong right arm, LES ARENDS, the distinguished minority whip; to all those associated in the leadership on both sides, my deep gratitude for your consideration and cooperation throughout this Congress; and to all my colleagues in the 91st Congress, my best wishes for a happy new year.

THE 1970 ANNUAL REPORT OF SENATOR JACOB K. JAVITS

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. JAVITS. Mr. President, this, my 22d annual report to the people of New York State, reviews the work of the second session of the 91st Congress (1970) as well as my own activites. I see many struggles not yet won, but at the same time hopeful signs for the year and decade ahead.

The year 1970 saw our Nation struggling for a new direction and a new sense of purpose—only half succeeding at best, but still demonstrating its basic strength, resourcefulness and resiliency.

There were hopeful signs at the end of the first year of this decade.

The most hopeful of all the signs, I feel, is that for the first time since 1965, we have begun to wind down the war in Vietnam and end our military involvement in Southeast Asia. Nevertheless, the casualties in Vietnam still go on, and the list of killed and maimed serve as an ever present reminder that we must fix our own definite and early timetable for an end to our combat involvement in Vietnam.

Rampant inflation finally showed signs of being stemmed, a fragile peace was holding up in the Middle East, violent protest appeared to be on the wane, the first major steps toward redeeming our environment were taken, and election year, 1970, demonstrated that the American people still have a firm grip on the political center despite some attempts to polarize them on the volatile issue of law and order.

However, there were some deeply disturbing signs in 1970. Our Nation's economic productivity declined for the first time since 1958; the American people had to bear up to the agony of following the trials of fellow-Americans accused of committing atrocities in an unpopular war; the shooting down of four students at Kent State University by frightened National Guardsmen and the shootings at Jackson State, staggered the Nation, but also seemed to compel soul searching on both sides and a better dialog between the generations; and Americans were deeply troubled by crime and violence and by increasing drug abuse among our children.

For the first time since the myriad "New Frontier" and "Great Society" programs began, we concentrated more on efficiency in Government programs than on development of new programs; but, this resulted generally only in diminished funding for critically important programs so far, and the result has yet to prove itself a net plus.

I have found it most gratifying to be engaged in seeking solutions to our great domestic and international problems in my new role as a member of the Foreign Relations Committee; as ranking Republican member of the Labor and Public Welfare Committee, the Joint Economic Committee of the Congress, the Select Committee on Nutrition and Human Needs and the Select Committee on Small Business; and as second-ranking Republican member of the Government Operations Committee and of the Select Committee on Equal Educational Opportunity.

In the 91st Congress some 61 measures that I sponsored and 39 that I cosponsored were enacted into law, in addition to 35 measures that I either sponsored or cosponsored which passed the Senate.

In the hope that basic new directions have been found on many of the critical issues facing our Nation today, next year holds the potential for being a time to move much more vigorously to succor our cities, withdraw from Vietnam, secure peace in the Middle East and elsewhere in the world, limit armaments, sharply reduce unemployment and the consequences of inflation and generally to move forward with renewed vigor for freedom, peace, and social justice.

VIETNAM AND WAR POWERS

As a members of the Senate Foreign Relations Committee, I continued to lead and join in efforts to bring the war in Indochina to an end and to prevent future Vietnams. My position was to press for an accelerated rate of U.S. troop withdrawal from Vietnam according to a fixed timetable, not subject to veto by Hanoi or Saigon. I sought a reassertion of the long-unused war-making powers of Congress provided in the Constitution as a check and balance on Presidential power as Commander in Chief in undeclared wars like Vietnam.

I cosponsored the Cooper-Church amendment to restrict U.S. military involvement in Cambolia. This amendment was adopted by the Senate on June 30 by a vote of 58–37.

I sponsored a resolution to repeal the Gulf of Tonkin resolution, adopted by the Senate on July 10 by a vote of 57–5 and now effectuated in law.

On June 15, I introduced a bill (S. 3964) to define by law the respective war powers of the Congress and the President in situations of undeclared war. This bill would provide safeguards aimed at preventing contemporary Vietnam-style undeclared wars—safeguards similar to those in the Constitution which give Congress and the President an equal voice in dealing with traditional situations of declared wars. The Senate Foreign Relations Committee plans to hold hearings on my bill early in the next session of Congress.

I cosponsored and helped redraft the final version of the McGovern-Hatfield-Goodell "Amendment to End the War." Although this amendment was defeated in the Senate on September 1 by a vote of 39–55, the vote still showed an impressively large group of Senators seeking a speedy end to the war by a phased, unilateral U.S. withdrawal from the combat responsibility by mid-1972.

I cosponsored an amendment to the Foreign Aid Supplemental Authorization Bill prohibiting the introduction of U.S. ground combat troops into Cambodia, Laos, and Thailand and establishing by statute that economic and arms aid to Cambodia does not constitute a U.S. commitment to the defense of Cambodia. The legislation containing this amendment was passed by the Senate by a vote of 72 to 22 on December 16 and became law.

I supported various resolutions concerning humane treatment and release of American prisoners of war in Vietnam.

I supported efforts to achieve a peace breakthrough at the Paris talks and twice visited our negotiators in Paris to discuss the issues firsthand. In addition, I made a factfinding visit to Vietnam early in 1970 as part of a mission in 7 Asian and European nations and in Israel under Foreign Relations Committee auspices.

MIDDLE EAST

My primary concern in the Mideast is for the United States to help achieve a just and lasting peace that will secure Israel's integrity and security and permit a new era of progress and prosperity in that ancient and benighted region.

In January, I visited Israel for the third time since the 1967 Six Day War to discuss the overall situation with Israel's leaders; and I hosted a major meeting in the Senate for Prime Minister Golda Meir during her visit to Washington on September 18.

I strongly supported the President's policy of providing Israel with the arms it needs so desperately for self-defense and to deter another war. While supporting the administration's efforts to secure a ceasefire and to promote peace negotiations, I protested strongly the Egyption and Soviet movement of missiles along the Suez Canal in violation of the ceasefire-standstill agreement.

I took the lead in the Senate in organizing a letter signed by 73 Senators to Secretary Rogers on May 26 urging the sale of additional jet aircraft to Israel. I lent my strong support to legislation (on the initiative of Senator JACKSON of Washington) in the Congress providing Israel with $500 million in credits to enable it to purchase the arms it needs from the United States. I also organized (with Senators SYMINGTON and RIBICOFF) a letter to President Nixon on July 30, signed by 71 Senators, supporting his strong stand in the Mideast against Soviet efforts to support Arab attempts to undermine Israel.

I actively protested and am continuing to work to correct the mistreatment of Jews in the Soviet Union and the Kremlin's denial of their basic human right to emigrate. I spoke out strongly against the barbaric sentences, including the death penalty (later commuted), imposed on Soviet Jews found guilty of allegedly planning an airplane hijacking after their request for permission to emigrate to Israel to rejoin families was denied. I also worked closely with the State Department in its successful efforts to secure the release of the 225 U.S. citizens held hostage last July 6 by the Palestinian guerrilla hijackers.

WORLD COMMITMENTS, ARMS CONTROL

The year 1970 was crucial for U.S.-European relations, as questions of the future course of NATO, the impact of the Mideast crisis, and European negotiations to expand the Common Market and to achieve a detente with the Soviet bloc all reached critical stages. As chairman of the Political Committee of the North Atlantic Assembly—the parliamentary arm of NATO—I chaired the committee's semiannual meetings in Brussels in July and in The Hague in November dealing with these problems.

I was honored to serve this year as U.S. delegate to the United Nations General Assembly, where I handled such key issues as the question of Chinese representation in the U.N., the Second Development Decade and reform of the World Court.

In my role on the Foreign Relations Committee, I was successful in the efforts to have reported to the Senate—after a delay of nearly 20 years—the Genocide Convention. It now awaits Senate ratification—I will work hard to effect it.

Major attention in the Senate was again directed to the interrelated questions of expansion of the Safeguard ABM system, the SALT negotiations with the Soviet Union and limitation of the nuclear arms race. For the third consecutive year, I cosponsored the Cooper-Hart amendment to restrict ABM deployment, which was defeated by a close vote in the Senate.

The Nation's economy, underwent a year of profound and painful adjustment in 1970. Economic growth came to a standstill at the start of the year and regressed slightly by the year's end; inflationary pressures showed only a little sign of abating; interest rates soared to historical highs, subsiding slightly in the last quarter, and since the writing of my last annual report, more than one and one-half million Americans were added to the employment rolls.

One serious side-effect of this troubled economy was a surprising weakness in corporate and municipal liquidity. Available cash supplies were severely squeezed, bringing bankruptcy in some cases. The Penn Central bankruptcy was the best known example of the problem.

Notwithstanding the obvious problems of inflation, I contended that the primary challenge facing our economy was to avert a serious recession with unacceptable unemployment and to get productivity moving again with a 4-percent real annual growth rate. I expressed this view last March in the annual report of the Joint Economic Committee, on which I sit as the ranking Republican member.

In March, I proposed a program of economic recovery: channel more funds into housing, strengthen the Administration's manpower bill to provide for public sector jobs and more manpower training funds, ease monetary policy, adopt an "income policy" to restrain the unrestrained upward climb of wages and prices, and modernize business equipment depreciation schedules in order to improve productivity.

The national housing market was improved by passage of a HUD and Independent Offices appropriation which provided an additional $200 million for urban renewal; by passage of the Emergency Home Finance Act of 1970 which provided additional mortgage money for home construction including a special section for the middle income homebuyer; and by pasage of the Housing Act of 1970, which contained a new authorization for all the major Federal housing programs and some important new ones. I detail my roles in these housing programs elsewhere in this report.

I view as extremely unfortunate the President's decision to veto the Manpower and Training Act of 1970, as approved by both Houses of the Congress. The act would have authorized expanded manpower training and employment programs administered through a new system of State and local prime sponsors. It included a number of provisions which I authorized: a triggering of additional funds for training and employment programs in severe economic conditions such as we faced in 1970 and for public-service employment training programs linked to employment in the prisons.

I note with some optimism that the Federal Reserve Board, under the able leadership of Dr. Arthur Burns, increased the money supply in 1970 at a faster rate than it did in 1969, when tight money became a major factor in the economic slowdown. It remains to be seen whether this actions came soon enough and with sufficient force to head off a major recession—or inflation.

In another area, incomes policy, I introduced, in May, a Senate Joint Resolution calling upon the administration to pinpoint unusually inflationary wage settlements and price increases. My proposal was adopted in principle by the President in June, when he announced regular publication of an "Inflation Alert." But I was disappointed by the two mildly worded Inflation Alerts of 1970. I believe the President will have to take a stronger stand on inflationary wages and prices if his program of economic recovery is to avoid setting off another inflationary spiral.

Revised depreciation schedules, or some other investment incentive, remains a priority piece of economic policy. Since repeal of the investment tax credit in 1969, I have been concerned by the absence of adequate investment incentives for the business community to insure the Nation's technological leadership, its economic growth and prosperity, and its ability ot compete in foreign markets. Last July the Treasury Department completed for me a comprehensive study on the subject of depreciation liberalization. It is my understanding that the White House now has under priority consideration a plan to revise our badly outdated depreciation schedules.

To meet the liquidity crisis triggered by the Penn Central bankruptcy, I urged extraordinary Government action through a bill I introduced in August to provide Federal guarantees-of-last-resort for corporate loans where the national interest was at stake; such relief for the Penn Central has now become law. Although the liquidity crisis eased by the end of 1970, I believe that this country should be prepared wiht such a Federal emergency loan guarantee authority.

INTERNATIONAL ECONOMIC POLICY

The traditionally liberal trade policies of the United States, which have contributed so much to the overall economic health and well-being of our Nation since the end of World War II, faced a severe test of the 91st Congress. The conservative minded Senate Finance Committee reported out legislation which was widely regarded as the most protectionist trade legislation proposed since the passage of the extremely regressive Smoot-Hawley tariffs in the 1930's. For this reason, I led the fight in the Senate (with Senator MONDALE) which succeeded in preventing passage of the ill-conceived trade bill.

By seeking to limit the supply of basic commodities at a time when inflationary pressures already were excessive, the

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trade bill would have fueled further the fires of inflation. In addition, passage of this trade legislation would have insured retaliation from the major trading nations of the world—retaliation which would have had adverse effects on the extensive export interests of New York State.

At the same time as I vigorously opposed the trade bill, I strove throughout the year to persuade the Japanese Government to limit voluntarily their exports of certain categories of manmade apparel and textiles that are alleged to be seriously disruptive of the American textile industry. I met on this subject with Japanese Prime Minister Sato and members of his cabinet in Tokyo.

The oil import quota system again contributed to the scarce and overpriced fuel oil supplies available to New York State residents. I carefully reviewed the supply situation with key officials in major New York cities, and then conveyed their assessment to the White House, which responded with a loosening of oil import requirements.

I am pleased to report that the Overseas Private Investment Corporation (OPIC), a legislative initiative of mine for many years which won enactment in 1969, finally came into being with the appointment of its officers and directors late in 1970.

The United Nations, at its 25th anniversary meeting which I attended as a U.S. delegate to the General Assembly, renewed its commitment to bridge the increasingly dangerous gap between the less developed, "have-not" nations and the nations of the industrialized world in the 1970's—the second development decade.

The initial phase of the work of the Greek-Turkish economic cooperation project, which I fathered in 1965 as then chairman of the Economic Committee of the NATO North Atlantic Assembly, has come to a successful conclusion. Economic ties between the governments and the business communities of Greece and Turkey have been strengthened, and the viable economic development projects developed by the Eastern Mediterranean Development Institute (EMDI) are now bing reviewed by international financial institutions.

CRIME AND DRUGS

The related growth of crime and drug addiction continued to plague the Nation and grew into an issue of awesome proportions in New York State—especially in the major cities. Fear has become a way of life in our cities, and fear has begun to move into the suburbs along with the social decay that gives rise to it.

Crime and drug addiction are but the outward manifestations of a sense of hopelessness that increasingly permeates our inner cities—hopelessness bred of bad housing, inferior schools, inadequate transportation, unequal job opportunities, insufficient health services and a degrading welfare system. As in the fight against any epidemic, the disease—in this case, crime and violence—must be rooted out at the same time we deal with the underlying causes. Thus, I offered and supported tough anticrime, antidrug and gun control measures, at the same time that I worked for legislation aimed at prevention, rehabilitation, and improving the quality of life in the cities.

The Organized Crime Control Act became law. I supported this measure because, while I had some reservations on civil liberties grounds—the new law gives the Federal Government some important tools that should be used to rid our society of the menace of organized crime.

I supported the amendment to the Safe Streets Act, which was enacted to give increased authority to the Law Enforcement Assistance Administration to fund State and local crime prevention programs. Under this authority, New York is eligible to receive $7 million in fiscal 1971 for crime prevention and will be eligible for additional aid in the next fiscal year.

I opposed the District of Columbia crime bill which sought to reorganize the criminal court system of the District of Columbia; while I supported the court reorganization provisions of the bill, I vigorously opposed the preventive detention, no-knock, wire-tap and mandatory maximum-sentence provisions as a serious abridgement of civil liberties without any corresponding guarantee of achieving more effective crime control.

I continued to cosponsor several bills which would achieve a national registry of all guns and licensing of all owners. I successfully opposed a attempt to delete .22-caliber rimfire ammunition from the Gun Control Act of 1968 because such ammunition is used not only in sportsmen's rifles, but in pistols which are commonly used in crime; only criminals—not sportsmen—continue to have anything to fear from Federal gun control laws.

In order to find solutions to the crime problems of our cities it is necessary that the police, the courts and the corrections institutions direct their efforts at the serious crimes and not be diverted by the alcoholics and drug addicts or abusers who have not committed any other crime. The problems of alcohol and drug abuse should be treated as the medical and social problems they are and taken out of the criminal jurisdiction to the extent possible, so that law-enforcement agencies can devote their full energies to combating illegal drug traffic and other serious crimes.

As the ranking Republican on the Alcoholism and Narcotics subcommittee, I authored the desperately needed provisions, enacted into law (Public Law 91-211), to provide narcotic-addiction treatment and rehabilitation programs through Community Mental Health Centers.

To seek to overcome the drug abuse epidemic afflicting our youth, drug abuse education legislation which I supported was enacted into law (Public Law 91-527). I played an active role in developing the rehabilitation-program provisions enacted into law (Public Law 91-513). Effective treatment services and successful rehabilitation offer the best possibility to prevent drug-related crime.

Also, a major law to rehabilitate an estimated 6,000,000 alcoholics in the United States is now law.

POVERTY, HUNGER

Despite truly historic initiatives on the part of the administration and the Congress, the session ended without effecting the needed reform of our welfare and manpower training programs, with mixed results in efforts to combat hunger and with only the beginnings of efforts to expand and improve poverty and child-care programs.

The President's highly commendable Family Assistance Act—the most important piece of domestic legislation—was not acted upon by the Senate before Congress adjourned. While I generally supported welfare reforms contained in the Act—and was one of its original cosponsors—I also submitted amendments to increase the basic benefit level above the proposed $1,600 standard for a family of four, to expand fiscal relief, to provide supplemental payments to the working poor, to relieve mothers of school-age children from the work requirements, and to insure quality child care. I shall pursue these and other changes in 1971 in a major family assistance bill.

The Congress passed a food stamp reform bill which marked an improvement over the old program, but which fell far short of the reforms passed originally by the Senate which were introduced by Senator GEORGE McGOVERN and me, as the chairman and ranking Republican respectively of the so-called Senate Hunger Committee. Notwithstanding the merits of the final bill, I was compelled by conscience to cast the lone vote in the Senate against it because I felt its mandatory work provision punishing the children for the sins of their parents, had no place in a food bill. I am hopeful that a better food stamp reform can be passed in 1971.

I also offered an amendment to the school lunch bill, the key provisions of which were enacted into law to establish national eligibility standards allowing all children below certain poverty-income levels to receive free lunches.

On December 10, 1970, I introduced the Comprehensive Community Child Development Act of 1971, which is designed to provide substantial funding for the coordinated evolution of child development programs. The bill, to be considered in 1971, would maintain the priority on programs benefiting children of low-income families, and—building on that foundation—make such programs universally available throughout the Nation.

During the year, I led successful efforts to obtain greater funding for the programs under the Economic Opportunity Act. In response to amendments which I submitted, the Neighborhood Youth Corps summer program—which provides jobs for disadvantaged youths—was funded at a higher level last summer than the year before. I also am pleased to note that efforts which I instituted with other Senators in August, 1970, resulted in an increase in funding for the 1971 Head Start program by approximately $35 million over 1970.

I opposed regionalization of the Legal

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Services program and any other changes that would have diminished its effectiveness or the independence of those who work within it. Accordingly, I was pleased when the administration decided to abandon any plans to change the manner in which the program is conducted.

I shall introduce early next session legislation to extend the poverty program for an additional 5 years beyond next June, with special emphasis on programs that involve the poor themselves and with increased freedom on the part of the Agency to act as advocate for the poor.

EDUCATION, HEALTH

Congress enacted comprehensive legislation strengthening Federal elementary, secondary and other education assistance programs. In the new law—Public Law 91-230—were a member of provisions I authored, including the focusing of Federal resources on the improvement of educational opportunities for gifted and talented children; a new Adult Education Act to provide an opportunity to catch up for the 56 million adult Americans who have not had a high school education; strengthening local education agencies with the principal emphasis on innovation; inclusion of nutritional, food-use, and food-purchase education in homemaking programs; inclusion of Puerto Rico as eligible for assistance for neglected and delinquent children, and strengthening the enforcement of title VI of the Civil Rights Act.

Also enacted into law was my amendment to the approriations bill providing $75 million in assistance to school districts needing help in effectuating desegregation programs.

Congress also enacted the Environmental Education Act to establish programs to encourage and support educational activities designed to preserve and enhance environmental quality and ecological balance; also, the National Commission on Libraries and Information Science Act to help utilize more effectively the Nation's library and information resources. I actively supported both of these measures.

I voted to override the President's veto of the Education Appropriation Bill, because while there are clearly important needs to curtail Federal expenditures in the fight against inflation, I believed that the needs for education funds were of even higher priority.

Congress enacted legislation which I cosponsored extending and strengthening the National Foundation on the Arts and the Humanities.

The Senate passed legislation I authored to extend to the severely handicapped the special priority now reserved for the blind in the selling of certain products to the Federal Government.

I introduced the National Health Insurance and Health Improvements Act of 1970. To implement such a national health insurance system, it is vital to proceed immediately with the rationalization of medical care services and facilities, and I introduced as a companion measure the Local Comprehensive Health Service Systems Act of 1970 designed to accomplish that end.

Legislation I authored to help modernize outmoded and obsolete hospital facilities and to give priority to development of innovative health facilities was enacted into law (Public Law 91-296).

I authored legislation, which passed the House and Senate, to stimulate health-profession courses in problems relating to malnutrition; it was vetoed because part of another bill, but I will try again.

To provide our medical and dental schools—which face a grave fiscal crisis—the financial ability to continue functioning I introduced legislation to provide them $100,000,000 in "disaster relief." This bill passed the Senate, and as later modified in conference with the House, was enacted into law (Public Law 91-519).

To improve the quality of care for heart disease, cancer, and stroke—and establish an equivalent Federal commitment to combat kidney disease—I authored legislation, enacted into law (Public Law 91-515), to extend and improve the education, research, training, and demonstration programs in these fields.

I have been active for years—and offered the first bill with Senator Moss, in the fight against alcoholism—our Nation's fourth most serious health problem afflicting over 6 million Americans—and played a leadership role in having enacted into law a comprehensive alcoholism prevention, treatment and rehabilitation bill which I cosponsored.

I introduced, on behalf of the administration, legislation to assure Federal support for the mentally retarded, and I cosponsored a bill to provide services to the mentally retarded and others with related developmental disabilities, which was enacted into law (Public Law 91-517).

TRANSPORTATION, HOUSING

To help combat the dilapidated condition of urban mass transit in New York State and elsewhere in the Nation, I worked for the passage of the Urban Mass Transportation Assistance Act of 1969 which authorized $3.1 billion in Federal funds for the improvement of mass transit facilities over a 5-year period. Further, I sponsored an amendment to the Federal-Aid Highway Act of 1970 aimed at transferring money from the urban highway portion of the highway trust fund to the development of mass transportation facilities. This amendment failed to reach a vote, but I was assured that hearings on it would be held during the next Congress.

In June, when the Nation was rocked by the bankruptcy petition of the Penn Central Railroad, I introduced a bill similar to that of the administration to guarantee Penn Central loans, but with more safeguards regarding the use of taxpayer money. In the closing days of the 91st Congress, legislation was passed authorizing Federal loan guarantees, to railroads in bankruptcy for up to $125 million for limited railroading purposes.

To combat the increasing number of airline hijackings, I worked closely with the Federal Government to develop security standards and procedures to protect air passengers. In addition, I cosponsored a bill which sought to stop aircraft hijacking by authorizing a commercial air traffic quarantine against countries aiding or abetting acts of aircraft piracy.

To help meet the congestion problems and safety needs which our airports and airways are facing, I worked for passage of the Airport and Airway Development Act, modeled in large part after a bill I had authored.

For reasons of national priorities, I voted against the continued Federal financing of the development of the supersonic transport (SST) at the $290 million level. Slower development of the plane would allow time enough to perfect the plane's design to enable us to leapfrog early over less economically desirable aircraft, to establish fairer priority in expenditure, to prevent environmental hazards and to pass any necessary laws to prevent the plane from causing damage to the environment.

To help alleviate the high incidence of cargo theft at the airports in the New York City area, I sponsored a resolution for a New York-New Jersey compact, which would create an Airport Commission authorized to exercise powers at the airports in the New York City area.

I was the principal cosponsor of the HUD-Independent Offices appropriation bill, which resulted in the appropriation of an additional $200 million to help fund the tremendous backlog of applications for urban renewal projects. I also supported enactment of the Emergency Home Finance Act of 1970, which provided additional mortgage money for home construction and contained a special new section which will make more money available to middle income home buyers. An amendment of mine will permit more mortgage money for housing to become available in high cost areas throughout New York State.

The Housing Act of 1970 contained an amendment I authored to insure that the prototype model unit used to determine the unit cost of public housing will be of good architectural design and will contain all the amenities of a regular apartment. I also authored an amendment which allowed such State housing corporations as the New York Urban Development Corporation, to receive increased subsidies from the Federal Government. I also cosponsored an amendment by Senator GOODELL for a $25 million demonstration-grant program to combat the acute problem of abandoned housing in many of the cities of our State.

LABOR; PENSIONS

Each year some 14,000 American workers die and more than 2 million suffer disabling injuries on the job. Congress responded in 1970 by enacting the Federal Occupational Health and Safety Act, which will ensure minimum standards of workplace health and safety for virtually all American workers. As the ranking Republican on the Labor and Public Welfare Committee and on the Labor Subcommittee, I was privileged to introduce the Administration's bill and play an active role in shaping the provisions which were enacted into law. This law is unquestionably one of the most important pieces of legislation affecting the welfare of American workers to have been enacted in many years.

For many years I have called attention to the need for permanent legislation to enable us to protect the health and safety of the Nation when it is threatened by paralyzing strikes or lockouts. In 1970, Congress was faced with potential paralysis from threatened national railroad strikes. In April, the dispute involved the four shopcraft unions. I managed on the Senate floor the President's proposal to deal with the dispute, which ultimately was enacted into law. In December, I introduced the President's proposal to delay for 45 a days a strike threatened by four of the operating railroad unions for midnight, December 10. The law finally enacted delayed a strike until March 1, 1971, and contained an amendment which I cosponsored requiring the President to report back a recommended solution of the dispute by February 13, 1971, if the parties have been unable to reach an agreement by that time. I believe that our crisis-prone experience in 1970 convinced a substantial majority of Congress of the need to enact permanent emergency labor dispute legislation—for which I have contended for years.

During the past several years I have been seriously concerned with a number of weaknesses in the private pension plans which provide the lifeblood of retirement security for 27 million American workers.

Legislation which I introduced would protect the pension expectations of employees by making sure that eligibility requirements are reasonable and by establishing a federal reinsurance program that would protect against premature plan termination—just as the Federal Depoist Insurance Corporation now protects bank accounts against bank failure. To provide the necessary perspective in which to evaluate this legislation, Senator HARRISON WILLIAMS, chairman of the Labor Subcommittee, and I, as the ranking Republican member, also initiated a full-scale study of pension and welfare funds.

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I backed the bill to increase social security benefits, and supported an amendment to permit greater earnings without loss of benefits. I offered an amendment, which passed the Senate, to prohibit private pension plans from lowering benefits as social security benefits go up. I also supported the provision of the bill to enact a "cost of living escalator" in social security. All these measures will be considered by Congress early in 1971.

ENVIRONMENT, CONSUMER PROTECTION

I was pleased to be a principal Senate sponsor of the reorganization plan creating the new Environmental Protection Agency, which started operation at the end of the year. I was also a principal sponsor of the reorganization plan creating the new national Oceanographic and Atmospheric Administration in the Commerce Department.

Earlier this year, I was pleased to support new amendments of the Federal Water Quality Act which were enacted to combat oil spills.

I authored an amendment which will make more money available to New York State to reimburse State and local funds already spent on sewage treatment facilities throughout the State.

I also authored an amendment to the Omnibus Rivers and Harbors Act, which would start a clean-up program for New York harbor and another amendment which provides for increased Federal funding for hurricane protection and beach erosion projects—now law.

Finally, I introduced a bill to provide a bounty on junked cars to help eliminate the litter created in many areas of the State by abandoned automobiles. I will pursue this effort.

A major and most important step in the area of consumer protection was taken in 1970 when the Senate overwhelmingly passed the consumer organization bill, which I helped author. Most regrettably, a small number of Congressmen prevented the House of Representatives from considering this bill. It will be reconsidered in 1971. This bill would authorize the creation of a Federal Consumer Protection Agency in the executive branch of Government to advocate before all other Federal departments and agencies on behalf of the interests of consumers.

I will make every effort to see that an effective consumer protection bill is enacted.

NATIONAL PRIORITIES

In an effort to redirect priorities toward our most pressing domestic problems, I authored an amendment which passed the Senate as part of the full employment opportunity bill to establish an office of goals and priorities analysis in the Congress. The new office would provide the Congress with an annual national priorities report and continuing information necessary for enlightened priority decisions. The bill also would create a council of social advisors and provide for an annual social report by the President to the Congress. I will work to get the Congress to act on this legislation in 1971.

In a further effort to redirect priorities, I cosponsored an amendment to the space appropriation bill which would have eliminated funds for design of a NASA space shuttle station.

I also supported the efforts made in the Congress to cut the Defense budget by approximately $2.5 billion. I believe that it is necessary to continue to take a critical look at future military budgets with a view to trimming them to the greatest extent possible, consistent with our national security.

DRAFT REFORM

During this past Congress, several improvements were made in the Selective Service System, reform of which has been long overdue. In particular, I supported legislation, which was enacted into law, authorizing use of a lottery system as well as the President's order eliminating virtually all occupational deferments in the future. In past years such deferments have represented one of the most discriminatory features of the draft.

While these changes represent some improvement, I remain convinced that a much more comprehensive and profound reform of our whole Selective Service System is necessary, including elimination of student deferments in time of armed conflict as inherently discriminatory. I authored a bill (S. 992), to achieve these goals. Since the present Selective Service law is due to expire on June 30, 1971, Congress will be considering draft reform early in the next Congress.

CIVIL RIGHTS, SUPREME COURT

The major civil rights legislation of the year was the extension of the Voting Rights Act of 1965. This law, so effective in adding hundreds of thousands of black voters to the rolls in the South, was extended in August for another 5 years. In addition, this same law broadened the franchise by abolishing literacy tests and residency requirements in presidential elections nationwide. Another long overdue reform was the lowering of the voting age to 18 which I supported and strongly favor—a change ratified by the Supreme Court only insofar as Federal elections are concerned.

Convinced that we must seek to achieve equal educational opportunity for all and that we must define our objectives in desegregating our school systems, I cosponsored the resolution which resulted in establishment of the select committee on equal educational opportunity. Since its first hearings in April, the select committee has studied the difficulties faced in desegregating schools, the existence of racial isolation, and the problems of ghetto and poverty impacted communities in New York City and elsewhere in the Nation in achieving quality education.

One vacancy existed on the Supreme Court when Congress convened and the President nominated G. Harrold Carswell of Florida to this position. Once again the Senate exercised its prerogerative carefully to scrutinize the qualifications of a high court nominee in light of his past performance. I voted with a majority of the Senate against confirmation of Judge Carswell, and I was pleased that the President's next nominee, Judge Harry A. Blackmun of Minnesota, was unanimously confirmed within a month.

GOVERNMENT AND CONSTITUTIONAL REFORM

This year, the Congress took some long needed steps toward modernizing the legislative machinery by passing the first amendments of the Legislative Reorganization Act in many years. I supported these reforms, and offered one amendment which Congress adopted, requiring all committees to adopt and publish written committee rules, so that all parties to congressional proceedings—Senators, witnesses, and the public generally—can know where they stand and what the ground rules are.

But much more needs to be done, including revision of the filibuster rule—a controversial practice that aften causes legislative logjams that last for weeks and on occasion kill good legislation. I also favor a review of the seniority system and of the vast powers held by committee chairmen.

I supported efforts to amend the Constitution to provide for direct election of the President and to guarantee equal rights for women. Unfortunately, filibusters blocked these amendments from coming to a Senate vote, and a substitute on equal rights which I offered with Senator BAYH failed to come to a vote. They will be pursued in 1971.

SMALL BUSINESS, MINORITY ENTERPRISE

As ranking Republican member of the Select Committee on Small Business, I continued my efforts to expand the Small Business Administration's effectiveness in bringing minority businessmen into the economic mainstream. The Senate this year passed my proposals to increase the SBA appropriation for technical and managerial assistance to low-income, disadvantaged persons and to raise the maximum allowable economic opportunity loan from $25,000 to $50,000.

A committee of New York City bankers, at my suggestion, explored the problem of economic development in the disadvantaged areas of New York City and made specific recommendations for increasing the SBA's service to small businesses and minority entrepreneurs. Some major recommendations, including accelerated loan guarantee approval, have already been implemented.

VETERANS, POSTAL REFORM

I introduced an amendment to the Higher Education Act to provide special services for veterans to help them obtain a higher education. With my support, the Senate passed several significant veterans bills to authorize advance educational assistance allowance payments to eligible veterans; to establish a veterans work-study program; to permit a veteran to use his GI entitlement to pay off prior Federal education loans; to restore unused home loan entitlements for World War II and Korean war veterans and to remove the future expiration dates for all eligible war veterans; and to provide GI bill benefits for families of servicemen who are missing in action or are prisoners of war.

One of the most laudable achievements of this Congress was the enactment of the President's proposal for reform of our postal system—an objective toward which I have worked for a long time. Under the proposal enacted by Congress, a quasi-public corporation will be responsible for administering our postal system.

As a father, I can well understand the concern of my constituents over pornography and have supported legislation I consider to be constitutional restricting the use of the mails for this purpose.

AGRICULTURE, RURAL LIFE

I supported the $55,000 ceiling on subsidy payments which was included in the Agriculture Adjustment Act of 1970. This limitation is a major step forward in revising our agricultural policies—a major priority if we are to provide an equitable and sound farm program to consumers and to growers, while taking care to maintain high agricultural productivity.

In view of the importance of the dairy industry to New York State, I have strongly continued my efforts to reduce inflation, thereby insuring that support prices for milk come as close to 90 percent of parity as possible. In addition, I supported the Agricultural Adjustment Act of 1970, provisions of which were generally favorable to the milk industry.

NEW YORK STATE

Although New York State ranked second in fiscal 1969 in terms of Federal funds received among the 50 States—in keeping with its second-ranking position in population and number of poor—the fact remained that for every Federal tax dollar paid out by New Yorkers, only 11 cents was returned to the State in the form of Federal aid.

To meet this apparent inequity to New Yorkers, I long have been an advocate of Federal revenue sharing with the States, having a proposal of my own and supporting similar proposals offered by President Nixon and Governor Rockefeller. I also fought hard to win New York larger grants under existing aid formulas, and, most important, also to rewrite formulas that now discriminate against New York and other populous States.

I am pleased to report that I was able to help win substantial funds for New York State public works programs including several navigational, flood- and erosion-control projects in upstate and metropolitan New York areas.

My offices in Washington, New York City, and Buffalo continued their excellent efforts to attend to constituents problems at home. I also sought to assist in efforts to improve local housing, childcare, narcotics, minority enterprise, and community action programs.

CONCLUSION

There is much to do in 1971 and thereafter and I appreciate the thousands of letters and visits of the people of New York and their support in the year just ended.

GILMER MIRROR BACKS CONSIDERATION OF WAGE AND PRICE CONTROLS

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. PATMAN. Mr. Speaker, the Gilmer Mirror of Gilmer, Tex., one of the most respected papers in my congressional district, recently endorsed a move toward some form of wage and price controls.

This is a stand that more and more papers across the country have been taking in recent weeks and follows a call by many industry and labor groups for action to combat the inflation in our country.

On December 17, President Nixon signed Public Law 91-558 that in part extends through March 1971 standby wage and price controls. President Nixon has made it clear on several occasions that he has neither asked for nor sought such legislation and that he has no intention of using this tool in the fight against inflation.

Wage and price controls are, indeed, stringent methods for curbing inflation, but the time has long since passed when our present inflation could have been solved in a painless manner. In short, the situation has gotten out of hand and it is clear that the only way to solve the problem in a relatively short period of time is through some form of wage and price controls.

It is true that in recent weeks we have seen a slight decrease in the prime rate, but we have not seen corresponding decreases in prices or the cost of living. The inflationary battle will not be won by periodic statements from administration officials telling the country that things are getting better. This does not satisfy the housewife when she must come up with extra money for groceries each week, nor does it satisfy a husband when he sits down to pay his family's bills. They know that their money does not go as far as it did only a few short years ago.

It is time for the President to give serious consideration to a wage and price control program. People across the country who at one time shuddered at the thought of wage and price controls now openly endorse them as the only hope to a rapid economic recovery. It is time that the President got in step with the economic thoughts of our Nation.

Mr. Speaker, I am including in my remarks a copy of the Gilmer Mirror editorial since it so adequately describes the feeling of many who now lean toward wage and price controls:

WAGE AND PRICE CONTROLS

Although no public statement will be issued by President Nixon on this, he and his advisers must see, as much of the nation does, that present battle against inflation is going badly. Latest figures snow a steady, unabated, and rapid rise in the cost of living.

And with skyrocketing prices, the other spectre is continued and rising joblessness, with major industrial layoffs or plant shutdowns.

It is significant that the 1970-71 college debate topic is "resolved; that the federal government adopt programs of compulsory wage and price controls."

President Nixon has said he would not use such controls, even though Congress has approved standby powers to do so. Congress also approved Presidential "rollback" of prime interest rates through the Federal Reserve Board.

Settlements of major labor contracts, auto, steel and rail, will result in higher 1971 consumer prices. Higher prices for everything means more inflation. Forty percent of Texas families have incomes of $5,000 or less. Few can get higher wages in 1971. They are being pushed into poverty by galloping inflation.

Interest rates, which took a series of jumps within a few months after Nixon came into office, have gone to historic highs. Congressman Wright Patman says that present home mortgage rates and bank loans on many items are usury. Everything a person buys today carried a higher price, caused largely because of high interest—which feeds the fires of inflation, rather than cooling them, in Mr. Patman's opinion.

He is not alone. Major groups are moving toward a wage and price control measure. These include both labor and business groups. We join again in asking for action on this most critical aspect of our nation today.

TRIBUTE TO HON. MICHAEL A. FEIGHAN

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. MORSE. Mr. Speaker, I am honored to join in paying tribute to my colleague MICHAEL A. FEIGHAN. After 28 years of devoted and energetic service to

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the people of Ohio and to this country, he is retiring from this body.

It is with a deep sense of respect and gratitude for his friendship over these past years, but also with profound regret that I bid him farewell.

I extend my sincerest wishes for his continued happiness in the years ahead.

A PLUG FOR DIVISIVENESS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. BOLLING. Mr. Speaker, the following column by John P. Roche appeared in the Washington Post of January 2. It is a good way to start the new year—with a sense of reality. I insert the following article in the RECORD:

A PLUG FOR DIVISIVENESS

(By John P. Roche)

As one year ends and another begins, it might be worthwhile to look back at one of the dominant themes of 1970—that the President, the Vice President, and other officials of the United States government have an obligation to stop "dividing the people." You may recall that at the time of Cambodia and Kent State a significant group of college and university presidents actually told Mr. Nixon that the war had to stop—the young people didn't like it!

The Scranton Commission avoided this absurd proposition, but did include a section arguing that presidential leadership was needed to heal the wounds in our national psyche. It was reasonably phrased, but triggered off a lot of criticism from those who—I suspect—had not read the text.

It was not so much an indictment as an exhortation, in the great tradition of government textbooks, to use the presidency (in Theodore Roosevelt's phrase) as a "bully pulpit." Mr. Nixon, in turn, has written a polite note to former Gov. Scranton thanking him for his labors and somewhat curtly indicating that the President can never make everybody happy. Presumably that closes the file.

But actually a great deal more needs to be said. Our society, although it has a singular unity at bedrock level, has many basic problems that have to be confronted. I have one set of answers to these problems, other Americans have other answers, and we often differ vehemently. Our task is to fight it out within the democratic framework and this implies—indeed, it demands—"divisiveness."

The other day an old press clipping turned up from a Cincinnati paper, dated Dec. 2, 1958. The headline said "U.S. Must Integrate, Says Roche," and it quoted me as saying "The problem of desegregation must be met head-on. We have had ten years of compromises and moderation and it's been futile . . . the desegregation issue is the litmus paper test of American democracy."

Now as a historian I must admit that desegregation was a far more "divisive" issue than the war in Vietnam. In effect, three centuries of folkways and legal institutions were being challenged, the whole way of life of millions of Americans was up for change, yet we of the liberal and civil rights movements demanded the legal destruction of this huge edifice. Could anything have been more "divisive?"

Once John Kennedy became President, we began to work him over on the subject. In March, 1963, as national chairman of Americans for Democratic Action, I led a delegation to urge the President to get moving. He gave us two beautiful 20-minute lectures: The first, on President and Congress, outlining his problems with Southern Democratic barons on the Hill; the second, on federalism, exploring the limits of national power, and indicating his pessimism. The gist of the whole meeting was simple: President Kennedy asked the ADA not to be "divisive." We thanked him politely and went right back to our fight for a strong civil rights bill.

If at that point 25 leading Southern college and university presidents had appeared to say that segregation must not be ended—it would upset their campuses—we would have hooted them out of town. But, for some reason, when this idiotic logic surfaced in May, 1970, it was taken quite seriously.

Democracy and divisiveness go hand in hand. Within the obvious limits of decency and the criminal code, it is the duty of those who think differently to put their cause to the people. Of course, every political leader will call for "consensus"—meaning agreement with him—but that's part of the game. As we say at poker, "the winners talk cheerfully and the losers say, grimly, 'deal the cards!'" So, Mr. President: "Deal the cards!"

COSTS AND FUNDING OF CHILD DEVELOPMENT PROGRAMS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. BRADEMAS. Mr. Speaker, the recent White House Conference on Children brought to our attention many of the needs of American children—in nutrition, in education, and in early childhood development.

At a recent conference on industry and day care, sponsored by the Urban Research Corp., of Chicago, Jule M. Sugarman, formerly the acting director of the Office of Child Development in the Department of Health, Education, and Welfare and presently head of the human resources administration in New York City, spoke about the experience of recent years in the development of day care and other child development programs and his expectations for the future.

Because of Dr. Sugarman's great experience and knowledge of this field and of its importance, I take this opportunity to insert the text of his remarks in the RECORD:

COSTS AND FUNDING OF CHILD DEVELOPMENT PROGRAMS

I might say one thing to begin with: Thus far the federal government's effort with respect to day care and preschool programs have not had as their motivation anything to do with helping business. The government's motivations have really been of two orders: First, to do something for young children whose circumstances, in the absence of a program, might predict trouble later on in life—essentially the children of poverty, with a few digressions into other fields as well. What we have been trying to do in Head Start and under Title I of the Elementary and Secondary Education Act and in a few other programs is to give children the kinds of experience early in life that would make it possible for them to function well later in life—in the school system certainly—but, much broader than that, in life as a whole.

The second major motivation for the government's involvement thus far has been reduction of the welfare rolls. We have been trying to create a situation in which a number of people on the welfare rolls, primarily women, could, by being exposed to appropriate training programs and by being given help in finding and holding jobs, get off welfare rolls, and as an adjunct to that it has been necessary and desirable to provide child care.

Once the decision was made that child care is important, the government has taken (from my point of view) a very broad and liberal interpretation of the kind of child care that is desirable and necessary, and has consistently said that if in fact we are going to create a sitution in which parents and children need to be separated, then let's do the best possible kind of program that we can with federal resources.

But I emphasize that neither one of these things came about in any effort to help the business world. That just hasn't been a part of the picture.

NEW DIMENSIONS IN DAY CARE

It seems to me there are now a number of changes taking place which may introduce a somewhat new dimension. Back in 1967, an amendment to the Economic Opportunity Act was passed that focused not on poor children, not on welfare children, but on children of middle- or low-middle-income families. It was the consensus of a number of Congressmen and Senators—I think particularly Senator Javits of New York—that we needed to do something about the many working women who were finding it increasingly difficult to provide child care arrangements for their children even though they weren't poor in the traditional sense of the word.

Senator Javits introduced an amendment to the Economic Opportunity Act, Title V–B, which provided that the government could subsidize day care for non-low-income people if industry and labor either separately or together were willing to put up at least 50 per cent of the cost. That piece of legislation has been on the books since 1967. It has never been used. It is the kind of legislation where, by a simple decision on the part of the Director of OEO, money could be placed in support of that kind of program; but the section has never received any appropriations.

I think part of the reason there have been no appropriations is that to do so meant shutting down other programs. There has been no growth in the OEO budget over the years, and there simply has not been enough concrete expression of industrial interest or labor union interest to create the kind of pressure which you need to get federal funds for programs.

PRESSURE FROM MIDDLE-INCOME FAMILIES

Among the things that are beginning, in my judgment, to make those pressures stronger, is the fact that between 1965 and 1970 the number of women working who have preschool children has probably jumped about 60 per cent. Figures vary somewhat, but I am estimating a jump from around three-and-one-half to five million. Every figure we can get from our colleagues in the Women's Bureau and from other parts of the Labor Department would indicate that the pattern is going to continue.

At the same time, the number of women who are available to provide child care, as governesses or homemakers or even good maids, has diminished; and I think every working middle-class wife has had very serious problems trying to locate people who could take care of her children in her own home.

I think we have a very significant pressure building up from the middle-income woman who by choice or necessity works and who is very concerned about the kinds of

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arrangements that are available to her child. There are at the moment probably 10 significant bills pending before Congress which have at least as part of their objective to do something about that, and to begin—probably on a small scale—to make funds available for lower middle-income and maybe middle-income day care support. The conviction in Washington is that one of those bills, or some combination of those bills, is very likely to pass this year.

Let me emphasize another point: The passage of legislation and availability of appropriations are two different things, as we found in Title V-B, where we have the legislation, but no money to do something about it.

If some of these trends do result in legislation and in more money being available, then the government's authority to work with business to help solve some of these problems will be significantly increased. Again, I think the prime motivation is still not that of helping business *per se*. The prime motivation is not helping you to deal with some of the very acute manpower shortages that you find in a number of industrial firms — the high-intensity womanpower firms—but rather the intention is to help people, both low-income and middle-income people.

That does not mean that the help can't be provided in a way that is compatible with the interests of industry too. I think, frankly, our best interests would be served if it is provided in a way that is compatible with industrial objectives.

I think the country needs to be concerned with the fact that the telephone company has a lot of problems finding telephone operators, or that IBM can't find enough keypunch operators, or that the textile industry is having real difficulties recruiting enough women and holding them in productive employment. This country is based on economic production of goods; when we don't have the manpower that it takes to do that, when costs become extraordinarily high because there is no possibility of holding personnel, when you have rapid turnover of personnel that destroys efficient production, everybody suffers in America. It is not peculiar to any particular group; it just makes for a higher cost of doing business, and that is not good for our economy. It is not good for our competitive position with other nations either.

COST-BENEFITS

I know that one of the pressing questions that industry raises is: What is the cost-benefit of child care? I might as well say quite candidly to you that nobody knows. To my knowledge, there is no definitive information which can tell you whether you will make or lose money by investing in child care. The only way we are going to find out is to get some real experience under our belt.

We made a small foray in that direction with the KLH project in Massachusetts. That is not a definitive project. We learned a fair amount from it and probably will learn more before it comes to a conclusion; but it is not going to give you enough of the kind of information that you need to make a hard business decision.

On the other hand, my suspicion (from a fair amount of dealing with business) is that not all business decisions are made on hard data—that a really dynamic business has to take a lot of calculated risks and has to make some judgments on the best information it can get, and be prepared to change if it doesn't work out.

So I think those of you who are on the verge of deciding to do or not to do something are going to have to make your decision without complete information and without knowing whether it is going to work or not. I think it would be a mistake for you or for any company, at this point in time, to go into day care on a very large scale. I think you can get yourselves in trouble with your labor force, and you could get yourselves in trouble with your stockholders.

Another thing that makes the decision difficult for you as businessmen is the very great paucity of data on what it costs to provide child care. There are several reasons for this: First, whatever figures do exist are based largely on federal experience to date, primarily with Head Start. This program was designed with some rather specific objectives, many of which are compatible with the objectives that I would think you would want to have in industrial day care, but many of which are special to the needs of the children served. The whole question of the number and ratios of personnel in the Head Start program is geared to children whom we expect to have some very special problems; therefore we provide special staffing. You start from a population base that may be different from that served by Head Start.

Second, all the figures we publish are synthetic figures. They are averages of what happens in South Carolina, Texas, California and Massachusetts. None of those figures is necessarily right for your particular plant location or for your particular business establishment.

Because child care is a very intensive labor input operation, the whole structure of cost is dramatically affected by labor costs and how much is paid to a teacher in a center. Our experience, for example, would tell us that in Charleston, South Carolina, we can probably do a Head Start program for $1,100 per child which in Boston would cost us $2,800 for exactly the same kind of program. That is an enormous range of difference, and it makes it very difficult for you to take any set of figures and figure out what is right for your situation.

PRESSURE ON WAGES IN DAY CARE

Moreover, when the government sponsors a program on a large scale, the question of the appropriate level of wages undergoes some changes. Day care used to be provided primarily by private, nonprofit organizations, such as United Fund and other groups. It used to be provided by people who were willing to work at quite minimal wages. The wage scale for day care employees in most communities was well below that for school teachers with the same qualifications. I've never really understood exactly why it is, but people working in a day care environment are generally willing to work for less.

It is one of the facts of life that when government financing becomes available for a program, the cost of wages tends to go up to a level which corresponds to what other public employees are paid, so that a day care worker who worked in the XYZ settlement house at $3,500 a year now says to herself, "A public school teacher in my community gets $5,000. Why shouldn't I?" It is hard to argue that she shouldn't. Thus, there is an inevitable pressure on wages under public financing.

The fact is that a great many people working in day care are really being paid at less than minimum wage rates. If they were working a 40-hour week, pay might equal minimum wage rates, but in fact many of them work much more than 40 hours per week and get paid in actual dollars which, if priced out on an hourly basis, are below minimum wage.

The government does not choose to support people at that level of income. We think they ought to be paid minimum wage, and we insist on it in programs we fund. I would argue not just from my government position but from my philosophy generally, that it is important that people be paid an adequate wage, and the minimum certainly should be the floor. I would argue, too, that people who work in a day care center should be just as well qualified and should be paid just as much as they would be paid in a public education program. They are dealing in just as vital a way with the children involved, and they should have the rewards. All of those factors tend to increase costs.

One of the questions that you as businessmen are going to face is: Given the above facts, if you get into the day care business, at what level of compensation are you going to be operating? Are you going to be paying the wages and rates that are comparable to what public employment pays, or are you going to be paying the rates that private nonprofit organizations pay, or are you going to be somewhere in between? You are really the only ones who can answer that question, and again, you probably will have to answer it in terms of what the situation is in the particular community where your plant is.

What I am saying here is that the government does *not* believe we should tell business how to run its day care. We have a point of view. We think it is important to pay people better than minimum wage. We think it is important to pay enough to attract the kind of people needed. But most of these decisions are essentially business decisions when *you* finance day care.

When and if the government becomes involved with you in financing day care, you may well be told to pay people minimum wages or to pay a wage that approaches comparability with public employees' wages. That is the kind of thing you should have at the back of your economic thinking as you look at this problem and attempt to decide whether it is a good idea to be partners with the government or not. It is entirely conceivable that it might not be.

RELATIONSHIP TO LABOR UNIONS

One final point I would like to touch on, and one that is very puzzling to me, is just exactly what the interests of the labor movement are in this field. Certainly, in the case of unions like the Amalgamated Clothing Workers of America and International Ladies Garment Workers Union, you find union leadership that seems very concerned about and responsive to the need for day care. They were the moving force behind the legislation enacted last year which permits the utilization of joint management-labor trust funds for the provision of day care, and some of them have actually put significant money from union treasuries into the program. Certainly at the national level of the AFL-CIO, we've found a pretty strong commitment to good day care and a desire to have labor unions and industry heavily involved in financing it with the federal government.

However, I think it is also correct to say that there are a good many union leaders and members of unions who have some grave skepticism about day care, based perhaps on not wanting women to compete with men for jobs, or on the belief that the entrance of women into the labor market tends to lower wages for men, or to lower wages generally.

I make no comment as to whether there are truths or not. I say only that among people we have talked to there are certainly a number of labor union leaders who really are not convinced that the government, business or labor should have anything to do with the provision of day care. I suppose again this is going to be an industry-by-industry and business firm-by-business firm kind of decision.

I would be interested in your judgment on this, but I don't really anticipate that there will be any massive movement within labor to make day care a fringe benefit part of the collective bargaining process. It may happen in a few places, but I don't think it is going to be very massive.

Those unions and businesses that have gotten into the day care business—and you know there are really relatively few when

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you think of how big a country this is, and how many working women there are—have found it not easy, that the simple availability of day care doesn't necessarily mean that people use it or that people are happy with it. It creates its own set of problems which management has to deal with, but it may also have some very beneficial effects on industry. The operation at Staunton, Virginia, had a great deal of difficulty at the beginning. They found it very, very hard to fill up that center and to get the people really believing that this was the thing to do.

Most people have a hypothesis, which I think is correct but which I can't prove, that as day care becomes better known, and as it becomes clearly evident to mothers that it is not harmful to the child but that it is a good arrangement, mothers will tend to want to change from some sort of in-home care to day care in a group setting. In-home care with grandma or an aunt or neighbor breaks down too often because somebody is sick or goes off on a vacation.

On the other hand, a lot of mothers, very understandably, are worried about putting their children into day care centers which, in their mind, have the image of an impersonal mass mechanism. This is particularly true for very young children. My hypothesis is that as mothers see what can happen in a good day care center, they will shift voluntarily into organized day care.

DEFINITIONS OF QUALITY

I had almost decided not to mention the word *"quality"* at all because it is a red herring in a way. It means all sorts of things to all sorts of people, and it is very hard to put in terms that everybody hears in the same way. But it is not possible to avoid, so let me talk about quality in terms that I think are appropriate.

AN ATTRACTIVE ENVIRONMENT

When I talk about quality I mean that the child is in a physical *environment* which is comfortable, safe, and which does not create any health problems for the child. I also mean an environment which is attractive and which, because it is attractive, permits a child to learn and to grow.

I think you can do that in a store front. I think you can do that in an old red barn. I think you can do that in the finest buildings that Butler or Kaiser Aluminum or Alcoa or anybody else turns out. I am not of the conviction that one needs to have an elaborate, highly expensive building to have good child care.

FLEXIBILITY IN STAFF

The second thing I would mention as an element of quality is that in the total mix of *staff*—in the total numbers of staff—you have to have enough people to provide attention to the children in that particular program. You will find a range of judgment as to what the appropriate number of staff is. Where you have children who has come from disadvantaged homes, I think your need for manpower is much greater. Where you have children who come from advantaged homes I think you can operate effectively with a smaller number of people.

Lest anyone misunderstand me, I am not saying that this is open season on the numbers game and that numbers are not important. I am saying that numbers are important, but they can be differentiated, based on the particular group of children you are serving.

I feel that the kind of people who can be effectively used as staff in child care centers can be drawn from a much broader range than many people believed in the past—that people with relatively small amounts of formal education, with the right kind of supervision and training, can provide a very heavy proportion of the services in a child care center.

I am very much opposed to day care centers or progams that try to operate with nobody knowing what they are doing; and that happens—it happens all the time. Somebody goes into the business of providing child care without any real concept at all, and without any access to help in how to get things done. That is bad. But I am also opposed to the program that requires a person with a master's degree in early childhood education in every classroom. There are situations in which you need persons with that level of competence to work with children but, in my judgment, it is not a universal need.

I have seen, in visiting day care and Head Start and other programs around the country, a very substantial change in staffing in the last five years. It used to be that I could go into a classroom and with no trouble at all tell who the teacher was, and who the teacher's aide was. Today I can't do that, at least not in the more progessive programs.

I say this simply to emphasize the point that I think there are a great many more people who can be used to provide child care—who can do an effective job—than the statisticians would indicate in terms of people with appropriate degrees. But it takes management; it takes skill in organization; and it takes a real and consistent dedication to training to make this work.

So, in my concept of a quality program, there is flexibility in numbers of staff and in the kinds of staff, depending on the children served.

It is fairly easy to say that as a theoretical concept. I am very well aware that it is hard to apply. If you have a group of 45 children, how do you know what they need? Our tools for assessing the needs of children are very rudimentary at this time, and the best answer I can give you is to get some people who are knowledgeable in working with young children, and let them work with you in deciding what children need.

PROGRAM DESIGN

Another element of quality that I feel is a critical ingredient is the *scope of the program* which you are prepared to offer. I am absolutely convinced that nobody yet has a program that is appropriate for all children.

You have to find out what the children are like in your particular center, and then design your curriculum accordingly. The program can't be viewed as simply the hour or two a day that you work on cognitive development. It has to be viewed as the total mix of things that go on throughout the whole day—the total variety of interactions that take place between the children and the staff.

PARENT PARTICIPATION

I think it is vitally important that child care programs in industry be a cooperative venture between the center and the parents. The criteria of *parent involvement* may be the item that we need most carefully to examine in comparing industry-operated child care with existing programs receiving federal funds. In fact, a number of Washington officials concerned with the legislation for the President's Family Assistance Program have the belief that industry cannot be required to work with parents in the development of day care programs. They tell me that industry makes its decisions on business lines and just won't do anything in this field if parent involvement is a requirement.

My view is that industry is not the monolithic in its decision process—that in good personnel management industry found out a long time ago that it had better give some real consideration to how employees feel about things, that the soundest business decision from a management and organization point of view may fall completely apart when it has to stand the test of being carried out by employees.

And so I don't find the extension of parent participation to day care in industry any different from what you now do when you make a decision about such matters as what kind of machinery you are going to install, what kind of coffee breaks you are going to have or what kind of fringe benefits you are going to make available to employees.

The whole labor-management decision-making process that has gone on over the years is based on the fact that there is a sharing of decisions. Maybe I overstate the case, but I don't think so. I think decision-making about day care has got to have the same elements of participation by the people who are going to benefit by it as you apply to any other business decision. It may even be that the degree of parent participation in this area is going to be higher because you are touching on something that is very personal to the families.

Ironically, making the opportunity for parent participation available does not necessarily make it happen. We have had PTA's for years that nobody goes to, and we have Head Start policy advisory committees that parents ignore, because they don't really believe they work. They don't believe that anybody is actually going to make decisions based on what they think. As you think about parent participation in your programs, I hope you will recognize that it takes effort to convince parents they have some say.

There is another aspect of parent participation which may not be important to you in business terms but which is important in program terms. We find that where parents are actively involved in the programs, and where opportunities are created to help them become better parents, the impact on the child is tremendously increased. This holds true no matter how fine a classroom program is offered. The program must be completed and reinforced by the things that go on in the home.

I would make a special plea to do what you can in day care programs to provide opportunities for parents to participate, and to give them the kind of supplementary and complementary help that will make them better or more confident parents.

POLISH RIOTS RIP IRON CURTAIN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DERWINSKI. Mr. Speaker, one of the most knowledgeable journalists in foreign affairs is Mr. Walter Trohan, Washington bureau chief emeritus of the Chicago Tribune whose background and experience permits him to unfailingly reach the heart of problems in complex foreign developments.

His article of Wednesday, December 30, discussing the riots which erupted in Poland and forced a change in government functionaries is a typical Trohan masterpiece. The article follows:

POLISH RIOTS RIP IRON CURTAIN

(By Walter Trohan)

WASHINGTON.—The recent riots in Poland opened a window on Communism in the captive nations, and the sight was not pretty.

Yet, the lessons that it taught probably will escape those who want revolution in this country.

What happened in Poland could happen anywhere behind the Iron Curtain. This was no explosion of a powder keg as were the riots in Poznan in 1956 and in Hungary the

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same year. Nor were they slow fuses that burst into demands for change as were those later squelched by Russian guns and tanks in Czechoslovakia.

It was an expression of dissatisfaction with the promises of Communism and the reality of the meagerness of life under the system. This was no revolt of the downtrodden, as was the uprising of the dregs of Parisian life in the French revolution. Rather, it was an awakening of workers and the growing middle class to the low quality of life under Socialism.

In Poland, the average monthly wage is about 2,000 zlotys ($50) a month. This is less than some hippies are able to panhandle in the capital's Du Pont Circle in a day. It probably is less than they can borrow from parents or friends.

These wages aren't sufficient for existence, so workers turn to moon-lighting, which is frequently more profitable. It is not surprising that workers rest up at their regular jobs for whatever side jobs they may have.

The low wages also mean that wives have to work. It is estimated that two-thirds of the married women in Poland have jobs. The proportion is even higher in other countries behind the Iron Curtain.

Naturally the birth rate has dropped. In Poland, it has fallen from 30.7 to 16.3 per 1,000 since 1950. Abortions are legal behind the Iron Curtain, altho Romania has halted them because of concern for the nosediving birth rate. Hungary is offering women two years at home on full pay as an inducement to rear a family.

Food is hard to come by, and the prices are high. Consumer goods are in short supply; prices often are out of reach. This means that shoppers face long lines and endless waiting. It also means that bribes are exacted by butchers and grocers.

Washing machines and dishwashers are almost unknown. Refrigerators are more common but small. Automobiles are largely the stuff dreams are made of. Altho Poland manufactures about 150,000 cars a year, most are exported.

Apartments are hard to come by unless one offers money on the side. The demand is generally for hard money—marks, pounds, Swiss francs, or dollars.

There are almost no personal checking accounts and no charge accounts. Cash is the medium of exchange.

The system of distribution is creaky. The one thing that is in surplus is bureaucratic red tape. Forms and regulations surround every phase of life.

In the everybody world of shortages and unreality, prices were allowed to remain at an impossible level. When efforts were made to bring prices to realistic levels without any corresponding adjustment in wages, the workers of Gdansk, Gynia, Sopot and Szcecin protested.

Russia moved up troops, and the government was reorganized, but the problem remains. Mismanagement and mushrooming technocracy forced a crisis. The crisis will grow as the middle class grows and begins demanding the comforts of middle class life. The vicious circle of technology and appetite is a sure bet to breed dissatisfaction quicker than the Socialist millennium.

THE HONORABLE MICHAEL A. FEIGHAN

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. FISHER. Mr. Speaker, it is most regrettable that our good friend and able colleague, MIKE FEIGHAN, is retiring from the Congress. He came here when I did, 28 years ago, and throughout that period he has been a tireless worker in representing his district. A dedicated public servant, MIKE has been an extremely useful legislator.

MIKE's valuable seniority, his expertise in the field of immigration problems, his broad knowledge of the major issues, and his courageous approach to all of these things are recognized by all. He has indeed given an excellent account of his stewardship, and his record here speaks for itself.

I wish for MIKE and his family all the good things in life. The scores of friends in the Congress will be wishing him the best in his future endeavors.

THE SNOOPERS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. VAN DEERLIN. Mr. Speaker, recent revelations concerning the strangely widened role of military intelligence has brought the sort of editorial response one expects in a free society.

One of the sharpest comments to appear in my own district is from the Chula Vista, Calif., Star-News for Sunday, December 27. The editorial follows:

THE SNOOPERS

A year or so ago, a dark-suited, crew-cut gentleman dropped unannounced into our office, flashed a badge and handed us a card identifying himself as being from Naval intelligence—and said he was investigating someone who had written a letter to The Star-News complaining about military practices.

The Navy sleuth said he wanted to know what we knew about the letter-writer (which was nothing).

We were astonished. We told him we would expect such a call in the Soviet Union or in a South American military dictatorship, not in a supposedly free society. We demanded to know who sent him. If the military had begun to spy on letter-writers, we informed him, it would be of interest to our readers.

He begged off, saying his call was all his own idea, and hastily retreated out the door. Oh, well, we thought at the time, every organization has people who try to make a record by exceeding their authority.

We thought again of that call the other day when we read a former Army intelligence agent's testimony that his activities had even included spying on an Illinois senator, a congressman and a former governor.

The Secretary of the Army subsequently denied that these individuals' political activities have ever been investigated by military intelligence.

But he did not deny the former agent's other statements. These were that military intelligence also had been spying on well-known reporters, civil rights activists, lawyers, war protesters and even priests and ministers—among a host of people or organizations deemed by Army intelligence brass hats to be "subversive or radical in nature."

Nor were there denials of newspaper and wire service revelations that the Navy and Air Force had similar organizations to spy on civilians—and that the spying extended to such non-militarily related activities as student protest movements or a rally over the shooting of a black man by a Los Angeles policeman.

The Army agent, in fact, wrote that his particular spy group "was collecting information on every individual and organization in Illinois who espoused discontent with the military intervention in Southeast Asia or who openly opposed the Nixon administration's controversial domestic policies."

Presumably, these names were fed into a computer at Fort Holabird, Md., headquarters of U.S. Army intelligence, where yet another agent reported such material is sequestered.

The Army, following protests, now claims that this data bank has been "discontinued and destroyed," but the Los Angeles Times reported that at least some of the computer's data is in the hands of other federal agencies.

After reading this cheerful information during the holiday season, we wondered if that slippery gentleman from Naval intelligence who was investigating a letter-writer actually had been exceeding his authority.

For, while the White House says it does "not condone" such activities, and that President Nixon finds such things "inconceivable," there seems to be substantial evidence that, 14 years in advance of 1984, Big Brother is already watching. And, beneath his business suit, he's wearing a uniform.

Spying on civilians by the military—and even by any but the most rigidly controlled civilian investigative agencies—is repugnant to a nation supposedly founded on the principles of free discussion and uninhibited expression. It is an offense to the freedoms guaranteed all Americans in our Constitution and Bill of Rights.

At the least, it intimidates the timid and creates an atmosphere of fear.

At the worst, combined with such door-openers as wire tapping and no-knock laws, it can be the prelude to a military takeover and a police state.

It has happened elsewhere in once-free nations—nations less technologically equipped than ours to bring to heel those who foolishly thought they lived in a free land.

With guns it took Nazi Germany six years to solidify its hold on a gutless population yearning for "order" over freedom. The Knock on the Door came gradually there, a few people at a time, first the "subversives," then the "extreme radicals," then the "radicals," then the Jews, then the "dissidents," then the "complainers," until the prisons were so full they had to build concentration camps, and when these overflowed the only space left was in the gas chambers.

This was how the Nazis put into practice: "Germany, love it or leave it."

With computers, the roundup today can be done overnight. Those who seize power needn't wait for your neighbor to rat on you or your relatives. They merely can press a button at Fort Holabird, Md.

Happily, the revelations of military snooping upon American civilians have provoked the outspoken wrath of many prominent Americans. Moreover, the Secretary of Defense just four days ago ordered stronger civilian control of military intelligence agencies to "make certain the constitutional rights of all Americans are protected."

These are nice words, and the vaguely spelled out promise of more civilian control is a step forward.

But it is not enough.

If we are to retain our freedoms, if what happened in Germany and many other nations is not to happen here, the public must demand, and the President and Congress must order, far more rigid controls over the military establishment.

In the 25 years since the end of World War II, the armed forces have grown far too powerful.

Sixty cents out of every federal tax dollar now goes to their support. Their tentacles now reach deep into determining foreign policy, into our economy through military links with key industries, and now, we learn, into the public thoughts and private lives of our citizens.

The military establishment's wings must be clipped. Eternal vigilance is the price of liberty—and the place to begin exercising it is over our own military.

A CHRISTMAS MESSAGE FOR ALL YEAR

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. NELSEN. Mr. Speaker, I noted an editorial which appeared in the December 19 issue of the Worthington Globe entitled "Peace on Earth, Goodwill Toward Men." This is one of those editorials which should have wide distribution, especially in these troubled times when all men speak of peace in a period of war and conflict.

Peace, after all, must be found in the minds of men, and there can be no peace on earth if there is no good will.

I include the Worthington Globe editorial at this point in my remarks in the Record:

Peace on Earth, Goodwill Toward Men

St. Luke, as he is translated in the somewhat disfavored but majestic King James version of the Holy Bible, has the multitude of heavenly hosts at the birth of Jesus Christ proclaiming "peace on earth, goodwill toward men."

Through centuries mankind has been somewhat preoccupied with the first three words to the neglect of the last three. Peace on earth. It is a mockery; there is no peace, there has been no peace, there will be no peace. That is one familiar reflection. Many persons who share this view are inclined to place faith in a prophecy that there will ever be war or rumors of war and, with that, to accept the angels' proclamation of peace as nothing but a happy thought, the original Christmas greeting. "Peace on earth . . . Merry Christmas." An expression of a fond but vain wish. For what it is worth it is passed along.

Among other considerations of the angels' words, it is familiarly suggested that the allusion is not to peace among men—not an end of warring—but peace within men. God and man are reconciled. There is, or can be, spiritual peace.

And, of course, in a host of more contemporary translations the words and phrasing are changed completely. (Peace on earth among men of goodwill is one of the popular renderings.)

Whether the translation be accurate or not, there is a message of great worth in the language of the King James version. And this message has value in an exclusively secular context, spiritual considerations wholly aside. (The spiritual meaning is properly the province of the Second Estate—the clergy—rather than the Fourth Estate, the press.)

Peace on earth, goodwill toward men. The key word is the neglected word: goodwill.

There is a tendency not peculiar to this time and society to reform. One man finds a way of life and an ethic which he values. He is not content to keep it to himself. To the contrary, he makes his life a mission of pressing upon others what is good and right to him.

So it is that in America of our time we have—one place to start—young men and women who reject the values and life style of their elders. Some among them are not content simply to hold as a personal treasure what has become to them the way and the truth. They set out to rehabilitate, to reform, even to foment revolution all toward the end of pressing upon others what is desirable to them. And there is no peace.

At the opposite pole are elders who cherish the life style in the established pattern which has served them well. They are not content to hold what they value and to permit others to deviate. They seek to press (or suppress) all who follow in the same mold. And there is no peace.

There are societies of men who have found a satisfactory order for themselves in one or another economic structure. They are not content to keep their preferred system to themselves. They press their truths upon the "unenlightened," which is to say all who do not accept them. And there is no peace.

The seemingly irresistible tendency to "share with the blind"—to require others to do as we do—extends through the entire range of human concerns from philosophies of government to modes of dress. And there is no peace.

We quarrel. We protest. We wrangle. We shout. We harangue. We harrass. We war. The hope for peace is mocked through every hour.

What is forgotten? In many instances, it is not love which is lacking. Men are motivated by love for others to press upon them what they see as a thing good for them.

The thing lacking is goodwill. Peace on earth, goodwill toward men. The six words are an indivisible concept which far transcends what they might at a glance appear to be, a companion pair of good wishes. They are brought together necessarily, deliberately.

Goodwill. The resolve not to offend, to be tolerant, benevolent, charitable. To be kind. With that comes peace. Goodwill toward men brings peace on earth; peace on earth, goodwill toward men.

He may offer a suggestion in goodwill. We may urge or explain or discuss. But we can not push, insist, demand, demean or decory. (We cannot know that what is best for us is even good for another.)

The precious message of Christmas is brought close upon us once again to remind, to haunt, to guide, to reassure. Goodwill is the requisite for peace, peace is the inevitable end product of goodwill.

Peace on earth, goodwill toward men. It is a divine wisdom.

HON. SAMUEL FRIEDEL

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. FEIGHAN. Mr. Speaker, it has been my privilege to know and serve with Sam Friedel during his 18 years in Congress. Sam has earned the deep respect and warm friendship of his colleagues by his diligence and devotion to the duties of his office. He is a gentleman of integrity and high principle who has dedicated his efforts to the betterment of our country, his State, and his constituency. He was ready to lend his time and interest in the solution of personal problems of his constituents and his sympathic interest in their welfare, improvement of living conditions of those in the substandard levels was well known among his colleagues. It was a hallmark of his service. In retrospect, Sam will have good reason to be proud of his record in the Congress, as well as his work in his committee. Those of us who knew Sam well were keenly aware of his dedication to his duties and had often observed the studious application of his abilities and efforts to serve his Nation and constituents to the fullest extent. Sam was unswerving in his determination to do what he considered right and just to all his fellowmen. The high caliber of his service in the Congress has been recognized by his colleagues who have often praised him for his unstinting consideration of their problems, which came before him as chairman of the Committee on House Administration. His colleagues who have had occasion to appear before his committee have frequently expressed their respect and admiration for the manner in which they were received and in which their requests and perplexing problems were resolved.

It is no happenstance that Sam's departure from this body brings a goodly measure of sadness to his colleagues.

To Sam and his lovely wife, I extend my best wishes for continued good health and happiness.

U.S. PRISONERS OF WAR

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. FULTON of Pennsylvania, Mr. Speaker, the recent holiday season has again mirrored the fact that loved ones were not able to be together to celebrate the occasion with their families. I refer to the U.S. prisoners of war being held captive in North Vietnam and their brave and courageous relatives. But the year 1970 did not pass without giving them hope that the U.S. Government is doing everything in its power to reunite these lost families. The unsuccessful raid by the U.S. Army and Air Force troops deep into North Vietnam in an attempt to rescue some of those prisoners is an example of daring and determined courage that should not go unrecognized.

The Pittsburgh Chapter of the Military Order of the World Wars passed a resolution commending the leaders and the men of this team. I should like to call this resolution to the attention of my colleagues:

Resolution

Whereas, a task force of Army and Air Force Volunteers of the United States conducted a commando-style raid on a Prisoner of War camp deep into North Vietnam on Friday, November 20, 1970; and

Whereas, the volunteer force was led by Brig. General LeRoy J. Manor of the United States Air Force and Col. Arthur D. Simons of the United States Army; and

Whereas, the Pittsburgh Chapter of the Military Order of the World Wars was favored in 1966 to have General Manor, then a Colonel, as its distinguished speaker, at a luncheon commemorating the anniversary of the United States Air Force.

Now, therefore, be it resolved, that the

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Pittsburgh Chapter of the Military Order of the World Wars hereby extends its congratulations to the volunteer force on its hazardous mission and, particularly, commends General Manor on his strategic planning of the operation, skillful execution of the raid, and for his outstanding courage and daring above and beyond the call of duty to the glory of our country.

Submitted by:

JOHN G. BROSKY,
Past State President.

CENSORSHIP OVER POLICE IN VIRGINIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. RARICK. Mr. Speaker, the American people will be shocked to learn that police in Virginia have been forbidden to use training films on communism entitled "Revolution Underway," "Communists on Campus," and "The Truth About Communism."

Apparently the so-called civil rights groups which claim the credit for such suppression have no fear of crime, violence, revolution, or communism, they only fear the truth and would burn all educational aids essential to train our police to fulfill their mission in protecting the people.

Ironically, this censorship move to deprive police from education on communism and subversion came on the same day this House passed House Resolution 1366 expressing grave concern for the cruel and unusual punishment imposed upon Jews by the Communist regime in the Soviet Union. Yet the Anti-Defamation League of B'nai Brith, and group research along with the NAACP, ACLU, and Urban League are reported to boast of their role in preventing police training in communism by the use of such Communist-coined trigger words as "racist" and "McCarthyite" propaganda.

Rather a double standard of behavior unless we are to conclude that our Jewish friends are only concerned with Communist tyranny in Russia. If not, it behooves Jewish leaders to get their activists back into the mainstream of the American society.

Likewise the suppression of the police training films follows by 1 day a lead editorial in the Richmond, Va., News Leader complaining of crime so rampant in that State's capital that busdrivers would no longer make change for fares. The editorial concluded:

> It would be far better, it seems, to hire more policemen to catch more crooks than to set 250,000 Richmonders to counting their nickels, dimes and pennies after sundown.

And the year's first issue of U.S. News & World Report issues a violence report for 1970; At least 88 policemen killed, 200 civil disturbances of which 18 classed as "major riots" with 25 dead, 1,000 bombings through November of 1970, and nearly 1,800 student demonstrations with eight killed and 462 injured.

It appears past time to let our police as well as our people know the truth and be prepared for the pattern of violence anticiated in 1971. Book burning and name calling just would not erase the statistics—the truth will out and beware to those who would hide and distort that which cannot be hidden.

I insert several newsclippings and an article in the RECORD.

[From the Washington Evening Star, Dec. 30, 1970]

VIRGINIA POLICE STOP USING CONTROVERSIAL MOVIES

(By Helen Dewar)

The Virginia Department of State Police, apparently under pressure from the Holton administration, said yesterday it will no longer use three training films that have been criticized as containing "racist and McCarthyite propaganda."

The announcement came after consultations Tuesday between T. Edward Temple, commissioner of administration under Gov. Linwood Holton, and Col. Harold W. Burgess, superintendent of state police.

Temple said last week he would seek a re-evaluation of the films' use after several civil rights and civil liberties leaders called on Holton to order the police to stop showing them.

STATEMENT ISSUED

Yesterday Capt. Meredith S. Urick, personnel and training officer for the 920-member force, issued this statement:

"We periodically re-evaluate our training program. Since the films in question have been used to train and retrain all our members, they can serve no further purpose. Therefore, they will be replaced with other training aids."

Urick said he didn't know whether the action was taken at Temple's request. Neither Burgess nor Temple were available to comment. However, it was understood that the matter was handled with a view toward proper bureaucratic protocol.

ARKANSAS PRODUCER

The films, "Revolution Underway," "Communists on Campus" and "The Truth About Communism," were produced by the National Education Program in Searcy, Ark.

The NEP, which has been active in anticommunist crusades since its founding by George S. Benson in 1936, has been described as "right-wing" and "radical right" by the Anti-Defamation League of B'nai B'rith, Group Research, Inc., and other groups that keep an eye on ultraconservative organizations.

The Virginia protests were brought by spokesmen for the NAACP, the state branch of the American Civil Liberties Union, the Richmond Urban League and the Virginia Council on Human Relations, a private group.

In a letter to Holton Dec. 22, they charged that the three films were inflammatory, designed to link minority groups and dissenters with international communism and were useless as police training devices.

DIFFERING PORTRAYAL

They said one of the films showed a picture of Negroes looting and rioting, followed by a plea for citizens to combine to put down internal threats, which was pictured along with a group of white people.

They also said the film showed a crowd scene from the 1967 march on the Pentagon with the communist hammer and sickle superimposed.

Glenn A. Green, vice president of NEP, denied that its films are extremist or inflammatory. He said some of the group's roughly 50 film productions are used by police forces but added that they are not designed specifically for police training purposes.

Burgess originally rejected the critics' demands that the films be withdrawn. At first Temple said he could see no objection to use of the films for training purposes, but he apparently had second thoughts. Holton reportedly took no direct role in the controversy.

[From the Richmond News Leader, Dec. 29, 1970]

EXACT CHANGE OR NO SALE

In proposing a resolution to ask all local businesses to adopt exact-change policies for night-time transactions, Mayor Thomas Bliley clearly intends to reduce opportunities for theft. Nonetheless, his proposed remedy for a pressing crime problem seems far too radical for the disease.

Virginia Transit Company buses already require exact change fares; to some customers, this has meant considerable inconvenience, even though bus hold-ups no longer occur. Because of the increasing number of service station robberies, many local stations now require exact change at night, but, because many customers use credit cards to pay for their gas, their inconvenience has been minimal. In some cities, cab companies have instituted exact-change policies to reduce the number of cab hold-ups; it may not be long before local cab companies also adopt exact-change policies.

Even so, these exact-change policies have affected a limited number of persons. Consider, however, the widespread inconvenience that could result if all local businesses were to adopt exact-change policies for transactions made after dark. Almost everyone would be affected, from the shopper seeking fresh lamb chops for dinner to the father needing a prescription filled for a sick child. No exact change, no sale.

There is, after all, a great deal of difference between paying a known exact-change busfare and paying in exact change for hundreds of items whose exact price may not be known in advance. Not many persons wear change carriers at their waists, so pity the poor shopper who would lack 79 cents in change for a $3.79 purchase.

There was a time when no amount of temptation was sufficient justification for theft, which, after all, is a crime. Nowadays, the horde of criminals preying upon law-abiding citizens has grown so dauntless that the law-abiding citizen, at considerable inconvenience, must beware of tempting a criminal. He must make his house a fortress and buy all kinds of fancy burglar alarms for his car—and he must never, never, leave his car unlocked for fear of making a car thief out of a teen-ager. It would be the car owner's fault, you see, not the teen-ager's. Subtly, the burden of guilt has shifted from the criminal to his victim.

This kind of reasoning underlies Mayor Bliley's resolution. Although the resolution, if adopted, would express only the will of City Council, no doubt many businesses would find it a reasonable excuse for demanding exact change from their customers, to be deposited in safes on the spot. No doubt, also thieves merely would look elsewhere for their marks.

Instead of robbing stores and gas stations, they would turn to street muggings, shoplifting, residential break-ins, car thefts, and other more personal crimes. Thwarting criminals at one turn sends them to another, for they steal as a way of life. It would be far better, it seems, to hire more policemen to catch more crooks than to set 250,000 Richmonders to counting their nickels, dimes, and pennies after sundown.

NEW PATTERN OF VIOLENCE

It's terrorism, not riots, that experts on violence fear most in 1971. New dangers are seen: Sabotage, political kidnapings and assassinations.

The changing pattern of violence in the U.S. points to this for 1971:

Terrorism is to be a growing menace. Bombings are likely to continue. So are arson and attacks on police. Sabotage of industrial plants and utilities may rise as a big, new danger. There is alarm over possible political kidnapings and assassinations.

College-campus violence appears to be waning.

High schools, however, are scenes of expanding racial strife and violence—a trend to which most observers see no early end.

Street riots probably will be smaller—and may be fewer—than in years of the recent past.

The era of mass rioting and massive destruction in black neighborhoods of major cities appears to be ending.

It is terroristic violence that is most to be feared in the era ahead.

These are the views of Government officials and other experts consulted by members of the staff of "U.S. News & World Report."

What is happening, these experts say, is a shift in the type of violence most commonly committed in this country. The move they see is away from mass demonstrations of anger to more specific acts of destruction committed by individuals or small groups.

This new pattern of violence is becoming more and more like tactics of the guerrilla warfare that some radicals have been predicting for years.

To defend against such tactics, both government and private industry have built up elaborate security systems. Entrances to many federal buildings are closed or guarded. The same is true of many courthouses or other buildings of State and local governments. Armed guards ride airlines to prevent hijacking. Bodyguards have been assigned to a few key officials and special protection has been provided for diplomats to guard against kidnapings or assassinations.

On December 23, New York City police revealed threats to "blow up" Governor Nelson Rockefeller, who had signed papers to extradite Angela Davis, a black militant, to California for trial on murder and conspiracy charges.

U.S. Attorney General John Mitchell, urging increased funds for the Federal Bureau of Investigation, said recently:

"The FBI has information that black extremists and New Left dissidents may resort to aircraft hijackings as part of their strategy to get our Government to meet their demands."

In private industry, company after company is reported taking strong measures to protect its plants, equipment and employes.

A GROWING FEAR

It is not only bombing that is dreaded. Industrial managers as well as government officials are reluctant to talk about this, but apprehension is growing that other kinds of sabotage may soon be tried to cripple factories, headquarters and utilities.

One private expert on violence who asked not to be identified told "U.S. News & World Report":

"Sabotage is the likely next development in terroristic violence. It is the traditional next step after bombing."

Some companies admit privately that they have not only increased their guard forces but also have started developing "blue-collar spies" to detect possible saboteurs. The head of security for one firm with nationwide operations says:

"If we tell anyone our plans to combat sabotage, those plans would become useless. But industrial security has changed from the old night-watchman approach to a system of preventive security which relies heavily on intelligence gathering."

CHANGE FOR BETTER?

Despite all the new fears, some experts predict that 1971 may be less violent—in some ways—than 1970.

From James T. Devine, chief of operations of the civil-disturbances unit of the U.S. Department of Justice, comes this hopeful forecast:

"I think there will be less violence generally in 1971."

Why? Mr. Devine explains.

"The police have become more skillful, more sensitive to some problems. The blacks in the ghettos are not reacting as the militants would program them to react. College students are not following militants as readily."

Yet Mr. Devine and most other experts temper this optimism with caution. The potential for serious trouble, they warn, remains high.

Racial relations are feared to be worsening, rather than improving. Ben Holman, director of the Justice Department's community-relations service, says:

"The races are not getting closer together. There is a growing amount of separatism. It is going to be very difficult for those who are leaders—black or white. Over the next few years, I see things getting more up tight."

"CAUTIOUSLY OPTIMISTIC"

John P. Spiegel, director of the Lemberg Center for the Study of Violence, located at Brandeis University, agrees that racial hostility is rising but he sees some hopeful signs. He says:

"It might mean things are coming out now because Negroes think the white community might listen. We, as a nation, are in the business of opening up society for blacks. This means that long-buried antagonisms must come out into the open. I think there is going to be more trouble, but we shouldn't get panicky about it. Over the long pull, I am cautiously optimistic."

Negro outbreaks, once occurring mostly in big cities, now are spreading into many smaller towns and erupting in the public schools. Junior-high and elementary schools, as well as high schools, are being disrupted.

In the 1969–70 school year, FBI Director J. Edgar Hoover recently told Congress, there were 530 racial incidents in public schools—68 per cent more than in the previous year. And some officials predict that the total for the current school year will prove to be even higher.

Militancy also is reported growing among Spanish-speaking Americans, those of Mexican or Puerto Rican backgrounds. Rioting rocked the so-called "Chicano," or Mexican-American, community of East Los Angeles late last summer, resulting in two deaths. Some Chicano leaders have warned that this might prove to be only the beginning of serious trouble among the Mexican Americans.

THE NEW TREND

As the Spanish-American community heats up, violence in black ghettos is taking new forms. Instead of the mass rioting, looting and burning that shattered scores of cities in the late 1960s, the trend in 1970 was toward smaller flare-ups, involving fewer people, of shorter duration, and causing less property damage.

Such flare-ups are frequent. By some counts, their numbers are larger than in previous years. But they don't attract as much national attention.

The switch in style of black protest is attributed by experts partly to changing attitudes in the Negro communities and partly to more expertise on the part of police.

Mr. Spiegel of the Lemberg Center told "U.S. News & World Report":

"There is as much grievance among the blacks as ever. But there is a growing reluctance to engage in any violent confrontation. After all, it is usually the blacks who get hurt."

Mr. Devine, whose civil-disturbances unit deals with race troubles, made this comment:

"Most of the participants in disturbances now are kids. Few are over 20. When a large group is broken up, they split off into small groups, throwing rocks, looting when they can. They are hard to stop. But it isn't a serious confrontation.

"These kids may have some support from the black community, but the people are not out in the streets with them."

Mr. Holman of the federal community-relations service credits improved police work for holding down the size of black riots. He says there is more communication now between Negroes and police and Negroes understand the problem better: "They realize there is not necessarily going to be a riot every time the police cordon off two blocks."

The new police methods result in fewer shootings and angry confrontations, says Mr. Devine. He adds:

"Small towns now are more likely to have this sort of overreaction. Big-city police are more likely to back off and mediate than to go in shooting."

ROLE OF PANTHERS

Black Panthers, a militant organization of Negroes, are accused by federal officials of being a major factor in black violence.

FBI Chief Hoover recently told a congressional committee:

"Since 1967, more than 200 separate incidents of serious violence on the part of Black Panther Party members have been reported. . . . Panther publications consistently advocate violence against police, public officials, and the entire system and have encouraged the use of any form of terrorism, including assassinations and kidnapings, to achieve overthrow of the establishment."

Mr. Hoover also warned: "Increasing ties between Arab terrorists and Panthers raise the ominous possibility that militants may seek to ape Arab tactics, including airplane hijackings, to gain release of jailed Panther members. . . ."

California officials say arms bound for Vietnam are being stolen in large numbers and later show up in the hands of people involved in bombing and shooting incidents. For example, they say, a stolen machine gun was captured from Black Panthers after a shoot-out in Oakland last April.

Panthers are believed to be few in number. But when police move against them there often is a loud outcry of protest from blacks. Mr. Spiegel explains that in this way:

"The black community does not buy the Panthers' revolutionary program, but it is in sympathy with some of the symbolic gestures of the Panther Party, particularly their attitude of not wanting to be pushed around.

Bombings continue to increase rapidly. In 1969, a total of 541 incidents of explosive or incendiary bombing was reported. This year, about 1,000 bombings were reported in the first 11 months.

NEW YORK'S EXPERIENCE

Records of the bomb squad of the New York City police force show the problem terrorism creates for big-city officials. In 1969, the bomb squad reported 3,192 cases. By early November of this year, it had handled 8,745 cases.

Eventually, Mr. Spiegel predicts, this type of violence will die down because "the use of direct terrorism really turns off so many people that it is destructive to any radical movement." He says the extremist groups are badly organized and will not attract any broad support.

The radical groups advocating terrorism seem to be getting less and less support on college campuses.

Campus violence set a record in the 1969–

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70 school year when, the FBI reports, there were nearly 1,800 student demonstrations with 7,500 arrests, 462 injuries, 8 deaths, 247 cases of arson and 313 sit-ins or building seizures. Up to November of this school year, FBI reports showed only 130 demonstrations, with 150 arrests, 23 injuries, 6 sit-ins, 8 bombings and 10 cases of arson.

"We can't tell yet what might happen after the Christmas vacation," says Mr. Spiegel. "But the students appear to be emotionally exhausted from last spring's violence. They can't keep agitating all the time and still keep up with their studies. They are aware that colleges are in financial trouble and they don't really want to make it worse—except for the far-out radicals."

That, as the experts see it, is pretty much the picture for the entire country. Large masses of people who have rioted and made trouble in the past appear now ready to "cool it."

Not the "far-out radicals," however, it is their type of violence–terrorism—that Americans fear most in 1971.

THE 1970 TOLL OF VIOLENCE

Street riots: More than 200 civil disturbances, including 18 classed as "major riots" by the U.S. Department of Justice. Death toll—25.

Bombings: About 1,000 through November, nearly double the total reported for all of 1969. Businesses, government buildings, private homes were the main targets.

Campus violence: Nearly 1,800 student demonstrations, sit-ins, arsons, building seizures—a record—in the 1969–70 college year, ended last June. Casualties—8 killed, 462 injured. About 7,500 persons were arrested. Violence is down so far in the school year starting last September.

School disturbances: Unrest spread in grade and high schools during 1969–70. A total of 530 racial incidents—68 per cent more than the previous year—made up the bulk of disturbances. Officials expect the current school year to prove even more violent.

Attacks on police: At least 88 policemen were killed, a new high. Included were 17 slain in unprovoked attacks.

Source: U.S. Dept. of Justice: Internal Revenue Service, International Association of Chiefs of Police.

DEALING WITH BOMBS ON CAMPUS

Bombings—and threats of bombings—appear to worry campus security officers more than anything else as they prepare for the second half of the 1970–71 school year.

Preventive measures include more campus policemen and identification cards for students and faculty. At Stanford University and other schools, professors are volunteering as building guards.

Since the school year began in September, there have been few mass demonstrations or riots. Still, not a month has passed without a bombing at some American college or university.

There was an explosion on the Madison campus of the University of Wisconsin even before school opened. On August 24, a tremendous blast rocked the Army Mathematics Research Center there, killing a young scientist and causing damage estimated at 6 million dollars.

Subsequently, bombs went off at the Universities of Colorado and Oregon, Kent State University in Ohio, Florida State University and at a branch of the Bank of America which serves the University of California at Santa Barbara. No one was injured in these incidents.

When a bomb exploded at the University of Kansas on the night of December 11, however, three students were hurt slightly. The blast blew out two walls in the university's computer center.

Authorities blame the bombings on radical extremists, possibly nonstudents, who have gone underground to make a last-ditch stand against the university "establishment." Press reports of all such incidents do not record a single arrest so far.

FALSE ALARMS

Almost as bad as the bombings, in their disruptive effects, are the false alarms.

There were more than 175 bomb threats this autumn at Rutgers, the State University of New Jersey, leading Dr. Mason Gross, the university president, to declare:

"We must soon, I believe, arrive at a policy of keeping our buildings open in spite of bomb threats, or they may bring the university to a standstill."

No bombs had been found at Rutgers through December 24, but every telephoned threat has led to a disruption of up to two hours as buildings were evacuated and searched.

At Boston University in recent months, students have been routed out of classrooms and dormitories more than 80 times because of bomb scares.

"We can't sleep, we can't eat, we can't study," one student complained.

Students at Boston U. now have the option of staying put during a bomb alert. Buildings are not evacuated unless a search turns up something suspicious.

College authorities are fearful that the false-alarm type of harassment—costing only a 10-cent phone call—will continue and spread into the new year.

They say there is one hopeful development, however. Surveys indicate that campus bombings, and threats of bombings, are alienating large numbers of students and hurting radical causes far more than they are helping them.

CONGRESSMAN WILLIAM T. MURPHY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 28, 1970

Mr. HORTON. Mr. Speaker, I am proud to join with my distinguished colleague in recognizing the distinctive service **William T. Murphy** has given this country as a Congressman.

I have been associated with him for many years, as a colleague and as a friend. Our common interests also include an interest in baseball and we have many mutual friends participating in that great sport.

In 1966, **William Murphy** represented the Speaker at the dedication of the Israeli Knesset in Jerusalem. I accompanied that delegation and was impressed by the dignity and knowledge of foreign affairs he displayed on that occasion. He has also shown great knowledge and leadership in the very important area of U.S.-Canadian relations. We worked together on problems of mutual interest to the United States and Canada, an area of vital importance to the people of my district.

He has served with great distinction on the Committee on Foreign Affairs. In the last decade, much of our foreign policy attention has been directed toward Asia, and his role as chairman of the Subcommittee on Asian and Pacific Affairs was carried out impressively. The "Winds of Change" which announced European decolonization in the Third World also received the attention warranted, for **William Murphy** also served on the Subcommittee on Africa and the Near East and contributed his extensive knowledge to their deliberations.

My association with the distinguished gentleman from Illinois has been of great value to me and I regret that our professional association will soon be coming to an end. His guidance and his example will continue to inspire his colleagues for many years to come.

TRIBUTE TO THE LATE MR. CLAYBORNE GEORGE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. STOKES. Mr. Speaker, I would like to take this opportunity to ask my colleagues to join me in paying tribute to one of Cleveland's outstanding citizens, Mr. Clayborne George.

Mr. George was one of the first Negro attorneys to open offices in Cleveland, having been admitted to the Ohio Bar in 1920. I have always considered him to have been one of the pioneers in the fields of law and politics for black men and shall greatly miss the leadership he provided. Yet the inspiration he gave to many young black lawyers will stand as a living monument to him.

With the permission of the House, I insert in the Record the following articles from the Cleveland Plain Dealer and the Cleveland Press which noted his outstanding achievements:

[From the Cleveland Plain Dealer]

CIVIC LEADER GEORGE DIES AT AGE OF 82

Clayborne George, one of the first Negro lawyers in Cleveland and prominent in civic affairs here for 50 years, is dead at 82.

Mr. George, husband of Dr. Zelma George, executive director of the Cleveland Job Corps for Women and former United States delegate to the United Nations, died Christmas Eve in his home, 2178 E. 81st Street.

Rising from a one-room country school in his native Virginia, Mr. George was graduated from Howard University, Washington, D.C., in 1911.

In 1917, he obtained his law degree from Howard and three years later received a master's degree in law from Boston University.

Between degrees, Mr. George was graduated from the first Negro Officers Training Camp in Ft. Des Moines, Iowa, as a first lieutenant and served in combat in France during World War I.

In 1927, Mr. George was elected to Cleveland City Council from Ward 18 and served three terms.

He is past president of the Cleveland branch of the National Association for the Advancement of Colored People. His law offices served as the first headquarters here for the NAACP.

Mr. George was instrumental in furthering the cause of blacks in politics and helped elect the late Charles W. White as the first Negro Cuyahoga County Common Pleas judge.

A life-long Republican, Mr. George was appointed to the Cleveland Civil Service Commission in 1934 by Mayor Harry L. Davis.

He retired Dec. 31, 1969, having served on a civil service commission longer than any U.S. citizen.

Mayor Carl B. Stokes presided at a testimonial dinner for Mr. George last January which was attended by 2,000 persons.

Mr. George was first married to Enola McDaniel. She died in 1941. In 1944, he married Zelma Watson.

Mr. George was admitted to the Ohio bar in 1920, joining in partnership with Judge Chester K. Gillespie.

At the time of death, he was associated with lawyers John H. Bustamante and John G. Pegg.

In the 1920s, Mr. George was one of the first Negro professionals to obtain office space in downtown Cleveland.

Mr. George was awarded the distinguished service certificate of the Community Chest of Greater Cleveland in 1950.

Mr. George was an active member of the Antioch Baptist Church where he taught a men's Bible class for more than 40 years.

Funeral services will be conducted at the church, 8869 Cedar Avenue S.E., at 11 a.m. Tuesday.

Visiting hours will be from 7 to 9 p.m. tomorrow at The House of Wills, 2491 E. 55th Street.

Survivors include his wife; a nephew, Dr. Theodore George, Washington, D.C.; a foster daughter, Flossie Gilchrist; cousins, Mrs. William P. Young, Youngstown, and Dr. William Hale.

The family asks contributions be made to the NAACP through John Bustamate, 1107 Public Square Building.

[From the Cleveland Press]

CLAYBORNE GEORGE

At a testimonial dinner last January, many kind words were spoken about Clayborne George, all of them true. Through hard work and determination he carved out a long and useful career here.

Mr. George worked his way through Howard University and earned a law degree at Boston University. He served several terms as a Cleveland councilman and for a quarter of a century was a member of the Civil Service Commission.

As an energetic member of the Cleveland chapter of the NAACP Mr. George helped Negroes win employment in areas that previously were closed to them. With the death of Mr. George at the age of 82 Cleveland has lost an outstanding citizen.

NOTRE DAME IS NO. 1

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DERWINSKI. Mr. Speaker, while I do not expect any argument from the usually vocal Texans or from the usually proud Ohio delegation, I am convinced that as a result of yesterday's games Notre Dame is the No. 1 college even despite Nebraskan views to the contrary.

May I point out, Mr. Speaker, that our Texas colleagues are surprisingly quiet this morning and for a good reason. They appreciate the fact that Notre Dame in its Christian charity held the final score below what they could have run up.

While I appreciate that fact that Nebraska will now claim to be the Nation's No. 1 college football team, I must point out that LSU was softened up by Notre Dame during the regular season and this fact saved Nebraska from defeat yesterday.

I am convinced, Mr. Speaker, that any objective football fan, even a Boston Irishman such as yourself, will agree that Notre Dame is No. 1.

KENTUCKY CREDIT UNION TYPIFIES CREDIT UNION MOTTO

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. PATMAN. Mr. Speaker, virtually every day I learn of credit unions across the country that are performing outstanding services for their members.

In fact, stories of uncommon work on the part of credit unions have become commonplace throughout the credit union world. Typical of the uncommon but yet commonplace service performed by credit unions is the case of the Richmond Federal Credit Union in Richmond, Ky.

The credit union was founded by a Catholic priest and a Methodist minister in 1966, and it was designed to help the poor in the Richmond area, which is on the fringe of Appalachia. Since its small beginning with 10 members and $50 in assets, the credit union has increased its assets to $34,478. One of the principal benefits of the credit union is that it has put out of business many of the free-lance loan sharks in the area who lent money at an interest rate of 25 percent a week and more. Even more outstanding is the fact that the credit union is providing all of its services without any outside help or subsidy.

Mr. Speaker, a recent Associated Press article concerning this credit union describes why the Richmond Federal Credit Union typifies the credit union motto of "Not for profit, not for charity, but for service." The article follows:

TO HELP POOR: CREDIT UNION ALL-COUNTY

(By Bob Cooper)

RICHMOND, KY.—Race and religion don't mean much around the Richmond Federal Credit Union. Just ask the bank examiner who visited here a few months ago.

"I'm here in a black minister's Baptist church," he told his home office on the phone. "I'm talking with a Catholic priest and there's a Methodist minister across the table.

"And, so help me, they've got a Jewish boy keeping the books."

The credit union was founded by the priest and the Methodist minister—then chaplains at Eastern Kentucky University here—in 1966 to help the poor in this county on the fringe of Appalachia.

Its officials now believe it is the only federal credit union operating on a countywide basis in the nation. Others usually serve employes of an individual company.

The priest and the Methodist minister have gone—transferred to other areas by their respective churches—but the Baptist minister is still around. He serves as the credit union's bad-debt collector.

The Rev. A. C. Goodlow "is good at it, too," said Mrs. William Manz, treasurer of the credit union. But before he takes over, the bad debts have been "on the wall" for a time.

"We have a list of names we put on the wall here in the office," Mrs. Manz explained. "The word usually gets around and people who are behind in their payments usually come in and pay up right away."

At the time she was speaking, there were 33 names on the wall, "but one of those came in and paid this morning, so his name will come down."

"The credit union not only offers loans to the poor, but it's an education for some of them, too," she continued. "Some of these people aren't used to paying their bills and this is an education for them.

"Not only that, it's even more of an education for me," Mrs. Manz said. "I've really learned a lot about people since we got this thing started."

The credit union was begun by the Rev. John J. McGuire, Catholic Newman Club chaplain at the university, and the Rev. James E. Wilson, Eastern's campus minister for Methodist students.

In the beginning, it had 10 members and assets of about $50. By the first of 1967, assets totaled $1,924; a year later, $3,295; at the start of last year, $17,000 and now, $34,478.

"We made two big jumps in assets," Mrs. Manz said. "One was when we got some organizations here interested in being depositors and the other was last November when we started payroll deductions."

Like all credit unions, the one here is limited by law to loans to any individual of 10 per cent of its total assets. That means you can borrow only $3,447 right now.

The credit union office is located in Richmond's poverty-ridden east end, where some people live in shacks with dirt floors, no plumbing and paperthin walls.

Its loans, however, are not limited to those living in the poverty area.

"A professor at the university can be in as great a need of a loan as somebody living right around here," Mrs. Manz said. "We have to consider each loan application individually."

The credit union's loan committee also has to use compassion as well as business judgment when it reviews the applications.

"Last Christmas, we had an application from a woman who lives out in the county. She has four children; one of them had been burned badly by falling against a stove and another is retarded.

"The mother has a heart murmur and just now is getting over an operation. The father is illiterate and doesn't work much.

"But it was Christmas. We loaned them the money. We haven't gotten a payment for a while, but we'll get it. I'm sure of that," Mrs. Manz said.

The credit union hopes to crimp the business of free-lance loan sharks who roam Richmond's east side, lending money at interest of 25 per cent per week and more.

Although it is just trying to help the poor, the credit union runs into a great deal of suspicion.

"You've got to understand that these people have been surveyed to death. They've been promised things, shown pictures and so on, but they are still living in absolute poverty.

"That makes these people suspicious of us, too. But we're not subsidized in any way, shape or form and all we're in business for is to help these people," she added.

A TRIBUTE TO THE HONORABLE RICHARD D. McCARTHY

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

I rise to join my colleagues in paying a well-deserved tribute to the Hon. RICHARD D. MCCARTHY, an outstanding young legislator from Buffalo, N.Y.

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In his 6 years in Congress, Max McCarthy fought valiently to preserve the integrity of our environment. As a fellow Great Lakes Congressman, I can attest to his vigorous efforts to clean up and restore vitality to our diminishing supply of fresh water. In addition, Max McCarthy almost singlehandedly reversed the policies of our Nation on chemical and biological warfare.

The people of Buffalo and the Nation are better off for the efforts of Max McCarthy and I am sure we will be hearing a great deal more of Max in the years to come, both in and out of Congress.

SOVIETS MEDDLE IN U.S. POLITICS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 1, 1971

Mr. BRAY. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

Control of Congress—Soviets Meddle in U.S. Politics

(By Paul Scott)

Washington.—The battle for control of congressional committees in the 92nd Congress is taking on international ramifications.

This is clearly indicated by the recent full page denunciation of Sen. James Eastland, D-Miss., and the Mississippi congressional delegation by the Red Star, the main organ of the Soviet Army.

Both the content and the timing of the Red Star blast against Sen. Eastland and other members of the Mississippi delegation are considered highly significant by American intelligence authorities who have carefully studied the unprecedented attack by the Russian military.

The Red Star attack preceded by a day the publication in the Washington Post of two editorials attacking the right of members of the Mississippi delegation to head major congressional committees.

Supporters of the campaign to oust the Mississippi delegation from their chairmanships privately say that the Post articles kicked off their drive. Their objective is to rid Congress of "Southern influence" by attacking the seniority system and forcing the election of committee chairmen.

In addition to Sen. Eastland, chairman of the powerful Senate Judiciary Committee and Internal Security subcommittee, the immediate targets of this campaign are: Sen. John Stennis, D-Miss., chairman of the Senate Armed Services Committee; Rep. William M. Colmer, D-Miss., chairman of House Rules Committee, and Rep. John McMillan, D-S.C., chairman of the House District Committee.

If any one of these Southern members can be barred from his congressional committee chairmanship, it will be the beginning of the end of the seniority system in Congress and the tremendous influence exerted by lawmakers from the South.

The Soviet army's decision to jump into the fight is viewed by American intelligence officials as an attempt to turn Congress into a major psychological warfare battleground.

The Russians are pictured as seeing the seniority battle as a golden opportunity to help rid the Congress of its strong anti-Communist influence.

All veteran committee chairmen under attack are known for their strong anti-Communist views and support for strong internal security measures.

The retirement of Speaker John McCormack, D-Mass., and the death of Rep. Mendel Rivers, D-S.C., is expected to have a strong influence on the outcome of the battle.

With these two powerful leaders gone from the congressional scene, the leadership umbrella that in the past protected and encouraged other members to support strong anti-Communist measure may be missing. Whether House Majority Leader Carl Albert, D-Okla., will follow McCormack's umbrella policy when he becomes Speaker is conjectural.

The test for Albert will come when a coalition of liberal congressmen headed by Rep. Donald Fraser, D-Minn., attempts to bar Reps. Colmer and McMillan from their committee chairmanships. His efforts to influence the outcome of this vote will indicate his position.

Under the present system backed by long tradition, the senior majority party members of a committee automatically are recommended as chairmen by the House Ways and Means Committee, chaired by Rep. Wilbur Mills, D-Ark.

The Fraser group plans to ask the Democratic caucus to reject the Mills' committee's recommendations of chairmanships for Colmer and McMillan.

A powerful new lobby known as Common Cause and headed by John Gardner, former Secretary of Health, Education and Welfare, is now working backstage here to support the Fraser group.

Should this move succeed in the House, efforts will then be made in the Senate to strip Sens. Eastland and Stennis of their chairmanships.

The outcome of these battles could greatly influence U.S. policy toward the Soviet Union in the '70s and the Kremlin knows it. That is why they want a piece of the action.

ALLARD K. LOWENSTEIN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. BINGHAM. Mr. Speaker, I suspect that no freshman Member of the House since Henry Clay—and not excluding Abraham Lincoln or John F. Kennedy—has made more of an impression on this body than has Allard K. Lowenstein.

I have found it a rare privilege to get to know Al Lowenstein and to work with him here. His has been an eloquent voice for peace, for a better life for Americans, and for improvement in the cobwebbed rules and customs of this House.

Before January 1969 I knew Al mainly by reputation—as a young idealist who had courageously led a civil rights crusade in Mississippi and who had set in motion another crusade which had enormous impact on our national leadership and on the war in Vietnam.

Since January 1969 I have come to know this young man as one of the most generous, thoughtful, and kindly human beings I have ever known. It was a measure of these qualities that won Al the affection and respect of so many in this House, including many who were opposed to him on virtually every issue.

I hope very much that Al Lowenstein will return to these Halls in the 93d Congress, if not before. But I know that, whatever he chooses to do, this country—and indeed the world—will be the better for it.

ARTS AND HUMANITIES: THE NATIONAL FOUNDATION GROWS UP

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. BRADEMAS. Mr. Speaker, the United States has now become the acknowledged world center of painting, music, the dance, and many facets of theater, architecture, and film.

While America has become a world cultural center, we have also in recent years been taking steps to make our culture achievements more available to our own people—through the mechanism of the National Foundation for the Arts and Humanities.

The magazine Science, published by the American Association for the Advancement of Science, recently contained an excellent two-part article on the Foundation, by Constance Holden.

Because this year marks 5 years of productive and energetic life of the Foundation, and because the Science articles so competently report on those years, I take this opportunity, Mr. Speaker, to insert them in the body of the Record:

1. Arts and Humanities: Culture Agency Is Emerging From Infancy

(I must study politics and war that my sons have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy, geography, natural history and naval architecture, navigation, commerce, and agriculture, in order to give their children a right to study painting, poetry, music, architecture. . . . President John Adams.)

The legislation

With the passage of the Arts and Humanities Act of 1965, the United States government undertook for the first time to become a continuing patron of the nation's cultural activities. In the years since the act was passed, a total of some $50.5 million have been expended under the Act. The effects of these expenditures are difficult to evaluate as a whole: in many instances the individual sums are small and the impact of many of the activities cannot be measured in physical terms. But the organization that implements the Act, the National Foundation for the Arts and Humanities (NFAH), appears destined for an increasingly large role in the economics of American culture; therefore, at this half-decade mark, it may be useful to examine the structure of the NFAH and its pursuits.

The legislation created two separate but adjacent organizations, or endowments, one for the arts and one for the humanities. It provided for a staff for each and a 26-member council, composed of well-known figures from a variety of disciplines, to preside over each. The chairman of each council, who is also chairman of the endowment, was to receive the same salary, $28,500, as the director of the National Science Foundation (the salary has since been raised to $40,000 for council chairmen and $42,500 for the NSF director). To coordinate the endowments and provide liaison with other government departments a Federal Council on the Arts and Humanities, made up of selected government administrators, was appointed. The endowments were each allotted $5 million for the first year of operation, with as much as $5 million more apiece promised to match private gifts.

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The arts endowment was directed to supply fellowships and matching grants to individuals and groups engaged in study or performance in all fields of the performing and creative arts, including film-making, architecture, and fashion design. The mandate to the humanists was to assist the study, teaching, and public dissemination of knowledge in history, philosophy, law, languages, literature, religion, and archeology.

The law governing **NFAH** is designed to keep federal participation minimal, both spiritually and financially. It contains the usual language forbidding interference with the policies of grantees. Most grants to institutions or groups made through the arts endowment require that at least 50 percent of the necessary money be put up by the recipient; no such stricture pertains in the humanities endowment. But both operate under the assumption that federal funds are to act as "seed" money, not as primary support of any project.

Like **NSF**, **NFAH** underwent many changes and reversals between conception and birth; but unlike **NSF**, whose budget has blossomed from a few million to almost a half billion dollars, funding levels have remained small by federal standards.

This year has seen the Foundation's first big jump in appropriations—the fiscal year 1971 allocation is $31,310,000, an amount exceeding that allotted for fiscal 1970 by more than 50 percent. Of this, $11,060,000 is earmarked for humanities programs, and $12,590,000 will go to the arts, of which $4,125,000 is designated for the use of state arts councils. $2.5 million in matching funds is available for each endowment. The rest is for administration.

History

No one now seems to question the Foundation's right to exist, but many regard its acceptance by Congress as little short of miraculous. Attempts to create a federal arts agency go far back in the nation's history, but success can finally be attributed to the 89th Congress, which, rich with the liberal harvest of the 1964 Democratic landslide, supplied a friendly environment to arts legislation. In addition, President Johnson, whose cultural philistinism was generally exaggerated, gratified enthusiasts by his strong endorsement of an administration bill that combined the arts and humanities in a single agency. The mood of the nation—activist and optimistic—was ripe for the idea. "Arts have a way of moving ahead when people feel this way," observes a National Gallery official, "and this was a time when in the unconscious sense this was a great society."

The bill was not without its critics, some of who feared the enstatement of a "culture czar," the propagation of "committee taste," and the danger that the arts would be dragged into a slough of mediocrity. However, the Foundation has not only failed to justify these expectations but has, despite its modest appropriations, apparently surpassed the hopes of its fondest adherents.

The arts and its problems

The arts endowment, which got a year's head start in planning, has perhaps scored the most significant advances. In 1966, its first full year of operation, it faced what the arts council likened to a cultural desert in America. While great metropolitan centers such as New York, Chicago, and San Francisco were teeming with creative activity, the rest of the country was relatively barren of professional artists. Museums, symphony orchestras, and theater companies, which traditionally operate on the verge of bankruptcy, were teetering on the brink of extinction. Ironically, the country's culture boom is counterproductive for arts institutions, for whom a heavy customer load increases the already existing financial drain. As a result of skyrocketing attendance, for example, many museum officials have been confronted with the choice of either limiting visiting hours or setting high admission fees. Dance, the newest and smallest of America's performing arts, is also in financial trouble. Average yearly salaries for dancers in major companies range downward from $9000 to less than $4000. New York is the acknowledged "dance capital of the world," but companies dare not stray outside the half-dozen large cities where they can be assured of an established audience.

According to a landmark study called *The Economic Dilemma of the Performing Arts*, by William Baumol and William Bowers, which was published in 1966, the situation can only deteriorate because the performing arts are not suited to the rules of America's mass production economy. Annual net deficits of all performing groups were estimated at $26 million, with a projected rise of up to $60 million by 1975.

Except for tax exemptions to nonprofit groups, the government, prior to the establishment of the endowment, did next to nothing to alleviate the situation. Hardly anyone wants the federal government to become the No. 1 patron of the arts, as is the case in Europe—least of all the artists themselves, who cherish a visceral antipathy toward bureaucracy. Nonetheless, statistics tell of a striking disparity: the Austrian government annually spends about $3.78 per capita on the arts, and Great Britain puts out $1.23, in contrast to 10 cents a head in the United States.

While Europeans regard art as a necessity, Americans see it as a luxury. Sculptress Jimilu Mason, a member of the arts council, is appalled at the contrast. After a recent trip to Europe she said, "Returning to America makes you wonder what in the world has happened to art. In Europe, there's art in public buildings, in post offices—art is everywhere." Miss Mason contends that the American notion of the exclusivity of art has prevented us from incorporating it into everyday life. Endowment staff members, too, remark that Europe looks to this country for the most exciting new developments in the arts, but Americans themselves are hardly aware of the riches they harbor. "The vitality, diversity, and creativity in American dance has been one of the world's best kept secrets," says June Arey, director of dance programs. "For years some companies have been kept alive by foreign tours sponsored by the State Department."

Aims

The arts endowment has set itself a twofold task: to stimulate and support creativity and to democratize the arts through wide public exposure and the creation of new channels of dissemination. To the latter end, approximately one-third of the money directly allocated to the endowment is distributed among state arts councils. About half the states had arts councils at the time that the legislation passed. With stimulation from the endowment, the councils have expanded and others have been created. Now one exists in every state and territory, including the Virgin Islands, American Samoa, Puerto Rico, and the District of Columbia.

As autonomous bodies, the state councils operate as mini-endowments, designing programs tailored to the needs and fancies of their areas and collecting funds, either appropriated by state legislatures or contributed by private donors, to match the federal funds. (Federal moneys plays a very small role for some councils: in New York the legislature allocated an unprecedented $20 million for the coming year to bail out her foundering performing arts groups.)

One significance of the state program is that it stimulates small-scale amateur projects of the sort private foundations rarely touch. In Michigan, for instance, the railroad association donated cars for an "Artrain" which was stuffed with art exhibitions, craft shows, and traveling lecturers and sent around the state. In West Virginia, a little money and talent transformed the State Music Association from a listless assortment of nonmusicians, who met to discuss high school band outfits, into a vital group that broke the pageant-like tradition of outdoor theater in Appalachia by staging an original production of *The Hatfields and McCoys*.

The state program bears much responsibility for the endowment's popularity. There is evidence that enthusiastic mail from home has spurred a number of congressmen to jump on the art bandwagon. The program's vitality also argues against the occasional criticism that the endowment is limiting its beneficence to entrenched big-city cultural establishments.

The national program money has gone to a variety of individuals and groups in nine categories: dance, literature, music, education, public media, theater, visual arts, architecture, and interdisciplinary programs. Nonmatching grants to individual creative artists account for about 4 percent of outgoing funds. Other grants are designed, as a staff member put it, to "kill all kinds of birds with one stone."

An example of this multiplier effect is found in a grant which enabled the Vermont Marble Company to arrange an outdoor sculpture symposium. Ten outstanding sculptors were invited to spend the summer chipping away at blocks of marble, and the results were left to start a sculpture park. For a modest outlay of $10,000, the endowment linked up with private industry, which promises to be a vast source of future support for the arts, engaged a wide audience (some 100,000 people came by to watch the artists at work), set an unusual and imaginative precedent, and left a legacy which will draw further contributions.

Another unorthodox venture is the Affiliate Artists program, made possible by a donation from the Sears Roebuck Foundation. A performing artist, usually a musician, becomes an affiliate of a college or community organization, and—freed from the usual academic obligations of the artist-in-residence—he gives concerts and acts as an adviser to the community.

The endowment's largest commitment to date has been $2.6 million, over a 3-year period, matched by donations from the Ford Foundation and the Motion Picture Association of America, for the creation and support of the American Film Institute. The AFI is a nonprofit organization set up to further education, research, and publication on film-making and to build an archive of old American movies which have been transferred from crumbling nitrate to durable acetate stock. The AFI also runs a theater in Washington, D.C., whose overwhelming popularity testifies to a heretofore untapped audience of old-film addicts.

Projects

The endowment faces a danger common among all foundations: that of sinking money into projects that die the minute their grants are used up. The idea that a program, once launched, will be carried by momentum "is plainly a complete illusion," says Michael Straight, deputy to chairman Nancy Hanks. Grant applicants are therefore required to submit long-range plans and to furnish information on potential private sources of cash. Miss Hanks, who came to the endowment after 10 years as chairman of the American Association of Arts Councils, is also credited with uncanny knowledge of the habits of private foundations and the business world, which enables the endowment to make realistic assessments of a program's survival capability.

Nonetheless, miscalculations have been made. A few years ago the endowment put $350,000 into the creation of a touring arm

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of the Metropolitan Opera Company. After 2 years of struggle the company sank. Sarah Caldwell's American Opera Company was then given a touring grant, but this venture has been plagued with financial difficulty.

Also in deep trouble is a resident theater company which was set up in New Orleans—one of several pilot theater projects across the country. The endowment played the major role in establishing the theater in a community where little organized interest existed, and efforts are still being made to create a reliable base of community support.

Nevertheless, popularity is not enough to ensure a program's success, since the worth of an artistic institution cannot be judged by standards of cost-effectiveness. While salaries and expenses rise, there can be no balancing rise in efficiency when the product is labor. As one report notes, "it takes as many man-hours to perform a Schubert string quartet today as it did 150 years ago."

With their new 1971 appropriations, Miss Hanks and her council have decided to address this problem with the endowment's first grants to symphony orchestras. Although Straight hails the move as "going to the core of the arts," to the "carriers of our cultural heritage," others question its merits. "Every orchestra in this country operates on a deficit—they're bottomless pits," says a congressional staff lawyer. Endowment policy forbids the funding of deficits, "but that's where the money's bound to go."

A music critic points out that only 5 percent of the population goes to one or more performances a year by any of the performing arts. A staff member calls symphony orchestras "gargantuan" monsters, a creation of another era, whose march to extinction will not be slowed by a few million dollars. Critics also mention the $82 million invested by the Ford Foundation into 61 major orchestras over the past 5 years. Services have been expanded and salaries have been raised as a result, they say, but the orchestras' escalated economy has created further needs which leaves them back where they started.

Nevertheless, the endowment believes aid to symphonies will spur their managements to uncover new sources of financial support and, more importantly, will encourage them to break past their hoary role as museums for the classics—to play more contemporary music, to break into small ensemble groups, and to venture out of concert halls and into parks and suburbs.

As the endownment grows, so will controversy within and around it, and the staff is aware that the real battles are yet to come. At present, though, harmony predominates. Nancy Hanks, who was appointed by the President last year to take over from Democrat Roger Stevens, enjoys unusual respect and admiration from her colleagues. Combined with her soft-spoken charm is an awesome political prowess which the Oxford-educated Miss Hanks used to good effect in the course of buttonholing some 200 congressmen to urge this year's hike in appropriations. Nixon offered concrete evidence of his faith in the Hanks leadership when he asked Congress last December to double the Foundation's allocations. The confidence seems to be mutual—"the arts picture under Nixon is the brightest it's ever been," says she.

2. ARTS AND HUMANITIES: FEDERAL MONEY IS BENEFITING CULTURE

The humanities—aims

The National Endowment for the Humanities has the twofold mission of upgrading the quality of humanistic endeavor and laying open its riches to the general public.

Former president of Brown University Barnaby Keeney, chairman of the endowment until President Nixon's refusal to reappoint him last July, remains its most outspoken representative. Keeney feels that humanists have lost sight of what he considers their proper role, namely, that of interpreting the past so that man may live more wisely and happily in the present. He thinks that the humanities have been in danger of becoming an intellectual retreat rather than a living force, and that humanists have been delinquent in helping people formulate new values to deal with the consequences of advances in science and technology.

In a 1969 speech, for example, Keeney declared: "Strenuous and occasionally successful efforts are being made to apply the social sciences, but almost never are the humanities well applied. We do not use philosophy in defining our conduct. We do not use literature as a source of real and vicarious experience to save us the trouble of living every life again in our own."

The most visible signs of the disparity between government support for science and the humanities are found in aid to higher education. In 1965, of all federal money for research, less than one-half percent went to humanities, with the result that the proportion of humanities scholars to science scholars declined drastically in postgraduate education programs (*Science,* 1 October 1965). The effect of this bias is seen on campuses throughout the country, where humanities classes are often housed in shabby edifices abandoned by science departments when they moved to shiny new government-funded facilities.

Four categories

The endowment directs its beneficence into four categories—fellowships and stipends for individual scholars; research and publication; the upgrading of humanities education; and a public program, whose broad mandate is to get the grass roots excited about the joys of knowledge.

While individual research and scholarship grants are awarded for many kinds of activities, from underwater archeological excavation to a study of the philosophy of law, the humanities council has tried to favor studies that will stimulate thought on civilization's current afflictions. The stress on "relevancy" has produced some dismay in scholarly quarters where there was fear that pure research was being downgraded. But the objections have apparently been dispelled. When asked recently what the endowment's greatest accomplishment had been, Keeney replied: It's gotten the humanists to think of something besides pure research." The endowment started out by handing over 80 percent of its budget for individual study and research. Now, with priorities shifting to education and public programs, the proportion is down to 35 percent.

Program for public consumption

The most adventurous and least clearly defined of the programs is the one for public consumption. It has two basic thrusts: one deals through the media, primarily in the form of educational television programs; the other involves direct confrontations between the humanities and The People. In the latter category, the centerpiece is the National Humanities Series. Organized with grants to the Woodrow Wilson Scholarship Foundation, the series sends teams of actors and teachers to interested communities whose cultural facilities are limited. Under the general heading of "Time Out for Man: The Humanities in Action," the teams stage lively public productions, which feature the writings of history's great thinkers, around themes of current public concern. After the performance, discussions are held between the audieuce and those on stage. The performers have reportedly been enthusiastically received, and some communities have become excited enough to form groups to foster more such activities.

The aim of the public programs is to build on the resources of all the local institutions it can get its hands on—museums, libraries, schools, adult education centers, historical societies, radio and TV stations, and newspapers. A pilot program in Utah, for example, provides for a humanities agent (modeled on the liens of an agriculture extension agent) to aid statewide agencies in designing programs related to local history and culture, and to engender cooperation between public schools and local historical societies.

Educational programs

The endowment's education program is largely concerned with aiding in the development of humanities curricula. Colleges and universities have received the most attention, but the most novel program may be the National Humanities Faculty, which is applied to elementary and high schools. Under this program, small groups of scholars and teachers deliver talks to students and aid faculties in designing courses that have special relevance within a particular school—such as a program on human attitudes and values to aid in a school's transition to desegregated classes. A broader aim of the program is to get high schools and neighboring colleges—which for the most part inhabit separate intellectual communities—into a pattern of productive exchanges.

Considerable money has gone into programs with direct application to the country's social problems—such as ethnic studies of minority groups, a grant for the Watts Writers Workshop in Los Angeles, and faculty development grants for small Negro colleges—but the endowment has yet to discover a comprehensive way of harnessing the cultural energies of poor and underprivileged youth. One such opportunity arose in the formation of the Eastern High School Freedom Annex in Washington, D.C., a center for supplementary courses in black history and culture, which was formed by a group of young blacks who were fed up with their high school. The program, which has received two endowment grants, has drawn a number of dropouts back into the school system and has propelled others on to college. Endowment staff members say they would like to back more programs that perform a beneficial, social as well as cultural function. But a paramount concern for quality forces them to be highly selective: "after all, we're not a social action agency."

Standard setter—Research and publications

The endowment tries to be a standard-setter for excellence and a perpetuator of the best in American culture. In this capacity, one of the largest appropriations has been made to the Modern Language Association. Under yearly grants ($189,000 for 1970) teams of scholars have labored over production of complete, accurate, annotated editions of the works of major 19th century American authors. The project is widely praised for supplying an authoritative collection of works, many of which are unpublished, out of print, or abroad in inaccurate texts. Some critics have complained that the grants put a lot of money into some pretty precious scholarship. "Does it really matter whether Melville's ocean was 'roiling' or 'boiling.'" wondered one.

As part of its effort to break down rigid barriers between disciplines, the endowment is putting money into a number of programs to stimulate across-breeding with the sciences. Among these is a grant to the Princeton engineering faculty to perimt widening of the curriculum to include the political esthetic, and human ramifications of an engineering project. Another grant enables research fellows at the Salk Institute to study the humanistic implications of advances in such fields as genetics.

In the scholarly realm, the endowment intends to place future emphasis on the development of basic research tools such as bibliographies and dictionaries, and on technological research aids like computers, microfilm libraries, and improved methods of copying documents.

Creation of State Programs

In the public arena, inspired in part by the success of the state arts councils, the endowment is looking into the creation of a new state-based program. The form it will take is yet undecided. State programs might become attached to local arts councils or historical societies, or they might be administered by state humanities consortia made up of representatives from cultural agencies, publications, and educational TV stations. Keeney, whose views incline to acerbity, doubts whether local autonomous agencies can conduct programs of high quality, but feels that a state-based program would be "very helpful politically."

The National Foundiation for the Arts and Humanities (NFAH), because of its high artistic and intellectual standards and the fact it has had so little money, has operated remarkably free of serious criticism. Experience has proved unfounded the fears that money would be poured only into existing channels rather than used to create new ones, that government intervention would mean the pollution of art, or that federal infusions would dry up private contributions. The uneven cultural landscape of the country—with its vast expanses of TV land unaffected by artistically thriving urban centers, the two-way snobbery between the enlightened and the intellectually unwashed, dancers in the "dance capital of the world" waiting on tables to stay alive, towns whose only building that is not air conditioned is the library—is partly a result of the government's laissez-faire attitude toward what is not a commercial enterprise. The Ford Foundation's vice president McNeil Lowry has noted that artistic standards have become "generalized and popularized" when subjected to the laws of the marketplace.

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The argument that art and the state don't mix has become nearly obsolete in face of the fact that private sources are inadequate to supply the financial support needed by the arts to experiment and flourish. Far from preempting the fields in which it operates, NFAH grants serve as magnets to attract other funds, and, for every federal dollar spent, well over $3 in outside money has been generated. As Keeney says, "There's nothing like money to attract money." The respectability conferred by government endorsement of a program is also attractive. One witness at congressional hearings claimed that corporation boards whose philanthropic contributions had been limited to the "kids and dogs" category were becoming emboldened to dip into cultural activities.

Careful selection

The NFAH procedure for selecting projects for funding was meticulously designed to avoid any suggestion of government manipulation. Once a program is designated by an endowment's council, project applications are invited. The staff forwards feasible-looking applications to selected specialists and to appropriate members of large, multidisciplinary "peer panels" (whose names are kept confidential to spare them harassment) for criticism and recommendations. The applications then undergo exhaustive screening by the council, which meets privately four times a year. The chairman must approve the final selections. The responsibility for grant selection is diffused by the requirement that the entire council must vote on every sum over $10,000.

Congress has found little cause for complaint in the Foundation's mode of operation. One exception was an uproar in the House occasioned by certain colorful-sounding projects, most notably a study of 19th century comic strips. Several members chose the occasion to call for a termination of "handouts" to individuals under the arts program, an alarming prospect since grants to individual artists go to the core of creative activity. Some observers think that the problem was simply one of public relations—if the comic strips had been called "visual satire," for instance, the project would have met with no objections.

On the whole, staffs and councils feel that Congress leans over backward to avoid imposing its preferences. Still, they look forward to being granted a permanent lease on life (they were granted a 3-year extension this year). "We're so small that if Congress makes any cuts they could kill us," said one arts council member. "I would like us to get bigger and feel we were a permanent part of the scene." The size of the budget leaves little leeway for mistakes, and staff members feel strongly that they must have enough freedom to take risks. "Congress jumped down our throats for including one example of concrete poetry—poetry which relies on visual effect—in a literary anthology [a one-word poem: *Lighght*]," said one. "If a scientist does 100 experiments and succeeds the 101st time he's called a success—but if an artist goofs after 100 successes he's judged by the failure." The comparison, while overdrawn, reflects the defensive stance humanists have assumed in recent decades in response to uncritical public support of science and technology.

Pilot stage

The NFAH, for all its hundreds of programs, remains in the pilot stage. Next year will be the first in which its beneficence outstrips that of the Ford Foundation's contributions to arts and humanities, which, this year, amounts to about $20 million. Witnesses at this spring's hearings estimated that some $150 million a year per endowment would be required to make a real dent in the country's cultural scene.

But the ball is rolling. The Foundation has always had a solid base of bipartisan support in Congress, and insiders believe the agency has successfully kept its nose above governmental politics. Congressional opposition, almost entirely limited to the House, has dwindled to some ritualistic carping—and Senator Strom Thurmond (D-S.C.), who 5 years ago labeled the whole idea unconstitutional, was recently to be found introducing one of the witnesses at the 1970 hearings. Press coverage is favorage, particularly for the more visible activities of the arts endowment.

Some observers, Keeney among them, think that ultimately the interests of both humanists and scientists would be best served if NFAH and NSF were merged into a single National Foundation for the advancement of research, education, and the arts. (Representative Emilio Daddario's subcommittee recommended a similar body in the form of a National Institute of Research and Advanced Studies.) Such a body would be a public symbol of the interrelationship of all branches of knowledge and could more effectively support programs in which the respective purposes of scientists and humanists merge. Most arts people, however, would strongly resist such a combination since they feel their identity and objectives would be drowned in a large, multi-purpose organization. A more fruitful alliance, they suggest, might be with the cultural exchange programs of the State Department.

The marriage of convenience, as many regard it, between the arts and humanities may one day be dissolved in a government reshuffle. But right now the Foundation is young and happy, and many would agree with a staff member who calls it "the most exciting thing in government." As a federal agency devoted to spreading truth and beauty rather than combating misery and evil, the Foundation is rare indeed. And it will have further claim to distinction if its spirited and individualistic approach to its job can survive bureaucratic maturity.

Where the Arts Money Goes

In addition to grants to individual artists and performing groups, the National Endowment for the Arts has made contributions to projects like these:

$100,000 to a Theater Development Fund which purchases tickets of new plays with artistic merit but shaky financial footings, and resells them at reduced prices.

A grant of $91,291 enabling ten young musicians to spend a year in Hungary studying the Kodaly concept of music education.

$12,500 to aid a National Educational Television production of two films on fashion design.

$30,000 each for environmental design projects: an urban, open space design study concentrating on the design potentials of a city street; an investigation of less destructive methods of strip mining.

Grants totaling $1 million to aid in the establishment of Westbeth, a nonprofit artists' housing project created out of the old Bell Telepone Laboratories on New York's Lower West Side.

$203,767 for the University of Wisconsin to conduct experiments on how to increase rural community receptivity to and participation in cultural programs.

Poetry in the schools: the endowment pledged $148,000 to state arts councils and universities across the nation for a program in which poets visit public schools to read and discuss their work.

$3,500 for research into a lost technique of violin finishing ("the shellac that made a Strad a Strad").

Yearly anthologies of poetry and prose culled from hundreds of small American literary magazines and edited by writer George Plimpton. Most of the endowment's total contribution of $179,950 went into cash prizes for authors and editors. (Support of the project was terminated when the council decided priority should be given to creation of new works rather than recognition of work done.)—C.H.

HUMANITIES: SOME TYPICAL PROJECTS

The following undertakings give an idea of the range of ways in which the National Endowment for the Humanities has tried to pump fresh blood into humanistic pursuits:

A grant of $87,730 to Education Systems Corporation for the production of elementary school readers on Mexican-American history and culture.

$900 for a college professor who undertook, with his students, the excavation of a 400-year-old Indian village in Pennsylvania.

Development of a 7th-grade course on the civilizations of Athens and Sparta which places emphasis on social change and the role of warfare in changing values.

A Younger Humanist Fellowship to allow a professor to develop his concept of an "eco-community," a new life style which minimizes waste and pollution.

A study of the federal arts projects of the Depression.

A whirlwind 3-month program of community enlightenment sponsored by the Tulsa, Oklahoma, library system, in which a $24,250 grant was used to pay for speakers, films, and public discussions about civilization's current concerns.

Fellowships enabling authors to complete books such as *The Mind and Mood of Black America; International History of City Development;* and *Jefferson the President.*

An $80,000 contribution to "Trail of Tears," an educational television series documenting the government's maltreatment of the Cherokees.

A grant to a musicologist to record and publish the reminiscences of old New Orleans jazz musicians.

$161,000 in grants to faculty members of junior colleges so that they can take a year off to improve themselves as teachers.

$30,170 for a Folklore Institute, in Arizona, which experiments in the classroom use of folklore in the state's ethnically mixed junior high schools.

$46,330 to George Washington University for exploration of the humanistic dimensions of its relations with the City of Washington, D.C. —C.H.

ACHESON ON U.S. INVOLVEMENT IN SOUTH-WEST AFRICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. RARICK. Mr. Speaker: a just released paper by Dean Acheson, former Secretary of State, points out most succintly the continuing errors of U.S. involvement in South-West Africa.

Not only has the United States voted in the U.N. against continuing civilization in South-West Africa, but we have filed a brief with the International Court of Justice supposedly supporting the expulsion of South Africa from South-West Africa. The contents of the legal brief are so secret and confidential that the American people, including we in Congress, are uninformed as to what is being urged in our name as in the best interests of our country.

Mr. Acheson in his paper points out the utter folly of our supposed position which can be expected to favor turning South-West Africa into another no-man's land like so many other African states.

At most our involvement can be politely considered as simply another exercise in politics to curry bloc votes—this time international politics to trade for bloc votes in the U.N.

I am inserting Mr. Acheson's paper in the RECORD:

[From the Washington Post, Jan. 2, 1971]

ACHESON ON U.S. INVOLVEMENT IN SOUTH WEST AFRICA

(By Dean Acheson)

Thanks to a recent report from Senator Henry Jackson's Subcommittee on National Security and International Operations, I have learned of Francesco Guicciardini's excellent admonition: "Take heed how you involve yourself in new enterprises or engagements; for once in, you are forced to go on. Whence it results that men are often found laboring through tasks which being embarked in they cannot withdraw from, though had they foreseen a tenth part of their difficulty they would have gone a thousand miles to avoid them. This rule holds most of all in feuds, factions, and wars, before taking part in which, or anything of a like nature, no amount of careful and cautious consideration will be excessive."

No wiser precept could guide the conduct of foreign policy, particularly respecting southern Africa. Forces active in world affairs are trying to hustle up conflict there and, along with some assistance in the United States, aim to inveigle this government into hostilities. Unless the nation takes leave of its senses, it will stay clear of that boobytrap. Surely this administration has no intention of being drawn into such folly. The danger is that the administration, like the two preceding ones, will permit itself to be pressed, especially at the United Nations, into forensic positions that tend toward that baleful consequence. Some day, unless it mends its ways, the government will get to the crux of put up or shut up.

If there is no intention ultimately to play cat's paw in a southern African war, then the government should avoid gestures that can only lead to eventual embarrassment. Someone high in the administration's councils should keep a wary eye on initiatives from certain parts of the State Department—particularly the Untied Nations Bureau, African Affairs, and the Legal Adviser's Office—where zeal all too often exceeds judgment. It would be presumptuous to make a nomination.

The foregoing is prelude to some specific observations about the United States' relation to issues over South West Africa. The pertinent background is complex. A few details will indicate the basis of concern.

South West Africa is a sparse land twice the size of California. It lies on the Atlantic southward of Angola and Zambia, west of Botswana, and north and west of South Africa. About a sixth of its population of 650,000 consists of whites. Small fractions are Bushmen, Hottentots, and mixed breeds. The main aggregate engrosses diverse tribes of blacks.

In the latter ninetheenth-century, while restrained by Gladstone's stringent policies, Great Britain forewent annexing South West to South Africa, except for a small coastal enclave embracing the sole deep-water harbor, Germany, rising to the opportunity presented by Britain's forbearance, then organized the region as a colony. German authority held on until overturned in 1915 by South African forces invading at Great Britain's behest.

Germany formally ceded the territory to the principal victor powers in the Versailles Treaty in 1919. These powers at the same time ratified South Africa's occupation by assigning the territory to South Africa subject to a mandate to be issued by the League of Nations Council. The mandate, issued in 1920, authorized South Africa to govern the territory as if an extension of its own domain. The terms included standards of conduct to which South African authority was obligated in regard to the welfare of indigenous peoples. Periodic reports to the League's Permanent Mandates Commission were required. The arrangements were operative during the League's tenure.

Eventually the League subsided into history, and the United Nations came on stage. The charter mentioned principles pertinent to the intsitutionalizing of trusteeships over subordinate territories but was silent as to the status of League mandates. Thereby an enduring quarrel was kindled. It has sputtered along ever since.

In an early phase of the U.N. General Assembly's aim was to make South Africa submit its administration in South West Africa to supervision by the Trusteeship Council. South Africa persistently refused. The attendant issues were referred to the International Court of Justice. Here I sum up the court's views given in a series of advisory opinions. The mandate was viewed as having survived the League and as susceptible of dissolution only by concurrence of South Africa and the pertinent international authority. The U.N. was viewed as the League's sucessor and surrogate with respect to the mandate. The General Assembly was viewed as an appropriate body for the pertinent role. The General Assembly's ordinary rules of procedure, in place of the League's requirement of unanimity, were viewed as appropriate for pertinent deliberations. The General Assembly's pertinent functions were viewed as limited to those specified in the charter. For the General Assembly to receive petitions and complaints from indigenous peoples of South West Africa was viewed as permissible. A trusteeship for South West Africa was viewed as appropriate, but South Africa was viewed as not obligated to submit to me.

The advisory opinions explored but did not resolve the issues. Subsequently, following the proliferation of African independencies in the late 1950s and early 1960s, South Africa's adversaries have shifted aim—striving to get the mandate dissolved rather than perpetuated and South Africa's authority in South West Africa displaced rather than merely made subservient to a trusteeship arrangement. A high point in this phase was marked by litigation before the International Court of Justice launched by Liberia and Ethopia acting on behalf of the Organization of African Unity. The court assumed jurisdiction in a close vote. The petitioners at first importuned the court to set aside the mandate on grounds of South Africa's malperformance on specifics pertinent to the welfare of indigenous peoples. After South Africa successfully countered the allegations, petitioners changed their approach and asked the court to invalidate the mandate by finding that it had been rendered obsolete by new international law alleged to be inferrable from General Assembly resolutions and other expressions by the so-called international community. In the upshot, the court, faced with a choice either to take a reckless leap from the established premises of international law or to find for South Africa on the merits, prudently vacated jurisdiction, again by a close vote, in the summer of 1966.

This government's folly in relation to the problem became pronounced from that time on. Our official spokesmen, from the then Secretary of State on down, criticized the court's ruling without showing even slight familiarity with the sound reasoning on which it was based. Thenceforward, despite occasional spells of prudent reluctance, this government has repeatedly colluded with the advocates of trouble both in getting the General Assembly to attempt actions manifestly beyond its powers under the charter and in aligning the Security Council as a seconder and presumable enforcer of the General Assembly's actions.

In the autumn of 1966 the General Assembly—notwithstanding that the charter restricts it to nondeterminative deliberations such as discussing, considering, recommending, and calling attention—undertook to cancel the mandate, to abolish South Africa's authority there, and to put the place under U.N. control. The United States delegation joined the charade. I take at face value reports in the press to the effect that the delegation decided to do so on its own without clearing with higher authority. I can only assure you that no such thing would have occurred when I was head of the foreign office.

Subsequently the General Assembly has elaborated the fantasy—periodically reaffirming its declaratory actions, renaming the place "Namibia," designating a commission to supervise and a bureaucrat to govern it, and performing other officious gestures without concrete effect. Two years ago this month the General Assembly importuned the Security Council to press the projected expulsion. On March 20, 1969, the Council—by a 13-to-0 vote with only France and the United Kingdom showing the good sense to abstain—passed a resolution taking note of the General Assembly's previous actions and summoning South Africa to withdraw its administration immediately. I can only comment that this government and any government of good will would have been utterly horrified if South Africa, likewise abandoning practical reason, had undertaken to comply, for the U.N. lacked resources, in material or talent, for taking over South Africa's responsibilities. This year there were other pro forma actions by the Security Council calling for irritative commercial

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restrictions, setting a specific deadline, and so on.

A particular action in the Security Council deserves more elaborate notice. In July of this year that body resolved to elicit from the international Court of Justice an advisory opinion as to the legal consequences for states of the continued presence of South Africa in "Namibia," notwithstanding a previous action by the Security Council setting a deadline for South Africa to withdraw its authority and operations.

If the court has not been demoralized by the unfounded criticism leveled against it for the 1966 dismissal of the Liberian-Ethiopian petition, it might conceivably return the question with an admonition for the Security Council to confine such requests to answerable propositions. Such an exercise in good sense is probably more than one is entitled to expect in the realm of international organization in these times.

Two circumstances attending debate over the question in the Security Council are interesting. The representatives of third-world states participating articulated an ultimatum of sorts to the court: this occasion would constitute a last opportunity for the court to atone for its offense in having overruled the Liberian-Ethiopian petition. The same representatives stressed the importance of phrasing the question so as to circumvent the court's considering the United Nation's authority to rescind the mandate—hence the awkward phraseology.

The United States, which concurred on this resolution (unlike Great Britain, the Soviet Union, and Poland, which had abstained), has filed a brief. It is held by the court in confidence; hence I do not know its contents. I hope our advocates have dissociated themselves from other states' attempts to intimidate the court and that the U.S. brief does not uphold the effort to foreclose the court from examining the United Nation's authority in the premises. One can only speculate about the line of reasoning necessary to support the United States' pertinent votes.

For the life of me, I cannot see how it is possible to make any case at all without resorting to some equivalent, pertinent to international law, of the doctrine of implied powers familiar in our domestic constitutional tradition. I say this because how else can one try to uphold the purported recision of the mandate; firstly, to infer a provision for termination in the mandate even though none is expressed, secondly to infer pertinent determinative power in the Assembly even though the charter does not grant it, and thirdly, to perceive an authorization for the Security Council to give such a corroboratory order even though no language of the charter warrants it.

This approach is essential to any justification of the United States' recent attitude on the South West Africa problem. The rub is that the approach is quite at odds with our long-run and general interests. If such a line of reasoning should prevail in the court, I, for one, believe the United States would perforce eventually have to cancel its adherence to the court's statute and dissociate itself entirely from the court's work. It is difficult enough to get sovereign states to submit disputes with respect to express provisions of treaties. If the court is going to embark on the practice of inferring, interpreting, and applying language beyond the plain meaning of the texts of treaties—with all the hazards in such a practice—then states in their senses will simply have to desist from recourse to the institution.

As you see, my objections to the government's present course settle down to three points. If the United States does intend eventually to try to coerce South Africa out of South West Africa, it is following a path to huge and gratuitous folly. If the United States has no such intention, it is helping make mischief of a most reprehensible sort both by deliberately encouraging other states to mistake our intentions and by making frivolous use of international institutions. In any event, the United States has put itself in a position where, to justify its course, it must employ legal argument that are dubious in basis and dangerous in implication. So I return to Guicciardini's precept with which I began.

THE ROAD AHEAD FOR INDIANAPOLIS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 1, 1971

Mr. BRAY. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

The Editor's Corner—The Road Ahead for Our City

(By Stan Evans)

Indianapolis enters 1971, the year of its sesquicentennial, with much to its credit and prospects of further success in the future.

Like all American communities, we have our assets and our liabilities, but a glance at the record of the past decade indicates we are in several respects more favored than other cities. That record suggests that, given appropriate policies, we can continue to grow and prosper in the months ahead. Or, alternatively, we can repeat the mistakes that others have made and inherit some of their troubles. The choice is up to us.

And review of community assets would have to include our favorable geographic location—open to expansion on every side, located near important transportation links, and centered in a state economy balanced between agriculture and business.

More important than these technical benefits, however, is the spirit which Indianapolis has displayed across the years.

Hoosier emphasis on private enterprise and self-help, plus avoidance of various Federal programs which create social disruption and hardship, have been essential factors in the growth of our community. On every major index of economic health, our town has stood well ahead of other cities where enterprise and initiative have been discouraged, and grandiose Federal schemes have been enacted as supposed solutions for urban distress.

Thus in the years 1965–69, Indianapolis had an unemployment rate which ranged from a low of 2.2 per cent to a high of 2.6 per cent—compared to what is considered to be a "full employment" rate of 3 per cent. Effective incomes were higher here than in Columbus, Ohio, Cincinnati, Louisville, and St. Louis. A smaller percentage of Indianapolis families were poor than in any of the above-mentioned communities, as well as Detroit—where every conceivable anti-poverty program has been enacted.

In matters of housing, the private housing market has produced new units at a rate double that of population growth. More housing units were authorized per capita in Indianapolis than in all the cities previously named, plus Chicago, Milwaukee, and Pittsburgh. The number of "dilapidated" housing units in Indianapolis fell from 6.9 per cent of the supply in 1950 to 4 per cent in 1960. As of 1967, some 55.4 per cent of dwellings in our city were owner-occupied, as compared to percentages in the 40s and 30s in other Midwest communities.

Equally to the point, we have averted the devastation and disorder which Federal knock-down buildup programs of "urban renewal" and public housing have visited on cities like Detroit and St. Louis. We have not evicted thousands of our citizens from their homes in the name of some abstract "progress" which looks impressive on a Federal planner's chart but brings misery to the people directly affected by it.

Our self-help and private enterprise themes have also produced the finest array of voluntary action programs anywhere in the nation, and a building boom which has visibly altered the skyline of our city.

The New Indiana National Bank Building thrusting high above the Hoosier plain is but one of many such improvements which have occurred in recent years—the work of private capital in a city stressing private enterprise.

As we enter our sesquicentennial year, we need to recall the elements which brought our city's growth, stress the factors which are linked to its success, and avoid the errors which have plagued so many other towns. If we pursue that course, the next 149 years can be even more successful than the last.

HON. MICHAEL FEIGHAN

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 28, 1970

Mr. HORTON. Mr. Speaker, I would like to join my distinguished colleagues in paying tribute to the gentleman from Ohio. Michael A. Feighan has given this House 28 years of distinguished service and his leadership and guidance have been of great value to the country.

He has made available his impressive talents in his capacity as chairman of the Immigration and Nationality Subcommittee of the Judiciary Committee and also as a key member of the Committee on Merchant Marines and Fisheries.

He has, thus, been a sympathetic and helpful source of assistance in an area of great importance to all of us; namely, immigration and naturalization. As we all know, Mr. Speaker, the responsibilities of a Congressman often include assisting foreign-born Americans, or their alien relatives, or—in some cases—foreign strangers to our land. I have always found my assistance in this area to be one of the most rewarding aspects of my public service. Assisting the foreigner who will someday be proud to achieve American citizenship, assisting those aliens who are dear to our countrymen, reuniting families—these are the kinds of fundamental, decent efforts that make public service worthwhile.

Michael A. Feighan showed great sympathy and understanding on the many occasions when I have contacted him for advice or assistance on a problem of immigration or naturalization. As chairman of the Judiciary Subcommittee on Immigration and Nationality, he showed not only great leadership but also great compassion.

The people of my district have cause to be very grateful to Michael Feighan, for his interest, involvement, and understanding frequently made possible happy family reunions and that solemn, but proud, oath of allegiance to America and all it stands for.

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I regret that our professional association is coming to an end, for that association has been as educative and inspiring, as our friendship has been pleasant and rewarding. I am sure that the admiration and respect I feel toward **Mike Feighan** is shared by us all.

A CHRISTMAS LETTER PRAISING GOD AND COUNTRY

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. GONZALEZ. Mr. Speaker, on December 24 last, on Christmas Eve, there appeared a message in the San Antonio Express and News a very inspiring message.

The message was from a successful and distinguished San Antonion, Mr. Alton S. Newell, who is contributing to the wealth and progress of our city, State, and Nation.

I spread upon the **Record** the message from Mr. Newell.

A CHRISTMAS LETTER PRAISING GOD AND COUNTRY

Since you have been the object of much criticism lately, both from within and without your borders, I would like to write you a few words of praise to brighten your holiday season.

I returned just last month from my second trip around the world this year. In most all the countries I visited I saw irrefutable evidence of your deep concern for the welfare of all the people of the globe. Your men in uniform are scattered throughout the world. Not a one of them is there to conquer any space or subdue a human being. They are at their assigned places to insure that free men will remain free. Many white crosses there give evidence to the sacrifice made by those who never returned to their homeland. Twice in my lifetime you have joined other free nations to put down those who would enslave their fellow man. You beat your enemies to the ground only to pick them up again and dust them off, bind up their wounds and tenderly nurse them back to health again. In many cases you provided them with more modern and sophisticated equipment than we have at home. Your scientists, engineers and technicians are busy all over the world today to help people obtain a more abundant life. Your doctors, nurses and many helpers are fighting the effects of disease and poverty in underdeveloped and, in some cases, overpopulated countries of the world. Most of the people of the free world appreciate this and praise you for it and pray that you will not become discouraged enough to cease your endeavor. I pray for you and thank God for you too dear Uncle because you have done so much for me.

I was born in a tent in Oklahoma and grew up in poverty. My parents were sharecroppers and moved from farm to farm. In the fall of 1922 they took their six children and headed west and became migrant workers. Seven or eight months later we reached California in time for the fruit harvest and became known, along with others, as "fruit tramps." The next year my parents separated when I was ten years of age. All the children, ranging in age from two to fourteen, went with my father and for several years went back and forth from Texas to California working our way along. We went to school when we were in one place long enough for the truant officers to find us. Getting an education under these conditions was difficult, but with the help of many others we all made it to high school . . . Our father's health was not good and he also developed a serious drinking problem. The two youngest children had to be sent to their grandparents for a while, but we soon got back together again. We finally settled down out west and began our slow climb out of poverty. Many people helped us along the way. Thank you dear Uncle for allowing God to bless us through you.

I sit today at the top of eight companies one of which is doing business all over the world. I do not claim even a small amount of genius for myself, but would like to tell the world that our system of government gives a better chance to the individual to have a good life than any system known to man. I do not belittle those who have been unable to reach their goal but offer my experience for their encouragement and also to encourage those who have it made to help those who don't. I could never go back and find and thank all those whose lives touched and enriched mine so, to make up for it, I will try to help and encourage others. I count it a privilege to support my church and other worthwhile causes. I don't mind paying income taxes because they are an indication of material blessings. So dear Uncle Sam don't let anyone tamper with your system unless they first show you a better one. Thanks for listening and Merry Christmas.

FOOD STAMP DEBACLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. RARICK. Mr. Speaker, now that Congress has refunded the food stamp program, we learn that the Agriculture Department has devised new rules to bypass the intent of Congress. The ruling that food stamp customers can be given change up to 49 cents in cash instead of "credit slips" removes all supervision over the mandatory use for which food stamp buying power was to be used and belies the emotional arguments that foods stamps would insure a more nutritious diet.

It only takes grade school arithmetic to figure out that just under one-half the value of food stamps can now be converted to cash to be used as the food stamp user pleases including purchases of beer, wine, whiskey, and cigarettes.

Perhaps the Department's ruling, coming after passage of the new food stamp bill, is intended as an educational reform to conform to the arguments of some of the proponents who urged: "Why give them food stamps, give them money."

Who in the bureaucracy is concerned over inflation?

I include a UPI story in the **Record** as follows:

UNITED STATES EASES RULES ON FOOD STAMPS

The Agriculture Department has changed two rules governing the nation's 8.8 million food stamp users.

One permits grocers to give food stamp customers change up to 49 cents in cash instead of "credit slips." The other permits use of stamps to pay deposits on milk and soft drink bottles.

Officials conceded the shift to cash for change would make it possible for food stamp users to use the money for items which cannot legally be bought with stamps or credit slips, such as beer and soap. The new rules take effect today.

LEGISLATION PASSED DURING POST-ELECTION SESSION

HON. JOHN W. McCORMACK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. McCORMACK. Mr. Speaker, in one of my final acts of service in this distinguished body which I have loved so well and will miss so dearly, I should like to pause for a moment to acquaint the Members of the House with those items of major legislation which obtained final congressional approval during the session following the 1970 elections. I would advise my colleagues that I have offered herein only brief summaries and only for measures which passed both Houses.

This report shows that we have had a highly successful and constructive session during the past month and a half, from November 16, 1970, to January 2, 1971.

And, since I can do this without appearing too unseemly, I want to congratulate the Members for their hard work during the period of festive holidays. I know it has been difficult for you to have to sit here, but we can take satisfaction from the record, a record of performance in the service of our people.

Final approval was given to two bills affecting American agriculture. First, to the very important Agriculture Act which authorizes the subsidy programs for wheat, feed grains, and cotton, and for milk marketing quotas as well. Among the more innovative provisions of this act—H.R. 18546, Public Law 91–524—is that section which places a $55,000 ceiling per crop, per year, per producer on subsidies for wheat, feed grains, and cotton.

In addition, we enacted H.R. 11547, the Farm Loan Limitations Act, which increases the maximum ceiling for certain farm loans from $60,000 to $100,000 in recognition of the trying economic times in which we find ourselves and which have caused such tribulation for the American farmer.

We passed two authorization measures, one of which was H.R. 19911, a foreign assistance supplemental, to authorize an additional $550 million in assistance to foreign countries. Included in this authorization were funds to provide additional U.S. relief help to Pakistan, which is still recovering from the natural devastation which was recently visited upon its people. Moreover, the bill contained a prohibition on the sending of U.S. troops or advisers to Cambodia; a policy statement that aid furnished Cambodia shall not be construed as a commitment to defend that country; and a requirement that the President give Congress prior notice before giving Cambodia additional aid through use of the emergency authority granted him in the Foreign Assistance Act of 1961. The second authorization, S. 4557, was for $25.5 million to the Atomic Energy Commission for fire safety modifications in AEC facilities to prevent any similar occurrence of the 1969 fire which broke out in one of their facilities.

Eight appropriations were granted final approval during the postelection session. They were: First, H.R. 17923, appropriating more than $8 billion to fund the operations of the Department of Agriculture and related agencies; second, H.R. 17970, appropriating more than $2 billion for construction of military facilities; third, H.R. 19590, appropriating almost $66.6 billion for the Department of Defense; fourth, H.R. 19830, appropriating more than $17.7 billion for certain independent offices and the Department of Housing and Urban Development; fifth, H.R. 18515, appropriating almost $19 billion for the Department of Labor and the Department of Health, Education, and Welfare, including more than $1.3 billion to the Office of Economic Opportunity; sixth, H.R. 17876, appropriating more than $4.5 billion for foreign assistance and the Peace Corps; seventh, a continuing resolution to fund the Department of Transportation and related agencies through March 30, 1971, at the more than $2.65 billion level contained in the 1971 fiscal DOT Appropriations Act, H.R. 17755, which did not receive clearance because of opposition in the Senate concerning funding of the SST; and, eighth, H.R. 19928, the first supplemental for 1971 at more than $1.8 billion. Cumulatively, these appropriations exceed $120 billion.

During the November–December session we passed two additional bills to protect the American consumer: First, S. 2162, the Hazardous Substances, Child Protection Act, to provide for child-resistant packaging to protect children from serious personal injury or illness from handling hazardous household substances; and, second, H.R. 19172, the Lead-Based Paint Poisoning Act, to grant $30 million during fiscal 1971 and 1972 to local governments to combat lead poisoning of children who eat paint from walls.

We passed H.R. 19885, the District of Columbia Revenue Act, to authorize a Federal payment of $126 million annually rather than the existing $105 million, and to provide authorization for $6.2 million to medical and dental schools at Georgetown and George Washington Universities, which are in dire financial straits.

In the field of education, in which we have been so productively active during the past decade, we gave final approval to two bills: First, H.R. 14252, Public Law 91–527, a Drug Abuse Education Act, to provide means for teaching our children of the dangers of drug abuse, an alarming problem of our times; and, second, S. 3318, the Library Services and Construction Amendments of 1970, to increase funds for library construction and renovations and to authorize programs for the disadvantaged.

America is rightly concerned these days about our environment and the need for ecological balance. Six bills related to these concerns obtained final action during our month and a half, postelection session. One was the very important Clean Air Act amendments, H.R. 17225, which authorized $1.1 billion for research and aid to establish programs to prevent air pollution in compliance with national air pollution standards and which contained a requirement that automobile manufacturers produce a car with minimal pollution consequences no later than 1975 with a permissible 1-year extension of that deadline. We also passed a National Mining and Minerals Policy Act, S. 719, to encourage economical and environmentally protective use of our mineral resources. The Water Bank Act, H.R. 15770, will provide needed protection to nesting and breeding wetlands used by migratory birds and subject to increasing drainage.

In addition, in this area, we passed an Omnibus Rivers and Harbors Act, H.R. 19877, authorizing 11 navigational projects; 20 flood control projects; and expansion of a comprehensive river basin plan; and the cleaning up the Cuyahoga River, one of the four filthiest rivers in our Nation. Finally, we passed the Atomic Energy Act Amendments of 1970—H.R. 18679, Public Law 91–560—to facilitate licensing by AEC of commercial-industrial nuclear facilities.

Two items were approved in the area of foreign policy: H.R. 15628—S. 3429—the Foreign Military Sales Act, authorizing funds for sale of military equipment to foreign nations and establishing credit ceilings for the same purpose, and H.R. 19567, extending the President's authority to carry out and enforce agreements reached under the International Coffee Agreement Act, which is so important to our Latin neighbors.

In the field of general government, seven measures were given our final approval in the postelection session.

We passed S. 11, the Intergovernmental Personnel Act, to provide for the training of State and local government employees. Another approved measure was the Uniform Relocation Assistance and Land Acquisition Policies Act, S. 1, to establish uniform relocation assistance for all persons displaced by Federal or federally funded urban renewal, highway construction, or other governmental land acquisition programs.

We passed two important wage bills affecting Federal civil servants: H.R. 17809 affording a 4-percent salary increase for Federal blue-collar workers, which the President vetoed on January 2, 1971, and H.R. 13000, the Federal Pay Comparability Act, which establishes a nearly automatic wage increase system for white-collar civil servants and insures that their pay will be comparable with that given equivalent workers in the private sector of the economy. H.R. 13000 is a landmark piece of legislation for, except under certain conditions, it eliminates the Congress from legislating future Government pay raises. Also S. 2108, the Family Planning Services and Population Research Act.

We approved H.R. 17901, to create a Federal circuit executive officer for each U.S. court of appeals, thereby relieving the chief judge of much paperwork duty. Finally, we approved S. 437, a Survivor Annuities Act, which permits widows who remarry and subsequently divorce to become eligible again for Federal pension benefits.

Health care is becoming a frightening problem for the average American. Health costs are literally out of sight with no indication of anything but a continuing upward curve. I would expect Congress to continue to address itself in the future to this problem. We did pass with no indication of anything but a congress, including some after our return from election day recess.

Although both the House and Senate passed a Social Security Amendments Act, insufficient time remained to iron out differences in conference. Accordingly, lost for the time being was a provision of that bill, H.R. 17550, to correct abuses in the medicare and medicaid programs which provide, respectively, health care to the elderly and the indigent. I mention this because of its importance to America and because it indicates congressional concern with such abuses.

We did pass the Family Practice of Medicine Act, S. 3418, to subsidize medical schools to provide for training of more general practitioners, who are desperately needed in many areas of the Nation. Regrettably, the President vetoed this much needed legislation. We passed S. 4106, the Emergency Health Personnel Act, to authorize Public Health Service officers to be allocated, upon request, to locales critically in need of health services. This should help to alleviate critical deficiencies.

Finally, in this area, we passed, also during the postelection session, H.R. 18874, the Comprehensive Alcoholism Prevention, Treatment, and Rehabilitation Act, which commits the Federal Government to fund programs to combat one of our more serious social problems.

Among noteworthy bills receiving final clearance was H.R. 19436, the Housing and Urban Development Act of 1970, which expands and improves existing housing programs and authorizes a "new community development" program.

Of human and religious interest was postelection clearance of H.R. 471, Public Law 91–550, which restored ownership of lands to the Taos Pueblo Indians formerly held in trust and containing grounds holy to the tribe.

In the labor area, Congress was, unfortunately, forced to pass House Joint Resolution 1413, Public Law 91–541 ordering an 81-day moratorium on a proposed strike by railway workers against rail managers. Among other things this resolution also provided a 13½-percent increase in pay for the railway workers.

Of a more positive note is our clearance of S. 2193, the Occupational Safety and Health Act, which authorizes strict Federal safety standards for all industrial employees. Together with the Mine Safety and Rail Safety Acts passed during the 91st Congress, S. 2193 insures comprehensive Federal health and safety

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standards for the American laboring man.

Final approval was granted to the Omnibus Crime Control and Safe Streets Act Amendments of 1970, H.R. 17825. Among the more notable aspects of this comprehensive crime bill are: First, funding authorization for the Law Enforcement Assistance Administration at $650 million for fiscal 1971, $1.5 billion for fiscal 1972, and $1.75 billion for fiscal 1973; second, stricter penalties for carrying a firearm while committing or planning to commit a Federal felony; third, making it a Federal offense to kill, kidnap, or assault any Member of Congress; fourth, establishment of Federal penalties for unauthorized entry into any building or the grounds thereof where the President may be temporarily residing; and, fifth, reinstatement of the Wiretap Commission created in 1968 but abolished by the Organized Crime Control Act of 1970.

Two measures concerning job training received final action during the postelection session. H.R. 19401, an extension of the Vocational Rehabilitation Act, authorizes $1.01 billion during fiscal 1972 to continue those programs which have rehabilitated many handicapped individuals and permitted them to earn a livelihood. It is worth noting that during fiscal 1970, for the first time, more than 250,000 persons received training under these programs.

Congress also passed S. 3867, a $9.5 billion manpower training measure which, most regrettably, the President vetoed. S. 3867 would have extended, and reorganized, those manpower training programs which enable the unemployed and the unskilled to learn skills and find good paying jobs. A total of $5 billion was authorized for those programs.

In addition, the bill authorized $4.5 billion for a new program of public service jobs for the hard-core unemployed. The President took exception to this aspect of the bill and it was a primary reason for his veto, although he was also dissatisfied with the degree of reorganization of manpower programs, being of the opinion that further reorganization was in order regarding State and local control over these programs.

The President's veto was ill advised in a time of rising unemployment. The public jobs provision would have insured work for individuals who otherwise are forced onto relief. There is meaningful environmental work to be done in the public sector and there is nothing disgraceful or demeaning in hiring persons unable to find jobs in the private sector to do this work.

In mid-December Congress passed the Bank Holding Company Act, H.R. 6778, to extend the coverage of the 1956 act to all one-bank holding companies. By this action Congress closed a loophole in the 1956 act which has permitted banks to escape regulation by the Federal Reserve Board. During the 1960's, banks moved increasingly into that form of economic concentration called conglomerating; that is, buying up businesses bearing no relationship to one another and financing their operations under a holding company. In so doing banks have erased a traditional economic separation of power between the suppliers of of money—banks—and the users of money—businesses. H.R. 6778, henceforth, permits the Federal Reserve Board to keep tabs on bank holding companies to determine if they are complying with such regulations as are made under authority of the 1956 act and amendments thereto. The FRB can now make determinations concerning the legitimacy of bank holding company activities.

Final approval of additional legislation affecting monetary and tax policy was passed by the Congress. H.R. 10634 was passed to amend the Interstate Commerce Act, and the Federal Aviation Act of 1958, to exempt the pay of certain interstate transportation employees from tax withholding under the laws of States or subdivisions other than the State or subdivision of an employee's residence.

We approved S. 2224, Public Law 91-547, amending the Investment Company Act to limit mutual fund sales charges and establish broader authority for the regulation of mutual funds. S. 2224 embodies the first substantial change in the regulation of mutual funds in 30 years.

We enacted S. 3431, amending the Securities Exchange Act, to provide additional protection for investors. S. 3431 requires disclosure to shareholders of any acquisition or offer of acquisition for 5 percent or more of a company's stock. Prior to enactment of S. 3431 such disclosure was required only of transactions or tenders of 10 percent or more. Congress felt that shareholders had a right to know of any proposition involving 5 percent or more of a company's stock. In addition, the measure gives the Securities and Exchange Commission additional rulemaking power to cope with fraud, deception, and other manipulative practices.

The stock market plunge in the early months of 1970 heightened the need for legislation to protect investors whose brokerage firms fold. Accordingly, we enacted the Securities Investor Protection Act of 1970—H.R. 19333, S. 2348. This act will protect investors against a total loss of cash and securities held by their broker-dealers who bankrupt. The act creates a Securities Investor Protection Corporation which will have a fund of $150 million, obtained through assessment of members of the Corporation, to guarantee investors against losses up to $50,000—$20,000 in cash and the rest in securities. If these resources become insufficient to meet claims, the Corporation is empowered to borrow up to $1 billion from the U.S. Treasury. Passage of this measure will alleviate the agony which has visited many investors whose brokerage firms have bankrupted, leaving their investors financially stripped.

Finally, we approved H.R. 16199, which, among other things, accelerated the collection of estate and gift taxes and continued excise taxes on passenger automobiles and communication services through calendar year 1972. The latter extension will realize a revenue of $630 million for the Federal Government in fiscal 1971 and more than $1.8 billion for fiscal 1972. The House passed this measure under bill number H.R. 19868. In the Senate the provisions of H.R. 19868 were attached to H.R. 16199, a capital fund Treasury measure.

Though it failed of final passage because of insufficient time for a conference, mention is in order of the Social Security Amendments Act which passed the House and Senate in differing forms. H.R. 17550 would have authorized a much needed increase in social security benefits for the elderly people in our country who depend upon these benefits for existence. Among other things H.R. 17550, as passed by the House, provided for a 5-percent increase effective January 1971. In the Senate that figure was set at 10 percent. The distinguished chairman and distinguished ranking Republican member of the Ways and Means Committee have promised prompt action on a social security benefits increase in the 92d Congress, which is good news indeed because those on fixed incomes—particularly those on social security—are affected terribly by the inflation which continues to haunt our economy.

Our Nation is bound together by its transportation system and through the years of our great Republic Congress has passed many measures to provide for an ever better network of roads to insure that traffic will move as smoothly as possible. We find the need for more roads and for road improvement a continuing one. We passed several bills related to this during the 91st Congress, and during the postelection session final approval was given to H.R. 19504, the Federal Aid Highway Act of 1970.

This legislation extends construction authority for the Interstate Highway System through 1976, and increases the total authorization for this very vital program by $9,775,000,000. Another $1.1 billion is authorized for primary, secondary, and urban road programs. A new feature in our roadbuilding programs is authorized in H.R. 19504, a Federal-aid urban system to provide grants for high-speed express lanes which will link fringe parking areas around metropolitan centers with downtown, thus enabling those who avail themselves of parking in these areas to enjoy rapid access by public transportation to our center cities.

On the eve of adjournment, Congress cleared H.R. 19953, the Emergency Rail Service Act of 1970, which will subsidize vital rail transport provided by the Penn Central, the Central of New Jersey, the Boston & Maine, and the Lehigh Valley Railroads, all of which are either bankrupt or on the verge of bankruptcy. It is most regrettable that we had to take such remedial action but not to do so would have jeopardized delivery of essential goods to many eastern cities during the winter. No direct appropriation of Federal moneys is involved in the subsidization process at this point. Instead the U.S. Government will guarantee payment for those emergency services provided by these railroads. It is greatly to be hoped that order will soon be restored to the economic chaos which is threatening to paralyze our national rail transport system.

The welfare of our veterans has been—

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and ought to be—of great concern to the Congress. These brave men and women serve this country on the frontiers of democracy and they deserve extra care upon their return to civilian life. During the 91st Congress we continued the policy of passing legislation which will realize our fundamental commitment of assistance to returning veterans or their families. One bill of importance in this area was passed during the postelection session: H.R. 15911, Public Law 91-588, to increase the rates of pension payable for non-service-connected disabilities to veterans, or to their survivors in case of death, of World War I, or later conflicts, and to veterans of Mexican border service in 1916-17. The pension benefits under this act are justified. In some cases individuals receiving these pensions depend upon them as their sole means of income.

Finally, we approved amendments to the Food Stamp Act of 1964. H.R. 18582, which cleared Congress in the waning days of the second session, continues the food stamp program which has helped to feed many hungry Americans. Fiscal authorization in the bill is $1.75 billion for fiscal 1971, 1972, and 1973. The extensions of this program was of vital importance, otherwise it would have expired, adversely affecting the millions who benefit from this excellent program.

None of those bills I have mentioned would have been enacted into law if the Congress had not met after the 1970 elections.

So, Mr. Speaker, the Members of the House can see by this résumé that we were highly productive during the days in session following the 1970 elections. The actions we took during the postelection session, together with our legislative product during the rest of the second and the first sessions of the 91st Congress, give us cause to take great satisfaction in our record. As I leave now, I am humbly grateful to all Members for helping to achieve this outstanding record of accomplishment in this, for me, my final Congress.

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HON. BYRON G. ROGERS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. CELLER. Mr. Speaker, for 20 years BYRON ROGERS stood by my side. In his unique, unassuming way, he helped shepherd through Congress the kind of legislation which brought hope and light to millions of our citizens, and while doing so, he did not stand on the top of a roof braying through a horn. He never sought attention—only work. Whether it be a civil rights bill or a bankruptcy bill, he worked.

It is very difficult for me to think of a Congress without BYRON ROGERS, of a committee meeting without BYRON ROGERS, of an emergency without BYRON ROGERS standing by.

I never knew a kinder man or a more modest one. I never knew a man of a greater patience, and I never knew a man whose good humor never failed him.

There are few who realize how rare a man he is, least of all himself.

ACHIEVEMENTS OF THE 91ST CONGRESS—A RECORD OF CONGRESSIONAL INITIATIVE

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. ALBERT. Mr. Speaker, I rise for the last time to report to you on the accomplishments of a Congress. In so doing I wish again to express my affection for you and gratitude for your many kindnesses during the years we have served together in this House which we both love. You have served with impressive distinction as Speaker, an office which you have held consecutively longer than any other Speaker. Your total years of service, almost 9 to the day, rank you second in this category among all Speakers in the history of the House. Only the late Sam Rayburn served longer. I have enjoyed these many years working with you, first as Democratic whip and, during the past 9 years, as majority leader. They have been exceedingly rewarding.

I want also to express thanks to the Democratic whip, HALE BOGGS, for his valuable contribution in moving the legislative program forward with a minimum of friction. Gratitude is due also to the distinguished minority leader, GERALD FORD. His spirit of cooperation and general affability have made my job easier in this time of divided control of the Government.

Mr. Speaker, in this report I have attempted to provide for the benefit of the Members succinct, informative summaries of all major bills passed by the Housing during the second session of the 91st Congress. In addition, a brief discussion has been included summarizing the most important legislation enacted during the first session. For a more complete summary on the first session, I refer Members to my report printed in the CONGRESSIONAL RECORD of January 5, 1970.

During this second session of the 91st Congress we have been most productive. We have enacted twice as many public laws, and private laws, as we did during the first session. In the first session 190 measures became public law, while 75 were enacted into private law. By the time the President completes action on the measures passed during this second session, I anticipate that an additional 400 or so measures will become public law and around 140 private law.

The 91st Congress convened January 3, 1969, and adjourned sine die on January 2, 1971, making it one of the longest Congresses in our history. One has to go back to the days of the Korean war, in the early 1950's, to find a Congress which has sat for a longer period of time. Only the several recesses we took during both sessions preclude the 91st Congress from ranking near the top in length of time.

It does not strike me as unusual, or as a sign of dawdling or dereliction of duty, that the Congress has been in session so many days during 1969 and 1970. It is, after all, a time during which the Presidency is controlled by one party and the Congress by another. Unavoidably this complicates to some extent, the legislative process. Moreover, there were issues debated during the past 2 years which deserved the time spent on them. It is a major misconception to assume, as some have, that because Congress was so late in adjourning sine die it deserves to be criticized.

On the contrary, Mr. Speaker, as we look at the record of the 2 years of the 91st Congress we find a great deal to applaud. I think particularly of the scrutiny given to the President's budgets, with an especial eye on reordering of national priorities. We have provided for a strong national defense while at the same time scrutinizing all expenditures, including those of the military, to eliminate unnecessary items. We have enacted several laws during this second session which indicate that this has been a Congress exceedingly mindful of the need to protect our environment from further desolation and destruction.

Of course, one would expect the hand of Congress to be more visible in legislation passed during a period of divided control of the Government. During periods of united control the Congress is more likely to have more of an input at an earlier stage of the legislative process; that is, before Executive recommendations reach the Hill. But even during those times, Congress makes its input.

The 91st Congress, in my estimation, deserves special marks for initiative, persistence, and innovation; as for example, in refusing to capitulate on certain education and health funding measures. Congress passed—with few exceptions—the President's anticrime proposals. In the field of foreign policy we have seen a continued effort by the Congress to assert its proper role in the determination of that policy, particularly with respect to military engagements abroad. We have done this without tying the hands of the President as the Chief Executive Officer of our Nation or as Commander in Chief of the Armed Forces. The Voting Rights Act Amendments bear a heavy congressional stamp, including a lowering of the voting age to 18 for all Federal elections—in line with the Supreme Court's recent sustaining of that part of the law. I think the Drug Abuse Education Act a notable achievement, particularly because it emphasizes a more positive approach to drug abuse.

As regards environmental protection, Congress passed several important measures including the Clean Air Act Amendments, a Water Quality Improvement Act establishing legal requirements for cleaning up our polluted waterways, a Resource Recovery Act to authorize recycling and recovery programs for solid waste, a Geothermal Steam Act to explore nonpollutive ways for supplying energy, a Mines and Minerals Policy Act to provide for more economical use of these valuable resources, and a Water Bank Act to protect wetlands used by migratory birds. These are by no means all the measures enacted with an eye to preserving and protecting our environment.

We can no longer afford to suppose that overpopulation is not a serious problem, even for the United States at some future time unless efforts to achieve population balance are effected. As a step toward effectuating such a balance we passed the Family Planning Services Act.

On its own initiative Congress passed a Political Broadcasting Act which included monetary limitations on television-radio advertising by all Federal and some State candidates for office. Regretably the President saw fit to veto this bill. Its passage, however, suggests that additional legislation may be forthcoming in an attempt to cope with the problem of increasing campaign costs.

The Comprehensive Alcoholism Prevention, Treatment, and Rehabilitation Act is a congressional product. We also passed the Public Health Cigarette Smoking Act, which strengthens the warning message on cigarette packs and bans cigarette advertising on radio and TV after January 1, 1971.

Over the President's veto we passed the Medical Facilities Construction Amendments Act to provide urgently needed authorization of funds for building hospitals and other health facilities. The President also vetoed a Family Practice of Medicine Act even though the need for general practitioners in some areas of the Nation is critical.

During the first session we passed an important Mine Health and Safety Act. During this session we passed a Railroad Health and Safety Act and an Occupational Safety and Health Act, thereby blanketing American industry under Federal health and safety standards, certainly an innovative and needed step on our part.

For the first time in almost a quarter of a century we passed a bill to reorganize the Congress, thus improving its operations.

Mr. Speaker, we can take pride in our record during the 91st Congress and I do believe that this report, and the one which I delivered on first session achievements, give ample evidence that we have performed our legislative tasks well.

AGRICULTURE

Mr. Speaker, during the second session the House has passed five bills of major importance affecting the American farmer.

AGRICULTURE ACT OF 1970—H.R. 18546, PUBLIC LAW 91-525

President Nixon signed the Agricultural Act of 1970 into law on November 30, 1970. Public Law 91-524 continues price support and loan programs for 3 years through 1973 for wheat, feed grains, and cotton. In addition, it continues the Government dairy program for establishing marketing quotas for milk production.

The law also extends Public Law 480, the "food for peace" program which provides surplus food to underdeveloped nations.

Our farm subsidy programs have been integral to the continued economic soundness of the American farmer for many years. With the growth through the years of larger and larger farms, fewer and fewer farmers, and in particular the development of the corporate farm, there has developed in the Congress concern over the amount and extent of subsidy payments. Accordingly, Public Law 91-524 contains a new feature in the subsidy program. Henceforth, no farmer can receive more than $55,000, per crop—wheat, feed grains, and cotton—for keeping land out of production.

FEDERAL MEAT INSPECTION ACT AMENDMENTS—S. 3592, PUBLIC LAW 91-342

The Wholesale Meat Act had exempted from inspection already inspected meat processed for retail sale and farm-raised livestock slaughtered and processed for the farmer himself. Public Law 91-342 which was approved in July of this year amends this act to authorize the Department of Agriculture to prescribe regulations and inspections of establishments conducting such custom operations to assure that they are maintained and operated in a sanitary manner. This is another effort by the 91st Congress to protect the consumer interest of our citizens to assure them that the meat they buy and consume is healthful and safe.

RESEARCH ON PRODUCTION OF COMMODITIES—H.R. 14810, PUBLIC LAW 91-292

Public Law 91-292 provides for preharvest research to be financed by levying assessments directly on the commodities concerned. Many benefits will be reaped by this research. It will permit growers and handlers to study and improve their harvesting methods and techniques in order to provide the commodities most desired by the consumer. In the past growers had to reply upon research done by the Department of Agriculture or in some cases by private individuals. Public Law 91-292 will enable growers to solve their own problems at their own pace and not be dependent upon the Department of Agriculture for funds and research.

LOAN LIMITATIONS—H.R. 11547, PUBLIC LAW 91-620

H.R. 11547, to increase the limitation on certain farm loans from $60,000 to $100,000, cleared the Congress December 19, 1970. The aim of this legislation is to increase the indebtedness limitation set in 1961 for farm ownership to a more realistic level. Our farmers, along with all our citizens, have been plagued by the serious inflation the Nation is experiencing.

WHEAT PROGRAM—H.R. 13543, PUBLIC LAW 91-430

On September 26, 1970, the President signed into law H.R. 13543, to establish a program of wheat research and promotion. Public Law 91-430 authorizes the Secretary of the Agriculture to enter into agreements with organizations of wheat growers, farm organizations, and other organizations to expand the domestic and foreign markets for U.S. wheat. This legislation stems from the successful operation of wheat commissions in 10 of the commercial wheat States which were established by State legislation and financed by producer assessment.

AUTHORIZATIONS AND APPROPRIATIONS

Mr. Speaker, one of the major items on Congress' agenda each year is the passage of annual authorization and appropriation bills which supply the funds to finance the many activities of the Government.

For the benefit of Members, this report summarizes in tabular form those authorizations and appropriations passed and signed into law during the first session of the 91st Congress.

Following these tables are summaries of authorizations and appropriations passed in the second session, including some fiscal 1970 appropriations acts.

Throughout our actions on these measures, Mr. Speaker, is a thread of discernible concern for funding at adequate levels social and national defense programs. At the same time we have striven to cut expenditures where at all possible in an attempt to curtail the inflation which plagues our economy.

There can be no question that the Congress has acted responsibly in this area.

AUTHORIZATIONS, FISCAL 1970

Agency	Amount	Date approved	Public Law No.
Atomic Energy Commission	$2,448,052,000	July 11, 1969	91-44
Coast Guard	142,800,000	July 22, 1969	91-49
Foreign aid	1,972,525,000	Dec. 30, 1969	91-75
Maritime Administration	384,600,000	Oct. 10, 1969	91-85
Military construction	1,650,597,000	Dec. 5, 1969	91-142
Military procurement	20,723,202,000	Nov. 19, 1969	91-121
NASA	3,715,527,000	Nov. 18, 1969	91-119
National Science Foundation	477,605,000	do	91-120
Peace Corps	98,450,000	Oct. 29, 1969	91-99
REGULAR ANNUAL			
Treasury, Post Office, and Executive Office	2,276,232,000	Sept. 29, 1969	91-74
Department of Agriculture and related agencies	7,488,903,150	Nov. 26, 1969	91-127
Independent Offices and Department of Housing and Urban Development	$15,111,870,500	do	91-126
Department of the Interior and related agencies	1,380,375,300	Oct. 29, 1969	91-98
Departments of State, Justice, Commerce, the Judiciary, and related agencies	2,354,432,700	Dec. 24, 1969	91-153
Legislative branch	344,326,817	Dec. 12, 1969	91-145
Public works and AEC	4,756,007,500	Dec. 11, 1969	91-144
Military construction	1,560,456,000	Dec. 29, 1969	91-170
Department of Transportation and related agencies	2,143,738,630	Dec. 26, 1969	91-168
District of Columbia funds	650,249,600	Dec. 24, 1969	91-155
Department of Defense	69,640,568,000	Dec. 29, 1969	91-171
Supplemental, 1970: Small Business Administration	278,281,318	Dec. 26, 1969	91-166

FOREIGN ASSISTANCE APPROPRIATION ACT OF 1970—H.R. 15149, PUBLIC LAW 91–194

The foreign aid bill, H.R. 15149, was one of two fiscal 1970 regular appropriations bills on which Congress was unable to complete action in 1969. The contested funds were the $54.4 million allotted for fighter aircraft to the Republic of China. In view of the fact that the Senate and House could not come to an agreement on this issue, both Houses adopted a continuing resolution as an amendment to the supplemental appropriations bill (H.R. 15209) which maintained at fiscal 1969 levels foreign aid expenditures into the second session of the 91st Congress.

The second conference report, filed at the beginning of the second session, did not contain the $54.4 million for the Republic of China. Although regret was expressed over the deleted funds, the House gave its final approval to H.R. 15149, Public Law 91–194. The bill appropriated $1.46 billion for economic aid, as opposed to the administration request of $2.28 billion, and allocated $350 million for military assistance, as compared to the budget figure of $425 million. Other funds went to the Peace Corps, Inter-American Development Bank, International Development Association, HEW-Cuban refugee plan, and the Asian Development Bank, among others.

DEPARTMENT OF LABOR AND DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS ACT OF 1970—H.R. 15931, PUBLIC LAW 91–204

When President Nixon signed into law the fiscal 1970 Labor-HEW appropriations bill—H.R. 15931, Public Law 91–204—on March 5, he ended one of the longest disputes in history over an appropriations bill. The other body declined to pass the 1970 appropriations bill in the first session. A continuing resolution was added to the supplemental appropriations bill which maintained at fiscal 1969 levels Labor-HEW expenditures into the second session of the 91st Congress. A fiscal 1970 Labor-HEW appropriations bill, H.R. 13111, was cleared by Congress but vetoed by President Nixon. The House failed to override the veto, and Congress began to work on a new bill, H.R. 15931.

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The final bill allotted $19,381,920,200 in appropriations; in addition, $1,010,814,300 in advance funds were available for expenditure during fiscal 1970 from the fiscal 1969 Labor-HEW appropriations act. Public Law 91–204 included a provision limiting expenditures to 98 percent of appropriations, with the stipulation that no single allotment be cut by more than 15 percent. The following were exempted from this expenditure limitation: Social Security Administration, the Railroad Retirement Board, the U.S. Soldiers Home and payments into the Social Security and Railroad Retirement Trust Funds. The Department of Labor was allotted $980,446,000, as compared to the administration's request of $1,003,035,000; the Department of Health, Education, and Welfare was granted $16,359,572,200, an increase of $329,519,500 over the budget request; and the Office of Economic Opportunity was allocated $1,948,000,000 or $100,000 less than the administration figure.

H.R. 15931 also contained amendments which provide that except as required by the Constitution, funds in the bill may not be used to force school districts to bus students, abolish schools, or make pupil assignments against the choice of the students' parents as a prerequisite to receiving Federal aid. In addition, the act prohibited the use of funds for students, teachers, or college employees who have participated in campus disorders since August 1, 1969, which involved force, threat of force, or the seizure of property.

SECOND SUPPLEMENTAL APPROPRIATIONS ACT OF 1970—H.R. 17399, PUBLIC LAW 91–305

Five days before the end of fiscal 1970 the House adopted the conference report on the 1970 Second Supplemental Appropriations Act, H.R. 17399, Public Law 91–305. Appropriations amounted to $6,021,535,005 for various departments and agencies. This sum was $558,636,897 less than the President had requested, $680,840,078 less than the Senate had originally approved, and $257,419,214 more than the House had previously voted. Approximately $4.3 billion of the funds included in the appropriations were to finance two Federal pay raises: One a comparability pay raise which went into effect on July 1, 1969, a result of the 1967 Government employees pay raise bill—Public Law 90–206; and the second, a raise approved by Congress April 15, 1970—Public Law 91–231. H.R. 17399 also set ceilings on Government expenditures: For fiscal 1970 at about $197.9 billion with the stipulation that the President could raise the ceiling, after notifying Congress, up to $2 billion for certain uncontrollable items; and for fiscal 1971 at about $200.8 billion, with flexibility of ceiling granted to the President, after notifying Congress, up to $4.5 billion.

DEPARTMENT OF STATE, JUSTICE, COMMERCE, AND THE JUDICIARY APPROPRIATIONS ACT AND THE MARITIME ADMINISTRATION AUTHORIZATION—H.R. 17575, PUBLIC LAW 91–472, AND H.R. 15945, PUBLIC LAW 91–247

Since the second session of the 90th Congress, the Maritime Administration has been obliged to seek an annual authorization of funds. This authority was granted for fiscal year 1971 in H.R. 15945, Public Law 91–247, which authorized a total of $429,420,000 for the construction and operation of American ships. An additional $2.3 million was added by the House over the administration request in order to maintain the operation of the nuclear ship *Savannah*. The House also approved a Senate addition of $120,000 for financial assistance to a State marine school. Among the provisions of H.R. 15945 are $199,500,000 for the construction of 19 ships and the reconditioning of others, $193,000,000 for ship operation subsidies, $20,700,000 for research and development, $4,675,000 for reserve fleet expenses, $6,800,000 for maritime training at the Merchant Marine Academy at Kings Point, N.Y., and $2,445,000 for financial assistance to State marine schools.

The 1971 Appropriations Act for the Departments of State, Justice, Commerce, and the Federal Judiciary—H.R. 17575, Public Law 91–472—included appropriations for the Maritime Administration as well as 13 related agencies. These funds totaled $3,302,422,500 which amounted to an increase of $453,230,600 above the total appropriations for fiscal 1970 and yet provided $143,125,500 less than the total new budget authority requested by the administration.

The State Department was voted $445,431,800; $9,002,200 less than the budget request, $1,947,800 less than the House sum, and $100,000 less than the Senate version. The conference retained the higher Senate amount for salaries and expenses and the lower Senate figure for contributions to international organizations. Funds also went to international commissions and for educational educational exchange. In addition, H.R. 17575 contained a provision that no funds appropriated in the bill could be used to provide financial aid to any student, teacher or employee of a college or university who took part in a campus disorder after August 1, 1969.

The Department of Justice had its first billion-dollar budget in the fiscal 1971 appropriations with an increase of $269,076,000 above its appropriations for fiscal 1970. The total appropriation to the Department of Justice amounted to $1,120,323,000, including $116,413,000 for legal activities and general administration; $260,235,000 to the Federal Bureau of Investigation; $111,480,000 to the Immigration and Naturalization Service, $117,750,000 to the Federal Prison System, $480,000,000 to the Law Enforcement Assistance Administration, and $34,445,000 to the Bureau of Narcotics and Dangerous Drugs.

Most of the fiscal 1971 increase within the Department of Commerce allocation went to the Maritime Administration. Moneys granted to the Commerce Department for 1971 operations totaled $943,955,000, an increase of $125,530,000 over the 1970 allotment, but less than the administration's request of $1,007,645,000. In addition to the $236,727,000 for the Maritime Administration, other agencies financed in the Commerce appropriation include: The Bureau of Census, $65,299,000; the Environmental Science Services Administration, $197,578,000; the Minority Business Enterprise, $1,850,000; the U.S. Travel Service, $4,500,000; the Patent Office, $50,000,000; and the National Bureau of Standards, $43,515,000. A sum of $251,895,000 was allocated for economic development assistance during 1971 and a figure of $27.6 million for international activities by the Department of Commerce.

The Judiciary branch received $135,870,000 for 1971 operations. The administration had submitted a request for $138,561,600. The funded operations encompass the Customs Court, Court of Claims, Court of Customs and Patent Appeals, Supreme Court of the United States, and the Federal courts of appeals, district courts, and other judicial services.

Thirteen other agencies or commissions of the Government were appropriated for in H.R. 17575: American Battle Monuments Commission, $2,739,000; Arms Control and Disarmament Agency, $8,250,000; Commission on Civil Rights, $3,200,000; Civil Rights, Department of Health, Education, and Welfare, $19,000,000; Equal Opportunity Commission, $15,485,000; Federal Maritime Commission, $4,479,000; Foreign Claims Settlement Commission, $710,000; National Commission on Reform of Federal Criminal Laws, $100,000; Small Business Administration, $220,290,000; Special Representative for Trade Negotiations, $597,000; Subversive Activities Control Board, $401,400; Tariff Commission, $3,845,000; and the U.S. Information Agency, $183,398,000.

The House-Senate conferees had remained in disagreement on the funds for the National Industrial Pollution Control Council because the House had not considered that item. House conferees agreed to offer a motion in the House, which was passed, to concur in the Senate amount of $300,000.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT—H.R. 17868, PUBLIC LAW 91-337

Appropriations for 1971 were granted the District in H.R. 17868. The total funding was $189,039,800 less than the budget request, $34,374,800 less than the Senate version, and $6,787,800 less than the House approved figure. Moneys for most new programs, many of the new building projects, and further construction of the city's planned subway were all eliminated. The $34.2 million budget request for subway construction had been allowed by the Senate, but the House refused to grant funds because the city was not proceeding with the construction of several controversial freeway projects. The conferees followed the House position on this matter.

A Federal payment of $108,938,000 was allocated to the city—$105 million from the general fund and $3,938,000 in sewer and water payments. The bill reflected fiscal 1970 authorization levels since Congress had not yet passed a new District revenue bill. The revenue bill grants the city authority to collect new taxes and also sets the maximum level for Federal payments to the city. Instead of issuing bonds the District had traditionally borrowed funds from the Treasury, however the authority for these loans expired at the end of fiscal 1970. Congress had not yet enacted new legislation to either extend the District's authority to borrow from the Treasury or to issue bonds, thus the District was without financing for most of its construction projects. The final appropriation sum was $636,118,200, which included $143,991,000 for public safety, $146,353,000 for education, and $157,164,900 for human resources.

MILITARY CONSTRUCTION AUTHORIZATION AND APPROPRIATIONS ACT—H.R. 17604, PUBLIC LAW 91-511 AND H.R. 17970, PUBLIC LAW 91-544

Public Law 91-511 (H.R. 17604) authorized $1,667,154,000 for construction of military and related facilities during 1971. This amount was $401,940,000 below that requested by the administration. The administration figure of $2,069,094,000 included $334 million in construction funds for the Safeguard antiballistic missile—ABM—system but authorization of the ABM was made in the defense procurement authorization bill (H.R. 17123, Public Law 91-441). In Public Law 91-511, $264,914,000 was authorized for the Army, $268,898,000 for the Navy, and $256,189,000 for the Air Force. Military family housing received an authorization of $795,353,000. In addition, H.R. 17604 authorized the Secretary of Defense to aid communities affected by the construction and operations of ABM facilities in Montana and North Dakota. In view of House opposition to a Senate provision halting further use by the Navy of the Puerto Rican island of Culebra for naval target practice, the bill directed the Secretary to study and report by April 1, 1971, on alternatives to the Navy's use of the island and ordered the Navy to avoid increasing its operations there pending the report.

Actual 1971 appropriations for military construction were granted in H.R. 17970. The final figure amounted to $2,037,814,000, which was $96,986,000 below the Nixon budget request, but $475,206,411 more than appropriated for fiscal 1970. The appropriation funding was greater than the military construction authorization because of permanent authorizations and inclusion of ABM funds authorized in the defense procurement authorization act. One of the largest items allocated in the bill was $357 million for the construction of additional Safeguard antiballistic missile—ABM—sites. The $12 million which had originally been designated for survey work at additional ABM sites was set aside for economic aid to those communities affected by the construction. Military family housing was allotted $715,926,000. Army military construction grants amounted to $546,958,000, while Navy construction disbursements were $302,483,000, and the Air Force construction allotments totaled $284,147,000.

LEGISLATIVE BRANCH APPROPRIATIONS ACT—H.R. 16915, PUBLIC LAW 91-382

H.R. 16915, Public Law 91-382 allocated $413,104,220 for fiscal 1971 for the legislative branch. Since traditionally each House provides its own funds, the House allotted itself $110,526,455. This was $5,712,820 more than fiscal 1970. The increase was due to growing pay costs, additional retirement contributions, and other expenses the House authorized for itself in 1969. The Senate assigned itself $60,929,464. Joint expenses for the Congress amounted to $14,558,775 which is composed of such costs as the education of the House and Senate pages, joint committees, Capitol Police, and mail.

Other appropriations in H.R. 16915 went to the Botanic Garden, $672,800; the Government Printing Office, one of whose many services include the CONGRESSIONAL RECORD, $65,382,000; the General Accounting Office, which assists Congress in providing legislative control over the receipt, allocation, and application of public funds, $74,020,000; and the Library of Congress, which not only serves as the research agency for Congress through the Legislative Reference Service, but also includes the Nation's Copyright Office, $50,396,600. Funds for the Architect of the Capitol—$36,568,126—included $15.6 million to begin construction of the James Madison Memorial Library building.

AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS ACT—H.R. 17923, PUBLIC LAW 91-566

The administration requested $7,748,354,500 to fund the operations of the Department of Agriculture and related agencies. The congressional bill—H.R. 17923—added $342,502,000 to this request, an amount $7,260,400 more than appropriated in fiscal 1970. Two items accounted for the funding of a larger sum than requested in the President's budget: First, $195.5 million for the continuation of the agricultural conservation program under which the Government shares with farmers the cost of carrying out soil-and-water conservation practices; and second, $104 million for the special milk program. The administration had attempted to eliminate both of these programs.

The conference committee to resolve differences between the House and Senate versions was delayed until the enactment of the Agriculture Act of 1970—H. R. 18546, Public Law 91-524—an omnibus farm bill which set a ceiling on subsidy payments of $55,000 per crop per producer. In view of this provision, the conferees deleted the Senate-approved $20,000 subsidy limitation in H.R. 17923.

A number of important programs are financed in the general activities covered by this appropriation: the Agricultural Research Service was allocated $151,633,000 for general research, a compromise between the House proposed $146 million and the Senate approved $160 million. The increase over the House amounts included $1 million for research on nonchemical means of pest control and an additional $3 million for staffing and equipping newly completed research laboratories. The total appropriation for ARS came to $255,252,750.

The Extension Service was granted $160,768,600, an increase of $29,284,000 over fiscal 1970 appropriations. The Soil Conservation Service was allotted a total of $270,784,000 which encompasses such activities as river basin surveys and investigations, watershed planning, flood prevention, and resource conservation; $149,247,000 was granted to the Consumer and Marketing Service for consumer protection, marketing and regulatory programs. An additional $1,675,000 is allocated within this service for payments to States and possessions. The appropriation of $1,825,974,000 for the Food and Nutrition Service provided $301,974,000 for child nutrition programs, and a transfer of section 32 funds of $238,358,000, as well as $1,420,000 for the food stamp program.

Credit agencies funded by H.R. 17923 are the Rural Electrification Administration—REA—and the Farmers Home Administration—FHA. The REA allocation of $480,413,000 was comprised of $337 million for electrification loans, $128.8 million for telephone loans, and

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$14,613,000 for salaries and expenses. The $190 million funding for the FHA amounted to an increase of $76.2 million over the budget request and $35 million greater than the fiscal 1970 appropriation. In addition, the FHA direct loan account was set at $386,700,000. Grants to corporations were composed of $12,000,000 for the Federal Crop Insurance Corporation, $3,363,155,000 to the Commodity Credit Corporation, and $702,500,000 for Public Law 83-480 food-for-peace funds.

OFFICE OF EDUCATION APPROPRIATIONS ACT—H.R. 16916, PUBLIC LAW 91-380

The fiscal 1971 appropriations for the Office of Education was separated for the first time from regular appropriations for the Departments of Labor and Health, Education, and Welfare. Since, in recent years, the Labor-HEW appropriations bills have not cleared Congress until late in the fall, education funds were proposed in a separate version in order to clear school funds before the beginning of the school year in September. The House July 16, and the Senate July 28, adopted H.R. 16916 appropriating $4,420,145,000 for fiscal 1971 for programs administered by the Office of Education. On August 11, President Nixon vetoed this appropriation measure which exceeded the budget request by more than $450 million. He stated that veto meant "saying no to bigger spending and no to higher prices in the interest of all the American people."

The House August 13, and the Senate August 18, overrode the President's veto and enacted H.R. 16916 as Public Law 91-380. The final appropriations figure was $293 million more than the House proposal; $327 million less than the Senate version; and about $606 million over fiscal 1970 spending. Elementary and secondary education programs were allocated $1,846,968,000 for fiscal 1971. Much of the funding in this category was for title I of the Elementary and Secondary Education Act—ESEA—the program of aid to schools with concentration of poor students. This sum amounted to $232,275,000 more than the President had requested. It included $50 million for equipment and minor remodeling, for which the President had not requested funding. The increase of title I disbursements over fiscal 1970 was due in part to the normal annual increment in per pupil costs.

A total of $551,068,000 was allotted as assistance to those school districts affected adversely by the exemption of federally owned property from local taxes, $105 million was made available in fiscal 1971 for programs aimed at developing the education professions. The teacher corps, which hires talented instructors to teach in areas with low education standards, received a $30.8 million allocation.

Funds for the expansion and improvement of vocational education amounted to $494,196,000. Moneys for the improvement of community library services were provided in the amount of $85,040,000. A total of $105 million was granted for special education programs for the handicapped. More than $90 million was made available for research and training programs in education. Grants under the higher education acts were appropriated $967,880,000, with another $2,952,000 supplied for the higher education facilities loan fund.

In addition, $75 million was included to begin funding the President's proposed program to aid schools in the process of desegregating. A provision of the bill stipulated that no funds appropriated in the bill could be used to force schools or school districts already desegregated under the 1964 Civil Rights Act to bus students, abolish schools or set attendance zones either against the choice of students' parents or as a prerequisite for obtaining Federal funds. The bill also prohibited the use of funds for loans, loan guarantees, or salaries or other pay for students, employees, teachers or researchers at institutions of higher education who had engaged in conduct since August 1, 1969, involving the use or threat of force or seizure of property to require curriculum changes or to interfere with the activities of the institution.

TREASURY, POST OFFICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS ACT—H.R. 16900, PUBLIC LAW 91-422

The President requested $3,046,693,000 to finance 1971 operations of the Departments of Treasury and the Post Office, the Executive Office of the President, and certain independent agencies. In H.R. 16900—Public Law 91-422—Congress cut $41,982,000 from the request leaving an appropriation of $3,004,711,000. This sum constituted an increase of $211,174,000 over 1970 appropriations. The bill granted $33 million more than the House provided and $13.4 million less than the Senate version.

The $1,239,858,000 allocated to the Treasury Department was $12,693,000 less than the administration figure; $17,736,000 more than the House-approved figure; and $8,220,000 less than the Senate proposal. Within the allotment to the Treasury Department $9,660,000 was approved for salaries and expenses of the Office of the Secretary; $1,080,000 for the Federal Law Enforcement Training Center; $66,792,000 for the Bureau of the Public Debt; and $46,650,000 for the Bureau of Accounts.

A $137 million disbursement to the Bureau of Customs represented an increase of almost $11.9 million. This augmentation of funds is due in part to the Bureau's larger role in policing illicit drug smuggling activities.

The Internal Revenue Service received $26,096,000 for salaries and expenses, $221,500,000 for revenue accounting and processing, and $655,000,000 for compliance activities—totaling almost $902.6 million for the Service.

The allotment to the Secret Service of $42.3 million was nearly $7.4 million over the fiscal 1970 appropriation. The increased expenditure was necessary to implement the extension of the Secret Service duties to protection of Washington embassies and candidates for the Presidency.

The Post Office was directly apportioned $1,728,160,000 which constituted the difference between the offsetting postal revenues of $6,521,000,000 and the total authorization ceiling of $8,249,160,000. The postal appropriation was $13,335,000 more than the House version; $5,148,000 less than the Senate proposal; and $29,099,000 less than the budget request. The largest share of the funds, $6,508,000,000, was for postal operations. The full budget request of $269,825,000 for postal public buildings was approved. This sum constituted an increase of $99,825,000 over fiscal 1971 and was the largest annual appropriation ever for new postal buildings. In accounting for expanded expenditures, it was noted that the volume of mail would advance by nearly 2 billion pieces to 86.3 billion pieces in fiscal 1971. In addition, $162.3 million was granted for administration and regional operation; $62 million for research, development, and engineering; $657 million for transportation; $118 million for supplies and services; and $217 million for plant and equipment.

Both the Senate and House approved $30,765,000 for the Executive Office of the President. This appropriation amounted to an increase of almost $6.5 million over fiscal 1970 expenditures. This budget increase reflected the inclusion of the office of the Vice President for the first time in the appropriation, which received new staff positions within the allocation as "Special Assistance to the President"; $250,000 was disbursed directly for the President; $1,100,000 for the Executive residence; $9,750,000 for the White House Office—$8,550,000 for White House staff and $700,000 for "Special Assistance to the President"—$13,100,000 for the Office of Budget and Management; $1,233,000 for the Council of Economic Advisers; and $2,182,000 for the National Security Council.

H.R. 16900 also provided $4,278,000 to three independent agencies—the Administrative Conference, the Advisory Commission on Intergovernmental Relations, and the U.S. Tax Court. A separate allotment of $1,650,000 was appropriated to the President for the protection of foreign dignitaries visiting the United States during the 25th anniversary observation of the United Nations.

DEPARTMENT OF INTERIOR APPROPRIATIONS ACT—H.R. 17619, PUBLIC LAW 91-361

Appropriations to support 1971 operations by the Department of the Interior and related agencies were provided in H.R. 17619—Public Law 91-361. A total of $2,028,524,700 was allocated: $1,835,474,700 in new budget authority and $193,050,000 to liquidate contract authorizations. The Department of the Interior was granted $1,343,753,600 for the activities of its various agencies and offices, including the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Outdoor Recreation, the Office of Territories, Geological Survey Agency, the Bureau of Mines, the Office of Coal Research, the Office of Oil and Gas, the Bureau of Commercial Fisheries, the Bureau of Sport Fisheries and Wildlife, the National Park Service, the

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Office of Saline Water, and the Office of Water Resources Research.

The $322,426,000 allocated to the Bureau of Indian Affairs represented a compromise between the House figure of $323,547,000 and the Senate amount of $321,094,500. The Bureau of the Mines received $102,616,000 which was $1.3 million more than the House version; $1.15 million more than the Senate proposal; and $23,306,000 more than fiscal 1970 funding.

Major appropriations for related agencies encompass: the Forest Service, in the Department of Agriculture, $286,394,700; Indian health services and facilities, administered by the Public Health Service, $136,701,000; the National Foundation on the Arts and the Humanities, $31,310,000; and the Smithsonian Institution, $42,818,000. Substantial growth in activities covered by H.R. 17619 over last year's level include: education, welfare, services, and other aid to American Indians; land and water conservation fund; conservation and development of natural resources; mineral resources—including the health and safety provisions of the 1969 Coal Mine Safety Act—national parks; and geologic surveys.

PUBLIC WORKS AND THE ATOMIC ENERGY COMMISSION AUTHORIZATION AND APPROPRIATIONS ACT—H.R. 17405, S. 3818, PUBLIC LAW 91–273 AND H.R. 18127, PUBLIC LAW 91–439

Authorization acts are required for both public works projects and the Atomic Energy Commission. Subsequently, funds for the activities authorized are appropriated in the Public Works-Atomic Energy Appropriations Act.

Authorizations for the Atomic Energy Commission—AEC—were passed in H.R. 17405—S. 3818. Public Law 91-273. This bill authorized $2,290,907,000 for AEC operating, capital, and equipment expenditures during 1971—an amount more than $7.7 million over the administration request.

H.R. 18127—Public Law 91-439—allocated those sums to be spent in 1971 by AEC and for public works projects. The Atomic Energy Commission received $2,282,760,000 for its 1971 activities: $1,929,160,000 for operating expenses and $353,600,000 for plant and capital equipment. The original budget request came to $2,363,000,000. Environmental activities of the AEC are increased under the bill, including provision for further research in biological effects of radiation, radioactive waste management, and the effects of thermal alteration of the environment.

Funds for the Department of Defense amounted to $1,359,746,000. Of this sum, $1,295,933,000 was allotted to the Army Corps of Engineers for flood control and rivers and harbors improvements during 1971. The allocation to the Panama Canal of $45,629,000 amounted to an increase of $1,966,000 over fiscal 1971 appropriations. These moneys finance the operation of the Canal Zone Government and constitute an advance of funds which is repaid to the U.S. Treasury through revenues of the Panama Canal. The increase above the 1970 appropriation level was for salary increments and additional workload in the operation of schools, hospitals, and clinics. Cemetery expenses were met by $18,184,000.

H.R. 18127 allocated $1,532,603,000 for Interior Department agencies funded through public works, an increase of $252,677,500 over the 1970 disbursement, and an increase of $18,788,000 over the President's request. The largest single item within this allocation was $1 billion for direct construction grants for waste treatment works for the Federal Water Quality Administration. In addition, $98,618,000 were approved for pollution control operations and research through the Federal Water Quality Administration. These pollution control grants and the Federal water resources construction and research and development funding were in response to the National Environmental Policy Act of 1969—Public Law 91-765—aimed at improving both water quality and quantity and are further evidence of congressional concern for the environment.

The Interior Department's Bureau of Reclamation, the other major public works agency of the Federal Government besides the Corps of Engineers, received a 1971 appropriation of $310,185,000. Within this allocation were funds for the Upper Colorado River project and the Colorado River Basin project. In addition to the Bureau of Reclamation and Federal Water Pollution Control Administrations: Alaska, $1,000,000; Bonneville, $115,200,000; Southeastern, $800,000; and Southwestern, $6,050,000.

Congress approved the following appropriations for independent offices: Delaware River Basin Commission, $233,000; Interstate Commission on the Potomac River Basin, $5,000; National Water Commission, $1,840,000; Tennessee Valley Authority, $56,180,000; and the Water Resources Council, $5,150,000.

The total new spending granted by H.R. 18127 was $5,238,517,000 with an additional $5,748,000 to liquidate previously approved contract authority. This figure amounted to $469,749,500 more than fiscal 1970 appropriations but $24,916,000 less than requested by the administration.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND NATIONAL SCIENCE FOUNDATION AUTHORIZATIONS; DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT OFFICES APPROPRIATIONS ACT—H.R. 16516, PUBLIC LAW 91–303; H.R. 16595, PUBLIC LAW 91–356; H.R. 19830, PUBLIC LAW 91–556

Law requires that both the Space Administration and the National Science Foundation obtain annual authorization of funds. Congress provided for the NASA authorization in H.R. 16516—Public Law 91-303—for fiscal 1971. The final authorization of $3,410,878,000 was $304,649,000 less than the fiscal 1970 NASA authorization but $77,878,000 more than the administration request. For the first time since the establishment of NASA under the National Aeronautics and Space Act of 1958, total authorizations in the bill were more than the budget request. Increases over the administration's figures included $50 million for the space flight operations program, which encompasses the Skylab and space shuttle and station projects, and an increase of $38 million in the Apollo program, for the production of long leadtime items for scientific payloads for Apollo lunar exploration flights after 1973. A $9 million reduction from the budget request was made within the research and management section of the bill, which constituted a reduction in authorized personnel costs. The act also required the disclosure of the names and job descriptions for former NASA employees who are hired by companies under contract with the agency for more than $10 million in business annually, and for employees currently working for NASA who formerly worked for aerospace contractors. In addition, H.R. 16516 barred funds to universities which prohibit campus recruiting of Armed Forces personnel unless the Administrator makes an exception.

Authorizations for the National Science Foundation were made in H.R. 16595—Public Law 91-356. The total authorized amount of $537,730,000 was $37,730,000 more than the budget request; $12.1 million more than the House approved figure, but $10,270,000 less than the Senate passed sum. The act provided for a 2-year cutoff of funds by institutions of higher learning to persons convicted of a crime connected with disruption of such an institution.

Funds for NASA and the National Science Foundation are provided in the Department of Housing and Urban Development—HUD—Independent Offices Appropriation Act. In H.R. 17548, the first HUD Appropriations Act Congress passed, the total appropriation amounted to $18,009,525,000, which was $541,301,800 more than the President's request. The three major increases over the administration's figure were $105 million for veterans' medical care, $350 million for water and sewer grants, and $350 million for urban renewal. However, President Nixon stated that he was determined "to hold the line against a dangerous budget deficit," and consequently vetoed the HUD appropriations bill on August 11. His veto of H.R. 17548 was sustained by the House on August 13.

A new appropriations bill was reported—H.R. 19830—granting $17,709,525,300 for fiscal 1971 for HUD and such independent agencies as the Veterans' Administration and the National Aeronautics and Space Administration. The final allocation was $300 million less than the vetoed amount in H.R. 17548. The reductions were $150 million each in urban renewal, and water and sewer grants. There were no other changes in the new appropriations from the vetoed measure. On December 17, President Nixon signed H.R. 19830 into law—Public Law 91-556.

Important aspects of the poverty program and urban programs are financed through the HUD portion of this appropriation which amounted to $3,343,081,000—a sum $300 million less than the vetoed allocation but more than $350 million over the administration request. Despite the reduction from the vetoed figure there was a $200 million increase over the President's sum for urban renewal allowing the final disbursement for urban renewal to be $1.2 billion. The rent supplement program was allotted $55 million. Although the administra-

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tion had requested no funds for housing loans for the elderly and handicapped, Congress provided $10 million for this program. The water and sewer facilities grants, having been reduced to $350 million, were still $200 million more than the budget request.

The General Services Administration—GSA—received a total funding of $721,767,300—an increase of $25,173,800 over the budget request. The major increase in this allocation was a $31,895,800 increment over the administration requests in the GSA budget for construction of Federal buildings, totaling $133,560,300 for this item. The final appropriation to the National Aeronautics and Space Administration—$3,268,675,000—was $142,203,000 less than the authorization figure. The largest cut in the NASA disbursement was a $41 million deletion from the administration request for research and development—the final amount being $2,565,000,000. The total allocation to the Veterans' Administration was $9,065,528,000. Of this figure $59 million was allotted for construction of veterans hospitals and $1,857,200,000 for veterans' medical care. The National Science Foundation received $513 million, representing a $24.7 million reduction from its authorization.

Among the independent agencies also funded by H.R. 19830 are the following: Civil Service Commission, $95,980,000; Commission on Government Procurement, $1,500,000; Federal Communications Commission, $24,900,000; Federal Power Commission, $18,210,000; Federal Trade Commission, $20,500,000; Securities and Exchange Commission, $21,716,000; Selective Service System, $75,000,000; Appalachian regional development program, $293,500,000; disaster relief, $65,000,000; Civil Defense—Defense Department—$72,100,000; and the Federal Home Loan Bank Board, $85,000,000.

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MILITARY PROCUREMENT ACT—H.R. 17123, PUBLIC LAW 91-441—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—H.R. 19590

On October 1, 1970, Congress cleared H.R. 17123, the Military Procurement Act for fiscal 1971. A total of $19,929,089,000—$676,400,000 less than the amount requested by the administration, $642,400,000 more than approved by the House, and $686,200,000 more than approved by the Senate—was authorized in Public Law 91-441.

Authorized by this bill were such major weapons programs as the ABM, the C-5A cargo plane, MIRV missiles, F-14 and F-15 fighter aircraft, ships and submarines, and continued military operations in Southeast Asia.

Final aircraft authorization in H.R. 17213 was for $5,964,300,000. Missiles were authorized in the amount of $3,490,300,000; naval vessels, $2,711,900,000; tracked combat vehicles, $252,600,000; and other weapons, $74,389,000.

Total research authorizations came to $7,101,600,000.

In addition, H.R. 17213:

Set the fiscal 1971 average strength of the Army National Guard at 400,000; the Army Reserve at 260,000 the Navy Reserve at 129,000; the Marine Corps Reserve at 47,715; the Air National Guard at 87,878; the Air Force Reserve at 47,921, and the Coast Guard Reserve at 15,000.

Prohibited the obligation of $283 million for the F-111 aircraft until the Secretary of Defense gave assurances the plane had passed certain tests.

Required that beginning in the fiscal 1972 authorization bill a special authorization be required for naval torpedo procurement.

Expressed the sense of Congress that the National Science Foundation should receive a large share of U.S. support funds.

Specified that the special $200,000,000 in the bill for extra C-5A spending be limited to costs directly connected with the aircraft and directed the Comptroller General to review the spending of the funds and to report to Congress.

Required that all research and development programs have a potential relationship to a military activity, as determined by the Secretary of Defense.

Prohibited funds for independent research by contractors receiving more than $2,000,000 in the previous fiscal year unless a ceiling had been previously negotiated, and required the Secretary of Defense to report annually to Congress on the negotiations and payments.

Prohibited procurement of delivery systems for lethal chemical-biological—CBW—agents; required special safety precautions for disposal of lethal CBW agents, including their detoxification, except in emergencies or in routine laboratory disposals; required a finding by the Secretary of State that no international laws would be violated before there could be any foreign testing, dumping or storage of CWB agents, and directed a study of ecological and physiological impact of herbicides.

Placed a ceiling of $2.8 billion on U.S. aid to the Vietnamese and to other free world forces in support of Vietnamese forces and local forces in Laos and Thailand.

Prohibited the financing of military operations by the South Vietnamese or other allied troops in support of the Cambodian or Laotian Governments.

Prohibited the U.S. payment of special combat or overseas duty pay to U.S. allies in Southeast Asia which was higher than that received by U.S. servicemen for the same purpose, except to fulfill agreements negotiated before July 1, 1970.

Prohibited the transfer to third parties of weapons or military equipment furnished to Southeast Asia allies, except by approval of the United States.

Encouraged longer tours of duty for military personnel and directed the Secretary of Defense to study ways of accomplishing this.

Required yearly congressional approval of personnel strengths for the armed services, based on an annual Presidential request.

Authorized the transfer of an unlimited amount of aircraft and supporting equipment to Israel by sales, credit sales or guaranty, as a means of assistance in providing for the security of that nation until September 30, 1972.

Prohibited the disclosure of defense contract awards by any person until after an announcement had been made by the Secretary of Defense.

Prohibited the use of funds in the bill at colleges and universities that as a matter of policy had barred military recruiters, except when the Secretary of Defense determined such funds were part of a continuing contract necessary for U.S. defense; required the Secretary to report semiannually the names of institutions barring military recruiters.

Actual appropriations for procurement were contained in the Defense Appropriations Act, cleared by the Congress on December 29.

As finally approved, H.R. 19590 appropriated $66,595,937,000 for fiscal 1971, a total of $2,149,729,000 below the administration's request, $210,624,000 less than the amount approved by the House, but $178,860,000 more than the Senate-approved figure. It was also slightly more than $3 billion less than the amount appropriated in the fiscal 1970 Defense Appropriations Act—Public Law 91-171.

More than $20.7 billion was appropriated for military personnel, more than $3.1 billion for military retirees, and $16,029,110,000 for procurement with an additional $6,975,800,000 for research and development. More than $19 billion was appropriated for operation and maintenance costs. A sum of $300 million was appropriated for the Vietnamization program by which the President hopes to accomplish withdrawal of U.S. troops from South Vietnam while insuring a strong armed forces for that country.

H.R. 19590 also:

Authorized the Secretary of Defense, with the approval of the Office of Management and Budget, to transfer up to $700,000 of the funds between various programs funded in the bill if he notified Congress.

Prohibited the U.S. payment of special combat or overseas duty pay to U.S. allies in Southeast Asia if the payment was higher than that received by U.S. servicemen for the same purpose, except to fulfill agreements entered into before July 1, 1970.

Prohibited financing by the United States of military operations by the South Vienamese or other allied troops in support of the Cambodian or Loatian Governments, except to support actions to promote the safe and orderly disengagement of U.S. troops from Southeast Asia or to aid in the release of American prisoners of war.

Directed that no procurement funds in the bill would continue to be available if not obligated by June 30, 1970, shipbuilding funds by June 30, 1975, and research funds by June 30, 1972.

In line with the expressed intention of the President of the United States, prohibited the use of funds in the bill to finance the introduction of U.S. ground combat troops into Laos or Thailand.

Prohibited the use of funds in the bill to support more than 138,000 defense intelligence or security personnel past June 15, 1971.

DEPARTMENT OF LABOR, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, AND OFFICE OF ECONOMIC OPPORTUNITY APPROPRIATIONS ACT—H.R. 18515

Funds for the operations and activities of the Department of Labor, the Department of Health, Education, and

Welfare, and the Office of Economic Opportunity were appropriated in H.R. 18515.

A total of $18,696,392,500 were provided by this bill, a little over $200 million above the amount requested by the President.

The amount appropriated for the Department of Labor was $1,969,040,500 for such agencies as Manpower Administration, $1,754,017,000; Labor-Management Relations, $16,600,000; Wage and Labor Standards, $155,012,500; Bureau of Labor Statistics, $16,150,000; and the Office of the Secretary, $9,812,000.

The amount appropriated for HEW was $15,570,722,000. Principal operations funded by these moneys are those of: First, the Food and Drug Administration, $88,549,000; second, environmental health services, $170,717,000; third, health services and mental health administration, $1,422,410,000; National Institutes of Health, $1,688,799,000; fifth, social and rehabilitation service, $9,483,492,000; sixth, Social Security Administration, $2,599,886,000; seventh, special institutions, $66,975,000; eighth, Office of Child Development, $5,917,000; and for departmental management, $43,027,000. It will be remembered that funds for the Office of Education were separately appropriated in earlier action by the Congress. H.R. 18515 was not cleared until near the close of the second session.

Moneys for related agencies granted in H.R. 18515 were: $39,430,000 for the National Labor Relations Board, $2,394,000 for the National Mediation Board, $1,323,400,000 for the Office of Economic Opportunity, and $23 million for the Corporation for Public Broadcasting, among others.

PEACE CORPS AUTHORIZATION—H.R. 16327; PUBLIC LAW 91-356—FOREIGN ASSISTANCE APPROPRIATIONS ACT—H.R. 17867

In addition to supplying moneys to fund our military and economic assistance to foreign nations, the Foreign Assistance Appropriations Act funds as well the operations of the highly successful Peace Corps, one of the great legacies of the Kennedy administration. The annual authorization required for the Peace Corps was cleared by the Congress and signed into law in July of 1970. H.R. 16327 authorized $98,000,000 for the operations of the Peace Corps. This sum was $800,000 less than the amount approved by the House and requested by the President, but $8 million more than approved in the Senate.

The Foreign Assistance Appropriations Act was not cleared until late in the session. H.R. 17867 appropriated $90 million for the Peace Corps. A total of $1,571,435,000 was appropriated for economic assistance and $350 million for military assistance. Credit sales appropriations were at $200 million. Other foreign assistance, as for example, development banks, funded at $349,125,000. A sum of $2,534,310,000 was appropriated in H.R. 17867. This figure was more than $340 million below the budget request, but more than $300 million above the House-passed figure, and more than $69 million below the Senate-passed figure.

FOREIGN ASSISTANCE SUPPLEMENTAL ACT—H.R. 19911—ATOMIC ENERGY COMMISSION AUTHORIZATION SUPPLEMENTAL—S. 4557—FIRST SUPPLEMENTAL APPROPRIATIONS ACT OF 1971—H.R. 19928

Supplemental appropriations provide those funds not granted in regular appropriations, often because Congress has enacted legislation during the session which increases expenditures for an agency, or, in addition, because the President has requested special funding to meet needs arising during the year.

A substantial portion of the $1,853,372,792 allocated in the First Supplemental Appropriations Act of 1971—H.R. 19928—was in response to President Nixon's supplemental foreign aid requests: $500 million for military credit sales to Israel—authorized in the Defense Procurement Act—H.R. 17123, Public Law 91-441—and funding for military and economic assistance to other countries provided in the Supplemental Foreign Assistance Authoriza-Act—H.R. 19911—including $85 million in military assistance to Cambodia, $150 million in military assistance to Korea, $30 million in military assistance to Jordan, and lesser amounts of military assistance to other countries, as well as for economic assistance, totaling altogether $550 million.

H.R. 19911 included, in addition, important provisos concerning U.S. military involvement in Cambodia. These were: first, a prohibition on the sending of U.S. troops or advisers to Cambodia; second, a policy statement that aid furnished Cambodia shall not be construed as a commitment to defend that country; and third, a requirement that the President notify Congress prior to giving Cambodia additional aid through use of the emergency authority granted him in the 1961 Foreign Assistance Act.

In H.R. 19928 Congress appropriated $1,002,500,000 to fund foreign assistance. The remaining funds were for other agencies and departments. DOD was granted $3 million to continue research into the surface effects of various ship programs. The District of Columbia received $12,119,000 for various operations. Continued congressional concern for the environment was reflected in the $21.4 million granted to the new Environmental Protection Agency. On its own initiative Congress allocated $15 million to HUD to finance urban research and technology. In like fashion $8.5 million was appropriated to the Appalachian regional development program for airport projects to prevent future air disasters such as that which annihilated the Marshall University football team.

A total of $14,150,000 was appropriated to the FBI for 1,000 additional agents, 702 supporting personnel, and for equipment to deal with aircraft hijackings and campus disorders. The Bureau of Narcotics and Dangerous Drugs, in the Department of Justice, was allotted $7 million to finance an additional 300 agents and 335 other employees.

H.R. 19928 appropriated the full $25.5 million authorized in S. 4557, a supplemental AEC Authorization Act, to finance the installment of fire safety modifications in Atomic Energy Commission plants. These additional funds were both authorized and appropriated in response to the fire which hit the AEC's Rocky Flats plant in Colorado in 1969.

H.R. 19928 also appropriated the following amounts: $84,900,000 for the Labor Department's Manpower Administration; $16,400,000 for the Department of Health, Education, and Welfare; $77,172,700 for the Department of the Interior; $2,280,000 for the Department of State; $100 million for the disaster loan fund of the Small Business Administration; and $89 million for the Federal Aviation Commission in DOT.

COAST GUARD AUTHORIZATION—H.R. 15694, PUBLIC LAW 91-261—AND THE DEPARTMENT OF TRANSPORTATION APPROPRIATIONS ACT—HOUSE JOINT RESOLUTION 1421

Actual funds for the operations of the Coast Guard are appropriated in the DOT Appropriations Act. Existing law requires an annual authorization for the Coast Guard, however, which was granted in Public Law 91-261, to authorize $100 million for vessel construction and improvements—including a new series of polar icebreakers—for aircraft, and for the development and establishment of Coast Guard installations and facilities.

Opposition in the Senate to funds provided for development and construction of the supersonic transport in H.R. 17755, the fiscal 1971 Transportation and Related Agencies Appropriations Act, prevented final approval. Accordingly, Congress passed House Joint Resolution 1421, to continue appropriations for the Department of Transportation, and other agencies funded in H.R. 17755, at the level provided in that bill but only until March 30, 1971. It is anticipated that Congress will resolve the dispute over the supersonic transport early in 1971.

By agreeing to House Joint Resolution 1421, the Congress funded the operations of the Department of Transportation, through March 30, at a level equivalent with the $2,180,755,937 appropriated in H.R. 17755. Agencies funded by this title include: the Coast Guard—at a level of $650,292,937—the Federal Aviation Administration—at a level of $1,201,385,000—the Federal Highway Administration—at a level of $4,593,000, excluding trust fund financing—the National Highway Safety Bureau—at a level of $42,935,000—the Federal Railroad Administration—at a level of $24,845,000—the Urban Mass Transportation Administration—at a level of $9,325,000—and the Office of the Secretary of the Department of Transportation—at a level of $247,380,000.

Related agencies funded in House Joint Resolution 1421 include: the National Transportation Safety Board—at $6 million—the Civil Aeronautics Board—at $61,134,000—the Interstate Commerce Commission—at $30,216,668—and the Washington Metropolitan Area Transit Authority, Federal contribution—at $330,028,000.

The moneys directly appropriated in House Joint Resolution 1421 for the Department of Transportation and related agencies total at the level of $2,608,134,605 which is both more than the $2,579,579,937 provided in the House-passed H.R. 17755, and the $2,453,923,605 in the Senate version of H.R. 17755, but less than the budget request of $2,741,827,437. Funds provided in fiscal 1970 for these several agencies totaled $2,246,365,423.

CIVIL RIGHTS

Mr. Speaker, there are two items of interest in the area of voting and equal rights which received positive action in the House during this Congress and which demonstrate the innovative nature and character of the 91st Congress.

VOTING RIGHTS ACT OF 1965 AMENDMENTS H.R. 4249, PUBLIC LAW 91-285

On June 22, 1970, President Nixon signed into law a bill extending the Voting Rights Act of 1965, the most successful voting rights legislation ever enacted. The success of the 1965 act cannot be underestimated. During the time it has been in effect more than 1 million Negroes have been added to the rolls of registered voters in 11 Southern States. During that same period of time the number of Negroes holding elective office has climbed to a total of more than 1,500 across the Nation.

Public Law 91-285 extends for an additional 5 years the period of time States and their political subdivisions are covered by the "triggering" provisions of the act. Those States or political subdivisions which maintained a test or device as a prerequisite to registration or voting as of November 1 of either 1964 or 1968 and had a voting age population of which less than 50 percent were registered or actually voted in the 1964 or 1968 presidential election are subject to three sanctions which do not apply generally. These are first, a ban, prohibiting the States from using any test or device to limit voting eligibility; second, Federal oversight, permiting the Attorney General, under specified circumstances, to send in Federal examiners to list eligible, but nonregistered, voters—the Attorney General may also send in Federal observers to inspect the polling places and the counting of votes; and third, advance clearance, requiring any covered State or political subdivision enacting new voting qualifications or procedures to obtain advance approval of the Attorney General or a declaratory judgment from the U.S. District Court for the District of Columbia to the effect that the new practice does not have either a discriminatory purpose or effect. This part of the act is identical to the 1965 act with the exception that 1968 dates were added to bring more areas under the triggering formula.

An important new provision of the Voting Rights Act bans nationwide all literacy tests until August 6, 1975.

In order to protect the right to vote in presidential elections in today's mobile society, Congress included a new provision in the Voting Rights Act stipulating that no citizen shall be denied the right to vote in a presidential election because of residence requirements if he applies for registration in his State no later than 30 days prior to such election. Every State is also required by this section of the law to permit any resident to vote in a presidential election by absentee ballot if he applies no later than 7 days prior to the election. Those persons who move to another State fewer than 30 days prior to a presidential election shall be permitted to vote in their State of former residence. These provisions will enable any voter who wishes to vote in future presidential elections to do so.

Title III of the Voting Rights Act is another new feature. It grants the right to vote to all citizens 18 years of age in Federal, State, and local elections. The Congress felt most strongly that our young people between 18 and 21 are entitled to vote and included this provision in the act solely on its own initiative.

CONSTITUTIONAL AMENDMENT TO PROVIDE EQUAL RIGHTS FOR WOMEN—HOUSE JOINT RESOLUTION 264, SENATE JOINT RESOLUTION 231

On August 10, 1970, the House of Representatives passed an equal rights amendment to the Constitution of the United States. The amendment had been introduced each year for 47 years but had never been considered on the floor of the House. The vote followed a successful drive to bring the bill to the floor by means of the discharge rule. The Senate debated the measure but did not pass it.

The equal rights amendment as it passed the House read:

> Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. Congress and the several states shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

Under the amendment, men and women would share equally, under the law, the rights and responsibilities of American citizenship.

COMMUNICATIONS

NEWSPAPER PRESERVATION ACT—S. 1520, H.R. 279, PUBLIC LAW 91-353

Mr. Speaker, on July 15, 1970, the Senate agreed to the House-amended version of the Newspaper Preservation Act, which exempts from antitrust laws certain operating arrangements between newspapers in danger of financial failure.

This legislation was prompted by the financial failure and resulting disappearance of many publications. Many areas have been left with only one major newspaper. It is expected that this legislation will encourage the existence and competitive efforts of newspapers within the same areas by preserving independent news and editorial operations where economic realities might have put all but one paper out of business.

Joint newspaper operating agreements are to be considered valid only if they include the establishment of joint production facilities. However, such arrangements may not include the merger of editorial or reportorial staffs. Editorial policies must be independently determined as well.

This legislation does not apply to either magazines or advertising circulars. It does apply to joint newspaper operations already in effect if, at the time of the agreement, one of the papers was "failing." A "failing newspaper" is defined as one which, regardless of its ownership or affiliations, is in probable danger of financial failure. Joint operating agreements not already in effect must be approved by the U.S. Attorney General.

The provisions of Public Law 91-353 are to be applied in judging any pending action against a joint operating agreement. Also, any previous judgment declaring joint agreements illegal under antitrust laws is to be revised to allow reinstatement of the agreement to the extent consistent with the law's provisions.

PUBLIC BROADCAST FINANCING—S. 3558, H.R. 17982, PUBLIC LAW 91-437

The Corporation for Public Broadcasting, which was created by the Public Broadcasting Act of 1967, is a federally chartered, independent, nonprofit corporation whose mandate is to encourage and facilitate expansion and development of noncommercial broadcasting, and to promote diversity in that medium. During its short lifespan, the Corporation has begun to fulfill its purpose.

When the original legislation was enacted, $9 million was authorized to be appropriated to enable the Corporation to come into being. This was intended to be "seed money" pending a long-range financing plan to be submitted by the administration. To date, however, no plan has been submitted.

Meanwhile, with the $5 million which was ultimately appropriated in October 1968, and the little over $2 million contributed from private sources, the Corporation became operational.

Since the initial authorization for funding the Corporation was for 1 year only, it was necessary for the Congress to authorize another appropriation the following fiscal year. That authorization which was for fiscal year 1970 was $20 million and ultimately $15 million of that amount was appropriated.

The authorization agreed to for fiscal years 1971 and 1972 is set at not more than $30 million with an additional amount of not more than $5 million for each fiscal year to match contributions to the Corporation from non-Federal sources. S. 3558 was signed into law on October 7, 1970.

CONSUMER AFFAIRS

Mr. Speaker, in an effort to strengthen protection for the American consumer, the 91st Congress has enacted legislation providing for child protection, regulation of credit cards, and establishment of fair credit reporting procedures. On November 6, 1969, the President approved the Child Protection and Toy Safety Act which amends the Federal Hazardous Substances Act to protect children from toys and other articles which are considered hazardous. The 1969 amendments, Public Law 91-113, expand coverage to include toys which present electrical, mechanical, and thermal hazards such as toy ovens, metal casting sets, electrical irons, and archery sets. Another provision of the act requires manufacturers, distributors, and dealers to repurchase banned hazardous substances from their purchaser, with the right for industry to appeal to a Federal court.

In the first session, Congress also extended the life of the National Commission on Product Safety until June 30, 1970, and authorized the Commission to make its legislative recommendations to Congress in November 1969—Public Law 91-51.

FAIR CREDIT REPORTING AMENDMENTS—H.R. 15073, PUBLIC LAW 91508

During the second session legislation was approved to protect the consumer from unsolicited credit cards and to insure fair credit reporting practices. Public Law 91-508 prohibits the issuance of unrequested credit cards except as renewals or substitutes for cards previously issued and sets a maximum liability of a cardholder for unauthorized use of his card at $50. The act removes liability for unauthorized use of cards under any circumstances for any customer who has not requested or received them or signed and used them. Unauthorized use of credit cards is now a Federal criminal offense in cases involving $5,000 or more. State criminal law would apply to cases involving less than this amount.

Public Law 91-508 also contains provisions requiring all agencies reporting credit information to follow reasonable procedures to assure accuracy of information. Any user of the report who rejected a consumer for credit, insurance or employment is required to inform the consumer of the source of the report, and consumers were granted the statutory right, through court proceedings, to obtain identification of sources of information about them in credit reports.

HAZARDOUS SUBSTANCES, CHILD PROTECTION—S. 2162

In December Congress cleared S. 2162 providing for child-resistant packaging to protect children from serious personal injury or serious illness resulting from the handling or ingesting of any hazardous household substance. This bill authorizes the Secretary of Health, Education, and Welfare to determine those substances that are to be specially packaged and to establish packaging performance standards. Penalties have been set for failure to conform to those standards.

LEAD-BASED PAINT POISONING—H.R. 19172

In another action the House gave its approval for an authorization of $30 million over 2 years to assist local governments in the development of programs to eliminate lead-based paint poisoning. A Federal demonstration and research program to study the extent of the lead-based paint poisoning problem would be established and recommendations made available to those cities and communities receiving financial assistance.

In the Senate H.R. 19172 was amended to fund the programs authorized in the bill at $24.5 million annually for 3 years.

Following a House-Senate conference, H.R. 19172 was cleared late in the session with authorizations of $10 million for fiscal 1971, and $20 million for fiscal 1972.

Passage of this act should help to curtail the mental retardation, and even death, which afflicts those children who eat lead-based paints. Almost 400,000 children each year are injured and as many as 200 each year die from eating lead-based paint.

DISTRICT OF COLUMBIA

During the past several years, the Government and residents of the District of Columbia have assumed increased responsibility for the District. Two bills of major importance to the District were passed during the first session of this Congress. Public Law 91-106—H.R. 12982—authorized $105 million in Federal payments to the District for fiscal 1970 and approved increased and additional sales and excise taxes. The revenue act, in an effort to discourage inflationary trends, imposed limitations on hiring and on busing policies. The National Capital Transportation Act of 1969, Public Law 91-143, authorized up to $1,470,044,000 for the construction of a rapid rail transit system in the Washington metropolitan area. Extensive discussion continues, however, over the size of the system, the need for improved freeway systems and the adequacy of the funds authorized.

In the second session additional action was taken to provide the residents of the District with more representative government.

NONVOTING DELEGATE IN THE HOUSE—S. 2163, H.R. 18725, PUBLIC LAW 91-405

Representation of the District in Congress has been a highly debated issue for the past several decades. President Nixon approved Public Law 91-405, September 22, 1970, to provide for a nonvoting delegate for the District of Columbia in the House of Representatives. For the first time in nearly 100 years a delegate from the District will assume a seat in Congress. The general election is scheduled for March 23, 1971. Certainly, passage of this act is one of the most highly significant legislative actions of this Congress.

Besides amending the District's election laws, Public Law 91-405 establishes a Commission on the Organization of the District of Columbia. The District of Columbia government has mushroomed in size and the problems of the conflicting agencies and departments are becoming more and more complex. This "little Hoover Commission" will study and recommend procedures for economy, efficiency and improved service in the District's public business. The Commission is required to submit a report by September 22, 1971.

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970—S. 2606, H.R. 16196, PUBLIC LAW 91-358

Due to the unique system of government in the District of Columbia; Congress, police, prosecutors, defense counsel, the courts, and the community share a joint as well as individual responsibility for assisting one another to ameliorate crime conditions and improve judicial procedures in the District. In an effort to shoulder its responsibility and assist others in assuming theirs, Congress enacted the District of Columbia Court Reform and Criminal Procedure Act of 1970. Public Law 91-358 was approved July 29, 1970.

Title I involves the organization and jurisdiction of the courts. Along with establishing a joint commission to supervise removal of judges for disability or misconduct and authorizing an executive officer to manage court operations, Public Law 91-358 authorizes 17 additional judges for the Superior Court. The Superior Court, established by the act, will incorporate the existing general sessions, tax and juvenile courts. The District of Columbia Court of Appeals will function similarly to a State supreme court. All local matters will, over a 3-year period, be transferred from Federal courts to the District of Columbia system. The act also provides that some persons now considered juveniles will be prosecuted as adults when charged with felonies at the age of 15. Juveniles are to be entitled to counsel at all critical stages of public and judicial proceedings.

Title II pertains to criminal law and procedure. Sentencing rules are changed to allow imposition of life imprisonment for a third felony, to impose a 3-year maximum sentence for robbing a vending machine, parking meter, or coin telephone, or to set a mandatory minimum additional sentence of 5 years for a second armed crime of violence. The possession, construction or use of any incendiary device is banned in the District. Title II also allows the government to appeal an order suppressing evidence against a defendant. With certain qualifications the act provides for nighttime search warrants, so-called "no-knock" search and arrest warrants and "no-knock" entry without warrant authorization. Within the conditions of the 1968 Omnibus Crime Control and Safe Streets Act, Public Law 91-358 sets the standards for use of wiretapping and electronic surveillance in the District and provides penalties for their misuse. Title II sets conditions for 60-day pretrial detention of prisoners.

Titles III through VIII of the District of Columbia Court Reform and Criminal Procedure Act of 1970 establish a public defender service which will represent up to 60 percent of the persons unable to obtain adequate representation and provide means for finding private counsel for the remaining 40 percent; authorize the District of Columbia government to enter into the Interstate Compact on Juveniles for cooperation in the return of runaway juveniles; and provide that the District's Corporation Counsel will represent any police officer sued for wrongful arrest or will pay the officer's attorney fees. The Commission on Revision of the Criminal Laws of the District of Columbia is abolished. The act authorizes Federal payment of $5 million in fiscal 1971 to the District for reorganizing the courts and Legal Aid Agency, for facilities, for the additional court personnel, and for expansion of the bail agency.

Of no small importance to members of the younger set in the District, the act repeals the law prohibiting kite flying in the District of Columbia.

THE DISTRICT OF COLUMBIA POLICE, AND FIREMEN'S AND TEACHERS' SALARY ACTS AMENDMENTS OF 1907—H.R. 17138, S. 2694, PUBLIC LAW 91-297

Public Law 91-297, approved June 30, 1970, provides for an average increase in police and firemen's salaries of 13 percent and provides an overall increase in teachers' salaries. Personnel who provide the public services required in the police, fire and teacher force of the District are to be commended for their

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work and well deserve these increases. The act also authorizes a one-time Federal payment of $8 million to assist in financing the salary increases.

DISTRICT OF COLUMBIA REVENUE ACT OF 1970—H.R. 19885

Within the last 7 years Congress has enacted five laws increasing the Federal payment to the District of Columbia. Even though the population of the city has decreased since the 1950 census, governmental size and expenses have increased.

On December 21, 1970, Congress cleared H.R. 19885 to increase the annual Federal payment to the District from $105 million to $126 million and to extend the District's borrowing authority for 2 years. The bill provides a 2 percent tax on rental linens and continues the 2-percent rate on all laundry. It also repeals property tax exemption on housing owned by nonprofit charitable organizations if such property is aided by Federal rent supplement or interest subsidy.

H.R. 19885 authorizes a $6.2 million appropriation for District of Columbia medical and dental schools—Georgetown and George Washington. It authorizes HEW grants of not over $5,000 per medical student and $3,000 per dental student for fiscal years 1970 and 1971. Land-grant college funds are to be shared equally by Federal City College and the Washington Technical Institute. Higher education institutions in the District are to be exempt from any interest ceiling in borrowing money.

Among the other provisions of H.R. 19885 are those: deleting the limit of $150,000 authorized for preservation of the Old Georgetown Market; exempting District of Columbia motor carriers regulated by ICC from the District of Columbia minimum wage provisions; limiting future District of Columbia minimum wage orders to no more than 10 percent higher than Federal fair labor standards; and authorizing the District of Columbia government to enter into leases for space for up to 20 years. Expected to save the District of Columbia $200,000 annually is the provision permitting the sale in District of Columbia of milk and dairy products inspected, certified, and meeting HEW standards, obviating duplicate District of Columbia inspection.

EDUCATION

Mr. Speaker, during the first session of the 91st Congress, we passed Public Law 91–61 to establish a National Center on Educational Media, charged with expanding the scope of educational opportunities available to America's handicapped children.

Public Law 91–86 recognized the vital need for private action in the fields of education and day care and specified that the Federal Government was not to inhibit voluntary labor-management cooperation in these areas.

Public Law 91–95 authorized special interest allowances for lenders, with respect to insured student loans under title IV–B of the Higher Education Act of 1965, in order to assure that students would have reasonable access to such loans for financing their education.

These were some of the actions taken by Congress in 1969 to improve educational opportunities for our children.

In 1970, Congress demonstrated its continued interest in education, considering and passing a number of bills which will bring us ever closer to our goal of making available the best possible education for all Americans.

ELEMENTARY AND SECONDARY EDUCATION ACT AMENDMENTS—H.R. 514, PUBLIC LAW 91-230

Public Law 91–230—H.R. 514—incorporating three bills passed by the House of Representatives in 1969—H.R. 13304, H.R. 13310, and H.R. 13630—extends the major programs of the Elementary and Secondary Education Act through June 30, 1973, authorizes several changes to existing programs, and establishes new programs.

It authorizes a 3-year spending level of approximately $24.6 billion, the largest amount ever authorized for elementary and secondary education. In addition, the law changes funding procedures to permit advance funding by extending the previous fiscal year's authorizations for another year, should Congress fail to provide new authorizing legislation.

Major changes in existing programs include:

First, extending aid to federally impacted areas to include children living in federally financed public housing;

Second, increasing from $3,000 to $4,000 the maximum income level for determining eligibility for programs of aid to school districts with children from low-income families, and stipulating a matching requirement of State and local funds;

Third, authorizing a special incentive grant program of $50 million annually for States which exceed the national effort for public education;

Fourth, providing assistance to a State education or other agency when it has assumed the responsibility for education programs dealing with institutionalized, handicapped, neglected, or delinquent children from a local agency, when that agency is not performing satisfactorily;

Fifth, requiring that aid to children of migrants be used as a basis for calculating aid to State education agencies for teaching these children;

Sixth, broadening the bilingual education program to include Indian children living on reservations and attending tribal schools or U.S. Department of the Interior schools;

Seventh, consolidating the supplementary education centers and services program with the guidance, counseling, and testing program and stipulating that each State must spend annually at least 50 percent of its fiscal 1970 NDEA allocation for guidance, counseling, and testing;

Eighth, amending the Adult Education Act of 1966—Public Law 89–750—to include secondary school programs for adult basic education, including high school equivalency; and

Ninth, extending the existing loan forgiveness provisions of NDEA student loans to include allowances for military service at a rate of 12.5 percent per year of service.

New programs established by H.R. 514 include:

First, aid to State and local education agencies for planning and research;

Second, demonstration projects to improve health and nutrition services in schools with large numbers of children from low-income families;

Third, grants to provide for innovative programs for strengthening local education agencies;

Fourth, aid for children with specific learning disabilities;

Fifth, establishment of a Student Teacher Corps to utilize on a part-time basis the talents of high school and college students, community residents, and others;

Sixth, establishment of a Teacher Corps program to deal with juvenile delinquents; and

Seventh, special grants to urban and rural school systems with high concentration of low-income families.

Mr. Speaker, this was an excellent act in which we can take pride. It demonstrates forcefully the continuing concern of the Congress for the children of this great Nation.

SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS—H.R. 515, PUBLIC LAW 91-248

Public Law 91–248 expands and improves the program of free and reduced-price lunches for needy schoolchildren. The law:

First, authorizes appropriations 1 year in advance for child nutrition programs;

Second, provides an open-ended authorization for the special assistance program for children from low-income families;

Third, authorizes $25 million for the school breakfast program for fiscal 1971;

Fourth, authorizes the following sums for nonfood assistance—equipment for school food service programs: $38 million for fiscal 1971; $33 million for fiscal 1972; $15 million for fiscal 1973; and $10 million for each succeeding fiscal year;

Fifth, requires that for fiscal years 1972 and 1973 States must provide at least 4 percent of the State matching requirement from State tax revenues; for fiscal 1974 and 1975, 6 percent; for fiscal 1976 and 1977, 8 percent, and for each fiscal year thereafter, 10 percent;

Sixth, limits to 20 cents the cost of reduced-price lunches for children;

Seventh, provides that all needy children are to be offered free or reduced-price lunches, with first priority to be given by school administrators to the neediest children;

Eighth, establishes the standard for "needy," after January 1, 1971, as the Federal income poverty guidelines set by the Secretary of Agriculture. Until that date, the determination of need is to be made by local school authorities on the basis of criteria including family size and income and the number of children in school.

Ninth, allocates special assistance funds to the States according to the ratio of children in families with incomes under $4,000 to the total number of children in the State;

Tenth, requires every State as a condition for receiving funds for the child nutrition program to submit an annual report to the Secretary of Agriculture on its program for the following fiscal year. The State is to detail how it intends to furnish a free or reduced-price lunch to every needy child and how it proposes to extend the lunch program to every school in the State;

Eleventh, limits the special assistance funds disbursed to each school to a maximum per meal amount established by the Secretary of Agriculture for all States and

Twelfth, establishes a National Advisory Council on Child Nutrition.

CHILD NUTRITION ACT OF 1966, MILK PROGRAM AMENDMENT—H.R. 554, PUBLIC LAW 91-295

Public Law 91-295 amended the Child Nutrition Act of 1966 to provide a special milk program for children. It made permanent authority for the program at the current authorization level, $120 million. The purpose of this act is to encourage increased milk consumption by children. In addition, it is intended to help maintain a healthy fluid milk dairy economy by expanding the market for fluid milk. Nutritionists have long contended that children of school age need a minimum of 1 quart of milk per day to insure sufficient calcium intake. Statistics have demonstrated that these needs are not fulfilled, especially with respect to children of low-income areas. The special milk program has made progress toward correcting this deficiency. Since 1960, the number of students served has increased by one-third, from 13 to 17 million, and the number of participating outlets has been increased by nearly 15 percent. The special milk program has had the dual effect of encouraging increased consumption of milk by 17 million children as a nutritional measure and reducing purchases of dairy products by the Commodity Credit Corporation.

TEMPORARY EMERGENCY FOOD ASSISTANCE FOR CHILDREN—H.R. 11651, PUBLIC LAW 91-207

Public Law 91-207—H.R. 11651—amends the National School Lunch Act to authorize an additional $30 million for the purpose of providing free or reduced-price meals to needy children in States which would have run short of funds before the end of the 1969-70 school year. This emergency measure assured that thousands of schoolchildren in 34 States continued to receive nutritious school lunches daily. The school lunch is, for many needy children, the only dependable, nutritious meal of the day.

SURPLUS DAIRY PRODUCTS FOR THE SCHOOL LUNCH PROGRAM—S. 2595, PUBLIC LAW 91-233

Public Law 91-233—S. 2595—amends the National School Lunch Act to give the school lunch program top priority in the use of surplus dairy products acquired by the Commodity Credit Corporation through price-support operations.

The purpose of the law is to provide for distribution of healthful dairy products to children and other needy persons and to effect a more economical operation of the existing price support program for dairy products. It permits high priority donation of dairy products, which are held by the Government, for school lunch programs, to assist other needy people, and for charitable institutions, including hospitals, without the present requirement that such donations shall not be made unless the products cannot be sold. This makes it possible to avoid the present expensive and duplicative process of selling Government-held products and then having to purchase the same type products for food distribution programs.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT—S. 1519, H.R. 10666, PUBLIC LAW 91-345

Public Law 91-345—S. 1519, H.R. 10666—establishes a National Commission on Libraries and Information Science as an independent agency within the executive branch. The law:

First, establishes the Commission and provides it with necessary administrative services from the Department of Health, Education, and Welfare;

Second, gives the Commission authority to accept grants, gifts or bequests;

Third, states it to be the Commission's functions to advise the President and Congress on national policy developments in its field; to conduct studies, surveys, and analyses of the library and information needs of the Nation; to appraise adequacies and deficiencies of current library and information resources; to develop overall plans for meeting national library needs; to promote research and development activities to improve the Nation's libraries; to submit to the President and Congress not later than January 31 of each year a report of its activities; and to draw up and publish reports;

Fourth, sets the membership of the Commission to include the Librarian of Congress plus 14 members appointed by the President, by and with the consent of the Senate;

Fifth, appropriates $500,000 for fiscal year 1970, and $750,000 for fiscal 1971 and each succeeding fiscal year.

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT OF 1970—H.R. 14237, S. 2846, PUBLIC LAW 91-517

This act assists the States in providing comprehensive services to persons affected by mental retardation and other developmental diseases. The law:

First, amends the Mental Retardation Facilities Construction Act of 1963 to provide grants for planning, provision of services, and construction and operation of facilities for persons with developmental disabilities;

Second, authorizes appropriations of $60 million in fiscal year 1971, $105 million in fiscal 1972 and $130 million in fiscal 1973 for these purposes;

Third, defines developmental disability as a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition which originates before an individual reaches age 18, which can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual;

Fourth, entitles States to allotments—formula grants—from the sums appropriated, based on population, need for services and facilities, and the financial need of the respective States, and specifies that the allotment for any State should not be less than $100,000 for any fiscal year;

Fifth, authorizes the Secretary of Health, Education, and Welfare to use up to 10 percent of authorized appropriations for project grants of national significance to assist the developmentally disabled;

Sixth, establishes a National Advisory Council on Services and Facilities for the Developmentally Disabled to evaluate program effectiveness;

Seventh, requires States to assure that special financial and technical assistance is available for services and facilities for the developmentally disabled in poverty areas;

Eighth, limits Federal funds for any individual construction project to two-thirds of the costs of construction or 90 percent for projects in urban or rural poverty areas;

Ninth, limits the Federal share of funds for planning, administration, and services to 75 percent of costs incurred by a State for fiscal years 1971 and 1972, and to 70 percent for fiscal year 1973; limits the Federal share to 90 percent for fiscal years 1971-72 in urban and rural areas, and to 80 percent in fiscal 1973 for the same areas;

Tenth, establishes a new program of grants for administering and operating demonstration facilities and interdisciplinary training programs for personnel to serve the developmentally disabled, and authorizes for fiscal 1971, $15 million; fiscal 1972, $17 million; and fiscal 1973, $20 million;

Eleventh, authorizes for construction of university-affiliated facilities $20 million annually for fiscal 1971-73; and

Twelfth, permits a State to consolidate grant funds functionally either within the State or by interstate pooling of allotments.

DRUG ABUSE EDUCATION ACT OF 1970—H.R. 14252, PUBLIC LAW 91-527

Public Law 91-527—H.R. 14252—authorizes funds for 3 years for drug abuse education programs in order to educate the public on the problems of drug abuse and to provide for the training of personnel. It is hoped that this legislation will assist greatly in alleviating a serious social problem which affects many Americans. The law:

First, authorizes the Secretary of Health, Education, and Welfare to make grants to local educational agencies and other private and nonprofit organizations for community information programs on drug abuse. Grants may be used to develop curriculums, disseminate educational materials, provide training programs for teachers and law enforcement officials, and offer community education programs to parents and others;

Second, authorizes $5 million in fiscal year 1971, $10 million in fiscal 1972, and $14 million in fiscal 1973 for drug abuse education programs;

Third, authorizes the Secretary of Health, Education, and Welfare to make grants to public or private nonprofit agencies for community-oriented education projects on drug abuse; and

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Fourth, authorizes $5 million in fiscal year 1971, $10 million in fiscal 1972, and $14 million in fiscal 1973 for community education projects.

LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970—S. 3318, H.R. 19363, PUBLIC LAW 91-600

Public Law 91-600—S. 3318, H.R. 19363—extends for 5 years the programs carried out under the Library Services and Construction Act. Its purpose is also to simplify and strengthen Federal, State, and local administration of library programs.

The Library Services and Construction Act has benefited 85,000,000 people to date. Over 1,500 library facilities have been established, enlarged, or remodeled, and, with Federal and local funds, over 45 million books and other library materials have been acquired.

In addition to continuing the program of grants to the States for library services and library construction, the law:

First, authorizes for fiscal 1972, $207 million, and continues in subsequent years to make modest annual increases through fiscal 1976, when the authorization is $252,350,000;

Second, increases the minimum allotment to the States from $35,000 to $200,000, with remainder allotted on the basis of population, under the program of grants to the States for library services;

Third, includes explicit authority for library service programs for the disadvantaged, requiring that the annual State plans specifically outline the program designed to assure that priority will be given projects serving urban and rural areas with high concentrations of low-income families;

Fourth, increases the basic minimum State allotment under the program of grants to States for public library construction from $20,000 to $100,000; and

Fifth, continues the program for interlibrary cooperation, and raises the Federal share from 50 to 100 percent.

EMERGENCY SCHOOL AID ACT OF 1970—H.R. 19466

On December 21, 1970, the House of Representatives passed H.R. 19446, to provide funds for school districts in the process of desegregating or trying to overcome racial imbalance. The bill was not, however, passed by the other body.

Mr. Speaker, as can be seen, our record of accomplishment in education during the two sessions of the 91st Congress testifies again to our continuing commitment to provide a superior education to all American children and to adults seeking to further or complete their education.

ENVIRONMENT AND NATURAL RESOURCES

Mr. Speaker, in the environmental protection field, Congress has moved decisively and on its own initiative toward molding strong environmental standards and pollution controls.

Congress, in 1969, enacted the National Environmental Quality Act, one of the most important and far-reaching environmental and conservation measures acted upon by Congress in recent years. Public Law 91-190 authorizes extensive studies, surveys, and research relating to ecological systems, natural resources, and the general quality of the environment.

Title II established the Council of Environmental Quality Advisers to advise the President on the Nation's environmental problems, to establish a national policy on the environment, and to submit its findings annually. Consequently, on August 10, 1970, the first annual report of the new Council was submitted by the President to Congress. The report discussed a number of problem areas—water and air pollution, weather modification, solid wastes, noise, pesticides, radiation, population, and land use. It contained recommendations, some of which have already been implemented by this Congress.

The Environmental Quality Act of 1969 is a significant starting point in the task of renewing our environment. It makes clear that Congress is responsive to the needs of present and future generations.

In the first session, Congress also approved Public Law 91-15, extending the life of the National Council on Marine Resources and Engineering Development until June 30, 1970. Congress in 1966 passed landmark legislation—the Marine Resources and Engineering Development Act—which established the Council in the Executive Office of the President. The 1969 act directed the President to appoint a 15-member commission to undertake a comprehensive study of marine programs and to recommend a plan for coordinating existing Government activities for a national ocean program. A total of $1.2 million was authorized for fiscal year 1972.

Also in the first session, the Great Plains Land Conservation Act of 1956 was extended for 10 years, and authorizations totaling $300 million for contracts through December 31, 1981, were approved—Public Law 91-118. The Federal saline water conversion program was extended through fiscal year 1972 with authorizations of $26 million. Public Law 91-43 also provided for a 10-percent limit on the fund transfer between the various sections of the act.

Congressional approval of H.R. 11363 prohibited the importation into the United States of any endangered species which the Secretary of the Interior determines is threatened with extinction on a worldwide basis. Amending and supporting the Endangered Species Act of the 89th Congress, Public Law 91-135 makes it unlawful for anyone to knowingly put into interstate or foreign commerce any such species captured contrary to Federal, State, or foreign law.

As the Nation is placing more and more priority on the preservation of the quality of the environment, Congress has been acting to curb the pollution of our air, water, and land resources and to take the necessary steps to reclaim and improve the environmental quality of those areas which have been degraded. So, final mention is in order, Mr. Speaker, of congressional enactment in the first session of amendments to the Air Quality Act of 1967, extending for 1 year research grants totaling $45 million for studies in air pollution resulting from fuel combustion.

CLEAN AIR AMENDMENTS OF 1973—H.R. 17255, PUBLIC LAW 91-604

During the second session Congress took an important step to shape the Clean Air Act into probably the strongest air pollution control bill ever considered by Congress. H.R. 17255 authorizes a $1.1 billion, 3-year extension of the Clean Air Act, for research and aid to the States, providing a new authority for the establishment of nationwide air-pollution standards. States are required over the next 4 to 6 years to establish and enforce clean air programs to meet the national standards. The Attorney General is also empowered, if the States fail to act, to bring suit seeking abatement of pollution, with penalties up to $10,000 per day.

The new act more than doubles Federal funds to fight air pollution and authorizes the Secretary of Health, Education, and Welfare to undertake major research efforts concerning fuels and vehicles and the effects of air and noise pollution. The Secretary is also required to formulate national ambient air pollution standards and to complete the designation of air quality control regions across the Nation. A new category of extremely hazardous pollutants, to be banned entirely, was established.

As reported by the House-Senate conference, H.R. 17255 imposes an absolute deadline of January 1, 1976, for auto industry production of a virtually pollution-free engine. The compromise measure provides that the final deadline could only be extended by an act of Congress. Under the final provision, the auto industry must come up with an engine by January 1, 1975, that will reduce emissions of carbon monoxide and hydrocarbon by 90 percent from the maximum 1970 permissible levels. The Administrator the Environmental Protection Agency is empowered to grant a 1-year extension, but after that no new cars may be sold which fail to meet the new standards, unless Congress otherwise provides. A similar deadline, applicable January 1, 1976, with a 1-year extension possible from the EPA, would apply to oxides of nitrogen, another major pollutant from autos.

This legislation also establishes Federal controls on pollutants from aircraft. Under the act, the new Environmental Protection Agency has been given the power to set limits on emissions of pollutants from aircraft and to set standards banning use of aircraft fuels dangerous to public health. The Federal Aviation Administration is authorized to enforce SPA standards. If the Federal Government does not act either to approve or ban the use of specified fuels or additives, such as lead, any State is authorized to put their own ban into effect.

Other key provisions of the Clean Air Act of 1970 require major new factories and powerplants and similar stationary sources of pollution to install the best available cleanup devices; permit citizens' suits for enforcement—including suits to compel enforcement by lax administrators; and provide $25,000 fines and 1-year imprisonment as a first penalty for knowing violations.

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WATER QUALITY IMPROVEMENT ACT—H.R. 4148, PUBLIC LAW 91-224

Congress has moved on another important front in the effort to improve environmental quality with the enactment of the Water Quality Improvement Act of 1970. Public Law 91-224, cleared early in the second session, is landmark legislation in that it firmly establishes legal requirements for cleaning up our Nation's waterways. A national policy of water pollution control was formulated in the Federal Water Pollution Control Act of 1948 which stated that it was the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in controlling water pollution and to support and aid technical research to perfect methods of treatment of industrial wastes. Subsequent legislation in 1956 and 1965 made permanent the national water pollution control program begun in 1948 and established the Water Pollution Control Administration and procedures for determining and enforcing water quality standards. During the last 2 years, Congress has introduced and approved legislation that strengthens its national water pollution control policy in establishing new procedures for industry, for the control of marine sanitation, for removal of oil from navigable waters, and for expanded waste treatment works.

The Water Quality Act of 1970, provides for research relating to the discharge of so-called hazardous substances into streams and for enforcement procedures which extend to Federal agencies and Federal licenses, such as urban renewal projects, and powerplants licensed by the Atomic Energy Commission and the Federal Power Commission. Any applicant for a Federal permit or license to construct or operate any facility which may result in any discharge into the navigable waters of the United States must now provide certification from the State in which the discharge originates that such facilities or related activities can be expected to comply with applicable water quality standards. The act further provides for the control of oil and other sea-carried pollutants, sewage from vessels, acids and other pollutants from mines, and pollution from any federally operated source. It also provides for research grants and a scholarship program for students for programs instituted by the Secretary of the Interior.

Public Law 91-224 authorizes the executive branch to determine by regulation what quantities of oil may be discharged without violating the act, and to designate those discharges, other than oil, which constitute dangerous substances.

Penalties have been provided for failure to give proper notification of knowing discharge of oil in violation of restrictions. The Government is authorized to act to remove oil, if not properly done by the responsible owner or operator. The act further provides for a national contingency plan for removal of oil, and provides, in the event a marine disaster has created a substantial threat of a pollution hazard, for removal of the threat.

Barring an act of nature, war, U.S. Government negligence, or an act or omission by a third party, liability to owners or operators for a vessel discharge is not to exceed $100 per gross ton or $14 million, whichever is less. For an onshore or offshore facility liability is a maximum $8 million, unless a discharge results from willful negligence or misconduct, for which full liability may be assessed.

Provisions are also included for pollution control of the Great Lakes, Alaska village demonstration projects, and cooperation by all Federal agencies in the control of pollution.

Title II establishes the Office of Environmental Quality and authorizes it to provide the professional and administrative staff and support for the Council on Environmental Quality, established by Public Law 91-190. The Office is authorized to assist Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government which affect environmental quality; to review existing systems for predicting environmental changes; and to assist in coordinating agencies and departments involved in environmental preservation.

To finance these programs Public Law 91-224 authorizes an appropriation of $348 million for fiscal years 1970, 1971, and 1972.

ENVIRONMENTAL QUALITY EDUCATION ACT—H.R. 18260, PUBLIC LAW 91-516

During the second session Congress enacted the Environmental Quality Education Act establishing a new program of grants for environmental education in the Office of Education. For this purpose $45 million was authorized for fiscal 1971 through fiscal 1973 for curriculum development, teacher training, establishment of community education programs, support for State and local educational agencies for elementary and secondary school programs, preparation and distribution of materials suitable for the mass media, and planning of outdoor ecological study centers. Public Law 91-516 stipulates that the Federal share of the cost of these programs is not to exceed 80 percent for the first year, 60 percent for the second year and 40 percent for the third year. A program of small grants for civic groups and other public and private organizations was established for the purpose of conducting courses and conferences for interested adults and community groups.

The U.S. Commissioner of Education is authorized to establish educational programs to create in the Nation an understanding of Federal policies and support of activities designed to enhance environmental quality and to maintain ecological balance. An Advisory Committee on Environmental Quality Education was established to aid in implementation of such programs and to render technical services to educational agencies and organizations which are now authorized to utilize the services and facilities of any Federal, public, or private agency.

ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE—H.R. 19576

The second principal recommendation of the Commission on Marine Science, Engineering, and Resources was for establishment of an advisory committee to serve as the link between the Federal Government and State and local governments, private industry, and the scientific and academic community.

Based upon the Commission's recommendations, the House approved in December 1970 the establishment of a National Advisory Committee on the Oceans and Atmosphere, responsible for monitoring the progress of the Nation's efforts in the fields of marine and atmospheric science, and for advising the Secretary of Commerce with respect to the proposed programs of the committee. The committee, whose 21 members are appointed by the President for staggered 3-year terms, would be required to report annually to the President and Congress. The Senate, however, did not pass this bill.

NATIONAL SEA GRANT COLLEGE AND PROGRAM ACT EXTENSION—H.R. 11766, PUBLIC LAW 91-349

Another bill, H.R. 11766, which Congress passed, and the President approved July 23, 1970, amends the National Sea Grant College and Program Act of 1966 to extend programs through fiscal 1973, authorizing $20 million for fiscal 1971, $25 million for fiscal 1972 and $30 million for fiscal 1973. The sea grant program, presently administered by the National Science Foundation, provides support through full-scale institutional grants, grants for individual research projects, and through a third category called "coherent" area support for institutions seeking assistance for studies and research work.

In 1969 there were eight full-scale laboratories receiving sea grant institutional support. Three new institutional grants were made during 1970. In addition, one planning grant, two coherent projects, eight educational, 15 research projects, and one travel grant were funded. The sea grant program brings industry and the Federal Government into cooperative planning. In view of the campaign against abuse of the environment, the sea grant, with its emphasis on environmental protection, is a valuable service to the Nation.

JOINT COMMITTEE ON THE ENVIRONMENT—HOUSE JOINT RESOLUTION 1117

The House has given further evidence of its concern for the numerous interrelated environmental problems the Nation faces in its approval of House Joint Resolution 1117, establishing a Joint Committee on the Environment. To be composed of 11 Members of the Senate and 11 Members of the House, this body would be a nonlegislative committee charged with the following functions: first, to make a continuing study of the character and extent of environmental change; second, to study methods, including financial and technical assistance, to foster harmonious relations between man and nature; third, to develop policies that would encourage maximum private investment in environmental improvement; and fourth, to review any recommendation made by the President

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relating to environmental policy—including the environmental report required to be submitted pursuant to section 201 of Public Law 91-190.

The Senate passed an amended version of House Joint Resolution 1117 and agreed to a conference December 15, 1970. Unfortunately, final action on this bill could not be completed prior to adjournment. It is hoped the 92d Congress will consider this matter early in the year.

RESOURCE RECOVERY ACT OF 1970—H.R. 11833, PUBLIC LAW 91-512

After a year of study the House and Senate completed action on H.R. 11833, the Resource Recovery Act of 1970, authorizing a 3-year, $462.75 million extension of Federal solid waste disposal programs. The bill was rewritten in conference, with the conferees incorporating major provisions from both House and Senate versions. The conference agreement gave greater emphasis than existing Federal programs to recycling and recovery of materials and energy from solid waste. Most Federal programs up to this time had been concerned only with the disposal of solid wastes.

Public Law 91-512 establishes major research programs and sets up a program of demonstration and construction grants for innovative solid waste disposal systems serving a variety of different types of communities. It also establishes a 2-year, $2 million study by a new National Commission on Materials Policy. Under the act, the authority of the Department of Health, Education, and Welfare is expanded through the promotion of research on health and welfare effects of waste, operation, and financing of solid waste disposal programs, reduction of the amount of waste, development and application of better methods of collecting and disposing of solid waste and of processing and recovering materials and energy from solid wastes and components of solid waste. The Secretary must report annually to the President and Congress. The act authorizes planning grants of up to two-thirds of the cost for single municipalities, and three-quarters of the cost for other areas, for making surveys of solid waste problems, preparing solid waste disposal plans, developing proposals for pilot projects, and planning programs for collecting and processing abandoned vehicle bulks.

Public Law 91-512 also authorizes grants to public agencies for demonstration of resource recovery systems or construction of innovative solid waste disposal facilities. The Federal share of demonstration grants is to be 75 percent with the Federal share of construction grants to be 50 percent if the project serves only a single municipality but 75 percent in other cases. Federal funds are to be used only for design and construction, in addition to first-year operation and maintenance costs in the case of demonstration grants. Not more than 15 percent of annual authorization may be granted to any one State.

Grants are authorized for public agencies, education institutions, or any other organizations which train personnel to work in solid waste programs. The Secretary of Health, Education, and Welfare is to formulate guidelines for solid waste recovery, collection, separation, and disposal systems, as well as model codes and ordinances.

ENVIRONMENTAL DATA SYSTEM—H.R. 17436

At this time, as at no other time, there are numerous and diverse studies, programs, and projects generating data on the environment. Too often the decisionmakers in Government, industry, and public interests organizations do not have available to them adequate information, or knowledge of consequences in the management of natural resources, for maximum productivity with minimum environmental degradation. In December, the House took a positive step toward a consolidation of all Government-held information relating to the environment when it approved establishment of the National Environmental Data System within the executive branch under the aegis of the Council on Environmental Quality. The Senate, however, did not complete action on this bill.

GEOTHERMAL STEAM ACT OF 1970—S. 368; PUBLIC LAW 91-581

In our search for a clean source of power, which will not pollute the atmosphere, Congress has recognized the potential of geothermal energy. The Nation has a potentially enormous geothermal power resource underlying public lands. It can be developed and used in the public interest. Nature has provided us with what may someday be a vital source of electrical power, that has as yet not been fully tapped. We do not know at the moment what share of our energy it could supply, nor how dependable a source it would be, but a broad search is underway to discover geothermal sources in all parts of the world. The United States has just begun consideration of the use of geothermal steam, and for the past 10 years the House Interior and Insular Affairs Committee has conscientiously endeavored to put to use this valuable asset of geothermal steam.

Under the provisions of the newly enacted Geothermal Steam Act of 1970, the Secretary of the Interior is authorized to enter into leasing arrangements with private organizations for the development of these geothermal resources. The leases will be subject to competive bidding and will result in a small but potentially significant source of new Federal revenue. In addition, the Government will receive a royalty on the value of steam or other form of energy produced. While the companies who will be doing the bidding on the leases hope to produce steam for the generation of electric power, the utilization of geothermal brine for distillation of fresh water could be an added bonus.

Equally important, geothermal power production is extraordinarily desirable in this environment-conscious day and age. This is clean power—power produced in a closed, uncontaminated, and uncontaminating system. It is estimated by the Interior Department that the Nation's potential sources of geothermal steam underlie 1,350,000 acres of federally owned land in Western States. S. 368 spells out rules for granting geothermal steam leases on these lands.

Soon, perhaps in five years, many areas of the United States may be receiving electricity and fresh water produced from geothermal energy. Both will be cheap and clean. But before that a large store of fundamental scientific knowledge will have to be gathered and studied. The Geothermal Steam Act opens the door, placing the United States finally in a position to utilize these valuable natural resources to the benefit the public and the environment.

ATOMIC ENERGY ACT AMENDMENTS—H.R. 18679; PUBLIC LAW 91-560

Congress, in December, cleared H.R. 18679, an omnibus bill amending the Atomic Energy Act of 1954. The first section of the measure eliminates from the Atomic Energy Act the provisions which required the AEC to find a "practical value" before licensing a production facility for commercial or industrial purposes, thus making it easier for AEC to issue licenses for nuclear facilities. It also requires the Justice Department to conduct an antitrust review for any applicant who wishes to construct or operate a facility. The review could not take more than 180 days, and the Attorney General would be required to submit his opinion to the Commission. If the Attorney General found there might be antitrust violations involved, the AEC must hold hearings on the matter. The final ruling of whether or not antitrust violations exist would be made by the AEC.

PUBLIC LAND UTILIZATION PROGRAM—S. 3598, PUBLIC LAW 91-343

The absence of a rational land use policy continues to be a major cause of destruction associated with the random and scattered development of society today. The danger that exists is not that the present patterns of growth will consume all the Nation's land, but that population centers will become so ill-planned and so spread out as to destroy their livability. In July Congress, cognizant of the pressing threats, passed the Land Utilization Program Act, Public Law 91-343, authorizing the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization.

The thrust of this measure is to authorize the Secretary to bear an equitable portion of the costs of executing waterbased fish and wildlife or recreational projects developed under the Bankhead-Jones Farm Tenant Act. Cost-sharing would be limited to water-based developments, but in no event would more than one-half of the cost of land rights and basic facilities be borne. To be eligible for cost sharing a project must be part of an approved statewide plan. There must be no other avenue of Federal assistance available, and only one such project for each 75,000 acres in a development area. At present Federal assistance is limited to planning assistance and loans, while grants are not authorized for installation assistance. Currently there are 55 projects in the operational stage and 13 in the planning stage, with 47 additional areas that have

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already requested planning assistance. Public Law 91-343 will make possible programs to meet these demands, while aiding local communities to develop recreational lands, which in turn will provide a source of economic growth to the communities involved. Program measures will continue to include improved processing and marketing facilities, new and expanded industries, vocational training, tourist developments, and other actions designed to strengthen the rural economy.

LAND AND WATER CONSERVATIONS FUND ACT AMENDMENTS—S. 1708; PUBLIC LAW 91-485

Congress approved legislation making more money available to State and local governments for the development of outdoor recreation. Public Law 91-485 amends the Land and Water Conservation Fund Act of 1965 to authorize the transfer through donation or sale of surplus Federal property to local and State governments for parks and recreational purposes.

The 1965 act authorized a Federal program to expand outdoor recreation facilities by permitting the Secretary of the Interior to assist States financially in expanding outdoor recreation programs and by enabling Federal agencies to acquire land for that purpose. As of December 1968 surplus Federal lands were located in 48 States, as well as the District of Columbia, Puerto Rico, and the Virgin Islands, with much of this land well suited for park and recreational development. Although present law has provided State and local governments with a 50-percent discount for acquisition of land for recreational purposes, the present surplus property laws have not been as effective as desired, particularly in urban areas where the need is greatest.

The provisions of Public Law 91-485 provide a means to better meet a part of this demand without requiring the appropriation of new funds and without requiring the use of condemnation authority. The provisions of S. 1708 also provide a means whereby surplus Federal lands which are suitable for recreation may continue to be retained in public ownership for public use and enjoyment.

Congress gave its consent to an increased level of authorizations to the fund ($300 million as compared to an original $200 million). Revenue for the fund is to continue to come from entrance and user fees, Federal motorboat fuel taxes, and revenue from the sale of surplus real and related personal property.

NATIONAL RECREATION AREAS—H.R. 12870, PUBLIC LAW 91-475; S. 621, H.R. 9306, PUBLIC LAW 91-424; AND H.R. 18776, PUBLIC LAW 91-479

Congress approved the establishment of several conservation-recreation areas during the second session.

One of the more notable is the establishment of the King Range National Conservation Area in California—H.R. 12870. The conservation area would comprise about 44,500 acres of rugged chiefly undeveloped land along the westernmost bulge of California's Pacific coast. The act would authorize the Secretary of the Interior to purchase or exchange the acreage not already owned by the Federal Government for other Federal holdings and authorizes $1.5 million for acquisition and $1.5 million for acquisition and $3.5 million for improvements.

In September 1970 Congress approved the creating of the Apostle Islands National Lakeshore on Lake Superior in northern Wisconsin and authorized $9.25 million for land acquisition and development of the park—S. 621.

In October 1970 the Sleeping Bear Dunes National Lakeshore was established on Lake Michigan, authorizing $38.5 milion for the acquisition and development of 60,748 acres—H.R. 18776.

WILDERNESS AREAS ESTABLISHMENT—S. 3014; PUBLIC LAW 91-504

In October Congress cleared S. 3017, designating 23 new wilderness areas in 12 States. These wilderness areas total 201,212 acres, including national parks, national monuments, wildlife refuges, national forests, and other lands already owned by the Federal Government.

Established in 1964, the National Wilderness Preservation System is designed to preserve substantial land areas of the Nation in a wild, unspoiled condition. In 1969, 158,197 acres were added to the system. The 201,212 acres added by the 1970 legislation comprised the fourth addition to the system.

This land is to be safeguarded permanently against commercial use, such as cutting of timber, extensive livestock grazing, and construction of buildings and highways. Recreational facilities that would mar the wilderness character of the landscape also were forbidden.

MINES AND MINERALS POLICY ACT—S. 719; PUBLIC LAW 91-631

This session, Congress, recognizing the need for a national mining and minerals policy to guide both the Federal Government and private industry, passed S. 719 which approves the encouragement of the development of an economically sound and stable domestic mining and minerals policy, and the orderly and economic development of domestic mineral resources and reserves.

S. 719 will foster and encourage private enterprise in mining, mineral, and metallurgical research, including the use and recycling of scrap, and the study and development of methods for the disposal, control, and reclamation of mineral waste products, and the reclamation of mined lands, so as to lessen any adverse impact of mineral extraction and processing on the physical environment.

The Secretary of the Interior is directed to carry out the provisions of the act and to report annually on the state of our mining and minerals industry, analyzing trends in the utilization and depletion of mineral resources. As a final responsibility the Secretary is charged with the duty of making necessary legislative recommendations to carry out Government policy objectives.

There appears to be little argument about the need for a broad national policy to guide the Federal Government and private industry with respect to the country's long-range minerals' position. The country requires a sound mineral base, whether viewed from peacetime needs or for mobilization in times of emergency. Our future well-being and national security are directly tied to the supply and availability of minerals.

S. 719 is a major step in the right direction to foster improvement in all aspects of the industry. This legislation will focus attention on the industry while requiring long-range planning and the formulation of long-range objectives.

OMNIBUS RIVER AND HARBOR ACT—H.R. 19877

Late in the session Congress approved H.R. 19877, the Omnibus River and Harbor Act of 1970. H.R. 19877 is another move forward in the extension of the Federal river and harbor program, which has produced the best system of navigable harbors and waterways possessed by any nation in the world.

Since Congress initiated the program in 1824, considerable sums of money have been appropriated for improving and maintaining the Nation's navigable waterways. These improved waterways carry commerce and have made possible free, easy, and unobstructed interstate commerce, and have more than justified the Federal expenditure.

H.R. 19877 authorizes 11 navigation projects—estimated Federal cost: $153,354,000—and 20 flood control projects—estimated Federal cost: $407,301,200. It expands a comprehensive river basin plan previously approved by Congress while providing means for protecting the environment. Section 107 authorizes the Secretary of the Army to conduct a survey of the Great Lakes and St. Lawrence Seaway to determine the feasibility of extending the navigation season. Section 111 provides for construction of contained, spoil-disposal facilities in the Great Lakes in order to eliminate pollution associated with disposal of contaminated, dredged spoil. This section provides that in any case where the Administrator of the Environmental Protection Agency determines that dredged spoil from an area within an authorized Federal navigation project is significantly polluted, and the Secretary of the Army thereafter determines that dredged spoil disposal facilities are available for the disposition of such spoil, the open water disposal of such dredged spoil is to be discontinued. The Secretary of the Army is then authorized to construct contained, spoil-disposal facilities as soon as practicable.

FEDERAL AID TO FISH AND WILDLIFE RESTORATION—H.R. 12475, PUBLIC LAW 91-503

This Congress has passed a series of important bills aimed directly at improving of fish and wildlife. Public Law 91-503, approved October 23, 1970, revises the Federal Aid to Fish and Wildlife Restoration Act by making numerous administrative changes in both fish and wildlife preservation programs.

Public Law 91-503 encourages comprehensive planning by State fish and game departments and authorizes alternative use of comprehensive long-range plans rather than plans made on a project-to-project basis, as presently required. It also amends the wildlife program by applying certain firearms excise taxes directly to the wildlife restoration funds,

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and by giving States the option of using up to half their shares of the fund for hunter safety programs or for regular wildlife restoration programs. The protection, conservation, and management of these resources are financed largely from State hunting and fishing license fees.

Since Congress, in 1937, enacted the Federal Aid in Wildlife Restoration Act, more than $355 million has been made available to State fish and game departments for wildlife projects through fiscal 1969. Since that date over 1,800 wildlife management areas have been established, and wildlife program research activities have been greatly expanded. Existing management areas and resources must be increased in productivity and size even more to accommodate anticipated additional recreation and hunting pressures. Efforts must be made to identify new species of game in order to relieve hunting pressure on overharvested species. This Act provides for expanded management and research programs, while organizing agencies in State and local governments for a concerted long-range planning effort. A significant advantage of long-range planning will be the promotion of a more efficient use of Federal aid funds and revenue from State license fees.

WATER BANK ACT OF 1970—H.R. 15770, PUBLIC LAW 91–559

In another major effort to protect the Nation's wildlife, Congress approved the Water Bank Act of 1970 to protect nesting and breeding areas for migratory waterfowl. Each year untold areas of valuable waterfowl habitat are lost. These lands are rapidly disappearing because of the accelerated pace in which marshes and swamps are being ditched dredged, drained, filled, paved, and polluted in order to meet the demands of modern civilization. These enroachments are caused by the constant need for more agricultural lands, industrial sites, urban housing developments, roads, and more airports.

H.R. 15770 provides owners and operators of wetlands essential to migratory waterfowl an economic alternative to drainage of those lands by authorizing the Secretary of the Interior to enter into 10-year renewable contracts with them to preserve waterfowl nesting and breeding areas.

HUNTING OF WILDLIFE FROM AIRCRAFT, PROHIBITION—H.R. 15188

In related action, the House passed legislation to put an end to one of the most unsportsmanlike practices known to mankind—hunting of fish and wildlife from aircraft. The bill, however, was not passed by the other body.

H.R. 15188 would have amended the Fish and Wildlife Act of 1956 to provide a criminal penalty for the shooting or harassment of birds, fish, and other animals from aircraft. While many States have enacted laws to regulate hunting from aircraft, H.R. 15188 would have supplemented State laws in this regard. H.R. 15188 not only provided penalties for those actually shooting at wildlife, but also made it unlawful for anyone to knowingly participate in the use of an aircraft for such a purpose. Violators would be subject to a fine of $5,000, or 1 year imprisonment, or both.

YOUTH CONSERVATION CORPS—S. 1076, PUBLIC LAW 91–378

In June the House passed S. 1076 establishing a 3-year pilot program, the Youth Conservation Corps, to employ 3,000 youths aged 16 through 18 in summer jobs in the Interior and Agriculture Departments. In an effort to help meet the need for summer jobs for young people, S. 1076, Public Law 91–378, provides them an opportunity to learn about conservation and natural resources while at the same time providing labor for needed conservation work. A total of $3,500,000 was authorized to be appropriated for the program for fiscal years 1971, 1972, and 1973.

INTERNATIONAL BIOLOGICAL PROGRAM—H.J. RES. 589, PUBLIC LAW 91–438

During the second session, Congress passed a resolution expressing the support of Congress—and to urge the support of Federal departments and agencies, as well as other persons and organizations, both public and private—for the international biological program.

In 1965 the United States elected to participate in the international biological program with 49 other nations. The program which has been under development since 1959 has a broad objective of providing information about the changing relations between man and his environment. The focus of the program is to maintain continuous study of organic production on the land, in fresh water, and in the seas, so that adequate estimates may be made of the potential yield of new as well as existing natural resources and to conduct a worldwide study of human adaptability to the changing conditions of the environment. The United States' effort is also concerned with the study of population increase and the impact of these increases on the world's ecological system. At present many Federal departments and agencies are involved in the IBP.

Public Law 91–438 authorizes Federal departments and agencies to obligate or transfer money from appropriate funds, and to provide such other support as may be appropriate, to the program. While the resolution provides no new authorization or specific appropriation, it is designed to assure that agencies will be able to support the international biological program.

FOREIGN AFFAIRS AND NATIONAL DEFENSE

Mr. Speaker, during the first session of the 91st Congress we passed a number of significant measures in the fields of foreign affairs and national defense.

On December 2, 1969, House Resolution 613 was approved, endorsing President Nixon's efforts to secure a just peace in Vietnam. Public Law 91–14, provided for U.S. participation, in the amount of $480 million over 3 years, in the International Development Association. We also passed Public Law 91–124, which changed the method of selecting draftees under our Selective Service System through the institution of a draft lottery. The Export Control Act was modified in Public Law 91–184 to make clear the intent of Congress with respect to trading with Communist-bloc countries, and to extend export control authority through June 30, 1971.

Additional legislation was forthcoming during our 1970 session.

VIETNAM PRISONERS OF WAR—HOUSE CONCURRENT RESOLUTION 454

On February 18, 1970, the Senate agreed to House Concurrent Resolution 454. This resolution, passed by the House on December 15, 1969, calls for the humane treatment and release of American prisoners of war held by North Vietnam and the Vietcong. The Committee on Foreign Affairs had determined that there was "clear evidence that the North Vietnamese, despite their ratification of the 1949 Geneva Convention on prisoners of war, have violated virtually every provision of that agreement" with regard to American captives. The committee therefore recommended the passage of House Concurrent Resolution 454, which declared "that the Congress strongly protests the treatment of U.S. servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam." House Concurrent Resolution 454 calls on these parties to comply with the 1949 Geneva Convention. It approves efforts by the United States, the United Nations, the International Red Cross, and others, to obtain humane treatment for and release of U.S. prisoners of war. At the very least, it is hoped that this expression of concern will exert pressure on Hanoi to divulge all the names of U.S. prisoners which it holds.

SOUTHEAST ASIA STUDY COMMITTEE—HOUSE RESOLUTION 976

On June 8, 1970, the House approved House Resolution 976 which created a select committee to study firsthand the recent developments in Southeast Asia and report its findings to the House within 45 days. The report of this bipartisan 12-member committee presented an evaluation of the progress of the Vietnamization program. It recommended that U.S. troop withdrawals continue "at least as fast as now scheduled." The committee concluded that "the weakest link in South Vietnam's chain is its economy." A "fairly large level" of economic aid will be required to revive the economy, according to the report, and "other industrial nations, particularly Japan, should be given every possible encouragement to share this burden."

AMENDMENTS TO THE DEFENSE PRODUCTION ACT—S. 3302, H.R. 17880, PUBLIC LAW 91–379

Public Law 91–379, amending the Defense Production Act of 1950, was approved on August 15, 1970. This measure extends the provisions of the Defense Production Act to June 30, 1972, to assure defense production in case of emergency and to guarantee loans to contractors. The law also adds space-related firms to the list of industries covered by the original act, and provides for the creation, by a board headed by the Comptroller General, of uniform cost-accounting standards for negotiated defense, atomic energy, space, and other stockpiling or military assistance contracts.

In addition, in an effort to help solve the economic crisis facing the country,

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this measure also granted the President authority, if he sees fit, until February 28, 1971, and subsequently extended to March 31, 1971, to freeze prices, rents, wages, and salaries at levels not lower than those prevailing on May 25, 1970.

WAR POWERS OF CONGRESS AND THE PRESIDENT—HOUSE JOINT RESOLUTION 1355

On November 16, 1970 the House approved House Joint Resolution 1355. This measure, concerning the warmaking powers of Congress and the President, was prompted, like others, by the Cambodian incursion in May 1970. It reaffirms the right of Congress, under the Constitution, to declare war and states that it is the sense of Congress that whenever feasible the President should seek appropriate consultation with the Congress before involving U.S. troops in armed conflict. In any case in which the President commits U.S. military forces to armed conflict or commits combat-equipped forces to foreign territory or substantially enlarges military forces already located in another nation "without specific prior authorization by the Congress," the resolution would place upon the President a requirement to promptly report his actions to the Congress.

INTERNATIONAL COFFEE AGREEMENT ACT—H.R. 19567

H.R. 19567, a bill which would continue until the close of June 30, 1971 the President's authority to carry out and enforce certain provisions of the International Coffee Agreement of 1968, was passed by the House on December 18, 1970, and by the Senate in the closing days of the session.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—H.R. 15628, S. 3429

H.R. 15628, amending the Foreign Military Sales Act of 1968, was passed by the House on March 24, 1970. The House version authorized appropriations of $275 million for fiscal 1970 and $272.5 million for each of fiscal years 1971 and 1972 for the military sales program. It also established a foreign military sales credit ceiling of $350 million in fiscal year 1970 and $385 million in each of fiscal years 1971 and 1972. Another provision of the bill restricted sales of arms to Latin American and African states by continuing presently applicable ceilings. Other provisions of the measure broadened the existing prohibition on sales and guarantees to dictators and expressed the sense of Congress that the President should negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East for the sake of stability in that area and that the President should initiate multilateral discussions with major powers on the control of worldwide trade in armaments in the interest of international peace and security.

It is no secret that this measure became in the Senate a forum for extensive debate on the Cambodian incursion, leading ultimately to passage of the Cooper-Church amendment.

As passed by the Senate, H.R. 15628, would authorize appropriations of $250 million in each of fiscal years 1970 and 1971 for foreign military sales. It would establish a foreign military sales credit ceiling of $300 million in each of fiscal years 1970 and 1971. All these amounts were smaller than those in the House-passed version.

The Cooper-Church amendment to H.R. 15628 would prohibit funds for most U.S. operations in Cambodia unless specifically authorized by law.

Among numerous other amendments added to the bill by the Senate is one which would, upon adjournment of the second session of the 91st Congress, repeal the Tonkin Gulf Resolution—Public Law 88-408—which is generally regarded as the congressional authority under which U.S. military operations in Vietnam were greatly expanded.

TRADE ACT OF 1970—H.R. 18970

The Trade Act of 1970 was passed by the House on November 19, 1970. In the Senate, similar provisions to those in H.R. 18970 were attached to the social security bill—H.R. 17550—but eventually dropped. The Congress did not take final action on this measure.

As passed by the House, H.R. 18970 would have extended to July 1, 1973, the powers of the President to enter into new trade agreements and to reduce certain duties. It would also have increased his authority to act against import restrictions or other acts of foreign countries which unreasonably burden or discriminate against U.S. commerce.

The Trade Act Would have, in addition, "liberalized" those criteria for determining that a domestic industry is suffering serious injury from increased imports, with the Tariff Commission responsible for making such decisions. Criteria for making a determination would have included, first, the proportion of the market taken over by the imported item; second, the effect the sale of an imported item was having on American industry profits and man-hours worked or wages paid; and third, a comparison of selling prices.

H.R. 18970 also would have provided that individual firms or workers injured by import competition could petition for assistance directly to the President, rather than to the Tariff Commission.

The Trade Act would have provided that total quantities of certain wool and synthetic textiles and nonrubber footwear would be limited by category and country of origin beginning in 1971. The extent of the limitations was specified, but the President was to have the authority to exempt imports from such limitations, first, if it was determined that they were not "disrupting" the U.S. market, or second, if an exemption was in the national interest, or, third, if the domestic supply were insufficient to meet demand at reasonable prices.

The quotas set forth in H.R. 18970 were to terminate July 1, 1976, unless the President found that an extension for periods not to exceed 5 years would have been in the national interest. In addition, the President was authorized to negotiate voluntary agreements under which imports of textiles and footwear would be voluntarily controlled.

The Trade Act, in another provision would have authorized the President to repeal the American selling price—ASP—system for calculating duties on certain articles if he found that the interest of the United States was reciprocally met by concessions granted by other countries.

H.R. 18970 included an export incentive. Certain companies, whose gross receipts and assets are substantially export-related, would have benefited from new tax benefits.

H.R. 18970 would have retracted from the President authority to adjust imports by the imposition or increase of any duty.

Another provision involved dumping—the selling of a product on our market at prices substantially below the price prevailing for the exporter's own market. H.R. 18970 would have required the Secretary of the Treasury to make a determination on a dumping charge within 4 months of its being brought to his attention.

H.R. 18970 included still other provisions. One would have increased the number of commissioners on the Tariff Commission from six to seven. Another authorized the President to suspend trade with any nation which permitted uncontrolled trafficking in certain narcotic drugs.

GENERAL GOVERNMENT

Mr. Speaker, we have been especially active in passing legislation during the 91st Congress which affects the structure and functions of the Federal Government. In the first session President Nixon asked that the Executive Reorganization Act be extended to allow him to transmit to Congress plans for reorganization of departments and agencies within the executive branch. The plans would take effect after 60 days unless either House passed a resolution of disapproval during that time. Through Public Law 91-5, the reorganization authority was extended through April 1, 1971.

Public Law 91-1, signed by President Johnson January 17, 1969, provided for an increase in the President's salary from $100,000 to $200,000. This was the first raise in Presidential income since 1948.

Public Law 91-93, signed on October 20, 1969, increased employee and agency retirement fund contributions to 7 percent for civil service employees, to 7½ percent for congressional employees, and to 8 percent for Members of Congress. All contribution increases became effective in January 1970. Annuities are now computed on a high-3-year average, rather than a high-5-year average. Moreover, service credit for unused sick leave will be included in annuity computations. Formerly, no credit was given for unused sick leave.

To offset a 6-month lag between cost-of-living surveys and annuity adjustments, the act added 1 percent to the actual change in the consumer price index in granting each increase in the cost of living. The act also granted a 5-percent increase to over 900,000 retirees on the rolls at the time of approval; extended it to anyone retiring by October 31, 1969; and provided for several increases in survivor benefits.

Public Law 91-114 increased the maximum daily travel allowance from $16 to

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$25 for employees traveling on official business inside the continental United States. Other sections increase the maximum reimbursement for trip expenses inside the continental United States from $30 to $40 a day, and increase travel allowances for trips outside the United States.

Public Law 91–129 established a 12-member Commission on Government Procurement to study and investigate the present statutes affecting Government procurement; the procurement policies, rules, regulations, procedures, and practices followed by the executive branch; and the organizations responsible for procurement, to determine the extent to which they are promoting efficiency, economy, and effectiveness in Government procurement. The Commission is directed to make a report to Congress, by November 26, 1971, of its findings and its recommendations.

During the first session, the House of Representatives passed and sent to the Senate H.R. 12884, revising certain laws governing the decennial census. Citizens would be required to answer census questions, but instead of the present jail penalties for noncompliance, a provision for fines would be substituted. Other provisions of the bill included a congressional review of the content of the census questionnaires after the 1970 census and additional safeguards against improper disclosure of census information. The Senate took no action on the bill.

In the second session additional legislation in the area of general government was enacted.

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ACTION ON REORGANIZATION PLANS

Reorganization Plan No. 1, submitted by President Nixon, proposed the establishment of an Office of Telecommunications Policy in the Executive Office of the President. The Director of Telecommunications Management in the Office of Emergency Preparedness would be abolished. Provisions of this plan became effective April 15, 1970.

Reorganization Plan No. 2 proposed the establishment of a Cabinet-level Domestic Council in the Executive Office of the President, in order to coordinate policy formulations in the domestic area. The plan also proposed that the Bureau of the Budget be redesignated the Office of Management and Budget and placed emphasis on assessing the extent to which programs are actually achieving their intended results. House Resolution 960, to disapprove the plan, was rejected by the House on May 13, 1970, and the plan became effective July 1.

Reorganization Plan No. 3 proposed the establishment of a new independent Environmental Protection Agency to coordinate programs dealing with air, water, and land pollution. A number of functions would be transferred to this agency from the Departments of Agriculture, Interior, and Health, Education, and Welfare, the Atomic Energy Commission, and the Council on Environmental Quality. This plan became effective October 3, 1970.

Reorganization Plan No. 4 proposed the establishment of a new National Oceanic and Atmospheric Administration within the Department of Commerce to coordinate policy in exploration of the oceans and atmospheric problems, and in utilization of marine resources. A number of functions were transferred to this agency from the Departments of Defense, Interior, and Transportation, from the National Science Foundation, and from the Environmental Science Services Administration, which was previously in Commerce. This plan became effective on October 3, 1970.

FEDERAL EMPLOYEES SALARY ACT OF 1970—H.R. 16844, S. 3690, PUBLIC LAW 91–231

Approved April 15, 1970, Public Law 91–231 provided a 6-percent pay increase to civil service, military, foreign service, and other Federal employees, except those whose rates of pay are set administratively. With certain exceptions, congressional employees were granted the same increase. The act also provided an increase in compensation for judges in the District of Columbia, and an increase from $80,000 to $96,000 a year in staff allowances for former Presidents.

POSTAL REORGANIZATION AND SALARY ADJUSTMENT ACT OF 1970—H.R. 17070, PUBLIC LAW 91–375

A major postal reform was accomplished by Public Law 91–375, which established a U.S. Postal Service as an independent agency of the Federal Government. An 11-member Board of Governors will direct and establish all powers of the Postal Service. Nine of the members are to be appointed by the President, with no more than five coming from the same political party. These nine members will appoint the Postmaster General, and he, together with the nine members, will choose the Deputy Postmaster General. The Board is to have broad authority over postage rates, rates of pay, postal services, and postal finances.

Collective bargaining is authorized for wages, hours, grievance procedures, seniority rights, promotions, and other matters, with final and binding arbitration to resolve impasses in place of the right to strike. An 8-percent salary increase was granted for postal employees, to be effective retroactively to the first day of the first pay period that began on or after April 16, 1970. Moreover, the Postal Service is required to negotiate a new wage schedule that will compress from 21 to 8 years the time necessary for an employee to reach the maximum pay level.

An independent 5-member Postal Rate Commission is established to recommend postal rates and classifications on request of the Board. These recommendations are subject to veto by a unanimous decision of the Board of Governors or by the courts. The Postal Service is empowered to raise up to $10 billion through the issuance of bonds. Through this new U.S. Postal Service, we expect a more efficient, modern, and effective method of handling the Nation's mail.

ELECTORAL COLLEGE REFORM—HOUSE JOINT RESOLUTION 681, SENATE JOINT RESOLUTION 1

Interest in electoral college reform culminated in the passage by the House of Representatives of House Joint Resolution 681. The vote, taken on September 18, 1969, was 339 to 70. As an amendment to the Constitution, the resolution proposed that the electoral college be abolished and replaced by the direct popular election of the President and the Vice President. Election would require at least 40 percent of the popular vote. In the event that a presidential ticket fell short of 40 percent, a runoff election would be held between the two tickets winning the greatest number of votes.

House Joint Resolution 681 also included a provision to permit Congress to establish uniform national residence requirements for voting in presidential elections, while leaving to the States the power to regulate the times, places, and manner of holding presidential elections. Moreover, the resolution would authorize Congress to provide a method for filling vacancies caused by the death, resignation, or inability of presidential candidates before the election, and a method for filling postelection vacancies caused by the death of either the President-elect or the Vice-President-elect. Regrettably, the proposed constitutional amendment did not clear the other body.

HEALTH BENEFITS FOR FEDERAL EMPLOYEES—S. 1772, H.R. 16968, PUBLIC LAW 91–418

Contributions by the Federal Government to its employees' health insurance programs began in 1960. The Government's share represented 38 percent of the cost, but, because of increases in insurance costs, by 1970 the Federal share had dropped to 24 percent. In Public Law 91–418, approved September 25, 1970, the Government increased its contribution to 40 percent of the average of the high-option premiums charged by the six largest plans. The adjustment becomes effective at the beginning of the first applicable pay period which commences after December 31, 1970. Health coverage was also extended to noncitizens actively employed by the United States in the Panama Canal Zone.

SURVIVOR ANNUITIES—S. 437

The purpose of S. 437 is to remove certain inequities in existing law. At present, a retiree who accepts a reduced annuity in order to provide a survivor benefit for hs wife, cannot apply that survivor annuity to a subsequent spouse. Under this bill, the new spouse would qualify if married to the retiree at least 2 years immediately before the retiree's death. The bill also extends to widowers of deceased female employees the same treatment accorded widows of male employees; provides credit for periods of separation due to injuries incurred while performing official service; allows a retiree, unmarried at the time of retirement, to provide survivor benefits for a subsequent spouse, upon election to accept a reduced annuity; and increases the annual allowance for former Presidents from $25,000 to $60,000.

FEDERAL PAY COMPARABILITY ACT OF 1970—H.R. 13000

On October 14, 1969, the House passed H.R. 13000 to establish procedures that would give Federal employees annual pay raises. The object was to adjust Government employees' salaries each year to keep Federal pay levels comparable to wage scales in private industry. Under the provisions of the bill, a Federal Service Salary Commission would make studies and set up salary schedules to meet the principle of pay comparability. Employees covered by this procedure include the GS grades, the postal field service, the foreign service, and certain pay schedules in the Department of Medicine and Surgery of the Veterans' Administration.

The Senate passed the bill on December 12, 1969, with amendments, but no conference action was forthcoming for almost a year due to the enactment of other pay legislation. On December 9, 1970, a conference report on H.R. 13000 was filed. The conference substitute eliminated reference to the postal field service employees, since they were subject to the provisions of the Postal Reorganization Act of 1970. The conference substitute also directed the President to make the annual adjustments in pay rates, whereas under the House bill adjustments in pay rates would become effective only after Congress approved adjustments recommended by the Commission. In the event of a national emergency or economic conditions affecting the general welfare, the conference substitute permitted the President to submit an alternate plan to Congress. The plan would take effect within a prescribed time period unless disapproved by a resolution from either House of Congress.

PAY SYSTEM FOR PREVAILING RATE EMPLOYEES—H.R. 17809

On September 9, 1970, the House of Representatives passed H.R. 17809 to establish a revised system for fixing and adjusting pay rates of Federal employees who are paid at prevailing wage rates for comparable work in their areas of employment. These employees did not receive the 6-percent pay increase under Public Law 91-231. Instead, prevailing-wage or "wage board" employees have their pay rates adjusted under Civil Service Commission regulations. The purpose of H.R. 17809 is to establish by law the system which is now being run administratively.

The Senate passed the bill on September 10, 1970, with some amendments. The 8-percent pay raise granted by the House for wage-board workers employed at the highest pay level was reduced to 4 percent. The Senate also deleted pay differentials for work done in the late evening or early morning hours, and eliminated a fifth pay step which had been adopted by the House.

The conference report submitted on December 15, 1970, supported the Senate version and it was agreed to by the Senate and the House. However, in a most unfortunate action, the President saw fit to veto this important measure.

OBSCENE MAIL—H.R. 11032 AND H.R. 15693

On two separate occasions in 1970 the House of Representatives passed legislation to restrict the flow of obscene material in the mails. H.R. 11032, to prohibit the use of interstate facilities—including the mails—to transport unsolicited obscene advertising, passed the House on August 3. H.R. 15693 would exclude from the mails sexually oriented materials offered for sale to minors. The bill also permitted persons not wishing to receive such matters to file statements with the Postmaster General. Neither of these bills was enacted.

IMPROVING JUDICIAL MACHINERY—H.R. 17901

On October 5, 1970, the House passed H.R. 17901 to authorize the creation of Federal circuit executives for the 11 Federal courts of appeals. Duties of the circuit executives would include administration of the personnel system, maintenance of property control, and administration of the budget of the court of appeals of the circuit. By relieving the chief judge of the court of appeals of day-to-day managerial chores, the circuit executive will contribute to improved efficiency in our Federal appellate system.

LEGISLATIVE REORGANIZATION ACT—H.R. 17654, PUBLIC LAW 91-510

The Legislative Reorganization Act of 1970—H.R. 17654—passed the House on September 17, 1970, by a vote of 326 to 19. The Senate took up the House-passed bill rather than its own measure, S. 844, and passed it on October 6, 1970, by a 59 to 5 vote. The President signed the measure into law on October 26, 1970.

H.R. 17654 evolved from the work of a Special Subcommittee on Legislative Reorganization of the House Rules Committee. That committee began its work on April 22, 1969, reviewing the many reform proposals introduced in the House, holding extensive public hearings, and drafting the final version of the bill H.R. 17654 for floor consideration. It should be noted that the foundation for the passage of the Legislative Reorganization Act of 1970 was laid in 1965 when the Joint Committee on the Organization of Congress was established.

The major features of H.R. 17654 included the following: Title I extensively revised committee and floor procedures in both Houses, and altered committee jurisdictions and limited committee assignments in the Senate. One of the most significant amendments added to title I was that requiring the recording of teller votes in the Committee of the Whole.

Title II of H.R. 17654 provides Congress with additional fiscal and budgetary information, analytical support, and new procedures. Title III expands committee staff resources and provides for increased research and analytical assistance from the Legislative Reference Service, renamed the Congressional Research Service by the act. Title IV establishes a Joint Committee on Congressional Operations and a Congressional Office of Placement and Office Management, and deals with a number of housekeeping matters including the Capitol guides, pages, and a recess for Congress. The effect of all the provisions should be to increase the ability of Congress to grapple with and resolve the major problems facing the Nation.

FAMILY PLANNING SERVICES ACT—S. 2108, PUBLIC LAW 91-572

Late in the second session Congress cleared S. 2108, to amend the Public Health Service Act to expand, improve, and better coordinate the family planning services and population research activities of the Federal Government. Under this bill, the Secretary of Health, Education, and Welfare will:

First, enter into agreements with public and nonprofit private entities to assist in the establishment of voluntary family planning services;

Second, make formula grants to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services;

Third, enter into agreements providing for the training of personnel for providing family planning services;

Fourth, enter into agreements for research and research training relating to family planning and population; and

Fifth, enter into agreements to assist in developing and making available family planning and population growth information.

In addition, the legislation establishes an Office of Population Affairs in the Department of Health, Education, and Welfare.

POLITICAL BROADCASTING ACT—S. 3637, H.R. 18434

In September 1970, Congress enacted S. 3637, the Political Broadcasting Act. Its major provisions were:

First. Repeal of the "equal time" provision of section 315(a) of the Communications Act of 1934, applying to presidential and vice presidential candidates. Such repeal would permit broadcasters to present debates and appearances by major party presidential and vice presidential candidates without having to give equal time to fringe and splinter party candidates.

Second. Restriction of fees made by broadcasting stations for political broadcasts by candidates to the lowest unit commercial charged by a station for the same amount of time in the same broadcast time period.

Third. Radio-TV spending limitations for candidates for the offices of President and Vice President, U.S. Senator, and Representative, and Governor and Lieutenant Governor in general elections at 7 cents per vote in the preceding election or $20,000 whichever is greater.

Fourth. Spending limitations at one-half the above amount for primary elections, except for persons seeking nomination as candidates for President and Vice President who are exempted from primary spending limitations.

Fifth. An option permitting the States to impose similar restrictions on spending by candidates for other State and local offices.

Sixth. Requirement that candidates authorize any broadcast made by or on their behalf; stations to keep those certifications on record.

Seventh. The provisions of S. 3637 were to take effect 30 days after enactment.

In a time of a rapid increase in campaign spending, this bill represented an important first step toward curtailing spending in political campaigns. For example, on the basis of the 1968 election, the 7-cents formula would limit spending by presidential and vice presidential candidates in 1972 to $5.1 million. In the 1968 campaign, candidates Richard M. Nixon and SPIRO T. AGNEW spent $12,-

697,953 on television and radio appearances, and candidates **HUBERT H. HUMPHREY** and **EDMUND S. MUSKIE** spent $6,143,277, according to figures compiled by the Federal Communications Commission.

On October 11, 1970, however, President Nixon vetoed S. 3637. The President listed a number of reasons for his veto, among them the fact that the bill discriminated against the broadcast media and that it could not effectively accomplish its purpose of limiting campaign spending. The Senate, on November 13, 1970, failed to override his veto.

FINANCIAL DISCLOSURE BY REPRESENTATIVES—HOUSE RESOLUTION 796

On May 26, 1970, the House passed House Resolution 796. It amends House Rule 44 in two major respects: first, by requiring Members, officers, principal assistants to Members, and professional staff members of committees to report publicly first, the sources of all honorariums of $300 or more, and second, the identity of creditors to whom $10,000 or more is owed for 90 days or longer without any specific security or collateral for the loan.

The resolution further requires specification of honoraria amounts and of unsecured debt amounts in required sealed reports, which are opened only if the Committee on Standards of Official Conduct so votes.

COMMITTEE INVESTIGATIONS OF LOBBYING AND CAMPAIGN CONTRIBUTIONS—HOUSE RESOLUTION 1031

On July 8, 1970 the House passed House Resolution 1031, amending clause 19 of rule XI of the Rules of the House of Representatives with respect to lobbying practices and political campaign contributions affecting the House of Representatives. House Resolution 1031 placed jurisdiction over these areas in the Committee on Official Standards.

The resolution authorized the Committee on Standards of Official Conduct to study and investigate lobbying practices and the raising, reporting, and use of campaign contributions by candidates for the House.

Subsequently, the committee held hearings on both subjects and is to be commended for its response to these new duties.

COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE—S. 27001, H.R. 15165, PUBLIC LAW 91213

Public Law 91–213, signed into law March 16, 1970, creates a bipartisan Commission on Population Growth and the American Future. Its purpose: to inform the American public about the problems associated with overpopulation.

Overpopulation is a problem of magnitude not only in the United States but the world as well. The Congress passed S. 2701 so that we might have expert information regarding the consequences of population growth. To this end, the Commission will study:

First, the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;

Second, the resources in the public sector of the economy that will be required to deal with the anticipated growth in population;

Third, the ways in which population growth may affect the activities of Federal, State, and local government;

Fourth, the impact of population growth on environmental pollution and on the depletion of natural resources; and

Fifth, the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental natural resources, and other needs.

As a result of this measure, a comprehensive approach has been institutionalized to identify and anticipate the implications of population growth, thereby helping the Congress to shape policies to deal with this problem.

ADDITIONAL FEDERAL JUDGES—S. 952, PUBLIC LAW 91–272

Public Law 91–272, passed in May of 1970, authorized 58 additional permanent district judgeships.

S. 952 embodied the recommendations of the Judicial Conference of the United States, stated first by that organization in September 1968 and reiterated in March and September 1969. In 1968, after an extensive study of the caseload situation in our Federal district courts, the Judicial Conference recommended the creation of additional district judges throughout the United States. Two committees of the Judicial Conference, the Committee on Judicial Statistics and the Committee on Court Administration, studied the nature and extent of case accumulation, the rate of attrition in case backlog, the trends in case filings, as well as a comprehensive weighted caseload per judgeship.

For many districts the statistics document delay and congestion in our courts. These statistics show there has been a qualitative as well as a quantitative change in the business of many district courts. Not only is there a greater flow of litigation, but there has also been an increase in the number of cases raising complex issues which place heavier demands on the time of each trial judge.

This measure provides for additional judges to man our courts and relieve the crowded dockets. Where there is a paucity of judges, justice is often delayed and sometimes denied as a result. This measure will help provide the means to dispense equal and impartial justice to all.

UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT—S. 1, H.R. 4578, PUBLIC LAW 91–646

The Uniform Relocation Assistance and Land Acquisition Act—S. 1—will establish a uniform policy with respect to relocation assistance and land acquisition involving Federal and federally assisted programs.

There are currently more than 50 Federal programs which result in the condemning of land and, quite literally, the bulldozing of hundreds of thousands of people from their homes and businesses annually. Often these people are low-income earners. Many are elderly. Some are small farmers or small businessmen. In most cases, their entire life and economic and social well-being have centered around the property or neighborhoods from which they are uprooted. This legislation, which cleared Congress late in the session, seeks to help those people who are displaced.

Nearly all federally assisted programs have differing, if not conflicting, provisions for helping the displaced. They range from no assistance in some cases to liberal benefits and protection in others. This lack of uniformity is a source of irritation and confusion. It projects an unfortunate image of the Federal Government at both the State and local level.

This act will establish a uniform policy for Federal agencies, and State and local recipients of Federal funds in dealing with property owners and others displaced by Federal or federally aided land acquisitions. Specifically, S. 1 does this in two ways: First, it provides for relocation payments, advisory assistance, assurance of available relocation housing, and economic adjustments and other assistance to owners, tenants, and others displaced; and second, it establishes policies to guide all Federal and federally assisted agencies in negotiations with owners for the acquisition of real property for public use.

THE INTERGOVERNMENTAL PERSONNEL ACT OF 1970—S. 11

The House, December 21, 1970, passed the Intergovernmental Personnel Act of 1970, a measure adopted by the Senate on October 29, 1969 This measure is designed to strengthen the quality of administration of State and local governments by assisting them to deal more effectively with their personnel management, recruiting and training problems, particularly in the administrative, technical, and professional categories. There is widespread concern among officials of government at all levels over the shortage of personnel properly qualified to carry the responsibilities of modern-day government.

The Intergovernmental Personnel Act of 1970 is designed to meet some of these needs, including:

First. Strengthening intergovernmental cooperation and administration of grant-in-aid programs;

Second. Extending State and local merit systems to additional programs financed by Federal funds;

Third. Providing grants for improvement of State and local personnel administration;

Fourth. Authorizing Federal assistance in training State and local employees;

Fifth. Providing grants to State and local government for the training of employees;

Sixth. Authorizing interstate compacts for personnel and training activities; and

Seventh. Facilitating the interchange of Federal, State, and local personnel.

With the great growth in governmental activity at the State and local level, as witness the 150 percent increase in employees at this level from 1946 to 1967, and the 543 percent increase in State and to local governments during this same time span, there is a growing concern about program administration,

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and with it a concern for improvement of public personnel management. S. 11 is a major effort to accomplish that improvement. It will help both State and local governments improve their capacity to solve the major problems of the day by helping them obtain enough qualified personnel.

HEALTH AND HEALTH INSURANCE

Mr. Speaker, in the first session of the 91st Congress, Congress passed a law of great concern to miners and mine operators. Public Law 91-173 grants authority to the Secretary of the Interior to establish mandatory health and safety standards in underground mines as well as authority to carry on health and safety research and programs for education and training of miners and mine operators in accident control. It also provided for payment of benefits for death or total disability due to pneumoconiosis or black lung.

Public Law 91-56, passed in the first session of the 91st Congress, amended title XIX of the Social Security Act which provides grants to the States for medical assistance programs. The amendments prohibit the States from reducing cash payments to public assistance recipients at the time they adopt their medicaid assistance plans and extend from 1975 to 1979 the period by which all States must have in operation a comprehensive medical assistance program in order to qualify for Federal funds. The last amendment provided that any reduction in scope or extent of care and services provided under a State's medical assistance plan must be approved by the Secretary of Health, Education, and Welfare before it can be put into operation.

Public Law 91-54 approved in August 1969 adds to the Contract Work Hours Standards Act a provision assuring that any laborer, mechanic, or other employee shall not be required to work in any place or under any working conditions which are unsanitary, hazardous, or dangerous to a man's health or safety. However, only construction financed wholly or in part by Federal loans or grants is covered by this law. This law aims to reduce the number of persons killed in construction work accidents because of hazardous and unsafe working conditions.

During the second session, the Congress has proven equally active in the field of health.

PUBLIC HEALTH CIGARETTE SMOKING ACT—H.R. 6543, PUBLIC LAW 91-222

On April 2, 1970, the President signed into law H.R. 6543, the Public Health Cigarette Smoking Act. Public Law 91-222 continues the requirement for annual reports on smoking and health to Congress from the Secretary of Health, Education, and Welfare and from the Federal Trade Commission on cigarette labeling and cigarette advertising. In addition the law strengthens the warning label which must appear on all cigarette packages. It will now read:

> Warning: the Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health.

Finally, this law bans all cigarette advertising on radio and television after January 1, 1971.

MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS—H.R. 11102, PUBLIC LAW 91-296

Congress also passed over the President's veto H.R. 11102 extending for 5 years the present program of grants for construction and modernization of hospitals and other health facilities. President Nixon had vetoed the bill because he felt it was too expensive. This was the first veto to be overridden in 10 years. Public Law 91-296 authorized $2.79 billion over the next 3 years for grants and loans to construct and modernize hospitals and other health facilities. The law also contains an amendment requiring the Secretary of Health, Education, and Welfare to make an annual report on the health consequences of marihuana.

As the costs and needs of health care increase, the demands for more and better equipped hospitals and health facilities accelerates. In order to ensure that our citizens receive the best of medical care available, the 91st Congress overrode the President's veto. More than 3,800 communities have received Hill-Burton grants over the past 22 years.

MEDICARE, MEDICAID, SOCIAL SECURITY AMENDMENTS OF 1970—H.R. 17550

On May 21, 1970, the House passed H.R. 17550, the Social Security Amendments Act of 1970 which, inter alia, made numerous changes in the operations of medicare, medicaid, and maternal and child health programs. The House attempted to correct some of the abuses in the medicare and medicaid programs. It authorized the Secretary of Health, Education, and Welfare to set reasonable limits on the cost of health care funded by the medicare program. Such limits are to be based on the costs of services in any particular geographical region. H.R. 17550 also limits physician fees, basing increases only on justifiable higher costs. It also increases the Federal matching percentages for certain outpatient services provided under medicaid but decreases the matching percentages for more expensive long-term institutional care.

This measure did not become law. However, it is anticipated that social security legislation and welfare reform will receive the highest priority in the 92d Congress.

COMPREHENSIVE HEALTH PLANNING AND SERVICES ACT OF 1970—H.R. 18110

On August 11, 1970, the House passed H.R. 18110, the Comprehensive Health Planning and Service Act of 1970, to extend and expand for 3 years authorization for Public Health Service grants for health services and facilities research and development. The bill did not become law. In 1966 Congress enacted the partnership for health program authorizing comprehensive planning and coordination of public health services among States and regions. This program is a key effort at reshaping the Nation's $60 billion-a-year health industry into a better organized, more efficient and effective system.

COMMUNICABLE DISEASE CONTROL AND VACCINATION ASSISTANCE AMENDMENTS OF 1970—S. 2264, PUBLIC LAW 91-464

Public Law 91-464, the Communicable Disease Control Amendments of 1970 signed by the President on October 16, 1970, authorizes a 3-year program of project grants to continue a Federal commitment to the States and local governments for assistance in eliminating diseases that are controllable by vaccination and other developing communicable disease control programs. Contagious diseases such as tuberculosis, venereal disease, and measles pose a threat to the health not only of the afflicted individual but to a whole community. This law aims to prevent the spread of such communicable diseases as tuberculosis, venereal diseases, rubella, measles, poliomyelitis, diphtheria, tetanus, whooping cough, and Rh disease, by granting funds to the States to purchase vaccines and develop other programs to control communicable diseases.

GRANTS TO SCHOOLS OF PUBLIC HEALTH—S. 2809, PUBLIC LAW 91-208

President Nixon approved Public Law 91-208 on March 12, 1970, extending until June 30, 1975, authorizations to make formula grants to schools of public health for the training of both additional and better-prepared public health personnel. As our Nation has become more urbanized the need for public health services has increased. Our Government has recognized these needs and this law helps to meet them by encouraging more people to go into the public health field. At present there is a critical shortage of public health personnel. This legislation will help to alleviate that shortage by providing Federal funds for scholarships and traineeships for those going into public health.

HEALTH TRAINING IMPROVEMENT ACT OF 1970—S. 3586, H.R. 13100, PUBLIC LAW 91-519

On November 2, 1970, the President approved Public Law 91-519, the Health Training Improvement Act of 1970. This law expands and extends for 3 years the Allied Health Professions Personnel Training Act of 1966 which authorized four types of assistance to training centers: First, grants for construction of teaching facilities; second, grants for improvement of education programs; third, grants for advanced traineeships for preparation of teachers, supervisors, administrators, or allied health specialists; and fourth, grants for development of new methods.

The persons benefited by this act assist doctors, dentists, and other medical professionals in their work. As the need for doctors, dentists, and so forth, has increased so has the need for assistants. In addition health assistants free doctors from many tasks enabling them to perform more essential tasks. Allied health personnel covered by this legislation include dental hygienists, medical technologists, medical illustrators, dieticians, therapists, and medical record librarians.

COMMUNITY MENTAL HEALTH CENTER AMENDMENTS OF 1970—S. 2523, PUBLIC LAW 91-211

The Community Mental Health Center Amendments of 1970 was signed into law on March 13, 1970, Public Law 91-211. This law extends for 3 years, through fiscal 1973, the Federal program of construction of community mental health centers and authorizes new aid for mentally ill children and for centers in poverty areas. Federal matching grants for the operation of mental health centers is extended to 8 years. The legislation authorizes appropriations of $30 million in fiscal 1971, $35 million in fiscal 1972, and $40 million in fiscal 1973 for construction, operation and special project grants to construct and staff facilities for rehabilitation of alcoholics and narcotics addicts. The Federal share of construction costs and staffing was authorized up to 90 percent in poverty areas; less in other areas. The aim of this legislation is to encourage local community mental health centers to provide a comprehensive program to meet the needs of our emotionally disturbed children and adolescents as well as to come to terms with the ever pressing problems of alcoholism and drug addiction in our communities.

PUBLIC HEALTH SERVICE ACT FOR MIGRANT FARM WORKERS—H.R. 14733, PUBLIC LAW 91–209

Public Law 91–209, the Public Health Service Act for migrant farm workers was approved March 12, 1970. This law extends for 3 years the Public Health Service Act program of assistance for health services for domestic migrant agricultural workers. Migrant and seasonal workers have long been ignored. Their health needs are among the greatest of any socioeconomic group in our country and they are among the least able to afford adequate medical care. Statistics indicate that migrants' use of medical care is about one-seventh, their use of dental care about one-twentieth, and their use of hospital care about one-fourth that of the general population. The Migrant Health Act attempts to make health care accessible to migrants through helping States and communities adapt their health care system to the migrant's unique situation and need. More than 117 single or multicounty grant-assisted projects now serve migrants in 35 States.

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FAMILY PRACTICE OF MEDICINE ACT OF 1970—S. 3418, H.R. 19599

The Family Practice of Medicine Act of 1970 provides $225 million for a 3-year period to assist hospitals and medical schools in relieving the shortage of doctors in general practice. The purpose of this legislation is to reverse the trend toward specialization and encourage more persons to take up family medicine. In order to do this, this legislation provides grants to public and private nonprofit medical schools to establish a separate department to teach family medicine and to construct any necessary facilities in connection with this goal. Students who are in need and who are interested in specializing in family medicine would receive financial assistance. Last, this law authorizes funds for the study of malnutrition in the medical schools. The President vetoed this bill.

HEART DISEASE, STROKE, CANCER, AND KIDNEY AMENDMENTS OF 1970—H.R. 17570, PUBLIC LAW 91–515

On October 30, 1970, the President signed Public Law 91–515, the Heart Disease, Stroke, Cancer, and Kidney Amendments of 1970. This law amends title IX of the Public Health Service Act to encourage and assist in the establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals for research and training, and for demonstrations of patient care in the fields of heart disease, cancer, stroke, and kidney disease through grants and contracts. In addition the law will aid the medical profession and medical institutions through cooperative arrangements, the opportunity of making available to their patients the latest devices in the prevention, diagnosis, treatment, and rehabilitation of these diseases. Title II provides that the Secretary of Health, Education, and Welfare shall develop plans for health care systems or a national health insurance program designed adequately to meet the health needs of our citizens. The plans are to be completed and submitted to Congress no later than September 30, 1971. Title II also provides for grants to the various States for comprehensive State health planning, for areawide health planning, and for comprehensive public health services. Finally title VI provides for the creation of a National Advisory Council on Comprehensive Health Planning Programs.

MEDICAL LIBRARY ASSISTANCE—H.R. 11702, PUBLIC LAW 91–212

The Medical Library Assistance Act, Public Law 91–212, approved March 13, 1970, extends for 3 years the Medical Library Assistance Act of 1965 which provides financial assistance for the construction of medical library facilities; training of biomedical librarians and information specialists for service and research; projects of research development, and demonstrations in medical library science and health communications; and development of regional medical library programs. The need to improve and expand the facilities and resources, manpower, and technological assistance for processing health science information is widely known. This legislation will help to alleviate these shortages and provide for expanded knowledge and research in our medical sphere.

COMPREHENSIVE ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970—H.R. 18874, S. 3835

On December 19, the Senate passed and sent to the White House S. 3835—H.R. 18874—the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

The passage of this important legislation represents a step forward for the estimated 9 million Americans who suffer from this disease. Dr. Roger Egeberg, Assistant Secretary for Health and Scientific Affairs testified before House Interstate and Foreign Commerce Committee that alcoholism and alcohol abuse are among the Nation's most important health problems.

The bill provides for the establishment of a National Institute on Alcohol Abuse and Alcoholism within the National Institute for Mental Health to administer the programs established by this act.

The new law requires the Civil Service Commission to establish alcoholism prevention, treatment, and rehabilitation programs for Federal civilian employees and to guarantee employees with alcoholism the same employment conditions and benefits as persons who are ill from other causes—except for those civil servants in jobs which are classified as "sensitive."

There are authorized by the act grants totaling $300 million over the next 3 years. These grants fall into two categories; formula grants totaling $180 million which will help State governments develop and administer programs for dealing with alcohol abuse and alcoholism; and project grants totaling $120 million which will be channelled to public and private nonprofit groups and organizations to help finance specific alcoholism prevention and treatment projects.

In order to determine how effective these programs are, the act provides for the establishment of an independent National Advisory Council on Alcohol Abuse and Alcoholism to insure outside evaluation of Federal efforts in this area.

Finally the act requires the Secretary of Health, Education, and Welfare to issue a report to Congress, similar to the earlier report on cigarette smoking, which would set out the health consequences of using alcoholic beverages.

EMERGENCY HEALTH PERSONNEL ACT OF 1970—S. 4106, H.R. 19860

On December 18, 1970, the House passed H.R. 19860, to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical shortages. Subsequently this passage was vacated, and S. 4106, a similar Senate-passed bill, was passed in lieu after being amended to contain the language of the House bill as passed.

The purpose of S. 4106 is to provide for the use of commissioned officers of the Public Health Service to provide health services to persons living in communities and areas of the United States where health personnel and services are inadequate.

S. 4106 amends part C of title III of the Public Health Service Act to provide for establishment of a National Advisory Council on Health Manpower Shortage Areas, consisting of 15 members, to consult with and make recommendations to the Secretary of Health, Education, and Welfare, and authorization of $10 million for fiscal year 1971, $20 million for fiscal 1972, and $30 million for fiscal 1973.

After receiving a request from a State or local health agency, and certification by State and district medical societies for an area, that health personnel are needed, the Secretary of Health, Education, and Welfare determines which communities or areas may receive assistance.

Persons receiving services through this program shall be charged at rates prescribed by the Secretary of Health, Education, and Welfare. If payment for services is authorized under medicare or medicaid, or through other insurance programs, the Secretary is required to collect from such program. Amounts paid for services rendered under the legislation will be deposited in the U.S. Treasury.

The House incorporated an amendment into H.R. 19860, which was included in the bill as passed, which provides for Federal Government defense if malpractice suits are brought against health personnel.

On December 21, 1970, the Senate agreed to the House amendments to S. 4106, thus clearing the bill for the President.

HOUSING AND URBAN DEVELOPMENT

Public Law 91–152, the Housing and Urban Development Act of 1969, passed by Congress during the first session of the 91st Congress, contained a 1-year extension of authorizations for existing programs, such as Federal Housing Administration programs, urban renewal, model cities, rent supplements, and public housing. The 1-year authorizations for fiscal 1971 amounted to $4.8 billion, with an additional $75 million a year in subsidies authorized to local housing authorities to enable them to extend public housing to the very poor. The act stipulated that housing tenants shall pay no more than 25 percent of their income for shelter.

In another 1969 action, designed to fight inflation and to provide a boost for small business and housing—the two areas most severely hurt by tight money, Congress passed Public Law 91–151, the Mortgage Credit Act. The act granted the President authority to instruct the Federal Reserve Board to regulate terms, amount, and interest rates on all forms of credit, if he deems it necessary to prevent or control inflation. Public Law 91–151 also extended, until March 22, 1971, the authority of regulatory agencies to establish flexible ceilings on rates paid by financial institutions on time and savings deposits and waived anti-trust regulations, enabling credit institutions to adopt voluntary credit controls comparable to those initiated during the Korean conflict.

Mr. Speaker, Congress passed additional legislation during the second session.

HOUSING AND URBAN DEVELOPMENT ACT OF 1970—H.R. 19436, S. 4368

On December 18, 1970, Congress cleared H.R. 19436. This covers the many housing and urban development programs of the Federal Government including programs involving mortage finance. Among other things, H.R. 19436 provides for the establishment of a national urban growth policy, to encourage and support proper growth and development in our States, metropolitan areas, cities, counties, and towns, with emphasis upon new community and inner city developments. It also extends and amends laws relating to housing and urban development.

Major provisions extend Federal Housing Administration programs by authorizing new funds through fiscal year 1972. Important among these are the interest subsidy programs under section 235 and section 236 of the National Housing Act. Authorizations are increased by $25 million for each of these programs for fiscal 1971, and by $80 million for fiscal 1972, making a total available authority of $150 million for fiscal year 1971 and $200 million for fiscal 1972. This level of funding should help meet the persistent demand for these funds and keep us on schedule as we move to meet national housing goals.

Other provisions amend and perfect existing FHA laws to make them more effective in carrying out the intent of Congress. The act earmarks 10 percent of subsidy funds under section 235 for use in connection with rehabilitated housing. The Secretary of Housing and Urban Development is authorized to use up to 30 percent of section 235 subsidy funds for existing housing. The Secretary is also authorized to compensate purchasers of section 235 subsidized existing housing for structural defects. Sellers of such property must agree to reimburse the Secretary for such compensation. The Secretary is urged to tighten up his supervision, particularly in connection with limiting eligibility to lower income families who cannot afford to obtain decent homes without benefit of the subsidy.

H.R. 19436 provides new contract authority for public housing, urban renewal, and other housing assistance programs. It also makes certain changes in existing law to improve the administration of these programs. For public housing programs $320 million is authorized for fiscal year 1971 and $225 million for fiscal 1972.

The Secretary of Housing and Urban Development is authorized to finance congregate or dormitory housing under public housing and FHA programs, with eligibility limited especially to the elderly, displaced, and handicapped. No more than 10 percent of public housing, section 236, or rent supplement funds are to be used for this purpose.

The act also contains authority to continue the urban renewal program through 1972. The model cities program is authorized an additional $200 million for fiscal year 1972.

Under the open-space land program, $100 million is authorized to provide grants, which requires land to be withheld from development in order to promote desirable patterns of urban growth.

The act consolidates research and technology programs under HUD. It extends the demonstration housing allowance program and authorizes a new program to test methods of arresting housing abandonment. For the next 2 fiscal years $20 million was authorized for each of these programs.

The 1970 HUD bill also contains provisions authorizing the Secretary of Housing and Urban Development to provide crime insurance in each State where a finding is made that such insurance is unavailable or available only at a prohibitive cost. The Secretary is required to conduct a continuing review of the market availability of crime insurance at affordable rates in each of the several States. Upon determining that such insurance is not available in any State, the Secretary is authorized to provide crime insurance in that State on or after August 1, 1971. This lag affords State legislatures a reasonable period of time in the early part of next year to provide for adequate crime insurance programs in order to avoid the Federal Government undertaking such a program.

H.R. 19436 authorizes a new program of urban growth and new community development. A biennial report on urban growth must be transmitted by the President to the Congress. Also established is a greatly expanded program of guarantees, loans, and grants for new community development. In this respect, H.R. 19436 authorizes the Secretary of Housing and Urban Development to provide grant assistance to State and local bodies and to developers to plan new community development programs.

All in all, Mr. Speaker, H.R. 19436 is a beneficial reordering and expansion of the Nation's several housing laws.

EMERGENCY HOME FINANCE ACT OF 1970—S. 3685, H.R. 17495, PUBLIC LAW 91–351

Public Law 91–351 is designed to encourage and expedite the construction of new and the financing of existing homes. Primary emphasis is placed on the expansion of mortgaged credit facilities and the creation of new secondary market facilities to broaden the availability of mortgage credit. The act seeks to attain these ends by: first, authorizing an appropriation of $250 million, to be used by the Federal Home Loan Board, for disbursements to Federal home loan banks for the purpose of providing funds for mortgaged financing, at reduced rates of interest, to home buyers and other borrowers; second, by establishing, both within the Federal National Mortgage Association and within the Federal home loan bank system, new secondary mortgage market facilities to include conventional mortgages; third, by establishing the Federal Home Loan Mortgage Corporation, which would be authorized to purchase mortgages on residential property from any Federal home loan bank or any other financial institution which is insured by an agency of the Federal Government; fourth, by increasing the authorization for Government National Mortgage Association—GNMA—special assistance purchases, under terms acceptable to the President, by $1.5 billion immediately; fifth, by subsidizing middle-income mortgages purchased by the Federal National Mortgage Association and the National Home Loan Mortgage Corporation; and sixth, by extending the authority of the Secretary of Housing and Urban Development to set maximum interest rates on FHA–VA mortgages.

Other provisions of Public Law 91–351 direct the Secretary of Housing and Urban Development and the Administrator of the Veterans' Administration to conduct a joint study of settlement costs in the financing of FHA–VA assisted housing and to prescribe standards governing the amounts of such costs.

EMERGENCY COMMUNITY FACILITIES ACT OF 1970—H.R. 17795, S. 3938, PUBLIC LAW 91–431

Public Law 91–431, which became law without the President's signature, is a major congressional response to findings that many of the Nation's communities are unable to finance the construction of urgently needed public facilties, and that there is an immediate need for such facilities to provide basic safeguards for the health and well-being of our citizens, to check widespread water pollution, and to provide an effective and practical method of combating rising unemploy-

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ment. H.R. 17795 continues the monetary authorization for basic water and sewer facilities provided for in title VII of the Housing and Urban Development Act of 1965, while providing for an additional authorization of $1 billion. It extends for 1 year—until October 1, 1971—the time within which a community may qualify for a basic water and sewer facilities grant, even if its program for an areawide system, has not been completed by then. The act provides a total authorization of $1,350,000,000 available through fiscal year 1972.

This act is a prime example of the responsible and responsive manner in which this Congress acted to provide much needed funds for the protection of the Nation's health and environment.

IMMIGRATION

NONIMMIGRANT VISAS—S. 2593, PUBLIC LAW 91-225

Mr. Speaker, I am pleased to bring to the attention of the Members of the House a measure of importance affecting the Nation's immigration procedures.

This measure, Public Law 91-225, amended the provisions of the Immigration and Nationality Act regarding foreign exchange visitors. It facilitates the temporary admission into the country of Western Hemisphere executive, managerial, and specialist personnel of international organizations. In addition, it expedites entry for persons of distinguished merit and ability and for fiances and fiancees of U.S. citizens. The way in which Public Law 91-225 eases nonimmigrant entry is by excluding officers and employees of Western Hemisphere businesses from the Western Hemisphere immigration quota.

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INDIANS

Mr. Speaker, the 91st Congress has enacted more than 40 laws pertaining to the Indian. More than 20 bills were approved to authorize the use of judgments recovered against the United States. Of these, at least two were for compensation, at least 11 for disposition of judgment, and at least nine for the transfer of land.

During the first session Congress approved a joint resolution extending and funding the life of the National Council on Indian Opportunity for 5 years. The passage of Senate Joint Resolution 121 underlined our recognition of the necessity for a working relationship between the Indian and the Federal Government in the establishment and implementation of Indian policies.

The council, established by Executive order in March 1868, is designed to encourage full use by Indians of Federal programs and to appraise continuously the impact of Federal programs on Indians, whether as individuals or as members of tribes. Its membership consists of the Vice President as chairman and seven Cabinet officers—the Secretaries of Interior; Agriculture; Commerce; Labor; Health, Education, and Welfare; Housing and Urban Development; and the Director of the Office of Economic Opportunity—in addition to six Indian members appointed by the President for 2-year terms.

The Council's specific functions are to review programs for Indians, to make broad policy recommendations, and to insure that Federal programs reflect the needs and desires of the Indian people. One of the Council's first projects was an investigation of the problems of urban Indians. At present a major independent research organization is engaged in preparing for the Council a detailed study of the experience of two Indian communities in utilizing various Federal programs for Indians. This study will serve as a blueprint for less advanced Indian communities, aiding them in organizing their structure, identifying needed and appropriate Federal assistance programs, applying for those programs, and finally carrying them through to accomplishment.

Originally it was anticipated that the funds and staff necessary for the successful operation of the Council would come through assessment of member departments. However, Public Law 90-479, the Public Works Appropriation Act, contained language making it unlawful for appropriated funds to be used to finance interdepartmental boards, councils, or commissions. This act led to the request for specific congressional authority for the Council to receive appropriations for fiscal year 1970. Senate Joint Resolution 121 provided this funding for the Council, authorizing an amount not to exceed $300,000 annually for the next 5 years.

FHA LOANS TO INDIAN TRIBES—S. 227, PUBLIC LAW 91-229

In the second session action Congress provided authority for the Farmers Home Administration to make loans to Indian tribes for the purchase of land within their reservations. Under Public Law 91-229 any tribe is permitted to mortgage its land as security for such a FHA loan and is permitted to waive immunity from suit without its consent as a part of its loan agreement. Trust land, however, is excepted from a provision that land mortgaged to secure a loan is subject to local taxation. In addition the act provides that apart from making direct loans to Indian tribes the FHA may insure loans made by commercial lending institutions.

GRANTING TRUST TITLE TO LAND OF TAOS PUEBLO INDIANS—H.R. 471, PUBLIC LAW 91-550

Of particular interest was congressional approval of H.R. 471, giving to the Pueblo Indians title to approximately 48,000 acres taken from the tribe in 1906 and incorporated into the Carson National Forest. Previously the groups of Pueblo Indians have only been permitted to use the grounds in the forest housing their religious shrines. Under Public Law 91-550's provisions Pueblo title to the land will be held in trust by the Interior Department. It can be terminated only by Congress. By the conveyance of clear title to the land, the Taos Pueblos have been assured privacy and the means by which to preserve their culture and their sacred Blue Lake.

LABOR

The 91st Congress has seen us, Mr. Speaker, most active in passing legislation beneficial to America's workers.

During the first session two bills of particular note were enacted into law. Public Law 91-53 accelerated Federal unemployment tax collection by providing for its collection in quarterly installments during each taxable year. Public Law 91-169 altered provisions concerning working and off-duty hours of employees engaged in or connected with the movement of trains.

RAILROAD SUPPLEMENTAL ANNUITIES—H.R. 13300, PUBLIC LAW 91-215

During the second session we passed Public Law 91-215 which amended the Railroad Retirement Act to provide supplemental pension annuities overdue to about 60,000 retired railroad workers. It also encouraged retirement at 65 while eliminating supplemental payments for employees who reach age 68 in 1970 yet continue to work into 1971. It also provided an excise tax on railroads beginning April 1, 1970, at a rate calculated by the Railroad Retirement Board, to cover the costs of the supplemental annuities program negotiated in 1966 between the railroads and unions. In addition, this measure makes the annuities program permanent; gives the Railroad Retirement Board authority to borrow from the railroad retirement account enough money to pay pensioners to whom annuities are overdue; and finally, provides a moratorium on program changes until July 1, 1974.

INCREASE IN RAILROAD ANNUITIES—H.R. 15733, PUBLIC LAW 91-377

An increase in railroad annuities took effect when Public Law 91-377 was approved August 12, 1970. This measure increases railroad retirement benefits for some 717,000 persons by an average of 15 percent, but by not more than $50 monthly for a retiree or $25 monthly for his spouse. It is retroactive to January 1, 1970, and will continue until June 30, 1972. The act requires the new increase to be reduced by any amount received by a retiree under a 15-percent increase in social security benefits enacted December 1969. A retiree will, however, receive at least $10 monthly increase under railroad retirement and his spouse $5 monthly regardless of their increased benefits under social security. Survivor annuities are also increased under this law and an independent five-member Commission on Railroad Retirement has been established with a report due by the end of June 1971.

RAILROAD SHOPCRAFT DISPUTE SETTLEMENT ACT—SENATE JOINT RESOLUTION 190, PUBLIC LAW 91-226

Public Law 91-226 was approved on April 9, 1970. This administration-backed proposal provided for settlement of a labor dispute between railroad carriers and four shopcraft unions—machinists, electricians, boilermakers, and sheetmetal workers—congressional action averted a nationwide strike. The measure ended a 17-month contract dispute. Terms of this settlement were those contained in a memorandum of understanding dated December 4, 1969, and agreed to by all the negotiators for the disputing parties but subsequently ratified by the general membership of only three of the four unions involved.

UNEMPLOYMENT COMPENSATION—H.R. 14705, PUBLIC LAW 91-373

Public Law 91-373 was approved August 10, 1970, and provides for extension of and improvement in the Federal-State unemployment compensation program. It extends unemployment compensation to about 4.7 million previously uncovered workers and provides extended benefits to all eligible workers during periods of high unemployment. This measure extends program coverage to employers who employ one or more workers in each of 20 weeks or who have quarterly payrolls of $1,500. Unemployment compensation coverage was extended to certain agricultural processing workers and to certain employees of nonprofit organizations and institutions of higher education. This act improves the financing structure of the program by increasing the taxable wage base from $3,000 to $4,200, effective January 1, 1972, and by increasing the Federal part of the tax, effective upon enactment of the law, from 0.4 to 0.5 percent of the covered payroll.

RAILWAY LABOR-MANAGEMENT DISPUTE—HOUSE JOINT RESOLUTION 1413, PUBLIC LAW 91-541

Late in the second session Congress acted to avert a nationwide strike against the railroads scheduled for 12:01 a.m. on December 10. On December 9 Congress debated and in the early hours of December 10 passed Public Law 91-541, providing for an 81-day moratorium coupled with a 13½ percent pay increase for the workers. The President signed House Joint Resolution 1413 at 2.10 a.m., December 10.

Despite Congress' 11th-hour efforts, the unions, representing three-fourths of the railroad industry's 600,000 employees, shut down the Nation's rail system but less than 24 hours later, the striking workers returned to their jobs.

Not later than 15 days prior to the moratorium's March 1, 1971, expiration date, the President shall submit to Congress a full and comprehensive report on the progress, if any, of negotiations between the carriers and the unions, along with recommendations for any solution to this dispute that he deems appropriate.

Finally, Public Law 91-541 provides all employees represented a 5 percent pay increase, effective January 1, 1970, and a 32 cents per hour boost, retroactive to November 1, 1970.

OCCUPATIONAL SAFETY AND HEALTH ACT—S. 2193, H.R. 16785, PUBLIC LAW 91-596

Mr. Speaker, the first legislation authorizing comprehensive health and safety standards for all industries cleared conference December 14, 1970.

This act authorizes the Secretary of Labor to establish standards, inspect plants, and initiate enforcement proceedings. Adequate balances are established to protect industry; including judicial review of standards and the vesting of enforcement powers in a three-member independent board appointed by the President with the advice and consent of the Senate.

The protection previously given mine and railroad employees will now be extended to all industrial employees, reducing, it is hoped, job-related deaths and disabling injuries. In the case of dangers caused by new processes, equipment, and materials, or emergency situations, the Secretary of Labor is authorized to ask for court injunctions closing affected plants until standards are met.

There are at least 13 ways in which S. 2913 will insure safer and more healthful working conditions for American workers. These are:

First, by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

Second, by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe working conditions;

Third, by authorizing the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce; and by creating an Occupational Safety and Health Review Commission for carrying out adjudicatory functions under the act;

Fourth, by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

Fifth, by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

Sixth, by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

Seventh, by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

Eighth, by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

Ninth, by providing for the development and promulgation of occupational safety and health standards;

Tenth, by providing an effective enforcement program which shall include a prohibition against giving advance notice of an inspection and sanctions for any individual violating this prohibition;

Eleventh, by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

Twelfth, by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this act and accurately describe the nature of the occupational safety and health problem;

Thirteenth, by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

LAW ENFORCEMENT AND CRIMINAL PROCEDURE

Mr. Speaker, during the first session of the 91st Congress a select committee to study crime in the United States was created by the House. Seven Members of the House of Representatives, designated by the Speaker, were authorized to conduct a full and complete investigation of all aspects of crime in the United States. In creating this committee, the Congress has taken responsibility for the study of the growing criminal activity in the United States, and for the recommendation of corrective measures. The Select Committee on Crime continues its work under the able direction of Representative CLAUDE PEPPER of Florida.

ORGANIZED CRIME CONTROL ACT—S. 30, PUBLIC LAW 91-452

Additional action has been taken in the second session. Of special importance is the Organized Crime Control Act of 1970, passed by the House October 7, 1970, and approved October 15, 1970.

Organized crime derives a major portion of its power through money obtained from such illegal endeavors as syndicated gambling, loan sharking, the theft and fencing of property, the importation and distribution of narcotics and other dangerous drugs, and other forms of exploitation. This money and power are increasingly used to infiltrate and corrupt legitimate business and labor unions and to subvert and corrupt the democratic process, thereby undermining the general national welfare. It is the purpose of this act to seek to eradicate organized crime in the United States by strengthening the legal tools in the evidence-gathering process, by establishing new penal prohibitions, and by providing enhanced sanctions and new remedies to deal with the unlawful activities of those engaged in organized crime.

Public Law 91-452 is comprised of 12 sections, as follows:

Title I provides for the summoning of special grand juries in major metropolitan areas, for the purpose of investigating organized crime activities, and authorizes such juries to issue reports on conclusion of their terms.

Title II repeals all previous witness-immunity laws and authorizes legislative, administrative, and judicial bodies to grant witnesses immunity from prosecution based on their testimony, but not from prosecution for any act mentioned in their testimony.

Title III codifies existing Federal civil contempt procedures designed to deal with recalcitrant witnesses in grand jury and court proceedings, authorizing confinement for civil contempt until com-

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pliance is made with the court order—but such confinement is not to exceed 18 months. Witnesses who flee State investigative commissions to avoid giving testimony are hereby made subject to the Federal process. It is herein made a Federal crime to flee across a State line to avoid being served notice to testify.

Title IV authorizes a conviction for perjury based on obviously contradictory statements made under oath—eliminating the rules that there must be direct proof and the testimony of two witnesses in order to obtain a perjury conviction.

Title V authorizes the Attorney General to protect and maintain Federal or State witnesses—and their families—in organized crime cases.

Title VI authorizes the taking of pretrial depositions from Federal Government witnesses in criminal cases, and permits the use of such depositions as evidence in subsequent prosecutions.

Title VII limits to 5 years the period within which Government action to secure evidence can be challenged as illegal, and requires court review of Government records prior to their being disclosed to a defendant who has established that their origin is illegal. The effect of this title is restricted to Federal proceedings and surveillance occurring before June 19, 1968.

Title VIII declares it a crime to plot to obstruct State law, through bribery of governmental officials, in order to facilitate an "illegal gambling business."

Title IX declares it a crime to plot to use income from organized crime to acquire or establish a business engaged in interstate commerce, and authorizes use of forfeiture, antitrust, and special investigative procedures against such crimes.

Title X provides for increased sentences—up to 25 years—for dangerous adult offenders.

Title XI establishes a system of Federal controls over the interstate and foreign commerce of explosives through licensing and permits, while strengthening and expanding the scope of Federal law with regard to the illegal use of explosives.

Title XII establishes, effective January 1, 1972, a National Commission on Individual Rights, to review certain Federal laws and practices and to make a final report to the President and Congress by January 1, 1978.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT AMENDMENTS—H.R. 17825

One of the most significant legislative actions of the session was the passage of the Omnibus Crime Control and Safe Streets Act.

H.R. 17825, the House bill, amended the 1968 Crime Control and Safe Streets Act—Public Law 90-351—to authorize vastly increased funds for the Law Enforcement Assistance Administration—LEAA—through fiscal 1973, to streamline the administrative structure of LEAA, to reorder program priorities toward high-crime areas and correctional programs, and to require a greater State role in providing matching funds.

As passed by the House in June of 1970, H.R. 17825 authorized appropriations to LEAA of $650 million in fiscal 1971, $1 billion in fiscal year 1972, and $1.5 billion in fiscal 1973. In addition, it:

First. Abolished the existing three-man board directing LEAA and vested its powers in a single administrator;

Second. Established a new grant program to improve correctional facilities. Under the program, grants may be for up to 75 percent of the cost of any particular project and up to 50 percent of the funds in this category may be granted directly to local or city agencies;

Third. Allocated 25 percent of all law-enforcement funds for correctional programs;

Fourth. Required that all State plans provide for allotment of an adequate share of funds for each project undertaken by a local agency within the LEAA program;

Fifth. Provided that LEAA discretionary grants may, in certain circumstances, be made to cover up to 90 or 100 percent of the costs of a program;

Sixth. Removed all restrictions upon the use of discretionary grants for salaries and made clear that limitations on block grants—one-third—apply to the salaries of police and regular law-enforcement personnel.

Subsequent to House action, the Senate in October passed H.R. 17825, but included as separate titles four bills which the Senate had previously passed. They were:

S. 3650, strengthening Federal laws concerning the illegal use, transportation, or possession of explosives;

S. 2896, banning unauthorized entry into buildings on grounds of temporary residence by the President;

S. 642, making it a Federal crime to assassinate or assault a Member of Congress;

S. 3132, setting forth procedures for appeals by the United States in criminal cases.

Additional Senate amendments to H.R. 17825 included provisions for:

First. Delay until fiscal 1973 in effecting the requirement that 50 percent of non-Federal matching funds for grants be included in a specific appropriation from State or local units;

Second. Stricter sentences for criminals using firearms in committing a Federal crime;

Third. Granting flexibility to the National Wiretapping Commission in filing its report, and in its hearing, subpena and immunity powers;

Fourth. Authorization of LEAA grants to universities to allow students to serve internships with law enforcement agencies; and

Fifth. Establishment of the President's Award for Distinguished Law Enforcement Services.

Conferees reconciled the differences between the House and Senate versions as follows:

First, they authorized appropriations for the current and 2 succeeding fiscal years at levels provided in the Senate version:

$650 million, fiscal 1971; $1.5 billion, fiscal 1972; and $1.75 billion, fiscal 1973.

Second, they authorized a program for the construction, acquisition, and renovation of corrections facilities on the basis of need, not on the basis of population as provided in the House bill. The conference substitute also adopts the principle of the House bill in allotting a portion of future funds for the corrections program.

Third, they required that LEAA approval of State plans be based on an express finding that areas of high crime incidence and high law enforcement activity receive adequate assistance.

Fourth, they required that the States contribute—or "buy in"—one-quarter of the non-Federal share of funding for law enforcement programs of local government. This element in the House bill is retained in the conference substitute but its operable date is deferred until July 1, 1972.

Fifth, they revised the matching ratios with provision for a higher level of Federal contribution up to 75 percent of program costs. Thus, the State or local matching requirements are reduced to 25 percent beginning in the current fiscal year, which should afford immediate and substantial relief to financially hard-pressed State and municipal governments.

Although the House bill authorized Federal expenditures under discretionary grants up to 90 percent of program costs, the conference substitute provides that both block grant funds and discretionary grant funds carry the same matching ratios: that is, 75 Federal, 25 State or local.

Sixth, the conference substitute adopts the Senate version with respect to the three-man board directing LEAA. The House version abolished the three-man board and substituted a single administrator. The Senate amendment which retained the three-member administration vested all administrative responsibility in the administrator who was designated as executive head of the agency. It further provided that all policy determinations should be exercised by the administrator with the concurrence of at least one of the associates. Thus the conference substitute eliminates the requirement of unanimity which has hampered administration.

Seventh, the conference substitute provides for the reallocation of block grant funds as discretionary grants whenever a State has failed to have a plan approved either because it submitted no plan or because the plan it submitted was unacceptable. It also permits reallocation of block grant funds when a State fails to comply with the assurances it has given in its plan, the provisions of the act, or LEAA regulations.

Eighth, the conference substitute also contains a variety of miscellaneous provisions designed to improve the training and educational programs of LEAA. These include: authority to establish and support a training program for State and local prosecuting attorneys and authority to establish law enforcement internships.

In addition, the conference substitute adopts five of the additional titles added in the Senate version:

First, an amendment to the Gun Control Act of 1968 designed to impose stricter sentencing with respect to persons who use a firearm to commit, or

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who carry a firearm unlawfully during the commission of, a Federal felony.

Second, an amendment to the Criminal Appeals Act to broaden and clarify the right of the Government to appeal dismissals of criminal cases;

Third, making it a Federal offense to kill, kidnap, or assault any Member of Congress of Member-of-Congress elect.

Fourth, establishing Federal penalties for unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing;

Fifth, reinstatement of the Wiretap Commission which had been created in 1968 but repealed in the Organized Crime Control Act of 1970.

Conference action deleted three amendments which the Senate had added to H.R. 17825. They were: First, the title establishing a law enforcement group life insurance program; second, the provision establishing a President's Award for Distinguished Law Enforcement Service; and third, the title expanding Federal laws controlling explosives.

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970—H.R. 18583, PUBLIC LAW 91–513

On October 14, 1970, the House approved H.R. 18583, the Comprehensive Drug Prevention and Control Act of 1970, to provide for expanded programs for rehabilitation, treatment, and drug abuse education; to unify and revise Federal narcotics laws; to revise the entire penalty structure for violations of those laws; and to provide new tools for enforcement.

This act is an appropriate and reasoned response to the growing problem of drug abuse in the United States. Narcotic drug law violations in 1968 were more than four times as great as arrests in 1960. Or, expressed differently, narcotic and marihuana arrests have increased 322 percent since the beginning of the 1960's. A National Institute of Mental Health survey indicates that as many as 50 percent of high school students in certain areas have experimented with marihuana.

Increased drug use inevitably results in a rising illicit drug traffic, both domestic and international. An unknown quantity of the nonmedical and nonprescription drugs, for example, heroin, cocaine, and marihuana, are being continuously smuggled into this country, while at the same time a substantial amount of prescription drugs—stimulants, depressants, and tranquilizers—are being diverted into illegal channels. For example, the National Institute of Mental Health estimates that 50 percent of the over 8 billion annually produced amphetamine pills are diverted into nonmedical channels.

Public Law 91–513, the Comprehensive Drug Abuse Prevention and Control Act of 1970, is comprised of four titles, containing the following provisions:

Title I—rehabilitation—authorizes the Department of Health, Education, and Welfare to increase its programs of rehabilitation, treatment, and prevention of drug abuse. See Health and Health Insurance.

Title II—control and enforcement—authorizes the Bureau of Narcotics and Dangerous Drugs to add at least 300 agents to its present staff, and authorizes an annual appropriation of $6 million for that purpose, beginning in fiscal 1971.

Title II further:

First. Vests authority in the Attorney General for control over the dangerous substances specified in the title but requires him to seek, and be bound by, the advice of the Secretary of Health, Education, and Welfare before placing a substance under control or removing it from control;

Second. Classifies drugs to be controlled into five schedules to be updated regularly. The schedules are based on the degree of abuse potential, the known effect, harmfulness, and level of accepted medical use. Heroin, marihuana, LSD, mescaline, and peyote are classified under schedule I, which includes substances with a high potential for abuse and no accepted medical use in the United States. Methadone, currently used in drug treatment programs as a substitute for heroin, and liquid injectable methamphetamine—"speed"—are classified under schedule II, which includes substances with a high potential for abuse and a restricted medical use. Most other amphetamines and barbiturates are classified under schedule III, which includes substances with currently accepted medical use and lower physical dependence—although high potential psychological dependence—than the drugs in schedule I and II;

Third. Authorizes the Attorney General to adopt rules for the registration and control of the manufacture, distribution and dispensing of substances classified as controlled;

Fourth. Revises the entire penalty structure for drug offenses, eliminating all mandatory minimum sentences except for professional criminals and, for the unlawful manufacture, distribution, dispensing or possession with the intent to manufacture, distribute or dispense a controlled substance or counterfeit;

Fifth. Provides that possession of a controlled substance by a first offender, for his own use, be treated as a misdemeanor punishable by up to 1 year in prison and a fine of up to $5,000 or both; and provides that such a person, if under 21 at the time of the offense, may seek a court order expunging his police record;

Sixth. Provides that anyone 18 or older who distributes a controlled substance to someone under 21 shall receive twice the authorized penalty for that offense;

Seventh. Provides that any professional criminal trafficking in drugs shall receive a mandatory minimum sentence of 10 years and a maximum fine of $100,000 for a first offense and a minimum term of 20 years and a maximum fine of $200,000 for a second;

Eighth. Provides that the penalty for distributing a small amount of marihuana be the same as that for mere possession;

Ninth. Provides special sentencing procedures under which dangerous drug offenders can be given more severe sentences—up to 25 years—than the usual prescribed penalty for their offense;

Tenth. Authorizes the Attorney General to carry out informational and research programs directly related to enforcing drug laws;

Eleventh. Provides for search warrants which specifically allow enforcement officers to enter without notice—"no-knock"—premises to be searched, if there is probable cause to believe that the substance sought will be destroyed or that notice will endanger someone's life or safety;

Twelfth. Creates a Commission on Marihuana and Drug Abuse to report to Congress, within 1 year, on marihuana and, within 2 years, on the cause of drug abuse; and

Thirteenth. Authorizes $60 million for the Justice Department in fiscal 1972, $70 million in 1973 and $90 million in 1974 to carry out the provisions of title II.

Title III—import and export—provides for control of, and restriction on, the importation and exportation of dangerous substances listed in title II.

Title IV—Advisory Health Council's report—directs the Secretary of Health, Education, and Welfare to report annually—to the Senate Committee on Labor and Public Welfare and the House Committee on Interstate and Foreign Commerce—on activities of all advisory councils set up by the Public Health Service—Public Law 78–410—or the Mental Retardation Facilities and Community Health Centers Construction Act of 1963—Public Law 88–164. See Health and Health Insurance.

AMENDMENTS TO THE SHERMAN ANTITRUST ACT REGARDING CRIMINAL SUITS—H.R. 14116

H.R. 14116, passed by the House February 16, 1970, increases from $50,000 to $500,000 the maximum fine which may be imposed on a corporation in a criminal suit for a violation of the Sherman Antitrust Act.

PUBLIC DEFENDER SYSTEM—S. 1461, PUBLIC LAW 91–447

Signed into law October 14, 1970, Public Law 91–447 expands and improves the coverage of the Criminal Justice Act of 1964 and authorizes creation of Federal community defender systems thereby. As approved, Public Law 91–447:

First. Expands the coverage of the Criminal Justice Act of 1964 to authorize appointment of and compensation for counsel for persons—including juvenile delinquents—charged with a crime but financially unable to secure counsel, or first, charged with violating probation; second, under arrest and for whom counsel is required by law; third, subject to revocation of parole; fourth, who are or were material witnesses in custody, or fifth, who sought collateral relief;

Second. Includes a provision which would extend coverage of the act in instances where future judicial decisions or Federal laws might require the appointment of counsel;

Third. Provides for appointed counsel in all proceedings related to the actual trial procedure;

Fourth. Increases the hourly rate of payment for court-appointed counsel to $30 for hours in court and $20 for hours out of court—raising the maximum payment for each attorney in a case, but providing for waiver of the maximum provision in some instances;

Fifth. Provides that any district or part of a district—or two adjacent districts or parts of districts—in which at least 200 persons annually require court-appointed counsel may establish a Federal public defender organization and/or a community defender organization;

Sixth. Provides that a Federal public defender organization will consist of salaried Federal attorneys operating under the supervision of a Federal public defender appointed by the circuit's judicial council;

Seventh. Provides that a community defender organization, defined as a nonprofit defense counsel service administered by an authorized organization, can initially be funded by a Federal grant and can receive periodic sustaining Federal grants; and

Eighth. Bars a Federal public defender or any attorney appointed by him from engaging in the private practice of law.

EXPEDITING ACT AMENDMENTS—H.R. 12807

Differing versions of an act to amend the Expediting Act of 1903 were passed in 1970 by the House and Senate.

The House bill, passed on July 6, 1970, amends the Expediting Act of 1903 so as to provide that in certain civil antitrust cases where the United States is plaintiff and action has been brought in a Federal district court, the Attorney General may file a certificate deeming the case to be "of general public importance." Upon filing of this certificate it shall be the duty of the presiding judge to assign the case for hearing at the earliest practicable date and to cause the case to be "in every way expedited." The bill was not enacted.

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MANPOWER TRAINING, JOB OPPORTUNITY, AND REGIONAL DEVELOPMENT

Mr. Speaker, during the first session Congress enacted two laws of major importance in the areas of job opportunity and regional development.

Near the close of the first session, Congress, in Public Law 91–177, extended the Economic Opportunity Act through June 30, 1972, authorizing $2,195,500,000 for fiscal 1970, and $2,295,500,000 for fiscal 1971. Public Law 91–177 contained new programs to combat alcoholism and drug addiction.

We also passed Public Law 91–123, extending the Appalachian Regional Development Act until June 30, 1971, authorizing $294 million for development, exclusive of highway construction funds. The $695 million was authorized for highway funds for a 4-year fiscal period through June 30, 1973. Public Law 91–123 placed new emphasis on health care, especially for children and for coal miners' occupational diseases such as black lung.

The Public Works and Economic Development Act sections of Public Law 91–123 extended that act, with some changes, for 2 fiscal years with an authorization of $255 million.

Mr. Speaker, these measures of considerable merit obtained congressional approval in the second session.

EXTENSION OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965—H.R. 15712, PUBLIC LAW 91–304

In June 1970 we passed H.R. 15712, extending through June 30, 1971, authorization for the Economic Development Administration to provide grants, loans, and technical assistance to aid economic growth in areas with either high unemployment or underemployment.

VOCATIONAL REHABILITATION ACT EXTENSION—H.R. 19401

The State-Federal program of vocational rehabilitation has represented through the years, a true partnership in serving and rehabilitating handicapped individuals. In fiscal year 1970, State vocational rehabilitation agencies served approximately 870,000 disabled individuals and rehabilitated 266,975 persons.

The number of persons rehabilitated during fiscal year 1970 was the highest achieved in the history of the State-Federal program of vocational rehabilitation, the first time that the one-quarter-of-a-million milestone has been exceeded in a single year. The 266,975 persons rehabilitated represent nearly an 11-percent increase over the number rehabilitated during fiscal year 1969.

To continue the worthy work of vocational rehabilitation, Congress passed H.R. 19401, extending for 1 year programs authorized by the Vocational Rehabilitation Act. No substantive changes in the programs were made and no change was made in the levels of authorization. The authorization for fiscal 1972 is $1.01 billion, the same as that for fiscal 1971.

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970—S. 3867

Action was completed December 10, 1970, on a $9.5 billion bill to finance manpower training programs and to authorize public service jobs. This significant and important congressional initiative was vetoed by the President on December 16.

S. 3867 would have extended for 3 years, and reorganized, manpower training programs designed to enable unemployment and unskilled persons to learn skilled and find jobs. The $5 billion was authorized for these manpower programs.

The legislation included a new feature, a public service job program for which $4.5 billion was authorized. This provision would have permitted persons, unable to find work in private industry, to be employed by State and local governments to work in schools, hospitals, police and fire departments, or in recreation, conservation, and transportation programs. Governors and mayors would have had the authority to designate which jobs could be filled under this program, with 80 percent of the cost borne by the Federal Government. Workers would have received the national minimum wage of $1.60 an hour or the prevailing pay for the type of work in the community, whichever was higher.

It is to be greatly regretted that the President vetoed this measure because of its public jobs provision. Surely in a time when the rate of unemployment approaches 6 percent, it makes better sense to employ the unemployed in the furtherance of public service than to force them onto the unemployment relief rolls.

MONETARY, BANKING, TAX, AND FISCAL POLICIES

Mr. Speaker, the state of our economy has prompted considerable action by Congress affecting national monetary and fiscal policies. The Congress, and indeed the country, has been increasingly concerned about continued inflation and rising unemployment.

Following brief summaries of three important first session accomplishments are remarks on those major bills receiving consideration in the Congress, or just the House, during this second session.

In 1969 we extended the income tax surcharge to January 1, 1970, at a rate of 10 percent by a provision of the Federal Unemployment Tax Act—Public Law 91–53. It was extended to July 1, 1970, at a rate of 5 percent by the Tax Reform Act of 1969—Public Law 91–172.

The Tax Reform Act of 1969 provided for personal income tax relief of various sorts, including tax relief for unmarried persons, for a reduction of the oil depletion allowance from 27½ to 22 percent, and for an increase in social security benefits.

Among other things Public Law 91–172 established a new low-income allowance designed to remove 5.5 million of the poor from Federal tax rolls. New regulations were placed on charitable foundations, and a minimum income tax of 10 percent was imposed on so-called sheltered income. Also, real estate depreciation was affected by the restriction of double depreciation to new housing.

Public Law 91–172 was the most comprehensive tax measure passed by the Congress in more than a decade.

We also passed Public Law 91–128 in the first session extending the interest equalization tax until March 31, 1971. This tax is designed to reduce the outflow of dollars by increasing the cost to foreigners of raising capital in the United States and by decreasing the desirability of foreign securities to Americans, exclusive of direct investment in foreign businesses.

BANK HOLDING COMPANY ACT—H.R. 6778

The House and Senate conference report on H.R. 6778, was agreed to on December 18, 1970. H.R. 6778 extends the coverage of the Bank Holding Act of 1956 to include all one-bank holding companies.

In the late 1960's, a large number of banks began converting themselves into one-bank holding companies in order to avoid regulation by the Federal Reserve Board under the Bank Holding Company Act. In addition, many significant nonbank corporations, including major conglomerates, began acquiring one bank, thus mixing banking and nonbanking in complete contravention of the purpose of both Federal banking laws going back to the 1930's and the Bank Holding Company Act of 1956.

This wave of one-bank holding company creations alarmed many people on Capitol Hill, in the administration, at the Federal Reserve Board, and significant professional observers of the American economic system. It seemed to be leading toward an erosion of the traditional separation of powers between the suppliers of money, that is, the banks, and the users of money, that is, commerce and industry.

H.R. 6778 plugs up the one-bank loophole which made evasion possible. It eliminates the partnership exemption. It authorizes the Federal Reserve Board to determine what bank-related activities a bank holding company may engage in, and specifies that certain activities are not related to the business of banking, and are thus not to be allowed. It subjects to potential Federal Reserve Board jurisdiction all bank holding companies, no "anti-tie-in" created. It contains an "anti-tie-in" provision covering all banks, bank holding companies, and subsidiaries of bank holding companies. Nonbank competitors of bank holding companies are given legal standing to challenge before the Board and in the courts applications filed under this act.

BANK RECORDS AND FOREIGN TRANSACTIONS ACT—H.R. 15073, S. 3678, PUBLIC LAW 91-508

Public Law 91-508 contains a variety of provisions, including several concerning credit cards and credit reporting—see section on Consumer Affairs. Other provisions pertain to financial recordkeeping.

The Federal Deposit Insurance Act is amended to authorize the Secretary of the Treasury to prescribe regulations requiring insured banks to maintain appropriate records which have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings. The Secretary is also authorized to prescribe similar regulations for uninsured financial institutions. In addition he may require that banks and other institutions retain records of the identity of individual persons involved in certain financial activities of these institutions.

This legislation also authorizes the Secretary of the Treasury to require that reports are made and records are kept having to do with certain foreign transactions, especially those involving the transfer of currency from the United States to another country and vice versa. Again, the Secretary may require that the records include the identities of all persons involved in the transactions.

FEDERAL CREDIT UNION ACT AMENDMENTS—H.R. 2, PUBLIC LAW 91-206

H.R. 2 removes the Bureau of Federal Credit Unions from the Department of Health, Education, and Welfare and creates the National Credit Union Administration as a separate, independent agency. Passed by the House in 1969 and the Senate in 1970, the measure provides for an Administrator and Board of Governors to be appointed by the President with the advice and consent of the Senate. Those so appointed are to be individuals of "tested credit union experience." All powers of the Bureau are to be transferred to the new agency, but this law does not add any new powers.

Credit unions are cooperative organizations formed to provide members with financial services, such as savings accounts and personal loans. Members often have some common characteristic, such as employment in the same profession or by the same company.

Credit unions may be chartered by a State or by the Federal Government under the Credit Union Act of 1934. There are more than 23,400 credit unions in the United States of which slightly more than half are federally chartered. They have a membership of more than 20 million persons and assets of more than $14 billion. The credit union movement has enjoyed phenomenal growth since World War II. Most credit unions are small; more than 75 percent have assets of $500,000 or less.

Because of their growth and importance it was felt that the credit union regulatory agency should have an independent status equal to that enjoyed by agencies regulating banks and savings and loan associations.

FEDERAL SHARE INSURANCE FOR CREDIT UNIONS—S. 3822, PUBLIC LAW 91-468

Within the United States there are more than 24,000 credit unions which hold savings of over 22 million Americans. These savings, which total almost $14 billion, represent in large part the earnings of the "little man" who can least afford to sustain an unprotected loss. The fact that these savings are not provided some form of insurance protection highlights the necessity for Federal legislation to insure such savings. In fact, credit unions are the only federally chartered thrift institutions that currently do not have such protection.

Although the losses suffered by credit union members over the past years have been unusually small, the fact is there have been cases wherein liquidated insolvent credit unions have caused members to suffer losses and imposed severe hardships on certain individuals. Such losses can now be eliminated by our passage of S. 3822, which provides mandatory share insurance for member accounts of all Federal credit unions and optional share insurance for member accounts of credit unions organized and operated under the laws of any State, territory, or possession of the United States as well as those operating under the jurisdiction of the Department of Defense. Applicant credit unions must meet certain standards, and a Federal union which does not meet these standards will, after 1 year, lose its charter. Insured credit unions will pay a premium charge into an insurance fund. This fund may also receive loans from the U.S. Treasury.

The Administrator of National Credit Union Administration may make loans to individual credit unions whenever such action will reduce the risk of loss to the fund or protect the interests of the members of a credit union.

The Administrator is also provided with certain regulatory powers. He may terminate the status of insured unions under certain conditions. He may also remove from office a director or other officer whose actions violate fiduciary duty and risk substantial financial damage to a union.

INTERSTATE TAXATION ACT—H.R. 7906

H.R. 7906 was passed by the House on June 25, 1969. It died in the Senate Finance Committee.

It would have established uniform limitations on the power of States to tax small, out-of-State firms doing business within their boundaries. Also, double taxation of individual income would be prohibited; that is, States would be prohibited from levying a tax on income received while a person was not domiciled within the State unless the source of the income was in the State. The taxpayer's home State would have to allow a credit on taxes paid the State in which the income was earned.

STATE INCOME TAX WITHHOLDING FOR INTERSTATE TRANSPORTATION EMPLOYEES—H.R. 10634, S. 2044

H.R. 10634 was sent to the White House on December 11, 1970. It would amend the Interstate Commerce Act, and the Federal Aviation Act of 1958, to exempt under certain conditions, pay of employees in interstate transportation work from tax withholding under the laws of States or subdivisions other than the State or subdivision of the employee's residence. However, nad State in which the employee earned more than 50 percent of compensation by his interstate carrier employer would be entitled to require withholding.

BANKRUPTCY LAWS COMMISSION—SENATE JOINT RESOLUTION 88, PUBLIC LAW 91-354

It is generally agreed that the present body of laws comprising our bankruptcy system is obsolete, uneconomical, and incapable of adequately meeting the requirements of our modern economy. Consequently, Congress passed Public Law 91-354 to establish a nine-member Commission on the Bankruptcy Laws of the United States to study, analyze, evaluate, and recommend changes in the bankruptcy laws. The Commission is directed to submit a report of its activities to the President and the Congress within 2 years.

BANKRUPTCY ACT AMENDMENTS—S. 4247, H.R. 18871, PUBLIC LAW 91-467

Passage of S. 4247 brought closer to fruition an effort begun in 1955 to remedy a defect in Federal bankruptcy law. Although Federal courts have exclusive jurisdiction over bankruptcy cases, State courts may determine whether a specific debt is discharged after a Federal court has granted a discharge from debts to a person who filed for bankruptcy.

State jurisdiction has given rise to an abuse by creditors, chiefly in the growing number of "consumer" bankruptcies—more than 90 percent of all bankruptcies in recent years. Debtors adjudged bankrupt and discharged of their debts have been harassed for payment of debts for which they were not legally liable. Default judgments have often been granted against debtors who for various reasons did not appear in State courts in response to suits over debts actually included in bankruptcy discharges.

S. 4247 was signed into law on October 10, 1970. It is meant to eliminate such abuses. Is clarifies the grounds for discharge from debts and gives bankruptcy courts exclusive and final jurisdiction to determine whether or not a debt has been discharged. It establishes time limits within which creditors may claim that a debt was not discharged. Creditors are enjoined from commencing or continuing actions to collect debts for which bankruptcy courts have disharged a debtor of personal liability. S. 4247 also broadens and clarifies those causes for which a discharge can be revoked.

INVESTMENT COMPANY AMENDMENTS ACT—S. 2224, H.R. 17333, PUBLIC LAW 91–547

S. 2224, signed into law on December 14, 1970, provides for the limiting of mutual fund sales charges and establishes broader authority for the regulation of mutual funds. It embodies the first substantial change in the regulation of mutual funds in 30 years, and is the culmination of legislative effort begun in December 1966.

Public law 91–547 prohibits excessive mutual fund sales' charges with the National Association of Securities Dealers—NASD—being initially responsible for preventing excessive charges. It requires the Securities and Exchange Commission to establish regulations for securities dealers not subject to NASD regulation. It places certain restrictions on front-end-load plans—under which up to half of the first year's payments under contractual monthly payment plans have been allocated to sales charges.

This act also establishes a fiduciary duty to shareholders on the part of investment advisers and managers, and empowers a shareholder or the SEC to sue fund advisers and managers for breach of fiduciary duty. Fees for management are allowed, subject to certain adjustments. Restrictions are placed on the creation and operation of mutual-fund holding companies.

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SECURITIES EXCHANGE ACT AMENDMENT—S. 3431

S. 3431, which cleared Congress in December 1970, amends the Securities Exchange Act to provide additional protection for investors. Coverage is extended to encompass acquisitions of and tender offers for equity securities of insurance companies.

The full disclosure provision of the present law is extended to acquisitions and tender offers of over 5 percent of a company's stock. Under present law this provision applies only to acquisitions and tenders offers of over 10 percent. An investment of between 5 and 10 percent of the securities of a company can have a significant impact on the public market for that company's stock. Shareholders of the target company are entitled to full disclosure when over 5 percent of their company's stock is to be acquired by an outside group. These acquisitions may lead to important changes in the management or business of the company and the shareholders should be fully informed. Similarly, management of a target company should be advised of a tender offer for securities in an amount of over 5 percent of its stock in order to appropriately protect the interests of its security holders.

In addition S. 3431 extends the provisions of present law which protect stockholders involved in cash acquisitions and tender offers and gives the Securities and Exchange Commission additional rulemaking power to deal with certain types of fraudulent, deceptive, and manipulative practices. Finally, S. 3431 directs the SEC to differentiate between control persons and issuers in applying certain requirements of section 13(e) of the Securities Exchange Act.

SECURITIES INVESTOR PROTECTION ACT OF 1970—H.R. 19333, S. 2348

Since the beginning of 1969, 102 New York Stock Exchange members out of 630 then existing have gone out of business. This has resulted both from economic conditions and from the overwhelming increase in paperwork in the last few years. In protecting customers of some of those firms forced out, the New York Stock Exchange used up the entire proceeds of a $55 million security fund.

The Securities Investor Protection Act, passed in December, is designed to protect investors against loss of cash and securities held by broker-dealers, as well as to bolster investor confidence, forestalling thereby further broker bankruptcies.

With certain exceptions all registered brokers and Stock Exchange members will become members of the Securities Investor Protection Corporation. A fund of $150 million will be established through assessments on the members. The initial assessment will be one-eighth of 1-percent of gross revenues. Continuing assessments will be held below one-half of 1 percent, ordinarily, but could be boosted up to 1 percent "when good times occur." If these resources become insufficient to meet claims, SIPC is empowered to borrow up to $1 billion from the Treasury.

Individual investors will be guaranteed against losses up to $50,000, with no more than $20,000 in cash and the rest in securities.

SIPC will be governed by a board made up of seven directors: One each appointed by the Treasury and Federal Reserve Board from among their own personnel, five named by the President of which three shall be from the securities industry, and two from the general public. The latter two will serve as chairman and vice chairman.

In addition to setting up the Securities Investor Protection Corporation, this legislation invests the Securities and Exchange Commission with broad new rule-making powers concerning the use of customer's funds, including a requirement of minimum cash reserves to be maintained by brokers against free credit balances held in customer's names.

EXCISE, ESTATE, AND GIFT TAX ADJUSTMENT ACT OF 1970—H.R. 19868

The Excise, Estate, and Gift Tax Adjustment Act of 1970—H.R. 19868—was passed by the House on December 11. In the Senate this bill was attached to H.R. 16199, the Treasury working capital fund bill, and passed on December 29.

This act amends the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communication services, and to fulfill certain other purposes.

H.R. 19868 will continue for calendar years 1971 and 1972 the present excise taxes on passenger cars and communications services. This extension of excise taxes will provide a revenue increase in the estimated amount of $630 million for fiscal year 1971. In fiscal year 1972, the extended excise taxes on passenger cars and communications services are expected to increase tax collections by $1,865 million.

The bill would also shorten the period for the filing of the return and payment of estate taxes from 15 months after the decedent's death to 9 months after death. The legislation will also change from an annual basis to a quarterly basis the filing of returns and the payment of gift taxes. However, an exception is made for fully charitable transfers. Because of the speedup in gift tax collections which will result from the enactment of H.R. 19868, an increase of tax revenues in the estimated sum of $100 million is projected for fiscal year 1971. Similarly, the shortening of the period for the payment of estate taxes is expected to result in an increase of $1,500 million in tax receipts for fiscal year 1972.

In addition, there will be a revenue savings in interest costs because of the gift and estate tax acceleration.

WAGERING TAX AMENDMENTS OF 1970—H.R. 322

In January 1968, the Supreme Court, in *Marchetti* v. *United States* (390 U.S. 39) and *Grosso* v. *United States* (390 U.S. 63), held that a person may validly refuse to comply with the Federal wagering tax statute by asserting the self-incrimination privilege of the fifth amendment to the Constitution, where complying with the statute could incriminate him. The Court found that persons complying with the wagering taxes had no assurance under existing law that information given to the Internal Revenue Service in connection with such compliance would not be used against them in criminal proceedings based upon their gambling activities. As a result of the Marchetti and Grosso cases, the wagering taxes have become largely unenforceable.

For this reason it was deemed necessary to revise the wagering tax laws. The wagering tax amendments are designed to do just that.

The bill provides that no Treasury Department official or employee may disclose, except in connection with the administration or enforcement of internal revenue taxes, any document or record supplied by a taxpayer in connection with such taxes, or any information come at by the exploitation of any such documents or records. Additionally, the bill provides that certain documents related to the wagering taxes, and information come at by the exploitation of such documents, may not be used against the taxpayer in any criminal proceeding, except in connection with the administration or enforcement of internal revenue taxes.

To insure that Government personnel comply with these nondisclosure provisions, the bill provides—at section 7213 of the code—a fine of not more than $1,000 or imprisonment of not more than 1 year, or both, for any officer or employee of the United States who violates the wagering tax nondisclosure provisions.

H.R. 322 also increases the occupational taxes on wagers from $50 to $100, for principals and agents. It imposes a $100 occupational tax upon pickup men, employees, and punchboard operators. It provides a credit against both the tax on bets and the occupational tax, in the case of those persons who pay similar taxes to State and local governments. H.R. 322 also increases the criminal penalties of existing law.

This bill passed the House on December 22, 1970.

SOCIAL SECURITY AND PENSION PLANS

Mr. Speaker, during the first session, Congress included a 15-percent, across-the-board increase in social security benefits, necessitated by the 9.1-percent rise in the cost of living since the prior increase in 1968, in the provisions of the Tax Reform Act of 1969—Public Law 91-172.

SOCIAL SECURITY ACT AMENDMENTS OF 1970—H.R. 17550

Inflation has continued to erode the purchasing power of the American consumer in 1970. It hits those on fixed incomes the hardest so the House, in the second session, passed yet another social security benefit increase and included a cost-of-living provision so that increases in the future shall occur as necessary and without delay.

H.R. 17550, as it passed the House May 21, 1970, increased social security benefits by 5 percent, effective January 1971. It also sets the bottom of the tax base at $9,000 and provided for an increasing tax base thereafter as earning level rises.

Among other provisions of H.R. 17550 are increased widow's benefits, revised the schedule of social security taxes, and improved the operation of the hospital insurance program.

The House version also included the medicare and medicaid provisions described in the "health and health insurance" section of this report.

December 29, 1970, the Senate passed H.R. 17550, amended. The Senate version provided for a 10-percent increase in benefits which would raise minimum monthly payments from $64 to $100. Insufficient time remained for conference action on the two versions, but as indicated previously in this report, social security legislation will receive the highest priority in the 92d Congress.

TRANSPORTATION

Mr. Speaker, the Congress has been quite active during 1970 in enacting legislation affecting America's transportation system.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1970—S. 3154, H.R. 18185, PUBLIC LAW 91-453

Public Law 91-453 amends the Urban Mass Transportation Act of 1964 by providing for a Federal commitment of $10 billion over a 12-year period for urban mass transportation programs. The act gradually increases authorizations up to a limit of $3.1 billion after fiscal year 1975, and authorizes a new program of 18-year loans to States and local public bodies for the acquisition of real property reasonably expected to be needed for mass transportation purposes.

It requires the Secretary of Transportation to determine that a project is the best alternative available for protecting the environment, and requires State and local public bodies seeking loans to hold public hearings if a project substantially affects a community or its mass transit system. The act stipulates that 7.5 percent of the aggregate amount of funds authorized shall be held in a discretionary fund to be used by cities in need which have exceeded the maximum grants permitted them.

Federal financial assistance, up to $3.1 billion, is authorized for long-term financing for urban mass transportation programs. The funding is to be established by direct annual appropriations. The long-term program of Federal financial assistance, combined with authorized contract authority, is necessary to provide assurance of continuing Federal assistance at a level adequate for the present, while anticipating future urban mass transportation needs and providing sufficient time for necessary planning, decisionmaking, and financing arrangements which will ensure orderly development of urban mass transportation systems.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1970—H.R. 14465, PUBLIC LAW 91-258

In 1969, the House passed and sent to the Senate an administration supported bill—H.R. 14465—which authorized a 10-year program of improvement and expansion of our national airport and airway network. Costs of the program are to be financed largely by new taxes on airway users.

H.R. 14465 became law in May 1970. It repeals the Federal Airport Act of 1946—Public Law 79-377—the basic legislation providing Federal aid for aviation facilities, and authorizes a new long-range program of expansion and improvement. Revenues from user charges will be paid into a trust fund similar to the existing highway trust fund.

Public Law 91-258 establishes a nine-member Aviation Advisory Commission, composed of private citizens appointed by the President, to formulate recommendations for land use surrounding airports, for ground access to airports and for airways and airports. The Commission must make its final recommendations by January 1, 1972. It also directs the Secretary of Transportation to formulate, within 2 years, a national airport system plan, after consultation with other Federal agencies.

The Secretary of Transportation is also required to recommend an appropriate method for allocating costs among users of the airport and airways system. The amount available for obligation for improvement of the airways system shall be no less than $250 million annually between January 1, 1970, and June 30, 1980. The amount available for airport assistance during the same time span is $2.5 billion. Further amounts are authorized for the planning of locations and development of airports; for the construction and modernization of airports, needed to relieve air traffic congestion; and for grants to develop reliever airports.

Airline safety is a personal concern to all the millions who take advantage of air transportation each year. Therefore, the bill requires Federal certification of air carrier airports to insure that they meet minimum safety standards. To provide for the maximum satisfaction and well-being of the citizens who reside near airports, provisions are included which require public hearings on proposed airport locations and stipulate that no construction of an airport be authorized if found to have an adverse effect on natural resources and the environment, or if inconsistent with local urban planning.

Mr. Speaker, it is to be hoped that the airport-airways system trust fund will prove equal to our pressing need for more airports.

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT—H.R. 10105. PUBLIC LAW 91-265

Due to the slaughter on our highways today, it is imperative that every effort be made to provide safer vehicles and equipment. Toward this end, Congress passed Public Law 91-265, the National Traffic and Motor Vehicle Safety Act. The law authorizes $103 million through fiscal 1972 for the administration of the National Traffic and Motor Vehicle Safety Act of 1966. It further authorizes the Secretary of Transportation to plan facilities for traffic safety testing. The Secretary is also authorized to set minimum safety standards for vehicle safety equipment.

The public has recently been made aware of the inadequacy of existing systems for testing tire quality. Therefore, H.R. 10105 provides for new tire research and test facilities.

To protect the consumer against the possibility of operating a vehicle on defective tires, this law provides that tire manufacturers maintain a file of distributors and first owners in the event that recall becomes necessary. Car manufacturers are required to supply car buyers with general consumer information. Public Law 91-265 also sets an age limit for retreading of car tires.

FEDERAL-AID HIGHWAY ACT OF 1970—S. 4418, H.R 19504

On December 17, 1970, the Congress cleared H.R. 19504. This legislation extends construction authority for the Interstate Highway System through 1976, and increases the total authorization for the interstate program by $9,775,000,000. In addition to this, H.R. 19504 extends the authorization for primary, secondary, and urban road programs through fiscal 1972 and 1973 at $1.1 billion. Other programs for forest highways, public lands highways, forest development roads and trails, park roads, parkways, and Indian reservation roads and bridges are extended at various amounts.

This legislation also creates, for the first time, a Federal-aid urban system to take care of the extremely urgent problem of traffic movement within urbanized, congested areas. Additionally, the bill provides grants for urban public transportation, so that high-speed express lanes may be built to link central cities to the fringe parking areas authorized in 1968. These preferential bus lanes will encourage more people to use mass transportation and curtail the congestion that is too often found in our cities.

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It also contains other important features among which is authorization of a 2-year period for funding the highway safety program partially out of the highway trust fund.

Also provided for in the act are economic-growth-center-development highways, to aid in the dispersal of population and the decentralization of industry into areas capable of absorbing them. In addition, the bill also creates a National Highway Institute to provide safety training for Federal, State, and local highway officials and to further safety research.

The act authorizes the completion of the Inter-American Highway through the Darien Gap below the Panama Canal. Additionally, the act establishes a program to replace old, unsafe bridges, and an emergency relief program to replace those bridges already closed for safety reasons.

The Secretary of Transportation is directed to tighten controls over economic, social, and environmental impact of highway construction.

RAIL PASSENGER SERVICE ACT OF 1970—H.R. 17849, S. 3706, PUBLIC LAW 91-518

In October 1970, Congress passed Public Law 91-518 creating a National Railroad Passenger Corporation to provide intercity rail service. It is to be a semipublic, profitmaking corporation. The act will enable railroads to transfer their intercity passenger operations to the Corporation in exchange for money, equipment, or services. A railroad may receive either common stock or a tax deduction, but not both, equal to the value of the goods and services given the Corporation.

The basic purpose of Public Law 91-518 is to prevent the complete abandonment of intercity rail passenger service and to preserve a minimum of such service along specific corridors. Railroads which join the Corporation will be relieved of further responsibility to provide passenger service. The Corporation will attempt to revitalize rail passenger service in the expectation that the rendering of such service along certain corridors can be made a profitable commercial undertaking.

Railroads can turn over their passenger operations in toto to the Corporation by March 1, 1971, or gradually during a period from March 1, 1973, to January 1, 1975. Railroads choosing not to make a transfer during these periods are prohibited from discontinuing any passenger trains for 5 years, until January 1, 1975.

The National Railroad Passenger Corporation is to be administered by 15 directors—eight selected by the President, seven by industry. Also created is a 15-man financial advisory board to be appointed by the President; $340 million is authorized for Federal grants and loan guarantees to finance the program.

Certainly, Mr. Speaker, this legislation marks an auspicious beginning in straightening out the the chaos which besets passenger train service in our country.

FEDERAL RAILROAD SAFETY ACT—S. 1933, PUBLIC LAW 91-458

Public Law 91-458 was approved in October 1970. It will promote safety in all areas of railroad operation in order to reduce railroad related accidents, deaths, and injuries to persons, and damage to property caused by rail accidents involving carriers of hazardous materials. Prior to enactment of S. 1933, railroads had been the only major mode of commercial transportation in the United States not subject to comprehensive Federal safety regulations. Existing fragmentary laws were 50 to 75 years old.

The new law establishes uniform Federal railroad safety standards, and authorizes a study of all modes of transporting hazardous materials. It empowers the Secretary of Transportation to set rules and standards for railroad safety and to conduct research and investigations to that end. Collective bargaining is permitted on such matters not inconsistent with the rules and standards established by the Secretary, but the Secretary has the emergency power to stop any train deemed a public safety hazard.

Car-train accidents at highway and railway crossings are almost always fatal to the occupants of the car. Therefore, the Secretary is authorized to study and finance ways of improving highway grade crossings.

S. 1933 provides civil penalties for failure to adhere to safety rules and standards. The Attorney General is empowered to seek injunctions against violators. States are permitted to participate in investigations and the surveillance of areas covered by Federal regulations. They are also permitted to continue to regulate areas not covered by Federal regulations.

The Federal Railroad Safety Act strengthens Federal control over the movement of hazardous materials, and it directs the Secretary of Transportation to establish the proper facilities and technical staff to study this issue. The Secretary is required to submit a comprehensive annual report on the administration of the act.

Congress authorized appropriations of $22 million to meet the requirements of the act for each of the fiscal years 1971 through 1973.

AIRCRAFT HIJACKING—H.R. 19444

In September 1970, the House passed H.R. 19444, a bill to provide revenue to cover the cost of training guards on U.S. air carriers. The Senate did not act on the bill.

As passed by the House, the bill authorized expenditures, until July 1, 1972, from the airport and airway trust fund to pay for the training, salaries, and other expenses of guards who guard American air carriers.

Guards are now being used for such purposes under authority of existing law.

INTERNATIONAL TRAVEL ACT AMENDMENTS—H.R. 14685, S. 1289, PUBLIC LAW 91-477

Public Law 91-477 extends authorizations for the U.S. Travel Service through fiscal 1973, and increases authorizations to $15 million per year from $4,700,000.

The U.S. Travel Service was established by the Secretary of Commerce pursuant to the International Travel Act of 1961. USTS is charged with developing, planning, and carrying out a comprehensive program to stimulate and encourage travel to the United States by residents of foreign countries as a means of promoting friendly understanding and goodwill among peoples of foreign countries and the United States. Moreover, by promoting tourism to the United States from abroad, USTS helps to alleviate the deficit in our international balance of payments.

The International Travel Act amendments strengthen this program by authorizing the Secretary of Commerce to grant to States, or to contract with private firms, up to 50 percent of the cost of projects for encouraging travel to any State by residents of foreign countries. The act also establishes a National Tourism Resources Commission, charged with studying and recommending the most efficient way of promoting tourism from abroad in the United States. Up to $750,000 is authorized to the Commission over a 2-year period.

MERCHANT MARINE ACT OF 1970—H.R. 15424, S. 3872, PUBLIC LAW 91-469

Public Law 91-469 provides for building 300 merchant ships in the next 10 years.

In foreign commerce, U.S. merchant vessels are in direct competition with foreign-flag carriers for available cargo. Since cargo rates are the same for all ocean carriers, at least where conferences exist, the U.S. operator is at a competitive disadvantage with his foreign competition, because the U.S. standard of living is higher than the standard of the other maritime nations, thus increasing the cost of operations of our merchant vessels. Since the U.S. merchant marine is important to our economic strength, it needs to be subsidized to remain competitive in world trade.

The 1970 Merchant Marine Act, therefore, provides for annual subsidies. Starting at 50 percent, the subsidies are to decrease to 35 percent by 1976. Operating subsidies are to be continued, but are to relate to an index to wage increases received by labor generally. Subsidies will be provided for all types of vessels, including tankers and bulk carriers. H.R. 15424 also provides that subsidized carriers may continue up to 20 years' foreign-flag operations for which they had previously contracted. Operating subsidies "shall equal" the difference between U.S. and foreign operating expenses.

The new law establishes a seven-member, Presidentially appointed Commission on American Shipbuilding to review the status of the industry toward achieving the goal of decreasing subsidy levels. It also establishes the new position of Assistant Secretary of Commerce for maritime affairs. This position is to be combined with the position of Maritime Administrator.

Mr. Speaker, Public Law 91-469 gives a needed boost to the American shipping industry.

EMERGENCY RAIL SERVICES ACT OF 1970—H.R. 19953

On December 22, 1970, the House passed H.R. 19953, the Emergency Rail Services Act of 1970. It is designed to prevent a clear threat to the public welfare due to the possibility that the Nation's largest transportation system, Penn Central, might cease operating within a matter of weeks, with an overwhelming impact to be felt throughout the United States. Moreover, three other railroads, serving critically important centers in the Northeast, are in perilous condition. All are bankrupt. Their survival so tenuously hangs in the balance that the severity of this winter could bring them to a permanent halt.

At jeopardy is utility power to 74 million people, foodstuff to eight of the Nation's largest cities, and major movements of iron ore, steel, and other commodities basic to our economy. This legislation is an interim measure to avert an immediate crisis. It will reach only essential rail services which now face cessation. And it will reach them only if no other fiscal means can be found to keep these railroads running.

This legislation will be administered by the Secretary of Transportation acting after consultation with the Interstate Commerce Commission. Its benefits will be limited at this time to the Penn Central, the Central of New Jersey, the Boston & Maine, and the Lehigh Valley railroads.

The Secretary of Transportation is authorized to guarantee the payment of certificates issued by the trustees of these railroads, but only after making detailed written findings required by the legislation.

Thus, there is no direct grant or loan of Federal moneys involved. However, so-called back-door financing has been incorporated in this act to permit payments if there is default on the guaranteed certificates. This is essential if the certificates are to be sold on the market.

In return for guaranteeing the certificates, the Secretary is required to obtain for the United States the highest lien on the railroads property exclusive of certain rolling stock, and priority in payment under the Bankruptcy Act. At any time, the aggregate amount of outstanding certificates guaranteed by the Secretary cannot exceed $125 million.

On December 30, the Senate agreed to H.R. 19953 without amendment, thus sending the bill to the White House.

VETERANS

The outstanding record of the 91st Congress reflects the concern we all share for those Americans who have served our country so ably and bravely in our military forces. Six major bills affecting veterans and their survivors have become law during the second session. One other bill had passed the House.

In addition, in the first session we passed Public Law 91–96, increasing dependency and indemnity compensation for widows and children of veterans.

We can take pride in this impressive legislative record of assistance for the veteran in the areas of education, medical care, home loans, increased disability benefits, and the like.

PENSION INCREASE—H.R. 15911, PUBLIC LAW 91–588

H.R. 15911, passed by the House, September 21, 1970, increases the rates of pension payable for non-service-connected disabilities or death to veterans of World War I or later conflicts and to those veterans of Mexican border service in 1916 and 1917. The Senate agreed to the House action December 17, and the President signed H.R. 15911 into law December 28, 1970.

The non-service-connected pension program dates back many years in the history of VA benefits; the existing program was authorized by Public Law 86–211 which became effective July 1, 1960. Veterans who were on the rolls prior to that date are classified as eligible for pensions under the "old law"; the rates of their pensions have largely been left at the 1960 level. This bill does increase the annual income limitation for these veterans from the present $1,600 for a single veteran or widow to $1,900, and for a veteran with dependents or a widow with a child, from $2,900 to $3,200.

For veterans not under the old law the bill revises the income limitations applicable to such pensions so as to increase the number of income categories and raise the maximum amount of other income an individual may have while still remaining eligible for some pension. In addition the bill makes similar changes in the payment rates and income limitations applicable to dependency and indemnity compensation for the parents of veterans who die from service-connected causes. The measure also eliminates certain income reporting requirements for persons aged 72 and over and excludes certain additional types of income in determining income limitations for pension purposes.

VETERANS' HOUSING ACT OF 1970—H.R. 16710, S. 5656; PUBLIC LAW 91–506

Public Law 91–506 provides for the removal of the termination date on applying for housing loan guarantees administered by the Veterans' Administration. Under the previous law the entitlement for World War II veterans had ended July 25, 1970.

Public Law 91–506 also establishes a guarantee program within the VA for the purchase of mobile homes—provided that the mobile home is to be occupied by the veteran as his own home—for lots for mobile homes, and for lot development. Under the new provisions, veterans otherwise eligible for home loan guarantees will now be able to purchase a home in a condominium development.

In addition the Veterans' Housing Act of 1970 provides that veterans with permanent and total service-connected disabilities—paraplegics, quadraplegics, the blind—will be able to receive grants for up to 100 percent of the remodeling costs of their homes in order to adapt their homes to their disabilities.

HOME LOAN FINANCING FOR VETERANS—H.R. 18253

In order to make it easier for our veterans to obtain their own homes, the House passed on July 20, 1970, H.R. 18253 a bill to increase the availability of guaranteed home loan financing for veterans. In addition to making home loan financing more available to veterans the bill increases the income of the national service life insurance fund.

If enacted into law this session, the measure will establish, on a revolving fund basis, in an amount not to exceed $5 billion, an investment fund from which home loan financing would be available through commercial sources with the proceeds being repaid into the fund as the loans are repaid each month. The $5 billion would come from the national service life insurance trust fund which is a trust fund created from the proceeds of the premiums paid by World War II veterans on their insurance policies. The yield on this fund would be increased to 7½ to 8½ percent interest—paid by the veteran home loan borrower—less 1 percent administration fee. The national service life insurance fund would continue to be fully guaranteed by the U.S. Government with no possible loss to a policyholder or his beneficiary.

VETERANS EDUCATION AND TRAINING ASSISTANCE AMENDMENTS ACT OF 1970—H.R. 11959; PUBLIC LAW 91–219

Reorientation of returning veterans to society is greatly aided through education assistance. To assist our young men in achieving the levels of education which they desire, the House through the Veterans Education and Training Assistance Amendments Act, increased the benefits for Vietnam war veterans by 27 percent over existing levels. The Senate amended H.R. 11959 to provide for a 46 percent increase in those benefits. The conference report arrived at a 34-percent increase. Both Houses agreed, and the President approved the act on March 26, 1970.

The 34-percent increase in the educational provisions included a raise in the monthly educational allowances and an authorization for the Veterans' Administration to pay undereducated veterans attending college $50 per month for up to 9 months for "individualized tutorial assistance."

Under the vocational rehabilitation provisions, subsistance allowances for disabled veterans were also increased.

Also established by this act was a predischarge educational program—PREP—which pays up to $175 per month to institutions conducting courses for undereducated servicemen with more than 6 months active duty; this program is designed to lead to a high school diploma.

In addition the act increased the educational assistance payments to veterans and war orphans, widows, and wives of permanently disabled veterans; payments and loans to veterans engaged in flight training; and financial assistance to veterans engaged in on-the-job training in farm cooperatives. The legislation also established a new "outreach" service to seek out recently discharged veterans to inform them of assistance programs.

DISABILITY COMPENSATION INCREASE—S. 3348, H.R. 17958; PUBLIC LAW 91–376

This act—Public Law 91–376—provides for an average increase to veterans of approximately 10 percent for in-service-connected rates of disability compensation. The provision stipulates that these increases shall be based on the amount of disability instead of need. For example, veterans whose disabilities are rated 50 percent through 90 percent will receive an increase of 11 percent while the totally disabled will receive a 12 percent increase.

The law also reflects the concern of Congress for the problems of former prisoners of war with particular provisions for the long range harm caused by various kinds of malnutrition, forced labor, or inhumane treatment. In addition any psychosis which becomes manifest to a degree of 10 percent or more within 2 years from the date of separation from the service shall be covered under these increased benefits.

Another important provision permits widows who remarry to become entitled again to Veterans' Administration benefits if the remarriage is ended by death or divorce.

Finally the law clarifies and reaffirms the immunity of the Veterans' Administration from judicial review of its decisions with respect to noncontractual benefits.

SERVICEMEN'S GROUP LIFE INSURANCE AMENDMENTS—S. 1479, H.R. 16661; PUBLIC LAW 91-291

Congress, in order to increase the amount of life insurance available for servicemen, passed the servicemen's group life insurance amendments.

The major purpose of this legislation is to increase the amount of servicemen's group life insurance available for members of the uniformed services. Under the present law, active duty servicemen are insured for $10,000 unless they choose either not to be insured or to be insured for $5,000. Servicemen pay premiums based on comparable civilian mortality rates; the premium for $10,000 in servicemen's group life insurance is currently $2 per month. The Federal Government pays that portion of the cost of the insurance due to the extra hazard of active duty. Public Law 91-291 increases the maximum policy of $15,000 and increases the monthly premium to $3.

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VETERANS MEDICAL CARE—H.R. 693; PUBLIC LAW 91-500

Congress, on October 13, 1970, cleared for the President the veterans medical care bill—H.R. 693—removing the requirement that veterans 65 years of age or older must certify that they are unable to pay hospital expenses in order to be treated for a non-service-connected disability in a Veterans' Administration hospital.

As originally passed by the House on June 2, 1969, the bill provided for a cutoff at age 72 for the certification requirement and extended eligibility for medical care disabilities to veterans of the Mexican border conflict of 1916–17. The Senate twice deleted both of these provisions and the House on October 13, 1970, by voice vote agreed to the final Senate version. The President approved the bill on October 22.

Public Law 91–500 also provides that in the case of persons receiving or eligible for increased compensation or pensions because they are in need of regular aid and attendance or are housebound, the VA may, without regard to the nature of their illness, furnish necessary medical services and prescription drugs.

WELFARE

Mr. Speaker, during the first session, we passed Public Law 91–116—House Joint Resolution 934—which, without altering the food stamp program, authorized $610 million for use by the Secretary of Agriculture in dealing with the problems of hunger and malnutrition.

We also passed Public Law 91–41—H.R. 8644—which, inter alia, repealed that provision of the Social Security Amendments Act of 1967 which imposed a freeze on Federal funds for the aid to dependent children program.

During the second session, major action in the area of welfare has included House passage of the administration's welfare reform act and a bill amending the 1964 Food Stamp Act.

FAMILY ASSISTANCE PLAN—H.R. 16311

H.R. 16311 provided for a comprehensive reform of the welfare program in the United States. As passed by the House April 16, 1970, it created a formula whereby a family of four with no income would be eligible for an annual Federal payment of $1,600 while families with income up to $3,920 would be eligible for lesser benefits. All adult recipients of the family assistance payments would have been required to register for work or job training with the exception of mothers with pre-school-age children or mothers in a family in which the father is registered. Any adult refusing work or training would be deemed ineligible for benefits.

The bill would have repealed the aid to families with dependent children program. It required the States to supplement the family assistance payment for families with no income to bring benefits up to the level they had been in the State previously under the AFDC program or to the poverty level, if that is lower. Federal matching at a rate of 30 percent was authorized for these State supplemental payments. The Secretary of Health, Education, and Welfare would have been required to provide necessary child care services for welfare recipients.

The bill provided three alternative administrative arrangements for the program: First, the Secretary of Health, Education, and Welfare could make arrangements with a State for the Federal Government to administer both the family assistance plan and the State supplementary program; second, the Secretary could make an agreement under which the State would assume full administration responsibility or third, administration could be shared by the Federal and State Governments.

H.R. 16311 repealed the existing programs for the needy aged, blind and disabled and established a new joint Federal-State program which required the States to: First, provide a payment sufficient to bring an individual's income up to at least $110 a month, or the existing level in the State if higher than that rate; second, follow the Secretary of Health, Education, and Welfare's definitions of blindness and disability; third, make applicable to the disabled the mandatory disregard of the first $85 a month of earned income plus one-half of the remainder, now applicable to the blind; and fourth, make applicable to the aged, on an optional basis, the same earnings exemption applicable to the family assistance plan.

The Federal Government was authorized to pay 90 percent of the first $65 of average payments made to eligible adults under the blind, disabled, and elderly programs, and 25 percent of the remainder up to a limit to be set by the Secretary of Health, Education, and Welfare. It was also authorized to pay 50 percent of the administrative costs of the blind, disabled and elderly programs. Appropriations would have been authorized to meet up to 90 percent of the cost of the training programs; this includes funds providing each trainee with an allowance of $30 per month.

The Senate failed to clear the family assistance legislation in the final days of the 91st Congress, but as indicated elsewhere, this is an item of highest priority in the next Congress.

AMENDMENTS TO THE FOOD STAMP ACT OF 1964—H.R. 18582; S. 2547

In the last days of 1970 Congress cleared H.R. 18582 which would amend the Food Stamp Act of 1964. Foremost among changes which this bill would make in the law are: First, inclusion of an amendment which would require able-bodied adults to register for and, if available, accept employment as a condition to obtaining stamps; second, allowing families of four whose income is less than $30 per month to receive free food stamps; and third, authorization of self-certification for welfare recipients only. The House bill also authorized persons 60 years of age or older who are participating in the program to use stamps to purchase meals delivered to them if prepared by an instrumentation of a political subdivision or a nonprofit organization. H.R. 18582 authorizes appropriations of $1.75 billion for fiscal 1971 and for fiscal 1972 and 1973.

Mr. Speaker, it is clear from this summary of the legislative accomplishments of the 91st Congress that this has been a hard-working Congress, an innovative Congress, and above all, a responsible Congress. Members can take pride in the manner in which they have fulfilled their responsibilities as Members of this great legislative body. In the past 2 years we have compiled, in my view, a most impressive record of accomplishments. The legislative record of the 91st Congress reflects the concern of this body for the dignity of man. I am proud of this Congress and extend to all Members my appreciation for their assistance in compiling this remarkable record.

HON. PHILIP J. PHILBIN

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. SIKES. Mr. Speaker, PHILIP PHILBIN is a gracious and kindly man, an able legislator, and a distinguished American. It has been my great pleasure to share a close friendship with him since he came here at the beginning of the 78th Congress. For a time we were associated together on the great Committee on Armed Services of the House. I have observed his acceptance through the years of constantly increasing responsibilities, and now at the time of his retirement he has just become chairman of that very important committee.

Congressman PHILBIN enjoys the esteem and confidence of Members on both sides of the aisle. He has given service in the highest order to his State and to our Nation. I am proud to have been associated here with him, and I know full well that the House has lost an able and popular Member, and an outstanding American. He can look back with pride on the fine accomplishments which were his as a Member of the U.S. Congress. My best wishes and those of Mrs. Sikes go with PHILIP and his family in all their future endeavors.

BETTER BUSINESS BUREAU EXPANDED CONSUMER PROTECTION PROGRAM

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. GRIFFIN. Mr. President, recently Elisha Gray II, board chairman of the Whirlpool Corp., who is also chairman of the Council of Better Business Bureaus, Inc., announced that the council had launched a new 14-point consumer protection program.

I ask unanimous consent that the text of his statement as well as a statement by the newly elected president of the council, Mr. H. Bruce Palmer, and the council's program be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY ELISHA GRAY II, CHAIRMAN, COUNCIL OF BETTER BUSINESS BUREAUS, INC.; CHAIRMAN OF THE BOARD, WHIRLPOOL CORP.

Thank you ladies and gentlemen of the press for being here. We want to talk to you this morning about an enterprise so full of potential impact on the social and economic scene that being a spokesman for it is one of the most stimulating jobs I have ever had.

Before I get into the details of that enterprise, let me give you the background against which it developed.

A swelling tide of consumer complaints and frustrations threatens to shake the foundations of the private enterprise system. The level of consumer expectation has risen to a new threshold of expectation that didn't exist even five years ago. We've reached the point where either business is responsive to consumer needs or the choice for voluntary action will be taken out of its hands.

Responsible businessmen are being judged by the ethics of the least worthy operator. To whatever degree any person engaged in a business transaction deceives or irritates the consumer, the best of us get blamed, and then possibly saddled with a regulation designed to protect against the worst.

The responsible businessman will see the consumer's demand for help in the complex marketplace as a worthy challenge to his skills and as a tremendous opportunity to assert leadership in his own backyard. Right now, the businessman has a chance to respond to the consumer's needs voluntarily. The days remaining in which that choice will stay in his hands are numbered, unless the businessman takes action in the area of consumer assistance forcefully, imaginatively, unequivocally, before other forces in society do it for him.

That brings us to today's subject: Leaders representing responsible business have created a program to make this happen . . . an exciting plan . . . to create the strong, viable, effective and highly visible unified consumer assistance agency of national stature that will become the preferred alternative to any governmental or other device.

The program grew out of the recognition by aroused businessmen who picked up the challenge and decided to act. We began putting it together less than three years ago. The deeper we probed, the more convinced we became that our goals could best be accomplished not by establishing a new agency which would, at best, only add to the confusing proliferation of existing groups, bureaus and committees, but by building onto an organization that had been in operation and very successfully so, for 58 years—the Better Business Bureaus.

The bureaus, numbering 139 in the U.S. and 11 in Canada, with a group of dedicated professionals, could be used as a foundation to build a really effective national self-regulation force for private enterprise.

They are good, respected by many consumers, experienced and, most importantly, constituted an incomparably far-reaching consumer-oriented apparatus. In a nutshell, the machinery is there and the programs are in existence—at least in pilot stages, for just about every phase of self-regulation that one could contemplate. We knew that one of every 12 households in 1969 and 1970 had had contact with a bureau. This represents seven million citizens. There were shortcomings that we took a hard look at. Although the level of performance was generally high, it was uneven from bureau to bureau.

Consumers were being frustrated and alienated by that great modern relationship-breaker: the persistent telephone busy signal. Four out of ten consumers on a national average were unable to reach the bureaus because of lack of facilities.

The bureaus had different reporting methods, which made a unified coordinating function difficult, if not impossible.

And, while businessmen generally thought the bureaus served a useful purpose, in many areas they weren't getting behind the bureaus sufficiently to give them the wherewithal they needed to move ahead as they should.

In August we took the first concrete step to revitalize the Better Business Bureau chain, when we formed the Council of Better Business Bureaus, Incorporated. This replaced two existing national bodies which had loosely held the bureaus together as a network.

We recognized at the outset that we had to give the Council three essential elements if it was to succeed.

First, we needed a comprehensive statement of the Council's responsibilities which captured both the immediate goals and the long range aspirations of the group. It must also provide flexibility for action by the men who would serve on the Council. We have framed that declaration of responsibilities and a copy of the full text of it is in your press kit.

Secondly, we felt we needed imaginative and vigorous new programs and plans to revitalize the operations of the bureaus, building on the best of the programs the bureaus had implemented already. A full outline of the programs is also included in your kit—14 of them in all—but let me give you a feeling for their potential impact in the marketplace.

Top priority is being assigned to helping local bureaus expand and improve their capacity for handling consumer contacts. For example, I mentioned before the overload on the bureau's telephone service for consumers. We are going to put a stop to this exasperating condition. Our people, no matter how well meaning, certainly can't help if the consumer can't even reach them when he needs them.

Some of the ways under consideration for increasing contact capability are the creation of more local bureaus, the establishment of branch or "satellite" offices for existing bureaus and toll-free telephone service to a central office.

We are also taking a long, hard look at consumer education. We intend to make our consumers the wisest and toughest in the world and our businessmen the most responsive to their needs. Many bureaus have already taken an aggressive role in education. For example, five bureaus have special vans equipped to show consumer education films "on location," especially designed to get into low-income, lower educated groups. Others have consumer councils which hold educational seminars and serve as a highly effective presence in encouraging business self-regulation.

We are exploring the possibility of special consumer membership which will entitle the member to receive educational materials periodically and to serve on market research test panels. We are also looking into new complaint and appeal procedures to give the disenchanted consumer future means of redress when other methods fail.

Already in the planning stage is a national Resource Center which will take advantage of modern data processing techniques to organize and disseminate information gleaned from consumer contacts. Most important of all, we are investigating systems for the evaluation of these programs so that we may be able to measure and evaluate our performance.

The third and final element we needed to make the Council work was a proven leader, a first-string, star quarterback—I mean a real pro—to run the operations of the Council. It had to be a man of impeccable character, integrity, flexibility and outstanding credentials as a leader.

We are indeed honored and proud to announce today that we have found such a man and have persuaded him to take the position as president of the Council, effective January 1st.

This man hardly needs an introduction. His record of accomplishments is indeed impressive. He was formerly president of The Conference Board, former president of The Mutual Benefit Life Insurance Company, former president of the Junior Chamber of Commerce, a member of the board of trustees of the Council for Latin America, a member of the board for Fundamental Education, a former board member of the Committee for Economic Development . . .

The list goes on and a full dossier is included in your press kit.

Ladies and gentlemen, it gives me great pleasure to introduce the new president of the Council of Better Business Bureaus, Mr. H. Bruce Palmer.

REMARKS BY H. BRUCE PALMER, PRESIDENT, COUNCIL OF BETTER BUSINESS BUREAUS, INC.

Thank you, Mr. Gray and members of the Council board.

I suppose it would be in order for me to say that taking on this job is a privilege and a pleasure. I have no question about the first part of the statement—it surely is a privilege to have a role in something as fundamental as seeking an accommodation between the world's greatest system for production of goods and services on the one hand . . . and the confused, irritated, increasingly disaffected customers of that system on the other.

XUM

Furthermore, I am privileged indeed to be in the company of so many dedicated businessmen on the Council and Bureau, people who have laid the groundwork for me. If you want to see why, just take a look at the names of the directors in the blue book in your press kits. I intend to borrow from that dedication and the expertise and the will to succeed of these men and women.

I have no illusions, however, that the assignment will necessarily or could even conceivably be an unmitigated pleasure. What I am certain of is that it will be the greatest challenge of my life.

I have been a businessman a good part of my life. I am—we all are—consumers. The problems connected with the establishment of a smooth relationship between the two are by no means simple, nor are they constituted to insure a good night's sleep. Mr. Gray told me recently he spent the early hours one morning trying to iron out a problem that the head of a Bureau had half way across the country.

Yet above all, it is a situation filled with opportunity and promise. It is interesting that the tide of consumer criticism had occurred in a period when paradoxically business really has a seemingly good track record.

For example, business has adopted a whole new dimension to its responsibilities—namely that of social responsibility. Much of the social progress that has evolved in our society in the last three years springs from the new programs of business.

Consider that never were there more innovative and useful products and services.

Our atmosphere is charged with the kind of restless inquiry and consumer insistence on value received for money paid that is healthy to the private enterprise system. It is one in which we are confident we can get the job of self-regulation done because we absolutely have to get it done. There is some irony in all this—the very success of our system—the great range of product selection and the host of new products and services—has played a major part in creating consumer dissatisfaction.

XUM

I have carefully studied the plans which the Council has outlined. They are so vital that I simply could not turn down the chance to be part of this effort. There is, in my judgment, no more important role for a businessman today, than to devote his energy toward solving this complex problem. And I can think of no other program that could possibly compare with the potential that this one has.

One important thing I want to convey is that this is not pie-in-the-sky stuff we are talking about. Please do not forget that as we are talking there are more than 850 people in 139 bureaus in the U.S. and 11 in Canada helping the consumer right now. In addition, bureaus are assisting some 800 Chambers of Commerce provide assistance in areas where there are no bureaus.

I want to strongly underline what Mr. Gray has said: the machinery is there—right now—it is working—right now.

It is the job of the Council to marshall the necessary backing by business—by all business—to greatly augment those resources, to help the Bureaus expand their already considerable services to the consumer.

Some of the revitalizing, as Mr. Gray indicated, will be undertaken immediately. Things such as solving the telephone busy signal situation. Much of it will involve encouraging and developing imaginative new programs which are already outlined. Some programs will take varying amounts of time before they are really effective.

It is a great program and one worthy of support by business. I have complete confidence that business will buy it and that the Better Business Bureau network will become the effective force of self-regulation and consumer assistance that we know it can be.

Thank you.

PROGRAMS FOR COUNCIL OF BETTER BUSINESS BUREAUS, INC.

In order to achieve the goals and objectives which have been established by the Council of Better Business Bureaus, two types of programs will be needed; internal operational programs and programs directed to the public sector.

1. *Make help available to all consumers who seek it.* During 1969, four out of every ten persons who called a local Better Business Bureau got either a busy or a no-answer signal. Top priority should be assigned to helping member Bureaus increase their capacity for handling consumer contacts.

2. *Broaden Bureau coverage.* At the present time, there are 139 bureaus in 42 states and 11 in Canada. This leaves a large segment of the population with no Bureau to turn to for help. The Council should correct this situation by providing direction and assistance in:

a. Establishing new Bureaus;

b. Establishing branch or satellite offices for existing Bureaus;

c. Inaugurating free telephone service to a designated Bureau office.

3. *Standardize Bureau operating procedure.* A uniform system for recording and distributing consumer contact information should be developed immediately. Although each local Bureau is, and should remain, an autonomous unit, more effective service can be rendered to both consumer and business if Bureau activities and information are coordinated and standardized.

4. *Establish qualifications for membership in a Bureau.* These qualifications will include a record of satisfactory consumer relations and acceptance of Better Business Bureau standards of fair business practices.

5. *Help existing Bureaus improve and expand their service.* A staff of field representatives from the Council should be organized to give local Bureaus professional assistance. A planned program of visits and exchanges of information among Bureaus should also be instituted.

6. *Set up Consumer Councils.* The Council should encourage and provide active assistance to all local Bureaus in establishing Consumer Councils as vehicles to promote consumer education and to create a consumer presence that will encourage business in self-regulation.

7. *Encourage consumer participation in Better Business Bureau activities.* This can be done by establishing a consumer-type membership Bureau. On the payment of a nominal membership fee, the consumer member will periodically receive educational literature and materials and, depending on the local Bureau, will have the opportunity to participate in discussion groups and test market panels among other local projects.

8. *Expand and diversify consumer education techniques.* Consumer education can be accomplished in a wide variety of ways. For example, local Bureaus should conduct programs through schools and seminars; by use of "consumer mobiles" which take the message to the consumer; by "show how" houses; by supplying service groups with programs. The local Bureau should investigate the possibility of using any or all of these ways of communicating with the consumer and should develop programs suited to its particular needs. In addition, the Council should also act as liaison between local Bureaus and the Consumer Product Information Center of the GSA, established by Executive Order, October 26, 1970.

9. *Serve as a channel of communication with national businesses.* The Council, acting either on its own initiative on or information from a member Bureau, will speak for the Better Business Bureau when it is necessary to call to the attention of a national business any unethical practice. The Council will communicate directly with the chief executive officer, if necessary, to stop that practice.

10. *Assist in the monitoring of national advertising* and call for the immediate correction of advertising that is false or misleading advertising.

11. *Cooperate with business in the development of national trade practice programs.* These programs should be designed to eliminate any malpractice in the marketing of goods and services. Bureau-supervised codes covering advertising standards, used car marketing and book and magazine selling may be useful as patterns of successful programs.

12. *Establish consumer complaint and appeal boards in pilot cities.* Many local Bureaus have found arbitration boards a highly successful method of dealing with consumer complaints and determining fair settlements, especially in the dry cleaning, automotive, home improvement and furniture fields. Pilot programs should be reviewed and evaluated after the first year's operation and the findings distributed to member Bureaus. At the same time, the Council should explore other possible methods of handling consumer complaints.

13. *Establish a national resource center* on which local bureaus, business and consumer groups can draw for information, educational materials and operational aids. This resource center will include a library for films and printed material and will also encompass the data accumulated by the various Bureaus and handled by modern data processing methods. This data bank will have many practical and useful applications, including source data for the formulation of public policy and legislation, for market research and for economic forecasting.

14. *Develop a creative and aggressive public relations program.* This program, which should be professionally directed, should have as its objective and goal the establishment of the Bureau as the credible voice of responsible business at all levels, national and local. It should be planned to insure that business and government leaders and consuming public are fully informed about the goals, programs and accomplishments of the Bureau.

These programs will require the wholehearted financial and moral support of responsible business. Once operational, they will increase the stature . . . and the influence . . . of both the Council and the member Bureaus by increasing their usefulness to both consumer and business. They may represent the last hope of business to regulate its own activities.

HON. JOHN McCORMACK

HON. ABRAHAM KAZEN, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. KAZEN. Mr. Speaker, I wish to join other Members of the House in honoring a man who leaves us today, but will always be with us in spirit. JOHN McCORMACK has been a giant among men. His 42 years of service in this House have spanned the most significant years of our Nation's history. His leadership has helped our country meet those challenges. His tireless efforts have been marked by wisdom and dignity.

Those of us who came to the House in

his later years, perhaps felt a bit awed by our new responsibilities. We found Speaker McCormack a strong, yet gentle man. I shall ever be grateful that the Speaker always had time to see me, always made me feel at ease, always offered good counsel.

I shall treasure the memories of serving with Speaker McCormack. His great friend and predecessor, Sam Rayburn of my State, was once asked under how many Presidents he had served. His answer was, "I have served with eight Presidents." That was John McCormack's attitude toward every Member of this House. He "served with" us, and made us feel that we "served with" him.

He was a great leader of the House, of the Democratic Party, and of this Nation. We are all in his debt. He leaves with our gratitude, and with our prayers for him and his beloved wife.

IN TRIBUTE TO THE HONORABLE WILLIAM T. MURPHY

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mrs. MINK. Mr. Speaker, as the 91st Congress nears adjournment, the congressional career of one of our most distinguished colleagues is also drawing to a close. Representative William T. Murphy, of Illinois, is retiring from Congress after 12 years of outstanding service to his constituents and the Nation.

During his six terms in Congress, Mr. Murphy has won the admiration and affection of all who have worked with him. He is held in great esteem by the other Members of Congress as well as the voters of the Third District of his State who have so often returned him to office.

Prior to assuming his legislative duties, Mr. Murphy held a variety of other high offices including membership on the City Council of Chicago from 1935 to 1959. He has also served his party with distinction as a delegate to the Democratic National Conventions of 1944 through 1959. An attorney, he is also a licensed professional engineer and a registered land surveyor. Truly his wide range of interests and abilities attests to his remarkable capacity for knowledge and leadership.

Mr. Murphy is known for his work on the House Committee on Foreign Affairs, where he is chairman of the Subcommittee on Asian and Pacific Affairs. This has put him in a position to wield great influence on matters affecting the State of Hawaii and our interests in this important area of the world.

In all of his work, Mr. Murphy has shown great compassion for people everywhere and sensitivity to their needs and interests. He has worked effectively to implement a philosophy of government based on the ideals of public service and progressive idealism.

As one who has long held great respect for Congressman Murphy, I join my colleagues in wishing him well in all his future endeavors. I know he will be truly missed by all of those with whom he has served, and for whom he has toiled so diligently.

THE HONORABLE PHILIP J. PHILBIN

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. FISHER. Mr. Speaker, our good friend Phil Philbin was elected to the 78th and succeeding Congresses—a span of 28 years. During that historic period America has engaged in three major wars. During much of that period Representative Philbin has been a member of the House Armed Services Committee. In that key position he has played a prominent role in the defense and security of our country. And he has given an exceedingly good account of his stewardship.

This distinguished Member has devoted himself with great zeal to his responsibilities. His career has been capped by being elevated to the position of chairman of the committee.

Having been elected to the 78th Congress myself, and having had the high privilege of serving for more than 20 years with Phil on the Armed Services Committee, and having served on subcommittees with him, I have had an opportunity to observe his performance and his devotion to duty. He has been the recipient of many accolades, and they have been highly deserved. When Phil leaves the Congress he will leave behind him a record of which he can be justly proud. He has done much for his country.

Phil Philbin has always been the perfect gentleman. Always affable and courteous, he is universally respected by all who have known him. His influence here has been wholesome and effective. He has performed as an expert, an unusually knowledgeable Member, and he has never wavered in making the best possible use of his talents.

Mr. Speaker, Phil's district, the Commonwealth of Massachusetts, and the entire Nation, have been most fortunate in having the presence here of such an alert and able man. His shoes will not be easy to fill.

As he leaves the Congress I extend to my friend my congratulations on a job well done, and my best wishes in his future endeavors.

A TRIBUTE TO THE HONORABLE WILLIAM T. MURPHY

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. ASHLEY. Mr. Speaker, I rise to join my colleagues in paying tribute to the Hon. William T. Murphy of Illinois, who leaves Congress after 12 years of distinguished service to his country and his constituents.

Bill Murphy worked hard at his job and it paid off in the respect of his colleagues. Chicago is losing a very able and effective legislator and so is this House. I wish him and his wife, Rose, the best of everything in their well-earned retirement.

BILL CRAMER: A REAL GENTLEMAN AND GREAT AMERICAN

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. MILLER of Ohio. Mr. Speaker, as the 91st Congress draws to a close, I would like to take this opportunity to reflect on one distinguished Member who has made a lasting mark on this body. Bill Cramer was elected to the House in 1954 to represent the people of Florida's Eighth Congressional District and for eight successive terms he diligently served the interests and needs of his constituency. In 1970 he ran for the U.S. Senate and gave up his House seat by so doing, he conducted his campaign with fervor and accepted its results with dignity.

I have served with Bill 3 years on the House Public Works Committee and have valued his friendship and greatly benefited from his legislative experience and prowess. Through his dedication and initiative, we have made great strides in building the kind of brick and mortar projects that are so essential for the continued growth and devolpment of our Nation. The recently enacted Federal Aid Highway Act is a testament to his drive and hard work.

Bill Cramer is a real gentleman and truly a great American. We all owe him a debt of gratitude for the unselfish contribution he has made to our country.

TRIBUTE TO THE HONORABLE WILLIAM T. MURPHY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. MATSUNAGA. Mr. Speaker, I join my colleagues in paying tribute to William T. Murphy of Illinois, who is retiring at the end of the 91st Congress.

When Bill Murphy first came to the House of Representatives in 1959, he brought with him a long and distinguished record as a public servant in the city of Chicago, and an interest and expertise in urban affairs.

Following his assignment to the House Committee on Foreign Affairs, Bill Murphy soon demonstrated as keen an understanding of international matters as well. As chairman of the Subcommittee on Asian and Pacific Affairs, Bill Murphy contributed much toward cementing better relations between our country and the Pacific and Asian nations.

Mr. Speaker, in 1965, I had the privilege of visiting a number of foreign countries with BILL MURPHY and other members of his subcommittee, then chaired by the distinguished gentleman from Wisconsin, Mr. ZABLOCKI. BILL MURPHY showed an uncanny knowledge of the geography, history, and problems of all the countries we visited and proved himself an invaluable member of that committee.

Mr. Speaker, WILLIAM T. MURPHY has proved himself to be not only a great American, but also a true citizen of the world. His services in the Congress will be sorely missed, not only by his constituents in Illinois, but also by all Americans everywhere.

As a personal friend I will certainly miss him, and I wish BILL and his lovely and most affable wife, Rose, many years of good health and good fortune and much happiness together.

HON. BYRON ROGERS

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. FEIGHAN. Mr. Speaker, I keenly regret that the distinguished career of such an able legislator as BYRON ROGERS is terminating in Congress. BYRON has served on the Committee on the Judiciary for 20 years, and as a senior member of the committee, I have observed that he has an excellent legal mind, has the ability to concisely and briefly express his opinions—the mark of an able lawyer. BYRON had already had a distinguished career before he came to Congress in 1951, and his professional background provided him with ample experience for the duties he was to undertake, and which he has performed with fidelity and zeal.

I join with my colleagues in extending to BYRON the wish that his future will be rewarding and that he will enjoy many years of good health and happiness.

HON. MICHAEL A. FEIGHAN

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. MILLER of Ohio. Mr. Speaker, I rise today to pay tribute to my friend and colleague from Ohio, MIKE FEIGHAN.

As one who has had the good fortune of knowing and working with MIKE since I became a Member of Congress, I would like to take this opportunity to salute MIKE for the fine job he has done for the people of Ohio and the Nation for the last 28 years.

As a Member of the Congress and the House Judiciary Committee, he has reflected a concern, an understanding, and a dedication of the highest order. Always willing to lend a helping hand, MIKE FEIGHAN will be sorely missed by us all

I wish MIKE well in his future endeavors. I am confident that he will bring to his new undertakings the same sense of purpose and determination that he has exhibited during his tenure as a Member of the House of Representatives.

LOCKHEED WOES COST THE UNITED STATES

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. HARRINGTON. Mr. Speaker, today's newspapers are replete with stories of the Defense Department's decision to pour between $700 million and more than $1 billion into saving the Lockheed Corp.

Neil Sheehan wrote about this possibility over 2 weeks ago in the New York Times. In that article Mr. Sheehan stated:

> By choosing the alternative of rescuing the corporation rather than letting it go bankrupt, the Pentagon is also setting a precedent for Government behavior toward other major military manufacturers that might flounder financially and need help.

The key to Lockheed's problem is the C–5A. In 1965, when the contract was signed it was estimated that 120 of the transports would cost $3.4 billion. By 1969 the estimate had jumped to $5.2 billion with costs still spiraling. The administration then decided to settle for 81 planes at a cost to Lockheed of $4.585 billion or $758 million above the funds owed to Lockheed by the Government.

The Government has stated that Lockheed is responsible for that $758 million. According to Sheehan, Lockheed argues that—

> The so-called repricing clause in the contract was intended to protect the contractor "against catastrophic loss." In the Corporation's view, the $758 million would be a catastrophic loss and was therefore not intended by the original agreement.

The Government does not have to rescue Lockheed. Other alternatives include nationalizing on the grounds of national security those divisions of Lockheed working for military contracts, or bankruptcy. Apparently the Department of Defense feels they need Lockheed as much as Lockheed needs them. As one aircraft industry spokesman is quoted by Mr. Sheehan:

> They're not the enemy, they're co-belligerents.

The proposed Lockheed rescue is a natural result of an ongoing policy of continual, spiraling military commitment. Certainly when there seems to be a lack of adequate public funds to get food to the hungry, legal services to the poor and self-help to our inner cities while funding is available for support of our military manufacturers in financial peril, something is intrinsically and glaringly wrong with our priorities.

Sheehan's article tells a succinct and familiar story of this country's commitment of public funds to maintaining an abundant military output while ignoring our human resources.

The article follows:

[From the New York Times, Dec. 13, 1970]

LOCKHEED WOES MAY COST U.S. PUBLIC $600 MILLION

(By Neil Sheehan)

WASHINGTON, December 12.—The Defense Department and the beleaguered Lockheed Aircraft Corporation are resolving their differences in a way that will keep Lockheed solvent at an apparent minimum cost to the public of about $600-million.

By choosing the alternative of rescuing the corporation rather than letting it go bankrupt, the Pentagon is also setting a precedent for Government behavior toward other major military manufacturers that might flounder financially and need help.

Lockheed is among the top two or three defense contractors in the country. It was running out of money from escalating production costs.

ONE ACTION; TWO DEEDS

Congress is going along with the Lockheed rescue so far. The Senate this week voted the first increment of $200-million approved earlier by the House, toward covering unexpected costs of $758-million on the C–J–5A jumbo jet transport that Lockheed is manufacturing for the Air Force. Disputed costs on two other projects, the Army's Cheyenne helicopter and ships for the Navy, are also being settled.

Publicly, the Defense Department maintains that it is only seeking to provide what funds are necessary to salvage the military contracts Lockheed has. Privately, knowledgeable sources in Congress and the Pentagon concede that salvation of the military projects and a financial rescue of the corporation are synonymous.

They argue that a collapse of Lockheed would damage the national defense posture and have unforeseeable but probably serious economic repercussions. The Armed Services and appropriations committees in Congress have tactily concurred.

BIG SHARE FOR TAXPAYERS

Opponents of the rescue, like Senator William Proxmire, Democrat of Wisconsin, contend that the risks ought to be run to serve notice on industry that the Government and the taxpayers will not tolerate inefficiency and mismanagement. The opponents have been unsuccessful, however, because they have been unable to convince the majority of Congress that the lesson justifies the perils involved.

The negotiations between Lockheed and the Defense Department are thus proceeding on the assumption that the corporation will not be allowed to lapse into bankruptcy.

What remains to be settled, and what is therefore still unclear, is what portion of the total financial burden will be borne by the taxpayers and how much Lockheed will end up assuming. It is obvious that the taxpayers will be absorbing the greater share.

More than $1-billion is involved—about $758-million in unexpected costs on the C–5A Galaxy, $135-million on the advanced Cheyenne helicopter, and $160-million in disrupted costs for the ships.

Assured by the course the Government is taking, Lockheed's principal creditors have lent the corporation $30-million more for its short-term needs and have tentatively agreed to lend $250-million on top of this if Lockheed's negotiations with the Pentagon end favorably. The total of $280-million would assure production of the L–1011 trijet airbus, the new civilian airliner that Lockheed hopes will recoup much of its fortunes.

The quick $30-million came from 24 commercial banks, led by the Bankers Trust Company of New York. The banks would provide

$150-million of the $250-million remaining, with three airlines—Eastern, Trans World and Delta—making additional advance payments of $100-million for L–1011's.

The banks had already loaned Lockheed $320-million, and Eastern, Trans World, Delta and other airlines had made previous down payments of about $100-million for airbuses that Lockheed will not begin to deliver until next November.

The collapse of the aircraft maker because of grave troubles with its military contracts would thus have spelled disaster for both banks and airlines.

PACKARD IN NEGOTIATIONS

David Packard, the Deputy Secretary of Defense, and Daniel J. Houghton, Lockheed's board chairman, are overseeing the negotiations between the Pentagon and the corporation.

They intend to reach final agreement before this January or early February, when a plan to resolve the differences must be presented to the Armed Services and Appropriations committees.

By that time Lockheed will have almost exhausted the money the Government acknowledges that it owes under the original C–5A contract. To continue production, Lockheed will have to use some of the $200-million additional voted by Congress, and Congress made the spending of the money contingent on a settlement plan.

The C–5A problem is the obvious center of the imbroglio, since its resolution will cost everyone the most money.

The original estimate when the contract was signed in 1965 was that 120 of the transports would cost about $3.4-billion. By mid-1969 the cost estimate had risen to $5.2-billion and the Nixon Administration decided to settle for 81 planes. The plane is to be the largest ever built—six stories high and nearly the length of a football field.

It is impossible at this point to determine precisely how much of the cost overrun was due to the corporation's mismanagement and how much was caused by inflation and the turmoil that struck the aircraft industry as a whole in 1966, when the demands of the Vietnam war were heaped atop an already high civilian aircraft production. Aircraft parts that had been taking eight years to forge or cast in 1965, suddenly began taking 18 weeks in 1966.

SAME COST, FEWER PLANES

The 81 C–5A's the Pentagon is settling for will, in any case, cost $4.585-billion under current estimates, nearly as much as the mid-1969 estimate for 120 planes.

Of this $4.585-billion, the actual cost for 81 planes, the Government contends that it legally owes $3.827-billion under the terms of the contract and that Lockheed is responsible for the remaining $758-million.

Lockheed officials will not say what the concern believes it owes. They do argue, however, that a so-called repricing clause in the contract was intended to protect the contractor "against catastrophic losses." In the corporation's view, the $758-million would be a catastrophic loss and was therefore not intended by the original agreement.

Robert H. Charles, the former Assistant Secretary of the Air Force who designed the contract—a new type called Total Package Procurement—says the repricing clause was aimed at setting an outside loss limit of $150-million. He also believes that the intent of the clause was to avoid breaking the corporation with a catastrophic loss.

Neither side will now acknowledge that a loss figure of $150-million was ever considered, although Lockheed could end up with a theoretical loss in this range.

An official Air Force analysis of the C–5A problem last August was made public by Senator Proxmire in September as part of his unsuccessful attempt to block a rescue. It estimated that Lockheed would be stuck with a loss $300- to $400- million if the contract dispute went to the courts for resolution.

The prospect of extended litigation with no more funds coming in for the C–5A would drive the corporation into bankruptcy, however, the Air Force noted, and this alternative would be unacceptable to the Government.

Someone must also come up with $758-million by mid-1973 if the 81 C–5A's are to be produced on the current schedule. Lockheed obviously does not have the money.

Here is how the settlement is being arranged:

The entire $758-million will initially be paid out from public funds to keep production going. The negotiations will decide what portion of this $758-million Lockheed will pay back. This portion will be termed the corporation's loss on the contract. The Pentagon has no hope of collecting the entire $758-million from Lockheed. "How do you collect it?" one official asked.

A $300 MILLION TOP LOSS

The precise loss figure that Pentagon negotiators are trying to persuade Lockheed to accept is unknown. Defense sources say that it lies between $150-million and $300-million. The taxpayers will thus have to absorb a minimum of $458-million on the C–5A.

Lockheed sources indicate the corporation might be willing to take a loss of $150-million or more, depending on repayment provisions. In the aircraft industry, as in many others, the flow of ready cash that a company has to pay for its ongoing operations is more important than long-term debt.

The Air Force analysis suggested that Lockheed repay the Government at $10-million a year and 6 per cent interest, or 10 per cent of net corporation profits before taxes, whichever is greater. Repayment would start in 1973, after most of the 81 planes have been delivered.

The first $200-million increment just voted by Congress will be spent by next July. $300- to $400-million must be voted and spent in the next 1972 fiscal year and the rest of the $758-million in the 1973 fiscal year.

When a final settlement is reached, it will be incorporated in a new contract, and the original C–5A contract will be scrapped. Defense sources said.

The Government's precise negotiating positions in the other two disputes, the Cheyenne helicopter and the shipbuilding contracts, are also unknown.

Lockheed contends that the Government owes it $135-million for the aborted Cheyenne production, canceled by the Pentagon for alleged default by the company in mid-1969, and $160-million on the ships Lockheed is still building for the Navy.

Escalating cost were the rub in both instances. The Cheyenne, a radical advance in helicopters that incorporates the landing and take-off advantages of rotors with a 250-mile-an-hour speed of fixed wing aircraft, burgeoned from an original estimate of about $1-million a machine to $3.5-million each before production was canceled.

Some military sources believe the Army procurement bureaucracy was as much to blame as Lockheed for trying to cram too much exotic electronics gear into the Cheyenne. "Everyone's little invention was the best thing since sliced bread," one officer said.

Lockheed officials concede that the company was guilty of not forseeing the technical problems. "We thought we were adding one and one but we got four," one official said. The Pentagon has continued a smaller development contract, for which Congress voted $17-million more this year, to cure technical deficiencies.

Defense sources indicate that the Cheyenne production and shipbuilding disputes may be settled by roughly halving Lockheed's claims on each, about $65-million on Cheyenne and $80-million on the ships.

The overall settlement of these two issues and the C–5A dispute could thus end up costing the taxpayers at least $600-million.

Although Lockheed will clearly take a loss on the immediate contract for the 81 C–5A's and in the two other disputes, the corporation could come out ahead in the long run.

The C-5A will be able to ferry 112,000 pounds of cargo for 5,500 nautical miles. Civilian versions could revolutionize the air freight business.

The Air Force could use other military versions for giant air-to-air refueling tankers, airborne command posts and even as a flying platform to launch intercontinental ballistic missiles.

Foreign governments may also buy C–5A's for their own air forces.

If Lockheed can sell enough C-5A's for these manifold uses, it can profit.

The Army may make the same true with Cheyenne by going back into production in the next year or two. There is still argument within the Army over the wisdom of buying the helicopter, but some of the most influential senior officers want it.

TWO ALTERNATIVES REJECTED

The Army would like to use the Cheyenne primarily as an airborne antitank missile platform that could knock out Soviet armor at night and in bad weather if a land war erupted in Europe.

And production of Cheyenne could mean a new $1-billion contract for Lockheed.

Implict in the Government's decision to keep Lockheed solvent was the rejection of the two other alternatives that lay at the end of the arguments that Senator Proxmire and others who opposed a rescue operation were making. These alternatives go bankrupt or effectively nationalizing on the grounds of national security, these divisions of Lockheed that were working on military contracts.

Theoretically, the Government could still have obtained the 81 C-5A's, new Cheyennes and the ships by paying the production cost to court-appointed bankruptcy trustees who would have taken over Lockheed management.

The Government would have run the risk with either alternative of becoming entangled in a long court battle.

The conversations with knowledgeable sources made clear, however, that this risk was not the major reason for the Government's decision to have the corporation.

Rather, Mr. Packard and others within the Government seem to have recoiled from the shock waves and unforeseeable consequences that would have hit the aircraft industry, and the banking and airline communities, if Lockheed had collapsed.

When the grim choice of bankruptcy or salvation was posed, the Defense Department and the military services apparently decided that they needed a leading military manufacturer, which currently obtains about 80 per cent of its revenues from the Government, as much as Lockheed needed them.

One aircraft industry source put the matter succinctly. "They're not the enemy, they're co-belligerents," he said of Mr. Packard and other senior defense officials.

In a minority view appended to the Senate-Armed Services committee report last July, Senator Richard S. Schweiker, Republican of Pennsylvania, who had also vainly opposed a rescue, warned that approval of the $200-million first increment in extra costs for C–5 would set the precedent under which other military manufacturers who might get into financial peril from cost overruns could expect the Government to save them.

"I believe Congress must use this issue to draw the line," he said. "Denial of this request for $200-million will serve notice loud and clear that although both Government and industry have been sloppy in the past, we are going to demand efficient performance by contractors and strict adherence to contract prices and specifications in the future."

The Pentagon has already taken precautions against future bankruptcy choices by reverting to a modified form of the old cost-plus type contracting of the 1950's and by abandoning the total package procurement system that Robert Charles initiated under former Secretary of Defense Robert S. McNamara.

HON. JEFFERY COHELAN

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. HANNA. Mr. Speaker, as we come to the close of this session we are mindful that each delegation may be saying farewell to one or more of its members. This is so with the California delegation. One of our departing brethren, JEFFERY COHELAN, having fallen victim to the vicissitudes of political life, will not be in this House in the next Congress.

This body in general and our delegation in particular will sorely miss JEFFERY. He is that wonderful mixture of dedication, talent and wit that contributes so constructively in the accomplishment of the heavy duties of the House. When the difficult and involved matter of funding education programs was before us this year, for instance, one of the soundest, in-depth presentations was made by the gentleman from California (Mr. COHELAN). That presentation was typical of the high caliber of his service and reflected as well his value to this House.

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Aside from his unquestionable attributes as a scholarly legislator, JEFFERY is a thoroughly decent and kind human being, mindful of the needs and wants of others and ready with a patient ear and a willing hand. His kind makes the service in this body much more of a satisfying experience than would otherwise be the case.

The Committee on Appropriations will miss his careful and detailed work. The floor will miss the thorough, documented presentation he so ably presented. Our delegation will miss his service as our secretary and his contributions to our joint deliberations. I will miss him as a close and valued friend.

I join with his myriad of warm and well-wishing colleagues in predicting for him a successful and satisfying career in the new work he will be undertaking. I congratulate the organization which will now enjoy the commitment and employment of one of the warmest, finest and most able men it has been my pleasure to know and serve with, JEFFERY COHELAN, of California.

OPERATION KEELHAUL

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. PUCINSKI. Mr. Speaker, the New York Times recently carried a most informative article by Julius Epstein on Operation Keelhaul.

Mr. Epstein, who is a scholar working at the Hoover Institution at Stanford University, has for some time now been attempting to get the U.S. Government to declassify the files of Operation Keelhaul which for the past 25 years have been labeled top secret.

Since the forcible repatriation of Soviet citizens at the end of World War II was an act performed by both the United States and the British Government, the United States now takes the position that the British must agree to the declassification of these files before it can be carried out.

It is my fervent hope that the British Government will agree to the declassification for, indeed, we can learn much from Operation Keelhaul.

All of us were outraged recently when a Coast Guard cutter turned over to Soviet authorities the refugee Simas Kudrika after he sought asylum on an American ship.

Operation Keelhaul is no less scandalous and, in my judgment, no more deplorable than the Kudirka affair.

I would hope that both our Defense Department and our State Department will continue pressing the British authorities to agree on the declassification of the files on Operation Keelhaul so that we can open up yet another chapter on Soviet chicanery and deceit.

The New York Times article follows:

A CASE FOR SUPPRESSION

(By Julius Epstein)

Doing research on forced repatriation of anti-Communist prisoners of war and displaced persons during and after World War II, I discovered early in 1954 in the Army's Historical Records Branch in Alexandria, Va., an index card marked "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul—383-7-14."

When I asked for the dossier, I was told that it was Top Secret and that the index card should not be in a public catalogue. It was immediately removed. Since then, I have tried to have the "Operation Keelhaul" files de-classified and released.

What does "keelhaul" mean? According to Webster, Second Edition, "keelhaul" means: "To haul under the keel of a ship, either athwartships or from bow to stern by ropes attached to the yardarms on each side. It was formerly a punishment in the Dutch and British Navies and a methods of torture used by pirates." The Army chose "Operation Keelhaul" as the code-name for a collection of documents dealing with the forcible repatriation of millions of anti-Communists to Stalin's Soviet Union.

Through my study I became convinced that forced repatriation, as carried out by the American and British military authorities, was a violation of the Geneva Convention of 1929.

That forced repatriation of anti-Communists to Stalin's slave labor camps was in violation of international law as well as in violation of the American tradition of asylum for political exiles can be documented by statements made by President Eisenhower, General Marshall, Dean Acheson and many others.

To give just one example: When the North Koreans demanded forced repatriation of North Korean and Chinese prisoners of war, Acheson said in his speech before the United Nations Oct. 24, 1954: "It was quite unthinkable to the United Nations Command that it should use force to drive into the hands of the Communists, people who would be resisting that effort by force. Finally, they say that the Geneva Convention and international practice require this forcible repatriation. We, on the other hand, have said that we have lived up to the humanitarian principles of the Geneva Convention."

Soon after the "Freedom of Information Act" went into force on July 4, 1967, I filed a lawsuit against Secretary of the Army Stanley Resor for release of "Operation Keelhaul." Congressman John E. Moss declared in a sworn affidavit that it was the intent of Congress to give the courts the "broadest latitude" in examining secret documents—in camera—in order to find out whether they have been properly classified.

If the judge finds that disclosure would not endanger foreign policy or national defense, he has the duty to enjoin the government agency from withholding the documents. Although it was clear that the Keelhaul documents could never endanger American foreign policy or national security, the courts found that they had not the power to subpoena the documents and that classification was "appropriate." How they could decide that classification of about 300 documents was appropriate without having seen a single one, is hard to explain.

The Supreme Court denied my petition for a writ of certiorari. The only justice in favor of granting certiorari was Justice Douglas. Since the courts declared the "Freedom of Information Act" a dead letter. Congress will have to amend the act in order to revive it.

On Oct. 22, 1970, the White House informed me that President Nixon has removed the main obstacle for declassification of the Keelhaul files. The letter states: "The U.S. Government has absolutely no objections (based on the contents of the files) to the declassification and release of the 'Operation Keelhaul' files. However, given the joint origin of the documents, British concurrence is necessary before they can be released and this concurrence has not been received. Thus, we have no alternative but to deny your request."

Since the Keelhaul files contain many purely American documents, classified by American military authorities, I hope that I shall succeed in persuading the Administration that these American documents should be released. If this should finally be denied, it would amount to the admission that a foreign government has still the power to prevent the American people from learning their own history based on American evidence.

HON. WILLIAM T. MURPHY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. CRANE. Mr. Speaker, I would like to take this opportunity to pay tribute to one of our colleagues who is retiring from Congress at the conclusion of this session.

While Congressman WILLIAM T. MURPHY and I often have found our votes tallied on opposite sides of the roll, in his six terms as a Member of this body he has demonstrated an appreciation for many of the same ideals which I also honor. Most notably, Congressman MURPHY has voiced his concern for the plight of millions of persons imprisoned behind the Iron Curtain, for which he was awarded a Captive Nations 10th Commemorative Medal in 1964. I wish my Illinois colleague happiness in his retirement.

HON. MICHAEL FEIGHAN

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. SIKES. Mr. Speaker, I have been privileged through the years to enjoy an unusually warm and close friendship with MIKE FEIGHAN. I have appreciated his fine work in the House of Representatives, and his courageous stand for those principles for which he has stood for and upheld. His legislative interests have been many, and his contributions important in each of these fields. He has been a fighter against activities which threaten America's future and its security. For this he has been recognized on many occasions by patriotic organizations. These important awards attest to the measure of his courage and his devotion to America.

As the ranking member of the important Committee on the Judiciary of the House, he has accepted great responsibilities, and time after time he has been a champion for the sound policies which are so vital to our Nation's survival.

His fine standing on both sides of the aisle in Congress attest also to the esteem with which he is held here and the effectiveness of his work.

Mrs. Sikes and I wish for MIKE and his family the very best in success and happiness in the years ahead.

TRIBUTE TO SPEAKER McCORMACK

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. HOSMER. Mr. Speaker, I rise to pay sincere tribute to a distinguished American legislator and statesman, the Honorable JOHN McCORMACK of Massachusetts.

As his 9 years as Speaker of this body come to a close, it is clear that JOHN McCORMACK served his constituents and his country with great devotion and skill.

I shall remember him not as the leader of the opposition party in the House, but as a great Speaker whose allegiance to country transcended partisan objectives and who had the confidence, respect, and admiration of Members from both sides of the aisle.

I shall also remember him as a kind and thoughtful man who, despite the press of his official duties, was never too busy to assist new Members or advise those of us in the minority. I shall always remember his kindness in taking the time to inquire as to my health when I was in the hospital a couple years ago.

In his retirement, I join all my colleagues in wishing him happiness and success. We shall miss his great skill as the Speaker and his personal friendship.

REPORT OF HON. GERALD R. FORD

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. GERALD R. FORD. Mr. Speaker, under leave to extend my remarks, I include a report of my voting and attendance record during the second session of the 91st Congress, 1970.

The record includes all rollcall votes and all quorum calls. The description of the bills is for the purpose of identification only; no attempt has been made to describe the bills completely or to elaborate upon the issues involved.

The purpose of this report is to collect in one place information which is scattered through thousands of pages of the CONGRESSIONAL RECORD. I want to be able to provide any interested constituent with a simple compilation of my voting and attendance record.

The report follows:

1970

Rollcall No.	Date	Measure, question, and result	Vote
1	Jan. 19	Call of the House	Absent.[1]
2	Jan. 26	Quorum call	Present.
3	do	do	Do.
4	Jan. 27	H.R. 15149: To approve the conference on the 1,500,000,000 foreign aid appropriations bill (passed, 202-162).	Yes.
5	do	H.R. 860: To approve the bill providing for employer contributions for joint industry promotion of products (passed, 189-186).	No.
6	Jan. 28	Quorum call	Present.
7	do	H.R. 13111: On the motion to override the President's veto of the 1970 Labor-HEW appropriations bill (defeated, 226-191, a 2/3 vote being necessary).	No.
8	Jan. 29	Quorum call	Present.
9	do	H.R. 14864: To adopt the Defense Facilities and Industrial Securities Act of 1970 (passed, 274-65).	Yes.
10	Feb. 5	Quorum call	Present.
11	Feb. 16	do	Do.
12	do	H.R. 1049: To suspend the rules and pass the bill amending the Anadromous Fish Conservation Act of 1965 (passed, 300-19).	Yes.
13	Feb. 17	Quorum call	Present.
14	do	H.R. 15062: In a motion to strike title I (H.R. 3723: For the relief of Robert G. Smith) from the Omnibus Private Claims bill (defeated, 59-287)	No.
15	do	H.R. 15062: On a motion to strike title II (H.R. 5000: For the relief of Pedro Irizarry Guido) from the Omnibus Private Claims bill (defeated, 56-289)	No.
16	do	H.R. 15062: On a motion to strike title III (H.R. 6378: For relief of Noel S. Merston) from the Omnibus Private Claims bill (defeated, 67-288)	No.
17	do	H.R. 16062: On a motion to strike title IV (H.R. 2214: For the relief of the Mutual Benefit Foundation) from the Omnibus Private Claims bill (defeated, 51-306)	No.
18	do	H.R. 15062: On the final passage of the Omnibus Private Claims bill (passed 315-51)	Yes.
19	do	Quorum call	Present.
20	do	do	Do.
21	Feb. 18	do	Do.
22	do	H.R. 15165 (S. 2701): To affirm the bill establishing a Commission on Population Growth and the American Future (passed, 37-13)	Yes.
23	Feb. 19	Quorum call	Present.
24	do	do	Do.
25	do	H.R. 15931: On the motion to adopt the previous question on the Labor-HEW appropriations bill and all amendments thereto (passed 238-156)	Yes.
26	do	H.R. 15931: On a motion to recommit to committee the Labor-HEW appropriations bill in order to limit expenditures to 97.5 percent of the total appropriation (defeated, 189-205).	Yes.
27	do	H.R. 15931: On final passage of the revised Labor-HEW appropriations bill (passed, 315-81)	No.
28	Feb. 24	Quorum call	Absent.[1]
29	do	H.R. 10937: On the passage of the bill to authorize a study of the Eisenhower Memorial Arena and Convention Center in Washington, D.C. (defeated, 136-230)	Do.[3]
30	do	H.R. 10335: On the passage of a bill to revise the laws relating to offenses against hotels, motels, etc., in the District of Columbia (passed, 246-117)	Do.[2]
31	do	H.R. 14608: In passage of a bill relating to the procedure for return and cancellation of class A liquor licenses in the District of Columbia (defeated, 97-262)	Do.[3]
32	Feb. 26	Quorum call	Present.
33	do	S. 2523: To adopt the conference on the bill to amend the Community Mental Health Centers Act (passed, 369-0)	Yes.
34	do	H.R. 799: To adopt the resolution providing for the consideration of H.R. 12025, the National Forest Timber Conservation and Management Act (defeated, 150-228)	Yes.
35	Mar. 3	Quorum call	Present.
36	do	H.R. 15931: On a motion to lay on the table a motion to instruct the House conferees to agree to the amendments of the Senate on the HEW appropriation bill (defeated, 164-220).	No.
37	do	H.R. 15931: On the motion to instruct the House conferees to agree to the amendments of the Senate on the HEW appropriation bill (passed, 228-152)	Yes.
38	do	Quorum call	Present.
39	do	H.R. 15931: To approve the conference report on the Labor-HEW appropriations bill (passed, 324-55)	Yes.
40	Mar. 4	H.J. Res. 1112 (S.J. Res. 180): To adopt the resolution providing for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute (passed, 343-15).	Yes.
41	Mar. 5	Quorum call	Present.
42	do	H. Res. 862: To approve the resolution providing for considering of S. 2910 authorizing additional funds for the Library of Congress, James Madison Memorial Building (passed, 289-62).	Yes.
43	do	S. 2910: To recommit to committee the bill authorizing additional funds for the Library of Congress, James Madison Memorial Building until all necessary designs, plans, and specifications have been completed (defeated, 150-197).	No.
44	Mar. 5	S. 2910: To approve the bill authorizing additional funds for the Library of Congress James Madison Memorial Building (passed, 209-133)	Yes.
45	Mar. 11	Quorum call	Present.

Footnotes at end of table.

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1970—Continued

Rollcall No.	Date	Measure, question, and result	Vote
46	Mar. 11	H.R. 15945: To authorize appropriations for the construction and operation of ships in the merchant marine and other purposes (passed, 370-12)	Yes.
47	Mar. 16	Quorum call	Present.
48	do	H.R. 15143: To suspend the rules and pass the bill to provide the rank of lieutenant general for an officer serving as Chief of the National Guard Bureau (passed, 269-44).	Yes.
49	do	H.R. 14896: To suspend the rules and pass the bill establishing a program for the preservation of additional historic properties throughout the nation (passed, 317-9).	Yes.
50	Mar. 17	Quorum call	Present.
51	do	do	Do.
52	Mar. 18	do	Do.
53	do	do	Do.
54	do	S. 952: To approve the bill providing for the appointment of additional federal district judges (passed, 366-18)	Yes.
55	Mar. 19	Quorum call	Present.
56	do	H.R. 16196 (S. 2601): To approve the District of Columbia Omnibus Crime bill (passed, 294-47)	Yes.
57	Mar. 23	Quorum call	Absent[1]
58	do	do	Do.[1]
59	do	H.R. 15728: On the bill authorizing extensions of certain naval vessel loans and new loans (passed, 281-66)	Do.[2]
60	Mar. 24	Quorum call	Present.
61	do	H.R. 15628: On the bill to amend the Foreign Military Sales Act (passed, 351-26)	Yes.
62	Mar. 25	H.R. 844: To authorize funds for the operation of the House Committee of Internal Security (passed, 307-52)	Yes.
63	do	H.R. 4148: To adopt the conference report on the Water Quality Improvement Act (Federal Water Pollution Control Act) (passed, 358-0)	Yes.
64	Apr. 7	Quorum call	Present.
65	do	do	Do.
66	do	H.R. 514: On the adoption of the conference report on the Elementary and Secondary Education Amendments of 1969 (passed, 312-58)	Yes.
67	do	H.R. 15733: To provide a 15-percent increase in annuities and make other changes in the Railroad Retirement Act (passed, 379-0)	Yes.
68	Apr. 8	Quorum call	Present.
69	Apr. 9	do	Do.
70	do	H.R. 16844: On a motion to recommit to committee the Federal employees' salary bill in order to omit sections regarding remote worksite allowances for employees of the Corps of Engineers engaged in floating plant operations (passed, 261-124).	Yes.
71	do	H.R. 16844: (S. 3690) To approve the Federal employees salary increases (passed, 371-7)	Yes.
72	Apr. 13	Quorum call	Present.
73	do	H.R. 16900: To approve the Treasury, Post Office, and Executive Office 1971 appropriations bill in amount of $9.2 billion (passed, 333-3)	Yes.
74	Apr. 14	Quorum call	Present.
75	do	H.R. 909: On the adoption of the previous question on the resolution providing for House concurrence to the Senate amendments to House amendments to S. 3690, the Federal employees salary increases (passed, 309-65).	Yes.
76	do	Quorum call	Present.
77	Apr. 15	H.R. 916: On the adoption of the closed vote for consideration of H.R. 16311, The Family Assistance Act of 1970 (passed 204-183)	Yes.
78	do	Quorum call	Present.
79	do	do	Do.
80	do	On a motion to adjourn (passed 81-75)	Yes.
81	Apr. 16	Quorum call	Present.
82	do	H.R. 16311: On a motion to recommit to committee the Family Assistance Plan in order to define "suitable employment" (passed 248-149)	Yes.
83	do	H.R. 16311: On final passage of the Family Assistance Act of 1970 (passed 259-11)	Yes.
84	Apr. 20	Quorum call	Present.
85	do	H.R. 10666: To suspend the rules and pass the bill authorizing the establishment of a National Commission on Libraries and Informational license as an independent agency (passed 259-11).	Yes.
86	do	H.R. 780: To suspend the rules and pass the bill authorizing the Secretary of the Interior to construct and operate the Merlin Division Rogue River Project Oregon (passed 271-15).	Yes.
87	Apr. 23	Quorum call	Absent.[1]
88	do	do	Present.
89	do	H.R. 16516: To approve the $3,570,000,000 authorization for NASA (passed 229-105)	Yes.
90	Apr. 27	Quorum call	Present.
91	do	H.R. 14714: To recommit to committee the bill to authorize appropriations for promoting travel in the United States and to our national parks (defeated 111-222)	No.
92	do	H.R. 14714: To approve the bill authorizing appropriations of $250,000 and $750,000 for fiscal years 1971 and 1972 for the promotion of travel in the United States and to our national parks (passed 238-94).	Yes.
93	do	H.R. 14385: On a bill to the expenditures of $150,000 during the next 2 years to subsidize the cost of transportation for certain employees of the Public Health Service whose headquarters were transferred (defeated 64-273).	No.
94	Apr. 28	Quorum call	Present.
95	do	H.R. 16200: On a motion to recommit to committee the Arms Control and Disarmament bill in order to reduce the 2-year authorization from $17,500,000 to $13,125,000 (defeated 87-280).	No.
96	do	H.R. 15963: To approve the bill designated to minors and postal patrons against obscene mailing (passed 375-8)	Yes.
97	Apr. 29	Quorum call	Absent.
98	Apr. 30	do	Present.
99	May 4	do	Do.
100	do	S.J. Res 193: To suspend the rules and pass the resolution providing for the appointment of James E. Webb as citizen regent of the Smithsonian Institution (passed 309-16).	Absent.
101	May 5	Quorum call	Present.
102	May 6	do	Do.
103	do	H.R. 17123: On a motion to order the previous question on the motion to recommit to committee with instructions the Military Procurement Authorization bill (passed 248-146).	Yes.
104	do	H.R. 17123: To approve the $20,000,000,000 Military Procurement authorization bill (passed 326-69)	Yes.
105	May 7	Quorum call	Absent.[1]
106	do	do	Do.[1]
107	do	H.R. 17399: On a motion to order the previous question on the motion to recommit to committee the Second Supplemental Appropriation bill (passed 20-134)	Do.[2]
108	do	H.R. 17399: To approve the $5,700,000,000 Second Supplemental Appropriations bill (passed 333-8)	Do.[2]
109	May 11	Quorum call	Present.
110	do	H.R. 17138: To approve the committee's amendment to the D.C. employee's pay bill setting the salary for beginning teachers at $7,800 (passed 183-142)	Yes.
111	do	H.R. 16595: To recommit to committee the bill authorizing appropriations for the National License Foundation in order to cut the authorizations by $27,600,000 (defeated 137-188).	Yes.
112	do	H.R. 16595: To approve the authorization bill for the National License Foundation (passed 312-6)	Yes.
113	May 12	Quorum call	Present.
114	do	do	Absent.
115	do	do	Present.
116	May 13	do	Do.
117	do	H.R. 14465: To adopt the conference report on the Airport and Airway Development Act of 1970 (passed 361-3)	Yes.
118	do	H. Res. 960: To adopt the resolution rejecting Reorganization Plan No. 2 of 1970 (defeated 164-193)	No.
119	May 14	Quorum call	Present.
120	do	H.R. 17575: To adopt the $3,100,000,000 appropriations bill for the Department of State, Justice, and Commerce, and the judiciary (passed 321-14)	Yes.
121	do	H.R. 14685: To approve the bill amending the International Travel Act of 1961 (passed 173-88)	Yes.
122	May 18	Quorum call	Absent.[1]
123	do	S. 2624: To suspend the rules and pass the Customs Court Act of 1970 (passed 301-0)	Do.[2]
124	do	S. 1508: To suspend the rules and pass the bill permitting Federal judges with 20 years of service to retire at age 60 (defeated 109-198)	Do.[3]
125	do	H.R. 3328: To suspend the rules and pass the bill relative to the water supply for the Saboda Indian Reservation (passed 286-11)	Do.[2]
126	May 19	Quorum call	Present.
127	do	S. 952: To approve the conference report on the bill providing for appointment of additional judges for the District of Columbia (passed 331-21)	Yes.
128	May 20	Quorum call	Present.
129	do	do	Do.
130	do	H.R. 17604: On a motion to order the previous question the motion to recommit to committee the Military Construction Authorization bill (passed 251-133)	Yes.
131	do	H.R. 17604: On final passage of the Military Construction Authorization Act (passed 334-47)	Yes.
132	May 21	H. Res. 1022: On a motion to order the previous question on the motion to adopt the "rule" for consideration of H.R. 17550, the Social Security Amendments of 1970 (passed 201-181).	Yes.
133	do	H. Res. 1022: To adopt the rule under which H.R. 17550, the Social Security Amendments of 1970, will be considered (passed 297-83)	Yes.
134	do	Quorum call	Present.
135	do	H.R. 17550: On a motion to recommit to committee the Social Security bill in order to amend the bill providing for automatic increase in benefits when there is an increase of 3 percent or more in the cost of living (passed 233-144).	Yes.
136	do	H.R. 17550: To approve the Social Security Amendments of 1970 (passed 344-32)	Yes.
137	do	H.R. 15424: On final passage of the bill to amend the Merchant Marine Act (passed 307-1)	Yes.
138	May 25	Quorum call	Absent.[1]
139	do	H.R. 17601: To exempt FHA and VA mortgages and loans from interest and usury laws of the District of Columbia (defeated 118-176)	Do.[2]
140	do	H.R. 15073: To approve the bank records and Foreign Transactions Act (passed 302-0)	Do.[2]

Footnotes at end of article.

1970—Continued

Rollcall No.	Date	Measure, question, and result	Vote
141	May 25	H.J. Res. 1117: To approve the resolution establishing a Joint Committee on Environment and Technology (passed 285-7)	Do.[2]
142	May 26	Quorum call	Present.
143	do	H. Res. 796: To approve the resolution amending the rules of the House relating to financial disclosures by Members (passed 335-1)	Yes.
144	May 27	Quorum call	Present.
145	May 28	do	Absent.[1]
146	do	H.R. 17755: On a motion to order the previous question on the motion to recommit to committee the Department of Transportation appropriations bill (passed 176-162).	Yes.
147	June 1	Quorum call	Present.
148	June 2	do	Do.
149	June 3	H. Res. 1051: On ordering the previous question on a motion to adopt the "rule" tor consideration of H.R. 17902, the bill to increase the public debt limitation (passed 273-85).	Yes.
150	do	H.R. 17802: To approve the bill raising the permanent limit on the national debt to $380,000,000,000 with a temporary limit at $395,000,000,000 for fiscal year 1971 (passed 236-127).	Yes.
151	June 4	Quorum call	Present.
152	do	H.R. 17867: To approve the $2,300,000,000 foreign assistance appropriations bill (passed 191-153)	Yes.
153	June 8	Quorum call (passed 236-127).	Absent.[1]
154	do	H. Res. 976: On an amendment to the resolution authorizing a select committee to study developments in Southeast Asia increasing the number on the committee from 11 to 12 (6 from each political party) (passed 227-95).	Do.[2]
155	do	H. Res. 976: On ordering the previous question on the adoption of the resolution authorizing a select committee to study developments in Southeast Asia (passed 246-80).	Do.[2]
156	do	H. Res. 976: On adoption of the resolution to establish a select committee to study developments in Southeast Asia (passed 233-101)	Do.[2]
157	do	H. Res. 976: To approve the committee to the preamble of the resolution establishing a select committee to study developments in Southeast Asia (passed 210-84).	Do.[2]
158	June 9	Quorem call	Present.
159	do	do	Do.
160	do	do	Do.
161	June 10	H.R. 11102: To adopt the conference report on the Medical Facilities Construction and Modernization Amendments of 1970 (passed 377-0)	Yes.
162	do	H. Res. 1069: To adopt the rule for the consideration of the Clean Air Amendments of 1970 (passed 335-40)	Present.
163	do	Quorum call	Yes.
164	do	H.R. 17255: To approve the Clean Air Act Amendments of 1970 (passed 374-1)	Yes.
165	June 11	Quorum call	Present.
166	do	do	Do.
167	do	H.R. 17970: To approve the Military Construction Appropriation bill for 1971 (passed 308-57)	Yes.
168	June 15	H.R. 17958 (S. 3348): To suspend the rules and approve the bill increasing the rates for VA disability compensation (passed 313-0)	Yes.
169	do	H.R. 15361: To approve the bill establishing a pilot program designated as a youth conservation program (passed 255-54)	Absent.
170	June 16	Quorum call	Present.
171	do	H. Res. 1077: To order the previous question on the "rule" under which H.R. 17070, the postal reform bill is to be considered (defeated 139-219)	Yes.
172	do	Quorum call	Present.
173	do	do	Do.
174	June 17	do	Do.
175	do	H. Res. 914: To order the previous question on the resolution agreeing to the Senate amendment to the voting rights bill lowering the voting age to 18 years (passed 224-183).	No.
176	do	H. Res. 914: To approve the resolution agreeing to the Senate amendment to H.R. 4249 (Voting rights amendment) lowering the voting age to 18 years (passed 272-132).	Yes.
177	do	Quorum call	Present.
178	June 18	do	Do.
179	do	H.R. 17070: On a motion to recommit to committee the postal reform and pay raise bill in order to strike out the postal reform provision (defeated 77-306)	No.
180	do	H.R. 17070. On final passage of the postal reform and pay raise bill as amended (passed 359-24)	Yes.
181	June 22	Quorum call	Present.
182	do	S. 2315: To approve the bill restoring the Golden Eagle passport for entrance to national recreational areas (passed 314-1)	Yes.
183	June 23	Quorum call	Present.
184	do	H.R. 11833: To approve the Resource Recovery Act of 1970 (passed 337-0)	Absent.[2]
185	June 24	Quorum call	Present.
186	do	do	Do.
187	June 25	do	Do.
188	do	H.R. 11102: To override the Presidential veto of the Medical Facilities Construction and Modernization Amendments of 1970, (passed 279-98)	No.
189	do	H.R. 17399: To agree to a Senate amendment to the second supplemental appropriation bill adding $587,500,000 for urban renewal programs (defeated 136-236)	No.
190	do	H.R. 17495: To amend the Emergency Home Finance Act of 1970 by striking out title V which provides for the establishment of a National Development Bank (passed 214-113).	Yes.
191	do	H.R. 17495: On final passage of the Emergency Home Finance Act of 1970 (passed 322-2)	Yes.
192	June 29	Quorum call	Present.
193	June 30	do	Do.
194	do	H.R. 16916: To table the motion instructing the House Conferees to agree to the Senate amendments to the Office of Education appropriations bill which would strike out provisions that prohibit use of funds for forced busing and provides freedom of choice school desegregation plans (passed 191-157)	Yes.
195	do	H.R. 17825: To approve the bill amending the Omnibus Crime Control and Safe Streets Act of 1968 (passed 343-2)	Yes.
196	do	S.J. Res. 88: To approve the joint resolution creating a Commission to study Bankruptcy Laws (passed 334-12)	Yes.
197	do	H.R. 16065: To approve the bill amending the National Foundation on the Arts and the Humanities Act of 1965 (passed 262-78)	Yes.
198	July 6	Quorum call	Present.
199	do	S. 3592: To suspend the rules and pass the bill amending the Federal Meat Inspection Act to clarify provisions relating to custom slaughtering (passed 296-2)	Yes.
200	July 7	Quorum call	Present.
201	do	H.R. 16327: To recommit to committee the Peace Corps authorization bill in order to cut the authorization from $98,800,000 to $70,000,000 (defeated 118-244).	No.
202	do	H.R. 16327: On final passage of the $98,800,000 Peace Corps authorization bill (passed 316-46)	Yes.
203	do	H.R. 8673: To approve the bill providing consumer protection for gold and silver articles (passed 351-9)	Yes.
204	July 8	Quorum call	Present.
205	do	H.R. 1031: To approve the resolution relating to political campaign contributions affecting the House of Representatives (passed 381-0)	Yes.
206	do	H.R. 279: To approve the Newspaper Preservation Act (passed 292-87)	Yes.
207	July 9	H.R. 15628: On ordering the previous question on the motion to send to conference the Foreign Military Sales Act as amended by Senate (passed 247-143)	Yes.
208	do	H.R. 15628: To lay on the table the motion to instruct the conferees to agree to the Cooper-Church amendment (barring funds for retaining U.S. forces in Cambodia) to the Foreign Military Sales Act (passed 237-153).	Yes.
209	do	H.R. 17070: To lay on the table the motion to instruct the conferees to insist on the House amendment to the Postal Reform Act prohibiting the union shop (defeated 153-230).	No.
210	do	H.R. 1070: On the motion to instruct the House conferees to insist on the freedom of choice provision of the postal reform bill (passed 225-159)	Yes.
211	do	H.R. 16968: On the motion to recommit to committee the bill on Federal employees health benefits in order to reduce the Government contribution from 50 to 38 percent (defeated 147-199).	Yes.
212	do	H.R. 16968: To approve the bill raising the Governments contribution to Federal employees health benefit plan (passed 284-57)	Yes.
213	July 13	S. 3215: To agree to the conference report on the bill to amend the National Foundation on Arts and the Humanities Act of 1965 (passed 237-69)	Yes.
214	July 14	Quorum call	Present.
215	July 15	do	Do.
216	do	S. 2601: To approve the conference report on the D.C. Court Reform and Criminal Procedures Act of 1970 (passed 332-64)	Yes.
217	do	H.R. 16595: To approve the conference report on the National Science Foundation Authorization Act of 1971 (passed 311-76)	Yes.
218	July 16	Quorum call	Present.
219	do	H.R. 14685: To agree to the conference report on the bill to amend the International Travel Act of 1961 (defeated 174-207)	No.
220	do	H.R. 16916: To agree to the conference report on the Office of Education appropriation bill (passed 357-30)	Yes.
221	July 20	H.R. 18253: To suspend the rules and pass the bill increasing availability of guaranteed home loan financing for veterans (passed 326-0)	Yes.
222	do	H.R. 14114: To suspend the rules and pass the bill relative to the administration of the National Park System (passed 325-0)	Yes.
223	do	Quorum call	Present.
224	do	do	Do.
225	July 21	do	Do.
226	do	do	Do.
227	July 22	do	Do.
228	do	H.R. 17619: To approve the conference report on the 1971 appropriations bills for the Department of Interior and related agencies (passed 387-3)	Yes.
229	do	Quorum call	Present.
230	July 23	do	Do.
231	do	H.R. 14075: On a motion to recommit to the Conference Committee with instructions to agree to the Senate amendment extending unemployment compensation to agricultural labor where at least 8 workers are employed for 26 weeks or more (defeated 170-219).	No.
232	do	H.R. 14705: To approve the conference report on the Employment Security Amendments of 1970 (passed 388-3)	Yes.
233	do	H.R. 18515: To approve the 1971 appropriation bill for Departments of Labor and HEW and related agencies (passed 361-14)	Yes.
234	July 27	Quorum call	Absent.
235	July 28	do	Present.
236	do	do	Do.

Footnotes at end of table.

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Rollcall No.	Date	Measure, question, and result	Vote
237	July 29	Quorum call	Present.
238	do	H.R. 17548: To recommit to committee the Conference Report on the Independent Offices and Department of HUD appropriation bill (defeated 156–227)	Yes.
239	do	Quorum call	Present.
240	do	do	Do.
241	July 30	do	Do.
242	do	H.R. 15733: To adopt the conference report on the bill to provide a temporary 15 percent increase in annuities under the Railroad Retirement Act (passed 344–0).	Yes.
243	do	H.R. 13100: To pass the bill extending programs for training in the allied health professions (passed 343–1) (S. 2846)	Yes.
244	do	H.R. 14237: To approve the Developmental Disabilities Services and Facilities Construction Act (passed 338–0)	Yes.
245	July 31	Quorum call	Present.
246	do	do	Do.
247	do	H.R. 17880: To recommit to committee the Defense Production Act amendments in order to add an amendment providing for a freeze on prices, rents, wages and salaries as of May 25, 1970 (defeated 11–270).	No.
248	do	H.R. 17880: To approve the Defense Production Act amendments (passed 257–19)	Yes.
249	Aug. 3	Quorum call	Present.
250	do	H.R. 18260: To suspend the rules and pass the Environmental Education Act (passed 289–28)	Yes.
251	do	H.R. 11032: To suspend the rules and pass the bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising (passed 332–4).	Yes.
252	do	H.R. 2076: To suspend the rules and pass the bill authorizing Federal agencies to withhold local income taxes of Federal employees (defeated 115–184)	Yes.
253	do	Quorum call	Present.
254	Aug. 4	do	do
255	Aug. 5	H. Res. 1117: To authorize an annual salary ot $38,000 tor the Executive Director of the House Democratic Steering Committee and the Staff Director for the Republican Conference (defeated 90–284).	Yes.
256	do	H.R. 18645: To recommit to committee the Agricultural Act of 1970 in order to strike out titles I, IV, V, VI and VIII (defeated 167–218)	No.
257	do	H.R. 18546: To approve the Agricultural Act of 1970 (passed 212–117)	Yes.
258	Aug. 6	Quorum call	Present.
259	do	H.R. 17070: To approve the conference report on the bill to reorganize the Postal Service (passed 338–29)	Yes.
260	do	S. 1933: To approve the Railroad Safety and Hazardous Materials Control bill (passed 358–0)	Yes.
261	Aug. 10	Quorum call	Present.
262	do	H.J. Res. 264: On a motion to discharge the Committee on the Judiciary from further consideration of the constitutional amendment to provide equal rights for women (passed 332–22).	Yes.
263	do	H.J. Res. 264: On a motion to recommit to committee the joint resolution providing for equal rights for women (defeated 26–344)	Yes.
264	do	H.J. Res. 264: On final approval of the constitutional amendment providing for equal rights for women (passed 350–15)	Yes.
265	do	H.R. 18619: To approve the bill providing for a nonvoting delegate in both the U.S. Senate and House of Representatives (passed 338–23)	No.
266	do	H.R. 18725: To approve the bill providing for a nonvoting delegate from the District of Columbia to the U.S. House of Representatives and to establish a commission to study the D.C. government (passed 300–57).	Yes.
267	Aug. 11	Quorum call	Present.
268	do	do	Do.
269	do	H.R. 18110: To approve the Comprehensive Health Planning and Services Act of 1970 (passed 375–1)	Yes.
270	do	Quorum call	Present.
271	do	H.R. 18434: To approve the bill revising the provisions of the Communications Act of 1934 relative to political broadcasting (passed 272–97)	Yes.
272	Aug. 12	Quorum call	Present.
273	do	do	Do.
274	do	H.R. 8298: On a motion to substitute for the committee-approved bill on the water-carrier mixing rule, an amendment permitting the mixing of regulated and nonregulated cargoes and deleting the provision calling for the publication of rates by nonregulated carriers (defeated 182–193).	Yes.
275	do	H.R. 8298: On a motion to recommit to committee the bill on the water-carrier mixing rule (defeated 141–230)	No.
276	do	H.R. 17570: To approve the Heart Disease, Cancer, Stroke, and Kidney Disease Amendments of 1970 (passed 365–0)	Yes.
277	Aug. 13	Quorum call	Present.
278	do	H.R. 16916: On the motion to override the President's veto of the Office of Education appropriations bill (passed 289–114)	No.
279	do	H.R. 17548: On the motion to override the President's veto of the Independent Offices and Department of Housing and Urban Development appropriations bill (defeated 203–195; ⅔ vote being necessary).	No.
280	do	S. 3302: To approve the conference report on the amendments to the Defense Production Act of 1950 (passed 216–153)	No.
281	do	S. 3547: To adopt the conference report on the bill authorizing construction and operation of the Narrows unit, Missouri River Basin project, Colo. (passed 337–4)	Yes.
282	do	Quorum call	Present.
283	do	H. Res. 1182: To order the previous question on adoption of the resolution providing for consideration of H.R. 17809, the bill concerning the pay system for certain Government employees (passed 235–86).	No.
284	Aug. 14	Quorum call	Present.
285	Sept. 9	do	Do.
286	do	do	Do.
287	do	H. R. 17809: To approve the bill relating to the prevailing rate pay systems for Government employees (passed 231–90)	No.
288	do	H.R. 16542: To pass the bill requiring that unsolicited credit cards be sent by registered mail (passed 301–0)	Yes.
289	do	Quorum call	Present.
290	Sept. 10	H.R. 17795: To approve the Emergency Community Facilities Act of 1970 (passed 282–32)	Yes.
291	do	H.R. 11913: To approve the Communicable Disease Control Amendments of 1970 (passed 312–1)	Yes.
292	do	Quorum call	Present.
293	do	H.R. 9306: To recommit to committee the bill providing for the establishment of the Apostle Islands National Lakeshore in Wisconsin (defeated 29–197)	No.
294	Sept. 14	Quorum call	Absent.[1]
295	do	H.R. 18306: To approve the bill authorizing U.S. participation in increases in the resources of certain international financial institutions (passed 177–140)	Yes.
296	Sept. 15	Quorum call	Present.
297	do	do	Do.
298	Sept. 16	Quorum call	Do.
299	do	H.R. 16900: To approve the conference report on the $2,900,000,000 Treasury and Post Office appropriation bill (passed 341–8)	Yes.
300	do	S. 3637: To approve the conference report on the political broadcasting bill (passed 247–112)	Yes.
301	do	Quorum call	Absent.[1]
302	Sept. 17	do	Present.
303	do	do	Do.
304	do	H.R. 17654: On the amendment to the Legislative Reorganization Act which would prohibit proxy voting in committee (defeated 156–187)	Yes.
305	do	H.R. 17654: On final passage of the Legislative Reorganization Act (passed 326–19)	Yes.
306	Sept. 21	Quorum call	Present.
307	do	S. 2763: To suspend the rules and pass the bill authorizing the acquisition of extra equipment on government automobiles (passed 307–41)	Yes.
308	do	H.R. 14678: To suspend the rules and pass the bill strengthening the penalties for illegal fishing in the territorial waters of the United States (passed 315–0)	Yes.
309	do	H.R. 15911: To suspend the rules and pass the bill increasing nonservice connected veterans pensions and income limitations (passed 314–0)	Yes.
310	do	H.R. 16710: To suspend the rules and pass the bill authorizing guaranteed and direct VA loans for mobile homes if used as permanent dwellings (passed 297–0)	Yes.
311	Sept. 22	H.R. 18127: On a motion to agree to the Senate amendment earmarking $807,000 in planning fund for the Dickey-Lincoln power project in Maine (defeated 131–230).	No.
312	Sept. 23	H. Res. 1220: To adopt the resolution citing Arnold S. Johnson for contempt of Congress (passed 337–14)	Yes.
313	Sept. 24	Quorum call	Absent.[1]
314	do	do	Present.
315	do	H.R. 18583: To approve the Comprehensive Drug Abuse Prevention and Control Act of 1970 (passed 341–6)	Yes.
316	Sept. 28	Quorum call	Present.
317	do	S. 2264: To adopt the conference report on the Communicable Disease Control Amendments of 1970 (passed 292–2)	Yes.
318	do	S. 1933: To approve the conference report on the bill to provide for railroad safety and hazardous materials control (passed 310–0)	Yes.
319	Sept. 29	Quorum call	Present.
320	do	H.R. 17123: To adopt the conference report on the armed services procurement authorization bill for 1970 (passed 341–11)	Yes.
321	do	H.R. 18185: On a motion to cut the authorization in the Urban Mass Transportation bill from $5,000,000,000 to $3,000,100,000 (passed 200–145)	Yes.
322	do	H.R. 18185: To approve the $3,100,000,000 Urban Mass Transportation bill (passed 327–16)	Yes.
323	Sept. 30	Quorum call	Absent.[1]
324	do	H.R. 18679: To amend the Atomic Energy Act of 1954 to, among other things, eliminate the requirement of a finding of practical value in the licensing of a nuclear facility (passed 345–0).	Do.[2]
325	do	H.R. 19444: To approve the bill increasing the tax on airline tickets by ½ percent, providing security guards, and repealing the ban against a statement of tax on the ticket (passed 323–17).	Do.[3]
326	Oct. 5	H.J. Res. 1388: To approve the bill making further continuing appropriations for the fiscal year 1971 (passed 284–9)	Yes.
327	do	S. 1461: To suspend the rules and pass the bill relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases (passed 277–21).	Yes.
328	Oct. 6	Quorum call	Present.
329	do	H.R. 14685: To agree to the Senate amendment to the International Travel Act and an amendment reducing funding by $500,000 (passed 254–93)	Yes.
330	do	H.R. 15424: To adopt the conference report on the bill to amend the Merchant Marine Act (passed 343–4)	Yes.
331	Oct. 7	Quorum call	Present.
332	do	S. 30: To approve the Organized Crime Control Act of 1970 (passed 332–26)	Yes.

Footnotes at end of table.

1970—Continued

Rollcall No.	Date	Measure, question, and result	Vote
333	Oct. 8	Quorum call	Present.
334	do	do	Do.
335	do	do	Do.
336	do	do	Absent[1]
337	do	H.R. 19590: On a motion to recommit to committee the Defense appropriation bill (defeated 46-264).	Do.[3]
338	do	H.R. 19590: On final passage of the $66,600,000,000 appropriation bill for the Department of Defense (passed 274-31)	Do.[2]
339	Oct. 13	Quorum call	Do.[1]
340	do	H.R. 17604: To agree to the conference report on the Military Construction Authorization bill for 1971 (passed 360-20)	Do.[2]
341	do	H.R. 18546: To agree to the conference report on the Agriculture Act of 1970 (passed 191-145)	Yes.
342	Oct. 14	Quorum call	Absent.[1]
343	do	do	Do.[1]
344	do	do	Do.[1]
345	do	do	Do.[1]
346	do	do	Do.[1]
347	do	H.R. 16408: To approve the bill amending the joint resolution establishing the American Revolution Bicentennial Commission (passed 304-1)	Do.[2]
348	Nov. 16	Quorum call	Present
349	do	S. 2455: To suspend the rules and pass the bill increasing the annual authorization for the Commission on Civil Rights from $2,600,000 to $3,400,000 (passed 271-58).	Yes.
350	do	S. 3758: To suspend the rules and pass the bill authorizing educational assistance to dependents of members of armed forces missing or captured (passed 331-0).	Yes.
351	do	H.R. 19318: To suspend the rules and pass the Family Planning Services and Population Research Act of 1970 (passed 298-32)	Yes.
352	do	H.J. Res. 1355: To suspend the rules and pass the joint resolution concerning the war powers of Congress and the President (passed 288-39)	Yes.
353	Nov. 17	Quorum call	Present.
354	do	do	Do.
355	do	H.R. 19519 (S. 3967): On a motion to recommit to committee the Comprehensive Manpower Act (defeated 89-275)	No.
356	Nov. 18	Quorum call	Present.
357	do	H. Res. 1225: On a motion to order the previous question on the rule under which H.R. 18970 (Trade and Tariff amendments) are to be considered (defeated 189-204).	Yes.
358	do	H. Res. 1225: On the adoption of an amendment to the rule relating to H.R. 18970 which would permit debate on various provisions on the bill and make in order a vote to strike out any matter in the bill (defeated 192-201).	No.
359	do	H. Res. 1225: To adopt a closed rule for the consideration of H.R. 18970, the Trade and Tariff bill (passed 203-187)	Yes.
360	Nov. 19	Quorum call	Present.
361	do	H.R. 18970: On a motion to recommit to committee the trade Act of 1970 (defeated 172-207)	No.
362	do	H.R. 18970: On final passage of the Trade Act of 1970 (passed 215-165)	Yes.
363	Nov. 23	Quorum call	Absent.[1]
364	Nov. 24	do	Present.
365	do	H.R. 16785: To substitute the bill H.R. 19200 for the language of the Occupational Safety and Health Act as contained in the committee version on H.R. 16785 (passed 220-172).	Yes.
366	do	H.R. 16785 (S. 2193): On final passage of the Occupational Safety and Health Act as amended by the substitution of H.R. 19200 (passed 383-5).	Yes.
367	do	H.R. 19830: On approval of the 1971 Independent Offices-HUD appropriation bill (passed 375-10)	Yes.
368	do	H. Res. 1267: On adoption of the rule providing for the consideration of H.R. 19504, the Federal Aid Highway Act of 1970 (passed 287-60)	Yes.
369	Nov. 25	Quorum call	Present.
370	Nov. 30	do	Do.
371	do	H.R. 18884 (S. 1181): On a motion to recommit to committee the Market Promotion and Import Restrictions bill (defeated 130-187)	Yes.
372	Dec. 1	Quorum call	Present.
373	do	H.R. 19333: To approve the Securities Investor Protection Act of 1970 (passed 159-3)	Yes.
374	do	H.R. 19599 (S. 3418): To approve the bill providing assistance for training in the field of family medicine (passed 346-2)	Do.
375	Dec. 2	Quorum call	Present.
376	do	H. Res. 1270: On a resolution to increase the telephone and telegraph allowance for Members of the House of Representatives (passed 187-164)	No.
377	do	H. Res. 1271: To approve the rule under which the Housing and Urban Development Act of 1970 (H.R. 19436) will be considered (passed 344-22)	Yes.
378	do	Quorum call	Present.
379	Dec. 3	do	Do.
380	do	do	Do.
381	do	H.R. 19436: On final passage of the Housing and Urban Development Act of 1970 as amended (passed 328-30)	Absent.[2]
382	do	Quorum call	Do.
383	do	H. Res. 1147: To provide certain allowances for House Members and former Members in the area of insurance and medical care (defeated 89-192)	Do.[3]
384	Dec. 7	Quorum call	Present.
385	do	On a motion to dispense with further proceedings under the quorum call (passed 312-28)	Yes.
386	do	Quorum call	Present.
387	do	H. Res. 1282: On the resolution of commendation for efforts to rescue American prisoners of war (passed 347-15)	Yes.
388	Dec. 8	Quorum call	Present.
389	do	H.R. 17755: On a motion to lay on the table the motion to instruct the House conferees to agree to the Senate amendment to the Department of Transportation appropriation bill eliminating funds for the development of the SST (passed 213-174).	Yes.
390	do	H. Res. 1290: To adopt the rule under which to consider S. 3070, the plant variety protection Act (passed 331-27)	Do.
391	Dec. 9	Quorum call	Present.
392	do	H.J. Res. 1413: To approve the amendment to the bill prohibiting the railroad strike until Feb. 17, 1971, which amendment orders a 5-percent wage increase to striking railroad employees effective Jan. 1, 1970, and a 32-cent-per-hour increase as of Nov. 1, 1970 (passed 203-184)	No.
393	do	H.J. Res. 1413: To approve the measure prohibiting the railroad strike until Mar. 1, 1971, and to order the retroactive wage increase (passed 220-166)	No.
394	do	H.R. 19911: To approve a $550,000,000 supplemental foreign assistance authorization (passed 249-102)	Yes.
395	do	Quorum call	Present.
396	do	do	Do.
397	do	H.J. Res. 1413: To adopt the conference report on the bill prohibiting temporarily the railroad strike and setting a retroactive wage settlement (passed 198-131)	No.
398	Dec. 10	Quorum call	Present.
399	do	H. Res. 1303: To approve the rule, waving points of order, for consideration of H.R. 19928, the supplemental appropriations bill (passed 391-28)	Yes.
400	do	H.R. 19928: To approve the supplemental appropriations bill for 1971 (passed 344-21)	Yes.
401	do	S. 3867: To adopt the conference report on the Employment and Manpower Act (passed 177-159)	No.
402	Dec. 11	Quorum call	Present.
403	do	H. Res. 1296: On the motion to adopt the rule under which to consider H.R. 19868, the excise, estate, and gift tax adjustment (passed 242-22)	Yes.
404	do	Quorum call	Present.
405	do	H.R. 13956: To approve an additional appropriation for the Smithsonian Institution (passed 214-53)	Yes.
406	Dec. 14	Quorum call	Present.
407	do	H. Res. 1306: On a motion to table a motion to move the previous question on the resolution to order the printing and distribution of a report of the Committee on Internal Security entitled "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities" (defeated 55-301).	No.
408	do	H. Res. 1306: To adopt the resolution to order the printing of a report of the Commission on Internal Security entitled "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities" (passed 302-54).	Yes.
409	do	H.R. 19885: To adopt the District of Columbia Revenue Act of 1970 (passed 272-58)	Yes.
410	Dec. 15	Quorum call	Present.
411	do	H.R. 17755: On a motion for the previous question to recommit to committee the conference report on the Department of Transportation appropriation bill (passed 205-185).	Yes.
412	do	H.R. 17755: To adopt the conference report on the appropriation bill for the Department of Transportation (passed 319-71)	Yes.
413	do	H.R. 6114: To request a conference with the Senate on the bill for the relief of Elmer H. Grade as amended to provide a 3-year extension for the "Delta Queen" (passed 295-73).	Yes.
414	Dec. 16	H.R. 17867: To adopt the conference report on the foreign assistance appropriations bill (passed 199-151)	Yes.
415	do	H.R. 19590: To approve the conference report on the Department of Defense appropriations bill (passed 327-30)	Yes.
416	do	H.R. 6778: To adopt the conference report on the bill amending the Bank Holding Company Act (passed 365-4)	Yes.
417	do	Quorum call	Present.
418	do	H.R. 18582: On approval of an amendment to the Food Stamp bill which primarily prohibited the issuance of food stamps to strikers (defeated 172-183)	Yes.
419	do	H.R. 18582: On final passage of the bill to amend the Food Stamp Act of 1964 (passed 290-68)	Yes.
420	Dec. 17	S. 1181: On a motion to send to conference the bill providing for potato and tomato promotion programs (passed 214-145)	No.
421	do	S. 2193: To adopt the conference report on the Occupational Safety and Health Act of 1970 (passed 308-60)	Yes.
422	do	H.R. 17809: To approve the conference report on the bill relating to the pay system for governmental prevailing rate employees (passed 271-89)	No.
423	do	Quorum call	Present.
424	do	do	Do.
425	Dec. 18	do	Do.
426	do	On a motion to dispense with further proceedings under the quorum call (passed 307-10)	Yes.
427	do	Quorum call	Present.
428	do	do	Do.
429	do	do	Present.
430	do	H.R. 19504: To adopt the conference report on the Federal-Aid Highway Act of 1970 (passed 319-11)	Yes.

Footnotes at end of table.

Rollcall No.	Date	Measure, question, and result	Vote
431	Dec. 19	Quorum call	Present.
432	do	H.R. 19436: To adopt the conference report on the Housing and Urban Development Act of 1970 (passed 168-104)	No.
433	do	S. 578: On approval of the bill extending to Federal firefighters the same retirement benefits as other Federal employees engaged in hazardous duty (passed 158-104).	No.
434	Dec. 21	Quorum call	Present.
435	do	H.R. 14233: To suspend the rules and pass the bill to exempt from the reporting requirements of the Gun Control Act .22 caliber rimfire ammunition (passed 246-59).	Yes.
436	do	H. Res. 1308: To adopt the rule under which to consider H.J. Res. 1146 relating to the expansion of the U.N. headquarters (passed 189-107)	Yes.
437	do	Quorum call	Present.
438	do	H.J. Res. 1146: On a motion to recommit to committee the resolution providing funds for expansion of the U.N. headquarters in order to amend the bill prohibiting the appropriation of funds until all delinquent dues and assessments of member nations are paid (defeated 124-168).	No.
439	do	H.J. Res. 1146 (S.J. Res. 173): On final passage of the resolution authorizing funds for expansion of the U.N. headquarters (passed 152-134)	Yes.
440	do	Quorum call	Present.
441	do	H.R. 19446: On a motion that the House resolve itself into the Committee of the Whole House to consider the Emergency School Aid Act of 1970 (passed 147-84)	Yes.
442	do	H.R. 19446: On a motion to strike out the enacting clause of the Emergency School Aid Act of 1970 (defeated 109-130)	No.
443	do	H.R. 19446: On final passage of the Emergency School Aid Act of 1970 (passed 159-77)	Yes.
444	Dec. 22	Quorum call	Present.
445	do	do	Do.
446	do	On a motion to dispense with further proceedings under the quorum call (passed 278-9)	Yes.
447	do	H. Res. 1238: To adopt the resolution granting certain privileges for a period of 2 years to the retiring Speaker of the House (passed 218-69)	Yes.
448	do	H.R. 1315: To adopt the rule under which to consider H.R. 19953, the Emergency Rail Services Act of 1970 (passed 263-30)	Yes.
449	do	H.R. 19953: To approve the Emergency Rail Services Act of 1970 (passed 165-121)	No.
450	Dec. 29	H.R. 14984: On a motion to agree to the Senate request that the bill relating to the Sioux Indians be returned to the Senate (passed 235-20)	Yes.
451	do	S. 1181: To approve the conference report on the bill providing promotion programs for milk, potatoes, and tomatoes (passed 159-93)	No.
452	do	H.R. 19590: To adopt the conference report on the Defense appropriations bill (passed 234-18)	Yes.
453	Dec. 30	Quorum call	Present.
454	do	H.R. 18582: To order the previous question on the motion to recommit to the Committee on Conference the Food Stamp bill (passed 148-126)	Yes.
455	do	S. 4268: To suspend the rules and pass the bill amending the Export-Import Bank Act of 1945 (defeated 161-102; a ⅔ vote being necessary)	Yes.
456	Dec. 31	Quorum call	Present.
457	do	H.R. 13000: To suspend the rules and agree to the conference report on the Federal employee pay Comparability bill (passed 183-54)	Yes.
458	do	H. Res. 1337: On a motion for the previous question on H.J. Res. 1421, a continuing appropriations resolution for the Department of Transportation (passed 145-75).	Yes.
459	do	H.J. Res. 1421: To approve the resolution providing continuing appropriations for the Department of Transportation (passed 180-37)	Yes.

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[1] Speaking engagement.

[2] If present, would have voted yes.

[3] If present, would have voted no.

MICHAEL A. FEIGHAN

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. SLACK. Mr. Speaker, I am privileged to have the opportunity to add my words to the many which have been spoken in praise of our esteemed colleague, Hon. Michael Feighan of Ohio. It will seem strange indeed that he will not be with us when the 92d Congress convenes. He was one who had already established himself as an authority in his chosen field of specialty when I first came to the House of Representatives.

His wide range of knowledge, sober judgment, and wise counsel were invaluable to all of us who were required to cope with questions involving immigration policy and the problems of refugees. We found him to be generous with his time and with the distribution of knowledge drawn from the storehouse of his experience.

Few issues whch come before us are as complicated and subject to misinterpretation as proposals to amend the immigration laws. The right of access to American citizenship is a prize beyond price to millions of persons who live in countries where personal freedom and fulfillment of human ambitions is denied by law or long-established custom. Changes in the laws governing access must be handled with delicacy and a keen sense of human values.

All of us who were present must recall with admiration his determined and successful effort to modernize our immigration laws after 20 years of discussion and debate had been without result. He will be long remembered for his accomplishment and the continuing vigor of our society will long reflect it.

I wish him many years of relaxed and pleasant retirement, and the peace of mind that comes with the inner knowledge that he has given of his best and his best has made his country a better land in which to live.

TRIBUTE TO ALLARD LOWENSTEIN

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. BRADEMAS. Mr. Speaker, few Members of Congress have brought with them in their first term so wide an experience in public life and so nationally respected a reputation as Allard K. Lowenstein, our distinguished colleague, who will no longer be serving in Congress with us.

Mr. Speaker, I have known Al Lowenstein for many years and therefore rejoiced when he won election to Congress and was dismayed when, as a result of a highly partisan gerrymander in his home State of New York, he was defeated for reelection last November.

Al Lowenstein brought with him to Congress a reputation which his service here only deepened—a reputation as a man of courage and compassion and intelligence, a man who spoke out with a clear and perceptive voice on the great issues facing the people of our country.

Mr. Speaker, the firmness of Al Lowenstein's commitment to constructive change commanded for him great respect on the college campuses of the Nation even as his plea to young people to make our political institutions more responsive and effective often pricked their own preconceptions.

Mr. Speaker, although he served but a short time in Congress, Al Lowenstein earned the respect and affection of Members of the House of both sides of the aisle and of every spectrum of opinion.

I have little doubt but that Al will make even greater contributions to our country and to mankind in the years ahead.

ROSE McCONNELL LONG

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. WAGGONNER. Mr. Speaker, the year just passed was a sad one for all Louisianians because we witnessed the passing of one of the truly great ladies who have graced our State in its history, Mrs. Rose McConnell Long.

She held a very special place in our hearts because she was not only our first lady, but at other times, our Senator and the mother of our present distinguished Senator, Russell B. Long. But for all the luster she has brought our State, she will be cherished in the hearts of Louisianians for reasons other than the public acclaim to which she was so richly entitled. She will be remembered, I believe, for her graciousness, her Christian strength as a wife and mother, and for the devotion she gave her family.

Greatness is an ephemeral thing by today's standards when it is accorded because of the amount of money one has, the stylishness of one's dress or the outlandishness of one's mode of living. Rose McConnell Long is accorded greatness on the basis of values, ethics, and standards of a more worthy era. We are proud of her in Louisiann; she reflected her greatness upon us all and she will be missed as she was loved.

TRIBUTE TO SENATOR GORE

HON. GAYLORD NELSON

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. NELSON. Mr. President, each new Congress opens with melancholy because old friends and colleagues who have served the Nation with such distinction and courage are no longer in their accustomed places in the Chamber.

As the 92d Congress opens this month, many distinguished Senators will be gone. Among them, is Senator ALBERT GORE, one of the most distinguished and respected men in the Senate.

The electorate in Tennessee responding to a vigorous anti-Gore White House campaign, decided against sending GORE, affectionately known as the "Old Gray Fox," back to represent them in the Senate, and both Tennessee and the United States lost an effective, independent leader.

For 32 years—14 years in the House of Representatives and 18 years in the Senate—GORE served Tennessee and the country as a masterful and skillful legislator. His independent populist beliefs directed him unerringly, even when his party, his State, and his section of the country disagreed with him. He supported unpopular causes and spoke out on issues because he believed he was right even though his political future was on the line.

Among a few of his courageous stands was his refusal to sign the so-called Southern Manifesto condemning the Supreme Court's 1954 school segregation decision. Senator GORE would not join the effort to override the Court's decision on the matter of prayer in the public schools and he voted against the confirmation of two nominees to the Supreme Court—Clement Haynsworth and Harold Carswell—when most of his colleagues from the South were firmly supporting them.

His service and dedication to his work on the important Finance and Foreign Relations Committees earned him the respect of his Senate colleagues.

It is unfortunate that at a time when the country needs men like Senator GORE to inspire the Nation with independence, leadership, and dignity, that Senator GORE will not be at his chair when the new Congress is sworn in.

JUDICIAL MURDER IN RUSSIA

HON. JOHN SPARKMAN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. SPARKMAN. Mr. President, I ask to insert at the conclusion of my remarks the following editorial which appeared in the Birmingham Post-Herald on December 29, 1970. I think the editorial correctly expresses the views of most Americans with regard to the treatment of Jews in Soviet Russia.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JUDICIAL MURDER IN RUSSIA

Sentencing in Leningrad of two Jews to death and nine other persons to prison camps for allegedly planning to hijack a Soviet airliner is a brutal, repressive act that tells much about the Kremlin's police state.

We utterly oppose aerial hijacking—whether by Soviet Jews, Arab guerrillas, Black Panthers or assorted psychopaths. It is a crime that endangers innccent passengers and deserves to be punished.

But in the Leningrad case no hijacking took place. The worst that can be charged against the 11 defendants, nine of them Jews who wished to emigrate to Israel, is that they plotted to seize a Soviet plane and fly it to Sweden. To put two "Zionists" before a firing squad for that is savagely excessive punishment.

We have no idea if the 11 are even guilty as charged. Naturally, the trial was closed to the foreign press. No trial record has been or will be made public. The Soviets say all 11 "confessed, pleaded guilty and repented their crimes."

That means less than nothing. After a few weeks in the hands of the Soviet secret police, anybody will confess to anything. This is proved by writings ranging from Arthur Koestler's great novel Darkness at Noon to Khrushchev's famous secret speech to the 20th Soviet Communist Party Congress in 1956.

Also, the efficiency with which the KGB rounded up the Leningrad 11 and some 20 other Jews indicates that the police knew about the alleged "plot" all along. It is even possible that a police agent instigated the escape effort; the tradition of police provocations is strong in Russia, going back to Czarist times.

Interestingly, the Leningrad Jews are charged with violating article 64A of the Russian federation criminal code. This makes it treason to flee the country. All we can say is any country that makes it a capital crime to try to leave is not a country, but a concentration camp.

Recently, the Kremlin has been frightened by the stirrings of the more than three million Soviet Jews, many of whom wish to escape from government fostered anti-Semitism in the Soviet Union and go to Israel.

The reaction of the ruling clique of Communist hierarchs, secret police satraps and Soviet army marshals is in the purest tradition of the late despot Stalin: Arrest, beat, exact confessions, stage show trials, execute—and thus terrorize the survivors into docility.

The new repression is not only aimed at Russia's unfortunate Jews. It is also meant to silence non-Jewish dissidents, scientists, writers and intellectuals who have courageously demanded civil rights and the freedom to think and speak.

In Russia there are no independent courts or judges in political cases. The guilty verdict and death sentences in Leningrad were decided by the Communist Politburo. If Mark Dymshits and Eduard Kuznetsov die before a firing squad, mankind will remember that the trigger fingers belonged to Brezhnev, Kosygin and their cohorts.

BEST WISHES FOR REPRESENTATIVE CUNNINGHAM

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. BROTZMAN. Mr. Speaker, I would like to take this opportunity to wish my colleague, GLENN C. CUNNINGHAM, every success in his future endeavors.

During the time I have served in the House, I have come to know GLENN well. He comes from Colorado's neighboring State of Nebraska, and we have served together on the Committee on Interstate and Foreign Commerce.

Although I am sorry that GLENN will not be with us in the 92d Congress, I do hope he will visit with us often and share with us the legislative knowledge he has acquired in his five terms.

HON. THOMAS DODD

HON. JOHN O. PASTORE

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. PASTORE. Mr. President, if you look to our Congressional Directory for the life story of TOM DODD of Connecticut you will pause before the modesty of the two lines permitted by our colleague.

You will not know of his early dedication to public service. Thirty-five years ago he headed the National Youth Administration for the State of Connecticut. Three years later he was Assistant Chief of the Civil Rights Section of the Department of Justice. In 1945 he was Vice Chairman of the Review Board and Chief Trial Counsel at the historic Nuremberg trials.

In 1947 he returned to private practice in Hartford—but the people of Connecticut recalled him to public service in the House of Representatives in 1955 and 1957—while the Senate has claimed his talents in these 12 years since 1959.

He has been a tireless legislator—dedicated against violence in our everyday life—and devoted to safeguards and opportunity for youth to whom the future belongs. The laws upon our statute books to provide a safer and saner America will be the true monument for this American.

It may be less tangible than the Presidential Citation that is his—the U.S. Medal of Freedom—the Order of the White Lion he received from Czechoslovakia—or Commander of the Order of Merit with which Italy endowed him.

But the student of history will one day do himself a service as he researches the legislative contributions of this brilliant mind and effective advocate.

I would like to recall a day in the Senate that TOM DODD said he would never forget. After a long struggle he had achieved by an overwhelming vote a better and more sensible gun control law.

The majority leader, Mr. MANSFIELD, that day praised his performance. Mr. MANSFIELD said:

> Leading the way, of course, was the Senator from Connecticut, Mr. DODD. His vast knowledge of the subject, his fine presentation, his long experience with the matter, did much to make Senate passage a certainty. Senator DODD deserves the highest praise of the Senate for this success.

And that has been the hallmark of the Senator from Connecticut—perfection of preparation and presentation—through this more than a decade of grave decisions for our Nation.

In the critical fields of foreign affairs, judiciary, and space, his voice and his vote have made themselves felt—and the pulses of his Senate performance entitle him to look back with deep satisfaction on his labors for his country.

XUM

SPEAKER JOHN W. McCORMACK

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. CELLER. Mr. Speaker, the highest honor the House can bestow on one of its own is to name him Speaker. The Speaker of the House is more than an honor, more than a symbol—much, much more. Theme upon theme has been written of the Speaker's powers, his dominance, his role as conductor of 435 diverse instruments of legislative expression. But far too little has been written of each Speaker as a man, how he met the demands of his high office as a man, how he counselled and cajoled, how he, in terms of his own personality, his generosity, his sensitive response to the individual Members who was so often lost inside the large body which is the House, could make a Member come alive to his own challenge.

These were the human ways of our beloved Speaker. For it must be known that our Speaker is a humble man. I know him to be incapable of the kind of vanity that has destroyed lesser men. I have seen him perform chores that others would have found an affront to their self-imposed dignity. He knew not only his votes as he counted them, but his voters as he assessed them.

He rose with the rise of social consciousness, and never by deed and never by word did he betray the citizens who had no power other than their trust in the integrity of the chosen representative.

All Speakers come to love the House of Representatives. Not all Speakers are loved in turn. But to Speaker McCormack, we give not only our respect for his integrity, applause for the excellence of the performance of his duties, honor for the dictates of his conscience, but love for the warmth and breadth of his heart.

HON. JOHN W. McCORMACK

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. McMILLAN. Mr. Speaker, I find it rather difficult to even think or talk about our wonderful Speaker retiring from Congress on January 3.

I have had the privilege and pleasure of serving under five Speakers during the time I have been a Member of Congress, and I do not know of any man who has served in the position of Speaker who would take his valuable time and talk with any and all Members of Congress concerning their problems, other than our present Speaker. We have had some outstanding Speakers during my 32 years of service as a Member of the House of Representatives; however, I do not know of anyone who has served as Speaker who would take the time to give new Congressmen and old Congressmen solid advice when they had a problem.

History will certainly reveal that Speaker McCormack is truly one of our outstanding leaders in this country. We all regret that Mrs. McCormack's serious illness makes it necessary for him to give her his undivided time. I have never known a man more devoted to his wife than Speaker McCormack. I think his record of devotion to Mrs. McCormack during her long illness proves that he is a gentleman of the first order. Even though he had the world's problems on his shoulders during the past few years, he would always take time out of his busy schedule to have his regular meals with Mrs. McCormack who has been almost an invalid for a number of years.

Mrs. McMillan and I greatly appreciate the courtesies the Speaker has extended us even before he became Speaker as he was an outstanding floor leader before he was designated to be Speaker of the House of Representatives.

Every Member of the House and the Nation have certainly suffered a great loss in Mr. McCormack's decision to retire as Speaker of the House. I will always have the deepest respect for Speaker McCormack—he left a real goal for all of us to "shoot for."

Mrs. McMillan joins me in expressing our best wishes to Mr. and Mrs. McCormack, and we hope that Mr. McCormack will get some well deserved rest.

MAINTAIN STRICT WATER POLLUTION STANDARDS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DERWINSKI. Mr. Speaker, in my opinion the necessary steps to combat water and air pollution deserve priority designation.

Therefore, I was pleased to support the establishment of the Environmental Protection Agency. Lest this Agency disappoint us, it must provide the necessary leadership and coordination throughout the country which is its responsibility. I feel an editorial carried by WBBM–TV Channel 2, Chicago, is a proper and timely observation on a matter of special interest to the Great Lakes States:

MAINTAIN STRICT WATER POLLUTION STANDARDS

The new United States Environmental Protection Agency is in the process of setting standards for discharge of sewage from boats.

Michigan officials have been given a look at the proposed standards—and they have raised an anguished outcry that they are—quote—"the biggest step backward the federal government has ever considered taking in the boat pollution field."

Illinois officials have had a similar reaction. The proposed federal standards, which would preempt state standards, are behind those of Michigan—and Illinois, Indiana, Wisconsin, and the Canadian province of Ontario.

The state standards call for an owner either to treat sewage on his boat to a point approaching full purification—or retain the stuff until the boat reaches shore, where it is discharged into land treatment facilities.

Reportedly, federal standards would allow the sewage to be partially treated and dumped into the water.

The retention system is the only way small boat owners can meet state standards—and many owners are already complying, with a number of pump out stations in operation. But, as you might expect, the Boating Industry groups favor the lighter, more permissive reported proposed federal standards.

The United States Environmental Protection Agency says a final decision has not been reached. We must get state reaction first. The states have already reacted with tough laws. Why should Uncle Sam weaken them?

(Full screen card: Address of Environmental Protection Agency.) You, too, can react by writing the Environmental Protection Agency, Washington, D.C., 20242—demanding there be no dumping of any sewage from boats in the lakes and streams.

TOWNSEND FOUNDATION TESTIMONY

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. McFALL. Mr. Speaker, during these important times in our Nation's history, when we are evaluating the priorities that must be established for the future, I want to call to the attention of all Members of Congress certain testimony presented to the Senate Finance Committee.

I believe it is worth recording here the testimony submitted by John Doyle Elliott, secretary of the Townsend Foundation, when appearing before the Senate Committee on Finance during the last session of Congress.

These comments deal with the general welfare of millions of Americans who are faced with critical problems involving inflation, employment, and other factors of our economy.

Mr. Elliott's testimony follows:

TESTIMONY OF JOHN DOYLE ELLIOTT

SUMMARY

Mr. Chairman, I am John Doyle Elliott, Sec. of Townsend Foundation, founded by the late Dr. Francis E. Townsend, 5500 Quincy St., Hyattsville, Md., 20784. Since World War II, each Congress has had more broadly to amend the Social Security Act. Now, Congress is amending it in successive sessions! After 35 years of it.

It's gratifying, in the last two years, that at long last both Houses and White House have reversed views and adopted our 35-year-old critique of evil, misnamed "welfare"—and the Senate Committee on Aging has marked *income-lack* "more than ever" the "major problem" of retired Americans, saying only a federal plan can meet it. On each count, now, they thus honor our original key positions and principles.

Now, I call up Census Bureau's yearly surveys on money-income distribution, showing the income-position of the aged *steadily declining—Not Improving*—despite ALL our public *and* private works, programs and policies. A total, unanswerable failure.

With the enclosed complete copy of H.R. 1205 (with explaining articles) embodying up-to-date application of the Townsend Plan's principles to the problems of social security and poverty—I present the thesis that it's past high time Congress (and everybody else) turn to a *great, national pension* for ALL Americans equally and alike, providing *Prosperous instead of impoverishing* retirement. Stop mismanaging abundance under the mean, obsolete rules of scarcity.

H.R. 1205 is specifically designed to implement this thesis, including the financial mechanism to support it. All alternatives, fully exhausted, have worse than failed—even failed to prevent the problem's worsening. Authentic Fact despite all earnings, investments and public and private programs—*All Combined!*

The people and our country's economy and prestige have suffered and lost mightily from this worsening instead of solving problem. **In the last three decades, no other investment**—economically, socially, or politically—**would have benefited the people and profited** the country so vastly as this great pension.

Further, I contend, the longer we go without it, the mightier become both the loss and the Need for the profit which can be gained from no other source, or action.

A system making social security a living fact of life in our land will not take money out of our economy, or out of the overall lives of honest people, business, or interests—in fact, quite the contrary. *But, it will solve problems of the great import—problems not otherwise to be solved—problems which must be solved* if we are to achieve the faith, harmony and unity necessary for the world-inspiring society we ought, by every right, to be.

My testimony also presents steps to amend present Soc. Sec. to help prompt transition to the system we ought to have. Most important, H.R. 1205 provides the specific financial mechanism—financial technology—to implement this matchless contribution towards perfected human prosperity, equality and freedom—*Social Justice*—the essential demonstration to all Mankind of the incomparable ability and beneficence of our American Way honestly applied.

As a few industries have contracts providing decent retirement for those who've **spent their lives with them—I hold it's more** than high time we instituted such a contract for All our people, in All occupations, All **the time, H.R. 1205 is that contract.**

Shall the great mechanisms of science serve man—or man serve the machines?

Mr. Chairman: Our country, born in a new vision of just freedom and equal rights for all, inspired world-wide faith and hope in honest hearts. Despite our matchless achievements, the vision's fogged, fulfillment of our promise to God and Mankind faltering by default here in our own national house. I propose through perfected Social Security the ways and means to unfog the vision and resurrect the promise—by fulfillment here in our own land, renewing Mankind's faith and courage by our success.

It's preposterous to expect success against **our pyramiding problems and obligations unless dominant confrontations in our land are replaced by the faith and harmony only** full social justice *enthroned as unanswerable reality* can ever make possible.

Otherwise, greed, waste and corruption, the real Inflators, will increasingly decay our material and spiritual resources—ordaining doom. Our skyrocketing producing power must promptly be fully employed, even strained in support of honest prosperity, justice, freedom, health and wisdom—not inflating greed, waste and the damning corruption they breed.

Census Bureau's yearly surveys on money-income distribution show Social Security and misnamed "Welfare" monstrously failing to support that necessity. To wit, the **Facts:**

MEDIAN INCOME

	Over 65	55 to 64	Inferiority	Percent [1]
Men:				
1947	$456	$2,344	$1,388	145
1968	2,652	6,717	4,065	153
1969	2,828	7,279	4,451	157
Women:				
1947	551	962	411	75
1968	1,311	2,576	1,265	96
1969	1,337	2,791	1,394	100

[1] Inferiority as percent of income for those over 65.

Add this fact: Persons over 65 increased in numbers 3.5 times FASTER than persons 25 through 64, in those same years.

There is the problem—measured—growing constantly greater—NOT BEING OVERCOME. Steadily deepening *financial depression* for that ever greater part of our adult population—to whose membership all are desirably destined—THE ELDERLY. Money-income, the VERY LICENSE TO LIVE, is excuselessly denied Americans in retirement. While the final reward in life excuselessly remains financial failure and dependency, *so long will our other works and glories stand vain and mocked by history's mark of sin.*

All our works, policies and programs, public and private combined, have failed to prevent **the financial plight of the aged** *from worsening*—never mind betterment. The median income for men over 65, from 1947 to 1969, rose 196%—while their inferiority to men 55 to 64 rose 221%! For women the figures are 154% and 239%. The inferiority of the elderly to still younger adults is even more marked.

Over two years ago, the Special Senate Committee on Aging named income-lack "more than ever" the "major problem" of the old, saying only a federal plan can meet it. *A full endorsement of this Movement's 35-year-old position.* Last year the Senate passed a $100 minimum Soc. Sec. benefit; killed in Conference. As yet, neither House nor White House has lifted a finger. Pray the Senate requires a very meaningful raise.

The elderlys' financial misfortune is duplicated for the disabled, for families bereaved **of natural breadwinners and for those mentally** and physically *competent* who are unemployable because the changes of history and progress render their skills unworthy of hire. They are unjustly misfortuned by mismanagement of the very progress which so wondrously benefits most of us—and so richly promises posterity.

Last year's 15% **Soc. Sec. benefit-raise and** the contemplated 5% will make but a passing ripple, like their predecessors. Proposed national standards for Welfare hint commendable awakening—*30 years late!* It's ironic that every *delinquently mean penny* of such overdue "improvements" is avidly precious to the hungered victims of our feeble policies. No decent heart can deny them the pittance, now.

But, in no sense can they contribute to the *full justice* on which depend the faith and harmony we must have. For that they are less competent than were the original enactments and their long list of amendments to them, in their times.

The plan we need exists. **To discern it,** you need only examine what the *difference* would be *if*, somehow, *we'd never encountered the problem.* No elderly, no disabled, no bereaved families would be in poverty. Those whose skills technology's changes make unworthy of hire would be protected—pending their acquiring needed abilities.

It's self-evident—had we never encountered the problem, that happy prosperous state for the people and the country would be "costing" dollar for dollar exactly what an honest plan to wipe out the evil would cost. "Cost" is relevant only in the sense of measuring the value of the benefit AND of **the loss from the evil. "Cost" is irrelevant in the sense of burden, or loss; but, it's fully relevant measuring a highly profitable, prospering investment for every honest, human interest.**

That difference between how things are and how they ought to be and would be *if* **we'd never met with the problem—that difference meticulously defines, measures and spells out** *what's necessary to fill the gap*—**to change the shaking society around us to the happy, unchallengeable America which should exist by every good reason.**

No project, no investment can so mightily profit us and all mankind so much as filling that gap. The priceless prize of peace unanswerably requires it.

One thing can wipe out that gap—a great, **national pension sufficient to bar poverty** even for those caught with no other resource—as the **EQUAL**, inherent right of **every American in retirement**, or encountering any of the other misfortunes noted above. The injustice which only just Soc. Sec. benefits can wipe out is authentically *measured* by the Census Bureau data above. Today, that pension would have to be over $300 a month. *The measure of the shaking, evil problem we harbor.*

The great pension is the **ONE THING** which could have made the difference in the past. It's the ONE THING which ever can. Without it, the inferiority of the old and others will remain and grow—the forebodings of the Riot Commission come to pass. Without it we can spend trillions to rebuild rotted cities—only to populate them with paupered legions, making future slums out-horroring the most nightmarish imaginings.

I anxiously adjure we must have a drastically reformed, freedom and equality reflecting *definition* of the so-called poverty-line. Medicare recognizes you can't relate treatment to wage-records—*you can't give somebody half an appendectomy!* **Poverty exists unless a person can reasonably finance fully healthful diet, respectable clothing and** housing, full medical and health insurance and care (including preventive needs)—and normal participation in recreation, social, cultural and public life and affairs. *A whole,* not *part* **treatment on the counts, too!**

Lacking this minimum participation in up-to-date prosperity—the minimum requirements of freedom and equality are financially precluded—and all other works in vain.

The great pension must be a floor of prosperity below which we won't allow human living because of financial lack—with earnings deducted so the benefit exhausts close to the up-to-date average. We mustn't hang people under a poverty-ceiling (as proposed) to which earnings barely raise them from a benefit-base deep in poverty, leaving them in its mire. *We must prevent people getting down to actual poverty.*

I condemn poverty-perpetuating proposals—like $1,600 a year, per famly of four, $1.10 a day per person—to taper off after they've $1,000 additional, up to a poverty-ceiling of $3,500—$2.50 a day per person. *It costs us $2.50 a day to board our cat while away from home.* Cat-and-dog pensions for American people—sickening brutality misnamed "welfare" *and Social Security, too. Thirty years obsolete!*

In contrast, the Federal Minimum Wage is $1.60 an hour, about $275 a month on a 40-hour week. **Up-dated, it's over $300 a month—** to keep an individual fit to work—*over $3,600 a year,* in Congress' own conscience. The least for which we can conscientiously use the time, life of another for our benefit, or profit, *according to Congress' own conscience.* What justice reduces it 75% on retirement??

Per capita income, average "cost" per human life, cradle to grave, is comparable. ***How can we condone less for retired and disabled adults??*** I've heard no answers.

Wrong are bills to raise the payroll tax-base up even to $15,000 (top benefits over $500 a month). So to obligate the public purse *to match retirement contributions for the prosperous is excuseless.* All the old objections falsely raised against living benefits **for the misfortuned** ***apply fully to this public aid to the well-to-do.*** **We have the problem because of the misfortuned—not because of prospering people!**

Use of "general revenue" would be equally **wrong—in lieu of exorbitant payroll taxes. To tax progressively for general government costs is fair (tho' in practice betrayed). So to** finance benefits is to *heap progression on progression*—defenseless.

By the great pension in H.R. 1205, under flat-rate contributions by all, the poor will

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pay the least, but benefit the most. The prosperous will pay the most with the benefits meaning progressively less to them. *A progressive benefit to the poor.*

The great, national pension I advocate, fully defined and provided by H.R. 1205, is not a Government-spending—it is a people-spending program! It is a universal contract financially involving all our people, all occupations, all business and industry and all contracts and transactions all the time—to provide for all the people alike just about what the auto industry contract does for the 30-year man there.

This will take no money out of our economy, or out of the overall lives of honest people, honest business, or honest interests. It will benefit all, over and above its direct beneficiaries, by the greater prosperity which will prevail—and by the relief from the costly problems resulting from social injustice, now. It will end the dividing discriminations inherent in misnamed welfare and Social Security, now.

Without this achievement, we can never enthrone as unanswerable reality the full faith and harmony necessary for fulfilling our country's promise to Mankind.

Note that Administrative costs will be nothing, because we are already more than paying them now for the feeble, unjust, complicated system we have. In truth we are paying for a 1970 Cadillac—but we're getting a Model-T ride for our money!

Contrasts. Discrimination is an evil thing. As the Supreme court said, ". . inherently un-Constitutional." Just get old, or disabled and its *real meaning's cruelly taught.*

Last year's 15% Soc. Sec. raise, plus the contemplated 5%, compound to 22% over not less than two years. In terms of an 8-hour day, a 40-hour week, *it's about 13 cents an hour raise*—with no overtime, no extras.

In contrast, we've seen teamsters settling for $1.25 an hour (not 13 cents!), over 3 years. N.Y. printers about $1.40 per hour—Chicago truckers $1.85. Contrast!

How can Congress and the Nation stomach such savage discrimination?

Everybody with the power to grab—economically able to blackmail the public—seems grabbing grand pensions. Everybody who, in truth, is best able to provide for themselves. Walter Reuther left the UAW's primed to required $500 monthly pensions for 30-year auto workers. Whatever they actually get will make misnamed Soc. Sec. look prehistoric—and other unions capable of the pressure will follow. Contrast!

We recently read of a railroad's top executive, ousted as the road faces bankruptcy in history's most prosperous time and place—we read of his $114,000 a year pension. Then, we read it's a mistake—he's only—*ONLY*—good for $50,000! His salary's only been about $225,000 (plus a lot of extras), so he couldn't provide for his own retirement. $50,000, in terms of an 8-hour day etc., comes to about $192 a day, $24 an hour—alongside $6 a day, *1/32nd as much,* for the average Soc. Sec. retiree.

Which could reasonably finance his own retirement—and which is the big grabber of something for nothing?

What about professional footballers—asking for pensions up to $100,000? In public life, too, the big pensions go to the most prosperous.

Those most properly able to finance their own retirement—who've the best means for saving, investment etc. are greedily exerting economic pressure on their country for exorbitant pensions. The great majority of Americans, especially average people and outstandingly the misfortuned, are getting crusts and crumbs. Who *IS* on relief?

This is self-evident—and if not ended will doom faith and harmony in our society. The grand pensions, seized by the powerful, *are not out of their wages.* They are in *addition—out of the public pocket via prices, via taxes, graft and corruption*—for those with no excuse at all for being on relief. And that's what it is.

Every argument, urged so falsely for over 35 years against decent, living pensions for Americans generally and most fully for the misfortuned—every one applies unanswerably to these undeserved gifts from the public purse to the well-to-do. Lord!

Living pensions, reflating the deflated lives of the misfortuned—keeping up to date the lives of Americans generally—these are not inflationary. The extravagant undeserved, needless gifts to the rich, these are highly inflationary! For example.

Mr. Chairman, to have faith, harmony and unity replace the confrontations smashing our society today, without that great pension, is starkly unthinkable. Dishonest mismanagement of our abundance by the obsolete, tyrannous rules of scarcity must stop. Greed has no further claim on such excuseless benefit! Otherwise, all our achievements stand shamed by failure to serve God's Will and justice to Mankind.

In truth, the mightier our achievements and progress, the less excuse—and the worse every reason—for tolerating avoidable injustice and human woe. Poverty and it's deflation—greed, corruption and their inflation—they must go. The great pension is the sine qua non of their demise.

What must be done is vigorous transition to the great pension for the old and other unemployables, which will wipe out evil discrimination by equal, honestly sufficient Soc. Sec. for ALL, equally and alike.

H.R. 1205 provides direct transition from our present system to the great, national pension, swiftly. There is an indirect approach to the same goal, which is the very least conscientiously to do now for discontinuing the evils sapping our strength.

Vest in every person equally an *assumed* "wage in covered employment" sufficient for a retirement benefit of $175 a month. With this *one program* for all, alike, welfare and public assistance—except in very rare, extreme cases—and Soc. Sec. benefits to most adult dependents will cease. Periodically advance this minimum benefit until it bars poverty even for those caught with no other resource.

Adjust benefits in step with percapita income reflecting changes not just in living costs, but all monetary changes, annually.

Suspend earnings limitations until benefits, regardless of other assets, bar poverty.

Make retirement age 60. Cover technologically and educationally disabled over 18.

Finance transition not by payroll tax hikes, or piling up general revenue tax-rates. Use the gross receipts tax defined and provided in H.R. 1205. Free State and local governments from welfare and public assistance costs and evils.

Remove medicare limitations, including deductibles and premiums. Include chiropractic physicians. over all Soc. Sec. beneficiaries, as well as the aged.

Provide retirement and disability bonds, appreciating with percapita income, for all wanting to amplify retirement finance without traditional investment risks.

This is not just a plan. It's the plan. Without the very things it both defines and provides, the most fundamental frustrations and injuring injustices causing our country's divisions will remain in force, rampant and mounting. Without it, *trillions* will be spent to rebuild rotted cities—and to pack populations into vast suburbs until they become equally vast cities themselves—so spend *trillions* only to inhabit them with paupered legions, ordaining future slums out-horroring any nightmare. However titled, any step to correct any of these most basic wrongs will have to be part of this specific plan—*since, indeed, it has been defined and recorded.*

Truth is we must have prosperous—not paupered—retirement equally provided for all in the same way. So, too, for the other areas, both permanent and correctible, of disability and unemployability. It's time for real answers to problems.

Time's run out, Mr. Chairman, for tolerating things wrong—for callously gradual, too often fictitious, ground-losing "steps in right directions." The great, massive strike of swift, decisive, *achieving action* looms as the total necessity. I very respectfully admonish *this plan's to that end the primary essential—sine qua non.*

To what end save cities—or work any great wonders—unless we save the humanity for whose freedom and betterment all things economic exist?

We will successfully conquer no physical pollutions while we tolerate perpetuation of the moral pollutions of injustice—tolerate the exploiting greed, corruption and the crime they breed which have perpetrated, created our physical pollution.

It may well be that Mankind cannot reform its character—but, it had better very soon control and remedy its conduct—which we can do, by contract, law enforced. The fundamentals of that contract, law, are defined and provided in H.R. 1205; and implementation, transition presented in this testimony.

Progress and abundance are mismanaged when they bring hurt to anybody—and if they fail to provide bettered, not problem-plagued economic and social life for all.

Without the great pension, these truths and our country's promise to Mankind can't be honored and fulfilled.

SPECIAL MEMO—AUGUST 1970—FACTS ABOUT THE INCOME-INFERIORITY OF THE AGED

MEDIAN INCOMES

	Over 65	55 to 64	Inferiority	Percent[1]
Men:				
1947	$956	$2,344	$1,388	145
1948	998	2,412	1,414	142
1949	1,016	2,366	1,350	133
1950	986	2,494	1,508	153
1951	1,008	2,840	1,832	182
1952	1,247	3,009	1,762	141
1953	1,150	3,271	2,121	184
1954	1,268	3,195	1,927	152
1955	1,337	3,440	2,103	157
1956	1,421	3,567	2,146	151
1957	1,421	3,681	2,260	158
1958	1,488	3,968	2,480	167
1959	1,576	4,190	2,614	166
1960	1,698	4,289	2,591	153
1961	1,758	4,597	2,839	161
1962	1,910	4,800	2,890	151
1963	1,993	4,901	2,908	146
1964	2,037	4,941	2,904	143
1965	2,116	5,250	3,134	148
1966	2,162	5,750	3,588	166
1967	2,304	6,122	3,818	166
1968	2,652	6,717	4,065	153
1969	2,828	7,279	4,451	157
Women:				
1947	551	962	411	75
1948	589	857	268	46
1949	516	1,000	484	94
1950	531	918	387	73
1951	536	968	432	81
1952	654	1,175	521	80
1953	659	1,170	511	78
1954	694	1,195	501	72
1955	700	1,257	557	80
1956	738	1,364	626	85
1957	741	1,342	601	81
1958	776	1,326	550	71
1959	797	1,431	634	80
1960	821	1,415	594	72
1961	854	1,480	626	73
1962	920	1,669	749	81
1963	920	1,774	854	93
1964	952	1,910	958	101
1965	984	2,019	1,035	105
1966	1,085	2,214	1,129	104
1967	1,123	2,352	1,229	109
1968	1,311	2,576	1,265	96
1969	1,397	2,791	1,394	100

[1] Inferiority as percent of income of those over 65.

Add this fact: Persons over 65 increased in numbers at a rate 3.5 times that of persons aged 25 through 64.

There are the facts. Remember the above reports money-income from all sources—all.

Source: Census Bureau, Current Population Reports, 1947–1969, Series P–60, No. 5, Table 15; 6–12; 7–17; 9–18; 11–3; 14–3; 16–3; 19–3; 23–3; 27–18; 30–18; 33–24; 35–23; 37–23; 39–25; 41–18; 43–20; 44–6; 50–2; 52–6; 60–3; 63–6; and 70–6.

The income-status of the elderly has not improved—netting, if anything, a slight loss. But, that's not all of it. A few in certain groups, like auto workers, for example, won themselves better pensions. But, since the aged, as a whole didn't gain, the good gains of these scattered groups *means the rest generally lost, all the more!* Keep that truth in mind.

In that light study the above "Inferiority" Column and you'll see how all the programs and policies, public and private combined, have failed the aged—and how only our Bill can provide them the very license to live, money-income. Only our Bill.

It is very far past high time we had prosperous retirement—a "contract" for *all* the people, *all* the time—just as validly as contracts in the auto and other industries exist for some special few. H. R. 1205 is that contract, universally covering all, all the time, in every occupation and in every business.

The burden of proof should now rest on those who'd still insist on foolishly trying to make the demonstrably unworkable old system work—and you'll find *every reason they'll give will be a bad one!* There isn't and *there never has been any good reason* for living standards in retirement being impoverished, or in any way inferior to the earlier periods of adult life.

HON. JOHN McCORMACK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I rise with heavy heart to say farewell to a dear personal friend, one who has been my guide and counselor during my service in this body. Before my day, he was the friend of my late father who never spoke of him as other than "my good friend JOHN McCORMACK," a sentiment with which I heartily concur. JOHN McCORMACK is a great and humane man. In the high office of Speaker, he has always maintained a deep sympathy for the affairs of the common man and has given dedicated service to the little people of his District and to the poor, unfortunate, and disadvantaged of this Nation.

His record in the Congress is distinguished not alone by its remarkable length, but, more importantly by the rare quality of leadership which he has displayed and by his outstanding accomplishments. His term as Speaker is studded with new and notable legislation bearing the mark of his fine character. The greatest record of all of the Congresses in which I have served is, in large part, directly attributable to the effective leadership which this exceptional man has shown.

Medicare and social security liberalization, legislation to better the health of all our people and for research into the cause of illness, provisions to feed the hungry, laws to improve educational opportunities of all ages and classes in our society, and measures to do away with injustice and discriminatory practices in our society have become law under his leadership.

As JOHN McCORMACK departs the Congress, he leaves a nation much better for his service, and a legion of friends and admirers who wish him and his beloved wife happiness in his retirement.

The great character and leadership of JOHN McCORMACK will be sorely missed in the Congress and it is my hope, as it is of all my colleagues, that he will return often to this great institution where he has served so well for so long.

TRIBUTE TO SENATOR HOLLAND

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. HARTKE. Mr. President, this year marks the retirement of a fine and distinguished Member of this body, a man whose grace and friendship have been a true inspiration to his colleagues.

The Senator from Florida (Mr. HOLLAND) is retiring after almost 25 years of service in this legislative body.

A former Governor of Florida and a Member of the Senate since 1946, the distinguished senior Senator has performed more services for his State and his country than we could list here today.

Mr. President, I do not wish to discuss all the legislative accomplishments of Senator HOLLAND, but I do wish to mention some things which I think reveal the inner quality of the man and are indicative of his character.

In particular, I commend Senator HOLLAND for his long and successful battle to eliminate the poll tax. This eloquent spokesman first introduced the constitutional amendment to prohibit the poll tax in 1949. And he continued to give direction and eloquence to the anti-poll-tax movement until its passage in 1962.

The 24th amendment to the Constitution, ratified in 1964, is a living testament to the dedication of the senior Senator from Florida.

SPESSARD HOLLAND has earned the trust and respect of his colleagues on both sides of the aisle. Those who have known him as an opponent on certain issues share the same warmth and respect for a man of great decency and integrity.

I wish to join my colleagues in wishing SPESSARD HOLLAND the joyous and healthy retirement that he so greatly deserves.

He is a man of warmth and dignity, and a person who has given much of himself. Men of his stature and dignity are the vital strength of our form of government.

Mr. President, I am honored to join my colleagues in expressing gratitude and best wishes to the senior Senator from Florida, SPESSARD HOLLAND.

HON. WILLIAM T. MURPHY

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. DELANEY. Mr. Speaker, I am glad to join my colleagues in paying tribute to the distinguished gentleman from Illinois, the Honorable WILLIAM T. MURPHY, who has chosen to retire at the end of the 91st Congress.

BILL is a very close friend of mine, and I will greatly miss his warm companionship and gentle humor. He is a quiet and scholarly gentleman with great personal integrity, high ideals, and a stimulating breadth of vision.

He came to Congress in 1959 after an outstanding record of service on the Chicago City Council, where he served with great distinction for nearly a quarter of a century. Through his work on the House Committee on Foreign Affairs he became intimately knowledgeable of the complex field of international relations, and has risen to become chairman of the Subcommittee on Asian and Pacific Affairs.

He worked with complete dedication to serve his constituency, his State, and his Nation. He can rightfully take pride in his exemplary record of public service, and his uncommon talents will be greatly missed in this Chamber.

To BILL, his lovely wife and family, I express the sincere hope that they will enjoy good health, great happiness, and every success in their endeavors in the years ahead.

A MAGAZINE ISSUE DEDICATED TO A FORMER HOUSE MEMBER

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. CARTER. Mr. Speaker, the Panama Canal Society of Florida recently dedicated its December 1970 issue of its magazine, Canal Record, to the former Governor of the Canal Zone—construction era—and former Member of the House of Representatives, Kentucky; Maurice H. Thatcher.

It will be recalled that on August 15, 1970, under the auspices of the Panama Canal Society of Washington, D.C., the centenary date of Governor Thatcher, a brilliant program was observed at the Cosmos Club in this city. A complete story of the occasion was placed in the proceedings of the Senate, by Senator THURMOND, on September 9, 1970.

The Panama Canal Society of Florida is a unique institution of more thon 1,500 members, made up chiefly of U.S. retirees of the Panama Canal Service since the canal was built—though with a few canal builders—like Governor Thatcher—who yet survive. In recent years, a large number of those retiring from the Panama Canal organization find subtropical

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homes in Florida, and thenceforth reside in that land of fruit and flowers. Most of these residents join the society and thus swell its proportions to a very high figure.

The society issues, in quarterly fashion, a magazine, also of unique pattern. It is a "social clearing house" for the recordation of births, deaths, marriages, and activities of retiring Canal families; legislative news from the Congress; and various other features of special interests to all such retirees.

In recognition of Governor Thatcher's long official and unofficial services, for the canal and its employees and for the Isthmus of Panama, the society dedicated the recently issued December number of the magazine to him. In it appeared a well-written and compact story, by the magazine's very capable editor, Margaret M. Ward, of his career—especially that portion of it relative to his invaluable services rendered throughout the years beginning with his tenure as Isthmian Canal Commissioner—now the only surviving member—and civil Governor of the Canal Zone. During the canal construction era which began in May 1910 and continued for more than 3 years, he began his Isthmian service. In Congress, also, during his five terms, he was able to render most useful services for the canal and its employees and ever since. Embraced in his congressional activities was the act—1928—establishing in Panama the Gorgas Memorial Laboratory of Tropical and Preventive Medicine, Inc. For many years he has rendered gratuitous and efficient services for these institutions.

XUM

Under leave granted, I include herewith pages of the pertinent subject matter mentioned, as set forth in the magazine, including certain poems:

"DEDICATED UNIVERSAL MAN"

(Dedicated to the Honorable Maurice Hudson Thatcher)

The words of Theodore Roosevelt, "The only homage that counts is the homage of deeds," exemplifies the life of a former distinguished Zonian who celebrated his 100th birthday on August 15, 1970—Governor Maurice H. Thatcher. Having lived for a century would in itself justify a day of celebration, but longevity, combined with an illustrious record of past and current "deeds," dating from 1892 when Maurice H. Thatcher became a Circuit Court Clerk in Kentucky and began his study of law, to 1970, warrants "Homage" as interpreted by Roosevelt's statement. Governor Thatcher has accumulated fifteen pens used by Presidents of the United States from Mr. Coolidge to Mr. Nixon in the signing into law enactments by Congress for which he was directly responsible while serving in Congress and largely responsible for after leaving Congress. He is a centenarian only by a count of years; in sponsoring such legislation, his far-seeing vision and his dedication to humanity give immortality to his "deeds."

Voluminous accounts have been written on his administrative, legislative, and legal career; therefore, details of his enviable record will be left to the research students who have abundant source material—newspapers, both in Panama and the United States, books on the construction period of the Panama Canal, the Congressional Record, Who's Who in America, and eventually in the collection of his extensive official documents and files, press and scrap books (estimated at more than 80 volumes) which are currently being placed at the Scottish Rite Temple, 16th and S Streets N.W., Washington, D.C.

A majestic bridge across the Panama Canal bearing Governor Thatcher's name was dedicated in 1962 on October 12—Columbus Day, so named for a man who also had courage and wisdom—in sailing over uncharted seas, he opened the gate to a new world. Symbolically, Governor Thatcher, as a humanitarian, has also opened the doors for many unfortunates caught in the web of man-made inequities. During his tenure on the Zone (1910–1913), many social reforms were promulgated and the efficiency of all civil departments increased. He himself stated (Congressional Record, September 9, 1970), "In my efforts, I have always been anxious to serve the 'underdogs'—men and women, who, through no fault of their own, are driven into want and need." His latest effort in combatting unjust discrimination was his effective support in the 91st Congress for beneficial legislation (HR–7517) for retired alien employees of the Canal, chiefly West Indians and Panamanians, to put them on equality with subsequent workers of the same type who were covered by Civil Service years ago. President Nixon in a note from The White House on August 5, 1970, wrote, "Dear Governor Thatcher: Several days ago, HR–7517, a bill to provide for increased payments for certain former employees of the Canal Zone, came to my desk for signature. Since your term as Governor of the Canal Zone covered the period in which the Panama Canal was constructed, I know this legislation is of particular significance to you. For this reason, I am pleased to send you the enclosed pens to commemorate my signing this legislation." Governor Thatcher sent one of the two pens to the Isthmus for Governor Leber to present to these particular retirees and reserved the other to place (the 15th) with other pens he had received in the past.

Today, 1970, conservation of our natural resources is becoming daily headline news—often with a pessimistic outlook on the depletion of our natural resources. To Governor Thatcher, while in Congress (1923–1933), protection of our nation's scenic, historic and recreational resources became a life-long project. Today, he is widely known as a conservationist in his effective services in support of National Park systems and historic shrines. His most recent conservation efforts have been directed toward the establishment of the Plymouth Rock National Memorial, embracing some 12 acres surrounding the famous landing place of the Pilgrims in 1620 in Plymouth, Massachusetts. It is believed that legislation to establish the Memorial, which has been introduced in the Senate and the House, should shortly be enacted, due largely to Governor Thatcher's efforts. All of his conservation achievements have been carried on at his personal expense with no reimbursements. "The National Park Service and the people of the nation have been most fortunate to have this rare and devoted interest directed toward preserving the intrinsic character of our rapidly vanishing landscape and history." (Congressional Record, September 9, 1970). In an industrial age, it is men like Governor Thatcher who with unflagging enthusiasm seek to preserve what is precious to many Americans.

As a diplomat, Governor Thatcher and Mrs. Thatcher formed close ties of friendship with the leaders who brought about the Panama Revolution in 1903. The Governor has been an avid believer at all times in the principles of the Good Neighbor Policy. In the course of his long career, he has received many honors, including the highest civil orders of Panama, Ecuador, and Venezuela.

The Program of the Panama Canal Society of Washington, D.C., at their annual meeting, August 15, 1970, commemorated the 56th Anniversary of the opening of the Panama Canal and honored, with a brilliant program, Governor Thatcher on his 100th birthday. Many distinguished guests and a few old-time Canal builders were present at this outstanding event.

The testimonials and awards for Governor Thatcher were many and of exceptional character. Paul M. Runnestrand, Executive Secretary, as the special representative of Governor Walter P. Leber of the Canal Zone, flew to Washington and presented a Certificate designating Governor Thatcher as Honorary Governor of the Canal Zone, a lovely framed night picture of the Thatcher Ferry Bridge, an album containing pictures relating to Governor Thatcher's 60 years of service to the Panama Canal, special letters from Governor Leber with reference to Governor Thatcher's public service, a beautiful mola serving tray, a mounted pen and pencil set, etc., and was advised he would later receive, when minted, the first gold medallion under the recently created Panama Canal Public Service Award.

Testimonials and awards followed from the General Society of the Mayflower Descendants (Governor Thatcher has ancestral lines tracing back to early colonial days and beyond which include Elder William Brewster, one of the passengers on the Mayflower and the spiritual leader of the Pilgrims), and congratulations and his commission from the Governor of Kentucky as a "Kentucky Colonel." Admiral Galloway announced that a history of the Gorgas Memorial Institute and Laboratory, soon to be published, would be dedicated to Governor Thatcher.

Informative addresses were given by Capt. Miles P. DuVal, Jr., on Maurice H. Thatcher, the Dedicated Universal Man; by Dudley C. Bayliss on Conservationist Par Excellente; and the Panama Canal and Historical Prelude by Professor Richard Bennett O'Keeffe.

In his response, Governor Thatcher expressed his deep appreciation for the honors he had received and his gratitude "for the opportunities that had come to him to render beneficial services to the greatest industrial enterprise of the ages, the Panama Canal, and its employees of every category, and the Isthmus of Panama . . .

"Man has great potentials, but he has far to go. On this small planet, he has made great progress, and to science we owe much indeed. The miracle of today becomes the commonplace of tomorrow. The general condition, however, is at low tide; and we are plagued with unmatched violence and confusion . . . Order is Heaven's first law, and must be Man's, if ever he achieves his mission . . ."

Through the centuries, the history of man has been in part written in poetry. Governor Thatcher's contributions to humanity have not been limited to material achievements. He has honored and continues to honor, the Panama Canal, the Isthmian area, and Kentucky with impressive writing in prose and verse, much of it of universal character, which will be read for generations to come. To the Governor, his avocation of writing poetry has been an excellent form of relaxation, but he states, "I have given priority always to my public duties of official nature, and to subjects of humane and conservational character. As a result, I have never found time to collate and publish a volume of verse; and if I am ever to have any fame in this field, it will have to be posthumous nature."

It has been said that with the March of Time eventually there will be no Panama Canal Society. Little Virginia, when skeptical of the existence of Santa Claus was told, "No Santa Claus! thank God, he lives, and he lives forever. A thousand years from now, Virginia . . . he will continue to make glad the heart of childhood." The RECORD is only the outward symbol of the Society. The Society is more than that—it is that wonderful, glorious, intangible bond among the people who have served on the Canal Zone. Those fearless construction-day workers passed on to their progeny their strong loyalty to the Zone and fellow workers, and to those who went to the Zone later that "intangible something" proved contagious. Those early years, 1904–1914, are immortalized in Governor Thatcher's poem of which the first and last two stanzas are quoted.

(See hereinafter the indicated poem, Builders of the Panama Canal.)

Among the distinguished personages present at Governor Thatcher's birthday party given by the Panama Canal Society of Washington, D.C. were: Dr. Alexander Wetmore, former Secretary of the Smithsonian Institution; Rear Adm. Calvin B. Galloway, president of the Gorgas Institute of Tropical and Preventive Medicine; Dr. Fred L. Soper, distinguished authority on tropical diseases; Maj. Gen. Glen E. Edgerton, former Governor of the Panama Canal; John F. Stevens II, former official of the Baltimore & Ohio Railroad, and grandson of former Chairman and Chief Engineer John F. Stevens of the Isthmian Canal Commission; Capt. C. H. Schildhauer, former aviation executive, now vice chairman of the John F. Stevens Hall of Fame Committee; Mrs. Ailene Gorgas Wrightson, daughter of Maj. Gen. William C. Gorgas, the great sanitarian of Cuba, and Panama; Mrs. David Pierre Gaillard, daughter-in-law of Col. D. D. Gaillard, after whom the famous Culebra Cut was renamed as Gaillard Cut; Dr. Edward L. R. Elson, pastor of the National Presbyterian Church and Chaplain of the U.S. Senate (he gave the invocation); Paul M. Runnestrand, executive secretary of the Canal Zone Government; Dr. Francis G. Wilson, author and political scientist; Ralph Townsend, author of books on transpacific affairs and former instructor of journalism at Columbia and Stanford Universities; Maj. Gen. Paul H. Streit, former president of the Gorgas Memorial Institute; Comdr. Homer Brett, Jr., historian general, Order of the Stars and Bars; and John R. Whitney, deputy governor of the General Society of Mayflower Descendants.

Maurice H. Thatcher, on the occasion of the 25th Anniversary of the formal opening of the Panama Canal, not only painted a vivid word picture of construction-day years, but in the thirteen eight-line stanzas of "Builders of the Panama Canal" paid tribute to those brave, adventurous, inspired men, both living and dead, who made possible the realization of what the skeptics called "a dream."

The poem follows, together with other poems included in the magazine article.

Builders of the Panama Canal

(In commemoration of the 25th anniversary of the formal opening—by Maurice H. Thatcher)

There were workers great, and workers small—
As judged by rank—in the Enterprise;
But glory enough there was for all,
And each was great to Seeing Eyes.
Let Fame take care that her Scroll be just,
And give to each his meed of praise,—
Else, out of the Ashes and the Dust,
The Shade of Censure shall upraise.

A laud for the work of the first Gold men
Who toiled and wrought and strove, amain,
To dig the Ditch! They began it when
Old Yellow Jack, and the blight and bane
Of Chagres Fever, took starkest toll.
They came, enlisted, and ventured all;
And wrestled Death, with body and soul,—
To linger, these—and those, to fall.

Another fever filled blood and bone
Of all, thruout. Its currents run
Until, within the stretch of the Zone,
The last lone yard of the Link was done:—
A fever, absorbing in the fire
Which single zeal forever brings;
A fever which always must inspire
That strength from which great action springs.

From a boundless field from which to choose—
The ablest Uncle Sam could find,—
Were here assembled: steam-shovel crews,
And engineers of ev'ry kind;—
Designers, trainmen, inventors rare;
Dredgers, foremen, mechanics skilled;
Electrical wizards;—and, ev'rywhere,
The art to do what the Blue-Prints willed.

Whate'er the call, whatever the task,
Each one strove for a single end;
So fair his service that none could ask
Better result, or aught amend.
He reamed the hole, and the bolt sent home;
He mixed the parts, and filled the form;
Into cores he pumped the silt and loam;
And wavered not in sun or storm.

The dirt he hauled from the deepest Cut;
Reclaimed tide-lands in manner vast;
He "toed" the dams with the huge output
Of spoil of shovel and slide and blast.
He dredged the channels in sea and lake,
And built the bounds of dock and lock;
Upreared the spillways and each intake,—
And planted all on the solid rock.

He lent the sleight of his brain and hand
To do all things the Goal required;
All things designed, and each thing planned,
Till naught was left to be desired.
The strengths of Nature—both seen and hid—
He put in bonds to do his will;
And to-day, as then, as they are bid,
They work the wonders of his skill.

For the Silver groups—a word or two;
For those of ev'ry race and soil:
Theirs were the humbler tasks to do;
They bore the brunts of perilled toil.
In loyal spirit they labored here,
Thru all the great, eventful days;
They met all duty devoid of fear,
And earned their bit of deathless praise.

And back of all was the Gorgas Squad,
To hold the Bitter Plagues at bay;
With stern Hygeia's miracle-rod,
Swift were the Scourges swept away.
Strange things were done with a sturdy grace,
Until in Isthmia all was well;
Death's haunt became an abiding place
Where the Non-Immune might safely dwell.

America's Mood was here maintained;
All civil functions carried on;
Orderly government ruled and reigned,
And codes to fit all needs were drawn;—
And homes were made, and Society
Was much the same as the Homeland brings;
Here, men and women and children, free,
Lived in the midst of Mighty Things.

Executives, judges, and Q. M. D.'s;
Teachers and clerks, firemen, police;
Nurses and doctors;—and more like these,—
Bewrought, each one, his separate piece
Of the Finished Whole. Their toils, no less
Than those of the workers, "skilled" and "raw,"
Were full required for the Job's success:
All were impelled by the self-same Law.

The mountains moved, and the waters rose;
And Faith, at last, fulfilled her Dream:
Lake, Lock, and Channel—the whole World knows—
Attest the worth of a Hope Supreme!
The ships now shuttle from Shore to Shore:
Up, up, and up—and thence straight on;
Then three times downward—and on, once more,—
Into the Sunset or the Dawn!

All were as one; and They strove and wrought
To shape the Passage to the Ind.
In terms of life it was dearly bought;
In money, cheap. The Ranks are thinned
By Time and Death; but the Deed They did
Excels all others of like and kind;
Its strength and virtue cannot be hid:
It lives—all tongues and lands to bind!

Our Best

(By Maurice H. Thatcher)

The Years go by more swiftly than of Yore.
When Youth was prone to dally on Life's shore
As if this Mortal Round would never cease,
And Good might nought deny us of her Store.

Where are the Stars we long have sought to see?
And where the Selves we ever hoped to be?
Where are the dreamed-of rare and precious Goals?
And where our Passports for eternity?

Yet, when the Light shall wane within the West,
May we not count Ourselves as something blest.
If, on the Whole, in Justice we can say,
Our All, tho Little was and is—Our Best?

Christmas 1970

In spirit I am young, tho watchful Time
Attests mine age. My urge and pref'rence point
To many things—both lowly and sublime
Meanwhile I hold myself in strict account—
And past a tether's length I may not go;
But in its slack I am sustained and free.
Of youth I keep enough to don and show
A vital front—whatever odds there be.
These lines are writ beyond the ample date
Of years five score—and Honor's rich outpour,
And those who read can judge; and speculate
On that to come—by what has gone before.
My aims and goals inspire—they're much the same
As those bygone—as current toils proclaim.

At this blest interval you have my warm regards, Maurice H. Thatcher.

Mr. Speaker, Governor Thatcher of late has received so many awards, gifts, and honors, that it is a little difficult for all to be recounted. In addition to those received at the celebration of his centenary, and detailed in Senator THURMOND's story of the occasion placed in the CONGRESSIONAL RECORD of September 9, 1970, other distinguished honors have recently been conferred upon him.

In 1969, volume IV of a series of international genealogical works compiled and published in London, by authentic genealogists, was dedicated to him. The foreword of that volume was written by him and is most interesting and informative. The series of four volumes involved are entitled, "Living Descendants of Blood Royal." It is pointed out in the foreword the fact that primogeniture in Europe caused many of the nobility to seek in the New World Colonies of North America fortunes denied them in their motherlands. These emigrants all had royal ancestries, but in the American Colonies, they intermarried with other colonials, and the foreword states that there are hundreds of thousands of royal descendants in our present-day Nation, most of whom have not kept their genealogical records beyond a few generations, and are unable now to authenticate them. The most notable of our colonials was of course, George Washington. He had an authentic genalogical line ascending to Edward I of England and the forebears of the latter.

The four volumes mentioned, however, are filled with sketches of such descendants and their authentic lines of descent. Volume IV, for instance, has about 1,140 pages thus utilized.

At the centenary celebration, it was formally announced that a history of the Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc., and the Gorgas Memorial Laboratory, now under publication, is dedicated to Governor Thatcher. Also, it is to be noted, that the recently organized Former Members of Congress, on December 3, 1970, elected him to honorary membership in this distinguished group. And then, of course, is the dedication of the December 1970 issue of the Canal Record of Florida herein covered.

For all the gifts, awards, and honors that have thus come to him, Governor Thatcher is deeply and humbly grateful.

PHILIP J. PHILBIN

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. SLACK. Mr. Speaker, on this occasion I join with all of those who have expressed high regard and admiration for PHIL PHILBIN, of Massachusetts. From my vantage point as a member of the Defense Appropriations Subcommittee I have been able to understand and appreciate his devotion to principle and his determination to abide by his convictions, no matter what the cost.

He held firmly to his responsibility for continuation of a strong American defense posture, mindful it would demand a high level of patriotism and a willingness to absorb criticism even when unmerited. The passage of time will underscore the value of his convictions and his actions, and will highlight his steadfastness in time of trial.

I wish him well in future undertakings. I have enjoyed the privilege of his personal friendship and have been honored to serve the people in his company. I feel we will hear of him again, in another time and place, but in continuation of his lifelong drive to make his energy and ability available to the service of his country.

REPORT ON MINE MECHANICS SCHOOL AT ELDERS RIDGE, PA.

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. SAYLOR. Mr. Speaker, less than 6 years ago, the Pennsylvania State University established a mine mechanics school at Elders Ridge, Indiana County, Pa. Since that time, 270 men have been graduated, with commencement set for another class next month.

Of the school's alumni, 169 reached in a survey by the school reported a total annual income of more than $1.5 million. A majority of those unaccounted for have joined industries other than mining and can be assumed also to be earning substantial wages.

The figures are convincing evidence that, of all manpower vocation programs, training of men for coal industry employment holds greatest promise from the standpoint of investment and return on the part of the Federal Government. This training program establishes important tax sources in opening the way to lifetime career opportunities for skilled technicians who can earn as much as $12,000 per year immediately after qualifying for positions in the mining industry. Members of the coming graduating class at Elders Ridge will, in fact, begin work at wages far surpassing those which will be offered to most young men completing college work at the same time.

Mr. Speaker, experience dictates the wisdom of increasing manpower development programs in the bituminous coal industry. The Pennsylvania State University provides additional courses to train recruits and to upgrade employed miners both on campus and in mining communities throughout the State. Nonetheless, the Federal Government must encourage expansion of both institutional and on-the-job mine training programs if nationwide energy deficiencies brought about by personnel shortages are to be averted.

Knowing of our colleagues' interest in successful government programs designed to improve job opportunities, I have appended to my remarks a tabulation of the results of the survey of graduates of the Elders Ridge manpower training program for mine maintenance mechanics.

The tabulation follows:

EMPLOYMENT SURVEY—MINE MAINTENANCE MECHANIC GRADUATES ,ELDERS RIDGE MANPOWER TRAINING PROGRAM, PENNSYLVANIA STATE UNIVERSITY

Class	1966	1967	1968	1969	1970	Total
Number admitted to training	80	60	60	60	60	320
Number completing training and graduating	68	51	54	54	43	270
Percent of trainees graduated	85. 0	85. 0	90. 0	90. 0	71. 66	84. 37
Number of responses	34	36	29	37	42	178
Employed by mining or related industry	24	30	18	30	34	136
Percent of responses from those who graduated	50. 00	70. 58	53. 70	68. 51	97. 67	65. 92
Percent of respondents employed in mining or related industry	70. 58	83. 33	62. 06	81. 08	80. 90	76. 40
Number of respondents reporting job titles related to mechanics work	19	24	18	29	30	120
Percent of respondents reporting job titles related to mechanics work	55. 88	66. 66	62. 06	78. 37	71. 42	67. 41
Annual income:						
$5,000 to $6,000	0	0	0	4	2	6
$6,000 to $7,000	4	0	3	1	2	10
$7,000 to $8,000	4	2	0	6	7	19
$8,000 to $9,000	3	5	4	3	11	2
$9,000 to $10,000	10	7	5	12	13	47
$10,000 to $11,000	3	6	8	4	3	24
$11,000 to $12,000	3	6	1	2	3	15
$12,000 to $13,000	3	5	3	2	1	14
$13,000 to $14,000	1	0	1	1	1	3
$14,000 to $15,000	2	3	0	0	0	5
Unanswered	1	2	4	2	0	9
Number of times changed employer:						
None	9	19	17	16	37	98
Once	14	9	8	12	3	46
Twice	5	5	2	7	2	21
3 or more	6	2	0	1	0	9
Unanswered	0	1	2	1	0	4
Number of respondents indicating they could have worked at present position without Penn State training:						
Yes	6	4	4	6	8	28
No	27	31	22	28	34	142
Unanswered	1	1	3	3	0	8
Percent of respondents working in position they could not have held without Penn State training	79. 41	86. 11	75. 86	75. 67	80. 90	79. 77

TRIBUTE TO ALBERT GORE

HON. WALTER F. MONDALE

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. MONDALE. Mr. President, ALBERT GORE, in his 18 years in the Senate and 14 in the House of Representatives, left behind a legacy which few men can match.

As ALBERT GORE leaves this body, the Senate—and the Nation—lose the greatest modern day champion of the common man.

His legacy is one of great courage, of singular dedication to social and economic justice, and of extraordinary ability in pursuing the causes in which he believed.

In my 6 years in the Senate, I have been proud to call him a friend, and fortunate to have shared his side on many of the great legislative battles of our day.

Many speaking of him in tribute will call him our greatest living populist and the champion of the average man.

Yet this was no man who merely followed the popular will or submerged his convictions to political calculation. While his beliefs were, I think, always in tune with the best interests of the common people of his State and of this Nation, they were not always the most popular beliefs of the instant. Few Senators will be treated more kindly by history, but many could have been treated more kindly at the polls had they chosen to compromise their convictions.

ALBERT GORE did not choose to compromise his most fundamental beliefs. For 32 years the Congress, the Nation, and the State of Tennessee have benefited from this courage. And we will continue, I believe, to benefit from the legislation which bears his stamp and the standards which he set for courage, tenacity, and ability.

TRIBUTE TO JEFFERY COHELAN

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. BRADEMAS. Mr. Speaker, a few weeks after my first election to the House of Representatives, in 1958, I found myself in California on vacation and took the opportunity to get acquainted with another newly elected Member of Congress, JEFFERY COHELAN.

JEFF COHELAN and I have been close friends since that first meeting and, like many other Members of this body, I have immensely valued and enjoyed this friendship.

JEFF COHELAN brought to Congress with him a rich background of experience in public and private life.

During his 12 years of service in Congress, he has drawn on that experience as well as his fine educational background to make invaluable contributions to the work of Congress and to the Nation at large.

Mr. Speaker, I think that particularly worthy of tribute at this time, as JEFF COHELAN concludes his service in Congress, is his extraordinary leadership in working for adequate funds for the education of the young people of the United States.

It was JEFF COHELAN, as a Member of the House Appropriations Committee, who in the 91st Congress successfully led the effort to invest more of our national resources in the most valuable natural resource we have, educated men, and women.

JEFF COHELAN's interests in Congress have ranged across a broad spectrum of concerns, from education to health to civil rights to the war in Vietnam to our defense posture and to labor-management relations.

Mr. Speaker, JEFF COHELAN is one of the outstanding Members of Congress whom I have had the opportunity of knowing during my own service in the House. I count it an honor to have served with him and I am pleased to take this opportunity to pay public tribute to him and wish him well in the years ahead.

A TRIBUTE TO SENATOR ALBERT GORE

HON. JOHN SPARKMAN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. SPARKMAN. Mr. President, I join my colleagues in the Senate in paying tribute to ALBERT GORE as he leaves the Senate of the United States. ALBERT is a truly veteran in the Congress of the United States, having first come here January 3, 1939. His service has been continuous since that time, having been elected to the Senate in 1952 and reelected in 1958 and again in 1964.

When ALBERT GORE first came to Congress, I had been here 2 years. My district in Alabama and that of Congressman GORE in Tennessee had joined. We had many things of common interest. I found ALBERT GORE always helpful.

ALBERT very soon demonstrated his ability in the House of Representatives. When he believed that a thing was right, he would work hard to get it through. When he believed a thing was wrong, he was just as diligently and forceful in fighting it in committee and on the floor of the House of Representatives. This same characteristic has marked him during the 18 years that he has been in the Senate. He is a man of strong convictions, great ability and absolute integrity.

ALBERT has had beside him during all these years the beautiful and able wife, Pauline. They were a wonderful team that worked together always on whatever mission was before them at that time. Mrs. Sparkman and I have felt very close to ALBERT and Pauline Gore through the years. We both hate to see them leave the Senate. We hope they will come back this way often.

STATE OF WASHINGTON EXPRESSES ITS CONCERN FOR JEWS IN RUSSIA

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. PELLY. Mr. Speaker, the weekend of January 9–10, 1971, was set aside in Washington State as a "Sabbath of Concern for Soviet Jewry," as an expression of deep concern.

This is a program that should be carried to every pulpit in America. For the information of my colleagues, a statement by Washington's Gov. Daniel J. Evans regarding this serious subject appears at this point in the RECORD:

A STATEMENT BY THE GOVERNOR OF THE STATE OF WASHINGTON

In recent months concerned people throughout the world have watched with growing apprehension the increasing harassment of the Russian Jewish community by the government of the U.S.S.R.

The apparent deliberate fostering of group and religious hatred by the Soviet Government must be deplored by all persons concerned with the right of all men to live in an atmosphere of peace and harmony.

On behalf of the people of the State of Washington, we call upon the government of the U.S.S.R.:

1. To restore freedom to the 32 Jews who have been accused of treason, but whose only apparent crime is their desire to be reunited with their families in Israel,

2. To grant exit permits to all Soviet Jews who wish to emigrate, as an act of humanity and in accord with the International Convention on the Elimination of all Forms of Racial Discrimination (ratified by the Supreme Soviet of the U.S.S.R., January 22, 1970), and in accordance with the 13th, 14th and 15th amendments of the International Declaration of Human Rights which guarantees the right of free passage,

3. To permit the full re-establishment of Jewish religious and cultural institutions and the practice of Judaism without government harassment,

4. To halt all forms of anti-Semitism and discrimination, including the publication and distribution of anti-Jewish propaganda,

5. To adhere to civilized concepts of international law and justice which regard the death sentence, or threat thereof, for unproved accusations as barbaric. We find it especially shocking that this sentence should have been invoked on the Eve of Christmas and the beginning of Chanukkah.

DANIEL J. EVANS,
Governor.

TRIBUTE TO AN OUTSTANDING YOUNG MAN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to insert in the RECORD the following article from The Forumeer, national publication of the American GI Forum, about Jim Plunkett, all-American quarterback from Stanford University.

Jim happens to live in my district in San Jose and is also a student at my alma mater. With the thousands of others who know him or know about him, I share a vicarious pride in his achievement. As you know, he received the Heisman Trophy for 1970, the highest award in college football.

Jim has come from a background of poverty as a Mexican American—in a society that has often been unkind to Mexican Americans—to become the most productive quarterback in NCAA history. In praise of his achievement, I cannot improve on the words of Martin Castillo, the outgoing chairman of the U.S. Cabinet Committee on Opportunity for the Spanish Speaking. To quote from the article:

> Jim is an inspiration to all of us by his example. He has demonstrated to our youth particularly, that aspiration and determination, whatever the endeavor, is not so much the gift but the will.

While I believe Mr. Castillo's words were intended primarily for a Spanish-speaking audience, I respectfully suggest they are equally relevant for us all, whatever our skin color or ethnic background.

SAN JOSE, CALIF.—The Heisman Trophy, awarded annually to the nation's top collegiate football player, belongs in 1970 to All American Quarterback Jim Plunkett of Stanford University.

The most productive quarterback in NCAA football history, Plunkett said the award should "be an inspiration to the Mexican American community. The Mexican Americans can take pride in this award."

In Washington, Martin Castillo, Chairman of the Cabinet Committee on Opportunity for the Spanish Speaking, praised Plunkett for the honor he brought to Mexican Americans throughout his athletic career at Stanford and by winning college football's most coveted award.

The 6 ft. 3 inch Plunkett was raised as a Mexican American in San Jose, Calif. His mother is Mexican American and his father, who died last year, was Irish-German.

"Plunkett might not sound Spanish, but Jim is an All Mexican American in style and heart," says Castillo. "He comes from a background typical of many Mexican American youth—born and reared in poverty but with

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love and devotion to his parents who had the additional burden of both being blind.

"Jim included us in his honor when he said the award should be shared by the Mexican American community," Castillo added. "We see in Jim Plunkett the inherent qualities of the Mexican American youth who can turn adversity into challenge and ride it to the top.

"Jim is an inspiration to all of us by his example. He has demonstrated to our youth particularly, that aspiration and determination, whatever the endeavor, is not so much the gift but the will."

Since Plunkett had to sit out a year because of medical problems his college class graduated last year and Jim could have signed a very lucrative professional football contract. He chose instead to return to Stanford because he wanted "to beat Southern California and to play in the Rose Bowl." On Oct. 10th Coach John Ralston's Stanford Indians, with Jim Plunkett at quarterback, defeated USC 24–14. On Jan. 1, 1971 the Indians play Ohio State in the Rose Bowl. The young man has attained his immediate goals . . . y se gano el Heisman Trophy de pilon!

TRIBUTE TO SPEAKER McCORMACK

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. JONES of Alabama. Mr. Speaker, I share with my colleagues the regret and sadness at your decision to retire at the end of this Congress.

During your 42 years of service to the Nation in the House, you have established an enviable record of fair play and consideration for all the divergent issues which meet here for resolution.

Your ability to recognize the many nuisances of a problem and your skills in reaching the most satisfactory solution have enhanced your reputation as a distinguished Speaker.

You have particularly proven your great qualities of leadership in recent years as the requirements for legislation have increased in complexity with the growing population and changing technology. Your steady and even-handed guidance have enabled the Congress to make unparalleled legislative advances to meet this need.

Your unfailing record of support for improvement of the Nation, especially your support for water resources development, has earned you the gratitude of citizens throughout the land. The people of the Tennessee River area have been particularly grateful to you for your friendship to the Tennessee Valley Authority.

Your awareness of the interdependence of the various sections of the country has contributed to your visionary leadership and sets a high goal for each Member to seek.

Your open and friendly manner and your willingness to counsel and advise have been appreciated by me.

You have been a significant and moving force for betterment of all men, and I take this opportunity to salute your monumental accomplishments.

In the years ahead, you have my sincere best wishes for every joy and happiness.

TRIBUTE TO OUTGOING MEMBERS

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. ARENDS. Mr. Speaker, although we are gratified that the 91st Congress has found it possible at long last to adjourn sine die, we are fully mindful that all too many of our esteemed colleagues will not be returning as Members of the 92d Congress.

This realization is most distressing because this House simply will not be the same in the absence of the likes of such friends as those who immediately come to mind: Ross Adair and E. Y. Berry, Bill Cramer and Ed Foreman, Tom Kleppe and Odin Langen, Katherine May, Chet Mize, and Dick Roudebush. May I hasten to add that I count others on both sides of the aisle in this very same category.

They all should know that they will be sorely missed by those of us who remain. I deem myself fortunate to have known and worked with each and every one. I shall treasure the memories of our associations, and I believe they will look upon their service in the House of Representatives as the most meaningful, the most productive years of their lives.

I hope they will keep in touch, and I wish for each of them every success in all future endeavors.

STEPHEN YOUNG

HON. JOHN O. PASTORE

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. PASTORE. Mr. President, the Senate loses one of its most colorful figures as the peppery and popular Steve Young chooses to return to private life and the precincts of his beloved Ohio, the State that has so many times honored him—the State that he has honored as he served his country long and well.

With his years as prosecuting attorney, Stephen Young has a deep conviction of the dignity of the court room—and our colleague was an equal stickler for the dignity and decorum of this Senate, yet always with the accommodating geniality of the ideal colleague.

Neither Congress nor a constituent could have any doubt about the mind of Senator Young—a gifted mind with a command of rhetoric that one might envy.

And his constituents had no doubt about their reliance on Stephen Young. His terms in the Ohio General Assembly and four terms in the House of Representatives were crowned by his election and reelection to this Senate.

All of those years of service gave us a sound legislator in a period of military adventure that could use the cautious military judgment of one who had seen years of combat as well as military administration of a conquered land.

His experience entitled him to quote, as was his wont—"There never was a good war or a bad peace."

To the military honors, the medals, the battle stars with which this valiant warrior can bedeck his days of peace, we now add the plaudits of his colleagues for his achievements in this Senate—his place in the current history of our country to which Stephen Young has been a devoted son.

May the future hold all health and satisfaction for him and may his talents be ever at the call of his country.

MONTEREY JAZZ FESTIVAL

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. REES. Mr. Speaker, one of America's traditionally great musical events is the annual Monterey Jazz Festival in Monterey, Calif.

Last September's festival—the 13th—was perhaps the best of all.

I hope that all Members of this House will have an opportunity to go to Monterey this coming fall to see what is truly one of our Nation's greatest annual musical performances.

For the benefit of my fellow Members, I insert in the Congressional Record two reviews of last year's festival—from the Los Angeles Times and the San Francisco Chronicle—detailing the magnificence of the events at Monterey:

All Ages Covered at Jazz Festival

(By Leonard Feather)

Monterey.—The 13th annual Jazz Festival on the Monterey County Fairgrounds started out with a good premise: namely, that something had ailed the 12th annual Jazz Festival. Last year the patient underwent a rock transplant, but rejected it; this year, functioning with its own natural organs, it has demonstrated the expendability of any such operation. With a few minor exceptions, the music through Saturday night hewed to the purist line.

The most solid achievements have been racked up at both ends of the age spectrum. At one extremity the incredible Duke Ellington (who, of course, is a teenager in disguise) dipped into his bottomless well of energy and enthusiasm to put on an hour-long show crammed with surprises.

Speculation that the death of Johnny Hodges might have hurt the band irreparably was soon set aside as Norris Turney revealed his qualifications to sit in that honored chair. In addition to playing alto sax with a slight Hodges tinge, Turney lends a bright new color to the section with his agile flute work.

Woody Herman sat in for a tribute to Hodges on "I Got It Bad," but a too-fast tempo and unsteady drumming inhibited him. Joe Williams joined the orchestra on "Every Day." Ellington introduced a couple of excerpts from his newest composition, unfinished and untitled, which he announced with cryptic references to Marshall McLuhan. The reed section voicings recalled some of Ellington's finest early hours.

FRESHEST GROUP

The youngest and freshest group heard to date has been the Tim Weisberg quintet. Dressed and coiffed like a pop combo, they featured electronic devices on vibes, guitar, bass and the leader's amplified flute.

Weisberg and his men (principally Lynn Blessing, the vibraphonist, and Art Johnson the guitarist) have assembled a series of experimental, emotionally based pieces. In their quieter moments they achieved a bucolic charm, even a Swiss music box delicacy.

In a suite called "Trinity," feeding his flute through an echo machine, Weisberg played a three-part cannon, accompany- and overdubbing his own delayed-action sounds.

An even younger entry took part in the Saturday evening's show. He was Nat Adderley Jr., 15, described by his uncle, Cannonball, as "the son of our brass section." The youth accompanied himself at the piano singing his own shock-provoking song, "The Price You Have to Pay to Be Free," later picked up a guitar to back up a vocal by his father, "Down in Black Bottom." The Adderley family can take pride in a formidable new talent.

TEEN HIT

Another teen hit was Shuggy Otis, who appeared as part of the Johnny Otis Show, his father's Saturday matinee. The junior Otis played bottle-neck-style guitar in such an authentic turn-of-the-century primitive style that it was in a sense Ellington in reverse: Shuggy must have been a septuagenarian masquerading in the body of a 16-year-old boy.

The Otis show was a three-and-a-half-hour blues barrage. Because one vocal blues can't sound that much different from its predecessor it began to bog down after an hour or so, but was promptly lifted back into orbit by Miss Esther Phillips, whose tart, nasal tones and sardonic lyrics, about the bounties bestowed on her by the ice man, the rent man and the meat man, stopped the show.

After her, the deluge; Otis and his singers had the crowd in a dancing, shouting frenzy. Somehow this reporter, caught up in the spirit of the blues, found himself playing piano for Jimmy Rushing, thereby disqualifying himself from any objective evaluation.

Otis, who has become a focal point for the blues renaissance, deserves credit for bringing back so many rhythm and blues hit makers of the 1940s and 50s who are too rarely seen nowadays. His cast included Joe Turner, Eddie "Cleanhead" Vinson, Roy Milton, Ivory Joe Hunter, Pee Wee Crayton and Roy Brown.

BLUES PERSISTENT

The blues has been a persistent element in the festival. High points of Woody Herman's set Saturday night where a long multiform arrangement of "Blues in the Night" and a guest appearance by Jimmy Witherspoon. The Herman band also played for Joe Williams, who maintained his cool (and his warmth) while the musicians did their best with inadequately rehearsed arrangements.

Of minor interest was the reunion of Slim and Slam, a mildly entertaining duo who revived their 1938 hit song "Flat Foot Floogee."

The festival low point to date was reached Friday with the Alan Copeland vocal group, an octet of pseudo Swingle Singers that could not even be redeemed by the accompaniment of the Modern Jazz Quartet. They sang (wordlessly for the most part) as if they were walking across a frozen pond and any display of emotion would crack it.

Reviews of the two Sunday concerts will appear Tuesday.

BEAUTIFUL SOUNDS AT MONTEREY

(By John L. Wasserman)

MONTEREY.—If anyone were in doubt about where jazz has been, or where rock came from, the Friday and Saturday Monteray Jazz Festival concerts cleared up the confusion in a hurry.

In particular, Saturday afternoon (the "blues afternoon"), was an exceptional history, comprising some two dozen singers and instrumentalists and upwards of 50 songs.

The singers included Big Joe Turner and Jimmy Rushing—roughly 100 per cent of the great Kansas City males blues shouters still practicing—plus veterans Eddie "Cleanhead" Vinson, Ivory Joe Hunter, Roy Milton, Johnny Otis, Pee Wee Crayton and Roy Brown; plus relative youngsters like Little Esther Phillips, Margie Evans and Delmar "Mighty Mouth" Evans. T-Bone Walker, the Great blues guitarist is ill in New York and was unable to appear but Shuggie Otis—Johnny's son and teen-age prodigy—bore the blues guitar responsibilities nicely, moving from the ancient bottleneck style to a contemporary "Shuggie's Bogie."

To detail the highlights would require a week of columns, but—in shorthand—here are a few: Big Joe Turner, opening the show, coming on like the first bull in a corrida, singing, "Shake, Rattle and Roll" and telling about "I gotta pocketful of pencils . . . and I can't even write my name"; Johnny Otis doing his 1958 classic "Hand Jive"; Eddie Vinson breaking up the capacity crowd with "Mr. Cleanhead's Blues"; Esther Phillips, returned after a long bout with the drugs, her voice hard-edged, nasal, "Been—There—Baby," "I'm in the Mood for Love"; Jimmy Rushing classics ("Everyday I have the Blues," "Goin' to Chicago") with Los Angeles Times jazz critic Leonard Feather on piano; Ivory Joe Hunter turning back the clock with "Since I Lost My Baby"; Roy Brown coming on after all this and tearing it up with "Whole Lot of Rockin' Tonight"—somehow riveting attention to the show on stage when another show is going on in the dancing, howling, standing-on-chairs, seven-thousand strong audience.

Johnny Otis—who played piano, vibes, drums and master of ceremonies—put it all together and was the happiest man around. "Some of these men haven't worked in ten years," he said, "and they're where the music called rock came from." He did not exaggerate.

The slim and slam quartet (guitarist Slim Gaillard, bassist Flam Stewart, organist Milt Buckner, drummer Jo Jones) opened the four-hour Saturday night program with an absolutely delightful and humorous set.

Singer Joe Williams, who had appeared for a couple of numbers with Duke Ellington Friday night, then took a full set backed by Woody Herman's big band (with a euphoric John Handy sitting in on alto-saxophone). Williams has a highly effective presence—strong, yet vulnerable—a voice so solid you could lean on it, and magnificent articulation. His "All Blues" number was the high point of the festival for me to that moment.

But that gave way in the very next set—the Monterey debut of Nat Adderley Jr. on piano, vocal and guitar. The set was, of course, the Cannonball Adderley Quintet—Cannonball on alto and soprano, Nat Sr. on cornet and vocals, Joe Zawinul on electric piano, Walter Booker on bass, Roy McCurdy on drums—and the entire group played beautifully; especially on a number dedicated to the Rev. Jess Jackson, "Country Preacher." But for me it was Nat Jr.'s night. The 15-year-old boy played and sang his own composition, "The Price You Have to Pay to Be Free," and it was as articulate a Black statement as anything I've heard. Perhaps it would be more accurate to say the 15-year-old man . . .

The great Woody Herman Band of baby virtuosos closed the evening (morning) with a contemporary book—"Light My Fire," "Acquarius," "McArthur Park"—the exceptional arrangement of "Blues in the Night" by pianist Alan Broadbent, stunning solos by trumpet players Tony Klatka and Tom Harell, trombonist Ira Nepus, tenor saxophonist Frank Tiberi and another surprise—blues master singer Jimmy Witherspoon.

Friday night has faded in the Saturday explosion but "class night" had it . . . the Modern Jazz Quartet, Duke Ellington, the Tim Weisberg Quintet and the Alan Copeland Singers. Neither Duke nor the MJQ played exceptionally, but their standards are so high that it hardly matters. The Copeland singers—an octet a la the Swingle Singers—blended perfectly with the MJQ on Bach's "Air on a G String" but didn't really get together otherwise. Weisberg's group—the leader on flute, Lynn Blessing on vibes, Mel Telford on drums, guitarist Art Johnson and bassist Dave Parlato—has a lovely sound and ability to burn. More Wednesday.

TRIBUTE TO SENATOR STEPHEN YOUNG

HON. STUART SYMINGTON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. SYMINGTON. Mr. President, it is always a sad task to say goodbye to friends and colleagues.

During STEPHEN YOUNG's 12 years in the Senate, he has been one of the great advocates of individual rights. He spoke with wit and independence, calling the shots as he saw them, always with candor and honesty.

I have been privileged to be associated with STEPHEN YOUNG, not only on the floor of the Senate, but also on both the Armed Services and Aeronautical and Space Sciences Committees. I have seen firsthand the dedicated and energetic manner in which the senior Senator from Ohio approached his work.

Typical of STEPHEN YOUNG—often the first to speak out on tough issues—was his early opposition to the Vietnam war. Since that time many have come to agree with him, but he was among the first to stand up and be counted.

The Senate will surely miss his voice and wit.

SPEAKER JOHN W. McCORMACK

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. SLACK. Mr. Speaker, this last day of the 91st Congress brings to a close the public career of one of the truly great Americans of this century, Speaker JOHN W. McCORMACK.

Any man who has been so long in public life, holding positions of great trust and responsibility, reflects an image of infinite variations to the vast number of people whose lives have been touched by his decisions and judgments.

But what image has he reflected to

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the hundreds of Members who have served in the House of Representatives during his leadership?

If there is a single descriptive word I believe it is "inspiration."

Firm but fair leadership—the steady hand on the rudder to keep the straight course through dangerous waters; the living personification of a certainty that solutions can be found to knotty problems, that agreements can be reached, that the people's will can in fact be done; the inspiration to the membership that urges them to exert themselves to the maximum toward attainment of these goals.

What is the House of Representatives?

It is the people's forum.

And who presides to make meaningful its deliberations?

The Speaker, a man who must fit the mold established in the first days of this legislative body when the American system of self-government was in its infancy.

We have all been fortunate beyond the scope of calculation to have John McCormack, of Massachusetts, in the Speaker's chair. We will be reminded of him daily for many years into the future as the House strives to resolve controversies and to work the people's will.

In the well-earned relaxation of his retirement I hope he will have cause to take pride in our work equal to the respect we will always maintain for the quality of his leadership.

HON. RALPH W. YARBOROUGH

HON. HOWARD W. CANNON

OF NEVADA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. CANNON. Mr. President, I am proud to rise and pay tribute to a great Senator and colleague, Ralph W. Yarborough, of Texas.

Senator Yarborough served with distinction on three vitally important Senate committees: Appropriations, Labor and Public Welfare, and Post Office and Civil Service. Consistently, he fought for the little man, the unsung citizen who makes up the backbone of the American Republic. His unstinting common man approach has done much to help alleviate America's problems.

Senator Yarborough is undoubtedly one of the hardest working Senators with whom I have had the pleasure of serving. I have always listened attentively when he has spoken, for his arguments have been persuasive and based on diligent research.

During his Senate service, many compliments have been used to describe the ingredients which make his service memorable—qualities such as character, courage, integrity, wisdom, persistence. These expressions of praise ring true because they have been earned by him. We who have worked with Senator Yarborough over the years can attest to their accuracy.

Shakespeare truly observed:

> Some are born great, some achieve greatness, and some have greatness thrust upon them.

Ralph Yarborough achieved greatness by his own endeavors, entirely by his own abilities. We shall miss this man who gave so much of himself to our own proceedings and to our country. He has been a superlative Senator in every sense and we know he will yet add to his contributions to our Nation.

Ralph Yarborough will be sorely missed.

NEWSLETTERS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. SCOTT. Mr. Speaker, our office prepares regular monthly newsletters to constituents on congressional activities and, annually, we send a questionnaire on the issues confronting the Congress to every home in the Eighth District of Virginia. A copy of our January 1971 newsletter and annual questionnaire is inserted at this point in the Record for the information of our Members:

Bill Scott Reports

LEGISLATIVE REORGANIZATION ACT

JANUARY 1971.

When the 92nd Congress convenes on January 21, we will begin operating under the Reorganization Act passed last fall. Among many revisions are features: (1) making details of rollcall votes in committee available to the public; (2) authorizing radio and television broadcasting of committee hearings in both Houses; (3) for open meetings of committees; (4) for greater participation in employment of committee staffs by the minority party; (5) providing for an August recess of Congress; (6) for recording of names of members during informal teller votes; (7) expediting quorum calls by discontinuing calling names once a quorum is established; (8) establishing free conducted tours of the Capitol in lieu of the paid tours; and (9) providing additional research facilities for Congressmen by the Library of Congress and the General Accounting Office.

While an effort was made in this Act to change the seniority system, that feature was eliminated. Nevertheless, both Democrat and Republican party organizations have under consideration proposals to permit chairmen of committees and ranking minority members to be chosen either by the committee or party conferences. Perhaps the most popular change suggested is that the chairmen and ranking minority member be chosen from among the top three members in seniority. This seems to be a reasonable compromise.

JOB SAFETY

The first nationwide employment safety and health standards act has been passed by the Congress and signed into law by the President. The law allows the Labor Department to set job safety and health standards for all workers except those in mining and railroad work, which are covered by other legislation, and those in federal, state and local government jobs. Inspection and initial enforcement would be handled by the department but final enforcement would be controlled by a 3-member Presidentially appointed board. A controversial provision that would have allowed inspectors to shut down a business without first getting a court order was eliminated by the House and agreed to in conference by the Senate. The law also sets up a new National Institute of Occupational Safety and Health and a nationwide study to be completed in 1972 on the adequacy of workmen's compensation laws.

ILLEGAL FISHING IN U.S. WATERS

The President has signed into law legislation aimed at halting illegal fishing in our territorial waters by foreign fishermen. It had been estimated that less than 10% of foreign vessels illegally fishing within our 12-mile zone at remote spots such as off Alaska were actually apprehended. The new law increases the maximum penalty from $10,000 to $100,000 and authorizes the government to pay up to $5000 to informers whose information leads to a conviction. It is hoped that these features will result in a decrease in the violation of our territorial waters.

POPULATION COUNTS

The Census Bureau has issued its official population count for Virginia of 4,648,494. This decennial count represents an increase of 681,545 or 17.2% from the 3,966,949 Virginians in 1960. Our own 8th Congressional District contained 594,434 people, and the official figures for the various counties follow:

Caroline	13,925
Charles City	6,185
Essex	7,099
Fairfax (entire county)	455,021
Fairfax (8th District portion)	212,910
Fauquier	26,375
Hanover	37,479
Goochland	10,069
King and Queen	5,491
King George	8,039
King William	7,497
Fredericksburg	14,450
Lancaster	9,126
Loudoun	37,150
Louisa	14,004
New Kent	5,300
Northumberland	9,239
Prince William	111,102
Richmond	5,841
Spotsylvania	16,424
Stafford	24,587
Westmoreland	12,142

OFFICE HELP

Colleagues in the House, knowing that our District is close to the seat of government, sometimes request information about possible secretarial and administrative help for their offices. Therefore, I plan to prepare a mimeographed sheet of names, addresses and phone numbers of persons who are interested in securing employment on Capitol Hill and distribute it to all Members of the House. The pay is good, but the hours are long and contrary to popular belief, the staffs work hard. Should you be interested in being included on this listing, please send a short resume to the office. It should include your age, education, experience, type of position wanted, and salary requirements.

FAMILY PLANNING

Expanded government birth control and population research are included in a bill recently signed into law. Authority for a 3-year program to assist public and private non-profit organizations to advise people on means of controlling birth is included in the Act. None of the money that might be made available could be used where abortion is used as a method of birth control. A new Office of Population Affairs is set up in the Department of Health, Education, and Welfare to administer the new program. Separate legislation to provide funds to carry out this program will have to be passed in the future.

GOVERNMENT EMPLOYEES RETIREMENT

The President has vetoed a bill providing for early retirement of Federal firefighters based upon their hazardous duty. He stated

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that generally a uniform retirement policy should prevail for all federal employees and there was no compelling reason to permit early retirement in their case. An exception to the general retirement law was made some years ago with a measure providing that F.B.I. agents could retire on an immediate annuity when they attained the age of 50 and had served a minimum of 20 years as special agents. This hazardous duty statute was later amended to include U.S. marshals, prison guards, Federal policemen, and Treasury agents. Other employees have asked to be included. This is a complex problem and hearings will be held early next year before our Subcommittee on Retirement to determine whether further exceptions should be made in the hazardous duty statute; whether all government employees should be permitted to retire after 30 years of service regardless of age; or whether employees should be permitted to retire when the combined total of their years of service and age reach 80. It seems reasonable to again consider how Federal firefighters as well as Air Traffic Controllers and others fit into the overall picture.

SECURITIES INVESTOR PROTECTION

To give the small investor protection similar to that given bank depositors by the Federal Deposit Insurance Corporation, the Securities Investor Protection Act of 1970 was recently enacted. Broker-held securities are protected up to a value of $50,000 with the cash portion insured up to a level of $20,000. All brokers and dealers registered with the Securities and Exchange Commission with several exceptions will be assessed according to their level of business to build up a $150-million fund from which payments would be made to investors in case of the failure of a stock brokerage firm holding their securities or funds.

ANNUAL QUESTIONNAIRE

Enclosed with this newsletter is a copy of our 5th annual questionnaire. This opinion poll involves some of the basic questions confronting the country and measures upon which I must vote as your representative in Congress. Knowing your views will help me better represent you. When the results are tabulated, they will be reported in a subsequent newsletter and will be shared with colleagues by insertion in the Congressional Record. Should you care to elaborate on your views or have ideas for specific legislation, please feel free to express them on the back of the questionnaire.

MAILING LIST

While the annual newsletter and questionnaire are sent to all postal patrons, monthly newsletters are sent only to constituents now on the mailing list and those who ask that their names be added. You may want to use the following form for that purpose. However, if you have been regularly receiving the newsletter and the address is correct, no further action is necessary.

WHAT'S YOUR OPINION, YES, NO, NO OPINION

1. To settle nationwide labor-management disputes, would you favor:

a. Compulsory binding arbitration in lieu of right to strike.

b. Compulsory binding arbitration only for industries affecting the public interest such as railroads and public utilities.

c. Permit strikes in all industries after reasonable cooling off period and negotiation.

d. Let labor and management settle all their differences without governmental restrictions.

2. To strengthen the economy:

a. The administration should urge labor and management to hold the line on wages and prices.

b. The government should put wage and price controls into effect.

c. There should be no government control of wages and prices.

d. There should be a general cutback of government spending

3. Should the development of the supersonic transport (SST):

a. Be subsidized by Federal loans.

b. Be subsidized through cooperative effort of private industry.

c. Be left to development by other nations.

4. Do you believe the busing of school children to obtain racial balance should:

a. Be required by the Federal government.

b. Be determined by state and local governments.

c. Be eliminated entirely.

5. In Vietnam and Southeast Asia, do you:

a. Support the President's methods of terminating the war.

b. Favor immediate unilateral withdrawal of all American troops.

c. Favor escalating the war to obtain a military victory.

6. Do you believe airline hijacking could be reduced by:

a. International agreements for the return of hijackers

b. Strict examination of passengers and freight before departure

c. Armed guards on flights

d. Arming the crew

7. Supreme Court Justice William O. Douglas:

a. Should be impeached

b. Should be left alone

c. Should be investigated and hearings had by a Congressional committee to determine whether impeachment is warranted

8. Selective Service laws should be amended:

a. To abolish the draft and have all volunteers

b. To have universal military conscription for all males

c. Continue existing laws

9. In trade with other nations, do you believe this country should:

a. Have no tariffs on imports

b. Have tariffs only to protect new industry

c. Have general tariffs to protect American industries

d. Establish reciprocal tariffs based upon those imposed on American imports by other countries

10. A National Health Program for all citizens:

a. Should be established and operated solely by the government

b. Should be established by the government, but operated through private insurance and medical organizations

c. Should not be established

TRIBUTE TO SENATOR YOUNG

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. HARTKE. Mr. President, it is a great privilege to join in paying tribute to one of the most independent, hardworking and hard-hitting men I have ever met in the U.S. Senate, STEPHEN YOUNG, of Ohio.

This marks the last week of 12 active years in the Senate for STEPHEN YOUNG. He has been a source of strength and a provoker of serious thought for me and, I am sure, for every Member of this body.

He is a man who has spoken his mind on every important issue regardless of the political consequences. And, he is a man who has never hesitated to change his mind when he decided that change was what the times demanded. Expediency has never been a consideration for STEPHEN YOUNG, and I suspect that is why he has won such universal respect and admiration. I venture to say that, if the Senator from Ohio did not believe in motherhood and apple pie, he would say so here on the floor of the Senate. For he has never hesitated to challenge any of our national assumptions, no matter how engrained, nor any of our national institutions, no matter how cherished. In an age of conformity, STEPHEN YOUNG has been an invaluable Member of this body.

He did as much as any man to awaken us all to the tragedy of American involvement in Vietnam at a time when many were still uninformed, uncertain, or uninterested. Day after day he and a handful of others labored to bring the folly and the tragedy of that war to our attention and to the attention of the Nation.

As do many Members of this body, I count STEPHEN YOUNG as more than an associate and more than a colleague. We have stood on the same side of many issues. But even when we stood on different sides of an issue, I always knew that STEPHEN YOUNG was a friend, a good friend who would never sacrifice his integrity and his honesty.

There is no better example than the famous letters which STEPHEN YOUNG writes to belligerent constituents. I think that a politician who has the courage to call a voter a liar and a fool when that voter is so, does his profession a great and unusual honor. And he also does a great service to the constituent who would otherwise be led to believe that he deserves a considerate reply no matter how malicious or foolish his letter.

Yes, I hold STEPHEN YOUNG in the greatest admiration and the deepest affection. I know we will see a lot more of him and that he will continue to work for what he believes is needed in America.

I know that STEPHEN YOUNG is proud to leave the Senate with his head high. It has been his courage and honesty that help all of us to hold our heads high too.

I wish STEPHEN YOUNG a busy, active, and successful retirement.

TRIBUTE TO HON. MICHAEL A. FEIGHAN

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. DORN. Mr. Speaker, it has been my honor to be associated with MIKE FEIGHAN since I first came to Congress in 1946. MIKE has served the 20th District of Ohio since January 1943, and in that time I have come to know and respect him as one of the most patriotic and hardworking Members of this body. Many of his colleagues have commented on his tireless and dedicated service as chairman of the Subcommittee on Immigration and Nationality of the great Judiciary Committee. I appreciate especially, Mr. Speaker, MIKE FEIGHAN's unrelenting opposition to militant international communism in all its guises. The list of his honorary citations and awards is ample evidence of his leading role in this struggle. He has been recognized by virtually all of the organizations which are dedicated to unmasking and rolling back Communist oppression. MIKE was particularly interested in exposing the reign of terror which fell over Eastern Europe after World War II. He has also won the gratitude of many Americans in connection with his service in the field of immigration and nationality policy.

Although he has represented one of our great urban areas, MIKE FEIGHAN has never adopted a narrow or a sectional approach. He has been a national legislator; and he has been a devoted member of the Democratic Party.

We will miss MIKE FEIGHAN in this body. We will miss his keen insights, the products of his keen intelligence and his outstanding education at Princeton and Harvard Law School. But most of all we will miss him as a warm friend and associate. Although he leaves this House, he has written a legislative record which will last as long as the Republic. Mrs. Dorn joins me in wishing for MIKE and his lovely family continued happiness and success.

CHARLES GOODELL, A FALLEN WARRIOR IN THE CAUSE OF PEACE

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. CHURCH. Mr. President, the quality of being forthright is much admired in political life—much more admired than practiced. Senator GOODELL, during his 2 years of distinctive service in the U.S. Senate, frequently exhibited this virtue in speaking out on the major issues of our troubled times.

CHARLES GOODELL, although not an early opponent of our abhorrent military involvement in Indochina, came to be an outspoken critic of the war. His position formed as he began to tabulate the irrational cost of the war, not only in lives lost, but also in the damage done to our claim for moral leadership in the world at large. Consequently, CHARLIE GOODELL advocated specific measures that would provide a road out of this war which has caused so much strife and dissension among Americans. He suggested a timetable at whose conclusion American troops would be withdrawn from Vietnam. This proposal, which he advanced with consistent vigor, drew controversy both within and without the Senate. His uncompromising stance as a war critic, coupled with his correspondingly forthright positions aimed at many targets of unresolved domestic neglect, drew the anger of the leaders of his own political party at the highest levels. He was not supported for reelection by the President or Vice President, both fellow Republicans. Indeed, he was actively opposed.

Yet, CHARLIE GOODELL fought on—courageous and courteously—though the odds inflicted upon him were too great and he fell victim of the modern-day "know-nothings."

CHARLIE GOODELL has served the cause of peace honorably. He has conducted himself in the highest tradition of a U.S. Senator. I regret his forced departure. I hope that he will continue to fight the good fights for America outside the Senate just as he did when he was a Member of this body.

PROJECTIONISTS VIEW OF OBSCENE MOVIES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, on December 14 the House defeated by a voice vote my bill, H.R. 2745, which would exempt certain theater motion picture projectionists from prosecution under the District of Columbia Obscenity Law. Several days later Mr. Leonard C. Whitsitt, chairman of the Obscenity Laws Committee, and former president of the Moving Picture Machine Operators' Union, Local 224, an affiliate of the AFL–CIO, wrote a letter to the editor of the Washington Post which was subsequently printed by that paper giving the projectionists' view toward the showing of obscene movies and the continuing need for legislation of this type to protect the innocent projectionist.

The projectionists believe their opinions on the obscenity laws, especially since it directly affects their livelihoods, should be heard. Since I introduced this legislation to protect the projectionists in their plight, legislation by the way that was fully supported by the government of the District of Columbia, I think it is only proper that their views be made a matter of public record.

The article follows:

PROJECTIONISTS ON THE SHOWING OF "OBSCENE" MOVIES

(By Leonard C. Whitsitt)

Reference your article "Projectionists Remain Subject to Obscenity Law," page C4, Dec. 15. Everyone but the projectionist has offered opinions on the obscenity laws, may we present ours?

Representative Wiley Mayne (R-Iowa) argued that enactment of the bill (H.R. 2745, to exempt projectionists from arrest for showing obscene film) would "pull the rug out from (under) every upright citizen who happens to be a movie projectionist in his attempt to stem the tide of smut." Newspaper items stated that Congressman Mayne issued a victory statement, saying "It is time for Congress to start strengthening the laws against pornography, rather than weaken them."

We wholeheartedly agree with his victory statement. We, too, would like to see the laws against pornography strengthened. However, contrary to Congressman Mayne's first statement, the defeat of H.R. 2745 on Monday, December 14, 1970, has pulled the rug out from under about 260 upright citizens who happen to be movie projectionists in the Metropolitan Washington area, in their attempt to stem the tide of smut.

It is ironic that Congressman Mayne's projectionist constituents in the State of Iowa are currently enjoying the protection that he would deny the projectionists in the District of Columbia. The Iowa Legislature (of which Congressman Mayne is a former member) enacted protective legislation for his State in 1967, the second state of the 16 which has done so. The District of Columbia does not have its own legislature but must rely on the Federal Congress. The District Government, through its Corporation Counsel, has recommended enactment of protective legislation for us. If we had our own legislature, we most likely would have had the protection for several years.

No projectionist in our area wants to show obscene films. They are innocent people "caught in the middle." Congress has been unable to enact laws to prevent the making and distribution of obscene films. The Supreme Court has been unable to come up with a concise definition of obscenity. How can the projectionist be expected to act as a judge of obscenity and, according to Congressman Mayne's suggestion, refuse to show obscene film? The projectionist is too busy with the mechanims of his job to view the film for obscene content—he is not qualified as a judge of obscenity. Where does he draw the line? There were lines in the picture "Guess Who's Coming To Dinner?", which was widely acclaimed as a good picture, that were offensive to me. Should I have refused to project it? I have seen no more than a half-dozen scenes of the picture I am currently showing and none of them were objectionable, but I have heard some of the dialogue on the booth monitor that is offensive to me. Should I refuse to project this film? It was given a favorable review in a local newspaper.

If Congressman Mayne will furnish us a list of the films that he wishes us to refuse to project, we will gladly comply if he will defend us against any breach of contract suit for failure to provide the services contracted for.

Among the States that have already enacted protective laws are: California, Colorado, Connecticut, Idaho, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, Ohio, Oregon, Rhode Island, Washington and possibly others. States in which similar bills are pending are: District of Columbia (H.R. 2745, defeated December 14, 1970), Florida, Illinois, Michigan, Missouri, Nebraska, New York, North Dakota, Oklahoma, Texas and possibly others.

In the majority of instances the projectionist has not been arrested for showing obscene films but because minors were in attendance at "adults only" films. The projectionist, isolated from the audience and the theater entrance, cannot observe who is being admitted. He is only a mechanic, working for an hourly wage. He has no voice in management and no voice in the selection on the films shown. His primary concern is to do a job of professional quality and earn the wage he is paid.

The problems we face in regard to obscenity, pornography, etc., are too numerous and complex for the projectionist to solve alone. He needs the protection of fair legislation, the help of the Congress to enact adequate laws for the control of smut at its source, and the understanding of the good people among the general public. The projectionist is as much against obscenity and pornography as anyone. We welcome suggestions from the Congress, the public and anyone who can offer a solution to the dilemma we find ourselves in; it is not of our making.

TRIBUTE TO SENATOR HOLLAND

HON. STUART SYMINGTON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. SYMINGTON. Mr. President, the 91st Congress brings to an end the long and distinguished Government career of

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Senator SPESSARD HOLLAND. During the more than 24 years he has served in the Senate, he has earned the respect and friendship of his colleagues in this body.

Senator HOLLAND has accomplished much during his years in the Senate. His State of Florida and the Nation have benefited from his successful efforts to obtain the central and south Florida flood control program, the constitutional amendment to eliminate the poll tax—which he sponsored—and his knowledge and interest in farm problems. He has been an able and effective representative for his State and the Nation.

We will miss the wise counsel of the senior Senator from Florida.

CHARLES E. JOHNSON RETIRES AFTER 18 YEARS ON THE HILL

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DULSKI. Mr. Speaker, the close of the 91st Congress also brings to a close the Government career of one of the better known and dedicated public servants, Charles E. Johnson.

Charlie is chief counsel and staff director of the House Committee on Post Office and Civil Service and has served on the staff since 1952, first as counsel and since 1961 in his present position.

I am the third committee chairman to whom he has given devoted service over this period, and I cannot begin to estimate the number of Members with whom he has worked over those 18 years.

His Government service actually extends back to pre-World War II days when he joined the General Accounting Office as an attorney in 1936. Like many others, his Government career was interrupted in 1943 by the call to military service in the Army where he served with distinction.

Charlie returned to the General Accounting Office and the Office of the Comptroller General in 1948 as a legislative attorney, the position he held when he was asked to come to our committee.

MY GOOD RIGHT ARM

He, indeed, has been my right arm in these 4 years I have served as chairman. His counsel and assistance have been invaluable to me since I was elevated unexpectedly to the leadership of our great committee in the 90th Congress.

During his 18 years on Capitol Hill, Charlie has made many friends and performed many services for innumerable Members and employees, as well as countless others elsewhere in Government and in private life.

When questions arose on technical matters concerning the postal service and the civil service, the always logical reaction was to call Charlie Johnson. And call Charlie they did.

In a public statement last July 30, when the House-Senate conference finally completed action on the landmark postal reform bill, I called attention to the yeoman work of Charlie Johnson. As I said then, in mentioning his intention to retire from Government service at the end of the year:

> To my mind, he could leave behind no finer monument in law than H.R. 17070, the postal reform bill before us today.

It was right after the election in 1968 that I called Charlie and asked him to initiate a vigorous staff effort to put together a comprehensive postal reform bill which I could introduce on the opening day of the 91st Congress.

YEOMAN WORK OF H.R. 4

I had many consultations with Charlie and the staff on the details of this legislation and many people had a part in the final product, but no one played a greater role than Charlie Johnson in assembling the provisions of H.R. 4 for me.

We were dealing with the most comprehensive piece of legislation ever proposed for consideration in the history of our committee. There had been other nibbles at reform legislation over the years, but H.R. 4 was the forerunner of the kind of comprehensive legislation which was needed and which eventually was enacted into law by this Congress.

In citing Charlie's work on postal reform these past 2 years, I use this as only one shining example of his contributions to our committee, the Congress, and the Nation.

His efforts to improve the postal system, of course, extend back to his first association with the committee. Even then, there was concern in Congress and in the executive branch about the operation of the postal system.

BUREAU OF PERSONNEL CREATED

It was after he came with the committee that the Bureau of Personnel was created in the Post Office Department. Although there were nearly 500,000 employes and the personnel cost consumed three-fourths of the annual budget, there had been no system of personnel management and administration.

On the financial side, it was only during his early days with the committee that the always revenue-short department began receiving reimbursement for penalty and franked mail as a result of legislation drafted in our committee .

Charlie had a major role in one of the most important postal measures previously handled by our committee, the Postal Policy Act of 1958.

This measure established for the first time a firm policy of allocating expenses so as to differentiate between those costs chargeable to mail users and those costs to be borne by the Government as a part of public service.

There also was created the long-needed postal modernization fund to finance the vital research and development for more efficient handling of the mails.

AID FOR FEDERAL EMPLOYEES

In the field of civil service, Charlie played a key role in drafting many laws to improve pay systems, benefits, and working conditions for Federal employees. One of the most significant measures was the pioneering Pay Comparability Act of 1962, which will be implemented by the Pay Comparability Act of 1970.

As Charlie Johnson retires from Government service, he closes out an exemplary career as a public servant. His record speaks for itself.

All of us on the committee—Members and staff alike—wish him well as he looks forward to new activity shortly in the private sector. It is Charlie's nature that he will not retire to a rocking chair.

While he should be able to arrange a little more regular relaxation at his favorite golf course, his broad experience and knowledge in public affairs will continue to be utilized—indeed, sought after.

THE 91ST CONGRESS—A PRODUCTIVE RECORD

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. JOHNSON of California. Mr. Speaker, in the closing days of the 91st Congress, there was much talk about the legislative logjam created by extended debate in the U.S. Senate on Supreme Court nominations, the war in Southeast Asia, the supersonic transport, and other major issues, all of which caused monumental delays in the legislative timetable. It is true that some vital programs failed to clear the Congress in the closing days of the final session, but in most instances it was a choice between enacting poor, inadequate, hastily constructed legislation or waiting until early next year and doing the job properly. I feel that the latter choice was the best.

The social security legislation is an excellent case in point. On May 21, 1970, the House of Representatives passed legislation providing for increases in benefits and broadening of the various social security financed programs. It was not until December 29 that the Senate passed a very different type of social security measure. There were more than 180 differences between the House- and Senate-passed bills. It was virtually impossible to resolve these in the few days left between Senate passage and final adjournment. Therefore, the basic decision was to do the job properly in the 92d Congress—and to make the benefit increases retroactive to January 1, 1971. It is very probable that social security recipients in the months and years ahead will receive higher benefits from this decision than if we had put together a hurried compromise.

In evaluating any congressional session, or the production of any legislative body for that matter, it must be remembered at all times that a decision not to approve a proposal can be a positive action taken as a result of careful consideration. A bill, when introduced, or a Presidential message, when submitted to Congress, is a proposal and nothing more. It is a starting point for legislative debate and decision. It does not and cannot become law until the people, through their representative government, have had an opportunity to express their thoughts about any such proposition. In this legislative process, the original proposal may be amended and modified to the point that the legislative impact would have the opposite effect from that originally intended.

Some legislation requested by the President is never enacted.

Other legislative acts of Congress are vetoed by the President.

The great majority of the legislative output, however, represents extensive debate and negotiation, compromise and cooperation on the part of both the legislative and executive branches of Government. No single branch of Government can enact laws by itself.

Herein lies the strength of the fundamental separation of powers our Founding Fathers wisely incorporated in this great Nation's Constitution. This separation of the legislative, executive, and judicial branches provides a basic system of checks and balances by which no one branch of Government can or should become the rubber stamp for another.

This is what makes our free democratic system work.

Probably the most dramatic example of this balancing of powers between legislative and executive branches of Government in 1970 came in the field of foreign affairs when the Congress placed restrictions upon the use of American troops in Cambodia, Laos, and Thailand, and set certain timetables for the removal of combat forces from all of Southeast Asia. Although the executive branch at first opposed these restrictions, it came to accept them through pressure of negotiation with Congress which was, I believe, reflecting the wishes of the public.

With these thoughts in mind, let us take a brief look at the record of the 91st Congress. The final scorecard shows, I believe, a healthy plus for the Nation as a whole and its people. The record is productive and progressive.

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First, I would like to review my own personal legislative program during the 91st Congress. Some 30 bills which I authored or coauthored have been signed into law. These range from my bill to make permanent the Durum wheat allotments for Tulelake grain growers to major revisions of national disaster relief programs, the most recent of which, signed by President Nixon New Year's Eve, rewrites virtually all the disaster relief laws on a permanent basis for the first time in two decades.

Other public laws which I sponsored designate Desolation Valley as a wilderness area, provide funds for acquisition of more land at Point Reyes National Seashore, establish an urban mass transportation fund, extend the Golden Eagle passport, provide appropriate recognition for our heroic astronauts, set aside land for an Indian housing project in Alpine County, provide for wise utilization of geothermal steam resources, ratify the State-approved Tahoe regional planning compact, establish the Chesapeake & Ohio Canal as a national historical park, extend the Federal-Aid Highway Act, establish Fort Point in San Francisco as a national historic site, integrate the Black Butte water resources into the Central Valleys project, authorize construction of the Cottonwood and Merced stream group and other flood control projects, provide uniform relocation assistance in acquisition of property for Federal projects, extend the Omnibus Crime Control and Safe Streets Act, provide easy access to Federal buildings for the physically handicapped, promote a program of drug abuse education, initiate a study of the feasibility of the Amargosa project in Inyo County.

Looking at some of the other topics of general concern to the people of the Second Congressional District, I would like to list some of the accomplishments which have been enacted into law as a result of legislative consideration by the 91st Congress. These actions are divided into general categories of concern.

ENVIRONMENT AND NATURAL RESOURCES

The Environmental Quality Education Act, the Water Quality Improvement Act, the Resource Recovery Act, the Nation's first real national minerals policy, an Omnibus Flood Control Act, stricter air pollution regulations and requirements, the Agricultural Act of 1970.

EDUCATION

Extension and improvement of the Elementary and Secondary Education Act, the School Lunch and Child Nutrition Act, a school milk program, the emergency food assistance for children, a National Commission on Libraries, the Library Services and Construction Act, a Drug Abuse Education Act, and public health grants to schools.

PEOPLE

Federal Meat Inspection Act amendments, Voting Rights Act amendments, Federal Employees Salary Act, health programs for Federal employees, postal reorganization and curbing of obscene mail, Legislative Reorganization Act, medical facilities construction and modernization amendments, comprehensive alcohol abuse and alcoholism prevention, Treatment, and Rehabilitation Act, community mental health center amendments, heart disease, stroke, cancer, and kidney amendments, veterans' pension increase, Veterans' Housing Act, veterans' education and training amendments, servicemen's group life insurance amendments, and veterans' medical care.

COMMERCE, INDUSTRY, AND LABOR

Newspaper Preservation Act, Public Broadcast Financing Act, unemployment compensation, railroad supplemental annuities and increase in railroad annuities, railroad shopcraft dispute settlement, Occupational Safety and Health Act, Extension of Public Works and Economic Development Act, and Bank Holding Company Act.

TRANSPORTATION

Urban Mass Transportation Assistance Act, Airport and Airways Development Act, National Traffic and Motor Vehicle Safety Act, Federal-Aid Highway Act, Rail Passenger Service Act, Federal Railroad Safety Act, and the Merchant Marine Act of 1970.

In conclusion, I want to list the rollcall votes for the two sessions of the 91st Congress. As has been my practice in the past, I have cast my vote on every issue except where I was unavoidably absent due to official business or other reasons, and in those instances, I have announced my position on the issues raised and, therefore, consider myself on the record 100 percent of the time.

The material follows:

91ST CONGRESS

FIRST SESSION—1969

My stand, issue, and status

For. Election of John McCormack as Speaker of the House of Representatives. McCormack elected.

For. To halt debate and bring to a vote the question of seating Representative Powell. Rejected.

For. A second move to halt debate on seating Representative Powell. Rejected.

Against. To halt debate on amendment providing for investigation of Representative Powell. Rejected.

For. To bring to a vote a proposal to fine Representative Powell and strip him of seniority. Passed.

For. To seat Representative Powell subject to $25,000 fine and elimination of seniority. Passed.

For. To require a Presidential elector to cast his vote for the nominee he represented on ballot. Rejected.

For. To recess for ten days. Passed.

For. To change name of Committee on Un-American Activities to Committee on Internal Security. Passed.

For. To extend Executive Reorganization Act. Public Law 91–5.

For. To establish a Commission on National Observances and Holidays. Defeated.

For. To increase the public debt limit. Public Law 91–8.

For. To authorize Procurement of additional aircraft for Armed Forces. Passed House.

Against. To send back to Committee a bill providing funds for House Committee on Internal Security. Rejected.

For. To authorize funds for the expenses of the House Committee on Internal Security. Passed.

For. To adopt Water Pollution Control Act. Public Law 91–224.

Against. To reduce in scope the extension of the Elementary and Secondary Education Act. Rejected.

For. To adopt amended Elementary and Secondary Education Act. Public Law 91–230.

For. To authorize procurement of vessels and aircraft. Public Law 91–49.

For. To create a select committee to investigate crime. Passed.

For. To extend the special milk program. Public Law 91–295.

For. To require universities seeking federal assistance for construction projects to comply with the antidisorder measures in Higher Education Act. Passed.

For. To make supplemental appropriations for fiscal year 1969. Public Law 91–47.

Against. To impose a limit on farm subsidy payments which the Administration advised would prove more costly to the taxpayer in the long run. Passed.

For. To appropriate funds for the Department of Agriculture. Public Law 91–127.

For. To permit debate on Treasury Department and Post Office Department appropriations. Passed.

For. To limit second class mail subsidies. Rejected.

For. To appropriate funds for Post Office and Treasury Departments and Executive Office. Public Law 91–74.

For. To authorize Youth Camp Safety Survey Act. Rejected.

For. To broaden hospital and domiciliary care benefits for veterans 70 years or older. Public Law 91–500.

For. To extend hospital construction programs of the Public Health Service Act. Public Law 91–296.

For. To authorize appropriations for National Aeronautics and Space Administration. Public Law 91–119.

For. To limit the use of federally owned property in District of Columbia for demonstrations. Passed House.

Against. To kill legislation requiring health warnings on cigarette packages. Rejected.

For. To authorize appropriations for Atomic Energy Commission. Public Law 91-44.

For. To appropriate funds for Independent Offices and Department of Housing & Urban Development. Public Law 91-126.

For. To provide additional clerk for House Members. Passed.

Against. To approve Interstate Taxation Act as opposed by State of California officials. Passed House.

For. To make permanent the temporary suspension of duty on chicory roots. Public Law 91-41.

Against. To extend income tax surcharge and repeal investment credit. Passed House.

Against. To send back to Committee a bill authorizing additional funds for John F. Kennedy Center. Rejected.

For. To continue federal participation in the John K. Kennedy Center for the Performing Arts. Public Law 91-90.

For. To make supplemental appropriations to finance Farmers Home Administration & other programs. Public Law 91-47.

For. To improve and extend assistance to medical libraries. Public Law 91-212.

For. To carry out the provisions of the Standard Reference Data Act. Public Law 91-131.

For. To continue Appalachian Regional Development Program. Public Law 91-123.

For. To clarify liability of national banks for certain taxes. Public Law 91-156.

For. To authorize construction of an entrance road to Great Smokey Mountains National Park. Public Law 91-108.

For. To extend and improve the National School Lunch Act. Public Law 91-207.

For. To appropriate funds for U.S. Forest Service and Department of Interior agencies. Public Law 91-98.

For. To extend and improve civil service retirement programs. Public Law 91-93.

For. To appropriate funds for Departments of Justice, State and Commerce. Public Law 91-153.

Against. To increase the number of hours a District of Columbia employee would have to work before receiving overtime. Passed House.

For. To kill bill permitting banks to deduct interest on installment loans in advance and raise the legal interest rate on some small loans to 16% in the District of Columbia. Passed.

For. To amend Federal Credit Union Act to provide a separate Federal Credit Union Agency. Public Law 91-206.

For. To continue existing tax withholding schedule pending resolution of tax reform act. Passed House.

For. To provide full funding of our education program. Passed.

For. To prohibit funds to any individual at an institution of higher education involved in campus disorders. Passed.

For. To appropriate funds for Departments of Labor and Health, Education, and Welfare. Passed-Vetoed.

Against. To agree to Senate amendment continuing income tax surcharge until December 31, 1969. Passed.

For. To authorize appropriations for the President's Council on Youth Opportunity. Public Law 91-176.

For. To provide for a National Center on Educational Media and Materials for the Handicapped. Public Law 91-61.

For. To authorize funds for Military Construction Authorization for 1970. Public Law 91-142.

For. To approve Tax Reform Act of 1969. Public Law 91-172.

For. To authorize Post Office and Civil Service Committee to conduct studies and investigations. Passed.

For. To extend National Traffic and Motor Vehicle Safety Program. Public Law 91-265.

For. To protect children from hazardous toys and other articles. Public Law 91-113.

For. To extend a research program relating to automotive fuel and vehicles. Public Law 91-137.

Against. To reduce funds for Peace Corps. Rejected.

For. To extend Peace Corps Programs. Public Law 91-99.

For. To prevent camping in National Park areas not properly designated for this purpose. Passed House.

For. To authorize an insured student loan program. Public Law 91-95.

Against. To apportion Presidential electors by Congressional Districts. Rejected.

For. A constitutional amendment calling for direct election of the President and Vice President. Passed House.

For. To appropriate funds for the legislative branch of government. Public Law 91-145.

For. To establish a Council on Environmental Quality. Public Law 91-190.

For. To authorize Bureau of Reclamation feasibility studies, including Armagosa Valley. Public Law 91-81.

For. To extend for 2 additional years authority of VA to set interest on G.I. loans. Passed House.

For. To establish joint labor-management trust funds for scholarships and child care centers. Public Law 91-86.

For. To extend supplemental Railroad Retirement annuities. Public Law 91-215.

For. To begin debate on Military Procurement Act. Passed.

Against. To block amendment instructing Armed Services Committee to delete ABM funds. Passed.

Against. To refuse to authorize any purchase of equipment for our military services. Rejected.

For. To authorize purchase of ships, aircraft and other equipment for the armed services. Public Law 91-121.

Against. To permit coining of silverless dollar (⅔ majority required). Rejected.

For. To liberalize pension requirements for veterans and their widows. Passed House.

For. To provide special programs for children with specific learning difficulty. Passed House.

For. To approve the Gifted and Talented Children Educational Assistance Act. Passed House.

For. To extend the National Science Foundation. Public Law 91-120.

Against. To prohibit an increase water pollution control funds. Passed.

For. To appropriate funds for Public Works (including $39 million for Second District). Public Law 91-144.

For. To table instructions to House conferees regarding farm subsidy limitations. Passed.

For. To approve Hours of Service Act. Public Law 91-169.

For. To approve Educational Television and Radio Amendments of 1969. Public Law 91-97.

Against. To oppose recommendations of Federal Salary Commission relating to federal salaries. Passed.

For. To approve Federal Salary Comparability Act. Conference.

Against. To adjourn and cut off speeches on Vietnam Moratorium. Rejected.

Against. To approve recommendations of Joint Commission on the Coinage rejecting silver in Eisenhower dollar. Passed.

For. To amend Higher Education Act of 1965 with regards to Guaranteed Student Loans. Public Law 91-95.

For. To provide for continuation of authority for regulation of exports. Public Law 91-184.

For. To revise law governing contests of elections of Members of House of Representatives. Public Law 91-138.

For. To support House of Representatives' position regarding repair of Capitol west front. Passed.

For. To amend and extend laws relating to Housing and Urban Development. Public Law 91-152.

For. To approve Federal Coal Mine Health and Safety Act. Public Law 91-173.

Against. To limit consideration of draft reform to lottery system. Passed.

For. To approve Selective Service Amendment Act of 1969. Public Law 91-124.

For. To authorize grants for special educational programs concerning the use of drugs. Public Law 91-527.

For. To remove ceiling on appropriations regarding Administrative Conference of the U.S. Public Law 91-164.

For. To approve Bank Holding Company Act. Public Law 91-607.

For. To approve funds for Aviation Facilities Expansion Act. Public Law 91-258.

For. To approve Potato Research and Promotion Act. Rejected.

For. To authorize appropriations for military construction for fiscal year 1970. Public Law 91-170.

For. To extend and improve Federal-State Unemployment Compensation Program. Public Law 91-373.

For. To authorize appropriations for expenses of National Council on Indian Opportunity. Public Law 91-125.

For. To appropriate funds for Department of Transportation. Public Law 91-168.

For. To approve appropriations for the Department of Agriculture. Public Law 91-127.

For. To provide an extension of the interest equalization tax. Public Law 91-128.

For. To provide additional aircraft for defense of Republic of China. Passed.

Against. To provide arbitrary annual reductions in Economic Development Loan Program under AID. Passed.

For. To authorize funds for Foreign Aid. Public Law 91-175.

Against. To strike out funds for study of extending D.C. subway system to Dulles Airport. Rejected.

For. To authorize a federal contribution for the District of Columbia subway system. Public Law 91-143.

For. To make appropriations for the District of Columbia government. Public Law 91-155.

For. To revise the due date for cost estimate of the Interstate Systems. Passed House.

For. To begin consideration of Vietnam Resolution. Passed.

For. To request the President to press North Vietnam to abide by Geneva Convention of 1949 regarding prisoners of war. Passed.

For. To approve resolution for peace with justice in Vietnam. Passed.

For. To authorize appropriations for Department of Defense. Public Law 91-171.

Against. To provide military assistance to Republic of South Korea and Republic of China (Taiwan) in addition to those requested by the President. Passed.

For. To approve Foreign Aid appropriations. Public Law 91-194.

For. To provide continuation of authority for regulation of exports. Public Law 91-184.

Against. To weaken the Voting Rights Act. Passed.

Against. To approve weakened Voting Rights Act. Public Law 91-285.

Against. To send back to Committee supplemental appropriations for fiscal year 1970. Rejected.

Against. To send back to Committee Economic Opportunity Act Amendments of 1969. Rejected.

For. To approve Economic Opportunity Act Amendments of 1969. Public Law 91-177.

For. To approve Social Security Act Amendments. Passed House.

For. To grant the consent of Congress to

Connecticut-New York Railroad Passenger Transportation Compact. Public Law 91–159.

For. To call for humane treatment and release of American prisoners of war held by North Vietnam. Passed.

For. To establish a Cabinet Committee on Opportunities for Spanish-Speaking People. Public Law 91–181.

For. To provide for additional members of the Board of Regents of the Smithsonian. Public Law 91–551.

Against. To permit Federal Reserve Board to purchase U.S. guaranteed mortgages. Passed.

For. To lower interest rates and fight inflation. Public Law 91–151.

For. To improve the health and safety conditions of coal miners. Public Law 91–173.

For. To authorize an adequate force for protection of Executive Mansion and embassies. Public Law 91–217.

For. To approve Foreign Assistance Act of 1969. Public Law 91–175.

For. To approve revision of interest rates and mortgage credit. Public Law 91–151.

For. To approve appropriations for Foreign Aid. Public Law 91–194.

For. To continue programs under the Economic Opportunity Act of 1964. Public Law 91–177.

For. To approve appropriations for Department of Labor and Health, Education, and Welfare. Passed-Vetoed.

For. To approve Tax Reform Act of 1969. Public Law 91–172.

For. To agree to amendments to supplemental appropriations for fiscal year 1970. Passed.

For. To support the Comptroller General regarding spending of appropriated funds. Passed.

SECOND SESSION—1970

My stand, issue, and status

For. To approve a reduced foreign aid appropriation bill. Public Law 91–194.

For. To authorize employer contributions for joint industry promotions. Passed House.

For. To override Presidential veto of Health, Education, and Welfare appropriations. Rejected.

Against. To amend Internal Security Act. Passed House.

For. To extend Anadromous Fish Conservation Act. Public Law 91–249.

Against. To reject private claim of Robert G. Smith. Rejected.

Against. To reject private claim of Pedro Guido. Rejected.

Against. To reject private claim of Noel Marston. Rejected.

Against. To reject private claim of Mutual Benefit Foundation. Rejected.

For. To approve an omnibus private claims bill. Passed House.

For. To establish a Commission on Population Growth and the American Future. Public Law 91–213.

For. To approve a modified Health, Education, and Welfare appropriations bill. Public Law 91–204.

For. To authorize construction of Eisenhower National Memorial Arena. Rejected.

For. To strengthen criminal laws of District of Columbia. Public Law 91–497.

Against. To establish at $10,000 the value of District of Columbia liquor licenses. Rejected.

For. To improve Community Mental Health Center program. Public Law 91–211.

For. To permit debate of National Forest and Timber Conservation Management Act. Rejected.

For. To approve compromise Health, Education, and Welfare appropriations bill. Public Law 91–204.

Against. To deprive railroad unions of right to strike. Public Law 91–203.

For. To authorize construction of James Madison Memorial Building for Library of Congress. Public Law 91–214.

For. To approve maritime programs of Department of Commerce. Public Law 91–247.

For. To make Chief of U.S. National Guard Bureau a lieutenant general. Passed House.

For. To preserve historic properties throughout U.S. Public Law 91–243.

For. To provide needed additional judges for District of Columbia. Public Law 91–272.

For. To reorganize District of Columbia courts to improve handling of juvenile cases. Public Law 91–358.

For. To extend current loans of naval vessels to allied nations. Passed.

For. To amend Foreign Military Sales Act. Passed.

For. To approve expanded Federal Water Pollution Control Program. Public Law 91–224.

For. To provide funds for House Committee on Internal Security. Passed House.

For. To extend the Elementary and Secondary Education Act. Public Law 91–230.

For. To increase annuities for railroad retirees. Public Law 91–377.

For. To authorize a pay increase for postal and other employees. Public Law 91–231.

For. To approve appropriations for Departments of Treasury and Post Office and Executive Office, Public Law 91–422.

For. To agree with amendments to bill authorizing pay increase for postal and other employees. Public Law 91–231.

For. To approve welfare reform measure. Passed House.

For. To establish a National Commission on Libraries and Information Science. Public Law 91–345.

For. To authorize the Merlin Project on the Rogue River in Oregon. Public Law 91–270.

For. To authorize reduced space program. Public Law 91–303.

For. To encourage travel to U.S. National Parks. Public Law 91–549.

Against. To subsidize transportation for Public Health Service employees. Rejected.

Against. To reduce efforts at arms control. Public Law 91–246.

For. To exclude certain pornographic material from mails. Passed House.

For. To appoint James E. Webb as a Smithsonian Regent. Public Law 91–255.

For. To authorize procurement of military equipment. Public Law 91–441.

For. To approve supplemental appropriations for Fiscal Year 1970. Public Law 91–305.

Against. To amend bill increasing salaries of D.C. policemen, firemen and teachers. Public Law 91–297.

For. To continue National Science Foundation program. Public Law 91–356.

For. To provide local communities assistance in providing adequate and safe airports. Public Law 91–258.

For. To disapprove resolution reorganizing the Executive branch of government. Rejected.

For. To appropriate funds for Departments of State, Justice and Commerce. Public Law 91–472.

For. To improve balance of payments by promoting travel to the United States. Public Law 91–477.

For. To improve the federal courts system. Public Law 91–271.

For. To approve an agreement between Soboba Indians and Southern California water agencies. Public Law 91–557.

For. To approve legislation increasing number of Federal district judges. Public Law 91–272.

For. To approve military construction authorizations. Public Law 91–511.

For. To approve Social Security Act amendments. Passed.

For. To extend Merchant Marine Act program. Public Law 91–469.

Against. To permit higher interest rates in District of Columbia. Rejected.

For. To require more complete bank records. Public Law 91–508.

For. To establish a Joint Committee on the Environment. Conference.

For. To strengthen rules of House of Representatives relating to financial disclosure. Passed.

For. To approve appropriations for Department of Transportation. Passed House.

For. To increase public debt limit. Public Law 91–301.

For. To appropriate funds for reduced foreign aid program. Conference.

For. To authorize select House committee to investigate war in Southeast Asia. Passed.

For. To extend and improve Federal hospital construction assistance program. Public Law 91–296.

For. To provide a more effective program of air pollution control. Public Law 91–604.

For. To approve funds for Department of Defense. Public Law 91–544.

For. To liberalize benefits for disabled veterans and widows of veterans. Public Law 91–376.

For. To establish a pilot program designated as Youth Conservation Corps, Public Law 91–378.

For. To agree to amendments to Voting Rights Act extension. Public Law 91–285.

For. To improve and modernize the postal service and reorganize Post Office Department. Public Law 91–375.

For. To restore Golden Eagle passport to Land and Water Conservation Fund Act. Public Law 91–308.

For. To provide financial assistance for construction of solid waste disposal facilities. Public Law 91–512.

For. To override President's veto of hospital construction assistance programs (Public Law 91–296). Veto overridden.

For. To provide additional funds for needed urban renewal. Public Law 91–305.

For. To increase availability of mortgage credit for home construction. Public Law 91–351.

Against. To prohibit instructing conferees relative to freedom of choice school desegregation plans. Passed.

For. To extend Omnibus Crime Control and Safe Streets Act. Public Law 91–644.

For. To create a commission to study U.S. bankruptcy laws. Public Law 91–354.

For. To extend National Foundation on the Arts and the Humanities. Public Law 91–346.

For. To clarify provisions of the Federal Meat Inspection Act. Public Law 91–342.

Against. To reduce Peace Corps appropriation authorization. Rejected.

For. To authorize Peace Corps appropriations. Public Law 91–352.

For. To improve consumer protection relative to articles made of gold or silver. Public Law 91–366.

For. To tighten lobbying regulations. Passed.

For. To enact Newspaper Preservation Act. Public Law 91–353.

Against. To cut off debate on Foreign Military Sales Act. Passed.

Against. To table motion instructing conferees to concur with Cooper-Church amendment. Passed.

Against. To restrict negotiating authority of House conferees on postal reform. Passed.

Against. To reduce government participation in Civil Service health insurance plans. Rejected.

For. To improve Civil Service health benefits coverage. Public Law 91–418.

For. To extend the National Foundation on the Arts and Humanities. Public Law 91–346.

For. To modernize the courts of the District of Columbia. Public Law 91–358.

For. To extend the National Science Foundation. Public Law 91–356.

For. To approve compromise International Travel Act amendments. Rejected.

For. To appropriate funds for the Office of Education. Public Law 91–380.

For. To increase availability of guaranteed home loan financing for veterans. Passed House.

For. To improve administration of the National Park system. Public Law 91-383.

For. To approve funds for Department of Interior and U.S. Forest Service. Public Law 91-361.

For. To extend and improve Federal unemployment compensation programs. Public Law 91-373.

For. To appropriate funds for Departments of Labor and Health, Education and Welfare. White House.

Against. To refuse to appropriate funds for Department of Housing and Urban Development. Rejected.

For. To increase railroad retiree annuities. Public Law 91-377.

For. To extend allied health professions development. Public Law 91-519.

For. To extend Community Mental Health Centers Act. Public Law 91-517.

Against. To make mandatory a wage, price and rent freeze. Rejected.

For. To amend Defense Production Act including standby authority to impose wage and price control. Public Law 91-379.

For. To encourage environmental quality programs. Public Law 91-516.

For. To prohibit use of the mails for transportation of salacious advertising. Passed House.

For. To authorize withholding of municipal taxes for Federal employees. Rejected.

For. To increase compensation of 2 House policy employees. Rejected.

Against. To strike from farm bill payment limitation, wheat, feed grains and cotton provisions. Rejected.

For. To approve Agriculture Act of 1970. Public Law 91-524.

For. To give final approval to Postal Reorganization Act. Public Law 91-375.

For. To provide for Federal railroad safety and hazardous materials control. Public Law 91-458.

For. To permit debate on proposed constitutional amendment relative to equal rights for women. Passed.

For. to approve Equal Rights Amendment. Passed House.

For. To give the District of Columbia a non-voting delegate in the House and Senate. Passed.

For. To establish a Commission on District of Columbia government. Public Law 91-405.

For. To extend comprehensive health planning programs for local and State governments. Passed House.

For. To approve political broadcasting regulations. Vetoed.

Against. To kill proposal to modernize restrictions on water carriers. (Rejected.) Public Law 91-590.

For. To improve education and research in the fields of heart disease, cancer and stroke. Public Law 91-515.

For. To override veto of Education appropriations. (Veto overridden.) Public Law 91-380.

For. To override veto of Housing and Urban Development appropriations. Sustained.

For. To give final approval to Defense Production Act amendments. Public Law 91-379.

For. To authorize construction of Narrows project in Missouri River Basin. Public Law 91-389.

For. To provide an equitable system for adjusting rates of pay for Government employees. Vetoed.

For. To regulate mailing of unsolicited credit cards. In conference.

For. To amend Housing and Urban Development Act of 1965. Public Law 91-431.

For. To provide authorization for grants for communicable disease control. Public Law 91-464.

Against. To kill bill establishing Apostle Islands National Lakeshore in Wisconsin (rejected). Public Law 91-424.

For. To authorize U.S. participation in international financial institutions. Public Law 91-599.

For. To approve appropriations for Treasury and Post Office Departments and Executive Offices. Public Law 91-422.

For. To repeal the equal-time requirements for political candidates. Vetoed.

Against. To forbid proxy voting in Committees. Rejected.

For. To approve Congressional Reform Act. Public Law 91-510.

For. To permit government systems and equipment purchasing. Public Law 91-423.

For. To strengthen penalties for illegal fishing in U.S. territorial waters. Public Law 91-514.

For. To increase veterans' pensions. Public Law 91-588.

For. To authorize loans for mobile homes for veterans. Public Law 91-506.

For. To agree to amendment earmarking funds for Dickey-Lincoln project. Rejected.

For. To cite Arnold S. Johnson for contempt of Congress. Passed.

For. To approve Drug Abuse Prevention and Control Act. Public Law 91-513.

For. To provide authorization for grants for communicable disease control. Public Law 91-464.

For. To provide for Federal railroad safety and hazardous materials control. Public Law 91-458.

For. To authorize procurement of military equipment. Public Law 91-441.

For. To provide long-term financing for expanded urban mass transportation programs. Public Law 91-453.

For. To amend the Atomic Energy Act of 1954. Public Law 91-560.

For. To provide for guards to accompany U.S. aircraft. Passed House.

For. To make further continuing appropriations for fiscal year 1971. Public Law 91-454.

For. To provide representation for certain defendants in criminal cases. Public Law 91-447.

For. To amend International Travel Act. Public Law 91-477.

For. To amend Merchant Marine Act. Public Law 91-469.

For. To approve Organized Crime Control Act of 1970. Public Law 91-452.

For. To authorize appropriations for Department of Defense. At White House.

For. To approve military construction authorizations. Public Law 91-511.

For. To approve Agricultural Act of 1970. Public Law 91-524.

For. To amend resolution establishing American Revolution Bicentennial Commission. Public Law 91-528.

For. To authorize appropriations for the Civil Rights Commission. Public Law 91-521.

For. To authorize assistance to families of servicemen missing in action or prisoners of war. Public Law 91-584.

For. To provide coordination of government family planning and population research activities. Public Law 91-572.

For. To reaffirm authority of Congress and the President to declare war. Passed House.

Against. To send back to Committee the Manpower Act. Rejected.

For. To open the Trade Bill to amendments. Rejected.

Against. To approve the Trade Act of 1970. Passed House.

Against. To weaken the provisions of the Occupational Safety and Health Act. Passed.

For. To approve the Occupational Safety and Health Act. Public Law 91-596.

For. To appropriate funds for Independent Offices and Department of Housing & Urban Development. Public Law 91-556.

For. To allow debate on Federal-Aid Highway Act of 1970. Passed.

Against. To send back to Committee legislation amending Agricultural Marketing Agreement Act. Rejected.

For. To provide protection for securities investors. Public Law 91-598.

For. To make grants to medical schools and hospitals in the field of family medicine. Vetoed.

For. To increase telephone and telegraph allowances of Members of Congress. Passed House.

For. To approve the Housing and Urban Development Act of 1970. Public Law 91-609.

For. To permit former Members of House of Representatives to retain health and insurance benefits. Rejected.

For. To commend volunteers for efforts to rescue American prisoners of war. Passed House.

For. To table a motion to instruct conferees on Department of Transportation appropriations. Passed.

For. To begin debate on bill encouraging development of rare plants. Public Law 91-577.

For. To authorize release of railroad employee pay increases approved by fact-finding board. Passed.

Against. To extend until March 1 the railroad strike deadline. Public Law 91-541.

For. To amend the Foreign Assistance Act of 1961. White House.

Against. To accept conference report extending until March 1 the railroad strike deadline. Public Law 91-541.

For. To authorize supplemental appropriations for fiscal year 1971. White House.

For. To approve legislation assuring employment and training opportunities. Vetoed.

For. To begin debate on bill adjusting excise, estate and gift taxes. Passed.

For. To authorize additional appropriations for the Smithsonian Institution. Public Law 91-629.

For. To assert privileges of House regarding printing of Internal Security Committee report. Passed.

For. To provide additional revenue for District of Columbia. White House.

For. To approve Department of Transportation appropriations. Passed House.

For. To permit continued operation of the Delta Queen. Public Law 91-612.

For. To approve foreign assistance appropriations. Public Law 91-619.

For. To approve Department of Defense appropriations. White House.

For. To amend Bank Holding Company Act. Public Law 91-607.

For. To amend Food Stamp Act of 1964. White House.

For. To send to conference bill providing for potato and tomato promotion programs. Passed.

For. To approve Occupational Safety and Health Act. Public Law 91-596.

For. To provide an equitable system of adjusting rates of pay for Government employees. Vetoed.

For. To authorize appropriations for the construction of certain highways. Public Law 91-605.

For. To approve Housing and Urban Development Act of 1970. Public Law 91-609.

For. To include firefighters in Civil Service retirement provisions. Vetoed.

For. To exempt .22 caliber rimfire ammunition from reporting requirements of Gun Control Act. Passed House.

For. To expand United Nations Headquarters. Passed.

For. To approve the Emergency School Aid Act of 1970. Passed House.

For. To facilitate the administration of the Speaker's office. Passed.

For. To assist certain railroads to continue operation. White House.

For. To return to Senate papers regarding Mississippi Sioux Indians. Passed.

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For. To provide for potato and tomato promotion programs. White House.

For. To approve Department of Defense appropriations. White House.

For. To facilitate greater expansion of U.S. export trade. Rejected.

For. To approve adjustment of statutory pay systems. White House.

For. To approve further continuing appropriations for fiscal year 1971. Public Law 91-645.

TRIBUTE TO SENATOR TYDINGS

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. HARTKE. Mr. President, today we pay tribute to an extremely capable and respected colleague, JOE TYDINGS, of Maryland.

Above all, I feel sorrow that this tough-minded and active man will soon leave the Senate. It always seems doubly unfortunate when a man who has been a real fighter for the people of his State is denied reelection to the Senate. And JOE TYDINGS has been a real fighter for the people of his State as well as the Nation as a whole.

The same things that can get a man into trouble in an election, of course, also win him the respect of his colleagues and of knowledgeable people throughout the country. Independence, integrity, and a willingness to fight long and hard for what is right are not always political assets. But they are the outstanding characteristics of the distinguished senior Senator from Maryland.

In his years of service here, JOE TYDINGS has done genuine credit to his family tradition of service—to his grandfather who was Ambassador to the Soviet Union and to his stepfather who was also a U.S. Senator from Maryland.

Senator TYDINGS knew that he was putting principle before politics when he advocated gun-control legislation. And he knew the nature of the opposition which would be mounted by the gun lobby. I can only say that my respect for Senator TYDINGS multiplies when I consider who his enemies were.

His willingness to exercise leadership in controversial causes was not limited to gun control. Early in his Senate career JOE TYDINGS also approached the issue of birth control—the mere mention of which was anathema at that time. Legislation which passed this year for voluntary family planning assistance is a tribute to his courage as well as his legislative skill.

And finally, the untiring service which he dedicated to the District of Columbia deserves great credit. Knowing full well that those less motivated by principle would say that his devotion to the District meant less devotion to his State, Senator TYDINGS persisted in being one of this city's best friends in the Senate. If any city needed a friend and a vigorous advocate, it was Washington, D.C.

Mr. President, I have the greatest respect for JOE TYDINGS and I know every Member of this body shares that respect. He worked hard and effectively for the people of his State and he has worked equally hard for the future of the Nation.

I hope to see JOE TYDINGS return to the Senate one day. But whatever he decides to do, I am sure he will continue to be a great source of strength and integrity to his colleagues.

I am honored to join in paying tribute to him today.

TRIBUTE TO SENATOR JOHN WILLIAMS OF DELAWARE

HON. JOHN SHERMAN COOPER

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. COOPER. Mr. President, we will all greatly miss the senior Senator from Delaware, JOHN WILLIAMS, who is now retiring at the end of his term in the Senate. His unique contribution to the work of the Senate, and to the country, is widely recognized; but I know I shall especially miss him.

JOHN WILLIAMS was the first Senator I met when I came to the Senate in 1947 for a 2-year term. He is one of three Republicans and nine Democrats still serving of the 98 Senators I met at that time. I have been a seat mate of his for the past 4 years, placed as I am between him and Senator AIKEN of Vermont. His company has been a great pleasure for me and, as he is the ablest member of the Committee on Finance, I have learned much from him. Acknowledged as the foremost fiscal authority in the Senate, he has saved billions of dollars for our country.

By example and action, JOHN WILLIAMS has been a constant influence for the highest standards of conduct. Without vindictiveness, he has brought to the attention of the Senate wrongdoing in both the Senate and the executive branch. And he has been faithful to the high ethical standards he has set for himself.

He is a man of simplicity and of honor, of ability and integrity. I admire him, and the best I can say is that JOHN WILLIAMS will be sorely missed by the Senate and by the people of our country.

CONGRESSMAN MICHAEL A. FEIGHAN

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. McCLORY. Mr. Speaker, it has been my privilege to serve on the House Judiciary Committee with my colleague from Ohio, MICHAEL A. FEIGHAN, for the past 6 years. In addition to the close friendship which we have developed during this period, I have been particularly impressed by Congressman FEIGHAN's attention to our complex and most sensitive immigration laws.

Mr. Speaker, it required a high degree of courage to withstand the attacks which were leveled at the time of the enactment of the Immigration and Nationality Act Amendments of 1965. I well recall this great legislative landmark, which was signed into law by former President Johnson with the Statue of Liberty as a backdrop.

Mr. Speaker, as one who participated with Congressman FEIGHAN in the development and passage of this legislation, I can attest to the skill and dedication which accompanied this part of his service.

In recalling this signal highlight in Congressman FEIGHAN's career, I wish also to note that his service throughout his long congressional career has been characterized by conscientious attentiveness to his tasks as a national legislator and for his courageous expounding of those principles in which he firmly believes.

Mr. Speaker, I salute Congressman MICHAEL FEIGHAN on the occasion of his departure from the House of Representatives and wish him and his wife, Florence, many years of good health and happiness.

TRIBUTE TO SENATOR ALBERT GORE

HON. EDMUND S. MUSKIE

OF MAINE

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. MUSKIE. Mr. President, I know that my good friend ALBERT GORE has insisted that the Senate not set aside any time to honor him before his departure from the Senate.

Nevertheless, I cannot pass up an opportunity to pay tribute to a man from whom we have all learned so much, and for this, I ask Senator GORE's indulgence. I intend to be brief.

I shall not attempt to list the impressive array of his legislative achievements. They span a total of 32 years in the Congress—18 of these years in the Senate, and they include such landmark measures as medicare and the Interstate Highway System.

ALBERT has consistently been outspoken on the most critical issues of the time. In the process of our painful awakening to the prevalence of racial injustice and an ill-founded war in Indochina, the voice of ALBERT GORE has been out front, leading the way toward change.

It can be said that with ALBERT GORE in the Senate, Diogenes would have needed no lantern to find his honest man.

His unswerving honesty, and his uncommon concern for the people of our Nation have illuminated this Chamber for nearly two decades.

We shall miss that light dearly.

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FRENCH SEPARATISM IN CANADA

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. HARTKE. Mr. President, all of us have watched with increasing concern and sympathy the spread of political violence in our great neighbor to the North. We ourselves have experienced too much of it not to understand the profound anguish it can cause, not alone to its victims, but to those who are charged with the responsibility of maintaining order with justice.

An exceptionally able student of revolutionary movements, Prof. George Anastaplo, recently published an article in the Chicago Daily News on the subject of French separatism in Canada. He called his essay, appropriately enough, "Canada and the Dilemmas of Decent Men." I found it perceptive and judicious, and I commend it to the attention of my colleagues:

[From the Chicago Daily News, Nov. 26, 1970]

CANADA AND THE DILEMMAS OF DECENT MEN [1]

(By George Anastaplo [2])

Things in Quebec Province today are not what they seem. We have read that the Canadian federal government invoked on October 16 (for the first time in peacetime) the War Measures Act of 1914 in order to suppress in Montreal (a metropolitan area of some 2½ millions) the organized kidnappings and assassinations which threatened to get out of hand. We have also read that the people of the Province, to say nothing of the rest of Canada—French-speaking and English-speaking alike—overwhelmingly endorse the government's emergency measures. This endorsement is, it is said, evident both in public opinion samplings and in the reelection on October 25 by a vote of 92% of a Montreal mayor who is strongly opposed not only to terrorism but also to the French-Canadian separatism to which the terrorism is dedicated. (It should be noted that this mayor, who was responsible for the brilliantly successful Expo 67, received a vote of 94% at the preceding municipal elections in 1966. It should also be noted that the most decided public repudiation of the terrorists came only after the murder of one of the kidnapped officials and that this happened after the War Measures Act was invoked.)

I was surprised to learn upon visiting Montreal earlier this month (1) that the measures taken by the Canadian federal government in Quebec Province are much milder than the language employed by the government led me to expect, (2) that separatist sentiment among French-Canadians is much deeper than the publicized expressions of popular disapproval of terrorism would suggest, and (3) that the kidnappings are far less organized than the official response to them would indicate. Indeed, the lack of coordination among the groups engaged both in the kidnappings last month and in the hundreds of bombings of recent years indicates both the likely ineffectiveness of the emergency measures adopted by the government and the pervasiveness of separatist sentiment among French-Canadians. That is, I found the character of this sentiment to be such that acts regarded as expressive of it can be expected to erupt again and again (with the tacit acquiescence of much of the French-Canadian community) as soon as the immediate deterrent is removed of large-scale military intervention by a federal government which is convinced that the welfare and safety of all Canadians depend on keeping the union intact.

A federal show of force may smother temporarily the expression of separatist extremism. But the separatist inclination itself is neither coordinated nor superficial enough to be reversed by such displays. Thus, the likely principal effects of government intervention of the kind seen in October are to provide temporarily an illusion of security, to dramatize the role of the more militant separatists, and to multiply the grievances of the "occupied" French-Canadian community. Such effects may even hasten the day of the eventual dissolution of the Canadian federation, since the federal government will be under considerable pressure to resort to further, truly repressive and hence self-defeating measures in response to renewed separatist terrorism. The statesmanlike alternative to more emergency measures of the kind we have seen since October 16 would be the removal of the causes of French-Canadian separatism—but this, in the nature of things, may be virtually impossible to do for a generation or two (if at all).

That is to say, no Canadian government is in the position (no matter what its parliamentary majority) to "repeal" the 200 years of history etched deep in the French-Canadian soul, a soul scarred by memories of having been conquered by the British and subjugated thereafter to essentially alien political and economic forms. What the government *can* do is to moderate from time to time French-Canadian separatist sentiment, but that sentiment will remain and will flare up whenever other grievances accumulate. The government is not likely to be able to do enough to eradicate such sentiment without either surrendering the entire country to French-Canadian rule (and thus promoting English-speaking separatism, or which there are already significant traces in the Western provinces) or simply forcing a thorough assimilation of French-Canadians (beginning with the gradual elimination of the use in Quebec Province of French in the schools and government of the Province).

English-speaking Canadians do see the government as already surrendring to the French-Canadians, even while the French-Canadians see themselves as already being subjected to a program of forced assimilation. Thus, one can hear in Montreal today both complaints from the English-speaking (as a result of a number of concessions, linguistic and economic, made by the federal and provincial governments in recent years) that the French-Canadians are "blackmailing" the rest of the country and complaints from the French-speaking Canadians that they are forced to surrender their heritage in order to avoid being further "exploited" economically and socially by the English-speaking. Critical to the entire controversy is the repeated encounter in Eastern Canada of two different ways of life—it is this which makes the separatist controversy meaningful, persistent and (from the point of view of the French-speaking minority) even desperate. The serious threat to French-Canadians and to the culture of which their language is the most evident (and most vulnerable) manifestation comes in part from the highly visible success of the Americanized aspirations, prosperity and dedication to material progress found in the rest of Canada. The beguiling success of the Canadian economy threatens to leave behind any minority which is not equipped linguistically, culturally and technologically to compete in the North American market of 250 million customers.

The immediate grievances which today excite separatist sentiment to the point of explosion among French-Canadians include the considerable unemployment which Quebec Province is now suffering. That province, with little more than one-fourth of Canada's 21,000,000 population, has 40% of the unemployed of the country. (The Canadian rate of unemployment in 1969 was 4.7%, that of Quebec Province was 6.9%. These rates are thought to be even higher this year. We, in the United States, are quite troubled today by an unemployment rate of 5.6%.) And, to make this recurring grievance even more bitter, virtually all the unemployed in Quebec Province are found among the 70% who are the French-speaking inhabitants of that province, not among the province's English-speaking inhabitants: this means that one French-Canadian out of eleven in Quebec Province is now out of work.

These discrepancies are partly due to such factors as the superior schooling of the English-speaking and their much greater willingness both to devote themselves and their capital to commerce and to move from one part of the continent to another in search of employment (a willingness facilitated for them by their fluency in the language which dominates North American business). The competitive inferiority of the French-Canadians is also partly due, it should be added, to the refusal of their ecclesiastical and political leaders of the past two centuries to prepare them for industrialized modernity. The French-Canadian way of life (with its roots in the France *prior* to the French Revolution) has emphasized much more than that of its English-speaking competitors (who include most of the immigrants, for they learn English, not French, upon arrival in Canada) the value of the family, of land and of tradition. Indeed, the thoughtful man is obliged in Canada more than are we in this country, to face up to the serious appeals of two contending sets of opinions about the nature of the good life, each of which does have much to be said for it.

It should be emphasized that separatist sentiment is not found only among the unemployed or the unrecognized in the French-Canadian community. If that were the case, then the serious efforts by the federal and provincial governments to raise the level of training and to stimulate the economy of Quebec Province (where most of the French-Canadians are concentrated) might have permanent success in uniting the country. But sentiment for separation—with recommendations of varying degrees of social and economic association between an "independent" Quebec and the rest of Canada—may be found even among well-trained (and well-paid) employees of the governments of Quebec Province and the City of Montreal. (English-speaking citizens of prominence suspect that this sentiment influences as well the Montreal police force, which has been so ineffective in solving during the past decade the crimes committed by separatist extremists.)

The prevalence of French-Canadian sentiment should not surprise us: is not every French-Canadian what he is today because generations of his forebears refused either to migrate from Quebec or to be assimilated after the British won in 1759 the decisive battle against the French for the mastery of North America? Are not all French-Canadians descendants of generations of men and women who felt that any price (economic or political) was worth paying in order to retain their precious identity as French-Canadians.

Self-righteous, and even callous, as the English-speaking rulers of Canada have been at times, they have always been far too civilized and respectful of the rule of law to do what would have had to be done to suppress among French-Canadians their centuries-old longing to be their own masters. The restraint even today of the present Canadian government (which happens to be presided over by a bachelor, cosmopolitan, and hence

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Footnotes at end of article.

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unrepresentative, French-Canadian) testifies to the legacy of British moderation which goes back to the provisions for religious toleration found in the Quebec Act of 1774. I was struck, during my recent visit to Montreal, by the difference in both mood and deed from what I have encountered during the past decade in countries such as Russia and Greece. (My journalistic qualifications in these matters include expulsion from both Russia and Greece at one time or another.[3])

The foreigner can enter Canada quite casually, and even directly, into Quebec Province from New York State, without being required to give his name, to produce identification or to explain his business. One can move readily around Montreal (despite the presence of soldiers in combat gear stationed at public buildings and communications centers), making inquiries and collecting materials about the current crisis. One can (unlike either in Russia or in Greece today) easily induce critics of the Canadian regime to speak freely without having to give them assurances of anonymity. In fact, vigorous criticism of the government may be read daily in the press and in the transcripts of parliamentary debates. The foreign inquirer need not be concerned (as I often have had to be in Greece) about being followed by the security police or (as in Russia or Greece) about his telephone being tapped, or about his mail being opened or about what might happen to his notebooks or film or informants.

Most significant of all is the realization of virtually everyone in Canada that the restrictive measures adopted by the government last month are truly temporary in character, however mistaken the government may have been in resorting to such measures in the first place. Here, again, a comparison with contemporary Greece is most instructive. The Greek colonels have pretended for three and a half years now to be preparing their country for a speedy return to constitutional government, whereas it has been evident almost from the day they seized power that they intend to stay permanently and that they are willing to do whatever they believe necessary (including the systematic torture of fellow Greeks) in order to preserve their tyranny.

The principal exceptional powers currently being exercised by the Canadian government are the powers to search and arrest without warrants and to hold citizens a maximum of three weeks without charge. (In Greece, there are hundreds, if not thousands, who have been held more than three years without charge, just as there may be in Russia thousands, if not tens of thousands, held even longer.) According to the Montreal police, 447 persons have been arrested in the course of the two thousand raids conducted by them since October 16. Of these, 64 remain in custody with 51 of them now indicted on such charges as seditious conspiracy.

The War Measures Act permits the federal government to exercise several other exceptional powers, including comprehensive censorship, control of prices and wages, and strict supervision of movement in and out of the country, but these have not been made use of (except for some restrictions placed upon radio and television). Of course, no government can arrest (even if only temporarily) hundreds of citizens without affecting the willingness of some government critics to speak out. Still, it must be rare in the Twentieth Century to have had so many citizens arrested in so short a time without arousing realistic fears of a permanent dictatorship. The fundamental decency of Canadian society, in which both radicals and conservatives from the United States have found refuges in recent years, is reflected in the restrained and obviously temporary character of the measures resorted to in the face of what a frantic government may well have believed was an "apprehended insurrection."

Even so, it has been evident all along to informed onlookers that the resort by the Canadian government to these measures was not likely to contribute to the apprehension of the kidnappers who are immediately responsible for the current crisis. The hundreds arrested under the War Measures Act seem to have been for the most part the more militant separatist spokesmen, the men who have been most outspoken in voicing the grievances of their French-Canadian countrymen. No showing has yet been made, nor is any likely to be made, connecting the men arrested directly with the divergent (and curiously casual) groups responsible for the kidnappings.

Perhaps it was necessary to have the overworked police relieved by the army of routine guard duties, thereby freeing them to work on the kidnappings and subsequent murder—but the use of the army for such service (much as we use the National Guard) did not require recourse to the War Measures Act. (In fact, the army had been legally brought into Montreal the day before the Act was invoked, just as it was brought in last year during the Montreal police strike.) Thus, the Act seems to have been invoked, in a moment of panic, primarily to assure people that the government was "really doing something" in the face of mounting terrorist threats. Whatever progress has been made thus far by the Montreal police in solving the kidnap murder by separatist terrorists of a provincial cabinet member has been due neither to the powers given the government under the War Measures Act nor to the use made by the government of the army but rather has been perhaps due to the generous reward finally promised for information after all other (more vigorous) efforts had failed.

What is likely to happen now? Last year, the home of the Montreal mayor was kept for months under 24-hour police surveillance because of a series of separatist bombings in the area. One week after the guard was finally lifted, his house was bombed. We can expect that the discontent which has erupted the past decade in bombings, kidnappings and murder will return to Montreal in some equally disruptive form when the present security measures are somewhat relaxed in the months ahead. Thus, the government has done little more than buy itself some time—but at the cost of establishing precedents and expectations and grievances which can "force it" to be even more repressive next time (if only to satisfy public demands for "law and order"). If the government should be "obliged" to strike again, it will dramatize even more than it has already that small minority of separatists who are most radical not only in the means they are willing to use but even more in the constitutional and social objectives they advocate.

We Americans can learn much from a study of the Canadian crisis. We will be able to observe, for instance, not only the limits but even the self-deceptive character of an emphatic reliance upon force to secure "law and order," especially when that force is articulately countered by longstanding demands for "social justice." Even so, it is all too easy, but (for the reasons I have indicated) not really helpful, for outsiders to advise Canadian governments to address themselves to the underlying causes of separatist sentiment.

We do have a legitimate interest in the preservation of the integrity of our northern neighbor, whatever the constitutional arrangements settled upon among Canadians. It is most difficult to say what arrangement can satisfy French-Canadian sensibilities without intensifying at the same time separatist sentiment in other provinces of the country. Perhaps an economic and political status for French Canada comparable to that of Puerto Rico in the American system would be acceptable to the English-speaking and (if established soon enough) to all but the most radical French-Canadians (especially if French should be declared to be the official language of *all* politics, business and education in Quebec and if a face-saving option for complete independence should be recognized as "available").

It remains to be seen whether the Canadian federal government will be able to resist the temptation to direct its attacks in the months and years ahead against the numerous and hence politically significant moderate separatists who are readily identified and hence vulnerable. That is, will the federal government take care *not* to make it politically impossible for moderate leaders (who still have the support of the great majoritly of the French-Canadian separatists) to defuse among their constituents the challenge of desperate radicals before those radicals come to be seen (with the "cooperation" of the government) as the latest victims (and hence champions) of resistance to a centuries-old "English tyranny"?

One can hope that our Canadian friends pursue a more responsible government policy than that evident in Chicago both during the Democratic Convention in 1968 and during the "Conspiracy Trial" prosecution following upon the official blunders of Convention Week.[4] Even more is at stake in Canada than there was here in Chicago. Thus, a distinction must be made between firmness and harshness. It takes considerable nerve for men in authority to set and wait out a crisis, relying only on conventional police powers, on patient political action, and on the good will and the good sense of their fellow citizens. Such a restrained course is more likely than dramatic emergency measures to help responsible shapers of opinion among French-Canadians to appreciate and to proclaim in a statesmanlike manner the value for all Canadians of the moderation which their united country is capable of even in a time of serious crisis. *Prudence*, it is encouraging to remember, is spelled the same in French and in English. But so, unfortunately, is *debacle*.

FOOTNOTES

[1] This article (of Nov. 15, 1970) was published in an edited version as an "Insight" feature in the Chicago Daily News, Nov. 26, 1970, pp. 5–6. (The title assigned to the article on that occasion was, "Can Canada Keep the Lid On?")

[2] George Anastaplo is Lecturer in the Liberal Arts, The University of Chicago, and Professor of Political Science and of Philosophy, Rosary College.

[3] See on my expulsion from the Soviet Union, London Observer, August 14, 1960 (Letters to the Editor). See, also, the appendix to my doctoral dissertation, "Notes on the First Amendment" (University of Chicago, 1964). See, on my expulsion from and subsequent admission to Greece, my "letter to the editor" published (in various forms) in The International Herald-Tribune (Paris), Sept. 30, 1970, The Chicago Daily News, Oct. 6, 1970, The Guardian (London), Oct. 7, 1970, and The Manchester Guardian Weekly, Oct. 17, 1970.

My articles on Greek affairs have been reprinted in Volume 115 of the Congressional Record at pages E1875 (March 11, 1969), E2631 (April 2, 1969), E2632 (April 2, 1969), E5156 (June 23, 1969), E5978 (July 15, 1969), E6294 (July 28, 1969), and E10873 (December 20, 1969), and in Volume 116 at pages E935 (February 16, 1970), E1818 (March 10, 1970), S7535 (May 20, 1970) and E10520 (December 18 1970).

[4] See, on the "Chicago Conspiracy Trial," my article ("The Trial: Disgraceful Masquerade") in the Chicago Sun-Times, Feb. 22, 1970, Sec. 2, p. 2 (reprinted in the Con-

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gressional Record, Vol. 116, p. E2420 (March 24, 1970)). See, also, Anastaplo, "The Constitutionalist: Notes on the First Amendment" (to be published by the Southern Methodist University Press in 1971), Appendix C.

TRIBUTE TO SENATOR TYDINGS

HON. STUART SYMINGTON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. SYMINGTON. Mr. President, it is with deep personal regret that I bid farewell to **Joe Tydings**.

The forthright manner and the political courage he displayed in championing legislation dealing with some of the most pressing issues facing our Nation today will be sorely missed from these halls. In only 6 years, the senior Senator from Maryland accomplished many things. With great personal and political courage he made his mark for the betterment of our country. He has faced the issues squarely, sponsoring what he believed was needed, although sometimes unpopular legislation such as gun control and family planning measures.

For the past 2 years this dynamic young man served as chairman of the Senate District of Columbia Committee. In this position he dealt with the critical problems facing our Nation's Capital. This is a thankless job, but a job that he did well.

We will miss **Joe Tydings** in the Senate but we also are sure that this able, courageous young man will be a leader in our Nation for years to come.

TRIBUTE TO HON. PHILIP PHILBIN

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 16, 1970

Mr. DORN. Mr. Speaker, one of my closest friends in the Congress has been **Phil Philbin**. He is truly one of this body's most loved and respected Members, and he will be sorely missed when he leaves. The American people know of his outstanding service over a period of many years on the House Armed Services Committee. He has earnestly and quietly served the great Bay State and the Nation. His warmth, his tolerance, and his unassuming nature are not common among great men, but in his case they added to his stature.

Mr. Speaker, **Phil Philbin** has ably and energetically represented one of our Nation's most historic areas. It is generally an urban area. Yet he has always keenly understood the special problems of other areas of the country. He has approached legislation with a national viewpoint. **Phil** will, of course, best be remembered through his high-ranking service on the Armed Services Committee of the House. But that is by no means the measure of his record, since he has over the years been an important supporter of much of the progressive legislation passed by the Congress. He has been a Member who was always accessible to his colleagues to give a word of assistance or a helping hand to a junior Member. It is for this genuine friendliness and generous spirit, together with his outstanding legislative record, that we and the American people will remember **Phil** and his service here. He leaves with the respect and affection of all his colleagues. Mrs. Dorn joins me in extending to **Phil** our wishes for happiness and success in whatever ventures he may enter.

TRIBUTE TO SENATOR McCARTHY

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. HARTKE. Mr. President, the State of Minnesota has given the Nation many great men. One of them is surely **Eugene McCarthy**. I am privileged to join in paying tribute to Senator **McCarthy** on the occasion of his retirement from the U.S. Senate.

I know I express the sentiment of many of my colleagues and of people from all walks of life in saying I hope that **Gene McCarthy**'s retirement from the Senate will not be a retirement from public life. I am confident he will continue to make a great contribution to our Nation from outside the Senate, as he has done before.

For **Eugene McCarthy**'s contribution has never been confined to the Senate. He was one of the men who did the most to awaken the country to the tragedy of the war in Southeast Asia, and in so doing he brought thousands and thousands of young Americans into the mainstream of our political tradition. I do not think there can be any question but that the entire country owes **Eugene McCarthy** a great debt for his courageous action in 1967–68.

The fact that national debate today centers on how to get out of Vietnam, not on whether or not we should continue American involvement, is due importantly to his principled efforts. I think we should always be on guard against underestimating the significance of this change in national views. The war is not over yet. But the change in national attitude brought about by men like **Eugene McCarthy** is a necessary first step to ending that war.

I have had the good pleasure of standing on the same side of many issues with Senator **McCarthy**. And I know him as a man of great warmth and style.

He has been an eloquent and reasonable representative of the causes in which he believes. And he has won the admiration and affection of many Members of this body.

I am sure every Member of the Senate feels a certain sadness that **Eugene McCarthy** is leaving. I know I will miss his wit and his incisiveness.

But this sadness is tempered by complete confidence that he will continue to make a contribution to American public life.

A TRIBUTE TO SENATOR SPESSARD HOLLAND

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. CRANSTON. Mr. President, I count myself fortunate that I was elected to the Senate in time to have served with Senator **Spessard L. Holland** during the final 2 years of his illustrious career which spans nearly a quarter of a century in the U.S. Senate.

Spessard Holland came to the Senate in 1946 after having established an outstanding record of public service. He graduated from Emory College magna cum laude, and he was the recipient of the Nation's second highest award for valor, the Distinguished Service Cross, for service in World War I. He was an outstanding member of the Florida bar, and he served as a prosecuting attorney, a county judge, and a Florida State Senator before becoming Governor of Florida.

Spessard Holland retires from the Senate in 1970 after having distinguished himself as a statesman par excellence. If the measure of a good solon is the quality of the counsel he gives, then Florida and the Nation are losing the active service of a great Senator. He has a keen and analytical mind which finds it easy to get right to the heart of a matter, and he has always expressed his positions with logic and clarity. While we have not been in agreement on all issues, I have always looked to his opinion and advice as among the most carefully reasoned contributions to Senate debate. I have profited greatly from his example, and I especially appreciate the assistance he has given me on the farm problem and the question of price supports.

Mrs. Cranston joins me in wishing **Spessard Holland** and his charming wife, Mary, a very rewarding, serene, and healthful retirement as they return to their beloved State of Florida.

A TRIBUTE TO SENATOR THOMAS J. DODD

HON. ABRAHAM A. RIBICOFF

OF CONNECTICUT

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. RIBICOFF. Mr. President, I am pleased to join my colleagues in the U.S. Senate paying tribute to **Tom Dodd**, senior Senator from Connecticut. **Tom** has served in the Senate for the past 12 years following 4 years representing Connecticut in the House of Representatives. These have been difficult but exciting years in the history of our Nation. **Tom** has worked throughout for causes he thought best for his own State as well as for his country.

Tom has labored long and hard in his advocacy of gun control legislation. Much of this work formed the foundation for the first comprehensive gun control law passed in 1968. Likewise, some of the most important hearings on the problem of drug abuse here and in our Armed Forces abroad have been held by his Subcommittee on Juvenile Delinquency.

In the 91st Congress, Tom played a leading role in the adoption of a major revision in our drug laws and enactment of comprehensive crime control legislation.

I know Tom has the best wishes of all of his colleagues for good health and happiness in the years ahead.

RESPONSE TO EPA ADMINISTRATOR

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DINGELL. Mr. Speaker, Administrator William D. Ruckelshaus of the Environmental Protection Agency on December 10, 1970, took it upon himself to issue an ultimatum to the city of Detroit, Mich., to halt violation of water quality standards in the Lake Erie Basin within 180 days or face legal action by the Department of Justice. Similar ultimatums were issued to the city of Cleveland, Ohio, and the city of Atlanta, Ga.

The Common Council of the City of Detroit unanimously adopted a resolution on December 17, 1970, responding to the EPA Administrator's ultimatum. For the information of my colleagues, I insert the text of a statement by Gerald J. Remus, general manager of Detroit's Metropolitan Water Department and the text of the resolution adopted by the Common Council at this point in the Congressional Record:

Metro Water Department,
December 14, 1970.

Honorable Common Council:

Subject: Environmental Protection Agency 180-Day Notice.

Gentlemen: We've made outstanding progress on the area Water Pollution Control Program since signing the Stipulation on May 19, 1966, and there is no need to be apologetic to the Federal government.

As far as the time schedule in the Stipulation is concerned, the record shows that the Michigan Water Resources Commission realized it was extremely optimistic. Though we protested, we subsequently yielded, with the mutual hope that we would come as close to the target date as possible. It took from May 19, 1966 until November 17, 1969 for the State to get a financing program arranged and for the State and Federal governments to make the first sizeable grant offers. There has been no time lost on our account.

Further, there is no need for the Environmental Protection Agency and its administrator to try to ride our coattail to success and try to claim the credit when the work is in operation about two years hence—unless they show good faith by putting up their share of the money—NOW!

Accordingly, we have prepared the attached resolution for your consideration.

Respectfully submitted.

G. Remus,
General Manager.

Resolution Adopted by Common Council of the City of Detroit

By Councilman Eberhard:

Whereas, on December 10, 1970, the newly established United States Environmental Protection Agency issued an ultimatum to the City of Detroit to halt violation of water quality standards in the Lake Erie Basin within 180 days or face Court action by the U.S. Justice Department; and

Whereas, the Detroit Metro Water Department has been and is exerting extraordinary effort to abate that pollution of the lower Great Lakes which emanates from 67 communities in Southeastern Michigan; and

Whereas, the DMWD now has more than 35 water pollution control construction contracts costing nearly $160,000,000 in action and the magnitude and complexity of the work is such that it cannot be completed in less than two years time; and

Whereas, the 180 days is contradictory to the reasonable construction time previously approved by the Federal Water Quality Administration for each individual construction contract; and

Whereas, the DMWD has preceded this construction work by extensive self-financed design and research work costing nearly $4,000,000 since 1966, and has arranged for local financing of $76,000,000 of the construction work, and has cleared 27 acres of residential land for site expansion at a cost of over $3,000,000 at its own expense; and

Whereas, a portion of the construction is already in operation and is providing a significant reduction in the amount of waste water reaching the Great Lakes; and

Whereas, to date the Federal government has offered grants amounting to about only $7,000,000 instead of the $88,000,000 it is obligated and expected to pay and has therefore burdened the local and State governments with prefinancing their remaining share of the cost; and

Whereas, there is another $60,000,000 of pollution control contracts to be let in 1971 if water quality standards are to be met in two years; and

Whereas, continuation of a program of water quality enhancement is expected to cost another $230,000,000 for the DMWD area of service by 1975; and

Whereas, it will not be possible to finance the $60,000,000 of added work in 1971 unless the Federal government forthwith fulfills its obligation to offer a grant of about $81,000,000 for the work now in action and another grant of $33,000,000 for the work to be started in 1971; and

Whereas, the federally advocated River Basin concept of pollution control has been pioneered and is being practiced by DMWD and requires the enthusiastic support (not punitive sanctions) of the Federal and State government in order to fulfill its mission; and

Whereas, the ultimatum of December 10, 1970 is deemed absurd, irresponsible, unwarranted and unconstructive, and has done much to break our hope for cooperatively developing "a mutual trust, a mutual point of view and a mutual plan of action" with the Federal government; Now, Therefore, Be It

Resolved, that the 180-day ultimatum is herewith rejected and be it further

Resolved, that further progress on the abatement of pollution from the area of Southeastern Michigan which is served by the DMWD is solely contingent on an immediate appropriation and bona-fide grant offer by the Federal government for the full 55% share of the cost on Projects No. WPC–MICH–1146, WPC–MICH–1387 and WPC–MICH–1669 as well as such appropriation and grant offer of 55% on WPC–MICH–1896 at the time it is processed by the State; and be it further

Resolved, that if the Environmental Protection Agency sincerely desires to enhance the environment and to obtain the cooperation of those it seeks to serve, then let it demonstrate more mature judgment and consideration in all future actions, and be it further

Resolved, That a copy of this Resolution be forwarded to the President of the United States, Mr. William D. Ruckelshaus, Administrator of Environmental Protection Agency, each member of the Congressional Delegation from the State of Michigan to the United States Congress, the Governor of the State of Michigan, and the Water Resources Commission of the State of Michigan.

Adopted as follows:

Yeas—Councilmen Brown, Eberhard, Hood, Levin, Rogell, Tindal, Van Antwerp, Wierzbicki and President Ravitz—9.

Nays—none.

TRIBUTE TO SENATOR STEPHEN YOUNG

HON. EDMUND S. MUSKIE

OF MAINE

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. MUSKIE. Mr. President, I regret that I was not present last Monday to join with my colleagues in paying tribute to Senator Stephen Young. However, in no way do I intend to let this absence prevent me from speaking out today in honor of this most remarkable man.

Stephen Young was elected to the Senate in 1958, the year when I, too, first came to the Senate. As a Member of the class of 1958 which has come to mean so much to me, Stephen Young, my friend, will be sorely missed.

Yet we will all miss the contributions of Stephen Young, our colleague.

His voice in the Senate has been a constant reminder that the job of a Senator is to speak out against injustices, and to lead, not merely follow, in the formulation of public opinion.

His voice has been raised against Democratic and Republican policies alike—wherever he felt that the interests of a special few were being protected to the disadvantage of the interests of the many.

He has often been abrasive in his comments.

But we could always be sure that whatever Steve said was done so out of his conviction—and I am paraphrasing him now—that he would rather be right than Senator.

I have read the comments of my colleagues in tribute to Steve Young, and there is little that I can add.

Except to say that Stephen Young is a remarkable human being.

UNDERCOVER WEATHERMAN

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mrs. HANSEN of Washington. Mr. Speaker, the following newsstory has recently been published in the Los Angeles Times and would, I assume, bear investigation. I reprint it here for the information of my colleagues. These are serious charges.

The article follows:

Undercover Weatherman: Informant Tells of Supplying Explosives to Revolutionaries

(By Richard T. Cooper)

Seattle.—The young radical defendants in the Seattle Seven trial are in jail for contempt of court. Their antics in the courtroom leading to tumult, caused U.S. Dist. Judge George H. Boldt to declare a mistrial Dec. 10 on grounds the defendants had prejudiced their rights to a fair trial.

The commotion in and around the courtroom in nearby Tacoma provided the drama and national attention. But hardly less dramatic—yet little noticed—was the testimony of a Seattle businessman who worked undercover for the FBI in a unit of the violently radical Weatherman faction of the Students for a Democratic Society.

The witness, 33-year-old Horace L. Parker, testified that during more than a year among the Weatherman and other radicals, he was paid by the FBI and acted under its instructions or within its guidelines when he:

Bought five pounds of potassium chlorate, a chemical used to ignite Molotov cocktails automatically, and, after the FBI analyzed it, turned the chemical over to Weatherman.

Offered to supply dynamite and blasting caps to the Weatherman, purportedly through a friend who would steal the explosives from a mine in Idaho.

Parker said he took $120 from a Weatherman to buy two cases of dynamite and several hundred caps, but never delivered the material. He testified the FBI had told him to make the offer.

Provided the leader of the Weatherman collective he was infiltrating with an illegal tear gas gun.

Held firearms instruction, sniping discussions, and target practice sessions for Weatherman members, many of whom had seldom if ever held a gun in their hands before. Parker, posing as a former Green Beret, said he held the sessions to determine the radicals' level of skill.

Used FBI money to supply 14 cans of spray paint intended for use in a demonstration at the federal courthouse in Seattle after defendants in the Chicago Seven conspiracy case were sentenced for contempt of court last winter.

Contributed a .22-caliber automatic rifle and tear gas to the armanent of the Weatherman's collective apartment, called "The Fort," where he joined.

DRUGS PURCHASED

Parker testified that the FBI also paid for the printing of stickers that said, "Serve the People, Stop the Pig" and that his expenses as an undercover agent had included purchases of LSD, marijuana, speed, methedrine, and "coke."

The government informer said he had distributed drugs to others and had used them extensively himself while he was with the Weatherman, both as part of their life-style and to keep himself awake during the long hours he worked.

At one point, he said, he feared he was becoming addicted.

Parker said his activities included recruiting young people to the Weatherman cause, though he asserted he had always stopped short of bringing them into the organization.

TO ANY LENGTH

On cross-examination by Charles C. Marshall III, one of the Seattle Seven who acted as his own attorney, Parker acknowledged that he would go to "any length" to "get" the defendants, including lying.

Parker justified his actions in most cases as necessary to convince the Weatherman of his sincerity and to gain entrance to their quarters. He said the FBI had told him "to do anything that was necessary to protect my credibility."

"I was never allowed to cause any bodily injury or kill anbyody or do something like that," he added.

He was asked on cross-examination, "Have you ever encouraged people, anyone, since you became part of the FBI, to violate the law?"

"Yes," Parker replied.

ILLEGAL MEANS

At another point he was asked, "You felt no compunction yourself about using illegal means to get these people?"

"Sometimes it bothered me a little bit," he said.

The Seattle Seven were being tried on charges of conspiracy and interstate activity with intent to riot arising out of their alleged roles in violent demonstrations at the Seattle federal courthouse last Feb. 16, the day after defendants in the Chicago Seven conspiracy trial were sentenced for contempt of court.

Parker became an FBI informant in late July, 1969.

He said he had first discussed revolutionary ideology with a local SDS leader, Robbie Stern, in 1967. Parker said he contacted Stern again in 1969, telling him, "I was opposed to the war in Vietnam and wanted to do something about it." Stern was not a defendant in the trial.

Parker testified he attended an SDS meeting in July of 1969 at Stern's invitation and was "shocked" at its Marxist-Maoist tone.

"I found out they were Communist revolutionaries, rather than American revolutionaries," he said. A few days later he contacted the Central Intelligence Agency and was referred to the FBI.

Parker said he talked to FBI agents twice and was told, "You have an opportunity to be of service to your country." He said he discussed it with his wife and then agreed to become an infiltrator.

When the SDS split into various factions, he was instructed to concentrate on the Weatherman.

The FBI paid all of his expenses and after a time began paying him a salary that ranged from $175 to $500 a month, he said.

ARMY SERVICE

Parker, who moved from Idaho to Seattle in 1965 after two years in the Army and three years at Lewis and Clark College, has been employed as the sales manager for a building supply firm.

He said he held the job while acting as an informant, but moved away from his wife and child in March, 1970, to become closer to the Weatherman.

He testified that he lived briefly at "The Fort," then rented an apartment nearby and visited the collective regularly for meals, meetings, and other activities.

In November and December of 1969, he said, he was arrested in connection with Weatherman activities and was convicted of malicious destruction of property. Parker acknowledged he had violated his probation by returning to the University of Washington campus after the conviction.

LOADED WEAPON

Parker testified he had given a tear-gas gun loaded with military-type CS gas to Robbie Stern in September, 1969, because he feared Stern might be attacked.

He also offered to provide student bodyguards for the SDS leader.

In April, 1970, Parker said, he bought a Molotov cocktail igniter from a heroin addict. He said the FBI had told him to do so and a marked $20 bill had been used.

After the FBI analyzed the chemical. Parker said, "I returned the potassium chlorate to a member of the Weatherman. It was to be used for self-igniting Molotov cocktails."

Regarding the offer to sell dynamite, he said, "I was directed to let it be known to a member of the Weatherman that I knew a person who worked in the Bunker Hill Mine in Kellogg, Ida., who was able to rip off some dynamite without getting caught and that he was willing to sell it for $20 a case."

LATE RESPONSE

Parker said he made the offer in January or February, 1970, but got no response until July.

He went to Idaho but did not buy explosives. He said that, following FBI instructions, he told the Weatherman he had made a purchase but had buried the material on his grandfather's farm in Idaho for safekeeping.

The firearms practice sessions were held in the spring of 1970, according to Parker. He said he held two sessions for men and one for women.

Supplying spray paint for use at the federal courthouse had been a device for visiting "The Fort," Parker said, because the FBI wanted him to check for explosives.

Parker's account of his activities brought sharp reactions from some of the defendants, Marshall called upon Judge Boldt to investigate the possibility of prosecuting the information.

GOVERNMENT BLAMED

"A lot of people in the country have not taken this seriously when we say, well, the real conspiracy is in fact the federal government.

"But here you have in your own courtroom admissions of a man who was counseled by the FBI, and was in fact an employee of the FBI, to do illegal acts, and this is an outrage to the people."

During the months under cover, Parker kept a diary which the Seattle Seven sought to have admitted as evidence. Judge Boldt was studying the request when the trial ended abruptly, and thus, Parker never made his final appearance on the witness stand.

As a result, while he revealed much, many questions about his activities inside the Weatherman commune remained unanswered.

FATHER COLLINS, OF GEORGETOWN UNIVERSITY

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. FUQUA. Mr. Speaker, there are some men who give of themselves for others. Because of such men the world becomes a little better place.

Such has been my experience and that of my office since the day we met Father T. Byron Collins, who came to us in behalf of Georgetown University.

Despite the fact that Georgetown ranks in the forefront of the Nation's institutions of higher learning, there was the very real possibility and almost a certainty that this great school would lose its medical college unless some help was forthcoming.

The school had used its trust funds, its principle, and made every possible effort to meet the mounting costs of training young physicians.

While States have assisted other institutions across this Nation by giving a sum of money for each student enrolled in medical colleges that are privately financed, institutions which otherwise might not survive have been able to survive and to train the men and women who nurture the sick of this land.

But Georgetown University, being in the District of Columbia, has no State government to turn to and thus came with a plea to the Federal Government to save one of the great medical training grounds of this Nation.

When Father Collins and Dr. Seymour Alpert, vice president of the George Washington University, also located in the District, came to see us, it was a joint plea for others. Both Georgetown and George Washington could see no light at the end of the tunnel without some form of assistance.

In my opinion, it was the inspiration of Father Collins that made all of us do just a little better than we were capable in what often seemed an impossible task.

Who knows what we have accomplished? It may be that one of these young men or women who are trained as the result of this legislation might find the answer to the treatment of cancer, heart disease or the other maladies which can strike down all of the children of this land and the world.

Father Collins is a member of the Society of Jesus or Jesuits. This order operates Georgetown University. He felt keenly and strongly about saving the Georgetown University Medical School not only because of the young men and women who need this facility—and certainly there are not enough training grounds for physicians in this Nation today—but he was also keenly aware of Georgetown's mission to serve the poor in the District of Columbia.

Few people realize the service which this institution renders to the District and to mankind by taking care of those often without hope or the ability to provide for themselves.

Institutions like Georgetown have personalities like people. There is something very special about those men who are associated with the work of Georgetown—a calling that is higher than the men themselves. It is an idea, a mission, a service, a calling—something that sets an example for others to emulate.

XUM

Father Collins came to us with a vision and with faith. He never faltered at the odds, nor did the roadblocks and difficulties deter him. He would simply return to that faith which sustains him, ask for divine guidance, and continue to work.

The night that the bill providing assistance to see that the Georgetown Medical School would survive was a time of joy and accomplishment for all of us who had participated. As the chairman of the subcommittee to which this measure was assigned, I know better than most men how difficult and how dark it seemed at times. The thing that kept us going was the faith of Father Collins and the realization of the good that could be done if we were successful.

In this measure, we have partly called attention to the rising cost of medical education and how these staggering sums, in the light of advancing science and technology, can drain off the resources of other parts of a university. We have charted a new course in seas that have not been plied before, and I have a feeling that the precedent which has been set will lead to other advancements for medical education throughout our land.

Through this kindly Jesuit priest, many men are now aware of the mission of Georgetown University and have a personal interest in its success.

Certainly it is my considered opinion that those who make up the faculty, staff, and student body at Georgetown University owe this man more than they will ever know.

In expressing a sincere tribute to him, I can only speculate at the number of young men and women yet unborn who may benefit from his life.

And so for all of us, might I express a sincere note of gratitude to a man who stands tall among his fellow men, and one whom I am convinced has been inspired and blessed.

IN DEFENSE OF THE LAME DUCK

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. STRATTON. Mr. Speaker, now that the first "lame duck" session of Congress in 20 years is approaching its end, somebody ought to tell the real story of what happened in this unusually hard-working and remarkably productive 6 weeks of legislative activity.

"Lame duck" itself is hardly a term to inspire public confidence and so many experts had predicted disaster in advance anyway that few were reluctant to admit later on that their predictions had gone astray.

But the facts speak otherwise. For one thing, it was a much harder working session than the usual ones. We worked right through the week, all the Mondays, most of the Fridays, and even several Saturdays. And almost all of these sessions ran well into the evening—8, 9, 10 o'clock—night after night, while wives and families went wild trying to figure just when daddy would be home for dinner.

Attendance was down a bit from a normal session. Most of the time there were about 70 to 100 absentees—some of them, but by no means all, lame ducks themselves. But most of the lame ducks showed up on the floor, one of them, PHILIP PHILBIN, of Massachusetts, even seeing himself honored in the closing days of the session by election as chairman—for 4 brief days—of the House Armed Services Committee.

In all there were 112 rollcalls in these 6 weeks, 71 of them record votes. I made all but two of the votes and all but five of the quorum calls, for a voting attendance record of 97 percent, and an overall attendance record of 94 percent.

We were not just spinning our wheels either. Some of the most far-reaching legislation Congress has ever passed came out of this lame-duck session. For example, a national family planning program; a vastly expanded food stamp plan; the nation's first occupational safety law; a new clean air law, requiring pollution-free automobiles by 1975; a program to protect securities investors; and an expanded housing bill with two new features, aid for "new towns", and Federally guaranteed insurance for businesses located in high crime areas.

Besides that Congress set up a new Government corporation to insure railroad passenger service across the Nation. We prevented a nationwide railroad strike at Thanksgiving time; and allocated $125 million toward keeping the Penn Central railroad in operation. We boosted outside income limits on veterans pensions; passed a resolution in the House—my resolution—to commend the Sontay POW raid; we designated—in another of my bills—the C. & O. Canal area along the Potomac, northwest of Washington, as a National recreation park.

Also we passed a manpower training program to give "last resort" public service jobs to people out of work, and set up a program to encourage the training of more "family" doctors. Unfortunately, both bills were vetoed.

Perhaps our most significant actions—for good or ill—were in the foreign policy field. The massive funds Mr. Nixon sought to aid our friends and allies—$500 million for Israel and $250 million for Cambodia—got through. But in the process two sweeping legal changes slipped by—almost completely unnoticed. We passed the Cooper-Church amendment, banning the use of American ground combat troops in Cambodia; and we repealed the Tonkin Gulf resolution, legislative background for President Johnson's original escalation of our Vietnam commitment in 1965.

People will probably be arguing for months to come just how far these limitations curb our current objectives in Vietnam, but the general feeling is that it will not hinder our present efforts at all. No one plans to send U.S. ground troops into Cambodia anyway, and U.S. air operations over both Cambodia or Laos are not included in the ban.

Beside, just to make our purposes entirely clear, we added language permitting us to support South Vietnamese or other free world forces operating in these areas, either to cover the continued withdrawal of American troops or to rescue American prisoners of war.

We have now passed all 15 of the major appropriations bills for the current fiscal year—a year that began 6 months ago, and in the process we cut the budget by $1.7 billion. Actually, to be more accurate, we passed all but one of these bills. The transportation bill, including the controversial SST, was put over until March 1, on a "continuing resolution" arrangement, simply because that was the only way we could get Senator PROXMIRE to give up his final filibuster.

Not everything, of course, got through. We could not get the proposed social security boost through, though it will almost certainly be one of the first items in the new 92d Congress. The President's welfare reform proposal did not get out either, nor the trade quota bill. And the future of both of these is somewhat uncertain in the months ahead.

Let me make just one final point. These past few days, as the lame duck session has floundered along, there has been a good deal of criticism about congressional procedures responsible for the delay. Actually, the problem is not with "Congress" at all. It is with the Senate.

The fact is that the leisurely, unlimited-debate procedures of the Senate are no longer acceptable in the face of our modern workload. The House had all but one of its appropriations bill approved last June. But the Senate took 7 weeks to debate Cambodia, and another 6 to debate the defense bill. And the tangle in the lame duck session was the result of no less than six filibusters in progress in the Senate, more or less all underway at the same time.

At the very least the Senate ought to ban the filibuster on all appropriation bills during the last 3 or 4 weeks of any session.

Whether they will actually get around to doing that when they go back on January 21 remains to be seen.

A TRIBUTE TO SENATOR THOMAS J. DODD

HON. JOHN SPARKMAN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. SPARKMAN. Mr. President, I wish to join with my colleagues in the Senate in paying tribute to Tom Dodd, who is leaving the Senate.

I have known Tom Dodd ever since he came to Congress—first to the House and then to the Senate. I have had the privilege of serving on the Foreign Relations Committee with Senator Dodd. In his work on the Foreign Relations Committee, he showed his deep convictions and was never afraid to stand by them.

Tom always had the complete support of his gracious wife. They were indeed an attractive Senate couple. I regret seeing them leave the Senate.

TRIBUTE TO SENATOR McCARTHY

HON. STUART SYMINGTON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. SYMINGTON. Mr. President, often it is difficult to measure a man's place in history until long after. The influence of Eugene McCarthy will linger long, however; in his home State of Minnesota, in the Senate, and throughout the Nation.

His independent leadership and his intelligence have provided the American people with an articulate voice, seldom without controversy, but a clear voice nevertheless.

Senator McCarthy's impact upon our Nation stems not only from his campaign for the Presidency in 1968 and the fact that he has worked for, sponsored or cosponsored much of the constructive social legislation in the last 12 years, but also from his character, warmth, and commitment to ideals.

Although he is leaving the Senate, it is impossible to envision that at the age of 54 he will become either an elder statesman or a member of the silent majority. We will be hearing from him again.

TRIBUTE TO SENATOR ALBERT GORE

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. HARTKE. Mr. President, I rise to pay tribute to a great Senator and a great friend, Albert Gore, of Tennessee.

There is much told about the country that somehow technology has outpaced its human consumers, that problems are bigger now than they used to be, and that hope and confidence become more difficult every day. It is well known that rapid social change in this century has produced a new self-image for many people—and for many people that self-image is not satisfactory. The unsatisfactory image is one in which people become smaller and weaker in the face of social change and technological development.

I believe that this is the real source of the uneasiness that many Americans feel, of the restlessness which is common to the old as well as the young in our country today. The underlying feeling that individual people are becoming smaller and less important is the source of this uneasiness.

But it is precisely in this context that Albert Gore's contribution is so great. For he is a man who refuses to be dwarfed by mediocrity. He is a man who has stood on his two feet and fought many battles. He is an example of courage, and grace, a man determined to put America's resources to work for people.

His accomplishments have been many. Albert Gore's legislation to help the poor and the sick and the elderly is known throughout the country.

It has been my good fortune to stand on the same side of many issues with Albert Gore, and to be at his side in many battles. And when those battles were won, it was because of Albert Gore's leadership, ingenuity, and eloquence.

Albert Gore's brilliant work on the Foreign Relations Committee is known to all. As a member of that committee he was an early advocate of disengagement from Vietnam. And, although it was not politically popular, he spoke his mind on Vietnam from the beginning.

I also admire Albert Gore for his work to straighten out our national priorities. In a time of confusion, it seems that the people's true needs are often the first casualty. But Albert Gore has steadfastly urged a greater allocation of resources to solve our domestic problems, and he has not been intimidated by the war mentality which tells us we can afford to let these problems wait.

But more important than Albert Gore's strength and effectiveness and his legislative accomplishments is the man himself.

He is a great man who inspires his friends and colleagues by his own strength and vivacity.

I can think of no greater fortune than to be able to call Albert Gore my friend. And I am honored to wish him well today.

A TRIBUTE TO THE SPEAKER OF THE HOUSE

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. KLUCZYNSKI. Mr. Speaker, I would like at this time to pay my respects to the Honorable John W. McCormack of Ninth Congressional District of Massachusetts, on the occassion of his retirement from the House of Representatives. His performance as a Member of Congress, over the past 42 years, has won the admiration of Members on both sides of the aisle. It has been a personal pleasure and a high honor to have served with him as a colleague and under his leadership while he was Speaker.

John McCormack entered politics in 1917, winning election to the Massachusetts Constitutional Convention of that year. Following World War I Army service, he won election to the Massachusetts House of Representatives, and, 2 years later, he was elected to the State senate. In 1929, he was elected to the U.S. House of Representatives to fill a vacancy, defeating eight other candidates, and, from that day to this, he has been numbered among the busiest, the boldest, and the best in the American political arena.

John McCormack is an ardent patriot of the old school, and when first he came to national prominence, in 1934, it was in the capacity of chairman of a special committee investigating un-American activities. An arch-opponent of both communism and fascism, by his strong stands against their evil designs he won the admiration of patriots of every school, as our country stood on the brink of World War II. In 1941, he was vitally involved in the successful fight for passage of the lend-lease program, which helped strengthen England in its struggle against Nazi aggression.

Winning the respect of President Franklin D. Roosevelt, John McCormack had strong presidential and congressional support to become the successor of Sam Rayburn of Texas as majority floor leader, when Mr. Rayburn was elevated to the Speakership. In this new position of authority, John McCormack distinguished himself throughout the crisis years of World War II and its aftermath, winning a reputation as the "work horse" of the Democratic cause in the House. Following the demise of Speaker Rayburn, in 1961, John McCormack became Speaker, in which capacity he established himself among the great leaders in recent American political history. As an advisor to and confidante of Presidents Kennedy, Johnson, and Nixon, he has proven himself a master of political problems of every kind, to the distinct advantage of the country at large.

We are sorry to witness the retirement of this legislative leader, but he has decided on his course, and we therefore wish him many productive years of happy retirement, and extend our congratulations to him on a most impressive and entirely praiseworthy political career.

XUM

THE LATE MRS. ROSE McCONNELL LONG

HON. PATRICK T. CAFFERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. CAFFERY. Mr. Speaker, having reached the end of the 91st Congress, I would not want this session to end without personally recognizing the truly memorable life of one of Louisiana's most well-known citizens, the late Mrs. Rose McConnell Long.

She served her role in history by being the wife, companion, trusted counsel, gracious first lady, and mother to the children of the now almost legendary Huey Long. She was known for her grace and serenity and the vital function she played in her husband's career as she provided a stable and loving home life for the children of one of America's most dynamic and charismatic political leaders. The outstanding results of her efforts can be seen in those children; Mrs. Rose McConnell McFarland, Palmer Long, and my colleague, Senator RUSSELL LONG.

In addition to her domestic triumphs, she served with distinction in the U.S. Senate where her husband had served before her and where her illustrious son serves today with such dedication and brilliance.

One of the major newspapers of my State said of Mrs. Long:

> The gentleness and devotion of Rose McConnell Long to her family, holding apart from the turbulences which roared around her household from her husband's first venture into politics, were honored in this state. Men who were harsh, angry and bitter foes of her spouse would doff their hats in sincere gentility at her approach on the street, or rise in gentlemanly courtesy to a gracious and quiet lady on her entrance into a room. The memory of the goodness and gentleness of Rose McConnell Long, will be green as long as here lives one Louisianian who knew her.

I know those words speak the sentiments of the people of the State of Louisiana.

TRIBUTE TO HON. WILLIAM AYRES

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. DORN. Mr. Speaker, BILL AYRES has for years been one of the hardest working and most valuable members of the House Veterans' Affairs Committee. As he leaves this body, we can only say that we appreciate his great service to his Nation, and to the veterans, their widows and orphans. And speaking for myself, I predict that BILL AYRES will continue to be an important force in the public affairs of Ohio and the Nation.

Mr. Speaker, I cherish my years of service with BILL AYRES. For years we have worked together on the only committee of the Congress concerned solely with the welfare of our veterans and their widows and orphans. Although he is a devoted member of the other party, these partisan considerations have never been a part of our committee deliberations and, of course, they have never seriously come between us in our many years of friendship. Mr. Speaker, I need not recount for the RECORD the many legislative contributions that BILL AYRES has made as the ranking member of his party on the Veterans' Committee. This record is part of the permanent legislative record of this era. But I can say only that there has not been a more dedicated member of our committee or of the entire Congress in the area of providing the best possible care and consideration for our veterans.

Mrs. Dorn joins me in wishing for BILL good health and success as he leaves the Congress.

TRIBUTE TO SENATOR YARBOROUGH

HON. STUART SYMINGTON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. SYMINGTON. Mr. President, during the past 13 years it has been my privilege to serve with one of the most active men in the history of the Senate, RALPH YARBOROUGH.

The senior Senator from Texas has compiled a most impressive record of achievements during these 13 years. He has addressed major issues of the times directly and with political courage. As a member, and later as chairman of the Labor and Public Welfare Committee, Senator YARBOROUGH has been a leader for the enactment of much of the progressive health and education legislation which has benefited the individual American citizen during this past decade.

Included in the legislation which RALPH YARBOROUGH has helped bring into being are the cold war GI bill, the bilingual education program, the Job Corps, and increased medical research. These are but a few examples which demonstrate the leadership of our colleague in solving many of the problems and meeting the needs of the American people.

The Senate will miss RALPH YARBOROUGH. We will miss him because he is a doer.

NEW URANIUM ENRICHMENT CAPACITY—WHO, WHAT, WHEN, WHERE AND WHY?

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. HOSMER. Mr. Speaker, enriched uranium is the fuel for most nuclear power reactors just as coal, oil, and natural gas are the fuels for most conventional powerplants. An adequate supply of electrical energy is vital to the functioning of our industrial society. Atomic energy will supply an increasing share of our growing electrical capacity. Thus, there will be an increasing demand for enriched uranium.

Free world electrical generating capacity at the end of 1970 was approximately 840,000 megawatts. By 1980 it is expected to total 2,100,000 megawatts. Estimates of installed nuclear capacity by 1980 vary from the U.S. Atomic Energy Commission's 240,000-megawatt figure to the International Atomic Energy Agency's 300,000 megawatts. Thus, it is predicted by 1980 that 11 to 15 percent of all free world electricity will be generated by the atom.

At the present time the U.S. Government is essentially the free world's sole commercial supplier of enriched uranium.

The process of uranium enrichment involves the separation of the fissionable isotope U–235, which constitutes only seven-tenths of 1 percent of natural uranium, from the remaining 99.3 percent which is mostly U–238. Suitable fuel for nuclear power station purposes requires enrichment factors in the range of 2 to 5 percent of U–235. This process is carried out at the AEC's $2.3 billion complex of three large gaseous diffusion plants located at Oak Ridge, Tenn.; Paducah, Ky.; and Portsmouth, Ohio. Uranium enrichment is a security classified industrial process and the only sector of the nuclear power industry still entirely operated by the Federal Government.

With these weighty circumstances in mind the Nixon administration on November 10, 1969, emphasized that—

> So long as the Government is the sole source of enrichment services in this country . . . it is essential that we continually assure an adequate supply of enriched uranium for commercial and the Governmental users and to meet foreign commitments.

By careful management and operation, plus timely investments in excess of $525 million to improve and $225 million to uprate their power, the three U.S. diffusion plants will "continually assure an adequate supply of enriched uranium" until 1980.

But, put another way, unless additional enrichment capacity is built and "on the line" by 1980, the free world will face the probability of serious power shortages due to an unavailability of enriched nuclear fuel.

WHY 1980?

The 1980 date is a straightforward arithmetic calculation considering the cumulative number of uranium separative work units needed to supply enriched uranium for the predicted number of megawatts of installed electrical capacity at that date based upon our domestic need and foreign commitments.

A change in the pace of nuclear powerplant installation could move the date on which new enrichment capacity becomes vital ahead somewhat or back a little. There are many other variables which can influence it. These include:

The rate of investment in preproduction and stockpiling of enriched uranium pending attainment of full capacity of the diffusion complex.

Any increase in the tails assay of depleted uranium from the complex greater than the 0.2 percent figure now used could increase separative work production but with an increase in the use of uranium feed material.

How rapidly the power industry learns plutonium recycle techniques will determine how soon it can start substituting plutonium it makes in its atomic reactors for enriched uranium as a nuclear fuel.

Major interruptions in production at any of the three plants due to fire, accident, strikes, sabotage, war, or other cause must be regarded as possibilities.

Major perturbations in the cost and availability of competing fuels due to international conditions in the Middle East and elsewhere. Fluctuations in the business climate and cost of money can also affect the demand for enriched uranium.

Political consequences of public alarm over air pollution, thermal discharges, radiation and other environmental concerns may affect all phases of the energy supply problem.

The foregoing and other positive and negative influences tend to cancel out each other when one is projecting the requirements for enriched uranium 10 years in advance. Therefore, until the passage of time brings more certainty into the picture, it would seem imprudent and potentially prohibitively costly to stray from the 1980 date, thereby assuming the risk of a gap in the supply of enriched nuclear fuel. Only if, as, and when future events indicate that it is safe to do so should that deadline be relaxed and other schedules dependent upon it be readjusted.

In fact, most members of the Joint Committee on Atomic Energy so zealously adhere to the proposition that no gap must be chanced in nuclear fuel supplies that they urge an immediate and irrevocable national financial commitment to the diffusion plant improvement program and to the uprating program as well. The first step would add almost 30 percent to present capacity and the second an additional 25 percent.

These members, including myself, believe that the certainty and timeliness of these programs are basic underpinnings of a sufficient nuclear electric economy. They regard the contumacies of both Johnson and Nixon administrations in refusing to make the commitments to increase production capability as irresponsible budgetary chancetaking, tantamount to little short of playing a deadly game of kilowatt-roulette.

SHIFT TO BREEDER REACTORS

If a fourth unit of separation capacity is to be on the line by 1980 someone must plan, finance, and build it. The question is "who?" Its answer will set a lifetime pattern in the United States and elsewhere for the uranium enriching industry.

This pattern will be unique because the world will have need of large amounts of enriched uranium for only a finite length of time. Ultimately breeder reactors, which produce more nuclear fuel than they consume, will replace today's enriched uranium reactors which manufacture some plutonium as a byproduct, but equivalent less than the enriched product they consume.

Breeders are not yet fully developed. Hopefully by 1985 they will be developed and the start of a phase-over from thermal to breeder reactors will begin. Perhaps by around 2030 the transition will be substantially completed. In terms of requirements for enriched uranium this means a steady increase during the early years, then a flattening out of demand followed by a steady decline in separative work.

During this period nuclear fuels will be supplied most economically if installation of capacity is tailored rather closely to increasing demands during the up cycle and amortization out is similarly adjusted during the down cycle. Whether forces of competition will accomplish this, whether it will come about by intergovernmental decree or, indeed, whether it will be done at all remains to the future form of the industry.

WHO WILL OWN AND OPERATE ENRICHING FACILITIES?

It is almost certain that uranium enriching in the United States ultimately will become partially or wholly a function of private enterprise.

Whether the existing diffusion plants and a fourth, if it is built, will remain under the Government roof is unpredictable. That depends upon the politics of legislation necessary for divestiture as well as on the willingness and ability of private investors to make substantial commitments to what may be a dead-end technology.

Meanwhile, promising new techniques are emerging for separating U–235 including the ultra-centrifuge which is based on an old principle used to separate cream from milk. The American inclination toward private enterprise is strong. It requires little audacity to predict that when centrifuge plants are built in the United States, American industry will plan, finance, build and operate them.

Already in Europe private interests are researching and developing the centrifuge in close cooperation with their governments. In Europe as in America the emerging form of an enrichment industry has strong private characteristics; however, there is closer scrutiny and more visible governmental control apparatus in the developing centrifuge industry than is the case with other industries.

Within a basic structure of private enterprise, standardized rules and regulations governing the enrichment of uranium will no doubt be developed and applied on an international basis. These will mature, however, only after the free world makes its decision on who will build 1980's fourth increment of separation capacity. It can be built cooperatively by the United States and others utilizing advanced U.S. diffusion technology or competitively by the United States and one or more other countries, each utilizing whatever diffusion or centrifuge technology it possesses and believes worthy of exploitation.

Irrespective of who builds the next enriching increment, the United States must make clear to the world that its obligation to supply enrichment services cannot be considered to go on endlessly. Therefore, future users must contract for their separative work requirements for the life of each of their new reactors with whomever is engaging in the enrichment business.

OVERSEAS PLANT USING U.S. TECHNOLOGY

A new diffusion plant financed and built overseas and licensed to use the most advanced U.S. technology would cost over $1 billion and take 5 years to build. Its accompanying electric power supply will cost in excess of $0.5 billion and require 7 years' lead time. In front of this another 2 years will be needed, after commitment to the project and before a spade is turned, just to put together the arrangements, including such items as intergovernmental agreements, plans, specifications, location, financing, bids, awards, contracts, and so forth.

The total time required from commitment to the beginning of additional production outside the United States by the diffusion method is 9 years. The day of the decision for this approach, therefore, falls within the year 1971. The deadline date is fairly rigid.

By comparison, a domestic or an overseas-built centrifuge plant might take 2½ or more years to build and 2½ years in advance of that to put a deal together and for the design and installation of centrifuge component manufacturing facilities. One should realize that present estimates for getting centrifuge plants on line may prove to be optimistically short. Very little is known about centrifuge plant construction, and more importantly, about methods of mass manufacturing of centrifuge on a scale approaching the production rates which would be needed for this system of enrichment. Incremental installation of centrifuge power requirements would obviate a need initially to install a large block of generating capacity as in the case of a diffusion plant. These factors indicate a probable lead time as short as 5 years, permitting a centrifuge commitment date as late as 1975.

DIFFUSION OR CENTRIFUGE?

This means that the 1971 decision on committing to a U.S. licensed overseas uranium enrichment plant will involve a comparison of reasonably hard estimates of what U.S. diffusion economics and technology will be in 1975 with quite soft estimates of whatever the economics and technology of European centrifuges will be in 1975. If overseas interests want to avoid risks, they will be inclined to choose the diffusion plant. But that choice will require disclosure by the United States of enough data to allow the comparison to be made intelligently.

Other countries are aware of their own progress with the centrifuge. They can determine for themselves whether it will be a short or a long time until their centrifuges are likely to become reliable and economic sources of enriched reactor fuels. They also know their own capabilities with diffusion technology. France, for instance, claims that hers is considerable. What they do not know, for comparison purposes, is how good our upcoming 1975 diffusion technology will be compared to their diffusion and to their projected centrifuge capabilities.

The diffusion data involved at this stage is largely economic data relating to plant cost, performance, capacity, unit costs, reliability and so on. It does not require "giving away the blueprints," and, since the comparison is between U.S. diffusion technology and foreign enriching capabilities, there is no need for a disclosure of anybody else's data to the United States.

Only if a U.S. licensed plant were settled upon would additional U.S. diffusion details be disclosed. Should overseas interests choose the diffusion plant license route, most probably the United States would fabricate the critical process components. Therefore, it would not be until construction is well along or until the plant is finished that complete technical data would necessarily be released.

It is recognized that any potential overseas uranium enricher will consider many matters in addition to the relative merits of competing enrichment technologies and economics in making its decision about a U.S. license. Similarly, U.S. decisions in these matters necessarily involve a wide spectrum of seemingly extraneous political, economic, diplomatic, strategic and other nontechnical factors.

But given the necessary data, the decision by non-U.S. countries to participate or not to participate in the construction of a new diffusion plant can and should be made quickly. Any delay by the participating countries in reaching a decision could indicate bad faith in that possibly they are delaying to obtain more information than is necessary to begin such a program. In any event such delay would prolong the uncertainty as to where the next increment of enrichment capacity is to come from.

CARRYING OUT INTERNATIONAL NEGOTIATIONS

Without being oracular about it, the fact should be made crystal clear that the United States does not intend to linger long in negotiations. A prompt decision should be made. If our friends wish to commit themselves to a licensed diffusion plant, they can say so promptly. We simply cannot delay decisions about our own new plants very long. It makes a difference in the United States whether we will have to start sooner or later to augment our enrichment capacity.

Since the decision must be made promptly, we should not resort to routine methods of international negotiations. In lieu of utilizing all echelons and channels normally involved in international negotiations, discussions should be conducted utilizing a task force approach. The task force should be specifically charged with arriving at the diffusion plant decision and arriving at it within a specified time period.

The task force should be composed of personnel with experience in the electric utility field, financing and other large business management ventures. Members should be given the necessary guidance on the schedules to be met, enriching capacity additions needed, licensing provisions and fees, international access to the enrichment services, and the nature and extent of the proposed U.S. cooperation. The parameters in which the United States can and should negotiate ought to be clearly determined in advance, before negotiations with foreign interests are started. It should then be the function of the task force to negotiate a workable arrangement within these parameters acceptable to all parties if that can be done. The package can then be rather quickly blessed or blasted—accepted or rejected—in a formal manner by the governments involved.

ADVANTAGES OF LICENSING

It should be stressed that there are distinct advantages to both the United States and to foreign interests in the concept of a U.S. licensed diffusion plant built overseas to supply the next increment of enrichment plant capacity. Examples of possible advantages are the following:

United States is relieved from financing this increment of enrichment capacity.

United States conserves its irreplaceable energy fuels.

United States stands to receive royalty income.

All parties gain more time for centrifuge R. & D.

Slowdown of centrifuge development postpones its possible contributions toward proliferation.

A cooperative international pattern is established for dovetailing enrichment capacity to enrichment requirements.

Precedent may be created for effective IAEA controls over enriched uranium.

Other countries are relieved from dependence on the United States for uranium enrichment services.

If the deadline for the license decision is missed, these advantages will be lost and the United States and other countries will be forced to make other arrangements for post-1980 enrichment capacity.

In that event, the options open to the United States appear more favorable than those open to others. Supplying separative work units could become a profitable business and a major trade balancing factor, if the United States chooses to market such services on a straight business basis. U.S. opportunities are excellent to continue as the free world's principal supplier of enriched uranium and uranium enriching services.

Moreover, if the present diffusion plants are improved and uprated on schedule, the United States has ample time beyond 1971 to make its internal decision between new centrifuge or diffusion capacity for meeting its domestic growth and foreign sales. It would not need to suffer the 2 years' lag time estimated as required for overseas interest to put together their arrangements for a diffusion plant. Given the will to do so, the United States could make this decision as late as 1973.

And, if the decision is not to build another diffusion plant because progress with the centrifuge is overtaking diffusion technology, then the initial commitment to the first centrifuge increment need not be made until 1975.

In making these estimates on timing, it should be remembered that the United States also has other means available which could relieve a deadline for installing indigenous diffusion or centrifuge capacity. Requirement dates for power supplies can be extended by large-scale pooling arrangements, accommodations to daily and season peaks, and similar devices.

The most attractive U.S. delaying and cost-saving opportunity of all is not to build just a single new diffusion plant, but simply to expand the three existing plants by successively adding small increments of capacity. Before each addition is decided upon, the advisability of switching the investment from diffusion to centrifuge could be reviewed.

DISADVANTAGES OF LICENSING

It can be shown that arguments based on fears of nuclear proliferation allegedly arising from licensing U.S. diffusion technology are spurious.

Another objective is that licensing would deprive the United States of its monopoly position with regard to overseas sales of enrichment work. The answer to that is that we are not making a cent of money on these sales so long as we are making them at cost on the basis of a moral obligation to provide enrichment services in the interests of atoms-for-peace. The sooner this matter is put on a competitive, business basis, the sooner we can start to generate overseas profits in addition to favorable trade balances.

This is true even though the new overseas plant would employ technology in advance of that incorporated in the existing U.S. plants. Both capital costs and power costs of the new plant are anticipated to be such as to maintain parity between United States and overseas costs of enrichment, if not a U.S. advantage. In addition, the United States may receive royalties and otherwise assure itself an equitable return on the overesas arrangement under fair competitive conditions. These are matters which can, and should be handled by a competent U.S. negotiating task force.

MILITARY SECURITY CONSIDERATIONS

It will be necessary to share some knowledge now categorized under "restricted data" in order to provide interested overseas parties with the information needed concerning our diffusion technology. This requires the concurrence of the Joint Committee on Atomic Energy. Argument is heard that sharing such data in this manner will endanger military security and encourage nuclear proliferation.

The answer to these contentions is that no one is going to steal diffusion technology to build a diffusion plant to make enriched uranium atomic bombs. For that purpose, it is much quicker, easier and cheaper to steal the plutonium being made in civilian power reactors all around the world.

In short, over the years, the secrets of diffusion, which were initially of high military significance, have largely become items of commercial and proprietary advantage, that is trade secrets. Large amounts of highly enriched uranium—above 90 percent—were vital militarily prior to the invention of the H-bomb. That is why the three U.S. diffusion plants were built in the late 1940's and early 1950's. But, the advent of the H-bomb diminished requirements for fully enriched uranium even as these new plants were coming on the line. Since that time, military requirements have stabilized at only a small percentage of our diffusion capacity, thereby releasing this capacity for civilian power uses.

We feel certain that Soviet requirements for highly enriched uranium are being comfortably satisfied by their existing capacity. There is no indication of an incentive on their part to acquire U.S. diffusion technology for weapons purposes. To the contrary, they are offering uranium enriched for nuclear power purposes for sale on the world market.

As to Red China, should that nation have additional military requirements for highly enriched uranium, it is likely that it would be produced in facilities built upon Soviet technology rather than upon U.S. technology. Or, if the Chinese have been using stolen U.S. technology, they probably have been improving it right along and, at this point, would find little worth stealing from the United States.

PROLIFERATION POSSIBILITIES

Insofar as the Europeans or others who might cooperate in a Western-sponsored diffusion plant are concerned, the United States should have no problem in making certain that cascades for the production of highly enriched uranium usable for weapons purposes simply are not built into the plant.

Actually, the likely candidates for nuclear club memberships are smaller countries, hard-pressed to maintain their existence in a hostile environment. These do not have the economic resources to develop large, expensive diffusion facilities needed for making uranium weapons. This is particularly true when it is appreciated that secretly "going nuclear" via the plutonium weapon route is much simpler.

With the foregoing in mind, and realizing the skill which the U.S. Government has acquired in matters pertaining to nuclear secrecy, it should be apparent that partial disclosure of diffusion technology to U.S. foreign friends, so that they may make a decision regarding future enrichment capacity, can be done without impairing our national security or risking nuclear weapons proliferation.

DISCLOSURES TO AMERICAN COMPANIES

A barrier to easy discussion of uranium enrichment is the fact that much of the technology is still considered "restricted data." Thus, it is only assumed here that diffusion plant technology has fully matured since Manhattan district days, that its economics are accurately reflected in the AEC's latest separative work price schedule, and that plant operating data to be found elsewhere in the public realm are reliable.

On July 1, 1965, the United States imposed strict classification on centrifuge technology, and other countries followed suit. So it is also assumed here that 5 years of R. & D. effort by the United States and others, based upon 1965 unclassified technology, ought to achieve centrifuges by 1975 that are workable, although not necessarily very economic.

Disclosure of classified diffusion enriching technology to other countries and their citizens, while continuing to keep this information from American industry, would seem unfair. Equitably, American industry should get it too. Further, since other countries have considerable independent knowledge of centrifuge technology, it would seem that U.S. industries ought to be brought in on the centrifuge at some point in time as well.

Irrespective of whether the Federal Government or private industry eventually makes the investment in new uranium-enrichment capacity in the United States, and irrespective of whether it is a diffusion plant or a centrifuge plant, private industry will have to manufacture some kind and quantity of plant components.

Industry will need to know how to make these things and should have the opportunity to improve them. The logical time to start giving American industry access to both technologies is the time that a move should get underway to talk with other countries. The timing for a decision on new capacity that I have postulated indicates that that time is right now.

These moves are interconnected and the U.S. and foreign recipients must recognize this. Getting the situation in the United States properly lined up is, in fact, a condition precedent to talks with others.

The AEC is considering the possibility of receiving proposals from selected U.S. firms interested in pursuing development work in uranium-enrichment technology. A two-step procedure can be envisioned whereby two dozen or so firms would be given a peek inside the enrichment kimono and, later, a small number of firms would be granted contracts to pursue development work.

OBJECTIONS TO INDUSTRY PARTICIPATION

As is the case with almost any other major decisions, the proposal to bring industry into participation in the enriching process will have its opponents as well as its proponents. I will close this survey of the current enrichment picture by commenting on what may turn out to be the principal objections:

Objection No. 1. Now is the crucial period in developing CIP as well as CUP, and AEC has only a limited number of people available to work on these programs. These people should not be hauled off their jobs at this critical time in order to provide private industry with the data it will need.

This argument is to be respected, but undoubtedly the AEC can work out procedures whereby interference with people working in critical areas will be minimal and tolerable. Only economic items need be considered in the talks with other countries on diffusion technology. As to talks with U.S. firms on the centrifuge, this should not be burdensome and it would seem to involve little more than passing the data among a few more groups than are now working on the centrifuge program.

The magnitude of the effort required to educate industry can be greatly minimized by sharply limiting the industry participants to those who have sufficient competence and resources to actually contribute to the technology and follow through in its R. & D. stages.

Objection No. 2. Involving domestic industry while simultaneously exploring the international area will create confusion as to our purpose and undermine the goal of getting other countries involved in enrichment.

This is true if we blunder about it. But not if, as here outlined, the foreign and domestic aspects of sharing are, from the beginning, understood to be interrelated and interdependent matters. If this is made clear, then getting into these areas simultaneously should boost overseas negotiations rather than impede them.

Objection No. 3. Involvement of American industry in uranium enrichment would present knotty antitrust law problems, primarily in the selection of those who would participate and also in possible conflicts of interest if companies now doing centrifuge and diffusion research for the AEC are among those involved.

This objection is largely removed if the idea is not endorsed at this time that it is being done so that U.S. companies might invest in the construction and operation of complete new enrichment plants. That may come later, but the present concern is simply to involve American industry in developing a capability to manufacture and improve the basic components of diffusion and centrifuge plants.

Further, these problems will be ameliorated if the proposal is based and presented in the context of expanding the existing pattern of AEC arrangements with diffusion and centrifuge contractors.

Objection No. 4. To allow the private participants to obtain patents on inventions they make with their own investment, but based primarily on previous AEC and developments, would amount to a "give away."

All existing AEC patented or patentable knowledge can be protected and preserved. Patents should be permitted only as to inventions resulting solely from private work and private investment. The public should be protected by reserving the AEC's right to fix reasonable royalties and cross licensing should be mandatory. Moreover, the expected thrust of any private patents relating to enrichment matter is in the process area, not in basic invention, that is, in the design of machinery to do component farbricating and similar jobs—an area more usual to private than to Government enterprise.

Objection No. 5. There may not be any takers from private industry since the odds are that any additional U.S. enrichment capacity will be a diffusion plant, in which event there is at least a

50/50 chance that it will not be built by private contract, but by Government contract.

Even if this should prove to be the case, still the matter of getting into the enrichment business should not be prejudged, and the choice to get into or not get into should be left to industry.

CONCLUSION

It is hoped that these remarks will serve to focus attention on a problem before the Nation which is of more than passing significance and will contribute toward the discussion necessary to achieve a wise and timely resolution.

JOINT STATEMENT OF REPRESENTATIVES FOLEY, MEEDS, AND ADAMS ON HOUSE RESOLUTION 1306

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. FOLEY. Mr. Speaker, on behalf of myself, Congressmen LLOYD and MEEDS and BROCK ADAMS the following joint statement is submitted for inclusion in the CONGRESSIONAL RECORD:

H. Res. 1306 directs the Public Printer and the Superintendent of Documents to publish a report by the House Internal Security Committee entitled, "Report of Inquiry Concerning Speakers' Honoraria at Colleges and Universities". The resolution also enjoins all Judge Gerhard A. Gesell, a member of the document in question.

We consider the above report to be devoid of any useful legislative purpose and suggestive of intimidation and coercion against our Constitutional mandate protecting free expression.

Yet we reluctantly support H. Res. 1306. The resolution is intended to overturn a decision rendered on October 28, 1970, by Judge Gerhard A. Gesell, a member of the U.S. District Court here in the District of Columbia. On that day Judge Gesell awarded injunctive relief to plaintiffs seeking to bar publication of the document.

We believe that Judge Gesell exceeded his authority and intruded on the legitimate activities of the Congress. Article 1, Section 5 of the Constitution requires each house to keep a journal of its proceedings and to publish the same. Article 1, Section 6 specifies that ". . . for any Speech or Debate in either House, they shall not be questioned in any other place."

The key point to remember is that the report of the Internal Security Committee is protected by the above clauses. A similar case to the present one occurred in 1956 with the lower court verdict on *Methodist Federation for Social Action* v. *Eastland*. In this case the lower court dismissed a challenge that would have barred the printing of a document by the Senate Internal Security Subcommittee.

On the other hand, the Constitution does prohibit activities of Congress which are judged to abridge the Bill of Rights. In regard to investigations and contempt citations, the key decisions have been *Kilbourn* v. *Thompson* (1880), *Marshall* v. *Gordon* (1917), and *Watkins* v. *United States* (1957).

In all of these verdicts, the question before the Supreme Court was whether contempt citations exceeded the legislative authority of the Congress.

In *Watkins* the Supreme Court said:

"No inquiry is an end in itself; it must be related to and in furtherance of a legitimate task of the Congress . . . We cannot simply assume, however, that every Congressional investigation is justified by a public need that overbalances any private rights affected. To do so would be to abdicate the responsibility placed by the Constitution upon the judiciary to insure that the Congress does not unjustifiably encroach upon an individual's right to privacy nor abridge his liberty of speech, press, religion, or assembly."

The critical distinction between the above three cases and Judge Gesell's decision is that in neither of the contempt instances was the judiciary asked to grant coercive relief against legislative activities of Congress. The judiciary simply defined individual rights in relation to legislative purpose.

The Gesell decision, if allowed to stand, would encourage an unnecessary and certainly undesirable collision between separate branches of the government. What is said in Congress must not depend on judicial discretion, must not be subject to prior restraint.

We support H. Res. 1306 but affirm our belief that publishing the Committee's document is unwise and unrelated to the legislative process.

TRIBUTE TO SENATOR STEPHEN M. YOUNG

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. McGOVERN. Mr. President, STEVE YOUNG is now leaving the Senate, after having placed upon it an individual stamp that will be long remembered.

STEPHEN YOUNG has provided this body with pepper. He has spoken his mind with utmost clarity and force. His integrity and devotion to principle have been evident to all and appreciated by all.

Senator YOUNG has been a man to count on, a man who was ready to work tirelessly for social progress and for those policies designed to restore America to its tradition of justice. He has been the conscience of the Senate concerning the tragic events which took place at Kent State University. He has not allowed us to forget that four young people were innocently killed there and that our Government has not yet done them the justice they deserve.

STEVE YOUNG has also had the courage to speak out against the folly of the war in Vietnam. He did not flinch from the recognition that only by setting a fixed timetable for withdrawal from Vietnam, only by learning the lessons of a decade of war, could we insure that our Vietnam dead will not have died in vain. I have been proud and honored to be associated with him in the effort to establish such a timetable.

Most of all, STEVE YOUNG has been a thinking Senator. We say he is independent because we know that he will make up his own mind after careful thought.

It is reassuring to know that his retirement from the Senate does not mean his retirement from active life. I know we shall continue to benefit from the work of STEVE YOUNG in the coming years. I wish him a long and happy life.

UNITED STATES AND EUROPEAN TRADE POLICY IN THE 1970'S

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. ADAIR. Mr. Speaker, a recent address by Ambassador Arthur K. Watson is illuminating with respect to trade policies of the seventies. I think my colleagues might enjoy reading this address:

UNITED STATES AND EUROPEAN TRADE POLICY IN THE 1970'S

(Address by Ambassador Arthur K. Watson before the French Diplomatic Press Association, Paris, Dec. 9, 1970)

My distinguished friends of the French Diplomatic Press Association:

I will be dealing with issues familiar to you and more than familiar to me. What I want to talk about is the threat of protectionism in my country—why it exists, and more important, what can be done about it.

In fact, this is the first time in several years that I have not been involved in the battle in Washington over trade legislation. A couple of years ago, when it became clear that protectionism was a real threat, I and a few others formed an organization which we called the Emergency Committee for Trade. That name shows you how naive we were. We viewed the problem as short-term. Well, the "emergency" goes on.

At any rate, the purpose of the Emergency Committee for American Trade was to bring the case for freer trade before the Congress and to the American public, and I think it might interest you to know that our committee members represented corporations producing nearly ten percent of the American gross national product. Freer trade does have a lot of friends in the United States but, as in the case of so many public issues, a minority feeling very strongly about an issue is pitted against the majority that is not always as active or as zealous about its cause. In this case, the active protectionists are threatening the majority for freer trade.

I remember very well in the late sixties travelling all over the world as President of the International Chamber of Commerce. I do not know how many speeches I made in those days warning about this threat of protectionism and trying to say, as politely as I could, that it was going to grow worse unless the American trading position was relieved.

What we have just been witnessing in Washington is, I regret to say, the inevitable result of actions that were not taken a few years ago. America received no real relief, from anyone. We have continued running large balance of payments deficits and some major American industries have been severely impacted by foreign competition.

It appears now, let me add, that the trade bill will probably not pass in this session of Congress. It would be a grave misreading of the record if the world decides that this is the end of the matter. This was much, much too close for comfort. Just because the clock appears to be running out this time does not mean it will run out again. It seems to me a certainty that similar legislation will be resurrected next year and that it will have a good chance of passing.

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What we have now is a little time and what I hope is that everyone involved takes this near miss very seriously.

The coverage by the French press of the Trade Bill itself, and the debate in the House and Senate was thorough and for the most part very balanced and accurate. I will not cover that ground again. The point I do want to make is that the threat is going to remain and grow worse as long as the problem remains and grows worse.

Let me remind you of a bit of history. After a disastrous experiment in protectionism in the 1930's, the United States swung around to a free trade position, and every Administration since those days has advocated freer trade and has made progressive steps in the liberal trade direction. President Nixon has been and remains unambiguously in favor of free trade. Never doubt that for a minute. But you must also understand that the American position—economic and political—is different today.

I couldn't help noticing, when some of the European nations first became concerned about the Trade Bill, that they quickly pointed out that they bought a great deal more from the United States than they sold to it. This, of course, is absolutely true. Last year, for instance, the Common Market countries sold 5.8 billion dollars to the United States and purchased 6.9 billion dlolars from it.

When protectionism looked as though it was a real threat a few weeks ago, this was rather forcefully pointed out by many spokesmen from Europe.

There is an old taunt used in the United States: "If you are so smart why ain't you rich?" I will paraphrase it. If the United States is so rich, why does it owe so much money?

In our worst days on the trade front, 1968 and 1969, we had small trade surpluses. American exports, even during the peak of our inflation, continued to grow. The rate was six percent. But, imports during that same inflationary period grew at 14 percent.

The United States, as a world trader, can still pay its way in the world. The real problem is how the United States can support its overseas commitments, principally military and Foreign Aid, without much greater trade surpluses. Look at the figures and you will find that America has only three important ways to make its living in the world: first through exports; second through the repatriated earnings of our investments; and third through royalties and services.

When trade is in balance between the United States and the rest of the world, we are in major difficulty. We must earn a lot more through trade to support, for example, the 285,000 or so men we have in Europe or the Sixth Fleet. These military requirements alone cost us about 1.7 billion dollars a year in foreign exchange.

Therefore, when an American hears that the trade arrangements seem very equitable from a European point of view, and that after all trade balances are in favor of the United States, this is not entirely persuasive. The fact is that my country, whatever the enormous economic potential of its domestic economy, must also pay its way internationally. Our short-term obligations are now nearly 44 billion dollars. Offsetting this, it is true, are long-term American holdings overseas of roughly twice that amount. But it is the short-term obligations we are concerned about now.

I will get into the question of shoes, textiles and sealing wax a little later on. But when you try to understand why there is protectionist sentiment in my country, please view it against this background of an exasperating long-term inability to earn enough through trade and repatriated earnings to pay for our total foreign commitments. These expenditures, largely military and foreign aid, are made by the United States in behalf of everyone else in the free world—Europe—Japan—and all of the rest.

Another development, favoring protectionism, stems directly from our efforts to stabilize the American economy. The Nixon Administration is fully aware of the importance of a stable dollar to the orderly functioning of the world monetary system. My country, right now, is in the throes of a painful effort to brake inflation. A direct result of this is an unemployment level of between five and six percent. This is more than any of the industrialized European countries have known for many years. But more, it means 4,200,000 actual people without jobs, people who are making their voices heard.

We are, I want to point out, trying to cut the inflation rate of the dollar below anything that has been achieved by almost anyone in the world. But let me remind you that the dollar, in its worst days, experienced an erosion no greater than the average currency in Europe during almost any time frame you might choose. There are exceptions—but not many, nor for long.

Organized labor has added its political weight to protectionism. Labor had already deserted the free trade camp in the late sixties, and that was during a period of full employment in my country. Now, with unemployment running at a fairly high rate, the support that labor has given protectionism has become more outspoken.

Still another factor is the competitive environment of today. It has become relatively easy to move modern manufacturing technology to less developed countries. The rapid rate of technological change and this ease of movement has led to a trade environment where rapid and painful adjustments are forced upon certain industries, regions, or countries. In the United States, whole industries have virtually disappeared in the last two decades because of foreign competition, and others feel themselves threatened. Ten years ago, for instance, 2.3 percent of America's shoes were made abroad. Last year 14 percent were. Ten years ago, my country imported 283 million dollars worth of wearing apparel. This increased by last year to 1.2 billion dollars . . . A compound growth rate of 18% annually.

It should not be too surprising that people in these industries feel they are bearing an excessive and unfair burden.

Finally, in trying to understand protectionism in the United States, I think you have to take into account the intangible non-economic factors. The United States has had great success in fulfilling, or coming close to fulfilling, its traditional objective of national prosperity.

Despite this success, or perhaps in some ways because of it, we find ourselves wrestling with a whole set of intensified problems involving youth, drugs, crime, race relations, urban development and the environment. For the first time since the late 1930's, the domestic situation has forced a basic reexamination of national priorities. Domestic priorities are overshadowing international priorities. Some people question the continuation of the role the United States has played in international affairs in the postwar period. And these attitudes spill over into public attitudes toward international trade policy.

In this troubled period, what do Americans see when they look about them? I will tell you that what they see does not encourage them. They see:

One. A strong and aggressive trading partner, Japan, increasing its export surpluses. I think all Americans applaud both the economic recovery of Japan and its astonishing successes. We begrudge them nothing and we understand that Japan, more than any other country, must trade to survive. However, we're also mindful that much of Japan's export growth has been in the American market or in third markets while Japanese exports are heavily restricted by the EEC.

Two. A European community which in its attempts to solve its own social problems has set its internal agricultural prices so high that it stimulates an uneconomic production at the expense of traditional low cost suppliers, and produces unsaleable surpluses which are then disposed of in world markets through massive subsidies.

Three. A series of special preferential deals between the European community and smaller, developing countries have damaged U.S. trade—and the trade of others—and appear to derogate from the basic principles which have governed the expansion of trade in the postwar period.

Four. Non-tariff barriers to U.S. trade in the form of export-oriented tax systems, government procurement systems and—possibly—technical and quality standards. For example, it is difficult to explain to our American businessmen that the 23 percent tax on value added which he must pay in addition to customs duties has a neutral effect on his attempts to sell to France. He is not impressed by the argument that U.S. direct taxes are never shifted forward, while TVA is fully shifted. We have our non-tariff barriers as well—the American Selling Price being the best known example—but many Americans righlty or wrongly think that the United States is running into more barriers than it has itself put up. It is evident to me that much work remains to be done to clarify, classify and reduce these obstacles to trade.

Five. The European community is now discussing enlargement of its membership, an enlargement which my government continues to support. Success of the current negotiations will produce a European Community which will be by far the world's greatest trading power. But many people are disturbed that the enlargement process will be carried out without regard to the problems and interests of the other partners. And there is a general feeling that when we want to discuss what we consider to be urgent common problems, our European friends are so concerned with the internal problems of the Community that they are not always disposed to talk, or even to listen to us.

Now I want to suggest something that may be new. In the past, and according to traditional international political theory, the United States had its own problems and the European countries had their own problems. Each sovereign state was to attend to its own interests. And I can imagine some of my listeners today, after the catalogue of U.S. woes and complaints I have just sketched, saying to themselves, "Very well, but why lecture us? These are, after all, American problems and it is up to the Americans to handle their interests as best they can."

I ask you to consider if this traditional approach is still valid in the world of 1970. Is it realistic, or more important, is it sensible and opportune for Europeans to look at the present situation as essentially an American problem to be solved essentially by Americans?

It is bad manners to quote one's self, but since I have you here, I will indulge myself. Before I became Ambassador to France, I gave as a private citizen the following testimony to the Congress:

"We are not only building a world market but, in my judgment, we are creating the foundations of a free world community. In Western Europe, through the instrument of trade, we have forged physical bonds of interdependence and spiritual bonds of understanding that those nations had never known in all history."

I submit that the ties that bind the U.S. to Europe, and Europe to the U.S., have broadened and deepened through the fifties and sixties to the point where national prob-

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lems can no longer be regarded as purely national. They are multi-national. Questions that affect this deepened set of relationships now as never before in history have a transnational character. And in the trade field, the Europe of the Six is already the greatest trading power in the world. A Europe of the Ten would be even more powerful.

I have been philosophical. Now let me be more concrete. For a series of reasons, many of which are unrelated to European actions, protectionist forces in the U.S. are on the upsurge. This is an American problem, but it is also a European problem, and leaving it to the Americans to solve—or worse, taking actions that make it harder for Americans to solve it—may turn out to be a shortsighted and costly policy. This is 1970, not 1950 or even 1960. And the European community is large, powerful and prosperous. In the international trade field, it is already cohesive, speaking with a single voice. And international trade is vital to its economic health and growth.

This is a time when Americans speak increasingly, and rightfully so, of sharing responsibilities. I hope you will recognize that France and the European community not only share the benefits of liberal international trade, but also that they share to an increasing degree—perhaps to a degree which is not yet generally accepted or even recognized—responsibility for leadership in its continuation and development. Put this way, the current threat to liberal trade is not only not wholly a problem for the U.S. to solve. It is also a problem for which Europe and Japan bear responsibility and have a self-interest.

As President Nixon said of U.S. foreign economic policy in his foreign policy statement last February, "As in other areas of foreign policy, our approach is a sharing of international responsibilities. Our foreign economic policy must be designed to serve our purpose of strengthening the ties that make partnership."

The problems will not go away by themselves. Unless we can act together, there is every chance that we will act separately.

Unless we are all ready to pay a reasonable price now for that concerted action, we shall pay hugely later.

Gentlemen, there is no more important single problem in European-American relations today than the future of our trade policies. Errors now, of commission *or* omission, can haunt us for a decade or a generation.

I am at your disposition for questions.

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TRIBUTE TO SENATOR GOODELL

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. HARTKE. Mr. President, a famous Gallup poll of some years ago indicated that although mothers may still want their sons to grow up to be President, very few would want them to become politicians in the process. This bias against those who seek and attain elective public office, has long been the source of embarrassment to those who believe that public service can, and should, be the highest calling.

A man whose career belies the accepted wisdom that politicians are rarely worthy men is CHARLES GOODELL. It was clear from the outset of his time in the Senate that GOODELL, like Lincoln, believed that "to sin by silence when they should protest makes cowards of men." CHARLIE GOODELL spoke out clearly and forcibly on those issues which he believed had to be discussed lest this country lose its way entirely from the path of greatness.

CHARLIE GOODELL did not think that the continuing agony of Vietnam could best be stopped by placing all reliance on the wisdom and resourcefulness of the Chief Executive, and so he spoke out. Nor did he believe that the massive and complex problem of crime could best be solved by diluting the protections afforded us all under the Bill of Rights, and so he spoke out. CHARLIE GOODELL believed that there were many important issues which could not be finally determined on the basis of party affiliation and so he spoke out again and again, and many of his protests have now been heeded.

Because he had the courage to lift up his voice in opposition, this country and this Chamber are finer places in which to live and labor. During this last Congress—unfair criticism of its workings aside—the Senate was indeed the world's finest deliberative body. In those 2 years we developed a finer awareness of this body's power and its related potential for good. In no small measure we have this new understanding because of the efforts of men like CHARLIE GOODELL, men who challenged the deafening silence with their courageous voices.

SENATOR GEORGE MURPHY

HON. ERNEST F. HOLLINGS

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. HOLLINGS. Mr. President, it is both an honor and pleasure to join in tribute to my friend GEORGE MURPHY, who leaves the Senate at the close of the current session. The distinguished senior Senator from California can take pride in the many services he has rendered the American people over the course of his varied career. All of us are, of course, well aware of his contributions in the field of entertainment and we recall with gratitude his activities in maintaining the morale of the Armed Forces during the Second World War. In the years following, his interest in public affairs drew him to politics, culminating in his election to the U.S. Senate in 1964.

His colleagues in this body know him as a courageous, hard working, and able representative of his State. One of his primary interests has been the economy, and his zealous study of budgetary matters inevitably led him to sane and sound economic decisions. Senator MURPHY always took his job seriously and spent an unusual and admirable amount of time on the floor watching over the affairs of his constituents. No recitation of his accomplishments could be complete without mention of his courage and determination in overcoming personal adversity which would have demoralized lesser men. In taking leave of this Chamber, GEORGE MURPHY leaves behind many friends. I count myself fortunate to be numbered among them.

REPORT TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following.

COMMENTARY ON THE ACTIVITIES OF THE 91ST CONGRESS

The 91st Congress, the longest session in nearly two decades, had a difficult time bringing itself to a close. The final weeks of the session were marked by filibusters, foot-dragging and political finagling. In spite of these shortcomings, however, the 91st recorded some solid legislative achievements.

For the long view of history, it may be that the 91st Congress will be noted for its attempts to reassert congressional responsibility in foreign affairs—an area in which previous Congresses had been inactive, accepting passively the leadership of the President.

The debate centered largely on the conflict in Southeastern Asia. Congress repealed the Tonkin Gulf Resolution of 1964, which President Johnson used as authority for a massive build-up of U.S. forces in South Vietnam. The 91st shut off funds to finance the presence of U.S. troops in Cambodia, Laos and Thailand. It also limited U.S. support for allied troops in Cambodia or Laos to actions ". . . required to insure the safety and orderly withdrawal of U.S. forces from Southeast Asia, or to aid in the release of American prisoners of war."

The President was challenged on his proposal to deploy the Safeguard antiballistic missile system, because of its impact on foreign relations—and not incidentally, because of its impact on U.S. economy. The President won a partial victory in this round, as the Congress cut down the number of additional sites requested by the administration.

The 91st Congress generated some of the most serious debate on foreign policy in many years. On the issues, the House generally supported the President, believing that he should have flexibility in making foreign policy decisions. It was in the Senate where most of the opposition occurred.

In the domestic area, an upsurge of public indignation about the state of our environment found expression in stricter anti-pollution laws. The 91st Congress passed legislation to (1.) tighen controls over water pollution from oil spillage, sewage discharges from ships, pollution from mines and thermal pollution from atomic power plants, and (2.) to require auto makers to produce a virtually pollution-free car by 1976.

The 91st Congress had a strong record of anti-crime legislation, another area of keen public interest. An omnibus measure strengthened laws and procedures to deal with illegal gambling and organized crime. A comprehensive anti-crime program for the District of Columbia may provide the basis for future nation-wide legislation. A narcotics control act is aimed at curbing traffic in marihuana, heroin and other dangerous drugs. There was provided, also, increased funding for Federal law enforcement assistance to State and local governments.

Congress spent considerable time in the area of transportation. It approved money for mass transit and established a public corporation to help operate the Nation's ailing passenger train systems. It also had to step in to prevent a national railroad strike.

In other action, the Congress voted to bring 4.4 million more persons under unemployment insurance laws and to broaden the food stamp program with a tough provision requiring recipients to work at any job available. The Congress also doubled the school lunch program and boosted veterans' education and training benefits by 35 percent.

In the area of agriculture, the most significant development was the imposition of a $55 thousand annual limit on farm subsidies for any one farm. Other major bills which moved through the 91st Congress included:

A postal reform bill which converted the Post Office into an independent government postal service.

An extension of the 1965 Voting Rights Act which lowers the voting age to 18 for Federal elections and reduces the state residency requirements to 30 days.

A comprehensive coal mine health and safety act, which also provided compensation for victims of coal miners' diseases such as black lung.

An Occupational Safety and Health Act, covering most of the Nation's 80 million workers, giving the Secretary of Labor authority to set standards, and creating a three-man board to enforce them.

A Legislative Reorganization Act which revises committee procedures, and make public committee votes and teller votes in the House.

TRIBUTE TO HON. ALBERT GORE

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. McGOVERN. Mr. President, the departure of ALBERT GORE from the Senate represents more than the loss of a great Senator whose four terms set a standard of honor and service to the Senate and the Nation. ALBERT GORE has made a unique contribution to the national life which will become more and more apparent as we confront the social crisis spawned by the great accumulations of wealth and power which threaten the Republic. ALBERT GORE understood, with a depth rarely matched today, that the pluralism of America is a virtue to be defended and protected. Power and privilege of the banks and the rich, which violate the framework of a free economy, the military industrial complex—ALBERT GORE understood that these and other combinations of wealth and power present an ongoing danger from which our democracy must be protected if we are to survive and thrive as a free society. In the challenges he presented to an inequitable tax system, in refusing to bend before the political manipulators and the smart money men, he stood with the original wisdom which gave birth to our freedoms.

He brought the same profound sensitivity to America in the consideration of our foreign policy. As a member of the Foreign Relations Committee, he understood that America's greatness as a world power rests in leadership, not domination; in concern, not callous indifference; in courage, not arrogance.

For ourselves, the Senate, and the Nation, we should note our debt of gratitude to ALBERT GORE, because the repayment of that debt must lie in our consciousness of the values he so ably represented.

A TRIBUTE TO SENATOR GEORGE MURPHY

HON. JOHN SPARKMAN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. SPARKMAN. Mr. President, GEORGE MURPHY is leaving the Senate. I join with those who have expressed regret at seeing him leave. The Senate of the United States has often been referred to as the country's most exclusive club. I am not sure that that description is right, but I am sure that the Senate is a great place in which to learn to know those with whom one is associated.

GEORGE MURPHY has been with us for 6 years. To know him is to like him. I have not had the privilege of serving on any committee with him, but I have observed him from day to day here on the Senate floor, and I have admired his attention to the Senate's business and the courage and resolution of the man in participating fully even under the difficulty resulting from his throat operation.

I regard GEORGE MURPHY as a good man, a good friend, and a good Senator. I regret his leaving.

MRS. ROSE McCONNELL LONG

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. RARICK. Mr. Speaker, I rise today to offer tribute to the late Mrs. Rose McConnell Long, a lady of great esteem who was admired by all who knew her in my State.

Mrs. Long, born a Hoosier like myself, as a young girl came to Louisiana where she enjoyed a full and gracious life.

Mrs. Rose McConnell Long will always be remembered by Louisianians as the charming first lady of our State, when her late husband, Huey P. Long was Governor. She enjoyed the unique historical role of having been the wife of U.S. Senator Huey P. Long, the mother of the present U.S. Senator from Louisiana, RUSSELL B. LONG, and she, herself, having served as U.S. Senator to fill the vacancy created by the tragic death of her distinguished husband.

Mrs. Long has passed on to her reward but the heritage and devotion to her people that she so nurtured, lives on with her three surviving children and her grandchildren.

Those of us who ourselves have suffered the loss of our mother can most appreciate the pain and remorse from the void when suddenly she is no longer here.

To her survivors, my deepest sympathy and in remembrance of their mother, Mrs. Rose McConnell Long:

> Because she was so dear to all,
> Her memory will live on,
> Just as the fragrance of a rose
> Still lingers when it is gone,
> Her kindly and endearing ways,
> In thought, are with all still,
> And in the hearts that loved her,
> She lives, and always will.

PITTSBURGH AND ALLEGHENY COUNTY OFFICIALS DEPLORE ACTIONS OF LENINGRAD COURT AGAINST SOVIET JEWRY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. MOORHEAD. Mr. Speaker, the Soviet Government has violated the basic principles of international law and incensed freedom-loving people everywhere by the recent actions of the Leningrad court against nine Jews and two Christians alleged to have plotted the hijacking of a Russian plane to Sweden.

On December 30 I cosponsored a resolution urging the President to convey to the Soviet Government the concern of the people of the United States and the House of Representatives over these injustices, to urge the Soviets to commute the two death sentences, and to urge that fair and equitable justice be provided for Jewish citizens.

The court has since commuted the two death sentences involved; however, I call this statement by public officials of Pittsburgh and Allegheny County to the attention of my colleagues as an indication of the impact this action has had in my congressional district, and as further evidence of my own personal outrage at this display of Soviet anti-Semitism.

STATEMENT CONCERNING RECENT SOVIET TRIAL BY ALLEGHENY COUNTY AND CITY OF PITTSBURGH PUBLIC OFFICIALS

We, the undersigned, wish to express our great dismay and concern over the death sentences and long prison terms recently handed down by the Leningrad Court in the case of eleven people, nine Jews and two Christians, who had allegedly "plotted" to seize a Russian airplane and fly it to Sweden.

As public officials of Allegheny County and the city of Pittsburgh, we want to register our strong protest over this complete disregard of the basic principles of criminal justice and civilized human behavior. It is obvious that this trial and the unduly harsh sentences meted out by the Soviet Judges were designed to further stifle any expression of dissent or disagreement on the part of any individual in Russia. Tragically, the trial also clearly demonstrates the continuing official and overt anti-Semitic policies of the USSR.

We urge the Soviet Government to permit those Jews who wish to emigrate to Israel to be free to do so. There can be no true international justice or worldwide peace until brutal repression of minority groups is ended in all nations, and every person is afforded the right to peacefully express his views and voice his dissent.

It is our fervent hope that the death sentences involving two of the eleven defendants

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will be commuted and the excessive sentences of the other nine defendants markedly shortened. Furthermore, we urge the Soviet Government to refrain from further "trials" of this nature, and from all other activities which are blatantly predicated upon anti-Semitism and anti-Zionism.

SIGNATORIES

The Honorable Leonard C. Staisey, Chairman, Allegheny County Board of Commissioners.

The Honorable Thomas J. Foerster, Allegheny County Commissioner.

The Honorable William R. Hunt, M.D., Allegheny County Commissioner.

The Honorable Cyril H. Wecht, M.D., J.D., Coroner of Allegheny County.

The Honorable Rita Wilson Kane, Register of Wills of Allegheny County.

The Honorable James F. Clarke, Prothonotary of Allegheny County.

The Honorable Edward O. Ritenour, Acting Clerk of Courts of Allegheny County.

The Honorable John J. Exler, Recorder of Deeds of Allegheny County.

The Honorable Edward F. Cooke, Treasurer of Allegheny County.

The Honorable Eugene L. Coon, Sheriff of Allegheny County, Chairman, Allegheny County Democratic Committee.

The Honorable Robert B. Friend, Controller of Allegheny County.

The Honorable Michael R. Stabile, Jury Commissioner of Allegheny County.

The Honorable George H. Ross, Public Defender of Allegheny County.

The Honorable Louis Mason, Jr., President of Council, City of Pittsburgh.

The Honorable Edgar W. Michaels, Councilman, City of Pittsburgh.

The Honorable Walter T. Kamyk, Councilman, City of Pittsburgh.

The Honorable Thomas L. Fagan, Councilman, City of Pittsburgh.

The Honorable John P. Lynch, Councilman, City of Pittsburgh.

The Honorable Amy Ballinger, Councilwoman, City of Pittsburgh.

The Honorable John E. McGrady, Controller of City of Pittsburgh

SENATOR ALBERT GORE

HON. ERNEST F. HOLLINGS

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. HOLLINGS. Mr. President, today I join in paying homage to an idea and respect to a man. The idea is a simple one, as old as the wisdom of the ancients. It is that man has a duty to be true to himself, to act as he sees right. It is the ultimate moral summons, heedless of the personal consequences of gain or loss. The man we honor today, the retiring senior Senator from Tennessee, took that summons seriously, far more seriously than most men do. He staked his career on it. The returns are in. The race is lost. But the ideal was acted upon and although office is lost, honor and integrity remain. They remain in the character of the man, and they remain as a large part of his legacy to this Chamber and to the Nation. Albert Gore's career has been a long and successful one, filled with accomplishments for Tennessee and the entire country. His integrity has always been informed by the keenest of intelligences and his thoughts always grows out of careful deliberation. The Senate will be the worse for his absence and I shall feel the loss of a wise and noble friend. I join my colleagues in the sincere hope that his future will be happy and that it will provide opportunity for us to continue sharing in his wisdom and hopefully emulating his integrity.

HEW CHARGES ARIZONA WITH NONCOMPLIANCE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. RHODES. Mr. Speaker, I wish to call attention to a very distressing situation in my home State of Arizona.

The Department of Health, Education, and Welfare has charged Arizona with noncompliance with departmental regulations. The manner in which the Department has proceeded has left me greatly disturbed.

Doubt has been cast on the validity of the regulations under which the hearings were conducted. These new regulations were put into effect without the 30-day notice demanded by law, 5 U.S.C.A. 553(b)(1)(2)(c)(d)(e). In this case, there was no notice; the new hearing regulations became effective upon notification of their existence. The State was afforded no opportunity to challenge the new regulations without risking the loss of Federal funds.

The requirement of reasonable notice was ignored a second time. The Department at one point informed the State that it had no right of discovery. Then with less than 24 hours remaining before the hearing, the Department provided Arizona with access to its case. With proper discovery so thwarted, Arizona was denied the ability to prepare its case adequately.

Furthermore, the State was not allowed to discuss nor did the examiner consider, the issues of the case. The State of Arizona maintained that its statutes are in accord with the Social Security Act and that the Department of Health, Education, and Welfare's regulations violated that act.

The hearing examiner declined to rule on the motion. He said that to rule upon the validity of departmental regulations was beyond his power and that, therefore, he must assume them to be valid. Thus, Arizona was denied its right to challenge the departmental regulations; and therefore, was denied a hearing on the issue raised. Improperly delegating the responsibility for conducting such a hearing to one unable to consider these issues is certainly an illegal delegation under the statute.

The hearing was a mismanaged sham. Unrelated third parties were allowed to become parties to the matter. The Department did not meet its burden of proof by presenting any evidence that the alleged noncompliance by the State was in a "substantial number of cases," a standard required by law before payments to a State may be limited or withheld as set forth in Social Security Act, Section 404(a)(1), 42 U.S.C. 604(a)(1); Social Security Act, Section 1404(1), 42 U.S.C. 1204(2)(a).

One of the reasons the Department had charged Arizona with noncompliance was our State's residency requirement for welfare recipients. The residency requirement is not of the type considered in Shapiro against Thompson. Arizona does not require a person to live in Arizona a certain length of time before that person qualifies for welfare. Arizona law does not keep people from qualifying if they reside in the State. Arizona law simply terminates welfare payments to individuals who no longer have any contact with the State. A person continuously absent from the State for 3 months is considered no longer to be a resident and qualified for Arizona welfare.

After 3 months' absence, a person cannot still be considered to have sufficient contact with the State to qualify for welfare, especially since he is eligible for benefits in the State to which he has moved, under the doctrine pronounced in the Shapiro case. If a law such as Arizona's is invalid, there may be no limit as to the number of States in which a person could qualify and receive welfare payments. It is beyond my comprehension that when we refer to our "mobile society" we mean to include welfare recipients who may travel from State to State at public expense. Welfare recipients are not ordinarily prone to tour for months at a time.

The State of Arizona deserves a fair hearing. If a hearing examiner cannot rule on the State's challenge to the validity of HEW regulations, a new hearing should be scheduled before one who can so rule. Justice demands that no penalty be imposed upon the State pending a review or until the validity of the departmental regulations can be tested in a court of law.

A TRIBUTE TO SENATOR EUGENE McCARTHY

HON. JOHN SPARKMAN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. SPARKMAN. Mr. President, I have known Gene McCarthy during the time that he has been in the Senate and even during the time that he was in the House of Representatives. Later, I had the privilege of serving with him on the Foreign Relations Committee.

I have always admired Gene McCarthy. I found him to be a most congenial person and one with a keen wit and real understanding of mankind and his surroundings. He possesses real ability as has been demonstrated from time to time here in this body from which he now goes out of his own free choice.

Gene will be missed around here but we shall all be wishing for him great happiness in the years ahead. We all know that he will continue his interest in things and that he will be active in trying to get things done to make a better life for the people who inhabit the earth.

THE RELEVANCE OF RELIGION: A COMMITMENT TO NOW

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. WYDLER. Mr. Speaker, the recent declaration by the U.S. Supreme Court that 18-years-olds could indeed vote in our Federal elections indicates the importance of that group to the future of our Nation.

The laws that we live by find their roots in the moral law given to man by God. The importance of God to the conduct of our lives is fundamental, and recently a group of young citizens in the new area of my fabulous Fourth Congressional District wrote an original service entitled, "The Relevance of Religion: A Commitment to Now."

Kenneth Garfield and Richard Brust wrote and presented this service on Friday, December 11, 1970, at the Temple Israel in Lawrence, N.Y.

The sentiments and feelings expressed are important to the Members of Congress and our Nation:

THE RELEVANCE OF RELIGION: A COMMITMENT TO NOW

(By Kenneth Garfield and Richard Brust)

LECTURN I

Reader. It is indeed a rare occasion that the opinions and philosophies of our generation can be voiced in such a free and open manner to a thoughtful congregation. For this we are thankful.

We come together this Sabbath evening to recollect our thoughts and to reevaluate our lives. We do this by voicing an expression of prayer and of hope, yet too often we leave these evaluations and thoughts behind us as we continue in the main stream of daily life. Our service tonight is one to be inserted into our daily pattern of thinking and living.

Ritual for Sabbath candles

Tonight, we not only light these candles to begin the Sabbath, but to usher in a new era in which honesty and love become the pillars of strength. Let us, tonight, commit ourselves to strive for a united spirit of man.

Reader. "In the beginning God created the Heaven and the Earth, and the Earth was without form, and void—and darkness was upon the face of the deep. And the spirit of God moved upon the face of the waters. And God said, Let the waters under the Heaven be gathered together unto one place, and let the dry land appear: and it was so."

Responsive reading

Reader. "And God called the dry land Earth; and the gathering together of the waters called He Seas: and God saw that it was good.'

Cong. "And God said, Let the waters bring forth abundantly the moving creature that hath life, and fowl that may fly above the Earth in the open firmament of Heaven."

Reader "And God made the beast of the Earth after his kind, and cattle after their kind, and everything that creepeth upon the Earth after his kind; and God saw that it was good."

Cong. "And God said, Let us make man in our image, after our likeness: and let him have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the Earth, and over every creeping thing that creepeth upon the Earth."

Reader. "So God created Man in His own image, in the image of God created He Him; male and female created He them."

LECTERN II

Reader. And God created Man to care for the Earth and to nourish it.

Eight major American Corporations have been indicted for dumping mercury into our waters. Poisonous mercury which can eventually produce blurred vision, mental derangement and death. Already contaminated are the Rio Grande and Sacramento Rivers, Lake Erie and Lake Champlain.

Seven hundred million pounds of pesticide are used each year. . . .

Over eight million pounds of carbon monoxide are released by automobiles in New York City each day. . . .

Eighty million tons of soot fall on New York City each year.

Our Earth is dying. Dr. George Wald, Nobel prize winning biologist, says that life on Earth is threatened with extinction in the next fifteen to thirty years.

Reader. Man must learn to live with his Earth, not have the Earth live and die for man.

"Blessed of the Lord be his land, for the precious things of heaven, for the dew, and for the deep that coucheth beneath, and for the precious fruits brought forth by the Sun, and for the precious things put forth by the Moon, and for the chief things of the ancient mountains, and for the precious things of the lasting hills, and for the precious things of the Earth and fulness thereof."

Kiddush

This cup contains the fruit of the vine. We rise and praise our God who has created the fruit of a bountiful land. Let us devote ourselves to maintaining an Earth which shall always bring forth a good and plentiful yield.

Boruch Atoh Adonoy, Elohenu Melech Ho-o-lom Borei P'ri Ha-gofen.

[Congregation rises.]

Music of Kiddush.

[Congregation is seated.]

LECTURN I

Reader. "Behold, how good and how pleasant it is for brethren to dwell together in unity!"

Responsive reading

Reader. "In the end of days it shall come to pass, that the mountain of the House of the Lord shall be established on the top of the mountains.

Cong. And it shall be exalted above the hills, and people shall flow unto it.

Reader. Any many nations shall come and say, Come ye, and let us go up to the mountain of the Lord.

Cong. And He will teach us of His ways and we will walk in His paths; for out of Zion shall go forth the law and the word of the Lord from Jerusalem.

Reader. And He shall judge among many people; and rebuke strong nations afar off.

Cong. And they shall beat their swords into plowshares, and their spears into pruning hooks: Nation shall not lift up sword against nation, neither shall they learn war anymore.

Reader. They shall sit every man under his vine and under his fig tree; and none shall make them afraid.

Cong. For let all the peoples walk each one in the name of his God. We shall walk in the name of the Lord our God forever and ever."

Reader. Let us rise together and in spiritual unity proclaim our devotion to the name of the Lord.

[Congregation rises.]

Reader and **Cong.** Shema Yisroel Adonoi Elohenu Adonai Echod. Hear, O Israel, the Lord our God, the Lord is one.

Boruch Shem Kevod Malchuso L'olom Voed. Praised be His name Whose glorious kingdom is forever and ever.

Musical response.

[Congregation is seated.]

LECTURN II

Reader. Yes, it *is* good for thy brethren to dwell together in unity. Yet how often do we see ourselves abiding by the golden rule of Hillel?

As of September, 1970 the war in Southeast Asia has cost America 43,568 young lives and 288,124 men crippled and mutilated. This does not include those innocent Vietnamese, Cambodians, and Laotians killed and maimed by those at war.

Reader. In the turbulent decade of the 1960s, the following nations have been scarred by the ravages of violent conflicts and wars:

Biafra, Nigeria, United States, Congo, Egypt, Israel, Lebanon, Syria, Jordan, Cyprus, Russia, Czechoslovakia, Greece, Turkey, India, Pakistan, North Vietnam, South Vietnam, Cambodia, Indonesia, North Korea,, South Korea, Laos, Dominican Republic and many others.

How many more must there be?

Sermonettes.

Musical selection.

LECTURN I

Reader. "Then He answered and spake unto me, saying, This *is* the word of the Lord unto Zerubbabel, saying, Not by might, nor by power, but by My spirit saith the Lord of hosts."

Responsive reading

Reader. "For ye shall go out with joy and be led forth with peace."

Cong. "The mountains and the hills shall break forth before you into singing."

Reader. "And all the trees of the fields shall clap their hands."

Cong. "Instead of the thorn shall come up the cyprus."

Reader. "And instead of the briar shall come up the myrtle."

Cong. "And it shall be to the Lord a memorial for an everlasting sign that shall not be cut off."

LECTURN II

Reader. Peace is defined as being a state of quiet, calmness and security. A state of true brotherhood.

This is espoused by man to be the ultimate ideal by which to live. But why a Watts, and why a Detroit, where in 1967 forty people died and thousands were injured in racial conflict. Why Birmingham? Four innocent children murdered in the dynamiting of a church in 1963. And why Newark, why Chicago?

Reader. Our country and the entire world is being torn apart by conflicts and wars between the varied and diverse races and beliefs of man.

And *still* we only mouth . . . "They shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more."

Let us together, in meaningful silence, pray for the future. May it not be filled with the tragedy and grief of the past.

Silent prayer.

LECTURN I

Reader. In memory of those who have gone on before us, serenely and peacefully, and for those who have needlessly and tragically died at the hands of their fellow man, do we now recite the Kaddish, to give strength and comfort to all those throughout the world, black and white, young and old, who have seen the passing of loved ones.

[Congregation rises.]

Reader. Yis-gad-dal v'yis-kad-dash sh'meh rabo-bo; b'ol-mo di'v-ro kir'-u-seh v'yamlich mal-chu-seh, b'cha-ye-chon u-v'yo-me-

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chon u-v'cha-yeh d'chol bes yis-ro-el, ba-a-go-lo u-viz-man ko-riv, v'im-ru O-men.

Cong. Y'heh sh'meh rab-bo m'vo-rach, l'o-lam ul'ol'meh ol-ma-yo:

Reader. Yis-bo-rach v'yish-tab-bach, v'yis-o-ar, v'yis-ro-mam, v'yis-nas-seh, y'yis-had-dor, v'yis-al-leh, v'lis-hal-ol, sh'-meh d'kud-sho, b'rich hu. L'e-lo min kol bir-cho-so v'shi-ro-so, tush-b'cho-so v'ne-cho-mo-so, da-a-mi-ron b'ol-mo, v'im-ru O'men:

Y'heh sh'lo-mo rab-bo min sh'ma-yo v'cha-yim, o-le-nu v'al kol yis-ro-el, v'imru O-men:

O-seh sho-lom bim'-ro-mov, hu ya-a-seh sho-lom, o-le-nu v'al kol yis-ro-el, v'imru O-men.

[Congregation is seated.]

Musical selection.

LECTURN II

Reader. In these troubled times, we often become unsure of ourselves, bewildered by others, and confused about our beliefs concerning God. He has given us values and morals with which to live a humane and meaningful life. The time has come not only to preach these values, but to truly live them, and with this in mind, to seek an honest world. We are His children; there is much of His goodness in each of us. As the late John Kennedy prophetically spoke, "Let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own."

Benediction.

FARM PARITY EQUALS 1933 DEPRESSION LOW

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. HUNGATE. Mr. Speaker, I would like to call to the attention of my colleagues the facts contained in the following article which appeared in the Washington Post on Friday, January 1, 1971:

Farm Parity Equals 1933 Depression Low

Prices paid to farmers for raw products dropped 2 per cent in December and averaged 7 per cent less than a year ago, the Agriculture Department announced yesterday.

The Crop Reporting Board said lower prices for cattle, hogs, cotton, lettuce and oranges contributed to the decline.

Meantime, farm expenses rose again by one-fourth of 1 per cent during the month ended December 15.

The tighter squeeze between prices farmers get and what they pay out for expenses meant a drop for the third straight month in the parity ratio formula to 67 per cent, compared with 68 per cent in November. At 67 per cent it equaled the 37 year mark set in December, 1933, during the nation's worst economic depression.

TRIBUTE TO SENATOR MURPHY

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. HARTKE. Mr. President, I am honored to join in the tribute today to the distinguished Senator from California, George Murphy. This good friend will soon leave the Senate, but his grace and dedication will always remain with his colleagues.

Senator Murphy and I have not always agreed on many important issues. But, even in disagreement, he has been an exemplary gentleman, and a sincere, intelligent member of the opposition.

George Murphy came to the Senate with a background in civic, industrial and theatrical work; and thus, he brought rich and varied experiences to bear in his role as a U.S. Senator.

I am sure the Members of the Senate now wait to see in what capacity this man of many talents and many interests will emerge next in American public life.

Mr. President, I am pleased to extend to George Murphy my best wishes for an active and successful future.

TRIBUTE TO SENATOR EUGENE McCARTHY

HON. GALE W. McGEE

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. McGEE. Mr. President, not often do Members of this body choose voluntarily to leave it while in the prime of life. It is a somewhat extraordinary act. Of course, the senior Senator from Minnesota who has so chosen is an extraordinary man. He has been, too, an excellent public servant. In agreement and in disagreement—and I have experienced both with Senator McCarthy—he has always been an eminently reasonable man. His leadership has caught the imagination of a significant number of Americans and thus enriched our system of democracy for some time to come.

Mr. President, as one who came to the Senate in 1959 and who has enjoyed being a back-bencher with Senator McCarthy over those dozen years, I am somewhat saddened by his decision to depart. But Gene McCarthy has, I know, other enduring gifts to give the people, and with so many others I wish him well.

HON. WILLIAM C. CRAMER

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. GERALD R. FORD. Mr. Speaker, I know I speak for all of us in this Congress in saying that we will miss the comradeship and the contributions of the Honorable William C. Cramer of Florida when we meet again. Bill came to this House in the 84th Congress with the unique distinction of being the first Republican elected in Florida since Reconstruction days, and he has been "Mr. Republican" from the Sunshine State ever since.

Although he has served 16 years here, Bill Cramer is still a young man with a tremendous future ahead of him. But we will sorely miss the energy and expertise which he brought first to the Committee on the Judiciary and more recently as ranking minority member of the Committee on Public Works.

In addition Bill was a valued member of our Republican leadership team as vice chairman of the Republican Conference and vice chairman of the Republican Congressional Campaign Committee. As Republican National Committeeman from Florida Bill played a key role in the Miami Beach convention of 1968 at which I had the honor of serving as permanent chairman; our President who was nominated there and our party will continue to have Bill's good counsel on the Republican National Committee and, I am sure, in many other ways.

The Federal highway aid program and the Federal antiriot law are only two of the monuments to Bill Cramer's legislative skill. Personally, I will miss more than words can say the day-to-day assistance and support of a fine colleague and friend. I wish Bill and his lovely wife Alice all the best of success in the next chapter of an outstanding career.

TRIBUTE TO SENATOR ALBERT GORE

HON. EUGENE J. McCARTHY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. McCARTHY. Mr. President, a recent issue of Harper's magazine has an article by David Halberstam in which Senator Gore is called the last Populist. It was a good try at describing the record and character of Albert Gore, but it fell short.

Albert Gore is more than a Populist. The way of the Populist, if it works, is an easy way, and if it does not work, it still remains largely uncriticized by the people. Albert Gore has been concerned not just with quantitative democracy but with its qualitative character as well. He is concerned not only with its individual and personal aspects but also with its formal and institutional character.

The most unfair—almost, I would say, dishonest—charge made against any candidate in the campaign of 1970 was that Albert Gore represented special interests—a charge attributed to the Vice President, unless the Vice President meant that the poor and the striving Americans are special interests.

Albert Gore was more ready to call an unfair advantage or an inequity, a special interest, than anyone that I have served with during the 12 years of my membership on the Finance Committee. He was not only ready to call such advantages "special interests," but to attempt to eliminate them. His pace was that of the Tennessee Walking Horse: not slow, not fast, not easily distracted or spooked, but tireless, directed, committed.

Albert Gore did not change or forget his State nor fail to understand it. I hope that his State has not changed, but rather that in 1970 its electorate was only temporarily distracted and that it will come back to him, to his principles, and to his position on the issues.

PROFITMAKING IN EDUCATION

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mrs. GREEN of Oregon. Mr. Speaker, in recent years I have spoken of my concern that education is becoming an area exploited by profitmaking corporations. A great deal of Federal money has been wasted in pointless research and in educational gimmicks. If we had provided that same money to our teachers, we would probably be much further along than we are today in the job of educating our young people.

A similar concern has been expressed by Margaret L. Wallen, a valued constituent in my district, in a recent letter to me. For the information of my fellow Members I am pleased to insert that letter in the RECORD:

GRESHAM, OREG., *December 19, 1970.*

Hon. EDITH GREEN,
Representative in Congress,
House Office Building,
Washington, D.C.

DEAR MRS. GREEN: The topic of your address title "Profits Gained from Tax Dollars" which was printed in *The Oregonian*, August 7, 1970 was most refreshing.

Profits gained from tax dollars plus the tax funds wasted by school districts have been a source of irritation to me for many years.

It is my firm conviction that many children are being deprived of a good education and proper care due to "big business" tactics by school districts and state departments of education in general. I am sure this is not premeditated or deliberate. It is just a situation which has developed over the years in an honest effort to provide better education but it has gotten completely removed from "the individual child."

Tht public has a right to demand better education when there are so many dropouts and children leaving schools unable to spell, read, write, etc. Not only are there these handicaps; they are unable to cope with life in general. True, much training must come from the home, but why aren't educators helping to produce better parents? Much of this training begins the day the first grader or kindergarten student enters school. This should be common knowledge among educators and the public in general. The child should be prepared for this first big step, then carefully guided and trained until he is well adjusted in the school setting instead of expecting him to complete several textbooks so that he may go on to the first or second grade with the ability to complete another set of textbooks. I believe we are destroying the child's ability to love life and enjoy learning because of the "lock step" grade level of progressing through school. An education is much broader than this.

With the demand for better schools the districts are caught between the public and high pressure salesmen who have many excellent new teaching devices, materials, techniques and ideas produced from years of research. There is always something new to be tried out on our children instead of letting them learn to cope with the simple basic tools primary children have always used to learn—the alphabet and the numbers.

For the past fourteen years it has been my observation as a second grade and Educable Mentally Retarded teacher that it takes several months for most children to be calmed down enough to become reassured of their worth as human beings and to begin to feel the joy and pride of learning.

This is not accomplished with new techniques and sophisticated teaching devices alone. It is done through individual attention, love, encouragement and understanding; through the development of "good" feelings and attitudes toward themselves and others.

Children are basically the same as they always have been. But when young minds are expected to cope with the adjustment to the school routine, as well as the social and emotional adjustment, plus coping with books, pencils, paper and subject matter such as science, math, reading, writing, spelling, physical education, music, art and library, it is no wonder learning problems develop. This alone is enough to completely overwhelm the normal, healthy child to say nothing of what it must do to our underprivileged or handicapped child. It is appalling the number of children who are suffering because of poor physical conditions including malnutrition as well as social and emotional maladjustments.

The interest of the schools does not center around the individual child and his needs. Instead, educators seem to be more interested in curriculum, materials, techniques, devices and the passing of budgets, while all the time the young child is trying to learn, grow and develop but no one ever has the time to listen to him; to help him, guide him into growing to adulthood, proud that he is a unique individual.

For thirteen years I was part of, therefore, observed an elementary district grow. Within a mile and a half radius, six new schools sprang up with a principal and secretary for each new building. The administration building employed additional directors over coordinators who supervised *a few* badly needed specialists such as remedial reading teachers, special education teachers and speech therapists. Teachers' aids were denied the classroom teacher.

At one time the primary teachers had convinced the administration that aides were needed in order to provide more individual attention for the students. Two very fine ladies were assigned to the primary department in one of the schools, and progress was being made. But this situation was short lived.

A teacher who was removed from an intermediate classroom because of poor teaching was assigned as librarian and audio-visual coordinator. It wasn't long until an opportunity presented itself for the same person to build "an empire" with federal funds.

Under the pretense of a program for the underprivileged child, a closed circuit T.V. program was forced upon all of the teachers and students of the district. The aides for the primary teachers became aides for the T.V. program. However, they did not remain long because they were unhappy and felt their assistance in the classrooms was more important. They soon found jobs in other districts. There have been many unhappy persons in the district because they believe it has been, and still is, a total waste of the taxpayers' money.

Needless to say, thirteen years was enough time to convince me that the district did not have the interest of the children at heart and I was miserably unhappy there.

In contrast, last school year was a most happy and productive one. The district in which I am now employed has one primary principal for three schools. He finds the time to fulfill administrative duties; take little sick children home; offer to assist the children and teachers in any way humanly possible and still remain courteous, gracious, diplomatic, yet ready to enjoy a good laugh when the going gets rough. His behavior is indicative of the entire staff of administrators. Money is not wasted. The children come first and everyone on the staff tries to improve the quality of education in the school. Money is not wasted but still there is a need for more individual attention to the students.

The school nurse is over-worked, the county child clinic cannot take all of the physical, emotional and psychological cases; the local dentist cannot care for all of the underprivileged children referrals. Children are not getting their vision and hearing problems cared for early enough in life. First grade teachers do not have time to listen to all of the problems a little person has to talk about and needs to get off his chest because twenty minutes must be devoted to reading, writing, spelling, arithmetic, etc. in order to prepare the child for the second grade textbooks he will be expected to master next year.

I am not surprised that we have a young peoples revolt. Why can't we become more interested in the individual child? Our libraries are full of information dating back into the sixteen hundreds and beyond which inform us of the basic physical and mental needs as well as the basic learning processes of children.

It doesn't seem necessary to continuously experiment with the greatest resource on earth, our youth. The very young will listen to reason and guidance provided someone will take the time to listen to them, guide and teach them.

It isn't that educators in America do not have the knowledge to do an almost perfect job of educating; it is because money can be made exploiting the processes of education which in turn exploits our youth.

Through leadership, valuable research has been achieved but now it seems the cry is for more and more money and the basic care of our children is neglected. How can we as educators dare to place blame on a parent for child neglect, when those very same parents have supposedly had the opportunity to become "educated" in our public or private schools? Or perhaps they have been inadvertently educated too well. The young people are trying to make us see the waste, greed and dishonesty that is actually destroying our great American way of life.

With all of the elaborate methods of communication we have today, the voice of the very young still is not heard or understood, due mainly to the very essence of your topic "Profits Gained From Tax Dollars".

I believe the President was justified in vetoing the Education Appropriation Bill.

It would be interesting to learn what an investigating committee would find if "district" management of local, state and federal funds were investigated nation-wide.

Sincerely yours,
MARGARET L. WALLEN.

SENATOR THOMAS J. DODD

HON. ERNEST F. HOLLINGS

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. HOLLINGS. Mr. President, I welcome the opportunity to join in tribute to the retiring senior Senator from Connecticut, THOMAS J. DODD. Senator DODD leaves behind a record of solid achievement in which he can take deserved pride and for which his fellow citizens should express gratitude. An acknowledged expert on communism and a vigilant advocate of internal security, Senator DODD was constantly in the forefront of the guardians of America's safety. His colleagues know him as a concerned patriot, and his friends as a

XUM

man of personal courage. Nowhere was his determination better evidenced than in his reelection campaign of the past year when he ran against great odds to vindicate his conduct of office. His countrymen can only admire such tenacity. And certain it is that they have lost an effective defender of American interests abroad and American liberty at home. I join the Members of this Chamber in wishing TOM DODD well in his future endeavors.

JOHN W. McCORMACK

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in strong support of the resolution of commendation offered by my colleague from Arizona, JOHN J. RHODES.

America has been indeed fortunate to have had the services of JOHN W. McCORMACK in such a position of great leadership for so many years of your public life. Also, we in the House of Representatives have indeed been fortunate to have had the inspiration of so wise a man for so long a period of time. During your tenure in the House of Representatives, you have served eight Presidents, from Coolidge to Nixon, both Democrats and Republicans, and served them well.

XUM

Your 44 years of service in this great body have been marked by innumerable legislative accomplishments; many of these memorable achievements have been noted by my colleagues here in their salute to you.

But I, Mr. Speaker, will not only remember you as a great legislator and leader, but as a friend—a friend I could rely on since I first came to Congress 12 years ago.

You have long expressed the wish to be known as a Member's Speaker. A Member's Speaker you definitely were, and a Member's friend and confidant as well. Your door was always open and you were always ready to help, whether the problem was legislative or personal. You have always been as accessible to freshmen Members as you were to the Members of your own leadership. This fairness and concern for all has been greatly appreciated by every Member who ever served under you.

It is often said that many men grow to meet a position of added responsibility—not in this case. For here, the converse was true. The office of Speaker was itself enhanced by the presence of JOHN W. McCORMACK.

I think it was Kipling, Mr. Speaker, who, in talking of men and leadership, best described the years of your stewardship:

"If you can dream and not make dreams
your master,
If you can think and not make thoughts
your aim,
If you can walk with crowds and keep your
virtue
Or walk with kings—nor lose the common
touch."

To us, Mr. Speaker, you could do these things and many more. And, because of this, history shall long remember the years of JOHN W. McCORMACK, "the man from Boston."

SALUTE TO SPEAKER JOHN W. McCORMACK

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. ROONEY of New York. Mr. Speaker, in saluting JOHN McCORMACK today on his retirement after 42 years of service to this body and the country, it would be easy to lose sight of the man because of the magnitude of his record of achievement. But we who have been privileged over the years to know and love JOHN McCORMACK cannot forget the man. His warmth, goodness, integrity, and sincerity and, when need be, his determination and toughness will be with us forever.

He has led us physically as Speaker, majority leader, and whip; he has led us spiritually as a living example of a great American devoted to God and country. He has comforted us when we were troubled, counseled us when we were perplexed. But JOHN McCORMACK did not just serve this body and its Members. Every American benefited by JOHN McCORMACK's belief in right and justice. He fought for the poor, the aged, the oppressed, the helpless. He fought to keep our country strong and free.

Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon all came to trust and admire our distinguished Speaker, just as we have. But now the time has come to say farewell to JOHN McCORMACK and it is a difficult thing, indeed, to do. We shall all truly miss our beloved Speaker, for there is not a Member of this body who is not a better man for having served with JOHN McCORMACK. May the good Lord grant JOHN McCORMACK and his lovely wife, Harriet, many, many years of peace and happiness.

TRIBUTE TO SENATOR JOSEPH TYDINGS

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. McGOVERN. Mr. President, the Senate owes a debt of gratitude to JOE TYDINGS. JOE TYDINGS provided the kind of concerned and dedicated leadership that bred confidence that we could meet our problems with constructive effort. He helped provide a sense of our past and future, carrying on the tradition with which his father graced the Congress, and acting with the vitality and intelligence required to meet the challenges now before us. His legislative achievements are remarkable testimony to this contribution. His record will serve as a standard for legislative dedication. It will also overwhelm the sordid political strategy which worked his defeat so that the people of Maryland and the Nation will again have the benefit of his leadership.

PEACE THROUGH LAW

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. BINGHAM. Mr. Speaker, last July, on the occasion of the first official visit to Washington by a United Nations Secretary General, a luncheon was tendered to the Honorable U Thant by the Members of Congress for Peace Through Law. The Secretary-General gave an informal talk at the luncheon and has since approved for release a transcript of his remarks.

While the talk is out of date in some respects, it is a document of permanent value. It reveals clearly U Thant's belief in democracy and the basic freedoms, his view of his role at the U.N. as that of a moderator or harmonizer, and his attitudes toward the problems faced by the U.N.

The transcript follows:

MEMBERS OF CONGRESS FOR PEACE THROUGH LAW

(Remarks of His Excellency U Thant, Secretary-General of the United Nations)

Congressman Brad Morse, distinguished Senators and Congressmen, Your Excellencies, Ladies and Gentlemen: I understand that the Senators have to leave in two minutes in connexion with a very important issue before the United Nations and I am sure we all understand their absence during my brief statement at this very delightful lunch.

First of all I must say that I'm deeply touched by the extraordinarily warm reception accorded to me and my colleagues by the Members of Congress for Peace Through Law, and for this I am particularly grateful to its chairman, Congressman Morse, and Senator McGovern and your colleagues, for the very unusual honor done to me and, through me, to the United Nations.

You have very appropriately made references to the review of the activities of the United Nations for the last twenty-five years and projection of activities of the UN for the future. Needless for me to say, the primary purpose of the founding fathers in 1945, when they launched the United Nations in San Francisco, was, in the language of the Charter, "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind." That was the primary objective of the founding fathers twenty-five years ago—to save succeeding generations from the scourge of war—which twice in our lifetime, once in 1914 and again in 1939, has brought untold sorrow to mankind.

With this objective in mind, the founding fathers also prescribed certain lines of action. These were stated in the preamble of the Charter of the United Nations. One of the lines of action suggested by the founding fathers in San Francisco was "to practice tolerance and live together in peace with one another as good neighbors." This is the actual language of the Charter—"to practice tolerance and live together in peace with one another as good neighbors." So from the point of view of the United Nations, from the vantage point of the bridge, a view from the middle of the bridge—our assessment of international development in many parts of the world can be different from the view from either end of the bridge. The first essential fact of life which we all have to recognize is this: that if we are to practise tolerance and live together in peace with one another as good neighbors, we have to change our basic approach to problems. Of course, this is very difficult. But if the United Nations is to develop into a really effective instrument for peace and progress, for the fulfillment of the objectives envisaged in the Charter, then it is very necessary to change our approach to problems facing mankind today.

In this respect, I want to project my own thinking, my personal viewpoint. In the political field I believe in democracy. Those who have known me for the last thirty or forty years know very well that I have all along been a believer in democratic processes, democratic institutions, fundamental human rights, like freedom of speech, freedom of expression, freedom of association, freedom of work, freedom of religion, freedom of conscience, and so on. I believe very strongly in the superiority of the democratic system over any other system. But this conviction in democracy, this belief in the superiority of domestic institutions, does not blind me to the knowledge that there are hundreds of millions of people who disagree with me.

I would draw a parallel with my religious conviction. As all of you are no doubt aware, I am a Buddhist. I believe that Buddhism is a very superior religion. Of course I am not sufficiently conversant with other religions to make a comparative assessment. But my conviction in the superiority of the Buddhist religion does not preclude me from the knowledge that there are hundreds of millions of people who believe otherwise. This attitude of tolerance, and I am just trying to elaborate on this concept of tolerance which is one of the guidelines of the Charter, is essential in our approach to the problems we face. Only then can we perform the functions outlined in the Charter of the United Nations.

Another Charter provision relates to the harmonizing function of the United Nations. The founding fathers asked all member states to see to it that the United Nations serve as a center to harmonize the actions of states. In my view, this harmonizing function of the United Nations is one of the most important provisions of the Charter. I am sure many of you will recall that the late President Roosevelt, in 1944, suggested privately that the chief executive of the United Nations should be called "Moderator". There were other suggestions and his suggestion was not accepted. So the post came to be known as "Secretary-General". Personally speaking, I feel that President Roosevelt's suggested term "Moderator" very aptly describes the nature of my office. So long as I function as the Secretary-General of the United Nations, my basic approach to problems will be the search for a common denominator. To find a common denominator, or to harmonize the actions of states, with a view to the achievement of common objectives, shall continue to be my primary guideline. Speaking of the harmonizing function, I must pay tribute to the Members of Congress for Peace Through Law for the courageous and imaginative programs they have drawn up, to fashion the kind of harmonious society which is disciplined, orderly, and which is governed by the rule of law.

On many previous occasions, I have expressed my personal view that if the United Nations is to develop into a really effective instrument for peace and progress, its decisions must be enforceable. This should be one of our primary objectives. The Security Council, for instance, has adopted from time to time, very important resolutions on crisis situations in many parts of the world. Thus, a first step has been accomplished by deciding on a certain line of action. But a second step still remains to be achieved: how to implement these resolutions. I feel very strongly that the unanimous resolutions of the Security Council must be enforceable. In all human organizations, in my view, there must be certain ground rules to observe. In a club, or an association, there are certain sets of ground rules. Even in a bridge club, or a reading society, or a social organization, or a religious association, there are certain ground rules to observe. Only if the members observe these ground rules will this particular human organization function in a disciplined and orderly manner. For the effective functioning of a human organization, the first essential step is for the members to observe the ground rules.

When the United Nations makes a decision through its deliberative organs, like the General Assembly or the Security Council—particularly the Security Council—I feel that it is up to the Member States concerned without exception to observe the ground rules by complying with that decision. Only then will we see the development of the United Nations as a really effective instrument.

To illustrate my point, let us take a club in Washington comprising two hundred members. The rules and regulations say that in order to consider important questions such as the extension of the building or an increase in the subscription of the members, a two-thirds vote is necessary. If there is a provision in the rules and regulations requiring a two-thirds vote for the adoption of such decisions, then if more than two-thirds vote for the adoption of such decisions, then if more than two-thirds of the members agree to take a certain line of action, in my view, the rest, less than one-third of the membership, should go along with that resolution, despite the fact that they don't agree with the decision. That is my basic approach to the consideration of all problems before the United Nations. This is my concept of the orderly and disciplined functioning of the United Nations.

I want to deal with another aspect of the functioning of the United Nations—the principle of universality. I have stressed this point on many previous occasions. Unless the principle of universality of membership is applied, the UN will not be effective in finding solutions to the problems affecting excluded states. You all know that discussions in disarmament committees and commissions have been going on year after year with very little progress. I feel very strongly that for the success of the discussions on disarmament, particularly nuclear disarmament, the involvement of the Peoples' Republic of China and France is essential. Without the involvement of these two nuclear powers, very little progress can be expected in the disarmament negotiations now going on.

The next point I want to stress is the fact that the world has become smaller and smaller, not only from the viewpoint of the United Nations, but from the viewpoint of every Member State. It is increasingly evident that there can be no national peace, national security or national progress confined within the frontiers of one particular state. This is the assessment of all knowledgeable people. Now we realize that every nation's peace, progress, prosperity and security depend primarily on international peace, international progress, international security, and the development of international resources.

If we are to fashion a new society, the kind of society which is just and peaceful, then we have to recognize that the division of the world into the rich and the poor, the haves and the have-nots, the north and the south, is much more important, much more significant, and, in the long run, much more explosive than the division of the world based in political ideologies. That's why the United Nations system has collectively launched a Second Development Decade. The primary concept in launching the Second Development Decade is based on the global strategy which recognizes the fact that our small planet, in spite of its division on the basis of race, religion or color, is essentially an indivisible whole, that all of us have to sink or swim together. There are only two choices before us. Both the rich countries and the poor countries have to make a choice between two alternatives: one alternative is to march together hand in hand towards a planned and prosperous future; the second alternative is to forget the spirit of togetherness and march haphazardly without any co-operation towards an unplanned and chaotic future. These are the two choices open to the human community. I am sure, if common sense prevails, both the rich and poor countries will choose the first alternative.

Now, coming to the specific issues of war and peace facing the international community today, I want to make some brief observations on the two crisis situations that humanity is facing. First of all, the war in Indo-China. Those who have been in touch with the United Nations know my views, so I don't think I need to elaborate on this subject. Personally speaking, I am much more concerned with the human factor than with the political or military factors involving who is right and who is wrong. To me, as a Buddhist, human life is sacred. Every dead American or dead Vietnamese is a dead brother of mine. I cannot distinguish or differentiate between an American or a Vietnamese or a Cambodian or a Chinese or a Jew or an Arab. So I have regarded the war in Southeast Asia as most tragic, as a colossal horror story.

Of course people speak about atrocities in this village and that village, and in this town and that town, but in my view, these atrocities constitute just a very small part of this total horror. That's why I've been saying for the last six years that the war must be stopped. I've even suggested some means of bringing about the termination of this very tragic conflict, but so far peace is not in sight. I want to take this opportunity to assure this very distinguished gathering that I shall continue to exert my utmost to contribute to a peaceful and just solution of this tragic problem.

Regarding the war in the Middle East, my position is also well known at the United Nations. To retrace some of the basic points of my attitude, first of all I must say that the United Nations has a responsibility to contribute to a just and lasting peace in the area. The Security Council which, in the context of the Charter, has a primary responsibility for the maintenance of international peace and security, has a definite role to play in contributing to a just and lasting peace in the area. In order to enable the Security Council to function effectively, the permanent members of the Security Council have a special responsibility because of their special status under the Charter. The principles for a just and lasting peace in the area are outlined in the Security Council Resolution 242. The big powers, the permanent members of the Security Council, should and must exert their utmost to come to an agreement on basic guidelines for an early solution of the problem. Such an agreement will enable the Secretary-General's special representative, Ambassador Jarring, to reactivate his mission. Last week, I was in contact with Ambassador Jarring on the telephone. Both he and I agree that there is no real basis for him, at least for the moment, to reactivate his mission. Both he and I will be very happy if there is a real basis for the reactivation of his mission.

I just want to conclude with a brief observation. For the effective functioning of the United Nations, which has been under

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examination for many weeks and many months in this anniversary year, the basic attitudes of the peoples of the United Nations is very important. I think it is worth recalling the difference between the Covenant of the League of Nations and the Charter of the United Nations. The Covenant of the League of Nations starts with the words, "We, the high contracting parties, will undertake to" do this and that. It used the words--"We the high contracting parties". The Charter of the United Nations uses the words, "We, the peoples of the United Nations". The stress is on the peoples more than on the governments. So, if the United Nations is to function in the manner it was meant to function, it is up to the peoples. In other words, if the United Nations has failed, it is the failure of the peoples of the United Nations. If the United Nations has succeeded, it is the success of the peoples of the United Nations. The failure of the United Nations will be the failure of the human community. The success of the United Nations will be the success of the human community.

If we are to see to it that the United Nations succeeds in the fulfillment of the objectives set down by the founding fathers twenty-five years ago, then we need to change our concepts; we need to adjust our attitude towards the burning issues of the day. As I have said on one or two previous occasions, it is understandable that the first allegiance of an American should be to America; the first allegiance of a Russian understandably should be to Russia; the first allegiance of a Burmese should be to Burma; the first allegiance of an Englishman should be to England. It is natural, understandable, and, in many ways, desirable. But in order that the international organization may function in the way it was meant to function, this single allegiance is not enough. We need to develop—the people of the United Nations need to develop—a second allegiance. That is the allegiance to the international community. I think that this double allegiance, in this twenty-fifth anniversary year of the United Nations, in these very tense times, in the shadow of the hydrogen bomb, is very necessary and even essential for all of us. All the peoples of the United Nations, irrespective of race or religion, must try to develop this double allegiance—allegiance to our own state and allegiance to the human community, represented by the United Nations. Thank you, ladies and gentlemen.

TRIBUTE TO HON. SAMUEL FRIEDEL

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DORN. Mr. Speaker, Sam Friedel leaves this body with the affection and esteem of all its Members. As chairman of the House Administration Committee, he has well served all Members of this House, and the House functions more smoothly because of his hard work and dedication. To me personally he has been a friend, one always willing to render assistance. Mrs. Dorn joins me in wishing for Sam Friedel good health, good fortune, and success in whatever field of endeavor he enters. I predict that Sam Friedel has many more accomplishments to record in public life, and I hope he will visit with us in the years to come.

REPRESENTATIVE E. ROSS ADAIR

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. McCLORY. Mr. Speaker, on the retirement from this body of the gentleman from Indiana (Mr. Adair) one of the ablest and most effective Members of the House of Representatives is completing a long career of service.

Mr. Speaker, in addition to the business of the Foreign Affairs Committee upon which Congressman Ross Adair served as the ranking minority Member, I have been privileged to participate with Mr. Adair as a fellow delegate to a number of Interparliamentary Union conferences.

Mr. Speaker, as a representative of our Nation at these international meetings, Mr. Adair spoke with a great background of knowledge and experience and with the conviction which comes from a full understanding of the position of our Nation in the world and the policies which guide our Nation in the various aspects of our international relations.

Mr. Speaker, in addition to his legislative talents, I have come to know and appreciate the great spiritual dedication which has been one of Ross Adair's characteristic attributes. In this area and in related ventures, both Congressman Adair and his lovely wife, Marian, have provided leadership and direction in our Nation's Capital and elsewhere.

Mr. Speaker, I am hopeful that Congressman Adair's service to the Nation will be continued and that he will find an appropriate outlet for his talents and his great industry. Both Mrs. McClory and I wish him and his wife well in whatever they undertake in the years ahead.

TRIBUTE PAID TO SENATOR GORE

HON. HOWARD W. CANNON

OF NEVADA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. CANNON. Mr. President, I rise to pay tribute to a valued Member of our body who is departing—Albert Gore of Tennessee.

Senator Gore has a long and distinguished history in the annals of Federal Government. First elected a Congressman in 1938, he served from the 76th through the 82d Congresses—a period of turbulent history for our country. In 1952 Albert Gore was elected to the U.S. Senate, and has served here ever since, contributing much to the Committee of Finance and Foreign Relations.

This year as we fill out our income tax forms, we can thank Albert Gore for his work on the Tax Reform Law of 1969. Among other things, this law contains legislation by the Senator from Tennessee that will eventually raise personal deductions to $750 per person.

Albert Gore was a man of peace, but he never flinched from fighting for the civil rights of our disadvantaged blacks, browns, and American Indians. His work and speeches in this field show a deep-felt concern for our minorities, tempered by a persuasive quiet dignity.

We shall all miss Senator Gore's strength and wisdom on Capitol Hill. I know, however, that our country will be better for the high level of achievement that Albert Gore will continue to exert as he enters private life. We all wish him well in his new endeavors.

FAREWELL TO MEMBERS OF THE NEW YORK DELEGATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. WOLFF. Mr. Speaker, it is with sadness that I acknowledge the departure from this body of several distinguished Members from New York. They will be missed when the 92d Congress convenes and they deserve to be remembered for the excellent service they gave to their constituents, their State and their country.

One colleague who will be sorely missed in the new Congress is my good friend Jacob H. Gilbert. He has always been a source of inspiration and wisdom. As a member of the Committee on Ways and Means and the Majority Committee on Committees he has always shown good judgment and a high sense of responsibility. His departure from this body will be a loss for all of us.

Another Member whose departure will be felt by all of us is Allard K. Lowenstein. While only a freshman, Congressman Lowenstein has shown a special kind of inspiration and deep devotion to public service. He is an exciting, able individual who has shown a remarkable ability to channel the productive energies of young people into the political system.

We will also miss Leonard Farbstein a long-time friend whom I have come to know even better since my assignment to the Foreign Affairs Committee 2 years ago. Congressman Farbstein has shown on the committee the insight, concern, and creative thinking that has made him so fine a Member of this body.

Another long-term New York Congressman who will not be back in the 92d Congress is Adam C. Powell. Congressman Powell leaves a fine legacy of important legislation passed under his chairmanship of the Education and Labor Committee. For many years he was an important community leader in New York City, in addition to his role as Congressman, and he should not leave without some recognition of the services he has performed.

There are two Congressmen who are leaving this week who came into Congress when I did 6 years ago. I speak of Richard Ottinger and Richard McCarthy, both of whom gave up their secure seats in this body to seek other office.

These are two bright, energetic, young Members whose careers, I trust, are only being interrupted and not ended.

To all of these men I want to say what a special pleasure it has been for me to work with you. And I want to add perhaps the most important point of all—the service you rendered while you were here will not be forgotten. Thank you, good luck and Godspeed.

AMERICA AS A GUN CULTURE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. BINGHAM. Mr. Speaker, in the wake of House passage of legislation, which I opposed, weakening the reporting provisions of the 1968 Gun Control Act, a most comprehensive and interesting article in American Heritage caught my attention. It is entitled "America as a Gun Culture," and was authored by the distinguished American historian, Richard Hofstadter. It reviews the history of America's fascination with firearms, and speculates with, I think, great insight about the sources of that fascination.

I certainly concur with Mr. Hofstadter's concluding observation that "the purchase and possession of guns in the United States is controlled by a chaotic jungle of 20,000 State and local laws that collectively are wholly inadequate to the protection of the people and that operate in such a way that areas with poor controls undermine those with better ones." He also concludes, however, that "a nation that could not devise a system of gun control after its experiences of the 1960's, and at a moment of profound popular revulsion against guns, is not likely to get such a system in the calculable future," and that, I hope, will not prove to be true.

I recommend this piece from the October 1970 issue of American Heritage most enthusiastically, and am pleased to provide it for the RECORD:

AMERICA AS A GUN CULTURE

(By Richard Hofstadter)

Senator Joseph Tydings of Maryland, appealing in the summer of 1968 for an effective gun-control law, lamented: "It is just tragic that in all of Western civilization the United States is the one country with an insane gun policy." In one respect this was an understatement: Western or otherwise, the United States is the only modern industrial urban nation that persists in maintaining a gun culture. It is the only industrial nation in which the possession of rifles, shotguns, and handguns is lawfully prevalent among large numbers of its population. It is the only such nation that has been impelled in recent years to agonize at length about its own disposition toward violence and to set up a commission to examine it, the only nation so attached to the supposed "right" to bear arms that its laws abet assassins. professional criminals, berserk murderers, and political terrorists at the expense of the orderly population—and yet it remains, and is apparently determined to remain, the most passive of all the major countries in the matter of gun control. Many otherwise intelligent Americans cling with pathetic stubbornness to the notion that the people's right to bear arms is the greatest protection of their individual rights and a firm safeguard of democracy—without being in the slightest perturbed by the fact that no other democracy in the world observes any such "right" and that in some democracies in which citizens' rights are rather better protected than in ours, such as England and the Scandinavian countries, our arms control policies would be considered laughable.

Laughable, however, they are not, when one begins to contemplate the costs. Since strict gun controls clearly could not entirely prevent homocides, suicides, armed robberies, or gun accidents, there is no simple way of estimating the direct human cost, much less the important indirect political costs, of having lax gun laws. But a somewhat incomplete total of firearms fatalities in the United States as of 1964 shows that in the twentieth century alone we have suffered more than 740,000 deaths from firearms, embracing over 265,000 homicides, over 330,000 suicides, and over 139,000 gun accidents. This figure is considerably higher than all the battle deaths (that is, deaths sustained under arms but excluding those from disease) suffered by American forces in all the wars in our history. It can, of course, be argued that such fatalities have been brought about less by the prevalence of guns than by some intangible factor, such as the wildness and carelessness of the American national temperament, or by particular social problems, such as the intensity of our ethnic and racial mixture. But such arguments cut both ways, since it can be held that a nation with such a temperament or such social problems needs stricter, not looser, gun controls.

One can only make a rough guess at the price Americans pay for their inability to arrive at satisfactory controls for guns. But it can be suggested in this way: there are several American cities that annually have more gun murders than all of England and Wales. In Britain, where no one may carry a firearm at night, where anyone who wants a long gun for hunting must get a certificate from the local police chief before he can buy it, and where gun dealers must verify a buyer's certificate, register all transactions in guns and ammunition, and take the serial number of each weapon and report it to the police, there are annually about .05 gun homicides per 100,000 population. In the United States there are 2.7. What this means in actual casualties may be suggested by the figures for 1963, when there were 5,126 gun murders in the United States, twenty-four in England and Wales, and three in Scotland. This country shows up about as badly in comparative gun accidents and, to a lesser degree, in suicides. There is not a single major country in the world that approaches our record in this respect.

Americans nowadays complain bitterly about the rising rate of violent crime. The gun is, of course, a major accessory of serious premeditated crime. Appealing for stronger gun controls in 1968, President Johnson pointed out that in the previous year there had been committed, with the use of guns, 7,700 murders, 55,000 aggravated assaults, and more than 71,000 robberies. Plainly, stronger gun controls could not end crime, but they would greatly enhance enforcement of the law (as New York's Sullivan Law does) and would reduce fatalities. Out of every one hundred assaults with guns, twenty-one led to death, as compared with only three out of every one hundred assaults committed by other means. In five states with relatively strong gun laws the total homicide rate per 100,000 population—that is, homicides from all causes—runs between 2.4 and 4.8. In the five states with the weakest gun laws this rate varies from 6.1 to 10.6.

In 1969, after the assassination of Robert F. Kennedy and Martin Luther King, Jr., there was an almost touching national revulsion against our own gun culture, and for once the protesting correspondence on the subject reaching senators and representatives outweighed letters stirred up by the extraordinarily efficient lobby of the National Rifle Association. And yet all that came out of this moment of acute concern was a feeble measure, immensely disappointing to advocates of serious gun control, restricting the mail-order sales of guns. It seems clear now that the strategic moment for gun controls has passed and that the United States will continue to endure an armed populace, at least until there is a major political disaster involving the use of guns.

Today the *urban* population of the nation is probably more heavily armed than at any time in history, largely because the close of World War II left the participating countries with a huge surplus of militarily obsolescent but still quite usable guns. These could be sold nowhere in the world but in the United States, since no other country large enough and wealthy enough to provide a good market would have them. More weapons became available again in the 1950's, when NATO forces switched to a uniform cartridge and abandoned a stock of outmoded rifles. These again flooded the United States, including about 100,000 Italian Carcanos of the type with which John F. Kennedy was killed. Imported very cheaply, sometimes at less than a dollar apiece, these weapons could be sold at enormous profit but still inexpensively—the one that killed Kennedy cost $12.78.

It has been estimated that between five and seven million foreign weapons were imported into the United States between 1959 and 1963. Between 1965 and 1968 handgun imports rose from 346,000 to 1,155,000. Domestic industries that make cheap handguns are approaching an annual production of 500,000 pistols a year. Thus a nation in the midst of a serious political crisis, which has frequently provoked violence, is afloat with weapons—perhaps as many as fifty million of them—in civilian hands. An Opinion Research poll of September, 1968, showed that 34 per cent of a national sample of white families and 24 per cent of blacks admitted to having guns. With groups like the Black Panthers and right-wing cranks like the Minute Men, not to speak of numerous white vigilante groups, well armed for trouble, the United States finds itself in a situation faced by no other Western nation. One must ask: What are the historical forces that have led a supposedly well-governed nation into such a dangerous position?

It is very easy, in interpreting American history, to give the credit and the blame for almost everything to the frontier, and certainly this temptation is particularly strong where guns are concerned. After all, for the first 250 years of their history Americans were an agricultural people with a continuing history of frontier expansion. At the very beginning the wild continent abounded with edible game, and a colonizing people still struggling to control the wilderness and still living very close to the subsistence level found wild game an important supplement to their diet. Moreover, there were no enforceable feudal inhibitions against poaching by the common man, who was free to roam where he could and shoot what he could and who ate better when he shot better. Furthermore, all farmers, but especially farmers in a lightly settled agricultural country, need guns for the control of wild vermin and predators. The wolf, as we still say, has to be kept from the door.

Finally, and no less imperatively, there were the Indians, who were all too often regarded by American frontiersmen as another breed of wild animal. The situation of the Indians, constantly under new pressures from white encroachments, naturally commands

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modern sympathy. But they were in fact, partly from the very desperation of their case, often formidable, especially in the early days when they were an important force in the international rivalries of England, France, and Spain in North America. Like the white man they had guns, and like him they committed massacres. Modern critics of our culture who, like Susan Sontag, seem to know nothing of American history, who regard the white race as a "cancer" and assert that the United States was "founded on a genocide," may fantasize that the Indians fought according to the rules of the Geneva Convention. But in the tragic conflict of which they were to be the chief victims, they were capable of striking terrible blows. In King Philip's War (1675-76) they damaged half the towns of New England, destroyed a dozen, and killed an estimated one out of every sixteen males of military age among the settlers. Later the Deerfield and other frontier massacres left powerful scars on the frontier memory, and in the formative days of the colonial period wariness of sudden Indian raids and semimilitary preparations to combat them were common on the western borders of settlement. Men and women, young and old, were all safer if they could command a rifle. "A well grown boy," remembered the Reverend Joseph Doddridge of his years on the Virginia frontier, "at the age of twelve or thirteen years, was furnished with a small rifle and shot-pouch. He then became a fort soldier, and had his port-hole assigned him. Hunting squirrels, turkeys and raccoons, soon made him expert in the use of his gun."

That familiarity with the rifle, which was so generally inculcated on the frontier, had a good deal to do with such successes as Americans had in the battles of the Revolution. The Pennsylvania rifle, developed by German immigrants, was far superior to Brown Bess, the regulation military musket used by British troops. This blunt musket, an inaccurate weapon at any considerable distance, was used chiefly to gain the effect of mass firepower in open field maneuvers at relatively close range. The long, slender Pennsylvania rifle, which had a bored barrel that gave the bullet a spin, had a flatter and more direct trajectory, and in skilled hands it became a precision instrument. More quickly loaded and effective at a considerable distance, it was singularly well adapted not only to the shooting of squirrels but to the woodsman's shoot-and-hide warfare. It struck such terror into the hearts of British regulars as to cause George Washington to ask that as many of his troops as possible be dressed in the frontiersman's hunting shirt, since the British thought "every such person a complete Marksman." The rifle went a long way to make up for the military inconsistencies and indifferent discipline of American militiamen, and its successes helped to instill in the American mind a conviction of the complete superiority of the armed yeoman to the military professionals of Europe.

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What began as a necessity of agriculture and the frontier took hold as a sport and as an ingredient in the American imagination. Before the days of spectator sports, when competitive athletics became a basic part of popular culture, hunting and fishing probably were the chief American sports, sometimes wantonly pursued, as in the decimation of the bison. But for millions of American boys, learning to shoot and above all graduating from toy guns and receiving the first real rifle of their own were milestones of life, veritable rites of passage that certified their arrival at manhood. (It is still argued by some defenders of our gun culture, and indeed conceded by some of its critics, that the gun cannot and will not be given up because it is a basic symbol of masculinity. But the trouble with all such glib Freudian generalities is that they do not explain cultural variations: they do not tell us why men elsewhere have *not* found the gun essential to their masculinity.)

What was so decisive in the winning of the West and the conquest of the Indian became a standard ingredient in popular entertainment. In the penny-dreadful Western and then in films and on television, the western man, quick on the draw, was soon an acceptable hero of violence. He found his successors in the private eye, the F.B.I. agent, and in the gangster himself, who so often provides a semilegitimate object of hero worship, a man with loyalties, courage, and a code of his own—even in films purporting to show that crime does not pay. All mass cultures have their stereotyped heroes, and none are quite free of violence; but the United States has shown an unusual penchant for the isolated, wholly individualistic detective, sheriff, or villain, and its entertainment portrays the solution of melodramatic conflicts much more commonly than, say, the English, as arising not out of ratiocination or some scheme of moral order but out of ready and ingenious violence. Every Walter Mitty has had his moment when he is Gary Cooper, stalking the streets in *High Noon* with his gun at the ready. D. H. Lawrence may have had something, after all, when he made his characteristically bold, impressionistic, and unflattering judgment that "the essential American soul is hard, isolate, stoic, and a killer." It was the notion cherished also by Hemingway in his long romance with war and hunting and with the other sports that end in death.

However, when the frontier and its ramifications are given their due, they fall far short of explaining the persistence of the American gun culture. Why is the gun still so prevalent in a culture in which only about 4 per cent of the country's workers now make their living from farming, a culture that for the last century and a half has had only a tiny fragment of its population actually in contact with a frontier, that, in fact, has not known a true frontier for three generations? Why did the United States alone among industrial societies cling to the idea that a substantially unregulated supply of guns among its city populations is a safe and acceptable thing? This is, after all, not the only nation with a frontier history. Canada and Australia have had their's, and yet their gun control measures are far more satisfactory than ours. Their own gun homicide rates, as compared with our 2.7, range around .56, and their gun suicide and accident rates are also much lower. Again, Japan, with no frontier but with an ancient tradition of feudal and military violence, has adopted, along with its modernization, such rigorous gun laws that its gun homicide rate at .04 is one of the world's lowest. (The land of hara-kiri also has one of the lowest gun suicide rates—about one fiftieth of ours.) In sum, other societies, in the course of industrial and urban development, have succeeded in modifying their old gun habits, and we have not.

One factor that could not be left out of any adequate explanation of the tenacity of our gun culture is the existence of an early American political creed that has had a surprisingly long life, albeit much of it now is in an underground popular form. It has to do with the antimilitaristic traditions of radical English Whiggery, which were taken over and intensified in colonial America, especially during the generation preceding the American Revolution, and which became an integral part of the American political tradition. The popular possession of the gun was a central point in a political doctrine that became all but sacrosanct in the Revolution: a doctrine that rested upon faith in the civic virtue and military prowess of the yeoman; belief in the degeneration of England and in the sharp decline of "the liberties of Englishmen" on their original home soil; and a great fear of a standing army as one of the key dangers to this body of ancient liberties. The American answer to civic and military decadence, real or imagined, was the armed yeoman.

By the same reasoning the answer to militarism and standing armies was the militia system. It had long been the contention of those radical Whig writers whose works did so much to set the background of American thought, that liberty and standing armies were incompatible. Caesar and Cromwell were commonly cited as the prime historical examples of the destructive effects of political generals on the liberties of the people. The Americans became confident that their alternative device, an armed people, was the only possible solution to the perennial conflict between militarism and freedom. Their concern over the evils of repeated wars and institutionalized armies was heightened by the eighteenth-century European wars in which they were inevitably involved. Blaming the decay that they imagined to be sweeping over England in good part on the increasing role of the military in the mother country, they found their worst fears confirmed by the quartering of troops before the Revolution. John Adams saw in the Boston Massacre "the strongest proof of the danger of standing armies." The Virginian George Mason, surveying the history of the nations of the world, remarked: "What havoc, desolation and destruction have been perpetrated by standing armies!" The only remedy, he thought, reverting to one of the genial fictions of this school of thought, was the ancient Saxon militia, "the natural strength and only stable security of a free government." Jefferson reverted to the idea of a popular Saxon militia by providing in his first draft of the Virginia Constitution of 1776 that "no freeman shall ever be debarred the use of arms."

Washington, who had to command militiamen, had no illusions about them. He had seen not a single instance, he once wrote, that would justify "an opinion of Militia or raw Troops being fit for the real business of fighting. I have found them useful as light Parties to skirmish in the woods, but incapable of making or sustaining a serious attack." Despite the poor record of militia troops in the Revolution, as compared with the courage and persistence of Washington's small and fluctuating Continental Army, the myth persisted that the freedom of America had been won by the armed yeoman and the militia system, and the old fear of a standing army was in no way diminished now that it was not to be under the command of an English aristocracy but of native American generals. In the mid-1970's, when the Americans had won their independence and were living under the Articles of Confederation, Secretary of War Henry Knox found himself the administrator of an army of about seven hundred men. In the 1790's, when it was proposed under the Constitution to add only about five hundred more, Pennsylvania Democrat Senator William Maclay anxiously observed that the government seemed to be "laying the foundation of a standing army"! Only the disastrous performance of militiamen in the War of 1812 persuaded many American leaders that the militia was a slender reed upon which to rest the security of the nation.

In the meantime the passion for a popular militia as against a professional army had found its permanent embodiment in the Second Amendment to the Constitution: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." By its inclusion in the Bill of Rights, the right to bear arms thus gained permanent sanction in the nation, but it came to be regarded as an item on the basic list of guarantees of *individual* liberties.

Plainly it was not meant as such. The right to bear arms was a *collective,* not an individual, right, closely linked to the civic need (especially keen in the absence of a sufficient national army) for "a well regulated Militia." It was, in effect, a promise that Congress would not be able to bar the states from doing whatever was necessary to maintain well-regulated militias.

The Supreme Court has more than once decided that the Second Amendment does not bar certain state or federal gun controls. In 1886 it upheld an Illinois statute forbidding bodies of men to associate in military organizations or to drill or parade with arms in cities or towns. When Congress passed the National Firearms Act of 1934 forbidding the transportation in interstate commerce of unregistered shotguns, an attempt to invoke the Second Amendment against the law was rejected by the Court in what is now the leading case on the subject, *United States v. Miller* (1939). In this case the Court, ruling on the prosecution of two men who had been convicted of violating the National Firearms Act by taking an unregistered sawed-off shotgun across state lines, concluded that the sawed-off shotgun had no "reasonable relationship to the prevention, preservation, or efficiency of a well-regulated militia." The Court ruled that since the gun in question was not part of ordinary military equipment, its use was unrelated to the common defense. The Court further found that the clear purpose of the Second Amendment was to implement the constitutional provision for "calling forth the Militia to execute the Laws of the Union, suppress insurrections and repel invasions" and declared that the Second Amendment "must be interpreted and applied with that end in view."

While the notion that "the right to bear arms" is inconsistent with state or federal gun regulation is largely confined to the obstinate lobbyists of the National Rifle Association, another belief of American gun enthusiasts enjoys a very wide currency in the United States, extending to a good many liberals, civil libertarians, and even radicals. It is the idea that popular access to arms is an important counterpoise to tyranny. A historian, recently remonstrating against our gun policies, was asked by a sympathetic liberal listener whether it was not true, for example, that one of the first acts of the Nazis had been to make it impossible for the nonparty, nonmilitary citizen to have a gun—the assumption being that the German people had thus lost their last barrier to tyranny. In fact Nazi gun policies were of no basic consequence: the democratic game had been lost long before, when legitimate authorities under the Weimar Republic would not or could not stop uniformed groups of Nazi terrorists from intimidating other citizens on the streets and in their meetings and when the courts and the Reich Ministry of Justice did not act firmly and consistently to punish the makers of any Nazi *Putsch* according to law. It is not strong and firm governments but weak ones, incapable of exerting their regulatory and punitive powers, that are overthrown by tyrannies. Nonetheless, the American historical mythology about the protective value of guns has survived the modern technological era in all the glory of its naiveté, and it has been taken over from the whites by some young blacks, notably the Panthers, whose accumulations of arms have thus far proved more lethal to themselves than to anyone else. In all societies the presence of small groups of uncontrolled and unauthorized men in unregulated possession of arms is recognized to be dangerous. A query therefore must ring in our heads: Why is it that in all other modern democratic societies those endangered ask to have such men disarmed, while in the United States alone they insist on arming themselves?

A further point is of more than symptomatic interest: the most gun-addicted sections of the United States are the South and the Southwest. In 1968, when the House voted for a mild bill to restrict the mail-order sale of rifles, shotguns, and ammunition, all but a few of the 118 votes against it came from these regions. This no doubt has something to do with the rural character of these regions, but it also stems from another consideration: in the historic system of the South, having a gun was a white prerogative. From the days of colonial slavery, when white indentured servants were permitted, and under some circumstances encouraged, to have guns, blacks, whether slave or free, were denied the right. The gun, though it had a natural place in the South's outdoor culture, as well as a necessary place in the work of slave patrols, was also an important symbol of white male status. Students in the Old South took guns to college as a matter of course. In 1840 an undergraduate at the University of Virginia killed a professor during a night of revelry that was frequently punctuated by gunfire. Thomas Hart Benton, later to be a distinguished Missouri senator, became involved, during his freshman year at the University of North Carolina, in a brawl in which he drew a pistol on another student and was spared serious trouble only when a professor disarmed him. He was sixteen years old at the time. In the light of the long white effort to maintain a gun monopoly, it is hardly surprising, though it may be discouraging, to see militant young blacks borrowing the white man's mystique and accepting the gun as their instrument. "A gun is status—that's why they call it an equalizer," said a young Chicago black a few years ago. "What's happening today is that everybody's getting more and more equal because everybody's got one."

But perhaps more than anything else the state of American gun controls is evidence of one of the failures of federalism: the purchase and possession of guns in the United States is controlled by a chaotic jumble of twenty thousand state and local laws that collectively are wholly inadequate to the protection of the people and that operate in such a way that areas with poor controls undermine those with better ones. No such chaos would be tolerated, say, in the field of automobile registration. The automobile, like the gun, is a lethal instrument, and the states have recognized it as such by requiring that each driver as well as each car must be registered and that each driver must meet certain specified qualifications. It is mildly inconvenient to conform, but no one seriously objects to the general principle, as gun lobbyists do to gun registration. However, as the United States became industrial and urban, the personnel of its national and state legislatures remained to a very considerable degree small town and rural, and under the seniority system that prevails in Congress, key posts on committees have long been staffed by aging members from small-town districts—worse still, from small-town districts in regions where there is little or no party competition and hence little turnover in personnel. Many social reforms have been held back long after their time was ripe by this rural-seniority political culture. Gun control is another such reform: American legislators have been inordinately responsive to the tremendous lobby maintained by the National Rifle Association, in tandem with gunmakers and importers, military sympathizers, and far-right organizations. A nation that could not devise a system of gun control after its experiences of the 1960's, and at a moment of profound popular revulsion against guns, is not likely to get such a system in the calculable future. One must wonder how grave a domestic gun catastrophe would have to be in order to persuade us. How far must things go?

ACCOMPLISHMENTS OF THE 91ST CONGRESS: REPORT TO THE PEOPLE OF THE FOURTH DISTRICT OF WISCONSIN

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. ZABLOCKI. Mr. Speaker, today we are ending what has been one of the longest and hardest working Congresses in the history of this country. It has also been one of the most productive and socially responsible Congresses in the 22 years during which it has been my pleasure to represent the people of the Fourth Congressional District of Wisconsin.

The intense effort exerted by the 91st Congress to meet the serious domestic and international problems facing our country was reflected in hours and hours of debate on the House and Senate floors and in a record number of rollcall votes on proposals to combat these problems.

Presidential vetoes of important bills and obstructionist tactics such as filibusters in the Senate unfortunately reduced the accomplishments of the 91st Congress. Nonetheless, a number of landmark achievements were realized, including major tax reforms, stringent air and water pollution control measures, postal reform, legislative reorganization and occupational health and safety standards.

Significant improvements were also made in Federal programs to improve the health and upgrade the education of Americans, to improve passenger train service, and to combat crime, drug abuse, and the problems of our cities.

PROGRESS IN OTHER AREAS

Regrettably, action was not completed on such important measures as a further increase in social security benefits, creation of an independent consumer protection agency, welfare reforms, a supplemental national health insurance plan, electoral college reform, and measures to aid workers and industries hurt by sharp increases in imports. However, further action on these issues is expected early in the 92d Congress.

A comprehensive manpower program designed to combat our unemployment problems and keep able-bodied persons off the welfare rolls was approved by an overwhelming majority in Congress, but was vetoed by the President. Unfortunately, the 48 to 35 Senate vote to override the President's veto of the bill was short of the two-thirds majority which was needed.

The President's action in vetoing this bill came as a particular disappointment in view of its potential value in easing unemployment, improving job training programs and providing manpower which could be used effectively in the future. The 92d Congress will undoubtedly take this matter up early in the session.

Another vetoed bill which had strong support in Congress and will also receive further action would limit political spending by candidates for public office.

XUM

Approval of comprehensive campaign spending limitations is absolutely necessary in order to prevent only the rich from entering politics.

THE ECONOMY

Congress has given the President temporary authority to impose wage, price, rent and interest controls in order to combat inflation. The President has refused to use this authority, or even to issue any kind of wage-price guidelines. However, there have been some recent indications that the President is now realizing that his reliance on a tight money policy has not been effective in combating inflation, but has increased unemployment to a distressingly high level and has been instrumental in generating an actual decline in our national production this year.

Hopefully, the President will now take steps to use the great influence of his office to improve our economic well-being and certainly Congress will continue to consider and act on effective measures in this area.

NATIONAL PRIORITIES

Among other bills vetoed by the President was one providing needed funds for Federal education programs. The reason given for this veto was the "inflationary effect" the bill would supposedly have on the economy. I was pleased that Congress overrode this veto, thereby asserting that although unneeded Federal spending was undesirable and could be inflationary, Federal funds can and must continue to be provided to accomplish those goals at the top of our list of national priorities.

In spite of pressing national needs for more funding in certain problem areas, Congress was able to cut $1.7 billion from the President's fiscal 1971 request for funds. Actually, a total of $2.1 billion was cut from the defense budget and from less important areas of Federal spending. However, $453 million was added by Congress for such vital programs as education, housing and health.

PROTECTING THE ENVIRONMENT

Particularly outstanding among the achievements of the 91st Congress was its action to protect and improve the quality of our environment.

The Clean Air Act amendments are designed to take strong steps against air pollution by requiring complete reduction of automobile exhaust emissions which cause much of our air pollution. These provisions require that car manufacturers produce virtually pollution-free automobile engines by 1975. Further, they authorize new funds for research and for enforcement of air quality standards, as well as new antipollution regulations for automobile fuels and for aircraft engines and fuels.

As a sponsor of legislation designed to curb aircraft noise I was particularly pleased that the Clean Air Act amendments will establish an Office of Noise Abatement and Control within the Environmental Protection Agency. This office will investigate noise pollution, including sonic booms, and will make recommendations to Congress and the President next year.

Continued Federal assistance for the development of a supersonic transport plane—SST—was severely challenged in the 91st Congress, both because of uncertainty about whether the SST would add to our already serious air and noise pollution problems and because other programs of a higher priority appeared to be more worthy of the limited Federal funds available.

I supported and voted for a discontinuance of further funding for the SST at this time. As a compromise measure, funding for the SST has been extended only until March.

Congress approved legislation to strengthen Federal water pollution control programs and to combat pollution from oil spills. This legislation also provides for a Great Lakes water pollution control demonstration.

Other measures enacted will promote education in environmental quality, provide for research in the area of solid waste disposal and recycling of materials, establish a Youth Conservation Corps and extend the land and water conservation fund. In addition, the Apostle Islands National Lakeshore, authorized by a bill which I cosponsored, brings overdue recognition to this beautiful area of Wisconsin.

VETERANS

Our Nation's veterans received particular attention in the 91st Congress. Measures approved in recognition of the services rendered by members of our Armed Forces represent a special tribute to the dedication of these men and women.

Our progressive withdrawal from direct military involvement in Southeast Asia is of course a welcome development. However, many of the problems of veterans of this war remain with us and have brought about a greater understanding of the needs of veterans of past wars.

In fiscal 1971 Congress approved an additional $105 million in Federal funds to increase the quality and availability of medical care for veterans. Steps were also taken to insure that all possible employment and other readjustment aid was provided to returning Vietnam veterans. In addition, legislation was approved which increases pension payments and income limitations for veterans and their dependents or survivors.

Disability compensation payments for veterans were increased an average of 11 percent by a bill which also affords former prisoners of war compensation for disabilities related to their imprisonment.

In a further effort to aid the dependents of those servicemen who are still prisoners of war or missing in action, Congress authorized educational benefits and home loan assistance to these persons. Liberalized educational assistance for servicemen was also authorized.

THE CONTINUING TASK

These and other actions represent significant accomplishments by the 91st Congress—politically motivated charges to the contrary notwithstanding. Nonetheless, much work remains for the 92d Congress.

It is my sincere hope that a continued realization of the seriousness and urgency of the problems which face us in the 1970's and a strong commitment to find effective solutions for these problems will characterize the 92d Congress as it undertakes this work.

A listing of some of the major actions of the 91st Congress follows:

VOTING RECORD OF CONGRESSMAN CLEMENT J. ZABLOCKI, 91ST CONGRESS

Position	Issue	Status
	NATIONAL ECONOMY	
Voted for	$1,700,000,000 reduction in nonessential Federal spending to curb inflation and reduce the tax burden	Became law.
Do	Measures to combat inflation and unemployment, including broad authority for President to impose wage, price, rent, and credit restrictions if necessary.	Do.
Cosponsored	Tax reform legislation to close tax loopholes and reduce the tax burden by more than $9,000,000,000	Do.
Sponsored	An increase in the personal and dependency income tax exemptions	Do.
Voted against	Extension of surtax at reduced rate of 5 percent until June 1970	Do.
Voted for	Increased funds to bring decent housing within the reach of more Americans and to help solve urban problems	Do.
Do	Making more money available in the home mortgage market to promote homeownership and bring down interest rates	Do.
Do	Increased funds for Federal loans to small businesses	Do.
Do	Measures to help American workers and industries hurt by sharp increases in foreign imports	Passed House, failed action in Senate.
Cosponsored	Legislation to promote Great Lakes shipping	Became law.
Voted for	Safeguards to protect investors from brokerage firm bankruptcies	Do.
Do	Earlier collection of estate and gift taxes, continuation of telephone and automobile excise taxes	Do.
Do	Continuation of Federal-aid highway program	Do.
Do	Additional relief for victims of major natural disasters	Do.

VOTING RECORD OF CONGRESSMAN CLEMENT J. ZABLOCKI, 91ST CONGRESS—Continued

Position	Issue	Status
	CONSUMER PROTECTION AND CRIME CONTROL	
Cosponsored	Creation of an independent Consumer Protection Agency	Passed Senate, failed action in House.
Sponsored	Legislation to protect consumers against false or malicious credit reports	Became law.
Do	Measures to curb the flow of mail-order pornography	Do.
Voted for	Extension of National Traffic and Motor Vehicle Safety Act	Do.
Do	Toy Safety Act to keep hazardous toys off the market	Do.
Do	Strengthened Meat Inspection Act	Do.
Do	Comprehensive program to increase the capacity and safety of the Nation's airports and airways	Do.
Do	Improved safeguards against airline hijacking	Do.
Do	Measures to improve passenger train service and railroad safety	Do.
Do	Increased aid to States and cities for law enforcement and crime prevention efforts	Do.
Do	Strong Federal measures to combat organized crime	Do.
Consponsored	Creation of a House Select Committee on Crime to study all aspects of crime in the United States	Approved and operating.
Voted for	Additional Federal judges and circuit court administrators to handle the criminal caseload	Became law.
Do	Repeal of provisions of the Gun Control Act requiring records of sales of shotgun and rifle ammunition used by hunters	Do
	POLLUTION CONTROL, CONSERVATION, AND AGRICULTURE	
Voted for	Strong measures to combat air pollution, including regulations on automobile and aircraft engine exhaust emissions	Became law.
Do	Improved water quality standards and authorization of a Great Lakes pollution control demonstration project	Do.
Do	Increased funds to aid communities in building sewage treatment facilities	Do.
Do	Establishment of an Environmental Quality Council to study and make recommendations in the area of environmental pollution	Do.
Cosponsored	Creation of an Apostle Islands National Lakeshore in Wisconsin	Do.
Do	Additional funds for the Ice Age National Scientific Reserve in Wisconsin	Do.
Voted for	Creation of a Youth Conservation Corps	Do.
Do	Prohibition against the importation of endangered species of fish and wildlife	Do.
Do	Limitations on the amount of Federal crop payments that may be received by an individual farmer	Do.
	EDUCATION AND LABOR	
Voted for	Increases in Federal aid to education funds	Became law despite President's veto.
Do	Extension of aid to public and private nonprofit schools	Became law.
Do	Action to make more guaranteed student loans available to college and vocational school students	Became law.
Cosponsored	Legislation to improve educational programs in public and private nonprofit child day care centers	Hearings in House.
Voted for	Revision of the National School Lunch and Child Nutrition Acts to help more disadvantaged children	Became law.
Do	Extension of special program to encourage the consumption of milk by children in schools and day care centers	Do.
Do	Comprehensive program to promote the health and safety of American workers	Do.
Do	Strengthened coal mine health and safety regulations	Do.
Do	Extension of unemployment insurance benefits during periods of high unemployment; extension of coverage to an additional 4,800,000 workers.	Do.
Supported	Additional Federal laws to protect those who contribute to private pension plans	Hearings in House.
Cosponsored	Manpower Act to help provide the opportunity for appropriate training and employment to every American and to help provide needed public services.	Vetoed by President.
	SOCIAL SECURITY, HEALTH, AND WELFARE	
Voted for	15 percent across-the-board increase in social security benefits effective Jan. 1. 1970	Became law.
Do	Further increases in social security benefits and improvements in the social security and medicare programs	Died in Conference.
Sponsored	Reduced social security benefits for retirees at age 60	Pending in House.
Voted for	Expanded Older Americans Act programs to aid senior citizens	Became law.
Supported	Supplemental national health insurance program	Hearings in Senate.
Voted for	3-year program of drug abuse prevention and control, including funds for rehabilitation of drug users	Became law.
Do	3-year program to help relieve a shortage of doctors in general practice	Vetoed by President.
Do	An additional $210,000,000 to help improve the quality of health care available	Became law.
Do	Continuation of grant and loan programs to build or modernize hospitals and emergency rooms	Became law despite President's veto.
Do	Comprehensive program to prevent and treat alcoholism	Became law.
Voted against	Legislation expanding the family planning and population research activities of the Federal Government	Do.
Cosponsored	Requirement that abortions in military hospitals could be performed only in accord with the laws of the State in which the hospital was located.	Pending in House.
Voted for	Stronger health warning on cigarette packages, prohibition of cigarette advertising on radio and television	Became law.
Cosponsored	National minimum standards and eligibility requirements to help curb welfare abuses	Passed by House, failed action in Senate.
Voted for	2-year extension of the antipoverty program	Became law.
Do	Expansion and reform of food stamp program	Do.
Do	Strengthened law to prevent inhumane treatment of animals	Do.
Do	Welfare reforms to make the program more adequate to those in real need and less costly in relation to benefits received	Passed by House, failed action in Senate.
	GOVERNMENT ORGANIZATION AND OPERATION	
Voted for	Replacement of the electoral college with a direct popular election of the President and Vice President	Passed by House, failed action in Senate.
Do	More efficient congressional procedures, as recommended by the Joint Committee on the Organization of Congress	Became law.
Do	An extension of the Voting Rights Act of 1965	Do.
Do	Legislation lowering the voting age to 18 years	Do.
Sponsored	Establishment of a residence hall for congressional pages	Do.
Voted for	Creation of a U.S. Postal Service to improve postal operations	Do.
Do	Census reform bill including further protections against illegal disclosure of information	Passed by House, failed action in Senate.
	SERVICEMEN AND VETERANS, NATIONAL DEFENSE AND SPACE	
Sponsored	Prohibition of assignment to a combat area for a serviceman when another member of his immediate family has been killed, captured, or disabled in a combat area.	Implemented by Defense Department.
Cosponsored	Continuation of health benefits for survivors of a serviceman killed in a hostile fire area such as Vietnam	Passed by House and Senate in different versions.
Voted for	Liberalized educational assistance for veterans	Became law.
Do	Additional $105,000,000 to increase the quality and availability of medical care for veterans	Do.
Do	Pension increases and additional income exclusions for veterans and their dependents or survivors	Do.

Position	Issue	Status
	SERVICEMEN AND VETERANS, NATIONAL DEFENSE AND SPACE—Continued	
Voted for	11-percent increase in disability compensation, liberalization of program for former prisoners of war	Became law.
Do	Extension of educational benefits and home loan assistance to dependents of those who are prisoners of war or missing in action	Do.
Do	Creation of a lottery system for the draft and reduction of draft vulnerability to 1 year	Do.
Supported	Further reforms in the selective service system	Pending in House and Senate.
Voted for	Approval of initial deployment of a modified ABM system	Became law.
	INTERNATIONAL AFFAIRS	
Sponsored	Resolution requiring the President to report to Congress whenever he committed U.S. forces abroad without prior congressional approval and reaffirming the constitutional power of Congress to declare war	Passed by House.
Cosponsored	Resolution indicating House support for the President's efforts to negotiate a just peace in Vietnam	Do.
Sponsored	Resolution calling for the humane treatment and early release of American prisoners of war held by North Vietnam and the National Liberation Front.	Passed by House and Senate.
Voted for	Resolution commending American servicemen for their efforts and sacrifices, especially veterans of Vietnam action	Passed by House.
Sponsored	Resolution urging U.S. ratification of Geneva Protocol regarding chemical and biological warfare	Hearings in House.
Do	High priority in strategic arms limitations talks with Soviet Union for a moratorium on the testing of multiple warhead missiles (MIRV's)	Favorably reported in House.
Voted for	Extension and revision of U.S. economic and military aid programs to developing countries	Became law.
Do	Increased U.S. participation in the International Development Association	Do.
Sponsored	Authority to open U.S. Information Agency materials distributed abroad to public inspection	Pending in House.
Do	Inquiry into U.S. military assistance training programs	Hearings in House.

ROLLCALL RECORD OF CONGRESSMAN CLEMENT J. ZABLOCKI, 91ST CONGRESS

Session	Total roll and quorum calls	Rollcalls	Not voting [1]	Quorum calls	Absent on Quorum [2]
1st	353	177	1	176	6
2d	459	266	15	193	13

[1] Paired on rollcall votes when possible; excused when on official business.

[2] Absence on quorum call does not necessarily mean an entire legislative day's absence.

TRIBUTE TO THE LATE ROSE McCONNELL LONG

HON. EDWIN W. EDWARDS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. EDWARDS of Louisiana. Mr. Speaker, I never had the pleasure of knowing Mrs. Rose McConnell Long personally, but one of my most vivid memories of her was the courageous manner in which she departed for Washington to fill the unexpired term of her husband, the late Senator Huey B. Long. Mrs. Long's service in the U.S. Senate is well documenetd, but what is not so well documented is the fact that she was the source of much inspiration to the people of Shreveport where she and the Senator had made their home.

Those who knew her better than I can attest to her quiet charm and dignity. Over th years many news media have made exhaustive efforts to bring her back into the public eye by having her reminisce, but it was to her credit that despite her enormous knowledge of the remarkable era in which she played such a significant role, it was never her mission to capture any of the spotlight for herself.

Louisiana has lost ont only an important personage of a tremendous era, but all of us have lost an example of what true character combined with public service is all about. I join those who knew her and those who did not, in extending my heartfelt sympathy to her distinguished son, the junior Senator from Louisiana, as well as the other members of this family which has long been in the forefront with those who have made it their business to make Louisiana a better place in which to live.

XUM

TRIBUTE TO SPEAKER JOHN W. McCORMACK

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. CULVER. Mr. Speaker, the departure from Washington of Speaker McCORMACK removes one of the commanding figures in the political history of this century. Not many men serve continuously in one legislative body for 42 years; only one man has exceeded his time of service as Speaker. No one has been so single-minded in his devotion to his two constituencies; the Members of the House and the people of Boston.

It is impossible to study the history of our times without detecting repeatedly the tenacity and skill of JOHN McCORMACK. Those of us who are Democrats are particularly conscious of his abilities. He came to Congress in the year that Al Smith ran for President. He became majority leader in 1940 and served, with but two brief interruptions, until 1962. When the voters had their brief lapses of affection for the Democrats in 1946 and 1952, JOHN McCORMACK showed equal skill as a leader of the opposition within Congress. All of us in both parties know how large an influence he has carried in most of the landmark legislation since 1933; he has known how to blend his strong political convictions with the art of effective compromise and practical achievement. There is no one among us who has shared so long and so significantly in such a large segment of our national destiny. He has never sought to escape the responsibilities of the offices he has held and he has never failed in moments of crisis and decision.

Above all, JOHN McCORMACK has never lost the capacity to feel and to express the moods and hopes of the people. As his career has progressed and his position in public life heightened, he has always kept his mind and heart attuned to the realities of our common existence and national purpose. Though the roster of his achievements and the obligations of his office have never ceased to grow, his sympathies and understanding have never lost their moorings in a life of sturdy service and faith in his fellow men.

We all wish to him and his beloved wife, many more years of happiness in the private life they now enter together.

HON. JOHN McCORMACK

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. MURPHY of Illinois. Mr. Speaker, it was the Speaker's final wish, as he so eloquently expressed it, to be remembered as "the Member's Speaker." It is not mere coincidence that his wish coincides with what was, and is, in the minds of all Members who have been fortunate enough to have served with him and to call him their Speaker.

As one who has known JOHN McCORMACK for almost 40 years, and who has known him most intimately during his speakership, I can attest to his unfaltering dedication to the prerogatives, requests, and problems of the individual Members of this House. As the Speaker himself stated:

> He has protected the rights and dignities of every Member "under the rules of the House—and a little bit beyond the rules of the House, if necessary."

JOHN McCORMACK's concern for Members transcended his official relationship with them, and became a personal commitment to each of the countless Members who sought him out. The door of his office, his mind, and his heart have always been open to me, and for that I shall be forever grateful.

The Speaker has totally served the Members of this House and, through them, the people of this Nation and of the world.

NATIONWIDE PAPERS LAND RUSSIAN TOUR

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DERWINSKI. Mr. Speaker, at a time when the belligerence of the Soviet Government is evident in its anti-American foreign affairs, persecution of Jews and Christians within the Soviet Union, and direction of Communist aggression in the Middle East and Southeast Asia, an objective attitude must be maintained concerning U.S.-Soviet relations.

The Homewood-Flossmoor Viking Chorus from my Illinois district toured the Soviet Union last spring and has been lauded as one of the most effective ambassadors of our country in recent years.

This point was dramatized in an article appearing in the Homewood-Flossmoor Star reporting on the favorable impression the Homewood-Flossmoor Viking Choir received on their tour of the Soviet Union:

NATIONWIDE PAPERS LAUD RUSSIAN TOUR

Newspapers in 32 states have carried comment to date about the Russian tour of the Viking choir of Homewood-Flossmoor high school last spring.

A syndicated article has appeared in Alabama, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia and Wisconsin.

Heads put on the article by newspapers included "There's Nothing Wrong with America," "Choir Credit to the Nation," "Promises a Punch in Nose," "Good Little Ambassador," "Well Done Teenagers," "Give Credit Where Due," "They Won By Singing," "Well Done Viking Choir," "Music, Universal Voice," "Great Ambassadors," "Young Americans in Russia," "Other Side of the Coin," and "Well Done."

Distributed to some 10,000 newspapers by Industrial News Review, the article stated:

"While rioters were stealing the headlines in the United States, a group of high school students from Flossmoor, Ill., stole the hearts of Russians during a singing tour that included not only the USSR but the Netherlands and Austria."

"Frank Starr, chief of the Moscow bureau of the Chicago Tribune, said of the 103 members of the Viking choir, "They came to Russia to sing, and sing they did . . . with gusto, spirit, and sensitivity, the choir sang spirituals, pop songs, gypsy songs, and songs from the musical show, 'Hair.'

"According to Starr, the group sang Russian songs to the Russians in Russian.

"The Vikings made their trip to the USSR during Easter vacation at their own expense and are believed to be the first American high school choir to tour the Soviet Union. The tour was termed a great success, and an official of the Institute for Soviet-American Relations called the young singers 'great little ambassadors of your great and proud country.'

"The students themselves came home with a new appreciation of their own country. One young member of the singing group seemed to express the general feeling when he said, 'Anybody that says anything's wrong with America in the next six months gets a punch in the nose.'

"The Vikings were welcomed home with expressions of praise for a job well done. Although they may not be fully aware of it, they won the gratitude of Americans for the manner on which they presented their country in what must have been a difficult undertaking."

SPEECH ON CONGRESSIONAL REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

SPEECH ON CONGRESSIONAL REFORM

I. THE CONGRESS

A. Its importance

The United States Congress is one of the most successful political institutions in the world today.

That may sound like an odd statement to make in January 1971—right after the U.S. Congress has been the subject of intense criticism. One newspaper article, typical of many, headlined an article on the Congress this way: "What ails it, and is it fatal?" Another screamed: "Is the Congress obsolete?"

Or, as a constituent wrote to me the other day, "Just what in the world have you clowns been doing down there in Washington?"

The U.S. Congress is accustomed to such remarks.

Mark Twain spoke of the U.S. Congress with a happy and malicious gleam in his eye. He would begin his lectures by saying, "Now suppose you were an imbecile, and suppose you were a Congressman, but I repeat myself."

Will Rogers, of course, had his time at bat, too. He would grumble that comedians could hardly make a living any more because their audiences were so busy laughing themselves to death over the antics of Congress. Someone asked him one time if he had any competition as a comedian and his response was, "Only when Congress is in session."

And, of course, a favorite of just about everybody is the idea that after a Congressman has served one term he should return home and try making a living under the laws he helped pass.

In the course of my remarks I'll be making some criticisms of the U.S. Congress.

It is important for you to remember that—in spite of the criticisms and the humor—the Congress has helped create a Nation more free than any other.

It is the most powerful and most respected representative assembly in the world.

It has met the great tests of American history—wars, depressions, internal strife, and even Civil War.

It is the depository of the people's power, and the image of their wisdom.

In the words of Alexander Hamilton, It is in the Congress that "the people govern".

The Congress stands as a great creation of free men. Its historic mission is—not efficiency in government, as some would insist—but the maintenance of freedom, and measured against that test, the Congress has performed its mission satisfactorily.

B. Its function

The work, the responsibility, of the Congress is enormous, and it is expanding at an accelerating rate.

In the first Congress there were 144 bills introduced. In the 91st Congress just completed, there were 25,215 bills introduced, about 175 times as many as the first Congress.

Back in 1789 to 1791 the Congress worked with a budget of $4.3 million. The expenditures for the 91st Congress will be $210.3 billion or 49,000 times more than in the first Congress.

A Congressman in 1790 represented 30,000 people. Today he represents about 470,000, or 16 times the 1790 figure.

In the early days of the republic, and well into the last century, a well informed Congressman need only acquaint himself with a half dozen major issues at most. Today it is virtually impossible for any Congressman to be expert in more than a fraction of the legislation of a typical Congress.

1. Lawmaking

The first function of the Congress is to make laws.

Lawmaking is really the reconciliation of disparate views and the management of conflict in our country.

In a democratic society the purpose of government is to soften tension and strife and to enable groups and individuals to more nearly obtain the kind of life they wish to live.

This is an exceedingly difficult role but absolutely essential. The tension and strife within a country of 210 million have to be adjusted, harmonized, accommodated. Large groups of people and individuals cannot be allowed to be disaffected from their government. There must be some procedure for wrongs to be righted and grievances redressed. There are already too many examples in today's world of people reacting violently to a government which has become an instrument of oppression.

The Congress plays an indispensable role in working out accommodation on particuuar issues. There are 435 Congressman and 100 Senators. Congressman represent districts as diverse as Manhattan island (with its four square miles) and the state of Alaska (with its 570,000 square miles).

Every Congressional district has a unique background, different needs, interests, prejudices. Each is entitled to be represented in the Congress and to have its views and grievances aired. The Congress must satisfy a nation, not just a fraction of a nation.

Let me give you an illustration of this role of the Congress in managing conflict.

There are 25 million Negroes and many white people in this country who want equality of treatment today for all Americans.

But at the same time, there are other millions of Americans who want a slowdown in the process of applying the greater equality promised by our Declaration of Independence. These people believe we have gone too fast in trying to achieve equality of opportunity. They believe that the drive for equal opportunity has been too vigorously pursued and that there is real danger to the stability and order of the Nation.

These conflicting views clash head on. Government and society have to reconcile and accommodate them, and it's not an easy thing to do.

The lawmaking function of the Congress in this context is the management of conflict. It must soften tension and strife.

Or another example. How do we divide the resources of this nation between young people and elderly people? There are almost 25 million people in this country over 65 years of age. They want adequate self-respecting systems of social insurance (social security).

On the other hand, there are almost 70 million people who are under the age of 20 and they want access to higher education. More than 100,000 of our brightest high school students in this nation every year are not able to go to college.

This nation's resources, as vast as they may be, are limited. We can't provide everything that both groups want with available resources.

The Congress, through its lawmaking function, tries to reconcile the differences.

Sometimes the Congress avoids conflict, sometimes it postpones conflict, sometimes it evades conflict. But in each of these steps the Congress furnishes a catharsis for the American people.

2. Education

Congress fulfills other roles, too. In the process of lawmaking the Congress:

Educates.

It reflects public opinion.

It helps create public opinion.

It focuses public attention on the pros and the cons of a given proposal.

It helps people to understand the need for action.

It helps people to understand the alternative proposals to resolve a particular problem.

3. Oversight

Another major function of the Congress is oversight. Making certain that legislative programs are properly administered by the Executive Branch. Many people believe that this is becoming the chief function of the modern Congress.

There are roughly 70 departments and agencies in the Federal government. In the interest of efficiency, economy, responsiveness, these departments and agencies need a continuing critical review by the Congress. The Congress exercises its oversight function through:

Its lawmaking power;

By the power of the purse; and

By investigation.

4. Representative

Another role of the Congress is to serve constituents and to communicate with them. This function is not even hinted at in the Constitution and yet it has become increasingly significant in recent years.

The Congress serves as a vital link between a vast government in Washington and the people of the nation. Nothing is more important than that an individual believe that he has ready access to his government and that he can get a speedy reply when he needs it.

Probably the most pressing day to day demands for the time of a Congressman are not directly linked to the lawmaking function. They come from constituent requests.

C. Its Character

The Congress is really a microcosm of the people of the United States. It has their virtues and their faults—humor, tragedy, high endeavor, horse-trading, industrious, tired.

At times it is strong and able; at other times, confused and timid.

The Congress is not a museum, or a monument—although the crowds that stream to it might make you think so.

It is a very human institution.

Often it acts with wisdom.

Sometimes it acts foolishly.

In 1842, Samuel F. B. Morse asked Congress for an appropriation of $30,000 to finance an experiment with his electric telegraph. Some members of the Congress hooted at the proposal. In a facetious manner, one wanted to approve it only if the money could be used to build a railroad to the moon.

D. Its members

Great men have come and gone in the United States Congress and some very small men, too.

Through the Congress have walked some of the giants of American history:

James Madison, who wrote the Bill of Rights.

Albert Gallatin. the fiscal wizard.

Fisher Ames, one of the most eloquent men in the history of the nation.

John C. Calhoun.

Daniel Webster.

Henry Clay, giants of the 19th century.

The Congress has had some colorful figures, too:

Davey Crockett of Tennessee, the frontiersman.

John Morrisey of New York, the heavyweight boxing champion of the world.

Jeremiah "Sockless Jerry" Simpson of Kansas who refused to wear socks.

James Watson of Indiana who clattered about his Congressional district in wooden shoes to impress his Dutch constituents.

"Big Tim" Sullivan, Tammany's strong-armed boss of the bowery.

But by and large the Congress is made up of men who work diligently and selflessly for the Nation, and who do not forget the solemn obligations imposed on the Congress by the Constitution.

II. CRITICISMS OF THE CONGRESS

Criticism of the Congress comes easy, and the list of criticisms is long:

Its workload is too heavy.

Its scheduling is inefficient.

Its committee chairmen are too old.

It has insufficient staff and obsolete procedures.

It spends too much time on non-policy business.

It does not use modern business equipment to facilitate its work.

It does not adequately inform the Nation of its performance and accomplishments.

It does not have a code of ethics for its Members.

Of course, criticism of the Congress is not new.

At the close of George Washington's administration Fisher Ames of Massachusetts said, "The proceedings (of the Congress) smell of anarchy".

Teddy Roosevelt, in a confidential letter to the Secretary of State, once said about the Senate that—

"More than two-thirds of the members will be found on the blackguard of the question every time."

President Wilson used to observe tartly that—

"The nation breathes easier when the Congress adjourns."

The Congress is probably the most criticized public institution in America.

If it is slow to act, it is called a do-nothing Congress. One critic defined Congress as a body of men brought together to slow down the government.

If it moves swiftly it is criticized for not giving sufficient consideration to legislation.

If it passes a lot of legislation, it is criticized for taking this country in a head-long rush toward bureaucracy, governmental control and socialism.

If it passes very little legislation, it is criticized for not meeting the urgent needs of the nation.

When this country was founded the idea was that Congress would make the laws, the President would execute them, and the Supreme Court would interpret them. Three separate but equal branches of government.

Today critics say that Congress is not even the second most influential branch of the government—it is the third.

Over the decades we have seen a profound revision of our constitutional system. It came upon us gradually. So far as I know, it was not deliberately planned. It follows the history of governments. Whoever has power and does not use it, loses it.

The Congress has been unable to use its power effectively. The President, on the other hand, has used his power with great effectiveness, and the most significant development in American governments in recent decades has been the increasing power of the Presidency.

If that trend continues, the risk is that the Congress will become impotent. My argument today is that unless major changes are made, the Congress will become ineffective.

And that would not be good for the Congress for the nation, or for you.

III. WHAT SHOULD WE DO ABOUT IT?

A. General

One evening in Washington during the Civil War, Abraham Lincoln left his stove-pipe hat on a chair in Secretary of War Stanton's reception room. When he returned to reclaim it, a very fat woman rose from the chair to bow to the President. Lincoln returned the bow and then walking behind her, picked up the remains of his hat and said to the lady, "Madame, I could have told you that my hat wouldn't fit before you tried it on".

That's precisely the problem of Congress today. The Congress has tried to fit its institutional form as it has existed for many years, to the nation's massive size, diversity, and complexity in the 1970's. And it won't fit.

The Congressional apparatus today was designed for a simpler, more leisurely world.

Because the Congress has been a successful institution in dealing with the problems of that kind of world, many persons feel it can continue without change.

I am not among them. The Congress needs help. Any institution:

That is unable to approve its own budget until 6 or 7 months after the fiscal year has already begun.

That cannot, because of complex procedures, even manage a vote on the major issues of the day (Vietnam, SST, ABM) is in need of radical surgery.

The critical question, then, is: "How do we make the Congress work? How can we make the Congress become a co-equal branch of government?"

The aim must be—

To make the Congress more responsive to the majority of its Members.

To insure better deliberation.

To favor the elected leadership of the Congress and not the leadership automatically achieved by length of service.

B. Obsolete procedures

The failure of the Congress to play its full role centers on three problems:

(1) Obsolete procedures.

(2) Weak leadership.

(3) Its public conduct.

The procedures of the House are time consuming, and antiquated. They encourage delay and discourage deliberation.

(1) Filibuster

The filibuster—or unlimited debate—allows a minority of Senators to prevent action on a bill and to talk it to death. The only way to end a filibuster is for two-thirds of the Senate to vote a time limit on debate. This is called cloture.

The change that is needed is to permit a simple majority vote of the Senate to stop the filibuster.

At issue is whether the principle of majority rule will be allowed to operate in the Senate. As of today, it doesn't.

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(2) Committee System

The Congress operates by the committee system. Committees are absolutely essential for the Congress to function. By the use of committees the Congress divides its enormous workloads into manageable components.

(a) Jurisdiction

Each committee has specific areas or subject matter jurisdictions which continue from year to year. But there is no review of the divisions of work so that the jurisdictions correspond with the actual problems facing the Congress.

For example, today at least ten committees work on the environment. Over 17 committees work on Foreign Affairs.

There are 268 Congressional subcommittees and over one-half claim some share of urban policy issues. And nowhere among them is there a central focal point where urban problems are considered in their entirety.

Likewise, there is no place in the Congress for consideration of a comprehensive national policy for the improvement of life in rural America.

Sharp jurisdictional lines often hinder proper consideration of urgent national problems. The Congress does not consider diplomatic and military aspects of foreign policy in a single context. The Armed Services Committee considers the military aspects and the Foreign Affairs Committee considers the diplomatic aspects.

Some of the major internal battles in the Congress occur over the question of which committee has jurisdiction. Committees are very jealous of their responsibilities and they will stand for no intrusion.

Some committees, like the Ways and Means Committee, have jurisdictions so broad, so complex, that they cannot give adequate consideration to many parts of their subject

This one committee handles all taxes, trade, unemployment compensation, social security, medicare, welfare—to name a few items on its agenda. The result is that critical problems, e.g., tax reforms—go for years without serious examination.

The Congress should restudy and revise its committee structure at least every ten years to assure that committee jurisdiction is based on functional lines and the work load is more evently distributed among committees.

There must be a regular and continuing effort to rationalize and clarify committee jurisdictions. A reduction in the number of present committees (26 in House, 21 in Senate) is probably desirable with broadened jurisdictions in each committee.

(b) Loss of perspective encouraged

Committees become advocates of their program. They develop, as one commentator put it, tunnel vision. The space committee member becomes enthralled with the space program, and tends to lose his perspective and balance as to where the space program fits among the national priorities.

It becomes a matter of pride for the chairman of the committee and members of the committee to get their program through the Congress. The committee system tends to make members become strong proponents of narrow programs and, lost in the process, is a concentrated effort to achieve the most difficult job of government—the setting of national priorities.

(c) Secrecy

Today much committee business is carried out in secrecy. This practice stifles the fundamental tenets of democracy.

Committee hearings, except possibly when final revisions ("mark ups") are being made. should be open to the maximum extent practicable, and roll call votes should be made public.

It is simply incredible to me that all House Appropriations Committee and subcommittee meetings are secret. As a member of Congress, I cannot attend an Appropriations Committee meeting. The public's business is not conducted in public under present rules.

3. Committee Staffing

Although some committees in the Congress are well staffed, often committee members find the committee staff lacking, with the result that they must rely on information from outsiders or from the Executive Branch.

Too many staff members are patronage employees—A friend of the committee chairman or ranking minority member.

The inadequacy of committee staffs gives the advantage to the Executive with its legions of employees and computers.

The solution is more and better staff to match the Executive Branch, the abandonment of political patronage on committee staffs, and equipping the staffs with modern computer capability in the gathering, storing, and retrieving of facts. If these things were achieved, committee staffs could identify and evaluate alternatives to the programs proposed by the President.

In addition, the Library of Congress needs to be expanded.

4. Financial Affairs

The weakness of Congressional procedures becomes most obvious in the way the Congress deals with the budget.

There is no organized procedure for the Congress to review the President's entire fiscal program. No committee of the Congress reviews the President's complete income and expense proposals. Expenditures are examined in detail by subcommittees but there isn't any organized overview.

The Congress fragments its decisions on the budget, and does not consider its impact on the economy, on credit markets or on the balance of payment position.

Today, the members of Congress on the appropriate committees become knowledgeable specialists on segments of the budget, but the very specialization, without the means of overview, has placed effective policy control in the hands of the Executive.

A number of changes in the handling of the budget are needed:

The Congress should get five to ten year forecasts of financial commitments it undertakes when supporting a new financial program. It should establish the ability to test in advance the relative effectiveness of alternative courses of action. Cost effectiveness is a standard management tool, but the Congress does not use it.

The awesome size and complexity of the federal budget requires major changes in the way the Congress handles it. A single forum must be given the task of an annual, comprehensive review of the entire range of fiscal and monetary issues presented by the President's budget. There are difficulties in this proposal in deciding what the forum will be, whether a joint committee, a combination of the present committees, or a new committee. Nonetheless, it is urgent that the difficulties be resolved, and the committee established.

I would prefer to see the consolidation of all fiscal affairs in a single committee in each chamber. Obviously this would concentrate enormous power in two new committees, but it is just such concentration of spending and taxing that is needed to assure the overview presently lacking and so critically needed.

The adoption of a calendar fiscal year would help improve the handling of the federal budget. For decades the Congress has fallen farther and farther behind the fiscal calendar. Today it is rather rare for appropriations to be completed when the fiscal year begins, the Congress simply cannot act on the federal budget in 6 months time. It must allow itself sufficient time for deliberation without bringing the Executive Branch to a halt.

The Congress should establish a Congressional budget each year with its own target for total spending, total lending, its own explanation and defense of national priorities.

Only if these steps are taken can the Congress become an effective counterbalance to the Executive.

5. Scheduling

The Congress works on a schedule that wastes time and causes conflict, inconvenience, and delay.

Although some improvements have been made recently, members do not have more than a few hours notice of the finish of the week's business. They cannot plan meetings with constituents in their districts with certainty. They cannot be sure how late the session will go each evening.

There is no regular provision for Congressional members to get home and see their constituents, to travel on government business, or to take family vacations. There is no certitude in scheduling floor and committee business.

Too much of the business is scheduled to suit the personal convenience of committee chairmen and those who attend their duties only in the middle of the week. Committee meetings are not scheduled to minimize conflicts for individual members. Members are given insufficient notice of scheduling.

Not long ago I was presiding over a bill in the House Chamber and, as we were finishing the bill, I learned to my amazement that the leadership had not decided what bill to consider next. I have seen occasions when we were actually voting on a bill, and even then the leadership did not know what the next item of business would be.

Congress has a full time job, and it needs a year round schedule. The schedule should provide for regular campaign and election recesses, periodic trips home, trips for government business, as well as family vacations. It should be announced early in the Congressional year.

Committee schedules should be laid out by computers to minimize time conflicts of Members, and flexibility in scheduling between floor and committee activities should be provided to reflect changing workloads during the year.

It is written in the stars somewhere that the Congress must always begin at noon?

The Congress always begins at noon, no matter how much or how little business is on the agenda.

At the beginning of the year when committee work is heavy and consideration of legislation on the floor light, the schedule should permit more time for committee business. At the end of the year, when committee work is light and there is much legislation to consider on the floor, the schedule should allow more time for consideration of legislation on the floor.

This flexibility would increase the time for deliberation and the quality of legislation.

6. Office Management

The Congress needs an office management service to help its members. Members spend far too much time on administrative and office management problems.

They need expert advice on staffing requirements, office procedures, filing systems, and equipment.

A Congressional office manager with central office services could provide automatic typewriting and machines for duplicating and mass mailings.

Office management today is a highly spe-

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cialized field and few legislators are trained in it. Today the Congressman has no place to turn for advice on office management.

7. Recording floor proceedings and voting electronically

Congress does not take advantage of modern electronic equipment to facilitate its work. Every visitor is astounded to observe manual note-taking to record debates instead of electronic recording and transcribing equipment.

Voting by the call of the names of members takes a half hour, but should take a few minutes by the push of a button.

8. Nonpolicy business

The Congress spends long hours on the detail management of the District of Columbia, postmaster selection and military service academy appointments. All military academy appointments and, until recently, 21,000 postmaster appointments clear through Congressional offices. The political rewards from this custom are not commensurate with the time it consumes.

The Congress should divest itself of being a city council for the District of Columbia and grant the District home rule.

C. Leadership

Congress also needs to strengthen its leadership.

(1) Anonymous power

Part of the leadership problems is that power in the House is anonymous. It rests in the hands of a very few men, who so far as the public is concerned, are not known.

Who in this assembly can name the chairman of the House Appropriations Committee? He is one of the several most important men in the United States government. He could walk in here this afternoon and none would know him.

If we are to have open decisions, openly arrived at, then, at the very least, men with vast power must be open to public view and accountability.

Congressional authority is widely scattered, and central leadership is too weak. I do not believe the Congress will be able to meet its challenges unless the internal leadership is strengthened.

This leadership issue also includes the key problem of seniority.

(2) Seniority

Seniority is the method by which positions of power in the Congress are determined. The member with the longest continuous service becomes the chairman of the committee. The system rewards survival, it ignores merit. A Congressman moves up the ladder on the committee simply by being reelected.

In January 1970 the medium age of House Committee chairmen was 68 and 66 for Senate chairmen. The seniority system has a number of drawbacks:

Advanced age of men in positions of enormous responsibility.

They are often insensitive to public opinion.

Able, young members, whose abilities are under utilized, feel frustration.

It is essential, then, that House and Senate adopt new methods for selection of committee chairmen, based on merit rather than a rigid and automatic reliance on seniority.

To improve the system the chairman of each committee should be elected by party colleagues with consideration for merit instead of automatically for length of service.

The leaders of each party in the House could nominate the person they consider most qualified for the top job, and then all members of each party would vote on their party's nominee. If the nomination were rejected, another person would be nominated and voted on.

This procedure would give leverage to the party and its leaders in dealing with committee chairmen. Today they can safely ignore their party leaders, party platforms, and public opinion.

The Democrats have controlled Congress for most of the past 40 years. Half the major House committees and ⅔rds of the major Senate committees are chaired by veteran Southern congressmen who are often out of step with the national party.

The goal should be to make the chairmen responsible to the members of his party and to the House.

Today, the chairman of the most powerful committee in the House of Representatives is not even a member of the recognized Democratic party in his state. Yet, he occupies that position of power as a Democrat.

The majority of a political party can reasonably demand that its legislative proposals be discussed, debated, and voted on by the full House. But, many of these chairmen deal and obstruct even the opportunity to discuss and vote on the issues.

The point here is that you will never go down the road to comprehensive Congressional reform without fundamental reform within the House of political parties.

In my own party, so many of the committee chairmen are Democrats in name only, a convenient affiliation they wear at election time only. Once elected they do not support the Democratic Party.

(3) Incumbancy

Congressional leadership today is made up chiefly of men who have been in the House three and four decades. As a result, Congress is denied vitality that comes from a steady flow of new blood, energy, and ideas. Long incumbancy has several disadvantages.

It increases the incumbents ties to lobbyists.

It overrepresents special interests from the one party states and Congressional districts.

And it means less vigorous leadership as physical ability diminishes.

I support a mandatory retirement age for elected representatives. Private industry has determined that age to be 65. Certainly it should not be more than seventy.

D. Public conduct

To improve its public image the Congress should adopt standards of public conduct. Action is needed in several areas.

(1) Campaign financing

The two dominant facts of political campaigns today is that they are shockingly expensive, and most of the expenditures go unreported.

We do not know from the public record where the money comes from or how it is spent.

The system has reached the point where the public interest is endangered.

The problem a candidate faces is how to finance campaigns without becoming obligated to the rich. Although present law limits contributions from any one person to a candidate, the law is easily evaded by giving the maximum contribution to many separate committees.

Present law does not require campaign committees to report the source of their funds, so the public never knows where the money is coming from.

This country needs a more open and honest system.

We are entitled to know how much was spent for what and where the money came from.

We should have strict Federal campaign finance reporting standards, covering all committees regardless of where they operate.

Campaign costs should be limited. Elected office should not be available only to the wealthy, or to those who are willing to be obligated to the wealthy.

A candidate should be required to report anything of value he has received or which has been spent on his behalf in the campaign.

Full public disclosure of all campaign contributions and expenditures is the best available means of making campaigns honest and fair.

(2) Lobby Control

The financial stakes that develop in Federal legislation, as in the trade bill, are enormous. A sentence or two can mean millions of dollars to an industry.

The current laws simply do not adequately regulate lobbying by special interests. We are entitled to know who is spending how much money and for what. But under present law we cannot find out.

Present law is so inadequate that many groups seeking to influence legislation avoid registering.

Complete information about a lobbyist's pay and purpose should be public record.

They should be required to register and to report financial information.

The government should be given the power to investigate lobby registrations and reports to assure that lobbyists are giving the public all the information the law requires.

(3) Code of Ethics

To improve its public image, the Congress should adopt a simple, clear code of ethics.

It should cover such difficult areas of conduct as conflict of interest, financial disclosure, travel, nepotism.

(a) Conflict of interest

Congressmen are frequently criticized, sometimes with justification for maintaining private business relationships. This is the so-called "conflict of interest" problem.

Conflicts of interest should be clearly defined, and members who indulge in them should be subject to censure.

(b) Financial disclosure

I support complete financial disclosure as the most adequate solution of the problem of conflicts of interest. Perhaps the code of ethics should provide the "Jefferson rule" under which a member is obliged to step aside at the time of voting if he holds a substantial interest in the pending legislation.

(c) Travel

Although Congressmen have to travel extensively to perform their jobs with understanding, there are some who use their jobs as an excuse for the junket.

The conditions under which travel at public expense are authorized should be carefully spelled out.

(d) Nepotism

Congressmen occasionally hire qualified relatives and this presents an opportunity for public misunderstanding.

Qualifications for staff should be so rigid as to permit nepotism only when it is clearly professionally justified. The burden should be on the Member of Congress who does the hiring.

IV. SOME RECENT IMPROVEMENTS

We have made a start on Congressional reform. The Legislative Reorganization Act of 1970 makes several worthwhile reforms, but it also shows that Congressional reform comes slow and comes hard.

The Reform Act will provide better information for Congressmen and the public, and will open to the public more of the operations of the Congress.

Congressmen will get more complete data on the Federal budget, with the help of data processing systems and an improved legislative reference service. Members will receive committee reports in advance of debate on a bill.

The public will know how each member voted in committee and how representatives voted on teller votes during floor debate. (On a teller vote, under existing procedures, Congressmen file up the center aisle and are counted but not recorded by name.)

Recorded teller votes is the key achievement in the reform bill. It will prevent the present practice of voting anonymously when both parties prefer not to go on record. The result of that practice has been we have no meaningful roll call vote on Vietnam, ABM, or the Supersonic Transport plane in five years.

Major areas of reform were not covered at all by the bill, especially seniority and the filibuster rule in the Senate, scheduling of legislation and regulation of lobbying.

Both parties in the House have special committees studying seniority and minor changes can be anticipated before the next Congress convenes.

None of the top House leaders were really enthusiastic for this reform bill. The coolness was all too apparent in the snail's pace of the legislative scheduling of the bill. A $20 billion military procurement bill can be brought to the floor and passed with stringent limitation on debate in one afternoon. It took three months to get the Legislative Reorganization Bill through the House, with eleven days of debate.

CONCLUSION

I am persuaded that the winds of change are blowing in the Congress. I predict the next several years will see major reform in the U.S. Congress. My voice and vote will help it along.

Major reform is needed. But it will only come about if pressure to reform is kept on the Congress from the outside. Reform means the redistribution of power. The senior members who now hold power are reluctant to give it away. You cannot reasonably expect them to. Gouverneur Morris told the Constitutional Convention in 1787 that "the mind of man is fond of power". It was then, and it still is.

That is why pressure for reform from the outside must be unrelenting.

Let me conclude with this summary. The U.S. Congress is one of the most successful political institutions in the world today.

But it has not kept pace with the demands upon it, and unless major changes are made in the way the Congress operates, the Congress will become ineffective.

The aim must be:

To make it responsive to the majority of its members.

To make it efficient by abolishing obsolete procedures.

To insure better deliberation by strengthening the democratic process.

Only then will the Congress become a coequal branch of government.

TRIBUTE TO SENATOR DODD

HON. ALAN BIBLE

OF NEVADA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. BIBLE. Mr. President, it is an honor to add my voice to those of many other Senators in paying tribute to a close friend and valued colleague, Senator Thomas J. Dodd. His departure from the Senate marks a close to 16 years of distinguished service to his State and Nation in the Congress of the United States. They were 16 years of achievement, a record in which Senator Dodd can take great pride.

His was a record containing many singular accomplishments, but I think Tom Dodd will best be remembered for his brilliant, untiring work in the critical area of crime, juvenile delinquency and drug abuse control legislation. Tom Dodd managed to forge laws that were both strong and enlightened, and the Nation owes him a debt of gratitude that could never be paid in full.

Tom Dodd served his State and Nation during difficult times of extremism and violence. Yet he approached the volatile problems of crime and lawlessness with wisdom. He was able to look beyond the anger and passion of the moment and discern that basic liberties as well as life and property were being endangered. And he fought to protect them all.

Tom Dodd is leaving the Senate, but I hope he is not leaving public service. His ability and leadership are too important to be stifled by an election reversal. My sincere best wishes for success and happiness to Tom Dodd and his wonderful wife, Grace.

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HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. BINGHAM. Mr. Speaker, during this session, the Congress, for the first time in the history of the United States, made a conscious decision to go into default on legally binding payments to an international organization by refusing to pay our dues to the International Labor Organization. I strongly opposed that decision on the floor of the House, and tried to suggest the dire implications of such action. The events leading up to it are complicated and span a number of years. Since the debate in both Houses of the Congress on the issue was very short, that background was only superficially covered.

Mr. Speaker, the January issue of the American Journal of International Law will contain an excellent editorial on this issue which reviews its background and recent developments. The author, Mr. Stephen Schwebel, is a distinguished and widely experienced international legal expert. I share Mr. Schwebel's conclusion that the cure for violation of international obligations by nondemocratic states "is not for democratic states to join in subverting international law and organization." He said further:

> Rather . . . it is for democratic states to adhere to their international obligations and to strengthen the international organizations which are so important to the implementation of those obligations.

A great many Members will, I am sure, find the facts and opinions presented by Mr. Schwebel useful, as I did. His article, "The United States Assaults the I.L.O.," follows:

THE UNITED STATES ASSAULTS THE I.L.O.

David A. Morse, after twenty-two years of distinguished service as Director General of the International Labor Office, was succeeded in May, 1970, by C. Wilfred Jenks. The election of Dr. Jenks, then Principal Deputy Director General and an official of the I.L.O. for almost forty years, although closely contested, was widely welcomed, not least by international lawyers, among whom Dr. Jenks had long been so eminent. The United States supported Dr. Jenks' election.

On July 31, 1970, Congressman John J. Rooney of New York, submitting that "this bird Jenks thinks he has inherited the ILO lock, stock and barrel . . .,"[1] concluded that "Mr. Jenks needs to be rocked. I know of only one way to rock him, cut off his water."[2] Congressman Rooney suggested that the Assistant Secretary of State for International Organization Affairs telephone the Chief of the United States Mission in Geneva, "Ambassador Rimestad and tell him to hotfoot it over to Mr. Jenks and tell him before nightfall that there will be no money for the ILO . . . ."[3] Congressman Rooney did not wish the purposes of this threat to be concealed. On the contrary, he declared that ". . . Mr. Jenks should have a copy of this record air mailed to him as soon as it is printed. . . . Maybe it will help him[4] . . . . He might change his mind. I will lay odds that he eventually will."[5]

The subject of the change so to be induced in the mind of the I.L.O.'s Director General was the appointment of an Assistant Director General of Soviet nationality (who ranks eighth in the I.L.O. hierarchy, and who heads a department concerned with social security and maritime and certain other affairs). In June, in the course of a conversation with the Deputy Under Secretary for International Affairs of the U.S. Department of Labor, George H. Hildebrand, about the appointment of a U.S. national to the senior directorate of the I.L.O. (there being none with the departure of Mr. Morse), Dr. Jenks informed him of his intention also to appoint a Soviet Assistant Director General.[6] That in turn led to consultations among U.S. labor, employer and governmental representatives in the I.L.O. and to the calling of extraordinary Hearings before a Subcommittee of the Committee on Appropriations of the House of Representatives on July 31, at which Congressman Rooney made the remarks quoted above.

His remarks, in turn, appear to have been stimulated by the testimony of George Meany, President of the AFL–CIO, Edwin P. Neilan, U.S. Employer Delegate to the I.L.O., and Mr. Hildebrand, who substantially supported suggestions by Congressman Rooney[7] that payment of I.L.O. assessments by the United States be cut off.[8] The purpose of withholding funds was candidly stated to be the exertion of pressure upon the Director General so as to lead him not to appoint, or to vacate the appointment, of a Soviet Assistant Director General. Mr. Neilan suggested that ". . . the delinquency [of the United States in withholding its payment] is not going to accomplish the purpose unless it is accompanied by a clear statement of the reason for it . . .";[9] whereupon Congressman Rooney remarked that the record of the Subcommittee's hearings would be airmailed to the Director General. That record manifests not only opposition to the appointment of a Soviet Assistant Director General but disapproval of what was alleged to be disproportionate Soviet influence in the International Labor Organization and in the International Labor Office. It was claimed that the Soviet Union gets what it wants in the I.L.O. by threatening to withhold its ten percent contribution to the budget; and the Subcommittee appeared to take up the suggestion that the United States would exert even more influence if those directing the I.L.O. could be brought to appreciate that the United States could withhold its twenty-five percent contribution.[10] The appointment of a Soviet representative was, in Mr.

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Meany's view, "the last straw."[11] Not only was the Organization inordinately influenced by the Soviet Union, in Mr. Meany's view, "It is quite obvious that the [International Labor] office is and has been for some time, in the Russian's corner."[12]

By the time of the Subcommittee's Hearings, the House of Representatives had already adopted a bill containing, among other appropriations, the remaining half of the I.L.O. assessment for 1970. Nevertheless the Subcommittee decided to invite the Senate Appropriations Committee, which had not yet acted, to strike that sum of $3,758,875 from the bill. This the Committee, led by Senator John L. McClellan, agreed to do, coupling this action with the recommendation that "the proper legislative committee review the continued participation of the United States in this organization."[13]

When these recommendations came before the Senate, Senator Javits moved vigorously to restore the I.L.O. appropriation. He noted that the United States "is bound as a matter of law to pay the assessments for the I.L.O. duly made upon it."[14] He cited a number of reasons (among them, the thrust of the Advisory Opinion of the International Court of Justice in the case of *Certain Expenses of the United Nations*) why failure to pay would detract from the interests of the United States and the United Nations community.

In reply, it was maintained that the I.L.O. was deluged with Communist propaganda;[15] that some other Members were in arrears, and that the United States would lose its vote in I.L.O. organs only after the amount of its arrears were to equal or exceed the amount of contributions due from it for the preceding two full years, and that, accordingly, failure to pay would not be a treaty violation;[16] that Soviet nationals are appointed to international secretariats upon the nomination of a single candidate for the post in question, while the United States is "discriminated against" since it has to submit a number of candidates;[17] and that representation of Soviet workers' and employers' representatives in the I.L.O., as well as the manner of choice of Soviet members of the Secretariat, represents a "double standard."[18]

At the conclusion of the debate, and before the vote, Senator McClellan asked unanimous consent to have printed in the RECORD a letter from William B. Macomber, Jr., Deputy Under Secretary of State for Administration, which, however, Senator McClellan refrained from reading out. Nor apparently did the Senator give his colleagues indication of the letter's contents. Mr. Macomber wrote that, if the cut in the I.L.O. appropriation were adopted, "Serious legal consequences will follow . . . the United States has undertaken an international legal duty to pay the share of the budget that has been voted by the I.L.O. General Conference and . . . we would be in violation of that obligation if we did not pay our full assessment."[19]

After referring to the *U.N. Expenses Case*, Mr. Macomber noted that "nonpayment of our dues to the I.L.O. could, of course, lead to the question being raised again in the International Court of Justice." And, he concluded, non-payment "would seriously weaken the ability of the United States to exert influence within the organization."[20] The vote to sustain the deletion of funds for the I.L.O. was 49 to 22, 29 Senators not voting.[21] The Senate-House Conference Committee and the House of Representatives subsequently upheld the deletion (some three weeks after the Soviet Assistant Director General took office in September, 1970).[22]

In the light of these actions, it is clear that the United States has violated international law on two counts.

First, it has violated its explicit obligation to respect the international character of the responsibilities of the Director General of the I.L.O. As do the comparable provisions of the United Nations Charter, the I.L.O. Constitution provides that the "responsibilities of the Director-General and the staff shall be exclusively international in character" and that:

"In the performance of their duties, the Director-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. . . .

"Each Member of the Organization undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities."[23]

Among those responsibilities is the appointment of staff by the Director General under regulations approved by the Governing Body (regulations followed to the letter in this case). Thus, insofar as it seeks by the threat or use of non-payment to induce the Director General to vacate his appointment of a Soviet Assistant Director General or otherwise to adjust his policies to the will of the United States, the latter thereby endeavors to influence, and indeed instruct, the Director General contrary to this important international legal obligation. As the record of the House Hearings and Senate and House debate makes clear, this is precisely what the Congress had in mind. While the Department of State did not favor the course of action initially threatened and then implemented by the Congress, it has officially communicated that action to the Director General; and failure to pay an assessment in any event must be a matter of public and official record.

Representations by states to the Secretary General of the United Nations and the Directors General of the Specialized Agencies about secretariat appointments are a commonplace. That, however, is not sufficient to legalize the pressures exerted by the United States in this instance. It is one thing for a state to express preferences to an international official about aspects of his official functions, including staff appointments (almost invariably about appointments of its own nationals); it is quite another for a state to inform an international official that, unless he takes or refrains from taking a specific action, that state will commit against the Organization a specific, grave, and, in this case, patently illegal injury. A clearer case of a state endeavoring to influence and instruct an international civil servant contrary to its international obligations would be hard to conceive.

Second, the United States has failed to meet its obligation under the Constitution of the I.L.O. to pay assessments upon it. Article 13 of the Constitution provides that the expenses of the I.L.O. "shall be borne by the Members." That this provision imports what the I.L.O. Constitution elsewhere describes as "financial obligations"[24] is the plainer in view of the interpretation of precisely that provision of the United Nations Charter by the International Court of Justice in its advisory opinion on *Certain Expenses of the United Nations*.[25]

This willful failure of the United States to pay an I.L.O. assessment, whose validity and legally binding character is not open to serious challenge, in a sense surpasses the violation of international law committed by the U.S.S.R. and allied states and France in failing to pay certain peacekeeping expenses of the United Nations. Those countries alleged (however unjustifiably) that the assessments in question were unlawful, a contention which the International Court of Justice did not sustain. But the United States can allege no illegal act to give a color of legality to its own. It does not challenge the validity of any I.L.O. assessments. The policy which the Congress has so far embraced is simply to withhold all unpaid contributions until I.L.O. policies are reshaped to suit it.

At the time when the United States ceased to press for the application of Article 19 of the U.N. Charter to the U.N. delinquents, it declared that it reserved the right not to pay future U.N. assessments if strong and compelling reasons existed for non-payment.[26] Whatever the legal force of that declaration—a question of considerable complexity and interest—the continuing delinquency of certain states in their United Nations payments cannot justify a default of the United States in the I.L.O. Moreover, in the I.L.O. there are no exceptions to collective financial responsibility to which U.S. non-payment may reasonably be claimed to be responsive. Indeed, the very rationale of the United States declaration in the United Nations is lacking in the I.L.O., for, unlike the United Nations, the International Labor Organization has consistently and automatically deprived Members in the requisite arrears of their votes in I.L.O. bodies.[27] It has not maintained a double financial standard. The deplorable double standard which the United Nations itself has maintained in respect of the payment of financial obligations due it and in the application of Article 19 has contributed to the broader undermining of the principle of collective financial responsibility in the world of international organization. But that hardly justifies the United States in making this singular contribution of its own in an I.L.O. context.

It remains to comment upon the arguments advanced in the Congress in support of cutting off payments to the I.L.O. The contention that the I.L.O. suffers a surfeit of Communist propaganda has no legal force; politically, the sensible course it to answer such propaganda rather than facilitate it by a process of United States retreat. The suggestion that because some Members are in arrears, the United States may lawfully be, rebuts itself, the more so in an organization where delinquents in the requisite arrears suffer the prescribed suspension of vote. Nor is there substance to the contention that, since two years' worth of delinquency must accrue before an I.L.O. Member loses its vote, non-payment of lesser sums is lawful; this confuses violation of the law with imposition of a sanction responsive to the violation.

The other arguments are more consequential. The United States has reason to complain that the Soviet Union is permitted to submit the name of but one candidate for a position in an international secretariat; this process in fact tends to enable the U.S.S.R. to select those of its nationals who are to be employed by international organizations, contrary to Article 101 of the United Nations Charter and comparable clauses of the constituent instruments of the Specialized Agencies. However, the situation would not be materially different if the U.S.S.R. were to submit several names for a post; the fact is that, in any totalitarian society, an international organization will have grave difficulty in freely recruiting and holding Secretariat members.

It is of course also true that Soviet workers' and employers' organizations are not free and representative in the sense in which they are in democratic countries; they hardly comport with the tripartite plan of the I.L.O.[28] But again the fact is that, in too much of the world, realities are not consonant with the structure of the I.L.O. or the ideals of the United Nations. If the Soviet Union and other non-democratic (including non-Communist) states are to be Members of the I.L.O. and the United Nations, if universality is to be put above purity, then it is plain that, up to a point, a "double standard" will have to be accepted; a standard in

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which many non-democratic states are prone to violate their international obligations more pervasively and importantly than democratic states characteristically do. The cure for this is not for democratic states to join in subverting international law and organization. Rather, it is for democratic states to fight the double standard by every lawful means; it is for democratic states to adhere to their international obligations and to strengthen the international organizations which are so important to the implementation of those obligations.

Universality is not of course the paramount goal. An international organization is meant to promote its purposes, not diffuse them. There is and will be a tension between universality and effectiveness which generalizations cannot resolve. There may come a point in a given international organization where violation by some members of their obligations will require others reciprocally to withhold performance of theirs.

What is clear in this case of assault by the United States Congress on the I.L.O. is that a sense of proportion, of intelligent and practical purpose, of legality, has been lamentably lacking. It is to be hoped that this gross display of international insensitivity and illegality will have been reversed by the time these comments appear in print; the longer it is prolonged, the greater will be the damage to the I.L.O., to international law and organization, and to the interests of the United States. (Stephen M. Schwebel).

FOOTNOTES

[1] Hearings before a Subcommittee of the Committee on Appropriations, House of Representatives, 91st Cong., 2nd Sess., "Additional Testimony on the International Labor Organization," p. 79.

[2] *Ibid*. 69.

[3] *Ibid*. 76.

[4] *Ibid*. 70.

[5] *Ibid*. 77.

[6] *Ibid*. 71.

[7] *Ibid*. 59, 68–69. Mr. Hildebrand preferred the threat of withholding payment of U.S. assessments to actual withholding (*ibid*. 76). The representative of the Department of State, Samuel De Palma, Assistant Secretary of State for International Organization Affairs, opposed deletion of appropriations for the I.L.O. (at pp. 74–75, 78).

[8] *Ibid*. 5, 59.

[9] *Ibid*. 70.

[10] *Ibid*. 59, 66.

[11] *Ibid*.

[12] *Ibid*. 75.

[13] CONGRESSIONAL RECORD, vol. 116, pt. 22, p. 29876.

[14] *Ibid*. at 29867.

[15] *Ibid*. at 29870.

[16] *Ibid*. at 29871.

[17] *Ibid*. at 29876.

[18] *Ibid*. at 29878.

[19] *Ibid*. at 29879.

[20] *Ibid*.

[21] *Ibid*.

[22] Congressional Record, House, Oct. 6, 1970, at 35165–35176. Congressman Rooney then stated "that we belonged to an organization that has become dominated by Communists. It is now nothing but a stage for Communist propaganda, and there is no reason why our taxpayers should be paying 25 percent of every dollar of cost of keeping that organization alive." (At 35166.) In response to Congressman Frelinghuysen's statement that the reduction in the appropriation would cause "a default by the United States on an assessment which has already been levied against it," Congressman Rooney replied: "There is not any question about that. That is exactly what we want to do, is it not?" (at 35174).

[23] Art. 9, pars. 4 and 5.

[24] Art. 2, par. 5.

[25] [1962] I.C.J. Rep. 158, 164; 56 A.J.I.L. 1053 (1962).

[26] ". . . [We] must make it crystal clear that if any member can insist on making an exception to the principle of collective financial responsibility with respect to certain activities of the Organization, the United States reserves the same option to make exceptions if, in our view, strong and compelling reasons exist for doing so. There can be no double standard among the members of the Organization." Ambassador Arthur J. Goldberg, in an address to the United Nations Special Committee on Peacekeeping Operations, Aug. 16, 1965, U.N. Doc. A/AC.121/PV.15, pp. 3–15; reprinted in 53 Dept. of State Bulletin 454, 456 (Sept. 13, 1965); excerpted in 60 A.J.I.L. 104 at 106 (1966).

[27] See "Article 19 of the Charter of the United Nations: Memorandum of Law," by the Office of the Legal Adviser, Department of State, in 58 A.J.I.L. 752, 772–776 (1964).

[28] Nevertheless, the International Labor Organization in 1946 extended a warm invitation to the U.S.S.R. to rejoin the I.L.O. The employers' representatives noted that the existing I.L.O. Constitution had permitted the appointment of a representative "of socialized management when the U.S.S.R. was a Member of the Organization. . . . If the U.S.S.R. resumed membership of the Organization, and the Employers' representatives shared the general desire that it should do so, it would naturally appoint as Employers' delegate a representative of the socialized management of the U.S.S.R." The Conference Delegation on Constitutional Questions unanimously concluded that "appropriate provision for the representation of socialized management and of different sections of the labour movements of Member States can be made within the framework of the present system of representation . . ." Report II (1), pp. 91–94, quoted in International Labor Organization, Record of Proceedings of the 29th International Labor Conference, 1946, pp. 358–359.

AN ARROGANT DEMAND

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. MICHEL. Mr. Speaker, I call to the attention of my colleagues, an editorial which appeared in the National Observer. Entitled "An Arrogant Demand," the editorial very appropriately questions the "no politicking" demands which were made of Frank Carlucci as the price for confirmation on his nomination as Director of the Office of Economic Opportunity.

The editorial follows:

AN ARROGANT DEMAND

Speaking of Congress, a good example of small-minded partisanship was acted out recently during a Senate Labor subcommittee hearing on the nomination of Frank Carlucci as director of the Office of Economic Opportunity.

Mr. Carlucci, a career Foreign Service officer, has eschewed political activity in the past. Sen. Edward M. Kennedy and Sen. Harold E. Hughes think that in his new job he might hit the hustings for the Administration and that that would be terrible. The senators actually asked Mr. Carlucci to promise he would not appear in political campaigns against incumbent Democratic senators.

As David S. Broder, the even-handed political analyst of the Washington Post noted last week, such a demand comes in poor grace from the Democrats—and especially from Mr. Kennedy—inasmuch as Sargent Shriver, Mr. Kennedy's brother-in-law, was a vigorously partisan political activist when he was bossing the antipoverty program. Beyond that, it is difficult to see how the OEO director can remain innocent of politics when antipoverty techniques themselves are proper subjects for political debate.

The no-politicking demand, which is just part of the capitulation sought by Senators Kennedy, Hughes, and Alan Cranston, suggests that those Democrats will support no one for the OEO post who isn't prepared to be their lap dog.

Mr. Carlucci was right in refusing to knuckle under to such arrogance—arrogance that can only make Administration-Congress relations even more difficult.

REQUIREMENTS FOR DEMOCRATIC PARTY SENIORITY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. BINGHAM. Mr. Speaker, the questions raised by the leaders of the Mississippi Democratic Party concerning the claim of certain Members of the House from Mississippi to sit in the Democratic caucus in the House and enjoy the benefits of Democratic seniority have important implications for our entire two-party system. Some of those implications were reviewed in a Washington Post editorial entitled "Is There a National Democratic Party." It urges that "a clearly stated set of standards to determine who may claim the party label for purposes of seniority" be looked into. I think a great many Members of the House will find this editorial from the December 17 issue of the Post, thought provoking. The text follows:

IS THERE A NATIONAL DEMOCRATIC PARTY?

The chairman of the Mississippi Democratic Party, Aaron Henry, has presented a most impressive challenge to the Democratic Caucus of the House of Representatives. That challenge is reproduced, in part, on this page today under the heading "For the Record." In brief, it demands that the Mississippi congressional delegation be excluded from the Democratic Caucus and be denied the committee assignments and rankings which they claim through seniority as Democrats. It will be very hard, in terms of logic or of mortality, or even of elementary common sense, to answer Mr. Henry's rhetorical question: "How long will the House Democratic Caucus give seniority to one whose major function has been to thwart the will of the majority of Democrats, especially when he is not even a Democrat in the first place?"

The assertion that the members of the Mississippi congressional delegation are not Democrats is supported by the simple fact that they refused to file with the organization recognized by the Democratic National Committee as the regular Democratic Party of Mississippi. Instead, they filed with the segregationist organization headed by Gov. John Bell Williams, whose Secretary of State has refused to register as the Democratic Party of Mississippi the organizations certified as such by the Democratic National Committee.

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There is involved in all this something much more than the conflicting ambitions of rival politicians. The essence of what is at stake is the right of Mississippi Negroes to full participation in the political process. That right will be devoid of content so long as John Bell Williams and his friends can make it so. The Democratic Party as a national organization has committed itself to fulfillment of that right. Thus, at the 1968 Democratic National Convention it seated a biracial group of Mississippi Democrats under the chairmanship of Mr. Henry and rejected the credentials of the segregationist Mississippi regulars.

The 1968 Democratic Convention also set up a Commission on Party Structure and Delegate Selection under the chairmanship of Sen. George McGovern to frame rules which would "guarantee every American who claims a stake in the Democratic Party the opportunity to make his judgment felt in the presidential nominating process." The report of that committee established wide-reaching and salutary reforms. Perhaps its example points the way toward resolution of the issue now raised so cogently by Aaron Henry.

It isn't likely, with its eyes fixed on the 1972 election, that the Democratic Caucus in the House will precipitate a Donnybrook in the party by refusing to seat the Mississippi congressmen. They ought to be put on warning, however, that their spurious tactics will no longer be countenanced. A clearly stated set of standards to determine who may claim the party label for purposes of seniority would promote confidence in the party as a responsible institution. These standards should not, of course, be so rigid ideologically as to exclude wide differences of political opinion from the party. One of the healthiest and most fruitful aspects of the American two-party system lies in the fact that the two major parties have always embraced a wide range of aims and interests.

But the Democrats need to establish procedures which will guarantee members of their party, as the McGovern Commission guaranteed in the presidential nominating process, the opportunity to make their judgment felt in the congressional nominating process. With fair notice, it should be in order to enforce those standards when the 93d Congress convenes. The fundamental question at stake here, as Mr. Henry has said, comes down to this: Is there a National Democratic Party?

THE HIGH PRICE OF BEEF

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. HUNGATE. Mr. Speaker, the following story which recently appeared from United Press International gives another example of how the coat and pants do the work and the vest gets all the gravy. At least insofar as farmers and present American society are concerned.

The story follows:

THE HIGH PRICE OF BEEF

A top government economist has charged that the cost of beef at the supermarket is higher than necessary partially because of inflexible pricing policies of the food industry.

Don Paarlberg, director of economics in the Agriculture Department, said that because of those policies, current low prices for cattle were not being passed on to the housewife by the meat packers and grocery chains.

Paarlberg called for lower retail beef prices, an appeal similar to one he issued earlier last month on pork.

The official said some of the blame for high beef prices must lie with a traditional pricing policy of shrinking the profit margin on beef when wholesale meat prices rise and widening the margin when the wholesale price drops again. The effect is stable retail prices but doesn't give the housewife the savings from lower cattle prices.

This practice, Paarlberg said, is "more inept than illegal" and not the result of collusion. But, he said, the industry "could give both farmers and consumers a better break" by holding margins steady.

Paarlberg said marketing margins for beef leaped from 32 cents a pound in 1968–69 to 37 cents during the first 11 months of 1970, and to 41 cents in December. Most of the jump of 7.3 cents came in retail stores margins, he said.

NEW YORK CONGRESSIONAL DELEGATION'S DEPARTING MEMBERS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. BIAGGI. Mr. Speaker, with the adjournment of the 91st Congress, several of our colleagues from New York will be departing from our midst. I would like to take this opportunity to join with my other colleagues from the Empire State in wishing these six gentlemen well in their future endeavors.

Jack Gilbert, who was well-liked and well-respected by his colleagues and constituents alike, has contributed much to this body and to its Committee on Ways and Means. With his return to Private Law practice in New York and Washington, I am sure he will continue to make contributions of his talents and insight for the betterment of our society.

With the departure of Leonard Farbstein this body is losing the able opinions of a man well versed in the field of foreign affairs. His outstanding record of service to this body and to his constituency will be well remembered.

A little bit of color will certainly depart with Allard K. Lowenstein. He came to this body 2 years ago in a fit of controversy and left in the same way. His time in between was no less hectic. But Al would not have it any other way. He earned the respect of all Members because of his integrity and conviction. Although I did not always agree with his stands, I could be sure of what his position was and know he would be fighting hard for it. Certainly, a constituency could ask for little more from their Representative.

Richard D. McCarthy is leaving behind him an invisible monument. His outstanding and successful efforts to remove from the U.S. arsenal the highly questionable germ warfare weapons will be long remembered. He has made a fine contribution to the entire country which is no less matched by his outstanding service to his constituency.

The politics of pollution is practiced by everyone these days, but Dick Ottinger helped write the ground rules when he first came to this body. His successful efforts in his freshman term to save the Hudson River from becoming a dead body of water will be one of his many benchmarks in his yet to be completed career.

Adam Clayton Powell, although quite controversial, was a master of the legislative process. His successes as chairman of the Education and Labor Committee in winning many battles for the little man will long be the high point of his career. During his many years of service he showed himself to be a valuable colleague and a leader.

The New York congressional delegation is by any standard a greatly representative group. All aspects of the political spectrum are represented among our number as is evidenced by those departing. These six may no longer be active Members of this body, but their past efforts will certainly be with us. They were all good friends and will be long remembered. I join with my colleagues in extending my very best wishes for their every success and good health in the coming years.

TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DELANEY. Mr. Speaker, the voluntary retirement of the Honorable John W. McCormack brings to a close one of the most distinguished records of public service ever etched in the annals of the U.S. Congress.

He has devoted his adult life to the Nation, his State, and his constituency, and has given selflessly of his time, his energy, and his outstanding talents. All America is in his debt.

The end of the 91st Congress will mark the completion of his 42 years of uninterrupted and illustrious service as a statesman. For some 25 of those years, John was entrusted by his colleagues with leadership roles in the House, first as whip, then majority leader, and ultimately as Speaker. All who were fortunate to serve with him know that he wore the mantle of leadership with great dignity and grace, and a profound sense of responsibility.

When I first came to Congress in 1944, John McCormack was widely recognized as an accomplished legislator and a proven congressional leader. It was my pleasure to meet him on the opening day of the 79th Congress and during the ensuing years I have been honored to have him as my close personal friend. His office was always open, not only to me, but to all Members, and to the humble and great from all walks of life. I shall sorely miss his companionship, his wisdom, and his counsel.

The exceptional abilities of Speaker

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McCormack were tested and proven time and time again during some of this Nation's most awesome crises: The depression of the 1930's, World War II, the cold war, the Korean conflict, the space race, the civil rights movement, the tragic death of President Kennedy, and the crisis of the cities. Seven Presidents looked to him for advice and counsel, and he participated in many of the major decisions made by our Government during those critical years.

In the hallowed Hall of the House, John McCormack regularly demonstrated his unique gifts in the art of debate. Although a vigorous advocate and proponent of his own views, he was always tolerant and considerate of the views of others. He was a leader in the fight for progressive legislation, and an ardent believer that a strong national defense is our best assurance for a long-term peace.

John McCormack has been an inspiration to countless Members over the years. He was completely dedicated, and served the public with a profound understanding of human nature. His faith in God, his devotion to his wife, and his love for this House were known to all of us. He was a man's man, and a Member's Member.

I pray that God's choicest blessings will be bestowed on our great Speaker and his gracious wife in the years to come, and that he will return often to share his wisdom with us.

SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE APPROVES RESOLUTION COMMENDING SENATOR RALPH YARBOROUGH

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. RANDOLPH. Mr. President, prior to the adjournment of Congress, the Senate Committee on Labor and Public Welfare approved a resolution "expressing profound admiration for and best wishes" to our departing chairman, Senator Ralph Yarborough. As ranking majority member of the Committee, I speak for all members in stating that we will miss the loyal devotion and dedication with which he guided and influenced legislation.

His impact, especially in the field of health and education legislation, is felt by millions of Americans. A compassionate man and one of wisdom, Ralph Yarborough provided strong leadership in pursuit of those goals which are right and just. Always courageous, energetic, and sincere, he was truly a champion of the people.

Although Ralph Yarborough will no longer be in the Senate, I am confident that his endeavors on behalf of all citizens will be continued.

Mr. President, I am privileged to ask unanimous consent that this resolution expressing tribute to a distinguished public servant, Ralph Yarborough, be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the Record:

[In the 91st Congress, Second session]

RESOLUTION OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE OF THE U.S. SENATE EXPRESSING PROFOUND ADMIRATION FOR AND BEST WISHES TO THEIR BELOVED CHAIRMAN, THE SENIOR SENATOR FROM TEXAS, THE HONORABLE RALPH W. YARBOROUGH

Whereas, our beloved colleague and distinguished Chairman, Senator Ralph W. Yarborough of Texas, is leaving us at the height of his career; and

Whereas, during his over thirteen years in the Senate of the United States he has with courage and dedication committed his heart, his intelligence, and his vision and leadership to unceasing efforts to advance the health, education, prosperity and well-being of all our people; and

Whereas, his passion for human excellence, his thirst for ever-expanding knowledge, his command of the legislator's art, and his vast experience in the councils of government have benefitted and inspired all who have had the honor to serve under him; and

Whereas, as Chairman of this Committee he has been our wise counsellor, our valiant leader, our generous benefactor and our kind friend:

Now, therefore, be it resolved, That we, the Members of the Committee on Labor and Public Welfare, express in the official minutes of the Committee our profound admiration for his matchless record of contributions to our Nation, and our best wishes to him for a long, happy, and always fruitful life.

Jennings Randolph, West Virginia; Harrison A. Williams, Jr., New Jersey; Claiborne Pell, Rhode Island; Edward M. Kennedy, Massachusetts; Gaylord Nelson, Wisconsin; Walter F. Mondale, Minnesota; Thomas F. Eagleton, Missouri; Alan Cranston, California; Jacob K. Javits, New York; Winston L. Prouty, Vermont; Peter H. Dominick, Colorado; George Murphy, California; Richard S. Schweiker, Pennsylvania; William B. Saxbe, Ohio; Ralph Tyler Smith, Illinois; Harold E. Hughes, Iowa; and Adlai E. Stevenson III, Illinois.

TRIBUTE TO SENATOR ALBERT GORE

HON. GALE W. McGEE

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. McGEE. Mr. President, the senior Senator from Tennessee has amassed a truly remarkable record of public service which encompasses a generation of lawmaking here on Capitol Hill dating back to those days prior to World War II when he came to Washington as a Member of the 76th Congress. Sixteen Congresses have met since then and have grappled with perhaps the greatest variety of problems man and his society have ever faced. But these problems have been faced and often solved. That this can be said is a tribute to the quality of men who have served. In the front ranks over the years there has always been the imposing presence of Albert Gore—for 18 years in this body and for 14 years in the House of Representatives. Albert Gore has pursued peace, progress and prosperity. He has done his best, and his best always has been good indeed. He will be missed by many here, myself included.

HON. JOHN W. McCORMACK

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. GIAIMO. Mr. Speaker, it would never be possible for me to describe all that John McCormack has meant to me, to this body and to this Nation; nor do I possess the eloquence to adequately relate such a record of achievement. I am honored, however, to have these few moments to tell my colleagues of my profound regard for the man who has been "Mr. Speaker" to us for the past 9 years.

I have known John McCormack as Speaker of the House, and I have respected his leadership. I have known him as a colleague, and I have admired his record of public service. I have known him as a friend, and I have loved him for his many kindnesses.

John McCormack has given the people of his congressional district representation without equal. By leading the fight for every major piece of social legislation passed by the Congress in the last 42 years, he has also become a representative of all Americans.

Although a great and dedicated Democrat, John McCormack has extended his support to every President of the United States since 1928 in times of peril and on measures of importance and concern to the people of this Nation. The respect and admiration felt for Speaker McCormack knows neither political nor geographical boundaries.

John McCormack's contributions to our country have made him a truly outstanding and beloved American. Through his position as the third most powerful figure in American political life, he has become, in fact, an outstanding citizen of the world.

Many men have achieved greatness in their time, yet few have found it possible, in their greatness, to hold fast to the Christian principles and goodness and compassion which are within John McCormack. Indeed, one is reminded of the words of John Wesley when he wrote:

> Do all the good you can,
> By all the means you can,
> In all the ways you can,
> In all the places you can,
> At all the times you can,
> To all the people you can,
> As long as ever you can.

Truly, these words describe the career of John McCormack—a good representative, a good friend, a good man.

I have heard him say that he wishes to be remembered as a "Member's Speaker." I believe that I speak for all of us in the House when I say, "You will be so remembered, Mr. Speaker, you will be."

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May God grant JOHN McCORMACK and his lovely family every happiness in the years to come.

It is a privilege to join in wishing him good fortune in the future.

TRIBUTE TO SENATOR RALPH YARBOROUGH

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. HARTKE. Mr. President, I am honored to join my colleagues in paying tribute to one of the hardest working and most constructive Members of this body—the distinguished senior Senator from Texas, RALPH YARBOROUGH.

When RALPH YARBOROUGH retires from the Senate this year, he will leave behind him a most impressive record of accomplishments in the fields of health, education, veterans benefits, and welfare. His accomplishments are well known to all of us. He has been a fighter for the rights of all Americans. Millions and millions of Americans enjoy fuller, more fruitful lives today because of the work RALPH YARBOROUGH did in the Senate.

I do not want to list his many accomplishments, but only to speak briefly of the philosophy and personality which have inspired his brilliant record.

I think the philosophy which RALPH YARBOROUGH has lived by for more than 12 years in the Senate has been to bring about a better and happier life for the average man and to open up the joys and opportunities of American life to the underprivileged and the poor.

His vigorous and courageous work on behalf of migrant workers and his active chairmanship of the Labor and Public Works Committee testify to that philosophy.

At a time when many people were willing to turn their backs on our needs at home, RALPH YARBOROUGH worked to make the Government serve the people and to attain adequate funding for programs which are vital to the health and well being of millions of Americans.

His actions always reflected the belief that our system of government could cope with the immense problems of our time and that it was possible to offer hope and opportunity to all Americans. He acted to help people because he believed that it was possible for the American Government to dry up the sources of bitterness and hopelessness in our society and offer better lives to the poor and underprivileged.

The depth and extent of RALPH YARBOROUGH's convictions were demonstrated time and time again by his firm allegiance to principle. As a man of deep conviction, he always had the courage to do what was right, even when it was unpopular.

While every Member of this body must deeply regret that RALPH YARBOROUGH has been taken from the Senate, I am sure we are also heartened by the example of courage and dedication which he set here in the last 12 years. No tribute could be too great for this man who has served the people and the Nation so well.

HON. WILLIAM T. MURPHY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. McCLORY. Mr. Speaker, the retirement of my longtime friend, Congressman BILL MURPHY, from the House of Representatives is an occasion for deep personal reflection on my part. BILL MURPHY and I are friends in the truest sense of the word. Our friendship extends over a period longer than my service in public office—and far longer than his service in the Congress of the United States. Indeed, our personal relationship involves the greater part of a lifetime as lawyers practicing in the courts of Cook County, Ill., and as friends who enjoyed much leisure time together in activities unrelated to the law and to public service.

While we were as yet unmarried, we vacationed together along the remote and beautiful shores of Georgian Bay in Canada. We were friends together then and have shared this friendship with many other persons whom we have known in common throughout the intervening years.

In the later period, when Alderman MURPHY—and later, Congressman MURPHY—and I had our own homes and families and our respective public careers, we shared many experiences together. I followed Congressman MURPHY's rise in the U.S. House of Representatives as a prominent member of the Foreign Affairs Committee and his steadfast application to the great national issues facing our Nation, as well as his faithful attention to his duties as a Representative of the people from the Third District of Illinois.

Mr. Speaker, Congressman MURPHY's perspective in his public service has always been enriched by his life's experiences, including his service in World War I, his family and home experience—which has been an example to be envied and emulated—and his deep concern for people, as evidenced by the intimate relationships which he developed as a ward committeeman and as a member of the Chicago City Council, as well as in his practice as a lawyer.

It is, Mr. Speaker, as I said, a moment for deep reflection on my part as I contemplate the departure from the House of Representatives of my longtime friend and colleague, Congressman BILL MURPHY. I am confident that he will not be inactive in his retirement, and I am certain that he and his lovely wife, Rose, will find many opportunities for useful service to the community and to the Nation, as well as increased time for each other and for their wonderful family.

I congratulate BILL MURPHY on his life of public service and, particularly, on his career since 1959 as a Member of this House of Representatives. I take this occasion to express to BILL MURPHY and his wife, Rose, my affection and my best wishes for happiness and satisfaction in the years to come.

WASHINGTON, D.C., STADIUM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DERWINSKI. Mr. Speaker, the Congress has before it the plan of the owner of the Washington Senators to shift to the taxpayers the responsibility that they should share with the Senators the rental of the Washington, D.C., Stadium.

Interestingly enough Chicago may soon face this same question of whether or not the taxpayers or teams which have use of the facilities should share the cost of its operation.

An editorial broadcast December 28 by WMAQ–TV, Chicago, discussing the Chicago question deserves to be analyzed in the light of the pressure that the Washington Senators owner is bringing to bear:

NEW SPORTS STADIUM

It appears that sometime during the 70's Chicago will have a new sports stadium. Mayor Daley has assembled a high-powered commission of 17 men who are supposed to be figuring out the details for the new sports palace, which will be, in Daley's words, "the world's finest."

Now we are not opposed to a new stadium. This place here, Soldier Field, is obsolete, and Wrigley Field and White Sox Park are pretty well along in age.

So we encourage the Mayor and his committee to move onward, with one provision. We feel that it would be a disgrace if the city spent any of the people's tax money on the sports stadium.

The Daley administration has been responsible for a lot of physical improvements in this city. The loop certainly does have a modern skyline. But we feel that this city has failed to provide for the needs of the people.

The children of Chicago are not receiving the quality of education that they deserve. We didn't make this up, it's well documented. There is a serious shortage of housing in this city for people with low incomes and large families. And many people in Chicago are without adequate medical facilities. But it costs money to build schools and houses and clinics. And it would be a disgrace to use any of this money for a new sports palace.

Mayor Daley has promised that the new stadium would be available to the public for recreation use. That sounds good, but wouldn't it serve the people better to have improved recreational facilities spread out all over the city?

We have said before that this city is in trouble. There is a restlessness among the people who are getting the short end of it. And that restlessness is not going to be cured by an occasional visit to watch a ball game at a glorious new stadium.

This city is in debt to its people. It is not in debt to George Halas and Philip Wrigley and John Allyn. If these sportsmen want a new place of business, they should be willing to pay for it, or find someone who is willing. It is unthinkable to ask the people of Chicago to pick up any of the tab for a new stadium.

SENATOR CHARLES E. GOODELL

HON. ERNEST F. HOLLINGS

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. HOLLINGS. Mr. President, when I first came to the Senate I had the privilege of meeting with the leaders of the economic and financial community in New York at several luncheons. I learned to know and respect Representative Charlie Goodell. He showed keen insight and judgment and, most assuredly, represented the views of his community.

On becoming Senator for the entire State, he necessarily broadened his views which were sometimes characterized as a switch in philosophy. To me his philosophy was constant and sound and unchanged—and that was to represent the best interest of all of his people.

But politics knows no gratitude and often denies what it demands. Unfortunately, he was never given the opportunity to fully represent. He was a conscientious Senator, and I enjoyed working with him.

TRIBUTE TO SENATOR JOHN J. WILLIAMS

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. HARTKE. Mr. President, I rise today to praise Senator John Williams and his distinguished 24 years service to our country. It would seem simple to praise Delaware's senior Senator, for he is a simple man, of simple habits, and of simple manner. But in this simplicity lies greatness. Although only a high school graduate, he has taught economists economics and accountants accounting. He is a silent man, a man who rarely speaks above a whisper. But when he spoke the spoilers and plunderers of this Nation trembled. In 24 years the entire Nation has learned that his simplicity is a mask for rare and great qualities.

A Supreme Court Justice was once asked what was a distinctive feature of the Supreme Court and he replied.

> Unlike almost everything else in Washington, it does its own work.

John Williams shares with the Supreme Court this rare talent of doing his own work. John Williams in doing his own work, or, as it might be phrased today, doing his own thing, has made a lasting contribution to this country. His contribution was more than exposing wrongdoers for he also restored the people's faith in the integrity of our Government. He demonstrated time and time again that our Government through its process of checks and balances could correct itself.

In the Senate and on the Senate Finance Committee, on which I had the pleasure to work with him, he was a forceful and conservative spokesman. We differed greatly on the role the U.S. Government and the possibilities of man, but while we differed, I never questioned his worth. It was this rock-ribbed consistency and pursuit of principle that have led many to call him "Mr. Integrity" or the "conscience of the Senate." While these are good and apt phrases, I prefer to think of him as the last Roman Senator—a Senator adhering to the principles of Republican Rome before the Caesars and especially to the principle that the private citizen should give himself to public service, without thought of gain, without concern of the sacrifices, performing his duties quietly and effectively and then returning with humility to private life. Mr. President, I an honored to praise the last great "Roman" Senator.

WORDS ON THE RECORD OF SENATOR DODD

HON. JAMES O. EASTLAND

OF MISSISSIPPI

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. EASTLAND. Mr. President, it was my privilege to be closely associated with the Senator from Connecticut (Mr. Dodd) perhaps more so than were many of my colleagues.

Only a short time after he came to the Senate Senator Dodd shouldered the duties of vice chairman of the Internal Security Subcommittee of which I have the honor to be chairman. From that time forward through all of his Senate service Senator Dodd gave lavishly of his time and his talents to further the work of the Internal Security Subcommittee.

I remember that for the first 6 months of 1 year—I believe it was the year 1962—I had a compilation made of the time spent by each of the subcommittee's members in attendance at its hearings. The total time so spent by Senator Dodd was the highest recorded by any member of the subcommittee and amounted to more than 33 hours of which he presided more than 21 hours. This is not by any means a measure of the total time spent by Senator Dodd on the work of the subcommittee because, of course, attendance at hearings is only one of the many time-consuming tasks imposed upon a committee chairman and Senator Dodd shared a great deal of the work of the chairmanship of the Internal Security Subcommittee.

Senator Dodd was especially meticulous in the care and attention he gave to subcommittee publications. Some of the committee's publications were special studies or reports initiated by Senator Dodd or at his request; and I doubt if there was a study or report of the subcommittee during the entire period of his membership which was not the better, in its final form, for the attention given to it by the Senator from Connecticut.

During his service as a member of this body, Senator Dodd made many valuable contributions to the work of the Senate. One of the most important of these was his long series of periodic reports to the Senate in which he documented developments connected with the world Communist conspiracy. Senator Dodd was highly knowledgeable in this field, and was always able to make sensible explanations of the twists and turns of the Communist line, to expose the advances and retreats of Communist policy and Communist diplomacy, to point out the important impacts upon the security of the United States, and to make appropriate recommendations for action by this country looking toward the preservation of our legitimate interests.

Quite obviously, Senator Dodd felt it to be one of his major duties to keep himself fully informed with respect to all of the ramifications of the cold war, in every part of the world, and to make his expertise in this regard available to his colleagues.

Another major effort was put forward by Senator Dodd in connection with his chairmanship of the Subcommittee on Juvenile Delinquency. In this field, also, he worked very hard and made major contributions. The reports and hearings of both the Internal Security Subcommittee and the Juvenile Delinquency Subcommittee will stand for a long, long time as impressive monuments to the work of Tom Dodd as a Senator of the United States.

TRIBUTE TO RETIRING SPEAKER

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. McCLORY. Mr. Speaker, in these final remarks addressed in behalf of the retiring Speaker of the House of Representatives, I must recall that throughout my 8 years of service in this body the words "Mr. Speaker" have applied only to one person—the gentleman from Massachusetts, John McCormack.

As a member of the minority party throughout these 8 years, I must aver initially that, as Speaker of the House, you have been eminently fair and considerate to me and my other Republican colleagues.

Mr. Speaker, the chronology of your life as lawyer and lawmaker has been reviewed fully in this Chamber. In addition, your personal attributes of fidelity to your district and your Nation, your vigor, and persuasiveness in debate, and your gentle nature and steadfast affection as displayed to your friends—are qualities which each of us will recall long after you have left these Halls.

Mr. Speaker, I know somewhat of the devotion which you have always shown to your beloved wife. I know also that many citizens of your State and of the Nation will continue to look to you for guidance and sage advice. In all that you do and undertake I wish you well.

In addition, I want to express personal appreciation for your many favors and courtesies shown me throughout my service as a Member of the U.S. House of Representatives. In turn, both Mrs. McClory and I extend to you and Mrs. McCormack our affection and warm personal wishes.

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SEVENTH WORLD WINTER GAMES FOR THE DEAF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. PHILBIN. Mr. Speaker, later on this month, January 25 to 30, there will be held at Adelboden, Switberland, the seventh world winter games for the deaf, an exciting event which has grown in recent years to a sports attraction holding worldwide interest and participation.

I am very proud and honored to bring to the attention of my colleagues in the House that among the participants in this seventh world winter games for the deaf is the outstanding slalom titlist, Miss Tamar Petre Marcinuk, 402 Kimball Street, Fitchburg, Mass., a constituent of mine who is a student at Fitchburg State College.

Tamara or Tammy, as she is known to her friends and associates, will defend her two slalom titles at Adelboden. Four years ago at Berchtesgaden, she won two gold medals in slalom and giant slalom and her friends and admirers are looking forward to her new achievements this year. In addition, at the Berchtesgaden competition, she earned fifth place in the downhill.

World competition is nothing new for Miss Marcinuk. In fact, she was the only girl skier from the United States in the European Alpine races for the deaf at Westendorf, Austria, in 1968 when she won all three races.

Tammy is only 20 and there is no question that new honors and laurels will be hers as she develops her skills and techniques in this highly competitive sport. She is now determined to take all three Alpine crowns at Adelboden and for this, she has been practicing since she was 11. She has worked hard for this objective, running 3 to 5 miles daily, spring and winter, bicycling and swimming, summer and fall.

Miss Marcinuk was selected for the winter games upon recommendation of the competition committee of the U.S. Deaf Skiers Association. Other competitors from Massachusetts will be Jarlath Crowe, of Northampton; George Balsley II, of Amherst; and Ronald Borne, of Hanover. Jarlath and Ronald are students at the National Technical Institute for the Deaf, which is a division of the noted Rochester Institute of Technology, Rochester, N.Y.

The competition committee was guided by the results of the following meets in which deaf skiers participated:

USDA championship races at Aspen, Colo., and Park City, Utah; eastern deaf skiers championship races; New Jersey Ski Council invitational giant slalom and downhill races for the top deaf skiers in the East, and other USSA-sanctioned races, based upon FIS-point rating, and NASTAR races, based upon handicap-point rating.

The U.S.A. contingent to the Adelboden games departs from New York on Sunday, January 17, and will return on February 7. Among the nations participating are Belgium, West Germany, East Germany, Canada, Poland, Finland, Italy, Norway, Sweden, Switzerland, Austria, Yugoslavia, Czechoslovakia, Spain, Japan, and the U.S.S.R. The Russians will have nine women and 12 men competing in the cross-country and relay events.

Mr. Speaker, the cost for each American participant in the winter games this year is approximately $1,200 for each skier. Fortunately, many public-spirited citizens throughout the United States, largely through local fundraising activities, are helping to pay the costs involved, though many of these young people are using part of their own funds to pay their way to Adelboden.

After the games, the American team will enjoy short holidays of 3 days in Berlin and London.

To Tammy and her fellow American contestants, I extend my heartiest congratulations and best wishes for success in the seventh winter games for the deaf. Win or lose, they will make new friends, have wonderful memories of their experiences abroad, and bring new prestige to this great land of ours.

I salute them and wish them well in the days ahead all through their lives.

TRIBUTE TO CONGRESSMAN WILLIAM T. MURPHY

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 29, 1970

Mr. CULVER. Mr. Speaker, it is a special pleasure to join the tributes being paid to our retiring colleague, Bill Murphy of Illinois. In the 6 years that I have been a Member of the House, I have come to know him well as a friend and as a coworker on the Foreign Affairs Committee. We have both been active together on the Africa subcommittee.

In all that he undertakes, Bill Murphy shows qualities of judgment and experience. He is always accessible, always ready to offer counsel, and invariably he adds to every occasion or meeting a special spark of good sense and good will. He is a seasoned politician having served not only 6 terms in this body, but many terms more on the Chicago city council and in a variety of important posts in the city. Chicago has had few Representatives in Washington with so deep and sure an understanding of the political and social fabric of that great city.

Though politics has been his life, partisanship that is narrow or vengeful has never been his trademark. Instead, politics has given to him a sense of calling, an appreciation of the people, for whom and with whom he lives, and an instinct for what the public interest requires. He has brought with him a zest for life and for the work of Congress, and a special capacity for friendship which all of us shall value as much in the years of his retirement as in his long years of active service.

TRIBUTE TO A GOOD AND GREAT MAN, THE SPEAKER OF THE HOUSE, THE HONORABLE JOHN WILLIAM McCORMACK

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. SIKES. Mr. Speaker, I note with profound regret that the distinguished Speaker of the House of Representatives, the Honorable John William McCormack, is retiring at the end of this session of Congress. Our skillful and beloved Speaker has earned a special place in the hearts of his colleagues, constituents, and countrymen for his devoted service, his true friendship, and his undying patriotism and dedication to the House, to his district, and to the United States of America.

A Boston constituent has said of him:

> Knowing what it is to be poor, John has never moved away from his people. . . . He's always helping some guy who's down on his luck, and he's never taken a dime. There'll never be another like him.

A former congressional chaplain has been quoted as saying that if all men lived a life like John McCormack's, there would be no need for chaplains. His personal life as well as his career is an inspiration to all those privileged to know him and serve with him.

The son of a Boston bricklayer and grandson of an immigrant who had fled the Irish potato famine, John lost his father on the eve of his graduation from grammar school. In order to support his mother and two younger brothers, he left school to work for $3 a week as a messenger for Western Union, and earned additional wages on Sundays, delivering newspapers. Lured by the salary of $4 a week, he later went to work for the law firm of William T. Way, and that barrister encouraged the boy to read law. By the time he was 21 years old, never having attended high school or college, John successfully passed the Massachusetts bar examination.

For 6 months after he began to practice law, he continued to deliver Sunday newspapers, to make ends meet. He served his country in World War I and was honorably discharged at the termination of the conflict with the rank of sergeant major. His legal practice flourished after his return to Boston, and he made a reputation as an adroit trial lawyer and built up his practice into a successful enterprise that grossed $30,000 in 1928.

The Speaker has said that politics was a natural interest to all who lived in South Boston, and it certainly appealed to him. At the age of 25, he successfully sought the office of delegate to the Massachusetts Constitutional Convention. He served in the State House of Representatives from 1920 to 1922, and in the State Senate from 1923 to 1926, the last 2 years as Democratic leader. First elected to the U.S. Congress in 1928, he has been reelected in every succeeding election. Throughout the New Deal, the

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Fair Deal, the New Frontier, and the Great Society, he has worked tirelessly to secure the enactment of the programs of Democratic administrations in Congress. Before election as Speaker in 1962, JOHN was an adept majority leader and Democratic whip.

Most of us will remember him from those days as a slam-bang fighting Irishman from Boston. In the vitally powerful and important office of Speaker, he has performed in a different manner, but he is still a witty debater who has always remained true to his principles, and who has influenced, through positive action the course of Government.

Speaker McCORMACK has been the champion of the working man, the underprivileged, and the elderly. He has put his mark on extensive legislation in the areas of health, education, welfare, civil rights, and labor. He helped write both the Wagner Act and the Social Security Act, the first minimum-wage bill was one of his special projects, and he was influential in the passage of the Civil Rights Act of 1964. He has continued to be ruled by a high personal moral code, by his understanding of the problems of other people, and by his concern for the well-being of all the people of America.

Speaker McCORMACK is rarely seen on the Washington social circuit. He owns no property, and donates much of his salary to charity. He spends most of his nonworking hours in the company of his beloved wife of many years, the former Harriet Joyce. He is not a drinking man. He is, in short, a deeply religious man, a superior leader, an outstanding Democrat, a patriotic American, a fine and true friend. He has never failed to help a colleague, to counsel when counsel was sought, to show loyalty to his ideals and to his friends, and to give of himself to the district whose every street he knows and loves. His humanity, his friendship, and his unfailing consideration are matched only by his skillful and aggressive leadership, his ability to compromise, and his knowledge of the workings of the House of Representatives. JOHN WILLIAM McCORMACK has said that if he had to choose, he would far prefer to be a good man than a great man. In his many years of service to this Nation, he has proved to be both.

We will miss him very much in this body and, as he leaves us, I heartily congratulate him upon his fine and dedicated service and wish for him and his devoted family all choicest blessings of continued good health, happiness, and peace for many years to come.

TRIBUTE TO SENATOR CHARLES GOODELL

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. McGOVERN. Mr. President, CHARLES GOODELL has made an outstanding contribution to the work of this House during his term here and he will be sorely missed.

Appointed to fill the seat of the late Robert F. Kennedy, CHARLIE GOODELL was given a heavy responsibility. To his great credit, he worked hard to fulfill the promise of humane leadership that had been made by Senator Kennedy.

CHARLIE GOODELL has shown himself to be a man of courage, sensitivity and brilliance. He laid before the Senate a proposal for setting a fixed timetable for the withdrawal of American forces from Vietnam that was the forerunner of the amendment to end the war.

It has been a source of comfort and pleasure to work side by side with him in an attempt to return to the Congress its constitutional powers over the warmaking authority. He has shown imagination and good will.

Through all the debates, sometimes stormy, on the legislation with which he has been associated, he has always shown himself to be a gentleman. I believe that he has been highly regarded by all Members of this body whatever their political affiliation or political philosophy. No matter the slings and arrows of the recent political campaign, his reputation has emerged enhanced by his personal dignity and his public service.

I am sure that CHARLIE GOODELL will remain actively involved in American political life in the coming years and we shall all be the beneficiaries.

CONGRESSMAN WILLIAM C. CRAMER

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 31, 1970

Mr. SIKES. Mr. Speaker, when the 92d Congress convenes in January, some of our valued colleagues will be missing from this Chamber. One of them is our esteemed colleague and my close personal friend, Congressman WILLIAM C. CRAMER, of Florida, who has served in the Congress with distinction for the past 16 years.

BILL CRAMER and I sit on opposite sides of the aisle in Congress. He is loyal to his party just as I am to mine. But there has been no involvement of party in our work together. We have worked closely on many matters of importance to our State and Nation. So I am very glad to attest to the devoted, patriotic, and able representation which BILL CRAMER has rendered in Washington. His record here, since he first came to serve in these historic halls, has been one of impressive achievement and of fidelity to duty.

He has served his constituency, the State of Florida, and our beloved Nation with ability and a fine spirit of dedication, patriotism, and loyalty. He has been a strong leader and an effective legislator, keenly aware of contemporary problems and ever zealous in pursuing viable solutions for them in the interests of the American people. For this he has earned the respect of all Members on both sides of the aisle.

As he leaves us, I am happy and proud to note, to recognize, and to laud the record of accomplishment that he has made while a Member of the House. As a leading and a high-ranking member of the important Public Works Committee of the House, he has fought for approval of important civil works projects not only for the State of Florida but for the entire Nation. He is at present the ranking Republican on that committee, and his services will be greatly missed. He coauthored the Interstate Highway Act which makes possible the great InterState Highway System all over America. Before the word ecology was woven into the daily vocabulary of the American people, BILL CRAMER was sponsoring laws to clean up the environment. Sixteen years ago, he sponsored the Nation's first Water Pollution Control Act and he has been a leader in the fight for clean water throughout his service here. It is important to note that he also cosponsored the antiriot law and the antibusing amendment. These are major congressional accomplishments and they are but a few of his accomplishments.

Mrs. Sikes and I heartily congratulate him upon his fine service and join with his many friends everywhere in wishing for him and his lovely wife, Alice, and their family success and happiness in all their future endeavors.

SENATOR EUGENE McCARTHY

HON. DANIEL K. INOUYE

OF HAWAII

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. INOUYE. Mr. President, nothing which I can say will add or detract from the record and the recognition which has been achieved by GENE McCARTHY. He has established a unique position in the annals of the Senate and indeed in the history of our Nation. His departure leaves a great void.

GENE McCARTHY is a man of charm, of great wit, of real intellect, and of deep concern for people. For this alone he has been recognized as a leader among men. However, GENE McCARTHY shall be remembered primarily for his vision and for his courage.

I have not always agreed with the positions taken by the Senator from Minnesota nor do I find myself in total agreement with him today. I find however, that he has had real foresight, that he recognized long before many of us were willing to admit, even to ourselves, what was happening, where we were going, and the tragedy which was in store for our Nation if we pursued an unchanged course.

He not only recognized it but he was willing to act on that recognition in an effective way without regard for the political cost to his future here in the Senate and without concern for the position and prestige of the forces which were arrayed against him. This was a mark of true courage and true leadership.

In particular I wish to commend him for providing for so many—particularly the young—a voice and a leader who thereby permitted them to express their concern and their discontent within the political system. No one will ever know what the course of events would have been had Gene McCarthy stood back. We can only speculate.

Yes, Gene McCarthy will be long remembered for his unique leadership. He has been a leader in the true democratic spirit. He has belonged to no one and yet—or perhaps therefore—he has belonged to everyone. I wish him well.

DEAFNESS NO BAR TO INTERNATIONAL SKI COMPETITION

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. JOHNSON of California. Mr. Speaker, as a Representative in Congress of one of the major winter sport areas in the Nation, which in 1960 hosted the International Olympic games at Squaw Valley. I was extremely pleased to learn of a special event which will take place in Adelboden, Switzerland, later this month. This is the VII World Winter Games for the Deaf. Thirteen young Americans, who have refused to let a physical handicap restrict them in their desire to ski and participate in other activities, will represent the United States in this international competition. I think we all should be mighty proud of the determination which these young people have shown in order to become outstanding skiers.

I am particularly proud of the fact that this group of athletes is being coached by a young man who has achieved an outstanding record in the Olympic games, Jimmie Heuga, a 1964 Olympic medal winner and also a competitor in the 1968 Winter Olympic games. A native of Squaw Valley, Jimmie has achieved national and international fame for his skiing and those of us from California are proud of him. I am especially proud of the contributions which he has made and is making to the success of the U.S. deaf team.

I want to take this opportunity on behalf of the people of California to wish the team well in their competitions against the best deaf skiers from Belgium, West and East Germany, Canada, Poland, Finland, Italy, Norway, Sweden, Switzerland, Austria, Yugoslavia, Czechoslovakia, Spain, Japan, and the Soviet Union.

Members of the team making the trip are: Tamara Petre Marcinuk, Fitchburg, Mass.; Barbara Ann Hayes, Seattle, Wash.; Diane Marie Sigota, Bronx, N.Y.; Susan Jean Stokes, Logan, Utah; Susan Mozzer, Manchester, Conn.; Jarlath William Crowe, Northhampton, Mass.; George Hoak Balsley II, West Chatham, Mass.; Robert Lee Holmes, Spokane, Wash.; Eugene Scott Sigoda, Bronx, N.Y.; Larry James Ottem, Minneapolis, Minn.; Richard John Roberts, Gloversville, N.Y.; Dan Farrell Miller, New York, N.Y.; and Ronald Gray Borne, Hanover, Mass.

In addition to Jimmie Heuga as coach, whose home now is Bear Valley, Calif., also a famous ski resort in the second district, the following officials will be making the trip: Art Kruger, USA–WGD Committee chairman, Hollywood, Calif.; James A. Barrack, tour director, Towson, Md.; Simon J. Carmel, team director, Rockville, Md.; and Gary A. Mortenson, team manager, Twin Falls, Idaho.

Mr. Kruger has written a report of the forthcoming trip for the magazine, "The Deaf American," which I insert in the Record at this point:

SPORTING AROUND

(By Art Kruger)

Switzerland is a country which doesn't like to get its hair mussed. It doesn't perspire, shiver, shout. In the world chorus, it's the whisper.

You wipe your feet before you enter Switzerland. It's as high as it is wide. Someone said if you could flatten it out it would be one of the world's biggest countries. Its biggest commodity is dirt. It has more of it packed in a smaller area than any other place, save Tibet.

You have the feeling it is holding in a belch. It's a cameo country. You have the feeling the whole country is just one of those little figurines where you wind it up and it snows and plays a little nursery tune.

Its architecture is early fairy tale. You are in Switzerland a week and you can believe in Hansel and Gretel or Heidi.

Everybody in Switzerland can make or fix a watch. Most people have one eye smaller than the other from squinting into eye pieces. They don't even make any noise walking, we were told. They're friendly but their faces don't show it. Their countenances are as wintry as their climate. They are as correct as English butlers and just as unobtrusive.

They have such a reverence for money that when you deposit some, you don't even need proof of existence. You are a number known but to God and the Bank of Suisse. They can count in four languages.

They abhor violence but they did have their riot. That was back in 1489 when they cut the head off the mayor of Zurich for spending too much money, then they built a monument to him. You can see it there today.

There hasn't been a shot fired in Switzerland since William Tell. Wars have raged around them for centuries but they sit there making watches and eating oranges. They have their Chocolate Soldier army but you have the feeling it's just another Christmas toy turned out by Swiss Craftsmen.

This will be our third trip to Switzerland when we attend the forthcoming VII World Winter Games for the Deaf, which will take place at Adelboden, Switzerland, January 25–30, 1971.

Ratified by the AAAD Administrative Board, a new World Games for the Deaf Committee of the United States has been formed to assist Chairman Art Kruger. Two members of the committee are newcomers. They are F. A. Caligiuri of La Mirada, California, and Herry M. Jacobs of Oakland, California. Mr. Caligiuri serves as the publicity director while Mr. Jacobs is the team director. Two other members are holdovers, James A. Barrack of Towson, Maryland, and Leroy L. Duning of Henrietta, New York. Mr. Duning, who teaches architectural drawing at NTID, remains as treasurer, while Mr. Barrack is the tour director.

"Cal," as F. A. Caligiuri is popularly known, formerly taught in schools for the deaf, sold insurance and has a fairly large income tax clientele. He works for the Los Angeles Times Mirror Press as a proofreader and pager. Jacobs, with a reputation of being precise and meticulous in any undertaking, is a commercial printer.

At present the committee is extremely busy with a myriad of details for the coming Winter Games for the Deaf. The committee has approved the recommendation of the Competition Committee of the United States Deaf Skiers Association and the following skiers be selected for the United States squad for the Adelboden Games:

WOMEN

Tamara Marcinuk, Fitchburg, Massachusetts.

Barbara Ann Hayes, Seattle, Washington.

Diane Sigoda, Bronx, New York.

Susan Stokes, Logan, Utah.

Susan Mozzer, Manchester, Connecticut.

MEN

Jarlath Crowe, Northampton, Massachusetts.

George Balsley II, Amherst, Massachusetts.

Robert Holmes, Spokane, Washington.

Eugene Scott Sigoda, Bronx, New York.

Larry Ottem, Minneapolis, Minnesota.

Richard Roberts, Gloversville, New York.

Ronald Borne, Hanover, Massachusetts.

Dan Miller, Erwin, Tennessee.

The criteria used to select the best deaf skiers were the following race results: (1) USDA Championship Races at Aspen, Colorado, and Park City, Utah; (2) Eastern Deaf Skiers Championship Races; (3) New Jersey Ski Council Invitational Giant Slalom and Downhill Races for the top deaf skiers in the East; (4) Other USSA sanctioned races (based upon FIS-point rating) and NASTAR Races (based upon handicap-point rating).

The USDSA Competition Committee is composed of Thomas Hassard, who competed for Uncle Sam at the Berchtesgaden Winter Games in 1967, of Union, New Jersey, chairman; Simon J. Carmel of Rockville, Maryland, Gary Mortensen of Boise, Idaho, James Liese of Denver, Colorado, and Joe Cohen of Hyattsville, Maryland, ex officio.

All except two of those selected skiers will compete in the Alpine events, which consist of slalom, giant slalom and downhill, while Alan Gifford and Susan Mozzer will participate in the cross-country races. They all will go to Adelboden—that's if we are able to raise $1,200 for each skier to make the Swiss trip.

It may interest you to know that all except three of these skiers were born deaf. One became deaf from an ear infection when she was 1½ years old. One was stricken with chicken pox when he was six months old and became deaf. And hay fever caused one to become deaf when he was one year old.

Four women and three men are college students . . . one is a high school student . . . one is a senior at the Austine School for the Deaf in Brattleboro, Vermont . . . two just graduated from the New York School for the Deaf in White Plains . . . two are daily newspaper printers . . . one is a 3M Company clerk and one is a welder.

Simon Carmel has been selected as the team director of the USA Deaf Ski Team, while Jim Heuga, a 1964 Olympic medal winner and also a member of the 1968 Olympic Ski Team, was recently appointed as coach. A 5-6, 145-pound native of Squaw Valley, California, Jim was a student at the University of Colorado, and is now a product manager of the well-known international ski company—THE LANGE CO.—in Broomfield, Colorado. He is also the technical director and coach of the Lange International Racing Camp in Mammoth, California, which nine of our selected skiers attended last July.

TRIBUTE TO SENATOR GEORGE MURPHY

HON. JOHN SHERMAN COOPER

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. COOPER. Mr. President, I take this opportunity to add a few words of my own to the expressions of my colleagues and the tributes honoring the senior Senator from California, GEORGE MURPHY.

I have known Senator MURPHY since our times together at Yale University. I was a senior; he was a sophomore, and we played football together. Among his Senate duties, I recall especially his term on the Senate Committe on Public Works, on which I serve, and his particular efforts there on air pollution control and for disaster relief.

GEORGE MURPHY has served his State well. He has been a fearless and outspoken Member of the Senate—one who speaks with firm conviction and believes in the United States and its destiny. We know that GEORGE MURPHY will continue to show forth that belief and that conviction always.

TRIBUTE TO HON. JOHN W. McCORMACK

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. BYRNE of Pennsylvania. Mr. Speaker, can anyone really imagine a U.S. Congress without JOHN McCORMACK? This body will never seem the same without him. I know personally that those rumors that JOHN McCORMACK began his career in the Continental Congress in my constituency in Philadelphia are completely without foundation. The Congressional Directory tells us that our revered Speaker was a member of only 22 Congresses—spanning almost a half century. But it does seem as if he was always with us.

Whenever I or a fellow Congressman—either a youngster or a veteran—needed advice, or guidance or help, the Speaker—and I find it difficult to think of him as anyone but the "Speaker"—always had an open door, a ready ear, and a sympathetic heart.

The Speaker would more than listen; he acted. He acted regardless of party lines and philosophies, whether the problem was House business or political, or personal.

Of course, this is a body of varied political philosophies, and the Speaker could be termed a "Yankee liberal." But perhaps a man of his stature should not be measured by his personal philosophies so much as his attitude toward the beliefs of others. Never have I heard even a hint that he ever prevented anyone from fully expressing his thoughts, no matter how diametrically opposed they may have been from the Speaker's own.

There are many fine men who sit in this body, and I have no doubt that as the years, the Congresses, and generations pass, many other great men will occupy seats in the House.

But, Mr. Speaker, I likewise have no doubt that few if any will ever reach the stature of a JOHN McCORMACK. With no disrespect intended to those who will follow him to that exalted position, I must confess that the "Speaker" to me will always be the distinguished gentleman from Massachusetts.

And if he will forgive the familiarity due to an old friendship, may I say, "Goodbye, JOHN, I wish you peace of mind and peace of soul in your retirement. I will miss you deeply; we all will. You have left your mark on the House and the Nation. We are better men, a better House of Representatives and a better Nation for that."

SPEAKER JOHN W. McCORMACK

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, as today we mark the retirement of our beloved Speaker JOHN W. McCORMACK, as we bid you this fond farewell, as we are infused with rich and wonderful thoughts and memories of what the Speaker has meant to each of us, and as the book is closed on his 42 years of distinguished and dedicated service through this great Congress of the United States to the entire people of our great Nation, I join proudly in paying highest tribute to this noble son of Massachusetts and this most impressive American. I say, Godspeed and good fortune to you always, Mr. Speaker.

As a Nation we are collectively proud of JOHN W. McCORMACK. We owe him a debt of gratitude, and our appreciation is easily rendered. However, as we individually seek the right words to describe the many attributes of our Speaker, I find that one particular line from the writing of Stephen Vincent Benet best expresses my view of JOHN McCORMACK—the essential man—and it reads: "Kindness as large and plain as a prairie wind."

I have not been privileged to serve long with JOHN McCORMACK, yet I shall always cherish that experience. And I think my colleagues will agree that JOHN McCORMACK will be remembered best for his big heart.

He was born in Boston on December 21, 1891, the son of Joseph and Mary McCormack. I have no doubt that JOHN McCORMACK's background, his own experience with a life of both hardship and challenge, contributed significantly to the growth of his great humanitarian spirit. His Irish background became his hallmark. When he came to Congress in 1928, he soon acquired the name of "the fighting Irishman from South Boston."

His legislative skills were honed earlier as a member between 1920 and 1926 of the Massachusetts House and Senate, He was elected to the 70th Congress to represent the Ninth Congressional District of my State. It did not take long for JOHN McCORMACK's remarkable leadership talents to be recognized on Capitol Hill. He was majority leader or whip in the 79th through 87th Congresses. He was elected Speaker of the House during the second session of the 87th Congress.

As events took shape so JOHN McCORMACK responded to these challenges, indicating enormous skills and deep compassion, as a confidant of Presidents and the mighty throughout the world, as a magnificent contributor to the growth and welfare of our Nation and its people. Yet, he remained a simple man, a gentle man, a kind man—and this, too, will be remembered about him. He has led us with calm restraint and dignity. He is respected, perhaps mostly highly, for those latter qualities. He has endured as Speaker despite the fearsome challenges of that office because JOHN McCORMACK's leadership is achieved through calm restraint and dignity. I think that a quotation from William Makepeace Thackeray may be applicable to his career:

> To endure is greater than to dare; to tire out hostile fortune; to be daunted by no difficulty; to keep heart when all have lost it; to go through intrigue spotless; to forego even ambition when the end is gained—who can say this is not greatness?

Mr. Speaker, I wish you and your beloved wife, Harriet, the greatest of possible happiness in your retirement and in the years to come. We shall miss you.

SALUTE TO SENATOR JOSEPH TYDINGS

HON. DANIEL K. INOUYE

OF HAWAII

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. INOUYE. Mr. President, a man's contribution as a U.S. Senator is not measured in terms of the time that he has spent in these Halls but by the impact that he has had. With all the stress which we have observed on the evils of the seniority system, and on the resulting concentration of power and influence in the hands of those who have great longevity, I want today to pay tribute to one of our more junior colleagues who has amply demonstrated the ability to surmount the obstacles of little seniority and to get things done. I speak of JOE TYDINGS.

During his 6 years here he has had more influence than many who have been here far longer. And I want you to know that this influence has been a positive influence—an influence for good. He has been both a progressive and a productive legislator with a sincere and intelligent concern for a variety of problems which increasingly affect our Nation and our people.

While JOE TYDINGS represented Maryland he nevertheless exhibited a real and abiding concern for the people of the District of Columbia in his work as chairman of the District Committee. The same can be said for his other work here in the Senate. He has been a forward-looking voice and provided strong leadership in the area of population control, in reform of the judicial system, in drug abuse legislation, in environmental quality efforts, civil rights, and many more.

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He has built an enviable record and his voice will indeed be missed as the 92d Congress convenes.

I join with his many friends here in wishing for him and for his wife all the best that life has to offer. He is most deserving.

TRIBUTE TO SENATOR McCARTHY

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. CRANSTON. Mr. President, the U.S. Senate is losing one of its most unique and scholarly Members as the senior Senator from Minnesota leaves this body. GENE McCARTHY has been more than a U.S. Senator from Minnesota. To many of the young and disenchanted citizens of our country he is a national symbol of hope that our system can be responsive to new ideas and attitudes and can develop new answers to old problems.

GENE McCARTHY's announcement in December of 1967 that he would challenge an incumbent President of his own party because he disagreed with that President on the vital issue of the war in Vietnam was a courageous decision which continues to affect the political life of our Nation.

His candidacy brought the students of America back into politics and taught them that working within the system could indeed effect change.

And his candidacy was the national catalyst for the movement against the war in Vietnam which I hope will lead to final military disengagement in Indochina and to better prospects for continuing world peace once American troops have come home.

To those of us who had known GENE McCARTHY, his decision in that winter of 1967 was unexpected but no surprise. His whole political career has been distinguished by his integrity, his insight, and his willingness to stand up for what is right.

I and many of my fellow Democrats will never forget the moving eloquence of his nomination of Adlai Stevenson before the Democratic National Convention in Los Angeles.

In the Senate his independent approach to legislation has been a refreshing departure from the prosaic and programmatic attitudes which sometimes entrap all of us.

In the Senate he voted as an individual and his individuality exuded from his statements, his votes and his actions. He represented much of what our country and its founding was and is all about.

I am certain that GENE McCARTHY's retirement from the U.S. Senate is not his retirement from American political life.

I look forward to watching GENE McCARTHY in the future as he changes his role from Senator to citizen. His past record augers well for his continuing contribution to the health and vitality of the American spirit.

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LET'S LOOK AT THE THEORY OF DOMINANT USE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the RECORD a copy of an article entitled "Let's Look at the Theory of Dominant Use" by A. J. Christiansen.

LET'S LOOK AT THE THEORY OF DOMINANT USE

(By A. J. Christiansen)

The Public Land Law Review Commission in its report at page 116 on "Grazing as a Dominant Use on Retained Lands" states:

"Few statutory guidelines exist for allocating public land resources between domestic livestock and other uses. Without such guidelines the range manager is hindered in fixing the limits of competing use. The result is that pressures, unrelated to the true capabilities of the land, may be the determining factors in allocation of the land.

"This situation will be corrected, in our view, by classifying for grazing as the dominant use those lands retained in Federal ownership and identified as being chiefly valuable for grazing of domestic livestock."

However, the real sticker here is how do you establish what is the dominant use? Wildlife prevails on most of the Public Lands where domestic livestock grazing is permitted and wildlife, and especially big game, competes with domestic livestock, to some degree, for forage and browse on Public Lands suitable for grazing.

Should the amount of money collected from the livestock industry for grazing purposes on public lands be the guideline as to whether domestic livestock grazing is the dominant use, and if so, then should the fees collected from hunting license buyers be used as a comparison to ascertain whether livestock or wildlife is the dominant use?

Lets take a look at the figures for the State of Colorado:

In 1969 the Colorado Game Fish and Parks Division collected hunting license fees from 247,086 big game hunters in the amount of $5,976,000, mostly from Elks and Deer hunters. No actual figures are available as to the amount of game harvested on Public versus Private Lands but from data collected on game kills over the years by the Game Fish and Parks Division an estimate indicates that 80% of the elk and 50% of the deer are harvested on Public Lands. A good average to use would be 65%, 65% of the license fee money collected in 1969 would credit $3,884,400 to the use of Public Lands to hunting or wildlife (65% of $5,976,000 equals $3,884,400). True this goes into the coffers of a Division of the State and not the Federal Government, yet it is created by a use of public lands, namely hunting and wildlife.

Let's contrast this with the grazing fees collected for domestic livestock grazing by the Bureau of Land Management and the Forest Service for the year 1969. The Bureau of Land Management collected $313,490 and the Forest Service collected $613,791, a total of $927,281.

Certainly dollars and cents should be an important factor in ascertaining dominant use. Therefore, the dominant use of these Public Lands should be designated as Wildlife because the hunter pays in license fees more than four times as much money into the Government coffers as does the domestic livestock industry for grazing fees for the use of these Public Lands.

Habitat and its ability to provide food and cover for wildlife is the most important factor necessary to increase our deer and elk herds. Grazing of domestic lifestock does cut down on the available food for our wildlife, especially on the winter range, which is most important if our game herds are to survive severe winters.

Domestic Livestock Operators are now complaining that the increase in grazing fees as proposed for 1971 and for the future years until the fee reaches $1.23, will put them out of business. Inasmuch as livestock grazing is NOT the dominant use of these lands it might be a good idea if they were reserved for wildlife. In this way more forage, browse and cover should be available for our big game herds and other wildlife and we could expect a substantial increase in the sport of hunting. If all big game license fees were increased $5.00 each it would produce to the Game Fish and Parks Division (247,086 x $5.00) $1,234,430 some $300,000 more than now collected for livestock grazing fees by the Bureau of Land Management and the Forest Service. These agencies would also save considerable money in the administration and policing of the grazing services. The Game Fish and Parks Division could pay to the BLM and Forest Service the money collected by this $5.00 increase in hunting license fees and they would be $300,000 better off than they are now in collecting grazing fees. This would be much better than having a Federal hunting fee to be paid by the hunter for hunting on Federal lands as suggested in the Public Land Law Review report. Most hunters would gladly pay an additional $5.00 license fee if it could result in providing more foodstuffs for our wildlife and improve the habitat which could increase our game herds.

This of course would not mean that grazing of domestic livestock should be eliminated but more consideration should be given to wildlife and its place in competition for the forage on these Public Lands, because wildlife is the dominant use.

With Wildlife as the dominant ues of these grazing lands the Federal Agencies and the Game Fish and Parks Division should take a careful look into the use of these lands. Maybe the time is here when the Sportsman's dollar should compete for the use of these grazing rights for the benefit of wildlife.

TRIBUTE TO HON. BYRON G. ROGERS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DORN. Mr. Speaker, BYRON ROGERS came to this body in January 1951, at the same time that I was returning to this body. Since that time I, as my colleagues of both parties, have developed an admiration for his diligent and effective service to the Nation. His colleagues on the great Judiciary Committee have commented on his distinguished service, and on his tireless work as chairman of the Subcommittee on Bankruptcy and Reorganization. I have known him to be a nationally minded legislator who could take a broad, nonparochial view of whatever legislation came before him. BYRON ROGERS has ably and effectively represented one of our great Western Mountain States, but he has never lost sight of national priorities. I frankly find it strange to think of a Congress without BYRON ROGERS, but the legislative history of the past 20 years, especially in areas that fall under the jurisdiction of the great House Judiciary Committee, will be a living record of his service here.

Mrs. Dorn joins me in wishing for BYRON ROGERS good fortune and success as he leaves this body. We will miss him, but hope that he will come to visit with us often.

TRIBUTE TO SENATOR THOMAS J. DODD OF CONNECTICUT

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. YARBOROUGH. Mr. President, I say goodby today to Senator TOM DODD, a man who has served in the Senate since his election to this great deliberative body in 1958.

In my estimation, Senator DODD's foremost achievements have been in the area of controlling drug abuse. He submitted the first bill ever introduced in Congress to control the sale and misuse of amphetamines and barbiturates. I was the only person available to hold the necessary hearings on this crucial piece of legislation when it was referred to the Commerce Committee of which I was a member at that time. The bill passed and became law.

In recent years as a member of the Judiciary Committee, he has continued to carry on investigations, hold hearings, and pass legislation which seeks to establish laws and enforcement procedures to combat the menace that narcotics pose to the very lives of our young people. I am proud that through the combined efforts of the Judiciary Committee and the Senate Labor and Public Welfare Committee, of which I am chairman, we were able to get the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513) enacted into law this year. It is my hope that this measure, along with others, will provide not only for the swift prosecution of drug offenders, but also for the treatment and preventive programs that are so vital if we are ever to overcome the problem of drug abuse in this country.

The Senator from Connecticut will also be remembered by future generations for his unstinting, and often unpopular, efforts in the area of gun control, and domestic security. I have disagreed, sometimes quite strongly, with some of the positions, viewpoints, and causes which TOM DODD has championed during his 12-year tenure as a U.S. Senator, but I have never questioned his loyalty, sincerity, or tenacity. I respect these characteristics in any man, and I respect them in THOMAS DODD. He is a fighter for the causes in which he believes.

TOM DODD has established a record of service in the Senate. I hope that his future years will be even more productive. I wish him well in whatever endeavor he may choose.

REPORT OF THE ACTIVITIES OF THE COMMITTEE ON PUBLIC WORKS IN THE 91ST CONGRESS

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. FALLON. Mr. Speaker, as chairman of the Committee on Public Works I report herein on its activities during the 91st Congress.

On February 4, 1969, the committee was formally organized into a structure consisting of five standing subcommittees, as follows: Rivers and Harbors, Flood Control, Roads, Public Buildings and Grounds, and Watershed Development; and the Special Subcommittee on the Federal-Aid Highway Program—investigating—the ad hoc Subcommittee on Appalachian Regional Development, and the Special Subcommittee on Economic Development Programs.

The committee had 660 bills for consideration during the first and second sessions of the 91st Congress, which were introduced or cosponsored by 394 individual Members. They deal with such subjects as navigation improvements, flood control, water pollution, environmental control, beach erosion control, hurricane protection, disaster relief, highways and highway safety, public buildings, land conveyances, watershed development, water supply, public works and economic development, Appalachian regional development, and uniform relocation and land acquisition policies.

Reported by the committee were 38 bills, 33 of which have been enacted into law. In addition, the committee adopted 62 river and harbor survey resolutions, 12 beach erosion survey resolutions, and 57 flood control survey resolutions. These resolutions authorized survey studies by the Corps of Engineers, Department of the Army, that will ultimately result in the submission of project reports to Congress.

The committee approved 36 projects pursuant to the provisions of section 201 of the Flood Control Act of 1965 which permits the Committees on Public Works to authorize, without additional congressional action, water resource development projects under $10 million. Fourteen flood control projects, 18 navigation projects, and four beach erosion projects were authorized by this procedure.

The major bills reported by the committee are:

The Water Quality Improvement Act of 1970 and the Environmental Quality Improvement Act of 1970: This legislation contains such features as control of pollution by oil. It establishes for the first time in this category a cleanup authority; it also places strict features of liability on those who would ship oil. In the matter of vessels it establishes a category of $100 per gross ton or $14 million liability whichever is the lesser and in the field of onshore and offshore installations the figure is $8 million.

It moves into the area of operation of the small boatowners who move across our Nation's waterways in ever-increasing thousands. It provides the basis for a meaningful control of pollution discharge from these vessels under the rules and regulations to be worked out jointly by the U.S. Coast Guard and the Secretary of the Interior.

For the first time it establishes a requirement that when those who seek a license or permit from a Federal agency for the use of our Nation's waters whether it be to build nuclear powerplants, steam powerplants, or any other uses of our navigable waters they must give reasonable assurances that the operation of whatever they seek to require a permit for, will not lower the water pollution standards of the waters of a particular State. It goes into the field of acid mine drainage research, pollution control in the Great Lakes, land acquisition for field laboratories for the studying of various forms of pollution; oil pollution removal research; extension of the basic research authorization program now in existing law; a clean lakes research section; language to require development of scientific knowledge on the effects of pesticides in the environment, a pilot training program and an additional program to give those who would operate our Nation's sanitary facilities the best background and experience to carry out the job for staffing for our all important Council on Environmental Quality.

Disaster Relief Act of 1969: This act provides additional assistance for the reconstruction of areas damaged by major disasters occurring after June 30, 1967, and on or before December 31, 1970.

Disaster Relief Act of 1970: This legislation establishes an entirely new basic Federal disaster relief law and repeals all of the major substantive provisions dealing with this subject which were on the statute books. This legislation takes into consideration the experiences which have been gained over the years in helping the States and local communities reestablish themselves after major disasters. Included in the legislation are provisions for State disaster plans, use and coordination of relief organizations and Federal agencies, debris removal, temporary housing assistance, small business disaster loans, Farmers Home Administration Agency loans, assistance to communities for loss of tax revenues, repair and replacement of State and local government facilities, and other additional Federal assistance.

The Federal-Aid Highway Act of 1970: This legislation, among other things, authorizes an extension of the Interstate System construction through 1976 and authorizes the ABC highway program and other related programs for fiscal years 1972 and 1973. It establishes an urban system for metropolitan areas, the first major system addition since the creation of the Interstate System. It provides for exclusive bus lane construction to facilitate urban transit systems by more effectively using the Nation's highways. It funds the highway beautification program for a 3-year period and creates a commission to report back firm

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recommendations within 1 year on some of the thorny problems involved in the beautification program. In addition, it funds highway safety activities two-thirds from the trust funds and one-third from the general fund.

River and Harbor and Flood Control Act of 1970: This legislation authorized the Army Corps of Engineers to construct, modify, or otherwise participate in the provision of 31 flood control, navigation, beach erosion, and other water resource development projects.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970: This legislation is the accumulation of lengthy and extensive efforts to develop legislation establishing a uniform policy for the fair and equitable treatment of persons who are displaced, or have their real property taken for Federal and federally assisted programs. This legislation recognizes that the Federal Government has a primary responsibility to provide uniform treatment for those forced to relocate by Federal and federally assisted programs and to ease the impact of such forced moves, and establishes the appropriate financial and other assistance for those displaced.

River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970: This legislation authorizes an increase in the monetary authorization for 13 comprehensive river basin plans previously approved by Congress, authorizes the completion of the Chesapeake Bay Basin comprehensive study and modifies the flood control projects on the Scioto River, Ohio, and the multiple purpose project at Tocks Island Dam and Reservoir, Pennsylvania and New Jersey.

John F. Kennedy Center: This legislation amended section 8 of the John F. Kennedy Center Act by increasing the authority for direct appropriations from $15,500,000 to $23 million, an increase of $7.5 million provided, as in the basic act, that this increase is matched by an equal amount of money, securities, and other property from other sources. In addition, Public Law 91–90, amended section 9 of the John F. Kennedy Center Act by authorizing an increase in the amount of bonds authorized to be issued to pay for the cost of the underground parking facilities by $5 million from the original $15,400,000 to $20,400,000.

Among other bills reported by the committee which became public law are the following:

Appalachian Regional Development Act Amendments of 1969; Regional Action Planning Commission Amendments of 1969; amendments to the Public Works and Economic Development Act of 1965;

Amended the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971;

Amended the act of August 12, 1969, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physical handicapped;

Authorized additional funds for the Library of Congress James Madison Memorial Building.

Authorized an adequate force for the protection of the Executive Mansion and foreign embassies;

Named the Federal Office Building and U.S. courthouse in Chicago, Ill., the "Everett McKinley Dirksen Building";

Granted the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin;

Amended section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority;

Changed the name of certain projects for navigation and other purposes on the Arkansas River and names the Arkansas River navigation and comprehensive development project as the McClellan-Kerr Arkansas River Navigation System;

Changed the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir; and

Named a U.S. post office and courthouse in Boston, Mass., as the "John W. McCormack Post Office and Courthouse"; a Federal office building in Baltimore, Md., as the "George H. Fallon Federal Office Building"; and a Federal office building in St. Petersburg, Fla., as the "William C. Cramer Federal Office Building."

FURTHER COMMITTEE ACTIVITIES

The committee approved 53 watershed protection and flood prevention projects transmitted to Congress by the Secretary of Agriculture through the Office of Management and Budget pursuant to the provisions of section 2 of Public Law 566, 83d Congress, as amended.

During the 91st Congress the committee approved 77 projects which includes construction, alterations, and purchases under the Public Buildings Act of 1959. These are public building projects to house Government agencies and facilities, including post offices, courthouses, customhouses, immigration quarters, warehouses, Federal office buildings, and so forth.

The committee held hearings and executive sessions almost continuously from the beginning of the Congress. In addition the subcommittees made special inspection trips to investigate flood, storm, and oil pollution damage in California; tornado and flood damage in northern Ohio; and Hurricane Camille damages in Alabama, Mississippi, and Louisiana. Subcommittees also held hearings in Texas on the Sabine River Basin, in Oklahoma and Arkansas on projects in the Arkansas River Basin; in Montana and Alaska on water resource projects in those States and on the proposed future development and use of the Alaska highway; inspected the Savannah River Basin and held hearings on its future development; as well as conducting a survey of the Tennessee Valley Authority installations in North Alabama and Tennessee; and inspected and held hearings at Sandy Hook, N.J., for an on-the-spot investigation of the waste disposal areas involved in the New York Bight area.

SPECIAL SUBCOMMITTEE ON THE FEDERAL-AID HIGHWAY PROGRAM

The Special Subcommittee on the Federal-Aid Highway Program during the 91st Congress continued to monitor the practices, policies and procedures involved in the administration of the highway program. Special attention was directed to those areas which previous inquiries and hearings identified as containing deficiencies and weaknesses. Corrective measures have been taken by the responsible Federal agencies and individual States, but the need for continuous oversight is apparent.

HIGHWAY SAFETY

Concerned with the tragic accident toll that continues to mount on the Nation's highways each year, the subcommittee carried forward its broad inquiry into the subject of highway safety, design, and operations. Opening phases of this study had analyzed roadside hazards and freeway signing and resulted in significant changes in design and construction practices.

Public hearings in 1969 opened the third phase of the overall safety study, taking a look at the nationwide lack of uniformity of traffic control devices and their effectiveness. Witnesses who enjoy national reputations in the highway safety field testified that traffic control devices, which include signs, signals, and pavement markings, have failed to do the necessary job. Supposed to have been standardized a long time ago, they are not standard. As a result, drivers operate under a confusing network of nonuniform, often contradictory, and sometimes even illegal direction that can lead them into danger.

Highway users must depend upon such devices for information, warning, and guidance to such an extent that uniform, high quality devices are necessary to the productive use and public acceptance of any highway regardless of its excellence in design. Consequently, the subcommittee considers this a subject of extreme importance and is pursuing the matter.

WET WEATHER PERFORMANCE

Attention has also been devoted to the subject of wet weather performance which includes the vitally important relationship between pavement surfaces and the steady growth of highway casualty statistics. During 1969, 15.5 million highway crashes in this country killed 56,400 Americans, while some 2 million others suffered disabling injuries, an intolerable new high. The importance of wet weather accidents is demonstrated by the fact that 9,000 persons were killed in 7,600 accidents while the roads were wet, and 376,000 suffered disabling injuries in 244,000 accidents under similar wet conditions. These facts and figures, representing what appears to be a wholly disproportionate segment of the whole accident record, clearly merit special and expeditious attention in the judgment of the subcommittee. Preliminary study has already indicated that real improvement can be had in this critical area.

ECONOMIC DEVELOPMENT PROGRAMS

During the second session the subcommittee staff, at the direction of the Chair, undertook an examination of the administration of the Economic Development Act and the impact of EDA and related economic development programs which have been established under the jurisdiction of the Public Works Committee. Following several days of public hearings before the Special Subcommittee on Economic Development Programs during the second session the investigative study was expanded and continued through the end of the Congress. An account of the hearings is set forth under another portion of these remarks.

SPECIAL SUBCOMMITTEE ON ECONOMIC DEVELOPMENT PROGRAMS

The Special Subcommittee on Economic Development Programs during the 91st Congress, first session, was directed by Chairman FALLON to begin a full-scale indepth study of the economic programs that have been enacted into law through legislation developed by the full committee in recent years. These programs include such acts as the Public Works Acceleration Act, the Area Redevelopment Act, the Appalachian Regional Development Act of 1965, and the Public Works and Economic Development Act of 1965 including the regional commissions that have been established under title V of this act.

The findings of this evaluation and review were presented to the subcommittee at hearings on September 10, 21, and 30, 1970, and can be found in committee print No. 91–47.

It is expected that the subcommittee will present the report on its evaluation early in the new Congress.

My sincere appreciation for their splendid cooperation goes to the committee members, particularly the subcommittee chairmen. Congressman JOHN A. BLATNIK, chairman of the Subcommittee on Rivers and Harbors and the Federal-Aid Highway Program Subcommittee; Congressman ROBERT E. JONES, chairman of the Subcommittee on Flood Control, and the Ad Hoc Sucommittee on Appalachia; Congressman JOHN C. KLUCZYNSKI, chairman of the Subcommittee on Roads; Congressman KENNETH J. GRAY, chairman of the Subcommittee on Public Buildings and Grounds; Congressman JIM WRIGHT, chairman of the Subcommittee on Watershed Development; and Congressman ED EDMONDSON, chairman of the Special Subcommittee on Economic Development Programs.

To Congressman WILLIAM C. CRAMER, of Florida, the ranking minority member of the committee, as well as the other able Members of the minority side who have done much to further the work of the committee, I wish to extend my deep and sincere appreciation also.

To all the staff of the committee and subcommittees may I thank you sincerely for a job well done.

In closing, may I point out that this is but a biref summary of the extentive activities of the Committee on Public Works during the 91st Congress, and a complete and detailed history of the committee's activities can be found in committee print No. 91–52, published by the committee.

TRIBUTE TO SENATOR JOE TYDINGS

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. CRANSTON. Mr. President, JOE TYDINGS' campaign slogan was, "He never ducks the tough ones," and unlike most campaign slogans it was an understatement of the truth. For JOE TYDINGS took the lead in many of the tough fights in the Senate: in gun control, in making the District of Columbia liveable, and in civil rights.

I am sorry to see him leave the Senate. He was not one of those who hid when a tough issue came up. He had the intelligence and courage to consider each issue objectively and decide, on its merits, if it would benefit the people of Maryland and of the Nation. He did not follow any crowds; he led them.

As chairman of the Subcommittee on Improvements in Judicial Machinery, Senator TYDINGS' contributions to our judicial system will stand for years as monuments to his Senate record. The Congress enacted his legislation creating a Federal Judicial Center, replacing the old, part-time U.S. Commissioners, and his legislation improved our jury selection procedures.

As chairman of the Senate District Committee, JOE shattered precedents in moving legislation through his committee. The election to be held in a few weeks of a District of Columbia delegate to Congress owes much to his awareness and sensitivity to the needs of this struggling city. He achieved and overhauled and restructured District of Columbia court system as well as the first citywide drug program in the Nation providing treatment for all addicts.

On Sunday, the President used the term "landmark" when he signed JOE TYDINGS' bill creating an Office of Population and Family Planning in the Department of Health, Education, and Welfare.

Three years before conservationists convinced America it might be murdered by its own technology, JOE drafted the National Estuarine Pollution Study to save our estuaries from extinction. He has been a strong supporter of antipollution legislation. His persistent efforts to outlaw soring of the hooves of Tennessee walking horses in their training resulted in a law ending that barbarous practice.

He worked for the Voting Rights Act of 1965, and its extension 5 years later. He led the floor fight for the Open Housing Act of 1968.

JOE has all the ingredients of a fine Senator, as well as a lovely wife and family, a dedicated staff, and a proud family heritage of public service. We will miss him in the Senate. Every American will be poorer for his absence, and I hope he keeps that in mind.

Even though you leave us in the Senate, JOE, I hope you keep fighting. I know you will not start ducking tough ones now.

CREDITORS EASE WAY FOR SHORT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. HUNGATE. Mr. Speaker, the following article which appeared in the Washington Post should be of interest to my colleagues particularly those on the District of Columbia Committee as apparently we will be ask to transfer the Robert Francis Kennedy Stadium from the District of Columbia to the Department of Interior and to grant a more favorable rental agreement. Since the 1970 rent has not been paid and the Armory Board is owed $110,000, it should be interesting to learn what might be considered a "more favorable" rental agreement.

The article follows:

CREDITORS EASE WAY FOR SHORT

(By Shirley Povich)

The critical financial squeeze of the Washington Senators, admitted by owner Robert E. Short, has been eased for him by the American Security and Trust Co. and other major creditors.

The Washington Post has learned that the bank, which holds a first trust of $2 million on the Senators' franchise, has agreed to defer, or "roll over," a $1 million payment due Tuesday, Jan. 12, plus interest of $180,000 also due on that date.

The Senators' largest creditor, the estate of James H. Johnston, also will "agree to go along" with the decision of the American Security and Trust Co., The Post was informed.

An interest payment of $154,000 on a $2.2 million loan to Short by the trustees of the Johnston estate has been overdue since Dec. 31.

LEMON DEFERS PAYMENT

James E. Lemon, former partner of the late Mr. Johnston before sale of the team to Short in early 1969, has agreed to postpone payment of overdue interest of $77,000 on the $1.1 million note he holds against the team. Lemon now is a 10 per cent partner of Short.

The Senators' owner who, in several conferences with his creditors, has asked relief from a threat of bankruptcy, pointed out that he expected other financial help in the form of advance payments of nearly $500,000 on the television and radio contracts.

Short said he also is hopeful of an early act by Congress at its next session that would transfer jurisdiction of Robert F. Kennedy Stadium from the District of Columbia to the Interior Department and lead to a more favorable rental and concessions agreement.

Meanwhile, the baseball team has not paid its stadium rent for the 1970 season, and owes the Armory Board $110,000. Hotels and airlines also are standing in line for payment of overdue bills against the Senators.

"HE PAID TOO MUCH"

Short has attributed his money squeeze to the financial crunch of his other holdings,

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trucking and hotel investments, during the soft economy of the past year. "We also had anticipated a home attendance of a million fans in 1970," he said, "but the team's last-half slump cut that down." The Senators drew 824,780.

One Washington banking figure put Short's difficulty in other terms: "He simply paid too much for the team ($9.4 million) at those high interest rates prevailing in 1969."

For the money-pinched Senators, the anomaly is that in signing pitcher Denny McLain and outfielder Curtis Flood in recent months, they became the only team in major league history with three players in the $100,000 salary bracket. Frank Howard is the third.

TRIBUTE TO SENATOR RALPH YARBOROUGH

HON. JOHN SHERMAN COOPER

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. COOPER. Mr. President, the work and accomplishments of the senior Senator from Texas, RALPH YARBOROUGH, have already been recognized by my colleagues in their tributes and expressions of affection for him.

I served with RALPH YARBOROUGH on the Senate Committee on Labor and Public Welfare, and know well his initiative, his charm, and his perseverance and tenacity. During his long service in Congress, Senator YARBOROUGH has been an effective advocate of health measures, of fair working conditions, and of occupational health and safety legislation. He has been a great worker for his State of Texas.

Above all, RALPH YARBOROUGH is a man of, and for, the people. The Senate will not be quite the same without him.

TRIBUTE TO SENATOR GORE

HON. STUART SYMINGTON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. SYMINGTON. Mr. President, it is with particular sadness that I watch the departure of the senior Senator from Tennessee, ALBERT GORE.

My association with the Senator from Tennessee has spanned my entire 18 years in the Senate. Both of us came to the Senate in the class of 52. Since that time my colleague has compiled a distinguished record in the work of the Senate, frequently being compared with such previous great members as Webster, Clay, and Calhoun.

ALBERT GORE has put his imprint upon the State of Tennessee, the Nation, and the U.S. Senate. His singular accomplishments have changed the course of our Nation. Early in his career he sponsored the historic 1956 Highway Act, which started the interstate highway system. He has diligently worked on the Foreign Relations Committee and for the betterment of East-West relations. It was my privilege to be associated with the Senator from Tennessee on the Senate Public Works Committee as a member of the Highways Subcommittee, of which he was chairman, at the time the 1956 Highway Act was passed and, more recently, to work with him on the Foreign Relations Committee.

In domestic legislation, particularly as a member of the Finance Committee, ALBERT GORE has rendered outstanding service in getting tax reform and social security amendments of particular benefit to the less affluent of our Nation. His leadership in these areas have earned him the respect and admiration of his fellow Senators.

In these difficult times, we will miss the abilities, the integrity, and the friendship of ALBERT GORE in the 92d Congress, but know full well that he will continue to work and influence our Nation.

URGES CONTINUED INDEPENDENCE OF SBA

HON. ALAN BIBLE

OF NEVADA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. BIBLE. Mr. President, ordinarily, it has not been my practice to attach credibility to rumors in this Capital City where these are almost an inherent stock in trade. However, there are disconcerting rumbles and reports circulating both in the Halls of Congress and in the executive departments downtown and in the press that plans may be in the formative stage to merge the Small Business Administration into a new agency whose major thrust would be the development of minority enterprise.

As chairman of the Senate Small Business Committee and one who believes that America's small businessmen deserve the best their Government can help to provide them, I believe I can assure those who may be thinking about accomplishing any such goal or goals that they are in for a fight on Capitol Hill.

The role of the Congress in discouraging plans to end the independence of the Small Business Administration is well known. During the Kennedy-Johnson administration, one merger effort was shot down before it became fully airborne. Almost 2 years ago Secretary of Commerce Maurice Stans, in a statement at the National Press Club, declared that:

> The Small Business Administration by definition belongs in the Department of Commerce.

At that time, congressional reaction came swiftly. There was a strong resolution submitted to the President from the Senate Small Business Committee opposing any such plan. There were strong statements made before the Senate by five or six Senate committee chairmen and other Senators protesting any effort to cut away the independence of SBA.

So there will be no doubt about that position, I ask unanimous consent that the Senate Small Business Committee's resolution of March 18, 1969, together with a letter of the same date transmitting such to the President be printed in the RECORD at the conclusion of my remarks.

Mr. President, I do not believe any minds have been changed in the past 2 years wherein there would be any meaningful support in the Congress for advocating the merger of SBA into the Commerce Department, irrespective of how it was sugar-coated with other functions being combined into its activities.

We are hearing much talk these days about various reorganization plans that may be coming along to the Congress. The highly respected Washington publication, the National Journal, on December 26, 1970, carried an indepth article entitled "Minorities Report: Panel Seeks Broader Federal Program To Help Non-White Business Ventures," and written by Jonathan Cottin. This article dealt at length with some of the problems of the Nixon administration in its efforts to put together a meaningful minority enterprise program and some of the pluses but mostly the minuses of the Commerce Department's Office of Minority Business Enterprise over the past year and one-half.

Briefly, a staff report of the President's Council on Minority Enterprise, according to the National Journal, is slated to be considered by that Council on January 15, which recommends:

First. Creation of an independent Agency for Expanded Ownership, to include the Small Business Administration, the Economic Development Administration, and the Office of Minority Business Enterprise, with assigned programs from the Office of Economic Opportunity and the Agriculture Department.

Second. Organization of an Agency for Expanded Ownership within the Department of Commerce.

Third. Creation of a quasi-public corporation to handle the same programs proposed for the Agency for Expanded Ownership, with money and staff provided by private sources.

During 1969, the Senate Small Business Committee focused its attention for 6 days of public hearings on the administration's key effort, the Commerce Department's Office of Minority Business Enterprise, to bring together a forceful and realistic program to help minorities enter and survive as business proprietors. Our committee concluded, after 10 months of OMBE's operation that:

> A defined and/or ongoing program for developing minority enterprise on a national scale would seem very much in doubt.

The Small Business Committee concluded at that time in a formal report that:

> A meaningful minority business program should be developed by the Nixon administration with defined goals, but that any such development should be carried out without detriment to regular loan and assistance programs operated by the Small Business Administration for all small businessmen generally.

Therefore, Mr. President, we are most hopeful that those in the executive branch with reorganization ideas keep in mind with proper perspective that the

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Congress established SBA during the Eisenhower-Nixon administration in 1953 to help all small businessmen and in so doing it set down a national policy in favor of smaller business in this country as follows:

> It is the declared policy of the Congress that the Government should aid, counsel, assist and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise . . . and strengthen the overall economy of the Nation.

Today, this country's small businessman needs help because he faces high interest rates, a tight policy in the private money market, continued inflationary pressures, a heavy tax load, and the absence of direct loans from the Small Business Administration because of White House budget-cutting, presumably to ease inflationary pressures generally.

We are hopeful that President Nixon will restore the Small Business Administration's direct loan program to the 1971–72 budget to a level to permit realistic needs of all small businesses nationwide to be met.

There is no question that a broadly based minority enterprise endeavor should be fashioned with defined goals. This would provide direction for the development of minority business enterprise efforts on a more acceptable basis, as the Senate Small Business Committee set out in its 20th annual report. But that report also pointed out such should be accomplished without detriment to regular loan assistance programs operated by the Small Business Administration for small businessmen generally.

Therefore. I would hope that any formulators of possible reorganization proposals will bear in mind some of these considerations so that in their sincere desire to be helpful in one area that a larger segment not be short-changed.

The Small Business Administration, under its broad legislative enactment, has the authority to help those 5½ million small businessmen who provide almost 50 percent of all the jobs in this land and contribute between 33 to 40 percent of the gross national product.

Personally, I believe it is absolutely necessary that the Small Business Administration continue as an independent agency so it can speak out with its own single voice for American small business.

Mr. President, in closing, I ask unanimous consent that the National Journal article of December 26, 1970, on this subject be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Congressional Record, Mar. 20, 1969]

Exhibit 1

U.S. Senate,
Select Committee on
Small Business,
Washington, D.C., March 18, 1969.

Resolution

Whereas in 1953 the Congress established the Small Business Administration as an independent agency "under the general direction and supervision of the President," and provided specifically that the Small Business Administration "shall not be affiliated with or be within any other agency or department of the Federal Government"; and

Whereas a new Administration has assumed control of the Executive Branch of the Federal Government, and a new Administrator of the Small Business Administration has been appointed; and

Whereas printed and other reports persist that the future of the Small Business Administration as an independent agency may be in doubt; and

Whereas any departure from absolute independence for the Small Business Administration as a government agency would be contrary to the stated intent of Congress, and would patently abrogate the legislation creating the Small Business Administration as an independent agency of the Federal Government, and would lessen considerably the effective voice at the Federal level of the Nation's five and one-half million small businessmen: Now, therefore, be it

Resolved, That the Select Committee on Small Business of the United States Senate strongly favors the continuation of the Small Business Administration as an independent agency and strongly recommends that its function not be transferred to, or assumed by, any other department or agency of the Federal Government.

Alan Bible, Nevada, chairman; John Sparkman, Alabama; Russell B. Long, Louisiana; Jennings Randolph, West Virginia; Harrison A. Williams, Jr., New Jersey; Gaylord Nelson, Wisconsin; Joseph M. Montoya, New Mexico; Fred R. Harris, Oklahoma; Thomas J. McIntyre, New Hampshire; Mike Gravel, Alaska; Jacob K. Javits, New York; Mark O. Hatfield, Oregon; Robert Dole, Kansas, Marlow W. Cook, Kentucky.

U.S. Senate,
Select Committee on
Small Business,
Washington, D.C., March 18, 1969.

The President,
The White House,
Washington, D.C.

Dear Mr. President: May I call your attention to the enclosed resolution adopted this week by the U.S. Senate Select Committee on Small Business strongly favoring continuation of the Small Business Administration as an independent agency and opposing any proposal to merge it with or subordinate it to any other department or agency of the Federal Government.

The Committee's affirmative action stems from persistent and recurring reports, published and otherwise, that such an Executive reorganization proposal is under consideration. Secretary of Commerce Maurice Stans has been quoted as stating at the National Press Club on March 5 that the Small Business Administration "by definition . . . belongs to the Department of Commerce."

It is my judgment that this country's almost 5½ million small businessmen view the Small Business Act of 1953 and the Small Business Investment Act of 1958 as two of the outstanding legislative achievements of the Eisenhower-Nixon Administration. The former specifically provided that SBA "shall not be affiliated with or be within any other agency or department of the Federal Government."

Certainly, Congress and the Administration must have felt at that time that such language clearly represented a strong mandate that the small businessman was entitled to a strong clear, independent voice in his Government—a voice free from the pressure and influences of big business special interest groups not dedicated to serving the small business community.

It was important for SBA to speak independently for the small businessman during the Eisenhower-Nixon years of the 1950's. It was equally important for SBA to remain independent during both succeeding Democratic Administrations during which at least one merger effort was discouraged. Today, it is even more urgent that SBA remain an independent agency during a difficult economic cycle marked by high interest rates, shortage of capital, fiscal uncertainties and the march of corporate giantism, mergers of small businesses into big business and the advent of conglomerates. These have provided real threats to the small businessman as a viable force in protecting himself.

The Nation's nearly 5½ million small businessmen must retain their spokesman—SBA—at the national level if they are to continue to provide employment for 40 million people contributing approximately 40 percent of the country's gross national product of $808 billion annually.

As the son of a small businessman yourself, you must be appreciative of the concern of the country's small business community about any proposed merger of the Small Business Administration with the Executive Department charged primarily with assisting and supervising big business—the Department of Commerce.

I sincerely hope you share this Committee's concern, and, as Chairman of the Senate Small Business Committee, I respectfully urge your support for the continued independence of the Small Business Administration.

Cordially,

Alan Bible,
Chairman.

[From the National Journal, Dec. 26, 1970]

MINORITIES REPORT/PANEL SEEKS BROADER FEDERAL PROGRAM TO HELP NONWHITE BUSINESS VENTURES

(By Jonathan Cottin)

Leaders of an advisory council created by President Nixon have urged the Administration to undertake a more aggressive program to aid nonwhite businessmen.

A draft report prepared by the staff of the Advisory Council on Minority Enterprise told the White House that the Commerce Department lacks "the resources to get the job done."

The report, which has been reviewed by the advisory council's executive committee, was submitted to Mr. Nixon's Domestic Council No. 17.

In submitting the report, advisory council leaders were bypassing the man whom the council was appointed to advise—Commerce Secretary Maurice H. Stans.

One suggestion made in the report was that a new independent agency be established to handle the minority enterprise program.

The proposed agency would encompass two units now in the Commerce Department: the Economic Development Administration, a prime funding source for minority business projects, and the controversial Office of Minority Business Enterprise, the agency for the Administration's "black capitalism" program.

Stans has not commented publicly on the proposal, although he privately has opposed moving EDA and OMBE out of Commerce. Under Secretary Rocco C. Siciliano told *National Journal* that Stans ordered topranking officials at OMBE Nov. 30 to keep silent on the proposed changes.

Although the advisory council was directed by President Nixon to work with Stans, the Council chairman, Sam Wyly, and his staff have dealt directly with the White House since they began operations in 1969.

OMBE's director, Abraham S. Venable, whose programs have been under fire for several months, said in an interview Dec. 4 that he had asked Stans for a transfer. Venable said he told Stans, "I'm a tired warrior."

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RECOMMENDATIONS

The advisory council staff proposals now pending before the Domestic Council call for a commitment to minority enterprise programs far beyond the present OMBE thrust.

The confidential draft report, a copy of which was obtained by *National Journal*, maintains that reorganization of the present structure is essential to carry out such a commitment.

The Commerce Department, as now constituted, "is in the position of having apparent responsibility for minority enterprise, but not having the resources to get the job done," the report states.

Reorganization: These three organizational alternatives to "more effectively utilize federal resources" are among its chief recommendations:

Creation of an independent Agency for Expanded Ownership, to be formed by the fusion of the Small Business Administration, EDA and OMBE, with assigned programs from the Office of Economic Opportunity and the Agriculture Department;

Creation of an AEO within the Commerce Department;

Establishment of a quasi-public corporation to handle the same programs envisioned for AEO, with money and staff provided by private sources.

Since the draft report was submitted to the White House, two other alternatives it suggested have been discarded by the advisory council's 15-member executive committee. They called for strengthening OMBE within the Commerce Department or moving it to the Executive Office of the President.

Broader concept: The report strongly suggests that "the concept of 'minority enterprise' (which grew from an earlier concept of 'black capitalism') be further broadened to embrace a concept of 'expanded ownership.'"

Its recommendations are based on the premise that "substantially increased ownership of economic resources in urban and rural areas should be made a major national priority for the decade of the seventies."

The report calls for a program that helps both minority and nonminority small businessmen, since they have 'much in common and . . . much is to be gained by a strategy and structure of private and public effort designed to assist in the solution of their common problems."

Financial aid: Other proposals contained in the report require no governmental restructuring. They include:

A $930-million, three-year federal commitment for minority enterprise development;

Federally funded research on costs and benefits of minority business programs;

Special student scholarship programs to encourage more members of minority groups to take management training courses;

Tax breaks for companies assisting minority business ventures;

Less federal control of local minority business assistance programs.

Status: The recommendations are now on the desk of John F. Evans, a Presidential staff assistant assigned to the Domestic Council. (*For background on Domestic Council, see p. 620.*) Bradley H. Patterson Jr., an aide to Leonard Garment, special consultant to the President on minority problems, said Evans has "got all the pieces," including a lengthy memorandum from Stans detailing progress in the minority enterprise program.

RELATIONSHIPS

The 150-page advisory council staff report would not have gone directly to the White House if the intention of the directive (Exec Order 11458) creating the body had been observed. But the White House is where the council found the help and cooperation it needed to operate.

Original intent: Mr. Nixon created the advisory council on March 5, 1969. His executive order specified that "the council shall meet at the call of the (Commerce) Secretary . . . be advisory to the Secretary . . . keep abreast of plans, programs and activities in the public and private sector which relate to minority enterprise, and advise the Secretary on any measures to better achieve the objectives of this order . . . and consider and advise the Secretary and such officials as he may designate, on problems and matters referred to the council."

(The first 63 members of the council were not appointed by the President until Sept. 17, 1969.)

Stans followed with a letter to Chairman Wyly on Nov. 25, 1969, saying he wanted the group to examine "the principles on which the program of the Office of Minority Enterprises is based"; evaluate OMBE programs under way and in the planning stage; "suggest ideas, give critiques and propose alternative programs and methods to OMBE"; and provide "continuing advice."

"When council members have reached the point where they can finalize their ideas and proposals," Stans wrote Wyly, "they will put them forward as legislative, administrative or budgetary recommendations to the Secretary of Commerce."

Wyly's explanation: Wyly, a Dallas, Tex., computer firm president, gave this explanation of how a working relationship developed between his staff and the White House, rather than the Commerce Department:

"The council's role was very broadly defined in the executive order. We didn't have any clear direction from the White House or the Secretary."

Thus, he said, there was not even a provision for a staff.

Wyly, who is a friend of the President and raised money for his 1968 campaign, said many of the minority members of the council were suspicious that Mr. Nixon meant the council to do nothing.

"I went to my friends in the White House and asked if the council was meant to be an ornament and said if it was, they should get someone else," Wyly continued.

"They said, 'We don't want a decoration. We know the minority people think we don't want to do anything, but the President is genuinely interested in doing what can be done.'"

When he asked the White House for a staff, the request was granted, Wyly said.

Wyly said he prevailed upon the President to increase the council membership from 63 to 84 so minorities would be better represented. He also set up an executive committee, with half the membership from racial minorities.

Although a report to the White House was not prescribed, Wyly said the council decided it would be "the best way to focus" on the problems. "It was the appropriate way of giving our advice."

Staff operation: The advisory council staff began dealing with the White House shortly after its executive director, Alan W. Steelman, started work in Washington in late September 1969.

While there was no attempt initially to bypass Stans, the council staff and officials met frequently with White House assistants, including John D. Ehrlichman, assistant to the President for domestic affairs, and Garment.

Steelman said it was "our assumption" that since the group was named by the President, its mission was to report to him.

One council source, who declined to be identified, was more blunt: "We were called upon to produce a major product and that meant a separate staff, money of our own and a blueprint. There was disagreement on that at the Department of Commerce, but we went our own way."

The White House was not reluctant to deal directly with the council staff, Steelman said. "The White House was very cooperative. They helped us get money. Our relations with Ehrlichman and Garment have been superb. . . . Not in any way did they tamper with the size of the effort or anything else."

Steelman said he obtained a pledge Nov. 30 from Kenneth R. Cole Jr., deputy assistant to the President for domestic affairs, that $150,000 would be provided for completion of the staff's work and publication of the report. He mentioned the promise as evidence of White House backing.

(The council has spent most of the $450,000 allocated—a $250,000 Commerce Department appropriation and a $200,000 OEO grant. Siciliano said Commerce had no funds that it could make available to the council.)

CRITICISM

While the council staff report avoids direct criticism of OMBE programs and methods, some council members do not. Siciliano said, "The relationship between OMBE and the council is not a warm one."

EDA grants: Darwin W. Bolden, a council member, has repeatedly criticized OMBE tactics. Bolden is national executive director of the Interracial Council for Business Opportunity, an independent organization which has offices in eight major cities.

His complaint concerns the method used to encourage minority business development organizations in various cities to become OMBE affiliates.

One of the tangible ways OMBE can show results is through development of a nationwide network of affiliated local organizations, and it strongly urges affiliation. In return, it provides local affiliates with background information on every federal program designed to involve minority group members in business ownership and management.

More important, affiliation with OMBE—which has no funding authority of its own—brings money from the Economic Development Administration, OMBE's sister agency within the Commerce Department.

Many of the minority business development groups already receive EDA grants, but they come up for renewal each year.

A survey of local organizations affiliated with the Office of Minority Business Enterprise shows that all but one of them obtained an increase in EDA funding after signing on with OMBE.

The one exception was a San Francisco organization which was to be phased out of all EDA financing. Then the group, Plan of Action for Challenging Times, agreed to affiliate with OMBE and its approval for EDA funding was restored with a fresh $180,000 grant that was only $4,000 less than it's expiring grant.

Bolden's complaint—Bolden maintains that OMBE uses the EDA grant money as a club. During an interview in his New York office, he described a meeting held last July 15 at which Venable, the program's director, explained the OMBE affiliate idea to more than 20 representatives of minority development groups from throughout the country.

"At the meeting," Bolden said, "it was clearly stated by Abe Venable that either you became an OMBE affiliate or your EDA funding would probably not be renewed and you certainly would not get more EDA funding. Those were his words."

Bolden rejected OMBE affiliation in order to maintain his organization's independence. He said he has a high regard for Venable but not for the OMBE program.

Venable's version—Venable recalled the July meeting somewhat differently. He said he told the business leaders that OMBE was the Administration's vehicle for building minority capitalism. "I said, 'If you are going to stay in the ball game, it's being played with OMBE.' The guys who are part of the program certainly will benefit from that and the funds."

Venable remembers discussing the EDA

cash reward for OMBE affiliation this way: "I said, 'You won't get cut off but I can't see you will be refunded either.' "

OMBE has no authority to cut off money spent by EDA, Venable said, but he conceded his agency consults with EDA about affiliate prospects.

Delivery system: There also have been objections lodged against the "delivery system" OMBE has devised to help minority group members get the capital and technical advice they need to become businessmen.

Local affiliates are supposed to "serve as the focal point for information, business and technical assistance and follow-up services," says *OMBE Outlook*, an official publication of the agency.

Council critique.—By implication, the council staff issued a negative verdict on the delivery scheme when it suggested a much broader concept: establishment of "one-stop packaging centers" where federal officials and designees from the private sector of the economy would have on-the-spot power to commit money and management manpower for a new minority business venture.

This goes considerably beyond the information center idea embraced by the Commerce Department leadership. In Washington, Michael D. Wallach, director of the Business Assistance Center of the Mayor's Economic Development Committee, an OMBE affiliate, said: "They're delivering information. They're not delivering any dollars."

Bolden—Describing OMBE as "one of the poorest-managed federal agencies I know," Bolden said the agency's local delivery system offers nothing to the would-be minority entrepreneur that was not available before. "All of these organizations (designated as affiliates) existed before OMBE came into the field. They have been enlarged slightly. But if OMBE were to go out of business tomorrow, there would be no void."

Bolden called OMBE a "tragic failure" and said "it cannot be saved."

Chamber of Commerce—The Chamber of Commerce of the U.S. leveled another criticism against the local delivery system. Chamber officials have told the council the present system will not work.

Owen Kugle, coordinator for urban affairs at the chamber's Washington headquarters, said that in large cities with many minority economic development groups, an OMBE designation of one, with the accompanying EDA cash, "turns the others off."

"Without cooperation from the other groups, it becomes harder to locate would-be businessmen," Kugle said. "Without community support, the whole delivery system is not going to work," he added.

Senate committee—On Nov. 10, the Senate Select Committee on Small Business issued a critical analysis of OMBE (SRept 91-1343) that said: "If the full extent of minority enterprise development is to be achieved, it seems imperative that a more comprehensive, defined program be instituted."

The panel declared that "only with a comprehensive, defined national effort can there be real hope to surmount the problems of the minority businessman. A piecemeal approach will result only in unkept promises and ineffective programs.

The committee, which held oversight hearings on OMBE in June, July and October 1969, suggested that the agency's lack of power to commit money was a major reason for its inability to perform adequately.

"With no substantive statutory power other than the executive order, and no plan of federal requirements, it seems difficult to understand how real and effective coordination can be achieved without the guidelines of a defined, broad effort," the committee said.

FUTURE

The continuing criticism, from a wide range of interests and institutions, may bring about some changes and more aggressive programs in the field of minority capitalism.

Steelman thinks the election results have caused the White House to look more closely into the minority enterprise problem. "Since Nov. 3, this has been a higher priority item," he said.

Wyly agrees. "We're coming to the end of the report at a time when the Domestic Council is getting really serious about proposing more positive programs if it makes sense," he said during a telephone interview from Dallas.

"I don't believe the Domestic Council wants to bury the report now," Wyly added. "There will be some positive recommendations—both on the administrative and legislative fronts in the first half of next year."

White House: At the White House, Robert J. Brown, the only black Presidential special assistant, defends OMBE but hints that the agency may be changed structurally.

"It may be that they need more clout than they have," he said. Six months ago, in another interview, Brown said of OMBE: "They have White House influence and power. I don't think you can get any bigger clout than that."

As for the council proposals, Brown said Nov. 30, "we will be guided strongly by whatever the chairman recommends along with what Secretary Stans and the rest advise."

Brown said he doubts that there are "any differences between Secretary Stans and Sam Wyly. . . . I am sure any problems that they have will be resolved without any difficulty."

Brown maintained that OMBE has performed well "under the circumstances." But, he added, "maybe we need to make the circumstances better to do the job better."

Another White House source, who declined to be identified, said it would be logical to conclude that President Nixon would be receptive to a proposal for a change in OMBE's status. He said he expects the President to deal with the issue in his State of the Union address next month.

Commerce: Now that the White House appears more receptive toward a change in OMBE's structure, Under Secretary Siciliano says Commerce is not against it. He said Stans is "completely wedded to this program." But, he added, "we're not looking at it from a jurisdictional point of view."

Siciliano described OMBE as an experiment, a pilot project.

"I don't think OMBE organizationally is a static thing. It's not frozen in concrete," he said. Six month's ago, in an interview, he said there were no plans to revise the structure of the office.

Council: Final action on the draft report is scheduled for a Jan. 15 meeting of the full council.

Shortly thereafter, Wyly and other top council officials plan to present the report formally to Mr. Nixon and the report formally to Mr. Nixon and Secretary Stans at a White House ceremony.

The report will then be printed and made available to all government agencies. Minority organizations and private sector trade associations will also be sent copies of the report free on request, Steelman said.

Venable: Meanwhile, OMBE Director Venable is casting about for new job opportunities. "I want a fresh assignment," he said Dec. 14.

An affable, optimistic man, Venable was planning a vacation during the Christmas holidays. He said his departure was not imminent, because there is "too much unfinished work."

As for moving on to a new job in either Commerce or private business, he said he has "looked at things but I haven't made any firm decisions."

Whatever the fate of OMBE or Venable, its embattled director, the larger issue of Administration commitment to America's racial minorities, who comprise 11.3 per cent of the population, continues to trouble men like Bolden.

"If no new substantive effort is taken," he said, "OMBE must be regarded as a Nixon copout."

Advisory Council Offices, Staff

Offices for the Advisory Council on Minority Enterprise are located at 923 15th Street, NW, Washington, D.C., in the same building as Council Chairman Sam Wyly's University Computing Co. Wyly donated the office space. The council has 14 professional staff members, who have conducted interviews, compiled data on minority ownership problems and written draft recommendations now pending at the White House. The total staff, including clerical personnel, numbers about 30. Professional staff members are:

Alan W. Steelman, 28, executive director, on paid leave as executive director of the Sam Wyly Foundation, Dallas, an organization promoting better opportunities for minorities. Steelman was executive director of the Dallas County, Tex., Republican Party from 1966-69. He is a trustee and director of KERA-TV in Dallas; a director of the American Federation of Radio and Television Artists Local 740 in Dallas, and a director of the LQC Lamar Society, an organization of Southerners of both parties which states its belief that "the fulfillment (of the South's potential) has been delayed by the preoccupation of regional energies with the question of racial integration, rather than with other pressing problems." Steelman is the only staff member not on the council payroll.

Iverson O. Mitchell, 48, deputy director. Formerly senior commercial loan specialist, Economic Development Administration.

Dr. Samuel I. Doctors, 36, acting director, task force on national strategies and goals. Chief report writer. Associate professor of management, Northwestern University Graduate School of Management.

Carlene G. Harrell, 32, administrative assistant. Former secretary, Office of Policy Development, office of Commerce Secretary.

Sharon Lockwood, 28, research associate. Former financial economist, Small Business Administration.

Freddie H. Lucas, 34, consultant, public relations. Former program specialist, Women's Job Corps.

Josephine Rita Mangiapane, 25, research associate. Former consultant, Inter-Agency Committee on Mexican-American Affairs.

Joyce A. Gates Mitchell, 26, research associate. Former supervisor, Work Incentive Program, YMCA, Washington, D.C.

Charles Smith, 35, associate director for expanded participation. Former economic development specialist, Office of Economic Opportunity.

Anthony Rodney Stadeker, 41, associate director for business opportunity. Former economic development program consultant, Chicago Community Renewal Society.

Sim Stokes, 26, associate director for management and technical assistance. Former executive trainee in operation, National Bank of Commerce, Dallas.

John Topping, 27, research associate. Former defense counsel, Judge Advocate General Corps, U.S. Army.

John E. Troutman, 52, consultant. Former assistant to the president, Education Systems Inc., a subsidiary of LTV Aerospace Corp.

Israel Valdez Sr., 49, associate director for finance. Former special assistant to the Administrator of SBA.

Source: Advisory Council on Minority Enterprise.

EXECUTIVE COMMITTEE

The 13 members of the executive committee of the Advisory Council on Minority Enterprise are:

Sam Wyly, chairman, board chairman, University Computing Co., Dallas, Tex.

Berkeley G. Burrell, vice chairman; presi-

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dent, National Business League, Washington, D.C.

John Belindo, director, National Indian Leadership Training Institute, Albuquerque, N.M.

Darwin W. Bolden, national executive director, Interracial Council for Business Opportunity, New York, N.Y.

Ben Fernandez, president and general manager, Research Inc., Chatsworth, Calif.

David B. Hertz, director, McKinsey & Co., New York, N.Y.

Joe W. Kirven, president, ABCO Building Maintenance Co., Dallas, Tex.

Robert Bruce McKersie, professor of industrial relations, University of Chicago, Chicago, Ill.

Alex Mercure, executive director, Home Education Livelihood Program, Albuquerque, N.M.

Albert C. Meyer, senior vice president, Bank of America, Los Angeles, Calif.

Donald E. Sneed Jr., president and board chairman, Unity Bank & Trust Co., Roxbury, Mass.

The Rev. Leon H. Sullivan, pastor, Zion Baptist Church, Philadelphia, Pa.

Arthur M. Wood, president, Sears, Roebuck & Co., Chicago, Ill.

GRANTS TO OMBE AFFILIATES

Using federal cash as an inducement, the Office of Minority Business Enterprises encourages local minority development organizations to affiliate with the federal agency. Every organization that signs up to distribute data from OMBE on federal programs to help minority businessmen receives a grant from the Economic Development Administration. OMBE approves the EDA grants. In some cases, it is the affiliate's first EDA money; in others, the funds supplement previous EDA grants.

This table lists financial benefits received by organizations that affiliated with OMBE between July 15 and Dec. 1 this year. The first column lists each organization's fiscal 1971 EDA grant before affiliation; the second column lists additional funding received after affiliation.

Organization	Before	After	Total
United Inner City Development Foundation, Seattle	$81,700	$50,000	$131,700
South Central Improvement Council Inc., Los Angeles	90,000	60,000	150,000
East Los Angeles Community Union, Los Angeles	99,700	60,000	159,700
Minority Economic Development and Industrialization Corp., Newark, N.J	75,000	67,295	132,295
Brooklyn Local Economic Development Corp., New York	87,030	54,970	142,000
Zion Non-Profit Charitable Trust Entrepreneurial Development Training Center, Philadelphia	0	161,000	161,000
Mayor's Economic Development Committee, Washington	0	140,507	140,507
Howard University, Washington	125,000	50,000	175,000
Plan of Action for Challenging Times, San Francisco	0	180,000	180,000

Source: Economic Development Administration.

TRIBUTE TO HON. E. ROSS ADAIR

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DORN. Mr. Speaker, as Ross ADAIR leaves the Congress I could not let the occasion pass without expressing to him my highest respect and affection. Ross ADAIR has compiled a record of achievement that has won the esteem of his colleagues from both sides of aisle. As a fellow member of the House Veterans' Affairs Committee, I have observed his tireless work for the benefit of our veterans and their dependents. The GI bill, pension increases, and other important legislation are part of the permanent legislative record that Ross ADAIR leaves with us. He leaves with the respect and affection of Members on both sides of the aisle. Mrs. Dorn joins me in extending to him my very best wishes and my hope that he will enjoy good health and good fortune.

TRIBUTE TO THE HONORABLE JOHN O. MARSH

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. SIKES. Mr. Speaker, when the 92d Congress convenes on January 21, some of our colleagues will be missing from this Chamber. One of them is the statesman from Virginia, JOHN O. MARSH, JR. The gentleman has spent 8 years representing the people of the Seventh District of Virginia. There is abundant record that he has represented it ably and well and with complete dedication to not only his State but the Nation as well. Congressman Marsh has been an exemplary public servant. He has been a foremost patriot. He has demonstrated many times not only political courage but a high order of selflessness in service to our Nation. He has been faithful to friends, a hard-hitting but fair partisan, a dynamic and effective leader. He has made valuable contributions to the Appropriations Committee and, it has been my good fortune to know and serve with him in both the Appropriations Committee and the House of Representatives. He has demonstrated time and time again his able and forceful manner as a legislator and a leader.

We will miss him very much in this body and, as he leaves us, I heartily congratulate him upon his fine service and wish for him and his family all choicest blessings of continued good health, happiness, and peace for many years to come.

TRIBUTE TO ALLARD LOWENSTEIN

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1970

Mr. CULVER. Mr. Speaker, I rise to express my regret that ALLARD LOWENSTEIN's congressional service is at least temporarily coming to an end. He was the calculated victim of a redistricting pen, not a Congressman who lost the confidence of the voters who originally sent him to the House 2 years ago.

Yet those of us who are acquainted with AL LOWENSTEIN know that he is impatient with an excess of sympathy or lament. He has in his still young life known many victories, and not a few defeats. He is resilient, unwavering in his confidence for the future, and never at a loss for new quests and for new battles. AL LOWENSTEIN was known to many of us before he came to the House, and he will be known for many years to come. His unflagging energy, his exceptional capacity for enlarging the public vision, the loyalties he inspires, and the causes which he infuses with fresh purpose and meaning, are guarantors of a public career far into the future. Even those in this House who have not shared all his views have been impressed by his powers of persuasion, his ability to talk with and across all generations, his imaginative mind, and his generous nature. He always expands his mind and energies to the very limits, and his dedication is legendary.

I expect that AL LOWENSTEIN will always be among us—as a Member, or witness, or as a political mentor when times are difficult. We do not say farewell to him; instead we await another chapter in an immensely productive and vigorous career.

A TRIBUTE TO THE HONORABLE RICHARD OTTINGER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. BINGHAM. Mr. Speaker, as we approach the end of the 91st Congress, I wish to take note with great regret that our able colleague from New York, RICHARD OTTINGER, will not be with us in the next Congress. He will be sorely missed.

DICK OTTINGER and I came to the House at the same time, and I have had the privilege of working with him on many matters of common interest.

In particular, we worked together for the creation of the Hudson River Valley Commission, the preservation of the ecology and the beauties of this great river valley being of especial interest to our constituents.

DICK showed great independence of mind in taking positions on important issues and was quite willing to cast votes that might be politically unpopular in his district when he felt deeply.

Congressman OTTINGER took the lead on many important projects involving joint action or statements by Members. His energy was extraordinary, and he showed great imagination in his approach to many public problems.

I hope that Congressman OTTINGER will be back in the Congress before long. In any case, whether or not he seeks public office again, he will surely be fighting for good causes. We all wish for him and his charming wife and family the best of good fortune in whatever they undertake.

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FRANKLIN'S ELECTRIC MOTOR

HON. ROBERT C. BYRD

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. BYRD of West Virginia. Mr. President, Americans have long held Benjamin Franklin as one of our greatest forefathers, a legend within his own time. His deeds are known to almost every schoolchild, for Franklin excelled as a statesman, diplomat, inventor, and as a leader of men.

As an inventor he is credited with designing lightning rods, bifocal glasses, the Franklin stove, and other inventions, many of which still titillate the imagination.

For a few years, Franklin occupied himself with electricity, particularly its positive and negative properties.

But Franklin's achievements were far greater than recognized either by his contemporaries, or later by historians. While Michael Faraday is generally given the credit for inventing, during the early 1830's, the first electric motor, the fact is that Franklin designed an electric motor in the 1740's.

Okey M. Cogar, a research associate in the department of physics at West Virginia University and a longtime admirer of Franklin, recently verified that Franklin's design of an electric motor was functional. Following the instructions found in a letter authored by Franklin in 1748, Mr. Cogar successfully constructed, operated, and tested the motor with a load of 100 silver dollars.

Mr. President, Mr. Cogar's findings are significant, as the electric motor is one of the great inventions of history. Our modern technological society would be almost helpless without it; mass transportation in our urban areas would be at a standstill. Credit for the design of the elecrtic motor should be given where due, particularly if the recognition goes to Ben Franklin.

Mr. Cogar's report entitled "Franklin's Electric Motor" and a newspaper article which appeared in the Times-West Virginian of January 11, 1970, follow:

FRANKLIN'S ELECTRIC MOTOR

(By Okey M. Cogar)

In Letter IV[1] from Benj. Franklin, Esq; in Philadelphia to Peter Collinson, Esq; F.R.S. London, bearing the date 1748, there is described what is probably the first electric motor, its mode of operation, and some practical examples of how it might be used. That part of the letter dealing with the motor, which was used to produce the replica, follows below.

"On the principle, . . . that hooks(1) [The prime conductor of a Leyden Jar—generally a sphere] of bottles,(2) differently charged will attract and repel differently, is made an electrical wheel, that turns with considerable strength. A small upright shaft of wood(3) passes at right angles through a thin round board,(4) of about 12″ diameter, and turns on a sharp point of iron,(5) fixed in the lower end, while a strong wire in the upper end,(6) passing through a small hole in a thin brass plate,(7) keeps the shaft truly vertical. About thirty radii of equal length, made of sash glass,(8) cut in narrow strips, issue horizontally from the circumference of the board, the ends most distant from the center [thimble tips], being about four inches apart. On the end of every one, a brass thimble(9) is fixed. If now the wire of a bottle electrified in the common way [negative polarity], be brought near the circumference of this wheel, it will attract the nearest thimble, and so put the wheel in motion; that thimble, in passing by, receives a spark, and thereby being electrified is repelled and so driven forwards; while a second being attracted, approaches the wire, receives a spark, and is driven after the first, and so on until the wheel has gone one round, when the thimbles before electrified approaching the wire, instead of being attracted as they were at first, are repelled, and the motion presently ceases. But if another bottle, which had been charged through the coating [positive polarity], be placed near the same wheel, its wire will attract the thimble repelled by the first, and thereby double the force that carries the wheel round; and not only taking out the fire [electrical charge on thimble] that had been communicated to the thimbles by the first bottle, but even robbing them for their natural quantity, instead of being repelled when they come again towards the first bottle, they are more strongly attracted, so that the wheel mends its pace, till it goes with great rapidity twelve or fifteen rounds in a minute, and with such strength, as the weight of one hundred Spanish dollars with which we once loaded it, did not seem in the least to retard its motion."

Having constructed the wheel according to Franklin's instructions, the problem remained of mounting it in a suitable device that would fit into the same time period. To distract as little as possible from the wheel is was decided to use a single board for a table (10) with a turned wooden upright (11), holding the top bearing support (12), which is simply a round wooden rod of ½″ diameter. This rod is cemented into a yoke (13), that clamps to the upright with a wooden set-screw (14). The table was then mounted on four turned wooden legs (15). A rectangular piece of glass is used as an insulator for the Leyden jars. (16). The wheel is made as Franklin described it; hopefully the mounting, or table, is somewhat similar to that used by him in the early period of his electrical investigations.

Franklin's motor was not a mere "philosophical toy" as some have suggested. The system of bearings, that support the wheel in such a graceful manner, would be hard to improve upon. There is so little friction that a breath will start the wheel rotating. The most startling first impression is the size of the device. Its diameter is 37″ and it is about 35″ high. Our wheel was reduced in diameter to slightly more than 24″ for easier handling. It will do work; as evidenced by the ease with which it turned when loaded with one-hundred silver dollars.

After the wheel was constructed it was powered by two charged Leyden jars and it performed in the manner described in Franklin's letter to Collinson. For safety, comfort, and ease of operation a small static generator was constructed. Voltage was delivered to the thimbles through four electrodes, one mounted in plexiglass on each corner of the table. The generator was at first hand-cranked but later a small motor and "O" ring belt drive were substituted for the crank. With this generator the wheel turns hour after hour at a speed of 30 to 40 revolutions per minute depending upon conditions of humidity. It can be noted that the electrodes are cross-connected; lower left corner to upper right corner, and lower right corner to upper left corner. This arrangement provides a negative-positive-negative-positive polarization and Franklin's principle of attraction and repulsion is used. The generator produces 40,000 to 50,000 volts and the wheel operates with a few microamperes of current.

The only real remaining evidence that Franklin's motor was displayed to the general public during his lifetime is a broadside printed in St. John's, Antigua, in the West Indies, bearing the date April 25, 1753. The motor display was advertised as part of a public lecture given by Franklin's friend and neighbor, Ebenezer Kinnersley. It read, in part, "A Wheel of a curious Machine turned round by lightning and playing Variety of Tunes on eight musical Bells".

COGAR FOLLOWS FRANKLIN'S DIRECTIONS TO MAKE MOTOR

MORGANTOWN.—The Russians may have invented fire, but good old Ben Franklin invented the first electric rotisserie. And in doing that he also invented the first electric motor.

Those inventions aren't generally attributed to Franklin, who was born on Jan. 17, 1706, in Boston, Mass.

But Okey M. Cogar, research associate in the Department of Physics at West Virginia University, recently proved that Franklin's instructions for constructing an electric motor really work.

Out of the sheer delight of doing things, Cogar (with the help of Dr. Oleg Jefimenko, WVU professor of physics) decided to build an electric motor according to Franklin's instructions.

"It didn't surprise me that the motor worked, but it is surprising that it took over 100 years before anyone found any practical use for an electric motor—and of course the fellow built his motor on an entirely different principle than that used by Franklin," Cogar said.

Franklin's motor, which he called an electric jack, is based on the principles of static electricity and was described by him in a letter written in 1748. Michael Faraday, who is generally given credit for inventing the first electric motor, is reported to have studied Franklin's book, "Experiments and Observations on Electricity."

Faraday's motor, which is based on the principles of electro-magnetism and is the type that is commonly used today, was built in the early 1830's. His discovery, which may sound simple but has changed man's way of life, was that a copper disk would rotate when placed between two magnets.

DAVENPORT MOTOR

The first practical electro-magnetic motor was developed on Faraday's model by Thomas Davenport, a New England blacksmith who used it to drive a drill press. Davenport's motor, was patented in 1837, was powered by three chemical cells (batteries).

Franklin's motor consisted of a horizontal wooden disk 12 inches in diameter fitted with 30 narrow strips of glass with brass thimbles on the end. This "electric wheel" rotated on a vertical wooden shaft that had an iron point at its lower end and a wire extending from the upper end. The wire was passed through a small hole in a thin brass plate to keep the shaft vertical.

The motor was powered by condensers (Leyden jars). Leyden jars of Franklin's time were wide-mouth bottles full of water and coated on the outside with metal foil. A metal hook was passed through the cork and submerged in the water. The jars were charged by mechanically turning a glass globe and rubbing it with a piece of buckskin. The charges were picked up from the globe and transferred by a wire to the hook or the metal foil of the jar.

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[1] Benj. Franklin, *Experiments and Observations on Electricity—1774*, edited by I. Bernard Cohen (Cambridge, Mass.: Harvard University Press, 1941), pp. 194–95.

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The simplest form of the motor consisted of the electric wheel and two oppositely charged Leyden jars placed 180 degrees apart.

SPARKED THIMBLES

As each thimble approached the hook of the first jar, it would receive a spark (like charges of electricity repel each other and unlike charges attract). Now that the thimble and the hook had the same charge, the thimble was repelled and caused the wheel to turn.

As that thimble approached the second jar, it was attracted and added this force to turning the wheel. But because the charge on the second jar was much greater than that on the thimble, a spark opposite in charge to the first spark would pass from the thimble to the second hook and thus give the thimble and the second hook the same charge. This would cause the thimble to be repelled from the second jar and attracted by the first jar.

According to Franklin, he was able to make such a wheel turn at from 12 to 15 rpm and placing 100 Spanish dollars (about the size of our silver dollar) on it didn't slow it down. Except for unimportant changes in the materials used and the use of modern Leyden jars, the motor made by Cogar is an exact replica of Franklin's motor.

Franklin was always a practical man. In one of his letters to a friend in England, he described a proposed party—"a turkey is to be killed for . . . dinner by the electrical shock, and roasted by the electrical jack, before a fire kindled by the electrified bottle: then the healths of all the famous electricians . . . are to be drank in electrified bumpers, under the discharge of the guns of the electrical battery. (Electrified bumpers were glasses that were coated with metal foil and filled with liquor and charged. The drinker, thus, received two jolts).

In a late letter, Franklin added. "I conceit that the Birds kill'd in this Manner eat uncommonly tender."

Because of Franklin's numerous accomplishments in diplomacy and other fields, many people don't realize that he was also a first rate scientist, Cogar said.

MANY INVENTIONS

"He not only invented the Franklin stove and the lightning rod, but made several important contributions to electrical theory. He proved that the positive and negative charges on a condenser are equal and was one of the foremost advocates of the theory that there are two kinds (positive and negative) of electricity. He also coined the terms positive and negative as applied to electricity and was the first to use the plus and negative signs.

"He also showed that static electricity is attracted to and discharged from pointed bodies more readily than curved bodies. The lightning rod was one of the applications to this principle" Cogar explained.

The "points-versus-balls" argument over lightning rods is a good example of what happens when politicians dabble in scientific matters. Franklin, who was the first non-Englishman to be elected to the Royal Society in England, had a long standing argument with certain English scientists over whether a lightning rod should be topped with a point or a ball. He had been able to convince most scientists that points were the best, but a few English scientists were not swayed.

Before the American Revolution many public buildings in England, including some powder magazines, had been equipped with pointed lightning rods. When the Revolution started and Franklin was considered a traitor, some English politicians thought that the points were a foul American plot. The points were replaced with balls, and sure enough, one of the powder magazines was struck by lightning and destroyed, Cogar said.

A TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. WHALLEY. Mr. Speaker, JOHN W. McCORMACK, a great and dedicated American, has retired from Congress, after serving ably for 43 years. Nine of these years he served as Speaker of the House of Representatives in a distinguished manner.

Speaker McCORMACK has earned the respect and admiration of not only his colleagues in Congress but of people throughout this Nation.

He is the symbol of the American dream. Though forced to quit school at age 13 to support his family, he nonetheless had the desire to learn and to achieve. He taught himself law while working in a law office and was subsequently admitted to the bar—this the young man who missed a high school and college education.

Elected to Congress 43 years ago, he served his country as a loyal and accomplished public servant, during peace and war, and in good times and bad. During this time he attained the third highest office in the United States.

Speaker McCORMACK's commitment to high ideals, loyalty to the principles in which he believed, and love for his country have earned for him a place in history as one of our greatest Speakers.

We extend best wishes to Speaker and Mrs. John W. McCormack.

TRIBUTE TO SENATOR GORE

HON. BIRCH BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. BAYH. Mr. President, with the departure of ALBERT GORE the Senate of the United States is losing one of its most able, outspoken Members. The distinguished Senator from Tennessee is a man who has devoted half his life to public service for the people of his State and Nation in both Houses of the U.S. Congress; a record which includes 14 years in the House of Representatives and 18 years in the Senate.

In paying tribute to ALBERT GORE the press has coined many apt phrases with which we all agree: "chronic independent," "Senator with a cause," "old-fashioned liberal," "strong will in the Senate." All of these and more have been used to describe our distinguished colleague's career in the House and Senate. But in the final analysis, the Senator from Tennessee has been far too many-sided to be summed up in such neat phrases.

A man of conviction, yes; a man who cares about the average American to the point of denouncing any and all special privileges, yes; a skilled debater and parliamentary leader, yes. But, more than this, and perhaps more than anything else, a man whose basic impetus is founded in what he knows to be right, rather than what he believes to be politic. This very quality—his insistence on voting his conscience—may have contributed to his recent defeat. But as one who has worked with him on a cordial basis in the Senate for 8 years, I know that ALBERT GORE would never do otherwise. Let me only note that his actions have served as an admirable example to many in this body in the past, and I would hope they will be recalled whenever the Senate in the future is required to choose between what is right and what is politic.

FAREWELL TO HON. WILLIAM T. MURPHY

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. BYRNE of Pennsylvania. Mr. Speaker, each new Congress is a milestone for the Nation and for each of us individually. And when the 92d Congress is seated, numbers of familiar faces will be missing. Some of these Members have gone to their final rewards. Some were victims of the political wars which dictate that in each election contest there is a winner and a loser. And some have decided to hang up the political shillelagh and reap their well-deserved rest.

My dear personal friend, the distinguished gentleman from Illinois, WILLIAM T. MURPHY, is one of those who has retired gracefully and honorably after a lifetime of service to his city, his congressional constituency and his Nation.

I believe that his retirement is a loss to the Nation as well as a personal loss to his many friends, among whom I number myself proudly. But who can argue with his decision? After all those years —25 years in the Chicago city council and a dozen in the House of Representatives—he has earned the right to a rest, with time to spend with his marvelous family.

Many men pass through the doors of this body. Some pass in and out with little notice. But some, such as BILL MURPHY, make a lasting impression which will remain in the hearts and minds of his colleagues.

Some find a special interest when they serve in this body. BILL MURPHY was one such man. Who would have guesssed that a city councilman from the south side of Chicago would become such an expert on Asia and Africa that his knowledge would amaze the so-called experts of the State Department. Yet, this is what he became.

His sage advice will be missed in the House Foreign Affairs Committee and on the floor of this body.

His many contributions cannot be measured in years but in accomplishments and in the friendship and admiration he has engendered in the hearts of his colleagues. This friendship transcends party lines and philosophies. He has been a beloved Member of this body.

USING NATURE'S FILTERS TO CONTROL POLLUTION

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DORN. Mr. Speaker, pollution control is one of the major technological challenges facing our Nation. It is my pleasure to direct to my colleagues' attention the following outstanding address by Hon. F. Evans Farwell, who is associated with the American Sugar Cane League. Mr. Farwell delivered this address before the Federal Reserve Board in Atlanta, Ga., June 7, 1970.

The address follows:

USING NATURE'S FILTERS TO CONTROL POLLUTION

(Address by F. Evans Farwell)

We hear a great deal today about BOD—Biochemical Oxygen Demand. Simply put, BOD represents the amount of oxygen needed to decompose an organic object, e.g., a dead plant or animal. If the volume of material decomposing is too great for the amount of oxygen available, a vicious cycle starts: Free oxygen in the water is depleted and hydrogen sulphide—that smelly stuff—is produced which in turn uses up more oxygen. The lack of oxygen kills fish, aquatic plants, etc. and their decomposition in turn requires even more oxygen.

Industrial or chemical pollution is caused by the discharge of toxic substances and/or organic materials that use up oxygen in decomposing. Such discharges into the air and streams need to be treated on an individual basis—by recovery, changing form, etc. Different solution for each problem.

In the case of water pollution, *the main offender is sewage,* both treated and untreated. On entering the water it over-fertilizes with nitrogen and phosphate such aquatic plants as algae and slimes. They grow profusely and at their death require large amounts of oxygen to decompose—the vicious cycle. If this problem is to be solved, coordinated efforts throughout our nation will be necessary.

To cite an example. A creek that flows all year had three families living along its banks and they dumped all sewage and wash water into it. No serious problems developed because the water volume was sufficient to so dilute the waste that there was plenty of oxygen available to break it down (decompose-degrade) into elementary and harmless parts. Later, there were five hundred families dumping their wastes into the same creek—disaster!

Properly treated sewage results in solid matter rich in plant food and an effluent (run-off water) that has been chlorinated and so contains no live or harmful bacteria, but is over-rich in nitrogen and phosphate. We need to get rid of these, but how? We cannot economically change these materials into their harmless components, but Mother Nature can. She is doing so continuously. If we are careful not to over-load her, she can be a great help in solving our pollution problems.

Soil complete with all needed elements dug-up from, say, 8' down is sterile and will not properly grow plants until it has "seasoned"—become alive with microorganisms. They function to "disperse" and "reassemble"—a continuous process. Our top soil, where plants grow, is alive with these microorganisms (soil bacteria) and they are the ones that can and do break-down dead plants, fertilizers, etc. into basic forms that can be utilized by growing plants and trees.

Sewage from homes in widely scattered rural areas can be safely handled by septic tanks with overflows into properly constructed soil beds, but where people crowd together in villages, towns, or cities, the sewage is going to have to be *properly treated.* The solid matter can be hauled away to be used as fertilizer. The problem is, what to do with the nitrogen-phosphate rich effluent.

Eventually, if we are to solve this problem, each populated area should be surrounded (or as nearly so as possible) by farm lands growing plants and trees—a green belt. These lands should be contracted for, or owned by, the town or city. The solid sewage waste would be hauled to the farms by truck and the liquid effluent would go through underground pipelines to temporary storage ponds or directly to overhead sprays located in the fields.

Crops for animal and poultry feed such as hay, oats, alfalfa, corn, sorghum, soya beans, and rye would be grown together with, say, cotton, flax, etc. Trees, including evergreens, like pines, that grow all year would be included.

The amount of farm land needed for each populated area would depend on the number of growing days per year, the rainfall patterns, soil types, and other things. Where land is frozen for several months a year, a larger area would be needed as well as more storage ponds, and because of the short growing season, there would be a tendency to have a larger acreage devoted to evergreen trees.

In all cases harvested crops do a more effective job of "hauling away" the nutrients than trees, because the dropping tree leaves actually re-deposit part of the nutrients. A combination of harvested crops and trees does an effective job.

The liquid effluent from sewage, as it passes through the soil with its microorganisms and vegetative cover, would go through a living filter and be purified and renovated by the time it reached the water table or ground reservoir. In the U.S. the average use of water per citizen, counting both industrial and personal use, is now estimated at 1,300 gallons per day. Our supply of fresh water is limited and it must be used and reused over and over again.

The salient objective must be to avoid over-loading Nature's natural living filtration system, giving it the time and capacity to do a good job.

In a Penn State project it was found that 129 acres were needed to dispose of 1 million gallons of waste water per day. This represented the effluent output of a sewage plant serving 10,000 persons. The application rate was two inches weekly on the 129 acres. The application rate could vary from ¼" to 2" per week as would the size of the land area depending on circumstances involved, but the system is feasible and adaptable. One inch of water on an acre amounts to 27,154 gallons. Standard rail tank cars hold 8 or 10 thousand gallons.

Well aerated, microbe-rich top soil destroys complicated organic molecules (such as are found in detergents) within 10 days when the applications are properly controlled. It must also be remembered that organic and inorganic colloids in the soil have vast capacity to "fix" (lock-up) phosphorus.

Waste products, under law, would have to go through Nature's converter-filter located in a GREEN BELT around the populated area. Buried pipe lines could radiate-out from populated areas for 5–30 miles, or for whatever distance was required. Pumping through such lines would be mechanically feasible at reasonable cost.

Using Nature's filters is neither new nor untried. This system is presently being used by plant operators in many parts of our country. Waste products are converted by Nature into useful ones as a part of their conservation effort.

The populated areas would gain an additional advantage with a GREEN BELT of growing crops and trees, as these would also act as natural air filters helping to purify the air. The air man breathes is about 80% nitrogen and 20% oxygen. Growing leaves "scrub" the air of many pollutants, returning oxygen as a by-product of the leaf's protosynthesis—conversion of sunlight to plant-food energy. A sedentary person consumes about 460 liters of oxygen per day; a very active person 2,030 liters. An acre of growing rye grass will evolve over 100,000 liters of oxygen per day and an acre of sugarcane in Louisiana in September will produce about 196,800 liters of oxygen per day.

One large problem in trying to keep a green belt around populated areas is related to taxes. A farmer with 400 acres in various crops has his land valued at $400.00 per acre. His farm neighbor has only one acre which is also valued at $400.00. Someone comes along and buys the one acre for $1,000.00 and divides it into two house lots. The assessor (who is always being pressed to find more tax revenues) re-values the 400 acres at $1,000.00 per acre and immediately puts the owner into an uneconomic position. This step often results in a premature conversion of land from non-urban to urban use, frequently resulting in unsightly and haphazard development.

Some states have recognized the need to maintain some open and agricultural lands near population centers. Maryland pioneered the idea fourteen years ago: Lands that are actively devoted to farm or agricultural use are assessed on the basis of such use and not as if sub-divided. In 1963 New Jersey endorsed by a 2 to 1 margin a constitutional amendment allowing preferential assessment of farm land. It was the urban vote that put it over based on recommendation of a "Citizens committee to save open space in New Jersey." Other states having similar legislation are Indiana, California, Connecticut, Florida, Hawaii, and Oregon. There are possibly others.

How is such a tax structure protected from speculators—the so-called "psuedo farmers"? Under "preferential assessment", the land owner who actively farms 5 acres or more and has done so for 2 years prior to the tax year, may elect to have his farm assessed at farm-use value. If, in the future, he decides to sell, for non-farm use, he will pay 2 years back taxes at the higher use value.

Some day in the future, there should be legal standards requiring that population concentrations over a certain density must be served by a *complete* sewage treatment plant, and quite probably it would be a legal requirement that the solid waste and effluent from such a plant be utilized by nearby farms for growing animal and poultry feeds, as well as trees. Such steps would go a long way toward uniformally solving our worst pollution problem, and at the same time would preserve open areas for recreation, beauty, and the production of oxygen.

This land of ours can be beautiful again!

ALLEGATIONS OF SPYING BY THE MILITARY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. CRANE. Mr. Speaker, a number of my constituents have expressed grave concern over recent allegations of spying by the military on various civilians in Illinois, including the alleged surveillance of several prominent elected officials.

I have discussed this matter with officials of the Department of Defense who have supplied me with a copy of the Secretary of Defense's Memorandum to the Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, and the Directors of the Defense Agencies.

The following is a quotation from the policy objectives of that memorandum:

> I want to be certain that Department of Defense intelligence and counterintelligence activities are completely consistent with constitutional rights, all other legal provisions, and national security needs. These activities must be conducted in a manner which recognized and preserves individual human rights. Policy determinations governing such activities must be retained under civilian cognizance and control.

I believe that this statement accurately reflects the concern with which Secretary Laird views the situation, and I look forward to Assistant Secretary of Defense Robert Froehlke's report on reforms in this area.

In addition, my colleagues from Illinois, the Honorable John N. Erlenborn and the Honorable Paul Findley, have called for a congressional hearing by the House Government Operations Subcommittee. I fully support their request for such an investigation.

TRIBUTE TO SENATOR ALBERT GORE

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. CRANSTON. Mr. President, I consider it an honor to have had the opportunity to serve in the Senate with one of its most distinguished and respected Members—Senator Albert Arnold Gore of Tennessee.

In his hometown of Carthage, Tenn., public service is held in the highest regard. The town, which has a population of only 2,000, has produced the district's Congressmen for the last 75 years, as well as a Governor, two Senators, an ambassador, and a Secretary of State. The "Gray Fox of Carthage," as Senator Gore is affectionately referred to by his friends, has carried on the tradition of Carthage with honor and integrity.

Albert Gore has spent over half of his life serving Tennessee and the Nation in the Halls of Congress, spending 14 years in the House and 18 years in the Senate.

He is admired by friend and foe alike as a great orator, a tough and skilled debater, and as one of the most courageous men to ever sit in the U.S. Senate.

Senator Gore is best known for fighting the people's battles. Whether it meant standing up to the President of the United States or a fellow Senator, he would not hesitate if he believed that the cause was just. His vote was always governed by what he thought was right, rather than by what might be politically expedient.

Senator Gore stood for tolerance at a time when intolerance was the safe stand. For instance, he was one of three Senators from the South who refused to sign the southern manifesto protesting the Supreme Court's school desegregation decision in 1954. The other two Senators were his fellow Tennessean Estes Kefauver and the majority leader Lyndon B. Johnson.

Senator Gore will be remembered along with his boyhood idol from Carthage, Cordell Hull, as one of the great statesmen and progressive leaders of our time.

Senator Gore will be missed in the Senate; however his departure from the Senate does not mean that his voice will no longer be heard. I am sure that Tennessee and the Nation will hear a great deal more from the "Gray Fox of Carthage."

TRIBUTE TO SENATOR RALPH YARBOROUGH

HON. DANIEL K. INOUYE

OF HAWAII

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. INOUYE. Mr. President, I wish to add my voice to the many which are being raised in honor of Ralph Yarborough as he leaves the U.S. Senate. I know of no Senator more deserving of our tributes nor any whose presence here will be more missed. His whole career here has been a "profile in courage."

Ralph Yarborough is no longer a young man. He is at an age when many are either retired or thinking of the easy life. But not Ralph Yarborough. He is a young man in outlook, in spirit, in vigor, and in his ability to work hard. I am confident that we have not heard the last from him.

Ralph Yarborough has never been known as a man to take things easy. As chairman of one of our most important committees he has demonstrated superb mastery of the legislative techniques and been most productive of legislation which is designed to serve the public good. He has been a real populist in the true sense of that word, and a most effective one, I might add. We will miss him here in the Senate but I fear that the people, in a broad sense, will miss him even more. And this is particularly true of the so-called little people.

It is not surprising that he has had the strong support of the minority-group people in his own State over the years. His whole career has demonstrated his deep and constant concern for their welfare. He is one man who never forgot his responsibility to help those most in need of help. His legislative solutions on their behalf have been most constructive preserving the full dignity of the individual participant in governmental programs.

Ralph Yarborough's vision has, like everything about this man, been a Texas style vision—big and broad with real sweep and substance. He shall be missed and long remembered.

TRIBUTE TO CONGRESSMAN RICHARD D. McCARTHY

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 30, 1970

Mr. CULVER. Mr. Speaker, the departure of Max McCarthy is a genuine loss to the House of Representatives. He has, in only three terms here, exemplified the qualities of effective service in the House.

Like all good Members of Congress, he knew his district intimately, and never ceased to serve it well. His margin of victory increased in each election, and his voice was a powerful one in the Buffalo area. Equally, he won stalwart respect in the House, for he has been a man who has shown a mastery of difficult areas of public policy, and a capacity to find legislative solutions to them. On a variety of subjects including germ and chemical warfare and environmental pollution, he has become a voice commanding attention and respect. He does not speak from simple impulse or for an easy headline; rather his words are based on an informed understanding, on careful investigation, and on the conclusions of a probing mind. All of us have benefited from the illuminating contributions he has made both in committee and on the floor.

Those of us who came to the House with Max in January, 1965, have a special affection for him and have enjoyed the qualities of mind and work which he possesses. He is a man of extraordinary ability and he inspires the greatest trust. For my part I express the fullest confidence that his public career is, at worst, at a moment of brief interruption or punctuation. We need more Max McCarthys among us, and I trust that his return is not far distant.

GOALS AND ACCOMPLISHMENTS OF OEO

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. SCHWEIKER. Mr. President, on December 30, the Committee on Labor and Public Welfare held hearings on the confirmation of Frank C. Carlucci III, as the new director of the Office of Economic Opportunity. Unfortunately, the committee did not act on this nomination before the close of the 91st Congress, and it will be pending business before the committee in the new Congress.

In his opening statement to the committee, Mr. Carlucci discussed the goals of OEO as he sees them and reviewed some of the accomplishments and policies of OEO over the last 2 years. Mr. Carlucci, for the past 18 months, has been assistant director for operations at OEO. I request unanimous consent that Mr. Carlucci's statement be inserted at this point in the Record, followed by an article which appeared January 4, 1971,

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in the Baltimore News American, by Ned Young, civil service editor of the newspaper, commenting on Mr. Carlucci's statement.

There being no objection, the statement and article were ordered to be printed in the Record, as follows:

Statement of Frank Charles Carlucci III, Office of Economic Opportunity

During the 18 months it has been my privilege to serve as OEO's Assistant Director for Operations, with responsibility for supervising regional offices, state and local government relations, community action, and Indian and migrant programs. In this role I have attempted to pursue a course which would strengthen the effectiveness of Federal, state and local efforts to fight poverty, while through responsible management enhancing broad citizen support for those efforts.

Throughout much of its brief history, OEO has been a subject of controversy and speculation. Criticism and praise can be found at virtually all points on the political spectrum. Dollar for dollar OEO's programs are perhaps more widely debated. This is as it should be. An agency on the cutting edge of social change is bound to be controversial. If we ever accede to the normality and relative calm of a traditional bureaucratic unit, it might well be that we are no longer serving our purpose.

Simply stated, our mission is to work on behalf of those whose voice has gone unheeded for too long in our society. A key element in this task is to make the institutions of our society—federal, state, local and private—more responsive to the needs of the poor.

There are widely disparate views on how OEO should strive to fulfill this mission. Fortunately, most parties to that discussion disagree on techniques rather than on objectives. Hopefully such differences can be argued in a manner that does not impede progress on common objectives. I believe that OEO is doing an increasingly effective job. Allow me to cite some examples which support this view.

OEO's Legal Services Program, expanded and strengthened in the past two years, is giving millions of poor Americans their rightful access to our system of justice. And it is doing more than that. Legal Services is showing all Americans that our system is strong enough and flexible enough to be changed where necessary through peaceful, legal means.

Mr. Chairman and distinguished members of the committee, the concept underlying Legal Services—access to justice for all Americans—is one that I personally treasure, and one I will defend.

OEO's Comprehensive Health Centers have charted new paths for delivering first-rate health care to poverty populations. Recently, as you know, 16 of the health centers were spun off to the Department of Health, Education, and Welfare, freeing OEO money for use in establishing still newer, and hopefully, even better means of delivering health care to the poor.

OEO's Senior Opportunities and Services, or SOS Program, funded through Community Action Agencies, is providing desperately needed help to the aged poor—proportionately the fastest growing segment of the nation's poverty population. SOS has enjoyed great success in generating private and public support; for every Federal dollar spent on the program, nearly forty cents in public-private money or in-kind services has been contributed.

OEO's programs for American Indians have been expanded. Funds for Indian economic development projects have been doubled. More than 60 of OEO's Community Action Agencies are now operated for and by Indians, while other agency funds have gone toward opening Indian-operated schools and a college, and Indian urban centers in seven cities.

OEO's programs for migrants, whose problems are as serious and difficult to address as those of any poverty group in America, including offering high school equivalency training for youngsters, an absolute necessity in breaking the poverty cycle; adult education and vocational retraining classes for adults; self-help housing programs, as well as day care, emergency food and medical aid, and mobile credit unions and health insurance plans.

OEO's Volunteers in Service to America, the VISTA Program, has been a forerunner in efforts to promote organized voluntary action and involve more individual Americans in facing the poverty-related problems of our communities and our fellow citizens.

OEO is tesing exciting new methods for linking our least fortunate citizens—the poor who are also unskilled, or alcoholic, or addicted to drugs—with the rehabilitation and training they need to hold decent jobs.

OEO experiments with performance contracting in education should tell us whether or not the nation's education establishment can and should refocus its success criteria on achievement rather than on teacher-pupil ratios and numbers of new classrooms.

The institution of tough new regulations and processes has tightened the agency's control over grants and contracts, is minimizing the potential for conflicts of interest, and has resulted in more competitive bidding while helping to end indefensible cost overruns.

OEO's nearly 1,000 Community Action Agencies, with which I am especially familiar, continue to constitute the agency's operational heart—and that heart, in my judgment, is beating more strongly, and more productively than ever.

The past two years have seen these local agencies strengthened from the standpoint of management, evaluation of their effectiveness, and newly won community support. The CAAS remain the unique institutions they were at the inception. They represent today an even more vital means of mobilizing all segments of the community into a partnership effort with the poor.

As you are well aware, the CAA approach has not always been universally accepted. In some cases needed support has been withheld by segments of the community that viewed the CAA as a threat to their own hegemony. In others, protest-style tactics used by the CAAs, or on their behalf, have served only to widen the gap between the poor and the nonpoor.

During the past two years OEO's leadership has repeatedly stressed the need for CAAs to serve as a catalyst for stimulating the broader community to action aimed at eliminating poverty. Again, it has been a case of facing up to the reality that all Americans must work together if poverty for some is to be overcome. By and large, the CAAs have responded well.

Along the same lines, OEO's leadership has insisted that the CAAs be more effective and responsible—action required to guarantee their acceptance by all Americans whose tax dollars support them, and to inspire trust in them by their poverty constituencies.

Some Community Action Agencies have been closed when careful evaluation proved conclusively they were not serving the poor. Others have been helped to put their houses in order. But the majority have proven themselves effective and efficient in doing what they were intended to do: provide a workable mechanism for focusing the nation's attention and resources on enabling the poor to lift themselves out of poverty.

While improving its own internal structure, OEO has mounted a major effort to strengthen its relations with other Departments of the Federal Government, and with state and local governments. That effort is in keeping with OEO's role, as mandated by Congress and reemphasized by the President, as an intra-governmental spokesman for the poor. It also recognizes the reality that if this nation is to address the problem of poverty, the effort must involve every institution, and not simply the OEO.

I am personally confident that OEO's present posture puts it in a position to be an increasingly effective part of the nation's overall attempt to combat poverty and its devastating, unacceptable effect on human lives. And I am personally committed to doing whatever I can to help OEO serve the poor and thereby serve the nation.

Carlucci Seen Aiding OEO Links

(By Ned Young)

Liaison between the federal government and the states will strengthen, it appears, if Frank Carlucci becomes the permanent director of the Office of Economic Opportunity (OEO).

Such liaison included in the theme of his testimony before the subcommittee on employment, manpower and poverty of the Senate Labor and Public Welfare Committee.

The originator of such a policy for the agency was Donald Rumsfeld, who was director prior to his appointment as a White House adviser.

Carlucci, who is yet to be approved as Rumsfeld's successor, had been the assistant and acting director of the agency for 18 months.

"It is counter productive to have the states as our enemies," Rumsfeld is reported to have stated when inaugurating the program.

"Simply stated, our mission is to work on behalf of those whose voice has gone unheeded too long in our society.

"**A key element in this task is to make the** institutions of our society—federal, state, local and private—more responsive to the needs of the poor," said Carlucci in his testimony before the Subcommittee.

Consequently, the OEO has issued guidelines to strengthen the role of the states in the poverty program.

Among the provisions are:

That the OEO consult with the state offices on training and technical assistance grants and contracts.

That regional offices work out joint agreements with state officials for more efficient use of their respective field personnel.

That State Economic Opportunity Offices (SEOOs) shall function as advocates for the poor by working for their representation state committees, seeking to make existing programs more responsive to the poor, and other efforts.

That state offices will be helped to hire more specialized personnel and to provide training for them.

That state offices will be encouraged to develop and conduct innovative programs that could bring about institutional changes to benefit the poor.

SENATOR THOMAS J. DODD

HON. DANIEL K. INOUYE

OF HAWAII

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. INOUYE. Mr. President, as we move through the corridors and halls of the Capitol we observe the many tourists who come to visit our legislative halls. We hear them talking to each other as they recognize various members of the

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body. Some of us go unnoticed and unrecognized but I have noted that one Member who will be leaving this body always attracts their attention and recognition. I refer to TOM DODD. When near him you hear their hurried comments, "There goes a Senator."

Yes, TOM DODD looks every inch the Senator he has been these many years.

I wish to pay tribute to TOM DODD, however, not primarily because of his senatorial demeanor but because of his demonstrated courage. They say you can take the measure of a man by watching how he operates under pressure and under adversity. I want to pay my respects to TOM DODD for the courage and conviction which he has so nobly demonstrated under very difficult circumstances. He has proven himself a real fighter and a real leader and he will be much missed. May good fortune be his and may his future be bright.

TRIBUTE TO HON. GEORGE H. FALLON

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. DORN. Mr. Speaker, Chairman GEORGE H. FALLON, of Maryland, has served his Nation with distinction and dedication. He leaves this body with the highest respect and affection of Members on both sides of the aisle and of the millions of Americans who daily benefit from the great developmental projects that he has championed. As Chairman of the great House Committee on Public Works, Chairman FALLON was one of the foresighted men responsible for the Federal-Aid Highway Act of 1956, the legislation which established the vast Interstate System. Later, he sponsored the Highway Beautification Act of 1965, the Highway Safety Act of 1966, and many other programs dealing with pollution control.

Mr. Speaker, GEORGE FALLON was fighting for environmental protection long before this topic came into vogue. He has always been able to see that sensible development of our vast natural resources can go hand in hand with wise and prudent protection of the environment. On November 25, 1970, the House of Representatives overwhelming passed the Federal-Aid Highway Act of 1970, which among other things provides for the completion of the great Interstate System.

This overwhelming approval was a tribute to GEORGE FALLON'S leadership and his ability to offer legislation that almost all Members could support. On that day I joined many of my colleagues in paying tribute to Chairman FALLON, both for his leading role in writing this landmark legislation, and for his great overall leadership in the development and protection of the resources of this Nation. At that time Mr. Speaker, I said that the career of GEORGE FALLON has brought to reality the words of Daniel Webster which are emblazoned in this Chamber above the Speaker's chair. I wish again to place this quotation in the RECORD, because it is so especially appropriate to GEORGE FALLON. Webster said:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day may not perform something worth to be remembered.

GEORGE FALLON has lived up to this challenge.

In closing, Mr. Speaker, I want to say that it has been a personal pleasure to serve on the Public Works Committee under the leadership of Chairman FALLON. He has been a fair and skillful chairman who has always reported from his committee legislation of which we could be proud.

Mrs. Dorn joins me in wishing for the chairman continued health and happiness. We will miss him here in the Congress, but hope that he will come to visit with us often.

DAVID ROCKEFELLER CALLS ON "SPIRIT OF PITTSBURGH" IN ADDRESS BEFORE PITTSBURGH CHAMBER OF COMMERCE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. MOORHEAD. Mr. Speaker, the Pittsburgh business community was privileged to hear an address by David Rockefeller, chairman of the board of the Chase Manhattan Corp., recently concerning "Public Responsibilities of Private Business in the 1970's."

Mr. Rockefeller said some very nice things about our city and its business sector, indeed he called upon them to take the lead in showing the country how to influence the social legislation so badly needed in our cities, States, and Nation today.

I am pleased to include his remarks for the attention of my colleagues at this point in the RECORD:

PUBLIC RESPONSIBILITIES OF PRIVATE BUSINESS IN THE 1970'S

(Address by David Rockefeller)

I have looked forward to this occasion with particular pleasure because, frankly, I have long admired the forthright manner in which the Pittsburgh business community has dealt with urban and environmental problems.

As even the occasional visitor knows, you were among the first to recognize and respond to the many complex and interrelated issues of ecology and urban renewal. You did so with imaginative approaches that, in many cases, have since been adopted by other major cities.

During the 1950's and '60's, urbanologists and early environmentalists were still unable to get a serious hearing in many parts of the country. Yet here in Pittsburgh, you already had a functioning alliance of concerned business and civic leaders headed by Dick Mellon whose memory should be revered by all. Under this kind of capable leadership, you moved forward with a broad base of community support to reverse the tide of urban deterioration and environmental pollution.

In view of your record of accomplishment, you have better reasons than most to resent the current wave of attacks charging business with an utter lack of social concern. It is no exaggeration to say that American business today is facing its most severe public disfavor since the Depression era of the 1930's.

We are told in the most forceful terms by a wide range of critics that we are doing both too much and too little, that we are once profligate and miserly, evangelistic and hypocritical. Indeed, there seems to be a fixed belief, in some quarters at least that businessmen are constitutionally incapable of performing a selfless act. When one occurs, the critics are sure it must have been done for the wrong motives. And if no questionable motives can be assigned, then it is assumed to have been an accident!

We cannot escape evidence of this public disfavor even in the toy departments where we do our Christmas shopping. Where once the game of "Monopoly" dominated the scene, we now find a proliferation of new ones with such topical names as "Smog: The Game of Environmental Awareness," and "Extinction: The Game of Ecology."

Ours is the dubious honor of having gone from "Monopoly" to "Extinction" in one generation!

The net effect of this shifting public sentiment toward businessmen was summarized amusingly in a recent article in Finance Magazine. It ticked off the typical headaches of today's average executive in these words:

"Two citizens' groups have brought suit (against his company) . . . the press keeps making outrageous claims . . . consumers are trying to organize a boycott . . . a Federal agency is making a study . . . some fellow in Washington, acting independently with some law students, is about to slip a report to a Congressman . . . a nearby college has 150 scraggly potsmokers who are talking about bombing his office . . . and his children call him an imperialist pig!"

In such a climate of confrontation, it should come as no surprise that socially concerned businessmen are caught in a devastating cross-fire of criticism from both ends of the ideological spectrum.

At one pole, Professor Charles Reich has pronounced America's businessmen guilty of social "crime" of creating an anti-human "Corporate State." In his current best-seller, "The Greening of America," Professor Reich views this supposed monolithic machine as a destroyer of individual dignity and holds it responsible for a catalogue of social ills ranging from depersonalization to pollution. In his view, business—as an oppressor of the human spirit—cannot make a positive social contribution.

Professor Reich's goals are admirable. Surely no one will contest a creed that places individual dignity and self-realization at the center of our social and economic efforts. But his analysis fails, I believe, when it attempts to make business the scapegoal for the inevitable dislocations produced by rapid progress. His view of business as a rigid, machine-like structure bears little resemblance to today's flexible, responsive, consumer-conscious corporation.

Material prosperity and automation have immeasurably improved the lives of millions and greatly shortened the work week, freeing people for the aesthetic, intellectual and recreational pursuits that Reich himself espouses. Business now is making substantial inroads against the by-products of technological advance through anti-pollution efforts, urban programs and a host of other activities. Further, business has moved

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away from arbitrary authority toward participative management and individual initiative in many of its operations.

In short, business concern for the individual and the community has moved us toward Professor Reich's most worthy goals. To use one of his own terms, his revolution has been "co-opted" by American business.

Attacking from an opposite point of view, Professor Milton Friedman contends that business has only one responsibility—to maximize profits for its shareholders. Beyond this, he insists, corporate social efforts are only "hypocritical window-dressing" and "unadulterated socialism." This is surely too narrow a perspective.

Even Professor Friedman recognizes that the donations made by businesses to various community service organizations on an annual appeal basis are appropriate under customary and conventional ethical standards of good citizenship. But what he fails to appreciate, in my view, are the many innovative social contributions of business which are perfectly consistent with the profit incentive. The construction of "turnkey" public housing, for example, in which private industry works with government to create much-needed housing for low-income families, has proven both profitable and socially beneficial.

Profits are, indeed, the lifeblood of business. But our own consciences as well as rising public expectations make it increasingly clear that modern managers must come up with more new and imaginative approaches like "turnkey" housing, to reconcile their expanding responsibility to society with the investment interest of their shareholders.

Responding to critics is tempting and I think businessmen should give in to the impulse more often—not to apologize but to set the record straight. I would hope, however, that we would not spend so much time and energy in answering critics that we have none left for reexamining our own performance to spot new areas for improvement.

This is a time of profound reassessment throughout our society, a time for reordering values and priorities at all levels.

Business must participate fully in this reassessment by redefining its own relationship to society.

The last time we went through such a national reappraisal—in the 1930's business tended to stand aside and leave the initiative to government. In retrospect, I think all of us would acknowledge that this was a mistake. The result was a serious erosion of our economic freedom. This time, unless business rolls up its sleeves and gets into the fray, there is likely to be not only a further erosion of economic freedom but of individual freedom as well.

The amount of freedom business retains will depend decisively on the quality of management's response to changing public expectations and on the degree of its involvement in public responsibilities.

Certainly, I recognize the temptation to cut back on programs for social progress during a period of diminished profits, especially when we are being roundly criticized for these very commitments from certain enclaves of tradition. But I would argue that it is precisely at this time, when social expectations and needs are greatest, that we must weigh our options calmly and employ our most farsighted business judgment.

Far from cutting back, it seems to me highly desirable that we step up our social involvement, at this critical juncture, in at least three distinct areas.

The first, of course, is within our own companies. Many businessmen have been doing a good deal, individually, to make their corporations more socially responsive to the changing environment. But, for the most part, they have done this as a kind of "add-on" to their regular business—programing a response to each challenge as it appears. For example, they have stepped up financial contributions to deserving urban projects, developed more playgrounds in the ghettos, and provided more counseling services for the disadvantaged. In other words, they have responded with good intentions but usually with the self-limiting presumption that social improvement programs must be carried on the loss side of the company's ledger. They presumed that business and social responsibilities would not mix. I believe it is now time to question that presumption.

The immediate task, as I view it, is to learn how to discharge our social responsibilities as an integral part of our overall corporate planning and performance. We should think not so much in terms of how to hold down the cost of these programs, but rather how to make them more efficient and more effective so that they contribute to long-range profitability. Briefly stated, the essential job is to reconcile what happens in the marketplace with what has already happened in society. This may mean liberalizing our hiring practices to include more from the minorities or broadening our services to extend into disadvantaged neighborhoods.

This may also mean taking a longer range view of profits. It may mean lowering our profit sights in a particular year, in the interest of helping to shape an environment in which business can continue to prosper ten or twenty years into the future. In a sense, this is a kind of capital investment in community well-being which will produce future dividends in the form of a more viable business and living environment.

The latest surveys by the Opinion Research Corporation reveal that a solid majority of the American people now considers corporate responsibility for maintaining a pollution-free environment equal in importance with supplying customer needs at reasonable prices. So, besides being a matter of good conscience and good citizenship, it is also a matter of good business judgment to structure ourselves, within a sound application of free-market principles, to respond to the will of the majority of our potential customers. To narrow our individual corporate objectives solely to the pursuit of profits would place us almost at once in direct conflict with the many publics on whom those profits depend.

A second area in which businessmen can and should be involved in a socially responsive way is at the industry and even the multi-industry level.

The "pilot projects" of individual companies have been very much worthwhile, and have taught us valuable lessons about what can and can't be done with limited resources. But the need now, as I see it, is for more massive collaboration by groups of several corporations in diverse fields to tackle those truly major problems that surpass the resources of a single company.

One of the most promising avenues for expansion would be to select, from among the many trial-and-error experiences of separate companies, those ongoing projects which show the greatest potential for multi-industry application.

For instance, in my own industry, I think the "Key Cities Program" of the American Bankers Association, which is committing one billion dollars by 1975 in minority business financing across the country, is an important program. It will focus initially on 50 critical urban areas. In these, coordinating committees of local bank executives will see to it that his financing is responsive to unique local needs and problems. Supporting this funding program will be teams of visiting specialists who will bring their proven experience to bear through a series of Urban Development Seminars. The "Key Cities Program" is particularly attractive for multi-industry involvement because it offers wide-ranging opportunities for almost every kind of industry to supply its own particular technical, managerial and product support in local areas under local supervision.

The various manpower development programs of the National Alliance of Businessmen have proven themselves capable of far wider applicability, given the inter-industry base that has already been established. The lessons learned in these programs could be applied more extensively to the development of training capacities for moving workers up from entry-level competence toward managerial positions.

Although still in development stages, the National Corporation for Housing Partnerships and HUD's "Operation Breakthrough" are both promising prototypes for a total business-sector initiative. With its recent development grant from HUD, Westinghouse is already exploring the feasibility of modular and prefabricated housing on a broad scale.

In the underlying and, in many ways, most critical problem of educational deficiencies, the various "partnership projects" between corporations and schools have nationwide and industry-wide potential.

In the past several weeks, two major educational studies have been released—one by the National Association of Secondary School Principals and the other by the Carnegie Commission on Higher Education. Both studies concluded that the present educational system in this country is too rigidly degree-oriented and lacks the flexibility needed to guide young people with a wide range of talents and ambitions into suitable professions and occupations. They proposed that big cities create new models of secondary schools adopted to their own community needs rather than remain firmly anchored in the past and the present.

The validity of this proposal is supported by recent statistics revealing that almost one-quarter of all high school students drop out before graduation. And roughly half of those who enter college quit before taking the bachelor's degree.

Until now, the business sector has tackled this enormous problem largely on a company-by-company basis, setting up separate programs for the industrial and basic skills training of "drop-outs." These individual programs are often costly and inefficient, and the new educational techniques learned by one company are not transmitted quickly to others.

How much better it would be if we had a nationwide system of industry-supported vocational schools of sufficient scope to exert a real impact. Ideally, these institutions would not close off the possibility of subsequent academic training, but would provide a viable alternative route toward higher learning. Those who, for personal or family reasons, felt the need for early employment could have the opportunity and the flexibility to complete their high school education in these industry-sponsored vocational schools and then continue on to college if and when they desired.

By breaking down the rigid correlation between age and formal schooling, an approach such as this might go a long way toward making education a lifelong process with men and women entering college from the ranks of labor, commerce and industry—perhaps under employee or trade union scholarship programs. Nowhere is it written that education in America must be a hectic scramble by everyone, regardless of incentives and qualifications, to accumulate the maximum number of degrees in the minimum amount of time.

The major industries could establish a loosely-tied national chain—steel, transportation, utilities, communication and banking—building the buildings, defraying salaries and other operating costs and offering employment options to the graduates.

The schools that I propose would not be

in competition with other public schools. They would be supplemental and would be fully certified and accredited by local educational authorities—differing not in educational standards but in educational emphasis and in the fact that they were financed in part by the private sector.

To work out the details of such a project in full cooperation with the present secondary school system and to ascertain what tax incentives might apply, this proposal would clearly require the concurrence of educators, leaders of business and labor and various governmental authorities. But I have outlined the proposal here in order to illustrate the dimensions of future commitment that I believe business must undertake at the multi-industry level.

The third major area in which this sense of commitment must be manifested is in the national debate over policies, programs and priorities.

Businessmen have been generally reluctant to enter into public debate on issues other than those of direct company concern. They will talk volubly about why they need higher tariffs or lower taxes. But they tend to become reticent when the discussion turns to the need for an improved welfare program, broad-gauged trade legislation, or more realistic safety standards. The supposed risks of alienating other businessmen or consumers are often regarded as unacceptably high. As a result, we too often end up with uninformed, catch-all legislation.

By restricting the range of topics to those directly related to their livelihood, businessmen have seldom achieved wide public recognition. It is precisely by avoiding social debate, that they have given currency to the notion that they are concerned solely with profits and have little of substance to contribute to the developing dialogue of democracy.

The great need here, as I see it, is to coordinate the business community's efforts, talents and influence in a way that will give it genuine impact not only at local and state levels, but at the national level as well.

Some coordination in the social realm already exists in activities of the National Alliance of Businessmen, the National Corporation for Housing Partnerships, the Chamber of Commerce, the National Association of Manufacturers, the Conference Board, the Committee for Economic Development and others.

But what is needed additionally, in my view, is an all-out determination to mobilize the opinions and resources of the business community behind workable large-scale approaches to urban problems. With a guiding consensus of our own, we would then be in a better position to enlist the support of the Administration and Congress to do the job that must be done. The influence and ideas of businessmen are needed now as never before to speak out more forcefully and more frequently on social and urban legislation.

Because of this very urgency and because of your own enviable past record in setting examples for the larger business community, I am taking the liberty now of urging upon you—the business leadership of Pittsburgh—this additional task. I know of no body of businessmen anywhere that is better equipped, by experience and achievement, to show us how the country's business section can bring its influence to bear on forward-looking social legislation in city hall, state house and in Washington.

I do not mean to suggest that such a leadership role can or should be played in isolation. Its effective implementation will require the same kind of close cooperation with the academic and intellectual communities that you have achieved in the past. And it will require the same cordial working alliance with labor to impact effectively on Government at all levels.

But I believe that the first driving thrust could well come from the concerned and committed business sector of Pittsburgh. I would add only that the time is short and present problems across the nation are rapidly outrunning their solutions.

For those across the country who boggle at the immense urban tasks still before them, there would be great encouragement in the realization that "the spirit of Pittsburgh" was on the move once again.

In a larger sense, there is reassurance for the nation's businessmen, too, in recalling that since the days of Karl Marx, critics have been predicting the downfall of the American industrial system and the demise of the corporation. Yet through the years that system has proven remarkably durable and resilient. It has been highly resourceful in adapting to change involving employees, customers and society in general.

I personally am confident that it can and will demonstrate equal adaptability in the decade of the Seventies. I think it is more than capable of rising to the challenges posed by Professors Reich and Friedman by coming up with fresh solutions to many problems within the context of the free-market system.

Tradition holds that the first draft of the Declaration of Independence dedicated this new nation to "life, liberty and the pursuit of property." It was only at the urging of those who insisted on greater concern for the *quality of life* in America, that Thomas Jefferson struck out "property" and placed "the pursuit of happiness" in a position of high prominence.

Now, nearly two centuries later, we are witnessing a strong resurgence of this national goal. Those of us in business are being asked to contribute more to the quality of life than mere quantities of goods and services. I believe that "the spirit of Pittsburgh" could well supply us with the precedent and vision necessary to achieve this goal.

TRIBUTE TO ALBERT GORE

HON. DANIEL K. INOUYE

OF HAWAII

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. INOUYE. Mr. President, election night 1970 was of special interest to me. There were no returns in which I was more interested than in the returns from the State of Tennessee and there was none I received with greater sorrow than the word that my good friend and courageous colleague, ALBERT GORE, would no longer be with us after this Congress.

We will miss his fiery oratory and his strong and effective voice on behalf of the people. He has been a real stalwart and an inspiration to me. His has been a voice of reason and intellect as well as a voice of some passion.

His leaving seems to mark the end of an era. I only hope that we may find within those who join this body the same spirit and will, for the U.S. Senate will be a lesser place without him. It is probably a truism that none of us are irreplaceable but it is also true that ALBERT GORE will leave a huge void that will not soon be filled.

His accomplishments have been many but I think he deserves our particular thanks for his work in behalf of the average American taxpayer through his work on the Finance Committee. Although not privileged to serve with him on that committee I have always found his advice on fiscal and tax matters most helpful and sound and I have appreciated his guidance. I know he has been of help to many.

We will miss ALBERT GORE. May he have a long and happy future.

WHOSE COUNTRY IS AMERICA?

HON. ROBERT C. BYRD

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. BYRD of West Virginia. Mr. President, a very interesting article appeared in the New York Times magazine on November 22, 1970. The article, titled "Whose Country Is America?", was written by Eric Hoffer and reads as follows:

WHOSE COUNTRY IS AMERICA?

(By Eric Hoffer)

THE YOUNG AND THE MIDDLE-AGED

The conspicuous role played by the young in our society at present has prompted a widely held assumption that the young constitute a higher percentage of the population than they did in the past. Actually, in this country, the percentage of the under-25 age group has remained fairly constant through several decades—hovers around 47 per cent. The high-school and college age group—14 to 24—has remained close to 15 per cent. The nation as a whole has not been getting younger. The median age of all Americans in 1910 was 24. Today it is 27, and it is likely to go up since the birth rate now is very low.

The conspicuousness of the young is due to their greater visibility and audibility. They have become more flamboyant, more demanding, more violent, more knowledgeable and more experienced. The general impression is that nowadays the young act like the spoiled children of the rich. We are discovering that there is such a thing as an "ordeal of affluence," that diffused affluence subjects the social order to greater strain and threatens social stability more than does diffused poverty. Order and discipline have up to now been attributes generated in the battle against want. Society itself originated in the vital need for a joint effort to wrest a livelihood from grudging nature. Not only our material but our moral and spiritual values are predicated on the immemorial curse: "In the sweat of thy face shalt thou eat bread." Thus diffused affluence unavoidably creates a climate of disintegrating values with its fallout of anarchy.

In the past, breakdowns of value affected mainly the older segment of the population. This was true of the breakdown of the Graeco-Roman civilization, of the crisis that gave birth to the Reformation, and of the periods of social disintegration that preceded the French, the Russian and the Nazi revolutions. That our present crisis particularly affects the young is due partly to the fact that widespread affluence is robbing a modern society of whatever it has left of puberty rites to routinize the attainment of manhood. Never before has the passage from boyhood to manhood been so difficult and explosive. Both the children of the well-to-do and of families on welfare are prevented from having a share in the world's work and of proving their manhood by doing a man's work and getting a man's pay. Crime in the streets and insolence on the campus are sick forms of adolescent self-assertion. The young account for an ever-increasing percentage of crimes against persons and property. The peak years for crimes of violence are 18 to 20, followed by the 21 to 24 age group.

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Even under ideal conditions the integration of the young into the adult world is beset with strains and difficulties. We feel ill at ease when we have to adjust ourselves to fit in. The impulse is to change the world to fit us rather than the other way around. Only where there are, as in primitive societies, long-established rites of passage, or where the opportunities for individual self-assertion are fabulous, does growing up proceed without excessive growing pains.

Can a modern affluent society institute some form of puberty rites to ease the passage from boyhood to manhood? It is of interest in this connection that among the Bantu tribes in South Africa work is replacing the ritual related to puberty. It used to be that a young man had to kill a lion or an enemy to prove his manhood. Today many young natives do not feel they have become full-fledged adults until they have put in a stint in the mines. Could not a ritual of work be introduced in this country? Every boy and girl on reaching 17 or on graduating from high school, would be given an opportunity to spend two years earning a living at good pay. There is an enormous backlog of work to be done both inside and outside the cities. Federal, state and city governments, and also business and labor would pool their resources to supply the necessary jobs and training.

The routinization of the passage from boyhood to manhood would contribute to the solution of many of our pressing problems. I cannot think of any other undertaking that would dovetail so many of our present difficulties into opportunities for growth.

Though the percentage of the young, as pointed out, has remained constant through several decades there has been a spectacular increase in the percentage of adolescents. At present, adolescence comprises a wider age range than it did in the past. Affluence is keeping persons in their late 20's in a state of delayed manhood, while television has lowered the threshold of adolescence. Nowadays, 10-year-olds have the style of life and the bearing of adolescents. Even children under 10 have an astounding familiarity with the intricacies and the mechanics of the adult world. By the time a child enters kindergarten, he has spent more hours learning about his world from television than the hours he will spend later in classrooms earning a college degree. It is a paradox that at a time when youth rioting in Chicago are called "mere kids," there are actually few genuine kids any more.

The contemporary blurring of childhood is not unprecedented. During the Middle Ages, children were viewed and treated as miniature adults. Nothing in medieval dress distinguished the child from the adult. The moment children could walk and talk they entered the adult world, and took part in the world's work. In subsequent centuries, the concept of childhood became more clearly defined. Yet even as late as 1835 schoolbooks in this country made no concession to childhood in vocabulary or sophistication. Child labor, so widely practiced in the first half of the 19th century, and which we find abhorrent, was not totally anomalous in a society that did not have a vivid view of childhood as a sheltered, privileged age.

To counteract an old man's tendency to snort at the self-important young, I keep reminding myself that until the middle of the 19th century the young acted effectively as members of political parties, creators of business enterprises, advocates of new philosophical doctrines and leaders of armies. Most of the wars that figure in our history books were fought by teen-agers. There were 14-year-old lieutenants in Louis XIV's armies. In one of his armies the oldest soldier was under 18. The middleaged came to the fore with the Industrial Revolution. The experience and capital necessary to make an industrialist required a long apprenticeship. One might say that from the middle of the 19th to the middle of the 20th century the world was run by and for the middle-aged. The post-industrial age seems to be groping its way back to an immemorial situation interrupted by the Industrial Revolution.

The middle-aged came to the fore with the Industrial Revolution. Another way of putting it is that the middle-aged came into their own with the full entrance of the middle class onto the stage of history. The present discomfiture of the middle-aged is a symptom of a downturn in the fortunes of the middle class.

Adolescence as a clearly marked phase in the life of the individual, and the practice of keeping physically mature males in a state of delayed manhood are middle-class phenomena. The young of the working class and of the aristocracy come early in touch with the realities of life, and are not kept waiting in the wings. In neither the working class nor the aristocracy does age have the vital meaning it has in the middle class.

Industrialization was the creation of the middle class. It is questionable whether the spectacular "mastery of things," the taming of nature on a global scale, could have been achieved by other human types. No other ruling class succeeded so well in energizing the masses, and infusing them with an automatic readiness to work. Aristocrats and intellectuals know how to generate in a population a readiness to fight and die, but they cannot induce an uncoerced, wholehearted participation of the masses in the world's work.

Indeed, it is doubtful whether a non-middle-class society can be modern. Domination by aristocrats, intellectuals, workers or soldiers results in a return to the past—to feudalism, the Middle Ages, or even the ancient river-valley civilizations. It is not as yet certain whether it is possible to have a free-wheeling science, literature and art, or even a genuine machine age, without a middle class.

Yet, despite its unprecedented achievements, the middle class is just now on the defensive, unsure of its footing. With the consummation of the Industrial Revolution and the approach of affluence the middle class seems to have nowhere to go. It no longer feels itself in possession of the true and only view possible for sensible people. One begins to wonder whether the unglamorous, hard-working middle class, so essential to the process of production in a climate of scarcity, is becoming anachronistic in an age of plenty where distribution is the chief problem. Middle-class society is being strained to the breaking point not, as Marx predicted, by ever-increasing misery but by ever-increasing affluence. The coming of affluence has found the middle class unequipped and unprepared for a return to Eden.

Early in the 19th century, Saint-Simon characterized the coming of the industrial age as the passage "from the management of men to the administration of things." He did not foresee that once the industrial revolution had run its course there would have to come a reversion from the administration of things to the management of men. Up to quite recently, the middle class did not have to bother overmuch with the management of men since scarcity (unfulfilled needs), the factory, long working hours, etc., tamed and disciplined people automatically. Now, with affluence and leisure, people are no longer kept in line by circumstances. Discipline has to be implanted and order enforced from without. It is at this point that "men of words" and charismatic leaders—people who deal with magic—come into their own. The middle class, lacking magic, is bungling the job.

Thus, as the postindustrial age unfolds, we begin to suspect that what is waiting for us around the corner is not a novel future but an immemorial past. It begins to look as if the fabulous century of the middle class and the middle-aged has been a detour, a wild loop that turns upon itself, and ends where it began. We are returning to the rutted highway of history, which we left 100 years ago in a mad rush to tame a savage continent and turn it into a cornucopia of plenty. We see all around us the lineaments of a preindustrial pattern emerging in the postindustrial age. We are rejoining the ancient caravan, a caravan dominated by the myths and magic of élites, and powered by the young.

In this country, the coming of the post-industrial age may mean the loss of all that made America new—the only new thing in the world. America will no longer be the common man's continent. The common people of Europe eloped with history to America and have lived in common-law marriage with it, unhallowed by the incantations of "men of words." But the élites are finally catching up with us. We can hear the swish of leather as saddles are heaved on our backs. The intellectuals and the young, booted and spurred, feel themselves born to ride us.

The phenomenal increase of the student population is shaping the attitudes and aspirations of the young. There are now more students in America than farmers. For the first time in America, there is a chance that alienated intellectuals, who see our way of life as an instrument of debasement and dehumanization, might shape a new generation in their own image. The young's sympathy for the Negro and the poor goes hand in hand with an elitist conceit that pits them against the egalitarian masses. They will fight for the Negro and the poor, but they have no use for common folk who work and moonlight to take care of their own. They see a free-wheeling democracy as a society stupefied by "the narcotic of mass culture." They reserve their wrath for the institutions in which common people are most represented: unions, Congress, the police and the Army. Professor Edgar Z. Friedenberg thinks that "elitism is the great and distinctive contribution students are making to American society." Democracy is for the dropouts; for the elite, an aristocratic brotherhood.

Yet one cannot help but wonder how inevitable is the future that seemingly is waiting for us around the corner. Might not the common people, so cowed and silent at this moment, eventually kick up their heels, and trample would-be elitists in the dirt? There is no earthly reason why the common people who for more than a century have been doing things here that in other countries are reserved for elites, should not be capable of overcoming the present crisis.

WHOSE COUNTRY?

No where at present is there such a measureless loathing of educated people for their country as in America. An excellent historian thinks Americans are "the most frightening people in the world," and our foremost philologist sees America as "the most aggressive power in the world, the greatest threat to peace and to international cooperation." Others call America a "pig heaven," "a monster with 200 million heads," "a cancer on the body of mankind."

Novelists, playwrights, poets, essayists and philosophers depict America as the land of the dead—a country where sensitive souls are starved and flayed, where nothing nourishes and everything hurts. Nowhere, they say, is there such a boring monotony: monotony of talk, monotony of ideas, monotony of aim, monotony of outlook on the world. One American writer says: "America is no place for an artist. A corn-fed hog enjoys a better life than a creative artist." One she-intellectual maintains that "the quality of American life is an insult to the possibilities of human growth."

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It is hard to believe that this savage revulsion derives from specific experiences with persons and places. What is there in America that prevents an educated person from shaping his life, from making the most of his inborn endowments? With all its faults and blemishes, this country gives a man elbowroom to do what is nearest to his heart. It is incredible how easy it is here to cut oneself off from vulgarity, conformity, speciousness, and other corrupting influences and infections. For those who want to be left alone to realize their capacities and talents, this is an ideal country.

The trouble is, of course, that the alienated intellectual does not want to be left alone. He wants to be listened to and be taken seriously. He wants to influence affairs, have a hand in making history, and feel important. He is free to speak and write as he pleases, and can probably make himself heard and read more easily than one who would defend America. But he can neither sway elections nor shape policy. Even when his excellence as a writer, artist, scholar, scientist or educator is generally recognized and rewarded he does not feel himself part of the power structure. In no other country has there been so little liaison between men of words and the men of action who exercise power. The body of intellectuals in America has never been integrated with or congenial to the politicians and businessmen who make things happen. Indeed. the uniqueness of modern America derives in no small part from the fact that America has kept intellectuals away from power and paid little attention to their political views.

The nineteen-sixties have made it patent that much of the intellectual's dissent is fueled by a hunger for power. The appearance of potent allies—militant blacks and students—has emboldened the intellectual to come out into the open. He still feels homeless in America, but the spectacle of proud authority, in cities and on campuses, always surrendering before threats of violence, is to him a clear indication that middle-class society is about to fall apart, and he is all set to pick up the pieces.

There is no doubt that in our permissive society the intellectual has far more liberty than he can use; and the more his liberty and the less his capacity to make use of it, the louder his clamor for power—power to deprive other people of liberty.

The intellectual's allergy to America shows itself with particular clarity in what has happened to many foreign intellectuals who found asylum here during the Hitler decade. It is legitimate to assume that they had no anti-American preconceptions when they arrived. They were, on the contrary, predisposed to see what was best in their host country. Though no one has recorded what Herbert Marcuse said when he landed in New York in 1934, it is safe to assume that he did not see Americans as one-dimensional men, and did not equate our tolerance with oppression, our freedom with slavery, and our good nature with simple-mindedness.

We have a record of what some other foreign intellectuals said when they arrived in the nineteen-thirties. It is worth quoting in full the words of Olga Schnitzler, the widow of Arthur Schnitzler: "So much is here to learn and to see. Everyone has been given an opportunity. Everyone who has not been completely worn out experiences here a kind of rebirth. Everyone feels what a grandiose, complex and broad-minded country America is, how well and free one can live among these people without perfidy and malice. Yes, we have lost a homeland, but we have found a world."

Once they had settled down and found their place, many of these intellectuals began to feel constrained and stifled by the forwardness and the mores of the plebeian masses. They missed the aristocratic climate of the Old World. Inevitably, too, they became disdainful of our lowbrow, practical intelligence. They began to doubt whether Americans had the high-caliber intelligence to solve the problems of a complex, difficult age. Hardly one of them bethought himself that in Europe, when intellectuals of their kind had a hand in shaping and managing affairs, things had not gone too well. There was something that prevented them from sensing the unprecedented nature of the American experiment; that the rejected of Europe have come here together, tamed a savage continent in an incredibly short time and, unguided by intellectuals, fashioned the finest society on a large scale the world has so far seen.

Scratch an intellectual and you find a would-be aristocrat who loathes the sight, the sound and the smell of common folk. Professor Marcuse has lived among us for more than 30 years and now, in old age, his disenchantment with this country is spilling over into book after book. He is offended by the intrusion of the vulgar, by the failure of egalitarian America to keep common people in their place. He is frightened by "the degree to which the population is allowed to break the peace where there is still peace and silence, to be ugly and uglify things, to ooze familiarity and to offend against good form." The vulgar invade "the small reserved sphere of existence' and compel exquisite Marcusian souls to partake of their sounds, sights and smells.

To a shabby would-be aristocrat like Professor Marcuse there is something fundamentally wrong with a society in which the master and the worker, the typist and the boss's daughter do not live totally disparate lives. Everything good in America seems to him a sham and a fraud.

An interesting peculiarity of present-day dissenting intellectuals is their lack of animus toward the rich. They are against the Government, the Congress, the Army and the police, and against corporations and unions, but hardly anything is being said or written against "the money changers in the temple," "the economic royalists," "the malefactors of great wealth" and "the maniacs wild for gold" who were the butt of vituperation in the past. Indeed, there is nowadays a certain rapport between the rich and the would-be revolutionaries. The outlandish role the rich are playing in the affluent society is one of the surprises of our time. Though the logic of it seems no fairly evident, I doubt whether anyone had foreseen that affluence would radicalize the upper rich and the lowest poor and nudge them toward an alliance against those in the middle. Whatever we have of revolution just now is financed largely by the rich.

In order to feel rich, you have to have poor people around you. In an affluent society, riches lose their uniqueness—people no longer find fulfillment in being rich. And when the rich cannot feel rich they begin to have misgivings about success—not enough to give up the fruits of success, but enough to feel guilty, and emote soulfully about the grievances of the disadvantaged, and the sins of the status quo. It seems that every time a millionaire open his mouth nowadays he confesses the sins of our society in public.

Now, it so happens that the rich do indeed have a lot to feel guilty about. They live in exclusive neighborhoods, send their children to private schools, and use every loophole to avoid paying taxes. But what they confess in public are not their private sins, but the sins of society, the sins of the rest of us, and it is our breasts they are beating in to a pulp. They feel guilty and ashamed, they say. because the mass of people, who do most of the work and pay much of the taxes, are against integrated schools and housing, and do not tax themselves to the utmost to fight the evils that beset our cities. We are discovering that in an affluent society the rich have a monopoly of righteousness.

Moreover, the radicalized rich have radical children. There is no generation gap here. The most violent cliques of the New Left are made up of the children of the rich. The Weathermen. to whom workingmen are "honky bastards," have not a member with a workingman's background. The behavior of the extremist young makes sense when seen as the behavior of spoiled brats used to instant fulfillment who expect the solutions to life's problems to be there on demand. And just as in former days aristocratic sprigs horse-whipped peasants, so at present the children of the rich are riding roughshod over community sensibilities. The rich parents applaud and subsidize their revolutionary children, and probably brag about them at dinner parties.

As I said, the alienated rich are one of the surprises of our time It is not surprising to be told that America is a country where intellectuals are least at home. But it is startling to realize that the rich are not, and probably never have been, wholly at ease in this country. The fact that it is easy to get rich in America has not made it a rich man's country. The rich have always had it better elsewhere—better service, more deference, and more leisure and fun. In America, the rich have not known how to savior their riches, and many of them have not known how to behave and have come to a bad end.

There is a story about a British intellectual who traveled through this country toward the end of the last century. He was appalled by the monotony and unimaginativeness of the names of the towns he saw through the train window: Thomasville, Richardsville. Harrysville, Marysville and so on. He had not an inkling of the import of what he was seeing namely, that for the first time in history common people—any Tom, Dick and Harry—could build a town and name it after his own or his wife's name. At one station. an old Irishwoman got on the train and sat next to him. When she heard his muttering and hissing she said: "This is a blessed country, sir. I think God made it for the poor." Crèvecœur, in the 18th century, saw America as an asylum where "the poor of Europe have by some means met together." The poor everywhere have looked on America as their El Dorado. They voted for it with their legs by coming over in their millions.

Yet during the nineteen-sixties, poverty became one of the chief problems that plague this country: one of several nagging problems—like race relations, violence, drugs, inflation—which defy solution. From being a land of opportunity for the poor, America has become a dead-end street for some 15 million unemployables—80 per cent of them white, and most of them trapped in the cores of big cities. Money, better housing, and special schooling have little effect. Our society is showing itself unduly awkward in the attempt to turn the chronically poor into productive, useful citizens. Whereas, in the not too distant past, it was axiomatic that society lived at the expense of the poor, the present-day poor, like the Roman proletariat, live at the expense of society.

We have been transferred by affluence to a psychological age. Impersonal factors, including money, no longer play a decisive role in human affairs. It seems that, by mastering things, we have drained things of their potency to shape men's lives. It is remarkable that common people are aware of this fact. They know that at present money cannot cure crime, poverty, etc., whereas the social doctors go on prescribing an injection of so many billions for every social ailment.

In the earliest cities, suburbs made their appearance as a refuge for dropouts who could not make the grade in the city. When eventually the cities decayed, the suburbs

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continued as the earliest villages. In our cities, the process has been reversed. The dropouts are stagnating in the cores of the cities, while people who are ideally suited for city life seek refuge in the suburbs. The indications are that we shall not have viable cities until we lure the chronically poor out of the cities and induce the exiled urbanites to return.

The diffusion of affluence has accelerated the absorption of the majority of workingmen into the middle class. The unemployable poor, left behind, feel isolated and exposed, and it is becoming evident that a middle-class society, which hugs the conviction that everyone can take care of himself, is singularly inept in helping those who cannot help themselves. If the rich cannot feel rich in an affluent society, the poor have never felt poorer.

Whose country, then, is America? It is the country of the common—the common men and women, a good 70 per cent of the population—who do most of the work, pay much of the taxes, crave neither power nor importance, and want to be left alone to live pleasurable humdrum lives. "The founders of the United States," said Lord Charnwood, "did deliberately aspire to found a commonwealth in which common men and women should count for more than elsewhere."

Again and again, you come up against the mystery of what happens to common folk when they land on our shores. It is like a homecoming. They find here their natural habitat, their ideal milieu that brings their energies and capacities into full play.

Tasks that in other countries are reserved for a select minority, for a specially trained élite, are in this country performed by every Tom, Dick and Harry. Not only did common Americans build and name towns, but they also founded states, propagated new faiths, commanded armies, wrote books, and ran for the highest office. It is this that has made America unprecedentedly new.

It tickled me no end that the astronauts who landed on the moon were not élite-conscious intellectuals but lowbrow ordinary Americans. It has been the genius of common Americans to achieve the momentous in an unmomentous matter-of-fact way. If space exploration remains in their keeping, they will soon make of it an everyday routine accessible to all.

The intellectuals call this giving access to the vulgar—vulgarization. The intellectuals' inclination is to complicate things, to make them so abstruse and difficult that they are accessible only to the initiated few. Where the intellectuals are in power, prosaic tasks become Promethean undertakings. I have yet to meet an intellectual who truly believes that common people can govern themselves and run things without outstanding leaders. In the longshoremen's union the intellectuals have a nervous breakdown anytime a common, barely literate longshoreman runs for office and gets elected.

To me it seems axiomatic that the common people everywhere are our natural allies, and that our chief contribution to the advancement of mankind should be the energizing and activation of common folk. We must learn how to impart to common people everywhere the technological, political and social skills that would enable them to dispense with the tutorship of the upper classes and the intellectuals. We must deflate the pretensions of self-appointed élites. These élites will hate us no matter what we do, and it is legitimate for us to help dump them into the dustbin of history.

Our foreign aid to backward countries in Asia, Africa and Latin America should be tailored to the needs of common people rather than of the élites. The élites hanker for the trappings of the 20th century. They want steel mills, airlines, skyscrapers, etc. Let them get these trappings from élitist Russia. Our gift to the people in backward countries should be the capacity for self-help. We must show them how to get bread, human dignity and strength by their own efforts. We must know how to stiffen their back so that they will insist on getting their full share of the good life and not allow themselves to be sacrificed to the Moloch of a mythical future.

There is an America hidden in the soil of every country and in the soul of every people. It is our task to help common people everywhere discover their America at home.

RYAN PROVISION AIDS MITCHELL-LAMA

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. RYAN. Mr. Speaker, the President signed into law on December 31, 1970, the Housing and Urban Development Act of 1970. Thereby, my bill applying to Mitchell-Lama projects—H.R. 49—has become a part of the public law, since it is incorporated in the 1970 act as section 118.

Section 118 makes pre-1968 State and locally financed limited profit housing projects eligible for Federal rental assistance subsidies under the section 236 program, and for rent supplements. This change in the previous law is particularly important to New York City, where the State and city Mitchell-Lama programs, allied with the Federal section 236 program, are so vitally integral in ameliorating the housing crisis afflicting us.

I should like to briefly explain the State and city Mitchell-Lama programs, the Federal section 236 program, and my legislation which has been adopted to enable their effective meshing and to thereby avoid increased rentals and carrying charges in Mitchell-Lama projects.

The Mitchell-Lama programs make available long-term, low-interest mortgages to regulated companies which agree to limit their profit. The regulations are enforced either by the State commissioner of housing and community renewal or by the supervising municipal agency, depending upon whether the source of financing is the State or the city. The funds for financing are obtained from the sale, by the city or the State, of notes and bonds. The money paid for these is loaned to the sponsors of the Mitchell-Lama projects.

The section 236 rental assistance program was created by the Housing and Urban Development Act of 1968 to provide assistance for rental and cooperative housing for lower income families. This assistance takes the form of periodic payments by the Federal Government to the entity financing the housing.

These payments reduce the mortgagor's interest costs. And this reduction in costs enables the setting of lower rentals and carrying charges to be paid by the occupants of the housing, since they are in effect relieved of absorbing otherwise high interest expenses.

Because of my previous amendment, adopted in the Housing Act passed 2 years ago, Mitchell-Lama projects constructed after 1968 have been eligible for the benefits of the section 236 program, as well as for rent supplements: The Federal subsidies are used by the financing entity—that is, the city or the State—to pay off the principal and interest on the bonds which it sold to raise the funds which were then loaned to the sponsor of the Mitchell-Lama project. Thereby, the Mitchell-Lama sponsor is relieved of having to pay off the high financing expenses, and in turn the Mitchell-Lama occupants do not have to bear these expenses, which would otherwise be passed on to them in the form of higher rentals and carrying charges.

Now, because of my bill embodied in the Housing and Urban Development Act of 1970, pre-1968 Mitchell-Lamas will similarly be eligible for section 236 rental assistance subsidies, and for rent supplements.

The section 236 programs, as I said on December 2, 1970, when I discussed the Housing and Urban Development Act of 1970 which was then being considered by the House, "is absolutely vital for the bringing of decent rental housing to lower income families in urban areas. Its use in tandem with State and locally financed limited profit programs—such as that in New York—has been particularly beneficial."

Some idea of how vital this program is can be derived from these figures: if sufficient section 236 funds were available—and, parenthetically, I should note here that we succeeded in obtaining, in accordance with another bill of mine, an additional $35 million for the program last fiscal year, and we will be undertaking in the next Congress to obtain additional funds for this fiscal year—New York City alone could use approximately $35,000,000 for projected city and State Mitchell-Lama projects containing approximately 18,000 apartment units. But for my 1968 amendment, these projected Mitchell-Lamas would be ineligible for the federal subsidies.

My new provision will be directed at those already existing Mitchell-Lama projects still under temporary financing which face having to go into permanent financing, and the large rental and carrying charge increases which would then ensue. Let me demonstrate briefly how this works.

Since the financing of construction of Mitchell-Lama projects is achieved by the sale, by the city or the State, of temporary bond anticipation notes, a tight-money, high-interest market is necessarily reflected in what the seller—that is, the city or State—has to "pay" to sell the bonds. In today's market the seller has to "pay" a high rate of return to make the bonds attractive. And, because of this, higher costs are in turn passed on to the renter and cooperator in the form of higher rentals and carrying charges.

When the project has to go into permanent financing, the situation becomes even more extreme, because an even higher rate of return may have to be paid by the city and State than for temporary notes. Thus, it may be possible to

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sell temporary notes by "paying" the buyer a 5.75-percent rate of return. To sell permanent bonds, the city may have to "pay" the buyer 7.75-percent interest. The ultimate victim, of course, is the Mitchell-Lama occupant, who sees his rental or carrying charge increased.

As I said when I appeared before the Subcommittee on Housing of the House Banking and Currency Committee on June 3, 1970, to present testimony regarding this year's housing legislation:

> The generally accepted rule of thumb, proven out by numerous analyses, is that for every percentage point of interest, there is an increase in rents-carrying charges of $4.50 per room per month. Now, 4, and 5 and 6 years ago, Mitchell-Lama projects were coming in at 3.5 and 4 percent interest rates. To this would be added 0.5 percent for service charges. Today, the totoal is up to 7.7-percent—that means, 7.2-percent interest and 0.5-percent service charge. So, this represents an increase from 3.2 to 3.7 points. Figuring that each point of interest raises rents by $4.50 per room per month, this means rent-carrying charge increases of from $14.40 to $16.65 per room per month. A family of two living in a four-room, one-bedroom apartment would therefore face, when its building goes into permanent financing, an increase ranging from $57.60 up to $66.60 per month.
>
> I don't think I have to make any comment. The figures speak for themselves—shocking!

In addition to the push of spiraling interest rates, which convert into skyrocketing rental and carrying charge increases, construction costs have similarly soared, as well as maintenance expenses. And again, these rising costs are translated into increased rentals and carrying charges.

Obviously, relief is mandatory. The section 236 rental assistance subsidy program, combined with the Mitchell-Lama program, offers that relief. But section 236 had to be fashioned to enhance its utility. Thus, in 1968, when the section 236 program was being drafted, I worked to insure that Mitchell-Lama projects would be eligible for its benefits. In the 1968 Housing and Urban Development Act, I succeeded in having adopted the so-called Ryan amendment, which made Mitchell-Lamas constructed subsequent to passage of the 1968 act eligible for section 236, rent subsidies, and for rent supplements.

That was the first step. This year I sought to effect a change in section 236's language to make pre-1968 Mitchell-Lamas eligible. And by the incorporation of my bill, H.R. 49, as section 118 of the just-signed Housing and Urban Development Act of 1970, we successfully achieved that goal.

I can readily attest to the efforts required to bring this to fruition. One adverse factor we confronted was the bias of some nonurban Members to legislation which appears to particularly aid the cities. Added to this barrier was that erected by the minority members of the House Committee on Banking and Currency, from which emanated the Housing and Urban Development Act of 1970. These members, in their minority report on the act, specifically attacked my provision aiding Mitchell-Lamas, and they in fact sought to strike the provision by an amendment on the floor during debate. Fortunately, we succeeded in defeating that attempt.

Finally, the administration opposed my bill. Following is its formal statement, issued on December 10 in an attempt to convince the House and Senate conferees—who were meeting to iron out the differences between the House- and Senate-passed versions of the Housing and Urban Development Act of 1970—to drop my provision:

> DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
>
> ASSISTANCE UNDER SECTION 236 AND RENT SUPPLEMENT PROGRAMS FOR EXISTING PROJECTS FINANCED UNDER CERTAIN STATE OR LOCAL PROGRAMS
>
> Section [118] of the House bill would authorize section 236 and rent supplement assistance for *existing* rental and cooperative housing projects which are financed with State or local aid. There is no similar provision in the Senate bill.
>
> THE ADMINISTRATION RECOMMENDS AGAINST ENACTMENT OF THE HOUSE PROVISION
>
> This provision runs counter to the purpose of the 236 and rent supplement programs, which is to generate new rental units to fill an as yet unmet demand for such units. This proposal would divert limited subsidy funds available to these programs to support one particular group of existing projects. We believe this would be an inefficient use of the scarce subsidy funds.

Despite the opposition arrayed against section 118, we were successful in bringing it to the point where it has now become public law. Much credit must be paid to the many New Yorkers who wired and wrote the House and Senate conferees urging retention of the Ryan provision in the bill which was ultimately sent to the President's desk. In good measure, also, we succeeded because of the compelling case made by the panel of New Yorkers who came to Washington last June to testify in support of my bill before the Subcommittee on Housing of the House Banking and Currency Committee.

This panel included State Senator Manfred Ohernstein—to whom our distinguished colleague from Ohio (Mr. ASHLEY), one of the most informed leaders in the Congress on housing legislation, referred thusly:

> I might say, too, Senator, that the work you have been doing in the New York State Senate has not escaped notice.

Also included in the panel were the Honorable Charles J. Urstadt, New York State Commissioner of Housing and Community Renewal; the Honorable Avrum Hyman, New York State Assistant Commissioner of Housing and Community Renewal; Miss Shirley Sanderson, vice president, board of directors, RNA House, and chairman, joint action committee, West Side Mitchell-Lamas; Warren Holder, Westgate Tenants' Association; Mrs. Edna Luftig, chairman, Mitchell-Lama Action Committee, Metropolitan Council on Housing, and vice president, board of directors, Franklin Plaza; Harold Ostroff, executive vice president, United Housing Foundation, Inc.; Jack Braunstein, legislative director, Council of Limited Profit Mutual Housing Companies, Inc.; Murray Raphael, president, Council of Limited Profit Mutual Housing Companies, Inc.; and Joseph Cox, vice president, Council of Limited Profit Mutual Housing Companies, Inc.

The distinguished chairman of the Subcommittee on Housing (Mr. BARRETT), who has been so vitally important in the passage of progressive Federal housing legislation, made clear the impact of this panel, when he said at the hearing:

> Mr. Ryan, I want to say seriously and forthrightly that you have brought down here one of the most intelligent panels that I have experienced in the 20 years that I have been on this committee.

I wish that I could say that now, after enactment of my 1968 amendment making post-1968 Mitchell-Lamas eligible for section 236 assistance and for rent supplements, and after enactment of my 1970 legislation making pre-1968 Mitchell-Lamas similarly eligible, the rest would be clear sailing. Unfortunately, this is not the case. Our achievements make a difference. But more work still remains.

In particular, two other aspects of section 236 must be changed. One of these concerns the requirement that tenants receiving the benefit of section 236 must pay at least 25 percent of their income as rental or carrying charge. Obviously, this constitutes an enormous burden—one which I have constantly sought to have ameliorated. In 1969, I offered an amendment on the floor during the debates on the Housing and Urban Development Act of 1969 to lower this requirement to 20 percent. I succeeded in having this amendment adopted, but in the House-Senate conference, my amendment was deleted—the victim of too-powerful opposition.

This year, I testified before the Subcommittee on Housing in support of my bill—which I introduced as soon as my amendment was deleted in 1969—to lower the rent-income ratio to 20 percent. In the course of my testimony before the Subcommittee on Housing this June, I noted:

> The present 25 percent rental requirement reflects the thinking of a day when an ideal budget construct allocated one-fourth of a person's income to shelter. This allocation is no longer realistic, particularly since the tenant is not building up any equity, as a mortgagor is. The expenses of living, particularly in metropolitan areas where transportation, food, and services account for so much of a person's income, simply make unrealistic the expenditurer of one-fourth of income in rent.

I am hopeful that action will soon be forthcoming on my proposal, because the Subcommittee on Housing has set up a special study panel to examine the question of rent-income ratio requirements.

Another change which must be effected in order to enhance the utility of the section 236 program is a modification of the income eligibility requirements. As I said on December 2, when I discussed the need for legislation:

> The simple fact of the matter is that these eligibility limitations are too stringent. There are many families for whom section 236 subsidization is necessary, yet whose incomes exceed the present statutory limits. (My bill,) H.R. 17885 (,) rectifies this problem by abol-

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> ishing the percentage limits now in the law, and substituting in their stead the administrative discretion of the Secretary of the Department of Housing and Urban Development to set income limits taking into account the housing costs of the area in which the project receiving subsidization is located.

As with my other legislation, I testified for this change when I appeared before the Subcommittee on Housing. And, as with my bill to change the rent-income ratio under section 236 down to 20 percent, I am hopeful of action in the near future, since one of the special panels established by the subcommittee is to consider this issue.

Finally, provision must be made for allowing an increase in the construction cost limits for section 236 subsidized projects. This is the only way section 236 can be utilized really effectively in high-cost areas, such as New York City. Unfortunately, a provision to this end was deleted by the House-Senate conferees on the Housing and Urban Development Act of 1970, but we will continue to work in the coming Congress to achieve this goal.

The housing crisis is not going to be overcome overnight by virtue of the enactment of my legislation embodied in the Housing and Urban Development Act of 1970. But progress—essential progress—is being made. We have succeeded in making the Mitchell-Lama program and the Federal section 236 program a workable combination—first, by passage of the 1968 amendment, and now, by passage of the 1970 provision. And we have succeeded in sensitizing the Congress to New York City's needs.

This is not to say that I, therefore, counsel patience. Patience for the thousands of families being afflicted by inadequate housing and by exorbitant costs is a commodity whose currency is by now largely valueless. But I do counsel continued demand for change. Our demands succeeded this year, and they succeeded 2 years ago. We will succeed again, in the future.

SENATOR STEPHEN M. YOUNG

HON. DANIEL K. INOUYE

OF HAWAII

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. INOUYE. Mr. President, I wish to pay my respects to one of our departing Members, STEVE YOUNG. I know that I shall miss him very much as will my colleagues.

STEVE YOUNG has been a unique Member of this body. His voice has always been direct and to the point. His has been a most refreshing and spirited voice and a voice of great candor and little pretense. It has also been a voice of courage and of wisdom.

STEVE YOUNG, despite his years, has been as youthful a Member as this 91st Congress has seen. He has been youthful in terms of vigor but also in terms of his spirit and his outlook. There has been no generation gap separating STEVE YOUNG and the concerned youth of today. He operates on their wavelength and he can and does communicate with them. "YOUNG" he is, and young he remains.

Yes, we are going to miss STEVE YOUNG. We will miss his pungent and well chosen words and his manner of direct communication with constituents and others. I have relished his sharp response to many an abusive letter writer. I wonder if we would not all communicate more effectively if we would but adopt such directness and candor.

I also wish to pay tribute to a man who, having made the decision to step down and not to seek reelection, used every hour, and every minute of every hour, available to him to try to maximize his influence on the Senate and on public policy here in Washington. He has never worked harder than he has these past months and no one has worked harder or with greater diligence. The people of Ohio as well as those of us in the Senate will certainly miss him.

THE 1970 CONGRESS: AN ASSESSMENT

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. GRIFFIN. Mr. President, this is the season for summations and evaluations of the record which Congress compiled—or failed to compile—during the past year.

In many respects, the abundant controversy and indecisiveness so evident in the Senate during the last session were really a reflection of the powerful cross-currents buffeting the Nation as a whole. In a sense, the Senate mirrored the frustrations and confrontations which surfaced among the people.

Abraham Lincoln once said:

> Honest statesmanship is the wise employment of individual meanness for the public good.

That seems to be an unusually cynical thought to come from the great 16th President of the United States. Yet, it can be said that the "individual meanness" so prominently exhibited by some Senators last year did serve the public good in at least some instances.

Much was wrong and inadequate about the performance of the 91st Congress. But in rendering such an assessment, it would be unfair to overlook the impressive list of positive, constructive accomplishments.

ACCOMPLISHMENTS

In effect, Congress ratified President Nixon's dramatic reordering of the Nation's priorities. For the first time in 20 years, the Federal Government allocated a larger percentage of the budget for human needs and problems than for the military.

As President Nixon proceeded on course to wind down the inherited Vietnam war, defense spending was cut too—at the rate of $6 billion a year, or 7 percent. But unfortunately for some, Government spending cuts are translated into fewer jobs. Such reductions eliminated 661,000 jobs in the Defense Department alone, and wiped out over a million jobs in defense-related private industry.

Spending for space was also reduced, from $4.4 billion in fiscal 1969 to $3.4 billion for this fiscal year. Here again, unemployment has been the result in some areas of the country.

Fourth quarter draft calls for 1970 were 27,000—down by 66,000 from the 93,000 who were drafted in the first quarter of 1969.

Clearly, we are in a period of transition from war to peace. It is a peaceful transition in some respects as the Nation shifts its gears. But there can be no doubt that President Nixon is keenly aware of the need to reinvigorate the economy on the domestic front, and he will press Congress hard for support to do just that in the session ahead. In his efforts, I am confident he will have the backing of a large majority of the American people, despite the fact that there may be loud bickering heard in Congress about ways and means for achieving his goal.

The Senate accomplished something, I believe, by laying aside the "antitrade" legislation which had passed the House. In so doing, the Senate signaled to those concerned at home, as well as to our trading partners around the world, that the United States is not about to retreat to a strict protectionist policy. The last thing we need is a world trade war which could prove economically disastrous, particularly for Michigan—the Nation's second-ranking exporter of manufactured products.

In 1970, the Senate voted to proceed with development of an anti-ballistic-missile defense system. During the debate most Senators recognized the necessity for maintaining a reliable deterrent to discourage any possible Soviet attack. At the same time, there was a consensus in the Senate that the United States should vigorously pursue every avenue and opportunity that might lead to a meaningful arms control agreement with the Soviet Union. In a year when consensus was not exactly the rule in the Senate, agreement on such points was particularly significant.

Crime fighters across the Nation were reinforced by the 91st Congress with stronger laws requested by the President to combat racketeering and terrorist bombings. More funds were provided for police training and a better framework was established for regional cooperation among law enforcement agencies. President Nixon's "total war against crime" is beginning to pay dividends. For example, the crime rate in Washington, D.C. is finally going down—instead of up.

New initiatives to cope with the alarming drug problem were made possible as a result of legislation requested by the President and enacted by Congress. Stiffer penalties—up to 12 years in prison—now await the criminals who peddle drugs. At the same time, prosecutors and judges will have more discretion dealing with first-offense youngsters who experiment with marijuana.

In addition, the new legislation will make millions available to help local

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schools and colleges educate young people concerning the dangers and pitfalls of drug abuse.

The new drug legislation also includes a controversial no-knock provision which will strengthen the hand of law enforcement officers. It would permit a Federal officer to enter an accused's dwelling without knocking if the officer obtains a warrant in advance from a judge or magistrate who is satisfied that illegal drugs are held inside would be easily or quickly disposed of—for example, by flushing down the toilet—if the officer were to knock and give notice.

Eleven million young people from age 18 through 20 now have the right to vote in Federal elections as the result of a statute passed last year by Congress. However, the Supreme Court has held that the statute conferred no right upon this age group to vote in State or local elections. To avoid the chaos and confusion that would result from maintaining separate registration and voting procedures for different age groups, there will be an even stronger push in the next Congress for adoption of a constitutional amendment granting 18- to 20-year-olds the vote in all elections.

Working men and women can look forward to better conditions on the job as a result of the Occupational Safety and Health Act requested by President Nixon and enacted by Congress in 1970. This legislation is aimed at reducing the work-related accidents and illnesses which each year have been killing 14,000 Americans and costing 250 million lost man-days of labor.

In the swirl of controversy, many people may not realize that President Nixon requested, and Congress enacted, a bill which expanded unemployment insurance coverage to nearly 5 million more workers. In addition, the amount of unemployment compensation, as well as the duration of benefits, were increased for millions of workers already covered.

With congressional concurrence, President Nixon established a new Environmental Protection Agency in the executive branch. His reorganization plan, which became effective in September 1970, pulled together in one agency a variety of pollution research, monitoring, standard setting, and enforcement activities that had been scattered throughout the Government. As a result, antipollution efforts at the Federal level have been streamlined for a coordinated attack on the swiftly multiplying problems. Incidentally, Detroit has already been targeted for early attention by the Environmental Protection Agency.

President NIXON's proposal to set up a new Government corporation to handle the Nations mail finally cleared the Congress and became law in August. Although results are not yet apparent, there is at least new hope for improved mail service in the decade of the seventies.

The Taos-Blue Lake legislation, which I cosponsored along with Democratic Senator HARRIS of Oklahoma, was a historic first; it represented a symbolic step toward better relations between Indians and the Government. The act conferred upon the Pueblo de Taos Indians trust title to 48,000 acres of sacred land which they have used for religious purposes since the 14th century.

FAILURES

At times, it may be the appropriate function of a minority in the Senate to impede the legislative process. But should a minority be able to obstruct?

Voltaire once said:

> The secret of making one's self tiresome is not to know when to stop.

Senators who refused to stop talking posed a major problem in 1970. Indeed, the Senate's business ground to a halt and we were completely bogged down in one parliamentary snarl after another.

Under present rules, debate on any issue is unlimited unless and until two-thirds of the Senators will vote to invoke cloture—cut off debate. Because I believe we must make it easier to terminate filibusters, I have supported an effort to change the rules so debate can be ended by a three-fifth—rather than two-thirds vote.

That is only one of the reforms in Senate rules that ought to be adopted, as I see it. For example, I do not believe it should be possible to attach nongermane—unrelated—legislation on another bill which happens to be going through the Senate. Because a number of nongermane "riders" were hung on the social security bill as though it were a Christmas tree, support for the whole legislative package finally collapsed. As a result, some 26 million older Americans will now have to wait until the new Congress tries again to pass a bill providing the additional benefits which are needed to offset increases in the cost of living.

And in order to adjourn the Congress by the end of the year, it became necessary to postpone until April a final decision on the future of the supersonic transport plane—SST.

The performance of Congress in the last session fell short in a number of other ways.

President Nixon's $10 billion program to combat water pollution by financing construction throughout the Nation of desperately needed sewage treatment facilities was not enacted by the Congress.

Congress completely ignored legislation which I introduced last February on behalf of the administration to provide new tools to deal with threatened nationwide strikes in the transportation industry. By refusing to face up to the crying need for reform in our labor management laws, Congress left the Nation vulnerable to at least three major crises in the railroad industry alone last year.

The record of the 91st Congress on health care was very thin. Some assistance for hospital construction was approved. And, of course, the new drug legislation is related to health. But the major effort in this field is expected in the next session after President Nixon proposes his sweeping new health care program.

Last year Congress refused to act on any of the several proposals to reform our creaky electoral college system, under which we elect the President of the United States. Many days and weeks were devoted to debating this important subject—but nothing was done.

The Congress missed many other opportunities to enact other important legislation, including bills for consumer protection, pollution control, emergency school aid, higher education opportunity, pay increases for enlisted men, selective service reform, and national bail reform.

MICHIGAN AFFAIRS

For Michigan one of the most important 1970 congressional actions was enactment of President Nixon's new merchant marine program, which brought the dawn of a new day for the financially ailing Great Lakes-St. Lawrence Seaway.

An important part of the bill, which I helped to write in, waives past and future interest otherwise due on the seaway's debt. However, the Seaway Corporation will still be required to repay the principal which was borrowed to finance the original construction of the seaway.

As a result of the legislation, the seaway tolls should not have to be raised now. And, in turn, there should be less chance of a dropoff in seaway traffic, which is so vital to the economic growth of Michigan and other Great Lakes States.

The Great Lakes merchant marine fleet got a boost from a provision in the maritime bill which allows part of its earnings to be set aside in a tax-deferred reserve for renovating aging Great Lakes ships.

In response to my strong recommendation, the Maritime Administration modified the design of two classes of new ships to be constructed. The modification will narrow the ships enough so that they can traverse the seaway locks.

For the first time, the Great Lakes-Seaway has finally been officially designated in the new legislation as the Nation's fourth seacoast, qualifying the area's ports for maritime subsidy treatment on a basis similar to Atlantic, Pacific, and gulf coast ports.

The Sleeping Bear Dunes National Lakeshore finally became a reality in 1970, 9 years after the legislation was first introduced. Along with some others who live in or near the area, I had some misgivings about certain provisions in the legislation. However, now that it has become law, I am working hard for full funding by the Federal Government, as promptly as possible. If the money promised is actually provided, along with wise administration, the new national lakeshore can serve the maximum public good with a minimum of inequity for the few whose property rights will be affected by the legislation.

Both Michigan Senators were gratified by the swift cooperation they received from the Federal Water Quality Administration when there was an urgent need to neutralize an oil slick hazard in Lake Huron, caused by spillage from the sunken German freighter *Nordmeer* near Alpena. Working closely with Congressman PHIL RUPPE, we were able to see that the leaking hull was repaired, and the oil remaining in the hull is being pumped out.

Michigan was one of the principal victims when Congress failed last year to appropriate money to cover the Federal share, already obligated, of waste treatment construction costs.

As a result, Michigan has had to shoulder the Federal Government's share of the costs of sewage treatment facilities—some $197 million so far.

Working with Governor Milliken, I helped arrange for transfer to the State of the former Marine Hospital in Detroit, which has been closed since June 1969. The hospital's facility is now being converted into a mental health center where treatment will be available to help those with drug problems.

With the cooperation of the Federal Indian Health Service and leaders of Indian communities in Michigan, I helped establish a better organizational structure for getting needed health services to our State's Indian population. Indian communities will now have a health representative who will focus his effort upon utilizing available services to improve the deplorable state of health among many Indians in Michigan.

WORLD AFFAIRS

In 1970 it was apparent that President Nixon had the support of the Senate—begrudging and reluctant as it was—for his policy of Vietnamization and phased withdrawal from Southeast Asia.

Notwithstanding the heated, lengthy Senate debates over the Cambodian incursion and demands for fixed withdrawal dates, President Nixon moved steadily ahead with his program of disengagement.

About half the number of troops in South Vietnam when President Nixon took office will be out in May. And it is expected that no American troops will be engaged in ground combat in Vietnam by summer.

When he presented his five-point peace plan October 7, calling for a cease-fire, an Asian peace conference and release by both sides of all prisoners of war, the whole Senate suddenly united in support of President Nixon—at least for a little while. Indeed, the next day the Senate adopted a resolution expressing unanimous approval of the proposal which was laid before the Communists at the Paris peace talks.

However, during the subsequent lame-duck session, when the President requested $255 million in supplemental aid to help Cambodia fight its own war, the same old opposition minority was back in motion again. Finally, despite the protests, the Congress did approve the aid requested, after writing into law what President Nixon had already pledged: No American participation in ground fighting in Cambodia.

It seems ironic that the Nixon doctrine, in essence a plan to reduce the use of American troops while encouraging our Allies to do their own fighting, should have provoked such heated protests and prolonged debate in the Senate.

EUROPE

During the recess period which followed the 1970 elections, I traveled to Europe to serve as part of the Senate's delegation to the 16th annual North Atlantic Assembly which convened at The Hague.

European parliamentarians in attendance were keenly aware of our interest in shifting more of the burden for Europe's defense to the Europeans, now that they have fully recovered from the Second World War. It was encouraging when the assembly accepted our proposal that each NATO country should increase its contribution to the common defense to at least 5-percent of its gross national product.

Although President Nixon has indicated that we will not jump the gun with a unilateral pullback of American troops from Europe for the time being, understandable pressures are building in Congress for significant reductions in the U.S. commitment. We continue to spend some $14 billion annually for the defense of Europe. Although Europe is vital to our own security interests, at a time when Europeans stand on sound economic footing and when we need to direct more of our resources toward domestic problems in our country, it is not unreasonable to expect our European partners to pick up a larger share of the NATO tab.

MIDDLE EAST

In general, the Senate has supported President Nixon's Middle East policy, by approving aid for some of the nations, and by helping the administration to maintain a balance of military power as between the Arabs and Israelis.

President Nixon exhibited effective leadership when he arranged for a cease-fire in the area last August, and when he worked behind the scenes to halt the Syrian-Jordan flareup in September.

Although subsequent Soviet-Egyptian violations of the standstill cease-fire agreement have been deplored, apparently they have not thrown peacemaking efforts completely off track. It is encouraging that the parties at least are talking—rather than shooting.

Recently Israel moved to return to the United Nations-sponsored peace talks. The willingness of Congress to provide $500 million in credits for Israel, to offset Soviet arms supplies to the Arabs, was an important consideration.

Though all previous attempts to achieve peace in the Middle East have failed, we cannot afford to let up in the efforts. The world has too much at stake to allow the Middle East to explode.

As we continue to pursue the elusive goal of peace in the area, it is important that we maintain a balance and even-handedness in our policy to demonstrate our respect for both the Arabs and the Jews.

PRISONERS OF WAR

During my visit to Europe in November, I had an unusual opportunity to extend my efforts on behalf of the unfortunate American prisoners of war who are held by the Communists in Southeast Asia.

In Rome, Mrs. Griffin and I were privileged to have a private audience with His Holiness Pope Paul VI on Veterans Day, November 11. We found him deeply concerned and sensitive to the plight of all prisoners in the Southeast Asian war. He told us that the prisoners are constantly in his prayers, and he said he would include a special prayer for the Michigan men who are listed as prisoners or missing in action.

In Paris, after much difficulty, I was able to arrange an hour-long conference with Mai Van Bo, North Vietnam's delegate General to France. We spoke at length about the prisoner problem.

After he had emphasized several times that his government's treatment of our prisoners was humane, I proposed that his government permit me to visit its prison camps to verify his statement. I offered to travel blindfold, if necessary, to preserve his government's military security. Although he said my offer would be considered by his government, so far I have received no response whatever.

During my conference with the delegate general, I emphasized the obligations to prisoners of war which North Vietnam assumed when it became a party to the Geneva Convention. I pressed strongly for his government to: identify all prisoners they hold; release sick and wounded prisoners before Christmas—deadline now past—and transfer those prisoners held the longest to a third country, like Hungary, Poland, or Sweden.

I received no satisfaction from the delegate general—only an assurance that he would pass my proposal along to his government at Hanoi.

After a full month elapsed with no word, I decided that if there were to be any release of American men for the holidays, some dramatic gesture was necessary to turn the world's attention to Hanoi's callous disregard of international agreements on the handling of prisoners of war.

Accordingly, on December 15, I proposed in a Senate speech that our side release unilaterally 1,500 North Vietnamese prisoners, in addition to all sick and wounded.

I told my colleagues:

> Such a dramatic, humanitarian initiative would create, worldwide, an expectation of response in kind by the Communist side.

The Voice of America and other international broadcasters like Radio Free Europe beamed portions of my speech into Vietnam, both North and South. Although the hoped for result has not materialized, North Vietnam and South Vietnam each took small but significant steps on December 22.

North Vietnam provided two Senate aides in Paris with lists of 339 Americans held prisoner. The names were already known but the lists did provide some fragments of new information, and they were labeled official. It appeared that Hanoi was responding a bit to the pressures of world opinion—even though its "list" was nothing but cruel propaganda for the most part.

A little earlier on the same day, South Vietnam's foreign minister announced that his government would release unilaterally all North Vietnamese sick and wounded prisoners who wished to be repatriated. Reacting with unusual swiftness, North Vietnam indicated that it would accept the men.

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Out of some 200 sick and wounded North Vietnamese interviewed by the International Red Cross, only 39 reportedly have indicated a willingness to be sent back.

Christmas passed without the release by the Communists of any Americans or other free world prisoners. During the holidays the Communists took the unusual step of arranging for the Canadian Broadcasting Corp. to film television interviews with two American prisoners. The film, showing a few other Americans, apparently in healthy and comfortable circumstances, was viewed in this country on television on December 27.

Obviously, Hanoi's purpose in providing the film was pure propaganda—an effort to influence world opinion. But the fact that Hanoi is concerned about world opinion is of some significance.

Because we are able to talk to the nine Americans previously released by the Communists, we have firsthand testimony about the actual conditions in the Communist prison camps. Except for the propaganda film, there is no evidence that our prisoners are being favored with the tender care apparently accorded the seven prisoners shown in the television film.

Of course, my offer to visit the North Vietnamese prison camps where Americans are held still stands: but it was not answered. In this instance no news is not good news. But perhaps it is better than a flat refusal. Needless to say, the Communists are hard bargainers.

Occasionally, as we have seen, they do respond.

We must not be discouraged. We must press on for a favorable response and progress.

TRIBUTE TO SENATOR STEPHEN YOUNG

HON. EUGENE J. McCARTHY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. McCARTHY. Mr. President, in paying tribute to STEPHEN YOUNG, I would make one personal note. In 1964, I went to Ohio to support him in a primary campaign in which he was being challenged on wholly nonpolitical grounds, irrelevant to the office of Senator and to his record—even irresponsible. He was reelected, and in the 6 years following 1964 has proved again his competence and the pertinence and validity of his ideas, the rightness and soundness of his earlier judgments.

It is my belief that had he run again in 1970, he would have been reelected and for at least 6 more years would have served his State and the Nation with the same good spirit, good judgment, courage, and vision that he demonstrated in his previous years of service in the Congress of the United States.

He had been right on all the great issues but singularly right on the matter of civil defense. Year in, year out, he has opposed the program as unsound militarily, psychologically, and scientifically. While others talked of going underground, STEVE YOUNG said let us take action needed to prevent and preclude fallout. When others said let us make America a nation of moles, STEVE YOUNG said let us live in the sun—unafraid and young.

THE PLIGHT OF THE PIMA INDIAN

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. FEIGHAN. Mr. Speaker, the inability of many Pima Indians to obtain necessary water is a deplorable situation which our Government created. It is the duty of our Government to remedy this gross injustice. An article depicting the damaging effects of our Government's failure to take remedial action was written with the hope that water which was diverted from use by the Indians shall be made available to them. Under leave granted, I include in my remarks the following article:

THE PLIGHT OF THE PIMA INDIAN

(By FLEUR FEIGHAN)

The Hohokam Indian culture endured for over 16 centuries in the southern desert which is now called Arizona. The Hohokams were a peace-loving tribe whose social system was democratic. These industrious Indians had engineered and constructed a canal system 150 miles long by using water from the Gila River to irrigate their land for their crops of beans, corn, cotton and squash.

In addition, the Hohokams developed what is probably the first process of etching known to man. They made etchings inside shells with fermented saguaro cactus juice. About the year 1400 A.D. their importance waned.

The present day Pima Indians are believed to be one of their descendants. They live on the same land, under less prosperous conditions. They live without water and are relatively impoverished. The Pimas depended on the flow of the Gila River to irrigate their crops.

Many Pimas live only ten minutes from the city limits of Phoenix in a village called Komatke. Komatke has been in need of water ever since the Coolidge Dam was finished in 1928.

They never have had running water or elementary plumbing. At one time, they could rely on the flow of water from the Gila River but when it was dammed in 1928 the area became dry. Komatke village is one of the largest inhabited areas on the Gila River Reservation. Some areas on the reservation do have water and plumbing but for some reason Komatke have never been serviced.

In 1962, the Indians were asked to fill out applications for sewage lines which would run into their homes. After the information had been gathered, no aid was given. The Indians were later told that the Public Health Service was merely making a survey.

During this same period a tiny adjacent area with few inhabitants was given a sewage system from a well dug right from under Komatke Village. Needless to say, there is a constant stream of Indians on foot, in pickup trucks and in horse-drawn wagons carting the precious water to their homes from the one available faucet. With no water, it is almost impossible to keep a sanitary house and keep a growing family clean and healthy.

One villager, Anselm Shelde, who lives near the pipeline which passes through Komatke said he asked Public Health if he could hook onto the line in order to bring water into his home. He was told he could do so at his own expense. He surveyed the area himself and after going through many obstacles he was turned down by Public Health on the grounds that if his line were to break, it would pollute the entire water system. Mr. Shelde then gave up and is still patiently awaiting government aid.

Another Indian, Adam Marks, bought a tract of land in Komatke on the initial promise of HUD's Tribal Housing Authority that they would finance a new housing project for the Pimas anywhere they chose to build in the area. After Marks bought the property, the Tribal Housing Authority changed the plan and decided to build the homes in a cluster nowhere near Marks' little tract of land. Marks is building his house anyway. He estimates it will take him 5 years if he works every Sunday and optimistically he is adding on a bathroom.

To add insult to injury PHS has built a new well to service only the new housing project which is tied up in a bureaucratic muddle. THA passes the buck to PHS and vice versa. THA claims they are waiting for PHS to survey the area for the pipeline because they cannot build unless there is plumbing planned. PHS in turn says they are waiting for THA to provide the plans for the location of the future homes before a plan for laying a pipe can be made.

Meanwhile the well which has been dug remains unused and as plans stand today, it will remain unused until the housing project is finished. At that time, the pipe will run down 51st Avenue and will not service any of the existing homes because that is the way the law reads. In addition, the old well in Komatke Village will be shut down and the new well will be pumping water to the tiny area adjacent to Komatke but will not service Komatke.

Unfortunately this type of doubtful logic is predominating at the local level in both agencies.

Emery Johnson, the Executive Director of the PHS for Indians in Washington, D.C. was not aware of what the local level was planning but had every confidence in his local administration whatever their plans may be. This type of insensitivity persists and that is why there has been no action to date.

The question is this; how long will it be before a major community of over 300 inhabitants on the Gila River Reservation, only ten minutes from Phoenix, will have the very basic needs of every day living.

This may well be at the very core of the Indian problem. Water, a very basic need, can alleviate some of the Indian's feeling of hopelessness and inadequacy which has literally killed initiative and generated squalor from generation to generation.

TRIBUTE TO SENATOR CHARLES GOODELL

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. YARBOROUGH. Mr. President, I cannot leave the U.S. Senate without paying tribute to one of the Members on the other side of the aisle, the junior Senator from New York, Mr. GOODELL, who was appointed to the Senate September 10, 1968, to fill the vacancy left by the tragic death of Senator Robert F. Kennedy.

For his work in this body, Senator GOODELL was rewarded with the opposition of the White House, even though it is controlled by a member of his own party; and by another of the Vice President's vicious, scurrilous attacks. Senator GOODELL lost his seat in this body, but he gained a far greater honor—the honor of being on the Vice President's purge list. A man who incurs the Vice President's wrath as Senator GOODELL did, must stand for some good things. Senator GOODELL will long be remembered for the fine record he has compiled as a U.S. Senator.

He has served in the Senate with rare diligence and has shown the imaginativeness and concern that marked him as an outstanding freshman Senator. He has been one of the leaders in this body in the fight to reduce outrageously high military spending on, and to end the war in Southeast Asia, without further delay and without needlessly higher costs in money, and the lives of young Americans. This Nation will miss his voice and his service in this body.

TRIBUTE TO SENATOR GEORGE MURPHY

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. GOLDWATER. Mr. President, there probably is not a man on this floor who has known GEORGE MURPHY as long as I have. Not that you have to know GEORGE a long time to respect him, to love him, and to admire him, but having had the opportunity of knowing him through many years, I probably hold these feelings more strongly than do his friends and colleagues who have known him a shorter time.

I knew him when he was an actor and was struggling to assist other actors through their association. I knew him in his early days of association with the Republican Party as one of the first members of the entertainment world who realized that a man talented in that way had no reason to shun his responsibilities to his country and his fellow men. I have worked with him on conventions of the Republican Party, and I have traveled with him back and forth across these United States helping to raise money and helping to elect candidates to public office.

GEORGE's presence in this body will be sorely missed, because we have had rare opportunities to be associated with a man of his talents, his energy, and his deep and loyal devotion to his country. I think it is this latter attribute which has been the hallmark of GEORGE's public service, and I know from associates across this country that it has rubbed off on old, middle aged, and young alike.

A love of country and a willingness and ability to express it—not just now and then, but constantly—is an attribute that he will leave as his record and take with him into the life ahead, which I hope, and I know all of us hope and pray, will be a long and delightful one.

STATEMENT BY SENATOR ALAN BIBLE, CHAIRMAN, SENATE COMMITTEE ON SMALL BUSINESS—MARITIME CARGO THEFT INVESTIGATION HEARINGS

HON. ALAN BIBLE

OF NEVADA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. BIBLE. Mr. President, several days ago as Chairman of the Senate Small Business Committee I submitted to the Senate a committee report concerning the impact of cargo theft and pilferage on maritime commerce directly, and its dollar hardship on American businesses and the general public. This report examines many facets which contributes to losses that were estimated at $170 million last year as a result of activities by both organized and unorganized criminal elements.

In our committee's hearings, one conclusion emerged crystal clear. It is that the stealing of freight cargoes is one of the fastest-growing crimes nationally and a racket that costs Americans and small businessmen particularly, more than $1 billion a year.

Another factor that has impressed me in our examination is that cargo theft, whose losses are in the millions yearly, have come to be an almost accepted, "we-can't-or-shouldn't-do-anything-about-it" practice. Numerous witnesses testified that martime theft is regarded by many as a regular cost of doing business. Witnesses said that some employees and others with unlimited access to waterfront docks and terminal areas believe that pilferage and thievery is one of the routine fringe benefits or a "built-in-compensation." Witnesses said these employees range from cargo handlers to checkers, truckers, and in some instances to security guards themselves.

For a country which has always taken pride that it is a Nation of laws, this is a shocking admission. I, for one, believe that not only should we do something about it but we can do something about it with affirmative and dedicated efforts. This underlying philosophy, which permits casual theft as a side benefit of employment, is completely destructive to our way of life and certainly contributes to a moral decline of our citizenry.

Mr. President, the committee's report provides a series of recommendations which we believe can provide a substantial step forward in controlling a great deal of this casual pilferage and thievery by closing many of the loopholes which aid and abet the thief and his cohorts in maritime commerce.

Two Federal agencies, the Department of Transportation and the Federal Maritime Commission, come in for criticism in this report which covers the third phase of a 2-year continuing investigation by our committee into air, truck, maritime, and rail cargo theft.

Our committee reaffirmed a recent Senate Appropriations Committee report charging the Department of Transportation with "rhetoric, vacillation—and an indifferent attitude" in dealing with the growing cargo theft problem. I ask unanimous consent that this excerpt from the Appropriations Committee Report, No. 91–1372, entitled "Department of Transportation and Related Agencies Appropriation Bill, 1971," 91st Congress, second session, November 25, 1970, pages 4 and 5, be printed in the RECORD at this point in my remarks.

> This committee is concerned by the indifferent attitude and lack of affirmative action expressed by the Department in the serious problem of cargo theft in all modes of transportation. This problem has been estimated as costing the American public upwards of $1 billion a year. In July 1969, the Department witnesses testified before the Senate Small Business Committee, stating "that the Department of Transportation (was) aware of and concerned about the problem of loss of * * * cargo through damage and pilferage." At that time they informed that Committee that a general study of the problem was nearing completion. In testimony before the Senate Commerce Committee on September 30, 1970, some 1½ years later, the Department indicated the study was not yet in final form. At this hearing they further testified that they were giving high priority to a systematic effort to explore the many problems of crime prevention in the freight transportation sector.
>
> It is apparent that the Department, after numerous congressional hearings, is still merely studying and exploring the problem, with no definitive program for affirmative action. The Department has also been seemingly reluctant to consult with the Senate committees conducting an investigation in this area. It is the intention of this committee that the Department officials periodically inform the Congress of activities and progress in this vital area. Further, the Department is urged to take a more affirmative approach in dealing with this problem and eliminating the rhetoric and vacillation now apparent.

The first and one of the most important recommendations of our committee's report urges the Federal Maritime Commission to develop a uniform cargo loss reporting system for the maritime industry. Mr. President, that Commission today is the only commerce regulatory agency which has not recognized its responsibility in developing this information. We would hope that the Maritime Commission would reassess its position opposing a uniform loss reporting system because both the Interstate Commerce Commission and the Civil Aeronautics Board have undertaken to propose a rulemaking to require loss and theft reports from surface and air transport carriers.

Mr. President, our committee estimates that maritime cargo losses were in excess of $170 million during the past year. Certainly, neither the governmental regulatory agencies nor the carriers, nor the shippers, nor the public which pays the price of crime by inflated prices, know the true loss figure. I submit no one can know this dollar total with any degree of accuracy until a uniform loss reporting system to cover both import and export of cargo is established.

The Federal Maritime Commission has advised the committee that it feels the Treasury Department's Bureau of Customs will be able to provide this information. I subscribe to the position of the Comptroller General in his letter of October 29, 1970, to the distinguished chairman of the Senate Committee on Commerce (Mr. MAGNUSON) relative to my bill, S. 3595, to establish a commission on safety and security of cargo. In his letter, the Comptroller General sets forth his conclusion that the Bureau of Customs rules and forms "are designed primarily to satisfy the customs laws and to assure collection of import duties" and that "original statistical information provided for the purpose directly by regulated water carriers rather than upon data filtered through the Bureau of Customs" might better serve the purpose of securing accurate losses of maritime commerce theft and the reasons therefore.

Personally, I am at a loss to understand why the Federal Maritime Commission is reluctant to do this since certainly a $170 million per year maritime cargo theft loss figure must have a significant economic impact on maritime commerce—the very regulatory purpose with which the Federal Maritime Commission is charged.

This severe economic drain caused by wholesale thievery which contributes to inflationary pressures must be controlled if at all possible. If this loss reporting system goal cannot be accomplished administratively, my efforts to accomplish it statutorily will continue.

Mr. President, I am hopeful that the executive departments and agencies concerned with this report will consider most earnestly the recommendations of our committee report. We must work together to formulate a hard-hitting program so that the shipper, the small businessman, and the consumer will be confident of the safety, security, and integrity of his cargo moving by the oldest form of commerce known to man—maritime shipping.

TRIBUTE TO SENATOR STEPHEN YOUNG

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. CRANSTON. Mr. President, STEPHEN YOUNG retires from public life after having devoted over 40 years to the service of the people of Ohio and of this country. The number of years in public life is of itself remarkable, but it is the manner in which STEPHEN YOUNG discharged his public trust that earns him the great respect and esteem of those of us fortunate to have served with him in the Senate.

All of us, of course, will remember his many contributions to this body—especially his timely and courageous warning of the dangers that lay ahead if this country persisted in following an ill-conceived policy in Indochina. How much better off we would be today had we followed his advice—advice he gave without regard to personal political consequences.

But STEPHEN YOUNG will perhaps be best remembered for the strength of his convictions, his outspoken candor, his courage and independence. Although he has chosen to leave us, the exacting standards which he imposed upon himself will remain—as he would have it—as a prod to the conscience of each of us in those inevitable moments of indecision and doubt we all face in discharging our public trusts.

FLAG DAY—A MEMORABLE ADDRESS BY THE REVEREND ALEXANDER ST. IVANYI, S.T.M., D.D., OF LANCASTER, MASS.

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. PHILBIN. Mr. Speaker, I am very pleased to include in the RECORD a very fine and inspiring address by the gifted and eloquent minister of the First Church of Christ in Lancaster, Rev. Alexander St. Ivanyi, S.T.M., D.D., delivered on Flag Day 1970 in historic Lancaster, Mass.

The able, distinguished Rev. Alexander St. Ivanyi is known as a highly trained scholar and eloquent preacher, who graces any occasion he attends.

His Flag Day remarks are exceptional, since in a relatively brief talk he moves with skill and facility from the American Revolutionary War to the cupola of the beautiful church designed by the famous New England architect, Bulfinch, situated on the lovely village green where the brilliant divine presides.

The Reverend St. Ivanyi, a native of Hungary, has touched with feeling and sincerity upon the things that Old Glory stands for and means to ordinary Americans, and he has done so in a scholarly way with reference to some of our great leaders. I believe that many people, who will have the opportunity to read this fine talk in the RECORD, will be appreciative, and inspired by the high tone and depth of its patriotic sentiments and wonderful tribute to Old Glory. The address follows:

FLAG DAY ADDRESS, 1970

(By Rev. Alexander St.-Ivanyi, S.T.M., D.D.)

When Francis Scott Key, the Fredericktown, Mr. lawyer, gazed through the fog "by the dawn's early light," to see whether our flag was still "gallantly waving" on Fort McHenry,—all he had to fear was the British Fleet in Chesapeake Bay. Today, when we gazed through the fog "by the dawn's early light," to see if the flag was still "gallantly waving" from the cupola of our beautiful Bulfinch church,—there was no British Fleet to threaten it. There were, instead, various groups of our own people that we feared on account of our flag. "Old Glory" has become the subject of attack—not only in some foreign capitals, but especially at home—by demonstrators for all kinds of "causes." Hippies and Yippies, anti-Vietnam and pro-Ho-Chi-Minh partizans, underprivileged and super-pacifist revolutionaries who vie with each other to desecrate our flag.

We, Lancastrians, have an everyday reminder of the flag and Francis Scott Key's experience with it. Fort McHenry was named after James McHenry, Secretary of Defense in both the Washington and John Adams administrations. A direct descendant of his not only lives in Lancaster but is one of our most gracious and admired leaders (Priscilla McHenry, the former Mrs. Duncan F. Thayer and, presently, Mrs. Charles W. Farnsworth). Her presence in our midst reminds us of the struggles, sacrifices and heorism that made that flag of beleaguered Fort McHenry the most respected national symbol in the world. Yet now, that our flag represents the richest and most powerful country in the world, there are those who trample it in the mud, and here are we, all the rest of us, who stand by, wringing our hands, but doing nothing to defend it.

As you know, I was not born in this country. Instead of that being a handicap, however, it is an advantage today. No one can justly accuse me of "jingoism," I do not even belong to any "Establishment." On the other hand, as Senator Henry Cabot Lodge, the Elder, put it: "The flag of the U.S. is the flag just as much of the man who was naturalized yesterday, as of the man whose people have been here many generations."

Inasmuch as I was naturalized twenty one years ago, not yesterday, permit me to confess that I love and honor this flag, *our* flag, just as much as anyone in this country. On the basis of my experiences, on the other hand, *before* the twenty-one years of my naturalized citizenship, permit me also to assure you that there is no other flag, anywhere, which would symbolize so much freedom, goodwill and human dignity as Old Glory. Yes, I know, our country is not perfect, no country ever is. There are grievances, legitimate complaints, bitter injustices. Pulling down our flag, however, will not solve these problems. Just on the contrary, we might open the gates of destruction until a totalitarian dictatorship can and will take over. Then, of course, no one can fight for reform, or even protest against greater injustices than we now have. Old Glory is the surest guarantee that the injustices and grievances can and will be remedied.

"The things that the flag stands for,"—said President Wilson,—"were created by the experiences of a great people." And these experiences were in the fields of liberty, human rights and "the pursuit of happiness." Let us not make these experiences discontinue by destroying their symbol, the flag. For, by destroying the symbol, we will also destroy what it symbolizes, that spirit of a people that made it great. It is a sad mistake to take the flag for simply a length of colored bunting. It is not the material that counts in anything but the meaning, the values and aspirations that two hundred million Americans cherish and two thousand million human beings wish they could share. Just be in a foreign country, and be lonely or subdued or frightened as we often are. Then, quite of a sudden, lay eyes on Old Glory. On the portals of a U.S. Embassy, on the mast of an American ship, or just in a store-window. How your eyes will brighten, your spirit soar again, your confidence be restored. You will discover, no matter how sophisticated and "citizen of the world" you think you are, that Henry C. Bunner's old lines suddenly begin to sing in your mind:

"Off with your hat as the flag goes by!
 And let the heart have its say;
 You are man enough for a tear in your eye
  That you will not wipe away."

Do we have to go abroad, do we have to—Heaven forbid!—taste the bitter fate of those who lose their freedom, home, hopes: to love and honor our flag, as long as we can freely do so? I say, do not wait till history will teach us the cruel lesson! "Off with our hats as the flag goes by!"

STATEMENT OF ALAN BIBLE, CHAIRMAN, SENATE COMMITTEE ON SMALL BUSINESS STREET LIGHTING PROGRAM AS AID TO CRIME PREVENTION

HON. ALAN BIBLE

OF NEVADA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. BIBLE. Mr. President, for the continuing information of Members of Congress and the citizenry and business community of the Nation's Capital, I call attention to the excellent progress of the high-intensity street lighting program currently in progress here in Washington, D.C.

The Senate Small Business Committee, of which I have the honor to be chairman, in its continuing hearings on the impact of crime against small businessmen across this country, has cited street lighting as one of the major factors in the prevention of crime. The report of the Small Business Administration, "Crime Against Small Business," published by the Select Committee on Small Business in 1969, stated that "effective street lighting is one of the best deterrents to robbery and burglary."

It is my purpose to make another report to the Senate on a new street lighting program begun some months ago by the District of Columbia Department of Highways and Traffic, designed to provide protection for the citizenry of the Nation's Capital City but to provide affirmative aid to many of the crime-ridden small businessmen in high-crime areas.

First, I would like to mention the series of editorials broadcast by WMAL radio and TV over the past year, and commend its management for the outstanding public service it has performed in helping to generate public support and acceptance for the installation of these needed lighting units throughout the city. I would like to single out its editorial manager Mr. Dan Hackel, for his effective work and commend him for it.

Second, the December issue of Nation's Cities magazine carries an article by John E. Hartley, Assistant Director of the District of Columbia Department of Highways and Traffic, describing this widely acclaimed program. I would urge that other cities consider use of the precedent established here in Washington as a guide for undertaking street lighting projects that would be similarly advantageous to small businesses and the citizenry generally across the Nation.

I ask unanimous consent that the series of editorials and the article be printed in the RECORD in order that it can be known that Washington has initiated a program that could be applicable to many other cities:

THREE EDITORIALS BROADCAST BY WMAL/AM/FM/TV

(Broadcast on Thursday, Mar. 5, 1970)

LIGHT NIGHT

Night is turned into day by brilliant lights at the Catholic University campus. The intense glare, super-powered beyond ordinary street lights, creates illumination bright enough to read a textbook. The lights blaze because a coed was slain last December. Campus police have added escort services and heavier security, but they say the lights have had the most dramatic impact. The same effective remedy could be applied to downtown Washington, buttressed by police. A high-intensity street-light program should begin in a selected area of nighttime shopping, restaurants or entertainment. With fear gone, people will return to downtown Washington. The project can expand as increased crowds and light make it impossible for criminals to operate. In the long run, more police and courts and corrections reform are needed . . . but their effects *are* long-run. At relatively low cost, lights can be installed immediately. Downtown Washington must turn *on* the lights . . . or turn itself off.

(Broadcast on July 13, 1970)

DOWNTOWN STREET LIGHTING

Downtown Washington is alive and well at night. Sponsors report the "Go Downtown" campaign has been a great success. Crowds are increasing for evening shopping and entertainment. Although it's too early for specific figures, the Convention and Visitors' Bureau says business has improved. It proves that people will come to a re-vitalized downtown, if they can be assured attractive and safe conditions. The safety has been aided by the rush to completion of high-intensity light installations. Proof of the impact of the brilliant lighting is already available. The police report nighttime crime went down 46 per cent along 7th street since installation of the bright lights. More of the lights are awaiting installation downtown. Fortunately in this time of peak electric demand, the new fixtures draw no more current than existing lights. While there are many demands for electric service, PEPCO should give the highest priority to the downtown installation. "Go Downtown" can be an even more brilliant success in the future.

(Broadcast on Dec. 16, 1970)

EXPAND LIGHTING

Washington has been given a dramatic example of the power of bright lighting at night. The General Services Administration last night inaugurated its Federal Triangle illumination, as we have been urging. Special high-intensity beams bathed the federal buildings in light, emphasizing their classic beauty. The lighting alone is a tourist attraction. A side benefit is security for the buildings, and safety for passers-by. However, it will take more than the present installation to help reduce crime. The highly directional lights on the buildings spill only a little additional illumination on adjacent streets and sidewalks. Even with the added light, few people inhabit the Federal Triangle at night. The city needs more high-intensity lighting in residential and commercial areas. The Federal Triangle illumination is a commendable improvement. The bright idea should be expanded to more buildings and streets in the nation's capital.

[Article From "Nation's Cities" Magazine, Dec. 1970 Issue]

(By John Hartley)

By day, residents and tourists view Washington, D.C., as the "place" to live and visit, but by night the city suffers the same problem typical of many other large cities.

As a result of increasing crime rates, Washington has exerted a concerted effort to improve the safety of all its inhabitants—efforts directed not only toward significantly expanding police manpower but also toward improving street lighting in high crime areas.

The streets of our Nation's Capital had been poorly lighted insofar as the application of street lighting for crime deterrence was concerned. Approximately eight years ago we embarked on a street lighting program based on traditional International Illuminating Society Vehicular and Pedestrian Traffic Standards. It was completed, with the exception of downtown and Georgetown, in early 1969.

While this $2.5-million project was effective in terms of traffic safety, it is now apparent that Washington street lighting levels, based on traffic requirements alone, accomplished very little with only minimal effectiveness in the area of nighttime crime reduction. However, a new era has begun, and new the Department of Highways and Traffic is using lighting for the primary purpose of reducing the city's crime rate.

Two incidents provided the impetus for our current street lighting crime-reduction program. One was the 1969 All-Star Baseball game at the Robert F. Kennedy Memorial Stadium and the other a senseless killing on the Catholic University campus. Both situations created a deep public concern. To counteract this situation we ordered the immediate installation of new high-intensity lighting at both locations.

Since we had earlier experience with Lucalox lighting at a number of high-accident locations and had achieved outstanding results, we ordered this high-intensity sodium vapor lighting at Kennedy Stadium as a crime deterrent experiment. Following the stadium installation, police officials reported fewer bands of roving vandals in the vicinity of the parking lots. They attributed it to the fact that the improved lighting eliminated the shadows where they had previously lurked. Likewise, although campus police at Catholic University added additional coed escort services, they believe that the new high-intensity lighting has had the most dramatic impact on crime reduction on the campus.

We did, however, encounter a major technical problem with the city's historic "Washington Globe." This traditional iron-post unit has long been favored by the Fine Arts Commission, and its seven-member team has encouraged retention of the "globe" in our monumental areas.

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Although the "globe" is a fixture befitting the dignity of the Nation's Capital, it is somewhat inefficient since it tends to throw much of the light upward and, until recently, we were unable to satisfactorily adapt a high-intensity lighting source to these upright units.

Based on the outstanding results achieved with the earlier Lucalox lighting system, we approved a proposal by General Electric's Lighting Systems Department engineers to equip the globe light with a Lucalox light source. Their efforts resulted in the development of a special conversion kit that could be easily installed by our local utility, the Potomac Electric Power Co.

In November 1969, GE donated 20 test units for a globe conversion on Independence Avenue adjacent to the James H. Forrestal Building. Public reaction was again favorable and local media supported our efforts to provide Washington with a crime lighting program.

The Potomac Electric Power Co. installs and maintains most District-owned lighting fixtures and has assisted us in getting these lamps installed as quickly as possible. Charles Nicolson, manager of PEPCO's Governmental Customer Department, said recently that "the new system provides better than twice as much light as mercury vapor lamps and almost five times as much light as incandescent lamps—but requires no additional power."

ABC's Washington affiliate, WMAL–TV, under the direction of Editorial Manager Dan Hackel, began broadcasting light vs. crime editorials. For example, one stated recently that "a high-intensity street lighting program must continue. . . . In the long run, more police and courts and correction reforms are needed . . but their effects are long run. At relatively low cost, lights can be installed immediately. Downtown Washington must turn on the lights or turn itself off."

We were not about to "turn off"—especially in view of Mayor Walter E. Washington's keen interest in maintaining the momentum of our new program. At this request, our engineers got together with police personnel and selected key high-crime areas for immediate illumination.

We chose these areas by using "Carney Block" statistics. A "Carney" block is an area where crime statistics are tabulated and the data therein are compared with "Carney" blocks in other areas.

After the areas were selected, we requested and received an appropriation of $365,000 from Congress to begin the installation of new lights. Following an analysis of police statistics, a later WMAL editorial said "this appropriation made it possible to reduce crime by 25 per cent on 7th Street, N.W., alone." Mayor Washington, Deputy Mayor Graham Watt and Chief of Police Jerry V. Wilson praised the results of high-intensity lighting. Needless to say, the experimental crime reduction installation on 7th Street was so successful that the project has been expanded.

A grant of $110,000 from the Department of Housing and Urban Development, through our Redevelopment Land Agency, made it possible to raise the light levels to 11 foot-candles and take on new crime areas. Among these key areas were an extension of the original 7th Street project; 14th Street, N.W.; H Street, N.E.; and Pennsylvania Avenue, S.E., in the vicinity of the Capitol.

Looking ahead, our plan involves the installation of high-intensity lighting on any street, arterial, or alley where crime statistics indicate a need. In this way, we will assure the personal safety our citizens must have and, at the same time, retain the beauty so natural for our city.

With a continuation of the public support we have received so far, Washington, D.C. will be the nation's safest and best lighted city—24 hours a day.

TRIBUTE TO SENATOR GORE

HON. ALAN BIBLE

OF NEVADA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. BIBLE. Mr. President, it is always difficult to say goodby to a departing colleague, and this is particularly true with respect to Senator Albert Gore. For Albert Gore became a vital part of the national legislative system during his 32 years on Capitol Hill. But it is certainly not difficult at all to pay tribute to the man. There are few Senators in the entire history of our Nation who have written a more illustrious record in 18 years of Senate service.

Albert Gore has that splendid combination—courage and foresight—that makes a great legislator. His pioneering work on the Public Works Committee, particularly his role in establishing this Nation's great Interstate Freeway System, might have been enough in itself to assure him special recognition. And many would have been content with his fine record in foreign affairs, for even those who disagreed with him could not overlook his sincere dedication to his Nation's interest.

But Albert Gore was perhaps at his best and will be remembered most for the great advances he supported and achieved in tax reform. Relief and equity for the middle- and low-income taxpayers across our Nation came largely as the result of Albert Gore's untiring and dedicated work.

It is sad to realize the very qualities that made Albert Gore a great Senator also conspired to end his career in Congress. His foresight perhaps put him ahead of his time with his constituency. His courage would not let him abandon his beliefs to follow the popular political winds.

Our warm friendship and respect go out to Albert Gore. The absence of his wisdom and leadership will be felt for a long time to come.

HOOSIER COUPLE WINS COVETED AFB AWARD

HON. BIRCH BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. BAYH. Mr. President, I am pleased to note that two of my constituents, Mr. and Mrs. Meredith Ayres, have been selected to receive a coveted young farmer and rancher award. This honor, which is based on farm management efficiency, financial progress, and other noteworthy accomplishments, was conferred recently by the American Farm Bureau Association at its annual convention on only three of the more than 300 young couples from 20 States who were entrants in the national finals.

Owner and operator with his family of a 655-acre farm featuring a large dairy herd, specific pathogen-free hogs, and extensive corn, soybean, and pasture lands, Meredith Ayres has had an outstanding career as a 4-H Club president, dairy representative, FAA chapter president, Farm Bureau board president and member, church deacon, and school PTA president. Meredith has been assisted greatly in achieving his distinguished record by his father, Bob Ayres, and his wife, Sharon, who also has been very active in community affairs and is the mother of three childrn.

The people of my State join me in extending congratulations to this fine couple for their excellent achievements and for the well-deserved recognition they have received. As a further tribute, Mr. President, I ask unanimous consent that a short article which appeared in the January 1971, issue of Nation's Agriculture be printed in the Record at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Close-Knit Family: For Natural Partnership

(By Delmer E. Groves)

It takes a close-knit family to form a natural farming partnership. But, that's the case with Meredith Ayres YF&R winner from Indiana. Almost from the moment he started following Bob Ayres around the farm, the boy knew he'd eventually join his dad in a partnership. That's been his goal for as long as he can remember.

And that's what it is today. That's the sort of deep, quiet feeling that exists on the Ayres acreage—and extends to all members of the family. That's Mr. and Mrs. Bob Ayres, who started it all, son Meredith and his wife Sharon, son-in-law Dick Cromer and his wife Linda.

And then there's brother Richard Ayres, just starting high school and with the same resolve that Meredith had to join the Bob-Meredith-Dick partnership when he graduates—and there's sister Janet, studying interior decorating at Purdue. She doesn't want to be forgotten either.

This is the kind of family that's made Farm Bureau such a great organization—they are not selfish— they're interested more in the other family members than in putting self ahead. No hippies, no fanatics here.

But it takes a lot of hard work; and faith in a Higher Being; and some of the more compassionate qualities like love and understanding.

Meredith is accustomed to working in the field all day; then coming home at dark and working, for example, on a new hog house for relaxation.

There are three main areas of Meredith's three-way partnership: the 100-cow dairy herd; SPF purebred Duroc breeding herd; and an extensive corn-soybean-meadow-pasture program on 655 acres. In addition, he's main operator of a farm supply service for seeds and other products which operates through their farm.

Meredith had early training in his chosen occupations from his father and through 4-H and FFA experience. He was president of 4-H for three years and was state achievement winner and 4-H dairy representative. And he's been a 4-H leader for 12 years.

In FFA, he was chapter president two years, was named a Hoosier Farmer, was state treasurer and won the state farm electrification award.

By 1958 he was ready—and his Dad was ready—for an active partnership. Meredith had enough money to buy a tractor and some farming tools and his Dad needed the son's help. At that point they had 120 acres, a 30-cow dairy herd, were just starting in the SPF (specific pathogen-free) hogs, and Meredith had just rented an 80-acre farm. The next year they converted to pipeline milking and started to increase the size of the dairy herd.

Two years later, brother-in-law Dick Cromer came in to form a three-way partnership. They had accumulated sizeable assets, mainly as a result of lots of hard work and family cooperation.

A 10-stall milking parlor was built. They also constructed a slotted floor farrowing house, bought and rented more land, changed to larger machinery, and built a new slotted-floor, open-front finishing house for the select boars. In the meantime, they attend short courses and other educational events to glean ideas on improved practices, which they could build into their operations.

Based on 1969 records, their 100-cow Holstein herd is up to a production average of 15,470 pounds of milk and 608 of butterfat. Pigs from the 60 purebred Duroc sows had a feed conversion ratio of 2.56, carcass length of 29.5, 74% in lean meat, .95 backfat and 46% in ham and loin.

Soybean yield in '69 was as high as 60 bushels per acre and they've been soybean champions for the past six years. They were also county corn champions the past three years with a top measured yield of 197 bushels in 1969. Average was 150 bushels of corn an acre. With some corn blight this year, yield average was cut to a little over 100.

Meredith and Sharon are active in about every organization touching their rural community just south of Flora. He's been a Democrat Township Farm Bureau board member for three years and is now president of Democrat-Monroe Farm Bureau. Meredith is also active in the Extension Service and commodity groups and the county fair. He is a deacon and both he and Sharon teach Sunday School. And Meredith is president of the school PTA.

Yes, it appears the busiest people get the most done.

REPRESENTATIVE PHILIP J. PHILBIN

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. McCLORY. Mr. Speaker, on the retirement of my friend and colleague, Congressman Phil Philbin, I want to express my personal affection and high regard for his distinguished service as a Member of the House of Representatives since 1943.

Mr. Speaker, at various times I have had occasion to consult with Congressman Philbin on subjects before this body—always with an awareness of his sincerity, his earnest concern for the subject before us, and his faithful and straightforward attitude toward me as a friend and colleague.

Mr. Speaker, during this session of the Congress, important legislation in behalf of my constituents came before the Subcommittee of the House Armed Services Committee of which Congressman Phil Philbin served as chairman. In the presentation of testimony, in the development of the committee report, and in the action taken in this Chamber as well as in the other body, Congressman Philbin was attentive to the merits of the legislation and was effective in producing the desired and equitable result.

Mr. Speaker, I can recall no Member of this body who displayed greater warmth of personality nor more friendly feelings of concern than Congressman Phil Philbin. His constituents can be justly proud of the faithful and effective service which he has rendered to them and to the Nation. In all that he undertakes in the future, I wish him well.

TRIBUTE TO SENATOR JOHN WILLIAMS

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. CRANSTON. Mr. President, it is a great privilege to rise to express my respect and admiration for the probity, integrity, conscientiousness, and high quality which has characterized the work of John Williams in the Senate. In many, many ways, John Williams has been a Senator's Senator.

Although he and I have differed on many basic issues, I have always admired the thoroughness of his preparation, the fairness of his conduct, and the astuteness of his arguments in support of his views on the floor of the Senate.

The Senate should be a forum for the expression of a wide diversity of viewpoints, from a wide diversity of perspectives. Senator Williams' vigilance as watchdog over any unwarranted expenditure of Federal funds, his insistence upon full and public justification for proposed new Federal spending, his sensitivity to ethical questions and matters of personal conscience, and his absolute invulnerability to outside pressures and forces all are qualities which will be sorely missed upon his retirement as U.S. Senator from Delaware.

John Williams has consistently been thoroughly prepared on the floor of the Senate by virtue of having expended enormous time and energy in personally researching, analyzing, and formulating arguments on major policy questions. It is with genuine sadness at his retirement that I pay tribute to the many brilliant moments of his long and distinguished career and express my genuine respect for the high honor which he has brought to the Senate by the manner in which he has upheld the public trust.

HON. JOHN McCORMACK

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. O'NEILL of Massachusetts. Mr. Speaker, the 92d Congress will be starting at a disadvantage, it, unlike the past 22 Congresses, will not have John McCormack as a strong, reliable leader. Yet, because of his past performances and his exemplary service, we of the 92d Congress will be able to legislate more wisely.

The name of John McCormack means many things; a proper Bostonian, a stanch party man, a prestigious speaker, a boy from Southy, an American in loyalty, an Irishman in wit, a progressive, a friend, and a good man.

Speaker McCormack started his life as a poor resident of South Boston, and has always felt that anyone who could obtain a position in which he could help his fellow man was lucky. He grew up in the Irish tradition that public service was an honor. This feeling was not only expressed in the work and help that he gave his fellow Bostonians, but also, in his driving efforts to help all Americans.

It has not been an easy time to be a leader in the Democratic Party. Our party has often been divided on many issues. Such national catastrophes as the war, the economy, and the civil rights issue have created extremes in both parties. Speaker McCormack has acted with constant discernment separating the logical from the illogical, the good from the bad, the feasible from the impractical and gently meshing together ideas that were acceptable to a majority of Members in our party. I firmly believe that if it were not for the firm leadership of the Speaker, the Democratic Party would have been irreparably damaged.

As a progressive, John McCormack constantly strove for new reforms for the common man. His years of Speaker were years of advancement for the aged, the minority member, the laborer, and the poor. These are the people with whom he empathized most.

Such legislation dealing with medicare, aid to education, civil rights, antipoverty programs, social security, and the Peace Corps can credit Speaker McCormack with their success since it was through his constant support and careful guidance that they were passed.

As a man, the Speaker is humble and friendly. Many a time I have witnessed his own personal tours of the Capitol which he gladly gave his young visitors. He was especially pleased to see youngsters sitting in his seat, the most honored seat in Congress. He was always willing to listen to new ideas, even from the most freshman of Congressmen. Never did the Speaker feel that he could not learn.

I have been fortunate enough to have known the Speaker for years. I love him as a warm, kind person. He helped me during my earliest days in Massachusetts politics, through to my first days in Congress, up until this very day. I am sure, just as will the people of Massachusetts and the country, that I will continue to need his help and counsel. I, as a spokesman for the people of Boston, say "thank you" for dedicating your life's work to us.

HON. MENDEL RIVERS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. O'NEILL of Massachusetts. Mr. Speaker, I am deeply grieved by the recent loss of my personal friend and colleague, L. Mendel Rivers. He was a loyal American and an outstanding leader. Many tributes will be offered in his honor, yet the greatest tribute I can give is that Chairman Rivers was a man of strong principle, and a man who lived by them.

L. Mendel Rivers came to the House some 30 years ago and served this country during some of its most difficult years. He became chairman of the Armed Services Committee and in this position he worked to maintain the military superiority of the Nation.

Chairman Rivers introduced legislation, and saw that it passed, to improve the lives of men and their families in the Armed Services. Chairman Rivers fought for increased salaries, fringe benefits, and guaranteed rights for American servicemen. This work has won for him the loyalty and respect of serviceman, citizen, and colleague. He worked to modernize every aspect of our Nation's defense, particularly the Navy, and to bring both military capability and military justice to the highest level.

On the floor of the House, he evoked the interest of both supporter and critic

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because of his clear and dynamic manner. He was a vital catalyst for the Members of this House, and the people of this Nation. He fine tuned and strengthened the position of everyone regarding the military. He made all of us look hard and evaluate the military, particularly the role it would play in the future development of the United States.

Mendel Rivers' hard work and dedication will always be appreciated. Mrs. O'Neill and I extend our deepest and most heartfelt sympathies to his lovely wife, Margaret, and his three fine children.

TRIBUTE TO SENATOR SPESSARD HOLLAND

HON. JOHN SHERMAN COOPER

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. COOPER. Mr. President, the close of the 91st Congress brings us to a time of parting with old friends—colleagues whose work and ability we have come to know and respect over the years.

I am very sorry that this session marks the end of the Senate service of the senior Senator from Florida, Spessard Holland. We all know his clear and persuasive voice in debate, his legislative skill, his experience, and wisdom.

With all the burdens of his work in agriculture, in appropriations, in the framing of constitutional amendments, Senator Holland has never forgotten the needs and interests of the people of his State. I am sure the people of Florida are proud of his service and loyalty, and of Mrs. Holland who has been his great helper. Spessard Holland's abilities, integrity, and fairness have had their influence in the Senate and on our country, and we shall miss him.

HON. MICHAEL A. FEIGHAN

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. O'NEILL of Massachusetts. Mr. Speaker, it has been my honor to be associated with Congressman Michael A. Feighan of Ohio for the years in which I have been a Member of the House. I would like now to join my colleagues in paying tribute to Mike as his long and outstanding career in Congress comes to a close.

Mike will truly be missed by all of us. Through his years in Congress he has developed a well-deserved reputation as a dedicated worker. Mike's primary concern, the laws of immigration, brought each of us into contact with his efforts. His clear understanding of the intricacies of the policies of immigration and naturalization has been of inestimable value to the House and to the Nation. We all realize how precious and important the right of access to American citizenship is. No one in my memory has mastered a clearer conception of the statutes of immigration than Mike did. Mike's handling of these laws and proposed changes in them was marked by an exemplary sense of human values and a keen understanding of what America means to a refugee desirous of the shelter of freedom.

It goes without saying that Mike's legislative contributions are many. A particular highlight in his career was the signing into law of the Immigration and Nationality Act Amendments of 1965 that ended years of discrimination in our immigration policy. All of us who were present remember the degree of dedication with which Mike worked to insure the passage of this legislation. Twenty years of discussion and debate preceded this modernization. Mike's tremendous contribution in the development and passage of this legislation will long be remembered by this body and the Nation will long reflect his devotion to its wellbeing.

Mr. Speaker, I wish to commend Mike Feighan on his outstanding career and dedication to the Nation, to the State of Ohio, and to his constituency. I wish him good fortune in the years ahead and in any venture he undertakes.

HON. JEFFREY COHELAN

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mr. O'NEILL of Massachusetts. Mr. Speaker, as we near the end of this session of Congress, I am filled with a certain sadness. My good friend and colleague, Jeff Cohelan, has fallen victim to the vicissitudes of political life and will not be joining us when the 92d Congress convenes.

Jeff Cohelan has served in the Congress for 12 years, and during these years he dedicated himself to improving the lives of his countrymen. He is a man of deep compassion, a man of conscience. He has fought hard to right the injustices in our land and to end its divisions.

As a Member of the House Appropriations Committee, Jeff distinguished himself as an extraordinary leader in the fight for higher funding of education and health programs. Deeply aware of the plight of the economically oppressed, he secured higher funding of student assistance programs. He sought to secure funds for medical manpower programs and training facilities. His concern as a Congressman was for people, and he brought every human quality in his power to bring them a better America. We will miss this scholarly legislator, always so quick to listen and lend a helping hand when it was necessary.

I know that all of my colleagues join me in wishing him well in his future endeavors. Jeff Cohelan has been an outstanding Congressman in every sense. I know he will continue to contribute his energy and devotion to our Nation.

LEGISLATIVE REPORT OF SENATOR RALPH W. YARBOROUGH SECOND SESSION OF THE 91ST CONGRESS

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. YARBOROUGH. Mr. President, it is my privilege to present to the people of the State of Texas my report on the activities and accomplishments of the final session of the 91st Congress.

The 91st Congress will be remembered in history not only for its legislative accomplishments but also for its duration. It was actually a Congress composed of three sessions instead of the cutomary two. For the first time in many years, Congress adjourned prior to the general election in November 1970, reconvened on November 16, and worked until January 2, 1971.

This additional session was exceptionally demanding on its Members. In fact, this entire 91st Congress has been time consuming on all Members, as the first session in 1969 remained in session until December 23, 1969, and the two different sessions added in 1970, the last ending January 2, 1971, for all practical purposes kept the Congress in session for almost 2 years. This has given me an opportunity to pass many important pieces of social legislation that might have otherwise died.

It is particularly pleasing to recount the number of important bills I was able to see through to final enactment in the period after my defeat on May 2. During the period of May 2 to October 15, the day Congress adjourned for the preelection recess, I was able to obtain final passage of six major bills; five of these were authored by me and I was one of the principal cosponsors of the other. These bills are:

The Hill-Burton Hospital Construction Act of 1970.

The Regional Medical Centers—Heart, Cancer, Stroke and Kidney Act.

The Allied Health Professions Act—Public Law 91-519.

The Communicable Disease Control Act.

The Developmental Disabilities Service and Construction Act.

The Sam Rayburn Memorial Veterans Administration Hospital Act.

One of these important bills, the Hill-Burton Hospital Construction Act of 1970, was unwisely vetoed by the President. This made it my duty to floor manage the efforts to override this veto. Fortunately for the people of America, our efforts to override were successful and this important bill become law despite the President's objections. In overriding this veto, I became the first "lame duck" Senator since the direct election of United States Senators began in 1913, to successfully floor manage the override of a Presidential veto. This is a distinction I would have been more than willing to have never had; but I did not let my defeat in the May Primary in Texas defeat the health needs of the people.

The third session or "lame duck" ses-

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sion which began on November 16 was another period of legislative achievement for me. Despite the predictions of the distinguished minority leader of the Senate who called this third session which ran from November 16 until January 2, 1971, an "unmitigated disaster," I was successful in enacting three bills which I authored. These bills are:

The Family Medicine Act.

The Model Secondary School for the Deaf Act.

A bill easing the requirements for 24-hour nursing services for small hospitals under medicare act.

Unfortunately, the President attempted to pocket veto the family medicine bill. There is a grave question as to whether the President legally vetoed this bill; however, the real issue is that the President has disapproved of legislation which was designed to ease our critical medical manpower crisis by providing funds for the education of doctors to practice family medicine.

In addition to these bills which I authored, Congress also enacted eight bills which I personally had cosponsored and had in several cases, added important amendments to. Seven of these bills came out of the Labor and Public Welfare Committee of which I am chairman. They were pushed through the committee under my direction and drive as chairman. These bills are:

The Employment and Training Opportunities Act of 1970, the Occupational Health and Safety Act, the Family Planning Act, the Alcohol Abuse Act, the National Health Service Corps Act, the Vocational Rehabilitation Act, the Lead Base Paint Elimination Act, the Omnibus Disaster Assistance Act (from the Public Works Committee).

Again, the President vetoed another important piece of social legislation, the Employment and Training Opportunity Act. This comprehensive manpower training bill which was designed to train thousands of Americans for gainful employment, was greatly needed in this time of rising unemployment. It was particularly disturbing to me to see this bill vetoed because it contained two programs which I introduced; bilingual manpower training program and the special manpower training for victims of major disasters, the first time either of these provisions had ever been written into law. I believe that this veto will become a major issue in the months to come.

In summary, during the period of May 2, 1970 to January 2, 1971, Congress passed 18 major bills of which I was either the author or a principal cosponsor. All in all it was a rewarding session for me and for all our people. Although Congress did not act on all the measures I believe it should have, great progress was made during this legislative period. In this my final report to the people of Texas, who I am grateful to have served for 13 years and 8 months, I will highlight the accomplishments of this active and creative period in our Nation's history.

HEALTH

The Senate Subcommittee on Health, of which I am chairman, was active in its consideration of the many health matters under its jurisdiction. Specifically, it reported out 15 bills which became public law, two resolutions concerned with the conquest of cancer, and one bill which is presently in controversy over whether or not the President properly used his authority in claiming a pocket veto.

The bills which have become public law are as follows:

Hospital Construction and Modernization (Public Law 91-296); the largest hospital bill in the history of the Congress authorizing a total of over $2¾ billion, with $1.29 billion in grants to the States for construction or modernization of hospitals and other health facilities for fiscal years 1971, 1972, and 1973; establishes a new 3-year program of guaranteed loans to cover up to 90 percent of the cost to private nonprofit agencies for medical facility construction or modernization of public facilities and for such loans authorized $1.5 billion over 3 years; and provides a new 3-year $20-million-per-year program for modernization or construction of emergency rooms. This is the bill the President vetoed and was overriden.

Communicable Disease Control (Public Law 91-464) authorizes a 3-year program to continue assistance in eliminating diseases susceptible to vaccination or communicable disease programs. This is especially significant for Texas which has the worst communicable disease rate in the Nation.

The Family Planning Act (Public Law 91-572) provides comprehensive, voluntary family planning services and information readily available to anyone in the United States desiring such information. The bill authorizes $382 million over the next 3 years for these programs.

Community Mental Health Amendments of 1970 (Public Law 91-211) improves and extends for 3 years the Community Mental Health Centers Act; authorizes for construction grants $80 million, $90 million, and $100 million for fiscal years 1971, 1972, and 1973, respectively; authorizes grants for initial operation of community mental health centers $45 million, $50 million, and $60 million for fiscal years 1971, 1972, and 1973, respectively; extends the program for facilities and services for alcoholics and narcotic addicts for 3 years and authorizes therefor $30 million, $35 million, and $40 million for fiscal years 1971, 1972, and 1973, respectively, and reduces the authorization for fiscal 1970 from $25 million to $15 million; adds a program of special facilities, personnel and services for children and authorizes therefor $12 million, $20 million, and $30 million, for fiscal years 1971, 1972, and 1973, respectively.

Medical Libraries Amendments (Public Law 91-212) extends the program of financial assistance for construction of health library facilities for 3 years, with support for training of health librarians and information specialists. Authorizes funding for 3 years at $63 million beginning fiscal year 1971.

Migrant Health Amendments of 1970 (Public Law 91-209) extends until the end of fiscal year 1973 the programs to improve the health services and conditions of migratory workers and their families. Authorizes $20 million, $25 million and $30 million for fiscal years 1971 through 1973, respectively.

Grants to Schools of Public Health (Public Law 91-208) provides $9 million, $12 million and $15 million for fiscal years 1971 through 1973, respectively, to make formula grants to schools of public health; authorizes $45 million over the 3 years for graduate or specialized training in public health; and extends project grants for traineeships for professional health personnel and authorizes $16 million for fiscal 1972 and $18 million for fiscal year 1973.

Developmental Disabilities (Public Law 91-517) extends the Mental Retardation Facilities Construction Act for 3 years, beginning fiscal year 1971 with a total 3-year authorization of $295 million. Other services and special project grants were provided for to assist the developmentally disabled and $52 million over the 3-year period is provided for such provisions.

Regional Medical Programs and Comprehensive Health Planning and Services Act (Public Law 91-515) extends regional medical programs 3 years through fiscal year 1973 with a $525 million authorization; also authorized $247 million for health services and facilities; $1,013,500,000 for comprehensive health planning and $60 million for health surveys and studies. Kidney disease is added to the heart disease, cancer and stroke amendments covered by this act.

Family Practice (attempted pocket veto) (Public Law 91-) authorizes $225 million over 3 years for grants to public and nonprofit medical schools and hospitals to develop programs for training related to the family practice of medicine. Another $8 million was authorized for expediting the planning and development of needed programs.

Health Training Improvement Act (Public Law 91-519) extends for 3 years the Allied Health Professions Personnel Training Act and authorized $90 million for construction, $45 million for basic improvement grants, $125 million for special improvement and special project grants, $30 million for traineeships, $3 million to encourage full utilization of allied health professions, $15 million for scholarships, $12 million for work-study, and $18.5 million for loans.

National Health Service Corps (Public Law 91-623) authorizes $60 million over 3 years for a program allowing the use of the Public Health Service doctors in areas of medical and health need.

Equalization of retirement benefits for Commissioned Officers of the Public Health Service (Public Law 91-253) eliminates inequities in the computation of retirement pay between the Public Health Service and other uniformed services of the United States.

Lead-Based Paint Poisoning Elimination Act (Public Law 91-) authorizes $10 million for fiscal year 1971 and $20 million for fiscal year 1972 to provide financial assistance to local governments to carry out programs for the elimination of lead-based paint poisoning and establish a research and development program.

Demonstration Elementary School for

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the Deaf (Public Law 91-587) authorizes Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf.

Vocational Rehabilitation Extension (Public Law 91-610) authorizes a basic 1-year extension of vocational rehabilitation programs at the level of $1,010,000,000 for fiscal year 1972. This extension facilitates State government appropriations for matching funds.

To combat the national health crisis, the subcommittee also began hearings on national health insurance, holding 2 days of hearings on S. 4323. This was considered a beginning step in enacting a comprehensive program of health care for the United States.

During the first session of the 91st Congress, the subcommittee held hearings on the proposed closing of the Fort Worth, Texas Clinical Research Center, which led to its remaining open. These hearings were held on April 16, 17 and 18, and June 13, 1969. Similar hearings were held on September 10 and 12, 1969 over the threatened closing of public health service hospitals, producing convincing evidence that they should remain open.

In total, the Subcommittee on Health held 39 days of formal hearings during the 91st session of Congress.

THE CONQUEST OF CANCER ACT

This session of Congress marked the beginning of a major attack on this Nation's most dreaded disease—cancer. In April of 1969, I introduced S. Res. 376 which called for the establishment of a National Committee of Consultants on the Conquest of Cancer and charged that Committee with the task of investigating the status of cancer research and reporting its findings and recommendations to the Senate. This resolution was cosponsored by 53 Senators of both parties and was unanimously passed by the Senate.

The Committee, which is composed of 13 distinguished scientists and 13 prominent laymen from all walks of life, submitted its report to the Senate Labor and Public Welfare Committee in early December. Based on months of study and research, the Committee recommended that Congress establish a new independent agency to develop and administer a national program of cancer research.

Taking these recommendations into consideration, together with the experience I have gained as a member of the Health Subcommittee for 13 years, two of those years as chairman, I introduced a bill entitled "The Conquest of Cancer Act." This bill would: (1) establish an independent agency to be known as the National Cancer Authority; (2) transfer all the functions of the National Cancer Institute to this Authority; and (3) charge this new agency with the responsibility of developing a major systematic attack on cancer.

This bill has won the support of 26 Senators of both parties who have cosponsored it. Although it could not be passed this session, I have been assured by several Senators, including the distinguished majority whip, Senator **Kennedy**, that this bill will be given high priority in the 92d Congress.

OCCUPATIONAL HEALTH AND SAFETY ACT

The Labor and Public Welfare Committee reported to the Senate an unprecedented bill in the Occupational Health and Safety Act of 1970. This act, which became Public Law 91-596, places in the Secretary of Labor the responsibility for establishing occupational health and safety standards applicable to all employers in the United States and its territories whose activities affect commerce. The Secretary of Labor is also assigned responsibility for conducting inspections and investigations to assure compliance with such standards and with the act's further requirement that each employer must maintain a workplace free from recognized hazards. An independent three-member commission is created to adjudicate charges of violations and to assess civil penalties which are provided for by the act. The act also places in the Secretary of Health, Education, and Welfare responsibility for conducting research in the fields of occupational health and safety, and for this purpose creates with the Department of Health, Education, and Welfare a National Institute of Occupational Health and Safety. A further feature of the act is the creation of the National Commission on State Workmen's Compensation Laws, which is to undertake a study and evaluate all State workmen's compensation laws and report to the President and Congress by July 31, 1972.

This landmark bill, of which I am a cosponsor, is similar to the bill I introduced and held hearings on during the 90th Congress, I am proud that during my final term in Congress I was chairman of the committee which passed this measure which has been needed for so long. It was passed with my unstinting work as committee chairman to get quorums and push this bill through.

EDUCATION

I am proud to report that the second session of the 91st Congress was a time of continued progress in education.

A bill of which I am particularly proud that became public law was my bill to establish a model secondary school for the deaf at Gallaudet College for the Deaf in Washington, D.C. This school will serve as a training ground for all those who are involved in educational training of deaf children throughout the world. I am very pleased to have gotten this bill through Congress and written into law before my term expired.

Congress also completed work this session on the comprehensive elementary and secondary education amendments. This bill which came out of the Labor and Public Welfare Committee authorizes $24.5 billion for fiscal years 1971 through 1973 to fund such important education programs as school libraries resources, educational materials for educating deprived children, bilingual education, school nutrition and health services, adult education, and many others. This landmark bill is now Public Law 91-230.

Having served on the Subcommittee on Education for over 13 years and having authored or cosponsored or been a major supporter of every major educational law during that period, I am pleased that we were successful in passing such an excellent bill this session.

Another important bill which came out of the Education Subcommittee of the Labor and Public Welfare Committee was the Impacted Areas Aid Act. This bill authorizes the Secretary of Health, Education, and Welfare to make payments to local education agencies for the purpose of assisting these school districts in meeting the cost of educating children whose parents live or work on Federal property. This bill authorizes $2.5 million to be used for this program. This bill will be of great assistance to schools in cities such as San Antonio and El Paso which have so many military families and Federal workers.

During this session, Congress also passed the Library Services and Construction Act Amendments of 1970. This bill extends for 5 more years the library services program which has benefited so many communities throughout the country. I was one of the original sponsors of the Library Services and Construction Act, and I am glad that we were successful in giving new life to this vital program.

Another important library bill which became law during this session was the National Commission on Libraries and Information Science Act, Public Law 91-345. This bill establishes a 15-member National Commission on Libraries and Information Science for the purpose of developing overall plans for carrying out our national library policy. This Commission will be a valuable addition to the educational structure of America.

During this session, I introduced S. 4398, the Post Secondary Education Act, which would provide a 2-year free college education to every qualified American. This bill marks the beginning of the fight to complete America's educational commitment to all our people. Although I could not finish the work on it in this session, I earnestly hope that it will be completed in the years to come.

VETERANS AFFAIRS

During the second session of the 91st Congress, work was completed on a number of important bills which will greatly benefit the lives of America's veterans. Of greatest significance to many veterans who are receiving educational benefits under the cold war GI bill which was enactment of Public Law 91-219, the Veterans Educational and Training Assistance Amendments of 1970. This bill was introduced by me as S. 338 in January of 1969. Under my original bill, education and training allowances paid under the cold war GI bill would have been increased by 46 percent. The reason for such an increase is that under the present law the allowances paid to veterans cover only 67 percent of the cost of the veterans' cost of education. In comparison to the 98 percent that was covered by the Korean conflict GI bill, the veterans of the Indochina era are not receiving the treatment that they so justly deserve.

My bill passed the Senate unanimously; however, the House passed its own bill which provided only for an in-

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crease of 27 percent. After long conferences with the House, we in the Senate were able to persuade the House to agree to an increase of 35 percent in these allowances. This increase, although not as much as I believe is justified, does represent a significant step toward bringing these benefits in line with the ever-rising cost of education.

Also included as part of the Veterans Educational and Training Assistance Amendments of 1970 are several new programs which are designed to assist educationally disadvantaged veterans. One of these programs would provide special instruction to prepare veterans to enter higher education programs after graduation. Another of these new programs provides individual tutoring services to veterans who are having difficulty with their programs of instruction. Also included in this bill is a special veterans outreach program which is designed to advise recently discharged veterans of their rights under the GI bill. I am proud to have cosponsored these important new programs which I believe will increase participation in veterans education and training programs.

During this session, Congress made important progress in the area of veterans housing. After careful consideration by the Senate Subcommittee on Veterans Affairs, the Senate passed the Veterans Housing Act of 1970. This bill, which the House also approved, establishes a new loan program for the purpose of assisting veterans to purchase mobile homes and condominiums. This bill also removed the expiration dates for GI bill home loan entitlements and restored eligibility to many veterans to participate in this important program. Having seen the good the veterans home loan program has done, I am pleased to have been a cosponsor of this important bill which has now become Public Law 91–506.

In the final hours of this session, we were successful in passing H.R. 370, the disabled veterans automobile allowance bill. This important measure would increase the special automobile allowances provided for our disabled veterans from $1,600 to $2,800. This bill, which has passed both Houses of Congress, also provides the Veterans Administration with the responsibility for providing, repairing, and replacing all the necessary adaptive equipment and devices for these automobiles. This is a program that I have supported for years and I am glad that during this Congress we were successful in passing these very necessary improvements in it.

Another bill, which I was successful in steering through the Subcommittee on Veterans Affairs and enacting into law, which is of particular significance to Texas, would designate the veterans hospital at Bonham, Tex., as the Sam Rayburn Veterans Administration Hospital. During his lifetime, the great Speaker of the House of Representatives devoted his time, energy and talent to aiding America's veterans. It is only fitting that this Veterans Administration hospital, located in his home town, be named in his honor.

In addition to the bills produced by the Veterans Affairs Subcommittee, the subcommittee conducted two investigations of great importance to veterans. First, the subcommittee investigated in depth the status of veterans health and hospital care. This investigation uncovered facts which clearly showed to a shocked American public that many of our Veterans Administration hospitals are overcrowded and understaffed. In short, our veterans are not receiving the first-class medical and hospital care that they so justly deserve.

Based on this investigation, I joined with the chairman of the Subcommittee on Veterans Affairs, Senator CRANSTON, and introduced an amendment to increse the funds for Veterans Administration hospital and medical care programs. This amendment gained overwhelming approval in the Senate and combined with the House action, we were finally successful in obtaining an overall increase in these appropriations of $105 million.

The Subcommittee on Veterans Affairs also looked into the perplexing problem of unemployment among Vietnam veterans. This investigation revealed that the rate of unemployment among these veterans is the highest in the Nation. I am hopeful that during the next Congress, these hearings will produce major legislation in the area of veterans reemployment.

Another measure which I am proud to have been a cosponsor that became law during this session was the Disabled Veterans Compensation Act. This important bill provided an across-the-board increase of between 10 and 12 percent in the allowances paid to America's disabled veterans. These increases have been too long in coming, and I am glad I was able to see this measure through to its final enactment before my term expired.

Finally, during this session, the $27 million that I have fought for throughout my years in the Senate to construct a South Texas Veterans Administration Hospital was released. Groundbreaking ceremonies took place this fall and work is now underway on this great 760-bed hospital. This marks the realization of a dream for which I have labored for over 13 years.

In summary 1970 was a year of many great accomplishments in the area of veterans legislation. I am pleased that I was able to play a part in these great achievements.

COMPENSATION FOR INNOCENT VICTIMS OF CRIME

This past year also saw the first legislative floor action on a proposal I have been advocating for 5 years—my program to compensate innocent victims of crime. I reported to you last year that the Senate District of Columbia Committee had held hearings on my bill, S. 2936 to compensate innocent victims of crime in the District of Columbia. This proposal was incorporated into the D.C. crime bill in March of this year. Unfortunately, the proposal was lost in conference with the House, but nevertheless, this was the first time in the history of the United States Congress that an innocent victims compensation proposal has received favorable consideration by Congress.

THE BIG THICKET

During this session major progress was made toward the creation of a Big Thicket National Park, the goal I have fought for since 1966. In June of this year, the Subcommittee on Parks and Recreation of the Senate Interior and Insular Affairs Committee held field hearings on my bill, S. 4, to create a 100,000-acre national park in the Big Thicket area. At these hearings, many noted conservationists and scientists endorsed my bill and urged its prompt passage. In December, the subcommittee completed its hearings in Washington and the bill was reported favorably to the Senate on December 8. On December 16, 1970, S. 4 unanimously passed the Senate.

In the House, the House Interior and Insular Affairs Committee was unable to obtain the necessary quorum to take action on S. 4 during this session. Despite the failure of the House to act on S. 4, the passage of this important bill in the Senate has smoothed the way for the ultimate passage of this legislation in a future Congress. Congressman BOB ECKHARDT of Houston has introduced a Big Thicket National Park bill in the House and I am sure that he will continue the fight to save the Big Thicket in the 92d Congress. I intend to continue my efforts for this legislation as a private citizen and I hope that in the not-too-distant future the dream of a Big Thicket National Park will become a reality.

RELIEF OF TEXAS DISASTER VICTIMS

During the spring and summer of 1970, four major disasters struck Texas, leaving in their wake death, destruction, and misery. These disasters were the Plainview and Lubbock tornadoes, the San Marcos flood and Hurricane Celia. I toured each of these areas and talked with the victims. After Hurricane Celia, I opened, at my own expense, an office in Corpus Christi and staffed it with members of my personal staff to aid the people in this area.

My experience during these recent disasters and after Hurricane Beulah and Carla, convinced me of the need for a comprehensive and permanent Federal disaster program. For this reason, I became one of the first cosponsors of S. 3619, the Omnibus Disaster Assistance Act, when it was introduced in this Congress. After the recent Texas disasters, I found that S. 3619 did not cover certain important needs of disaster victims. Therefore, to make a good bill better, I introduced three amendments to S. 3619 which were accepted by the Senate and the House.

The first of my amendments provided authority to the Director of the Office of Emergency Preparedness to make grants to disaster victims for the purpose of assisting these unfortunate people in making their mortgage or rent payments on their homes. In many cases, a disaster victim not only suffers physical injuries and damage to his home but also loses his source of income. In those situations,

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the victim often cannot make his mortgage or rent payments and is ultimately forced out of his home. My amendment will provide relief to people who are placed in this situation and will aid many disaster victims to retain their place in the community.

My second amendment grants authority to the Director of the Office of Emergency Preparedness to provide legal assistance to low-income disaster victims who cannot otherwise afford an attorney. This legal aid program will help these people process their just claims arising from the disaster and aid them in securing their benefits under the Federal disaster laws.

My third amendment applies the new benefits and programs of S. 3619 retroactively to April 1, 1970, to assure all the victims of the recent Texas disasters that they will benefit from this important bill. Of particular significance to Texas disaster victims is the increase in the amount of Small Business Administration and Farmers Home Administration disaster loans that can be canceled from $1,800 to $2,500. This program will greatly aid low-income and middle-income disaster victims who are struggling to rebuild their homes and their lives.

S. 3619, including my amendments, became law on December 31, 1970. I was glad I was able to make a contribution to this important legislation.

TEXAS PUBLIC WORKS PROJECTS

As a member of the Senate Appropriations Committee, I have been in a position to obtain funds for a number of Texas public works projects during the second session of the 91st Congress. The construction of dams, reservoirs, and the various other flood control and navigational projects are vital to the growth of the country. These projects serve as tangible evidence to our people that their tax dollars are being put to good use. I am pleased that I have been successful in my efforts to get the needed money appropriated for many of these important projects.

The public works appropriations bill, H.R. 18127, which passed both Houses of Congress contains a total of $5,239,342,000. Approximately $51 million of the total amount appropriated this year was designated for various projects in the State of Texas. I am pleased that we have had such excellent success in 1970 in securing funds for so many projects that are important to the people of my State.

One of the projects which has considerable implications for the future economic development of the Brazos River Basin is the Millican Dam and Reservoir project. The cities of Bryan and College Station stand to benefit most directly from Millican Dam which will not only provide flood protection for the area, but will also insure an adequate supply of surface water for industrial, agricultural, and recreational use. I was able to persuade my colleagues on the Senate Approriations Committee to allow an additional $100,000 for the Millican project. Along with the $50,000 appropriated by the House, the project will receive a total of $150,000. This will allow orderly progress on the project to continue, while insuring that proper care is exercised to preserve the area's ecological balance. When completed this dam and reservoir will serve as a lasting memorial to General Earl Rudder, the late president of Texas A. & M. University, who believed so strongly in this project and worked so hard for it during his lifetime.

Another project which was funded this year under the public works appropriations bill is the Aquilla Reservoir which is to be located about 10 miles southwest of Hillsboro, Tex. This reservoir will protect the people and property of the area from the present flood menace, and it will provide 199,333-acre feet of water to replace the deteriorating water well system. No funds were requested by the administration for this critical project, and I am pleased that we were able to obtain $100,000 for preconstruction planning for the reservoir.

There are a number of other new Texas projects which have been too long delayed that received funding under the public works appropriations bill. These new projects include: First, $300,000 in preconstruction planning money for Aubrey Reservoir, which will be used to construct a badly needed water supply for the Dallas and Denton area; second, $410,000 in planning funds for a chloride control project on the Arkansas-Red River; and third, $60,000 preconstruction funding for the Cedar Bayou project on the eastern Texas gulf coast. The Cedar Bayou project will eventually provide for the construction of a channel permitting the water transportation which is needed by the many new industrial concerns which have located in the area.

In addition to the new projects mentioned above, construction money was appropriated by the Congress for several existing projects which were either insufficiently funded or omitted entirely from the administration's budget requests. First, we were able to secure $350,000 that was not requested in the budget for the Corpus Christi ship channel. This money will allow construction to commence on this project which, when completed, will allow 15 million tons of commerce to be shipped through the Corpus Christi channel each year. Second, $4 million was appropriated for the San Gabriel River project in Williamson County, Tex. We were able to include $2 million more that was requested in the budget. This additional money will permit land acquisition and construction to begin on this vital flood-control project.

Texas has always been known as a State of great variety and contrast. This generalization is particularly true with regard to our water resources. Within the boundaries of our State, we have water rich Texas gulf coast as well as the arid high plains of West Texas. I have always sought to guarantee that our water resources are developed, year-by-year, in a constructive, systematic manner. Sensible, well planned public works projects, along with adequate control on pollution can insure that we can have economic prosperity while at the same time, preserving the quality of our environment.

TEXAS MILITARY CONSTRUCTION PROJECTS

As a member of the Subcommittee on Military Construction Appropriations, I was in a position to be instrumental in obtaining funds for a number of important construction projects at various military installations across the State of Texas. The appropriation of such money is essential if we are to fulfill our obligation to provide for adequate training, housing, medical, and other facilities for our servicemen. These projects are critically needed in order to maintain the morale and well being of our military personnel and their families.

The military construction appropriations bill which finally was passed by both the Senate and the House of Representatives contained $58,915,000 for various projects in Texas. Approximately $19,553,000 of these funds were added in the Senate, which represents an increase of 54 percent over the $39,362,000 which was allowed in the original House bill. As a Senate conferee in the deliberations with the House, I was able to secure these additional funds for several vital, new projects in Texas.

One of the most significant items that I was able to get included in the final version of the bill is $15,741,000 for the construction of a 543,640 square foot aircraft engine overhaul facility at Kelly Air Force Base in San Antonio. This facility is needed to replace obsolete buildings, and when completed it will allow the efficient overhaul of 1,600 engines each year, with the work to be done by approximately 2,000 specialists at the San Antonio installation. This modern new facility will increase productivity, reduce inefficiency and thereby permit the Air Force to realize savings that will amortize the total cost of the new structure within 1 year.

It is also particularly gratifying to me that I was able to persuade the House conferees to allow a total of $5,553,000 for the Naval Air Station at Corpus Christi. This represents an increase of $3.4 million over what was provided in the original House bill. This additional money, which I was able to get added in the Senate, is badly needed to repair facilities at the base which were severely damaged or destroyed by Hurricane Celia which swept the Texas gulf coast around Corpus Christi on August 3, 1970. These funds will provide for the repair or restoration of a number of buildings at the naval air station including a training building, enlisted women's quarters, commissary, fire station, warehouse, and various other structures.

The final version of the bill which passed both Houses of Congress also contains $809,000 for Fort Bliss at El Paso. These funds which were added by the Senate, will provide for the construction of a building to house an ingenious moving target simulator to be used in the training of Army gunners. This device will not only give the military the ability to train their gunners in all kinds of weather, but will also substantially reduce the danger and certain other problems connected with live training exercises. This project is thus expected to enable the Army to considerably reduce

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the expense that is normally connected with their training program for air defense gunners.

In addition to the projects already mentioned, I was able to get an additional $75,000 appropriated for Bergstrom Air Force Base in Austin, bringing the total appropriation for this installation up to $337,000. The money which was added in the Senate will provide for the installation of various sound suppression units at the base which are needed to protect both military personnel and the surrounding community from the hazards connected with the noise generated by jet engines.

These funds which we were able to add in the Senate will provide for the vital educational, medical and housing facilities which are so important to our military men and their dependents. These are not only necessary projects, but they are also responsible expenditures. If I had not been able to get this additional money, it would have had severe implications for the economic stability of many areas of Texas which have already suffered a number of economic setbacks in recent months. I am pleased that I was able to obtain the funds for these military installations across the State.

AID TO RURAL HOSPITALS

In the final hours of this session, I was successful in obtaining Senate approval of an amendment to the medicare law which would ease the registered nurse requirement that hospitals must meet to participate in the medicare program.

As a result of the present law, many small rural hospitals have been unable to treat medicare patients because they could not hire enough registered nurses to maintain such a nurse on duty 24 hours a day. In many communities the hospitals have been forced to close altogether because of the lack of registered nurses in the area to meet this requirement.

This amendment which I introduced in the Senate and which was introduced in the House by Congressman Burleson allows this requirement to be waived if the following conditions are met: (1) the hospital must have made a bona fide effort to meet this requirement; (2) there must be a lack of registered nurses in the area; and (3) the hospital must make a continuing effort to hire the necessary nursing help.

This bill, which passed the Senate late on New Year's eve, will keep the doors of our rural hospitals open to meet the needs of our citizens.

AGRICULTURE

The year 1970 will long be remembered as the year that American agriculture suffered its most serious legislative setback since the days of Ezra Taft Benson.

Late in 1969, I joined with Senator George McGovern in introducing the coalition farm bill, S. 3068. This bill, which had the backing of over 20 of the country's most respected farm organizations, would have renewed and extended the Agriculture Act of 1965, with certain important improvements. After months of work, the Senate Agriculture Committee reported out a farm bill which embodied many of the important features of S. 3068.

On the floor of the Senate, I cosponsored an amendment which strengthens this bill by providing that payments to the feed grain farmers be based on 75 percent of parity. This amendment was approved and became a major part of the Senate version of the bill.

The House, unfortunately, yielded to strong administration pressure and passed out a much weaker bill. In conference, the continued efforts of the administration made compromise impossible and the bill that finally emerged eliminated most of the major programs proposed by the Senate. I worked for the defeat of the conference report, however, our side of this issue lacked the votes necessary to prevail. I am hopeful that in the next Congress action will be taken to improve this weak piece of legislation.

There was one bright spot for Texas farmers this session, however, and that came with the granting of a "Green Thumb" contract to Texas. The "Green Thumb" program, which I have supported for years, provides gainful employment to retired farmers doing vital conservation work. This program helps improve the quality of our environment while providing jobs to many of our older citizens. I worked hard to bring "Green Thumb" to Texas and I am glad we were successful this year in obtaining it.

RAILROAD RETIREMENT

Two bills amending the Railroad Retirement Act were enacted into law during 1970:

Public Law 91–215 is an act to guarantee the fiscal integrity of the Railroad Retirement supplemental pension fund which was in danger of terminating payments prior to the enactment of this legislation, and also provides a system of retirement incentives.

Public Law 91–377 provides a temporary 15 percent increase in Railroad Retirement benefits, pending a study of the financial structure of the Railroad Retirement pension system by an independent commission appointed for that purpose.

S. 988 has been approved by the Senate but has not been acted on in the House of Representatives. It would permit certain individuals retiring under the Railroad Retirement Act to receive annuities while serving as elected individuals.

ALCOHOLISM AND NARCOTICS

Landmark legislation was also enacted in the area of alcoholism and its treatment. S. 3835 establishes a National Institute of Alcohol Abuse and Alcoholism within the Public Health Service. It establishes a formula grant to allow States to develop treatment preventive and treatment programs, and a project grant program to allow local community and private nonprofit programs to develop community-based programs. It establishes prevention and treatment programs for all civilian Federal employees.

Public Law 91–527, the Drug Abuse Education Act of 1970, authorizes funds for two separately funded education programs: Drug education projects oriented to the school systems of the country and the teachers and children within it; authorizes grants for development and evaluation of curricula, preservice and inservice training programs for teachers, counselors, and other educational personnel. Community education projects authorizing grants for development of peer group assistance programs, such as telephone counseling, workshops, seminars, and counseling neighborhood information centers.

Aanother landmark measure, the bill (S. 3562) to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence passed the Senate but did not clear the House. This bill was patterned along the same lines as the alcoholism bill referred to above, except that its target was drug abuse and drug dependence.

Because of my firm belief that we must develop an effective approach to the problems of drugs and alcoholism, I cosponsored these measures and worked hard for their approval.

MANPOWER

The President's veto on December 16, 1970, of the Employment and Manpower Act of 1970 was a great disappointment to me and to many Senators, Democratic and Republican.

The manpower bill was worked on in my committee for 2 years. Extensive hearings were held coast to coast. The bill was the final product of extensive and complete legislative consideration. It was passed by a Senate vote of 68 to 6. All of the Senators in my committee and particularly Senator Nelson, worked very hard on this bill. All of our efforts went down the drain on the veto. The ones who really lost are the American people. With unemployment at a 7-year high, and rising, with inflation the way it is, the millions of poor, unemployed and underemployed received a cruel Christmas present.

The bill included my Bilingual Manpower Training Act, which provided for the first time special bilingual manpower and training programs to increase opportunities for employment and promotion for persons with limited command of the English language.

My disaster relief amendment was also included in the bill which authorizes the Secretary to furnish job training slots to local authorities to assist in disaster relief activities.

Both of these concepts received wide support and I expect that they will be included as part of a manpower bill that will be passed next session.

CONCLUSION

The 91st Congress is now history and time will be the final judge of the work that was done in this Congress. In my judgment, Congress accomplished many worthwhile things over the strong and presistent opposition of the administration. For this reason alone, the 91st Congress will occupy a significant place in our history.

With the end of this session of Congress, my service as the senior U.S. Sena-

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tor from Texas also comes to an end. Three times the people of Texas have chosen me to be their voice in the Senate and during the over 13 years I have been in office, I have tried to serve these people to the best of my ability. As I leave the Senate, I have no regrets, and nothing but gratitude to the people of Texas for bestowing on me the honor of serving them. In the years ahead, I shall continue to devote my time and energy to those causes that will benefit all mankind.

THE HONORABLE JOHN W. McCORMACK

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 2, 1971

Mrs. SULLIVAN. Mr. Speaker, since coming to the House in 1953, I have been privileged to know three fine men serving as Speaker of the House of Representatives. The first was Joseph Martin of Massachusetts, a Republican who made me as a freshman Democratic Member welcome to the House, who was kind and considerate and courtly, and who helped me overcome the nervousness and fears which assail us all here when we first arrive. My next Speaker was Sam Rayburn, who challenged me to learn the rules and the ropes and to dare to pursue new avenues of legislation, and who was a stern taskmaster and a great teacher. And my third Speaker is JOHN W. McCORMACK, who has helped me—as he has every Member—to legislate better and to serve our constituents; he has been accessible to us and always interested in our own legislative problems and he has devoted his career as Speaker to the service of the men and women who constitute this House.

Mr. Speaker, I have never known a kinder person, a more dedicated servant of his country, or a more devoted practitioner of the art of friendship than JOHN W. McCORMACK, Speaker of the House of Representatives, a man of great moral fibre, of great spiritual strength, of abiding faith in God and in his fellow man; above all, he is a man of love for humanity as for his own family.

We all reciprocate that love when we express our appreciation to this man for the great service he has rendered to the United States and to three Presidents and to hundreds of the Members of this House during his Speakership. Prior to becoming Speaker, he served with comparable success and effectiveness as majority leader and was instrumental in writing much of the great legislation of this century. I know that some of the laws in which I take personal pride and on which I devoted endless time and effort could never have become law without the guidance and support and assistance of JOHN W. McCORMACK. I shall always be grateful to him for the manner in which he has helped me to serve my constituents and consumer causes generally.

RETIRING AS "UNDEFEATED CHAMP"

As Speaker McCORMACK retires from Congress—retiring as an "undefeated champ", as some of my people in South St. Louis would say—we who were reelected to return in the 92d Congress know that we will miss his fatherly concern and guidance and his affectionate help and assistance on our legislative activities. Speaker McCORMACK's love of the House has been obvious to all of us and has been demonstrated in the fair and impartial manner in which he has conducted the proceedings of the House so that every Member has been accorded equal treatment under the rules, regardless of political affiliation or political philosophy.

A partisan Democrat through and through when it has involved the political skirmishes themselves, Speaker McCORMACK has never permitted narrow partisanship to interfere with the work of the Chair; he has been fair to Republicans as he has been to all of us on this side of the aisle. But under his "equal fairness" doctrine in the conduct of the House's affairs, I think it is fair to say that his eyes have twinkled a bit brighter when he looks in our direction to recognize a Democratic Member.

Mr. Speaker, I hope the retirement years are joyful and productive and that they will enable Speaker McCORMACK to sift through and organize for scholars and posterity the important and historic papers and documents on which he worked so successfully as a great star of the House of Representatives.

THE HONORABLE JOHN JOSEPH HICKEY

HON. GALE W. McGEE

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Saturday, January 2, 1971

Mr. McGEE. Mr. President, on Tuesday, September 22, I learned the sad news that one of our former colleagues in this body, John Joseph Hickey, had died.

His death came as a shock to the State of Wyoming, which he had served long and ably as Governor, U.S. Senator, and finally as a member of the 10th U.S. Circuit Court of Appeals.

On Thursday, September 24, I had the sad duty of attending the funeral services in Rawlins, Wyo., for Judge Hickey. Part of those services was the saying of the Funeral Mass by the Most Rev. Hubert M. Newell, D.D., Bishop of Cheyenne.

Mr. President, Bishop Newell's homily is a most moving tribute to the memory of Joe Hickey. I believe Joe's wife, Win, his sons, and his countless friends will find comfort in knowing as Bishop Newell read from the Book of Wisdom: "The souls of the just are in the hands of God and no torment shall touch them."

While Joe was with us, he touched us with his courage, his integrity and his ability. Now that he is gone, we mourn his passing, but we shall always remember his strength.

Mr. President, at this point I ask unanimous consent that Bishop Newell's homily at the funeral of J. J. Hickey be printed in the RECORD.

Homily preached at Funeral Mass of Judge Joseph J. Hickey, at Jeffrey Memorial Center, Rawlins, Wyo., Sept. 24, 1970, by the Most Rev. Hubert M. Newell, D.D., Bishop of Cheyenne.

At this beautiful season when the changing colors of autumn and the chilling breezes herald the approach of Wyoming winter, we join in Holy Mass for John Joseph Hickey, praying with all our hearts that the Lord Whom he loved and served so well will bid him a speedy welcome to the glories of the Resurrection.

Death is always a shock, and when it takes one whose life was only beginning to touch the autumnal years, one who so shortly ago was vigorous and strong, the center of a happy family, a respected member of a distinguished profession, one whose life enriched his community and state, it is to all worldly intents and purposes a great tragedy.

In these moments, the thoughtless man is inclined to look up to the heavens and ask, "Why?" "Why?" With so many aged persons in nursing homes who have outlived their intellectual faculties, yet cling to life; with the hopelessly sick and the insane for whom life is a heavy burden, and who yet linger on—why could not one of these have been taken instead of a person who is loved, and esteemed, and needed, one who has the qualities to give to the world what it so sorely needed.

The answer is that death is part of God's providential plan. To poor earthbound mortals, it may seem the end. But to the man of faith, it is a new beginning, the piercing of the barrier between time and eternity, the dawning of the everlasting day for which life is but the prologue, the preparation.

How beautifully this thought is expressed in the reading from the Book of Wisdom which we have just heard: "The souls of the just are in the hands of God and no torment shall touch them. They seemed in the view of the foolish to be dead, and their passing away was throught an afflication, and their going forth from us, utter destruction. But they are in peace." (Wis 3: 1–3)

As we contemplate these words, we hope that Joe Hickey is experiencing blessed peace, joined again to his good mother and father who gave him life and love, and who shared with him a religious inheritance that has been the bulwark of his life.

Let me be quick to say it is unseemly that I or any other person should presume to declare that another human being has entered into the company of God, the angels and saints. Only God knows the complexities of the human person, and only he can make the judgement as to who can enter the presence of Divinity.

It is given us to judge only with human knowledge, but this we can say as we stand before the Lord's altar, that John Joseph Hickey was above all else, a man of faith, of prayer, whose first loyalty was to God and to the religion he practiced with the quiet courage of a man, and with the unaffected simplicity of a child.

If Joe Hickey attained high honors as a citizen, if he was an ornament to his profession, if he was esteemed as a public official who served in the most responsible offices of city, state and national government, if he was entrusted again and again with responsibilities that are not given lightly by a community or state, it is because it was recognized that these offices and these responsibilities would be vindicated with an uprightness, an honesty, a fidelity that derived their inspiration from deep and vital religious convictions.

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In saying this, I tell you nothing that you, his friends, do not already know. You have seen and admired these qualities in him. You have loved and respected him because you recognized he had the courage to let the great religious truths in which he believed, shape and guide, and give dimension to his actions. You will revere his memory because you know in the depths of your hearts that you are better persons for having known him.

It is customary when a man of prominence dies to say that in his passing, the community in which he lived has sustained a loss. This is being said of Joe Hickey and it is true. Our state has been blessed with many assets: oil, and minerals, and timber, and vast ranch lands, and miles of breathless scenic beauty, but its greatest treasure is its people. Joe Hickey was a precious part of Wyoming's human resources who will be sorely missed by us all.

It is appropriate that he should be buried here in Rawlins, for it was here in humble circumstances that he laid the foundation of a distinguished life. Wherever he traveled, after leaving here during World War II, his heart remained in Rawlins. His family would have preferred that these services take place in St. Joseph's Church, across the way, where he worshipped and served Mass many years ago. But they were prevailed upon, out of consideration for so many friends, to have the Mass in this commodious Jeffrey Memorial Center.

It was this same sense of consideration that led them to limit the number of honorary pallbearers to the judges of the Tenth Circuit Court of Appeals. The number of the other friends and associates who might rightly have been included was much too great. His family hopes that all his friends in Wyoming and elsewhere might regard themselves as his honorary pallbearers.

Since the first news of his serious illness shocked us in mid-summer, Mrs. Hickey and the two sons whom Joe loved so dearly and of whom he was so proud, have been comforted and strengthened by the solicitude of hundreds upon hundreds of friends from every section of the state and country, and reflecting every level of society. Their bereavement is made more bearable now by the knowledge that their loss is shared by so many.

We would have them know that as we pray that the Lord will grant Joe an eternity of joy in Heaven, we are begging the same loving Lord to console them and to strengthen them now and in the future. We remind them of the Lord's own words, spoken at another burial many centuries ago, when Mary and Martha wept before the tomb of their beloved brother, Lazarus: "I am the resurrection and the life: whoever believes in me, though he should die, will come to life; and whoever is alive and believes in me will never die." (John 11: 25-26)

May we also, who share in this Mass, Joe's friends and associates, realize that life is short and extremely uncertain. In God's providence, we too are moving toward that hour when we shall pass through the portals of death. May this occasion remind us that life is meaningless unless it is seen in the light of eternity, unless it is viewed as a season of grace when we prepare by faith and by good works for the fulfillment of the noble spiritual hopes that struggle for expression in our hearts. In every generation and every culture, wise and learned men have striven to put into words the end and purpose of human life. The simple answer of the catechism that Joe Hickey learned at the knee of his mother so many years ago still says it best: "God made us to know him, to love him, and to serve him in this life so that we might be happy with him forever in the life to come." May God give us the inspiration to know and to apply these words in our lives.

May the Lord grant eternal rest to the soul of Joe Hickey. May the light of Heaven shine upon him, and may his soul and the souls of all the faithful departed rest in peace. Amen.

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